



**AGENDA
BOARD OF ADJUSTMENTS
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall, Council Chambers
201 North Brushy Street - Leander, Texas
October 11, 2022 at 6:00 PM



**Place 1 – Gil Debner
Place 2 – Kate Warrick
Place 3 – Monica Roussel-Methena
Place 4 – Raul Camacho, *Chair***

**Place 5 – Eddie Winslow
Alt. #1 – Binod Maharjan
Alt. #2 - Scott Calame
Alt. #3 - Vacant**

1. Open meeting and confirm a quorum is present.

CONSENT AGENDA: ACTION

2. Acceptance of the minutes for meeting held on July 27, 2021.

PUBLIC HEARING: ACTION

3. Conduct a Public Hearing regarding Board of Adjustment Case 22-VA-005 to request a variance to the Composite Zoning Ordinance, Article IV, Section 5 (e) to allow for the installation of a carport in front of the dwelling on one (1) lot, approximately 0.15 acres ± in size, legally described as Lots 27 and 28, Block G of the Mason Creek North, Section 1 Subdivision, more particularly described by Williamson Central Appraisal District Parcel R080068; and more commonly known as 825 Coyote Lane, Leander, Williamson County, Texas.
 - Discuss and consider action regarding Board of Adjustment Case 22-VA-005 as described above.
4. Conduct a Public Hearing regarding Board of Adjustment Case 22-VA-007 to request a variance to the Composite Zoning Ordinance, Article VI, Section 6 (a) to allow for the reduction of the setbacks for a building expansion on one (1) lot, approximately 1.8747 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031746; and more commonly known as 604 Crystal Falls Pkwy, Leander, Williamson County, Texas.
 - Discuss and consider action regarding Board of Adjustment Case 22-VA-007 as described above.
5. Adjournment

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 55 1.001 et seq. At any time during the meeting the Board of Adjustment reserves the right to adjourn into Executive Session on any of the above posted agenda items in accordance with the Sections 55 1.071 [litigation and certain Consultation with attorney], 551.072 [acquisition of interest in real property], 55 1.073 [prospective gift to city], 55 1.074 [certain personnel deliberations] or 551.076 [deployment/implementation of security personnel or devices]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary at (512) 528-2743 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may call (512) 528-2800. I certify that the above agenda for this meeting of the Board of Adjustment of the City of Leander, Texas was posted on the bulletin board at City Hall in Leander, Texas on the 7 day of October 2022 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

A handwritten signature in cursive script that reads "Dara Crabtree". The signature is written in black ink and is positioned above a horizontal line.

Dara Crabtree, City Secretary, TRMC



EXECUTIVE SUMMARY
10/11/2022

AGENDA SUBJECT:

Acceptance of the minutes for meeting held on July 27, 2021.

BACKGROUND:

Attached are the minutes for the meeting held on July 27, 2021.

PRESENTER:

Dara Crabtree, City Secretary

Attachments

1. Draft Minutes



**MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
July 27, 2021



Place 1 – Gil Debner	Alt. #1 – Vacant
Place 2 – Kate Warrick	Alt. #2 - Melissa Bradford
Place 3 – Monica Roussel-Methena	Alt. #3 - Binod Maharjan
Place 4 – Raul Camacho, <i>Chair</i>	Alt. #4 – Cameron DeJong
Place 5 – Eddie Winslow	

1. Opened meeting at 6:05 p.m. and confirmed a quorum was present.

CONSENT AGENDA: ACTION

Motion by Commissioner, Alt. #2 Melissa Bradford, Seconded by Commissioner Monica Roussel-Methena to approve the minutes for meeting held on September 22, 2020.

Vote: 5 - 0

2. Approval of the minutes for meeting held on September 22, 2020.

PUBLIC HEARING - ACTION

3. Chair Camacho opened the Public Hearing at 6:06 p.m. regarding Board of Adjustment Case 21-VA-002 to request a variance to the Sign Ordinance Section 3.08.012 (2)(E) to increase the height and remove the requirement for a masonry surround required for a Monument Sign on one parcel of land approximately 2.1 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036418; and legally described as Lot 8, Block F of Leander Heights Section 1 Subdivision, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 6:08 p.m.

- Discuss and consider action regarding Board of Adjustment Case 21-VA-002 as described above.

Motion by Commissioner Monica Roussel-Methena, Seconded by Chair Raul Camacho to approve Board of Adjustment Case 21-VA-002 to request a variance to the Sign Ordinance Section 3.08.012 (2)(E) to increase the height and remove the requirement for a masonry surround required for a Monument Sign on one parcel of land approximately 2.1 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036418; and legally described as Lot 8, Block F of Leander Heights Section 1 Subdivision, Williamson County, Texas.

