

**City of Wimberley**  
City Hall, 221 Stillwater, Wimberley, Texas  
**Minutes of Board of Adjustment Meeting**  
Monday, April 16, 2013 at 6:00 p.m.

The meeting was called to order at 6:02 p.m. by Chair P. Jason Aldridge. Board members present were Cecil Gibson, Dick Larson, Barry Tyler, Steve Gartside, and Bill Cline.

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

**1. Consent Agenda**

Approval of minutes of the February 13, 2012 meeting of the Board of Adjustment.

Boardmember Tyler moved to approve the minutes of February 13, 2012, as presented. Boardmember Larson seconded. Motion carried on a vote of 6-0.

**2. Public Hearing and Possible Action**

Public hearing and consider possible action on Case No. BA-13-001, a request for a variance to the City of Wimberley Zoning Code, Section 155.037(3)(A) regarding the forty (40) foot dominant street setback requirement in a Single Family Residential 2 (R-2) zoning district for property located at 2908 Flite Acres Road, Wimberley, Hays County, Texas. (*Vic & Jenni Marino, Applicants*)

City Administrator Ferguson reviewed the application, including the subject property's location, acreage, zoning, and plans for the construction of a new single-family residence, a large portion of which lies within the FEMA floodway where development is limited. In addition, the subject property contains a large heritage pecan tree, which further limits the developable area. The applicant is seeking a variance to encroach ten (10) feet into the required forty (40) foot dominant street setback with one (1) corner of the garage of the new home. Three (3) inquiries about the variance request were received, but no opposition was expressed. Based on the limited developable area, staff recommended approval of the variance request.

City Administrator Ferguson cited conditions required for granting of this variance pursuant to City of Wimberley Ordinance No. 2001-010, Section 10, recommending the inclusion of specific, written findings in the motion as follows:

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.

Chairman Aldridge opened the public hearing. 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 above listed conditions, as cited by City Administrator Ferguson. There was brief discussion of floodway/plain boundaries pertinent to the subject property. Boardmember Cline seconded. Motion carried on a vote of 5-0.

### 3. Board Member Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Chairman Aldridge called the meeting adjourned at 6:10 p.m.

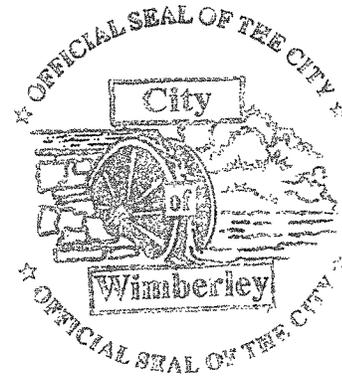
**Adjourned at 6:10 p.m.**

Recorded by:

*Cara McPartland*

Cara McPartland

These minutes approved on the 26<sup>th</sup> day of August, 2013.



**APPROVED:**

*[Signature]*

P. Jason Aldridge, Chair