

**City of Wimberley**  
City Hall, 221 Stillwater, Wimberley, Texas  
**Minutes of Board of Adjustment Meeting**  
Monday, December 4, 2017 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 Showalter, and Pam Tise.

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

**1. Staff Presentation**

Brad Young, City Legal Counsel, provided a brief presentation on the roles and duties of the members of the Board of Adjustment.

**2. Election - Vice-Chair Vote**

Bill Cline nominated Barry Tyler. Pam Tise seconded. All in favor. Motion passed.

**3. Consent Agenda**

Approval of minutes of the November 6, 2017 meeting of the Board of Adjustment.

Boardmember Tyler moved to approve the minutes by acclamation. None opposed. Motion carried on a vote of 5-0-0.

**4. Public Hearing and Possible Action**

- A. Public hearing and consider possible action on Case No. BA-17-007, a request for a variance from the City of Wimberley code requirements to allow an encroachment into the interior side yard setback for a certain property located at 706 FM 2325, Wimberley, Texas. (Stephen & Susan Thurber, Applicant)

Staff, Sandy Floyd, provided a summary of the request and stated it was a continuation from the November 6, 2017 meeting. Floyd stated that a 2-story building proposal adjacent to a residentially zoned lot is required to have a twenty (20) foot setback whereas a ten (10) foot setback would otherwise be required on this property. Vice-Chair Tyler opened the public hearing at 6:27 p.m. Applicant, Steve Thurber read a letter into record regarding the variance request. Neighbor Shane Barbie spoke with concerns of approving a variance for a zero lot line two-story structure. Applicant Susan Thurber provided further information regarding the existing electrical easement. Steve Thurber spoke again regarding the two-story building request. Jennie Marino asked a question regarding parking. The Board discussed in between public speakers while asking those speakers for further information.

Public hearing closed at 6:41 p.m. The Board of Adjustment chair and members discussed.

Boardmember Tise 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 Showalter seconded. Motion carried on a vote of 4-1-0, with Boardmember McCullough opposing.

- B. Public hearing and consider possible action on Case No. BA-17-008, 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 215 Rim Road, Wimberley, Texas. (Larry Fick, Applicant)

Staff, Sandy Floyd, provided a summary of the application. Vice-Chair Tyler opened the public hearing at 6:47 p.m. Applicant, Larry Fick provided further information. Public hearing closed at 6:59 p.m.

The Board of Adjustment chair and members discussed.

Boardmember McCullough 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 Tise seconded. Motion carried on a vote of 5-0-0.

- C. Public hearing and consider possible action on Case No. BA-17-009, a request for a variance from the City of Wimberley code requirements to allow an encroachment into the rear yard setback for a certain property located at 806 River Road, Wimberley, Texas. (Tom Miller, Applicant)

Staff, Sandy Floyd, provided a summary of the application. Vice-Chair Tyler opened the public hearing at 7:02 p.m. Having no one wishing to speak the public hearing closed at 7:02 p.m.

The Board of Adjustment chair and members discussed.

Boardmember Showalter 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 Tise seconded. Motion carried on a vote of 5-0-0.

- D. Public hearing and consider possible action on Case No. BA-17-010, a request for a variance from the City of Wimberley code requirements to allow an encroachment into the interior side yard setback for a certain property located at 120 Saddleridge Drive, Wimberley, Texas. (Meliha Tamer, Applicant)

Staff, Sandy Floyd, provided a summary of the application. Vice-Chair Tyler opened the public hearing at 7:06 p.m. Applicant, Meliha Tamer provided further information. Public hearing closed at 7:11 p.m.

The Board of Adjustment chair and members discussed.

Boardmember Cline 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.

#### 5. Board Member Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Vice-Chair Tyler called the meeting adjourned at 7:15 p.m.

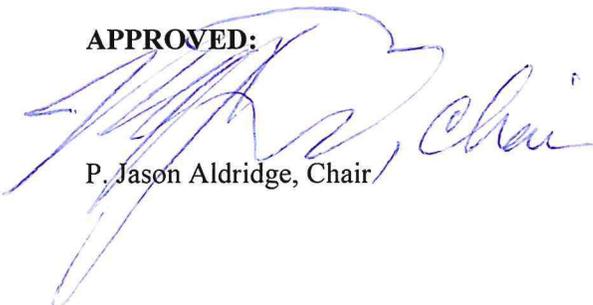
**Adjourned.**

Recorded by:

  
Sandy I. Floyd

These minutes approved on the 4th day of June, 2018.

**APPROVED:**

  
P. Jason Aldridge, Chair