



**CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA**  
**REGULAR MEETING, JANUARY 10, 2019 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 February 1, 2018 meeting.

**2B.** Approval of the minutes from the September 20, 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) to allow a 1-foot reduction in the side setback that will result in a 5-foot side setback for an approximately 0.63 acre property that consists of portions of Lots 3 and 4, Block 5, in the Starkey Manor Subdivision, located at 1106 W. Main Street. (File No. 2018-090)

**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) to allow a 30-foot reduction in the front setback that will result in a 0-foot front setback for an approximately 0.32 acre property that consists of Lots 1 and 2, Block 32, in the JA Tivy Addition, located at 1616 Broadway. (File No. 2018-091)

**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: January 4 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Sana Waller

Interim Deputy 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: January 10, 2019  
Representative: Staff

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## Proposal

Approval of the minutes from the February 1, 2018 meeting.

### **MEMBERS PRESENT:**

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

### **STAFF PRESENT:**

Sabine Kuenzel, Interim Executive Director of Development Services  
Dorothy Miller, Recording Secretary

### **CALL TO ORDER**

On February 1, 2018 the Zoning Board of Adjustment meeting was called to order at 3:02 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 September 7, 2017 meeting.

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

#### **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 side 15' setback for a residential corner lot and the 19' setback for the

garage in an RC (Residential Cluster) District in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-10 (Residential Zoning Districts) for an approximate 0.19 acre tract. Legal Description The Meridian Subdivision, Lot 78, located at 1804 Valencia Drive North; on the northwest side of Valencia Drive North, between Villa Drive North and Bordeaux Drive North. (File No. 2016-069)

Ms. Kuenzel presented the findings of fact.

Ms. Stilwell opened the public hearing at \_\_\_\_\_ p.m. Hearing no one speak, Ms. Stilwell closed the public hearing at \_\_\_\_\_ p.m.

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

**4. STAFF REPORTS**

Ms. Kuenzel announced

**5. ADJOURNMENT**

The meeting adjourned at \_\_\_\_\_ p.m.



# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 2B  
Hearing Date: January 10, 2019  
Representative: Staff

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## Proposal

Approval of the minutes from the September 20, 2018 meeting.

### **MEMBERS PRESENT:**

Danny Almond, Chair  
Sam Ligon, Member  
Robert Parks, Member  
Pablo Brinkman, Alternate

### **MEMBERS ABSENT:**

Peter Lewis, Vice-Chair  
Robert Irvin, Member

### **STAFF PRESENT:**

Drew Paxton, Executive Director of Development Services  
Rebecca Pacini, Chief Planning Officer  
Dorothy Miller, Recording Secretary

### **CALL TO ORDER**

On September 20, 2018 the Zoning Board of Adjustment meeting was called to order at 4:30 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 August 2, 2018 meeting.

Mr. Parks moved to approve the minutes as presented; motion was seconded by Mr. Brinkman and passed 4-0.

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

Mr. Almond opened the public hearing at 4:32 p.m.

Mr. Paxton presented the findings of fact.

Mr. Jim Cathey, Designer, spoke, stating they worked on several plans and developed one that allows customers to exit without backing up onto Hays Street.

Hearing no one else speak, Mr. Almond closed the public hearing at 4:44 p.m.

Mr. Parks moved to approve the variance as presented; motion was seconded by Brinkman and passed 4-0.

**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)

Mr. Almond opened the public hearing at 4:43 p.m.

Mr. Paxton presented the findings of fact.

Mr. and Mrs. John and Henrietta Fadai discussed the purpose of the carport they are requesting.

Hearing no one else speak, Mr. Almond closed the public hearing at 4:54 p.m.

Mr. Brinkman moved to approve the variance as presented; motion was seconded by Ligon and passed 4-0.

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

Mr. Paxton introduced the city’s new Chief Planning Officer, Rebecca Pacini.

#### **5. ADJOURNMENT**

The meeting adjourned at 4:55 p.m.



# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 3A  
Action: 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) to allow a 1-foot reduction in the side setback that will result in a 5-foot side setback  
Planning File #: 2018-090  
Property Owner: Kelly and John Nelson  
Representative: Kelly and John Nelson  
Location: 1106 W. Main

## 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) to allow a 1-foot reduction in the side setback that will result in a 5-foot side setback for an approximately 0.63 acre property that consists of portions of Lots 3 and 4, Block 5, in the Starkey Manor Subdivision, located at 1106 W. Main Street. (File No. 2018-090)

SETBACK TYPE	REQUIRED	PROPOSED	VARIANCE REQUEST
Side	6 feet	5 foot	1 foot

## Procedural Requirements

15 Notices were mailed December 27<sup>th</sup> to adjacent property owners. The public notice was published in the Kerrville Daily Times on December 24<sup>th</sup>.

## Zoning and Land Uses

**Site Zoning:** Single Family Residential District "R-1"

**Current Land Uses:** Single Family Residential

**Surrounding Zoning:** Single Family Residential District "R-1"

**Surrounding Area Land Uses:** Single Family 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;**

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 Neighborhood Residential (NR).

**(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 conditions or circumstances 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;**

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;**

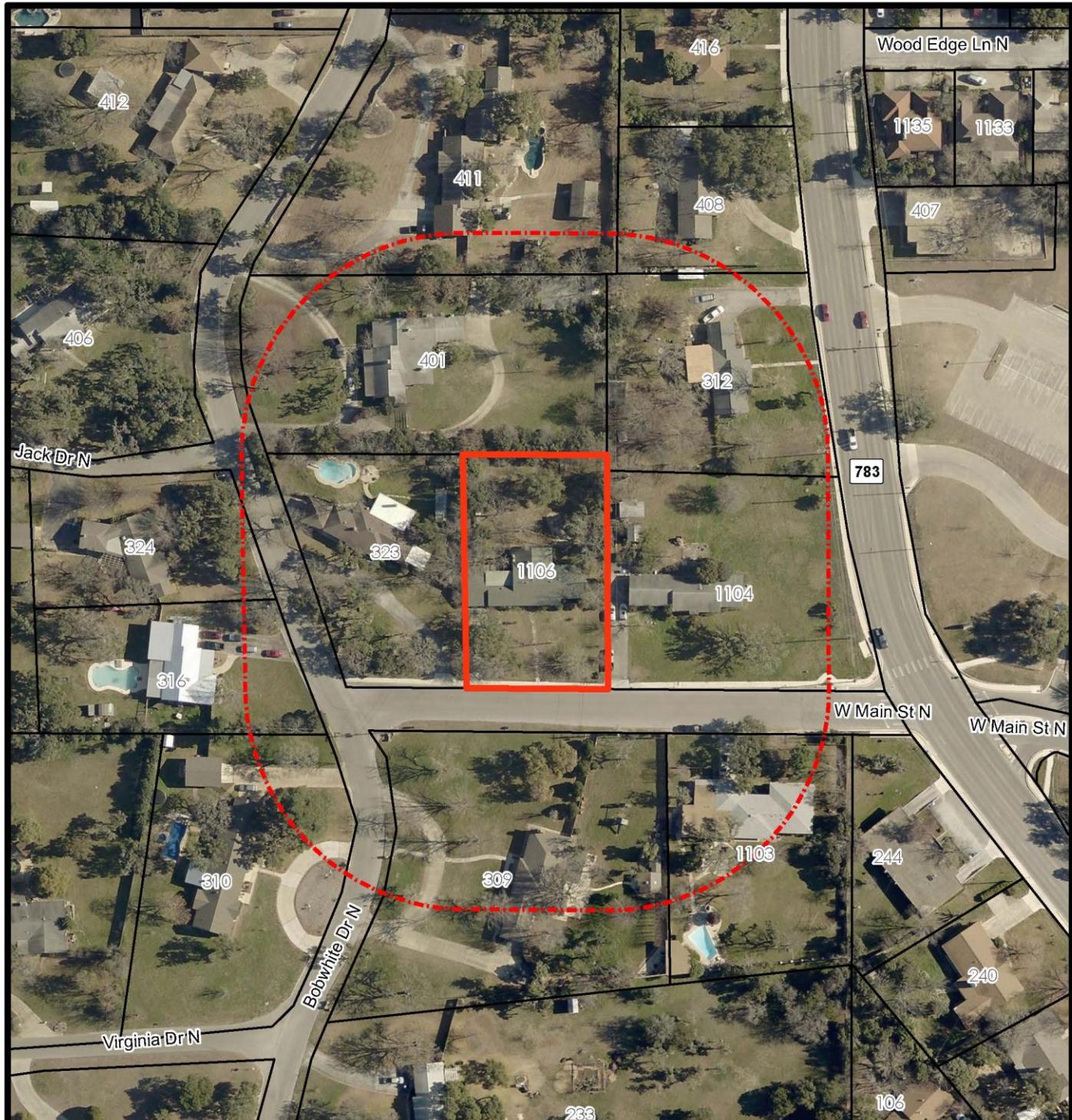
The variance will not repeal any development regulations.

