

ZONING BOARD OF ADJUSTMENT – November 4, 2024
STAFF REPORT

APPLICATION TYPE:		CASE:	
Variance		ZBA24-34: 2459 Nasworthy Drive	
SYNOPSIS:			
A request for approval of a variance from Zoning Ordinance Sec. 501.A for a 2-foot side yard setback in lieu of the required 5 feet for carport on Nasworthy Drive in an RS-1 zoning district.			
LOCATION:		LEGAL DESCRIPTION:	
2459 Nasworthy Drive		Acres: 0.403, Lot: 7, Blk: 9, Subd: BRYANT PARK ADDITION	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #5 – Karen Hesse Smith Neighborhood – ASU - College Hills	Single-Family Residential (RS-1)	Neighborhood	0.403 acres
NOTIFICATIONS:			
25 notifications were mailed within 200-foot radius on October 18 th , 2024. Received 1 in support and 0 opposed.			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of a variance from Section 501.A for a 2-foot side yard setback in lieu of the required 5 feet.			
PROPERTY OWNER/PETITIONER:			
Applicant: Bryan N. Angle			
STAFF CONTACT:			
Austin Reed Planner (325) 657-4210, Extension 1550 austin.reed@cosatx.us			

Additional Information:

The applicant for this request is looking to construct a carport on their driveway along the side of their home which will encroach into the minimum required side setbacks. This location is not within the Open Structure Overlay, but this is insignificant as the carport is set back further than the front of the home. The carport is planned to be 24 feet wide by 36 feet long.

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 do not appear to be any special circumstances, not merely financial, that are peculiar to the land in justifying a variance.
2. **These special circumstances are not the result of the actions of the applicant.**
This prompt is not applicable as staff finds no special circumstances for the consideration of a variance.
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.**
Most of the other homes abide by side setback regulations, and as a result this prompt would not apply.
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.**
Prompt not applicable. The land can and is being used without a variance and granting a variance would be contrary to the spirit of the Zoning Ordinance.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
Granting this variance may adversely affect what would otherwise be a healthy setback distance between two neighboring lots
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**
Granting a variance in this scenario may be contrary to the intent of setback regulations within 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.*

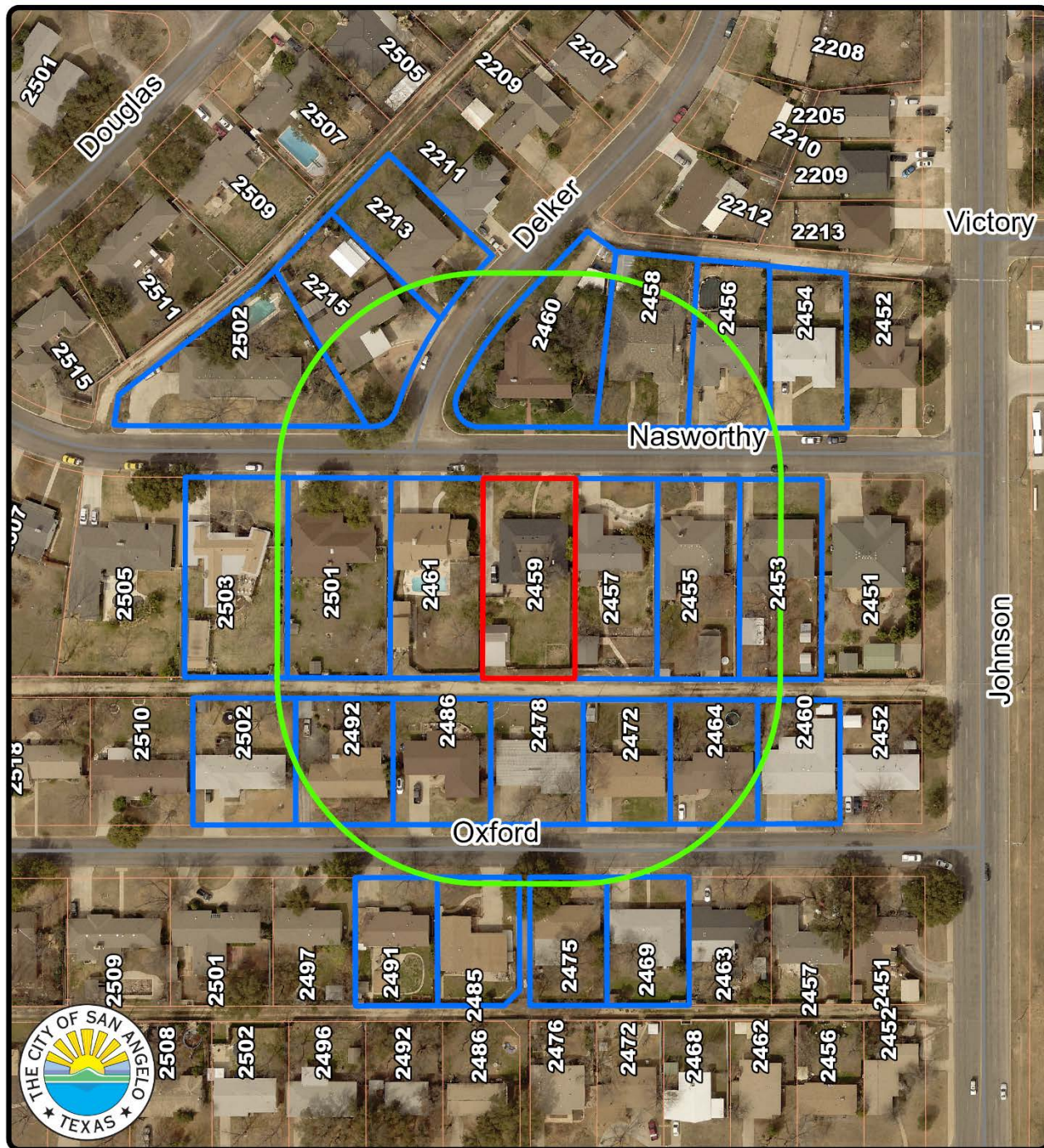
Recommendation:

Staff recommend DENIAL of a variance from Section 501.A for a 2-foot side yard setback in lieu of the required 5 feet.

Attachments:

Notification Map
Aerial Map
Site Photo
Site Plan

Notification Map



200' Notification Map

ZBA24-34: 2459 Nasworthy Dr.

Council District: #5 Karen Hesse Smith

Neighborhood: ASU - College Hills

Scale: 0 0.01 0.01 0.03 0.04 0.06 Miles

200' Range: —

Subject Property: —

Notified Properties: —



Aerial Map



Aerial Map

ZBA24-34: 2459 Nasworthy Dr.

Council District: #5 Karen Hesse Smith

Neighborhood: ASU - College Hills

Subject Property: 

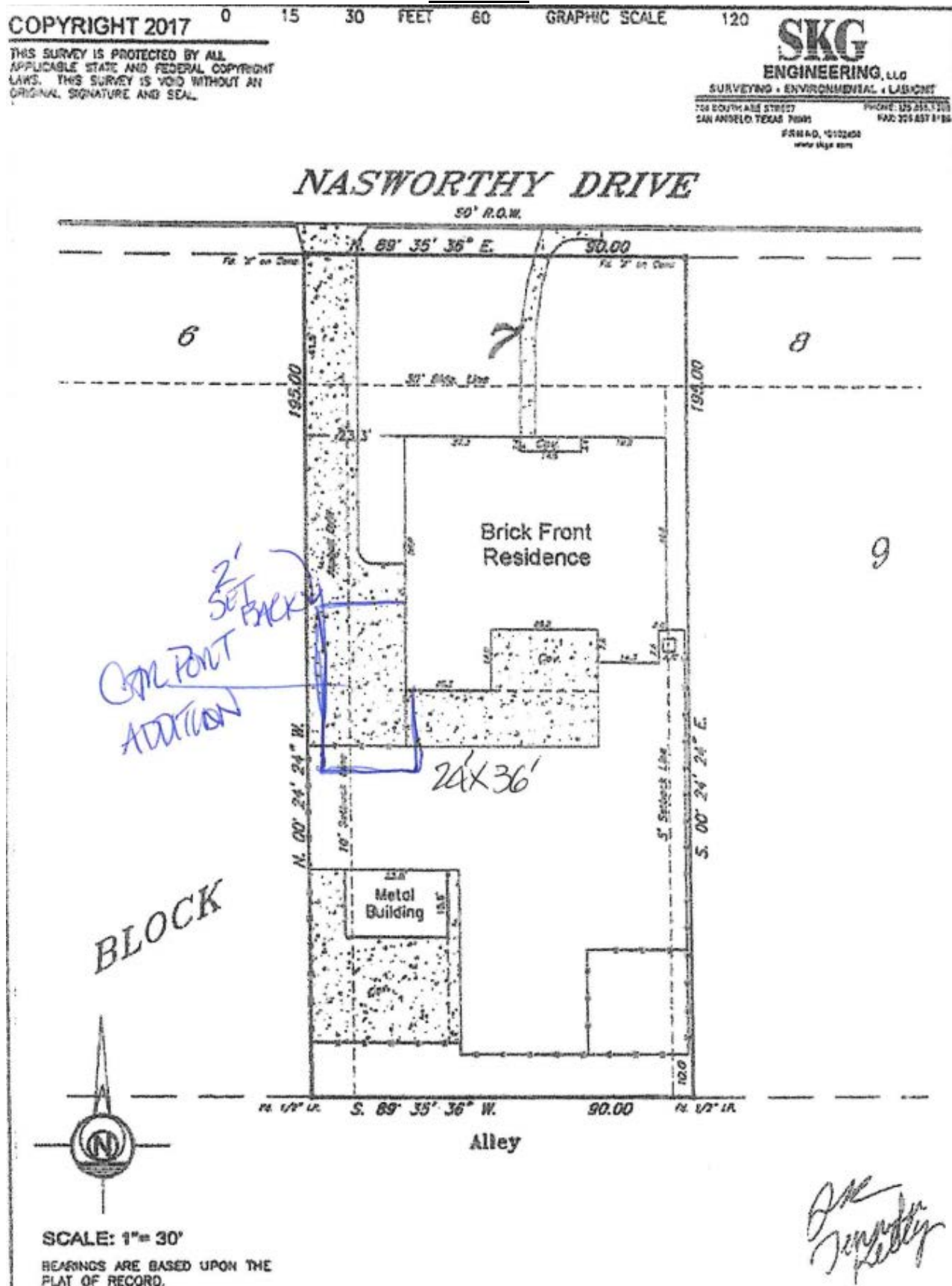
Scale:  0 0.01 0.01 0.02 0.03 0.04 Miles



