

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING**  
**CITY COUNCIL CHAMBERS**  
**447 N. Main St.**  
**Boerne, TX 78006**  
**Wednesday, June 16, 2021 – 5:30 p.m.**

Members Present: Jon Paul Bergman-Chair, Matt Janysek-Vice Chair, Richard McCormick-Secretary, Blaine Lewis, Steve Stewart, Daniel Wood, & Justin McKenzie

Staff Present: Michael Mann, Laura Haning, Andrea Snouffer & Barrett Squires.

1. CALL TO ORDER – 5:30 PM

Meeting was called to order at 5:30 p.m.

2. ADMINISTER OATH OF OFFICE FOR NEWLY APPOINTED BOARD MEMBERS

Secretary to the board, Andrea Snouffer, administered the oath of office to Justin McKenzie and Daniel Wood.

3. ELECTION OF A NEW VICE CHAIR

Chair Bergman motioned to elect Matt Janysek as Vice Chair, Secretary McCormick seconded this motion. All were in favor.

4. CONFLICT OF INTEREST DECLARATION

There were none.

5. DESIGNATE VOTING MEMBERS

Chair Bergman designated all five regular members present to vote.

6. APPROVE MINUTES OF MAY 19, 2021

Member Lewis motioned to approve the minutes. Member Wood seconds this motion. All in favor to approve the minutes.

7. PUBLIC HEARINGS:

Receive comments on Variance No. 21-06, Lot 1, Block 2, Sunrise Addition, 603 Plant Ave., (Proposed 101 Short St.).

Laura Haning, Planning & Zoning Director, approached and explained the variance. There are two structures on the property that have been used for many years as two residential properties with two separate mailing addresses. This property has been developed since the 1930's prior to the subdivision and zoning regulations being in place. They meet the square footage requirements for a residential lot. If they get the variances, they would like to subdivide the lots.

Sonja and Graciella, owners of the property approached and explained that in 2012, their mothers came forward and asked for what we are asking for tonight. There are two different homes on this lot with two different addresses. They want to have separate lots for these two homes. Utilities and taxes and everything else is currently separated. They explained that they can't do anything with their properties until it's separated. Chair Bergman asked why the variance that was granted in 2012 did not get done back then. Graciella said that they just found out recently that you have a year to complete the process and at that time they didn't know there was an expiration date.

Laura explained the setbacks for both properties. Vice Chair Janysek asked about the time limit once you get a variance. Laura said it is one year. Mike Mann asked what the appraisal district has it shown

as. Laura said they show it as one property, 603 S. Plant. They have some other legal things separated as two addresses.

Receive comments on Variance No. 21-07, Lot 1, Block 2, Sunrise Addition, 603 Plant Ave., (Proposed 105 Short St.).

Receive comments on Variance No. 21-08, Lot 1, Block 2, Sunrise Addition, 603 Plant Ave. (Proposed 105 Short St.).

Receive comments on Variance No. 21-09, 502 S. School St.

Laura explained the property that is being developed by Mr. Friesenhahn. Table 5-2 Dimensions Standards identifies different types of lots and lot sizes. Staff's interpretation is that If a lot is a certain square footage, it falls under a certain lot category with specific lots widths and setbacks. In this case, he has long deep lots and doesn't have the frontage required on some of the lots. He wants to have all the lots to be considered standard lots by our regulations so he can get the sixty-five feet of frontage and the lesser setbacks.

John Friesenhahn approached and explained that he is looking to subdivide the property at 502 S. School St. Table 5-2 lists minimum lot widths and sizes, but no maximum size listed. The new UDC will correct the silence in the ordinance by adding that maximum lot size is not applicable across the table. He said he's not looking to ask for a variance to Staff's interpretation, but to ask for a variance to allow him to build according to a standard lot size. Five out of the twelve lots will not fall under Staff's interpretation of the standard lot category. B-1 zoning allows for single family residential use. The hardship is that the property is narrow at School St. and then starts to fan out. We want to extend Hosack St. into this property. We need to align the intersection which pushes the road to the north side of property and the biggest oak tree on the property also pushes the road up and creates deeper lots. The layout and size of the lots are

laid out similar to The Flats with a wide range of lot sizes. The largest lot is .33 acres. The extra depth allows us to do a longer driveway with a detached rear garage, and maintain a backyard. John wants to develop twelve standard lots. The new UDC would allow this. Chair Bergman said we've had numerous variances come before us regarding the UDC. There are other parts of the UDC and one of them is drainage. He asked John if it were near Frederick Creek. John said it is near the creek, but does not abut the creek. Chair Bergman asked if the subdivision will come into the scope of the UDC when it comes to drainage. Mike Mann said whatever rules were in place at the time of application is what applies. John said the permit is already in place. Plat application is under the current rules and that is why he is asking for a variance tonight.

