

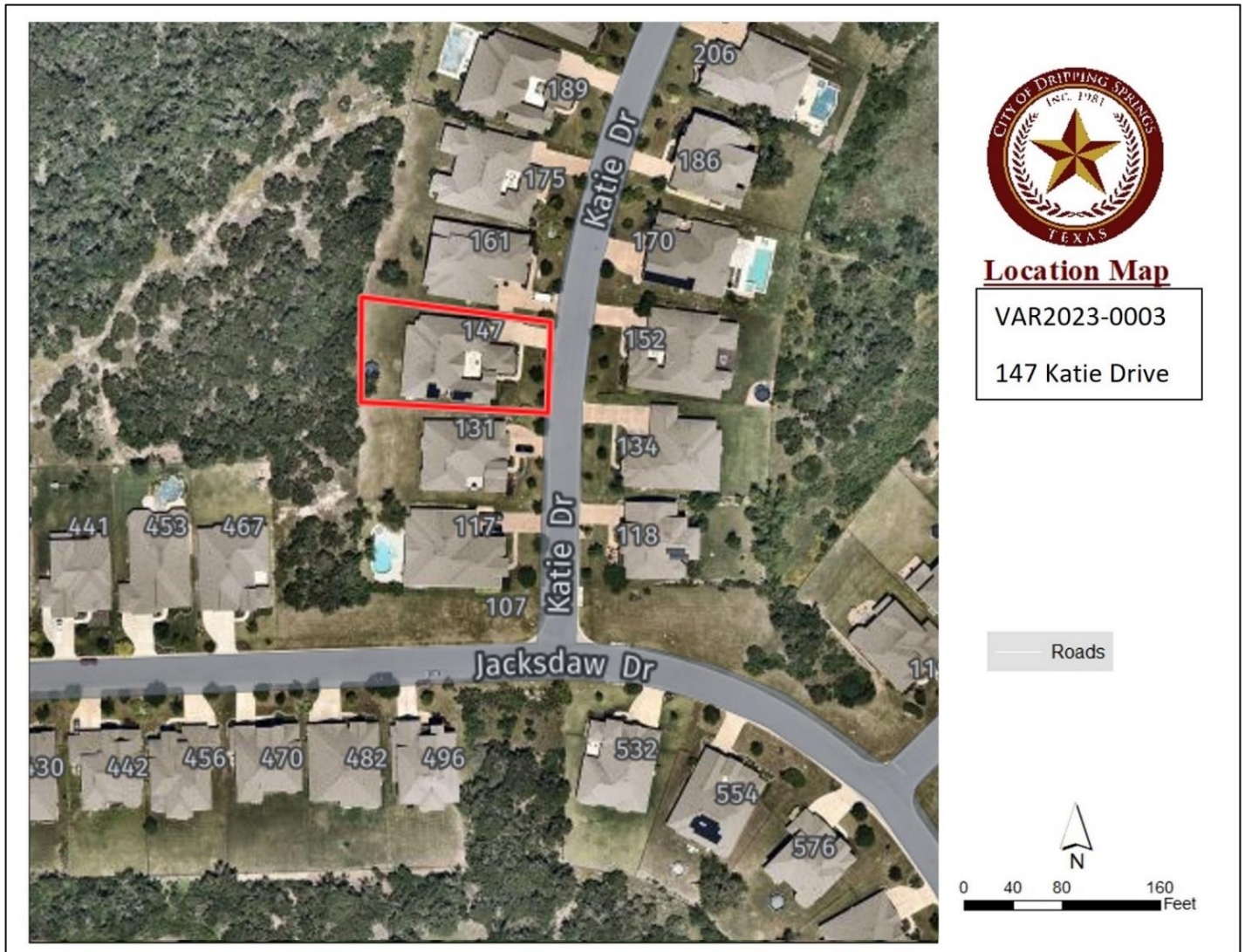


City Council Planning Department Staff Report

City Council: June 6, 2023
Project No: VAR2023-0003
Project Planner: Tory Carpenter, AICP, Planning Director

Item Details

Project Name: N/A
Property Location: 147 Katie Drive
Legal Description: Reunion Ranch Phase 2, Section 2, Block E, Lot 21
Applicant: Kevin & Yvonne Heerema
Property Owner: Kevin & Yvonne Heerema
Request: Applicant is requesting a variance to allow a pool house/cabana within the rear property setback
Recommendation: Staff recommends denial of the request.
The Planning & Zoning Commission voted 5-2 to recommend denial of the request.



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Overview

This variance request is associated with a requested building permit for a pool house/cabana. This property is subject to the Reunion Ranch development agreement which established a rear setback of 30’.

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

1. *Without this requested variance we would be unable to move forward with this project.*
2. *The rear property faces and joins a dedicated Green Belt there will be no additional structures built behind this project.*
3. *There are several pools/cabanas built along Katie Drive. Please see attached Google Maps photos.*
4. *We can't afford to sell our house and move to Belterra to build this project because of property taxes and commutes, and we would not want to move our daughter to another school.*

Note that additional information is included in the application package which is attached.

Code Requirement	Applicant Request	Difference
Structures must be at least 30’ from the rear property line.	Approximately 22’ from the rear property line	8’ from the rear 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	Open Space	
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 cabana within the setback to be necessary for the enjoyment of the property.

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3. the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	Granting of the variance would not be detrimental to the 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	The granting of the variance is 8 feet within a 30 foot setback. The structure would be 22 feet from the rear property line.
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. The alternative option is to construct the pool without the proposed cabana.
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.

Recommendations

Staff recommends denial of the variance request.

At their meeting on May 23, 2023, the Planning & Zoning Commission voted 5-2 to recommend denial of the variance 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

May 23, 2023 Planning & Zoning Commission

June 6, 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