

**AGENDA**  
**NOTICE OF MEETING OF THE BOARD OF ADJUSTMENT OF**  
**SHAVANO PARK, TEXAS**

**This notice is posted pursuant to the Texas Open Meetings Act. Notice hereby given that the Board of Adjustment of the City of Shavano Park, Texas will conduct a Regular Meeting on Tuesday, November 15, 2022 6:30 p.m. at 900 Saddletree Court, Shavano Park City Council Chambers.**

The meeting agenda and agenda packet are posted online at [www.shavanopark.org](http://www.shavanopark.org).

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CHAIRMAN ANNOUNCEMENTS**
- 4. CONSENT AGENDA**
  - a. Approval of minutes – June 20, 2022
- 5. SPECIAL EXCEPTION HEARING:** Request by Brian Mikiten of 121 Wagon Trail, Applicant is petitioning the City of Shavano Park Board of Adjustment for granting of a special exception under Chapter 36, Article V, Sec. 36-132(c)(1)(d) to adjust the rear set-back line from 30 feet to 15 feet as the rear set-back abuts a greenbelt as designed on a plat for the purpose of installing an accessory building as defined by City of Shavano Park Code of Ordinances.
  - a. Applicant Presentation
  - b. Staff Presentation
  - c. Comments by Proponents and Opponents
  - d. Applicant Rebuttal
  - e. Question and comments by Board Members
  - f. Deliberation, Action and Board findings
- 6. ADJOURNMENT**

**Accessibility Statement:**

The City of Shavano Park City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in the front and sides of the building. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-447-5400 or TDD 1-800-735-2989.

**Decorum Required:**

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

**Executive Sessions Authorized:** This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**Attendance by Other Elected or Appointed Officials – NOTICE OF POTENTIAL QUORUM:** It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named the Shavano Park Board of Adjustment is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards, of the City Hall of said City of Shavano Park, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on 4th day of November, 2022 at 9:47 a.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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**Trish Nichols**  
**City Secretary**

**1. CALL TO ORDER**

Chairman Lyons called the meeting to order at 5:02 p.m.

**2. ROLL CALL**

PRESENT:

Chairman Lyons

Board Member Hartman

Board Member Brame

Board Member Bettac

Board Member Ireland

Alt. Board Member Aleman

ABSENT:

**3. CHAIRMAN ANNOUNCEMENTS:**

No announcements.

**4. CONSENT AGENDA:**

- a. Approval of minutes – November 4, 2021

Board Member Hartman made a motion to approve the minutes as presented.

Board Member Brame seconded the motion.

The motion to approve the November 4, 2021 minutes as presented carried with a unanimous vote.

- b. Approval of minutes – November 10, 2021

Board Member Hartman made a motion to approve the minutes as presented.

Board Member Bettac seconded the motion.

The motion to approve the November 10, 2021 minutes as presented carried with a unanimous vote.

**5. SPECIAL EXCEPTION HEARING:** Request by John Gasko of 102 Lazenby, Applicant is petitioning the City of Shavano Park Board of Adjustment for special exception Chapter 36, Article V, Sec. 36-132(c)(1) to allow the installation of a pool within the approved MXD Site Plan building setback lines.

- a. Applicant Presentation

Ms. Gasko, applicant, presented the request for a variance pursuant to Chapter 36-132(c)(1)

- b. Staff Presentation

City Manager Hill presented staff comments. This included an email from the City Engineer, Christopher Otto, P.E. CFM that calculated the net result difference in storm water runoff as a 0.025 cfs increase during a 100 year storm event.

c. Comments by Proponents and Opponents

(1) City Manager Hill provided the board with an email received from Edsel and Marifi Hesita, 131 Penns Way which described water drainage issues during heavy rains originating from the Pond Hill subdivision. The email stated that their property will be negatively affected by the building of a pool and that they object to the special exception.

(2) Mark Voit, 135 Penns Way spoke to oppose the special exception due to storm water drainage challenges already existing on his property that originate from the Pond Hill subdivision. He noted that the Gasko property, 102 Lazenby, was directly behind his property. Mr. Voit provided photographs to illustrate his points.

d. Applicant Rebuttal

Ms. Gasko stated Lazenby Road was the source of flooding, not her home.

e. Question and comments by Board Members

Board members asked a number of questions regarding the variance request. Discussion occurred and board comments were made.

f. Deliberation, Action and Board findings

Board Member Hartman, make a motion to approve as presented the request by John Gasko of 102 Lazenby, for special exception Chapter 36, Article V, Sec. 36-132(c)(1) to allow the installation of a pool within the approved MXD Site Plan building setback lines.

Board Member Ireland seconded the motion.

The motion to approve the special exception request per Chapter 36, Article V, Sec. 36-132(c)(1) to allow the installation of a pool within the approved MXD Site Plan building setback lines. Carried with the following vote:

Board Member Bettac	AGAINST
Board Member Brame	FOR
Board Member Hartman	FOR
Board Member Ireland	FOR
Chairman Lyons	FOR

**6. ADJOURNMENT**

Board Member Hartman made a motion to adjourn the meeting.  
Board Member Brame seconded the motion.



## Board of Adjustment Meeting Minutes, June 20, 2022

The motion to adjourn carried with a unanimous vote.  
The meeting adjourned at 6:02 p.m.

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Larry Lyons  
Chairman

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Trish Nichols  
City Secretary



## CITY OF SHAVANO PARK

### ZONING BOARD OF ADJUSTMENT

900 Saddletree Court, Shavano Park, TX 78231

210-493-3478

#### TO BE COMPLETED BY APPLICANT:

TYPE OF REQUEST: \_\_\_\_\_ VARIANCE \_\_\_\_\_ **X** SPECIAL EXCEPTION \_\_\_\_\_

NAME OF APPLICANT(S): Brian Mikiten  
ADDRESS: 1121 Wagon Trail  
TELEPHONE NUMBER(S): (H) \_\_\_\_\_ (C) 210 863 5245 (B) \_\_\_\_\_  
EMAIL: bmikiten@gmail.com

1. JUSTIFICATION FOR APPLICANT'S ZONING VARIANCE AND/OR SPECIAL EXCEPTION REQUEST:

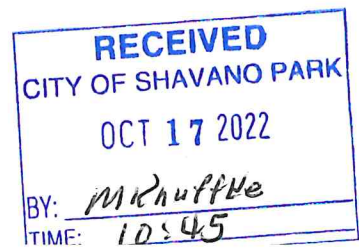
Section 36-132 - Special Exceptions Re: The BOA may grant a Special Exception  
to the rear setback line of 30' to 15' if the rear setback abuts "the following:  
item d. Greenbelts on designated on a plat". The property behind my address is  
obscured by a fence and trees as well as vegetation in the greenbelt. The new  
structure will have little to no visibility to neighboring properties.

2. THE LOCATION AND LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THE ZONING VARIANCE AND/OR SPECIAL EXCEPTION IS:

LOCATION: 1121 Wagon Trail, Shavano Park TX 78231  
LEGAL DESCRIPTION: CB 5938 BLK LOT 210 #C-36053  
LOT SIZE: 1.16 acres

PRESENT IMPROVEMENT(S) ON SAID PROPERTY:

Pool, accessory Building 1, accessory building 2, storage shed.



3. IT IS REQUESTED THAT THE ZONING BOARD OF ADJUSTMENT:

A. GRANT A ZONING VARIANCE OR SPECIAL EXCEPTION TO SECTION Chapter 36, Article VI

B. SUBSECTION Table 1(c)(3) Rear Setback, OF THE CITY ORDINANCE RELATING TO:

<input type="checkbox"/> LOTS	<input type="checkbox"/> ACCESSORY BUILDINGS
<input type="checkbox"/> YARDS	<input type="checkbox"/> VISUAL SCREENS
<input type="checkbox"/> PRINCIPAL BUILDING	<input type="checkbox"/> FENCES
<input type="checkbox"/> OFF-STREET PARKING	<input type="checkbox"/> SIGNS
<input type="checkbox"/> STORAGE	<input type="checkbox"/> SPORTS COURTS
<input type="checkbox"/> POOLS	<input checked="" type="checkbox"/> OTHER Portable Building

4. The applicant believes that the Zoning Board of Adjustment should approve this request for the following reason(s):

The requested special exception will allow for the placement of a temporary storage building in the adjusted set back area. There should be limited to no visual indication of the structure from neighboring properties as it is surround by existing vegetation.

5. Attach a lot survey to scale with all current structures and improvements showing topographical elevations of the property in question; indicating the proposed request, all dimensions of existing structures on the property as well as of the proposed request and building setbacks and easements that may apply to the property under review..

6. Has a previous zoning variance/special exception application been filed? ☐ Yes ☒ No

I hereby certify that the preceding information and my supporting documents submitted herewith are true and accurate to the best of my knowledge.

10/13/2022

Date



Signature of Applicant(s)

Date

Signature of Applicant(s)

**NOTE: Zoning Variance/Special Exception Requests because of legal issues may take up to 30-45 days.**

For Office Use Only

Permit/Zoning Variance Request No: \_\_\_\_\_

Fee(s) Collected: \$ 350.00 Receipt No.: 10/07/20

Meeting Date Scheduled for: November 15, 2020

Legal Notice Published On: Oct 26th

Revised 2/10/05 mk

City of Shavano Park  
(210) 492-2607

REC#: 00206963 10/17/2022 10:48 AM  
OPER: MK TERM: 014  
REF#: 1158

TRAN: 90.1200 Variance App Fees  
BRIAN MIKITEN  
121 WAGAON TRAIL  
VARIANCE APPLICATIO 350.00CR

TENDERED: 350.00 CHECK  
APPLIED: 350.00-

CHANGE:            0.00

# RECEIPT

DATE 10-17-22

No. 669668

RECEIVED FROM Brian M. Kiten

\$ 350.00

Three Hundred Fifty Dollars TWO — DOLLARS

☐ FOR RENT Variance Request - 121 Wagon Trail

☐ FOR

ACCOUNT	<u>350</u>	<u>-</u>
PAYMENT	<u>350</u>	<u>-</u>
BAL. DUE		<u>0</u>

☐ CASH

☒ CHECK

☐ MONEY ORDER

☐ CREDIT CARD

CK #1158

FROM \_\_\_\_\_ TO \_\_\_\_\_

BY [Signature]

**City of Shavano Park**  
**Residential Building Permit Application**  
*The following MUST be submitted with this application.*

1 Digital copy & 2 complete "bound" sets of plans, and a RES Check, HOA Architectural Board Letter of Approval.

JOB SITE ADDRESS: 121 Wagon Trail CITY: Shavano Park ZIP: 78231  
OWNER: Brian & Joan Mikiten PHONE: 210 863 5245  
COMPANY/CONTRACTOR NAME: Tuff Shed  
CONTACT FOR PROJECT: Brian Mikiten  
CONTRACTOR ADDRESS: Same  
OFFICE: ( ) \_\_\_\_\_ Cell: ( ) \_\_\_\_\_ Email: bmikiten@gmail.com

**PROJECT INFORMATION:**

ENGINEER: \_\_\_\_\_ Phone: \_\_\_\_\_  
DESIGNER: \_\_\_\_\_ Phone: \_\_\_\_\_

**Project Type:** ☐ New Residence\* - \$1.23 / sq. ft. ☐ Accessory Building\* - \$1.23 / sq. ft.  
☐ Addition\* - \$1.23 / sq. ft. ☐ Improvements / Remodels\*\* - \$0.77 / sq. ft.

Total Sq. Footage of Project: \_\_\_\_\_ (New Residence, Accessory Buildings, Additions and Remodels ONLY)

\* Square footage calculation includes all area under roof

\*\* Improvements/Remodels only - square footage calculation includes only areas affected by construction

- ☐ Driveway - \$150 ☐ Patio / Deck - \$150 ☐ Fence - \$100 ☐ Masonry Wall - \$200 ☐ Roof (or re-roof) - \$150  
☐ Pool / Spa - \$600 ☐ Cabana - \$250 ☐ Sports Court - \$250 ☐ Demolition - No cost  
☒ Other - \$100 (Please explain below)

DESCRIPTION OF WORK: \_\_\_\_\_

9x12 Storage Building/Shed

Date of application: 10/14/22

Signature: \_\_\_\_\_

FOR OFFICE USE ONLY

Approved/Denied by: Building Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

Approved/Denied by: City Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Reason for Denial: \_\_\_\_\_

**\*NOTE: FAILURE TO OBTAIN A PERMIT PRIOR TO CONSTRUCTION WILL RESULT IN A DOUBLE PERMIT FEE.**

**\*\*PLAN REVIEW FOR NEW CONSTRUCTION MAY TAKE 10 BUSINESS DAYS.**

**\*\*\*ALL CONTRACTOR'S MUST USE REPUBLIC WASTE DUMPSTER SERVICES.**

Revised - 06/24/19



Plan Review Denied  
10/11/2022 by Reviewer BB



Project description does not match the site plan. Site plan shows new 9X12 shed. Description is for 8X10 shed.

Provide the height of the shed. 8' max for proposed location.  
See A-1 requirement below:

### **Sec. 6-95. - Portable buildings.**

Except in A-1 District, a single unattached portable building (movable) of not more than 200 square feet of area and used for storage only may be erected in the rear yard providing the building is suitably screened from adjacent property, is not used temporarily or permanently as a habitation, and is unattached to a solid foundation. The highest point of the building may not exceed 12 feet from base foundation. No portable building higher than eight feet in height measured from base foundation to the buildings highest point shall be permitted in the building setbacks. In A-1 District no more than two unattached portable buildings as described in this subsection shall be permitted. See [section 36-36\(h\)](#) for these regulations by zoning district. The City of Shavano Park recommends portable buildings to be constructed of light metal, wood, or fiberglass. If a variance or other waiver from any related code, including this chapter, is requested, light metal, wood, or fiberglass construction of the building may be a required condition of approval.

Table No. 1

A-1, A-1 PUD, A-2, A-2 PUD, A-3, A-4 and A-5 PUD  
Single-Family Dwelling Districts

(a) *Specifications.*

A-1, minimum gross floor area: 1,600 square feet;

A-2, A-3, A-4 and A-5 PUD, minimum gross floor area: 1,800 square feet.

(b) *Height regulations.* No building shall exceed two stories in height, excluding basements and attics, and the permitted maximum vertical height shall not exceed 45 feet.

(c) *Area regulations.*

(1) Lot area. All building lots platted or replatted after the effective date of this section shall meet the following minimum lot area requirements:

- a. All building lots in A-1 and A-4 Single-Family Dwelling Districts shall contain not less than 1.00 acre of land.
- b. All building lots in A-2, A-3 and A-5 PUD Single-Family Dwelling Districts shall contain not less than 0.70 acres of land.

(2) Parking spaces. Off-street parking space shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit; however, no automobile storage structure shall be located within the required front yard. For purposes of computing the required number of parking spaces for any improvements, no "parking space" located on public land, such as the public right-of-way of a street or alley, shall be included, except for parking in a utility or drainage easement area, whether public or private.

(3) Setback lines for A-1, A-3, A-4 and A-5 PUD Single-Family Dwelling Districts.

- a. Front setbacks - 80 feet. The front setback on corner lots shall be measured from and apply only to the street from which the residence address is assigned.
- b. Side setbacks - 30 feet.
- c. Rear setbacks - 30 feet.

(4) Setback lines for A-1 PUD (Huntington) Single Family Dwelling Planned Unit Development District (established by Ordinance 100-03-02):

- a. Front setbacks - 60 feet. The front setback on corner lots shall be measured from and apply only to the street from which the residence address is assigned.
- b. Side setbacks - 25 feet.
- c. Rear setbacks - 30 feet.

(5) Setback lines for A-2 and A-2 PUD Single-Family Dwelling Districts.

- a. Front setbacks:
  1. Rectangular lots - 56 feet.



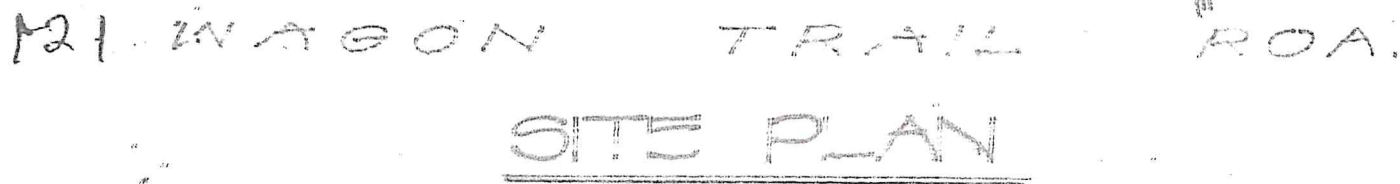
Sec. 36-132. - Special exceptions.

- (a) *Applications for special exception.* All applications for special exceptions from the terms of the chapter shall be in writing and shall specify the facts involved, the special exception desired and grounds therefore. The property owner shall file such application with the City Secretary who, after investigation by the City Manager or his designee(s), shall transmit such application together with a report to the Board of Adjustment within 60 days after receipt. The non-refundable fee for an application shall be the same as the fee for an application for variance or as described in Appendix A - City of Shavano Park Fee Schedule.
- (b) *Hearings on applications for special exceptions.* The Board of Adjustment shall fix a reasonable time for the hearing of all applications for special exceptions, give public notice thereof, as well as due notice to all persons entitled to notice under section 36-130, and such hearing shall be held within 90 days after receipt of the City Manager's report. At each hearing, any person may appear in person or by agent or by attorney.
- (c) *Granting special exceptions.* The Board of Adjustment may grant special exceptions to the side and rear setbacks provided for under this chapter and solely in accordance with the following:
- (1) Reduce the side or rear setbacks requirements in all single family residential zoning districts and all single family residential planned unit development zoning districts by up to 50 percent if the application satisfies the conditions provided for in subsections (d) and (e) and the side or rear setback in question abuts the following:
    - a. The streets of N.W. Military, and DeZavala;
    - b. City of San Antonio zoning districts;
    - c. O-1, B-1 or B-2 zoning districts; or
    - d. Greenbelts as designated on a plat.
- (d) *Conditions for granting special exceptions.* If the Board of Adjustment finds that all of the conditions in this subsection have been satisfied, the Board of Adjustment may approve the special exception application. This subsection's conditions are as follows:
- (1) That the special exception will not endanger public health, safety, or general welfare;
  - (2) That the special exception will not be materially detrimental to public health, safety, or general welfare;
  - (3) That as of the hearing date, it is not foreseeable that the special exception will substantially impair or diminish the presently permitted neighborhood uses, values and enjoyment of neighboring properties;
  - (4) That the special exception will not significantly impede the normal and orderly development and/or improvement of surrounding properties as to uses permitted in the district and/or immediately contiguous district;
  - (5) That the special exception will not result in such property violating any height, lot coverage, building size and/or exterior requirements;
  - (6) That the special exception will not result in such property violating any district parking space regulations and/or tree preservation requirements;
  - (7) That the special exception will not result in such property being incompatible with other properties within the zoning district;
  - (8) That the conditions provided for in subsection (e) have been satisfied; and

(9) That any accessory building allowed under this subsection shall be neither larger than 500 square feet nor taller than 16 feet from the lowest grade point of such building.

