

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC MEETING

February 25, 2020

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, February 25, 2020 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. Approval of the Minutes of the December 17, 2019 Regular Meeting
4. Public Hearing, discuss, consider and take action on BOA Case No. 2020-01, a request by John and Jennifer Insalata for a Variance to Sections 14.02.402(b)(15)(T) and 14.02.413(13) of the Zoning Ordinance for approval of a 7.8' x 11' above ground therapeutic spa in the front yard on Lot No. 1A of Trails End, Section One-B and Section Two-B, also known as 149 Christine Circle in the Trails of Horseshoe Bay
5. 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.

I certify that the above notice of meeting was posted at City of Horseshoe Bay City Hall and website www.horseshoe-bay-tx.gov, at least 72 hours prior to the meeting date and time.



Sandra Nash, Assistant Planner

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
MINUTES OF REGULAR MEETING

December 17, 2019

The Board of Adjustment of the City of Horseshoe Bay held a Regular Meeting in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas, on December 17, 2019, 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 Board Chairman Jim Babcock with a quorum of Board members present as follows:

Present:

Chairman Jim Babcock

Board Member Bill Knox

Board Member Dale Amstutz

Board Member Frank Gracely

Alternate Board Member John Minyard

2. Pledge to the Flags

The pledge to the Flags was led by Frank Gracely.

3. Approval of Meeting Minutes of the November 19, 2019 Regular Meeting

A motion to approve the minutes as written was made by Dale Amstutz and seconded by John Minyard. The motion was approved unanimously (5-0).

4. Public hearing, discuss, consider and take action on BOA Case No. 2019-05, a request by Clayton and Natalie Gaskamp for approval of a 3 foot 5 inch Variance for one corner of the proposed dwelling to encroach into the 10 foot side yard setback on the north side of Lot No. 8088 of Horseshoe Bay Applehead Plat No. 8.1 in the 100 block of Florentine.

Chairman Jim Babcock opened the Public Hearing. Mr. Mike Gordon signed up to speak. Mr. Gordon stated that his daughter, Natalie Gaskamp was the applicant and lot owner. The lot is trapezoid shaped with a large rock outcrop in the back yard and oak trees in the front yard. The encroachment is necessary to build their home and save the trees. The Board members discussed that they had individually gone to look at the lot and thought the encroachment would not be noticeable from the street. A motion to approve was made by John Minyard and seconded by Frank Gracely. The motion was approved unanimously (5-0).

5. Public Hearing, discuss, consider and take action on BOA Case No. 2019-06, a request by Two P's and a Q LLC and Meghan Jordan for approval of a 5 foot height Variance from Section 14.02.406(h)(2) to exceed the maximum building height of 32 feet for Lot No. 21060 of Horseshoe Bay Plat No. 21.1 in the 600 block of Hi Circle North.

Chairman Jim Babcock opened the Public Hearing. Mr. Brendan Jordan (applicant) stated that he and his sister, Meghan Jordan are the owners and developers of this project at 617 Hi Circle North. They have been working on the project for a while and started the process with the ACC. The ACC requested a 6:12 roof pitch which added additional height to the building. They are building to a height of 35 feet. They met with Mr. Eric Winter with the City of Horseshoe Bay and realized there was a discrepancy between the ACC guidelines and the City Zoning Ordinance. Their main concern is the grading. The road is at elevation 836 and the lot drops off to elevation 834 and lower over a short distance. They need to raise the slab of the building to elevation 836 to keep water from going into the building and keep it going into the lake. They also need this for safety of the driveways and to not have a steep incline on the driveways. The grading is their biggest hardship. Meghan Jordan stated that their engineer looked at the property and the storm water this site collects from the right-of-way and from Rio. To build a channel drain in front of the property they need to raise the footprint of the building to create positive drainage and move the water around to the lake. She does not feel they have any flexibility because of site conditions. This is creating a challenge. They are losing 2 feet of potential building height due to the conditions of the property and to avoid flooding. Their civil engineer's recommendation is to collect the storm water and redirect it to the lake. Brendan Jordan stated they are collecting water from their property and the right-of-way and will not adversely affect the neighbors around them.

John Minyard asked if they are raising the grading 2 feet above what it is right now. Meghan Jordan stated they are raising the site to be level with Hi Circle North. John Minyard asked if they could leave it at the current grade. Meghan Jordan stated that the slope is towards the units and doesn't allow them to create a channel drain along the driveway. Brendan Jordan stated that by putting the building at the same level as the roadway it allows them to create a channel drain that will discharge into the lake. Meghan Jordan showed the drainage plan that shows the channel drain.