**(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  
Construction Plans  
Photos



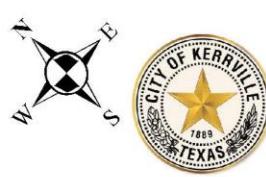
## Location Map

Case # 2018-090

Location:  
1106 W. Main Street

### Legend

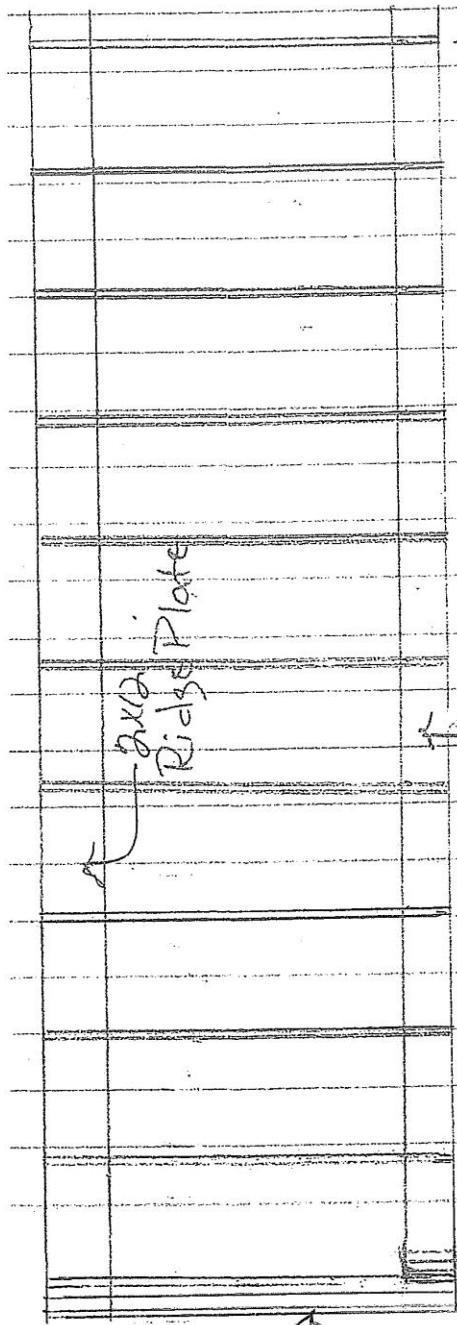
200' Notification Area -----  
 Subject Properties ---  
 Variance Area ---



