



# Planning and Zoning Commission

## Planning Department Staff Report

**Planning and Zoning Commission Meeting:**

January 28, 2025

**Project No:**

VAR2024-014

**Project Planner:**

Tory Carpenter, AICP, Planning Director

**Item Details**

**Project Name:**

AAA Storage-Storserv Setback Variance

**Property Location:**

1300 E US 290

**Legal Description:**

5.02 Acres out of the CH Mallot Survey

**Applicant:**

Shawn Beichler, AAA Storage

**Property Owner:**

John Muhuch,

**Request:**

Applicant is requesting a variance waiving the requirement to construct an 8' masonry screening.



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## Overview

The applicant is requesting a variance to waive a requirement of the approved Conditional Use Permit for an 8' masonry screening along the western and southern property boundaries of 1300 E US 290. The site was initially developed in the City's Extraterritorial Jurisdiction (ETJ) during its first phase. On April 4, 2023, the property was annexed to accommodate an increase in impervious cover for the construction of a second phase of the development.

As part of the approval, several conditions were included to help bring the site into conformance with City standards. City Code requires masonry screening for commercial uses adjacent to residential zoning districts. While the adjacent residences are located in the ETJ and this requirement would not typically apply, a condition was added to the CUP to mitigate potential adverse impacts on these residences. The condition states:

*"The applicant must provide 8-foot masonry screening in the form of stone or brick, as best determined by the Development Review Committee (DRC), along the western and southern property boundaries consistent with Section 5.10.1 of the Zoning Ordinance."*

During construction of Phase 1, the applicant erected a metal fence along the majority of the western property line.

### Project Timeline:

- September 17, 2020 – Phase 1 site plan approved (ETJ)
- May 19, 2022 – Phase 2 site plan extension approved (ETJ)
- ≈ March/April 2023 – Metal fence erected
- April 4, 2023 – Annexation and Zoning approved
- September 5, 2023 – Conditional Use Permit approved
- March 28, 2024 – Staff inspected the site for runoff issues

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

*"Fence has already been constructed and in place at the address location. It's made of metal set into a concrete slab. Requesting to leave this structure in place over removing it to replace with masonry. This will create a hardship in that the existing fence footings and concrete pavement all be demolished and reconstructed for the fence. The existing fence provides the screening requirement, and no issues have been raised about this fence."*

*The rest of the Phase 1 and Phase 2 development is following City of Dripping Springs Development Ordinances as a part of the Annexation agreement with the city, which would have otherwise only followed ETJ requirements."*

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Existing Fence:



## Surrounding Properties

Direction	Zoning District	Existing Use	Comprehensive Plan
North	PDD – Gateway Village	Vacant Land. Future residential and commercial site	Not Shown
East	Commercial Services (CS)	Retail	
South	Extraterritorial Jurisdiction	Residential	
West	Extraterritorial Jurisdiction	Residential	

## 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 unique physical conditions on the property that would deprive the applicant of reasonable use of the land. The site can be used as intended without waiving the masonry screening requirement.
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 to preserve a substantial property right, as the applicant is able to fully develop the site and operate a self-storage facility while complying with the screening requirement.
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	Waiving the masonry screening requirement could negatively affect the adjacent residential properties by failing to mitigate adverse visual and noise impacts from the self-storage facility. This would be detrimental to the

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	welfare of neighboring residents.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	Waiving the requirement for masonry screening entirely does not constitute a minimal departure. It eliminates a key condition intended to reduce the impact of the project on adjacent residential properties.
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 are self-imposed, as the applicant was aware of the screening requirement when the Conditional Use Permit was approved. The hardship appears to stem from the applicant's reluctance to comply with a condition of approval rather than site constraints.
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 is not in harmony with the intent of the ordinance, which seeks to protect adjacent properties from adverse impacts of commercial uses. Denial ensures the ordinance's purpose is upheld and substantial justice is achieved for the neighboring residents.

### Summary and Recommendation

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

January 27, 2025 Planning & Zoning Commission

March 5, 2025 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 or without conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A