

**BEFORE THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF SAN ANGELO**

PROPERTY:

A 5.510-acre tract more or less occupying the J. Ebert Survey 680, Abstract 0172 and L. Vogel Survey 681 (#39 Orient Branch – City and SAISD), in San Angelo, Texas

ZONING BOARD OF ADJUSTMENT DECISION

On the 2nd day of February, 2015 came on to be heard the appeal by Jesse Martinez, et al alleging error in the written determination of the City of San Angelo Planning Director, Patrick Howard, dated October 10, 2014. The alleged error is the determination that the proposed silica frac sand transloading operation of Southwest Orient Properties, LLC is permitted in the Light Manufacturing (ML) Zoning District under the Zoning Ordinance of the City of San Angelo. The location of the proposed operation includes a 5.510 acre tract of land, more or less, out of J. Ebert Survey 680, Abstract 0172 and L. Vogel Survey 681 (#39 Orient Branch- City and SAISD) in San Angelo, Tom Green County, Texas, owned Southwest Orient Properties, LLC.

Appellant H.R. Wardlaw III appeared in person, and Appellee Southwest Orient Properties, LLC appeared through its Manager, Addison Lee Pfluger, and through its attorneys, Samuel S. Allen and Mindy Ward.

Appellants Jesse Martinez, Mark Thieman, Chris Cornell, and Dennis Grafa appeared by and through their attorney of record, Guy D. Choate, and announced their withdrawal from this appeal.

The Zoning Board of Adjustment having heard the evidence and arguments of the Parties and Counsel is of the opinion and finds (by 5 to 0, unanimous vote) that the zoning determination of Planning Director, Patrick Howard, set forth above should be reversed as hereinafter set out.

The Zoning Board of Adjustment in the exercise of its appellate authority pursuant to Local Government Code Section 211.010 (d), City Code Section 2.07.062, et. seq. and Zoning Ordinance Section 214 hereby reverses the written decision of the City of San Angelo Planning Director, dated October 10, 2014, insofar as it relates to the transloading and storage of silica frac sand on the above described 5.510 acre tract for the reason that the proposed silica frac sand operations are not permitted in the Light Manufacturing (ML) Zoning District of the City of San Angelo, Texas. This ruling does not modify any other portion of the decision of the Planning Director, including the determination that the subject property is zoned “Light Manufacturing (ML) District” and that the transloading and storage of products used in the oil and gas industry **other than frac sand** is a permitted use.

Signed this _____ day of April, 2015

Chairman of Zoning Board of Adjustment

Approved as to form:

H.R. Wardlaw III
Appellant

Samuel S. Allen
Counsel for Appellee