

**ZONING BOARD OF ADJUSTMENT – November 4, 2024
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Variance		ZBA24-34: 2459 Nasworthy Drive	
SYNOPSIS:			
<p>A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 2-foot side yard setback in lieu of the required 5 feet for carport on Nasworthy Drive in an RS-1 zoning district.</p>			
LOCATION:		LEGAL DESCRIPTION:	
2459 Nasworthy Drive		Acres: 0.403, Lot: 7, Blk: 9, Subd: BRYANT PARK ADDITION	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
District #5 – Karen Hesse Smith Neighborhood – ASU - College Hills		Single-Family Residential (RS-1)	Neighborhood
		SIZE:	
			0.403 acres
NOTIFICATIONS:			
<p>25 notifications were mailed within 200-foot radius on October 18th, 2024. Received 1 in support and 0 opposed.</p>			
STAFF RECOMMENDATION:			
<p>Staff recommends DENIAL of a variance from Section 501.A for a 2-foot side yard setback in lieu of the required 5 feet.</p>			
PROPERTY OWNER/PETITIONER:			
Applicant: Bryan N. Angle			
STAFF CONTACT:			
Austin Reed Planner (325) 657-4210, Extension 1550 austin.reed@cosatx.us			

Additional Information:

The applicant for this request is looking to construct a carport on their driveway along the side of their home which will encroach into the minimum required side setbacks. This location is not within the Open Structure Overlay, but this is insignificant as the carport is set back further than the front of the home. The carport is planned to be 24 feet wide by 36 feet long.

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.
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 of the other homes abide by side 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 healthy setback distance between two neighboring lots
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 apply:

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.*

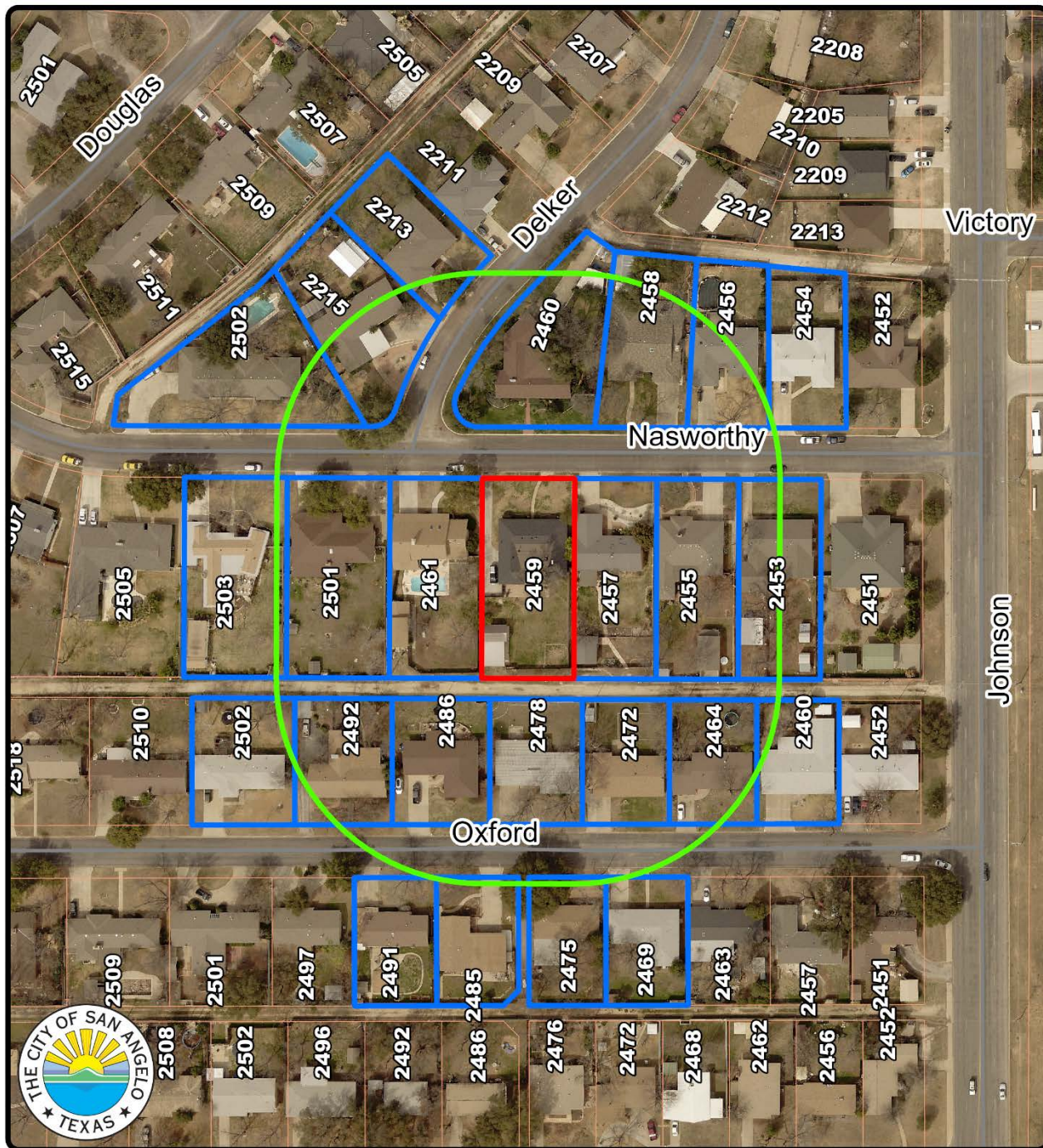
Recommendation:

Staff recommend DENIAL of a variance from Section 501.A for a 2-foot side yard setback in lieu of the required 5 feet.

Attachments:

Notification Map
Aerial Map
Site Photo
Site Plan

Notification Map



200' Notification Map
ZBA24-34: 2459 Nasworthy Dr.

Council District: #5 Karen Hesse Smith
 Neighborhood: ASU - College Hills

Scale: 0 0.01 0.01 0.03 0.04 0.06 Miles

200' Range: —

Subject Property: —

Notified Properties: —





Aerial Map



Aerial Map
ZBA24-34: 2459 Nasworthy Dr.
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: 



Site Photo



Site Plan

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0 15 30 FEET 60 GRAPHIC SCALE 120

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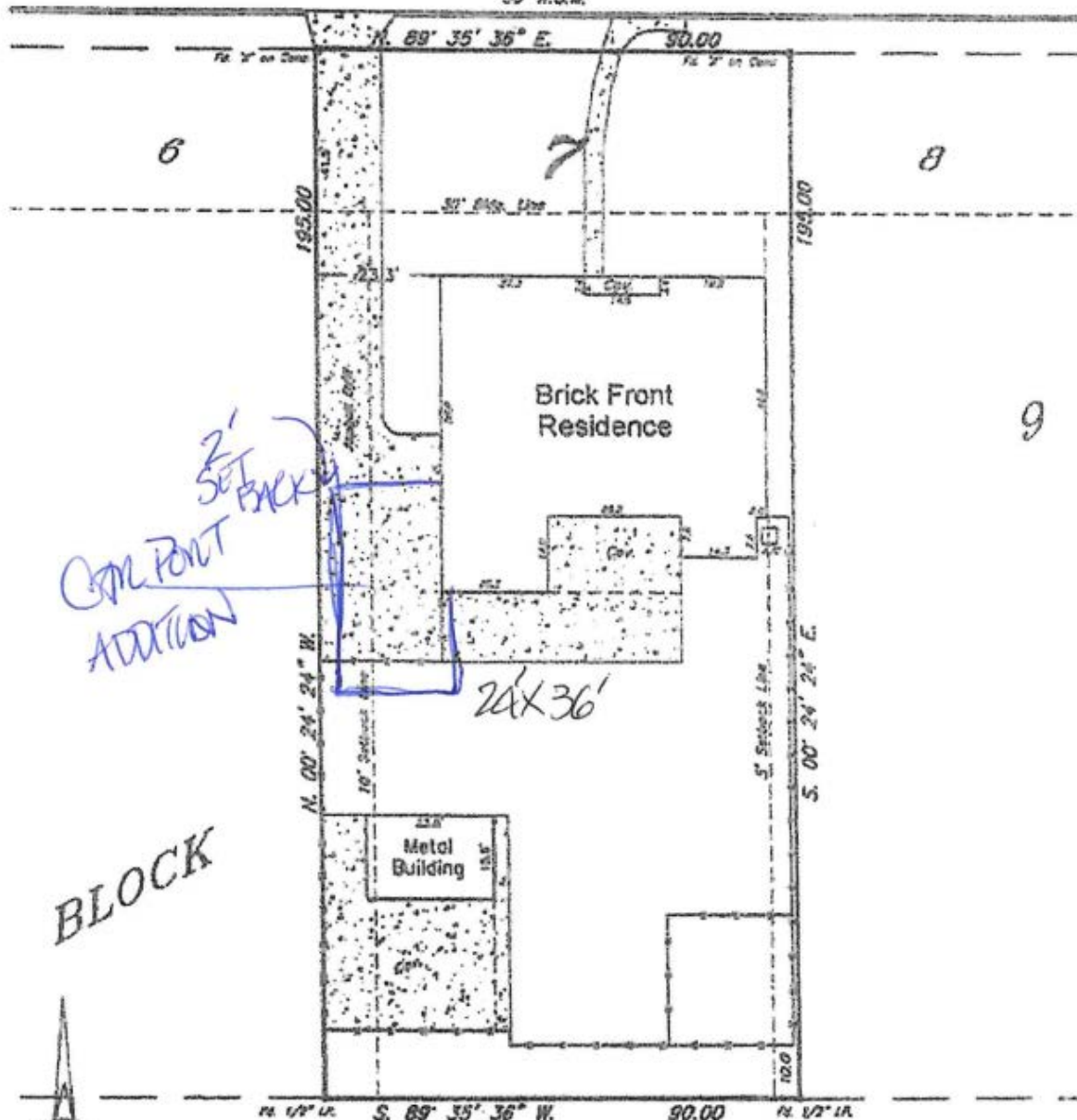
SKG

