

1. Agenda

Documents:

[BOA PACKET 01-09-23.PDF](#)
[2023-01-09-BOA-SCM-AGN.PDF](#)

Meeting Packet
Board of Adjustment Special Call Meeting

January 9, 2023

Chairman
Howard Hoover



Board Members
Anna Johndrow
Kathy Koza
Stacy Smith
David Steele
DiAnn Tjon-Joe-Pin
Gary Zaleski

Vice-Chairman
Jim Cason

**AGENDA
BOARD OF ADJUSTMENT
SPECIAL CALL MEETING**

NOTICE IS HEREBY GIVEN that the Lago Vista Board of Adjustment will hold a special call meeting on Monday, January 9, 2023, beginning at 6:30 p.m. in the City Council Chambers at 5803 Thunderbird, Lago Vista Texas, as prescribed by V.T.C.A., Government Code Section §551.041 to consider the following agenda items.

This meeting will be held in the City Council Chambers at 5803 Thunderbird, Lago Vista, Texas and utilizing an online videoconferencing tool (GoToMeeting).

You may join the meeting from your computer, tablet or smartphone using the following link: <https://meet.goto.com/527836501>

You can also dial in using your phone to the following number and access code:

United States: +1 (646) 749-3122
Access Code: 527-836-501

For supported devices, you can also use the following one-touch number to join:

One-touch: <tel:+16467493122,,527836501#>

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[Citizen Participation Registration Form](#)

CALL TO ORDER, ROLL CALL

CITIZEN COMMENTS UNRELATED TO ITEMS ON THE AGENDA

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any item not on the agenda.

BUSINESS ITEMS

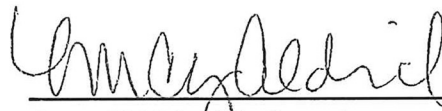
1. Welcome of new members.
2. Election of officers (Chair and Vice-Chair) for the coming year.
3. Comments from the Council Liaison.

PUBLIC HEARING AND ACTION (APPLICATIONS)

4. **22-2285-ZON-VAR:** Consideration of an application for a variance granting relief from the requirements of Table A of Chapter 14 of the Lago Vista Code of Ordinances to reduction in the total minimum cumulative side yard setback from 15 feet to 10 feet for a proposed new residence at 2817 Hancock Avenue (Highland Lake Estates, Section 12, Lot 12023).
 - A. Staff Presentation
 - B. Applicant Presentation
 - C. Open Public Hearing
 - D. Discussion
 - E. Decision

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located in City Hall in said City at 4:25pm on the 5th day of January 2023.



Lucy Aldrich, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.

January 9, 2023

Agenda Item 4
22-2285-ZON-VAR

2817 Hancock Avenue

Zoning Variance

Cumulative Side Yard Setback (New Residence)

**LAGO VISTA BOARD OF ADJUSTMENT
STAFF LAND USE REPORT – JANUARY 9, 2023**



BOA CASE NO:	22-2285-ZON-VAR: 2817 Hancock Avenue
APPLICANT:	Javad Mohammadpoor
LANDOWNER:	Javad Mohammadpoor and Khalegh Mozaffari
LOCATION:	East side of Hancock Avenue ± 35 feet south of Hudson Cove
ZONING:	R-1C ("single-family residential") zoning district
VARIANCE:	Reduced cumulative side yard setback (new residence)

GENERAL INFORMATION / LOCATION:

- Hancock Avenue is a street that meanders within the area of the former Highland Lakes Golf Course, which more recently has been known as both Green Deer Country Club and Lake Travis Country Club. It terminates at Lake Travis to the south and a public street known as Hamilton Avenue to the north. The intersection nearest the subject property is Hudson Cove, a relatively small street that culminates in a cul-de-sac opposite this currently vacant lot on the east side of Hancock Avenue. The rear property line of this lot is adjacent to the fairway of the second hole of the former Highland Lakes Golf Course, approximately 145 feet south of the tee.
- The applicant / property owner is requesting a reduction in the cumulative minimum side yard setback from 15 feet to 10 feet. The application form seemingly alleges that the required "unnecessary hardship" involves the "necessary footprint and market value" and the "timing that was already invested in this property."

