



**CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA**  
**MEETING, THURSDAY, April 21, 2016 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 January 7, 2016 meeting. **Pg. 2**

2B. Approval of the minutes from the February 25, 2016 meeting. **Pg. 4**

**3. PUBLIC HEARINGS AND ACTION**

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a variance from all of the required off-street parking spaces in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-20 (Off-Street Parking and Loading Requirements) for an approximate .44 acre tract. Legal Description J.A. Tivy Subdivision, Lot 2-A, Block 39, located at 1019 and 1023 North Street North; on the northwest side of A Street North, between North Street North and Aransas Street North. (File No. 2016-017). **Pg. 6**

**4. 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 15, 2016 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

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# City of Kerrville Planning Department Report

Zoning Board of Adjustment

Agenda Item: 2A

Hearing Date: April 21, 2016

Representative: Staff

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## **Proposal**

Approval of the amended minutes from the January 7, 2016 Zoning Board of Adjustment meeting.

### **MEMBERS PRESENT:**

Linda Stilwell, Chair  
Judy Eychner, Member  
Justin MacDonald, Secretary  
Mark Bosma, Alternate  
Robert Parks, Alternate

### **MEMBERS ABSENT:**

Peter Lewis, Vice-Chair  
Sam Ligon, Member

### **STAFF PRESENT:**

Trent Robertson, City Planner  
Dorothy Miller, Recording Secretary

## **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.)

On January 7, 2016 the Zoning Board of Adjustment meeting was called to order at 3:02 p.m. in the City Hall Council Chambers, 701 Main Street.

No visitors were present; no one spoke.

### **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 3, 2015 meeting.

Ms. Eychner moved to approve the minutes as presented; motion 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 a 10-foot variance from the 25-foot rear required setback for Institutional and Public Assembly in accordance to Chapter I, “The City of Kerrville Zoning Code” Article 11-1-17 for an approximate .44 acre tract. Legal Description J.A. Tivy Subdivision, Lot 2-A, Block 39, located at 1019 and 1023 North Street North; on the northwest side of A Street North, between North Street North and Aransas Street North. (File No. 2015-062).

Mr. Robertson presented the findings of fact.

Mrs. Stilwell opened the public hearing at 3:12 p.m. Hearing no one speak, Mrs. Stilwell closed the public hearing at 3:13 p.m.

Mr. Parks moved to approve the variance based on the findings of fact; motion was seconded by Mr. Bosma and passed 5-0.

**4. Adjournment**

The meeting adjourned at 3:50 p.m.

ATTEST:

\_\_\_\_\_  
Linda Stilwell, Chair

\_\_\_\_\_  
Dorothy Miller, Recording Secretary

\_\_\_\_\_  
Date Minutes Approved



# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 2B  
Hearing Date: April 21, 2016  
Representative: Staff

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## **Proposal**

Approval of the amended minutes from the February 25, 2016 Zoning Board of Adjustment meeting.

### **MEMBERS PRESENT:**

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

### **MEMBERS ABSENT:**

Justin MacDonald, Secretary  
Mark Bosma, Alternate

### **STAFF PRESENT:**

Trent Robertson, City Planner  
Dorothy Miller, Recording Secretary

## **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.)

On February 25, 2016 the Zoning Board of Adjustment training meeting was called to order at 2:00 p.m. in the City Hall upstairs conference room, 701 Main Street.

No visitors were present; no one spoke.

### **2. ZONING BOARD OF ADJUSTMENT TRAINING**

Mr. Robertson conducted the training meeting and covered the following points:

- Authority
- **Quasi-Judicial Decisions**

- **Responsibility**
- **Granting a Variance**
- **Decision**
- **Meeting Protocol**

**3. Adjournment**

The meeting adjourned at 3:05 p.m.

