

**City of Wimberley**  
 City Hall, 221 Stillwater, Wimberley, Texas  
**Minutes of Board of Adjustment Meeting**  
 Monday, April 14, 2014 at 6:00 p.m.

The meeting was called to order at 7:02 p.m. by Chair P. Jason Aldridge (to allow for the arrival of Chair Aldridge). Boardmembers present were Dick Larson, Barry Tyler, and Bill Cline. Boardmember Cecil Gibson was absent.

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

**1. Consent Agenda**

Approval of minutes of the March 31, 2014 meeting of the Board of Adjustment.

Boardmember Cline moved to approve the minutes of March 31, 2014, as presented. Boardmember Larson 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-14-007, a request for a variance to the Section of the City of Wimberley Zoning Code relating to open cut requirements for a property zoned Public Facilities (PF) located at 100 Carney Lane, Wimberley, Hays County, Texas. (*Wimberley ISD, Applicant*)

City Administrator Ferguson reviewed the subject property's location known as the site of Wimberley High School, planning area, and existing PF zoning. He stated construction of the proposed band hall will require an open cut on the site that will create an unrevetted, cut rock wall adjacent to the new band hall. He advised that the resulting rock wall will be a continuation of an existing unrevetted rock wall that was cut for the High School's 2009 library expansion. He noted that the new rock wall will be cut to a depth of approximately eleven (11) feet and that revetment is not planned so the new wall can be consistent in appearance with the existing rock wall. As the proposed open cut will exceed the City's maximum allowable depth requirement of five (5) feet for open cuts and not comply with the City's revetment requirements for such cuts, the WISD is seeking a variance from Code Sections 155.078(H)(5)(a) and 155.078(H)(5)(d) relating to open cuts and revetment.

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

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

City Administrator Ferguson advised that Pape-Dawson Project Manager Shelly Mitchell is present to answer questions, if needed. Discussion among the Board, City Administrator Ferguson, and Shelly Mitchell addressed the cut wall's engineering/drainage/slope. Ms. Mitchell

distributed handouts showing the existing/proposed wall and explained that the new wall is intended to look natural.

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-14-008, 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) and Rural Residential 1 (R-1) located at 600 South River, Wimberley, Hays County, Texas. (*Sherry & Dewayne Lancaster, Applicants*)

City Administrator Ferguson reviewed the subject property's location, zoning, planning area, and outlined the methodology for measuring building height. He stated that the applicants are proposing to construct a residence with a small portion of the pitched roof in excess of the maximum allowable height of thirty-five (35) feet. At its tallest point, the proposed roof will be thirty-nine (39) feet, seven (7) inches tall and the height of the chimney will be forty-two (42) feet, seven (7) inches tall. He noted that the location of the new residence protects an existing grove of oak trees and is set back from the road. He stated that cutting into the building site is not possible due to drainage concerns and deed restrictions that prohibit significant alterations in average elevation of lots in the subdivision. It was noted that numerous subdivision residents have submitted emails supporting the variance request and that the South River Property Owner's Association Architectural Review Committee has approved the building plans. City staff has received no comments opposing the variance request and recommends approval.

Chairman Aldridge opened the public hearing.

Grady Burnette of Grady Burnette Builders, Inc. spoke on the need for the variance due to the prohibition on altering the lot, drainage issues associated with cutting of the lot, and impact on surrounding properties.

Discussion addressed the subject property's surface water flow, current contour mapping, elevation, and specific portion of the roof design that exceeds the maximum allowable height.

Chairman Aldridge closed the public hearing.

Boardmember Larson moved to approve the requested variance, with the inclusion of affirmative findings on all six conditions (as listed above), required for granting of variance pursuant to City of Wimberley Ordinance No. 2001-010, Section 10. Boardmember Cline seconded. Motion carried on a vote of 4-0.

- C. Public hearing and consider possible action regarding a request for a variance from the City of Wimberley Sign Ordinance as it relates to the size and height of free-standing signs allowed for a business located at 1101 FM 2325, Wimberley, Hays County, Texas. (*EmilyAnn Theatre, Applicant*)

City Administrator Ferguson stated that the chosen location for the free-standing sign is a few feet below the elevation of FM 2325; therefore, the applicant is proposing a sign that is taller and larger than the limits set forth in the City Sign Ordinance for such signs. The proposed free-standing sign is thirteen (13) feet tall, exceeding the maximum allowable height of ten (10) feet; and the proposed total square footage is forty-three and one-half (43 ½) feet, exceeding the maximum allowable square footage of thirty-two (32) square feet. Staff recommended approval of the sign variance request in order to facilitate safe transition of vehicles turning from FM 2325 in/out of the property.

City Administrator Ferguson stated that the Board of Adjustment has the ability to grant a sign variance, if the following standards are met:

- The variance will not authorize a type of sign which is specifically prohibited.
- The variance is not contrary to the goals and objectives outlined by the City of Wimberley Comprehensive Plan.
- The variance is not contrary to the public interest.
- Due to special conditions, a literal enforcement of the sign ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement.
- Financial or economic hardship alone will not ordinarily satisfy this requirement.
- The spirit and purpose of the chapter will be observed, and substantial justice will be done.

No public comments were heard.

Discussion favored approval of the variance in order to enhance traffic safety at the entrance to the subject property.

Boardmember Larson moved to approve the sign variance, as presented, with affirmative findings on all of the abovementioned standards. Boardmember Tyler seconded. Motion carried on a vote of 4-0.

**3. Board Member Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson requested input on possible dates for future meetings.

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

Chairman Aldridge called the meeting adjourned at 7:29 p.m.

**Adjourned at 7:29 p.m.**

Recorded by:

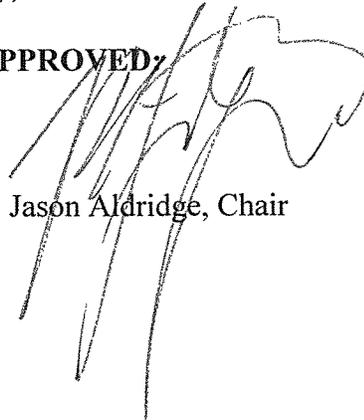


Cara McPartland

These minutes approved on the 27<sup>th</sup> day of May, 2014.



**APPROVED:**



P. Jason Aldridge, Chair