

**MINUTE RECORD OF THE CITY OF THE SAN ANGELO ZONING BOARD OF ADJUSTMENT MEETING HELD ON MONDAY, OCTOBER 5, 2015, AT 1:30 PM, AT THE KENNETH MCNEASE CONVENTION CENTER**

**PRESENT:** David Nowlin (Chair), Louis Rork (Vice-Chairman), Debbie Cunningham, Jim Turner, Haydn John, Rick Cortijo

**ABSENT:** Fredd Adams (AE)

**STAFF:** Jon James, AICP, Director of Planning and Development Services  
Rebeca A. Guerra, AICP, Planning Manager  
Jeff Fisher, Planner

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

The meeting was called to order at 1:30 pm. A quorum was established with six (6) members present.

**II. Review and take any action related to minute record of the regular meeting held on Monday, July 6, 2015.**

Mr. Nowlin asked if the Board had an opportunity to review the draft minutes from the July 6, 2015, meeting.

A motion was made by Board Member Turner and seconded by Board Member Nowlin to approve the minutes. The Motion passed unanimously, 6-0.

Planner Jeff Fisher introduced Mr. Jon James, AICP, the new Director of Planning and Development for the City of San Angelo.

**III. ZBA15-12: Richard Garza SMD#3 - Johnny Silvas**

A Variance from Section 502.B of the Zoning Ordinance to allow for a 10-foot front yard setback in lieu of 25 feet for the extension of an existing canopy on the following the property:

1501, 1505, and 1509 Pulliam Street; generally located at the immediate southeast corner of North Archer Street and Pulliam Street; more specifically occupying the Fairview Addition, Block 31, Lots 5, 6, and 7.

Planner Jeff Fisher outlined the case. The properties total 0.644 acres and are located at the southeast corner of North Archer Street and Pulliam Street. They are zoned General Commercial/Heavy Commercial (CG/CH). The applicant is proposing to extend the existing canopy for the tire service and repair facility by an additional 5 feet into the front yard, leaving a front yard setback of only 10 feet where the Zoning

Ordinance requires a 25-foot setback in the front yard. Mr. Fisher indicated the canopy appeared to have existed since the 1950s when the original building was built.

Mr. Fisher explained that the applicant wishes to extend the canopy to allow vehicles to be able to enter and exit the site straight in, whereas now the vehicles, which include large trucks, are forced to use the canopy at the east end of the property and reverse back onto Pulliam Street which can be very dangerous. He also explained that the canopy would also be raised 2 feet to accommodate larger vehicles, for a total height of 14 feet and 2 inches. He outlined Staff's recommendations to approve the Variance, which included the special circumstance is that the structure was already built in the 1950s, the applicant did not built the original canopy, an unnecessary hardship would arise as trucks would continue to have to reverse onto Pulliam Street, a 4-lane street, allowing the additional 5 feet into the front yard would be the minimum action needed and would not adversely impact adjacent land, and, the variance would be consistent with the Ordinance and trucks could exit the site without having to reverse. Mr. Fisher explained trucks would enter from Pulliam and be able to exit straight onto Archer Street and then make a left back onto Pulliam Street, and that all these maneuvers would be straight-in and straight-out. He stated there were other properties along Pulliam Street with reduced front yard setbacks, including Young's Auto Body at 1419 Pulliam which has a 0-foot setback.

Board Member Rork asked if Mr. Fisher could read into the record the two Conditions of Approval being proposed. Mr. Fisher then read the two Conditions of Approval as outlined in the Staff Report for the Board Members.

Mr. Rork asked if the approval of the reduced setback was only for the canopy. Rebeca Guerra, Planning Manager, stated this was correct, the variance is only for the reduced canopy setback.

The applicant Mr. Garza stated he accepts the conditions requested by Planning Staff.

A motion was made by Board Member Turner and seconded by Board Member Rork to approve the Variance with the two Conditions of Approval as outlined in the Staff Report. The Motion passed unanimously, 6-0.

#### **IV. ZBA15-16: City of San Angelo**

**SMD#2 - Marty Self**

A Variance from Section 511.C.7 of the Zoning Ordinance to allow for zero (0) off-street parking spaces in lieu of two (2) spaces and a Variance from Section 511.F.8 of the Zoning Ordinance to allow for an all-weather surface for a driveway approach from a public street in lieu of a paved connection for a Telecommunications Facility on the following property:

An unaddressed tract; generally located south of Meadow Drive, along Lake View Heroes Drive; specifically being 8.5 acres in the T.H. Dawson Survey #9.

Planning Manager Rebeca Guerra outlined the case. The request is for two variances, to allow zero (0) off-street parking spaces instead of two (2) parking spaces and to allow for an all-weather driveway approach. She explained the purpose of the variances are to allow the City of San Angelo to erect a 170-foot telecommunication tower on City property. Mr. Guerra provided a Site Plan which shows the tower and explained the tower received a Conditional Use approval from the Planning Commission.

Ms. Guerra outlined Staff's reasons for recommending approval which included that the site is pre-existing for overflow parking and that when the site is developed in the future, that the City would pave it at that time. She also indicated that the site would comply with all other aspects of the Zoning Ordinance, which includes acting in the public's best interest.

Board Member Rork asked if access was available for emergency equipment to the property. Ms. Guerra explained this is possible and that the City already uses the site for maintenance purposes.

Bucky Hasty, Network Administrator for the City of San Angelo, explained that the tower was for the radio system for public safety for the City, including the Police and Fire Departments.

Board Member John asked if there would be any fencing around the tower. Ms. Guerra indicated that fencing would be provided.

Board Member Rork asked where the fence would be located. Mr. Hasty said a 60-foot by 60-foot barb wire and chain link fence would be erected around the self-supporting tower without guide wires.

A motion was made by Board Member Turner and seconded by Board Member Rork to approve the Variance with the one Condition of Approval as outlined in the Staff Report. The Motion passed unanimously, 6-0.

**V. ZBA15-17: Collin Henry**

**SMD#4 - Lucy Gonzales**

A Variance from Section 509.B.3.a. of the Zoning Ordinance to allow for a 6-foot high privacy fence in lieu of 4 feet in a required front yard on the following property:

517 and 519 West 19<sup>th</sup> Street and an unaddressed tract; generally located approximately 315 feet west of the intersection of North Bryant Boulevard and West 19<sup>th</sup> Street; specifically occupying the Leon Heights Addition, Block 1, Lots 9 and 10 less the north part, and Lot 11.

Planner Jeff Fisher outlined the case. The properties total 0.65 acres and are located at the southeast corner of Hudson Street and West 19<sup>th</sup> Street. They are zoned Neighborhood Commercial (CN). The applicant was required by their Special Use approval for an expansion of their auto repair facility to erect a 6-foot high fence

abutting West 19<sup>th</sup> Street. West 19<sup>th</sup> Street is deemed a front yard and requires a Variance because the Zoning Ordinance only allows a 4-foot high fence in a front yard.

Board Member Rork asked if this would be a privacy fence. Mr. Fisher indicated he was correct and that this would be a privacy fence.

Mr. Fisher outlined the reasons for Planning Staff's recommendation of approval. The reasons included the special circumstance that City Council approved a Special Use which requiring the fence as a condition of approval and that this was not the result of the applicant, that a 6-foot fence would provide a screening buffer from the residential homes which are located on the north side of West 19<sup>th</sup> Street, and that this was the minimum action required, an additional two feet of height.

Mr. Fisher outlined the two Conditions of Approval as shown in the Staff Report for the Board Members.

Board Member Nowlin asked if the fence was more for the neighbors' privacy then for the applicant. Mr. Fisher reiterated that the fence requirement was a Condition of Approval of the associated Special Use and was not requested by the applicant.

Collin Henry, Counsel for the applicant indicated he would be available to answer any questions on behalf of the applicant who was not in attendance today.

A motion was made by Board Member Rork and seconded by Board Member Cortijo to approve the Variance with the two Conditions of Approval as outlined in the Staff Report. The Motion passed unanimously, 6-0.

**VI. ZBA15-18: Jock and Debra Stewart**

**SMD#2 - Marty Self**

A Variance from Section 309C.5.b.(1) of the Zoning Ordinance to allow for an attached carport in the Open Structure Overlay Zone to have a flat roofline in lieu of a gabled roofline on the following property:

208 East 37<sup>th</sup> Street; generally located north of East 37<sup>th</sup> Street between Goliad Street and Alamo Street; specifically occupying the Lakeview Addition, Block 78, Lots 9 and 10, and the west 26 feet of Lot 11.

