



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
TUESDAY, September 22, 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 CHAIRMAN FOR REMAINDER OF 2015

PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS

CONSIDER THE MINUTES OF JULY 29, 2015

PUBLIC HEARINGS

1. **ZON 1044** – Consideration of a Variance at 20625 Falcon St. (Lago Vista Country Club Estates Section 1 Amended Plat of Lots 105 & 107 Lot 107A) from Chapter 14, Exhibit A to allow a rear setback of 18 feet instead of 25 feet for a room addition to an existing home.
 - A. Staff Presentation
 - B. Applicant Presentation
 - C. Open Public Hearing
 - D. Close Public Hearing
 - E. Discussion
 - F. Consideration on Item

BUSINESS 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 for Remainder of Year

Board of Adjustment:

Robert Durban was appointed as a Municipal Judge by City Council and had to resign his position on the Board. Therefore, we need to elect a new permanent Chair for the remainder of the year.



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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: 7/27/2015.

Members Present: Jim Speckmann, Bob Graff, Michael Hursosky, Robert Durbin and Bill Selph.

Absent: Michael Gray and Bob Vance.

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

Robert Durbin called the meeting to order at 3:05PM.

PUBLIC COMMENTS FOR NON-HEARING RELATED ITEMS.

There were no Public Comments.

CONSIDER APPROVAL OF FOLLOWING MINUTES:

A. June 3rd, 2015.

On a motion by Jim Speckman and seconded Bob Graff 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.

Applicant, Jim Smith, distributed printed information to the members of the Board of Adjustment. Mr. Smith stated the reasons he is requesting the variance. He explained the site plan that had been given to the Board and parking on the site.

Members of the Board of Adjustment, David Harrell, and Jim Smith discussed topography, paving, set back of the proposed home, sidewalks, clearing, footprint of the proposed home, height restriction, construction of foundation. They also discussed topics regarding available utilities, concern regarding the lot not being unique to Lago Vista and storage of building materials for the future residence.

Public Hearing was opened at 3:44 PM.

Mr. Roland Lanz residing at 5345 Highway Boulevard Katy, Texas 77494, stated he is worried about height of structure.

Rob Durbin stated that the Commission is not granting a height variance.

Public hearing was closed at 3:46 PM.

On a motion by Bob Graff and seconded by Bill Selph the Board of Adjustment voted unanimously to approve, 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. Voting members were Bob Graff, Michael Hurosky, Bill Selph and Robert Durbin.

BUSINESS ITEM

1. Discussion about setting up a regular day and time for meetings.

David Harrell stated he would like to bring Conditional Use Permits and Special Exception requests to the Board of Adjustment which will create more of a workload.

The decision was made to decide through email correspondence when it would be possible to have regular monthly are b-monthly meetings in the future.

Adjournment.

On a motion by Michael Hurosky and seconded by Jim Speckman the meeting was adjourned at 3:58 PM.

Robert Durbin, Chair

Sherry McCurdy, Development Services Secretary

On a motion by _____, seconded by _____,
The above foregoing instrument was passed and approved this 22nd day of September, 2015.



Development Services Department

STAFF REPORT

Application for Zoning Variance

File Number: ZON 1044

Date: September 18, 2015

Applicant: Jeremy & Heather Sutton

Representative: SAME

Hearing Dates: Board of Adjustment – September 22, 2015

Location: 20625 Falcon St. (Lago Vista Country Club Estates Section 1 Amended Plat of Lots 105 & 107 Lot 107A)

APPLICATION SUMMARY

Consideration of a Variance from Chapter 14, Exhibit A to allow a rear setback of 18 feet instead of 25 feet for a room addition to an existing 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

The land itself contains steep grades in the front yard which makes it more difficult to construct on the property and the location of the water flow on the property would be disrupted if placed on the front and sides of the building (see attachment #1). Therefore practical difficulties exist on the site.

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 the addition and enjoyment of the single family home. In order to make this addition it would require a variance due to its size and location. The construction of the addition into the setback is only 7' x 15' x 3' which is 60.52 square feet into the setback area (see attachment #1).

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 due to the flow of rainwater through the property. Placement of an addition into the front and side areas would cause this disruption (see attachment #1).

