



Zoning Board of Adjustment 5/4/2026

Notice is hereby given of a regular meeting of the Zoning Board of Adjustment of the City of San Angelo to be held on May 4, 2026 at 1:30 PM at City Hall – East Mezzanine, 72 W. College Ave., San Angelo, Texas, for the purpose of considering the following agenda items.

I. Call to Order

II. Public Comment

Members of the public may raise issues or concerns not listed on the Regular Agenda during this time. To participate, please sign in before the meeting begins. Speakers will be called in the order they signed in. When speaking, citizens must speak from the podium, begin by stating their name and address or Single Member District number, and limit their remarks to three minutes or less.

III. Regular Agenda

Comments regarding items on the Regular Agenda may be made by the public when each item is discussed as outlined above. To participate, please sign in prior to the beginning of the meeting. Speakers will be called in the order they signed in. Comments are limited to less than three minutes. Applicants, proponents, and appellants are exempt from the time limit above and instead must limit their remarks to less than five minutes.

- A. Consider approving the February 2, 2026 Zoning Board of Adjustment meeting minutes.
- B. **ZBA26-06 1052 & 1056 Holiday Drive:** A request for approval of a variance from Section 501.A for a 10-foot rear yard setback in lieu of the required 20 feet and a variance from Section 511 for 15-foot long parking spaces in lieu of the required 18 feet for a new duplex within the Low-Rise Multifamily (RM-1) zoning district.
- C. **ZBA26-07 2951-2963 Skyview Lane:** A request for approval of a variance from Zoning Ordinance Sec. 803.J.3 to allow an awning to extend 4' into the required 10' side yard setback to cover the front door of 4 houses located at 2951, 2955, 2959 & 2963 Skyview Ln within the Zero-lot Line, Twinhome, Townhouse (RS-3) zoning district.
- D. **ZBA26-08 2935-2947 Skyview Lane:** A request for approval of a variance from Zoning Ordinance Sec. 803.J.3 to allow an awning to extend 4' into the required 10' side yard setback to cover the front door of 4 houses located at 2935, 2939, 2943, & 2947 Skyview Ln within the Zero-lot Line, Twinhome, Townhouse (RS-3) zoning district.
- E. **ZBA26-09 Lots 10-11, Block G, Sunnyside Addition:** A request for approval of variances from Section 501.A for 20-foot front setbacks along Deaton St., a 10-foot front setback along Murphy St., and 17-foot rear setbacks for four new homes within the Single-Family Residential (RS-1) zoning district at Lots 10 & 11 of Block G in the Sunnyside Addition.

IV. Division Report

V. Follow Up and Administrative Issues

- A. The next regular meeting of the Zoning Board of Adjustments is scheduled for June 1st, 2026, in the East Mezzanine Meeting Room at City Hall.

VI. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, April 28th, 2026, at 4:50 p.m.

A handwritten signature in black ink, appearing to read 'A. Vannoy', is written over a horizontal line.

Aaron Vannoy, Director of Planning and
Development Services

All agenda items are subject to action. The Zoning Board of Adjustment reserves the right to consider business out of posted order.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending board or commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the ADA Coordinator at 325-657-4407 for request, or by completing a request form online at cosatx.us/ada.

**ZONING BOARD OF ADJUSTMENT – April 6, 2026
STAFF REPORT**

APPLICATION TYPE:	CASE:		
Zoning Variance	ZBA26-06: 1052 & 1056 Holiday Drive		
SYNOPSIS:			
A request for approval of variances from Section 501.A for a 15-foot front setback in lieu of the required 25 feet, a 10-foot rear yard setback in lieu of the required 20 feet, and 15-foot-long parking spaces in lieu of the required 18 feet for a new duplex within the Low-Rise Multifamily (RM-1) zoning district.			
LOCATION:		LEGAL DESCRIPTION:	
1052 & 1056 Holiday Drive		Acres: 0.043, Lot: 7 SEC 1, Blk: 2, Subd: HOLIDAY TERRACE (REPLAT) Acres: 0.043, Lot: 8 SEC 1, Blk: 2, Subd: HOLIDAY TERRACE (REPLAT)	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #3 – Harry Thomas Neighborhood – Glenmore	Low-Rise Multifamily (RM-1)	Neighborhood	0.086 acres
NOTIFICATIONS:			
20 notifications were mailed within a 200-foot radius. No responses have yet been received.			
STAFF RECOMMENDATION:			
Staff recommend APPROVAL of a 10-foot rear yard setback in lieu of the required 20 feet, and APPROVAL of 15-foot-long parking spaces in lieu of the required 18 feet for a new duplex within the Low-Rise Multifamily (RM-1) zoning district.			
PROPERTY OWNER/PETITIONER:			
Petitioner: B-Reed Capital, Clearview Custom Homes			
STAFF CONTACT:			
Austin Reed Senior Planner (325) 657-4210, Extension 1550 austin.reed@sanangelo.gov			

Additional Information:

This request involves two vacant lots which are intended to be joined through a Lot Unity Agreement and have a duplex built upon them. This duplex will be two stories measuring around 3,200 square feet total. The structure is intended to stand 15 feet from the front property line, which is allowed by right as Holiday Drive has an established building line matching this setback from previous variances affecting the rest of the block. Along Holiday are similar looking, similarly placed, and similarly sized townhomes and Twinhomes. Previous variances affecting this property and others allowed a floor-area ratio of .85, which these plans comply with. Behind this property is City-owned parkland. This property and the others along this side of the block are located within the River Corridor Overlay Zone and are subject to the design criteria set forth by the DHRC.

Variances: In addition to the six criteria in the City's Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.F of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that each of the following circumstances applies:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**

There are special circumstances in this case relating to the rear setback as the lots are only 60 feet long and abut open river space behind them which is unlikely to be developed. There is little to no visual difference between a twinhome structure and a duplex structure. The defining difference between the two is that twinhomes have a lot line dividing each side of the structure and duplexes are contained within one lot. Twinhomes require a 10-foot rear yard, while duplexes require 20. Because these lots are intended to be joined, their rear setback requirement will go from 20 feet to 10 feet although there is little to no functional difference from the outside. The lots on the south side of Holiday have alleyway access, thereby avoiding front parking complications. These lots are unable to derive rear access and, also being affected by the substandard lot length, there are unique circumstances resulting in a lack of parking area.

2. **These special circumstances are not the result of the actions of the applicant.**

The 60-foot length of the lots was in-part limited by the river area and parkway road behind (north of) the development, which is not the result of actions by the applicant.

3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**

There have been around 6 previous variances for multiple properties along Holiday. The duplex structure proposed by the applicant would not appear substantially different from the rest of the development. Therefore, literal interpretation would deprive the applicant of rights commonly enjoyed by neighbors, including setbacks and street parking.

4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and would carry out the spirit of this Zoning Ordinance and substantial justice.**

Granting a variance in this case would be the minimum action necessary to allow the applicant to make use of the land by developing a residence consistent with those around it.

5. **Granting the variance will not adversely affect adjacent land in a material way.**

As previously mentioned, this development would be highly consistent with those around it and therefore would not adversely affect adjacent land in a material way.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Granting a variance in this scenario would be considered generally compatible with the intent of and the purpose statements set forth in the Zoning Ordinance.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances apply:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

Staff recommend **APPROVAL** of a 10-foot rear yard setback in lieu of the required 20 feet, and **APPROVAL** of 15-foot-long parking spaces in lieu of the required 18 feet for a new duplex within the Low-Rise Multifamily (RM-1) zoning district.

