



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING, THURSDAY, MARCH 22, 2018 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. Election of new chair and vice-chair. **Pg. 2**

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Request** – Public hearing, consideration, and action concerning a request for a variance from the maximum building size restriction in accordance with Chapter 1, “The City of Kerrville Zoning Code” Article 11-1-10 (“RT” - Residential Transition District – Building Limit) to allow for construction of an addition to the existing building. Legal Description C. Gray Addition, Lot 1 Block 1 located at 417 Tivy Street North, on the southeast corner of Tivy Street and Aransas Street. (File No. 2018-011) **Pg. 3**

3B. **Public Hearing & Action, Variance Request** - Public hearing, consideration, and action concerning a request for a variance from the front and rear setbacks, in accordance with Chapter 1, “The City of Kerrville Zoning Code” Article 11-1-17 (Regulations Regarding Building Height, Lot Width and Area, and Setbacks) for an approximate .11 acre tract. Legal Description Methodist Encampment, Block 8, Lot 12, located at 1304 Alice Street North; on the southwest side of Uvalde Street North and northwest of Tanglewood Lane North. (File No. 2018-013) **Pg. 11**

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 19, 2018 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: March 22, 2018
Representative: Staff

Proposal

Election of chair and vice-chair persons.



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 3A
Planning File #: 2017-011
Hearing Date: March 22, 2018
Representative: Garrett Harmon
Location: 417 Tivy Street North
Zoning: RT (Residential Transition District)
Legal Description: Gray Addition, Blk 1, Lot 1
Total Acreage: Approximately 0.5 acres

Proposal

A request for a variance from the maximum building size restriction for lot in the Residential Transition (RT) zoning district in accordance with Chapter 1, "The City of Kerrville Zoning Code" Article 11-1-10 ("RT" - Residential Transition District – Building Limit) to allow for construction of an addition to the existing building.

Procedural Requirements

The application was published in The Kerrville Daily Times, an official newspaper of general circulation. Notices were sent to property owners within two hundred (200) feet of the subject property. Additionally, notice of this meeting was posted at city hall and on the city's internet website, in accordance with the Texas Local Government Code.

Recommended Action

Staff recommends that the Board hold the required public hearing, receive public comments and vote to either approve with findings or deny.

Notices Mailed

Owners of Property within 200 feet: 15

Zoning and Land Uses

Site Zoning: RT (Residential Transition District)

Current Land Uses: Dental office

Surrounding Zoning: RT to all sides

Surrounding Area Land Uses: Church to the south and west; single family lot to the north across Aransas with school just beyond; single family neighborhood across Tivy to the west

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;

In the application and in discussions with City Staff, the applicant offers the fact that the site is located in an area that has larger buildings to the west and south (Unity Church). In this context, the additional building mass will not be out of scale with its surroundings.

(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 literal enforcement of the current building size limitation in this particular instance may unnecessarily constrain the intended positive reinvestment proposed for the site. .

(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;

Several of the lots in this area east of Tivey are developed with larger buildings than the 3000 square foot limitation. The site will continue to act as a transition between these larger buildings and the neighborhood homes to the west. Therefore it does not appear that the requested variance would 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 if allowed does not appear to 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 applicant appears to have designed the site for a structure that would be similar in size to those of the surrounding neighborhood.

(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

Of particular consideration in this case is the location of the site in relation to surrounding uses and building mass on those sites.

(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;

None of the hardship in meeting the strict application of the ordinance limitation appear to be self-imposed.

(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;

Although the variance could make the use more profitable, consideration could also be given to the spirit of the RT district, which encourages transitional uses.

(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 repeal any development regulations.

(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 does not appear to be a better option.

