



"City of Choice"

**Zoning Board of Adjustments
6:30pm - 8:30pm**

Wednesday, March 26, 2025, 6:30 PM

Est. Duration: 20 min

Council Chambers
200 S. Main St.
Cibolo, Texas 78108

1. Call to Order

2. Roll Call and Excused Absences

3. Invocation - Moment of Silence

4. Pledge of Allegiance

5. Public Hearings

5A. Conduct a public hearing regarding a variance to Unified Development Code (UDC) Sec. 14.4 to reduce the side yard setback for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS .2930 AC.

6. Citizens to be Heard

This is the only time during the Board Meeting that a citizen can address the Board of Adjustment. 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. Remarks may also be addressed to any individual member of the Board so long as the remarks are (i) about matters of local public concern and (ii) not disruptive to the meeting or threatening to the member or any attendee including City staff. Any person violating this policy may be requested to leave the meeting, but no person may be requested to leave or forced to leave the meeting because of the viewpoint expressed. 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 citysecretary@cibolotx.gov or telephone 210-566-6111 before 5:00 pm the date of the meeting.

7. Discussion/Action

7A. Discussion/Action regarding a variance to Unified Development Code (UDC) Sec. 14.4 to reduce the side yard setback for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS .2930 AC.

8. Adjournment

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 with the City Attorney regarding any item listed on this agenda. This agenda has been approved by the city's legal counsel and subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551. This has been added to the agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144.

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 _____2025.

Name and Title



Date Posted: March 20, 2025



Board of Adjustment Staff Report

A. Conduct a public hearing regarding a variance to Unified Development Code (UDC) Sec. 14.4 to reduce the side yard setback for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS .2930 AC.

Meeting	Agenda Group
Wednesday, March 26, 2025, 6:30 PM	Public Hearings Item: 5A.
From	
Olivia Hall, Planner I	
Staff Contact(s)	
Olivia Hall, Lindsey Walker,	

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

PROPERTY INFORMATION:

Project Name: VR-25-02
 Owner: Delanie Smith
 Representative: Delanie Smith
 Location/Area: 202 South Street, 0.2930 acres
 Location: West of Pecan Street, directly South of Sipple Avenue
 Council Place: 2
 Future Land Use: Old Town
 Existing [Zoning](#): Community Retail/Service (C-2) within the Old Town Mixed-Use Overlay
 Proposed Use: Residential Covered Patio

FINDINGS:

The applicant is requesting a variance to reduce the side yard setback at 202 South Street from the minimum 15 feet, as required in Section 14.4 of the City’s Unified Development Code (UDC), to 10 feet. This request is to accommodate the construction of a detached covered patio, which would be located 12 feet from a new pool on the property. According to the applicant’s narrative letter, the presence of an existing sewer and water line along the southern side of the property significantly limits the placement options for both the pool and covered patio.

The subject property is currently zoned Community Retail/Service (C-2) and is located within the Old Town Mixed Use Overlay District (OT). Surrounding properties are similarly zoned C-2 within the Old Town Mixed Use Overlay District and are predominantly residential uses, with a few commercial uses located directly south of the subject property.

PUBLIC NOTICE:

Notice was published in the local newspaper (Seguin Gazette) on March 12, 2025, and posted on the [City Website](#). Individual letters were sent by mail to 14 property owners within 200 feet of the subject property.

To date, Staff has received zero (0) responses in favor of and two (2) responses in opposition. One property owner on Pecan Street expressed opposition to any proposed commercial use, preferring that the property remain used for residential. Another property owner, located on Loop 539, raised a concern about building too close to the alley.

A public hearing, along with the Board of Adjustment's consideration for approval or denial of the requested zoning variance, was tentatively scheduled for the March 26, 2025, meeting.

BOARD OF ADJUSTMENT ACTION:

1. **Approve** the requested variance petition to Section 14.4 of the City of Cibolo's UDC to reduce the side setback by 5 feet, from 15 feet to 10 feet for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS 0.2930 AC.
2. **Approve** the requested variance petition to Section 14.4 of the City of Cibolo's UDC to reduce the setback by 5 feet, from 15 feet to 10 feet for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS 0.2930 AC., **with conditions**.
3. **Deny** the requested variance petition **with findings**.

