



Aaron Moreno, Chair, Place 3  
William D. Mann, Place 1  
Chase Mitchell, Place 2  
James D. Sulcer, Place 4  
Karen S. Mazerac, Place 5  
Vacant, Alternate No. 1  
Vacant, Alternate No. 2

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## Board of Adjustments Regular Session

Wednesday, September 22, 2021 at 6:30 PM

Manor City Hall, Council Chambers, 105 E. Eggleston St.

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### AGENDA

#### CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

#### PUBLIC COMMENTS

*Comments will be taken from the audience on non-agenda related topics for a length of time, not to exceed three (3) minutes per person. Comments on specific agenda items must be made when the item comes before the Board. The address the Board of Adjustments, please complete the white card and present it to city staff prior to the meeting. **No Action May be Taken by the Board of Adjustments During Public Comments.***

#### PUBLIC HEARINGS

- 1. Public Hearing: Conduct a public hearing on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.02, Section 14.02.007 and located at Lot 4, Block 55, locally known as 401 Llano Street, Manor, TX, to reduce the building setbacks.**  
*Applicant: Joel Lopez*  
*Owner: Fernandez Sergio*

#### CONSENT AGENDA

*All of the following items on the Consent Agenda are considered to be self-explanatory by the Board and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Chairperson or a Board Member; in which event, the item will be removed from the consent agenda and considered separately.*

- 2. Consideration, discussion, and possible action to approve the Board of Adjustment Minutes for the February 24, 2021, Regular Session.**

#### REGULAR AGENDA

- 3. Consideration, discussion, and possible action on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.02, Section 14.02.007 and located at Lot 4, Block 55, locally known as 401 Llano Street, Manor, TX, to reduce the building setbacks.**  
*Applicant: Joel Lopez*  
*Owner: Fernandez Sergio*

## ADJOURNMENT

In addition to any executive session already listed above, the Board of Adjustments 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 Section §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) and §551.087 (Deliberations regarding Economic Development Negotiations).

## CONFLICT OF INTEREST

*In accordance with Section 12.04 (Conflict of Interest) of the City Charter, “No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.”*

*Further, in accordance with Chapter 171, Texas Local Government Code (Chapter 171), no City Council member and no City officer may vote or participate in discussion of a matter involving a business entity or real property in which the City Council member or City officer has a substantial interest (as defined by Chapter 171) and action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the general public. An affidavit disclosing the conflict of interest must be filled out and filed with the City Secretary before the matter is discussed.*

## POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, September 17, 2021, by 5:00 PM and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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/s/ Lluvia T. Almaraz, TRMC  
City Secretary for the City of Manor, Texas

## NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:

The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at 512.272.5555 or e-mail [lalmaraz@cityofmanor.org](mailto:lalmaraz@cityofmanor.org).



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** September 22, 2021  
**PREPARED BY:** Scott Dunlop, Interim City Manager  
**DEPARTMENT:** Administration

### AGENDA ITEM DESCRIPTION:

Public Hearing: Conduct a public hearing on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.02, Section 14.02.007 and located at Lot 4, Block 55, locally known as 401 Llano Street, Manor, TX, to reduce the building setbacks.

*Applicant:* Joel Lopez

*Owner:* Fernandez Sergio

### BACKGROUND/SUMMARY:

This property is 6,534 square feet (0.15 acres) and our Zoning code only permits the Planning and Zoning Commission to modify setback for properties 5,750 square feet or smaller. This property is uniquely shaped however, being approximately 61' deep, 88' in length in the back, and 119' in the front. The shallow depth of the property is a unique circumstance of this particular property. Front and rear setbacks as prescribed in the Code are 25' each and were written for property of depths at least twice as much as this property. Strict applicability of our Codes would cause an undo hardship on the property owner.

**LEGAL REVIEW:** No  
**FISCAL IMPACT:** No  
**PRESENTATION:** No  
**ATTACHMENTS:** Yes

- Survey
- Setbacks
- Area Image
- Notice Letter
- Labels

### STAFF RECOMMENDATION:

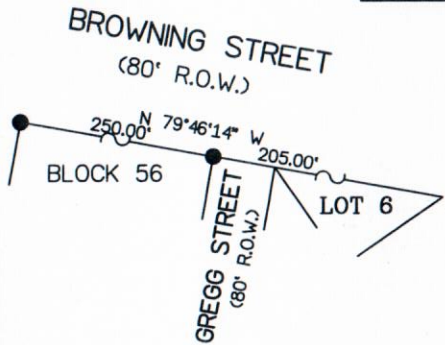
It is the City Staff's recommendation that the Board of Adjustment conduct a public hearing on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.02, Section 14.02.007 and located at Lot 4, Block 55, locally known as 401 Llano Street, Manor, TX, to reduce the building setbacks.

**PLANNING & ZONING COMMISSION:**      **Recommend Approval**      **Disapproval**      **None**





- Item 1.
- IRON
  - IRON
  - X- WIRE
  - E- OVER
  - ⊞ TELEF
  - (XXX) RECO
  - E.O.P. EDGE



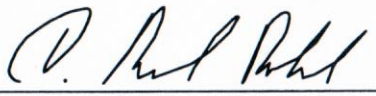
UNOPENED 50' R.O.W.

NOTE: HORIZONTAL CONTROL (BEARING BASIS) PER GRID NORTH, TEXAS CENTRAL COORDINATE ZONE, NAD83.

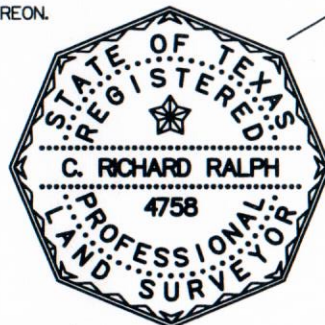
**FLOOD NOTE:**  
 THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100 YEAR FLOOD HAZARD AREA AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.) PANEL NO. 48453C 0485 J DATED 08/18/2014.  
 WARNING: THIS NOTE IS FOR INFORMATIONAL PURPOSES ONLY, DOES NOT INDICATE WHETHER OR NOT THE SUBJECT PROPERTY DOES OR DOES NOT FLOOD AND IS NOT TO BE CONSIDERED AS ANY TYPE OF DEVELOPMENT AUTHORIZATION OR FLOOD TYPE STUDY.

TO THE OWNERS AND LIENHOLDERS:

THE UNDERSIGNED DOES HEREBY CERTIFY THAT AN ON THE GROUND SURVEY WAS THIS DAY MADE OF THE PROPERTY AS DESCRIBED HEREON AND IS CORRECT, WITH DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, AS SHOWN HEREON. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND IS SUBJECT TO ANY EASEMENTS HERETOFORE GRANTED, NOT RELEASED AND NOT SHOWN HEREON.