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 104 SOUTH ALE STREET PHONE: 254.268.7303
 SAN ANGELO TEXAS 76901 FAX: 254.857.8188
 PRB#40, 1212402
 www.skg.com

NASWORTHY DRIVE

50' R.O.W.



BLOCK



SCALE: 1" = 30'

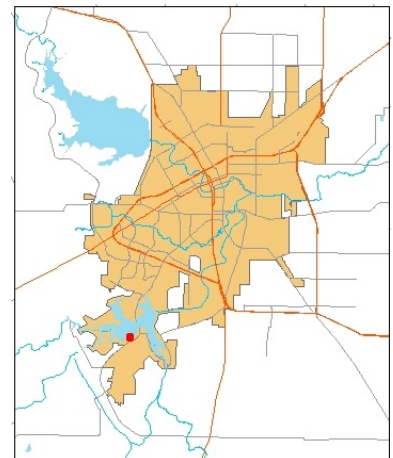
BEARINGS ARE BASED UPON THE PLAT OF RECORD.

Handwritten signature: Dan Kennedy

**ZONING BOARD OF ADJUSTMENT – November 4th 2024
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance		ZBA24-35: 2250 Joy Rd	
SYNOPSIS:			
The applicant has submitted a variance requesting 14' setback instead of the required RS-1 standard of 25' front yard setback located at 2250 Joy Rd for the construction of a new RV Storage area.			
LOCATION:		LEGAL DESCRIPTION:	
2250 Joy Road		Lot 4, Block: 1, Lake Nasworthy, Group 16	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood		RS-1	N- Neighborhood
			SIZE:
			0.33 acres
THOROUGHFARE PLAN:			
<i>Joy Road</i> – Urban Local Street 50' right-of-way required (80' Provided), 40' pavement or 36' feet with a 4' sidewalk(22' Provided)			
NOTIFICATIONS:			
11 notifications were mailed within a 200-foot radius on October 15, 2024 . Three received in support			
STAFF RECOMMENDATION:			
Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to DENY a variance from Section 501.A of the Zoning Ordinance to allow for a 14' setback instead of the required RS-1 standard of 25' front yard setback located at 2250 Joy Rd.			
PROPERTY OWNER/PETITIONER:			
<i>Erica Wilde – Wilde Engineering</i>			
STAFF CONTACT:			
Aaron Vannoy Director Planning and Development Services (325) 657-4210, Ext 1542 Aaron.vannoy@cosatx.us			



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.*

The applicant indicated a special circumstance that most homes in the area do not meet the current setback regulations as they were built before being annexed into the city. The adjacent property and their property has structures currently within the 25' setback.

While this is a true statement it does not present a hardship to the property owner to choose one of the following:

- a. Move the new structure to the 25' setback line – site plan shows there is over approximately 15' remaining to the paved area for parking.
 - b. Choos a different location on the property. Being a lake property and seeing the property has a large parking area it appears based on the site plan give and scale included there are other areas available to meet the required standards
 - c. RV Storage is available in our community while that does have a cost to it; that is not a hardship in the case to recommend for a variance to the zoning ordinance.
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.*
 - a. There is no overriding public interest for this site to have a non-conforming RV storage on the front of the property.
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.*
 - a. The enforcement of this section 501.A of the zoning ordinance is standard in all new construction cases and is not extraordinary in this case.

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.**

The applicant believes a special circumstance exists since the lot is extremely long and narrow and houses in the neighborhood do not sit straight on the lots. As well as other lots have pre-2000's-built storages within the 25' setback.

The Planning Division does not believe that this situation meets the test for a special circumstance. There are other options for a new construction or offsite locations for RV Storage.

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

The original house and carport structures were built in 1967 and the current owner purchased the property in 2014. Planning staff believes the current circumstances are the direct result of constructing a new RV Storage on the property with is desired by 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.**

Planning staff believes that allowing new construction as a non-conforming structure would allow the applicant the more rights as other property owners in the same zoning district. We do not see an undue hardship in this case for new construction within the 25' front yard setback.

