

AGENDA
BOARD OF ADJUSTMENT/APPEALS OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 28 October 2024
COUNCIL CHAMBER OF CITY HALL

1. CALL TO ORDER: Chair J. Sue Svalberg at 6:00 PM
2. QUORUM CHECK: Michael Cassata, Development Services & EDC Director
3. MINUTES OF PREVIOUS MEETING:
 - A. Regular Meeting – 26 August 2024
4. NEW BUSINESS:

ITEM 1

- A. **Public Hearing:** V.C. 681— A request for a variance for property zoned R-3-Medium Density Residential at 13370 Galicia (CB 5047R BLK 16 LOT 4 ORO DE CORONADO UNIT-1) to allow a carport to encroach the 5-foot side yard setback by 4 feet, per zoning ordinance 581.
 - B. **Consider:** V.C. 681— A request for a variance for property zoned R-3-Medium Density Residential at 13370 Galicia (CB 5047R BLK 16 LOT 4 ORO DE CORONADO UNIT-1) to allow a carport to encroach the 5-foot side yard setback by 4 feet, per zoning ordinance 581.
5. CITY MANAGER’S REPORT:
 - A. Dates and Times of Local Meetings
 - B. Status of City projects and programs
 - C. ADJOURNMENT:

Maribel Garcia
Deputy City Clerk

This facility is handicap accessible and handicap parking spaces are available. Request for accommodations or interpretive services must be made 72 hours prior to this meeting. Please contact the City Clerk’s Office at (210) 659-0333 if these services are needed.

MINUTES
BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 26 August 2024

1. CALL TO ORDER: Chair J. Sue Svalberg at 6:02 p.m.

2. QUORUM CHECK: Michael Cassata, Development Services Director

Members Present:

J. Sue Svalberg, Chair
Richard Edwards, Member
Chuck Consla, Member
Mary Flack, Member
Tom England, Vice-Chair
Ron Jackson, Member

Staff Present:

Kim Turner, City Manager
Cynthia Trevino, City Attorney
Michael Cassata, Development Services Director
Maribel Garcia, Deputy City Clerk

Members Absent:

Elizabeth Dixon, Member

Mr. Cassata noted a quorum was present.

3. MINUTES OF THE PREVIOUS MEETING: Regular Meeting – 22 July 2024.

Mr. England moved to accept the minutes as presented. Mr. Edwards seconded the motion.

The motion was approved on a 6-0 vote.

4. NEW BUSINESS:

A. Election of Officers

Mr. England nominated Ms. Svalberg for Chair. Mr. Consla seconded the motion.

Mr. Edwards nominated Mr. England for Vice-Chair. Mr. Consla seconded the motion.

All nominations were approved unanimously.

B. Public Hearing: V.C. 680— A request for a variance for property zoned R-OT “Old Town Residential” at 202 W. Byrd Blvd. and 213 W. Wright Blvd. – True Life Church (CB 5768 BLK 13 LOT 11 Tabernacle Baptist Subd & CB 5768 BLK 13 LOT 9) to allow a 320 square foot storage shed (Connex), thereby exceeding the 250 square foot maximum size requirement, per zoning ordinance 581.

Mr. Cassata explained that the applicant’s request is to allow True Life Baptist Church to install a 320-square-foot storage container (Connex) in the rear yard behind the existing annex building at 213 W. Wright Boulevard. The container would be placed between the annex building and the church’s parking lot. The annex building is currently being partially utilized for storing lawn care

equipment and other items. These items would be transferred to the storage container, if approved. The container would be painted to match the church's building colors (white and grey).

He further explained that the Zoning Code allows for a 250-square-foot storage container at a maximum height of 10 feet. While the proposed Connex meets the height requirement at 9.5 feet, it does exceed the maximum size requirement, and, therefore, requires a variance.

Mr. Cassata also stated that the Zoning Code requires a 5-foot rear yard setback and there is an existing 7.5-foot utility easement running along the rear property line in which permanent accessory structures are not permitted. Although the storage container is not technically permanent, if approved, it is suggested that a condition be placed requiring the storage container to be located outside of the utility easement.

Mr. Edwards moved to open the Public Hearing. Mr. Jackson seconded the motion.

The motion was approved unanimously; Chair Svalberg opened the Public Hearing at 6:07 p.m.

Pastor Joe Warren, True Life Baptist Church, reiterated the Church's request.

There being no further public comment, Mr. Jackson moved to close the Public Hearing. Mr. England seconded the motion.

