

MINUTE RECORD OF THE CITY OF SAN ANGELO ZONING BOARD OF ADJUSTMENT MEETING HELD ON MONDAY, APRIL 7, 2014 AT 1:30 PM, KENNETH MCNEASE CONVENTION CENTER

PRESENT: David Nowlin, Lloyd Woodfin Jr., Louis Rork, Haydn John, Glen Carr

ABSENT: John Rowland (UA)

STAFF: Patrick Howard, Director of Development Services
Kevin Boyd, Planner
Roxanne Johnston, Planner
Jeff Fisher, Planner
Al Torres, Building Official

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

The meeting began at 1:32 pm. There is a quorum of 4 members.

II. Review and take any action related to minute record of the special meeting held on Wednesday, February 19, 2014.

Chairman David Nowlin pointed out corrections for last month's minutes. Mr. Louis Rork made a motion to approve the minutes, Glen Carr seconded that motion. Mr. Nowlin introduced Mr. Carr as the new board member.

Planner Roxanne Johnston introduced Patrick Howard, the new Director of Development Services – department head over the Planning Division. Mr. Howard introduced himself to the board.

- Mr. Lloyd Woodfin entered the room at 1:36 pm. -

Ms. Johnston introduced the new planner, Jeff Fisher, to the board.

III. Consideration of requested variance from zoning regulations.

A. ZBA 14-03: America's Component Structures, LLC.....Woodfin, Jr.

A request for approval for a 7'4" variance from Section 501.A.4 of the Zoning Ordinance in a Zero Lot Line Twinhome and Residence (RS-3) Zoning District, which requires that zero lot line and twinhome units require a minimum 10-foot rear yard setback, in order to place a carport within 2'6" from the rear property line, on the following property:

4039 Green Meadow Drive, located approximately 260 feet southeast of the intersection at Green Meadow Drive and Rimrock Circle. This property specifically occupies Ellison Estates, Section 4, Block 9, Lot 15 in southwest San Angelo.

Planner Roxanne Johnston presented the case. There were twenty-six (26) notifications sent for the case, thirteen (13) were in favor, one (1) opposed. Maps

and pictures were shown to members of the board. The applicant requested a variance from the minimum rear yard to place a carport structure. Staff made a recommendation to deny the request. The property is located in a residential subdivision containing zero lot line residences constructed in the period around the year 2000. Whenever an accessory structure is constructed within 10 feet of the house, it is in essence, integral with the primary structure or house. That factor was subject to this case, legally a minimum setback of 10 feet would have to be maintained for the carport structure as well. Ms. Johnston stated that there was no precedence for such a request in immediate area. Further, a similar request was denied by the board in 2011. A 10 foot utility easement also exists on the property, approval of this request would allow for the carport structure to extend in that easement. The homes in the area share similar characteristics; there is nothing special peculiar to the features or shape of the property. Lots within the block largely exceed the minimum lot size for the zoning district as outlined in Section 501 of the Zoning Ordinance.

Mr. Glen Carr asked where the proposed carport was going to extend on the lot.

Mr. Hayden John questioned whether there were similar requests approved in the area. Ms. Johnston noted that the surrounding structures may be legally non-conforming, given the periods in which many were constructed.

Mr. Rork asked which of the submitted notifications had non-conforming carports on their lots. Ms. Johnston mentioned that she would have to individually assess the properties to determine their legal non-conforming status.

Gary Blair, owner, came forward to speak before the board. He mentioned that the retrieved notifications for the request do not account for some individuals on the petition. Mr. Blair noted a few inconsistencies in the report. He has made several attempts to reach fellow neighbors for support of the request. Of the people he could speak with, he has received unanimous support. He mentioned that the existing carports are of quality and are aesthetically pleasing to the area. He reiterated that there are issues in the overall assessment of this property and particular request.

Mr. Rork asked Mr. Blair whether he was using the garage for storing personal vehicles. He added that this particular code is adopted for the entire city, not just the subject neighborhood. Staff makes their assessment based on the regulations in place, approval of a variance requires exceptions pertaining to the land and structures of the property. Neighbors may have the tendency to want to support individuals in their neighborhood.

Mr. Nowlin stated that the board's take on the matter should be delayed to the closed section of the item. Reframe to comments or questions that can be answered by proponent at this time.

Ms. Charlotte Farmer, council member, came forward to speak on the matter. She passed a flyer of where she lives on the block. She praised the board for their willingness to serve and general hard work. Ms. Farmer noted that these cases shall be handled on a case-by-case basis. She mentioned that the rules are a bit outdated and has not kept up with development trends in the area. Ms. Farmer that, of all the carports placed within the block, only one has been legally

permitted. She asked what the harm is in approving this request. Maybe the provisions in the ordinance should be rewritten to consider these changing factors.

Mr. Nowlin asked whether Farmer believed all the criteria of the applicant has been met. Ms. Farmer asserted that she believed all criteria have been met.

Ms. Charlotte Farmer asked Ms. Johnston to clarify some of her rationale for denial. Ms. Johnston referred to sections in the ordinance for the reasons to support her reasoning. Ms. Farmer directed that the board should consider changes to the provision this ordinance.

Mr. Nowlin asked Ms. Johnston specifically about the status of surrounding carports.

Al Torres came forward to answer the question presented by Mr. Nowlin. Mr. Torres asserted that he was unsure and unable to give the status of existing carports in the area.

Ms. Charlotte Farmer mentioned that the neighbors had a strong reaction to the notices received in the mail. She also indicated that she took photos of carports in the area and could provide examples of them.

Mr. Rork iterated that there is a list of criteria that they must follow.

