



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING, THURSDAY, DECEMBER 1, 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 November 10, 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 7-foot variance from the 19-foot minimum front yard required setback for a garage/Carport in accordance to Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 for an approximate .21 acre tract. Legal Description JA Tivy Addition a portion of Lot 1 and Lot 2, Block 48; located at 1208 1st Street North. (File No. 2016-059) **Pg. 5**

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: November 23, 2016 at 3:00 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: December 1, 2016
Representative: Staff

Proposal

Approval of the amended minutes from the November 10, 2016 Zoning Board of Adjustment meeting.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Linda Stilwell, Chair
Justin MacDonald, Secretary
Danny Almond, Alternate

STAFF PRESENT:

Trent Robertson, City Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER

On November 10, 2016 the Zoning Board of Adjustment meeting was called to order at 3:08 p.m. in the City Hall Council Chambers, 701 Main Street.

1. ELECTION OF OFFICERS

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.”

Mr. Lewis moved to nominate Linda Stilwell as chair person. Ms. Eychner seconded the motion and motion passed 4-0.

Ms. Eychner moved to nominate Peter Lewis as vice-chair person. Mr. Ligon seconded the motion and motion passed 4-0.

Mr. Lewis reported members did not feel it necessary to vote for a secretary as city staff provides the recording secretary for all meetings.

2. VISITORS/CITIZENS FORUM:

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No visitors were present; no one spoke.

3. Consent Agenda

3A. Approval of the minutes from the June 16, 2016 meeting.

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

4. PUBLIC HEARINGS AND ACTION

4A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a 15-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 1.24 acre tract. Legal Description JA Tivy Addition Lot 3-R Block 27; located at 1001 Jefferson Street North. (File No. 2016-053)

Mr. Robertson presented the findings of fact.

Mr. Lewis opened the public hearing at 3:12 p.m. Hearing no one speak, Mr. Lewis closed the public hearing at 3:20 p.m.

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

4B. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning two variance requests: 1) for a 5-foot variance from the 6-foot minimum side yard (non-corner side) required setback; and 2) request for a 23-foot variance from the 25-foot minimum rear yard required setback in accordance to Chapter I, “The City of Kerrville Zoning Code” Article 11-1-17 for an approximate .43 acre tract. Legal Description Cage Addition Block O, portion of Lot 1; located at 504 Tivy Street North. (File No. 2016-062)

Mr. Robertson presented the findings of fact.

Mr. Lewis opened the public hearing at 3:30 p.m. Hearing no one speak, Mr. Lewis closed the public hearing at 3:34 p.m.

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

5. STAFF REPORTS

Mr. Robertson had nothing to report at this time.

6. ADJOURNMENT

The meeting adjourned at 3:39 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 #: 2016-059
Hearing Date: December 1, 2016
Representative: Michael R Cox
Location: 1208 1st Street North
Zoning: "R1-A" Single-Family Residential
Legal Description: J.A. Tivy Subdivision, portion of Lot 1 and Lot 2, Block 48
Total Acreage: .21

Proposal

A request for a 7-foot variance from the 19-foot minimum front yard required setback for a garage/Carport 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 November 16, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on November 18, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on November 23, 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: 18

Adjacent Zoning and Land Uses

Direction: North, South and East

Current Base Zoning: "R1-A"

Current Land Uses: Single-Family Residential

Direction: West

Current Base Zoning: "R1-A" and "PI"

Current Land Uses: Single-Family Residential, School, and Vacant

Transportation

Thoroughfare: Gilmer Street North; Ross Street North; and 1st Street North

Existing Character: One lane in each direction with no sidewalks

Proposed Changes: None known

Thoroughfare: A Street North

Existing Character: One lane in each direction with no 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 that exist on the property. The lot does not meet the City of Kerrville's minimum lot size requirement for a single-family residential dwelling (6,000 square feet). The size of the lot is approximately 4,000 square feet, 2,000 square feet smaller than what is required. The lot depth is approximately 50-feet, resulting in limited area for development. In order for the carport to meet the zoning code setback requirements, the existing 1,100 square-foot residential structure would need to be partially demolished. If the applicant chose to demolish the home completely in order to redesign the structure to fit the carport, additional variances would be required. The proposed variance will allow the applicant to reasonably use their property in the same manner as any other property similarly zoned.

(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 size and shape of this lot and the age of the existing structure. 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.

