

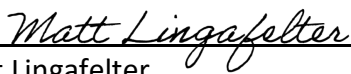


NOTICE OF A CALLED MEETING OF THE  
**BOARD OF ADJUSTMENT**  
OF CITY OF SUNSET VALLEY, TEXAS  
WEDNESDAY, JUNE 30, 2021  
6:00 P.M.

Notice is hereby given that the Board of Adjustment of the City of Sunset Valley, Texas, will hold a Called Meeting on Wednesday, the 30<sup>th</sup> day of June 2021 at 6:00 P.M. in the Council Chambers, City Hall, 3205 Jones Road, Sunset Valley, Texas, at which time the following items will be discussed, to wit:

1. Call to order
2. Election of Chair and Vice Chair of the Board of Adjustment.
3. Consider approval of a regular meeting date and time for the Board of Adjustment.
4. Public Hearing to consider an application submitted by Terry Cowan to construct an accessory structure at 4500 Stearns Lane which requires the following variances:
  - a. From Section 2.506(a)(9) the height of an accessory structure exceeds the height of the principal structure; and,
  - b. From Section 2.506(a)(10) an accessory structure in front of the principal structure.
5. Consideration and possible approval of an application submitted by Terry Cowan to construct an accessory structure at 4500 Stearns Lane which requires the following variances:
  - a. From Section 2.506(a)(9) the height of an accessory structure exceeds the height of the principal structure; and,
  - b. From Section 2.506(a)(10) an accessory structure in front of the principal structure.
6. Adjourn

I certify that the above notice of meeting was posted at City Hall, 3205 Jones Road, Sunset Valley, Texas, on the 25<sup>th</sup> day of June 2021 at 6:00 P.M.

  
\_\_\_\_\_  
Matt Lingafelter  
City Secretary

The City of Sunset Valley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

COMMITTEE MEETING DATE: JUNE 30, 2021



## BOARD OF ADJUSTMENT AGENDA ITEM #2

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STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, [mlingafelter@sunsetvalley.org](mailto:mlingafelter@sunsetvalley.org)

SUBJECT: BOARD PROCEDURES

DESCRIPTION: Election of Chair and Vice Chair of the Board of Adjustment

BACKGROUND: The current Board Members were appointed in January 2020, but have not yet held a meeting. Chapter 31 of the Sunset Valley Code of Ordinances calls a Chair and Vice Chair to be elected. Any regular member of the Board is eligible to be elected as Chair and Vice Chair.

[The City Administrator provided a memo](#) regarding the election of officers for Committees and Commissions following Robert's Rules of Order. The previous Chair of the Board (Tom Cedel) will Chair the meeting until a new Chair is elected.

STAFF RECOMMENDATION: N/A

SUPPORTING MATERIALS PROVIDED: [MEMO RE ELECTION PROCEDURE](#) (HYPERLINKED)

COMMITTEE MEETING DATE: JUNE 30, 2021



## BOARD OF ADJUSTMENT AGENDA ITEM #3

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STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, [mlingafelter@sunsetvalley.org](mailto:mlingafelter@sunsetvalley.org)

SUBJECT: BOARD PROCEDURES

DESCRIPTION: Consider approval of a regular meeting date and time for the Board of Adjustment.

BACKGROUND: The Board's previous regular meeting date and time was the second Wednesday of the month, if a meeting was needed. The Board previously met at 7:00 P.M.

The Board may choose the same or a different monthly date and time for its regular meeting, but with the understanding that a meeting may be called if needed and the Commission is agreeable.

City Council meets the first and third Tuesday of every month. Below are the other regular meetings dates of Committees and Commissions (at 6:00 P.M. except for SVAC):

Community & Economic Development – first Wednesday of the month

Planning & Environmental – first Thursday of the month

Arts Commission – third Wednesday of the month (2:00 P.M.)

