



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA
MEETING, THURSDAY, JANUARY 7, 2016 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 December 3, 2015 meeting. **Pg. 2**

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a 10-foot variance from the 25-foot rear required setback for Institutional and Public Assembly in accordance to Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 for an approximate .44 acre tract. Legal Description J.A. Tivy Subdivision, Lot 2-A, Block 39, located at 1019 and 1023 North Street North; on the northwest side of A Street North, between North Street North and Aransas Street North. (File No. 2015-062). **Pg. 4**

4. 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: December 31, 2015 at 4:30 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

To: Zoning Board of Adjustment
Agenda Item: 2A
Hearing Date: January 7, 2016
Representative: Staff

Proposal

Approval of the amended minutes from the December 3, 2015 Zoning Board of Adjustment meeting.

MEMBERS PRESENT:

Linda Stilwell, Chair
Peter Lewis, Vice-Chair
Judy Eychner, Member
Sam Ligon, Member
Mark Bosma, Alternate

MEMBERS ABSENT:

Justin MacDonald, Secretary
Robert Parks, Alternate

STAFF PRESENT:

Trent Robertson, City Planner
Dorothy Miller, Recording Secretary

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.)

On December 3, 2015 the Zoning Board of Adjustment meeting was called to order at 3:00 p.m. in the City Hall Council Chambers, 701 Main Street.

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 November 5, 2015 meeting.

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

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a 5-foot variance from the 15-foot rear required setback for a primary structure in the “RC” Residential Cluster Zoning District in accordance to Chapter I, “The City of Kerrville Zoning Code” Article 11-1-10(c) for an approximate .15 acre tract. Legal Description Meadows of Riverhill 1, Lot 1, Block 13, located at 2512 Rogers Circle East; southeast of Riverhill Boulevard, on the north side of Rogers Circle East at the end of the cul-de-sac. (File No. 2015-051).

Mr. Robertson presented the findings of fact.

Mrs. Stilwell opened the public hearing at 3:11 p.m.

Thad Chambers of Chambers Design Build, representing the home owner, Mr. Heinz, spoke. Mr. Chambers presented a slide show showing the design of home/floor plan and the approval letter from River Hills ACC.

James Hanine spoke and stated he was opposed to the variance. Mr. Hanine read from the deed restrictions of the subdivision.

Ms. Stilwell asked Mr. Chambers if they considered the deed restrictions. Mr. Chambers responded that the subdivision submitted a letter of approval for the variance.

Hearing no one else speak, Mrs. Stilwell closed the public hearing at 3:21 p.m.

Mr. Bosma moved to approve the variance based on the findings of fact; motion was seconded by Mr. Ligon and passed 5-0.

4. Adjournment

The meeting adjourned at 3:29 p.m.

ATTEST:

Linda Stilwell, Vice-Chair

Dorothy Miller, Recording Secretary

Date Minutes Approved



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 3A
Planning File #: 2015-062
Hearing Date: January 7, 2016
Representative: Dustin Coon
Location: 1019 and 1023 North Street
Zoning: "RT" Residential
Legal Description: J.A. Tivy Subdivision, Lot 2-A, Block 39
Total Acreage: .44

Proposal

A request for a 10-foot variance from the 25-foot rear required setback for Institutional and Public Assembly in accordance to 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 December 23, 2015. Notices were sent to property owners within two hundred (200) feet of the subject property on December 28, 2015. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 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: 13

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "RT" and "PI"

Current Land Uses: Single-Family Residential and School

Direction: South and West

Current Base Zoning: "R-1A"

Current Land Uses: Church and Single-Family Residential

Direction: East
Current Base Zoning: "PI"
Current Land Uses: School

Transportation

Thoroughfare: North Street
Existing Character: One lane in each direction and then turns into a one way street near A Street; partial sidewalks
Proposed Changes: None known

Transportation

Thoroughfare: A Street
Existing Character: One lane in each direction with sidewalks
Proposed Changes: None known

Transportation

Thoroughfare: Aransas Street and Jefferson Street
Existing Character: One lane in each direction with partial sidewalks
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 exceptional circumstances or conditions that exist on the property. The lot is in the shape of a trapezoid and is considered a corner lot, making it difficult for a building to meet all development regulations such as setbacks. The proposed structure will be consistent with the existing structure it will replace.

(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 enforcement of the provisions of this Chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this Chapter due to the dimensions of the lot. The variance would allow for the property to be in compliance with the regulations in the zoning code, and for the property to enjoy the same privileges as other similar properties in the same zoning district. The proposed "Institutional and Public Assembly" use will be consistent with the existing development in the surrounding neighborhood. The existing structure that will be replaced was used for similar uses since its construction in 1986 (kerrcad.org, 12/31/2015).