Vote: 5 - 0

4. Adjourned at 6:10 p.m.

APPROVED:

CHAIR

ATTEST:

CITY SECRETARY



EXECUTIVE SUMMARY
10/11/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Board of Adjustment Case 22-VA-005 to request a variance to the Composite Zoning Ordinance, Article IV, Section 5 (e) to allow for the installation of a carport in front of the dwelling on one (1) lot, approximately 0.15 acres ± in size, legally described as Lots 27 and 28, Block G of the Mason Creek North, Section 1 Subdivision, more particularly described by Williamson Central Appraisal District Parcel R080068; and more commonly known as 825 Coyote Lane, Leander, Williamson County, Texas.

- Discuss and consider action regarding Board of Adjustment Case 22-VA-005 as described above.

BACKGROUND:

The applicant is requesting a variance from the Composite Zoning Ordinance to allow for a carport to be placed in front of the main building and to encroach in to the front setback. The ordinance provides the Board of Adjustment with the power to evaluate and approve variance requests. During this review, the Board needs to evaluate the findings of fact to determine if the variance may be approved.

Below, please find the variance requests and code references:

1. Article IV, Section 5, (e) (2): The applicant wishes to place a carport in front of the house. The ordinance requires that carports are place either to the side or behind the house.
2. Article VI, Section 6 (a) and Article VI, Section 6 (f) (11) (ii): The applicant wishes to reduce the garage setbacks, and to allow for a reduced front setback for SFL zoned lots. The ordinance requires that the driveway is a minimum of eighteen (18') feet deep to meeting the parking requirements for a single-family home.

This property is located within the Mason Creek North subdivision. This subdivision is subject to the following setbacks and carports are not permitted.

Front: 18'
Side: 5'
Rear: 15'

APPLICANT/AGENT:

Tara C. Crow and Keith A Marsh

RECOMMENDATION:

Staff recommends denial of this request. This request does not meet the findings of fact and is not consistent with the spirit of the ordinance.

PRESENTER:

Justin Hunt, Planner

Attachments

1. Letter of Intent

2. Current Zoning
3. Aerial Map
4. Public Notice Map
5. Findings of Fact

Date: Tuesday, May 31, 2022

Keith A. Marsh
825 Coyote Lane
Leander, Texas 78641

City of Leander
201 N. Brushy St.
Leander, Texas 78641

Subject: Variance for Project Name: ACST - Six Bravo LLC
Permit # 2022-40816

Dear Planning Department of the City of Leander Tx.

I hereby request a Variance to be made to allow me to install a one-sided carport at 825 Coyote Lane.

The reason for the installation of said carport is the Hardship of the Stress and Nervous Tension that the hail storms that this part of Texas is known to have generates. About a year ago my pickup truck with less then 60k miles on it was totaled by a hail storm while parked where I need to install said carport. Because of the undersized garage I have it will not allow two full-sized vehicles to park within the garage. This Variance would allow me to provide some protection to the \$70,000+ new truck I have on order.

Having not been aware of the City of Leander guide lines for carports, I have already purchased the kit for the one-sided carport. That already has been delivery on May 2, 2022 and returning it within the 30 days return period is now out of the question. The carport kit would be very expensive in shipping cost to return even if I had time.

The location where I planned to install said carport is the only location with needed room for the required foundation. So, the side of the house is out of the question for no room / no access due to large tree and or the back yard is out of the question due to no access.