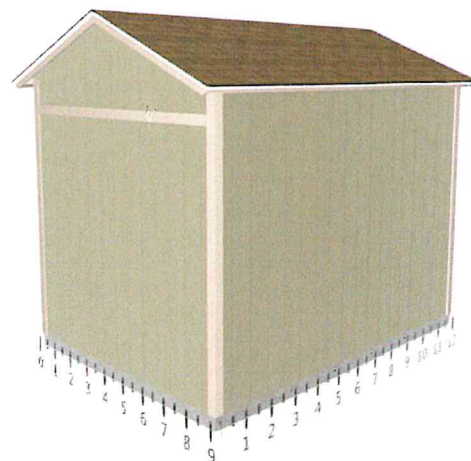
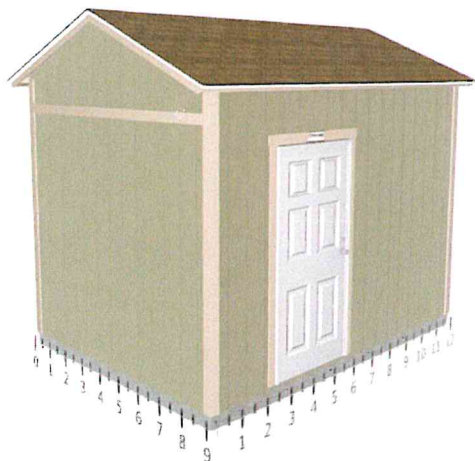
- (e) *Conditions and guarantees.* In order to protect the public health, safety and general welfare of the community and prior to the granting of any special exception, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed necessary in its sole discretion to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in subsection (d) above. When the Board of Adjustment grants a special exception, the Board of Adjustment shall require such evidence and written guarantees as it deems necessary as proof that the property owner has and/or will comply with all conditions stipulated in connection therewith.
- (f) *Effect of denial of application.* If the Board of Adjustment denies a special exception in whole or in part, the property owner must wait at least one year from the date of said denial to make a resubmission under this section.
- (g) *Failure to comply with conditions.* Should a property owner fail to comply with any conditions of the Board of Adjustment in granting a special exception to a property, the City shall seek appropriate enforcement and remedies as stated in section 36-5 of this chapter.

( Ord. No. 0-2016-008, § I, 7-25-2016; Ord. No. 0-2017-022, § I, 11-27-2017)

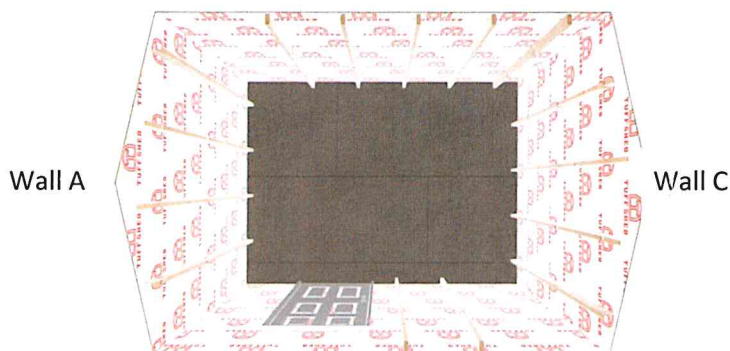




Brian Mikiten  
121 Wagon Trail  
Shavano Park TX 78231  
Q-1862388



Wall D



Wall B

### Base Details

#### Building Size & Style

Premier Tall Ranch - 9' wide by 12' long

#### Paint Selection

Base: Olive Sprig, Trim: Almond  
Brittle, Accent (Doors): Delicate White

#### Roof Selection

Golden Cedar 3 Tab

#### Drip Edge

White

#### Is a permit required for this job?

No, If local jurisdiction requires a permit, fees will be added before installation can take place

### Options Details

#### Doors

6-Panel Residential Door (Left Hand Inswing),

#### Walls

382 Sq Ft House Wrap  
42 Lin Ft Wall Height - 1' increase from standard

#### Roof

141 Sq Ft Roof - 5/12 Roof Pitch Upgrade  
18 Lin Ft 6" Gable EW Eave Upgrade

### Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

Yes

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Dirt/Gravel

0DA77F69224B4BD

Signature:

Brian Mikiten

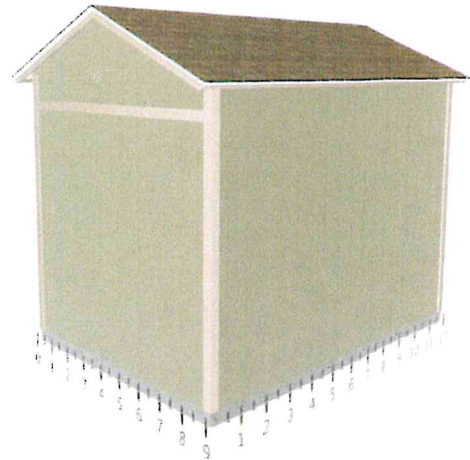
DocuSigned By: Brian Mikiten

Date: 10/13/2022



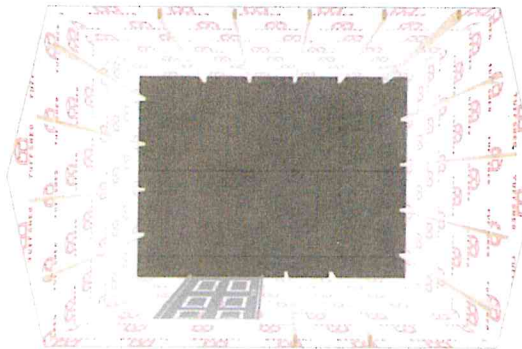

**TUFF SHED®**

Brian Mikiten  
121 Wagon Trail  
Shavano Park TX 78231  
Q-1862388



Wall D

Wall A



Wall C

Wall B

### Base Details

#### **Building Size & Style**

Premier Tall Ranch - 9' wide by 12' long

#### **Paint Selection**

Base: Olive Sprig, Trim: Almond  
Brittle, Accent (Doors): Delicate  
White

#### **Roof Selection**

Golden Cedar 3 Tab

#### **Drip Edge**

White

#### **Is a permit required for this job?**

No, If local jurisdiction requires a permit, fees will be added before installation can take place

### Options Details

#### **Doors**

6-Panel Residential Door (Left Hand  
Inswing),

#### **Walls**

382 Sq Ft House Wrap  
42 Lin Ft Wall Height - 1' increase from  
standard

#### **Roof**

141 Sq Ft Roof - 5/12 Roof Pitch  
Upgrade  
18 Lin Ft 6" Gable EW Eave Upgrade

### Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

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The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Dirt/Gravel

Signature:

0DA77F69224B4BD  
Brian Mikiten  
DocuSigned By: Brian Mikiten

Date: 10/13/2022

VARIABLE WIDTH DRAINAGE, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, WATER AND SANITARY SEWER EASEMENT TO EXPIRE UPON INCORPORATION INTO PLATTED STREET.

10' DRAINAGE EASEMENT  
(VOLUME 9621, PAGES 191-192 DPR)  
VARIABLE WIDTH DRAINAGE EASEMENT  
(VOLUME 9571, PAGES 34-36 DPR)

3) VARIABLE WIDTH DRAINAGE EASEMENT  
3) 15' DRAINAGE AND ACCESS EASEMENT  
3) 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT



## SHEET INDEX

NOT-TO-SCALE

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	250.00'	32°40'18"	N73°25'25"E	140.63'	142.56'
C2	414.00'	55°10'21"	N62°10'17"E	383.43'	398.66'
C3	30.00'	89°25'22"	S10°07'34"E	42.21'	46.82'
C4	384.50'	18°26'53"	S64°03'42"E	123.27'	123.80'
C5	581.95'	04°43'00"	S73°57'04"E	47.89'	47.91'
C6	365.24'	29°37'16"	S87°41'00"E	186.73'	188.82'
C7	385.00'	36°50'52"	N83°40'13"W	243.35'	247.60'
C8	15.00'	77°54'21"	S38°57'11"W	18.86'	20.40'
C9	15.00'	106°36'54"	N53°18'22"W	24.06'	27.91'
C10	815.00'	25°38'55"	S86°12'33"W	361.80'	364.84'
C11	15.00'	99°02'01"	S49°31'01"W	22.82'	25.93'
C12	15.00'	81°48'58"	N40°54'29"W	19.65'	21.42'
C13	785.00'	17°54'30"	S89°13'47"W	244.36'	245.36'
C14	516.00'	03°33'05"	S46°44'01"E	31.98'	31.98'

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C49	15.00'	76°41'55"	S55°44'29"W	18.61'	20.08'
C50	384.00'	51°10'58"	S08°11'57"E	331.74'	343.03'
C51	416.00'	27°30'00"	S20°02'26"E	197.75'	199.67'
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C53	159.00'	60°00'00"	S21°17'26"E	159.00'	166.50'
C54	516.00'	02°46'53"	S45°54'00"E	25.05'	25.05'
C55	484.00'	02°46'53"	N49°54'00"W	23.49'	23.50'
C56	191.00'	60°00'00"	N21°17'26"W	191.00'	200.01'
C57	384.00'	15°00'00"	N01°12'34"E	100.24'	100.53'
C58	384.00'	27°30'00"	N20°02'26"W	182.54'	184.31'
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LINE TABLE

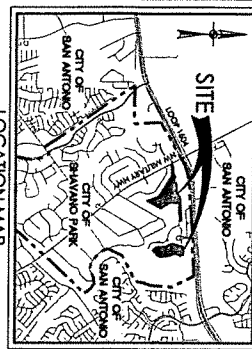
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L69	S33°55'21"W	67.63'
L71	S22°00'09"W	30.00'
L72	S41°29'27"W	32.00'
L73	N12°35'03"E	11.23'
L74	N77°24'57"W	50.00'
L75	N12°35'03"E	30.56'
L76	S11°06'28"E	32.00'
L77	N86°05'40"E	20.00'



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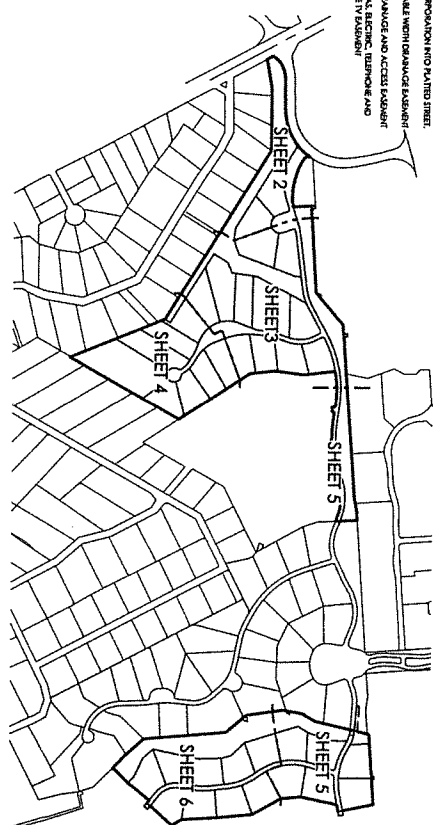
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Doc# 20120176811 Fees: \$72.00  
09/12/2012 10:59AM # Pages: 1  
Filed & Recorded in the Official  
Public Records of BEXAR COUNTY  
GERARD C. RICKHOFF COUNTY CLERK



## LEGEND

- [illegible]



**SHEET INDEX**

[illegible]

**SHEET 1 OF 6**

[illegible]

THE OWNERS OF LAND KNOWN ON THE PLAN, IN RESIDENCE OR THROUGH A DUTY AGENT, HAVE BEEN ADVISED BY THE AGENCIES OF THE GOVERNMENT OF CANADA AS TO THE PROPOSED PROJECT AND HAVE BEEN ADVISED OF THE RIGHT TO OBJECT TO THE PROJECT. THE OWNERS OF THE LAND HAVE BEEN ADVISED OF THE RIGHT TO OBJECT TO THE PROJECT AND HAVE BEEN ADVISED OF THE RIGHT TO OBJECT TO THE PROJECT.

SUBDIVISION PLAT  
OF  
SHAVANO PARK, UNIT-19C  
PHASE II



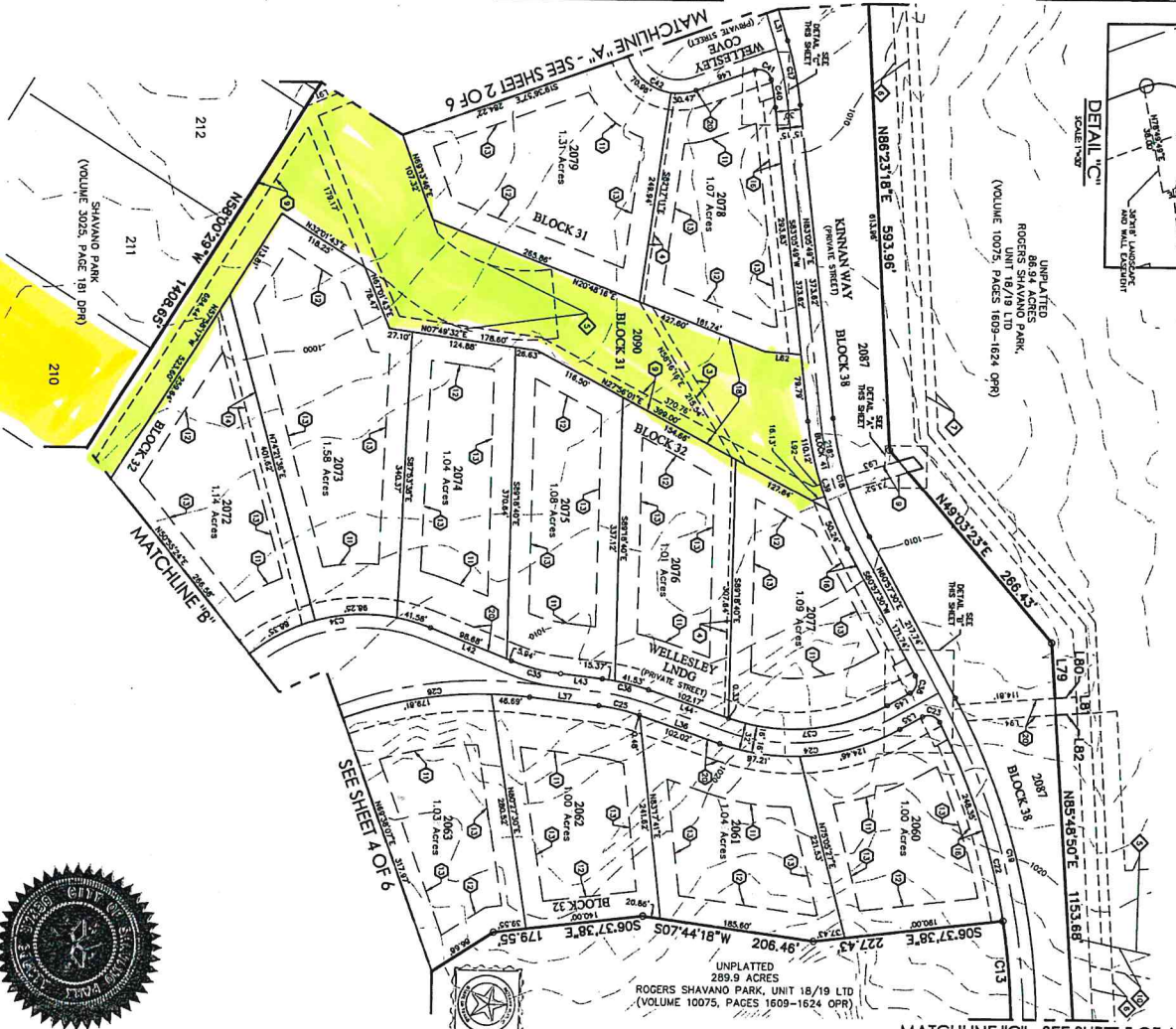
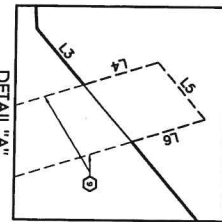
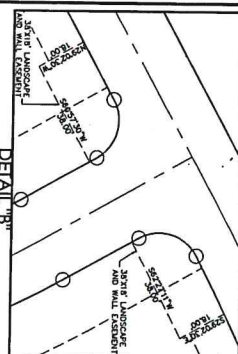
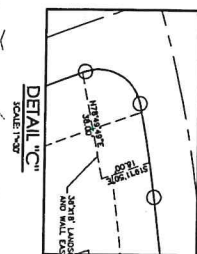
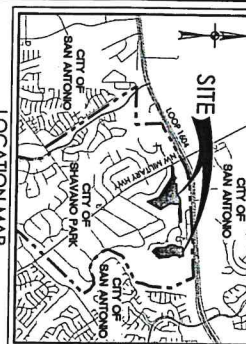


RECORDER'S MEMORANDUM  
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Book 9645 Page 174 1pgs

Doc# 20120176813 Fees: \$72.00  
09/12/2012 10:59AM # Pages 1  
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GERARD C. RICKHOFF COUNTY CLERK



**NOTE:**  
SEE SHEET 1 OF 6 FOR LEGEND  
CURVE AND LINE TABLE.

MATCHLINE "C" - SEE SHEET 5 OF 6

SUBDIVISION PLAT  
OF  
SHAVANO PARK, UNIT-19C  
PLAT 211

**PAPER-DAWSON**  
**ENGINEERS**  
TRPE, FROM REGISTRATION / 470

DATE OF PRINT: July 27, 2012

STATE OF IOWA  
COUNTY OF DESA[illegible]

SARAH E. CARLINGTON  
County Commission Expires  
August 2, 2010


*Sarah E. Carlington*  
NOTARY PUBLIC, BOARD OF COUNTY CLERKS, TEXAS


CONCURRED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF  
SAYVARD PLAC, TEND, AND HEREBY APPROVED BY SUCH PLANNING AND ZONING  
COMMISSION.  
DATE: 10/10/12 BY: Shirley 10.10.12

BY: \_\_\_\_\_ CHAIRMAN

BY: David Lashley

THIS PLAN OF SHAVANA PARK, LINT INC. PHASE 1 WAS BEEN SUBMITTED TO AND  
CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANA PARK, TEXAS, AND IS  
HEREBY APPROVED BY SUCH CITY COUNCIL.  
DATED: THIS 25 DAY OF September A.D. 20 12

  
MAYOR

  
CITY CLERK

STATE OF TEXAS  
COUNTY OF BEXAR  
General R. K. Hoff, COUNTY CLERK OF BEXAR COUNTY, DO HEREBY  
CERTIFY THAT THIS PAGE WAS FILED FOR RECORD IN MY OFFICE ON THE 12TH DAY  
OF September, A.D. 2012 AT 10:39 A.M. AND I HAVE RECORDED THE  
12th DAY OF September, A.D. 2012 AT 10:39 A.M. IN THE  
DEED AND MAIL RECORDS OF BEXAR COUNTY, IN BOOK VOLUME 9645 ON  
PAGE 1911

