



The City of Lago Vista

*To provide and maintain a healthy, safe, vibrant
community, ensuring quality of life.*

**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
WEDNESDAY, June 3, 2015, 3:00 PM
COUNCIL CHAMBERS
CITY HALL - 5803 THUNDERBIRD**

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Lago Vista, Texas will hold a Regular Meeting in the Council Chambers, City Municipal Building, 5803 Thunderbird, on the above date and time for discussion and possible action to be taken on the following:

ELECTION OF CHAIR AND VICE-CHAIR FOR 2015.

PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.

CONSIDER THE MINUTES OF AUGUST 27, 2014.

PUBLIC HEARINGS.

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.
 - A. Staff Presentation
 - B. Applicant Presentation
 - C. Open Public Hearing
 - D. Close Public Hearing
 - E. Discussion
 - F. Consideration on Item

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at _____ on the _____ day of _____, 2015.

Sandra Barton, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.



CITY OF LAGO VISTA DEVELOPMENT SERVICES

P.O. BOX 4727
LAGO VISTA, TX 78645

Tel. (512) 267-5259

Fax (512) 267-5265

Election of Chair and Vice-Chair for 2015

Board of Adjustment:

Someone will need to make a motion to select the Chair and Vice-Chair. This can be done in one motion or two separate motions. There will need to be just a nomination and vote, no second is needed for selection of officer.

At the time the Chair is selected I will vacate the seat to the new Chair.

Respectfully,
David Harrell
Director



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Public Comments on Non-Hearing Related Items

Board of Adjustment:

This is the part of the meeting reserved for public comments not on the agenda. Staff would suggest the Chair limit discussion to three (3) minutes.

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

Date of Meeting: August 27, 2014.

Members Present: Michael Hurosky, Bob Graff, Rob Durbin, and Michael Gray

Absent: Jim Speckmann, Bill Selph, and Bob Vance.

Others Present: Development Services Director David Harrell, Building Official John Goble, City Council Liaison Ed Tidwell and Development Services Secretary Sherry McCurdy.

Chairman Michael Hurosky called meeting to order at 3:07PM

PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.

There were none.

CONSIDER APPROVAL OF FOLLOWING MINUTES:

A. June 23, 2014 Meeting.

On a motion by Rob Durbin and seconded by Michael Gray the minutes were unanimously approved with one correction to remove comment stating Bob Graff as a voting member for the meeting.

1. PERMIT #1864-APPEAL FROM THE BUILDING OFFICIAL IN REGARDS TO DENIAL OF BUILDING PERMIT #1826. DENIAL OF PREFABRICATED BUILDING DUE TO AN INTERPRETATION OF A MOBILE HOME AS DEFINED IN CHAPTER 14, ARTICLE 14.200, SECTION 2 AS APPLIED TO INFORMATION IN THIS BUILDING PERMIT LOACTED AT 21301 BRONCO COVE.

David Harrell gave his staff presentation. He went over the information that was included in the Board of Adjustment Packet. He also explained the voting process.

John Goble gave his staff presentation. John provided print outs of appraisals from Travis County Appraisal District for homes within 500 feet of the subject property. He explained Mobile Home and Industrialized Housing per city code. He explained requirements by applicant that were not met. John stated that the home has to be similar to other homes in the area.

Rick Minor, applicant with Titan Family Direct, introduced owners Clint May and Samantha Marinaccio and their son Kyle, Mr. Cox with Champion Homes and Dustin with Cascade Financial. Rick discussed the denial of the permit by the Building Official. He presented definitions of Mobile Homes, Modular Homes, Industrialized Housing, Single Family Home and Real Property loans. Mr. Minor also spoke about the qualifications to become a builder of Modular/Industrialized Housing, requirements for a garage and zoning requirements.

Members of the Board of Adjustment, Ed Tidwell, David Harrell, Mr. Cox, Dustin, Rick Minor, and John Goble discussed masonry requirements, appraisals, foundation requirements, zoning classifications, and variance requests. They also had discussions regarding HUD requirements, Building Standards for Modular Homes, possible variance for garage, deed restrictions, Real Property and Home Rule City definition.

Debra Dozier, realtor for property owners, stated she came to the city office and looked at the map and was told by city staff that Industrialized Housing was the same as Modular Housing and all of the information was on the city web page.

Michael Hurosky opened Public Hearing at 4:19 P.M.

John Hill, 8512 Blueberry Circle stated that he was a resident within 500 feet of subject property. Asked Board if modules were already built and if the rules they were built under preclude inspection by City Officials? Is it closed wall construction?

Michael Hurosky answered that they were already built.

John Goble explained that they are closed wall construction and are inspected by a third party inspector. Once they reach the site, the inspection process is completed by the City of Lago Vista.