Attachments:

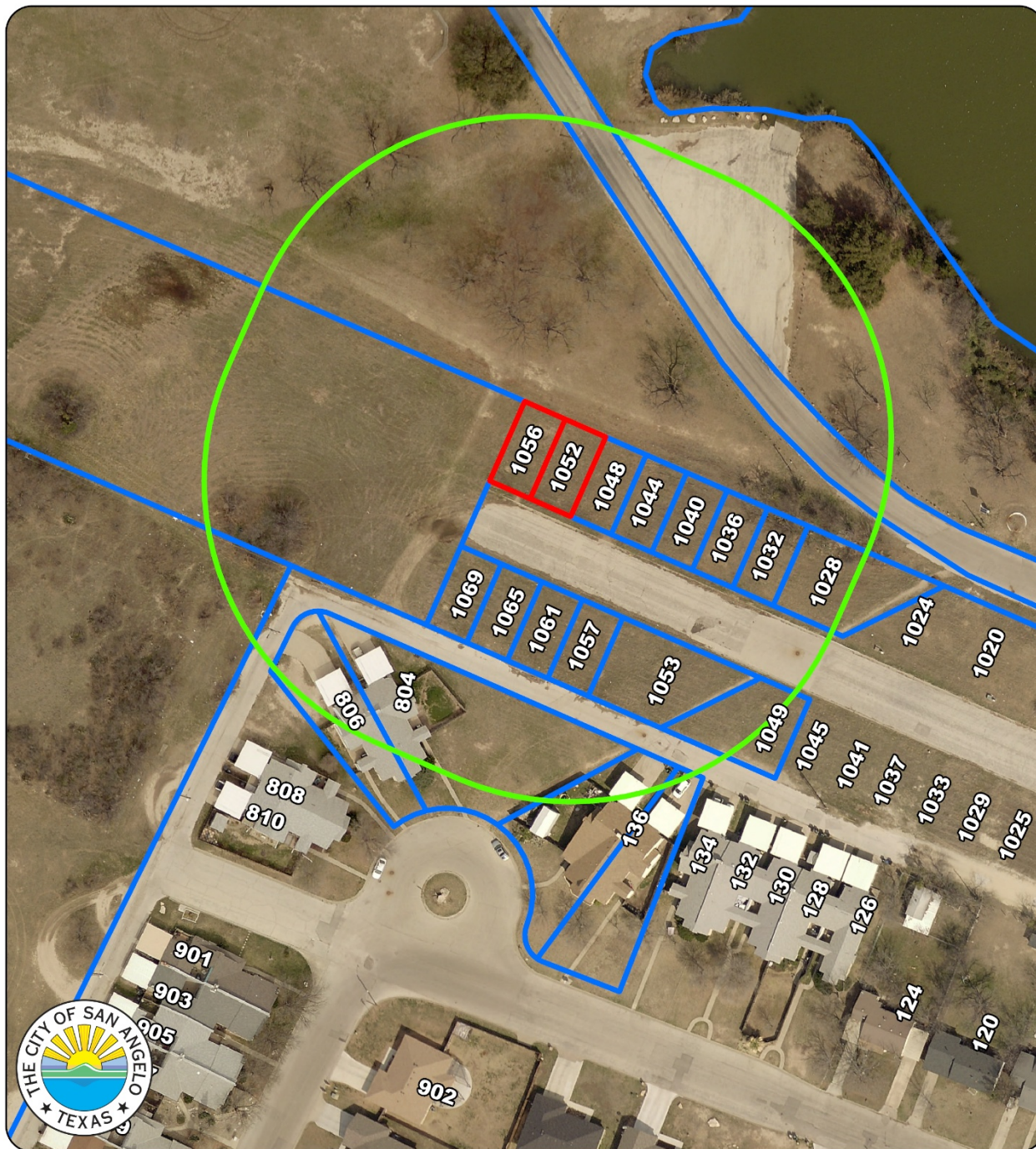
Notification Map

Aerial Map

Zoning Map

Concept Plan

Notification Map



Notification Map
ZBA26-06: 1052 & 1056 Holiday

Council District: #3 - Harry Thomas
Neighborhood: Glenmore

Scale: 0 0.01 0.02 0.03 0.04 Miles

200' Range: —

Subject Property: —

Notified Properties: —



Aerial Map



Aerial Map
ZBA26-06: 1052 & 1056 Holiday

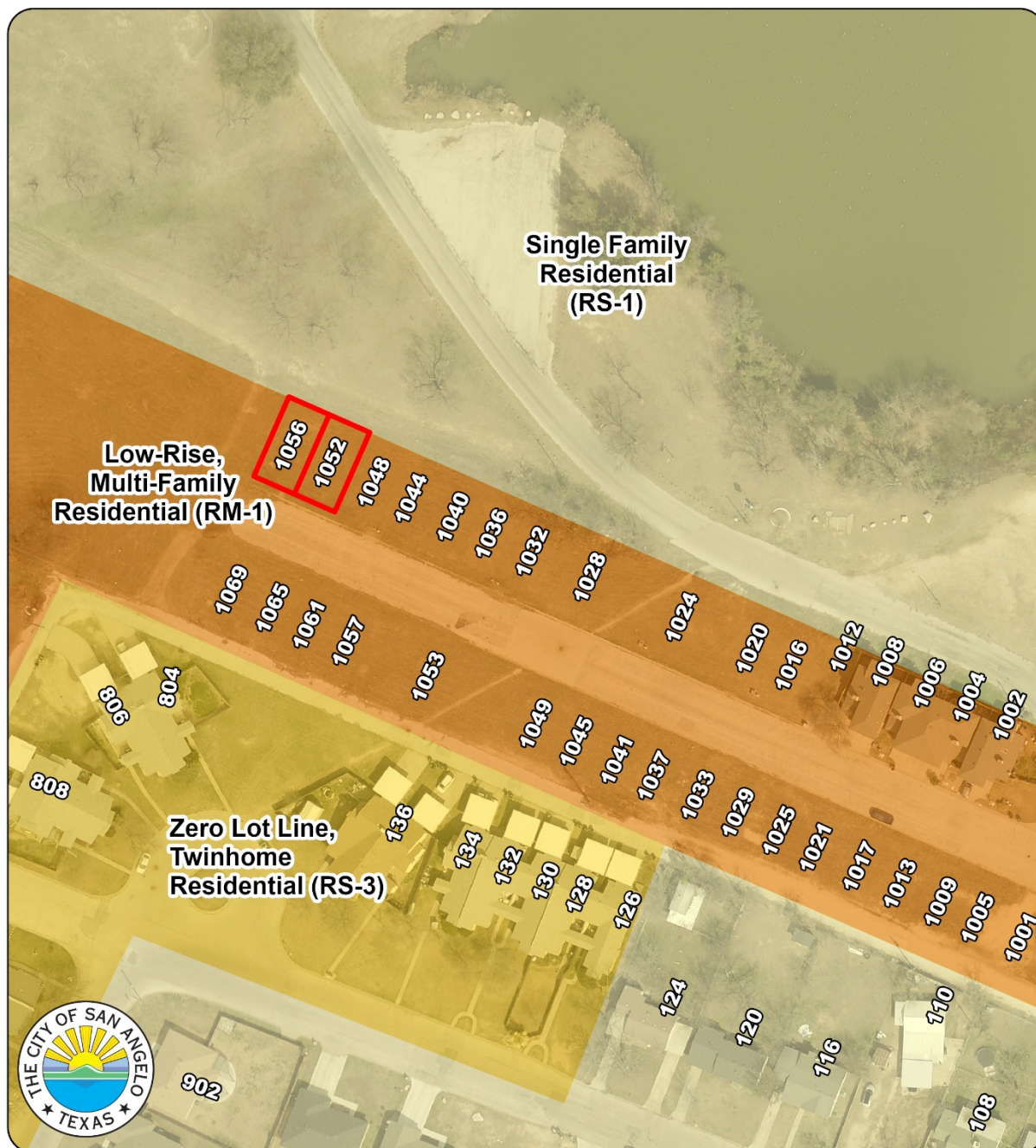
Council District: #3 - Harry Thomas
Neighborhood: Glenmore