  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
**RICHARD RALPH**  
 PROFESSIONAL LAND SURVEYOR

10/05/2020  
 DATE



REG. PROFESSIONAL LAND SURVEYOR 4758  
 PH: (512) 303-0952 116 TAHITIAN DRIVE  
 PROFLNDSUR@AOL.COM BASTROP, TEXAS 78602

LOT 4  
 0.150 ACRE

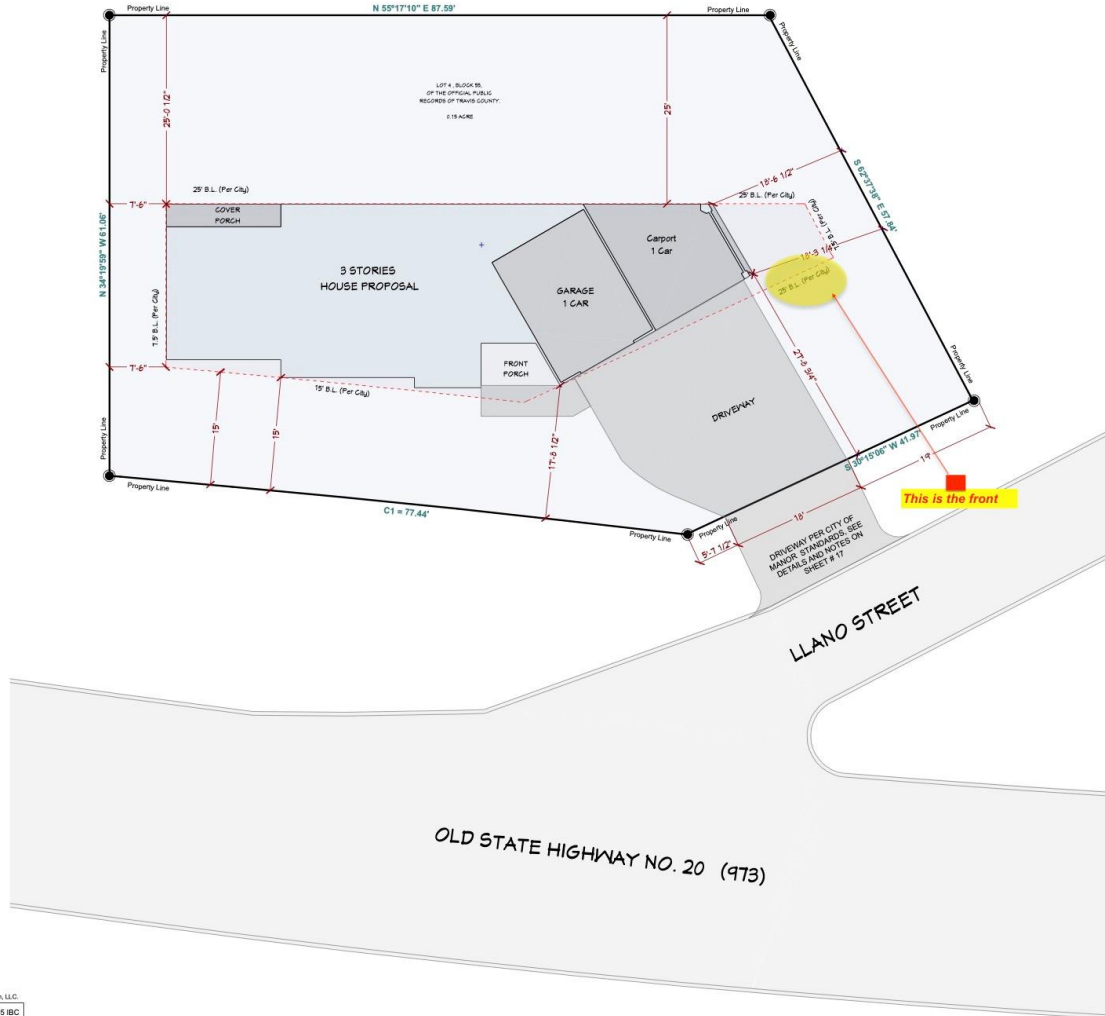
(9.997 AC)  
**GRANVEL O. EWING**  
**ROBERT LEE EWING**  
 (9848/984)

NO	DELTA	ARC	RADIUS
C1	2°00'51"	77.45'	2202.98'

REFERENCE:  
 LEGAL  
 DESCRIPTION:

SABINA FERNANDEZ  
 AND SERGIO FERNANDEZ  
 LOT 4, BLOCK 55, TOWN OF  
 THEREOF RECORDED IN VOLUME  
 PLAT RECORDS, TRAVIS COUNTY

DRAWN: CRR DATE: 10/05/2020 PROJECT:  
 CHECKED: CRR REVISED: FIELD:



- NOTE: Whether the wooden privacy fence will be constructed of pressure treated wood.
- NOTE: The metal posts on a wooden fence are not to be painted (Sec. 46-303(8), City Code).
- NOTE: The attractive portions (non-post side) of the wooden fence will face outward from the property along the street (Sec. 46-303(8), City Code).

LOT		6,534.00	sq/ft
<u>First Floor</u>			
Living Area		934.00	sq/ft
Back Porch		46.00	sq/ft
Front Porch		50.00	sq/ft
Garage		340.00	sq/ft
Carport		217.00	sq/ft
<u>Second Floor</u>			
Living Area		1,030.00	sq/ft
Master Cover Balcony		69.00	sq/ft
A/C Room		14.00	sq/ft
Stairs 50%		46.50	sq/ft
<u>Third Floor</u>			
Living Area		730.00	sq/ft
Front Cover Balcony		108.00	sq/ft
Right Cover Balcony		85.00	sq/ft
A/C Room		14.00	sq/ft
Stairs 50%		46.50	sq/ft
TOTAL HOME LIVING AREA		2,694.00	sq/ft
TOTAL Porch's & Balcony's		1,036.00	sq/ft
TOTAL BUILD AREA		3,730.00	sq/ft
DRIVEWAY		642.00	sq/ft
SIDEWALK		57.00	sq/ft
A/C SLAB		32.00	sq/ft
TOTAL Impervious Coverage		2,318.00	sq/ft
IMPERVIOUS COVERAGE		35.48%	

