



"City of Choice"

Zoning Board of Adjustments

Monday, March 25, 2024, 6:30 PM
Council Chambers
200 S. Main St.
Cibolo, Texas 78108

Est. Duration: 40 min

1: Call to Order

2: Roll Call and Excused Absences

2A. Excused Absence

3: Invocation - Moment of Silence

4: Pledge of Allegiance

5: Public Hearings

5A. Public Hearing regarding a variance to UDC Sec. 8.1.3 to increase the maximum height of the front yard fence in an SF-6 zoning district from three (3) feet to eight (8) feet for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3.

6: Citizens to be Heard

This is the only time during the Board Meeting that a citizen can address the Board. It is the opportunity for visitors and guests to address the Board on any issue to include agenda items. All visitors wishing to speak must fill out the Sign-In Roster prior to the start of the meeting. The Board may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however, the Board may present any factual response to items brought up by citizens. (Attorney General Opinion – JC-0169) (Limit of three minutes each.) All remarks shall be addressed to the Board as a body, and not to any individual member thereof. Public criticism of the Board or any action, policy program or service provided by the City is not prohibited. However, any person making personal, impertinent, or slanderous remarks to individual members of the Board while addressing the Board may be requested to leave the meeting. This meeting is livestreamed. If anyone would like to make comments on any matter regarding the City of Cibolo or on an agenda item and have this item read at this meeting, please email pcimics@cibolotx.gov and vchapman@cibolotx.gov or telephone 210-566-6111 before 5:00 pm the date of the meeting.

7: Consent Agenda - Consent Items (General Items)

7A. Approval of the minutes from December 4, 2023

8: Discussion/Action

8A. Discussion/Action on a variance request to UDC Sec. 8.1.3 to increase the maximum height of the front yard fence in an SF-6 zoning district from three (3) feet to eight (8) feet for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3.

9: Adjournment

9A. Adjourn Meeting

This Notice of Meeting is posted pursuant to the Texas Government Code 551.041 - .043 on the front bulletin board of the Cibolo Municipal Building, 200 South Main Street, Cibolo, Texas which is a place readily accessible to the public at

all times and that said notice was posted on

Peggy Cimics, TRMC

City Secretary

Pursuant to Section 551.071, 551.072, 551.073, 551.074, 551.076, 551.077, 551.084 and 551.087 of the Texas Government Code, the City of Cibolo reserves the right to consult in closed session regarding any item listed on this agenda.

A possible quorum of committees, commissions, boards and corporations may attend this meeting.

This facility is wheelchair accessible and accessible parking space is available. Request for accommodation or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (210) 566-6111. All cell phones must be turned off before entering the meeting.

I certify that the attached notice and agenda of items to be considered by the Board of Adjustment was removed by me from the City Hall bulletin board on the ___ day of _____ 2024.

Name and Title

Date Posted: March 20, 2024



City of Cibolo

Board of Adjustment Staff Report

Excused Absence

Meeting	Agenda Group
Monday, March 25, 2024, 6:30 PM	Roll Call and Excused Absences Item: 2A
From	
Peggy Cimics, City Secretary	

PRIOR CITY COUNCIL ACTION:

N/A

BACKGROUND:

N/A

STAFF RECOMMENDATION:

N/A

FINANCIAL IMPACT:

N/A

MOTION(S):

N/A



Public Hearing regarding a variance to UDC Sec. 8.1.3 to increase the maximum height of the front yard fence in an SF-6 zoning district from three (3) feet to eight (8) feet for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3.

Meeting	Agenda Group	
Monday, March 25, 2024, 6:30 PM	Public Hearings	Item: 5A
From	Staff Contact(s)	
Lindsey Walker	Lindsey Walker,	

- BOARD OF ADJUSTMENT ACTION:** 1. Conduct Public Hearing
 2. Discussion & Action regarding the requested variance

PROPERTY INFORMATION:

Project Name: VR-24-03
 Owners: Matthew Smallwood
 Representative: Matthew Smallwood
 Location/Area: 120 Comanche Circle
 Location: Comanche Circle
 Council District: 2
 Zoning: High Density Single-Family Residential (SF-6)
 Proposed Use: Single-Family Residence

FINDINGS:

The Board of Adjustment must review the criteria for granting a Variance, per [UDC Section 4.3.5.3](#). Located in the High-Density Single-Family Residential (SF-6) zoning district, the applicant property is one of three triangular-shaped lots within the Cibolo North residential subdivision. Directly south of the applicant property is an open lot within the Medium-High Density Residential (SF-5) zoning district. The other surrounding properties are within the SF-6 zoning district. The applicant is requesting to increase the maximum allowable height of their front yard fence from three (3) feet to eight (8) feet. Currently, there is a three (3) foot chain-link fence around the perimeter of the property. The request was submitted after the property owner was issued a Notice of Violation from Code Enforcement regarding the storage of four junk vehicles within the yard visible from the road.

PUBLIC NOTICE:

Notice was published within the local newspaper (Seguin Gazette) on March 10, 2024, and the [City Website](#). Individual letters were sent by mail to 26 property owners within 200' of the site. To date, Staff has received two (2) in favor of and four (4) in opposition. Public Hearing and Approval/Disapproval of the zoning variance is tentatively scheduled for the March 25, 2024, Board of Adjustment meeting.

BOARD OF ADJUSTMENT ACTION:

- Approve** the requested variance petition to Section 8.1.3 of the City of Cibolo UDC to increase the maximum height of the front yard fence in an SF-6 zoning district from three (3) feet to eight (8) feet for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3.
- Approve** the requested variance petition to Section 8.1.3 of the City of Cibolo UDC to increase the maximum height of the front yard fence in SF-6 zoning district from three (3) feet to eight (8) feet for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3, **with conditions**.

3. Deny the variance petition **with findings**.

STAFF ANALYSIS:

Unified Development Code (UDC) Section 4.3.5.3 – Criteria for Granting a Zoning Variance, Findings Required

To establish a basis for variance consideration, the applicant is required to submit Findings of Fact addressing each of the following considerations: (for reference, [UDC](#) and [Comprehensive/Master Plan](#))

A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district.

STAFF FINDING: The odd shape of the applicant lot which is triangular creates an alternate scenario. The entirety of the north property line fronting Comanche Circle, where the applicant wishes to place the eight (8) foot fence, is considered the front yard, despite the placement of the main structure on the property.

B. That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

Sec. 8.1.3.A – Fences constructed in the front yard of properties in the SF-3 through SF-6 districts must be three (3') feet or shorter; however, fences in the front yard may be increased by one (1') foot if it is decorative and is less than sixty (60%) percent opaque.

STAFF FINDING: The applicant would not be deprived of any rights as this section of code applies to all properties within the SF-6 zoning district, including those that have the same triangular shape as the applicant property.

C. That special conditions or circumstances did not result from the actions of the applicant.

STAFF FINDING: The conditions are not a result of applicant actions. The Cibolo North residential subdivision, which established the lot's peculiar triangular shape, was platted in 1982. What would typically be considered the side yard, is called out as the front yard due to the shape and established building setback lines.

D. That granting the variance will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structure, or buildings in the same district.

STAFF FINDING: The applicant would receive special privileges if granted the variance. All three lots in the Cibolo North subdivision, including the applicant's triangular lot, have unique triangular shapes. Of these three lots, only one has a fence in the front yard that exceeds the three (3) foot height limit. Staff does not have record of the original permit for the fence, which was built between 2004 and 2008 according to satellite imagery. If this fence were to be replaced, and the cost of repairs or replacement were greater than 50% of the appraised value, the property owner would have to bring the fence within the front yard into compliance. In short, all three triangular lots are held to the same standards disallowing a front yard fence that exceeds three (3) feet in height.