John Hill stated that no matter how the home is constructed it is not going to have the value of a stick built home and will not match the value of his home; it will hurt the value of his home. He stated he is willing to file a lawsuit if necessary to stop the home from being built at the requested location.

Wayne Woodall of 8606 Buffalo Trail asked what is the definition of comparable.

David Harrell explained typically a government agency would use Travis County Appraisal District records for assessed value not market value.

Rick Minor stated market value is based on what has sold.

Public Hearing was closed at 4:32 P.M.

Michael Hurosky explained the Board could move to reverse or affirm the Building Official's appeal. He also read the response letters that were received from the 200 foot property owners.

On a motion by Rob Durbin and seconded by Michael Gray the Board of Adjustment voted unanimously to affirm the denial of the Building Permit #1826 based upon the application as submitted subject to any additional competent evidence brought forth today.

Voting members were Michael Hurosky, Bob Graff, Rob Durbin and Michael Gray.

4. Adjournment.

On a motion by Bob Graff and seconded by Rob Durbin the meeting was adjourned at 4:41 P.M.

Approved: _____
Signature

Date



Development Services Department

STAFF REPORT

Application for Zoning Variance

File Number: ZON 1035

Date: May 26, 2015

Applicant: Jim & Rebecca Smith

Representative: SAME

Hearing Dates: Board of Adjustment – June 3, 2015

Location: 21206-21207 War Bonnet Cv. (Amended Plat of Lots 11231 & 11232 Bar K Ranches Plat 11 Into Lot 11231-A)

APPLICATION SUMMARY

Consideration of a Variance from Chapter 14, Exhibit A to allow a front setback of ten (10) feet instead of twenty-five (25) feet for a new home.

TECHNICAL REVIEW

The Development Services Department has reviewed this request and there are no outstanding comments/issues. In the case that the item is approved, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the Development has met all applicable Federal, State and local regulations and permitting requirements. No permits authorizing Development shall be issued prior to compliance with all applicable regulations.

DEVELOPMENT REVIEW DEPARTMENT COMMENTS

Based on the evidence provided by the applicant, staff has determined the following pursuant to Chapter 14, Section 11.20:

1. That there are special circumstances or conditions affecting the land involved such that the strict applications of the provisions of this Chapter would deprive the applicant of the reasonable use of his land; or would result in significant practical difficulties or unreasonable hardship to the landowner, or unreasonable disruption of the natural terrain, or unreasonable destruction of existing flora

If the home were to be built within the allowable twenty-five (25) foot setback it would cause further disruption of the natural terrain and unreasonable destruction of existing flora. By moving the home inwards a distance of fifteen (15) feet it will reduce the disruption of the natural terrain and destruction of flora in the rear of the building envelope, see attachments 2 and 3. Also, significant topographical issues exist on the sites that are not similar to other lots within the same plat (see attachment 3).

2. A variance is necessary for the preservation and enjoyment of substantial right of the applicant.

The preservation and substantial right is the construction of a single family home. If the variance was not granted, the owner would be forced to increase the land disturbances which could jeopardize the enjoyment of the single family home.

3. There is no reasonable alternative that will alleviate the difficulty or hardship for which the variance is requested.

There is no reasonable alternative that will alleviate the difficulty or hardship because it involves issues relating to preserving flora, lessening natural terrain disturbances, and topographical issues. By building the home within the present twenty-five (25) foot setback it destroys more flora, increases natural terrain disturbances, and causes more topographical issues as shown in the attachments.

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship for which the variance is requested.

Variance is not greater than the minimum required to alleviate the difficulty or hardship. Moving the setback closer to the property line better satisfies the minimum standards. If the setback were any closer to the property line, issues relating to proper vehicle storage would be more of an issue because the yard would be too small for driveway placement.

5. The granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this chapter. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice is done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship

Granting of the variance would be in harmony with the general purpose and intent of this Chapter. There are no foreseeable issues with the public health, safety, and welfare since the area is largely vacant and the purpose and intent of the code is to allow for placement of a home in accordance with the R1-A zoning and the Residential land use as shown in attachment 1.

6. The variance will not violate the intent of the Zoning Ordinance and the goals of the City's Master Plan.

Granting of the variance will not violate the intent of a zoning ordinance and goals of the Master Plan. The intent of these documents is to insure minimum standards are derived and carried out by the City and insure quality development. The granting will still insure a minimum standard is being carried out because the variance process involves more oversight at this new minimum standard which thereby increases the quality of development.

7. This variance shall not restrict the reasonable and necessary unobstructed access to sunlight and preservation of views of those other properties.

The variance will not restrict this in any way. The area is mostly vacant land at this time and the closest home located at 21204 is a considerable distance from the abutting property line as shown in attachment 3. This will allow for maximum sunlight and preservation of views.

