

SEGUIN ZONING BOARD OF ADJUSTMENTS AGENDA

CITY HALL COUNCIL CHAMBERS

210 E. GONZALES STREET, SEGUIN, TEXAS

September 14, 2017 at 5:30 P.M.

1. Call to order.
2. Roll Call.
3. Approval of the Minutes of the August 8, 2017 Meeting.
4. A Public Hearing and Possible Action on a Request for a Variance to the City of Seguin Unified Development Code Section 3.6.2 Standards to the Rear Yard Setbacks to allow a pool for property located at 2951 Coral Sky, Property ID 154807, (VAR 05-17)
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 8th day of September, 2017 at 2:00 p.m.



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
MINUTES
August 10, 2017**

1. The City of Seguin, Zoning Board of Adjustments held a regular meeting on August 10, 2017 at 5:34 p.m., in the City Hall Council Chambers. Wayne Windle presided over the meeting. A quorum was present:

2. Roll Call:

Members Present: Wayne Windle
Paul Quello
Eric Aufderhaar

Alternate Member: Penny Wallace
Russell Barnett

Members Absent: Ramiro Hernandez, Jr.

Staff: Pam Centeno, Director of Planning & Codes
Francis Serna, Planning Assistant

3. Approval of the Minutes of the March 9, 2017 Meeting.

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

Aye: 5
Nay: 0
Abstain: 0

Motion Carried: 5-0-0

4. A Public Hearing and Possible Action on a request by Spaceco, Inc., for a variance to the City of Seguin Unified Development Code Section 5.7.5, Location and Height Regulations to increase the fence height to 12' located at 960 & 968 W. Court, Property ID 46249 and 46251 (VAR 03-17)

Pamela Centeno presented the staff report. Notifications were mailed on July 27, 2017 and published on July 23, 2017. Pam explained that there are two addresses because they are two lots. The property is zoned Commercial and is located next to the Varsity Inn, the building to the west will be removed for a new drive-thru restaurant. The applicant is proposing to construct fences

around the volleyball court and playground areas next to the restaurant. She explained that the fence requirement for a Commercial zoned property is 8' for the rear and side and 4' for the front. The applicant is proposing a 12' tall heavy-duty chain link fence and a 7' wrought iron fence around the playground to keep the balls within the volleyball court area and for safety purposed of the children in the playground. The front area will be 4'. The site front Court and is located next to other commercial businesses. The residential areas behind the site will be screened from the restaurant with a fence that meets the requirements of the City codes. In addition, the property is a corner lot with access from Vickers Avenue and Court Street. Staff recommended approval of the request with conditions that the fence materials shall be transparent to ensure not to obstruct visibility from adjoining rights-of-way and driveways; and this variance applies only to the fences surrounding the volleyball court and playground areas. All other fences are to be constructed in accordance with the City's adopted codes. One comment was received in favor of the request.

The Board discussed fence setbacks and fence heights. Mr. Quello expressed concerns related to the approach taken to new fence requests along front of a business. He felt that a 4' fence would be sufficient. He had not issues with the fence height for the volleyball court.

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

There being no further response from the public the regular meeting reconvened for action.

Paul Quello made a motion to approve the request for Variance with conditions. Eric Aufderhaar seconded the motion. The following vote was recorded:

Aye: 5
Nay: 0
Abstain: 0

Motion Carried: 5-0-0

5. A Public Hearing and Possible Action on a request by Joe Wright, for a Variance to the City of Seguin Code of Ordinances Chapter 82-110(c), Electronic signs, to locate two signs on the property located at 116 W. Cedar, Property ID 23037 (VAR 04-17)

Pamela Centeno presented the staff report. Notifications were mailed on July 27, 2017 and published on July 23, 2017. The property is the business of Seguin Town & Country. She explained that the Sign Ordinance limits electronic signs to monument signs and one per lot. The applicant purchased two electronic signs to place at his business. The signs were placed back-to-back on a pole sign. A permit had been pulled for a pole sign at the location but did not include the electronic signs. City staff noticed that the sign did not meet the Sign Ordinance and contacted the owner. The applicant has been submitted a new plan to bring the sign into compliance.

Paul Quello expressed concerns about the Sign Ordinance stating the Ordinance is very restrictive. He inquired about other signs within the city. Pamela explained that site locations have different regulations.

