

**CITY OF BOERNE
PLANNING AND ZONING COMMISSION**

VARIANCE APPLICATION

APPLICANT: BEN ADAM (Ben Adam Architect, LLC **PHONE NO.** 830-446-6444

PROPERTY ADDRESS: 414 LIVE OAK , BOERNE, TX

LOT: LOT PT 19 **BLOCK:** **SUBDIVISION:** BOERNE ORIGINAL TOWN

OWNER: KAY OCHOA **PHONE NO.** 830-446-2048
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving Benedict M. Adam authority to represent him/her at the hearing.
(Applicant)

(Owner's Signature)

(Date)

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

SECTION 06 PROCEDURES FOR THE DEVELOPMENT PLAT

Section A: SUBMITTAL

- Item #5 (Illumination Plan)
- Item #6 (Open Space System Plan)
- Item #7 (Legacy Trees identified on Plat)
- Item #8 (Tree Survey)
- Item #9 (3 copies of design and construction documents)
- Item #10 (2 copies of Drainage Study)
- Item #11 (Slope Map)
- Appendix A-Illumination Plan
- Appendix B- Tree Ordinance

Check one: ☒ **Variance** ☐ **Appeal** ☐ **Special Exception**

2. Describe request:

Owner desires to obtain a variance from Section 06. Procedures for the
Development Plat

- A. Submittal- not provide the following items:
#5, 6, 7, 8, 9, 10, 11 or Appendices A and B

In essence to mirror the new proposed changes MINOR DEVELOPMENT PLAT –
RESIDENTIAL in order to add to an existing structure on a residential property that
has boundaries previously created by metes and bounds and not by formal replat.

The property in question is a "part lot" in the Boerne Original Town subdivision. Per Planning & Development "No further development may occur on the lot without cleaning up the property lines and that is done via a development plat" (Submitted for building permit in late Oct.) The owner is NOT changing the parcel of land.

1852: Original Town Lot (very large tract of land) **See Attachment "A"**

1921: Portion of Lot 19 was included in Toepperwein Addition. The Addition included portions of Lot 18 and Lot 19. Note- the remaining portion of Lot 19 was not "named" or cited. **See Attachment "B"**

1937: I have highlighted the lot in question along with the "drive" that is shown on the 1937 Sanborn Map (Sheet 4) **See Attachment "C"**

1947: Another portion of Lot 19 was included in the High School Addition (as was portions of Lot 20, Original Town Lot). NOTE: the remaining portion of Lot 19 was not "named" or cited. The remaining portion is the property in question. **See Attachment "D"**

1980: Metes and Bounds description used to transfer property from Louise Dolle Magers to Richard (Dick) H. Majors **See Attachment "E"**

Property use is not, nor has it ever changed. It remains "Single family Residential". Current house is 1818 sf of conditioned space with no garage. Owner desires to enlarge original house to total of 2188 sf with a 2 car garage (576 sf) and a small front porch of 36 sf.

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)

REVISED 01/02/2019

(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.

No, the condition of a parcel of land being transferred by metes and bounds is very typical for older portions of our town, especially parcels in Original Boerne Town Survey.

- 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- parcel of land defined by metes and bounds as the remaining tract of land after 1947

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

YES- no changes requested to property line or property use.

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

It will not be a negative to the City. It will increase the value of the property and therefore will increase property taxes.

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.

Property was platted in 1852. Portions of the original Lot 19 were replatted in 1921 and 1947. This property is the sole remaining portion of Lot 19, and hence "PT 19"

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

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

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

NO

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.