



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA

REGULAR MEETING, THURSDAY, AUGUST 2, 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 June 21, 2018 meeting. **Pg. 2**

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** – 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 18 in the Harper Village Addition, located at 230 Old Oaks Path. (File No. 2018-050) **Pg. 3**

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: July 30, 2018 at 9:00 a.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: August 2, 2018
Representative: Staff

Proposal

Approval of the minutes from the June 21, 2018 meeting.



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 3A
Planning File #: 2018-050
Hearing Date: June 21, 2018
Representative:
Location: 230 Old Oaks Path
Zoning: RC
Legal Description: Harper Village Addition, Lot 18

Proposal

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 18 in the Harper Village Addition, located at 230 Old Oaks Path. (File No. 2018-050)

The addition to the home will result in a 7.6 ft. rear setback.

Procedural Requirements

The notice of public hearing was published in Kerrville Daily Times, an official newspaper of general circulation on July 17, 2018. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 27, 2018 in accordance with Section 551.043(a) of the Texas Government Code.

Notices Mailed

22 notices were mailed out to adjacent property owners within 200' of this case.

Zoning and Land Uses

Site Zoning: RC

Current Land Uses: Residential

Surrounding Zoning: RC

Surrounding Area Land Uses: 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 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;

The variance would not make the property more profitable other than the added area to the home.

(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.

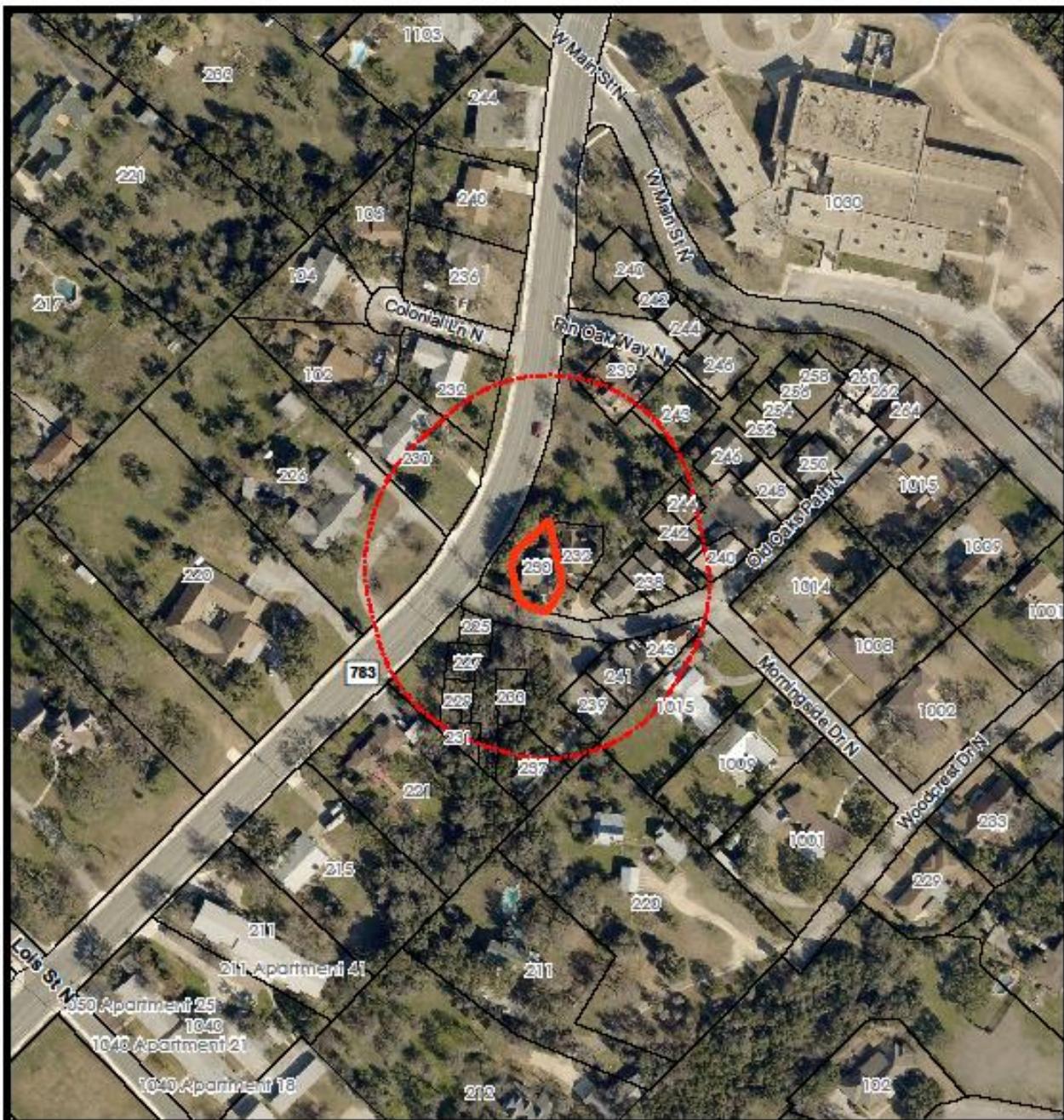
(9) That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.

