



CITY OF KYLE, TEXAS

Meeting Date: 8/20/2012
Date time: 6:30 PM

Conley Car Wash -

Subject/Recommendation: Consider a request by Conley Enterprises Co. (Conley Car Wash - Ice Machine) on a proposed sidewalk variance request to section 53-482 of the City of Kyle Code which requires a sidewalk to be constructed, on property Zoned Retail Services located at 6150 Jack C. Hays Trail.

- Public Hearing

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Application and Variance Letter](#)
- [Site Map](#)
- [Location Map](#)
- [Site Development Regulations](#)
- [Staff Report](#)

APPLICATION & CHECKLIST – BOARD OF ADJUSTMENT

Variance: SIDEWALK CONSTRUCTION

(Variance Requested)

08-08-12

(Submittal Date)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Use the most current application from the City's website (www.cityofkyle.com) or at city hall.
- Place a check mark on each line if you have complied with that item. Indicate with N/A if the item does not apply to your subdivision. *This checklist is only a guide.*

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the variance application to be accepted.

1. Letter to Board of Adjustment signed by owner in which written appeal states all facts and circumstances making a variance or special exception necessary.
2. Name and address of property owners within 200 feet of property and from that a location map and key showing the notification boundaries and numbered key listing the names and mailing addresses of those to be notified.
3. Number of property owners to be notified: 12
4. Two prints of the plan.
Site plan or plot plan of property must include north arrow, scale, dimensions, setbacks, property lines, easements, right-of-way, adjacent streets, and any other information to assist in consideration of request.
5. Photographs and/or drawings to support request.
6. Application fee: \$150
7. Findings Statements (see attached)
8. Additional support information: Aerial Photo

A meeting will be scheduled for the Board of Adjustment after the application has been received and notification requirements have been met.

Variance Application:

1. Ownership Information:	CONLEY ENTERPRISES CO
Name of Property Owner	_____
(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)	
Address:	1200 THORPE LN

	SAN MARCOS, TX 78666

Phone:	512-805-7500

Fax:	_____

Signed:	<u>Will Conley, TCM</u>

Date:	8-7-12

2. Nature of Request
The above named applicant hereby requests a variance from the following portion of the City of Kyle Ordinances:
Ordinance #: <u>Article V, - Standards</u>
Section: <u>11-143 sidewalks</u>
Current Zoning of Property: <u>RETAIL/SERVICE</u>
Legal description: <u>LOT 72, HIDDEN OAKS, SEC TWO</u>
Brief explanation of request: <u>THAT NO SIDEWALK CONSTRUCTION FOR THIS MINOR MODIFICATION TO THE SITE</u>

3. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: ASH & ASSOCIATES-Richard McDaniel
 Agent's address: 142 JACKSON LANE
SAN MARCOS, TX 78666
 Agent's Phone Number: 512-392-1719
 Agent's Fax Number: _____
 Agent's Mobile Number: 512-665-0529
 Agent's Email Address: rick1mack@hotmail.com

I hereby authorize the person named above to act as my agent in processing this application before the Board of Adjustment of the City of Kyle:

Owner's Signature: Will Conley, pm
 Date: 8-7-12

4. The Board of Adjustment must determine the existence of, sufficiency of and weight of evidence supporting the findings below. Therefore, you must complete each applicable Findings Statement as part of your application. Failure to do so may result in your application being rejected as incomplete:

(A) Reasonable Use:

The zoning regulations applicable to the property do not allow for a reasonable use because:
 This site is an existing car wash and is not utilized by foot traffic.

(B) Hardship:

(1) The hardship for which the variance is requested is unique to the property in that:

The site's only access is from a state highway

(2) The hardship is not general to the area in which the property is located because:

There are no other existing sidewalks in the immediate vicinity

(C) Area Character:

The variance will not alter the character of the area adjacent to the property, will not impair the use adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

site is located in a retail/service area, not accessed by foot traffic

Note: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I hereby certify that the above information provided to the City of Kyle is true and accurate and that I am the owner of the above described property.

Will Conley

8-7-12

Owner's Signature

Date

Do Not Write Below This Line -- Staff Will Complete

Hearing Date Before Board of Adjustment: _____

Action: _____



August 1, 2012

Board of Adjustment
City of Kyle
100 W. Center St.
Kyle, TX 78640

RE: Conley Car Wash (SD-12-013)
Lot 72, Hidden Oaks Subdivision
City of Kyle
Hays County, Texas

Members;

For this site development application, a variance is requested to the sidewalk. The proposed modification we are proposing is to be minimal and will have a very small impact to this existing site and to the use of this facility. Thank you for your consideration.

