

CITY OF FAIR OAKS RANCH

ZONING BOARD OF ADJUSTMENT (ZBOA) MEETING

Monday, March 28, 2022 at 6:30 PM

City Hall Council Chambers, 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 March 14, 2022 Special ZBOA meeting minutes.

Christina Picioccio, TRMC, City Secretary

PURPOSE OF SPECIAL MEETING

5. The Zoning Board of Adjustment of the City of Fair Oaks Ranch, Texas, will conduct a public hearing to receive public testimony and to take action on a request (Variance No. ZBOA 2022-01) from Danton Gray of D & A Gray Enterprises LLC, applicant and property owner, to grant the variances listed below 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.
 1. Variance from the requirements of Section 6.7 (4) c - Allow access to parking lots directly from the street and not from an aisle or a driveway.
 2. Variance from the requirements of Section 6.7, Table 6.2 - Reduction in the number of parking spaces from 23 spaces to 10 spaces. The current required ratio is one space per 500 sq. ft. of usable building area for Light Manufacturing / Warehouse / Logistics types uses.
 3. Variance from street screening as per Section 7.7 (1) - Allow the three foot (3') high street screen that is required along the street to screen the parking area to be removed. If the Variance from the requirements of Section 6.7 (4) c is approved, this requirement will not be met.

4. Variance from the requirements of Section 6.8 (2) d - Allow reduction in the required 3' parking setback from the street to 0'. If the Variance from the requirements of Section 6.7 (4) c is approved, this reduction may be approved by staff as per Section 6.7 (7) b.

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

ADJOURNMENT

Request for ZBOA topic needing information/research

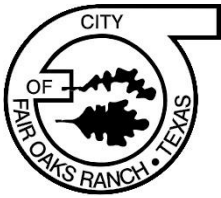
Signature of Agenda Approval: s/ Carole Vanzant

Carole Vanzant, Assistant City Manager

I, Christina Piccoccio, TLMC, 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, March 25, 2022 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side 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.



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 ADJUSTMENT PUBLIC HEARING

CITY OF FAIR OAKS RANCH, TEXAS

March 28, 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 and to take action on a request (Variance No. ZBOA 2022-01) from Damon Gray of D & A Gray Enterprises LLC, applicant and property owner, to grant the variances listed below 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.

1. Variance from the requirements of Section 6.7 (4) c - Allow access to parking lots directly from the street and not from an aisle or a driveway.
2. Variance from the requirements of Section 6.7, Table 6.2 - Reduction in the number of parking spaces from 23 spaces to 10 spaces. The current required ratio is one space per 500 sq. ft. of usable building area for Light Manufacturing/ Warehouse/ Logistics types uses.
3. Variance from street screening as per Section 7.7 (1) – Allow the three foot (3') high street screen that is required along the street to screen the parking area to be removed. If the Variance from the requirements of Section 6.7 (4) c is approved, this requirement will not be met.
4. Variance from the requirements of Section 6.8 (2) d - Allow reduction in the required 3' parking setback from the street to 0'. If the Variance from the requirements of Section 6.7 (4) c is approved, this reduction may be approved by staff as per Section 6.7 (7) b.

START DATE: March 28, 2022

DEPARTMENT: Public Works & Engineering Services

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

INTRODUCTION/BACKGROUND:

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:

1. Chairman opens the public hearing
2. Staff presentation of the variance request
3. Applicant presentation of the variance request
4. ZBOA receives public testimony for/against the variance request with the Chairman serving as the presiding officer
5. Chairman closes the public hearing
6. ZBOA discuss the request, inclusive of asking questions of the applicant and staff.
7. ZBOA makes a motion and votes

CURRENT ZONING:

Neighborhood Commercial.

CURRENT USE:

Cabinet and custom woodwork shop.

PROPERTY SIZE:

0.753 acres

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 11,400 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.

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 Plan (**Attachment 4**).

Variance: Variances allow the property owner to deviate from the requirements of zoning regulations in cases where the strict enforcement of the zoning regulation would cause undue hardship (other than financial) in the use and development of the property due to special circumstances unique to the property itself.

The Zoning Board of Adjustments (ZBOA) is authorized by Sec. 211.009 of the Texas Local Government Code (TXLGC) and by the UDC to grant Variances from zoning regulations, if the ZBOA finds that the Variance meets all three of the following criteria:

- a. Is not contrary to the public interest, and
- b. due to special conditions, a literal enforcement of the regulation would result in unnecessary hardship, and
- c. so that the spirit of the regulation ordinance adopted hereunder is observed and substantial justice is done.

Therefore, to grant a Variance, the ZBOA must find that the literal enforcement of the UDC requirements would result in **unnecessary hardship**. According to the UDC, a hardship shall not:

- a. be a self-created or personal hardship, nor
- b. be based solely on economic gain or loss, nor
- c. permit any person a privilege in developing a parcel of land not permitted by the City's zoning regulations.

