

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 Monday, June 20, 2022 6:00 p.m. at 900 Saddletree Court, Shavano Park City Council Chambers.

The meeting agenda and agenda packet are posted online at www.shavanopark.org.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CHAIRMAN ANNOUNCEMENTS**
- 4. CONSENT AGENDA**
 - a. Approval of minutes – November 4, 2021
 - b. Approval of minutes – November 10, 2021
- 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
 - 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 25th day of May, 2022 at 3:47 p.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 5:33 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. NOMINATION AND APPOINTMENT OF CHAIRMAN

Board Member Hartman nominated Larry Lyons as Chairman.
Board Member Brame seconded the motion.
The motion to appoint Larry Lyons as Chairman carried with a unanimous vote.

4. CHAIRMAN ANNOUNCEMENTS

No announcements.

5. PRESENTATION – Board of Adjustment annual training and review in preparation for the Variance Hearing, with guidance for new legislation under HB 1475 - City Attorney

Alessandra Gad City Attorney Bojorquez Law firm presented an annual training and review in preparation for the Variance Hearing, with guidance for new legislation under HB 1475.

6. ADJOURNMENT

Board Member Hartman made a motion to adjourn the meeting.

Board Member Brame seconded the motion.

The motion to adjourn carried with a unanimous vote.

The meeting adjourned at 6:52 p.m.

Larry Lyons
Chairman

Trish Nichols
City Secretary

1. CALL TO ORDER

Chairman Lyons called the meeting to order at 5:33 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 6, 2019

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

Boardman Member Bettac seconded the motion.

The motion to approve the November 6, 2019 minutes as presented carried with a unanimous vote.

- b. Approval of minutes – November 4, 2021

Chairman Lyons postponed the minutes for November 4, 2021 to next Board of Adjustment meeting.

5. VARIANCE HEARING:

Request by Eric Breish, 15108 NW Military, Applicant is petitioning the City of Shavano Park Board of Adjustment for a variance pursuant to Chapter 36, Article IV, Section 6-91 (a)(1) and accompanying most recent State legislation under HB 1475 to allow the installation of a garage that is front loading on the subject property.

- a. Applicant Presentation

Mr. Breish, applicant and Mr. Christensen presented the request for a variance pursuant to Chapter 36-36 (f)(1).

- b. Staff Presentation

City Manager Bill Hill presented their comments.

c. Comments by Proponents and Opponents

No comments by proponents and opponents.

d. Applicant Rebuttal

No comments by proponents and opponents.

e. Question and comments by Board Members

Board members asked a number of questions regarding the variance request.

f. Deliberation, Action and Board findings

I, Board Member Hartman, make a motion to approve the variance as requested by Eric Breish, 15108 N.W. Military Hwy, for an exception to Chapter 36, Article IV, Section 6-91 (a)(1) to allow the installation of a garage that is front loading on the subject property for the following factors:

(1) Such variance will not be contrary to public interest because: It is a garage.

(2) Such variance will not authorize the operation of a use other than those uses specifically authorized for the property because: Addressed in discussion, not addressed in the motion.

(3) Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property because: It's a garage and it does not impose on the side, rear, or front setbacks.

(4) Such variance will not alter the essential character of the district because: It conforms other than with the front-loading garage; it conforms to all other issues of that district.

(5) Such variance will be in harmony with the spirit and purposes of this chapter because: It fits the neighborhood the Shavano Park property owners in the area on Northwest Military Hwy.

(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 because: The change accrued before the current property owner purchased the property for which the variance is sought and is due to unique circumstance existing on the property and the unique circumstances were not created by the owner of the property and not due the result of general conditions in the district.

(7) The variance will not substantially weaken the general purpose of this chapter or the regulations herein established because: It improves and it provides conformity; in the view that

it establishes a two-car garage on the property, which is one of the regulations and one of the requirements of the Shavano Park ordinance.

(8) The variance will not adversely affect the public health, safety or welfare of the public because: It conforms with all other ordinances. So, I (Hartman) move that the motion be approved.

Board Member Brame seconded the motion.

