



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA

REGULAR MEETING, THURSDAY, JUNE 15, 2017 3:00 P.M.

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

2. CONSENT AGENDA:

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the May 25, 2017 meeting. **Pg. 2**

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a variance request to allow a proposed accessory building to exceed the maximum allowed square footage of 528 square feet by 2272 square feet for a total building size of 2800 square feet, as established by Article 11-I-17 of the City of Kerrville Zoning Code. The subject tract being an approximate 1.65 acre tract out of the Florentine Lara Survey No. 123, Abstract No. 225, Kerrville, Texas, located at 1880 Arcadia Loop. (File No. 2017-040) **Pg. 4**

4. STAFF REPORTS

5. ADJOURNMENT

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: June 9, 2017 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown

Deputy City Secretary, City of Kerrville, Texas



**City of Kerrville
Planning Department
Report**

Agenda Item: Zoning Board of Adjustment

Agenda Item: 2A

Hearing Date: June 15, 2017

Representative: Staff

Proposal

Approval of the minutes from the May 25, 2017 Zoning Board of Adjustment meeting.

MEMBERS PRESENT:

Linda Stilwell, Chair

Peter Lewis, Vice-Chair

Danny Almond, Member

Judy Eychner, Member

Sam Ligon, Member

Robert Parks, Alternate

STAFF PRESENT:

Gordon Browning, Interim City Planner

Dorothy Miller, Recording Secretary

CALL TO ORDER

On May 25, 2017 the Zoning Board of Adjustment meeting was called to order at 3:00 p.m. in the City Hall Council Chambers, 701 Main Street.

1. VISITORS/CITIZENS FORUM

No one spoke.

2. CONSENT AGENDA

2A. Approval of the minutes from the April 20, 2017 meeting.

Ms. Eychner moved to approve the minutes as presented; motion seconded by Mr. Ligon and passed

5-0.

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a variance request to allow an attached carport to encroach six (6) feet into the required six (6) foot side yard setback, as established by Article 11-1-17 of the City of Kerrville Zoning Code. The subject tract being Lot 14, Block 12, Westland Addition, Kerrville, Texas, located at 405 Lucille Street. (File No. 2017-022).

Mr. Browning presented the findings of fact.

Ms. Stilwell opened the public hearing at 3:03 p.m. Mr. Rolando Tejeda, applicant, spoke, stating his insurance company was paying to replace his roof. He ordered materials, started construction and received a stop work notice. He stated he was not aware a permit was required.

Hearing no one else speak, Ms. Stilwell closed the public hearing at 3:07 p.m.

Mr. Browning reported 26 notices were mailed out to surrounding property owners and no responses were received for or against the variance.

Ms. Eychner moved to approve the variance as presented; motion was seconded by Mr. Lewis and passed 5-0.

3B. Public Hearing & Action, Variance Request – Public hearing, consideration, and action concerning a variance request to allow a proposed residence to encroach ten (10) feet into the required fifteen (15) rear yard setback as established by Article 11-1-17 of the City of Kerrville Zoning Code. The subject being Lots 6 and 7 Harper Village, Kerrville, Texas, located at 252 Old Oaks Path. (File No. 20170025).

Mr. Browning presented the findings of fact.

Ms. Stilwell opened the public hearing at 3:12 p.m. Mr. Robert Rue, applicant, spoke, explaining the scope of his project. His understanding was he could build up to the property line.

Mr. Kyle Priour spoke, stating the home would be moved back, actually giving more room on all sides, which he believes enhances the neighborhood.

Hearing no one else speak, Ms. Stilwell closed the public hearing at 3:25 p.m.

Ms. Eychner moved to approve the variance as presented; motion was seconded by Mr. Almond and passed 4-1.

4. STAFF REPORTS

Mr. Browning announced the next meeting will be Thursday, June 15, 2017.

5. ADJOURNMENT

The meeting adjourned at 3:28 p.m.



**City of Kerrville
Planning Department
Report**

Zoning Board of Adjustment
Agenda Item: 3A
Planning File #: 2017-040
Hearing Date: June 15, 2017
Representative: James C. Koch
Location: 1880 Arcadia Loop
Zoning: RC, Residential Cluster
Legal Description: Lara Survey 123, Abstract 225
Total Acreage: 1.65

Proposal

A request for a variance to allow a proposed accessory building to exceed the maximum allowed square footage of 528 square feet by 2272 square feet for a total of 2800 square feet, as established by Article 11-I-17 of the City Kerrville Zoning Code.

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on May 31, 2017. Notices were sent to property owners within two hundred (200) feet of the subject property on June 5, 2017. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017, in accordance with Section 551.043(a) of the Texas Local Government Code.

Recommended Action

Staff recommends that the Board hold the required public hearing, receive public comments and make a decision.

Notices Mailed

Owners of Property within 200 feet: 16

Adjacent Zoning and Land Uses

Direction: North and west

Current Base Zoning: 3-W, RC

Current Land Uses: Non-Residential, Single-Family Residential

Direction: South and East

Current Base Zoning: RC

Current Land Uses: Single-Family Residential

Transportation

Thoroughfare: Arcadia Loop

Existing Character: One lane in each direction

Proposed Changes: None Known

Criteria for Review

According to Article 11-I-23(b)(3) of Chapter I, "The City of Kerrville Zoning Code", in order for a variance to be granted, the applicant must demonstrate all of the following:

(1) That there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition or location that do not apply generally to other property in the same area and the same zoning district;

There are no exceptional circumstances that exist on the property. The property's size, shape and topography are similar to the surrounding areas with the same zoning. Drawings submitted show that the proposed accessory building will be located west of the existing house in an area between existing trees. The location meets the building setbacks for the RC District (see attached).

(2) That the exceptional circumstances or conditions are such that literal enforcement of the provisions of this Chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this Chapter;

Not applicable. There are no exceptional circumstances or conditions that affect this lot.

(3) That the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;

A majority of the lots in this area are larger than the typical City "lot", a larger accessory building would not be out of character for this area. The requested variance would not be detrimental to the health, safety, and welfare of the public or surrounding properties.

(4) That the granting of such variance will not be contrary to the objectives and principles contained in the comprehensive plan, as amended;

The variance if allowed would not be contrary to the objectives and principles contained in the comprehensive plan.

(5) That the variance to be granted is the minimum variance that will relieve the proven hardship;

There is no proven hardship to relieve with this request.

(6) That the variance is not being granted to relieve the applicant of conditions or circumstances:

(a) Which are not inherent in the property itself, but are the result of the use or development of the property, or

Staff believes the hardship that exists is a result of the size of the proposed accessory building and not inherent to the property, layout of the subdivision and development regulations.

(b) Which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations, or

Not applicable.

(c) Which were otherwise self-imposed by the present or a previous owner;

Staff believes the “hardship” is self-imposed. The proposed accessory building exceeds the size permitted by City Code.

(7) That the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;

The variance will not intentionally make the property more profitable, and/or reduce expenses to the current or any future owner. The applicant proposes to use the building for storage.

(8) That the variance would not modify or effectively repeal any development or use regulations set forth in a Conditional Use Permit or an ordinance or resolution adopting a Development Site Plan or establishing a Special Use District or Planned Development District which are in addition to the generally applicable use and development regulations set forth in this Chapter;

The variance will not appeal any other development regulations besides the maximum size requirement.

(9) That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.

A change in zoning would not change the need for a variance.

Staff Recommendation:



