

**CITY OF HORSESHOE BAY**  
**BOARD OF ADJUSTMENT**  
**NOTICE OF PUBLIC MEETING**

**May 25, 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 May 25, 2021 in the Police Training Room at the Police Station located at #1 Community Drive, Horseshoe Bay, Llano County, Texas.

This meeting will be open to in-person attendance by the public.

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 (Those who wish to speak are asked to limit their comments to 3 minutes)
3. Approval of Minutes of the April 26, 2021 Regular Meetings.
4. Public Hearing, discuss, consider and take action on BOA Case No. 2021-08, a request by EOL Ranch Ltd. For a Variance to Section 14.02.413(5) of the Zoning Ordinance for approval of a Variance to reduce the setbacks for Lots No 102-A and 103-A of The Trails of Lake LBJ Replat of Lots 96 thru 105 and Common Area, also known as being in the 100 block of Alexis Lane in Horseshoe
5. Adjournment

**BOARD OF ADJUSTMENT**

**MINUTES OF REGULAR MEETING**

**April 26, 2021**

The Board of Adjustment of the City of Horseshoe Bay held a Regular Meeting in the Police Training Room in the Police Station located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on April 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:

Chairman Jim Babcock  
Vice Chairman Dale Amstutz  
Board Member John Minyard  
Board Member Frank Gracely  
Alternate Member Linda Smith

**2. Public Comments**

Mayor Clinesmith was in attendance. Mayor Clinesmith thanked the Board members for their service to the community.

**3. Approval of Meeting Minutes of the March 23, 2021 Regular Meeting**

Vice Chairman Amstutz motioned to approve the March 23, 2021 meeting minutes. Frank Gracely seconded. VOTE: 5-0 in favor, motion passed.

**4. Public Hearing, discuss, consider, and take action on BOA Case No. 2021-07, a request by David and Judith McAlister for a Variance to Section 14.02.402(b)(15)(L) of the Zoning Ordinance for approval of a fence or wall over 7 feet in height on Lot No. 10093 of Horseshoe Bay Plat No. 10.2, also known as being 502 Rawhide, in Horseshoe Bay**

Chairman Babcock opened the Public Hearing at 3:02 PM. David and Judith McAlister, applicants, were in attendance and presented their request. Sandra Nash presented the staff report which is on file. There were no Public Comments. Chairman Babcock closed the Public Hearing. Vice Chairman Amstutz motioned to approve the Variance request. John Minyard seconded. VOTE 5-0 in favor, motion passed. The Variance was Approved.

**5. Public Hearing, discuss, consider, and take action on BOA Case No. 2021-06, a request by James Holden for a Variance from Section 14.02.406(b)(3)(A)&(C) of the Zoning**

**Ordinance to encroach into the front yard and rear yard setbacks on Lot No. W22001 Horseshoe Bay Plat No. W22.1, also known as being in the 200 block of Sun Ray in Horseshoe Bay, Texas**

Chairman Babcock opened the public hearing at 3:10 pm. Jeff Smith and James Holden were in attendance representing the applicant. Jeff Smith presented his request. Sandra Nash presented the staff report which is on file. There were no Public Comments. Chairman Babcock closed the Public Hearing. Vice Chairman Amstutz motioned to approve the Variance request. Frank Gracely seconded. VOTE: 5-0 motion passed. The Variance was Approved.

**6. Public Hearing, discuss, consider and take action on BOA Case No. 2021-04, a request by Dyno Mini Inc. for a Variance from Section 14.02.406(b)(3)(B) of the Zoning Ordinance to encroach into the side yard setback on Lot No. W1138-A, Horseshoe Bay Plat No. W11.5, also known as being in the 1000 block of Broken Hills in Horseshoe Bay, Texas**

Chairman Babcock opened the Public Hearing at 3:15 pm. Lane Heginbotham, representing the applicant presented their request. Sandra Nash presented the staff report which is on file. Two members of the public called the City office to comment that they did not support the Variance request. There were no other Public Comments. Chairman Babcock closed the Public Hearing. Linda Smith motioned to deny the Variance request. Vice Chairman Amstutz seconded. VOTE: 5-0 motion passed. The Variance was Denied.