Variations cannot be granted to; 1) relieve self-created or personal hardship, 2) be based solely on economic gain or loss, 3) nor shall it permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the zoning district. No variance may be granted which results in undue hardship on another parcel of land. The applicant bears the burden of proof in establishing the facts justifying a variance.

Attachments

A. VR-24-03 Application.pdf

B. StaffMap_ 120 Comanche Circle.pdf

F.1 114 Comanche Cir.pdf

F.2 129 Comanche Cir.pdf

O.1 123 Comanche Cir.pdf

O.2 121 Comanche Cir.pdf

O.3 127 Comanche Cir.pdf

O.4 125 Comanche Cir.pdf



City of Cibolo

Planning Department
201 Loop 539 W/P.O. Box 826
Cibolo, TX 78108
Phone: (210) 658 - 9900

UNIVERSAL APPLICATION - VARIANCE

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Please use a separate application for each submittal.* Your application will not be accepted until the application is completed and required information provided.

Project Location (address): 120 Comanche Circle
Total Acres: .3703 Survey Name/Subdivision: CIBOLO NORTH #3 Abstract No.: G_0570_3 -
Project Name: *(if applicable):* _____
Description of proposed Variance: Moving backyard property line to where front fence line is

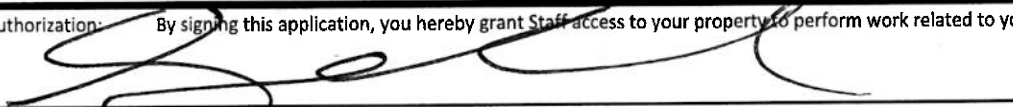
Current Zoning: SF-6 Overlay: None Old Town FM 78
Proposed Zoning: _____ # of Lots: _____ # of Units: _____
Please Choose One: Single-Family Multi-Family Commercial Industrial
 Other _____
Current Use: Homestead / Home Total Proposed Square Footage: _____
Proposed Use: Move back yard line to make side yard my back yard (Commercial/Industrial only)

Applicant Information:

Property Owner Name: Matthew Smallwood
Address: 120 Comanche Circle City: Cibolo
State: Texas Zip Code: 78108 Phone: 2106181761
Email: msssmallwood72@gmail.com Fax: _____

*Applicant (if different than Owner): _____
* Letter of Authorization required
Address: _____ City: _____
State: _____ Zip Code: _____ Phone: _____
Email: _____ Fax: _____

Representative: _____
Address: _____ City: _____
State: _____ Zip Code: _____ Phone: _____
Email: _____ Fax: _____

Authorization: By signing this application, you hereby grant Staff access to your property to perform work related to your application.

Owner or Representative's Signature
MATTHEW SMALLWOOD
Typed / Printed Name
State of _____
County of _____
Before me, _____, on this day personally appeared
Name of Notary Public
_____, to be the person(s) who is/are subscribed to the
Name of signer(s)
foregoing instrument and acknowledge to me that he/she/they executed the same for the purposes and consideration therein expressed.
Given under my hand and seal of office this _____ day of _____
Notary Public Signature (Notary Seal)

**City of Cibolo
Use Only**

Total Fees
Payment Method
Submittal Date
Accepted by
Case Number

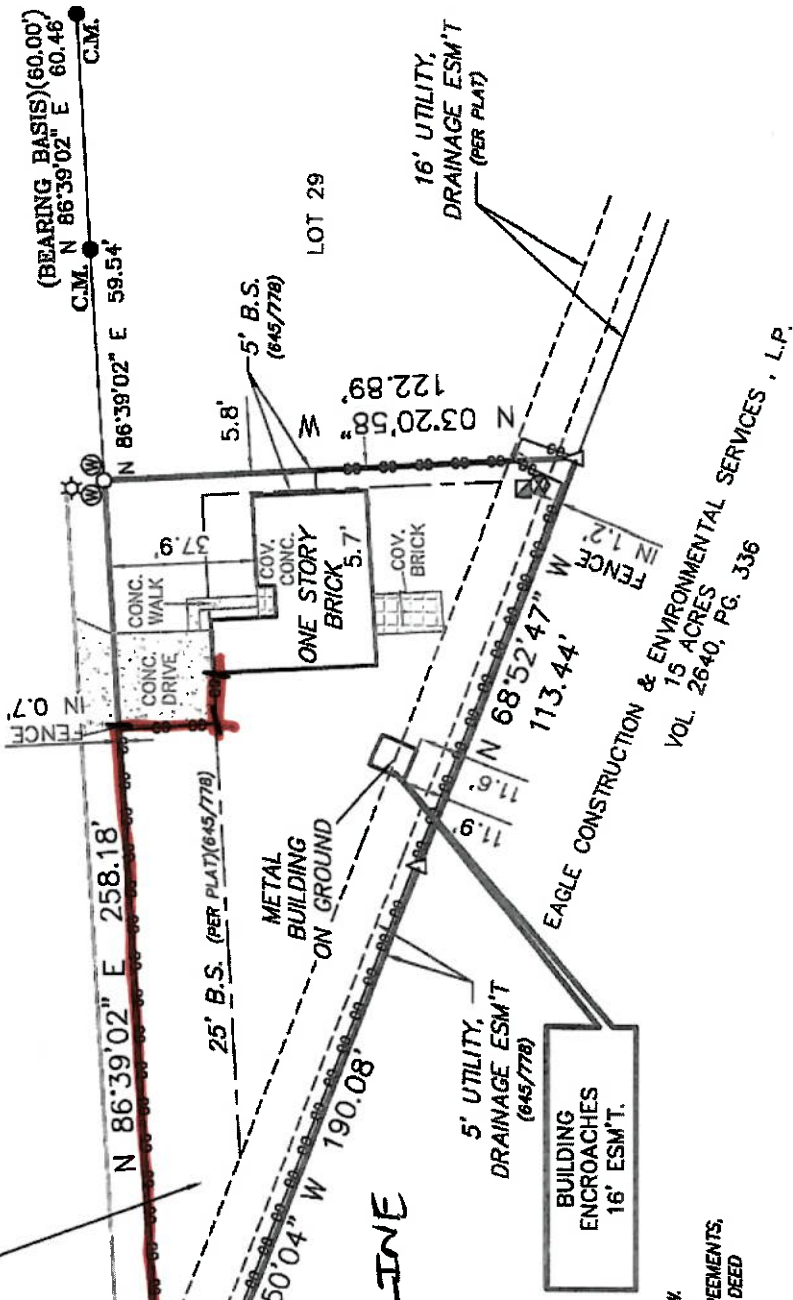
Page 1 of 2

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48187C, Panel No. 02330F, which is Dated 11/02/2007. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the surveyor did not take any action to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://www.fema.gov/portals>.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	BEARING	DELTA ANGLE
C1	50.00'	18.36'	18.26'	S 83°59'35" E	21°02'27"

COMMANCHE CIRCLE (50' R.O.W.)

LOT 28, BLOCK 5
16586 SQ. FT.
0.381 ACRES



MOVE 25' B.S LINE
TO EXISTING FRONT YARD LINE

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.
NOTE:
THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS,
AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOLUME 645, PAGE 778, DEED
RECORDS OF GUADALUPE COUNTY, TEXAS.

FIRM REGISTRATION NO.
10111700

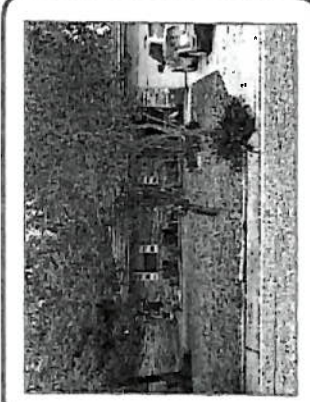
LAND SURVEYORS, L.L.C.
P.O. BOX 1845 BOERNE, TEXAS 78006
PHONE (210) 372-8500 FAX (210) 372-9888

- LEGEND**
- ▲ CALCULATED POINT
 - FND 1/2" IRON ROD
 - RECORD INFORMATION
 - BUILDING SETBACK
 - CONTROLLING MONUMENT
 - CHAIN LINK FENCE
 - LIGHT POST
 - WATER METER
 - TELEPHONE PEDESTAL
 - CABLE TELEVISION
 - SET 1/2" IRON ROD CAPPED WALLS

Property Address:
120 COMMANCHE CIRCLE

Property Description:
LOT 28, BLOCK 5, CIBOLO NORTH SUBDIVISION,
UNIT 3, CITY OF CIBOLO, GUADALUPE COUNTY,
TEXAS ACCORDING TO PLAT IN VOLUME 4, PAGE
201 OF THE PLAT RECORDS OF GUADALUPE
COUNTY, TEXAS.