Staff also supports the applicant's findings of fact as associated with attachment 1.

Staff would recommend approval of this request.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application
2. Site Plan
3. Maps

Attachment 1

Applications



CITY OF LAGO VISTA DEVELOPMENT SERVICES
 5803 THUNDERBIRD SUITE I03 PO BOX 4727 LAGO VISTA, TX. 78645
 512-267-5259 FAX 512-267-5265

APPLICATION FOR VARIANCE

Date Submitted: April 17, 2015 Fee: \$250.00
 Applicant's Name: James D. Smith, Rebecca M. Smith
 Applicant's mailing address: 13 Brookmeadow St, Wimberley, TX 78676
 Subject Property address: 21206/21207 War Bonnet Cv, Lago Vista, TX 78645
 Applicant's email: carjcapt@gmail.com
 Applicant's phone numbers: 512-619-7255

	Day time	Evening	Cell	Fax
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Variance Appeal Ordinance No: Chapter 14,
 Sections 11.20 A-G, 11.30 A-B

Reason for variance/appeal request: (attach additional pages if necessary)

See Attached _____

In the event I cannot attend the Public Hearing I designate _____
 to act on my behalf.

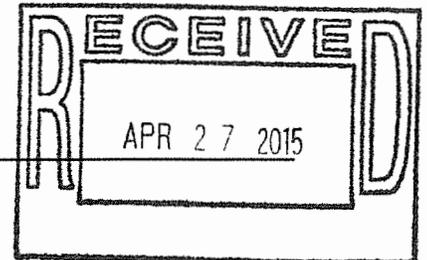
Conditions for a variance/appeal meet the following criteria if answers are YES:

- Yes No 1. The request for a Variance/Appeal is owing to special conditions inherent in the property itself.
 Yes No 2. The condition is unique to the property requesting the Variance/Appeal.
 Yes No 3. The condition is not self-imposed or self-created.
 Yes No 4. A literal enforcement of the zoning ordinance will result in an unnecessary hardship.
 Yes No 5. The hardship will prevent any reasonable use whatsoever of the property.
 Yes No 6. The grant of the Variance/Appeal would not be contrary to the public interest.
 Yes No 7. The request is within the spirit of the ordinance and does do the ordinance further substantial justice.

NOTE:

- Please review the attached ordinance regarding variances.
- Application must be completed in full.
- Submit the appropriate fee(s) with application.

James D. Smith
 Applicant's signature(s)



Reasons for variance on 21206-21207 War Bonnet Cv. (Case #ZON 1035)

The conditions of a 25% slope from the edge of the cul-de-sac pavement to the building line (25 foot setback from the property line) are approximately 50 feet. We would like the Board to consider approving the building line setback change from 25 feet to 10 feet from the property line.

The reasons are several:

As a result of the slope, reducing the building line would reduce the difficulty and hardship to the land owner. This would make ingress and egress safer for the land owner, EMS and Fire equipment to access the property.

The land owner would better enjoy the preservation and enjoyment of the land for the view and the disturbance of the land would be lessened.

Other than removing the building line completely this request is the best to alleviate the difficulty and hardship of building on the building line and insures adequate passage of utilities.

This variance does not negatively effect other land owners.

This variance does not violate the intent of the general Zoning Ordinances nor the goals of the City's Master Plan.

The variance would increase access to the views of the land owner and would not restrict the access to sunlight and views of other properties.

Since the re-plat of the property has combined two lots into one, this lot is the only lot on the entire street that has slope difficulties to this extent, for building.