Respectfully,
ASH & ASSOCIATES

Richard McDaniel

Enclosures

Xc: Audie Buster

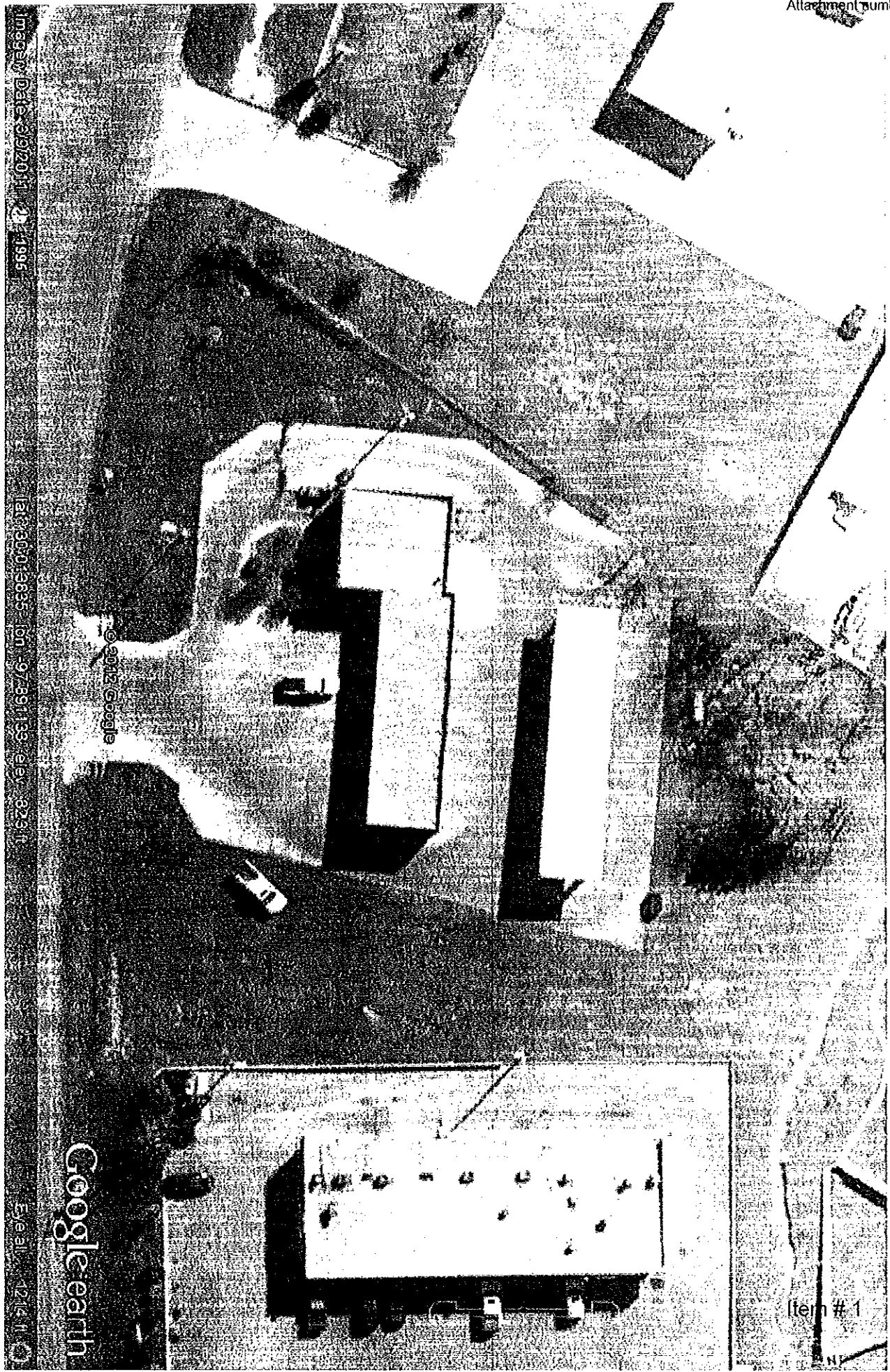


Image Date: 9/12/2011

lat: 30.045835 lon: -97.891133 elev: 82.9 ft

Google earth

Item # 1

MEMO

TO: Board of Adjustments
FROM: Sofia Nelson, Director of Planning
DATE: August 15, 2012
RE: VR-12-003- 6150 Jack C. Hays Trail- Conley Carwash Ice Machine

Background Information

Request: Variance to Section 53-482 requiring a sidewalk to be constructed at the time of development of all properties zoned Retail Services "RS".

