

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC MEETING

September 30, 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 Thursday September 30, 2021 in the City Council Chambers 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 August 31, 2021 Regular Meeting
4. Public Hearing, discuss, consider and take action on BOA Case No. 2021-11, a request by Legacy Housing Corporation for a Variance from Section 14.02.406(i)(3)(C) of the Zoning Ordinance for approval for a carport to encroach 10 feet into the 15 foot rear yard setback on Lot No. K2029 of Plat No. K2.1 also known as being at the intersection of Stag and 1st Street in Zone 4B, Horseshoe Bay South in Horseshoe Bay, Texas
5. Adjournment

BOARD OF ADJUSTMENT
MINUTES OF REGULAR MEETING

August 31, 2021

The Board of Adjustment of the City of Horseshoe Bay held a Regular Meeting in the City Council Chambers located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on August 31, 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
Member John Minyard
Member Bill Carrothers
Alternate Member Linda Smith

2. **Public Comments**

There were no Public Comments.

3. **Approval of Meeting Minutes of the May 25, 2021 Regular Meeting**

Vice Chairman Amstutz motioned to approve the May 25, 2021 meeting minutes. Bill Carrothers seconded. VOTE: 5-0 in favor, motion passed.

4. **Public Hearing, discuss, consider, and take action on BOA Case No. 2021-10 a request by Brady Meyer for a Variance to Section 14.02.419(b)(1)(B) of the Zoning Ordinance for approval of a boathouse to exceed 15 feet in height on Lot 2-B of Meyer Sunray Plat No. 1.2, also known as 831 Sunray in Horseshoe Bay, Texas**

Chairman Babcock opened the Public Hearing at 3:03 PM. Brady Meyer presented his request for his boathouse to exceed the height of 15 feet. The boathouse is proposed to be 18' 4" in height. Sandra Nash presented the staff report which is on file. There were no Public Comments. Chairman Babcock closed the Public Hearing. Bill Carrothers motioned to approve the Variance request. Vice Chairman Amstutz seconded. VOTE 5-0 in favor, motion passed. The Variance was Approved.

5. **Adjournment**

Vice Chairman Amstutz motioned to adjourn the meeting. Linda Smith seconded. VOTE 5-0, motion passed. Chairman Babcock adjourned the meeting at 3:00 PM.

Approved this 30th day of September, 2021.



CITY OF HORSESHOE BAY

SEPTEMBER 30, 2021

To: Board of Adjustment

Thru: Stan R. Farmer, City Manager

From: Sally A. McFeron, Development Services Director

RE: Public Hearing, discuss, consider and take action on BOA Case No. 2021-11, a request by Legacy Housing Corporation for a Variance to Section 14.02.406(i)(3)(C) of the Zoning Ordinance for approval for a carport to encroach 10 feet into the 15 foot rear yard setback on Lot No. K2029 of Plat No. K 2.1 also known as being at the intersection of Stag and 1st Street in Zone 4B, Horseshoe Bay South in Horseshoe Bay, Texas

The applicant is requesting a Variance to build a carport that will encroach 10 feet into the 15 foot rear yard setback. The property is within Zone 4B Horseshoe Bay South and is zoned M-1 Manufactured Home. The lots surrounding this lot have all been developed with manufactured homes.

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: "The strict application of the ordinance subjects this property to having one front setback, one rear setback and one corner setback totaling 40 feet, whereas setbacks for lots of the exact same size have setback requirements that are less restrictive. When compared to lots of the exact same size it is abundantly clear Legacy is being deprived of the reasonable use of its land. Lots of the exact same size have more flexibility and freedom to be developed in a way that is more conducive to single family living. Specifically, they are not burdened with the extra 5 feet of setback and can have larger driveways, carports, and porches to accommodate larger families. The strict application of the ordinance is preventing Legacy from being able to exercise the same flexibility and freedom when developing the lot at issue." Staff reviewed the plat for this lot and other lots in the manufactured home neighborhood. This lot is 60' X 90'. Most of the lots in the neighborhood are 45' X 90'. This is a corner lot and has the same requirements as all other corner lots. All corner lots in Horseshoe Bay have a front yard setback on both street sides. We are not aware of any special circumstances or

conditions affecting the land. Staff feels this variance is not necessary for the applicant to have reasonable use of the land.

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states that: “Legacy Housing Corporation, among other things, is a land development company and it is within our rights to develop this lot (and ultimately dispose of it) in a way that maximizes the benefit to both Legacy and the greater Horseshoe Bay South community. Granting this variance will allow Legacy to maximize the land improvement opportunities this lot presents in a way that benefits the entire Horseshoe Bay South community by attracting hard working, respectable, and law-abiding homeowners to the area. Without this variance, Legacy’s property rights would be severely diminished because Legacy would be denied the opportunity to maximize its land use rights.” Staff reviewed the site plan for this lot. The proposal is for a double wide manufactured home and a 2-car carport. The plans show a double wide home and a 1-car carport will fit on the lot within the setbacks. Property rights are not severely diminished by providing a 1-car carport rather than a 2-car carport. The variance request is to provide for a 2-car carport in the back yard.
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 variance will not be detrimental to the public health, safety or welfare: or injurious to other property with the area. The variance, when compared to the current Ordinance, will not increase the risks of public health, safety, or welfare, or injury to other properties in the area.” Staff determined if this variance is granted the back yard of the home will be reduced to 5 feet. Staff feels the required 15-foot back yard is in the best interest of the resident and the neighborhood.
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 variance will not interfere with the use of land in Horseshoe Bay South. Everything Legacy is proposing to do will be contained on its lots and will not obstruct, impede or otherwise deny its neighbors their land use rights.” Staff feels this variance will deprive the owner of this lot from having a back yard.
5. That the granting of the variance constitutes a minimal departure from this article. The applicant states that: “This variance request is “in harmony with the spirit and purpose” of the City of Horseshoe Bay’s zoning ordinance because it would treat this lot like most of the lots in Horseshoe Bay South. This variance would bring the lot in-line with most other lots in Horseshoe Bay South by allowing it to have two side yard setbacks. It is not uncommon for lots in Horseshoe Bay South to have two side yard setbacks that are each five feet. Moreover, the variance would mean Legacy’s side yard setback borders the neighbor’s side yard setback which is not uncommon in Horseshoe Bay South. Alternatively, the variance is minimal departure from this ordinance because there would still be at least 32 feet between the manufactured home we are proposing for this lot and the manufactured home currently on the neighboring lot. Specifically, the 52-foot manufactured home we are proposing plus

the required 10-foot front setback leaves a remaining 28 feet in the lot at issue. The 28 feet of Legacy's lot plus the 5 foot side setback for the neighboring lot is 32 feet total. Similarly, the distance between all structures would be greater than what is normally required for side yard setbacks. Normally, the side yard setbacks yield a total of 10 feet between each structure. Legacy's variance would increase the distance to 11 feet. Specifically, Legacy's proposed carport is 20 feet long and when added to the 10 foot setback and 52 foot manufactured home, leaves 6 feet of space between the carport and property line. Legacy's six foot setback plus the neighbor's five foot setback is 11 feet." Staff can confirm the setbacks on this lot are standard for Horseshoe Bay. Corner lots in Horseshoe Bay have a front yard setback on both street sides. This variance request is to encroach into the rear yard setback not the side yard setback. The home that is 32 feet away is located on the side yard and is not the yard they are requesting in this variance. Staff does not feel this is minimal departure.

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 subject 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. First, the current zoning conditions impeding development are a function of city law and are not a result of any action taken by Legacy Housing Corporation, direct or otherwise. Second, Legacy shares a common interest with the City of Horseshoe Bay to improve Horseshoe Bay South, and this request is therefore not based solely on economic gain or loss. Legacy believes the best way to demonstrate our commitment to improving Horseshoe Bay South is by developing lots near one another with the goal of creating community pride and improving the character of the neighborhood. Legacy will amplify community beliefs by developing lots that are near each other. Importantly the lot at issue is within one block of six lots already developed by Legacy, and across the street from another lot that Legacy recently received ACC approval for and will soon be seeking a permit from the City of Horseshoe Bay to develop. Moreover, the variance, if granted, will be used to help shield a dilapidated mobile home on a neighboring lot from street view. Finally, this variance will not generally affect most properties in the vicinity because it will not impact the ability of other lots to be developed or otherwise change the character of any existing structures in the vicinity." Staff does not feel a variance to encroach into the rear yard setback is a valid way to handle an old home in the neighborhood. City Code Enforcement is responsible for these issues. One neighbor called to say they disagreed with the Variance request.

