

CITY OF HORSESHOE BAY

**BOARD OF ADJUSTMENT
NOTICE OF PUBLIC MEETING**

February 23, 2021

Notice is hereby given to all interested members of the public that the Horseshoe Bay Board of Adjustment will hold a Public Meeting beginning at 3:00 p.m., on Tuesday, February 23, 2021 in the Police Training Room at the Police Station located at #1 Community Drive, Horseshoe Bay, Llano County, Texas.

This meeting will be closed to in-person attendance by the public. A temporary suspension of certain aspects of the Open Meetings Act to allow cities to hold public meetings via telephone has been granted by Governor Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and are in accordance with Section 418.016 of the Texas Government Code. Members of the public may participate via zoom. To join our Zoom Meeting go to <https://us02web.zoom.us/j/82593242301?pwd=VDFQYXpSd1JxcVdHdHg3QUFCSmhJQT09>

Meeting ID: 825 9324 2301

+1 346 248 7799 US (Houston)

Passcode: 055055

One tap mobile

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The agenda for the Public Meeting is to discuss and/or act on the following:

1. Call the Meeting to Order and Establish a Quorum
2. Public Comments
3. Approval of Minutes of the January 26, 2021 Regular Meeting
4. Presentation by City Attorney Rex Baker regarding legal aspects of the Board of Adjustment within the City of Horseshoe Bay
5. Public Hearing, discuss, consider and take action on BOA Case No. 2021-03, a request by Clint Murphy and Maureen Parker for a Variance to Section 14.02.406(b)(3)(A) of the Zoning Ordinance for approval of a Variance to encroach into the front yard setback along Mountain Dew for Lot No. 39003 of Horseshoe bay Plat No. 39.1 in Zone 4A also known as being in the 1300 block of Mountain Dew in Horseshoe Bay, Texas
6. Adjournment

**CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
MINUTES OF REGULAR MEETING**

January 26, 2021

The Board of Adjustment of the City of Horseshoe Bay held a Regular Meeting in the City Council Chambers in City Hall located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on January 26, 2021, in accordance with the duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the meeting to order and establish a quorum

The meeting was called to order at 3:00 p.m. by Chairman Jim Babcock with a quorum of Board members present as follows:

Board Members present in person:

Chairman Jim Babcock
Board Member Dale Amstutz
Board Member Bill Knox
Board Member Frank Gracely
Alternate Board Member Carla Rowland

2. Election of a Vice Chairperson

Frank Gracely motioned to appoint Dale Amstutz as Vice Chairman. Carla Rowland seconded. VOTE: 5-0 in favor, motion passed.

3. Approval of Meeting Minutes of the November 24, 2020 Regular Meeting

Vice Chairman Amstutz motioned to approve the minutes as written. Bill Knox seconded. VOTE: 5-0 in favor, motion passed.

4. Review and approval of the Meeting Schedule for 2021

The Board members reviewed the Proposed Meeting Schedule. Bill Knox motioned to approve the Meeting Schedule. Carla Rowland seconded. VOTE: 5-0 in favor, motion passed.

5. Public Hearing, discuss, consider, and take action on BOA Case No. 2021-01, a request Amanda Leifste and Gerald and Pamela Yates for a Variance to Section 14.02.420(a)(5) of the Zoning Ordinance to allow the subdivision of Lot 29 of The Hills Section II, also known as being in the 200 block of The Hills Road in Zone 17, The Hills in Horseshoe Bay

Chairman Babcock opened the Public Hearing at 3:05 PM. Mr. Logan Belk with Cuplin & Associates represented the applicant and presented their request for a Variance. Sally McFeron provided a staff report which is on file. There were no public comments. Vice chairman Amstutz motioned to approve the Variance Request. Bill Knox seconded. VOTE: 5-0 in favor, motion passed.

6. **Public Hearing, discuss, consider, and take action on BOA Case No. 2021-02, a request by Jerry and Melinda Lewis for a Variance to Section 14.02.411(f)(1)(A) of the Zoning Ordinance for approval of a Variance to encroach into the front yard setback along Apache Tears for Lot No. 34 of Lago Escondido Plat No. 4.1 also known as 1328 Apache Tears in Horseshoe**

Chairman Babcock opened the Public Hearing at 3:09 PM. Mr. Lewis presented his request for a Variance. Sally McFeron provided a staff report which is on file. Suzanne Brooks called in via Zoom to provide Public Comments. She had questions about the Variance and Mr. Lewis addressed her comments. There were no other Public Comments. Vice Chairman Amstutz motioned to Approve the Variance request with the new setbacks as shown on the attached site plan. Bill Knox seconded. VOTE: 5-0, motion passed.

7. **Adjournment**

Vice Chairman Amstutz motioned to adjourn the meeting. Frank Gracely seconded. VOTE: 5-0, motion passed. Chairman Babcock adjourned the meeting at 3:17 PM.

Approved this 23rd day of February 2021.



