

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC MEETING

August 27, 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 Thursday, August 27, 2020 in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas.

This meeting will be closed to in-person attendance by the public. A temporary suspension of certain aspects of the Open Meetings Act to allow cities to hold public meetings via telephone has been granted by Governor Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and are in accordance with Section 418.016 of the Texas Government Code. Members of the public may participate via zoom. To join our Zoom Meeting go to <https://us02web.zoom.us/j/82593242301?pwd=VDFQYXpSd1JxckVvdHg3QUFCSmhJQT09>

Meeting ID: 825 9324 2301

+1 346 248 7799 US (Houston)

Passcode: 055055

One tap mobile

+13462487799,,82593242301#,,,,,0#,,055055# US (Houston)

The meeting will be recorded and uploaded to the City's website following the conclusion of the meeting. The agenda, meeting packet, and meeting recording will be available on the Agendas & Minutes page of the City's website: www.horseshoe-bay-tx.gov/agendacenter

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 June 22, 2020 Regular Meeting
4. Public Hearing, Discuss, Consider and Take Action on BOA Case No. 2020-03, a request for an Appeal to reverse a decision by the Zoning Administrator regarding his interpretation of the definition of an Accessory Structure in Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.002 "Definitions" requiring that it be located on the same lot as the use of the main building
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.

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

June 22, 2020

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 June 22, 2020, 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 all Board members present as follows:

Present:

Chairman Jim Babcock
Board Member Dale Amstutz
Board Member Frank Gracely
Board Member John Minyard
Board Member Bill Carrothers

2. Pledge to the Flags

The Pledge to the Flags was led by Frank Gracely.

3. Election of a Vice Chairman

Chairman Babcock made a motion to nominate Dale Amstutz as Vice Chairman. The motion was seconded by Frank Gracely. The motion was approved unanimously (5-0).

4. Approval of Meeting Minutes of the February 25, 2020 Regular Meeting

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

5. Public Hearing, discuss, consider and take action on BOA Case No. 2020-02, a request by Michael and Katherine McLean for approval of a 3 foot 1 inch Variance for one corner of the proposed dwelling to encroach into the side yard setback of Lot No. A-8047 of Horseshoe Bay Applehead Plat No. 8.1, also known as being in the 300 block of Florentine, Horseshoe Bay, Texas

Prior to Chairman Babcock opening the Public Hearing Mayor Clinesmith thanked the Board Members for their service to the community.

Chairman Babcock opened the Public Hearing at 3:05 PM. Mayor Clinesmith, Don Sherman and one member from the community were in attendance. Chairman Babcock

asked the Board members if they had looked at the property. All Board members indicated they had seen the property. Don Sherman, representing the applicant, said the owners of the lot are requesting a Variance for one corner of their proposed house to encroach 3 feet 1 inch into the side yard setback. The encroachment is on the side next to the 15-foot access easement. Vice Chairman Amstutz asked if the encroachment into the setback is from the access easement or from the house next door. Don Sherman said the setback is from the 15-foot access easement. The proposed house will be 30 feet away from the existing house on the other side of the access easement. Frank Gracely asked if all the Public Notices had been properly posted. Don Sherman stated that they had. Chairman Babcock mentioned that the sign had been posted on the lot. John Minyard asked Don Sherman if he had received any objections to the request. Don Sherman said that he had not received any objections.

A motion to approve the Variance was made by Vice Chairman Amstutz and seconded by John Minyard. The motion was approved unanimously (5-0)

6. Adjournment

A motion to adjourn was made by Vice Chairman Amstutz and seconded by Frank Gracely. The motion was approved unanimously (5-0). Chairman Jim Babcock adjourned the meeting at 3:14p.m.

Approved this 27th day of August, 2020.

