



City Council Planning Department Staff Report

City Council Meeting: November 5, 2024
Project No: VAR2023-0008
Project Planner: Tory Carpenter, AICP, Planning Director

Item Details

Project Name: Hill Country Senior Citizens Activity Center
Property Location: 1310 W US 290
Legal Description: R J Ragland lots 5, 6, 7, 19, 20A, 20B
Applicant: Dominic Shaw
Property Owner: Hill Country Senior Citizens Activity Center
Request: Applicant is requesting a variance to allow a new structure within the building setback.



VAR2023-0008
Hill Country
Senior Citizens
Activity Center



Planning Department Staff Report

Overview

The Hill Country Senior Citizens Activity Center is requesting a variance to replace two existing storage buildings with a new 800-square-foot building that will be used to store items for their resale shop. Aerial imagery indicates that the existing structures have been on-site since approximately 2002. At least one of the existing buildings encroaches into the Old Hwy 290 right-of-way. While the new proposed storage building would be located within a public utility easement, the applicant has obtained the necessary signatures from utility providers to permit a license to encroach within the easement.

The proposed building would be situated approximately 5'5" from the property line at its closest point and 20' at its furthest point. While staff acknowledges that the Hill Country Senior Citizens Activity Center is a nonprofit organization serving the local senior population, we have identified alternative locations on the property where the building could be placed, though these locations would not be as convenient to the resale shop as the current proposed site. The applicant is requesting a variance to allow the building within the setback.

The applicant provided the following statement for the justification of the request:

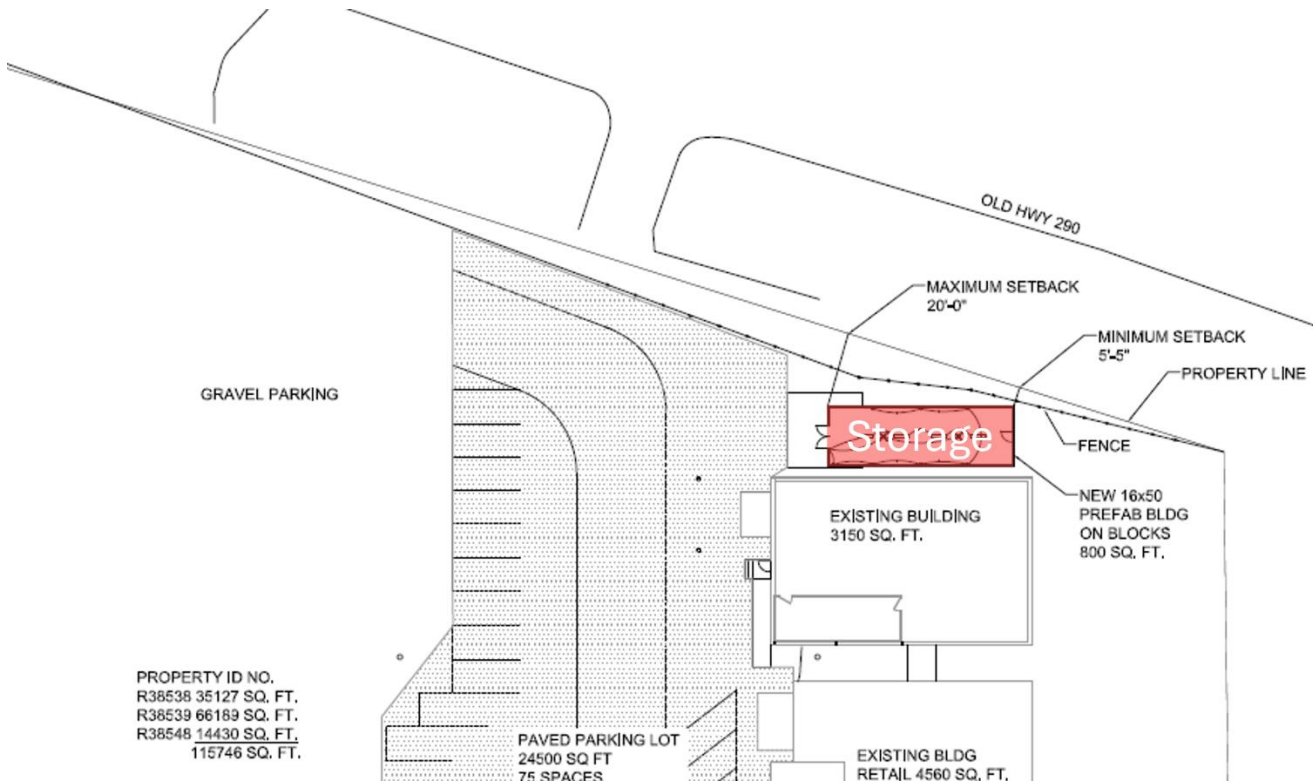
“The work is to replace 20 year old prefabricated buildings with a single new unit. The existing buildings are falling apart and it was determined that replacement would be better than repair. The buildings are within the required setback but due to the limited amount of space on the property there is no other location to place them. The building are used to sort donated clothing, which provides over 40% of the income to the Thrift Store, which supports the mission at the Senior Center. The work will visually improve the view along old 290.”