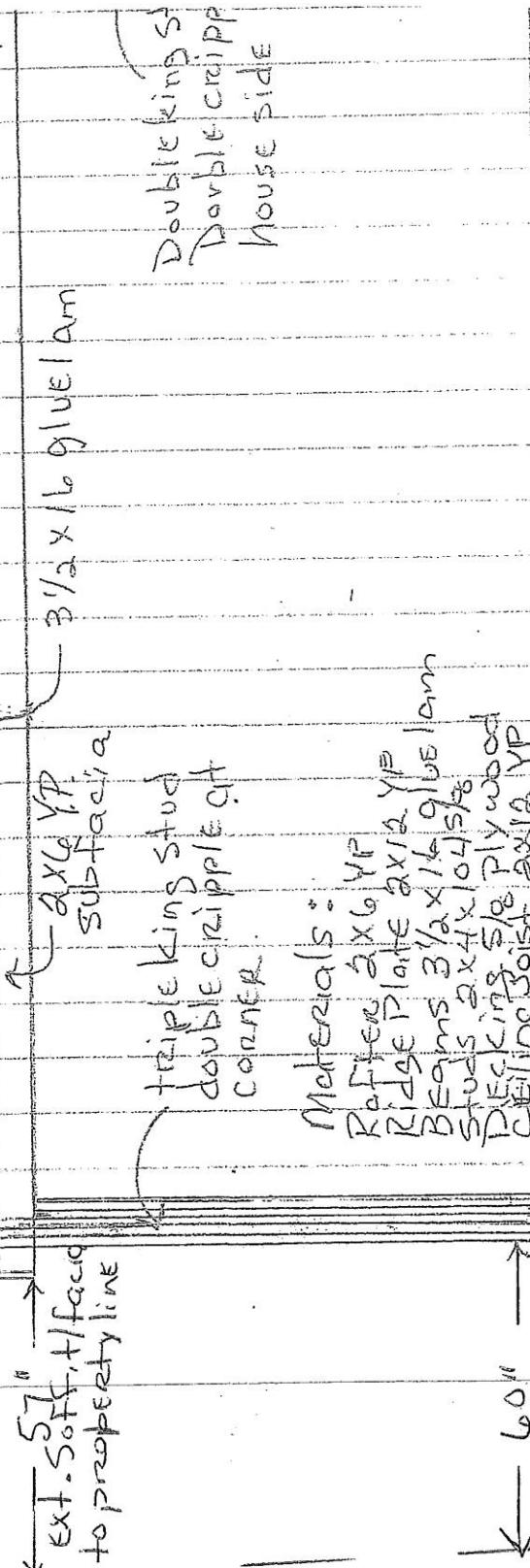
0 45 90 180

Scale In Feet

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.