Subject Property: —

Scale: 0 0.01 0.02 0.03 0.04 Miles



Zoning Map



Zoning Map
ZBA26-06: 1052 & 1056 Holiday

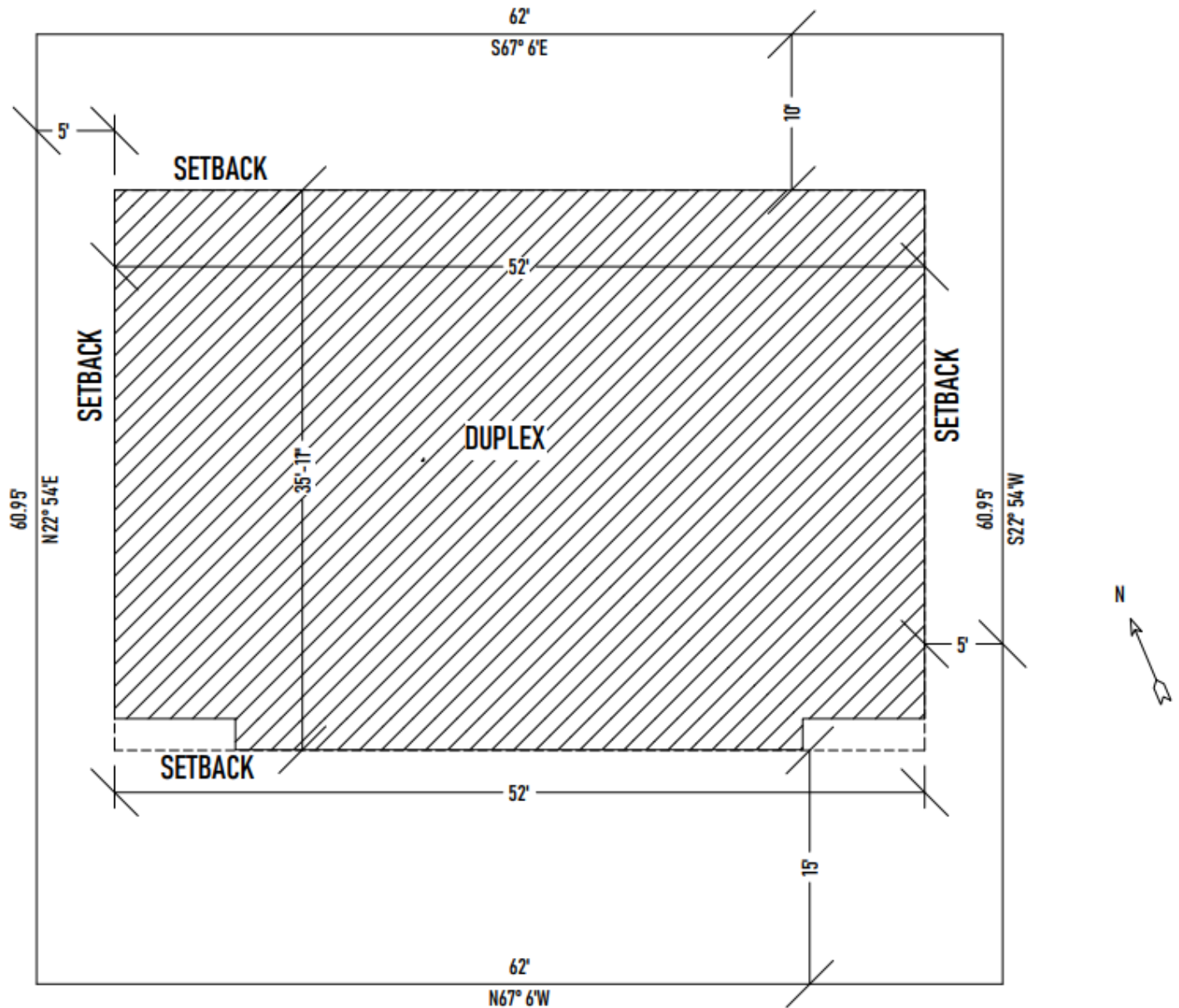
Council District: #3 - Harry Thomas
Neighborhood: Glenmore

Subject Property: —

Scale: 0 0.01 0.02 0.03 0.04 Miles



Concept Plan



HOLIDAY DR (50' R.O.W.)

ZONING BOARD OF ADJUSTMENT – May 4, 2026
STAFF REPORT

APPLICATION TYPE:		CASE:	
Variance		ZBA26-07 & 08: 2935, 2939, 2943, 2947, 2951, 2955, 2959 & 2963 Skyview Ln	
SYNOPSIS:			
A request for approval of a variance from Zoning Ordinance Sec. 803.J.3 to allow an awning to extend 4' into the required 10' side yard setback to cover the front door of 8 houses located at 2935, 2939, 2943, 2947, 2951, 2955, 2959 & 2963 Skyview Ln within the Zero-lot Line, Twinhome, Townhouse (RS-3) zoning district.			
LOCATION:		LEGAL DESCRIPTION:	
2935, 2939, 2943, 2947, 2951, 2955, 2959 & 2963 Skyview Ln		Acres: 0.070 each, Lot: 3-10, Subd: BLUFFS, R/P OF TRACT G SEC 27	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #6 – Mary Coffey Neighborhood – Bluffs	Zero-lot Line, Twinhome, Townhouse (RS-3)	Neighborhood	.56 acres
NOTIFICATIONS:			
8 notifications were mailed within 200-foot radius. No responses yet recorded.			
STAFF RECOMMENDATION:			
Staff recommend APPROVAL of a variance from Zoning Ordinance Sec. 803.J.3 to allow an awning to extend 4' into the required 10' side yard setback to cover the front door of 8 houses.			
PROPERTY OWNER/PETITIONER:			
Applicant: Concho Valley Construction/Zane Willard			
STAFF CONTACT:			
Rae Lineberry Lead Planner (325) 657-4210, Extension 1533 Rae.lineberry@sanangelo.gov			

Additional Information:

This request is for an awning that will extend out from the house into the side yard setback approximately 4' and will cover the front doors. Section 803.J.3 allows awnings and eaves to extend 2' into the required setbacks so this would allow 2 extra feet for a total of 4'. The applicant has spoken to the Fire Marshal and is able to fire-rate the awning.

