



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



Pat Bryson Municipal Hall

201 North Brushy Street ~ Leander, Texas

Monday ~ June 22, 2015 at 7:00 PM

Gil Debner - Chairman
Vacant
Tim Luke

Bill Barton – Vice Chairman
Mary Orton
Linda Alger – Building Official

1. Call to Order and Roll Call
2. Approval of Minutes: January 5, 2015
3. Variance 15-VA-001: Hold a public hearing and consider action on a request for a variance to Article VI, Section 8 (b) and Article VI, Section 15 (c) of the Composite Zoning Ordinance, regarding the required ten foot landscape lot, six foot privacy fence, and six foot concrete sidewalk associated with the property located at 15 and 17 Warfield, WCAD Parcel ID R037188 & R473622, Leander, Texas. Applicant Matt Jones (KLM Custom) on behalf of 360 Homes, LLC (Travis Brown).
 - a. Open Public Hearing
 - b. Close Public Hearing
 - c. Discussion
 - d. Consider Action
 - e. Prepare Findings
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 18th day June, 2015 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

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 ~ January 5, 2015 at 7:00 PM

Gil Debner - Chairman	Bill Barton
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 pm.
All present
2. Approval of Minutes: January 6, 2014
Motion made by Antonio Martinez to approve. Second by Tim Luke.
Motion passes, all voting “aye”
3. Elect Vice Chairman to the Board of Adjustment/Appeal
Motion made by Gil Debner to appoint Bill Barton as Vice Chairman. Second by Tim Luke.
Motion passes, all voting “aye”
4. Variance 14-VA-003: Hold a public hearing and consider action on a request for a Variance to Section 3.08.012 B.(5) of the Sign Ordinance, regarding freestanding monument signs for the property located at 8748 RM 2243, WCAD Parcel ID R031348, Williamson County, Leander, Texas
 - a. Open Public Hearing
Chairman Debner opened the public hearing
Rebecca Noelke-Richey and Chuck Richey – applicants, explained the request
 - b. Close Public Hearing
Chairman Debner closed the public hearing
 - c. Discussion
A discussion was held
 - d. Consider Action
Motion made by Bill Barton to deny the variance. Second by Mary Orton.
Motion to deny the variance passes 3 to 2 with Tim Luke and Antonio Martinez voting against
 - e. Prepare Findings
Chairman Debner reviewed the Findings of Fact
5. Adjourn
With there being no further business, the meeting adjourned at 7:40 pm

Attest:

Gil Debner, Chairman

Debbie Haile, TRMC, City Secretary



EXECUTIVE SUMMARY

JUNE 22, 2015

-
- Agenda Subject:** Variance 15-VA-001: Hold a public hearing and consider action on a request for a variance to Article VI, Section 8 (b) and Article VI, Section 15 (c) of the Composite Zoning Ordinance, regarding the required ten foot landscape lot, six foot privacy fence, and six foot concrete sidewalk associated with the property located at 15 and 17 Warfield, WCAD Parcel ID R037188 & R473622, Leander, Texas. Applicant Matt Jones (KLM Custom) on behalf of 360 Homes, LLC (Travis Brown).
- Background:** The applicant is requesting a variance from Article VI Site Standards, Section 8 (b) from the Composite Zoning Ordinance regarding the requirement for a 10 ft landscape lot and a 6 ft masonry wall, and from Article VI, Section 15 (c) requiring a sidewalk along the west side of Ronald W. Regan Blvd.
- Origination:** Applicant/Agent: Matt Jones on behalf of Travis Brown.
- Financial Consideration:** None
- Recommendation:** See Planning Analysis.
- Motion:** APPROVAL: The Zoning Board of Adjustment recommends approval of the variance request based on the findings of fact.
DENIAL: The Zoning Board of Adjustment recommends denial of the variance request based on the findings of fact.
- Attachments:**
1. Planning Analysis
 2. Current Zoning Exhibit
 3. Aerial Exhibit
 4. Letter of Intent
 5. Findings of Fact
- Prepared By:** Martin Siwek, AICP, GISP
Planner

