



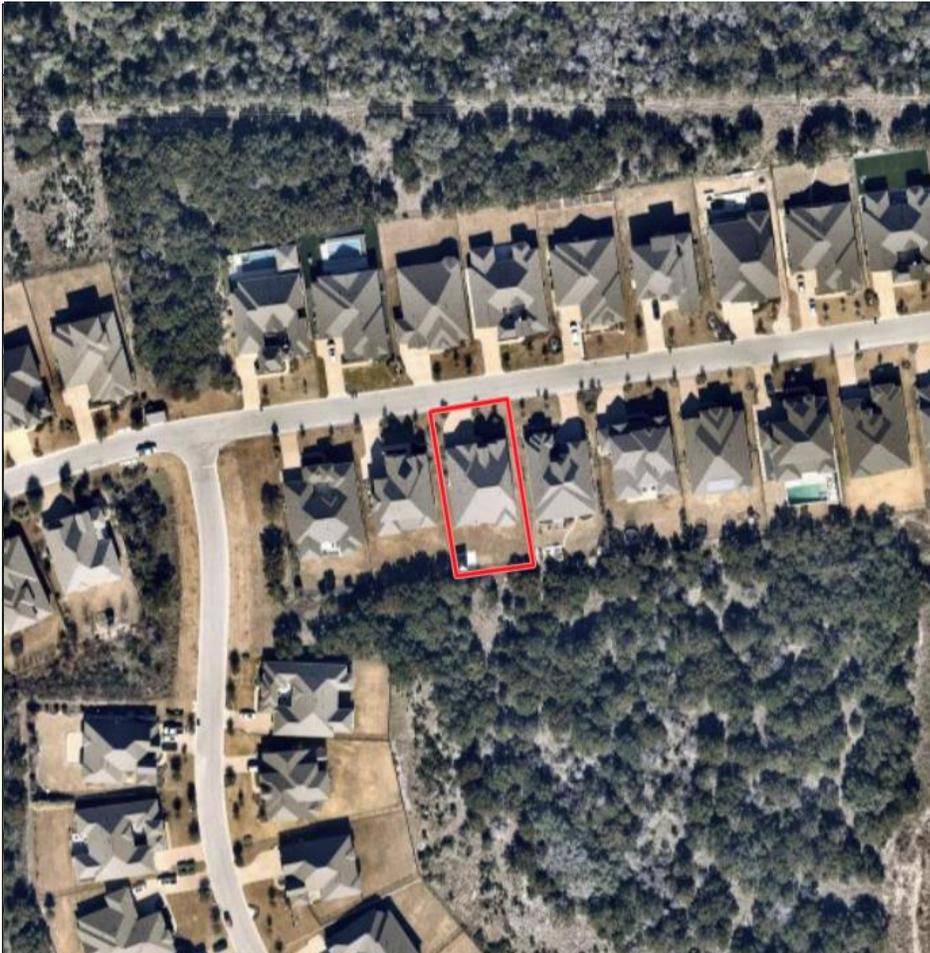
Board of Adjustments

Planning Department Staff Report

Planning and Zoning Commission Meeting: February 7, 2023
Project No: VAR2022-0011
Project Planner: Tory Carpenter, AICP, Planning Director

Item Details

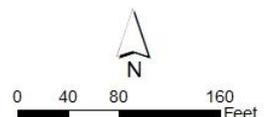
Project Name: N/A
Property Location: 444 Katie Drive
Legal Description: Reunion Ranch Phase 2, Section 4, Block 3, Lot 57
Applicant: Ashvin Baru
Property Owner: Ashvin Baru
Request: Applicant is requesting a variance to allow a gazebo within the rear and side property setbacks.
Recommendation: Staff recommends denial of the request. The Planning & Zoning Commission voted unanimously to recommended denial of the request.



Location Map

VAR2022-0011
444 Katie Drive
Gazebo

— Roads



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Overview

This variance request is associated with a gazebo which was constructed without permits in the Reunion Ranch development. This property is subject to the Reunion Ranch development agreement which established a rear setback of 30' and a side setback of 5'.

The property owner provided the following description of the hardship and reason for this request:

- 1. The concrete pad and gazebo are already constructed and placed in the back yard.*

Code Requirement	Applicant Request	Difference
Structures must be at least 30' from the rear property line and 5' from the side property line.	Approximately 2' from the rear and side property lines	28' from the rear property line 3' from the side property line



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Surrounding Properties

Direction	Zoning District	Existing Use	Comprehensive Plan
North	ETJ	Single Family	The area is not shown on the city's comprehensive future land use plan.
East	ETJ	Single Family	
South	ETJ	Single Family	
West	ETJ	Single Family	

Approval Criteria for Variance (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	There are no special circumstances or conditions affecting the property.
2. the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and by preserving the natural features and topography of the land; and	Staff does not consider a gazebo within the setback to be necessary for the enjoyment of the property.
3. the granting of the variance will not be detrimental	Granting of the variance would not be detrimental to the

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to the public health, safety or welfare, or injurious to other property within the area; and	public health, safety, welfare, or injurious to other property within the area.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	This variance does not constitute the minimum departure from the impervious cover requirements. The applicant can construct a gazebo within the established setback.
5. the subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and	There is no apparent hardship on this property. Similarly situated properties meet setback requirements.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ol style="list-style-type: none"> a. the public health, safety and welfare may be secured; and b. that substantial justice may be done. 	This request is not consistent with the building setback line requirements.

Summary and Recommendation

Staff recommends denial of the variance request.

At their January 24, 2023 meeting, the Planning & Zoning Commission voted unanimously to recommend denial of the request.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Variance request.

Meetings Schedule

January 24, 2023 Planning & Zoning Commission

February 7, 2023 Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Recommended Action	Recommend denial of the requested variance
Alternatives/Options	Recommend approval of the variance with no or alternate conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A