The motion to approve the variance request Chapter 36 -36, (f)(1) to allow the installation of a garage that is front loading on the subject property carried with the following vote:

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

6. ADJOURNMENT

Board Member Hartman made a motion to adjourn the meeting.

Board Member Brame seconded the motion.

The motion to adjourn carried with a unanimous vote.

The meeting adjourned at 6:52 p.m.

Larry Lyons
Chairman

Trish Nichols
City Secretary

Zoning Variance Requests because of legal requirements may take 30-45 days

CITY OF SHAVANO PARK
ZONING BOARD OF ADJUSTMENT

_____ VARIANCE X SPECIAL EXCEPTION

APPLICANT:

NAME: JOHN GASKO
ADDRESS: 102 LAZENBY SHAVANO PARK, TX 78231
TELEPHONE (S): 210-860-2590 (C) 210-860-2590

APPLICANT'S ZONING ^{SPECIAL EXCEPTION} Variance request:

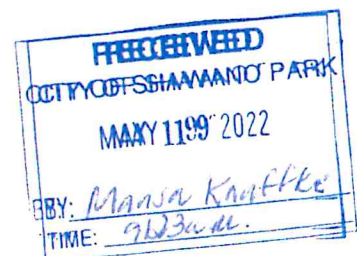
With your permission we would like to add a family pool in the back. We respectfully ask to reduce the rear setbacks by up to 50% to accommodate our pool. This request is in accordance with Sec 36-132 special exceptions - granting special exceptions requirements. The rear setback abuts a greenbelt designated on a plot and meets all requirements in section D 1-9.

It is requested that the Zoning Board of Adjustment:

- Grant a zoning variance or (special exception) to Section 36-41 - MIXED USE DISTRICT
 - Subsection 132, of the City Ordinance relating to: (3) A ten-foot minimum building setback shall be required where any residential or non residential use abuts a public or private street.
- | | |
|--------------------------|---------------------------|
| _____ Lots | _____ Accessory Buildings |
| _____ Yards | _____ Visual Screens |
| _____ Principal Building | _____ Fences |
| _____ Off-Street Parking | _____ Signs |
| _____ Storage | _____ Sports Courts |
| <u>X</u> Pools | _____ Other _____ |

The location and description of the property involved in the zoning variance request is:

Location: Backyard
Legal Description: Residential Lot 2203, Block 26 Shavano Park, Tx
Lot Size: Volume 9705 Pond Hill Garden Villas
Present Improvement of Land: Add family pool in backyard.



Zoning Variance Request

Page Two

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


According to Section 36-132 special exceptions: The Board of Adjustment may grant a special exception to the side and rear setback - to reduce the side and rear setbacks by up to 50' (5feet); if the setback abuts a greenbelt designated on a plat. It also meets all the requirements of Sec 36-132 (d) 1-9. This special exception does not endanger public health, safety, general welfare, is not materially detrimental to public health, safety or general welfare, will not substantially impair or diminish the presently permitted neighborhood uses, values, and enjoyment of neighborhood values, impede normal and orderly development and/or improvement of surrounding properties, will not result in such property violating any height, lot coverage, building size and/or exterior requirements, will not result in such property violating any district parking space regulations and/or tree preservation requirements, and will not result in such property being incompatible with other properties within the zoning district.

Attach a drawing or site plan of the property in question; indicating the proposed request, any 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 in question.

Has a previous zoning variance application been filed? _____ Yes _____ X No

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

Date



Signature of Applicant

For Office Use Only

Zoning Variance Request No: 2022 - 242 - SP
Fee: \$ 350.00 Receipt #: 00203154 Date: 05-19-2022
Meeting Date: June 20, 2022 6:00 PM
Legal Notice: June 1st