Address: 6150 Jack C. Hays Trail

Adjacent Land Uses: The subject property is directly across the street from the Plum Creek subdivision and is surrounded by existing commercial development.

Proposed Use: The property is currently zoned Retail Services "RS". The subject property is currently developed as a self-service car wash. The applicant is proposing the addition of a self-service ice and water machine. The site was developed prior to the current requirement for a sidewalk, as a result the property is considered a legal non-conforming. As a legal nonconforming property the site is not required to come into conformance with site requirements until a site is redeveloped or proposes to expand the existing development.

Staff Analysis

The subject property is located on Jack C. Hays Trail, also known as FM 2770, between FM 150 and Hall Professional Drive. Below is a table outlining staff analysis of the request along with the applicant's analysis of the finding statements.

Findings	Applicant Response	
<i>The zoning regulations applicable to the property do not allow for a reasonable use of the property.</i>	"The site is an existing car wash and is not utilized by foot traffic."	As indicated in the applicant's response the site is an existing car wash. Because of the legal non-conforming status of the site it can continue to be used as such without the installation of a sidewalk. Any redevelopment or new development added to the site will be faced with the sidewalk requirement.

<p><i>The hardship for which the variance is requested is unique to the property.</i></p>	<p>“The site’s only access is from a state highway.”</p>	<p>The subject property fronts on a state highway along a section that is developed along both sides (plum creek on the east side of the road and a combination of commercial and residential on the west). While the east side of the street has a combination of sidewalks and trails the Westside of the street does not include sidewalks or pedestrian paths. Because of the non-conforming nature of the sites along the west side of FM2770, sidewalk construction will only take place as properties are further developed or redeveloped.</p>
<p><i>The hardship is not general to the area in which the property is located.</i></p>	<p>“There are no other existing sidewalks in the immediate vicinity.”</p>	<p>The requirement of sidewalks at the time of development or redevelopment of a property is not a unique requirement of the subject property. However, the location of the property along an already developed corridor where sidewalk connectivity would be very difficult to achieve is a unique condition to the subject property.</p>
<p><i>The variance will not alter the character of the area adjacent to the property, and will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located.</i></p>	<p>“site is located in a retail/service area, not accessed by foot traffic.”</p>	<p>The property is located in an already developed corridor, where sidewalks are not developed and are dependent on the redevelopment of individual sites. As a result, it is staff’s assessment that the granting of the variance will not alter the character of the area adjacent to the property, and will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located.</p>

Staff is recommending approval of this request for the following reasons:

- *The variance will not alter the character of the area adjacent to the property, and will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located.*
- *The hardship is not general to the area in which the property is located.*
- *The hardship for which the variance is requested is unique to the property.*

Sec. 53-482. - Site development regulations.

The site development regulations on uses in the RS district are as follows:

- (1) Paved sidewalks, driveways and parking areas are required. The sidewalks, pedestrian walkways must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property having a common frontage.
- (2) Screening of loading and storage facilities is required.

(Ord. No. 438, § 42(c), 11-24-2003)

Item # 1



CITY OF KYLE, TEXAS

Meeting Date: 8/20/2012
Date time: 6:30 PM

Martha Bondi

Subject/Recommendation: Consider a request by Martha Bondi and Ervin Rojo on behalf of Tradition Bank on a variance request to Section 53-529 of the City of Kyle Code which states that paved sidewalks, driveways and parking areas are required in the Warehouse Zoning Designation, on property located at 23401 N. IH-35

- Public Hearing

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Site Map](#)
 - [Variance Letter](#)
 - [Location Map](#)
 - [Site Development Regulations](#)
 - [Staff Report](#)
 - [Application](#)
 - [Letter](#)
-

Cover Memo

Item # 2

APPLICATION & CHECKLIST -- BOARD OF ADJUSTMENT

CITY OF KYLE

Variance: Martha Pondit-Evvin Boto on Behalf of
(Variance Requested) Tradition Bank

(Submittal Date)
AUG 14 2012

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Use the most current application from the City's website (www.cityofkyle.com) or at city hall, **PLANNING DEPARTMENT**
- Place a check mark on each line if you have complied with that item. Indicate with N/A if the item does not apply to your subdivision. *This checklist is only a guide.*

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the variance application to be accepted.

