

City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

CITY OF WIMBERLEY BOARD OF ADJUSTMENT MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
OCTOBER 26, 2016- 6:00 P.M.

AGENDA

CALL TO ORDER: OCTOBER 26, 2016 @ 6:00 P.M.

CALL OF ROLL

1. CONSENT AGENDA

APPROVAL OF MINUTES OF THE SEPTEMBER 6, 2016 MEETING OF THE BOARD OF ADJUSTMENT.

2. PUBLIC HEARINGS AND POSSIBLE ACTION

(Persons wishing to speak before the Board must register by signing in where indicated by Board Secretary. The Board will follow its adopted order of procedure for considering and acting on a variance request).

PUBLIC HEARING AND CONSIDER POSSIBLE ACTION ON CASE NO. BA-16-006, A REQUEST FOR A VARIANCE TO THE SETBACK REQUIREMENTS OF THE CITY OF WIMBERLEY ZONING CODE TO ALLOW FOR AN ENCROACHMENT INTO THE REQUIRED SIDE YARD BUILDING SETBACK FOR A PROPERTY ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2) LOCATED AT 806 RIVER ROAD, WIMBERLEY, HAYS COUNTY, TEXAS. *(TOMAS PALM, APPLICANT)*

3. BOARD MEMBER REPORTS

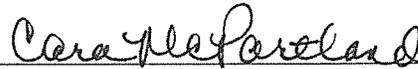
- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE BOARD MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

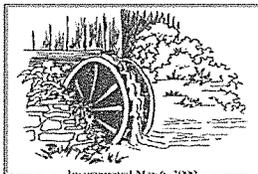
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on October 20, 2016 at 6:00 p.m.



Cara McPartland, Assistant City Administrator/City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

Board of Adjustment Agenda Item Form



Date Submitted: October 14, 2016

Agenda Date Requested: October 17, 2016

Project/Proposal Title: APPROVAL OF
SEPTEMBER 6, 2016 MINUTES OF BOARD OF
ADJUSTMENT MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are the minutes for the September 6, 2016 Board of Adjustment meeting for review and consideration.

City of Wimberley
City Hall, 221 Stillwater, Wimberley, Texas
Minutes of Board of Adjustment Meeting
Tuesday, September 6, 2016 at 6:00 p.m.

The meeting was called to order at 6:00 p.m. by Chair P. Jason Aldridge. Board members present were Dick Larson, Barry Tyler, Rebecca Minnick, and Bill Cline. Boardmember Darin Maroni was absent.

Staff members present: City Administrator Don Ferguson and City Secretary Cara McPartland

1. Consent Agenda

Approval of minutes of the July 18, 2016 meeting of the Board of Adjustment.

Boardmember Tyler moved to approve the minutes, as amended. Boardmember Larson seconded. Motion carried on a vote of 5-0.

2. Discussion and Action

Discuss and consider possible action regarding an appeal of the city administrator's decision to eliminate the grandfather status for a short-term rental property located at 310 Summit Loop Road, Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson reviewed the City's recent short-term rental compliance effort and advised that in February 2016, property owner Lisa Risoli submitted an application for a Conditional Use Permit (CUP) to operate a vacation rental at 310 Summit Loop. He noted that the application requested a maximum occupancy of ten (10) guests; however, City staff's review of septic records determined a maximum occupancy of five (5) people. He stated that the applicant received notification of the 5-person maximum occupancy limit. Subsequent to the submission of the CUP application and prior to the presentation of the CUP application to the Planning and Zoning Commission, City Council adopted modified provisions for pre-existing, non-conforming short-term rental properties to obtain grandfather status. Rather than proceed with the CUP application, Ms. Risoli sought and received grandfather status for the subject vacation rental facility under the modified provisions. City Administrator Ferguson referenced a letter dated April 14, 2016 to Ms. Risoli advising of the following:

- If the vacation rental facility is expanded, at any point in the future, a CUP will be required.
- The City has the authority to take action up to and including elimination of the grandfather status to address any concerns relating to the vacation rental facility deemed detrimental or hazardous to the health, safety or welfare of nearby residents.
- The maximum occupancy of the vacation rental facility shall not exceed the maximum occupancy for the subject residence, as established by the previously issued septic permit for the residence.