CITY OF HORSESHOE BAY

FEBRUARY 23, 2021

To: Board of Adjustment

Thru: Stan R. Farmer, City Manager

From: Sally McFeron, Development Services Director

Re: Public Hearing, discuss, consider and take action on BOA Case No. 2021-03, a request by Dale Clinton Murphy and Maureen Parker for a Variance to Section 14.02.406(b)(3)(A) of the Zoning Ordinance for approval of a Variance to encroach into the front yard setback along Mountain Dew for Lot No. 39003 of Horseshoe Bay Plat No. 39.1 in Zone 4A, also known as being in the 1300 Block of Mountain Dew in Horseshoe Bay, Texas

The applicant is requesting a Variance to be permitted to encroach 20 feet into the 25-foot front yard setback for their lot on Mountain Dew. The lot is zoned R-1 Single Family. There is a 5-foot utility easement along Mountain Dew.

The Board of Adjustment can only grant a Variance after holding a public hearing on the request and finding that:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land. The applicant states that: "Due to the property line beginning 30 feet off the street, the 25-foot building setback is going to push the house into the critical root zone of multiple mature trees. They are a mature Live Oak and a 19" Elm Tree." Staff encourages the preservation of our large native trees but is concerned about the house being so close to the street.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states that: "The Variance will allow us to preserve several mature trees including a beautiful 16' Live Oak and several Elm trees. " Staff is concerned about Public Safety.
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. The applicant states that: "Due to the fact that this house is located on a downhill-sloping side of a straight section of Mountain Dew, it would not cause a safety or visual issues at 35 feet from the street, it will not prevent the orderly use of other land in the area." Staff is concerned that there

will be a Public Safety issue with the home so close to the street. Three (3) cars have run off the road and into front yards in this area of Mountain Dew.

4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article. The applicant states that: “The purpose of this Variance is to preserve some of the healthiest & mature trees on this lot as well as in the area. Healthy, mature tree preservation may affect the surrounding properties by visually enhancing the area. The home is to be a modest, single story home surrounded by trees and will be setback 35 feet from the street and should not cause any visual or safety issues.” Staff feels this may disrupt the neighborhood continuity with this house being so close to the street. With this large of an encroachment there will only be a 5-foot front yard for this lot.
5. That the granting of the variance constitutes a minimal departure from this article. The applicant states that: “The house will be set back 35 feet from the street. It appears that several other addresses on the down-hill sloping side of Mountain Dew, all within 600 feet of this property may have received a similar encroachment variance.” Staff has reviewed building plans for the other homes in this section of Mountain Dew and all are set back at least 25 feet.
6. That the subject circumstances or conditions are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property. The applicant states that: “The purpose of this Variance is to preserve some of the healthiest and mature trees on this lot as well as in this area. Healthy mature tree preservation may affect the surrounding properties by visually enhancing the area. The home is to be a modest single level home, surrounded by trees, setback at least 35 feet from the street and should not cause any visual or safety issues.” Staff agrees the condition is not self-imposed but does not support this Variance request because of Public Safety concerns.

Staff has received a phone call from a concerned neighbor who is against the variance request. The Horseshoe Bay ACC has not approved this Variance. They have decided to wait for the City to take action. Due to Public Safety concerns staff recommends to Deny this Variance Request.

Enclosures: Aerial Photo
Zoning Map
Site Plan
Memorandum of comments received from the Public Notice
Variance Approval Form



