

**ZONING BOARD OF ADJUSTMENT – October 2, 2023
STAFF REPORT**



APPLICATION TYPE:	CASE:
Variance	ZBA23-25: 1746 Cordell Drive (Tabled October 2, 2023)

SYNOPSIS:
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 front yard setback for 1746 Cordell Drive. The applicant built his carport without submitting it for a building permit. The front of the carport is between the property line and one foot off the property line. The area is zoned (RS-1) Single Family Residential. The Open Structures Overlay zone has now been approved for this area so the front yard setback variance request is now for 0 ft. with a 5 ft. setback required. The Appraisal District has the home being built in 1999. The applicant built a sturdy carport and would like to keep his existing structure.

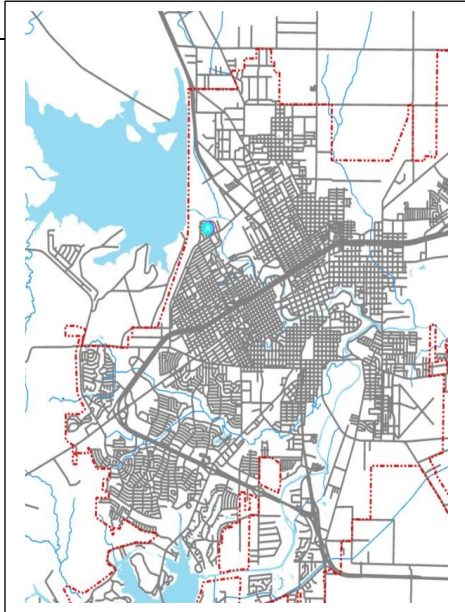
LOCATION:	LEGAL DESCRIPTION:
Northeast corner of Cordell Dr. & N. Van Buren St.	Lot 16, Blk. 17 River View Heights Addn. Section 7

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Angelo Heights Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.185 acres

NOTIFICATIONS:
25 notifications mailed within a 200-foot radius on September 15, 2023.
No letters received to date in support or opposition.

STAFF RECOMMENDATION:
Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** a variance from 501.A of the Zoning Ordinance to allow for a 0-foot front yard setback in lieu of the required 5-foot setback at 1746 Cordell Drive.

PROPERTY OWNER/PETITIONER:
Applicant: Gary Lacy
STAFF CONTACT:
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us



Additional Information: The applicant believes that he talked with someone at the city that told him if he built it himself he did not have to have a building permit. That is incorrect. It is a structure and it does require a building permit.

Variations: Section 207(F) of the Zoning Ordinance requires that an applicant for a variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.** When the applicant bought the house that was a structure modification in the garage that prohibited him from parking his truck in the garage. His truck later suffered hail damage when parked outside. Adding a carport seemed to be the best solution.
2. **These special circumstances are not the result of the actions of the applicant.**
The front yard setback is off Cordell Drive.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by another land in the same zoning district and would cause unnecessary and undue hardship.** The applicant would not be able to have a carport of the size he needs without a variance, since the garage is only 24 ft. back from the property line.
4. **Granting the variance is the minimum action that will make possible the use of the land or structure, which is not contrary to the public interest and would carry out the spirit of this Zoning Ordinance and substantial justice.** If the variance is granted the use of land would not be contrary to public interest and would be in keeping with the Zoning Ordinance.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting the variance would not have an adverse effect on adjacent land. Others in the neighborhood have carports that are similar and are too close to the property line.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Section 104.2 of the Zoning Ordinance states that the purpose of the Ordinance is to “Protect the character and the established pattern of development in each area.” Most of the homes do not have carports in front of the garage.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

The applicant believes their request is in keeping with the development of homes in this area of town and literal enforcement will deprive him of the necessary use of this addition to his home.

Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** a variance from 501.A of the Zoning Ordinance to allow for a front yard setback of 0 feet in lieu of the required 5 feet in order to continue to use his carport as built.

Attachments:

Aerial Map
Photographs
Site Plan











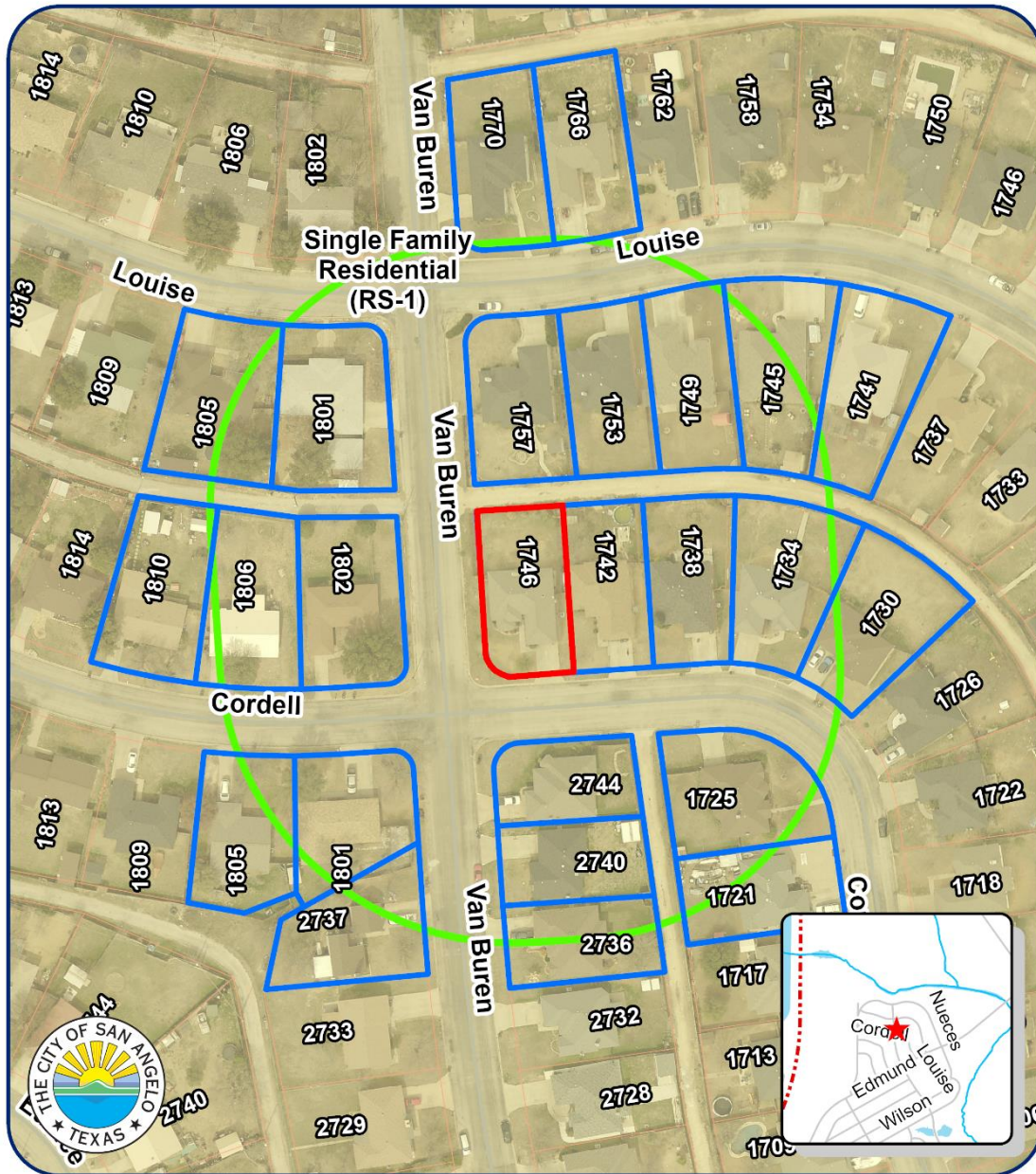
Aerial Map
ZBA23-25: 1746 Cordell Drive
Council District: #2 Tom Thompson
Neighborhood: Angelo Heights

Subject Properties: 