STAFF ANALYSIS:

In accordance with Section 4.3.5.3 of the UDC, the Board of Adjustment may grant a zoning if certain criteria are met.

The Board of Adjustment shall prescribe only conditions that it deems not prejudicial to the public interest and shall list its decision with findings of fact. In making the required findings, the Board of Adjustment shall 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. No variance shall be granted unless the Board of Adjustment finds all of the following:

- A. **Extraordinary Conditions – that there are extraordinary conditions 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 the 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;**

STAFF FINDING: City utility maps show an 8-inch gravity sewer line extending south from Sipple Avenue across the rear of the subject property, continuing through two other additional properties on the east side of South Street. The sewer line terminates at a manhole approximately 125 feet from Loop 539 W. This utility alignment creates a unique condition that specifically impacts the subject property.

While the strict enforcement of the 15-foot side yard setback, as required by the UDC, does not preclude the applicant from constructing a new pool or a covered patio, the existing utility lines impose significant limitations on the applicant's ability to site these improvements in their preferred locations. This constitutes as an extraordinary condition that warrants consideration of the requested variance.

B. *Substantial Detriment – that the granting of the variance will not be detrimental to public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code;*

STAFF FINDING: Cibolo's Old Town area is characterized by its historic development patterns, with many structures predating the City's adoption of zoning regulations. For instance, Guadalupe County records indicate that the accessory structure located on the shared property line between 202 and 204 South Street was constructed in 1973.

The subject property is a corner lot fronting both South Street and Sipple Avenue. The proposed covered patio will be adjacent to Sipple Avenue rather than to an adjacent residential property. Therefore, granting the variance to allow a 10-foot side yard setback will not negatively impact neighboring properties. In fact, within the Old Town Mixed Use Overlay District, Section 4.7.4.4.2.E. of the UDC allows front yard setbacks to be reduced to the average setback of existing structures on the same block. As such, the reduced setback for the covered patio along Sipple Avenue would align with similar setbacks in the area and reflect the established development pattern.

For these reasons, staff finds that the proposed variance will not be detrimental to public health, safety, or welfare and will not impair the administration of the UDC.

C. *Other Property – that the conditions that create the need for the variance do not generally apply to other property in the vicinity;*

STAFF FINDING: The subject property is zoned Community Retail/Service (C-2) and is located within the Old Town Mixed Use Overlay District. While the property is used for residential purposes, its commercial zoning imposes a stricter 15-foot side yard setback compared to the 10-foot requirement that applies to single-family residential lots zoned SF-4 within the same overlay district.

The requested variance would provide consistency with nearby residential properties and the applicable development standards for similar uses within Old Town. Additionally, the existing sewer line crosses only this property and two adjacent parcels, making this condition unique and not commonly applicable to other properties in the vicinity.

D. *Applicant's Actions – that the conditions that create the need for the variance are not the result of the applicant's own actions; and*

STAFF FINDING: The applicant is working within the constraints imposed by existing public utility infrastructure and the physical limitations of a 0.29-acre lot. The request to reduce the side yard setback is driven by the necessity to provide adequate separation between the proposed pool and the covered patio while avoiding conflicts with the existing sewer lines. Therefore, the need for the variance is not self-imposed.

E. *Comprehensive Plan – that the granting of the variance would not substantially conflict with the Comprehensive Master Plan and the purposes of this Code.*

STAFF FINDING: The City of Cibolo’s Future Land Use Map (FLUM) was adopted as part of the 2024 Cibolo Tomorrow Comprehensive Plan on September 10, 2024, under Ordinance 1465. The FLUM is the community’s visual guide for development decisions and includes the logical and orderly placement of PlaceTypes in the City and ETJ. It does not constitute zoning regulations or establish zoning district boundaries.

