

**SEGUIN ZONING BOARD OF ADJUSTMENTS**  
**AGENDA**  
**CITY HALL COUNCIL CHAMBERS**  
**210 E. GONZALES STREET, SEGUIN, TEXAS**  
**August 9, 2018 at 5:30 P.M.**

1. Call to order.
2. Roll Call.
3. Approval of the Minutes of the July 12, 2018 Meeting.
4. Public Hearing and Possible Action on a request for a Variance to the City of Seguin Unified Development Code, Section 3.6.2 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)
6. 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 3rd day of August 2018 at 9:00 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  
July 12, 2018**

1. The City of Seguin, Zoning Board of Adjustments held a regular meeting on July 12, 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 June 14, 2018 Special Meeting.

Eric Aufderhaar made a motion to approve the minutes with corrections. Wayne Windle seconded the motion. The following vote was recorded:

Aye: Windle, Quello, Wallace, Aufderhaar, Nelson

Nay:

Abstain:

Motion Carried: 5-0-0

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 the Rear Yard Setbacks to allow a storage building for property located at 1219 Eagle Ridge, Property ID 26608. (VAR 04-18)

Ismael Segovia advised the Board that the request was postponed from the June ZBA meeting to research placements of other sheds in the neighborhood. He informed the Board that they have staff's recommendation. Mr. Segovia informed the Board that the applicant was present, and others present in support.

Eric Aufderhaar asked for staff to explain the reason for a 5' setback. Ismael Segovia explained that the setbacks are in place for safety concerns. He said the 5' setback also provides a buffer to avoid impeding on other neighbors and for access to maintain the yard.

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

Simon Lopez, the applicant pointed out that he has a 20' alley behind his fence and a neighbor on the other side who is in support of the request. He stated he has considered safety issues. He feels 3' is sufficient for him to walk between the shed and the fence to maintain his yard. Mr. Lopez stated that according to the HOA there will not be water runoff onto his neighbor's property. He explained he would like to build a 6' wide storage building. He said there are 16 storage sheds in the neighborhood and some have 3' and others have 5' setbacks in which some are grandfathered.

Ron Cordes, 729 Running Creek said he has lived at his home for four years and lives directly across the street from Mr. Lopez. He said he has a shed that was permitted by the City and is 3' from the fence. He stated that fire safety should not be a concern because Mr. Lopez has a 20' alley on one side of his fence. He explained that one neighbor has 2' setback and he does not see any issues with it. Mr. Cordes spoke in support of the variance.

Manuel Moreno stated he was the developer of the subdivision and as far as he knows the 5' setback pertains to the dwelling unit not storage buildings.

Ismael Segovia pointed out that there is a section in the code that related to secondary accessory structures which include storage units.

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

Paul Quello made a motion to approve the 3-foot side/rear yard setback variance request. Andrew Nelson asked for the hardship to grant the variance.

Paul Quello explained when the subdivision was built it had 2' setbacks until the City came up with a 5' setback. He felt that with the 20' alley there is not an issue. He added that there is sufficient access to firetrucks for safety concerns. Mr. Quello said that a subdivision should be able to keep the same regulations from when the subdivision was built and be grandfathered to new regulations.

Penny Wallace seconded the motion. The following vote was recorded:

Aye: Windle, Quello, Wallace, Aufderhaar, Nelson

Nay: 0

Abstain: 0

Motion Carried: 5-0-0

5. 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 requiring conformance to front yard setbacks for property located at 2106 Sherman Street, Property ID 41071 (VAR 05-18)

Ismael Segovia presented the staff report. The variance request for a 25-foot setback is to rebuild a house on an existing foundation that encroaches into the front yard setback by approximately 5 feet. He explained that the original house was damaged by fire and was demolished. The house will be built on the same footprint of the original house. Mr. Segovia stated that as this is an older neighborhood, most of the houses were constructed closer than twenty-five feet to the front property line. Staff recommended approval of the variance. Staff received three letters in support of the request.

Manuel Moreno, the applicant stated he is rebuilding the house for Tim Price. He stated that the house was originally within the variance. He thinks the problem with the setback was the City widened Sherman Street.

The regular meeting was recessed, and a public hearing was held. There being no response from the public the regular meeting reconvened for action.

Eric Aufderhaar made a motion to approve the request as submitted. 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 5:53 p.m.