Mr. Lloyd Woodfin mentioned that he has visited the site several times, he took measurements of the subject property. He considered possibly tabling the item for a later period. Mr. Nowlin interjected that the request could be later denied, that modification of the ordinance is necessary. Mr. Woodfin agrees, he mentioned that he lends himself to the property owners, but Council should consider an amendment to the ordinance.

Mr. Hayden John stated that he does not have a problem with the ordinance. He asserted that given the fact that there are so many carports in the area, the board should recommend approval of the request.

Louis Rork stated that he agreed with Mr. Woodfin. That further examination of the ordinance should be considered in this case.

Mr. Carr believed that the board should make an affirmative decision on the particular request, he believed that the Council should consider amending this ordinance section.

Mr. Nowlin stated that he was in favor to changes in the ordinance, but wanted to recommend approval of this request.

Ms. Johnston went over the process to amend the ordinance. Any proposed changes will be presented to the ZBA board and need approval by the City Council.

Patrick Howard, Director of Dev. Services, stated that there should not be a simple touch and go process. A collaborate effort with the public is needed

before changes to the amendment is finalized. Mr. Howard directed that the commission should direct staff to take on such obligations, involving groups in the process.

Ms. Farmer expressed favoritism in possible changes of such provisions, but noted that the applicant has waited for some time (since the month of December) for approval of this particular request.

Mr. Carr called for a motion to approve as presented – in addition, he made a request for the Division to further analyze the wording of the ordinance and initiate changes to appropriately address the larger issue of placement carport structures within required yards. The motion was seconded by Hayden John; motion passed by a unanimous vote.

B. ZBA14-16: Jared Matlock.....Rork

A request for approval of a partial variance from Section 511.B of the Zoning Ordinance which requires 'places of public assembly' of a 1,724 square foot building to provide 4 parking spaces, and to provide 2 spaces, on the following property:

3034 West Beauregard Avenue, located approximately 55 feet northeast of the intersection at West Beauregard Avenue and South College Hills Boulevard. This property specifically occupies the JM Allen Addition, Block 5, Lot 12 in southwest San Angelo.

Ms. Roxanne Johnston, Planner, came forward to speak on the matter. The applicant sought a variance from the minimum parking requirement – in this case, two off-street parking spaces off of Beauregard Ave. Ordinary whenever parking lacks maneuvering of 24 feet, a maximum of two spaces may be consider off-street parking; the particular use required a minimum of 4 paved off-street parking spaces. Ms. Johnston goes over area maps and photos of the area. Staff recommended denial of the requested variance. The speed limit of the street is 35 mph and within several hundred feet of a major intersection.

Mr. Louis Rork asked where the parking spaces in front can be used as the required parking. Ms. Johnston replied that only two spaces can be used as the required parking. If the request is denied, two spaces would have to be constructed at the rear of the property and meet the parking requirements.

Mr. Glen Carr asked whether the variance would apply to uses other than the proposed use (of public assembly). Ms. Johnston stated that the requested variance would apply to any use.

Al Torres, Building Official, clarifies the nature of requests for a change of occupancy and the prerequisite requirements.

Mr. David Nowlin motioned to deny the request, seconded by Mr. Lloyd Woodfin. Motion failed 6 - 0 vote.

C. ZBA 14-15: Alden Oestreich.....Hayden

A request for approval of a 5 foot variance from Section 501.A of the Zoning Ordinance which requires a 10 foot side yard, to allow for a 5 foot side yard – and – a variance from the minimum lot area and dimensions to specifically allow for a twinhouse dwelling in a Low Rise Multi-Family Residential (RM-1) zoning district, on the following the property:

3409 and 3411 Greenridge Drive, located approximately 650 feet southeast of the intersection of Greenridge Drive and South College Hills Boulevard; more specifically occupying the Greenridge Townhouses Addition, Section 1, Block 1, Lots 16 and 17, in south central San Angelo.

Mr. Boyd came forward to present the case and recommended approval consistent with the city’s plans and policies. Of the twenty-two (22) notifications that were issued within the 200 feet notification area of the subject property, none were returned. Mr. Boyd explained minimum lot sizes as outlined in Section 501 of the Zoning Ordinance. Using maps and images, Mr. Boyd explained how the property was unique to other area properties in that it was smaller. He explained the housing development in the area, under the zoning district, the actual buildings are the factor in determining setbacks. Mr. Boyd explained the key differences of the various housing types. A similar variance was granted for the property in recent years, but was revoked since a permit was not retrieved in a year period.

Alden Oestrich came forward to explain the background of the case. Mr. Oestrich agreed that a single family dwelling would not be a good fit in the area. He sought to construct a two level twinhome.

Ms. Charlotte Farmer came forward to inquire about whether or not this area used rear entry for parking. She stated that she once lived in the area.

Mr. Boyd confirmed that, the rear of the lot is accessible by the internal driveway of the Wildewood Apartment complex.

Mr. Lloyd Woodfin made a motion to grant the variance. Mr. Nowlin seconded; a 6 -0 vote.

IV. Presentation on recent trends of code enforcement in the city.

James Flores had a discussion on recent trends in code enforcement for the city. Of the most prevalent and far-reaching issues, the issue of water enforcement is the most taxing and serious at the current moment. Further, he explained that code enforcement has made water violations their top priority. The rules and regulations on water usage and maintained can be best described as, ‘archaic’ which makes enforcement challenging. Mr. Flores discussed other issues relating to code enforcement in the city, trash violations and overgrown grass to name a few.

V. Next meeting agenda.

The next regular meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on Monday, May 5th of 2014 in the McNease Convention Center.

VI. Adjournment.

Mr. Glen Carr motioned to adjourn, which was seconded Mr. Nowlin. The meeting ended at 3:20 pm

David Nowlin, Chairperson
Zoning Board of Adjustment