A change in zoning does not appear to be a better option.

Attachments:

Location Map

Site Plan



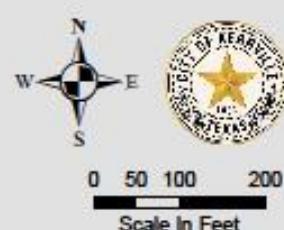
Location Map

Case # 2018-050

Location:
230 Old Oaks Path

Legend

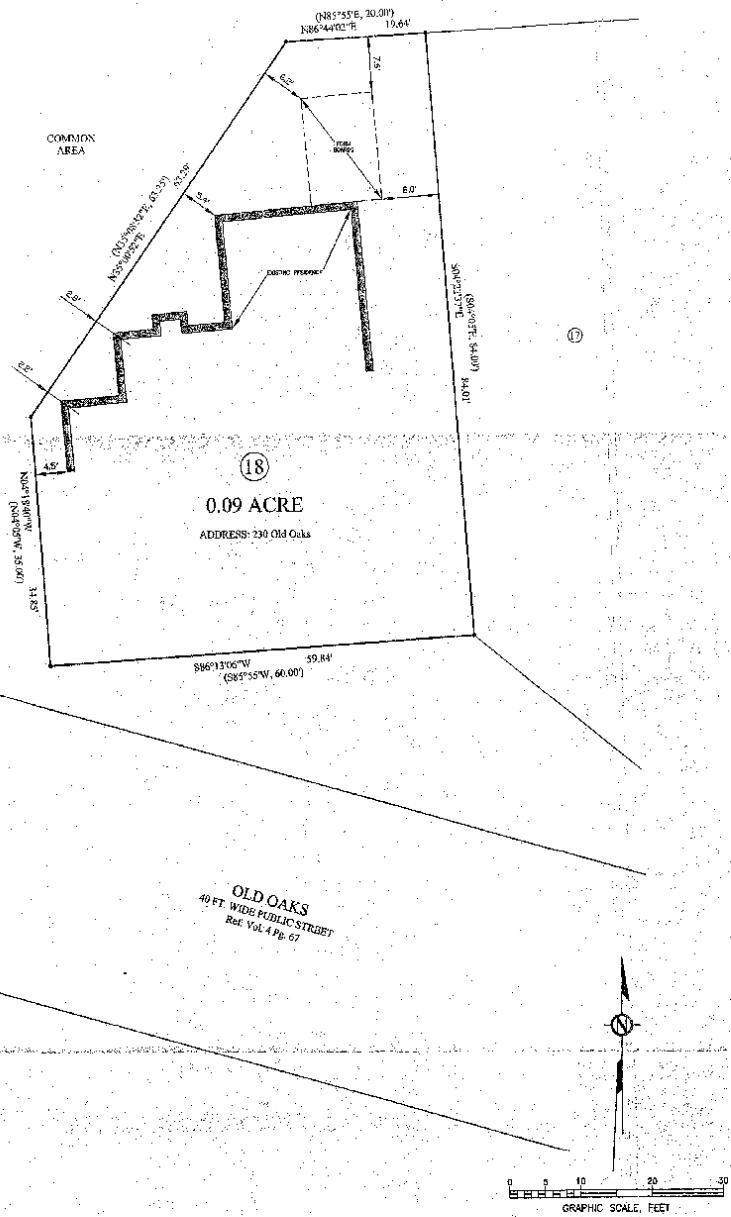
200' Notification Area Subject Properties



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.

#18-522 230 Old Oaks Path

Front - 15'
Left - 15'
Back - 15'
Right - 5'



SCALE: 1" = 10'
LEGEND

FOUND X IRON STAKE

RECORDED CALLS SHOWN IN PARENTHESES

FORM BOARD SURVEY FOR LOT 18 OF HARPER VILLAGE, A SUBDIVISION OF KERR COUNTY ACCORDING TO THE PLAT OF RECORD IN VOLUME 4 AT PAGE 67 OF THE PLAT RECORDS OF KERR COUNTY, TEXAS. THAT SAME LAND CONVEYED AS TRACT ONE FROM WILLIAM F. HUGGINS TO CYNTHIA MARQUEVICH BY A WARRANTY DEED EXECUTED THE 18TH DAY OF MARCH, 2016 AND RECORDED IN FILE NO. 16-0737 OF THE OFFICIAL PUBLIC RECORDS KERR COUNTY, TEXAS

I hereby certify that this plan is an accurate representation of the property shown and described herein as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Plat or Survey lines or acreage; all property corners are as shown (Bearing back = True north based on QRS observations).

Date Surveyed: April 2, 2018

June 26, 2018
Dated this 5th day of July, 2018
W.B. Vankle
Luc C. Vankle
Registered Professional Land Surveyor No. 100

V-5723 Cynthia Konck Forms dws

Vogelkel
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