**SHEET 3 OF 4**

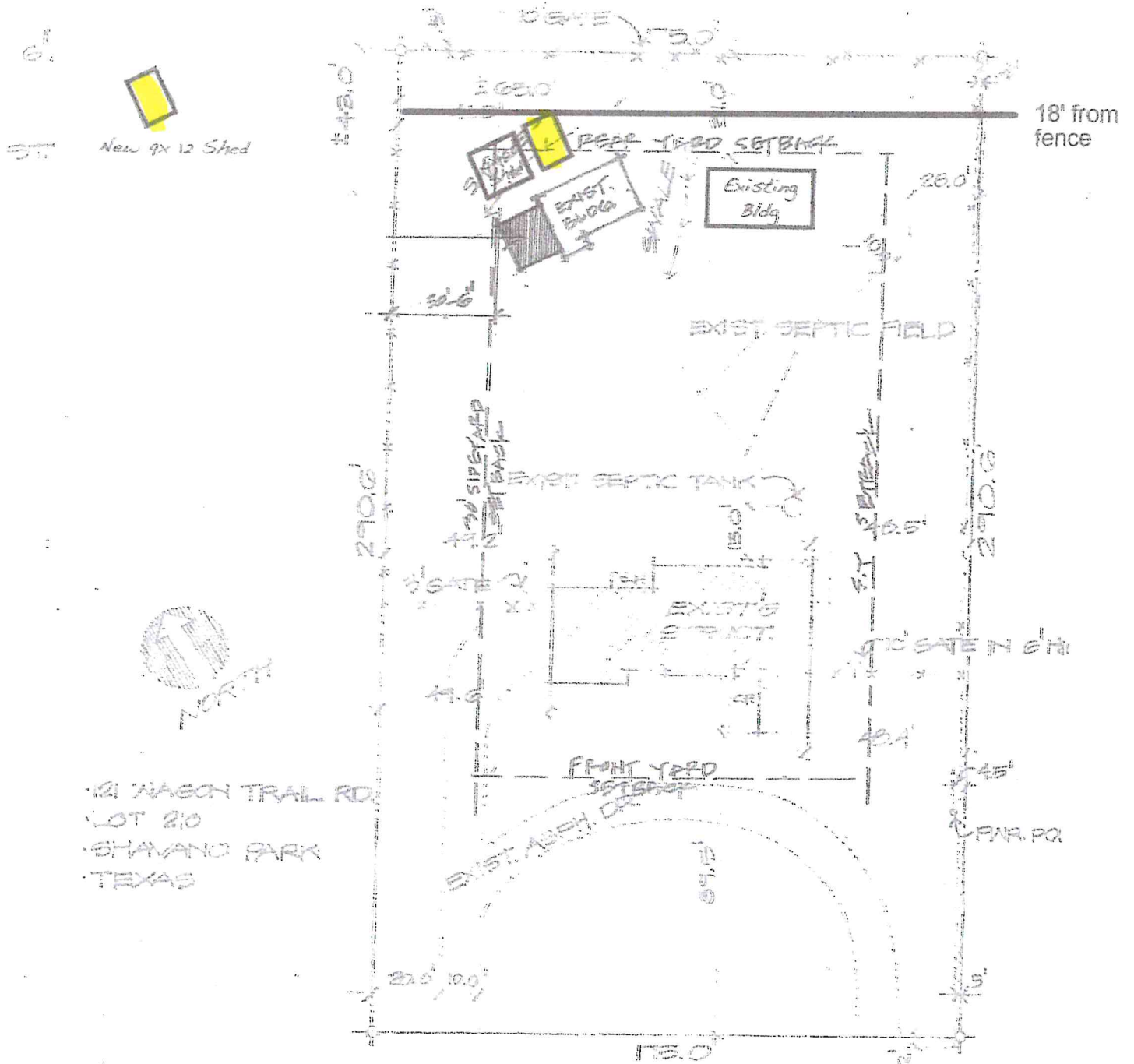
PAGE 5117 IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF  
OFFICE THIS 23<sup>rd</sup> DAY OF SEPTEMBER, AD 2012.  
COUNTY CLERK, BEZAR COUNTY, TEXAS  
BY: Edna Cing Muelberg DEPUTY

Date: Jul 27, 2012, 2:14pm User ID:  
File: P:\71\18\25\Design\Civil\Plot\PL711825.dwg

Civil Job No. 7118-25; Survey Job No. 7118-25 M&B

SHAVANO PARK, UNIT-19C PHASE II





121 WAGON TRAIL ROAD.  
SITE PLAN

## ZONING VARIANCE PROCEDURE CHECKLIST

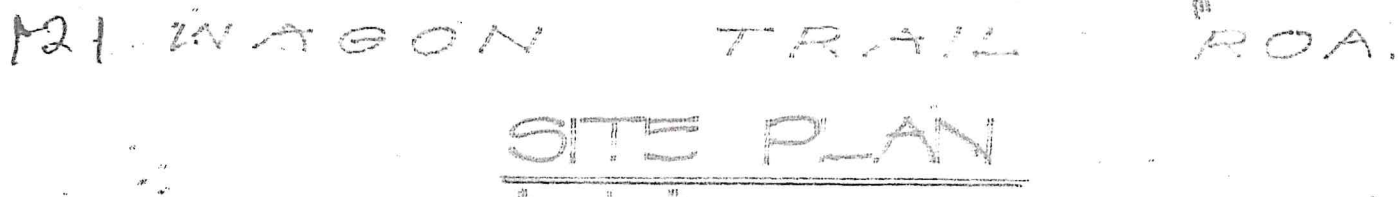
**Applicant's Name:** Brian Mikiten  
**Applicant's Address:** 121 Wagon Trail  
**Application Received On:** \_\_\_\_\_

### DATE COMPLETED

1. Building Permit is applied for and all paperwork is submitted to the Building Inspector for review, approval or denial. 10/07/2022
2. Building Inspector reviews plans and determines if plans meet requirements of the City of Shavano Park Code of Ordinances and either approves or denies the permit. 10/11/2022  
Deny
3. If the Building Inspector denies the permit, the section and reason for the denial Must be on the Variance/Special Request form. 10/11/2022
4. If the permit is denied, the applicant is given a Zoning Board of Adjustments Variance/Special Request form to be filled out and returned with a \$350.00 (non-refundable) variance fee, a lot survey to scale with all current structures and improvements showing topographical elevations. 10/14/2022
5. Verification that all pertinent information has been received.  

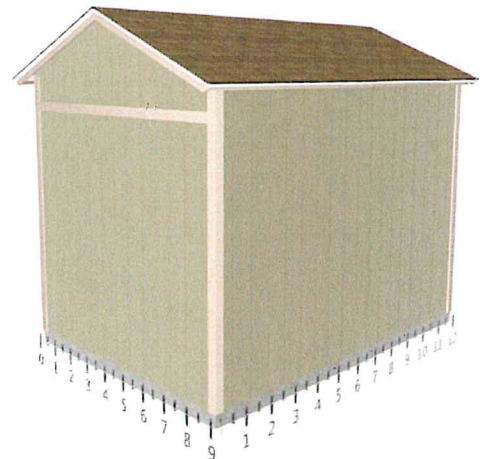
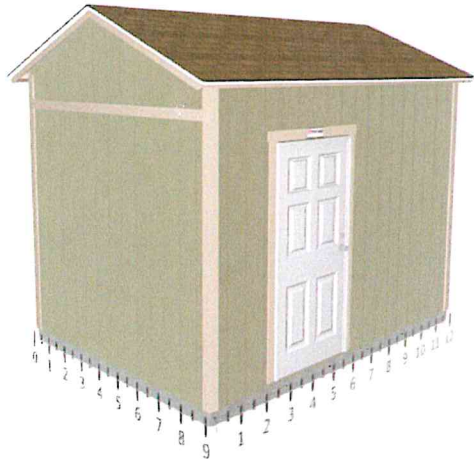
Permit <u>✓</u>	Denial <u>✓</u>	Variance Request form <u>✓</u>
Variance Fee <u>✓</u>	Survey <u>✓</u>	Section/Reason for denial <u>✓</u>

10/14/22 ml
6. Permit Clerk prepares a file and gives it to the City Secretary. The City Secretary Contacts the Board of Adjustments Chair to set a public hearing date. 10/17/22
7. Compiles names and addresses of property owners within 200 feet of the requestor's Property and mails out notification of the hearing date. 10/20/22
8. City Secretary sends out notification of public hearing to City's paper of record to be published once a week for two consecutive weeks. 10/26/22
9. City Secretary prepares agenda for hearing and posts according to state law Requirements. 10/27/22
10. City Secretary notifies the applicant and permit department of the results in writing And keeps original material as permanent record. \_\_\_\_\_

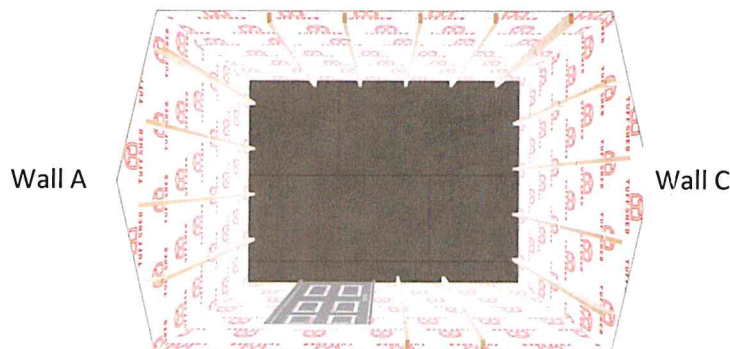




Brian Mikiten  
121 Wagon Trail  
Shavano Park TX 78231  
Q-1862388



Wall D



Wall B

### Base Details

#### Building Size & Style

Premier Tall Ranch - 9' wide by 12' long

#### Paint Selection

Base: Olive Sprig, Trim: Almond  
Brittle, Accent (Doors): Delicate White

#### Roof Selection

Golden Cedar 3 Tab

#### Drip Edge

White

#### Is a permit required for this job?

No, If local jurisdiction requires a permit, fees will be added before installation can take place

### Options Details

#### Doors

6-Panel Residential Door (Left Hand Inswing),

#### Walls

382 Sq Ft House Wrap  
42 Lin Ft Wall Height - 1' increase from standard

#### Roof

141 Sq Ft Roof - 5/12 Roof Pitch Upgrade  
18 Lin Ft 6" Gable EW Eave Upgrade

### Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

Yes

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Dirt/Gravel

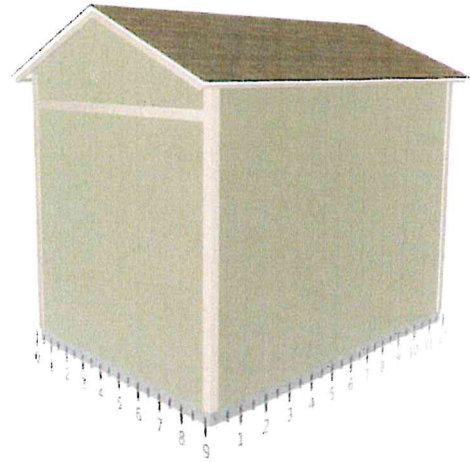
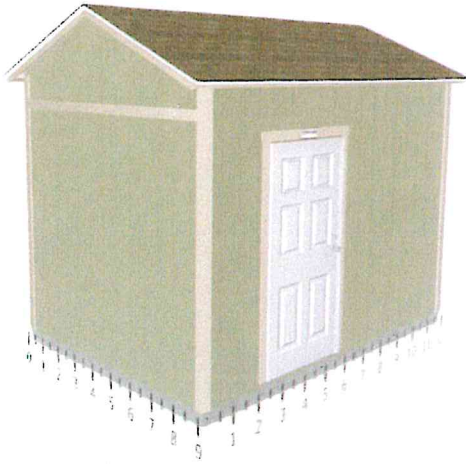
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Brian Mikiten  
DocuSigned By: Brian Mikiten

Date: 10/13/2022



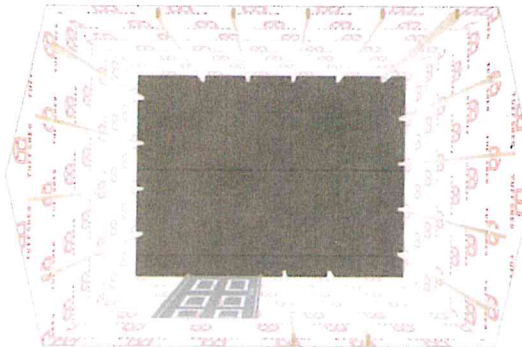

**TUFF SHED**

Brian Mikiten  
121 Wagon Trail  
Shavano Park TX 78231  
Q-1862388



Wall D

Wall A



Wall C

Wall B

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Signature:

0DA77F69224B4BD  
Brian Mikiten  
DocuSigned By: Brian Mikiten

Date: 10/13/2022

⑦ VARIABLE WIDTH DRAINAGE, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, WATER AND SANITARY SEWER EASEMENT TO EXPIRE UPON INCORPORATION INTO PLATTED STREET.

③ VARIABLE WIDTH DRAINAGE EASEMENT  
③ 15' DRAINAGE AND ACCESS EASEMENT  
③ 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT

⑩ 15' DRAINAGE EASEMENT  
⑩ (VOLUME 9621, PAGES 191-192 DPR)  
⑩ VARIABLE WIDTH DRAINAGE EASEMENT  
⑩ (VOLUME 9571, PAGES 34-36 DPR)



CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	250.00'	32°40'18"	N73°25'25"E	140.63'	142.56'
C2	414.00'	55°10'21"	N62°10'17"E	383.43'	398.66'
C3	30.00'	89°25'22"	S100°7'34"E	42.21'	46.82'
C4	384.50'	18°26'53"	S64°03'42"E	123.27'	123.80'
C5	581.95'	04°43'00"	S73°57'04"E	47.89'	47.91'
C6	365.24'	29°37'16"	S87°41'00"E	186.73'	188.82'
C7	385.00'	36°50'52"	N83°40'13"W	243.35'	247.60'
C8	15.00'	77°54'21"	S38°57'11"W	18.86'	20.40'
C9	15.00'	106°36'54"	N53°18'27"W	24.06'	27.91'
C10	815.00'	25°38'55"	S86°12'33"W	361.80'	364.84'
C11	15.00'	99°02'01"	S49°31'01"W	22.82'	25.93'
C12	15.00'	81°48'58"	N40°54'29"W	19.65'	21.42'
C13	785.00'	17°54'30"	S89°13'47"W	244.36'	245.36'
C14	516.00'	03°33'05"	S46°44'01"E	31.98'	31.98'

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SHEET INDEX  
NOT-TO-SCALE





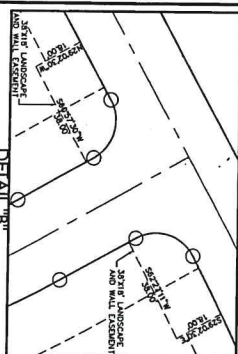
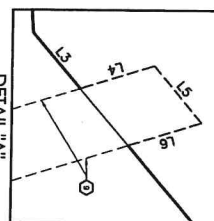
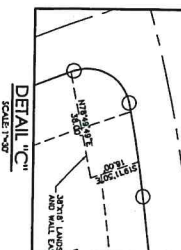
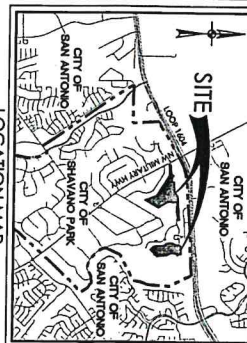


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Book 9645 Page 174 lpgs

Doc# 20120176613 Fee: \$72.00  
09/12/2012 10:59AM Page 1  
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GERARD C. ROCKHOFF COUNTY CLERK



### C.S. ENERGY NOTES:

THE CITY ENGINEER OF THE CITY OF SAN ANTONIO, TEXAS, HAS REVIEWED THE PLAT AND FINDS THAT THE PLAT COMES INTO CONFORMANCE WITH THE CITY ENGINEER'S REQUIREMENTS FOR THE CITY OF SAN ANTONIO, TEXAS. THE CITY ENGINEER'S REQUIREMENTS FOR THE CITY OF SAN ANTONIO, TEXAS, ARE SET FORTH IN THE CITY ENGINEER'S MANUAL, WHICH IS A PUBLIC DOCUMENT. THE CITY ENGINEER'S MANUAL IS AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202. THE CITY ENGINEER'S MANUAL IS ALSO AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202. THE CITY ENGINEER'S MANUAL IS ALSO AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202.

CITY ENGINEER: *[Signature]*

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CITY ENGINEER: *[Signature]*

CITY ENGINEER: *[Signature]*

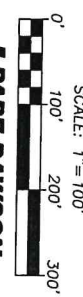
CITY ENGINEER: *[Signature]*



SHEET 3 OF 6

DATE: JUL 27, 2012, 2:14PM User: 10  
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## SUBDIVISION PLAT OF SHAVANO PARK, UNIT-19C PHASE II



PAPE-DAWSON  
ENGINEERS  
1111 N. N. STREET  
SAN ANTONIO, TEXAS 78202  
PHONE: 214.775.8000  
FAX: 214.775.8010

DATE OF PLAT: JULY 27, 2012

STATE OF TEXAS  
COUNTY OF BEXAR  
I, *[Signature]*, COUNTY CLERK OF BEXAR COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT COMES INTO CONFORMANCE WITH THE CITY ENGINEER'S REQUIREMENTS FOR THE CITY OF SAN ANTONIO, TEXAS. THE CITY ENGINEER'S REQUIREMENTS FOR THE CITY OF SAN ANTONIO, TEXAS, ARE SET FORTH IN THE CITY ENGINEER'S MANUAL, WHICH IS A PUBLIC DOCUMENT. THE CITY ENGINEER'S MANUAL IS AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202. THE CITY ENGINEER'S MANUAL IS ALSO AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202. THE CITY ENGINEER'S MANUAL IS ALSO AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202.

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STATE OF TEXAS  
COUNTY OF BEXAR  
I, *[Signature]*, COUNTY CLERK OF BEXAR COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT COMES INTO CONFORMANCE WITH THE CITY ENGINEER'S REQUIREMENTS FOR THE CITY OF SAN ANTONIO, TEXAS. THE CITY ENGINEER'S REQUIREMENTS FOR THE CITY OF SAN ANTONIO, TEXAS, ARE SET FORTH IN THE CITY ENGINEER'S MANUAL, WHICH IS A PUBLIC DOCUMENT. THE CITY ENGINEER'S MANUAL IS AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202. THE CITY ENGINEER'S MANUAL IS ALSO AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202. THE CITY ENGINEER'S MANUAL IS ALSO AVAILABLE FOR REVIEW BY THE PUBLIC AT THE CITY ENGINEER'S OFFICE, 100 N. N. STREET, SAN ANTONIO, TEXAS 78202.

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- (1) Exception will not adversely affect public health, safety, or general welfare;

*A: There is no impact on public health, safety or general welfare as a result of this project.*

- (2) That as of the hearing date, it is not foreseeable that the special exception will substantially impair or diminish the presently permitted neighborhood uses, values and enjoyment of neighboring properties;

*A: This project will have no impact on any of the neighboring properties as it is both not seen due to tree and brush cover but is also designed to be temporary in nature and not on a slab.*

- (3) That the special exception will not significantly impede the normal and orderly development and/or improvement of surrounding properties as to uses permitted in the district and/or immediately contiguous district;

*A: The project will have no impact on normal and orderly development or improvement of surrounding properties. The project is located within the boundary of the property and an established greenbelt.*

- (4) That the special exception will not result in such property violating any height, lot coverage, building size and/or exterior requirements;

*A: The project is a 9' x 12' building (108 sq ft) with a height of approximately 11' at the peak and within all required size limitations.*

- (5) That the special exception will not result in such property violating any district parking space regulations and/or tree preservation requirements;

*A: There will be no changes to the existing parking and no tree preservation requirements will be violated.*

- (6) That the special exception will not result in such property being incompatible with other properties within the zoning district;

*A: There is no project impact that will affect other properties in the zoning district.*

- (7) That the conditions provided for in subsection (e) have been satisfied; and

*A: The project is in full compliance with subsection (e).*

- (8) That any accessory building allowed under this subsection shall be neither larger than 500 square feet nor taller than 16 feet from the lowest grade point of such building.

*A: The building will be 9'x12' and approximately 11' in height above the lowest grade point. Total square footage is 108 sq ft.*

(e) Conditions and guarantees. Prior to the granting of any special exception, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed necessary in its sole discretion to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in subsection (d) above. When granting a special exception, the Board of Adjustment shall require such evidence and written guarantees as it deems necessary as proof that the property owner has and/or will comply with all conditions stipulated in connection therewith.

