AGENDA
BOARD OF ADJUSTMENT / APPEAL MEETING
CITY OF LEANDER, TEXAS

Pat Bryson Municipal Hall

201 North Brushy Street ~ Leander, Texas

Monday ~ January 6, 2014 at 7:00 PM

Gil Debner - Chairman	Jason Anderson – Vice Chairman
Antonio Martinez	Mary Orton
Tim Luke	Janet Gallagher – Building Official

1. Call to Order and Roll Call
2. Approval of Minutes: October 7, 2013
3. Zoning Variance Case #13-VA-004: Public hearing and consider action on a request for a Variance to Article VI, Section 6 (a) of the Composite Zoning Ordinance regarding paving setback requirements for the property located at 1602 West Drive, legally described as Lot 18, Blk C, Leander Heights Section 1; WCAD Parcel ID R036303, Leander, Texas.
4. Adjourn

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Board of Adjustment / Appeal reserves the right to adjourn into executive session on any of the above posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [contract for gift to city], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at 512/ 528-2743 for information**. Hearing impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 512/ 528-2800.

I certify that the above agenda for this Meeting of the Board of Adjustment / Appeal of the City of Leander, Texas, was posted on the bulletin board at City Hall, in Leander, Texas, on the 30th day December, 2013 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC, City Secretary

MINUTES
BOARD OF ADJUSTMENT / APPEAL MEETING
CITY OF LEANDER, TEXAS

Pat Bryson Municipal Hall

201 North Brushy Street ~ Leander, Texas

Monday ~ October 7, 2013 at 7:00 PM

Gil Debner - Chairman	Jason Anderson – Vice Chairman
Antonio Martinez	Mary Orton
Tim Luke	Janet Gallagher – Building Official

1. Call to Order and Roll Call
   Chairman Debner opened the meeting at 7:00 p.m. and welcomed those in attendance
   All present except Jason Anderson

2. Approval of Minutes: March 4, 2013
   Motion made by Antonio Martinez to approve. Second by Tim Luke.
   Motion passes, all voting "aye"

3. Zoning Variance Case #13-VA-001: Public Hearing and consider a Variance to Article VI, Section 14 of the Composite Zoning Ordinance regarding the requirement for non-residential properties to build a screening fence when adjacent to residential properties and a Variance to Article VI, Section 6 of the Composite Zoning Ordinance regarding setback requirements for the property located at 8748 RM 2243, WCAD Parcel ID R031348, Leander, Texas
   Robin Griffin, Senior Planner explained the variance requests

   Chuck Richey, property owner explained his reason for requesting the variance

   Motion made by Tim Luke to approve variance #1 concerning the fence as per staff requirements. Second by Antonio Martinez. Motion passes, all voting "aye'

   Motion made by Tim Luke to approve variance # 2 concerning the setback. Second by Antonio Martinez. Motion passes, all voting "aye'

4. Adjourn
   With there being no further business, the meeting adjourned at 7:14 p.m.

Attest:

Gil Debner, Chairman

Debbie Haile, TRMC, City Secretary

Executive Summary

January 6, 2014

Agenda Subject:	Zoning Variance 13-VA-004: Hold a public hearing and consider action on a request for a Variance to Article VI, Section 6 (a) of the Composite Zoning Ordinance regarding paving setback requirements for the property located at 1602 West Drive, legally described as Lot 18, Blk C, Leander Heights Section 1; WCAD Parcel ID R036303, Leander, Texas.
Background:	The applicant for the property located at 1602 West Drive is requesting a variance to the front paving setback requirements due to the ROW dedication requirement associated with West Drive.
Origination:	Applicant 360 Professional Services, Inc/Scott J. Foster, P.E. on behalf of NE Walker, Inc.
Financial Consideration:	None
Recommendation:	See Planning Analysis.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Aerial Map 4. Letter of Intent 5. Findings Form
Prepared By:	Robin M. Griffin, AICP Senior Planner 12/16/2013

PLANNING ANALYSIS

BOARD OF ADJUSTMENT
VARIANCE 13-VA-004
1602 WEST DRIVE

GENERAL INFORMATION

Owners: NE Walker, Inc

Current Zoning: GC-3-C (General Commercial)

Size and Location: The subject property is located at 1602 West Drive and includes parcel R036303.

