

Application Date: 4/21/23



P.O. Box 369 (Mail)
303 E. Pecan Dr. (Physical)
Johnson City, TX 78636
830.868.7111 (Phone)
830.868.7718 (Fax)

APPLICATION TO BOARD OF ADJUSTMENT

3

NAME OF APPLICANT: TYLER P MENAN RIDDLE

MAILING ADDRESS: PO BOX 2080 - JOHNSON CITY, TX. 78636

PHONE NUMBER: 214.733.6012

STATUS OF APPLICANT: OWNER: _____

AGENT: X (IF AGENT, ATTACH LETTER OF AUTHORIZATION)

PROPERTY DESCRIPTION

PHYSICAL ADDRESS: 103 N. AVE. C JOHNSON CITY, TX 78636

LEGAL DESCRIPTION: JC, BLK 104, LOT PT OF 136

CURRENT ZONING: SF Residential

PROPOSED ZONING: SF Residential

EXISTING USE: RESIDENTIAL STR

PROPOSED USE: Residential, STR

ACRES/SQ. FT.: .16

DOES OWNER OWN ADJACENT PROPERTIES? YES NO

REQUESTED BOARD ACTION SPECIAL EXCEPTION _____ VARIANCE X

PURPOSE OF REQUEST: TO ACCEPT BUILDING VARIANCE OF SET BACK EXTENSION, FROM 10 FT (SIDE) TO 3 FT, DUE TO ADDITION.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND THE ATTACHED INSTRUCTION SHEET AND KNOW THE INFORMATION I HAVE PROVIDED TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS APPLICATION WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A VARIANCE OR SPECIAL EXCEPTION DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING THE USE OF PROPERTY.

APPLICANT'S SIGNATURE [Signature]

DATE 4/21/23

Office Use Only

Rick Schroder

From: Charlene Crump
Sent: Thursday, April 20, 2023 6:00 PM
To: Teresa Taylor; Rick Schroder
Cc: Tricia Keith
Subject: Re: 102 N Ave C / Variance Application

Thank you Teresa. I concur. Charlene Crump

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From: Teresa Taylor
Sent: Thursday, April 20, 2023 5:48:45 PM
To: Rick Schroder <rschroder@johnsoncitytx.org>
Cc: Tricia Keith
Subject: 102 N Ave C / Variance Application

3 TB
Hi Mr. Schroder,

I represent Mr. Charlene Crump who is the current owner of the property listed above. As you may know, this property is listed for sale. We have a potential Buyer, Tyler Riddle, who interested in the property contingent upon receiving a variance from the City in regard to the setback lines. I believe you may have spoken to him today. Based on that conversation, Ms. Crump is giving her permission for Mr. Riddle to pursue a Variance Application with the City for the property as needed prior to any final sale or deed transfer.

Please let me know if this email is sufficient for you to move forward with the process for the application and/or conversation with Mr. Riddle.

Feel free to contact myself or Ms. Crump directly if you need: 512-632-5999

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Teresa Taylor, Realtor®
Realtor®, Topper Real Estate

<https://topperrealestate.net>

Texas Law Requires all Real Estate Licensees to provide the Information About Brokerage Services & The Consumer Protection Notice:

<https://www.trec.texas.gov/sites/default/files/pdf-forms/CN%201-2.pdf> <https://www.trec.texas.gov/sites/default/files/pdf-forms/IABS%201-0.pdf>