6/12/2015



PLANNING ANALYSIS

BOARD OF ADJUSTMENT / APPEAL COMPOSITE ZONING ORDINANCE VARIANCE 15-VA-001 15 & 17 WARFIELD

GENERAL INFORMATION

- Owner:** Travis Brown, 360 Homes
- Current Zoning:** Interim SFS-2-B (Single Family Suburban)
Interim SFR-1-B (Single Family Rural)
- Size and Location:** The subject property is generally located 1,100 ft east from the southeast corner of the intersection of Ridgmar Rd and Warfield, more or less, and includes WCAD Parcels R473622 and R037188.
- Staff Contact:** Martin Siwek, AICP, GISP
Planner
City of Leander, Texas

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	Interim SFR-1-B	Established Single-Family Home (Ridgmar Landing)
EAST	GC-2-A	Undeveloped Land Zoned for Commercial Use
SOUTH	Interim SFS-2-B Interim SFR-1-B	Established Single-Family Home (Ridgmar Landing)
WEST	Interim SFR-1-B	Established Single-Family Home (Ridgmar Landing)

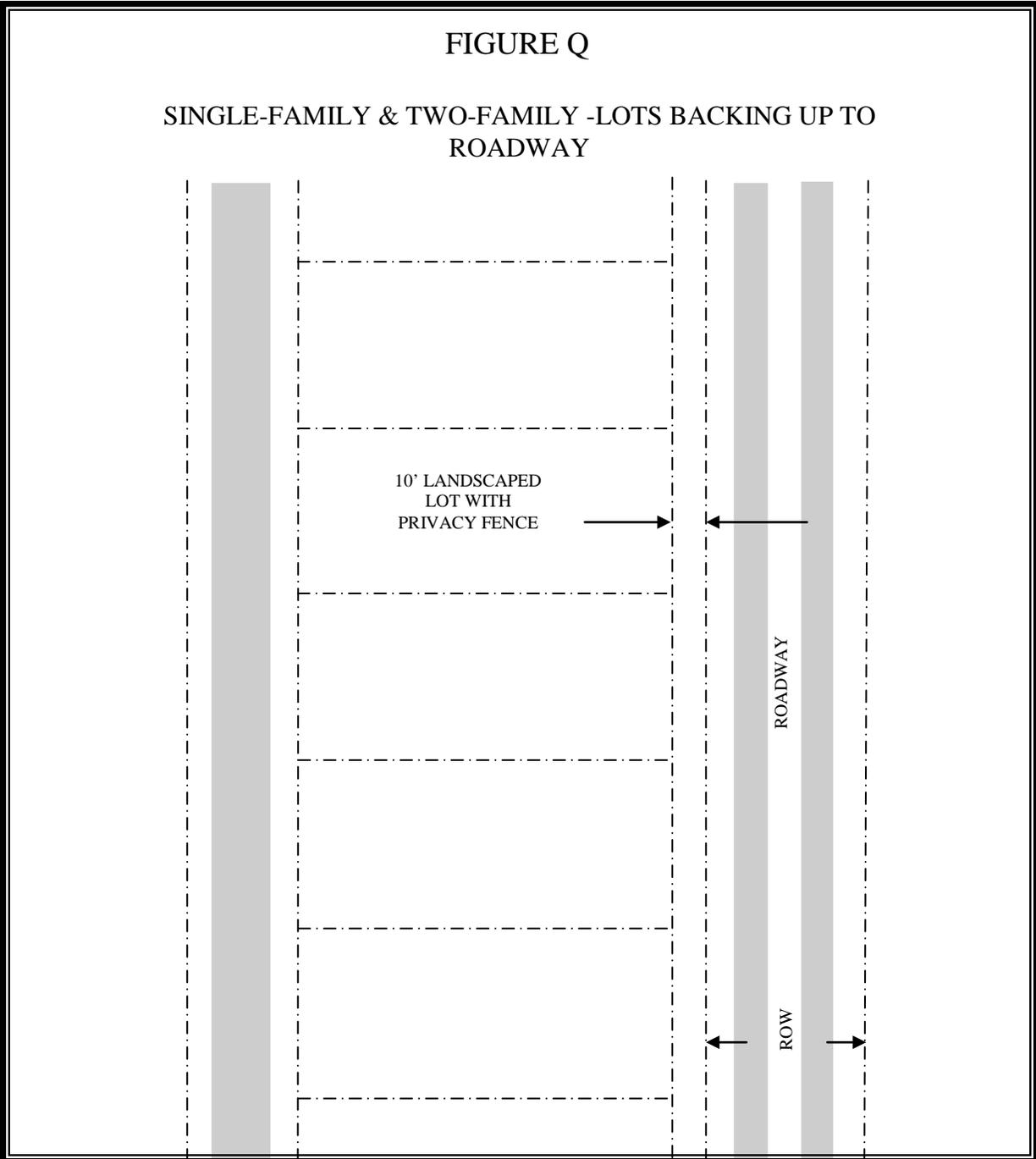
ORDINANCE PROVISION FOR WHICH VARIANCE IS REQUESTED:

COMPOSITE ZONING ORDINANCE (2015)

Article VI, Section 8 (b)

For lots adjacent to a toll way, highway, arterial, or collector roadways and backing up to such roadway (having frontage on another roadway of a lesser classification), the following shall be provided (see Figure Q):

- (1) A landscape lot is required between the lot and the specified roadway. Such landscape lot is required to be at least ten (10) feet wide and is required to be planted as follows: for every six hundred (600) square feet of landscape area, two (2) shade trees (two-inch caliper or larger) and four (4) shrubs (five gallon container size or larger) shall be planted and maintained. Two ornamental trees per shade tree may be substituted for up to fifty percent of the shade trees if desired.
- (2) A six-foot privacy fence is required to be constructed at the common lot line between the landscape lot and the single-family or two-family lots. The fence is required to be constructed of one or more of the following materials: brick, stone, cast stone, stucco, factory tinted (not painted) split-faced concrete masonry unit, or other similar material approved by the Director of Planning. In addition to the materials listed above, textured pre-cast concrete (e.g. WoodCrete) is also permitted when the privacy fence is adjacent to collectors. All columns are required to have concrete footings. The landscape lot is required to be maintained by a private association.



Article VI, Section 15 (c)

Single-family and two-family residential: For single-family and two-family residential development, six foot concrete sidewalks shall be installed on major arterial roadways, and four (4) foot concrete sidewalks shall be installed on all other roads, parallel to both sides of roadways in accordance with the Transportation Criteria Manual, unless sidewalks already exist or if such lot was platted with a subdivision approved prior to November 6, 1997. An additional

foot is required to be added to the width of a sidewalk for sidewalks or portions of a sidewalk abutting a curb.

ANALYSIS:

The applicant is requesting a variance from the Composite Zoning Ordinance, which requires the applicant to provide a 10 foot landscape lot, a 6 foot masonry wall, and a sidewalk on the west side of Ronald W. Reagan Blvd on the subdivision side of the property. The ordinance provision adopted by the City of Leander requiring the landscape lot and masonry wall were adopted with the intent of providing a buffer between new subdivisions and major arterial and collector roadways. The landscape lot and masonry wall would serve as a buffer to reduce the noise generated by traffic on these highly traveled roadways. The ordinance provision applies to all subdivision applications submitted to the City and does not take into account applications for replats of existing subdivisions developed prior to the adoption of the regulations.

The Ridgmar Landing subdivision is an older large lot subdivision that was developed prior to the annexation of the subdivision into the city limits and without a masonry wall, sidewalk, or landscaped lot adjacent to Ronald W. Reagan Blvd. The applicant is proposing to replat one lot into two lots. The change to the lot configuration triggers the application of the current regulations that include the requirement for a 10 foot landscape lot, 6foot masonry wall, and sidewalk.

PHOTOGRAPHS

Photo 1: West side of Ronald W. Reagan Blvd. facing north



Photo 2: West side of Ronald W. Reagan Blvd. facing south



STAFF RECOMMENDATION

Staff recommends approval of the applicant's request for a variance from providing a 10 foot landscape lot, a 6 foot masonry wall, and a 10 foot sidewalk along Ronald W. Reagan Blvd.