Pamela explained that instead of placing the signs back-to-back in a single monument sign, the applicant is proposing to place two single-facing monument signs on two separate side of the corner lot. The applicant proposed to have one sign on Cedar Street and a second sign on Camp Street. She stated the locations of the parking lots, security fences, and building on the site made it difficult to find a location that would allow a two-sided monument sign. Staff found that certain existing conditions including the locations of building, fences, and parking make the site unique and support the request for a variance with the conditions that the signs should be separated so that one fronts Cedar Street and the other fronts Camp Street and the signs cannot be placed in the right-of-way. There were two comments received in support of the request.

Joe Wright stated that he likes the idea better than his original request. He gave a brief description of the proposed locations of the two signs one being on Cedar Street and the second on Camp Street. He feels the locations will look better and will be pleasing to look at. Joe stated he wants to make a good foot print on his side of town.

There being no further questions for the applicant the regular meeting was recessed and a public hearing was held.

There being no further response from the public the regular meeting reconvened for action.

Paul Quello made a motion to approve the request for the Variance with conditions. Penny Wallace seconded the motion. The following vote was recorded:

Aye: 5
Nay: 0
Abstain: 0

Motion Carried: 5-0-0

The chairman declared the meeting adjourned at 6:05p.m.

Wayne Windle, Chair

Francis Serna, Recording Secretary



PLANNING & CODES

**Rear Setback Requirements
2951 Coral Sky
VAR 05-17 Staff Report**

Applicant:

Adam Panos
2951 Coral Sky
Seguin, TX 78155

Property Owner(s):

Same as applicant

Property Address/Location:

2951 Coral Sky

Legal Description:

Lot 160,
Mill Creek Crossing, #11

Lot Size/Project Area:

.19 acres +/-

Future Land Use Plan:

Farm District

Notifications:

Mailed: August 2017
Published: August 2017

Comments Received:

None Received

Staff Review:

Pamela Centeno
Director of Planning & Codes
September 8, 2017

Attachments:

- Notification/Aerial Map
- Zoning Map
- Site Plans

REQUEST:

The applicant is requesting a variance from the required side setback of 5' to install a covered porch, which is proposed to be 3' from the side property line.

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	R-1	Residence
N of Property	R-1	Residence
S of Property	R-1	Residence
E of Property	R-1	Detention Pond
W of Property	R-1	Residence

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

Staff does not find that there is a unique circumstance or a hardship that warrants the justification for a variance in this request. One of the characteristics of the neighborhood is small backyards. Granting a variance of this nature will set a precedent for granting many more variances in this neighborhood. Staff finds that adjustments can be made to the pool or the pool layout to meet the setbacks and does not recommend approval of the variance.

Planning Department Recommendation:

	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
X	Denial

PLANNING DEPARTMENT ANALYSIS

CODE REQUIREMENTS:

The rear setback for accessory structures in a Single-Family Residential (R-1) district is 5'. According to the plans provided by the property owner, the pool is proposed to be 3'1" from the rear property line. A variance is required to encroach into the 5' rear setback.

Staff verified that the impervious cover proposed meets the maximum impervious cover limits. The maximum impervious cover on the lot is 5,042 sq ft. Based on measurements estimated from the submitted site plan, the impervious cover will be 5,040 sq ft, which just meets the requirements.

CASE SUMMARY:

The building setback is measured from the edge of the water. The plan provided indicates that the concrete apron is 2'1" from the property line, but the edge of the water is an additional 1' from the edge of the concrete (for a total of 3'1" from the property line). In order to meet the setback, the pool would need to be shifted 1'11" to the west.





Most of the houses in the Mill Creek Crossing Subdivision are constructed with very small yards. Staff does not find that this is unique to the property since it is a common characteristic of the neighborhood. In addition, the applicant has not identified a hardship for the variance request. Based on the plan provided, it appears that the pool could be shifted 1'11' closer to the house in order to meet the required 5' rear setback.

