

CITY OF CEDAR PARK BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING
TUESDAY, MAY 17, 2011, 6:00 P.M.
CEDAR PARK LIBRARY, 550 DISCOVERY BOULEVARD, CEDAR PARK, TX 78613

BOARD MEMBERS

KELLY TROY, PL 2, Secretary

JOHN MIRI, PL 5, Chairman
KATHY COOK, PL 1, Vice Chair

KEVIN HAYWOOD, PL 4
VACANT, PL 1

ALTERNATES

ALTERNATE 1 – VACANT

ALTERNATE 2 – VACANT

ALTERNATE 3 - VACANT

ALTERNATE 4 - VACANT

1. CALL TO ORDER
The Special Called Meeting of the Board of Adjustment was called to order at 6:00 P.M. by Board Member Haywood.
2. ROLL CALL
All four Board Members were present. Place 1 was vacant. A quorum was declared.

Item 4 was called up out of order. See Item 4.

3. APPROVAL OF MINUTES: October 27, 2009
Chairman Miri recommended a motion to waive the reading of the October 27, 2009 minutes and then to approve the October 27, 2009 minutes.

Motion: Secretary Troy made the motion to waive and approve the reading of the October 27, 2009 Minutes. Chairman Miri seconded the motion. The motion passed unanimously, 4-0, with Place 1 vacant.

4. ELECTION OF OFFICERS: 1) Chair 2)Vice Chair 3)Secretary
1) Chair
Board Member Troy made a motion to nominate Board Member Miri as Chair. Board Member Cook seconded the motion. Board Member Miri accepted the nomination. The motion passed unanimously, 4-0.

Chairman Miri presided over the meeting at this time.

2) Vice Chair
Board Member Troy made a motion to nominate Board Member Cook as Vice Chair. Board Member Haywood seconded the motion. Board Member Cook accepted the nomination. The motion passed unanimously, 4-0.

3) Secretary
Board Member Haywood made a motion to nominate Board Member Troy as Secretary. Chairman Cook seconded the motion. Board Member Troy accepted the nomination. The motion passed unanimously, 4-0.

5. VARIANCE REQUESTS

A. **12101 W. Parmer Lane (VR-11-001):**

Drs. Kristie Clinton and Tracie Schwab to allow a lot depth of 147 feet for property located at 12101 W. Parmer Lane. Section 11.03.002 of the Zoning Ordinances states that the minimum lot depth for a property zoned General Office (GO) is 150 feet.

Applicant: Drs. Kristie Clinton and Tracie Schwab

Staff Resource Person: Emily Barron

- 1) Public Hearing
- 2) Consider action on variance request

Rawls Howard, Planning and Development Service Director, introduced himself and the Planners to the Board. He gave a brief background on the the Board of Adjustment.

Senior Planner Emily Barron presented this agenda item. The applicant was not present. She provided the Board copies of two written responses that were received in support of the variance request.

Chairman Miri opened the public hearing on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

There was discussion among the Board Members that the required criteria to grant a variance had been met. The Board agreed that all of the following conditions had been met: 1) the granting of the variance would not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area; 2) the granting of the variance would not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property; and 3) that the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirement of Section 11.03.002 of the Zoning Ordinance.

Motion: Secretary Troy moved to grant the variance request to allow a lot depth of 147 feet for property located at 12101 West Parmer Lane for property zoned General Office. Vice Chair Cook seconded the motion. The motion passed unanimously, 4-0.

The request for variance was granted.

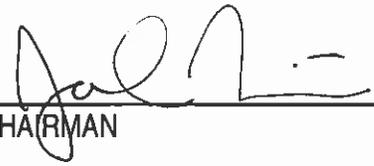
Chairman Miri read the following Petition Procedures into the official record," Any person or persons jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board."

6. BOARD MEMBER AND STAFF COMMENTS
 NONE.

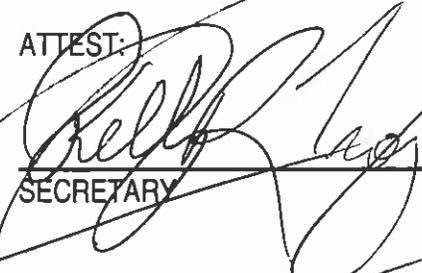
7. ADJOURNMENT

Chairman Miri adjourned The Special Called Meeting of the Board of Adjustment at 6:20 P.M.

PASSED AND APPROVED THE 17th DAY OF MAY, 2011.



CHAIRMAN

ATTEST:


SECRETARY

CITY OF CEDAR PARK BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING
TUESDAY, SEPTEMBER 20, 2011, 6:00 P.M.
CEDAR PARK LIBRARY, 550 DISCOVERY BOULEVARD, CEDAR PARK, TX 78613

BOARD MEMBERS

KATHY COOK, PL 1, Vice Chair
KELLY TROY, PL 2, Secretary

VACANT, PL 3
KEVIN HAYWOOD, PL 4

JOHN MIRI, PL 5, Chairman

ALTERNATES

ALTERNATE 1 – VACANT
ALTERNATE 2 – VACANT

ALTERNATE 3 - VACANT
ALTERNATE 4 - VACANT

1. CALL TO ORDER
The Special Called Meeting of the Board of Adjustment was called to order at 6:00 P.M. by Chair Miri noting that a quorum was present.
2. ROLL CALL
All four Board Members were present. Place 3 was vacant. A quorum was declared.
3. APPROVAL OF MINUTES: May 17, 2011
Motion: Secretary Troy made the motion to approve the reading of the May 17, 2011 Minutes. Board Member Haywood seconded the motion. The motion passed unanimously, 4-0, with Place 3 vacant.
5. VARIANCE REQUESTS
 - A. **Caballo Ranch (VR-11-002):**
Caballo Ranch Investments, LP requests a variance to allow a front setback of 15 feet for 7 properties located on the east side of Camino Alameda north of Caballo Ranch Boulevard. Section 11.03.001 of the Zoning Ordinance states that the minimum building setback for the front property line for property zoned Single Family (SF-2) is 25 feet.
Applicant: Caballo Ranch Investments, LP
Staff Resource Person: Emily Barron
 - 1) Public Hearing
 - 2) Consider action on variance request

Senior Planner Emily Barron presented this agenda item. The applicant requested a variance from Section 11.03.001 of the Zoning Ordinance which requires a minimum front setback of twenty-five feet. The applicant requested reducing the front setback from twenty-five feet to fifteen feet for Caballo Ranch Section 3, Lots 37-43, Block A. Section 11.03.013(B) states that the Board of Adjustment may authorize variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.

Doug Romo, applicant, was present. He advised the Board that the lot lines go to the center line of Brushy Creek. He advised that a part of each lot is in the floodplain, but the houses would be twenty feet higher. There is unique terrain surrounding these lots. The garages would still have a twenty-five foot setback.

Chairman Miri opened the public hearing on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

Chair Miri read the conditions that need to be met before a variance may be granted: 1) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area (an area encompassing approximately a two hundred foot radius); and 2) That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property; and 3) That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this Chapter.

City Attorney Charles Rowland provided copies of Variance Findings to the Board Members. There was discussion among the Board Members that the required criteria to grant a variance had been met.

Motion: Secretary Troy made a motion that based upon the following evidence presented by the applicant, he moved that the Board find as follows:

- 1) There are special or unique conditions existing and relating to this real property on which the application is made related to size, shape, area, topography, vegetation, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning districts, for the reason that said lots back to a cut bank of Brushy Creek which has an average height of fifteen to twenty feet and the lots have an average depth to the top of the bluff of one hundred feet;
- 2) These special conditions were not self-imposed or self-created by the applicant;
- 3) The variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the Zoning Ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made, for the reason that there are future safety concerns due to erosion;
- 4) The granting of the requested variance on the specific property will not adversely affect the land use pattern as outlined by the City's Master Land Use Plan;
- 5) The variance will not be a material detriment to the public welfare or create an injury to the use, enjoyment or value of the property in the vicinity;
- 6) The literal enforcement of the zoning Ordinance will result in an unnecessary hardship that prevents reasonable use of the property;
- 7) The applicable conditions and safeguards deemed necessary in the public's interest have been met or agreed up on to be performed; and
- 8) The requested variance is within the spirit and intent of the Zoning Ordinance and does promote substantial justice.

Secretary Troy, based upon the foregoing evidence and criteria, moved that the Board grant the variance requested by Caballo Ranch Investments to allow a front setback of fifteen feet for seven properties, Caballo Ranch Section 3, Lots 37-43, Block A, located on the east side of Camino Alameda north of Caballo Ranch Boulevard. Chair Miri seconded the motion. The motion passed unanimously, 4-0.

The request for variance was granted.

The City Attorney stated that the Board Members had found that all of the conditions of Section 11.03.013(B) had been found true.

Chairman Miri read the following Petition Procedures into the official record, " Any person or persons jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the Board."

6. BOARD MEMBER AND STAFF COMMENTS

Chair Miri requested that future meeting times be changed to 7:00 PM. Rawls Howard, Planning and Development Services Director, advised that he would look for training DVD's for the Board. He advised the Board Members to send him an email if they had any suggestions for training topics. Chair Miri asked that staff make future presentations in the format of the conditions presented tonight by the City Attorney.

7. ADJOURNMENT

Chairman Miri adjourned The Special Called Meeting of the Board of Adjustment at 6:21 P.M.

PASSED AND APPROVED THE ^{11th}~~29th~~ DAY OF ^{JANUARY}~~NOVEMBER~~, ²⁰¹²~~2011~~.



JOHN MIRI, CHAIRMAN

ATTEST:



KELLY TROY, SECRETARY