(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 for the lot to be redeveloped with a more modern structure similar to the surrounding neighborhood. The requested variance will 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 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 variance requested is the minimum distance needed in order for the "Institutional and Public Assembly" structure to be in compliance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17.

(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 was not self-induced, but inherent to the property.

(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 not self-induced and similar hardships existed on the property due to the layout of the streets and this particular lot.

(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;

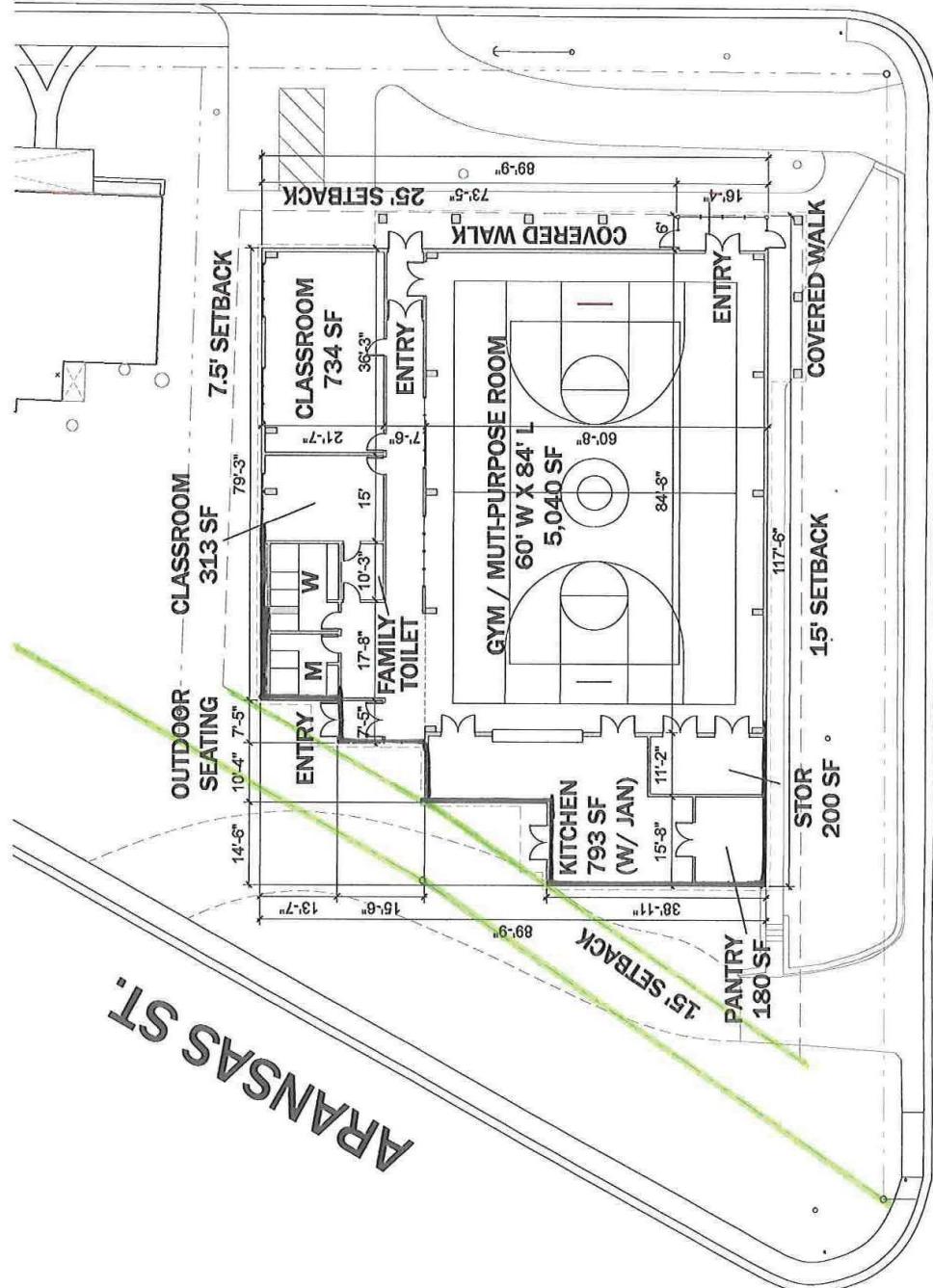
The variance will not appeal any other development regulations besides the setback requirements.

