

**ZONING BOARD OF ADJUSTMENT – July 1, 2024  
STAFF REPORT**

<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA24-21: 3634 Silver Spur Drive	
<b>SYNOPSIS:</b>			
<p>A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 20-foot front yard setback in lieu of the required 25 feet for a new residence on Silver Spur Drive in an RS-1 zoning district.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
3634 Silver Spur Drive		Lot: 23, Blk: 83, Subd: ENCLAVE AT TWIN OAKS ADD, SEC 1	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
SMD District #6 – Larry Miller Neighborhood – Bonham		Single-Family Residential (RS-1)	Neighborhood
		<b>SIZE:</b>	
			0.149 acres
<b>NOTIFICATIONS:</b>			
<p>27 notifications were mailed within 200-foot radius on May 17<sup>th</sup>, 2024. Received 10 in support from one owner of the surrounding empty lots and 0 in opposition.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff recommends DENIAL of a variance from Section 501.A for a 20-foot front yard setback in lieu of the required 25 feet.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Daryl & Cathy Calder			
<b>STAFF CONTACT:</b>			
Austin Reed Planner (325) 657-4210, Extension 1550 <a href="mailto:austin.reed@cosatx.us">austin.reed@cosatx.us</a>			

**Additional Information:**

This is an empty lot in a developing neighborhood where the applicant is looking to build a single-family home. After pouring the foundation, the applicant learned that they were a total of 20' from their front property line instead of the required 25'. The applicant's site plan showed the front setback to be 25'.

**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.**  
There do not appear to be any special circumstances, not merely financial, that are peculiar to the land in justifying a variance.
2. **These special circumstances are not the result of the actions of the applicant.**  
These circumstances are a result of the actions of the applicant as they poured the foundation 5' too close to the front property line.
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.**  
While there are many unimproved lots around the subject property that are yet to develop, the houses that are currently being built (including the one directly next door) all appear to comply with zoning regulations.
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.**  
Prompt not applicable. The land can be used without a variance and granting a variance would be contrary to the spirit of the Zoning Ordinance.
5. **Granting the variance will not adversely affect adjacent land in a material way.**  
Granting this variance may adversely affect what would otherwise be a strict building line along the block.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**  
Granting a variance in this scenario would 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.*

