

**MINUTES  
REGULAR MEETING  
CITY OF BOERNE  
BOARD OF ADJUSTMENT AND APPEALS  
CITY COUNCIL CHAMBERS  
124 OLD SAN ANTONIO ROAD  
BOERNE, TEXAS  
July 15, 2015**

Minutes from the Board of Adjustment and Appeals meeting, Wednesday, July 15, 2015, 5:30 p.m.

**Regular Board Members Present:** Scott Lowry – Vice-chair, Jim Terrian – Secretary, Chris Taylor and Tom Harris. Bill Kessler – Chair, was absent.

**Alternate Board Members Present:** Jon Paul Bergman and Devin Fitzpatrick.

**City Staff Present:** Michael Mann, Public Works Director, Lisa Mack, Public Works and Sheldon Cravey, Information Technology.

**Visitors Present:** Karli Kennell, Hunter Kennell, Monique Beecroft, Mason Schappert, Mitchell Schappert, Patricia Pickering, Matt Beecroft, Vincent Hutson, Hoyt Whidbee and Tonya Vicknair.

**1. CALL TO ORDER.**

The meeting was called to order at 5:35 p.m., with Vice-chair Lowry presiding.

**2. APPROVAL OF MINUTES OF MAY 20, 2015.**

Vice-chair Lowry asked if there were any comments or corrections to the minutes of May 20, 2015.

Being none, Vice-chair Lowry asked for a motion to accept the minutes.

BOARD MEMBER BERGMAN MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 20, 2015 MEETING. BOARD MEMBER TAYLOR SECONDED THE MOTION. MOTION CARRIED 5-0.

**3. CONFLICT OF INTEREST DECLARATION.**

Vice-chair Lowry asked if any members had a conflict of interest to declare.

There were none.

**4. DESIGNATE VOTING MEMBERS.**

Vice-chair Lowry designated all Regular Members and Alternate Board Member Bergman as voting members.

**5. PUBLIC HEARING: To receive comments on Variance No. 15-03, Lot 7, Block 1, Tehas Subdivision (204 Becker).**

Vice-chair Lowry opened the public hearing at 5:36 p.m.

Vincent Hutson of Wilshire Homes presented the variance request. He stated that the lot has a 30-foot front yard setback and that they were requesting a 10-foot encroachment to save a heritage Oak tree.

Board Member Terrian asked if the house was custom designed. Mr. Hutson indicated that the house was not a custom design. Mr. Terrian then asked if footprint could be reversed to save the tree. Mr. Hutson stated that there was a concern with the garage side of the house being close to the intersection of Becker and Autumn Ridge. He stated that their typical rule of thumb was to not have the garage side of the house on the intersection side.

Board Member Harris asked if the footprint of the house was flipped, what would be the distance of the driveway from the intersection. If flipped, would a variance be needed? Mr. Hutson stated that a variance would not be needed, but the porch design would have to be adjusted in order to save the tree.

Board Member Fitzpatrick asked if the builder had investigated another design. Mr. Hutson explained that the new homeowner had already selected the home design and that they have a contract for the home.

Karli Kennell who owns 211 Becker addressed the Board on behalf of her and her husband and their neighbors, the Beecrofts at 210 Becker. Ms. Kennell voiced her concern that the builder knew of the tree and restrictions on lot. She also mentioned concerns about the house being moved 10-feet closer to the street and traffic coming off Autumn Ridge not seeing children that walk to the hike and bike trail.

Board Member Bergman inquired about neighbor responses received by City Staff.

Vice-chair Lowry asked Mr. Mann about the petition distributed around the neighborhood and the legality of the petition. Mr. Mann explained that the petition is only an opinion and does not have a direct effect on how the Board should vote.

Matt Beecroft, neighboring property owner at 210 Becker addressed the Board. Mr. Beecroft stated that he does not want his view blocked and that he would like the builder to work with the homeowner to fit the house to the lot.

Mr. Hutson addressed the Board regarding the petition. He stated that other area homeowners had called him with concerns about the petition.

Board Member Harris asked Mr. Mann if the tree in question was considered by the City to be a protected tree. Mr. Mann explained that according to the City's Planning Director, the tree could be cut down without penalty.

Vice-chair Lowry closed the public hearing at 6:10 p.m.

**6. CONSIDER VARIANCE NO. 15-03: A REQUEST FROM MHI – WILSHIRE HOMES REGARDING A VARIANCE TO ALLOW FOR A 10-FOOT REDUCTION IN THE REQUIRED 30-FOOT FRONT YARD SETBACK FOR LOT 7, BLOCK 1, TEHAS SUBDIVISION (204 BECKER)**

A MOTION WAS MADE BY SECRETARY TERRIAN TO DENY THE REQUEST FOR VARIANCE TO ALLOW FOR A 10-FOOT REDUCTION IN THE REQUIRED 30-FOOT FRONT YARD SETBACK FOR LOT 7, BLOCK 1, TEHAS SUBDIVISION (204 BECKER).

THE MOTION WAS SECONDED BY BOARD MEMBER HARRIS. THE VARIANCE WAS DENIED WITH A VOTE OF 5-0.

7. **ADJOURNMENT**

The meeting was adjourned at 6:15 p.m.

APPROVED:

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Chairman

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Secretary