

MEMBERS PRESENT:

Robert Irvin, Chair
Linda Stilwell, Vice-Chair
Judy Eychner, Member
Peter Lewis, Member
Sam Ligon, Member

MEMBERS ABSENT:

Justin MacDonald, Alternate
Robert Parks, Alternate

STAFF PRESENT:

Trent Robertson, City Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

On August 6, 2015 the Zoning Board of Adjustment meeting was called to order at 3:00 p.m. in the City Hall Council Chambers, 701 Main Street.

Mr. Mike Abernathy spoke. Mr. Abernathy stated he owns the property adjacent to the garage which joins where the applicant is asking for the variance. Mr. Abernathy stated we would not be here today had proper permits been applied for and it would have been turned down during that process and none of these issues would be coming up right now. Mr. Abernathy stated foundation for the garage and 40' driveway were poured in 2014 and a building permit was issued this year on January 30th for the last 40' of driveway, which goes out to the street. The garage and first 40' of driveway were poured and the driveway constructed without permits or inspections. Mr. Abernathy stated his primary concerns are possible damage when he is weedeating or mowing on his property that he will throw rocks, etc., from the equipment and damage the garage because it's sitting right on the property line. His other concern is possible lowered property values due to the structure being located on the property line. His third concern is regarding the drainage of the roof as all of the run off is going onto his property. Mr. Abernathy's last comment was that no other structures that he knows of has received a variance so this one should not set the precedent.

2. Consent Agenda

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2. PUBLIC HEARINGS AND ACTION:

CITY OF KERRVILLE, TEXAS
ZONING BOARD OF ADJUSTMENT

August 6, 2015

2A. **Public Hearing & Action, Variance Request** - Public hearing, consideration, and action concerning a request for a 6-foot variance from the 6-foot side required setback for an accessory structure on a lot zoned residential in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-17 for an approximate .16 acres tract. Legal Description Part of Lot 3, Block 15 of the J.A. Tivy Addition, located at 1516 Water Street East. (File No. 2015-035). Pg. 2

Mr. Robertson presented the findings of fact.

Mr. Irvin opened the public hearing at 3:11 p.m.

Mr. Freddie Watson, applicant, spoke. Mr. Watson admitted his contractor did make a mistake. Mr. Watson purchased the home in August of 2014. There was an old building on the property that had been removed prior to the purchase of the home and there was cement there already as well. The contractor removed the old concrete and laid new concrete. Mr. Watson said he did come to city hall and was told he would need a permit. That's when he decided to build it all the way to the road and also the sidewalk. As far as the building, Mr. Watson doesn't see why that's an issue. The drainage does not run off into his yard. The home was built in the 1930's and Mr. Abernathy doesn't have a 6' setback either, but he is willing to comply with the city's rules. Mr. Watson did state if he has to have a 6' setback, he'd have to move his entire house over. There's approximately a 3' setback, as that was how the homes were built originally.

Mr. Irvin closed the public hearing at 3:18 p.m.

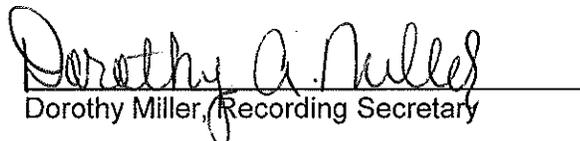
Mr. Lewis moved to deny the variance based on the findings of fact; motion was seconded by Ms. Stilwell and failed 5-0.

3. Adjournment

The meeting adjourned at 3:22 p.m.

ATTEST:


Linda Stilwell, Chair


Dorothy Miller, Recording Secretary

11/05/15
Date Minutes Approved