City of Horseshoe Bay, Texas

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director



CITY OF HORSESHOE BAY

AUGUST 27, 2020

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. 2020-03, a Request for an Appeal to reverse a decision by the Zoning Administrator regarding his interpretation of the definition of an Accessory Structure in Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Section 14.02.002 "Definitions" requiring that it be located on the same lot as the use of the main building

Donald and Brenda McClure are appealing my decision regarding their placement of a fence without a permit on their vacant lot at 508 Lighthouse Drive, and Code Enforcement's required removal of the fence. They subsequently requested to be allowed to put the fence back up, which I denied based on the definition of an accessory structure in Section 14.02.002 Definitions of the Zoning Ordinance, which reads, with important wording highlighted:

Accessory structure. A subordinate structure which requires permanent location on the ground or is attached to something having location on the ground, the use of which is clearly incidental to, or customarily found in connection with, and located on the same lot as, the use of the main building or principal use of the land. Accessory structures include decks, fences, bulkheads, private sidewalks, retaining walls and swimming pools. An accessory structure may be an accessory building.

The basis for the applicants' appeal is as follows:

For several reasons a temporary street side neighborhood conforming low fence as was approved by HSB Architectural Control Committee (see attached) is requested to:

- 1) Protect the property from unauthorized use and access
- 2) Reduce third party violations requiring HSB enforcement time and expense, and
- 3) Also to protect property value from continued trespass, criminal mischief and theft.

The fence will copy the split rail design approved by HSB Architectural Control Committee and will be removed when construction at 508 Light House Drive is complete.

This is the first appeal of a decision I have made regarding the Zoning Ordinance regulations over more than 13 years and it requires a 4/5 concurring vote of the Board to reverse the decision. Unlike with a Variance, there are no findings that the Board is required to make in order to approve a Variance. The information in the definition above is the basis for my decision.

Enclosures: Architectural Control Committee Approval Form
Aerial Photograph (City aerial version of Photograph submitted by Applicant)
Letter from concerned citizen

HORSESHOE BAY ARCHITECTURAL COMMITTEE

BUILDING PLANS APPROVAL INFORMATION

DATE: 3/13/2020 LOT NO. 31099

PHYSICAL ADDRESS: Lighthouse Drive

OWNERS'S NAME: Donnie McClure

CONTRACTOR'S NAME: Westway Custom Builders

*****TWO COMPLETE SETS OF PLANS ARE REQUIRED FOR APPROVAL*****

PROVIDE DESCRIPTION OF WORK PROPOSED:

Construct split rail Cedar fence along bldg. line.
Temporary measure to keep vehicles off newly sodded
lot. Fence to be 4' in height. Located 15 feet
from curb.

PHONE NO. - WHERE TO BE CONTACTED WITH QUESTIONS AND/OR APPROVAL:

PERSON TO CONTACT:	APPROVED
<u>Tom Chassey</u>	HORSESHOE BAY ARCHITECTURAL COMMITTEE
PH # <u>830 613 7479</u>	BY <u>[Signature]</u> <u>3/17/20</u>
DATE CONTACTED: <u>3/18/20</u>	



508 Lighthouse Dr. Aerial Photo



UNDERWATER

UNDERWATER



Legend

- 508 Lighthouse Dr.
- Street
- Parcel

The information contained within this resource is not survey grade and is not intended for legal use.

Sandra Nash

From: Jeff & Diana Fenton <jdfenton@sbcglobal.net>
Sent: Monday, August 17, 2020 5:11 PM
To: snash@horseshoe-bay-tx.gov; ewinter@horseshoe-bay-tx.gov
Subject: Upcoming Lighthouse Drive hearing

To whom it may concern,

We just want to email you about how Jeff and I feel about the upcoming hearing on the fence on Lighthouse Drive. We appreciate you sticking to your guns and following precedent. Those of us who followed the rules and paid dearly to have our lots resurveyed and new plats filed with the city of Horseshoe Bay need to know that the rules are made to be followed by all and consistently applied.

Thanks and best regards,
Jeff and Diana Fenton
404 Tungsten

Sent from my iPad