



City of Hutto

Agenda

Zoning Board of Adjustments

Tuesday, April 23, 2024 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

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes. Any citizen wishing to speak during public comment may do so after completing the required registration form. Written comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on April 23, 2024. The email must include name, address, phone # and email to be recognized properly. Written comments will be provided to Council.

4. AGENDA ITEMS

- 4.1. Consideration and possible action on the meeting minutes from the regular scheduled Zoning Board of Adjustment Commission meeting held on January 23, 2024.
- 4.2. Conduct a public hearing and possible action regarding a variance request for the property located at 401 East Street from the requirements, as outlined in Chapter 10, Section 10.1003.3.1 of the Unified Development Code (UDC), to allow a reduction of the side lot building setback for an accessory building in the OT-3 zoning district.

5. ADJOURNMENT

6. CERTIFICATION

I certify that this notice of the April 23, 2024 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 April 19, 2024 before 5:00 P.M.



Angel Kavanaugh

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@huttox.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 Adjustment Commission meeting held on January 23, 2024.
Meeting: Tuesday, April 23, 2024
Department: Development Services
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FISCAL NOTES:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. Zoning Board of Adjustments 1.23.2024



City of Hutto

Minutes

Zoning Board of Adjustments

Tuesday, January 23, 2024 at 7:00 PM

City Council Chambers

1. CALL SESSION TO ORDER

The meeting was called to order at 7:12 PM

2. ROLL CALL

3. PUBLIC COMMENT

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes. Any citizen wishing to speak during public comment may do so after completing the required registration form. Written comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on January 23, 2024. The email must include name, address, phone # and email to be recognized properly. Written comments will be provided to Council.

No Public Comment

4. AGENDA ITEMS

- 4.1. Consideration and possible action on the appointing of the Zoning Board of Adjustment Chair position.

Commissioner Norman Delay made a motion to nominate Commissioner Ed Pride as Zoning Board of Adjustment Chair, seconded by Commissioner Ray Alba. Motion passed 5 Ayes to 0 Nays.

- 4.2. Consideration and possible action of the appointing of the Zoning Board of Adjustment Vice Chair position.

Commissioner Ed Pride made a motion to nominate Ray Alba as Zoning Board of Adjustment Vice Chair, seconded by Commissioner Norman Delay. Motion passed 5 Ayes to 0 Nays

- 4.3. Consideration and possible action on the meeting minutes from the regular scheduled Zoning Board of Adjustment Commission meeting held on October 24, 2023

A motion was made by Commissioner Norman Delay to approve the meeting minutes from the regular scheduled Zoning Board of Adjustment Commission meeting held on October 24, 2023 as written, seconded by Chair Ed Pride. Motion passed 5 Ayes to 0 Nays.

- 4.4. Consideration of a public hearing and possible action regarding a variance request for the property located at 2725 Limmer Loop from the requirements as outlined in Chapter 10, Section 10.307.6.3 of the Unified Development Code (UDC), to allow a car wash closer than the minimum 50-foot distance from a residential zoning district boundary.

Public Hearing ?

A motion was made by Commissioner Norman Delay to deny variance request for the property located at 2725 Limmer Loop from the requirements as outlined in Chapter 10, Section 10.307.6.3 of the Unified Development Code (UDC), to allow a car wash closer than the minimum 50-foot distance from a residential zoning district boundary as presented by staff, Seconded by Commissioner Susanne Caulfield. Motion to deny passed 5 Ayes to 0 Nays

5. **DEVELOPMENT SERVICES DIRECTOR REPORT**

No comments

6. **ADJOURNMENT**

The Meeting was adjourned at 7:48 PM

7. **CERTIFICATION**

I certify that this notice of the January 23, 2024 Hutto Zoning Board of Adjustment meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on January 18, 2024 before 5:00 P.M.

Zoning Board of Adjustment Chair

AGENDA ITEM REPORT

4.2.



