

MINUTES  
CITY OF HELOTES  
BOARD OF ADJUSTMENT

The City of Helotes Board of Adjustment met on Monday, June 25, 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  
                                     Paul Friedrichs

Absent:                                Donny 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 7:02 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 Item 4 after Citizens to be Heard.

OPEN SESSION:

**2.        Citizens to be Heard.**

Ronald Green, Megan Lowder, Toxie Andrews, James Lowder, Judith Hurst, P.J. Krueger, Mike Barnett, and Leah Lowder spoke in opposition of a request by Cesar Hernandez for a variance for Haciendas del Rio.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 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).**

Chair Deptuch advised the Board he requested the City Administrator to prepare a presentation explaining Staff's recommendation of being in favor of the variance.

Rick Schroder, City Administrator, gave a brief presentation. The presentation addressed the circumstances that constitute a variance request. Staff's perspective is that the proposed development meets the circumstances for a variance. Additionally, both City Council and the Planning & Zoning Commission agreed that this is the type of development they'd like to see in Old Town and supported the BOA granting the variance.

Motion was made by Robert Logue, second by Blair Weaver, to discuss and take action on this item as written. Discussion included the circumstances that constitute a variance request. The Board had mixed opinions on whether the property's size and topography created enough hardship to constitute the approval of a variance.

Speaking on this item was Nicholas Melde, Architect. Mr. Melde stated the main item he wanted to point out, are that the proposed buildings are not just apartments, but rather a mixed-use / live-work development. The intent is for the inhabitants to work on the ground floor and live in the second and third levels.

With there being no further discussion, Chair Deptuch called for a vote.

Motion to approve failed: 3 Ayes – Doug Deptuch, Blair Weaver and Paul Friedrichs; 2 Nays - Robert Logue and Charles Roberts.

Chair Deptuch advised that four out of five BOA member votes are needed to grant the variance, therefore the request for the variance is denied.

**3. Discussion of and action on the minutes of the Board of Adjustment Meeting dated May 7, 2018. (Staff)**

Charles Roberts requested the driveway access comments made by Phillip Manea be included into the minutes. Chair Deptuch asked for Staff to make the requested change to the May 7, 2018 minutes and to prepare the June 25, 2018 minutes so that he could officially sign both meeting minutes.

***Adjourn.***

With no more business to come before the Board, Chair Deptuch adjourned the meeting at 8:23 pm.

One BOA finding of fact is attached to these minutes.

PRESIDING BOA OFFICER:

  
\_\_\_\_\_  
Doug Deptuch, Chair



**CITY OF HELOTES  
BOARD OF ADJUSTMENT  
June 25, 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 on May 7, 2018, in accordance with Code of Ordinances Chapter 98 *Zoning* and State Law, the Board of Adjustment adopts these specific, written findings as follows:

With 5 Members present, and upon a vote of 3 for and 2 against and 0 abstaining,

the above variance request is: \_\_\_\_\_ granted or  denied.

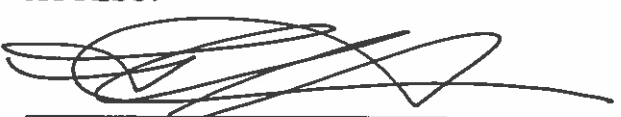
Any interested person wishing to appeal this decision is required to file a Writ of Certiorari in a district court, county court, or county court at law within ten (10) days of the date this decision is filed with the City Secretary, in accordance with Texas Local Government Code Section 211.011. This decision was filed with the City Secretary on 6/25/18.

**PRESIDING BOA CHAIRMAN:**

  
\_\_\_\_\_  
Doug Deptueh, or alternate

Date: 6/25/18

**ATTEST:**

  
\_\_\_\_\_  
Rick A. Schroder  
City Administrator