



January 18, 2019

City of Boerne  
Laura Talley  
Planning and Community Development Director  
402 E. Blanco Road  
Boerne, TX 78006

RE: Variance Request for John's Crossing Subdivision, Lot 4  
Subdivision Ordinance, Article 7 – Water and Sewers, Section 01 – General  
Requirements for Water Systems, 7.01.001 – Service Required and Section 05 –  
Sanitary Sewers, 7.05.001 – General Requirements.

Ms. Talley;

The intent of this letter is to request a variance from the City of Boerne's Subdivision Ordinances referenced above regarding Lot 4 in the John's Road Subdivision. We are requesting a variance to not have to extend utility services to Lot 4 as it is entirely a drainage easement that contains an existing drainage channel and detention pond, all which make the lot unbuildable and unable to have habitable structures built on it. With these conditions, Lot 4 will not require utility services.

In addition, the easements that cover the entire lot are being created by plat. To remove the easements and make the lot buildable would require replatting, at which point utilities would have to be extended.

Therefore, we respectfully request that the City of Boerne support the developer's variance request to the City of Boerne's Subdivision Ordinances.

Thank you,

A handwritten signature in blue ink, appearing to read 'B. Bunker', written over a horizontal line.

Benjamin D. Bunker, P.E.  
Project Manager

Enclosure: Overall Utility Exhibit

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CITY OF BOERNE  
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION

APPLICANT: KFW Engineers-Ben Bunker PHONE NO. 210-979-8444

PROPERTY ADDRESS: Southeast Corner of John's Rd. and IH-10

LOT: 4 BLOCK: \_\_\_\_\_ SUBDIVISION: John's Crossing Subdivision

OWNER: SEC IH 10/JOHNS ROAD, LTD. PHONE NO. 210-366-3500  
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving KFW Engineers authority to represent him/her at the  
hearing. (Applicant)  
[Signature] 1/18/19  
(Owner's Signature) (Date)

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1. Applicant is making a request from the Boerne Subdivision Ordinance  
(Article & Section No. Subdivision Ordinance, Article 7 – Water and Sewers, Section 01 – General Requirements for Water Systems, 7.01.001 – Service Required and Section 05 – Sanitary Sewers, 7.05.001 – General Requirements)  
Check one: ☒ Variance ☐ Appeal ☐ Special Exception

2. Describe request:  
Requesting a variance to not extend utility services to Lot 4 as the lot consists entirely of easements and is therefore unbuildable for any structure.  
\_\_\_\_\_  
\_\_\_\_\_

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] 1/18/19  
(Applicant's Signature) (Date)  
bbunker@kfwengineers.com

**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.

Lot 4 with the existing detention is a non-buildable lot that will not have habitable structures built on it, and therefore,  
will not require utility services.

- 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 city rules do not allow buildable structures within easements.

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

The deviation is minimal. To remove the drainage easement to make the lot buildable would require a replat.



- D. Will the variance alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Zoning Ordinance.
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- No. To make the lot buildable would require replatting, at which point utilities would have to be extended with the replat.
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- 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.

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Inapplicable because its unbuildable.

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- 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.

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It will not have a negative impact on any future land owners, adjacent land owners (current and future), and/or potential development.

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- 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.

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The variance will not negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goals and policies of the Master Plan.

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

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The variance will not adversely impact the general health, safety and welfare of the public.

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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.