Attachment 2

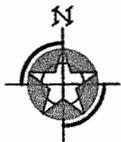
Site Plan

TOPOGRAPHIC SURVEY

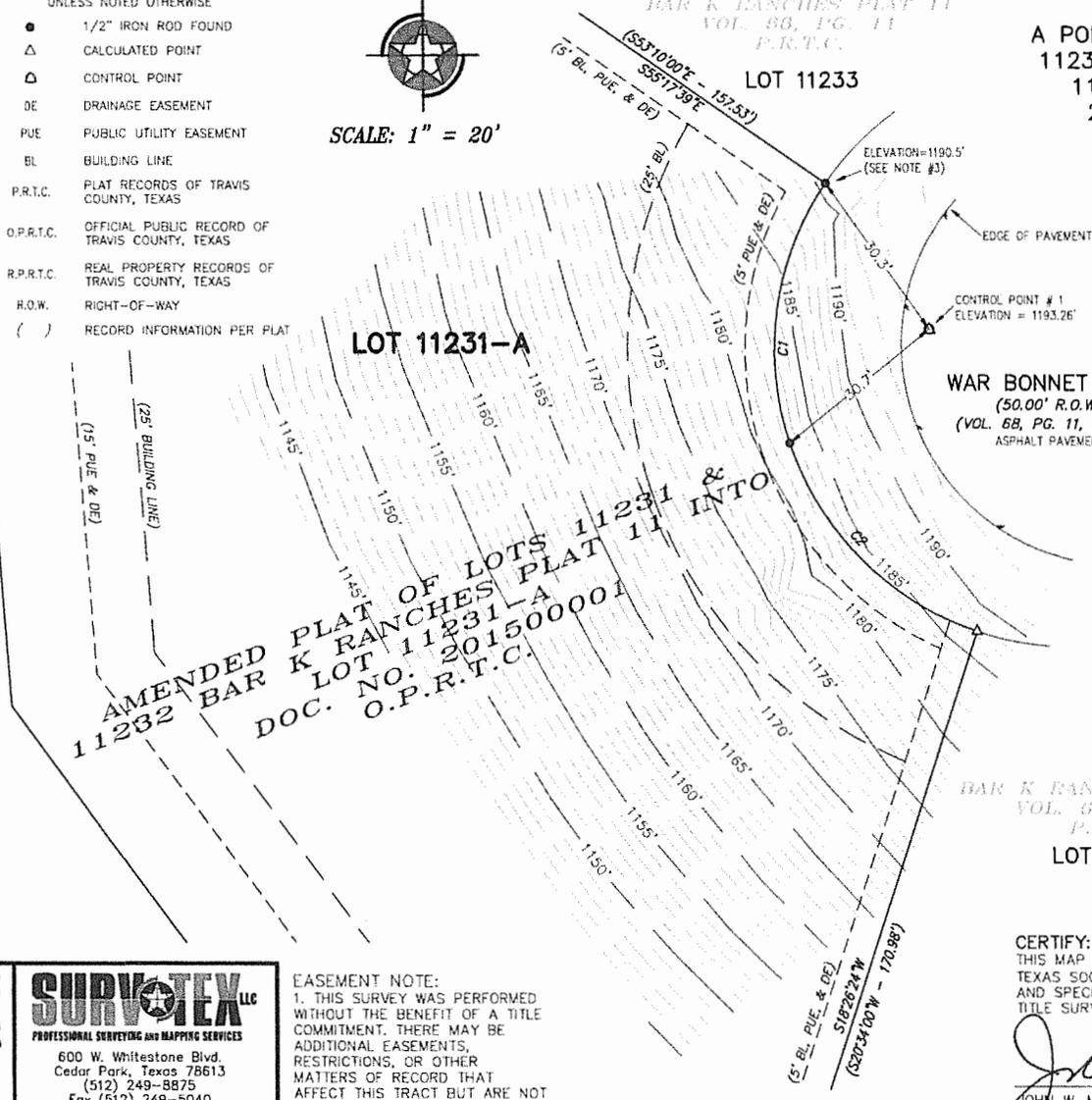
OF
A PORTION OF LOT 11231-A, AMENDED PLAT OF LOTS
11231 & 11232 BAR K RANCHES PLAT 11 INTO LOT
11231-A, A PLAT RECORDED IN DOCUMENT NO.
201500001 OF THE OF THE OFFICIAL PUBLIC
RECORDS OF TRAVIS COUNTY, TEXAS

LEGEND

- UNLESS NOTED OTHERWISE
- 1/2" IRON ROD FOUND
 - △ CALCULATED POINT
 - △ CONTROL POINT
 - DE DRAINAGE EASEMENT
 - PUE PUBLIC UTILITY EASEMENT
 - BL BUILDING LINE
 - P.R.T.C. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
 - O.P.R.T.C. OFFICIAL PUBLIC RECORD OF TRAVIS COUNTY, TEXAS
 - R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
 - R.O.W. RIGHT-OF-WAY
 - () RECORD INFORMATION PER PLAT



SCALE: 1" = 20'



- NOTES:
1. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE (EPOCH 2010.0000).
 2. ELEVATIONS WERE DERIVED FROM A GPS OBSERVATION AND ARE BASED ON A POSITION OBTAINED FROM THE NGS ON CONTROL POINT NO. 1. (NAVD 88, GEOID 12A)
 3. CONTOURS SHOWN HEREON ARE SHOWN AT 1-FOOT INTERVALS.
 4. THE IRON ROD FOUND AT THE NORTHEAST CORNER OF THIS TRACT APPEARS TO BE THE HIGHEST POINT OF THE SURVEYED PORTION OF THIS LOT.
 5. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY. THE DEPICTION OF THE RECORD BOUNDARY SHOWN HEREON FOR INFORMATIONAL PURPOSES ONLY.
 6. AT THE TIME OF THIS SURVEY, THERE ARE WERE NO VISIBLE IMPROVEMENTS ON THIS LOT.
 7. PROPERTY OWNER, ACREAGE, AND DEED INFORMATION OBTAINED FROM THE TRAVIS COUNTY APPRAISAL DISTRICT'S WEBSITE.
 8. LIMITS OF THIS TOPOGRAPHIC SURVEY ARE BASED ON THE BUILD AREA OF THE LOT. MORE SPECIFICALLY, THE BUILD AREA WAS DEFINED BY THE AREA CLEARED FOR CONSTRUCTION BY THE CLIENT.