Laura said this is currently zoned B-1, which is commercial. Under the new UDC, it will be zoned C-1, which follows commercial standards. John is correct that in the new UDC, if it were residential zoning, it would be the minimum lot standard. He's allowed to develop even in a c-1 single family residential. It is future regulations and we can only make a decision based on what we have currently. McCormick asked about the existing Hosack St. and the new Hosack St. and if it will be lined up with other. Laura said, yes it will. He also asked about the traffic. She said it is a dead end street. School St. is a difficult street and Laura feels aligned streets prevent traffic hazards. Mike Mann reminded the board of adjustment that the Planning & Zoning Commission will look closely at the street alignments and lot layouts.

#### 8. ITEMS FOR DISCUSSION/ACTION

Consider Variance No. 21-06: A request from Graciela Mitchell, requesting a variance to the City of Boerne Zoning Ordinance, Article 5, Table 5-2, to allow a rear setback encroachment of 4.4-feet, for Lot 1, Block 2, Sunrise Addition, 603 Plant Ave. (Proposed 101 Short St.).

Chair Bergman said this family is left with a hardship. Secretary McCormick motioned to approve the variance, Vice Chair Janysek seconded. Variance passed 5-0.

Consider Variance No. 21-07: A request from Sonja Gutierrez, requesting a variance to the City of Boerne Zoning Ordinance, Article 5, Table 5-2, to allow a front setback encroachment of 7.8-feet for Lot 1, Block 2, Sunrise Addition, 603 Plant Ave. (Proposed 105 Short St.).

Secretary McCormick motioned to approve the variance. Member Lewis seconded. Variance passed 5-0.

Consider Variance No. 21-08: A request from Sonja Gutierrez, requesting a variance to the City of Boerne Zoning Ordinance, Article 5, Table 5-2, to allow a rear setback encroachment of 4-feet for proposed Lot 1, Block 2, Sunrise Addition, 603 Plant Ave. (Proposed 105 Short St.).

Secretary McCormick motioned to approve the variance. Member Wood seconded. Variance passed 5-0.

Consider Variance No. 21-09: A request from John Friesenhahn, on behalf of Imagine Built Homes, Ltd., requesting a variance to the City of Boerne Zoning Ordinance, Article 5, Table 5-2, to allow all proposed lots to be deemed as standard lots, instead of a mix of low-density and standard lots, to create a subdivision of 502 S. School St.

Vice Chair Janysek asked about the minimum lot size. He said these lots are pretty deep. He said he sees why they moved around the one tree. Member Wood said it is open for interpretation because there is no maximum lot size listed. The alternative of creating denser lots

would not benefit anyone. Member Janysek said the way the lots were built over there is a hardship. He believes it could come into compliance by modifying it. Member McKenzie asked if it were modified would it make it more dense? The Board looked at the neighbor responses. Member Lewis doesn't see how you can tie the responses with the request. Vice Chair Janysek asked about the dash line and was it an attempt to modify to bring it into compliance. Laura said one of the ideas was to make the lots shorter. He would lose developable lot area. It is an odd shape lot. You have long narrow lots. Chair Bergman asked about lot size in regards to taxes. Laura said that would be a question for John. Laura said he needs the variance to be able to go through the platting process. Mike Mann said Staff & the P & Z will scrutinize the lot layout. There are other issues that will still need to be worked out if you approve the variance. Chair Bergman asked John to approach. John said we meet all the minimums for the standard lot. He said it doesn't state a maximum. He said he is trying to save trees, get more open space, get parking off the streets and more livable space to Boerne. Vice Chair Janysek asked if moving the tree has been discussed. John said it is a big tree and the arborist said we need not disturb the roots. Secretary McCormick went through the seven items listed as conditions of the variance. Laura reviewed Table 5-2 lot dimension standards with the board. Mike Mann explained that Staff discussed the different ways with how to write this agenda with Mr. Friesenhahn. One is to present this as an appeal based on Staff's interpretation of the table or present it as a blanket variance for all lots to be standards lots instead of low density. Or, present as individual variances for five lot setbacks. Laura said the street has to be brought in because of the requirements of the intersection. Vice Chair Janysek motioned to approve the variance. Member Stewart said it is a hardship and the third option would be to ask for a variance for every single lot. He feels they are great lot sizes. Secretary McCormick continued to review the items listed as conditions for a variance. Member Lewis seconded the motion to approve. Variance passed 5-0.

9. ADJOURNMENT

Meeting was adjourned at 6:37 p.m.

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Chair

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Secretary