

CITY OF FAIR OAKS RANCH

ZONING BOARD OF ADJUSTMENT (ZBOA) MEETING

Wednesday, July 27, 2022 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

AGENDA

OPEN MEETING

1. Roll Call - Declaration of a Quorum
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the Board, please sign the Attendance Roster located on the table at the entrance of the Council Chambers. In accordance with the Open Meetings Act, the Zoning Board of Adjustment may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard

CONSENT AGENDA

All of the following items are considered to be routine by the Zoning Board of Adjustment, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Board Member by making such request prior to a motion and vote.

4. Approval of the June 22, 2022 Special ZBOA meeting minutes.

Christina Picioccio, TRMC, City Secretary

CONSIDERATION/DISCUSSION ITEMS

5. Consideration and possible action on the Variance Application No. ZBOA 2022-06-22 from Damon Gray of D & A Gray Enterprises LLC, applicant and property owner, to grant the variances for the property located at 29105 Noll Road, Fair Oaks Ranch, TX, also listed as 29105 Noll Road, Boerne, TX in the Bexar County Property Records.

Katherine Schweitzer, P.E., Manager, Engineering Services
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation

ADJOURNMENT

Request for ZBOA topic needing information/research

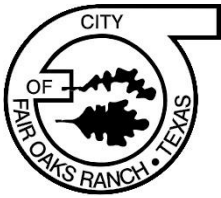
Signature of Agenda Approval: s/ Grant Watanabe

Grant Watanabe, P.E., Director of Public Works &
Engineering Services

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, July 24, 2022 and remained so posted continuously for at least 72 hours before said meeting was convened.

<p>The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available.</p>



CITY OF FAIR OAKS RANCH

ZONING BOARD OF ADJUSTMENT (ZBOA) MEETING

Wednesday, June 22, 2022 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

Members Present: Michael Rey, Dean Gaubatz, J.C. Taylor, Rich Nichols, and Jonathan Lisenby

With a quorum present, the meeting was called to order at 6:36 PM.

2. Pledge of Allegiance – The Pledge of Allegiance was recited in unison.

CITIZENS and GUEST FORUM

3. **Citizens to be heard.**

Will McDowell spoke in favor of granting the variance requests from Damon Gray of D & A Gray Enterprises LLC.

Isaac Valero spoke against the granting of the variance requests as a neighbor of the property in question.

CONSENT AGENDA

4. **Approval of the March 14, 2022 Special ZBOA meeting minutes.**

MOTION: Made by Board Member Gaubatz, seconded by Board Member Nichols, to approve the Consent Agenda.

VOTE: 5-0; Motion Passed.

PUBLIC HEARING

5. **The Zoning Board of Adjustment of the City of Fair Oaks Ranch, Texas, will conduct a public hearing to receive public testimony on the Variance Application No. ZBOA 2022-06-22 from Damon Gray of D & A Gray Enterprises LLC, applicant, and property owner, to grant variances for the property located at 29105 Noll Road, Fair Oaks Ranch, TX, also listed as 29105 Noll Road, Boerne, TX in the Bexar County Property Records.**

- A. Chairperson Rey opened the public hearing at 6:44 PM.
- B. Lata Krishnarao, Consultant from Gunda Corporation, presented the variance request.
- C. The applicant presented a modification to his request. The applicant agreed to withdraw variance request 2.

- D. The Zoning Board of Adjustment received public testimony for and against the variance request
For: Todd Thorn and Will McDowell
Against: Homer Hall and Isaac Valero
- E. Chairperson Rey closed the public hearing at 7:32 PM.
- F. The Board discussed the request, inclusive of asking questions of the applicant and staff.

CONSIDERATION/DISCUSSION ITEMS

6. **Consideration and possible action on the Variance Application No. ZBOA 2022-06-22 from Damon Gray of D & A Gray Enterprises LLC, applicant and property owner, to grant the variances for the property located at 29105 Noll Road, Fair Oaks Ranch, TX, also listed as 29105 Noll Road, Boerne, TX in the Bexar County Property Records.**

MOTION: Made by Board Member Lisenby, seconded by Board Member Gaubatz to table this item until July 27, 2022 at 6:30 PM, to give the applicant an opportunity to come back with a revised plan based on recommendations by the Board.

VOTE: 5-0: Motion Passed.

7. **Consideration and possible action regarding upcoming ZBOA meeting dates.**

MOTION: Made by Board Member Gaubatz, seconded by Board Member Lisenby, that the Fair Oaks Ranch Zoning Board of Adjustments schedule future meetings on the second Wednesday of each month at 6:30 PM.

VOTE: 5-0; Motion Passed.

ADJOURNMENT

Chairperson Rey adjourned the meeting at 8:36 PM.

ATTEST:

Michael Rey, Chairperson

Christina Picioccio, TRMC,
City Secretary



ZONING BOARD OF ADJUSTMENT CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

July 27, 2022

AGENDA TOPIC: Consideration and possible action on the Variance Application No. ZBOA 2022-06-22 from Damon Gray of D & A Gray Enterprises LLC, applicant and property owner, to grant the variances for the property located at 29105 Noll Road, Fair Oaks Ranch, TX, also listed as 29105 Noll Road, Boerne, TX in the Bexar County Property Records.

DATE: July 27, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Katherine Schweitzer, P.E., Manager of Engineering Services
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation

INTRODUCTION/BACKGROUND

Location: The subject parcel is located at 29105 Noll Road, south-east of the intersection of Noll Road and Dietz Elkhorn Road (see attached **Exhibit A: Location Map and Vicinity Map**). Street access to the property is provided from Noll Road. The site has an existing facility that is being used as a cabinet and custom woodwork shop.

The applicant is proposing an expansion of the existing facility from 2,900 square feet to 9,296 square feet, by constructing a new detached building of 6,396 square feet. The expansion requires additional parking to be provided. The current use of the property existed prior to adoption of the Unified Development Code (UDC) in 2019 and is a permitted use in this zone.

Current Zoning: Neighborhood Commercial

Current Use: Cabinet and custom woodwork shop

Property Size: 0.753 acres

Unified Development Code and Zoning Designation:

The purpose of adopting the Unified Development Code (UDC) is to promote the public health, safety, and welfare of present and future citizens of the City of Fair Oaks Ranch. The UDC uses zoning to regulate the development of land within the city to achieve balanced growth and quality of life as defined by the citizens. The zoning designation of the property determines the regulations that will be applicable to the development of the property. The subject property is zoned Neighborhood Commercial (**Exhibit B: Zoning Map**) and the use is permitted by right in this zone.

Platting: Any unplatted property must be platted prior to development. At the time of platting, any additional Right-of-Way (ROW) required as per the City's adopted Throughfare Plan needs to be dedicated. The property fronts on to Noll Road, a Local Street as per the Transportation Map (**Exhibit D**), which requires a total ROW width of 47'. The applicant is in the process of

platting this property. Because the current width of Noll Road is inadequate, additional ROW dedication will be required from this parcel during platting.

