



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA
MEETING, THURSDAY, DECEMBER 3, 2015 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 November 5, 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 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). **Pg. 5**

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: November 25, 2015 at 4:30 p.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



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 2A
Hearing Date: December 3, 2015
Representative: Staff

Proposal

Approval of the amended minutes from the November 5, 2015 Zoning Board of Adjustment meeting.

MEMBERS PRESENT:

Linda Stilwell, Vice-Chair
Peter Lewis, Member
Sam Ligon, Member
Justin MacDonald, Member
Mark Bosma, Alternate
Robert Parks, Alternate

MEMBERS ABSENT:

Judy Eychner, Member

STAFF PRESENT:

Trent Robertson, City Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER

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On November 5, 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.

- 1A. **Election of New Officers** – In accordance with Article 11-1-22(b)(13) of the City of Kerrville's Zoning Code, "Officers of the Board of Adjustment shall be a **chairperson, vice-chairperson, and secretary** who shall be appointed by the members of the Board from among its members. The officers for the Board of Adjustment shall be appointed at the first meeting of the board, and thereafter such appointments shall be made at the first meeting held after October 1 of each year. Officers of the Board of Adjustment shall serve a term of one year, said term ending on September

30 after the date of election. An officer of the Board may not serve in the office elected for more than two consecutive terms.”

Mrs. Stilwell nominated herself for chairperson; Mr. MacDonald seconded the nomination. Nomination passed 5-0.

Mr. MacDonald nominated Peter Lewis for vice-chairperson; Mrs. Stilwell seconded the nomination. Nomination passed 5-0.

Mr. Lewis nominated Mr. MacDonald for secretary; Mrs. Stilwell seconded the nomination. Nomination passed 5-0.

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 11, 2014 meeting.

Mrs. Stilwell moved to approve the minutes of December 11, 2014 as presented; motion passed 5-0.

2B. Approval of the minutes from the August 6, 2015 meeting.

Mrs. Stilwell moved to approve the minutes of August 6, 2015 as presented; motion passed 5-0.

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** - Public hearing, consideration, and action concerning a request for a 3-foot variance from the 6-foot side required setback for a guest quarters on a lot zoned residential in accordance with Chapter I, “The City of Kerrville Zoning Code” Article 11-1-17 for an approximate 2.35 acres tract. Legal Description ABS A0247 Martinez, SUR 124, located at 2031 Arcadia Loop South; east of Bear Creek Road South, between Arcadia Loop South and the Guadalupe River. (File No. 2015-048).

Mr. Robertson presented the findings of fact.

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

Mr. Hal Ridout, owner of property, spoke. Mr. Ridout presented a power point and discussed the following ten points:

- I. Site Plan – Limited Options
- II. Pre-Existing Condition
- III. Limited Options
- IV. Architectural Integrity
- V. Essential Access
- VI. Environment
- VII. Preservation
- VIII. Utility Alignment
- IX. Visual Mitigation
- X. Precedence

Hearing no one else speak, Mrs. Stilwell closed the public hearing at 3:19 p.m.

Mr. MacDonald 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 3:22 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 #: 2015-051
Hearing Date: December 3, 2015
Representative: Thad Chambers
Location: 2512 Rogers Circle East; southeast of Riverhill Boulevard, on the north side of Rogers Circle East at the end of the cul-de-sac.
Zoning: "RC" Residential Cluster District
Legal Description: Meadows of Riverhill 1, Lot 1, Block 13
Total Acreage: .15

Proposal

Requesting 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).

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on November 18, 2015. Notices were sent to property owners within two hundred (200) feet of the subject property on November 23, 2015. Additionally, notice of this meeting was posted at city hall and on the city's internet website on November 25, 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: 33

Adjacent Zoning and Land Uses

Direction: North, South, East and West

Current Base Zoning: "RC"

Current Land Uses: Single-Family Residential

Summary

The property is undeveloped. The applicant applied for a permit to build a single-family residential structure. The proposed structure was shown encroaching into the rear setback. Upon trying to reconfigure the design of the structure, encroachment was still an issue. There are various houses on the block encroaching into the rear setback requirements. A variance would allow the property owner to be able to reasonably build a single-family residence.

