



CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING, THURSDAY, MAY 17, 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. Approval of the minutes from the May 3, 2018 meeting. **Pg. 2**

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Variance Requests** – Public hearing, consideration, and action concerning a request for setback variances in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 (Regulations regarding Building Height, Lot Width and Area, and Setbacks) for Lot 13 and 12Pt., Block 2 in the Bluebell Hills Subdivision, located at 1058 Bluebonnet Drive. (File No. 2018-028) **Pg. 4**

3B. **Public Hearing & Action, Variance Requests** – Public hearing, consideration, and action concerning a request for setback variances in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 (Regulations regarding Building Height, Lot Width and Area, and Setbacks) for Lot 1Pt. and 2Pt., Block 48 in the JA Tivy Addition, located at 1208 First Street. (File No. 2018-030) **Pg. 10**

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: May 11, 2018 at 5:00 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: May 17, 2018
Representative: Staff

Proposal

Approval of the minutes from the May 3, 2018 meeting.

MEMBERS PRESENT:

Peter Lewis, Vice-Chair
Danny Almond, Member
Robert Parks, Member
Bill Morgan, Alternate

MEMBERS ABSENT:

Sam Ligon, Member

STAFF PRESENT:

Sabine Kuenzel, Chief Planning Officer
Drew Paxton, Executive Director of Development Services
Dorothy Miller, Recording Secretary

CALL TO ORDER

On March 22, 2018 the Zoning Board of Adjustment meeting was called to order at 3:00 p.m. in the City Hall Council Chambers, 701 Main Street.

1. VISITORS/CITIZENS FORUM

No one spoke.

2. CONSENT AGENDA

2A. Approval of the minutes from the March 22, 2018 meeting.

Mr. Parks moved to approve the minutes as presented; motion was seconded by Mr. Lewis with amendments and passed 4-0.

3. PUBLIC HEARING S AND ACTION

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3A. **Public Hearing & Action, Variance Requests** – Public hearing, consideration, and action concerning a request for setback variances in accordance with Chapter I, “The City of Kerrville Zoning Code” Article 11-1-17 (Regulations regarding Building Height, Lot Width and Area, and Setbacks) for Lot 22 in the Harper Village Subdivision, located at 233 Old Oaks Path North. (File No. 2018-025)

Ms. Kuenzel presented the findings of fact.

Mr. Almond opened the public hearing at 3:10 p.m.

Mr. Reuben Silva spoke and discussed his intentions for the variance request.

Hearing no one else speak, Mr. Almond closed the public hearing at 3:14 p.m.

Mr. Lewis moved to approve the variance as presented; motion was seconded by Mr. Morgan and passed 4-0.

4. STAFF REPORTS

Mr. Paxton reported there will be a public hearing for the comprehensive plan before the Planning and Zoning Commission on Thursday, June 7, 2018 at 4:30 p.m. Afterwards City Council will hold a public hearing for the comprehensive plan on June 12, 2018 at 6:00 p.m. and a proposed final reading on June 26, 2018 at 6:00 p.m.

5. ADJOURNMENT

The meeting adjourned at 3:15 p.m.



City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 3A
Planning File #: 2018-028
Hearing Date: May 17, 2018
Representative: Gary & Wendy Anderson
Location: 1058 Bluebonnet Dr. N.
Zoning: R1 (Residential)
Legal Description: Bluebell Hills 1, Blk 2, Lot 12 PT, 13
Total Acreage: Approximately 0.56 acres

Proposal

A request for setback variances from the default R1 zoning setbacks to allow for a carport on the side of the house and new driveway.

Default setbacks for detached, single family uses would ordinarily be 25' front and rear, and 6' left and right sides.

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: 18

Zoning and Land Uses

Site Zoning: R1 (Residential District)

Current Land Uses: Single Family Home

Surrounding Zoning: R1 to north, south, and east sides, RC to the west side (rear)

Surrounding Area Land Uses: Single Family Residential

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;

The shape of the lot create a peculiarity in adding the carport to the main structure.

(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 setback limitation in this particular instance will constrain the construction of the new addition to a limited function as a carport, creating a narrow space, or misaligned with the existing roofline.

The literal enforcement of the required setbacks would cause the carport and storage space to mov one foot closer to the existing home.

(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;

A few of the lots in this area are constructed without adherence to current setback regulations. Therefore it does not appear that the requested variance would be detrimental to the health, safety, and welfare of the public or surrounding properties. The proposed construction is also consistent with the building code regulations.

(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 addition to the main structure that would be compatible in size in relation to its lot, similar 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

The location of the existing home and the irregular shape of the lot create the hardship.