Dale Amstutz asked how far the building is set back from the street and why they feel they don't have enough space to take care of the drainage or to put in a gutter. Meghan said the shortest distance is approximately 35 feet from the street. They have a trench drain in the driveways and took a multi-faceted approach to directing the water. Their civil engineer added the trench drain. They want the final grade of the property to drain the way it naturally would in a bad storm. Brendan Jordan said if there is a bad storm, they don't want the water to back up and flood the neighbor's property if the drains got clogged.

Frank Gracely asked if this was next to the low water crossing. Meghan Jordan replied it is next to the low water crossing. John Minyard asked if they are in the flood plain. Meghan Jordan said a portion of the corner of the property is in the flood plain. Frank Gracely said he has been here for 28-30 years and has seen the creek rise a few times.

Frank asked why they are going up 35 feet and if there was no other architectural plan. Brendan Jordan said their feedback was that the ACC wanted a higher roof articulation and they wanted a product that had 9-10 foot ceiling heights and they need to come up 2 feet. Bill Knox asked if the City was still waiting for additional information. Eric Winter stated yes, the variance will be at 5 feet if the applicants can get the ACC to agree to a lower roof pitch or the applicants lower their ceiling height. Meghan Jordan stated they lowered the ceiling height to 8'6" and 9' to keep within the 35 feet.

Seven residents from the community who were in opposition to the Variance request were in attendance and signed up to speak. Mr. Scott Sharp stated he and Cindy Tee live on Hi Circle North next door to the proposed project and they are opposed to any variance in height. Their condo was built in 1983 and sits below the property line. He collected signatures from neighbors who are in opposition to the height variance. They feel that a 3-story building does not fit where they are trying to put this project. Their living room window is 4 feet lower than the lot and any height increase is not acceptable.

Bill Knox asked Mr. Sharp if he has been flooded. Scott Sharp said the water came up to the back porch last October. Frank Gracely asked what effect the creek had on their house. Scott Sharp replied that the wood siding at their foundation is rotting. Dale Amstutz asked if Scott Sharp's unit was lower than the street and the driveway slopes down to the garage and front door. Scott Sharp replied yes. Dale Amstutz asked if there a drainage issue with water coming down from Hi Circle North. Scott Sharp replied sometimes water puddles in the front.

Steve King who lives at 107 Crossbow spoke in opposition. He lives across the cove from the project. His foundation is 10 feet below the street and this is typical Type B drainage where water comes from the street, goes through a swale and around to the lake. There is no problem moving water. He has been a home builder since 1980 and has built many projects below the street and Type B drainage is the solution. Every home on Crossbow that backs to the water is below the street with Type B drainage. Every house on Hi Circle North is the same. The applicant's lot is about 4 feet higher than Scott and Cindy's (the house next door to this project) first floor. To say they need to raise the land 2 feet to move water is not accurate. He feels the bigger issue is the 3 stories. He feels the request is being made because the applicant wants 3 stories and they may not get as many units with 2 stories. Whether the house is here or here (shows motion with hands of house moving up and down), it is 35 feet to get 3 stories.

Frank Gracely asked if he was saying Crossbow is not above the lake. Steve King replied that Crossbow is about 20 feet above the lake. His house is about 10 feet below the street. Everything on Crossbow is below the street. The water runs down and into trench drains. The applicant's elevation rendering shows the driveway dipping down and then going back up. That is the way to do it. It's Type B drainage. The water goes to the swale and around to the side yard setback and to the lake. In this situation where the street is above and the lake below, you don't have drainage issues. You can make the water go where you want.

Bill Knox asked if this was a commonly accepted way to get water away from the house. Steve King explained that this is Type B drainage. Type A drainage has the water flowing from the center of the house to the back and to the front of the lot. Brendan Jordan stated that they have Type B drainage. Their issue is the distance from the road to the front of the building. They don't have enough space there to drop the grade. Brendan Jordan asked Steve King how far his house is set back from the street. Steve King replied his house is about 35 feet from the street. Brendan Jordan stated that the grade from the road to the building is steep. Steve King replied the water flows from the swale to the side yard setback and to the lake. Brendan Jordan said this would be a 10% driveway grade. Steve King said his driveway grade is more than 10%. This is within the FHA requirements of a 14% maximum driveway grade. A 10% driveway grade being steep is an opinion but not the maximum. Brendan Jordan stated the distance from the street to the building is the confining issue. Meghan Jordan said the trenches were designed by their engineer to collect the water from the street. They need to make the trench drain deep enough. Brendan Jordan stated the cars would bottom out if the driveway is this steep. Steve King said his biggest point is the building is 35 or 37 feet to get 3 stories. This is totally incompatible with the neighborhood. There are no other 3 story buildings in the neighborhood. Height restrictions are put in place to limit the number of stories.

