



NOTICE OF MEETING OF THE ZONING BOARD OF ADJUSTMENT THE CITY OF BURNET, TEXAS

This notice is posted pursuant to the Texas Local Government Code, Chapter §551 – Open Meetings.

Notice is hereby given that the **Public Hearing and Regular Meeting of the Zoning Board of Adjustment** of the City of Burnet, Texas will be held on Tuesday **May 5, 2020**, at **1:00 p.m.**, in the City Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, TX. In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), a Declaration of a Public Health Emergency was executed by Mayor Bromley on March 19, 2020. The Council Chambers will be closed to public attendance. A Zoom Webinar with toll free conference call capability has been established for access as follows:

Computer: Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88163157149?pwd=ZEtHbWJJCcW10dz09>

OR: Go to: www.zoom.us

Enter Webinar ID when prompted: 881 6315 7149 #

Enter Password when prompted: 041302 #

If you would like to address the Board with a Public Comment while logged-in online, please use the “raise your hand” feature.

By Telephone Call: 888-475-4499 or 877-853-5257 (Toll Free Numbers)

Enter Webinar ID when prompted: 881 6315 7149 #

Enter Password when prompted: 041302 #

If you would like to address the Board with a Public Comment while dialed in via telephone, please use the “raise your hand” feature, by pressing *9 while on the phone.

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

The following subjects will be discussed, to-wit:

1. CALL TO ORDER:

2. ROLL CALL:

3. CONSENT AGENDA ITEMS: All of the following items on the Consent Agenda are considered to be self-explanatory by the Board and will be enacted with one motion. There will be no separate discussion of these items unless a Board member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Board when the Consent Agenda is opened for Board action.

- 3.1) Minutes of the regular meeting of the Board of Adjustment of the City of Burnet, Texas held on **April 15, 2020**.

4. Application for Variance for Property located at 305 N. Water Street (further described as (further described as being S7150 PETER KERR PORTION LOT PT OF 3 BLK 28)

The Zoning Board of Adjustment shall consider and application for variance from Section 118-20 of the Zoning Ordinance to allow a variance from the C-1 zoning district side yard setback requirement. If authorized the variance would reduce the required 15 feet side yard setback to 0.8 feet to allow the construction of an addition to an existing structure. The hearing on the matter shall be conducted as follows:

- 4.1) Public Hearing. The Zoning Board of Adjustment will conduct a hearing to receive testimony and comments from members of the public on the merits of the application for variance.
- 4.2) Action. At the close of the public hearing the Zoning Board of Adjustment will deliberate and take action on the application for variance.

5. STAFF REPORTS.

- 5.1) Addendum to the Board of Adjustment Agenda: Department and Committee Reports/Briefings: The Board of Adjustment may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Board on any or all subjects may occur.

6. REQUESTS FOR FUTURE AGENDA ITEMS

7. ADJOURN

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Zoning Board of Adjustment of the City of Burnet, is a true and correct copy of said notice and that I posted a true and correct copy of said notice on the bulletin board, in the City Hall of said City, Burnet, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on May 1, 2020 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this the 1st day of May, 2020

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the Development Services Department at (512) 715-3206, FAX (512) 756-8560 or e-mail at jlutz@cityofburnet.com for information or assistance.



ZONING BOARD OF ADJUSTMENT MINUTES

On this the 15th day of April, 2020, the Zoning Board of Adjustment of the City of Burnet, convened in Regular Session at 6:00 PM. In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), a Declaration of a Public Health Emergency was executed by Mayor Bromley on March 19, 2020. The Council Chambers will be closed to public attendance. A telephone conference line has been established for access via telephone by calling 512-807-0370 Pin 7788; the following subjects will be discussed, to-wit:

GUESTS:

- 1) **CALL TO ORDER:** The meeting was called to order at 6:00 PM by Chair, Joy Taylor

2) **ROLL CALL:**

Members Present: Joy Taylor, Paul Shell, Kim Winkler, Tommy Gaut, Cesear Arreaza, and Calib Williams

Members Absent:

Others Present: Jason Lutz, Director of Development Services
Kelly Dix, City Secretary
Leslie Kimbler, Administrative Technician

3) **CONSENT AGENDA:**

Minutes of the Regular Meeting held July 23, 2018.

Motion to Approve Consent Agenda:	Paul Shell
Second:	Kim Winkler
Motion Approved:	6 in Favor/ 0 opposition

4) **ACTION:**

- 4.1) Variance Request:** The Zoning Board of Adjustment will consider a requested variance to the City of Burnet Code of Ordinances Chapter 118 – “Zoning:” Section 118-20, Chart 1, Front Yard Setback, (C-3) zoning, to reduce the required front yard setback from 50’ to 24.3’ for Wayne’s Automotive, located at 300 S. Waters St. (LEGAL DESCRIPTION: S7150 Peter Kerr Portion, Lot 1 & E. 12.6 ft of Lot 4 & N. 61.3 ft of Lot 2 Blk 1.)