Attachments:

Exhibit A Location Map

Exhibit B Site Plan

Building plans

Exhibit A Location Map



Location Map

Case # 2018-011

**Location:
417 Tivy Street North**

Legend

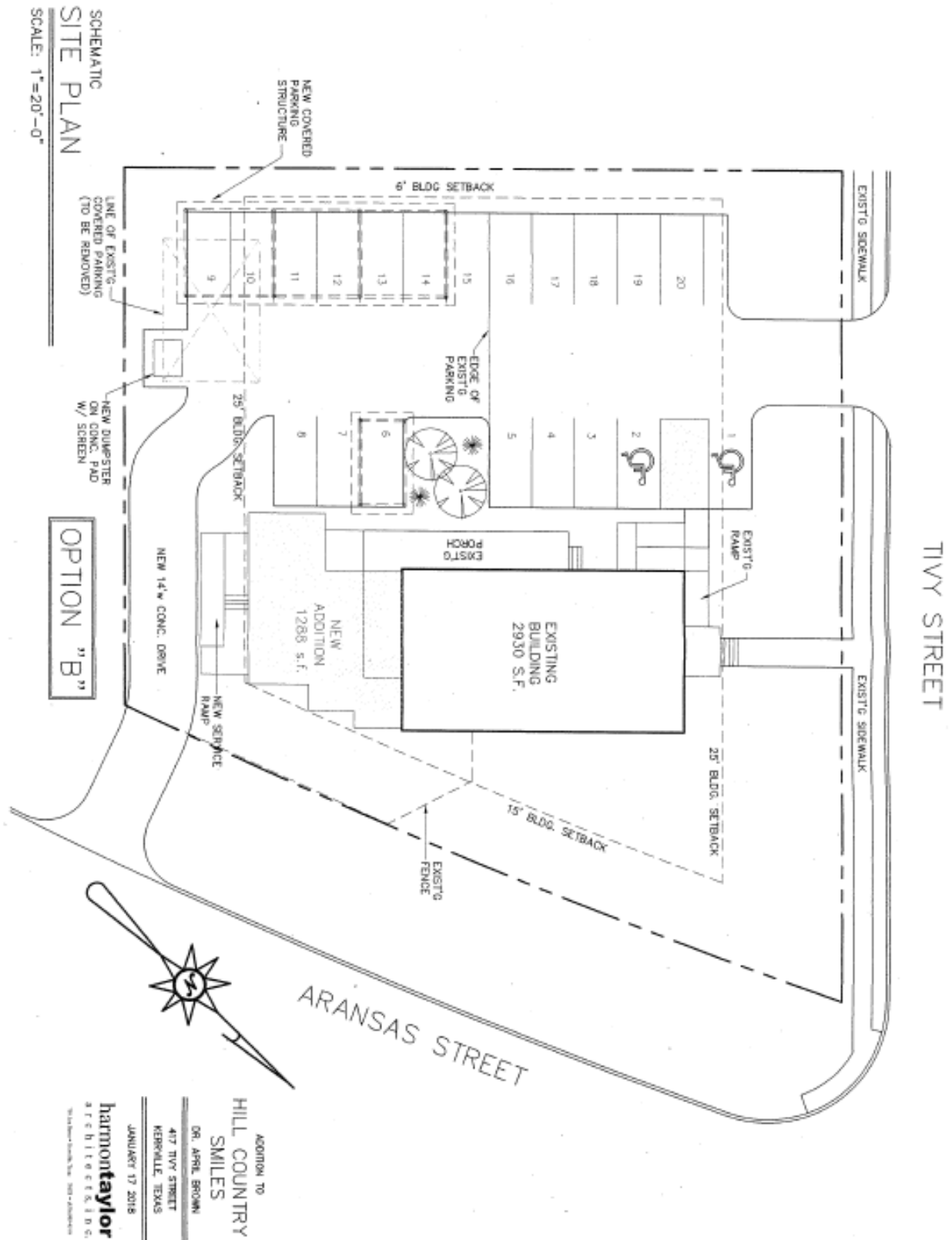
200' Notification Area ---
Subject Properties ---



0 25 50 100
Scale in Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, architectural, or other professional purposes. It does not constitute a contract.