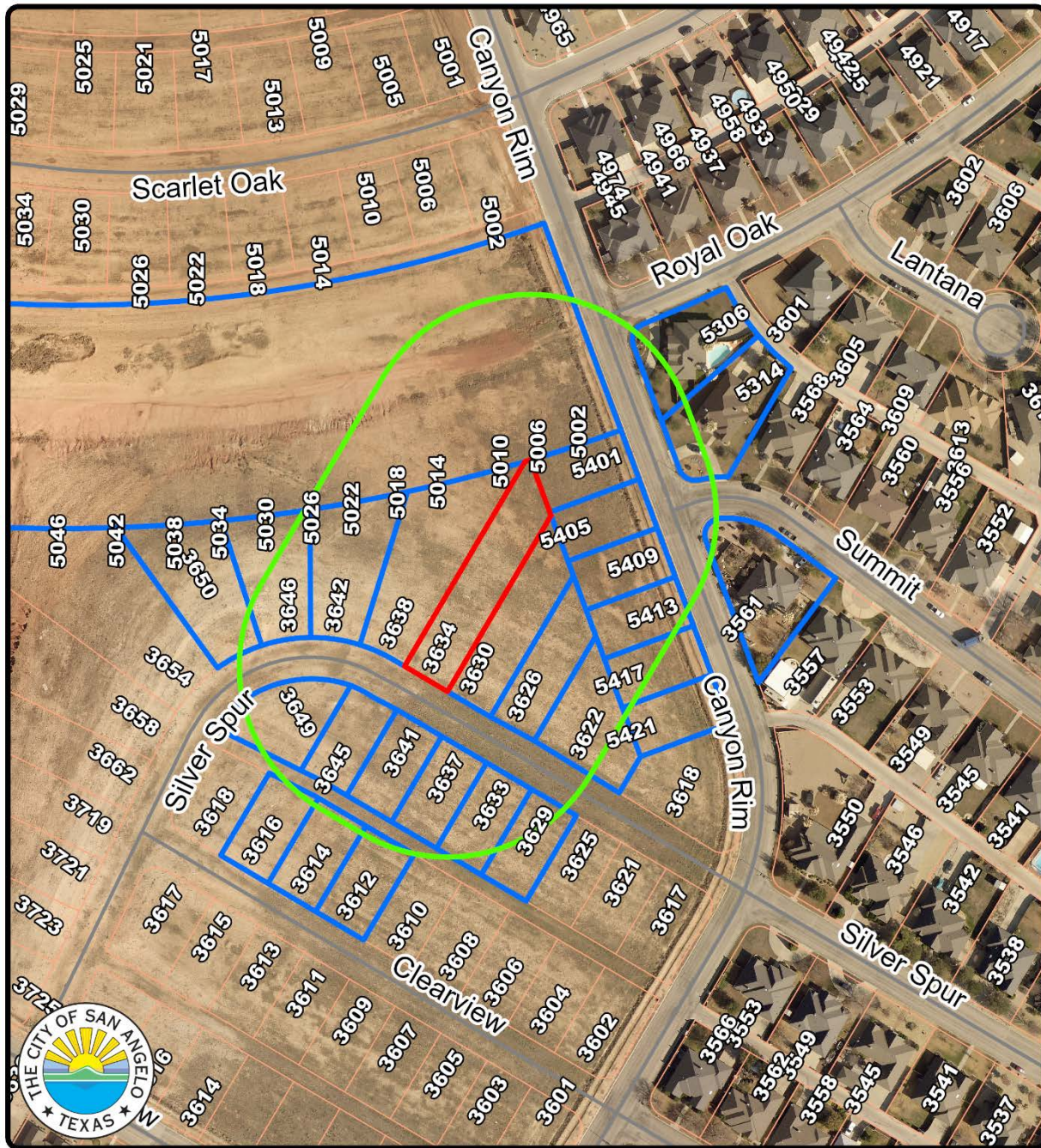
**Recommendation:**

Staff recommends DENIAL of a variance from Section 501.A for a 20-foot front yard setback in lieu of the required 25 feet.

**Attachments:**

Notification Map  
Aerial Map  
Site Photo  
Site Plan

**Notification Map**



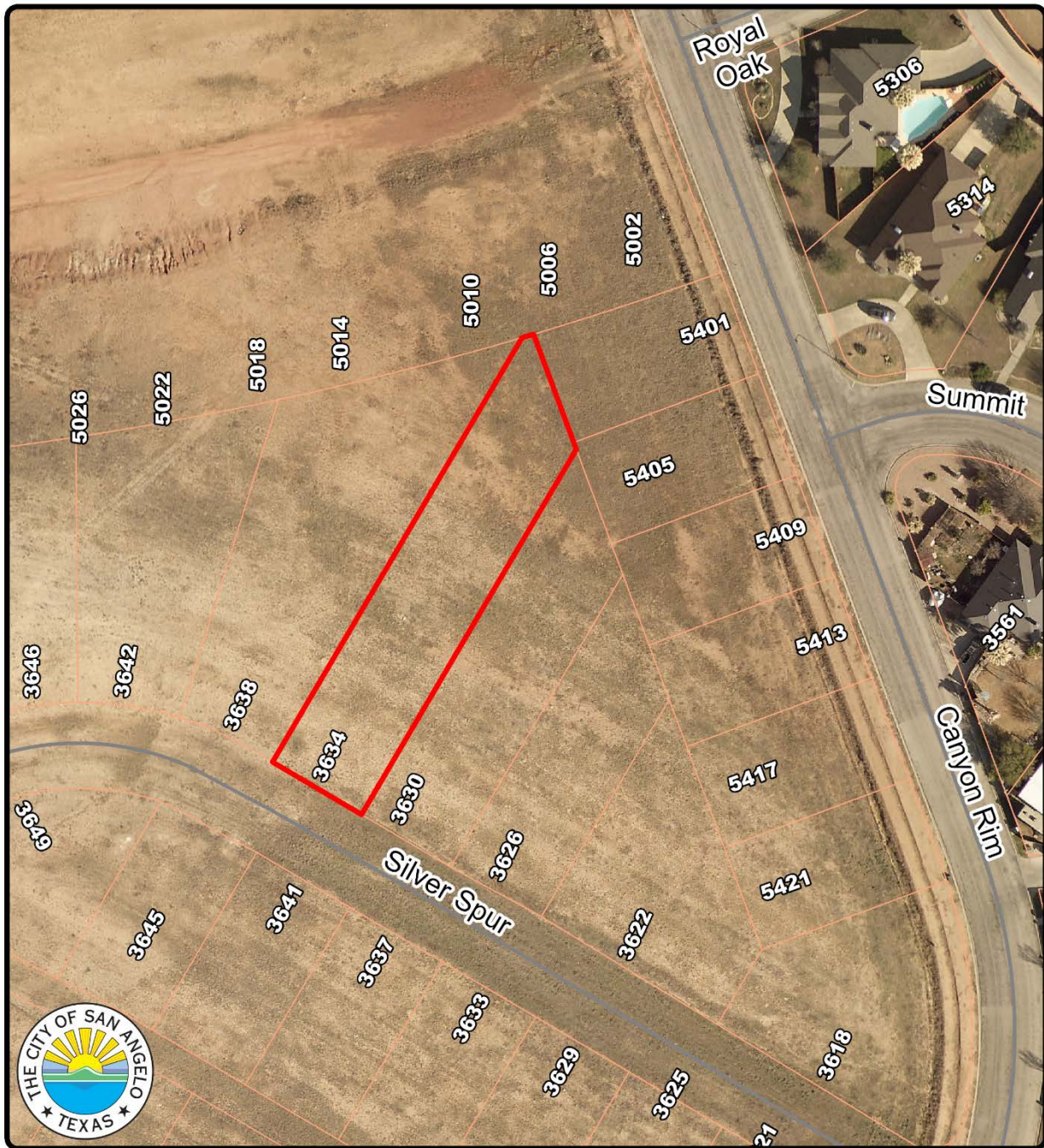
**200' Notification Map**  
**ZBA24-21: 3634 Silver Spur Dr.**  
Council District: #6 Larry Miller  
Neighborhood: Bonham

