

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

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 in the foyer of the Public Safety Training Room. 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 March 14, 2022 Special ZBOA meeting minutes.

Christina Picioccio, TRMC, City Secretary

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.

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.

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

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

Katherine Schweitzer, P.E., Manager of Engineering Services

ADJOURNMENT

Request for ZBOA topic needing information/research

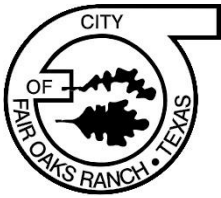
Signature of Agenda Approval: s/ Carole Vanzant

Carole Vanzant, Assistant City Manager

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, June 19, 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

Monday, March 14, 2022 at 6:30 PM

City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

Members Present: Michael Rey, Dean Gaubatz, Rich Nichols, Shane Stolarczyk, and J.C. Taylor

With a quorum present, the meeting was called to order at 6:30 PM.

2. Pledge of Allegiance – The Pledge of Allegiance was led by the Director of Public Works and Engineering Department, Grant Watanabe.

CITIZENS and GUEST FORUM

3. Citizens to be heard – No citizens signed up to be heard.

As all new ZBOA members were not present, the Legal Training was presented out of agenda order.

WORKSHOP

5. **Dan Santee, City Attorney, conducted a Zoning Board of Adjustment Legal Training.**

Alternate Member, Roderick Terrell arrived at 6:39 PM.

OATH OF OFFICE

4. **Christina Picioccio, TRMC, City Secretary, provided the Oath of Office to new board members: Michael Rey and Roderick Terrell and existing member Lawrence Nichols.**

WORKSHOP

6. **Christina Picioccio, TRMC, City Secretary conducted a ZBOA Administration Workshop with Deputy City Secretary, Amanda Valdez.**

CONSIDERATION/DISCUSSION ITEMS

7. **Consideration and possible action appointing a Chairperson and a Vice Chairperson.**

MOTION: Made by Board Member Stolarczyk, seconded by Board Member Nichols, to appoint Michael Rey to serve as the Zoning Board of Adjustment Chairperson.

VOTE: 5-0; Motion Passed.

MOTION: Made by Board Member Gaubatz, seconded by Board Member Rey, to appoint Shane Stolarczyk to serve as the Zoning Board of Adjustment Vice Chairperson.

VOTE: 5-0; Motion Passed.

8. **Consideration and possible action recommending approval of the Rules of Procedure for the Zoning Board of Adjustment.**

MOTION: Made by Board Member Gaubatz, seconded by Board Member Nichols, to recommend approval of the Rules of Procedure for the Zoning Board of Adjustment.

VOTE: 5-0; Motion Passed.

ADJOURNMENT

Chairperson Rey adjourned the meeting at 8:04 PM.

ATTEST:

Michael Rey, Chairperson

Christina Picioccio, TRMC, City Secretary



ZONING BOARD OF ADJUSTMENTS PUBLIC HEARING

CITY OF FAIR OAKS RANCH, TEXAS

June 22, 2022

AGENDA TOPIC: 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.

DATE: June 22, 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

Prior to taking action on a variance request, the Zoning Board of Adjustment (ZBOA) is required to conduct a public hearing. The sequence for conducting the public hearing and taking action on the requested variances is as follows:

- A. Chairman opens the public hearing
- B. Staff presentation of the variance request
- C. Applicant presentation of the variance request
- D. ZBOA receives public testimony for/against the variance request with the Chairman serving as the presiding officer
- E. Chairman closes the public hearing
- F. ZBOA discuss the request, inclusive of asking questions of the applicant and staff.
- G. ZBOA will consider and take possible action on the Variances under the Consideration/Discussion Items portion of the agenda.

STAFF PRESENTATION

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 11,510 square feet, by constructing a new detached building of 8,500 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. The residential transition setback will be reduced from the 20' minimum requirement to

10'. Considering the commercial nature of the proposed use that will involve onsite fabrication and millwork, the use will have adverse impact on the neighboring residential uses.

5. The front setback will be reduced to 10' from the required 20' setback. Considering that the applicant is requesting variances from screening, landscaping, and parking variances, the reduction of the front setback will be detrimental.
6. 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 Plan (**Attachment 4**).

Requested Variances and Findings:

Staff's review of each Variance is 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 plan 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), listed earlier in this report, 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 24 spaces to 10 spaces. The current required ratio is one space per 500 square feet of usable building area for the existing use. The facility expansion requires 24 parking spaces for the 11,510 square foot proposal while the applicant is proposing only 10 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 per the **Illustration 2: Schematic Diagram Showing Compliance** below. The criteria in UDC Section 3.9 (9), listed earlier in this report, 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 per the **Illustration 2: Schematic Diagram Showing Compliance** below and therefore this Variance is not warranted. The criteria in UDC Sec. 3.9 (9), listed earlier in this report, 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 the requirements of UDC Section 6.8 (2) b (i) - Allow reduction in the required

minimum front setback of 20 feet to 10 feet.

Finding: It is staff's opinion that the site can be redesigned to accommodate the required front setback as shown in **Illustration 2: Schematic Diagram Showing Compliance** below (prepared by staff) and therefore this Variance is not warranted. The criteria in UDC Sec. 3.9 (9), listed earlier in this report, do not apply. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

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.

Finding: It is staff's opinion that the site can be redesigned to accommodate the required residential transition setback as shown in **Illustration 2: Schematic Diagram Showing Compliance** below (prepared by staff) and therefore this Variance is not warranted. The criteria in UDC Sec. 3.9 (9), listed earlier in this report, do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

6. 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 plan does not propose any screening.

Finding: It is staff's opinion that the site can be designed to meet this requirement as shown in **Illustration 2: Schematic Diagram Showing Compliance** below (prepared by staff). The criteria in UDC Section 3.9 (9), listed earlier in this report, do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

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 per the **Illustration 2: Schematic Diagram Showing Compliance** below. 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.

PUBLIC TESTIMONY

All real property owners within 200ft were notified and notice of the public hearing has been published. Staff has received one (1) public comment in favor of the request and two (2) in opposition.