Public Works – third Thursday of the month

Public Safety – fourth Monday of the month

Zoning Commission – fourth Wednesday of the month

Budget & Finance – last Thursday of the month

STAFF RECOMMENDATION: N/A

SUPPORTING MATERIALS PROVIDED: NONE

MEETING DATE: JUNE 30, 2021



## BOARD OF ADJUSTMENT AGENDA ITEM #4-5

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**STAFF PREPARER/CONTACT INFORMATION:**

Matt Lingafelter, Asst. to the City Admin.  
[mlingafelter@sunsetvalley.org](mailto:mlingafelter@sunsetvalley.org)

**SUBJECT: ZONING VARIANCES**

**DESCRIPTION:**

4. Public Hearing to consider an application submitted by Terry Cowan to construct an accessory structure at 4500 Stearns Lane which requires the following variances:
  - a. From Section 2.506(a)(9) the height of an accessory structure exceeds the height of the principal structure; and,
  - b. From Section 2.506(a)(10) an accessory structure in front of the principal structure
  
5. Consideration and possible approval of an application submitted by Terry Cowan to construct an accessory structure at 4500 Stearns Lane which requires the following variances:
  - a. From Section 2.506(a)(9) the height of an accessory structure exceeds the height of the principal structure; and,
  - b. From Section 2.506(a)(10) an accessory structure in front of the principal structure

**PROCEDURE:**

The Board will hold a Public Hearing (Agenda Item #4) on the variance requests. The Public Hearing will commence as follows:

- a) Open Hearing – the Chair-elect will open the Public Hearing
- b) Presentation – presentation by City staff, comments from the applicant, and questions from the Board Members
- c) Citizen/Public Comments – the Chair will call on any members of the public that wish to comment
- d) Close Hearing – the Chair will close the Public Hearing

After the Public Hearing, the Board will consider approval or denial of the variance requests (Agenda Item #5). The burden of establishing the conditions established in Section 2.307(f) for Board Approval is on the applicant.

**BACKGROUND:** The subject property, 4500 Stearns Lane, is a single-family residence located at Lot 1 of the Harry V Nelson Subdivision. The 1.1 acre lot is a long, narrow rectangular lot. The applicant is proposing construction of an accessory structure at the front of the property. The proposed guest house would be a 1,300 square-foot two-story guest residence, with an approximate 650 square-foot pad.

The first variance requested is for the height of the guest residence (accessory structure) to be taller than the primary residence. The applicant has only 1,400 square-feet of impervious cover available, and to minimize the impervious cover of the guest house wishes to build up rather than out.

The second variance requested is for the location of the guest house to be in front of the primary residence, which is located at the far rear of the property. Section 2.506(10) states, "if the principal building or structure is more than 75 feet from the front lot line, an accessory structure may be located in front or to the side of principal building or structure provided that the accessory building or structure is more than 75 feet from the front lot line." In the applicant's case, the proposed accessory structure is less than 75 feet from the front lot line. The Water Quality Transition Zone is 94 feet from the front lot line, but there is also a group of juniper trees that the applicant does not wish to remove that begin approximately 70 feet from the front lot line.

A letter addressing the ten (10) findings set forth in Section 2.307(f) and a conceptual site plan have been provided by the applicant, as well as a variance application and fee.

A notice of public hearing was placed in the newspaper, and notices mailed to property owners within 500 feet, as required by Chapter 2. As of June 25, 2021, one comment in favor of the application has been received. Any other written or Open Town Hall comments will be provided prior to the Public Hearing.

**APPLICABLE CODE SECTIONS:** Sections 2.307 and 2.506 of the Land Development Code

**STAFF RECOMMENDATION:** If the Board agrees with the findings provided by the applicant, then a motion could be made to approve the variances as presented, based on the conceptual site plan and evidence set forth with the request.