In 2019, the Center received approval of a variance to allow an approximately 3000 square foot building to be located within the building setback. This variance was approved with the following conditions:

- 1) all outside storage be removed and placed in the proposed structure, excluding items that have chemicals such as refrigerators, lawn equipment, and other potentially hazardous materials;
- 2) all remaining items (not stored in the building) be stored in an area that is screened from public view via a privacy fence;
- 3) areas currently being utilized for storage be converted to additional parking spaces as shown on the attached site plan; and
- 4) conditions 1, 2 and 3 be completed within three (3) months after installation of the accessory structure.

Code Requirement	Applicant Request	Difference
Structures must be at least 25' from the property line.	Approximately 5'5" from the front property line	19' 5" encroachment

Planning Department Staff Report



Surrounding Properties

Direction	Zoning District	Existing Use	Comprehensive Plan
North	CS	School	The area is not shown on the city's comprehensive future land use plan.
East	CS	Residence / Office	
South	CS	Convenience Store	
West	CS	Senior Housing	

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	While the applicant seeks to place the building close to the resale shop for convenience, staff has identified other suitable locations for the building outside of the setback. The literal enforcement of the setback requirement would not deprive the applicant of the reasonable use of the land, though it may require some operational adjustments.
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	The variance is not necessary for the preservation of a substantial property right. Although the applicant desires proximity to the resale shop, the building can reasonably be placed elsewhere on the site without encroaching into the setback or affecting natural features. The Center can still fully enjoy the use of the property.
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 this variance could potentially affect the public welfare by setting a precedent for further encroachments into setbacks, particularly in public utility easements. The existing sheds have been in place for many years, but there is no compelling public interest or need to continue

Planning Department Staff Report

	encroachment into setback areas with the new construction.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	The proposed variance is not a minimal departure. The building would be located just 5'5" from the property line at its closest point, representing a significant encroachment into the required setback. Alternative locations are available on the site that would comply with the setback requirements. Note that the proposed structure would replace the existing structures which encroach further into the setback. Additionally, the proposed structure would be screened from the right-of-way.
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	The circumstances giving rise to this hardship are self-imposed. The applicant has owned the property since the original sheds were constructed and is seeking to replace them in the same location for convenience. This is not a unique hardship, as the site offers other placement options that would allow compliance with the setback regulations.
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. 	While the applicant is a nonprofit organization serving seniors, the request for a variance is not in harmony with the general purpose and intent of the zoning regulations. Setbacks are intended to protect public welfare and ensure orderly development. Staff believes that denying the variance aligns with these goals while still allowing the applicant to achieve the functional use of their property through alternative building placement.

Summary and Recommendation

Staff recommends denial of the variance request.

At their meeting on October 22, 2024, the Planning & Zoning Commission voted to unanimously recommend approval of this request.

Supermajority Vote

Texas LCG 211.009(c) "The concurring vote of 75 percent of the members of the board is necessary to: (1) reverse an order, requirement, decision, or determination of an administrative official; (2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or (3) authorize a variation from the terms of a zoning ordinance."

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

October 22, 2024 Planning & Zoning Commission

November 5, 2024 Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Planning Department Staff Report

Recommended Action	Recommend denial of the requested variance
Alternatives/Options	Recommend approval of the variance with or without conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A