CURVE TABLE				
NO.	ARC	RADIUS	CHORD	BEARING
C1	46.09'	50.00'	44.47'	S08°17'47"W
(C1)	46.36'	50.00'	44.72'	S10°16'00"W
C2	46.64'	50.00'	44.97'	S44°50'02"E
(C2)	46.36'	50.00'	44.72'	S42°52'00"E

BAR K RANCHES PLAT 11
VOL. 6B, PG. 11
P.R.T.C.
LOT 11230

CITY OF LAGO VISTA
(16.3463 ACS.)
VOL. 11876, PG. 264
R.P.R.T.C.
(SEE NOTE #7)

AMENDED PLAT OF LOTS 11231 & 11232
BAR K RANCHES PLAT 11 INTO
LOT 11231-A
DOC. NO. 201500001
O.P.R.T.C.

EASEMENT NOTE:
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER MATTERS OF RECORD THAT AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.

CERTIFY:
THIS MAP SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS' STANDARDS AND SPECIFICATIONS FOR A CATEGORY 6, CONDITION II TITLE SURVEY.

John W. McCown 2-12-15
JOHN W. MCCOWN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5135



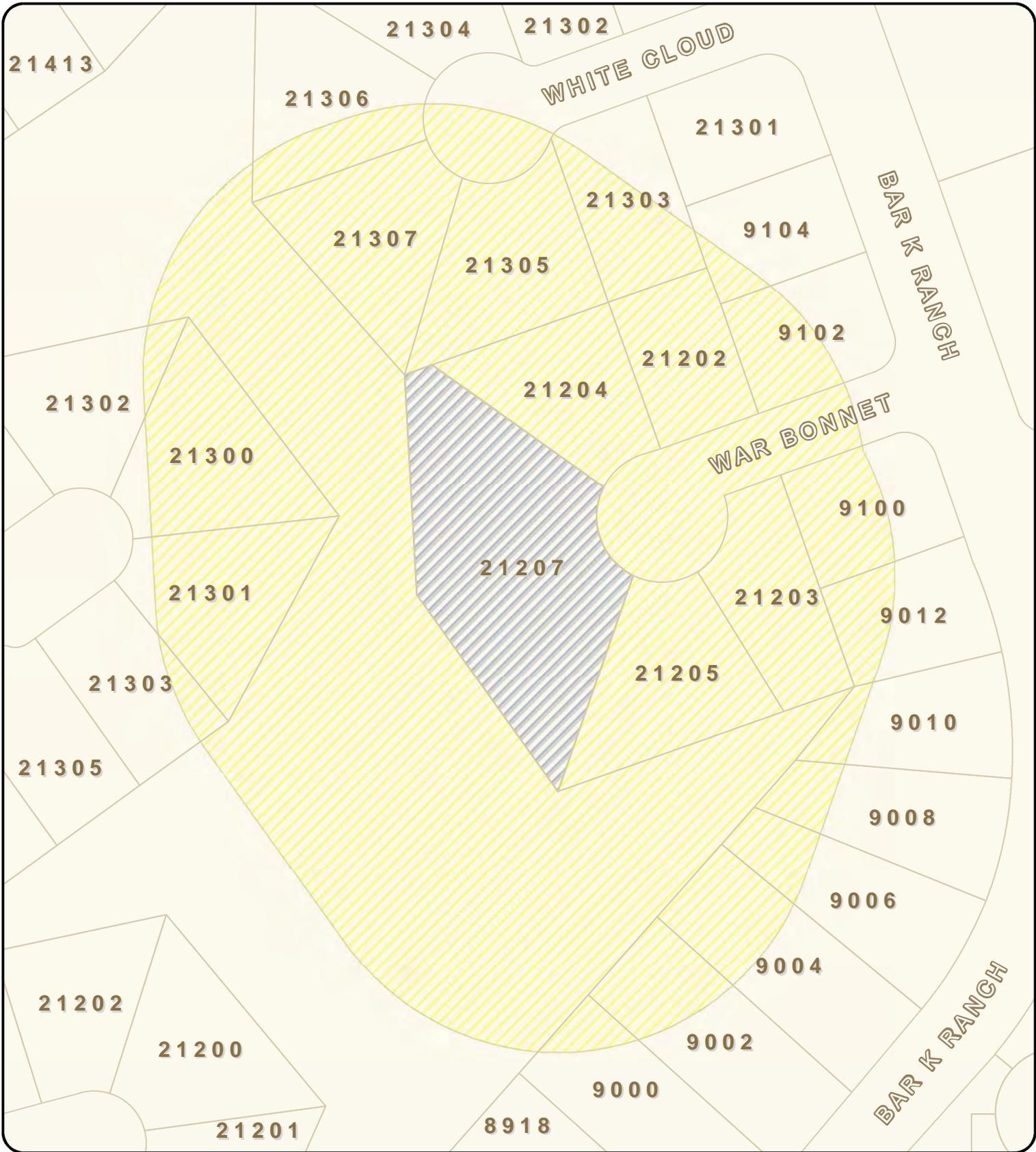
DATE: 02/11/2015
DRAWN BY: J. PARKER
CHECKED BY: J. MCCOWN
PROJ. NO.: 2015-0005
FILE NAME: 2015-0005.DWG