The requirement for the applicant to construct a masonry wall, provide a landscape lot, and construct a sidewalk would create a hardship on the proposed replat of the applicant's property. The result of the literal application of the ordinance would provide a portion of a masonry wall, landscape lot, and sidewalk on one lot of the entire subdivision. The intent of the masonry wall and landscape lot is to provide a buffer and screen the view of the major roadway along the perimeter of the subdivision. The construction of a masonry wall and landscape lot adjacent to only a portion of the subdivision does not meet the complete intent of the ordinance. Furthermore, the masonry wall would require the applicant to remove a substantial amount of

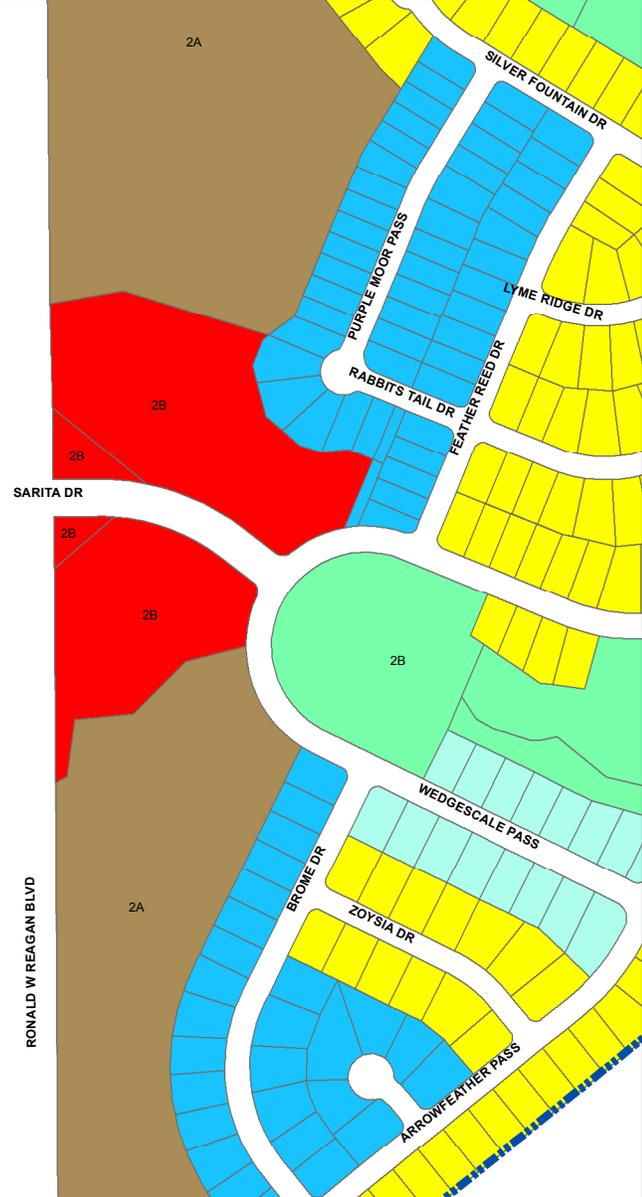
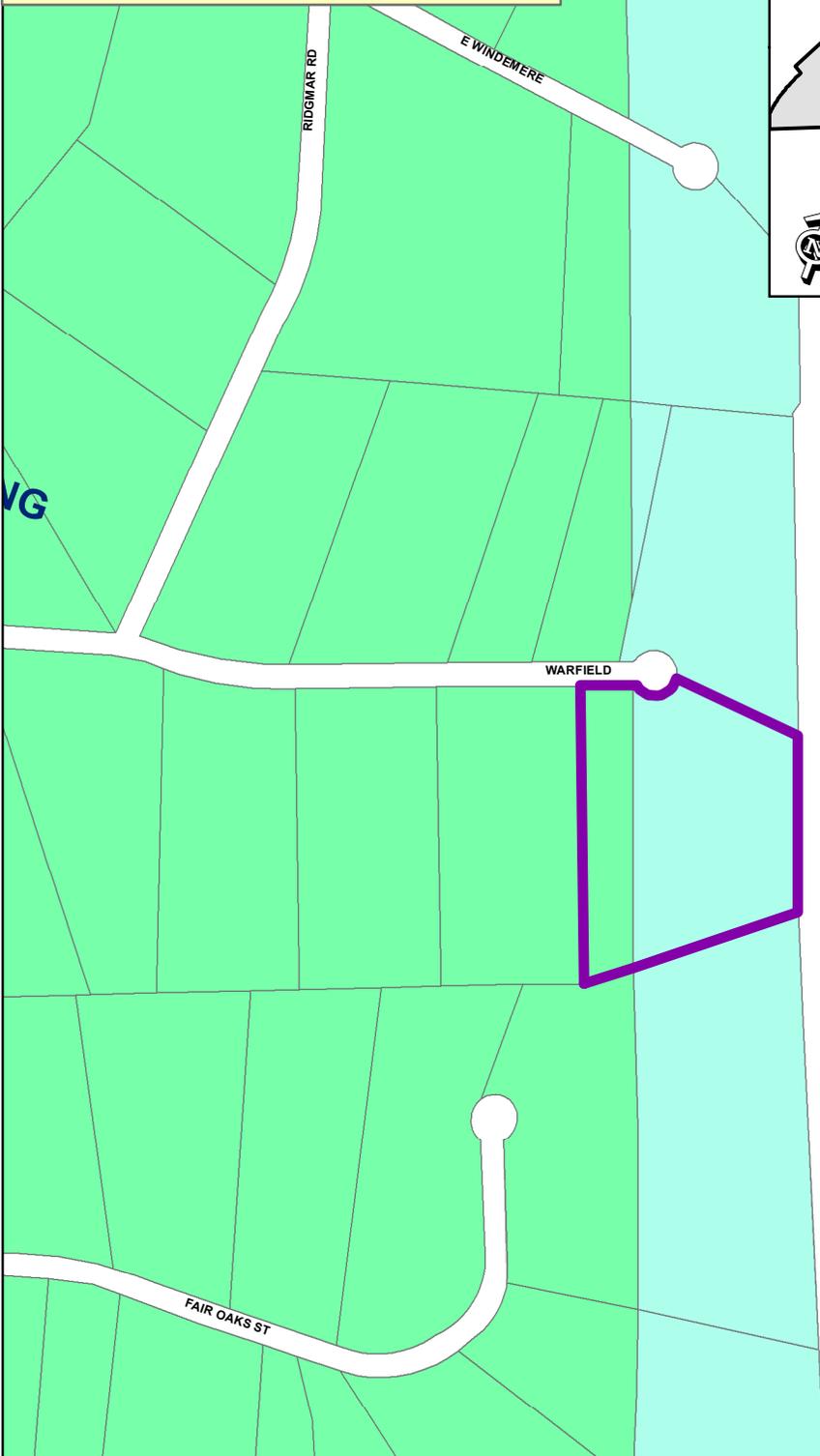
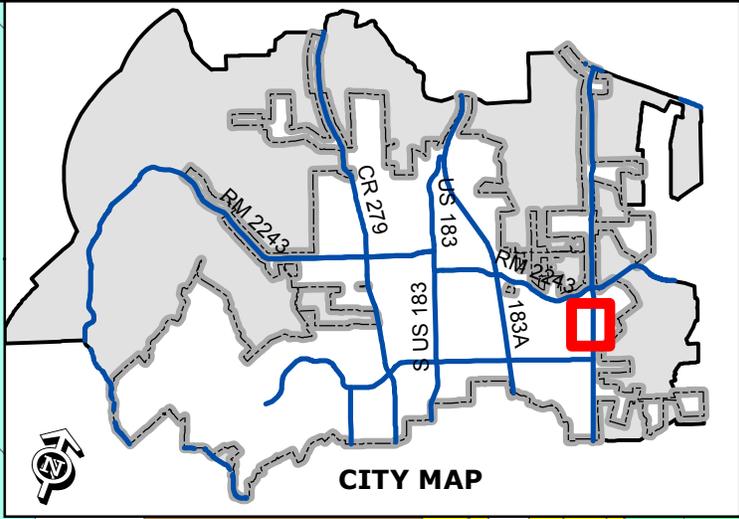
existing trees that follows the western boundary of the subject property. In addition, the subject property is zoned SFR-1-B (Single-Family Rural) and SFS-2-B (Single-Family Suburban). These zoning districts include an exception to the sidewalk construction due to the rural nature of the development.