Sec. 211.009 TXLGC states that the ZBOA may consider the following as grounds to determine whether compliance with the ordinance would result in unnecessary hardship:

- the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;

- compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- the municipality considers the structure to be a nonconforming structure.

Findings: As per the UDC Sec. 3.9 (9), before granting the Variance, the ZBOA must find 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.

Additionally, in making the required findings, the ZBOA will take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such Variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity.

Insufficient Findings: As per the UDC, the fact that property may be utilized more profitably if a Variance is granted may not be considered 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 or his/her agent; or
3. The development objectives of the property owner are or will be frustrated

Approvals: 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 REVIEW:

Preliminary 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 Schematic Diagram below. 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 23 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 23 parking spaces for the 11,400 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 Schematic Diagram 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 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.

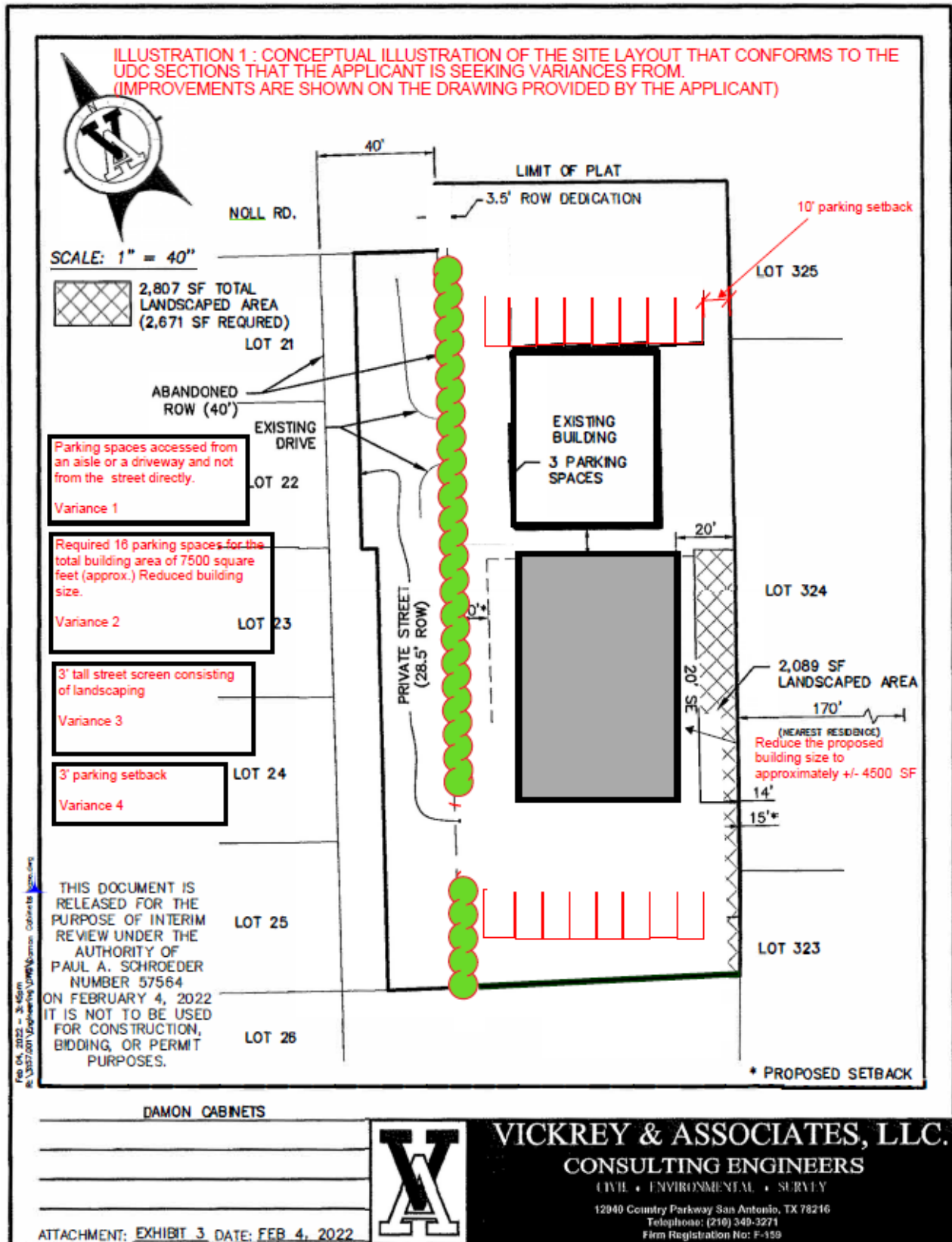
Finding: It is staff's opinion that the site can be designed to meet this requirement per the Schematic Diagram below. The criteria in UDC Section 3.9 (9), listed earlier in this report, do not apply and a deviation is not warranted. Adherence to this requirement will not prohibit or unreasonably restrict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

4. Variance from the requirements of Section 6.8 (2) d – Eliminate the required 3' parking setback from the street. (If Variance No. 3 is approved, staff may approve this request per Sec. 6.7 (7) b.)