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. In order to make the addition functional for a relative receiving medical care the room must be a bigger sized room. The placement of the addition is within the largest area of the building envelope and therefore reduces the intrusion into the building setbacks.

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 most of the area is within the building envelope. Also the addition will still be between 18' – 22' from the southern property boundary, which is still a distance from the neighboring lot (see attachment #2)

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 neighbor to the west may have a view obstruction with the addition even if it was constructed

entirely within the building envelope, which would NOT require the variance. The part of the addition crossing the setback line doesn't greatly increase view obstruction versus where the addition can be constructed legally within the building envelope (see both attachments)

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. Maps

Attachment 1

Applications



APPLICATION FOR VARIANCE

Date Submitted: August 10 2015 Fee: \$250.00
 Applicant's Name: Jeremy and Heather Sutton
 Applicant's mailing address: 20625 Falcon St. Lago Vista, TX 78645
 Subject Property address: 20625 Falcon St. Lago Vista, TX 78645
 Applicant's email: jsutton2@gmail.com
 Applicant's phone numbers: 281-236-3294

Day time Evening Cell Fax

Variance Appeal Ordinance No: _____

Reason for variance/appeal request: (attach additional pages if necessary)
Room Addition for living quarters for a parent, to be constructed
7 foot over the setback.
Due to our small house and irregular shaped property, there
is no alternative for the placement of the addition.
See attachments

In the event I cannot attend the Public Hearing I designate Heather Sutton
 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.

Heather Sutton
 Applicant's signature(s)

- A. Special circumstances affecting the land that would result in unreasonable hardship or disruption of the natural terrain.
- Land has irregular shape, contains steep grades, and substantial natural rain water flow around the home from the north (Falcon St.) and the east side. Home is located approx. 8 foot below Falcon St. The north side of the lot consist mostly of steep grades to the landing site the home is built on.
 - The east side of the home is an unbuildable location due to existing utilities and the substantial natural flow of rain water around the home (see picture R3, plot page, or document II).
 - The north side of the home is an unbuildable location due to steep grades in the front yard and the natural flow of rain water around the home (see picture F1, W2, W3, W4 and document II). Also, we are unable to achieve the minimum square foot required for living quarters without interruption of substantial natural rain water flow around the home.
 - The west side of the home is an unbuildable location due to the interruption of rain water flow for our house as well as the neighboring home (see document II, picture W1, W3, and W5). It is currently a joint effort to keep this path clear of debris.
- B. The variance is necessary for the preservation and enjoyment of a substantial right of the applicant.
- It is necessary for this addition to go over the 25 foot rear setback by 7 foot at the furthest corner of the addition, only 60.52 total square feet (see document V1) to provide the space necessary for the purpose of the room. The room will need to serve as living quarters (bedroom/personal living area) for a parent while receiving medical care.
 - Due to the shape of the lot and the grade of the land, we are unable to use the majority of our land. Our lot being a corner lot and having a 25 foot setback accessed to the rear portion of our lot on the Mustang St. side, makes it impossible to use any other portion of our lot for building. The neighboring lot (if it were buildable) would only be accessed a 15 foot setback vs our 25 foot setback.
- C. There is no reasonable alternative to the variance that will alleviate the difficulty for which the variance is requested.
- As stated in sections "A" and "B" above, the north, west, and east side of the home are unbuildable locations.
 - The north side of the home is unbuildable due to this being the front of the home, and no reasonable design exist to enable access to a room addition from within the home without interrupting the current design of the home, creating additional hardships.
 - Current home is only 1651 square feet, with a pitched/hip roof, and substantial redesign of the roof line would change/interrupt the current flow of rain water off the roof. This would require a substantial redesign of the roofline, require additional materials, and interrupt the aesthetics of the home in almost every location except the south portion of the home.
 - Building a 2nd story would require substantial redesign of the home, possibly impede the view of our neighbors, be visible by our neighbors, become aesthetically unappealing, and make the addition impossible to afford.
- D. The variance will be no greater than the minimum required to alleviate the difficulty for which the variance is requested.
- As stated in section "B" above, the minimum required to alleviate the difficulty would require a portion of the room addition to cross the rear setback by 7ft at the furthest point, 3ft at the shortest point, totaling 60.52 square feet.
 - If the room was any smaller it would not provide the space necessary for its purpose.