To: Zoning Board of Adjustment
Subject: Conduct a public hearing and possible action regarding a variance request for the property located at 401 East Street from the requirements, as outlined in Chapter 10, Section 10.1003.3.1 of the Unified Development Code (UDC), to allow a reduction of the side lot building setback for an accessory building in the OT-3 zoning district.
Meeting: Tuesday, April 23, 2024
Department: Development Services
Staff Contact: John Byrum

BACKGROUND INFORMATION:

The property located at 401 East Street is a part of the Railroad Addition, Block 14, Lots 6 and 7, and is approximately 0.41 acres. The property is currently zoned OT-3 (Residential) and is located within the Historic Overlay District. The main structure was originally built in 1949 with the original accessory structure built sometime after. The original accessory structure has since been removed as the structure was in a state of disrepair.

The applicant received a Certificate of Appropriateness (COA) for the site in June of 2023 to allow for exterior changes to the main structure along with replacement of the garage and pavement work. However, the COA did not include survey work, so when building permits were submitted for the accessory structure (garage), it was determined that the structure and pavement work for the driveway would not meet the setback requirements as stated in Section 10.1003.3.1 of the Unified Development Code.

Section 10.1003.3.1 (Building Form Standards) lists the setbacks for accessory buildings in the OT-3 zoning district as follows:

- Front Setback: 20 ft. min. + building setback
- Side Setback: 5 ft. or 6 ft. at corner
- Rear Setback: 3 ft. min.

SUMMARY OF REQUEST:

The applicant is intending to build a detached garage in the same location as the prior garage, along with updating the existing driveway with pavement. The home, garage, and the driveway were in existence before the current code existed, which likely resulted in the encroachment on the side setback for accessory structures.

Section 10.1003.3.1 of the Unified Development Code requires the side setback for the accessory structures in the OT-3 zoning district to be 5 feet. As presented, the applicant will encroach on the

AGENDA ITEM REPORT

4.2.



side setback by using the same location as the previous accessory structure and driveway.

The applicant is requesting the variance from the Unified Development Code, Section 10.1003.3.1 to allow encroachment of the side setback for the accessory structure and the pavement for the driveway.

Variance Evaluation and Recommendation

The proposed request does meet the variance approval criteria.

- There are unique conditions peculiar to the parcel, such as an unusual shape that does not exist on adjacent parcels.
 - The structure was legally non-conforming, although it was in such a state of disrepair it needed to be replaced, and the applicant is requesting to replace in the same location. The driveway deteriorated over the years and, while once paved, was no longer fully paved by 2022. The request is to utilize the existing curb cut and apron to reconstruct the driveway where it has historically been located.
- 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.
 - As the prior structure was legally non-conforming, the new owner is requesting to utilize the same space for a reconstructed garage and driveway and bring back what had historically existing on the property for decades.
- 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.
 - The applicant would still like to use the same area for the detached garage and the existing driveway that was put in place before the current code.
- Conditions resulting in the request are not self-created by disregard or ignorance of this code.
 - The original detached garage was removed because it was in a state of disrepair and needed to be replaced. The applicant will use the existing driveway to access a rebuilt structure.
- The variance does not confer special privileges that this code does not permit on other lands, structures or buildings in the same zoning district.

AGENDA ITEM REPORT

4.2.



- The proposed garage would only allow for what was on site to be rebuilt in the same manner and in the same location, similar to other lots in the same district.
- The variance is the minimum necessary to grant relief.
 - The applicant is asking to use the prior location to construct a new detached garage that will match the existing house and utilize the existing driveway location. The home was recently updated and has met all the historic district requirements.

STAFF REVIEW:

Based on the findings, staff recommends approval of the proposed variance request. It should be noted that in the historic district, new structures require a Certificate of Appropriateness. The applicant has already gone through the process and has been issued the Certificate of Appropriateness.

Neighbor Responses and Notification

17 notifications were sent out to property owners within 200' of this site. To date, staff has received zero responses.