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Wayne Windle, Chair

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Francis Serna, Recording Secretary



**PLANNING & CODES**

**Front Setback Requirements  
942 Nelda  
VAR 06-18 Staff Report**

**Applicant:**

Walter Harlock  
942 Nelda St.  
Seguin, Texas 78155

**Property Owner(s):**

Walter Harlock  
942 Nelda St.  
Seguin, Texas 78155

**Property Address/Location:**

942 Nelda St.

**Legal Description:**

Lot: 4, Block: 1, Addn:  
Fairview Subdivision

**Lot Size/Project Area:**

0.217 acres

**Future Land Use Plan:**

Central Township/Riverside

**Notifications:**

Mailed: July 26, 2018  
Newspaper: July 22, 2018

**Comments Received:**

None

**Staff Review:**

Ismael B. Segovia  
Asst. Dir. of Planning & Codes  
August 1, 2018

**Attachments:**

- Notification/Aerial Map
- Zoning Map
- FLUP Map
- Site Plan

**REQUEST:**

The applicant is requesting a variance from the required front yard setback of twenty-five (25) feet in a R-1 zoning district.

**ZONING AND LAND USE:**

	Zoning	Land Use
<b>Subject Property</b>	R-1	Residence
<b>N of Property</b>	R-1	Residence
<b>S of Property</b>	C	Commercial
<b>E of Property</b>	R-1	Residence
<b>W of Property</b>	R-1	Residence

**SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:**

The Applicant is requesting this variance of the twenty-five (25) foot front yard setback to construct a carport that will encroach into the front yard setback by approximately twelve and a half feet (12.5) feet. Staff recommends an alternative variance allowing a front setback of 17.5'. Staff also recommends that the carport be constructed with gutters as the carport may not be the full length of the vehicles.

**Planning Department Recommendation:**

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

**PLANNING DEPARTMENT ANALYSIS**

**BACKGROUND:**

The applicant is requesting this variance of the twenty-five (25) foot front yard setback to construct a carport that will encroach into the front yard setback by approximately twelve and a half feet (12.5) feet. The applicant explained this request, if approved, will permit him to build a carport to provide cover from inclement weather for the boarding and alighting of his daughter and her mobility device as well as to provide protection to his personal vehicle. Staff did speak with the applicant about looking at the option of going with a shorter carport that would still provide some cover to the vehicles and its passengers, thus leaving a 17.5' front setback.

**CODE REQUIREMENTS:**

**Zoning:**

The property is zoned R-1 Residential.

