



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA
MEETING, THURSDAY, AUGUST 6, 2015 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. PUBLIC HEARINGS AND ACTION

- 2A. **Public Hearing & Action, Variance Request** - Public hearing, consideration, and action concerning a request for a 6-foot variance from the 6-foot side required setback for an accessory structure on a lot zoned residential in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 for an approximate .16 acres tract. Legal Description Part of Lot 3, Block 15 of the J.A. Tivy Addition, located at 1516 Water Street East. (File No. 2015-035). **Pg. 2**

3. 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: July 31, 2015 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Deputy City Secretary, City of Kerrville, Texas



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 2A
Planning File #: 2015-035
Hearing Date: August 6, 2015
Representative: Freddie Watson
Location: 1516 Water Street East
Zoning: "C-17" Central City -17 District
Legal Description: Part of Lot 3, Block 15 of the J.A. Tivy Addition
Total Acreage: .16

Proposal

Requesting a 6-foot variance from the 6-foot side required setback for an accessory structure on a lot zoned residential in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on July 22, 2015. Notices were sent to property owners within two hundred (200) feet of the subject property on July 27, 2015. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 31, 2015, in accordance with Section 551.043(a) of the Texas Government Code.

Recommended Action

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

Notices Mailed

Owners of Property within 200 feet: 21

Adjacent Zoning and Land Uses

Direction: North, South, East and West

Current Base Zoning: "C-17"

Current Land Uses: Single-Family Residences, Multi-Family Residences, Church and Auto Repair

Summary

The property has an accessory structure (one (1) car detached garage) measuring approximately 231 square feet (21'x11') located on the north east property line. A complaint was submitted to Code Enforcement concerning possible encroachment issues. Code Enforcement found the structure was not in compliance with setback requirements and was indeed encroaching to the property to the adjacent property and was built without building permits. The structure was built between 2013 and 2014. However, prior to 2013 from aerial and satellite images there seems to have been another structure of larger size in the similar location. Staff has not been able to find any permits for any prior accessory structures.

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 area with the same zoning.

(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;

Does no

(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;

The variance would allow the structure to remain on the property line. The existing structure seems to be less than 10' from the adjacent property's primary structure which could pose a fire hazard.

(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 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;

The hardship that exists on the property is self-induced. The variance requested is the minimum variance needed in order for the structure to remain in its current location.

(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

The structure was built without permits. If a permit was submitted it would have been denied for not meeting setback requirements. The hardship is due to development and not inherent to the property itself.

(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 hardship was self-imposed through development of a structure without proper permits.

(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;

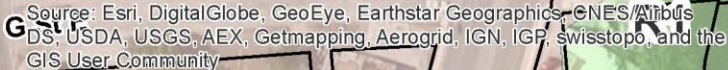
If the variance is granted than the owner would not need to pay for the structure to be removed or demolished.

(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 setback requirements.

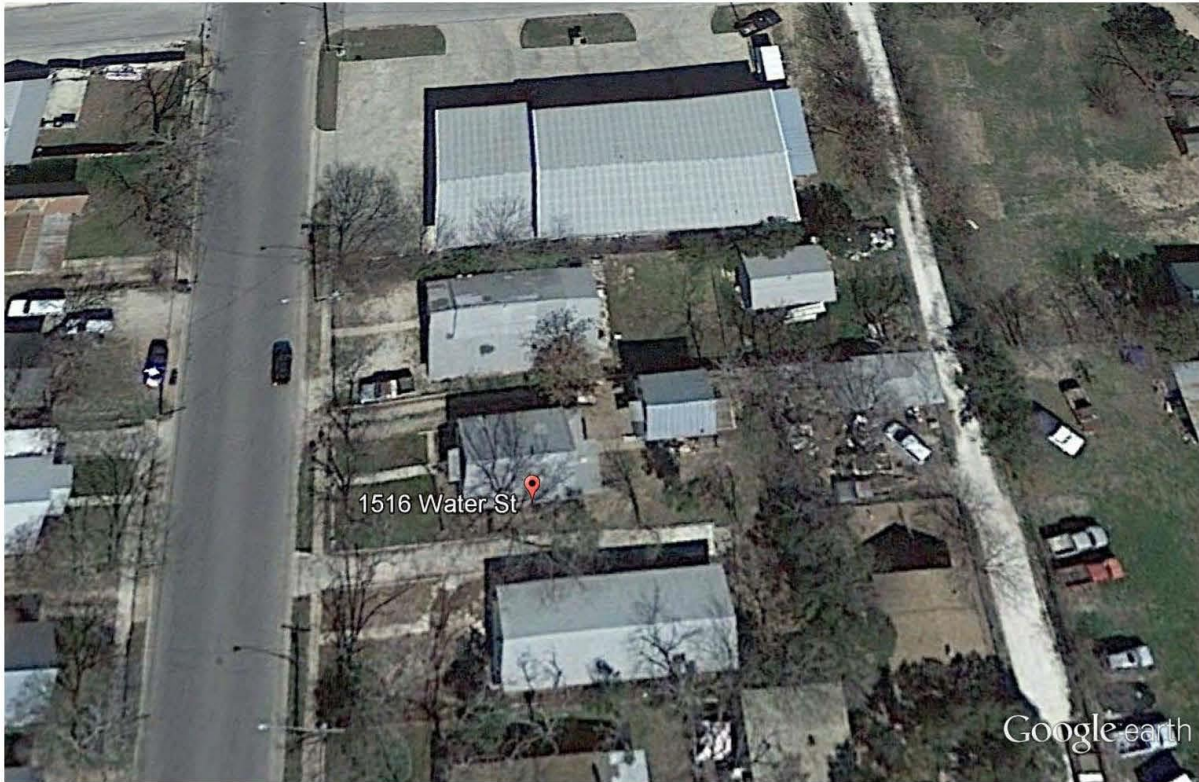
(9) That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.

