

The La Vernia City Council held a Zoning Board of Adjustments Meeting on August 8, 2013 at 6:15 p.m. at the City Hall, La Vernia, Texas.

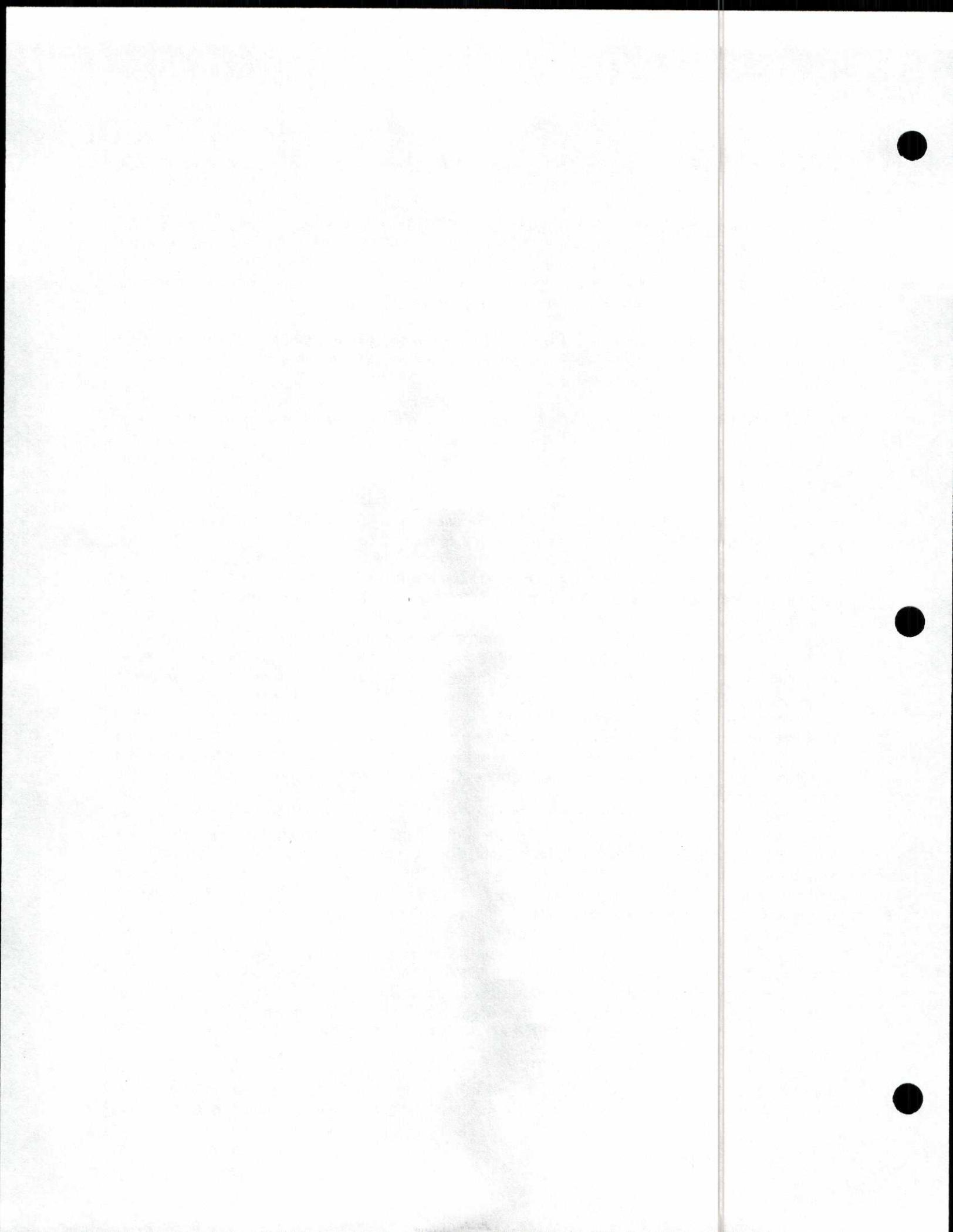
Item No. 1. Call to Order Mayor Robert Gregory called the meeting to order at 6:15 p.m. Council members present were Marie Gerlich, Randy Leonard, John Richter, and Jennifer Moczygemba. Councilman Eloi Cormier was absent. City Secretary-Treasurer Angela Cantu, Public Works Director Jason Mills, Police Chief Bruce Ritchey, and Code Enforcement Officer/Special Project Coordinator Janet Thelen were also present.