The motion was approved unanimously; Chair Svalberg closed the Public Hearing at 6:09 p.m.

- C. **Consider:** V.C. 680— A request for a variance for property zoned R-OT "Old Town Residential" at 202 W. Byrd Blvd. and 213 W. Wright Blvd. – True Life Church (CB 5768 BLK 13 LOT 11 Tabernacle Baptist Subd & CB 5768 BLK 13 LOT 9) to allow a 320 square foot storage shed (Connex), thereby exceeding the 250 square foot maximum size requirement, per zoning ordinance 581.

A discussion ensued regarding the location of the utility easement with Pastor Warren agreeing to locate the storage container outside the easement.

With no further discussion, Mr. Jackson concurred with the findings of fact as outlined in the variance application and, therefore, moved to approve V.C. 680 and to grant a variance from Section 4-5-63 of the Zoning Code for the property at 213 W. Wright Boulevard to allow a 320-square-foot storage container in the rear yard with the following conditions:

1. The storage container shall be painted to match the church's building colors.
2. The storage container shall be located outside the utility easement.

Mr. England seconded the motion.

Vote: **Yeas: Consla, Edwards, England, Flack, Jackson, Svalberg,**
 Nays: None

The motion was approved on a 6-0 vote.

- D. **Executive Session:** Pursuant to Texas Government Code Sec. 551.07, Consultation with Attorney, to discuss and deliberate pending litigation titled Camino Nuevo, LLC, a Texas Limited Liability Company vs. Board of Adjustment of the City of Universal City

Chair Svalberg moved to break into Executive Session.

At 6:33 p.m., Chair Svalberg convened into Closed Session with present Board of Adjustment members, City Attorney Cynthia Trevino, City Manager Kim Turner, Development Services and Economic Development Director Michael Cassata, and Deputy City Clerk Maribel Garcia.

Chair Svalberg and the BOA reconvened into Open Session at 6:59 p.m. No action was taken during the Closed Session. Mr. England moved to have the City Attorney represent the Board of Adjustment in this legal matter. Ms. Flack seconded the motion.

The motion was approved unanimously.

5. CITY MANAGER'S REPORT:

Ms. Turner provided an update on City activities and upcoming events.

ADJOURNMENT: Chair Svalberg adjourned the meeting at 7:06 p.m.

J. Sue Svalberg
Chair

CITY OF UNIVERSAL CITY

Date 18 October 2024

File VC 681

TO: Members of the Board of Adjustment

FROM: Michael Cassata, Development Services & EDC Director

SUBJECT: VC 681—Request to allow a carport to encroach the side yard setback

Specific Request

A request for a variance from Section 4-5-63 of the Zoning Code for property zoned R3-Medium Density Residential at 13370 Galicia to allow a carport to encroach the 5-foot side yard setback by 4 feet; that is, one foot off the property line.

Zoning

The property is owned by Trevor and Rylee Wilkin and is zoned R3-Medium Density Residential. The Future Land Use Plan designates this property as LDR—Low Density Residential.

Surrounding Uses

Properties in the immediate area are also single-family residences zoned R3-Medium Density Residential.

Project Specifics

This request is to allow the property owner to install a carport on the side of the home. Instead of parking their classic cars on the street, the owner would like to park them on the side of the home under a carport to protect them from the elements. Specific details of the proposal are as follows:

- Proposing Alumawood material that is aluminum made to look like wood; however, it should be noted that whichever product is used, it will have to meet the Building Code requirements as well as the design requirements in the Zoning Code.
- 8' high at the home sloping to 7'-6" near the lot line, which meets the 10-foot height maximum.
- 9' wide by 49' deep.
- One foot from the side property line.
- Existing concrete flatwork on side of home for vehicles to park on.

Per the Zoning Code, an accessory structure must be a minimum of five feet from the side yard lot line. The proposed carport would encroach this requirement by four feet; that is, it would be one foot from the side lot line. As a result, the property owner is requesting a variance.

Please find attached a site plan and photos of both the existing home and Alumawood product examples.

It should be noted that the owner will have to receive approval from the Olympia HOA.

The subject property is not located within a JBSA Randolph Air Installations Compatible Use Zone (AICUZ).

Findings of Fact

For your consideration, please find attached a set of responses to the Criteria for Granting a Variance.

Legal Notices

Per State law, 31 notices were mailed to property owners within 200 feet of the subject property. As of this memo, the City has not received any phone calls or return notices regarding this request.



