



## 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 **Regular Meeting of the Zoning Board of Adjustments** of the City of Burnet, Texas will be held on **Friday, November 14, 2025**, at **1:30 p.m.** at the City of Burnet's Council Chambers located at 301 East Jackson Street, Burnet, Texas 78611 at which time 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 29, 2024**.

**4. ACTION ITEMS:**

- 4.1) The Board of Adjustment of the City of Burnet, Texas shall discuss and consider action regarding a request for a variance to the Zoning Code's building setback requirements as shown in City Code Chapter 118 – Chart One. The property subject to the variance request is located at: 809 Northington Street: L Kimbler

- a) Staff presentation of the variance request
- b) Applicant's presentation to the board
- c) Allow members from the public to speak for or against the variance request
- d) Board deliberations and action

- 4.2) The Board of Adjustment of the City of Burnet, Texas shall discuss and consider action regarding a request for variance to the Zoning Code's building setback requirements as shown in City code chapter 118 – Chart One. The property subject to the variance request is located at: 813 Northington Street: L Kimbler

- a) Staff presentation of the variance request
- b) Applicant's presentation to the board
- c) Allow members from the public to speak for or against the variance request
- d) Board deliberations and action

**5. STAFF REPORTS:**

- 5.1) None

## **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 November 7, 2025 at or before 5 o'clock p.m. and remained posted continuously for at least three business days preceding the scheduled time of said meeting.

**Dated this the 7<sup>th</sup> day of November 2025,**



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Leslie Kimbler, Asst. City Secretary

### ***NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:***

This meeting site is wheelchair accessible. For disability access special needs call Leslie Kimbler, Assistant City Secretary, at 512-715-3215 at least forty-eight [48] hours prior to the meeting.



## ZONING BOARD OF ADJUSTMENT MINUTES

On this the **29<sup>th</sup> of April 2024**, the Zoning Board of Adjustments of the City of Burnet convened in Regular Session, at 5:00 p.m. at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects were discussed:

**1) CALL TO ORDER:** The meeting was called to order at 5:01 PM by Chair, Tommy Gaut

**2) ROLL CALL:**

**Members Present:** Tommy Gaut, Kim Winkler, Derek Fortin and Calib Williams

**Guests:** David Jamar, Tanis Jamar, John Paul Erskin

**Others Present:** Leslie Kimbler, Planning Manager, David Vaughn, City Manager, Bobbi Havins, Development Services Coordinator, Mark Ingram, Fire Chief, Johnny Caraway, Fire Marshall, Eric Belaj, City Engineer, Charlie Zech, City Attorney

**3) CONSENT AGENDA:**  
Minutes of the Regular Meeting held March 28, 2024.

There being no objections, Chairman Tommy Gaut approved the minutes as presented.

**4) EXECUTIVE SESSION:**

The Zoning Board of Adjustments of the City of Burnet convened into Executive Session at 5:02 PM

4.1) EXECUTIVE SESSION: The City of Burnet Zoning Board of Adjustment shall convene in Executive Session in accordance to Texas Government Code Section 551.071 (entitled "Consultation With Attorney") to discuss matters, in which the duty of the attorney to the Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.

**5) RECONVENE TO REGULAR SESSION:**

The Zoning Board of Adjustments reconvened into Regular Session at 5:42 PM

**6) ACTION ITEMS:**

- 6.1) The Board of Adjustment of the City of Burnet, Texas shall discuss and consider action regarding a request for variance to the Zoning Code's site development regulations for property zoned District "C-1" as shown in City Code Chapter 118-4(c)(2). The property subject to the variance request is located at: 5388 South US Hwy 281, Burnet, Texas: L Kimbler
- a) Staff presentation of the variance request
  - b) Applicant's presentation to the board
  - c) Allow members from the public to speak for or against the variance request.
  - d) Board deliberations and action.

Planning Manager, Leslie Kimbler, spoke to the Board to clarify the Variance Request is for the requirement of the paved driveway as outlined in the Zoning Ordinance.

David Jamar was sworn in by Chairman, Tommy Gaut.

Property owner, David Jamar, spoke to the Board about his passion for the project and the school. He thinks it is something the community needs and has worked tirelessly to see it through. He believes there is a solution and encouraged the panel to look for a solution.

Motion to Approve request for variance: Tommy Gaut

Second: Derek Fortin

Motion Failed 0 in favor/4 in opposition.

**7) STAFF REPORTS:**

7.1) Planning Manager, Leslie Kimbler, informed the board that Habib Erkan, Jr., was appointed to the Zoning Board of Adjustments at the last City Council Meeting.