Finding: It is staff's opinion that the site can be redesigned to accommodate the required parking setback per the Schematic Diagram 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.

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.

Schematic Diagram



PUBLIC COMMENTS:

All real property owners within 200ft were notified and notice of the public hearing has been published. Staff has received five (5) public comments in favor of the request and one (1) in opposition.

RECOMMENDATION/PROPOSED MOTION:

Staff recommends that all four Variance requests be denied. The recommended language for the motion is an affirmative position and the ZBOA may vote in favor or opposition. Each variance should be 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.

Motion 1: I move 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.

Motion 2: I move 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 23 spaces to 10 spaces.

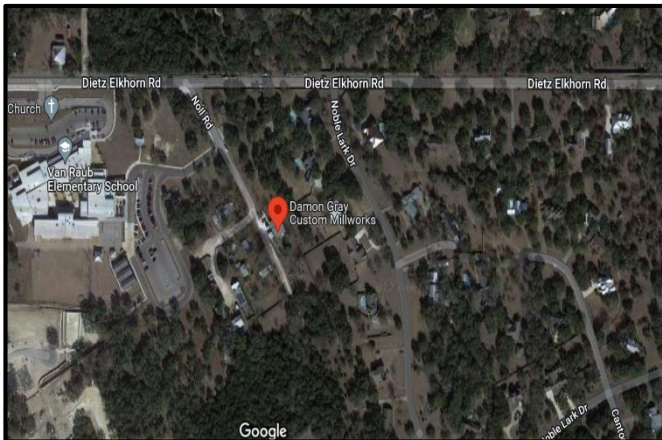
Motion 3: I move to approve the following Variance as per the attached site plan (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

Variance from Section 7.7 (1) – Eliminate requirement for a 3' high landscaping strip between parking area and street. If the Variance from the requirements of Section 6.7 (4) c is approved, this requirement will not be met.

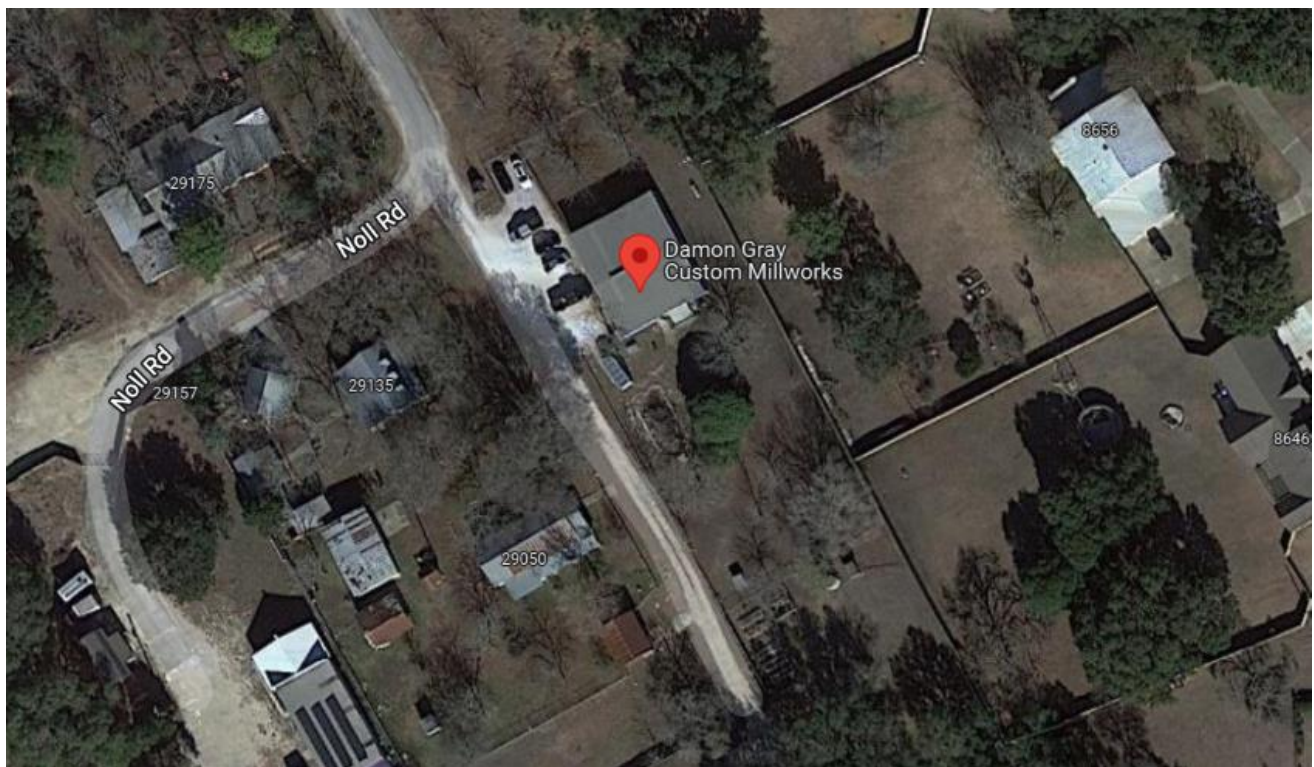
Motion 4: I move to approve the following Variance as per the attached site plan (**Attachment 4**) with the following conditions: (add any conditions that the ZBOA deems necessary):