Illustration 1: Applicant's Proposal

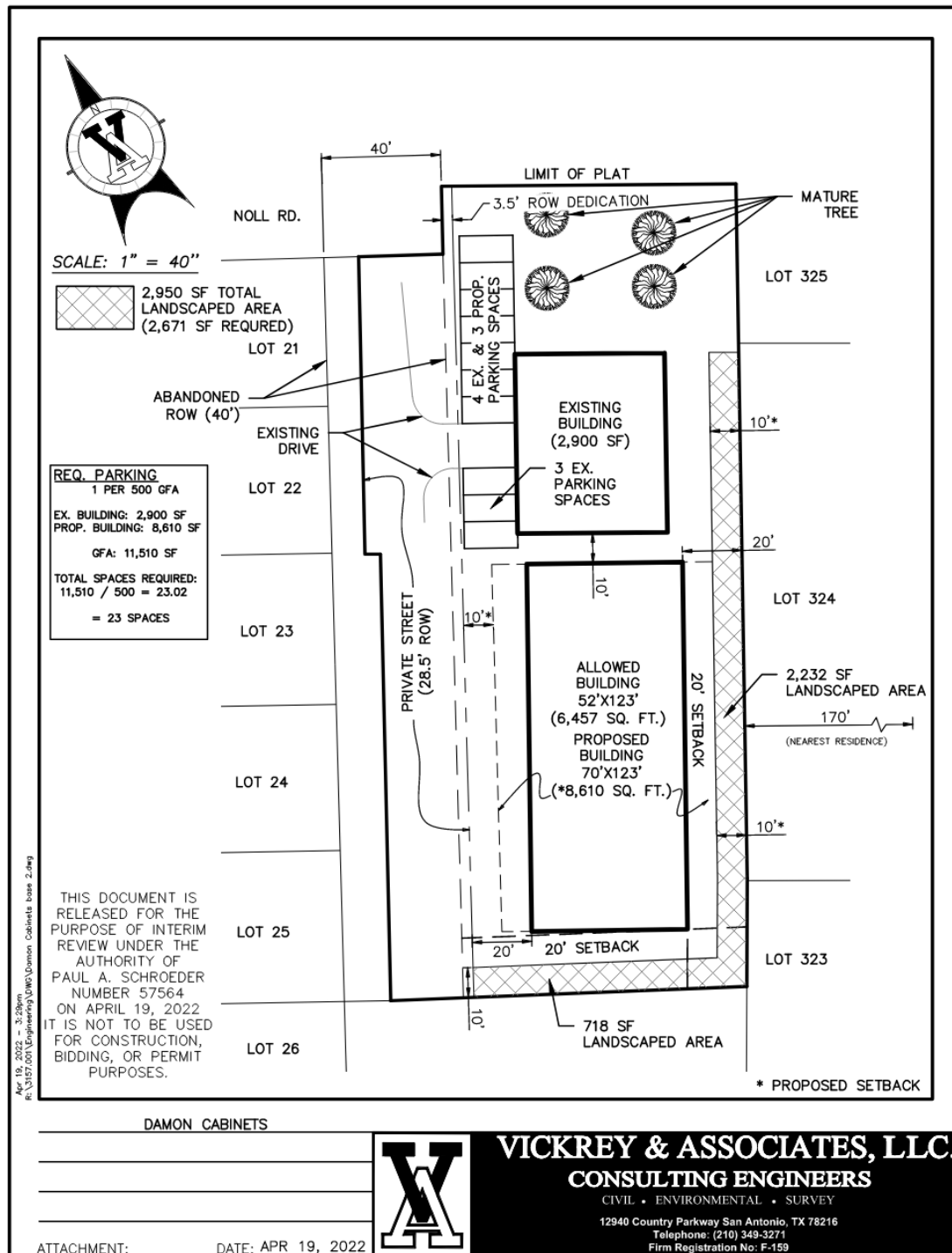


Illustration 2: Schematic Diagram Showing Compliance

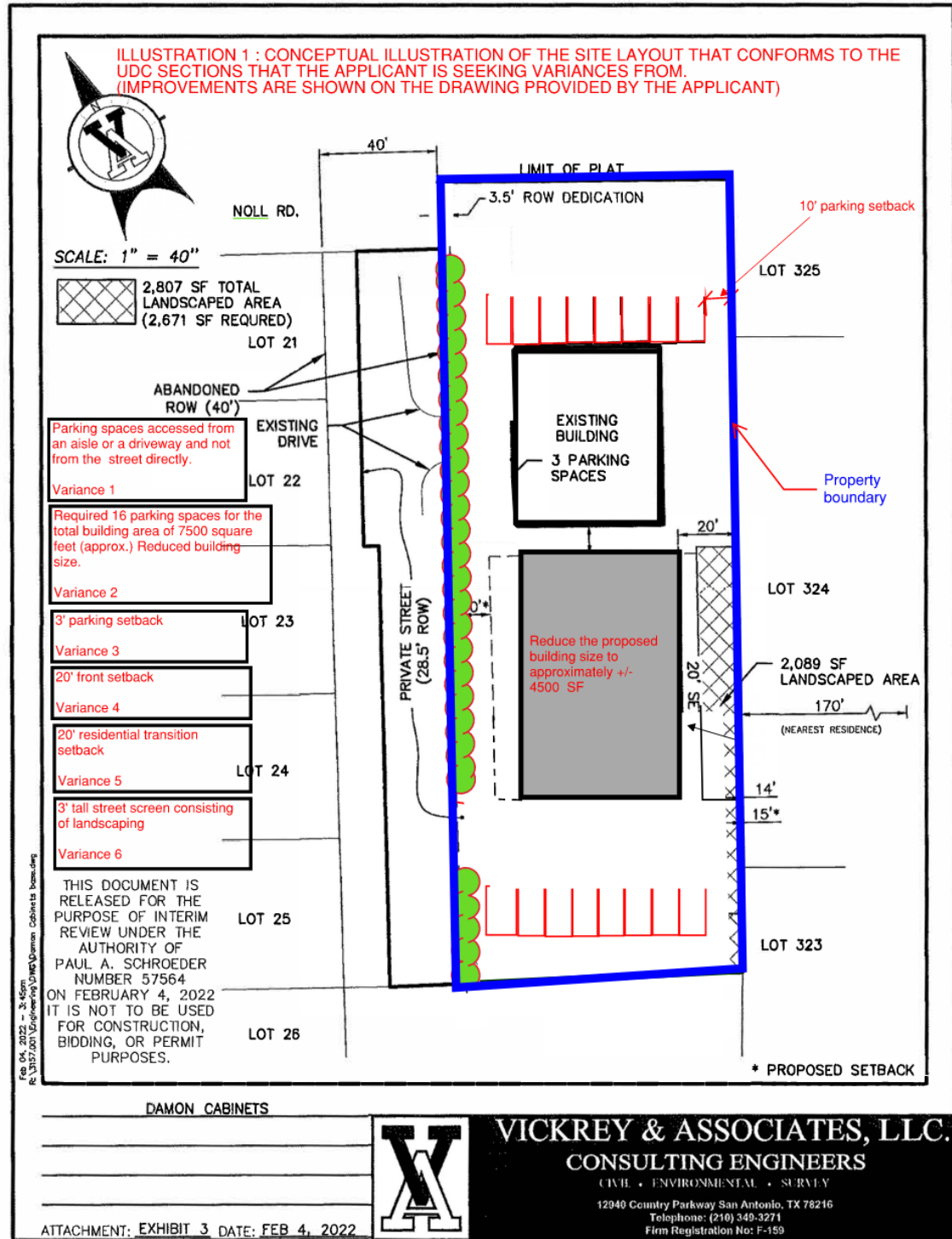
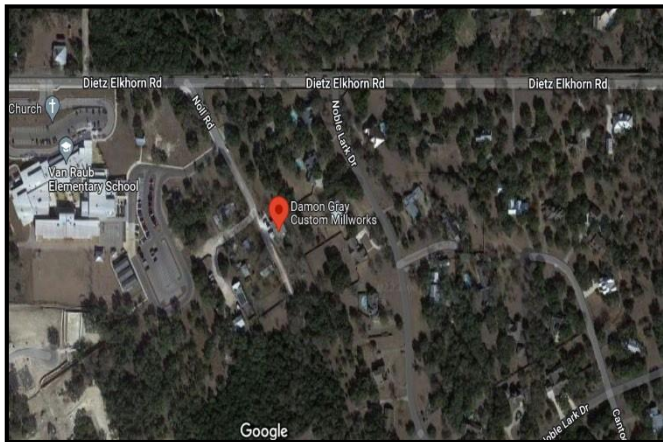
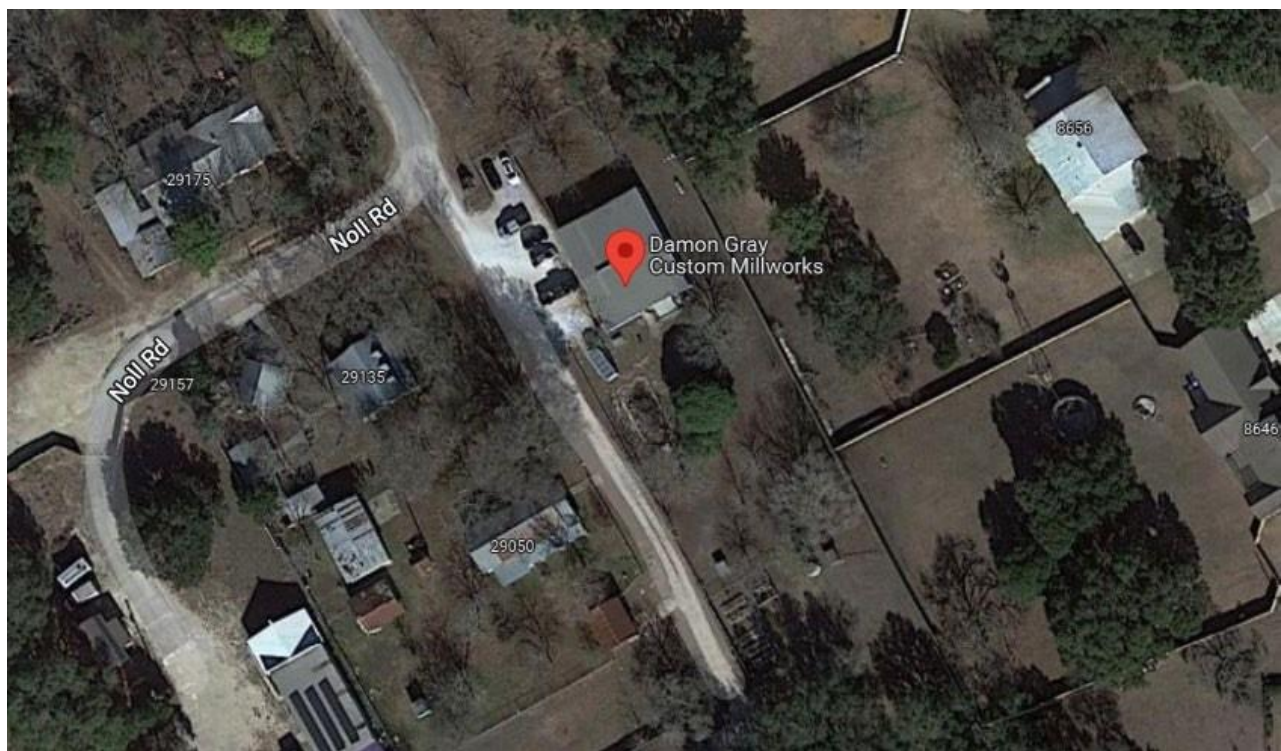


