

Zoning Board of Adjustments

Wednesday, May 29, 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: Consent Agenda - Consent Items (General Items)

(All items listed below are considered to be routine and non-controversial by the commission and will be approved by one motion. There will be no separate discussion of these items unless a board member requests, in which case the item will be removed from the consent agenda.)

5A. Approval of the minutes from April 22, 2024.

6: Public Hearings

6A. Public Hearing regarding a variance request to Section 14.1 of the City of Cibolo 2018 UDC for a five (5) foot rear setback instead of the minimum 10 feet required for certain real property located at 825 Silver Fox, legally described as FOXBROOK UNIT #1 BLOCK 2 LOT 17 0.18 AC.

7: Citizens to be Heard

This is the only time during the 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. 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 pcimics@cibolotx.gov and vchapman@cibolotx.gov or telephone 210-566-6111 before 5:00 pm the date of the meeting.

8: Discussion/Action

8A. Approval/Disapproval of a variance request to Section 14.1 of the City of Cibolo 2018 UDC for a five (5) foot rear setback instead of the minimum 10 feet required for certain real property located at 825 Silver Fox, legally described as FOXBROOK UNIT #1 BLOCK 2 LOT 17 0.18 AC.

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 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 _____2024.

Name and Title

Date Posted: May 22, 2024



City of Cibolo

Board of Adjustment Staff Report

Approval of the minutes from April 22, 2024.

Meeting	Agenda Group
Wednesday, May 29, 2024, 6:30 PM	Consent Agenda - Consent Items (General Items) Item: 5A
From	
Peggy Cimics, City Secretary	

Attachments

[BOA Minutes 2024-04-22.pdf](#)



**Board of Adjustment Meeting
Cibolo Municipal Building
200 S. Main Street
April 22, 2024
6:30 p.m. – 9:30 p.m.**

MINUTES

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

- A. The City of Cibolo Board of Adjustment will conduct a public hearing to hear public testimony regarding a variance to Unified Development Code (UDC) Article 15 to increase the maximum allowable height of an accessory building within the SF-6 zoning district from 10 feet to 14 feet 4 inches for certain real property located at 113 Bayberry Lane, legally described as LOT: 10 BLK: 8 ADDN: THISTLE CREEK #4.

Mr. Peek opened the public hearing at 6:34 p.m. Mr. Perez spoke on this item. He stated that he had lived in his house for 24 years. He always wanted a shed but was unable to afford it until now. No one else spoke on this item and Mr. Peek closed the public hearing at 6:36 p.m.

6. **Citizens to be Heard**

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No one wish to speak during this item.

7. Consent Agenda

- A. Approval of the minutes from the March 25, 2024, meeting.

Mr. McGlothlin made the motion to approve the consent agenda. The motion was seconded by Ms. McDaniel. For: All; Against: None. The motion carried 4 to 0.

8. Discussion/Action Items

- A. Discussion/Action regarding a variance request to Unified Development Code (UDC) Article 15 to increase the maximum allowable height of an accessory building within the SF-6 zoning district from 10 feet to 14 feet 4 inches for certain real property located at 113 Bayberry Lane, legally described as LOT: 10 BLK: 8 ADDN: THISTLE CREEK #4.

Mr. McGlothlin made the motion to deny the variance request as it did not compile with the UDC Section 4.3.5.3. The motion was seconded by Ms. McDaniel. For: All; Against: None. The motion carried 4 to 0.

9. Adjournment

Ms. McDaniel made the motion to adjourn the meeting at 6:48 p.m. The motion was seconded by Mr. McGlothlin. For: All; Against: None. The motion carried 4 to 0.

PASSED AND APPROVED THIS 29th OF MAY 2024.

Chairman
Board of Adjustment



City of Cibolo Board of Adjustment Staff Report

Public Hearing regarding a variance request to Section 14.1 of the City of Cibolo 2018 UDC for a five (5) foot rear setback instead of the minimum 10 feet required for certain real property located at 825 Silver Fox, legally described as FOXBROOK UNIT #1 BLOCK 2 LOT 17 0.18 AC.