(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.

Staff Recommendation: Approval

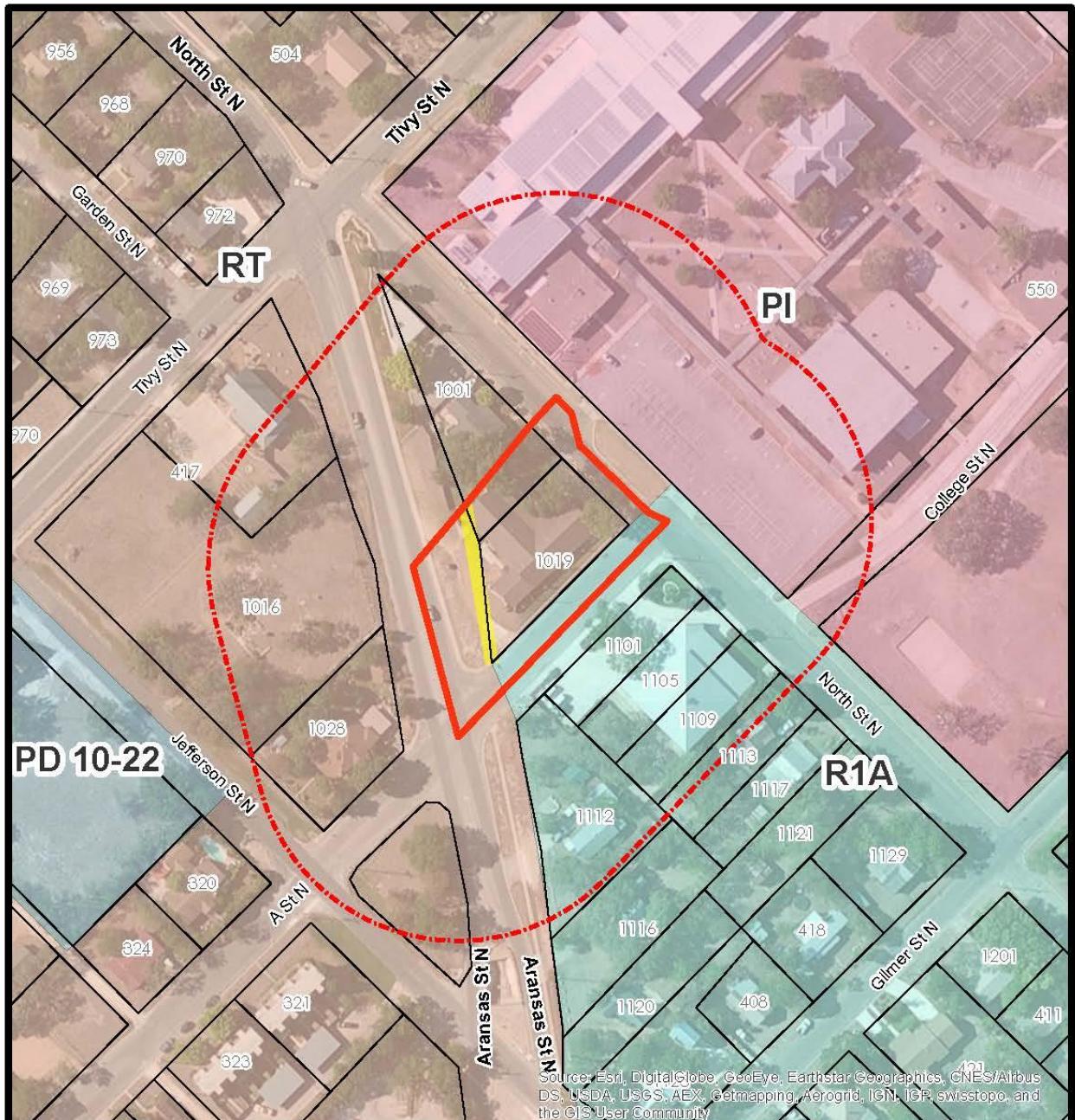
NORTH ST.



"A" ST.

PROPOSED GYM / MULTI-PURPOSE FACILITY
KERRVILLE APOSTOLIC CHURCH

9/9/15
9/9/15



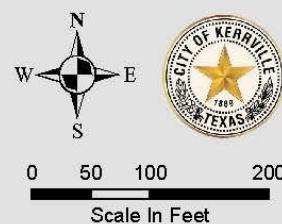
Variance Case Location Map

Case 2015-062

Location:
1019 & 1023 North St

Legend

**200' Notification Area
Subject Properties
Current Zoning
Variance**



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.