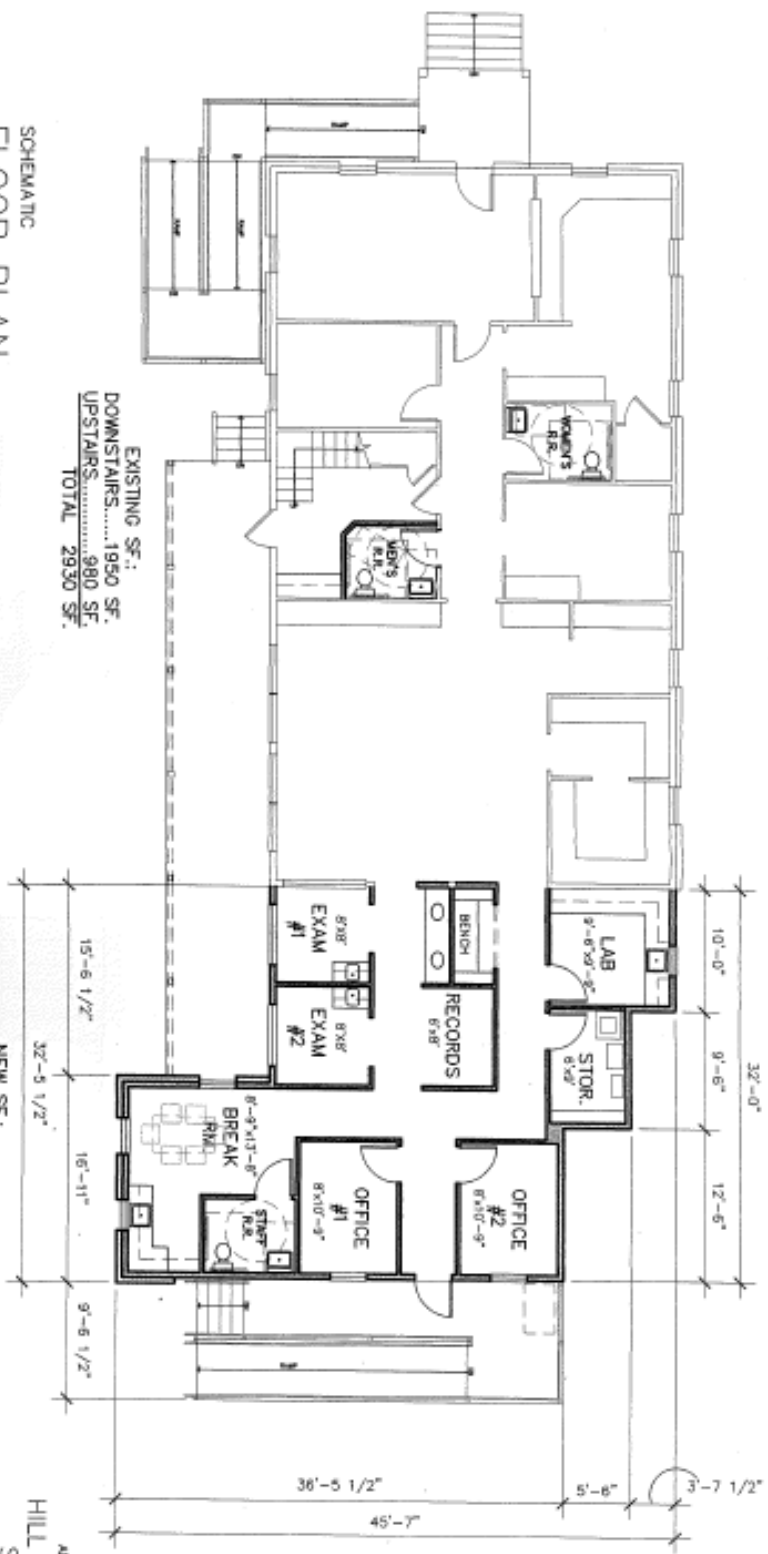
Exhibit B Site Plan



SCHEMATIC
FLOOR PLAN
 SCALE: 1"=10'-0"

EXISTING SF:
 DOWNSTAIRS.....1950 SF.
 UPSTAIRS.....980 SF.
 TOTAL 2930 SF.