APPLICATION TO BOARD OF ADJUSTMENT FOR VARIANCE

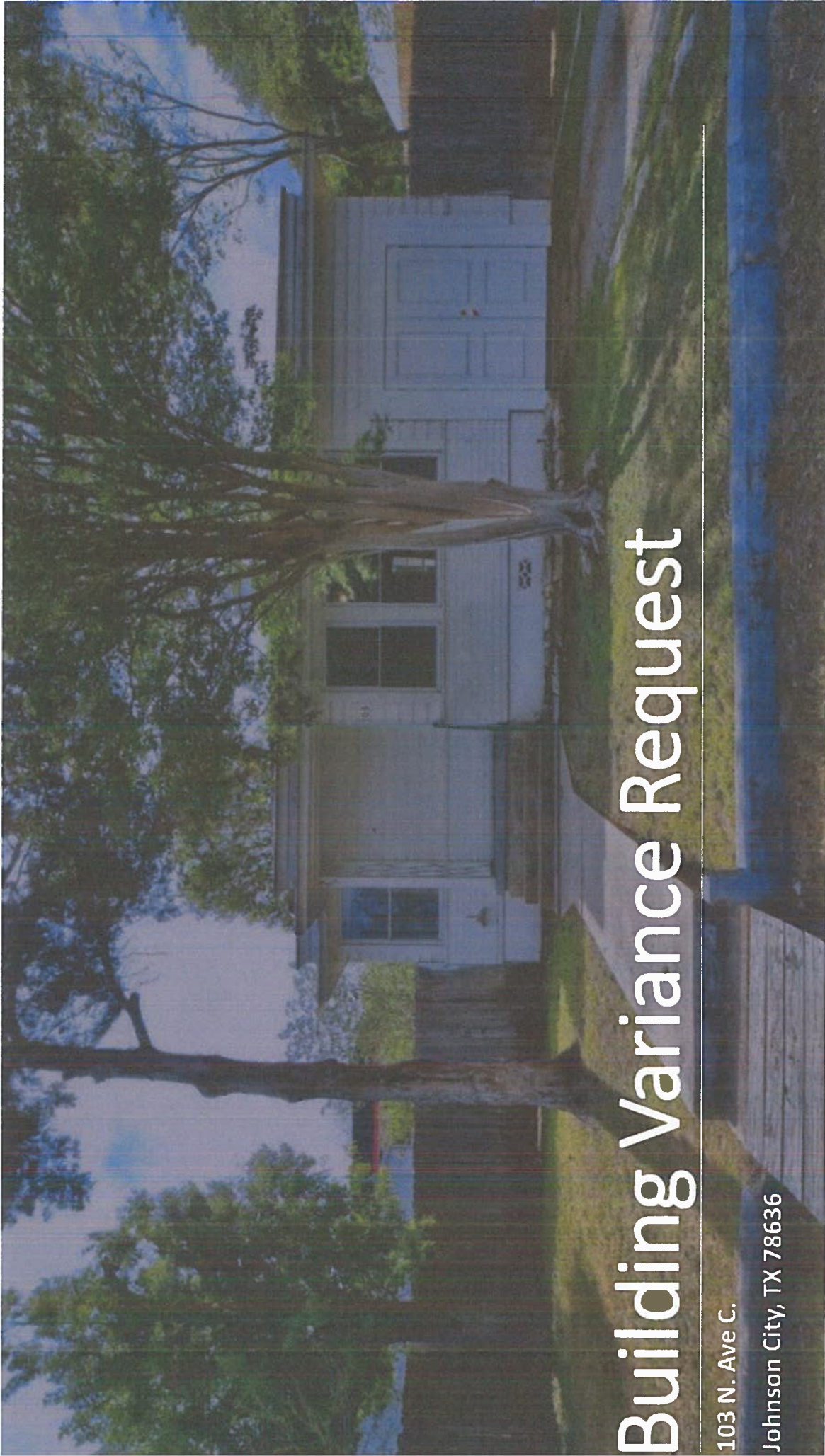
INSTRUCTION SHEET

- ✓1. COMPLETE THE APPLICATION FORM.
- ✓2. INCLUDE THE NATURE AND EFFECT OF THE PROPOSED VARIANCE ON THE APPLICATION FORM.
3. INCLUDE TWELVE (12) COPIES OF ALL PERTINENT DOCUMENTATION.
4. INCLUDE A LIST OF ALL PROPERTY OWNERS WITHIN TWO HUNDRED FEET (200') OF THE PROPERTY UNDER CONSIDERATION.
5. IN THE EVENT THE VARIANCE IS DENIED BY THE BOARD OF ADJUSTMENTS, THE APPLICANT MAY APPEAL THE DECISION IN DISTRICT COURT.
7. THE BOARD OF ADJUSTMENT MEETS ON AN AS NEEDED BASIS.

MAILING LIST OF PROPERTY OWNERS TO BE NOTIFIED

PLEASE FURNISH NAMES AND COMPLETE ADDRESSES OF PROPERTY OWNERS WITHIN 200 FEET OF THE PROPERTY IN QUESTION. NAMES AND ADDRESSES SHOULD BE THOSE IDENTIFIED BY BLANCO COUNTY APPRAISAL DISTRICT AS THE PROPERTY OWNER OF RECORD.