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.**

Planning staff does not believe this action necessary to make possible the use of the land or other opportunities for RV Storage.

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

The zoning ordinance seeks to maintain an orderly pattern of development so the intent would not be met if the variance was granted. Allowing the variance sets a potential precedent which may impact the adjacent land in a material way.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Planning staff believes granting the variance will not meet the intent of the zoning ordinance as its intent is to create a safe and consistently built environment with adequate setbacks from property lines for all structures.

Recommendation:

Staff's recommendation is for the Zoning Board of Adjustment (ZBA) to **DENY** a variance from Section 501.A of the Zoning Ordinance to allow for a 14' setback instead of the required RS-1 standard of 25' front yard setback located at 2250 Joy Rd.

Attachments:

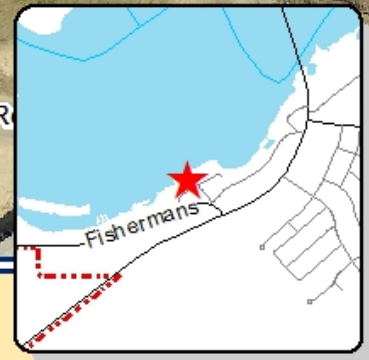
Aerial Map
Future Land Use Map
Zoning Map
Site Plan
Notification Map



ZBA19-02: Lancaster
2250 Joy Road

Council District: SMD #1 - Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 100 ft

Legend
Subject Properties:
Current Zoning: **RS-1**
Requested Zoning Change: **N/A**
Vision: **Neighborhood**





ZBA19-02: Lancaster

2250 Joy Road

Council District: SMD #1 - Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 100 ft

Legend

- Subject Properties: —
- Current Zoning: RS-1
- Requested Zoning Change: N/A
- Vision: Neighborhood





