



### City of Woodcreek Application for Variance

Please provide the following items with the completed Application for Variance for a variance request:

- One paper copy and one digital copy of the survey or site plan with the requested area for the variance clouded to indicate the location.
- A filing fee of \$500.00 (Applicant will also be charged the cost of postage and publication).
- If requesting a variance of an existing structure, please include 2-3 photographs that will show the structure placement in relation to your property and adjacent structures.
- If requesting a variance in impervious cover limits, please include calculations showing current impervious cover (as of date of application) and proposed impervious cover.

Following receipt of the completed Application for Variance, along with the required items and filing fee, Woodcreek will schedule your request for consideration at a future Board of Adjustment meeting. You will be notified of the Board of Adjustment meeting date.

Woodcreek will prepare and send notices via the USPS to property owners within two hundred (200) feet of the property before the Board of Adjustment scheduled meeting date. The notice will also be published in the newspaper of record.

#### Application Information

Date of Application Submission: 5/8/2025

Petitioner's Name: Robert Kathman

Mailing Address: 1703 Clubhouse Hill Drive, Spicewood TX 78669

Email Address(s): R.Kathman@icloud.com

Telephone Number(s): (512) 470-6383 : (\_\_\_\_)

#### Description and Location of Property for which Variance is Requested.

Property Owner's Name: Kendree Investments Partners, L.P

Property Owner's Mailing Address: 1703 Clubhouse Hill Drive, Spicewood TX 78669

Section Location, Lot Number, & Zoning Designation: Villas of Brookmeadow, Lot 5, SF-2

Property Address: 5 Villa Meadow, Wimberly TX 78676



**As per § 30.57 of the Woodcreek Code of Ordinances, a Variance is defined as “An adjustment or deviation in the application of specific regulations of Ch. 50, 154 and 156 of this code of ordinances or other applicable ordinances under the purview of the city and applicable to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owner from being deprived rights and privileges, enjoyed by other owners of similarly situated parcels in the same vicinity and district.”**

**No variance shall be granted unless the Board finds that each of the following provisions are met.**

**State how your request meets each provision:**

1. There are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of Ch. 50 or Ch. 154 or Ch. 156 would deprive the applicant of the reasonable use of the involved land.  
The subdivision was originally platted and approved as a zero lot line community. The Owner paid for custom home plans to meet the zero lot line restrictions only to find that zoning had changed. The new setbacks imposed on the property do not allow for the design and construction of a home that would allow reasonable access to the home for Handicap and elderly, as a majority of the home would be on the upper level after taking into account setbacks and maximum impervious cover limitations. 75% of the subdivision has been completed as zero lot line, single story homes. With the median age of Woodcreek being 55+, there is a benefit encouraging long-term accessibility for an aging population
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.  
Without the variance the applicant's property rights would be diminished, as the property was designed and approved to allow for the construction of zero lot line housing. The single family zoning limitations, combined with a 30% maximum impervious coverage total make these lots almost too small to build a 'livable home' without some caveats.
3. The granting of the variance will neither be detrimental to the public health, safety or welfare, nor injurious to other property in the area.  
Granting the variance will not be detrimental to the public health, safety or welfare, nor injurious to other property in the area. 75% of the homes in the community are already constructed in accordance with the zero lot line zoning. No homes, (zero percent) in the community have been constructed to meet the new single-family requirements. Allowing a variance would support property values of current homeowners by aligning new construction to the function and scale of existing homes.

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4. The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter.

NOT granting the variance will have a negative effect of preventing orderly development of other land in the area as the existing homes in the community are zero lot line homes. The remaining vacant properties were originally designed to accommodate zero lot line homes. The variance would allow the community to be completed as originally intended and maintain visual harmony, as well as support property values of current homeowners by aligning new construction to the function and scale of existing homes. NOT granting the variance would force the owners to abandon the property entirely, or build an unsightly two-story box that potentially excludes elderly and handicapped prospects.

**Variance Requested** – Please be specific. Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.

The homeowner is requesting the following variances:

- (1) Property owner is requesting to abide by the setbacks currently shown on the Hays County recorded plat, which is a 10' front building line and zero lot line at the rear. Property owner will maintain the SF-2 minimum interior side setback of 7'-6". Per the recorded plat, there is a 33' wide Common Area that runs down the rear lot lines of the community. Even with zero-lot line adherence on the rear of the lot, no homes risk getting too close to an adjacent structure.
- (2) Property owner is requesting a variance on the following zoning and building ordinance requirement: Hard-surface driveway with minimum of 3-20x10 parking spaces (§156.059). The 30% maximum impervious cover, in addition to the small lot sizes, makes achieving this a challenge. We are requesting the allowance of (1) 2x10 parking space, as notated on the supplemental site plan proposal. Property owner is intending for the use of permeable pavers for the driveway and sidewalk, to stay within the impervious coverage limitations. Detail for such, is included as supplemental documentation
- (3) Property owner is requesting a variance from §156.062(B)(1)(c) requiring a minimum 2 car enclosed garage, and requesting the allowance of (1) enclosed garage space. The 30% maximum impervious cover, in addition to the small lot sizes, make achieving a two-car garage impossible without going to a two story home with all bedrooms located on the second floor. This building approach does not align with the current function and scale of the existing homes in the community that are all single story, nor does it encourage long term accessibility for an aging population.



### Supplemental Support Materials Included:

- Google street images showing existing single-family homes
  - Proposed site plan showing proposed setbacks, permeable pavers, and single car parking space
  - Typical permeable paver section showing compliance with impervious cover requirements. Site plan includes proposed overall impervious coverage calculations.

**Applicant Signature:** *Robert Kathman*

**Date:** 5/8/2025

**For City Use Only:**

Application, required information, and fee received:

Date: \_\_\_\_\_ Check # \_\_\_\_\_ Initials: \_\_\_\_\_

Referred to Board of Adjustment:

Date: \_\_\_\_\_ Initials: \_\_\_\_\_

## Publication of Public Hearing by Board of Adjustment

Date: \_\_\_\_\_ Initials: \_\_\_\_\_

## Action by Board of Adjustment:

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Date: \_\_\_\_\_ Init: \_\_\_\_\_

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