

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC MEETING

November 19, 2019

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, November 19, 2019 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 Meeting Minutes of the May 28, 2019 Regular Meeting, the August 20, 2019 Regular Meeting and the September 24, 2019 Regular Meeting
4. Public Hearing, discuss, consider and take action on BOA case No 2019-04 a request by B&E Interests, L.P. and Al Jaksa for approval of a 2 foot 6 inch Variance in both the front yard setback and the rear yard setback for Lot Number 335 of Pecan Creek Plat No. 1.1, also known as being in the 100 block of Lampasas Court in Horseshoe Bay, Texas. The purpose of the request is to allow construction of a new residence of 2,561 square feet.
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.

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
MINUTES OF REGULAR MEETING

May 28, 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 May 28, 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
Vice-Chairman Lee Peterson
Board Member Dale Amstutz
Board Member Frank Gracely
Board Member Mike Thuss

2. Approval of the Minutes of the February 26, 2019 Regular Meeting:

Dale Amstutz made a motion to approve the minutes as written, seconded by Frank Gracely. The motion was approved unanimously. (5-0)

3. Discuss, consider, and take action on BOA Case No. 2019-02: Request for approval of a 5-foot Variance from the 25-foot front yard setback requirement of Section 14.02.406(b)(3)(A) for Lot No. W27001 of Horseshoe Bay West Plat No. W27.1, on the 800 Block of Mountain Leather /James Klein, Applicant

James Klein presented his request and stated that the POA approved of his request, that there is a cliff in the back of the property with a stream and that he needs space for the new house. Mike Thuss asked if he meant the POA or the ACC. James stated he asked for 10 feet. Frank Gracely made the motion to approve the 5 foot Variance, seconded by Mike Thuss. The motion passed unanimously 5-0.

4. Discuss, consider, and take action on BOA Case No. 2019-03: Request for approval of a 4.5-foot Variance from the 15-foot height requirement of Section 14.02.419(b)(1)(B) for Lot No. W29016 of Horseshoe Bay West Plat No. W29.1, also known as 207 Wennmohs Pl. /Gary Whillock, Applicant

Gary Whillock presented his request and stated that there was structural damage to the existing deck that needs repair and a new roof, and that the change will match the house. Mike Thuss

asked if the height of the dock was changing. Gary Whillock said the beams will stay the same and the height is from the change in the pitch of the roof. Mike Thus made the motion to approve the 4.5 foot Variance, seconded by Dale Amstutz. The motion passed unanimously 5-0.

5. Adjournment

Dale Amstutz made a motion to adjourn the meeting, seconded by Frank Gracely. Chairman Jim Babcock adjourned the meeting at 3:22 p.m.

APPROVED this 19th day of November, 2019.

CITY OF HORSESHOE BAY, TEXAS

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
MINUTES OF REGULAR MEETING

August 20, 2019

A quorum of members of the Board of Adjustment of the City of Horseshoe Bay was not available, so the August 20, 2019 meeting was cancelled.

APPROVED this 19th day of November, 2019.

CITY OF HORSESHOE BAY, TEXAS

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
MINUTES OF REGULAR MEETING

September 24, 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 September 24, 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
Vice-Chairman Lee Peterson
Board Member Frank Gracely
Board Member Bill Knox
Alternate Board Member John Minyard

Absent

Dale Amstutz

2. Pledges to the Flags

Frank Gracely lead the Pledges to the Flags.

3. Public Hearing, Discuss, consider and take action BOA Case No. 2019-01, a request by Phoenix Center for approval of a Variance to reduce the size of parking spaces from 10' x 20 to 9' x 18.5', and a Variance to allow the use of hardi-plank on the exterior of some of their proposed buildings. The property is legally described as 77 acres out of Abstract 248 of the John Darlin Survey, also known as 3340 Highway 71 West. NOTE: THIS ITEM IS CONTINUED FROM THE AUGUST 20, 2019 BOA MEETING DUE TO LACK OF A QUORUM

Paul Brady representing Phoenix Center summarized their request for the two Variances. Lee Peterson asked about the areas of the buildings where hardi-plank was proposed, and Paul said only on some of the lower areas in the back of the buildings. Lee Peterson made the motion to approve both Variances as requested, seconded by Frank Gracely. The motion passed unanimously (5-0)

4. Adjournment

Frank Gracely made a motion to adjourn the meeting, seconded by Chairman Jim Babcock.
Chairman Jim Babcock adjourned the meeting at 3:10 p.m.