The property is designated as Old Town on the City’s FLUM. According to the Comprehensive Plan, the character and intent of the Old Town PlaceType is “a centrally located area containing a mix of residential, commercial, civic and entertainment uses. It is a destination for shopping and entertainment and promotes independently-owned, family-friendly businesses that attract patrons from surrounding neighborhoods and cities. These areas are built in traditional, small-scale downtown forms and coexists harmoniously with surrounding residential uses...” The primary land uses in Old Town consist of “Single-Family Detached Homes, Garden Homes, Small Scale Retail, Office, and Bed and Breakfast.”

The proposed covered patio is consistent with the intended character and land uses in Old Town. Granting the variance to allow a reduced side yard setback does not conflict with the goals of the Comprehensive Plan or the FLUM. Instead, it supports the continuation of residential uses that are compatible with the surrounding neighborhood.



Board of Adjustment Staff Report

A. Discussion/Action regarding a variance to Unified Development Code (UDC) Sec. 14.4 to reduce the side yard setback for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS .2930 AC.

Meeting	Agenda Group
Wednesday, March 26, 2025, 6:30 PM	Discussion/Action Item: 7A.
From	
Olivia Hall, Planner I	
Staff Contact(s)	
Olivia Hall, Lindsey Walker,	

BOARD OF ADJUSTMENT ACTION: 2. Discussion and Action regarding the requested variance

PROPERTY INFORMATION:

Project Name: VR-25-02
 Owner: Delanie Smith
 Representative: Delanie Smith
 Location/Area: 202 South Street, 0.2930 acres
 Location: West of Pecan Street, directly South of Sipple Avenue
 Council Place: 2
 Future Land Use: Old Town
 Existing [Zoning](#): Community Retail/Service (C-2) within the Old Town Mixed-Use Overlay
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FINDINGS:

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The subject property is currently zoned Community Retail/Service (C-2) and is located within the Old Town Mixed Use Overlay District (OT). Surrounding properties are similarly zoned C-2 within the Old Town Mixed Use Overlay District and are predominantly residential uses, with a few commercial uses located directly south of the subject property.

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BOARD OF ADJUSTMENT ACTION:

1. **Approve** the requested variance petition to Section 14.4 of the City of Cibolo's UDC to reduce the side setback by 5 feet, from 15 feet to 10 feet for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS 0.2930 AC.
2. **Approve** the requested variance petition to Section 14.4 of the City of Cibolo's UDC to reduce the setback by 5 feet, from 15 feet to 10 feet for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS 0.2930 AC., **with conditions**.
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STAFF ANALYSIS:

In accordance with Section 4.3.5.3 of the UDC, the Board of Adjustment may grant a zoning if certain criteria are met.

The Board of Adjustment shall prescribe only conditions that it deems not prejudicial to the public interest and shall list its decision with findings of fact. In making the required findings, the Board of Adjustment shall 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. No variance shall be granted unless the Board of Adjustment finds all of the following:

- A. **Extraordinary Conditions – that there are extraordinary conditions 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 the 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;**

STAFF FINDING: City utility maps show an 8-inch gravity sewer line extending south from Sipple Avenue across the rear of the subject property, continuing through two other additional properties on the east side of South Street. The sewer line terminates at a manhole approximately 125 feet from Loop 539 W. This utility alignment creates a unique condition that specifically impacts the subject property.

While the strict enforcement of the 15-foot side yard setback, as required by the UDC, does not preclude the applicant from constructing a new pool or a covered patio, the existing utility lines impose significant limitations on the applicant's ability to site these improvements in their preferred locations. This constitutes as an extraordinary condition that warrants consideration of the requested variance.

B. *Substantial Detriment – that the granting of the variance will not be detrimental to public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code;*

STAFF FINDING: Cibolo's Old Town area is characterized by its historic development patterns, with many structures predating the City's adoption of zoning regulations. For instance, Guadalupe County records indicate that the accessory structure located on the shared property line between 202 and 204 South Street was constructed in 1973.