DESIGNED FOR  
Joel Lopez-Garcia  
512 621 0951

Owner:  
SERGIO FERNANDEZ  
JULY 2021

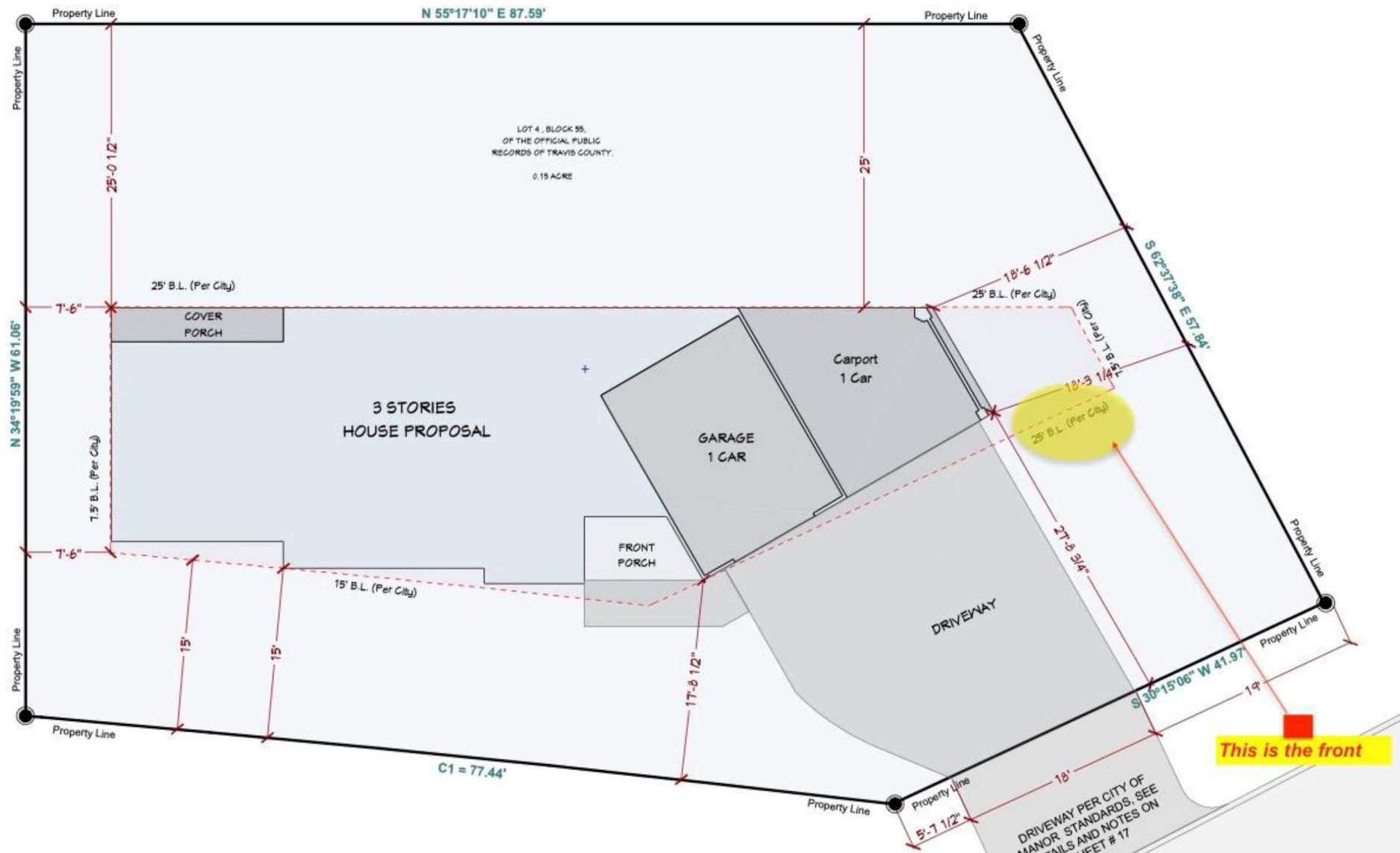
401 LLANO ST. MANOR, TEXAS. 78653  
TEJAS COUNTY, TEXAS

