Incorporated May 6, 2000

City of Wimberley

221 Stillwater , P.O. Box 2027, Wimberley, Texas 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422
Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem
Council Members - Bob Dussler, Mac McCullough, , Pam Showalter, John White
Don Ferguson, City Administrator

April 14, 2016

John David Buse
1830 Flite Acres Road
Wimberley, Texas 78676

Dear Mr. Buse:

I am writing this letter in response to your request for grandfather status for an existing short-term rental facility located at 1830 Flite Acres Road, Wimberley, Texas.

Within the City of Wimberley (the "City"), there are short-term rental facilities that have been in existence and in continuous operation for more than five (5) years. Modified provisions adopted by the Wimberley City Council on March 3, 2016, allow such facilities to be grandfathered and continue operations, if no complaint has been received by the City about the subject facility and the property owner has submitted a sworn affidavit to the City indicating the facility has been operated continuously for the five (5) years preceding the date of the affidavit.

Within the City of Wimberley (the "City"), there are lots, structures, uses of land and structures, and characteristics of use which were lawful before the adoption of the City's Land Use Ordinance. The City Code permits these grandfathered uses and structures to continue, provided such grandfathered uses and structures are not enlarged upon, expanded, or extended, and are not used as a basis for adding other structures or uses prohibited.

It is your contention that the above-mentioned Short Term Rental has been in operation at the subject location for five (5) years prior to April 2001, when the City's Land Use Ordinance was adopted. The following information was provided to the City to support your claim.

- Sworn documentation from Jacquelyn Barmore, CPA, certifying that John David Buse has reported rental income for weekend and weekly rentals for the property located at 1830 Flite Acres Road since 1997.

Upon review of the information provided, the City has determined the requirements have been met for the subject short-term rental facility to be deemed a pre-existing non-conforming use, also known as a grandfathered use.

If the above-referenced short-term rental facility is expanded at any point in the future, a Conditional Use Permit (the "CUP") will be required.

Should the facility in the future be deemed detrimental or hazardous to the health, safety, or welfare of nearby residents or citizens, the City has the authority to take action to address such concerns or even eliminate the grandfather status altogether and require a CUP be obtained for the vacation rental facility to continue to operate.

Also, please be advised, in your operation of the subject short-term rental facility, you are prohibited from exceeding the maximum occupancy for the subject residence, as established by the previously issued septic permit for the residence.

I hope this information helps resolve your concerns. If you have any questions or need further information, please feel free to contact me at 512. 847.0025.

Sincerely,

Don Ferguson
City Administrator