

City of Wimberley
City Hall, 221 Stillwater, Wimberley, Texas
Minutes of Board of Adjustment Meeting
Monday, November 23, 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 August 3, 2015 meeting of the Board of Adjustment.

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

2. Public Hearings and Possible Action

Public hearing and consider possible action on Case No. BA-15-005, a request for a variance to the sections of the City of Wimberley Zoning Code relating to maximum building height for a property located at 1838 Flite Acres Road, Wimberley, Hays County, Texas. (*Phil Collins, Applicant*)

City Administrator Ferguson reviewed the subject property's location, zoning, and intended residential use. He advised the applicant intends to construct a new two-story residence on the subject property to replace a 2,400 square foot residence that was destroyed by the 2015 Memorial Day Weekend Flood. To comply with the City's Flood Prevention Ordinance, the lowest floor (including the basement) must be elevated at least one (1) foot of the Base Flood Elevation (BFE). The applicant is proposing to elevate the lowest floor of the new residence two (2) feet above the BFE to further protect against future flooding, resulting in a proposed height of forty-three (43) feet, which is eight (8) feet above the maximum allowable height for residences. City Administrator Ferguson advised that the applicant indicated it would not be possible to relocate the building site without having to remove two 150-year old pecan trees. He noted that City staff has received no comments opposing the requested variance and recommended approval.

Chairman Aldridge opened the public hearing.

Applicant Phil Collins spoke of his ownership history of the subject property and intent to build two (2) feet above the BFE in a site that would not make it necessary to cut down the above referenced old trees. He noted the presence of a high bluff across the street from his property and felt that granting this variance would have no impact on neighbors.

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



Discussion established that every cypress tree on the applicant's property was lost as a result of the 2015 Memorial Day Weekend Flood and that the wood from the downed trees will be reclaimed to make furniture. The applicant, who owns several area properties, advised that there is a good chance that he will reside in the newly constructed residence, which is anticipated to total approximately 3,000 square feet in size, with around 190-feet of river frontage.

Boardmember Cline moved to approve the requested variance, which shall not exceed eight (8) feet above the maximum allowable height for residences, 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 Maroni 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 6:11 p.m.

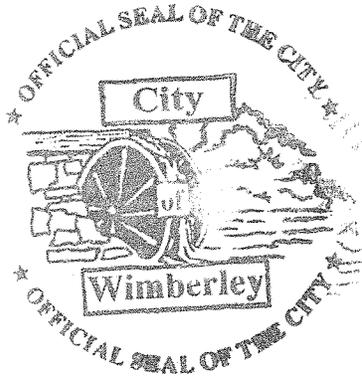
Adjourned at 6:11 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 21st day of December, 2015.





APPROVED:

A handwritten signature in black ink, appearing to read "P. Jason Aldridge".

P. Jason Aldridge, Chair