He stated that following the grandfather status determination, City staff received several complaints regarding the vacation rental facility. He noted that investigation of these complaints

determined that the facility was expanded with the development of an unpermitted outdoor hot tub (installed on a pad), the maximum occupancy was exceeded on several occasions, and the subject property was being marketed for a maximum occupancy of up to ten (10) people. As a result of the aforementioned violations, the previously granted grandfather status was eliminated by the City and Ms. Risoli was advised of the need to obtain a CUP for her vacation rental facility to continue operations.

City Administrator Ferguson noted that the applicant has appealed the City's decision to eliminate her grandfather status and that such an appeal is subject to consideration and action by the Board and not a matter for City Council. He stated that the applicant is present, as well as City Attorney Brad Young.

Board discussion included septic permit requirements, notification to applicant Risoli regarding maximum occupancy/complaints/right to appeal, documentation of complaints, complaints from neighbors regarding noise, complaint/remedy procedures, building permit process, and the hot tub installation as an expanded use that would eliminate the subject property's grandfather status and trigger the need for a CUP.

Robbie Walker of Hills of Texas Lodging confirmed his management of Ms. Risoli's vacation rental for the last two years. He stated Ms. Risoli built the home in 2006 and records show it has been used as a vacation rental since 2008. He said no complaints have been received by the City, law enforcement, or any booking agency prior to the granting of grandfather status. He stated that some of the neighbors present at tonight's meeting rented the subject property and used it as a model home their business. He said there was harmony until the City's Code compliance issue came up. He stated State and City hotel occupancy taxes have been paid and everything is in compliance. Mr. Walker conveyed his phone conversation with City Administrator Ferguson confirming that a hot tub had been installed and that the subject property was being marketed and rented at times for more than five (5) people. Mr. Walker advised that City Council approved the withdrawal of Ms. Risoli's CUP application so that she could seek grandfather status. Mr. Walker cited a septic permit record from Hays County that did not list a maximum occupancy figure and he stated his definition of "grandfather" status. He felt that more than five (5) persons should be allowed under the "grandfather" status determination and that the hot tub is an appliance (such as a picnic table or grill) that is not an expansion of operations. He advised that electrical work was done in order to install the hot tub and pad. Mr. Walker said that his consultations with attorneys did not indicate any expansions of use. He said if the Board comes to the conclusion that the grandfather status has been violated, he felt the penalty is too severe and offered an option to remedy the violation by removing the hot tub and its pad.

Discussion addressed septic permit requirements; Mr. Walker's questions regarding other short-term rentals in violation of maximum occupancy limits; complaints from neighbors; Mr. Walker's handling of parking problems associated with a party given by one of Ms. Risoli's neighbors; and CUP procedures.

Subject property owner Lisa Risoli noted that some of her neighbors have rented her property and she has never received any complaints from them. She said her septic system was evaluated and it will handle more than ten (10) people, which she advised would only be there on weekends. She said she had tried her best to get along with her neighbors, did not understand why the addition of a hot tub is an expansion, and would never jeopardize her livelihood. Ms. Risoli stressed she has never been contacted by the sheriff, her neighbors use her trash can and

house for their businesses, and has tried her best to do the right thing and get along with her neighbors. Discussion addressed Ms. Risoli's re-evaluation of her septic system, hot tub permitting requirements, her willingness to remove the hot tub, her contractor's (Mason Bass) original septic system installation, and Ms. Risoli's statement regarding lack of complaints from neighbors. She said that all of her renters are screened, park on-site, and do not trespass on neighbors' properties. Ms. Risoli did not feel that the City's notification of the 5-person maximum occupancy limitation applied to her property, as her CUP application was withdrawn and she received grandfather status. She felt it unfair for the City to limit her maximum occupancy to five (5) people when there are other people in town doing the same thing.

