



MEETING MINUTES

CITY OF SAN ANGELO, TEXAS
ZONING BOARD OF ADJUSTMENT
MONDAY, October 2, 2023, AT 1:30 P.M.
72 W. College Avenue
City Hall East Mezzanine Meeting Room

BOARD PRESENT: Gary Cortese, Chairperson
Don Barnhart
Stephanie Hamby
Lyndon Roberts-Galindo
Bobby Guerrero
Julie Efferson
Mimi Clark

STAFF PRESENT: Jon James, Director of Development Services
Brandon Dyson, Assistant City Attorney
Sherry Bailey, Principal Planner
Rae Lineberry, Planner I
Austin Reed, Planning Technician
Olga Truman, Planning Technician

- I. **Call to order and establish that a quorum is present.**
- II. **Review and take any action related to minute records of the regular meeting held on Monday, September 11, 2023.**

Review and take any action related to minute records of the regular meeting held on Monday, September 11, 2023.

A motion to table the minutes was made by Terry Jackson and seconded by Lyndon Roberts Galindo.

September 11, 2023, minutes were tabled. The vote to approve was 7-0.

- III. **ZBA23-22: 1809 Cordell Dr. SMD #2 – Tom Thompson**
Request for a variance from Section 501 of the Zoning Ordinance to allow for a 5-foot front-yard setback, rather than the required 25 feet within the Single-Family Residence (RS-1) Zoning District. Angelo Heights Neighborhood.

Planner Rae Lineberry presented this request to the Board of Adjustment. The applicant has submitted a request for approval of a variance from Section 501.A of the Zoning Ordinance to allow for a 5 - foot front yard setback for 1809 Cordell Drive. The applicant hired a contractor to build their carport and the contractor did not get a building permit. The front of the carport is back from the property line about 5 feet. The area is zoned (RS-1) Single Family Residential. It is

not in the Open Structures Overlay zone so the front yard setback, even for a carport, is 25 feet. The Open Structures Overlay stops 459 feet to the south. The staff is recommending denial.

Chairman asked Ray Lineberry if she knows who the contractor is. Ray response was that it is unknown and most likely contractor don't have the permit, the name was given to the building officials and there are more, around 12 more, that have been built without permits in this area.

The Chair opened the Public Comment.

Delia Castillo, property owner on 1809 Cordell Dr. She has a long speech explaining how important it is to have a carport for her family, especially for her husband who has multiple health issues. Explained that she was misled by the builder who told her that the permit wasn't needed. Chairman asked when it was built? Dellia Costillo stated - sometime last week.

Carmen Balderas, 1810 Cordell Dr.: Said she is supporting Dellia Castillo and likes her carport.

Shilla Lameer, 1814 Cordell Dr.: I live two houses away from them and love their carport, it blended well with the house and make our neighborhood look better.

Stella Diaz 1806 Cordell Dr.: Had a speech in support of the applicant and stated that she likes the carport, and it is not affecting the neighborhood, and it looks good. She also hopes that it will bring the opportunity for others to build the carports. Public comment was closed.

Board had a discussion about possibility to extend the open structure overlay and legalize carports in neighborhood.

The Chair called for a motion and discussion. A motion to table this case was initiated by Terry Jackson and seconded by Mimi Clark. The motion passed 7-0.

IV. ZBA23-25: 1746 Cordell Dr.

SMD #2 – Tom Thompson

Request for a variance from Section 501 of the Zoning Ordinance to allow for a zero front yard setback, rather than the required 25 feet, within the Single-Family Residence (RS-1) zoning district. Angelo Heights Neighborhood.

Jon James recommended to motion this case to the table as well. This location is in the same neighborhood as the previous case.

The Chair opened the Public Comment.

Garry Lacy, owner of the property: I have a list of 12 neighbors who have approved and love my carport. Back in 2019 I talked to the City employee and ask if I need a permit, the answer was I don't need to have a permit if I'm going to build it myself. If I knew that I needed the permit I would have got it. Public comment was closed.