Staff Contact: Robin M. Griffin, AICP
Senior Planner
City of Leander, Texas

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	GC-3-C	Established Single-Family Home zoned for commercial uses
EAST	GC-3-C	Established Single-Family Home zoned for commercial uses
SOUTH	GC-3-C	Developed Commercial (O'Reilly Auto Parts)
WEST	GC-3-C	Established Single-Family Home zoned for commercial uses

ORDINANCE PROVISION FOR WHICH VARIANCE IS REQUESTED:

COMPOSITE ZONING ORDINANCE
Article VI, Section 6, (a) Setbacks

SECTION 6: SETBACKS
(a) Building / Structure and Site Improvements:

PARKING, AISLE, LOADING, CANOPIES, OUTDOOR DISPLAY						
	Use Component	**Site Component**	**Front**	**Side**	**Street Side**	**Rear**
Standard Setback	MF	All	20'	5'***	20'	5'***
	LO, LC, GC, LI, HI	Type 1, 2	15'	5'***	15'	5'***
		Type 3	20'	5'***	20'	5'***
		Type 4, 5	25'	5'***	25'	5'***

*** Setback does not apply for parking, drive aisles, storage etc. that are intended to cross lot line.

ANALYSIS:

The applicant is requesting a variance to the front setback requirements for parking areas. Currently, the Composite Zoning Ordinance requires that all parking areas are setback fifteen (15') feet if the property is developed under the Type 2 site component. During the development stage of this project, the property owner is required to dedicate five (5') feet of right-of-way per the City of Leander Roadway Plan. The setback is measured from the new right-of-way line.

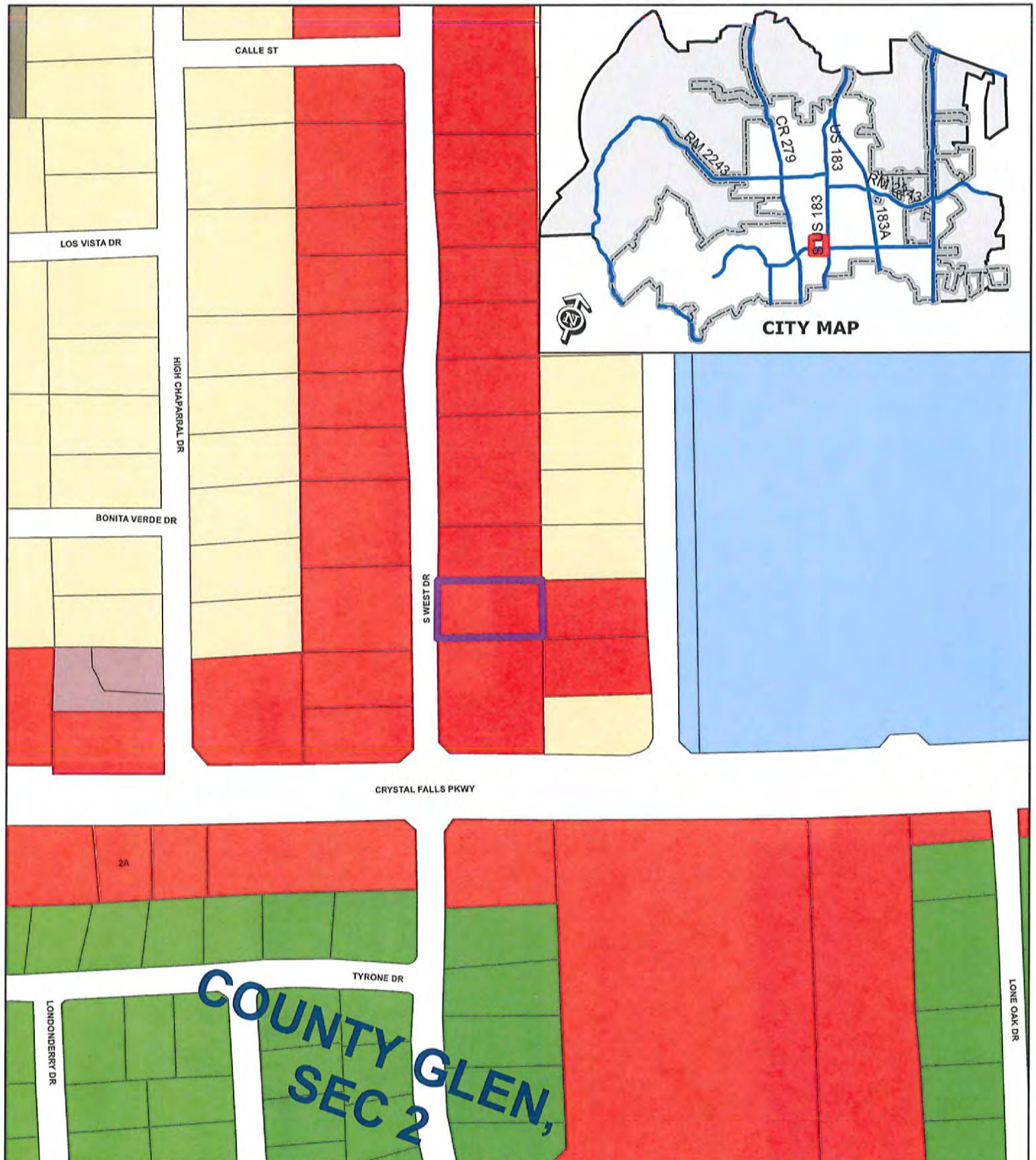
STAFF RECOMMENDATION:

Staff recommends approval of the proposed setback variance. The developer is proposing to access their property through the O'Reilly Auto Parts driveway located to the south. The additional right-of-way dedication would make it difficult for the property to develop and include adequate parking to accommodate the proposed uses. The right-of-way dedication requirement presents a hardship to the development. This condition was not self-imposed or self-created.

FINDINGS OF FACT:

The Board of Adjustment needs to review the request and determine if the variances meet the following findings of fact.

1. There are unusual and practical difficulties or unnecessary hardship in the carrying out of the usual setback provisions of the ordinance due to an irregular shape of the lot, topography or other conditions. [Yes] / [No]
2. The variance will not significantly affect any adjoining property or the general welfare. [Yes] / [No]
3. The variance will not be contrary to the public interest. [Yes] / [No]
4. The request for a variance is owing to a special condition inherent in the property itself, which is not self-imposed or self-created. [Yes] / [No]
5. Literal enforcement of the provisions of the applicable Ordinance will result in unnecessary hardship. [Yes] / [No]



VARIANCE CASE
13-VA-004

Attachment #2

Current Zoning Map
1602 West Drive

Subject Property
City Limits
Future Annexation Per DA
Involuntary Annexation
Voluntary Annexation

SFR
SFE
SFS
SFU
SFC
SFL
SFT
SFU/MH
TF
MF
LO
LC
GC
LI
HI
PUD

0 200
Feet

VARIANCE CASE 13-VA-004
Attachment #3
Setback Variance

Aerial Exhibit - Approximate Boundaries
1602 West Drive

Subject Property
City Limits

0 200
Feet

ATTACHMENT 4

360 PROFESSIONAL SERVICES, INC.

P.O. Box 3639
Cedar Park, Texas 78630

December 12, 2013

Mrs. Robin Griffin
City of Leander
Planning Department
PO Box 319
Leander, TX 78646

Re: ***Request for Zoning Variance***
1602 S. West Drive

Dear Mrs. Griffin:

Please accept this letter as a written request to for a zoning variance from Article VI, Section 6 (a) of the Composite Zoning Ordinance. The specific request is to allow parking within the required setback.

The need for the variance was discovered during preliminary development meetings with the City. During those meetings, it was determined that five (5) feet of additional right-of-way would be required and all setbacks would be based upon the new right-of-way line. Upon further review of the adjacent development (O'Reilly's Auto Parts), it was determined that they constructed their driveway such that the subject tract would not be allowed to be developed without adequate parking without the referenced variance. This information is generally depicted in both Exhibit A and Exhibit B.