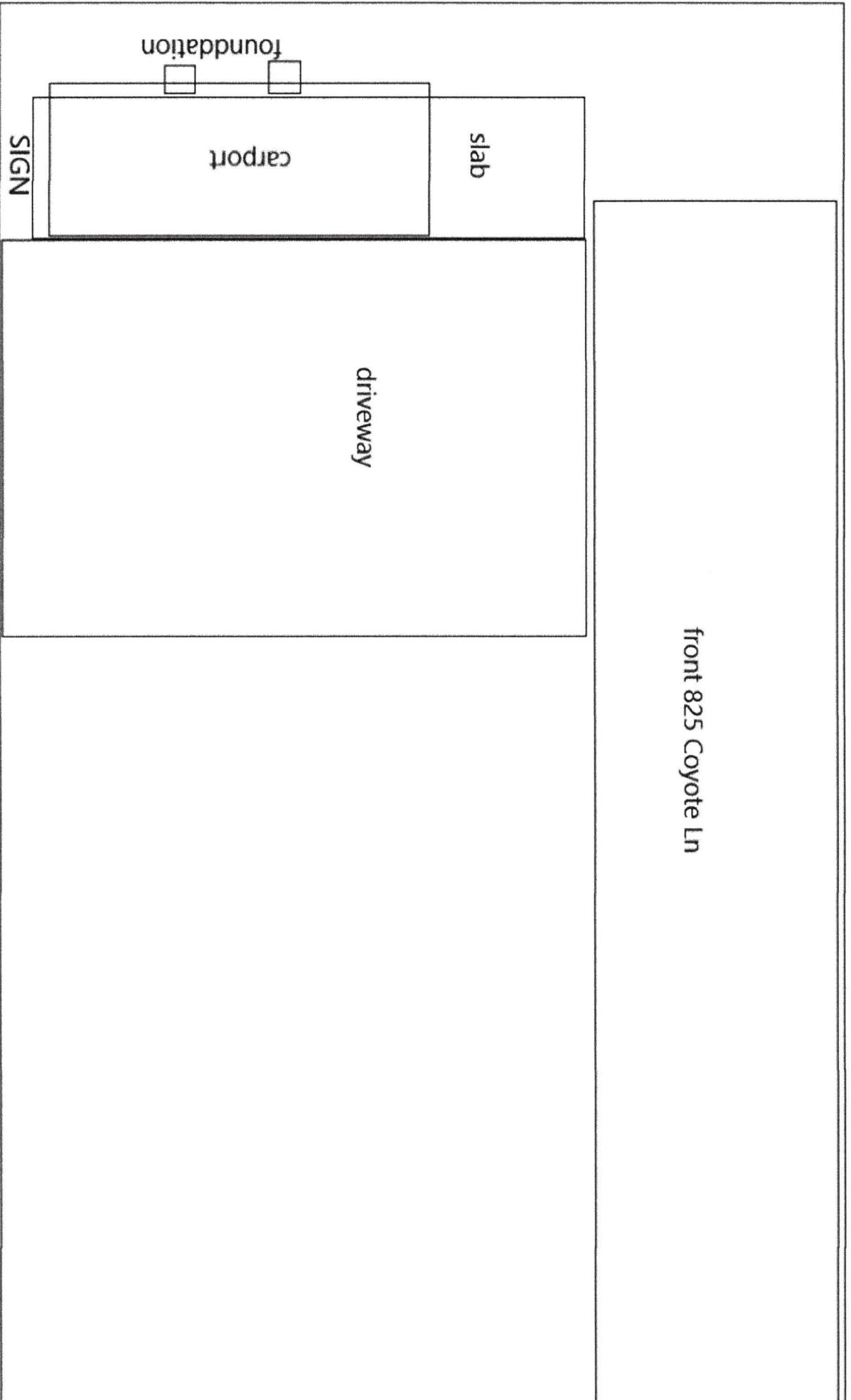
So, please allow the Variance to install said carport in Mason Creek North that already allows zero set back property lines and carports in front of garages. I am between a rock and a hard place. Please remove the hard place by allowing me to install a carport in my side front yard.

Thanks


Keith Marsh

985-285-0883

front 825 Coyote Ln



slab

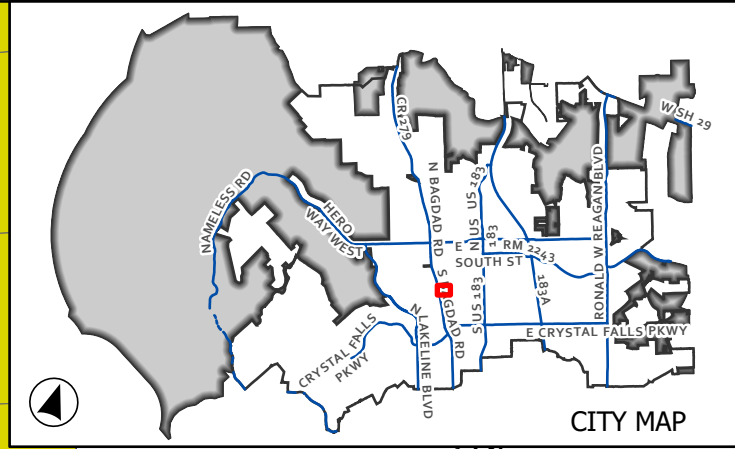
driveway

carport

foundation

SIGN

EAGLES WAY



CITY MAP

MICA LN

COYOTE LN




TOPAZ LN



CASE: 22-VA-005

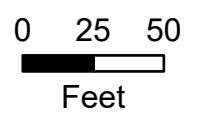
ATTACHMENT 2

ACST SIX
BRAVO LLC

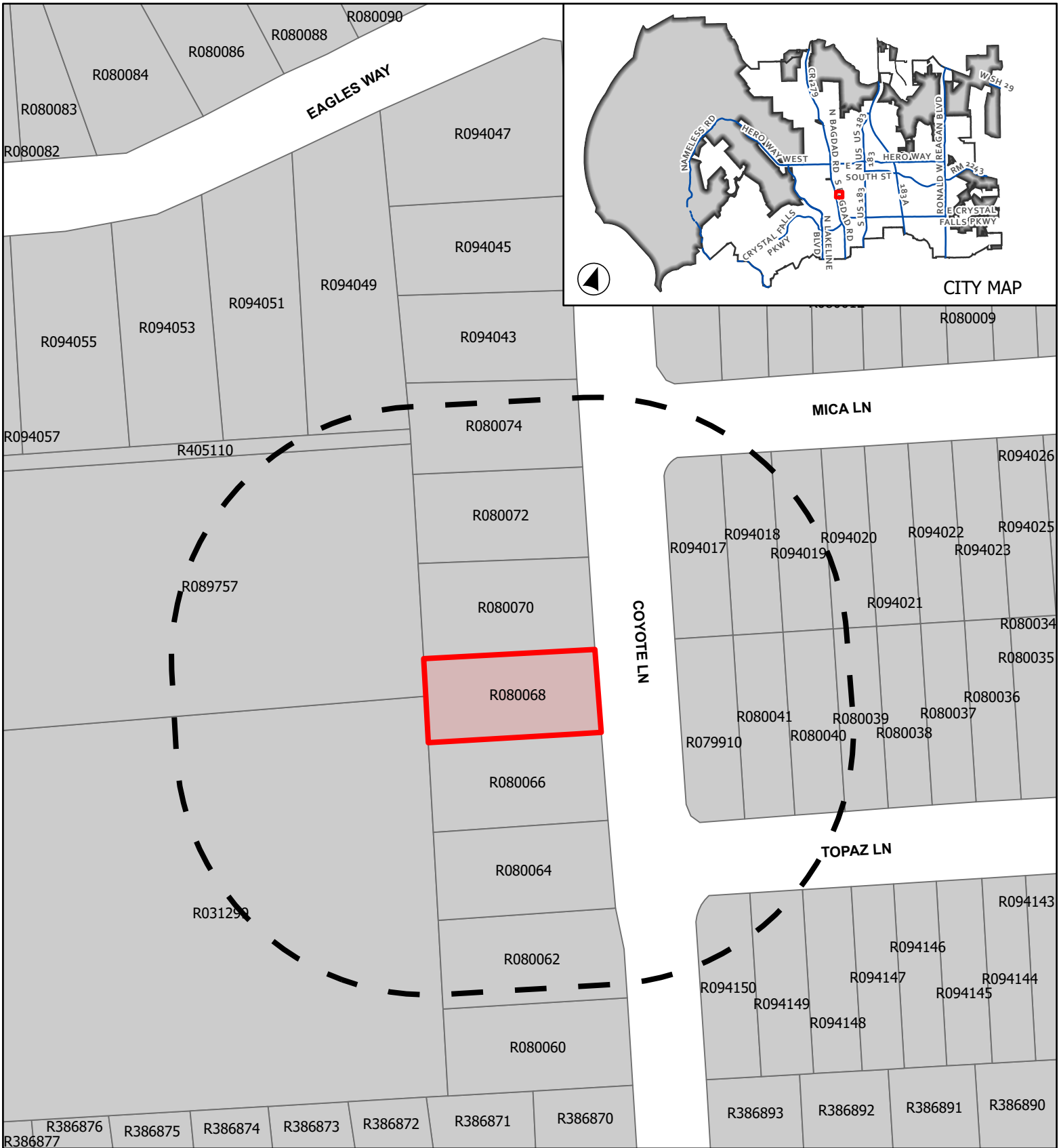
Current Zoning

-  Leander City Limits
-  ETJ
-  Subject Area

-  SFU - Single-Family Urban
-  SFL - Single-Family Limited



This map has been produced by the City of Leander for informational purposes only. No warranty is made by the City regarding completeness or accuracy. This data should not be construed as a legal description or survey instrument. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.



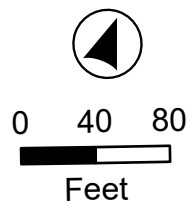
CASE: 22-VA-005





ATTACHMENT 4

ACST SIX
BRAVO LLC

Public Notification

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-  200' Buffer
-  Leander City Limits
-  ETJ
-  Site Location

CITY OF LEANDER
BOARD OF ADJUSTMENT MEETING
September 22, 2020

Agenda Item Number: _____

Property: Mason Creek North Section 1 Lot 14 Request: Accessory Structure

Address: 825 Coyote Ln

Description of Variance Request: A variance request from the Composite Zoning Ordinance Article IV, Section 5 (e) (2) to allow the unenclosed canopy to be located in the front of the main building, Article VI, Section 6 (f) (11) (ii) to allow for reduced garage setbacks, and Article VI, Section 6 (a) to allow for a reduced setback for SFL zoned lots.