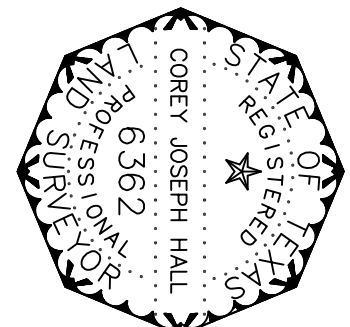
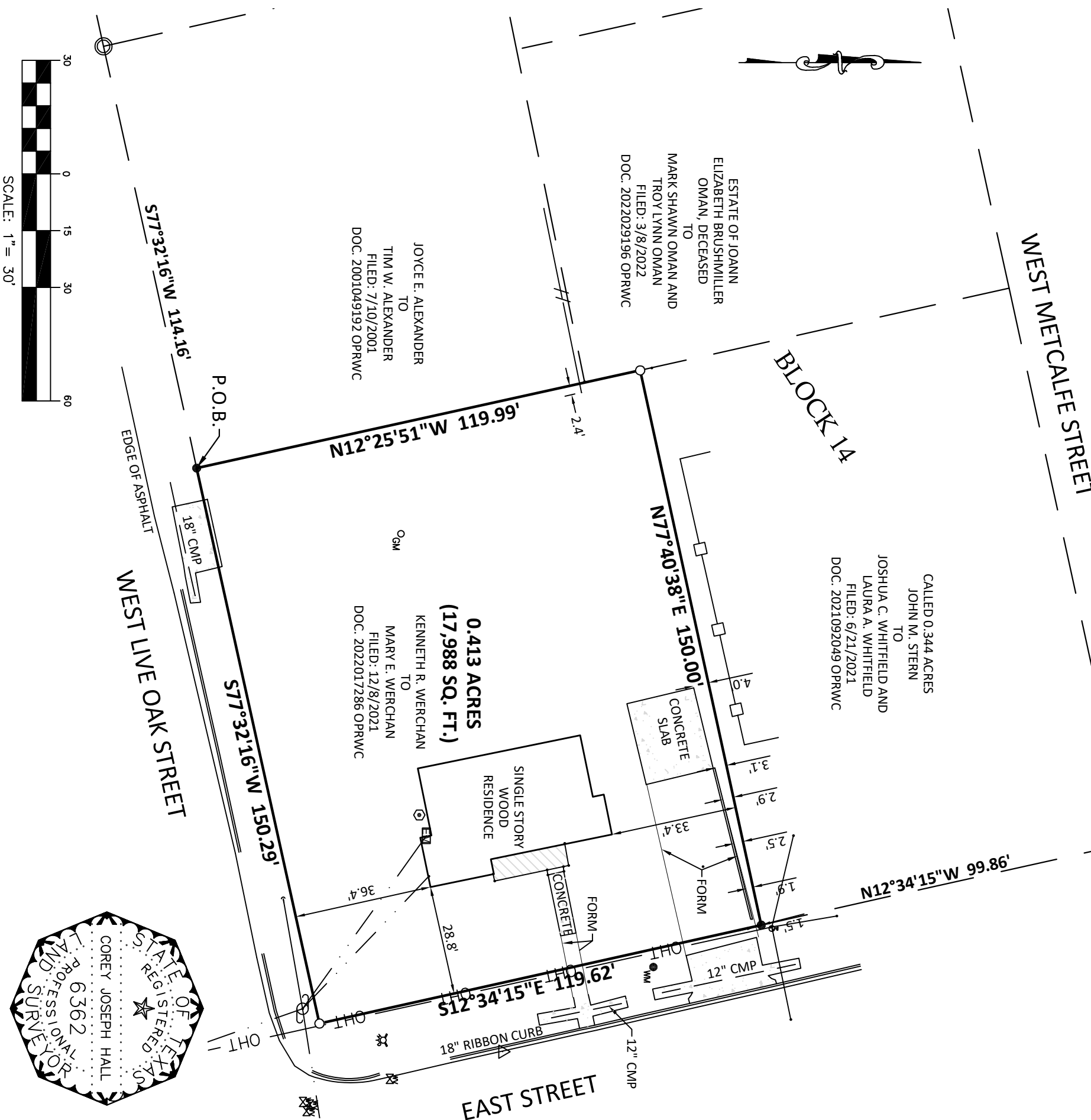
FISCAL NOTES:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. Updated Survey
2. Variance letter
3. 401 East St Zoning
4. 2022 401 East

BEING 0.413 ACRE (17,988 SQ. FT.) TRACT OF LAND BEING PART OF LOTS 6 & 7, BLOCK 14, OF RAILROAD ADDITION TO THE CITY OF HUTTO, IN WILLAMSON COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP OR PLAT RECORDED IN VOLUME 50, PAGE 251 OF THE DEED RECORDS OF WILLAMSON COUNTY, TEXAS.