Meeting	Agenda Group
Wednesday, May 29, 2024, 6:30 PM	Public Hearings Item: 6A
From	Staff Contact(s)
Lindsey Walker, Planner I	Lindsey Walker,

Attachments

[Staff Report](#)



BOARD OF ADJUSTMENT
AGENDA ITEM: VARIANCE PETITION (2018 UDC SEC. 14.1)

MEETING DATE: May 29, 2024

STAFF: Lindsey Walker, Planner I

BOARD OF ADJUSTMENT ACTION: 1. Conduct Public Hearing

2. Discussion & Action regarding the requested variance

PROPERTY INFORMATION:

Project Name: VR-24-07
Owners: Terry & Kathleen Black
Representative: Terry & Kathleen Black
Location/Area: 825 Silver Fox, 0.18 acres
Location: Foxbrook Subdivision, east of FM 1103
Council District: 5
Zoning: Medium-High Density Single-Family Residential (SF-5)

FINDINGS:

The Board of Adjustment must review the criteria for granting a Variance, per [UDC Section 4.3.5.3](#). Located in the Foxbrook residential subdivision, the applicant property is zoned Medium-High Density Single-Family Residential (SF-5). The rear of the property directly abuts a private park owned by the Foxbrook Homeowner's Association. Further south of the property is the Turning Stone residential subdivision, which is within the High Density Single-Family Residential (SF-6) zoning district. The applicant is requesting to reduce the rear setback from 10 feet to five (5) feet to allow for a patio cover over their existing patio, which sits 7.5 feet from the property line. The 2018 UDC defines patios as accessory structures, which allows for a minimum setback of 5 feet. However, since the patio cover will be connected to the primary structure, it must follow the standard lot design, including the 10-foot setback.

PUBLIC NOTICE:

Notice was published within the local newspaper (Seguin Gazette) on May 12, 2024, and the [City Website](#). Individual letters were sent by mail to 25 property owners within 200' of the site. To date, Staff has received zero (0) in favor of and zero (0) in opposition. Public Hearing and

Approval/Disapproval of the zoning variance is scheduled for the May 29, 2024, Board of Adjustment meeting.

BOARD OF ADJUSTMENT ACTION:

1. **Approve** the requested variance petition to Section 14.1 of the City of Cibola 2018 UDC for a five (5) foot rear setback instead of the minimum 10 feet required for certain real property located at 825 Silver Fox, legally described as FOXBROOK UNIT #1 BLOCK 2 LOT 17 0.18 AC.
2. **Approve** the requested variance petition to Section 14.1 of the City of Cibola 2018 UDC for a five (5) foot rear setback instead of the minimum 10 feet required for certain real property located at 825 Silver Fox, legally described as FOXBROOK UNIT #1 BLOCK 2 LOT 17 0.18 AC, **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: There are no special conditions or circumstances peculiar to the land. According to the plat, Block 2, Lot 17, or the applicant lot, follows the standard lot design of the lots within the Foxbrook Subdivision.

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.14.1 (2018 UDC) – Lot Design Standards (Residential)

Minimum Rear BSL – 10 feet

STAFF FINDING: The applicant would not be deprived of any rights as all neighboring properties are required to adhere to the lot design standards of the 2018 UDC.

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

STAFF FINDING: The proposed construction of a patio cover is an elective enhancement to the property rather than a necessity. Therefore, the conditions are a result of applicant actions.

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. Of the surrounding properties, the applicant would be the only property with a 5-foot rear setback. All surrounding properties currently adhere to the 2018 UDC lot design standards.

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.



City of Cibolo Board of Adjustment Staff Report

Approval/Disapproval of a variance request to Section 14.1 of the City of Cibolo 2018 UDC for a five (5) foot rear setback instead of the minimum 10 feet required for certain real property located at 825 Silver Fox, legally described as FOXBROOK UNIT #1 BLOCK 2 LOT 17 0.18 AC.

Meeting	Agenda Group
Wednesday, May 29, 2024, 6:30 PM	Discussion/Action Item: 8A
From	Staff Contact(s)
Lindsey Walker, Planner I	Lindsey Walker,

Attachments

[Staff Report](#)

[Application.pdf](#)

[Staff Map](#)

[DELETE](#)



BOARD OF ADJUSTMENT
AGENDA ITEM: VARIANCE PETITION (2018 UDC SEC. 14.1)

MEETING DATE: May 29, 2024

STAFF: Lindsey Walker, Planner I

BOARD OF ADJUSTMENT ACTION: 1. Conduct Public Hearing

2. Discussion & Action regarding the requested variance

PROPERTY INFORMATION:

Project Name: VR-24-07
Owners: Terry & Kathleen Black
Representative: Terry & Kathleen Black
Location/Area: 825 Silver Fox, 0.18 acres
Location: Foxbrook Subdivision, east of FM 1103
Council District: 5
Zoning: Medium-High Density Single-Family Residential (SF-5)

FINDINGS:

The Board of Adjustment must review the criteria for granting a Variance, per [UDC Section 4.3.5.3](#). Located in the Foxbrook residential subdivision, the applicant property is zoned Medium-High Density Single-Family Residential (SF-5). The rear of the property directly abuts a private park owned by the Foxbrook Homeowner's Association. Further south of the property is the Turning Stone residential subdivision, which is within the High Density Single-Family Residential (SF-6) zoning district. The applicant is requesting to reduce the rear setback from 10 feet to five (5) feet to allow for a patio cover over their existing patio, which sits 7.5 feet from the property line. The 2018 UDC defines patios as accessory structures, which allows for a minimum setback of 5 feet. However, since the patio cover will be connected to the primary structure, it must follow the standard lot design, including the 10-foot setback.

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Approval/Disapproval of the zoning variance is scheduled for the May 29, 2024, Board of Adjustment meeting.

BOARD OF ADJUSTMENT ACTION:

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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: There are no special conditions or circumstances peculiar to the land. According to the plat, Block 2, Lot 17, or the applicant lot, follows the standard lot design of the lots within the Foxbrook Subdivision.

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.14.1 (2018 UDC) – Lot Design Standards (Residential)

Minimum Rear BSL – 10 feet

STAFF FINDING: The applicant would not be deprived of any rights as all neighboring properties are required to adhere to the lot design standards of the 2018 UDC.

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

STAFF FINDING: The proposed construction of a patio cover is an elective enhancement to the property rather than a necessity. Therefore, the conditions are a result of applicant actions.

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.

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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.

Cibolo
Variance Application
VR-24-07

Submitted by Kevin Black
kevinblack0810@gmail.com
(210) 882-2490

Address of Proposed Work: **825 SILVER FOX**

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

Contact Information

Applicant's Contact Information

Title: First Name: **Terry (Kevin)** Last Name: **Black** Suffix:

Business Name:

Mailing Address: **825 SilverFox**

City: **Cibolo** State: **TX** Zip: **78108**

Email Address: **kevinblack0810@gmail.com**

Cell Phone: **(210) 882-2490** Work Phone: Home Phone:

Property Owner's Contact Information

Title: First Name: **Terry (Kevin)** Last Name: **Black** Suffix:

Business Name:

Mailing Address: **825 Silver Fox**

City: **Cibolo** State: **TX** Zip: **78108**

Email Address: **kevinblack0810@gmail.com**

Cell Phone: **(210) 882-2490** Work Phone: Home Phone:



You can complete this application and view application updates online at
MyGovernmentOnline.org

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	<u>Patio Cover</u>
Total Acres *	<u>.01800</u>
Survey Name/Subdivision *	<u>FOXBROOK UNIT #1 BLOCK 2 LOT 17</u>
Abstract No. *	<u>G 3892 1 - FOXBROOK UNIT #1</u>
Current Zoning *	<u>Single Residence</u>
Proposed Zoning *	<u>Single Residence</u>
Overlay *	<u>FM 78</u>
# of Lots *	<u>1</u>



You can complete this application and view application updates online at
MyGovernmentOnline.org

of Units *

1

Work Type *

Single-Family

Specify *

Total Proposed Square Footage *

Total Proposed Square Footage *

Current Use *

Single Family

Proposed Use *

Single Family

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

Description of Proposed Variance *

would like to build it closer to the rear
property line, code says up to 10' away, I want
to build up to 6" away, there are no houses
behind me and we have a greenbelt

Documents Uploaded

The following documents are attached to the
Application.

5.jpeg

4.jpeg



You can complete this application and view application updates online at
MyGovernmentOnline.org

	3.jpeg
	2.jpeg
	1.jpeg
	patio drawing 2.jpg
	patio drawing 1.jpg
Identify How You Are Meeting the Finding Criteria	patio build 2.pdf
	patio build 1.pdf
	terry black.pdf
Narrative of Application Request	patio build 2.pdf
	patio build 1.pdf
	terry black.docx
Signed Deposit Agreement	knowledge 2.pdf
	knowledge.pdf
Signed Notarized Authorization Form	notorized.pdf
Standard Land Survey of Lot	survey.pdf



