



Planning and Zoning Commission

Planning Department Staff Report

Planning and Zoning Commission Meeting:

January 28, 2025

Project No:

VAR2024-013

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 to allow three structures within the side building setback.



Planning Department Staff Report

Overview

The applicant is requesting a variance to reduce the side setback requirement from 15 feet to 10 feet for the AAA Self Storage facility located at 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.

The use of self-storage on the site required approval of a Conditional Use Permit (CUP), which was granted September 5, 2023. While the conceptual site plan submitted with the CUP application identified building locations, it did not specify setback measurements. However, the concept site plan depicted three proposed buildings within 10 feet of the property line, which does not meet the current 15-foot side setback requirement established by the zoning ordinance.

Project Timeline:

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

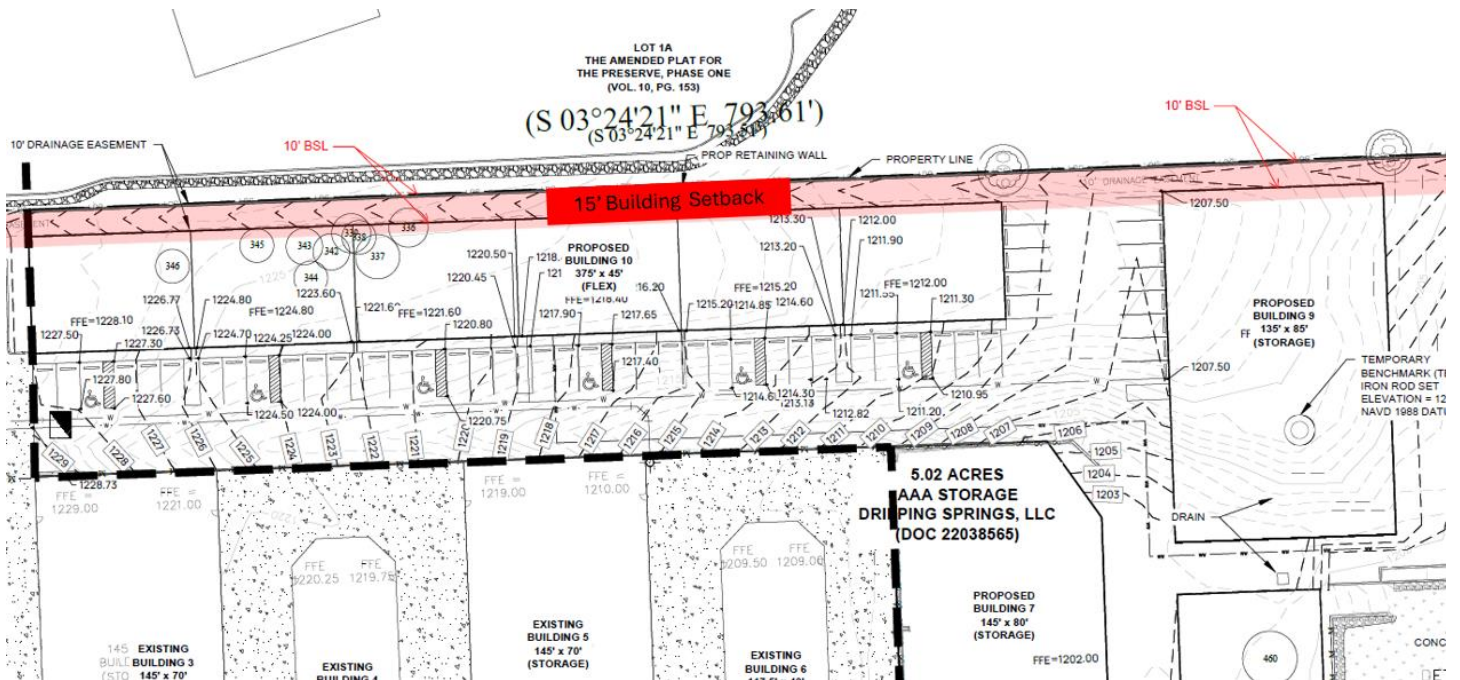
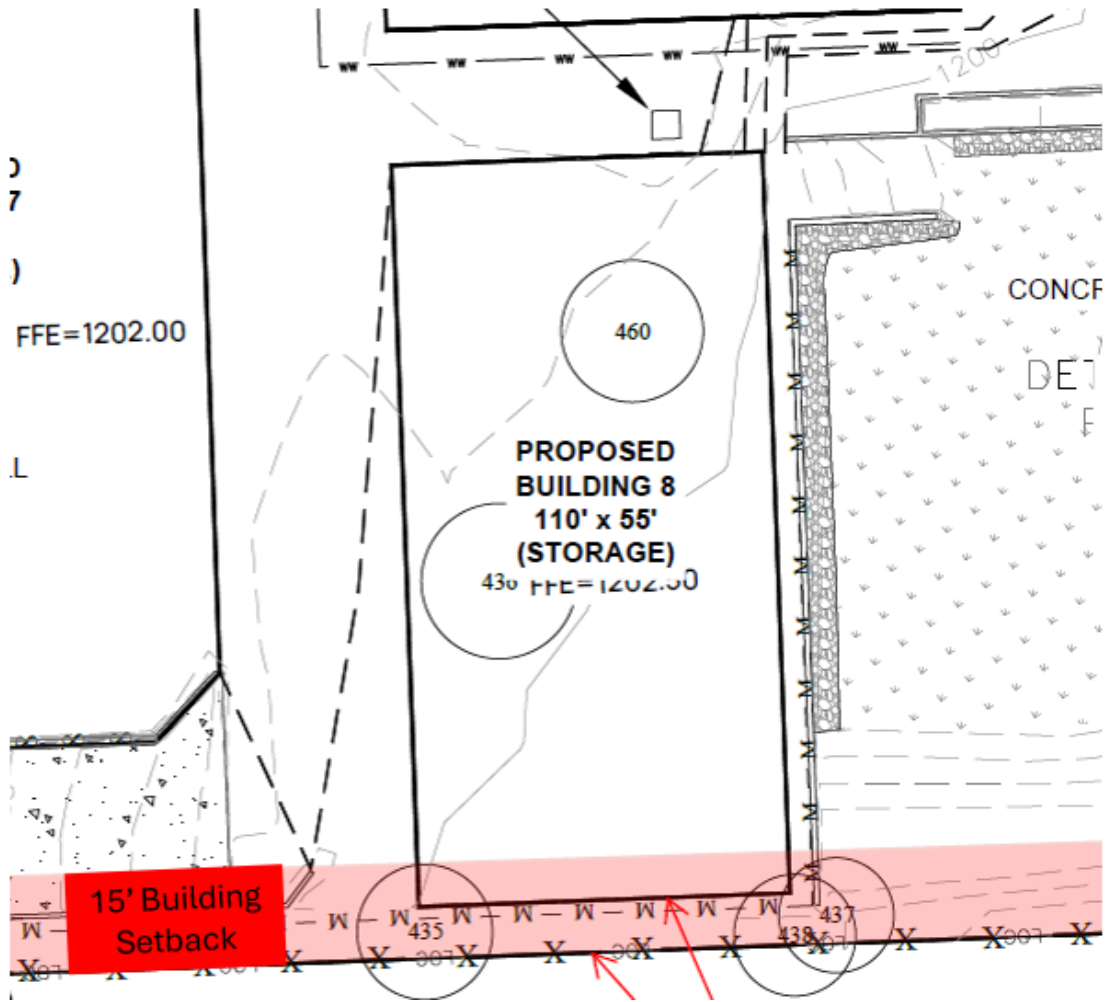
The applicant provided the following statement for the justification of the request:

“The Site Plan was originally approved as part of the Conditional Use Permit and Annexation Agreement. The Site Plan dimensions have not changed, and the building configuration was shown as a 10' BSL off the eastern property line as a part of that agreement. It appears to be an oversight during that process. By enforcing the 15' BSL, this reduces the building depth by 5', causing a reduction in the building footprint.

The project has been annexed into the City and will be following City of Dripping Springs Development Regulations for Phase 2, improving the overall standard of the project. This also includes bringing portions of Phase 1 up to the ordinance standards as well.

Code Requirement	Applicant Request	Difference
Structures must be at least 15' from the side property line	Approximately 10' from the side property line	5'

Planning Department Staff Report



Planning Department Staff Report

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	The property does not exhibit any unique or special physical conditions that prevent compliance with the 15-foot side setback. The applicant has reasonable use of the land without the requested 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 variance is not necessary to preserve a substantial property right, as the site can be reasonably developed in compliance with the required setback. The need for the variance is based on the applicant's design choices rather than the site's natural features.
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 could negatively impact adjacent properties by reducing the buffer between developments. The reduced setback may also set a precedent for future variances in the area.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	The variance would reduce the required setback by 33%.
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 hardship is self-imposed as it is caused by design decisions rather than inherent 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"> the public health, safety and welfare may be secured; and that substantial justice may be done. 	The variance is not in harmony with the intent of the zoning ordinance, which seeks to maintain adequate setbacks to ensure compatibility between properties and protect public safety and welfare.

Planning Department Staff Report

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