Scale: 0 0.01 0.02 0.03 0.03 Miles



Zoning Map of Surrounding Area

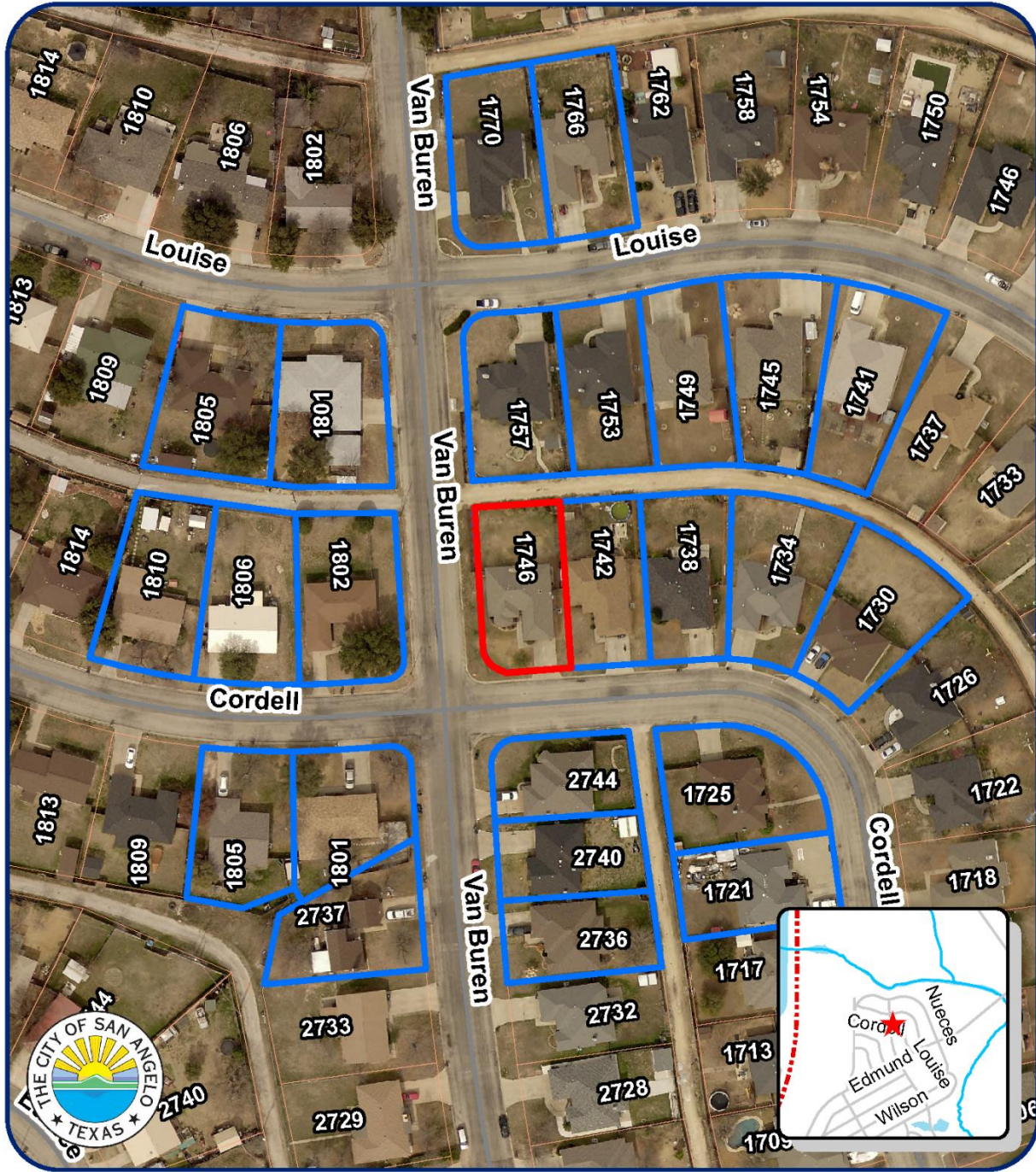


Zoning Map
ZBA23-25: 1746 Cordell Drive
 Council District: #2 Tom Thompson
 Neighborhood: Angelo Heights

Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: —
 200' Buffer: —
 Notified Properties: —

N



200' Notification Map
ZBA23-25: 1746 Cordell Drive

Council District: #2 Tom Thompson
 Neighborhood: Angelo Heights

Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —



**ZONING BOARD OF ADJUSTMENT – June 3, 2024
STAFF REPORT**

APPLICATION TYPE:	CASE:		
Variance	ZBA24-12: 2302 Guadalupe Street		
SYNOPSIS:			
<p>The applicant presented a request for a variance from Section 406.4 of the Zoning Code, which states that a short-term rental cannot be located on a lot that is within 500 feet of another short-term rental property. In this case, the applicant’s property is located 297 feet from another short-term rental located at 2227 San Antonio St.</p>			
LOCATION:		LEGAL DESCRIPTION:	
2302 Guadalupe Drive		Lot: 20, Blk: 8, Subd: HIGHLAND HEIGHTS ADDITION	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #4 – Lucy Gonzales Neighborhood – Central	Single-Family Residential (RS-1)	N – Neighborhood	0.161 acres
THOROUGHFARE PLAN:			
<p>Guadalupe Street – Minor Arterial North Pierce Street – Minor Arterial</p>			
NOTIFICATIONS:			
26 notifications mailed within the 200-foot radius on the 17 th of May, 2024. No responses have been received to date.			
STAFF RECOMMENDATION:			
Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) is to a DENY a variance from Section 406.4.			
PROPERTY OWNER/PETITIONER:			
Owner: Lotus4 LLC			
STAFF CONTACT:			
<p>Austin Reed, Planner (325) 657-4210, Extension 1550 austin.reed@cosatx.us</p>			

Additional Information:

The neighboring short-term rental within 500-feet received their renewal in May of 2024 and, as a result, the subject property must either wait for the other STR to fall out of compliance or receive a distance variance. In this case, and similar to other STR distance variances, staff were not able to find that the special criteria necessary for granting a variance are present.

Variances:

Section 207(F) of the Zoning Ordinance requires that an applicant for a variance must show that a hardship exists and that the Zoning Board of Adjustment make an affirmative finding that each and every one of the following six (6) criteria are met:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**
Staff were not able to find special circumstances peculiar to the land that would justify the granting of a variance.
2. **These special circumstances are not the result of the actions of the applicant.**
Not applicable - there are no special circumstances.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**
There is no unnecessary and undue hardship, but literal interpretation would deprive the owner of an STR where other short-term rentals have been allowed a distance variance.
4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.**
Statement not accurate.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
Granting a variance will most likely not affect adjacent land in any material way.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**
Statement not accurate.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

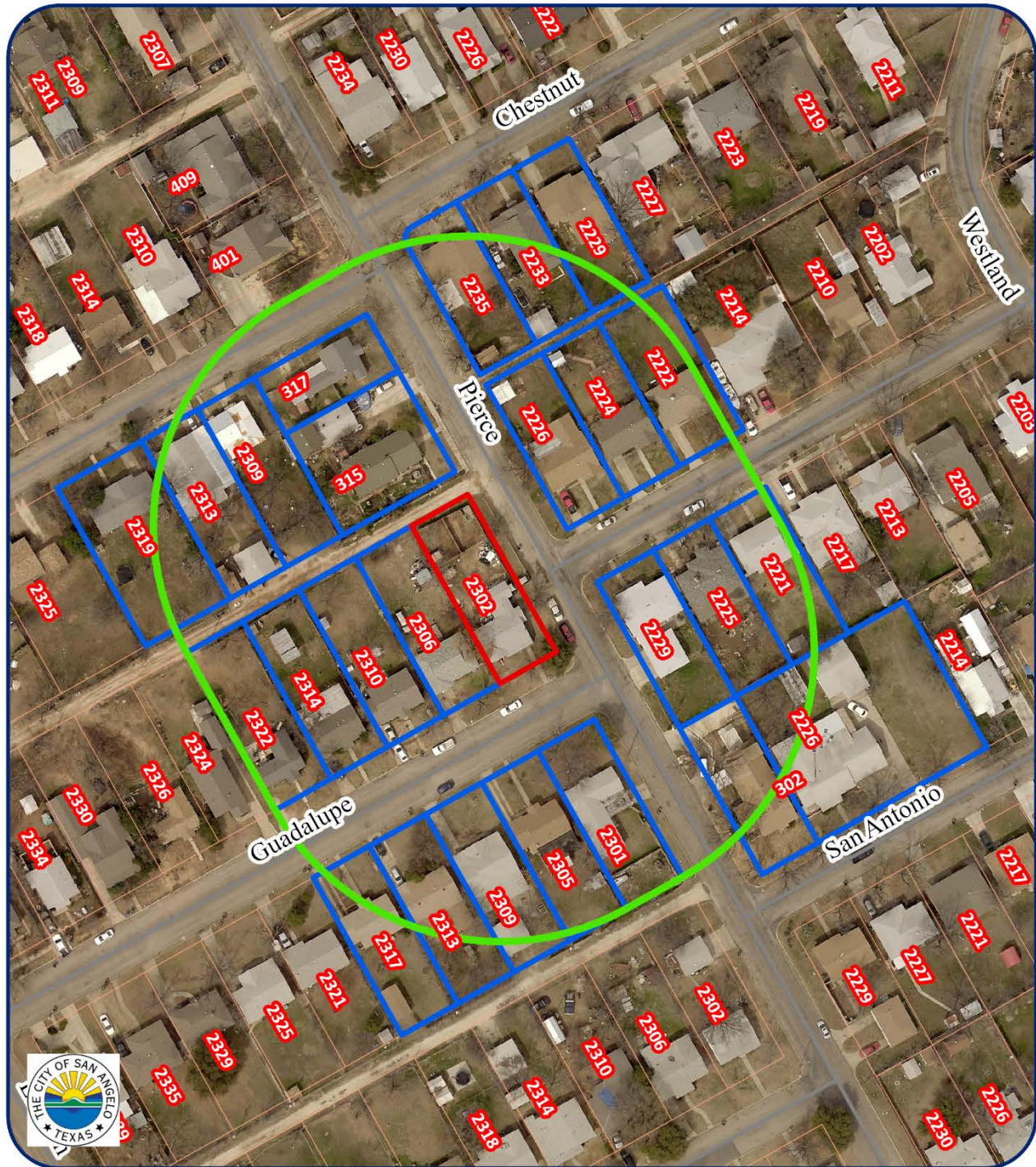
1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.
2. **OVERRIDING PUBLIC INTEREST.** If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.
3. **LITERAL ENFORCEMENT.** If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.

Recommendation:

Staff recommends that the Zoning Board of Adjustment (ZBA) **DENY** a variance from Section 406.4 to allow for a 297-foot distance between short-term rentals.

Attachments:

Notification Map
Aerial Map
Distance Exhibit
Property Photo



200' Notification Map
ZBA24-12 2302 Guadalupe Dr
Council District: #4 Lucy Gonzales
Neighborhood: Central
Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: ——— (Red line)
200' Buffer: ——— (Green line)
Notified Properties: ——— (Blue line)

N
▲



Aerial Map
ZBA24-12 2302 Guadalupe Dr

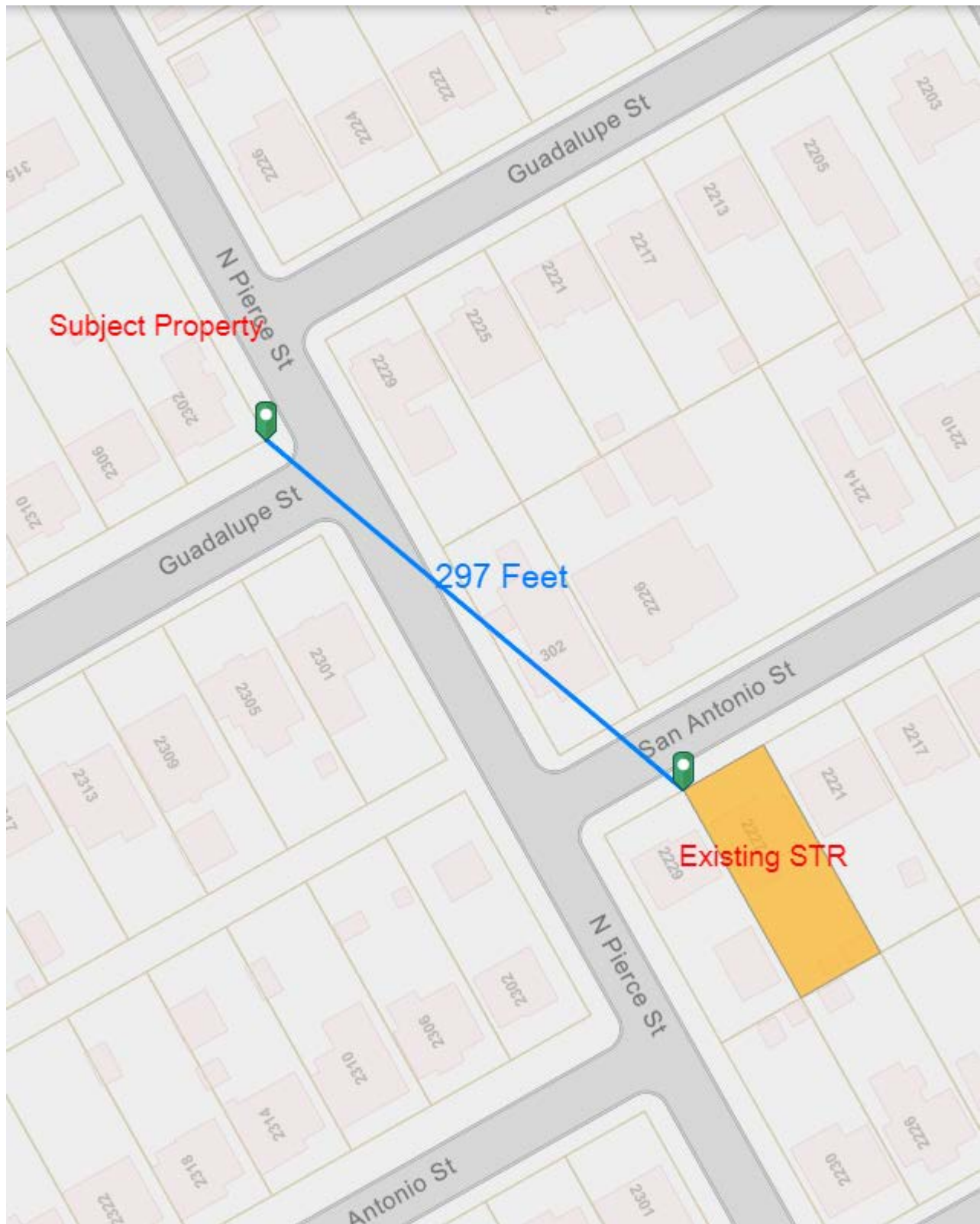
Council District: #4 Lucy Gonzales
Neighborhood: Central

Scale: 0 0.01 0.01 0.02 0.03
Miles

Subject Properties: —

N







**ZONING BOARD OF ADJUSTMENT – June 3, 2024
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Variance		ZBA24-13: 301 E Washington Drive	
SYNOPSIS:			
A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 5-foot front yard setback in lieu of the required 25 feet along Metcalfe Street in an RM-1 zoning district.			
LOCATION:		LEGAL DESCRIPTION:	
301 E Washington Dr.		Lot: 6, Blk: 54, Subd: EDWARDS J S S/D	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Neighborhood – Ft. Concho	Low-rise Multifamily (RM-1)	Industrial	0.149 acres
NOTIFICATIONS:			
17 notifications were mailed within 200-foot radius on May 17 th , 2024. Received 0 in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a variance from Section 501.A for a 5-foot front yard setback in lieu of the required 25 feet.			
PROPERTY OWNER/PETITIONER:			
Applicant: Full Circle Properties LLC / Taylor Douglas			
STAFF CONTACT:			
Austin Reed Planner (325) 657-4210, Extension 1550 austin.reed@cosatx.us			

Additional Information:

This is an empty lot within the infill area near Fort Concho where the applicant is looking to build a single-family home. The lot is at minimum width and has double-frontage. While this lot (and the entire block) has a functioning alleyway between homes, it is not technically designated as alley right-of-way. This distinction prevents the lot from its Metcalfe frontage being a 5-foot side setback instead of a 25-foot front setback.