FINDINGS OF FACT:

In granting approval of a request for variance, the Board of Adjustment / Appeal shall conclude that the variance is not contrary to the public interest and, due to special conditions; a literal enforcement of this Ordinance would result in unnecessary hardship, and so that the variance observes the spirit of this Ordinance and concludes that substantial justice is done. The Board of Adjustment / Appeal shall meet these requirements by making findings that

1. The public convenience and welfare will be substantially served;
2. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
3. The applicant has not created the hardship from which relief is sought;
4. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
5. The hardship from which relief is sought is not solely of an economic nature;
6. The variance is not contrary to the public interest;
7. Due to special conditions, the literal enforcement of the ordinance would result in an unnecessary hardship; and
8. In granting the variance the spirit of the ordinance is observed and substantial justice is done.

This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy, please refer to the official ordinance for zoning verification. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.



VARIANCE CASE 15-VA-001

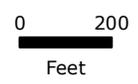
Attachment #2

Current Zoning Map
15 & 17 Warfield

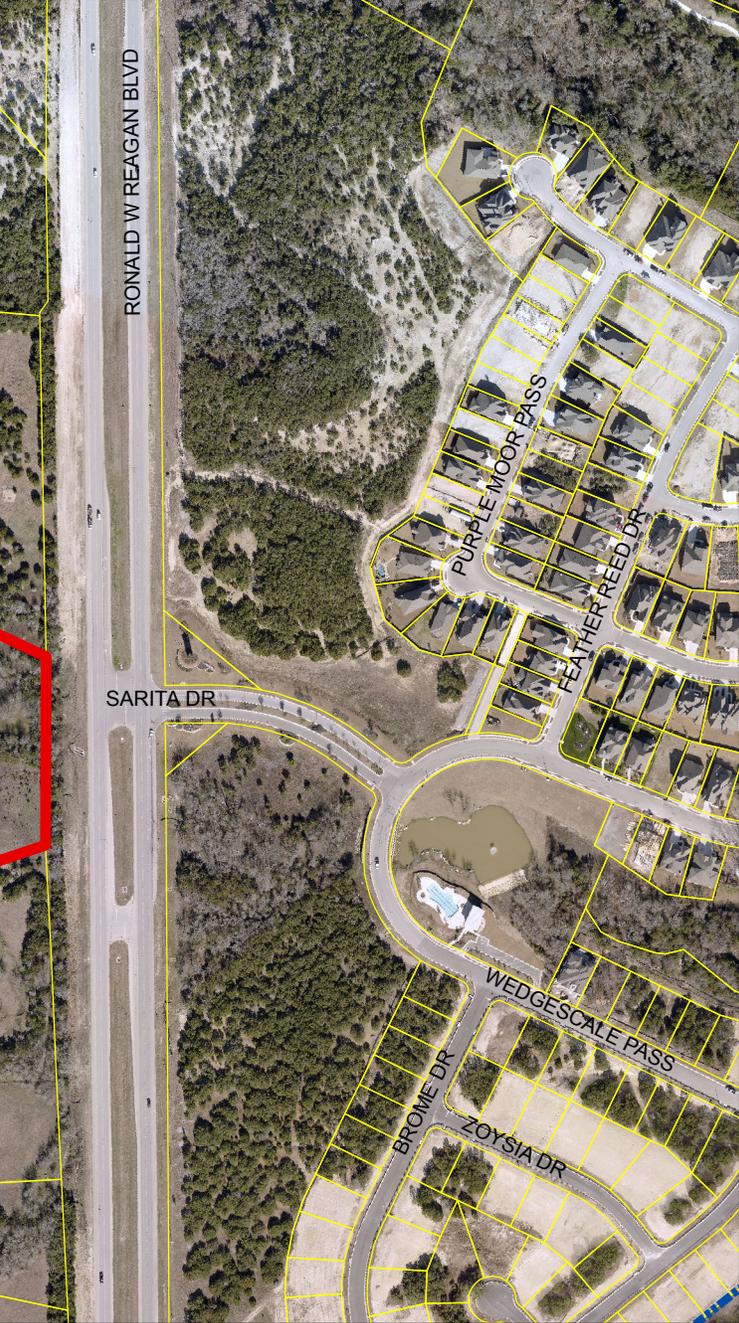
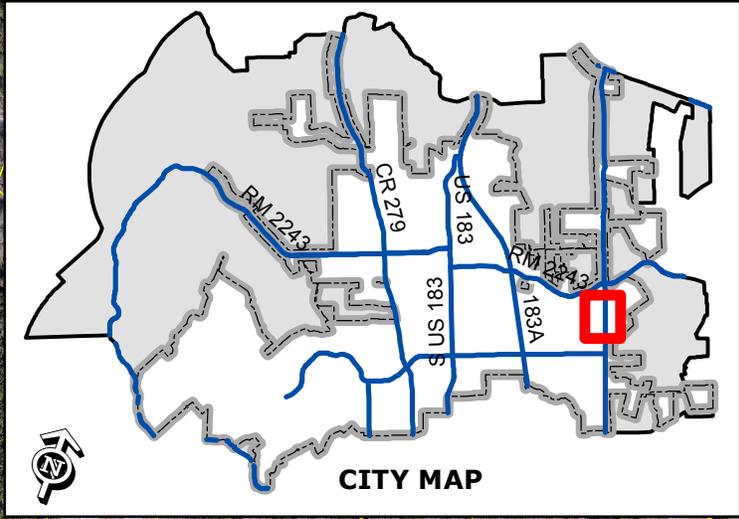
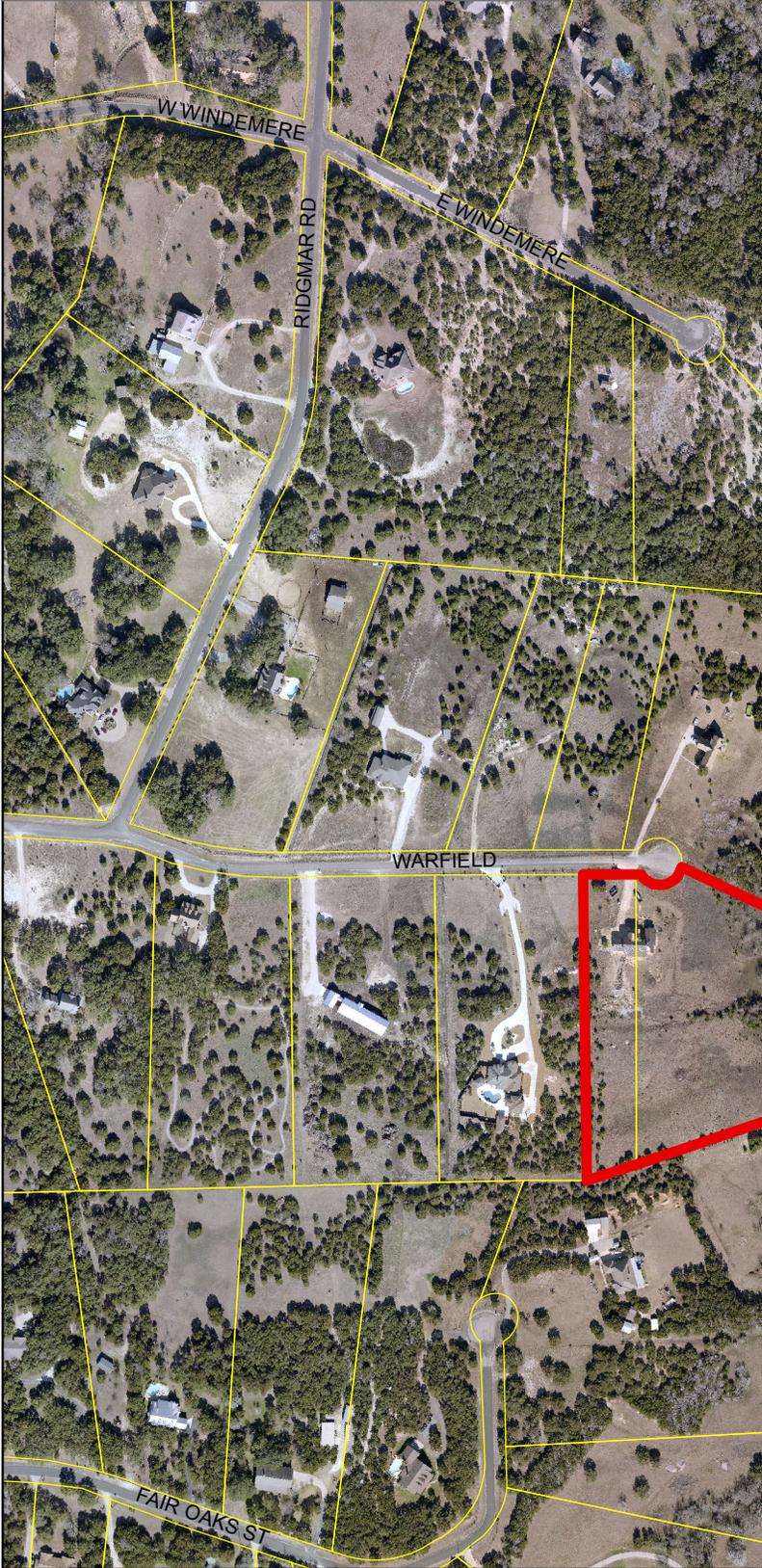