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Property: —  
200' Range: —  
Notified Properties: —


N  
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**Aerial Map**



**Aerial Map**  
**ZBA24-21: 3634 Silver Spur Dr.**

Council District: #6 Larry Miller  
Neighborhood: Bonham

Subject Property: 

Scale:  0 0.01 0.01 0.02 0.03 0.04 Miles



Site Photo





**ZONING BOARD OF ADJUSTMENT – July 1, 2024  
STAFF REPORT**

<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA24-22: 7698 S Country Club Road	
<b>SYNOPSIS:</b>			
A request for approval of a variance from Section 501.A for a lot width of 100' in the Ranch & Estate zoning district in lieu of the required 150' located at 7698 S Country Club Road.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
7698 S Country Club Road		Tract: 96, Abst: A-1921 S-0643, Survey: J SCHMITT, 1.00 ACS BEING .623 AC IN SCHMITT & 0.377 ACRE IN P DUFFY - SUR 171	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1 – Tommy Hiebert Neighborhood – Nasworthy	Single-Family Residential (RS-1)	Neighborhood	1.00 acre
<b>NOTIFICATIONS:</b>			
9 notifications were mailed within a 200-foot radius on June 13, 2024. Received 1 in support and 0 opposition.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends APPROVAL of a variance from Section 501.A for a lot width of 100' in the Ranch & Estate zoning district in lieu of the required 150' located at 7698 Country Club Road.			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Wilde Engineering and Surveying LLC			
<b>STAFF CONTACT:</b>			
Rae Lineberry Planner (325) 657-4210, Extension 1533 <a href="mailto:rae.lineberry@cosatx.us">rae.lineberry@cosatx.us</a>			



**Additional Information:**

This is an empty lot a few hundred feet off Nasworthy where the applicant is looking to build a new single-family residence. On both sides of the lot are properties with existing residences. While the lot is exactly an acre in size, the width of the existing lot does not meet the zoning standards.

