

MEETING OF THE BOARD OF ADJUSTMENTS

The Board of Adjustments of the City of Kyle, Texas met in regular session on September 17, 2012 at 7:00 p.m. at Kyle City Hall, with the following persons present:

Board of Adjustments Member Rachel McKenna	Audie Gibson
Board of Adjustments Chairman Paul Terry	Martha Bondi
Board of Adjustments Vice-Chair Megan Rogers	Dan Brouillette
Board of Adjustments Member Rebecca Kennedy	
Board of Adjustments Member Gene Cravens	
Sofia Nelson, Director of Planning	

CALL MEETING TO ORDER

Board Member Terry called the meeting to order at 7:09 pm.

ROLL CALL OF BOARD

Board Member Terry called for roll call. Board Member Terri Thompson was absent.

ELECTION OF CHAIR AND VICE-CHAIR.

Board Member Paul Terry was elected as Chair and Board Member Megan Rogers was elected Vice-Chair.

CONSIDER AND ACT ON

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.

Chair Terry opened the public hearing at 7:15 pm on a request by Conley Enterprises Co (Conley Car Wash Ice Machine) Audie Gibson addressed the Board asking for approval of the request. Chair Terry closed the public hearing at 7:17 pm.

Board Member Cravens moved to approve the 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. Board Member McKenna seconds the motion. All votes aye. Motion carried.

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.

Chair Terry opened the public hearing at 7:26 pm on a request by Martha Bondi and Ervin Rojo on behalf of Tradition Bank. Martha Bondi addressed the Board asking for approval of the variance request. Chair Terry closed the public hearing at 7:27 pm.

Board Member McKenna moved to deny the request by Martha Bondi and Ervin Rojo on behalf of Tradition Bank. Board Member Cravens seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY SELF SERVICE CAR WASHES OF TEXAS, INC. (WATER WORKS AUTO SPA) ON A PROPOSED SIDEWALK VARIANCE REQUEST TO SECTION 43-482 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).

Chair Terry opened the public hearing at 7:40 pm on a request by Self Service Car Washes of Texas, Inc. (Waterworks Auto Spa). Dan Bouillette addressed the Board asking for approval of the variance request. Chair Terry closed the public hearing at 7:42 pm.

Chair Terry moved to approve the request by Self Service Car Washes of Texas, Inc. (Water Works Auto Spa). Vice-Chair Rogers seconds the motion. All votes aye. Motion carried.

ADJOURN

With no further business to discuss, the Board of Adjustments Meeting adjourned at 7:55 pm.

Paul Terry, Chair

Amelia Sanchez, City Secretary

APPLICATION & CHECKLIST – BOARD OF ADJUSTMENT 112-12-005

Variance: Exemption From 53-484 Requiring Sidewalk Construction
(Variance Requested)

10/15/12
(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: 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~~ \$407.68 + \$3.45 PER ACRE
BASED ON 2AC = \$ 414.58
- 7. Findings Statements (see attached) YLS
- 8. Additional support information: _____

CITY OF KYLE
OCT 15 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:

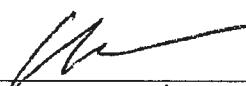
1. **Ownership Information:**
Name of Property Owner Steeplechase Carwash, LLC

(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: _____
6508 McNeil Drive, Austin, TX 78729

Phone: 512-217-3909

Fax: _____

Signed: _____ 

Date: 10/8/12

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

Ordinance #: 438§ 42(e), 11/24/2003

Section: 53-484

Current Zoning of Property: CS

Legal description: The Park At Steeplechase, Block B, Lot 3A

Brief explanation of request: _____
This Property request a Variance to Section 53-484 of the Zoning Ordinance requiring
construction of sidewalks on adjacent roadways for redevelopment.

3. Agent Information:

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

Agent's Name: James Massaro/Cuatro Consultants, Ltd.
Agent's address: 3601 Kyle Crossing, Suite B, Kyle, TX 78640
Agent's Phone Number: 512-312-5040 ext. 204
Agent's Fax Number: 512-312-5399
Agent's Mobile Number: 512-508- 3084
Agent's Email Address: james@cuatroconsultants.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: _____

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 is an existing project for which only an expansion has been submitted. There is currently no sidewalk adjacent to this site and the permitted use is not proposed to change. The enforcement of this regulation has not been done for any project thus far from exit 213 north to exit 217, including several businesses that have been constructed as recently as the last month.

