

**CITY OF BOERNE  
PLANNING AND ZONING COMMISSION**

**VARIANCE APPLICATION**

This Variance Application is used to request variance to the Subdivision Ordinance. Please refer to Article II, Section 7 of the Subdivision Ordinance for further guidance.

This form must be submitted to the Planning and Community Development office at **least fifteen (15) days prior** to the next scheduled Planning and Zoning Commission meeting. Contact their office at 830-249-9511 to obtain that information.

The fee for this application is \$100.00 for the first request and \$50.00 for each additional requests heard at the same meeting.

CITY OF BOERNE  
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: Dwaine Rivers PHONE NO. \_\_\_\_\_

PROPERTY ADDRESS: 133 Scheele Rd

LOT: NA BLOCK: NA SUBDIVISION: NA

OWNER: \_\_\_\_\_ PHONE NO. \_\_\_\_\_  
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving Wayne Godsey or  
Wes Rexrode authority to represent him/her at the  
hearing. (Applicant)

  
(Owner's Signature)

10/19/18  
(Date)

1. Applicant is making a request from the Boerne Subdivision Ordinance  
(Article & Section No. 5.02.001)

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

2. Describe request: Eliminate the requirement to widen  
the existing road for 1254' of frontage. The  
required right-of-way dedication will still be provided,
3. Describe hardship: No development is being proposed. Just want  
to split the existing tract into 2 tracts. There would  
be considerable cost to move the fence and widen  
the road.

4. 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)

10/19/18  
(Date)

**CITY OF BOERNE  
PLANNING & ZONING COMMISSION  
ZONING VARIANCE WORKSHEET**

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. Please note that the stated hardship shall not be financial or self-induced.

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his/her land.

*See attached*

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2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

*See attached*

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3. The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to other property in the area.

*See attached*

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4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.

*See attached*

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## 20.263 Acres on Scheele Road

### Variance Request Worksheet

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his/her land.

There are two houses located on the 20.263 acres. The owner would like to split the property into 2 tracts to be able to sell them separately. The total acreage is greater than the county requirements for 6 acre density, however, the proposed tracts are 4 acres and 16 acres. The 4 acres is larger than the minimum 3 acre tract size required by the county. No additional development or improvements are being proposed at this time. The requirement to widen the existing road would be very expensive and would not provide any benefit to the public.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The owner should be able to divide the property into 2 tracts in order to sell one without bearing considerable expense.

3. The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to other property in the area.

Leaving the existing road in it's existing condition should not be detrimental to the public health, safety or welfare to other property in the area. In fact, widening just a portion of the road could create a safety hazard for traffic because they would be driving onto a wider road and when they come to the end of the widened area, they could drive straight off the end of the widened road and into the ditch and fence.

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.

Granting of this variance should not prevent the orderly subdivision of other land in the area.