## ZONING VARIANCE PROCEDURE CHECKLIST

Applicant's Name: Brian Mikitem  
Applicant's Address: 121 Wagon Trail  
Application Received On: 10/17/2022

### DATE COMPLETED

1. Building Permit is applied for and all paperwork is submitted to the Building Inspector for review, approval or denial. 10/07/2022
2. Building Inspector reviews plans and determines if plans meet requirements of the City of Shavano Park Code of Ordinances and either approves or denies the permit. 10/11/2022  
Deny
3. If the Building Inspector denies the permit, the section and reason for the denial Must be on the Variance/Special Request form. 10/11/2022
4. If the permit is denied, the applicant is given a Zoning Board of Adjustments Variance/Special Request form to be filled out and returned with a \$350.00 (non-refundable) variance fee, a lot survey to scale with all current structures and improvements showing topographical elevations. 10/14/2022
5. Verification that all pertinent information has been received.  

Permit <u>✓</u>	Denial <u>✓</u>	Variance Request form <u>✓</u>
Variance Fee <u>✓</u>	Survey <u>✓</u>	Section/Reason for denial <u>✓</u>

10/14/22 MR
6. Permit Clerk prepares a file and gives it to the City Secretary. The City Secretary Contacts the Board of Adjustments Chair to set a public hearing date. 10/17/22
7. Compiles names and addresses of property owners within 200 feet of the requestor's Property and mails out notification of the hearing date. 10/20/22
8. City Secretary sends out notification of public hearing to City's paper of record to be published once a week for two consecutive weeks. 10/26/22
9. City Secretary prepares agenda for hearing and posts according to state law Requirements. 10/27/22
10. City Secretary notifies the applicant and permit department of the results in writing And keeps original material as permanent record. \_\_\_\_\_

owner_nar	addr_line2	addr_city	addr_state	addr_zip	legal_desc	situs
MIKITEN F	121 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 121 WAGON TRAIL RD SHAVANO	F
BELMARES	123 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 123 WAGON TRAIL RD SHAVANO	F
HERNANDE	125 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 125 WAGON TRAIL RD SHAVANO	F
LEHMANN	118 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 118 WAGON TRAIL RD SHAVANO	F
MASTERS F	120 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 120 WAGON TRAIL RD SHAVANO	F
2438 FREEI	PO BOX 78	SAN ANTO	ITX	78278-000	CB 5938 B 122 WAGON TRAIL RD SHAVANO	F
JAROS DAV	124 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 124 WAGON TRAIL RD SHAVANO	F
HERNANDE	119 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 119 WAGON TRAIL RD SHAVANO	F
TURULLOS	117 WAGO	SAN ANTO	ITX	78231	CB 5938 B 117 WAGON TRAIL RD SHAVANO	F
HUNTINGT	P O BOX 8C	DALLAS	TX	75380-355	CB 4782E (POND HILL RD SHAVANO PARK, TX	
RUNGE ERI	203 WELLE	SHAVANO	ITX	78231	CB 4782E (203 WELLESLEY LNDG SHAVANO P	
MEDARAM	2922 IVOR	SAN ANTO	ITX	78258	CB 4782E (WELLESLEY LNDG SHAVANO PARK,	
YOUNG RO	103 WELLE	SAN ANTO	ITX	78231	CB 4782E (WELLESLEY LNDG SHAVANO PARK,	
HUNTINGT	3216 NAPI	SHAVANO	ITX	78231	CB 4782E (111 WELLESLEY LNDG SHAVANO P	
FISCHER JE	115 WELLE	SHAVANO	ITX	78231-226	CB 4782E (115 WELLESLEY LNDG SHAVANO P	

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October 25, 2022

Dear Property Owner:

You are receiving this notice pursuant to Section 36.130 of the City of Shavano Park's Code of Ordinances; your property lies within 200 feet of any given point of the lot or portion thereof, on which a special exception request is desired.

SPECIAL EXCEPTION REQUEST

The Board of Adjustment of the City of Shavano Park has set a Public Hearing at the City of Shavano Park City Hall, 900 Saddletree Court, Shavano Park, TX 78231, on **November 15, 2022 at 6:30 p.m.**, for the purpose of considering the application for the following special exception request:

NAME OF APPLICANT:

Brian Mikiten

LOCATION:

121 Wagon Trail  
Shavano Park, TX 78231

Applicant is petitioning the City of Shavano Park Board of Adjustment for granting of a Special Exception under Chapter 36, Article V, Sec. 36-132(c)(1)(d) to adjust the rear set-back line from 30 feet to 15 feet as the rear set-back abuts a greenbelt as designed on a plat for the purpose of installing an accessory building as defined by City of Shavano Park Code of Ordinances.

**NEWSPAPER NOTICE - PUBLISHED Oct 26, 2022**

**PUBLIC HEARING**

The Board of Adjustment of the City of Shavano Park has set a Public Hearing at the City of Shavano Park City Hall, 900 Saddletree Court, Shavano Park, TX 78231, on November 15, 2022 at 6:30 p.m. for the purpose of considering the application for the following Special Exception:

**NAME OF APPLICANT:**

by Brian Mikiten

**LOCATION:**

121 Wagon Trail  
Shavano Park, TX 78231

Applicant is petitioning the City of Shavano Park Board of Adjustment for granting of a special exception under Chapter 36, Article V, Sec. 36-132(c)(1)(d) to adjust the rear set-back line from 30 feet to 15 feet as the rear set-back abuts a greenbelt as designed on a plat for the purpose of installing an accessory building as defined by City of Shavano Park Code of Ordinances.

**ORDINANCE NO. O-2021-014**

**AN ORDINANCE AMENDING CHAPTER 36 – ZONING OF THE CITY OF SHAVANO PARK CODE OF ORDINANCES TO COMPLY WITH H.B. 1475 OF THE 87TH TEXAS LEGISLATURE WHICH CHANGES BOARD OF ADJUSTMENT AUTHORITY RELATED TO VARIANCES AND GIVES ADDITIONAL OBJECTIVE GROUNDS FOR WHICH A VARIANCE FROM A MUNICIPAL ZONING ORDINANCE MAY BE GRANTED; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS,** the 87th Texas Legislature passed House Bill 1475 which changes Board of Adjustment authority related to variances and gives additional objective grounds for which a variance from a municipal zoning ordinance may be granted and the City of Shavano Park (the “City”) City Council seeks to ensure compliance with House Bill 1475; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or policy regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning; and

**WHEREAS,** the City seeks to amend the Zoning Ordinance, Chapter 36 (this “Ordinance”); and

**WHEREAS,** this Ordinance must be amended to comply with House Bill 1475; and

**WHEREAS,** after notice and hearing required by law, a public hearing was held before the Shavano Park Zoning and Planning Commission on October 6, 2021 to consider the proposed amendments and the Zoning and Planning Commission recommended approval of the proposed amendments; and

**WHEREAS,** after public hearing held by the City Council on November 22, 2021 the City Council voted to approve Ordinance O-2021-014; and

**WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of the City of Shavano Park to adopt an ordinance amending Chapter 36 – Zoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:**

**I**

**CODE AMENDMENT**

Chapter 36, Article V. – BOARD OF ADJUSTMENT of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

**ARTICLE V. - BOARD OF ADJUSTMENT**

Sec. 36-122. - Organization.

There is hereby created a Board of Adjustment consisting of five members who are citizens of the City and who are not members of the City Council or the Planning & Zoning Commission, and who shall be appointed as described in Chapter 2, Article IV, Sec. 2-87. Positions shall exist for a term of two years, beginning on October 1 of each odd numbered year and ending on May 31 of the next succeeding odd-numbered year and continuing thereafter. Board members may be removable for cause by the City Council upon a written charge and after public hearing. The City Council shall confirm four alternate members of the Board of Adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the Mayor. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four members. All alternate members, when appointed, shall serve for the duration of the same term defined in this section for the regular members, and any vacancy shall be filled in the same manner and shall be subject to removal as the regular members.

Sec. 36-123. - Rules and meetings.

The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of this section. Meetings of the Board of Adjustment shall be held at the call of the Chairperson, who shall be selected by the Board at its June meeting each year, and at such other times as the Board of Adjustment may determine. Such Chairperson, or in their absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes to proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings, and other official actions, all of which shall be immediately filed in the office of the City and shall be a public record.

Sec. 36-124. - Powers and duties.



The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official of the City in the enforcement of this chapter.
- (2) To authorize upon appeal a variance from the terms of this chapter that shall not be contrary to the public interest and, where, due to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.
- (3) To authorize special exceptions, in accordance with Sec. 36-132, to a zoning standard applicable to particular types of development within any zoning district, which is consistent with the overall intent of the zoning regulations and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed.
- (4) To hear and decide other matters authorized by the City Council.

Sec. 36-125. - Appeals to the Board of Adjustment.

- (a) Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official that is not related to a specific application, address, or project under Chapter 36 of this Code:
  - (1) A person aggrieved by the decision; or
  - (2) Any officer, department, board, or bureau of the City affected by the decision.
- (b) Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official that is related to a specific application, address, or project under Chapter 36 of the Code:
  - (1) A person who filed the application that is the subject of the decision; or
  - (2) A person who is the owner or representative of the owner of the property that is the subject of the decision; or
  - (3) Any person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
  - (4) Any officer, department, or board of the city affected by the decision.

- (c) Appeals to the Board of Adjustment may be made by a person aggrieved by the decision of the building official on the basis of alleging an error in an order, requirement, decision or determination made by the building official in the enforcement of the international and national codes as well as Chapter 6 of the City of Shavano Park Code of Ordinances, as it exists or may be amended.
- (d) Such appeal shall be filed not later than the 20th day after an original decision, order, requirement, or determination has been rendered, as provided by the rules of procedure of the Board of Adjustment, by filing in writing with the administrative official from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record of the action that is appealed.

Sec. 36-126. - When appeal stays all proceedings.

Once an appeal is filed it shall stay all proceedings in furtherance of the action appealed from, unless, after the time that notice of the appeal is filed, the administrative official from whom the appeal is taken certifies in writing to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in the City Manager's opinion, cause immediate peril to life or property. Under this exception proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment, or by a court of record on application upon showing of due cause by the appealing party.

Sec. 36-127. - Time for notice and hearing of appeal.

The appeal must be filed not later than the 20th day after an original decision, order, requirement, or determination has been rendered. The Board of Adjustment shall make a decision on the appeal at the next meeting for which notice can be provided not later than the 60th day after the date the appeal is filed. The Board of Adjustment shall fix a reasonable time for hearing of the appeal, give public notice thereof, as well as due notice to the interested parties and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

Sec. 36-128. - Action on appeal.

In exercising the powers set forth in Sec. 36-124, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the administrative official's order, requirement, decision, or determination

and to that end shall have all the powers of the administrative official from whom the appeal is taken.

Sec. 36-129. - Vote necessary for decision of Board of Adjustment.

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, to decide in favor of the applicant on any matter on which the Board of Adjustment is authorized under this chapter, or to authorize a variance from the terms of in this chapter.

Sec. 36-130. - Notice of public hearings before the Board of Adjustment.

The notice of public hearing, provided for in this section, shall be given by publication one time in the City's official newspaper, stating the time and place of such hearing, which time shall not be earlier than 15 days from date of such publication, and in addition thereto, the Board of Adjustment shall mail notices of such hearing to the applicant and to all owners of property lying within 200 feet of any point of the lot or portion thereof, on which a variance or special exception is desired, and to all other persons deemed by the Board of Adjustment to be affected thereby; such owners and persons shall be determined according to the last approved tax roll of the City. Such notice may be served by depositing the same, properly addressed and postage paid, in any post office.

Sec. 36-131. - Variances.

- (a) *Requests for variance.* All requests for variations from the terms of this chapter shall be in writing and shall specify the facts involved, the relief desired, and grounds therefore. Each such application shall be filed with the City Secretary who, after investigation, shall transmit such application together with supporting materials prepared by City staff to the Board of Adjustment within 30 days of receipt. Should circumstances be presented that justify it, the Board of Adjustment may hear a request for variance and may grant a variance outside of the deadline of an appeal noted in Sec. 36-125.
- (b) *Hearings on applications for variances.* The Board of Adjustment shall fix a reasonable time for the hearing of all applications for variances, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear in person or by agent or by attorney at this hearing.

(c) *Granting variances.* The Board of Adjustment is hereby authorized, upon a party's appeal from the decision of the City, to grant a variance from the terms of this chapter that shall not be contrary to the public interest, and where, due to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice is done. The Board of Adjustment may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Sec. 26.01, Tax Code;
- (2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- (3) Compliance would result in the structure not being in compliance with a requirement of a City ordinance, building code, or other requirement;
- (4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (5) The City considers the structure to be a non-conforming structure.

(d) *Criteria for granting variances.* No variance can be granted unless:

- (1) Such variance will not be contrary to public interest.
- (2) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property is located.
- (3) Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
- (4) Such variance will not alter the essential character of the district or the property.
- (5) Such variance will be in harmony with the spirit and purposes of this chapter.
- (6) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located.
- (7) The variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specified district.
- (8) The variance will not adversely affect the public health, safety or general welfare.

- (e) *Limitation on variances.* Any variance authorized by the Board of Adjustment shall constitute authority to authorize the issuance of a building permit or a certificate of occupancy, as the case may be, if applied for within 120 days from the date of favorable action by the Board of Adjustment, unless such Board of Adjustment authorizes a longer period. If the permit or certificate of occupancy is not applied for within said 120-day period, or such extended period as the Board of Adjustment may have authorized, then the grant of the variance shall terminate. Such termination shall be without prejudice to a subsequent application to said Board of Adjustment in accordance with the rules and regulations regarding applications. No application to the Board of Adjustment shall be allowed on the same property until six months after a ruling of the Board of Adjustment, unless other property within 200 feet thereof, has been altered or changed by a ruling of the Board of Adjustment within such six-month period. In which case such change of circumstances shall permit the allowance of such application but in no way to compel the Board of Adjustment, after a hearing, to grant such subsequent application. Such subsequent applications shall be considered on its merits as in all other cases.

Sec. 36-132. - Special exceptions.

- (a) *Applications for special exception.* All applications for special exceptions from the terms of the chapter shall be in writing and shall specify the facts involved, the special exception desired and grounds therefore. The property owner shall file such application with the City Secretary who, after investigation by the City Manager or their designee(s), shall transmit such application together with supporting materials prepared by City staff to the Board of Adjustment within 60 days after receipt. The non-refundable fee for an application shall be the same as the fee for an application for variance or as described in Appendix A - City of Shavano Park Fee Schedule. Should circumstances be presented that justify it, the Board of Adjustment may grant hear a request for special exception and may grant a special exception outside of the deadline of an appeal noted in Sec. 36-125.
- (b) *Hearings on applications for special exceptions.* The Board of Adjustment shall fix a reasonable time for the hearing of all applications for special exceptions, give public notice thereof, as well as due notice to all persons entitled to notice under Sec. 36-130, and such hearing shall be held within 90 days after receipt of the City Manager's report. At each hearing, any person may appear in person or by agent or by attorney.
- (c) *Granting special exceptions.* The Board of Adjustment may grant special exceptions to the side and rear setbacks provided for under this chapter and solely in accordance with the following:

- (1) Reduce the side or rear setbacks requirements in all single family residential zoning districts and all single family residential planned unit development zoning districts by up to 50 percent if the application satisfies the conditions provided for in subsections (d) and (e) and the side or rear setback in question abuts the following:
  - a. The streets of N.W. Military, and DeZavala;
  - b. City of San Antonio zoning districts;
  - c. O-1, B-1 or B-2 zoning districts; or
  - d. Greenbelts as designated on a plat.
- (d) *Conditions for granting special exceptions.* If the Board of Adjustment finds that all of the conditions in this subsection have been satisfied, the Board of Adjustment may approve the special exception application. This subsection's conditions are as follows:
  - (1) That the special exception will not adversely affect public health, safety, or general welfare;
  - (2) That as of the hearing date, it is not foreseeable that the special exception will substantially impair or diminish the presently permitted neighborhood uses, values and enjoyment of neighboring properties;
  - (3) That the special exception will not significantly impede the normal and orderly development and/or improvement of surrounding properties as to uses permitted in the district and/or immediately contiguous district;
  - (4) That the special exception will not result in such property violating any height, lot coverage, building size and/or exterior requirements;
  - (5) That the special exception will not result in such property violating any district parking space regulations and/or tree preservation requirements;
  - (6) That the special exception will not result in such property being incompatible with other properties within the zoning district;
  - (7) That the conditions provided for in subsection (e) have been satisfied; and
  - (8) That any accessory building allowed under this subsection shall be neither larger than 500 square feet nor taller than 16 feet from the lowest grade point of such building.
- (e) *Conditions and guarantees.* Prior to the granting of any special exception, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed necessary in its sole discretion to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements

specified in subsection (d) above. When granting a special exception, the Board of Adjustment shall require such evidence and written guarantees as it deems necessary as proof that the property owner has and/or will comply with all conditions stipulated in connection therewith.

- (f) *Effect of denial of application.* If the Board of Adjustment denies a special exception in whole or in part, the property owner must wait at least one year from the date of said denial to make a resubmission under this section.
- (g) *Failure to comply with conditions.* Should a property owner fail to comply with any conditions of the Board of Adjustment in granting a special exception to a property, the City shall seek appropriate enforcement and remedies as stated in Sec. 36-5 of this chapter.

#### Sec. 36-133. - Appeals from the Board of Adjustment.

Any person, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board of the City, may present to a court of record a verified petition as provided by Tex. Local Government Code § 211.011, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the Court within ten days after the filing of the decision in the office of the City Secretary.

#### Sec. 36-134. - Fees.

The Board of Adjustment shall be empowered to assess and collect the fees specified in Appendix A - City of Shavano Park Fee Schedule to defray administrative costs. Such fees shall be deposited with the Secretary of the City, for deposit in the General Fund of the City.

## **II CUMULATIVE CLAUSE**

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

## **III SEVERABILITY**

That it is hereby declared to be the intention of the City Council of the City of Shavano

Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

#### **IV PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government.

#### **V EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND APPROVED** on the first reading by the City Council of the City of Shavano Park this the 22nd day of November, 2021.

**PASSED AND APPROVED** on the second reading by the City Council of the City of Shavano Park this the 24th day of January, 2022.

---

**ROBERT WERNER, MAYOR**

Attest:

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**TRISH NICHOLS, CITY SECRETARY**



**Board of Adjustment – November 15, 2022 6:30PM**

**“Positive” Motion Template for granting a Special Exception  
in compliance with City Policy #18**

I Motion to approve the special exception as requested by Brian Mikiten, 121 Wagon Trail, for an exception to Chapter 36, Article V, Sec. 36-132(c)(1)(d) to adjust the rear set-back line from 30 feet to 15 feet as the rear set-back abuts a greenbelt as designed on a plat for the purpose of installing an accessory building as defined by City of Shavano Park Code of Ordinances.

:

- (1) That the special exception will not adversely affect public health, safety, or general welfare.
- (2) That as of the hearing date, it is not foreseeable that the special exception will substantially impair or diminish the presently permitted neighborhood uses, values and enjoyment of neighboring properties.
- (3) That the special exception will not significantly impede the normal and orderly development and/or improvement of surrounding properties as to uses permitted in the district and/or immediately contiguous district.
- (4) That the special exception will not result in such property violating any height, lot coverage, building size and/or exterior requirements.
- (5) That the special exception will not result in such property violating any district parking space regulations and/or tree preservation requirements.
- (6) That the special exception will not result in such property being incompatible with other properties within the zoning district.

