



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 **Monday, January 11, 2021**, at **6:00 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/85614042626?pwd=eUJSHJrQ2hGU1Nqa0FjNkdmUkJ4UT09>

OR: Go to: www.zoom.us

Enter Webinar ID when prompted: 856 1404 2626

Enter Password when prompted: 036389

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: 856 1404 2626

Enter Password when prompted: 036389

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 **September 23, 2020**.

4. PUBLIC HEARINGS:

4.1) The Board of Adjustment of the City of Burnet, Texas will hold a public hearing for property located at 105 S. Boundary Street regarding the following requested variances to the City of Burnet Code of Ordinances Chapter 118 - "Zoning" and Chapter 98 - "Subdivisions":

1. Sec. 118-47. - Heavy commercial – District "C-3", Subsection (C)(2) Site Development Regulations to waive the requirements for the construction of public sidewalks on all sides, adjacent to public rights-of-way.
2. Sec. 98-104. - Impervious cover, Subsection (e)(2) to allow more than 80% Impervious Cover.

5. ACTION ITEMS:

5.1) The Board of Adjustment of the City of Burnet, Texas will discuss and consider the property located at 105 S. Boundary Street regarding the following requested variances to the City of Burnet Code of Ordinances Chapter 118 - "Zoning" and Chapter 98 - "Subdivisions":

1. Sec. 118-47. - Heavy commercial – District "C-3", Subsection (C)(2) Site Development Regulations to waive the requirements for the construction of public sidewalks on all sides, adjacent to public rights-of-way.
2. Sec. 98-104. - Impervious cover, Subsection (e)(2) to allow more than 80% Impervious Cover.

6. STAFF REPORTS.

6.1) 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.

7. REQUESTS FOR FUTURE AGENDA ITEMS

8. 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 July 17, 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 7TH day of January 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 23rd day of September, 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 Zoom Webinar with toll free conference call capability has been established; the following subjects will be discussed, to-wit:

GUESTS:

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

2) **ROLL CALL:**

Members Present: Joy Taylor, Paul Shell, Tommy Gaut and Calib Williams

Members Absent: Kim Winkler and Cesar Arreaza

Guests: Mark Ingram

Others Present: Jason Lutz, Director of Development Services
Leslie Kimbler, Administrative Technician

3) **CONSENT AGENDA:**

Minutes of the Regular Meeting held July 20, 2020.

Motion to Approve Consent Agenda:	Paul Shell
Second:	Calib Williams
Motion Approved:	4 in Favor/ 0 opposition

4) **PUBLIC HEARINGS:**

- 4.1) The Board of Adjustment of the City of Burnet, Texas will hold a public hearing for property located at 305 N. Waters Street regarding the following requested variances to the City of Burnet Code of Ordinances Chapter 118 – “Zoning:”

- a. Section 118-45, Light Commercial District (C-1), Subsection (C)(1) Site Development Regulations to waive the requirements for the construction of public sidewalks.
- b. Section 118-63, Sign Regulations and Standards, Subsection (h)(2)(a) to allow a wall sign over 40 sq. ft.
- c. **APPLICATION WITHDRAWN AT THE APPLICANTS REQUEST**

4.2) The Board of Adjustment of the City of Burnet, Texas will hold a public hearing for property located at 109 Gregory Cove regarding the following requested variance to the City of Burnet Code of Ordinances Chapter 118 – “Zoning:”

- a. Section 118-20, Chart 1, Front Yard Setback (R-1) Single-family residential zoning district to reduce the required front yard setback from 20’ to 15’ 4”.

5) ACTION ITEMS:

5.1) The Board of Adjustment of the City of Burnet, Texas will discuss and consider a variance for property located at 305 N. Waters Street regarding the following requested variances to the City of Burnet Code of Ordinances Chapter 118 – “Zoning:”

- a. Section 118-45, Light Commercial District (C-1), Subsection (C)(1) Site Development Regulations to waive the requirements for the construction of public sidewalks.
- b. Section 118-63, Sign Regulations and Standards, Subsection (h)(2)(a) to allow a wall sign over 40 sq. ft.
- c. **APPLICATION WITHDRAWN AT THE APPLICANTS REQUEST**

5.2) The Board of Adjustment of the City of Burnet, Texas will discuss and consider a variance for property located at 109 Gregory Cove regarding the following requested variance to the City of Burnet Code of Ordinances Chapter 118 – “Zoning:”

- a. Section 118-20, Chart 1, Front Yard Setback (R-1) Single-family residential zoning district to reduce the required front yard setback from 20' to 15' 4".

Motion to Approve request for variance: Paul Shell

Second: Tommy Gaut

Motion Approved: 4 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 6:16PM.

Joy Taylor, Chair
City of Burnet Planning and Zoning Commission

Attest:

Kim Winkler, Secretary



Zoning Board of Adjustment

ITEM 4.1

Jason Lutz
Development Services
(512) 715-3215
jlutz@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2020

Agenda Item: The Board of Adjustment of the City of Burnet, Texas will hold a public hearing for property located at 105 S. Boundary Street regarding the following requested variances to the City of Burnet Code of Ordinances Chapter 118 – “Zoning” and Chapter 98 – “Subdivisions”:

1. Sec. 118-47. - Heavy commercial—District "C-3", Subsection (C)(2) Site Development Regulations to waive the requirements for the construction of public sidewalks on all sides, adjacent to public rights-of-way.
2. Sec. 98-104. - Impervious cover, Subsection (e)(2) to allow more than 80% Impervious Cover.

