

City of Wimberley
 City Hall, 221 Stillwater, Wimberley, Texas
Minutes of Board of Adjustment Meeting
 Monday, August 3, 2015 at 6:00 p.m.

The meeting was called to order at 6:00 p.m. by Chair P. Jason Aldridge. Board members present were Barry Tyler, Darin Maroni, Bill Cline, and Steve Gartside.

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

1. Consent Agenda

Approval of minutes of the February 2, 2015 meeting of the Board of Adjustment.

Boardmember Cline moved to approve the minutes, as presented. Boardmember Tyler seconded. Motion carried on a vote of 5-0.

2. Public Hearing and Possible Action

- A. Public hearing and consider possible action on Case No. BA-15-002, a request for a variance from the City of Wimberley Sign Ordinance requirements relating to the number of roof or wall signs allowed for a commercial property located at 14011 Ranch Road 12, Wimberley, Hays County, Texas. (*Janet Bryant, Applicant*)

City Administrator Ferguson reviewed the commercial building's location adjacent to the northernmost entrance to the Wimberley Square, which houses a business establishment named *Life Inspired*. The establishment has one (1) free-standing sign, which is leased out, one (1) daily display sign, and one (1) wall sign, which is the maximum allowable signage for a single commercial building. The applicant is requesting a variance to install a fourth sign that would be a roof sign on the south side of the building in order to enhance visibility.

City Administrator Ferguson advised that the Board of Adjustment has the ability to grant a sign variance, if it affirmatively finds that all of the following conditions 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 addressed grandfathered status of existing free-standing sign, applicant's choice to lease space on her free-standing sign to off-premise businesses, end-cap properties, visibility issues, maximum allowable signage, height/aesthetics of proposed sign, and alternative placement of existing signs in order to comply with maximum allowable number of signs.

Boardmember Tyler moved to deny the variance, based on negative findings for two of the six abovementioned conditions as follows:

- 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.

Boardmember Cline seconded. Motion to deny carried on a vote of 4-1, with Boardmember Maroni voting against.

- B. Public hearing and consider possible action on Case No. BA-15-003, a request for a variance to the section of the City of Wimberley Zoning Code relating to required minimum dominant street setback in a Rural Residential 1 (R-1) zoning district for property located at 101 Leach Lane, Wimberley, Hays County, Texas. (*Chuck Maurer, Applicant*)

City Administrator Ferguson advised that the applicant has requested that this item be continued to allow the applicant more time to conduct further research and discuss this matter with neighbors.

Boardmember Maroni moved to approve the continuance for a time period of thirty (30) days. Boardmember Tyler seconded. Motion carried on a vote of 5-0.

- C. Public hearing and consider possible action on Case BA-15-004, a request for a waiver from certain pollutant load removal requirements of the City of Wimberley Water Quality Protection Ordinance for property located at 250 Carney Lane, Wimberley, Hays County, Texas (*Tochterman Senior Services, Applicant*)

City Administrator Ferguson advised that the subject property is the proposed future location of a memory care facility. He noted that engineers working on site development plans have encountered difficulty designing drainage controls that meet the City's pollutant load removal standards, as stated in Section 156.003(B)(1) of the City's Water Quality Protection Ordinance, which requires 90% removal of the net increase of Total Suspended Solids (TSS), Total Phosphorus, and Oil and Grease from the project's storm water runoff. The vegetative filter strips proposed by the project engineers will remove 87.8% of the TSS, but not 90%. The limited size of the subject property is a major contributing factor to the inability of the project engineers to develop a drainage system that meets the load removal requirements. Alternative drainage designs that might meet the 90% pollutant load removal requirement could increase the project cost significantly. Project developers contend that the difference between what they can remove and what the City requires is small and would not be detrimental to the environment.

City Administrator Ferguson noted the City's engineer recognized the difficulty in reaching a 90% benchmark, the minimal environmental impact of 87.8% removal versus 90% removal, types of surrounding properties, and absence of major area streams. He stated that an alternative drainage design at a higher cost would not guarantee a result that meets the 90% removal requirement.

Chairman Aldridge opened the public hearing.

Applicant Jerry Tochterman spoke on his background, professional experience, and qualifications to operate the proposed memory care facility, which he described as residential in nature. He stated that there will not be a problem with large commercial delivery vehicles, as the facility will house an average of 8-10 patients.

Discussion addressed number of live-in staff/caretakers, lack of runoff issues in the subject property's area, building's total square footage (4,000 square feet), vegetative strips/berms designed to run across entire front of subject property, and maintenance of drainage structures as a condition of the waiver, if granted.

City Administrator Ferguson advised that the Board has the ability to grant a waiver if it finds that all of the following provisions are met:

- 1) That there are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of this land;
- 2) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- 3) That the granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- 4) That the granting of the waiver will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this Chapter.

Boardmember Gartside moved to approve the requested waiver, with the inclusion of affirmative findings on all four conditions listed above, required for granting of the waiver, pursuant to City of Wimberley Water Quality Protection Ordinance, Section 156.011, with the additional condition that all structural, non-structural BMPs and water quality controls shall be maintained at all times. Boardmember Maroni seconded. Motion carried on a vote of 5-0.

3. Board Member Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson stated that re-publications/notifications of continued cases are not required, provided that the case is only continued one time.

Hearing no announcements or future agenda items, Chairman Aldridge called the meeting adjourned at 6:34 p.m.

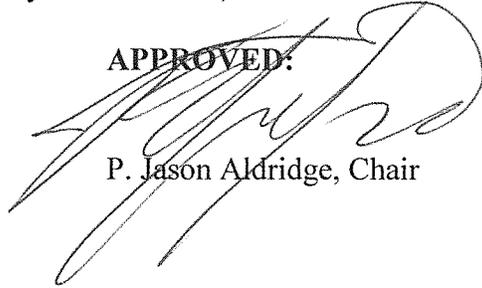
Adjourned at 6:34 p.m.

Recorded by:

Cara McPartland
Cara McPartland

These minutes approved on the 23rd day of November, 2015.

APPROVED:



P. Jason Aldridge, Chair

