

**CITY OF BOERNE
PLANNING AND ZONING COMMISSION**

VARIANCE APPLICATION

APPLICANT: _____ **PHONE NO.** _____

PROPERTY ADDRESS: _____

LOT: _____ **BLOCK:** _____ **SUBDIVISION:** _____

OWNER: _____ **PHONE NO.** _____
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving _____ authority to represent him/her at the
hearing. (Applicant)

(Owner's Signature)

(Date)

1. Applicant is making a request from the Boerne Subdivision Ordinance
(Article & Section No. _____)

Check one: () Variance () Appeal () Special Exception

2. Describe request:

3. Applicant hereby requests this case be reviewed by the Planning and Zoning
Commission for a decision. I do hereby certify that the above statements are
true and correct.

(Applicant's Signature)

(Date)

**CITY OF BOERNE
PLANNING & ZONING COMMISSION**

ZONING VARIANCE WORKSHEET

Commission's Power to Grant Variances.

The Planning and Zoning Commission may grant a variance from the requirements of this ordinance when, in the Commission's judgment, the application of a subdivision standard to a particular property or project meets the required findings of section 2.06.002 of the Subdivision Ordinance.

Procedures for Variances.

The subdivider shall submit to the City Manager a written application for each variance which is requested, 14 days prior to the meeting at which the variance is to be considered, along with the appropriate filing fee established by City Council. The Planning and Zoning Commission shall not consider any action on the variance request until this fee has been paid. The findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the minutes of the Commission meeting at which the variance is granted.

In order to make a finding of hardship and to grant a variance, the Planning and Zoning Commission must determine that all of the following conditions are met. State how your request meets these conditions.

Findings Required for Variances.

A variance to the standards in the subdivision ordinance may be granted where the Planning and Zoning Commission finds that the following conditions exist:

- A. Are there unusual topographic or other physical conditions of the land or surrounding area, and these conditions are not typical to other lands in the area.

- B. Is the condition beyond the control of the subdivider and is not due to the convenience or needs of a specific application or development proposal.

- C. Is the deviation minimal from the required standard necessary to allow a more appropriate design.

- D. Will the variance alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Zoning Ordinance.

- E. Demonstrate that the required standard is inapplicable to the specific site, so that the proposed plat equally or better meet all of the following:
1. The goals and policies of the Master Plan;
 2. The purposes of these regulations; and
 3. The intent of the standards.

- F. Will the variance have an adverse affect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, existing or potential development within any area of impact of the proposed subdivision.

- G. Will the variance negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goals and policies of the Master Plan.

- H. Will the variance adversely impact the general health, safety and welfare of the public.

Each subdivision standard for which a variance is requested shall be specifically identified as a Note on the final plat.

Conditions.

In granting approval of a subdivision with a variance, the Planning Commission may prescribe conditions to secure the objectives and interest of the City, and to enforce the purpose and intent of these regulations. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest.

Project: 727A Johns Road – Residential Development

Findings Required for Variance:

A. Unusual topographic or other physical conditions

Yes. The subject tract is uniquely constrained by an existing natural drainageway that traverses the property in a manner that physically divides the site. The resulting Drainageway Protection Zone (DPZ) configuration is not typical of surrounding properties and creates a site-specific constraint that limits reasonable access, circulation, and subdivision layout. This condition is inherent to the land and not common to other developable tracts in the area.

B. Condition beyond the control of the subdivider

Yes. The location and alignment of the drainageway and associated DPZ are natural conditions beyond the control of the subdivider. The variance request is not based on convenience, preference, or economic considerations, but rather on the necessity of providing compliant access and circulation for a small infill residential development.

C. Minimal deviation necessary

Yes. The requested variance is limited to a single perpendicular roadway crossing of the DPZ. Permanent improvements are strictly confined to the minimum footprint required for the roadway and drainage conveyance. All other portions of the DPZ will remain undisturbed. The deviation is the smallest possible departure from the standard necessary to allow an appropriate and functional subdivision design.

D. No negation of other ordinance standards

No. The requested variance does not alter, negate, or negatively impact compliance with any other applicable standards of the City of Boerne Zoning Ordinance or Subdivision Ordinance. The project will meet all applicable drainage, floodplain, water quality, Low Impact Development (LID), and engineering design requirements. The proposed box culverts will be designed to convey ultimate design flows with no increase in upstream water surface elevation (WSEL) and no adverse upstream or downstream impacts. Existing facilities both up and down stream of the proposed development utilize culverts for this drainageway, including TXDOT, City Street, and Access Easement.

E. Standard inapplicable as applied to this site

Yes. Strict application of the DPZ prohibition on permanent improvements is inapplicable to this specific infill site due to the drainageway's location, the site's limited size, and access limitations. The proposed plat equally or better meets the goals and policies of the Master Plan, the purposes of the regulations, and the intent of the standards by protecting drainage function, preserving water quality, and allowing reasonable development.

F. No adverse effect on adjacent or future landowners

No. The variance will not adversely affect existing adjacent landowners, future landowners, or development within the area of impact. The proposed crossing maintains existing drainage conditions, does not increase flood risk, and is consistent with existing upstream and downstream drainage improvements along the same drainageway.

G. Supports efficient development and sound planning principles

No. Granting the variance will not negatively impact efficient development. Instead, it supports sound planning principles by allowing logical access, internal circulation, and emergency response while avoiding unnecessary grading or inefficient site design.

H. No adverse impact on health, safety, and welfare

No. The variance will not adversely impact the general health, safety, or welfare of the public. The proposed design improves site accessibility, supports emergency vehicle access, maintains drainage capacity, and incorporates water quality protections consistent with City standards.