NEW SF:
 DOWNSTAIRS.....1104 SF.
 UPSTAIRS.....184 SF.
 TOTAL 1288 SF.

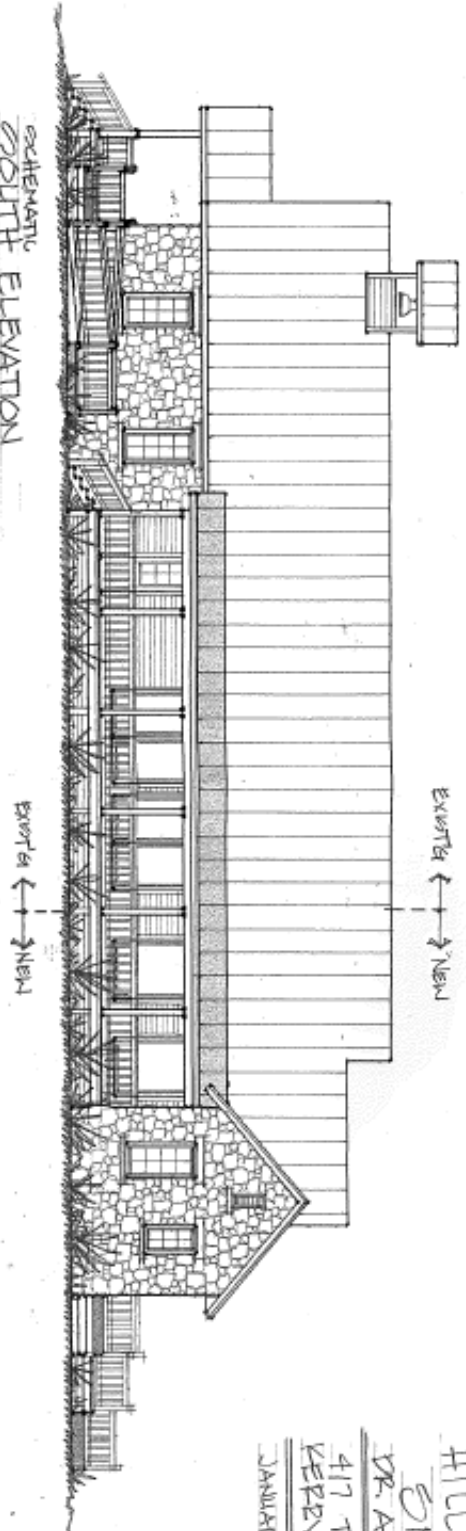


ADDITION TO
**HILL COUNTRY
 SMILES**

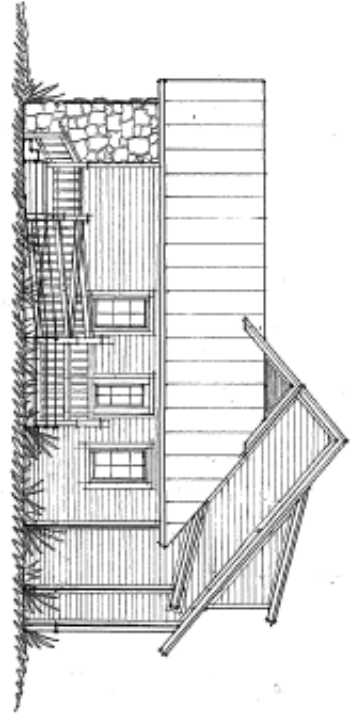
DR. APRIL BROWN
 417 TROY STREET
 KERRVILLE, TEXAS

