

CITY OF BOERNE
PLANNING AND ZONING COMMISSION

VARIANCE APPLICATION



APPLICANT: UP Engineering + Surveying PHONE NO. 210-774-5504

PROPERTY ADDRESS: _____

LOT: N/A BLOCK: N/A SUBDIVISION: Big Country #104

OWNER: Spencer Ranch Partners, LLC PHONE NO. 210-663-9739
(If different from Applicant)

MAILING ADDRESS FOR NOTIFICATION OF PENDING COMMISSION MEETING:

Owner is giving UP Engineering + Surveying authority to represent him/her at the
hearing. (Applicant)

[Signature]
(Owner's Signature)

FEB - 9 - 2021
(Date)

1. Applicant is making a request from the Boerne Subdivision Ordinance
(Article & Section No. 3.04.004 B)

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

2. Describe request:

The Owner is requesting a variance from Section 3.04.004 B regarding the proposed shared-use

driveway on SH 46. The proposed driveway will serve the development proposed with the Big

Country #104 plat, as well as future developments adjacent to the site. This shared drive will

facilitate internal traffic movement within the future development.

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)

Jah - 29 - 2021
(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 site is only adjacent to existing TxDOT right of way, SH 46, and therefore only has one access point. The granting of the exception/variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations, as the design is required to meet both TxDOT and City standards.

- 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.

This hardship is related to the applicant's land, rather than personal circumstances. If we strictly comply with the Subdivision Regulation mentioned above, the site does not have an access drive onto any other existing road.

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

The deviation from the standard is necessary, as the site would not have access to an existing roadway without this requested deviation. The proposed driveway would result in a shared driveway which will be designed and built to TxDOT standards.

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

Property is located within the City of Boerne ETJ, and does not have a zoning designation. Therefore the Zoning Ordinance does not apply to the the proposed development.

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.

The proposed site, which is located within in the City of Boerne ETJ, is adjacent to TxDOT right of way.

The intent of the proposed driveway aligns with the mater development of the area, while also taking into account the purpose of these regulations.

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.

The proposed driveway will be shared with the adjacent land owner. This variance will not have an adverse affect, and can be utilized for potential future development.

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.

The location of the proposed driveway takes into account ultimate development of the area.

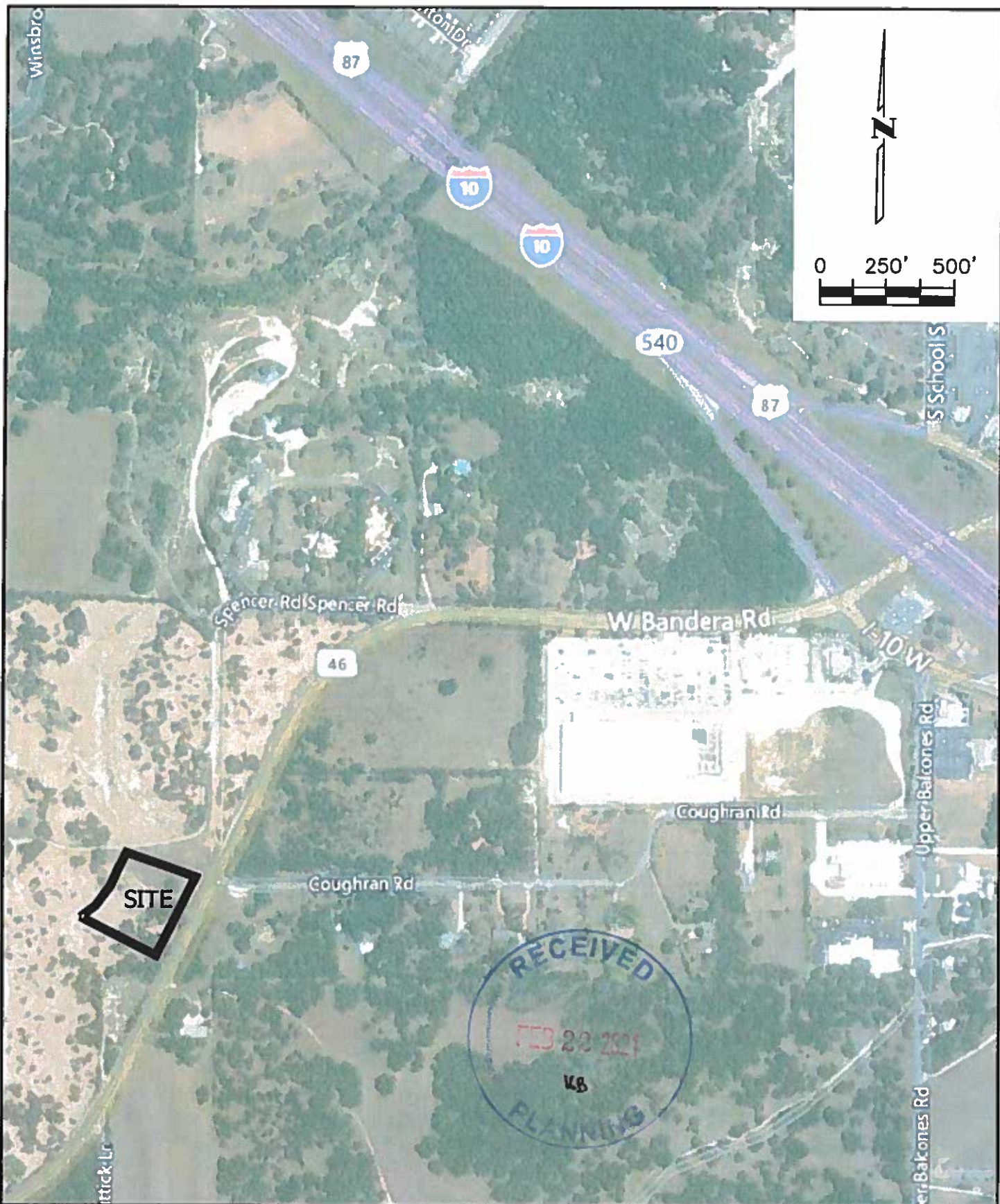
H. Will the variance adversely impact the general health, safety and welfare of the public.

Allowing the variance would not impact the well-being, safety or welfare of the general public. Construction of the driveway implies that additional safety measures must be taken on SH 46 with the addition of a center turn lane.

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.



EXHIBIT

A

SH 46 & COUGHRAN
BOERNE, TX

AERIAL MAP

UP
ENGINEERING

1270 N LOOP 1604 E, SUITE 1310
SAN ANTONIO, TX 78232 TEL: 210-774-5504
WWW.UPEngineering.com TEXAS REG. NO. F-17892