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 approximately 51-feet wide in the front and widens toward the rear of the lot measuring at approximately 61-feet. The property's depth varies due to the bell-shaped curve in the front of the lot. The layout of the lot is inconsistent with a traditional single-family residential lot. Generally, lots are required to be a minimum of 6,000 square feet with a minimum width of 60-feet (unless a Development Site Plan has been submitted and approved for the size, layout and placement of the structure). There are various properties in the immediate neighborhood violating the setback requirements. In 2007, a variance from the front setback requirement was approved for 2510 Rogers Circle (less than 200-feet from the subject 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;

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 single-family residence will be consistent with the existing development in the surrounding neighborhood.

(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 developed with a single-family residential 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 single-family residential structure to be in compliance with all city codes.

(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, layout of the subdivision, and development regulations.

(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 with previously constructed single-family residences on the same street.

(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;

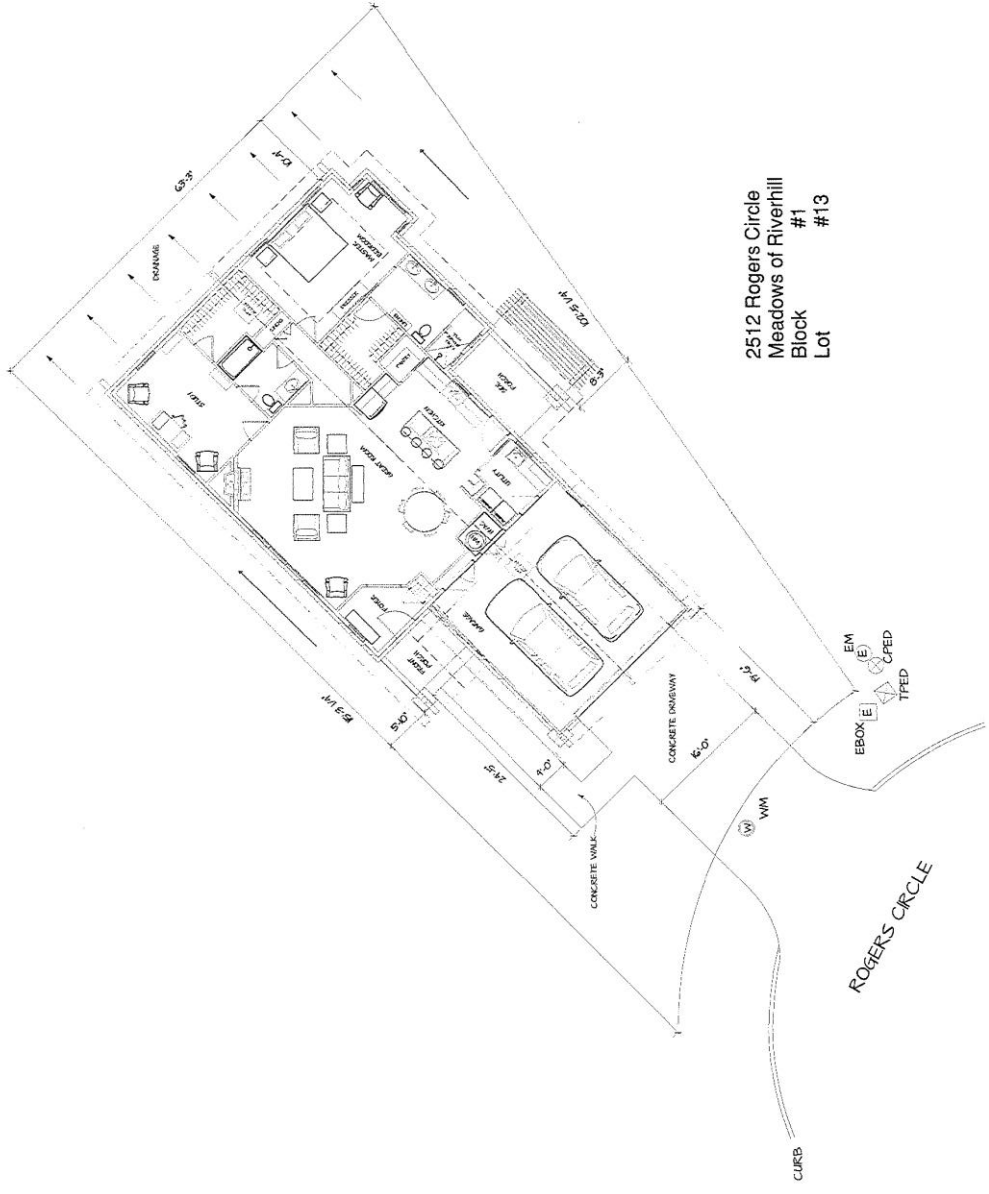
The variance will not appeal any other development regulations besides the setback requirements.