Item # 2

1. Letter to Board of Adjustment signed by owner in which written appeal states all facts and circumstances making a variance or special exception necessary.
2. Name and address of property owners within 200 feet of property and from that a location map and key showing the notification boundaries and numbered key listing the names and mailing addresses of those to be notified.
3. Number of property owners to be notified: 10.
4. Two prints of the plan.
Site plan or plot plan of property must include north arrow, scale, dimensions, setbacks, property lines, easements, right-of-way, adjacent streets, and any other information to assist in consideration of request.
5. Photographs and/or drawings to support request.
6. Application fee: \$150 - cash
(103)
7. Findings Statements (see attached)
8. Additional support information: Exhibit "A"

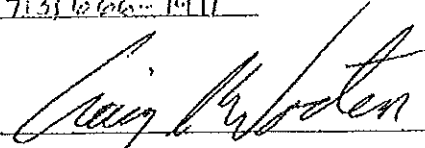
A meeting will be scheduled for the Board of Adjustment after the application has been received and notification requirements have been met.

Variance Application:

1. **Ownership Information:**
Name of Property Owner Tradition Bank

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)
Address: 5501 Bissonnet, Houston TX 77091
Attn: Craig S. Wooten, CEO

Phone: (713) 666-2911
Fax: (713) 666-7911

Signed: 
Date: 8-14-12

Item # 2

2. **Nature of Request** See Exhibit "A"
The above named applicant hereby requests a variance from the following portion of the City of Kyle Ordinances:

Ordinance #: _____
Section: _____
Current Zoning of Property: _____
Legal description: _____
Brief explanation of request: _____

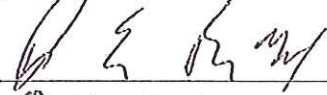
Item # 2

3. Agent Information:

prospecting buyer
If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Martha Bondi
Agent's address: 13615 Copperleaf Trl.
Monahans, TX 78652
Agent's Phone Number: (512) 326-2034
Agent's Fax Number: (512) 287-4246
Agent's Mobile Number: (512) 695-5596
Agent's Email Address: martha@marthabondi.com

I hereby authorize the person named above to act as my agent in processing this application before the Board of Adjustment of the City of Kyle:

Prospecting
Buyer
Owner's Signature: 
Date: 8-14-2012

4. The Board of Adjustment must determine the existence of, sufficiency of and weight of evidence supporting the findings below. Therefore, you must complete each applicable Findings Statement as part of your application. Failure to do so may result in your application being rejected as incomplete:

(A) Reasonable Use:

The zoning regulations applicable to the property do not allow for a reasonable use because:
It would be cost prohibitive and paving such a large area would not allow
the water to be absorbed

(B) Hardship:

(1) The hardship for which the variance is requested is unique to the property in that:
It will add 50 Employees to the area,

(2) The hardship is not general to the area in which the property is located because:
It would provide a unique opportunity for employment in the area.

(C) Area Character:

The variance will not alter the character of the area adjacent to the property, will not impair the use adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

There will be pavement along the main corridor.
And surrounding areas currently have gravel parking.

Note: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

Item # 2

I hereby certify that the above information provided to the City of Kyle is true and accurate and that I am the owner of the above described property.

Owner's Signature _____

Date _____

Do Not Write Below This Line -- Staff Will Complete

Hearing Date Before Board of Adjustment: _____

Action: _____

MEMO

TO: Board of Adjustments
FROM: Sofia Nelson, Director of Planning
DATE: August 15, 2012
RE: VR-12-004- 23401 N. IH-35

Background Information

Request: Variance to Section 53-529 requiring paved sidewalks, driveways, and parking areas. The applicant is proposing to utilize flex base for a parking area where freight trucks will be parked (please see attached picture of what flex base is and looks like).

Address: 23401 N. IH-35

Adjacent Land Uses: The surrounding properties remain mostly undeveloped (for the exception of warehouse type facilities). The surrounding properties have a variety of zoning designations that include Agriculture, Warehouse, and Construction Manufacturing

Proposed Use: The property is currently zoned Warehouse "W". The applicant is proposing to develop the property into a truck terminal (Storage yard for freight trucks).

Staff Analysis

The subject property is located in the I-35 Overlay District. Since the applicant has not purchased the property the applicant is choosing to request a variance prior to investing in a site plan submittal. Below is a table outlining staff analysis of the request along with the applicant's analysis of the finding statements.