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

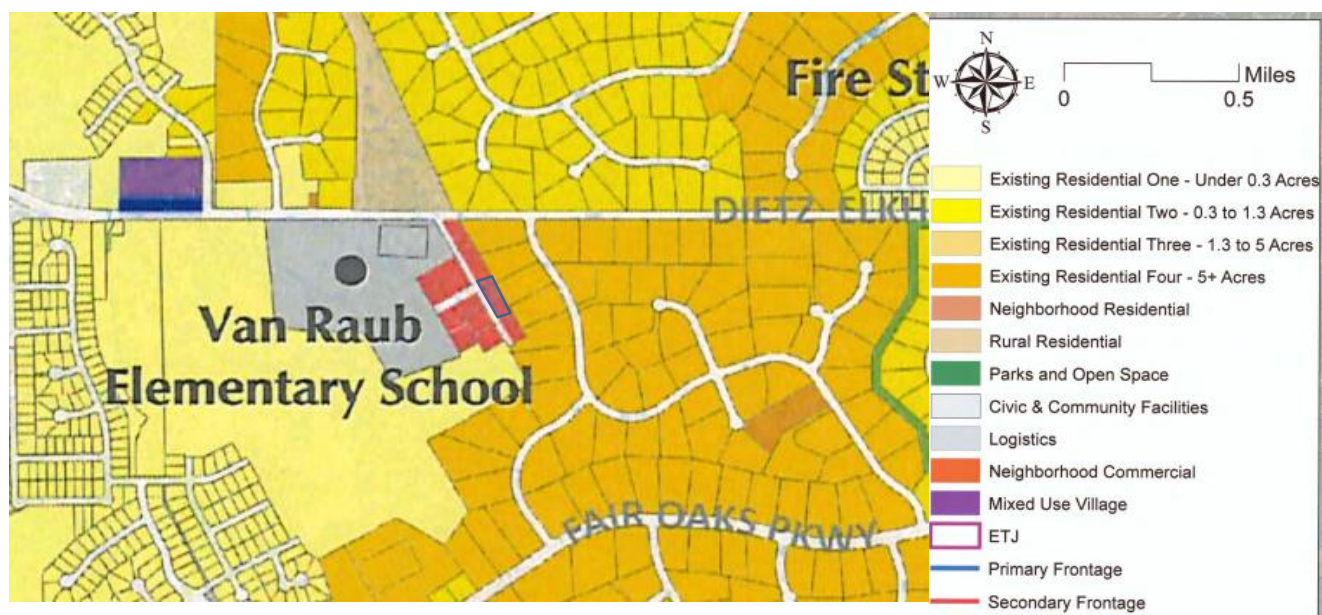
Exhibit A: Location Map and Vicinity Map



