

**ZONING BOARD OF ADJUSTMENT – October 7, 2024  
STAFF REPORT**

<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA24-29: 2488 Culver Avenue	
<b>SYNOPSIS:</b>			
<p>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 for carport on Culver Avenue in an RS-1 zoning district.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
2488 Culver Avenue		Acres: 0.164, Lot: 24 SEC 1, Blk: 8, Subd: COLLEGE HILLS ADDITION	
<b>SM DISTRICT / NEIGHBORHOOD:</b>		<b>ZONING:</b>	<b>FUTURE LAND USE:</b>
District #5 – Karen Hesse Smith Neighborhood – ASU - College Hills		Single-Family Residential (RS-1)	Neighborhood
		<b>SIZE:</b>	
			0.164 acres
<b>NOTIFICATIONS:</b>			
<p>35 notifications were mailed within 200-foot radius on September 20<sup>th</sup>, 2024. Received 1 in support and 0 opposed.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff recommends DENIAL of a variance from Section 501.A for a 5-foot front yard setback in lieu of the required 25 feet.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: James and Linda Webb			
<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:**

The homeowners at this property had a carport constructed which encroaches into the front setback. This area is not within the Open Structure Overlay Zone of the city and comes within 5 feet of the front property line. The carport is now complete and was neither permitted nor varied appropriately. Upon learning that the structure does not conform, they applied for a Zoning Variance.

**Variances:** 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.**  
This prompt is not applicable as staff finds no special circumstances for the consideration of a variance. If special circumstances are found, the need for a variance is the result of the actions of the applicant, who had the structure contracted.
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 appears to only be one carport present in the front yard within this area. The vast majority of homes abide by front setback regulations, and as a result this prompt would not apply.
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 and is being 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 well-preserved front building line along the block face.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**  
Granting a variance in this scenario may be contrary to the intent of setback regulations within 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.*

