

**City of Wimberley**  
City Hall, 221 Stillwater, Wimberley, Texas  
**Minutes of Board of Adjustment Meeting**  
Monday, May 27, 2014 at 6:00 p.m.

The meeting was called to order at 6:12 p.m. by Chair P. Jason Aldridge. Boardmembers present were Dick Larson, Barry Tyler, and Alternate Steve Gartside. Boardmembers Cecil Gibson and Bill Cline were absent.

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

**1. Consent Agenda**

Approval of minutes of the April 14, 2014 meeting of the Board of Adjustment.

Boardmember Larson moved to approve the minutes of April 14, 2014, as presented. Boardmember Tyler seconded. Motion carried on a vote of 4-0.

**2. Public Hearings and Possible Action**

- A. Public hearing and consider possible action on Case No. BA-14-009, a request for a variance to the Section of the City of Wimberley Zoning Code relating to construction within a required setback for a property zoned Commercial – Low Impact (C-1) located at 250 Carney Lane, Wimberley, Hays County, Texas. (*Tochterman Senior Services LLC, Applicant*)

City Administrator Ferguson reviewed the subject property's location, planning area, and existing C-1 zoning. He stated the applicant's site development plans to construct a memory care facility include construction of a swale to manage storm water flows within the required dominant street setback. He advised that Code Section 155.047(D)(3) prohibits construction, including buildings, parking areas, and driveways, except entry drives and utilities, within the required setback. He noted the applicant/applicant's engineer indicate that the proposed swale site is the most effective location to manage storm water flows, runoff detention, and filtration, as well as to minimize tree removal.

City Administrator Ferguson noted that no opposition has been received regarding the proposed variance and recommended approval.

Chairman Aldridge opened the public hearing.

Applicant Jerry Tochterman introduced building designer Chris Johnson and reasoning was provided for the variance request, including site topography, drainage patterns, existing distribution of trees, and location of street frontage/parking lot landscaping.

Discussion addressed the depth of the swale site and the subject property's intended use as a small assisted living facility, with an estimated occupancy of ten to twelve residents.

Hearing no comments, Chairman Aldridge closed the public hearing.

Boardmember Larson moved to approve the requested variance, 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 Tyler seconded. Motion carried on a vote of 4-0.

- B. Public hearing and consider possible action on Case No. BA-14-010, a request for a variance to the Section of the City of Wimberley Zoning Code relating to construction within a required setback for a property zoned Single Family Residential 2 (R-2) at 530 Southriver, Wimberley, Hays County, Texas. (*Jennifer & Joe Morris, Jr., Applicants*)

City Administrator Ferguson requested that this case be continued until June 9 or 10, 2014.

Boardmember Larson moved to continue this item, as requested by City Administrator Ferguson. Boardmember Tyler seconded. As a property owner within the 200-foot notification area, Boardmember Gartside recused himself from voting on this item. Motion carried on a vote of 3-0.

### **3. Board Member Reports**

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Boardmember Larson moved to adjourn. Boardmember Tyler seconded.

Chairman Aldridge called the meeting adjourned at 6:25 p.m.

**Adjourned at 6:25 p.m.**

Recorded by:

*Cara McPartland*  
Cara McPartland

These minutes approved on the 7<sup>th</sup> day of July, 2014.

**APPROVED:**

*[Signature]*  
P. Jason Aldridge, Chair

