

MINUTES
CITY OF HELOTES
BOARD OF ADJUSTMENT

The City of Helotes Board of Adjustment met on Monday, May 7, 2018 at 7:00 p.m. in the City Hall Council Chambers, 12951 Bandera Road, Helotes, Texas 78023. This was an open meeting, subject to the open meeting laws of the State of Texas.

BOA Members Present: Doug Deptuch, Chair
Charles Roberts
Robert Logue
Blair Weaver

Absent: Don Jones

Staff Present: Rick Schroder, City Administrator
Susan Darst, Assistant to City Administrator

1. Call to Order.

Chair Deptuch called the meeting to order at 7:18 p.m. See above for members present. Chair Deptuch led the pledge to the U.S. flag.

Chair Deptuch noted that the Board would discuss each item after its public hearing.

PUBLIC HEARING:

- 2. Public hearing to give all interested persons the right to appear and be heard on a request by Cesar Hernandez for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Article II District Regulations, Section 98-72 Old Town Helotes Special District authorizing an encroachment in the required residential buffer zone of 30 feet (or a street plus 10 feet) where any Old Town Helotes Subdistrict abuts an existing Single-Family Residential District (R-1), Two-Family Residential District (R-2), and Mobile Home District (R-3) for Haciendas del Rio development Building 2 and Building 5 located at 14743 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 1046345.**

Chair Deptuch opened the public hearing at 7:22 p.m.

Harriet Hood, Jason Webster, and Jennifer Webster spoke in opposition of this item. Gary Flowers, was not in attendance, but submitted a letter expressing opposition.

Phillip Manea, owner of Wine 101 and the Shops at Old Town Helotes, spoke in favor of this item. Mr. Manea stated Haciendas Del Rio would have to use an easement over the existing

driveway and was not opposed to the expansion of the driveway for an easement, so long as the expansion is added to the Northwest, toward Antonio Drive. He did not want the expansion towards his property, as this would result in the removal of several trees and the relocation of water and electrical lines for the the Shops.

Chair Deptuch closed the public hearing at 7:30 p.m.

4. **Discussion of and action on a request by Cesar Hernandez for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Article II District Regulations, Section 98-72 Old Town Helotes Special District authorizing an encroachment in the required residential buffer zone of 30 feet (or a street plus 10 feet) where any Old Town Helotes Subdistrict abuts an existing Single-Family Residential District (R-1), Two-Family Residential District (R-2), and Mobile Home District (R-3) for Haciendas del Rio development Building 2 and Building 5 located at 14743 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 1046345. (Applicant)**

Discussion included the proposed conceptual design plan submitted to the City and the mixed use of retail spaces and townhomes.

Rick Schroder, City Administrator, advised the Board that the proposed development complies with Code, with the exception of the residential buffer zone to the rear of the property. The question is not what the buildings look like or the use of the development, all of which complies with Code, but rather, the question is can Building 2 and Building 5 encroach onto the residential setback.

Speaking on this item was Nicholas Melde, Architect. Mr. Melde requested for this item to be postponed, since the applicant was not in attendance.

Motion was made by Robert Logue, second by Charles Roberts, to postpone this item for the next BOA Meeting to be held on June 11, 2018. Motion to approve carried unanimously.

PUBLIC HEARING:

3. **Public hearing to give all interested persons the right to appear and be heard on a request by Kyle and Vivian Hultz for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Article III District Regulations, Section 98-72 Old Town Helotes Special District exceeding the maximum allowable amount of impervious cover of 47.5 percent for the Hultz Office Building located at 14789 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 242066.**

Chair Deptuch opened the public hearing at 8:18 p.m. No one signed up to speak on this item. Chair Deptuch closed the public hearing at 8:18 p.m.

5. **Discussion of and action on a request by Kyle and Vivian Hultz for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Article III District Regulations,**

Section 98-72 Old Town Helotes Special District exceeding the maximum allowable amount of impervious cover of 47.5 percent for the Hultz Office Building located at 14789 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 242066. (Applicant)

Motion was made by Robert Logue, second by Charles Roberts, to approve the request for the variance as written. Motion to approve carried unanimously.

Adjourn.

With no more business to come before the Board, Chair Deptuch adjourned the meeting at 8:28 pm.

Two BOA findings of fact are attached to these minutes.

PRESIDING BOA OFFICER:



Doug Deptuch, Chair



CITY OF HELOTES
BOARD OF ADJUSTMENT
May 7, 2018
7:00 p.m.

Applicant: Mr. Cesar Hernandez

Address: 4743 Old Bandera Road, Helotes, Texas 78023
BCAD Property ID No. 1046345

A request for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Article II District Regulations, Section 98-72 Old Town Helotes Special District, authorizing an encroachment in the required residential buffer zone of 30 feet (or a street plus 10 feet) where any Old Town Helotes subdistrict abuts an existing Single-Family residential district (R-1), Two-family residential district (R-2), and Mobile home district (R-3) for Haciendas del Rio Building 2 and Building 5.

Upon giving public notice and conducting a Public Hearing thereon, in accordance with Code of Ordinances Chapter 98 Zoning and State Law, the Board of Adjustment adopts these specific, written findings as follows:

With 4 Members present, and upon a vote of for and against and abstaining,
BOARD POSTPONED ACTION UNTIL 6/11/18
the above variance request is: granted or denied.

Any interested person wishing to appeal this decision is required to file a Writ of Certiorari in a district court, county court, or county court at law within ten (10) days of the date this decision is filed with the City Secretary, in accordance with Texas Local Government Code Section 211.011. This decision was filed with the City Secretary on 6/11/18.

PRESIDING BOA CHAIRMAN:

Doug Deptuch, or alternate

Date: 5/7/18

ATTEST:

Rick A. Schroder
City Administrator



**CITY OF HELOTES
BOARD OF ADJUSTMENT
May 7, 2018
7:00 p.m.**

Applicant: Mr. & Mrs. Kyle and Vivian Hultz

Address: 14789 Old Bandera Road, Helotes, Texas 78023
BCAD Property ID No. 242066

A request for a variance to Municipal Code of Ordinances Chapter 98 *Zoning*, Article III *District Regulations*, Section 98-72 *Old Town Helotes Special District*, exceeding the allowable maximum amount of impervious cover of 47.5 percent for the Hultz Office Building.

Upon giving public notice and conducting a Public Hearing thereon, in accordance with Code of Ordinances Chapter 98 *Zoning* and State Law, the Board of Adjustment adopts these specific, written findings as follows:

With 4 Members present, and upon a vote of 4 for and 0 against and 0 abstaining,

the above variance request is: granted or denied.

Any interested person wishing to appeal this decision is required to file a Writ of Certiorari in a district court, county court, or county court at law within ten (10) days of the date this decision is filed with the City Secretary, in accordance with Texas Local Government Code Section 211.011. This decision was filed with the City Secretary on 5/17/18.

PRESIDING BOA CHAIRMAN:



Doug Deptuch, or alternate

Date: 5/17/18

ATTEST:



Rick A. Schroder
City Administrator