SURVOTEX LLC
PROFESSIONAL SURVEYING AND MAPPING SERVICES
600 W. Whitestone Blvd.
Cedar Park, Texas 78613
(512) 249-8875
Fax (512) 249-5040
TBPLS Firm No. 10084600

SHEET: 1 OF 1

Attachment 3

Maps



21207 War Bonnet Cv

Request Type:	Variance	Project:	ZON-1035
Change Requested:	Front Building Line Setback	Date:	5/21/2015
Map Purpose:	200ft Buffer	Drawn By:	CM

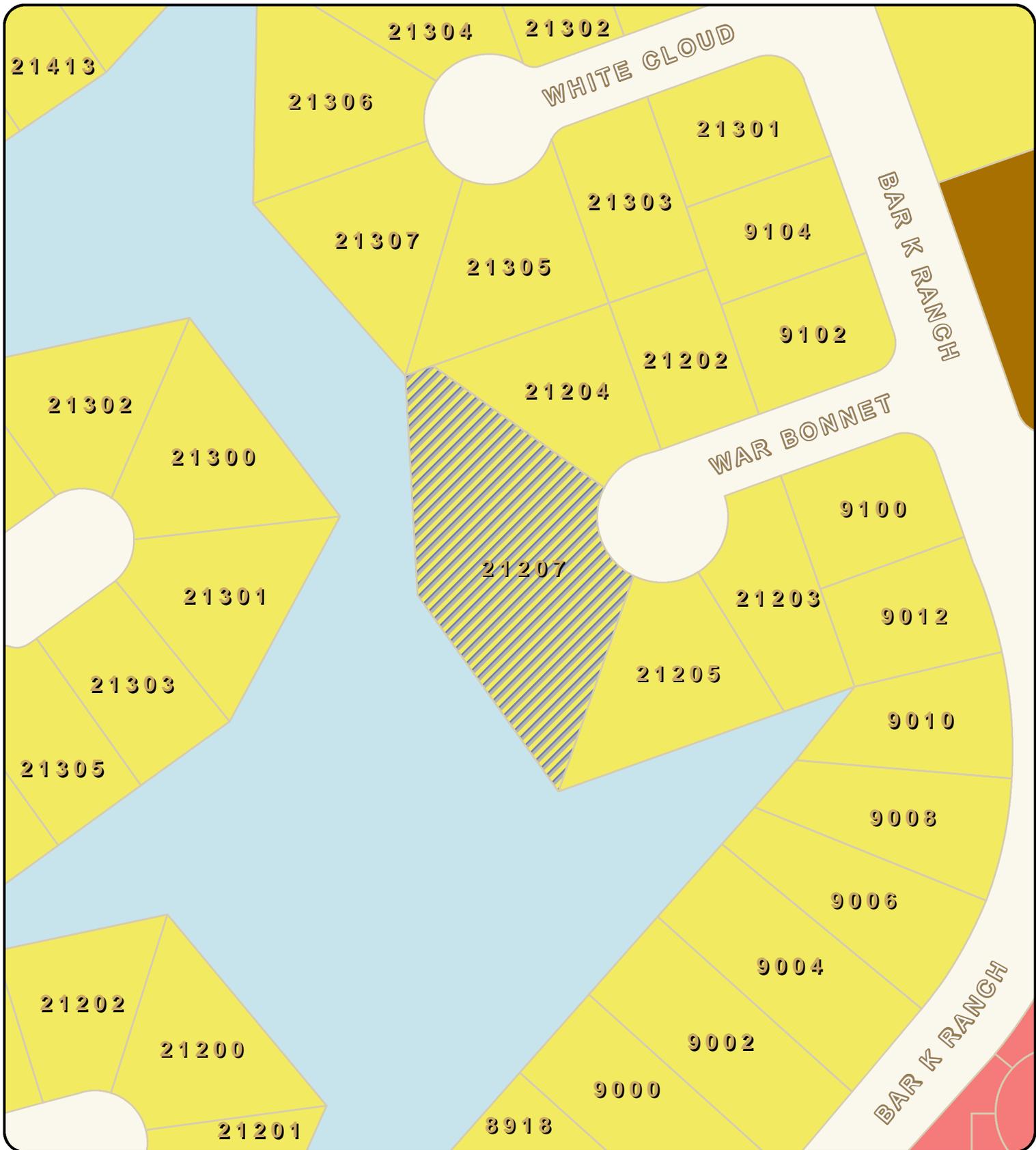
While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