Jim Wittliff presented a handout to the Board (*attached to these minutes*) and cited email correspondence from Hays County employee Bucky Smith, and the subject property's septic permit. Mr. Wittliff provided statistics on the vacation rental's average number of guests per stay (7) and number of nights rented (51). He cited specific portions of City Administrator Ferguson's letter dated April 14, 2016 granting grandfather status and his subsequent letter eliminating grandfather status. Mr. Wittliff also cited sections of the City's Code relating to grandfathered uses and said a hot tub is an appliance legally allowed in a residential zoning district and compared the hot tub addition to adding a picnic table, chairs, or grill. Mr. Wittliff read from a Texas Local Government Code section relating to uniformity of requirements, said there are no maximum occupancy limits stated on the septic permit, and felt that the hot tub is not a non-conforming use for residential properties. He said "the worst you can get her for is putting in twenty (20) feet of underground electric without a permit."

Adjoining property owner William Zinkgraf said he always had a good relationship with Ms. Risoli, but as the commercial use ramped up, with renters every weekend, problems arose with noise and number of vehicles. He referenced a party with seventeen (17) people, who were very loud, and politely asked to be quiet. Mr. Zinkgraf said he was cursed at by renters and the sheriff was called. He also complained of the hot tub's location and activities by hot tub users that he had to shield from his daughters by constructing a building to obstruct view of the hot tub. He did not like strangers next door, some of whom he said have tried to enter his front door because they were drunk and disoriented. He said the situation has become untenable and noted the negative impact of renters' vehicle traffic on a road that he pays to improve and maintain.

Jennifer Zinkgraf stated she has seen Mr. Walker's truck at the subject property, but would not know how to reach him. She expressed her main concern for her children's safety, as the hot tub has no fence around it and the cover was left off of it for a week. She said there has been no attempt to block off the hot tub and it is a health concern and danger. Mr. and Mrs. Zinkgraf referred to their own property's pool and hot tub, which are gated and alarmed, but said they cannot control their neighbor's hot tub that is nineteen (19) feet from their house.

Jim Wittliff referred to photos of the subject property and the hot tub's location relative to the Zinkgraf's property. He pointed to dense vegetation shielding the hot tub from viewing by the Zinkgrafs. He recognized the Zinkgraf's safety concerns regarding the hot tub and advised that Ms. Risoli is willing to install fencing with a child-proof latch. Ms. Risoli respected Ms. Zinkgraf's opinions and said Ms. Zinkgraf could have contacted her directly to convey her safety concerns, which would have been addressed immediately.

City Administrator Ferguson clarified that fencing is not a Code requirement, but noted that the hot tub needs to be covered when not in use. He also provided clarification on criteria that the Board of Adjustment Minutes – September 6, 2016

City Sanitarian uses when determining maximum occupancy rates and noted that the language in the letter rescinding the grandfather status states that property owners are prohibited from exceeding maximum occupancy “as established by” the septic permit, and not “shown by” the septic permit. He advised that maximum occupancy determinations cannot be made based on the number of days rented. He noted that an expanded use is a zoning issue, with the hot tub marketed as an added amenity that is not comparable to adding chairs.

City Attorney Brad Young offered to answer any questions. Boardmember Minnick asked if there is a documented process for termination of CUPs or grandfather status. City Administrator Ferguson said determinations are made based on the severity of the violations. For nuisance violations, he noted there is a remedy process. Boardmember Minnick understood both sides, but said she had an issue with the notification process. City Administrator Ferguson stated that all grandfathered properties’ owners who received letters from the City have the ability to contact the City if they do not understand the letter and noted that Ms. Risoli continued to market the vacation rental for up to ten (10) people, after she was notified of the five (5) person maximum occupancy limit.

Chairman Aldridge adjourned Open Session and convened Executive Session at 7:02 p.m., pursuant to §551.071 of the Texas Government Code for consultation with legal counsel.

Chairman Aldridge adjourned Executive Session and reconvened Open Session at 7:12 p.m.

No action was taken in Executive Session.

Boardmember Tyler moved to uphold the determination to rescind grandfathered status made by City Administrator Ferguson. Boardmember Cline seconded. Boardmember Larson said that Ms. Risoli has the option to apply for a CUP in the future.

Chairman Aldridge called for a vote as follows: Boardmember Larson, aye; Boardmember Tyler, aye; Boardmember Minnick, aye; Boardmember Cline, aye; and Chairman Aldridge, aye. Motion carried on a vote of 5-0.