Based on the above findings staff feels the burden has not been met and recommends this variance request be denied.

Enclosure: Aerial Photo
Zoning Map
Site Plan

Variance Request 2021-11

Aerial



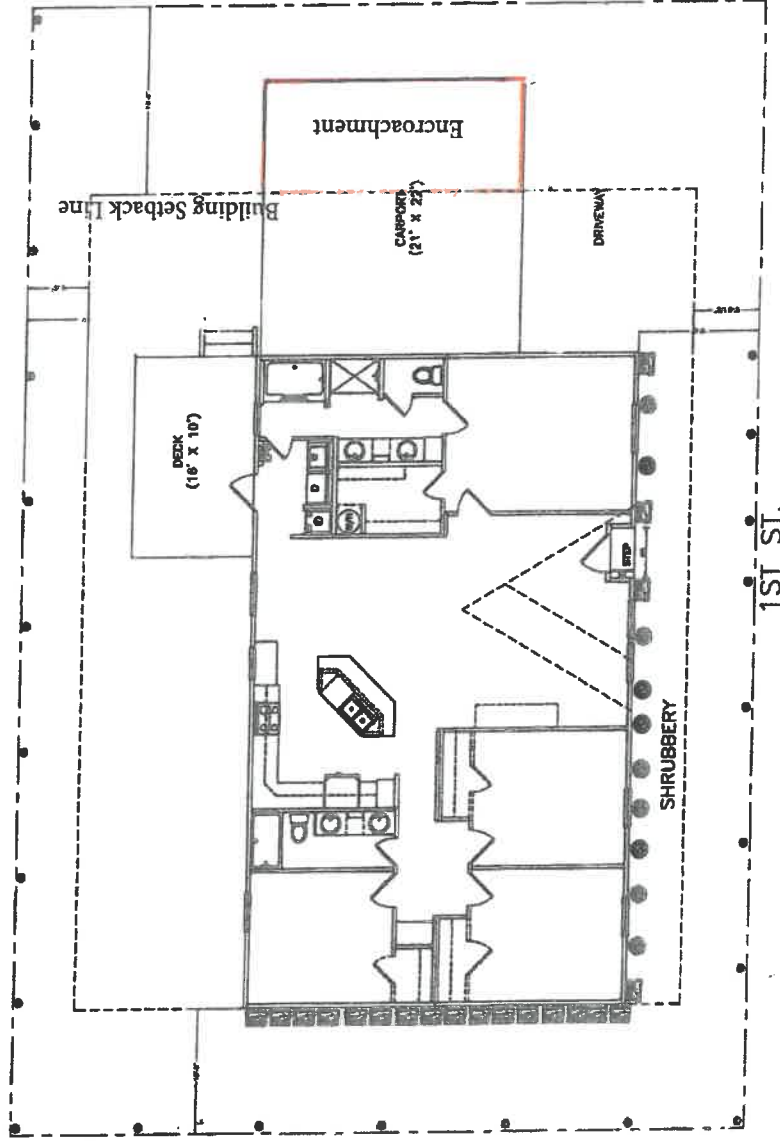
Variance Request 2021-11

Zoning



Site Plan

- LOT BOUNDARY
- - - OFFSET BOUNDARY
- SPRINKLER HEAD



4801 MARK N. PARKWAY
 FORT WORTH, TX 76106
 (817) 824-7555
 100 N. MOULDER STREET
 COLLEGE STATION, TX 75709



DATE: 02/12/2018
 MODEL: 3256-42A
 SCALE: NTS
 DRAWN BY: JMS

DC - 01372001 TITLE: SITE PLAN
 1. PERIOD SHALL BECOME A PART OF THE RECORD DRAWING.

DWG #:
 (K2029 - HORSESHOE BAY)

DATE	REVISION	BY