Nonconforming status: The subject property was developed prior to the adoption of the Unified Development Code (UDC), when City of Fair Oaks Ranch had no development standards. With the adoption of the UDC, standards for site development were introduced, including permitted uses, landscaping, screening, parking, paving, buffers, setbacks, etc. The property does not meet the current standards for access to parking lots, screening of parking lots, and parking setback from the street.

Properties, such as the subject parcel, that were developed prior to the adoption of the UDC (May 2, 2019) and do not meet the requirements of the UDC, are classified as nonconforming uses. The UDC defines nonconforming uses as:

Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this UDC when it is adopted, or when any amendments thereto, take effect.

The intent of the UDC is to bring such uses into conformance as they redevelop. The existing use may continue in its current configuration, but any new enlargements or changes to the use must conform with the requirements of the UDC.

In this case, the applicant proposes to expand the existing facility without correcting the existing nonconformities or meeting the following requirements for the proposed alterations:

1. Access to the parking spaces: The applicant proposes to have all parking spaces perpendicular and immediately adjacent to the street. This direct access from the street is not permitted and can cause accidents from vehicles reversing onto the street. The UDC requires parking spaces be accessed by an aisle or driveway from a road.
2. Number of parking spaces: The parking spaces on site will be less than the required number of spaces.
3. Screening of parking areas from the street: Parking spaces will not be screened from the street, as required.
4. Parking setback from the street: Parking spaces will not have a 3' wide setback from the street, as required.

The applicant is therefore seeking Variances to deviate from these requirements to develop the property as shown on the Site Layout Exhibit (**Attachment 4**). In accordance to regulations, all real property owners within 200 ft were notified and notice of the public hearing was published prior to the Zoning Board of Adjustment (ZBOA) holding a public hearing. Staff has received five (5) public comment in favor of the request and three (3) in opposition. The Public Hearing was held at the June 22, 2022 ZBOA meeting after which the Board considered this request (Variance Application No. ZBOA 2022-06-22), and tabled action on this item to provide the applicant an opportunity to address the concerns that were discussed at the meeting. The applicants responses to the ZBOA's input and directives are listed below:

1. ZBOA was in favor of reducing the required parking spaces to enable preservation of existing trees on the north side.

Applicant's response - The parking requirement has reduced (24 spaces to 19 spaces) due to the decrease in building size. The applicant has proposed 11 spaces thereby requiring a

variance to reduce the parking spaces from 19 to 11.

2. Confirm the size of the buildings.

Applicants response - The proposed building size has been reduced to 6396 sq. ft. This has been indicated on the Site Layout Exhibit(**Attachment 4**).

Proposed building	6396 sq. ft.
Existing	2900 sq. ft.
Total	9296 sq. ft.

3. Meet the height requirement.

Applicants response - The Site Layout Exhibit (**Attachment 4**) indicates that the height of the proposed building as 20' whereas the response letter indicates that the height will be 16'.

Outstanding comment - *This needs to be clarified.*

4. Confirm that there will not be any outside storage.

Applicant's response - Addressed. Added a note on the Site Layout Exhibit (**Attachment 4**). Confirm that there will not be any outdoor activity.

Applicant's response - Addressed. However, the note that the applicant has referred to in the response letter is missing from the Site Layout Exhibit.

Outstanding comment - *Add a note on the Site Layout Exhibit that "no outdoor activity is permitted on site".*

5. Confirm that there will not be any noise generated due to any outside activity.

Applicant's response - Addressed. Added a note on the Site Layout Exhibit (**Attachment 4**).

6. Confirm that there will not be any outside lighting.

Applicant's response - Addressed. Added a note on the Site Layout Exhibit (**Attachment 4**).

7. Restrict the direct access from Noll Road and waiver of the landscaping screen requirement to existing garage doors only.

Applicant's response - Addressed. However, the note that the applicant has referred to in the response letter is missing from the Site Layout Exhibit (**Attachment 4**).

Outstanding comment - *Add a note on the Site Layout Exhibit that states "allow direct access from the street and waive the 3' parking setback and 3' tall landscape screening for the seven existing spaces and garage access as shown by the shaded area".*

8. Comply with the UDC requirements for new parking.

Applicant's response - Addressed.

9. Meet the required setback on the East.

Applicant's response - Addressed.

10. Provide fencing along east side.

Applicant's response - Addressed. The applicant confirmed that there is an existing eight foot tall masonry fence on the east side.

11. Provide acoustical walls on the side of the building facing residential.

Applicant's response - Addressed. Added a note on the Site Layout Exhibit (**Attachment 4**) Consider preservation of trees on the north side.

Applicant's response - Addressed. The Site Layout Exhibit (**Attachment 4**) was revised to save trees.

12. Meet the front setback of 20' for the addition.

Applicant's response - Addressed.

REQUESTED VARIANCES AND STAFF FINDINGS:

Based on the ZBOA's discussion and a preliminary review of the applicant's response and the revised Site Layout Exhibit (**Attachment 4**) received on July 19, 2022, the number of variances has reduced from six to four as listed below:

1. Variance from Section 6.7 (4) c – Allow access to parking directly from the street instead of from an aisle or a driveway.

The proposed site development does not provide driveway or aisle access to parking. All parking spaces will have access directly from the street and will use the public street to reverse a vehicle.

Finding: Per the Schematic Diagram below, it is staff's opinion that the Site Layout Exhibit (**Attachment 4**) and parking layout can be designed to meet this requirement. The applicant has not identified any constraints on the property that would prevent the applicant from meeting UDC requirements for parking access. The criteria in UDC Sec. 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

2. Variance from Section 6.7, Table 6.2 – Reduce the number of parking spaces from 19 spaces to 11 spaces. The current required ratio is one space per 500 square feet of usable building area for the existing use. The facility expansion requires 19 parking spaces for the 9,296 square foot proposal while the applicant is proposing only 11 spaces. The applicant has not identified any constraints on the property that would prevent the applicant from meeting UDC requirements for parking.

Finding: It is staff's opinion that the site can be designed to meet this requirement by reducing the size of the new building which would require less parking spaces. The criteria in UDC Section 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

3. Variance from the requirements of Section 6.8 (2) d – Eliminate the required 3’ parking setback from the street.

Finding: It is staff’s opinion that the site can be redesigned to accommodate the required parking setback ,therefore, this Variance is not warranted. The criteria in UDC Sec. 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

4. Variance from Section 7.7 (1) – Eliminate the required 3’ high landscaping screening strip between parking and street. If Variance No. 1 is approved to allow direct street access to the parking area, no landscaping strip can be installed. There is room for landscape screening, however, the existing Site Layout Exhibit (**Attachment 4**) does not propose any screening.

Finding: It is staff’s opinion that the site can be designed to meet this requirement. The criteria in UDC Section 3.9 (9), do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

VARIANCE REQUIREMENTS

The Zoning Board of Adjustment may authorize, in specific cases, a variance from zoning regulations, unless specified otherwise, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the regulation would result in unnecessary hardship, and so that the spirit of the regulation ordinance adopted hereunder is observed and substantial justice is done.

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by the City’s zoning regulations. In order to make a finding of hardship and grant a variance from the zoning regulations, the Board must meet the findings laid out in Chapter 3.9 (9) of this Code.