You can complete this application and view application updates online at MyGovernmentOnline.org

Terry & Kathleen Black

825 Silver Fox

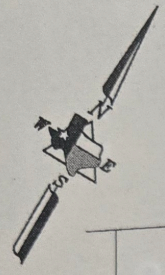
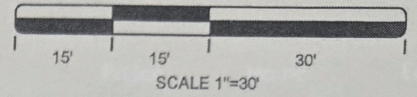
Cibolo, Texas 78108

We are requesting a variance for the above address to seek relief of the required rear yard setback, for the reasons detailed below, the proposed reduction of the rear yard setback. We have an addition of a Patio and Swimming pool in our backyard, the patio is approximately 7 ½ feet from the rear property line. We would like to add a patio cover attached to the roof, the structure will extend to 5 feet from property line the structure base and poles will be at 7 ft from property line, the closest house behind us is 130 feet since we live on a greenbelt.

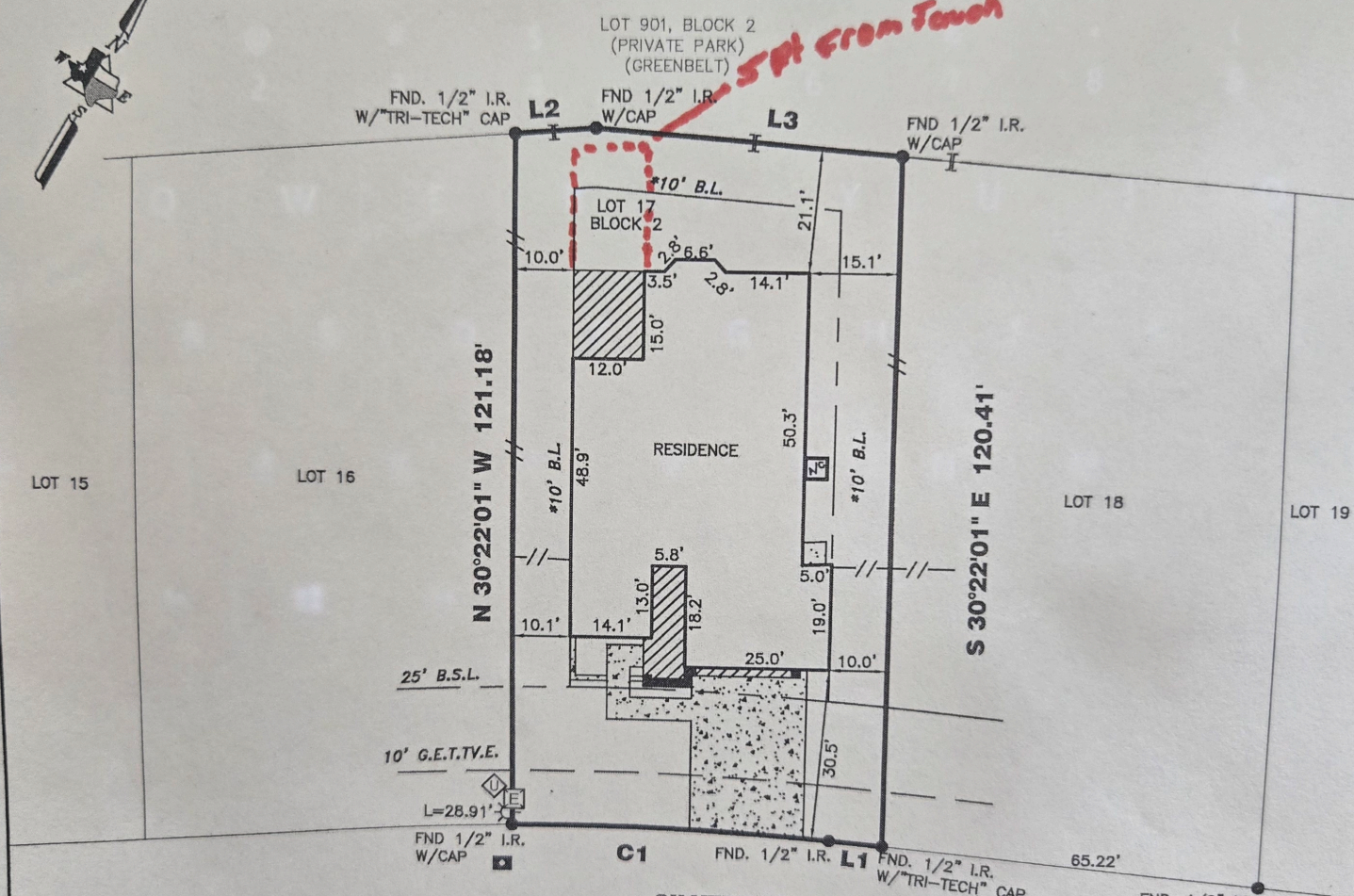
We are requesting a reduction in the required rear setback to 5 Feet for the roof from the zoning code requirement of 10 Ft.. The porch footprint to remain as is currently. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located. The granting of the variance would have no effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner not just a casual/discretionary inconvenience to the property owner. Thank you for your consideration.

