

MINUTES
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
Wednesday, August 15, 2018 – 5:30 p.m.

1. ADMINISTER OATH OF OFFICE FOR NEW MAYORAL APPOINTMENT TO THE BOARD

a. New Regular Member Cayman Gentry

2. CALL TO ORDER – 5:30 PM

Meeting was called to order at 5:30 p.m.

3. STAFF COMMENTS

Mike Mann explained that we previously put notices in the newspaper about three variances that were to come before the board that had to do with lot setbacks based on lot classifications. Those variances became moot as a matter of Staff practice change to not impose the larger lot requirements where there is ambiguity in the ordinance. Board had taken previous action on an appeal at 120 Third St. A question was brought up should a lot that doesn't meet both criteria both width and size be classified as a larger lot or a smaller lot? Staff had previously enforced larger lot requirements, larger setbacks and now that practice has changed. They now will be enforcing the smaller lot size or the less restrictive setback requirements. Based on that practice change it has mooted the need for variances that had to do with those width variance requests. There was one at 120 Third St. and 2 sideyard setbacks at 110 Third St. that were taken off the agenda. Now they will be able to receive permits based on the smaller setbacks.

4. APPROVE MINUTES OF JUNE 20, 2018

Member Harris motioned to approve. All were in favor.

5. DESIGNATE VOTING MEMBERS

Chair Lowry elected Member Bergman to vote and Member

Thompson to take part in discussion only.

6. CONFLICT OF INTEREST DECLARATION

There were none.

7. PUBLIC HEARINGS:

Receive comments on Variance No. 18-06, Lot 46, Cibolo Creek
Estates (410 E. Hosack)

Christina Godsey approached and explained that it is a very wide home that was established in the 1800's. A developer in 1995 placed this home very far back in a platted lot. There is not a lot of rear property nor is there access for a garage structure in the back. This home doesn't have a garage. Because of the topography and historical aspect of this home, there is a limitation on where we can build in order not to tear down any historical structures. Christina pointed out on the overhead exhibit where they could build the addition. It will placed about 88' from the street. She pointed out the neighbors on either side. Their backyards are adjacent to their front yard. There is a lot of elevation change on the right side and we can't get any closer without destroying a historical smokehouse. She said she wants to save the historical value of the home and this new structure will be an asset.

Member Thompson asked Christina to identify herself. She explained she is the builder that would build the garage structure. Vice-Chair Terrian asked what the use would be. She said there will be air conditioned storage and exercise and a bathroom with shower. She said there is not a lot of storage in this historic home. Vice-Chair Terrian asked if the upper level will have air conditioning but not the lower level. Chris said yes. Member Bergman asked if it was for a garage and workout room because it is listed as a dwelling. Christina said it is not a dwelling but an accessory structure. He also said he noticed a single carport. Christina said it was temporary until they (previous homeowner) built a garage. Member Bergman asked why they wouldn't take out the carport instead. Christina explained with current setbacks it wouldn't allow us to. Member Harris asked about

trees that would be taken down. Christina approached to explain that she will be preserving all the century oaks. She said attaching the garage would be a disservice to the home and we are trying to create a carriage type structure. Ben Adam provided plans for the proposed garage. Christina showed the board. Member Bergman asked if this is the homeowner's primary residence. She said yes. Member Thompson asked about any tree removal. Christina showed the trees in the photograph. She explained the trees that would go into the structure and she could put down a root guard. Ben Adams explained the trees and which ones would be saved. The house is 135 feet long so a three car garage would not take up a big percentage of that. Christina explained where the adjacent house is 20' off the street this garage will be 80' off the street. This house has a 1/2 acre. Bill Bird approached and explained that he loves cars and the preservation of Boerne to include trees. He said he saved 100 trees on the Mercedes Benz lot. Trees are important to him and has restored the Kendall Inn and is still restoring it and others. He has no intent to harm and will not do this unless it is an enhancement.

Mike Mann said the application states accessory dwelling. Riley Metcalfe explained the table applies to both accessory and dwelling structures. For an accessory structure, it's front building line must be at least 5' behind the rear building line. In Staff variance meeting it was discussed about the garage doors facing the street. Riley Metcalfe explained the table reads building setbacks for detached accessory that applies to both accessory structures and accessory dwellings. Mike Mann mentioned the discussion about having garage doors face the street instead of the side. Riley Metcalfe explained that it applies to a 25' setback so this does not apply to them. Ben Adam approached and explained the hardship and that it was not created by our client, it was created by Mr. Dietert in the 1860's. There is no other choice to build a garage.

8. ITEMS FOR DISCUSSION/ACTION

Consider Variance No. 18-06: A request from Christina Godsey,
on behalf of Bill Bird, requesting a variance to the City of Boerne

Zoning Ordinance to allow for a detached accessory dwelling to be placed at the front of the property for Lot 46, Cibolo Creek Estates (410 E. Hosack).

Vice-Chair Terrian believes this structure will enhance the property and carry on the original character of the home. Member Bergman said he struggles with the hardship, but it has never had a garage and there is no way to attach it. Vice-Chair Terrian said we are here to decide on the accessory structure. Vice-Chair Terrian moved to approve the detached structure and eliminate the verbiage of a detached dwelling and Member Harris seconded. Variance was approved 5-0.

9. ADJOURNMENT

Meeting was adjourned at 6:18 p.m.

Chair

Secretary