

MINUTES
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
RONALD C. BOWMAN CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
Wednesday, November 15, 2023 – 5:30 p.m.

Members Present: Chair Bergman, Vice Chair McKenzie, Secretary McCormick, Member Wood, Member Stewart, and Member Surley.

Staff Present: Mike Mann, Andrea Snouffer, Crystal Barrera, Nathan Crane, Sara Serra-Bennett, and Ryan Lewis

1. CALL TO ORDER – 5:30 PM

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

2. CONFLICT OF INTEREST DECLARATION

There were none.

3. DESIGNATE VOTING MEMBERS

Chair Bergman designated all regular members present to vote.

4. APPROVE MINUTES OF SEPTEMBER 20, 2023.

Member Stewart motioned to approve the minutes. Vice Chair McKenzie seconded this motion. All were in favor to approve the minutes. Minutes passed 5-0.

5. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Zoning Board of Adjustment & Appeals on any issue, in compliance with Local Government Code Section 551.007. The Zoning Board of Adjustment & Appeals may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General Opinion - JC-0169).

6. PUBLIC HEARING:

Receive comments on Variance No. 23-06, Lot PT 8, Block 5, North Heights (941 N. Main St.).

Sara Serra, from the Planning Department, gave background on the property. She said it is zoned C3 community commercial. She went over the site plan and current parking requirements. General retail requires one parking space for every 200 square feet of gross floor area and for office, one parking space is required for every 300 square feet of gross floor area. Sara reviewed the proposed site plan and explained that based on the size of the existing building, the applicant would need eight parking spaces for general retail and six parking spaces for office. She said parking needs to be provided regardless of use. And it would be difficult to have any kind of parking that wouldn't back to Main St. that would comply with the separation between the property boundary and the number of parking spaces. If a variance was granted it would not affect any of the uses for this zoning category. The unique circumstances are the boundaries of the lot that was established back in 1909. They need parking on their lot and they can't park along TxDOT ROW or the Old No.9 trail. They need TxDOT approval for backing out of parking into TxDOT ROW. She said this variance would not impact any other sites and it is not a common lot layout. Chair Bergman asked if they were to approve the variance today that it still wouldn't be in compliance with TxDOT. Sara said anytime you change a use you need to get TxDOT approval for it. Applicant understands they need to work on TxDOT approval, which is a separate process. Chair Bergman also asked if there is currently a business there. Sara said, no. Member Surley asked about the proposed parking layout. Sara explained the property boundary in relation to TxDOT ROW. Vice Chair McKenzie asked if they were changing the building or lot. Sara said just the number of parking spaces and location of parking. Chair Bergman asked if the building was changing. Sara said, no. Member Surley stated without the variance being approved, they wouldn't be able to have a general retail business, they would be lacking the one parking space. Sara

confirmed this statement. Mike Mann said the property behind belongs to the City. There are no leases currently, there are just people using it. Nathan Crane, Planning Director, said future plan is to extend the No. 9 trail. Office space versus retail. Vice Chair McKenzie asked if previously there were approved on motorcycle parking. Sara said, yes. City Council approved their plan and use. Sara said the discussion was around the type of visitors they would have and wouldn't need that amount of parking. Chair Bergman mentioned that is wasn't motorcycle parking but rather motorcycle displays. Vice Chair McKenzie said the financial hardship conversation this comes into is a limited use of the building, office space versus general retail has a very different value. Our decision is eliminating the need for one parking space.

