



City of Round Rock

Zoning Board of Adjustment

Meeting Agenda - Final

Chairman Robert Eskridge
Vice Chairman Patrick Gove
Boardmember Lora Kaasch
Alternate Victor Mares
Alternate Rudy Porter
Alternate Rick Villareal
Alternate Andrew Wolfe

Tuesday, March 13, 2018

5:30 PM

City Council Chambers, 221 East Main St.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES:

- C.1 [ZBA-2018-005](#) Consider approval of the minutes for the January 18, 2018 Zoning Board of Adjustment meeting.

D. ACTION ITEMS:

- D.1 [ZBA-2018-007](#) Consider public testimony and an action regarding an application for a variance to allow a building encroachment in the rear setback of a single-family home in accordance with Section 46-100, Chapter 46 of the City of Round Rock Code of Ordinances, 2010 Edition, located at 1104 Jillian Ct. Case No. ZBA1802-001
- D.2 [ZBA-2018-008](#) Consider public testimony and an action regarding an application for an exception to allow a sign located in an area that does not meet code criteria due to site constraints in accordance with Section 30-10, Chapter 30 of the City of Round Rock Code of Ordinances, 2010 Edition, generally located at the northeast corner of University Blvd. and N. Mays St. Case No. ZBA1802-002

E. ADJOURNMENT

In addition to any executive session already listed above, the Zoning Board of Adjustment for the City of Round Rock reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code for the following purposes:

§551.071 Consultation with Attorney

§551.072 Deliberations regarding Real Property

§551.073 Deliberations regarding Gifts and Donations

§551.074 Personnel Matters

§551.076 Deliberations regarding Security Devices

§551.087 Deliberations regarding Economic Development Negotiations

POSTING CERTIFICATION

I certify that this notice of the Zoning Board of Adjustment was posted on this 9th day of March 2018 at 5:00 p.m. as required by law in accordance with Section 551.043 of the Texas Government Code.

\ORIGINAL SIGNED

Meagan Spinks, Deputy City Clerk

**ZONING BOARD OF ADJUSTMENT
THURSDAY, JANUARY 18, 2018 AT 5:30 PM**

DRAFT - MEETING MINUTES

A. CALL TO ORDER

The Round Rock Zoning Board of Adjustment met in regular session on January 18, 2018, in the Round Rock City Council Chambers located at 221 East Main Street. With a quorum present, Boardmember Patrick Gove called the meeting to order at 5:30 p.m.

B. ROLL CALL

Present were Boardmember Robert Eskridge, Boardmember Patrick Gove, Boardmember Lora Kaasch, Alternate Boardmember Victor Mares, and Alternate Boardmember Andrew Wolfe.

Planning and Development Services Department staff included Susan Brennan, Clyde von Rosenberg, Erin Smith, and Veronica Chandler.

C. ELECTION OF OFFICERS:

C1. Consider the nomination and election of a Chairperson.

Boardmember Gove opened the floor for nominations.

Motion: Motion by Boardmember Eskridge, second by Boardmember Gove to nominate Boardmember Eskridge as the ZBA Chairperson.

Vote: AYE: Boardmember Eskridge, Boardmember Gove, Boardmember Kaasch, Alt. Boardmember Mares, and Alt. Boardmember Wolfe. **NAY:** None. The vote was 5-0.

Boardmember Eskridge was elected the Zoning Board of Adjustment Chairperson.

C2. Consider the nomination and election of a Vice-Chairperson.

Chairman Eskridge opened the floor for nominations.

Motion: Motion by Boardmember Gove, second by Alt. Boardmember Mares to nominate Boardmember Gove as the ZBA Vice-Chairperson.

Vote: AYE: Chairperson Eskridge, Boardmember Gove, Boardmember Kaasch, Alt. Boardmember Mares, and Alt. Boardmember Wolfe. **NAY:** None. The vote was 5-0.

Boardmember Gove was elected the Zoning Board of Adjustment Vice-Chairperson.

D. APPROVAL OF MINUTES:

D1. Consider approval of the minutes for the August 22, 2017, Zoning Board of Adjustment meeting.