- E. That the granting of the variance will not have the effect of preventing the orderly use of other land in the area...etc...
- This piece of property being used will have no influence what so ever to anyone else in the neighborhood.
 - We are on a corner lot (*see picture F2*) and there is no one in the lot behind us, nor could anyone build on the lot behind us due to it being a cliff (*see picture B2*).
 - We have requested the rights of refusal for the lot behind us when the owner gets ready to sell the lot. (In which case the 25 foot setback would not be a problem, or even require this variance).
 - With our house being on a corner the back of our house will be facing the side of the lot behind us. Even if someone were to want to build a house there, they would only have a 15 foot setback as opposed to our 25 foot setback, which seems unjust.
 - Our neighbor to the South East of us cannot see that part of our yard, or this addition due to a privacy set of trees separating us. (*see picture B1*)
 - The backyard of our neighbor's house to the East faces our front yard, so they will not be disturbed by the addition, either (*see picture W3 and F2*).
 - These are the only two direct neighbors we have and if anything, the additional square footage of our home will make it more valuable in our neighborhood.
- F. That the variance will not violate the intent of the Zoning Ordinance nor the goals of the City's Master Plan.
- There are no changes that could be done to our lot or the lot behind us that would violate anything the City may do in the future.
- G. That such variance shall not restrict the reasonable unobstructed access to sunlight and preservation of views of those other properties which might be affected.
- As stated in "E" the two direct neighbors that we have won't even see the addition from their yards, nor will it impede anyone's view or sunlight.

Picture: B1

South East
Neighbor



Picture: B2

Back Lot
and
Cliff



Picture: F1



Picture: F2

Picture: F2



Empty Lot

South East Neighbor

East Neighbor

Corner Lot

Document: L1

LOT 105A

LOT 106

(N 01°11'00"W 49.87')
(N 01°11'16"W 49.74')

(S 88°59'55"W 0.50')
(S 88°59'55"W 0.50')

(N 01°11'W 80.00')
(N 01°11'00"W 89.67')

5' P.U.E. & Drainage Easement Per Plot & v. 3475 p. 2237

LOT 107 A

ONE STORY
FRAME & STONE
HOUSE

CONC. DRIVE

A/C

25' BL. PER COLLY.

CONC. WALK

CONC. DRIVE

(N 60°54'57"E 89.85')
(N 88°49'E 90.00')

20625 FALCON

LOT 108

(S 74°27'33"W 108.69')
(S 74°17'42"W 109.10')

5' P.U.E. & Drainage Easement Per Plot & v. 3475 p. 2237

25' BL. PER COLLY.

15' BL. PER COLLY.

CONC. DRIVE

90.29

90.06

90.37

90.58

91.53

92.07

39.6

12.7

21.7

91.74

49.7

02.22

Document: P1

LOT 105A

LOT 108

(N 01°11'00"W 49.87')
(N 01°11'16"W 49.74')

(S 88°59'55"W 0.50')
(S 88°59'55"W 0.50')

(N 01°11'W 90.00')
(N 01°11'00"W 89.67')

5' P.U.F. & Drainsage Easmt. Per Plat. A v. 3475 p. 2237

LOT 108

1' P.U.F. & Drainsage Easmt. Per Plat. & v. 3475 p. 2237
(S 74°27'33"W 108.69')
(S 74°17'42"W 109.10')

LOT 107 A

ONE STORY
FRAME & STONE
HOUSE

CONC. PAVT.
A/C

CONC. PAVT.

20625 FALCON

CONC. DRIVE
(N 60°54'57"E 89.65')
(N 68°49'E 90.00')

R1

R2

B1

B2

W1

W5

W6

C.5

W3

E1

W4

E2

90.37

11.07

39.2

91.63

75' BL Per C.O.L.V.

13.5

12.7

21.7

91.74

49.7

15' BL Per C.O.L.V.

