



MEETING MINUTES

Date and Time: August 15, 2019 at 5:15pm

MEMBERS PRESENT:

Gail Hoad
Mary Anne Wyatt
Brian Rokyta
Jill Trevino
Michael Atkinson

MEMBERS ABSENT:

B J Davis
James Johnson
John Hyak
Julia Welder

STAFF PRESENT:

Development Services:

Julie Fulgham, Director of Development Services
Rick Madrid, Asst. Director of Development Services
Chris Nelson, Planner
Alina Phillips, Planning Manager
Lila Foster, Planning Technician

City Manager's Office:

Jesús A. Garza, City Manager

City Attorney's Office:

Allison Lacey Assistant City Attorney

A: CALL TO ORDER

Chair Wyatt called the August 15, 2019, Regular Meeting to order at 5:15pm.

B: CITIZEN COMMUNICATION

Chair Wyatt asked if any citizen wished to address the Commission on issues not specifically listed on the Agenda. No citizen approached the Commission.

C: DEVELOPMENT REVIEWS/FORMAL ACTION

1. Variance for 112 Myra Lane.

Request for Variance approval for 112 Myra Lane, being Lot Number Thirteen (13), in Block Number Two (2), of Koinonia Victoria Subdivision, Phase II, an addition to the City of Victoria, Victoria County, Texas. Teresa Tijerina (Owner); Peter Rojas, M.D. (Agent).

a. Staff Report - presented by Julie Fulgham, Director

The subject property is located on Myra Lane and is specifically addressed as 112 Myra Lane. The property is developed as a single-family residential home in an existing residential neighborhood. The applicant desires to install a carport in front of the house in order to preserve the value of their personal vehicle. The applicant is requesting a variance to Section 21-82 (A) (3), which requires a twenty-foot building setback for structures within single-family residential detached, urban subdivisions.

Staff recommends denial of the variance to allow an encroachment within the established front setback, finding it does not meet the criteria established in Section 21-16 for granting variances:

- 1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to surrounding property;
- 2) The granting of the variance is not based on a hardship which is self-imposed;
- 3) The hardship is not based solely on the cost of complying with the regulation;
- 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; and
- 5) There are special or unique circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the property.

The property is located on a street that has a continuous 20-foot established setback. The erection of this carport within the front setback diminishes open space, which is the intent of setbacks, and will interrupt the established building line on Myra Lane. Furthermore, the property has no unique circumstances or conditions which affect the land.

Commissioner Trevino asked if there was enough space between the house and the side building line to allow a driveway to the back. If this was the case, the carport could be placed there.

Director Fulgham stated she believed that there would be but, unfortunately, since this is such a new residence, the current aerial photos do not show the home, and information is lacking to make that determination.

b. Public Hearing

Mike Duron 108 Myra Lane

Mr. Duron stated that he had recently moved into his home at 108 Myra Lane, and that he was present to support the variance. He stated that carports would allow him to enjoy his front yard as much as he does his home and provide them a way to have shade. He stated that it will be some time before the trees are large enough to provide shade to the yard. Furthermore, it would help to protect their vehicles.

When asked by Commissioner Wyatt how the neighbors feel about carports, he stated that he believed several of his neighbors would be interested in having their own carports and felt that his neighbors would be willing to meet and discuss the design criteria with Habitat for Humanity.

Commissioner Wyatt questioned staff; if they granted this variance, could they place conditions on it, and any future variances, to assure the carports adhere to the development standards of the homes, thereby keeping the neighborhood looking as nice as it does currently?

Director Fulgham stated that they could place conditions that any encroachment to the front building line would be tied into the roofline of the house and be in the same

architectural style as the house. Alternatively, staff could reach out to Habitat for Humanity and see if they are interested in submitting a replat for the entire street. This would include going through the variance process to reduce the building line for the entire subdivision on Myra Lane and tying those standards together or working with them to update their deed restrictions.

