AGENDA
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

2. Approval of Minutes: March 4, 2013

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

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 3rd day October, 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 ~ March 4, 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 called the meeting to order at 7:05 p.m.
   All present

2. Approval of Minutes: November 5, 2012
   Motion made by Tim Luke to approve. Second by Jason Anderson.
   Motion passes, all voting "aye"

3. Zoning Variance Case #13-VA-001: Consider a Variance to Article VI, Section 16 of the Composite Zoning Ordinance regarding fence height located at 713 River Crest (Oak Ridge Sec. 1, Block C, Lot 18) Leander, Texas

   a. Open Public Hearing
      Chairman Debner opened the public hearing
      Robin Griffin, Planner explained
      Tom Murphy, agent for owner explained the request
      Claudia Daniel, property owner explained why she is asking for the variance
      Robert Autry, 1504 Moss Creek – spoke for the variance
      Karen Harlow, 1108 Willowcreek – spoke against the variance
      Gary Annis, 805 Mellow Ridge Dr. – spoke against the variance
      Christian Aman, 711 Rivercrest – spoke for the variance
      James Cameron, 716 Rivercrest – spoke against the variance

   b. Close Public Hearing
      Chairman Debner closed the public hearing

   c. Discussion
      The Board held a discussion

   d. Consider Action
      Motion made by Tim Luke to deny the variance. Second by Jason Anderson. Motion Passes, 4 to 1 with Antonio Martinez voting against the denial.

   e. Prepare Findings
      Chairman Debner signed the findings form

4. Adjourn
With there being no further business, the meeting adjourned at 7:30 p.m.

Attest:

Gil Debner, Chairman

Debbie Haile, TRMC, City Secretary

Executive Summary

October 07, 2013

Agenda Subject:	Zoning Variance 13-VA-002: Hold a public hearing and consider action on a request for 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 paving setback requirements for the property located at 8748 RM 2243, WCAD Parcel ID R031348, Leander, Texas.
Background:	The applicant for the property located at 8748 RM 2243 has submitted a site development permit application. Due to the current setback regulations they will have to remove several substantial trees in order to build their driveway. In addition, they would like a variance to the requirement to construct a fence when a non-residential property is adjacent to a residential property.
Origination:	Applicant Kurt Prossner on behalf of Presidential RV & Boat Storage.
Financial Consideration:	None
Recommendation:	See Planning Analysis.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Aerial Map – Fence Variance 4. Aerial Map – Setback Variance 5. Aerial Map – Overall 6. Letter of Intent 7. Findings Form
Prepared By:	Robin M. Griffin, AICP Senior Planner 09/26/2013

PLANNING ANALYSIS

BOARD OF ADJUSTMENT VARIANCE 13-V-002
8748 RM 2243

GENERAL INFORMATION

Owners: Presidential RV & Boat Storage

Current Zoning: LI-5-D (Light Industrial)

Size and Location: The subject property is located at 8748 RM 2243, to the northwest of the intersection of Ronald Reagan Boulevard and RM 2243. The subject property includes parcel #R031348.

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	SFR-1-B	Established Single-Family Home
EAST	SFR-1-B	Grandfathered Commercial Use
SOUTH	LC-2-B	Undeveloped Land Zoned for Local Commercial
WEST	SFR-1-B	Property Developed as a Church

ORDINANCE PROVISION FOR WHICH VARIANCE IS REQUESTED:

COMPOSITE ZONING ORDINANCE
Article VI, Section 14, (e) Additional Multi-Family and Non-Residential Standards

