



VILLAGE OF VOLENTE

AGENDA

Board of Adjustment Meeting
6:30 P.M., Monday, May 1, 2017
16100 Wharf Cove, Volente, TX 78641

I. ITEMS OPENING THE MEETING

- A. Call to Order
- B. Call Roll and Establish Quorum
- C. Approval of [March 23, 2017 minutes](#)

II. CITIZEN COMMUNICATIONS

III. GENERAL BUSINESS AND ACTION ITEMS

A. Presentation and Public Hearing on a variance request from GeoSolutions, on behalf of Earl Martin, for the property located at 8100 Lime Creek Road, for variances from the Code of Ordinances Sec. 9.02.041 (j) Height and placement (Zoning Ordinance Section 30.109 (i) Height and Placement), property side and rear setbacks to allow existing structures to be placed within required setbacks as a result of the resubdivision of both lots 1 and 2.

- 1. [Report](#)
- 2. [Variance Application 041317](#)
- 3. [Applicant letter](#)
- 4. [Site Plan 033017](#)

B. Discussion and Possible Action on a variance request from from GeoSolutions, on behalf of Earl Martin, for the property located at 8100 Lime Creek Road, for variances from the Code of Ordinances Sec. 9.02.041 (j) Height and placement (Zoning Ordinance Section 30.109

(i) Height and Placement), property side and rear setbacks to allow existing structures to be placed within required setbacks as a result of the resubdivision of both lots 1 and 2.

IV. ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Agenda was posted by 6:30 p.m. on the 28th day of April, 2017.

Nicole Vicuña, City Secretary

A quorum of the City Council or Planning and Zoning Commission may be in attendance; however, no official action by the City Council or Planning and Zoning Commission shall be taken.



VILLAGE OF VOLENTE

MINUTES

Board of Adjustment Meeting
6:30 P.M., Thursday, March 23, 2017
16100 Wharf Cove, Volente, TX 78641

I. ITEMS OPENING THE MEETING

A. Call to Order – Chair James Jordan called the meeting to order at 6:33 p.m.

B. Call Roll and Establish Quorum

Present – Gary Cowsert, Mike Gold, James Jordan and Robert Mokry

Absent – Judy Schlozauer

Also in attendance – Alternate Gary Murphy, Councilmember Kit Hopkins and City Secretary

Nicole Vicuña

A quorum was present.

C. Approval of Minutes

1. November 12, 2014

2. May 14, 2015

3. August 25, 2015

Mike Gold motioned to approve the minutes, seconded by Gary Cowsert. Motion carried unanimously.

II. CITIZEN COMMUNICATIONS. None

III. GENERAL BUSINESS AND ACTION ITEMS

A. Presentation and Public Hearing on a variance request from Block 16 Architects, on behalf of Kerry Yom, for the property at 7318 Reed Drive for variances from the Zoning Ordinance Section 30.109 (i) Height and Placement

1. Staff presentation - City Secretary

2. Applicant comments - Stuart Alderman, Block 16 Architects, presented the hardships to the Board .

3. Public Hearing – Chair Jordan opened the public hearing.

Judy Graci, 15775 Booth Circle: expressed concern

Jan Yenawine, 15600 FM 2769: expressed concern

Allison Thrash, 15100 FM 2769: expressed concern

Cynthia Mallow, Reed Drive: expressed concern

Gary Murphy, 7324 Reed Drive: lives next door and has no problem with granting the variance.

Stuart Alderman: homeowner is willing to compromise.

Public hearing closed at 7:13 p.m.

B. Discussion and Possible Action on a variance request from Block 16 Architects, on behalf of Kerry Yom, for the property at 7318 Reed Drive for variances from the Zoning Ordinance Section 30.109 (i) Height and Placement

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The Board discussed the lack of a valid undue hardship.

Comments:

Stuart Alderman
Judy Graci

Board Member Gold motioned to vote on whether to grant a variance as presented, seconded by Board Member Cowsert.

Nays: Gold, Cowsert Ayes: 0 Abstentions: Jordan, Mokry
Motion died.

No further discussion.

C. Establish a regular meeting day for future meetings as needed

Board Member Cowsert motioned to hold meetings the first Monday of the month as needed, seconded by Board Member Mokry. Motion carried unanimously.

IV. ADJOURNMENT

Board Member Gold motion to adjourn, seconded by Board Member Cowsert. Motion carried unanimously.

Meeting adjourned at 7:45

Approved this 1st day of May, 2017.

Signed:

Attest:

James Jordan, Chair

Nicole Vicuña, City Secretary

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STAFF REPORT

To: Board of Adjustment
 From: Village Staff
 Subject: Side and Rear Setback Variance
 Date of Application: April 13, 2016
 Meeting Date: May 1, 2017

ISSUE/BACKGROUND

Applicant: Shawn Fortune (Geosolutions), on behalf of Earl Martin (owner)
 Location: 8100 Lime Creek Road, Volente, TX
 Zoning: Single Family Residential Historical (“SR1”) zoning district
 Legal Notice: The request for a variance was advertised in the *Hill Country News* on April 19, 2017.

Applicant’s Request: Mr. Fortune, on behalf of Earl Martin (owner), is requesting a variance from Sec 9.02.041(j) of the Village’s Code of Ordinances to allow existing structures to be placed within required setbacks as a result of the resubdivision of both lots 1 and 2.

DISCUSSION/FINDINGS

As set forth in the Code of Ordinances:

(j) Height and placement requirements. Except as otherwise specifically provided in this article, no building structure shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the height limits specified in Chart 1.

Chart 1

District & Category	SR	SRR	SRC	SR1
Minimum lot size	1 acre	1 acre	1 acre (2)	N/A
Front setback, feet	50	50	30	15
Side setback, feet (1)	20	40	20	5-20 (3)
Road side setback, feet (1)	20	20	20	15
Rear setback, feet	20	20	20	15
Height, feet	35	35	35	35
Minimum dwelling unit square feet	1000	1,000	1,000	1,000 (500 if under 1/2 acre)
Maximum floor space square feet	N/A	N/A	N/A	N/A

According to Section 30.125 of the zoning Ordinance, the Board of Adjustment (“BOA”) is required to make eight (8) specific findings in order to approve a variance request. These findings are listed below.

- 1. That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this article would deprive the applicant of the reasonable use of the land.**

- 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.**

- 3. That the granting of a variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area.**

- 4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article.**

- 5. That literal enforcement of the Zoning controls will create an unnecessary hardship or practical difficulty in the Development of the affected property.**

- 6. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same District.**

- 7. That the relief sought will not injure the Permitted Use of Adjacent conforming property.**

- 8. That the granting of a Variance will be in harmony with the spirit and purpose of this article.**

A Variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this article on other parcels of land in the particular District. No Variance may be granted which results in undue hardship upon another parcel of land.

The Applicant bears the burden of proof in establishing the facts that may justify a Variance.

Village of Volente
16100 Wharf Cove
Volente, TX 78641

Re: Setback Variance Request – 8100 Lime Creek Road, Leander, TX 78641

The proposed project is located at 8100 Lime Creek Road in the Village of Volente. The project calls for resubdividing 2.81 acres containing two existing single-family residential developments into two legal lots described as “Lot 1” and “Lot 2”.

The single-family residence on Lot 2 was originally constructed in 1958 as recognized by Travis County. Parts of the original development, including a concrete patio and carport, were built near the property lines which are within the current SR setback criteria of 25 feet as recognized by the Village of Volente Zoning Ordinance.

We are required to obtain a variance for the existing structures on Lot 2. We strive to protect the existing structures and preserve their value. Furthermore, there are no new developments proposed with the resubdivision. We kindly ask that you grant a setback variance allowing the long-standing existing structures on Lot 2 to remain in place in order to prevent any undue hardship.

The variance meets the following required conditions according to Section 9.02.105 of the Village of Volente Zoning Ordinance:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land; and
The existing structures were constructed in 1958 prior to Village of Volente establishment as proven by the TCAD detailed property report; furthermore, strict application of the provision would deprive the owner the right to use the patio and carport as has been used for 59 years as shown in the Site Plan.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
The variance is necessary to preserve the existing structures, preserve views, and maintain the fundamental every-day functionality of the property.
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area; and
The existing structures have not been, and will remain, unharmed to other properties within the area.
- (4) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article.

The existing structures have not been, and will remain, unharmed to other properties within the area.

The board should also find the following undue hardships exist:

- (1) That literal enforcement of the zoning controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and **Literal enforcement may force removal of existing structures beyond the setback that have been as such for 59 years which would clearly cause financial hardship and devalue the property.**
- (2) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same district; and **The existing structures were constructed prior to the Village of Volente establishment 59 years ago. Allowing it to remain in place would have no adverse effect on the neighboring properties.**
- (3) That the relief sought will not injure the permitted use of adjacent conforming property; and **Allowing the existing structures to remain in place will have no adverse effect on the neighboring property, just as it hasn't since 1958.**
- (4) That the granting of a variance will be in harmony with the spirit and purpose of this article. **We simply strive to preserve the current nature of the structures to prevent undue hardship.**

Best Regards,



Earl Martin

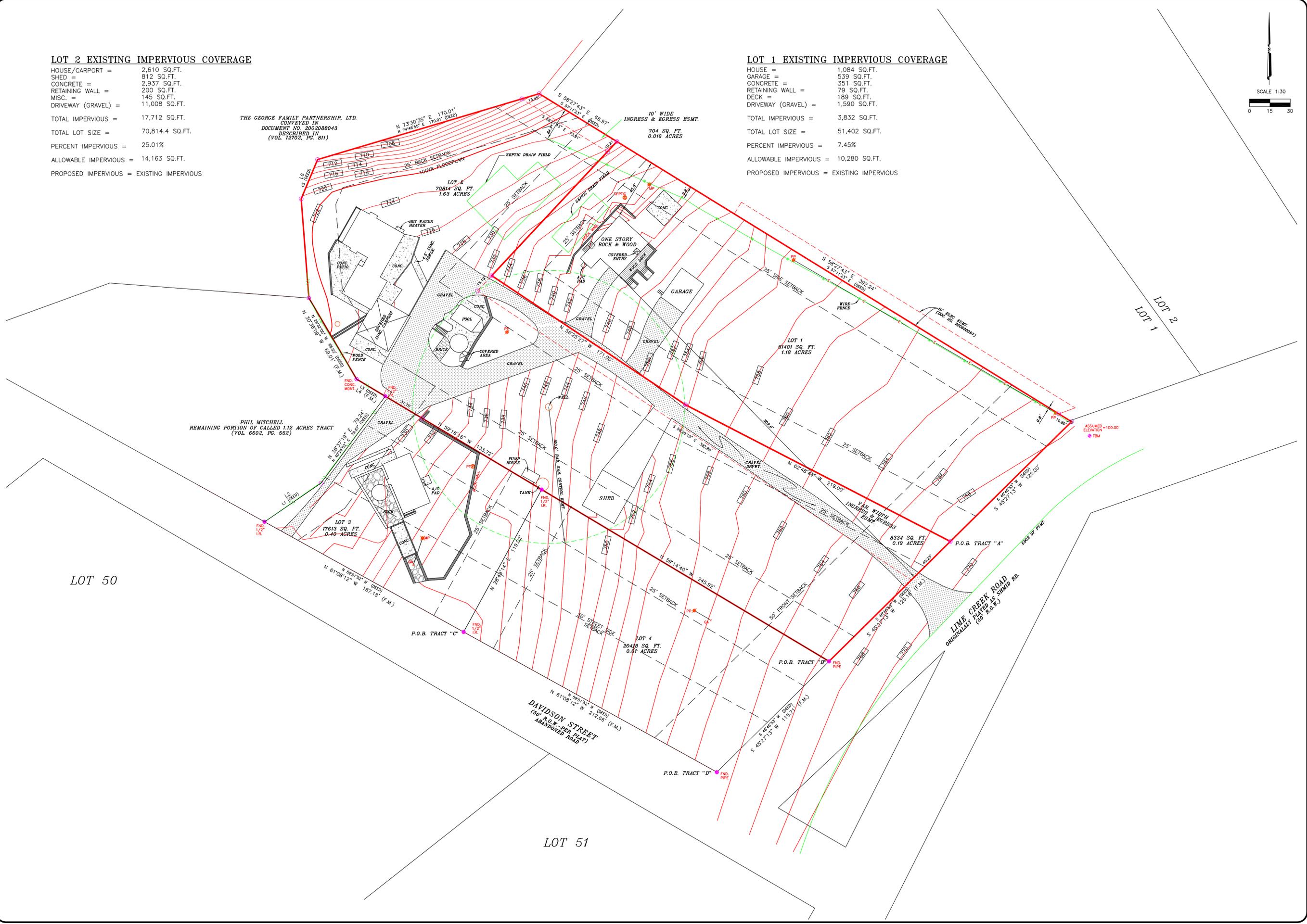
LOT 2 EXISTING IMPERVIOUS COVERAGE

HOUSE/CARPORT =	2,610 SQ.FT.
SHED =	812 SQ.FT.
CONCRETE =	2,937 SQ.FT.
RETAINING WALL =	200 SQ.FT.
MISC. =	145 SQ.FT.
DRIVEWAY (GRAVEL) =	11,008 SQ.FT.
TOTAL IMPERVIOUS =	17,712 SQ.FT.
TOTAL LOT SIZE =	70,814.4 SQ.FT.
PERCENT IMPERVIOUS =	25.01%
ALLOWABLE IMPERVIOUS =	14,163 SQ.FT.
PROPOSED IMPERVIOUS =	EXISTING IMPERVIOUS

THE GEORGE FAMILY PARTNERSHIP, LTD.
CONVEYED IN
DOCUMENT NO. 2002088043
DESCRIBED IN
(VOL. 12702, PG. 611)

LOT 1 EXISTING IMPERVIOUS COVERAGE

HOUSE =	1,084 SQ.FT.
GARAGE =	539 SQ.FT.
CONCRETE =	351 SQ.FT.
RETAINING WALL =	79 SQ.FT.
DECK =	189 SQ.FT.
DRIVEWAY (GRAVEL) =	1,590 SQ.FT.
TOTAL IMPERVIOUS =	3,832 SQ.FT.
TOTAL LOT SIZE =	51,402 SQ.FT.
PERCENT IMPERVIOUS =	7.45%
ALLOWABLE IMPERVIOUS =	10,280 SQ.FT.
PROPOSED IMPERVIOUS =	EXISTING IMPERVIOUS



REVISIONS			



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VOLENTE, TEXAS
SITE PLAN

4417 BURLERSON ROAD
AUSTIN, TEXAS 78744
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www.geosolutionsinc.com
Reg. Eng. Firm #F-4189

GEOSOLUTIONS

Scale: NOT TO SCALE
Date: 03/30/17
Drawn by: JY
Project No.: CS16117
SHEET 1 OF 1