(B) Hardship:

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

The addition of a 17' wide, 37' long wash bay requiring a 4' wide, 237' long sidewalk with the associated TXDOT permitting, disturbance, erosion controls and revegetation, where no business has had to construct such a sidewalk between Center Street and Kyle Crossing is a hardship to this successful business trying to add larger tax base to the community.

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

No business has had to construct such a sidewalk between Center Street and Kyle Crossing on the interstate access road, if anywhere in the City.

(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 business, adjacent or otherwise, has had to construct such a sidewalk between Center Street and Kyle Crossing on the interstate access road, if anywhere in the City.

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.


Owner's Signature

10/8/12
Date

Do Not Write Below This Line – Staff Will Complete

Hearing Date Before Board of Adjustment: _____

Action: _____



Firm Registration No. F-3524

October 12, 2012

CITY OF KYLE

OCT 15 2012

Sofia Nelson, Planning Director
and Plan and Zoning Commission
City of Kyle
100 W. Center Street
Kyle, Texas 78640

PLANNING DEPARTMENT

**RE: PATRIOT CAR WASH: (SD-12-016)
KYLE, TEXAS
CCL 12-126**

Subject: Variance Request: Variance to Sidewalk in TXDOT R.O.W.

Dear Board Members:

On behalf of our client, Steeplechase Carwash, LLC, we respectfully request the following variance which we believe will allow a continuation of reasonable use of the property. The proposed development is located within the City of Kyle Full Purpose Jurisdiction.

We propose the following exception:

- 1) A variance to the requirement to construct sidewalk with a building addition to an existing use.

We submit this variance request by meeting the following conditions:

(A) Reasonable Use:

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

This is an existing project for which only an expansion has been submitted. There is currently no sidewalk adjacent to this site and the permitted use is not proposed to change. The enforcement of this regulation has not been done for any project thus far from exit 213 north to exit 217, including several businesses that have been constructed as recently as the last month.

(B) Hardship:

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

The addition of a 17' wide, 37' long wash bay requiring a 4' wide, 237' long sidewalk with the associated TXDOT permitting, disturbance, erosion controls and revegetation, where no business has had to construct such a sidewalk between Center Street and Kyle Crossing is a hardship to this successful business trying to add larger tax base to the community.

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

No business has had to construct such a sidewalk between Center Street and Kyle Crossing on the interstate access road, if anywhere in the City.

(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 business, adjacent or otherwise, has had to construct such a sidewalk between Center Street and Kyle Crossing on the interstate access road, if anywhere in the City.

Thank you for your consideration of this variance request. We will gladly answer any questions you may have on this matter.

