

CITY OF HORSESHOE BAY

BOARD OF ADJUSTMENT

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, September 24, 2019 in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. 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. Pledges to the Flags
3. Public Hearing, discuss, consider, and take action on BOA Case No. 2019-01, a request by Phoenix Center for approval of a Variance to reduce the size of parking spaces from 10' x 20' to 9' x 18.5', and a Variance to allow the use of hardi-plank on the exterior of some of their proposed buildings. The property is legally described as 77 acres out of Abstract 248 of the John Darlin Survey, also known as 3340 Highway 71 West. NOTE: THIS ITEM IS CONTINUED FROM THE AUGUST 20, 2019 BOA MEETING DUE TO LACK OF A QUORUM
4. Adjournment



Eric W. Winter, Development Services Dir.

The Board of Adjustment may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Board that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Board on any subject or matter while in closed session. Any action, decision or vote will be taken by the Board only in open meeting.



CITY OF HORSESHOE BAY

SEPTEMBER 24, 2019

To: Board of Adjustment
Thru: Stan R. Farmer, City Manager
From: Eric Winter, Development Services Director
RE: Public Hearing, Discuss, Consider, and Take Action on Boa Case No. 2019-01, a Request for Approval of a Variance to Reduce the Required Size of Parking Spaces From 10' X 20' to 9' X 18.5', and a Variance to Allow the Use of Hardi-Plank on the Exterior of Some of the Proposed Buildings. The Property is Legally Described as 77 Acres out of Abstract 248 of the John Darlin Survey, also Known as 3340 Highway 71 West/Phoenix Center is the Applicant

Phoenix Center is requesting approval of two Variances for their proposed project, as follows:

1. To reduce the required size of parking spaces from 10' x 20' to 9' x 18.5', and
2. To allow the use of hardi-plank on the exterior of some of their proposed buildings.

Phoenix Center has submitted the attached site plan to show the location of their proposed permanent building, as well as the temporary mobile office buildings that they will be using for offices and other activities while they are constructing their permanent buildings, which requires approval by Council of a Conditional Use Permit.

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

- a) 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: "Cost savings on the amount of parking space area and the reduced amount of rock needed, as every dollar we have is raised through donations." Staff has no issue with this.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states: "N/A". Staff has no issue with this.
- c) 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: "Not detrimental or harmful." Staff's review found that to be the case.
- d) 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: "N/A." Staff has no issue with this.

- e) That the granting of the variance constitutes a minimal departure from this article. The applicant states that: “Minimal change on both requests.” Staff’s review found that to be the case.
- f) 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: “Will not affect any property in the vicinity” Staff has no issue with this.

The Summit Rock Architectural Control Committee has approved the Variances. Based on the above review, staff recommends approval of the attached Variance Approval Form.