Exhibit A: Location Map and Vicinity Map

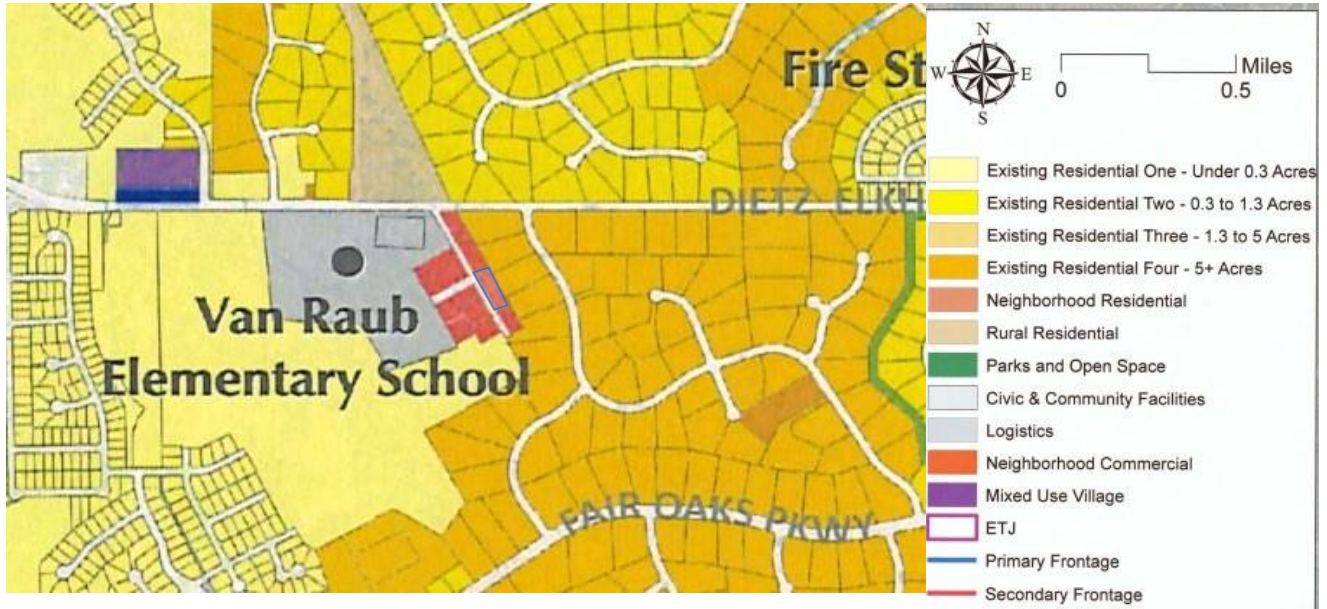


Source: Google



Source: Google

Exhibit B: Zoning Map



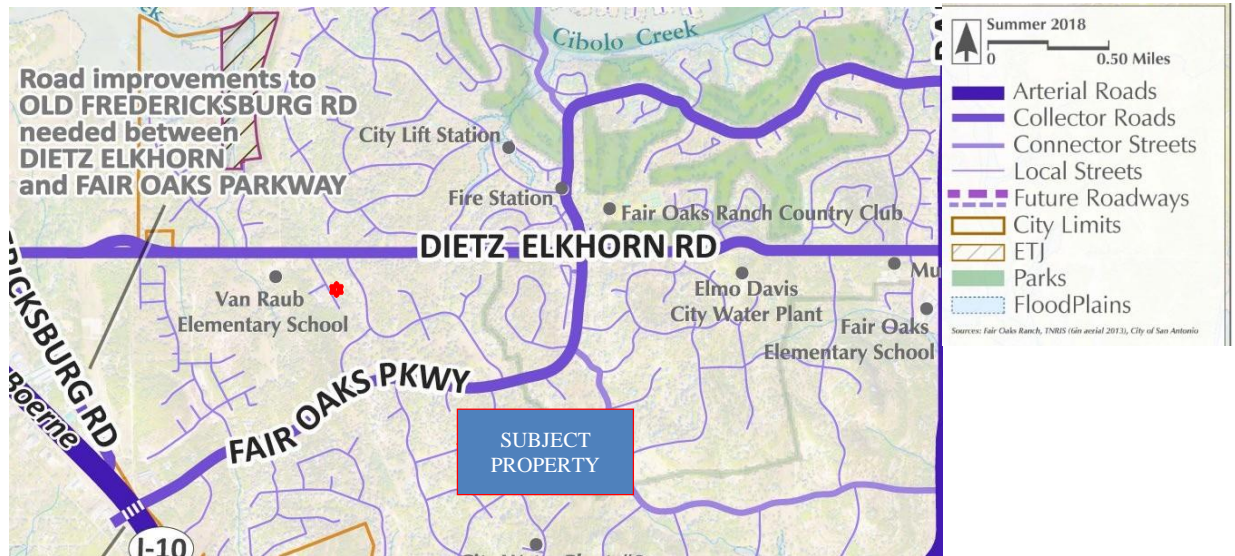
Source: City of Fair Oaks Ranch

Exhibit C: Existing Condition



Source: Google

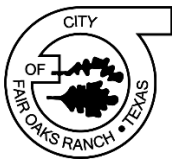
Exhibit D: Transportation Map



Source: City of Fair Oaks Ranch

Attachments:

1. Universal Application
2. S20 Variance Specific Application Form
3. Letter of Intent
4. Site Plan
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 RanchTX.org 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

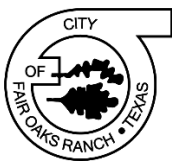
*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

** 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.
- Section 6.8(2)e(iii) - Allow reduction in the required minimum residential transition setback of 20 feet to 10 feet.

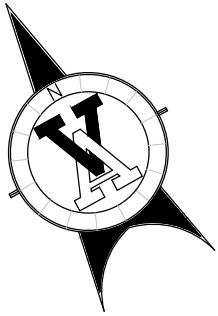
Chapter 7, Section 7.7 Screening Standards

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

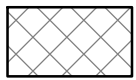
Your consideration is appreciated.

