

The City of Woodcreek

IN THE MIST OF THE TEXAS HILL COUNTRY

City of Woodcreek Application for Variance

Please provide the following items with the completed Application for Variance for a variance request:

- One paper copy and one digital copy of the survey or site plan with the requested area for the variance clouded to indicate the location.
- A filing fee of \$500.00 (Applicant will also be charged the cost of postage and publication).
- If requesting a variance of an existing structure, please include 2-3 photographs that will show the structure placement in relation to your property and adjacent structures.
- If requesting a variance in impervious cover limits, please include calculations showing current impervious cover (as of date of application) and proposed impervious cover.

Following receipt of the completed Application for Variance, along with the required items and filing fee, Woodcreek will schedule your request for consideration at a future Board of Adjustment meeting. You will be notified of the Board of Adjustment meeting date.

Woodcreek will prepare and send notices via the USPS to property owners within two hundred (200) feet of the property before the Board of Adjustment scheduled meeting date. The notice will also be published in the newspaper of record.

Application Information

Date of Application Submission: 12/06/23

Petitioner's Name: Joseph Gambino Jr.

Mailing Address: [REDACTED]

Email Address(s): [REDACTED]

Telephone Number(s): [REDACTED] : (____) _____

Description and Location of Property for which Variance is Requested.

Property Owner's Name: JAGJR LLC

Property Owner's Mailing Address: [REDACTED]

Section Location, Lot Number, & Zoning Designation: PHASE 1 UNPLATTED PT OF TR 894 46.299 AC WC PARCEL #3 PT OF FAIRWAY & GREENS 9& 18

Property Address: 1 Pro Lane, Woodcreek, TX. 78676



As per § 30.57 of the Woodcreek Code of Ordinances, a Variance is defined as “An adjustment or deviation in the application of specific regulations of Ch. 50, 154 and 156 of this code of ordinances or other applicable ordinances under the purview of the city and applicable to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owner from being deprived rights and privileges, enjoyed by other owners of similarly situated parcels in the same vicinity and district.”

No variance shall be granted unless the Board finds that each of the following provisions are met.

State how your request meets each provision:

1. There are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of Ch. 50 or Ch. 154 or Ch. 156 would deprive the applicant of the reasonable use of the involved land.
JAGJR LLC is requesting a variance to cut down 2 trees on our property. The land will be used to build an event center and the trees are blocking the area necessary for the building
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
JAGJR LLC is creating an event center for the enjoyment of the residents and visitors of Woodcreek, TX.
3. The granting of the variance will neither be detrimental to the public health, safety or welfare, nor injurious to other property in the area.
The variance will not be detrimental to the public health, safety or welfare to other properties in the area.
4. The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter.
The granting of the variance will not prevent the development of other land in the area.

Variance Requested – Please be specific. Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.

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Granting the variance will allow the continued development of the land. JAGJR LLC is creating not only an event center, but a destination for residents and visitors. DJRGC LLC will be generating sales which equates to additional sales tax revenue for the city. We are also requesting the removal fee to cut down the trees be waived. The money for the fee will be reallocated to plant a minimum of 20 replacement trees in and around the area.

Applicant Signature: _____

Date: December 4, 2023

For City Use Only:

Application, required information, and fee received:

Date: 12/5/23 Check # 500 Initials: SM

Referred to Board of Adjustment:

Date: _____ Initials: _____

Publication of Public Hearing by Board of Adjustment:

Date: _____ Initials: _____

Action by Board of Adjustment:

Approved: _____ Denied: _____

Date: _____ Initials: _____

Notes:

City of Woodcreek Acknowledgment of Code of Ordinances



Property Address: 1 PRO LANE, WOODCREEK, TX 78676

Date: 12/04/2023

Project Name: _____

Applicants requesting review of submitted construction drawings and a building permit for construction in the City of Woodcreek must read and acknowledge the following items relating to the City's Code of Ordinances. All references to the City's Code of Ordinances can be found on the City's website at www.woodcreektx.gov

Instructions: All three parties are asked to confirm their understanding of the code requirements listed below where applicable. The Architect (when applicable) should initial in section A, the contractor/builder should initial in section B, and the property owner/client in Section C. If the item is not relevant to the proposed project, check "Not Applicable," and still initial. If your project is not compliant with the item and you intend to request a variance to that requirement, check "Requesting A Variance," (with separate form) and also initial. All three parties should print and sign their name at the bottom of the form.