(7) The Board of Adjustment believes the property owner has and/or will comply with all conditions and restrictions stipulated by the Board on the granting of this special exception as per Sec. Sec. 36-132(c)(1)(d)). **(If applicable)**

(8) ~~That any accessory building allowed under this subsection shall be neither larger than 500 square feet nor taller than 16 feet from the lowest grade point of such building,~~ N/A

**AGENDA**  
**NOTICE OF MEETING OF THE BOARD OF ADJUSTMENT OF**  
**SHAVANO PARK, TEXAS**

**This notice is posted pursuant to the Texas Open Meetings Act. Notice hereby given that the Board of Adjustment of the City of Shavano Park, Texas will conduct a Regular Meeting on Tuesday, November 15, 2022 6:30 p.m. at 900 Saddletree Court, Shavano Park City Council Chambers.**

The meeting agenda and agenda packet are posted online at [www.shavanopark.org](http://www.shavanopark.org).

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CHAIRMAN ANNOUNCEMENTS**
- 4. CONSENT AGENDA**
  - a. Approval of minutes – June 20, 2022
- 5. SPECIAL EXCEPTION HEARING:** Request by Brian Mikiten of 121 Wagon Trail, Applicant is petitioning the City of Shavano Park Board of Adjustment for granting of a special exception under Chapter 36, Article V, Sec. 36-132(c)(1)(d) to adjust the rear set-back line from 30 feet to 15 feet as the rear set-back abuts a greenbelt as designed on a plat for the purpose of installing an accessory building as defined by City of Shavano Park Code of Ordinances.
  - a. Applicant Presentation
  - b. Staff Presentation
  - c. Comments by Proponents and Opponents
  - d. Applicant Rebuttal
  - e. Question and comments by Board Members
  - f. Deliberation, Action and Board findings
- 6. ADJOURNMENT**

**Accessibility Statement:**

The City of Shavano Park City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in the front and sides of the building. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-447-5400 or TDD 1-800-735-2989.

**Decorum Required:**

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

**Executive Sessions Authorized:** This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**Attendance by Other Elected or Appointed Officials – NOTICE OF POTENTIAL QUORUM:** It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named the Shavano Park Board of Adjustment is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards, of the City Hall of said City of Shavano Park, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on 4th day of November, 2022 at 9:47 a.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

---

**Trish Nichols**  
**City Secretary**

**1. CALL TO ORDER**

Chairman Lyons called the meeting to order at 5:02 p.m.

**2. ROLL CALL**

PRESENT:

Chairman Lyons

Board Member Hartman

Board Member Brame

Board Member Bettac

Board Member Ireland

Alt. Board Member Aleman

ABSENT:

**3. CHAIRMAN ANNOUNCEMENTS:**

No announcements.

**4. CONSENT AGENDA:**

- a. Approval of minutes – November 4, 2021

Board Member Hartman made a motion to approve the minutes as presented.

Board Member Brame seconded the motion.

The motion to approve the November 4, 2021 minutes as presented carried with a unanimous vote.

- b. Approval of minutes – November 10, 2021

Board Member Hartman made a motion to approve the minutes as presented.

Board Member Bettac seconded the motion.

The motion to approve the November 10, 2021 minutes as presented carried with a unanimous vote.

**5. SPECIAL EXCEPTION HEARING:** Request by John Gasko of 102 Lazenby, Applicant is petitioning the City of Shavano Park Board of Adjustment for special exception Chapter 36, Article V, Sec. 36-132(c)(1) to allow the installation of a pool within the approved MXD Site Plan building setback lines.

- a. Applicant Presentation

Ms. Gasko, applicant, presented the request for a variance pursuant to Chapter 36-132(c)(1)

- b. Staff Presentation



City Manager Hill presented staff comments. This included an email from the City Engineer, Christopher Otto, P.E. CFM that calculated the net result difference in storm water runoff as a 0.025 cfs increase during a 100 year storm event.

c. Comments by Proponents and Opponents

(1) City Manager Hill provided the board with an email received from Edsel and Marifi Hesita, 131 Penns Way which described water drainage issues during heavy rains originating from the Pond Hill subdivision. The email stated that their property will be negatively affected by the building of a pool and that they object to the special exception.

(2) Mark Voit, 135 Penns Way spoke to oppose the special exception due to storm water drainage challenges already existing on his property that originate from the Pond Hill subdivision. He noted that the Gasko property, 102 Lazenby, was directly behind his property. Mr. Voit provided photographs to illustrate his points.

d. Applicant Rebuttal

Ms. Gasko stated Lazenby Road was the source of flooding, not her home.

e. Question and comments by Board Members

Board members asked a number of questions regarding the variance request. Discussion occurred and board comments were made.

f. Deliberation, Action and Board findings

Board Member Hartman, make a motion to approve as presented the request by John Gasko of 102 Lazenby, for special exception Chapter 36, Article V, Sec. 36-132(c)(1) to allow the installation of a pool within the approved MXD Site Plan building setback lines.

Board Member Ireland seconded the motion.

The motion to approve the special exception request per Chapter 36, Article V, Sec. 36-132(c)(1) to allow the installation of a pool within the approved MXD Site Plan building setback lines. Carried with the following vote:

Board Member Bettac	AGAINST
Board Member Brame	FOR
Board Member Hartman	FOR
Board Member Ireland	FOR
Chairman Lyons	FOR

**6. ADJOURNMENT**

Board Member Hartman made a motion to adjourn the meeting.  
Board Member Brame seconded the motion.

## Board of Adjustment Meeting Minutes, June 20, 2022

The motion to adjourn carried with a unanimous vote.  
The meeting adjourned at 6:02 p.m.

---

Larry Lyons  
Chairman

---

Trish Nichols  
City Secretary



## CITY OF SHAVANO PARK

### ZONING BOARD OF ADJUSTMENT

900 Saddletree Court, Shavano Park, TX 78231

210-493-3478

#### TO BE COMPLETED BY APPLICANT:

TYPE OF REQUEST: \_\_\_\_\_ VARIANCE \_\_\_\_\_ X SPECIAL EXCEPTION

NAME OF APPLICANT(S): Brian Mikiten  
ADDRESS: 1121 Wagon Trail  
TELEPHONE NUMBER(S): (H) \_\_\_\_\_ (C) 210 863 5245 (B) \_\_\_\_\_  
EMAIL: bmikiten@gmail.com

1. JUSTIFICATION FOR APPLICANT'S ZONING VARIANCE AND/OR SPECIAL EXCEPTION REQUEST:

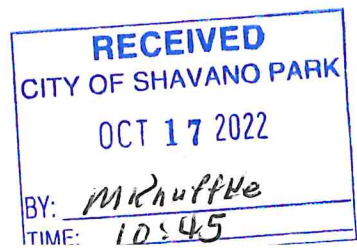
Section 36-132 - Special Exceptions Re: The BOA may grant a Special Exception  
to the rear setback line of 30' to 15' if the rear setback abuts "the following:  
item d. Greenbelts on designated on a plat". The property behind my address is  
obscured by a fence and trees as well as vegetation in the greenbelt. The new  
structure will have little to no visibility to neighboring properties.

2. THE LOCATION AND LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THE ZONING VARIANCE AND/OR SPECIAL EXCEPTION IS:

LOCATION: 1121 Wagon Trail, Shavano Park TX 78231  
LEGAL DESCRIPTION: CB 5938 BLK LOT 210 #C-36053  
LOT SIZE: 1.16 acres

PRESENT IMPROVEMENT(S) ON SAID PROPERTY:

Pool, accessory Building 1, accessory building 2, storage shed.



3. IT IS REQUESTED THAT THE ZONING BOARD OF ADJUSTMENT:

A. GRANT A ZONING VARIANCE OR SPECIAL EXCEPTION TO SECTION Chapter 36, Article VI

B. SUBSECTION Table 1(c)(3) Rear Setback, OF THE CITY ORDINANCE RELATING TO:

<input type="checkbox"/> LOTS	<input type="checkbox"/> ACCESSORY BUILDINGS
<input type="checkbox"/> YARDS	<input type="checkbox"/> VISUAL SCREENS
<input type="checkbox"/> PRINCIPAL BUILDING	<input type="checkbox"/> FENCES
<input type="checkbox"/> OFF-STREET PARKING	<input type="checkbox"/> SIGNS
<input type="checkbox"/> STORAGE	<input type="checkbox"/> SPORTS COURTS
<input type="checkbox"/> POOLS	<input checked="" type="checkbox"/> OTHER Portable Building

4. The applicant believes that the Zoning Board of Adjustment should approve this request for the following reason(s):

The requested special exception will allow for the placement of a temporary storage building in the adjusted set back area. There should be limited to no visual indication of the structure from neighboring properties as it is surround by existing vegetation.

5. Attach a lot survey to scale with all current structures and improvements showing topographical elevations of the property in question; indicating the proposed request, all dimensions of existing structures on the property as well as of the proposed request and building setbacks and easements that may apply to the property under review..

6. Has a previous zoning variance/special exception application been filed? ☐ Yes ☒ No

I hereby certify that the preceding information and my supporting documents submitted herewith are true and accurate to the best of my knowledge.

10/13/2022

Date



Signature of Applicant(s)

Date

Signature of Applicant(s)

NOTE: Zoning Variance/Special Exception Requests because of legal issues may take up to 30-45 days.

For Office Use Only

Permit/Zoning Variance Request No: \_\_\_\_\_

Fee(s) Collected: \$ 350.00

Receipt No.: 10/07/20

Meeting Date Scheduled for: November 15, 2020

Legal Notice Published On: Oct 26th

Revised 2/10/05 mk

City of Shavano Park  
(210) 492-2607

REC#: 00206963 10/17/2022 10:48 AM  
OPER: MK TERM: 014  
REF#: 1158

TRAN: 90.1200 Variance App Fees  
BRIAN MIKITEN  
121 WAGAON TRAIL  
VARIANCE APPLICATIO 350.00CR

TENDERED: 350.00 CHECK  
APPLIED: 350.00-

CHANGE:            0.00



# RECEIPT

DATE 10-17-22

No. 669668

RECEIVED FROM Brian M. Kiten

\$ 350.00

Three Hundred Fifty Dollars TWO — DOLLARS

☐ FOR RENT  
☐ FOR Variance Request - 121 Wagon Trail

ACCOUNT	<u>350</u>	<u>-</u>
PAYMENT	<u>350</u>	<u>-</u>
BAL. DUE		<u>0</u>

- ☐ CASH  
☒ CHECK  
☐ MONEY ORDER  
☐ CREDIT CARD

CK #1158

FROM \_\_\_\_\_ TO \_\_\_\_\_

BY [Signature]

**City of Shavano Park**  
**Residential Building Permit Application**  
*The following MUST be submitted with this application.*

1 Digital copy & 2 complete "bound" sets of plans, and a RES Check, HOA Architectural Board Letter of Approval.

JOB SITE ADDRESS: 121 Wagon Trail CITY: Shavano Park ZIP: 78231  
OWNER: Brian & Joan Mikiten PHONE: 210 863 5245  
COMPANY/CONTRACTOR NAME: Tuff Shed  
CONTACT FOR PROJECT: Brian Mikiten  
CONTRACTOR ADDRESS: Same  
OFFICE: ( ) \_\_\_\_\_ Cell: ( ) \_\_\_\_\_ Email: bmikiten@gmail.com

**PROJECT INFORMATION:**

ENGINEER: \_\_\_\_\_ Phone: \_\_\_\_\_  
DESIGNER: \_\_\_\_\_ Phone: \_\_\_\_\_

**Project Type:** ☐ New Residence\* - \$1.23 / sq. ft. ☐ Accessory Building\* - \$1.23 / sq. ft.  
☐ Addition\* - \$1.23 / sq. ft. ☐ Improvements / Remodels\*\* - \$0.77 / sq. ft.

Total Sq. Footage of Project: \_\_\_\_\_ (New Residence, Accessory Buildings, Additions and Remodels ONLY)

\* Square footage calculation includes all area under roof

\*\* Improvements/Remodels only - square footage calculation includes only areas affected by construction

- ☐ Driveway - \$150 ☐ Patio / Deck - \$150 ☐ Fence - \$100 ☐ Masonry Wall - \$200 ☐ Roof (or re-roof) - \$150  
☐ Pool / Spa - \$600 ☐ Cabana - \$250 ☐ Sports Court - \$250 ☐ Demolition - No cost  
☒ Other - \$100 (Please explain below)

DESCRIPTION OF WORK: \_\_\_\_\_

9x12 Storage Building/Shed

Date of application: 10/14/22

Signature: \_\_\_\_\_

FOR OFFICE USE ONLY

Approved/Denied by: Building Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

Approved/Denied by: City Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Reason for Denial: \_\_\_\_\_

**\*NOTE: FAILURE TO OBTAIN A PERMIT PRIOR TO CONSTRUCTION WILL RESULT IN A DOUBLE PERMIT FEE.**

**\*\*PLAN REVIEW FOR NEW CONSTRUCTION MAY TAKE 10 BUSINESS DAYS.**

**\*\*\*ALL CONTRACTOR'S MUST USE REPUBLIC WASTE DUMPSTER SERVICES.**

Revised - 06/24/19

Plan Review Denied  
10/11/2022 by Reviewer BB



Project description does not match the site plan. Site plan shows new 9X12 shed. Description is for 8X10 shed.

Provide the height of the shed. 8' max for proposed location.  
See A-1 requirement below:

### **Sec. 6-95. - Portable buildings.**

Except in A-1 District, a single unattached portable building (movable) of not more than 200 square feet of area and used for storage only may be erected in the rear yard providing the building is suitably screened from adjacent property, is not used temporarily or permanently as a habitation, and is unattached to a solid foundation. The highest point of the building may not exceed 12 feet from base foundation. No portable building higher than eight feet in height measured from base foundation to the buildings highest point shall be permitted in the building setbacks. In A-1 District no more than two unattached portable buildings as described in this subsection shall be permitted. See [section 36-36\(h\)](#) for these regulations by zoning district. The City of Shavano Park recommends portable buildings to be constructed of light metal, wood, or fiberglass. If a variance or other waiver from any related code, including this chapter, is requested, light metal, wood, or fiberglass construction of the building may be a required condition of approval.

Table No. 1

A-1, A-1 PUD, A-2, A-2 PUD, A-3, A-4 and A-5 PUD  
Single-Family Dwelling Districts

(a) *Specifications.*

A-1, minimum gross floor area: 1,600 square feet;

A-2, A-3, A-4 and A-5 PUD, minimum gross floor area: 1,800 square feet.

(b) *Height regulations.* No building shall exceed two stories in height, excluding basements and attics, and the permitted maximum vertical height shall not exceed 45 feet.

(c) *Area regulations.*

(1) Lot area. All building lots platted or replatted after the effective date of this section shall meet the following minimum lot area requirements:

- a. All building lots in A-1 and A-4 Single-Family Dwelling Districts shall contain not less than 1.00 acre of land.
- b. All building lots in A-2, A-3 and A-5 PUD Single-Family Dwelling Districts shall contain not less than 0.70 acres of land.

(2) Parking spaces. Off-street parking space shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit; however, no automobile storage structure shall be located within the required front yard. For purposes of computing the required number of parking spaces for any improvements, no "parking space" located on public land, such as the public right-of-way of a street or alley, shall be included, except for parking in a utility or drainage easement area, whether public or private.

(3) Setback lines for A-1, A-3, A-4 and A-5 PUD Single-Family Dwelling Districts.

- a. Front setbacks - 80 feet. The front setback on corner lots shall be measured from and apply only to the street from which the residence address is assigned.
- b. Side setbacks - 30 feet.
- c. Rear setbacks - 30 feet.

(4) Setback lines for A-1 PUD (Huntington) Single Family Dwelling Planned Unit Development District (established by Ordinance 100-03-02):

- a. Front setbacks - 60 feet. The front setback on corner lots shall be measured from and apply only to the street from which the residence address is assigned.
- b. Side setbacks - 25 feet.
- c. Rear setbacks - 30 feet.

(5) Setback lines for A-2 and A-2 PUD Single-Family Dwelling Districts.

- a. Front setbacks:
  1. Rectangular lots - 56 feet.



Sec. 36-132. - Special exceptions.

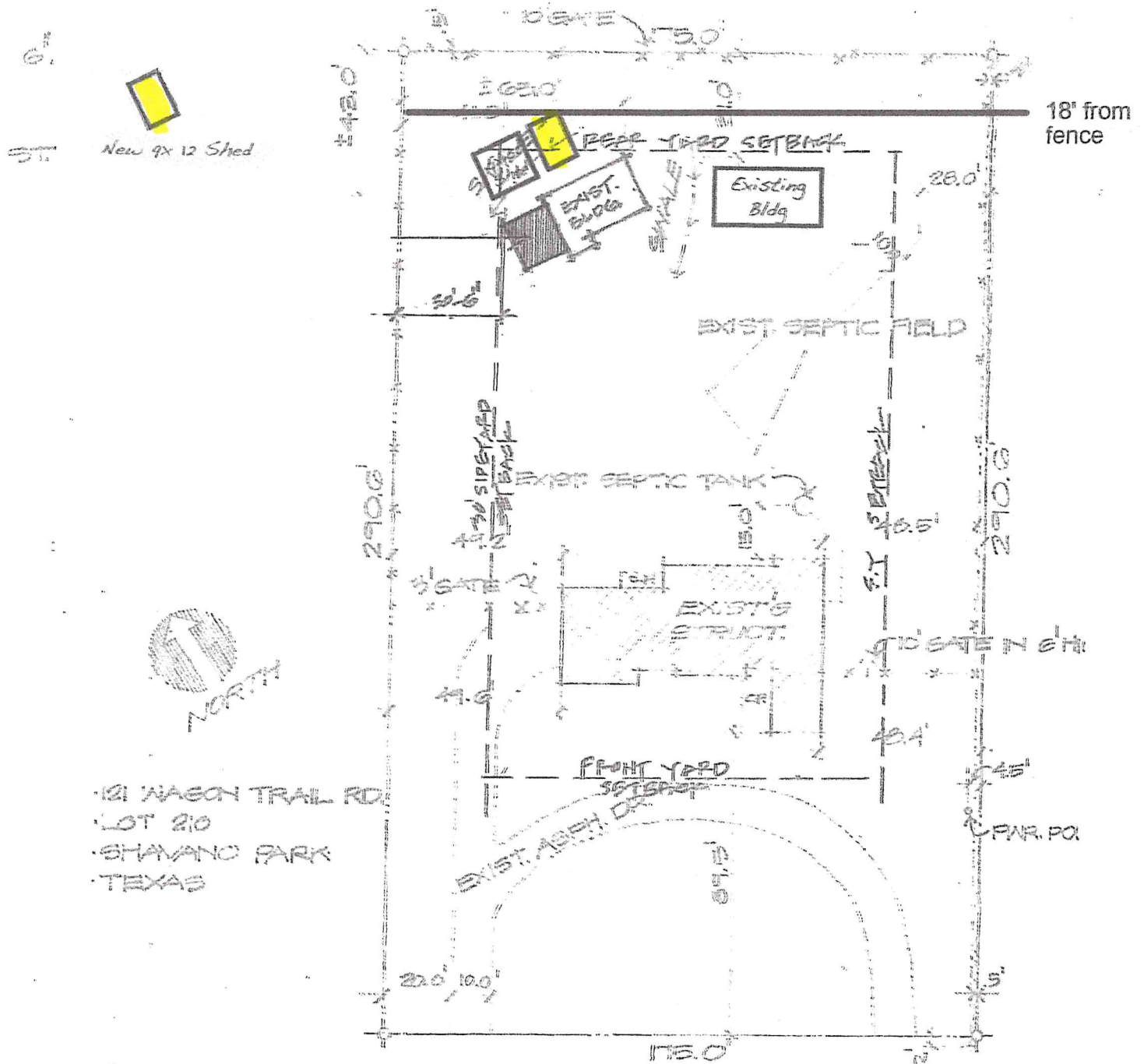
- (a) *Applications for special exception.* All applications for special exceptions from the terms of the chapter shall be in writing and shall specify the facts involved, the special exception desired and grounds therefore. The property owner shall file such application with the City Secretary who, after investigation by the City Manager or his designee(s), shall transmit such application together with a report to the Board of Adjustment within 60 days after receipt. The non-refundable fee for an application shall be the same as the fee for an application for variance or as described in Appendix A - City of Shavano Park Fee Schedule.
- (b) *Hearings on applications for special exceptions.* The Board of Adjustment shall fix a reasonable time for the hearing of all applications for special exceptions, give public notice thereof, as well as due notice to all persons entitled to notice under section 36-130, and such hearing shall be held within 90 days after receipt of the City Manager's report. At each hearing, any person may appear in person or by agent or by attorney.
- (c) *Granting special exceptions.* The Board of Adjustment may grant special exceptions to the side and rear setbacks provided for under this chapter and solely in accordance with the following:
  - (1) Reduce the side or rear setbacks requirements in all single family residential zoning districts and all single family residential planned unit development zoning districts by up to 50 percent if the application satisfies the conditions provided for in subsections (d) and (e) and the side or rear setback in question abuts the following:
    - a. The streets of N.W. Military, and DeZavala;
    - b. City of San Antonio zoning districts;
    - c. O-1, B-1 or B-2 zoning districts; or
    - d. Greenbelts as designated on a plat.
- (d) *Conditions for granting special exceptions.* If the Board of Adjustment finds that all of the conditions in this subsection have been satisfied, the Board of Adjustment may approve the special exception application. This subsection's conditions are as follows:
  - (1) That the special exception will not endanger public health, safety, or general welfare;
  - (2) That the special exception will not be materially detrimental to public health, safety, or general welfare;
  - (3) That as of the hearing date, it is not foreseeable that the special exception will substantially impair or diminish the presently permitted neighborhood uses, values and enjoyment of neighboring properties;
  - (4) That the special exception will not significantly impede the normal and orderly development and/or improvement of surrounding properties as to uses permitted in the district and/or immediately contiguous district;
  - (5) That the special exception will not result in such property violating any height, lot coverage, building size and/or exterior requirements;
  - (6) That the special exception will not result in such property violating any district parking space regulations and/or tree preservation requirements;
  - (7) That the special exception will not result in such property being incompatible with other properties within the zoning district;
  - (8) That the conditions provided for in subsection (e) have been satisfied; and



(9) That any accessory building allowed under this subsection shall be neither larger than 500 square feet nor taller than 16 feet from the lowest grade point of such building.