With there being no questions or comments, a motion was offered.

Motion: Motion by Boardmember Gove, second by Boardmember Kaasch to approve Agenda Item D1 as presented.

Vote: AYE: Chairperson Eskridge, Boardmember Gove, Boardmember Kaasch, Alt. Boardmember Mares, and Alt. Boardmember Wolfe. **NAY:** None. The vote was 5-0.

E. SPECIAL EXCEPTION:

E1. Consider action regarding an application to allow a special exception for a gymnasium and sports training facility in an area zoned for light industrial use in accordance with Section 46-200 (d), Chapter 46 of the City of Round Rock Code of Ordinances, 2010

Edition. Generally located southeast of the intersection of Gattis School Rd. and Double Creek Dr. Case No. ZBA1712-001

Mr. von Rosenberg briefly reviewed the special exception request stating that the purpose of the application was to allow a gymnasium/sports training facility in an area zoned for light industrial uses. He explained that the LI (Light Industrial) zoning district allows a variety of uses which depend upon the design of the facility.

Mr. von Rosenberg continued, explaining that the City Ordinance was revised a few years ago to allow for individual sports training uses, including gymnastics, cheerleading, baseball, and rock climbing, that will be conducted within an enclosed building with tall ceilings and that were generally limited to participants scheduled for classes or training.

He also stated that the Zoning Board of Adjustment's task was to provide a review of the location and the proposed used, to ensure the use is compatible and harmonious with the surrounding area, and consistent with the City's Zoning Ordinance and General plan. Staff recommended approval of the special exception because no apparent conflicts with the neighboring uses or danger to the users of the proposed business were identified.

The owner's representative, Mr. Josh Grant, with The Jungle Movement Academy, was available to answer questions.

Chairman Eskridge opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing no speakers, Chairperson Eskridge closed the public hearing.

Following a brief discussion regarding parking, lighting, and hours of operation, a motion was offered.

Motion: Motion by Boardmember Kaasch, second by Boardmember Wolfe to approve the special exception request as presented by staff.

Vote: AYE: Chairperson Eskridge, Boardmember Gove, Boardmember Kaasch, Alt. Boardmember Mares, and Alt. Boardmember Wolfe. **NAY:** None. The vote was 5-0.

F. ADJOURNMENT

There being no further discussion, the meeting adjourned at 5:51 p.m.

Respectfully Submitted,

Veronica Chandler, Planning Tech

VARIANCE REQUEST

1104 Jillian Court



VARIANCE REQUEST:

Decrease the rear yard setback for a residential structure from 10 feet to 8-feet, 3-inches.

BACKGROUND:

The applicant, Patrick McGuire for Lennar Homes of Texas Land & Construction LTD, is requesting approval for a Variance application from the Zoning Board of Adjustment (ZBA) to allow a proposed 3,000 square foot, 2-story single family residential structure to encroach 1-foot, 9-inches into the minimum required 10-foot rear yard setback. Pursuant to PUD No. 98 (Madsen Ranch Subdivision), there is a 10-foot required minimum rear yard setback between building structures and the property line. The subject site is located at 1104 Jillian Court on a 6,625-square foot residential lot and zoned for single-family residential in the PUD.

TIMELINE:

February 10, 2017: Applicant submits building permit and plans for review.

February 13, 2017: City staff approved building plans for construction, which included the rear yard encroachment that went unnoticed.

May 15, 2017-February 22, 2018: Several inspections on the property started between these dates which included building structure, building water lines, insulation, sidewalk, electrical, and slabs.

February 27, 2018, the applicant, Patrick McGuire for Lennar Homes of Texas Land & Construction LTD, submitted a Variance application to encroach into the rear yard setback pursuant to PUD #98 (Madsen Ranch Subdivision).

