

CITY OF BOERNE  
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: Tenotex Development Co., Inc. PHONE NO. (210) 344-9200

PROPERTY ADDRESS: 32049 IH-10 West Boerne, Texas 78006

LOT: all BLOCK: all SUBDIVISION: Regent Park Unit 1, Phase 1 and 2

OWNER: N/A PHONE NO. N/A  
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving M.W. Cude Engineers, L.L.C. authority to represent  
him/her at the hearing. (Applicant)

  
(Owner's Signature)

11/18/2016  
(Date)

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1. Applicant is making a request from the Boerne Subdivision Ordinance  
(Article & Section No. Article 8, Section 8.01.006F Final Plans and Acceptance)

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

2. Describe request:  
The applicant is requesting a variance from the City of Boerne Subdivision

Ordinance to allow final acceptance of Regent Park Unit 1, Phase 1 and 2 prior

issuance of a letter from the Texas Department of Transportation stating their

right-of-way has been satisfactorily restored.

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)

11/18/2016  
(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.

The land is adjacent to a TxDOT right-of-way and improvements to the right-of-way in the form of turn lanes were required of this project. Not all projects in this area are required to construct TxDOT right-of-way improvements.

- 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.

The time required to obtain TxDOT approval of the construction plans and notice to proceed to construct these improvements has been beyond the control of the developer and taken significantly longer than anticipated. The interior portion of these two subdivision units are substantially complete however the developer is currently not able to obtain acceptance of these units due to the TxDOT construction and pending acceptance.

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

The deviation is not design related in nature.

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

The variance will not alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Zoning Ordinance. The physical connection to the TxDOT access road will be made prior to the acceptance of these units and access to these two units will function as intended.

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.

The goals and policies of the Master Plan will still be met if this variance is granted. The purpose of these regulations and the intent of the standards will still be met if the variance is granted. The TxDOT letter of acceptance will still be obtained at a later time.

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.

If the variance is granted, there will be no adverse impact on existing adjacent property owners or potential future landowners in and adjacent to the area. Access to the site, access to adjacent properties and maintenance of two-way traffic and safe driving conditions along the access road and interior portion of the subdivision will function as intended.

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.

The variance will not negatively impact the efficient development of the land or 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.

The variance will have no impact on 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.