# SITE PLAN

SCALE SEE VIEW  
1" = 15' 0"

SHEET #  
3











September 8, 2021

**City of Manor Development Services**

**Notification for a Variance Application**

Case Number: 2021-P-1361-VR

Case Manager: Scott Dunlop

Contact: [sdunlop@cityofmanor.org](mailto:sdunlop@cityofmanor.org) - 512-215-8262

The City of Manor Board of Adjustment will be conducting a public hearing to consider a variance request for 401 Llano Street to reduce building setbacks. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

**Public Hearing: Conduct a public hearing on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.02, Section 14.02.007 and located at 401 Llano Street, Manor, TX, to reduce the building setbacks.**

The Board of Adjustment will convene at 6:30PM on September 22, 2021 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. Comments may be addressed to the email address or phone number above. Any communications received will be made available to the Board Members during the discussion of this item.



MCVADE CONNIE E  
PO BOX 2175  
HAMMOND , IN 46323-0175

VELASCO JOHNNY G & TONY  
PO BOX 285  
MANOR , TX 78653-0285

MANOR INDEPENDENCE  
SCHOOL DISTRICT  
PO BOX E  
MANOR , TX 78653

CALIXTO JACINTO &  
CONCEPCION VARELA CALIXTO  
609 E WHEELER ST  
MANOR, TX 78653-3380

DOMINGUEZ RICHARD & JOVITA  
607 E WHEELER ST  
MANOR , TX 78653-3380

MONTOYA JOEL & ROSALINDA CAMARILLO  
ROSALINDA CAMARILLO  
PO BOX 467  
MANOR , TX 78653-0467

SEPECO  
PO BOX 170309  
AUSTIN , TX 78717-0019

ESCAMILLA LYLIAN R  
414 GREGG ST  
MANOR, TX 78653



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** September 22, 2021  
**PREPARED BY:** Scott Dunlop, Development Services Director  
**DEPARTMENT:** Development Services

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the Board of Adjustment Minutes for the February 24, 2021, Regular Session.

### BACKGROUND/SUMMARY:

**LEGAL REVIEW:** Not Applicable  
**FISCAL IMPACT:** No  
**PRESENTATION:** No  
**ATTACHMENTS:** Yes

- February 24, 2021, Board of Adjustments Regular Session Minutes

### STAFF RECOMMENDATION:

It is the City staff's recommendation that the Board of Adjustment approve the minutes of the February 24, 2021, Board of Adjustments Regular Session.

**PLANNING & ZONING COMMISSION:** Recommend Approval Disapproval None

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**BOARD OF ADJUSTMENTS  
REGULAR SESSION MINUTES  
FEBRUARY 24, 2021  
Via Telephone/Video Conference  
(Zoom Meeting)**

The meeting was live streamed on Manor Facebook Live beginning at 6:30 p.m.  
<https://www.facebook.com/cityofmanor/>

*Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in person meetings that assemble large groups of people the Board of Adjustment meeting scheduled for Wednesday, February 24<sup>th</sup>, was only open to the public via remote access.*

The following instructions were provided to the general public.

*Instructions for Public Speaking:*

- Members of the public that wish to speak during public comments, public hearing or an agenda item will need to register in advance by visiting [www.cityofmanor.org](http://www.cityofmanor.org) where a registration link will be posted on the calendar entry for each public meeting. You will register by filling in the speaker card available for that specific meeting and submitting it to [publiccomments@cityofmanor.org](mailto:publiccomments@cityofmanor.org). Once registered, instructions will be emailed to you on how to join the videoconference by calling in. Your Speaker Card must be received two (2) hours prior to scheduled meeting.

*Upon receiving instructions to join zoom meeting the following rules will apply:*

- All speakers must address their comments to the Chairperson rather than to individual Board Members or city staff. Speakers should speak clearly into their device and state their name and address prior to beginning their remarks. Speakers will be allowed three (3) minutes for testimony. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the meeting.