4. Board Member Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson requested that Board members check their schedules for a possible meeting within the next three weeks.

Hearing no announcements or future agenda items, Chairman Aldridge called the meeting adjourned.

Adjourned at 7:15 p.m.

Recorded by:

Cara McPartland

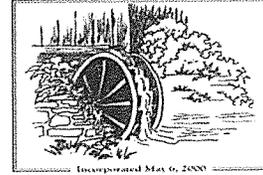
These minutes approved on the 17th day of October, 2016.

APPROVED:

P. Jason Aldridge, Chair

DRAFT

Report for Board of Adjustment BA-16-006



Summary:

The applicant has requested a variance to allow for an encroachment of ten (10) feet into the required side yard building setback for a property located at 806 River Road

Applicant Information:

Applicant: Tomas Palm
Property Owner: Equity Trust Co./FBO Tomas Palm, Roth IRA
 P.O. Box 2767
 Wimberley, TX

Subject Property:

Legal Description: River Road Terrace, Lot 1A (0.57 acres)
Location: 806 River Road
Existing Use of Property: Residential
Existing Zoning: Single Family Residential 2 (R-2)
Proposed Use of Property: Residential
Planning Area: II
Overlay District: Protected Waterway

Surroundings:

Frontage On: River Road, River Road Circle

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-2	Residential
S of Property	R-2	Residential
E of Property	R-2	Residential
W of Property	R-2	Residential

Legal Notice

200' Letters 10/10/16
Published 10/6/16
Sign Placement 10/12/16
Responses None

Comments:

The applicant, Tomas Palm, is seeking a variance from the City's building setback requirements to allow a planned carport for an existing single-family residence to encroach into the required side yard setback for a property located at 806 River Road. The property is located in Planning Area II and zoned Single Family Residential 2 (R-2).

The applicant is proposing to construct a carport that would encroach five (5) feet into the required ten (10) foot side yard setback. It should be noted that the applicant owns both the property for which the variance is being sought and the property adjacent to location of the proposed encroachment.

The applicant states the encroachment is necessary due to the location of the existing house on the property and to minimize tree removal.

To date, City staff has received no comments opposing the requested variance.

RECEIVED
SEP 19 2016
BY: _____

FOR OFFICIAL USE ONLY

APPLICATION DATE: _____ FILE NO. _____

HEARING DATE: _____ PLANNING AREA: _____ ZONING: _____

VARIANCE FEES: \$ _____ DATE PAID: _____ RECEIVED BY: _____

City of Wimberley APPLICATION FOR VARIANCE

OWNER/AGENT INFORMATION

1. Owner's Name: Equity Trust Co. Home Phone: () _____
FBO Tomas Palm Business Phone: () _____
Roth IRA Cell Phone: (713) 725-2936
Fax: () _____

Current Mailing
Address: P.O. Box 2767 City Wimberley State TX Zip 78676
Email: _____

2. Agent's Name: _____ Business Phone: () _____
(Must be accompanied by letter of authorization from owner) Cell: () _____

Current Mailing
Address: _____ City _____ State _____ Zip _____
Email: _____

PROJECT DATA

1. Property ID#: R _____ (Appears on your Tax Statement) Present Zoning: R

Street Address of Project: 806 River Road Wimberley, Texas 78676
(Note: If you do not have an assigned street address, please call 512-393-2160 Directions to Project)

Subdivision: River Rd Terrace Lot 1A Block: _____ Recorded in Vol. _____ Page _____

2. IS PROPERTY IN AN OVERLAY DISTRICT? YES _____ NO _____ UNKNOWN
TYPE OF OVERLAY ZONE(S) (if applicable) _____

Project Data (Continued)

3. FLOOD PLAIN (What, if any, flood zone does your property Occupy?): _____

4. WASTEWATER SYSTEM: (✓) Septic; () Aqua Utility; () GBRA
HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

5. Directions to your Project: Corner of 800 block of River Road
and River Road Circle

Please clearly mark your property so it is easily identifiable.