VC 681
 A request for a variance for property zoned R-3-Medium Density Residential at 13370 Galicia (CB 5047R BLK 16 LOT 4 ORO DE CORONADO UNIT-1) to allow a carport to encroach the 5-foot side yard setback by 4 feet, per zoning ordinance 581.

VC 681
13370 GALICIA

Date Prepared: Friday, Oct. 4, 2024



Legend

-  200 Ft Buffer
-  Affected Parcels




UNIVERSAL CITY
Gateway to Randolph AFB EST. 1960

The City of Universal City
 Texas
 2150 Universal City Blvd
 Universal City, TX 78148

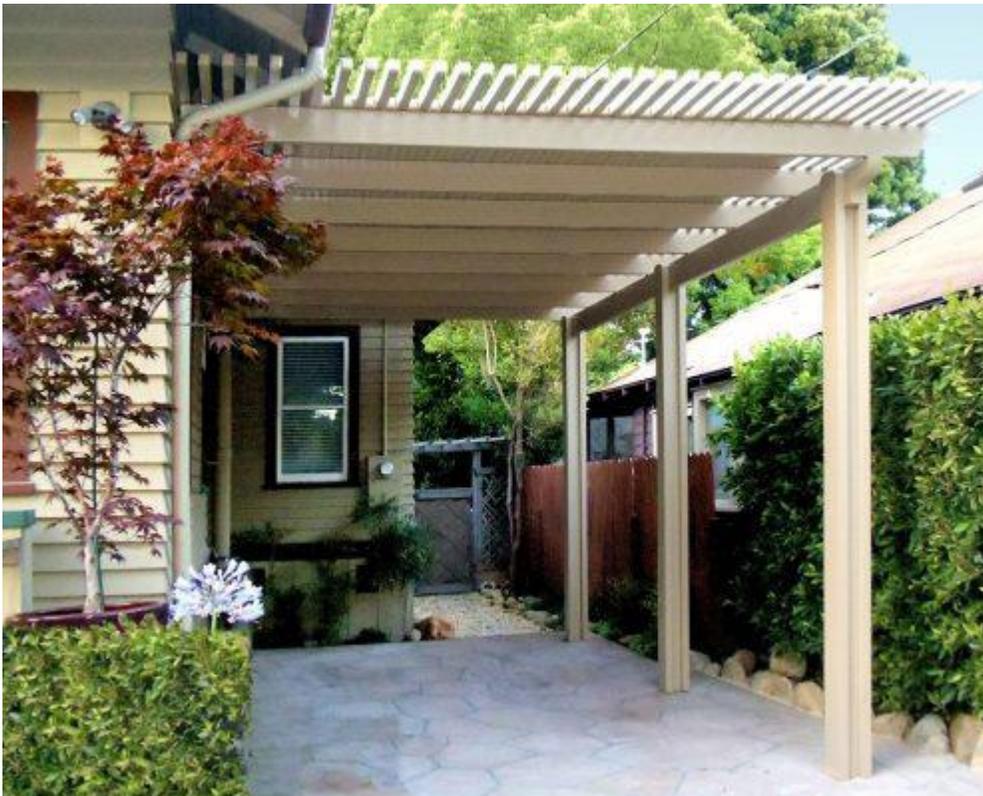
13370 GALICIA



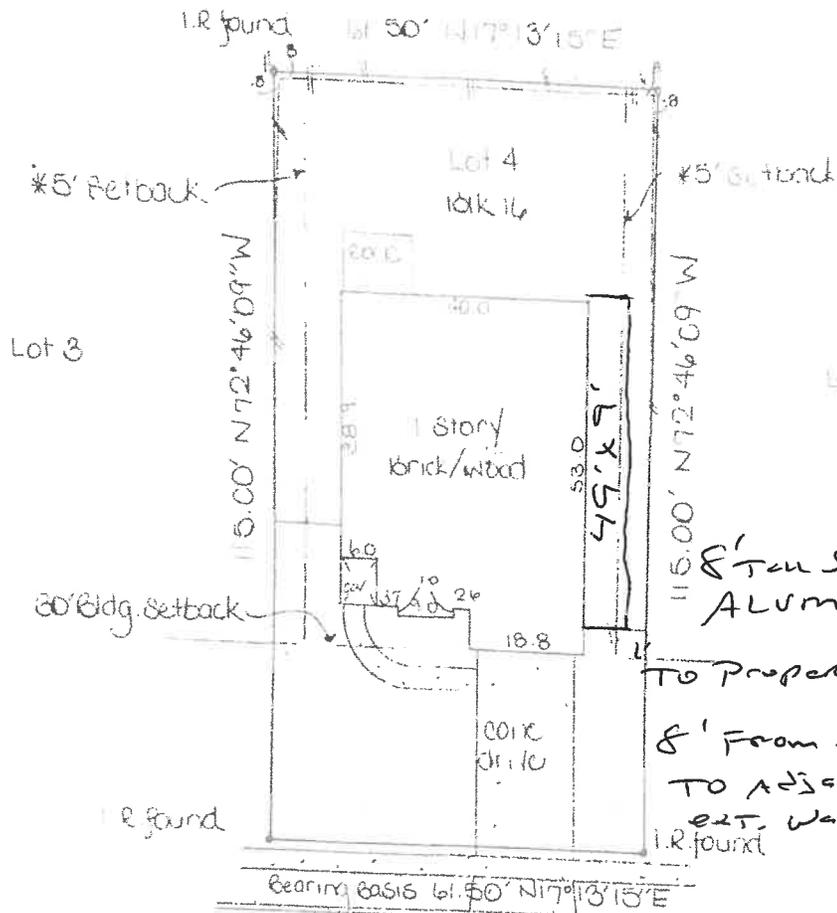
ALUMAWOOD EXAMPLES



13370 GALICIA



ORO DE CORONADO UNIT 1



8' From edge of CP
TO ADJACENT DWELLING
EXT. WALL
I.R. found

8' From edge of CP
TO ADJACENT DWELLING
EXT. WALL
I.R. found

8' From edge of CP
TO ADJACENT DWELLING
EXT. WALL
I.R. found

BEARINGS AND DISTANCES
SUBSTANTIALLY MATCH
THAT OF RECORDED PLAT

GALICIA

fence record

*Rest: 3883/7024

Kuiper, Brandt

SCALE 1" = 20' FT

LOT NO 4 BLOCK NO 16 ADDITION OR SUBDIVISION ORO DE CORONADO
SECTION OR UNIT 1 N.C.B. NO. 2 VOLUME PG 11-14
STREET ADDRESS 12370 GALICIA CITY UNIVERSITY CITY
TEXAS COUNTY TEXAS SURVEY FOR ALAMO TITLE REFERENCE 332014

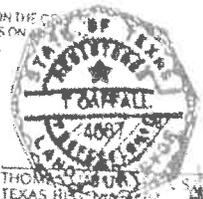
The above referenced property is located in Zone X according to the National Flood Insurance Program
defined by F.E.M.A., City of UNIVERSAL CITY TEXAS County Texas, Flood
