



**CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA**

**REGULAR MEETING, THURSDAY, FEBRUARY 1, 2018 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. **Pg. 2**

2A. Approval of the minutes from the October 26, 2017 meeting.

**3. PUBLIC HEARINGS AND ACTION**

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a variance from side setback requirements in accordance with Chapter 1, "The City of Kerrville Zoning Code" Article 11-1-17 (Regulations Regarding Building Height, Lot Width and Area, and Setbacks) to install a carport. Legal Description Cage Subdivision, Lot 4 pt, 5 pt, Block O, located at 604 Tivy Street North, on the northeast side of North Street North, and southwest of Barnett Street North. (File No. 2017-093) **Pg. 4**

**4. STAFF REPORTS**

**5. ADJOURNMENT**

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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: January 26, 2018 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas



**City of Kerrville  
Planning Department  
Report**

Zoning Board of Adjustment

Agenda Item: 2A

Hearing Date: February 1, 2018

Representative: Staff

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**Proposal**

Approval of the minutes from the October 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:**

Sabine Kuenzel, Interim Executive Director of Development Services

Dorothy Miller, Recording Secretary

**CALL TO ORDER**

On October 26, 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 September 7, 2017 meeting.

Mr. Lewis moved to approve the minutes as presented; motion seconded by Mr. Ligon and passed 5-0.

**3. PUBLIC HEARINGS AND ACTION**

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3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a variance from the side 15' setback for a residential corner lot and the 19' setback for the garage in an RC (Residential Cluster) District in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-10 (Residential Zoning Districts) for an approximate 0.19 acre tract. Legal Description

The Meridian Subdivision, Lot 78, located at 1804 Valencia Drive North; on the northwest side of Valencia Drive North, between Villa Drive North and Bordeaux Drive North. (File No. 2016-069)

Ms. Kuenzel presented the findings of fact.

Mrs. Susan Gregory spoke, discussing various options looked at that would not work and addressed other options that would work. Mrs. Gregory noted other surrounding homes with non-conforming front setbacks.

Ms. Stilwell opened the public hearing at 3:13 p.m. Hearing no one speak, Ms. Stilwell closed the public hearing at 3:14 p.m.

Mr. Parks moved to approve the variance as presented; motion was seconded by Mr. Ligon and passed 5-0.

**4. STAFF REPORTS**

Ms. Kuenzel had nothing to report at this time.

**5. ADJOURNMENT**

The meeting adjourned at 3:14 p.m.



## **City of Kerrville Planning Department Report**

Zoning Board of Adjustment  
Agenda Item: 3A  
Planning File #: 2017-093  
Hearing Date: February 1, 2018  
Representative: Nellwyn Sadler  
Location: 604 Tivy Street North  
Zoning: RT, Residential Transition  
Legal Description: Cage, Blk O Lot 4 Pt, 5 PT  
Total Acreage: Approximately 0.21

### **Proposal**

A request for a variance from the side 6' setback for a residential lot in in an RT (Residential Transition) District accordance with Chapter 1, "The City of Kerrville Zoning Code" Article 11-1-17 (Regulations Regarding Building Height, Lot Width and Area, and Setbacks).

### **Procedural Requirements**

The application was published in The Kerrville Daily Times, an official newspaper of general circulation. Notices were sent to property owners within two hundred (200) feet of the subject property. Additionally, notice of this meeting was posted at city hall and on the city's internet website, in accordance with the Texas Local Government Code.

### **Recommended Action**

Staff recommends that the Board hold the required public hearing, receive public comments and vote to either approve with findings or deny.

### **Notices Mailed**

Owners of Property within 200 feet: 20

### **Adjacent Zoning and Land Uses**

**Current Zoning:** RT (Residential Transition District)  
**Current Land Uses:** Single-Family Residential

### **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;**

In the application and in discussions with City Staff, the applicant offers the fact that the site was built in the 1940's, which predates current setback regulations. Therefore, the existing garage was built within three feet of the side property line.

Also a point of consideration is the location of the existing home, which, in combination with current side setback requirements, would not allow for the width of a usable garage or carport.

**(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;**

The property appears to be somewhat at a disadvantage when the required setbacks are imposed in addition to the constraint of the physical location of the existing home.

**(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;**

Several of the lots in this area are developed with lesser setbacks than the RT setbacks currently require. Therefore it does not appear that the requested variance would 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 does not appear to 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;**

The applicant appears to have designed the site for a structure that would be similar in size to those of the surrounding neighborhood.

**(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**

Of particular consideration in this case is the location of the existing home.

**(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;**

The lot dimensions have been in existence prior to the applicant's purchase and predate the City's Subdivision Ordinance.

**(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.

**(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 development regulations.

**(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.

Attachments:

Exhibit A Location Map

Exhibit B Site Plan

## Exhibit A Location Map



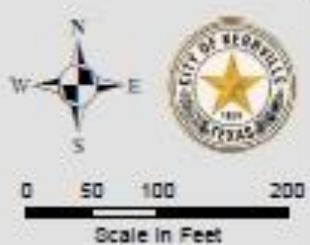
### Location Map

Case # 2017-093

Location:  
604 Tivy Street North

### Legend

200' Notification Area  
Subject Properties  
Variance Area



## Exhibit B Site Plan