**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 among the smallest in the area, is under minimum width for an R&E lot, and has an obstructive water well which the applicant wishes to maintain. Other surrounding properties do not appear to have encountered the same issue.
2. **These special circumstances are not the result of the actions of the applicant.**  
The size of the lot was not a result 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.**  
One of the direct neighbors - who border to the north - has large greenhouse structures spanning 150 feet which range from about 1 foot from the side property line to about 7 feet. The neighbor to the south has a structure about 10 feet from their side, although that lot is zoned RS-1. Expanding the width and literal enforcement of a 150-foot lot width would not be possible within the R&E zoning.
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.**  
Granting a variance in this scenario would maintain a consistent pattern of development. Denying a variance would mean a developer must either rezone to RS-1 or the lot would be unbuildable. Granting the variance would allow the building to be similarly set back as other houses in the area, which can be seen as true to public interest and just.
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.**  
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.*

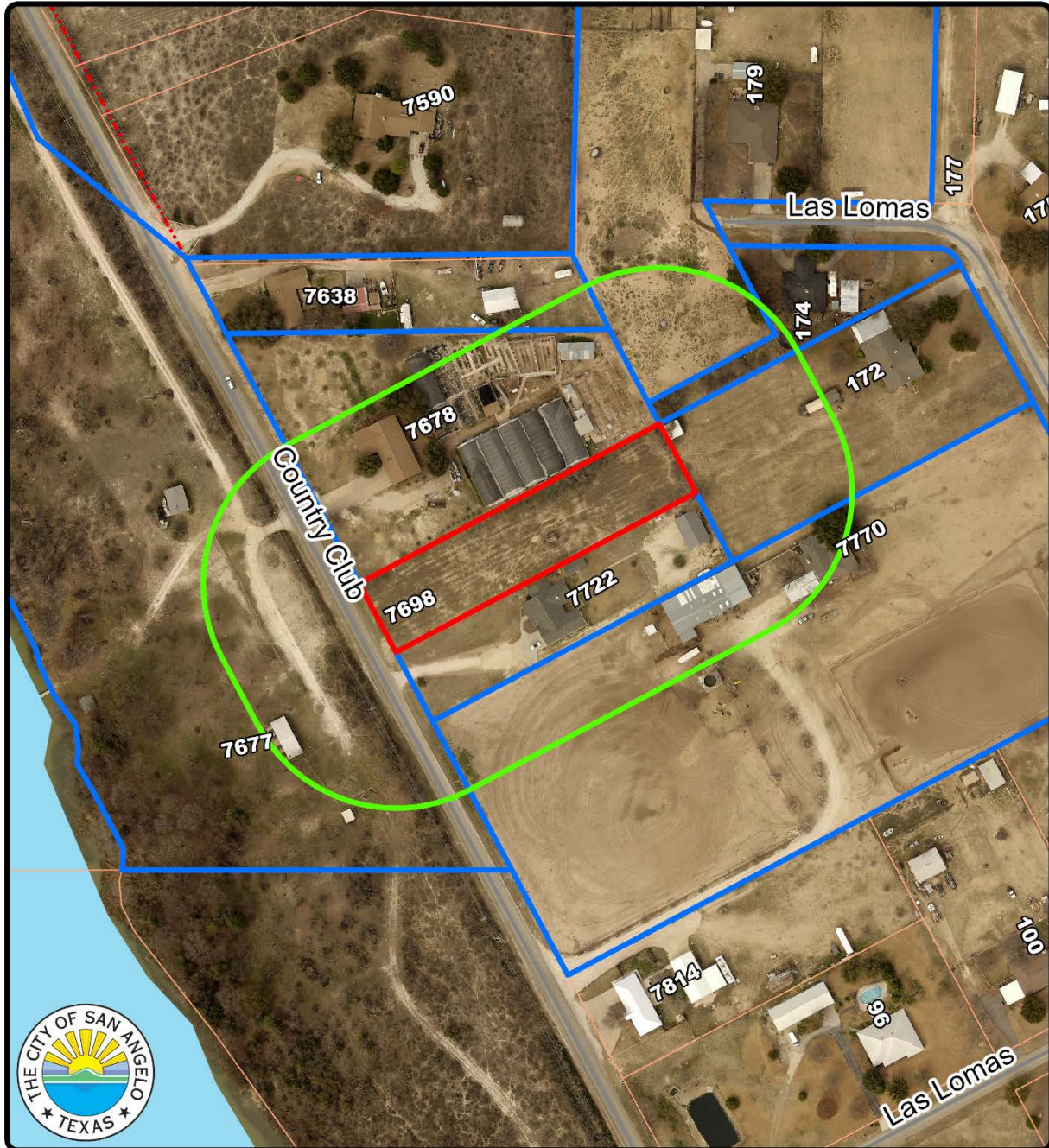
**Recommendation:**

Staff recommends APPROVAL of a variance from Section 501.A for a lot width of 100' in the Ranch & Estate zoning district in lieu of the required 150' located at 7698 Country Club Road.