**SUPPORTING MATERIALS PROVIDED:**  YES /  NO

Findings for Board Approval  
Variance Application  
Letter from the Applicant  
Conceptual Site Plan  
Public Comment

## **Section 2.307(f) Findings of the Board of Adjustment for Approval**

Findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such action is taken. The burden of establishing such conditions is on the applicant. No variance shall be granted unless the Board of Adjustment finds that all of the following criteria are met:

- 1) Special circumstances or conditions exist such that requiring compliance with the provisions of the applicable zoning provisions of the Code will cause significant practical difficulties to the Applicant. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute practical hardship.
- 2) Special circumstances or conditions affecting the parcel of land exist such that requiring strict compliance with the provisions of this Code will result in one or more of the following: (A) Depriving the applicant of the reasonable use of his land; or 2-13 (B) Significant or unreasonable disruption of the natural terrain; or (C) Significant or unreasonable destruction of the existing flora.
- 3) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- 4) There is no practical alternative to the requisite variance that will alleviate the difficulty or hardship complained of or the requisite enhances the quality of the project as a whole and would result in a better project than requiring strict compliance with the provisions of the Code; and
- 5) The variance will be no greater than the minimum required to alleviate the difficulty or hardship complained of; and
- 6) The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to other property or improvements in the area; and
- 7) The granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this Code; and
- 8) The variance is in harmony with the intent of the Code's zoning provisions and with the goals, standards and policies of the City's Comprehensive Plan; and
- 9) The granting of the variance will not cause an unreasonable obstruction of direct sunlight to adjacent property; and
- 10) The proposed variance prescribes only conditions deemed necessary to or desirable in the public interest.



**CITY OF SUNSET VALLEY  
APPLICATION FOR ZONING VARIANCE  
CHAPTER 2 LAND DEVELOPMENT CODE**

DATE: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

PLAT DATE: \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

IF THE APPLICANT IS NOT THE OWNER, THEN THE OWNER MUST AUTHORIZE THE APPLICANT TO ACT AS AGENT: OWNER'S SIGNATURE AUTHORIZING APPLICANT AS AGENT: \_\_\_\_\_

OWNER'S NAME (if not applicant) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

If ownership is other than sole or community property, name the partners, principals, beneficiaries, etc. respectively with Name, Position, Address, and percentage ownership.

Section(s) of Chapter 2 Zoning the Land Development Code from which a variance is requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Required Attachments:**

- 1) Applicant letter describing the proposed improvements
- 2) Response to each of the required findings
- 3) Plans showing the proposed improvements
- 4) Site Plan showing the location of proposed improvements on the property

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Application Fee \$ 300      Date Received 6-24-2021      By Matt Lingafelter

Comments: \_\_\_\_\_

Response to Findings LDC 2.307(f):

**Board of Adjustment Request for Variance**  
**Property: 4500 Stearns Lane**

I am requesting two variances in order to build a guest house on my property as is my right under Sunset Valley regulations. The variances requested are as follows:

Section 2.506 (a)(10). Variance from the code requiring a guest house be placed behind the main house so that the guest house can be built in front of the main house. The requested variance meets all 10 criteria needed to be granted.

Section 2.506 (a)(9). Variance from the code requirement that the height of the accessory building not exceed the height of the principle building. The greater height is needed for the guest house to be adequate size given the small footprint to fit within the setback requirements.

**Proposed Improvements**

I am asking both the variances to be approved so that I can exercise my property right to build an accessory building. The 1.1 acre lot is a long narrow rectangular shape. Its elevation declines from Stearns to the back of the property. The primary house livable space is approximately 2400 square feet (includes covered screened porch). Because the location of the single family residential home is near the edge of a cliff in back of the property, it is impossible build a guest house in back of the property. The lot does not provide enough space on either side of the house to build an accessory structure. A variance is needed from Sec. 2.506(a)10) in order to build a guesthouse on the property.