Chairman Jim Babcock gave a brief background about building height in Horseshoe Bay. When the City incorporated there were 13 developments included in the incorporation. When the City developed their Zoning Ordinance they adopted the CCR's of each of the 13 subdivisions. Horseshoe Bay CCR's go back almost 50 years. There is a reason height limits have been uniformly enforced. It reflects the nature of the community to have the buildings limited in height. Something that has consistently been part of the philosophy of Horseshoe Bay is to limit height with the exception of a few waterfront areas.

Keith O'Gorman who lives at 101 Crossbow spoke in opposition saying he came to Horseshoe Bay in the 1970's. The reason Horseshoe Bay looks like it does is because of these restrictions. It is the best looking City in Texas because of the restrictions. He encouraged the Board to maintain the character of the community. At his house the driveway goes under the house and the water is collected in drains to go to the back of the house.

John Minyard said it will set a precedent. Chairman Babcock agreed.

Horace Robb who lives across the street at 606 Rio spoke in opposition. He is concerned about flooding the neighbors and could the City get involved to help?

Eric Winter said the City has a requirement on every building permit that the developer signs stating they are the ones responsible and that they know what the drainage is and how to take care it. The City puts the responsibility on the developer and the builder. The City has a Development Review Committee looking into what is needed in order to do more with drainage.

Horace Robb asked about the price of the proposed units. Brendan Jordan responded the price will be in the \$600k to \$700k range. Horace Robb said he would like to see the lot developed responsibly. Brendan added that he and Meghan Jordan intend to keep two of the units for their families. They fell in love with the area when they came here a few years ago.

Scott Sharp asked how they will fit in 6 boat docks. When he takes his boat out they hit the granite rock if they don't have someone manually turn the boat. The applicants want to have 6 boat docks in the cove with 2 feet of water. It doesn't make sense to have a massive 3 story project with 6 boat slips on this tiny piece of land. He feels it will ruin everything. He stated the LCRA requires a 75 foot setback for a marina with 6 boat docks. Brandan Jordan said they are familiar with the LCRA requirements and they have been working closely with the LCRA.

Cindy Tee spoke in opposition saying she lives on Hi Circle North next door to this lot and will have the boat dock 20 feet from her living room window if this project is built. She has structural concerns about blasting. Meghan Jordan said they have been working with the LCRA. The blasting, demolition and dredging will all be permitted.

Steve King said from the end of their dock to the Jordan's property is about 40 feet. Residential boat docks are required to be at least 40 feet across the water from each other. When he backs his boat out he has the same issue as Scott Sharp with the granite in the cove. With any less than 40 foot separation he could not back his boat out. He asked about the size of the units. Brendan Jordan responded that the units are about 2500 sq. ft. not including the garage. Brendan Jordan said that as far as precedent, there is only one other lot on the water with this zoning so this will not set a precedent. They were working with the ACC from the beginning.

A motion to deny the variance request was made by Bill Knox and seconded by Frank Gracely. The motion passed unanimously (5-0).

Chairman Babcock explained the applicant can revise their plans or appeal the decision in district court. Meghan Jordan stated that they are going to become residents and want to be good neighbors. They are happy to meet with anyone.

6. Approval of 2020 Meeting Schedule

The proposed Meeting Schedule was reviewed. The Board decided to adopt the Meeting Schedule including meetings on April 27th, June 22nd, August 27th and December 15th. The meeting schedule was agreed upon without a vote by the Board.

7. Adjournment

A motion to adjourn was made by Frank Gracely and seconded by Bill Knox. The motion was approved unanimously (5-0). Chairman Jim Babcock adjourned the meeting at 3:45 p.m.

Approved this 25th day of February, 2020.

City of Horseshoe Bay, Texas

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director



CITY OF HORSESHOE BAY

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. 2020-01, a request by John and Jennifer Insalata for a Variance to Sections 14.02.402(b)(15)(T) and 14.02.413(13) of the Zoning Ordinance for approval of a 7' 8" x 11' 0" above ground therapeutic spa in the front yard on lot No. 1A of Trails End, Section One-B and Section Two-B, also known as 149 Christine Circle in the Trails of Horseshoe Bay.

