

MINUTES  
CITY OF HELOTES  
BOARD OF ADJUSTMENT

The City of Helotes Board of Adjustment met on Monday, September 14, 2020 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. Due to COVID-19, this meeting was conducted via teleconference. Physical distancing and the 10 people maximum were adhered to.

BOA Members Present:        Doug Deptuch, Chair  
                                     Charles Roberts  
                                     Robert Logue (via teleconference)  
                                     Donny Jones (via teleconference)

Absent:                             Blair Weaver

Staff Present:                     Marian Mendoza, City Administrator  
   Celina Perez, City Secretary

**1. Call to Order.**

Chair Deptuch called the meeting to order at 7:05 p.m. See above for members present. Chair Deptuch led the pledge to the U.S. flag.

**PUBLIC HEARING:**

- 2. Public hearing to give all interested persons the right to appear and be heard on a request by Nuclios Architecture for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-68 Subparagraph (c) Area Regulations, authorizing an encroachment in the required residential buffer zone of 30 feet where any lot zoned Overlay District (B3-OD) abuts an existing Single-Family Residential District (R-1) for the proposed Little Cherub Child Care Center development located at 12840 N. F.M. 1560, Helotes, Texas 78023, more particularly described as BCAD Property ID No. 242808.**

Chair Deptuch opened the public hearing at 7:12 p.m. No one signed up to speak on this item. Chair Deptuch closed the public hearing at 7:13 p.m.

**OPEN SESSION:**

**3. Citizens to be Heard. (Via Teleconference)**

No one signed up to speak on this item.

ITEMS FOR INDIVIDUAL CONSIDERATION:

4. **Discussion of and action on a request by Nuclios Architecture for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-68 Subparagraph (c) Area Regulations, authorizing an encroachment in the required residential buffer zone of 30 feet where any lot zoned Overlay District (B3-OD) abuts an existing Single-Family Residential District (R-1) for the proposed Little Cherub Child Care Center development located at 12840 N. F.M. 1560, Helotes, Texas 78023, more particularly described as BCAD Property ID No. 242808. (Applicant)**

The subject property is a 1.206 acre tract of land located near the intersection of F.M. 1560 and Cedar Point. It is the site of the existing Panther Car Wash. The property is zoned Overlay District (B3-OD) and is adjacent to Cedar Springs Subdivision, which is zoned Single-Family Residential District (R-1). The applicant proposes to demolish the car wash structure and construct Little Cherub Child Care Center. Code requires a residential buffer zone of 30 feet where any lot zoned Overlay District (B3-OD) abuts an existing Single-Family Residential District (R-1). The proposed child care building is 26.4 feet from the rear property line that abuts Cedar Springs Subdivision and encroaching within the residential buffer zone by approximately 3.6 feet.

Speaking on this item was Josue Burguete, Nuclios Architecture. Shifting the child care building forward, towards F.M. 1560, would obstruct an existing drainage easement. Reducing the building's square footage would not meet the State licensing standards on indoor space requirements needed for each child. Mr. Burguete went on to say that the existing 8 foot wood privacy fence would be maintained as required by Code and the existing shrubbery at the fence line would remain as added buffering.

Motion was made by Board Member Logue, second by Board Member Roberts, to approve a variance authorizing a 26.4 feet residential buffer zone (approximate encroachment of 3.6 feet), instead of the required 30 feet residential buffer zone. The motion carried unanimously.

*Adjourn.*

With no more business to come before the Board, Chair Deptuch adjourned the meeting at 7:25 pm.

Respectfully submitted,

ATTEST:

  
\_\_\_\_\_  
Celina Perez, City Secretary

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

The BOA findings of fact are attached to these minutes.





**CITY OF HELOTES  
BOARD OF ADJUSTMENT  
September 14, 2020 at 7:00 p.m.**

**Applicant:** Little Cherub Childcare Center  
Sreeram Padala - Owner  
Josue D. Burguete, Nuclios Architecture – Authorized Representative

**Address:** 12840 N. F.M. 1560, Helotes, Texas 78023  
BCAD Property ID No. 242808

A request for a variance to Municipal Code of Ordinances Chapter 98 *Zoning*, Section 98-68 Subparagraph (c) *Area Regulations*, authorizing an encroachment in the required residential buffer zone of 30 feet where any lot zoned Overlay District (B3-OD) abuts an existing Single-Family Residential District (R-1) for the proposed Little Cherub Child Care Center.

Upon giving public notice and conducting a Public Hearing on September 14, 2020 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 September 14, 2020.

**PRESIDING BOA CHAIRMAN:**

  
\_\_\_\_\_  
Doug Reptuen, Chair

Date: 09/14/2020

**ATTEST:**

  
\_\_\_\_\_  
Celina Perez, City Secretary  
On behalf of Ernest Cruz, Development Services Director