



# City Council Planning Department Staff Report

**City Council Meeting:** February 6, 2024  
**Project No:** VAR2023-0007  
**Project Planner:** Tory Carpenter, Planning Director

## Item Details

**Project Name:** St. Martin de Porres New Church Height Variance  
**Property Location:** 230 Post Oak Drive  
**Legal Descriptions:** ST MARTINS SUBD LOT 1 17.88 AC EXEMPT 1-1-96, ST MARTINS SUBD LOT 2 6.22 AC, OAK SPRINGS LOT 2 2.00 AC GEO#90403166, and OAK SPRINGS LOT 1 2.00 AC GEO#90403165  
**Applicant:** Daniel Pesek  
**Property Owner:** Catholic Diocese of Austin  
**Request:** To exceed the height limit of 40 feet per GUI zoning district.  
Approval of the variance with the following conditions:  
**Staff Recommendation:**

1. The property shall be annexed into the City Limits; and
2. The two western-most properties shall be combined into a single platted lot.



DRIPPING SPRINGS  
Texas

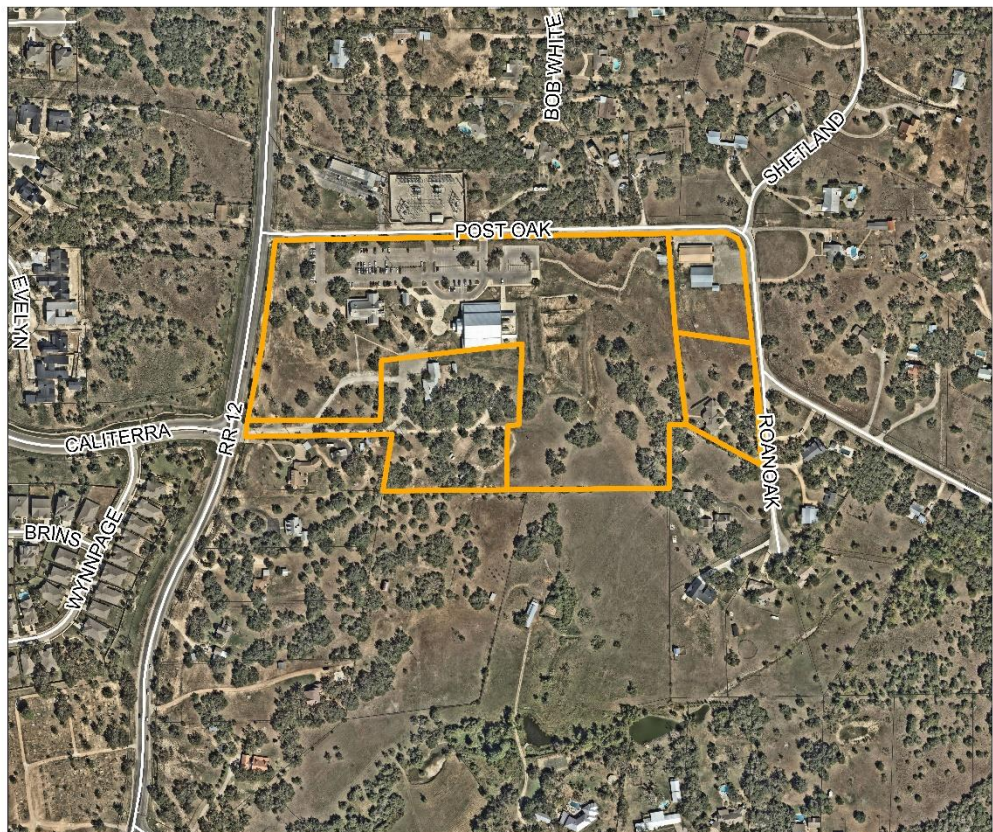
VAR2023-0007  
St. Martin de Porres  
Height Variance

### Legend

- Roads
- Subject Property
- Parcels



0 200 400 800  
US Feet



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## Overview

St. Martin de Porres is planning to expand its campus by building a new church. The proposed structure is reminiscent of Spanish-style Catholic missionaries.

The Church's current plan draws upon its religious background to create a cathedral-like style and therefore exceeds the height limit of 40 feet with its dome and steeples.

The applicant is requesting a variance to Chapter 30, Exhibit A Section 3.14.3.(a) to bypass the 40-foot height restriction in the GUI zoning district.

Below are the applicable code sections related to this variance request:

**Zoning: 3.14.3.(a) GUI Height Regulations:**

*Maximum two and one-half stories, or 40 feet, whichever is less, for the main building or house.*

**Zoning: 5.29.2. Special Height Regulations:**

*Water standpipes and tanks, church steeples, domes and spires, school buildings, windmills, barns, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.*

**Architectural: 24.03.052.8. Building Heights:**

*Building heights shall be as allowed by applicable zoning. Landmark architectural features or distinctive vertical design elements are encouraged, shall not exceed allowable building heights (except as part of an approved variance or alternative design standard) and are limited in their footprint area to a maximum of 25 percent of the total gross building footprint.*

## Property History

In 2018, St. Martin de Porres expanded its campus with the construction of the St. Dymphna Center creating a 3<sup>rd</sup> building on site. While most of the property was annexed into the City Limits, there is still a portion of the interior property which is outside the City Limits.

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### 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	Disapproval of the variance would not deprive the church of reasonable use of the property since the sanctuary can be expanded without the need for a height variance.
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 design associated with this variance request vastly exceeds City architectural requirements. These requirements help preserve the aesthetics and overall enjoyment 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 the variance will not be detrimental to public health, safety, and welfare, or injurious to other nearby properties.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	Zoning code section 5.29.2 allows for church steeples and domes to exceed the height limit if the setbacks are increased per additional foot over the limit. Based on the applicant's provided plans this condition is fulfilled. Thus, the variance will not constitute a departure from this chapter.
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 church could construct a new sanctuary without the need for a height variance.
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>a. the public health, safety and welfare may be secured; and</li> <li>b. that substantial justice may be done.</li> </ol>	The variance request will be in harmony with the spirit, general purpose, and intent of this chapter, public health, safety, and welfare will be secured.

### Summary and Recommendation

Based on the above findings, although this is a self-imposed issue, the uniqueness of the project, the significance it brings to the community, while meeting the intent of the code, staff recommends approval of the variance with the conditions that the church properly annexes into the city limits and to plat the properties into one lot.

### Planning & Zoning Commission Action

At their regular meeting on February 23, 2024, the Planning & Zoning Commission voted 4-1 to approve the variance with the following conditions:

1. The property shall be annexed into the City Limits; and
2. The two western-most properties shall be combined into a single platted lot.

The Planning & Zoning Commission also approved an alternative design for the height.

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Note that condition 2 was clarified by the Planning & Zoning Commission to allow the two eastern-most lots owned by the church to not be included in the combining of the lots at the applicant's request. Staff is supportive of this amendment to the condition which is reflected in the staff recommendation.

### 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 23, 2024 Planning & Zoning Commission

February 6, 2024 Board of Adjustment

### Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Material

Attachment 3 – Site Plan

Attachment 4 – Setback Offset per Additional Foot

Attachment 5 – Renderings

Recommended Action	Recommend approval of the variance with the following conditions; 1. The property shall be annexed into the City Limits; and 2. The two westernmost lots shall be combined into a platted single lot.
Alternatives/Options	Denial of the variance.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A