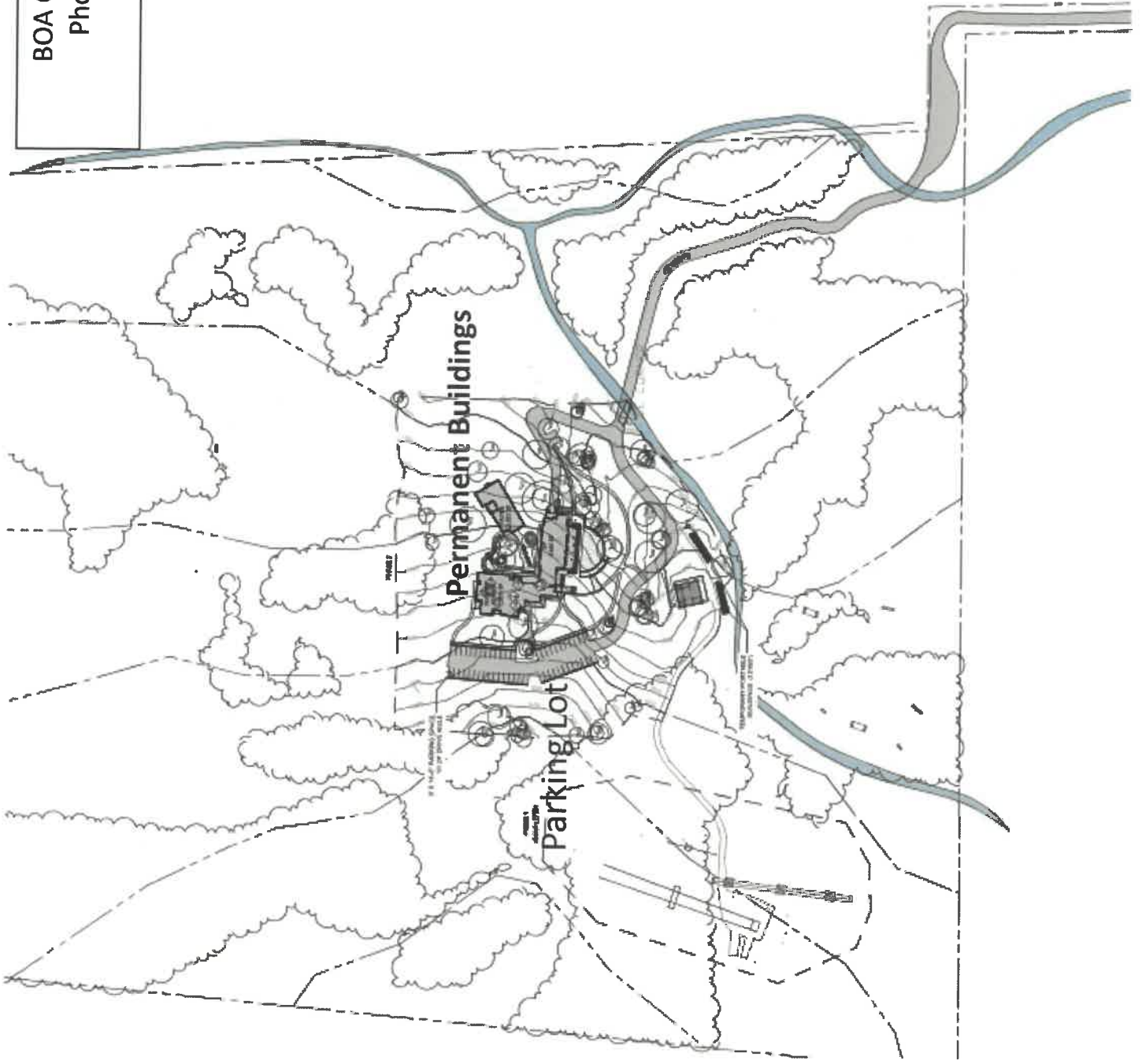
**Enclosures: Aerial Photo
Site Plan
Summit Rock ACC Approval Letter
Variance Approval Form**

BOA CASE 2019-01
Phoenix Center
3340 Hwy.71

CHEYENNE
DAKOTA



BOA Case 2019-01
Phoenix Center
Site Plan





SUMMIT ROCK
Horseshoe Bay Resort Interest
Architectural Committee
Office of Ron Lynn Mitchell

To Whom It May Concern,

08/05/19

Summit Rock Communities, Declarant, and Horseshoe Bay Resort Interest (Owner) approve of the following variance request made by and in favor of The Phoenix Center as to their property located within the CC and R's and Architectural Committee the Summit Rock Development.

Due to the separated location and theme of the Master Phoenix Development Architectural Plan we feel the following variance considerations by the City of Horseshoe Bay are approved.

- Variance # 1: Reduction in Parking Space Size Requirements from 10'x20' to 9'x18'.5
- Variance # 2: Use of Composite Shingles as well as Tile and/or Standing Seam Metal along with the ability to mix standing seam and composite shingles when approved by the Committee of Architecture
- Variance # 3: Reduction of requirement for 100% to a minimum of 25% Masonry when approved by the Committee of Architecture

Summit Rock Communities, Declarant, and Horseshoe Bay Resort Interest (Owner) approves and encourages the city to allow a CUP that would allow 2 - 12'x60' Mobile Office Buildings for a period not to exceed thirty six (36) months.

Ron Lynn Mitchell, President Summit Rock HOA, Declarant, Chairman Architectural Committee

08/05/19



**City of Horseshoe Bay Board of Adjustment
BOA CASE 2019-01**

On the 24th day of September, 2019, the foregoing application of Phoenix Center for a Variance with regard to the property described in said application, known as 77 Acres out of Abstract 248 of the John Darlin Survey, also known as 3340 Highway 71 West, and the requested Variances to reduce the required size of parking spaces from 10' x 20' to 9' x 18.5' and to allow the use of hardi-plank on the exterior of some of the proposed buildings 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 Variances to reduce the required size of parking spaces from 10' x 20' to 9' x 18.5' and to allow the use of hardi-plank on the exterior of some of the proposed buildings in Zone 12 Summit Rock of Horseshoe Bay 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 variances are necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. Granting of the variances will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
4. Granting of the variances 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 variances 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 24th of September, 2019 by a vote of the Board of Adjustment of the City of Horseshoe Bay, Texas.

City of Horseshoe Bay, Texas

ATTEST:

Jim Babcock, Chair

Eric W. Winter, Development Services Director