The subject property is a corner lot fronting both South Street and Sipple Avenue. The proposed covered patio will be adjacent to Sipple Avenue rather than to an adjacent residential property. Therefore, granting the variance to allow a 10-foot side yard setback will not negatively impact neighboring properties. In fact, within the Old Town Mixed Use Overlay District, Section 4.7.4.4.2.E. of the UDC allows front yard setbacks to be reduced to the average setback of existing structures on the same block. As such, the reduced setback for the covered patio along Sipple Avenue would align with similar setbacks in the area and reflect the established development pattern.

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C. *Other Property – that the conditions that create the need for the variance do not generally apply to other property in the vicinity;*

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The requested variance would provide consistency with nearby residential properties and the applicable development standards for similar uses within Old Town. Additionally, the existing sewer line crosses only this property and two adjacent parcels, making this condition unique and not commonly applicable to other properties in the vicinity.

D. *Applicant's Actions – that the conditions that create the need for the variance are not the result of the applicant's own actions; and*

STAFF FINDING: The applicant is working within the constraints imposed by existing public utility infrastructure and the physical limitations of a 0.29-acre lot. The request to reduce the side yard setback is driven by the necessity to provide adequate separation between the proposed pool and the covered patio while avoiding conflicts with the existing sewer lines. Therefore, the need for the variance is not self-imposed.

E. Comprehensive Plan – that the granting of the variance would not substantially conflict with the Comprehensive Master Plan and the purposes of this Code.

STAFF FINDING: The City of Cibolo’s Future Land Use Map (FLUM) was adopted as part of the 2024 Cibolo Tomorrow Comprehensive Plan on September 10, 2024, under Ordinance 1465. The FLUM is the community’s visual guide for development decisions and includes the logical and orderly placement of PlaceTypes in the City and ETJ. It does not constitute zoning regulations or establish zoning district boundaries.

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The proposed covered patio is consistent with the intended character and land uses in Old Town. Granting the variance to allow a reduced side yard setback does not conflict with the goals of the Comprehensive Plan or the FLUM. Instead, it supports the continuation of residential uses that are compatible with the surrounding neighborhood.

Attachments

[Application](#)

[Narrative](#)

[Survey Plan](#)

[Property Information Map](#)

[Response 0.1](#)

[Response 0.2](#)

Cibolo
Variance Application

Online Request #: 2616613

Project #: VR-25-02

Submitted by:
Delaine Smith
delainesmith222@gmail.com

Location: **202 SOUTH ST**

City: **CIBOLO** State: **TX** Zip: **78108**

Contact Information

Applicant's Contact Information

Title: First Name: **Delaine** Last Name: **Smith** Suffix:

Business Name:

Mailing Address: **202 south st**

City: **cibolo** State: Zip: **78108**

Email Address: **delainesmith222@gmail.com**

Cell Phone: **(210) 514-8181** Work Phone: Home Phone:

Property Owner's Contact Information

Title: First Name: Last Name: Suffix:

Business Name:

Mailing Address:

City: State: Zip:

Email Address:

Cell Phone: Work Phone: Home Phone:



You can complete this application and view updates online at [MGO Connect](#)

Representative's Contact Information

Title: _____ First Name: _ Last Name: _____ Suffix: _____
Business Name: _____
Mailing Address: _____
City: _____ State: _ Zip: _____
Email Address: _____
Cell Phone: _____ Work Phone: _____ Home Phone: _____

Application Questionnaire (* denotes required question)

Variance

Project Name

Total Acres * 0.293

Survey Name * A S LEWIS .2930 AC

Abstract No. * 216

Current Zoning * residential

Proposed Zoning * residential

Overlay * Old Town

of Lots * 1



You can complete this application and view updates online at [MGO Connect](#)

of Units *

1

Work Type *

Single-Family

Current Use *

single-family

Proposed Use *

single-family

By typing my name below, I do hereby attest that Delaine Smith the information contained in this application is true, accurate, and complete. *

Description of Proposed Variance *

detached patio, extend 5ft over the 15ft building set back, street side

Acknowledgement *

I, the undersigned, do hereby certify that the information provided in this application is true, accurate, and complete. I understand that I am responsible for the accuracy and completeness of the information provided and that I am aware of the consequences of providing false information. (I am the applicant, owner, or authorized agent of the applicant, owner, or authorized agent.)