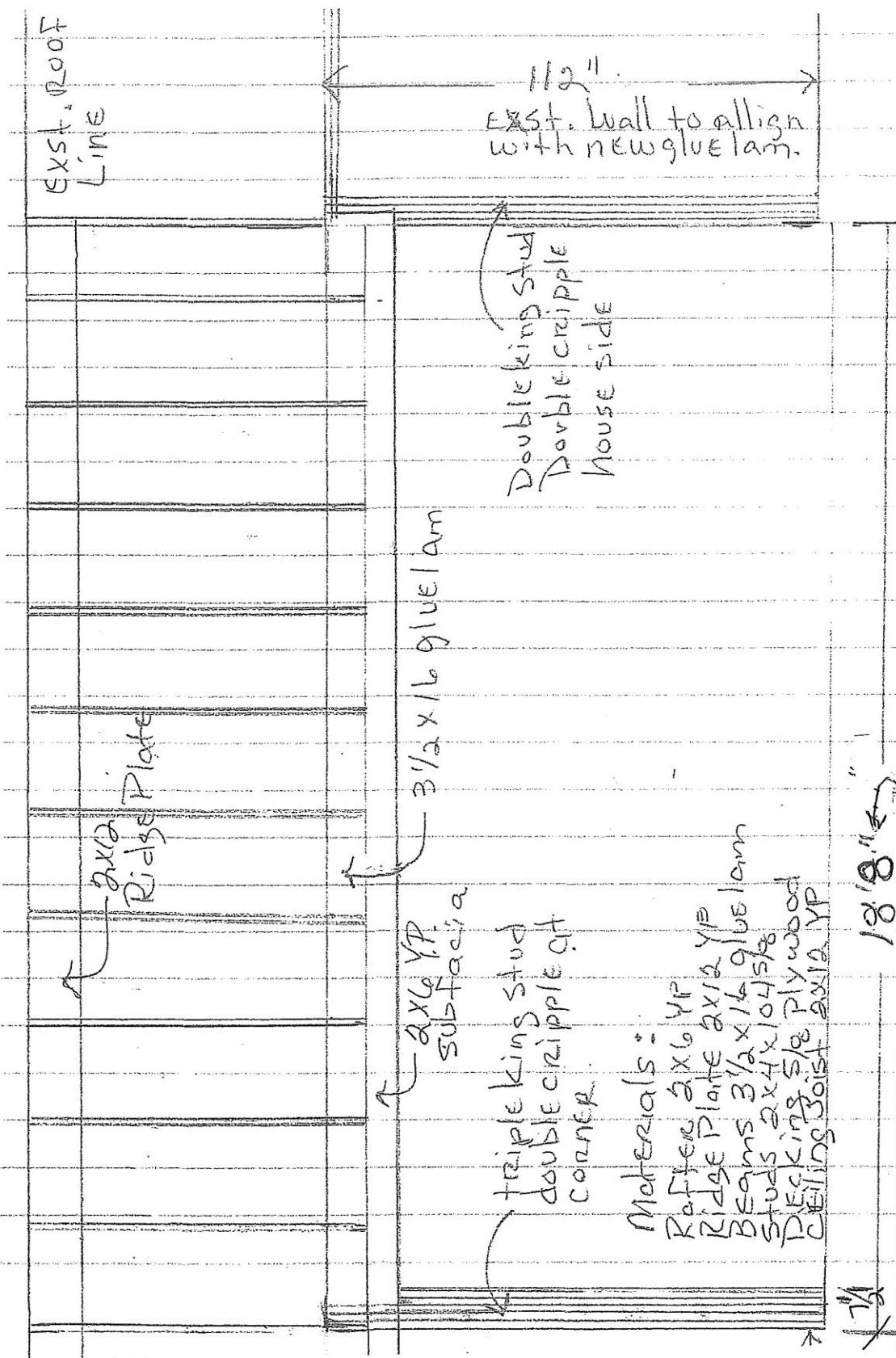
Property line



18' 9" needed for new opening

$$3/8 = 1' 0"$$

Current carpent supports and post were 72" from property line



$$3/8" = 1 1/4"$$

To accommodate new garage door

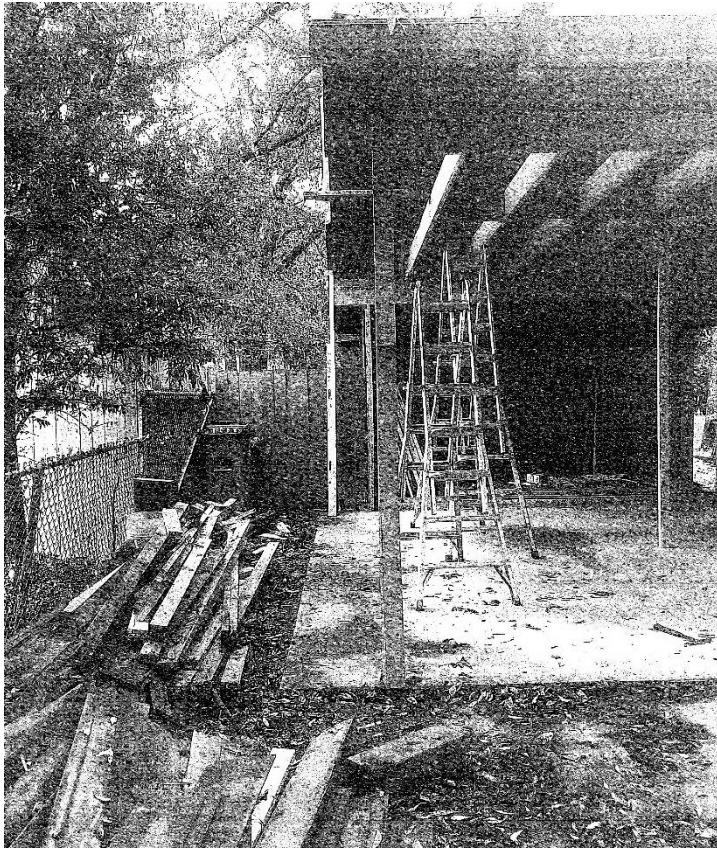


Figure 1: 1106 W. Main carport photo submitted by applicant



Figure 2: 1106 W. Main carport and side setback, 1/3/2019



# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 3B  
Action: 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) to allow a 30-foot reduction in the front setback that will result in a 0-foot front setback  
Planning File #: 2018-091  
Property Owner: D. H. Landgrebe Estate  
Representative: Gilbert Villanueva  
Location: 1616 Broadway

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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) to allow a 30-foot reduction in the front setback that will result in a 0-foot front setback for an approximately 0.32 acre property that consists of Lots 1 and 2, Block 32, in the JA Tivy Addition, located at 1616 Broadway. (File No. 2018-091)

SETBACK TYPE	REQUIRED	PROPOSED	VARIANCE REQUEST
Front	30 feet	0 feet	30 feet

## Procedural Requirements

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) to allow a 30-foot reduction in the front setback that will result in a 0-foot front setback

## Zoning and Land Uses

**Site Zoning:** Central District 17 "C-17"

**Current Land Uses:** Restaurant

**Surrounding Zoning:** Central District 17 "C-17" and Single Family Residential District "R-1"

**Surrounding Area Land Uses:** Commercial, Office, Single Family Residential, and Vacant

## Criteria for Review

According to Article 11-1-23(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 Entertainment/ Mixed Use (EMU). *“This Place Type typically includes a higher intensity of uses developed in a compact style supported by nodes of activity. The design and scale of development in a Mixed Use center encourages active living, within a complete and comprehensive network of walkable streets.”*