ATTEST:

\_\_\_\_\_  
Linda Stilwell, Chair

\_\_\_\_\_  
Dorothy Miller, Recording Secretary

\_\_\_\_\_  
Date Minutes Approved



# City of Kerrville Planning Department Report

To: Zoning Board of Adjustment  
Agenda Item: 3A  
Planning File #: 2016-017  
Hearing Date: April 21, 2016  
Representative: Dustin Coon  
Location: 1019 and 1023 North Street  
Zoning: "RT" Residential  
Legal Description: J.A. Tivy Subdivision, Lot 2-A, Block 39  
Total Acreage: .44

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## **Proposal**

A request for a variance from all of the required off-street parking spaces in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-20 (Off-Street Parking and Loading Requirements).

## **Procedural Requirements**

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on April 6, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on April 8, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on April 15, 2016, 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:** 11

## **Adjacent Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "RT" and "PI"

**Current Land Uses:** Single-Family Residential and School

**Direction:** South and West

**Current Base Zoning:** "R-1A"

**Current Land Uses:** Church and Single-Family Residential

**Direction:** East  
**Current Base Zoning:** "PI"  
**Current Land Uses:** School

### **Transportation**

**Thoroughfare:** North Street

**Existing Character:** One lane in each direction and then turns into a one way street near A Street; partial sidewalks

**Proposed Changes:** None known

### **Transportation**

**Thoroughfare:** A Street

**Existing Character:** One lane in each direction with sidewalks

**Proposed Changes:** None known

### **Transportation**

**Thoroughfare:** Aransas Street and Jefferson Street

**Existing Character:** One lane in each direction with partial sidewalks

**Proposed Changes:** None known

### **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 in the shape of a trapezoid and is considered a corner lot, making it difficult for a building to meet all development regulations such as off-street parking requirements. On January 7, 2016 a variance from the setback requirements was granted by the Zoning Board of Adjustment.

**(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 "Institutional and Public Assembly" use will be consistent with the existing development in the surrounding neighborhood. The existing structure that will be replaced was used for similar uses since its construction in 1986 (kerrcad.org, 12/31/2015). Additionally, the church has had a long lasting agreement (original agreement-1999) with the adjacent school (B.T Wilson) allowing them to use the parking for their parishioners. However, due to this agreement not being an irrevocable agreement as mandated by code, the subject property is still required to meet the off-street parking requirements.

**(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 redeveloped with a more modern 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 number of spaces needed in order for the "Institutional and Public Assembly" structure to be in compliance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-20.

**(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.

**(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 on the property due to the layout of the streets and this particular lot.

**(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 off-street parking 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.

**Staff Recommendation: Approval**



1009 Barnett St.  
Kerrville, Texas 78028  
(830) 257-2200 voice  
(830) 257-2249 fax

Dan Troxell, Ph.D.  
Superintendent

August 22, 2014

Pastor Dustin Coon  
Kerrville Apostolic Church  
1005 North Street  
Kerrville, TX 78028

Pastor Coon,

This letter is in response to your request to update the agreement letter from October 5, 1999 concerning the use of the parking lot at B.T. Wilson Sixth Grade Center. Kerrville ISD is granting you permission to use the parking lot for normal weekly church services on Wednesday and Sunday. If there are conflicting events between the Kerrville Apostolic Church, Kerrville ISD and/or B.T Wilson Sixth Grade Center then the Church will need to find alternative parking for their event.

This is not a formal agreement or contract for permanent use of the parking lot. I cannot obligate Kerrville ISD for future decisions concerning the church usage of the parking lot.

Kerrville ISD thanks you and your members for taking good care of the parking lot over the years.

Sincerely,

Dan Troxell, Ph.D.  
Superintendent of Schools

cc: Mr. Jim Harmon, Principal, B.T. Wilson Sixth Grade Center



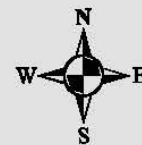


## Variance Application

Location:  
1023 North Street

### Legend

Subject Properties  
200-ft Notification Area



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.