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| DATE OF REVIEW: | March 13, 2018 |
| OWNERS: | Lennar Homes of Texas Land & Construction LTD |
| LEGAL DESCRIPTION | Madsen Ranch PH 1, Block G, Lot 59, Acres 0.152 |
| ZONING: | PUD #98 (Madsen Ranch Subdivision) |
| LAND USE: | Detached Single-Family House |
| LOCATION: | 1104 Jillian Court |
| ADJACENT LAND USE: | North: Detached Single-Family (PUD #98 Residential) South: Detached Single-Family (PUD #98 Residential) East: Detached Single-Family (PUD #98 Residential) West: Detached Single-Family (PUD #98 Residential) |
| GENERAL PLAN POLICY: | Residential |
| STAFF ANALYSIS: | The applicant submitted a complete building permit application packet for the construction of a two-story single-family residence including an attached rear covered patio in February 2017. The packet included specific measurements for each item, drawings done to scale, and a copy of the site layout showing the building setback lines on the front, side and rear property lines. City staff issued a building permit based on the information submitted by the applicant. However, City staff did not notice the rear yard encroachment for the structure and issued a building permit in error. Several inspections took place by City staff and the structure was eventually approved. The applicant noticed that there may be an issue with the setback when he was working with the project surveyor and in good faith, brought the issue to the attention of City staff so it can be resolved. |

Prior to submitting the Variance application, City staff reviewed different options with the applicant such as an administrative adjustment application (Chapter 46-95) where the zoning administrator may approve up to 10% encroachment of a development standard, which may allow a 1-foot encroachment for a 10-foot setback without having to go to the ZBA. In this case, the encroachment is 1-foot, 9-inches and therefore requires a Variance application with a full public hearing. A second option that staff and the applicant reviewed was reducing the length of the back patio by removing a portion of the structure to the minimum rear yard setback line. However, the concrete slab consists of a monolithic concrete slab reinforced with post-tension cable system, that works as one. Removing a portion of the concrete structure will release the anchor points that are holding the cables under tension and will compromise the integrity of the entire residential structure.

Pursuant to Section 46-71 (b) (3), Chapter 46 of the City of Round Rock Code of Ordinances, 2010 Edition, the reduced setback from 10 feet to 8 feet, 3-inches for a residential structure requires a Variance from Section 46-136 (c) (1) of the Zoning Ordinance. The requested Variance shall be reviewed by the Zoning Board of Adjustment (ZBA) according to specific criteria described in Section 46-100. The criteria and staff analysis are provided below:

a) Extraordinary Conditions

In this case, an extraordinary condition has been created because the existing structure encroachment has been fully inspected and constructed. The approval of this Variance to provide a minimum setback of 8-feet, 3-inches for a rear yard on the subject property will not set a precedent for other encroachments in the area, except for situations with the same extraordinary conditions.

b) Application of a Substantial Property Right

The applicant obtained an approved building permit from the City prior to commencing construction. Therefore, the Variance would provide the applicant reasonable use of the property and enjoy the same rights as other property owners within the same neighborhood.

c) Substantial Detriment

Granting of this Variance will not be detrimental to the public health, safety, or welfare. The structure is similar in size and appearance to other residential structures in the surrounding area. This encroachment will not

impact any neighboring properties since the structure is more than 5 feet from the rear property line. A setback of less than 5 feet would involve additional building restrictions. The applicant has received support for the Variance from the neighbor immediately behind the subject property.

d) Other Property

The approval of this Variance to provide a minimum rear yard setback of 8-feet, 3-inches will not set a precedent for other residential setback encroachments in the neighborhood.

e) Applicant's Actions

The building permit was submitted by the applicant and approved by City staff showing an encroachment into the rear yard setback. The applicant and the City have acknowledged the error and have been working together throughout the Variance application process.

f) General Plan

The Future Land Use designation of the subject property is Residential. The granting of this Variance will not result in a land use change.

g) Utilization

Due to the structural design of the post tension cable system slab, modifying the existing structure to meet the minimum rear yard setback requirement would effectively prohibit or unreasonably restrict the utilization of the property since it will compromise the integrity of the entire structure.

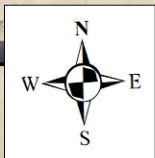
INSUFFICIENT FINDINGS:

Staff does not find any insufficient findings pursuant to Section 46-100 (2) of the Zoning Ordinance.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Variance with the following conditions to be officially recorded in the Williamson County Courthouse:

- 1.) The granting of this Variance will allow a reduced rear yard setback of 8-feet, 3-inches.

