

Village of Wimberley

City Hall, 13210 Ranch Road 12
Wimberley, Texas

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Minutes, Board of Adjustment Meeting Thursday, January 22, 2004 – 6:00 p.m.

Acting Chair Bob Flocke called the meeting to order at 6:00 p.m.

Members present were Bill Cline, Bob Flocke, Steve Gartside; Mike Stevens and Susan Thurber. Absent were Sue Johnson and Barbara Vansant.

There were no requests for variance for the Board's consideration..

A review of the situation regarding the Board's proposed change to the Planning and Zoning Ordinance ensued. In October 2003 Sue Johnson and Bob Flocke had presented The Board's proposed amendment to the P&Z Commission. P&Z insisted that the amendment include the following provisions:

1. To grant the requested variance the Board must find that any unnecessary hardship imposed on the property owner by literal enforcement of the ordinance is not self imposed, and
2. To grant the requested variance the Board must find that the property involved is otherwise in compliance with all other applicable Village regulations. This was to be based on a report by the City Administrator to the Board.

The Board agreed that some provision regarding self imposed unnecessary hardship could be included in the proposed change but rejected any requirement that the Board be required to rule on the property's compliance with other applicable Village regulations. Such a requirement places the Board in the position of acting on matters that are outside of the scope of the requested variance when each request for variance should stand on its own. It is the City Administrator's duty to ensure that the property in question is in compliance with all applicable Village regulations, not the Board of Adjustment's. A requirement that to grant a variance the Board must receive the City Administrator's report on compliance with all applicable Village regulations effectively gives the City Administrator a vote in the granting of variances. The Board of Adjustment's responsibility is to hear requests for variances and to grant them based on matters related directly to the variance requested.

Bill Cline presented language for a proposed change to the P&Z Ordinance (Attached). This proposal is based on language from the Texas statute regarding boards of adjustment. A discussion ensued. Steve Gartside moved that the Board adopt Bill Cline's proposed change and present it to the City Council for action at the earliest opportunity to get it on the Council's agenda. Susan Thurber seconded, and the motion was adopted unanimously.

Bob Flocke suggested that, as a courtesy, the proposal be briefed to the Planning and Zoning Commission before presenting it to the Council. The Board will tell P&Z that the proposal will be presented to the Council as is, and if P&Z has comments, they should be presented to the Council. All present concurred.

The meeting adjourned at 6:25 p.m.

Respectfully submitted,



Bob Flocke