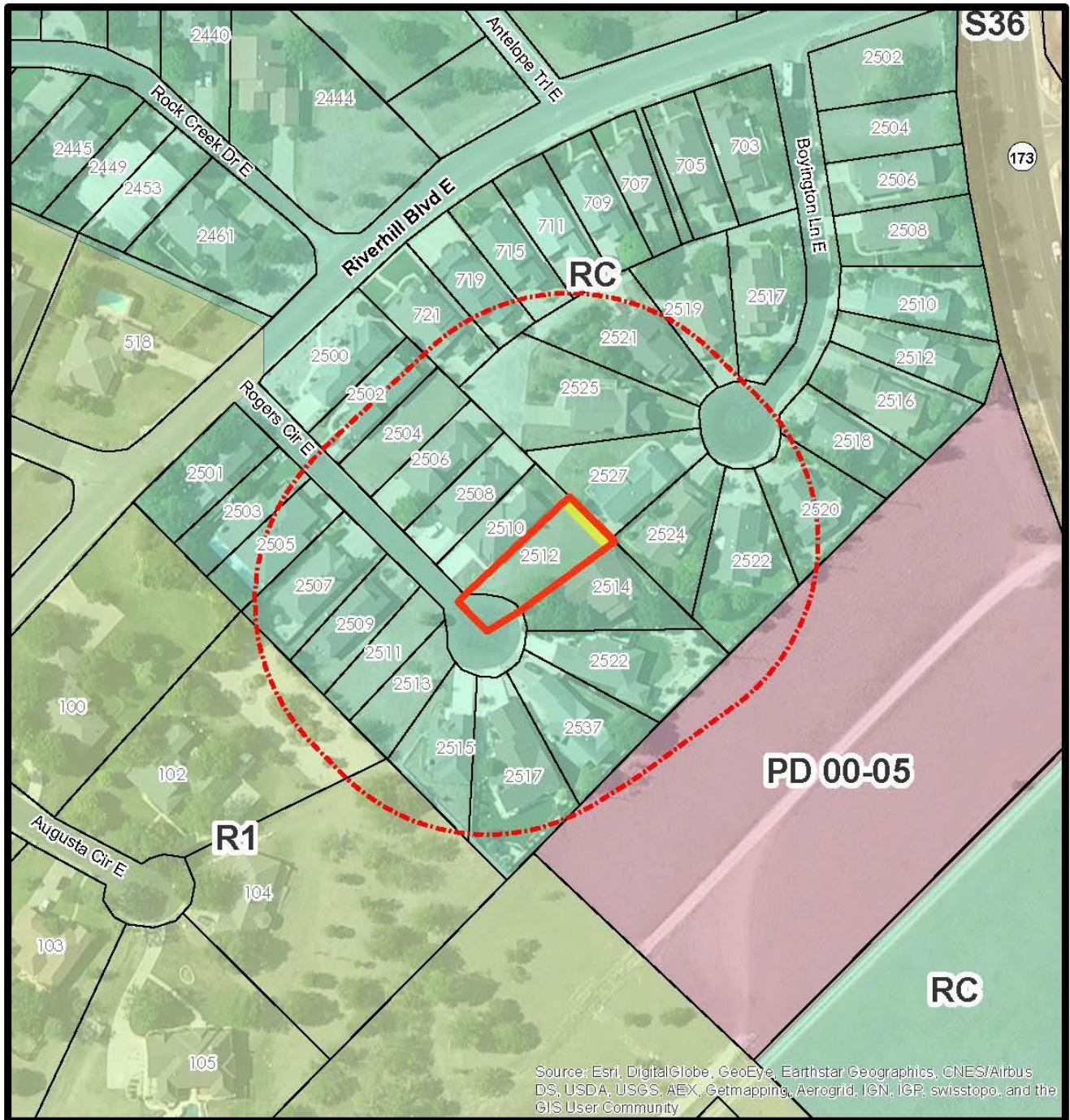
(9) That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.

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.

TONIA HINDS RESERVE	2512 ROGERS CIRCLE RIVERVILLE, TEXAS
SITE PLAN	SCALE 1" = 75'
	27 OCT. 2006

2512 Rogers Circle
Meadows of Riverhill
Block #1
Lot #13






Variance Case Location Map

Case 2015-051
Location:
2512 Rogers Circle E

Legend
 200' Notification Area - - - - -
 Subject Properties —————
 Current Zoning **TEXT**
 Variance



0 50 100 200
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.