- (e) *Conditions and guarantees.* In order to protect the public health, safety and general welfare of the community and prior to the granting of any special exception, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed necessary in its sole discretion to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in subsection (d) above. When the Board of Adjustment grants a special exception, the Board of Adjustment shall require such evidence and written guarantees as it deems necessary as proof that the property owner has and/or will comply with all conditions stipulated in connection therewith.
- (f) *Effect of denial of application.* If the Board of Adjustment denies a special exception in whole or in part, the property owner must wait at least one year from the date of said denial to make a resubmission under this section.
- (g) *Failure to comply with conditions.* Should a property owner fail to comply with any conditions of the Board of Adjustment in granting a special exception to a property, the City shall seek appropriate enforcement and remedies as stated in section 36-5 of this chapter.

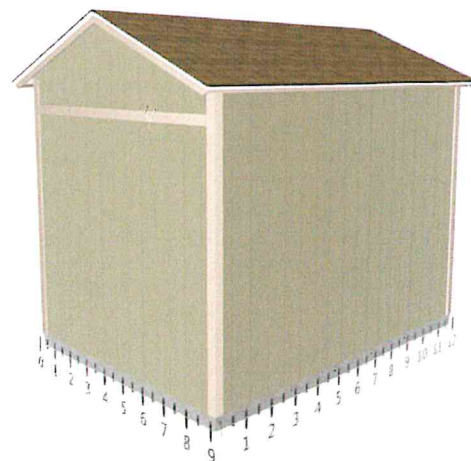
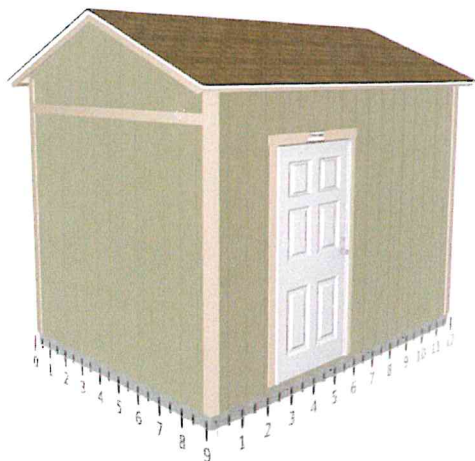
( Ord. No. 0-2016-008, § I, 7-25-2016; Ord. No. 0-2017-022, § I, 11-27-2017)



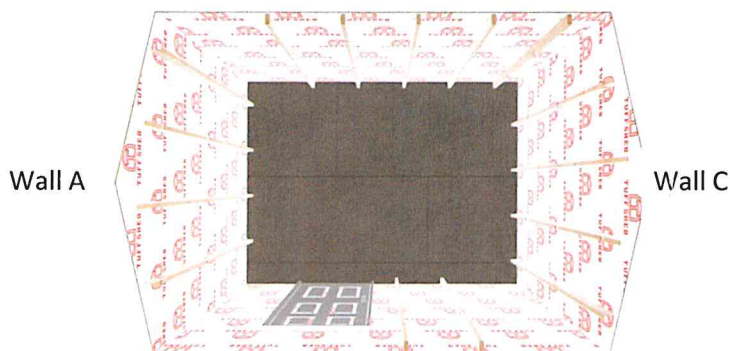
# 121 WAGON TRAIL ROAD SITE PLAN



Brian Mikiten  
121 Wagon Trail  
Shavano Park TX 78231  
Q-1862388



Wall D



Wall B

### Base Details

#### Building Size & Style

Premier Tall Ranch - 9' wide by 12' long

#### Paint Selection

Base: Olive Sprig, Trim: Almond  
Brittle, Accent (Doors): Delicate White

#### Roof Selection

Golden Cedar 3 Tab

#### Drip Edge

White

#### Is a permit required for this job?

No, If local jurisdiction requires a permit, fees will be added before installation can take place

### Options Details

#### Doors

6-Panel Residential Door (Left Hand Inswing),

#### Walls

382 Sq Ft House Wrap  
42 Lin Ft Wall Height - 1' increase from standard

#### Roof

141 Sq Ft Roof - 5/12 Roof Pitch Upgrade  
18 Lin Ft 6" Gable EW Eave Upgrade

### Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

Yes

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Dirt/Gravel

0DA77F69224B4BD

Signature:

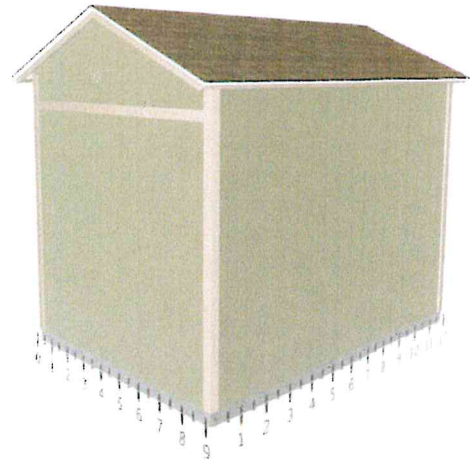
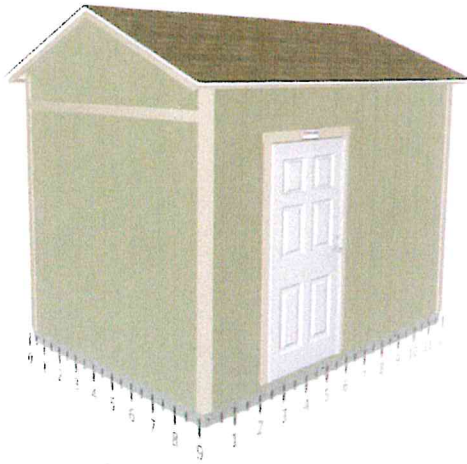
Brian Mikiten

DocuSigned By: Brian Mikiten

Date: 10/13/2022

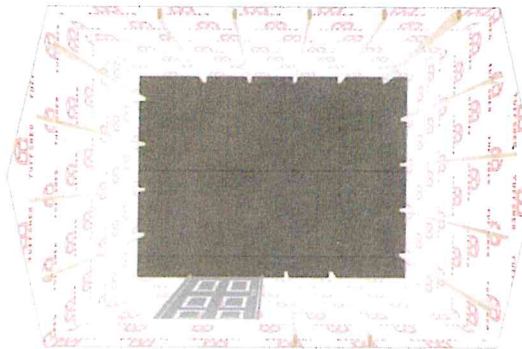

**TUFF SHED®**

Brian Mikiten  
121 Wagon Trail  
Shavano Park TX 78231  
Q-1862388



Wall D

Wall A



Wall C

Wall B

### Base Details

#### **Building Size & Style**

Premier Tall Ranch - 9' wide by 12' long

#### **Paint Selection**

Base: Olive Sprig, Trim: Almond  
Brittle, Accent (Doors): Delicate  
White

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Golden Cedar 3 Tab

#### **Drip Edge**

White

#### **Is a permit required for this job?**

No, If local jurisdiction requires a permit, fees will be added before installation can take place

### Options Details

#### **Doors**

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Inswing),

#### **Walls**

382 Sq Ft House Wrap  
42 Lin Ft Wall Height - 1' increase from  
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141 Sq Ft Roof - 5/12 Roof Pitch  
Upgrade  
18 Lin Ft 6" Gable EW Eave Upgrade

### Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

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Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Dirt/Gravel

Signature:

0DA77F69224B4BD  
Brian Mikiten  
DocuSigned By: Brian Mikiten

Date: 10/13/2022



VARIABLE WIDTH DRAINAGE, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, WATER AND SANITARY SEWER EASEMENT TO EXPIRE UPON INCORPORATION INTO PLATTED STREET.

10' DRAINAGE EASEMENT  
(VOLUME 9621, PAGES 191-192 DPR)  
VARIABLE WIDTH DRAINAGE EASEMENT  
(VOLUME 9571, PAGES 34-36 DPR)

3) VARIABLE WIDTH DRAINAGE EASEMENT  
3) 15' DRAINAGE AND ACCESS EASEMENT  
3) 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT



## SHEET INDEX

NOT-TO-SCALE

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	250.00'	32.4018"	N73°25'25"E	140.63'	142.56'
C2	414.00'	55.1021"	N62°10'17"E	383.43'	398.66'
C3	30.00'	89°25'22"	S10°07'34"E	42.21'	46.82'
C4	384.50'	18°26'53"	S64°03'42"E	123.27'	123.80'
C5	581.95'	04°43'00"	S73°57'04"E	47.89'	47.91'
C6	365.24'	29°37'16"	S87°41'00"E	186.73'	188.82'
C7	385.00'	36°50'52"	N83°40'13"W	243.35'	247.60'
C8	15.00'	77°54'21"	S38°57'11"W	18.86'	20.40'
C9	15.00'	106°36'54"	N53°18'22"W	24.06'	27.91'
C10	815.00'	25°38'55"	S86°12'33"W	361.80'	364.84'
C11	15.00'	99°02'01"	S49°31'01"W	22.82'	25.93'
C12	15.00'	81°48'58"	N40°54'29"W	19.65'	21.42'
C13	785.00'	17°54'30"	S89°13'47"W	244.36'	245.36'
C14	516.00'	03°33'05"	S46°44'01"E	31.98'	31.98'

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C49	15.00'	76°41'55"	S55°44'29"W	18.61'	20.08'
C50	384.00'	51°10'58"	S08°11'57"E	331.74'	343.03'
C51	416.00'	27°30'00"	S20°02'26"E	197.75'	199.67'
C52	416.00'	15°00'00"	S01°12'34"W	108.60'	108.91'
C53	159.00'	60°00'00"	S21°17'26"E	159.00'	166.50'
C54	516.00'	02°46'53"	S45°54'00"E	25.05'	25.05'
C55	484.00'	02°46'53"	N49°54'00"W	23.49'	23.50'
C56	191.00'	60°00'00"	N21°17'26"W	191.00'	200.01'
C57	384.00'	15°00'00"	N01°12'34"E	100.24'	100.53'
C58	384.00'	27°30'00"	N20°02'26"W	182.54'	184.31'
C59	416.00'	51°10'58"	N08°11'57"W	359.38'	371.62'
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C61	466.00'	18°18'24"	N69°15'40"W	148.26'	148.89'
C62	185.00'	25°02'28"	N72°37'42"W	80.21'	80.85'

LINE TABLE

LINE	BEARING	LENGTH
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L62	N04°00'25"E	43.34'
L65	N32°01'43"E	44.08'
L66	S44°44'58"E	59.66'
L67	S41°04'11"E	98.90'
L68	S13°18'19"E	71.77'
L69	S33°55'21"W	67.63'
L71	S22°00'09"W	30.00'
L72	S41°29'27"W	32.00'
L73	N12°35'03"E	11.23'
L74	N77°24'57"W	50.00'
L75	N12°35'03"E	30.56'
L76	S11°06'28"E	32.00'
L77	N86°05'40"E	20.00'

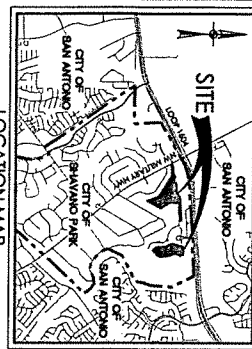




PI2-20120176811-1

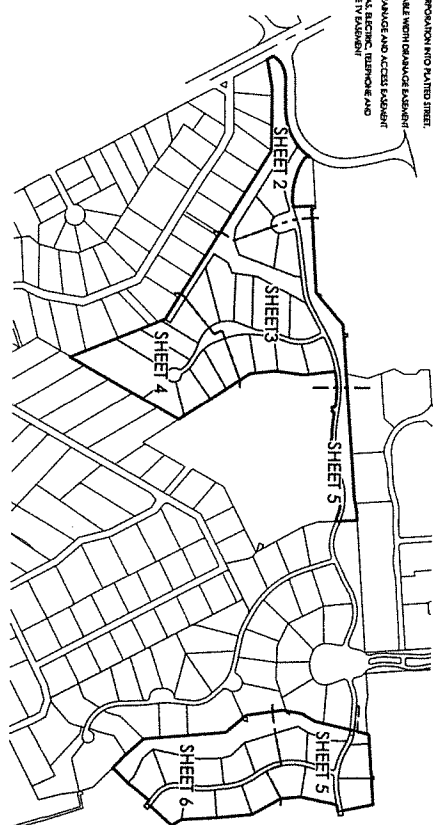
Book 9645 Page 172 1pgs

Doc# 20120176811 Fees: \$72.00  
09/12/2012 10:59AM # Pages: 1  
Filed & Recorded in the Official  
Public Records of BEXAR COUNTY  
GERARD C. RICKHOFF COUNTY CLERK



## LEGEND

- [illegible]



**SHEET INDEX**

[illegible]

**SHEET 1 OF 4**

[illegible][illegible]

SUBDIVISION PLAT  
OF  
SHAVANO PARK, UNIT-19C  
PHASE II

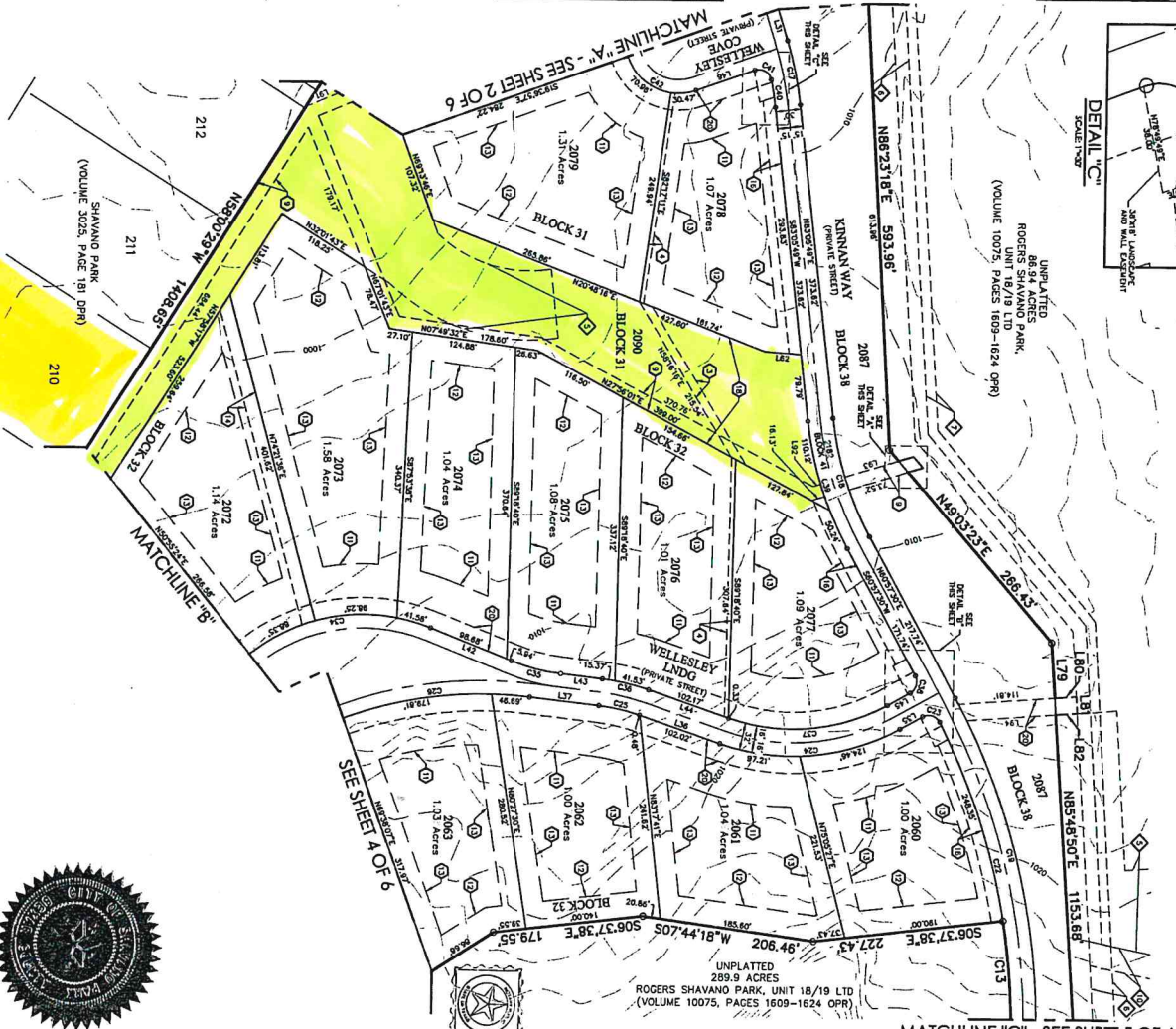
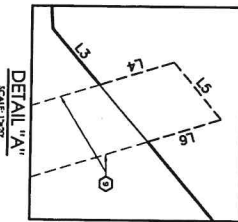
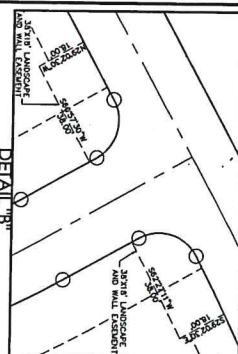
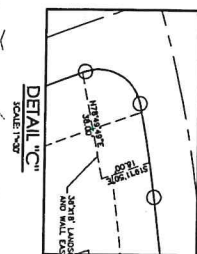
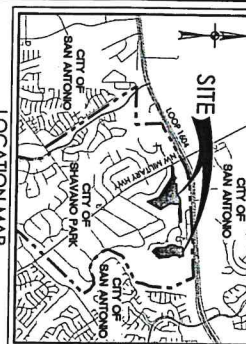


RECORDER'S MEMORANDUM  
AT THE TIME OF RECORDATION, THIS  
INSTRUMENT WAS FOUND TO BE INADEQUATE  
FOR THE BEST PHOTOGRAPHIC REPRODUCTION  
BECAUSE OF ILLEGIBILITY, CARBON OR  
PHOTO COPY, DISCOLORED PAPER ETC.

