

ZONING BOARD OF ADJUSTMENT – May 5, 2025
STAFF REPORT

APPLICATION TYPE:	CASE:		
Variance	ZBA25-05: SAISD Fencing		
SYNOPSIS:			
<p>A request for approval of a zoning variance to allow fencing taller than 4’ along property lines at six SAISD locations: 323 Penrose St. (Glenmore), 2302 Bradford St. (Bradford), 120 E 39th St. (Goliad), 2104 Johnson Ave. (Crockett), 201 Millspaugh St. (McGill), and 655 Caddo St. & adjacent properties (Central).</p>			
LOCATION:	LEGAL DESCRIPTION(S):		
Glenmore Elementary – 323 Penrose St. Bradford Elementary – 2302 Bradford St. Goliad Elementary – 120 E 39 th St. Crockett Elementary – 2104 Johnson Ave. McGill Elementary – 201 Millspaugh St. Central High School – 655 Caddo St. & adjacent	Acres: 3.000, Abst: A-0059 S-0166, Survey: G BLUM, 3.0000 ACRES (GLENMORE SCHOOL) Acres: 10.669, Lot: 1E FIRST R/P IN BLK 1 BRADFORD ADD & BL, Subd: BRADFORD ADDITION Acres: 6.116, Blk: 5 & 6, Subd: MATHER ADDITION NO 2, BLOCKS 5 & 6 EXCEPT N 123 FT AND THE SE 115 FT X 212 FT Blk: 6, Subd: MATHER ADDITION NO 2, W118 FT OF E233 FT OF S250 FT (GOLIAD SCHOOL) Blk: 6, Subd: MATHER ADDITION NO 2, W108 FT OF E 115 FT OF S212 FT Acres: 2.499, Lot: 1 THRU 12 & ADJ W1/2 OF FORMER LOCUST S, Blk: 8, Subd: ANGELO HEIGHTS ADDITION Blk: 9-12, Subd: ANGELO HEIGHTS ADDITION, ALL OF BLOCKS 9 THRU 12 & ADJ N1/2 OF GUADALUPE ST Blk: 21-26, Subd: ANGELO HEIGHTS ADDITION, BLOCKS 21,22,23,25 & 26 & ADJ ALLEY & STREETS ON S & E SIDES BLOCK 26 & Acres: 0.241, Lot: 1 & NORTH 1/2 OF LOT 2, Blk: 27, Subd: ANGELO HEIGHTS ADDITION Lot: 3 & S 1/2 OF LOT 2 & LTS 4 TO 6, Blk: 27, Subd: ANGELO HEIGHTS ADDITION, (CENTRAL PARKING LOT) Acres: 0.964, Lot: 14, Blk: 27, Subd: ANGELO HEIGHTS ADDITION, 2ND R/P IN BLK 27 Lot: 2, Blk: 1, Subd: JOHNSON STREET SUBDIVISION, SEC 2 BEING 10.000 ACRES (CROCKETT EL...) Acres: 6.032, Lot: 1, Blk: 1, Subd: MCGILL ELEMENTARY SCHOOL ADDITION, SEC 1		
DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District - Multiple Neighborhood – Multiple	RS-1, RM-2, CG/CH	Multiple	Multiple
NOTIFICATIONS:			
240 notifications were mailed within a 200-foot radius on April 17, 2025. Received 2 in favor thus far and none opposed.			
STAFF RECOMMENDATION:			
Staff recommend APPROVAL of a variance from Section 509.B.3 to allow privacy fences taller than 4 feet along property lines for six SAISD schools.			
PROPERTY OWNER/PETITIONER:			
Applicant: San Angelo Independent School District			
STAFF CONTACT:			
Austin Reed Planner (325) 657-4210, Extension 1550 austin.reed@cosatx.us			

Additional Information:

The San Angelo Independent School District is looking to move forward with plans to install fences around many of their school locations in accordance with state legislation. Under our local Zoning Ordinance, this would require a variance in some places. SAISD first received approval of a fencing variance for Lakeview in 2022 and are now looking to install several more. This variance would allow them to start at six schools while City staff investigate whether an amendment to the Zoning Ordinance should be made to allow these school fences by right. These fences must still comply with the 30' sight triangle clearance requirements on the corners of intersections.

