



Fred

NOTICE OF PUBLIC MEETING
TOWN OF RANCHO VIEJO
BOARD OF ADJUSTMENTS AND APPEALS
NOVEMBER 5, 2015
4:00 P.M.

NOTICE is hereby given of a Meeting of the BOARD OF ADJUSTMENTS AND APPEALS of the TOWN OF RANCHO VIEJO, to be held on Thursday, November 5, 2015, at 4:00 P.M., in the TOWN MUNICIPAL OFFICE, 3301 Carmen Avenue, Rancho Viejo, Texas to consider the following items:

1. Call to Order
2. Roll Call
3. Approval of Minutes – March 29, 2012
4. Request for a Variance by Mr. and Mrs. Fred Rusteberg, owners, lot 3 section 8, 313 Santa Ana Avenue, Rancho Viejo, Texas, to provide for variance from the Code of Ordinances, Chapter 70, Article III., Division 1., Sec. 70-250. (f) Maximum lot coverage. No structure or dwelling unit shall be erected on any lot or piece of property where more than 40 percent of the property shall be covered by the structure or structures. Open decks, patios and driveways shall not be considered covered areas for the purpose of this Section (all other structures shall be considered in the covered area). Eight thousand square feet or 40 percent, whichever is smaller, must be free of improvements covering the property, including open decks, patios and driveways. In determining the size of the lot or piece of property, any portion of the property that is subject to street, ingress and/or egress easement shall be excluded from the lot size and any portion of the property that is subject to a resaca or water storage easement shall also be excluded from the lot size - to be over the requirement where 40 percent of the property must be free structures. This is for the construction of a brick paver sidewalk on the exterior west side of the home.
5. Request for a Variance by Mr. and Mrs. Fred Rusteberg, owners, lot 3 section 8, 313 Santa Ana Avenue, Rancho Viejo, Texas, to provide for variance from the Code of Ordinances, Chapter 70, Article III., Division 1., Sec. 70-250. (f) Maximum lot coverage. No structure or dwelling unit shall be erected on any lot or piece of property where more than 40 percent of the property shall be covered by the structure or structures. Open decks, patios and driveways shall not be considered covered areas for the purpose of this Section (all other structures shall be considered in the covered area). Eight thousand square feet or 40 percent, whichever is smaller, must be free of improvements covering the property, including open decks, patios and driveways. In determining the size of the lot or piece of property, any portion of the property that is subject to street, ingress and/or egress easement shall be excluded from the lot size and any portion of the property that is subject to a resaca or water storage easement shall also be excluded from the lot size - to allow a concrete base for the placement of a generator.
6. Adjourn

A handwritten signature in black ink, appearing to read "Fred Blanco", written over a horizontal line.

Fred Blanco, Town Administrator

MINUTES OF A REGULAR MEETING
BOARD OF ADJUSTMENTS AND APPEALS
MARCH 29, 2012

A Regular Meeting of the BOARD OF ADJUSTMENTS AND APPEALS of the TOWN OF RANCHO VIEJO was held on MARCH 29, 2012 in the TOWN MUNICIPAL OFFICE, 3301 Carmen Avenue, Rancho Viejo, Texas, the same being open to the public. The meeting was called to order by Mr. Dionel Ortiz at 6:00 P.M. Roll call was made by Cheryl J. Kretz, Town Administrator. Members present were:

Mr. Grady Deaton
Mr. Jorge de la Garza
Mr. Lyle McNeil
Mr. Dionel Ortiz
Mr. Javier Vera

A quorum was present for the meeting.

Those present at the meeting were:

Joe Rafac

Ramiro Torres

Cheryl J. Kretz

Roberto Medrano

APPROVAL OF MINUTES:

Motion was made by Mr. Vera, seconded by Mr. McNeil, and unanimously carried, to approve the June 8, 2011 Minutes, as written.

REQUEST FOR VARIANCE BY MR. RAMIRO TORRES, OWNER, PHASE 1, LOT 5604, LOS ANGELITOS SWINGER UNITS, 413 MORELOS, RANCHO VIEJO, TEXAS, TO PROVIDE FOR A VARIANCE FROM THE CODE OF ORDINANCES, CHAPTER 70, ARTICLE III. DIVISION 1., SEC. 70-250 REGULATIONS APPLICABLE TO ALL DISTRICTS, SETBACK REGULATIONS (A) (2) – TO BE WITHIN 25 FEET OF A REAR PROPERTY LINE. THIS IS FOR THE CONSTRUCITON OF A NEW HOME.