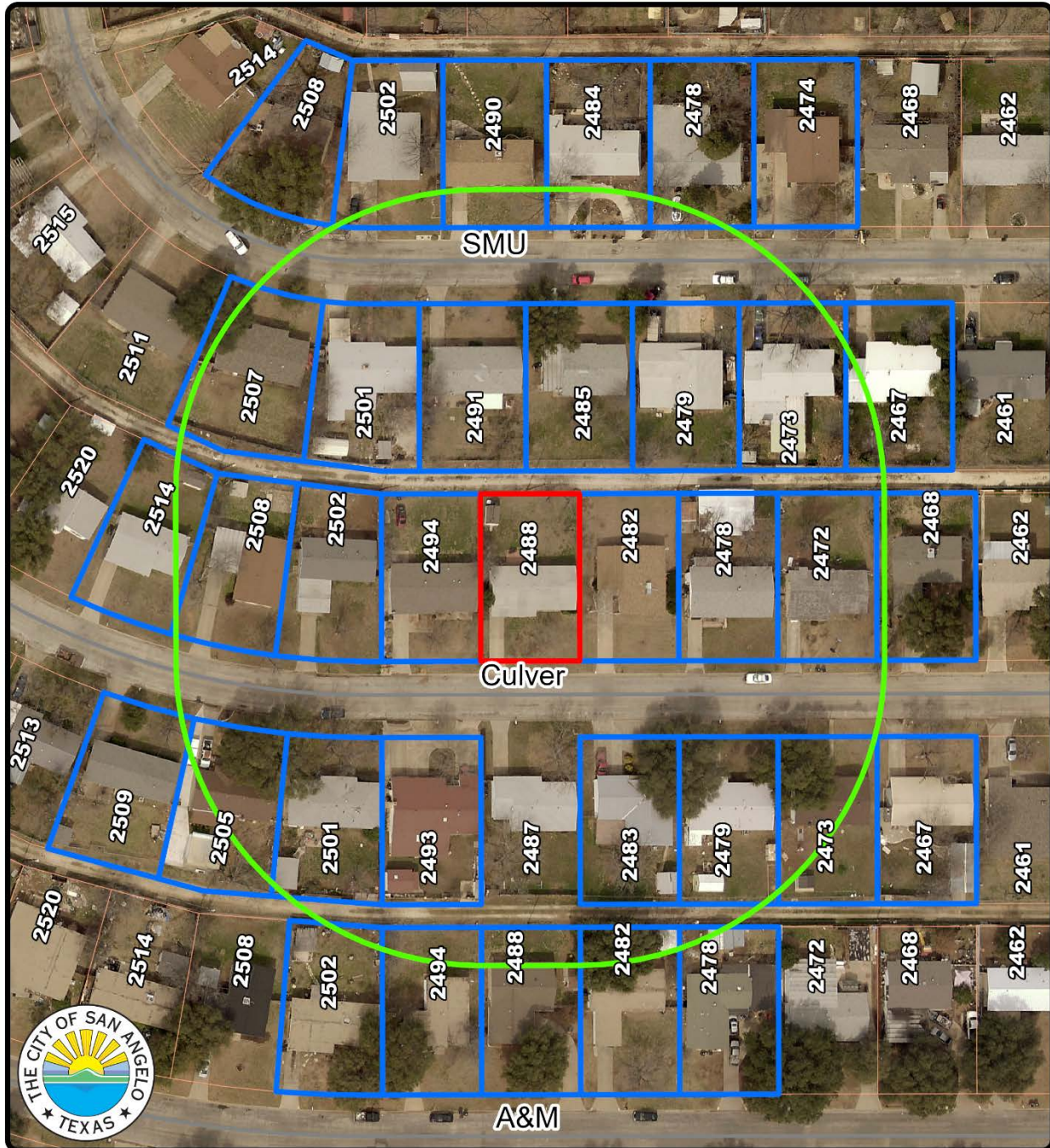
**Recommendation:**

Staff recommend DENIAL 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  
Site Plan


### Notification Map



**200' Notification Map**  
**ZBA24-29: 2488 Culver Ave**  
Council District: #5 Karen Hesse Smith  
Neighborhood: ASU - College Hills

Scale: 0 0.01 0.01 0.02 0.03 0.04 Miles

Subject Property:   
200' Range:   
Notified Properties: 



**Aerial Map**



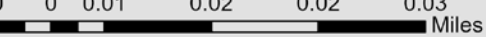
**Aerial Map**

**ZBA24-29: 2488 Culver Ave**

Council District: #5 Karen Hesse Smith

Neighborhood: ASU - College Hills

Subject Property: 