Zoning Board of Adjustment Minutes

April 15, 2020

P. 2 of 2

Motion to approve the variance to the City of Burnet Code of Ordinances Chapter 118 – “Zoning:” Section 118-20, Chart 1, Front Yard Setback, (C-3) zoning, to reduce the required front yard setback from 50’ to 24.3’ for Wayne’s Automotive, located at 300 S. Waters St.

Second:

Motion to approve:

Paul Shell

Tommy Gaut

6-in favor/0-in opposition

6) STAFF REPORTS:

7) REQUESTS FOR FUTURE AGENDA ITEMS:

8) ADJOURN:

There being no further business, Chair, Joy Taylor adjourned the meeting at 6:13PM.

Joy Taylor, Chair

City of Burnet Planning and Zoning Commission

Attest:

Kim Winkler, Secretary



Zoning Board of Adjustment

ITEM

Jason B. Lutz
Community Development
Director
(512)-715-3215
jlutz@cityofburnet.com

Agenda Item Brief

Meeting Date: May 5, 2020

Agenda Item: **Public Hearing - Variance Request:** The Zoning Board of Adjustment of the City of Burnet, Texas will hold a public hearing to consider a variance request for property located at 305 N. Water Street which is further described as being S7150 PETER KERR PORTION LOT PT OF 3 BLK 28. The following variance is being sought for the purpose of allowing construction of an addition to the existing structure.

1. Burnet Code of Ordinances Chapter 118 – “Zoning:”
Section 118-20, Chart 1, Side Yard Setback, (C-1) zoning to reduce the required side yard setback from 15’ to 0.8’.

Background: Code of Ordinances Section 118-20, Chart 1, establishes allowable setbacks based on the zoning district.

The property is currently zoned C-1 and has a required side yard setback of 15’.

The survey indicates the side setback, of the existing building, is 0.8’ from the side property line.

The applicant is seeking a side yard setback variance to allow the addition to maintain the existing setback and wall plane for the existing structure on the property.

Without the variance, the applicant would need to construct the addition on another portion of the lot which would lead to additional access issues if the addition were built to code.

The existing lot is a “Flag” lot with 75’ of frontage on Hwy 281 and 40’ of frontage on Hwy 29. The existing structure is approximately 30’ deep leaving 45’ of access along Hwy 281.

The City's Zoning Board of Adjustment is authorized to grant this type of variance if it finds that the request satisfies all of the following conditions:

- Literal enforcement of the ordinance would result in unnecessary hardship
- The hardship is unique or specific to the property for which the variance is being requested
- The hardship is not merely financial
- The hardship is not self-imposed
- Granting the variance would not grant a special privilege
- Granting the variance would not be contrary to the best public interest.

Information:

The purpose of this variance is to allow the addition to the structure that would not be detrimental to the public while providing an opportunity to expand an existing business and service without undo burdens.

- Literal enforcement of the ordinance would result in unnecessary hardship.

Failing to grant the variance will cause the applicant to move the addition over 15' thus creating structural issues with the addition, create unusable area on the side and rear of the property, and create vehicular access & movement on the property (see aerial image attached).

- The hardship is unique or specific to the property for which the variance is being requested.

The existing lot is unique in shape as it is a Flag lot creating multiple areas of the property to become unbuildable due to setback issues.

- The hardship is not merely financial.

The variance is not financial as the applicant could meet setback regarding an addition, but again this would structural issues with the addition, create

unusable area on the side and rear of the property, and create vehicular access & movement on the property. Additionally, with a setback variance the only way to enlarge the structure, while not creating access issues, would be to demolish the existing structure.

- The hardship is not self-imposed.

Neither the flag lot or the 0.8' side setback was not self-imposed by the owner, as this is the existing configuration of the property. The hardship is therefore not self-imposed.

- Granting the variance would not grant a special privilege.

All 5 of the existing structures within this block have side setbacks of less than the required 15'.

The side setback of this addition will in no way stand out as being unique or different from other structures nor change the character of any other property in the neighborhood. No special privilege will be imparted by granting the variance.

- Granting the variance would not be contrary to the best public interest.