Sincerely,

Alisha Gray



SCALE: 1" = 40"



2,950 SF TOTAL
LANDSCAPED AREA
(2,671 SF REQUIRED)

LOT 21

ABANDONED
ROW (40')

EXISTING
DRIVE

LOT 22

REQ. PARKING

1 PER 500 GFA

EX. BUILDING: 2,900 SF
PROP. BUILDING: 8,610 SF

GFA: 11,510 SF

TOTAL SPACES REQUIRED:
11,510 / 500 = 23.02

= 23 SPACES

LOT 23

LOT 24

LOT 25

LOT 26

40'

LIMIT OF PLAT

3.5' ROW DEDICATION

MATURE
TREE

LOT 325

4 EX. & 3 PROP.
PARKING SPACES

EXISTING
BUILDING
(2,900 SF)

3 EX.
PARKING
SPACES

10'*

20'

LOT 324

PRIVATE STREET
(28.5' ROW)

10'*

ALLOWED
BUILDING
52'X123'
(6,457 SQ. FT.)
PROPOSED
BUILDING
70'X123'
(*8,610 SQ. FT.)

20' SETBACK

2,232 SF
LANDSCAPED AREA

170'

(NEAREST RESIDENCE)

10'*

20'

20' SETBACK

LOT 323

718 SF
LANDSCAPED AREA

* PROPOSED SETBACK

THIS DOCUMENT IS
RELEASED FOR THE
PURPOSE OF INTERIM
REVIEW UNDER THE
AUTHORITY OF
PAUL A. SCHROEDER
NUMBER 57564
ON APRIL 19, 2022
IT IS NOT TO BE USED
FOR CONSTRUCTION,
BIDDING, OR PERMIT
PURPOSES.

DAMON CABINETS



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: APR 19, 2022

VICKREY & ASSOCIATES, LLC
CONSULTING ENGINEERS

May 18, 2022

Katie Schweitzer
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
V&A Project No. 3157.001

Dear Ms. Schweitzer,

This letter is in response to the comments received by email on May 18, 2022 to Damon Gray for Gray Custom Millworks. The comments and their responses are stated below.

1. *Provide a completed Universal Application.*

Response:

A completed Universal Application is attached.

2. *Provide the 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.*

Response:

A letter acknowledging that the sign posted by the City will be maintained the public hearing is attached.

3. *Provide the area of existing building. This information was provided in the previous resubmittal.*

Response:

An exhibit showing the area of the existing building is attached.

4. *Correct the minimum residential transition setback requirement to 20'. The letter of intent indicates that the requirement is 209 feet.*

Response:

The revised letter of intent is attached.

In addition to the documents included with the above responses, I have also included the following documents:

- Location Map
- Subdivision Plat
- D&A Gray Enterprises Franchise Tax Details



Katie Schweitzer

May 18, 2022

Page 2

- Road Closure of Noll Road, Volume 112, Page 93, Bexar County Commissioner's Court Records.
- Owner's Policy of Title Insurance
- Recorded Warranty Deed
- S20 Variance Specific Application Form
- Tax Certificate, 04035-000-1002

If you require a hard copy of this submittal, please contact the property owner's directly.

Sincerely,

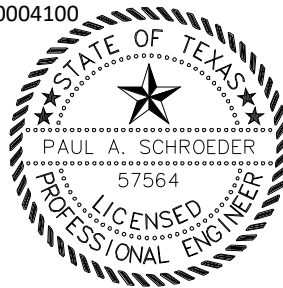
VICKREY & ASSOCIATES, LLC

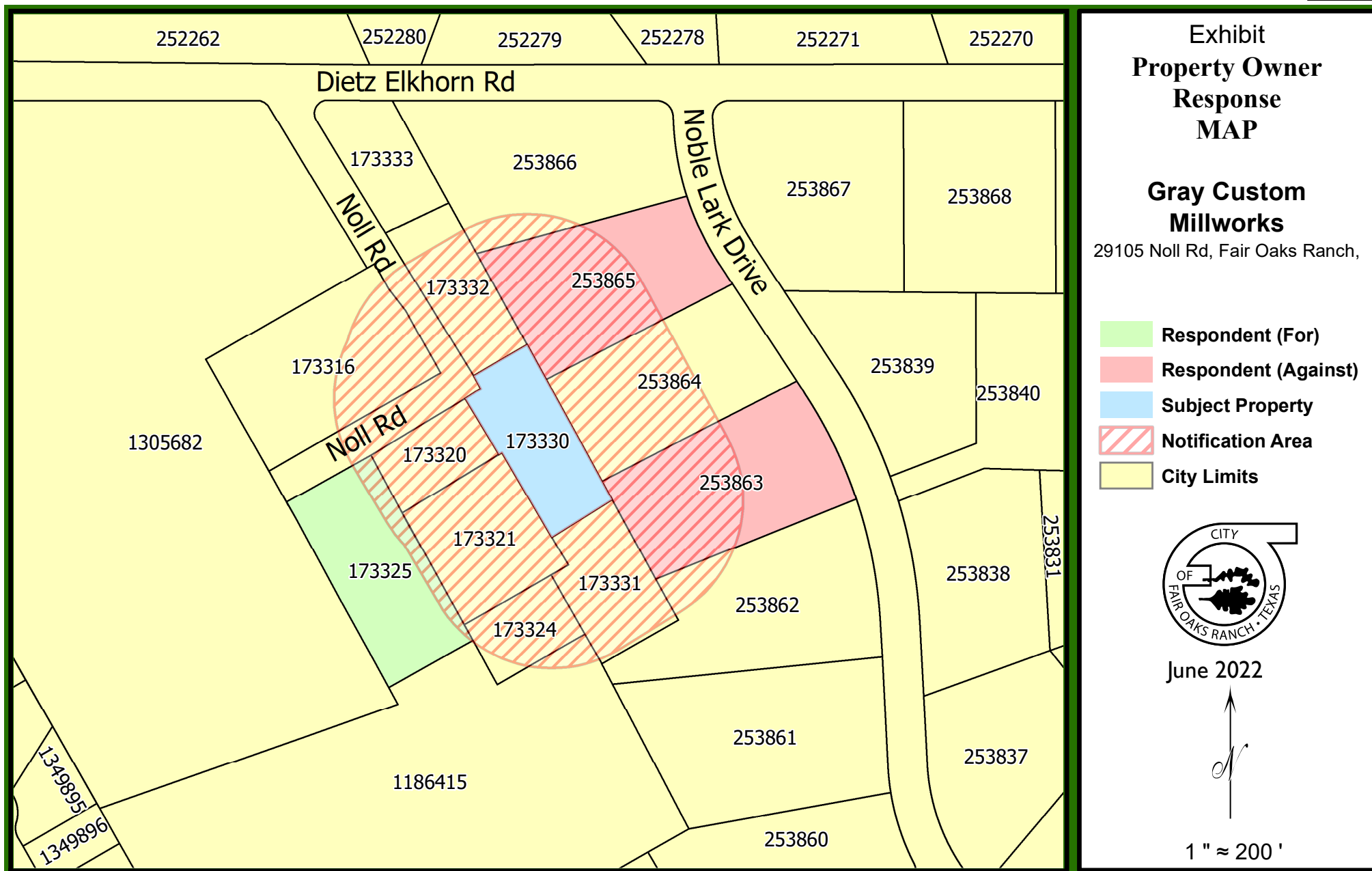
TBPE Registration #159 / TBPLS Registration #10004100



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



CITY OF FAIR OAKS RANCH

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(PLEASE PRINT)

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

Name:

Reza Olson / JAMES MCKEE

Address:

8666 Noble Lark Dr.

Signature:

Reza Olson

Date:

6-1-2022

Comments:

Property Owner Notice



CITY OF FAIR OAKS RANCH

7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015

www.fairoaksranchtx.org

210-698-0900 (office)

(RETURN THIS FORM TO)

City of Fair Oaks Ranch

Engineering Department

7286 Dietz Elkhorn

Fair Oaks Ranch, Texas 78015



210-698-3565 (fax)

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(PLEASE PRINT)

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

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



ZONING BOARD OF ADJUSTMENT CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 22, 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: June 22, 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 11,510 square feet, by constructing a new detached building of 8,500 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. The residential transition setback will be reduced from the 20' minimum requirement to 10'. Considering the commercial nature of the proposed use that will involve onsite fabrication and millwork, the use will have adverse impact on the neighboring residential uses.
5. The front setback will be reduced to 10' from the required 20' setback. Considering that the applicant is requesting variances from screening, landscaping, and parking variances, the reduction of the front setback will be detrimental.
6. 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 Plan (**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.