Scale:  Miles



Site Photos



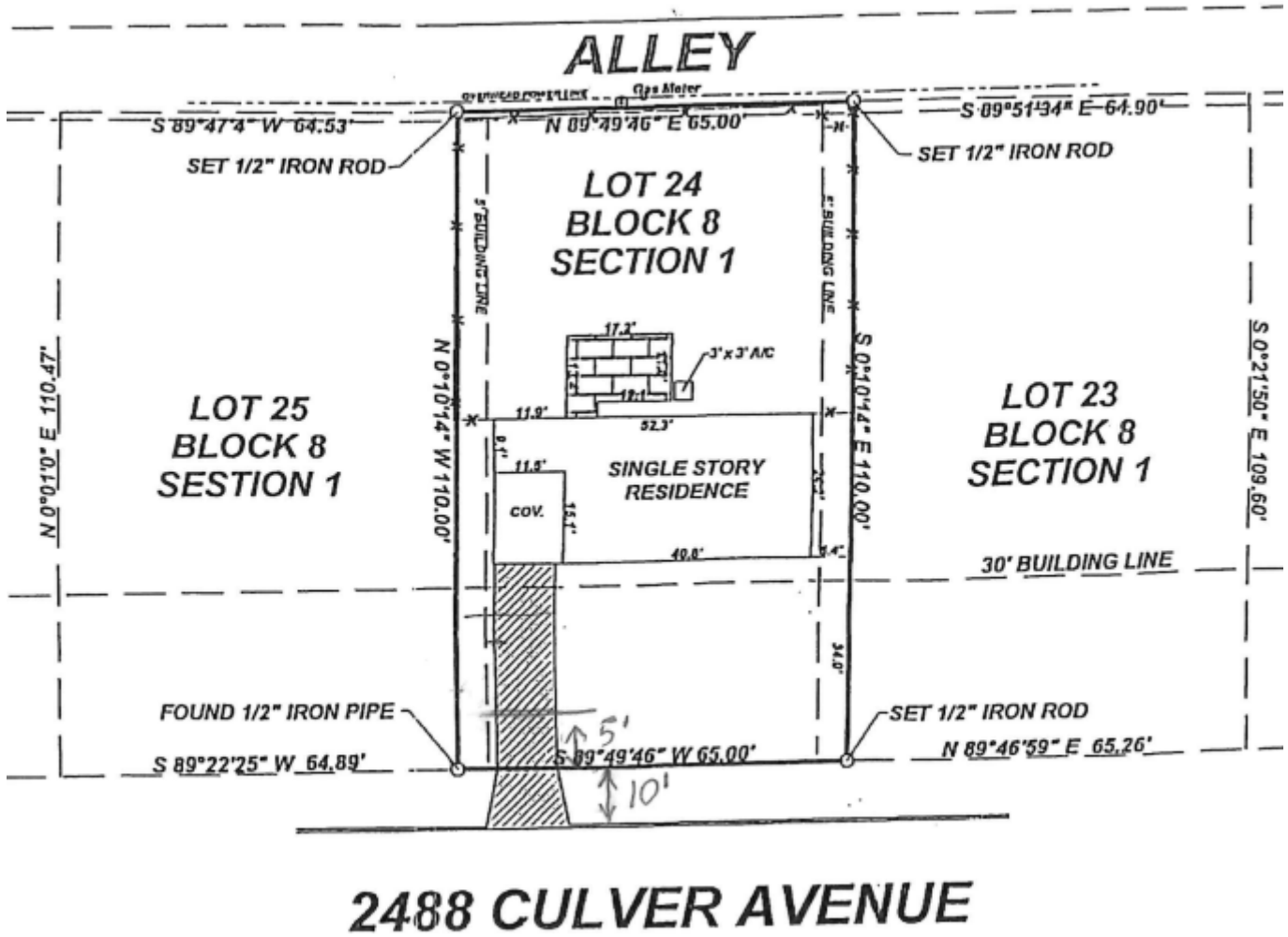








Site Plan



**ZONING BOARD OF ADJUSTMENT – October 7, 2024  
STAFF REPORT**

<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA24-31: 149 Las Lomas Drive	
<b>SYNOPSIS:</b>			
<p>A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 100-foot-wide lot in lieu of the required 150 feet for a Ranch &amp; Estate lot located at 149 Las Lomas Drive.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
149 Las Lomas Drive		Acres: 1.500, Tract: 38, Abst: A-0133 S-0171, Survey: P DUFFY, 1.5000 ACRE	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1 – Tommy Hiebert Neighborhood – Nasworthy	Ranch & Estate (R&E)	Neighborhood	1.50 acres
<b>NOTIFICATIONS:</b>			
<p>10 notifications were mailed within a 200-foot radius on September 20, 2024. Received 0 in support and 1 opposed.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff recommends APPROVAL of a variance from Section 501.A for a 100-foot-wide lot in lieu of the required 150 feet for a Ranch &amp; Estate lot.</p>			
<b>PROPERTY OWNER/PETITIONER:</b>			
Applicant: Wilde Engineering and Surveying, LLC			
<b>STAFF CONTACT:</b>			
<p>Austin Reed Planner (325) 657-4210, Extension 1550 <a href="mailto:austin.reed@cosatx.us">austin.reed@cosatx.us</a></p>			

**Additional Information:**

This is a lot with an existing home located off Las Lomas Drive. As the property is currently in abstract, the owners are looking to plat the lot. However, the property is 100 feet wide, whereas 150 feet of width are required for Ranch and Estate Zoning. A plat has been submitted for this lot, which will presumably follow this variance should it be granted.

**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 narrower than R&E standards and tapers in shape towards the front. The rear is nearly 50 feet wider, being close to the 150’ requirement. The home and lot have existed since the 1980’s, which predates the Zoning Ordinance. A variance in this scenario is simply establishing what has already been present for over 40 years.

2. **These special circumstances are not the result of the actions of the applicant.**

These special circumstances predate the current owner/applicant and are not a result of their actions in any way.

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.**

The vast majority of properties within the same area and under the same zoning have similar measurements and dimensions. If any neighbor were to plat, they would also require a variance. Denying this applicant their lot width would deprive the applicant of rights commonly enjoyed by other land within the same zoning district.

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 depriving the property of further development and result in a stagnation of improvements.

5. **Granting the variance will not adversely affect adjacent land in a material way.**

Granting this variance will not adversely affect the area. As previously mentioned, all other neighbor’s lots have similar widths and would be unaffected by the approval of a variance which only codifies what has already been present.