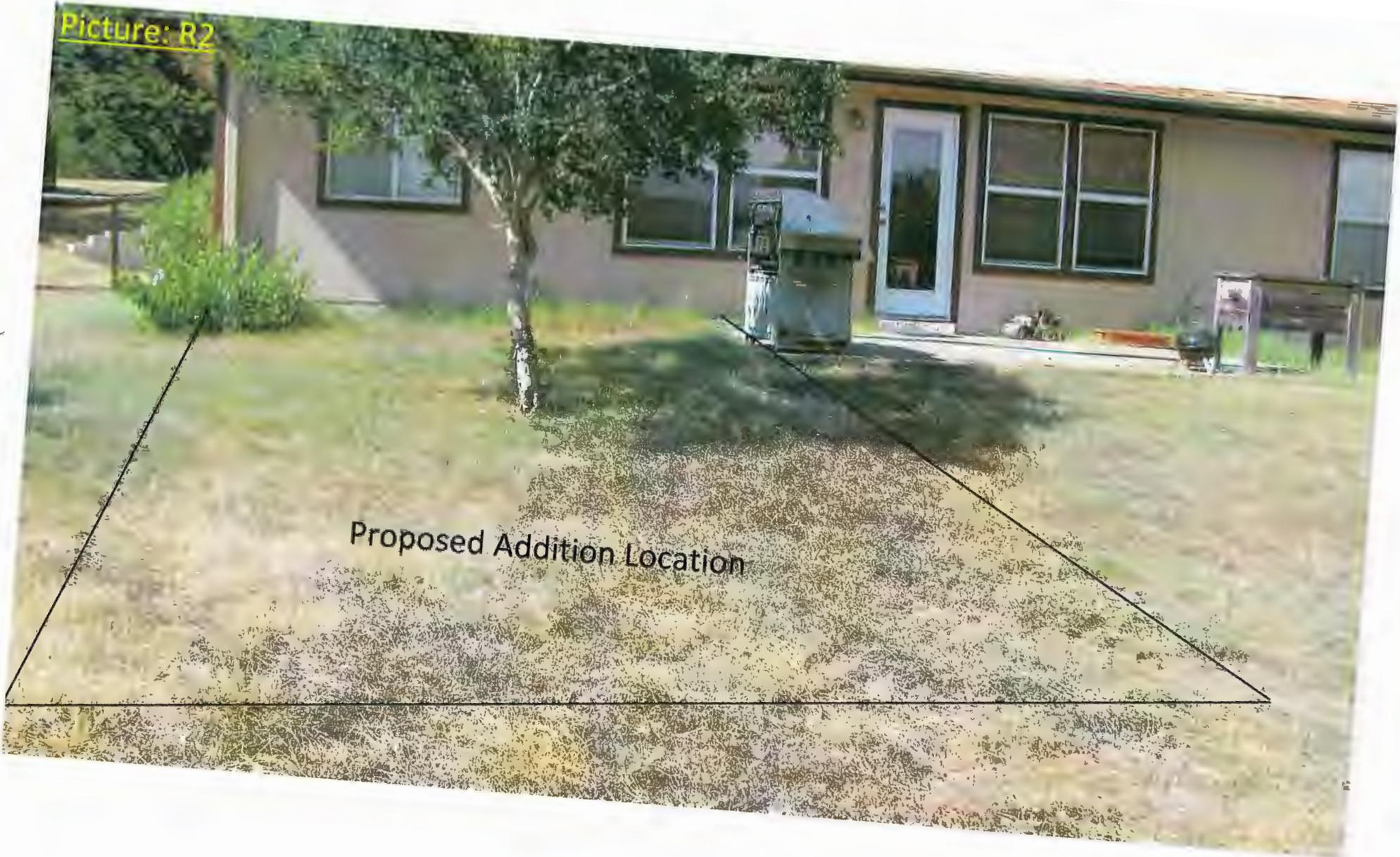
90.29

80.06

Picture: R1



Picture: R2



Proposed Addition Location

Picture: R3



Utilities

Picture: W1



Picture: W2



Picture: W3

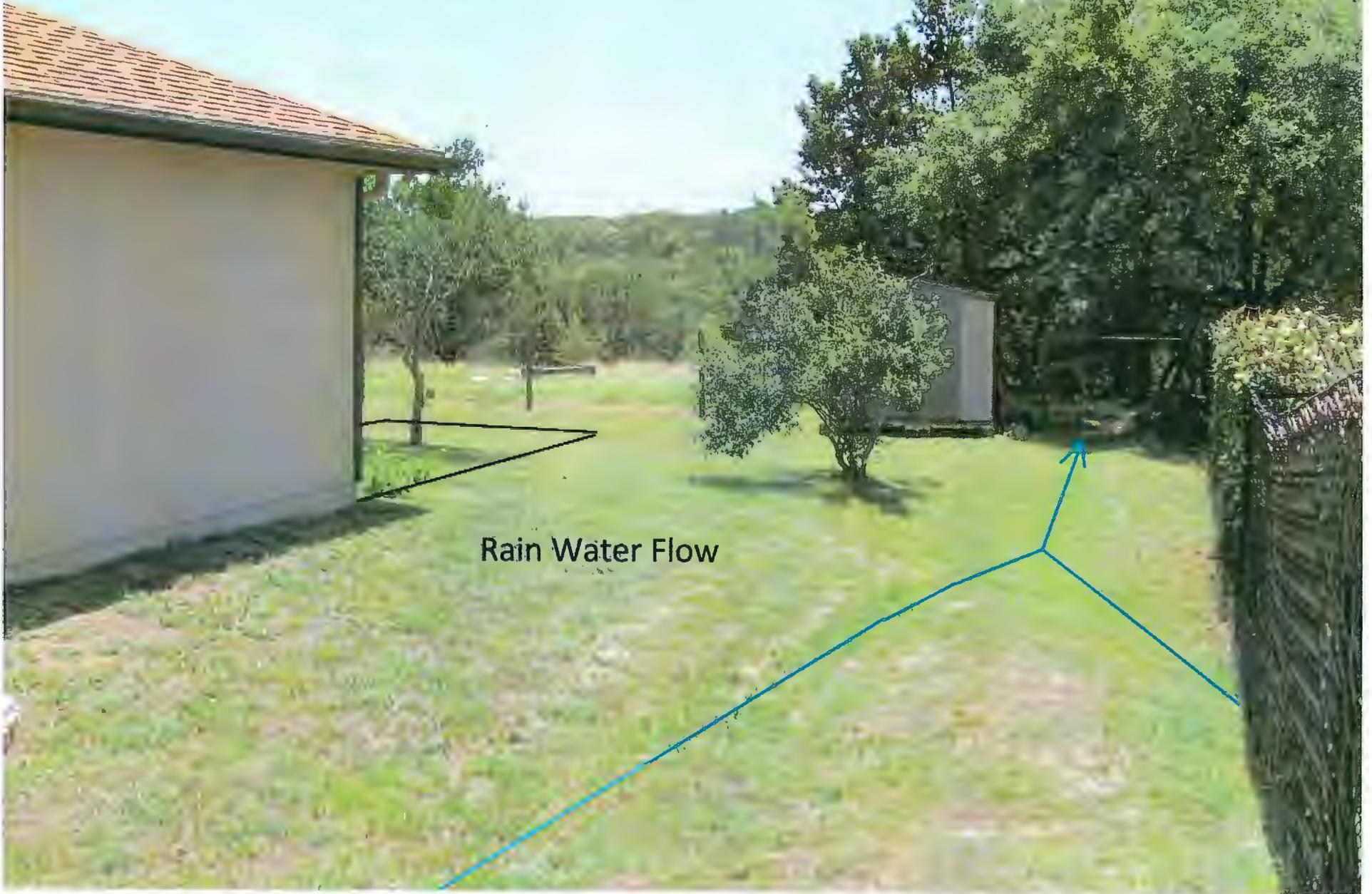


Picture: W4



Rain Water Flow

