



MEETING MINUTES

CITY OF SAN ANGELO, TEXAS
ZONING BOARD OF ADJUSTMENT
MONDAY, September 11, 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
Teri Jackson
Mimi Clark

STAFF PRESENT: Aaron Vanoy, Asst. 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.

Review and take any action related to minute records of the regular meeting held on Monday, August 7, 2023.

A motion was made by Don Bernhart and seconded by Bobby Guerrero to approve the August 7, 2023 minutes as presented. The vote to approve was 6-0.

II. ZBA23-19: 1716 W Harris Ave.

SMD #5 – Karen Hesse Smith

Request for a 10 ft. variance for both front yard setbacks on a corner lot.

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 10 ft. variance for both front yard setbacks on a corner lot. The applicant is wanting to divide his property into two lots, both fronting Harris. The existing home will remain on the interior lot and the second lot will be created on the corner. This is will leave this lot with two front yards. The property is in an older section of the city with established neighborhoods. The setbacks in this area often allowed a building to be built closer on the side yard or front yard. The existing home has a closer front yard setback than the 25 ft. required. When looking at this lot in conjunction with the surrounding areas on the west side of Harris in this block the house adjacent is 7 ft. from the front property line. The 10 ft. variance requested means that at 15. Ft. setback for the new home will still leave the new home set behind the existing home. On the south side of Harris, the homes are setback from 15 ft. to 20 ft. which is in keeping with the request. The homes along S

Van Buren generally meet the 25 ft. setback. In most cases where the corner lots face the north/south side streets, the 25 ft. is observed. Where there is a home that fronts on the east/west street there is a shorter front yard setback. But in all cases, the side yard setback is much narrower. The right-of-way on W. Harris is 12 feet and it is 9 ft. on S. Van Buren. The 15 ft. setback will have 24 ft. to the curb on S. Van Buren which takes the home out of the site triangle.

Commissioner Jackson asked what is total lot size? Ms. Bailey indicated it is about 130 ft. Stephanie Hamby asked Is there is a requirement for the setback for the garage? Ms. Bailey indicated it is 25 ft setback, but you will want your garage to be farther back so they will have a space for parking.

The Chair opened the Public Comment.

Jack Downey, SKG Engineering, stated the applicant wants to build a second home on the new lot and use that land instead of leaving it vacant. They want to build something that is going to fit that neighborhood. If we don't get a setbacks adjustment, lot is too narrow, because the existing house been built a little over the half way point. We need the extra 10ft. The Chair asked if SKG was requesting setbacks on both sides? Mr. Downey indicated - Yes, 15 ft for 2 front yards. Mr. Vanoy explained that the two 25 ft setbacks will be cut into two 15 ft front yard setbacks.

Tom Stallow , a neighbor, stated he has concerns about house been set on the corner. Ms. Bailey explained that house will sit farther back and not in the sight triangle. Mr. Stallow said he would leave it up to the board.

Owner of the property, Brandon Clark stated this property sits on two and a half lots. The existing structure will be left on the lot and a half. We just want be able to built 1400 sq. ft. house there. The variance is needed so it's does not end up as a skinny house. The Chairman asked "Don't you have to replat if you planning to sell this property in the future"? Mr. Clark indicated he is going to replat.

The Chair called for a motion and board discussion. A motion to approve was initiated by Lyndon Roberts-Galindo and seconded by Teri Jackson. The motion passed 6-0.

III. ZBA23-20: 5622 Woodbine Lane

SMD #1 – Tommy Hiebert

Request for a 13.5 ft. rear yard setback variance from a required 20 ft. rear yard setback because the structure is closer than 10 ft. to the residence.

Planner Rae Lineberry presented this request to the Board of Adjustment. The applicant is requesting approval for a variance from Section 501.A of the Zoning Ordinance to allow a 6.5' rear yard setback in lieu of the 20' setback requirement. The owner is requesting this variance so there is not a gap between the house and this patio. The backyard fence abuts the driveway of the house behind it. There are other areas for this patio to be placed that would either not require a variance or would require 10' variance rather than 6.5' they are requesting. The owner provided in their application that Special Circumstances apply. The shape of the lot makes the back yard a little smaller and does not about an alley. Picking another area than right up against the house will leave them exposed to outdoor elements when using the patio. Another area may require the homeowner to remove a tree. Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** the requested variance from Section 501.A of the Zoning Ordinance to allow a 6.5' rear yard setback in lieu of the 20' setback requirement. Staff feels that since the rear fence is beside the

neighbor's driveway and not another yard, maybe moving it to the side yard and adding a breeze-way or approving a 10' rear yard setback in lieu of the 20' would be a better fit.