Commissioner Wyatt stated she agreed that was a good direction to go to keep the neighborhood orderly yet make it your own.

In response to Commissioner Trevino's question concerning the safety issues of putting buildings in the setback, Director Fulgham said that there were several ways to address any safety concerns within the building codes.

Commissioner Hoad stated she liked the idea of working with Habitat for Humanity to get something street-wide, allowing all the neighbors to participate in the design aspect.

c. Variance Deliberations and Action

A motion to accept the variance, with the condition that the carport be tied into the roof line and be in the same architectural style as the house was made by Commissioner Hoad and seconded by Commissioner Trevino. The motion passed four to one:

Ayes: Commissioners Hoad, Trevino, Wyatt, and Atkinson

Nay: Rokyta

2. Variance for Capstone Estates Phase III Section II Block 4 Lot 10 Replat

Request for Variance approval for Capstone Estates, Phase III, Section II, Block 4, Lot 10 Replat, Victoria Resub. Lot 2R Block 69. Brian Ferguson (Owner), CivilCorp, LLC (Agent).

a. Staff Report presented by Chris Nelson, Planner

The subject property is located at the northeast corner of Christopher Way and Dayspring Drive and is specifically addressed as 499 Dayspring Drive. The applicant desires to replat Lot 10 within Block 4 of the Capstone Estates, Phase III, Section II subdivision with 4 acres adjacent to Lot 10 under the same ownership, to create one large 5-acre single-family residential lot. The replat requires extension of public utilities as outlined within Section 21-58 (D) and Section 21-59 (D) of the Subdivision Ordinance, which requires the extension of public water and wastewater lines in rural subdivisions where public water and sewer are available within one mile of the tract. The applicant is requesting a variance to this requirement in order to replat these two tracts into a single residential lot.

Staff recommends approval of the variance to not extend public utilities to allow this replat finding that additional water well and septic systems are not necessary for the development of this tract into a larger single-family residential tract. The existing Lot 10 within Block 4 of the Capstone Estate Subdivisiion, Phase II, Section II already can be developed with a water well and septic system and allowing approval of the replat to combine the adjacent 4 acres into Lot 10 does not create a disorderly development pattern in the area.

b. Public Hearing – No one came forward to address the Commission.

c. Variance Deliberations and Action

A motion was made, by Commissioner Trevino, to accept the variance. The motion was

seconded by Commissioner Atkinson. The motion passed unanimously.

D: CONSENT AGENDA

[All consent agenda items listed are considered routine by the Planning Commission and will be enacted by one motion. There will be no sperate discussion of these items unless a Members so requests, in which event the item will be removed from the consent agenda and considered after the remainder of the consent agenda.]

1. Meeting minutes from the July 18, 2019 Regular Meeting

2. Final Plat for The Ranches at Terra Vista Subdivision, Phase II

Request for a final plat of 10.576 acres situated in the Jose L. Carbajal Grant, Abstract 12, Victoria County, Texas and located at the end of Terra Vista Ranch Road and adjacent to Bianchi Drive. Landmark Residential Holdings (Owner), Urban Engineering (Agent).

A motion to accept the consent agenda was made by Commissioner Hoad and seconded by Commissioner Rokyta. The motion passed unanimously.

E: OTHER BUSINESS

1. Development Services Monthly Development Report
The Monthly Development Report was presented by Chris Nelson.
2. Director Fulgham introduced the new City Manager, Mr. Jesús Garza to the Commission.

F: ITEMS FROM PLANNING COMMISSIONERS

Chairman Wyatt stated that Commissioner Davis has resigned from the Planning Commission.

G: ADJOURNMENT

Chairman Wyatt adjourned the meeting at 5:37pm.

APPROVED: _____
Mary Anne Wyatt, Chairperson
Victoria Planning Commission

APPROVED: _____
James Johnson, Secretary
Victoria Planning Commission