Mr. Ortiz opened the public hearing. Mr. Ramiro Torres explained his variance request to the board and answered questions from the members. Mr. Joe Rafac reported that the Strategic Planning Committee did not recommend approval of this variance request. At the Strategic Planning Committee meeting a front yard setback was mentioned a possible alternative but the committee was not in favor of this idea. Mayor Roberto Medrano noted reasons why the Strategic Planning Committee was not in favor of granting these types of variances. After everyone was given an opportunity to speak on the matter, the public hearing was closed.

Motion was made by Mr. Deaton to grant the request for a variance from the Code of Ordinances, Chapter 70, Article III. Division 1. Sec. 70-250. Regulations applicable to all districts,

Request for Variances, October 19, 2015

Town of Rancho Viejo Administrator

Landscape requirement of 40% of Lot to be "Green Space"[Chapter 70, Article 3, Division 1, Sec 70-250, paragraph f].

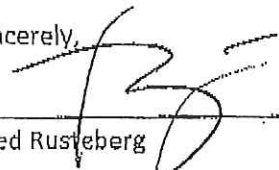
Fred and Frances Rusteberg request three (3) hardship variances for their new home under construction at 313 Santa Ana.


1. ~~Allow a concrete base (6" wide by 6" to 2' tall as dictated by fence sloping down to the resaca) to be built under and for our compliant side fencing to sit on be considered Landscape/Green area or allow the Green Space requirement to be lowered by 85 s.f.. Attached is a drawing depicting the design of the fence base. Such base will function as landscape edging, separating grass/plants between the side neighbors and Rusteberg land, therefore preventing each family's landscaping from encroaching under the fence to neighboring property, as well as provide a more stable fence base. The concrete base would serve as a durable edge for all to weed eat against thereby improving general yard maintenance for all concerned. Without the fence base, it would present a hardship in their ability to best maintain the landscaping boundary between properties.~~
2. Allow a brick paver sidewalk of 240 s.f. leading from the garage side front side gate to the rear patio area. (Drawing attached.) Currently, there is no stable ground walking access leading from the front to the rear yard except walking through the house living area and the house does not have handicap ramping. By installing an outside paver walkway on the west side of the house leading to the backyard rear patio area, a stable walking access for pool contractors, yardmen, caterers, and repairmen, as well as handicapped guests, could better and more safely enter the backyard patio area by way of a hard walking surface. Without such walkway, these persons would be forced to walk through both wet grass and/or, at times, mud. Not having a hard stable walking path on the side of the house creates hardship for the Rusteberg's in their ability to allow people safe and stable access to their backyard.
3. Allow 36 s.f. of the Green Space requirement be given to the Rusteberg's to be used for the base installation of a Generac Power Generator. After construction had started, sleep apnea, an emergency medical condition was diagnosed requiring the Rusteberg's to install an emergency power generator, that would provide continuous electrical power to their home during periods of future loss of electrical power. To allow for the generator, an exterior wall was relocated, moving the exterior wall into what was previously inside living area, thereby reducing the interior size of the house. In effect, repositioning what had been interior pantry space to now exterior outdoor space to allow for the outside generator site. Its proper installation instructions required 2' between the house and the installed generator. In order to comply with the Landscape requirements of Rancho Viejo, 36 s.f. encroachment into the Landscape area is needed for the generator base to have a hard surface to sit on. It would create a medical hardship for the Rusteberg's to be without a properly installed backup generator to power a medically prescribed electrical medical device during times of power failure.

