

Village of Wimberley

City Hall, 13210 Ranch Road 12, Wimberley, Texas

Minutes of Board of Adjustment Meeting

Monday, January 30, 2006 – 6:30 p.m.

The meeting was called to order at 6:30 p.m. by Chair Barbara Vansant. Board Members present were Jason Aldridge, Barry Tyler, Pam Showalter, Bill Cline and Alternate Steve Gartside. Charli Manross was absent.

Motion was made by Board Member Tyler to approve the Minutes of the Board of Adjustment Meeting of November 14, 2005; motion was seconded by Board Member Aldridge and motion passed with 4-0 vote; with 1 abstention.

Chair Vansant moved the meeting ahead to Item B1 on the Agenda.

1. **BA -05-024** – Applicant, Effat Shebarforoosh, 303 Wimberley Square, Present Zoning C2, Application has been made for variance from the following section of the Village Zoning Ordinance No. 2001-010.

Sec 49.6(E): 2. Minimum Side Set Back of 3 Feet.

Dr. Harrison presented information on the above mentioned application to assure Board jurisdiction over this matter. Chair Vansant indicated the Board did have jurisdiction over this matter. Dr. Harrison indicated the applicant was present, along with his architect/agent. Dr. Harrison indicated this location has come before Planning and Zoning Commission and City Council zoning last year, and will be a restaurant, an accepted use in C-2 zoning.

The issue before this Board is whether the encroachment of 3 feet into the side setback should be granted a variance.

Chair Vansant opened the Public Hearing at 6:35 p.m., by asking who in the audience would like to speak in favor of this variance.

Neel Morton, Architect and Agent for the property spoke to the Board indicating the history of the building and the blocked drainage area on the east side of the building.

Chair Vansant asked who in the audience would like to speak against the granting of this variance.

Mr. Jim Sheffield, owner of Wimberley Log Homes, spoke to the Board indicating his concern over the drainage off this property would add to the current drainage problem he experiences.

Mr. Morton responded to Mr. Sheffield's comments, indicating that this construction will not be introducing any more water into the property.

Discussion included comments directed to the City Staff about elevations and water flow along with drainage. City Administrator Harrison indicated he had reviewed the comments from City Engineer Wilkinson and this site complies with state and city law; in that no additional water leaves the property during the 25 year flood plan.

There was discussion about the pitch of the new roof and concerns about the effect of that change on the drainage. Dr. Harrison again indicated the City Engineer Wilkinson determined this will not introduce any additional water into the property.

Motion to approve Variance BA 05-024 was made by Board Member Showalter; and seconded by Board Member Tyler.

Each item was voted upon by Board Members and each item received a YES by unanimous vote.

Discussion about the particulars that need to be in place before the granting of the variance included suggestions from legal counsel, Sid Falk; City Administrator Harrison and Board Members. Board members decided to include Special Circumstances, Additional Findings and Conditions for Variance with the granting of the variance.

Motion to grant Variance **BA-05-024** – Applicant, Effat Shebarforoosh, 303 Wimberley Square, Wimberley, was put on floor by Board Member Showalter; seconded by Board Member Tyler. Vote as follows:

Barbara Vansant – Aye
P. Jason Aldridge – Aye
Pam Showalter - Aye
Bill Cline – Aye
Barry Tyler – Aye
Motion passes with unanimous vote.

Chair Vansant moved to Item C.1, Consider and Act:

1. Consider Designation and Role of Alternates and Possible Action to Adjust By-Laws Accordingly.

Review of previous discussion of the current By Laws which require 5 regular members and 2 members designated as alternates. (in the event a hearing is conducted 5 people need to hear; if 1 of those 5 cannot attend, 1 alternate has to serve). Mayor has to approve alternates being able to serve in that process. Discussion regarding the elimination of alternates and having only regular members. City Attorney Sid Falk previously reminded Board Members of the Statute and Ordinance that govern the legal aspects. Alternate provision is written into the current Ordinance, in order to change this aspect it would have to go in front of City Council. The Statute (211-008) of local government code governs non-home rule municipalities and indicates we are so constrained: 5 members/2 year terms; members are appointed; 75% of members indicates a 'super majority'. Any alteration to existing method must be made through City Council.

City Attorney Falk walked Board Members through the handout he had provided to them amending the Board By Laws regarding the designation of alternate members (based on the previous meeting)

Board Member Cline moved to adopt the method (see Attachment A) giving the Board the authority each year to determine the method to select Alternates. Motion was seconded by Chair Vansant.

Vote as follows:
Barbara Vansant – Aye
P. Jason Aldridge – Aye
Pam Showalter - Aye

Bill Cline – Aye
Barry Tyler – Aye
Motion passes with unanimous vote.

2: Consider Process for Automatic Movement of Vice Chair to Chair and Possible Adjustment to By-Laws.

3. Election of Officers:

Board Member Gartside moved to allow alternates to be chosen by drawing of the attendees present was seconded by Board Member Showalter.

Vote as follows:

Barbara Vansant – Aye
P. Jason Aldridge – Aye
Pam Showalter - Aye
Bill Cline – Aye
Barry Tyler – Nay
Motion passes.

Drawing for Alternate Positions was held by City Secretary pulling two names from a basket held by City Administrator Harrison. Two names would be the Alternates for this term.

ALTERNATES SELECTED: Pam Showalter and Steve Gartside

Board Member Tyler moves to nominate Barbara Vansant to position of Chair of Board of Adjustment. Motion was seconded by Board Member Cline.

Vote as follows:

Barbara Vansant – Nay
P. Jason Aldridge – Aye
Bill Cline – Aye
Barry Tyler – Aye
Motion passes.

Board Member Cline moves to nominate Jason Aldridge to position of Vice Chair of Board of Adjustment. Motion was seconded by Barbara Vansant.

Vote as follows:

Barbara Vansant – Aye
P. Jason Aldridge – Aye
Bill Cline – Aye
Barry Tyler – Aye
Motion passes.

Meeting adjourned at 9:30 p.m..

Respectfully submitted,

Moira Martin
City Secretary