



**CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA**  
**REGULAR MEETING, THURSDAY, SEPTEMBER 20, 2018 4:30 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 August 2, 2018 meeting.

**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 393 in the Charles Schreiner Addition, located at 418 Hays Street. (File No. 2018-058)

**3B. 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 10 in the Meadowview Estates, located at 408 Meadowview Lane. (File No. 2018-064)

**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: September 14, 2018 at 2:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Interim 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: September 20, 2018  
Representative: Staff

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### **Proposal**

Approval of the minutes from the August 2, 2018 meeting.

### **MEMBERS PRESENT:**

Danny Almond, Chair  
Peter Lewis, Vice-Chair  
Robert Irvin, Member, *arrived at 3:04 p.m.*  
Robert Parks, Member  
Pablo Brinkman, Alternate

### **MEMBERS ABSENT:**

Sam Ligon, Member

### **STAFF PRESENT:**

Drew Paxton, Executive Director of Development Services  
Dorothy Miller, Recording Secretary

### **CALL TO ORDER**

On August 2, 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.** Approval of the minutes from the June 21, 2018 meeting.

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

### **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)

Mr. Almond opened the public hearing at 3:02 p.m.

Mr. Paxton presented the findings of fact.

Hearing no one else speak, Mr. Almond closed the public hearing at 3:06 p.m.

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

### **4. STAFF REPORTS**

Mr. Paxton reported staff has begun working on and prioritizing some of the implementation items from the Kerrville 2050 Comprehensive Plan. City Council is looking to establish a Code Review Committee to look at the different city ordinances and codes and using a third party consultant, again prioritizing which ones to include during this process since they cannot all be completed at once.

### **5. ADJOURNMENT**

The meeting adjourned at 3:09 p.m.



# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 3A  
Planning File #: 2018-058  
Hearing Date: September 20, 2018  
Representative: Angel & Sandra Barefoot  
Location: 418 Hays Street  
Zoning: C-11  
Legal Description: Schreiner Blk 53 Lot 393 PT, 394 PT

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## **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 393 in the Charles Schreiner Addition, located at 418 Hays Street. (File No. 2018-058)

SETBACK TYPE	REQUIRED	PROVIDED	VARIANCE REQUEST
Front	20 feet or 13.5 feet avg.	20 feet	None
Rear	20 feet	3 feet	17 feet
Side	5 feet	5 feet	None
Side – Street Corner	15 feet	1.5 feet	13.5 feet

## **Procedural Requirements**

The notice of public hearing was published in Kerrville Daily Times, an official newspaper of general circulation on September 1, 2018. Additionally, notice of this meeting was posted at city hall and on the city's internet website on September 14, 2018 in accordance with Section 551.043(a) of the Texas Government Code.

## **Notices Mailed**

19 notices were mailed out to all property owners within 200 feet of this case.

## **Zoning and Land Uses**

**Site Zoning:** C-11

**Current Land Uses:** Vacant

**Surrounding Zoning:** C-11, C-19, CBD

**Surrounding Area Land Uses:** Vacant, commercial (Board of Realtors, store, & auto repair), and

industrial (sign shop)

### **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;**

No exceptional circumstance or condition is applicable to the property.

**(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;**

No unnecessary hardship will result from the literal enforcement of the zoning provisions. One of the primary purposes of the C-11 district is, "to encourage development of Schreiner Street as a through traffic street rather than one with slower customer traffic, with a goal of avoiding driveway access to and from Schreiner Street wherever feasible." The literal enforcement of the setback standards will result in a smaller building footprint in order to meet parking and setback requirements which is desired as one of the primary purposes of the C-11 district.

**(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;**

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 request is not contrary to the objectives and principles contained in the comprehensive plan, Kerrville 2050. The property is located in Strategic Catalyst Area 1 which consists of downtown Kerrville. The proposed development is consistent with the downtown to encourage active living within a network of walkable streets and historic structures.

**(5) That the variance to be granted is the minimum variance that will relieve the proven hardship;**

A proven hardship has not been identified. By reducing the size of the building by approximately 5.5 feet in the rear, a building with parking to rear that meets all setbacks can be accommodated on the parcel. The resulting floor area that would meet these requirements would be 36.5 feet wide by 45.5 feet deep or 1,660.75 square feet.

**(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 variance request is the result of the use or development of the property and is 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 appears to be self-imposed by the present owner.

- (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;**

Granting the variance could make the property more profitable by allowing additional space to the building to therefore provide a service to more clients.

- (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.