Enter Signature: *

Delaine Smith

Documents Uploaded

The following documents are attached to the Application.

delaine - 202 sotuh st plot-model1.pdf

planning fee schedule 2024.pdf

2024 deposit agreement (1).pdf



You can complete this application and view updates online at [MGO Connect](#)

Identify How You Are Meeting the Finding Criteria

variance 2024 checklist.pdf

Narrative of Application Request

delaine - 202 sotuh st plot-model1.pdf

untitled document.pdf

Signed Notarized Authorization Form

untitled document (1).pdf

Standard Land Survey of Lot

delaine - 202 sotuh st plot-model1.pdf



You can complete this application and view updates online at [MGO Connect](#)

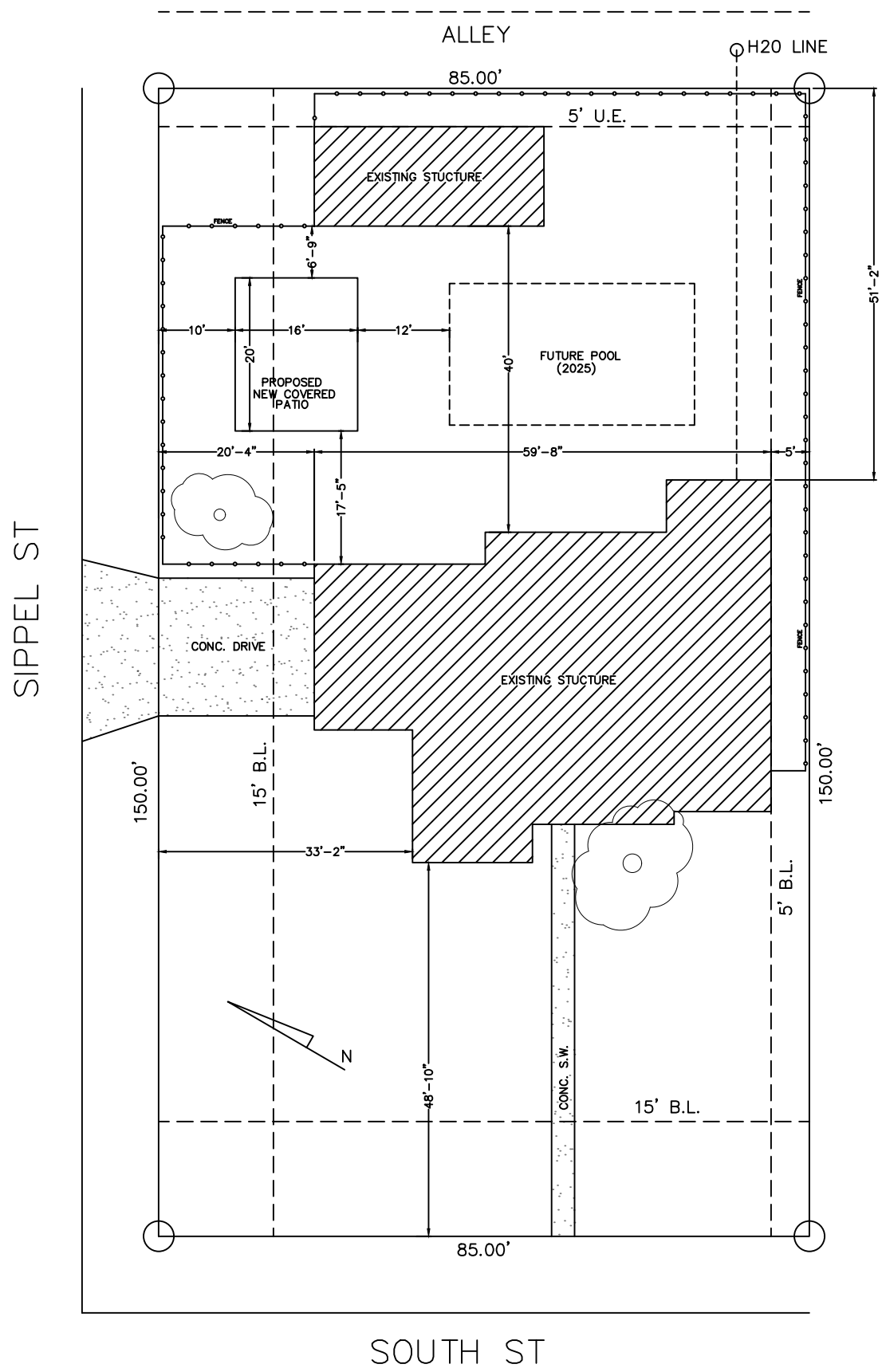
VARIANCE REQUEST:

I am requesting a variance for 202 South St, Cibolo, TX 78108. I would like to construct a covered, outdoor patio measuring 20ft by 16ft. I live on a corner lot and the setbacks are 15ft on the two street sides. I would like to get a variance of 5ft to place the patio 10ft from my property line on the side of the street. I will not be encroaching on any of my neighbors property, nor the utility easements. I also will have a privacy fence on my property line, so the covered patio would not be openly visible from the street.

I am requesting the variance because I am building a pool, starting around April of 2025 hopefully, and I would like the patio to be a reasonable distance from the edge of the pool. Ideally, I would be able to simply move the pool back to accommodate the patio. Sadly, that is not an option because there is a water/sewer line running through the property that is limiting my choice for pool placement. In my survey I have attached there is a visual representation of my plans.

With the variance the patio will be roughly 12ft from the pool edge. Without the variance the patio would be 7ft from the edge. I am concerned that having the patio too close to the pool could risk someone accidentally falling into the pool, which is my biggest worry. I would feel much more comfortable with that extra 5ft of space, if the city sees it fit to grant my request.

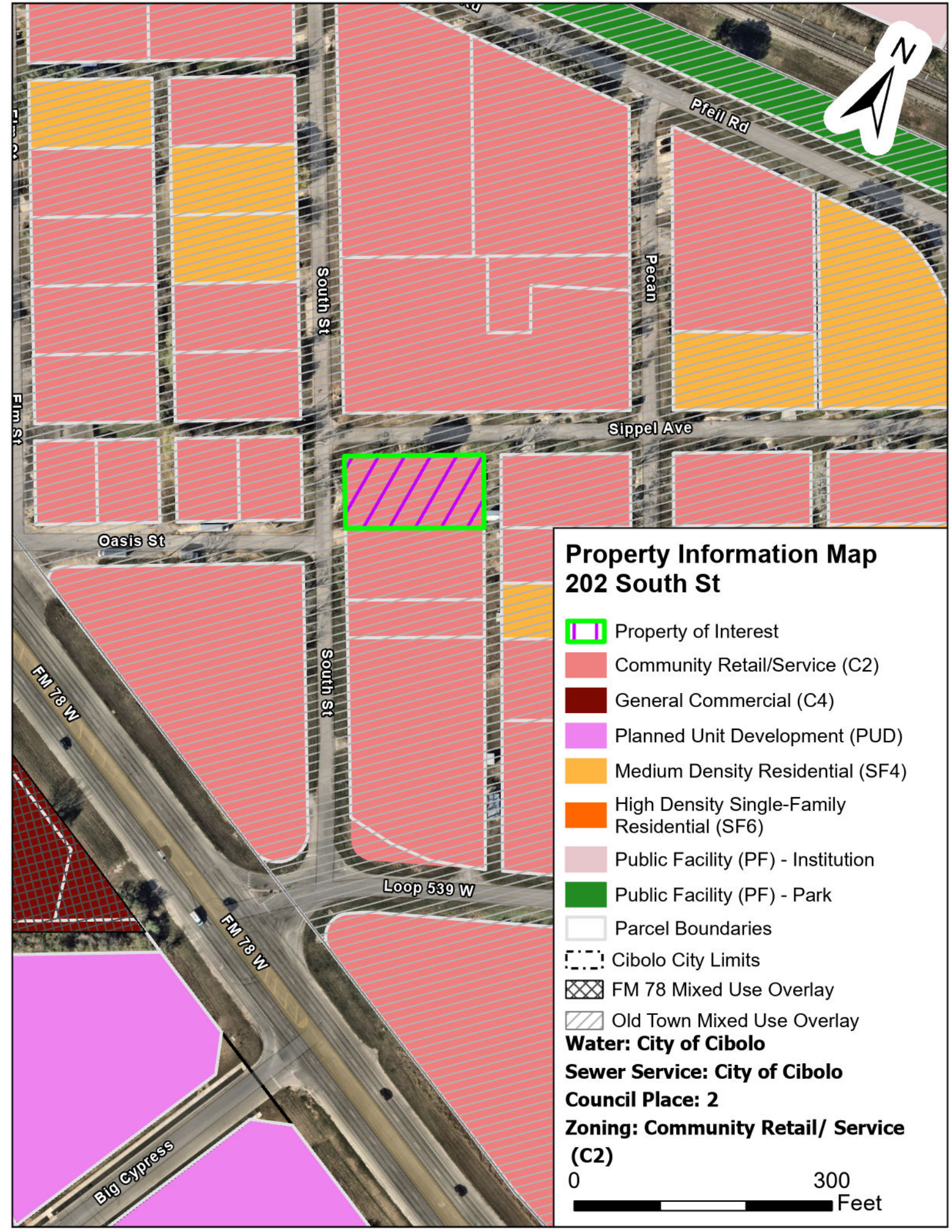
Sincerely,
Delaine Smith
202 South St, Cibolo, Texas















