

# ***Village of Wimberley***

**City Hall, 13210 Ranch Road 12  
Wimberley, Texas**

## **Minutes, Board of Adjustment Public Hearing Wednesday, October 6, 2004 – 6:30 p.m.**

Chair Sue Johnson called the meeting to order at 6:30 p.m.

Members present were Sue Johnson, Bill Cline, Susan Thurber, and Barbara Vansant (Alternate appointed by Mayor Stephen Klepfer). Bob Flocke and Mike Stevens were absent.

The Minutes of the Board of Adjustment Meeting of March 25, 2004 were approved on a motion of Bill Cline, seconded by Barbara Vansant.

The following variance request was presented for the Board's consideration:

Application No.: BA-04-015

Applicants: Thad and Karen Nance

Location: 200 Mesa, Wimberley, TX

Variance to the Village of Wimberley Zoning Ordinance No. 2001-010 (based on conditions required for granting a variance in Ordinance No. 2004-009), requested as follows:

- §15.4.C.1—Development Regulations-setback. Applicant requests a variance from a dominant street setback of 50 feet to a setback of 46.5 feet to accommodate the placement of a single family dwelling. The variance request is based on the contour of the lot and placement of existing trees.

Steve Harrison, City Administrator, presented applicants' request for a variance from setback requirements of 50 feet from the dominant street to 46.5 feet. The lot is 3.0778 acres; however, the available building space is limited due to the contour of the property. Applicants wished to preserve as many trees as possible.

Sue Johnson stated that jurisdiction has been established and opened the public hearing.

Mr. Harrison advised the Board that the property is zoned R-1, which provides for a 50 foot setback from the dominant street. The applicants have complied with all other ordinances and the permitting process. The Applicants' plans called for a 50 foot setback. Because of the lay of the land and trees, when the site was staked for construction, it was discovered that it would be necessary to adjust the footprint to avoid removing additional trees. Mr. Harrison presented photographs of the property and building site. The adjustment of the footprint would bring the northwest corner of the structure to 46.5 feet from the dominant street rather than the required 50 feet.

Mr. Harrison pointed out that proper notice had been given—notice in the newspaper and letters written to the property owners within 200 feet of the property. No objection had been received from other property owners. A letter from Rev. Ted Knies was introduced. The letter stated that

the property owners association had reviewed the matter and urged the City to grant the setback variance requested.

Applicant Thad Nance spoke on behalf of his request for the variance. He stated that when the survey was performed the setback difference was missed due to a curve on the road. To move the house back any further would require the loss of two to three trees, including a cherry tree. Applicant stated that it was his desire to remove as few trees as possible.

Rev. Ted Knies, Chairman of the Architectural Committee for Spoke Hill Owners' Association, stated that the homeowners association had approved the request in order to preserve the maximum number of trees, and requested that the variance be granted.

Chair, Sue Johnson, closed the public hearing.

Bill Cline made a motion that the Board vote "Yes" to Items 1, 2, 3, 4, 5, and 6 of the conditions for granting this variance. The motion was seconded by Barbara Vasant.

Susan Thurber questioned Item No. 2 (That such circumstances or conditions are (a) not self-imposed...."). In discussion, it was determined that the footprint error was unintentional, that the Applicants relied on their surveyor and contractor, and that the error was not self-imposed.

The Chair called for a vote.

### ORDER GRANTING ZONING VARIANCE

	YES	NO
1. That there are special circumstances of 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 the property; and	X	
2. That such circumstances of 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	X	
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and	X	
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	X	
5. The property involved is otherwise in compliance with all other applicable Village ordinances, rules, and regulations; and	X	
6. the granting of the variance will be in harmony with the spirit and purpose of this ordinance.	X	

**Special Circumstances:** None

**Additional Findings:** None

**Board Action:** The vote was as follows: Barbara Vansant, Yes; Bill Cline, Yes; Susan Thurber, Yes; and Sue Johnson, Yes.

**Grant**  **Deny** \_\_\_\_\_ **Grant with Conditions:** \_\_\_\_\_

**Conditions for Variance:** None

The Meeting adjourned at 6:48 p.m.

**PASSED AND APPROVED** this 6th day of October, 2004, by the Board of Adjustment of the Village of Wimberley, Texas, by a vote of 4 (Ayes) 0 (Nays) 0 (Abstain).

VILLAGE OF WIMBERLEY  
Board of Adjustment

By: \_\_\_\_\_  
Sue Johnson, Chair

ATTEST:

  
\_\_\_\_\_  
Adelle Turpen, City Secretary

**ORDER GRANTING ZONING VARIANCE**

**File No.: BA-04-015**

**Date of Hearing: October 6, 2004**

**Applicant: Thad and Karen Nance**

**Address: 200 Mesa, Wimberley, Texas 78676**

**VARIANCE REQUESTED: 46.5 FT. DOMINANT STREET SETBACK, 200 MESA, WIMBERLEY, TEXAS.**

**FINDINGS:**

	YES	NO
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 the property; and	X	
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	X	
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and	X	
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	X	
5. The property involved is otherwise in compliance with all other applicable Village ordinances, rules, and regulations; and	X	
6. the granting of the variance will be in harmony with the spirit and purpose of this ordinance.	X	

**Special Circumstances:**

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**Additional Findings:**

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**Board Action:** Grant 4 Deny 0 Grant with Conditions: \_\_\_\_\_

**Conditions for Variance:**

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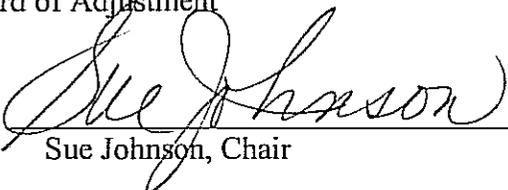
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VILLAGE OF WIMBERLEY  
Board of Adjustment

By:   
Sue Johnson, Chair

ATTEST:  
  
Adelle Turpen, City Secretary