

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
MARCH 7, 2016- 6:00 P.M.

AGENDA

CALL TO ORDER: MARCH 7, 2016 @ 6:00 P.M.

CALL OF ROLL

1. CONSENT AGENDA

APPROVAL OF MINUTES OF THE DECEMBER 21, 2015 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-16-001, A REQUEST FOR A VARIANCE TO THE SECTIONS OF THE CITY OF WIMBERLEY ZONING CODE RELATING TO MAXIMUM BUILDING HEIGHT FOR A PROPERTY ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2) LOCATED AT 150 MALONE DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS. *(GRADY BURNETTE, 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

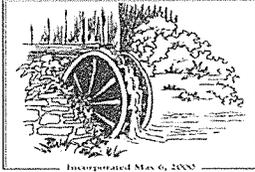
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on March 4, 2016 at 5:30 p.m.



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: March 4, 2016

Agenda Date Requested: March 7, 2016

Project/Proposal Title: APPROVAL OF DECEMBER 21, 2015 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 December 21, 2015 Board of Adjustment meeting for review and consideration.

City of Wimberley
City Hall, 221 Stillwater, Wimberley, Texas
Minutes of Board of Adjustment Meeting
Monday, December 21, 2015 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 Barry Tyler, Bill Cline, and Steve Gartside.

Staff members present: City Administrator Don Ferguson

1. Consent Agenda

Approval of minutes of the November 23, 2015 meeting of the Board of Adjustment.

Boardmember Tyler moved to approve the minutes, as presented. Boardmember Cline seconded. Motion carried on a vote of 4-0.

2. Public Hearings and Possible Action

Public hearing and consider possible action on Case No. BA-15-006, a request for a variance to the sections of the City of Wimberley Zoning Code relating to front and side setbacks for a property zoned Single Family Residential 2 (R-2) located at 444 Blue Heron Run, Wimberley, Hays County, Texas. (*Donn Lamoureux, Applicant*)

City Administrator Ferguson reviewed the subject property's location, zoning, and the applicant's plans to build an elevated home to replace a home damaged in the 2015 Memorial Day Weekend Flood. Plans call for the new home to be built on the same slab where the flood-damaged home was located. The pre-existing slab encroaches approximately 20-feet into the required 40-foot front setback, along Blue Heron Run, and 5.5-feet into the required 10-foot side setback on the north side of the subject property. It was noted the variance is being sought to authorize the pre-existing encroachment of the slab and that no further encroachment is being requested. He said no comments have been received either for or against the requested variance and advised the applicant's planned elevated structure will be built to the Advisory Base Flood Elevation (ABFE) and below the City's height requirement.

Chairman Aldridge opened the public hearing.

Applicant Donn Lamoureux stated that the pre-existing sports court and carport located in front of the house will be removed and will not be rebuilt. He provided details on the rebuilding project, including living area and smaller footprint. He advised the living area of the structure will be above the ABFE.

Hearing no further comments, Chairman Aldridge closed the public hearing.

Boardmember Cline moved to approve the requested variance, as presented, with the inclusion of affirmative findings on all six conditions listed below, required for granting of variance pursuant to City of Wimberley Ordinance No. 2001-010, Section 10:

1. That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this ordinance would (a) deprive the applicant of the reasonable use of the property; and (b) create an unnecessary hardship in the development of this property; and
2. That such circumstances or 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; and
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
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; and
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.

Boardmember Gartside seconded. Motion carried on a vote of 4-0.

3. Board Member Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Chairman Aldridge called the meeting adjourned at 6:09 p.m.

Adjourned at 6:09 p.m.

Recorded by:

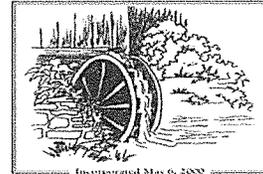
Cara McPartland

These minutes approved on the ____ day of March, 2016.