Findings	Applicant Response	Staff Analysis
<i>The zoning regulations applicable to the property do not allow for a reasonable use of the property.</i>	"It would be cost prohibited and paving such a large area would not allow the property to absorb."	The property is zoned Warehouse and as such there are a number of uses that are allowed under that zoning designation. While the applicant's proposed use does require a significant amount of area to be paved for parking there are a number of other uses that are

		allowed on the property that will not require such a large investment in parking. Staff has reviewed the request and it does not appear that the zoning regulations applicable to the property will impair the property from being developed.
<i>The hardship for which the variance is requested is unique to the property.</i>	"It will add 50 employees to the area."	Any property developed in the city will be subject to the paving requirements for parking areas. It does not appear that the applicant has cited a hardship unique to the property. Additionally, staff has not identified a hardship unique to the property.
<i>The hardship is not general to the area in which the property is located.</i>	"It will provide a unique opportunity for employment in the area."	As stated above, any property developed in the city will be subject to the paving requirement for parking areas. Staff has reviewed the request and it does not appear that a specific hardship has been identified.
<i>The variance will not alter the character of the area adjacent to the property, and will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located.</i>	"There will be pavement along the main corridor. And surrounding areas currently have gravel parking."	The subject property is located in an area that has not been completely developed. As a result a variance granted to allow for unpaved parking areas will alter the desired character of the surrounding property, as stated in the City's comprehensive master plan.

Staff is recommending denial for this request for the following reasons:

- *The zoning regulations applicable to the property do allow for a reasonable use of the property.*
- *The hardship for which the variance is requested is not unique to the property.*
- *The hardship is general to the area in which the property is located.*
- *The variance will alter the character of the area adjacent to the property, , and will impair the purpose of the regulations of the zoning district in which the property is located.*

Sec. 53-529. - Site development regulations.

Paved sidewalks, driveways and parking areas are required.

(Ord. No. 438, § 44(c), 11-24-2003)

Item # 2



5501 Bissonnet
P.O. Box 40
Bellaire, Texas 77402

tel 713-666-2511
fax 713-666-7199
www.traditionbank.com

May 8, 2012

The City of Kyle
Planning and Zoning Department
100 W. Center Street
Kyle, TX 78640

RE: Variance request for the 10 acre tract of land at 23401 North IH35, Kyle Texas

Dear sirs,

Tradition Bank is the owner of the above referenced property. Ervin Rojo with Rami Transport, LLC., a prospective Buyer of our property, wishes to apply for a variance allowing trucks to be parked and stored on an unpaved surface. Rami Transport, LLC intends on installing gravel in the parking area were such trucks will be parked.

Tradition Bank consents to the prospective Buyer's application for such variance.

Sincerely,

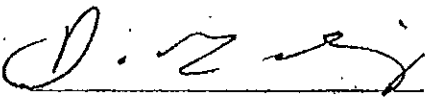
Craig S. Wooten,
President & CEO

May 11th, 2012.

The City of Kyle,

I am requesting a variance to pave the property at 23401 Nort IH35 Kyle, TX 78640, I am asking to put gravel instead of pavement in the back to park some trucks, attached is the map indicating the area to park the trucks. I can pave around 1 Acre of the property in front of IH35. This variance approval will result in the purchase of the property from Rami Material Trasport L.L.C. To TRADITION BANK and will benefit the City of Kyle creating around 50 more employeee, another benetit of putting gravel is that the water will be absorbed more quickly than putting concrete.

Thanks for your consideration and looking forward to a prompt and positive response.