Source: Google



Source: Google

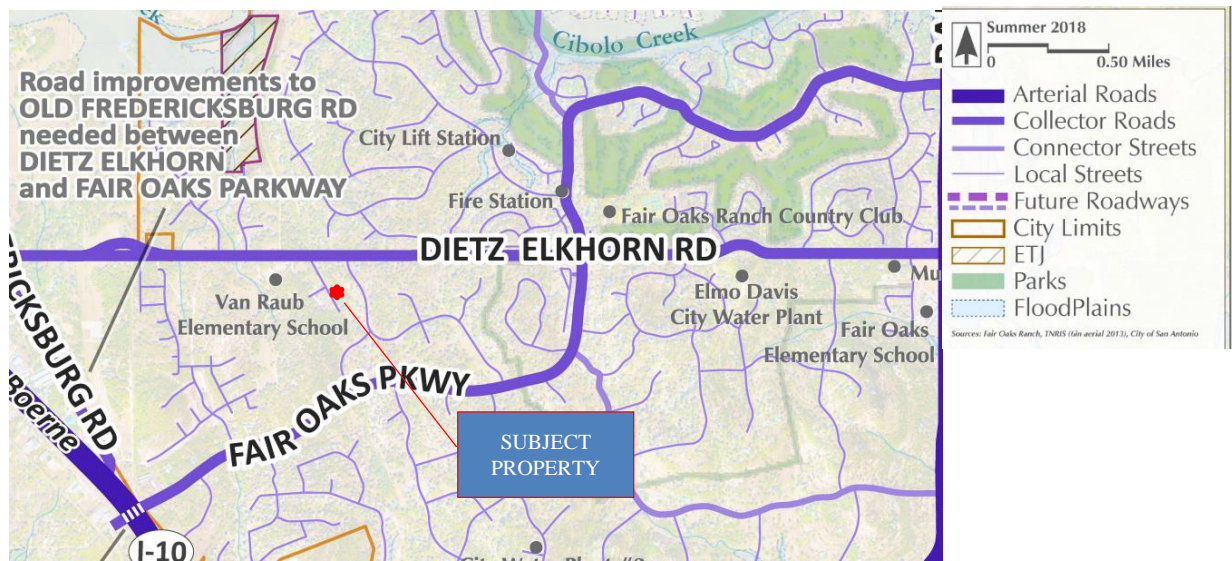
Exhibit B: Zoning Map

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



City of Fair Oaks Ranch

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 INFORMATION

Project Name/Address/Location: 29105 Noll Road, Fair Oaks Ranch, Texas Acreage: 0.753Brief Description of Project: Minor Plat of 0.753 acresIs property platted? ☒ No ☐ Yes Subdivision name: Gray Custom Millworks No. Recordation #: Parcel(s) Tax ID#: 173330Existing Use: Millworks Shop Proposed Use: Millworks ShopCurrent Zoning: Neighborhood Commercial Proposed Zoning: Neighborhood CommercialOccupancy 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 LLCContact Name: DAMON GRAYAddress: 29105 NOLL RD.City/State/ZIP: FAIR OAKS RANCH, TEXAS 78015Phone: 210-875-4737Email: damon@dgcustommillworks.com

APPLICANT INFORMATION

Applicant/Developer: Damon Gray Custom MillworksContact Name: Damon GrayAddress: 29105 Noll RoadCity/State/ZIP: Fair Oaks Ranch, Texas 78015Phone: 210-875-3955Email: damon@dgcustommillworks.com

KEY CONTACT INFORMATION

Name of the Individual: Paul SchroederContact Name: Vickrey & Associates, LLCAddress: 12940 Country ParkwayCity/State/ZIP: San Antonio, Texas 78216Phone: 210-349-3271E-mail: pschroeder@vickreyllc.com

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

Signature: Alisha Gray Date: 09/22/2021

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

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

DATE REC'D: 02/07/2022 BY: KGSFEES PAID: \$300 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.

DAMON GRAY

CUSTOM MILLWORKS

February 7, 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 UDC Sec. 68(5) Building Setback and Parking Requirements.

Sincerely,


Damon Gray

From: [Karen Hopper](#)
To: [Lata Krishnarao](#); [Kaitlin Vaughn](#); [Krishna Radhakrishnan](#)
Cc: [Christina Picioccio](#); [Carole Vanzant](#); [Grant Watanabe](#); [Alisha Gray](#); [Paul Schroeder, P.E., RPLS](#)
Subject: RE: FOR Gray Custom Millworks Variance Request Review Comments
Date: Monday, March 07, 2022 4:24:03 PM

Lata,

We concur that these are the variances being requested.

Karen Hopper

Team Secretary II

Vickrey & Associates, LLC

khopper@vickreyllc.com

[210.874.5063](tel:210.874.5063) | Direct

[210.349.3271](tel:210.349.3271) | Office

From: Lata Krishnarao <lkrishnarao@gundacorp.com>
Sent: Monday, March 7, 2022 3:40 PM
To: Karen Hopper <khopper@vickreyllc.com>; Kaitlin Vaughn <kvaughn@espassociates.com>; Krishna Radhakrishnan <KRadhakrishnan@gundacorp.com>
Cc: Christina Picioccio <CPicioccio@fairoaksranchtx.org>; Carole Vanzant <cvanzant@fairoaksranchtx.org>; Grant Watanabe <gwatanabe@fairoaksranchtx.org>; Alisha Gray <Alisha@DGCcustommillworks.com>; Paul Schroeder, P.E., RPLS <pschroeder@vickreyllc.com>
Subject: RE: FOR Gray Custom Millworks Variance Request Review Comments
Importance: High

Karen,

We need a confirmation that the following variances that are explained in the letter are the ones that you are seeking. We need to make sure that the request is advertised correctly to proceed for ZBOA consideration. Please respond ASAP so that the publication deadlines can be met. Thanks.