Variances: In addition to the six criteria in the City's Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.F of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that each of the following circumstances applies:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**
As the lots already received a variance to be less than the required lot width, a special circumstance is the smaller lot size.
2. **These special circumstances are not the result of the actions of the applicant.**
The elevations were approved without a measurement and caught at the final inspection.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**
The ability to have a cover over the front door to protect from the elements is a reasonable expectation. The intent of the side setbacks is to help with fire protection and they are able to fire-rate the awning.
4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and would carry out the spirit of this Zoning Ordinance and substantial justice.**
Granting this variance is the minimum action for the applicant to take and keeps with the spirit of the Zoning Ordinance.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
Granting this variance is not likely to adversely affect adjacent land in a material way as they are able to fire-rate the awning.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**
Granting a variance in this scenario would be generally consistent with the purposes and intent of the Zoning Ordinance.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances apply:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

Staff recommend APPROVAL of a variance from Zoning Ordinance Sec. 803.J.3 to allow an awning to extend 4' into the required 10' side yard setback to cover the front door of 8 houses.

Attachments:

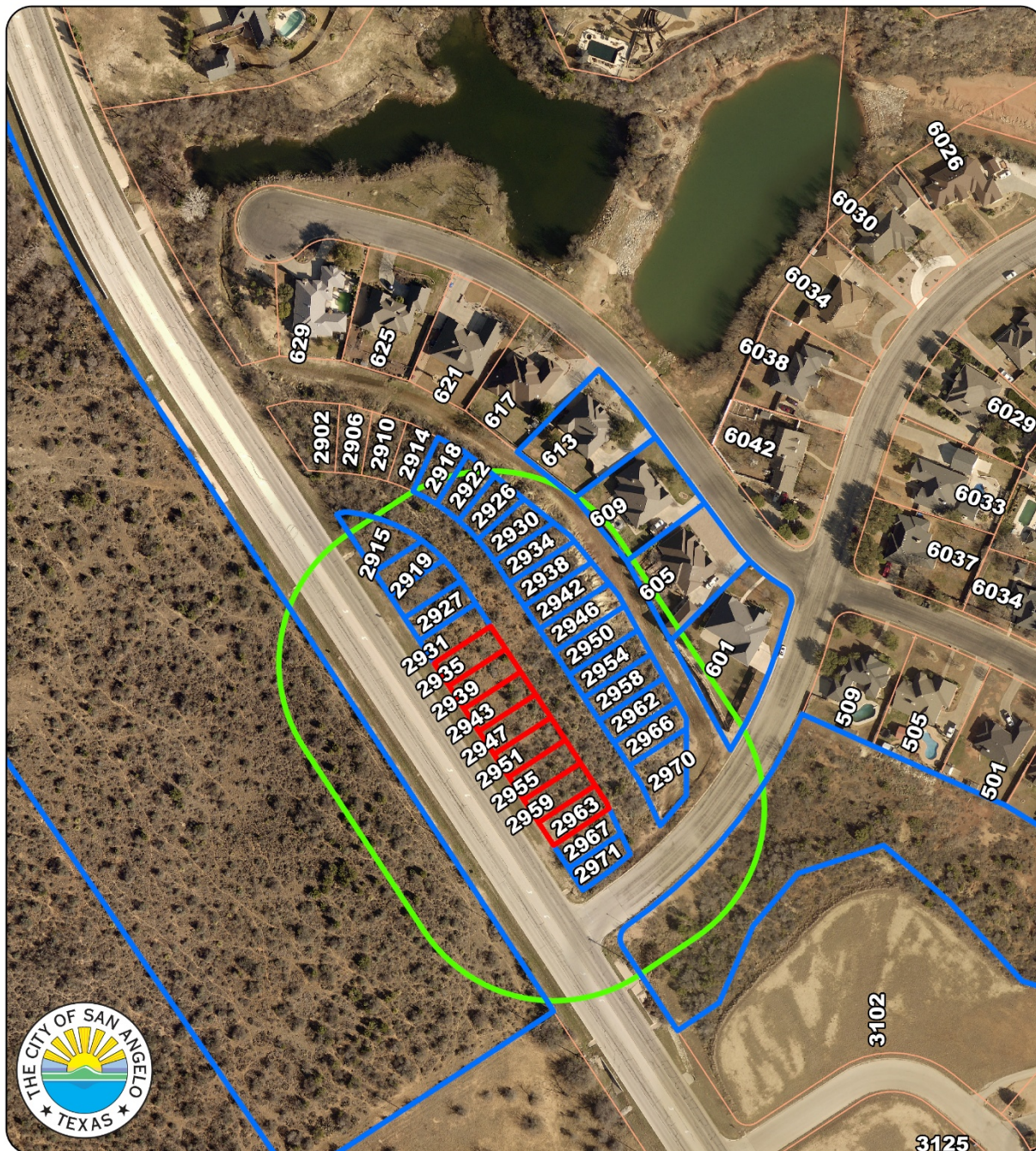
Notification Map

Zoning Map

Elevations

Site pictures

Notification Map



Notification Map

Case ZBA26-07 & 26-08: Skyview

Council District: #6 - Mary Coffey

Neighborhood: Bluffs

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

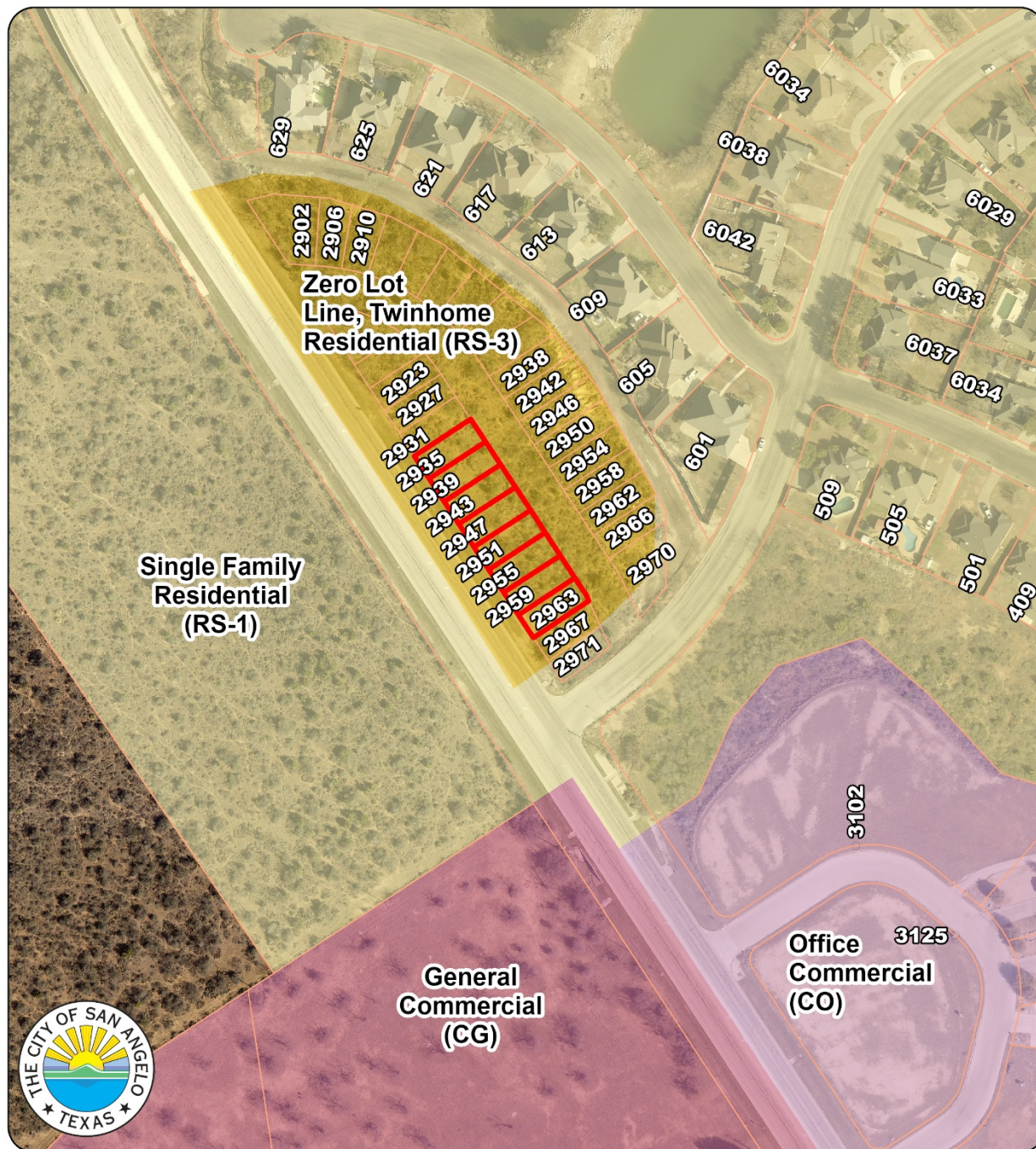
200' Range: —

Subject Property: —

Notified Properties: —



Zoning Map



Zoning Map

Case ZBA26-07 & 26-08: Skyview

Council District: #6 - Mary Coffey

Neighborhood: Bluffs

Subject Property: —

Scale: 0 0.010.02 0.04 0.06 0.08 Miles

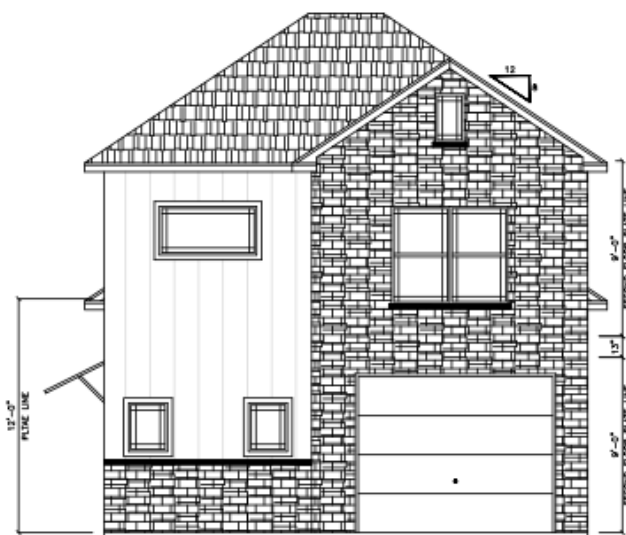
N



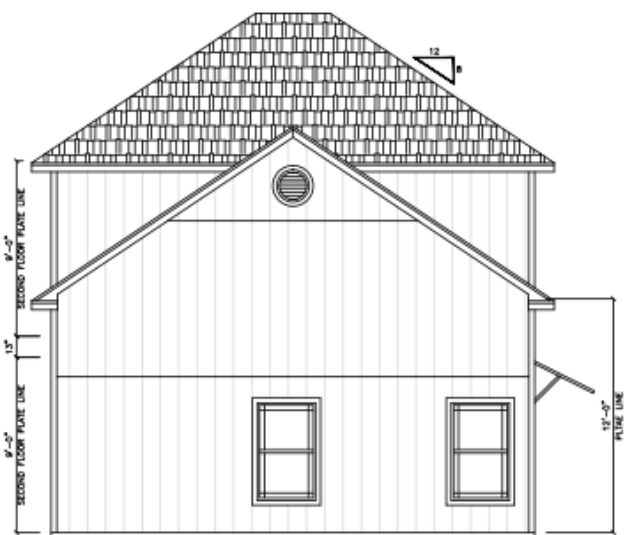
Elevations



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

Site Pictures



ZONING BOARD OF ADJUSTMENT – May 4, 2026
STAFF REPORT

APPLICATION TYPE:		CASE:	
Variance		ZBA26-07 & 08: 2935, 2939, 2943, 2947, 2951, 2955, 2959 & 2963 Skyview Ln	
SYNOPSIS:			
A request for approval of a variance from Zoning Ordinance Sec. 803.J.3 to allow an awning to extend 4' into the required 10' side yard setback to cover the front door of 8 houses located at 2935, 2939, 2943, 2947, 2951, 2955, 2959 & 2963 Skyview Ln within the Zero-lot Line, Twinhome, Townhouse (RS-3) zoning district.			
LOCATION:		LEGAL DESCRIPTION:	
2935, 2939, 2943, 2947, 2951, 2955, 2959 & 2963 Skyview Ln		Acres: 0.070 each, Lot: 3-10, Subd: BLUFFS, R/P OF TRACT G SEC 27	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #6 – Mary Coffey Neighborhood – Bluffs	Zero-lot Line, Twinhome, Townhouse (RS-3)	Neighborhood	.56 acres
NOTIFICATIONS:			
8 notifications were mailed within 200-foot radius. No responses yet recorded.			
STAFF RECOMMENDATION:			
Staff recommend APPROVAL of a variance from Zoning Ordinance Sec. 803.J.3 to allow an awning to extend 4' into the required 10' side yard setback to cover the front door of 8 houses.			
PROPERTY OWNER/PETITIONER:			
Applicant: Concho Valley Construction/Zane Willard			
STAFF CONTACT:			
Rae Lineberry Lead Planner (325) 657-4210, Extension 1533 Rae.lineberry@sanangelo.gov			

Additional Information:

This request is for an awning that will extend out from the house into the side yard setback approximately 4' and will cover the front doors. Section 803.J.3 allows awnings and eaves to extend 2' into the required setbacks so this would allow 2 extra feet for a total of 4'. The applicant has spoken to the Fire Marshal and is able to fire-rate the awning.

Variances: In addition to the six criteria in the City's Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.F of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that each of the following circumstances applies:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**
As the lots already received a variance to be less than the required lot width, a special circumstance is the smaller lot size.
2. **These special circumstances are not the result of the actions of the applicant.**
The elevations were approved without a measurement and caught at the final inspection.
3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**
The ability to have a cover over the front door to protect from the elements is a reasonable expectation. The intent of the side setbacks is to help with fire protection and they are able to fire-rate the awning.
4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and would carry out the spirit of this Zoning Ordinance and substantial justice.**
Granting this variance is the minimum action for the applicant to take and keeps with the spirit of the Zoning Ordinance.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
Granting this variance is not likely to adversely affect adjacent land in a material way as they are able to fire-rate the awning.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**
Granting a variance in this scenario would be generally consistent with the purposes and intent of the Zoning Ordinance.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances apply:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

Staff recommend APPROVAL of a variance from Zoning Ordinance Sec. 803.J.3 to allow an awning to extend 4' into the required 10' side yard setback to cover the front door of 8 houses.