(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;

The approval of the variance may enhance the usefulness of the property, however nothing to specifically increase any profitability.

(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 2002 Plat

Exhibit C Site Plan

Exhibit A Location Map



Location Map
Case # 2018-028
Location:
1068 Bluebonnet Drive

Legend
200' Notification Area ———
Subject Properties ———



0 50 100 200
Scale in Feet

Exhibit B 2002 Plat

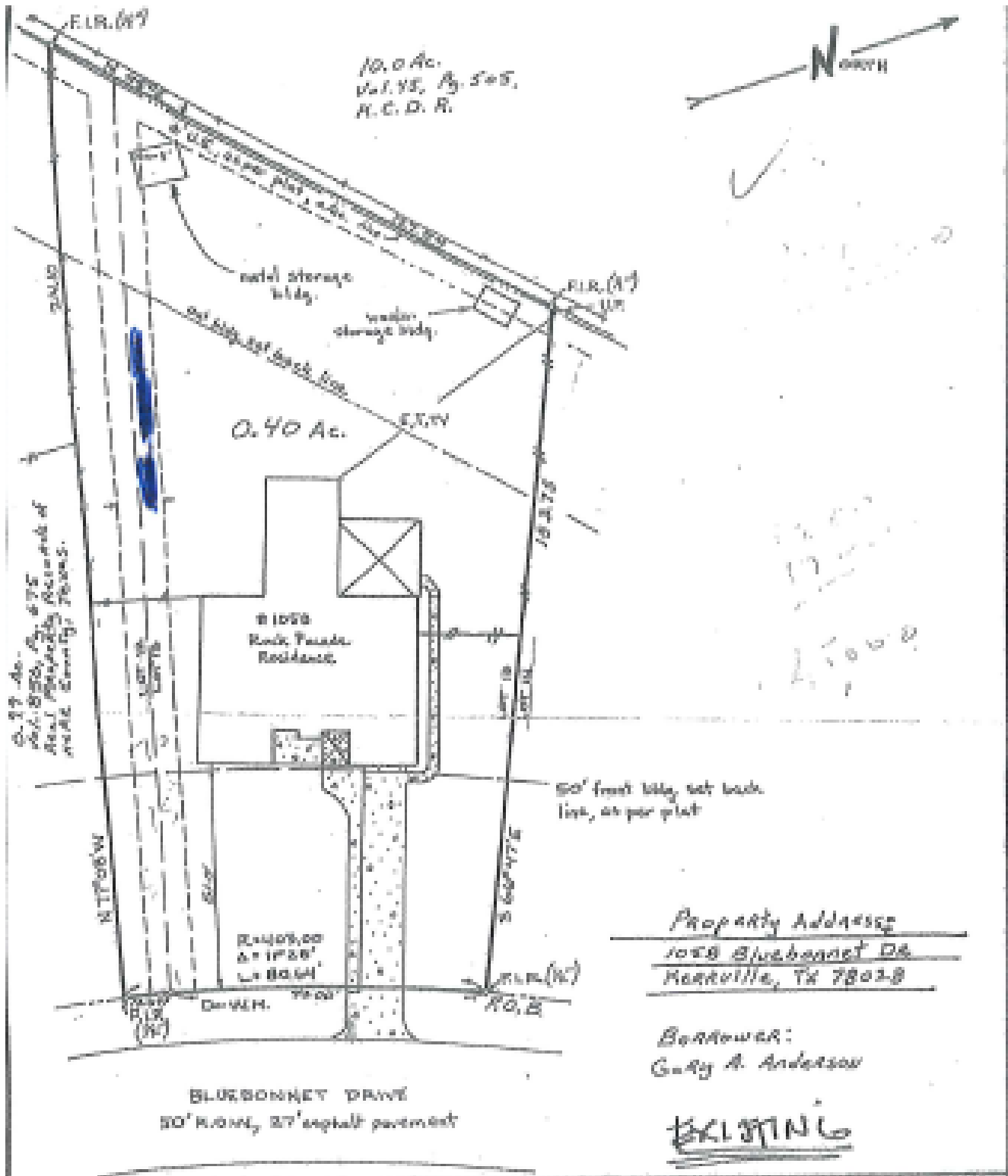
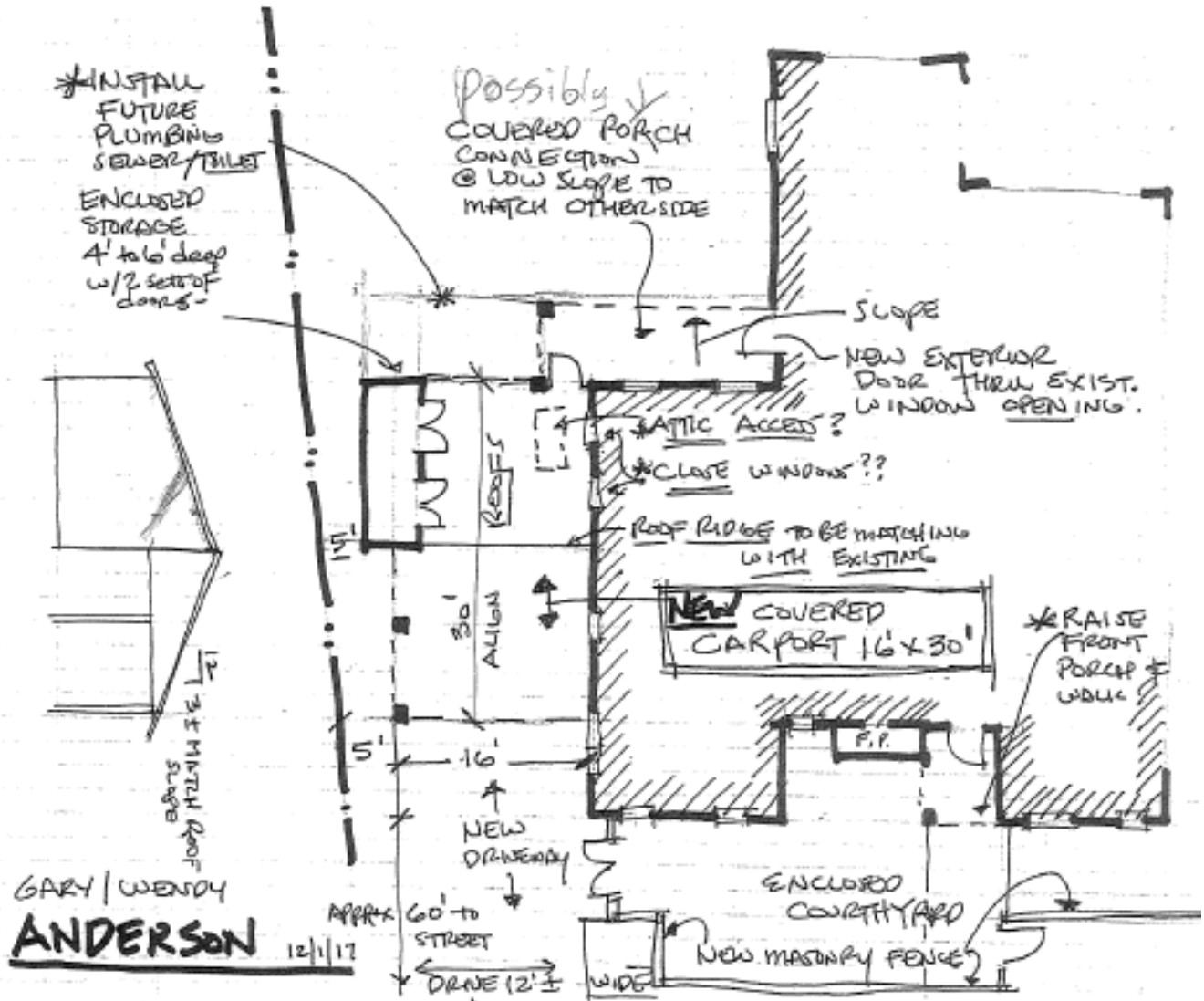


