

**SEGUIN ZONING BOARD OF ADJUSTMENTS**

**AGENDA**

**CITY HALL COUNCIL CHAMBERS**

**210 E. GONZALES STREET, SEGUIN, TEXAS**

**September 13, 2018 at 5:30 P.M.**

1. Call to order.
2. Roll Call.
3. Approval of the Minutes of the August 9, 2018 Meeting.
4. Public Hearing and Possible Action on a request for A Variance to the City of Seguin Unified Development Code, Section 3.6 Lot Dimensional and Development Standards for Non-Residential Districts to the side yard setbacks for property located at 116 W. Cedar, Property ID 165261, (VAR 07-18)
5. Adjourn.

CERTIFICATE

I certify that the above notice of meeting was posted in the display case at the Municipal Building, 210 East Gonzales Street, of the City of Seguin, Texas on the 7th day of September 2018 at 10:00 am.



Francis Serna  
Planning Assistant

The City of Seguin is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the City Secretary at (830) 401-2468 at least 48 hours in advance. This meeting site is accessible to disabled persons as there are two (2) parking spaces reserved for the disabled on the east side of the Municipal Building.

**ZONING BOARD OF ADJUSTMENTS  
REGULAR MEETING  
MINUTES  
August 9, 2018**

1. The City of Seguin, Zoning Board of Adjustments held a regular meeting on August 9, 2018 at 5:30 p.m., in the City Hall Council Chambers. Wayne Windle called the meeting to order. Wayne Windle presided over the meeting. A quorum was present:

2. Roll Call:

Members Present:     Wayne Windle  
                              Paul Quello  
                              Penny Wallace  
                              Eric Aufderhaar  
                              Andrew Nelson

Members Absent:

Staff:                    Ismael Segovia, Assistant Director of Planning & Codes  
                              Francis Serna, Planning Assistant

3. Approval of the Minutes of the July 12, 2018 Special Meeting.

Penny Wallace made a motion to approve the minutes. Eric Aufderhaar seconded the motion. The following vote was recorded:

Aye: Windle, Wallace, Aufderhaar, Nelson

Nay:

Abstain:

Motion Carried: 4-0-0

Mr. Quello was not present for the vote.

4. Public Hearing and Possible Action on a request for a Variance to the City of Seguin Unified Development Code, Section 3.6.2 Lot Dimensional and Development Standards for Residential Districts to Front Yard Setbacks to allow a carport for property located at 942 Nelda, Property ID 22020 (VAR 06-18)

Ismael Segovia presented the staff report. He explained that the request is for a variance to the 25' front yard setback to construct a carport to provide cover for inclement weather for the boarding of his daughter's mobility device to and from the vehicle. In review of the request, staff contacted the applicant about seeking an alternative option of a shorter carport of 15' x 20' that will still provide the needs of the applicant thus leaving a 17.5' front setback. The applicant agreed that the alternative will meet his need. Staff found that the request did indicate a unique hardship of a physical disability and recommended approval of the alternate design variance. Staff also recommended that gutters be installed on the carport due to carport not covering the full length of the vehicles.

The regular meeting was recessed, and a public hearing was held.

Walter Harlock the applicant explained his request to allow a carport. He stated he agreed to the alternative option recommended by staff. Ms. Harlock also added the need for the carport.

There being no additional responses from the public the regular meeting reconvened for action.

Paul Quello expressed concerns with reducing the front setbacks.

Eric Aufderhaar made a motion to approve the alternative option for the variance request leaving a 17.5 front setback. Andrew Nelson seconded the motion. The following vote was recorded:

Aye: Windle, Quello, Wallace, Aufderhaar, Nelson

Nay: 0

Abstain: 0

Motion Carried: 5-0-0

The chairman declared the meeting adjourned at 5:44 p.m.

