

**MINUTE RECORD OF THE CITY OF SAN ANGELO ZONING BOARD OF ADJUSTMENT MEETING HELD ON WEDNESDAY, FEBRUARY 19, 2014 AT 1:30 PM, KENNETH MCNEASE CONVENTION CENTER**

**PRESENT:** Louis Rork, Jimmy Mitchell, David Nowlin, Haydn John, Lloyd Woodfin

**ABSENT:** John Rowland (UA)

**STAFF:** Kevin Boyd, Planner  
Roxanne Johnston, Planner  
Charlie Kemp, Assistant Building Official

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

The meeting was called to order at 1:34 pm with a quorum present.

**II. Review and take any action related to minute record of the scheduled regular meeting held on November 4, 2013.**

Motion to approve the minutes was made by Louis Rork, seconded by Jimmy Mitchell. Motion passed, 5-0.

**III. Consideration of requested variance from zoning regulations.**

**A. ZBA 14-01: Wade Roper.....Mitchell**

A request for approval of a 10 foot variance from Section 501.A of the Zoning Ordinance which requires a 20 foot rear yard, to allow for a 10 foot rear yard, to construct apartment units in a High Rise Multifamily Residential (RM-2) zoning district, on the following the property:

An unaddressed 15 acre tract, located approximately 170 feet southeast of the intersection of Appaloosa Trail and US Highway 67 / Sherwood Way; more specifically occupying the A Willeke Survey 002, Abstract 8211, in southwest San Angelo.

Kevin Boyd, Planner presented this case in accordance with City Ordinances and polices.

Jimmy Mitchell entered the room at 1:37 pm.

Mr. Boyd used maps and images to illustrate location of subject property and to describe the request. The subject property is located south of Appaloosa Trail, south of Sherwood Way. He explained the history of the properties and showed a proposed site plan also referencing phase 1 of the Boulevard development. This request involved a reduction to the rear yard specifically for phase 2, staff recommended approval of the variance request. Mr. Boyd further explained his rationale for recommending approval. He explained that the commercial properties located north of the property was developed on a commercially zoned

lot with a conditional use for 'Household Living', adding the request would present a seamless development for which the variance would not affect.

Mr. Rork expressed concern with the internal street widths and had questions relating the drainage for the site. Charlie Kemp explained that there were utility easements located along the northern edge of the tract, not within the yard or setback where the variance was requested.

Andre Nichols, a representative for the Boulevard, came forward to explain construction methods of the internal streets. Further, he explained that the fire lane cannot be counted as part of off-street parking. Mr. Nowlin reminded the room that the purpose of today's board was to decide on the variance and not what was already decided upon by City staff.

Jimmy Mitchell made motion to approve, John Nowlin seconded. Motion was approved unanimously, 5-0.

**B. ZBA 14-02: Ricky Lee Lara.....Nowlin**

A request for approval of a 10 foot variance from Section 501.A of the Zoning Ordinance which requires a 25 foot front yard, to allow for a 15 foot front yard – and – a related request of a 2 foot variance from the side yard, to allow for a complete variance from the side yard requirement – and – a variance from the architectural standards of Section 309.C. of the Zoning Ordinance to legitimize an existing carport in a Low Rise Multifamily Residential (RM-1) zoning district, on the following the property:

405 East Harris Avenue, located approximately 100 feet east of the intersection of East Harris Avenue and North Emerick Street; more specifically occupying the Frary Addition, Block 4, Lot 3 & the east 40 feet of Lot 2, in central San Angelo.

Kevin Boyd, Planner, presented the case consistent with plans and policies of the City. Using maps, images and a site plan, he explained that the property was located in the Open Structure Overlay Zone. The structure in question was a carport that encroached in the side setback. Staff recommends approving the side yard variance request, but recommended denying the architectural features of the non-permitted structure. Mr. Boyd explained that in allowing the architectural features to remain (that do not match the primary structure), would set precedence, weaken architectural standards and also be in-equitable for others that have had to adhere to the Ordinances in the past.

Rick Lara, owner, came forward to speak and explained that he had purchased the property in 2010, after the carport had been placed. He explained that he would like to keep the structure due to reasons for keeping elements off of the tenants of the duplex. Mr. Nowlin reminded the board that the criteria had to be met when making the decision. He explained that he had driven the area and that surrounding carports that were in the area looked similar.

Mr. Boyd explained that Mr. Lara would need to bring the carport in line with the architectural elements of the house. Ms. Kemp, in answering a question by Mr.

Mitchell as to whether or not that the carport was portable, stated that there was no difference, and that the original ordinance relating to the overlay zone was specifically put into place to keep similar situation from occurring.

Mr. Woodfin made a motion to approve the variance and that the structure be allowed to remain without the architectural feature, the motion was seconded by Mr. Mitchell. The request was unanimously approved, 5-0.

**IV. Next meeting agenda.**

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on Monday, March 3rd of 2014 in the McNease Convention Center.

**V. Adjournment.**

The request to adjourn the meeting was made by Jimmy Mitchell, seconded by Hayden John. The meeting adjourned at 2:25 pm.

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David Nowlin, Chairperson  
Zoning Board of Adjustment