**(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.

**(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;**

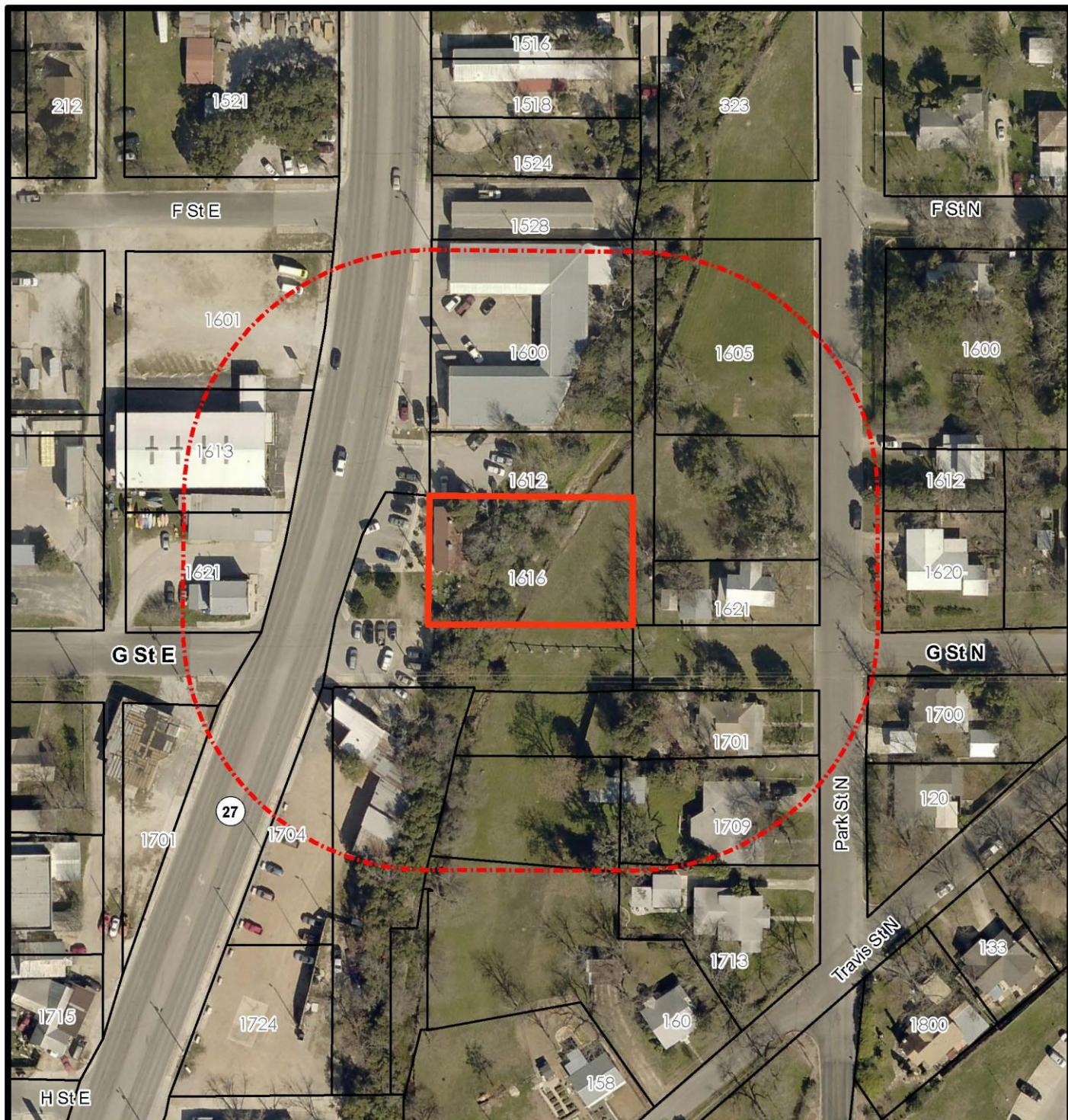
The variance will not repeal any development regulations.