- | | |
|--|---|
| 1. <u>MAXEY FAMILY, LP</u> | ① <u>PO Box 1463, UVALDE, TX 78802</u> |
| 2. <u>ALVAH BULK</u> | ② <u>1108 OLD MARBLE FALLS RD.
ROUND MOUNTAIN, TX 78663</u> |
| 3. <u>JEFFREY HULETT</u> | ③ <u>PO BOX 2238 JOHNSON CITY, TX
78636</u> |
| 4. <u>MARIA RODRIGUEZ</u> | ④ <u>PO BOX 336 JOHNSON CITY, TX 78636</u> |
| 5. <u>J & M BLANCO Properties, LLC</u> | ⑤ <u>101 VALLEY VIEW
JOHNSON CITY, TX - 78636</u> |
| 6. <u>CATHERINE & Winslow CUTHBERT</u> | ⑥ <u>PO BOX 3101, WIMBERLEY, TX
78676</u> |
| 7. _____ | _____ |
| 8. _____ | _____ |
| 9. _____ | _____ |
| 10. _____ | _____ |
| 11. _____ | _____ |
| 12. _____ | _____ |



Building Variance Request

103 N. Ave C.

Johnson City, TX 78636

Request

3-3 SINGLE-FAMILY RESIDENTIAL:

- The purpose of the SF district is to stabilize and protect the owner-occupied housing characteristics of the district and to promote and encourage a suitable environment for living. The SF district includes manufactured housing with design standards for such to create pleasing appearances, and to provide sufficient open space for light, air and recreation.

	SF DISTRICT
Maximum dwelling units	Five dwelling units per acre
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	7,500 square feet
Minimum front yard	15 feet
Minimum side yard	10 feet

EXHIBIT A



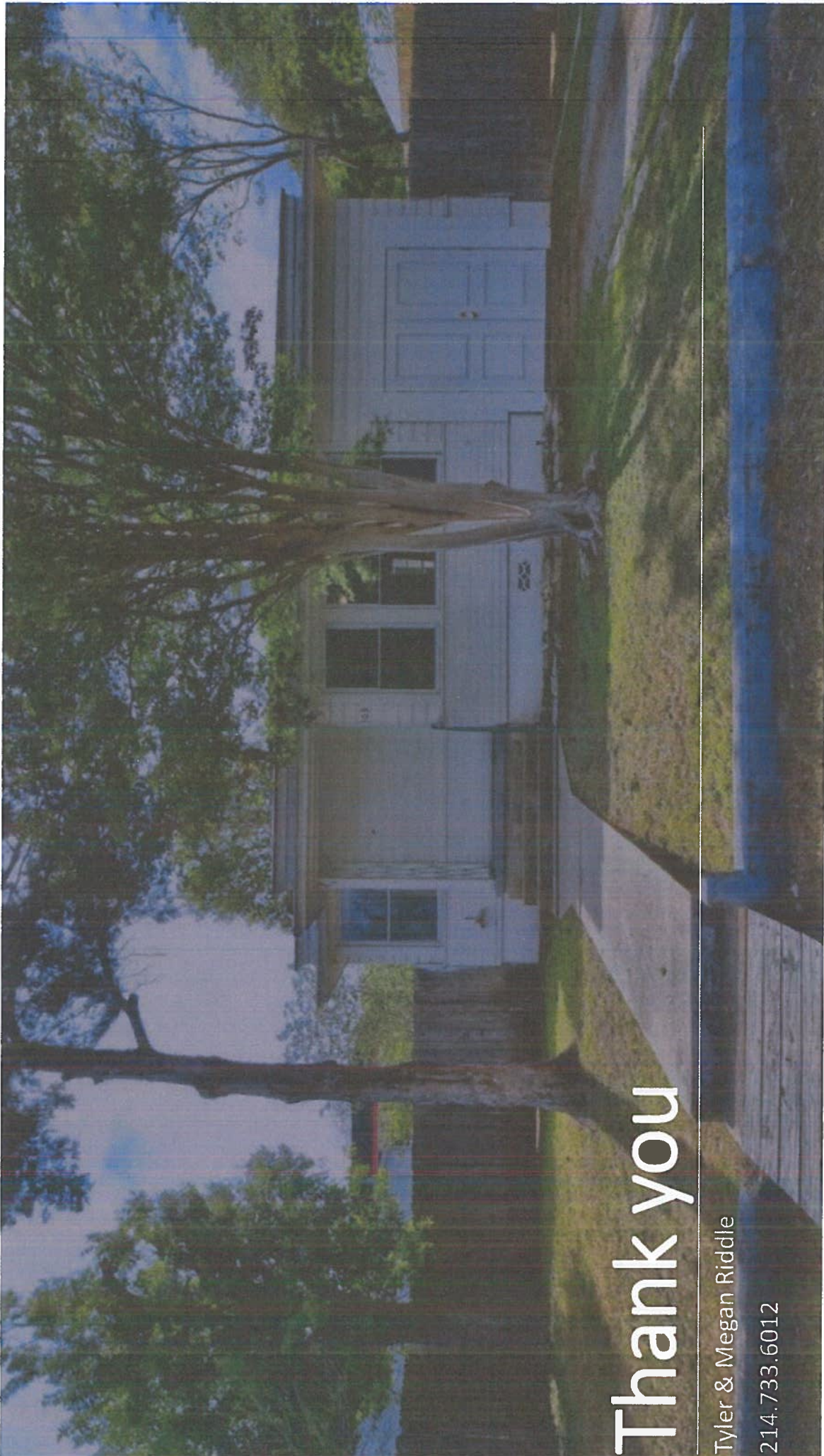
- As you can see if Exhibit A, currently this property only warrants a 9' addition to the adjacent '5 Points' property. Our request is to approve a building variance that would reduce the current 10' requirement to 3' so that a vital remodel can be added to this property.
- This property/remodel is currently under contract and is contingent upon the approval of this committee.