REQUESTED VARIANCES AND STAFF FINDINGS:

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 plan 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), listed earlier in this report, 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 24 spaces to 10 spaces. The current required ratio is one space per 500 square feet of usable building area for the existing use. The facility expansion requires 24 parking spaces for the 11,510 square foot proposal while the applicant is proposing only 10 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 per the **Illustration 2: Schematic Diagram Showing Compliance** below. The criteria in UDC Section 3.9 (9), listed earlier in this report, 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 per the **Illustration 2: Schematic Diagram Showing Compliance** below and therefore this Variance is not warranted. The criteria in UDC Sec. 3.9 (9), listed earlier in this report, 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 the requirements of UDC Section 6.8 (2) b (i) - Allow reduction in the required minimum front setback of 20 feet to 10 feet.

Finding: It is staff's opinion that the site can be redesigned to accommodate the required front setback as shown in **Illustration 2: Schematic Diagram Showing Compliance** below (prepared by staff) and therefore this Variance is not warranted. The criteria in UDC Sec. 3.9 (9), listed earlier in this report, do not apply. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

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.

Finding: It is staff's opinion that the site can be redesigned to accommodate the required residential transition setback as shown in **Illustration 2: Schematic Diagram Showing**

Compliance below (prepared by staff) and therefore this Variance is not warranted. The criteria in UDC Sec. 3.9 (9), listed earlier in this report, do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict the utilization of the property.

6. 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 plan does not propose any screening.

Finding: It is staff’s opinion that the site can be designed to meet this requirement as shown in **Illustration 2: Schematic Diagram Showing Compliance** below (prepared by staff). The criteria in UDC Section 3.9 (9), listed earlier in this report, 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 per the **Illustration 2: Schematic Diagram Showing Compliance** below. 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.

RECOMMENDED MOTION:

Staff recommends that all six 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 plan (**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 plan (**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 24 spaces to 10 spaces.

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

Variance from Section 6.8 (2) b (i) – Allow reduction in the required minimum front setback of 20 feet to 10 feet.

Variance 5 - Motion: I make a motion to approve the following Variance as per the attached site plan (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from Section 6.8 (2) (e) (iii) – Allow reduction in the required minimum residential transition setback of 20 feet to 10 feet.

Variance 6 - Motion: I make a motion to approve the following Variance as per the attached site plan (**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.