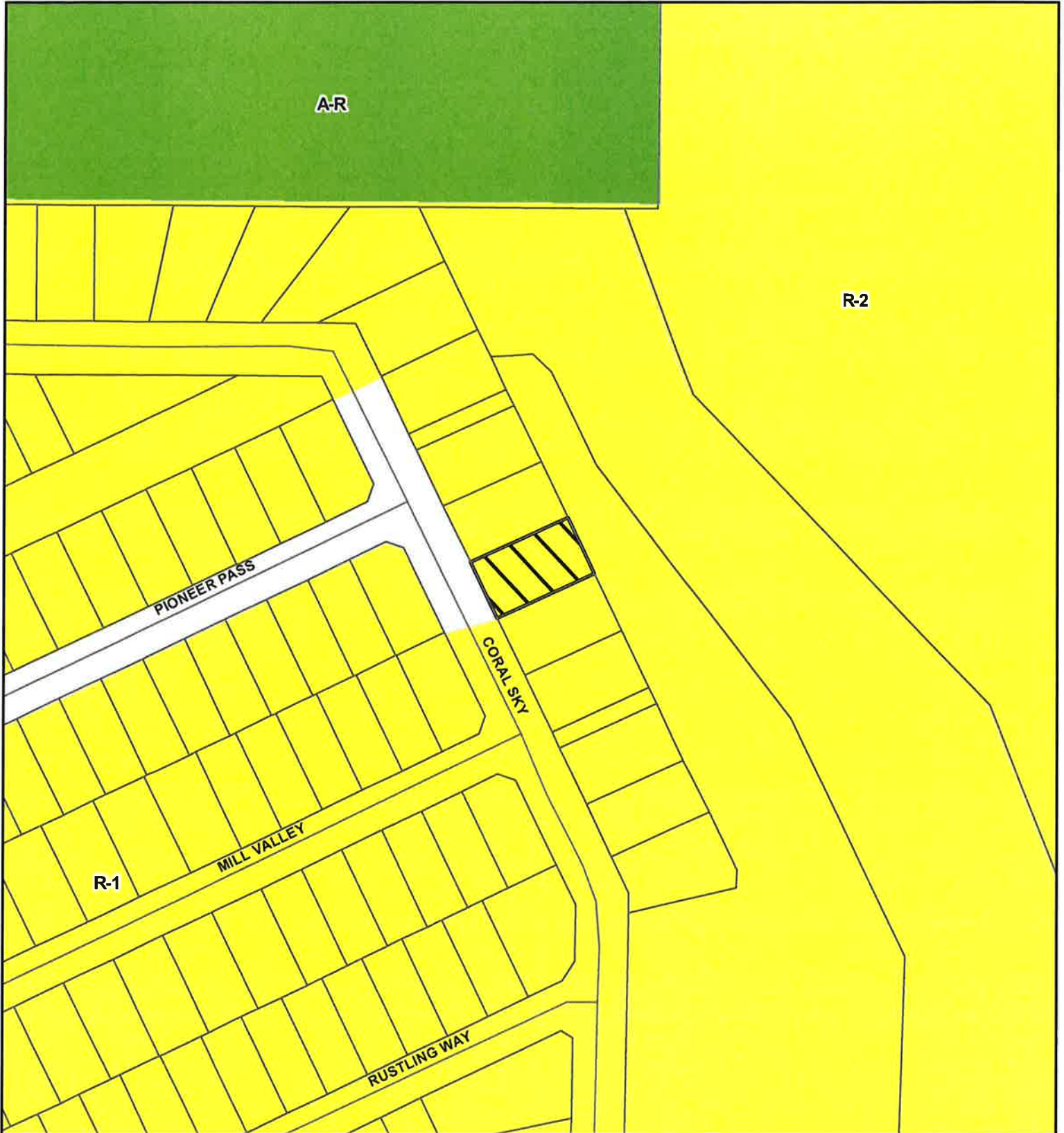
STAFF RECOMMENDATION:

As noted above, in the Mill Creek Crossing Subdivision the homes are constructed with minimal area left for yards. This is the intended characteristic of the entire neighborhood. Many of the lots do not have sufficient space in the backyards for pools. Some of the lots can fit small pools, but it is often a tight squeeze. Granting a variance of this nature will set a precedent to grant other variances for pools in a neighborhood that was not designed to have large yards. Staff does not find this to be a hardship. A pool can fit in the backyard at 2951 Coral Sky under the City's setback requirements. The pool layout can be adjusted or a smaller pool could be purchased.