NOW COMES the Board of Adjustment for the City of Leander, having heard the request of Tara C. Crow & Keith A. Marsh to be granted a variance from Article IV, Section 5 (e) (2), Article VI, Section 6 (f) (11) (ii), and Article VI, Section 6 (a) of the Composite Zoning Ordinance of the City concerning the property described above. The application for a variance dated June 21, 2022 was presented to the Board on October 11, 2022. The Board having given the applicant, interested parties and the City representatives an opportunity to present arguments and evidence at a public hearing makes the following findings:

1. The request is consistent with the general purpose and spirit of the ordinance and the variance furthers substantial justice. [Yes] / [No]
2. This case was heard by at least 75% of the members of the Board of Adjustment. [Yes] / [No]
3. The request for a spacing variance meets the following conditions:
 - a. There are unusual and practical difficulties or unnecessary hardship in the carrying out of the usual setback provisions of the ordinance due to an irregular shape of the lot, topography or other conditions. [Yes] / [No]
 - b. The variance will not significantly affect any adjoining property or the general welfare. [Yes] / [No]
 - c. The variance will not be contrary to the public interest. [Yes] / [No]
 - d. The request for a variance is owing to a special condition inherent in the property itself, which is not self-imposed or self-created. [Yes] / [No]
 - e. Literal enforcement of the provisions of the applicable Ordinance will result in unnecessary hardship. [Yes] / [No]

The specific facts that the Board finds to support the findings are:

Motion: _____ By: _____

Second By: _____

	In Favor	Opposed
Vote: <u>Board Member Debner</u>	_____	_____
<u>Board Member Warrick</u>	_____	_____
<u>Board Member Roussel-Methena</u>	_____	_____
<u>Board Member Camacho, Chair</u>	_____	_____
<u>Board Member Winslow</u>	_____	_____

Based on the foregoing facts and findings, the Board has determined that the variance requested by applicant should be [Denied], or should be [Granted] / with the conditions stated below.

Conditions of variance to alleviate potential negative effects:

Signed this _____ day of _____, _____.

Board of Adjustment, Chair

Name: _____



EXECUTIVE SUMMARY
10/11/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Board of Adjustment Case 22-VA-007 to request a variance to the Composite Zoning Ordinance, Article VI, Section 6 (a) to allow for the reduction of the setbacks for a building expansion on one (1) lot, approximately 1.8747 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031746; and more commonly known as 604 Crystal Falls Pkwy, Leander, Williamson County, Texas.

- Discuss and consider action regarding Board of Adjustment Case 22-VA-007 as described above.

BACKGROUND:

The applicant is requesting variance from the Composite Zoning Ordinance to reduce the side setback requirement to accommodate an expansion of an existing business. The ordinance provides the Board of Adjustment with the power to evaluate and approve variance requests. During this review, the Board needs to evaluate the findings of fact to determine if the variance may be approved.

The adjacent property that fronts on to Crystal Falls Pkwy is zoned GC-3-C (General Commercial) and does not require the additional setback area, the remaining adjacent property is part of a developed large lot single-family neighborhood. The ordinance includes a fifty (50') foot setback between the current dental office and the adjacent residential property. This ordinance was amended after the construction of the office to increase to fifty (50') feet. The applicant has requested to reduce the setback to ten (10') feet. The attached exhibit shows the proposed expansion and impacts on the setback area.

APPLICANT/AGENT:

HM General Contractors (Samuel Neal & Daniela Ruiz) on behalf of McCormick Dental Group, PA (Roy McCormick)

RECOMMENDATION:

Staff recommends approval of this variance request. The property was developed prior to the current ordinance requirements regarding setbacks. The new setbacks cause a hardship on the expansion of the development since it is a legal non-conforming use.

PRESENTER:

Justin Hunt, Planner

Attachments

1. Letter of Intent
2. Current Zoning
3. Aerial Map
4. Public Notice Map
5. Findings of Fact

City of Leander
Planning/ Zoning Department
Pat Bryson Municipal Hall
201 N. Brushy Street
Leander, Texas 78641



Letter of Intent for Zoning Variance

06/28/2022

Dear Board of Adjustment,

This is a letter of intent to request a variance on the 50' special setback requirement per Composite Zoning Ordinance – Article VI, Section 6 (a)

Leander Dental Care located at 604 Crystal Falls Pkwy is Zoned General Commercial Use (GC) and is adjacent to (SFR) Residential- Single Family- Rural and we would like to respectfully request the special setback be reduced to 10'.

The granting of this proposed reduction of the setback requirement would allow the property owner to expand their current dental office in response to the community's growing needs without having to meet unnecessary hardship due to topographic restrictions.

