

**Minutes of Meeting  
City of Lago Vista  
Board of Adjustment**

**Date of Meeting:** 6/3/2015.

**Members Present:** Bob Graff, Jim Speckmann, Robert Durbin, Michael Gray

**Absent:** Bob Vance, Michael Hurosky and City Council Liaison Jason Shoumaker.

**Others Present:** Development Services Director David Harrell and Development Services Secretary Sherry McCurdy.

Development Services Director David Harrell called the to order at 3:00 PM. He opened the election of the Chair and Vice Chair for 2015.

Michel Gray nominated Robert Durbin be elected as Chair. The vote was unanimous 3-0 in favor.

Jim Speckmann nominated Michael Gray as Vice Chair. The vote was unanimous 3.0 in favor.

**PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.**

Dale Mitchell inquired as to why a member cannot vote for themselves in an election. It was decided that they are able to according to Robert's Rules.

**CONSIDER APPROVAL OF FOLLOWING MINUTES:**

A. August, 27, 2014.

On a motion by Bob Graff and seconded Michael Gray the minutes were unanimously approved.

1. **ZON 1035** – Consideration of a Variance at 21206 – 21207 War Bonnet Cv. (Amended Plat of Lots 11231 & 11232 Bar K Ranches Plat 11 Into Lot 11231-A) from Chapter 14, Exhibit A to allow a front setback of 10 feet instead of 25 feet for a new home.

David Harrell gave his staff presentation. He went over the information that was included in the Board of Adjustment Packet. He stated that granting the variance is recommended by staff.

Robert Durbin asked what hardships are presented to the owner that the Building Line needs to be moved forward.

David Harrell explained according to the code the Zoning Variance is not restricted to only hardships. It could be restricted to a practical difficulty or preservation of existing flora or guarding against disruption of natural terrain. A variance can be granted under Findings of Fact.

Michael Gray asked if anyone within 200 feet commented.

Sherry McCurdy stated there had been no responses to the 200 foot notice.

Applicant, Jim Smith, explained that the design phase of the home had not been completed. He anticipates building retaining walls for driveway and walkway to the house, would like to keep the dwelling as close to the road as possible to have the enjoyment of the view and still stay within regulation of height for the area. He anticipates the driveway and walkway to be level with the cul-de-sac. He stated he had spoken with the only neighbor and they have no objection to changing setback.

The members, applicant, and David Harrell discussed topography photos that the applicant distributed.

Robert Durbin opened the Public Hearing at 3:37 PM.

Dale Mitchell asked for clarification of property line and Right of Way.

David Harrell explained typically edge of pavement is not all the way to the property line.

Members of the Board of Adjustment, David Harrell, and Jim Smith discussed parking and driveway possibilities, building plan for the proposed home, potential building footprint, view, timeline for construction of home, size of front of lot, distance of property line from asphalt, Right of Way, and Utility Easements.

Michael Gray made a motion that the Board of Adjustment approved the request for the variance. The motion was seconded by Jim Speckmann. The Board voted 3 ayes (Michael Gray, Jim Speckmann and Bob Graff). Discussion continued without Robert Durbin voting.

David Harrell explained that under state law 75% of the Board would need to approve which would mean all members present would have to be unanimous for the request to be granted.

The members of the Board continued to discuss the factors pertaining to the variance request. They discussed with the applicant what hardship would be presented if the variance was not granted.

Jim Smith explained engineering costs, problematic steep driveway, and view protection.

David Harrell explained if the issue of the Board is that there is no rendering of the home or site plan, they could rescind the motion, table the item and have applicant bring a plan back in and condition the variance on the plan that would be presented.

Robert Durbin expressed that he would very much like to see design.

Jim Smith explained he has tabled his design until the variance issue is resolved.

Members of the Board of Adjustment, David Harrell, and Jim Smith continued their discussion regarding Right of Way, the Board's need to see plans, retaining walls and back fill, topography, views, setbacks, number of similar lots, seven questions on Variance Application, and possible precedence.

Michael Gray rescinded his motion to approve variance. Jim Speckmann rescinded his second.

On a motion by Michael Gray and seconded by Jim Speckmann the Board of Adjustment voted unanimously to table, ZON 1035 – Consideration of a Variance at 21206 – 21207 War Bonnet Cv. (Amended Plat of Lots 11231 & 11232 Bar K Ranches Plat 11 Into Lot 11231-A) from Chapter 14, Exhibit A to allow a front setback of 10 feet instead of 25 feet for a new home.

Jim Smith requested in writing a question from Mr. Durbin what he specifically wants to see.

Robert Durbin stated he would defer applicant to seven questions on application.

**Adjournment.**

Meeting was adjourned at 4:28 PM.

Approved: \_\_\_\_\_

Signature

7/27/15  
\_\_\_\_\_  
Date