1. **Variance from the requirements of Section 6.7 (4) c** - Allow access to parking lots directly from the street and not from an aisle or a driveway.
2. **Variance from the requirements of Section 6.7, Table 6.2** - Reduction in the number of parking spaces from 23 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.
3. **Variance from street screening as per Section 7.7 (1)** Allow the three foot (3') ' high street screen that is required along the street to screen the parking area to be removed. If the variance from the requirements of Section 6.7 (4) c is approved, this requirement will not be met.
4. **Variance from the requirements of Section 6.7 (7) b** – Allow reduction in the parking setback from required 3' to none. If the variance from the

requirements of Section 6.7 (4) c is approved, this reduction may be approved by **staff as per Section 6.7 (7) b.**

From: Karen Hopper <khopper@vickreylc.com>
Sent: Tuesday, February 22, 2022 3:01 PM
To: Kaitlin Vaughn <kvaughn@espassociates.com>; Krishna Radhakrishnan <KRadhakrishnan@gundacorp.com>
Cc: Christina Picioccio <CPicioccio@fairoaksranchtx.org>; Lata Krishnarao <lkrishnarao@gundacorp.com>; Carole Vanzant <cvanzant@fairoaksranchtx.org>; Grant Watanabe <gwatanabe@fairoaksranchtx.org>; Alisha Gray <Alisha@DGCcustommillworks.com>; Paul Schroeder, P.E., RPLS <pschroeder@vickreylc.com>
Subject: FOR Gray Custom Millworks Variance Request Review Comments

This email came from outside Gunda Corporation. Please use caution when clicking on hyperlinks and opening attachments as they could be malicious websites or viruses.

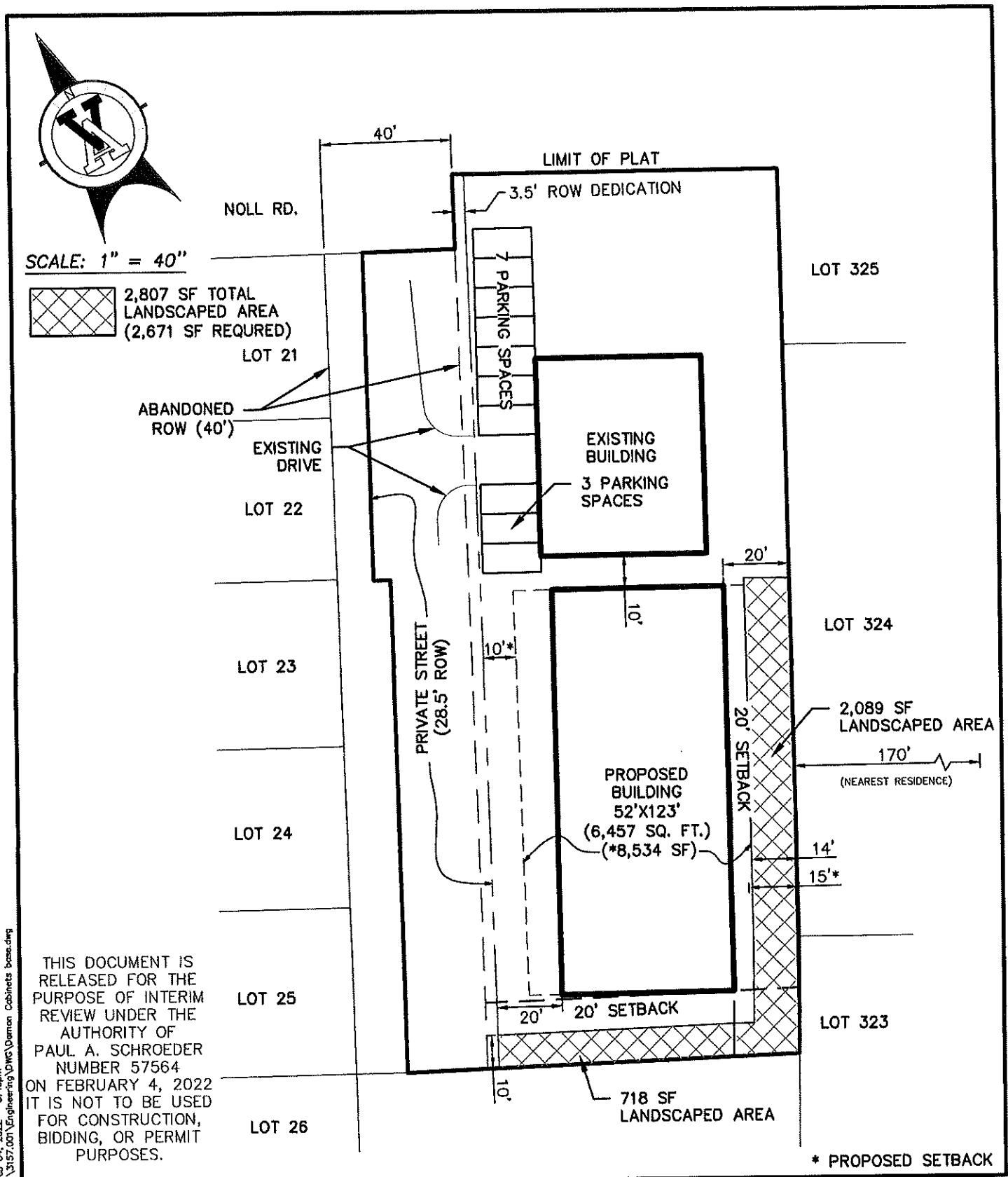
CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon,

Attached please find the response to your review comments dated February 18, 2022.

