



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING, THURSDAY, JUNE 16, 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 April 21, 2016 meeting. **Pg. 2**

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a 6-foot variance from the 6-foot side required setback and a 5-foot variance from the 25-foot rear required setback for a Garage with an Apartment in accordance to Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 for an approximate .36 acre tract. Legal Description Cage Addition Block E, Lot 10, located at 840 Washington Street; on the northwest side of Washington Street, between Myrta Street North and Bulwer Avenue North. (File No. 2016-029) **Pg. 4**

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: June 13, 2016 at 4:30 p.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: June 16, 2016
Representative: Staff

Proposal

Approval of the amended minutes from the April 21, 2016 Zoning Board of Adjustment meeting.

MEMBERS PRESENT:

Peter Lewis, Vice-Chair
Judy Eychner, Member
Sam Ligon, Member
Mark Bosma, Alternate
Robert Parks, Alternate

MEMBERS ABSENT:

Linda Stilwell, Chair
Justin MacDonald, Secretary

STAFF PRESENT:

Trent Robertson, City Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER

1. VISITORS/CITIZENS FORUM:

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On April 21, 2016 the Zoning Board of Adjustment meeting was called to order at 3:00 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 January 7, 2016 meeting.

Ms. Eychner moved to approve the minutes as presented; motion seconded by Mr. Bosma and passed 4-0.

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).

Mr. Robertson presented the findings of fact.

Mr. Lewis opened the public hearing at 3:08 p.m. Hearing no one speak, Mr. Lewis closed the public hearing at 3:09 p.m.

Mr. Bosma moved to approve the variance based on the findings of fact; motion was seconded by Mr. Parks and passed 4-0.

4. Adjournment

The meeting adjourned at 3:10 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 #: 2016-029
Hearing Date: June 16, 2016
Representative: Lucy Burton
Location: 840 Washington Street
Zoning: "R-1A" Residential District
Legal Description: Cage Addition Block E, Lot 10
Total Acreage: .36

Proposal

A request for a 6-foot variance from the 6-foot side required setback and a 5-foot variance from the 25-foot rear required setback for a Garage with an Apartment in accordance to Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17.

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on June 1, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on June 6, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 10, 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: 21

Adjacent Zoning and Land Uses

Direction: North and West

Current Base Zoning: "RT"

Current Land Uses: Single-Family Residential

Direction: South and East

Current Base Zoning: "R-1A"

Current Land Uses: Single-Family Residential

Transportation

Thoroughfare: Washington Street North and Myrta Street North

Existing Character: One lane in each direction with no sidewalks

Proposed Changes: None known

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;

There are exceptional circumstances or conditions that exist on the property. The existing garage and apartment was built in approximately 1945, prior to the 1973 zoning code being adopted. Due to a fire that occurred in August of 2015, the garage/apartment's structural integrity was damaged quite extensively. The structure is considered a legal non-conforming structure and may be rebuilt to the original footprint. However, the applicant is hoping to add onto the structure in order to modernize the apartment.

(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 structure existing prior to the 1973 zoning ordinance being adopted. The side setback 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. However staff does have a concern with the proposed expansion encroaching into the rear setback.

(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 side setback variance would allow for the apartment/garage to be re-constructed and to bring the entire structure into compliance. The requested side setback variance will not be detrimental to the health, safety, and welfare of the public or surrounding properties. The rear setback would be controversial and cause possible issues with the 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 side setback 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 side setback variance requested is the minimum distance needed in order for the garage and apartment structure to be in compliance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17. The requested rear setback variance is not needed in order for the structure to be in compliance.

The rear setback variance not being granted will not cause a hardship pertaining to the requirements in the zoning code.

(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 for the side setback 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 existing apartment/garage are a legal non-conforming structure that was constructed prior to 1973 zoning code being adopted, and that the hardship is not self-induced.

(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 side setback variance will not intentionally make the property more profitable, and/or reduce expenses to the current or any future owner.