PI2-20120176813-1

Book 9645 Page 174 1pgs

Doc# 20120176813 Fees: \$72.00  
09/12/2012 10:59AM # Pages 1  
Filed & Recorded in the Official  
Public Records of BEXAR COUNTY  
GERARD C. RICKHOFF COUNTY CLERK



**NOTE:**  
SEE SHEET 1 OF 6 FOR LEGEND  
CURVE AND LINE TABLE.

MATCHLINE "C" - SEE SHEET 5 OF 6

SUBDIVISION PLAT  
OF  
SHAVANO PARK, UNIT-19C  
PLAT 211

SCALE: 1" = 100'

0' 100' 200' 300'



**PAPE-DAWSON**  
**ENGINEERS**

TYPE / PLAN RESTORATION / V10

555 EAST MAUKEY  
1504 AIRBORNE, TEXAS 76181

DATE OF PRINT: July 27, 2012

PHYS: 10-27-2009  
PWS: 210-27-2009

[illegible]

THE PLAN OF SHAYANO PARK, UNIT 17C, PHASE II HAS BEEN SUBMITTED TO A  
CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY  
SHAYANO PARK, TIDAL, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING  
COMMISSION.  
DATE: THE 15<sup>TH</sup> DAY OF September A.D. 20 12

THIS PLAN OF SHAWAND PARK, LINE 100, PHASE B, HAS BEEN SUBMITTED TO AN  
CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAWAND PARK, TEXAS, AND  
HEREBY APPROVED BY SUCH CITY COUNCIL.  
DATE: THE 25<sup>TH</sup> DAY OF September A.D. 2012

STATE OF TEXAS  
COUNTY OF BEXAR  
I, Genard Reihoff, COUNTY CLERK OF BEXAR COUNTY, DO HEREBY  
CERTIFY THAT THE PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 12th DAY  
OF September, A.D. 1922, AND DATE RECEIVED THEREOF  
WAS 10:53 AM.  
CITY CLERK

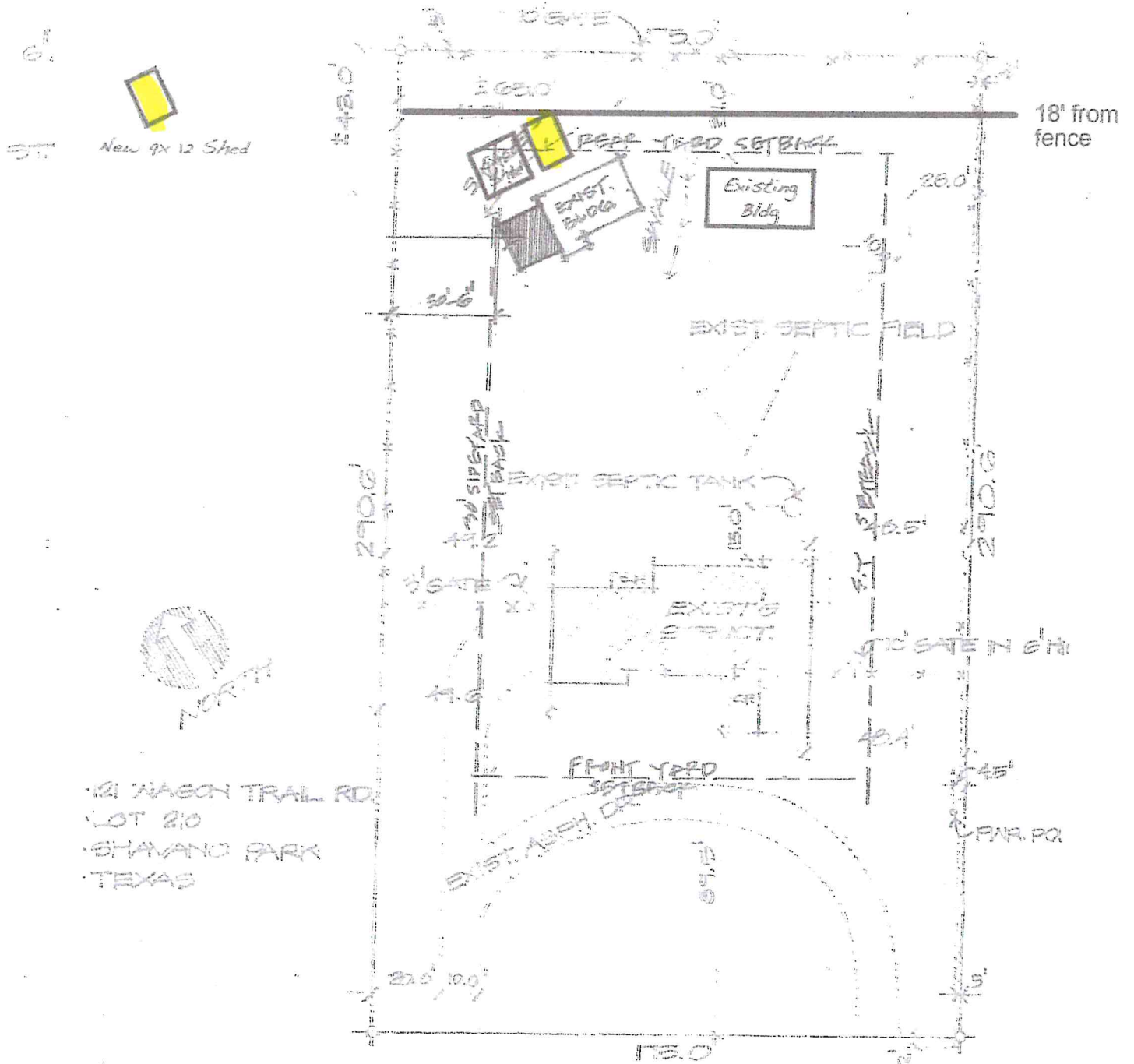
**SHEET 3 OF 4**

Civil Job No. 7118-25; Survey Job No. 7118-25 M&B

SHAVANO PARK, UNIT-19C PHASE II

Date: Jul 27, 2012, 2:14pm User ID:  
File: P:\71\18\25\Design\Civil\Plot\PL711825.dwg





121 WAGON TRAIL ROAD.  
SITE PLAN

## ZONING VARIANCE PROCEDURE CHECKLIST

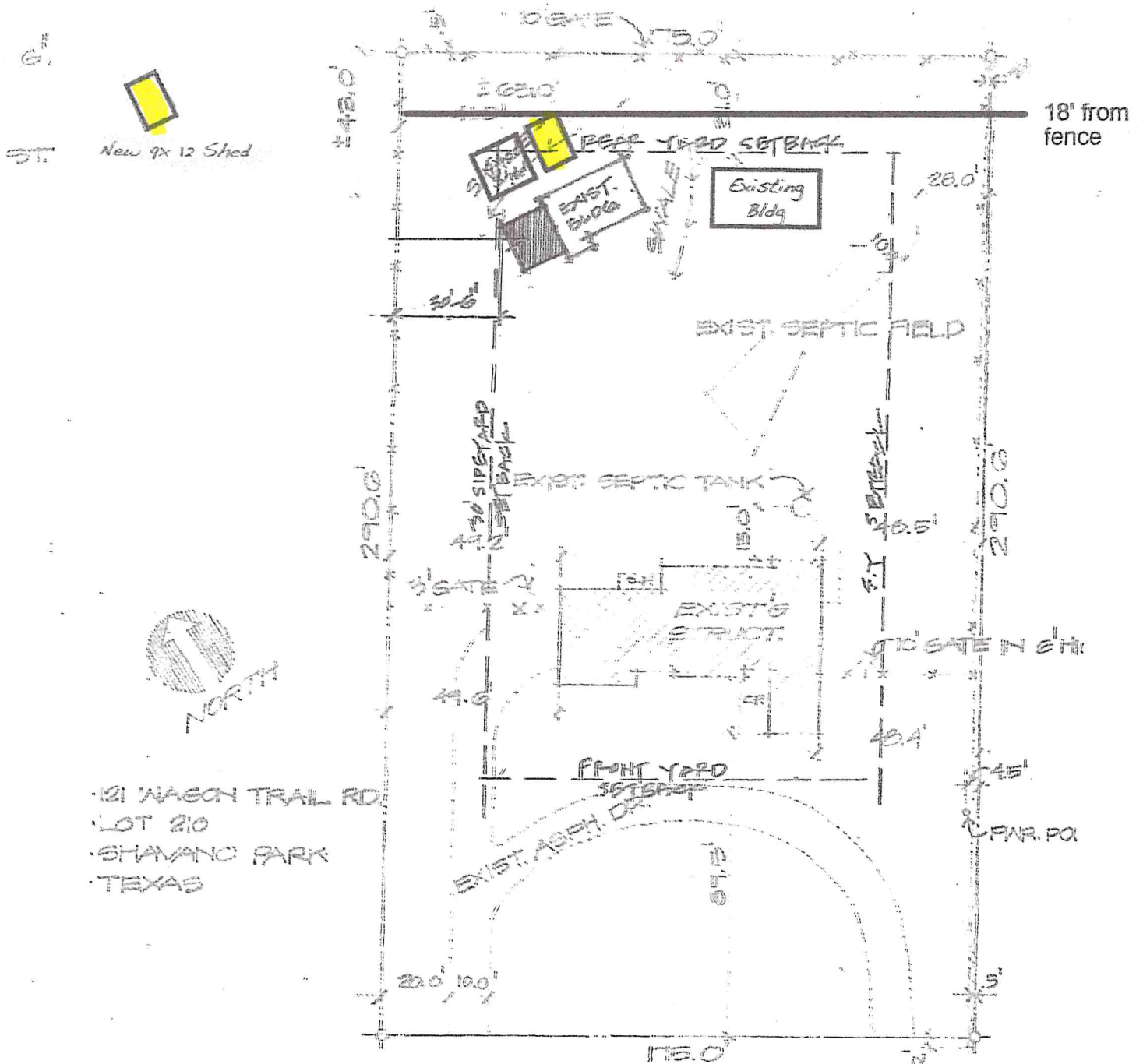
**Applicant's Name:** Brian Mikiten  
**Applicant's Address:** 121 Wagon Trail  
**Application Received On:** \_\_\_\_\_

### DATE COMPLETED

1. Building Permit is applied for and all paperwork is submitted to the Building Inspector for review, approval or denial. 10/07/2022
2. Building Inspector reviews plans and determines if plans meet requirements of the City of Shavano Park Code of Ordinances and either approves or denies the permit. 10/11/2022  
Deny
3. If the Building Inspector denies the permit, the section and reason for the denial Must be on the Variance/Special Request form. 10/11/2022
4. If the permit is denied, the applicant is given a Zoning Board of Adjustments Variance/Special Request form to be filled out and returned with a \$350.00 (non-refundable) variance fee, a lot survey to scale with all current structures and improvements showing topographical elevations. 10/14/2022
5. Verification that all pertinent information has been received.  

Permit <u>✓</u>	Denial <u>✓</u>	Variance Request form <u>✓</u>
Variance Fee <u>✓</u>	Survey <u>✓</u>	Section/Reason for denial <u>✓</u>

10/14/22 ml
6. Permit Clerk prepares a file and gives it to the City Secretary. The City Secretary Contacts the Board of Adjustments Chair to set a public hearing date. 10/17/22
7. Compiles names and addresses of property owners within 200 feet of the requestor's Property and mails out notification of the hearing date. 10/20/22
8. City Secretary sends out notification of public hearing to City's paper of record to be published once a week for two consecutive weeks. 10/26/22
9. City Secretary prepares agenda for hearing and posts according to state law Requirements. 10/27/22
10. City Secretary notifies the applicant and permit department of the results in writing And keeps original material as permanent record. \_\_\_\_\_

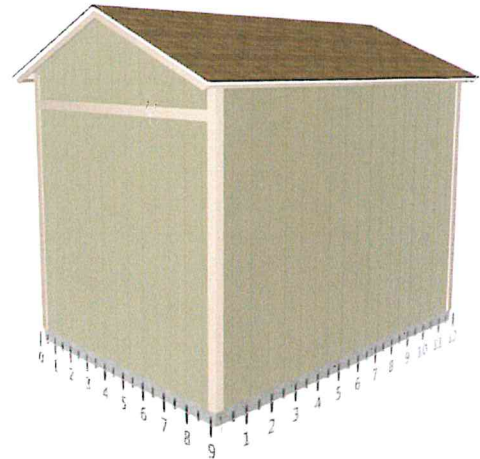
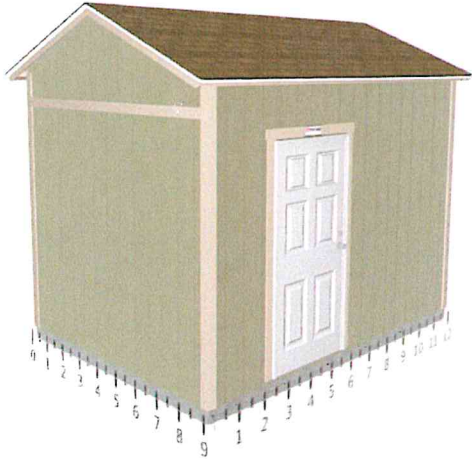


# 121 WAGON TRAIL ROAD SITE PLAN

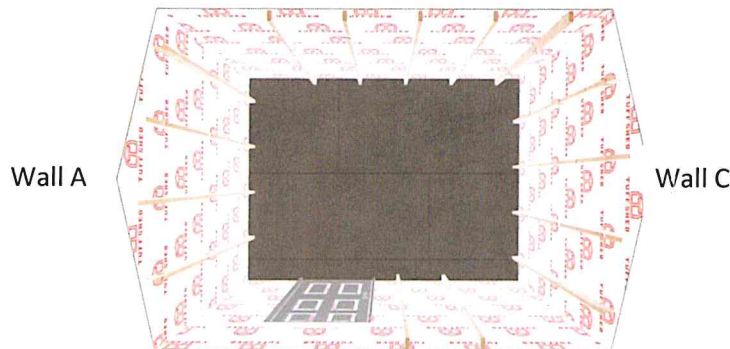




Brian Mikiten  
121 Wagon Trail  
Shavano Park TX 78231  
Q-1862388



Wall D



Wall B

### Base Details

#### Building Size & Style

Premier Tall Ranch - 9' wide by 12' long

#### Paint Selection

Base: Olive Sprig, Trim: Almond  
Brittle, Accent (Doors): Delicate White

#### Roof Selection

Golden Cedar 3 Tab

#### Drip Edge

White

#### Is a permit required for this job?

No, If local jurisdiction requires a permit, fees will be added before installation can take place

### Options Details

#### Doors

6-Panel Residential Door (Left Hand Inswing),

#### Walls

382 Sq Ft House Wrap  
42 Lin Ft Wall Height - 1' increase from standard

#### Roof

141 Sq Ft Roof - 5/12 Roof Pitch Upgrade  
18 Lin Ft 6" Gable EW Eave Upgrade

### Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

Yes

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Dirt/Gravel

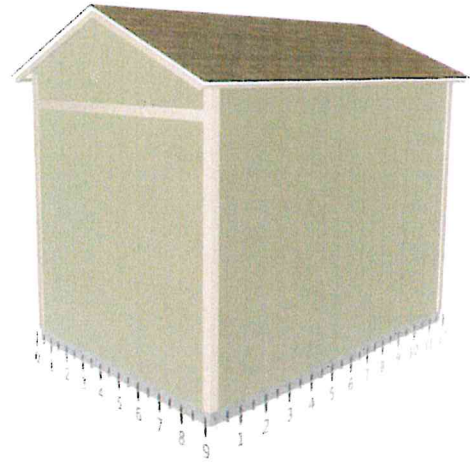
Signature:

0DA77F69224B4BD  
Brian Mikiten  
DocuSigned By: Brian Mikiten

Date: 10/13/2022

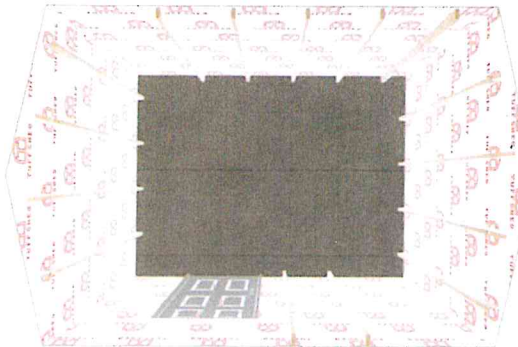

**TUFF SHED**

Brian Mikiten  
121 Wagon Trail  
Shavano Park TX 78231  
Q-1862388



Wall D

Wall A



Wall C

Wall B

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0DA77F69224B4BD  
Brian Mikiten  
DocuSigned By: Brian Mikiten

Date: 10/13/2022



⑦ VARIABLE WIDTH DRAINAGE, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, WATER AND SANITARY SEWER EASEMENT TO EXPIRE UPON INCORPORATION INTO PLATTED STREET.

③ VARIABLE WIDTH DRAINAGE EASEMENT  
③ 15' DRAINAGE AND ACCESS EASEMENT  
③ 20' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT

⑩ 15' DRAINAGE EASEMENT  
⑩ (VOLUME 9621, PAGES 191-192 DPR)  
⑩ VARIABLE WIDTH DRAINAGE EASEMENT  
⑩ (VOLUME 9571, PAGES 34-36 DPR)



CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	250.00'	32°40'18"	N73°25'25"E	140.63'	142.56'
C2	414.00'	55°10'21"	N62°10'17"E	383.43'	398.66'
C3	30.00'	89°25'22"	S100°7'34"E	42.21'	46.82'
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L76	S11°06'28"E	32.00'
L77	N86°05'40"E	20.00'

**SHEET INDEX**  
NOT-TO-SCALE







- (1) Exception will not adversely affect public health, safety, or general welfare;

*A: There is no impact on public health, safety or general welfare as a result of this project.*

- (2) That as of the hearing date, it is not foreseeable that the special exception will substantially impair or diminish the presently permitted neighborhood uses, values and enjoyment of neighboring properties;

*A: This project will have no impact on any of the neighboring properties as it is both not seen due to tree and brush cover but is also designed to be temporary in nature and not on a slab.*

- (3) That the special exception will not significantly impede the normal and orderly development and/or improvement of surrounding properties as to uses permitted in the district and/or immediately contiguous district;

*A: The project will have no impact on normal and orderly development or improvement of surrounding properties. The project is located within the boundary of the property and an established greenbelt.*

- (4) That the special exception will not result in such property violating any height, lot coverage, building size and/or exterior requirements;

*A: The project is a 9' x 12' building (108 sq ft) with a height of approximately 11' at the peak and within all required size limitations.*

- (5) That the special exception will not result in such property violating any district parking space regulations and/or tree preservation requirements;

*A: There will be no changes to the existing parking and no tree preservation requirements will be violated.*

- (6) That the special exception will not result in such property being incompatible with other properties within the zoning district;

*A: There is no project impact that will affect other properties in the zoning district.*

- (7) That the conditions provided for in subsection (e) have been satisfied; and

*A: The project is in full compliance with subsection (e).*

- (8) That any accessory building allowed under this subsection shall be neither larger than 500 square feet nor taller than 16 feet from the lowest grade point of such building.