The applicant is requesting a Variance to install a 7' 8" x 11' 0" x 5' 1" above ground therapeutic spa in the front yard of their single-family residence located at 149 Christine Circle in Trails End. The spa will be enclosed inside a 7' tall stone wall. The Zoning Ordinance considers spas the same as pools. Section 14.02.402(b)(15)(T) states in part: "Permanent on-site constructed above ground pools...are permitted, except as otherwise restricted in ... and Zone 11 The Trails." Section 14.02.413(13) in Zone 11 The Trails states "...all swimming pools in excess of six feet (6') in diameter must be of a permanent nature built into the ground. No swimming pools shall be constructed in front yards." The proposed spa exceeds 6 feet in diameter and is proposed as an above ground spa.

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: "Yes, our house is surrounded by 3 streets with public right-of-way. Also, our house sits on our rear yard setback line." Staff has reviewed the plat and site plan and has determined this to be the case.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states that: "Yes, the owner is disabled and this therapeutic spa is necessary for the health of the disabled party. The doctor has submitted a letter. The American with Disabilities Act, The Fair Housing Act and the Texas Administrative Code all protect people with disabilities, especially when an exception to a rule will extend a person's life." Staff has included the letter from the doctor with this application.

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. The therapeutic spa is small and will be contained in the property. It will be enclosed by a 7-foot wall with landscaping added.” Staff has no additional comments.
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: “Granting this Variance will not affect or prevent the use of other land. This property is platted as a single-family residence. The therapeutic spa will be on the opposite side of the house from the Trails Parkway.” Staff has visited the site. Currently 2 lots across the street from the proposed spa are undeveloped. When these lots develop the wall will be facing the future homes’ front yards.
5. That the granting of the variance constitutes a minimal departure from this article. The applicant states that: “This placement is allowed in the footprint. The Variance is only necessary because it is over 6 feet.” Staff agrees that the spa is proposed within the building envelope, but is above ground, which is not permitted in Zone 11 The Trails.
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: “Our property is unique in that we have streets on 3 sides. This therapeutic spa is for health limitations of the disabled owner. There will be no gain or loss. This is strictly for health purposes. This is a piece of therapeutic equipment. Being above ground, it can be taken with us when we move but can only be moved with a crane and therefore is not movable.” Staff has no additional comments.

The Trails of Lake LBJ Architectural Control Committee initially approved this Variance request but has recently rescinded its prior approval (see attached e-mail from the Trails of HSB TDRC (Trails Design Review Committee)).

Board of Adjustment Options:

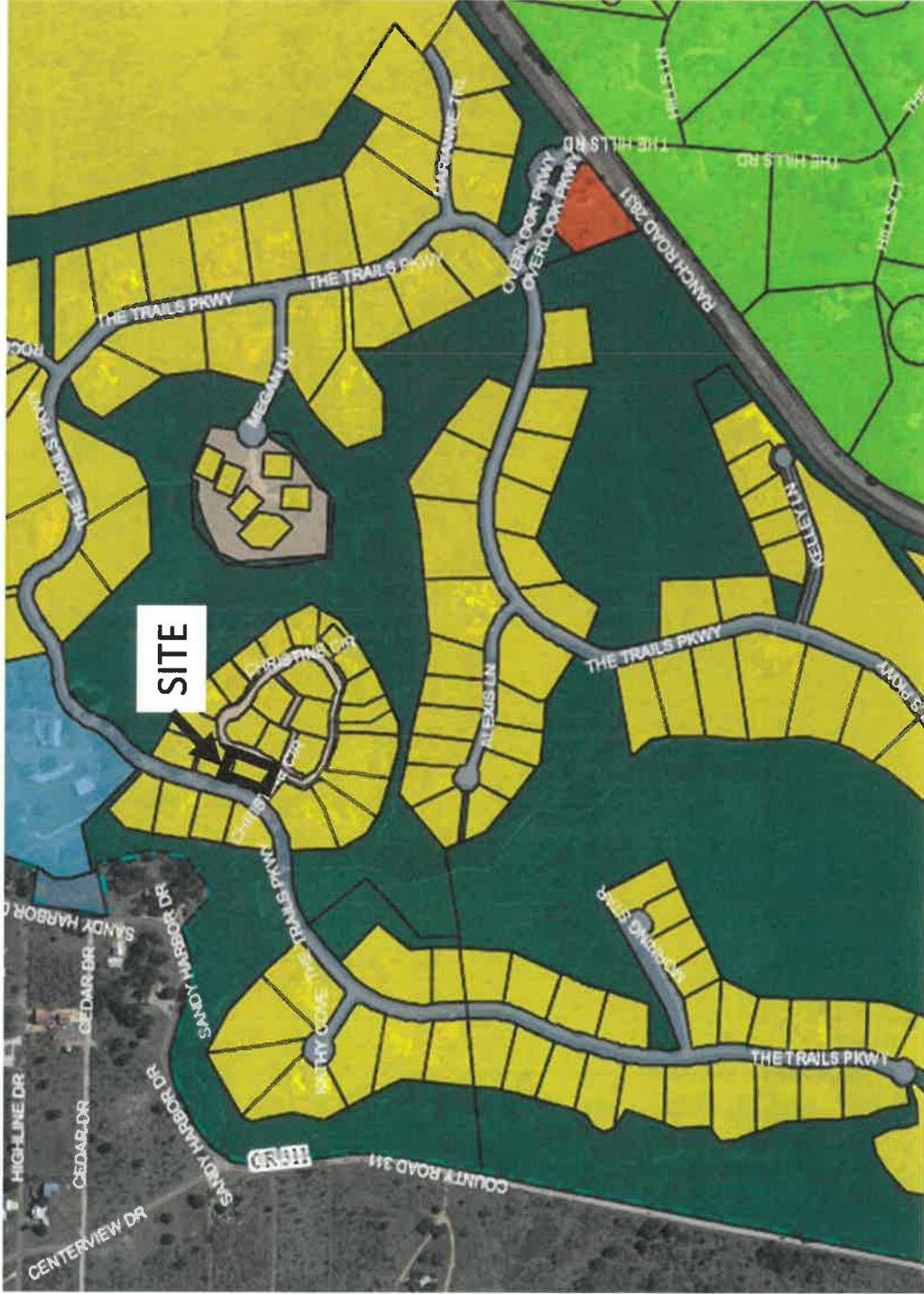
Approval of Variance;
Approval of Variance with Conditions; or
Denial of Variance

