

City of Wimberley
City Hall, 221 Stillwater, Wimberley, Texas
Minutes of Board of Adjustment Meeting
Monday, December 12, 2011 at 6:30 p.m.

The meeting was called to order at 6:31 p.m. by Acting Chair Barry Tyler. Board members present were Dick Larson, Cecil Gibson, Tevis Grinstead, and Steve Gartside. Chairman P. Jason Aldridge and Boardmember Bill Cline were absent.

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

Consent Agenda

Approval of minutes of the previous meeting of the Board of Adjustment.

Boardmember Larson moved to approve the minutes of August 10, 2010, as presented. Boardmember Gibson seconded. Motion carried on a vote of 3-0. Boardmembers Grinstead and Gartside abstained.

1. Public Hearing and Possible Action

Public hearing and consider possible action on Case No. BA-11-001, a request for a variance to the City of Wimberley Zoning Code, Section 155.036(D)(3) regarding the secondary street setback requirement in a Rural Residential 1 (R-1) zoning district for property located at 400 Hillview, Wimberley, Hays County, Texas. (*Brandon Namken, Applicant and Agent for Property Owners Jeffrey and Cynthia Anderson*)

City Administrator Ferguson reviewed the application, including the subject property's location, acreage, zoning, and the proposed structures' 10-foot encroachments into the 25-foot secondary street setback. He noted that the 25-foot setback into which the applicant is proposing to encroach is associated with an unpaved platted secondary roadway located on the northwest side of the subject property. He explained that the significant slope of the property and a desire to minimize the visual impact of the proposed structures on adjacent properties dictated the selection of the building sites. It was noted that on December 8, 2011, the Planning and Zoning Commission recommended approval of a companion conditional use permit request for a secondary residential structure on the subject property. City Administrator Ferguson stated that several inquiries were made by surrounding property owners, mainly concerning the design of the proposed structures, but that no opposition was expressed.

Acting Chair Tyler opened the public hearing.

The applicant and his agent were present, along with neighbors Thad Nance and Pat Bruns, who were in support of the variance request.

Discussion addressed the subject property's secondary roadway's location and condition and established that the City has no plans for development of the roadway.

Applicant Jeffrey Anderson explained that the secondary residential structure will be used as quarters for his mother-in-law and not as a guest house.

Discussion addressed the subject property's access, driveway location, neighborhood architectural standards, and slope/hardship requirements.

Hearing no further comments, Acting Chair Tyler closed the public hearing.

City Administrator Ferguson cited conditions required for granting of this variance pursuant to City of Wimberley Ordinance No. 2001-010, Section 10, recommending the inclusion of specific, written findings in the motion as follows:

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 Gartside moved to approve the requested variance, with the inclusion of affirmative findings on all six above listed conditions, as cited by City Administrator Ferguson. Boardmember Larson seconded. Motion carried on a vote of 5-0.

3. Board Member Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Acting Chair Tyler entertained a motion to adjourn. Boardmember Gartside moved to adjourn. Boardmember Gibson seconded. Acting Chair Tyler called the meeting adjourned at 6:49 p.m.

Adjourned at 6:49 p.m.

Recorded by:

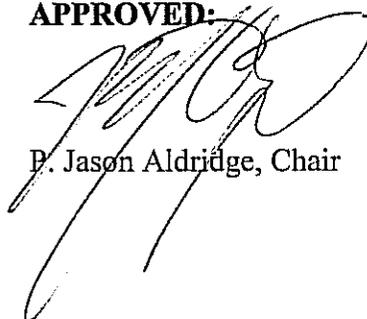


Cara McPartland

These minutes approved on the 6th day of February, 2012.



APPROVED:



P. Jason Aldridge, Chair