No Variance will be granted unless the authorizing body finds that all of the following apply:

1. There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of its land. For example, a Variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage;
2. The Variance is necessary for the preservation of a substantial property right of the applicant;
3. Granting of the Variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code;
4. Conditions that create the need for the Variance do not generally apply to other property in the vicinity;
5. Conditions that create the need for the Variance are not the result of the applicant's own actions;
6. Granting of the Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code; and
7. Because of the conditions that create the need for the Variance, the application of this Code to

the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Insufficient Findings.

The fact that property may be utilized more profitably should a Variance be granted may not be considered, standing alone, as grounds for a Variance. Additionally, the following types of possible findings do not constitute sufficient grounds for granting a Variance:

1. Property cannot be used for its highest and best use;
2. There is a financial or economic hardship. There is a self-created hardship by the property owner his / her agent; or
3. The development objectives of the property owner are or will be frustrated.

Further limitation of authority:

May not grant a Variance when the effect of the Variance would allow any of the following:

1. The establishment of a use not otherwise permitted in the applicable Zoning District;
2. Increase the density of a use above that permitted by the applicable district;
3. A nonconforming use of land to be physically extended;
4. Change the Zoning District boundaries shown on the Official Zoning Map; or
5. Conflicts with any State or Federal regulations.

The ZBOA may choose to approve some or all of the requested Variances. The ZBOA may impose conditions on the approval of the Variance, as they seem appropriate, to mitigate any negative impacts on the surrounding properties or the City in general.

STAFF RECOMMENDATION:

Review of the site indicates that the requirements of the UDC in terms of access, landscape screening, parking setback from the street, and number of parking spaces can be met by re-designing the layout. In conclusion, it is staff's opinion that the requested Variances do not meet the criteria listed for findings of a hardship as per UDC Sec. 3.9 (9). The facility expansion can be redesigned with an appropriately-sized building to meet all the requirements of the UDC. The hardship appears to be self-created, is based solely on economic gain or loss, and will allow development of this parcel in a manner not permitted by the City's zoning regulations.

If ZBOA is in favor of granting any of these variances, staff recommends considering the following conditions to be added to the approval:

1. Add the following notes to the Site Layout Exhibit (**Attachment 4**):
 - a. All other requirements of the UDC and other applicable codes, not specifically mentioned in the variance request shall be met.
 - b. No outdoor activity is permitted on site.

- c. Allow direct access from the street and waive the 3' parking setback and 3' tall landscape screening for the seven existing spaces and garage access as shown by the shaded area.
2. Clarify the discrepancy in the building size between the Site Layout Exhibit (**Attachment 4**) and the response letter.
3. Variances are approved as shown on the Site Layout Exhibit (**Attachment 4**).
4. Other conditions of approval, if required by ZBOA.

RECOMMENDED MOTION:

Staff recommends that all four Variance requests be denied. The language for the motion must be an affirmative position. The votes may be in favor or in opposition. Each variance is considered separately. The ZBOA may approve any of the motions with conditions as they deem necessary. If the ZBOA needs additional information to make a decision, then the ZBOA may table action on the item.

Variance 1 - Motion: I make a motion to approve the following Variance as per the attached Site Layout Exhibit (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from Section 6.7 (4) c – Allow access to parking lots directly from the street and not from an aisle or a driveway.

Variance 2 - Motion: I make a motion to approve the following Variance as per the attached Site Layout Exhibit (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from Section 6.7, Table 6.2 – Reduce the number of parking spaces from 19 spaces to 11 spaces.

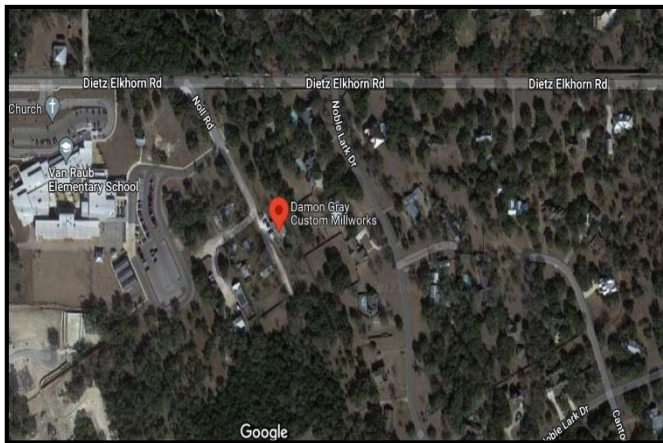
Variance 3 - Motion: I make a motion to approve the following Variance as per the attached Site Layout Exhibit (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from Section 6.8 (2) d – Eliminate requirement for a 3' parking setback from the street.

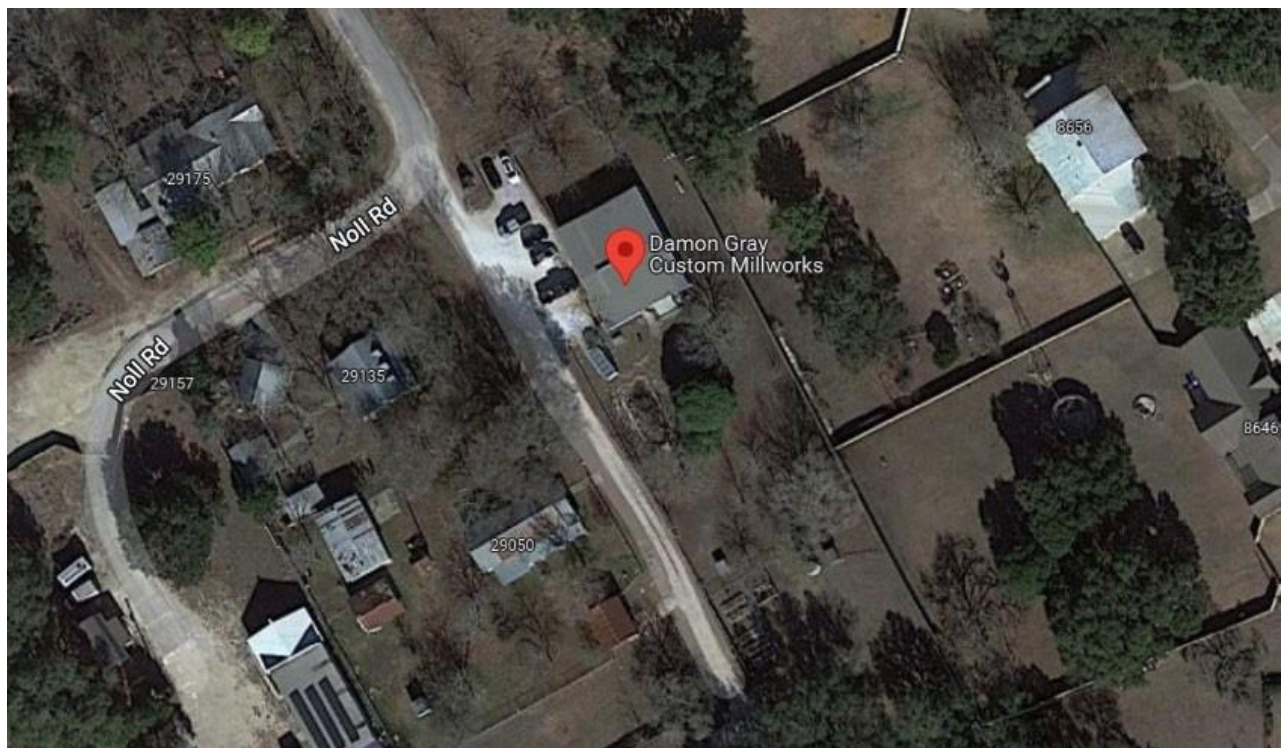
Variance 4 - Motion: I make a motion to approve the following Variance as per the attached Site Layout Exhibit (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from Section 7.7 (1) - Allow removal of the three feet high street screen required along the street to screen the parking area.