**7. Adjournment**

John Minyard motioned to adjourn the meeting. Vice Chairman Amstutz seconded. VOTE: 5-0, motion passed. Chairman Babcock adjourned the meeting at 3:25 pm.

Approved this 25th day of May 2021.



# CITY OF HORSESHOE BAY

MAY 25, 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. 2021-08, a request by EOL Ranch Ltd. for a Variance to Section 14.02.413(5) of the Zoning Ordinance for approval of a Variance to reduce the setbacks for Lots No. 102-A and 103-A of The Trails of Lake LBJ Replat of Lots 96 Thru 105 and Common Area, also known as being in the 100 block of Alexis Lane in Horseshoe Bay**

The applicant is requesting a Variance to reduce the setbacks for lots 102-A and 103-A on Alexis Lane. On the plat these lots have a 50-foot front yard setback and a 25-foot rear yard setback for a total of 75 feet of setbacks. The Zoning Ordinance requires a 25-foot front yard setback and a 50-foot rear yard setback for a total of 75 feet of setbacks. The applicant is proposing a 25-foot front yard setback and a 25-foot rear yard setback for Lot 102-A and a variable setback from 25 to 50 feet for Lot 103-A reducing the required setbacks by 25 feet.

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: "Lots 102-A and 103-A are the smallest lots on Alexis Lane in that they have the least depth from the street right-of-way line to the rear lot line because of the 50-foot radius of the cul-de-sac. The recorded plat which created lots 102-A and 103-A designated a 25-foot rear setback for these two lots for that reason." Staff reviewed the plat for these lots. These are large 1/2 acre lots with a depth between 143 to 220 feet. Applying the existing setbacks would not deprive the applicant of reasonable use of the land. This burden has not been met.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states that: "Given the size of the house that fronts Alexis Lane, the shortness of these two lots make it very difficult to construct comparable." Staff visited the site. There is one house fronting Alexis Lane. This house is 3000 sq. ft. on a 1/2 acre lot. Both lots 102-A and 103-A have a generous building area and the applicant could build a comparable house within the current setbacks. This burden has not been met.

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: “The public health, safety and welfare will not be endangered by having a 25-foot rear setback on Lot 102-A and a 25-50 variable rear setback for Lot 103-A.” Staff has no issue with this.
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: “Lots 102-A and 103-A back up to a 40.63-acre greenbelt containing a great amount of trees and vegetation and adjacent to their rear lot line. The users of the greenbelt will be able to detect the location of the houses on these from the rear lot line.” Staff has no issue with this.
5. That the granting of the variance constitutes a minimal departure from this article. The applicant states that: “Granting of this variance request is as minimal departure from the Zoning Ordinance in that the rear building setback in almost all of the single family lots in the city have a 15-foot rear setback. Going from a 50-foot rear setback to a 25-foot rear setback is still greater than most everywhere else. ” Staff feels that reducing the setbacks by 25 feet for each lot is not minimal departure. Setbacks were deliberately set at greater amounts than Horseshoe Bay Proper due to the nature and character of The Trails neighborhood.
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 circumstances and condition are not self-imposed because the recorded plat which created Lots 102-A and 103-A show a 25 -foot rear setback and was approved by the City Council on May 15, 2012. All of the adjacent properties are vacant lands.” Staff does not support variance requests that do not demonstrate a hardship when the existing setbacks are applied. There are no house plans for these lots. The variance request is to increase the buildable area of the log without demonstrating a need or showing that the existing setbacks do not allow for a house to be built.

**Staff recommends denial of this Variance request.**

**Enclosures: Aerial Photo  
Zoning Map**

# Variance Request 2021-08 Aerial



**Legend**

- Sites
- Street
- Parcel

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



# Variance Request 2021-08 Zoning



ALEXIS LN

OVERLOOK PKWY

102A

103A

**Legend**

- Sites
- Street
- Parcel

**Zoning Parcels**

**ZONING & SUB\_ZONING**

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

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