(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 existing structure to be in compliance with the current zoning code and for the proposed addition to be developed similarly to the surrounding neighborhood. 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 variance requested is the minimum distance needed in order for the carport/garage 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.

(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.

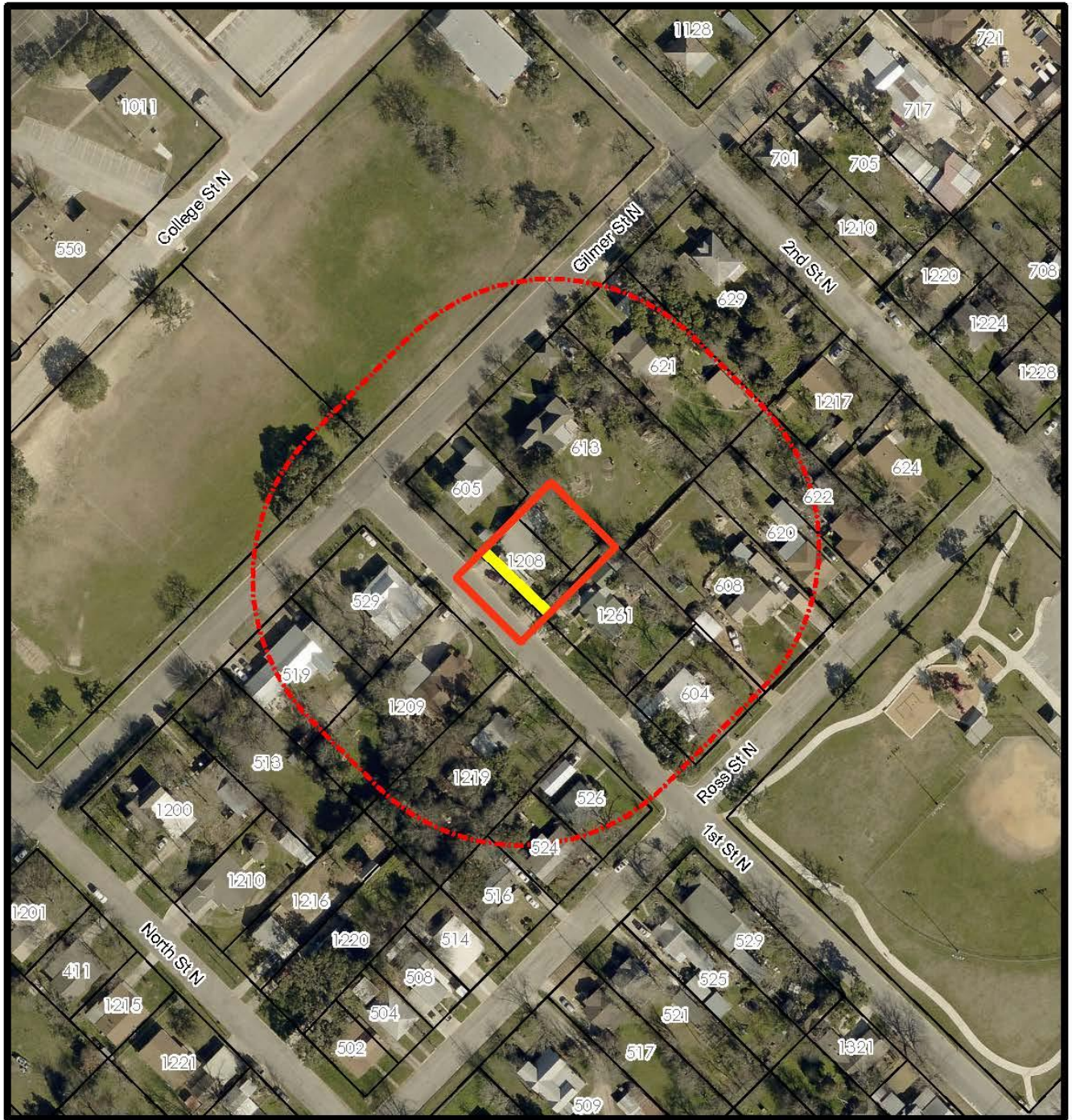
(8) That the variance would not modify or effectively repeal any development or use regulations set forth in a Conditional Use Permit or an ordinance or resolution adopting a Development Site Plan or establishing a Special Use District or Planned Development District which are in addition to the generally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

Staff Recommendation: Approval



Variance Application

Location:
1208 1st Street North

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.