**(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  
Site Plan  
Photos



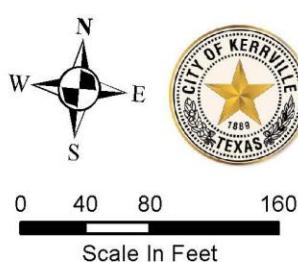
## Location Map

Case # 2018-091

Location:  
1616 Broadway

### Legend

200' Notification Area  
Subject Properties  
Variance Area



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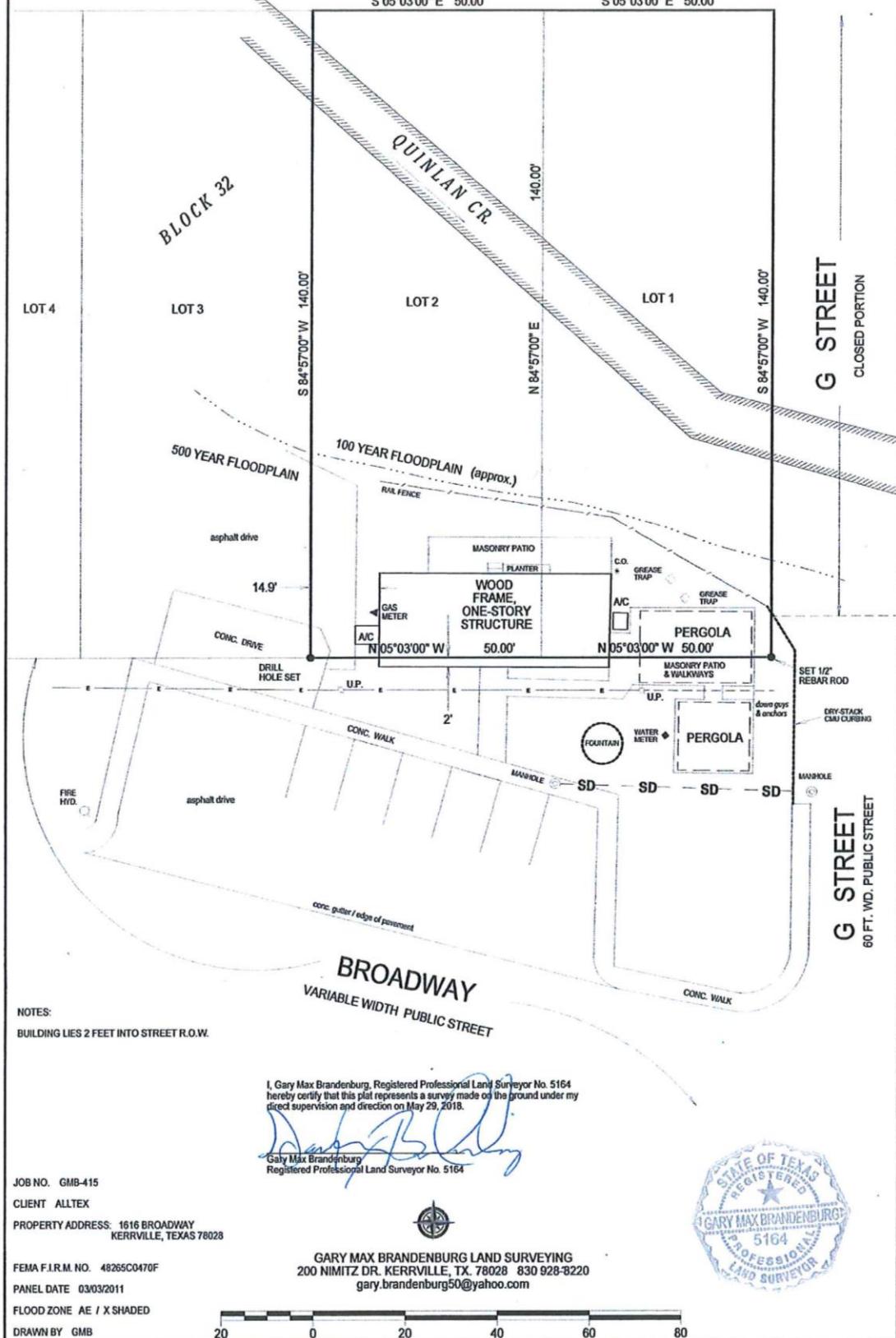
SITE PLAN PLAT OF LOT 1 AND LOT 2, BLOCK 32, J. A. TIVY ADDITION TO THE CITY OF KERRVILLE, A SUBDIVISION OF KERR COUNTY, TEXAS, OF RECORD IN VOLUME 1, PAGE 1, PLAT RECORDS OF KERR COUNTY, TEXAS.

SCALE: 1" = 20 FEET

20 FT. WD. ALLEY

S 05°03'00" E 50.00'

S 05°03'00" E 50.00'



NOTES:

BUILDING LIES 2 FEET INTO STREET R.O.W.

I, Gary Max Brandenburg, Registered Professional Land Surveyor No. 5164  
hereby certify that this plat represents a survey made on the ground under my  
direct supervision and direction on May 29, 2018.

Gary Max Brandenburg  
Registered Professional Land Surveyor No. 5164



JOB NO. GMB-415

CLIENT ALLTEX

PROPERTY ADDRESS: 1616 BROADWAY  
KERRVILLE, TEXAS 78028

FEMA F.I.R.M. NO. 48265C0470F

PANEL DATE 03/03/2011

FLOOD ZONE AE / X SHADED

DRAWN BY GMB

20 0 20 40 60 80

GARY MAX BRANDENBURG LAND SURVEYING  
200 NIMITZ DR. KERRVILLE, TX. 78028 830 928-8220  
gary.brandenburg50@yahoo.com

RECEIVED  
6-11-18

Marys Jacos



Figure 3: 1616 Broadway front, 1/3/2019



Figure 5: 1616 Broadway pergola, 1/3/2019



Figure 4: 1616 Broadway front setback, 1/3/2019