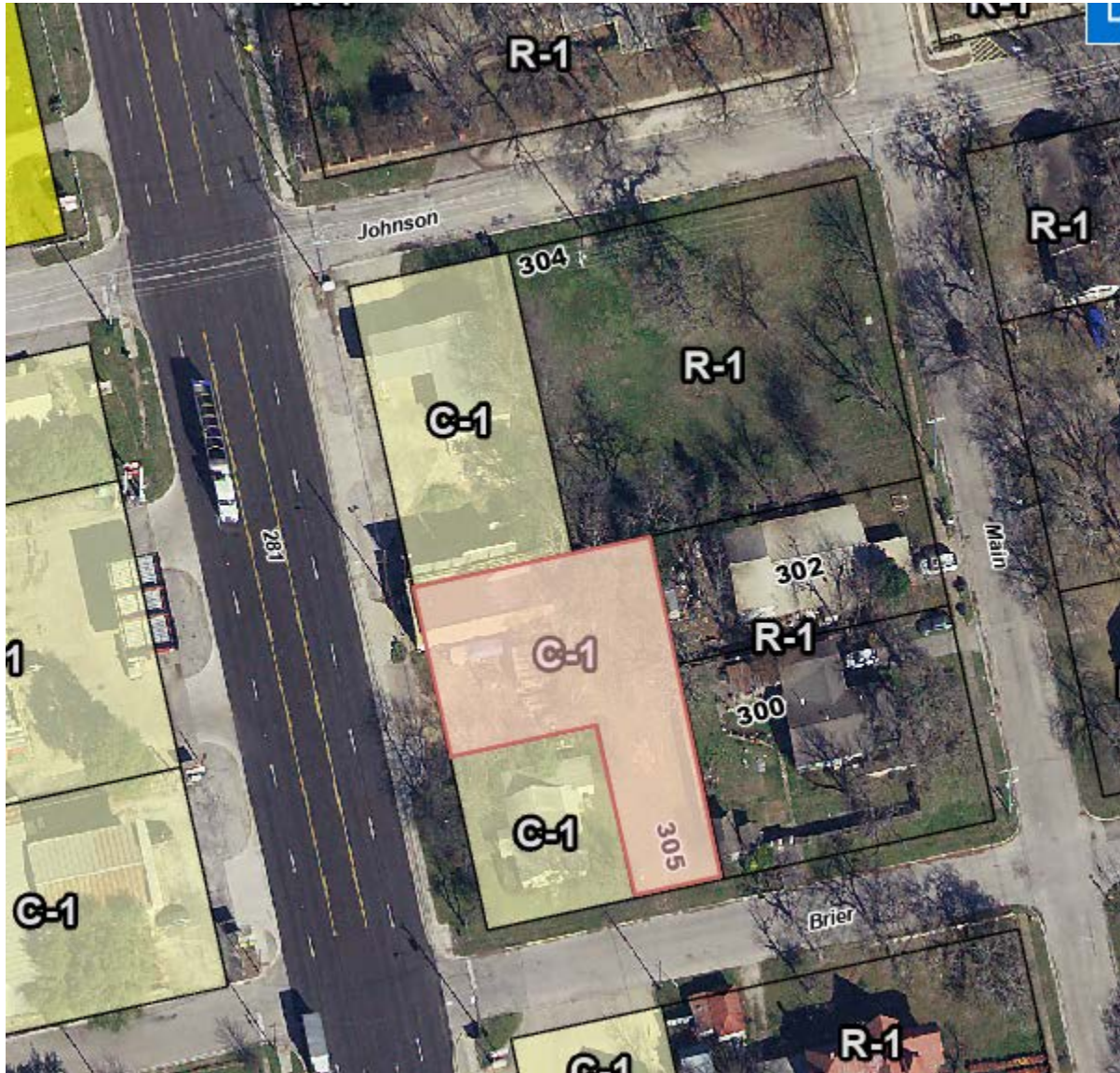
A reduction of the side yard setback would not modify any requirements of the City's adopted fire code. Furthermore, the Fire Code allows such setbacks, provided the addition is constructed of the proper fire rated materials.

As long as the Fire Code is met, granting the variance will not have a substantially adverse effect on neighboring properties; therefore granting the variance is consistent with the best public interest.

Recommendation: Open the public hearing.

EXHIBIT A

Location



Survey & Proposed Addition Location





Zoning Board of Adjustment

ITEM 5.1

Jason B. Lutz
Community Development
Director
(512)-715-3215
jlutz@cityofburnet.com

Agenda Item Brief

Meeting Date:

May 5, 2020

Agenda Item:

Consideration and Action - Variance Request: The Zoning Board of Adjustment of the City of Burnet, Texas will discuss and consider action regarding a variance request for property located at 305 N. Water Street which is further described as being S7150 PETER KERR PORTION LOT PT OF 3 BLK 28. The following variance is being sought for the purpose of allowing construction of an addition to the existing structure.

1. Burnet Code of Ordinances Chapter 118 – “Zoning:”
Section 118-20, Chart 1, Side Yard Setback, (C-1) zoning to reduce the required side yard setback from 15’ to 0.8’.

Background:

Code of Ordinances Section 118-20, Chart 1, establishes allowable setbacks based on the zoning district.

The property is currently zoned C-1 and has a required side yard setback of 15’.