Item No. 2.A. Discussion/Action Jeanette Chall from St. Ann's Catholic Church explained the need for the additional classroom space, the request to not have to add additional parking spaces, and the request to waive masonry.

Item No. 2.B. Discussion/Action Code Enforcement Officer Thelen stated that there is a safety issue putting the portable building so close to another building. She also stated that she agrees with the parking request and feels that masonry should not be required because the building is temporary.

Item No. 2.C. – E. Discussion/Action Councilwoman Gerlich asked who determined the placement of the building. Ms. Chall stated that they tried to set the portable as close to a building of the same height. Mayor Gregory stated that he is not concerned about the parking issue however the setbacks and the masonry are the issue. He also stated that he is not happy about the building just showing up before the Church got any permits and now they are asking for a variance to the current ordinance. Ms. Chall stated that if they moved the building farther away to meet the 10 foot setbacks it would mean an increase in the cost to stabilize the second building. She also stated that there would be a fence put up so that no one could go between the buildings. Councilwoman Gerlich asked where the entrance to the classrooms would be on the portable building closest to Goertz Hall and Ms. Chall stated that it would face Gertz Hall. Councilman Leonard stated that if the entrance was on that side of the building then with the deck that they are proposing would not meet the setbacks as well. He also stated that there are so many violations of the ordinance and that he can see granting a variance on the parking but everything else needs to come in compliance. Councilwoman Moczygemba asked what the property is zoned and Code Enforcement Officer Thelen stated that it is part C1 and part C2. Councilwoman Moczygemba stated if the zoning was changed to residential then the only issues would be the setbacks and the parking. Councilman Leonard stated that he feels that it is not about the Church but the portable building and not wanting our City to look that way. He also stated that while under the Local Government Code the City cannot prohibit the Church from requesting a zoning change he does not feel that the Council should grant one just so they do not have to abide by the masonry requirements. Councilwoman Gerlich asked if a variance is granted can there be a time limit set on how long it the portable buildings can stay on the property. Mayor Gregory stated that he believes that we can and Councilman Leonard stated that he was afraid that we would set a precedent and we would not be able to enforce extensions. Councilwoman Moczygemba stated that she feels we will have to deal with this issue and Councilman Leonard stated that the school is exempt from this ordinance. Code Enforcement Officer Thelen stated that the school is not exempt the City opted to exempt them from certain ordinances.

Item No. 3. Deliberation Regarding request for variance on La Vernia Code of Ordinances Chapter 38, Article IV, Section 38-402, Councilman Leonard made a motion to approve the



variance and Councilwoman Moczygemba seconded. **Motion carried 5 – 0.** Regarding request for variance on La Vernia Code of Ordinances Chapter 38, Article IV, Section 38-404, no motion was made therefore the variance is denied. Regarding request for variance on La Vernia Code of Ordinances Chapter 38, Article IV, Section 38-410, no motion was made therefore the variance is denied.

Item No. 4.A. Discussion/Action Dwight Koepf stated that he purchased the house and property located at 119 Bluebonnet Street and explained that the bulk of his property was developed prior to the adoption of regulations regarding landscaping for his business.

Item No. 4.B. – D. Discussion/Action Code Enforcement Officer Thelen stated that when there are changes in zoning we don't go back and make the properties come into compliance. She stated that even though there will be zoning change request coming the way the lots are located coming into compliance with the ordinance would hinder the business. Mr. Koepf is asking that we help him out by allowing him to submit the landscape plans when he is ready to develop the property.

Item No. 4.E. Discussion/Action Councilwoman Gerlich asked if he intends to sell the house. Mr. Koepf stated that he would like to split the lot and yes he does intend to sell the house and use the lot for commercial purposes. Councilman Richter stated that if he is planning on putting cars on the property it will need to be paved and Code Enforcement Officer Thelen stated that he is aware of that and will bring in a plan before he moves forward with any additional plans.

Item No. 5. Deliberation Councilwoman Gerlich made a motion to approve a variance petition from Dwight Koepf regarding La Vernia Code of Ordinances Chapter 38, Article IV, Section 38-403 and Councilman Leonard seconded. **Motion carried 5 – 0.**

Item No. 6. Adjournment With no further business to discuss Councilwoman Moczygemba made a motion to adjourn and Councilman Richter seconded. The meeting was adjourned at 7:09 p.m.



Robert Gregory, Mayor



Angela Cantu, City Secretary



