



City of Hutto

Agenda

Zoning Hearing Board

Tuesday, October 25, 2022 at 7:00 PM

Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. AGENDA ITEMS

- 4.1. Consideration and possible action on the meeting minutes from the regular scheduled Zoning Board of Adjustments Commission meeting held on July 26, 2022.
- 4.2. Consideration of a public hearing and possible action regarding variance requests for the property located at 106 Fistril Drive to permit an increase in the rear fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10/408.4 Permitted Fences, walls and hedges.
- 4.3. Consideration of a public hearing and possible action regarding variance requests for the property located at 310 Luna Vista Drive to permit an increase in the fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10.408.4 Permitted Fences, walls and hedges.

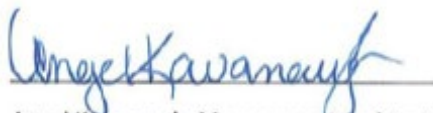
5. DEVELOPMENT SERVICES DIRECTOR REPORT

6. ADJOURNMENT

7. CERTIFICATION

I certify that this notice of the October 25, 2022 Hutto Zoning Hearing Board meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on October 18, 2022 at 5:00 P.M.




Angel Kavanaugh, Management Assistant

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at City.Secretary@huttotx.gov or call (512) 759-4033 for assistance.

AGENDA ITEM REPORT

4.1.



To: Zoning Board of Adjustment
Subject: Consideration and possible action on the meeting minutes from the regular scheduled Zoning Board of Adjustments Commission meeting held on July 26, 2022.
Meeting: Tuesday, October 25, 2022
Department: Development Services
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. Zoning Board of Adjustments minutes 7.26.2022



City of Hutto

Minutes

Zoning Hearing Board

Tuesday, July 26, 2022 at 7:00 PM

City Council Chambers

1. CALL SESSION TO ORDER

The meeting was called to order at 7:00 pm.

2. ROLL CALL

Members of the Zoning Board of Adjustments in attendance were: Ray Alba, Robert Balcer, Bryan Lee, Norman Delay, Alt Rick Hudson and Anthony DeFrancis.

Members of the City of Hutto staff in attendance were: Ashley Lumpkin, Development Services Director, Autumn Speer, Planning Manager and Angel Kavanaugh, Management Assistant

3. PUBLIC COMMENT

No Public Comment

4. AGENDA ITEMS

- 4.1. Consideration and possible action on the meeting minutes from the regular scheduled Zoning Board of Adjustments Commission meeting held on February 22, 2022.

Commissioner Ray Alba made a motion to accept the meeting minutes from the regular scheduled Zoning Board of Adjustments Commission meeting held on February 22, 2022 as written, seconded by Commissioner Anthony DeFrancis. Motion passed 6 Ayes to 0 Nays.

- 4.2. Consideration of a public hearing and possible action regarding variance requests for the property located at 507 Morning Dove to permit a decrease in rear yard setback accessory building less than 5' (10.403.4.2) and an increase for cumulative gross floor area of all accessory structures more than 25% of the yard where they are located. (10.403.4.2) The variances are required to bring the lot into legal compliance.

Staff presented the applicants request for a variance for the property located at 507 Morning Dove to permit a decrease in rear yard setback accessory building less than 5' (10.403.4.2) and an increase for cumulative gross floor area of all accessory structures more than 25% of the yard where they are located. (10.403.4.2) The variances are required to bring the lot into legal compliance.

Discussion ensued between staff and commissioners.

Commissioner Bryan Lee made a motion to accept the variance requests for the property located at 507 Morning Dove to permit a decrease in rear yard setback accessory building less than 5' (10.403.4.2) and an increase for cumulative gross floor area of all accessory structures more than 25% of the yard where they are located. (10.403.4.2) The variances are required to bring the lot into legal compliance by going through the permit process, paying past due fees and inspections., seconded by Robert Balcer. Motion failed 4 Nays to 2 Ayes.

5. DEVELOPMENT SERVICES DIRECTOR REPORT

Ashley Bailey updated that we hope to have some ZBA training available soon, and we will vote for the Chair and Vice Chair once we have all members of the commission.

6. ADJOURNMENT

The meeting was adjourned at 7:23 PM.

7. CERTIFICATION

I certify that this notice of the July 26, 2022 Hutto Zoning Hearing Board meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on July 22, 2022 at 5:00 P.M.

Zoning Board of Adjustments Chair

AGENDA ITEM REPORT

4.2.