In addition, most of the 1.1 acre lot is either in the critical water quality zone (the lot is actually hundreds of feet in elevation above Gaines Creek) or in the water quality transition zone. The guesthouse will be located within the small uplands zone in the front part of the lot abetting Stearns Lane. This location will protect water quality degradation in the critical and transitional zones. It does not require mature trees to be cut down. The pad size is restricted by front & side setback requirements and the transition zone so the footprint must be small—about 650 square feet is planned. The entire property has 1400 square feet of impervious cover available. A guesthouse is planned at approximately 1300 square feet living space . It would be two-story exceeding the height of the one-story home. The variance from Sec. 2.506(a)(9) is requested to address this.



The guesthouse will provide a place for visitors and guests, but more importantly, provides a place for family and other caretakers to live when assisting us so that we can enjoy living privately, independently, and safely as long as possible.

### **Responses to Required Findings**

*(1) Special circumstances or conditions exist such that requiring compliance with the provisions of the applicable zoning provisions of the Code will cause significant practical difficulties to the Applicant. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute practical hardship.*

Yes, Section 2.506 (a)(10): The main house is sited too close to the edge of a cliff (see photo below). There are only approximately 40 feet available between



the back porch and the property line on the cliff edge. Within the 40 feet here is only about 10 feet between the home and 30 foot rear setback line.

Yes, Section 2.506 (a)(9): Without the variance to allow height greater than the home, the structure will not be large enough to serve its intended purpose.

*(2) Special circumstances or conditions affecting the parcel of land exist such that requiring strict compliance with the provisions of this Code will result in one or more of the following:*

- (A) Depriving the applicant of the reasonable use of his land; or*
- (B) Significant or unreasonable disruption of the natural terrain; or*
- (C) Significant or unreasonable destruction of the existing flora.*

Yes, Section 2.506 (a)(10): Without the variance, I will be denied the right of reasonable use of my property. There is simply not enough natural terrain behind the main house build the guesthouse behind it. Nor is there enough land between the main house and the property line on either side of the main house to build. The home was built in the 1960s and grandfathered when water quality zone ordinances were established. This entire area is now in the critical water quality zone and nothing should be built there.

Yes. The variance to sec. 2.506 (a)(9) is necessary to build the guesthouse higher than the main house at the preferred location to minimize impact on water quality and protect neighbor's privacy.

*(3) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and*

Yes, Sections 2.506 (a)(10) and 2.506 (a)(9): Without the variances, I will be denied the right under the code to build a guesthouse on my property. I need to build it at greater height that one-story so that the guesthouse provides sufficient living space but does not exceed the footprint required to meets set-back and total impervious cover requirements.

*(4) There is no practical alternative to the requisite variance that will alleviate the difficulty or hardship complained of or the requisite enhances the quality of the project as a whole and would result in a better project than requiring strict compliance with the provisions of the Code; and*

Yes, Sections 2.506 (a)(10) and 2.506 (a)(9): There is no practical alternative to the requisite variances. The property behind the house and to the sides of the house are in the critical water quality zone and most of the front is in the transition zone. There is only 40 feet between the existing home and the property line in the rear. There is approximately 4 feet and 26 feet respectively between the house and the side property lines including the setback.

The planned pad site is located in the front of the lot on a patch of uplands outside of the transitional water quality zone. Placing a small footprint two-story site here ensures protection of water quality and is a better project than putting a larger foot print one-story guesthouse within the transition zone. A vegetative buffer strip of tall Juniper trees and heavy underbrush mostly block the guesthouse from view of the main house and homes of the adjacent properties.



This photo shows the view from across Stearns Lane. The driveway is from the main house and will also service the proposed guesthouse. The site is between the street and the front of the background trees. It is accessed using an existing driveway to the main house that is located in the back of the lot.



*(5) The variance will be no greater than the minimum required to alleviate the difficulty or hardship complained of; and*

Yes, Sections 2.506 (a)(10) and 2.506 (a)(9): The variances to allow a guesthouse in front of the primary house at a height greater than the primary house are the minimum variances that can requested in order to build a guest house. There is no request for a variance from water quality regulations, setbacks, tree ordinance, etc. The site selected in front of the house is outside of the critical and transitional water quality zones. This upland zone pad site meets all setback requirements with no protected tree removal.