APPROVED:

P. Jason Aldridge, Chair

Report for Board of Adjustment BA-16-001



Summary:

The applicant has requested a variance relating to the maximum allowable building height for a property located at 150 Malone Drive

Applicant Information:

Applicant: Grady Burnette
Property Owner: Hoffman River House LLC
 10 Pine Forest Circle
 Houston, TX 77056

Subject Property:

Legal Description: Eagle Cave View, Lot 16B and Pt. of Lot 17
Location: 150 Malone Drive
Existing Use of Property: Vacant
Existing Zoning: Single Family Residential 2 (R-2)
Proposed Use of Property: Residential
Planning Area: II
Overlay District: Protected Waterway Overlay District

Surroundings:

Frontage On: Malone Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	C-1	Commercial
S of Property	SC	Residential
E of Property	MF-1	Residential
W of Property	R-2	Residential

Legal Notice

200' Letters Published: 2/29/16
Sign Placement: 2/25/16
Responses: 2/26/16
 None

Comments:

The applicant, Grady Burnette, is seeking a variance from the City's requirements relating to the maximum allowable building height for a proposed new residence. The subject property is located at 150 Malone Drive. The property is currently vacant. It is located in Planning Area II, zoned Single Family Residential 2 (R-2) and within the boundaries of the *Protected Waterway Overlay District*.

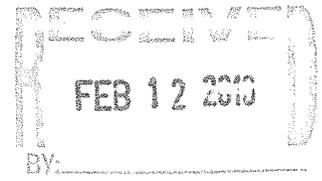
The applicant is proposing to construct a new two-story residence on the subject property to replace a residence that was destroyed by the 2015 Memorial Day Weekend Flood. To comply with the City's Flood Prevention Ordinance, the lowest floor (including the basement) of the new residence must be elevated at least one (1) foot above the

Base Flood Elevation (BFE). The applicant is proposing to elevate the lowest floor of the new residence above both the BFE and the higher Advisory BFE issued by FEMA following the flood, to further protect the structure from flooding. As a result of the elevation requirements, the height of the new residence will be thirty-seven (37) feet, which is two (2) feet above the maximum allowable building height for a residence.

The applicant indicated relocating the building site on the property to reduce the overall building height is not possible, as it would require the removal of at least one (1) large oak tree.

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

Upon review of the application, City staff recommends approval of the requested variance relating to the maximum allowable building height.



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

HARRISON RESORT SUB # 1 LOT PT of 7-8

OWNER/AGENT INFORMATION

1. Owner's Name: HOFFMAN RIVER HOUSE LLC Home Phone: 713) 621 1623
 Business Phone: () _____
 Cell Phone: 713) 829 0284
 Fax: 844) 269 6761

Current Mailing
 Address: 10 PINE FOREST CIRCLE City HOUSTON State TX Zip 77056
 Email: _____

2. Agent's Name: GRADY BURNETTE Business Phone: 817) 247 9040
 (Must be accompanied by letter of authorization from owner) Cell: () _____

Current Mailing
 Address: 224 OLD KYLE RD (City WIMBERLEY State) TX Zip 72676
 Email: grady@burnettebuilders.com

PROJECT DATA A1

1. Property ID#: R 29769 (Appears on your Tax Statement) Present Zoning: RESIDENTIAL

Street Address of Project: 150 MALONE DR Wimberley, Texas 78676
 (Note: If you do not have an assigned street address, please call 512-393-2160 Directions to Project)

Subdivision: HARRISON Lot: 1 Block: _____ Recorded in Vol. _____ Page _____

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

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 an unnecessary hardship in the development of 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;
-

Project Data (Continued)

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

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

5. Directions to your Project: _____

FROM RANCH ROAD 12 TURN ONTO
MALONE DRIVE FOLLOW MALONE
DRIVE TO 150 MALONE
MALONE DRIVE IS JUST NORTH OF THE
BLANCO RIVER

Please clearly mark your property so it is easily identifiable.

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

155.037 Single Family
residence R2

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

CHIMNEY HEIGHT DUE TO FLOOD ELEVATION

To comply with Flood Plain
THE HEIGHT OF ~~HOUSE~~ THE
FINISHED FLOOR HAD TO BE
RAISED.

**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: 2/11/2016

APPLICANT HOFFMAN RIVER HOUSE LLC

SIGNATURE *David B. Hoff*

WHEN APPLICABLE:

Date: _____

AGENT GRADY BURNETTE

SIGNATURE *Grady Burnette*

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: 2/11/2016

APPLICANT HOFFMAN RIVER HOUSE LLC

SIGNATURE *David B. Hoff*

WHEN APPLICABLE:

Date: _____

AGENT _____

SIGNATURE _____

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:

TO COMPLY WITH CITY FEMA, VARIANCE IS NEEDED.