Sincerely,

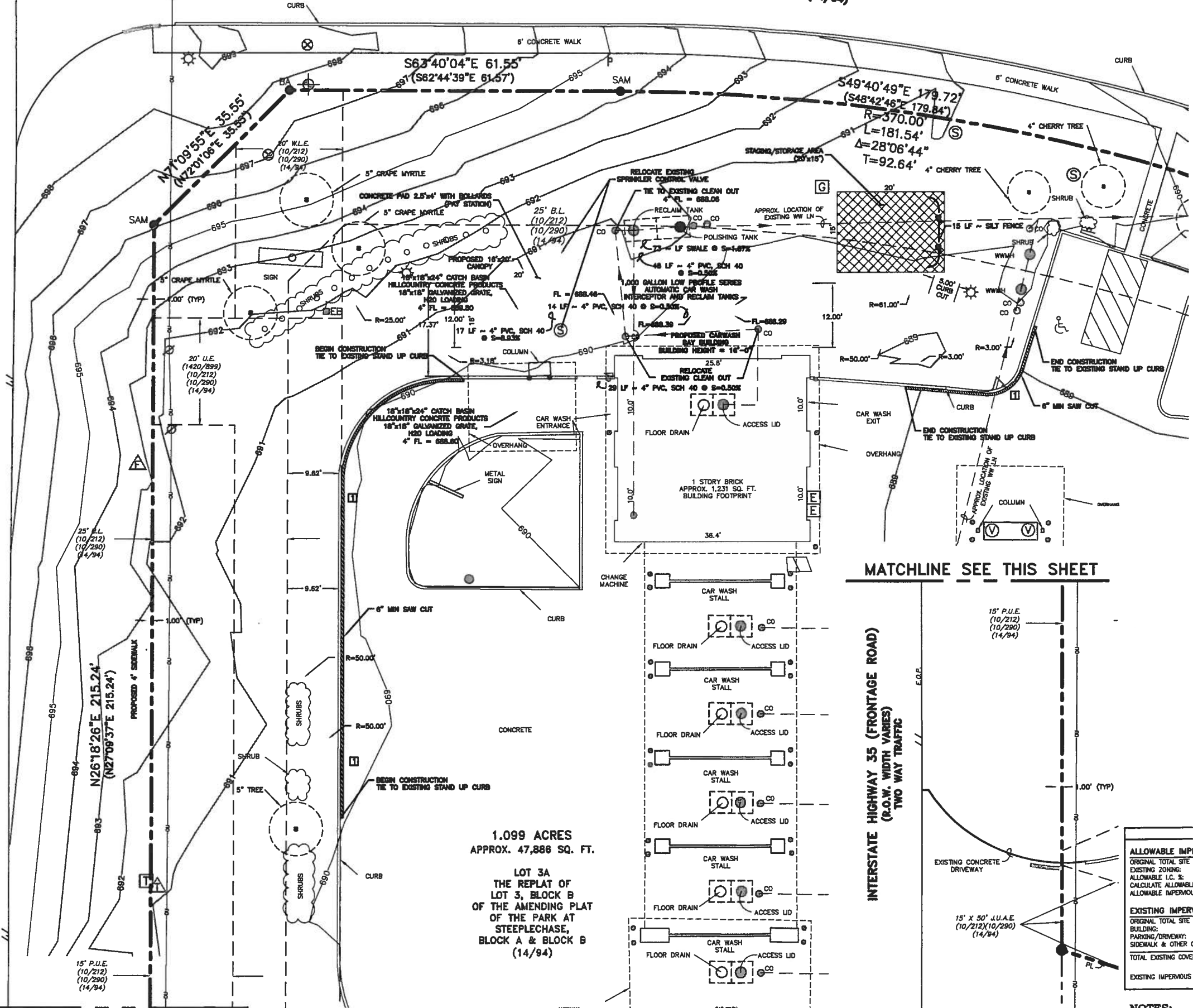
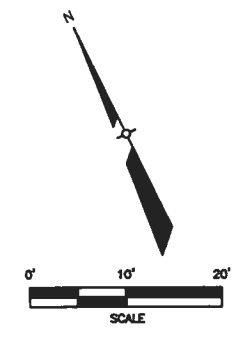


James C. Massaro, P.E.
Project Manager

FILE NAME: L:\JOBS\12-126 PATRIOT CARWASH SHEETS\PATRIOT_CARWASH_SITE.DWG

INTERSTATE HIGHWAY 35 (FRONTAGE ROAD)
(R.O.W. WIDTH VARIES)
TWO WAY TRAFFIC

BRENT BLVD.
(80' R.O.W. WIDTH)
(14/94)



LEGEND

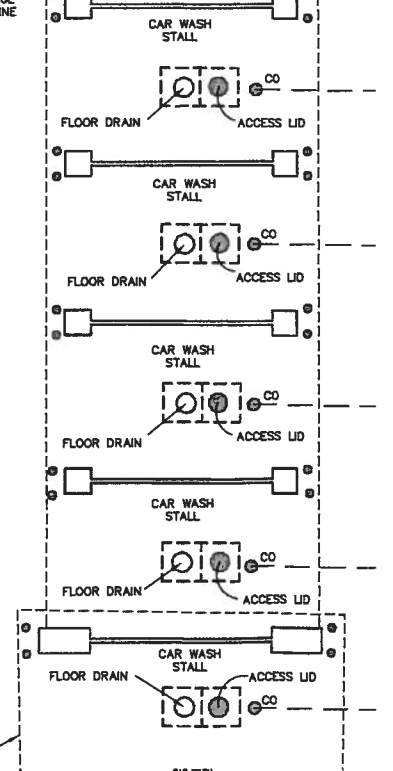
---	PROPERTY LINE
- - - -	EXISTING EASEMENT LINE
---	EXISTING CONTOURS
---	EXISTING LOT LINE
---	PROPOSED CENTER LINE OF SWALE
---	LIMITS OF CONSTRUCTION
---	SILT FENCE
---	TREE PROTECTION
---	PROPOSED CONCRETE PAVEMENT
⊕	EXISTING WATER VALVE
⊕	EXISTING FIRE HYDRANT
⊕	EXISTING VACUUM
⊕	EXISTING SPRINKLER CONTROL VALVE
⊕	EXISTING PVC PIPE
⊕	EXISTING UTILITY POLE
⊕	EXISTING OVERHEAD UTILITIES
⊕	EXISTING ELECTRIC UTILITY
⊕	EXISTING ELECTRIC PULL BOX
⊕	EXISTING LIGHT POLE
⊕	EXISTING TELEPHONE UTILITY
⊕	EXISTING UNDERGROUND TELEPHONE MARKER
⊕	EXISTING UNDERGROUND FIBER OPTIC MARKER
⊕	EXISTING GAS UTILITY
⊕	EXISTING CLEANOUT
⊕	EXISTING WASTEWATER MANHOLE
⊕	EXISTING STORMSEWER MANHOLE
⊕	EXISTING HANDICAP PARKING SPACE
⊕	EXISTING SIGN
⊕	EXISTING BOLLARD
B.L.	BUILDING SETBACK LINE
P.U.E.	PUBLIC UTILITY EASEMENT
A.E.	ACCESS EASEMENT
W.L.E.	WATERLINE EASEMENT
U.E.	UTILITY EASEMENT
()	RECORD INFORMATION
⊕	EXISTING TREE