Enclosures: Aerial Photo
Zoning Map
Site Plan
Letter from the Applicant’s Doctor
Letter from The Trails of HSB TDRC
Letters Received in Opposition to Request
Variance Approval Form

BOA Variance Request 2020-01
149 Christine Circle
Aerial Photo



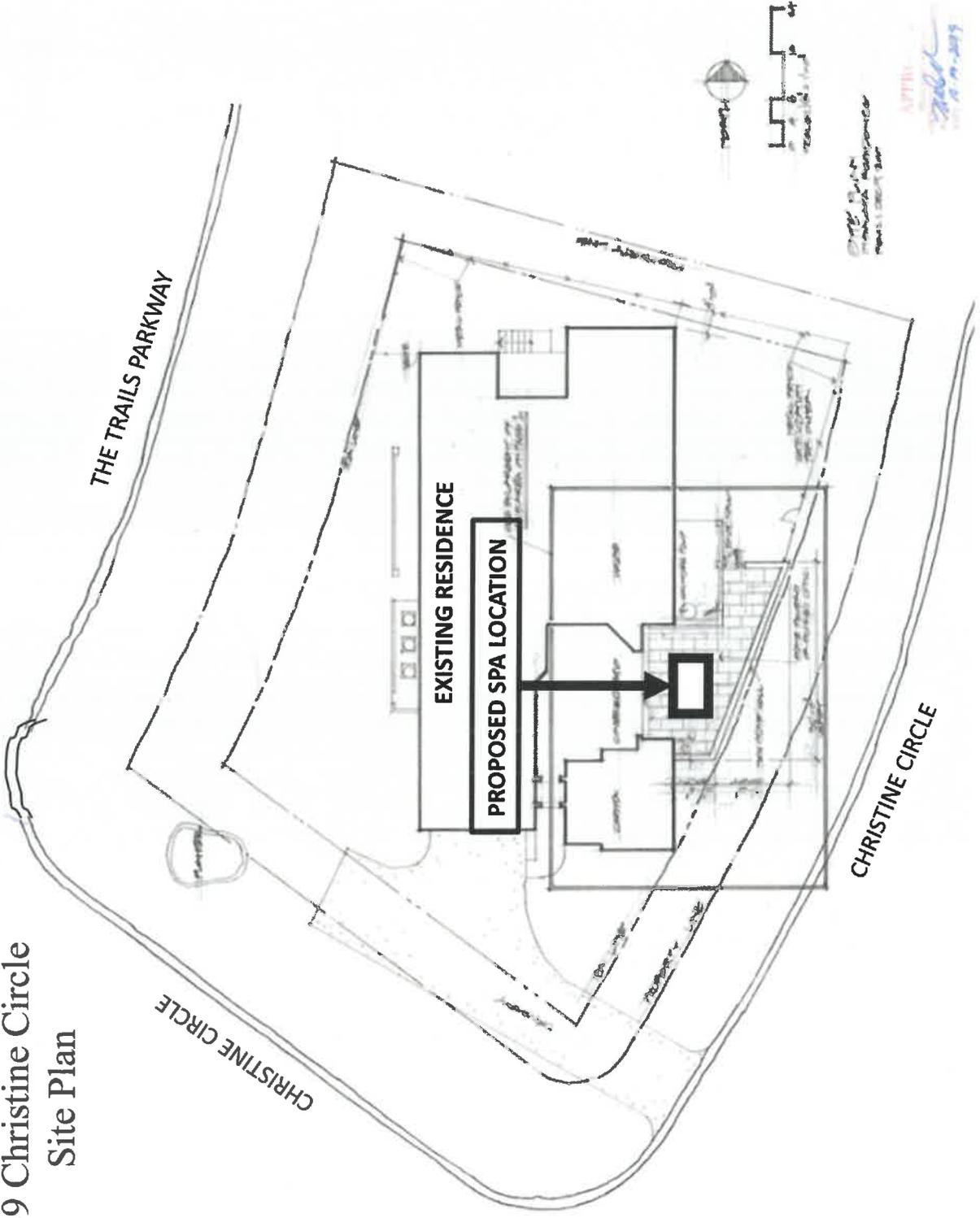
BOA Variance Request 2020-01
 149 Christine Circle
 Zoning Map