Illustration 1: Applicant's Proposal

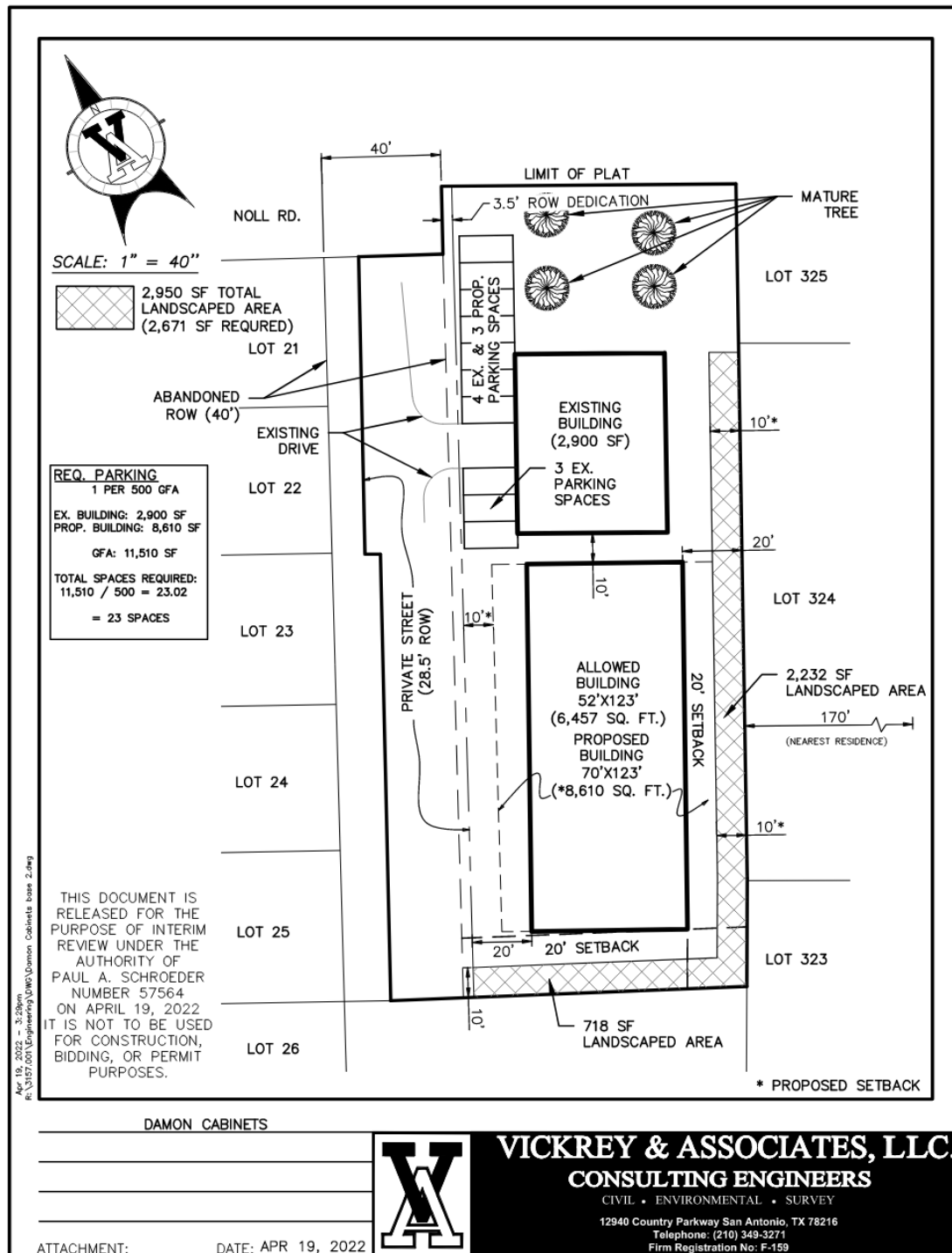


Illustration 2: Schematic Diagram Showing Compliance

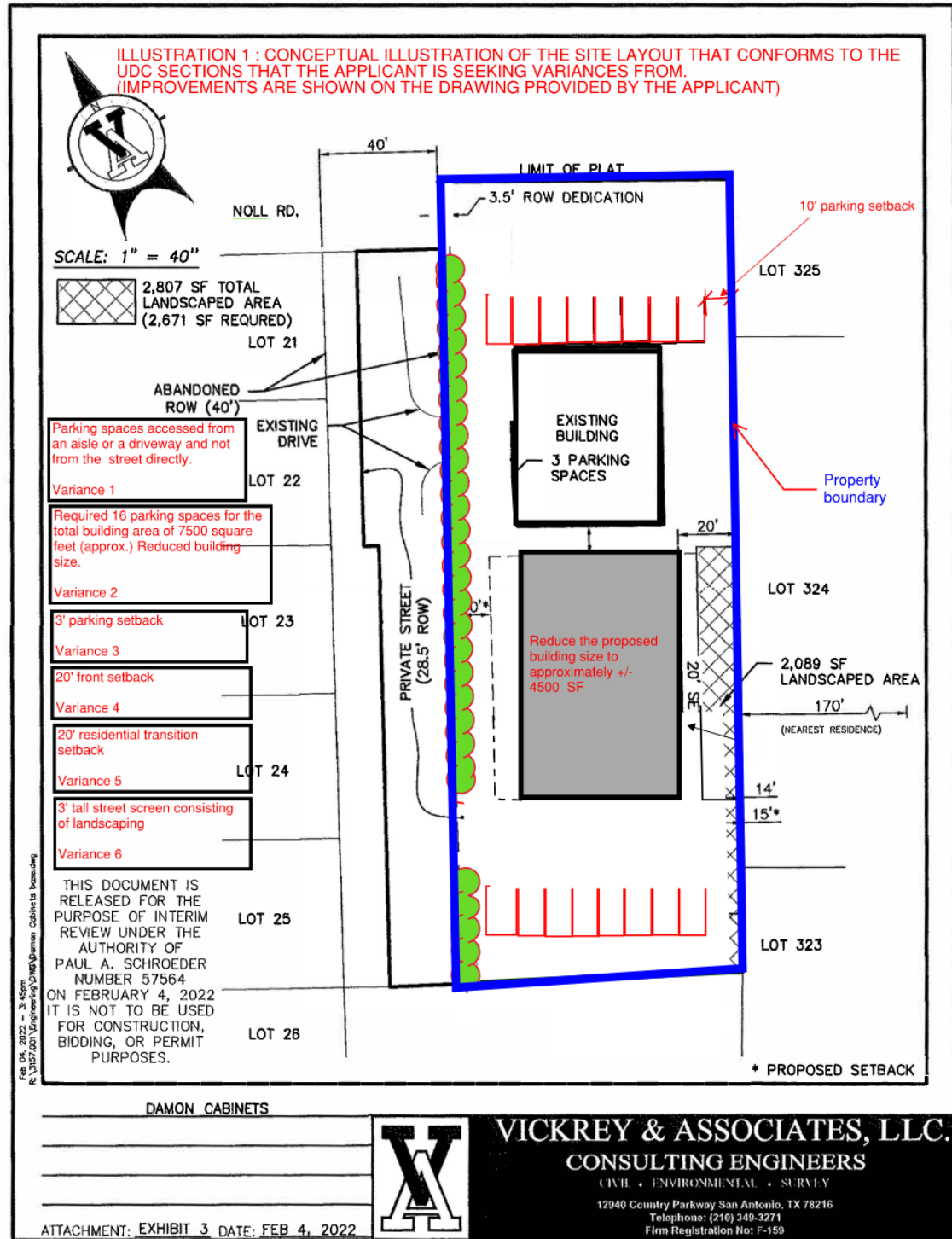
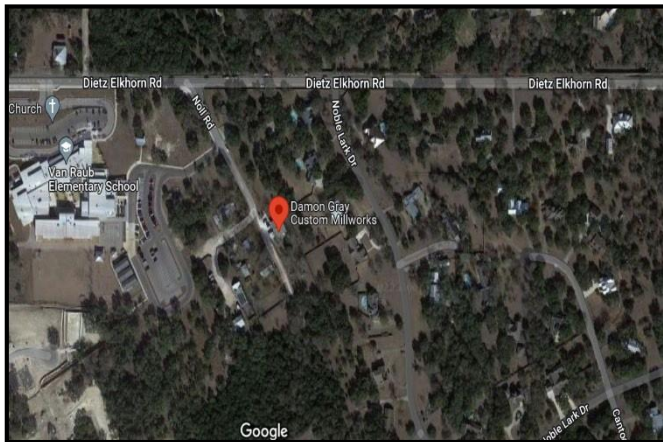
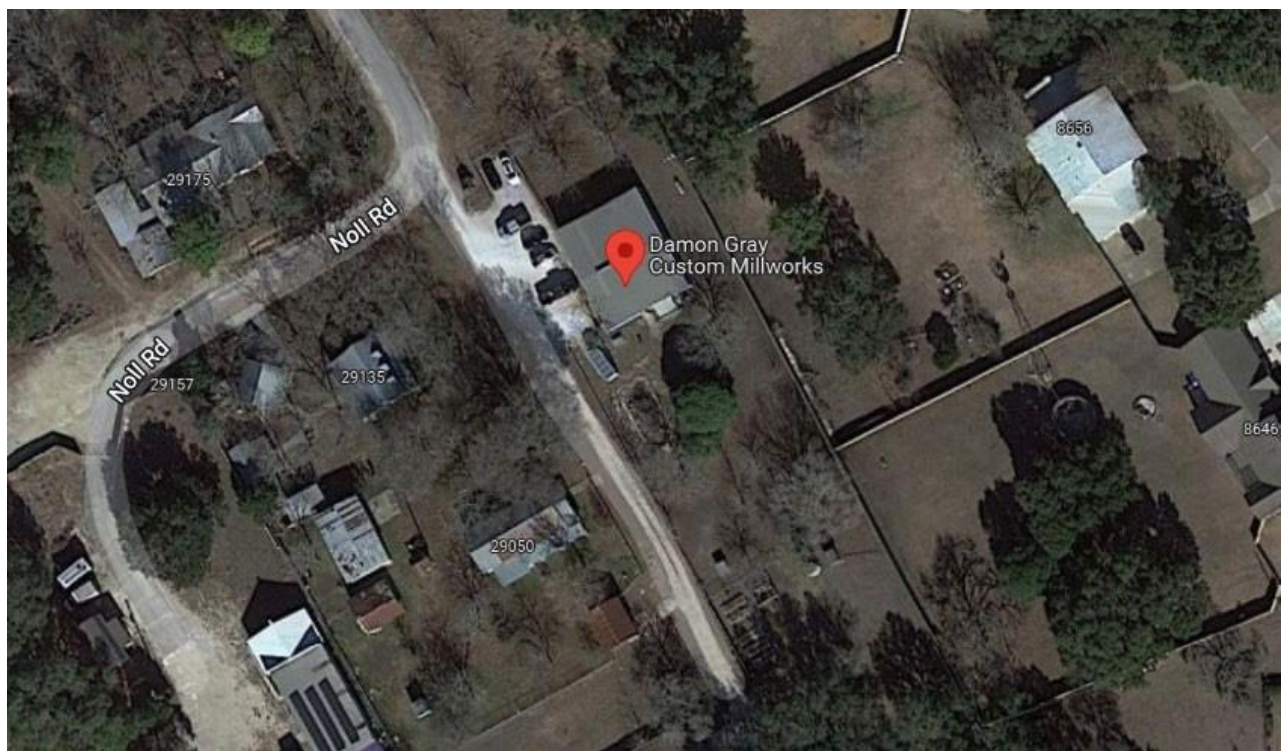


