



# Planning and Zoning Commission

## Planning Department Staff Report

**Planning and Zoning Commission Meeting:** October 26, 2021

**Project No:** VAR2021-0021

**Project Planner:** Tory Carpenter, Senior Planner

### Item Details

**Project Name:** Rainwater Tank Setback Variance

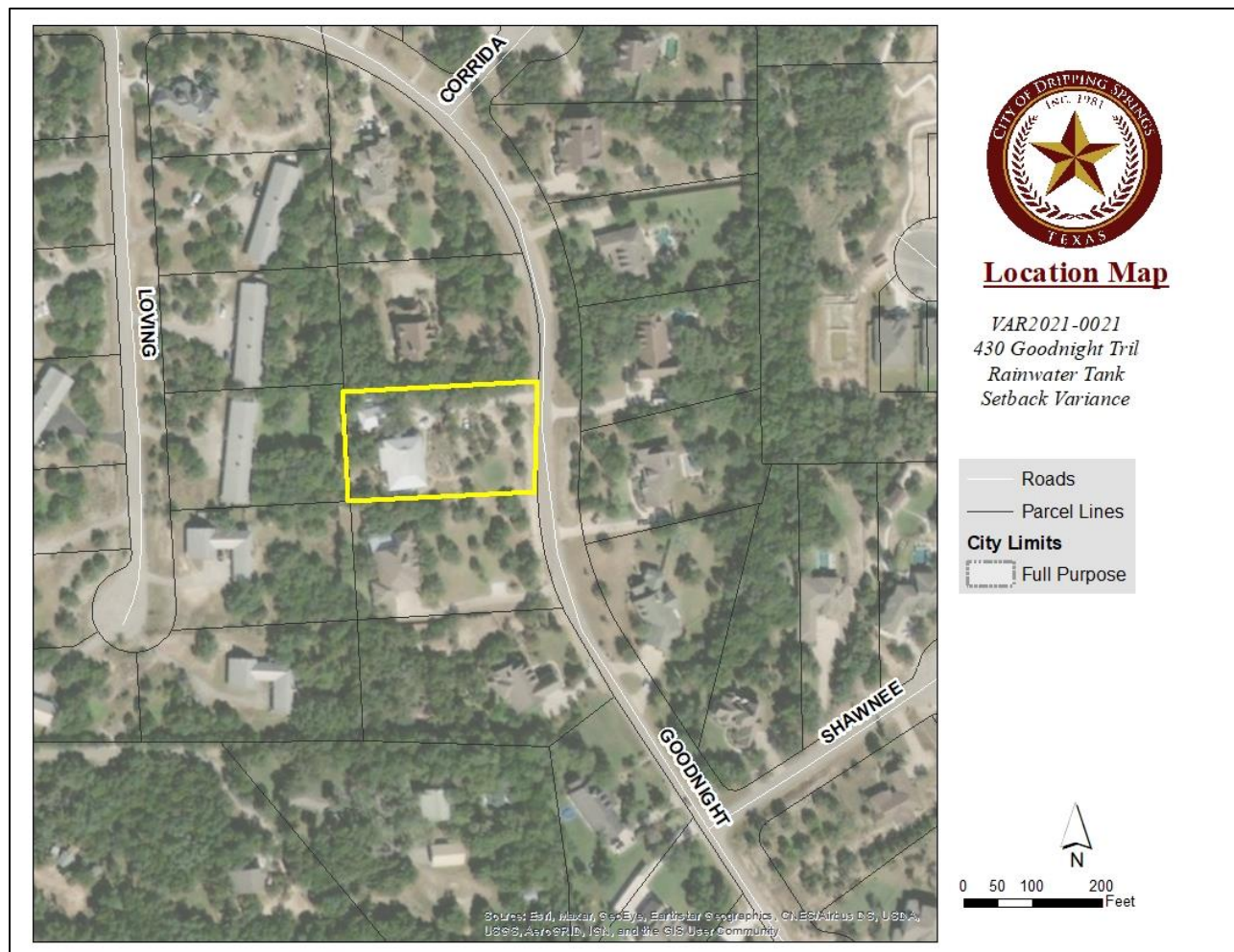
**Property Location:** 430 Goodnight Trail

**Legal Description:** Pound house Hills section 2, Block B, Lot 3.

**Applicant:** Antoine Myc

**Property Owner:** Antoine Myc

**Request:** Applicant is requesting a variance to Section 3.3.4(b)(3) requiring a 30-foot rear setback for properties zoned SF-1 for installation of a rainwater collection system.