Site Photo



Site Plan



ZONING BOARD OF ADJUSTMENT – December 2, 2024
STAFF REPORT

APPLICATION TYPE:		CASE:	
Variance		ZBA24-37: 2702 Red Bluff Ramp	
SYNOPSIS:			
A request for approval of a variance from Zoning Ordinance Sec. 511.H.1 to not have a paved connection to a public street for a new home at 2702 Red Bluff Ramp Road.			
LOCATION:		LEGAL DESCRIPTION:	
2702 Red Bluff Ramp Road		Acres: 0.519, Lot: 1A, Blk: 1, Subd: LAKE NASWORTHY, RED BLUFF, R/P OF LOT 1 BLK 1	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
District #1 – Tommy Hiebert Neighborhood – Nasworthy		Single-Family Residential (RS-1)	Neighborhood/Open Space
		SIZE:	
			0.519 acres
NOTIFICATIONS:			
4 notifications were mailed within 200-foot radius on November 15 th , 2024. Received 0 in support and 0 opposed.			
STAFF RECOMMENDATION:			
Staff recommend APPROVAL of a variance from Zoning Ordinance Sec. 511.H.1 to not have a paved connection to a public street			
PROPERTY OWNER/PETITIONER:			
Applicant: Gary Biggerstaff			
STAFF CONTACT:			
Austin Reed Planner (325) 657-4210, Extension 1550 austin.reed@cosatx.us			

Additional Information:

The applicant intends to build a new home on the property, which is an empty residential lot off Lake Nasworthy in the “Red Bluff” area. Red Bluff Ramp Road’s private residences do not directly front on the road. Instead, there is a wide piece of City Property that has been designated as an access easement between the road and the homes which residents use for access. Ordinarily, a new home would be required to have a paved connection from their own lot all the way to a public street. In this case, that would mean paving nearly 300 feet across the City property/access lot. The applicant is requesting a variance to not do so.

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 is a 300-foot distance between the home and a public street. This is the longest distance of any home on the block and constitutes a special circumstance.
2. **These special circumstances are not the result of the actions of the applicant.**
The location of this property and the access lot to the front of the home were caused in no way 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.**
Paving across the access lot is something that no other home on the block was required to do. As a result, literal interpretation would deprive the applicant of commonly enjoyed rights.
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 the variance is the minimum action that will make possible the use of the land as the lot may be considered un-developable if paving a 300-foot driveway is required.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
Granting this variance will not adversely affect adjacent land in any way and would only be consistent with what is already there.
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 consistent with the intent of the Zoning Ordinance as it would relieve the applicant of an undue hardship.