Legend

- Owner Parcels
- Requestor
- 200' Buffer



1 inch = 100 feet



21207 War Bonnet Cv

Request Type:	Variance	Project:	ZON-1035
Change Requested:	Front Building Line Setback	Date:	5/21/2015
Map Purpose:	Future Land Use	Drawn By:	CM

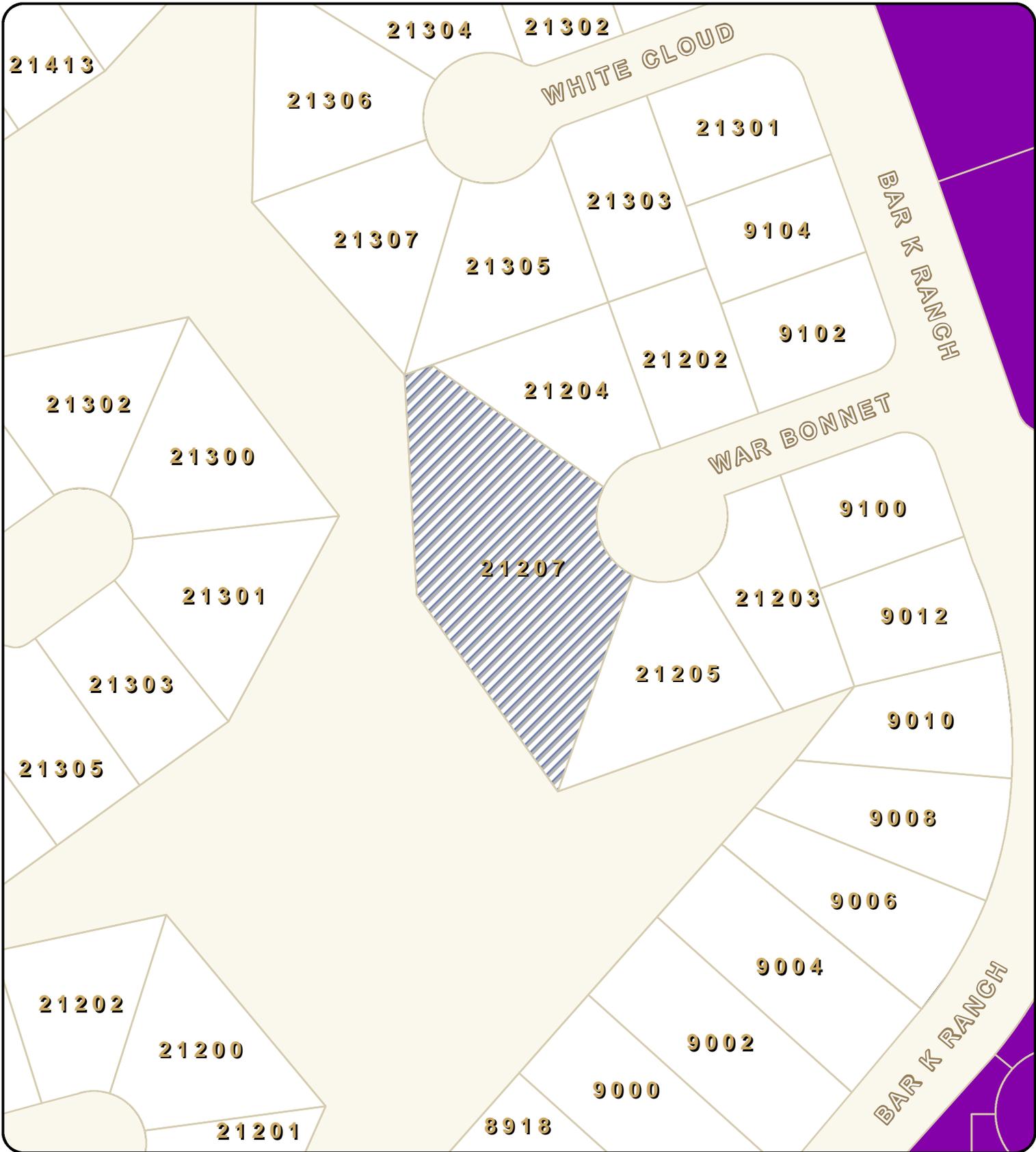
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1 inch = 100 feet