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.*

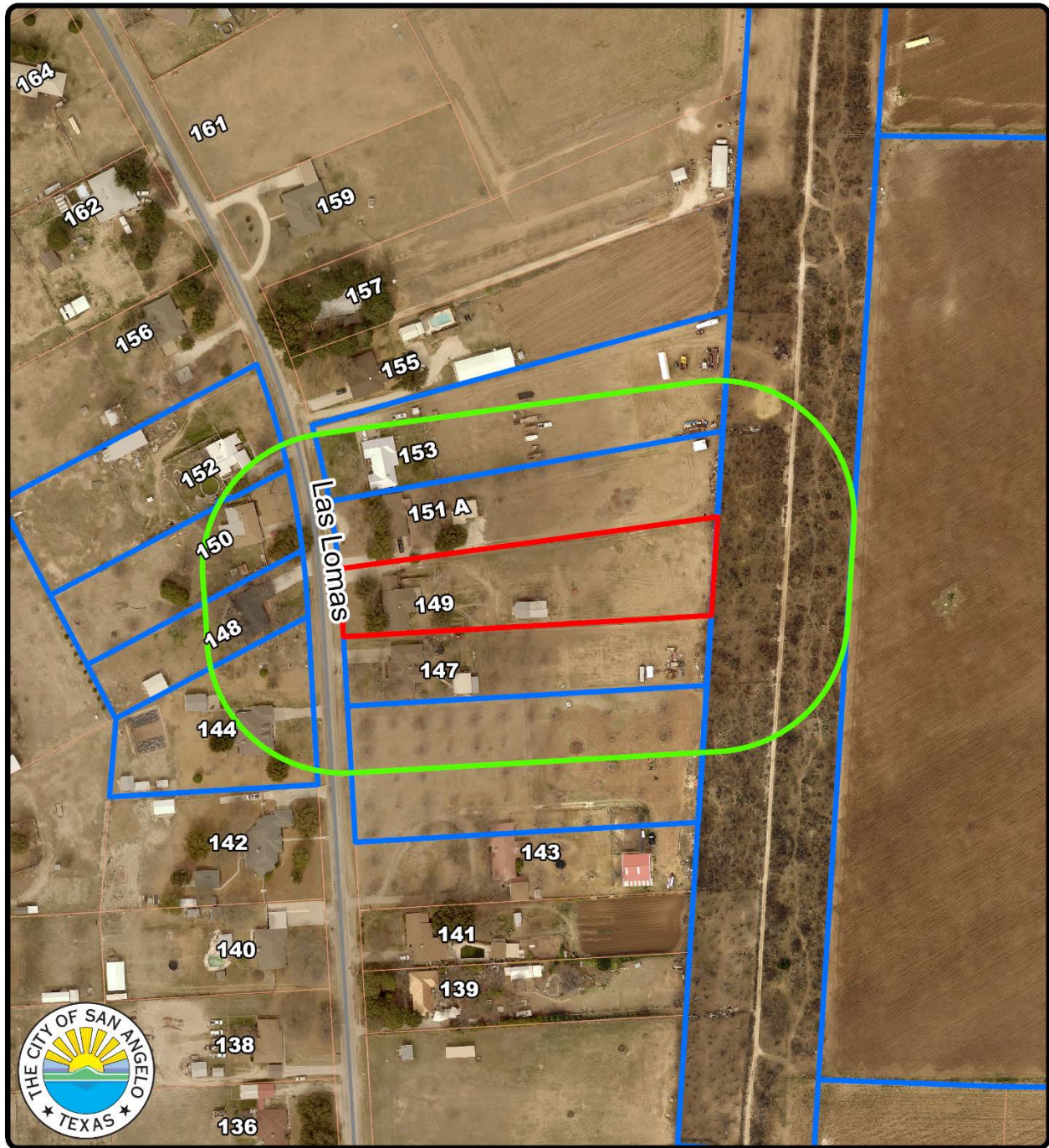
**Recommendation:**

Staff recommends APPROVAL of a variance from Section 501.A for a 100-foot-wide lot in lieu of the required 150 feet for a Ranch & Estate lot.

**Attachments:**

Notification Map  
Aerial Map  
Site Plan  
Plat

**Notification Map**




**200' Notification Map**  
**ZBA24-31: 149 Las Lomas Drive**

Council District: #1 Tommy Hiebert  
Neighborhood: Nasworthy

Scale: 0 0.01 0.03 0.05 0.08 0.1 Miles

Subject Property: 

200' Range: 

Notified Properties: 





Aerial Map



**Aerial Map**  
**ZBA24-31: 149 Las Lomas Drive**  
Council District: #1 Tommy Hiebert  
Neighborhood: Nasworthy

Scale: 0 0.01 0.01 0.03 0.04 0.06 Miles

Subject Property: 