MATCHLINE SEE THIS SHEET

INTERSTATE HIGHWAY 35 (FRONTAGE ROAD)
(R.O.W. WIDTH VARIES)
TWO WAY TRAFFIC

1.099 ACRES
APPROX. 47,886 SQ. FT.

LOT 3A
THE REPLAT OF
LOT 3, BLOCK B
OF THE AMENDING PLAT
OF THE PARK AT
STEEPLECHASE,
BLOCK A & BLOCK B
(14/94)



ALLOWABLE IMPERVIOUS COVER (I.C.)		PROPOSED IMPERVIOUS COVER	
ORIGINAL TOTAL SITE AREA: (1.099 AC.)	47,886 SF	TOTAL SITE AREA: (1.099 AC.)	47,886 SF
EXISTING ZONING: (RS) RETAIL/SERVICE	602 SF	PROPOSED BUILDING:	2,019 SF
ALLOWABLE I.C. %:	80%	PROPOSED DRIVEWAY:	2,019 SF
CALCULATE ALLOWABLE (I.C.):	47,886 SF x 80%	PROPOSED CONCRETE PAD:	10 SF
ALLOWABLE IMPERVIOUS COVERAGE:	38,309 SF	EXISTING IMPERVIOUS COVER:	27,429 SF
EXISTING IMPERVIOUS COVER (I.C.)		TOTAL PROPOSED COVER:	
ORIGINAL TOTAL SITE AREA: (1.099 AC.)	47,886 SF	PROPOSED IMPERVIOUS COVERAGE=	30,060 / 47,886 = 62.77%
BUILDING:	1,231 SF		
PARKING/DRIVEWAY:	25,967 SF		
SIDEWALK & OTHER CONCRETE:	231 SF		
TOTAL EXISTING COVER:	27,429 SF		
EXISTING IMPERVIOUS COVERAGE=	27,429 / 47,886 = 57.28%		

NOTES:
1. CONTRACTOR SHALL REMOVE EXISTING STAND UP CURB AND VERIFY STRAIGHT EDGE OF CONCRETE. A 6" MINIMUM SAW CUT WILL BE REQUIRED IF EDGE OF CONCRETE IS NOT STRAIGHT.

MATCHLINE SEE THIS SHEET

DATE:	JULY, 2012
PROJECT:	JOB # 12-126
DRAWING'S NAME:	PATRIOT_CARWASH_SITE
DESIGN:	HE, Jr.
CHECKED:	HE, Jr.
DRAWN:	LS
APPROVED:	HE, Jr.
SHEET:	G201

4 CUATRO
Consultants,
Austin, TX 78729-7720
Phone: (512) 312-2000 Fax: (512) 312-2599
Kyle, Travis 78746

EROSION CONTROL PLAN
PATRIOT CAR WASH
CITY OF KYLE
HAYS COUNTY, TEXAS

STEEPLECHASE CARWASH LLC
6808 MCNEIL DR
AUSTIN, TX 78729-7720
(512) 217 3909