SITE PLAN / CONTEXT CONSIDERATIONS:

- As the relief sought is a reduction in the cumulative side yard setback requirement, the lot frontage or width is undoubtedly the most relevant factor, notwithstanding the more than typical total lot area (approximately 9,600 square feet). At a width of eighty feet, this lot is well over the average frontage for lots within the area commonly referred to as "old Lago." As such, the lot size (particularly the lot width in this instance) does not seemingly support the requirement that the hardship relates to a "unique aspect of the property."
- What the application and plan instead seem to confirm is that the inability to comply with the cumulative side yard setback requirements of the zoning ordinance is related to the design of the proposed residence rather than any aspect of the property. In addition to the almost infinite availability of alternative designs that could be constructed on this lot without the need for a variance, the development standards for this particular zoning district (R-1C) is what objectively establishes the baseline for comparison. According to information submitted, the proposed residence includes 2,441 square feet of living area, exclusive of the 595 square foot garage and 241 square feet of covered porches and patios. That is approximately 150 percent of the requirement for this single-family zoning district.
- Moreover, any hardship at all seems largely illusory even if something very close to this specific design is somehow considered to be essential. As suggested above in relation to the total lot size and documented by the site plan submitted with the application, there is significant additional area within the front and rear yard setbacks that can be used to accommodate residential construction. The additional five feet of required side yard setback can be achieved by reducing the width of several rooms while maintaining the same area by the required increase to the depth.
- Most of that required additional side yard setback can be achieved by reducing the width of the "bay" that includes the garage, master bedroom and master bath. For example, the proposed clear inside width of the garage is a very generous 25 feet. The same area can be maintained by increasing the depth of each room while reducing the width. Similar reductions in the width and accommodating increases to the depth are available in the "bay" that includes the family room and the "bay" that includes bedrooms number 2 and 3.

RELEVANT ORDINANCE PROVISIONS / CONSIDERATIONS:

- The application does not appear to allege an “unnecessary hardship” as defined by Section 11.20(b) of the local zoning ordinance or state statutes. Any hardship would seem to be “self-imposed” by the selection of a design that ignores or is unaware of the minimum setback requirements. Any hardship would also seem to be “purely financial or pecuniary” as it can be eliminated by engaging someone to complete the relatively minor design revisions required for compliance. The reference in the application form narrative that approval is justified by the “timing that was already invested in this property” seems to recognize that there is no hardship related to an unusual physical aspect of the property.
- The request also seems beyond the additional potential discretion afforded by HB 1475 of the 2021 Texas legislature that allows consideration of a loss of at least 25 percent of the buildable area from compliance with a requirement as an “unnecessary hardship.” In the present instance, the request seeks an increase to the buildable area of 350 square feet (an area 5 feet wide with a depth of approximately 70 feet resulting from approximately 120 feet of total lot depth less the 50 feet of the front and rear yard setbacks). The buildable area of the lot absent relief is 4,550 square feet (65 feet of width with a depth of approximately 70 feet). Compliance therefore results in a reduction of less than 8 percent of the buildable area, or less than one-third of the threshold.
- The staff acknowledges being unsure of the historical origins or rational basis for a cumulative side yard setback that is more than twice the minimum side yard requirement for most single-family residential zoning districts. If five feet is adequate to provide privacy and an aesthetically appropriate amount of open space along one neighboring property line, it is hard to imagine why the requirements for the opposite property line would be greater. However, we can attest to the fact that this requirement is commonly included in zoning ordinances throughout Texas. It is less common in other states, although similarities do exist.
- Nonetheless, it is not the role of the staff or the Board of Adjustment to question the underlying purpose or benefit of the requirement in this forum while considering a variance application seeking relief. The proper forum for that discussion is a public hearing conducted by the Planning and Zoning Commission to consider a potential zoning ordinance amendment.

POTENTIAL ALTERNATIVE DECISIONS:

- A. Deny the variance request.
 - B. Approve the variance request.
-

22-2285-ZON-VAR
2817 Hancock Avenue

Attachment 1

Application



CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645

Tel: (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING VARIANCE

Date submitted: 12/07/2022 Fee: \$250.00 (non-refundable)

Applicant's name: Javad Mohammadpoor

Applicant's mailing address: 22827 Whitewater Creek cir ,Katy TX, 77450

Subject property address: 2817 Hancock Ave

Applicant's email: PPOUR777@GMAIL.COM

Applicant's phone numbers: 8324692646
Mobile Day Evening

Applicant's authorized representative (if any): _____

Representative's email and phone numbers: PPOUR777@GMAIL.COM-832-469-2646

Explain the nature or basis of the variance request (attach additional pages if necessary)

I would like to request a variance for lot 12023 of Highland Lake Estates Sec 12 with an address of 2817 Hancock Avenue. The current requirement of the total combined side setbacks of the lot is 15'-0" and I would like to get a variance to change the total combined side setback to 10'-0". Because of necessary foot print and market value and also timing that was already invested in this property kindly I am requesting for variance .