Exhibit C Site Plan





City of Kerrville Planning Department Report

To: Zoning Board of Adjustment
Agenda Item: 3B
Planning File #: 2018-030
Hearing Date: May 17, 2018
Representative: Michael Cox
Location: 1208 First St.
Zoning: R1A (Residential)
Legal Description: JA Tivy Addition, Blk 48, Lot 1PT, 2PT
Total Acreage: Approximately 0.09 acres

Proposal

A request for setback variances in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 (Regulations regarding Building Height, Lot Width and Area, and Setbacks) for Lot 1Pt. and 2Pt., Block 48 in the JA Tivy Addition, located at 1208 First Street.

Default setbacks for detached, single family uses would ordinarily be 25' front and rear, and 6' left and right sides.

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: 31

Zoning and Land Uses

Site Zoning: R1A (Residential District)

Current Land Uses: Single Family Home

Surrounding Zoning: R1A to north, south, RC to the east side, and PI to the west

Surrounding Area Land Uses: Single Family Residential, Single Family Residential with apartment, Bed

& Breakfast, Education (primary, secondary, & college), Instructional and Public Use Facilities, Tourist/Visitor & Recreation Service

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;

The small lot size may be restricting the location of the carport, however it appears that there is room to locate the proposed carport 25 feet from the setback.