*A: The building will be 9'x12' and approximately 11' in height above the lowest grade point. Total square footage is 108 sq ft.*

(e) Conditions and guarantees. Prior to the granting of any special exception, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed necessary in its sole discretion to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in subsection (d) above. When granting a special exception, the Board of Adjustment shall require such evidence and written guarantees as it deems necessary as proof that the property owner has and/or will comply with all conditions stipulated in connection therewith.



## ZONING VARIANCE PROCEDURE CHECKLIST

Applicant's Name: Brian Mikitem  
Applicant's Address: 121 Wagon Trail  
Application Received On: 10/17/2022

### DATE COMPLETED

1. Building Permit is applied for and all paperwork is submitted to the Building Inspector for review, approval or denial. 10/07/2022
2. Building Inspector reviews plans and determines if plans meet requirements of the City of Shavano Park Code of Ordinances and either approves or denies the permit. 10/11/2022  
Deny
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5. Verification that all pertinent information has been received.  

Permit <u>✓</u>	Denial <u>✓</u>	Variance Request form <u>✓</u>
Variance Fee <u>✓</u>	Survey <u>✓</u>	Section/Reason for denial <u>✓</u>

10/14/22 MR
6. Permit Clerk prepares a file and gives it to the City Secretary. The City Secretary Contacts the Board of Adjustments Chair to set a public hearing date. 10/17/22
7. Compiles names and addresses of property owners within 200 feet of the requestor's Property and mails out notification of the hearing date. 10/20/22
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10. City Secretary notifies the applicant and permit department of the results in writing And keeps original material as permanent record. \_\_\_\_\_

owner_nar	addr_line2	addr_city	addr_state	addr_zip	legal_desc	situs
MIKITEN F	121 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 121 WAGON TRAIL RD SHAVANO	F
BELMARES	123 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 123 WAGON TRAIL RD SHAVANO	F
HERNANDE	125 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 125 WAGON TRAIL RD SHAVANO	F
LEHMANN	118 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 118 WAGON TRAIL RD SHAVANO	F
MASTERS F	120 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 120 WAGON TRAIL RD SHAVANO	F
2438 FREEI	PO BOX 78	SAN ANTO	ITX	78278-000	CB 5938 B 122 WAGON TRAIL RD SHAVANO	F
JAROS DAV	124 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 124 WAGON TRAIL RD SHAVANO	F
HERNANDE	119 WAGO	SHAVANO	ITX	78231-124	CB 5938 B 119 WAGON TRAIL RD SHAVANO	F
TURULLOS	117 WAGO	SAN ANTO	ITX	78231	CB 5938 B 117 WAGON TRAIL RD SHAVANO	F
HUNTINGT	P O BOX 8C	DALLAS	TX	75380-355	CB 4782E (POND HILL RD SHAVANO PARK, TX	
RUNGE ERI	203 WELLE	SHAVANO	ITX	78231	CB 4782E (203 WELLESLEY LNDG SHAVANO P	
MEDARAM	2922 IVOR	SAN ANTO	ITX	78258	CB 4782E (WELLESLEY LNDG SHAVANO PARK,	
YOUNG RO	103 WELLE	SAN ANTO	ITX	78231	CB 4782E (WELLESLEY LNDG SHAVANO PARK,	
HUNTINGT	3216 NAPI	SHAVANO	ITX	78231	CB 4782E (111 WELLESLEY LNDG SHAVANO P	
FISCHER JE	115 WELLE	SHAVANO	ITX	78231-226	CB 4782E (115 WELLESLEY LNDG SHAVANO P	

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ARK, TX 78231



October 25, 2022

Dear Property Owner:

You are receiving this notice pursuant to Section 36.130 of the City of Shavano Park's Code of Ordinances; your property lies within 200 feet of any given point of the lot or portion thereof, on which a special exception request is desired.

SPECIAL EXCEPTION REQUEST

The Board of Adjustment of the City of Shavano Park has set a Public Hearing at the City of Shavano Park City Hall, 900 Saddletree Court, Shavano Park, TX 78231, on **November 15, 2022 at 6:30 p.m.**, for the purpose of considering the application for the following special exception request:

NAME OF APPLICANT:

Brian Mikiten

LOCATION:

121 Wagon Trail  
Shavano Park, TX 78231

Applicant is petitioning the City of Shavano Park Board of Adjustment for granting of a Special Exception under Chapter 36, Article V, Sec. 36-132(c)(1)(d) to adjust the rear set-back line from 30 feet to 15 feet as the rear set-back abuts a greenbelt as designed on a plat for the purpose of installing an accessory building as defined by City of Shavano Park Code of Ordinances.

**NEWSPAPER NOTICE - PUBLISHED Oct 26, 2022**

**PUBLIC HEARING**

The Board of Adjustment of the City of Shavano Park has set a Public Hearing at the City of Shavano Park City Hall, 900 Saddletree Court, Shavano Park, TX 78231, on November 15, 2022 at 6:30 p.m. for the purpose of considering the application for the following Special Exception:

**NAME OF APPLICANT:**

by Brian Mikiten

**LOCATION:**

121 Wagon Trail  
Shavano Park, TX 78231

Applicant is petitioning the City of Shavano Park Board of Adjustment for granting of a special exception under Chapter 36, Article V, Sec. 36-132(c)(1)(d) to adjust the rear set-back line from 30 feet to 15 feet as the rear set-back abuts a greenbelt as designed on a plat for the purpose of installing an accessory building as defined by City of Shavano Park Code of Ordinances.



**ORDINANCE NO. O-2021-014**

**AN ORDINANCE AMENDING CHAPTER 36 – ZONING OF THE CITY OF SHAVANO PARK CODE OF ORDINANCES TO COMPLY WITH H.B. 1475 OF THE 87TH TEXAS LEGISLATURE WHICH CHANGES BOARD OF ADJUSTMENT AUTHORITY RELATED TO VARIANCES AND GIVES ADDITIONAL OBJECTIVE GROUNDS FOR WHICH A VARIANCE FROM A MUNICIPAL ZONING ORDINANCE MAY BE GRANTED; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS,** the 87th Texas Legislature passed House Bill 1475 which changes Board of Adjustment authority related to variances and gives additional objective grounds for which a variance from a municipal zoning ordinance may be granted and the City of Shavano Park (the "City") City Council seeks to ensure compliance with House Bill 1475; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or policy regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning; and

**WHEREAS,** the City seeks to amend the Zoning Ordinance, Chapter 36 (this "Ordinance"); and

**WHEREAS,** this Ordinance must be amended to comply with House Bill 1475; and

**WHEREAS,** after notice and hearing required by law, a public hearing was held before the Shavano Park Zoning and Planning Commission on October 6, 2021 to consider the proposed amendments and the Zoning and Planning Commission recommended approval of the proposed amendments; and

**WHEREAS,** after public hearing held by the City Council on November 22, 2021 the City Council voted to approve Ordinance O-2021-014; and

**WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of the City of Shavano Park to adopt an ordinance amending Chapter 36 – Zoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:**

**I**

**CODE AMENDMENT**

Chapter 36, Article V. – BOARD OF ADJUSTMENT of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

**ARTICLE V. - BOARD OF ADJUSTMENT**

Sec. 36-122. - Organization.

There is hereby created a Board of Adjustment consisting of five members who are citizens of the City and who are not members of the City Council or the Planning & Zoning Commission, and who shall be appointed as described in Chapter 2, Article IV, Sec. 2-87. Positions shall exist for a term of two years, beginning on October 1 of each odd numbered year and ending on May 31 of the next succeeding odd-numbered year and continuing thereafter. Board members may be removable for cause by the City Council upon a written charge and after public hearing. The City Council shall confirm four alternate members of the Board of Adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the Mayor. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four members. All alternate members, when appointed, shall serve for the duration of the same term defined in this section for the regular members, and any vacancy shall be filled in the same manner and shall be subject to removal as the regular members.

Sec. 36-123. - Rules and meetings.

The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of this section. Meetings of the Board of Adjustment shall be held at the call of the Chairperson, who shall be selected by the Board at its June meeting each year, and at such other times as the Board of Adjustment may determine. Such Chairperson, or in their absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes to proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings, and other official actions, all of which shall be immediately filed in the office of the City and shall be a public record.

Sec. 36-124. - Powers and duties.

The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official of the City in the enforcement of this chapter.
- (2) To authorize upon appeal a variance from the terms of this chapter that shall not be contrary to the public interest and, where, due to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.
- (3) To authorize special exceptions, in accordance with Sec. 36-132, to a zoning standard applicable to particular types of development within any zoning district, which is consistent with the overall intent of the zoning regulations and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed.
- (4) To hear and decide other matters authorized by the City Council.

Sec. 36-125. - Appeals to the Board of Adjustment.

- (a) Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official that is not related to a specific application, address, or project under Chapter 36 of this Code:
  - (1) A person aggrieved by the decision; or
  - (2) Any officer, department, board, or bureau of the City affected by the decision.
- (b) Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official that is related to a specific application, address, or project under Chapter 36 of the Code:
  - (1) A person who filed the application that is the subject of the decision; or
  - (2) A person who is the owner or representative of the owner of the property that is the subject of the decision; or
  - (3) Any person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
  - (4) Any officer, department, or board of the city affected by the decision.

- (c) Appeals to the Board of Adjustment may be made by a person aggrieved by the decision of the building official on the basis of alleging an error in an order, requirement, decision or determination made by the building official in the enforcement of the international and national codes as well as Chapter 6 of the City of Shavano Park Code of Ordinances, as it exists or may be amended.
- (d) Such appeal shall be filed not later than the 20th day after an original decision, order, requirement, or determination has been rendered, as provided by the rules of procedure of the Board of Adjustment, by filing in writing with the administrative official from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record of the action that is appealed.

Sec. 36-126. - When appeal stays all proceedings.

Once an appeal is filed it shall stay all proceedings in furtherance of the action appealed from, unless, after the time that notice of the appeal is filed, the administrative official from whom the appeal is taken certifies in writing to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in the City Manager's opinion, cause immediate peril to life or property. Under this exception proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment, or by a court of record on application upon showing of due cause by the appealing party.

Sec. 36-127. - Time for notice and hearing of appeal.

The appeal must be filed not later than the 20th day after an original decision, order, requirement, or determination has been rendered. The Board of Adjustment shall make a decision on the appeal at the next meeting for which notice can be provided not later than the 60th day after the date the appeal is filed. The Board of Adjustment shall fix a reasonable time for hearing of the appeal, give public notice thereof, as well as due notice to the interested parties and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

Sec. 36-128. - Action on appeal.

In exercising the powers set forth in Sec. 36-124, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the administrative official's order, requirement, decision, or determination

and to that end shall have all the powers of the administrative official from whom the appeal is taken.

Sec. 36-129. - Vote necessary for decision of Board of Adjustment.

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, to decide in favor of the applicant on any matter on which the Board of Adjustment is authorized under this chapter, or to authorize a variance from the terms of in this chapter.

Sec. 36-130. - Notice of public hearings before the Board of Adjustment.

The notice of public hearing, provided for in this section, shall be given by publication one time in the City's official newspaper, stating the time and place of such hearing, which time shall not be earlier than 15 days from date of such publication, and in addition thereto, the Board of Adjustment shall mail notices of such hearing to the applicant and to all owners of property lying within 200 feet of any point of the lot or portion thereof, on which a variance or special exception is desired, and to all other persons deemed by the Board of Adjustment to be affected thereby; such owners and persons shall be determined according to the last approved tax roll of the City. Such notice may be served by depositing the same, properly addressed and postage paid, in any post office.

Sec. 36-131. - Variances.

- (a) *Requests for variance.* All requests for variations from the terms of this chapter shall be in writing and shall specify the facts involved, the relief desired, and grounds therefore. Each such application shall be filed with the City Secretary who, after investigation, shall transmit such application together with supporting materials prepared by City staff to the Board of Adjustment within 30 days of receipt. Should circumstances be presented that justify it, the Board of Adjustment may hear a request for variance and may grant a variance outside of the deadline of an appeal noted in Sec. 36-125.
- (b) *Hearings on applications for variances.* The Board of Adjustment shall fix a reasonable time for the hearing of all applications for variances, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear in person or by agent or by attorney at this hearing.



(c) *Granting variances.* The Board of Adjustment is hereby authorized, upon a party's appeal from the decision of the City, to grant a variance from the terms of this chapter that shall not be contrary to the public interest, and where, due to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice is done. The Board of Adjustment may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Sec. 26.01, Tax Code;
- (2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- (3) Compliance would result in the structure not being in compliance with a requirement of a City ordinance, building code, or other requirement;
- (4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (5) The City considers the structure to be a non-conforming structure.

(d) *Criteria for granting variances.* No variance can be granted unless:

- (1) Such variance will not be contrary to public interest.
- (2) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property is located.
- (3) Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
- (4) Such variance will not alter the essential character of the district or the property.
- (5) Such variance will be in harmony with the spirit and purposes of this chapter.
- (6) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located.
- (7) The variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specified district.
- (8) The variance will not adversely affect the public health, safety or general welfare.

- (e) *Limitation on variances.* Any variance authorized by the Board of Adjustment shall constitute authority to authorize the issuance of a building permit or a certificate of occupancy, as the case may be, if applied for within 120 days from the date of favorable action by the Board of Adjustment, unless such Board of Adjustment authorizes a longer period. If the permit or certificate of occupancy is not applied for within said 120-day period, or such extended period as the Board of Adjustment may have authorized, then the grant of the variance shall terminate. Such termination shall be without prejudice to a subsequent application to said Board of Adjustment in accordance with the rules and regulations regarding applications. No application to the Board of Adjustment shall be allowed on the same property until six months after a ruling of the Board of Adjustment, unless other property within 200 feet thereof, has been altered or changed by a ruling of the Board of Adjustment within such six-month period. In which case such change of circumstances shall permit the allowance of such application but in no way to compel the Board of Adjustment, after a hearing, to grant such subsequent application. Such subsequent applications shall be considered on its merits as in all other cases.

Sec. 36-132. - Special exceptions.

- (a) *Applications for special exception.* All applications for special exceptions from the terms of the chapter shall be in writing and shall specify the facts involved, the special exception desired and grounds therefore. The property owner shall file such application with the City Secretary who, after investigation by the City Manager or their designee(s), shall transmit such application together with supporting materials prepared by City staff to the Board of Adjustment within 60 days after receipt. The non-refundable fee for an application shall be the same as the fee for an application for variance or as described in Appendix A - City of Shavano Park Fee Schedule. Should circumstances be presented that justify it, the Board of Adjustment may grant hear a request for special exception and may grant a special exception outside of the deadline of an appeal noted in Sec. 36-125.
- (b) *Hearings on applications for special exceptions.* The Board of Adjustment shall fix a reasonable time for the hearing of all applications for special exceptions, give public notice thereof, as well as due notice to all persons entitled to notice under Sec. 36-130, and such hearing shall be held within 90 days after receipt of the City Manager's report. At each hearing, any person may appear in person or by agent or by attorney.
- (c) *Granting special exceptions.* The Board of Adjustment may grant special exceptions to the side and rear setbacks provided for under this chapter and solely in accordance with the following:

- (1) Reduce the side or rear setbacks requirements in all single family residential zoning districts and all single family residential planned unit development zoning districts by up to 50 percent if the application satisfies the conditions provided for in subsections (d) and (e) and the side or rear setback in question abuts the following:
  - a. The streets of N.W. Military, and DeZavala;
  - b. City of San Antonio zoning districts;
  - c. O-1, B-1 or B-2 zoning districts; or
  - d. Greenbelts as designated on a plat.
- (d) *Conditions for granting special exceptions.* If the Board of Adjustment finds that all of the conditions in this subsection have been satisfied, the Board of Adjustment may approve the special exception application. This subsection's conditions are as follows:
  - (1) That the special exception will not adversely affect public health, safety, or general welfare;
  - (2) That as of the hearing date, it is not foreseeable that the special exception will substantially impair or diminish the presently permitted neighborhood uses, values and enjoyment of neighboring properties;
  - (3) That the special exception will not significantly impede the normal and orderly development and/or improvement of surrounding properties as to uses permitted in the district and/or immediately contiguous district;
  - (4) That the special exception will not result in such property violating any height, lot coverage, building size and/or exterior requirements;
  - (5) That the special exception will not result in such property violating any district parking space regulations and/or tree preservation requirements;
  - (6) That the special exception will not result in such property being incompatible with other properties within the zoning district;
  - (7) That the conditions provided for in subsection (e) have been satisfied; and
  - (8) That any accessory building allowed under this subsection shall be neither larger than 500 square feet nor taller than 16 feet from the lowest grade point of such building.
- (e) *Conditions and guarantees.* Prior to the granting of any special exception, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed necessary in its sole discretion to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements

specified in subsection (d) above. When granting a special exception, the Board of Adjustment shall require such evidence and written guarantees as it deems necessary as proof that the property owner has and/or will comply with all conditions stipulated in connection therewith.

- (f) *Effect of denial of application.* If the Board of Adjustment denies a special exception in whole or in part, the property owner must wait at least one year from the date of said denial to make a resubmission under this section.
- (g) *Failure to comply with conditions.* Should a property owner fail to comply with any conditions of the Board of Adjustment in granting a special exception to a property, the City shall seek appropriate enforcement and remedies as stated in Sec. 36-5 of this chapter.

#### Sec. 36-133. - Appeals from the Board of Adjustment.

Any person, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board of the City, may present to a court of record a verified petition as provided by Tex. Local Government Code § 211.011, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the Court within ten days after the filing of the decision in the office of the City Secretary.

#### Sec. 36-134. - Fees.

The Board of Adjustment shall be empowered to assess and collect the fees specified in Appendix A - City of Shavano Park Fee Schedule to defray administrative costs. Such fees shall be deposited with the Secretary of the City, for deposit in the General Fund of the City.

## **II CUMULATIVE CLAUSE**

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

## **III SEVERABILITY**

That it is hereby declared to be the intention of the City Council of the City of Shavano

Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

#### **IV PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government.

#### **V EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND APPROVED** on the first reading by the City Council of the City of Shavano Park this the 22nd day of November, 2021.

**PASSED AND APPROVED** on the second reading by the City Council of the City of Shavano Park this the 24th day of January, 2022.

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**ROBERT WERNER, MAYOR**

Attest:

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**TRISH NICHOLS, CITY SECRETARY**



**Board of Adjustment – November 15, 2022 6:30PM**

**“Positive” Motion Template for granting a Special Exception  
in compliance with City Policy #18**

I Motion to approve the special exception as requested by Brian Mikiten, 121 Wagon Trail, for an exception to Chapter 36, Article V, Sec. 36-132(c)(1)(d) to adjust the rear set-back line from 30 feet to 15 feet as the rear set-back abuts a greenbelt as designed on a plat for the purpose of installing an accessory building as defined by City of Shavano Park Code of Ordinances.

:

- (1) That the special exception will not adversely affect public health, safety, or general welfare.
- (2) That as of the hearing date, it is not foreseeable that the special exception will substantially impair or diminish the presently permitted neighborhood uses, values and enjoyment of neighboring properties.
- (3) That the special exception will not significantly impede the normal and orderly development and/or improvement of surrounding properties as to uses permitted in the district and/or immediately contiguous district.
- (4) That the special exception will not result in such property violating any height, lot coverage, building size and/or exterior requirements.
- (5) That the special exception will not result in such property violating any district parking space regulations and/or tree preservation requirements.
- (6) That the special exception will not result in such property being incompatible with other properties within the zoning district.

(7) The Board of Adjustment believes the property owner has and/or will comply with all conditions and restrictions stipulated by the Board on the granting of this special exception as per Sec. Sec. 36-132(c)(1)(d)). **(If applicable)**

(8) ~~That any accessory building allowed under this subsection shall be neither larger than 500 square feet nor taller than 16 feet from the lowest grade point of such building,~~ N/A