List or describe ordinance provisions from which relief is sought: _____

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE OF MANDATED STANDARDS REGARDING HARDSHIPS AND ALL RELATED REQUIREMENTS FOR APPROVAL INCLUDED IN THE ATTACHED ORDINANCE PROVISIONS AND ADDRESS THEM IN YOUR NARRATIVE.**

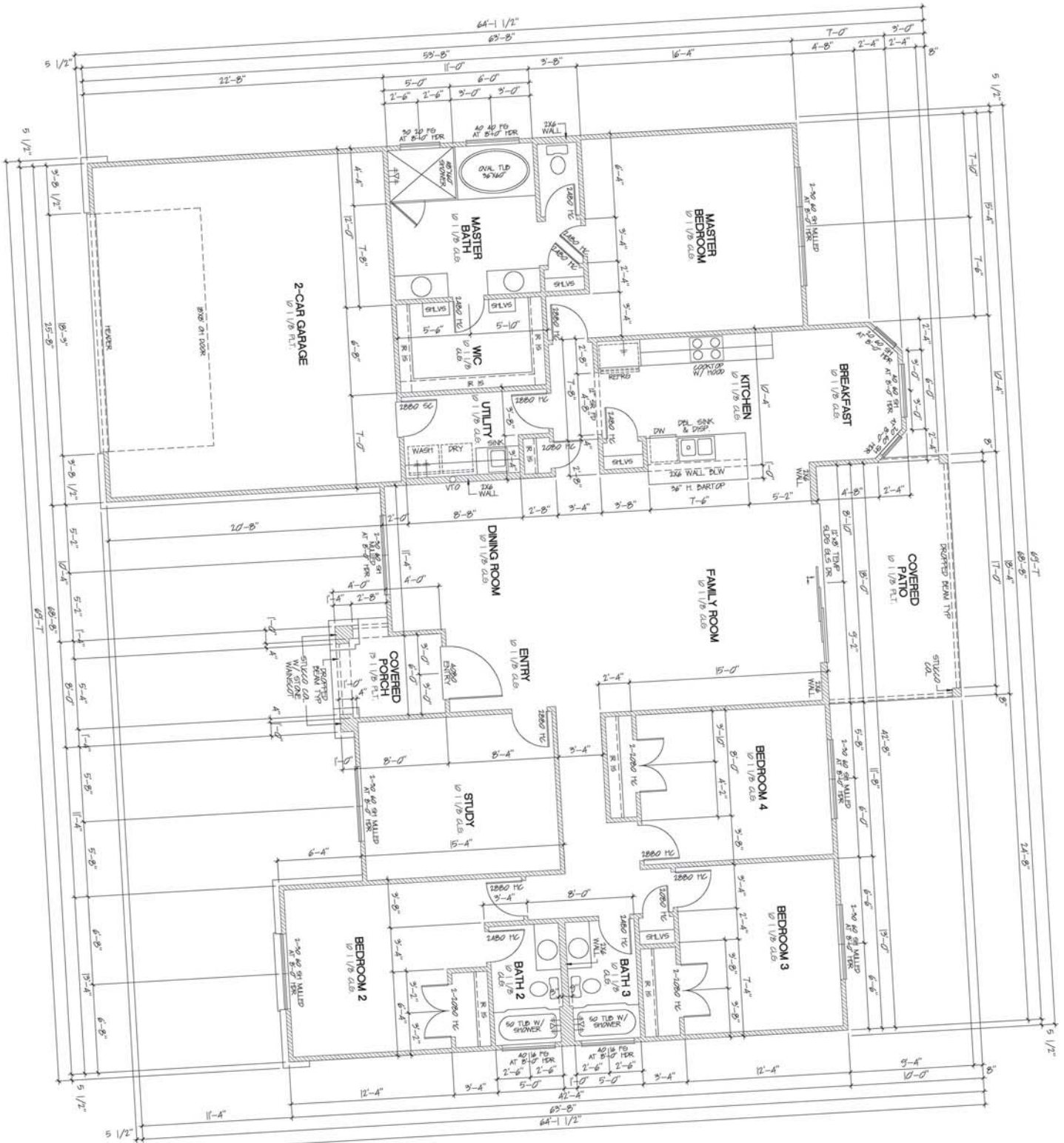
Javad Mohammadpoor
Applicant's signature(s)