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Wayne Windle, Chair

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Francis Serna, Recording Secretary



**PLANNING & CODES**

**Side Yard Setback Requirements  
116 W. Cedar  
VAR 07-18 Staff Report**

**Applicant:**

Town & County Collision  
Repair  
116 W. Cedar  
Seguin, Texas 78155

**Property Owner(s):**

Joseph Wright  
116 W. Cedar  
Seguin, Texas 78155

**Property Address/Location:**

116 W. Cedar

**Legal Description:**

J W Holdings Lot 1, 0.945 AC

**Lot Size/Project Area:**

0.945 acres

**Future Land Use Plan:**

Town Core 2

**Notifications:**

Mailed: 8.31.18  
Newspaper: 8.26.18

**Comments Received:**

None

**Staff Review:**

Ismael B. Segovia  
Asst. Dir. of Planning & Codes  
August 16, 2018

**Attachments:**

- Notification/Aerial Map
- Zoning Map
- FLUP Map

**REQUEST:**

The applicant is requesting a variance from the required side yard setback of fifteen (15) feet for a corner lot in a commercial zoning district.

**ZONING AND LAND USE:**

	Zoning	Land Use
<b>Subject Property</b>	C	Commercial
<b>N of Property</b>	C	Commercial
<b>S of Property</b>	C	Commercial
<b>E of Property</b>	C	Commercial
<b>W of Property</b>	C	Commercial

**SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:**

The Applicant is requesting this variance from the fifteen (15) foot side yard setback for a corner lot to construct an expansion to an existing storage area that will encroach into the side yard setback leading the building to directly abut the western property line. Staff recommends denial of this variance as no unique hardship was found.

**Planning Department Recommendation:**

	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
<b>X</b>	Denial

**PLANNING DEPARTMENT ANALYSIS**

**BACKGROUND:**

The applicant is requesting this variance of the fifteen (15) foot side yard setback for a corner lot to construct an expansion to an existing storage area that will encroach into the side yard setback leading the building to directly abut the western property line. The proposed expansion to the existing building is identified as being a 10' x 24' storage area. The applicant explained this expansion will be used for storage of new and damaged parts. The applicant also noted that the expansion would provide additional security and improve curb appeal. The applicant was afforded a variance on August 10, 2017 for the placement of two electronic signs. This approval was based on staff finding that the locations of buildings, fences and parking did create a unique circumstance as these created obstructive views of the business.

**CODE REQUIREMENTS:**

**Zoning:**

The property is zoned Commercial.

**Setbacks:** The required setbacks for a structure in the Commercial zoning district are twenty (20) feet for the front yard, fifteen (15) feet for the side yard setbacks (corner lot) and five (5) feet rear yard setback as per the Unified Development Code Chapter 3, Section 3.6.2 – Standards: Non-Residential Districts.

