

MINUTE RECORD OF THE CITY OF SAN ANGELO ZONING BOARD OF ADJUSTMENT MEETING HELD ON MONDAY, MAY 5, 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
Charlie Kemp, Assistant Building Official
Kevin Boyd, Planner
Roxanne Johnston, Planner
Jeff Fisher, Planner

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

The meeting was called to order at 1:31 pm – a quorum was established with 5 members present.

II. Review and take any action related to minute record of the regular meeting held on Monday, April 7, 2014.

A motion to approve last month's minutes was made by Mr. Lloyd Woodfin, seconded by Mr. Glen Carr. The motion unanimously passed by a 5-0 vote.

III. Consideration of requested variance from zoning regulations.

A. ZBA 14-17: John Dwyer.....Mr. Nowlin

A request for approval of a 23 foot variance from Section 501.A of the Zoning Ordinance legitimize an existing carport / storage structure and porch in a Single-Family Residential (RS-1) zoning district, on the following the property:

402 East 49th Street, located at the northeast corner of the intersection of East 49th Street and Oaklawn Street; more specifically occupying the Lakeview Addition, Block 3, Lots 1A and 2A, in northern San Angelo.

Kevin Boyd, Planner, presented this case consistent with staff's recommendation of approval. Mr. Boyd provided the 3 letters in favor of the variance. Using maps and illustrations, Mr. Boyd explained aspects of the subject property including the history of existing structures, unique characteristics and surrounding properties. Particularly, he explained that the process of measuring the setbacks for the structures in past ordinances were less restrictive than the current standard. The 2000 Zoning Ordinance requires a minimum 25 feet setback measured from the front property line, the requested variance would legitimize existing and proposed structures.

The proponent, Aleta Dwyer, had questions about constructing a ramp. Chairman Mr. Nowlin explained that the Permits Division could handle that question.

Jan VanHolden, Mrs. Dwyer's neighbor, came forward to speak in favor of the variance.

Mr. Boyd clarified that ramp structures are exempted from the setback requirement. He further reiterated that the variances would legitimize a former accessory structures and porch construction.

Chairman David Nowlin mentioned that he surveyed the property and recommended the variance. Mr. Nowlin made a motion to approve, Mr. Carr seconded – the motion passed unanimously, 5-0.

B. ZBA 14-19: Ray Harper.....Mr. Rowland

A request for approval of a full variance from Section 402.A.1 of the Zoning Ordinance which requires a minimum 2 foot side yard - and - a request for a 13 foot variance from Section 501.A. from the front yard, for accessory buildings unattached to the principal dwelling in a Single-Family Residential (RS-1) zoning district, on the following property:

2258 Joy Road, located west of Joy Road and Picnic Lane; more specifically occupying Lake Nasworthy, Group 16, Block 1, Lot 2, in Southwest San Angelo.

Jeff Fisher, Planner, came forward to present the case - recommending approval of the variances consistent with city plans and policies. There was only one returned notification, in favor of the request, which was passed along to the board members. Mr. Fisher pointed out examples within the block where exemptions have been given to nearby properties, similar to the requested variance. He added that the right-of-way distance from the street was generous, if approved, the structures would measure nearly 40 feet away from the street.

Mr. Louis Rork expressed a concern that the equity argument would justify future request by surrounding residents in area for a similar variances. Mr. Rork was also alarmed with the placement of the proposed structure along the side property line. Chairman Nowlin explained that the carport was substantially open and will be different than a completely enclosed structure.

Mr. Patrick Howard came forward to explain that staff might look to give a more detailed analysis of the site and possibly recommend changes to the ordinance, on the matter. Mr. Howard explained that whenever increased demand for exemptions from particular sections of the ordinance may signal greater discussion and a broad stroke examination of what may need to change in order to justify future variance requests.

Charlie Kemp, Assistant Building Official with the Permits and Inspection Division, came forward to explain that a fire wall would be required given the proposed building's proximity to the property line.

Ray Harper, applicant, came forward to explain his requests. He explained that the existing power pole prohibited him from using the easement to place a carport in that part of the yard. Mr. Harper further explained that there is an unobstructed utility easement that would run along his neighbor's property that

would prevent future construction since the phone pole may be an unobstructed utility line. He further explained visibility in backing in and out of his property.

Ms. Kemp came forward to explain that there could be no variance from the building code. Mr. Harper came forward and stated that he did not realize a fire wall would be required along the side yard if the variance was approved.

Mr. Nowlin explained that he wanted to take the time to review the site in order to make a more informed decision regarding the proposed variances. Mr. Harper explained that he would be amiable to waiting for an answer.

Mr. Woodfin made the motion to table the case until the next meeting, seconded by Mr. Rork. The motion received a unanimous 5-0 vote.

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, June 2nd of 2014 in the McNease Convention Center.

V. Adjournment.

Motion to adjourn was made by Mr. Lloyd Woodfin, seconded by Mr. Louis Rork - the meeting ended at approximately 2:34 pm.

David Nowlin, Chairperson
Zoning Board of Adjustment