BOA Variance 2021-03 Aerial Photo



MOUNTAIN DEW

Site



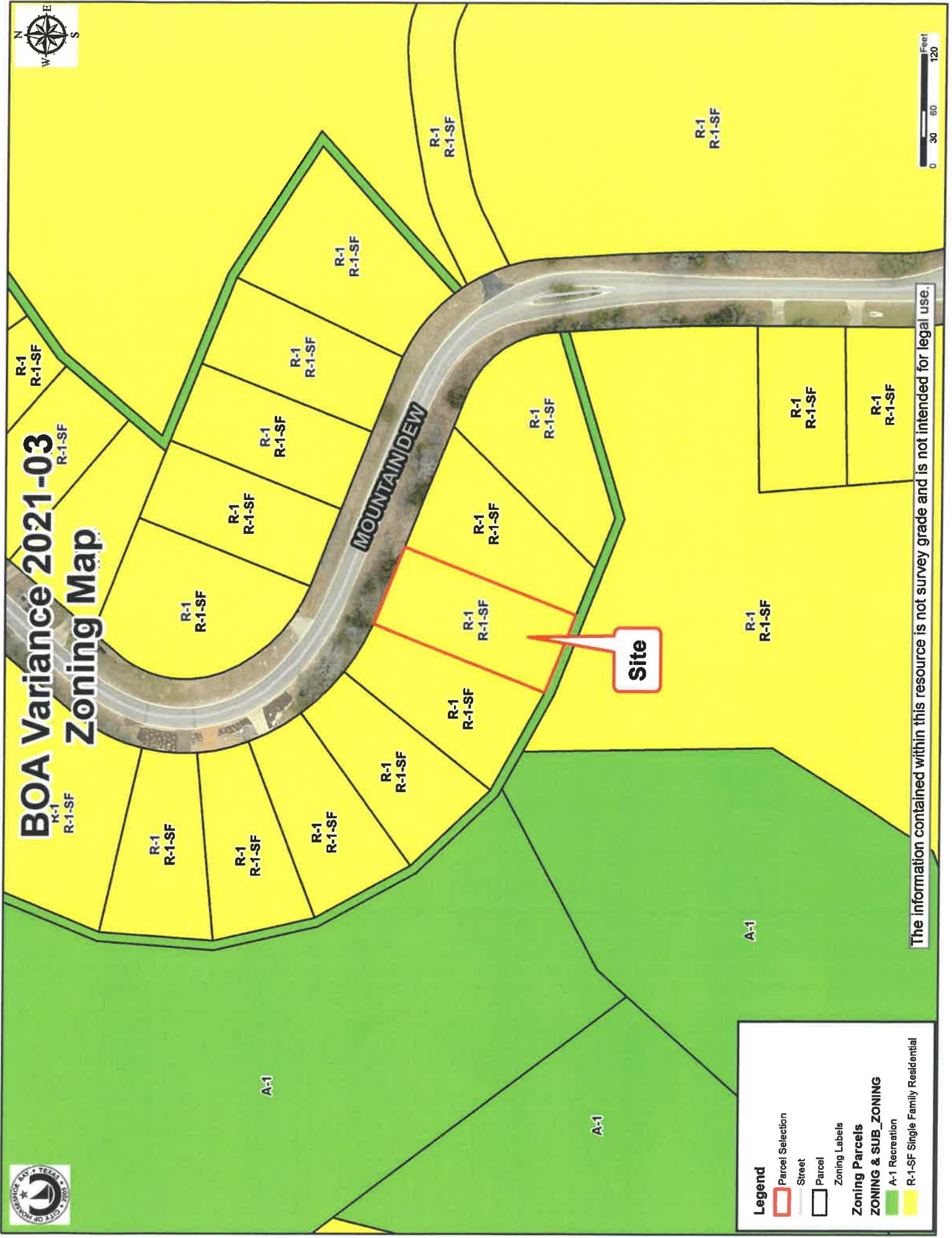
Legend

-  Parcel Selection
-  Street
-  Parcel

The information contained within this resource is not survey grade and is not intended for legal use.



BOA Variance 2021-03 Zoning Map



Legend

- Parcel Selection
- Street
- Parcel

Zoning Labels

Zoning & SUB_ZONING

- A-1 Recreation
- R-1-SF Single Family Residential

The information contained within this resource is not survey grade and is not intended for legal use.

Memorandum

Date: February 23, 2021

To: Board of Adjustment

From: Sandra Nash, Assistant Planner

Re: Variance Request for 1300 block Mountain Dew

On January 25, 2021 I spoke with Ms. Marilyn Campbell regarding the Public Notice she received for the above requested Variance. Ms. Campbell said he was against the variance because the lots are located on a curve on Mountain Dew and three (3) times cars have run off the road into her front yard. She felt reducing the front yard setback may be dangerous because of the roadway. She was also against the Variance request because she felt it would change to look of the neighborhood because all the other homes are set back 25 feet.

Ms. Campbell lives on Mountain Dew a few lots away from this lot. Her contact information is available in our offices if you want to contact her for more information.



City of Horseshoe Bay Board of Adjustment
Zoning Variance Case No. 2021-03

On the 23th day of February, 2021, the foregoing application of Dale Clinton Murphy and Maureen Parker for a Variance with regard to the property described in said application as Lot No. 39003 of Plat No. 39.1, also known as being in the 1300 block of Mountain Dew requested a Variance to encroach into the Front Yard Setback of 25 feet as established in Section 14.02.406(b)(3)(A) of the Zoning Ordinance was heard and considered by the Board of Adjustment of Horseshoe Bay, Texas. Said application having been found to be in compliance with all other requirements of the City's Zoning Ordinance and a public hearing having been conducted, said application is hereby approved and the following findings are made and incorporated into the minutes of the meeting at which the Variance to Section 14.02.406(b)(3)(A) of the Zoning Ordinance to allow an encroachment into the Front Yard Setback was granted:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the City's Zoning Ordinance would deprive the applicant of the reasonable use of the land;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. Granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
4. Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance;
5. Granting of the variance constitutes a minimal departure from the Zoning Ordinance;
6. The subject circumstances or conditions are not self-imposed, based solely on economic gain or loss, or generally affect most properties in the vicinity of the property.

APPROVED on this, the 23rd day of February, 2021 by a vote of the Board of Adjustment of the City of Horseshoe Bay, Texas.