

February 22, 2019

Variance Request Letter
City of Boerne
Planning and Community Development
402 E. Blanco
Boerne, TX 78006



Attn.: Ms. Laura H. Talley

Re: El Chaparral Restaurant – Boerne
36 Old San Antonio Road, Boerne TX 78006
Subdivision Ordinance Variance Request
(Section 2 Article 2.02.008)

Dear Ms. Talley:

A variance is being requested by the applicant, Mr. Carlos J Garcia, to allow an extension of the expiration of plat approval for the El Chaparral Restaurant – Subdivision Plat.

The applicant currently has preliminary plat approval by the Planning and Zoning (P&Z) Commission (approved in the May 7, 2018 P&Z Commission Meeting) and approval by city staff to submit the final plat for P&Z Commission consideration for the property to be subdivided into a 2-lot subdivision.

Currently, the property owner seeks approval of a variance to the City of Boerne Subdivision Ordinance Section 2, Article 2.02.008 that will extend the expiration date of the preliminary plat approval for an additional year from the date of the initial approval.

City of Boerne Subdivision Ordinance: 2.02.008. Expiration of Plat Approval

Approval of the preliminary plat shall lapse one year from the date of initial approval. A conditionally approved final plat shall expire two years after the date of approval if the subdivider has not begun construction, which includes infrastructure construction.

Based on the above detailed information, the variance will not be contrary to the spirit and intent of the City of Boerne Subdivision Ordinance and specific regulations from which an exception is requested.

Under the circumstances outlined herein and those associated with the property, the public interest underlying the proposed exception outweighs the public interest underlying the regulation for which the variance is requested.

As per the variance application and the finding required for variances the following conditions must be met and a response to these items has been provided:

- 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.*

Response: The property does have areas of unusual topographic conditions.

- 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?*

Response: The ordinance requirement is outside of the control of the applicant/sub divider and is not due to convenience or needs of a specific application or development proposal.

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

Response: The deviation from code for the plat approval time extension will allow for additional time to consider other design and planning alternatives for the proposed development.

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

Response: The variance will not alter, negate or negatively impact the ability to meet any specific standard contained in the City of Boerne Subdivision Ordinance.

- 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.*

Response: The granting of this variance for the extension of the plat approval shall be in harmony with the intent and purpose of the Goals and Policies of the Master Plan, the City of Boerne Subdivision Ordinance and the City of Boerne Standards.

- F. *Will the variance have an adverse effect 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?*

Response: It is our understanding that the variance will not have an adverse effect on existing adjacent landowners, potential future landowners in and adjacent to the subdivision, and/or existing or potential development within any area of impact of the proposed subdivision.

- 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?*

Response: It is our understanding that the variance will not negatively impact efficient development of the land and surrounding areas based on sound planning principles and the goal and policies of the Master Plan.

MODECO, LLC

CIVIL ENGINEERING SOLUTIONS

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

Response: In our professional opinion, the proposed variance remains in harmony with the spirit and intent of the City of Boerne Subdivision Ordinance and it will not adversely affect the health, safety, or welfare of the public.

We seek review, concurrence and approval of this request for this subdivision plat to extend the initial plat approval for an additional year for an approval expiration of two years.

If you have any questions, please do not hesitate to call.

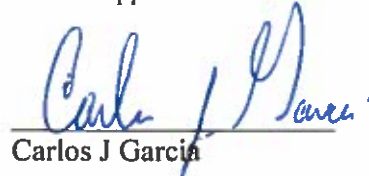
Sincerely,
MODECO, LLC

Texas Board of Professional Engineers, Firm Registration # 14593



Justin M. Lieck, P.E.

Owner/Applicant



Carlos J Garcia

Attachments