LEGEND

- 5/8 INCH IRON PIPE FOUND
- 1/2 INCH IRON ROD FOUND
- 5/8 INCH IRON ROD SET
- CLEANOUT
- ELECTRIC METER
- FIRE HYDRANT
- GAS METER
- GUY ANCHOR
- POWER POLE
- TELEPHONE POLE
- WATER METER
- WATER VALVE
- WOOD FENCE
- WROUGHT IRON FENCE
- OVERHEAD ELECTRIC
- OVERHEAD TELEPHONE
- OHT

ABBREVIATIONS

- ORWC = OFFICIAL RECORDS OF WILLAMSON COUNTY, TEXAS
- OPRWC = OFFICIAL PUBLIC RECORDS OF WILLAMSON COUNTY, TEXAS
- P.O.B. = POINT OF BEGINNING
- CMP = CORRUGATED METAL PIPE

- NOTES:**
- THIS SURVEY HAS BEEN PREPARED UTILIZING A COMMITMENT FOR TITLE INSURANCE PREPARED BY **LONGHORN TITLE COMPANY, LLC**, G.F. NO. **TAY2201367**, EFFECTIVE DATE: **NOVEMBER 3, 2022**. PARTIES TO THIS TRANSACTION ARE RESPONSIBLE FOR VERIFICATION OF ALL EASEMENTS, COVENANTS AND CONDITIONS WHICH MAY AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.
 - BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203) NAD 83.
- SCHEDULE B ITEMS (10)**
- a. TERMS, PROVISIONS AND CONDITIONS OF ORDINANCE NO. 09-006-00 (1911 HISTORIC DISTRICT AND CO-OP PROPERTY REZONING) RECORDED UNDER DOCUMENT NO. 2009026672 ORWC. **AFFECTS SUBJECT PROPERTY**

TO: **LEANDRO HERNANDEZ AND LARITZA RODRIGUEZ HERNANDEZ**

THE UNDERSIGNED HEREBY CERTIFIES:
THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION ON **FEBRUARY 19, 2024**, AND IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT. THE SIZE, LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN. ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, AND SET BACK FROM THE PROPERTY LINES THE DISTANCES INDICATED. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR CITY OF HUTTO, WILLAMSON COUNTY, TEXAS, COMMUNITY PANEL NUMBER **48491C0520F**, EFFECTIVE **DECEMBER 20, 2019**, THE SUBJECT TRACT IS LOCATED IN **ZONE "X"**, WHICH IN THIS CASE **IS NOT** LOCATED IN A SPECIAL FLOOD HAZARD AREA.

COREY JOSEPH HALL, RPLS
TEXAS REGISTRATION NO. 6362

 26 WOODLAND LANE, ROUND ROCK, TEXAS 78664 TEL: (512) 360-0012 TBPELS REGISTRATION #10194591	DRAWN BY: BRC		DATE: 02/19/24
	JOB NO.: 4326.002.00		SCALE: 1" = 30'
			SHEET 1 OF 1

HERO FIXER UPPER LLC

401 East Street, Hutto, TX 78634 | 512-712-0096 | herofixerupper@gmail.com

02/28/2024

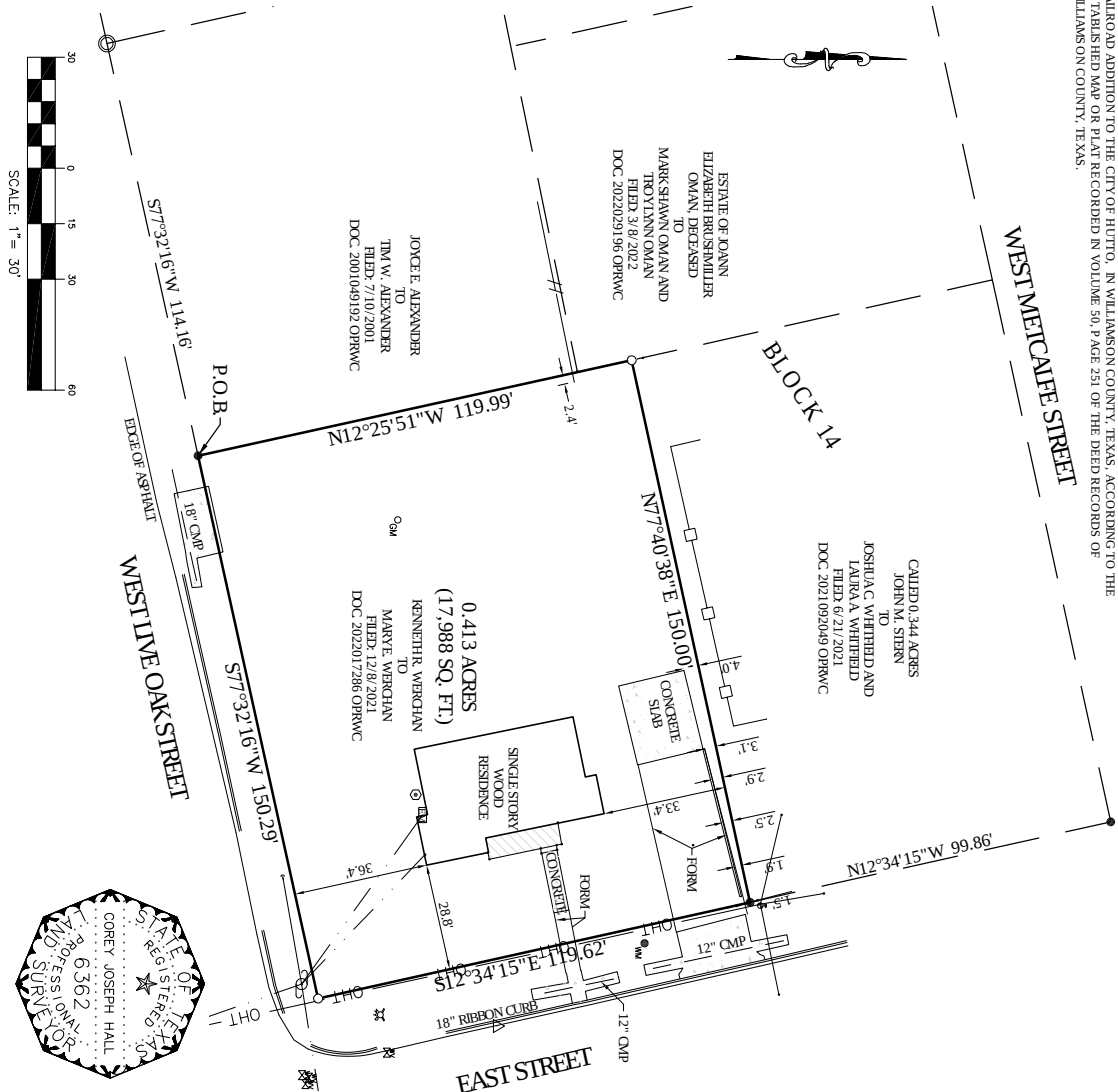
Dear Recipient:

Our property located at 401 East Street, Hutto, TX 78634 was brought back in November 2022 as a fixer upper project. Since then, we have gotten the Certificate of appropriateness and an issued city permit and we're actively remodeling the house right at this moment. Recently we found out the concrete slap already build for the garage to be constructed in, which measures 22'H x 18'W x 1" W, is within 4' from the limits of our property with means is overlapping the 5' setback requirement from the city. It overlaps over the setbacks by 1'. Additionally, the driveway is also gradually encrusting the setbacks. We're asking for a variance to be able to build the garage where it was before basing ourselves mainly on the review criteria #4 "Conditions resulting in the request are not self-created by disregard or ignorance of the UDC." The original to the house garage and driveway was located at this exact same spot. I would like to specify that the concrete slap was already existing, and we will not add more to it. The 1st survey we're providing shows the old garage with wall the ads on the property had. The 2nd survey shows the cleaned-up concrete slap for the new garage to be built on. It also includes 6 additional measurement along the driveway. You can see it hasn't moved. Allowing us to rebuild the garage where it was and not squid to the left will give the house a much more statically pleasing aspect and cohesive look because it will allow us to connect the concrete city entrance form East Street to the property with a driveway that goes straight to the garage. Please kindly consider our petition.

