

MINUTES
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
Wednesday, October 16, 2019 – 5:30 p.m.

Board Members Present: Scott Lowry, Richard McCormick, Tom Harris, Jon Paul Bergman, Alan Thompson, & Matt Janysek

Staff Present: Michael Mann, Laura Talley, Andrea Snouffer, & Veronika Vasquez

Visitors: Derek Shupp & Lance Kyle

1. CALL TO ORDER – 5:30 PM

Meeting was called to order at 5:41p.m.

2. APPROVE MINUTES OF MAY 15, 2019

Member Thompson moved to approve minutes. All were in favor to approve the minutes.

3. CONFLICT OF INTEREST DECLARATION

There were none.

4. DESIGNATE VOTING MEMBERS

Chair Lowry designated all regular members to vote. Member Janysek to take part in discussion only.

5. PUBLIC HEARINGS:

Receive comments on Variance No. 19-09, Southglen Phase 9 Lot 4 (108 Bellgrove).

Receive comments on Variance No. 19-10, Southglen Phase 9 Lot 5 (110 Bellgrove).

Receive comments on Variance No. 19-11, Southglen Phase 9 Lot 8 (115 Bellgrove).

Receive comments on Variance No. 19-12, Southglen Phase 9 Lot 37 (209 Wickersham).

Receive comments on Variance No. 19-13, Southglen Phase 9 Lot 19 (232 Wickersham).

Derek Shupp with Meritage Homes approached. He explained that 115 Bellgrove was the biggest problem of the five lots because of drainage at the back of the lot. He said the home is contracted with a buyer. Chair Lowry commented that all variances are the same. Derek said yes and it was found that 115 Bellgrove has a telecommunication line not a gas line across the property. Secretary McCormick asked about the rule of not having the same house next to one another. Member Harris asked if there is any other house that can fit on the lot. Member Thompson asked about designing a house to fit. Member Bergman asked if the AT&T line is in the 10' utility easement. Member Bergman asked about the issue of no one being able to get back behind 115 Bellgrove. Derek said we need the lot to drain and we can't dig into the hill at the back of the property. It gives us more room to work in the footprint trying to get adequate access. Member Thompson asked if it drains back to front. Derek said yes. Laura Talley approached and said that it is a regulation with the City of Boerne to alternate home elevations. Garage setbacks were updated in the 2012 ordinance and the reason is so that big trucks can get off the sidewalk. Staff recommendation is to deny the variance. The staff feels other options can be explored. Mike Mann said he is the staff representative to the board. The variance requests

are similar with the exception to the one lot with the telephone easement. This is a condition that is unique, however, the house could be set back with the easement in place. Laura said during the platting process we look at easements and topography issues that's when you should be planning for that not after the fact. Member Thompson asked about the houses on other side if they have 20' garage setbacks. Mike explained it has been found that many homes have been built with this encroachment, the garages too close to the front property lines. It has been missed during plan review. In response, we issued letters going forward that we would not make them tear these houses down. Laura said it is true it was missed during plan review, but there was fault on both sides. Member Thompson asked what is the hardship. Laura said just the lot with the easement, but it was already in place before property was subdivided. Mike Mann said your packet shows a site plan and the amount of room they have to move. Question is can you still make the home fit within the easement. Derek said we are not custom builders and we have a certain number of plans. Is it possible to re-design a plan, probably, anything is possible, we have a contract with a buyer and this is the best plan we have. Member Bergman said the hardships we consider are those that are not created, in this case he feels it is financial and avoidable. Derek went on to explain that there is a hill at the back of a smallest footprint of house and water would go in the house. Derek said many situations we feel we couldn't overcome. Member Janysek asked if foundations have been poured on any of these lots. Derek replied that the lots on each side of 115 Bellgrove are finished houses. Member Janysek asked about the setbacks of those houses. Derek said they are on 20' setbacks and not sure how this happened. We have a number of houses on the 20' setback. Member Janysek explained that usually with a survey they verify that everything is in place before they build it and you don't get in trouble after the fact. Derek explained if the surveyor is told 20' setbacks then that is what he goes by. Derek said he doesn't know about the disconnect with knowing the 25' garage setbacks. Mike said the building setback is 20', but with a front facing garage there is a requirement for the 25' setback. Laura said on cul de sac lots there are deeper setbacks

based on where the lot width is. Lance Kyle at 226 Cascade Caverns near the Southglen development approached. He said that the property is 100 acres and Landquest is the original developer. Meritage took over and bought many lots. He opposes the variances because of poor planning and undersize detention plans, TCEQ violations, re-working cascade caverns road, feels the City has coddled these people and the City grants too many variances. Chair Lowry said please state specifics on the variances and we will not entertain other issues. Hearing was closed at 6:12 p.m.

6. ITEMS FOR DISCUSSION/ACTION

Consider Variance No 19-09: A request from Meritage Homes, requesting a variance to the City of Boerne Zoning Ordinance Article 5, Section 4, Table 5-2, to allow for a garage setback of 20-feet rather than the required 25-foot setback for Block 5, Southglen Phase 9 Lot 4 (108 Bellgrove).

Consider Variance No. 19-10: A request from Meritage Homes, requesting a variance to the City of Boerne Zoning Ordinance Article 5, Section 4, Table 5-2, to allow for a garage setback of 20-feet rather than the required 25-foot setback for Block 5, Southglen Phase 9 Lot 5 (110 Bellgrove).

Consider Variance No. 19-11: A request from Meritage Homes, requesting a variance to the City of Boerne Zoning Ordinance Article 5, Section 4, Table 5-2, to allow for a garage setback of 20-feet rather than the required 25-foot setback for Block 5, Southglen Phase 9 Lot 8 (115 Bellgrove).

Consider Variance No. 19-12: A request from Meritage Homes, requesting a variance to the City of Boerne Zoning Ordinance Article 5, Section 4, Table 5-2, to allow for a garage setback of 20-feet rather than the required 25-foot setback for Block 5, Southglen Phase 9 Lot 37 (209 Wickersham).

Consider Variance No. 19-13: A request from Meritage Homes, requesting a variance to the City of Boerne Zoning Ordinance Article 5, Section 4, Table 5-2, to allow for a garage setback of

20-feet rather than the required 25-foot setback for Block 5,
Southglen Phase 9 Lot 19 (232 Wickersham).

Mike Mann said the variances are similar, but we should give the public the opportunity to discuss each one individually. Member Bergman commented that 115 Bellgrove is found to have an AT&T line not a gas line across the property. Chair Lowry commented that there is one in favor and three opposed for neighboring properties. He asked of the five variances are there any comments on any particular variance. Member Thompson moved to deny variance 19-09, Member Harris seconded. All were in favor 5-0 to deny the variance. Member Thompson moved to deny variance 19-10, Member Harris seconded. All were in favor 5-0 to deny the variance. Member Thompson moved to deny variance 19-11. All were in favor 5-0 to deny the variance. Member Thompson moved to deny variance 19-12, Member Harris seconded. All were in favor 5-0 to deny the variance. Member Thompson moved to deny variance 19-13, Member Harris seconded. All were in favor 5-0 to deny the variance.

7. ADJOURNMENT

Meeting was adjourned at 6:19 p.m.

Chair

Secretary