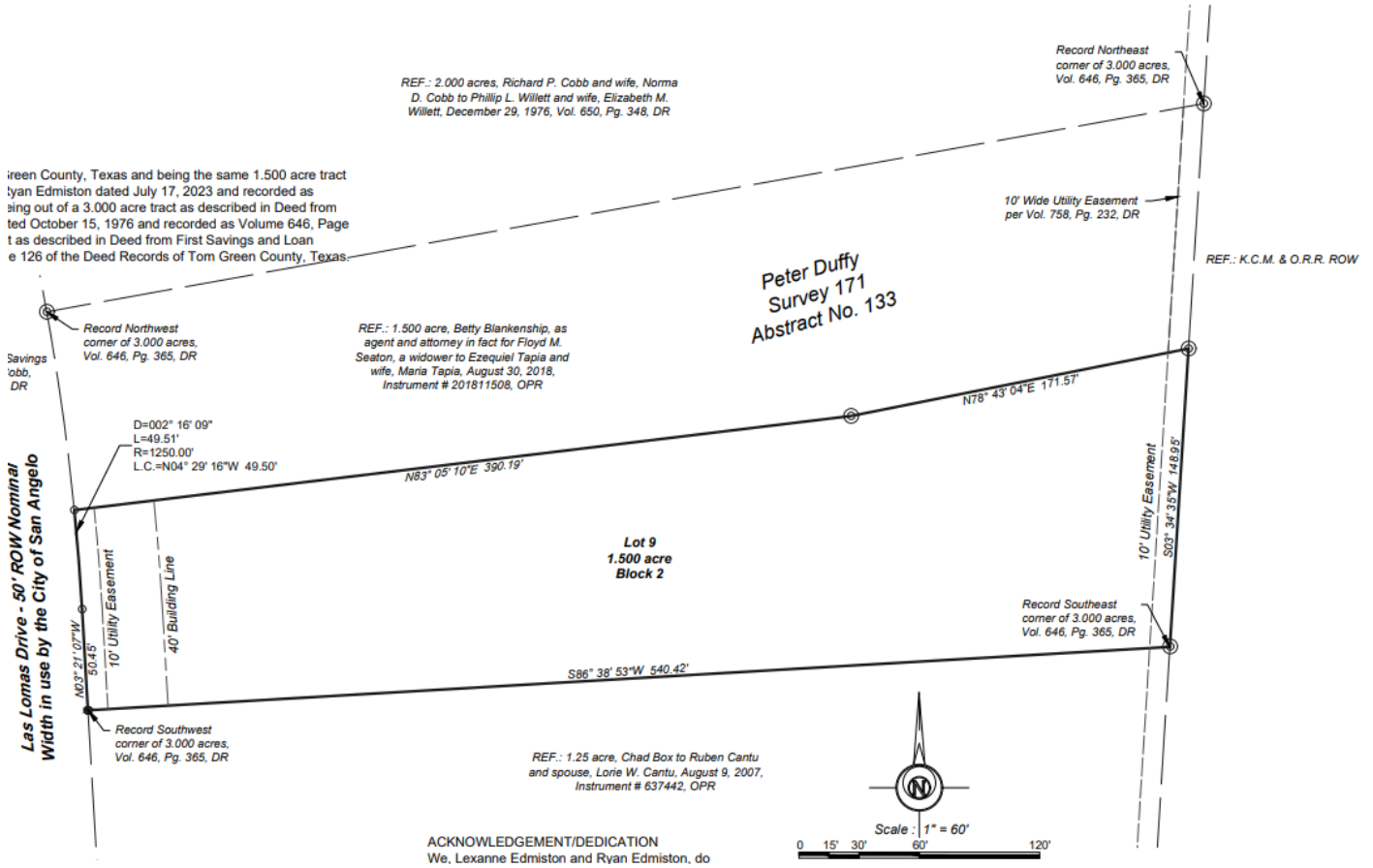
N 

**Site Photo**





**Plat**



**ZONING BOARD OF ADJUSTMENT – October 7, 2024  
STAFF REPORT**

<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA24-32: 8350 S Country Club Rd (prelim address)	
<b>SYNOPSIS:</b>			
A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 132.18-foot-wide lot in lieu of the required 150 feet for a Ranch & Estate lot located at preliminary addressed 8350 Country Club Rd.			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
8350 Country Club Rd		Acres: 1.000, Tract: 65, Abst: A-0133 S-0171, Survey: P DUFFY, 1.000 ACRES	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1 – Tommy Hiebert Neighborhood – Nasworthy	Ranch & Estate (R&E)	Neighborhood	1.00 acres
<b>NOTIFICATIONS:</b>			
8 notifications were mailed within a 200-foot radius on September 20, 2024. Received 0 in support and 1 opposed.			
<b>STAFF RECOMMENDATION:</b>			
Staff recommends APPROVAL of a variance from Section 501.A for a 132.18-foot-wide lot in lieu of the required 150 feet for a Ranch & Estate lot.			
<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 a vacant lot, as the property is currently in abstract, the owners are looking to plat the lot to build on it. However, the property is 132.18 feet wide, whereas 150 feet of width are required for Ranch and Estate Zoning. A plat has been submitted for this lot, which will presumably follow this variance should it be granted.

**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 narrower than R&E standards but has existed since the 1980’s, which predates the Zoning Ordinance. A variance in this scenario is simply establishing what has already been present for over 40 years.
2. **These special circumstances are not the result of the actions of the applicant.**  
These special circumstances predate the current owner/applicant and are not a result of their actions in any way.
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.**  
The vast majority of properties within the same area and under the same zoning have similar measurements and dimensions. If any neighbor were to plat, they would also require a variance. Denying this applicant their lot width would deprive the applicant of rights commonly enjoyed by other land within the same zoning district.
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 depriving the property of development and result in remaining vacant.
5. **Granting the variance will not adversely affect adjacent land in a material way.**  
Granting this variance will not adversely affect the area. As previously mentioned, all other neighbor’s lots have similar widths and would be unaffected by the approval of a variance which only codifies what has already been present.
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 Variations:**