Proposed Site Plan

EXHIBIT B



- Exhibit B outlines the proposed addition, as it pertains to the originating 'bird's eye' image from Exhibit A.



Thank you

Tyler & Megan Riddle

214.733.6012

§ 3-3. Single-Family Residential (SF).

- (a) The purpose of the SF district is to stabilize and protect the owner-occupied housing characteristics of the district and to promote and encourage a suitable environment for living. The SF district includes manufactured housing with design standards for such to create pleasing appearances, and to provide sufficient open space for light, air and recreation.
- (b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.
- (c) General regulations of the SF zone are contained in the table below:

SF DISTRICT	
Maximum dwelling units	Five dwelling units per acre
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	7,500 square feet
Minimum front yard	15 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	10 feet
Minimum dwelling unit size	1,000 square feet
Maximum lot coverage (all)	50 percent (50%)
Maximum structure height (stories)	2 stories
Maximum structure height (feet)	35 feet

For Manufactured Houses in SF District*	
Maximum lot area	Six dwelling units per acre
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	4,400 square feet
Minimum front yard	15 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	10 feet
Minimum dwelling unit size	750 square feet
Maximum lot coverage	60 percent (60%)
Maximum structure height	1 story

*Only double-wide manufactured homes are permitted in SF District.

- (d) Additional regulations for manufactured housing in the SF zone:
 - (1) A manufactured housing development shall occupy a site of not less than two acres in size.
 - (2) Manufactured housing units shall meet all standards set by the U.S. Department of Housing and Urban Development and shall meet the standards set by the City of Johnson City's Building Code.

- (3) All manufactured housing units shall provide proper skirting around the base of the home within 30 days of placement on property (no plywood or lattice permitted).
 - (4) All subdivision standards must be met as specified in the city's subdivision regulations.
 - (5) All manufactured housing units shall be installed per ordinance [chapter] 1201 of the Texas Occupations Code; and Title 10, ordinance [chapter] 80 of the Texas Administrative Code, as amended.
 - (6) A manufactured home within the city limits may be replaced with a manufactured home no older than five (5) years from the date of installation.
- (e) Landscaping requirements are contained in the City's landscaping ordinance.
- (f) Parking requirements are contained in the City's parking ordinance.
(Ordinance 16-0303 adopted 2/1/16; Ordinance 19-0401, att. A, sec. E, adopted 5/3/19)

§ 5-6. Board of Adjustment creation.

There is hereby created a Board of Adjustment, sometimes referred to herein as the “BOA,” for the purpose of making special exceptions to the terms of this ordinance that are consistent with the general purpose and intent of this ordinance. The BOA may grant special exceptions, in appropriate cases, that are subject to certain conditions and safeguards. The BOA may be composed of the members of the City Council of the City of Johnson City as authorized by Section 211.008(g) of the Texas Local Government Code, until such time as separate membership is appointed by the City Council.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-7. Board of Adjustment membership.

- (a) The City Council shall act as the BOA.
- (b) The City Council shall appoint a chairperson for the BOA, who shall serve a one-year term of office.
- (c) The BOA shall elect a vice-chairperson from among its membership who shall serve a one-year term of office.
- (d) The BOA shall designate a secretary to the BOA who shall keep minutes of all meetings held by the BOA and serve a one-year term of office.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-8. Board of Adjustment meetings.

- (a) Meetings of the BOA shall be held at the call of the chairperson or secretary and at such other times as the BOA may determine. All meetings of the BOA shall be open to the public, except as allowed by law. All cases to be heard by the BOA shall always be heard by at least four of the members.
- (b) When meeting as the Board of Adjustment, the BOA cannot function as the City Council. While BOA hearings may be held on the same day as City Council meetings, BOA hearings must be clearly identified as separate from City Council hearings.
- (c) BOA meetings shall be conducted in accordance with Chapter 551 of the Texas Government Code.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-9. Board of Adjustment authority.

- (a) The BOA shall have the authority, granted under the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:
 - (1) Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance;
 - (2) Authorize, in specific cases, a special exception-variance from the terms of this ordinance if the special exception-variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of this ordinance is observed and substantial justice is done; and
- (b) The concurring vote of at least 75 percent (75%, or 4 of 5) of the full BOA is necessary to:
 - (1) Reverse an order, requirement, decision or determination of an administrative official;
 - (2) Decide in favor of an applicant on a matter on which the board is required to review under this

zoning ordinance; or

- (3) Authorize a special exception-variance from the terms of this ordinance.
(Ordinance 16-0303 adopted 2/1/16)

§ 5-10. Board of Adjustment conflict of interest.

- (a) A member shall not vote or participate in any deliberations regarding a matter before the BOA if the member has any personal interest in the property in question, whether such interest is direct, indirect, financial or otherwise. In any case where the question of a member's interest is raised, the chairman shall rule on whether the member shall be disqualified.
- (b) A BOA member shall not vote or participate in any deliberations regarding a matter before the BOA if the member has any substantial interest in any tract within 200 feet of the property in question.
- (c) The BOA member is considered to have a substantial interest if the BOA member is related within the first degree of consanguinity (blood or adoption) or affinity (marriage) to a person who has a substantial interest.
- (d) In any case where the question of a member's interest is raised, the BOA chairperson shall rule on whether the member shall be disqualified.
- (e) Under this section, a substantial interest exists in the following situations:
- (1) The BOA member has an equitable or legal ownership interest in a tract with a fair market value of \$2,500.00 or more;
 - (2) The BOA member acts as a developer of the tract; or
 - (3) The BOA member receives in a calendar year funds exceeds [exceeding] ten percent (10%) of the BOA member's gross annual income for the previous year from a business that:
 - (A) Has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00; or
 - (B) Acts as a developer of the tract; or
 - (4) The BOA member has an ownership interest in a business entity and:
 - (A) The business entity:
 - (i) Has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00; or
 - (ii) Acts as a developer of the tract; and
 - (B) The BOA member:
 - (i) Owns ten percent (10%) or more of the voting stock or shares;
 - (ii) Owns ten percent (10%) more of the fair market value; or
 - (iii) \$5,000.00 or more of the fair market value.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-11. Board of Adjustment authority limitations.

- (a) The BOA may not grant a special exception authorizing a use other than those permitted in the district for which the special exception is sought, except as provided below.
 - (b) In the event that a written request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the BOA shall neither hear nor grant any special exceptions with respect to the subject property until final disposition of the zoning amendment.
- (Ordinance 16-0303 adopted 2/1/16)

§ 5-12. Special exceptions, also Variances.