SPECIFIC SECTIONS OF ZONING ORDINANCE NO. 2001-010 FOR WHICH A VARIANCE IS REQUESTED:

- Building set back is 15 feet. Need a 10 feet deviation to build carport

- Same owner as the property next door

REASON FOR NEED OF VARIANCE (Attach separate sheet if necessary)

Want to add a 2-car carport, with some storage

This is the only realistic location,

- other side of the house is too close to River Road Circle

- The backside of the house faces the river, no access

- Front of the house

- one side has 2 mature trees

- other side is where house-entrance door is located

**ACKNOWLEDGMENT OF EXISTING
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants
and/or Zoning Conditional Use Permits**

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property for which a variance is now being considered on my behalf.

If a conflict should result with the request I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or which do not conform with the City ordinances, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning ordinances.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 9-19-16

APPLICANT Thomas Palm

SIGNATURE [Signature]

WHEN APPLICABLE:

Date: _____

AGENT _____

SIGNATURE _____

SITE INSPECTION AUTHORIZATION

Applicant/owner, or Applicant's authorized agent, hereby authorizes the City of Wimberley Board of Adjustment Members and City representatives to visit and inspect the property for which this application is being submitted.

Date: 9-19-16

APPLICANT Thomas Palm

SIGNATURE [Signature]

WHEN APPLICABLE:

Date: _____

AGENT _____

SIGNATURE _____

SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE VARIANCE APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. GRANTING OF A VARIANCE IS CONDITIONAL ON MEETING THE FOLLOWING REQUIREMENTS:

FAILURE TO COMPLY WITH THE REQUIREMENTS MAY CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- Complete "Application for Variance"
 - Provide plat map of property to which variance applies.
 - Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
 - Provide a legal description of the property to which variance applies.
 - Sign/date Submittal Verification form.
 - Sign/date Site Inspection Authorization form.
 - Sign/date Acknowledgement Form.
 - Pay Variance Fee (this fee is based on the cost of services incurred by the City of Wimberley in reviewing, processing and recording this variance request).
 - Applicant agrees to attend the Board of Adjustment Public Hearing.
 - I have reviewed the Conditions Required and believe they are met:** (Wimberley Zoning Ordinance No. 2001-010, Section 10) No variance shall be granted without first giving public notice and conducting a public hearing on the variance request in accordance with Section 10.8, and unless the Board of Adjustment makes specific, written findings of fact as follows:
 1. That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of the Zoning Ordinance would (a) deprive the applicant of the reasonable use of the property; and (b) create and unnecessary hardship in the development o the property; and
 2. That such circumstances and conditions are (a) not self-imposed; (b) not based solely on economic gain or loss; and (c) do not generally affect most properties in the vicinity of the property.
 3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 4. The variance if granted will not: (a) adversely affect the public health, safety or welfare; (b) be contrary to the public interest and (c) be injurious to or adversely affect the orderly use of other property within the area;
-

5. The property involved is otherwise in compliance with all other applicable City ordinances, rules and regulations; and

6. The granting of the variance will be in harmony with the spirit and purpose of this ordinance.

Special Circumstances:

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.

Date: 9-19-13

APPLICANT Thomas Palm

SIGNATURE [Signature]

WHEN APPLICABLE:

Date: _____

AGENT _____

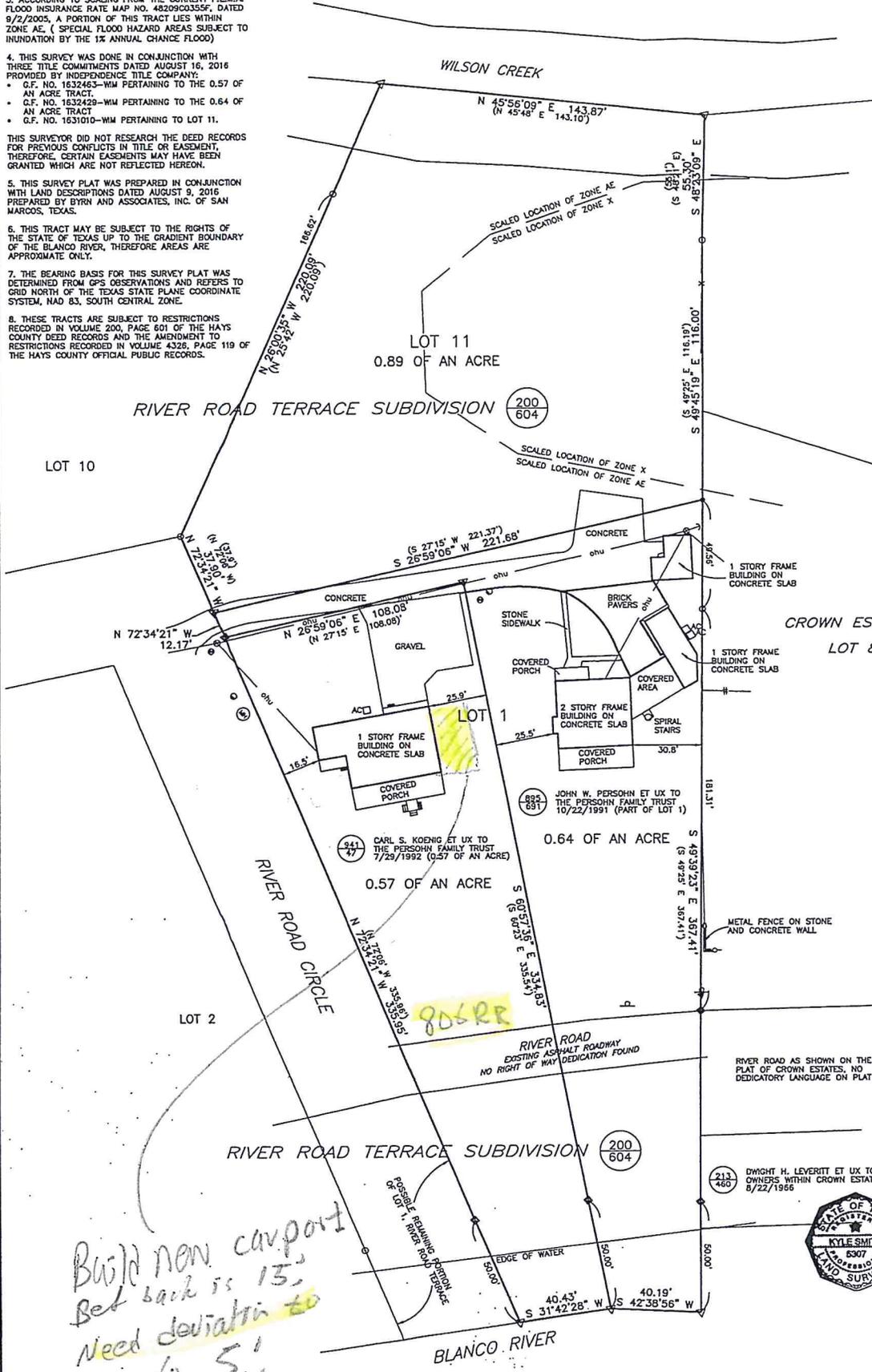
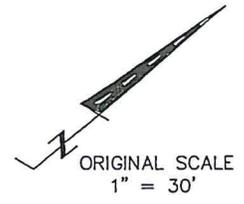
SIGNATURE _____

Don Ferguson

SURVEYOR'S NOTES

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0355F, DATED 9/2/2005, A PORTION OF THIS TRACT LIES WITHIN ZONE AE, (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD)
4. THIS SURVEY WAS DONE IN CONJUNCTION WITH THREE TITLE COMMITMENTS DATED AUGUST 16, 2016 PROVIDED BY INDEPENDENCE TITLE COMPANY:
 - G.F. NO. 1632463-WM PERTAINING TO THE 0.57 OF AN ACRE TRACT.
 - G.F. NO. 1632429-WM PERTAINING TO THE 0.64 OF AN ACRE TRACT
 - G.F. NO. 1631010-WM PERTAINING TO LOT 11.
 THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH LAND DESCRIPTIONS DATED AUGUST 9, 2016 PREPARED BY BYRN AND ASSOCIATES, INC. OF SAN MARCOS, TEXAS.
6. THIS TRACT MAY BE SUBJECT TO THE RIGHTS OF THE STATE OF TEXAS UP TO THE GRADIENT BOUNDARY OF THE BLANCO RIVER, THEREFORE AREAS ARE APPROXIMATE ONLY.
7. THE BEARING BASIS FOR THIS SURVEY PLAT WAS DETERMINED FROM GPS OBSERVATIONS AND REFERS TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE.
8. THESE TRACTS ARE SUBJECT TO RESTRICTIONS RECORDED IN VOLUME 200, PAGE 601 OF THE HAYS COUNTY DEED RECORDS AND THE AMENDMENT TO RESTRICTIONS RECORDED IN VOLUME 4326, PAGE 119 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS.