JANUARY 17 2018
harmontaylor
 ARCHITECTS, INC.
1015 SOUTH TARRANT STREET, SUITE 100, AUSTIN, TEXAS 78704

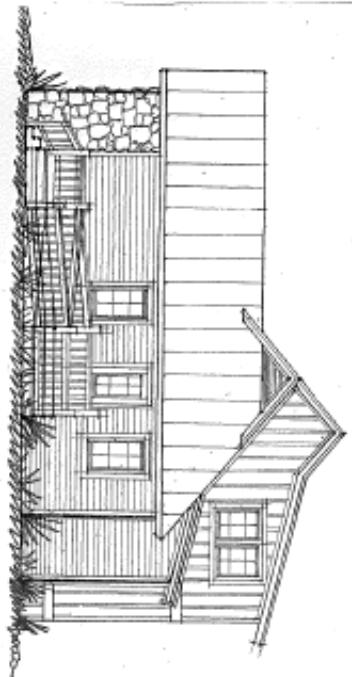
SCHEMATIC SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



SCHEMATIC EAST ELEVATION (OPT. 'A')
SCALE: 1/8" = 1'-0"



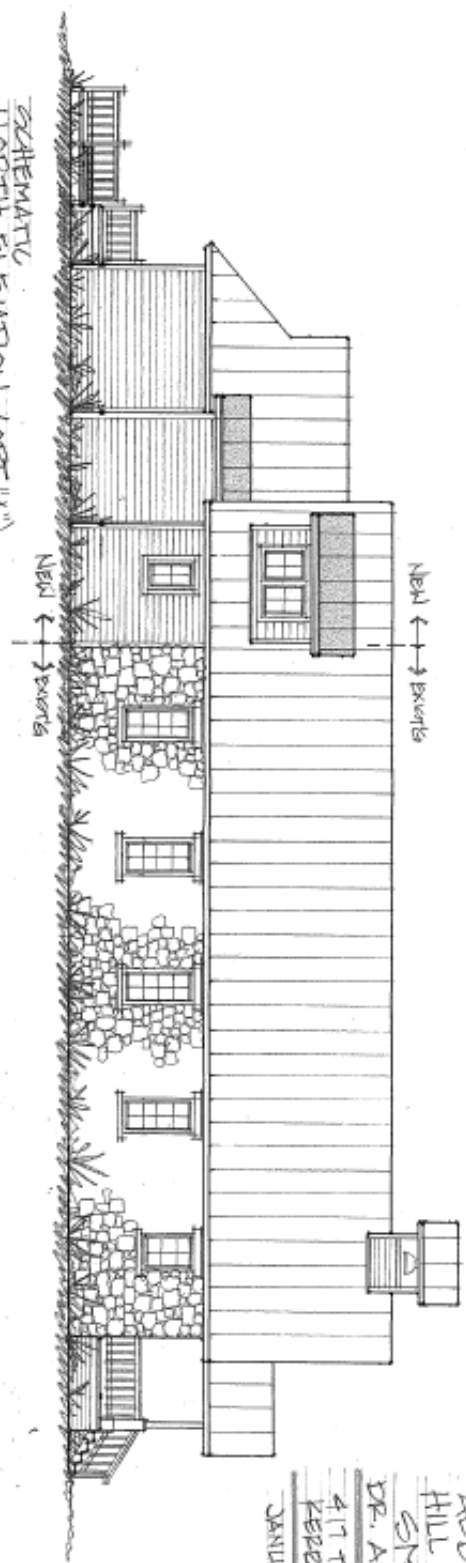
SCHEMATIC EAST ELEVATION (OPT. 'B')
SCALE: 1/8" = 1'-0"