Karen Hopper
Team Secretary II
Vickrey & Associates, LLC
An ESP Company
12940 Country Parkway
San Antonio, TX 78216
www.vickreylc.com
www.espassociates.com

khopper@vickreylc.com
[210.874.5063](tel:210.874.5063) | Direct
[210.349.3271](tel:210.349.3271) | Office



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

VICKREY & ASSOCIATES, LLC
CONSULTING ENGINEERS

February 22, 2022

Katie Schweitzer
City of Fair Oaks Ranch
Public Works
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

Re: Parking and parking setback variances for Gray Custom Millworks
V&A Project No. 3157.001

Dear Ms. Schweitzer,

This letter is in response to the comments dated February 18, 2022 to Damon Gray for Gray Custom Millworks. The comments and their responses are stated below.

1. *Access to parking lots directly from the street and not from an aisle or a driveway-The proposed parking layout does not appear to meet sufficient room for safe maneuvering. The Unified Development Code requires all parking spaces to open directly upon an aisle or driveway with such width and design to provide safe and efficient access and egress for the vehicle. Is a variance for this being requested? Section 6.7 (4) c. Circulation Routes.*

Response:

The parking shows 28.5 feet of private street to allow vehicles to maneuver in and out of spaces. This private street serves three residences. Due to the low density and slow traffic speed, safety will not be an issue.

2. *Reduction in the number of parking spaces- The current ratio is one space per 500 sq. ft. of usable building area for Light manufacturing/ Warehouse/ Logistics types uses. Provide the total area of the existing building to calculate the variance required.*

Response:

The existing structure is 2,900 S.F. The proposed structure, if a variance is granted, is 8500 S.F. for a total of 11,400 S.F. By ordinance, this requires 23 spaces. The property use is a cabinet shop with 8-10 employees. No retail sales are conducted at this location. Therefore, 10 spaces are adequate for this facility.

3. *Reduction in the parking setback- Clarify if a variance is requested for reduction in the parking setback of 3' from the property line. It is not clear what the proposed setback is. Label the proposed parking setback. This reduction may be approved by staff as per Section 6.7 (7) b.*

Response:

It is proposed that there be no parking setback.



Katie Schweitzer
February 22, 2022
Page 2

4. *Street screening- 3' high street screen is required along the street to screen the parking area. The site plan does not provide room for this. Is a variance being requested for this requirement?*

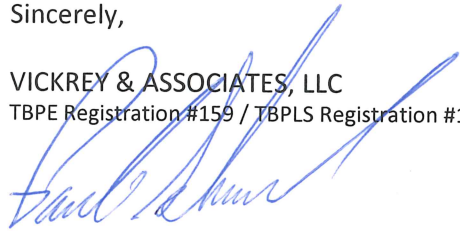
Response:

It is proposed that there be no street screening. The parking is adjacent to a proposed private street that serves three residences. Therefore, screening should not be necessary.

If you have any questions, please contact me.