Hazard Boundary Map Number 4800481 4802900012 as dated 2-16-96

Zone A = 100 year Flood Zone B = 100 to 500 year Flood Zone X = Area of minimal Flood

THE REBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

SURVEY ASSOCIATES

2544 BOARDWALK
SAN ANTONIO, TX 78217
(210) 828-1102
FAX NO (210) 828-1510
Residential



THOMAS C. BRANDT
TEXAS REG. No. 4887

An accessory structure refers to a subordinate structure located on the same lot as the principal structure, the use of which is incidental to that of the principal structure. An accessory structure can only be located on a lot if there is an existing principal structure on the same lot. The size, bulk, and location of accessory structures are limited according to the following table (Table 3). In every case, the maximum lot coverage and maximum impervious cover specified for each district under Table 2 shall apply.

Table 3: Accessory Structures

District Code	Zoning District	Maximum Area (sf) per Accessory Structure	Maximum Height (ft)	Permitted in Front Yard	Side Setback ₂	Rear Setback ₂
R1	Large Lot Res.	100 ¹	12	No	10	10
R2	Low Density Res.	100 ¹	12	No	5	10
R3	Medium Density Res.	100 ¹	10	No	5	5
R4	High Density Res.	100 ¹	10	No	5	5
R-OT	"Old Town" Res.	100 ¹	10	No	5	5
R5	Multifamily Res.	100 ¹	15	Yes	15	20

MH1	Manufactured Housing	100 ¹	10	No	5	5
MH2	Mobile Home Park	-	-	-	-	-

Notes:

General note: The maximum lot coverage found in Table 2 applies in all cases.