LOT 11, WILSON CREEK SUBDIVISION 1/47



LEVERITT'S RESERVE 1/21

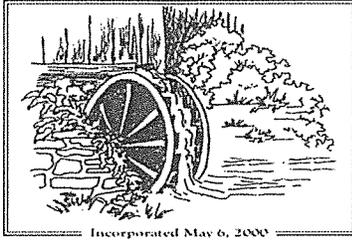
CROWN ESTATES 1/21

LEGEND

VOL	HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
PG	HAYS COUNTY PLAT RECORDS
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**NOTICE OF
PUBLIC HEARING
(Request for Variance)**

Notice is hereby given that the City of Wimberley Board of Adjustment will hold a public hearing at the Wimberley City Hall on Monday, October 17, 2016, at 6:00 p.m. to consider the following: BA-16-006 – an application for a variance from the City of Wimberley Zoning Code to allow for an encroachment into to the required side yard setback for a property located at 806 River Road, Wimberley, Texas. Following the public hearing, the Board of Adjustment will consider action regarding the subject variance request. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422

Mac McCullough, Mayor - John White, Mayor Pro-Tem
Council Members - Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld
Don Ferguson, City Administrator

October 10, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. BA-16-006**
Side Yard Building Setback Variance
806 River Road

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, Tomas Palm, has requested a variance from the City of Wimberley Code requirements to allow for an encroachment into the required side yard building setback on property located at 806 River Road, Wimberley, Texas. The City of Wimberley Zoning Board of Adjustments will consider this request at a public hearing on **Monday, October 17, 2016, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

