

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: 425 Ammann Rd, Boerne, TX 78015 Acreage: 27.15 Acres
Brief Description of Project: Obtain a policy variance for a flag lot with less than 150' of frontage
Is property platted? ☒ No ☐ Yes Subdivision name: NA No. of Lots: NA
Recordation #: NA Parcel(s) Tax ID#: 45299, 303493
Existing Use: Undeveloped Proposed Use: Single Family Residential
Current Zoning: Rural Residential Proposed Zoning: Rural Residential
Occupancy Type: Single Family Home Sq. Ft: 4,600 Bed #: 4 Bath #: 4.5 Car Garage #: 6
Water System ☐ Well ☒ Public Flood Zone: ☒ Yes ☐ No Sewer System: ☒ Septic ☐ Public

PROPERTY OWNER INFORMATION

Owner: Thomas C Dechert Contact Name: Thomas C Dechert
Address: 423 Ammann Rd City/State/ZIP: Boerne, TX 78015
Phone: 830.446.2215 Email: dechert21@outlook.com

APPLICANT INFORMATION

Applicant/Developer: Matrix Design Group Contact Name: Zakary Payne
Address: 8023 Vantage Dr, Suite 320 City/State/ZIP: San Antonio, TX 78230
Phone: 210.213.1888 Email: zakary.payne@matrixdesigngroup.com

KEY CONTACT INFORMATION

Name of the Individual: Same as Applicant Contact Name:
Address: City/State/ZIP:
Phone: E-mail:

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

Zakary Payne

Signature: Zakary J Payne Date: April 14, 2022

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

*******OFFICE USE ONLY*******DATE REC'D: 04-15-2022 BY: KGSFEES PAID: \$100.00 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

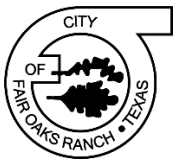
*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

** 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 14, 2022

City of Fair Oaks Ranch
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

Subject: Letter of Intent to Request a Policy Variance

Sir or Ma'am

Matrix Design Group, Inc. (Matrix) has been contracted by Mr. Thomas Dechert to provide engineering services in support of a Minor Plat application. Mr. Dechert owns two parcels of land that he intends to subdivide into two single family lots as shown on Attachment 1. Mr. Dechert currently resides on the 7.99-acre tract (Tract 1) and intends to remain there. He intends to sell the 19.17-acre tract (Tract 2) to Mr. Kyle Clark.

Tract 2 is a flag lot as defined by UDC Section 5.4(4). Flag lots will only be permitted with City Council approval. Mr. Dechert made a request for City Council to approve the flag lot and that request was approved unanimously at the March 3, 2022, City Council Meeting.

Tract 2 will be served by the Public Water System and a private on-site sewage facilities disposal system (OSSF). In accordance with UDC Section 5.4(1) b., lots of this nature must have a minimum street frontage of 150 feet. The lot frontage of Tract 2 is only 70.15 feet which is nonconforming with the UDC and will require a Variance.

Mr. Dechert would like to request a Variance from UDC Section 5.4(1) b., so that the Minor Plat application can be completed, and Tract 2 can be sold to Mr. Clark. In my professional opinion, I believe the Policy Variance request should be granted for the reasons enumerated below.

In accordance with UDC Section 3.9(9) b.i., no variance will be granted unless the authorizing body finds that all seven conditions below 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

COMMENT: There are two existing parcels that make up Tract 1 and Tract 2. These parcels are shown on Attachment 2. The western-most parcel (303493) is currently land locked. The only way to provide access to this parcel from a public right-of-way is by creating a flag lot. The flag lot width must be nonconforming because portions of the eastern parcel (45299) are already developed. To create a flag lot with a 150-foot-wide lot frontage would require Mr. Dechert to relocate or demolish multiple existing structures. These are extraordinary or special conditions limiting Mr. Dechert's reasonable use of his land.

2. The Variance is necessary for the preservation of a substantial property right of the applicant

COMMENT: Granting of the Variance is necessary to preserve the substantial property rights of Mr. Dechert. Namely, Mr. Dechert has the substantial right to sell the property (303493) but is not able to do so without creating a flag lot or creating an access easement – neither of which conform with the UDC.

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

COMMENT: Granting of the Variance will not be detrimental to the public health, safety, or welfare. Nor will granting of the Variance be injurious to adjacent properties or the City. In fact, Mr. Dechert's plan to subdivide the property into two single family residential lots will preserve the intent of the Rural Residential District and result in a subdivision that is less densely developed than authorized by the UDC.

4. Conditions that create the need for the Variance do not generally apply to other property in the vicinity

COMMENT: The conditions creating the need for the Variance do not generally apply to other property in the vicinity. These conditions have already been remedied by neighboring properties.

5. Conditions that create the need for the Variance are not the result of the applicant's own actions

COMMENT: The conditions creating the need for the Variance are not the result of Mr. Dechert's own actions. Mr. Dechert inherited the land locked parcel of land (303493) that does not have access to a public right of way.

6. Granting of the Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code

COMMENT: Granting of the Variance and subsequent approval of the Minor Plat will result in the sale of one single family residential lot. Development does not conflict with the Comprehensive Plan nor the purpose of this code and will result in less dense development than authorized for the Rural Residential District.

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

COMMENT: Should a Variance not be granted, Mr. Dechert would be unreasonably restricted in the utilization of his property. He desires to sell a portion of his property and is currently unable to do so because the parcel is land locked.

UDC Section 3.9(9) b.iii., also limits the governing body from granting any Variance that violates one of the five conditions below



1. The establishment of a use not otherwise permitted in the applicable Zoning District

COMMENT: The proposed land use associated with this Variance request conforms with the Rural Residential District.

2. Increase the density of a use above that permitted by the applicable district

COMMENT: This Variance request does not affect density; proposed density is well within Rural Residential District standards.

3. A nonconforming use of land to be physically extended

COMMENT: No nonconforming use of land will be physically extended by granting this Variance request.

4. Change the Zoning District boundaries shown on the Official Zoning Map

COMMENT: This Variance request does not affect Zoning District boundaries.

5. Conflicts with any State or Federal regulations

COMMENT: Granting of this Variance request does not conflict with any known State or Federal regulations.

Granting of the Variance for Mr. Dechert will allow him to move forward with the Minor Plat application. Importantly, allowing Mr. Dechert to move forward as intended will ensure the rural character of his property and the properties around him are preserved now and into the future. Should you require any additional information as it relates to Mr. Dechert's intent, please do not hesitate to contact me. I can be reached at 210.213.1888 or zakary.payne@matrixdesigngroup.com. Thank you for your time and consideration.

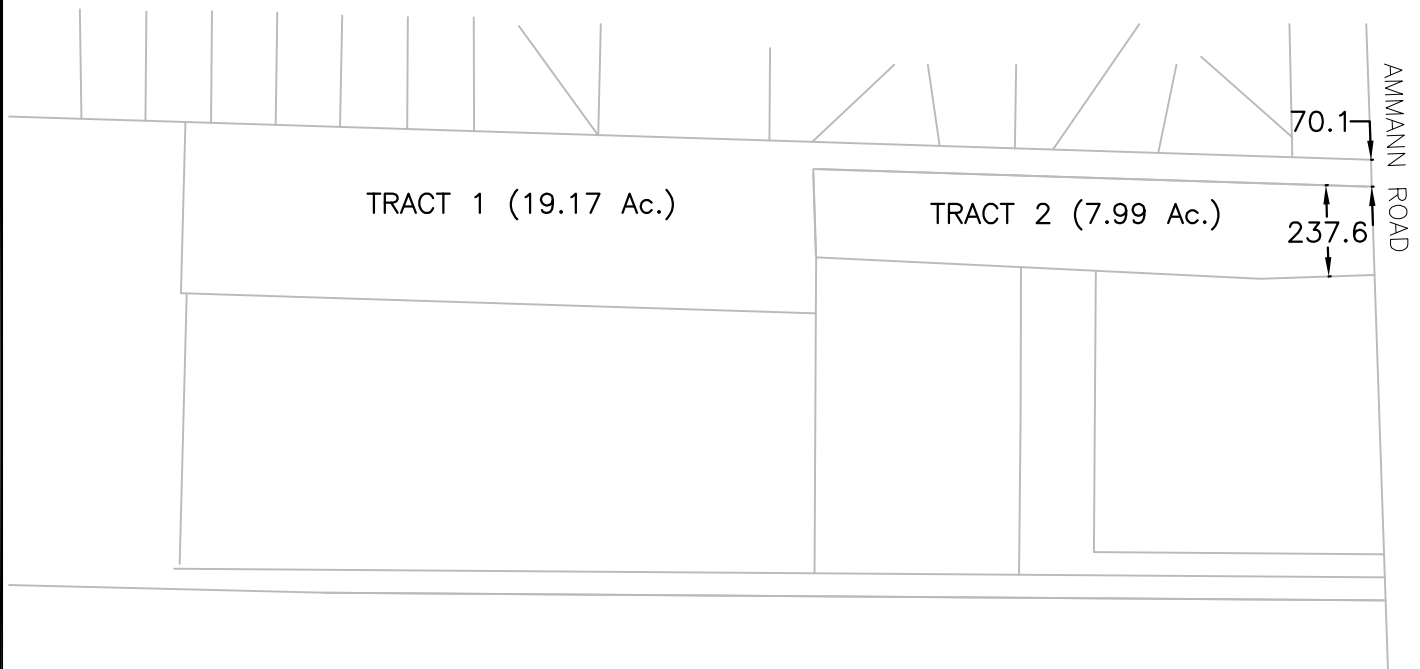
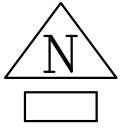
Respectfully,

A handwritten signature in blue ink that reads "Zakary J. Payne".

Zakary J. Payne, PE
Matrix Design Group, Inc.

Attachments (2):

1. Proposed Layout
2. Existing Layout



PREPARED BY:



PROPOSED LAYOUT

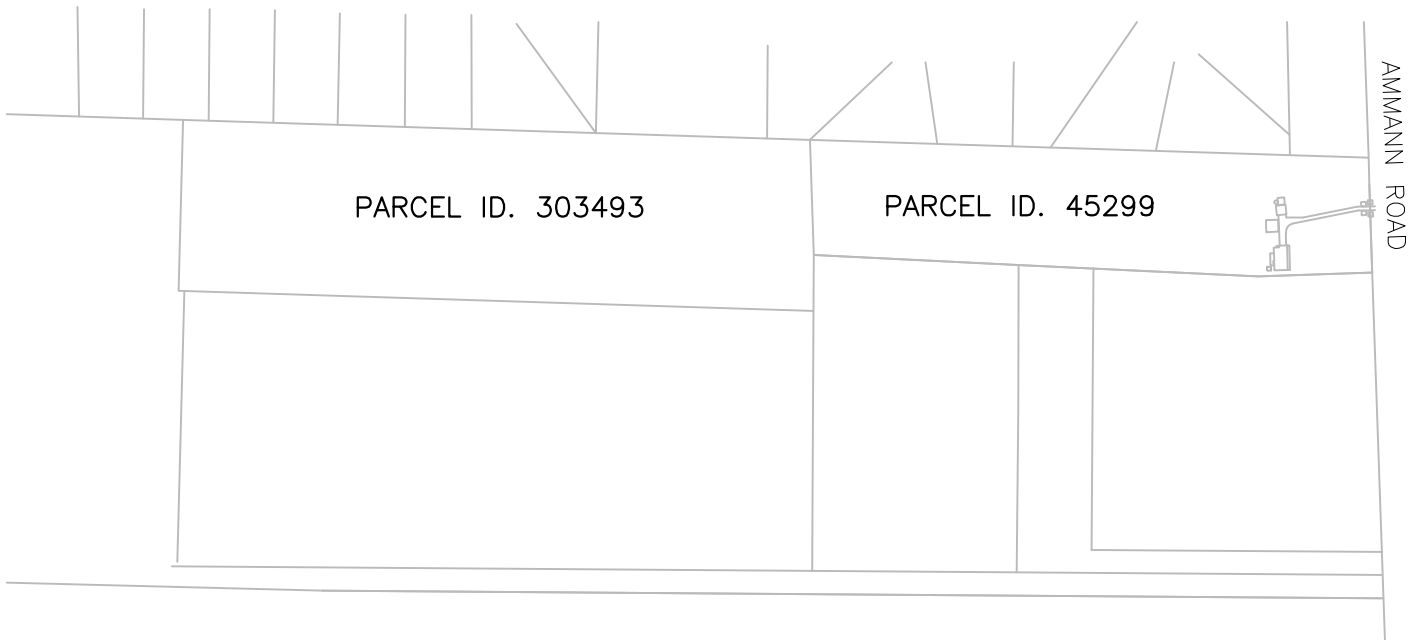
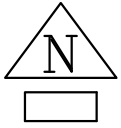
SCALE

DATE: MARCH 11, 2022

DRAWING No.

NTS

SHEET 1 OF 1



PREPARED BY:



EXISTING LAYOUT

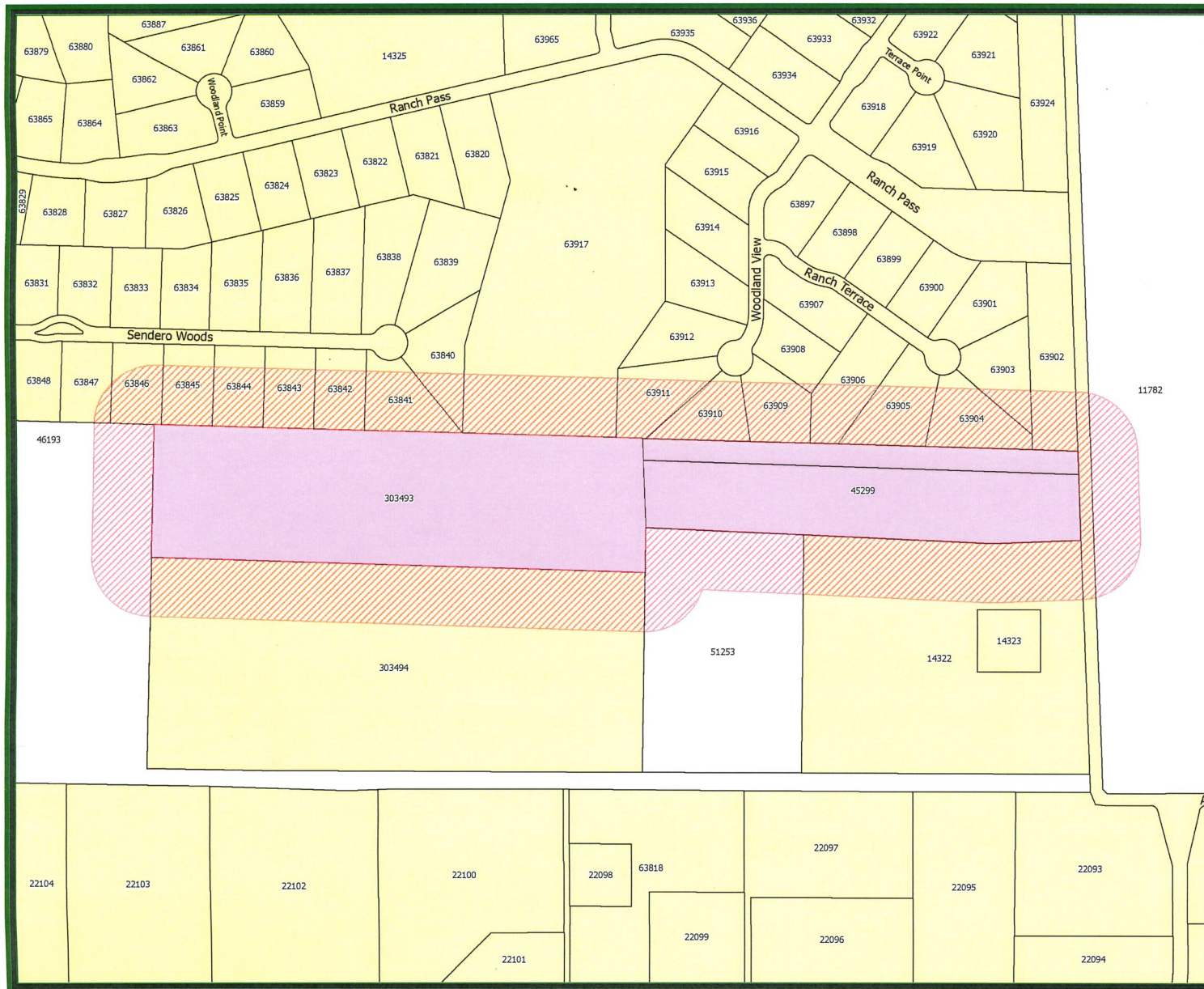
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DATE: MARCH 11, 2022

DRAWING No.

NTS

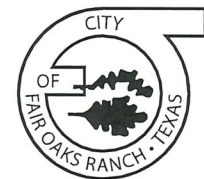
SHEET 1 OF 1



Attachment 4 NOTIFICATION MAP

**423 Ammann Rd.
&
425 Ammann Rd.**
Fair Oaks Ranch, Texas

- Subject Property
- Notification Area
- City Limit
- ETJ



April 2022



1" ≈ 500'

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 Public Comment Form

(RETURN THIS FORM TO)

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

RE: (Variance No. P & Z 2022-01)

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

The Joint Public Hearing will be held in the Public Safety Training Room
located in the Police Station at
7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015
on Thursday, May 12, 2022, at 6:30 PM.

☒ I am **FOR** the Variance request as explained on the attached public notice for Variance No. P & Z 2022-01.

☐ I am **AGAINST** the Variance request as explained on the attached public notice for Variance No. P & Z 2022-01.

(PLEASE PRINT)

All comments forms **MUST** be returned prior to the City prior to May 12, 2022.

Name:

Kyle Clark

Address:

17 Ranch Terrace

Signature:

[Signature]

Date:

4/25/22

Comments:

Property Owner Public Comment Form

(RETURN THIS FORM TO)

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Engineering Department
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas 78015

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7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015
on Thursday, May 12, 2022, at 6:30 PM.

X I am **FOR** the Variance request as explained on the attached public notice for Variance No. P & Z 2022-01.

 I am **AGAINST** the Variance request as explained on the attached public notice for Variance No. P & Z 2022-01.

(PLEASE PRINT)

All comments forms **MUST** be returned prior to the City prior to May 12, 2022.

Name: Richard Tobiasen
Address: 12 Woodland View Fair Oaks Ranch, TX 78015
Signature: Richard Tobiasen
Date: 27 April 2022

Comments:

Property Owner Public Comment Form

(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 May 12, 2022.

Name: CRISTINA GINA RIHA
Address: 49 Ranch Terrace FOR, TX 78015
Signature: [Signature]
Date: 5.11.22

Comments:

We respectfully ask you to NOT approve this variance. For the convenience of ONE family you will erode the reason and purpose of the 'premium' greenbelt property of 14-15 families in Stone Creek Ranch. Instead consider on the other side of the property where you would NOT affect home view and peaceful environment we have today. Consider if you were one of the many homeowners affected vs. the one benefiting.
Thank You.

Fair Oaks Councilmembers, Mayor & City Manager, Attachment 5

We regret we are NOT ABLE to attend the hearing as we are traveling to attend College graduation of our son.

As per the comments submitted, we ask you to NOT approve a VARIANCE which affects the view, peace AND reason we purchased premium lots to Build upon in Stone Creek. The convenience of one family should not come at the expense of 15 other families. Please consider your view if you were one of the homeowners affected.

I know you will make the right decision when you vote considering all involved as you have before as our elected officials. Thank you for consideration.

Prig & Gina Riha
and our 4 children