1. As listed or ten (10) percent of the rear yard, not to exceed two hundred fifty (250) square feet. Note swimming pools are exempt from this requirement as long as the property complies with the maximum lot cover requirement.
2. As listed or the depths of the setbacks of existing lots on the same side of the street.
3. Off-street parking (i.e. driveways), utility service, sidewalks, walkways, uncovered pool decking, and park use are always allowable and do not count towards the requirements of this table, except these items cannot be placed in any easement. Above-ground pool decking cannot encroach the accessory structures setbacks identified in Table 3. These items do count towards the Maximum Lot Cover Percentages requirements, as applicable. Determination of an accessory structure lies at the discretion of the Zoning Administrator.
4. No permanent accessory structures or items identified in Note 3 above shall be placed in any easement.
5. Only one (1) shed is allowed per residential lot, which shall not exceed two hundred fifty (250) square feet. A shed shall not be used for human occupancy. If an accessory structure is intended for human occupancy, then the homeowner, tenant or contractor shall contact the Development Services Department.
6. In accordance with the Texas Accessibility Standards and the International Building Code, the clear width of a walking surface adjacent to an in-ground swimming pool or spa shall be thirty-six (36) inches minimum—measurement is from edge of the water. Note this is not a zoning requirement.

7. Structure separation: the International Building Code, International Residential Code and International Fire Code determine the required separation between accessory structures and principle structures. Typically, the separation is ten (10) feet, but exceptions may apply.

8. In-ground and above-ground swimming pools shall be considered accessory structures and count towards the Maximum Lot Cover Percentages requirements identified in Section 4-5-62.

(Ord. No. 581, § 6.3, 1-22-07; Ord. No. 581-V-2020, § 1, 9-1-20)

V.C. 681 – 13370 GALICIA

Criteria for Granting a Variance, Findings Required

The Board of Adjustment shall prescribe only conditions that it deems not prejudicial to the public interest and shall enumerate its decision with findings of fact. In making the required findings, the Board of Adjustment shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the Board of Adjustment finds all of the following:

A. Extraordinary Conditions

That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

Response: The subject property has an existing extended driveway to house additional vehicles; however, the placement of additional trees to provide necessary shade is limited, thereby exposing vehicles to the damaging Texas sun. Therefore, due to this special condition, strict application of the Code would deprive the applicant of maintaining the same reasonable use of the land.

B. Preservation of a Substantial Property Right

That the variance is necessary for the preservation of a substantial property right of the applicant.

Response: A substantial property right is the ability to use land in a reasonable and satisfactory way. Therefore, since the proposed carport would only extend above the existing fence by one-and-a-half feet and would, therefore, have minimal visual impact to the neighbor, installation of the carport would preserve a substantial property right.

C. Substantial Detriment

That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

Response: Granting the requested variance for the proposed carport will not be detrimental to the public health, safety, or welfare and will not be injurious to other property in the area.

V.C. 681 – 13370 GALICIA

D. Other Property

That the conditions that create the need for the variance do not generally apply to other property in the vicinity.

Response: The conditions that create the need for the variance do not generally apply to other properties in the vicinity because most properties in the area do not park their vehicles on the sides of their homes.

E. Applicant's Actions

The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property.

Response: Providing shade trees on the property while also allowing for additional outdoor parking is limited. Therefore, the unique circumstances were not created by the property owner.

F. Future Land Use Plan

That the granting of the variance would not substantially conflict with the Future Land Use Plan and the purposes of this Ordinance.

Response: Since accessory structures are permitted in residential districts, the granting of the variance would not substantially conflict with the Future Land Use Plan designation of this property as LDR-Low Density Residential.

G. Utilization

That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Response: Since the proposed carport would only extend above the existing fence by one-and-a-half feet and would, therefore, have minimal visual impact to the neighbor, application of this Code to that particular piece of property would effectively prohibit or unreasonably restrict utilization of the property in the same manner as previously enjoyed.

Insufficient Findings

The following types of possible findings alone do not constitute sufficient grounds for granting a variance:

- A. That the property cannot be used for its highest and best use.
- B. That there is only a financial or economic hardship.
- C. That there is a self-created hardship by the property owner or its agent.
- D. That the development objectives of the property owner are or will be frustrated.
- E. The fact that property may be utilized more profitably should a variance be granted.

Motion to Approve:

VC 681

I concur with the findings of fact as outlined in the variance application. Therefore, I move to approve VC 681 and to grant a variance from Section 4-5-63 of the Zoning Code for the property at 13370 Galicia to allow a carport to encroach the 5-foot side yard setback by 4 feet; that is, one foot off the property line with the following conditions:

1. The height of the carport does not exceed 8 feet.
2. The carport meets all applicable City Code requirements.