ADDITION TO
HILL COUNTRY
SMILES
DR. APRIL BROWN
417 TIVY ST.
KEPENVILLE, TEXAS
JANUARY 9, 2018

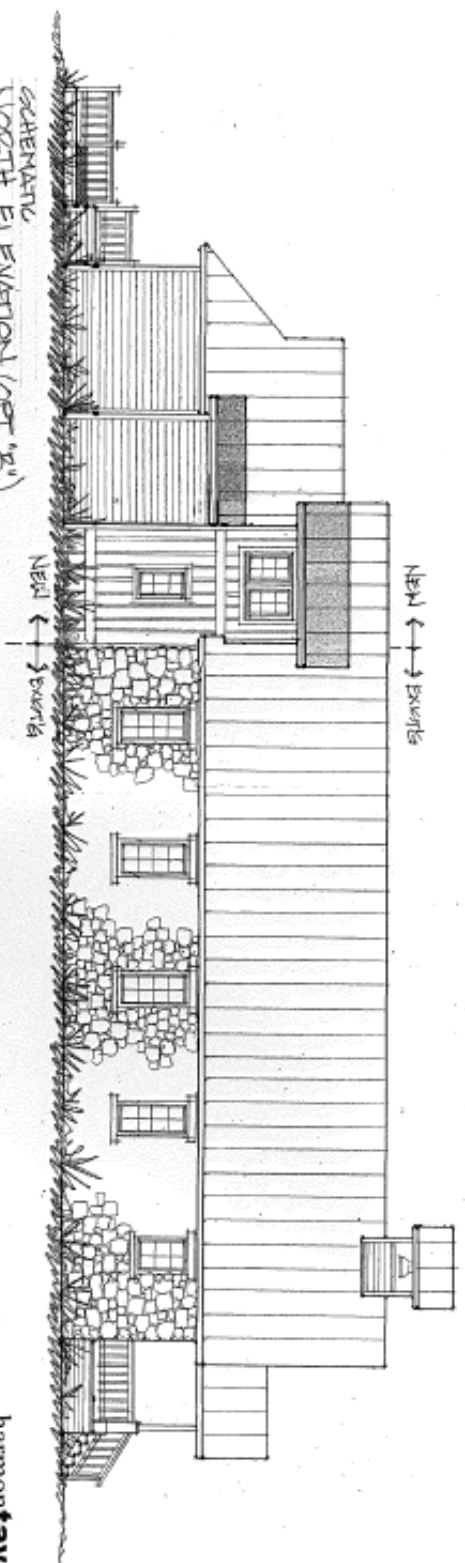
harmon **taylor**
architects, inc.
701 Lee Street
Kermit, Texas 75025

SCHEMATIC
 NORTH ELEVATION (OPT. "A")
 SCALE: 1"=10'



ADDITION TO
 HILL COUNTRY
 SMILES
 DR. APRIL BROWN
 417 TIVY ST
 KEENEVILLE, TEXAS
 JANUARY 5, 2018

SCHEMATIC
 NORTH ELEVATION (OPT. "B")
 SCALE: 1"=10'



harmontaylor
 architects, inc.
 701 Lee Street



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 3B
Planning File #: 2017-011
Hearing Date: March 22, 2018
Representative: Los Colinas Builders, Chastan McCrae
Location: 1304 Alice Street North
Zoning: R1 (Residential District)
Legal Description: Methodist Encampment, Blk 8, Lot 12
Total Acreage: Approximately 0.11 acres

Proposal

A request for a variance from the front (20' rather than the required 25') and rear setback (8; rather than the required 25'), in accordance with Chapter 1, "The City of Kerrville Zoning Code" Article 11-1-17 (Regulations Regarding Building Height, Lot Width and Area, and Setbacks) for an approximate .11 acre tract. Legal Description Methodist Encampment, Block 8, Lot 12, located at 1304 Alice Street North; on the southwest side of Uvalde Street North and northwest of Tanglewood Lane North. (File No. 2018-013)

Procedural Requirements

The application was published in The Kerrville Daily Times, an official newspaper of general circulation. Notices were sent to property owners within two hundred (200) feet of the subject property. Additionally, notice of this meeting was posted at city hall and on the city's internet website, in accordance with the Texas Local Government Code.