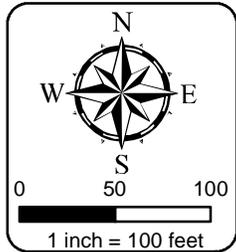
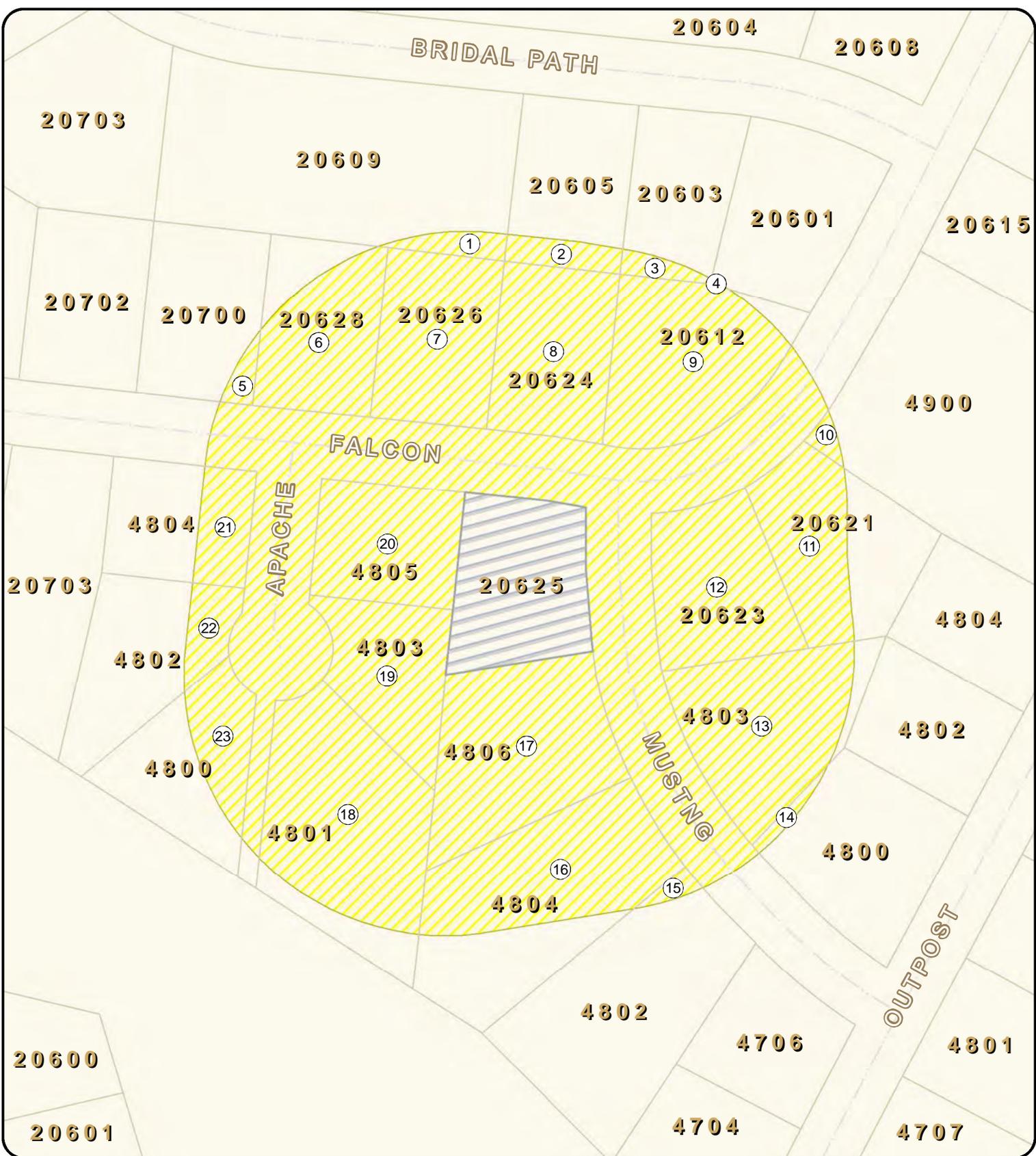
Picture: W5



Rain Water Flow

Attachment 2

Maps



20625 Falcon			
Request Type:	Variance	Project:	ZON-1044
Change Requested:	Addition in Rear Set Back	Date:	9/11/2015
Map Purpose:	200ft Buffer	Drawn By:	CM
<small>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.</small>			

Legend	
	Owner Parcels
	Requestor
	200' Buffer



20625 Falcon

Request Type:	Variance	Project:	ZON-1044
Change Requested:	Addition in Rear Set Back	Date:	9/17/2015
Map Purpose:	Aerial & Topo	Drawn By:	CM