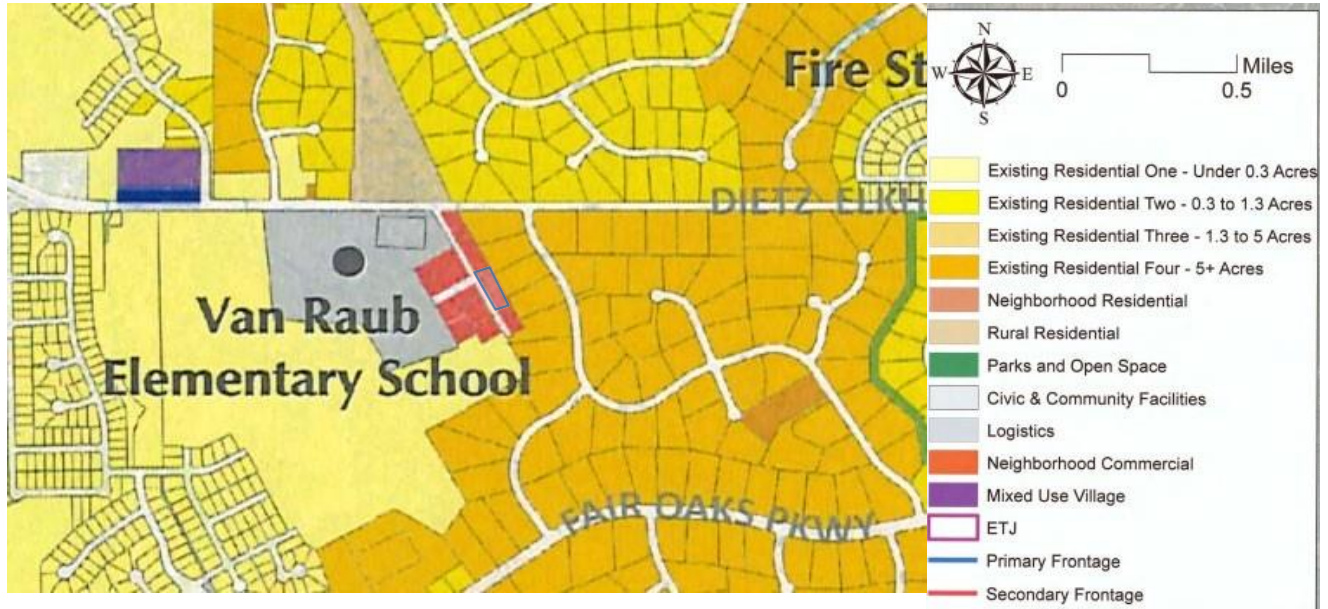
Exhibit A: Location Map and Vicinity Map



Source: Google



Source: Google

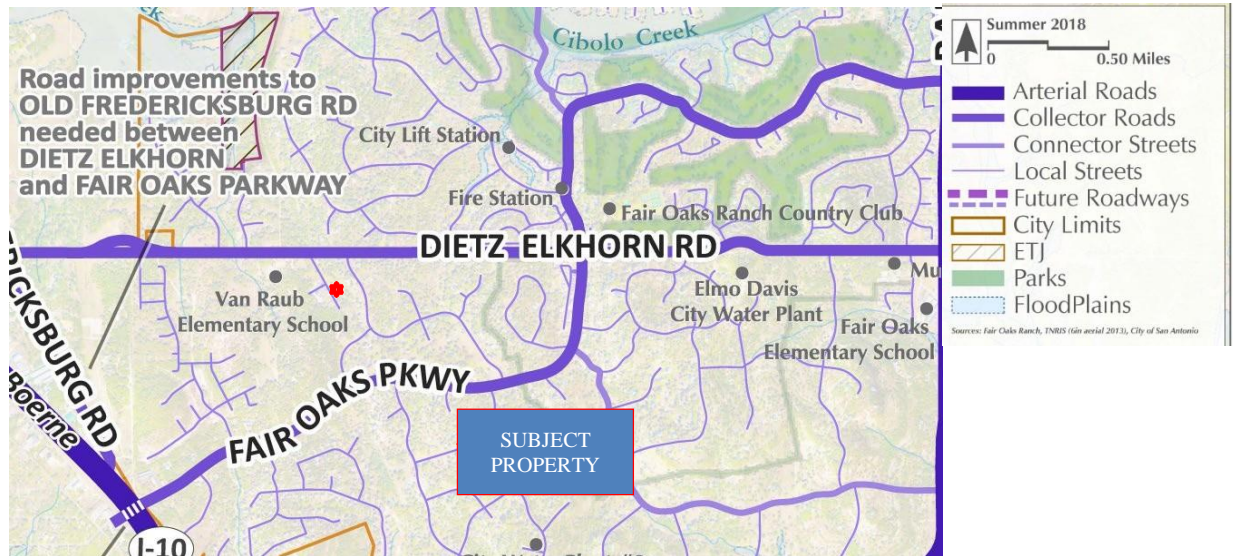
Exhibit B: Zoning Map

Source: City of Fair Oaks Ranch

Exhibit C: Existing Condition

Source: Google

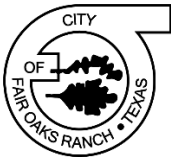
Exhibit D: Transportation Map



Source: City of Fair Oaks Ranch

Attachments:

1. Universal Application
2. S20 Variance Specific Application Form
3. Letter of Intent
4. Site Plan
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@fairoaksranchtx.org 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 ☐ PublicFlood Zone: ☐ Yes ☒ NoSewer 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

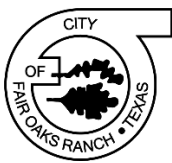
*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

** 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.
- Section 6.8(2)e(iii) - Allow reduction in the required minimum residential transition setback of 20 feet to 10 feet.

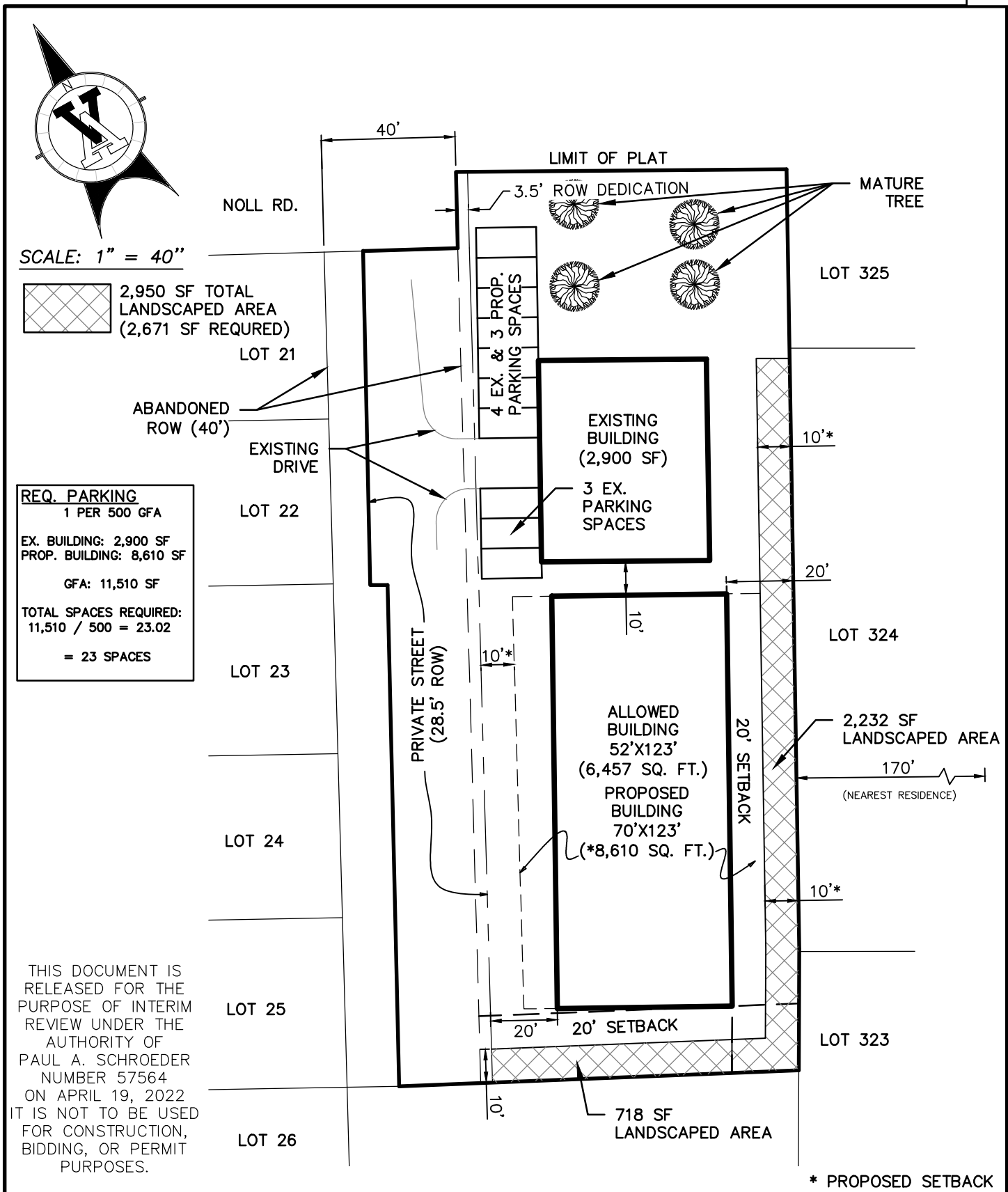
Chapter 7, Section 7.7 Screening Standards

- 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



DAMON CABINETS



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: APR 19, 2022

VICKREY & ASSOCIATES, LLC
CONSULTING ENGINEERS

May 18, 2022

Katie Schweitzer
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
V&A Project No. 3157.001

Dear Ms. Schweitzer,

This letter is in response to the comments received by email on May 18, 2022 to Damon Gray for Gray Custom Millworks. The comments and their responses are stated below.