**FUTURE LAND USE PLAN:**

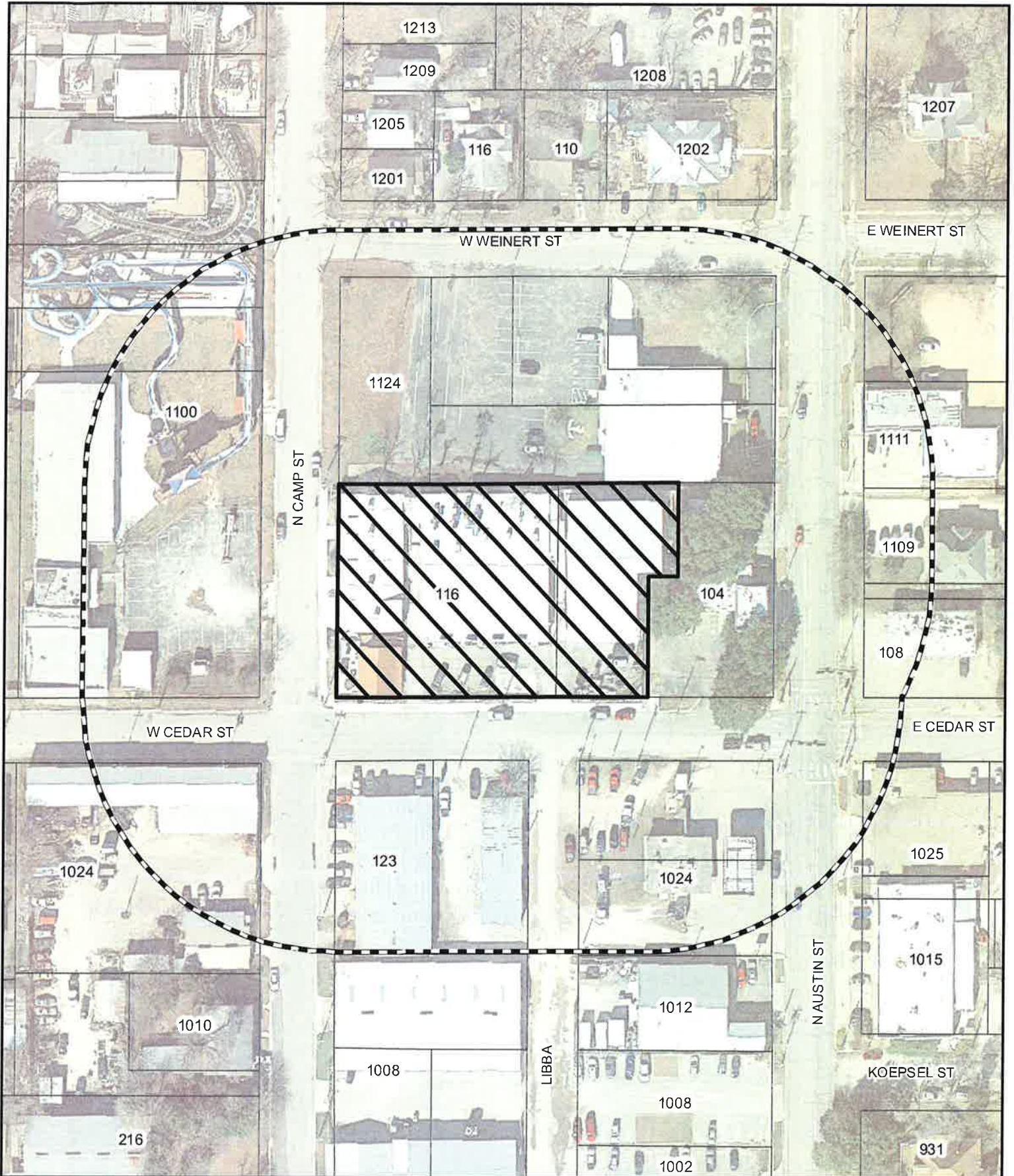
The subject property is located within the Town Core 2 of the city. Development styles and scale vary in this area. The Town Core incorporates not only the historic downtown area in the city but extends northward all the way to the railroad line. The pattern in the Town Core should be an interplay between scale, architecture, and street. Acceptable uses include retail, office, institutional, conservation and residential uses. In the Town Core, the street definition is architectural, rather than spatial. Spaces separating the buildings from the ground plane should be inviting.

**STAFF RECOMMENDATION:**

For staff to reach a recommendation, the Criteria for Approval (UDC Chapter 2, Section 2.7, Subsection 2.7.4) was used to identify if there was a unique condition/feature to the property which leads to a unique hardship. The request for the encroachment into the side yard setback for the construction of an expansion to a building was determined by staff as not falling within a unique condition/feature leading to a unique hardship. Based on this analysis, staff is recommending denial of the variance request.

# LOCATION MAP

# VAR 07-18: 116 W Cedar St



This map is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Seguin assumes no liability for errors on this map or use of this information.