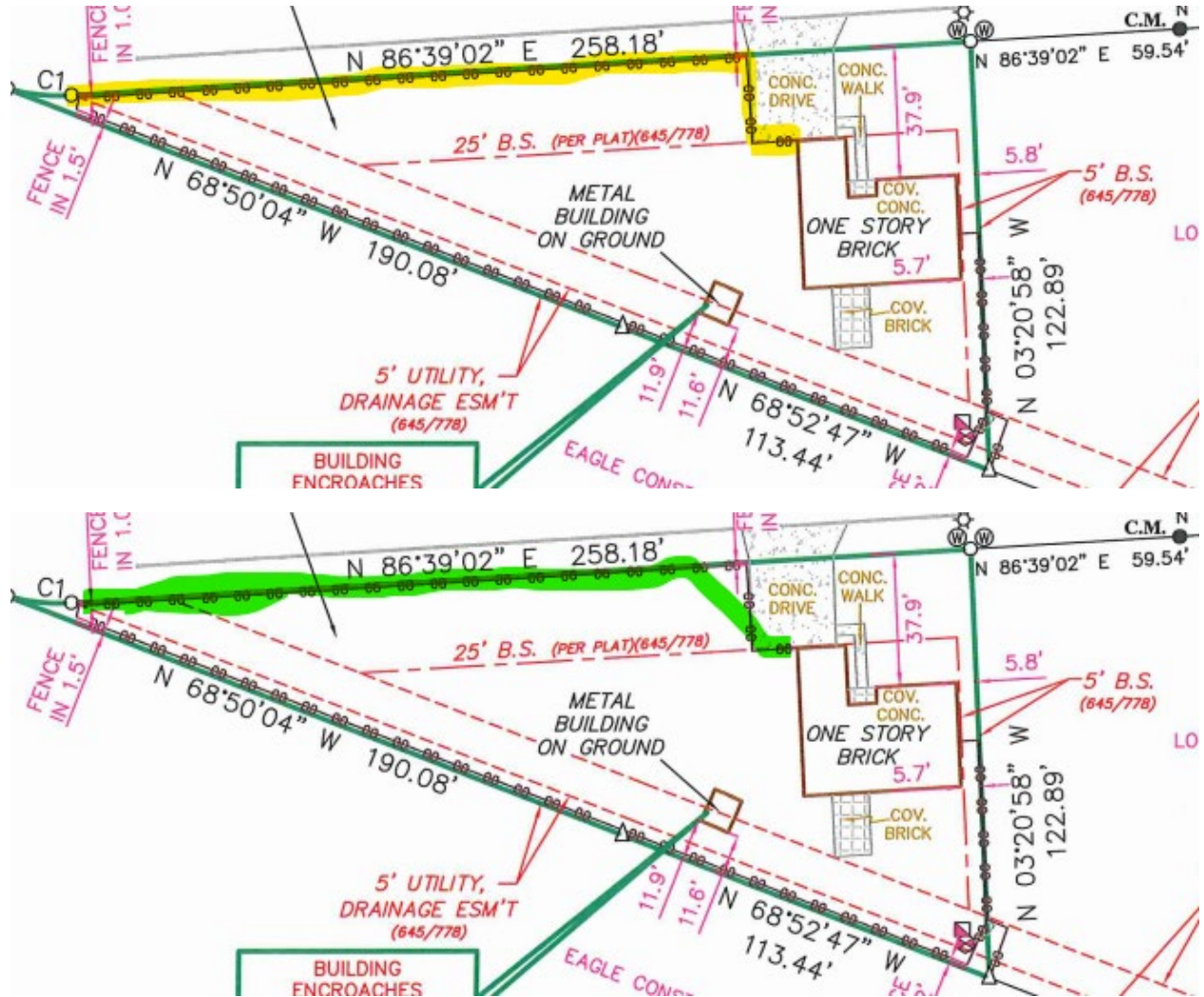
Owner:
MATTHEW DAVID SMALLWOOD



STATE OF TEXAS
REGISTERED
MARK J. EWA
PROFESSOR
LAND SURVEYOR
5095




I Matthew Smallwood owner of 120 Comanche Circle. I would like to build a fence on existing fence line with minor changes to gate opening. I'm trying to build an 8-foot privacy fence on my property. My side yard is not usable for what I want to do with my yard. If I built a fence on the 25-foot B.s line my side yard will be unusable to me and for future plans. My side yard is also in public view and is also an invasion of my privacy. There are multiple houses in my neighborhood that have lots around the same size, shape and orientation that have privacy fences on what would be considered their front yard. I have attached a file with addresses and pictures of properties.

The current fence is yellow and what I want to change it to is in green.



The following is the conditions that I meet the criteria for variance approval. Due to the usual shape of my yard, If I build a fence along the 25 foot b.s line I will not have a usable back yard. Also the fence that is there is not private and is not keeping my belongings secure from public view.

Property Information Map for 120 Comanche Circle

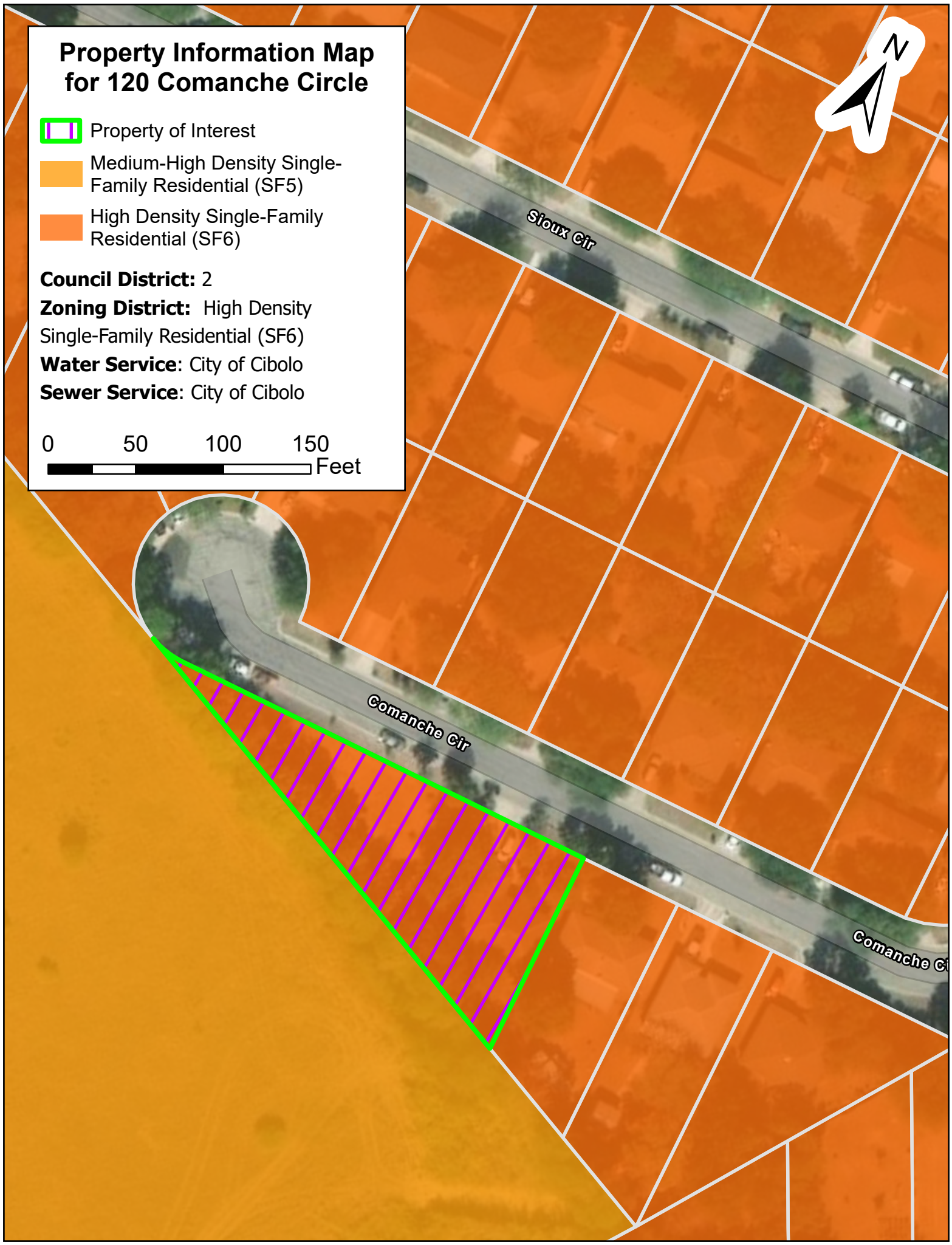
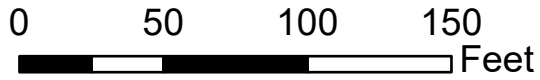
-  Property of Interest
-  Medium-High Density Single-Family Residential (SF5)
-  High Density Single-Family Residential (SF6)

Council District: 2

Zoning District: High Density Single-Family Residential (SF6)

Water Service: City of Cibolo

Sewer Service: City of Cibolo



REPLY NOTICE (VR-24-03)

Name (please print):

Carolyn Epperson

Address (In relation to Map Exhibit):

18669

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:
IN PERSON:
EMAIL:

City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
Take a photo or scan it to planning@cibolotx.gov

Comments:

In Favor

Opposed

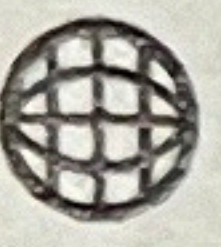
Signature:

Carolyn Epperson

Date:

March 11, 2024

(210) 658-9900



www.cibolotx.gov



200 S. Main Street Cibolo, Texas 78108

REPLY NOTICE (VR-24-03)

Name (please print): David + Nettie Guel
Address (In relation to Map Exhibit): 129 Comanche Circle #18665

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor Opposed

Comments: That is his back yard - He has every right to put up a privacy or chain link fence. (Side)

Signature: David Guel
Nettie M. Guel

Date: 3-10-2024



Notice of Variance Petition



March 4, 2024

Dear Property Owner,

In accordance with the Texas Local Government Code and the City of Cibolo Unified Development Code, you are receiving this official Notice of Variance Petition.

This notice does not directly pertain to your property.

The purpose of this letter is to make you aware of a possible variance near your property and provide you with an opportunity to voice your opinion about the variance. Your opinion matters.

In accordance with the City of Cibolo Code of Ordinances, the Board of Adjustment will hold a public hearing on **Monday, March 25, 2024, at 6:30 p.m.** at the Council Chambers of the City Hall located at 200 South Main Street, Cibolo, Texas.

The variance proposal is as follows:

The purpose of the meeting is to hear public testimony regarding a variance to UDC Sec. 8.1.3 to increase the maximum height of the front yard fence in an SF-6 zoning district from 3' to 8' for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3.

Applicant/Owner: Matthew Smallwood

Sincerely,
Lindsey Walker, CNU-A
Planner
lwalker@cibolotx.gov

REPLY NOTICE (VR-24-03)

Name (please print): Aaron Montgomery
Address (in relation to Map Exhibit): 123 Comanche Cir (18662)

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form prior to the scheduled public hearing by one of the following options:

US MAIL:
IN PERSON:
EMAIL:

City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
Take a photo or scan it to planning@cibolotx.gov

In Favor

Opposed

Comments:

We do not want a junk yard or business across the street from us - even if it is hidden by a fence. We would like to maintain our property value by keeping a nice, tidy neighborhood.

Signature: AP

Date: 3-8-24



Notice of Variance Petition



March 4, 2024

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Applicant/Owner: Matthew Smallwood

Sincerely,
Lindsey Walker, CNU-A
Planner
lwalker@cibolotx.gov

REPLY NOTICE (VR-24-03)

Name (please print): Mike L.W. Kannenberg

Address (In relation to Map Exhibit): 121 Comanche Circle, Cibolo, TX 78108

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor

Opposed

Comments:

This neighborhood is zoned residential not commercial. Putting up a 8ft. fence to hide the fact is not only against code its an eyesore. Just so he can hide his auto repair business.

Signature: [Handwritten Signature] Date: 3/11/24



Notice of Variance Petition



March 4, 2024

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Applicant/Owner: Matthew Smallwood

Sincerely,
Lindsey Walker, CNU-A
Planner
lwalker@cibolotx.gov

REPLY NOTICE (VR-24-03)

Name (please print): Debra Pihota

Address (In relation to Map Exhibit): 121 Comanche

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor

Opposed

Comments: The fence isn't the issue it is what will be behind the fence which can cause extra issues and noise, etc.

Signature: Debra Pihota

Date: 3/14/24



Notice of Variance Petition



March 4, 2024

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Applicant/Owner: Matthew Smallwood

Sincerely,
Lindsey Walker, CNU-A
Planner
lwalker@cibolotx.gov

REPLY NOTICE (VR-24-03)

Name (please print): MAX HARRIS

Address (In relation to Map Exhibit): 125 Comanche Cir

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor

Opposed

Comments:

Signature: Max Harris

Date: 3/9/24



City of Cibolo

Board of Adjustment Staff Report

Approval of the minutes from December 4, 2023

Meeting	Agenda Group
Monday, March 25, 2024, 6:30 PM	Consent Agenda - Consent Items (General Items) Item: 7A
From	Staff Contact(s)
Peggy Cimics, City Secretary	Peggy Cimics,

PRIOR CITY COUNCIL ACTION:

N/A

BACKGROUND:

N/A

STAFF RECOMMENDATION:

N/A

FINANCIAL IMPACT:

N/A

MOTION(S):

N/A

Attachments

120423 BOA Minutes.pdf



Board of Adjustment Meeting
Noble Group Event Center
203 S. Main Street
December 4, 2023
6:30 p.m. – 9:30 p.m.

MINUTES

1. **Call to Order** – Meeting was called to order by Chairman Mr. Frias at 6:30 p.m.
2. **Roll Call and Excused Absences** – Members Present: Mr. Frias, Mr. Peek, Mr. McGlothlin, Ms. Dodd, Ms. McDaniel, and Ms. Forsberg. Members Absent: Mr. MacLauchlan. Mr. McGlothlin made the motion to excuse the absence of Mr. MacLauchlan. Motion was seconded by Ms. McDaniel. For: All; Against: None. Motion carried 6 to 0.
3. **Invocation/Moment of Silence** – Chairman Mr. Frias asks for a Moment of Silence.
4. **Pledge of Allegiance** – All in attendance recited the Pledge of Allegiance.

5. Citizens to be Heard

This is the only time during the Board Meeting that a citizen can address the Board. It is an opportunity for visitors and guests to address the Board on any issue to include agenda items. All visitors wishing to speak must fill out the Sign-In Roster prior to the start of the meeting. The Board may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however, the Board may present any factual response to items brought up by citizens. (Attorney General Opinion – JC-0169) (Limit of three minutes each.) All remarks shall be addressed to the Board as a body, and not to any individual member thereof. Public criticism of the Board or any action, policy program or service provided by the City is not prohibited. However, any person making personal, impertinent, or slanderous remarks to individual members of the Board while addressing the Board may be requested to leave the meeting. This meeting is livestreamed. If anyone would like to make comments on any matter regarding the City of Cibolo or on an agenda item and have this item read at this meeting, please email pcimics@cibolotx.gov or telephone 210-566-6111 before 5:00 pm the date of the meeting.

Mr. Jake Oder from Maverick Surveying Co. spoke on how this problem happened. They also informed the BOA that they did notice the error and did notify the city.

6. Consent Agenda

- A. Approval of the minutes from September 5, 2023.

Ms. McDaniel made the motion to table the minutes until the next scheduled meeting. Motion was seconded by Ms. Forsberg. For: All; Against: None. Motion carried 6 to 0.

7. Public Hearings

- A. The City of Cibolo Board of Adjustment will conduct a public hearing to hear public testimony regarding a variance request to UDC Sec. 14.1 Lot Design Standards to reduce

the front setback from 25' to 23' for certain real property located at 133 Pioneer Junction, Mesa Western Subdivision Unit #1, Block 1, Lot 32, 0.25AC.

Chairman Mr. Frias opened the public hearing at 6:37 p.m. No one spoke and the public hearing was closed by Mr. Frias at 6:38 p.m.

8. Discussion/Action Items

- A. Discussion/Action regarding a variance request to UDC Sec. 14.1 Lot Design Standards to reduce the front setback from 25' to 23' for certain real property located at 133 Pioneer Junction, Mesa Western Subdivision Unit #1, Block 1, Lot 32, 0.25AC.

During this item the Board of Adjustment members ask questions of the applicant and staff before taking a vote.

1st - Motion was made by Mr. McGlothlin to deny the variance request to UDC Sec. 14.1 Lot Design Standards to reduce the front setback from 25' to 23' for certain real property located at 133 Pioneer Junction, Mesa Western Subdivision Unit #1, Block 1, Lot 32, 0.25AC. Motion was seconded by Ms. McDaniel. For: Ms. Forsberg – No, Mr. Peek – Yes, Ms. McDaniel – Yes, Mr. Frias – No, Mr. McGlothlin – Yes, and Ms. Dodd – No. There was a tie vote to deny the variance.

2nd -Motion was made by Ms. Forsberg to approve the variance request to UDC Sec. 14.1 Lot Design Standards to reduce the front setback from 25' to 23' for certain real property located at 133 Pioneer Junction, Mesa Western Subdivision Unit #1, Block 1, Lot 32, 0.25AC. Motion was seconded by Ms. Dodd. For: Ms. Forsberg – Yes, Mr. Peek – No, Ms. McDaniel – No, Mr. McGlothlin – No, Mr. Frias – Yes, and Ms. Dodd – Yes. There was a tie vote to approve the variance.

The Board at this time decided to discuss this item more before someone makes a new motion.

3rd – Motion was made by Ms. Dodd to approve the variance request to UDC Sec. 14.1 Lot Design Standards to reduce the front setback from 25' to 23' for certain real property located at 133 Pioneer Junction, Mesa Western Subdivision Unit #1, Block 1, Lot 32, 0.25AC. Motion was seconded by Ms. Forsberg. For: Ms. Forsberg – Yes, Mr. Peek – Yes, Ms. McDaniel – Yes, Mr. Frias – Yes, Mr. McGlothlin – No, and Ms. Dodd – Yes. Motion carried 5 to 1 to approve the variance.

9. Adjournment

Motion was made by Ms. Forsberg to adjourn the meeting at 7:17 p.m. Motion was seconded by Mr. Peek. For: All; Against: None. Motion carried 6 to 0.

PASSED AND APPROVED THIS ____ DAY OF _____ 2024.

Chairman



City of Cibolo

Board of Adjustment Staff Report

Discussion/Action on a variance request to UDC Sec. 8.1.3 to increase the maximum height of the front yard fence in an SF-6 zoning district from three (3) feet to eight (8) feet for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3.

Meeting	Agenda Group	
Monday, March 25, 2024, 6:30 PM	Discussion/Action	Item: 8A
From	Staff Contact(s)	
Susana Huerta, Assistant Planning Director	Lindsey Walker,	

BOARD OF ADJUSTMENT ACTION: Discussion and Action regarding the requested variance

PROPERTY INFORMATION:

Project Name: VR-24-03
 Owners: Matthew Smallwood
 Representative: Matthew Smallwood
 Location/Area: 120 Comanche Circle
 Location: Comanche Circle
 Council District: 2
 Zoning: High Density Single-Family Residential (SF-6)
 Proposed Use: Single-Family Residence

FINDINGS:

The Board of Adjustment must review the criteria for granting a Variance, per [UDC Section 4.3.5.3](#). Located in the High-Density Single-Family Residential (SF-6) zoning district, the applicant property is one of three triangular-shaped lots within the Cibolo North residential subdivision. Directly south of the applicant property is an open lot within the Medium-High Density Residential (SF-5) zoning district. The other surrounding properties are within the SF-6 zoning district. The applicant is requesting to increase the maximum allowable height of their front yard fence from three (3) feet to eight (8) feet. Currently, there is a three (3) foot chain-link fence around the perimeter of the property. The request was submitted after the property owner was issued a Notice of Violation from Code Enforcement regarding the storage of four junk vehicles within the yard visible from the road.

PUBLIC NOTICE:

Notice was published within the local newspaper (Seguin Gazette) on March 10, 2024, and the [City Website](#). Individual letters were sent by mail to 26 property owners within 200' of the site. To date, Staff has received two (2) in favor of and four (4) in opposition. Public Hearing and Approval/Disapproval of the zoning variance is tentatively scheduled for the March 25, 2024, Board of Adjustment meeting.

BOARD OF ADJUSTMENT ACTION:

1. **Approve** the requested variance petition to Section 8.1.3 of the City of Cibolo UDC to increase the maximum height of the front yard fence in an SF-6 zoning district from three (3) feet to eight (8) feet for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3.
2. **Approve** the requested variance petition to Section 8.1.3 of the City of Cibolo UDC to increase the maximum height of the front yard fence in SF-6 zoning district from three (3) feet to eight (8) feet for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3, **with conditions**.
3. **Deny** the variance petition **with findings**.

STAFF ANALYSIS:

Unified Development Code (UDC) Section 4.3.5.3 – Criteria for Granting a Zoning Variance, Findings Required

To establish a basis for variance consideration, the applicant is required to submit Findings of Fact addressing each of the following considerations: (for reference, [UDC](#) and [Comprehensive/Master Plan](#))

A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district.

STAFF FINDING: The odd shape of the applicant lot which is triangular creates an alternate scenario. The entirety of the north property line fronting Comanche Circle, where the applicant wishes to place the eight (8) foot fence, is considered the front yard, despite the placement of the main structure on the property.

B. That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

Sec. 8.1.3.A – Fences constructed in the front yard of properties in the SF-3 through SF-6 districts must be three (3') feet or shorter; however, fences in the front yard may be increased by one (1') foot if it is decorative and is less than sixty (60%) percent opaque.

STAFF FINDING: The applicant would not be deprived of any rights as this section of code applies to all properties within the SF-6 zoning district, including those that have the same triangular shape as the applicant property.

C. That special conditions or circumstances did not result from the actions of the applicant.

STAFF FINDING: The conditions are not a result of applicant actions. The Cibolo North residential subdivision, which established the lot's peculiar triangular shape, was platted in 1982. What would typically be considered the side yard, is called out as the front yard due to the shape and established building setback lines.

D. That granting the variance will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structure, or buildings in the same district.

STAFF FINDING: The applicant would receive special privileges if granted the variance. All three lots in the Cibolo North subdivision, including the applicant's triangular lot, have unique triangular shapes. Of these three lots, only one has a fence in the front yard that exceeds the three (3) foot height limit. Staff does not have record of the original permit for the fence, which was built between 2004 and 2008 according to satellite imagery. If this fence were to be replaced, and the cost of repairs or replacement were greater than 50% of the appraised value, the property owner would have to bring the fence within the front yard into compliance. In short, all three triangular lots are held to the same standards disallowing a front yard fence that exceeds three (3) feet in height.

Variations cannot be granted to; 1) relieve self-created or personal hardship, 2) be based solely on economic gain or loss, 3) nor shall it permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the zoning district. No variance may be granted which results in undue hardship on another parcel of land. The applicant bears the burden of proof in establishing the facts justifying a variance.

Attachments

A. VR-24-03 Application.pdf

B. StaffMap_ 120 Comanche Circle.pdf

F.1 114 Comanche Cir.pdf

F.2 129 Comanche Cir.pdf

O.1 123 Comanche Cir.pdf

O.2 121 Comanche Cir.pdf

O. 127 Comanche Cir.pdf

O. 125 Comanche Cir.pdf



City of Cibolo
 Planning Department
 201 Loop 539 W/P.O. Box 826
 Cibolo, TX 78108
 Phone: (210) 658 - 9900

UNIVERSAL APPLICATION - VARIANCE

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Please use a separate application for each submittal.* Your application will not be accepted until the application is completed and required information provided.

Project Location (address): 120 Comanche Circle
 Total Acres: .3703 Survey Name/Subdivision: CIBOLO NORTH #3 Abstract No.: G_0570_3 -
 Project Name: *(if applicable):* _____
 Description of proposed Variance: Moving backyard property line to where front fence line is

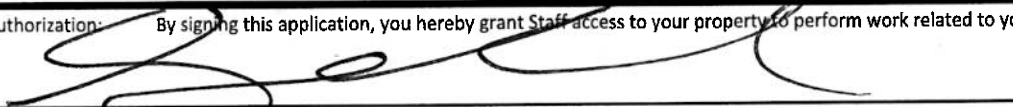
Current Zoning: SF-6 Overlay: None Old Town FM 78
 Proposed Zoning: _____ # of Lots: _____ # of Units: _____
 Please Choose One: Single-Family Multi-Family Commercial Industrial
 Other _____
 Current Use: Homestead / Home Total Proposed Square Footage: _____
 Proposed Use: Move back yard line to make side yard my back yard (Commercial/Industrial only)

Applicant Information:

Property Owner Name: Matthew Smallwood
 Address: 120 Comanche Circle City: Cibolo
 State: Texas Zip Code: 78108 Phone: 2106181761
 Email: msssmallwood72@gmail.com Fax: _____

*Applicant (if different than Owner): _____
 * Letter of Authorization required
 Address: _____ City: _____
 State: _____ Zip Code: _____ Phone: _____
 Email: _____ Fax: _____

Representative: _____
 Address: _____ City: _____
 State: _____ Zip Code: _____ Phone: _____
 Email: _____ Fax: _____

Authorization: By signing this application, you hereby grant Staff access to your property to perform work related to your application.

 Owner or Representative's Signature
MATTHEW SMALLWOOD
 Typed / Printed Name
 State of _____
 County of _____
 Before me, _____, on this day personally appeared
 Name of Notary Public
 _____, to be the person(s) who is/are subscribed to the
 Name of signer(s)
 foregoing instrument and acknowledge to me that he/she/they executed the same for the purposes and consideration therein expressed.
 Given under my hand and seal of office this _____ day of _____
 Notary Public Signature (Notary Seal)

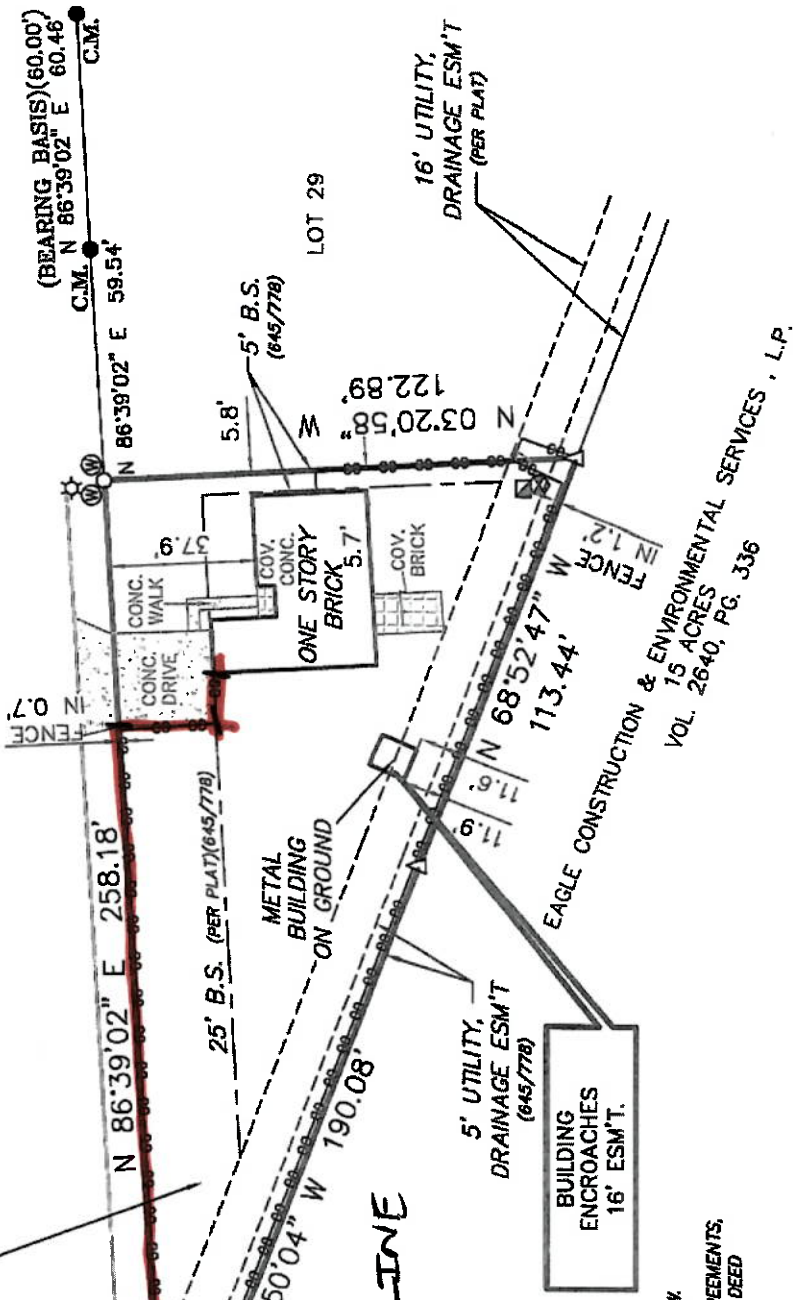
City of Cibolo Use Only
Total Fees
Payment Method
Submittal Date
Accepted by
Case Number

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48187C, Panel No. 02310F, which is Dated 11/02/2007. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the surveyor did not take any action to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://www.fema.gov/portals>.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	BEARING	DELTA ANGLE
C1	50.00'	18.36'	18.26'	S 83°59'35" E	21°02'27"

COMMANCHE CIRCLE (50' R.O.W.)

LOT 28, BLOCK 5
16586 SQ. FT.
0.381 ACRES



*MOVE 25' B.S LINE
TO EXISTING FRONT YARD LINE*

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.
NOTE:
THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS,
AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOLUME 645, PAGE 778, DEED
RECORDS OF GUADALUPE COUNTY, TEXAS.

FIRM REGISTRATION NO.
10111700

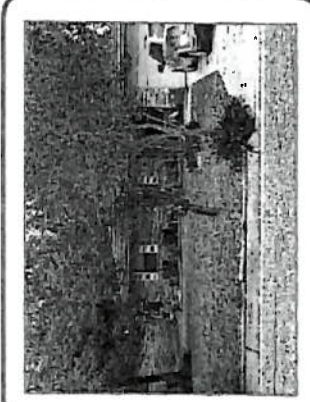
LAND SURVEYORS, L.L.C.
P.O. BOX 1845 BOERNE, TEXAS 78006
PHONE (210) 372-8500 FAX (210) 372-9888

- LEGEND**
- ▲ CALCULATED POINT
 - FND 1/2" IRON ROD
 - RECORD INFORMATION
 - BUILDING SETBACK
 - CONTROLLING MONUMENT
 - CHAIN LINK FENCE
 - LIGHT POST
 - WATER METER
 - TELEPHONE PEDESTAL
 - CABLE TELEVISION
 - SET 1/2" IRON ROD CAPPED WALLS

Property Address:
120 COMMANCHE CIRCLE

Property Description:
LOT 28, BLOCK 5, CIBOLO NORTH SUBDIVISION,
UNIT 3, CITY OF CIBOLO, GUADALUPE COUNTY,
TEXAS ACCORDING TO PLAT IN VOLUME 4, PAGE
201 OF THE PLAT RECORDS OF GUADALUPE
COUNTY, TEXAS.

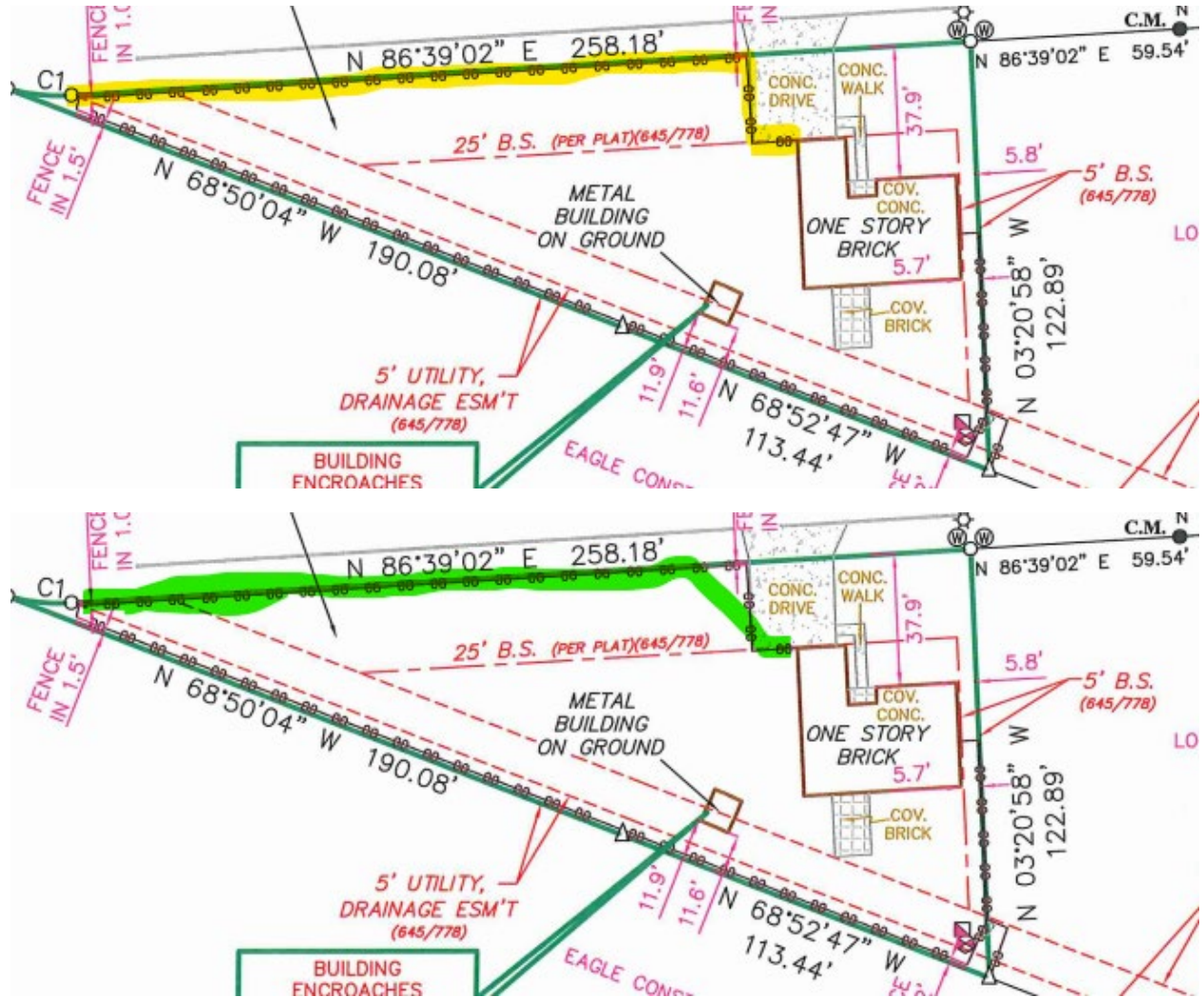
Owner:
MATTHEW DAVID SMALLWOOD



STATE OF TEXAS
REGISTERED
LAND SURVEYOR
MARK J. EWA
5095
PROFESSIONAL
LAND SURVEYOR




I Matthew Smallwood owner of 120 Comanche Circle. I would like to build a fence on existing fence line with minor changes to gate opening. I'm trying to build an 8-foot privacy fence on my property. My side yard is not usable for what I want to do with my yard. If I built a fence on the 25-foot B.s line my side yard will be unusable to me and for future plans. My side yard is also in public view and is also an invasion of my privacy. There are multiple houses in my neighborhood that have lots around the same size, shape and orientation that have privacy fences on what would be considered their front yard. I have attached a file with addresses and pictures of properties.

The current fence is yellow and what I want to change it to is in green.



The following is the conditions that I meet the criteria for variance approval. Due to the usual shape of my yard, If I build a fence along the 25 foot b.s line I will not have a usable back yard. Also the fence that is there is not private and is not keeping my belongings secure from public view.