APPROVED this 19th day of November, 2019.

CITY OF HORSESHOE BAY, TEXAS

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director



CITY OF HORSESHOE BAY

NOVEMBER 19, 2019

To: Board of Adjustment
Thru: Stan R. Farmer, City Manager
From: Eric Winter, Development Services Manager
Re: Public Hearing, discuss, consider and take action on BOA Case No. 2019-04, a request by B&E Interests, L.P. and Al Jakska for approval of a 2 foot 6 inch Variance in both the front yard setback and rear yard setback for Lot Number 335 of Pecan Creek Plat No. 1.1, also known as being in the 100 block of Lampasas Court in Horseshoe Bay, Texas. The purpose of the request is to allow construction of a new residence of 2,561 square feet.

The applicant is requesting a variance to encroach 2 feet 6 inches into the front yard setback and to encroach 2 feet 6 inches into the rear yard setback. This is to allow the construction of a new residence of 2,561 square feet.

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: "When Pecan Creek Subdivision was platted, the sizes of the lots in the back of the subdivision were created for homes smaller in size than the current market desires. The sizes of the houses in this subdivision have continually risen over time, making it more difficult to stay within the building setback while also keeping with the integrity of this subdivision. A precedence has been set in Pecan Creek that many homes have requested and have been granted similar variances. The requested variance will allow the house size to be within the current market's demand, and help the house blend in with the rest of the subdivision." Staff has no issue with this.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states that: "Several prospective buyers who have seen these exact house plan have indicated they would like slightly more square footage to open up several undersized areas." Staff has no issue with this.

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: “Lot 335 is in the back of the Pecan Creek subdivision. Granting of the requested variance has no foreseeable effect on the safety or welfare of the general public or Pecan Creek’s present or future residents. Lot 335 sits within a cul-de-sac with minimal vehicular and foot traffic.” Staff’s review found this to be the case.

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: “B & E owns lots 336 and 337 and intends to build 2 more homes to neighbor lot 335. It is our intention to design each home without affecting one another. The plans for lots 336 and 337 are plans that have been built in the subdivision many times. This variance request shall not have any negative effects on any other lot owner.” Staff has no issue with this.

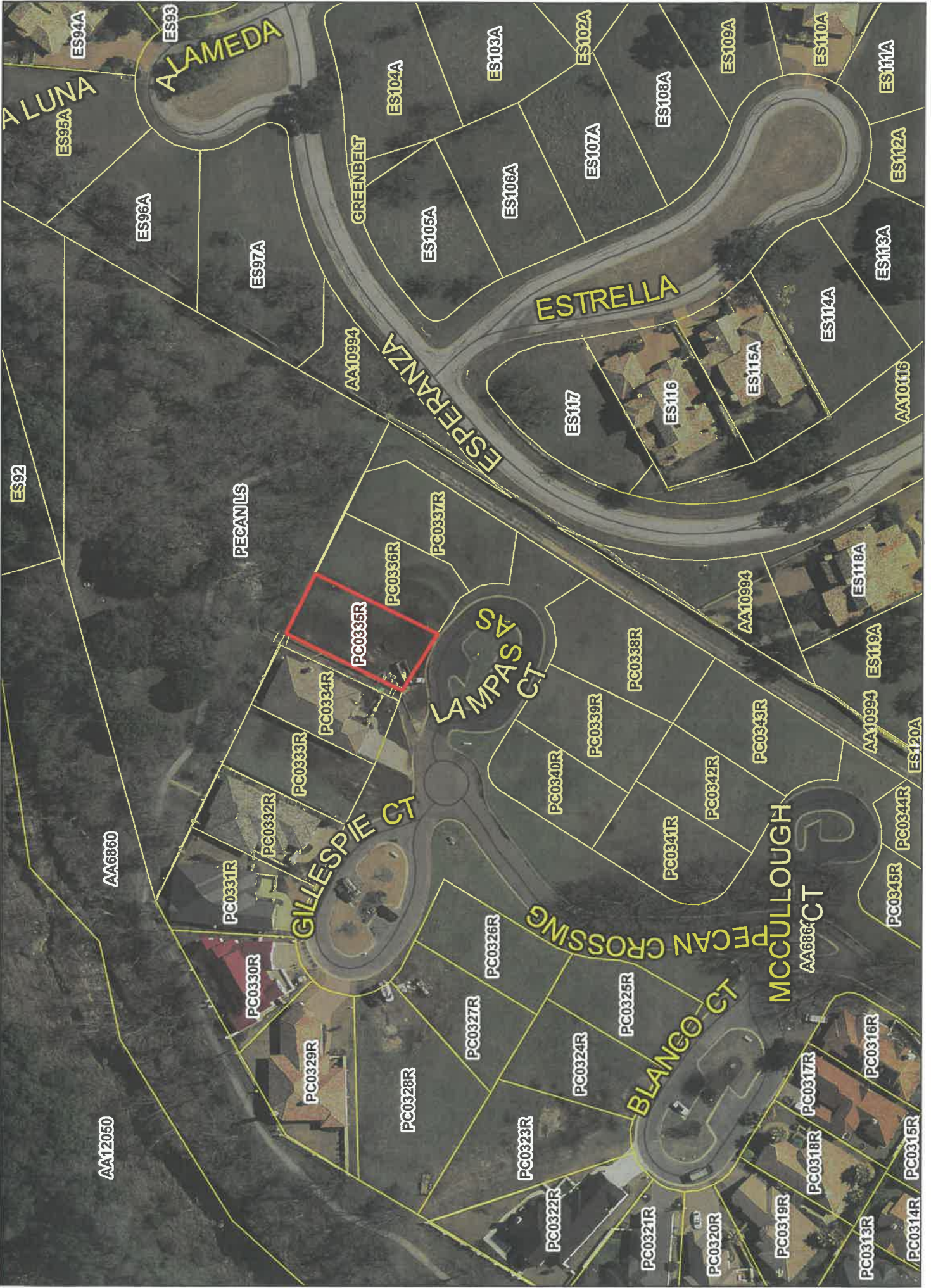
5. That the granting of the variance constitutes a minimal departure from this article. The applicant states that: “The requested variance size is minimal. Only a small section of the front of the lot will require a variance for the future residence. The rear of the lot backs up to a greenspace/common area that is owned by Pecan Creek P.O.A. and the City of Horseshoe Bay.” Staff’s review found this to be the case.