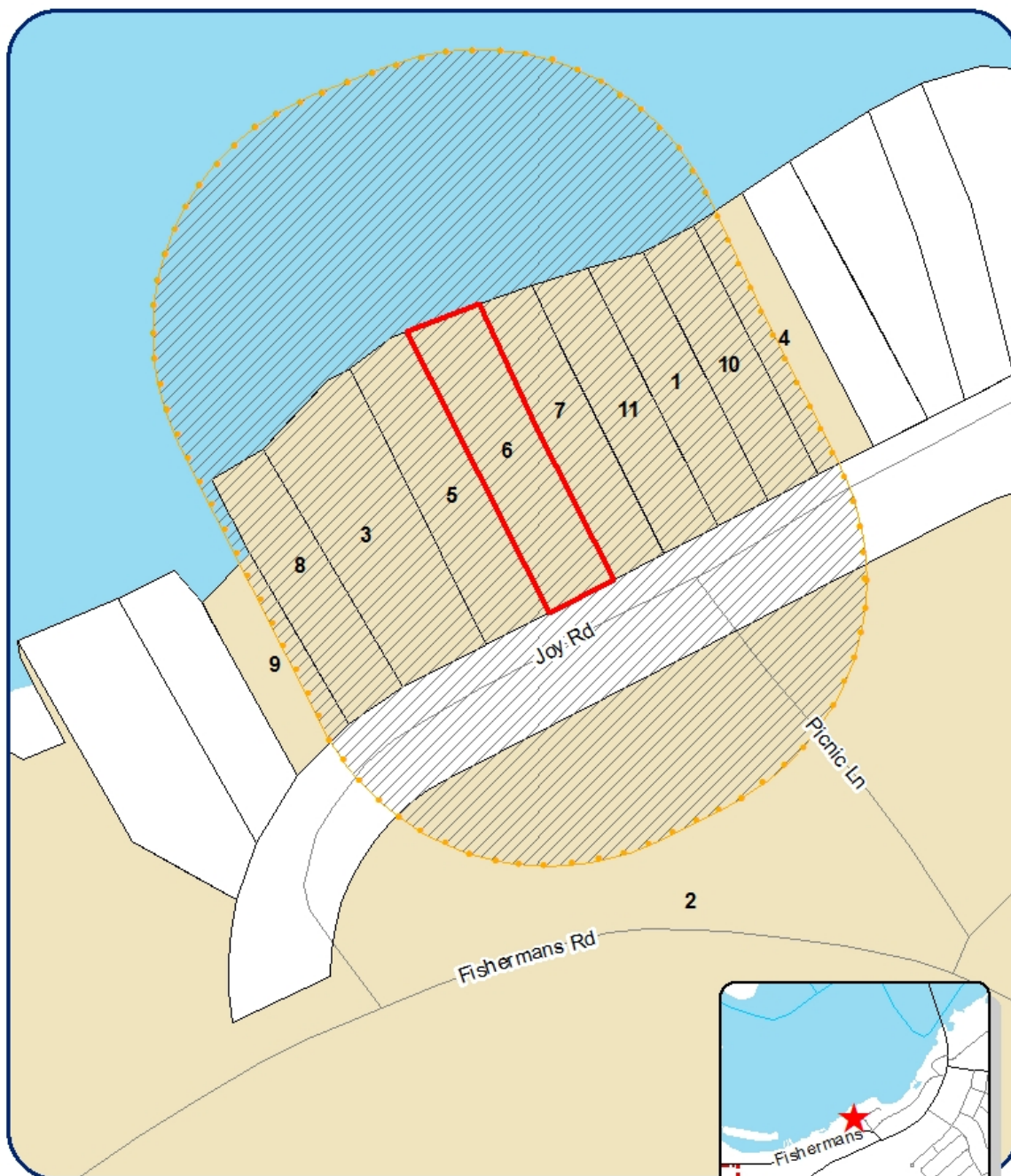
ZBA19-02: Lancaster
2250 Joy Road

Council District: SMD #1 - Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 100 ft

Legend

Subject Properties:
Current Zoning: **RS-1**
Requested Zoning Change: **N/A**
Vision: **Neighborhood**