PLOT PLAN

SC=1/20"=1'-0"

202 SOUTH ST
 CIBOLO, TEXAS, 78108
 0.293 ACRES



**Property Information Map
202 South St**

-  Property of Interest
-  Community Retail/Service (C2)
-  General Commercial (C4)
-  Planned Unit Development (PUD)
-  Medium Density Residential (SF4)
-  High Density Single-Family Residential (SF6)
-  Public Facility (PF) - Institution
-  Public Facility (PF) - Park
-  Parcel Boundaries
-  Cibolo City Limits
-  FM 78 Mixed Use Overlay
-  Old Town Mixed Use Overlay

Water: City of Cibolo
Sewer Service: City of Cibolo
Council Place: 2
Zoning: Community Retail/ Service (C2)





Notice of Variance Petition



March 6, 2025

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 petition near your property and provide you an opportunity to voice your opinion about the variance petition. Your opinion matters.

In accordance with Cibolo Code of Ordinances, the Board of Adjustment will hold a public hearing on **Wednesday, March 26th, 2025 at 6:30 p.m.** at the **Council Chambers of the Cibolo City Hall located at 200 South Main Street, Cibolo, Texas.**

The variance petition is as follows:

The purpose of the meeting is to hear public testimony regarding a variance to Unified Development Code (UDC) Sec. 14.1 to reduce the setback for certain real property located at 202 South Street, legally described as ABS: 216 SUR: A S LEWIS .2930 AC.

Applicant/Owner: Delaine Smith

Sincerely,
Olivia Hall
Planner I
ohall@cibolotx.gov

REPLY NOTICE (VR-25-02)

Name (please print): WENDY L BOWER

Address (In relation to Map Exhibit): 207 PECAN ST 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 petition 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: NO COMMERCIAL - KEEP RESIDENTIAL !!

Signature: Wendy L Bower Date: 3/10/25



Notice of Variance Petition



March 6, 2025

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Applicant/Owner: Delaine Smith

Sincerely,
Olivia Hall
Planner I
ohall@cibolotx.gov

REPLY NOTICE (VR-25-02)

Name (please print): Michael Busch
Address (In relation to Map Exhibit): 295 Loop 539 Cibolo TX

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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:
Opposed to build near alley

Signature: _____ Date: _____