(e) A six-foot privacy fence is required to be constructed by any non-residential use that abuts property utilized for a single-family or two-family residence on land zoned single-family or two-family, or land planned or platted for such with an approved concept plan, preliminary plat or final plat, unless an existing structure is proposed to be expanded by less than 50%, or 1,000 sq. ft., whichever is less. Such fence shall be constructed at the common property line between the uses, or if such location is not feasible because of floodplain, trees or other natural feature, at a location that will effectively screen the non-residential use from view from the single-family or two-family residence. Such fence is required to have posts with concrete footings and is required to be constructed of one or more of the following materials: cedar, redwood, textured pre-cast concrete (e.g. WoodCrete), brick, stone, cast stone, stucco, factory tinted or painted split-faced concrete masonry unit, granite, tile or other similar material approved by the Director of Planning. A chain link fence shall not be used unless such chain link fence is necessary to provide security for an outdoor storage area or other restricted area and vinyl slats are placed within the links or opaque windscreens are utilized to provide a solid appearance. An eight-foot fence may be utilized for security purposes. Gates shall be provided in the fence as appropriate to connect to public sidewalks or other pedestrian connections unless such fence is also used as described above for security. If there is an existing privacy fence in acceptable condition, the requirement for construction of a new privacy fence with steel posts may be waived by the Director of Planning if the non-residential property owner installs one hundred and fifty percent (150%) of the normal landscape buffer plantings required by the landscape ordinance adjacent to the boundary of the single family or two family property described above.

