



# MEETING MINUTES

CITY OF SAN ANGELO, TEXAS  
**ZONING BOARD OF ADJUSTMENT**  
MONDAY, June 3rd, 2024, AT 1:30 P.M.  
500 Rio Concho Drive  
McNease Convention Center

**BOARD PRESENT:**

Gary Cortese, Chair  
Lyndon Roberts-Galindo, Vice  
Donald Barnhart  
Lorenzo Lasater  
Teri Jackson  
Richard Rivas

**STAFF PRESENT:**

Aaron Vannoy, Director of Planning & Development Services  
Brandon Dyson, Deputy City Attorney  
Sherry Bailey, Principal Planner  
Austin Reed, Planner  
Rae Lineberry, Planner

**I. Call to order and establish that a quorum is present.**

The Chair recognized a quorum of 6 and called the meeting to order at 1:31 P.M.

**II. Review and take any action related to minute records of the regular meeting held Tuesday, April 9th, 2024.**

*Member Lasater moved to approve the minutes, seconded by Teri Jackson. The motion passed 6-0.*

**III. ZBA23-25: 1746 Cordell Drive**

**SMD#2 – Tom Thompson**

A request for approval of a variance from Section 501 of the Zoning Ordinance to allow for a 0' front yard setback in lieu of the required 25 feet.

Principal Planner Sherry Bailey presented the request to the Board. This item was heard around 6-7 months prior and was tabled to give the Open Structure Overlay Zone a chance to expand to the area. After mailing 25 notices, some support was received from neighbors with zero in opposition. While the front setback is typically 25' in RS-1, the expansion of the Open Structure Overlay Zone means that a carport here can now come within 5' of the property line. This carport sits on the property line (0'). In lacking special circumstances and finding the 0' setback significant, staff recommended denial to the Board.

Lorenzo Lasater asked if the structure would need to be torn down if denied. Bailey responded that it would need to be brought back that 5'. Jackson asked when the structure was built. Director Aaron Vannoy says their satellite imaging indicates the structure being built around 2023. The Chair asked how much right-of-way was in front of the property, to

which Bailey answered around 7 feet. Member Rivas asked if letters were sent to the neighbors, which Bailey confirmed. Rivas asked if there was any opposition, to which Bailey said there was not.

The Chair opened public comment.

Gary Lacy, property owner and applicant, approached the podium. He says his garage is too small for his pickup and that hailstorms are a problem. He says he put his carport up around 2018 and has brought several letters in support from his neighbors. Rivas asks Mr. Lacy why he did not seek a permit. Mr. Lacy states that a lady he spoke to with the City told him he did not need one. Mr. Vannoy says that Mr. Lacy received a violation only after a complaint was received from a neighbor and reiterated that the structure was not present on 2023 satellite imaging.

Doug Foulkrod, neighbor, approached the podium. He says they live in an older section of the neighborhood and arrived 20 years ago. He says Mr. Lacy has a nice yard and would be disappointed to see the structure torn down. He says there are other carports in the neighborhood without permits and that this one is only being heard because of an unhappy neighbor.

Mary Foulkrod, neighbor, approached the podium. She believes that the applicant's driveway is shorter than other driveways in the vicinity.

Brandon Dyson read a provision about meeting a financial hardship if cost of compliance is greater than 50% of the structure

The Chair closed public comment.

*Member Lasater moved to approve, seconded by Roberts-Galindo on grounds that the cost of compliance is too great, that the carport is far enough away from the road, and that no opposition was received.*

*With a vote of 5-1, the motion to approve the variance failed, thereby denying the request.*

**IV. ZBA24-12: 2302 Guadalupe Street**

**SMD#4 – Lucy Gonzales**

A request for approval of a variance from Section 406.4 of the Zoning Ordinance to allow for a new short-term rental at a distance of 297' from an existing short-term rental in lieu of the required 500'.

Planner Austin Reed presented the request to the Board. Out of 26 mailed notices, there was 1 in favor and 1 opposed. The two short-term rentals are on different streets across North Pierce from each other. Staff recommended denial as no special circumstances seemed to be present. Roberts-Galindo asked if the applicant had applied during a time when the maps were not up to date. Reed replied that the maps should have been complete at the time of application.

The Chair opened public comment.

Carolina Ojeda, applicant, approached the podium and explained the process she followed in trying to get an STR on the ground. She said that she knew from the beginning that there was another STR within 500 feet, but that they were hoping City Council would abolish the 500-foot provision in the upcoming ordinance changes. After City Council kept the 500-foot, she decided to apply for a variance. She also mentioned that she has other STR's in full compliance and that she is based in San Angelo.

Per questions from the Board, the applicant confirmed that she had previously been operating without a Conditional Use permit because she didn't fully understand the rules. The Chair asked how it was discovered that she was operating, to which the applicant said she approached the City herself.

Jamal Schumpert, SMD #3, approached the podium. He believed that staff was looking for ways to subvert the 500-foot rule and stated his general dissatisfaction with the situation.

The Chair closed public comment.

A discussion took place about the history of the 500-foot provision and what changed under the new short-term rental ordinance.

Member Lasater found that this applicant's situation is unique because the rules were not clear and subject to change. Lyndon Roberts-Galindo agreed.

Director Vannoy reminded the Board that this would be the last short-term rental distance variance as the variability was written out of the ordinance and gave an update on how the process has been improved upon with the new changes.

