

**City of Wimberley**  
City Hall, 221 Stillwater, Wimberley, Texas  
**Minutes of Board of Adjustment Meeting**  
Monday, June 10, 2014 at 6:00 p.m.

The meeting was called to order at 6:03 p.m. by Chair P. Jason 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

**Public Hearings and Possible Action**

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 reviewed the subject property's location (Lot 17), zoning/planning area, and intended use as a single family residence. He noted that site development plans call for the structure to fully encroach into the required 10-foot side setback on the northwest side of the property. This setback is contiguous to a 100-foot wide drainage easement, which encompasses the entirety of the adjacent lot (Lot 16), which is also owned by the applicants. Future development on Lot 16 is prohibited because of the presence of the drainage easement. Consolidation of the lots would not eliminate the need for a variance due to the development restriction on Lot 16.

City Administrator Ferguson stated the applicants contend that elimination of the abovementioned side setback will allow for a wider home to be designed that will have less impact on the river views for adjacent properties and reduce the number of trees impacted by the proposed development. He noted that Section 155.037(D)(3) of City Code prohibits construction, including buildings, parking areas, and driveways, except entry driveways and utilities, within the required setback. City staff has received several comments in support of the requested variance and no opposing comments were received. He advised that Section 155.037(D)(3) of City Code prohibits construction, including buildings, parking areas, and driveways, except entry driveways and utilities, within the required setback. City staff recommended approval of the variance, as requested.

Chairman Aldridge opened the public hearing.

The applicants' architect/representative, Rick Burleson, offered to answer any questions from the Board.

Hearing none, 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 Cline 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 6:11 p.m.

**Adjourned at 6:11 p.m.**

Recorded by:

  
Cara McPartland

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

**APPROVED:**

  
P. Jason Aldridge, Chair