To: Zoning Board of Adjustment

Subject: Consideration of a public hearing and possible action regarding variance requests for the property located at 106 Fistril Drive to permit an increase in the rear fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10/408.4 Permitted Fences, walls and hedges.

Meeting: Tuesday, October 25, 2022

Department: Development Services

Staff Contact: John Byrum

BACKGROUND INFORMATION:

The home at 106 Fistril Drive was constructed in 2006 and is Lot 7, Block C of Park at Brushy Creek Phase 1. The property is zoned SF-1 (single household medium density). The property is on a local street and backs up to an adjacent single family.

Section 10.408.4 (Permitted fences, walls and hedges) of the Unified Development Code calls for residential side and rear yard fence height to be no more than 6.0 feet (72 inches). The applicant is requesting a variance to have the side and rear yard fence height be 8.0 feet (96 inches), which is 2.0 feet higher than the maximum allowed height.

The request for a variance was submitted after notice was sent to the applicant by code enforcement about the violation of the fence height.

Neighbor Responses and Notification

17 notifications were sent out to property owners within 200' of this site. To date, staff has received no responses.

SUMMARY OF REQUEST:

STAFF REVIEW:

Variance Evaluation and Recommendation

The proposed request does not meet the variance approval criteria.

- There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels. False
- Strict application of this code deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation. False

AGENDA ITEM REPORT

4.2.



- The variance is in harmony with the spirit of this code and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site. False
- Conditions resulting in the request are not self-created by disregard or ignorance of this code. False
- The variance does not confer special privilege that this code does not permit on other lands, structures or buildings in the same zoning district. False
- The variance is the minimum necessary to grant relief. False

Based on the above findings, staff recommends denial of the proposed variance requests.

FINANCIAL IMPACT:

Not applicable

POLICY IMPLICATIONS:

Not applicable

ATTACHMENTS:

1. LOI
2. HOALtr
3. ApplicantFindings
4. Pictures

September 5, 2022

FENCE VARIANCE REQUEST

Hi there, I hope you are doing well, I'm asking for a 8' fence variance due to a letter I received from the city of Hutto saying I should request a fence variance which it really surprised me because I initially asked my HOA about replacing my fence with an 8' fence due to my new neighbor behind me right after he moved in, he installed a two story playground probably 12'-14' tall where his kids spend a lot of time which is fine but on the other hand we are some kind of quiet people so my family and I would like to have our own privacy like people who live next to a swimming pool just as an example, the other reason was because my new neighbor at my right side has a few cats that for some reason started climbing the fence causing damage to my old fence, basically removing old pickets from the fence which ended up making my backyard the neighbors pets their new home, so I totally understand animals don't know what they do so I thought about replacing my fence myself since none of my neighbors wanted to help with the cost, so I contact my HOA for the project, I asked them if I can replace it with an 8' fence and they told me I should submit a request to ACC which I did and got approval, basically I have been following the process I was told I should

I have been living here for about 15 years with great neighbors but unfortunately the fence got old and new neighbors came, one with a tall playground and another with a few cats that like climbing fences so basically not respecting the privacy of my family and I

I really appreciate you considering my request so we can have our own privacy. Thank you for your time

Respectfully

Santiago Gonzalez
106 Fistril Drive
Hutto, Tx 78634

(512) 791-0040

June 20, 2022

Patricia Sandoval
106 Fistral Drive
Hutto, TX 78634

RE: Home Improvement Request Approved

Dear Patricia Sandoval:

On behalf of the Architectural Control Committee for Park BC Homeowners Association, Inc., we would like to congratulate you on the approval on your fence replacement project at 8' in height at 106 Fistral Drive! Thank you for taking the time to properly document your improvement and seek approval. It is good neighbors like you that keep your community looking great!

Please be advised that your submitted request has been approved with the following conditions:

1. All design plans submitted within your approved request must be followed;
2. Any future maintenance of the improvement will be at the expense of the homeowner;
3. The improvement/installation and/or construction shall not affect drainage or water flow on this lot or neighboring lots;
4. The Homeowner is responsible for obtaining all City/County Permits that may apply to State Laws for the improvement.

Approval does not constitute the improvement being safe or sound; only that the improvement, as requested, is not prohibited by the restrictive covenants of the association.

Thank you for submitting your plans to the Architectural Control Committee, and congratulations on your new home improvement project!