Sincerely,

HERO Fixer Upper LLC

BEING 0.413 ACRE (17,988 SQ. FT.) TRACT OF LAND BEING PART OF LOTS 6 & 7, BLOCK 14, OF RAILROAD ADDITION TO THE CITY OF HUTTO, IN WILLAMSON COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP OR PLAT RECORDED IN VOLUME 50, PAGE 251 OF THE DEED RECORDS OF WILLAMSON COUNTY, TEXAS.



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- ABBREVIATIONS**
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 - P.O.B. = POINT OF BEGINNING
 - CMP = CORRUGATED METAL PIPE

NOTES:

1. THIS SURVEY HAS BEEN PREPARED UTILIZING A COMMITMENT FOR TITLE INSURANCE PREPARED BY LONCHORN TITLE COMPANY, L.L.C., G.F. NO. TAY2201367, EFFECTIVE DATE: NOVEMBER 3, 2022. PARTIES TO THIS TRANSACTION ARE ADVISED THAT THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF ALL EASEMENTS AND CONDITIONS AFFECTING THIS TRACT BUT ARE NOT SHOWN HEREON.
2. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (403) NAD 83.

SCHEDULE B ITEMS (0)

1. TERMS, PROVISIONS AND CONDITIONS OF ORDINANCE NO. 09-006-00 (BUT HISTORIC DISTRICT AND CO-OP PROPERTY ZONING) AFFECTS SUBJECT PROPERTY

TO: LEANDRO HERNANDEZ AND LARITZA RODRIGUEZ HERNANDEZ

THE UNDERSIGNED HEREBY CERTIFIES: THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION ON FEBRUARY 19, 2024, AND IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SHOWN BY THE PLAT. THE SIZE, LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN. ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY AND SET BACK FROM THE PROPERTY LINES THE DISTANCES INDICATED. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR CITY OF HUTTO, WILLAMSON COUNTY, TEXAS, COMMUNITY PANEL NUMBER 48491C0320F, EFFECTIVE DECEMBER 20, 2019, THE SUBJECT TRACT IS LOCATED IN ZONE "X", WHICH IN THIS CASE IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

Corey Joseph Hall
COREY JOSEPH HALL, RPIS

TEXAS REGISTRATION NO. 6362



**KONTUR
TECHNICAL, LLC**

26 WOODLAND LANE, ROUND ROCK, TEXAS 78664
TEL: (512) 360-0012 TBPELS REGISTRATION #10194591

LAND TITLE SURVEY
401 EAST STREET
HUTTO, TEXAS

DRAWN BY: BRC	DATE: 02/19/24
JOB NO.: 4326.002.00	SCALE: 1" = 30'
	SHEET 1 OF 1

Review Criteria (Findings):

1. Our situation has unique conditions peculiar to our parcel because this is how the original garage and driveway was built. The Driveway connects the street concrete structure entrance to the garage. We cannot move the street concrete structure entrance.
2. It deprives us of rights commonly enjoyed by others in the area since the previous owners had their garage and driveway exactly where we plan to construct it.
3. Allowing us to rebuild the garage where it was and not squint to the left will give to the house a much more statically pleasing aspect and cohesive look, everything aligned from the city drainage/ concrete entrance to the property strait to the garage. The construction of these structures will not "adversely affect near the subject site" since that was the original their location. The property was constructed back in 1949. It seems like the garage was original to the house.
4. We did not self-create the situation by disregard or ignorance of the UDC. The garage and driveway before already predated the current code.
5. Giving us this variance petition will not confer special privilege since we're not creating ourselves this situation. The garage and driveway location is not changing from the original.
6. The variance is the minimum necessary since nothing will be changed from what it was, nor it will affect any other land nor the aspect of our property.

This picture shows the distance in inches from the cement slab to the property line and from the driveway to the property line.



These are some pictures of the site where the garage is supposed to be located. You can see how the house looks today. The garage will be matching the house.



























This is marking 5 ft away from our property line. We would lose that much of an entrance. Without the variance driveway would have to start there.





















HuttoView