Sincerely, Property owner Terry & Kathleen Black

* CITY ORDINANCES	BL = BUILDING LINE	I.R. = IRON ROD	CONCRETE	ELECT. BOX	FIRE HYDRANT	MANHOLE
** RESTRICTIVE COVENANTS	PL = PROPERTY LINE	I.P. = IRON PIPE	COVERED	PAD MOUNTED TRANSFORMER	LIGHT STANDARD	WATER ME
*** BUILDER GUIDELINES	MH = MANHOLE	PUE = PUBLIC UTILITY ESMT.	A/C PAD	UTILITY POLE	UTIL. PEDE	
WIRE FENCE — X —	FNC = FENCE	UE = UTILITY EASEMENT				
CHAIN LINK FENCE — O —	FND = FOUND	MUE = MUNICIPAL UTILITY ESMT.				
IRON FENCE — I —	BUILDING LINE	SSE = SANITARY SEWER ESMT.				
WOOD FENCE — // —	ESMT LINE	WLE = WATERLINE EASEMENT				
	OVERHEAD UTILITIES —OHU—	ROW = RIGHT OF WAY				



Spt from Fence



**SILVER FOX
(50' R.O.W.)**

- C1**
R=525.00'
L=55.79'
C=55.76'
CB=S 61°17'35" W
- L1**
S 64°20'14" W 09.30'
- L2**
N 55°05'40" E 13.66'
- L3**
N 64°20'14" E 51.56'

825 SILVER FOX

PROPERTY INFORMATION
 LOT 17 BLOCK 2
SUBDIVISION:
 FOXBROOK SUBDIVISION UNIT 1
RECORDING INFO:
 RECORDED UNDER VOL. 8, PG. 505-508, MAP
 RECORDS OF GUADALUPE COUNTY TEXAS

NOTES:
 ALL EASEMENTS AND BUILDING LINES SHOWN ARE PER THE
 RECORDED PLAT UNLESS OTHERWISE NOTED.
 PROPERTY SUBJECT TO RECORDED RESTRICTIONS, REGULATIONS,
 & ORDINANCES, IF ANY.
 RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN
 VOL. 8, PG. 505-508, M.R.G.C.TX. DOCUMENT NUMBERS 2015018973,
 2016011207, 2016011215, 2016011216, 2016011217, 2016011218,
 O.P.R.G.C.TX.

**TRI-TECH
SURVEYING COMPANY, L.P.**
 155 Riverwalk Drive
 San Marcos, Texas 78666
 Phone: 512-440-0222
 www.tritechtx.com

Property Information Map for 825 Silver Fox

-  Property of Interest
-  City of Cibolo Sewer Service Area
-  Parcel Boundaries
-  Neighborhood Commercial (C1)
-  Retail / Office (C3)
-  Medium-High Density Single-Family Residential (SF5)
-  High Density Single-Family Residential (SF6)


Water Service: GVSUD

Sewer Service: City of Cibolo

Council District: 5

Zoning: Medium-High Density Single-Family Residential (SF5)

0 500 Feet





BOARD OF ADJUSTMENT
AGENDA ITEM: VARIANCE PETITION (2018 UDC SEC. 14.1)

MEETING DATE: May 29, 2024

STAFF: Lindsey Walker, Planner I

BOARD OF ADJUSTMENT ACTION: 1. Conduct Public Hearing

2. Discussion & Action regarding the requested variance

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

STAFF FINDING: The proposed construction of a patio cover is an elective enhancement to the property rather than a necessity. Therefore, the conditions are a result of applicant actions.

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. Of the surrounding properties, the applicant would be the only property with a 5-foot rear setback. All surrounding properties currently adhere to the 2018 UDC lot design standards.

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.