*Teri Jackson, recognizing this to be the last distance variance under the old ordinance, moved to approve. Donald Barnhart seconded this motion. The vote passed 6-0, granting the variance.*

**V. ZBA24-13: 301 E Washington Drive**

**SMD#3 – Harry Thomas**

A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 5' front yard setback in lieu of the required 25' along Metcalfe Street in an RM-1 zoning district.

Planner Austin Reed presented the request. No responses were received from the 17 mailed notices. This is a vacant lot where a home is to be built. He explained that where alleyways are present behind a double-frontage lot, only one frontage is considered to have a full front setback. While there is a functioning alleyway behind this lot, it is not alley right-of-way – it runs through what are technically residential properties. This distinction means that what would normally be a 5-foot setback on Metcalfe is now 25 feet. Additionally, not many other homes in the area abide by these setbacks. In recognizing these special circumstances, staff recommended approval.

*Teri Jackson moved to approve, seconded by Roberts-Galindo. The motion carried unanimously, granting the variance.*

**VI. ZBA24-14: 2808 Coleman Street** **SMD#2 – Tom Thompson**

A request for approval of a variance from Sec. 501 to allow for a 20' front yard setback in lieu of the required 25' and a 16' rear yard setback in lieu of the required 20'.

Note: this item (ZBA24-14) and the next (ZBA24-15) were read in and presented together. As a result, the minutes for these requests will be included under the next item.

**VII. ZBA24-15: 2804 Coleman Street** **SMD#2 – Tom Thompson**

A request for approval of a variance from Sec. 501 to allow for a 20' front yard setback in lieu of the required 25' and a 16' rear yard setback in lieu of the required 20'.

Sherry Bailey presented the two requests to the Board. 2804 and 2808 Coleman are neighboring lots, both vacant, where homes are to be built. The lots were platted nearly 100 years ago at sizes below the current zoning's minimum. Out of 26 mailed notices, none were returned. Granting a variance would not seem to have an adverse effect, and the circumstances are not a result of the applicant. Staff recommended approval to the Board with the one condition being that building permits are applied for within one year.

The Chair opened public comment.

Colin McCrory, the lot developer, approached the podium. He explained that he received variances for multiple lots of the same size along the same block in 2019.

Jamal Schumpert approached the podium. He expressed his dissatisfaction with the developer buying a lot that is smaller than 5,000 square feet. Aaron Vannoy explained that the lots were platted in 1927, meaning that the lot size is a vested right and that the developer needed to request setback variances in order to build a home.

The Chair closed public comment.

*Teri Jackson moved to approve both requests as presented, seconded by Roberts-Galindo. The vote passed 6-0.*

**VIII. ZBA24-17: 600 Era Street** **SMD#3 – Harry Thomas**

A request for approval of four variances: a lot size of 91' x 78', a front yard setback of 15' instead of required 25' on both Era and Fulton, and a front yard setback of 15' instead of required 25' on Fulton for 1418 Fulton St.

Rae Lineberry, Planner, presented the request. The applicant wishes to split a lot with two existing residences into two lots, leaving the homes undisturbed and on their own lot. Doing so, however, would require all four of the variances requested. Both properties have a common owner, but the owner now wishes to sell off one of the properties. Staff found that granting a variance is the minimum action that will make use of the land, and recommended approval to the Board.

Roberts-Galindo asked if the variances would persist if one of the houses were torn down, which Lineberry confirmed.

The Chair opened public comment.

Jack Downey, representing the applicant, approached the podium. He supported staff's statements and offered to answer any questions.

The Chair closed public comment.

*Teri Jackson moved to approve, seconded by Lorenzo Lasater. The motion carried 6-0, granting the variance.*

**IX. ZBA24-18: 4738 Wolf Creek Drive**

**SMD#1 – Tommy Hiebert**

A request for approval of a variance from Section 501 of the Zoning Ordinance to allow for a 6' rear yard in lieu of the required 20'.

Director Aaron Vannoy presented the request. Out of 16 mailed notices, 3 were received in favor and 0 in opposition. He explained that the end of the block that the subject property is on has less room for additions than the rest, that the home is built further back, and that the land behind the property has been designated as an unbuildable detention pond. Staff recommended approval of the variance with two conditions being that the applicant obtain all necessary building permits and that the structure remains substantially open in nature.

Upon a question from the Board, Vannoy explained that the City does not enforce or explore HOA decisions.

The Chair opened public comment.

Travis McMahon, applicant, approached the podium. He said that he first went to the HOA and received their approval before coming to the City to seek a variance.

The Chair closed public comment.

*Lyndon Roberts-Galindo moved to approve. Lorenzo Lasater seconded this motion, and the vote passed 6-0.*

**X. Division Report**

Director Aaron Vannoy asked the Board if they could be present for the next meeting because of its proximity to the Fourth of July holiday. The Board decided that the existing meeting date, July 1<sup>st</sup>, works best.

**XI. Public Comment**

Jamal Schumpert, SMD #3, approached the podium. He explained that he was at the meeting because he was unhappy with some of the City's recent discussions and continued to express his dissatisfaction with the day's hearings.

**XII. Next Meeting Agenda**

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on **Monday, July 1st, 2024**, in the City Hall East Mezzanine Meeting Room.

**XIII. Adjournment**

*Teri Jackson moved to adjourn, seconded by Roberts-Galindo. The motion carried 6-0, and the meeting adjourned at 3:03 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 31st day of May, 2024, in accordance with Chapter 551 in the Government Code of the State of Texas.

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Gary Cortese, Chairperson