Currently, the existing building does not meet the 50' setback now required by the per Composite Zoning Ordinance and is not built of 100% masonry. We believe that expanding into the set back and building the addition out of non-combustible materials the building will positively benefit all property owners.

The proposed addition of the building would infringe on the setback required by Article VI, Section 6 (a) but the addition would be built approximately 135'+ away from the nearest residence of County Glen Section 5 subdivision (Tax Parcel: R097506). The Dollar Tree, which is on the east property line of Leander Dental Care, also does not meet the 50' special setback. The Dollar Tree is approximately 30' away from the County Glen Section 5 subdivision tract perimeter and is built only 91' away from the nearest residence (Tax Parcel: R097510). Please see map labeled 'Distance from residences' for reference.

What is perhaps the most relevant here, and what we ask the board to consider, is granting this variance will allow the property owner to expand the building onto the existing paved area thus enabling us to preserve existing landscaping and trees, with very minimal increase of imperious cover.

We would also request a variance on City Ordinance Chapter III, Section 3.03.041(b)(1) which requires a fire sprinkler system approved by the National Fire Protection Agency to be installed in any commercial building that is 6,000 square feet or greater. Our proposed addition will bring the building Gross Floor Area to 6191 square feet and the Gross Living Area to 5885 square feet. The ordinance is unclear on whether the 6000 square feet is GFA or GLA. Additionally, the 2015 IBC requires buildings of similar occupancy to install sprinkler systems at 12,000 square feet.

We would also separate the existing building and the proposed addition with a by fire wall constructed in accordance with Section 706 and construct the addition of 100% masonry.

IBC 2015 Section 706.1 Each portion of a building separated by one or more fire walls that comply with the provisions of this section shall be considered separate building.

IBC 2015 Section 901.7 - Fire areas. Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire walls constructed in accordance with Section 706, fire barriers constructed in accordance with Section 707

The proposed project would be an improvement to the neighborhood and result in an overall increase in property value created by the improvement. The style and structure were also designed in a way that would be in character with the surrounding buildings along Crystal Falls Parkway.

The granting of the variance would not have a negative effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good. The applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner.

[Thank you for your time and consideration on this matter,](#)




Dr. Roy McCormick

Leander Dental Care
604 Crystal Falls Pkwy
Leander, TX 78641
512-260-0111
Mail4drmccormick@yahoo.com
Leanderdental.com

Samuel Neal

HM General Contractors
1674 W. Sam Houston Pkwy N.
Houston, TX 77043
713-947-6548
Sneal@HMgeneralcontractors.com
HMgeneralcontractors.com



- Legend**
-  County Boundary
 -  Subdivision
 -  Tax Parcel

DISTANCE FROM RESIDENCES

Web Print: 06/28/2022



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



Crystal Falls Parkway

Benchmark set in power pole, elev.= 1,045.3' (NAVD88)

tele. riser

power pole

FIR

ON CURB

FIR

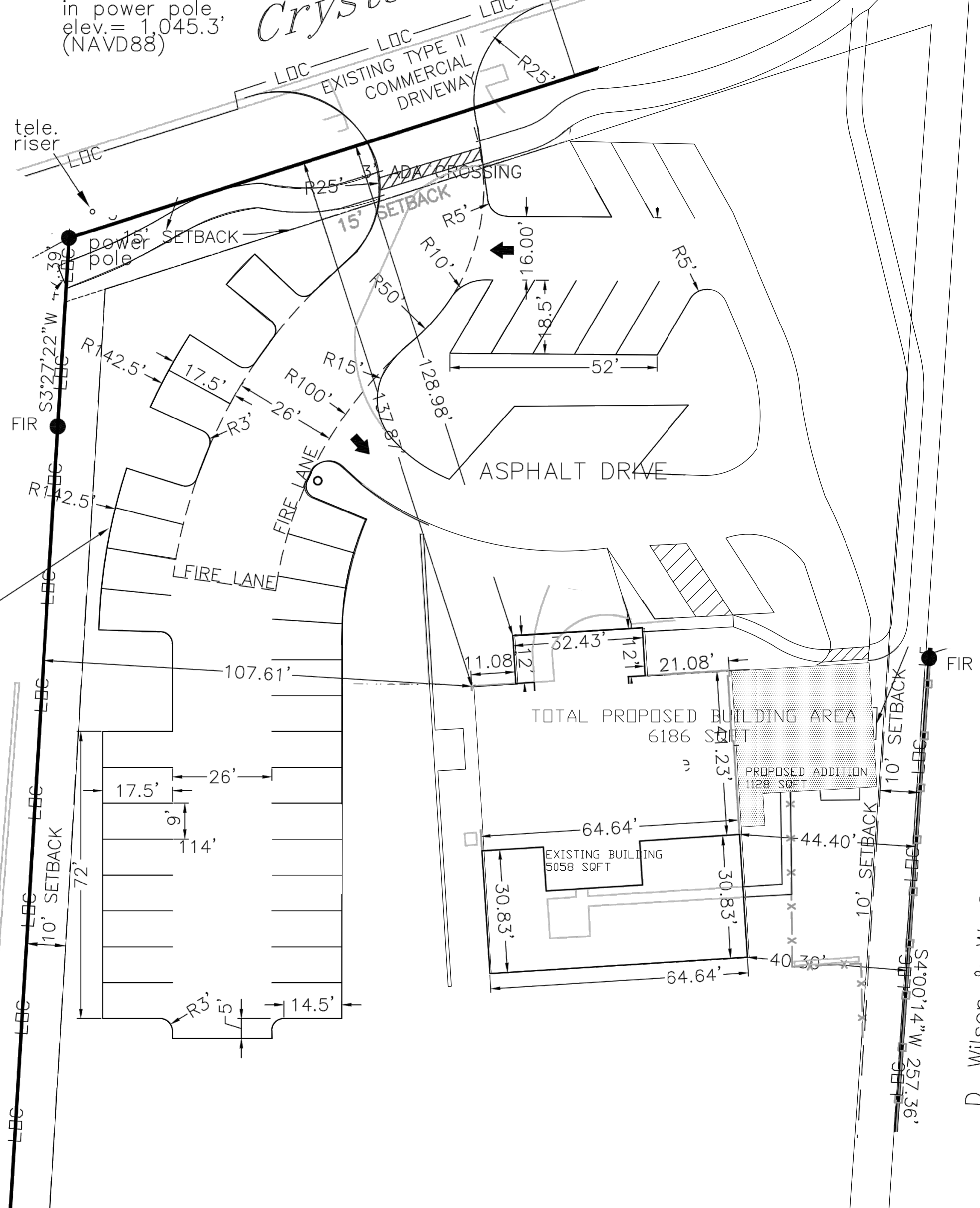
FIR

FIR

FIR

FIR

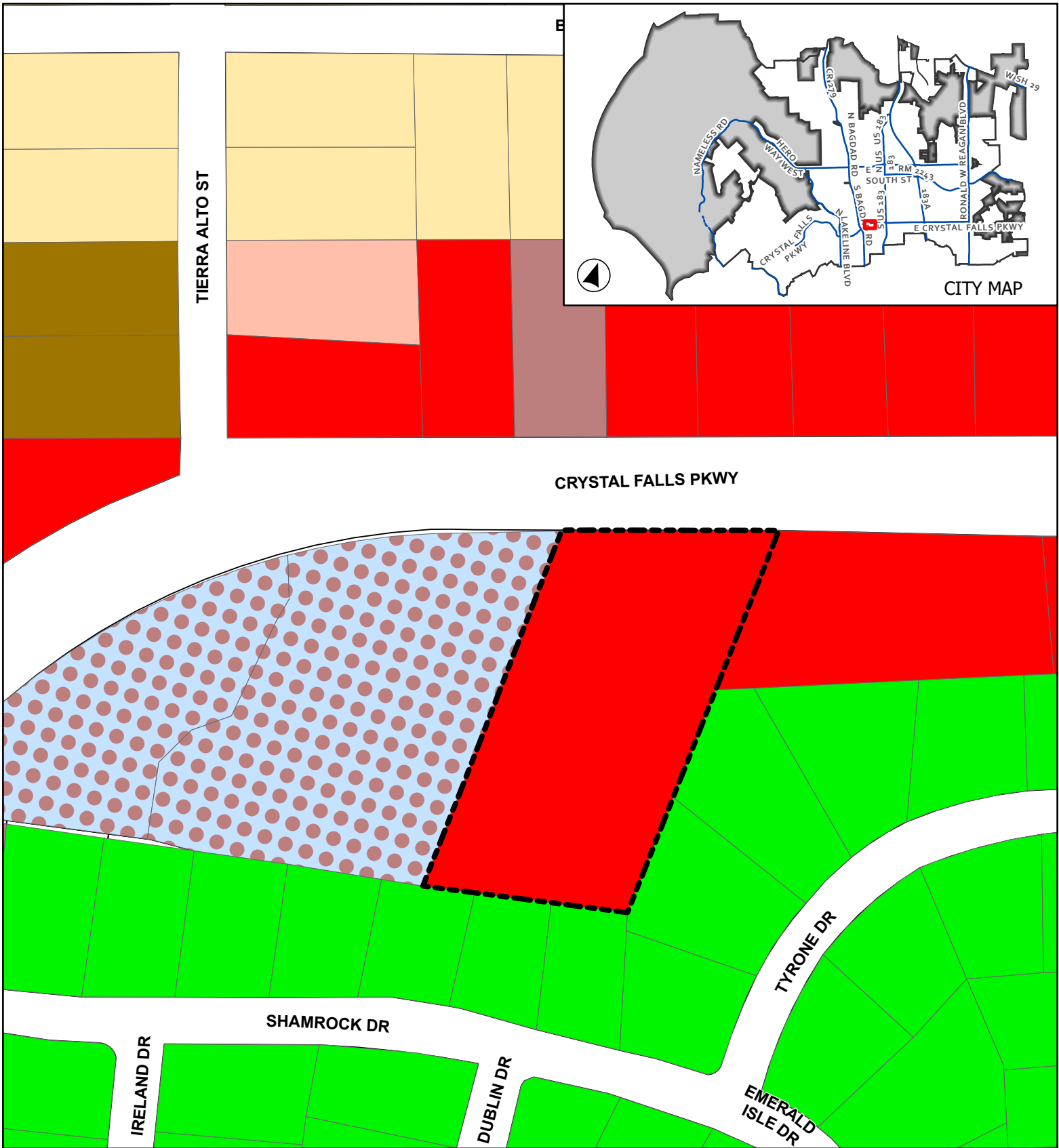
Oaks On Crystal Falls Dev. Co. LP doc# 2006058861