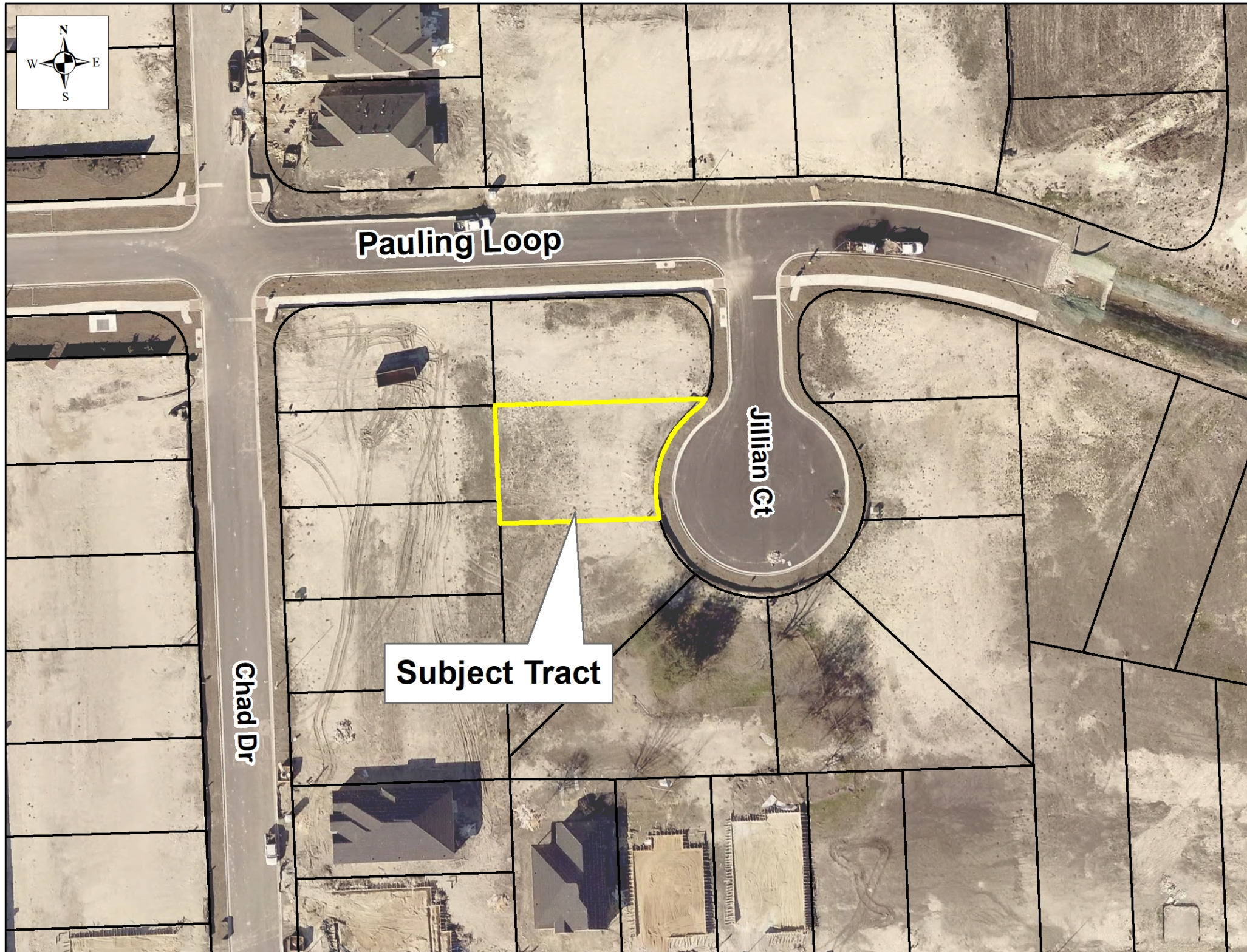


Pauling Loop

Jillian Ct

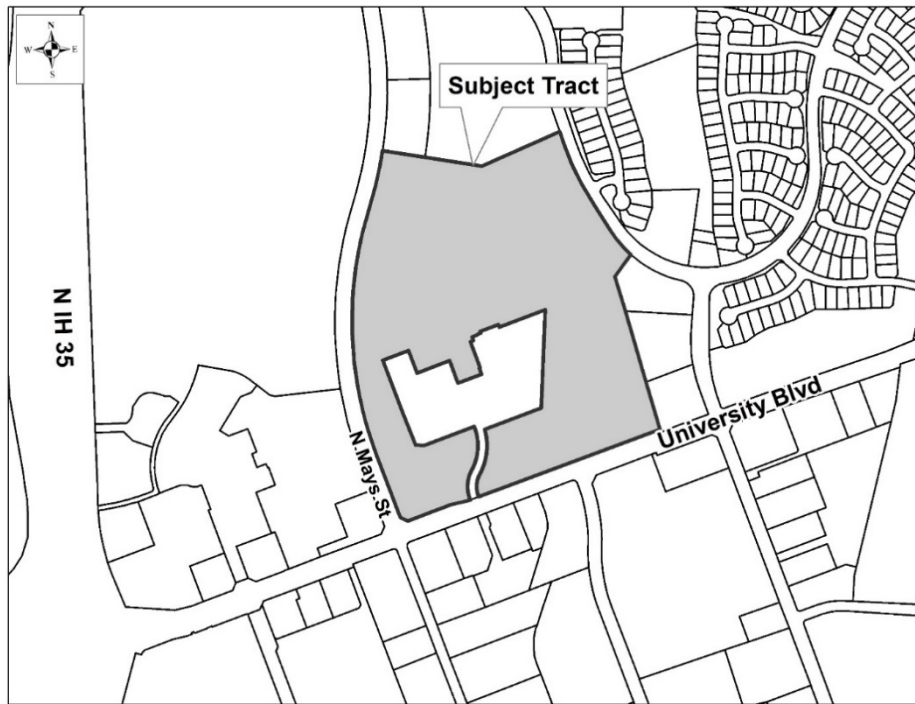
Chad Dr

Subject Tract



SIGN EXCEPTION REQUEST

Baylor Scott and White Cancer Center



See Exhibit A and B for site details.

SIGN EXCEPTION REQUEST: Permit a sign in an area that is not in compliance with the Code of Ordinances, Chapter 30 – Sign Code.

BACKGROUND: During the construction of the new Baylor Scott & White Cancer Center, a sign application was not submitted by the contractor or sign company prior to the installation of the signs. When this was discovered by staff, the contractor was asked to submit a sign permit application. Upon review of the application, the wall signs were found to be in compliance with the Sign Code. However, while the new Cancer Center monument sign (heretofore referenced as the Subject Sign) is within the height and square footage allowed by the Sign Code, the spacing between freestanding signs is an issue. The location of the Subject Sign is within 400 linear feet of an existing sign, which is not permitted by Code.

Section 30-10 – Freestanding Sign Standards for a monument sign on a lot larger than 5 acres states there must be a minimum of four hundred (400) feet from any other monument, pylon, pillar, post/panel or armature sign on a site. The distance between the Subject Sign and the emergency room entrance sign is 295 linear feet.

Several alternate locations along University Avenue and between University and the current location on N. Mays St. were studied to try and achieve the distance requirement for

SIGN EXCEPTION REQUEST
Baylor Scott and White Cancer Center

the Subject Sign. Each alternate location has constraints such as utility easements and existing established trees.

The applicant is seeking to obtain approval from the Zoning Board of Adjustment to allow the Subject Sign to remain in its current location.

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| TIMELINE: | October 2015: Applied for a Site Development Permit March 2016: Site Development Permit was issued. September 2017: Signs installed without a sign permit were discovered and a sign permit application was submitted. February 2018: The first Sign Exception application was submitted. A revised application was submitted March 1, 2018. |
| DATE OF ZBA REVIEW: | March 13, 2018 |
| SITE DESCRIPTION: | Lot 1A of the Replat of Lot 1, Block A, Scott and White Subdivision Section One |
| ZONING: | Public Facility – High Intensity (PF-3) |
| LAND USE: | Medical Facilities |
| LOCATION: | North of the northeast corner of University Avenue and N. Mays Street. |
| ADJACENT LAND USE: | North: Multi-Family and undeveloped South: Retail and restaurants East: Teravista MUD – Single family and retail West: PUD 59 and 60 - Retail |
| STAFF ANALYSIS: | According to the purpose of the Sign Code, the code seeks to allow signs to communicate effectively and direct the public. After further assessment of the surrounding conditions, staff agrees the best location for the Subject Sign is in its current location. Not only does the Subject Sign mark the entrance to the Cancer Center, it also has an arrow directing emergency room traffic to the driveway closest to the Emergency Room thus helping to direct traffic for the quickest possible arrival to the Emergency Room. Also, none of the existing trees required by the Baylor Scott & White developments would need to be removed and the Subject Sign is located outside utility easements. |

SIGN EXCEPTION REQUEST

Baylor Scott and White Cancer Center

Staff has determined that this exception meets the following criteria listed in Sec. 30-16(a) that apply to this sign. The following was considered in the review of a permit application for an exception for a sign:

- 1) The existence of specific site opportunities or constraints.
- 2) Consideration for novelty signs or signs that have a structure that does not conform to freestanding sign types or building sign types listed in Sec. 30-8 and 30-10.
- 3) Situations where a sign's view is obscured by building setbacks, surrounding buildings, existing trees, or elevated roadways.
- 4) New and/or innovative concepts in sign manufacturing which are not specifically addressed in this Chapter.

In order for an exception to the sign regulation to be approved, the Zoning Board of Adjustment shall find that, in accordance with Sec. 30-16(b):

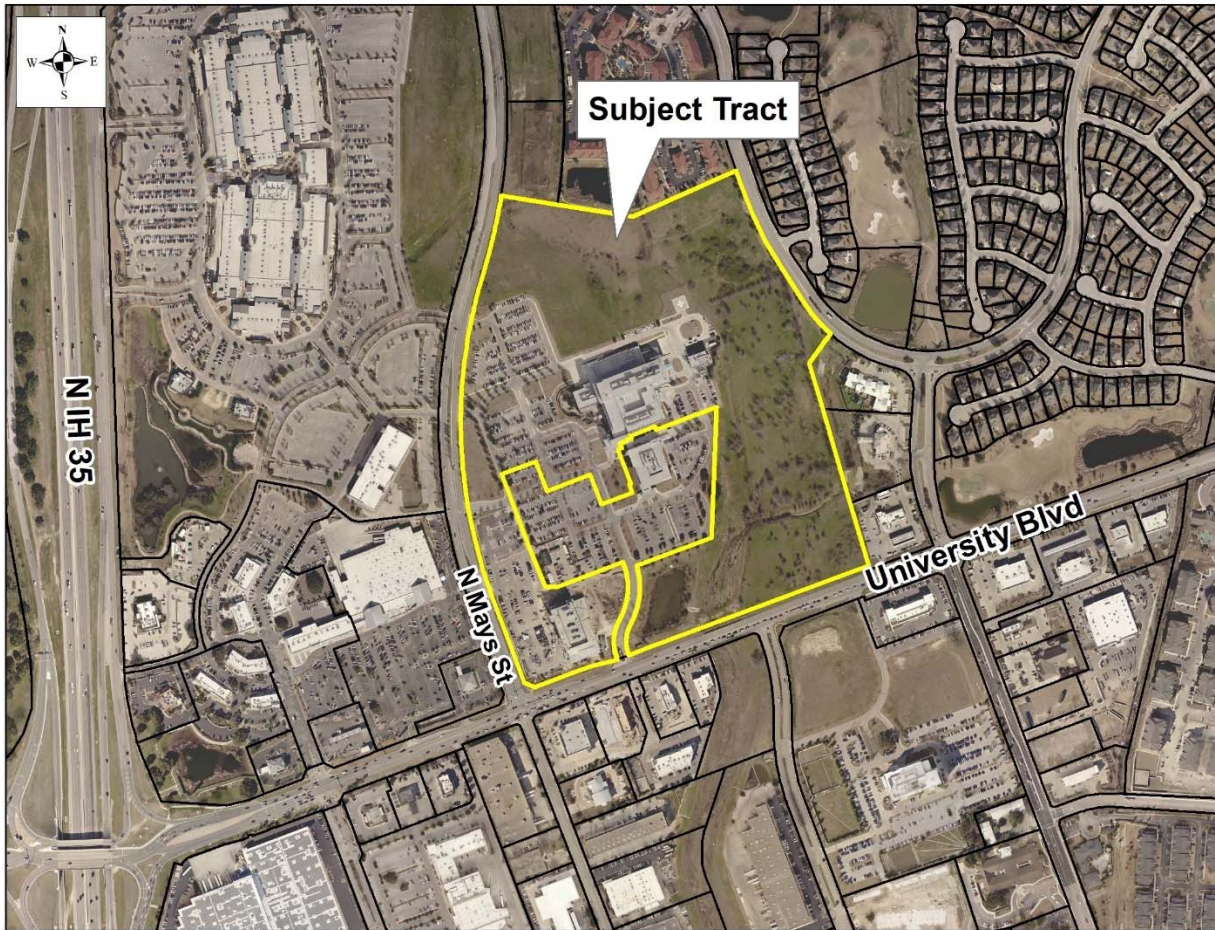
- 1) There are no associated vehicular safety issues that would result from the location of the signs.
- 2) The sign is compatible with the surrounding development.
- 3) The signs do not result in reduced compliance with regulations in other chapters of the City Code.
- 4) The signs' locations meet the requirements pertaining to easements in this chapter.
- 5) The exception is not being used to allow a sign type that would not otherwise be permitted by this chapter, with the exception of those meeting the criteria of 30-16-(a)(2) or (4).