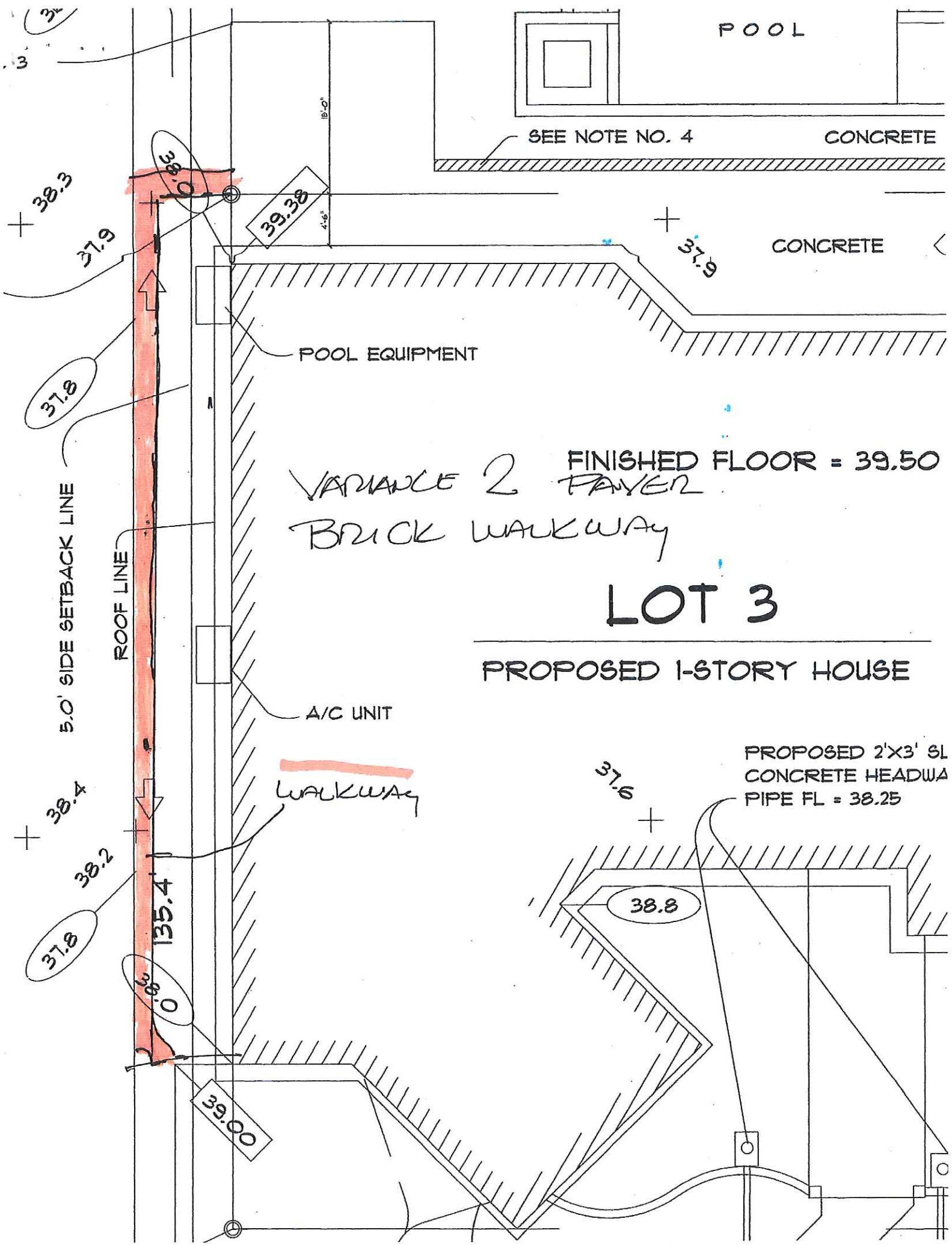
In summary, we ask the Board of Adjustments to allow encroachment of 361 s.f. into the Green Space requirement of 40%. The total Lot area is 17,338 s.f., so this means the Rusteberg's will have a total of 38% of their lot in greenspace/plants and grass as opposed to 40%.

The Rusteberg's goal is to add value to the community and city in building their new home in Rancho Viejo. Thank you for your consideration.