ZONING

-  SITE
-  A1 RECREATION
-  C2 COMMERCIAL
-  CH REPLAT
-  GH GARDEN HOME
-  GUI INSTITUTIONAL, GOVT
-  M1 MOBILE HOME
-  R1 SINGLE FAMILY RESIDENCE
-  R2 DUPLEX
-  R4 MULTI-FAMILY TOWNHOME
-  R6 MULTI-FAMILY TOWNHOME

BOA Variance Request 2020-01
149 Christine Circle
Site Plan





THE AUSTIN DIAGNOSTIC CLINIC Steiner Ranch
5145 FM 620 North BLDG I
Austin, TX 78732

09/20/2019

To Whom It May Concern,

Jennifer Insalata was seen in Dr. Gerdelman's office today. Jennifer Insalata, due to chronic medical illness, is only able to do low impact exercise. She would benefit medically from doing low impact exercise so she may derive medical benefit from having a spa pool.

Thank you,

Brenna Gerdelman, MD

GERDELMAN,BRENNA K

To: Horseshoe Bay Board of Adjustment

Eric Winter- Development Services Director

From: Michael R. Walsh- Developer Trails of HSB, Chairman Trails of HSB TDRC

Date: February 10, 2020

Re: Insalata Variance Information

The purpose of this letter is to advise The City of Horseshoe Bay, and the Board of Adjustment that upon further review of the application for a variance by John and Jennifer Insalata, 149 Christine Circle, Horseshoe Bay, Tx 78657, the TDRC for the Trails community is withdrawing its approval of the plan submitted by the Insalatas.

Specifically, we are opposed to the variance being requested by the Insalatas that would allow them to place an above ground pool in the front yard of their residence. The Trails residents have voiced their concern that the proposed improvements are in violation of the Trails Protective Covenants and object to the granting of a variance.

Yours truly,

Michael Walsh

Developer of the Trails

Chairman Trails of HSB TDRC



1806 FM 2831
469-323-1230
thetrailspoainc@gmail.com

February 15, 2020

To: The City of Horseshoe Bay
Board of Adjustment

From: The Trails POA, Inc. Board of Directors

RE: Insalata Variance(s)
149 Christine Circle
Horseshoe Bay, TX 78657

Members of the Board of Adjustment,

This letter is being sent, advising you that The Trails Property Owners Association Board has voted unanimously in opposition to the granting of variances in reference to the installation of the Insalata's above ground swimming pool / spa.

Our Protective Covenants and Architectural Guidelines strictly prohibit any above ground or moveable swimming pools as well as any pool in a front yard. The Trails POA, Inc. Board was formed to protect and enforce these covenants.

Very Truly Yours,

The Trails POA, Inc. Board

M Dewan W Olson S Drago D Nelson
L Boutte R Carmichael R Cooper T Koby J McLean D Perlberg

January 26,2020

Horseshoe Bay Board of Adjustment
#1 Community Drive
Horseshoe Bay, Texas 78657

RE: Variance Request by John and Jenny Insalata
Lot 1A of Trails End Section One-B and
Section Two-B, Horseshoe Bay, Llano County, TX

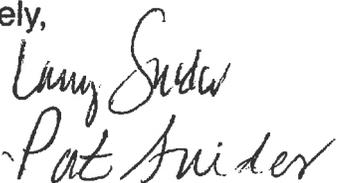
Dear Board Members,

We are residents of the Trails and have been since 2005. We selected this area because of the unique Hill County charm and the strict covenants to protect the Trails building codes and the value of homes.