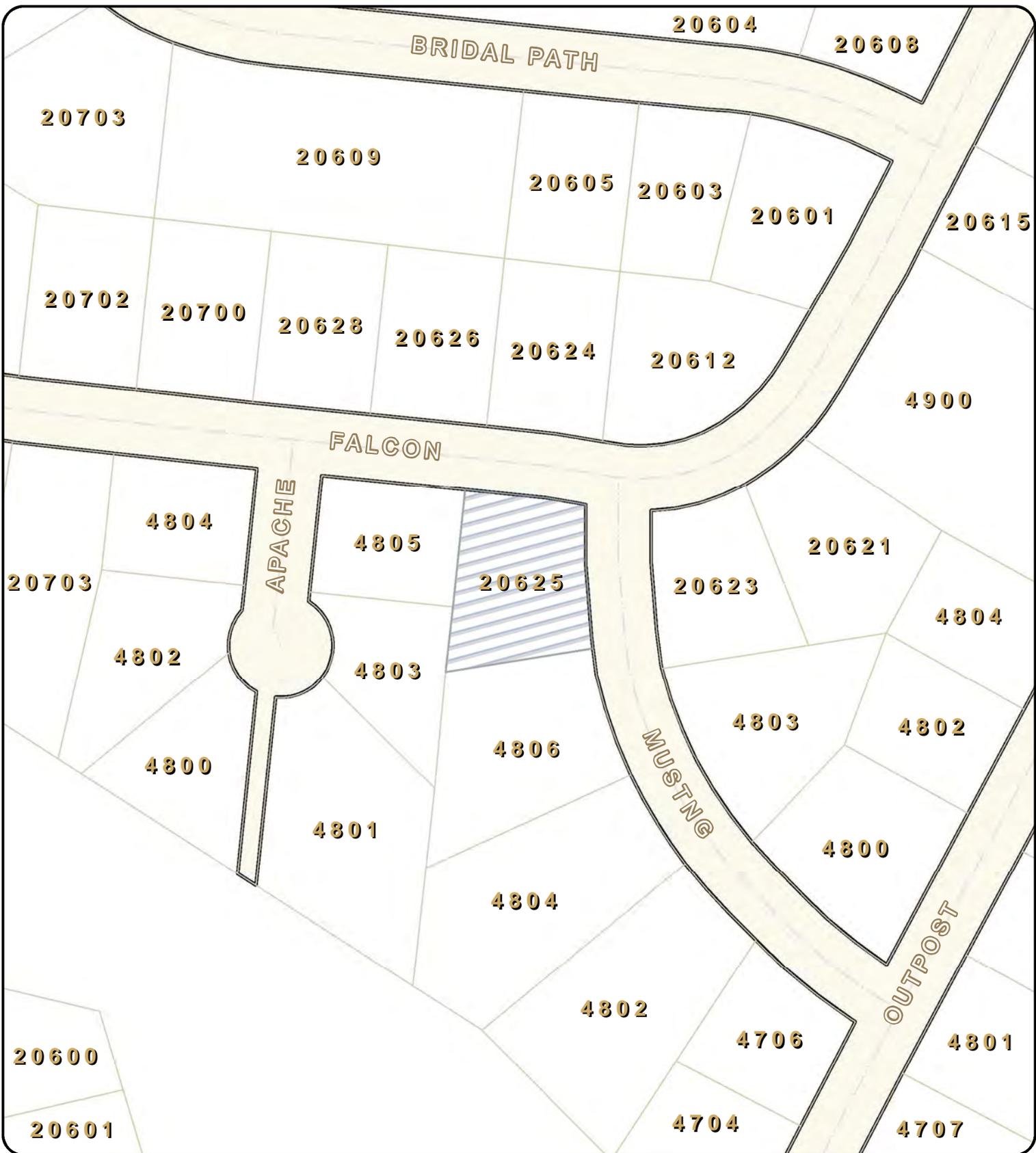
While every effort has been made to ensure the accuracy of this data, this map is to be used for reference purposes only. This data should not be construed as a survey instrument. No responsibility is assumed by the author for damages or other liabilities due to the accuracy, availability, completeness,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