MARTINEZ, BRIAN G & PAMELA K
3600 SAN JACINTO ST
HOUSTON, TX 77004-3920

RIVER ROAD TERRACE HOME
OWNERS
DAVID DORRANCE
2027 VALLERIA COURT
SUGAR LAND, TX 77479

ROBERTA MARION G FORBES
2500 RICHMOND ST APT 1502
HOUSTON TX 77005-8571

JUDD, COLLEEN M REV TRUST
COLLEEN M JUDD TRUSTEE
102 DEER CROSSING LN
WIMBERLEY, TX 78676-5619

DIENTS, STACY D & JEANNINE E
1620 S FRIENDSWOOD DR., #194
FRIENDSWOOD, TX 77546-5408

ANGELA M. HARRIS
1001 W. 19TH ST
HOUSTON TX 77008-3501

CAREY, R H
6702 SAINT ANDREWS WAY
AUSTIN, TX 78746

2018 YACONIA BLVD
HOUSTON TX 77058-1111

BARRINGTON, FRANCES FAMILY
TRUST
433 LEVERITTS LOOP
WIMBERLEY, TX 78676-9470

433 LEVERITTS LOOP
WIMBERLEY TX 78676

BLAIR, BARBARA CARSON TRUST
BLAIR BARBARA CARSON TRUSTEE
429 LEVERITTS LP
WIMBERLEY, TX 78676

429 LEVERITTS LP
WIMBERLEY TX 78676

PERSOHN FAMILY TRUST THE
4201 MONTEREY OAKS BLVD
APT. #1120
AUSTIN, TX 78749-1030

4201 MONTEREY OAKS BLVD
APT. #1120
AUSTIN TX 78749

POLHEMUS, PAUL & CARMEN E
PO BOX 483
WIMBERLEY, TX 78676

PO BOX 483
WIMBERLEY TX 78676

FARMER, PAULA A & SUSAN M
1018 HIGHLAND ST
HOUSTON, TX 77009-6515

1018 HIGHLAND ST
HOUSTON TX 77009

HUTCHINSON, LINDY POOL
TRUST/TRUSTEE
904 RIVER RD
WIMBERLEY, 78676

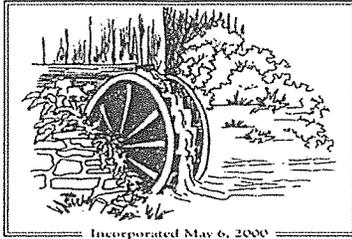
904 RIVER RD
WIMBERLEY TX 78676



904 RIVER RD
WIMBERLEY TX 78676

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October 10, 2016

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CITY OF WIMBERLEY

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HOUSTON, TX 77004-3920

RIVER ROAD TERRACE HOME
OWNERS
DAVID DORRANCE
2027 VALLERIA COURT
SUGAR LAND, TX 77479

FORBES, MARION O & FORBES
RONALD JAYCOCK FORBES
WAKETTE
3838 WYOMING DR #502
HOUSTON, TX 77027

JUDD, COLLEEN M REV TRUST
COLLEEN M JUDD TRUSTEE
102 DEER CROSSING LN
WIMBERLEY, TX 78676-5619

DIENTS, STACY D & JEANNINE E
1620 S FRIENDSWOOD DR., #194
FRIENDSWOOD, TX 77546-5408

CHANDLER, JENNIFER R
2520 ROBINWOOD CT APT 1502
HOUSTON, TX 77057

CAREY, R H
6702 SAINT ANDREWS WAY
AUSTIN, TX 78746

BRUCE, ANDREW E
ATTN: ELLIOTT JAY D
178 SUBST BLVD
HOUSTON, TX 77057

BARRINGTON, FRANCES FAMILY
TRUST
433 LEVERITTS LOOP
WIMBERLEY, TX 78676-9470

DR 200, A
AT 0000 A SUIC
HOUSTON, TX 77004

BLAIR, BARBARA CARSON TRUST
BLAIR BARBARA CARSON TRUSTEE
429 LEVERITTS LP
WIMBERLEY, TX 78676

YONAN, BONNIE
10000 EAVESWOOD
HOUSTON, TX 77057

PERSOHN FAMILY TRUST THE
4201 MONTEREY OAKS BLVD
APT. #1120
AUSTIN, TX 78749-1030

CLARK, BRENDA BRANDED
619 DEER CROSSING LN
WIMBERLEY, TX 78676

POLHEMUS, PAUL & CARMEN E
PO BOX 483
WIMBERLEY, TX 78676

NEBEL, HORACE & CARMEN
142 HICKORY RIDGE
HOUSTON, TX 77058

FARMER, PAULA A & SUSAN M
1018 HIGHLAND ST
HOUSTON, TX 77009-6515

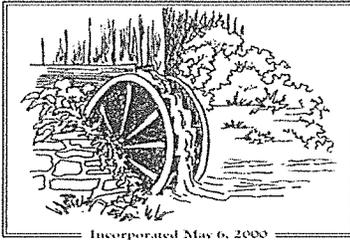
HENRY, MICHAEL P SUSAN
811 DEER CROSSING LN
WIMBERLEY, TX 78676

HUTCHINSON, LINDY POOL
TRUST/TRUSTEE
904 RIVER RD
WIMBERLEY, 78676

WOLF, VERA
501 DEER CROSSING LN
WIMBERLEY, TX 78676



CLARK, THOMAS
CLARK, MICHAEL BLWARD &
MARTIN CLARK CLARK
100 CHERRY AVE
HOUSTON, TX 77008



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

Phone: (512) 847-0025 – Fax: (512) 847-0422

E-mail: www.cityofwimberley.com; www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: BA-16-006

Owner _____

Date 10/12/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 806 River Road

which is located River Road Circle & River Road

Bill Bowers
Asst. Public Works

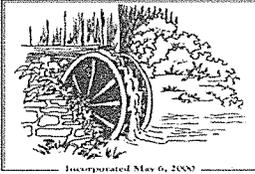
Note: The above-referenced sign was placed on the subject property on

10/12/16, 2016



Signature

Board of Adjustment Agenda Item Form



Date Submitted: October 14, 2016

Agenda Date Requested: October 17, 2016

Project/Proposal Title: BOARD MEMBER REPORTS

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by Board members and for future agenda item requests.