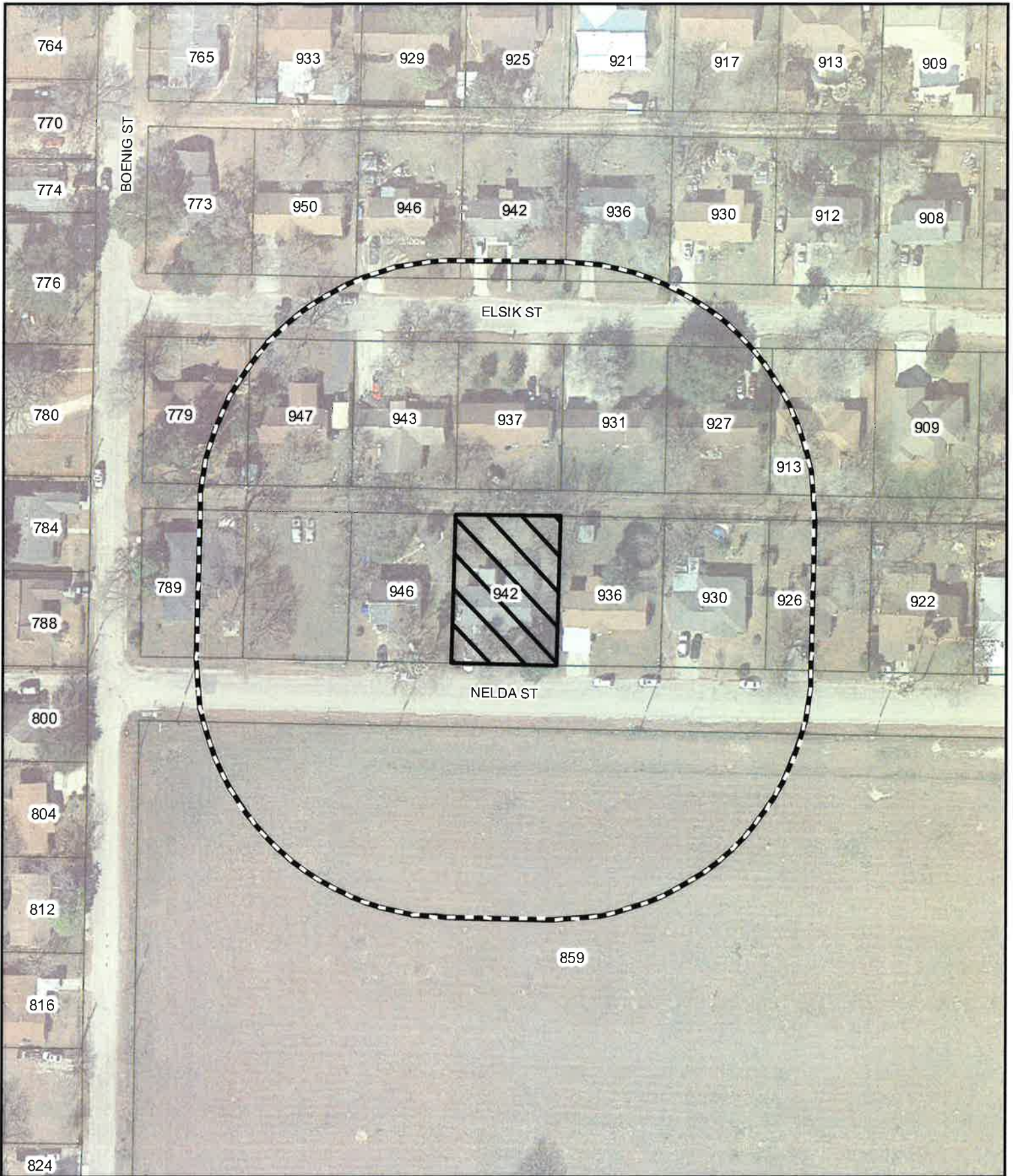
**Setbacks:** The required setbacks for a structure in an R-1 zoning district are twenty-five (25) feet for the front yard as per the Unified Development Code Chapter 3, Section 3.6.2 – Standards: Residential Districts.

**STAFF RECOMMENDATION:**




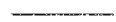
The subject property is located within the Central Township of the city. Development styles and scale vary in this area. Staff, in conducting its review, did come across a prior variance case very similar in nature. As in this case, the variance was being sought for the construction of a carport to provide cover from inclement weather for family members with physical disabilities. The carport in that case was going to be encroaching into the front setback thus leaving 12.5' between the property line and the carport. Staff spoke with the applicant of that case and proposed the alternative variance of constructing a shorter carport to create a 17.5' setback between the front property line and the carport, but still provide sufficient cover for the passengers to board and alight the vehicles. City Staff and the current applicant have discussed going with this same variance proposal and agree to the design.

Staff finds that the request does indicate a unique hardship of a physical disability and recommends approval of this alternative variance where the carport will be shortened, thus leaving a 17.5' setback between the front property line and the carport. The carport will be able to provide the requested cover for the boarding and alighting the vehicles in inclement weather. Staff also recommends the placement of gutters on the carport as the carport may not be the full length of the vehicles.





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
		Lot Lines		1 inch = 100 feet
				Printed: 7/25/2018