12/08/2022

Date

22-2285-ZON-VAR
2817 Hancock Avenue

Attachment 2
Site, Floor, and Roof Plans



NOTES:

- FIRST FLOOR PLATE HEIGHTS ARE 10'-0" UNO.
- FIRST FLOOR WINDOW HEIGHTS ARE 7'-0" UNO.
- BUILDER RESPONSIBLE FOR COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL BUILDING CODES, ORDINANCES AND DEED RESTRICTIONS.
- PROVIDE ONE SF. NET AREA OF ATTIC VENTILATION PER 150 SF. OF TOTAL COVERED ROOF AREA.
- BURSA FOR GELING FANS IN ALL BEDROOMS, LIVING, FAMILY, AND BREAKFAST ROOMS.
- WINDOW SIZES ARE NOMINAL. VERIFY WITH MANUFACTURER.
- SAFETY GLASS PER CODE.
- WEATHERSTRIP ATTIC ACCESS DOOR(s).
- STAIRS AND HANDRAILS PER CODE.
- OPTIMUM BOARD IS REQUIRED ON ALL SURFACES UNDER STAIRS. (IRC R308.4.5)
- ANY PROJECTION THAT EXTENDS TO LESS THAN FIVE (5) FT FROM A PROPERTY LINE IS REQUIRED TO HAVE A ONE (1) HOUR FIRE-RATING. THIS INCLUDES SOFFITS AND PROJECTIONS. (IRC R302.1)
- BOTTOM OF WINDOW SILLS OF OPERABLE WINDOWS SHALL BE A MIN. OF 24" A.F.F. (IRC R613.2)
- GLAZING WITHIN 60" OF BOTTOM OF STAIRS TO BE SAFETY GLASS. (IRC R308.4.7)
- INSULATE ALL INTERIOR BATH AND UTILITY WALLS (BATTS).
- ALL ANGLED WALLS TO BE 45 DEGREES UNLESS NOTED OTHERWISE.
- ALL DOUBLE 2x4 BEAMS AND HEADERS TO HAVE PLYWOOD AND GLUE.
- SEE BUILDER FOR SPECIFICATIONS.

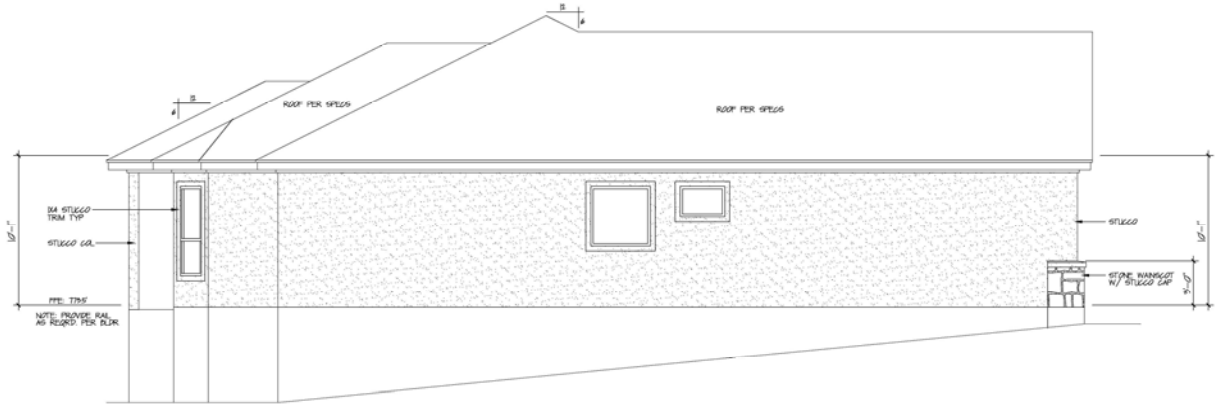
Floor Plan

SQUARE FOOTAGE CHART		
	FRAME	W/ MASONRY
FIRST FLOOR	2430	2441
TOTAL HEATED	2430	2441
GARAGE	575	595
COVERED PORCH	91	91
COVERED PATIO	101	101
TOTAL SF.	3206	3229

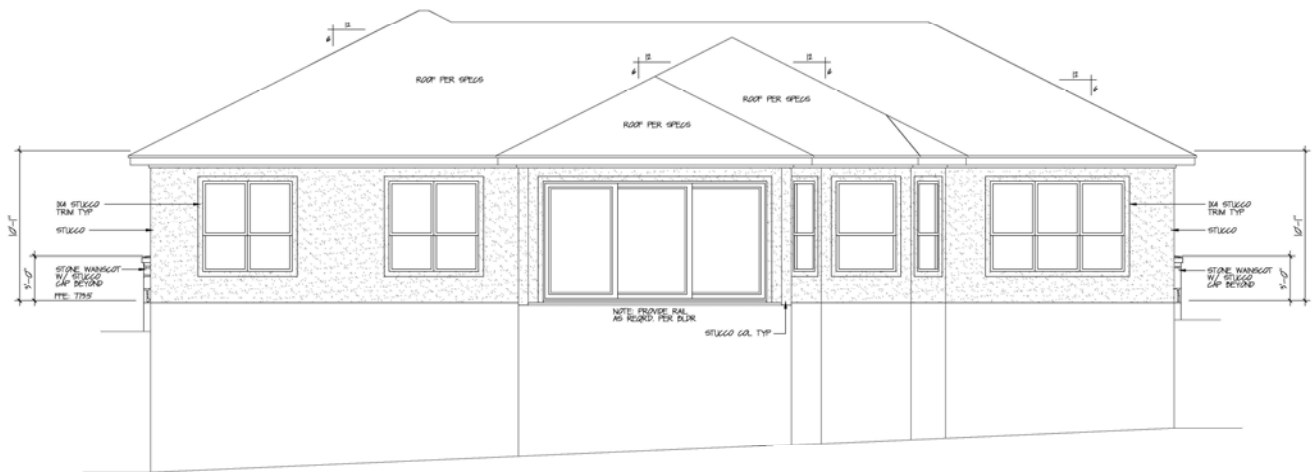
NOTE: PLANS MEET THE 2014 NEC, 2015 IRC AND CITY OF LAGO VISTA ORDINANCES

22-2285-ZON-VAR
2817 Hancock Avenue

Attachment 3
Building Elevations



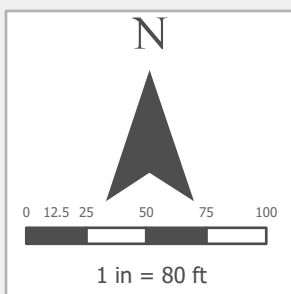
Left (North) Elevation



Rear (East) Elevation

22-2285-ZON-VAR
2817 Hancock Avenue

Attachment 4
Maps



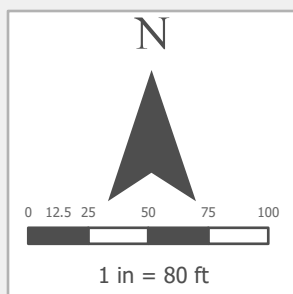
2817 HANCOCK AVE

Request Type	Zoning Variance	Project	22-2285-VAR
Change Requested	Reduce side yard 15 to 10	Date	12/19/2022
Map Purpose	Aerial & Topo Map	Drawn By	chris.martinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Contours

- 10 ft
- 50 ft
- Street
- Project Area
- TaxParcel

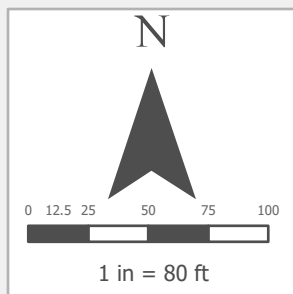


2817 HANCOCK AVE

Request Type	Zoning Variance	Project	22-2285-VAR
Change Requested	Reduce side yard 15 to 10	Date	12/19/2022
Map Purpose	Zoning Map	Drawn By	chris.martinez

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---	Street
	Project Area
	TaxParcel
Zoning Districts	
	G-1
	R-1C
	R-4

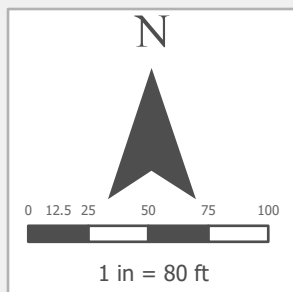


2817 HANCOCK AVE			
Request Type	Zoning Variance	Project	22-2285-VAR
Change Requested	Reduce side yard 15 to 10	Date	12/19/2022
Map Purpose	Future Land Use Map	Drawn By	chris.martinez
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---	Street
 	Project Area
 	TaxParcel
	High Density Residential
	Low Density Residential
	POA Park