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: “This section of Pecan Creek appeals to long term Horseshoe Bay residents who wish to downsize. Our plans are designed to meet the needs of the particular buyer.” Staff has no issue with this.

The Pecan Creek Architectural Control Committee has approved the variance request. Based on the above information, staff recommends approval of the variance request.

**Enclosures: Aerial Photo
Zoning Map
Site Plan
Variance Approval Form**

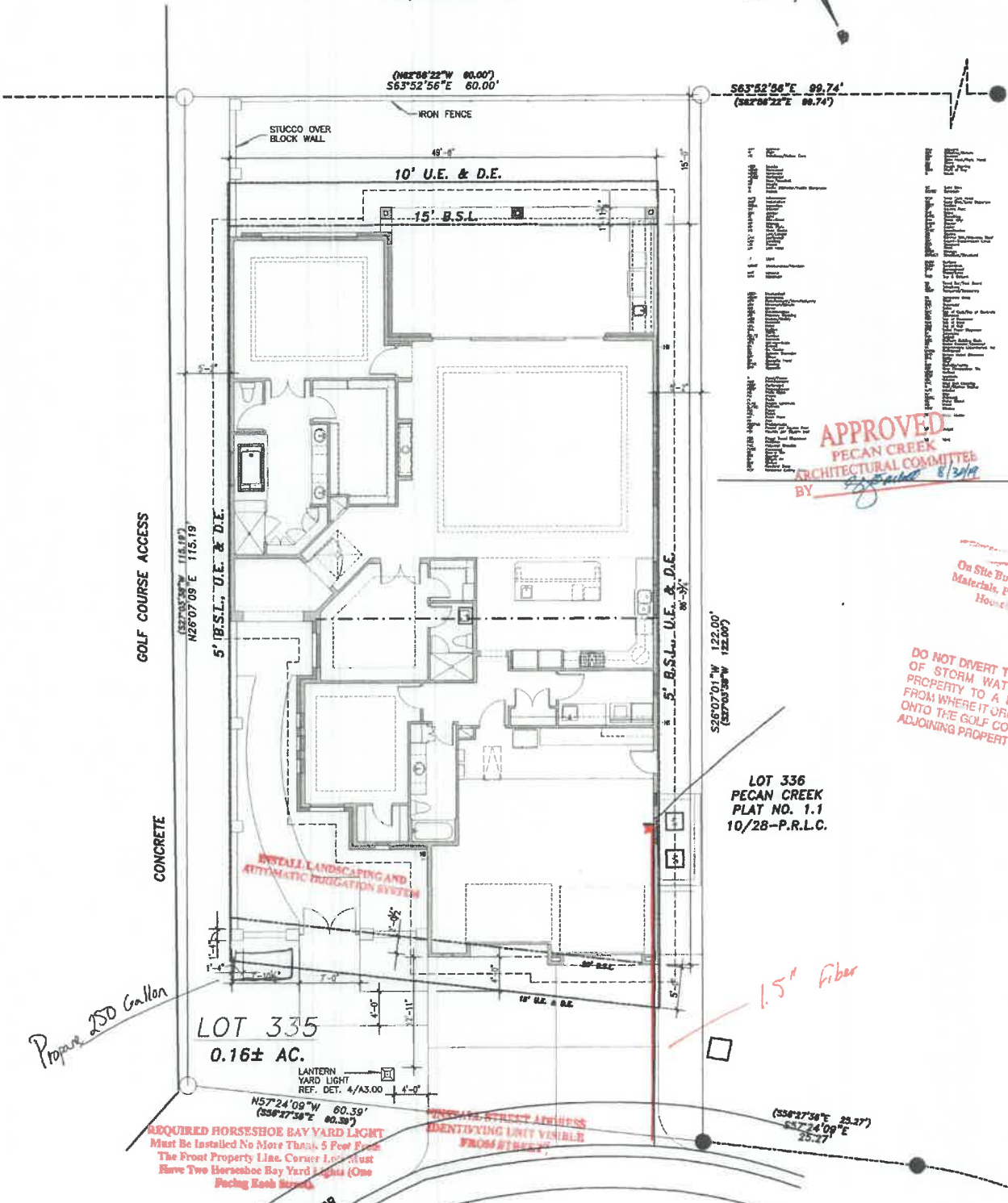
Lot 335 Pecan Creek Aerial Photo
100 Block Lampasas Court



Lot 335 Pecan Creek Zoning Map
100 Block Lampasas Court



CITY OF HORSESHOE BAY
1350/489-O.P.R.L.C.



APPROVED
PECAN CREEK
ARCHITECTURAL COMMITTEE
BY: *[Signature]* 8/21/19

AL JAKSA 8PEC HOME
PECAN CREEK MODEL HOME

Project No.
19006A
Sheet No.
A0.01
Sheet Title

NOTICE
On Site Burning Of Any Type Of Building
Materials, Paper Products, Commercial Or
Household Items Is Prohibited.

**DO NOT DIVERT THE PLACE OF EXIT
OF STORM WATER FROM YOUR
PROPERTY TO A DIFFERENT POINT
FROM WHERE IT ORIGINALLY FLOWED
ONTO THE GOLF COURSE OR OTHER
ADJOINING PROPERTY**

LAMPASAS COURT
IT IS THE RESPONSIBILITY OF THE OWNER
AND CONTRACTOR TO INSURE ADEQUATE DRAINAGE
