

MINUTES
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006

Wednesday, December 16, 2015 – 5:30 p.m.

Minutes from the Board of Adjustment and Appeals meeting, Wednesday, December 16, 2015, 5:30 pm

Regular Board Member Present: Bill Kessler - Chair, Scott Lowry - Vice Chair, Jim Terrian - Secretary, Tom Harris

City Staff Present: Michael Mann - Public Works Director, Andrea Rivera - Assistant to the Public Works Director, Chris Turk - Planning and Community Development Director and Antony Moy - Information Technology.

Visitors Present: Travis Roberson, Donnie Boerner, Jean Rhodes, and Robert Thornton was present, but did not sign the guest list.

1. CALL TO ORDER – 5:30 PM

THE MEETING WAS CALLED TO ORDER AT 5:31 P.M. BY BOARD CHAIR KESSLER.

2. APPROVE MINUTES OF OCTOBER 21, 2015

A MOTION WAS MADE BY CHAIRMAN KESSLER, SECONDED BY VICE CHAIR LOWRY, THAT THE MINUTES OF THE OCTOBER 21, 2015 MEETING BE APPROVED AS WRITTEN. THE MOTION CARRIED 4-0.
approved

3. DESIGNATE VOTING MEMBERS

Chairman Kessler designated 4 Regular Board members as voting members.

4. CONFLICT OF INTEREST DECLARATION

Chairman Kessler asked if there were any conflicts of interest to declare.

There were none.

5. PUBLIC HEARINGS:

Chairman Kessler opened the public hearing at 5:32 p.m.

The purpose of the public hearing was to receive comments on Variances 15-07 and 15-08, Werner Addition (132 Becker).

Travis Roberson presented the requests and explained that he is designing a home for the O'Quinn's and representing the O'Quinn's for the variance requests. Chairman Kessler asked Travis Roberson if he is opposed to having only four voting members at this hearing. Travis explained that it was acceptable and he feels confident about the meeting.

Mr. Roberson begins by displaying the 1909 plat, Werner Addition, and explains that the property was purchased by the O'Quinn's in August for lots 19, 21, 23, 24, 25, 26, 27 along with an abandoned roadway. He further explains that these are existing platted lots, five of which have no frontage. Mr. Roberson then displays a survey to the board which shows the remaining roadway and proposed lots. He explains to the board that there are five platted lots without access or utilities and believes that this is a pre-existing condition where the O'Quinns have acquired these lots and old roadway. Two separate variances requests propose a plan of taking seven lots and amending those lots to only three lots, two of which require variances to lot frontage.

Mr. Roberson explained that proposed Lot 19A will be about a 1.5 acre lot with 65 feet of frontage. He further explained that the size of this isolated acreage requires 150 feet of frontage. He went on to explain that the second proposed Lot 19C will be almost an acre lot, which with its square footage, requires 100 feet of frontage. He feels these variances are a reasonable solution with low impact.

Mr. Roberson stated that there are three power poles and existing curb cut that will not be impacted, they will remain with no impact on city infrastructure or utilities. He asked the board if they had any questions. Secretary Terrian asked about 19B and the plans for this lot. Mr. Roberson said it is possible that they will build on this lot. Secretary Terrian explained that there is no variance for this lot. Mr. Roberson explained the variance requests are for 19A and 19C. He said 19B does not require a variance because it has the required lot frontage as is. Board Member Harris asked about the 20.79 feet of frontage for proposed Lot 19C and if this frontage will be enough clearance for emergency vehicles. Mr. Roberson said yes, that he believes it will be sufficient access.

Secretary Terrian was questioning if a fire truck can make the turn where the road elbows. Board Member Harris asked Mike Mann about City Staff and their thoughts on this narrow drive. Mike Mann explained that the Fire Chief was at the City meeting and approved the driveway. Vice Chair Lowry asked if this roadway was a public street. Mike Mann said no, that only Becker street is and this driveway will be a private drive.

Jean Rhodes, neighboring property owner at 120 Becker addressed the Board. Ms. Rhodes stated that these variance requests are behind her house and that she was unable to hear Mr. Roberson's explanation. Mr. Roberson asked if he may approach the podium and explain these variances to Ms. Rhodes. He went on to explain the platted lots and that he was changing from 5 lots to 2 lots and further explained the required frontage and the frontage he is asking for in his variance requests with further explanation of proposed Lot 19C and the private driveway.

Chairman Kessler asked if anyone else wants to approach the Board. Board Member Harris asked Ms. Rhodes if she had an understanding of these variances and if she is in favor. She said that she is in favor because this doesn't affect her. Chairman Kessler asked Ms Rhodes again if she has an opinion and is in favor or not. Ms. Rhodes stated that she has no opinion said she would like to know if anyone else is not in favor. Chairman Kessler confirmed with Mike Mann that for the neighbors that received hearing notices through mail, six were in favor, one opposed and two had no opinion. Chairman Kessler closed the public hearing at 5:52.

Ms. Rhodes had another question about how close to her fence line will the driveway come to her property. Chairman Kessler suggested she talk to Travis Roberson after the meeting.

6. ITEMS FOR DISCUSSION/ACTION

A MOTION WAS MADE BY MEMBER TERRIAN, SECONDED BY MEMBER HARRIS, THAT THE REQUEST FOR VARIANCE 15-07 FOR 65 FEET OF LOT FRONTAGE RATHER THAN THE REQUIRED 150 FEET OF FRONTAGE FOR PROPOSED LOT 19A BE APPROVED. THE MOTION WAS CARRIED BY CHAIRMAN KESSLER AND VICE CHAIR LOWRY WITH A 4-0 VOTE.

A MOTION WAS MADE BY MEMBER HARRIS, SECONDED BY MEMBER TERRIAN, THAT THE REQUEST FOR 15-08 BE APPROVED FOR 20.79 FEET OF LOT FRONTAGE RATHER THAN THE REQUIRED 100 FEET OF FRONTAGE FOR PROPOSED LOT 19C. THE MOTION WAS CARRIED BY CHAIRMAN KESSLER AND VICE CHAIR LOWRY WITH A 4-0 VOTE.

7. ADJOURNMENT

MEETING WAS ADJOURNED AT 5:57 P.M.

Chair

Secretary