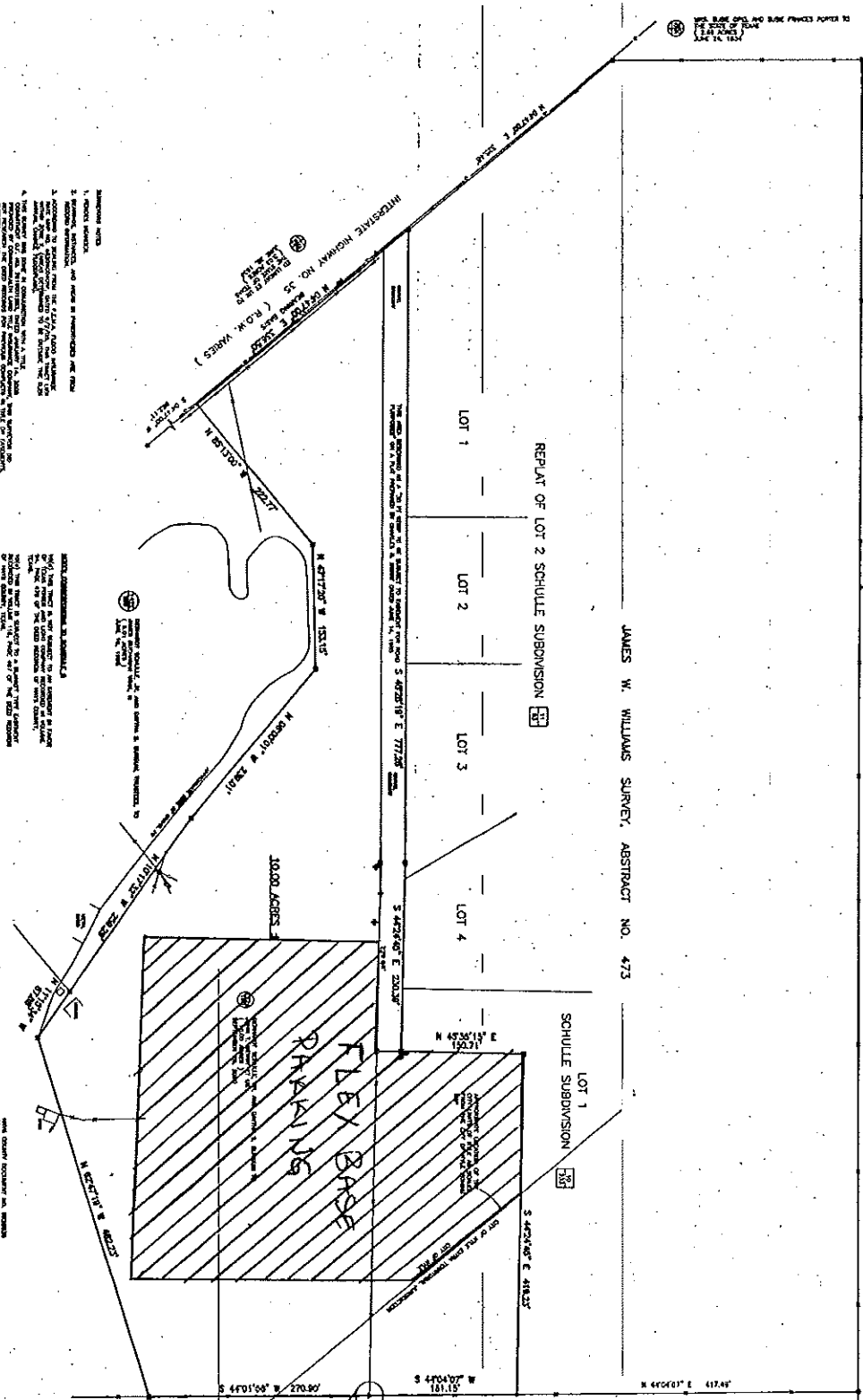


Ervin Roja
Rami Material Transport L.L.C.
ramitrans@aol.com
512-845-8358

JOHN JONES SURVEY, ABSTRACT NO. 263
 HAYS COUNTY ROAD NO. 108 (NO RECORD R.O.W. DEDICATION FOUND)

JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473

REPLAT OF LOT 2 SCHULLE SUBDIVISION

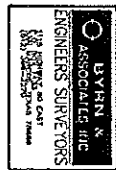


BY THE SURVEYOR
 JOHN JONES SURVEY, ABSTRACT NO. 263
 HAYS COUNTY, TEXAS
 JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473
 HAYS COUNTY, TEXAS

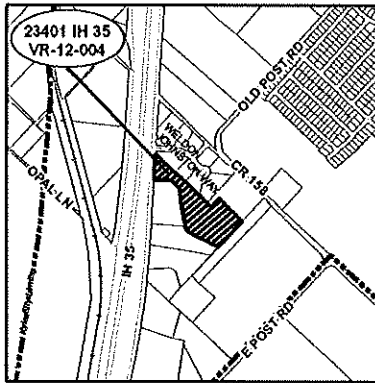
1. CORNER MARKS
2. BOUNDARY LINES
3. DISTANCES
4. BEARINGS
5. AREA
6. ADJACENT SURVEYS
7. EASEMENTS
8. RIGHTS OF WAY
9. UTILITIES
10. OTHER NOTES

10.00 ACRES
 FLEX BASE
 HAYNS

PLAT OF 10.00 ACRES, MORE OR LESS,
 IN THE JAMES W. WILLIAMS SURVEY,
 ABSTRACT NO. 473, HAYS COUNTY, TEXAS



#2
 ORIGINAL SCALE
 1" = 40'





CITY OF KYLE, TEXAS

Water Works Auto Spa

Meeting Date: 8/20/2012

Date time: 6:30 PM

Subject/Recommendation: Consider a request by Self Service Car Washes of Texas Inc. (Water Works Auto Spa) on a proposed sidewalk variance request to Section 53-482 of the City of Kyle Code which requires a sidewalk to be constructed, on property Zoned Retail Services located at 22287 IH-35 (Center Street Village).