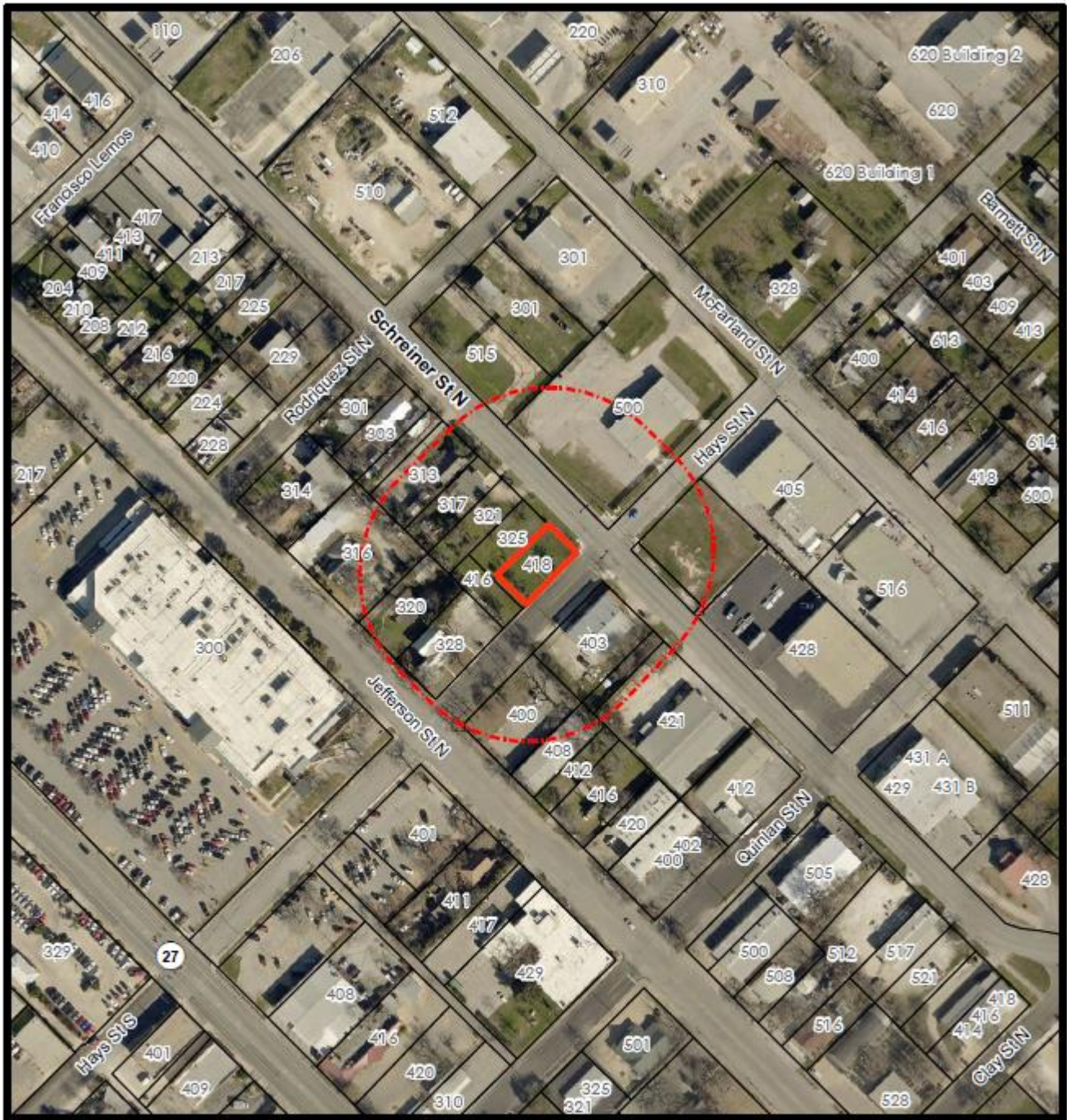
- (9) That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.**

The variance would not effectively constitute a change in zoning.

Attachments:

Location Map





## Location Map

**Case # 2018-058**

**Location:  
418 Hays Street**

### Legend

**200' Notification Area**  
**Subject Properties**



0 50 100 200  
Scale In Feet







# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 3B  
Planning File #: 2018-064  
Hearing Date: September 20, 2018  
Representative: John H. Fadai  
Location: 408 Meadowview Lane  
Zoning: **R1**  
Legal Description: Meadowview Estates Blk 1 Lot 10

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## **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 10 in the Meadowview Estates, located at 408 Meadowview Lane. (File No. 2018-064)

SETBACK TYPE	REQUIRED	PROVIDED	VARIANCE REQUEST
Front	25 feet or 30 feet avg.	0 feet	25 feet
Side	6 feet	1 foot	5 feet

## **Procedural Requirements**

The notice of public hearing was published in Kerrville Daily Times, an official newspaper of general circulation on September 1, 2018. Additionally, notice of this meeting was posted at city hall and on the city's internet website on September 14, 2018 in accordance with Section 551.043(a) of the Texas Government Code.

## **Notices Mailed**

19 notices were mailed out to adjacent property owners within 200 feet of this case.

## **Zoning and Land Uses**

**Site Zoning:** R1

**Current Land Uses:** Residential

**Surrounding Zoning:** R1, PD 06-03, RC, PD 12-13, E-32

**Surrounding Area Land Uses:** single-family residential, multifamily residential, and office (Veteran's Center)

## **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;**

No exceptional circumstance or condition is applicable to the property.

**(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;**

No unnecessary hardship will result from the literal enforcement of the zoning provisions.

**(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;**

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 request is not contrary to the objectives and principles contained in the comprehensive plan, Kerrville 2050. The future land use for the subject property is Transitional Residential (TR). Meadowview is identified as a collector on the Thoroughfare Plan.

**(5) That the variance to be granted is the minimum variance that will relieve the proven hardship;**

A proven hardship has not been identified.

**(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 variance request is the result of the use or development of the property and is 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 appears to be self-imposed by the present owner.

**(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;**

Not applicable

**(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.**

The variance would not effectively constitute a change in zoning.

Attachments:

Location Map

### Location Map

Case # 2018-064

**Location:**  
408 Meadowview Lane

**Legend**

### 200' Notification Area Subject Properties



0 50 100 200  
Scale in Feet





*Figure 1: 408 Meadowview front, 9/13/2018*





*Figure 3: 408 Meadowview right side, 9/13/2018*



*Figure 2: 408 Meadowview left side, 9/13/2018*