Recommended Action

Staff recommends that the Board hold the required public hearing, receive public comments and vote to either approve with findings or deny.

Notices Mailed

Owners of Property within 200 feet: 20

Adjacent Zoning and Land Uses

Current Zoning: R1 (Residential District)

Current Land Uses: Single-Family Residential

Surrounding Area Zoning: R-1

Surrounding Area Land Uses: Single Family neighborhood

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;

In the application and in discussions with City Staff, the applicant offers the fact that the site as platted will not allow a home of any reasonable size to be built on it if current setbacks are imposed.

Also a point of consideration is the fact that the lot is currently substandard in terms of acreage – it is roughly 20 percent smaller than the minimum lot size of 6000 square feet. The depth of the lot from the what is considered the "front" along Alice varies from roughly 55' to 65', which is a little more than half of what would ordinarily be the depth of a minimum R-1 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;

The property is at a disadvantage when the required setbacks of 25' front and rear setbacks are imposed because that would result in a buildable lot depth of only five feet (5').

(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;

Several of the lots in this area are developed with lesser setbacks than the R1 setbacks currently require due to the age of the neighborhood. Therefore it does not appear that the requested variance would 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 if allowed does not appear to 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 applicant appears to have designed the site for a structure that would be compatible with those of the surrounding neighborhood.

(6) That the variance is not being granted to relieve the applicant of conditions or circumstances:

(d) Which are not inherent in the property itself, but are the result of the use or development of the property, or

Of particular consideration in this case is the size of the lot itself.

(e) 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.

(f) Which were otherwise self-imposed by the present or a previous owner;

The lot dimensions have been in existence prior to the applicant's purchase and predate the City's Subdivision Ordinance.

(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 repeal any development regulations.

(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.

Attachments:

Exhibit A Location Map

Exhibit B Platted Lot

Exhibit C Site Plans – 1) with private deed restricted setbacks and 2) with proposed setbacks