1. *Provide a completed Universal Application.*

Response:

A completed Universal Application is attached.

2. *Provide the 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.*

Response:

A letter acknowledging that the sign posted by the City will be maintained the public hearing is attached.

3. *Provide the area of existing building. This information was provided in the previous resubmittal.*

Response:

An exhibit showing the area of the existing building is attached.

4. *Correct the minimum residential transition setback requirement to 20'. The letter of intent indicates that the requirement is 209 feet.*

Response:

The revised letter of intent is attached.

In addition to the documents included with the above responses, I have also included the following documents:

- Location Map
- Subdivision Plat
- D&A Gray Enterprises Franchise Tax Details



Katie Schweitzer

May 18, 2022

Page 2

- Road Closure of Noll Road, Volume 112, Page 93, Bexar County Commissioner's Court Records.
- Owner's Policy of Title Insurance
- Recorded Warranty Deed
- S20 Variance Specific Application Form
- Tax Certificate, 04035-000-1002

If you require a hard copy of this submittal, please contact the property owner's directly.

Sincerely,

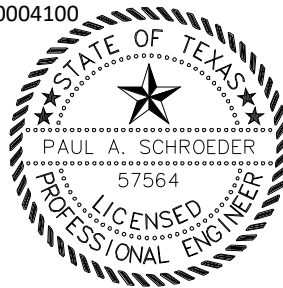
VICKREY & ASSOCIATES, LLC

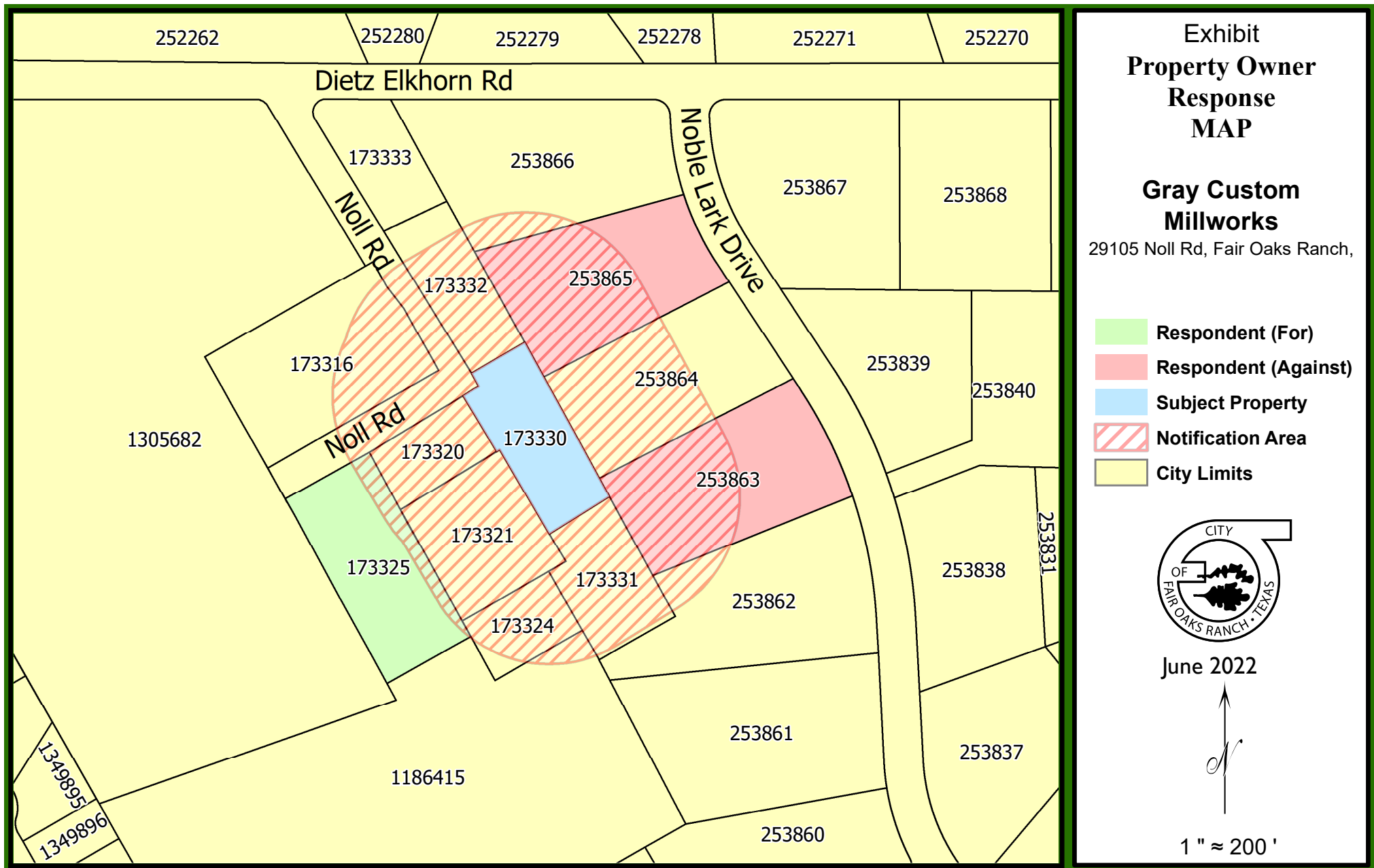
TBPE Registration #159 / TBPLS Registration #10004100



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: W. McDowell

Date: 14 June 2022

Comments:

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

Property Owner Notice



CITY OF FAIR OAKS RANCH

7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015

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(PLEASE PRINT)

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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



CITY OF FAIR OAKS RANCH

7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015

www.fairoaksranchtx.org

210-698-0900 (office)

(RETURN THIS FORM TO)

City of Fair Oaks Ranch

Engineering Department

7286 Dietz Elkhorn

Fair Oaks Ranch, Texas 78015



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(PLEASE PRINT)

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

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



ZONING BOARD OF ADJUSTMENT CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 22, 2022

AGENDA TOPIC: Consideration and possible action regarding upcoming ZBOA meeting dates

DATE: June 22, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Katherine Schweitzer, P.E., Manager of Engineering Services

INTRODUCTION/BACKGROUND:

Rule 5 of the ZBOA Rules of Procedure, states that “The ZBOA will meet on as need basis to hear appeals filed in a timely manner.” Historically ZBOA meetings have been held on an as need basis but scheduling these meetings in a timely manner has been difficult. This agenda item is to propose a uniform date and time for the committee to meet tentatively in the future.

Other boards, commissions, and committees have scheduled their meetings to take place on uniform dates and times. For example, the Planning & Zoning Commission meets every second Thursday of each month. This has been included in their Rules of Procedure. The Fair Oaks Ranch Municipal Development District, however, votes once a year to schedule the meetings for the rest of the year. Either way, members are able to anticipate when an upcoming meeting will take place and can plan accordingly.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with the ZBOA rules of procedure relative to Meetings
2. Provides the ZBOA and members of the public an opportunity to anticipate upcoming meetings.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move that the Fair Oaks Ranch Zoning Board of Adjustments schedule future meetings as follows: