

MINUTES
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
Wednesday, November 14, 2018 – 5:30 p.m.

1. CALL TO ORDER – 5:30 PM

Meeting was called to order at 5:32 p.m.

2. APPROVE MINUTES OF OCTOBER 17, 2018

Member Harris motioned to approve the minutes. Secretary McCormick seconded, all were in favor.

4. CONFLICT OF INTEREST DECLARATION

There were none.

3. DESIGNATE VOTING MEMBERS

Chair Lowry announced that all regular members were present to vote and that Alternate member Thompson will take part in discussion only.

5. PUBLIC HEARINGS:

Receive comments on Variance No. 18-08, Part of Lot 36, Boerne Original Town (131 E. Evergreen).

Chair Lowry began by starting the public hearings for both variances and then explained that the Board will have discussion on both and actions about the variances and decisions will be separate. Hearings opened at 5:35 p.m. Variance No. 18-08. Bryan Ward, the owner of 131 E. Evergreen, approached the board. Bryan began by explaining

that the road (Evergreen) ends at the beginning of their lot. The setbacks and ordinances requires 80-feet of frontage for this lot. We are proposing 30-feet of frontage. He explained the setbacks. Secretary McCormick asked about the frontage. Bryan explained where the road ends and the private drive begins. Nick Colona, the Assistant Director of Planning & Zoning approached. He said the property is unique and there is no self imposed hardship. This was inherited by the current owners and no precedence is being set here. Nick said this won't change the character of the neighborhood. Alternate Member Thompson asked about the part of Lot 36. Jim Schwarz approached the podium to explain. He said Lot 36 was one of the early lots platted and it started on North line of Hickman and ran down to the creek. This lot sits on the western line of Lot 36 and this lot is a piece that was created from lots sold off as pieces long ago. Mike explained they need this variance in order to plat. Mike Mann explained there are properties all over town that are pieces and parts of various lots. Properties need to be platted to clean this up. The platting process requires frontage that this doesn't have. They are not subdividing and we can't require right of way dedication. Vice Chair Terrian asked about the 5-foot side setback. Bryan explained that there is a sewer line to the left and they gave up 5-feet. The 5-foot setback on the right (east) is for the accessory structure (garage). Mike Mann explained that in the platting process they will dedicate a 15-foot easement on the west side of the lot. John Wright, the owner of 124 E. Evergreen approached. The variance describes that this is a low density lot. It shows as a little over a half acre which would make it an estate lot. Bryan explained the drawing presented is to show where the setbacks would be. We won't know until we plat. Mike explained that the setbacks are required and approved per P&Z. Nick Colona explained it is under half an acre and is a low density lot. The tax records show two pieces. John Wright is concerned about how close the house will be to the street. We want to make sure where setbacks are and where things are going to be located. Nick stated once the variance is approved, it can be platted and the other setbacks will be required according to the ordinance. Secretary McCormick asked will the front of the house be in line with other

houses on the street. Nick said the house will be set back a little farther because of the way the road comes around the lot. Thomas Wilson approached, owner of 123 E. Evergreen. He said the street is unique because of its location. I am very supportive of them building a new house but consistency is important. From the drawing it is different from the rest of the street. Lynn Martensen, owner of 206 E. Hosack lives adjacent to 131 E. Evergreen. She realizes they have to have frontage. They need access. She supports this variance and welcomed the owners to the neighborhood. Hearing closed at 5:56 p.m.

Christina Bergmann, the owner, approached for Variance No. 18-09. She said the existing lot has frontage of only 21-feet and they need to plat this lot. The required frontage for this lot is 80-feet. Christina explained the separation of the lot. Alternate Member Thompson asked about the separations of the property. Christina explained by reviewing and explaining the parcels on the overhead map. Alternate Member Thompson also asked about the carport on the survey. Christina said it is not there anymore. Thompson asked who owned the lot before and questioned the guy wire on lot. Christina is unsure which lot the guy wire is on. Christina explained the parameters of this lot. Secretary McCormick asked about metal buildings in the back. She said they will be removed. The existing utility pole is on the adjacent lot. Christina believes it is on the property line. Nick Colona explained both requests are unique. This lot was created in 1972 and is inherited with the current property owners. Closed hearing at 6:06 p.m.

Receive comments on Variance No. 18-09, Part of Lot 6 Dailey
Addition and Part of Lot 13 Cibolo Park.

6. ITEMS FOR DISCUSSION/ACTION

Consider Variance No. 18-08: A request from Bryan Ward & Jill Thompson, requesting a variance to the City of Boerne Zoning Ordinance, to allow for 30-feet of lot frontage rather than the

required 80-feet of lot frontage, for a low density lot for Boerne Original Town Lot PT 36, (131 E. Evergreen).

Mike Mann explained that City Staff recommended both variances be granted. In both cases, there are unique circumstances to each lot or parcel. They are not typical and making a literal enforcement of the rules will be a hardship. They are not self imposed nor merely financial. Chair Lowry asked for vote on Variance No. 18-08. Secretary Terrian said it is a hardship and to use the lot and have access, you can't have 80-feet of frontage. Member Harris said it is not created by the requestor. Alternate Member Thompson asked about frontage on cul de sacs. Mike Mann explained the frontage on cul de sacs is the same, but it can be measured at the setback line. Alternate Member Thompson believes it is a hardship. Member Harris motioned to approve, Member Cayman seconded. All in were in favor. Variance 18-08 passed 5-0.

Consider Variance No. 18-09: A request from Christina Bergmann, requesting a variance to the City of Boerne Zoning Ordinance, to allow for 21-feet of lot frontage rather than the required 80-feet of lot frontage, for a low density lot for part of Lot 6, Dailey's Addition and part of Lot 13, Cibolo Park (KAD 301897).

Variance 18-09. Alternate Member Thompson believes it is a hardship not created by the current owners. He's concerned about the driveway being too close to the neighbors house. Vice Chair Terrian believes it is not abnormal to have other driveways within 10-feet of a house, but they can't get to this lot without access. Member Harris said he doesn't care for flag lots. Member Harris motioned to approve, Member Cayman seconded. All were in favor. Variance No.18-09 passed 5-0.

7. ADJOURNMENT

Meeting was adjourned at 6:14 p.m.

Chair

Secretary