



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

**REGULAR MEETING, THURSDAY, MAY 3, 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.

2A. Approval of the minutes from the March 22, 2018 meeting. **Pg. 2**

**3. PUBLIC HEARINGS AND ACTION**

3A. **Public Hearing & Action, Variance Requests** – Public hearing, consideration, and action concerning a request for setback variances in accordance with Chapter I, “The City of Kerrville Zoning Code” Article 11-1-17 (Regulations regarding Building Height, Lot Width and Area, and Setbacks) for Lot 22 in the Harper Village Subdivision, located at 233 Old Oaks Path North. (File No. 2018-025) **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: April 30, 2018 at 9:30 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig

City Secretary, City of Kerrville, Texas

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# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 2A  
Hearing Date: May 3, 2018  
Representative: Staff

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## Proposal

Approval of the minutes from the March 22, 2018 meeting.

### **MEMBERS PRESENT:**

Peter Lewis, Vice-Chair  
Danny Almond, Member  
Judy Eychner, Member  
Sam Ligon, Member  
Bill Morgan, Alternate  
Robert Parks, Alternate

### **STAFF PRESENT:**

Sabine Kuenzel, Chief Planning Officer  
Dorothy Miller, Recording Secretary

### **CALL TO ORDER**

On March 22, 2018 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. Election of new chair and vice-chair.

Mrs. Eychner moved to appoint Mr. Lewis as chair; Mr. Lewis declined.

Mr. Lewis moved to appoint Mr. Almond as chair: motion was seconded by Mrs. Eychner and passed 5-0.

Mrs. Eychner moved to appoint Mr. Lewis as vice-chair; motion was seconded by Mr. Ligon and passed 5-0.

Mr. Almond resumed as chair.

### **3. PUBLIC HEARINGS AND ACTION**

#### **3. PUBLIC HEARINGS AND ACTION**

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a variance from the maximum building size restriction in accordance with Chapter 1, “The City of Kerrville Zoning Code” Article 11-1-10 (“RT” - Residential Transition District – Building Limit) to allow for construction of an addition to the existing building. Legal Description C. Gray Addition, Lot 1 Block 1 located at 417 Tivy Street North, on the southeast corner of Tivy Street and Aransas Street. (File No. 2018-011)

Ms. Kuenzel presented the findings of fact.

Mr. Almond opened the public hearing at 3:10 p.m. Hearing no one speak, Mr. Almond closed the public hearing at 3:12 p.m.

Mr. Almon moved to approve the variance as presented. Mr. Almond took a vote and motion passed 5-0.

3B. **Public Hearing & Action, Variance Request** - Public hearing, consideration, and action concerning a request for a variance from the front and rear setbacks, 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) for an approximate .11 acre tract. Legal Description Methodist Encampment, Block 8, Lot 12, located at 1304 Alice Street North; on the southwest side of Uvalde Street North and northwest of Tanglewood Lane North. (File No. 2018-013)

Ms. Kuenzel presented the findings of fact.

Mr. Almond opened the public hearing at 3:20 p.m. Hearing no one speak, Mr. Almond closed the public hearing at 3:23 p.m.

Mr. Almon moved to approve the variance as presented. Mr. Almond took a vote and motion passed 5-0.

#### **4. STAFF REPORTS**

Ms. Kuenzel had nothing to report.

#### **5. ADJOURNMENT**

The meeting adjourned at 3:24 p.m.



# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 3A  
Planning File #: 2018-011  
Hearing Date: March 22, 2018  
Representative: Reuben Silva  
Location: 233 Old Oaks Path North  
Zoning: RC (Residential Cluster)  
Legal Description: Harper Village Subdivision, Lot 22  
Total Acreage: Approximately 0.06 acres

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## Proposal

A request for variances from the default R-C zoning setbacks for to allow for lot lines to establish the building setback restrictions.

Default setbacks for detached, single family uses would ordinarily be 15' front, rear, and side street, 5' interior side. Garages are required an additional 4' setback from property lines adjoining streets, for a total of 19' setback. This variance request would essentially eliminate all setbacks within the lot itself, allowing the common area to serve as yard requirements.

## 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: 15

## Zoning and Land Uses

**Site Zoning:** RC (Residential Cluster District)

**Current Land Uses:** Vacant

**Surrounding Zoning:** RC to all sides

**Surrounding Area Land Uses:** Single Family Residential, townhomes, vacant lots, and common green space

### **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 and the surrounding properties were laid out many years ago, in 1976, according to a cluster condominium scheme. This assertion is evidenced by the relatively small lot sizes in the subdivision, the irregular lot dimensions, and the green space that is in common ownership of the area. At the time of the platting, the site was zoned Planned Development District, which allowed for flexibility in subdivision design. Further evidence of the intended condominium development is shown in the fact that the existing homes seem to be built on or near their respective property lines, with little to no additional setbacks from those lot lines. Setbacks therefore appear to have established by the lot lines themselves. However, the zoning regulations that apply to the property have changed to require such a note to be legally recorded with the subdivision plat, which predates this current zoning provision.