Section 3 of the Board of Adjustment Findings of Fact outlines guidelines for the approval of a variance and these are summarized below:

3. *The request for a setback variance meets the following conditions:*

   a. *There are unusual and practical difficulties or unnecessary hardship in the carrying out of the usual setback provisions of the ordinance due to an irregular shape of the lot, topography or other conditions.* ***[Yes]*** */ [No]*

      The subject tract is required by City ordinance to dedicate an additional five feet of right-of-way, and the adjacent property's driveway is located at the revised parking setback line. Based upon the need to provide adequate parking, the fire lane access requirements, and the narrowness of the tract, a variance is necessary.

   b. *The variance will not significantly affect any adjoining property or the general welfare.* ***[Yes]*** */ [No]*

      This variance will only impact the subject property and allow adequate on-site parking to be provided for the property.

c. *The variance will not be contrary to the public interest.* ***[Yes]*** */ [No]*

The necessity for this variance is caused by the needs of the public for the additional right-of-way dedication. Without the subject variance, additional variance would be needed to develop the property.

d. *The request for a variance is owing to a special condition inherent in the property itself, which is not self-imposed or self-created.* ***[Yes]*** */ [No]*

The required right-of-way dedication and the adjacent shared driveway were neither self-imposed nor self-created. They are necessitated for compliance with the City's ordinances and due to the development of the adjacent property owner.

e. *Literal enforcement of the provisions of the applicable Ordinance will result in unnecessary hardship.* ***[Yes]*** */ [No]*

Without relief from setback, variances will be necessary to reduce the parking requirements or to not dedicate the requested right-of-way. The requested variance is not considered self-imposed or self-created since it is caused by City requirements and actions by others.

If you should have any questions, or need additional information, please feel free to contact us at (512) 354-4682.