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:**

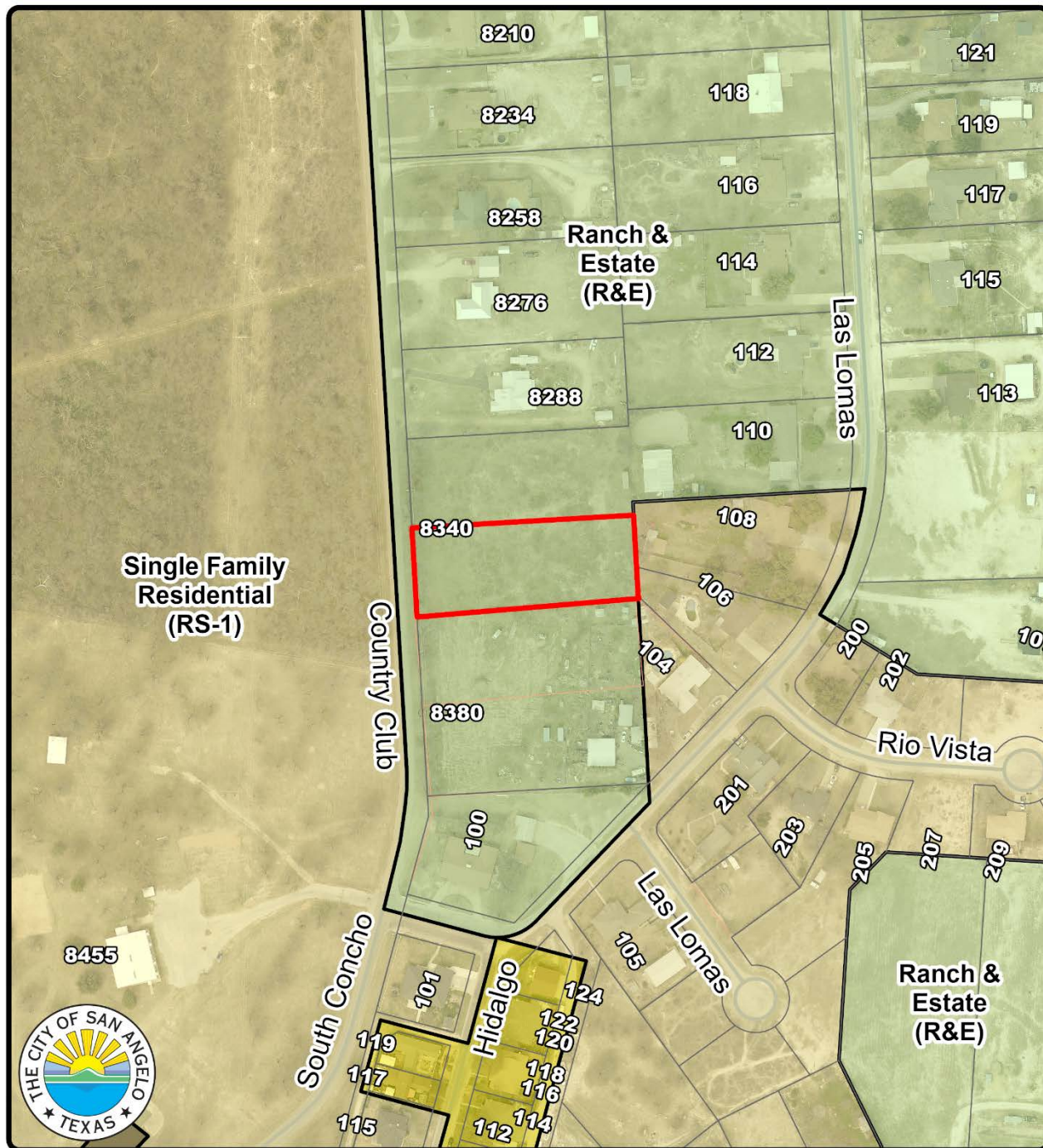
Staff recommends APPROVAL of a variance from Section 501.A for a 132.18-foot-wide lot in lieu of the required 150 feet for a Ranch & Estate lot.

**Attachments:**


Notification Map  
Zoning Map  
Plat





**Aerial Map**



**Zoning Map**  
**ZBA24-32: 8350 S Country Club Rd**  
Council District: #1 Tommy Hiebert  
Neighborhood: Nasworthy

Subject Property: 

Scale:  Miles





**ZONING BOARD OF ADJUSTMENT – October 7, 2024  
STAFF REPORT**

<b>APPLICATION TYPE:</b>		<b>CASE:</b>	
Variance		ZBA24-33: 8360 S Country Club Rd (prelim address)	
<b>SYNOPSIS:</b>			
<p>A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 132.49-foot-wide lot in lieu of the required 150 feet for a Ranch &amp; Estate lot located at preliminary addressed 8360 Country Club Rd.</p>			
<b>LOCATION:</b>		<b>LEGAL DESCRIPTION:</b>	
8360 Country Club Rd		Acres: 1.000, Tract: 65, Abst: A-0133 S-0171, Survey: P DUFFY, 1.000 ACRE	
<b>SM DISTRICT / NEIGHBORHOOD:</b>	<b>ZONING:</b>	<b>FUTURE LAND USE:</b>	<b>SIZE:</b>
SMD District #1 – Tommy Hiebert Neighborhood – Nasworthy	Ranch & Estate (R&E)	Neighborhood	1.00 acres
<b>NOTIFICATIONS:</b>			
<p>9 notifications were mailed within a 200-foot radius on September 20, 2024. Received 0 in support and 1 opposed.</p>			
<b>STAFF RECOMMENDATION:</b>			
<p>Staff recommends APPROVAL of a variance from Section 501.A for a 132.49-foot-wide lot in lieu of the required 150 feet for a Ranch &amp; Estate lot.</p>			
<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 a vacant lot, as the property is currently in abstract, the owners are looking to plat the lot to build on it. However, the property is 132.49 feet wide, whereas 150 feet of width are required for Ranch and Estate Zoning. A plat has been submitted for this lot, which will presumably follow this variance should it be granted.