The Chair opened for Public Comments: Jeff Shaw contractor, Nicole Hamilton the co-owner of the house spoke. They stated the reason we want to build on that space is because when we come out of the kitchen we want to be in the covered area. It is about 6.5 ft from the drip line to the fence of the neighbors. We did speak to both of our neighbors; they don't have any problems with us building. We also took it to Bentwood Control Committee, and they gave us permission. The tree has been removed because it is start to damage our foundation. Lyndon Robert-Galindo stated that measurements haven't been taken from poll to poll, they measured from the overhang. Nicole Hamilton (the owner) stated the measurements from the exterior poll to the fence its going to be 7.5 ft.

The Chair called for a motion and discussion. A motion to approve 7.6 ft to the fence to the support column was initiated by Lyndon Roberts- Galindo and seconded by Mimi Clark. The motion passed 6-0.

IV. ZBA23-21: 2512 Princeton Ave.

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.

Asst. Planning and Development Services Director Aaron Vanoy 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 557'; However, the standard measurement required by ordinance is lot line to lot line, in this case, 327'.

The Chair opened the meeting for public comments. The applicant, Doug Robinson, addressed the Board. He stated he has talked to the neighbors and they don't have no problem with me running STR in the neighborhood, only heard positive comments from those he talked to.

The Chair called for a motion and Board comments: A motion to approve the request was made by Terri Jackson and seconded by Stephanie Hamby. The motion passed 6-0.

V. Amendment to action August 14, 2023.

ZBA23-18: 708 S Randolph Street

SMD #3 – Harry Thomas

A request for approval of a variance from Section 501.A of the Zoning Ordinance to allow a 4-foot front yard setback with a 13 foot setback to structure instead of the required 25 feet in the Two-family (RS-2) Zoning District.

Planner Rae Lineberry presented this request to the Board of Adjustment. The applicant has applied for an amendment to the variance previously approved from Sec 501 to allow a 13' front yard setback in lieu of the 14' setback requirement approved at the August 7th, 2023, meeting. This is within the Two-Family Residential (RS-2) Zoning District located at 708 S Randolph, San Angelo, Tom Green County, Texas.

The Chair called for Public comment. Mickle Gonzales stated he was here last month for the variance. He indicated they had a form set and were stopped and told they had to apply for the variance. He indicated that he was not sure if it was a mistake with a measurement for the 13 ft instead of the 14 ft variance approved last month, nothing changed where the pad set, I believe someone made a mistake, whether it is my fault or the City. Teri Jackson asked if the Board approved 13' and you pour the concrete without changing the pads? Mr. Gonzales stated I think we miscalculated the measurements. The Chairman asked when was the first time, inspection came, and they measured, that's how you know you're in violation? And you came and got approved for 13 ft variance. They went out and remeasured and said you needed 14 ft? Mr. Gonzales: - it should have been 13 ft not 14 ft, someone made a mistake. Lineberry explains: These measurements of 14 ft were taken from the site plan that you had turned in. After approval of the variance inspection went on site they measured and found out it is 13 ft setback instead of 14 ft. Neighbor Mr. Navarro expressed concerns about the sewer line that lay in front of the subject house. The Chairman stated - It is not going to affect your sewer line if applicant gets an approval. Teri Jackson said, looking at the August minutes the applicant assures us that he need 14 ft setback and it is exactly where it is now. However, the actual measurement is 13 ft.

The Chair called for a motion and Board comments: A motion to approve was initiated by Lyndon Roberts- Galindo and seconded by Gary Cortese. The was denied 5-1. Discussion follow on how best to help the applicant comply with the original approval.

VI. Division Report

In December we will bring the data over the last five years of ZBA cases. Types that have been approved type that been denied. You will see the data about what requests are going on because that is one of our things we may use as we look to the future, and indicate we have same type of the variance cases over and over. In that case we need to look at the ordinance and possibly make some changes.

VII. 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.

VIII. Next Meeting Agenda

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on **Monday, October 2, 2023**, in the City Hall East Mezzanine Meeting Room.

IX. Adjournment

Lyndon Robert- Galindo moved to adjourn, and Teri Jackson seconded. The meeting was adjourned at 3:35 pm.

Gary Cortese, Chairman