**Attachments:**

Notification Map  
Site Photo  
Final Plat

### Notification Map



**200' Notification Map**  
**ZBA24-22: 7698 S Country Club Rd.**

Council District: #1 Tommy Hiebert  
Neighborhood: Nasworthy

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Property: 

200' Range: 

Notified Properties: 

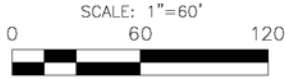


Aerial Map  
Site Photo



**Final Plat**

Distances shown hereon are shown as grid Texas State Plane Coordinate System distances.



**LEGEND**

- FOUND IRON PIPE
- ⊙ FOUND 1/2" IRON ROD
- ⊕ FOUND RAILROAD SPIKE
- SUBJECT PROPERTY BOUNDARY
- - - ADJACENT PROPERTY LINE
- - - EASEMENT/BUILDING SETBACK LINE
- - - SURVEY/ABSTRACT LINE
- \* \* \* FENCE
- OHE OVERHEAD POWER LINE
- ⊙ POWER POLE
- ⊙ POLE WITH ELECTRIC METER
- O.P.R., T.G.C., TX OFFICIAL PUBLIC RECORDS OF TOM GREEN COUNTY, TEXAS
- O.P.R.R.P., T.G.C., TX OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF TOM GREEN COUNTY, TEXAS

**NOTES:**

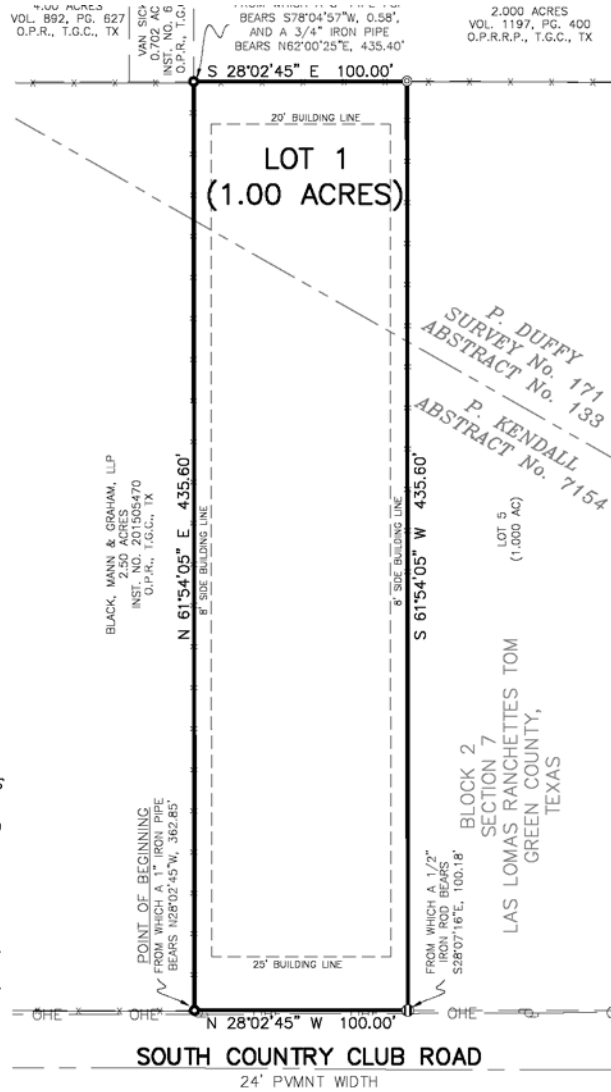
1. FIELD NOTES TO ACCOMPANY THIS PLAT
2. SURVEY COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY NOT SHOWN HEREON.
3. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYORS KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

CITY PLANNING COMMISSION

Approved for recording this \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_,  
 City Planning Commission of San Angelo, Texas.

By: \_\_\_\_\_  
 Chairman

By: \_\_\_\_\_  
 Secretary



**PRELIMINARY PLAT OF LOT 1, NORTH LAS LOMAS ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS**

OWNER: Red Oak Upstream LP, INC.

Being 1.00 acre out of the P. Duffy Survey No. 171, Abstract No. 133, and out of the P. Kendall Abstract No. 7154, both in Tom Green County, Texas, being out of a 2.00-acre tract of land described in a Warranty Deed with Vendor's Lien dated September 24, 1974, recorded in