Regards,

Andrew Hale
ACC Coordinator
arc@spectrumam.com

CRITERIA (FINDINGS) Response

1. There are not unique or unusual conditions that do not exist on adjacent parcels
2. The UDC deprives me of rights commonly enjoyed by other land in the area or land with similar zoning designations
3. The variance is in compliance with the UDC and the community, neighborhood, and other applicable land use and development plans, and will not adversely affect property near the subject site
4. The conditions are not self-created by disregard or ignorance of the UDC
5. The variance does not grant special privileges that the UDC does not permit on other lands, structures or buildings in the same zoning district
6. The variance is the minimum necessary to grant relief

Santiago Gonzalez
106 Fistril Drive
Hutto, Texas 78634













AGENDA ITEM REPORT

4.3.



To: Zoning Board of Adjustment

Subject: Consideration of a public hearing and possible action regarding variance requests for the property located at 310 Luna Vista Drive to permit an increase in the fence height to extend an additional two (2) feet beyond the code allowed six (6) feet for a total of eight (8) feet as outlined in Unified Development Code Section 10.408.4 Permitted Fences, walls and hedges.

Meeting: Tuesday, October 25, 2022

Department: Development Services

Staff Contact: John Byrum

BACKGROUND INFORMATION:

The home at 310 Luna Vista Drive was constructed in 2008 and is Lot 9, Block F of Creek Bend Section 6. The property is zoned SF-1 (single household medium density). The property is on a local street and backs up to an adjacent single family.

Section 10.408.4 (Permitted fences, walls and hedges) of the Unified Development Code calls for residential side and rear yard fence height to be no more than 6.0 feet (72 inches). The applicant is requesting a variance to have the side and rear yard fence height be 8.0 feet (96 inches), which is 2.0 feet higher than the maximum allowed height.

The request for a variance was submitted after notice was sent to the applicant by code enforcement about the violation of the fence height.

Neighbor Responses and Notification

34 notifications were sent out to property owners within 200' of this site. To date, we have received two notices, both opposing the variance request.

SUMMARY OF REQUEST:

STAFF REVIEW:

Variance Evaluation and Recommendation

The proposed request does not meet the variance approval criteria.

- There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels. False
- Strict application of this code deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation. False
- The variance is in harmony with the spirit of this code and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site. False
- Conditions resulting in the request are not self-created by disregard or ignorance of this code. False

AGENDA ITEM REPORT

4.3.



- The variance does not confer special privilege that this code does not permit on other lands, structures or buildings in the same zoning district. False
- The variance is the minimum necessary to grant relief. False

Based on the above findings, staff recommends denial of the proposed variance requests.

FINANCIAL IMPACT:

Not applicable

POLICY IMPLICATIONS:

Not applicable

ATTACHMENTS:

1. LOI
2. Joel Herrera Review Criteria Findings
3. 20220924_153632_HDR
4. 20220924_153852_HDR
5. 20220924_153900_HDR
6. 20220924_154142_HDR
7. 20220924_154151_HDR
8. 20220924_154201_HDR
9. response 1
10. response 2

September 26, 2022

DEVELOPMENT SERVICES STAFF

Variance Application for fence height

Contacts: John Byrum in variance department and Lea Ness in Court Administrator

I was sent a letter and then a fine for my fence being too high.
regulations state that the fence should be 6 ft high at the most. My property lies on a slope.
I made a fence that is in three parts.

the top section is 1 ft of 1" slats with 3" spaces in between topped with 1.5" wood.

the middle section is 4' 11" of sanded 6" cedar fence

the bottom section is a stone fence at 1" at the highest.

The overall appearance is a level fence on a slope, at 5'11" tall when close to the house, with
a 4' 11" obstructed view section. and 6' 11" tall with a 5' 11" obstructed view section
at the far point from the house. lowest part of the property. the highest section is strictly due to
my attempt to keep the fence level. I plan on filling in the back yard to make it level to the highest point.
From the inside dimensions the fence will 5' 11" high, at the highest.

The right side of the house has a temporary section of fence were a 9ft wide double door gate will be placed.
Following the same style as the left gate of 1ft high slats with a low arc.