Variations: In addition to the six criteria in the City’s Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.F of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that each of the following circumstances applies:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**
This lot is minimum width, double frontage, and has a functioning alleyway that is not technically recognized as an alleyway. These factors come together to form circumstances that are unique to the land.
2. **These special circumstances are not the result of the actions of the applicant.**
The characteristics of this property and its surrounding area are in no way a result of the actions of the applicant.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**
Most other homes along Metcalfe St. in the immediate vicinity encroach into and even surpass their setbacks. Literal interpretation of the Zoning Ordinance would deprive this lot of rights commonly enjoyed by other nearby land.
4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and would carry out the spirit of this Zoning Ordinance and substantial justice.**
This lot is modest in nature in an older area designated for infill. The granting of a variance would serve those who wish to see the neighborhood developed, not be contrary to public interest, and would be consistent in keeping with the Zoning Ordinance.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
Granting this variance should not adversely affect any of the immediate homeowners in any material way and would not seem unusual for the area.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**
Granting a variance in this scenario would not be contrary to the intent of the Zoning Ordinance.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

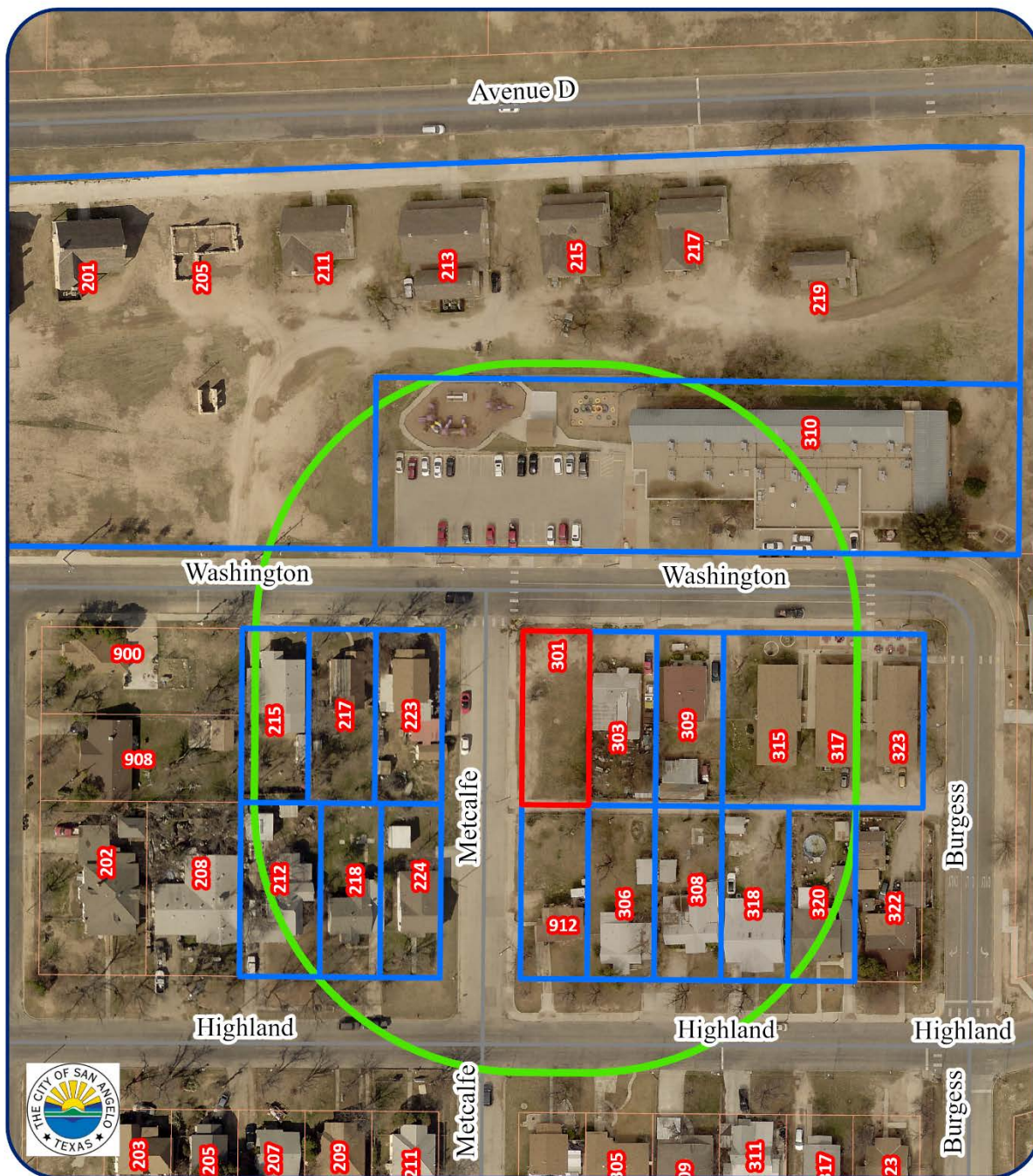
Staff recommends APPROVAL of a variance from Section 501.A for a 5-foot front yard setback in lieu of the required 25 feet.

Attachments:

Notification Map
Aerial Map
Site Photo
Concept Plan

(note: "Concept Plan" lists Metcalfe setback at 10 feet. While applicant is asking for 5, they are flexible at either measurement)

Notification Map



**200' Notification Map
 ZBA24-13 301 E Washington**

Council District: #3 Harry Thomas
 Neighborhood: Ft. Concho

Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —




Aerial Map



Aerial Map
ZBA24-13 301 E Washington

Council District: #3 Harry Thomas
Neighborhood: Ft. Concho

Scale: 0 0.01 0.01 0.02 0.02
 Miles

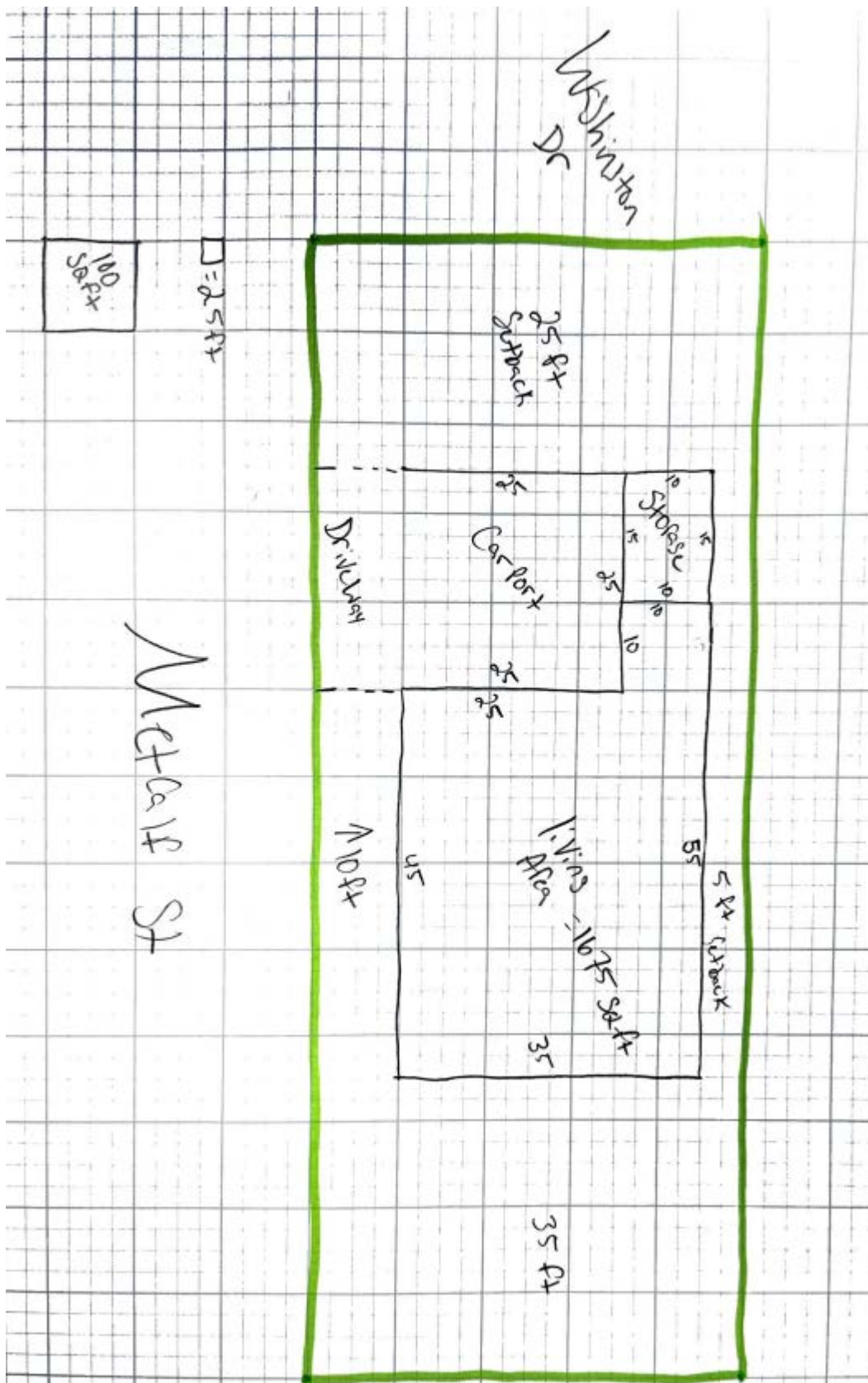
Subject Properties: 