Legend

- 20' Contours
- Owner Parcels
- Requestor



1 inch = 100 feet



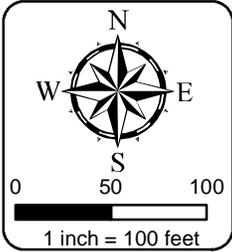
20625 Falcon

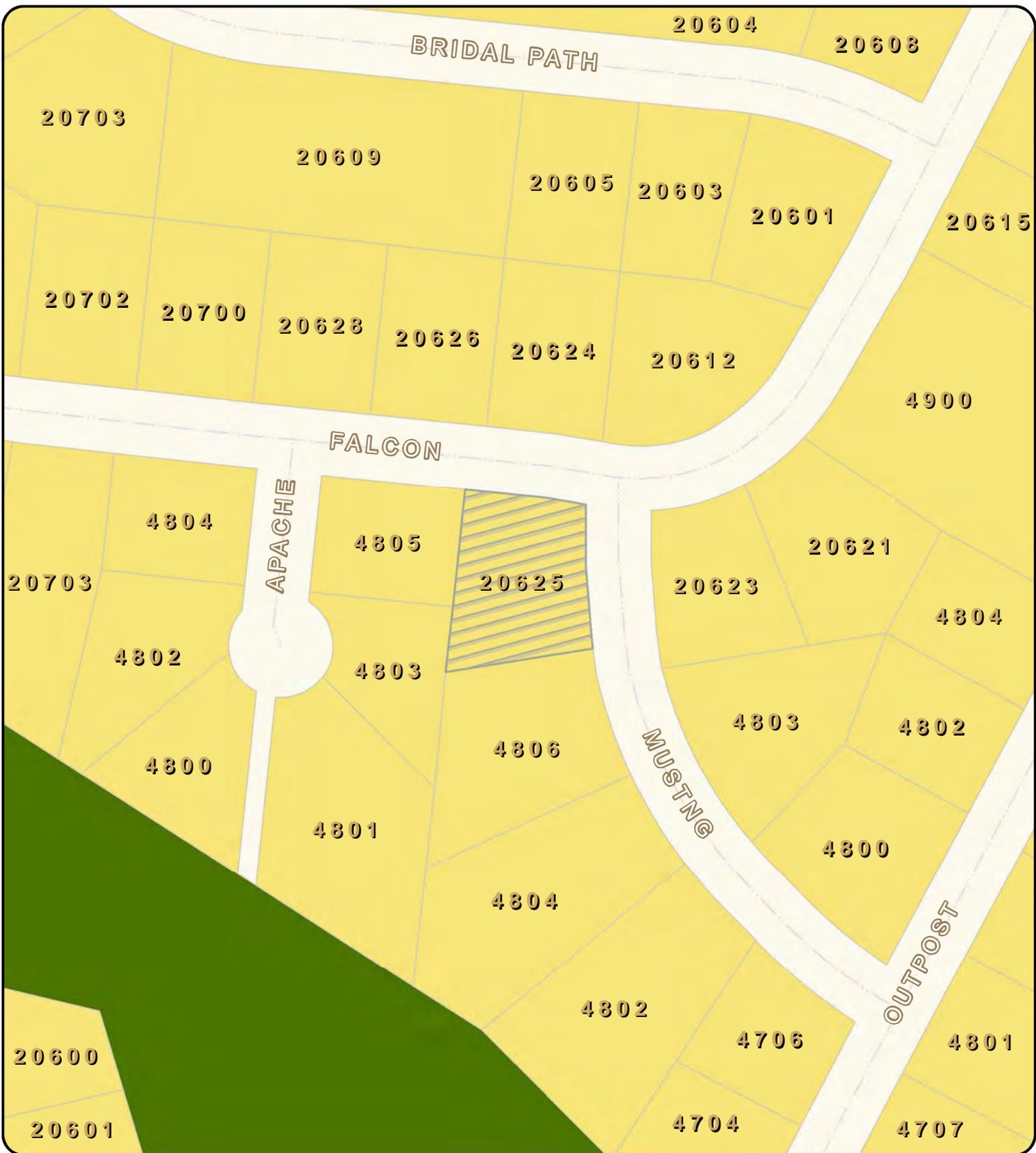
Request Type:	Variance	Project:	ZON-1044
Change Requested:	Addition in Rear Set Back	Date:	9/17/2015
Map Purpose:	Future Land Use	Drawn By:	CM

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
- Future Land Use**
- Low Density Residential





20625 Falcon

Request Type:	Variance	Project:	ZON-1044
Change Requested:	Addition in Rear Set Back	Date:	9/17/2015
Map Purpose:	Zoning	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
- Zoning Class**
- G-1
- R-1E