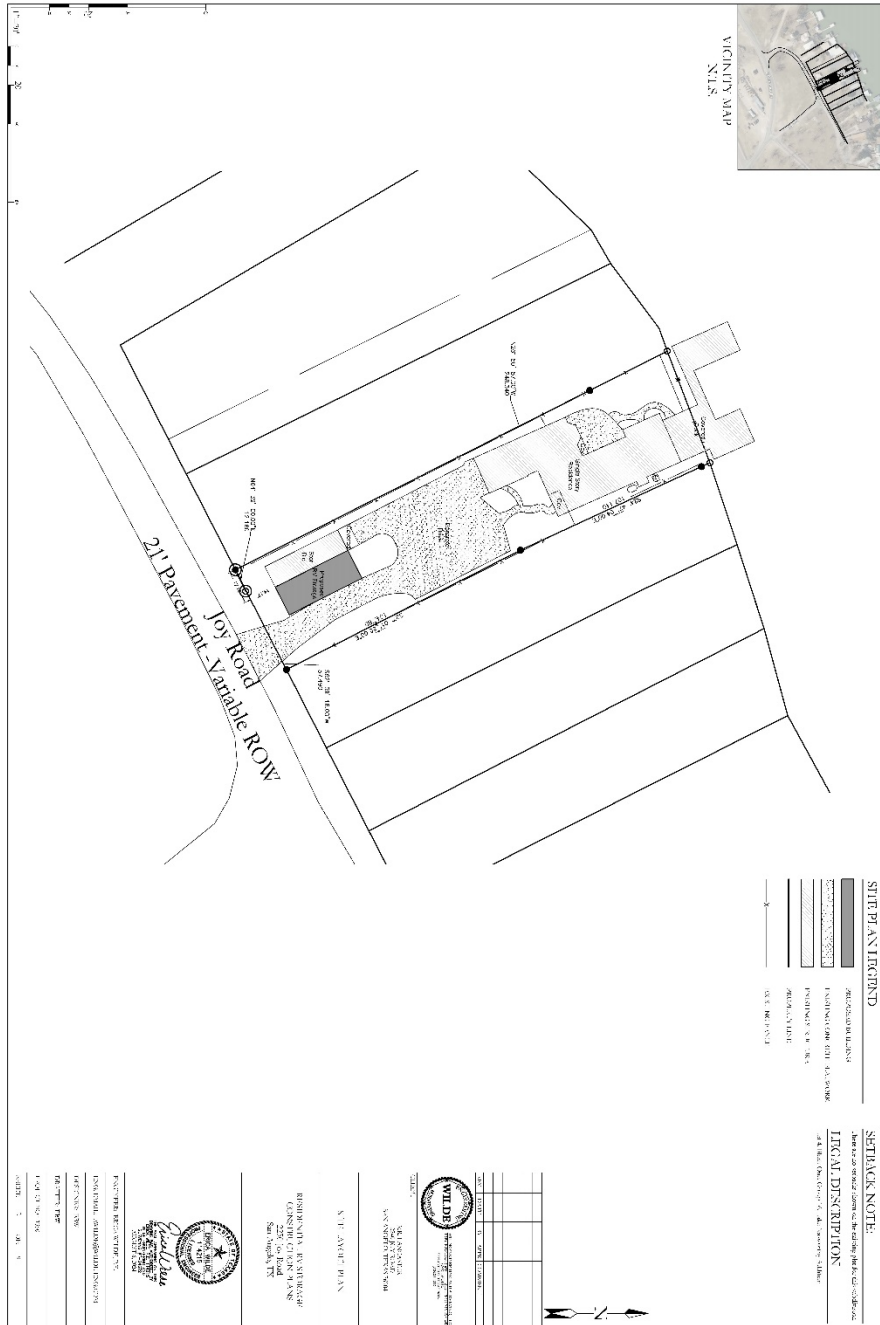


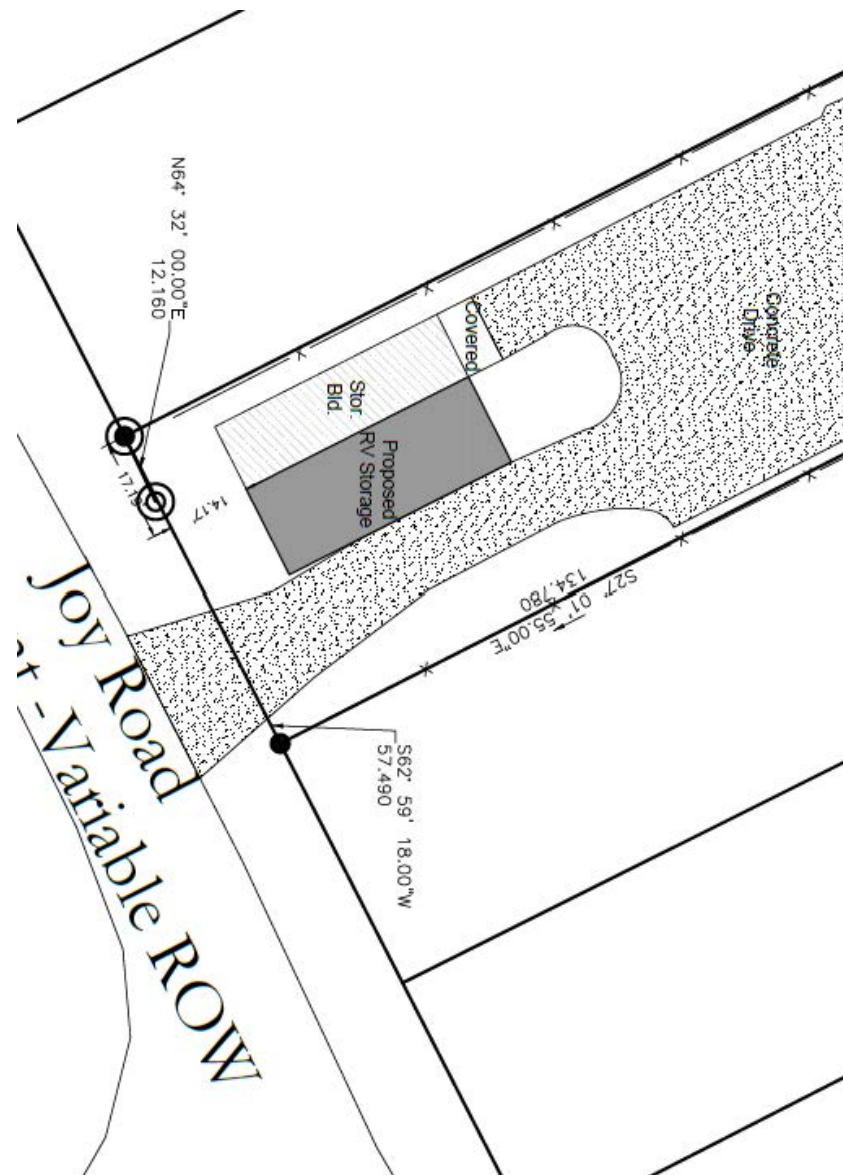
ZBA19-02: Lancaster
2250 Joy Road
Council District: SMD #1 - Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 100 ft

Legend
Subject Properties:
Current Zoning: RS-1
Requested Zoning Change: N/A
Vision: Neighborhood



Site Plan





**ZONING BOARD OF ADJUSTMENT – August 5, 2024
STAFF REPORT**



APPLICATION TYPE:		CASE:	
Variance		ZBA24-36: 3618 Silver Spur Dr	
SYNOPSIS:			
<p>The applicant has applied for a variance on a double frontage lot for a front yard setback of 10’ instead of required 25’ along Canyon Rim Dr for Lot 27, Block 83 on Enclave at Twin Oaks Addition located at 3618 Silver Spur Dr.</p>			
LOCATION:		LEGAL DESCRIPTION:	
3618 Silver Spur Dr		Acres: 0.332, Lot: 27, Blk: 83, Subd: ENCLAVE AT TWIN OAKS ADD, SEC 1	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #6 – Larry Miller Bonham Neighborhood	Single-Family Residential (RS-1)	Neighborhood	0.332 acres
NOTIFICATIONS:			
<p>26 notifications mailed within 200-foot radius on October 18, 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 on a double frontage lot, a front yard setback of 10’ instead of required 25’ along Canyon Rim Dr. for Lot 27, Block 83 on Enclave at Twin Oaks Addition located at 3618 Silver Spur Dr.</p>			
PROPERTY OWNER/PETITIONER:			
Applicant: Wilde Engineering and Surveying, LLC			
STAFF CONTACT:			
Rae Lineberry Sr Planner (325) 657-4210, Extension 1533 rae.lineberry@cosatx.us			

Additional information: The lot is vacant and is considered a double frontage. The lot is an odd shape and while the area is larger than a typical rectangular shaped lot, the double frontage limits the layout options for a house to be built on this lot.