A change in zoning would not change the need for a variance. There is no additional land the owner could acquire to address the setback requirements.



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

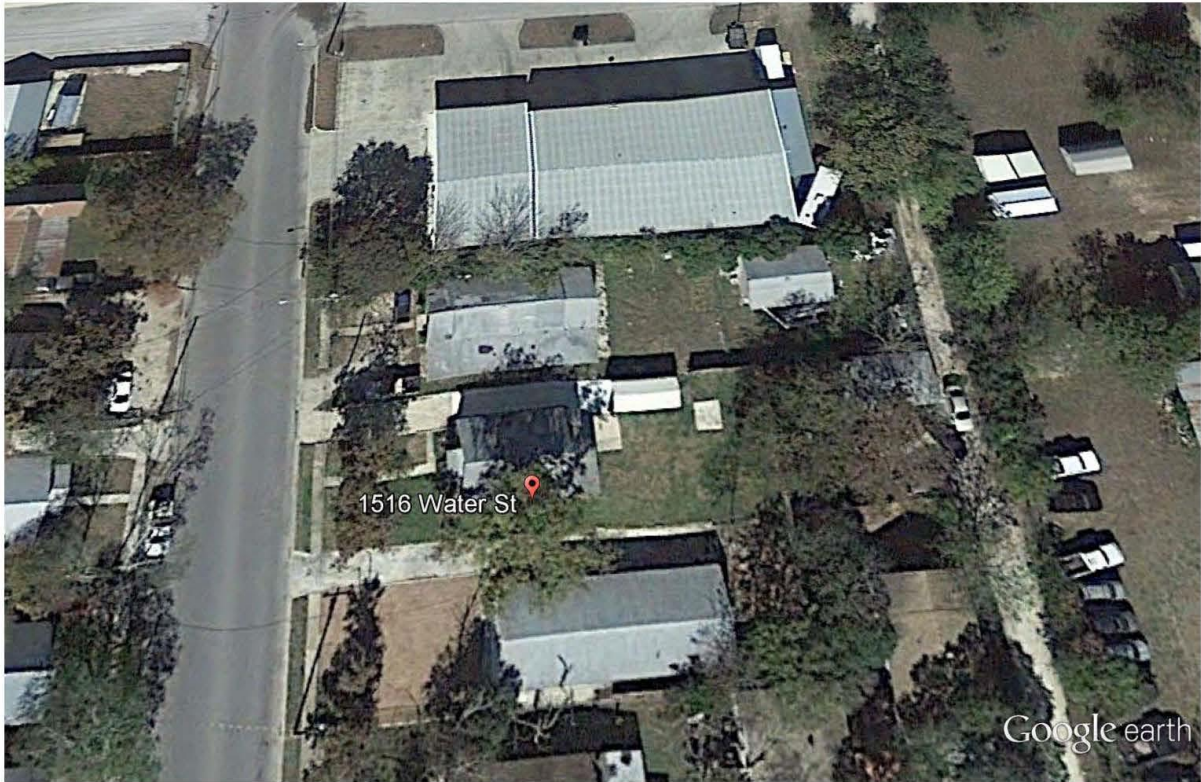
2/12/2013



Google earth



11/22/2014



Google earth

feet
meters