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 = 150 feet
				Printed: 8/30/2017



- | | | | |
|-------------------------------|------------------------------|----------------------------|------------------|
| 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 |
| R-1 Single Family Residential | M-R Manufactured Residential | LI Light Industrial | Development |

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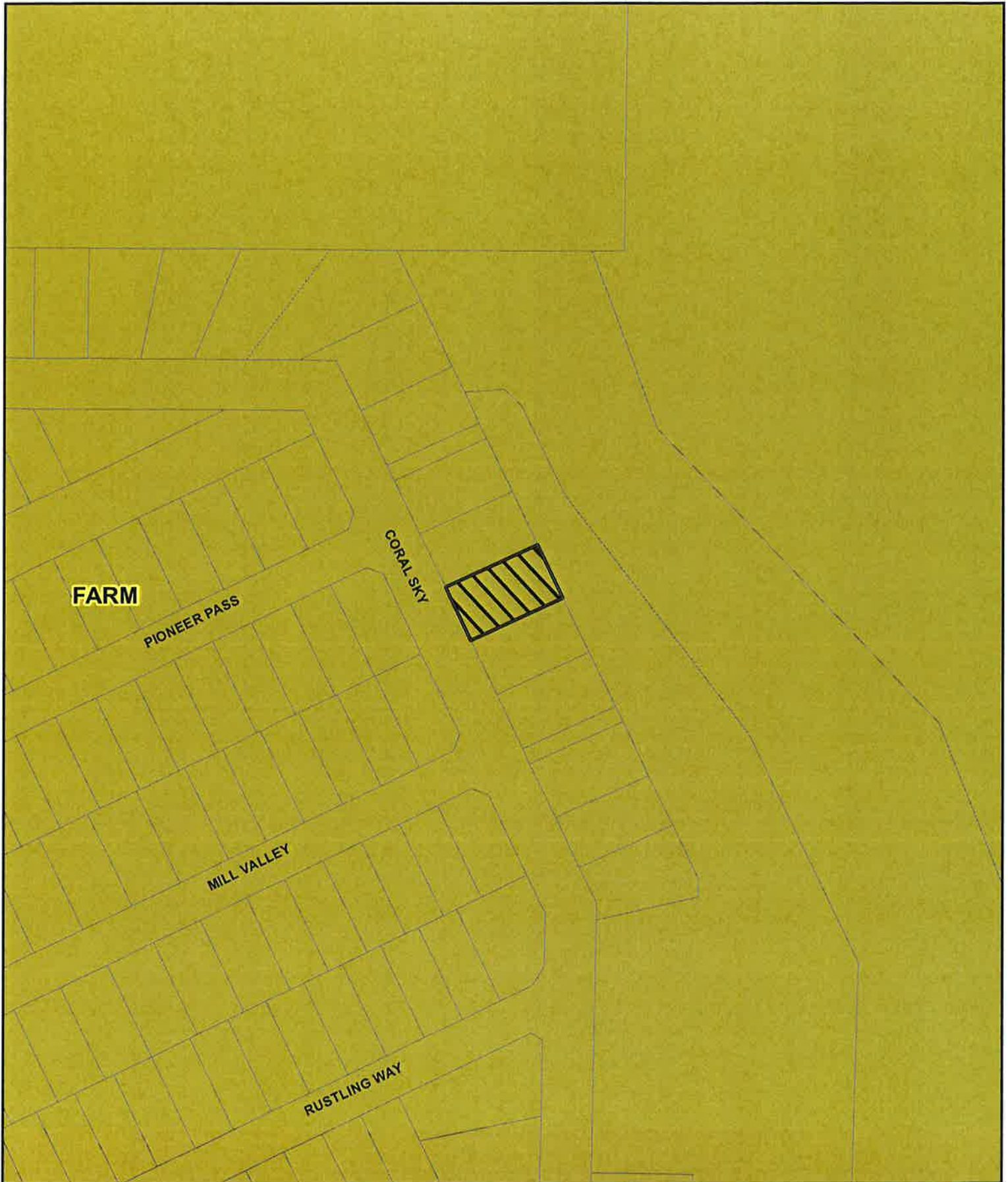
Site Location