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 shape of the lot and location defines it as a double frontage. A double frontage requires 25’ setback on both sides of the lot along Silver Spur and Canyon Rim.
2. **These special circumstances are not the result of the actions of the applicant.** This lot is vacant and is an irregular shape limiting the layout options of the house.
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.** Requiring a 25’ setback along both sides would cause an 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.** Granting the variance is the minimum action that would allow this lot to be buildable.
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.” Allowing a similar house that matches the existing ones in the area will keep with the pattern of development.

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.*

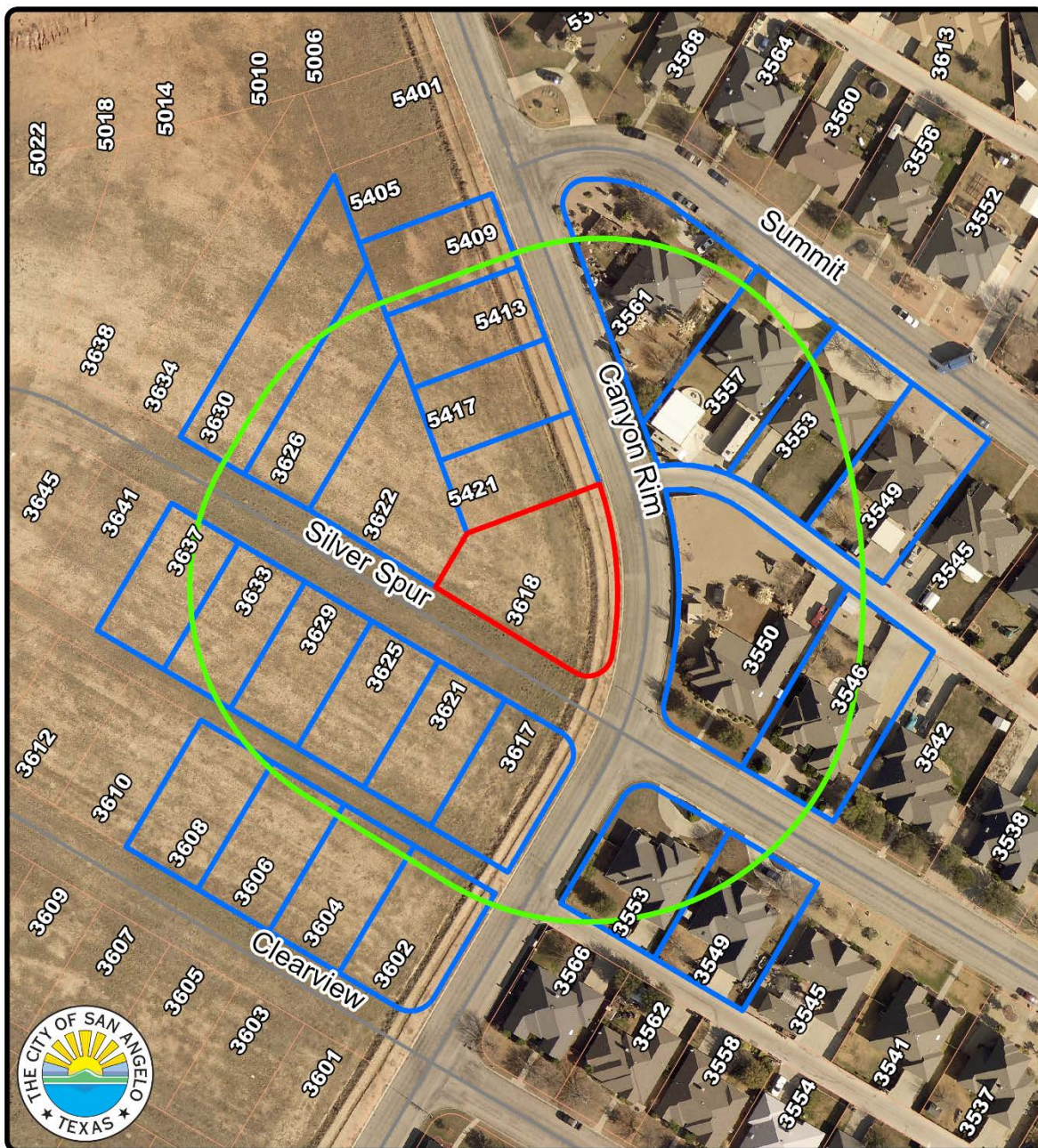
Recommendation:

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 on a double frontage lot, a front yard setback of 10' instead of required 25' along Canyon Rim Dr. for Lot 27, Block 83 on Enclave at Twin Oaks Addition located at 3618 Silver Spur Dr.

