



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING, THURSDAY, MARCH 16, 2017 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 5, 2017 meeting. **Pg. 2**

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning two variance requests: 1) for an 18-foot variance from the 25-foot minimum rear yard setback; and 2) a 6-foot variance from the 15-foot minimum side yard (corner side) setback in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 for an approximate 0.20 acre tract. Legal description JA Tivy's Addition, Block 1, Lot 1; located at 1501 Water Street East. (File No. 2017-013) **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: March 10, 2017 at 8:30 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



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 2A
Hearing Date: March 16, 2017
Representative: Staff

Proposal

Approval of the amended minutes from the January 5, 2017 Zoning Board of Adjustment meeting.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Justin MacDonald, Member

STAFF PRESENT:

Trent Robertson, City Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER

On January 5, 2017 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:

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.)

No visitors were present; no one spoke.

2. Consent Agenda

2A. Approval of the minutes from the December 15, 2016 meeting.

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

3. PUBLIC HEARINGS AND ACTION

3A. Public Hearing & Action, Variance Request – Public hearing, consideration, and action concerning a variance request for a 5-foot variance from the 25-foot minimum front yard required setback in accordance to Chapter I, “The City of Kerrville Zoning Code” Article 11-1-17 for an approximate 1.37 acre tract. Legal Description all that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 1.37 acres, more or less, out of the original Survey No. 111, Samuel Wallace, Abstract No. 359. Being all of that 1 4/10 acre tract which was conveyed from Bonnie McKinney Schwausch to B & E Ventures, by deed dated 9th day of February, 1985, of record in volume 312, at page 77, of the Deed Records of Kerr County, Texas, and being a part of that 3 acre tract which was conveyed from R.F. Hunt, to E.M. McDonald, by deed dated the 7th day of August 1923, of record in Volume 41, at page 321, of the Deed Records of Kerr County, Texas; southeast of Loop 534, between Riverside Drive East and the Guadalupe River. (File No. 2016-079)

Mr. Robertson presented the findings of fact.

Ms. Stilwell opened the public hearing at 3:11 p.m. Hearing no one speak, Ms. Stilwell closed the public hearing at 3:12 p.m.

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

4. STAFF REPORTS

Mr. Robertson reported there will be a training meeting on February 9, 2017 at 3:00 p.m. No other matters are pending at this time.

5. ADJOURNMENT

The meeting adjourned at 3:13 p.m.



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 3A
Planning File #: 2017-013
Hearing Date: March 16, 2017
Representative: BK Independent Production LLC, (Larry Howard)
Location: 1501 Water Street East
Zoning: C-17, District 17-C
Legal Description: J. A. Tivy Subdivision, Block 1, Lot 1
Total Acreage: 0.20 Acres

Proposal

A request for two (2) variances 1) for an 18-foot variance from the 25-foot minimum rear yard setback; and 2) a 6-foot variance from the 15-foot minimum side yard (corner side) setback in accordance with 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 February 22, 2017. Notices were sent to property owners within two hundred (200) feet of the subject property on March 3, 2017. Additionally, notice of this meeting was posted at city hall and on the city's internet website on March 10, 2017, in accordance with Section 551.043(a) of the Texas Local 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: 19

Adjacent Zoning and Land Uses

Direction: North and west

Current Base Zoning: C-17, GR

Current Land Uses: Vacate, Non-Residential, Office

Direction: South and East
Current Base Zoning: C-17
Current Land Uses: Single-Family Residential, Non-Residential

Transportation

Thoroughfare: Water Street East, E Street East
Existing Character: One lane in each direction
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 no exceptional circumstances that exist on the property. Due to the age of the structures and configuration of the existing lots many of the existing structures are considered legal non-conforming. If the variances are approved as requested for the proposed structure, it will allow that structure to become legally conforming. However, the structure will still be required to meet all building code requirements and the site will be required to meet all other development requirements to include parking and floodplain. The existing structure would still be considered legal non-conforming due its position on the lot.

(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;

Not applicable. A smaller structure could be placed on this lot without the need of variances, the development requirements applicable to the lot would still need to be met.

(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 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 allow for the proposed structure to be in compliance with the current zoning code. The requested variance will not be detrimental to the health, safety, and welfare of the public or surrounding properties.

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

The variances requested are the minimum distance needed in order for the proposed structure to be in compliance with the required fire separation between structures and the interior side yard setback.

(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 that the “hardship” is a result of the size of the proposed structure and not with the property or its proximity to the floodplain.

(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 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 existence of a second structure could, depending on its use, make the property more profitable. That however should not be considered in making the final determination on the request.

(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.

Staff Recommendation: While staff believes that the “hardship” is self-induced, the placement of the proposed structure on the lot would not be detrimental to the surrounding properties. **Approval the request.**