Legend

- Owner Parcels
- Requestor
- C-4
- R-1
- R-1A
- RR-A
- TR-1



21207 War Bonnet Cv

Request Type:	Variance	Project:	ZON-1035
Change Requested:	Front Building Line Setback	Date:	5/21/2015
Map Purpose:	Future Land Use	Drawn By:	CM

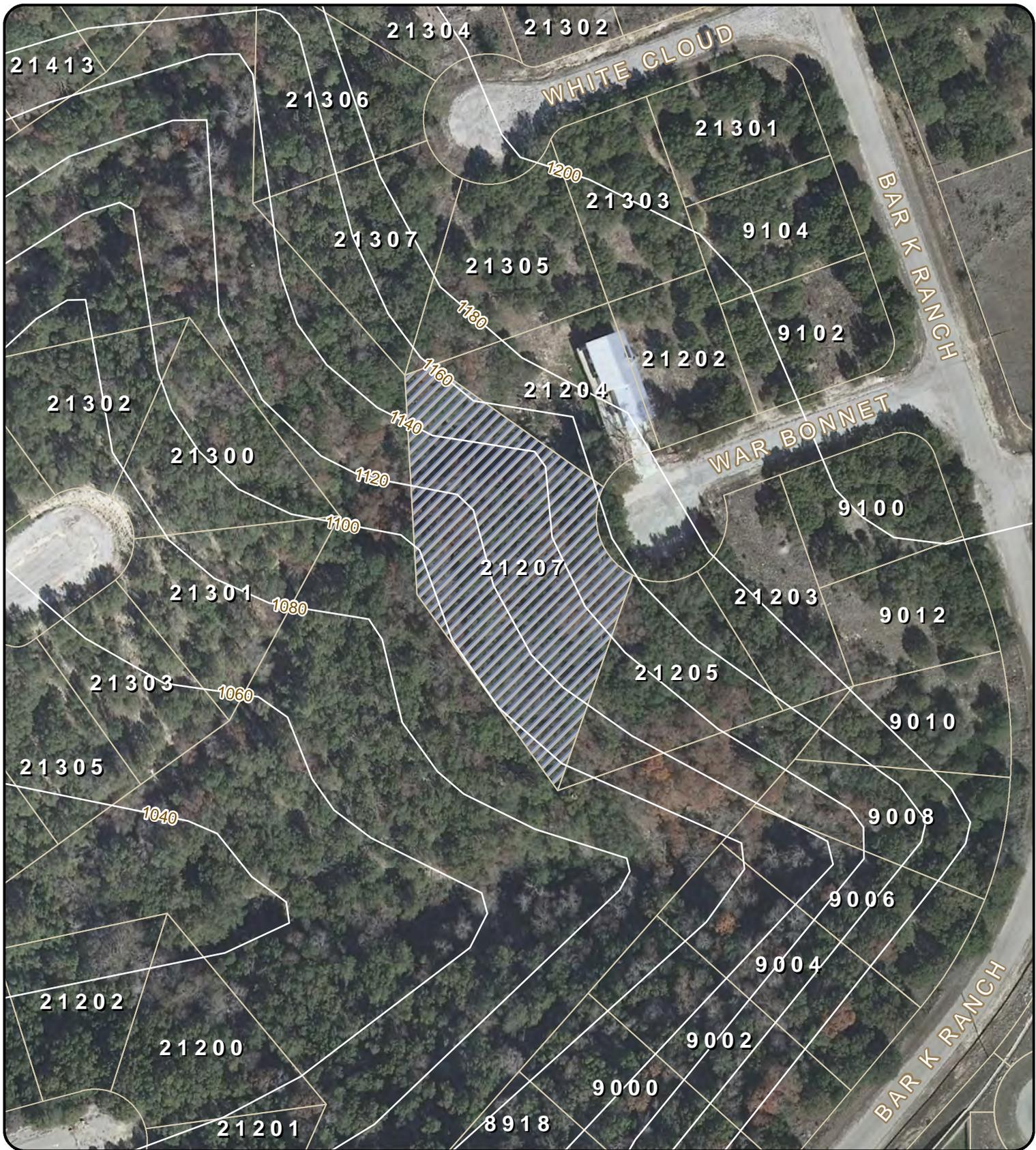
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Legend

- Owner Parcels
- Requestor
- Future Land Use**
- Low Density Residential
- Commercial
- Industrial



1 inch = 100 feet



21207 War Bonnet Cv

Request Type:	Variance	Project:	ZON-1035
Change Requested:	Front Building Line Setback	Date:	5/21/2015
Map Purpose:	Aerial & Topo	Drawn By:	CM

While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.

Legend

- 20' Contours
- Owner Parcels
- Requestor



1 inch = 100 feet