1. Impervious cover: (Woodcreek Code Sections 50.37 and 156.063)

- a) Impervious cover varies with the lot size. For your project, have you correctly determined the allowable percentage of impervious cover?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) Have you correctly determined what various materials/conditions constitute impervious cover: concrete, asphalt, pavers, swimming pools, crushed gravel and granite, decking materials, etc.?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

2. Setbacks: (Woodcreek Code Sections 155.43 (SF Residential), 156.057, -.062, -.063, and -.064)

- a) Setbacks are determined by the lot size. Have you correctly determined the setbacks for your project?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) If the property fronts one or more streets, each setback along those streets must conform to the 155.43 setback requirements. Have you checked your project for this condition?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- c) Roof eaves and overhangs are not allowed in the building setbacks. Have you verified that the project's roof eaves and overhangs are not within the setbacks?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- d) Have you insured that no building, accessory building, or structure is located within the setback? This requirement includes but is not limited to retaining walls, patios, fountains, air conditioning pads, pool equipment, pergolas and arbors.
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- e) Do your project's driveways meet the driveway setback requirements?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- f) Do you understand that no site disturbance (cutting, filling, grading, etc.) is allowed in the setback?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

3. Structure height: (Woodcreek Code Sections 156.062, -.063, and -.064)

- a) Has a current, topographic ground survey with 1-foot contour lines produced by a licensed surveyor been submitted? Your height calculations must be determined from this survey.
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) Has the correct methodology as defined in the code, been used to calculate the height of your project?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- c) Do you understand that the height restriction includes all roof appurtenances and building materials?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

4. Trees and vegetation: (Woodcreek Codes Chapters 50, 91, 154 & 156. Staff can offer to assist.)

- a) Has a current and certified tree survey been submitted to the City?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) Do you understand that no site clearing, brush/undergrowth removal, or tree removal can be done until a tree permit and building permit have been issued by the City?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- c) Do you understand that NO tree with a diameter greater than or equal to 19 inches can be removed without first obtaining a variance from the City?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- d) Do you understand that all tree replacement must be completed before a certificate of occupancy will be issued?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

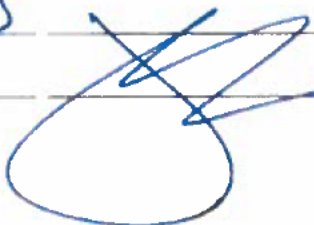
5. Additional considerations:

- a) If required, have you reviewed the steep slope restriction for construction? (Woodcreek Code Section 50.42 (Non-Residential))
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) If required, will your septic system comply with State minimum standards to obtain a permit? (Woodcreek Code Section 151.05)
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- c) Does your site plan show all of the structures, hardscape elements such as retaining walls and planters, patios, decks, sidewalks, driveways, water tanks, pool equipment and other items? Please note that such items are not allowed in the setbacks and may not be installed later without City approval.?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- d) Do you understand that no work (including but not limited to mailbox construction or placement, planting, grading, landscaping, etc.) may be done in the City Right of Way without City approval?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- e) Do you understand that a certification letter from a septic designer must be submitted if an existing septic system is being utilize
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance



- f) Do you understand that your project may require a tree permit in addition to a building permit? (Woodcreek Code Chapter 91)
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- g) Do you understand that if your project is in an Aquifer Recharge and/or Contributing Zone, you may be required to submit a Water Pollution Abatement Plan? (State requirement)
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- h) Do you understand that a separate permit must be obtained for fence construction and that the requirements in Woodcreek Code Chapters 151, 154 & 156 must be followed? Do you understand that unique or irregularly-shaped yards with fences have special requirements?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- i) Do you understand that a variance and separate permit may be required for a swimming pool and that the requirements of Woodcreek Code must be followed?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- j) Do you understand that if any professional services (attorneys, engineers, surveyors, etc.) are required to be used by the city that those fees will be passed-through and will be the responsibility of the applicant?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- k) Do you understand and have correctly identified any and all nonconforming uses and structures through a meeting with City staff?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- l) Have you correctly verified if you project is located within the floodplain and obtained the necessary permits if it is?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- m) Have you correctly verified that the proposal conforms to any variance and site plan approvals if applicable?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

I hereby acknowledge that I have read and understand the requirements listed above. I further understand that nothing in this document relieves me of my legal responsibility to comply with any and all relevant City of Woodcreek Ordinances regarding this project including the requirements referenced in this document.

| | <u>NAME</u> | <u>SIGNATURE</u> | <u>DATE</u> |
|---------------------------|-------------------|--|---------------|
| A: Architect: | _____ | _____ | _____ |
| B: Builder/Contractor: | BAENS + BUILDINGS |  | _____ |
| C: Property Owner/Client: | Joe Gansino | _____ | Dec. 4 / 2023 |

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Indianapolis, IN 46278
24hr. Customer Service #: 888-604-7888

Application Fees Payment Confirmation (Ref #: 40590445)

PLC: City Of Woodcreek
A00473 41 Champions Circle
Woodcreek, Texas 78676
For: Application Fees

Date: 12/05/2023 12:27 EST

TRANSACTION INFORMATION

Name: Joseph Gambino
Street Address: [REDACTED]
Phone Number: [REDACTED]
Mailing Address: [REDACTED]
Email Address: [REDACTED]
Application Fees: Variance Application (\$500)

Transaction Reference #: 40590445
Transaction Date/Time: 12/05/2023 12:27 EST

BILLING INFORMATION

Name: Joseph Gambino
Address: [REDACTED]
City, State Zip: [REDACTED]
Phone #: [REDACTED]
Card #: [REDACTED]

PAYMENT INFORMATION

Approval #: 289924
Payment Amount: \$500.00
Service Fee: \$14.75
Total Amount: \$514.75

The service fee is not refundable.

ATTENTION CARDHOLDER

If you have questions about the processing of your payment, please call AllPaid at 888-604-7888.

Thank you for using AllPaid