Exhibit A: Location Map and Vicinity Map

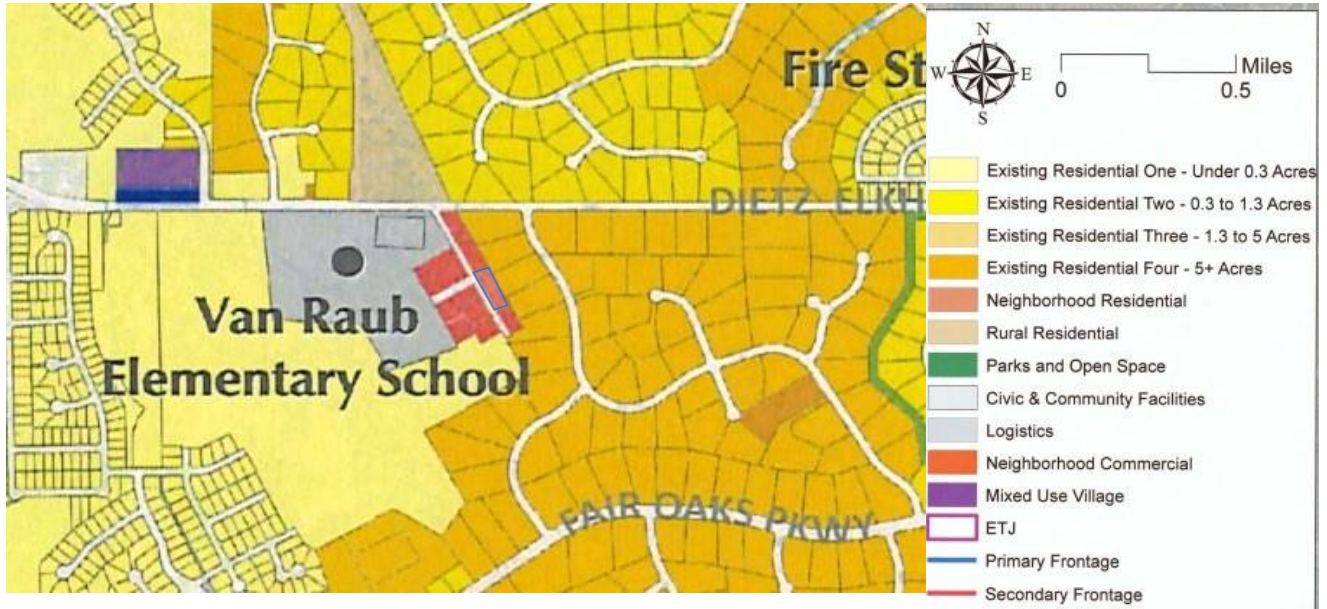


Source: Google



Source: Google

Exhibit B: Zoning Map



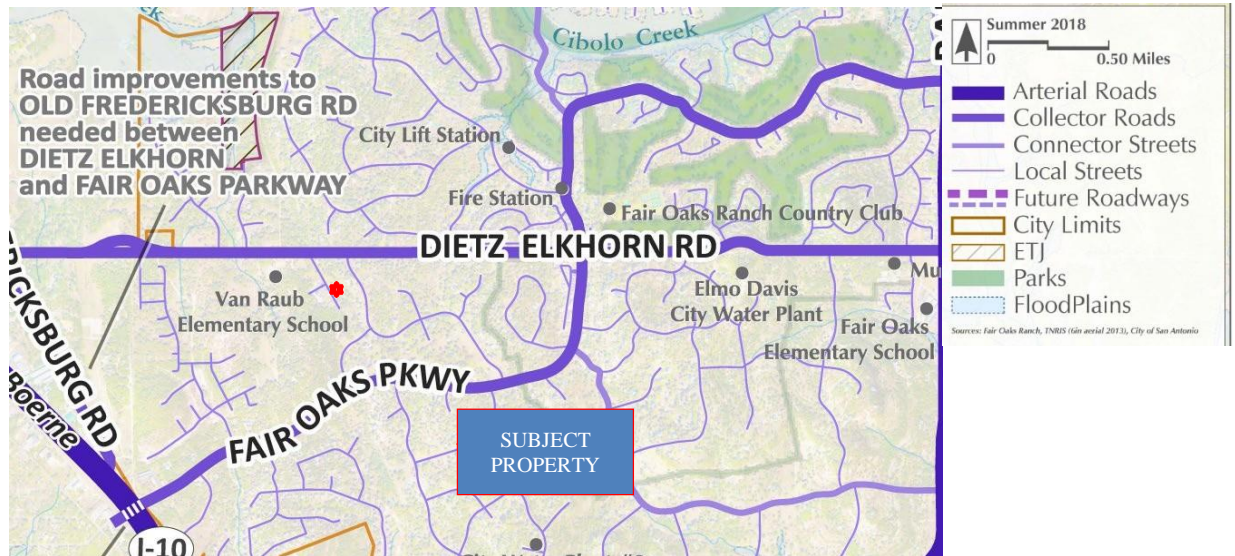
Source: City of Fair Oaks Ranch

Exhibit C: Existing Condition



Source: Google

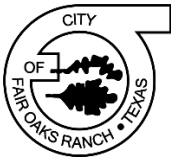
Exhibit D: Transportation Map



Source: City of Fair Oaks Ranch

Attachments:

1. Universal Application
2. S20 Variance Specific Application Form
3. Letter of Intent
4. Site Layout Exhibit
5. Resubmittal Response Letter
6. Property Owner Response Map
7. Property Owner Comment Forms



7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900.FAX: (210) 698-3565. bcodes@fair Oaks Ranch TX www.fairoaksranchtx.org**UNIVERSAL APPLICATION (FORM UA)**

All applications must be submitted with:

(1) A complete **Universal Application** form (2 pages), and(2) A complete **Specific Application Form** with all materials listed in the checklist for the specific application.

The City staff is available to assist you in person at City Hall or over the phone at (210) 698-0900.

