



**CITY OF HUTTO, TEXAS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Wednesday, October 23, 2019 AT 7:00 PM
CITY HALL - CITY COUNCIL CHAMBERS
500 WEST LIVE OAK STREET**

ZONING BOARD OF ADJUSTMENT

Bryan Dempsey
Thomas McGowan
David Meyer
Wendell Teltow
Maureen Rooker
Randal Clark

AGENDA

1. CALL SESSION TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
 - 3.A. Remarks from visitors. *(Three-minute time limit.)*
4. AGENDA ITEMS
 - 4.A. Consideration and possible action on the meeting minutes for the Zoning Board of Adjustment regular meeting held on August 28, 2019.
 - 4.B. Consideration of a public hearing and possible action on variance request #1.45 for the property located at 203 Combe Drive, Lot 5, Block E of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.
 - 4.C. Consideration of a public hearing and possible action on variance request #1.46 for the property located at 205 Combe Drive, Lot 6, Block E of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.
 - 4.D. Consideration of a public hearing and possible action on variance request #1.47 for the property located at 207 Combe Drive, Lot 7, Block E of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.
 - 4.E. Consideration of a public hearing and possible action on variance request #1.48 for the property located at 202 Clearlake Drive, Lot 11, Block A of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.
 - 4.F. Consideration of a public hearing and possible action on variance request #1.49 for the property located at 206 Clearlake Drive, Lot 9, Block A of the

Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.

- 4.G. Consideration of a public hearing and possible action on variance request #1.50 for the property located at 217 Timber Brook Drive, Lot 9, Block D of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.
- 4.H. Consideration of a public hearing and possible action on variance request #1.51 for the property located at 219 Timber Brook Drive, Lot 10, Block D of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.
- 4.I. Consideration of a public hearing and possible action on variance request #1.52 for the property located at 103 East Live Oak Street, Lot 9 of the McGees 2nd Addition Subdivision, from the Transect Zone (OT-3) Building Form Standards as outlined as outlined in Chapter 10, Section 10.1003.3.1 of the Unified Development Code (UDC).
- 4.J. Consideration of a public hearing and possible action on variance request #1.53 for the property located at 449 Ed Schmidt Boulevard, Lot 1 of the Emory Farms Commercial Subdivision, from the 2,500 square foot maximum building size, as outlined in Chapter 10, Section 10.307.9.3 of the Unified Development Code (UDC), to allow a 12,500 square foot building in the B-1 (local business) zoning district.

5. ADJOURNMENT

6. CERTIFICATION

I certify that this notice of the October 23, 2019 Zoning Board of Adjustment meeting was posted on the City Hall bulletin board of the City of Hutto on October 18, 2019 at 12:50pm



Lynn Trumbul, Senior Assistant City Secretary

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 communications or accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512) 759-4839 or laclie.hale@huttotx.gov for assistance.

Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration and possible action on the meeting minutes for the Zoning Board of Adjustment regular meeting held on August 28, 2019.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Angel Kavanaugh

ATTACHMENTS:

[8.28.2019 ZBA minutes \(Draft\)](#)



**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES - DRAFT
AUGUST 28, 2019**

The Hutto Zoning Board of Adjustment met in a regular session on Wednesday, August 28, 2019 at Council Chambers located at 500 W. Live Oak Street, Hutto, TX 78634.

CALL SESSION TO ORDER

Acting Chair Maureen Rooker called the session to order at 7:00 p.m.

ROLL CALL

Members of the Zoning Board of Adjustment that were present were Acting Chair Maureen Rooker, Board Member Bryan Dempsey, Board Member Thomas McGowan, Board Member Wendell Teltow, and Board Member David Meyer.

Members of staff that were present were Ashby Grundman, Development Services Director , Ashley Lumpkin, Exectuive Director and Angel Kavanaugh, Management Assistant.

PUBLIC COMMENT

Remarks from visitors.

There were no remarks from visitors.

AGENDA ITEMS

4.A Consideration and possible action on the minutes for the Zoning Board of Adjustment regular meeting held on June 26,2019.

MOTION: Motion to accept minutes

Board Member Bryan Dempsey made the motion to accept the minutes, Board Member Wendell Teltow seconded the motion, the motion carried 5 ayes to 0 Nays.

4.B Consideration of a public hearing and possible action on variance request #1.44 for the property located at 1500 Knowles Drive, Lot C3, Block J of the Enclave At Brushy Creek Section 1 Subdivision, from the bufferyard requirements as outlined in Section 10.403.6.3 of the Unified Development Code (UDC).

Public Hearing opened at 7:03 PM Closed at 7:03 PM

Ashby Grundman presented consideration of a public hearing and possible action on variance request #1.44 for the property located at 1500 Knowles Drive, Lot C3, Block J of the Enclave At Brushy Creek Section 1 Subdivision, from the bufferyard requirements as

outlined in Section 10.403.6.3 of the Unified Development Code (UDC) and recommends denial for lack of an undue hardship.

Board members and staff discussed and Johnathon Phillips of Davidson Architecture & Engineering was present to answer any questions.

MOTION: *Board Member Wendell Teltow made a motion to accept staff recommendation to deny agenda item 4B as presented, Board Member Thomas McGowan seconded to motion. The motion carried 4 Ayes to 1 Nays.*

ADJOURNMENT

There being no further discussion, the meeting adjourned at 7:30 p.m.

RESPECTFULLY SUBMITTED:

Maureen Rooker, Acting Chair

Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.45 for the property located at 203 Combe Drive, Lot 5, Block E of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from the setback requirement from the SmartCode.

Property Description:

Brooklands Section 1, Block E, Lot 5.

Location:

203 Combe Drive

Owner:

Pacesetter Homes, LLC

Zoning:

T-4 (SmartCode)

Proposed Land Use:

Single-Family Residential

Adjacent Land Uses:

Direction	Zoning	Land Use
North	B-2 (General Commercial)	Commercial
South	T-4 (Single-Family Residential)	Residential
East	T-4 (Single-Family Residential)	Residential
West	T-4 (Single-Family Residential)	Residential

Background:

The subject property, which consists of approximately 0.102 acres (4,410 square feet) is a rectangular lot along Combe Street in the Brooklands Subdivision.

They are requesting the following variances:

1. Request to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

Below is the excerpt from the SmartCode:

SMARTCODE

Hutto, Texas

ARTICLE 6. TABLE 14. SMARTCODE SUMMARY

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
a. ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)					
CLD requires	no minimum	50% min.	10 - 30%	20 - 40%	not permitted
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%
RCD requires	no minimum	no minimum	not permitted	10 - 30%	10 - 30%
b. BASE RESIDENTIAL DENSITY (See Section 3.4)					
By Right	by Variance	1 unit / 5 ac.	4 units / ac. gross	12 units / ac. gross	12 units / ac. min.
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%
c. BLOCK SIZE					
Block Perimeter	no maximum	no maximum	2,400 ft. max.	2,000 ft. max.	1,600 ft. max.
d. THOROUGHFARES (See Table 3 and 4)					
HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	not permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	permitted	required	required
Path	permitted	permitted	permitted	permitted	not permitted
Passage	not permitted	not permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted
e. CIVIC SPACES (See Table 13)					
Park	permitted	permitted	permitted	by Warrant	by Warrant
Green	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Pocket Park	permitted	permitted	permitted	permitted	permitted
f. LOT OCCUPATION					
Lot Width	not applicable	by Warrant	66 ft. min 120 ft. max.	22 ft. min 96 ft. max.	22 ft. min 300 ft. max.
Lot Coverage	not applicable	by Warrant	50% max.	75% max.	90% max. *
g. SETBACKS - PRINCIPAL BUILDING (See Table 15)					
(g.1) Front Setback Principal	not applicable	24 ft. min.	24 ft. min.	20 ft. max.	12 ft. max.
(g.2) Front Setback Secondary	not applicable	20 ft. min.	20 ft. max.	12 ft. max.	2 ft. min. 12 ft. max.
(g.3) Side Setback	not applicable	40 ft. min.	18 ft. min. total	0 ft. min. 8 ft. total max.	0 ft. min. 24 ft. max.
(g.4) Rear Setback	not applicable	96 ft. min.	24 ft. min.	3 ft. min.	3 ft. min.
Frontage Buildout	not applicable	not applicable	50% min.	70% min.	80% min.
h. SETBACKS - OUTBUILDING (See Table 15)					
(h.1) Front Setback	not applicable	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	40 ft. max. from rear prop.
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min. or 3 ft.	0 ft. min.
(h.3) Rear Setback	not applicable	3 ft. min.	3 ft. min.	3 ft.	3 ft. max.
i. BUILDING DISPOSITION (See Table 9)					
Edgelyard	permitted	permitted	permitted	permitted	not permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted
j. PRIVATE FRONTAGES (See Table 7)					
Common Yard	not applicable	permitted	permitted	not permitted	not permitted
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted
Terrace, Dooryard	not applicable	not permitted	not permitted	permitted	permitted
Forecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted
k. BUILDING CONFIGURATION (See Table 8)					
Principal Building	not applicable	2 Stories max.	2 Stories max.	3 Stories max. 1 min.**	3 Stories max.* 1 min.**
Outbuilding	not applicable	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.
l. BUILDING FUNCTION (See Table 10 & Table 12)					
Residential	not applicable	restricted use	restricted use	limited use	open use
Loggia	not applicable	restricted use	restricted use	limited use	open use
Office	not applicable	restricted use	restricted use	limited use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use

Revised September 2016

SC53

Staff Analysis:

1. *There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.*

Staff finds that the requested variance is a design driven hardship, and the requested setback variance has been shown unnecessary because other builders have met code in this subdivision.

2. *Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.*

The strict application of the UDC standards would not make the lot unusable, as other builders have shown compliance with the SmartCode is attainable.

3. *The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.*

Staff finds that the requested setback variance does not meet the intent of the SmartCode. Staff finds that approval of the variance would not adversely impact the neighboring property owners as the houses would actually be further apart.

4. *Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.*

The conditions of the site are self-created by the applicant. The design and configuration of the proposed house needs a variance because the house is not wide enough per the SmartCode.

5. *The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.*

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

6. *The variance is the minimum necessary to grant relief.*

Staff finds that the requested variances are not the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship. The requested variance is recommended denial by staff for lack of an undue hardship. The applicant has shown that a product that is code compliant can be constructed on the site.

ATTACHMENTS:

[203CombeDr-ZBA-PacketDocs](#)

CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

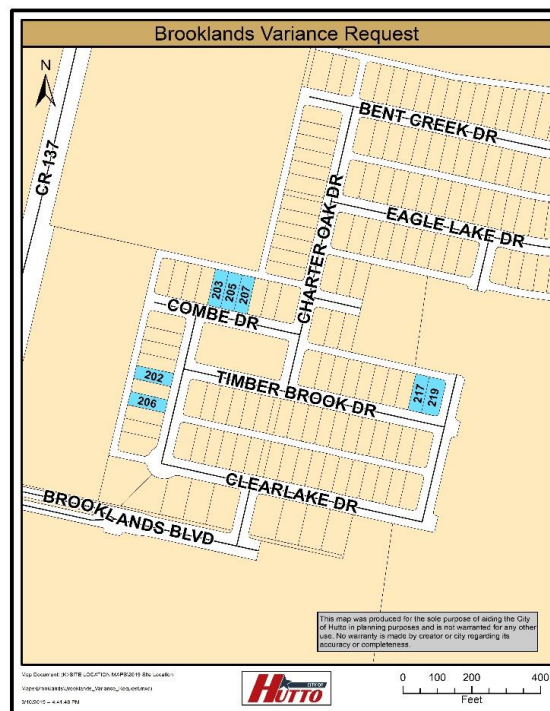
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

The variance requests for the properties located at **203/205/207 Combe Drive, and 202/206 Clearlake Drive, and 217/219 Timber Brook Drive** to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov





August 21, 2019

RE: Nature of Request for 219 Timberbrook Drive

To The City of Hutto:

Pacesetter Homes would like to request a blanket variance for our Portico Series plan line up.
The request is for a 15' max vs. 8' max setback to ensure the health and safety for our first responders.

Thank you,

Monica Flaro

PACESETTER HOMES | Starts Coordinator



14400 The Lakes Blvd.
Building C Suite 200
Pflugerville, TX 78660
Office: 512.703.9434
Web: PacesetterHomesTexas.com
Email: monica.flaro@pacesetterhomes.com

14400 The Lakes Blvd., Bldg. C, Ste. 200 • Pflugerville, TX 78660 • (o) 512.323.5252



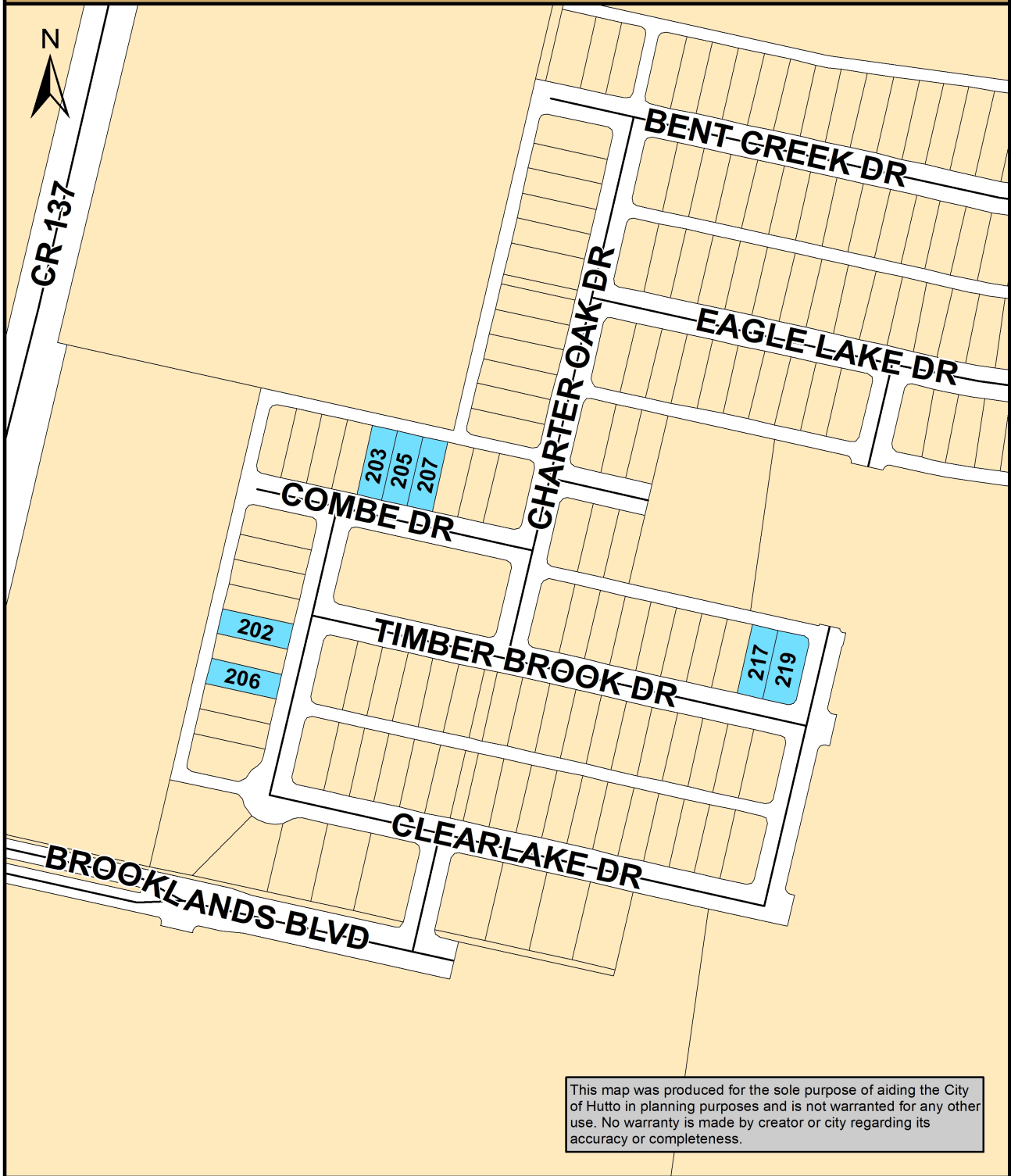
RE: 219 Timberbrook Drive – The Brooklands

REVIEW CRITERIA (FINDINGS):

1. There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.
The smart code defines the 8' setbacks and on a 40' lot that will not grant enough access from a fence to building line to allow for safety.
2. Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
We feel our product mirrors the sister product within this subdivision.
3. The variance is in harmony with the spirit of the UDC and the community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
We feel this product harmonizes with the overall theme for the community and sister products within this subdivision.
4. Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.
The request is for a 15' max vs. 8' max setback overall and for our portico plans all to ensure the health and safety for our first responders.
5. The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.
We feel that due to the stipulations of the smartcode, it's a safety concern not to move forward with the variance.
6. The variance is the minimum necessary to grant relief.
The setback variance will allow for a more maintainable first responders access/safety.



Brooklands Variance Request

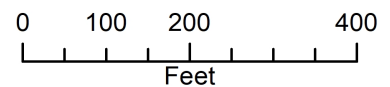


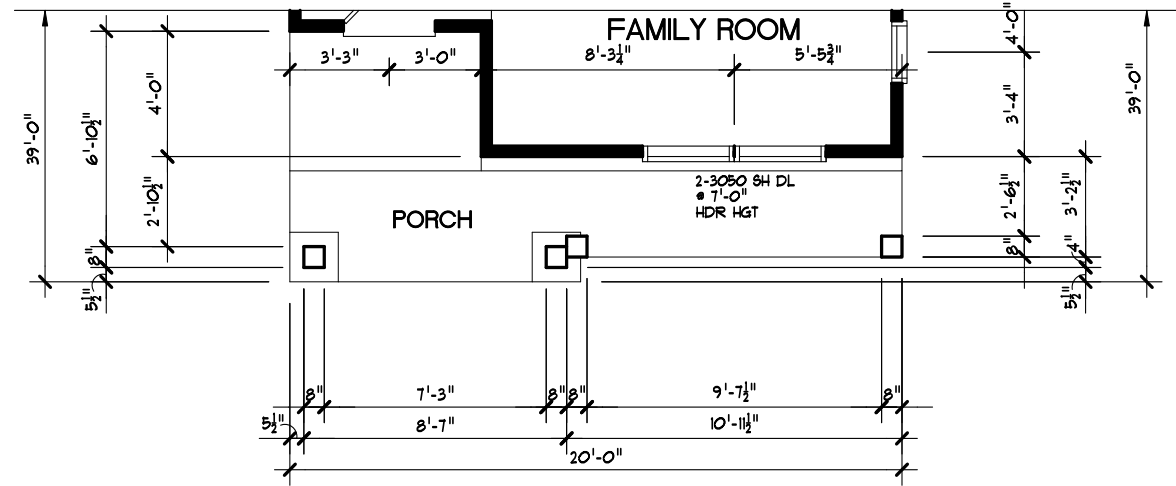
Map Document: (K:\SITE LOCATION MAPS\2019 Site Location

Maps\Brooklands\Brooklands_Variance_Request.mxd)

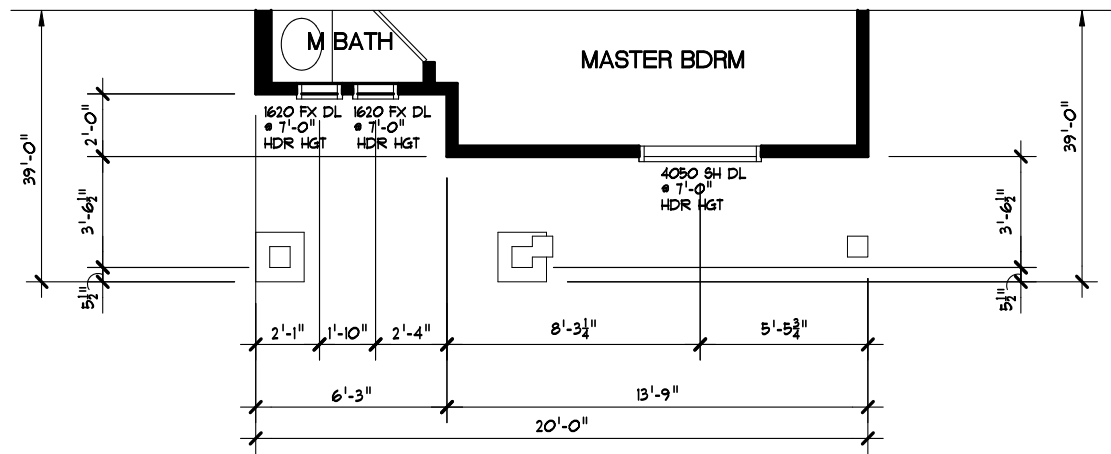
9/10/2019 -- 4:41:46 PM

Page 7 of 9



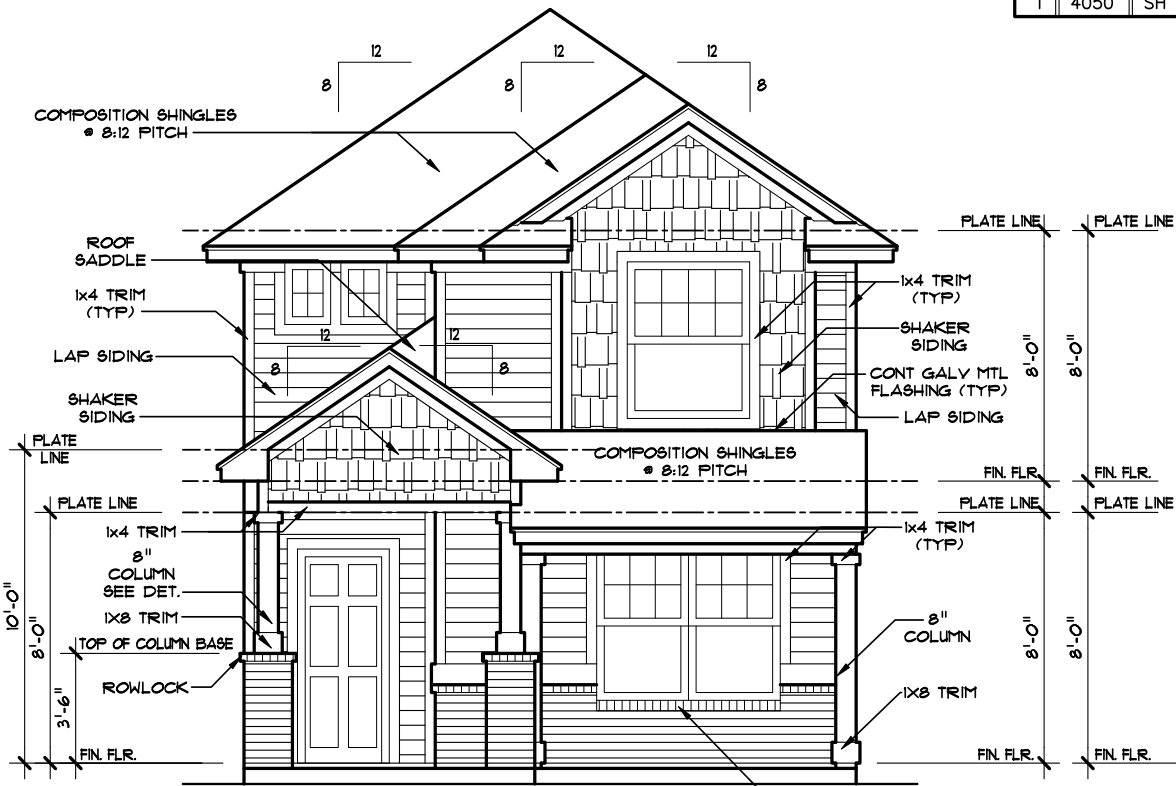


FLOOR PLAN
SCALE: 3/16" = 1'-0"

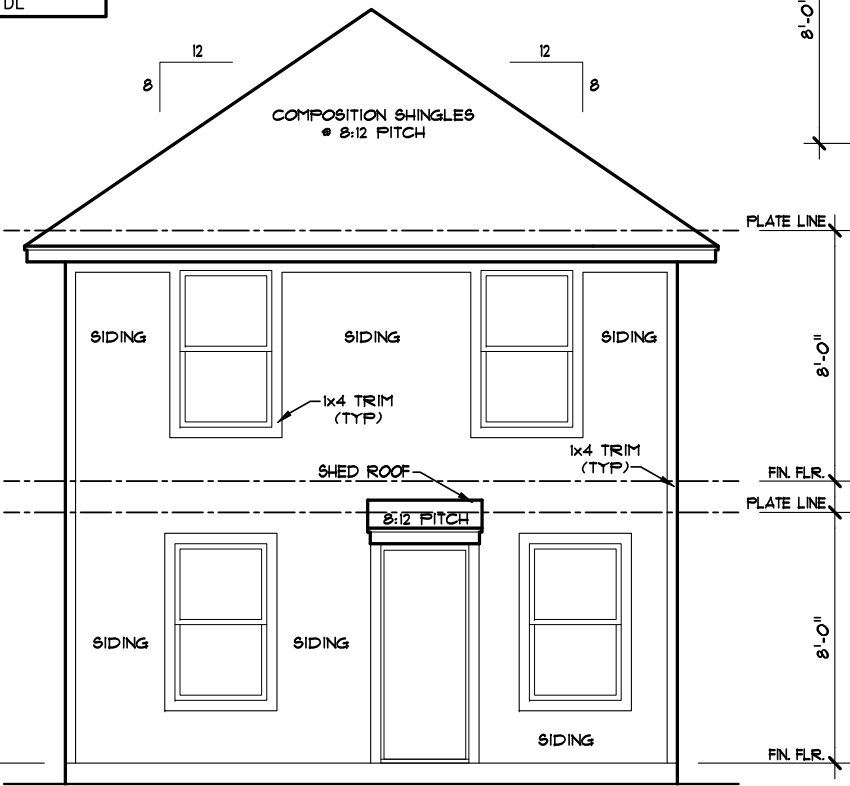


UPPER FLOOR PLAN
SCALE: 3/16" = 1'-0"

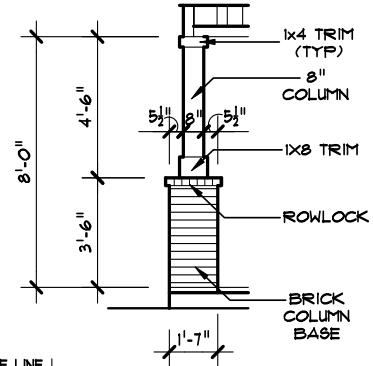
WINDOW SCHEDULE		
#	SIZE	TYPE
2	1620	FX DL
2	3050	SH DL
1	4050	SH DL



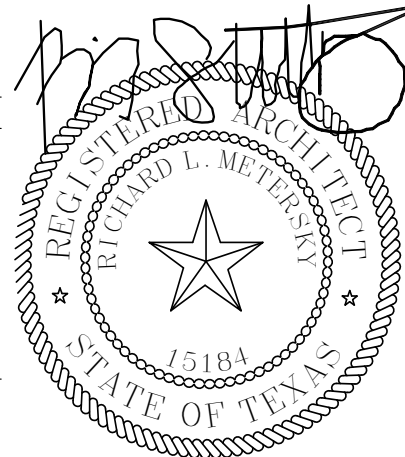
FRONT ELEVATION 'A'
SCALE: 3/16" = 1'-0"



REAR ELEVATION 'A'
SCALE: 3/16" = 1'-0"



COLUMN DETAIL
SCALE: 3/16" = 1'-0"



STRIP PLAN/ELEVATIONS
31310L
12.6.18

DATE: 5/19/2011
SCALE: 3/16" = 1'-0"
CHECKED BY:
SHEET NUMBER: 4/16

A QUALICO COMPANY

The Inboard Organization
residential design
call us at 800-888-8888 or visit us online at www.theinboard.com

REVISIONS	PLAN NAME: REV 6/1/11
MISC REV 2/18/14	WCH • GR REV 9/24/14
ORIT CANTILEVER REV 7/17/15	MISC REV 2/7/16
SEAL REV 6/22/16	RED LINE REV 2/23/17

MAIN FLR:	675 SQ. FT.
UPPER FLR:	625 SQ. FT.
TOTAL:	1300 SQ. FT.
PORCH:	90 SQ. FT.
TOTAL SLAB:	1665 SQ. FT.