Site Photo



Concept Plan



**ZONING BOARD OF ADJUSTMENT – June 3, 2024
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Variance		ZBA24-14 & ZBA224-15: 2804 & 2808 Coleman Street	
SYNOPSIS:			
<p>The applicant has applied for three variance from Sec 501 to allow on each of the lots at 2804 & 2808 Colman Street the Single-Family Residential (RS-1) Zoning District located at 2804 & 2808 Coleman Street, San Angelo Texas. The applicant is requesting approval of a 20 ½ ft. front yard setback in lieu of the required 25 ft. front yard setback; and 16' 2.5 "rear" yard setback in lieu of the required 20 ft. rear yard setback for both 2804 & 2808 Coleman Street.</p>			
LOCATION:		LEGAL DESCRIPTION:	
2804 & 2808 Coleman Street		Hatcher Addition, Blk. 36 Lots 14 & 15.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Angelo Heights Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.106 acres ea.
NOTIFICATIONS:			
<p>26 notifications mailed within 200-foot radius on April 15, 2024. Received 0 in support or opposition.</p>			
STAFF RECOMMENDATION:			
<p>Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to APPROVE a variance from Section 501.A of the Zoning Ordinance to allow a 20 ½ ft. front yard setback in lieu of the required 25 ft. front yard setback; and 16' 2.5 " rear yard setback in lieu of the required 20 ft. rear yard setback with one condition.</p>			
PROPERTY OWNER/PETITIONER:			
Applicant: Collin McCrory			
STAFF CONTACT:			
<p>Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us</p>			

Additional Information: The property is currently vacant. The new house being built is a 1674 sq ft house with a garage. They are asking for a variance to allow a 20 ½ ft. front yard setback in lieu of the required 25 ft. front yard setback; and 16' 2.5 "rear" yard setback in lieu of the required 20 ft. rear yard setback for both 2804 & 2808 Coleman Street. These two lots were part of a larger platted area that was platted with less square feet than the required 5000 sq ft. required by today's minimum lot size for RS-1. These lots were recorded on August 19, 1927; J.J. Goodfellow, Eng. The lots were platted at 92 ft. by 100 ft.

Variations: In addition to the six criteria in the City's Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.F of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that each of the following circumstances applies:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.** The existing platted lot does not meet today's requirements for a platted lot size, which in turn impacts the house size which the lot can accommodate and the reasonable marketability of the property.
2. **These special circumstances are not the result of the actions of the applicant.** The approved platted lot was offered for sale for a structure to be built on this property. The owner bought the lot expecting to be able to build a home on the lot of a reasonable size. Without the variances approval it would make this property difficult to market. This is an older area of town and reasonable accommodation is expected.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.** Not being able to build a home on a legally platted lot is an unexpected occurrence.
4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.** A 1600 sq. foot home is a reasonable request for this time and place.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting this variance will not adversely affect the area.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Section 104.2 of the Zoning Ordinance states that the purpose of the Ordinance is to "Protect the character and the established pattern of development in each area." Granting the variance requires is the minimum that would allow this platted lot to function as it was intended and is similar to other lots that were approved at a smaller size because of the way the property was divided by the City.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Staff believes that the literal enforcement circumstance could be applied in this case.

Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **APPROVE** a variance from Section 501.A of the Zoning Ordinance to allow a 20 ½ ft. front yard setback, and a 16ft. 2.5 ft. rear yard setback at 2804 and 2808 Colman Street with one condition.

1. Building permits need to be applied for within one year of variance approval.

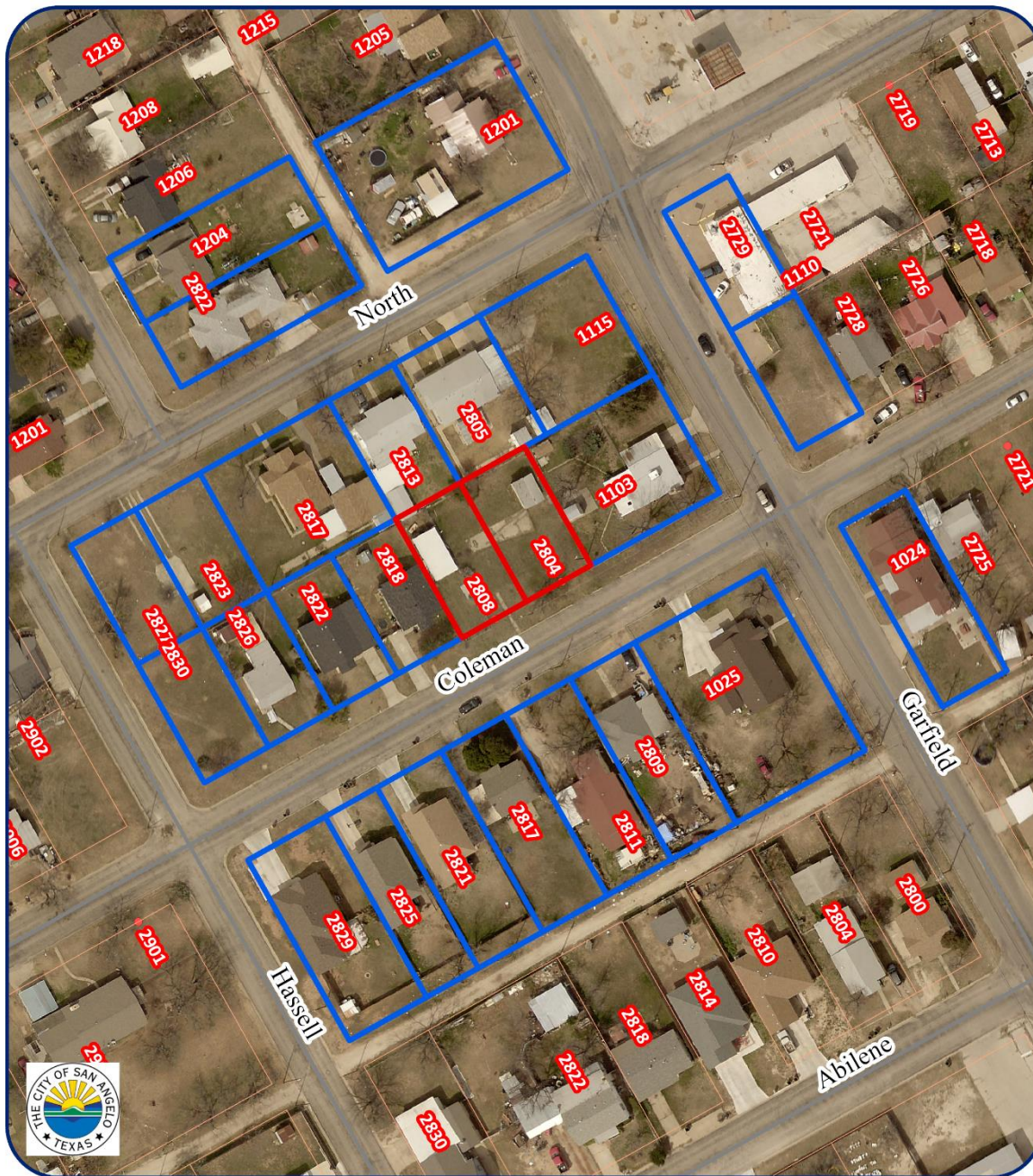
Attachments:

Notification Map

Aerial Map

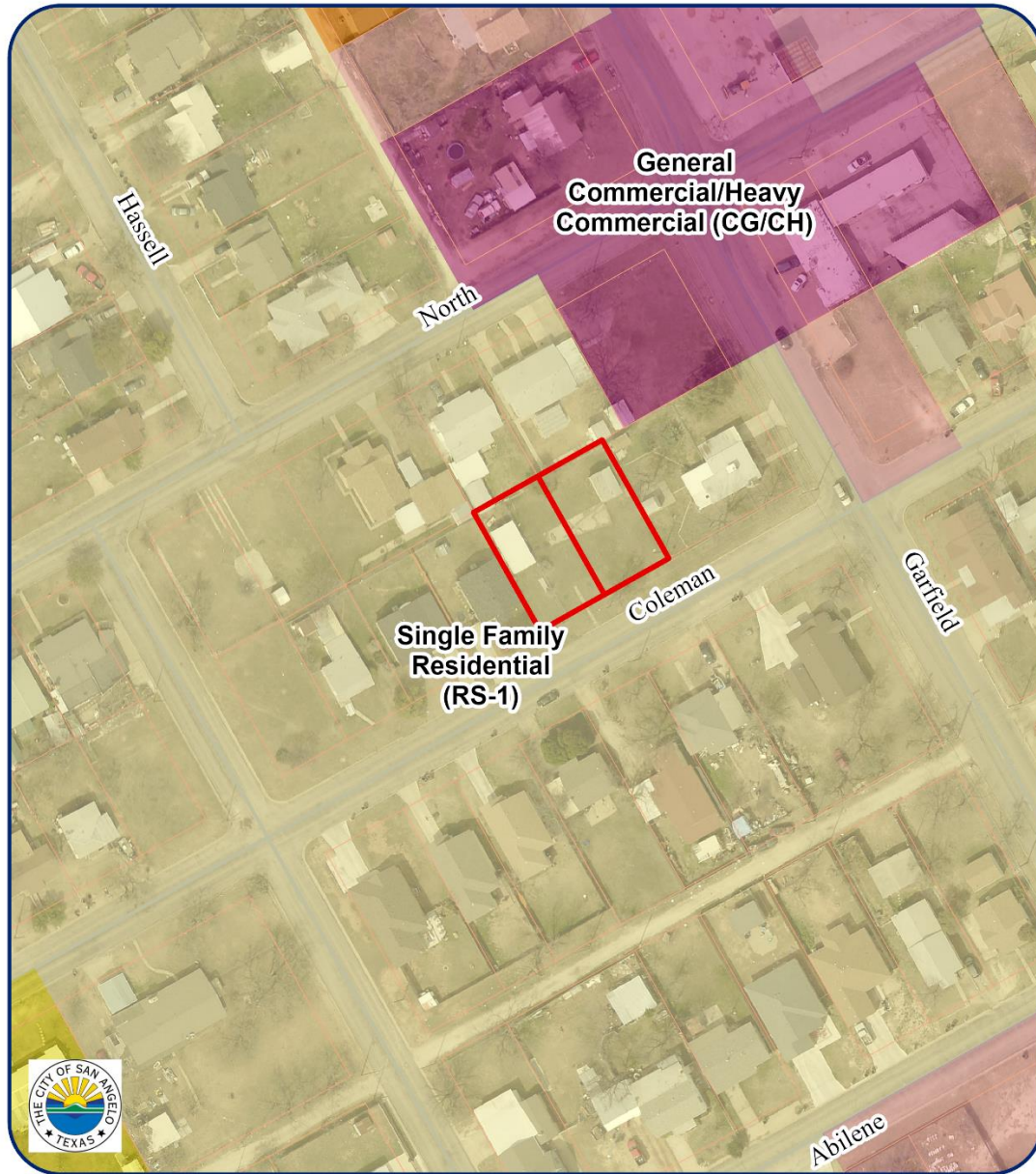
Site Plan

Notification Map



200' Notification Map ZBA24-14&15 2804/2808 Coleman Council District: #2 Tom Thompson Neighborhood: Angelo Heights Scale: 0 0.01 0.02 0.03 0.03 Miles 	Subject Properties:	
	200' Buffer:	
	Notified Properties:	


Aerial Map




Zoning Map
ZBA24-14&15 2804/2808 Coleman

Council District: #2 Tom Thompson
Neighborhood: Angelo Heights


Scale: 0 0.01 0.02 0.03 0.03 Miles


Subject Properties: 

N 

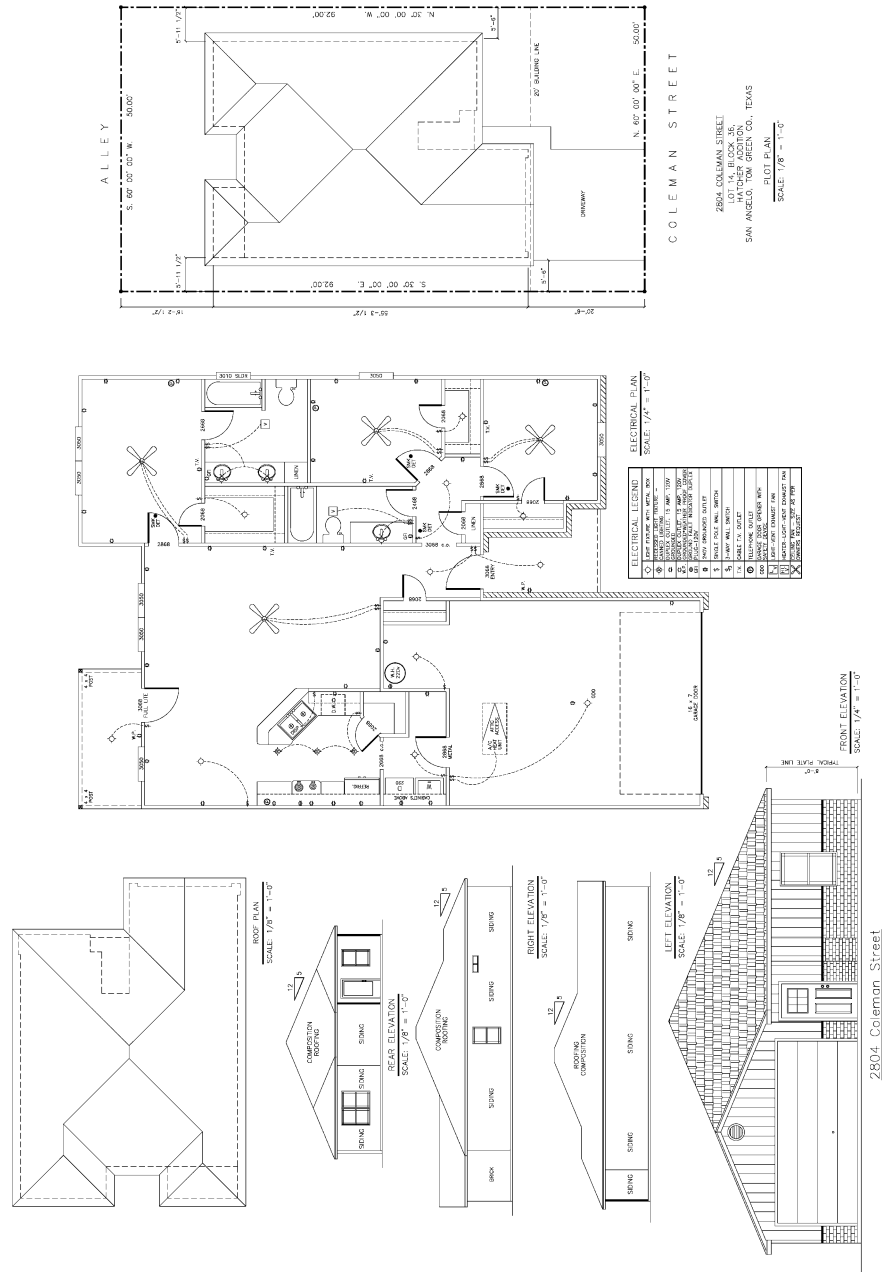


Aerial Map
ZBA24-14&15 2804/2808 Coleman
Council District: #2 Tom Thompson
Neighborhood: Angelo Heights
Scale: 0 0.01 0.02 0.03 0.03 Miles

Subject Properties: 



Site Plan



**ZONING BOARD OF ADJUSTMENT – June 3, 2024
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance		ZBA24-17: 600 Era St & 1418 Fulton	
SYNOPSIS:			
<p>The applicant has applied for four variances which are minimum lot size of 91' x 78', front yard setback of 15' instead of required 25' on both Era and Fulton for 600 Era St and a front yard setback of 15' instead of required 25' on Fulton for 1418 Fulton St.</p>			
LOCATION:		LEGAL DESCRIPTION:	
600 Era St & 1418 Fulton St		Abst: A-1757 S-0165, Survey: H OELKERS, .3833 ACRES BEING 80' X 208.7'	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #3 – Harry Thomas Belaire Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.374 acres
NOTIFICATIONS:			
<p>24 notifications mailed within 200-foot radius on May 17, 2024. Received 0 in support or opposition.</p>			
STAFF RECOMMENDATION:			
<p>Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to approve the requested variance from Section 501.A of the Zoning Ordinance to allow a minimum lot size of 91' x 78', front yard setback of 15' instead of required 25' on both Era and Fulton for 600 Era St and a front yard setback of 15' instead of required 25' on Fulton for 1418 Fulton St.</p>			
PROPERTY OWNER/PETITIONER:			
Applicant: Leeroy Keen & SKG Engineering			
STAFF CONTACT:			
<p>Rae Lineberry Planner (325) 657-4210, Extension 1533 rae.lineberry@cosatx.us</p>			

Additional information: The houses have existed for more than 80 years under the same owner. The owner would like to sell the house on 1418 Fulton and is working on submitting a plat to show two separate lots, if these variances are approved.