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.**
Schools are a special type of property as they have been the subject of state legislation and are affected in ways that do not apply to other land.
2. **These special circumstances are not the result of the actions of the applicant.**
The circumstances surrounding this land are in no way a result of the actions of 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.**
Fences which do not comply with our Zoning Ordinance are not uncommon and are therefore a commonly enjoyed right to some extent. Literal interpretation of the Zoning Ordinance would cause unnecessary hardship.
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 would allow for the installation of fences around our schools for safety and security purposes and is therefore within public interest and aligns with the spirit of the Zoning Ordinance.
5. **Granting the variance will not adversely affect adjacent land in a material way.**
The granting of this variance should not adversely affect adjacent land as these schools have already existed for many years and sight clearance on corners will be maintained.
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.**
Granting a variance in this scenario would promote public health and welfare and 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 applies:

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.*

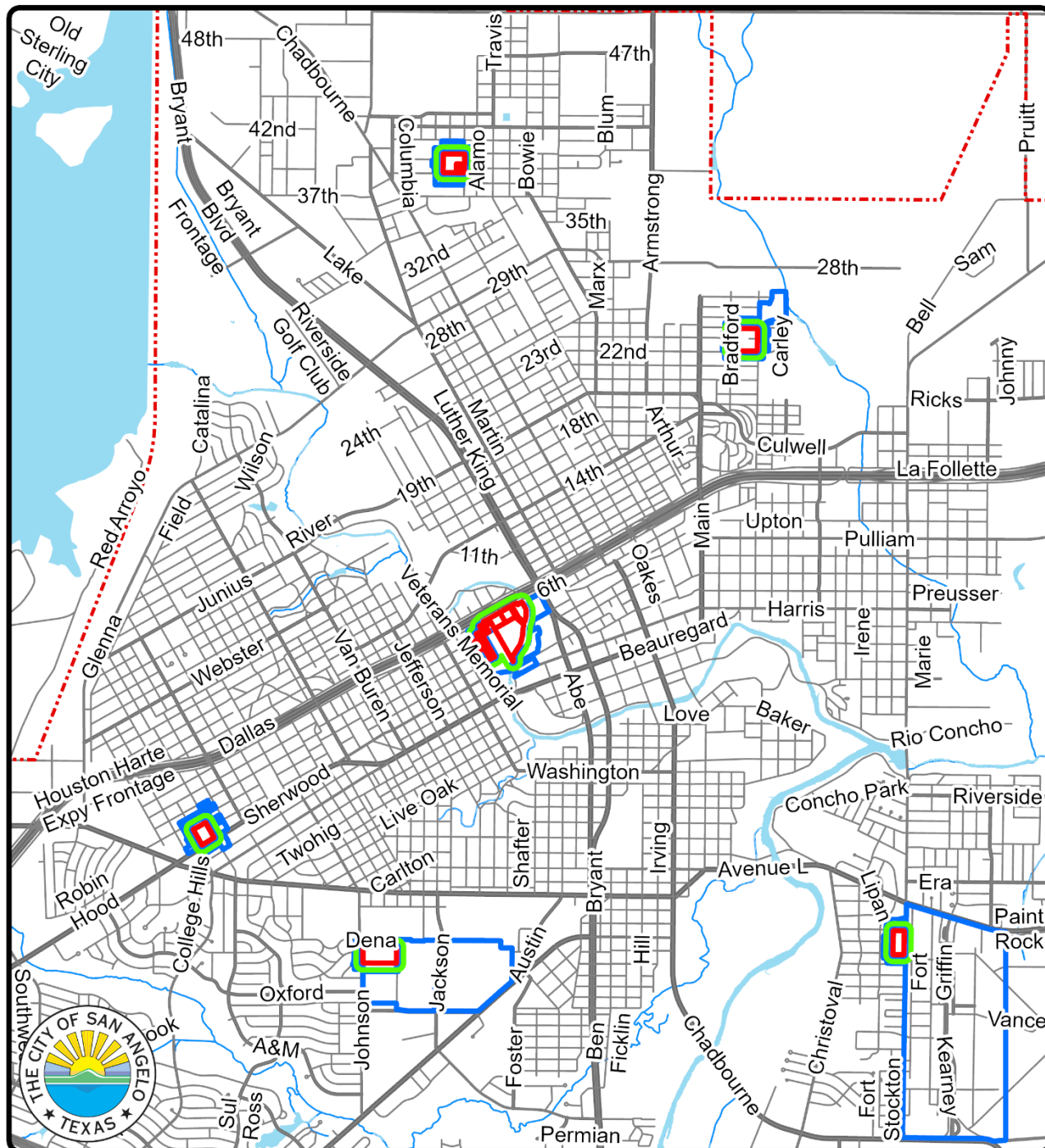
Recommendation:

Staff recommend APPROVAL of a variance from Section 509.B.3 to allow privacy fences taller than 6 feet along property lines for six SAISD schools.

Attachments:

Notification Map
Site Plans

Notification Map



200' Notification Map ZBA25-05: SAISD Fencing

Scale: 0 0.25 0.5 1 1.5 2 Miles

200' Range: —

Subject Property: —

Notified Properties: —



Site Plan – Bradford







Site Plan – Goliad



Site Plan – Glenmore

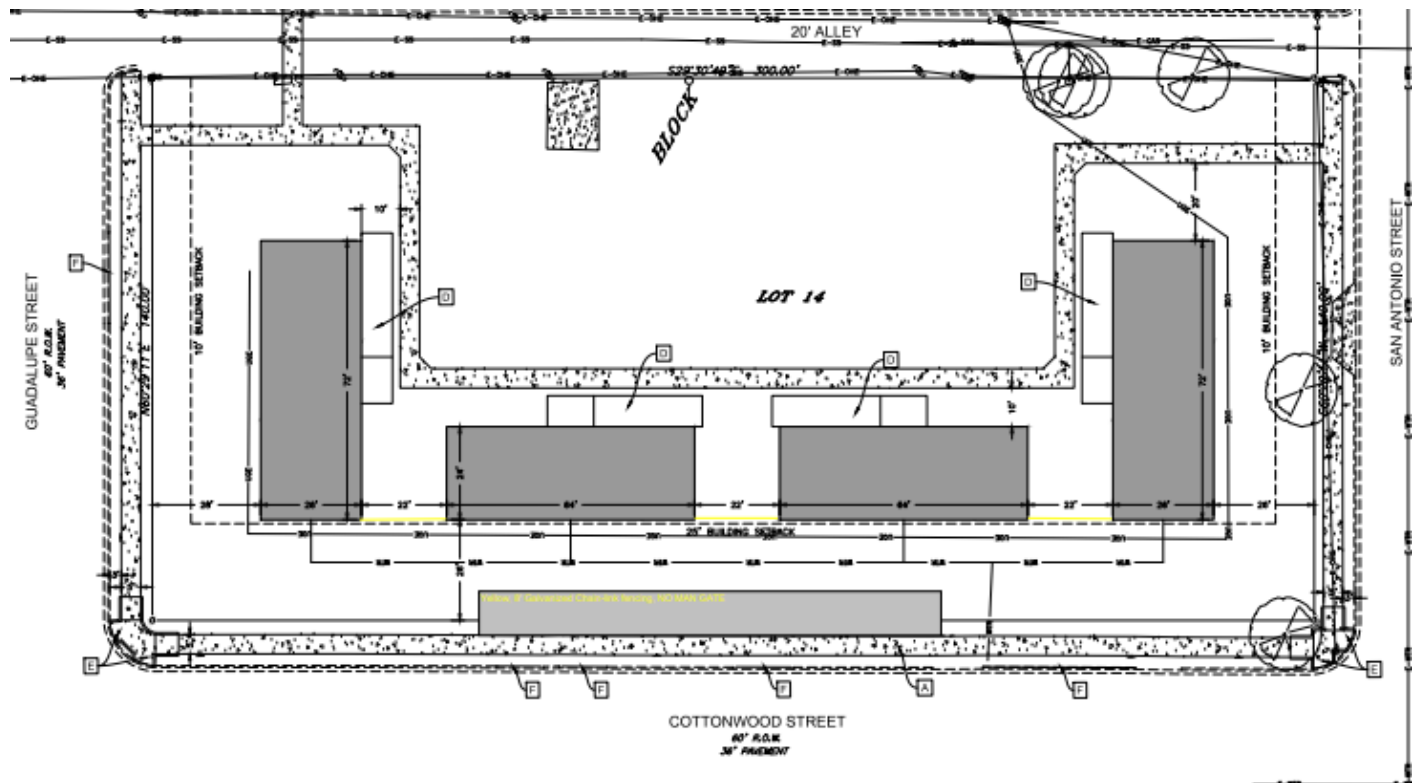


-  Yellow, 8" galvanized chain link fencing, shall be removed and reinstalled along same fence line
-  Blue Gates, 8" tall gates will be the width of the sidewalk, all blue man gates will have panic devices
-  6" Rot iron fence
-  Manual maintenance gates

Site Plan – Central



Site Plan – Central (cont.)



**ZONING BOARD OF ADJUSTMENT – May 5, 2025
STAFF REPORT**

APPLICATION TYPE:		CASE:	
Variance		ZBA25-06: 3642 Old Post Circle	
SYNOPSIS:			
A request for approval of a zoning variance for a 10-foot front setback in lieu of the required 25 feet.			
LOCATION:		LEGAL DESCRIPTION:	
3642 Old Post Circle		Lot: 42 SEC 4, Blk: 2, Subd: COLLEGE HILLS WEST ADDN	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District – #6, Larry Miller Neighborhood – Sunset	RS-1	Neighborhood	Acres: 0.181
NOTIFICATIONS:			
33 notifications were sent to property owners within 200 ft. of the subject property. We received one notification in support of the zoning variance who commented, “We have no issue with this structure as placed for twenty years.”			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of a zoning variance for a 10-foot front setback in lieu of the required 25 feet.			
PROPERTY OWNER/PETITIONER:			
Applicant: Samuel & Mary Castanuela			
STAFF CONTACT:			
Kim Garmany Planning & Development Services Administrator (325) 657-4210, Extension 1217 kimberly.garmany@cosatx.us			

Additional Information: Applicant purchased the home in 2021 and the carport was already there. It was built by the previous owner in 2003, but did not get a permit. Although applicant states the carport is 16 ft. from the road, it is 10 ft from the property line. The front yard set back in RS-1 zoning is 25 ft from the property line.

With further research, it was discovered that a previous owner, Art Scott, applied for a special exception to the 30 ft. front yard setback for this carport to the Zoning Board of Adjustment on February 1, 1999 and was denied unanimously. The carport was not able to receive a building permit because it was not approved at ZBA. The original staff report for this case states that, “No other home on Old Post Circle has a carport in its required front yard,” and that is still the case today.

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.** No
2. **These special circumstances are not the result of the actions of the applicant.** No special circumstances
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 unnecessary and undue hardship.** No
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.** No
5. **Granting the variance will not adversely affect adjacent land in a material way.** No
6. **Granting the variance will be generally consistent with the purposes and intent of this Zoning Ordinance.** As the original staff report states “A carport extending in front of this house would not be compatible with this neighborhood, nor meet the intent of the ordinance of allowing carports where others exist or in older neighborhoods with smaller homes.”

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 applies:

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 recommends **DENIAL** of a zoning variance for a 10-foot front setback in lieu of the required 25 feet.