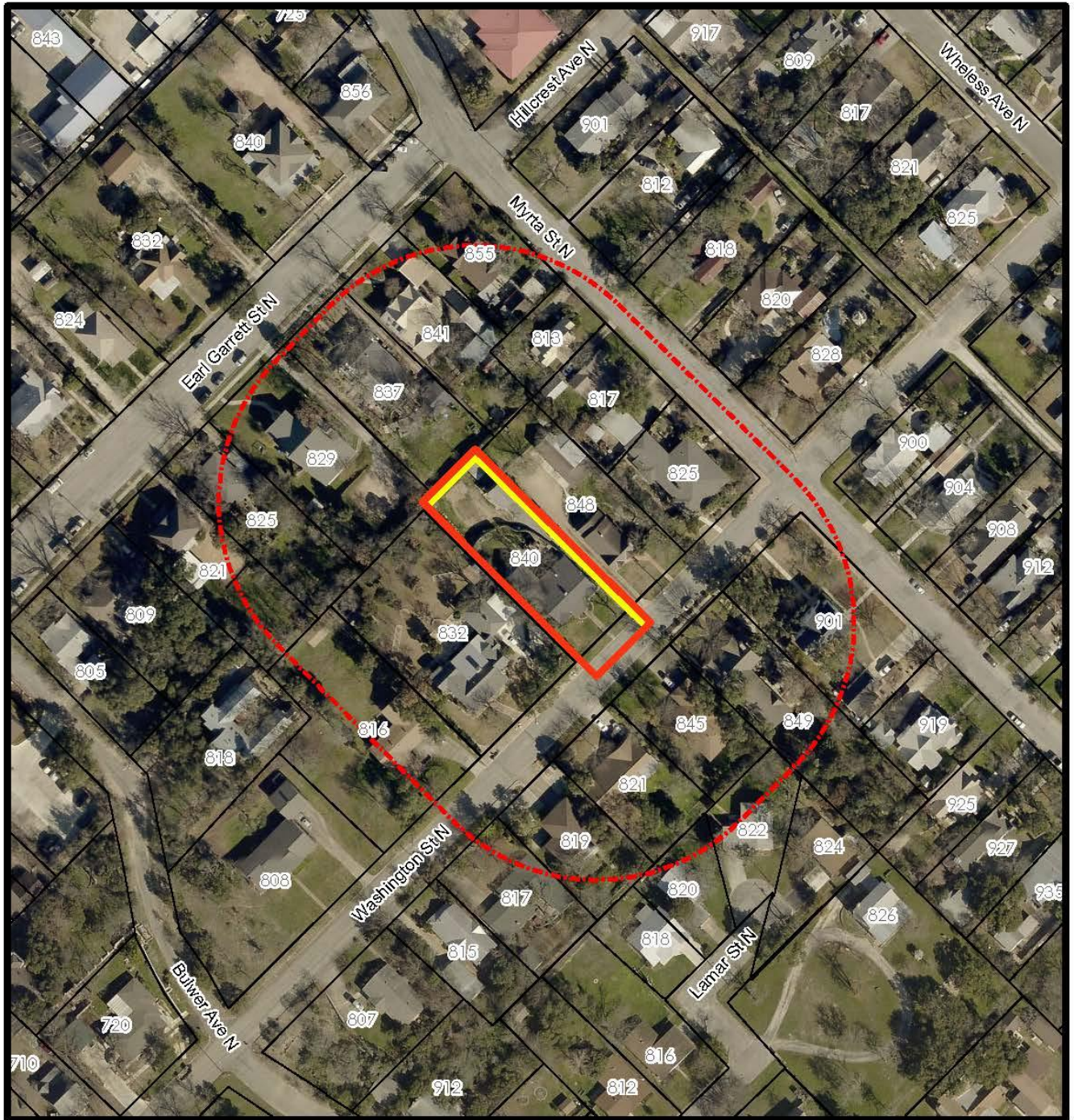
(8) That the variance would not modify or effectively repeal any development or use regulations set forth in a Conditional Use Permit or an ordinance or resolution adopting a Development Site Plan or establishing a Special Use District or Planned Development District which are in addition to the generally 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.

Staff Recommendation: *Approval* of the 6-foot variance from the 6-foot side required setback and *Denial* of the 5-foot variance from the 25-foot rear required setback for a Garage with an Apartment.

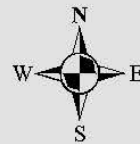


Variance Application

Location:
840 Washington Street

Legend

Subject Properties
200-ft Notification Area
Variance Area



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.