Sincerely,


Fred Rusteberg


Frances Rusteberg



POOL

SEE NOTE NO. 4

CONCRETE

CONCRETE

POOL EQUIPMENT

VARIANCE 2 FINISHED FLOOR = 39.50
 FAVOR
 BRICK WALKWAY

LOT 3

PROPOSED 1-STORY HOUSE

A/C UNIT

WALKWAY

PROPOSED 2'X3' SL
 CONCRETE HEADWA
 PIPE FL = 38.25

3
 38.3
 37.9
 37.8
 38.4
 38.2
 37.8
 38.0
 39.00

39.38

37.9

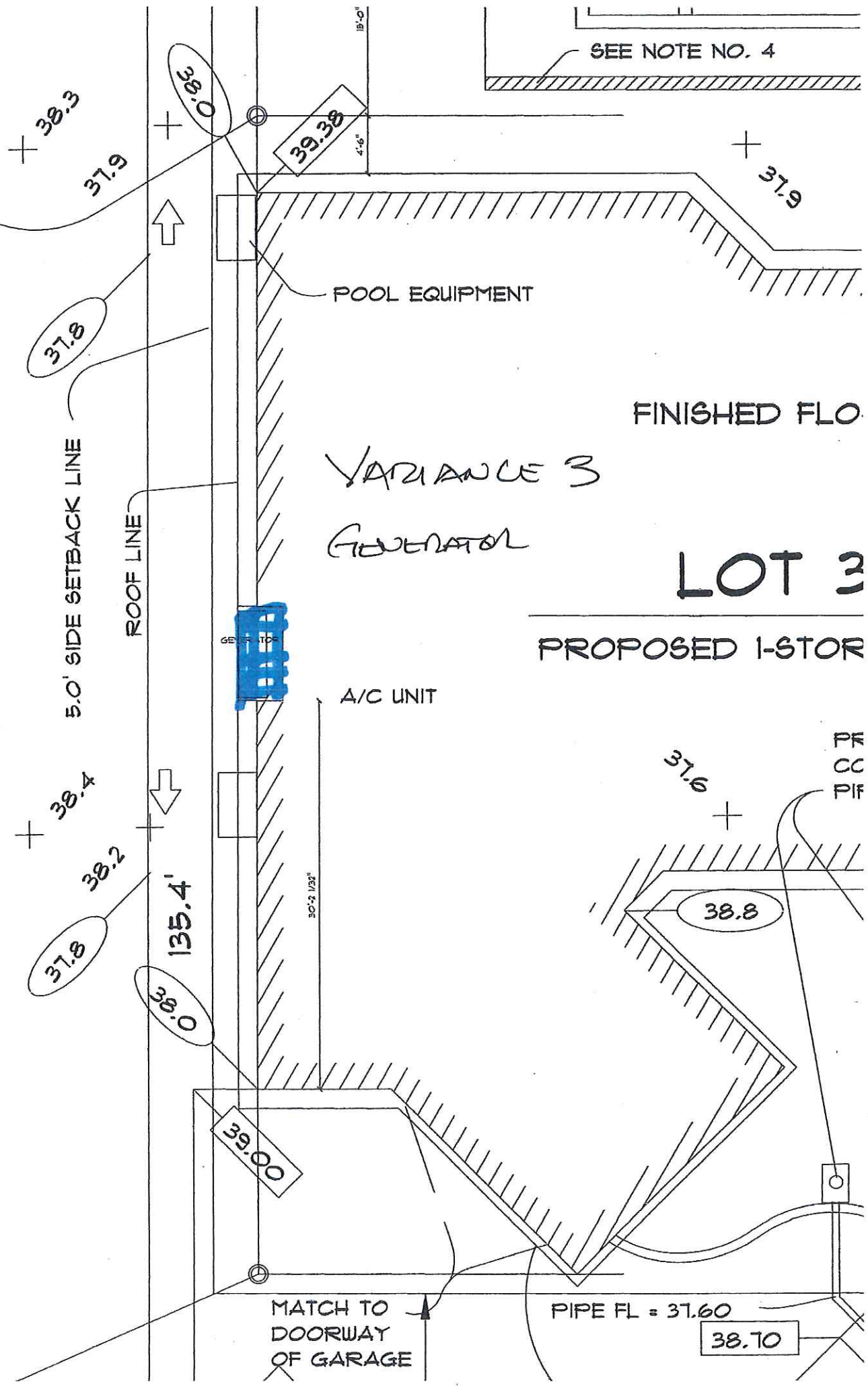
37.6

38.8

18'-0"
 4'-6"

LOT 5
192.0'
N45°13'57"E

5'0"



SEE NOTE NO. 4

POOL EQUIPMENT

FINISHED FLO.