**8) REQUESTS FOR FUTURE AGENDA ITEMS**

**9) ADJOURN**

There being no further business, Chair, Tommy Gaut adjourned the Meeting at 5:45 PM

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Chair

City of Burnet Zoning Board of Adjustment

**Attest:**

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Secretary



## Development Services

### ITEM 4.1

Leslie Kimbler  
Planning Manager  
512-715-3215  
lkimbler@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** November 14, 2025

**Action Item:** The Board of Adjustment of the City of Burnet, Texas shall discuss and consider action regarding a request for variance to the Zoning Code's building setback requirements as shown in City Code Chapter 118 – Chart One. The property subject to the variance request is located at: 809 Northington Street: L Kimbler

**Background:** The subject property (Exhibit A) is a residential duplex structure zoned Townhomes – District "R-2A". The structure was approved and permitted appropriately by the City of Burnet. At time of construction completion, the City of Burnet did issue a Certificate of Occupancy in March of 2018.

The City of Burnet's Code of Ordinances, Sect. 118-20 Chart One states properties zoned as Townhomes – District "R-2A" setbacks are to be:

- 25 foot front setback, for two connected units
- 15 foot rear setback when abutting properties zoned R-1
- **10 feet side setback**
- 15 foot street-side setback

The existing building's setbacks (Exhibit B) are as follows:

- 28.1' front setback
- 23.1' west side setback
- **5.1' east side setback**
- 32.6 rear setback

**Information:** The applicant is requesting a variance to Sect. 118-20 Chart One for the side yard setback (Exhibit C).

The Zoning Board of Adjustments may authorize in specific cases a variance from the terms of the zoning ordinance if the variance:

- a. Is not contrary to the public interest; and
- b. Is not contrary to the spirit of the zoning ordinance; and
- c. Is necessary for substantial justice to be done; and
- d. Is necessary due to special conditions, which causes a literal enforcement of the regulation to result in unnecessary hardship.

To find unnecessary hardship exists, the board must affirmatively find:

1. The hardship is in no way the result of the applicant's own actions; and
2. Special conditions exist of restricted area, topography or physical features that are peculiar to the subject property and are not applicable to other properties in the same zoning district; and
3. The application of the regulation to the subject property deprives the applicant of rights commonly enjoyed by other properties in the same zoning district that are in compliance with the same regulations.

Section 211.009 of the Texas Local Government Code requires a concurrence 75 percent of the members (4 members) of the Zoning Board of Adjustment is required to authorize a variance from the terms of a zoning ordinance.

**Staff Analysis:** Applying the statutory findings the board must find to authorize to a variance to the facts in this case staff finds as follows:

- Is the variance contrary to the public's interest?

There is no change in the use of the structure or the location of the structure. The structure has existed, in its current location, with the setback encroachment, and has not been contrary to the public's interest.

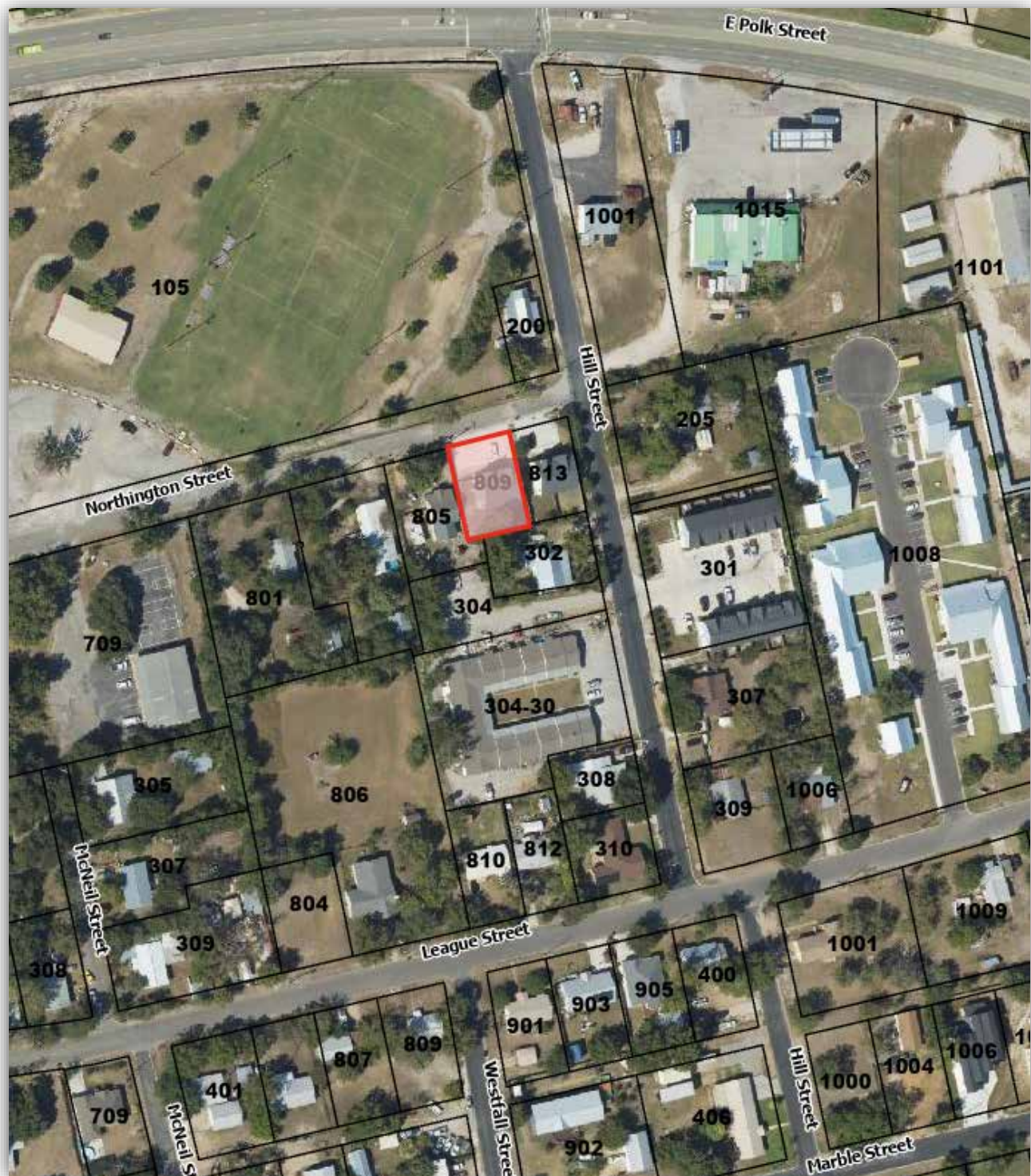
- By authorizing the variance will the spirit of the zoning ordinance be observed, and substantial justice be done?

All other requirements of the zoning ordinance shall be complied with and allows the structure to continue to be utilized ensuring substantial justice is done.

- Would the literal enforcement of the ordinance result in unnecessary hardship?

At the time the building was built, city staff were not consistent in checking and enforcing the proper setbacks. Unfortunately, this created hardships on builders and property owners at the time of closing when selling the property to potential buyers. If the literal enforcement of the code is applied at this time, it would prohibit the use of the building, or require the building to be torn down thus, creating an unnecessary hardship.

Exhibit "A"  
Subject Property



# Exhibit "B" Setback Survey

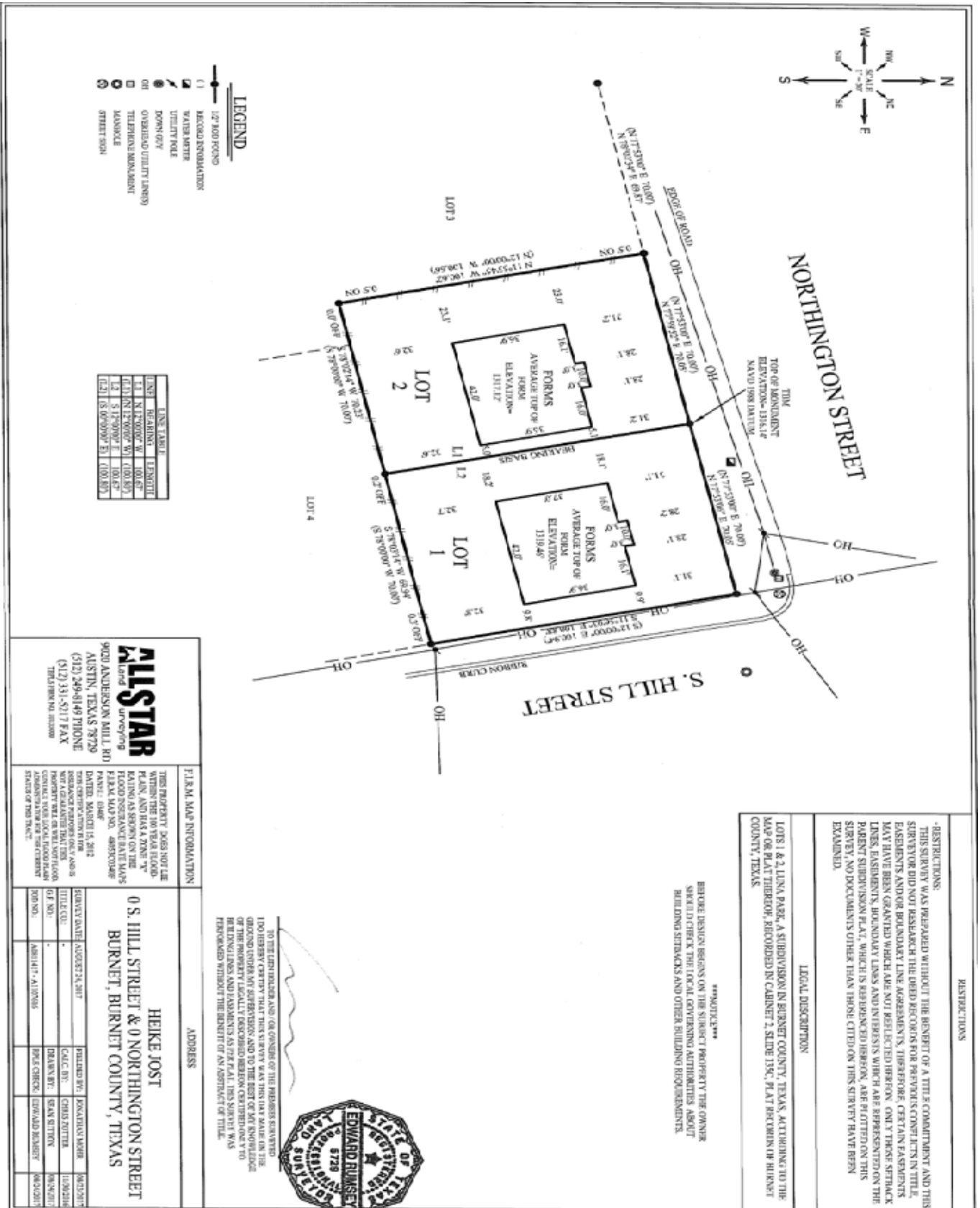


Exhibit "C"  
Application



City of Burnet  
ZONING BOARD OF ADJUSTMENT APPLICATION FOR VARIANCE

Attach additional pages as needed.

(Please type or Print)

Property Owner Information:

Name: GAB Rentals  
Contact Person: Chester Wilson  
Address: 112 BIG SKY 809 + 813 Northampton  
City: Burnet State: TX Zip: 78611  
Telephone No: 512-663-9096  
E-Mail: chester@quakerquilts.com  
Owner Signature: Chester Wilson Date: 8/26/25

I am the owner of the herein described property and \_\_\_\_\_  
is authorized to file this application on my behalf.

Applicant Information:

Name: Same as above  
Contact Person: \_\_\_\_\_  
Address: 112 BIG SKY  
City: Burnet State: TX Zip: 78611  
Telephone No: \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Applicant Signature: Chester Wilson Date: 8/26/25

Existing Zoning: R-2A  
Acreage: \_\_\_\_\_

Current Use of the Property: Duplex

1. Below state the specific relief you are requesting. This statement shall include citation to the specific section of the Zoning Ordinance (available at: [https://library.municode.com/tx/burnet/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH118ZO](https://library.municode.com/tx/burnet/codes/code_of_ordinances?nodeId=COOR_CH118ZO)) from which the variance is requested and the extent of the variance request. This statement should be in the form of a recital of the variance order the applicant desires the board to authorize.

*Permitted set-backs do not comply w/ current zoning*

2. Below describe the purpose for the variance; include a description of the existing and/or proposed improvements for which the variance is necessary.

*Both LOTS 142 (809 & 813 Nighthawk) were, at the city's direction, applied for - permitted, inspected & finished out for Certificate of Occupancy per submitted plans.*

3. In order to authorize a variance from the terms of the zoning ordinance, in a specific case, the ZBOA must make required findings. Below are the findings the ZBOA must make, and space for the applicant to provide evidence supporting the required finding.

- a) Granting the variance is not contrary to the public interest.

*✓*

- b) The Variance is not contrary to the spirit of the zoning ordinance.

- c) The Variance is necessary for substantial justice to be done.

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- d) The Variance is necessary due to special conditions, which causes a literal enforcement of the regulation to result in unnecessary hardship.
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To find unnecessary hardship exist the board must affirmatively find:

- (1) The hardship is in no way the result of the applicant's own actions.

*True - We submitted, permitted, and built according to  
City of Burnett's approved plans*

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- (2) Special conditions exist of restricted area, topography or physical features that are peculiar to the subject property and are not applicable to other properties in the same zoning district.

*Targets that were permitted were approved on their  
current locations per Mark Lewis w/ C.O.B*

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- (3) The application of the regulation to the subject property deprives the applicant of rights commonly enjoyed by other properties in the same zoning district that are in compliance with the same regulation.
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4. Please provide any additional information that would be helpful.

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The following items are to be submitted with the application:

- ☐ Application and Checklist filled out completely and signed by the owner of property.
- ☐ If the applicant is the designated agent, the application shall include a signature/written statement from the property owner authorizing the agent to file the application on his/her behalf.
- ☒ Metes and bounds description (survey or plat of the property that provides or contains the metes and bounds description and/or lot and block).
- ☐ Any other relevant information the applicant determines is necessary.
- ☐ Application fee of \$\_\_\_\_\_

I swear or affirm to the best of my knowledge and belief the above stated information is true and correct as of the 26<sup>TH</sup> day of August 2024, 2025

Applicant

Charles Wilson

**ORDER NO. ZBA2025-01  
CITY OF BURNET ZONING BOARD OF ADJUSTMENT**

**Date:** November 14, 2025

**Property legal description:** Luna Park Lot 2, S6127, 0.16 acres

**Property physical address:** 809 Northington Street

**Owner:** GAB Rentals  
Chester Wilson  
112 Big Sky  
Burnet, TX 78611

**Whereas,** on this day, a quorum of the Zoning Board of Adjustment convened in a properly noticed public meeting; and

**Whereas,** at said meeting came to be heard the Property's Owner's representative requesting a variance be authorized to the building setback requirements for the Property;

**Whereas,** after hearing the testimony of the Property's Owner's representative, the city's representative and members of the public, and the Zoning Board of Adjustment's own deliberations the Board by the affirmative vote of at least four of its members makes findings and conclusions as follows:

**A. Findings of fact:**

- 1) The structure was appropriately approved and permitted by City of Burnet staff; and
- 2) The City of Burnet did issue a Certificate of Occupancy at time of completion of construction; and
- 3) The City Code requirements for Townhomes – District "R-2A" building side setback is 10 ft.

**B. Conclusions of law:**

- 1) There is no change in the use of the structure or the location of the structure. The structure has existed, in its current location, with the setback encroachment, and has not been contrary to the public's interest.
- 2) At the time the building was built, city staff were not consistent in checking and enforcing the proper setbacks. Unfortunately, this created hardships on builders and property owners at the time of closing when selling the property to potential buyers. If the literal enforcement of the code is applied at this time, it would prohibit the use of the building, or require the building to be torn down thus, creating an unnecessary hardship.
- 3) By authorizing the variance, the spirit of the zoning ordinance is observed, and substantial justice is done.

It is thereby the **Order of the Zoning Board of Adjustment** that a variance to the Townhomes – District "R-2A" side setback requirements be authorized to allow for a 5'1" side setback for the structure at 809 Northington; such variance shall cease upon destruction or demolition of said structures.

Burnet Zoning Board of Adjustment

By: \_\_\_\_\_  
Chairperson

Attest:

\_\_\_\_\_  
Leslie Kimbler, ZBOA secretary



## Development Services

### ITEM 6.1

Leslie Kimbler  
Planning Manager  
512-715-3215  
lkimbler@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** November 14, 2025

**Action Item:** The Board of Adjustment of the City of Burnet, Texas shall discuss and consider action regarding a request for variance to the Zoning Code's building setback requirements as shown in City Code Chapter 118 – Chart One. The property subject to the variance request is located at: 813 Northington Street: L Kimbler

**Background:** The subject property (Exhibit A) is a residential duplex structure zoned Townhomes – District “R-2A”. The structure was approved and permitted appropriately by the City of Burnet. At time of construction completion, the City of Burnet did issue a Certificate of Occupancy in March of 2018.

The City of Burnet's Code of Ordinances, Sect. 118-20 Chart One states properties zoned as Townhomes – District “R-2A” setbacks are to be:

- 25 foot front setback, for two connected units
- 15 foot rear setback when abutting properties zoned R-1
- 10 feet side setback
- **15 foot street-side setback**

The existing building's setbacks (Exhibit B) are as follows:

- 28.2' front setback
- 18.1' west side setback
- **9.9' street-side setback**
- 32.7' rear setback

**Information:** The applicant is requesting a variance to Sect. 118-20 Chart One for the street-side setback (Exhibit C).

The Zoning Board of Adjustments may authorize in specific cases a variance from the terms of the zoning ordinance if the variance:

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- b. Is not contrary to the spirit of the zoning ordinance; and
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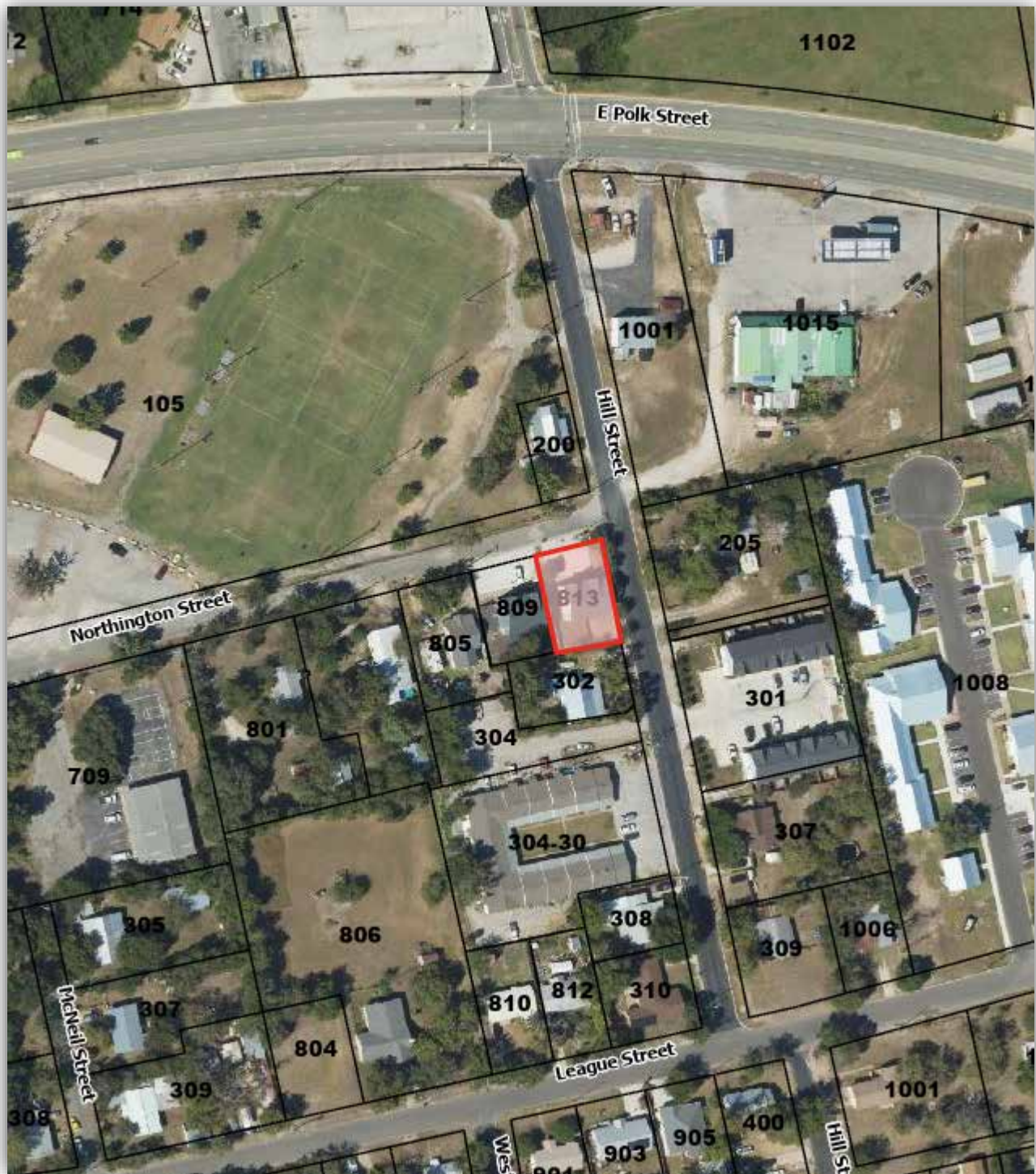
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Exhibit "A"  
Subject Property



# Exhibit "B" Setback Survey

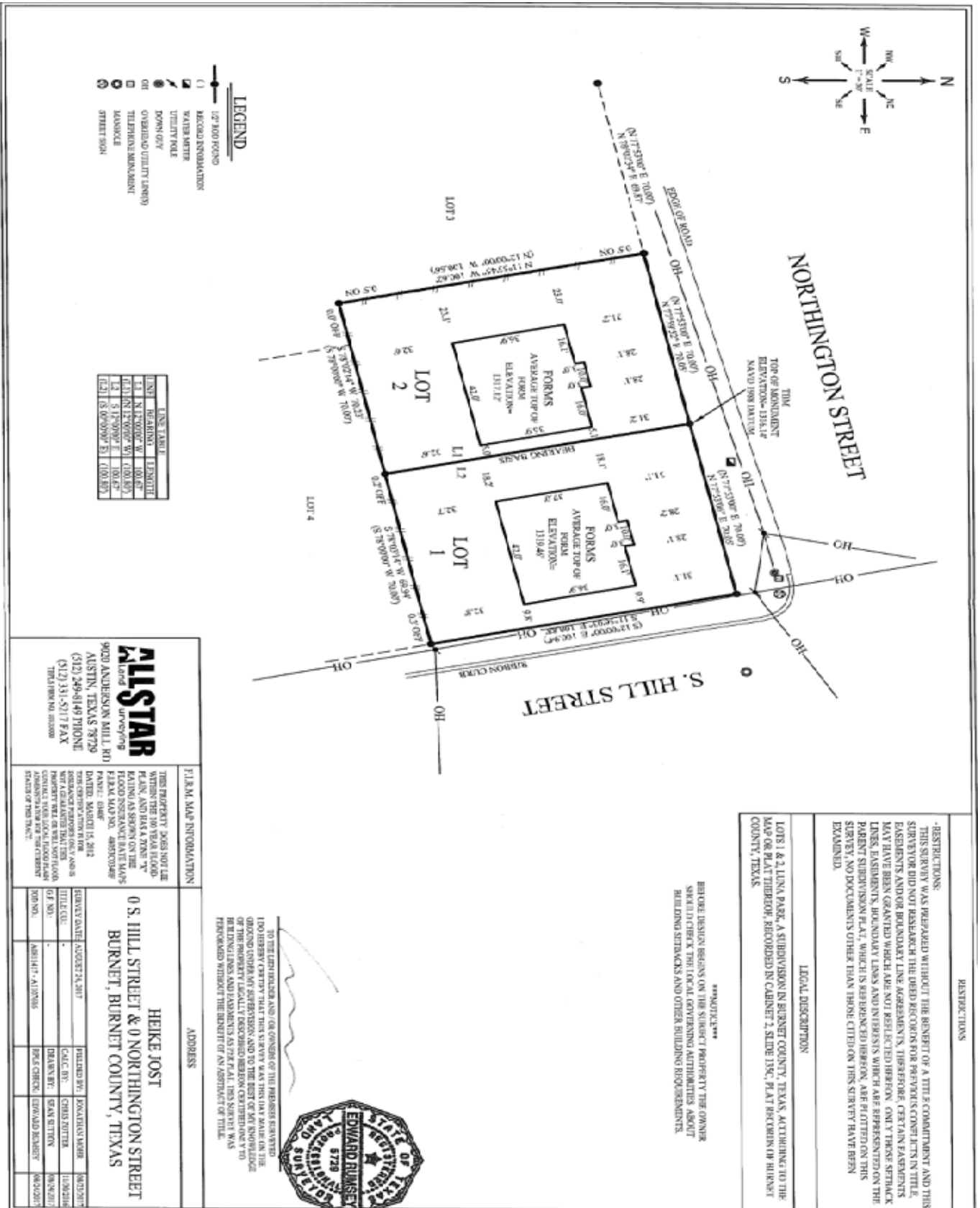


Exhibit "C"  
Application



City of Burnet  
ZONING BOARD OF ADJUSTMENT APPLICATION FOR VARIANCE

Attach additional pages as needed.

(Please type or Print)

Property Owner Information:

Name: GAB Rentals  
Contact Person: CHESTER WILSON  
Address: 112 BIG SKY 809 + 813 Northampton  
City: Burnet State: TX Zip: 78611  
Telephone No: 512-663-9096  
E-Mail: chester@quakerquilts.com  
Owner Signature: Chester Wilson Date: 8/26/25

I am the owner of the herein described property and \_\_\_\_\_  
is authorized to file this application on my behalf.

Applicant Information:

Name: Same as above  
Contact Person: \_\_\_\_\_  
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City: Burnet State: TX Zip: 78611  
Telephone No: \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Applicant Signature: Chester Wilson Date: 8/26/25

Existing Zoning: R-2A  
Acreage: \_\_\_\_\_

Current Use of the Property: Duplex

1. Below state the specific relief you are requesting. This statement shall include citation to the specific section of the Zoning Ordinance (available at: [https://library.municode.com/tx/burnet/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH118ZO](https://library.municode.com/tx/burnet/codes/code_of_ordinances?nodeId=COOR_CH118ZO)) from which the variance is requested and the extent of the variance request. This statement should be in the form of a recital of the variance order the applicant desires the board to authorize.

*Permitted set-backs do not comply w/ current zoning*

2. Below describe the purpose for the variance; include a description of the existing and/or proposed improvements for which the variance is necessary.

*Both LOTS 142 (809 & 813 Nighthawk) were, at the city's direction, applied for - permitted, inspected & finished out for Certificate of Occupancy per submitted plans.*

3. In order to authorize a variance from the terms of the zoning ordinance, in a specific case, the ZBOA must make required findings. Below are the findings the ZBOA must make, and space for the applicant to provide evidence supporting the required finding.

- a) Granting the variance is not contrary to the public interest.

*✓*

- b) The Variance is not contrary to the spirit of the zoning ordinance.

- c) The Variance is necessary for substantial justice to be done.

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- d) The Variance is necessary due to special conditions, which causes a literal enforcement of the regulation to result in unnecessary hardship.
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To find unnecessary hardship exist the board must affirmatively find:

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*True - We submitted, permitted, and built according to  
City of Burnett's approved plans*

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- (2) Special conditions exist of restricted area, topography or physical features that are peculiar to the subject property and are not applicable to other properties in the same zoning district.

*Targets that were permitted were approved on their  
current locations per Mark Lewis w/ C.O.B*

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- (3) The application of the regulation to the subject property deprives the applicant of rights commonly enjoyed by other properties in the same zoning district that are in compliance with the same regulation.
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4. Please provide any additional information that would be helpful.

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The following items are to be submitted with the application:

- ☐ Application and Checklist filled out completely and signed by the owner of property.
- ☐ If the applicant is the designated agent, the application shall include a signature/written statement from the property owner authorizing the agent to file the application on his/her behalf.
- ☒ Metes and bounds description (survey or plat of the property that provides or contains the metes and bounds description and/or lot and block).
- ☐ Any other relevant information the applicant determines is necessary.
- ☐ Application fee of \$ \_\_\_\_\_

I swear or affirm to the best of my knowledge and belief the above stated information is true and correct as of the 26<sup>TH</sup> day of August 2024, 2025

Applicant

Charles Wilson

**ORDER NO. ZBA2025-02**  
**CITY OF BURNET ZONING BOARD OF ADJUSTMENT**

**Date:** November 14, 2025

**Property legal description:** Luna Park Lot 1, S6127, 0.162 acres

**Property physical address:** 813 Northington Street

**Owner:** GAB Rentals  
Chester Wilson  
112 Big Sky  
Burnet, TX 78611

**Whereas**, on this day, a quorum of the Zoning Board of Adjustment convened in a properly noticed public meeting; and

**Whereas**, at said meeting came to be heard the Property's Owner's representative requesting a variance be authorized to the building setback requirements for the Property;

**Whereas**, after hearing the testimony of the Property's Owner's representative, the city's representative and members of the public, and the Zoning Board of Adjustment's own deliberations the Board by the affirmative vote of at least four of its members makes findings and conclusions as follows:

**A. Findings of fact:**

- 1) The structure was appropriately approved and permitted by City of Burnet staff; and
- 2) The City of Burnet did issue a Certificate of Occupancy at time of completion of construction; and
- 3) The City Code requirements for Townhomes – District “R-2A” building street-side setback is 15 ft.

**B. Conclusions of law:**

- 1) There is no change in the use of the structure or the location of the structure. The structure has existed, in its current location, with the setback encroachment, and has not been contrary to the public's interest.
- 2) At the time the building was built, city staff were not consistent in checking and enforcing the proper setbacks. Unfortunately, this created hardships on builders and property owners at the time of closing when selling the property to potential buyers. If the literal enforcement of the code is applied at this time, it would prohibit the use of the building, or require the building to be torn down thus, creating an unnecessary hardship.
- 3) By authorizing the variance, the spirit of the zoning ordinance is observed, and substantial justice is done.

It is thereby the **Order of the Zoning Board of Adjustment** that a variance to the Townhomes – District “R-2A” street-side setback requirements be authorized to allow for a 9'9” street-side setback for the existing structure at 813 Northington; such variance shall cease upon destruction or demolition of said structures.

Burnet Zoning Board of Adjustment

By: \_\_\_\_\_  
Chairperson

Attest:

\_\_\_\_\_  
Leslie Kimbler, ZBOA secretary