We are against the Variance Application of the Insalata's property. Their request is in violation of the covenants and rules. Allowing the Insulatas to proceed violates the integrity of the Trails development and sets a precedence for violation by future homeowners.

Thank you for your consideration of our request.

Sincerely,

Handwritten signatures of Larry Snider and Pat Snider in cursive script.

Larry & Pat Snider
707 The Trails Parkway
Horseshoe Bay, Texas 78657
(303)807-4530

January 29, 2020

I am sending this notice to the Board of Variance to express our opposition to the proposed above ground pool for the Insalata property, 149 Christine Circle, in The Trails.

Thank you for your consideration.

Tom and Teresa Koby
813 The Trails Parkway
Horeshoe Bay, Texas
78657

TO: Board of Adjustment, City of Horseshoe Bay

RE: Insalata variance request

About the Trails:

The covenants guiding the development of the Trails of Lake LBJ are founded upon a dedication to living in harmony with nature, a community that stands apart in its advanced planning and environmental sensitivity, and architectural covenants in place to maintain the Trails integrity and respect for the countryside. These covenants are ubiquitous in the Trails taglines and supersede the Trails of Lake LBJ Architectural and Landscaping Guidelines. The covenants and guidelines are complementary, however, with the guidelines serving to frame house designs as well as homeowner modifications or additions. This narrative addresses the singular variance requested by a Trails homeowner, specifically, the placement of an above ground swimming spa over 6 feet in diameter. This would be a homeowner addition with the guidelines providing the roadmap to address this variance.

Section 4.13 of the Guidelines states: “movable, above ground pools in excess of 6’ are prohibited.....all must be of a permanent nature within the ground”. In addition, all pools are part of the inclusive building area (IBA) and the IBA must have a transitional area (Section 1.3). This is defined as the area immediately inside the IBA, and most in view from the street and adjacent areas, with the purpose of a gradual transition from indigenous plants of natural areas and site improvements without establishing a strong contrast in vegetative elements. Furthermore, Section 3.10 prohibits fences outside the IBA. Given the size and position of the proposed above ground pool, this itself in violation of the guidelines, neither the transition area or wall requirements are met as well.

All residents of the Trails should enjoy a quality of life as anticipated by the guidelines as well as the overriding covenants. Violation of these covenants does not serve as an answer any more than a variance. Even if a swimming spa serves medicinal purposes, additional budgeting by the homeowner in tandem with ongoing consultation with the Trails Development Review Committee (TDRC) should provide answers that satisfy all members of this community and preclude hardship of any involved parties. Thank you for your time and attention in reviewing this response to the proposed variance

Respectfully submitted,


Darlene Cooper

Trails resident

February 12, 2020

110 Kathy Cove
The Trails of Horseshoe Bay
Horseshoe Bay, TX 78657

TO: Board of Adjustments
City Hall
1 Community Drive
Horseshoe Bay, TX 78657

I am writing to express our concern about the proposed variance for an above-ground swimming pool in The Trails of Horseshoe Bay. We feel it is most important that the rules and regulations of our neighborhood and city continue to be enforced. Those rules and regulations maintain the integrity of our property and this neighborhood.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Loftis". The signature is written in black ink and is positioned above the printed name.

Nancy Loftis

February 5, 2020

Horseshoe Bay Board of Adjustment

#1 Community Drive

Horseshoe Bay, Texas, 78657

Re: Variance Request by John and Jenny Insalata

Lot 1A of Trails End Section One B and Section Two B

Also known as being in the 100 block of Christine Circle

In The Trails of Horseshoe Bay in Horseshoe Bay, Llano County, Texas

Dear Board Members,

We found out about Horseshoe Bay in 2010. It took us till 2011 to find the right house for us located at 706 The Trails Pkwy. After looking at many of the surrounding communities we decided on The Trails of Horseshoe Bay for its uniqueness. Most specifically the care which was obviously taken to not obscure, deface, or assault the sites natural characteristics but rather improve, enhance, and be compatible to nature. Each home regardless of style fit well with its surroundings without standing out as an eye-sore or looking exactly the same.