# ZONING MAP

VAR 06-18: 942 Nelda 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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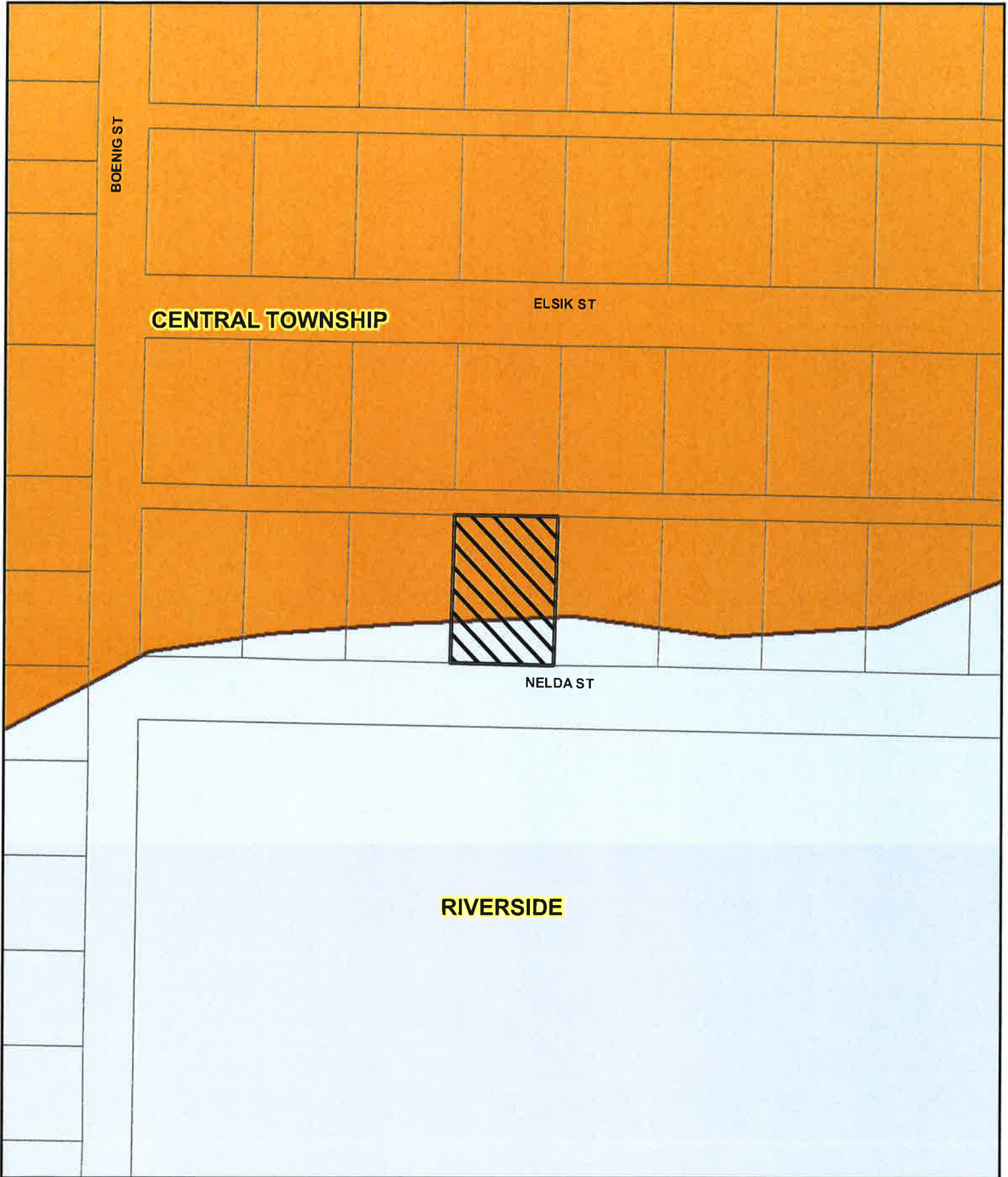


Corridor Overlay Districts

1 inch = 100 feet

Printed: 7/11/2018





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Parcels



Site Location

1 inch = 100 feet

Printed: 7/11/2018



SCALE: 1"=20'

PROPERTY CORNER BEARS N 48°06' 53" E 1.11' FROM CENTER OF FENCE POST

ALLEY

S 89°18'00" E 81.85' (82')

FENCE OUT 0.8'

FENCE IN 0.5'

LOT 3

LOT 5

FENCE OUT 1.1'

(115.5') S 00°11'36" W 115.37'

S 00°11'36" W 115.37' (115.5')

ONE STORY BRICK & SIDING

LOT 4, BLOCK 1  
9,443 SQ. FT.  
0.217 ACRES

A/C PAD

18.6'

8.6'

19.0'

COV. CONC.

CONC.

ASPHALT DRIVE

32.5'

C.M.

C.M.

N 89°23'22" W 81.95'  
(N 89°18' W 82')

N 89°18'00" W 81.85'  
(BEARING BASIS) (82')

**NELDA STREET**  
(50' R.O.W.)

NOTE: THE ORIGINAL PLAT OF RECORD IS ILLEGIBLE. THIS IS REPRESENTATION OF THIS SURVEYORS BEST INTERPRETATION OF RECORD INFORMATION.

NOTE: NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

NOTE: BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

THIS SURVEY IS ACKNOWLEDGED AND IS ACCEPTED:

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSON TO VERIFY THE LOCATION OF ANY FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSON TO VERIFY THE LOCATION OF ANY FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSON TO VERIFY THE LOCATION OF ANY

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