COMPOSITE ZONING ORDINANCE
Article VI, Section 6 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 the following variances:

1. A variance to the requirement that a six (6') foot privacy fence is required when a non-residential use is developed adjacent to a residential use.
2. A variance to the paving setback requirements.

Variance #1: Fence Variance

Staff recommends approval of the proposed variance to the fence requirements with the condition that the residential property and commercial property are owned by the same entity and if the residential property is utilized by the manager or other employee of the storage facility. In the event that the residential property is no longer owned by the same entity as the storage center and utilized by the manager or other employee, then a fence will be required. This requirement will need to be added to the site development plans and the BOA determination will need to be recorded at Williamson County. The intent of the fence requirement between the non-residential and residential property is to provide screening for the residential use. The LI-5-D (Light Industrial) zoning district permits a wide range of intense uses that may impact the residential property.

Variance #2: Setback Variance

Staff recommends approval of the proposed setback variance. The applicant is requesting to encroach into the western setback area by three (3') feet in order to preserve established trees located along the eastside of their driveway. Currently, there is an existing driveway in place. With the change in development to a commercial use, the driveway is required to be expanded. The existing trees present 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.

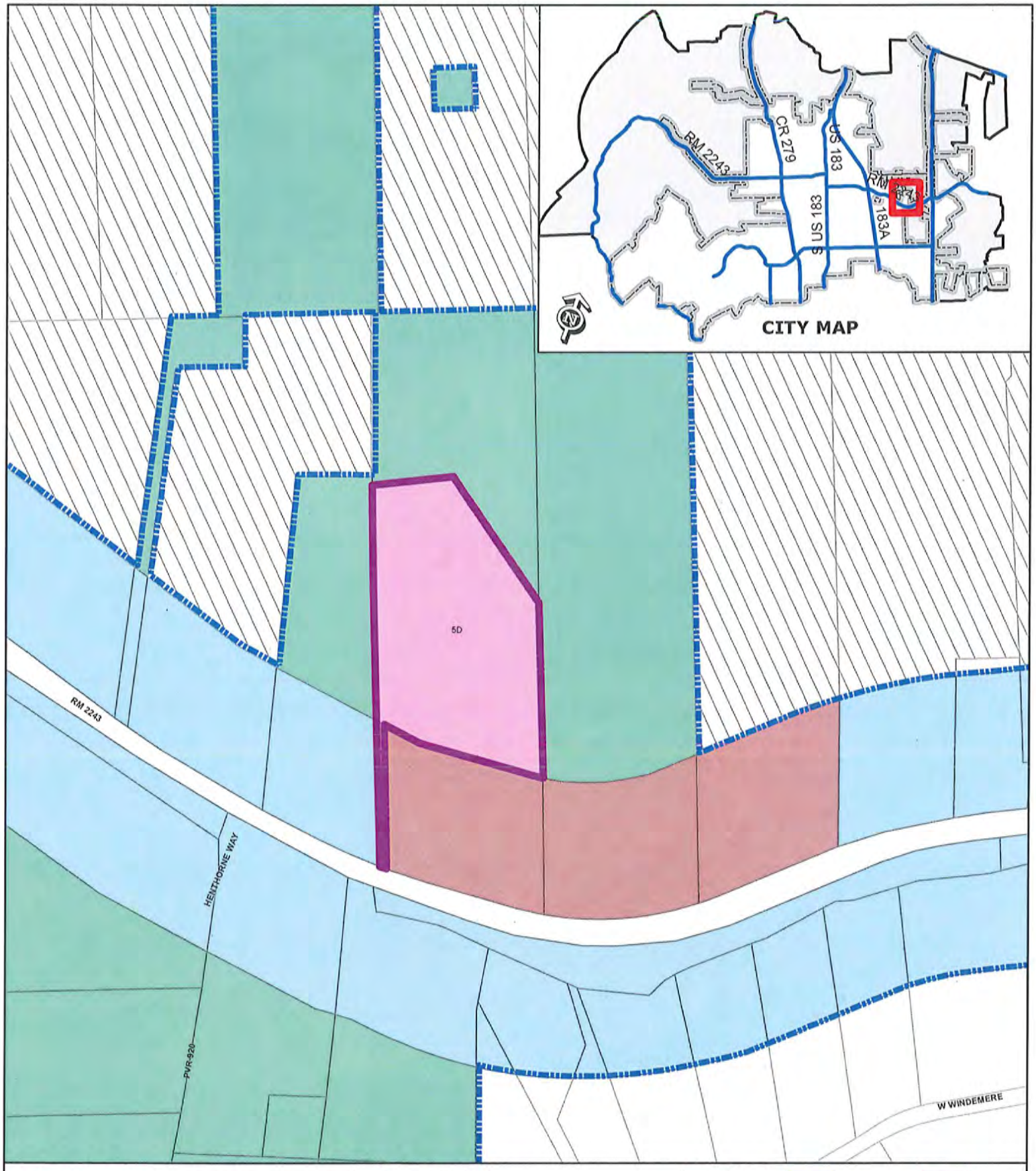
1. There are unusual and practical difficulties or unnecessary hardship in the carrying out of the usual setback provisions of the ordinance due to an irregular shape of the lot, topography or other conditions. [Yes] / [No]