**PRESENT VIA ZOOM:**

Aaron Moreno, Chair, Place 3

**BOARD MEMBERS:**

William D. Mann, Place 1 (Arrived at 6:34 p.m.)

Chase Mitchell, Place 2

James D. Sulcer, Place 4

Karen S. Mazerac, Place 5

Vacant, Alternate No. 1

Vacant, Alternate No. 2

**CITY STAFF:**

Scott Dunlop, Assistant Development Services Director

**REGULAR SESSION – 6:30 P.M.**

With a quorum of the Board of Adjustments (B.O.A.) present via video/telephone conference, the regular session of the B.O.A. was called to order by Chair Aaron Moreno at 6:32 p.m. on Wednesday, February 24, 2021.

**PUBLIC COMMENTS**

There were no public comments received prior to the meeting.

**PUBLIC HEARINGS**

1. **Public Hearing:** Conduct a public hearing on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.

City staff recommended that the B.O.A. conduct the public hearing.

Chair Moreno opened the public hearing.

James Jones, 305 E. Burton St., Manor, Texas, submitted a speaker card and wished to speak in support of this item. Mr. Jones stated his 80 year-old mother lived in the home. Mr. Jones expressed his concerns regarding her security, safety, and mental health and that various security measures have been tried to solve the issues with the neighbor. Mr. Jones is asking the B.O.A. to consider approval based on a history with the neighbor that involves more than 10 years of harassment that has required law enforcement to respond to the home on multiple occasions.

Assistant Development Services Director Dunlop gave a summary of the variance request and answered questions from the B.O.A. Members. Mr. Dunlop stated the City staff recommends denial. The request does not meet threshold because variance is usually granted for unchanging conditions of the property and not disputes with neighbors. Mr. Dunlop answered questions from the board members and confirmed that police reports have been filed with law enforcement.

**MOTION:** Upon a motion made by Board Member Mazerac and seconded by Board Member Mann to close the public hearing.

There was no further discussion.

**Motion to close carried 5-0**

## **REGULAR AGENDA**

### **2. Consideration, discussion, and possible action to approve the Board of Adjustments Minutes.**

- **March 25, 2020, Regular Session; and**
- **January 27, 2021, Regular Session**

**MOTION:** Upon a motion made by Board Member Mann and seconded by Board Member Sulcer to approve the March 25, 2020 Regular Session Minutes and the January 27, 2021 Regular Session Minutes.

There was no further discussion.

**Motion to approve carried 5-0**

### **3. Consideration, discussion, and possible action on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.**

**MOTION:** Upon a motion made by Board Member Mazerac and seconded by Board Member Chase to approve the variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.

There was no further discussion.

**Motion to approve variance carried 4-1.** (Board Member Mann voted against)

### **4. Consideration, discussion, and possible action on appointing a Board of Adjustment Chairperson to serve a 1-year term.**

Chair Moreno expressed this gratitude to the B.O.A. for allowing him the opportunity to Chair this past year. He stated that he did not wish to continue as Chair and would like to recommend Board Member Chase Mitchell.

**MOTION:** Upon a motion made by Chair Moreno and seconded by Board Member Mann to appoint Chase Mitchell as Chair of the B.O.A. to serve a 1-year term.

There was no further discussion.

**Motion to appoint carried 5-0**

### **ADJOURNMENT**

**MOTION:** Upon a motion made by Chair Moreno and seconded by Board Member Mann to adjourn the Regular Session of the Board of Adjustments at 6:57 p.m. on Wednesday February 24, 2021.

These minutes approved by the Board of Adjustment on the 22<sup>nd</sup> day of September 2021.

### **APPROVED:**

\_\_\_\_\_  
Aaron Moreno  
Chair

### **ATTEST:**

\_\_\_\_\_  
Scott Dunlop  
Assistant Development Services Director





## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** September 22, 2021  
**PREPARED BY:** Scott Dunlop, Interim City Manager  
**DEPARTMENT:** Administration

### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.02, Section 14.02.007 and located at Lot 4, Block 55, locally known as 401 Llano Street, Manor, TX, to reduce the building setbacks.