- (a) There shall be a presumption against special exceptions-variances.
- (b) The BOA may authorize a special exception from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.
- (c) In granting a special exception, the BOA may prescribe conditions that it deems necessary to preserve the public interest. Violation of any such condition, limitation or safeguard shall constitute a violation of this ordinance.
- (d) In making the findings hereinbelow required, the BOA shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such special exception will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-13. Conditions for special exception.

- (a) No special exception shall be granted without first having given public notice and having held a public hearing on the written special exception request in accordance with this ordinance.
- (b) No special exception shall be granted unless the BOA finds that:
 - (1) There are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this ordinance would deprive the applicant of the reasonable use of the land; and
 - (2) The special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - (3) The granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
 - (4) The granting of the special exception constitutes a minimal departure from this ordinance; and
 - (5) The subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and
 - (6) Granting the special exception is in harmony with the spirit, general purpose, and intent of this ordinance so that:
 - (A) The public health, safety and welfare may be secured; and

(B) That substantial justice may be done.

- (c) Such findings of the BOA, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the BOA meeting at which such special exception is granted.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-14. Burden on applicant.

The applicant bears the burden of proof in establishing the facts that may justify a special exception.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-15. Special exceptions for nonconforming uses.

- (a) Upon written request of the property owner, the BOA may grant special exceptions to the provisions of Section 4-4 (Nonconforming uses), limited to the following, and in accordance with the following standards:

- (1) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming; or
- (2) Expansion of the gross floor area of a nonconforming structure provided that such expansion does not decrease any existing setback; or
- (3) Change from one nonconforming use to another, reconstruction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

- (b) In granting special exceptions to nonconforming uses, the BOA may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare. Examples of possible conditions include, but not limited to, conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the zoning ordinance.

- (c) The conditions for receiving a special exception listed in Section 5-13 apply to nonconforming uses.
(Ordinance 16-0303 adopted 2/1/16)

§ 5-16. Special exception hearing procedures.

- (a) Application and fee. An application for a special exception shall be made in writing using forms prescribed by the city, and shall be accompanied by an application fee, a site plan and such additional information as may be requested in writing in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.
- (b) Administrative report by the city. The city administrator or designated city representative shall visit the site where the proposed special exception will apply and the surrounding area, and shall report findings to the BOA.
- (c) Public hearings. The BOA shall hold a public hearing for consideration of the written special exception request no later than 45 days after the date the application for action, or an appeal, is

filed.

- (d) **Notice.** Notice of the hearing must be published in the city's official newspaper no more than 30 nor less than 15 days prior to the date of the hearing. Notice of the hearing shall also be provided to all property owners within 200 feet of the affected property no more than 30 nor less than 15 days prior to the public hearing. Weather resistant signs shall be erected on the property under application for the purposes of advertising the special exception request.
- (1) The signs shall be provided by the city.
 - (2) Signs placed on the property involved must be within ten feet of any property line paralleling any established or proposed street, and must be visible from that street.
 - (3) All required signs shall remain on the property until final disposition of the special exception request is determined.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-17. Appeals to the Board of Adjustment.

- (a) The appellant must file with the BOA and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal.
- (b) The appeal must be filed within 60 days after the decision has been rendered.
- (c) Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the BOA all papers constituting the record of action that is appealed.
- (d) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the BOA facts supporting the official's opinion that a stay would cause imminent peril to life or property.
- (e) The appellant party may appear at the appeal hearing in person, by agent or attorney, or in abstentia.
- (f) The BOA shall decide the appeal within four weeks after the written request (notice of appeal) was received, after which time the written request shall be deemed automatically approved if no formal action is taken.
- (g) The BOA may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.
- (h) A member or members of the BOA may not bring an appeal on behalf of a property owner, other than himself/herself, to the BOA. An appeal must be requested by the owner of the property being considered.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-18. Judicial review.

All decisions of the BOA are final and binding. Any person or persons, jointly or severally, aggrieved by any decision of the Board or any taxpayer, or any officer, department, or board of the city may present, within ten days of the date the BOA decision is filed in the board's office, a petition to a court of competent jurisdiction for review in accordance with Chapter 211 of the Texas Local Government Code, as amended.

(Ordinance 16-0303 adopted 2/1/16)