DEVELOPMENT INFORMATIONProject Name/Address/Location: 29105 Noll Road, Fair Oaks Ranch, Texas Acreage: 0.753Brief Description of Project: Variance Request on 0.753 acresIs property platted? ☒ No ☐ Yes Subdivision name: Gray Custom Millworks (pending) No. of Lots: 1Recordation #: _____ Parcel(s) Tax ID#: 173330Existing Use: Millworks Shop Proposed Use: Millworks ShopCurrent Zoning: Neighborhood Commercial Proposed Zoning: Neighborhood Commercial

Occupancy Type: _____ Sq. Ft: _____ Bed #: _____ Bath #: _____ Car Garage #: _____

Water System ☒ Well ☐ Public Flood Zone: ☐ Yes ☒ No Sewer System: ☒ Septic ☐ Public**PROPERTY OWNER INFORMATION**Owner: D&A Gray Enterprises LLCAddress: 12940 Country ParkwayPhone: 210-349-3271Contact Name: Vickrey & Associates, LLCCity/State/ZIP: Fair Oaks Ranch, Texas 78Email: pschroeder@vickreyllc.com**APPLICANT INFORMATION**Applicant/Developer: Damon Gray Custom MillworksAddress: 12940 Country ParkwayPhone: 210-349-3271Contact Name: Vickrey & Associates, LLCCity/State/ZIP: San Antonio, Texas 78216Email: pschroeder@vickreyllc.com**KEY CONTACT INFORMATION**Name of the Individual: Paul SchroederAddress: 12940 Country ParkwayPhone: 210-349-3271Contact Name: Vickrey & Associates, LLCCity/State/ZIP: San Antonio, Texas 78216E-mail: pschroeder@vickreyllc.com

SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)

Signature: Alisha Gray Date: 5/18/2022

(Signed letter of authorization required if the application is signed by someone other than the property owner)

*******OFFICE USE ONLY*******

DATE REC'D: _____ BY: _____

FEES PAID: _____ APPROVED BY: _____

DATE APPROVED: _____

APPLICATION/PERMIT NO: _____ EXP DATE: _____

Applications shall be processed based on the City's official submission dates. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda.

SPECIFIC APPLICATION FORM (S1-S39). Please check the appropriate type below:**Land Use Policy Related**

(Section 3.9 of the UDC)

- ☐ Annexation* - Form S1
- ☐ Comprehensive Plan Amendment (Text)
- ☐ Unified Development Code (UDC) Text Amendment
- ☐ Rezoning/ FLUM amendment* - Form S2
- ☐ Special Use Permit* - Form S3
- ☐ Planned Unit Development (PUD)* - Form S4
- ☐ Development Agreement
- ☐ Conservation Development Alternative* (CDA) (Section 4.8) - Form S5

Subdivision and Property Development Related

(Section 3.8 of the UDC)

- ☐ Amending Plat* - Form S6
- ☐ Minor Plat* - Form S7
- ☐ Development Plat* - Form S8
- ☐ Concept Plan** - Form S9
- ☐ Preliminary Plat* - Form S10
- ☐ Final Plat* - Form S11
- ☐ Replat* - Form S12
- ☐ Construction Plans* - Form S13
- ☐ Vacating Plat
- ☐ Plat Extension

Site Development Related

(Section 3.9 of the UDC)

- ☐ Vested Rights Verification Letter
- ☐ Zoning Verification Letter
- ☐ Written Interpretation of the UDC
- ☐ Temporary Use Permit* - Form S14
- ☐ Special Exception* - Form S15
- ☐ Site Development Permit* (Site Plan Review) - Form S16
- ☐ Floodplain Development Permit* - Form S17
- ☐ Stormwater Permit* - Form S18
- ☐ Certificate of Design Compliance* - Form S19

Appeal of an Administrative Decision

- ☐ Zoning ☐ Others

Variance

- ☐ Policy ☒ Judicial* - Form S20

☐ Sign Special Exception/Appeal to an Administrative Decision☐ Administrative Exception☐ Permit for Repair of Non-Conforming Use/Building☐ Letter of Regulatory Compliance☐ On-Site Sewage Facility Permit (OSSF)☐ Certificate of Occupancy (CO)* - Form S21☐ Relief from Signage Regulations☐ Group Living Operation License* - Form S22☐ Grading/Clearance Permit - Form S23**Building Permits Related****Commercial**

- ☐ New/Remodel/Addition* - Form S24
- ☐ Fence* - Form S25
- ☐ Miscellaneous* - Form S26

Residential

- ☐ New Home* - Form S27
- ☐ Remodel/Addition* - Form S28
- ☐ Detached Buildings* - Form S29

Others

- ☐ Solar* - Form S30
- ☐ Swimming Pool* - Form S31
- ☐ Demolition, Drive or Move
- ☐ New Lawn/Water* - Form S32
- ☐ Backflow Device/Irrigation Systems - Form S33
- ☐ Sign* (Permanent) - Form S34 A
- ☐ Sign* (Temporary) - Form S34 B
- ☐ Appeal of Denial of Sign Permit
- ☐ Master/ Common Signage Plan* - Form S35
- ☐ Water Heater or Water Softener* - Form S36
- ☐ Right-of-Way Construction* - Form S37
- ☐ Flatwork* - Form S38

Inspections

- ☐ Mechanical ☐ Electrical
- ☐ Plumbing ☐ Building
- ☐ Others _____

Water- Wastewater Service

- ☐ Connect/ Disconnect Form* - Form S39

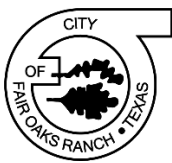
*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

** The Concept Plan is required for PUD and CDA, and for Rezoning if included in a previously approved Concept Plan.

Application Checklist for all Applications

- ☒ Universal Application Form (Form UA).
- ☒ Items listed in the checklist for the Specific Application Form (Form S#) ¹. (Please make sure the boxes are checked)
- ☒ Application Processing Fees and other application fees.
- ☒ Letter of intent explaining the request in detail and reason for the request.
- ☐ Signed Letter of Authorization required if the application is signed by someone other than the property owner.
- ☒ Site plan and shapefile drawings (if applicable) for the property
- ☒ Location map clearly indicating the site in relation to adjacent streets and other landmarks
- ☒ One (1) copy of proof of ownership (recorded property deed or current year tax statements)
- ☒ One (1) USB drive containing the general required documents in Adobe PDF format (if required)

¹For items that are duplicated in the specific type of application, only one copy is required.



S20

SPECIFIC APPLICATION FORM - VARIANCE

Section 3.9 (9) of the Unified Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference prior to application submittal.
- ☐ Concept plan approval (if required).
- ☒ A completed Universal Application and checklist signed by the owner/s of the property.
- ☒ A title report.
- ☒ Payment of all other applicable fees (see Schedule of Fees).
- ☒ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the Variance request. If the property is platted, a copy of the plat should be provided.
- ☒ Location/vicinity map showing the location and boundaries of the subject parcel. Indicate scale or not to scale (NTS) and provide north arrow.
- ☒ Acknowledgement that the sign posted by the City on the property fifteen (15) days prior to the public hearing will be maintained until the request is heard at the public hearing.
- ☒ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- ☒ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.



March 29, 2022
Revised April 14, 2022
Revised April 22, 2022

Ms. Katie Schweitzer, PE
City of Fair Oaks Ranch
7286 Dietz-Elkhorn
Fair Oaks Ranch, Texas 78015

Re: Gray Custom Millworks
Request for Variance

Dear Ms. Schweitzer,

This submittal is to request a variance to the following Unified Development Code sections:

Chapter 6, Section 6.7 Parking Standards

- Section 6.7(4)c - Allow access to parking lots directly from the street and not from an aisle or a driveway.
- Section 6.7, Table 6.2 - Reduction in the number of parking spaces from 24 spaces to 10 spaces. The current ratio is one space per 500 sq. ft. of usable building area for Light manufacturing/ Warehouse/ Logistics types uses.