Site Location



200' Notification Buffer

1 inch = 100 feet

Lot Lines

Printed: 8/16/2018

# ZONING MAP

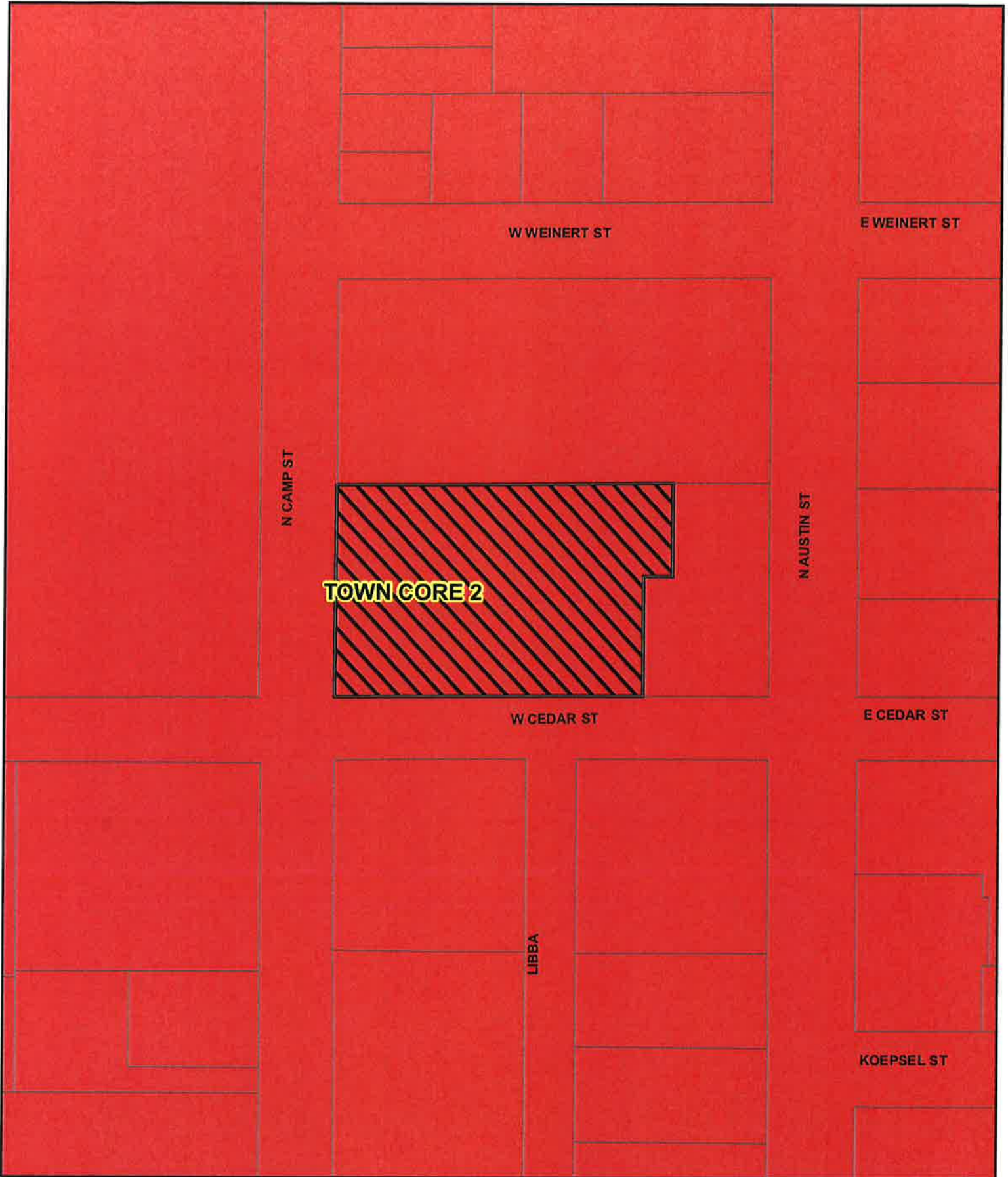
VAR 07-18: 116 W Cedar St



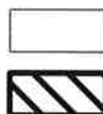
- |                               |                              |                            |                              |
|-------------------------------|------------------------------|----------------------------|------------------------------|
| A-R Agricultural Ranch        | ZL Zero Lot Lines            | MHP Manufactured Home Park | I Industrial                 |
| R-R Rural Residential         | DP-1,2 Duplex                | NC Neighborhood Commercial | P Public                     |
| S-R Suburban Residential      | MF-1,2,3 Multi-Family        | C Commercial               | PUD Planned Unit Development |
| R-1 Single Family Residential | M-R Manufactured Residential | LI Light Industrial        |                              |

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		1 inch = 100 feet
	Site Location	Printed: 8/16/2018
	Corridor Overlay Districts	



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Parcels

Site Location

1 inch = 100 feet

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