



City of Pflugerville

Minutes - Final

Board of Adjustment

Wednesday, August 22, 2018

7:00 PM

100 E. Main St., Suite 500

Regular Meeting

1. Call to Order

Emily Barron, Planning Director; Jeremy Frazzell, Assistant Planning Director; Abbey Rose, Planner II; Ian Beck, Planner I; Kristin Gummelt, Administrative Technician

Chair Howlett called the meeting to order at 7:00 pm.

Present 5 - Member Rodney Blackburn, Chair Craige Howlett, Member Kenneth Kidd, Member John Patty and Vice Chair Anthony Nguyen

2. Citizens Communication

There were none.

3. Discuss and Consider

- 3A. [2018-6942](#) Appoint a Chairman and Vice-Chairman to the Board of Adjustment.

Chair Howlett nominated Boardmember Nguyen for Vice Chair. Boardmember Blackburn seconded the motion. All in favor. Motion carried..

4. Public Hearing

- 4A. [2018-6893](#) To receive public comment and consider Variances on an undeveloped parcel (PID 276122) located along the south side of W. Wilbarger St., between N. 1st St. and N. 2nd St, zoned Single Family Suburban District (SF-S) and Downtown District Overlay (DD). The Variance requests include reductions in the minimum Site and Lot Area, minimum Lot Width, and minimum Lot Depth as stated in Subchapter 4.2.4 of the Unified Development Code; all to be known as the W. Wilbarger Variance. (BOA1803-01)

Abigail Rose, Planner II, presented this item.

Ms. Rose gave an overview and history of the property. She explained the requests that have been brought forth by the applicant and how they pertain to current code. The applicant is requesting variances for the reduction in minimum site and lot area, lot width and minimum lot depth. Ms. Rose explained the criteria for which a request could be considered. She described how the applicant met the criteria for the request to be heard in front of the

Board of Adjustment. She stated that the applicant can and will abide by all other codes for the property. The applicant is looking to build a two story dwelling on the property for his personal use. There are other properties in the downtown area that don't meet minimum lot requirements but they were developed before the code was established and are therefore legally non-conforming. Ms. Rose stated that staffs recommends the approval of the requests.

Chair Howlett asked if this type of variance had ever been granted before and if approving this request would open the door for more properties to apply. Ms. Rose stated that from her finding there hadn't ever been another request of this nature requested or approved. She also doesn't feel this will lead to more request because the other undeveloped properties in the area are able to meet the minimum requirements for lot size.

Vice Chair Nguyen asked when the properties was bought and if the applicant was aware of the limitations before purchase. Ms. Rose stated that the property was bought 3 to 4 months ago but the applicant had already been working with staff on the variance request. The applicant is aware of the added standards for the Downtown Overlay that they will have to abide by.

Chair Howlett asked about the FEMA flood zone for the area that the property resides in. Ms Rose stated the property is not near the FEMA flood area even though they do have a drainage next to the property. During the development of the property the drainage will be looked at and the new development cannot adversely affect the current drainage standards.

The applicant addressed the board as to their intentions for the property and what they are requesting the variances.

Scott Richton, 403 W Walnut, stated he was in favor of the new construction. He said that he was cautioned away from purchasing the property a few years ago by the City due to drainage and flooding issues on the property. The drainage ditch has in the past overflowed it boundaries and has flowed over the road. He just ask that any flooding issues be kept in mind when approving the variance.

Roy Willis, 304 N 1st Street, has concerns about what this variance would mean for his property. His property abuts the property requesting the variance. Mr. Willis questioned if this variance would affect other properties. He feels that there are at least two other properties that fit the same criteria as the variance property. He also spoke about the flooding that happened on his property during the last major flooding event. He feels that flooding for the property in question is a major concern and should be taken into account.

Ms. Barron, Planning Director, stated that the variance if approved would only be for the property in question and that any other variances would have to be requested and subsequently have to be approved. Each variance is a case by case bases and will be treated as such. Although the decision tonight could set precedent for future cases.

Matt Steele, 104 W Wilbarger, stated that he is excited to see people coming and adding to the community that is Old Town. He feels that Old Town has been neglected. He is concerned with how this would affect the property owner directly east of the property that is a renter. There is encroachment of a car port on to the applicant's land. He asked if the renter would have to move or lose this carport to accommodate this variance. He also questioned how this is not a self-imposed hardship since the applicant was aware that the property was not in conformance before purchasing. The applicant was aware that a variance would be needed in order to develop this property. Cameron Cox, Assistant City Attorney, stated that since the current owner is not the person who illegal subdivided the property by law this is not a self-imposed

hardship. Mr. Cox stated that any encroachment could legally be remedied by the applicant. Any structure that encroaches onto another property owner's property can legally be taken down civilly, regardless of how long the structure has been there.

Chair Howlett asked about the trees that fall on the applicant's property. Ms. Rose stated that any removal of trees would be looked at during the site plan phase of the project. The city does have codes surrounding the protection of trees. At this time the trees are not included in the discussions tonight. Boardmember Patty asked for clarification on the architectural styles that were referenced for the Downtown District. Ms. Rose stated that since the property falls within the Downtown District Overlay there are certain extra parameters that the property would be subject to. One these includes the architectural styles that property would have to utilize i.e. Queen Anne, Frontier, Craftsmen, etc..

Boardmember Blackburn motioned to close the public hearing. Vice Chair Nguyen seconded the motion. All in favor. Motion carried.

Boardmember Blackburn spoke about his thought on the variance and why he felt that the variance should be approved. He feels that that granting the variance would add to the area and sees no reason the request should not be approved. Chair Howlett stated that he feels that by granting the variance that the Board is setting precedence for future request and that by doing so it could potentially negatively impact the area. He is worried that the decision made could be used in varies other sections of town that were established before the code was written and that Pflugerville could be worse off for it.

Boardmember Blackburn motioned to approve item 4A. Vice Chair Nguyen seconded the motion. All in favor. Motion carried.

Aye: 5 - Member Rodney Blackburn, Chair Craige Howlett, Member Kenneth Kidd, Member John Patty and Vice Chair Anthony Nguyen

5. Future Agenda Items

6. Adjourn

Vice Chair Nguyen motioned to ajourn the meeting. Boardmember Kidd seconded the motion. All in favor. Motion carried. Ajourned at 7:48 pm.