Chapter 6, Section 6.8 Zoning Districts

- Section 6.8(2)d - Allow reduction in the parking setback from the required minimum three feet to zero feet
- ~~Section 6.8(2)b(i) - Allow reduction in the required minimum front setback of 20 feet to 10 feet.~~ Removed
- ~~Section 6.8(2)e(iii) - Allow reduction in the required minimum residential transition setback of 20 feet to 10 feet.~~ Removed

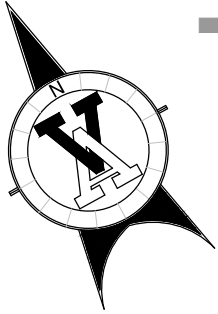
Chapter 7, Section 7.7 Screening Standards

- Section 7.7(1) Allow removal of the three feet high street screen required along the street to screen the parking area.

Your consideration is appreciated.

Sincerely,

Alisha Gray



SCALE: 1" = 40"



**2,951 SF TOTAL
LANDSCAPED AREA
(2,671 SF REQUIRED)**

REQ. PARKING

1 PER 500 GFA

EX. BUILDING: 2,900 SF
PROP. BUILDING: 6,396 SF

GFA: 9,296 SF

TOTAL SPACES REQUIRED:
9,296 / 500 = 18.59

= 19 SPACES (REQUIRED)
11 (PROVIDED)

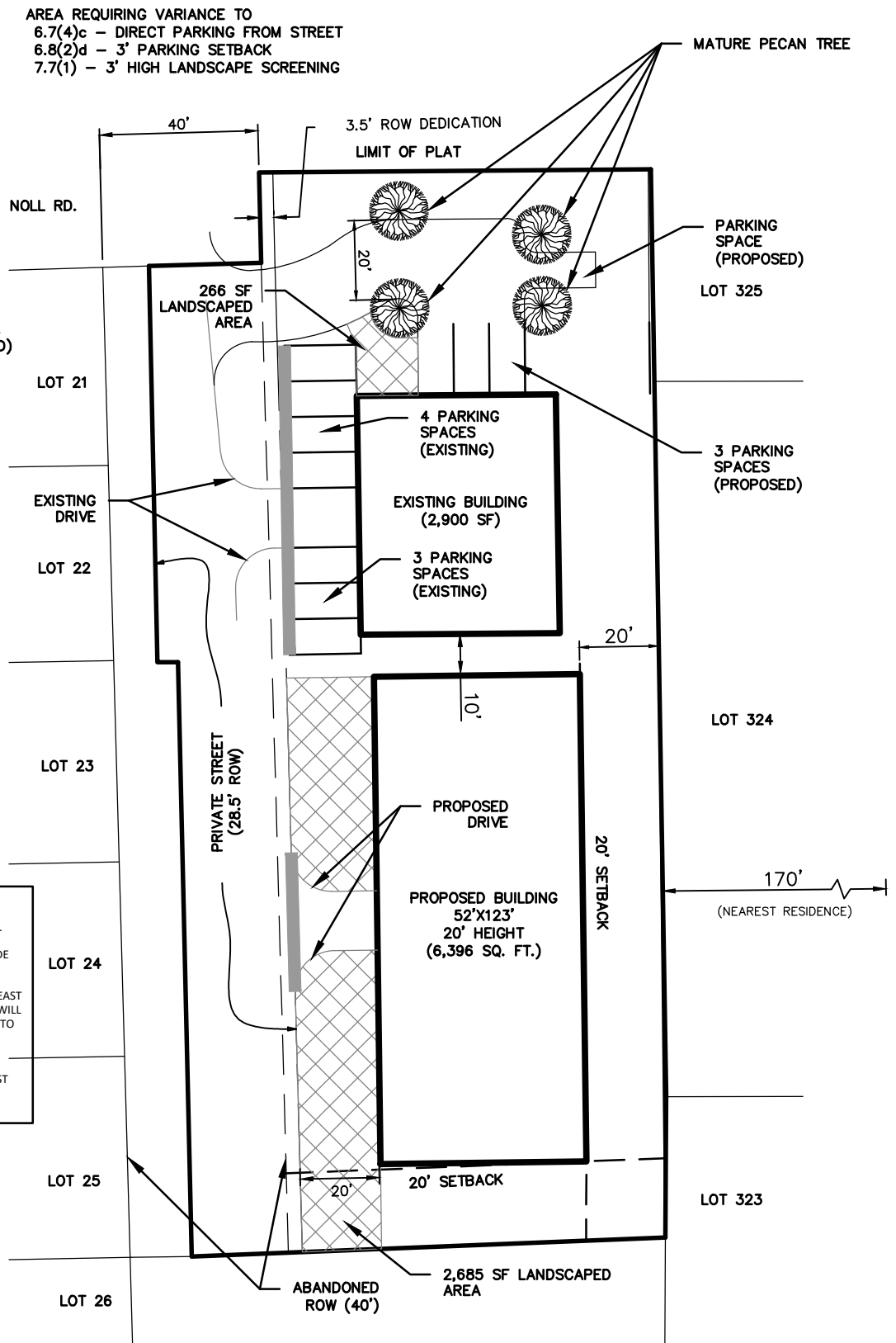
NOTE:

NO OUTDOOR STORAGE IS PERMITTED ON THE SITE.

NO NOISE WILL BE GENERATED DUE TO ANY OUTSIDE ACTIVITY.

NO OUTSIDE LIGHTING WILL BE PROVIDED ON THE EAST SIDE ABUTTING RESIDENTIAL USES AND NO GLARE WILL BE CAST ON THE ABUTTING RESIDENTIAL USES DUE TO SITE LIGHTING. THE SITE LIGHTING WILL MEET ALL OTHER LIGHTING REQUIREMENTS BY THE CITY.

ACOUSTICAL WALLS WILL BE PROVIDED ON THE EAST AND SOUTH SIDE OF THE BUILDING ABUTTING SINGLE-FAMILY RESIDENTIAL USES AND ZONES.



DAMON CABINETS

SITE LAYOUT EXHIBIT



VICKREY & ASSOCIATES, LLC.
CONSULTING ENGINEERS

CIVIL • ENVIRONMENTAL • SURVEY

12940 Country Parkway San Antonio, TX 78216

Telephone: (210) 349-3271

Firm Registration No: F-159

ATTACHMENT: _____ DATE: JULY 19, 2022

Page 19

July 19, 2022

Krishna Radhakrishnan
City of Fair Oaks Ranch
Public Works
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

Re: Request for Variances for Gray Custom Millworks located at 29105 Noll Road
Responses to ZBOA Comments
V&A Project No. 3157.001

Dear Ms. Radhakrishnan,

This letter is in response to the comments received by on July 7, 2022 for Gray Custom Millworks. The comments and their responses are stated below.