The survey indicates the side setback, of the existing building, is 0.8’ from the side property line.

The applicant is seeking a side yard setback variance to allow the addition to maintain the existing setback and wall plane for the existing structure on the property.

Without the variance, the applicant would need to construct the addition on another portion of the lot which would lead to additional access issues if the addition were built to code.

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The City's Zoning Board of Adjustment is authorized to grant this type of variance if it finds that the request satisfies all of the following conditions:

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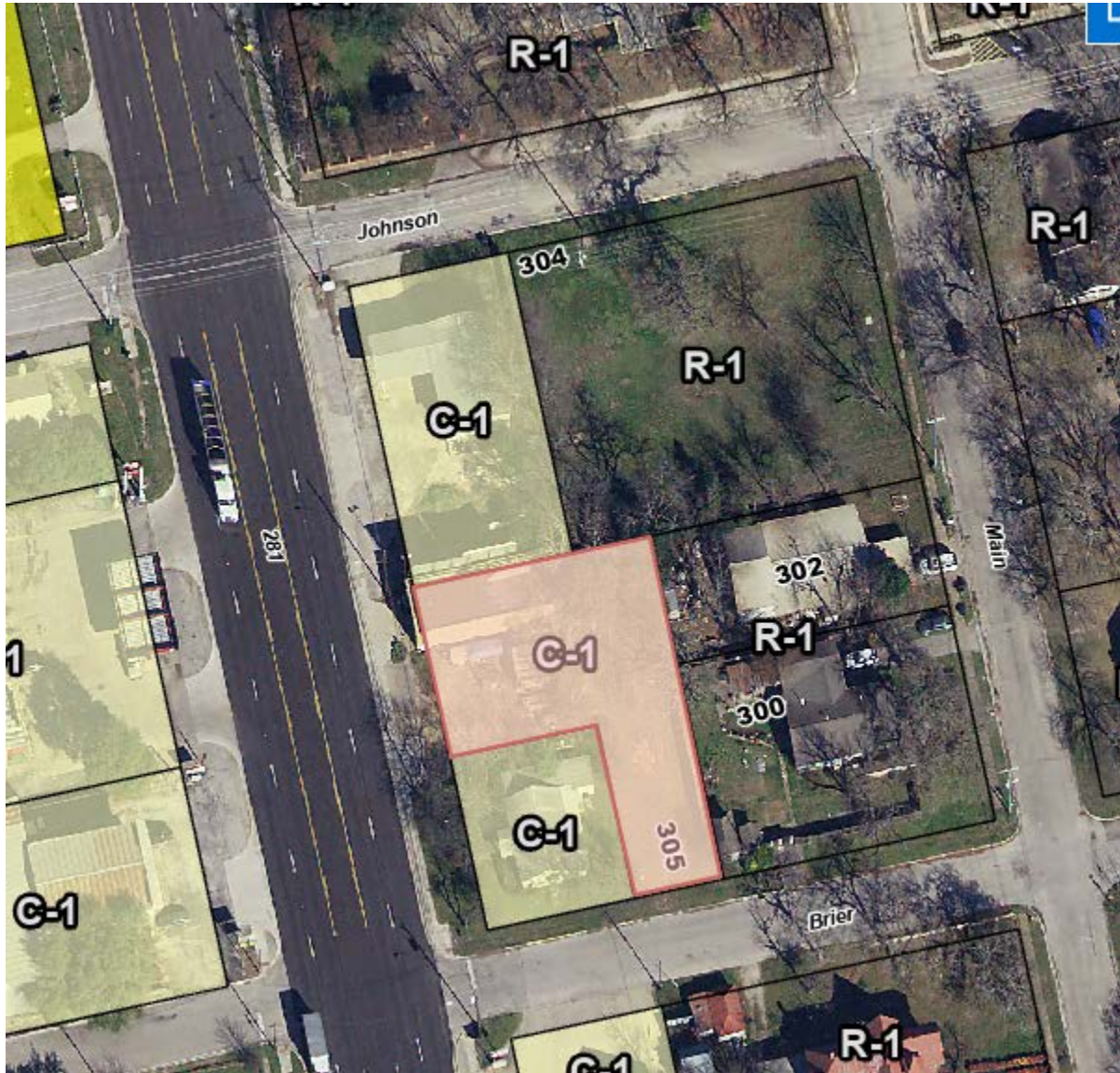
A reduction of the side yard setback would not modify any requirements of the City's adopted fire code. Furthermore, the Fire Code allows such setbacks, provided the addition is constructed of the proper fire rated materials.

As long as the Fire Code is met, granting the variance will not have a substantially adverse effect on neighboring properties; therefore granting the variance is consistent with the best public interest.

Recommendation: Approve the variance for 305 N. Water St.

EXHIBIT A

Location



Survey & Proposed Addition Location