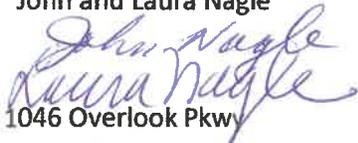
We were assured there was a very strong "Architectural and Landscaping Guideline" that were strictly enforced and adhere to by all residents

This is the very reason why we have to object to the Insalata's request for a variance to construct and build an above ground therapeutic spa behind a seven foot stone wall.

This will create an eyesore and an assault on the site and surrounding homes. While it is hard to quantify we feel this variance will also affect the sale ability of our home located at 706 The Trails Pkwy.

Thank you for your consideration of this matter.

John and Laura Nagle



1046 Overlook Pkwy

Horseshoe Bay, Tx., 78657

713-806-4453

Horseshoe Bay City Council
1 Community Drive
PO Box 7765
Horseshoe Bay, Tx
78657

RE: John and Jenny Insalata request for Variance
Lot 1A of Trails End
Section One-B and Section Two-B
Horseshoe Bay, Llano County, Texas

We are writing to object to the Variance requested above. Despite living within 200 yards of the property in question, we did not receive formal notice.

The City of Horseshoe Bay together with The Trails subdivision have clear rules and requirements for zoning and construction. These rules and requirements should be strictly followed in order to insure uniformity, quality of construction and preservation of property values. These are rules we rely upon when purchasing and improving our property. It is unfortunate that neighbors are pitted against neighbors in these proceedings. However, we have viewed the property and considered the specific request and believe this variance should be denied.

Sincerely,



Teresa Miller

Doug and Teresa Miller
117 Christine Circle
Horseshoe Bay, Texas
78657
Lot 12A of Trails End

810 The Trails Parkway
Horseshoe Bay, TX 78657

February 17, 2020

Board of Adjustment
City Hall
1 Community Drive
Horseshoe Bay, TX 78657

Dear Board of Adjustment:

As residents of The Trails of Lake LBJ, we appreciate the opportunity to protest the zoning variance requested for a spa in the neighborhood at 149 Christine Circle. We are strongly opposed to allowing this spa as it is in clear violation of the architectural guidelines.

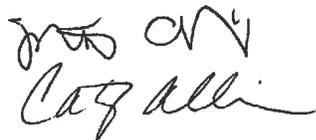
In the architectural guidelines, which all property owners signed as evidence of compliance upon buying lots, it clearly explains the criterion for building a pool on individual properties. It states that movable, above-ground pools in excess of 6' in diameter are strictly prohibited and all pools in excess of 6' in diameter must be of a permanent nature built into the ground. It also states that no swimming pool shall be constructed in a front yard. The spa that is under consideration is in clear violation of **all** these criteria.

We bought our lot and built our dream home at The Trails of Lake LBJ because the covenants and architectural guidelines fit with our philosophy of how we wanted to live. We also felt protected by these restrictions to ensure this way of life. If this blatant disregard of the covenants is allowed for this spa, it sets a precedence for others wanting to change this way of life.

It is our understanding that the Board of Adjustment is responsible for granting variances that might not be to the letter of the agreement but that the general purpose of the ordinance is to be upheld. As you consider this special exception to the terms of the zoning ordinance, we ask you to consider that granting this variance does not uphold the general purpose of the ordinance.

Thank you for your time in considering this very important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt and Cathy Allison". The signature is written in a cursive, flowing style.

Matt and Cathy Allison

2-25-20

S. Lee Keller
421 The Trails Parkway
Horseshoe Bay, Texas 78657

Horseshoe Bay Board of Adjustment
#1 Community Drive
Horseshoe Bay, Texas 78657

Dear Sirs:

I oppose the variance requested by the Insalata's regarding an above ground pool installation in The Trails Community in Horseshoe Bay, Texas, to be reviewed by the Board of Adjustment on 2-25-20. It is a violation of the covenants and not in keeping with the community standard.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'S. Lee Keller', written in a cursive style.

Lee Keller
421 The Trails Parkway
Horseshoe Bay, Texas 78657



City of Horseshoe Bay Board of Adjustment
Zoning Variance 2020-01

On the 25th of February, 2020, the foregoing application of John and Jennifer Insalata for a Variance with regard to the property described in said application, known as Lot No. 1A of Trails End, Section One-B and Section Two-B, also known as being located at 149 Christine Circle, and the requested Variance, 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 Variance to Zoning Ordinance Sections 14.02.402(b)(15)(T) and 14.402.0413(13) to allow an above ground spa larger than 6' in diameter 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 variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. Granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
4. 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 the Zoning Ordinance;
5. Granting of the variance 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 25th day of February, 2020 by a vote of the Board of Adjustment of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director