Information: The proposed project will be an expansion of 3,264 sf for the existing HEB located at 105 S Boundary Street, at the southwest corner of the intersection of E Polk Street and S Silver Street.

The site is currently developed and is actively in use as a grocery store. According to the applicant, due to the population growth of the city, the necessity of a larger grocery store is recommended to meet current demands. It is not economically feasible to develop a new store at this time, so it is proposed to increase the building area to meet current demands. Additionally, the developer is proposing additional trees to be planted to meet current landscape requirements.

In order to accomplish this addition, the applicant is seeking approval of the requested variances.

Currently there are no sidewalks located on this parcel and the applicant is seeking a variance to construct sidewalks on all sides. The applicant will construct sidewalks on the portion of the property adjacent to Hwy 29 (see Exhibit A). The surrounding area is fully developed, and the adjacent roadways referenced do not currently have connecting sidewalks. There are ramps for sidewalks located along Hwy 29, which is why the applicant will provide sidewalks in this area. Adding sidewalks to other areas of the property will add impervious cover and remove what little landscaping is available.

The site is currently at approximately 84.30% impervious cover (3.61 acres out of the 4.29-acre tract). The improvements will increase the overall site by 3,264 SF and will increase total impervious cover to 86.0% (3.69 acres out of the 4.29-acre tract).

Staff Analysis:

Staff has reviewed the request and has provided the following findings:

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

Failing to grant the variances will prevent the current facility from adequately serving the City's growing population.

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

This is the only facility in the City which represents an entire City Block and the limited ability to add to the site since it is bounded on all four sides by public rights-of-way are specific to this property.

- The hardship is not merely financial.

The hardship is not merely financial as they are limited by the size of the parcel and unable to add additional property to the site.

- The hardship is not self-imposed

The hardship is not self-imposed as the facility was developed prior to existing codes and ordinances.

- Granting the variance would not grant a special privilege.

This variance would not grant a special privilege as the addition of some sidewalks would improve pedestrian accessibility and the site is existing with an impervious cover that is in excess of what is allowed by current code.

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

This variance would not be contrary to the best public interest as the addition of some sidewalks would improve pedestrian accessibility and the expansion of the store would help better serve the community and its growing population.

Recommendation: Staff recommends approval of the requested variance.

Exhibit "A"
Sidewalk Map

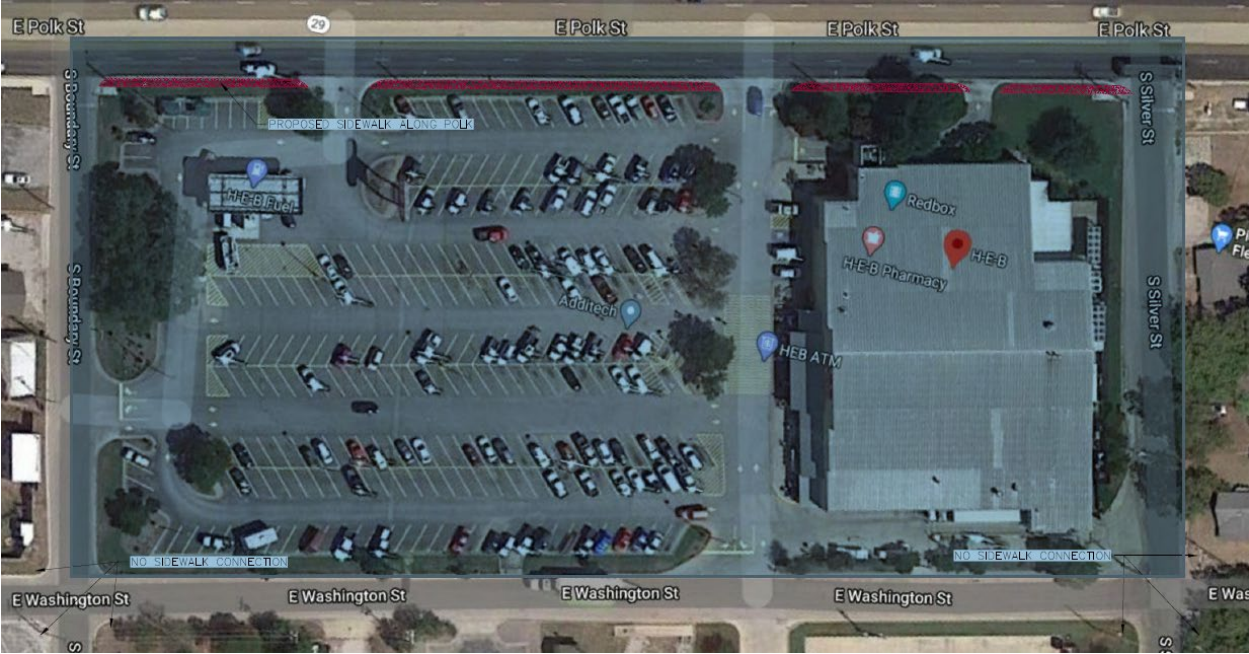


Exhibit "B"
Site Plan & Floor Plan