VARIANCE 3
GENERATOR

LOT 3

PROPOSED 1-STOR

PER
CC
PIF

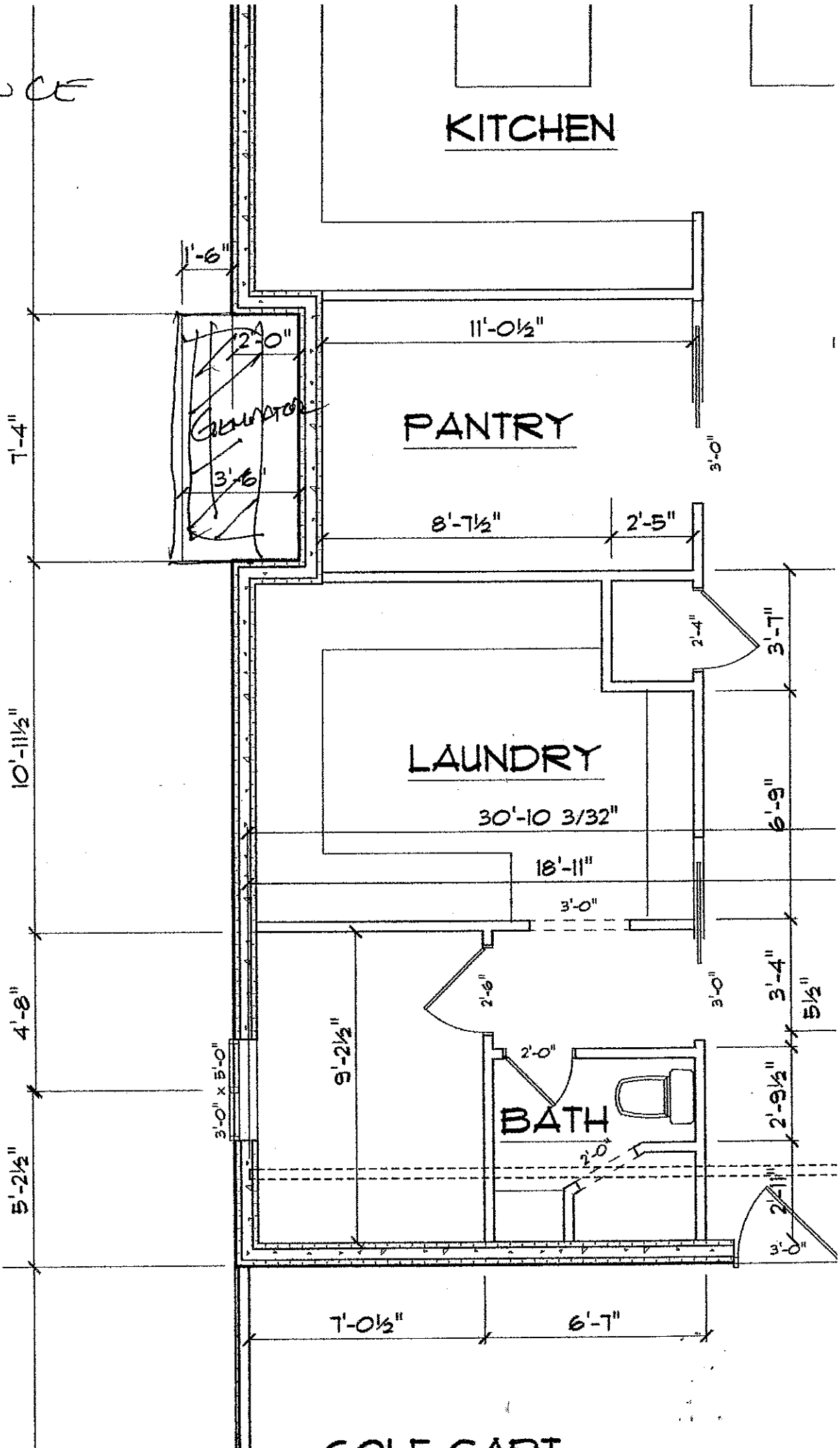
MATCH TO
DOORWAY
OF GARAGE

PIPE FL = 37.60

38.70

VARIANCE
3

105'-0"



GOLF CART