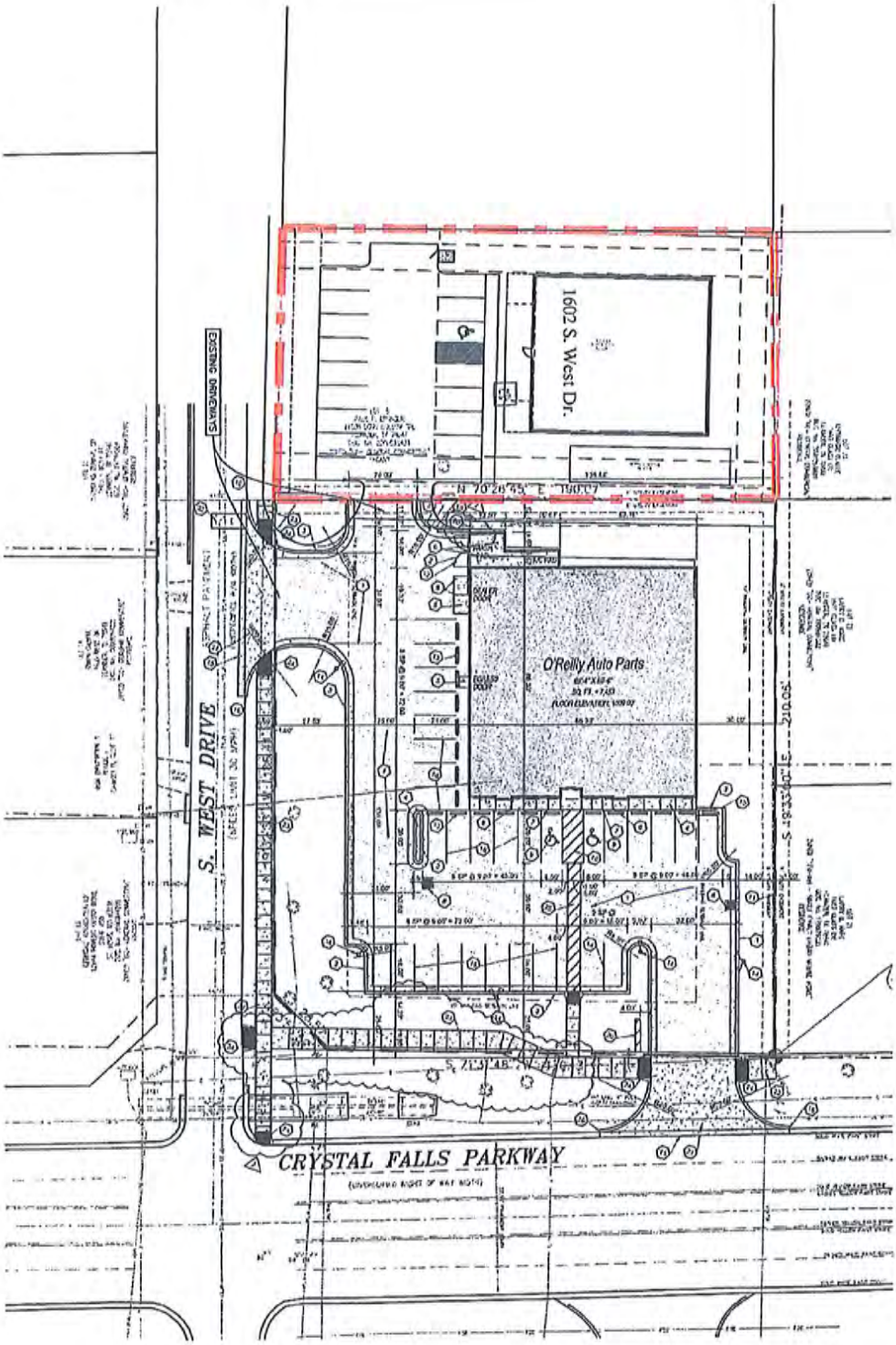
Very truly yours,

360 PROFESSIONAL SERVICES, INC.

TBPE Firm No. F-4932

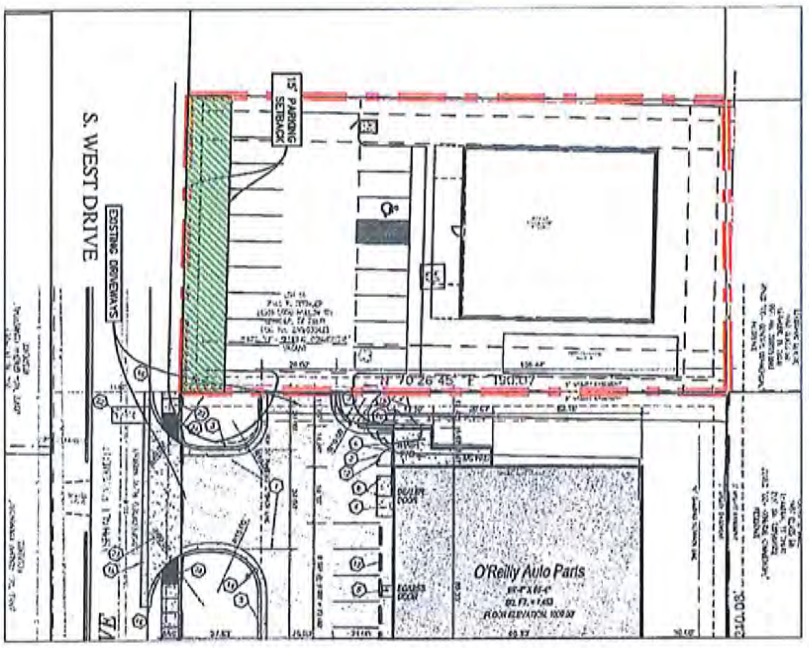
Scott J. Foster, P.E.
Principal

Attachments: Exhibit A – Overall Typical Site Plan
Exhibit B – Typical Site Plan

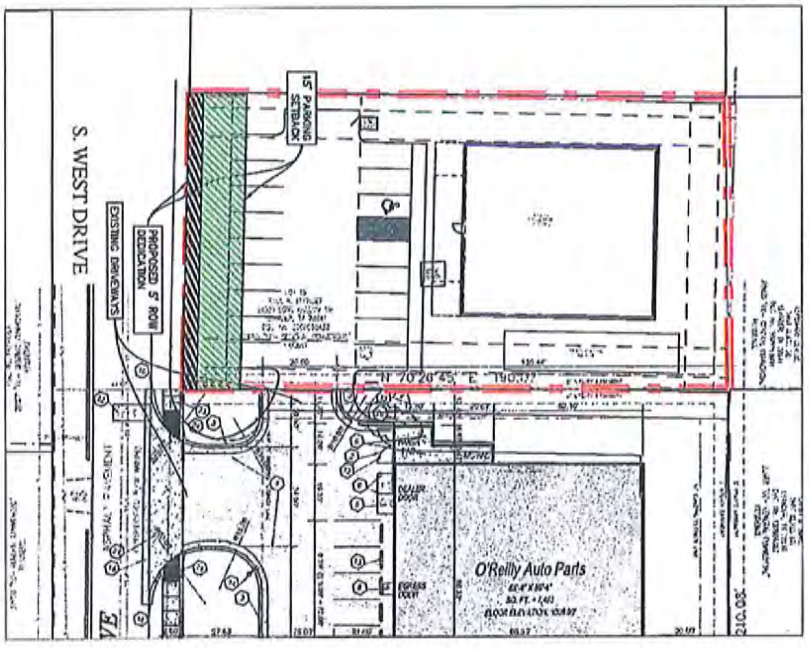


No.	Date	Revisions	App.

SHEET EX A	Scale: AS SHOWN Designed by: Drawn by: Checked by: Date: DECEMBER 2013 Project No.	EXHIBIT A: OVERALL TYPICAL SITE PLAN	1602 S. WEST DRIVE LEANDER, TEXAS 78641	360 PROFESSIONAL SERVICES, INC.



TYPICAL SITE WITHOUT 5' ROW DEDICATION



TYPICAL SITE WITH 5' ROW DEDICATION

No.	Date	Revisions	App.

Scale: AS SHOWN	
Designed by:	
Drawn by:	
Checked by:	
Date: DECEMBER 2013	
Project No.	

SHEET EX B

EXHIBIT B:
TYPICAL SITE
PLAN

1602 S. WEST DRIVE
LEANDER, TEXAS 78641

360 PROFESSIONAL SERVICES, INC.

CITY OF LEANDER
BOARD OF ADJUSTMENT MEETING
January 6, 2014

Case # 13-VA-004
Agenda Item Number:

Property: NE Walker, Inc Request: Variance

Address: 1602 West Drive
Leander, Texas 78641

Description of Variance Request: A variance to Article VI, Section 6 of the Composite Zoning Ordinance regarding the paving setback requirements.

NOW COMES the Board of Adjustment for the City of Leander, having heard the request of 360 Professional Services, Inc / Scott J. Foster, P.E. to be granted a variance from Article VI, Section 6 of the Composite Zoning Ordinance of the City concerning the property described above. The application for a variance dated December 13, 2013 was presented to the Board on January 6, 2014. The Board having given the applicant, interested parties and the City representatives an opportunity to present arguments and evidence at a public hearing makes the following findings:

1. The request is consistent with the general purpose and spirit of the ordinance and the variance furthers substantial justice. [Yes] / [No]
2. This case was heard by at least 75% of the members of the Board of Adjustment. [Yes] / [No]
3. The request for a setback variance meets the following conditions:
    a. There are unusual and practical difficulties or unnecessary hardship in the carrying out of the usual setback provisions of the ordinance due to an irregular shape of the lot, topography or other conditions. [Yes] / [No]
    b. The variance will not significantly affect any adjoining property or the general welfare. [Yes] / [No]
    c. The variance will not be contrary to the public interest. [Yes] / [No]
    d. The request for a variance is owing to a special condition inherent in the property itself, which is not self-imposed or self-created. [Yes] / [No]
    e. Literal enforcement of the provisions of the applicable Ordinance will result in unnecessary hardship. [Yes] / [No]

The specific facts that the Board finds to support the findings are:

_____

_____

_____

_____

Motion: By: Board Member

Second By: Board Member

		In Favor	Opposed
Vote:	Chairman Debner	☐	☐
	Vice Chairman Anderson	☐	☐
	Board Member Luke	☐	☐
	Board Member Martinez	☐	☐
	Board Member Orton	☐	☐

Based on the foregoing facts and findings, the Board has determined that the variance requested by applicant should be [Denied], or should be [Granted] / with the conditions stated below.

Conditions of variance to alleviate potential negative effects:

Signed this _____ day of _____, _____.

Board of Adjustment, Chair

_____

Name: _____