

MINUTES
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
Wednesday, September 20, 2017 – 5:30 p.m.

Board Members Present: Scott Lowry-Vice-Chair, Jim Terrian-Secretary, Tom Harris, Chris Taylor, Jon Paul Bergman, Cayman Gentry, Richard McCormick

Staff Present: Michael Mann-Public Works Director, Andrea Rivera-Assistant to the Public Works Director, Sheldon Cravey-Information Technology

1. CALL TO ORDER – 5:30 PM

Meeting was called to order by Vice-Chair Lowry at 5:33 p.m.

2. APPROVE MINUTES OF DECEMBER 21, 2016

Member Bergman motioned to approve the minutes and Member Harris seconded the motion. All were in favor to approve the minutes of December 21, 2016.

3. DESIGNATE VOTING MEMBERS

There are three alternate members. Alternate Member Bergman was designated to vote with all the regular board members.

4. CONFLICT OF INTEREST DECLARATION

There were none.

5. PUBLIC HEARINGS:

Receive comments on Variance No. 17-01, Lot 60, Trails of Herff
Ranch (117 Desert Flower).

6. ITEMS FOR DISCUSSION/ACTION

Mike Mann said there was confusion in staff meeting. The discussion sometimes evolves into the fire code but the fire code is not a subject of the variance tonight. Regardless of what the board decides tonight, the building codes still apply. The only consideration is the setback.

James Griffin with Brown Ortiz representing KB Home and the owners of the property. The property is located in the Trails of Herff Ranch neighborhood located off of highway 46. This property is a part of Unit 3, the end of the development by KB Homes in this area. The address requesting the variance is 117 Desert Flower. The original plat for all of Unit 3 was approved by the City on Dec 1, 2008. Almost all of the lots have a standard lot size in this development is 46' ft wide and 110 feet deep. In February 2011, there was an amending plat for lots 58 through 62. The reason for the amending plat was to take one lot, lot 62 and increase it from 46 feet in width to 50 feet in width to make a bigger lot. The lot they made bigger is the model home. The other lots were each reduced from 46 feet in width to 45 feet in width to accommodate the extra 4 foot increase to lot 62. This is where the problem was created and not noticed till much later. The property asking for the variance is Lot 60. It is in the middle of the lots included in the amending plat. It was the last lot to be built. The other lots were built in 2012 shortly after the amending plat was approved. Lot 60 was built in 2016. This home like many other lots are designed to be centered on the lot. What was later discovered, is that the amending plat got lost in the mix and they were looking at the old plat. As a result, everything got shifted over 3 feet, 1 foot each for the other 3 lots in that amending plat. It was recently discovered that instead of a home that is centered on the lot now has 7.9 foot setback on left and 3.1 setback on the right. The three feet became critical. You have extra 2 feet on the left but 3 feet less on the right. The home was built and sold at the end of last year to the family that is there now. This was a string of errors that got us here today. Member Harris asked who caught the error. James responded that it was KB Homes. He said they noticed a larger setback on one side of the lot and this caught their attention. This is an extreme hardship. Not granting the variance would result in a demolition of the home and rebuilding it in its entirety. More importantly, you would take a family out of their home. They would be displaced at no fault of their own. It wasn't just one mistake but a series of mistakes that included 4 lots. This is a unique circumstance, but still meets the spirit of the ordinance. There is still ample room on one side of the home with 8.4 feet separation between two homes. You have the separation, aesthetics and safety. It does not affect fire and safety. James showed the board a picture of the area he is describing between the homes. Member Terrian asked if there was any way of replatting or resetting the

lot line. James said it was the last home built. He said there's no room. If we were to shift lot lines, we would have to ask for variances for the other lots as well. Member Harris said there were two neighboring responses that were in favor. Member Bergman asked if there was any feedback from Lot 61. James said he called but did not hear back from that home owner. Mike Mann responded and explained that the three addresses that responded were 132 Desert Flower, 129 Desert Flower and 120 Lily Creek and all were in favor. Member McCormick commented that he was surprised that the form surveyor didn't notice that this was in the wrong place. James responded that they were looking at the old plat and not looking at it all together. Member McCormick further commented that there appears to be ample space between the two houses and that 117 has more narrow of a gate, but ample space from a safety perspective.

Vice-Chair Lowry asked if anyone had any further comments or questions. There were none.

Consider Variance No. 17-01: A request from KB Homes/Brown & Ortiz, P.C. on behalf of Anthony & Amy Geron, requesting a variance to the City of Boerne Zoning Ordinance to allow for a 1.9-foot encroachment into the required 5-foot side setback for Lot 60, Block 4, in Unit 3 of the Trails at Herff Ranch (117 Desert Flower).

Member Bergman motioned to approve the variance. Member Harris seconded the motion. All were in favor.

Approved 5-0

7. ADJOURNMENT

Meeting was adjourned at 5:57 p.m.

Chairman

Secretary