**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 narrower than R&E standards but has existed since the 1980’s, which predates the Zoning Ordinance. A variance in this scenario is simply establishing what has already been present for over 40 years.
2. **These special circumstances are not the result of the actions of the applicant.**  
These special circumstances predate the current owner/applicant and are not a result of their actions in any way.
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 properties within the same area and under the same zoning have similar measurements and dimensions. If any neighbor were to plat, they would also require a variance. Denying this applicant their lot width would deprive the applicant of rights commonly enjoyed by other land within the same zoning district.
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 depriving the property of development and result in remaining vacant.
5. **Granting the variance will not adversely affect adjacent land in a material way.**  
Granting this variance will not adversely affect the area. As previously mentioned, all other neighbor’s lots have similar widths and would be unaffected by the approval of a variance which only codifies what has already been present.
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 Variations:**

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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.*

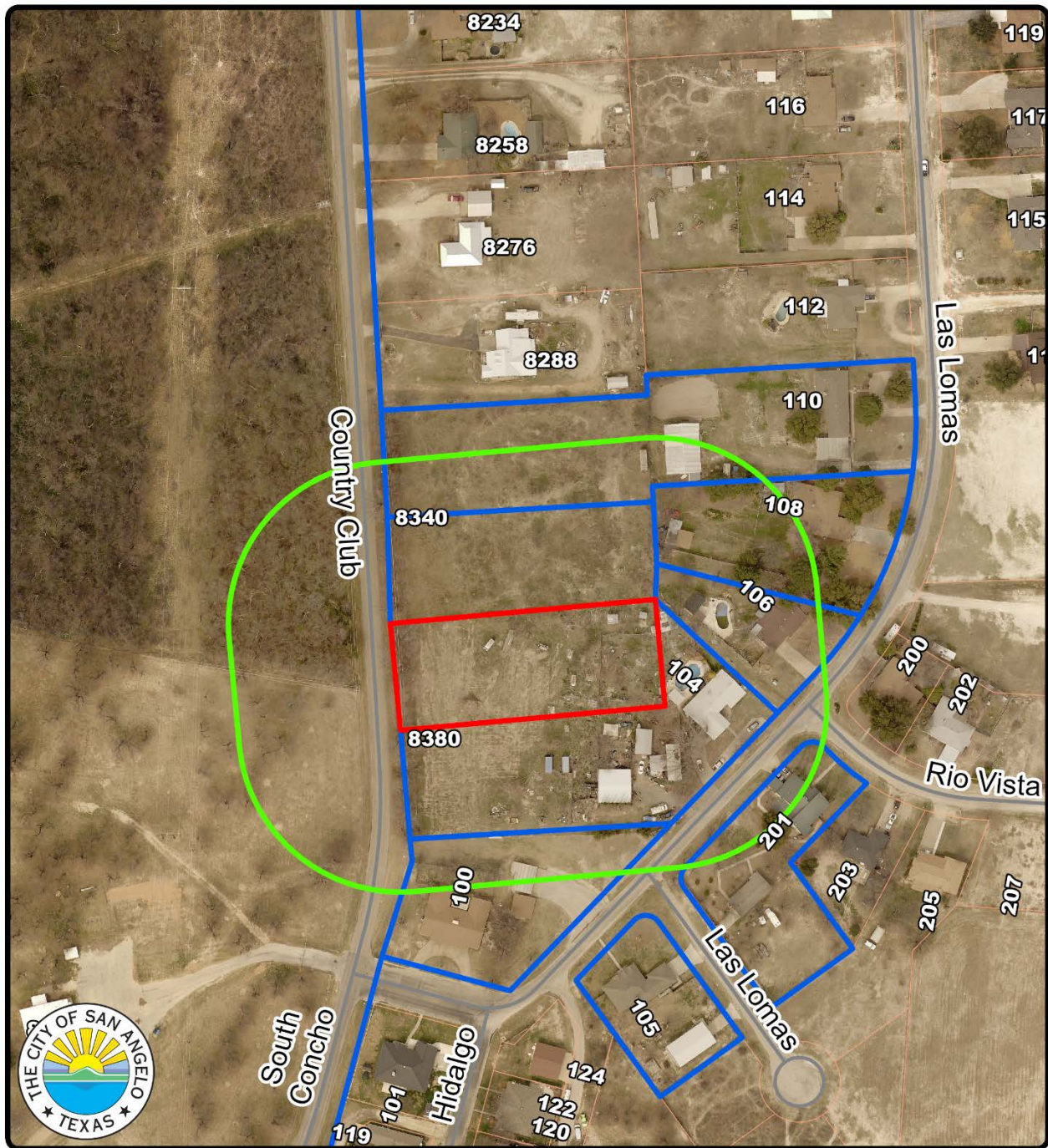
**Recommendation:**

Staff recommends APPROVAL of a variance from Section 501.A for a 132.49-foot-wide lot in lieu of the required 150 feet for a Ranch & Estate lot.