Property Information Map for 120 Comanche Circle

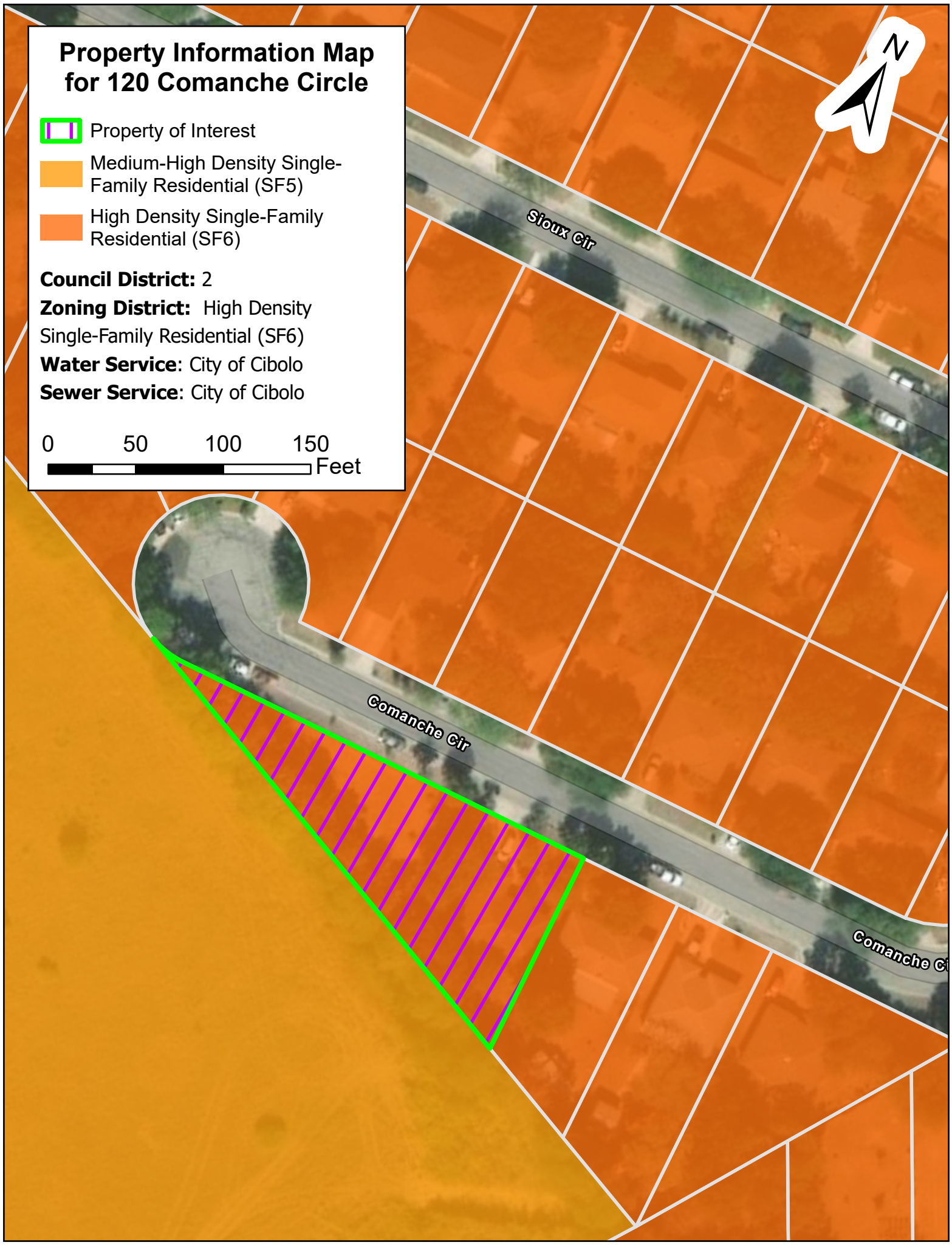
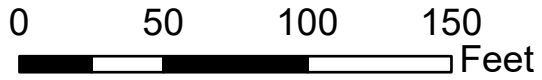
-  Property of Interest
-  Medium-High Density Single-Family Residential (SF5)
-  High Density Single-Family Residential (SF6)

Council District: 2

Zoning District: High Density Single-Family Residential (SF6)

Water Service: City of Cibolo

Sewer Service: City of Cibolo



REPLY NOTICE (VR-24-03)

Name (please print):

Carolyn Epperson

Address (In relation to Map Exhibit):

18669

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:
IN PERSON:
EMAIL:

City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
Take a photo or scan it to planning@cibolotx.gov

Comments:

In Favor

Opposed

Signature:

Carolyn Epperson

Date:

March 11, 2024

(210) 658-9900



www.cibolotx.gov



200 S. Main Street Cibolo, Texas 78108

REPLY NOTICE (VR-24-03)

Name (please print): David + Nettie Guel
Address (In relation to Map Exhibit): 129 Comanche Circle #18665

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor Opposed

Comments: That is his back yard - He has every right to put up a privacy or chain link fence. (Side)

Signature: David Guel
Nettie M Guel

Date: 3-10-2024



Notice of Variance Petition



March 4, 2024

Dear Property Owner,

In accordance with the Texas Local Government Code and the City of Cibolo Unified Development Code, you are receiving this official Notice of Variance Petition.

This notice does not directly pertain to your property.

The purpose of this letter is to make you aware of a possible variance near your property and provide you with an opportunity to voice your opinion about the variance. Your opinion matters.

In accordance with the City of Cibolo Code of Ordinances, the Board of Adjustment will hold a public hearing on **Monday, March 25, 2024, at 6:30 p.m.** at the Council Chambers of the City Hall located at 200 South Main Street, Cibolo, Texas.

The variance proposal is as follows:

The purpose of the meeting is to hear public testimony regarding a variance to UDC Sec. 8.1.3 to increase the maximum height of the front yard fence in an SF-6 zoning district from 3' to 8' for certain real property located at 120 Comanche Circle, legally described as LOT: 28 BLK: 5 ADDN: CIBOLO NORTH #3.

Applicant/Owner: Matthew Smallwood

Sincerely,
Lindsey Walker, CNU-A
Planner
lwalker@cibolotx.gov

REPLY NOTICE (VR-24-03)

Name (please print): Aaron Montgomery
Address (in relation to Map Exhibit): 123 Comanche Cir (18662)

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form prior to the scheduled public hearing by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor Opposed

Comments:

We do not want a junk yard or business across the street from us - even if it is hidden by a fence. We would like to maintain our property value by keeping a nice, tidy neighborhood.

Signature: AMP

Date: 3-8-24



Notice of Variance Petition



March 4, 2024

Dear Property Owner,

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Applicant/Owner: Matthew Smallwood

Sincerely,
Lindsey Walker, CNU-A
Planner
lwalker@cibolotx.gov

REPLY NOTICE (VR-24-03)

Name (please print): Mike L.W. Kannenberg

Address (In relation to Map Exhibit): 121 Comanche Circle, Cibolo, TX 78108

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor

Opposed

Comments:

This neighborhood is zoned residential not commercial. Putting up a 8ft. fence to hide the fact is not only against code its an eyesore. Just so he can hide his auto repair business.

Signature: [Handwritten Signature] Date: 3/11/24



Notice of Variance Petition



March 4, 2024

Dear Property Owner,

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Applicant/Owner: Matthew Smallwood

Sincerely,
Lindsey Walker, CNU-A
Planner
lwalker@cibolotx.gov

REPLY NOTICE (VR-24-03)

Name (please print): Debra Pihota

Address (In relation to Map Exhibit): 121 Comanche

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor

Opposed

Comments: The fence isn't the issue it is what will be behind the fence which can cause extra issues and noise, etc.

Signature: Debra Pihota

Date: 3/14/24



Notice of Variance Petition



March 4, 2024

Dear Property Owner,

In accordance with the Texas Local Government Code and the City of Cibolo Unified Development Code, you are receiving this official Notice of Variance Petition.

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The variance proposal is as follows:

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Applicant/Owner: Matthew Smallwood

Sincerely,
Lindsey Walker, CNU-A
Planner
lwalker@cibolotx.gov

REPLY NOTICE (VR-24-03)

Name (please print): MAX HARRIS

Address (In relation to Map Exhibit): 125 Comanche Cir

You or your representatives may attend either or both public hearings. In order to officially register your support or opposition to the variance you must sign and return this form **prior to the scheduled public hearing** by one of the following options:

US MAIL:	City of Cibolo, Attn: Planning Department, 200 S Main Street, Cibolo, TX 78108
IN PERSON:	City Hall Annex: 201 W Loop 539, Cibolo, TX, 78108 (Mail NOT accepted at this address)
EMAIL:	Take a photo or scan it to planning@cibolotx.gov

In Favor

Opposed

Comments:

Signature: Max Harris

Date: 3/9/24



City of Cibolo

Board of Adjustment Staff Report

Adjourn Meeting

Meeting	Agenda Group
Monday, March 25, 2024, 6:30 PM	Adjournment Item: 9A
From	
Peggy Cimics, City Secretary	

PRIOR CITY COUNCIL ACTION:

N/A

BACKGROUND:

N/A

STAFF RECOMMENDATION:

N/A

FINANCIAL IMPACT:

N/A

MOTION(S):

N/A