Variances: In addition to the six criteria in the City’s Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.** The houses already exist and have so for more than 80 years. In order to separate the lots, the lot size on one of them does not meet the standard and the setbacks are not met.
2. **These special circumstances are not the result of the actions of the applicant.**
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**
4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.**
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting this variance will not adversely affect the area.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Section 104.2 of the Zoning Ordinance states that the purpose of the Ordinance is to “protect the character and the established pattern of development in each area.”

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

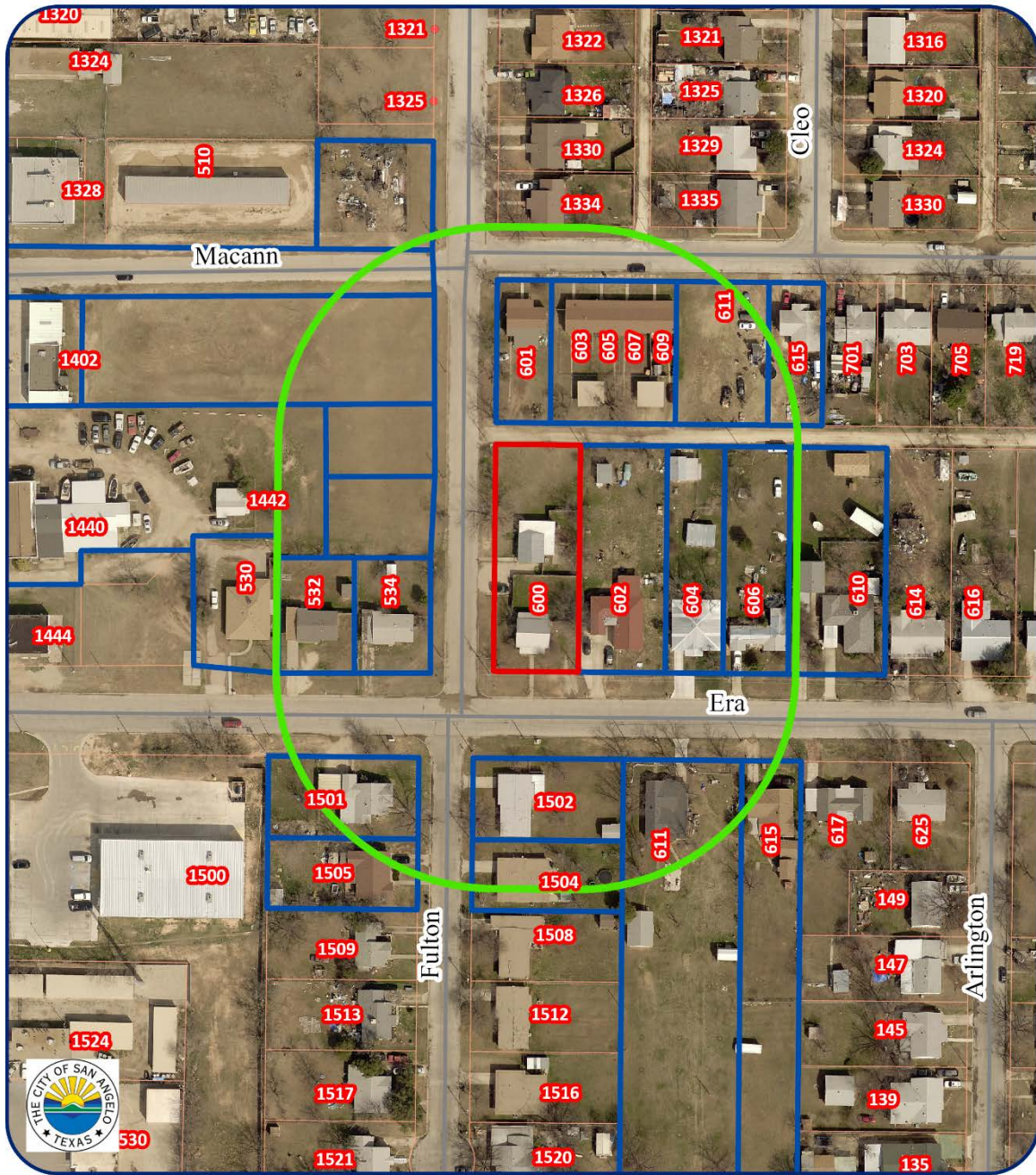
Recommendation:

Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to **approve** the requested variance from Section 501.A of the Zoning Ordinance to allow a minimum lot size of 91’ x 78’, front yard setback of 15’ instead of required 25’ on both Era and Fulton for 600 Era St and a front yard setback of 15’ instead of required 25’ on Fulton for 1418 Fulton St.

Attachments:

- Notification Map
- Aerial Map
- Site Photos


Notification Map



200' Notification Map
ZBA24-17 600 Era St.
 Council District: #3 Harry Thomas
 Neighborhood: Belaire

Scale: 0 0.01 0.01 0.03 0.04 0.06 Miles

Subject Properties: —
 200' Buffer: —
 Notified Properties: —

N


Aerial Map



Aerial Map

ZBA24-17 600 Era St.

Council District: #3 Harry Thomas

Neighborhood: Bellaire

Scale: 0 0.01 0.01 0.03 0.04 0.06
Miles

Subject Properties: —



Site Photo



**ZONING BOARD OF ADJUSTMENT – June 3, 2024
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance		ZBA24-18 4738 Wolf Creek	
SYNOPSIS:			
<p>The applicant has applied for a rear yard setback variance of 14’ in leu of the required 20’ rear yard setback in the RS-1 single family zoning district located at 4738 Wolf Creek for an open structure addition connected to the primary structure.</p>			
LOCATION:		LEGAL DESCRIPTION:	
4738 Wolf Creek		Bentwood Country Club Estates Sec 42-A tract 2, block 70, lot 2	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #1 – Tommy Hiebert Country Club Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.245 acres
NOTIFICATIONS:			
<p>16 notifications mailed within 200-foot radius on May 17, 2024. Received 1 in support and 0 in opposition.</p>			
STAFF RECOMMENDATION:			
<p>Staff’s recommendation is for the Zoning Board of Adjustment (ZBA) to approve the requested variance from Section 501.A of the Zoning Ordinance a rear yard setback variance of 14’ in leu of the required 20’ rear yard setback in the RS-1 single family zoning district located at 4738 Wolf Creek for an open structure addition connected to the primary structure.</p>			
PROPERTY OWNER/PETITIONER:			
Applicant: Tuck and Co. – Travis McMahon			
STAFF CONTACT:			
<p>Arron Vannoy Director – Planning and Development Services (325) 657-4210, Extension 1542 aaron.vannoy@cosatx.us</p>			

Additional information: The property backs up to a dedicated drainage detention area designed for the Bentwood master neighborhood. The home is approximately 2500sq.ft. (not counting porches or the garage) and the lot size is 108’ deep and 94’ wide along the back property line. Aerial view show several structures in the immediate neighborhood which are detached structures and server as an accessory structure and meet the accessory structure setbacks.