2.1158 Acres

1 SITE PLAN
1/16"=1'-0"

D. Wilson & W. Crawley
doc# 2013031836



CASE: 22-VA-007

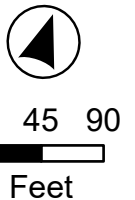
ATTACHMENT 2

LEANDER DENTAL CARE

Current Zoning

- Leander City Limits
- ETJ
- Subject Area
- SFE - Single-Family Estate
- SFU/MH - Single-Family Urban/Manufactured Home

- TF - Two Family
- LO - Local Office
- LC - Local Commercial
- GC - General Commercial
- PUD - Local Commercial



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CASE: 22-VA-007

ATTACHMENT 3

LEANDER
DENTAL CARE

Aerial Map




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0 50 100



Feet

-  Leander City Limits
-  Leander ETJ
-  Subject Area

CITY OF LEANDER
BOARD OF ADJUSTMENT MEETING
September 22, 2020

Agenda Item Number: _____

Property: Leander Dental Care Request: Setback Reduction

Address: 604 Crystal Falls Pkwy

Description of Variance Request: A variance request from the Composite Zoning Ordinance Article VI, Section 6, (a) to reduce the fifty (50') foot setback requirement from residential to ten (10') for the proposed 1,128 square foot building expansion.

NOW COMES the Board of Adjustment for the City of Leander, having heard the request of McCormick Dental Group PA (Roy McCormick) to be granted a variance from Article VI, Section 6, (a), of the Composite Zoning of the City concerning the property described above. The application for a variance dated July 28, 2022 was presented to the Board on October 11, 2022. The Board having given the applicant, interested parties and the City representatives an opportunity to present arguments and evidence at a public hearing makes the following findings:

1. The request is consistent with the general purpose and spirit of the ordinance and the variance furthers substantial justice. [Yes] / [No]
2. This case was heard by at least 75% of the members of the Board of Adjustment. [Yes] / [No]
3. The request for a spacing variance meets the following conditions:
 - a. There are unusual and practical difficulties or unnecessary hardship in the carrying out of the usual setback provisions of the ordinance due to an irregular shape of the lot, topography or other conditions. [Yes] / [No]
 - b. The variance will not significantly affect any adjoining property or the general welfare. [Yes] / [No]
 - c. The variance will not be contrary to the public interest. [Yes] / [No]
 - d. The request for a variance is owing to a special condition inherent in the property itself, which is not self-imposed or self-created. [Yes] / [No]
 - e. Literal enforcement of the provisions of the applicable Ordinance will result in unnecessary hardship. [Yes] / [No]

The specific facts that the Board finds to support the findings are:

Motion: _____ By: _____

Second By: _____

	In Favor	Opposed
Vote: <u>Board Member Debner</u>	_____	_____
<u>Board Member Warrick</u>	_____	_____
<u>Board Member Roussel-Methena</u>	_____	_____
<u>Board Member Camacho, Chair</u>	_____	_____
<u>Board Member Winslow</u>	_____	_____

Based on the foregoing facts and findings, the Board has determined that the variance requested by applicant should be [Denied], or should be [Granted] / with the conditions stated below.

Conditions of variance to alleviate potential negative effects:

Signed this _____ day of _____, _____.

Board of Adjustment, Chair

Name: _____