1. *Okay with variance for parking spaces.*
 - a. *Required parking based on reducing building = 19 spaces
Provided parking = 17 spaces (11 recommended to save all trees)
(Reduction due to decrease building size – from 24 to 19)*

Variance #2. Variance from the requirements of UDC Section 6.7, Table 6.2-Reduction in the number of parking spaces from ~~24~~ 19 spaces to ~~10~~ 11 spaces.

Response:

Request variance to reduce parking to 11 spaces.

2. *Confirm the size of the building **DONE**
Proposed building - 6396 sq.ft.
Existing = 2900 sq. ft.
Total = 9296 sq. ft.
Reduced from 8610 Sq. Ft. to 6396 sq. ft.*

Response:

Agree to reduce building total area to 9296 s.f.

3. *Meet the height requirements.
Specify the height on the site plan.*

Response:

The maximum building height shall be 16 feet.



Krishna Radhakrishnan
July 19, 2022
Page 2

4. *No outside storage.*
Not addressed. Add a note on the site plan – No outdoor storage is permitted on the site.

Response:

Agree, note added.

5. *No outdoor activity.*
Not addressed. Add a note on the site plan – No noise will be generated due to any outside activity.

Response:

Agree, note added.

6. *No noise generated due to any outside activity.*
Not addressed. Add a note on the site plan – No noise will be generated due to any outside activity.

Response:

Agree, note added.

7. *No outside lighting.*
Not addressed. Add a note on the site plan – No outside lighting will be provided on the East side abutting residential uses and no glare will be cast on the abutting residential uses due to site lighting. The site lighting will meet all other lighting requirements by the City.

Response:

Agree, note added.

8. *Access to existing garage doors only from Noll Road okay to waive landscaping screen.*
ADD ADDITIONAL NOTES AS RECOMMENDED – *“Allow direct access from the street and waive the 3’ parking setback and 3’ tall landscape screening for the 7 existing spaces and garage access as shown by the shaded area”.*

Variance #1. Variance from the requirements of UDC Section 6.7 (4) c – Allow access to parking lots directly from the street and not from an aisle or a driveway.

Variance #3. Variance from the requirements of UDC Section 6.8 (2) d – Allow reduction in the parking setback from the required minimum three feet to zero foot.

Variance #6. Variance from street screening as per UDC Section 7.7 (1) – Allow removal of the three feet high street screen required along the street to screen the parking area.

Response:

See note on site plan and shaded area limits.



Krishna Radhakrishnan
July 19, 2022
Page 3

9. *Current parking – okay to back out, but new parking must comply.*

- *Two angled spaces located at the north-west corner of the site along Noll Road and one parking space at the north-east corner of the site are not in conformance with the parking setback requirement of 10' from the property line. Staff recommends that these spaces be removed and the parking variance be amended to require only 11 spaces.*
- *Provide screening as shown for new parking.*

Response:

Two noted spaces removed. Screening added as shown.

10. *Meet the required setback on the East. Proposed 20'. **DONE***
Variance #5. Variance from UDC Section 6.8 (2) (e) (iii) – Allow reduction in the required minimum residential transition setback of 20 feet to 10 feet.

Variance not required.

11. *Fencing along east side.*

Response:

There is an existing masonry type 8-foot fence along the east property line between the project site and the large lot residential neighbors.

12. *Acoustical walls on the side of the building facing residential.*
Not addressed. Add a note on the site plan – Acoustical walls will be provided on the east and south side of the building abutting single-family residential uses and zones.

Response:

Note added.

13. *Consider preservation of trees on the North side. Only 2 preserved.*
Staff recommends designing the lot to save all 4 trees and seeking a parking variance. Variance from 19 spaces to 11 spaces.

Response:

Plan revised to save trees.

14. *Meet the front setback. **DONE***
Variance #4. Variance from the requirements of UDC Section 6.8 (2) b (i) – Allow reduction in the required minimum front setback of 20 feet to 10 feet.

Response:

Variance no longer required.

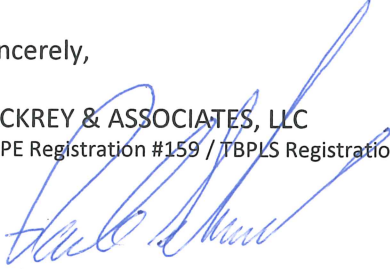


Krishna Radhakrishnan
July 19, 2022
Page 4

If you have any questions, please contact me.

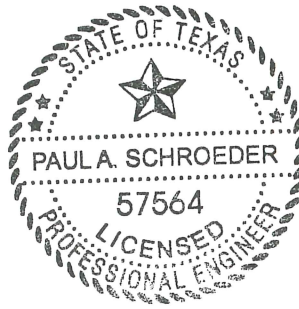
Sincerely,

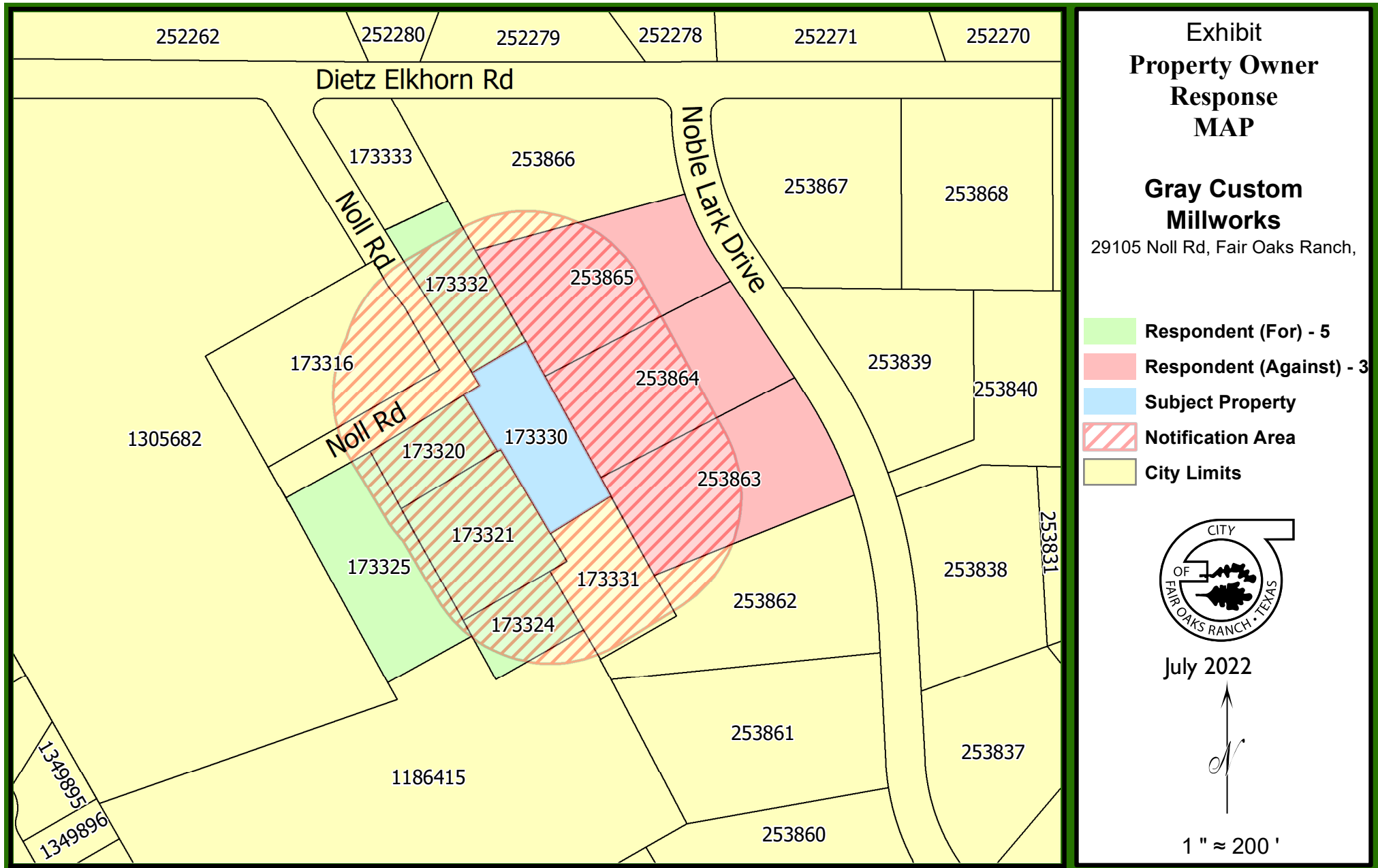
VICKREY & ASSOCIATES, LLC
TBPE Registration #159 / TBPLS Registration #10004100