ALL CONSTRUCTION DETAILS & DIMENSIONS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOKS. THE BUILDER MUST CHECK & VERIFY ALL DETAILS & DIMENSIONS BEFORE ANY DISCREPANCIES TO THE DESIGNER PRIOR TO ANY CONSTRUCTION. ANY DISCREPANCIES TO THE DESIGNER PRIOR TO ANY CONSTRUCTION. ANY DISCREPANCIES TO THE DESIGNER PRIOR TO ANY CONSTRUCTION.

ALL EXTERIOR FINISHES ARE 2-3/4" UNLESS NOTED OTHERWISE. ALL EXTERIOR FINISHES ARE 2-3/4" UNLESS NOTED OTHERWISE. ALL EXTERIOR FINISHES ARE 2-3/4" UNLESS NOTED OTHERWISE.

DO NOT SCALE DRAWINGS

Page 14 of 103

The Hamilton
1 Story | 3 Bedrooms | 2 Bathrooms | 1428 sf



\$221,900

The Smith
1 Story | 3 Bedrooms | 2 Bathrooms | 1100 sf



\$211,900

Swisher
1 Story | 2 Bedrooms | 2 Bathrooms | 1393 sf



\$218,900

Mason
1 Story | 2 Bedrooms | 2 Bathrooms | 1016 sf



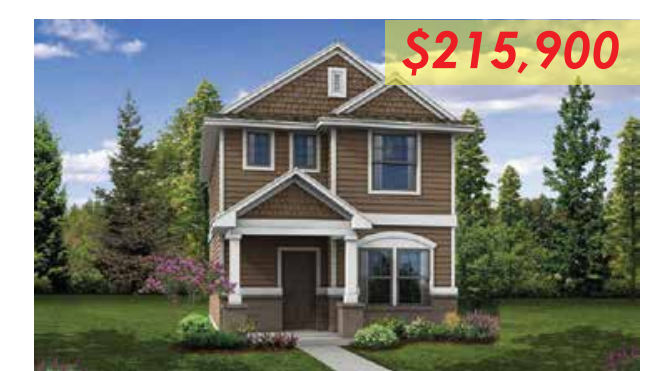
\$206,900

One Story Homes - Portico Plans

Total square footage and price is similar across both one and two story homes

Two Story Homes Portico Plans

The Montgomery
2 Story | 2 Bedrooms | 2.5 Bathrooms | 1158 sf



\$215,900

The Titus
2 Story | 3 Bedrooms | 2.5 Bathrooms | 1300 sf



\$219,900

Oak Creek, Leander
- 40% of homes are 1-story
- Avg base price \$240,000



Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.46 for the property located at 205 Combe Drive, Lot 6, Block E of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from the setback requirement from the SmartCode.

Property Description:

Brooklands Section 1, Block E, Lot 6.

Location:

205 Combe Drive

Owner:

Pacesetter Homes, LLC

Zoning:

T-4 (SmartCode)

Proposed Land Use:

Single-Family Residential

Adjacent Land Uses:

Direction	Zoning	Land Use
North	B-2 (General Commercial)	Commercial
South	T-4 (Single-Family Residential)	Residential
East	T-4 (Single-Family Residential)	Residential
West	T-4 (Single-Family Residential)	Residential

Background:

The subject property, which consists of approximately 0.102 acres (4,410 square feet) is a rectangular lot along Combe Street in the Brooklands Subdivision.

They are requesting the following variances:

1. Request to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

Below is the excerpt from the SmartCode:

SMARTCODE

ARTICLE 6. TABLE 14. SMARTCODE SUMMARY

Hutto, Texas

T1 NATURAL ZONE **T2** RURAL ZONE **T3** SUB-URBAN ZONE **T4** GENERAL URBAN ZONE **T5** URBAN CENTER ZONE

a. ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)

CLD requires	no minimum	50% min.	10 - 30%	20 - 40%	not permitted
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%
RCD requires	no minimum	no minimum	not permitted	10 - 30%	10 - 30%

b. BASE RESIDENTIAL DENSITY (See Section 3.4)

By Right	by Variance	1 unit / 5 ac.	4 units / ac. gross	12 units / ac. gross	12 units / ac. min.
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%

c. BLOCK SIZE

Block Perimeter	no maximum	no maximum	2,400 ft. max.	2,000 ft. max.	1,600 ft. max.
-----------------	------------	------------	----------------	----------------	----------------

d. THOROUGHFARES (See Table 3 and 4)

HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	not permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	permitted	required	required
Path	permitted	permitted	permitted	permitted	not permitted
Passage	not permitted	not permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted

e. CIVIC SPACES (See Table 13)

Park	permitted	permitted	permitted	by Warrant	by Warrant
Green	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Pocket Park	permitted	permitted	permitted	permitted	permitted

f. LOT OCCUPATION

Lot Width	not applicable	by Warrant	68 ft. min 120 ft. max.	22 ft. min 96 ft. max.	22 ft. min 300 ft. max.
Lot Coverage	not applicable	by Warrant	50% max.	75% max.	90% max. *

g. SETBACKS - PRINCIPAL BUILDING (See Table 15)

			*May be allocated per Block rather than Lot		
Jg.1) Front Setback Principal	not applicable	24 ft. min.	24 ft. min.	20 ft. max.	12 ft. max.
Jg.2) Front Setback Secondary	not applicable	20 ft. min.	20 ft. max.	12 ft. max.	2 ft. min. 12 ft. max.
Jg.3) Side Setback	not applicable	40 ft. min.	18 ft. min. total	0 ft. min. 8 ft. total max.	0 ft. min. 24 ft. max.
Jg.4) Rear Setback	not applicable	96 ft. min.	24 ft. min.	3 ft. min.	3 ft. min.
Frontage Buildout	not applicable	not applicable	50% min.	70% min.	80% min.

h. SETBACKS - OUTBUILDING (See Table 15)

Jh.1) Front Setback	not applicable	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	40 ft. max. from rear prop.
Jh.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min. or 3 ft.	0 ft. min.
Jh.3) Rear Setback	not applicable	3 ft. min.	3 ft. min.	3 ft.	3 ft. max.

i. BUILDING DISPOSITION (See Table 9)

Edgeyard	permitted	permitted	permitted	permitted	not permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted

j. PRIVATE FRONTAGES (See Table 7)

Common Yard	not applicable	permitted	permitted	not permitted	not permitted
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted
Terrace, Dooryard	not applicable	not permitted	not permitted	permitted	permitted
Fencecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted

k. BUILDING CONFIGURATION (See Table 8)

Principal Building	not applicable	2 Stories max.	2 Stories max.	3 Stories max. 1 min.**	3 Stories max.* 1 min.**
Outbuilding	not applicable	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.

l. BUILDING FUNCTION (See Table 10 & Table 12)

			*4 Stories permitted by Warrant **by Warrant		
Residential	not applicable	restricted use	restricted use	limited use	open use
Lodging	not applicable	restricted use	restricted use	limited use	open use
Office	not applicable	restricted use	restricted use	limited use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use

ARTICLE 6
ARTICLE 6

DISPOSITION

CONFIGURATION

FUNCTION

Revised September 2016

SC53

Staff Analysis:

1. **There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.**

Staff finds that the requested variance is a design driven hardship, and the requested setback variance has been shown unnecessary because other builders have met code in this subdivision.

1. ***Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.***

The strict application of the UDC standards would not make the lot unusable, as other builders have shown compliance with the SmartCode is attainable.

2. ***The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.***

Staff finds that the requested setback variance does not meet the intent of the SmartCode. Staff finds that approval of the variance would not adversely impact the neighboring property owners as the houses would actually be further apart.

3. ***Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.***

The conditions of the site are self-created by the applicant. The design and configuration of the proposed house needs a variance because the house is not wide enough per the SmartCode.

4. ***The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.***

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

5. ***The variance is the minimum necessary to grant relief.***

Staff finds that the requested variances are not the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship. The requested variance is recommended denial by staff for lack of an undue hardship. The applicant has shown that a product that is code compliant can be constructed on the site.

ATTACHMENTS:

[205CombeDr-ZBA-PacketDocs](#)

CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

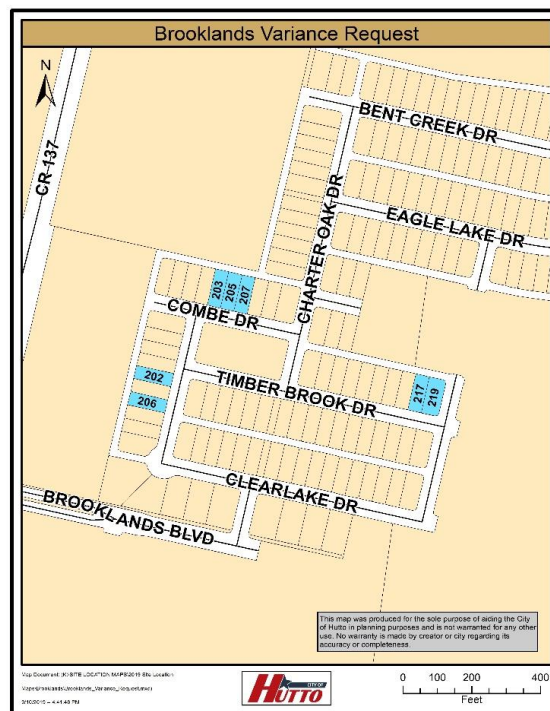
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

The variance requests for the properties located at **203/205/207 Combe Drive, and 202/206 Clearlake Drive, and 217/219 Timber Brook Drive** to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov





August 21, 2019

RE: Nature of Request for 219 Timberbrook Drive

To The City of Hutto:

Pacesetter Homes would like to request a blanket variance for our Portico Series plan line up.
The request is for a 15' max vs. 8' max setback to ensure the health and safety for our first responders.

Thank you,

Monica Flaro

PACESETTER HOMES | Starts Coordinator



14400 The Lakes Blvd.
Building C Suite 200
Pflugerville, TX 78660
Office: 512.703.9434
Web: PacesetterHomesTexas.com
Email: monica.flaro@pacesetterhomes.com

14400 The Lakes Blvd., Bldg. C, Ste. 200 • Pflugerville, TX 78660 • (o) 512.323.5252



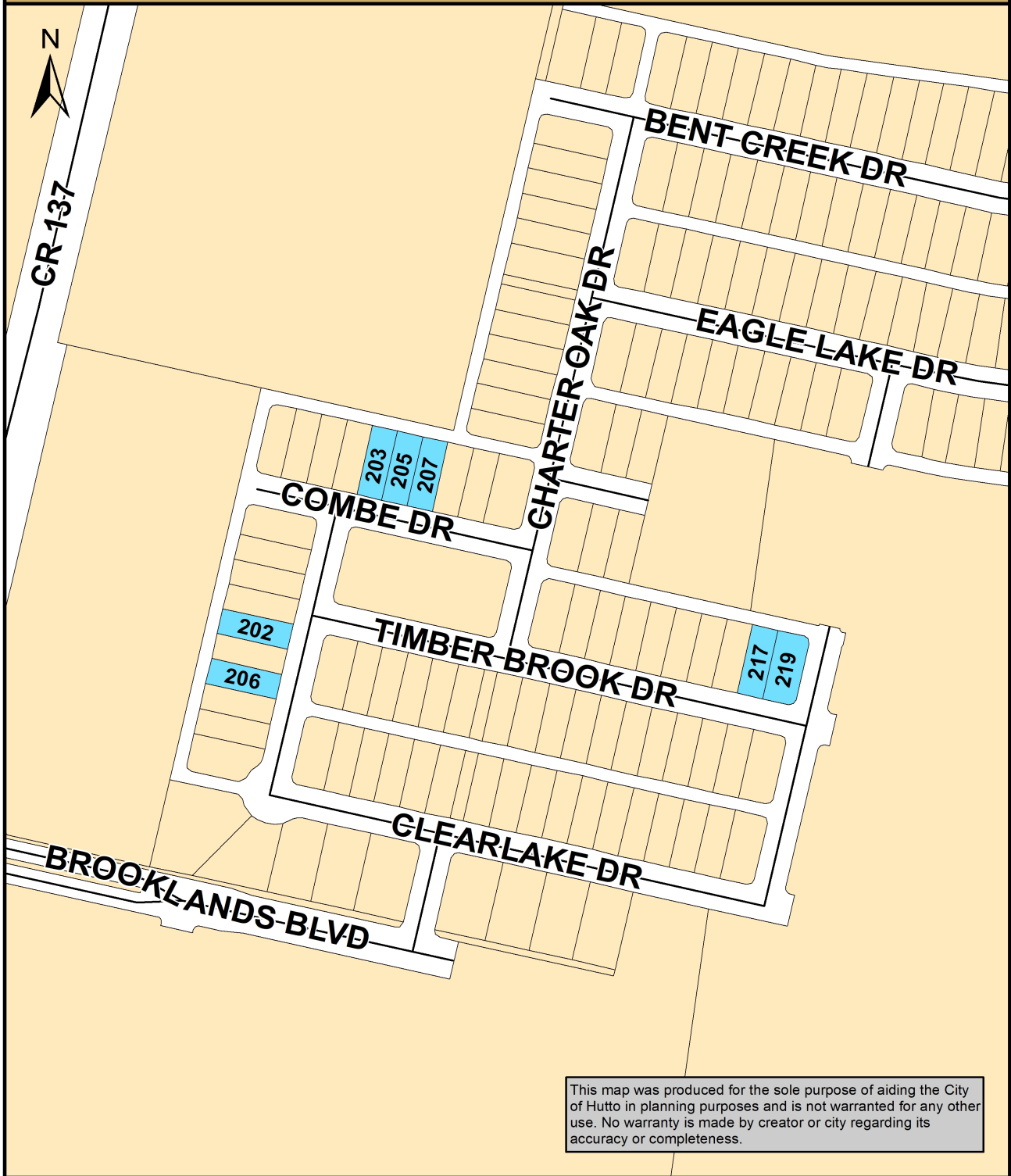
RE: 219 Timberbrook Drive – The Brooklands

REVIEW CRITERIA (FINDINGS):

1. There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.
The smart code defines the 8' setbacks and on a 40' lot that will not grant enough access from a fence to building line to allow for safety.
2. Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
We feel our product mirrors the sister product within this subdivision.
3. The variance is in harmony with the spirit of the UDC and the community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
We feel this product harmonizes with the overall theme for the community and sister products within this subdivision.
4. Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.
The request is for a 15' max vs. 8' max setback overall and for our portico plans all to ensure the health and safety for our first responders.
5. The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.
We feel that due to the stipulations of the smartcode, it's a safety concern not to move forward with the variance.
6. The variance is the minimum necessary to grant relief.
The setback variance will allow for a more maintainable first responders access/safety.



Brooklands Variance Request

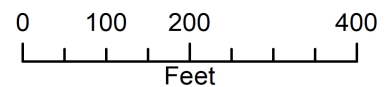


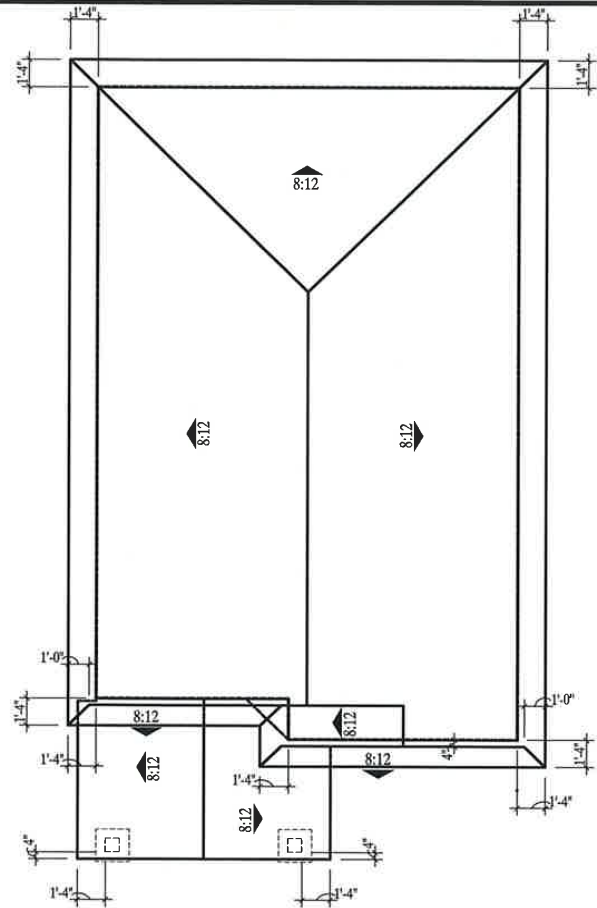
Map Document: (K:\SITE LOCATION MAPS\2019 Site Location

Maps\Brooklands\Brooklands_Variance_Request.mxd)

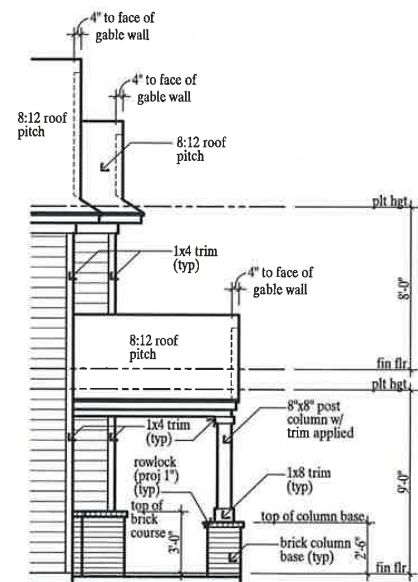
9/10/2019 -- 4:41:46 PM

Page 7 of 9

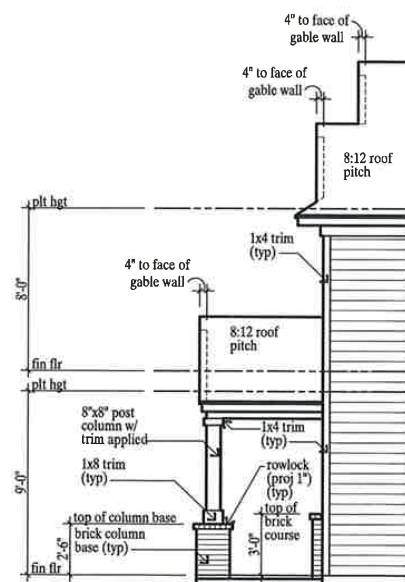




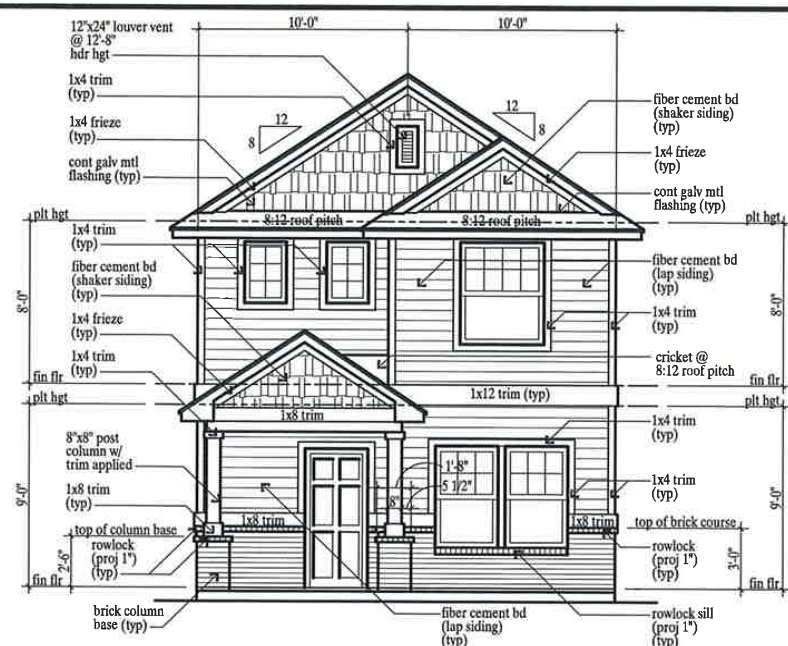
roof framing plan - A
scale: 1/8" = 1'-0"



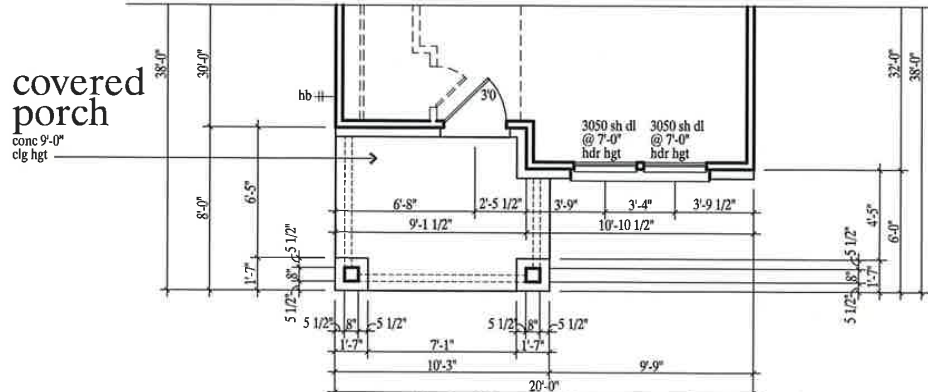
partial left side elevation - A
scale: 1/8" = 1'-0"



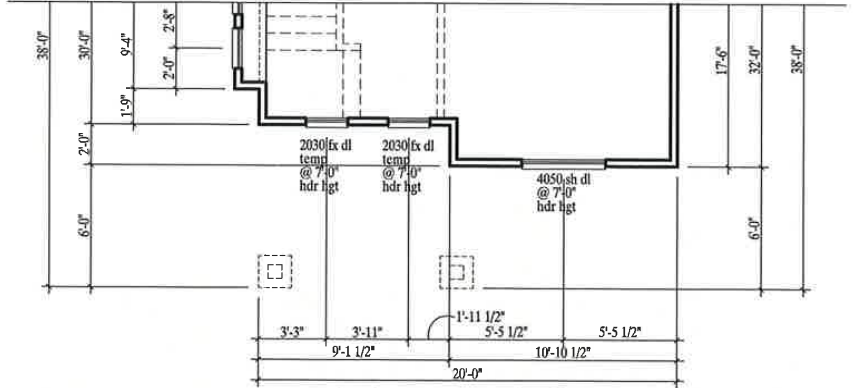
partial right side elevation - A
scale: 1/8" = 1'-0"



front elevation - A
scale: 1/8" = 1'-0"



partial first floor plan - A
scale: 1/8" = 1'-0"



partial second floor plan - A
scale: 1/8" = 1'-0"

square footages	
elevation "A"	
covered porch	74 s.f.



the Montgomery 12.6.18

Red Line Rev 12/6/18

revisions	date
Red Line Rev	2/22/17
Misc Rev	6/30/17
Masonry Rev	11/30/17
Red Line Rev	9/12/18
Cad Ref Rev	10/2/18

issue date	
9/12/18	
drawn by	
SJW	



the harder organization
residential design
planning
dallas tx • washington dc • greensboro nc
2639 Elm Street, Suite Number 205 Dallas, Texas 76228 voice (214) 744-0404 toll free (877) 207-7850 fax (214) 744-0407

cad ref	
31155La3	
plan number	
31155L	
sheet number	
A.3.A	

© 2008 The Harder Organization Residential Design/Lead Planning. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without prior written permission from The Harder Organization.

The Hamilton
1 Story | 3 Bedrooms | 2 Bathrooms | 1428 sf



\$221,900

The Smith
1 Story | 3 Bedrooms | 2 Bathrooms | 1100 sf



\$211,900

Swisher
1 Story | 2 Bedrooms | 2 Bathrooms | 1393 sf



\$218,900

Mason
1 Story | 2 Bedrooms | 2 Bathrooms | 1016 sf



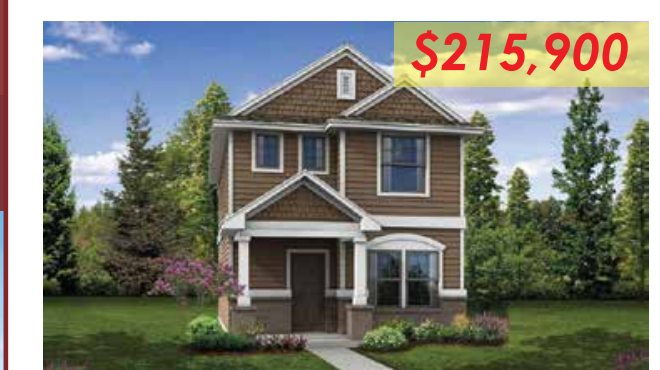
\$206,900

One Story Homes - Portico Plans

Total square footage and price is similar across both one and two story homes

Two Story Homes Portico Plans

The Montgomery
2 Story | 2 Bedrooms | 2.5 Bathrooms | 1158 sf



\$215,900

The Titus
2 Story | 3 Bedrooms | 2.5 Bathrooms | 1300 sf



\$219,900

Oak Creek, Leander
- 40% of homes are 1-story
- Avg base price \$240,000



Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.47 for the property located at 207 Combe Drive, Lot 7, Block E of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from the setback requirement from the SmartCode.

Property Description:

Brooklands Section 1, Block E, Lot 7.

Location:

207 Combe Drive

Owner:

Pacesetter Homes, LLC

Zoning:

T-4 (SmartCode)

Proposed Land Use:

Single-Family Residential

Adjacent Land Uses:

Direction	Zoning	Land Use
North	B-2 (General Commercial)	Commercial
South	T-4 (Single-Family Residential)	Residential
East	T-4 (Single-Family Residential)	Residential
West	T-4 (Single-Family Residential)	Residential

Background:

The subject property, which consists of approximately 0.102 acres (4,410 square feet) is a rectangular lot along Combe Street in the Brooklands Subdivision.

They are requesting the following variances:

1. Request to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

Below is the excerpt from the SmartCode:

SMARTCODE

Hutto, Texas

ARTICLE 6. TABLE 14. SMARTCODE SUMMARY

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
a. ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)					
CLD requires	no minimum	50% min.	10 - 30%	20 - 40%	not permitted
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%
RCD requires	no minimum	no minimum	not permitted	10 - 30%	10 - 30%
b. BASE RESIDENTIAL DENSITY (See Section 3.4)					
By Right	by Variance	1 unit / 5 ac.	4 units / ac. gross	12 units / ac. gross	12 units / ac. min.
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%
c. BLOCK SIZE					
Block Perimeter	no maximum	no maximum	2,400 ft. max.	2,000 ft. max.	1,600 ft. max.
d. THOROUGHFARES (See Table 3 and 4)					
HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	not permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	permitted	required	required
Path	permitted	permitted	permitted	permitted	not permitted
Passage	not permitted	not permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted
e. CIVIC SPACES (See Table 13)					
Park	permitted	permitted	permitted	by Warrant	by Warrant
Green	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Pocket Park	permitted	permitted	permitted	permitted	permitted
f. LOT OCCUPATION					
Lot Width	not applicable	by Warrant	68 ft. min 120 ft. max.	22 ft. min 96 ft. max.	22 ft. min 300 ft. max.
Lot Coverage	not applicable	by Warrant	50% max.	75% max.	90% max. *
g. SETBACKS - PRINCIPAL BUILDING (See Table 15)					
(g.1) Front Setback Principal	not applicable	24 ft. min.	24 ft. min.	20 ft. max.	12 ft. max.
(g.2) Front Setback Secondary	not applicable	20 ft. min.	20 ft. max.	12 ft. max.	2 ft. min. 12 ft. max.
(g.3) Side Setback	not applicable	40 ft. min.	18 ft. min. total	0 ft. min. 8 ft. total max.	0 ft. min. 24 ft. max.
(g.4) Rear Setback	not applicable	96 ft. min.	24 ft. min.	3 ft. min.	3 ft. min.
Frontage Buildout	not applicable	not applicable	50% min.	70% min.	80% min.
h. SETBACKS - OUTBUILDING (See Table 15)					
(h.1) Front Setback	not applicable	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	40 ft. max. from rear prop.
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min. or 3 ft.	0 ft. min.
(h.3) Rear Setback	not applicable	3 ft. min.	3 ft. min.	3 ft.	3 ft. max.
i. BUILDING DISPOSITION (See Table 9)					
Edgeyard	permitted	permitted	permitted	permitted	not permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted
j. PRIVATE FRONTAGES (See Table 7)					
Common Yard	not applicable	permitted	permitted	not permitted	not permitted
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted
Terrace, Doorway	not applicable	not permitted	not permitted	permitted	permitted
Foecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted
k. BUILDING CONFIGURATION (See Table 8)					
Principal Building	not applicable	2 Stories max.	2 Stories max.	3 Stories max. 1 min.**	3 Stories max.* 1 min.**
Outbuilding	not applicable	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.
l. BUILDING FUNCTION (See Table 10 & Table 12)					
Residential	not applicable	restricted use	restricted use	limited use	open use
Logaina	not applicable	restricted use	restricted use	limited use	open use
Office	not applicable	restricted use	restricted use	limited use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use

Revised September 2016

SC53

Staff Analysis:

1. *There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.*

Staff finds that the requested variance is a design driven hardship, and the requested setback variance has been shown unnecessary because other builders have met code in this subdivision.

1. ***Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.***

The strict application of the UDC standards would not make the lot unusable, as other builders have shown compliance with the SmartCode is attainable.

2. ***The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.***

Staff finds that the requested setback variance does not meet the intent of the SmartCode. Staff finds that approval of the variance would not adversely impact the neighboring property owners as the houses would actually be further apart.

3. ***Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.***

The conditions of the site are self-created by the applicant. The design and configuration of the proposed house needs a variance because the house is not wide enough per the SmartCode.

4. ***The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.***

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

5. ***The variance is the minimum necessary to grant relief.***

Staff finds that the requested variances are not the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship. The requested variance is recommended denial by staff for lack of an undue hardship. The applicant has shown that a product that is code compliant can be constructed on the site.

ATTACHMENTS:

[207CombeDr-ZBA-PacketDocs](#)

CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

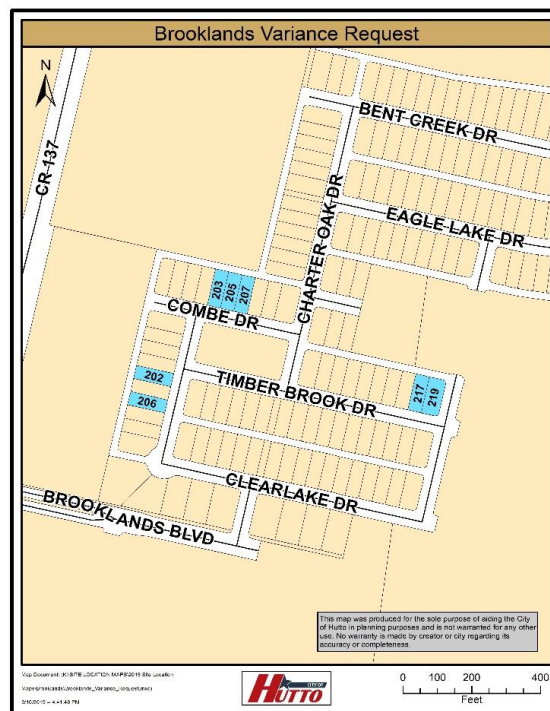
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

The variance requests for the properties located at **203/205/207 Combe Drive, and 202/206 Clearlake Drive, and 217/219 Timber Brook Drive** to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov





August 21, 2019

RE: Nature of Request for 219 Timberbrook Drive

To The City of Hutto:

Pacesetter Homes would like to request a blanket variance for our Portico Series plan line up.
The request is for a 15' max vs. 8' max setback to ensure the health and safety for our first responders.

Thank you,

Monica Flaro

PACESETTER HOMES | Starts Coordinator



14400 The Lakes Blvd.
Building C Suite 200
Pflugerville, TX 78660
Office: 512.703.9434
Web: PacesetterHomesTexas.com
Email: monica.flaro@pacesetterhomes.com

14400 The Lakes Blvd., Bldg. C, Ste. 200 • Pflugerville, TX 78660 • (o) 512.323.5252



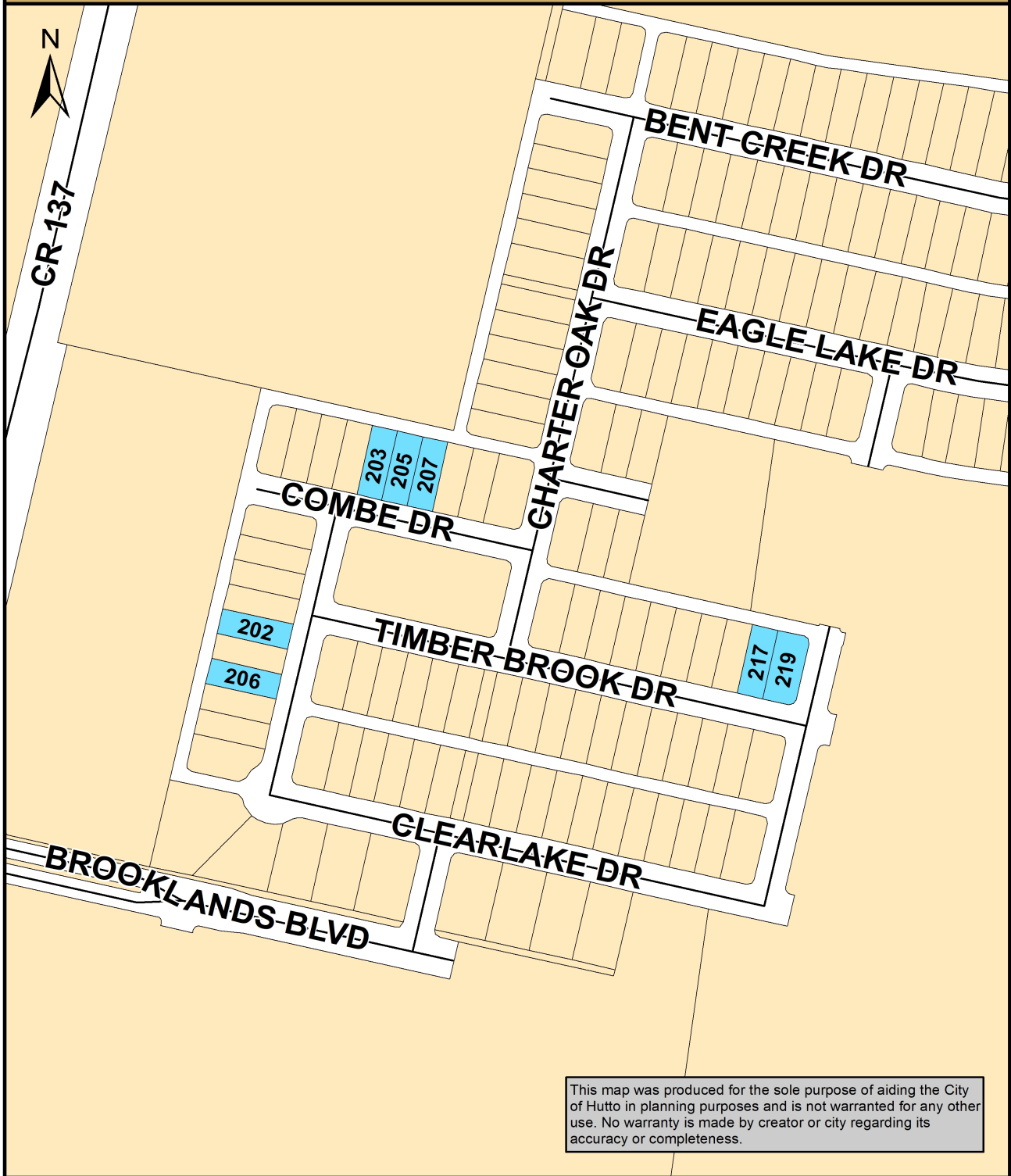
RE: 219 Timberbrook Drive – The Brooklands

REVIEW CRITERIA (FINDINGS):

1. There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.
The smart code defines the 8' setbacks and on a 40' lot that will not grant enough access from a fence to building line to allow for safety.
2. Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
We feel our product mirrors the sister product within this subdivision.
3. The variance is in harmony with the spirit of the UDC and the community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
We feel this product harmonizes with the overall theme for the community and sister products within this subdivision.
4. Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.
The request is for a 15' max vs. 8' max setback overall and for our portico plans all to ensure the health and safety for our first responders.
5. The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.
We feel that due to the stipulations of the smartcode, it's a safety concern not to move forward with the variance.
6. The variance is the minimum necessary to grant relief.
The setback variance will allow for a more maintainable first responders access/safety.



Brooklands Variance Request

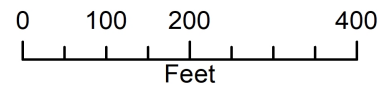


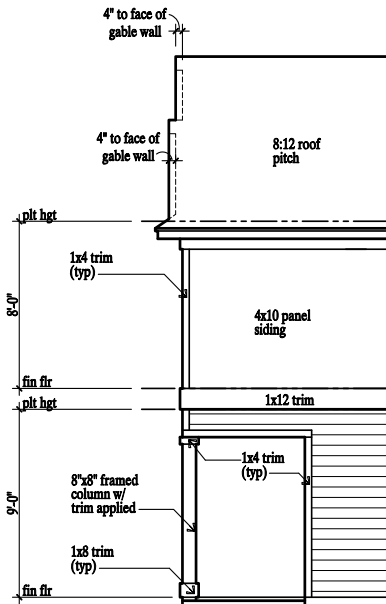
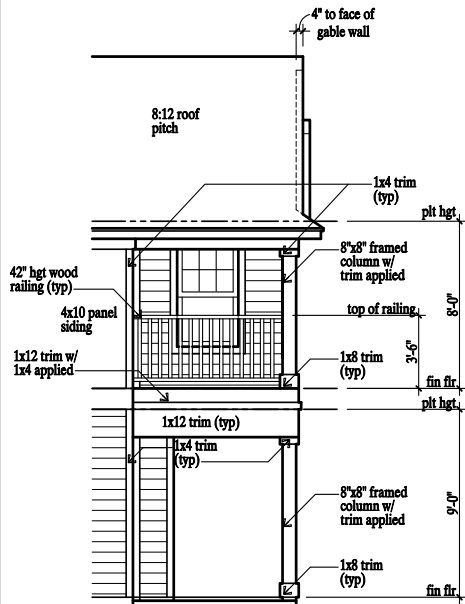
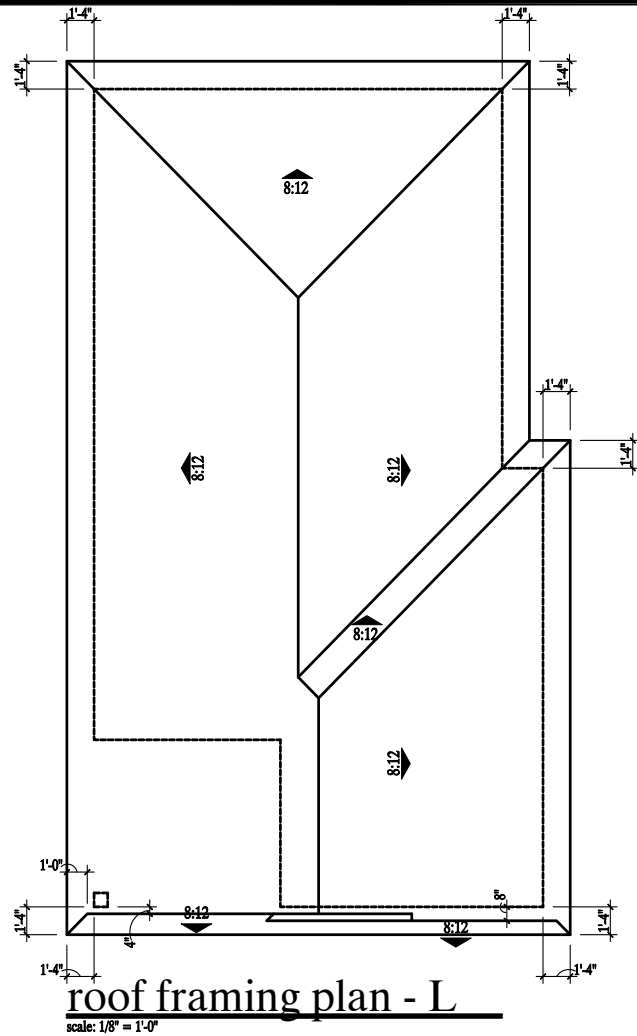
Map Document: (K:\SITE LOCATION MAPS\2019 Site Location

Maps\Brooklands\Brooklands_Variance_Request.mxd)

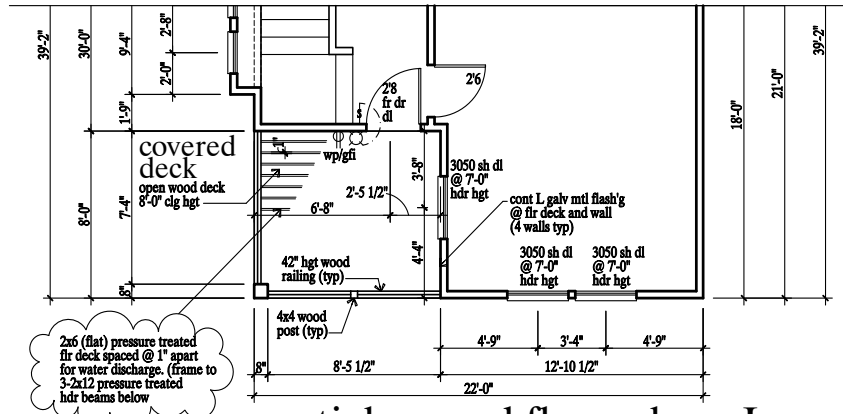
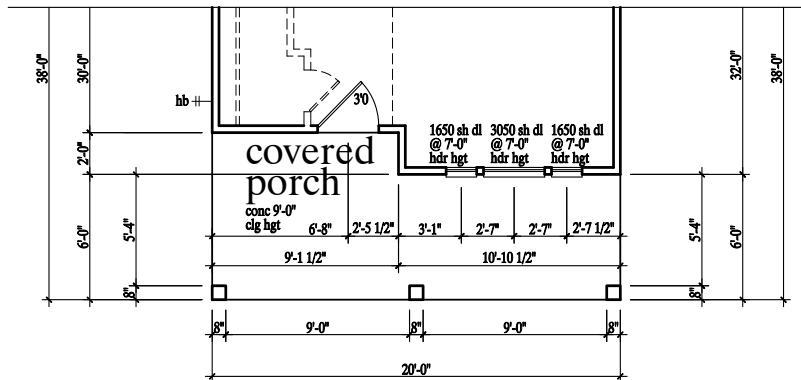
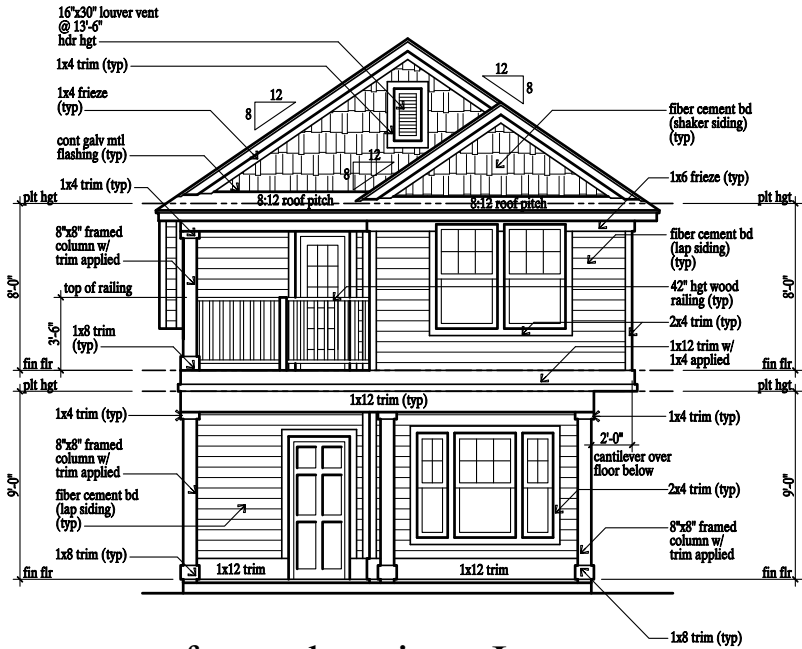
9/10/2019 -- 4:41:46 PM

Page 7 of 9





square footages	
elevation L	
covered porch	138 s.f.
non-covered porch	n/a s.f.
total porch	138 s.f.
covered deck	88 s.f.



the Andrews

revisions	date
Plan Name Rev	6/14/11
Misc Rev	2/11/14
plan name rev	11/18/14

issue date
10/6/09
drawn by
JME



The Harder Organization
residential design
and planning
2639 Elm Street, Suite Number 303 Dallas, Texas 75226 voice (214) 744-0404 toll free (877) 207-7560 fax (214) 744-0407
dallas tx • washington dc • greensboro nc

cad ref
31320a3
plan number
31320

sheet number
A.3

The Hamilton
1 Story | 3 Bedrooms | 2 Bathrooms | 1428 sf



\$221,900

The Smith
1 Story | 3 Bedrooms | 2 Bathrooms | 1100 sf



\$211,900

Swisher
1 Story | 2 Bedrooms | 2 Bathrooms | 1393 sf



\$218,900

Mason
1 Story | 2 Bedrooms | 2 Bathrooms | 1016 sf



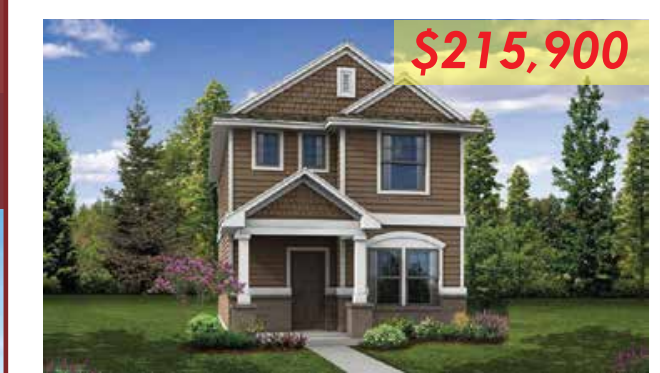
\$206,900

One Story Homes - Portico Plans

Total square footage and price is similar across both one and two story homes

Two Story Homes Portico Plans

The Montgomery
2 Story | 2 Bedrooms | 2.5 Bathrooms | 1158 sf



\$215,900

The Titus
2 Story | 3 Bedrooms | 2.5 Bathrooms | 1300 sf



\$219,900

Oak Creek, Leander
- 40% of homes are 1-story
- Avg base price \$240,000



Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.48 for the property located at 202 Clearlake Drive, Lot 11, Block A of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from the setback requirement from the SmartCode.

Property Description:

Brooklands Section 1, Block A, Lot 11.

Location:

202 Clearlake Drive

Owner:

Pacesetter Homes, LLC

Zoning:

T-4 (SmartCode)

Proposed Land Use:

Single-Family Residential

Adjacent Land Uses:

Direction	Zoning	Land Use
North	B-2 (General Commercial)	Commercial
South	T-4 (Single-Family Residential)	Residential
East	T-4 (Single-Family Residential)	Residential
West	T-4 (Single-Family Residential)	Residential

Background:

The subject property, which consists of approximately 0.102 acres (4,410 square feet) is a rectangular lot along Combe Street in the Brooklands Subdivision.

They are requesting the following variances:

1. Request to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

Below is the excerpt from the SmartCode:

SMARTCODE

Hutto, Texas

ARTICLE 6. TABLE 14. SMARTCODE SUMMARY

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
a. ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)					
CLD requires	no minimum	50% min.	10 - 30%	20 - 40%	not permitted
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%
RCD requires	no minimum	no minimum	not permitted	10 - 30%	10 - 30%
b. BASE RESIDENTIAL DENSITY (See Section 3.4)					
By Right	by Variance	1 unit / 5 ac.	4 units / ac. gross	12 units / ac. gross	12 units / ac. min.
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%
c. BLOCK SIZE					
Block Perimeter	no maximum	no maximum	2,400 ft. max.	2,000 ft. max.	1,600 ft. max.
d. THOROUGHFARES (See Table 3 and 4)					
HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	not permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	permitted	required	required
Path	permitted	permitted	permitted	permitted	not permitted
Passage	not permitted	not permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted
e. CIVIC SPACES (See Table 13)					
Park	permitted	permitted	permitted	by Warrant	by Warrant
Green	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Pocket Park	permitted	permitted	permitted	permitted	permitted
f. LOT OCCUPATION					
Lot Width	not applicable	by Warrant	68 ft. min 120 ft. max.	22 ft. min 96 ft. max.	22 ft. min 300 ft. max.
Lot Coverage	not applicable	by Warrant	50% max.	75% max.	90% max. *
g. SETBACKS - PRINCIPAL BUILDING (See Table 15)					
			*May be allocated per Block rather than Lot		
(g.1) Front Setback Principal	not applicable	24 ft. min.	24 ft. min.	20 ft. max.	12 ft. max.
(g.2) Front Setback Secondary	not applicable	20 ft. min.	20 ft. max.	12 ft. max.	2 ft. min. 12 ft. max.
(g.3) Side Setback	not applicable	40 ft. min.	18 ft. min. total	0 ft. min. 8 ft. total max.	0 ft. min. 24 ft. max.
(g.4) Rear Setback	not applicable	96 ft. min.	24 ft. min.	3 ft. min.	3 ft. min.
Frontage Buildout	not applicable	not applicable	50% min.	70% min.	80% min.
h. SETBACKS - OUTBUILDING (See Table 15)					
(h.1) Front Setback	not applicable	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	40 ft. max. from rear prop.
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min. or 3 ft.	0 ft. min.
(h.3) Rear Setback	not applicable	3 ft. min.	3 ft. min.	3 ft.	3 ft. max.
i. BUILDING DISPOSITION (See Table 9)					
Edgeyard	permitted	permitted	permitted	permitted	not permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted
j. PRIVATE FRONTAGES (See Table 7)					
Common Yard	not applicable	permitted	permitted	not permitted	not permitted
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted
Terrace, Doorway	not applicable	not permitted	not permitted	permitted	permitted
Foecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted
GALLERY	not applicable	not permitted	not permitted	permitted	permitted
k. BUILDING CONFIGURATION (See Table 8)					
Principal Building	not applicable	2 Stories max.	2 Stories max.	3 Stories max. 1 min.**	3 Stories max.* 1 min.**
Outbuilding	not applicable	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.
l. BUILDING FUNCTION (See Table 10 & Table 12)					
			*4 Stories permitted by Warrant		**by Warrant
Residential	not applicable	restricted use	restricted use	limited use	open use
Logaina	not applicable	restricted use	restricted use	limited use	open use
Office	not applicable	restricted use	restricted use	limited use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use

Revised September 2016

SC53

Staff Analysis:

1. *There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.*

Staff finds that the requested variance is a design driven hardship, and the requested setback variance has been shown unnecessary because other builders have met code in this subdivision.

1. ***Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.***

The strict application of the UDC standards would not make the lot unusable, as other builders have shown compliance with the SmartCode is attainable.

2. ***The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.***

Staff finds that the requested setback variance does not meet the intent of the SmartCode. Staff finds that approval of the variance would not adversely impact the neighboring property owners as the houses would actually be further apart.

3. ***Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.***

The conditions of the site are self-created by the applicant. The design and configuration of the proposed house needs a variance because the house is not wide enough per the SmartCode.

4. ***The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.***

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

5. ***The variance is the minimum necessary to grant relief.***

Staff finds that the requested variances are not the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship. The requested variance is recommended denial by staff for lack of an undue hardship. The applicant has shown that a product that is code compliant can be constructed on the site.

ATTACHMENTS:

[202ClearlakeDr-ZBA-PacketDocs](#)

CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

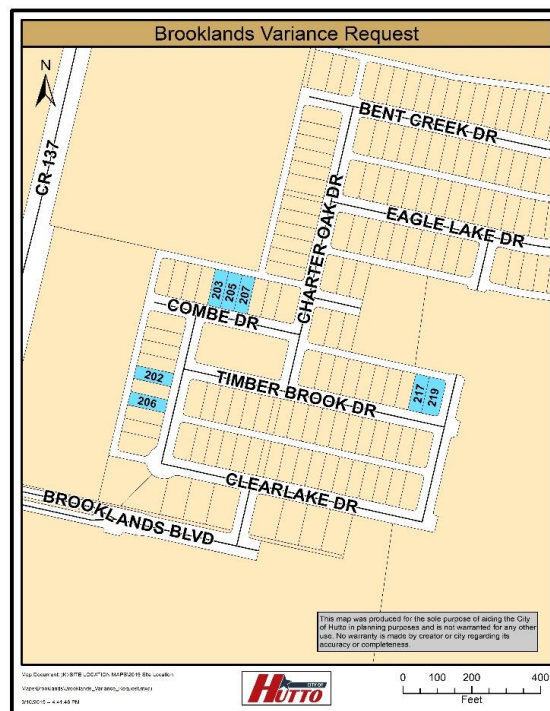
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

The variance requests for the properties located at **203/205/207 Combe Drive, and 202/206 Clearlake Drive, and 217/219 Timber Brook Drive** to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov





August 21, 2019

RE: Nature of Request for 219 Timberbrook Drive

To The City of Hutto:

Pacesetter Homes would like to request a blanket variance for our Portico Series plan line up.
The request is for a 15' max vs. 8' max setback to ensure the health and safety for our first responders.

Thank you,

Monica Flaro

PACESETTER HOMES | Starts Coordinator



14400 The Lakes Blvd.
Building C Suite 200
Pflugerville, TX 78660
Office: 512.703.9434
Web: PacesetterHomesTexas.com
Email: monica.flaro@pacesetterhomes.com

14400 The Lakes Blvd., Bldg. C, Ste. 200 • Pflugerville, TX 78660 • (o) 512.323.5252



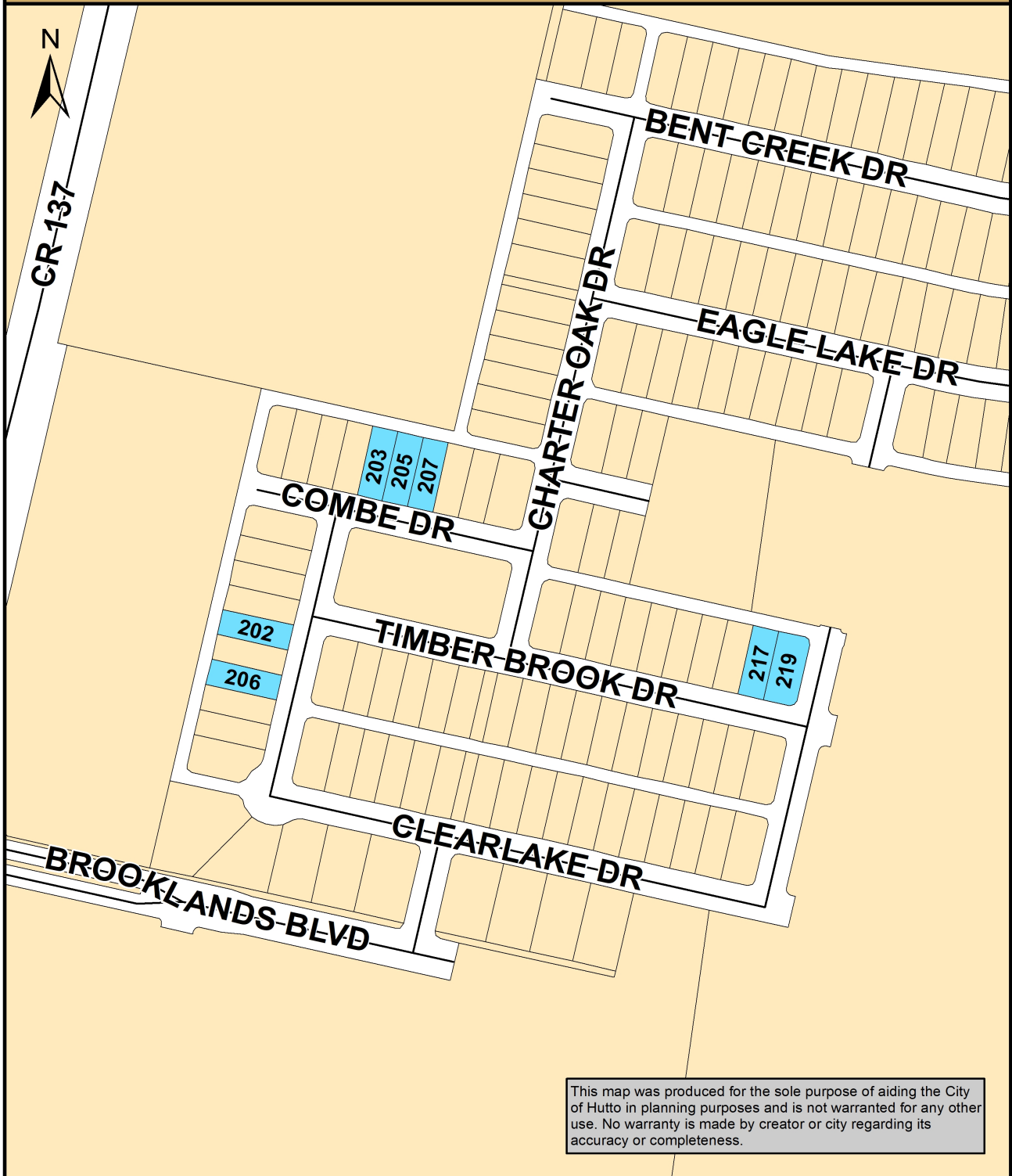
RE: 219 Timberbrook Drive – The Brooklands

REVIEW CRITERIA (FINDINGS):

1. There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.
The smart code defines the 8' setbacks and on a 40' lot that will not grant enough access from a fence to building line to allow for safety.
2. Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
We feel our product mirrors the sister product within this subdivision.
3. The variance is in harmony with the spirit of the UDC and the community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
We feel this product harmonizes with the overall theme for the community and sister products within this subdivision.
4. Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.
The request is for a 15' max vs. 8' max setback overall and for our portico plans all to ensure the health and safety for our first responders.
5. The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.
We feel that due to the stipulations of the smartcode, it's a safety concern not to move forward with the variance.
6. The variance is the minimum necessary to grant relief.
The setback variance will allow for a more maintainable first responders access/safety.



Brooklands Variance Request

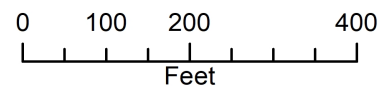


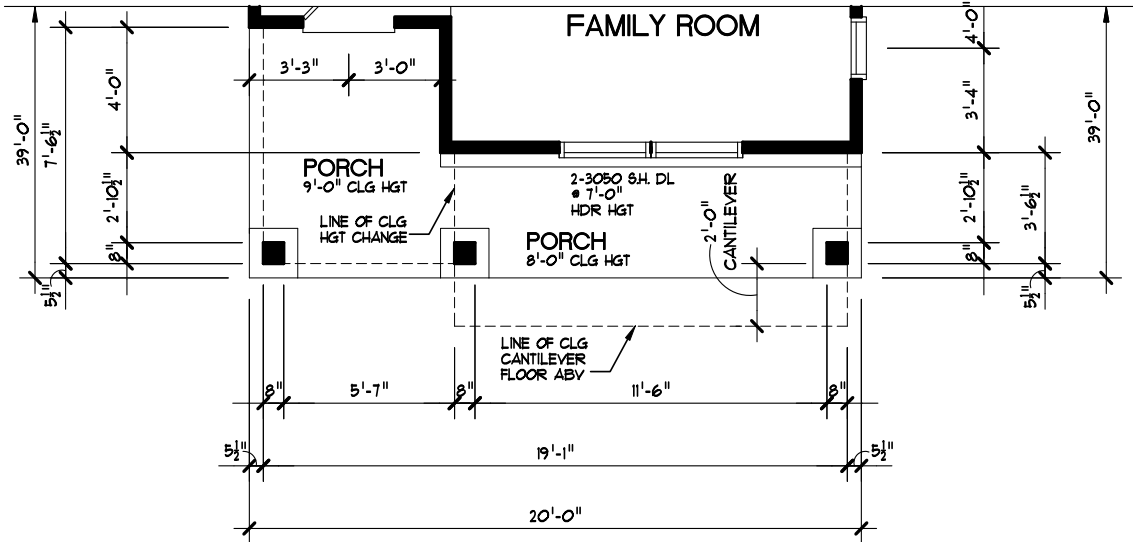
Map Document: (K:\SITE LOCATION MAPS\2019 Site Location

Maps\Brooklands\Brooklands_Variance_Request.mxd)

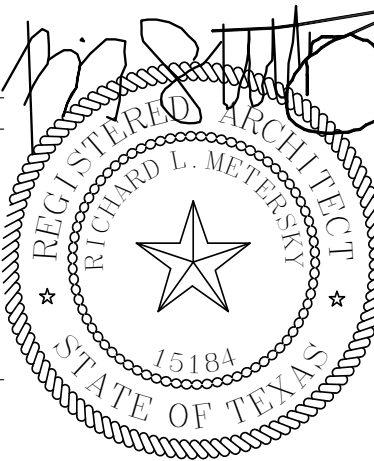
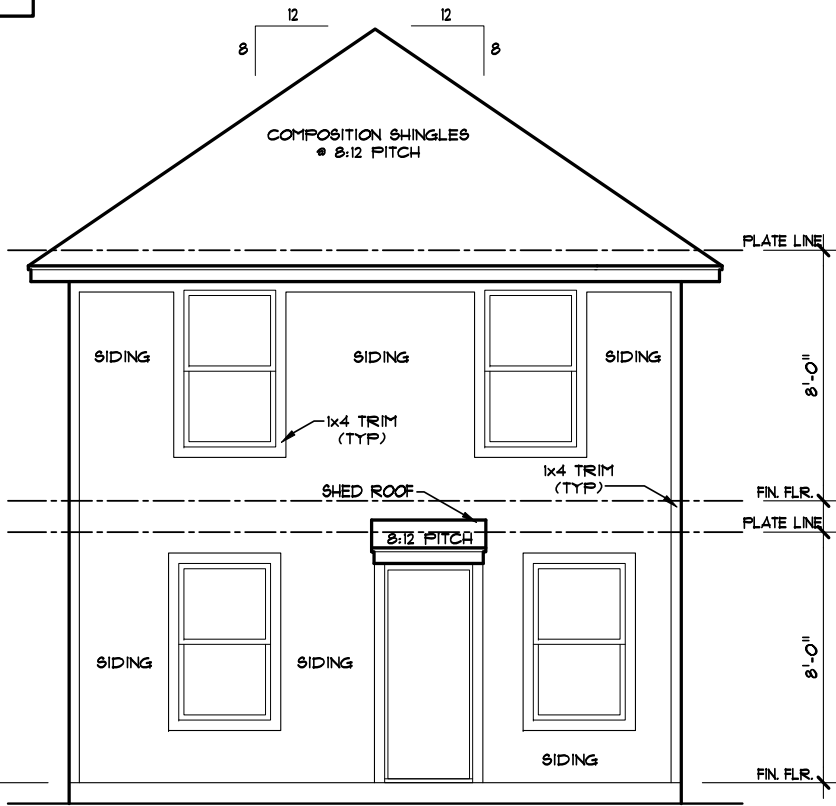
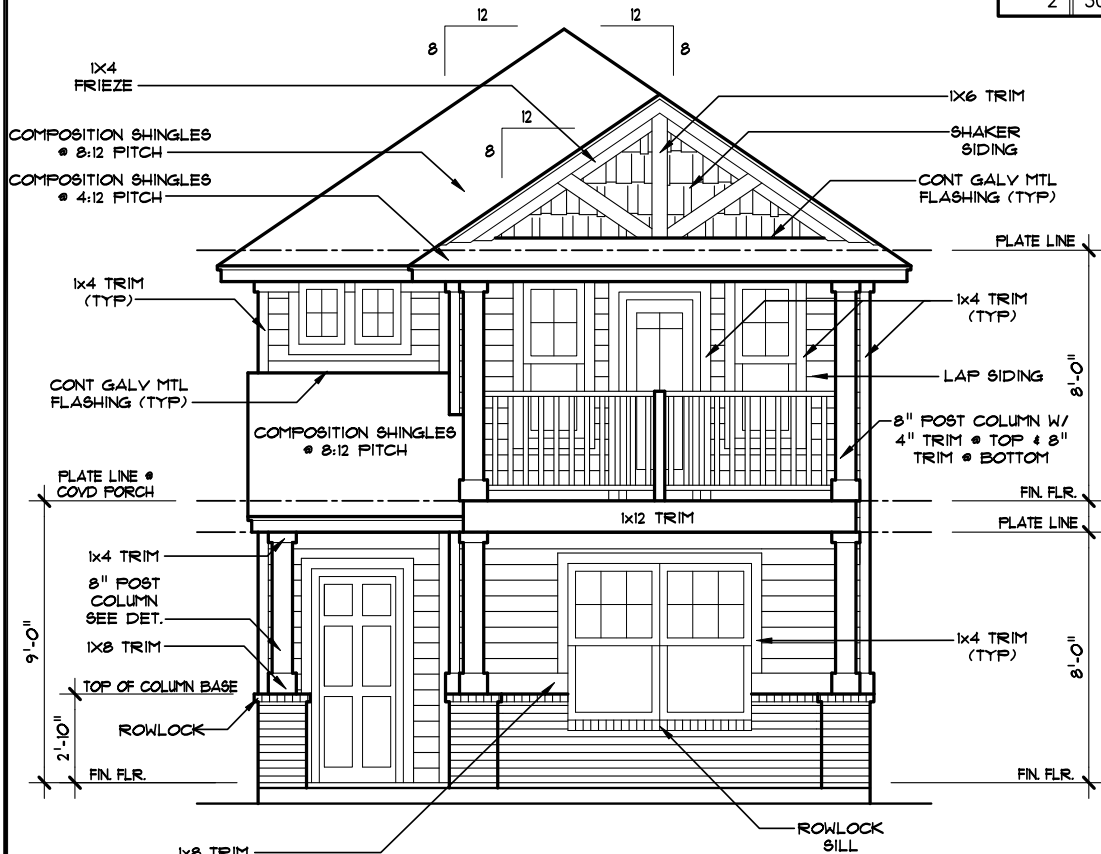
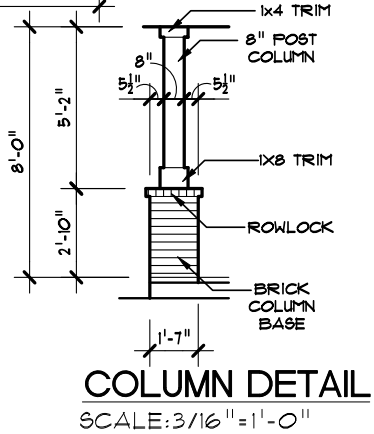
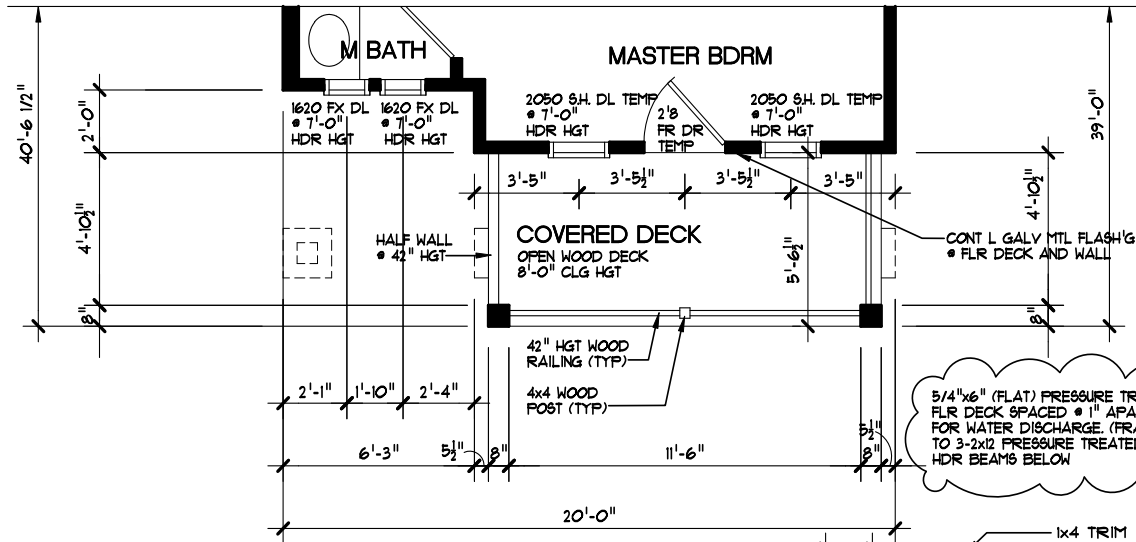
9/10/2019 -- 4:41:46 PM

Page 7 of 9





#	SIZE	TYPE
2	1620	FX DL
2	2050	SH DL
2	3050	SH DL



STRIP PLAN/ELEVATIONS 12.6.18
31310L

Drawn By: **NOV 19 2014**
Date: **3/16" = 1'-0"**
Scale: **3/16" = 1'-0"**
Checked By: **12/16**
Sheet Number: **12/16**

A QUALCO COMPANY

The Inland Architectural
Architects & Planners
P.C.
11111 E. 11th Ave., Suite 100
Denver, CO 80231
Phone: 303.755.1111
Fax: 303.755.1112
Email: info@inlandarchitect.com
Website: www.inlandarchitect.com

REVISIONS
CHBA
MAIN FLR: 106 SQ. FT.
UPPER FLR: 113 SQ. FT.
TOTAL: 219 SQ. FT.
PORCH: 99 SQ. FT.
BALCONY: 77 SQ. FT.
TOTAL SLAB: 805 SQ. FT.

NOTES
- UTILITIES SUBJECT TO CHANGE OF LOCATION DEPENDING ON BUILDING SITE CONDITIONS.
- FINAL GRADING MAY ALTER EXISTING ELEVATIONS.
- ANY ENGINEERING IS THE RESPONSIBILITY OF THE ENGINEER.
- COPYRIGHT / 2005
- ANY REPRODUCTION IN WHOLE OR IN PART IS STRICTLY PROHIBITED.

The Hamilton
1 Story | 3 Bedrooms | 2 Bathrooms | 1428 sf



\$221,900

The Smith
1 Story | 3 Bedrooms | 2 Bathrooms | 1100 sf



\$211,900

Swisher
1 Story | 2 Bedrooms | 2 Bathrooms | 1393 sf



\$218,900

Mason
1 Story | 2 Bedrooms | 2 Bathrooms | 1016 sf



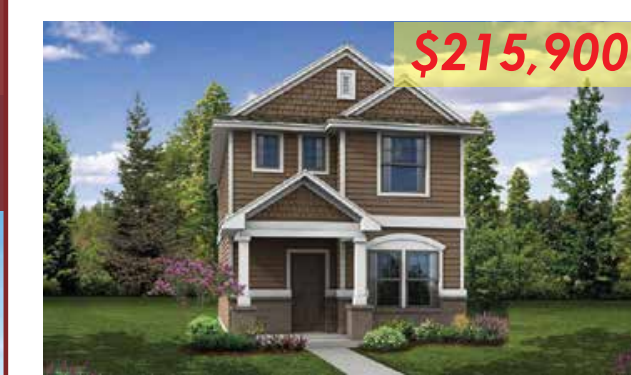
\$206,900

One Story Homes - Portico Plans

Total square footage and price is similar across both one and two story homes

Two Story Homes Portico Plans

The Montgomery
2 Story | 2 Bedrooms | 2.5 Bathrooms | 1158 sf



\$215,900

The Titus
2 Story | 3 Bedrooms | 2.5 Bathrooms | 1300 sf



\$219,900

Oak Creek, Leander
- 40% of homes are 1-story
- Avg base price \$240,000



Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.49 for the property located at 206 Clearlake Drive, Lot 9, Block A of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from the setback requirement from the SmartCode.

Property Description:

Brooklands Section 1, Block A, Lot 9.

Location:

206 Clearlake Drive

Owner:

Pacesetter Homes, LLC

Zoning:

T-4 (SmartCode)

Proposed Land Use:

Single-Family Residential

Adjacent Land Uses:

Direction	Zoning	Land Use
North	B-2 (General Commercial)	Commercial
South	T-4 (Single-Family Residential)	Residential
East	T-4 (Single-Family Residential)	Residential
West	T-4 (Single-Family Residential)	Residential

Background:

The subject property, which consists of approximately 0.102 acres (4,410 square feet) is a rectangular lot along Combe Street in the Brooklands Subdivision.

They are requesting the following variances:

1. Request to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

Below is the excerpt from the SmartCode:

SMARTCODE		ARTICLE 6. TABLE 14. SMARTCODE SUMMARY				
Hutto, Texas						
		T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
a. ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)						
CLD requires	no minimum	50% min.	10 - 30%	20 - 40%	not permitted	
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%	
RCD requires	no minimum	no minimum	not permitted	10 - 30%	10 - 30%	
b. BASE RESIDENTIAL DENSITY (See Section 3.4)						
By Right	by Variance	1 unit / 5 ac.	4 units / ac. gross	12 units / ac. gross	12 units / ac. min.	
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%	
c. BLOCK SIZE						
Block Perimeter	no maximum	no maximum	2,400 ft. max.	2,000 ft. max.	1,600 ft. max.	
d. THOROUGHFARES (See Table 3 and 4)						
HW	permitted	permitted	permitted	not permitted	not permitted	
BV	not permitted	not permitted	not permitted	permitted	permitted	
AV	not permitted	not permitted	permitted	permitted	permitted	
CS	not permitted	not permitted	not permitted	not permitted	permitted	
DR	not permitted	not permitted	permitted	permitted	permitted	
ST	not permitted	not permitted	permitted	permitted	permitted	
RD	permitted	permitted	permitted	not permitted	not permitted	
Rear Lane	permitted	permitted	permitted	permitted	not permitted	
Rear Alley	not permitted	not permitted	permitted	required	required	
Path	permitted	permitted	permitted	permitted	not permitted	
Passage	not permitted	not permitted	permitted	permitted	permitted	
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted	
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted	
Bicycle Route	permitted	permitted	permitted	permitted	permitted	
e. CIVIC SPACES (See Table 13)						
Park	permitted	permitted	permitted	by Warrant	by Warrant	
Green	not permitted	not permitted	permitted	permitted	permitted	
Square	not permitted	not permitted	not permitted	permitted	permitted	
Plaza	not permitted	not permitted	not permitted	not permitted	permitted	
Pocket Park	permitted	permitted	permitted	permitted	permitted	
f. LOT OCCUPATION						
Lot Width	not applicable	by Warrant	68 ft. min 120 ft. max.	22 ft. min 96 ft. max.	22 ft. min 300 ft. max.	
Lot Coverage	not applicable	by Warrant	50% max.	75% max.	90% max. *	
g. SETBACKS - PRINCIPAL BUILDING (See Table 15)						
				*May be allocated per Block rather than Lot		
(g.1) Front Setback Principal	not applicable	24 ft. min.	24 ft. min.	20 ft. max.	12 ft. max.	
(g.2) Front Setback Secondary	not applicable	20 ft. min.	20 ft. max.	12 ft. max.	2 ft. min. 12 ft. max.	
(g.3) Side Setback	not applicable	40 ft. min.	18 ft. min. total	0 ft. min. 8 ft. total max.	0 ft. min. 24 ft. max.	
(g.4) Rear Setback	not applicable	96 ft. min.	24 ft. min.	3 ft. min.	3 ft. min.	
Frontage Buildout	not applicable	not applicable	50% min.	70% min.	80% min.	
h. SETBACKS - OUTBUILDING (See Table 15)						
(h.1) Front Setback	not applicable	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	40 ft. max. from rear prop.	
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min. or 3 ft.	0 ft. min.	
(h.3) Rear Setback	not applicable	3 ft. min.	3 ft. min.	3 ft.	3 ft. max.	
i. BUILDING DISPOSITION (See Table 9)						
Edgeyard	permitted	permitted	permitted	permitted	not permitted	
Sideyard	not permitted	not permitted	not permitted	permitted	permitted	
Rearyard	not permitted	not permitted	not permitted	permitted	permitted	
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted	
j. PRIVATE FRONTAGES (See Table 7)						
Common Yard	not applicable	permitted	permitted	not permitted	not permitted	
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted	
Terrace, Doorway	not applicable	not permitted	not permitted	permitted	permitted	
Foecourt	not applicable	not permitted	not permitted	permitted	permitted	
Stoop	not applicable	not permitted	not permitted	permitted	permitted	
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted	
Gallery	not applicable	not permitted	not permitted	permitted	permitted	
k. BUILDING CONFIGURATION (See Table 8)						
Principal Building	not applicable	2 Stories max.	2 Stories max.	3 Stories max. 1 min.**	3 Stories max.* 1 min.**	
Outbuilding	not applicable	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.	
l. BUILDING FUNCTION (See Table 10 & Table 12)						
				*4 Stories permitted by Warrant **by Warrant		
Residential	not applicable	restricted use	restricted use	limited use	open use	
Logaina	not applicable	restricted use	restricted use	limited use	open use	
Office	not applicable	restricted use	restricted use	limited use	open use	
Retail	not applicable	restricted use	restricted use	limited use	open use	

Revised September 2016

SC53

Staff Analysis:

1. *There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.*

Staff finds that the requested variance is a design driven hardship, and the requested setback variance has been shown unnecessary because other builders have met code in this subdivision.

1. ***Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.***

The strict application of the UDC standards would not make the lot unusable, as other builders have shown compliance with the SmartCode is attainable.

2. ***The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.***

Staff finds that the requested setback variance does not meet the intent of the SmartCode. Staff finds that approval of the variance would not adversely impact the neighboring property owners as the houses would actually be further apart.

3. ***Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.***

The conditions of the site are self-created by the applicant. The design and configuration of the proposed house needs a variance because the house is not wide enough per the SmartCode.

4. ***The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.***

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

5. ***The variance is the minimum necessary to grant relief.***

Staff finds that the requested variances are not the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship. The requested variance is recommended denial by staff for lack of an undue hardship. The applicant has shown that a product that is code compliant can be constructed on the site.

ATTACHMENTS:

[206ClearlakeDr-ZBA-PacketDocs](#)

CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

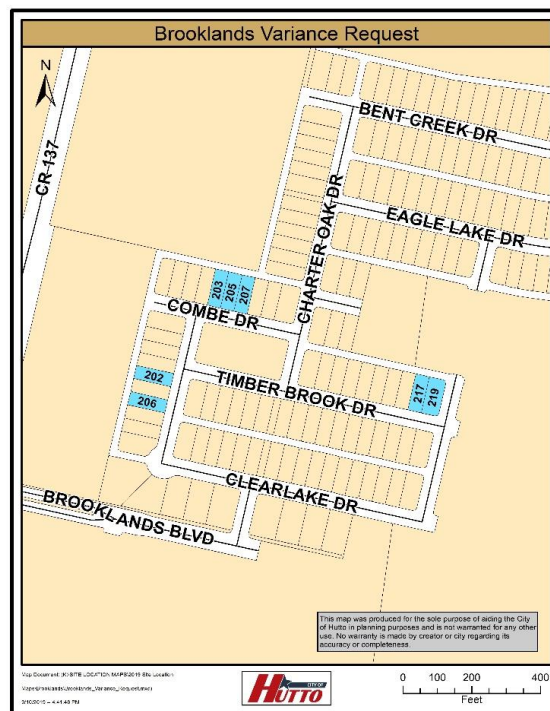
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

The variance requests for the properties located at **203/205/207 Combe Drive, and 202/206 Clearlake Drive, and 217/219 Timber Brook Drive** to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov





August 21, 2019

RE: Nature of Request for 219 Timberbrook Drive

To The City of Hutto:

Pacesetter Homes would like to request a blanket variance for our Portico Series plan line up.
The request is for a 15' max vs. 8' max setback to ensure the health and safety for our first responders.

Thank you,

Monica Flaro

PACESETTER HOMES | Starts Coordinator



14400 The Lakes Blvd.
Building C Suite 200
Pflugerville, TX 78660
Office: 512.703.9434
Web: PacesetterHomesTexas.com
Email: monica.flaro@pacesetterhomes.com

14400 The Lakes Blvd., Bldg. C, Ste. 200 • Pflugerville, TX 78660 • (o) 512.323.5252



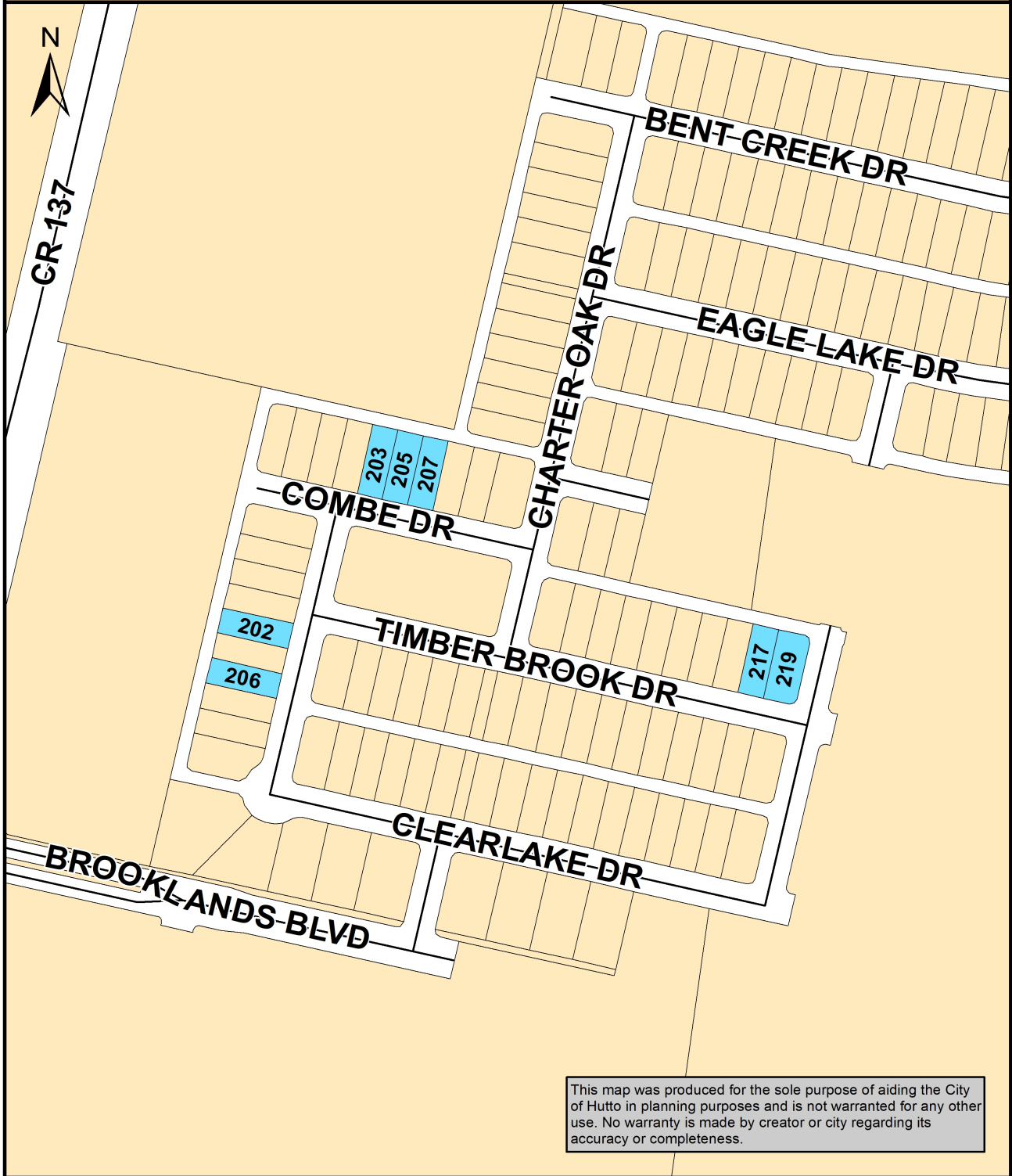
RE: 219 Timberbrook Drive – The Brooklands

REVIEW CRITERIA (FINDINGS):

1. There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.
The smart code defines the 8' setbacks and on a 40' lot that will not grant enough access from a fence to building line to allow for safety.
2. Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
We feel our product mirrors the sister product within this subdivision.
3. The variance is in harmony with the spirit of the UDC and the community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
We feel this product harmonizes with the overall theme for the community and sister products within this subdivision.
4. Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.
The request is for a 15' max vs. 8' max setback overall and for our portico plans all to ensure the health and safety for our first responders.
5. The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.
We feel that due to the stipulations of the smartcode, it's a safety concern not to move forward with the variance.
6. The variance is the minimum necessary to grant relief.
The setback variance will allow for a more maintainable first responders access/safety.



Brooklands Variance Request

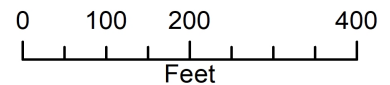


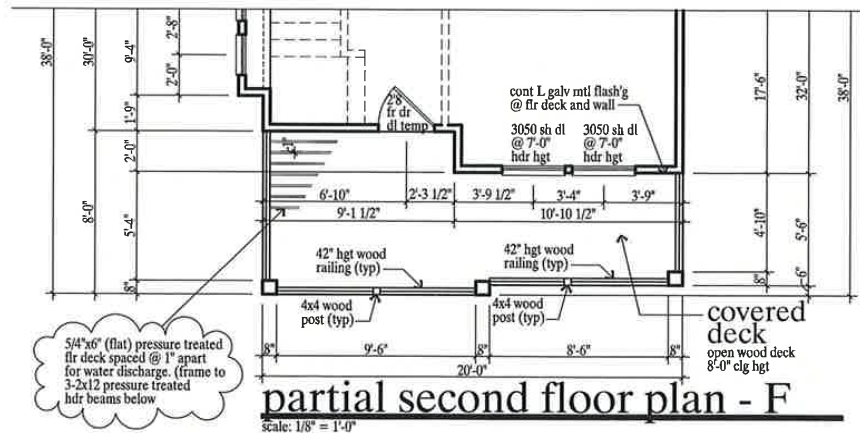
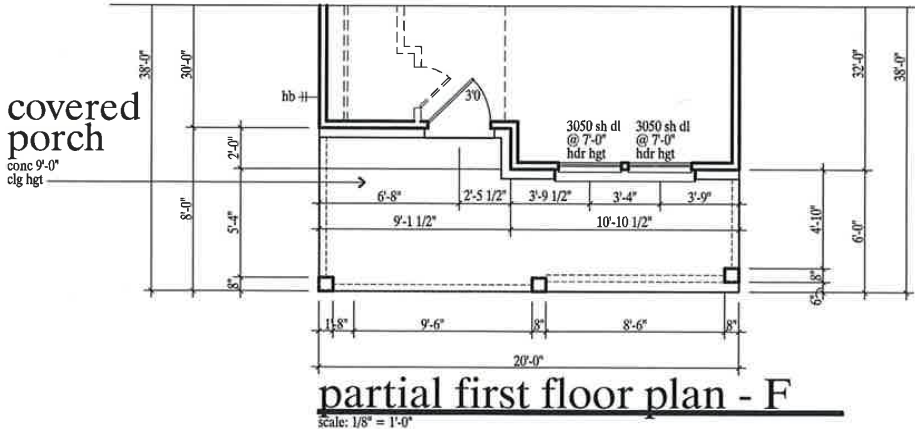
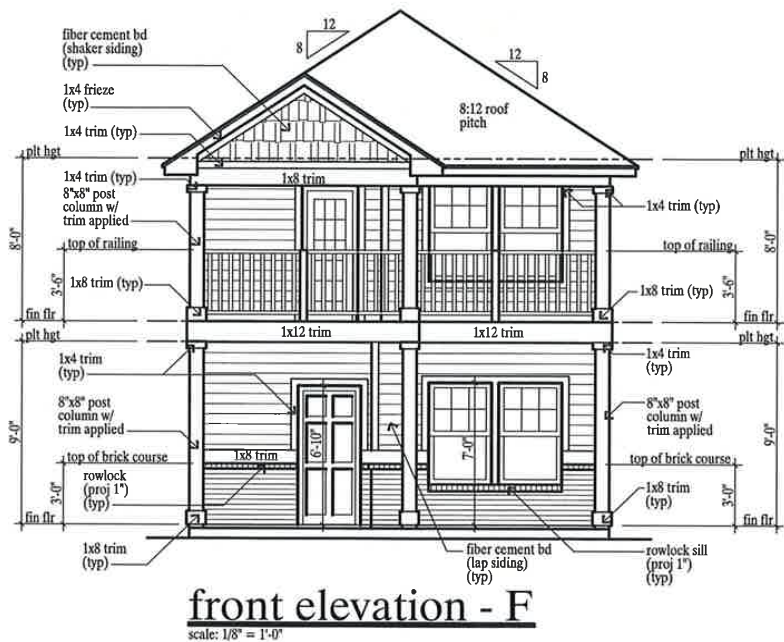
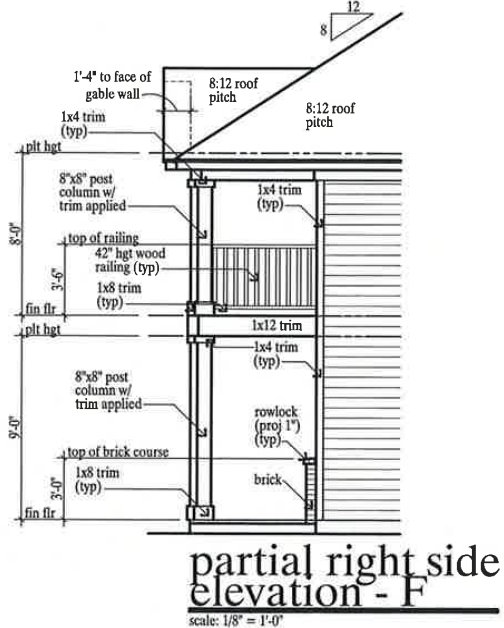
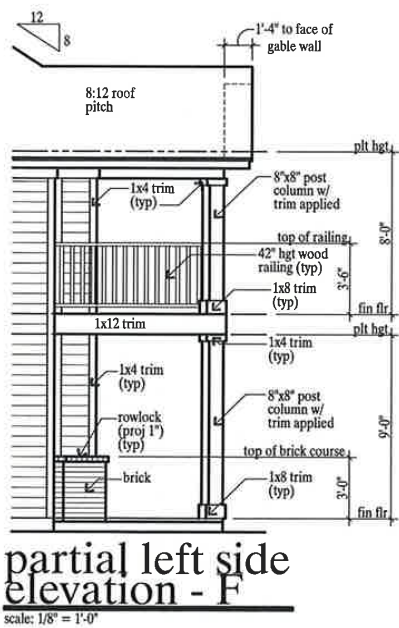
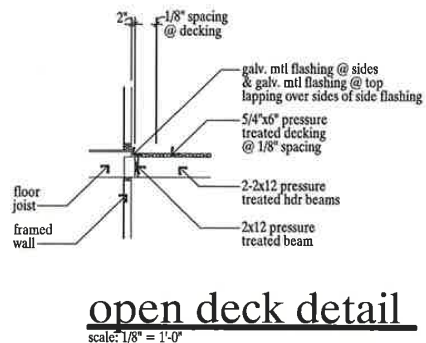
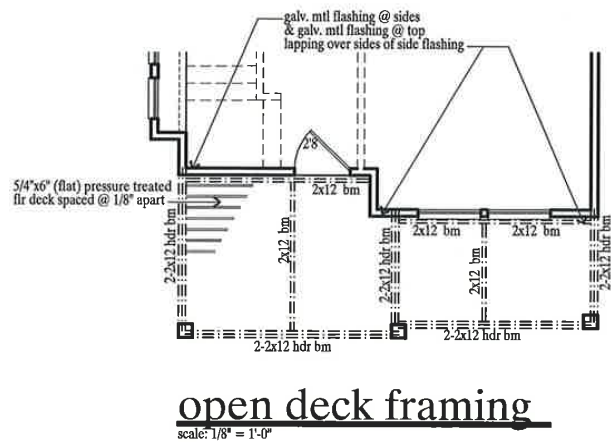
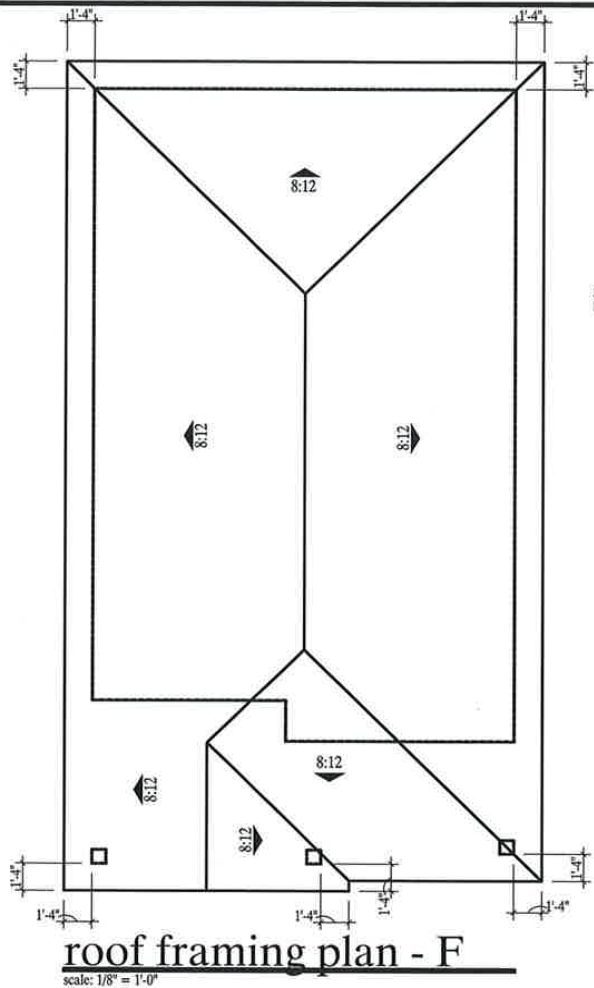
Map Document: (K:\SITE LOCATION MAPS\2019 Site Location

Maps\Brooklands\Brooklands_Variance_Request.mxd)

9/10/2019 -- 4:41:46 PM

Page 7 of 9





square footages	
elevation "F"	
total porch	129 s.f.
covered deck	134 s.f.



the Montgomery 12.6.18

revisions	date
Red Line Rev	2/22/17
Misc Rev	6/30/17
Masonry Rev	11/30/17
Red Line Rev	9/12/18
Cad Ref Rev	10/2/18

issue date
9/12/18
drawn by
SJW



the harder organization
residential design
planning
dallas tx • washington dc • greensboro nc
2609 Elm Street, Suite Number 305 Dallas, Texas 75226 voice (214) 744-0404 fax (214) 744-0407

cad ref
31155La3
plan number
31155L

sheet number
A.5.A

© 2003 The Harder Organization Residential Design/Plan/Draw/Engineer/Architect. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from The Harder Organization.

The Hamilton
1 Story | 3 Bedrooms | 2 Bathrooms | 1428 sf



\$221,900

The Smith
1 Story | 3 Bedrooms | 2 Bathrooms | 1100 sf



\$211,900

Swisher
1 Story | 2 Bedrooms | 2 Bathrooms | 1393 sf



\$218,900

Mason
1 Story | 2 Bedrooms | 2 Bathrooms | 1016 sf



\$206,900

One Story Homes - Portico Plans

Total square footage and price is similar across both one and two story homes

Two Story Homes Portico Plans

The Montgomery
2 Story | 2 Bedrooms | 2.5 Bathrooms | 1158 sf



\$215,900

The Titus
2 Story | 3 Bedrooms | 2.5 Bathrooms | 1300 sf



\$219,900

Oak Creek, Leander
- 40% of homes are 1-story
- Avg base price \$240,000



Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.50 for the property located at 217 Timber Brook Drive, Lot 9, Block D of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from the setback requirement from the SmartCode.

Property Description:

Brooklands Section 1, Block D, Lot 9.

Location:

217 Timberbrook Drive

Owner:

Pacesetter Homes, LLC

Zoning:

T-4 (SmartCode)

Proposed Land Use:

Single-Family Residential

Adjacent Land Uses:

Direction	Zoning	Land Use
North	B-2 (General Commercial)	Commercial
South	T-4 (Single-Family Residential)	Residential
East	T-4 (Single-Family Residential)	Residential
West	T-4 (Single-Family Residential)	Residential

Background:

The subject property, which consists of approximately 0.102 acres (4,410 square feet) is a rectangular lot along Combe Street in the Brooklands Subdivision.

They are requesting the following variances:

1. Request to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

Below is the excerpt from the SmartCode:

SMARTCODE		ARTICLE 6. TABLE 14. SMARTCODE SUMMARY				
Hutto, Texas						
		T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
a. ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)						
CLD requires	no minimum	50% min.	10 - 30%	20 - 40%	not permitted	
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%	
RCD requires	no minimum	no minimum	not permitted	10 - 30%	10 - 30%	
b. BASE RESIDENTIAL DENSITY (See Section 3.4)						
By Right	by Variance	1 unit / 5 ac.	4 units / ac. gross	12 units / ac. gross	12 units / ac. min.	
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%	
c. BLOCK SIZE						
Block Perimeter	no maximum	no maximum	2,400 ft. max.	2,000 ft. max.	1,600 ft. max.	
d. THOROUGHFARES (See Table 3 and 4)						
HW	permitted	permitted	permitted	not permitted	not permitted	
BV	not permitted	not permitted	not permitted	permitted	permitted	
AV	not permitted	not permitted	permitted	permitted	permitted	
CS	not permitted	not permitted	not permitted	not permitted	permitted	
DR	not permitted	not permitted	permitted	permitted	permitted	
ST	not permitted	not permitted	permitted	permitted	permitted	
RD	permitted	permitted	permitted	not permitted	not permitted	
Rear Lane	permitted	permitted	permitted	permitted	not permitted	
Rear Alley	not permitted	not permitted	permitted	required	required	
Path	permitted	permitted	permitted	permitted	not permitted	
Passage	not permitted	not permitted	permitted	permitted	permitted	
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted	
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted	
Bicycle Route	permitted	permitted	permitted	permitted	permitted	
e. CIVIC SPACES (See Table 13)						
Park	permitted	permitted	permitted	by Warrant	by Warrant	
Green	not permitted	not permitted	permitted	permitted	permitted	
Square	not permitted	not permitted	not permitted	permitted	permitted	
Plaza	not permitted	not permitted	not permitted	not permitted	permitted	
Pocket Park	permitted	permitted	permitted	permitted	permitted	
f. LOT OCCUPATION						
Lot Width	not applicable	by Warrant	68 ft. min 120 ft. max.	22 ft. min 96 ft. max.	22 ft. min 300 ft. max.	
Lot Coverage	not applicable	by Warrant	50% max.	75% max.	90% max. *	
g. SETBACKS - PRINCIPAL BUILDING (See Table 15)						
(g.1) Front Setback Principal	not applicable	24 ft. min.	24 ft. min.	20 ft. max.	12 ft. max.	
(g.2) Front Setback Secondary	not applicable	20 ft. min.	20 ft. max.	12 ft. max.	2 ft. min. 12 ft. max.	
(g.3) Side Setback	not applicable	40 ft. min.	18 ft. min. total	0 ft. min. 8 ft. total max.	0 ft. min. 24 ft. max.	
(g.4) Rear Setback	not applicable	96 ft. min.	24 ft. min.	3 ft. min.	3 ft. min.	
Frontage Buildout	not applicable	not applicable	50% min.	70% min.	80% min.	
h. SETBACKS - OUTBUILDING (See Table 15)						
(h.1) Front Setback	not applicable	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	40 ft. max. from rear prop.	
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min. or 3 ft.	0 ft. min.	
(h.3) Rear Setback	not applicable	3 ft. min.	3 ft. min.	3 ft.	3 ft. max.	
i. BUILDING DISPOSITION (See Table 9)						
Edgeyard	permitted	permitted	permitted	permitted	not permitted	
Sideyard	not permitted	not permitted	not permitted	permitted	permitted	
Rearyard	not permitted	not permitted	not permitted	permitted	permitted	
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted	
j. PRIVATE FRONTAGES (See Table 7)						
Common Yard	not applicable	permitted	permitted	not permitted	not permitted	
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted	
Terrace, Doorway	not applicable	not permitted	not permitted	permitted	permitted	
Foecourt	not applicable	not permitted	not permitted	permitted	permitted	
Stoop	not applicable	not permitted	not permitted	permitted	permitted	
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted	
Gallery	not applicable	not permitted	not permitted	permitted	permitted	
k. BUILDING CONFIGURATION (See Table 8)						
Principal Building	not applicable	2 Stories max.	2 Stories max.	3 Stories max. 1 min.**	3 Stories max.* 1 min.**	
Outbuilding	not applicable	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.	
l. BUILDING FUNCTION (See Table 10 & Table 12)						
Residential	not applicable	restricted use	restricted use	limited use	open use	
Logaina	not applicable	restricted use	restricted use	limited use	open use	
Office	not applicable	restricted use	restricted use	limited use	open use	
Retail	not applicable	restricted use	restricted use	limited use	open use	

Revised September 2016

SC53

Staff Analysis:

1. *There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.*

Staff finds that the requested variance is a design driven hardship, and the requested setback variance has been shown unnecessary because other builders have met code in this subdivision.

1. ***Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.***

The strict application of the UDC standards would not make the lot unusable, as other builders have shown compliance with the SmartCode is attainable.

2. ***The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.***

Staff finds that the requested setback variance does not meet the intent of the SmartCode. Staff finds that approval of the variance would not adversely impact the neighboring property owners as the houses would actually be further apart.

3. ***Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.***

The conditions of the site are self-created by the applicant. The design and configuration of the proposed house needs a variance because the house is not wide enough per the SmartCode.

4. ***The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.***

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

5. ***The variance is the minimum necessary to grant relief.***

Staff finds that the requested variances are not the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship. The requested variance is recommended denial by staff for lack of an undue hardship. The applicant has shown that a product that is code compliant can be constructed on the site.

ATTACHMENTS:

[217TimberBrookDr-ZBA-PacketDocs](#)

CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

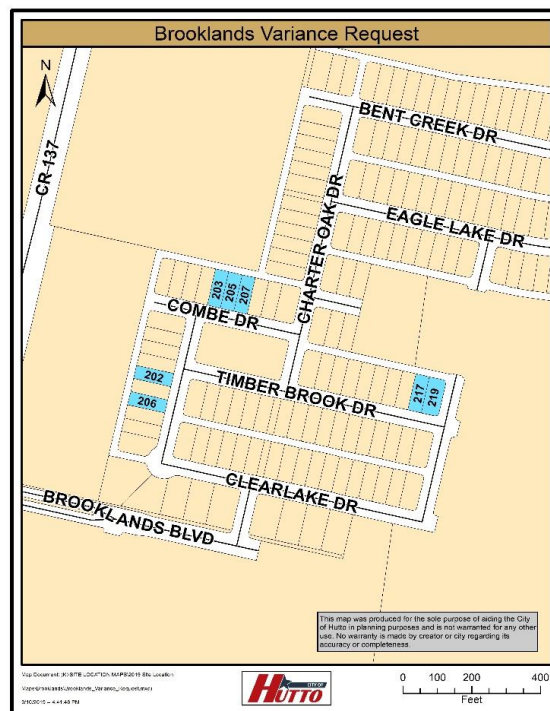
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

The variance requests for the properties located at **203/205/207 Combe Drive, and 202/206 Clearlake Drive, and 217/219 Timber Brook Drive** to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov





August 21, 2019

RE: Nature of Request for 219 Timberbrook Drive

To The City of Hutto:

Pacesetter Homes would like to request a blanket variance for our Portico Series plan line up.
The request is for a 15' max vs. 8' max setback to ensure the health and safety for our first responders.

Thank you,

Monica Flaro

PACESETTER HOMES | Starts Coordinator



14400 The Lakes Blvd.
Building C Suite 200
Pflugerville, TX 78660
Office: 512.703.9434
Web: PacesetterHomesTexas.com
Email: monica.flaro@pacesetterhomes.com

14400 The Lakes Blvd., Bldg. C, Ste. 200 • Pflugerville, TX 78660 • (o) 512.323.5252



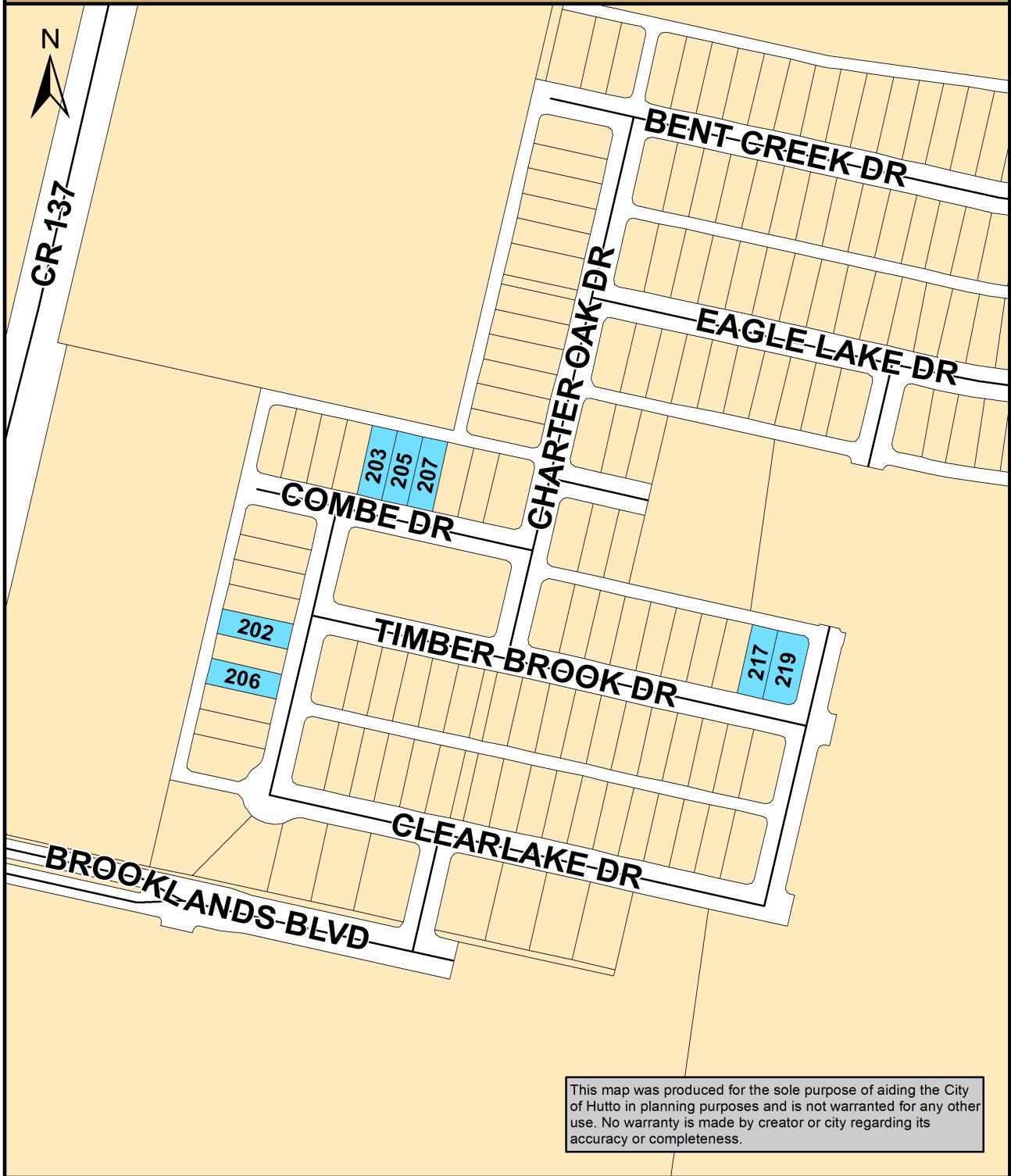
RE: 219 Timberbrook Drive – The Brooklands

REVIEW CRITERIA (FINDINGS):

1. There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.
The smart code defines the 8' setbacks and on a 40' lot that will not grant enough access from a fence to building line to allow for safety.
2. Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
We feel our product mirrors the sister product within this subdivision.
3. The variance is in harmony with the spirit of the UDC and the community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
We feel this product harmonizes with the overall theme for the community and sister products within this subdivision.
4. Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.
The request is for a 15' max vs. 8' max setback overall and for our portico plans all to ensure the health and safety for our first responders.
5. The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.
We feel that due to the stipulations of the smartcode, it's a safety concern not to move forward with the variance.
6. The variance is the minimum necessary to grant relief.
The setback variance will allow for a more maintainable first responders access/safety.



Brooklands Variance Request

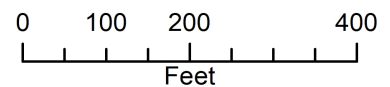


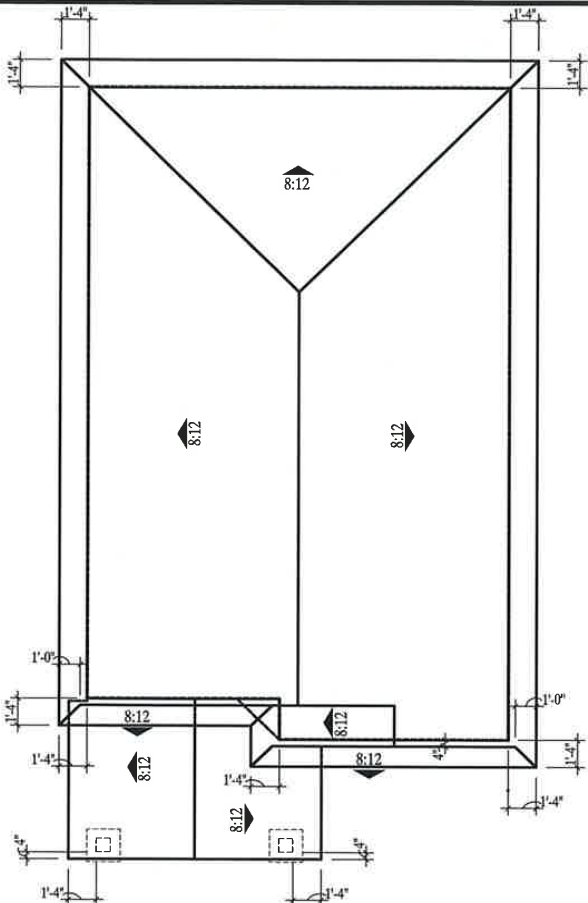
Map Document: (K:\SITE LOCATION MAPS\2019 Site Location

Maps\Brooklands\Brooklands_Variance_Request.mxd)

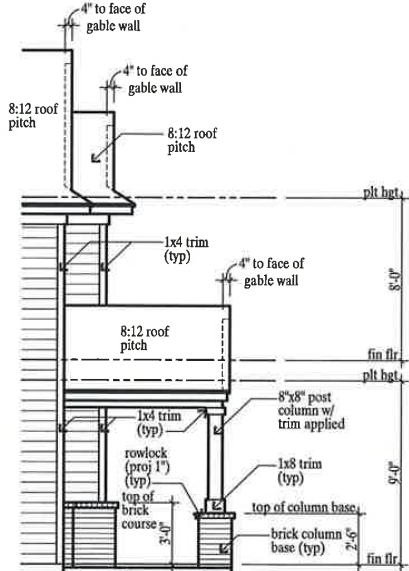
9/10/2019 -- 4:41:46 PM

Page 7 of 9

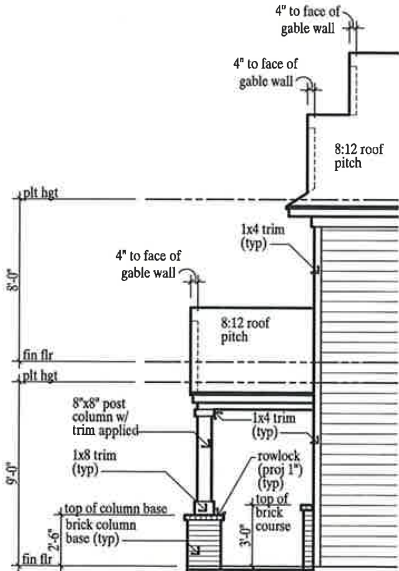




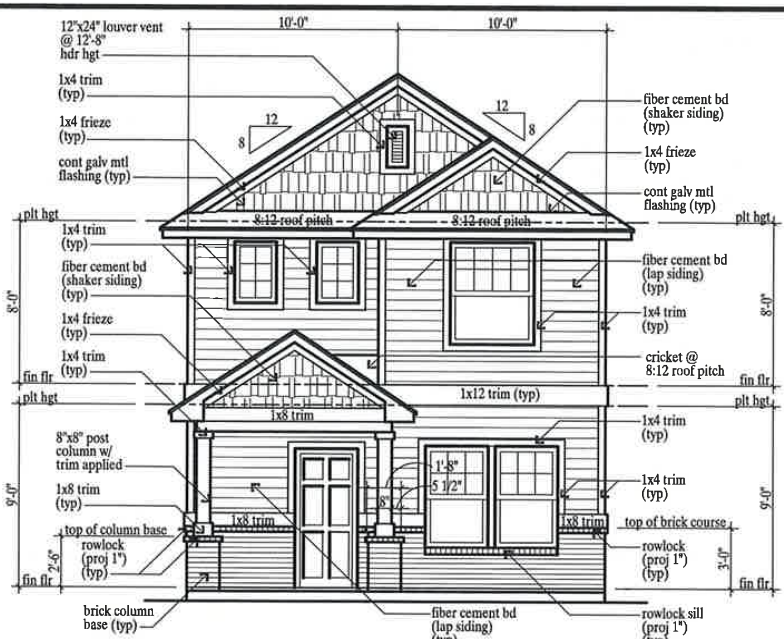
roof framing plan - A



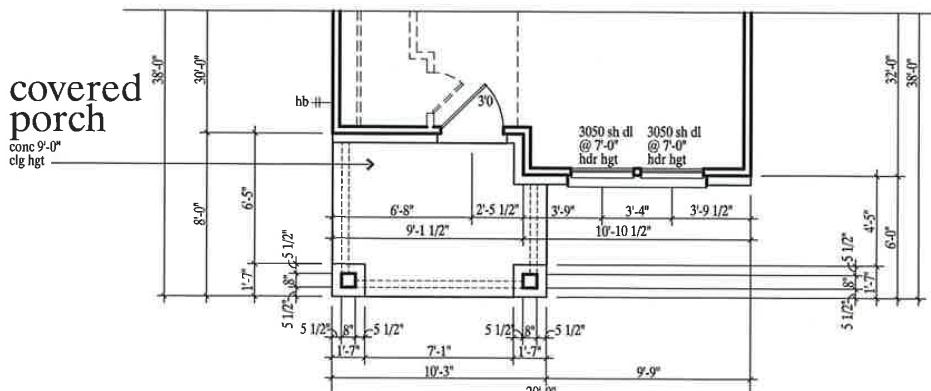
partial left side elevation - A



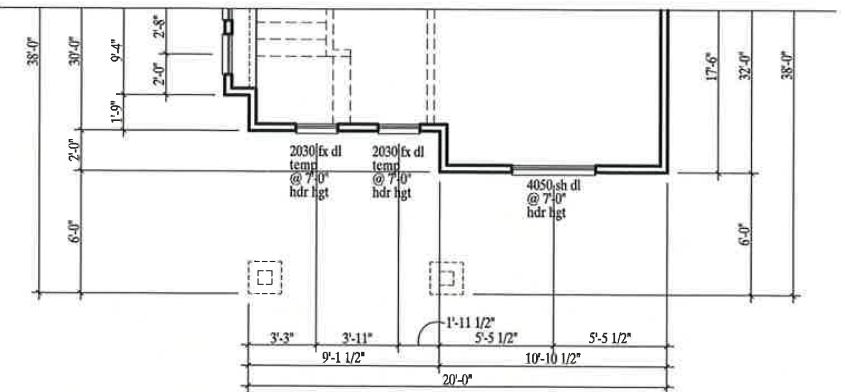
partial right side elevation - A



front elevation - A



partial first floor plan - A



partial second floor plan - A

square footages	
elevation "A"	
covered porch	74 s.f.



the Montgomery 12.6.18

Red Line Rev 12/6/18

revisions	date
Red Line Rev	2/22/17
Misc Rev	6/30/17
Masonry Rev	11/30/17
Red Line Rev	9/12/18
Cad Ref Rev	10/2/18

issue date
9/12/18
drawn by
SJW

A QUALCO Company

the harder organization

residential design and planning

dallas tx • washington dc • greensboro nc

2639 Elm Street, Suite Number 205 Dallas, Texas 75226 voice (214) 744-0404 toll free (877)-207-7850 fax (214) 744-0407

cad ref
31155La3
plan number
31155L
sheet number
A.3.A

The Hamilton
1 Story | 3 Bedrooms | 2 Bathrooms | 1428 sf



\$221,900

The Smith
1 Story | 3 Bedrooms | 2 Bathrooms | 1100 sf



\$211,900

Swisher
1 Story | 2 Bedrooms | 2 Bathrooms | 1393 sf



\$218,900

Mason
1 Story | 2 Bedrooms | 2 Bathrooms | 1016 sf



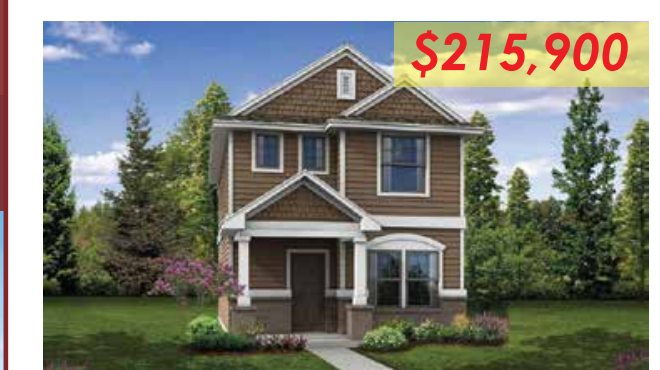
\$206,900

One Story Homes - Portico Plans

Total square footage and price is similar across both one and two story homes

Two Story Homes Portico Plans

The Montgomery
2 Story | 2 Bedrooms | 2.5 Bathrooms | 1158 sf



\$215,900

The Titus
2 Story | 3 Bedrooms | 2.5 Bathrooms | 1300 sf



\$219,900

Oak Creek, Leander
- 40% of homes are 1-story
- Avg base price \$240,000



Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.51 for the property located at 219 Timber Brook Drive, Lot 10, Block D of the Brooklands Section One Subdivision, to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined as outlined in Article 6, Table 14(g) of the SmartCode.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from the setback requirement from the SmartCode.

Property Description:

Brooklands Section 1, Block D, Lot 10.

Location:

219 Timberbrook Drive

Owner:

Pacesetter Homes, LLC

Zoning:

T-4 (SmartCode)

Proposed Land Use:

Single-Family Residential

Adjacent Land Uses:

Direction	Zoning	Land Use
North	B-2 (General Commercial)	Commercial
South	T-4 (Single-Family Residential)	Residential
East	T-4 (Single-Family Residential)	Residential
West	T-4 (Single-Family Residential)	Residential

Background:

The subject property, which consists of approximately 0.102 acres (4,410 square feet) is a rectangular lot along Combe Street in the Brooklands Subdivision.

They are requesting the following variances:

1. Request to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

Below is the excerpt from the SmartCode:

SMARTCODE

Hutto, Texas

ARTICLE 6. TABLE 14. SMARTCODE SUMMARY

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
a. ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)					
CLD requires	no minimum	50% min.	10 - 30%	20 - 40%	not permitted
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%
RCD requires	no minimum	no minimum	not permitted	10 - 30%	10 - 30%
b. BASE RESIDENTIAL DENSITY (See Section 3.4)					
By Right	by Variance	1 unit / 5 ac.	4 units / ac. gross	12 units / ac. gross	12 units / ac. min.
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%
c. BLOCK SIZE					
Block Perimeter	no maximum	no maximum	2,400 ft. max.	2,000 ft. max.	1,600 ft. max.
d. THOROUGHFARES (See Table 3 and 4)					
HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	not permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	permitted	required	required
Path	permitted	permitted	permitted	permitted	not permitted
Passage	not permitted	not permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted
e. CIVIC SPACES (See Table 13)					
Park	permitted	permitted	permitted	by Warrant	by Warrant
Green	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Pocket Park	permitted	permitted	permitted	permitted	permitted
f. LOT OCCUPATION					
Lot Width	not applicable	by Warrant	68 ft. min 120 ft. max.	22 ft. min 96 ft. max.	22 ft. min 300 ft. max.
Lot Coverage	not applicable	by Warrant	50% max.	75% max.	90% max. *
g. SETBACKS - PRINCIPAL BUILDING (See Table 15)					
			*May be allocated per Block rather than Lot		
(g.1) Front Setback Principal	not applicable	24 ft. min.	24 ft. min.	20 ft. max.	12 ft. max.
(g.2) Front Setback Secondary	not applicable	20 ft. min.	20 ft. max.	12 ft. max.	2 ft. min. 12 ft. max.
(g.3) Side Setback	not applicable	40 ft. min.	18 ft. min. total	0 ft. min. 8 ft. total max.	0 ft. min. 24 ft. max.
(g.4) Rear Setback	not applicable	96 ft. min.	24 ft. min.	3 ft. min.	3 ft. min.
Frontage Buildout	not applicable	not applicable	50% min.	70% min.	80% min.
h. SETBACKS - OUTBUILDING (See Table 15)					
(h.1) Front Setback	not applicable	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	20 ft. min.-bldg. setback	40 ft. max. from rear prop.
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min. or 3 ft.	0 ft. min.
(h.3) Rear Setback	not applicable	3 ft. min.	3 ft. min.	3 ft.	3 ft. max.
i. BUILDING DISPOSITION (See Table 9)					
Edgeyard	permitted	permitted	permitted	permitted	not permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted
j. PRIVATE FRONTAGES (See Table 7)					
Common Yard	not applicable	permitted	permitted	not permitted	not permitted
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted
Terrace, Doorway	not applicable	not permitted	not permitted	permitted	permitted
Foecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted
k. BUILDING CONFIGURATION (See Table 8)					
Principal Building	not applicable	2 Stories max.	2 Stories max.	3 Stories max. 1 min.**	3 Stories max.* 1 min.**
Outbuilding	not applicable	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.
l. BUILDING FUNCTION (See Table 10 & Table 12)					
			*4 Stories permitted by Warrant		**by Warrant
Residential	not applicable	restricted use	restricted use	limited use	open use
Logaina	not applicable	restricted use	restricted use	limited use	open use
Office	not applicable	restricted use	restricted use	limited use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use

Revised September 2016

SC53

Staff Analysis:

1. *There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.*

Staff finds that the requested variance is a design driven hardship, and the requested setback variance has been shown unnecessary because other builders have met code in this subdivision.

1. ***Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.***

The strict application of the UDC standards would not make the lot unusable, as other builders have shown compliance with the SmartCode is attainable.

2. ***The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.***

Staff finds that the requested setback variance does not meet the intent of the SmartCode. Staff finds that approval of the variance would not adversely impact the neighboring property owners as the houses would actually be further apart.

3. ***Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.***

The conditions of the site are self-created by the applicant. The design and configuration of the proposed house needs a variance because the house is not wide enough per the SmartCode.

4. ***The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.***

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

5. ***The variance is the minimum necessary to grant relief.***

Staff finds that the requested variances are not the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship. The requested variance is recommended denial by staff for lack of an undue hardship. The applicant has shown that a product that is code compliant can be constructed on the site.

ATTACHMENTS:

[219TimberBrookDr-ZBA-PacketDocs](#)

CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

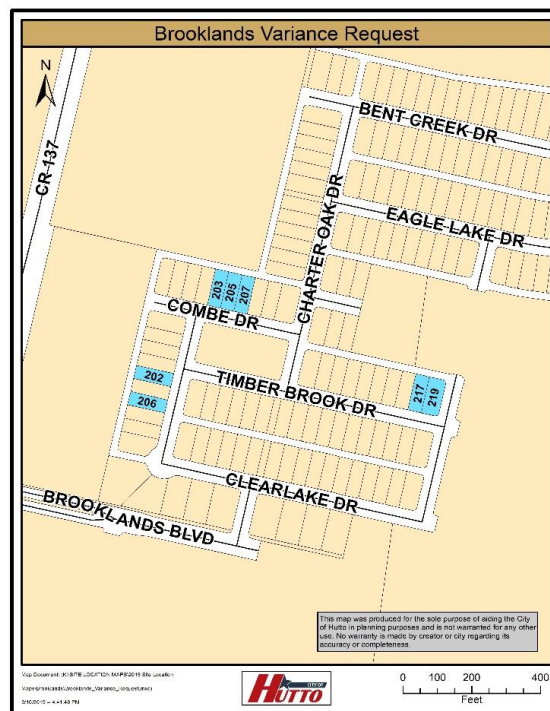
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

The variance requests for the properties located at **203/205/207 Combe Drive, and 202/206 Clearlake Drive, and 217/219 Timber Brook Drive** to reduce the frontage buildout minimum requirement within the T3 District from 70% to 50% as outlined in Article 6, Table 14(g) of the SmartCode.

A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov





August 21, 2019

RE: Nature of Request for 219 Timberbrook Drive

To The City of Hutto:

Pacesetter Homes would like to request a blanket variance for our Portico Series plan line up.
The request is for a 15' max vs. 8' max setback to ensure the health and safety for our first responders.

Thank you,

Monica Flaro

PACESETTER HOMES | Starts Coordinator



14400 The Lakes Blvd.
Building C Suite 200
Pflugerville, TX 78660
Office: 512.703.9434
Web: PacesetterHomesTexas.com
Email: monica.flaro@pacesetterhomes.com

14400 The Lakes Blvd., Bldg. C, Ste. 200 • Pflugerville, TX 78660 • (o) 512.323.5252



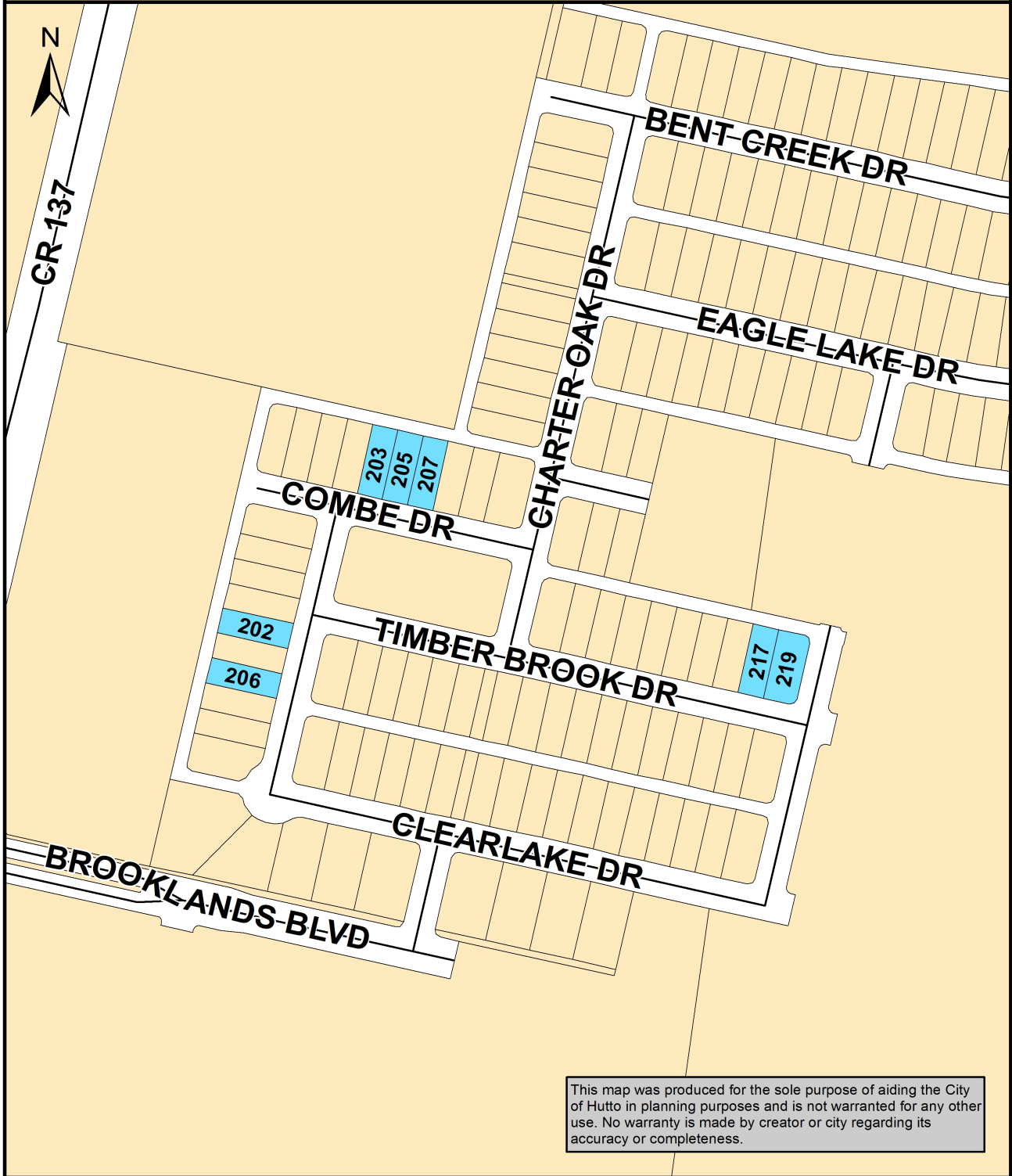
RE: 219 Timberbrook Drive – The Brooklands

REVIEW CRITERIA (FINDINGS):

1. There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.
The smart code defines the 8' setbacks and on a 40' lot that will not grant enough access from a fence to building line to allow for safety.
2. Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
We feel our product mirrors the sister product within this subdivision.
3. The variance is in harmony with the spirit of the UDC and the community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
We feel this product harmonizes with the overall theme for the community and sister products within this subdivision.
4. Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.
The request is for a 15' max vs. 8' max setback overall and for our portico plans all to ensure the health and safety for our first responders.
5. The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.
We feel that due to the stipulations of the smartcode, it's a safety concern not to move forward with the variance.
6. The variance is the minimum necessary to grant relief.
The setback variance will allow for a more maintainable first responders access/safety.



Brooklands Variance Request

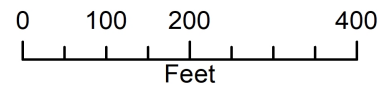


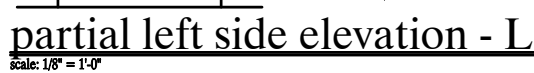
Map Document: (K:\SITE LOCATION MAPS\2019 Site Location

Maps\Brooklands\Brooklands_Variance_Request.mxd)

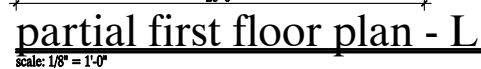
9/10/2019 -- 4:41:46 PM

Page 7 of 9





partial right side elevation - L



the Andrews

issue date	10/6/09
drawn by	JME



the harder
residential design

and planning

2339 Elm Street, Suite Number 305 Dallas, Texas 75226 voice (214) 744-0004 toll free 877-207-7500 fax (214) 744-0407

dallas tx • washington dc • greensboro nc

cad ref
31320a3
plan number
31320
sheet number

A.3

The Hamilton
1 Story | 3 Bedrooms | 2 Bathrooms | 1428 sf



\$221,900

The Smith
1 Story | 3 Bedrooms | 2 Bathrooms | 1100 sf



\$211,900

Swisher
1 Story | 2 Bedrooms | 2 Bathrooms | 1393 sf



\$218,900

Mason
1 Story | 2 Bedrooms | 2 Bathrooms | 1016 sf



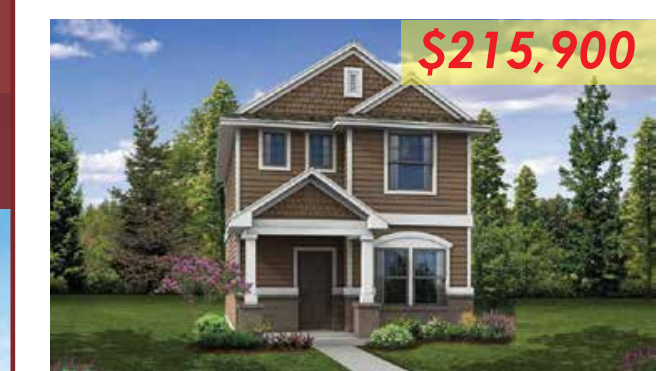
\$206,900

One Story Homes - Portico Plans

Total square footage and price is similar across both one and two story homes

Two Story Homes Portico Plans

The Montgomery
2 Story | 2 Bedrooms | 2.5 Bathrooms | 1158 sf



\$215,900

The Titus
2 Story | 3 Bedrooms | 2.5 Bathrooms | 1300 sf



\$219,900

Oak Creek, Leander
- 40% of homes are 1-story
- Avg base price \$240,000



Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.52 for the property located at 103 East Live Oak Street, Lot 9 of the MeGees 2nd Addition Subdivision, from the Transect Zone (OT-3) Building Form Standards as outlined as outlined in Chapter 10, Section 10.1003.3.1 of the Unified Development Code (UDC).
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from the Setback requirement.

Property Description:

Lot 9, Megee's 2nd Addition.

Location:

103 E. Live Oak St.

Owner:

Glen Pierce

Zoning:

OT-3 (Residential)

Proposed Land Use:

Single-Family Residence

Adjacent Land Uses:

Direction	Zoning	Land Use
North	OT-3	Single-Family Residential
South	OT-3	Single-Family Residential
East	OT-3	Single-Family Residential
West	OT-3	Single-Family Residential

Background:

The subject property, which consists of approximately 0.29 acres (12,632 square feet) is a rectangular lot at the northwest corner of Live Oak Street and Church Street. The proposed Single-Family Residence is simultaneously going to Historic Preservation Commission for a Certificate of Appropriateness and Planning and Zoning Commission and City Council for a Specific Use Permit.

They are requesting the following variances:

1. To have a larger setback than what is allowed per the UDC to avoid having to remove trees.

Below is the excerpt from the UDC:

10.1003.2 Transect Zones Development Standards

**a. BASE RESIDENTIAL DENSITY**

By Right (minimums)	6 units / ac. Gross	8 units / ac. Gross	6 units / ac. Gross	12 units / ac. gross	Per PUD	NA
Other Functions (incl. Civic uses)	Per Land Use Schedule in Chapter 3					

b. BLOCK SIZE

Block Perimeter	1,600 ft. max.	1,600 ft. max.	1,600 ft. max.	1,600 ft. max.	Per PUD	3,000 ft. max.
-----------------	----------------	----------------	----------------	----------------	---------	----------------

c. LOT OCCUPATION

Lot Width	80 ft. min. 160 ft. max.	20 ft. min. 100 ft. max.	40 ft. min. 80 ft. max.	18 ft. min. 96 ft. max.	Per PUD	40 ft. min. No max.
Lot Coverage (maximum)	60%	80%	60% max.	90% max.	90% max.	75% max.

d. SETBACKS - PRINCIPAL BUILDING**

(g.1) Front Setback (Principal)	15 ft. min. 25 ft. max.	5 ft. min. 15 ft. max.	10 ft. min. 25 ft. max.	0 ft. min. 10 ft. max.	Per PUD	15 ft. min. No max.
(g.2) Front Setback (Secondary)	15 ft. min. 25 ft. max.	5 ft. min. 15 ft. max.	10 ft. min. 25 ft. max.	0 ft. min. 10 ft. max.	Per PUD	15 ft. min. No max.
(g.3) Side Setback	5 ft. min.	0 ft. min.	5 ft. min.	0 ft. min.	0 ft. min.	5 ft. min.
(g.4) Rear Setback	5 ft. min.	5 ft. min.	5 ft. min.	0 ft. min.	0 ft. min.	5 ft. min.
Frontage Buildout	50% min.	70% min.	50% min.	80% min.	Per PUD	50% min.

e. SETBACKS - ACCESSORY BUILDING**

(h.1) Front Setback	20 ft. min.+bldg. setback	20 ft. min.+bldg. setback	20 ft. min.+bldg. setback	40 ft. min.+bldg. setback	not applicable	20 ft. min.+bldg. setback
(h.2) Side Setback	5 ft. min.	0 ft. min. or 3 ft.	0 ft. min. or 3 ft.	0 ft. min. or 3 ft.	not applicable	0 ft. min. or 3 ft.
(h.3) Rear Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	not applicable	3 ft. min.

f. BUILDING DISPOSITION (See Section 10.1003.4)

Edgeyard	permitted	permitted	permitted	not permitted	Per PUD	permitted
Sidyard	not permitted	permitted	permitted	not permitted	Per PUD	permitted
Rearyard	not permitted	permitted	permitted	permitted	Per PUD	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	Per PUD	by minor modification

g. PRIVATE FRONTAGES (See Section 10.1003.5)

Porch & Fence	permitted	not permitted	permitted	not permitted	Per PUD	permitted
Terrace or Dooryard	not permitted	permitted	not permitted	not permitted	Per PUD	permitted
Forecourt	not permitted	permitted	permitted	permitted	Per PUD	permitted
Stoop	not permitted	permitted	permitted	permitted	Per PUD	permitted
Shopfront & Awning	not permitted	permitted	not permitted	permitted	Per PUD	permitted
Gallery	not permitted	permitted	permitted	permitted	Per PUD	permitted
Arcade	not permitted	not permitted	not permitted	not permitted	Per PUD	not permitted

h. BUILDING HEIGHT

Principal Building	2 Stories min.	3 Stories max.*	2 Stories max.	2 Stories max.	Per PUD	2 Stories max.
Outbuilding	2 Stories min.	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.	2 Stories max.

* Only 2 Stories permitted adjacent to existing single-family Residential uses.

** Graphic representation of setbacks (ex: (g.1 and h.1)) are shown in Section 10.1003.3 for each transect zone.

Staff Analysis:

1. *There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.*

Staff finds that the requested variance is a design driven hardship, however, the property owner is requesting the variance to save trees.

2. *Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.*

The strict application of the UDC standards would not make the lot unusable, but would result in the applicant having to remove trees.

3. *The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.*

Staff finds that the requested variance does meet the intent of the UDC. The preservation of the trees helps keep the historic feel of the area and fits in the aesthetic of the area.

4. *Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.*

The conditions of the site are self-created by the applicant. The configuration of the lot allows for UDC compliance, however in this case, it may not be in the best interest of the neighborhood or property.

5. *The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.*

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

6. *The variance is the minimum necessary to grant relief.*

Staff finds that the requested variances are the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship, but would recommend approval based on the preservation of the vegetation in the area.

ATTACHMENTS:

[103ELiveOakSt-ZBA-PacketDocs](#)

103 East Live Oak Street



This map was produced for the sole purpose of aiding the City of Hutto in planning purposes and is not warranted for any other use. No warranty is made by creator or city regarding its accuracy or completeness.



CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

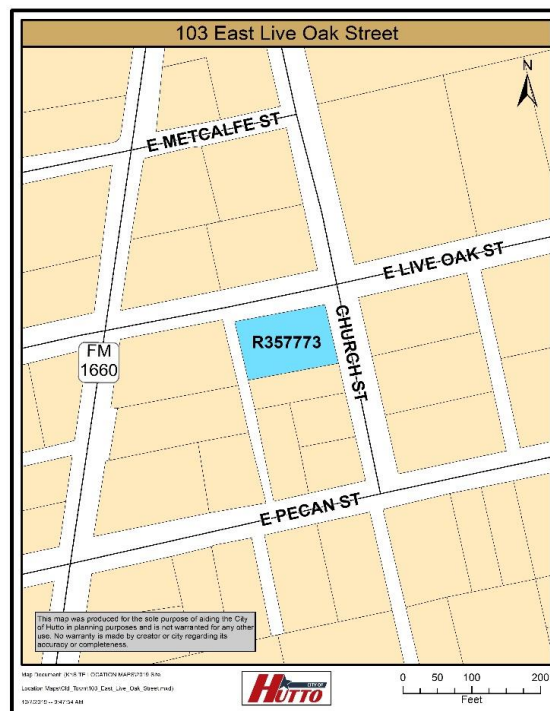
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

A variance request for the property located at **103 East Live Oak Street** from the Transect Zone (OT-3) Building Form Standards as outlined in Chapter 10, Section 10.1003.3.1 of the Unified Development Code (UDC).

A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov



103 E LIVE OAK ST SET BACK VARIANCE REQUEST

I am requesting variance on the front secondary setback at 103 E Live Oak, Hutto, Tx.

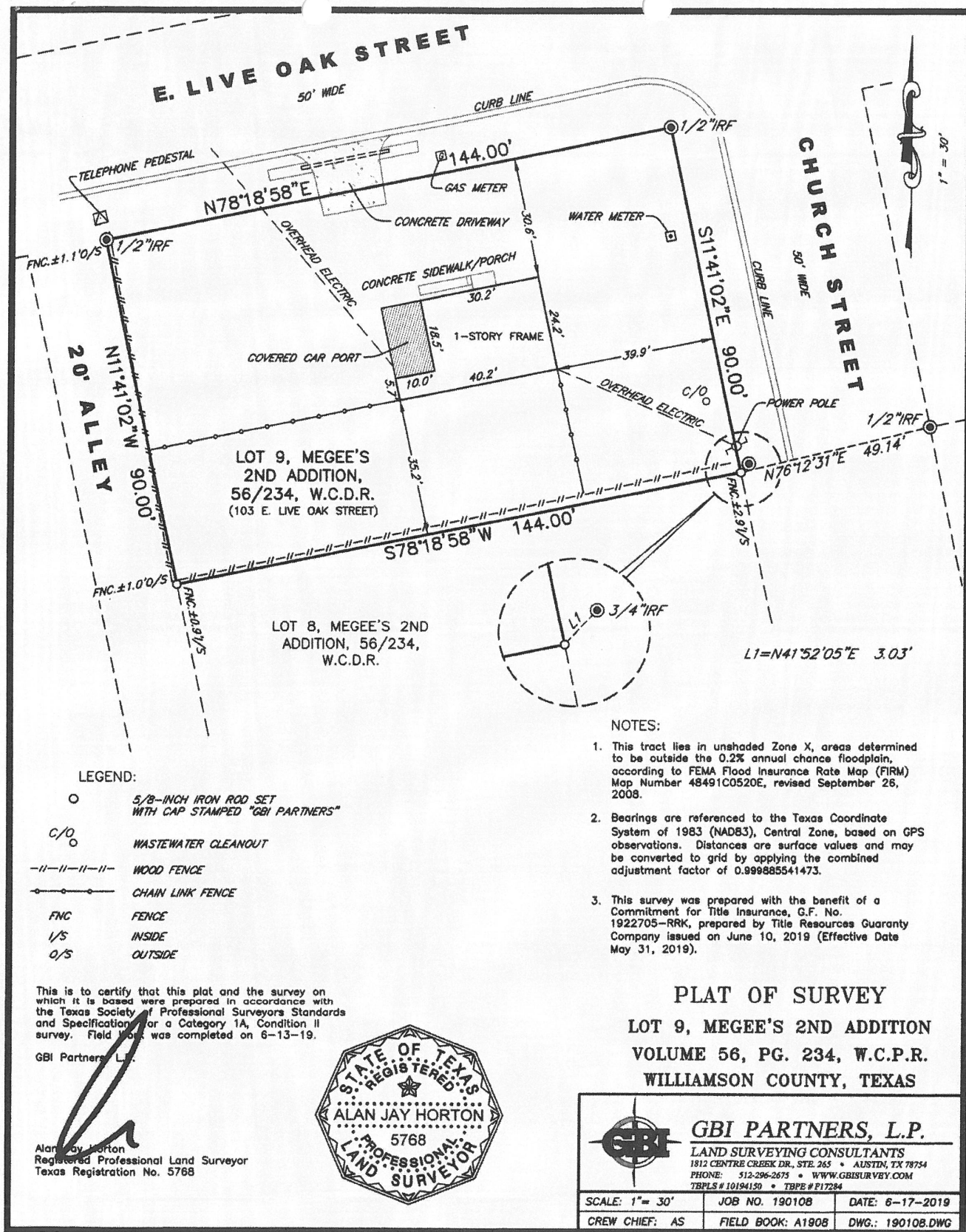
The front secondary setback will be on Church Street and I am requesting a setback of 31' 2" in order to center the house on the lot, save a mature tree and provide more driveway parking.

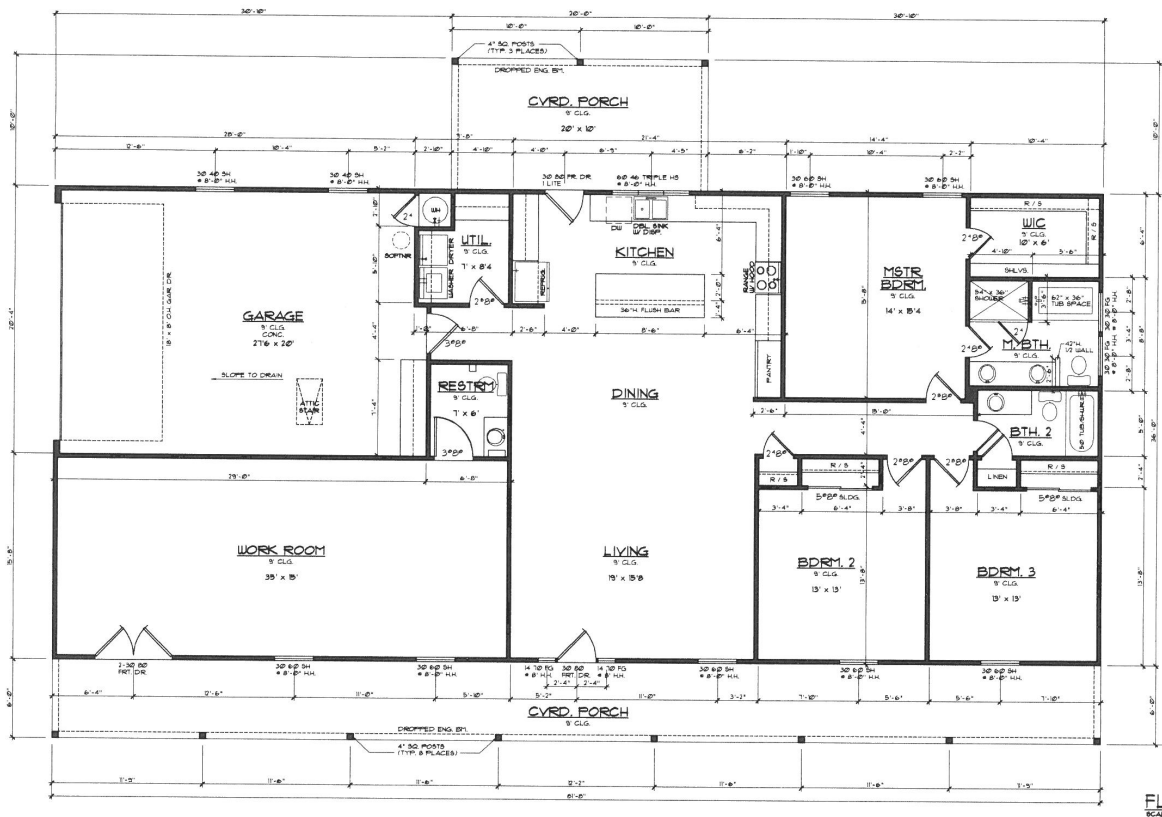
Thank you for your consideration.

Glen Pierce

VARIANCE QUESTIONS FOR 103 E LIVE OAK

1. There are established trees that need to be saved.
2. Requested location will be compatible with surrounding area.
3. Will not adversely affect other properties in the area. Will help maintain mature trees and compliment areas around house
4. Existing trees are the reason for the request.
5. This will not be a special privilege and will enhance property
6. The variance is the minimum to keep from removing tree.





- GENERAL PLAN NOTES:**
1. ALL UNDOUBS SHALL BE DIMENSIONED TO CENTER LINE UNLESS OTHERWISE NOTED. GLASS SIZE PER THE SPEC.
 2. ALL UNDOUBS WITHIN 24" OF AN EXTERIOR OR INTERIOR DOOR TO BE TYPED.
 3. GLASS UNDOUBS MANUFACTURED TO VERIFY. FOR ALL TYPED GLASS LOCATIONS AS ALL UNDOUBS DOORS SHALL BEING OUTWARD GLASSING USED IN DOORS AND PANELS OF BATHROOMS ENCLOSURES AND BUILDING WALLS INCLUDING THESE COMPONENTS SHALL BE FULLY TYPED OR LAMINATED SAFETY GLASS UNLESS MANUFACTURED IN FULLY TYPED (EXEMPTABLE UNDOUBS INSTALLED WHERE REQUIRED BY CODE).
 4. VERIFY EXEMPTABLE UNDOUBS INSTALLED WHERE REQUIRED BY CODE.
 5. PROVIDE SLOPING FOR CEILING FANS WHERE SPECIFIED.
 6. BUILDING TO VERIFY SIZES AND LOCATION OF ALL APPLIANCES RELATED COMPONENTS.
 7. WEATHERSTRIP ATTIC ACCESS DOORS.
 8. CONTRACTOR TO PROVIDE A 3/4" PL. WOOD CATALK FROM ATTIC ACCESS TO HANG UNITS IF APPLICABLE UNITS TO BE LOCATED WITHIN 18" OF ACCESS. PROVIDE 1/2" NET AREA OF ATTIC COVERED ROOF AREA AS PER CODE.
 9. THE STANDARD TYPING HEIGHT FOR BLOWER HEADS IS 1'-2" ABOVE FINISH FLOOR UNLESS NOTED OTHERWISE.
 10. ALL PLUMBING, APPLIANCE AND GAS VENTS TO VENT TO REAR OF ROOF RIDGE WHEREVER POSSIBLE. ALL VENTS TO BE ADJACENT TO THE REAR FURNISHED POSSIBLE PENETRATING THE ROOF. PROVIDE CONTROL AND EXPANSION JOINTS AS REQUIRED ON CONCRETE DRIVES WALKS AND PATIOS.
 11. PROVIDE WEATHERSTRIP AND A 3/4" HANDY DOOR SILL AT ALL EXTERIOR DOOR THRESHOLDS.
 12. ALL WALLS OVER 8'-0" IN HEIGHT TO BE FINISHED WITH DRYWALL. WALLS OVER 8'-0" IN HEIGHT ARE NOT BUILT WITH DRYWALL. THEY SHALL BE BUILT WITH DOUBLE 2x4 STUDS AT 16" OC.
 13. THE DROP FROM INTERIOR FINISH FLOOR TO ANY EXTERIOR FINISH FLOOR IS TO BE A MINIMUM OF 1/2". CONTRACTOR TO VERIFY MATERIALS USED FOR DECK, CONSTRUCTION AND FINISH FLOORING TO MATCH FINISH DROP.
- LEGEND:**
- 1/4" GAS 1/4" SHOWER HEAD
1/4" GAS KEY 1/4" HOSE END
- SQUARE FOOTAGE**
- | | |
|-----------------------|---------|
| 1ST FLOOR CONDITIONED | 2351 SF |
| TOTAL CONDITIONED | 2351 SF |
| GARAGE | 558 SF |
| FRONT PORCH | 100 SF |
| REAR PORCH | 200 SF |
| TOTAL FOOTPRINT | 3650 SF |

FLOOR PLAN
SCALE 1/8" = 1'-0"

103 E. LIVE OAK HUTTO, TX
CUSTOM HOME

FIVE STAR
ARCHITECTS
P.C.
5000 W. 10TH STREET, SUITE 100
FORT WORTH, TEXAS 76102

AUG 2019
103 LIVE OAK
REV

A1 OF 4



103 E. LIVE OAK HUTTO, TX
CUSTOM HOME

FIVE STAR
ARCHITECTURE
INCORPORATED
1000 W. 10TH ST. SUITE 100
DALLAS, TX 75201

AUG 2019
100 LIVE OAK
REV

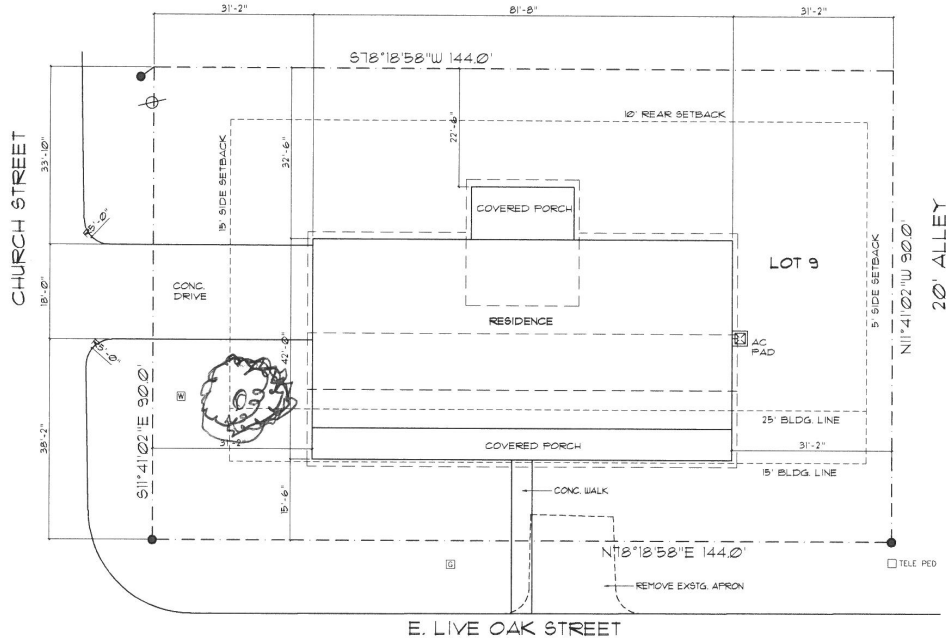
A2 OF 4

[illegible]

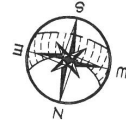
FIVE STAR
Origins & Craftsmanship
15145 CLY LBS ST #9221, Omaha, NE 68170 (712) 639-0039

AUG 2019
100 LIVE OAK
REV

A3 OF 4



- LEGEND**
- 1/2" IRF
 - WATER METER
 - GAS METER
 - OVERHEAD ELECTRIC/TELEPHONE LINE
 - POWER POLE



LEGAL DESCRIPTION:
103 E. LIVE OAK STREET
REGGIE'S ADDITION
LOT 9
AUSTIN, TEXAS

GENERAL SITE NOTES:
1.0 BUILDER TO RESCULPTURE
TOPO TO PROVIDE PROPER
DRAINAGE AS REQ'D

IMPERVIOUS COVER CALCS.

1ST FLOOR COND.	2351 SF
GARAGE	583 SF
PORCHES	630 SF
TOTAL BLDG. COVERAGE	3630 SF 78.2%
DRIVEWAY	561 SF
WALKWAYS	62 SF
AC PAD	9 SF
TOTAL SITE COVERAGE	4362 SF 32.3%
TOTAL LOT SF	13660 SF 100%

SITE PLAN
SCALE 1" = 20'-0"

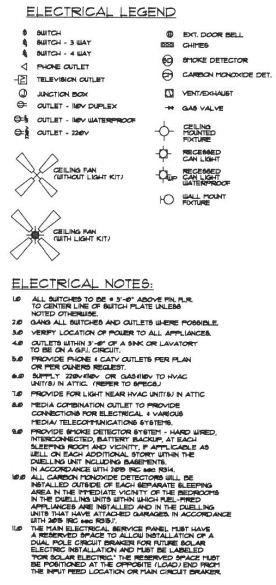
103 E. LIVE OAK STREET
CUSTOM HOME

FIVE STAR
DESIGN
13400 LBJ Fwy, Suite 100, Dallas, TX 75243

AUG. 2019
103 E. LIVE OAK
REV.

A40F 4

BY: [Signature]
DATE: 08/15/19
PROJECT: 103 E. LIVE OAK
SHEET: A40F 4



103 E. LIVE OAK HUTTO, TX
CUSTOM HOME

FIVE STAR
Origins & Drafting
15145 VAN LEE ST #9021, Omaha, NE 68130 (414) 638-0039

AUG 2019
108 LIVE OAK
REV

E1 OF 1





Page 16 of 20



Page 17 of 20



Page 18 of 20





Page 20 of 20

Zoning Board of Adjustment
**AGENDA ITEM
REPORT**



To: Zoning Board of Adjustment
Subject: Consideration of a public hearing and possible action on variance request #1.53 for the property located at 449 Ed Schmidt Boulevard, Lot 1 of the Emory Farms Commercial Subdivision, from the 2,500 square foot maximum building size, as outlined in Chapter 10, Section 10.307.9.3 of the Unified Development Code (UDC), to allow a 12,500 square foot building in the B-1 (local business) zoning district.
Meeting: Zoning Board of Adjustment - 23 Oct 2019
Department: Development Services
Staff Contact: Ashby Grundman

BACKGROUND INFORMATION:

Type of Request

Variance request from from the 2,500 sq. ft. maximum building size, as outlined in Chapter 10, Section 10.307.9.3 of the Unified Development Code (UDC), to allow a 12,500 sq. ft. building in the B-1 (local business) zoning district.

Property Description:

Emory Farms Commercial, Lot 1

Location:

449 Ed Schmidt Boulevard

Owner:

A+ Federal Credit Union

Zoning:

B-1 (Local Business)

Proposed Land Use:

Day Care

Adjacent Land Uses:

Direction	Zoning	Land Use
North	B-1 (Local Commercial	Highlights of Hutto Plaza
South	B-1 with SUP (Local	Proposed Hotel

Direction	Zoning	Land Use
East	Commercial) ETJ	Church
West	SF -1 (Single-Family Residential)	Single-Family Residential

Background:

The subject property, which consists of approximately 1.405 acres (61,201 square feet) is a rectangular lot at the northwest corner of Ed Schmidt Boulevard and Emory Farms Avenue. . The lot is currently vacant, and the applicant is proposing to construct a day care on the site.

They are requesting the following variances:

1. Variance request from from the 2,500 sq. ft. maximum building size, as outlined in Chapter 10, Section 10.307.9.3 of the Unified Development Code (UDC), to allow a 12,500 sq. ft. building in the B-1 (local business) zoning district.

Below is the excerpt from the UDC:

10.307.9 Day Care: Child

10.307.9.1 Definition

Day care: child: facility maintained for all or part of a day for care of children younger than 16 years old that are not related to the owner, operator or manager, whether the facility is operated with or without compensation and with or without stated educational purposes. A child day care center includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, and summer camps.

10.307.9.2 Permitted locations

- Day care hosting up to six children less than 16 years old, including the proprietor's children, is permitted by right in the SF-R, SF-1, SF-2, MF, MH, B-1 and B-2 districts.
- Day care hosting up to six children less than 16 years old, including the proprietor's children, is permitted by right in the T-2, T-3, T-4, T-5, OT-3, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Day care with more than six children may be appropriate in some residential areas, but the use requires special attention to find if it will adversely affect the surrounding area. Day care with more than six children at a residence is permitted by right within the B-1, B-2 districts as well as the SD-A transect zone (with appropriate state licensure), and shall be considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF, and MH districts as well as the T-3 transect zone.

10.307.9.3 Conditions

- ***Day care facilities in the B-1 district must be no more than 2,500 sq. ft.***
- Outdoor play areas must be enclosed by a fence 4 ft. – 6 ft. high.
- Day care facilities in the MF district may be located in a building separate from a dwelling unit, for residents of the development only.

Staff Analysis:

1. ***There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.***

Staff finds that the requested variance is a design driven hardship, and the requested variance for the building size based on the use is a self created hardship.

2. ***Strict application of the UDC deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.***

The strict application of the UDC standards would not make the lot unusable.

3. ***The variance is in harmony with the spirit of the UDC and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.***

Staff finds that the requested variance is not within the spirit of the UDC, community and neighborhood. The building itself wouldn't harm the adjacent properties, but there is a potential for nuisance from the use.

4. ***Conditions resulting in the request are not self-created by disregard or ignorance of the UDC.***

The conditions of the site are self-created by the applicant. The design and configuration of the proposed development would need variances as the building is larger than what is allowed by code.

5. ***The variance does not confer special privilege that the UDC does not permit on other lands, structures or buildings in the same zoning district.***

The requested variance does not confer any special privilege to the applicant that is not permitted on other similar properties. Any property owner has the right to apply for a variance.

6. ***The variance is the minimum necessary to grant relief.***

Staff finds that the requested variances are not the minimum needed to grant relief.

RECOMMENDATION:

Staff finds that the requested variance does not present a unique or undue hardship. The requested variance is recommended denial by staff for lack of an undue hardship, however the code requirement of 2,500 square feet maximum is too small for a day care. The applicant's request for 12,500 square foot building is not out of line with the nearby commercial.

ATTACHMENTS:

[449EdSchmidt-ZBA-PacketDocs](#)

CITY OF HUTTO WEBSITE NOTICE OF A PUBLIC HEARING

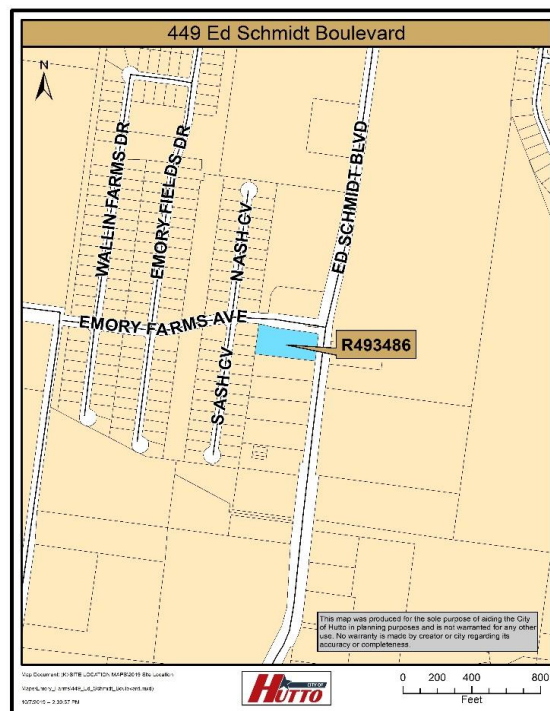
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING REGARDING:

A variance request for the property located at **449 Ed Schmidt Boulevard** from the 2,500 sq. ft. maximum building size, as outlined in Chapter 10, Section 10.307.9.3 of the Unified Development Code (UDC), to allow a 12,500 sq. ft. building in the B-1 (local business) zoning district.

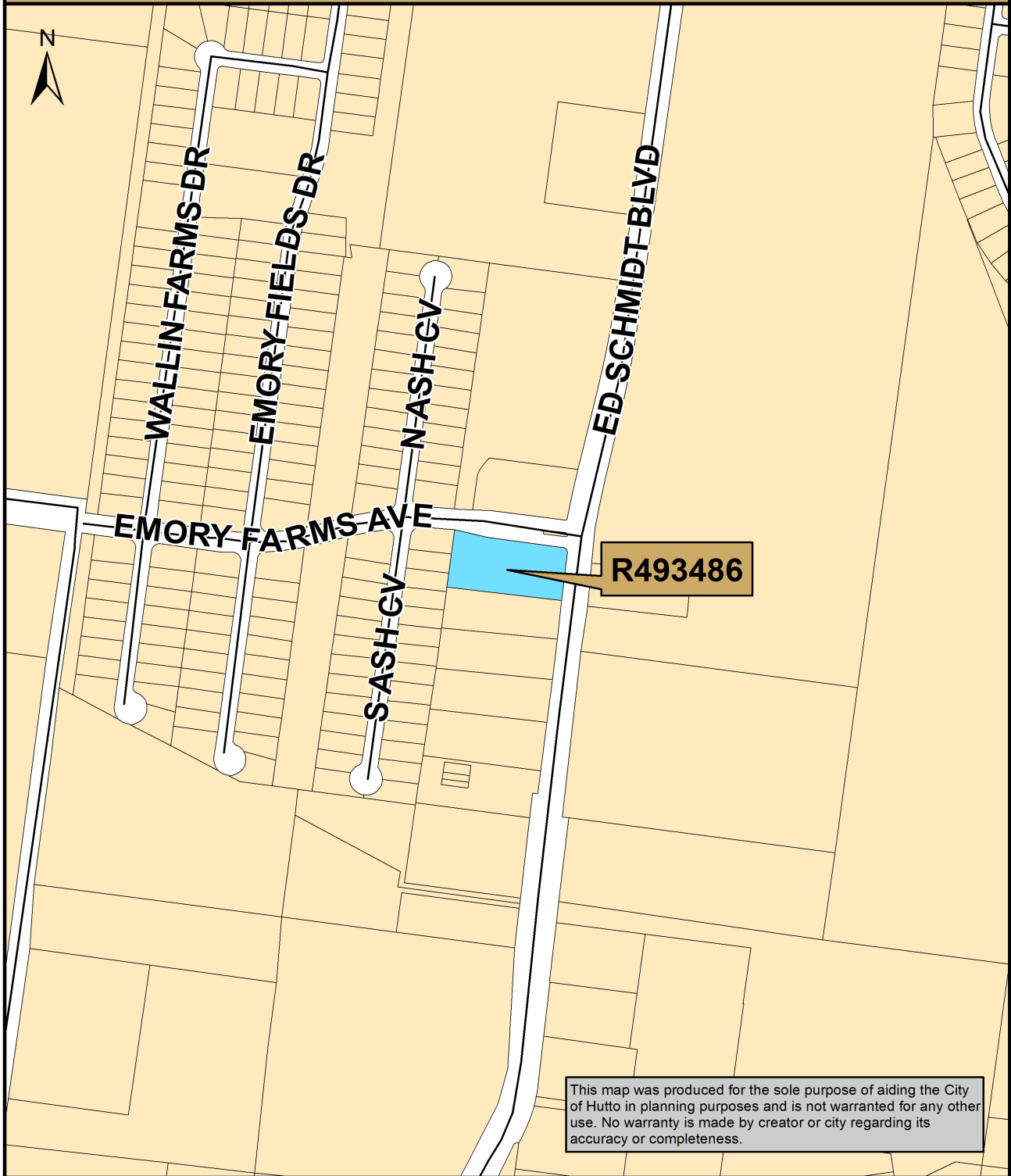
A public hearing will be held on October 23, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov



449 Ed Schmidt Boulevard

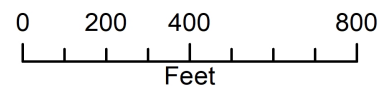


Map Document: (K:\SITE LOCATION MAPS\2019 Site Location

Maps\Emory_Farms\449_Ed_Schmidt_Boulevard.mxd)

10/7/2019 -- 2:39:57 PM

Page 5 of 14





“WE BUILD TRUST”

September 17, 2019

City of Hutto Development Services
500 W Live Oak St.
Hutto, TX 78634

RE: Variance Request Application
Emory Farms Commercial – Lot 1
449 Ed Schmidt Blvd.
Hutto, TX 78634

Texerra Construction, LLC has been awarded a new development project for a growing Day Care concept expanding into Hutto, TX from Florida, Amazing Explorers Academy (www.aexplorers.com).

Texerra has the above referenced property currently under contract for our client. After meeting with Ashley Lumpkin, Director of Development Services, it was brought to our attention that the site is properly zoned for a day care use under the B-1 Commercial zoning, yet it only allows for a maximum size of 2,500 square feet for a day care use.

The Amazing Explorers Academy prototype building is approximately 12,500 square feet.

Therefore, we are requesting a variance of only building size in this case, increasing the current max building size from 2,500 square feet up to a maximum building size of 12,500 square feet.

All requested support documentation has been submitted in this file.

Thank you in advance for your support. Texerra looks forward to bringing Amazing Explorers Academy to Hutto, TX.

Sincerely,

Matt Marshall, Director of Real Estate
Texerra Construction, LLC

City of Hutto
Variance Request Application
Review Criteria (Findings)

PROJECT NAME: Project AE Day Care

PROPERTY ADDRESS: 449 Ed Schmidt Blvd. Hutto, TX 78634

CURRENT ZONING: B-1 Commercial (with condition)

PROPOSED USE: Day Care Operation with early childhood education center for pre-school learning

***Current Zoning allows for Day Care use; however, it is conditional on a maximum size use of 2,500 square feet

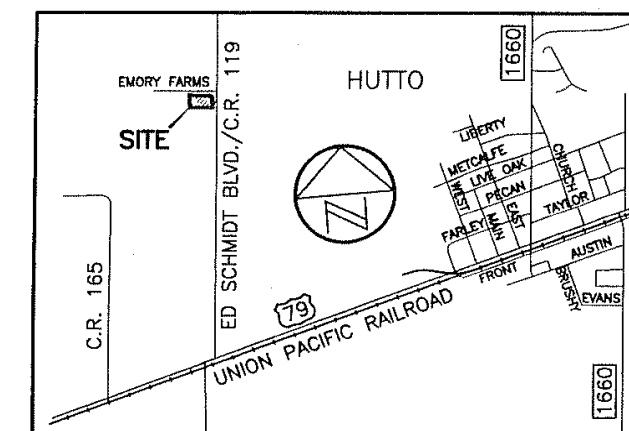
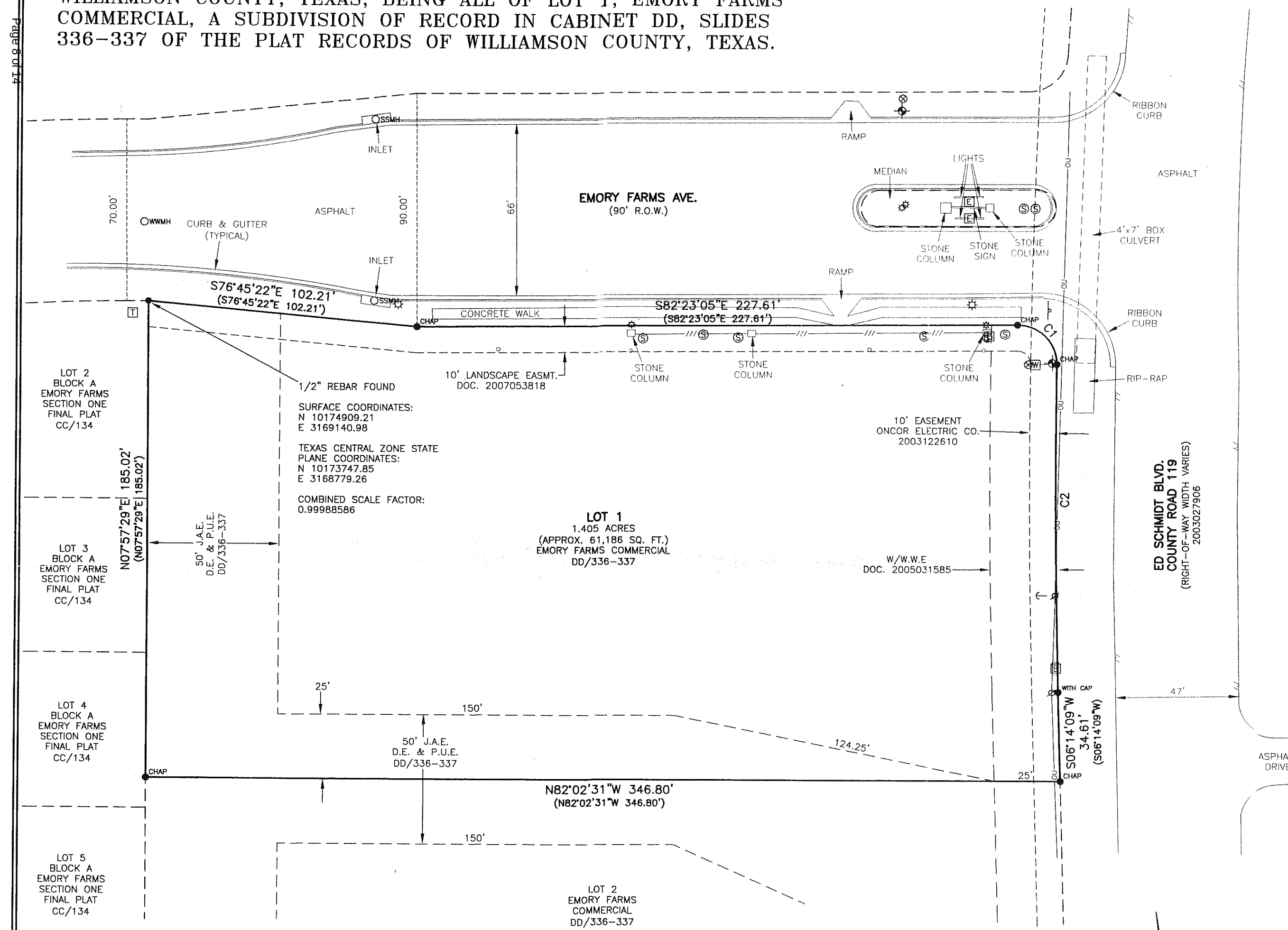
***Requested variance to increase building size to 12,500 SF

REVIEW CRITERIA (FINDINGS):

1. There are no unique conditions peculiar to the parcel; Test fit approved by the Day Care Operations & Applicant; proposed single tenant building with ample parking, landscape, playscape areas, shared entry drive (off Ed Schmidt), shared access with lot to the south per plat, detention
2. Limitation on building size does deprive the Applicant rights commonly enjoyed by other land; National Day Care operations building size now average in the 10,000 SF to 14,000 SF size
3. The variance is in harmony and solely for size and not for the intended use since the intended use is an approved use under current zoning
4. Not self-created by any disregard or ignorance of the UDC
5. No special privileges
6. Yes, the variance is the minimum necessary to grant relief; Applicants building prototype is 12,000 +/- SF

A LAND TITLE SURVEY OF 1.405 ACRES (APPROX. 61,186 SQ. FT.) IN THE NATHANIEL EDWARDS SURVEY, ABSTRACT NO. 225, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF LOT 1, EMORY FARMS COMMERCIAL, A SUBDIVISION OF RECORD IN CABINET DD, SLIDES 336-337 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

Page 8 of 14



LOCATION MAP
N.T.S.

TITLE COMMITMENT NOTE:

COMMITMENT FOR TITLE INSURANCE PREPARED BY:

Stewart Title Guaranty Company

G.F. No.: 700061969 Effective Date: 5/22/2007 Issued: 5/30/2007

The surveyor has relied upon the referenced Commitment for Title regarding easements, restrictions, and other matters affecting this property. No additional research was done for the purpose of this survey. Items listed are worded according to the commitment, followed by surveyor's notes and/or observations.

Schedule "B" items contained therein and re-listed below were considered:

- Restrictions:
Deleted
- Blanket easement dated July 7, 1928, by Matilda Peterson to Lone Star Gas Company, recorded in Volume 239, Page 30, Deed Records, Williamson County, Texas. -- Subject to, blanket-type
- Easement dated October 6, 1937, by the Estate of Matilda Peterson to Texas Power & Light Company, recorded in Volume 289, Page 114, Deed Records, Williamson County, Texas. -- Subject to
- Rights of ingress and egress to 50' wide pipeline easement dated February 4, 1981, by Anna Matilda Naomi Ekman and Mabel Almida Josephine Ekman and Isedor Wallin to Seminole Pipeline Company, recorded in Volume 828, Page 126, Deed Records, Williamson County, Texas. -- Does not affect
- Rights of ingress and egress in easement dated April 10, 1995 by Isedor and Pauline Wallin to Texas Utilities Electric Company, recorded in Volume 2711, Page 426, Official Records, Williamson County, Texas. -- Does not affect
- Easement and right-of-way dated December 1, 2003, granted by Isedor Wallin and wife, Pauline Wallin to Oncor Electric Delivery Company, recorded under Document No. 2003122610, Official Public Records, Williamson County, Texas. -- Subject to, shown hereon
- Declaration of Joint Use Access, Public Utility and Drainage Easement dated September 6, 2006, granted by CBR CR 119, L.P., recorded under Document No. 2006081883, Official Public Records, Williamson County, Texas. -- Subject to, easement described on recorded plat of Townwest Commons Section 3, does not lie within subject tract

SURVEYOR'S CERTIFICATE:

CERTIFIED TO:

CBR CR 119, L.P. AND TAMBURRO-KING, LTD.
At: Federal Credit Union
Stewart Title Guaranty Company

PROPERTY ADDRESS: Ed Schmidt Blvd. at Emory Farms Ave.

DATE OF SURVEY: December 2003, updated July 12, 2007

BEARING BASIS: Grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network.

ATTACHMENTS: None

I hereby certify that a survey of the property shown hereon was actually made upon the ground under my direction and supervision on the date shown, and that to the best of my professional knowledge and belief: there are no apparent encroachments, overlapping of improvements, discrepancies, deed line conflicts, visible utility lines or roads in place, except as shown hereon, and that this property abuts or adjoins a dedicated road right-of-way or access easement, unless noted hereon.

This survey was made substantially in accordance with the standards and conditions set forth for a Category 1A, Condition II, Land Title Survey, based on the Manual of Practice for Land Surveying in Texas, 2006 Revised Eleventh Edition, prepared by the Texas Society of Professional Surveyors.

Clark O. Daniel 09-28-2007

Clark O. Daniel, Jr. Date
Registered Professional Land Surveyor
State of Texas No. 5861

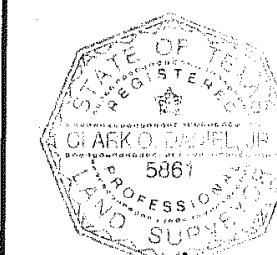
FLOOD-PLAIN NOTE:

The tract shown hereon lies within Zone "X" (areas determined to be outside 500-year flood-plain), as identified by the Federal Emergency Management Agency, Federal Insurance Administration, as shown on map no. 48491C0244C, dated September 27, 1991, for Williamson County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	90°26'04"	15.00'	15.11'	23.68'	21.29'	S37°06'25"E
C2	2°16'36"	3205.00'	63.68'	127.35'	127.34'	S07°22'15"W

LEGEND	
● 1/2" REBAR FOUND	✱ LIGHT POLE
● CHAP 1/2" REBAR WITH PLASTIC "CHAPARRAL BOUNDARY" CAP FOUND	✱ GROUND LIGHT
W WATER TEST	☐ TELEPHONE UTILITY
⊗ WATER VALVE	OWMMH WASTEWATER MANHOLE
⊕ FIRE HYDRANT	OSSMH STORMSEWER MANHOLE
⊙ SPRINKLER CONTROL VALVE	— SIGN
⊘ UTILITY POLE	○ FLAG POLE
— GUY WIRE	— EDGE OF PAVEMENT
— OVERHEAD UTILITIES	— CHAIN LINK FENCE
⊞ ELEC. UTILITY	— WROUGHT IRON FENCE

SCALE IN FEET
30 15 0 30



Clark O. Daniel, Jr.
R.P.L.S. 5861

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
2807 Manchaca Rd., Building 1
Austin, Texas 78704
512-443-1724

PROJECT NO.: 420-001
DRAWING NO.: 420-001-T11
PLOT DATE: 9/28/2007
PLOT SCALE: 1"=30'
DRAWN BY: EJD
SHEET 01 OF 01



LEGEND

- 

**Know what's below.
Call before you dig.**

CAUTION:

CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION. CONTRACTOR TO NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.

WARNING:

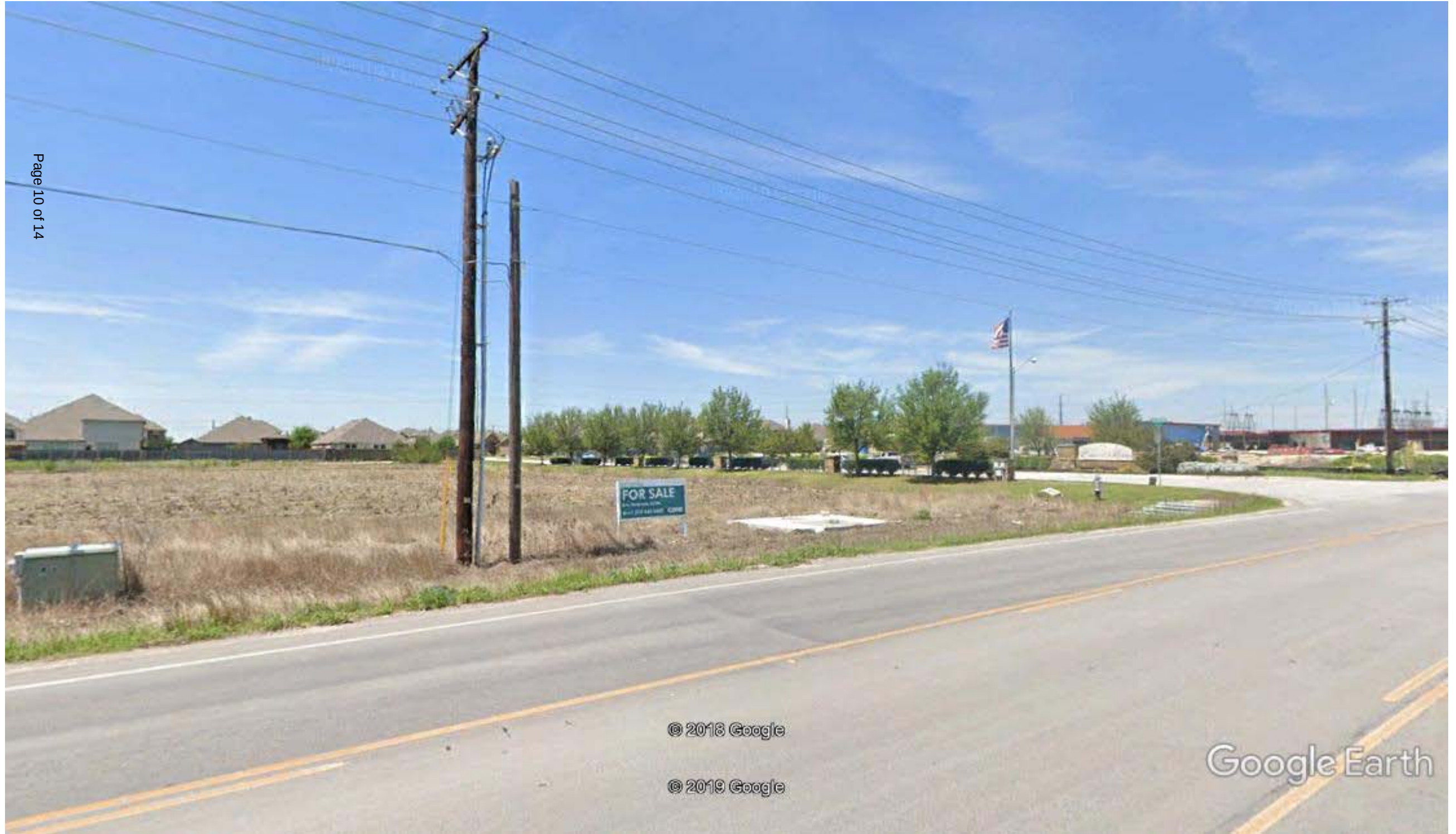
THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE LOCATION OF UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AVOIDING ALL EXISTING UTILITIES BY CALLING THE ONE CALL SYSTEM @ 811 FOR LOCATION OF ALL UTILITIES, AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION.

ED FOR	REV	DATE

THIS DOCUMENT IS RELEASED
FOR REVIEW PURPOSES
UNDER THE AUTHORITY OF
JOEL R. BOCK, P.E. 98441 ON
May 20, 2019
IT IS NOT TO BE USED FOR
CONSTRUCTION, BIDDING
OR PERMIT PURPOSES.

SITE PLAN

DEVELOPER: --	SHEET 01
DESIGNED BY: SUNLAND GROUP	
SUNLAND PROJECT #: 2019008	
DRAWN BY: SZ	
PROJECT MANAGER: JB	









© 2018 Google

© 2019 Google

Google Earth