Attachments:

Notification Map
Aerial Map

Notification Map



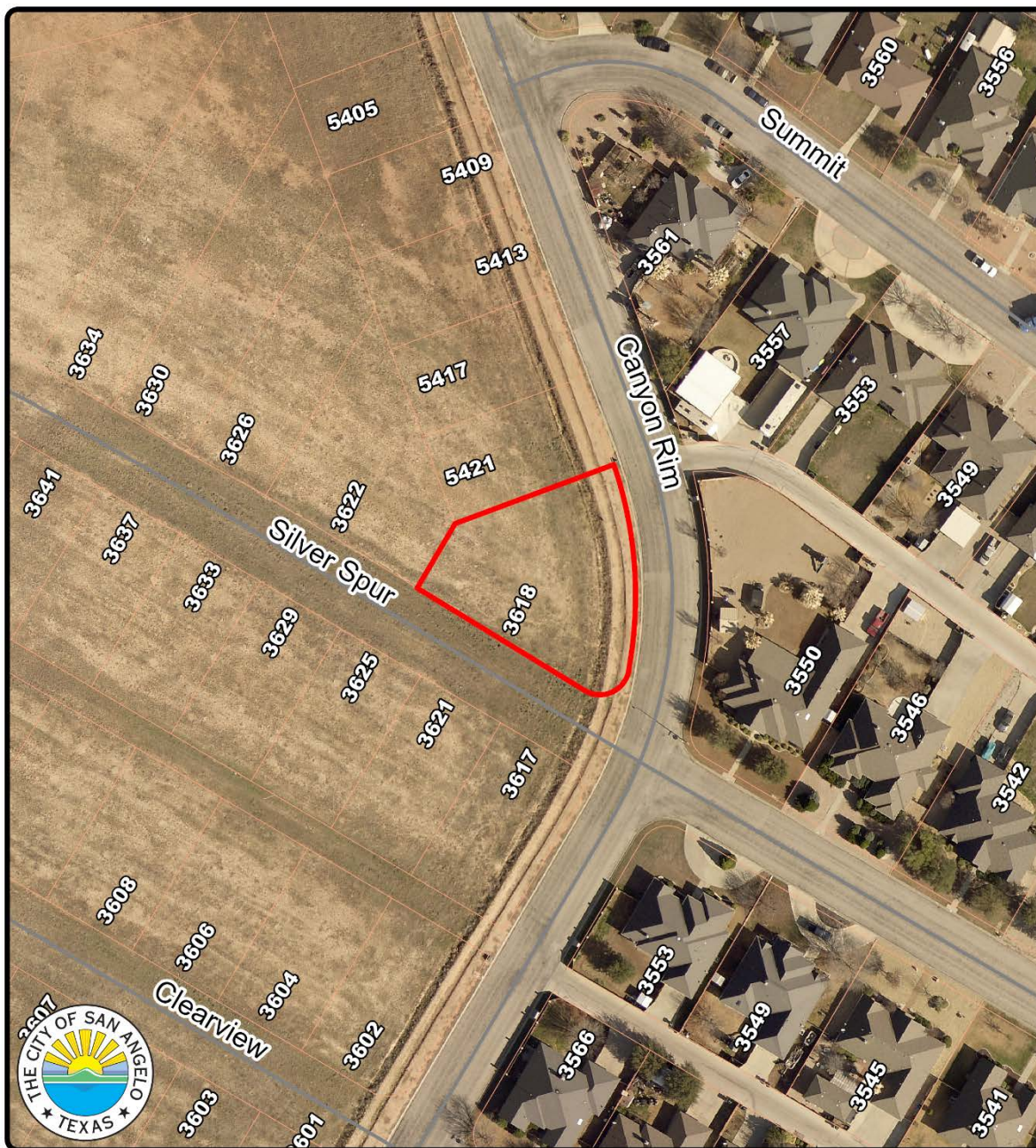
200' Notification Map
ZBA24-35: 3618 Silver Spur Dr.
Council District: #6 Larry Miller
Neighborhood: Bonham

Scale: 0 0.01 0.02 0.03 0.04 Miles

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

N

Aerial Map



Aerial Map
ZBA24-35: 3618 Silver Spur Dr.

Council District: #6 Larry Miller
Neighborhood: Bonham

Subject Property: 

Scale:  Miles