22-2285-ZON-VAR
2817 Hancock Avenue

Attachment 5
Notice Comments



2817 HANCOCK AVE			
Request Type	Zoning Variance	Project	22-2285-VAR
Change Requested	Reduce side yard 15 to 10	Date	12/19/2022
Map Purpose	Notification Boundary Map	Drawn By	chris.martinez
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---	Street
 	Project Area
	200ft Notice Boundary
	TaxParcel



Notice of Public Hearing

Project #: 22-2285-VAR

Hearing Date and Time: Thursday, January 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 2817 Hancock Avenue (Highland Lake Estates, Section 12, Lot 12023)

200' Notification Mailing ID: 7

December 20, 2022

NOWLIN MICHELLE LYNN &
DONALD E BEARD
20502 HOOVER CV
LAGO VISTA, TX 78645

The Board of Adjustment will make a consideration of an application for a variance granting relief from the requirements of Table A of Chapter 14 of the Lago Vista Code of Ordinances for a reduction in the total minimum cumulative side yard setback from 15 feet to 10 feet for a proposed new residence at 2817 Hancock Avenue (Highland Lake Estates, Section 12, Lot 12023).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lagovistatexas.gov
Phone Number: 512-267-5259

Please return your comments as soon as possible. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

Not abiding by the code requirements negatively impacts the visual appeal of our neighborhood. It compromises the privacy of the adjacent neighbors and ultimately devalues our street. It is not in Lago Vista's

Signed: Michelle Nowlin and Donald Beard

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
Postal Address: City of Lago Vista, Development Services Dept., P.O. Box 4727, Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall 5803 Thunderbird St.

benefit to
cram
houses into
lots by
reducing
the
amount
of
setback
space.



Notice of Public Hearing

Project #: 22-2285-VAR

Hearing Date and Time: Thursday, January 9, 2023, at 6:30 P.M. in the Council Chambers at City Hall, 5803 Thunderbird St., Lago Vista, Texas

Project Property Location: 2817 Hancock Avenue (Highland Lake Estates, Section 12, Lot 12023)

200' Notification Mailing ID: 8

December 20, 2022

SHIPP JAMES R & GRACIELA E
2815 HANCOCK AVE
LAGO VISTA, TX 78645

The Board of Adjustment will make a consideration of an application for a variance granting relief from the requirements of Table A of Chapter 14 of the Lago Vista Code of Ordinances for a reduction in the total minimum cumulative side yard setback from 15 feet to 10 feet for a proposed new residence at 2817 Hancock Avenue (Highland Lake Estates, Section 12, Lot 12023).

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☐ In Favor; ☒ Opposed

Comments:

We are strongly opposed to this proposed reduction of sideyard from 15' to 10 feet. We are a house right next to this lot and I DO NOT want construction machinery that close to my use and AC units. This reduction will also cause serious drainage issues into my lot since

Signed:

James Shipp

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we have been the run off from rain. This reduction in space between houses would also lead to fire danger in an already dangerous environment with cedar trees



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Project Property Location: 2817 Hancock Avenue (Highland Lake Estates, Section 12, Lot 12023)

200' Notification Mailing ID: 14

December 20, 2022

DAVILA ARCADIO JR & SUSAN N
20731 HENRY AVE
LAGO VISTA, TX 78645

The Board of Adjustment will make a consideration of an application for a variance granting relief from the requirements of Table A of Chapter 14 of the Lago Vista Code of Ordinances for a reduction in the total minimum cumulative side yard setback from 15 feet to 10 feet for a proposed new residence at 2817 Hancock Avenue (Highland Lake Estates, Section 12, Lot 12023).

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☐ In Favor; ☒ Opposed

Comments:

No opposition to this development,
however, opposed to narrowing the
side yard setback.

Signed:

This whole page may be returned as follows:

E-mail: development@lagovistatexas.gov
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200' Notification Mailing ID: 16

December 20, 2022

BRADLEY SAMUEL & WENDY
2901 HANCOCK AVE
LAGO VISTA, TX 78645

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☐ In Favor; ☒ Opposed

Comments:

I am opposed to the variance because of increased fire danger when built close, drainage issues, utility problems, noise issues, line of sight issues, warrent & unwanted pest issues.

Signed: *Samuel Bradley*

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2. Election of officers (Chair and Vice-Chair) for the coming year.
3. Comments from the Council Liaison.

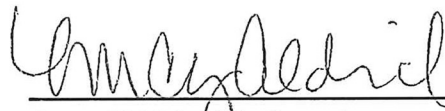
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- B. Applicant Presentation
- C. Open Public Hearing
- D. Discussion
- E. Decision

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Lucy Aldrich, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.