James & Cynthia Day, owners of the property, approached. James explained in 2017, the City approved a 450-foot building addition and makeover of the exterior for motorcycle sales and service. He said years ago, before the building was built in 1980, it was a two bay car wash. He said they found a drain under the asphalt. We are applying for a retail parking variance. There will be a one way approach lane and seven onsite parking spaces and we are working with TxDOT. He said that TxDOT likes the one way approach. The southwest corner to the tip of the concrete curb is 19-feet. A typical parking space is 9x18. This will allow the safe backing out into the one way lane and exit facing Main St. Vice Chair McKenzie asked about the parking plan drawing and what the hard black line represented. Chair Bergman also questioned the drawing was asking about the property lines. James explained the drawing and where the different types of parking spaces would go and what areas would remain as well as the location of the one way approach. Vice Chair McKenzie asked if the intent is a general retail business and taking out a parking space impacts your business. James said, yes. Chair Bergman asked about changes to the UDC. Nathan said there was a change to the use of the building. Nathan doesn't believe there was a change to the UDC. He said change in use drives the different amount of parking. Vice Chair McKenzie asked what the parking requirement was before the UDC.

Sara explained what was required for auto sales is not the same as retail based on foot traffic and the size of the establishment. Sara said the standards have changed. Member Stewart said it would be in compliance if it were a office. James said during City Council it was discussed with motorcycle sales comes service to service the bikes, and retail. He understood that parking behind the building was allowed, but understands he can't use it long term. He said this lot is unique. He was told a bicycle rack can act as a parking space. He feels TxDOT is on board with his plan. Member Surley asked about using the space in front of the newest addition. James said there is a pole there with a guy and anchor. Mike Mann said it is a telecommunications pole. Secretary McCormick asked if they didn't do the addition, would there be a problem with parking. James said we measured for the addition and that was the maximum they could go and allow for this many parking spaces in the future. He said the City was on board with the building addition because this building was such an eye sore. Secretary McCormick asked if he planned on selling the building. James said it has been for sale for two years.

Greg Jones, realtor, has had the property listed for the Day's for over a year. He said they had a full price offer and four offers since then and all have fallen through (except for the last one) due to use and parking. He believes this building adds to the appeal of N. Main St. and it adds to the value of the City of Boerne. He said we need to find a way to sell it for the Day's so they can move on to the next chapter of their lives. It is a hardship for them. They have been sitting on this property for over a year. He said if we can't find something that we can use the building for that makes sense for the City and for the value. We are in a tough spot. We do have a contract right now for this building.

Nathan said the parking requirement for retail is the same then as it is today. Vice Chair McKenzie asked about adding a bike rack and does that add value to the parking spaces. Sara said the parking credit is one parking spot for every 4 bikes but up to 5% of the total parking space that you need to provide. Motorcycles are considered a vehicle

not a bicycle so the parking space needs to be the same. Chair Bergman asked about repositioning the parking spaces to allow for the needed parking space. James and Cynthia said they were trying to avoid parking in front of the entry doors. Chair Bergman mentioned relocating the handicapped parking space to allow room for another parking space. James said there is a pylon that prevents this shift of parking spaces.

7. ITEMS FOR DISCUSSION/ACTION

Consider Variance No. 23-06: A request from James & Cynthia Day, requesting a variance to the City of Boerne UDC, Chapter 5.6, Section B.6, to allow for 7 parking spaces rather than the required 8 parking spaces for retail commercial for Lot PT 8, Block 5, North heights (941 N. Main St.).

Chair Bergman explained there was one neighboring property that responded and was in favor. Member Stewart said he feels this is a hardship for the owner. He feels it won't sell and it will continue to sit vacant. Member Surley said other than the layout or boundaries of the lot, you have issues with the sign and the utility pole and feels they have done everything they can do to maximize the spots. The one spot limits severely limits the use. He said it is a small jump up in use. He mentioned substantial justice and what is the right thing to do. Vice Chair McKenzie said the utility pole could be moved. The pylon pole is self induced but a unique property and important property for the corridor. He said, lets get it back open. Secretary McCormick agrees with Member Surley with substantial justice. Member Wood agrees because at every turn there is a challenge and believes it is a unique property. Vice Chair McKenzie doesn't want to create a further issue with the property. If we don't grant a variance what is a new owner going to do with that.

Secretary McCormick motioned to grant the variance with the restriction that they get approval from TxDOT. Member Stewart seconded this motion. All were in favor 5-0.

8. ADJOURNMENT

Meeting was adjourned at 6:30 p.m.

Chair

Secretary