Attached is the variance application as best of my ability to fill out. if any further needs please contact me at this
email address. ARTINION@YAHOO.COM. or my Cell Phone (409) 454-1097, or my wife's number (512) 939-3900

Thank you for your help
Joel M Herrera
409 454 1097

P.S. property address is 310 Luna Vista DR. Hutto. TX. 78634

10/13/22. Variance Request Application For Joel Herrera, 310 Luna Vista

DEVELOPMENT SERVICES STAFF

CARE OF: JOHN BYRUM, LEA NESS

SUBJECT: MISSING SECTION OF APPLICATION
(REVIEW CRITERIA (FINDINGS))

Below I will answer the Review Criteria FINDINGS in the same 1-6 format used in the application

1. The Unique condition on the property pertinent to the application is; The Slope on the property makes a level fence have a difference in height of 1-2ft. Causing a section of fence to be below 5ft in height.
2. Strict application of the UDC, will leave areas of the fence where neighbors can easily look over the privacy fence and my children under the age of 8yrs have a higher ability to climb the fence.
3. The variance is in harmony with the spirit of UDC, because I will level the land with in the back yard to follow the less than 6ft regulations. Outside the yard in areas that present as higher than 6ft, I have the top 1ft in slats to allow visibility for government officials that need to look into the yard. Also my fence is esthetically level and pleasing to the neighborhood appearance.
4. I did not disregard the UDC, I purposefully built my fence to be full 5'11" at the high part of the property to protect my family and at the low point of the property the obstructed view is only up to 5'11" with the slats adding the extra foot in height that keeps my fence level. Also from the inside measurement the height will only be 5'11" at the highest point.
5. The variance does not confer special privileges to my property. Multiple properties in the neighborhood and the surrounding area have doors and decorative features that

break the 6ft rule. The general assumption from the public is that the city does not want a property with a very high fence obstructing view and breaking the neighborhood esthetics.

6. The Variance is the minimum I need to allow my family to have both a safe and secure fence, while also presenting a pleasing looking fence that will add to both my property's and neighborhood's value.

Sincerely

Joel Herrera, 310 Luna Vista DR





8 ft

6 ft

4 ft









8 FT

6 FT

4 FT

From: [F. H.](#)
To: [Planning](#)
Subject: Increase rear fence height
Date: Monday, October 17, 2022 3:57:46 PM

Hello,

I am Flori Holt, the owner of 315 Luna Vista Dr property.

My opinion regarding the variance request for the property located at **310 Luna Vista Drive** to increase of the rear fence height is the following:

I personally believe that the increase in height of the fence will not be aesthetic unless the entire fence on all properties it will be increased by 2 feet from the first house until the last.

I live on the side of the street Luna Vista where the houses have odd numbers therefore we face the property in discussion.

Thank you.

Best regards,

Flori

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John Byrum

From: Shea Gordon <shea.gordon22@gmail.com>
Sent: Friday, October 14, 2022 2:10 PM
To: Planning
Subject: Formal Objection to Variance Request at 310 Luna Vista Drive, Hutto, TX

To Whom it May Concern,

We, Scott Simpson & Shea Gordon, residents of 117 Camellia Dr, Hutto, TX 78634, **formally object** to the proposed variance request at 310 Luna Vista Dr, Hutto, TX 78634. No case name was provided in the formal letter we received from the City of Hutto.

Hearing date for this variance request is October 25, 2022.

Please find our reasoning for this formal objection:

1. The fence will be an eye sore. The tallest fence in the creek bend neighborhood is 8ft. This fence will be double that height.
2. As the fence will be an eyesore, it will significantly and negatively affect the value of not just our home, but the homes surrounding it. Our property shares its back fence with 310 Luna Vista, and we will be on of the most impacted residents from this change.
3. It will present a safety risk. Hutto is prone to high winds as it does not have the hilly protection of central Austin. Last year, many Creek Bend residents, including us, lost their fences due to high winds. A fence the height of 16ft will experience far more stress from wind than the standard 6ft or 8ft fence.
4. It is a safety risk for their children. This family has 6 children under the age of 10 and they have taken to trying to climb the back fence to get into our yard and talk to us and pet our dogs. A 16ft fence will not mitigate a child's desire to climb and can result in grievous injury to the child as the children are frequently outside without supervision.
5. When this neighbor removed their previous fence, they failed to remove all the posts, leaving large wooden posts in our backyard. There is no assurance that this neighbor will properly dispose of the fence materials again.
6. Per the City of Hutto's Unified Development Code Section §10.408.4 – Fences and Walls, fences are not permitted to be more than 8ft tall as it is an LI/I residential zoned property. The request directly goes against the City of Hutto' own code.

Regards,
Scott Simpson & Shea Gordon
512-922-8299

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