*(6) The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to other property or improvements in the area; and*





Yes, Sections 2.506 (a)(10) and 2.506 (a)(9): The proposed site contains a City of Austin street (Stearns Lane) to the front with land on either side in adjacent properties. The nearest building on an adjacent lot is a detached two-story garage approximately 100 yards from the planned guest house that is further from the street and heavily screened by vegetation and trees. Visible in the photo above is the tip of the two-story garage roof on the adjacent Satterfield property.

*(7) The granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this Code; and*

Yes, Section 2.506 (a)(10) and Section 2.506 (a)(9): The variance will not have the effect of preventing the orderly use of other land in the area. The project does not affect the use and enjoyment of the adjacent properties. The privacy of the residents on either site is not affected. The photo below shows the boundary with the adjacent Wakefield property. Her house not visible from the site and is screened by trees and native underbrush.



*(8) The variance is in harmony with the intent of the Code's zoning provisions and with the goals, standards and policies of the City's Comprehensive Plan; and*

Yes, Sections 2.506 (a)(10) and 2.506 (a)(9): A guesthouse is allowed and provided for in single-family residential zoning and in harmony with the City's Comprehensive Plan. The variance to height needed to build the guesthouse is within the height allowances for single-family zoning.

*(9) The granting of the variance will not cause an unreasonable obstruction of direct sunlight to adjacent property; and*

Yes, Sections 2.506 (a)(10) and 2.506 (a)(9): The structure is planned as a two-story with a small foot print in order to fit on the site in compliance with all code requirements. It will be located near the middle of the lot in the uplands zone abutting Stearns Lane. There are no existing structures near the site on either adjacent lots. The guesthouse shadow falls within the property. The guesthouse does not obstruct direct sunlight to either adjacent properties.

*(10) The proposed variance prescribes only conditions deemed necessary to or desirable in the public interest*

Yes, Sections 2.506 (a)(10) and 2.506 (a)(9): The site does not affect neighboring residences. The site chosen protects the privacy of the neighbors. It is well screened by trees & natural vegetation on three sides and somewhat screened from the street by a cactus hedge extending across the front. The only alternative is to placing a one-story structure in the transitional water quality zones requiring a footprint with twice the impervious cover negatively impacting the environment. It would require a variance to build within the transitional which is not desirable in the public interest. It would also locate it closer to the primary residence of the adjacent Wakefield property negatively impacting her privacy.

Variances to Section 2.506 (a)(10) requiring placement behind the main house and 2.506 (a)(9) limiting height to the same as main house are the least impactful that provide for the reasonable use of the property and provide my right to build a reasonable sized guesthouse while protecting water quality, trees, and both neighbor's privacy.