*Applicant:* Joel Lopez

*Owner:* Fernandez Sergio

### BACKGROUND/SUMMARY:

This property is 6,534 square feet (0.15 acres) and our Zoning code only permits the Planning and Zoning Commission to modify setback for properties 5,750 square feet or smaller. This property is uniquely shaped however, being approximately 61' deep, 88' in length in the back, and 119' in the front. The shallow depth of the property is a unique circumstance of this particular property. Front and rear setbacks as prescribed in the Code are 25' each and were written for property of depths at least twice as much as this property. Strict applicability of our Codes would cause an undo hardship on the property owner.

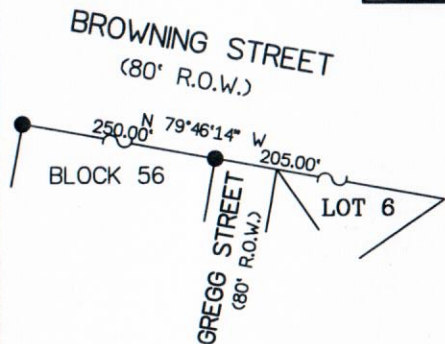
**LEGAL REVIEW:** No  
**FISCAL IMPACT:** No  
**PRESENTATION:** No  
**ATTACHMENTS:** Yes

- Survey
- Setbacks
- Area Image

### STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Board of Adjustment approve a variance request from Manor Code of Ordinances, Chapter 14, Article 14.02, Section 14.02.007 and located at Lot 4, Block 55, locally known as 401 Llano Street, Manor, TX, to reduce the building setbacks.

**PLANNING & ZONING COMMISSION:**      **Recommend Approval**      **Disapproval**      **None**



UNOPENED 50' R.O.W.

NOTE: HORIZONTAL CONTROL (BEARING BASIS) PER GRID NORTH, TEXAS CENTRAL COORDINATE ZONE, NAD83.

FLOOD NOTE:  
THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100 YEAR FLOOD HAZARD AREA AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.) PANEL NO. 48453C 0485 J DATED 08/18/2014.  
WARNING: THIS NOTE IS FOR INFORMATIONAL PURPOSES ONLY, DOES NOT INDICATE WHETHER OR NOT THE SUBJECT PROPERTY DOES OR DOES NOT FLOOD AND IS NOT TO BE CONSIDERED AS ANY TYPE OF DEVELOPMENT AUTHORIZATION OR FLOOD TYPE STUDY.

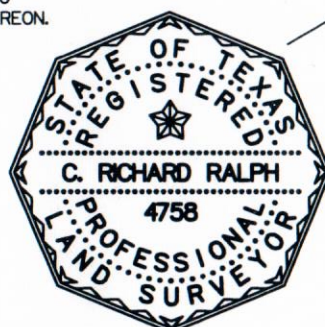
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10/05/2020  
DATE

RICHARD RALPH  
PROFESSIONAL LAND SURVEYOR

REG. PROFESSIONAL LAND SURVEYOR 4758  
PH: (512) 303-0952 116 TAHITIAN DRIVE  
PROFLNDSUR@AOL.COM BASTROP, TEXAS 78602



OLD STATE HIGHWAY NO. 20

LOT 4  
0.150 ACRE

LOT 3

(9.997 AC)  
GRANVEL O. EWING  
ROBERT LEE EWING  
(9848/984)