The Chair called for a motion and discussion. A motion to table this case was initiated by Terry Jackson and seconded by Lyndon Roberts-Galindo. The motion passed 7-0.

V. ZBA23-23: 1725 Live Oak St.

SMD #5 – Karen Hesse Smith

Request for a variance from Zoning Code Section 406 A.4 which requires 500 from the lot line of one Short Term Rental to another. Santa Rita Neighborhood.

Planner Rae Lineberry presented this request to the Board of Adjustment. The applicant has submitted a request for approval of a variance from Section 406 A. 4. of the Zoning Ordinance to allow for a variance for a Short-Term Rental to be within 500’ of another Short-Term Rental. In this case the distance via public roadway is 559’; however, the standard measurement required by ordinance is lot line to lot line in this case 418’.

The Chair opened the Public Comment.

Jarvis Letcher: Stated that they applied in June and have been told they meet 500 feet criteria. We invest a lot in this house and later on find out that we do not qualify, because there is another short-term rental withing 500 feet. Public comment was closed.

The Chair called for a motion and discussion. A motion to approve this case was initiated by Lyndon Roberts-Galindo and seconded by Don Barnhart. The motion passed 7-0.

VI. ZBA23-26: 1305 S. Jackson St.

SMD #5 – Karen Hesse Smith

Request for a variance from Zoning Code Section 406 A.4 which requires 500 from the lot line of one Short Term Rental to another. Santa Rita Neighborhood.

Planner Rae Lineberry presented this request to the Board of Adjustment. The applicant has submitted a request for approval of a variance from Section 406 A. 4. of the Zoning Ordinance to allow for a variance for a Short-Term Rental to be within 500’ of another Short-Term Rental. In this case the distance via public roadway is 525’; however, the standard measurement required by ordinance is lot line to lot line in this case 268’.

The Chair opened the Public Comment.

Mikayla Gorman explained that she was giving wrong information about Short Term Rental. She has been told there are no other Short-Term Rentals within 500 Feet.

The Chair called for a motion and discussion.

A motion to approve this case was initiated by Terry Jackson and seconded by Lyndon Roberts-Galindo. The motion passed 7-0.

VII. ZBA23-24: 3206 Oak Forest Ct.

SMD #6 – Larry Miller

Request for approval of a variance from Section 501.A of the Zoning Ordinance to allow a 0 foot side yard setback, instead of the required 5 feet, in the Single-Family (RS-1) Zoning at a corner of a structure. Sunset Neighborhood.

Principal Planner, Sherry Bailey, presented the request to the Board of Adjustment. The applicant has submitted a request for approval of a variance from Section 501.A of the Zoning Ordinance to allow for a 0 - foot side yard setback for the property at 3206 Oak Forest Court. This

lot is unique in its configuration, although it does appear to have two or three front yards. In reviewing the property staff believes that we can consider this a side yard, and the applicant is asking for a 0 - side yard variance only at one point, the corner of their structure. The rest of the structure can meet the five-foot setback from the property line. The fencing goes straight back, does not follow the property line, so that the building is 1.5 feet from the fence but that is not the property line.

The Chair opened the Public Comment.

Bruce Stewart, the property owner, explained that he hired the contractors to build this pavilion and know nothing about permits. He also said that he is very interested in fixing it and doing this right. Lea Gomez 4212 Oak Forest Ct.: I like how this structure looks. It makes this property look nicer.

The Chair called for a motion and discussion. A motion to approve this case was initiated by Don Barnhart and seconded by Mimi Clark. The motion passed 7-0.

VIII. ZBA23-27: Holiday Dr.

SMD #3 – Harry Thomas

Request for variance of the front yard setback from 15' to 5' being a 10' variance in RM-1 Zoning located at the 1000 Block Holiday Dr - 1001 through 1069 and 1044 through 1056 Holiday Dr. Glenmore Neighbor.