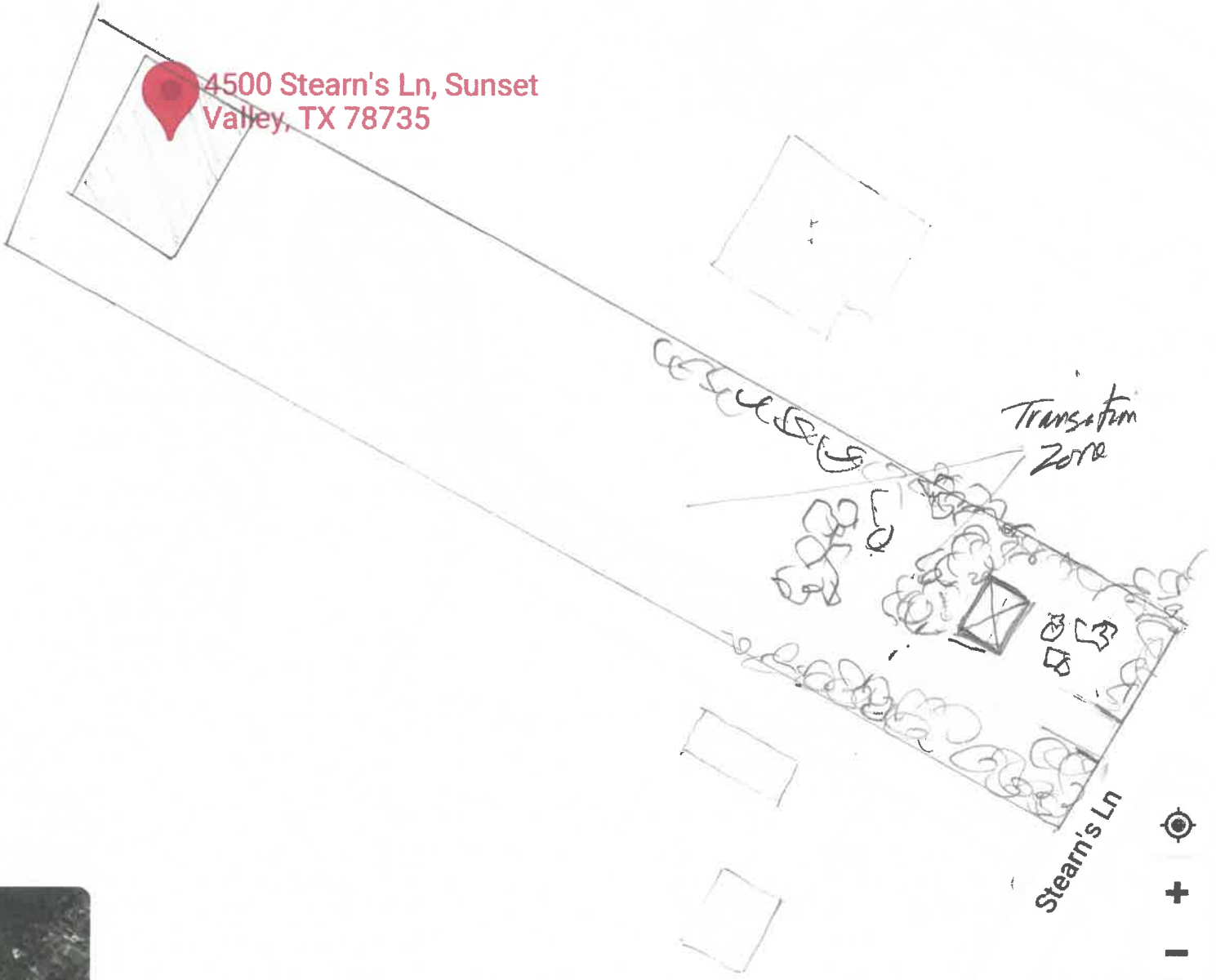
THANK YOU FOR YOUR CONSIDERATION!



# Conceptual Site Plan



4500 Stearn's Ln, Sunset Valley, TX 78735



Layers





**From:** [Sylvia Carrillo](#)  
**To:** [Matt Lingafelter](#)  
**Subject:** FW: Cohen Variance Request  
**Date:** Monday, June 21, 2021 2:46:29 PM

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**From:** Justin Satterfield [REDACTED]  
**Sent:** Monday, June 21, 2021 2:45 PM  
**To:** Sylvia Carrillo <[scarrillo@sunsetvalley.org](mailto:scarrillo@sunsetvalley.org)>  
**Subject:** Cohen Variance Request

Hi Sylvia,

I can't find the letter that was sent out, so I'm writing you to confirm my approval of the Cohen's plan to build next door. My address is 4604 Stearns Ln.

Kind regards,



**Justin Satterfield** • Founder

[REDACTED]  
[REDACTED]  
[Norwood.com](http://Norwood.com)