- Public Hearing

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Application](#)
- [Picture 1](#)
- [Picture 2](#)
- [Picture 3](#)
- [Variance Letter](#)
- [Plat](#)
- [Location Map](#)
- [Site Development Regulations](#)
- [Staff Report](#)

Cover Memo

Item # 3

APPLICATION & CHECKLIST – BOARD OF ADJUSTMENT

Variance: TO DELETE SIDEWALK ON L#35 8/8/12
 (Variance Requested) WATER WORKS (Submittal Date)
AUTO SPA

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Use the most current application from the City’s website (www.cityofkyle.com) or at city hall.
- Place a check mark on each line if you have complied with that item. Indicate with N/A if the item does not apply to your subdivision. *This checklist is only a guide.*

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the variance application to be accepted.

- 1. Letter to Board of Adjustment signed by owner in which written appeal states all facts and circumstances making a variance or special exception necessary.
- 2. Name and address of property owners within 200 feet of property and from that a location map and key showing the notification boundaries and numbered key listing the names and mailing addresses of those to be notified.
- 3. Number of property owners to be notified: 3
- 4. Two prints of the plan.
Site plan or plot plan of property must include north arrow, scale, dimensions, setbacks, property lines, easements, right-of-way, adjacent streets, and any other information to assist in consideration of request.
- 5. Photographs and/or drawings to support request.
- 6. Application fee: \$150 (initials)
- 7. Findings Statements (see attached)
- 8. Additional support information: _____

CITY OF KYLE

AUG 07 2012

PLANNING DEPARTMENT

A meeting will be scheduled for the Board of Adjustment after the application has been received and notification requirements have been met.

Variance Application:

1. Ownership Information: Jeffrey Blansif (President & CEO)
 Name of Property Owner Self Service Car Washes of Texas Inc. DBA
Water Works Auto Spa
 (If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)
 Address: 6559 E. Northwest Highway
Dallas, Texas 75231
 Phone: 214-912-1729
 Fax: 214-234-0666
 Signed: [Signature]
 Date: 8/5/12

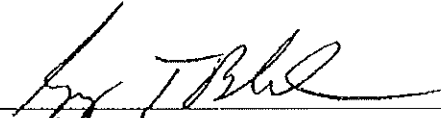
2. Nature of Request
 The above named applicant hereby requests a variance from the following portion of the City of Kyle Ordinances:
 Ordinance #: OVERLAY
 Section: _____
 Current Zoning of Property: RETAIL SERVICES
 Legal description: 22287 I-H 35 FR, LOT 3 BLKA
CENTER STREET VILLAGE
 Brief explanation of request: ELIMINATION OF REQUIRED SIDEWALK
ALL I-H 35 FRONTAGE ROAD.

3. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: DAN BROUILLETTE
 Agent's address: 2010 LAKEWAY BLVD.
LAKEWAY TX 78734
 Agent's Phone Number: (512) 845-4690
 Agent's Fax Number: (512) 681-7030
 Agent's Mobile Number: SAME
 Agent's Email Address: dbrouillette@SGBUILDERSLTD.COM

I hereby authorize the person named above to act as my agent in processing this application before the Board of Adjustment of the City of Kyle:

Owner's Signature: 

Date: 8/5/12

4. The Board of Adjustment must determine the existence of, sufficiency of and weight of evidence supporting the findings below. Therefore, you must complete each applicable Findings Statement as part of your application. Failure to do so may result in your application being rejected as incomplete:

(A) Reasonable Use:

The zoning regulations applicable to the property do not allow for a reasonable use because:

SIDEWALK ON FRONTAGE ROAD
SHOULD BE ELIMINATED

(B) Hardship:

(1) The hardship for which the variance is requested is unique to the property in that:

REQUIRING A SIDEWALK ALONG I-H 35
FRONTAGE ROAD SHOULD NOT BE
REQUIRED

(2) The hardship is not general to the area in which the property is located because:

NO OTHER PROPERTIES ALONG FRONTAGE
ROAD DO NOT HAVE SIDEWALK

(C) Area Character:

The variance will not alter the character of the area adjacent to the property, will not impair the use adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

NO OTHER ADJACENT PROPERTY HAS A SIDEWALK ALONG FRONTAGE ROAD.

