

CITY OF BOERNE
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: MATKIN-HOOVER ENG. C/O KEN KOLACNY, P.E. PHONE NO. (830) 249-0600

PROPERTY ADDRESS: 115 ADLER RD., BOERNE, TX 78006

LOT: N/A BLOCK: N/A SUBDIVISION: N/A

OWNER: ROXIE ORMS PHONE NO. (713) 824-5125
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

215 W. BANDERA RD. #114, BOERNE, TX 78006

Owner is giving KEN KOLACNY, P.E. authority to represent him/her at the
hearing. (Applicant)

Roxie Orms
(Owner's Signature)

30 Aug 2017
(Date)

1. Applicant is making a request from the Boerne Subdivision Ordinance
(Article & Section No. ARTICLE 5, SECT. 5.02.001 & 5.02.002)

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

2. Describe request:

REQUEST VARIANCE/EXCEPTION FROM THE REQUIREMENT TO
RECONSTRUCT ADLER ROAD TO MEET THE TYPICAL STREET
CROSS SECTION STANDARDS SPECIFIED IN ARTICLE 3 OF
THE SUBDIVISION ORDINANCE. SEE EXCEPTION REQUEST LETTER
FOR FURTHER DESCRIPTION.

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.

[Signature]
(Applicant's Signature)

8/29/17
(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 triangular shape of the subject tract results in more
Adler Road frontage width than a typical tract of this size,
which results in more length of Adler Road improvements
associated with this tract than typical, and is disproportionate... (See below)

- 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.

Yes, the condition is beyond the control of the owner due to the
physical geometry of the site and existing conditions.

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

Yes.

Sect. A continued:

... to the existing and proposed improvements on the property.

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

No, the ability to meet Zoning Ordinance standards is not impacted.

- 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.

Right-of-way dedication will allow for future widening of Adler Rd. on a regional level or when/if significant additional alterations or additional improvements are made to the property.

- 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.

No, right-of-way will be dedicated as necessary for future improvements to be made to Adler Road as potential/future development occurs in the area.

- 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.

No, see response to "F" above.

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

No, based on the relatively small amount of additional traffic anticipated to be generated by the proposed restaurant, the traffic on Adler Rd. is expected to continue to operate at an acceptable level of service.

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.