Paul A. Schroeder, PE, RPLS
Residential Division Manager

PAS/ksh





Disclaimer – The City of Fair Oaks Ranch (COFOR) does not guarantee the accuracy, adequacy, completeness, or usefulness of any information. COFOR does not warrant the completeness, timeliness, or positional, thematic, and attribute accuracy of the GIS Data. The GIS data, cartographic products, and associated applications are not legal representations of the depicted data. GIS data is derived from public records that are constantly undergoing revision. Under no circumstances should GIS products be used for final design purposes. COFOR provides this information on an "as is" basis without warranty of any kind, express or implied, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

Property Owner Notice



CITY OF FAIR OAKS RANCH

7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015

www.fairoaksranchtx.org



210-698-0900 (office)

210-698-3565 (fax)

(RETURN THIS FORM TO)

City of Fair Oaks Ranch
Engineering Department
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas 78015

RE: (Variance No. ZBOA 2022-06-22)

This form may be used for the purpose of expressing your opinion on the proposed variance requests. Please complete the form below and return it to the City of Fair Oaks Ranch Engineering Department prior to the Public Hearing date referenced below and in your property owner notification.

The Public Hearing will be held in the Public Safety Training Room of the Police Station located at 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015 on Wednesday, June 22, 2022, at 6:30 PM.

X I am **FOR** the variance requests as explained on the attached public notice for Variance No. ZBOA 2022-06-22.

_____ I am **AGAINST** the variance requests as explained on the attached public notice for Variance No. ZBOA 2022-06-22.

(PLEASE PRINT)

All comments forms **MUST** be returned prior to the City prior to June 14, 2022.

Name: William McDowell
Address: 29159 Noll Road
Signature: [Signature]
Date: 14 June 2022

Comments:

Support local business!
5-employees
Maybe add some MUDA incentives

Property Owner Notice



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Name:

Reza Olson / JAMES MCKEE

Address:

8666 Noble Lark Dr.

Signature:

Reza Olson

Date:

6-1-2022

Comments:

Property Owner Notice



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Name: HOMER HALL

Address: 8646 NOBLE LARK DR

Signature: Homer E Hall

Date: 10 June 2022

Comments: SEE ATTACHED

Homer Hall

We are **against** the variance because:

1. Current zoning. Van Raub neighborhood residences does not reflect correct zoning. It is identified as 'Neighborhood Commercial' when the only commercial property of the 7 or 8 Noll Road residents is D&A Gray Enterprises. The city council should consider redistricting as an 'Existing Residential' given the fact all structures on Noll Road and proximity to Van Raub Elementary are family type homes. The Bexar County Appraisal District identifies the 'property use description' for 29105 Noll Rd as 'Single Family,' so why is it a business?
2. Noise pollution. Right now, there is loud machinery noise coming from that business that constantly invades the neighborhood. Will the expansion building bring in more machines that not only further pollute the neighborhood but interrupt student learning at the elementary school across the street?
3. View obstruction. The current business building as it stands is an eye sore. The blue metal building does not reflect the original home architecture of the Van Raub community. It would be like replacing a golf course home on Fair Oaks Parkway with a Discount Tire.
4. Property values go down. Concern for the life of the business. What happens if this business decides to sell, close or it goes bankrupt? Does the current business use toxic or controlled materials? What happens if a new business moves in that works with toxic materials or air pollutants? The Van Raub community residents use well water. What precautions is this business using to prevent the water source from being contaminated? This probability affects not only current property owners but all the surrounding neighborhoods and what may concern potential buyers.
5. Impact of new traffic and safety to our neighborhood. Supply and delivery trucks for this business will affect this neighborhood because these type vehicles will use our residential streets as short cuts or cut throughs to I-10. Current city signs do not deter construction and delivery semi's from using our residential streets that are not designed to support heavy vehicles. Residential streets off of Dietz Elkhorn do not have sidewalks. Traffic consistently ignores posted speed limit signs. For these reasons, our residents, including children, cannot go for walks or ride bikes in our own neighborhood. How will the traffic generated from this business added to the current Van Raub school traffic and new neighborhoods traffic feeding Dietz-Elkhorn make it anymore safe?

Homer E. Hall
10 June 2022

Property Owner Notice



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Name:

Isaac & Brenda Valero

Address:

8656 Noble Lark

Signature:

[Handwritten Signature]

Date:

6-20-22

Comments:

The property is non conforming to the area. The structure wouldn't be allowed to be built in any other neighborhood. In addition, the color - blue - further creates eye pollution. The current structure is extremely close to my fence line - which is very visible from my property. Allowing further expansion would further diminish spacing between all adjacent neighbors. In addition, the proposed expansion - 300%+ would create an eye sore for all neighbors and would further non-conform to the area. My home is ~3184 sq ft and sits on 1.34 acres, this owner is looking to expand/create a structure 4x my home on half the lot - UNACCEPTABLE

Property Owner Notice



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(PLEASE PRINT)

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Name:

Kathy Padgett

Address:

29050 Noll Road

Signature:

Kathy Padgett

Date:

6/22/2022

Comments:

Property Owner Notice



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(PLEASE PRINT)

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Name:

Cheryl Boynton

Address:

29915 Noll Road 78015

Signature:

Cheryl Boynton

Date:

June 20, 2022

Comments:

Property Owner Notice



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(PLEASE PRINT)

All comments forms **MUST** be returned prior to the City prior to June 14, 2022.

Name:

Vicki & Brent Belevit

Address:

29020 HOLL RD, BOERNE TX 78015

Signature:

Vicki Belevit

Date:

6/22/22

Comments:

1 verbal in favor from Todd Dorn