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-002

Attachment #2

Current Zoning Map
8748 RM 2243

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

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

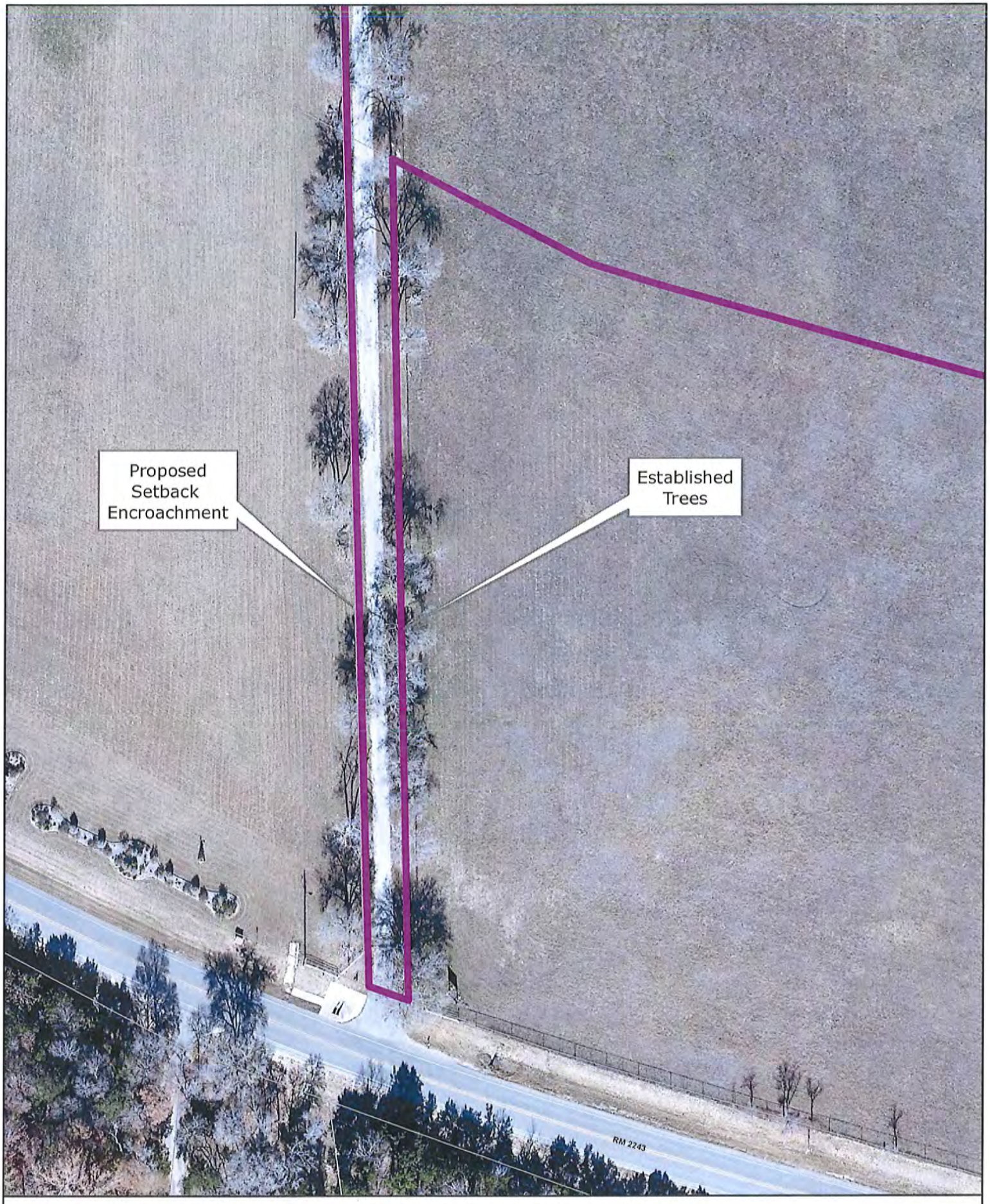
0 200 400
Feet

VARIANCE CASE 13-VA-002
Attachment #3
Fence Variance

Aerial Exhibit - Approximate Boundaries
8748 RM 2243

0 200
Feet

Subject Property
City Limits



VARIANCE CASE 13-VA-002
Attachment #4
Setback Variance

Aerial Exhibit - Approximate Boundaries
8748 RM 2243

0 200
Feet

Subject Property
City Limits

VARIANCE CASE 13-VA-002
Attachment #5
Overall Exhibit

Aerial Exhibit - Approximate Boundaries
8748 RM 2243
0 200
Feet

Subject Property
City Limits

Presidential RV & Boat Storage
8750 RM 2243
Leander Texas 78641

To Whom It May Concern:

Presidential RV Storage would like to apply for variances to the City Ordinances onconstructing our facility. We would like our setbacks go from 5ft to 2ft so we don't have to take out older mature trees that are above 12inch diameters.

Second, I would like to request a variance on the wood fence separating single family residence from commercial property. I own both parcels and the residential property is going to provide visual security to the commercial property. The wood fence would severely hinder visual security.

Thank you for your consideration

Rebecca & Charles Richey

CITY OF LEANDER
BOARD OF ADJUSTMENT MEETING
October 7, 2013

Case # 13-VA-002
Agenda Item Number:

Property: Presidential RV & Boat Storage Request: Variance

Address: 8748 RM 2243
Leander, Texas 78641

Description of Variance Request: A variance to Article VI, Section 14 (e) of the Composite Zoning Ordinance regarding the requirement to construct a six (6') foot privacy fence by the non-residential us that abuts property utilized for single-family.

NOW COMES the Board of Adjustment for the City of Leander, having heard the request of Kurt Prossner on behalf of Presidential RV & Boat Storage to be granted a variance from Article VI, Section 14 (e) of the Composite Zoning Ordinance of the City concerning the property described above. The application for a variance dated August 26, 2013 was presented to the Board on October 7, 2013. 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 variance to the fence requirements 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: _____

CITY OF LEANDER
BOARD OF ADJUSTMENT MEETING
October 7, 2013

Case # 13-VA-002
Agenda Item Number:

Property: Presidential RV & Boat Storage Request: Variance

Address: 8748 RM 2243
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 Kurt Prossner on behalf of Presidential RV & Boat Storage 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 August 26, 2013 was presented to the Board on October 7, 2013. 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: _____