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. 511.H.1 to not have a paved connection to a public street

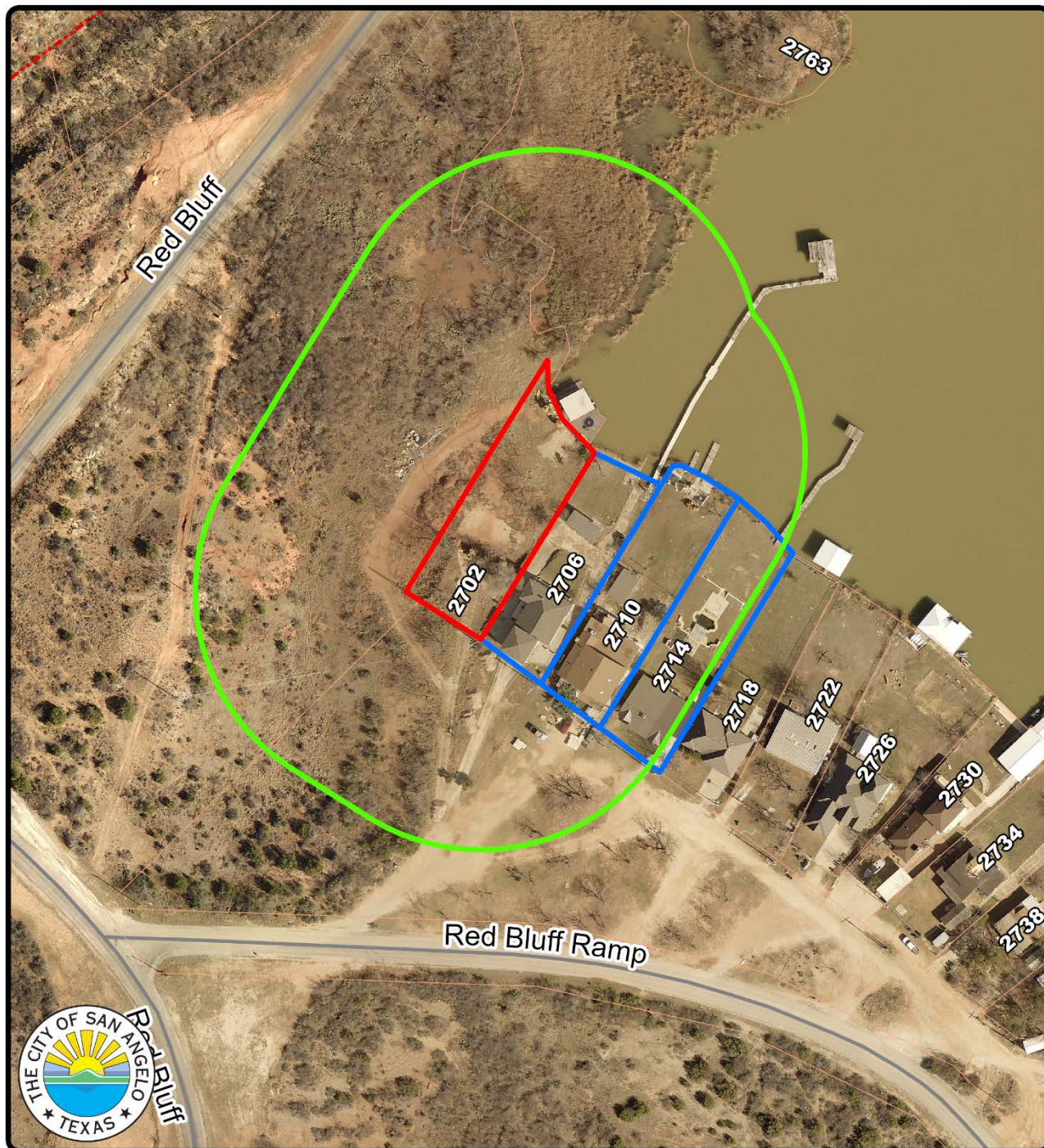
Attachments:

Notification Map

Aerial Map

Site Photo

Notification Map



200' Notification Map
ZBA24-37: 2702 Red Bluff Ramp Rd.

Council District: #1 Tommy Hiebert
Neighborhood: Nasworthy

Scale: 0 0.01 0.01 0.03 0.04 0.06 Miles

200' Range: —

Subject Property: —

Notified Properties: —



Aerial Map



Aerial Map

ZBA24-37: 2702 Red Bluff Ramp Rd.

Council District: #1 Tommy Hiebert

Neighborhood: Nasworthy

Subject Property: 

Scale:  0 0.01 0.01 0.02 0.03 0.04 Miles



Site Photos

