

City of Wimberley
City Hall, 12111 Ranch Road 12, Wimberley, Texas
Minutes of Board of Adjustment Meeting
Monday, March 8, 2010 at 6:30 p.m.

The meeting was called to order at 6:30 p.m. by Chair Jason Aldridge. Board members present were Bill Cline, Steve Gartside, Cecil Gibson, and Barry Tyler.

Staff members present were City Administrator Don Ferguson, City Secretary Cara McPartland and City Planning Technician Sandy Irvin.

Consent Agenda

Approval of minutes of the January 4, 2010 meeting of the Board of Adjustment.

Board member Gibson moved to approve the minutes as submitted. Board member Tyler seconded. Motion carried on a vote of 4-0. Board member Gartside abstained.

1. Public Hearing and Possible Action

Public hearing and consider possible action on Case No. BA-10-001, a request for a variance to the City of Wimberley Zoning Code, Section 155.047(d)(3) regarding the ten (10) foot side and rear yard setback requirements in a Commercial – Low Impact (C-1) zoning district for property located at 13500 Ranch Road 12, Wimberley, Hays County, Texas (*John Stark, Applicant*).

City Administrator Ferguson reviewed the applicant's request for a variance to allow for encroachments into the required ten (10) foot side and rear yard setbacks. The subject property is to be used for office space and includes pre-existing structures, which the applicant has remodeled. Site plans were reviewed detailing specific encroachments and challenges of development on the subject property.

Staff and the applicant acknowledged the difficulties with any possible plans for future retail uses, given the subject property's location and associated parking limitations. It was noted that two public comments had been received relating to this variance request. The applicant stated that he has resolved concerns expressed by adjacent property owners and believes the existing and proposed encroachments are compatible with surrounding properties, with minimal impact on adjacent property owners.

Discussion addressed structures for rainwater collection, patio/handrails, and retaining walls. Chairman Aldridge opened the public hearing.

Applicant John Stark provided details on specific structures, including the air conditioning slab, collection tank, patio, accessibility, walkways, retaining walls, and parking, as well as neighbors' expressed concerns about proposed/future uses. In response to the Board's concerns regarding the location of two parallel parking spaces,

Mr. Stark clarified that those parking spaces (labeled #1 and #2) are not included in his revised site plan. Discussion addressed boundaries of the Village Center Overlay District, planning areas, erosion control via retaining walls, driveway materials, staff/Board concerns related to parking, development challenges, and the applicant's contacts with surrounding property owners.

The Board acknowledged the difficulties faced by the applicant in developing the subject property. Subsequent discussion addressed conditions on the subject property before the applicant began to make improvements.

Hearing no further public comments, the public hearing was closed.

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.

Board member Cline moved to approve the requested variance, except for parallel parking spaces #1 and #2, with the inclusion of the affirmative findings on all six above listed conditions. Board member Gartside seconded.

Chair Aldridge asked for a roll call vote to approve the requested variance, except for parking spaces #1 and #2, based on affirmative findings as follows: Board member Gartside, aye; Board member Tyler, aye; Chairman Aldridge, aye; Board member Gibson, aye; Board member Cline, aye. 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.

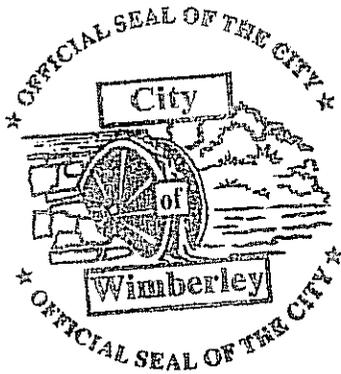
Adjourn at 7:08 p.m.

Recorded by:

Cara McPartland

Cara McPartland

These minutes approved on the 10th day of August, 2010.



APPROVED:

Bill Cline

Bill Cline, Acting Chair