

City of Wimberley
City Hall, 221 Stillwater, Wimberley, Texas
Minutes of Board of Adjustment Meeting
Tuesday, August 10, 2010 at 6:30 p.m.

The meeting was called to order at 6:30 p.m. by Acting Chair Bill Cline. Board members present were Barry Tyler, Cecil Gibson, and Dick Larson. Chairman P. Jason Aldridge had an excused absence.

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.

Board member Larson moved to approve the minutes of March 8, 2010, as presented. Board member Tyler seconded. Motion carried on a vote of 4-0.

1. Public Hearing and Possible Action

- A. Public hearing and consider possible action on Case No. BA-10-002, a request for a variance to the City of Wimberley Zoning Code, Section 155.035(D)(3)(C) regarding the interior side setback requirement in a Residential Acreage (RA) zoning district for property located at 745 Sunset Drive, Wimberley, Hays County, Texas. (*Dan Sturdivant, Applicant*)

City Administrator Ferguson reviewed the application, including the subject property's location, acreage, zoning, and pre-existing encroachments. He explained that the applicant is proposing to construct a rear addition and deck to the existing home, which would encroach sixteen and one-half feet (16 ½') into the side yard setback – the same distance as the existing encroachment. The applicant has indicated the proposed addition can only be done to the rear of the home due to an existing retaining wall, septic field, and the height of the current structure. The proposed encroachment would pose no problem with impervious cover or site drainage.

City Administrator Ferguson stated that one (1) phone call was received from an adjacent property owner seeking details on the proposed variance, but no opposition was expressed. Based on review of the application, City Administrator Ferguson recommended approval of the requested variance.

Acting Chair Cline opened the public hearing.

Applicant Dan Sturdivant provided details on the existing structure's remodeling plans and associated limitations posed by the subject property's geographical features, retaining wall, septic field, and height restrictions.

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

Discussion confirmed that no opposition to the requested variance has been received.

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 Larson moved to approve the requested variance, with the inclusion of a provision that the proposed encroachment does not exceed the existing encroachment, and affirmative findings on all six above listed conditions. Board member Gibson seconded. Motion carried on a vote of 4-0.

- B. Public hearing and consider possible action on Case NO. BA-10-003, a request for a variance to the City of Wimberley Zoning Code, Section 155.038(D)(3)(C) regarding the interior side setback requirement in a Single Family Residential 3 (R-3) zoning district for property located at 131 River Bend Drive, Wimberley, Hays County, Texas. (*Thomas & Gina Fulkerson, Applicants*)

City Administrator Ferguson advised that upon further review of information submitted by the applicant and the City Code, City staff has determined the variance requested is not needed. As such, no Board action is required and the applicant's fees will be refunded.

3. Board Member Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Chairman Aldridge entertained a

motion to adjourn. Board member Larson moved to adjourn. Chairman Aldridge called the meeting adjourned at 6:40 p.m.

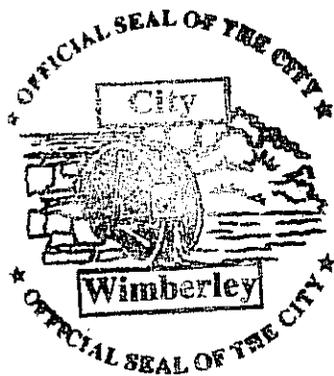
Adjourn at 6:40 p.m.

Recorded by:

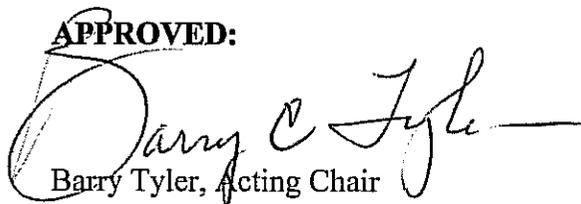


Cara McPartland

These minutes approved on the 12th day of December, 2011.



APPROVED:



Barry Tyler, Acting Chair