INCLUDING THE INSTALLATION OF CULVERTS
AS NECESSARY

APPROVED
PECAN CREEK
ARCHITECTURAL COMMITTEE
BY: _____

1 SITE PLAN
1/8" = 1'-0"

UTILITY APPROVAL REQUIRED
SPECIFIC APPROVAL OF A UTILITY
PLAN BY THE CITY OF HORSESHOE BAY IS REQUIRED
BEFORE INITIAL FOUNDATION INSPECTION



City of Horseshoe Bay Board of Adjustment
Zoning Variance Case No. 2019-04

On the 19th day of November, 2019, the foregoing application of B&E Interests, L.P. and Al Jaksa for a Variance with regard to the property described in said application, known as Pecan Creek Lot No. 335 Pecan Creek Plat No. 1.1, also known as being in the 100 Block of Lampasas Court, and the requested Variance to encroach 2 feet 6 inches in the 20 foot front yard setback and 2 feet 6 inches in the 15 foot rear setback 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 2 feet, 6 inch Variance in the 20 foot front yard setback of Sec. 14.02.408(b)(3)(A) and 2 feet 6 inches in the 15 foot rear yard setback of Sec. 14.02.408(b)(3)(C) in the R-6.5 Single Family Residential Classification in Zone 6 of Pecan Creek 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 19th day of November, 2019 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