-  Subject Property
-  City Limits

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



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VARIANCE CASE 15-VA-001 Attachment #3

Aerial Exhibit - Approximate Boundaries
15 and 17 Warfield



-  Subject Property
-  City Limits



360HOMES

900 Congress Ave., Ste L175 Austin, TX 78701

Phone: 512.680.9654

Email: Travis.360homes@gmail.com

May 29, 2015

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

Re: *Request for Zoning Variance*
 15/17 Warfield Drive

Dear Mrs. Griffin,

Please accept this letter as a written request for a zoning variance from Article VI, Section 8 (c) and Article VI, Section 15 (b) of the Composite Zoning Ordinance. The specific request is to allow the single lot located with the address of 15 and 17 Warfield Drive to become 2 individual lots equal to 3 acres and 3.531 acres; utilizing the existing addresses without the addition of the required ten foot landscape lot, six foot privacy fence, and the ten foot concrete sidewalk on the major arterial roadway as it is specified in the Composite Zoning Ordinance.

The need for the variance was discovered during the subdivision application comments from the City. Within the comments it was discovered that a portion of Lot 12 within Ridgmar Landing would include the above stated requirements as there is approximately 388 linear feet adjacent to Ronald W. Reagan Blvd, which included zoning of Single Family Suburban. Upon further review of the property and neighboring properties, the required improvements would negatively impact the public interest, neighboring property owners, and the City of Leander future Ronald Regan Development Plan, which would include the natural look and design of the large acre community with the removal of large 30'+ trees along the property line shared with Ronald W. Reagan Blvd.

This letter is intended to serve as the written request for a variance application with the City of Leander.

Best Regards,

Travis Brown, President
360 Homes, LLC



360HOMES

CITY OF LEANDER
PLANNING & ZONING COMMISSION BOARD OF ADJUSTMENT /
APPEAL
June 22, 2015

Case # 15-VA-001
Agenda Item Number:

Property: R473622 & R037188 Request: Variance

Address: ~~360 Homes LLC~~
15 & 17 Warfield
Leander, Texas 78641

Description of Variance Request: A variance to Article VI, Section 8 (b) and Article VI, Section 15 (c) regarding the requirements for a landscape lot, masonry wall, and sidewalk when a subdivision application is made where lots are adjacent to collector or higher class roadway.

NOW COMES the ~~Zoning~~-Board of Adjustment/Appeal for the City of Leander, having heard the request of Matt Jones on behalf of 360 Homes LLC (Travis Brown) to be granted a variance from Article VI, Section 8 (b) and Article VI Section 15 (c) of the City concerning the property described above. The application for a variance dated April 21, 2015 was presented to the ~~Zoning~~-Board of Adjustment/Appeal on June 22, 2015. The Board of Adjustment/Appeal 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:

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1. The public convenience and welfare will be substantially served. [Yes] / [No]
2. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished. [Yes] / [No]
3. The applicant has not created the hardship from which relief is sought. [Yes] / [No]
4. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property. [Yes] / [No]
5. The hardship from which relief is sought is not solely of an economic nature. [Yes] / [No]
6. The variance is not contrary to the public interest. [Yes] / [No]

- 7. Due to special conditions, the literal enforcement of the ordinance would result in an unnecessary hardship. [Yes] / [No]
- 8. In granting the variance the spirit of the ordinance is observed and substantial justice is done. [Yes] / [No]

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

Motion: _____ By: _____

Second By: _____

	In Favor	Opposed
Vote: Chairman Gil Debner	<input type="checkbox"/>	<input type="checkbox"/>
Antonio Martinez	<input type="checkbox"/>	<input type="checkbox"/>
Bill Barton	<input type="checkbox"/>	<input type="checkbox"/>
Mary Orton	<input type="checkbox"/>	<input type="checkbox"/>
Tim Luke	<input type="checkbox"/>	<input type="checkbox"/>

| Based on the foregoing facts and findings, the Board of Adjustment/~~Appeals~~ 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 _____, _____.

| ~~Zoning~~ Board of Adjustment/~~Appeals~~,
Chairman

Name: Gil Debner