Attachments:

Aerial Map

Notification Map

Subject property photos

Aerial Map



Aerial Map

ZBA25-06: 3642 Old Post Circle

Council District: #6 - Larry Miller

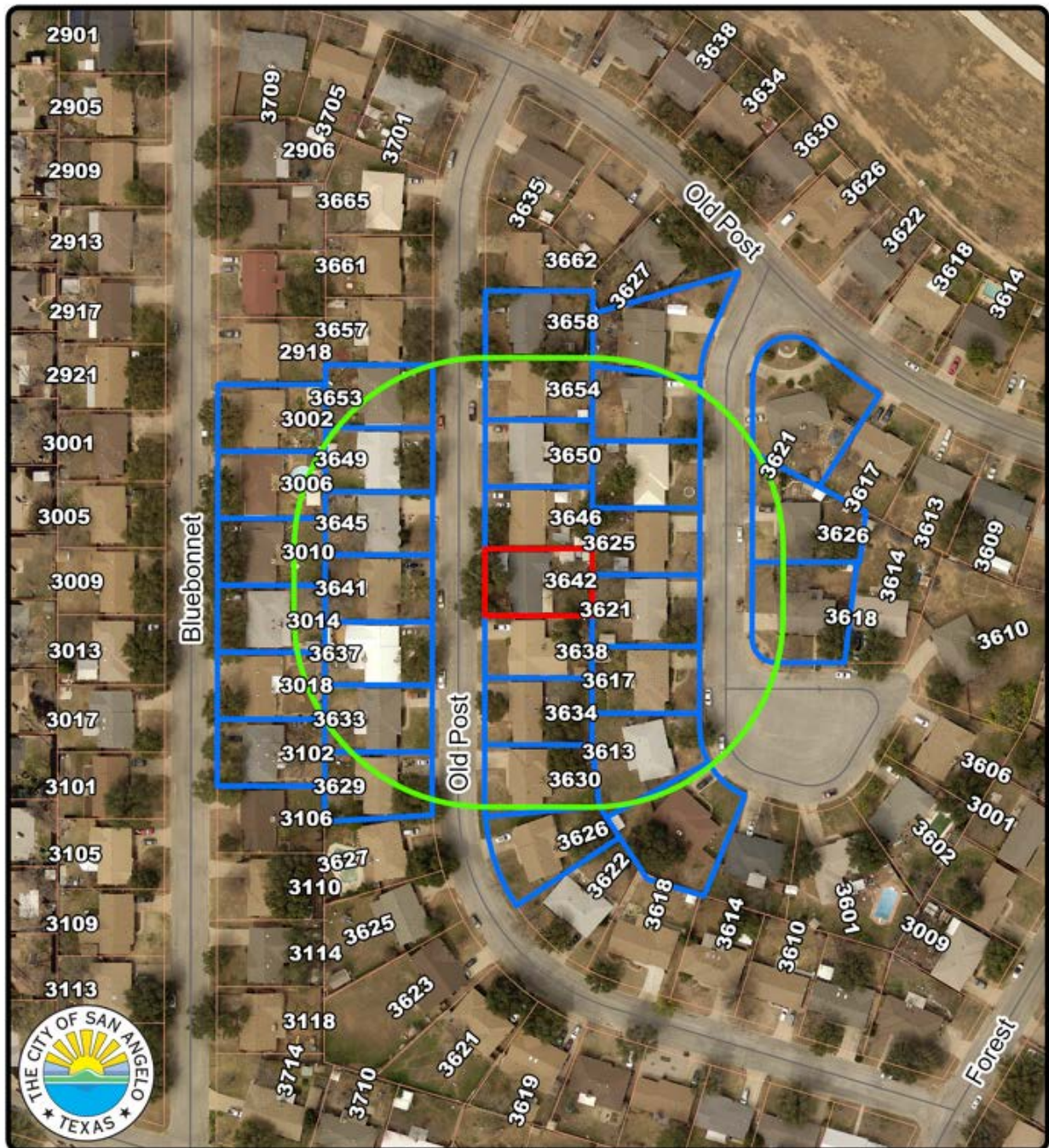
Neighborhood: Sunset

Subject Property: —

Scale: 0 0.010.01 0.02 0.03 0.04 Miles



Notification Map



200' Notification Map
ZBA25-06: 3642 Old Post Circle

Council District: #6 - Larry Miller
Neighborhood: Sunset

Scale: 0 0.010.01 0.03 0.04 0.06 Miles

200' Range: —

Subject Property: —

Notified Properties: —



Subject Property Photos