**Attachments:**

Notification Map  
Zoning Map  
Plat

### Notification Map




**200' Notification Map**  
**ZBA24-33: 8360 S Country Club Rd**

Council District: #1 Tommy Hiebert  
Neighborhood: Nasworthy

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

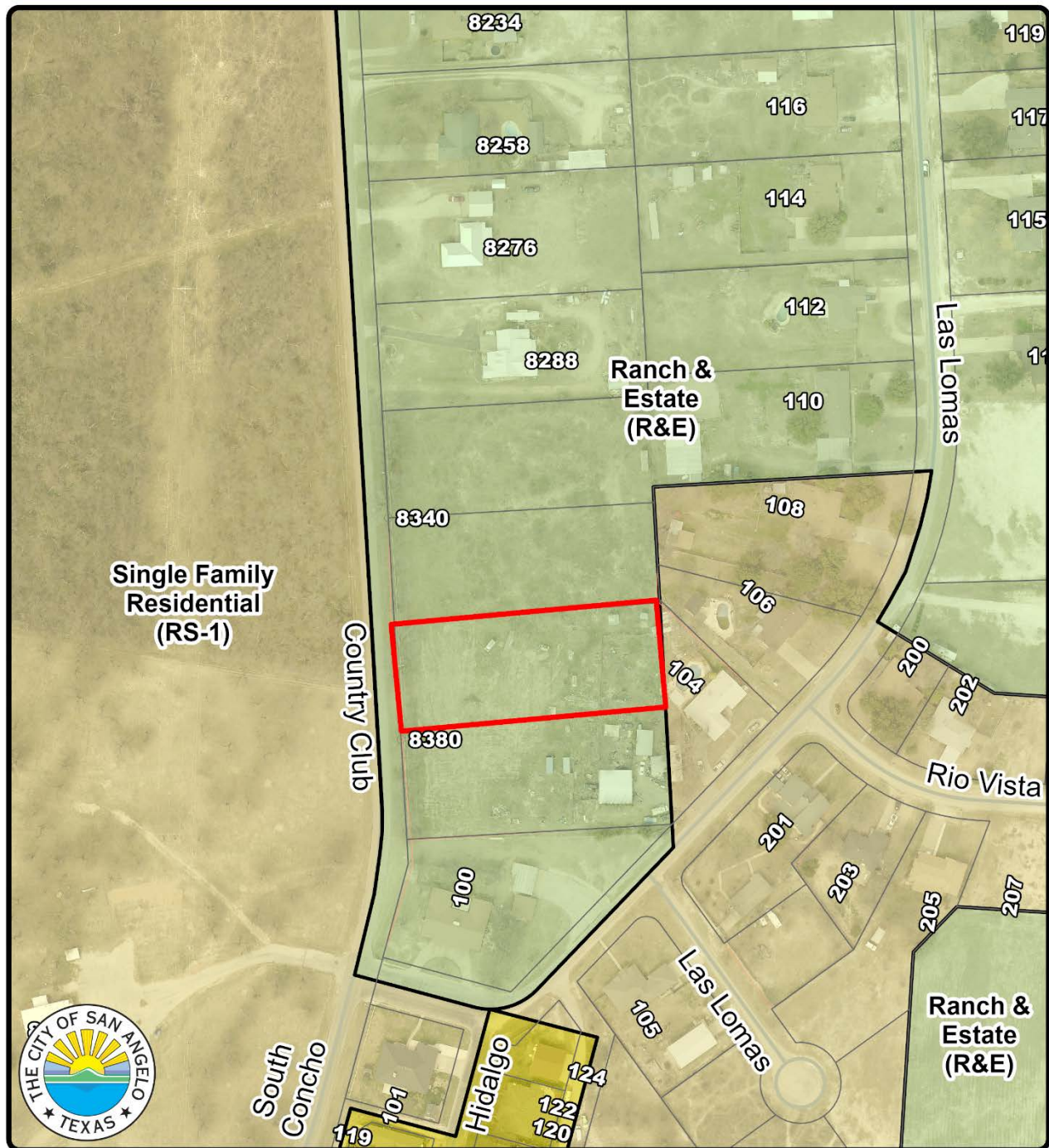
Subject Property: 

200' Range: 


Notified Properties: 



**Aerial Map**



**Zoning Map**  
**ZBA24-33: 8360 S Country Club Rd**  
Council District: #1 Tommy Hiebert  
Neighborhood: Nasworthy

Subject Property: 

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