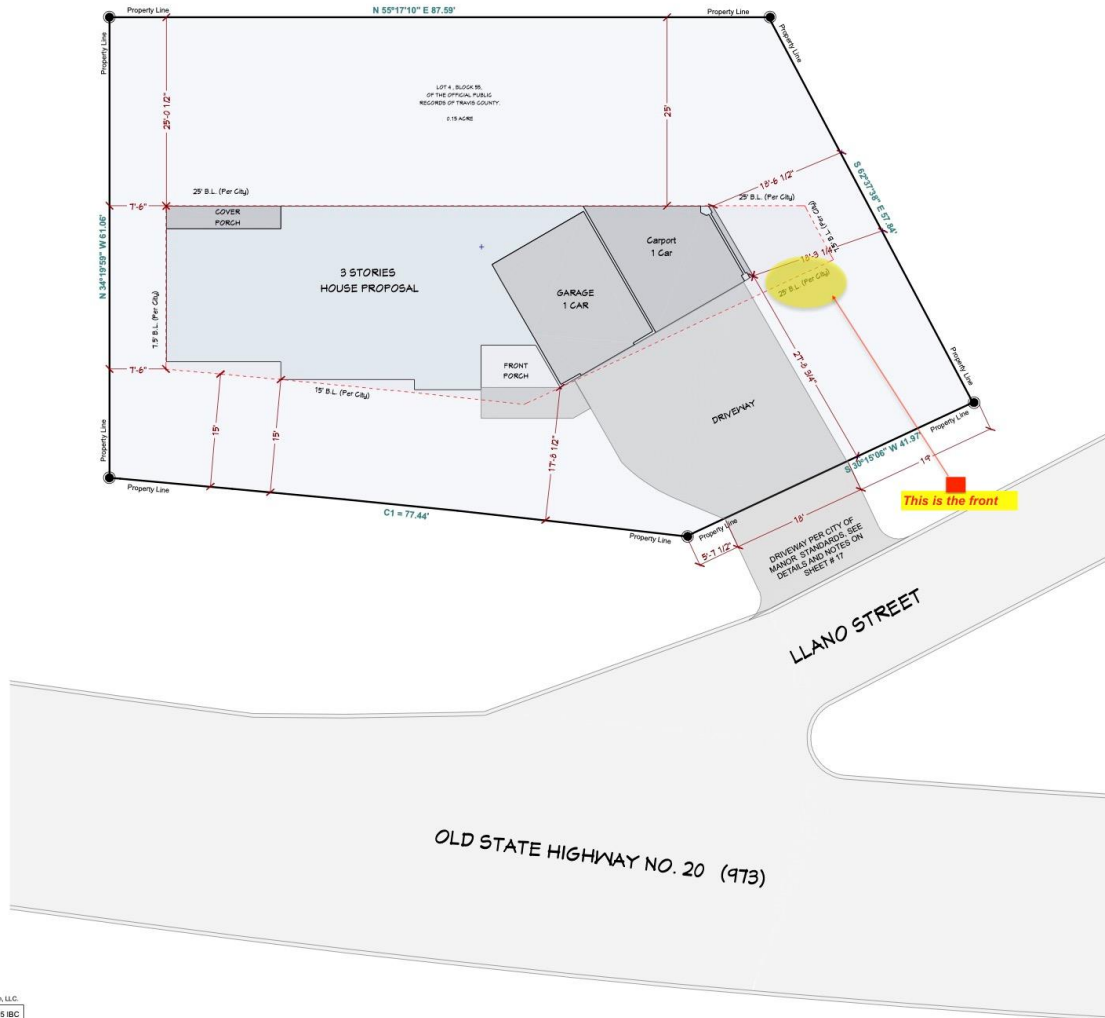
- IRON
- IRON
- X- WIRE
- E- OVER
- ⊞ TELEF
- (XXX) RECO
- E.O.P. EDGE

NO	DELTA	ARC	RADIUS
C1	2°00'51"	77.45'	2202.98'

REFERENCE:  
LEGAL  
DESCRIPTION:

SABINA FERNANDEZ  
AND SERGIO FERNANDEZ  
LOT 4, BLOCK 55, TOWN OF  
THEREOF RECORDED IN VOLUME  
PLAT RECORDS, TRAVIS COUNTY

DRAWN: CRR DATE: 10/05/2020 PROJECT: FIELD  
CHECKED: CRR REVISED: 16



- NOTE: Whether the wooden privacy fence will be constructed of pressure treated wood.
- NOTE: The metal posts on a wooden fence are not to be painted (Sec. 46-303(8), City Code).
- NOTE: The attractive portions (non-post side) of the wooden fence will face outward from the property along the street (Sec. 46-303(8), City Code).

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Living Area		934.00	sq/ft
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A/C SLAB		32.00	sq/ft
TOTAL Impervious Coverage		2,318.00	sq/ft
IMPERVIOUS COVERAGE		35.48%	

DESIGNED FOR  
Joel Lopez-Garcia  
512 621 0951

Owner:  
SERGIO FERNANDEZ  
JULY 2021

401 LLANO ST. MANOR, TEXAS. 78653  
TEJAS COUNTY, TEXAS

# SITE PLAN

SCALE SEE VIEW  
1" = 15' 0"

SHEET #  
3



