

City of Wimberley
 City Hall, 221 Stillwater, Wimberley, Texas
Minutes of Board of Adjustment Meeting
 Monday, July 2, 2018 at 6:00 p.m.

The meeting was called to order at 6:00 p.m. by City Planning & Development Coordinator/GIS Analyst, Sandy I. Floyd. Board members present were Rebecca McCullough, Bill Cline, Barry Tyler, Pam Tise, Jason Aldridge and Scott Way.

Staff members present: Planning & Development Coordinator/GIS Analyst Sandy I. Floyd
 Legal Counsel Gunnar Seaquist

1. Consent Agenda

Approval of minutes of the December 4, 2017 meeting of the Board of Adjustment.

Boardmember Cline moved to approve the minutes. Boardmember McCullough seconded. Motion carried on a vote of 5-0-1. Scott Way abstained.

2. Executive Session

- A. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.
- B. Executive Session pursuant Section 551.071 of the Texas Government Code for Consultation with Attorney to receive legal advice about litigation in Case No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.
- C. Discussion and possible action regarding items discussed in Executive Session.

No action taken.

3. Public Hearing and Possible Action

- A. Public hearing and consider possible action on Case No. BA-18-001, a request for a variance from the City of Wimberley code requirements to allow an encroachment into the dominant street setback for a certain property located at 130 Rockwood Drive, Wimberley, Texas. (Gordon Welch, Jr., Applicant)

Boardmember McCullough recused herself. Staff, Sandy Floyd, provided a summary of the request stating that in an effort to build at a higher location on the property and out of the FEMA preliminary mapped floodway, the property owner would need to encroach into his dominant street setback. Chair Aldridge opened the public hearing at 6:26 p.m. Applicant, Gordon Welch provided further information. Public hearing closed at 6:35 p.m. The Board of Adjustment chair and members discussed.

Boardmember Way moved to approve the requested variance, as presented, with the inclusion of affirmative findings on all six conditions listed below, required for granting of a 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 5-0-0.

At 6:37 p.m. Boardmember McCullough returned and Boardmember Cline left.

- B. Public hearing and consider possible action on Case No. BA-18-002, a request for a variance from the City of Wimberley code requirements to allow an encroachment into the dominant street setback for a certain property located at 145 Climbing Way, Wimberley, Texas. (John Pfeffer & Patti Humphries, Applicant)

Staff, Sandy Floyd, provided a summary of the application, stating the variance had previously been approved and subsequently expired. Chair Aldridge opened the public hearing at 6:40 p.m. Applicant, Patti Humphries provided further information. Public hearing closed at 6:48 p.m. The Board of Adjustment chair and members discussed.

Boardmember Way moved to approve the requested variance, as presented, with the inclusion of affirmative findings on all six conditions listed below, required for granting of a 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 McCullough seconded. Motion carried on a vote of 5-0-0.



4. Board Member Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Chair Aldridge called the meeting adjourned.

Adjourned.

Recorded by:



Sandy I. Floyd

These minutes approved on the 13th day of August, 2018.

APPROVED:



P. Jason Aldridge, Chair