Attachments:

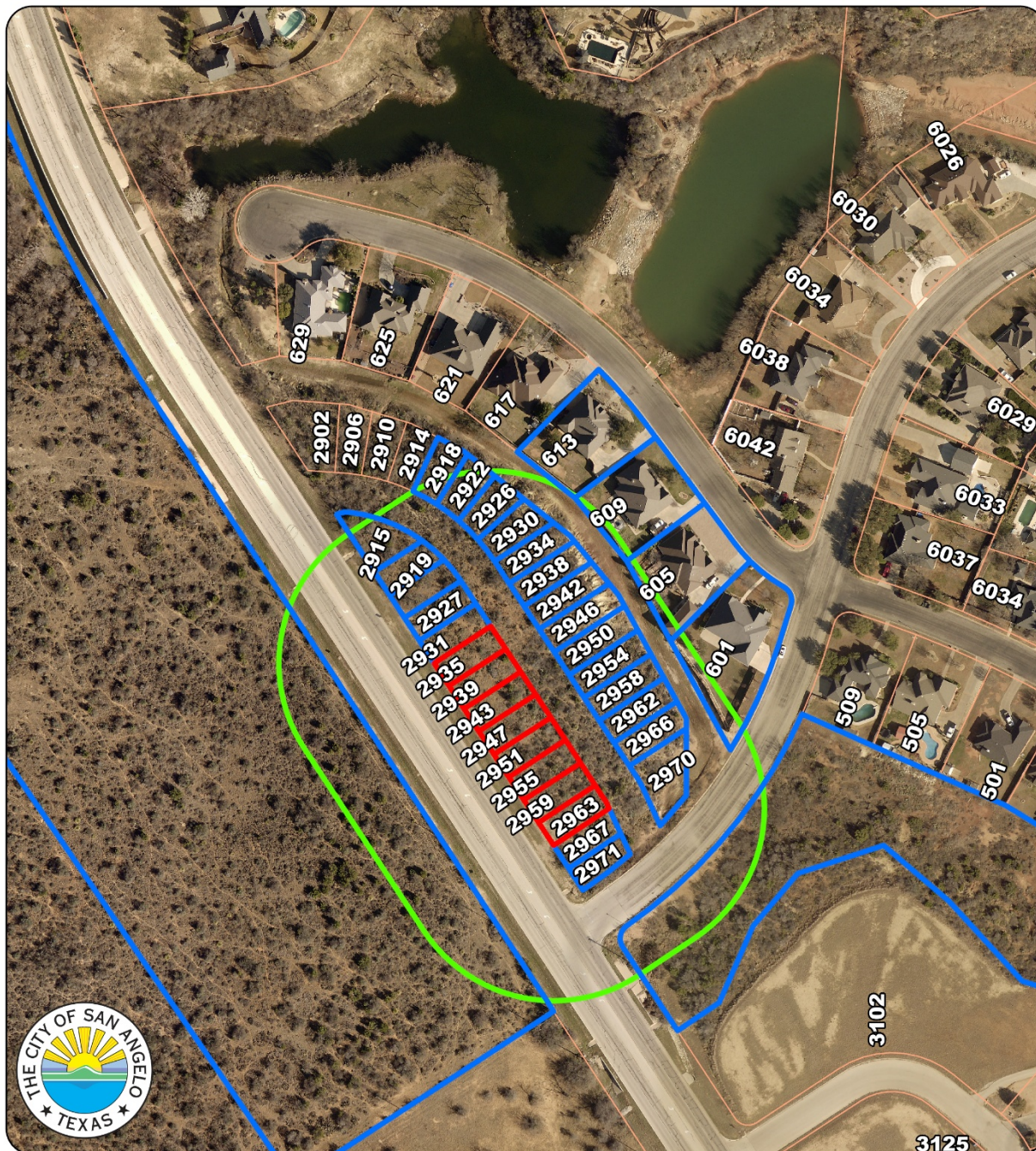
Notification Map

Zoning Map

Elevations

Site pictures

Notification Map



Notification Map

Case ZBA26-07 & 26-08: Skyview

Council District: #6 - Mary Coffey

Neighborhood: Bluffs

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

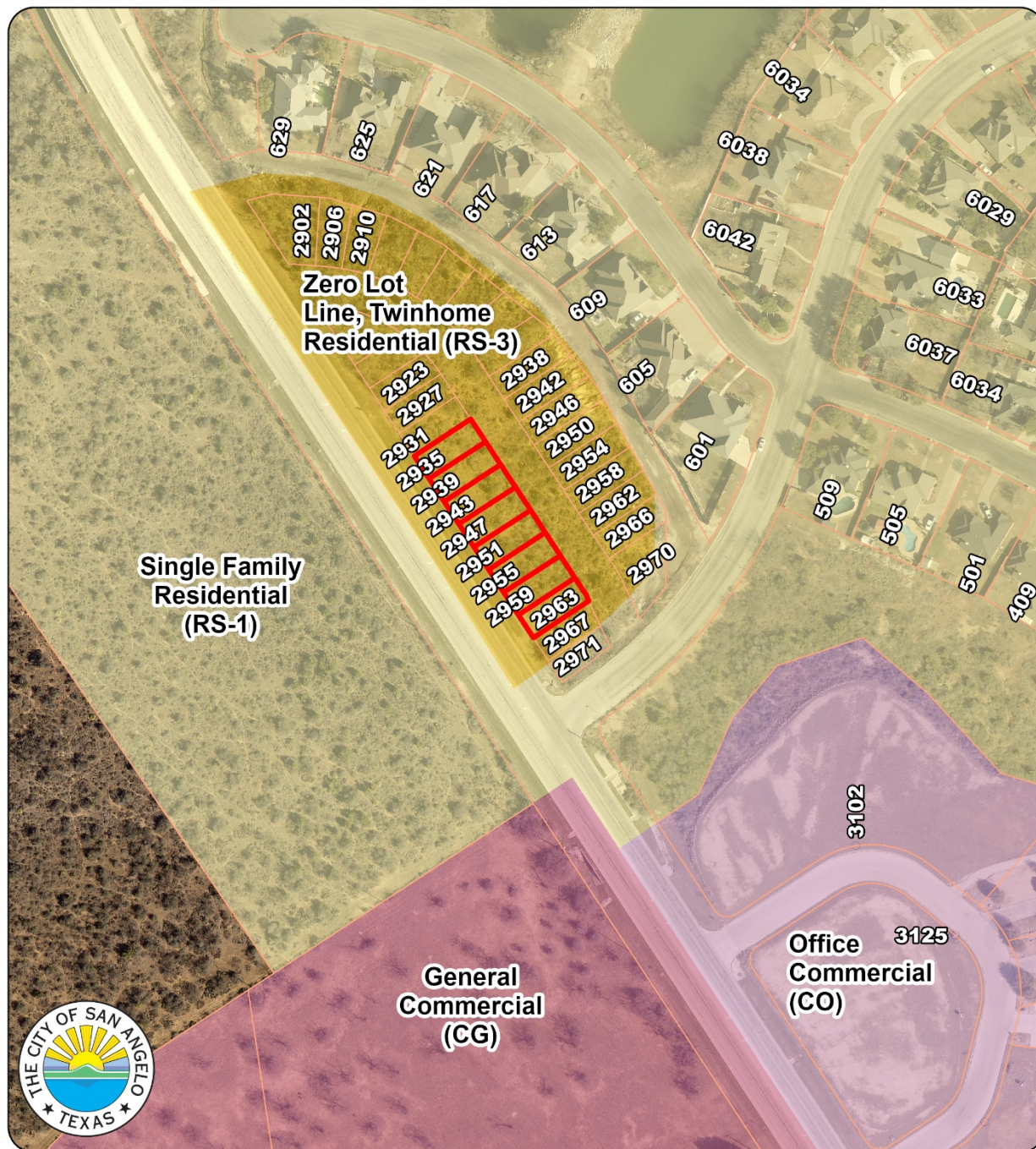
200' Range: —

Subject Property: —

Notified Properties: —



Zoning Map



Zoning Map

Case ZBA26-07 & 26-08: Skyview

Council District: #6 - Mary Coffey

Neighborhood: Bluffs

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Property: —



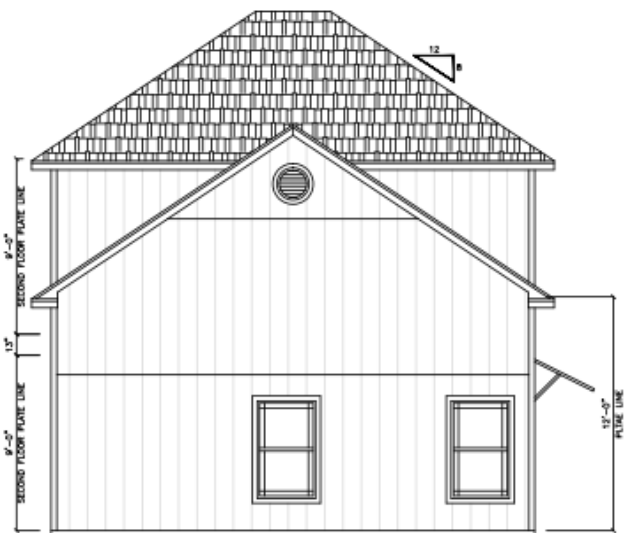
Elevations



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

Site Pictures



ZONING BOARD OF ADJUSTMENT – April 6, 2026
STAFF REPORT

APPLICATION TYPE:		CASE:	
Zoning Variance		ZBA26-09: Lots 10-11, Block G, Sunnyside Addition	
SYNOPSIS:			
A request for approval of variances from Section 501.A for 20-foot front setbacks along Deaton St., a 10-foot front setback along Murphy St., and 17-foot rear setbacks for four new homes at Lots 10 & 11 of Block G in the Sunnyside Addition.			
LOCATION:		LEGAL DESCRIPTION:	
Lots 10-11, Block G, Sunnyside Addition, 902 & 906 Murphy		Acres: 0.218, Lot: 10 SEC 1, Blk: G, Subd: SUNNYSIDE ADDITION Acres: 0.218, Lot: 11 SEC 1, Blk: G, Subd: SUNNYSIDE ADDITION	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #3 – Harry Thomas Neighborhood – Rio Vista	Single-Family Residential (RS-1)	Neighborhood	0.436 acres
NOTIFICATIONS:			
20 notifications were mailed within a 200-foot radius. No responses have yet been received.			
STAFF RECOMMENDATION:			
Staff recommend APPROVAL of the request for a variance for 20-foot front setbacks along Deaton St., APPROVAL a 10-foot front setback along Murphy St., and APPROVAL of 17-foot rear setbacks for four new homes at Lots 10 & 11 of Block G in the Sunnyside Addition.			
PROPERTY OWNER/PETITIONER:			
Petitioner: Elizabeth Garrett Owner: Integrity Building Services, LLC			
STAFF CONTACT:			
Austin Reed Senior Planner (325) 657-4210, Extension 1550 austin.reed@sanangelo.gov			

Additional Information:

The subject of this variance request is two vacant lots west of the intersection of Murphy Street and Deaton Street which are intended to be subdivided into four lots facing Deaton Street. Two of these lots measure 50 feet by 100 feet and the other two are currently being evaluated for an administrative variance request to come in at 45 feet by 100 feet, which is below our minimum standard. All four homes are planned to sit 20 feet from the front property line on Deaton and 17 feet from their rear property line to the west. The southernmost lot has two frontages and therefore requires a variance to sit 10 feet from its frontage on Murphy Street. Between Murphy Street and the property line is 20 feet of right-of-way. This measurement is 12 feet on Deaton. These properties lie within the City's designated infill area.

Variances: In addition to the six criteria in the City's Zoning Ordinance, in exercising its authority to grant a variance, per Section 207.F of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that each of the following circumstances applies:

1. **Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial.**

There are special circumstances in that these properties lie within the City's designated infill area and are being converted into lots at and below minimum size to maximize use of existing space while there are also excessive amounts of right-of-way on both frontages.

2. **These special circumstances are not the result of the actions of the applicant.**

The amount of available land and excessive amounts of right-of-way are not the result of actions by the applicant.

3. **Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship.**

Literal interpretation and enforcement of the Zoning Ordinance may deprive the applicant of rights already enjoyed by similar infill developments throughout the City's designated infill area.

4. **Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and would carry out the spirit of this Zoning Ordinance and substantial justice.**

Granting a variance in this case would be the minimum action necessary to allow the applicant to make use of the land by developing enough residences to meet a community need for housing.

5. **Granting the variance will not adversely affect adjacent land in a material way.**

Granting a variance is unlikely to adversely affect adjacent land in a material way as any issues may be mitigated by the amount of right-of-way. Worth mentioning is the property's proximity to commercial uses and Knickerbocker Road.

6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**

Granting a variance in this scenario would be considered generally compatible with the intent of and the purpose statements set forth in the Zoning Ordinance.

Allowed Variances:

In addition to the above criteria, in exercising its authority to grant a variance, per Section 207.D of the Zoning Ordinance, the Zoning Board of Adjustment must affirmatively find that one or more of the following circumstances apply:

1. **SPECIAL CIRCUMSTANCES RESULTING IN UNNECESSARY HARDSHIP.** *Where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and that the circumstances are such that strict application of this zoning ordinance would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.*
2. **OVERRIDING PUBLIC INTEREST.** *If the variance further an overriding public interest or concern, including, but not limited to: (a) Preserving the natural environment, (b) Promoting maintenance or reuse of older urban or historic buildings, or (c) Helping to eliminate a nonconforming use at another location.*
3. **LITERAL ENFORCEMENT.** *If it is found that the literal enforcement and strict application of this Zoning Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this ordinance, and that, in granting the variance, the spirit of the ordinance will be preserved and substantial justice done.*

Recommendation:

Staff recommend **APPROVAL** of the request for a variance for 20-foot front setbacks along Deaton St., **APPROVAL** a 10-foot front setback along Murphy St., and **APPROVAL** of 17-foot rear setbacks for four new homes at Lots 10 & 11 of Block G in the Sunnyside Addition.

Attachments:

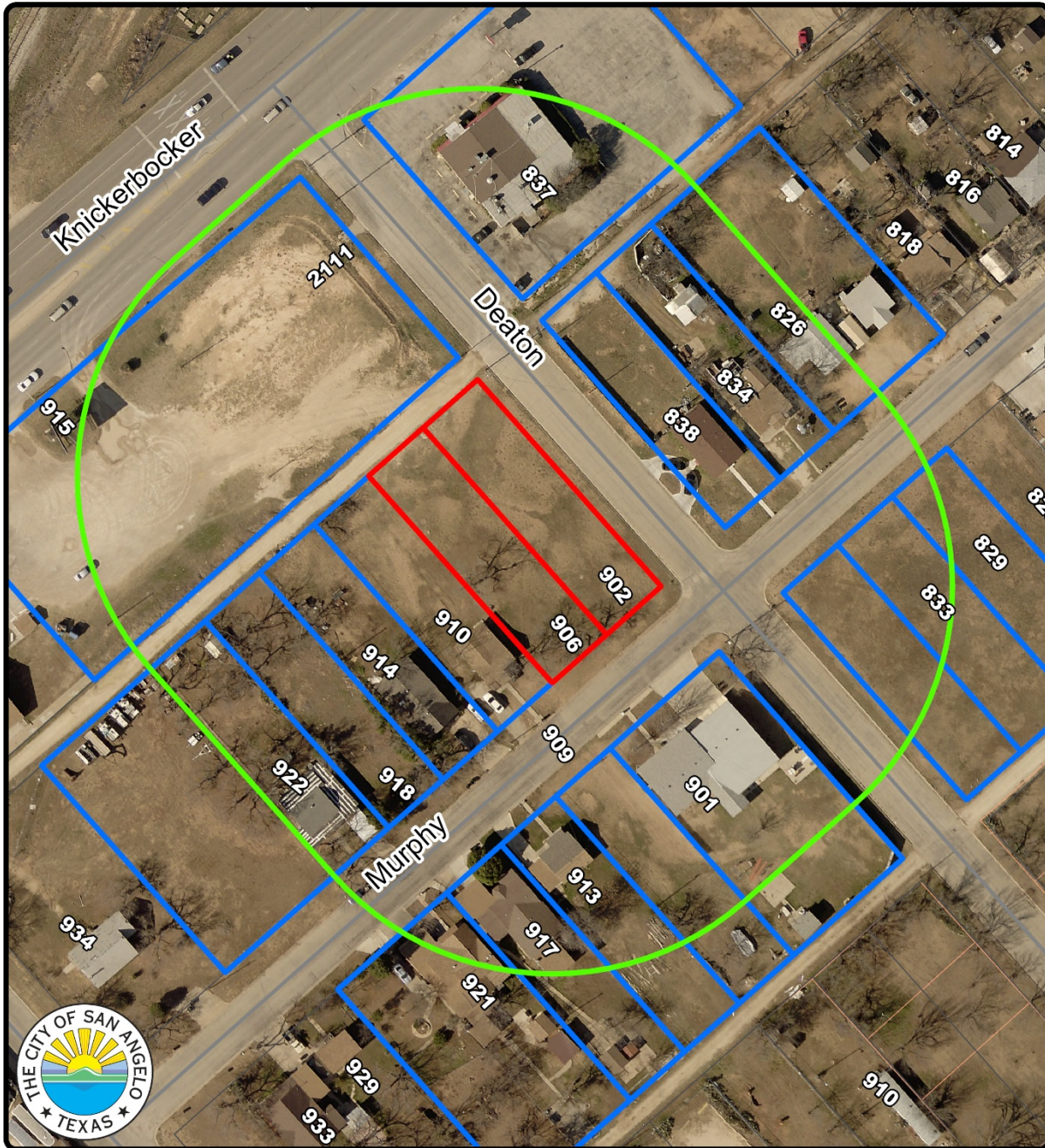
Notification Map

Aerial Map

Zoning Map

Concept Plan

Notification Map



200' Notification Map

ZBA26-09: Lots 10-11, Blk G, Sunnyside Addn.

Council District: #3 - Harry Thomas
Neighborhood: Rio Vista

200' Range: 

Subject Property: 

Notified Properties: 

Scale:  0 0.01 0.01 0.02 0.03 0.04 Miles



Aerial Map



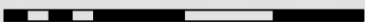
Aerial Map

ZBA26-09: Lots 10-11, Blk G, Sunnyside Addn.

Council District: #3 - Harry Thomas

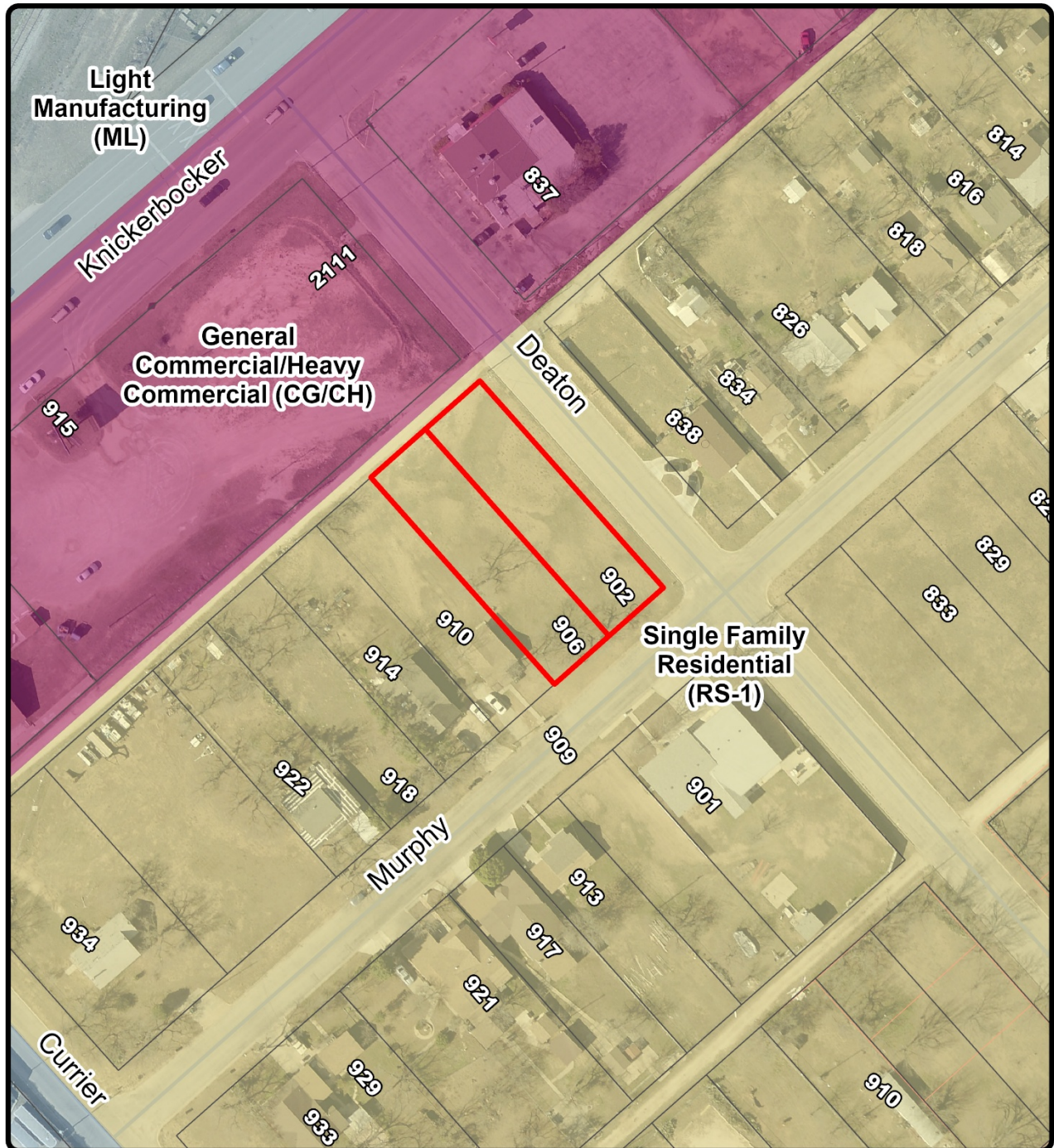
Neighborhood: Rio Vista

Subject Property: 

Scale:  Miles



Zoning Map



Zoning Map
ZBA26-09: Lots 10-11, Blk G, Sunnyside Addn.

Council District: #3 - Harry Thomas
Neighborhood: Rio Vista

Subject Property: —

Scale: 0 0.01 0.01 0.02 0.03 0.04 Miles



Concept Plan