Corridor Overlay Districts

1 inch = 150 feet

Printed: 8/11/2017



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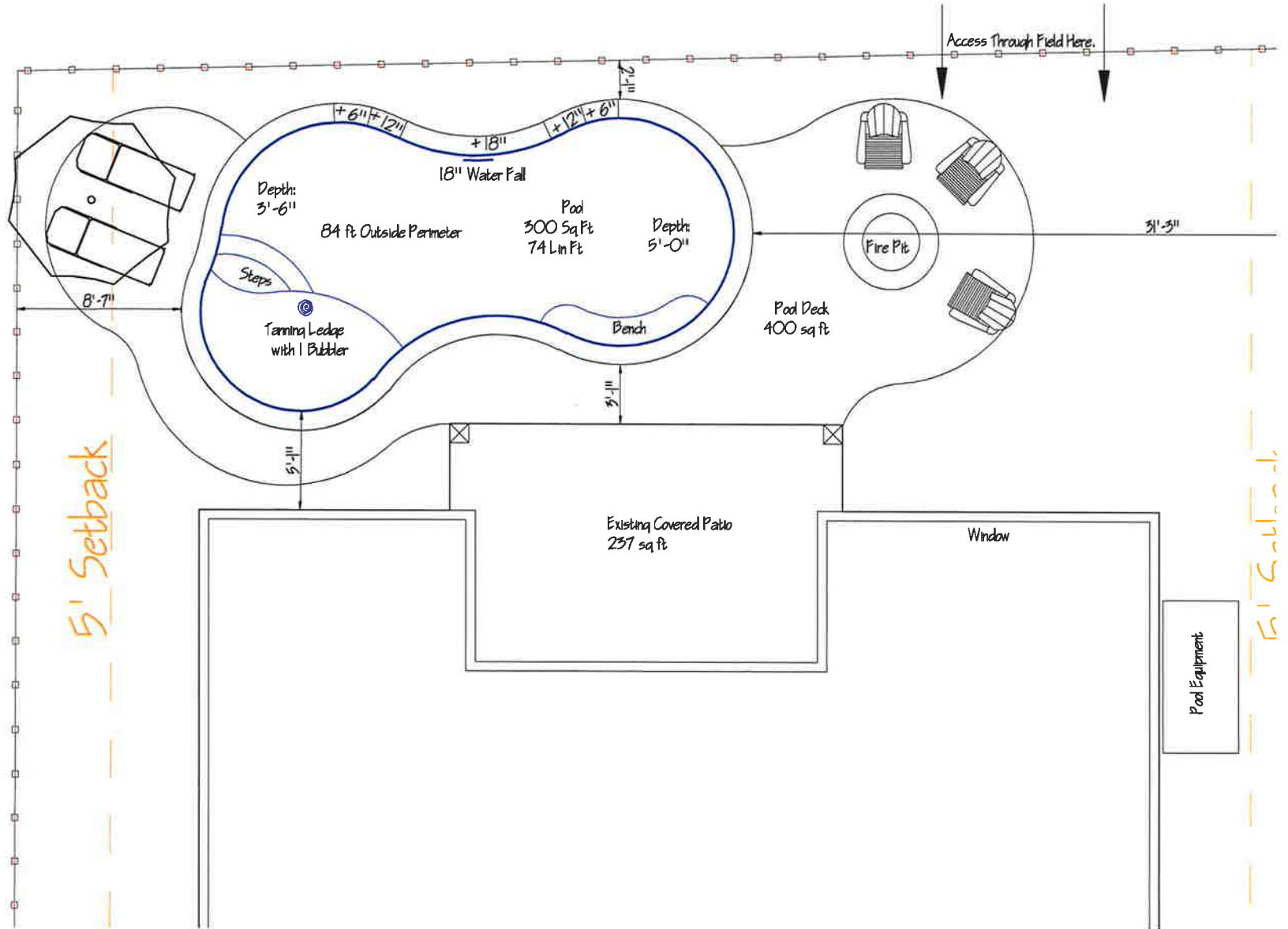
	 Parcels
	 Site Location

1 inch = 150 feet

Printed: 8/11/2017

Backyard Lagoons

This plan was created as a drafting service only. The designer in no way expresses or assumes any responsibility for the accuracy or compliance of these plans in any form.



Panos Residence

Address: 2951 Coral Sky, Seaside, TX, 78155

Folder: 2017 / Backyard

View: B.Skill (1)

File: Panos.dwg

Date: 01/05/2017

Scale: 1/8" = 1'-0"

Drawn By: CEE