**(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 literal enforcement of the current setback limitation in this particular instance will constrain the development of this lot more than other lots that have already been constructed upon in this subdivision.

**(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 constructed without adherence to current setback regulations. 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 compatible in size in relation to its lot, similar 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 apparent layout of the site as originally intended as a planned development district rather than a standard single family detached neighborhood.

**(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;**

None of the hardship in meeting the strict application of the ordinance limitation appear to be self-imposed.

**(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;**

Although the variance could make the use more profitable, consideration could also be given to the spirit of the RC district, which encourages a mix of residential products.

**(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 repeal 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 does not appear to be a better option.

Attachments:

Exhibit A Location Map

Exhibit B 1976 Plat

Exhibit C Site Planning concepts

Exhibit D Area photos

## Exhibit A Location Map



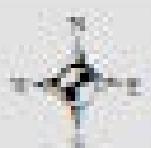
### Location Map

Case # 2018-025

Location:  
233 Old Oaks Path

#### Legend

200' Notification Area ——————  
Subject Properties ——————



0 50 100 200

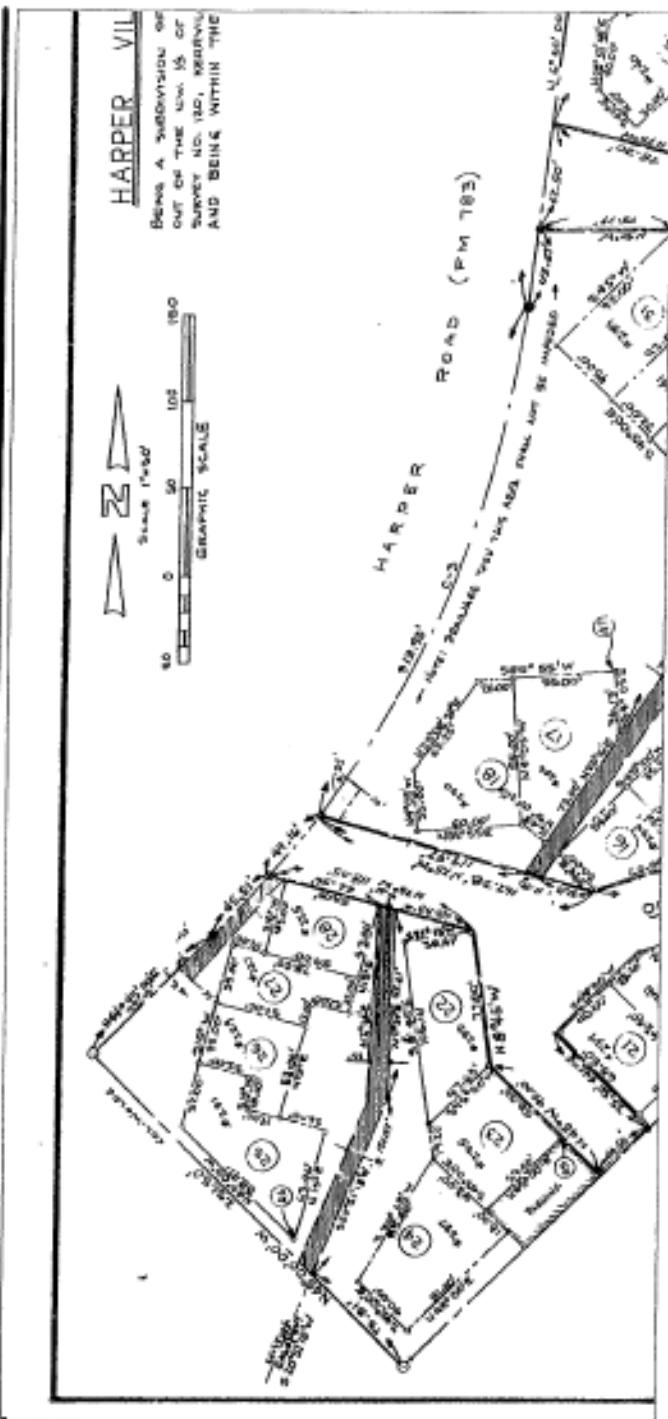
Scale in Feet

Exhibit B 1976 plat



## Exhibit C Site Planning concepts

**Harper Village**  
Kerr County, Texas, Volume: 4, Page: 67



Florida High School  
2000-2001  
Yearbook  
Volume 14

Experiments

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2

Robert and Ashley Silver  
237 Old Oaks  
Katy, TX  
77078

(proposed building)

1

Back

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105

375

110

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Right  
edge

245

1

179

Old Days at  
Wheatland

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Project Line

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2000

Catalytic Carbene

Proper and Hesling Survey  
2 Old Oaks  
Marion TX,  
78958

(Proposed Building  
with Setbacks)



## Exhibit D Area photos