Variations: In addition to the six criteria in the City’s Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**
The home backs up to a designed detention area which is not a buildable area. The rear yard setback is designed for the primary structure. While this addition is designed as an outdoor living space it is functioning as an accessory structure to the primary home.
2. **These special circumstances are not the result of the actions of the applicant.** The home was built at 27’ from back of front property line and has a smaller depth than normal depth of backyard; however longer than normal width of yard. This property was platted in this manner and constructed not by this applicant.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**
4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.** This is the minimum action required.
5. **Granting the variance will not adversely affect adjacent land in a material way.** Granting this variance will not adversely affect the area.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** Section 104.2 of the Zoning Ordinance states that the purpose of the Ordinance is to “protect the character and the established pattern of development in each area.” The design is in character of the neighborhood, the pitch and slopes are consistent with the primary structure as are the building materials.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances applies:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
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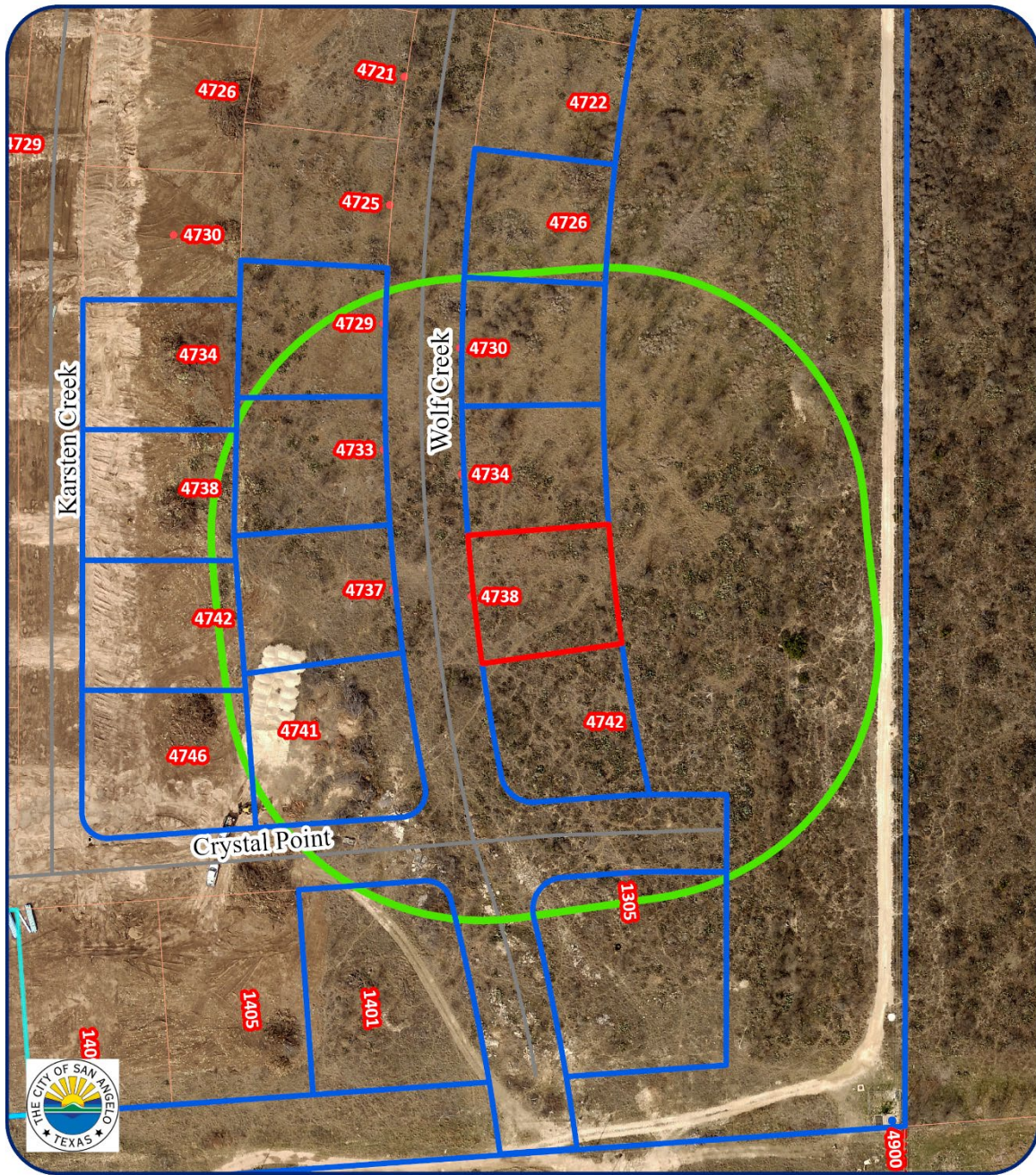
Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **approve** the requested variance from Section 501.A of the Zoning Ordinance a rear yard setback variance of 14' in lieu of the required 20' rear yard setback in the RS-1 single family zoning district located at 4738 Wolf Creek for an open structure addition connected to the primary structure.

Attachments:

Notification Map
Aerial Map
Site Photos

Notification Map



**200' Notification Map
ZBA24-18 4738 Wolf Creek**

Council District: #1 Tommy Hiebert
Neighborhood: Country Club

Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —




Aerial Map



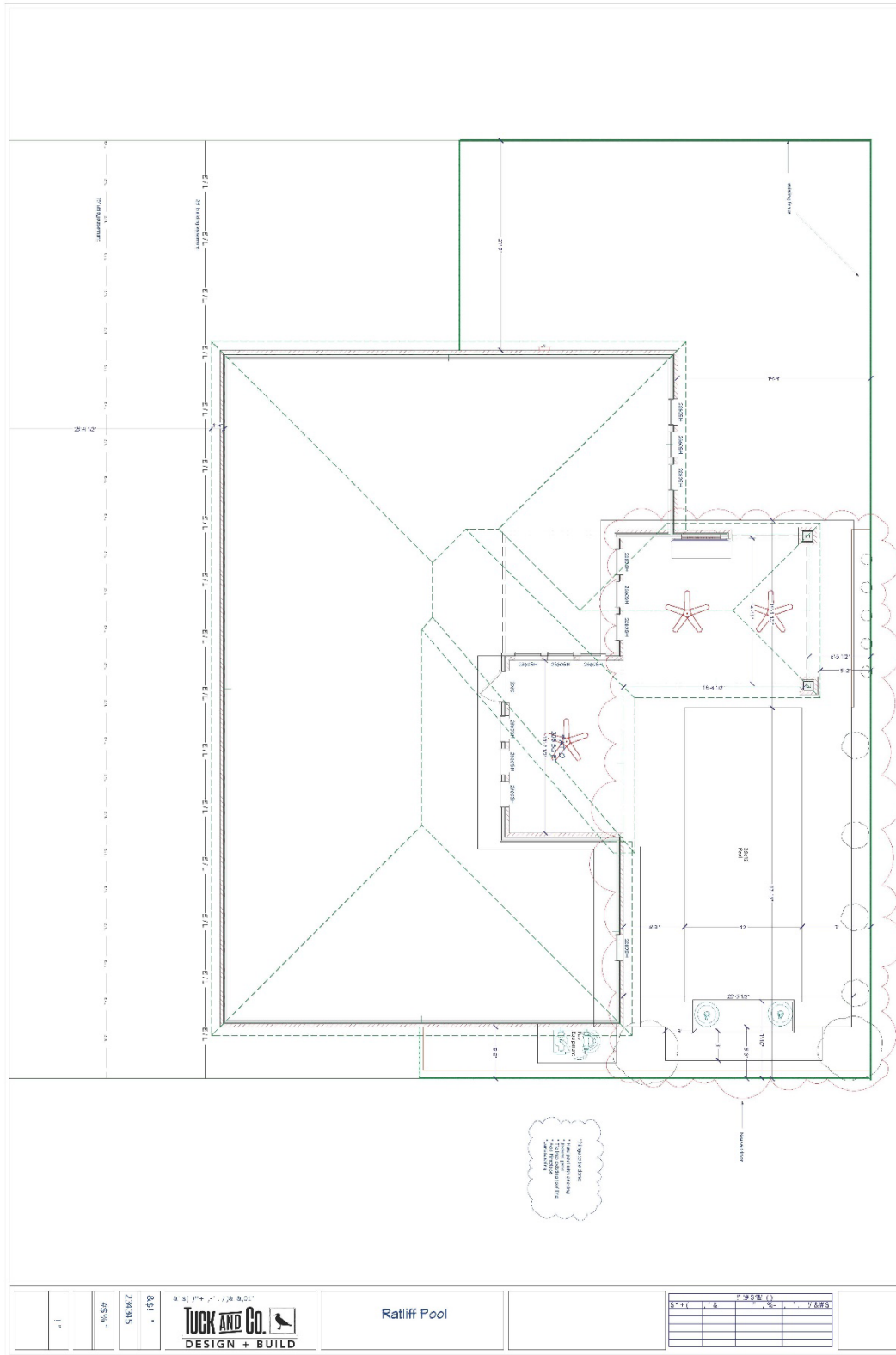
Aerial Map
ZBA24-18 4738 Wolf Creek
Council District: #1 Tommy Hiebert
Neighborhood: Country Club
Scale: 0 0.01 0.02 0.03 0.04 Miles

Subject Properties: —

N



Site Plan and Elevations





Camera 11



Camera 12

P-1	1"	#5/8"	2/31/15	851"		Ratliff Pool	<table border="1"> <tr> <th colspan="4">REVISIONS</th> </tr> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>				REVISIONS				NO.	DATE	DESCRIPTION	BY													
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Site Photo