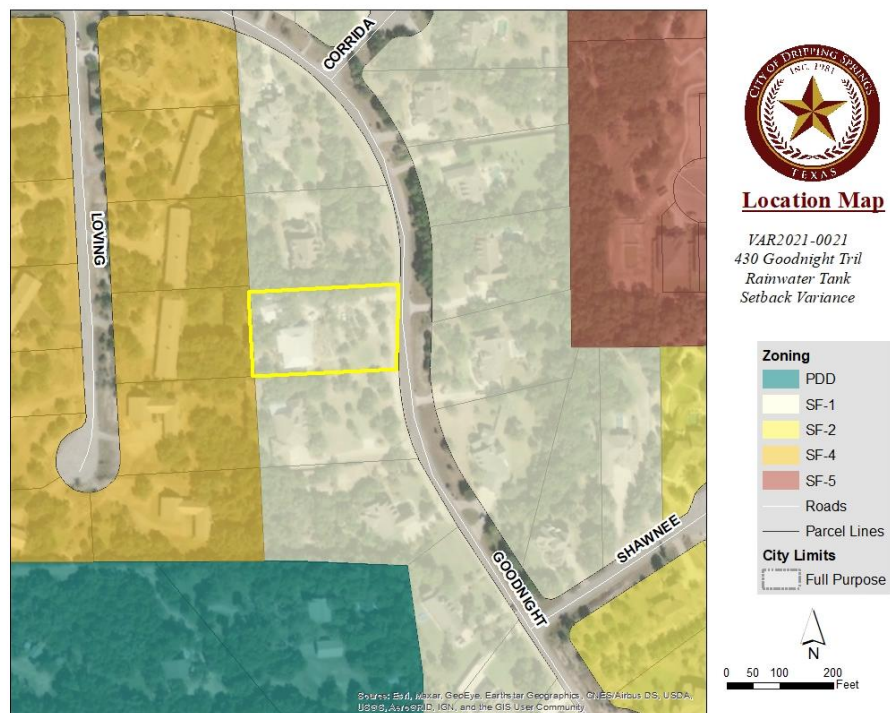
The applicant is requesting a variance to encroach into the rear setback of 30 feet for the installation of a rainwater collection tank. The applicant is requesting to construct the  $\approx 550$  tank to within 7 feet of the property line.

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

1. Collecting rainwater and using it for the normal household usage is the most sensible thing to do in terms of water efficiency.
2. It reduces the pressure on city's water resources.
3. Collecting and diverting the rainwater helps control erosion on a small scale.
4. Finally locating the water storage tank in the back of the property makes the tank invisible from the street and maintains the existing beautiful neighborhood intact. Without a variance we will have no option but to locate the tank in the front part of the house, which may not be so desirable for many of the neighbors.
5. The current setback at the rear of the property is 30 feet versus the common 10 feet with no specific reason we could find.
6. Proposed location for the rainwater tank will be excavated so it is at the same elevation of the frame building/garage. As a result, the tank will be virtually invisible to the neighbors. In addition to the low elevation of the rainwater tank, the surrounding trees will provide additional cover.
7. The proposed location is also the only one not conflicting with current locations of septic sprinklers, pool, driveway, underground septic/electrical/gas lines and older trees. Please refer to the Photographs and Map/Site Plan/Plat sections.

Code Requirement	Applicant Request	Required Yard Deficit
30-foot rear yard.	Installing tank structure 7-feet from the property line	<b>23 feet</b>

### Surrounding Properties



Direction	Zoning District	Existing Use	Comprehensive Plan
North	SF-1	Single Family	The area is not shown on the city's comprehensive future land use plan.
East	SF-1	Single Family	
South	SF-1	Single Family	
West	SF-4	Duplexes	

### Property History

This property was platted in 2000 and the home was likely built shortly after. There are no records of other variances or special exception requests for this property.

The applicant contacted the property owner to the rear and requested to purchase a portion of their property with the goal of increasing their backyard and allowing the rainwater tank to be installed as shown in the application. The adjacent property owner stated that she does not want to sell any of her property and is opposed to this variance request.

### 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	The property has already been developed, so the owner is not being deprived of reasonable use of their land.
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	This variance is not necessary for the property to be used as-is. Additionally, it appears that trees would need to be removed to install the tank in the proposed location.
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	Most of the rainwater collection tank is within the required setback. The property owner can install the tank in front of the house which would not require approval of a variance.
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 are no apparent hardships to this property.
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"> <li>the public health, safety and welfare may be secured; and</li> <li>that substantial justice may be done.</li> </ol>	The granting of this variance is not in harmony with the spirit, general purpose, and intent of this chapter.

### Summary and Recommendation

Based on the above findings Staff believe that the intent of the code is not being met and there are no apparent hardships associated with this property or the proposed improvements. **Staff recommends 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

October 26, 2021 Planning & Zoning Commission

November 16, 2021 Board of Adjustments/City Council

### Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Recommended Action	Recommend disapproval 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