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: 2/11/2016

APPLICANT HOFFMAN RIVER HOUSE LLC

SIGNATURE *[Handwritten Signature]*

WHEN APPLICABLE:

Date: _____

AGENT _____

SIGNATURE _____

Hoffman River House LLC
150 Malone Dr
Wimberley, TX 78676

Harrison Resort Subd #1 Lot PT of 7-8

Application for Variance – Property Owners within 200 ft

Sally E Dunphy
10 Windmeadow Place
The Woodlands, TX 77381

Harrison Resort Sec 1, Lot PT of 6
300 Malone Dr

Carlton Daves Bass
130 Malone Dr
Wimberley, TX 78676

Harrison Resort Sec 1, Lot 9 & PT of 8 & 10

William Jack Jr & Alice M Trust Agreement
% Jack Williams Jr Trustee
2601 River Rd
Wimberley, TX 78676

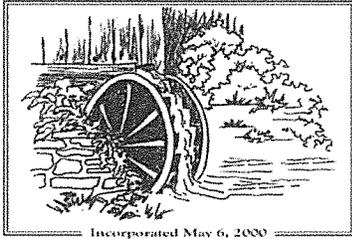
Harrison Resort Sec 1, Lot PT of 6-7

Charles & Jacqueline Boatright
24914 Laguna Edge Drive
Katy, TX 77494-3924

Harrison Resort Sec 1, Lot PT of 10

Boatright Rev Living Trust
Charles & Jacqueline Boatright
24914 Laguna Edge Drive
Katy, TX 77494-3924

Harrison Resort Sec 1, Lots 11-12



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

February 26, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. BA-16-001**
Building Height Variance (Single Family Residence)
150 Malone Drive

Dear Property Owner:

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

The applicant, Grady Burnette, has requested a variance from the City of Wimberley Code requirements relating to maximum building height for a single-family residence on property located at 150 Malone Drive, Wimberley, Texas. The City of Wimberley Zoning Board of Adjustments will consider this request at a public hearing on **Monday, March 7, 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

BASS, CARLTON DAVES
PO BOX 1422
WIMBERLEY, TX 78676

BOATRIGHT, CHARLES & JACQUELINE
24914 LAGUNA EDGE DRIVE
KATY, TX 77494

KKP3237 LLC
131 RIVER BEND RD
WIMBERLEY, TX 78676

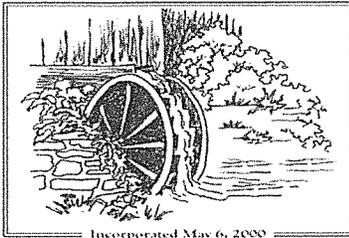
WIMBERLEY TWIN LIONS
5707 COSTAS COVE
AUSTIN, TX 78759

WILLIAMS, ALICE M EST OF JACKS
WILLIAMS JR IND EXEC
2601 RIVER RD
WIMBERLEY, TX 78676

DUNPHY, SALLY E, ENGEMOEN,
RANDOLPH, ENGEMOEN, ROGER
LINDZEY, KATHERINE, LINDZEY, LAURA
1907 GEORGIA LANDING CV
AUSTIN, TX 78746

ANDERSON, MARY
PO BOX 109
WIMBERLEY, TX 78676-0109

WILLIAMS, JACK JR & ALICE
2601 RIVER RD
WIBMERLEY, TX 78676



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422
E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: BA-16-001 Owner _____

Date 2/26/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

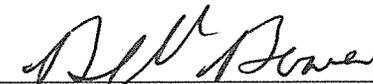
() Project Site Address 150 Malone Dr

which is located Malone Dr

Bill Bowers
Asst. Public Works

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

2/26/16, 2016

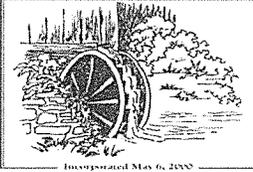


Signature

**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, March 7, 2016, at 6:00 p.m.** to consider the following: BA-16-001 – an application for a variance from the City of Wimberley Zoning Code requirements relating to maximum building height for a property located at 150 Malone Drive, 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.

Board of Adjustment Agenda Item Form



Date Submitted: March 4, 2016

Agenda Date Requested: March 7, 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.