(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 setback would require the carport to be setback 25 feet from the property line.

(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;

A few of the lots in this area are constructed without adherence to current setback regulations.

(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 has proposed the new structure to be 25 feet from the curb rather than the property line.

(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

As stated above, it appears the carport could be placed to meet the required setback.

(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;

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;

The addition of the carport should not significantly increase the profitability of the property.

(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

Exhibit C Site Plat

Exhibit A – Location Map



Exhibit B – Site Drawing

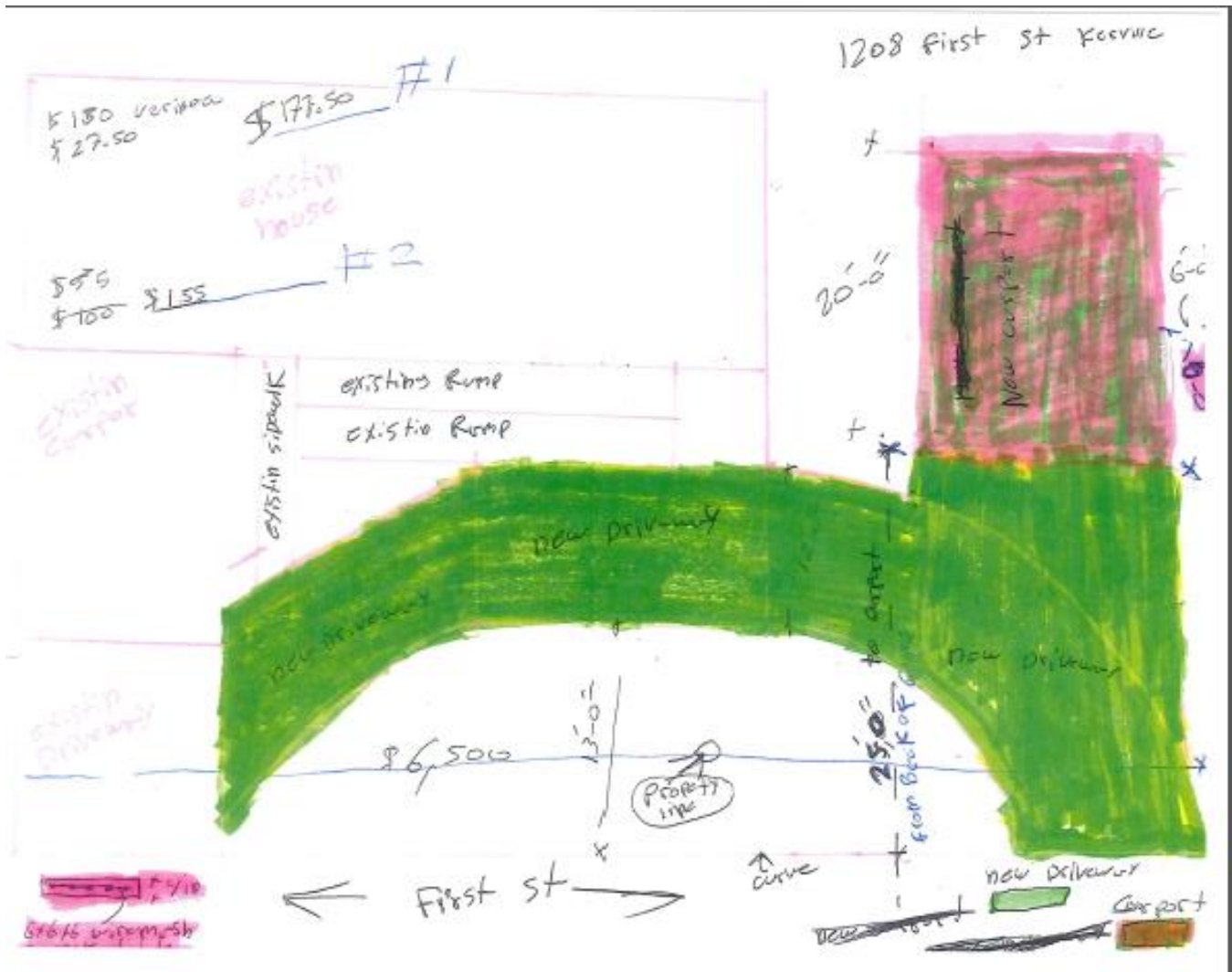


Exhibit C – Site Plat