Jon James, Director of Development Services, presented this request to the Board of Adjustment. The applicant has submitted a request for approval of a variance from Section 501 A. Residential Development Standards of the Zoning Ordinance to allow for a variance for a minimum front yard setback of 5' instead of 15' under the RM-1 Zoning designation.

The Chair opened the Public Comment.

Zane Willard, Property Owner: We are asking for 5 Feet setback, so new houses have space for parking on the back yard.

The Chair called for a motion and discussion. A motion to approve this case was initiated by Don Barnhart and seconded by Stephanie Hamby. The motion passed 7-0.

IX. ZBA23-28: Riviera Lane

SMD #1 – Tommy Hiebert

Request for variance of rear yard setback of 10' instead of the standard 20' in PD23-04 zoning with an RS-1 rear yard standard for the following: lots 22, 23, 24, 25, 26 of Bentwood County Club Estates Sec 45 San Angelo, within the 5000 Blk of Riviera Dr. Country Club Neighborhood.

Jon James, Director of Development Services, presented this request to the Board of Adjustment. The applicant has submitted a request for a variance from Section 501.A. Residential Development Standards of the Zoning Ordinance to allow for a variance to the minimum rear yard setback of 10' instead of the required 20' as required under the base zoning of RS-1 within Planned Development, PD23-04. There was staff error error has been made in the ordinance, that went to City Council. Listed with in the ordinance it was listed as a 10 Feet rear setback as one of the changers for plan development. There is not any physical hardship that don't allow them to

build with 20 Feet setback. Permit has been issued to them for 10 Feet rear setback because of the error.

The Chair opened the Public Comment.

Zane Willard, Property Owner: Explained they have been giving wrong information about setbacks. They got the permit and poured the concrete, soon to found out that that it was incorrect info and permit was held back.

Scott Allison, Zanes Willard partner: The hardship is \$120 000. Let's make it work, find a solution when everyone will be happy.

Kevin Collin representing Bentwood Estates: From the very beginning we had few concerns about this project. First of all, RS-3 verses RS-1. Because zero lot line is cult in with RS-3 rezoning. In Planning Commission Meeting we were assured that 20 Feet rear setback will not going to change. They asked if they could have 20 Feet front setback so they can keep 20 Feet back set back. I believe it will affect those houses, properties values. They submitted several plans to our architectural committee, but they have been denied, because they don't meet required setbacks and our declarations. Mr. Allison Requesting the denial of 10 Feet rear setback.

Bill Holland has 3 lots that are behind this new construction. He believes there is no reason to approve of a 10 Feet rear setback. He is in opposition to this variance.

Mark Goodwin: He informed the board there is construction in progress lot 5309 with 10 Feet setback form the property line. He is in opposition.

Zane Willard, Property Owner: We are trying to utilize properties best we can. We will be happy to avoid 2 story houses, but we have no other options but to build one 2 story house. We are just trying to find the solution when everybody will be happy.

Julia Antlee: Had a speech in opposition of this variance.

Ken Shlai architectural design committee: Had a speech in opposition of this variance. Mr. Zane Willard is trying to go around the process and don't submit any of his plans to us. We will work with him, we were trying to come up with the different solution. He will need to propose different solutions to build.

Chairman asked: Do you want him to tear everything down and build 20 Feet back?

The Chair called for a motion and discussion. A motion to denial this case was initiated by Terry Jackson and seconded by Stephanie Hamby. The motion passed 6-1.

X. Public Comment

Issues or concerns not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, address all comments to the dais, and begin by stating their name and address or Single Member District number. Please limit all remarks to less than three minutes.

XI. Next Meeting Agenda

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on **Monday, November 6, 2023**, in the City Hall East Mezzanine Meeting Room.

XII. Adjournment Stephanie Hamby moved to adjourn, and Lyndon Roberts- Galindo. The meeting was adjourned at 4:07 pm

This notice of the meeting was posted on the bulletin board at the City of San Angelo's City Hall before 1:30 p.m. on or before the 28th day of September 2023, in accordance with Chapter 551 in the Government Code of the State of Texas.

Jon James
Planning and Development Services Director