STAFF CONCLUSION:

Staff supports the proposed exception request. By allowing the Subject Sign to remain in its current location, staff feels the existing Emergency Room and the new Cancer Center have the necessary signage to quickly direct patients to their intended location.

SIGN EXCEPTION REQUEST
Baylor Scott and White Cancer Center

Exhibit A
Aerial



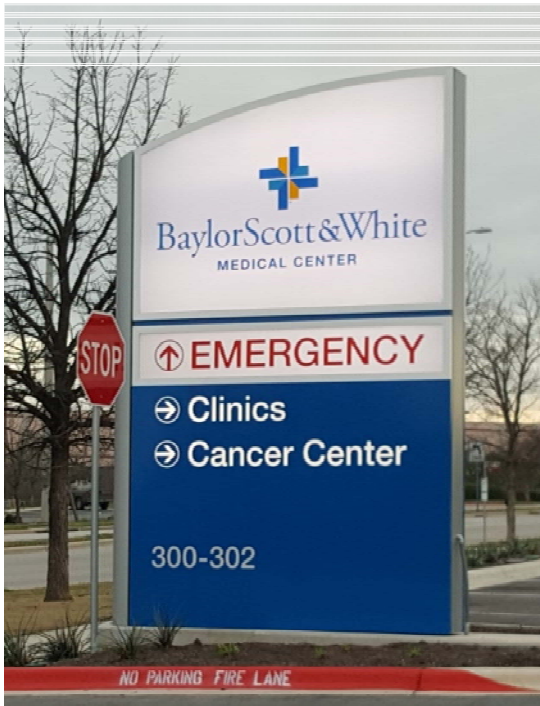
SIGN EXCEPTION REQUEST
Baylor Scott and White Cancer Center

Exhibit B
Closeup Aerial



SIGN EXCEPTION REQUEST
Baylor Scott and White Cancer Center

Sign Photographs



New Cancer Center Sign



Existing Emergency Entrance Sign



Both Signs

SIGN EXCEPTION REQUEST
Baylor Scott and White Cancer Center



Alternate location along University Blvd.



Alternate location along N. Mays St.