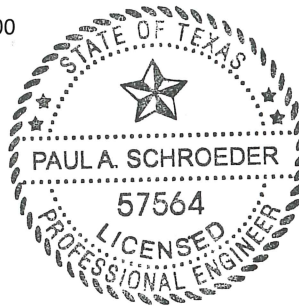
Sincerely,

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



Derek H. Schroeder, PE
Assistant Project Manager

DHS/ksh



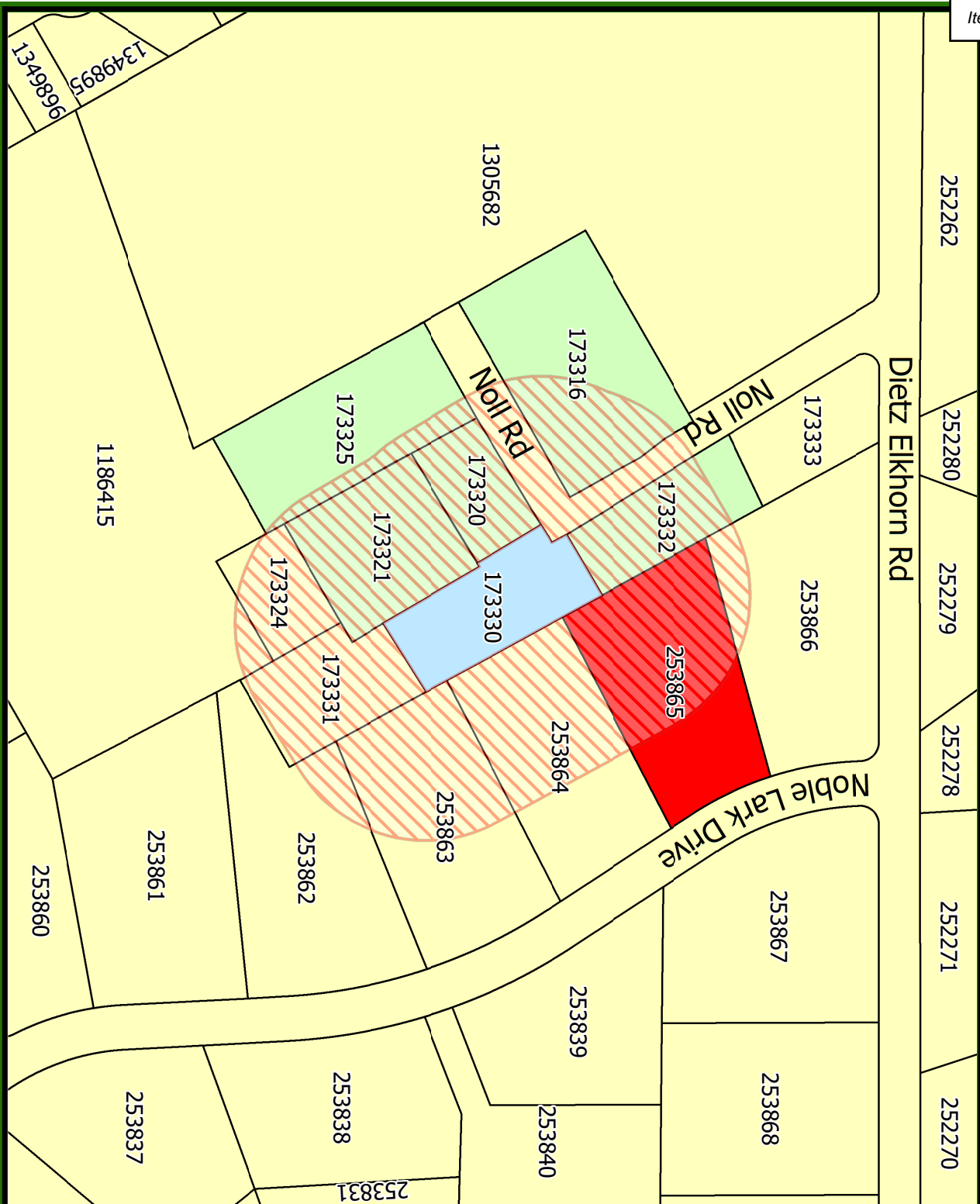
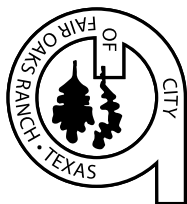


Exhibit
Property Owner
Response
MAP

Gray Custom
Millworks

29105 Noll Rd, Fair Oaks Ranch,

- Respondent (For)
- Respondent (Against)
- Subject Property
- Notification Area
- City Limits



March 2022



1" ≈ 200'

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 Comment Form



CITY OF FAIR OAKS RANCH

7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015



210-698-0900 (office)

www.fairoaksranchtx.org

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 2022-01)

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 City Council Chamber at City Hall located at
7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015 on
Monday, March 28, 2022, at 6:30 p.m.

X I am **FOR** the variance requests as explained on the attached public notice for Variance No. ZBOA 2022-01.

 I am **AGAINST** the variance requests as explained on the attached public notice for Variance No. ZBOA 2022-01.

(PLEASE PRINT)

All comments forms **MUST** be returned prior to the City prior to the Public Hearing on March 28, 2022

Name: William McDowell
Address: 29159 Noll Road
Signature: W. McDowell
Date: 19 Mar 2022

Comments:

Great to see a small business expanding.

Property Owner Comment Form



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(PLEASE PRINT)

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Name:

TODD W. DORN

Address:

29135 NOEL ROAD

Signature:

TODD W. DORN

Date:

March 21, 2022

Comments:

Property Owner Comment Form



CITY OF FAIR OAKS RANCH

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(PLEASE PRINT)

All comments forms **MUST** be returned prior to the City prior to the Public Hearing on March 28, 2022

Name:

Martha Martin

Address:

29155 NOEL ROAD

Signature:

Martha Martin

Date:

March 14, 2022

Comments:

Property Owner Comment Form



CITY OF FAIR OAKS RANCH

7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015



210-698-0900 (office)

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(RETURN THIS FORM TO)

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Engineering Department
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas 78015

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(PLEASE PRINT)

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Name:

Martha Martin

Address:

29155 NOEL ROAD

Signature:

Martha Martin

Date:

March 14, 2022

Comments:

Property Owner Comment Form



CITY OF FAIR OAKS RANCH

7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015



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www.fairoaksranchtx.org

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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 the Public Hearing on March 28, 2022

Name:

Katherine B. Padgett

Address:

29050 NOLL ROAD, BOERNE, TX 78015

Signature:

X Katherine B. Padgett

Date:

March 14, 2022

Comments:

Property Owner Comment Form



CITY OF FAIR OAKS RANCH

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 the Public Hearing on March 28, 2022

Name: Rezia Olson
Address: 8666 Noble Lark Dr.
Signature: Rezia Olson
Date: 3/23/2022

Comments:
