

BOARD OF ADJUSTMENT MEETING (CITY HALL) April 10, 2024; 6:00 PM Woodcreek, Texas

MEETING NOTICE

The City Council of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Wednesday, April 10, 2024 at 6:00 PM.

All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained. Smoking is not allowed anywhere on the property of City Hall.

The public may watch this meeting live at the following link:

https://zoom.us/j/99429566917?pwd=d2FGUzcxTm85TkF3bzVVU2lzVnVqdz09

Meeting ID: 994 2956 6917; Passcode: 348123

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but <u>no action</u> will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to woodcreek@woodcreektx.gov by **NOON**, the day <u>prior</u> to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.

AGENDA

CALL TO ORDER
MOMENT OF SILENCE
PLEDGES

ROLL CALL and ESTABLISH QUORUM PUBLIC COMMENTS

REGULAR AGENDA

- Public Hearing For The Purpose of Considering A Variance Application Request For A Property Located at Lot 16, Par View Village #10, Modifying Requirements For the City of Woodcreek Ordinances §50.37 Impervious Cover, §156.056 Carports and Garages and §156.059 Parking.
- Discuss and Take Appropriate Action To Approve A Variance Application Request For A Property Located at Lot 16, Par View Village #10, Modifying Requirements For the City of Woodcreek Ordinances §50.37 Impervious Cover, §156.056 Carports and Garages and §156.059 Parking.

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the 5th day of April 2024 at 3:00 PM

By: Ditaniel petersio

Suzanne J. MacKenzie, City Secretary





City of Woodcreek Application for Variance

Please provide the following items with the completed Application for Variance for a variance request:

- One paper copy and one digital copy of the survey or site plan with the requested area for the variance clouded to indicate the location.
- A filing fee of \$500.00 (Applicant will also be charged the cost of postage and publication).
- If requesting a variance of an existing structure, please include 2-3 photographs that will show the structure placement in relation to your property and adjacent structures.
- If requesting a variance in impervious cover limits, please include calculations showing current impervious cover (as of date of application) and proposed impervious cover.

Following receipt of the completed Application for Variance, along with the required items and filing fee, Woodcreek will schedule your request for consideration at a future Board of Adjustment meeting. You will be notified of the Board of Adjustment meeting date.

Woodcreek will prepare and send notices via the USPS to property owners within two hundred (200) feet of the property before the Board of Adjustment scheduled meeting date. The notice will also be published in the newspaper of record.

Date of Application Submission: 02/23/24 Petitioner's Name: Benjamin Mejia Mailing Address: Email Address(s): Telephone Number(s): (: (: (:)) Description and Location of Property for which Variance is Requested. Property Owner's Name: Benjamin Mejia Property Owner's Mailing Address: Section Location, Lot Number, & Zoning Designation: LOT 16, PAR VIEW VILLAGE #10 Property Address: LOT 16, PAR VIEW VILLAGE #10

Application Information



As per § 30.57 of the Woodcreek Code of Ordinances, a Variance is defined as "An adjustment or deviation in the application of specific regulations of Ch. 50, 154 and 156 of this code of ordinances or other applicable ordinances under the purview of the city and applicable to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owner from being deprived rights and privileges, enjoyed by other owners of similarly situated parcels in the same vicinity and district."

No variance shall be granted unless the Board finds that each of the following provisions are met.

State how your request meets each provision:

1.	There are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of Ch. 50 or Ch. 154 or Ch. 156 would deprive the applicant of the reasonable use of the involved land. Since we are in a culdesac, the layout of each lot creates difficulty to meet driveway requirements.						
	It also creates a challenage for a two car garage as well as staying within the impervious coverage						
	requirements.						
2.	The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. To have accessible parking area - impervious coverage. Also, to have access to a coveraged garage, only one						
	would fit on lot.						
3.	The granting of the variance will neither be detrimental to the public health, safety or welfare, nor injurious to other property in the area. No, it would not. Neighboring homes have similar challenages and do not affect any of the listed above						
	See pictures attached.						
4.	The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter. No, it will not. In fact, it will help.						

Variance Requested — Please be specific. Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.

Wöödcreek

Item 1.

| FE | 2 3 2024 | | |

IN THE MIDST OF THE TEXAS HILL COUNTRY

We are requested this variance, to give the owner ample space to park their cars and sufficient space to park

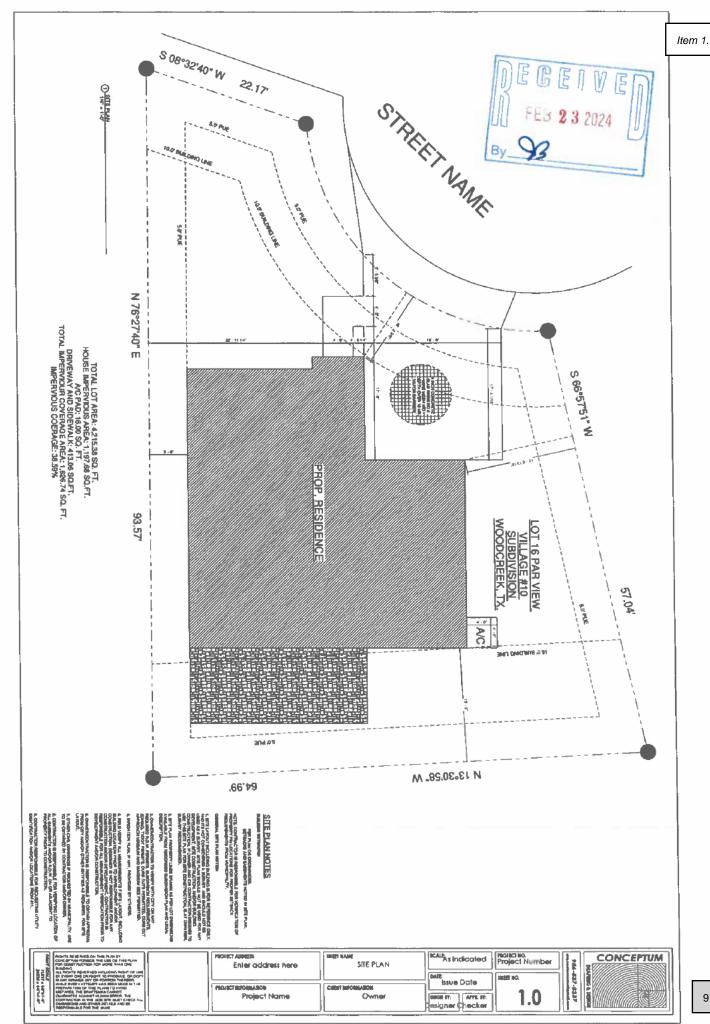
: 02/23/24			
Date: App	quired information	eck # 500 Initials:	
	2	Initials:	
		Board of Adjustment:	
Date:		Initials:	
Action by Boar	rd of Adjustment:		
Approved:	Denied:		
Date:		Initials:	
Notes:			

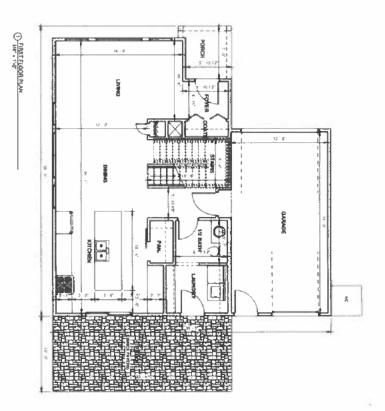
City of Woodcreek Construction Acknowledgement of Code of Ordinances

	rty Address: 40					2-23	-24
Project	t Name:	PAR VIEW	VARIANO	t E		F	-
in the (ants requesting rev City of Woodcreek nces. All references voodcreektx.gov	must read and a	acknowledge th	e following ite	ems relating to	the City's	
below builder the pro and you	ctions: All three pa where applicable. should initial in se posed project, chec u intend to request and also initial. All t	The Architect (ection B, and the ck "Not Applicabl a variance to th	when applicable property owner e," and still initi at requirement,	e) should init /client in Sect al. If your proj . check "Reque	ial in section ion C. If the ite ject is not com esting A Variar	A, the comis not repliant with the comment of the c	ntractor/ elevant to the item separate
1. Imp	ervious cover: (Wo	oodcreek Code Se	ections 50.37 an	d 156.063)			
a)	Impervious cover allowable percenta A:B:B:		_		_		l the
b)	Have you correctly concrete, asphalt, A: B:B:	pavers, swimmin	g pools, crushed	d gravel and gr	anite, decking	materials,	
2. Setb	oacks: (Woodcreek	Code Sections 15	55.43 (SF Reside	ntial), 156.057	7,062,063,	and064	
a)	Setbacks are deter project? A: B:B	-	-	-			our
b)	If the property fro 155.43 setback red A: B:	nts one or more : quirements. Have	streets, each set e you checked yo	back along the our project for	se streets mus	st conform ?	to the
c)	Roof eaves and ov project's roof eave A:B: _BI	es and overhangs	are not within t	he setbacks?	ks. Have you v equesting A V		t the
d)	Have you insured This requirement pads, pool equipm A: B:	includes but is ne ent, pergolas and	ot limited to reta d arbors.	aining walls, p		s, air condi	
e)	Do your project's A: B: B:				nents? equesting A Va	ıriance	
Ŋ	Do you understand A: B: _B				ng, etc.) is allo equesting A Va		setback?

3. Stru	cture height: (W	oodcree	k Code Section	ons 156.062,063, and	064)
a)	surveyor been st	ubmitted	1? Your heigh	t calculations must be o	or lines produced by a licensed letermined from this survey. Requesting A Variance
b)	Has the correct reproject?	nethodo	logy as defin	ed in the code, been use	ed to calculate the height of your
	A: B: <u>R</u>	<u>3M</u> c	2:	Not Applicable	Requesting A Variance
c)	Do you understa materials?	nd that	the height re	striction includes all ro	of appurtenances and building
	A: B: _£	3 <u>m</u> c	2:	Not Applicable	Requesting A Variance
4. Tree	es and vegetation	n: (Wood	dcreek Codes	Chapters 50, 91, 154 &	156. Staff can offer to assist.)
a)	Has a current an A: B:B:	d certific	ed tree surve	y been submitted to the Not Applicable	e City? Requesting A Variance
b)	until a tree perm	it and b	uilding perm	it have been issued by t	removal, or tree removal can be done he City? Requesting A Variance
c)	without first obt	aining a	variance froi	n the City?	n or equal to 19 inches can be removed Requesting A Variance
d)					eted before a certificate of occupancy Requesting A Variance
5. Add	itional considera	ations:			
a)			3 333		construction? (Woodcreek Code Requesting A Variance
b)	If required, will	vour sep	itic system co	mply with State minim	um standards to obtain a permit?
	(Woodcreek Cod	le Sectio	n 151.05) :-	Not Applicable	Requesting A Variance
c)	Does your site pl planters, patios, note that such its	lan show decks, s ems are	v all of the str idewalks, dri not allowed i	uctures, hardscape elements, posterior tanks, point the setbacks and may	ments such as retaining walls and pol equipment and other items? Please not be installed later without City Requesting A Variance
d)	Do you understa	nd that	no work (inc	luding but not limited t	o mailbox construction or placement, Right of Way without City approval?
		_			Requesting A Variance
e)		1	414	n letter from a septic de VNot Applicable	signer must be submitted if an existing Requesting A Variance

C: Proj	perty Owner/Client:	-						
B: Buil	der/Contractor: Security	Mu 1	BENJAMIN Mein	Feb 23,2024				
A: Arc	hitect:							
	NAME		SIGNATURE	DATE				
that no	by acknowledge that I have read and othing in this document relieves me wake Hills Ordinances regarding this	of my legal responsibilit	y to comply with any and a	ıll relevant				
	A:B: <u>Bm</u> C:	□ Not Applicable	Requesting A Variance	e				
m)	Have you correctly verified that the proposal conforms to any variance and site plan approvals if applicable?							
,	necessary permits if it is? A: B: Bm C:		-					
1)	Have you correctly verified if you p							
k)	Do you understand and have corre through a meeting with City staff? A: B: BM C: C:							
	A: B: <u>B/v/</u> C:	Not Applicable	Requesting A Varianc	e				
j)	Do you understand that if any proferequired to be used by the city that of the applicant?	•		•				
	A: B: <u>\$M</u> C:	√ Not Applicable	Requesting A Varianc	e				
i)	Do you understand that a variance that the requirements of Woodcree	ek Code must be followe	d?	•				
	A: B: Bty C:	□ Not Applicable	Requesting A Variance					
h)	Do you understand that a separate requirements in Woodcreek Code (permit must be obtaine Chapters 151, 154 & 156	d for fence construction and must be followed? Do you	d that the				
6)	be required to submit a Water Polli A: B: C:	ution Abatement Plan? (Not Applicable	State requirement) Requesting A Variance	E FER OF E				
g)	Do you understand that if your pro	iect is in an Aquifer Rec	parge and/or Contributing	Tone Woll may				
f)	Do you understand that your proje (Woodcreek Code Chapter 91) A: B: C:			•				
	De aren um demateur datus a	-h						

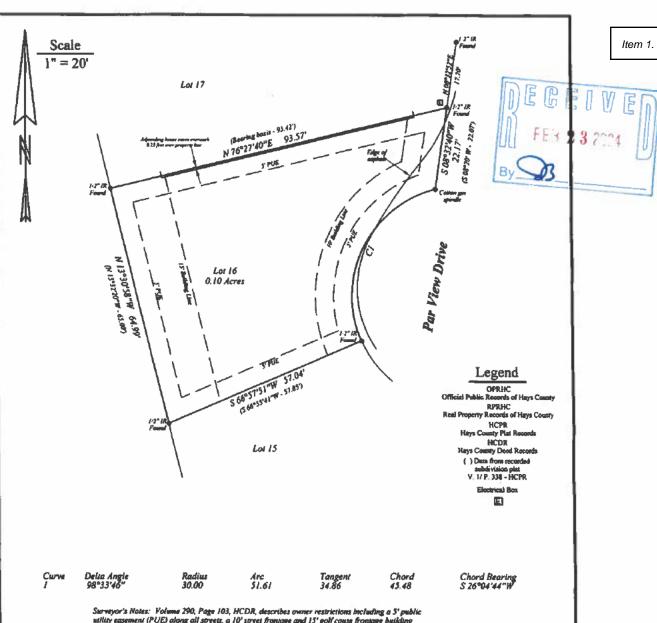




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Michia mi dimino chi nia maki si Chingania mingo she uso ca sa sa Riphoche in china ma sa sa sa sa Riphoche in china ma sa sa sa sa sa Riphoche in china ma sa	Project appless Enter address here	FIRST FLOOR PLAN	As indicated	Project Number	CONCEPTUM
By the second of	Project Name	CUERT HEPDERATION OWN BY	Issue Date BIGH BY: APIE BT Designer Checker	3.0	Water 1 Formation 1 Sept. 1 Se



Surveyor's Notes: Volume 290, Page 103, HCDR, describes owner restrictions including a 5' public utility easement (PUE) along all streets, a 10' street frontage and 13' golf course frontage building line. Volume 295, Page 399, HCDR, describes a 5' PUE for all lot lines. This survey was done without the use of a title search. There may be easements! documents that affect this lot that are not shown.

PLAT SHOWING SURVEY OF LOT 16, PAR VIEW VILLAGE #10, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 338, OF THE PLAT RECORDS OF HAYS COUNTY.

FOR: Harold and Martha Shelton

DATE: November 3, 2015

The undersigned does hereby certify that this survey was made on the ground of the property legally described hereon and is essentially correct and that there are no visable discrepancies, encroachments, overlapping of improvements, visable utility ensements or roadways, except as shown and that said property has access to a public road. Only those plats with a rod surveyors and part signature shall be deemed reliable and authentic.

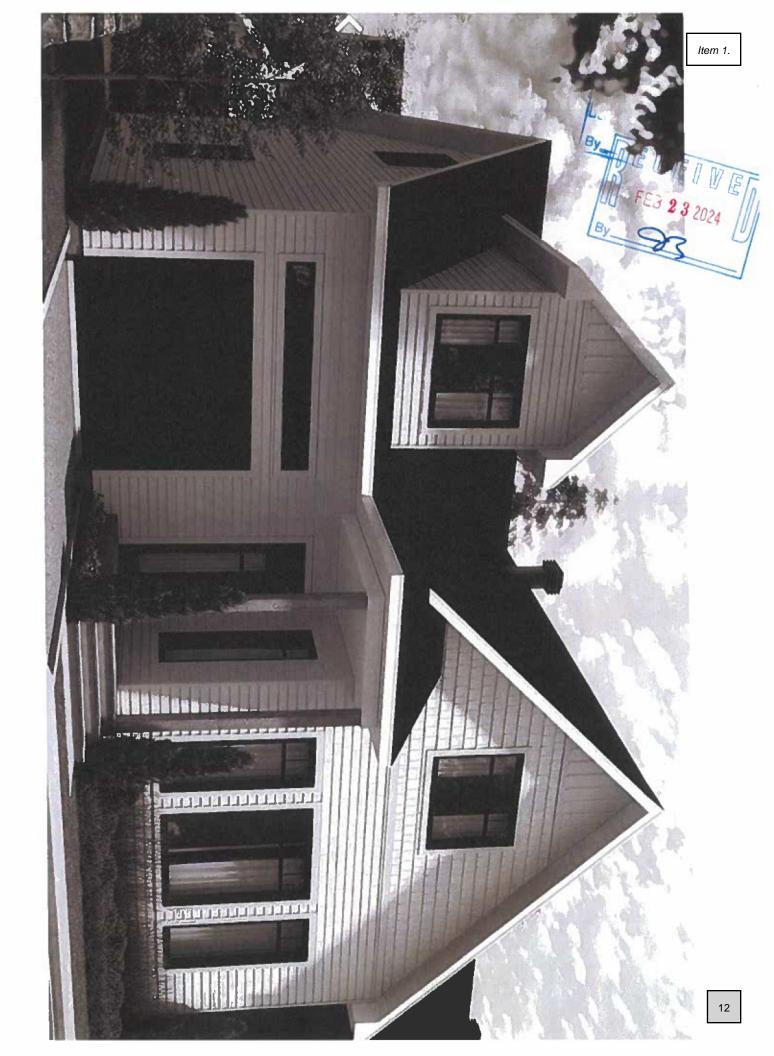
Round D. Hayes, Registered Professional Land Surveyor, No. 5703

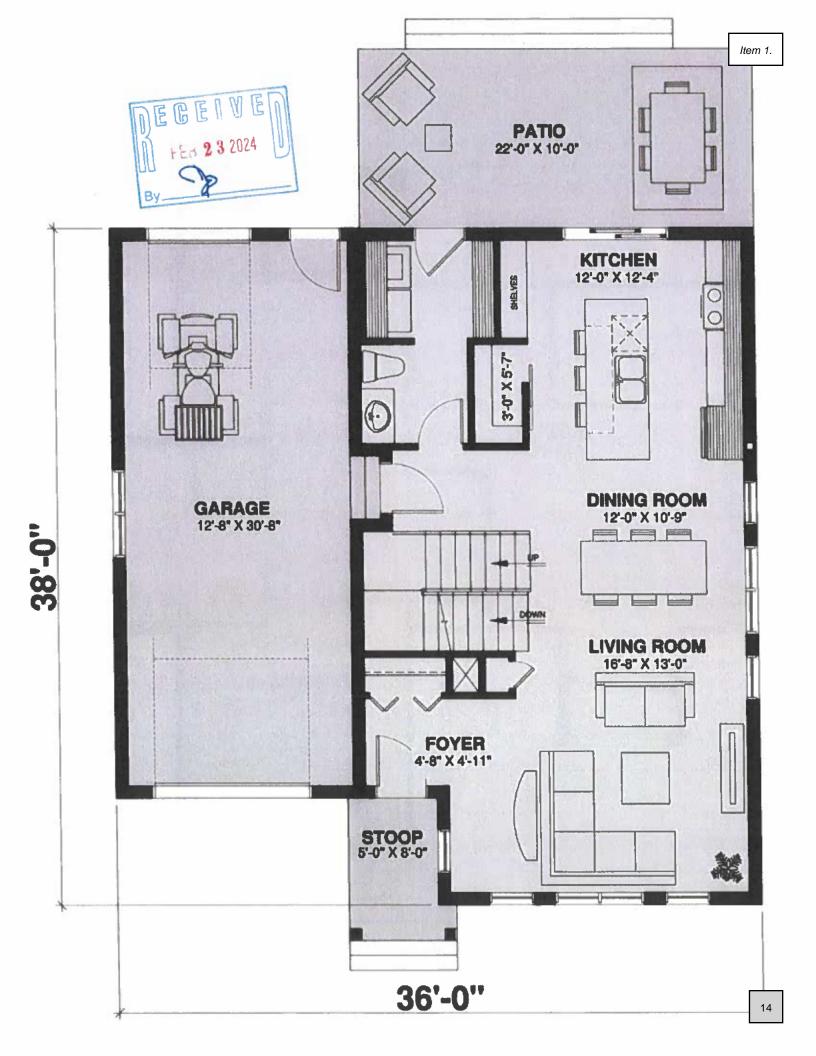
According to the scaling of Map Panel 0238F of the September 2, 2005 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.

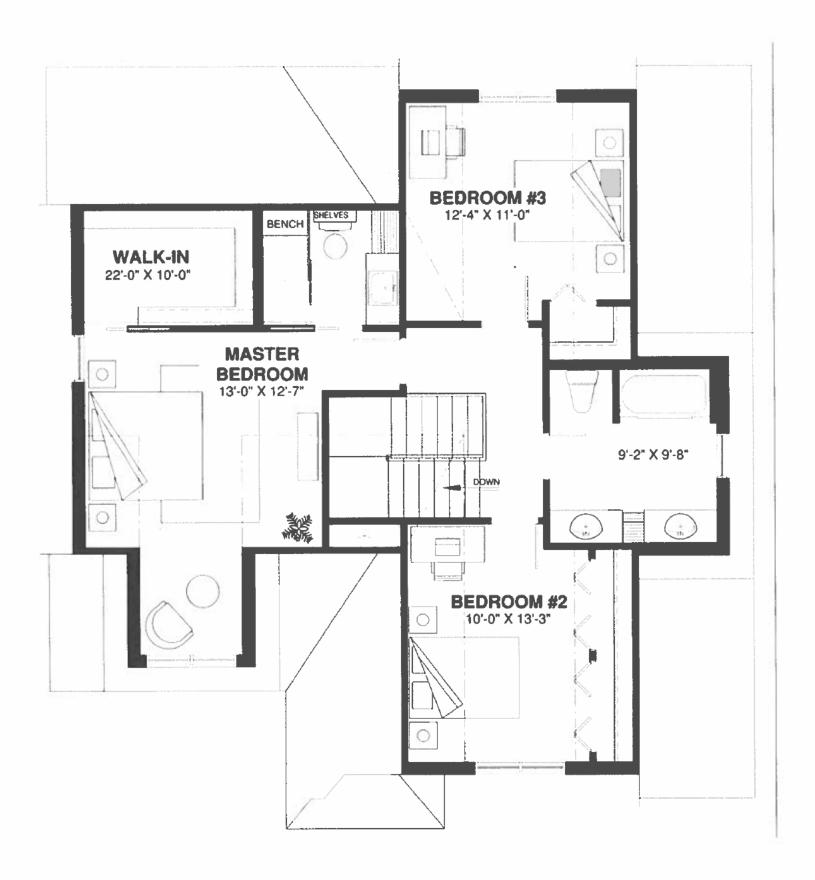
HAYES SURVEYING 202 SUNFLOWER DRIVE KYLE, TEXAS 78640 512-268-4813

File # PRVW02 Field Book # 79 Page # 31



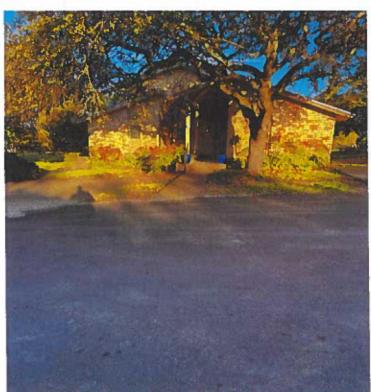






















Memorandum

To: Board of Adjustments From: Kevin Rule, City Manager

Date: April 10, 2024

Subject: Variance Request: 31 Par View (Lot 16, PAR VIEW Village #10)

Attached for your consideration is an application for a variance to Code of Ordinances § 50.37, 156.059(A), and Code of Ordinances § 156.063.

Asera Homes has requested a variance for 31 Par View (Lot 16, PAR VIEW Village #10). 31 Par View totals 4,215.38 Sq. Ft. Due to the size of the lot, our Ordinances will not allow a house to be built on the lot unless variances are granted. Asera is requesting 362.74 Sq. Ft. of additional Impervious Cover, a one (1) car garage instead of two (2) and two (2) off-street parking spaces instead of three (3).

Before voting on whether or not to grant the Variance Request, The Board of Adjustments must hold a public hearing. The Public hearing was published at least 15 days prior to April 10th and letters were mailed to property owners within 200 feet of the property 10 days prior to April 10th. At this time, Staff has not received any objection to the request.

At this time, Staff recommends the approval of the Variance.

Thank you,

Kevin Rule

City Manager, City of Woodcreek