

CITY OF BOERNE  
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: James McGarr, PE PHONE NO. 210-365-5029  
PROPERTY ADDRESS: James McGarr, PE  
LOT: LOT PT 29 & PT 31, BLOCK:  SUBDIVISION: BEVERSDORFF  
OWNER: JOSEPH BROOKE WHARTON PHONE NO. 415-515-8259  
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving James McGarr, PE authority to represent him/her at the  
hearing. (Applicant)

Joseph Wharton  
(Owner's Signature)

30 May 2024  
(Date)

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1. Applicant is making a request from the Boerne Subdivision Ordinance  
(Article & Section No. Section 8-1(D)(3)(i)(i))

Check one: ☒ Variance ☐ Appeal ☐ Special Exception

2. Describe request:

Owner is requesting a variance to Section 8-1(D)(3)(i)(i) of the Boerne UDC, to  
allow for the replatting of the subject tract. The subject tract currently consists of  
two previously platted lots 29 & 31 Beaversdorff Addition. An existing single-family  
home is situated on the lot line separating the two lots. If granted the varaince,  
owner would reorient the existing lot line that separates the two existing lots, so that  
the existing home is situated within a single lot. Owner will not be increasing the  
number of lots.

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.

James McGarr  
(Applicant's Signature)

06.03.24  
(Date)



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**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.

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The subject property is part of a subdivision platted in the 1880's. It is located entirely within the SARA Floodplain, which prevents new lots less than 1 acre from being platted, per the City's UDC.

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- 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.

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Yes, the City created the hardship that exists on the property when the City adopted the SARA floodplain (not established by the NFIP) on the property.

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

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The property cannot be reoriented in any manner, unless relief is provided for the regulation for which a variance is being sought. No increase in lots will be facilitated by the variance.

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

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No. The applicant will still be required to complete all standard stormwater management plans and floodplain development permits, which would require a determination of no-rise/no-adverse impact.

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- 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.

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The property is situated in a "neighborhood transition area" that promotes infill development, such as that which the variance would provide if granted. Also, a no-rise/no-adverse impact would still have to be demonstrated.

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- 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.

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No, a floodplain development permit that demonstrates no-rise/no-adverse impact would still have to be approved. No increase in lots will be facilitated by the variance.

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- 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.

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No, all similarly situated future development would also have to receive approval of a floodplain development permit that demonstrates no-rise/no-adverse impact. No increase in lots will be facilitated by the variance.

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

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No, a floodplain development permit that demonstrates no-rise/no-adverse impact would still have to be approved. No increase in lots will be facilitated by the variance.

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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.