Planning Manager Rebeca Guerra outlined the case. She explained that the property is located within the Open Structure Overlay Zone (OS) which allows a carport to encroach into the front yard setback if it meets certain criteria, such as having the same roofline, and built of quality material to match the materials of the principal structure. In this case, she indicated the proposed carport would be a flat roof instead of a gabled roof which is the roof style of the house. Ms. Guerra explained that Planning Staff believes a flat roof would be more appropriate than a gabled roof, in this case, because the gabled roof of the house sloped in an opposite direction of a gabled roof for the proposed carport.

Ms. Guerra outlined Planning Staff's recommendation to approve the Variance with the one Condition of Approval in the Staff Report, for reasons which included that a gabled roof would not provide an effective transition, that the already house was built in 1959 before the Open Structure Overlay Zone (OS), and that there are other carports in the area have flat roofs.

Board Member Rork asked what the roofing material was on the residence. Ms. Guerra indicated the roof will be made of metal, consistent with the materials of the house. The applicants, Ms. Debra Stewart and Mr. Jock Stewart, concurred and explained that the carport roof would be made entirely out of metal.

Board Member Rork asked the Stewarts how rainwater would be drained from the carport roof. Mr. Jock Stewart indicated they would install rain gutters and water would be pumped off into their side yard and then onto the road.

Board Member Cunningham conveyed her support on the design of the carport and the fact that rain gutters would be installed.

A motion was made by Board Member John and seconded by Board Member Turner to approve the Variance with the one Condition of Approval as outlined in the Staff Report. The Motion passed unanimously, 6-0.

**VII. Confirmation of availability and discussion of possible topics for a joint meeting between the Zoning Board of Adjustment and City Council at 12:00pm on Tuesday, October 20, 2015 at the McNease Convention Center, in Council Chambers (South Meeting Room).**

Jon James, Director of Planning and Development Services, stated that the joint meeting between City Council and the Zoning Board of Adjustment (ZBA) would be at 12 O'clock noon during the lunch break of the City Council Meeting on October 20, 2015.

Mr. James explained the purpose of the meeting was to allow ZBA members the opportunity to raise any concerns they may have on the types of variances being granted, and whether or not they may wish to recommend changes to the Zoning Ordinance.

Ms. Guerra indicated if Board Members did not have any topics yet, that they could still send them to Planning Staff by email prior to the meeting.

Mr. Nowlin asked if Council had any specific discussion items for the Board to review.

Ms. Guerra indicated Planning Staff would coordinate with Council later in the week to find out if there are any discussion topics they have prepared.

Board Member Turner indicated he would like to see that the public is given a packet so they know the topics of discussion, and also that there is open government training and continuing education for Board Members.

Ms. Guerra explained that in the last budget approval, there will be funds available for training.

Board Member Cunningham raised concerns about the infrequency of ZBA Meetings and that one application was made in May but not heard until October.

Ms. Guerra addressed Ms. Cunningham's question that there was a delay in that particular case, ZBA15-12, due to extensive research that involved Engineering Services on turning radiuses and driveway widths.

Board Member Nowlin asked the cost of a ZBA Application.

Ms. Guerra indicated the cost of a ZBA Application is \$250.00 and that if the proposed variance is up to a 10% or less adjustment, a separate process called an Administrative Adjustment would apply, which is of a substantially less cost than a variance. She explained that City Council set the application fees for all Planning Division applications.

Mr. Nowlin indicated that a possible discussion item could be a reduction in the ZBA application fee.

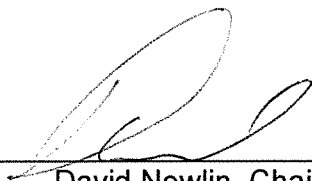
Mr. James indicated this could be an issue to be raised at the October 20th City Council Meeting.

#### **VIII. Next meeting agenda.**

Mr. Nowlin announced that the next regular meeting of the Zoning Board of Adjustment was scheduled to begin at 1:30 p.m. on Monday, November 2, 2015, in the McNease Convention Center.

#### **IX. Adjournment**

A Motion to adjourn was made by Board Member Rork, and seconded by Board Member Turner. The Motion passed unanimously, 6-0. The meeting ended at 2:36 pm.

  
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David Nowlin, Chairperson  
Zoning Board of Adjustment