Exhibit A Location Map





Location Map

Case # 2018-013

Location:
1304 Alice Street North

Legend

200' Notification Area 
Subject Properties 

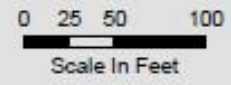
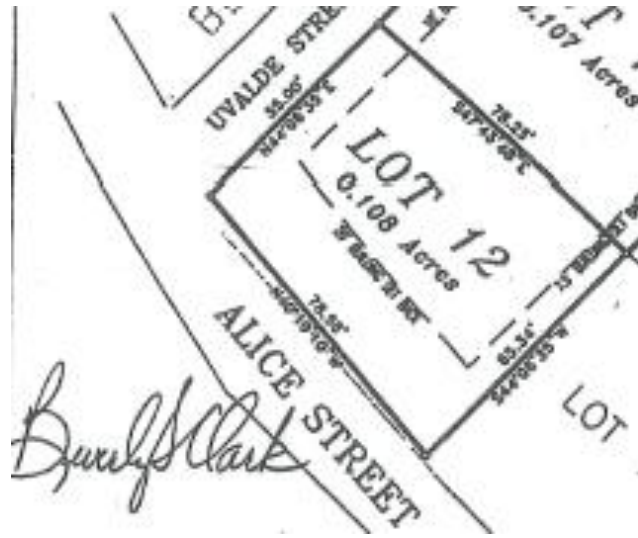
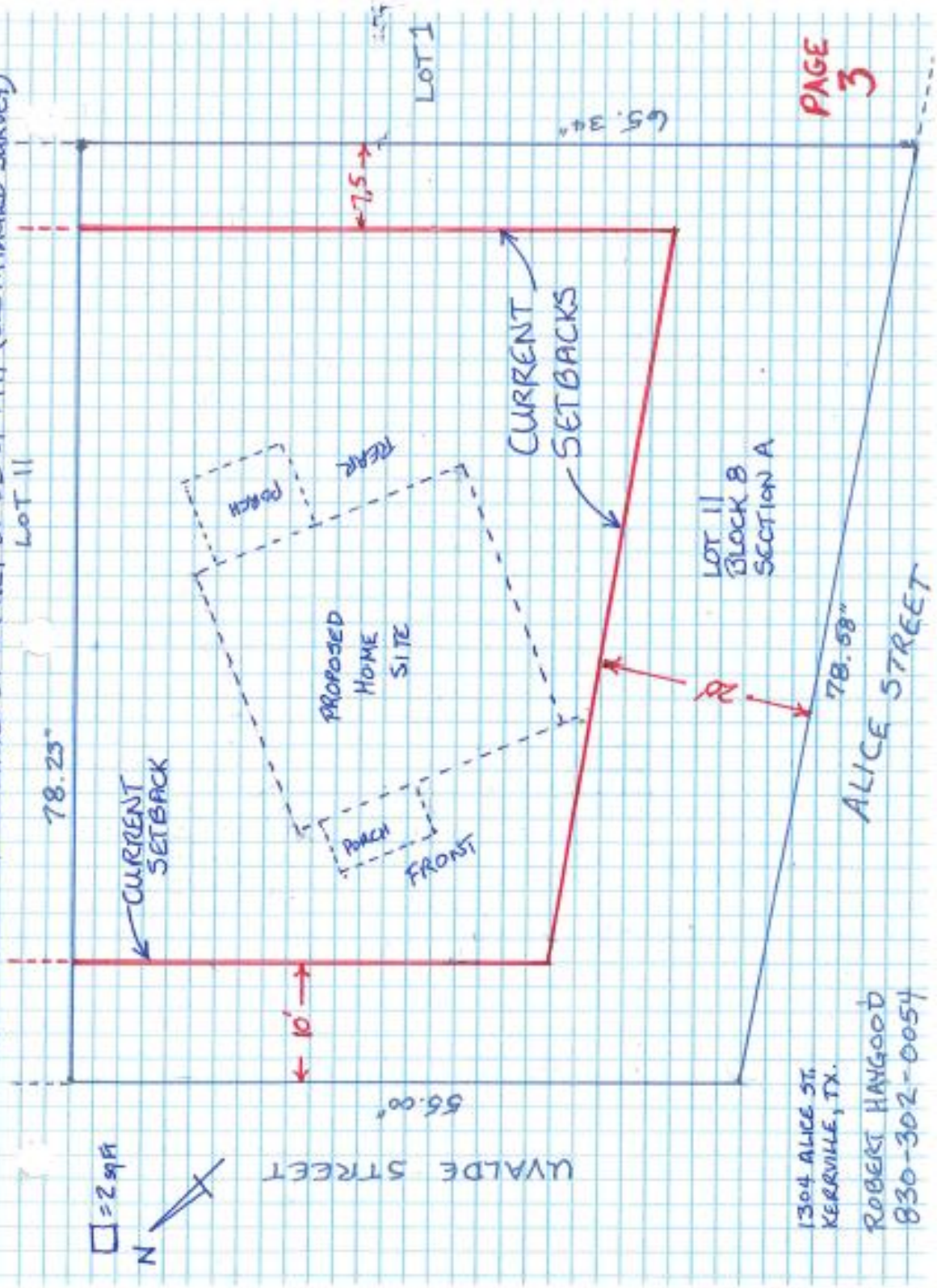


Exhibit B Platted Lot



RED = RECORDED SETBACKS BY SURVEY OF 02-01-1999 (SEE ATTACHED SURVEY)



1304 ALICE ST.
KERRVILLE, TX.
ROBERT HAYGOOD
830-302-0054

REQUESTED NEW SETBACK DIMENSIONS FOR NEW CONSTRUCTION.