Note: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I hereby certify that the above information provided to the City of Kyle is true and accurate and that I am the owner of the above described property.

[Handwritten Signature]
Owner's Signature

8/5/12
Date

Do Not Write Below This Line - Staff Will Complete

Hearing Date Before Board of Adjustment: _____

Action: _____

MEMO

TO: Board of Adjustments

FROM: Sofia Nelson, Director of Planning

DATE: August 15, 2012

RE: VR-12-002- Self Service Car Wash of Texas Inc. - 2287 IH-35 (Center Street Village)

Background Information

Request: Variance to Section 53-482 requiring the installation of a sidewalk to be constructed on property zoned Retail Services.

Address: 22287 IH-35 (northbound frontage road/adjacent to Goodyear Tire)

Adjacent Land Uses: The surrounding properties remain undeveloped (for the exception of Goodyear Tire and Auto Zone). The surrounding properties are zoned Retail Services.

Proposed Use: Water Works Auto Spa

Staff Analysis

The subject property is located in the I-35 Overlay District. The applicant has received approval of the attached site plan conditional on either the sidewalk being installed or the applicant receiving a variance from the Board of Adjustments. Below is a table outlining staff analysis of the request along with the applicant's analysis of the finding statements.

Findings	Applicant Response	Staff Analysis
<i>The zoning regulations applicable to the property do not allow for a reasonable use of the property.</i>	"Sidewalk on frontage road should be eliminated"	The proposed site plan adheres to the required front yard setback and is proposing landscaping and a drive lane to be installed in front of the building. It appears that there is adequate space for the installation of a sidewalk and it does not appear that the requirement to construct a sidewalk would prevent the reasonable use of the property.

<i>The hardship for which the variance is requested is unique to the property.</i>	"Requiring a sidewalk along IH-35 frontage road should not be required"	All properties zoned Retail Services are required to construct a sidewalk along all street frontages as part of the development or redevelopment of a site. If a property is along a state maintained roadway a permit from TXDOT will be required. There does not appear to be a hardship that is unique to the subject property.
<i>The hardship is not general to the area in which the property is located.</i>	"No other properties along the frontage road do not have sidewalk"	The characteristics of location and zoning are not unique to the subject property. The applicant has cited that no other properties along the frontage road have a sidewalks, while that may currently be the case as properties redevelop or develop for the first time all properties will be subject to this requirement.
<i>The variance will not alter the character of the area adjacent to the property, and will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located.</i>	"No other adjacent property has a sidewalk along the frontage road"	As properties develop in this area they will also be subject to the construction of a sidewalk. If this variance is granted and other businesses are required to install sidewalks then sidewalk connectivity will be hard to achieve within this area and therefore impair the purpose of the regulations of the zoning district.

Staff is recommending denial for this request for the following reasons:

- *The proposed variance appears to have the ability to alter the character of the area adjacent to the property and impair the purpose of the regulations of the zoning district in which the property is located.*
- *The identified hardship is general to the area in which the property is located.*
- *The zoning regulations applicable to the property allow for a reasonable use of the property.*

To: Board of Adjustments
City of Kyle
100 Center Street
Kyle, Texas 78640

Date: August 6, 2012

From: Self Serve Car Washes of Texas
DBA Water Works Auto Spa
6559 Northwest Hwy
Dallas, Texas 75231

Gentlemen

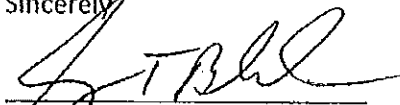
Please allow this letter to serve as our "Request for Variance" from the commercial overlay on 22287 IH 35 FR.

As you are aware the overlay requires the development install a sidewalk on the IH 35 frontage Road. Please see attached maps.

Pedestrian access along the IH 35 frontage should not be promoted, therefore this requirement would serve no purpose along the Frontage Road.

Thank You for your consideration to this request.

Sincerely



Jeff Blansit

Sec. 53-482. - Site development regulations.

The site development regulations on uses in the RS district are as follows:

- (1) Paved sidewalks, driveways and parking areas are required. The sidewalks, pedestrian walkways must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property having a common frontage.
- (2) Screening of loading and storage facilities is required.

(Ord. No. 438, § 42(c), 11-24-2003)

Item # 3