City of Shavano Park
(210) 492-2607

REC#: 00203154 5/19/2022 9:18 AM
OPER: MK TERM: 014
REF#: 1197

TRAN: 90.1500 SPECIAL EXCEPTION
 JOHN & MONICA GASKO
 102 LAZENBY #2022-242-SP
 VARIANCE/RE-ZONE FE 350.00CR

TENDERED: 350.00 CHECK
APPLIED: 350.00-

CHANGE: 0.00



Shavano Park
Residential Building Permit
2022-242-SP

Submitted by chris bulik
chris@paloverdepoolstx.com
(210) 380-4218

Address of Proposed Work: **102 Iazenby**

City: **shavano park** State: **TX** Zip: **78231**

Contact Information

Applicant's Contact Information

Title: First Name: **Brian** Last Name: **Reibel** Suffix:

Business Name: **Paloverde Pools**

Mailing Address: **32255 IH 10 W**

City: **Boerne** State: **TX** Zip: **78006**

Email Address: **chris@paloverdepoolstx.com**

Cell Phone: **(210) 380-4218** Work Phone: Home Phone:

Contractor's Contact Information

Title: First Name: **Brian** Last Name: **Riebel** Suffix:

Business Name: **Palo Verde Pools, LLC**

Mailing Address: **32255 IH-10 W**

City: **Boerne** State: **TX** Zip: **78006**

Email Address: **ap@paloverdepoolstx.com**

Cell Phone: **(210) 776-9341** Work Phone: Home Phone: **(830) 331-7256**

Designer's Contact Information

Title: First Name: Brian Last Name: Riebel Suffix:
Business Name: Palo Verde Pools, LLC
Mailing Address: 32255 IH-10 W
City: Boerne State: TX Zip: 78006
Email Address: ap@paloverdepoolstx.com
Cell Phone: (210) 776-9341 Work Phone: Home Phone: (830) 331-7256

Engineer's Contact Information

Title: First Name: Brian Last Name: Riebel Suffix:
Business Name: Palo Verde Pools, LLC
Mailing Address: 32255 IH-10 W
City: Boerne State: TX Zip: 78006
Email Address: ap@paloverdepoolstx.com
Cell Phone: (210) 776-9341 Work Phone: Home Phone: (830) 331-7256

Property Owner's Contact Information

Title: First Name: John Last Name: Gasko Suffix:
Business Name:
Mailing Address: 102 Lazenby
City: Shavano Park State: TX Zip: 78231
Email Address: gasko66f@gmail.com
Cell Phone: (210) 860-2590 Work Phone: Home Phone:

Application Questionnaire (* denotes required question)

Residential Building Permit

Description of Work: *

gunite pool with concrete decking

Project Type: *

Pool/ Spa

Total Sq. Footage of Project:

865 total

(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

Documents Uploaded

The following documents are attached to the Application.

HOA Approval

51d41a2b-d9b9-41f0-b360-5be52374fd24_project_approved_wcondition.pdf

Plans

gasko plans pg1.pdf


gasko plans pg2.pdf


gasko survey.pdf

Plan Review

Category : Building Permit

•

 Plan Review Denied 5/16/2022 by BB Inspections

 The permit is denied.


Please provide the current zoning designation for further review.


If located within MXD (Mixed Use District), a 10 foot side and rear setback is requi


Sec. 36-41. - MXD—Mixed-Use District.


(3) A ten-foot minimum building setback shall be required where any residential o nonresidential use abuts a public or private street.

BB 2708

-  [Add new comment](#)
-

 Plan Review Pending 5/17/2022 by Bill Hill

 Residence backs up to a greenbelt. Owner may apply for a Special Exception.

-  [Add new comment](#)



Clark Engineering, LLC
Civil Design

John R. Clark, P.E.
6 Birnam Wood, San Antonio, TX 78248
Ph. 210.362.8204

Gasko
102 Lazenby
Shavano Park, TX 78231
Attention: Chris Bulik, Palo Verde Pools & Spa

PROBLEM: Excavation near a residence and construction of a swimming pool can cause damage to the foundation and structure of the residence. The City of Shavano Park requires an engineering letter addressing the possibility of structural damage to the house or its foundation prior to issuing a permit to construct closer than 10 feet (10') to an existing dwelling. The potential of foundation damage by soil swelling due to water leakage or ponding of surface water exists in areas where heavy clay soils are found. Soil slope stability must also be considered for excavations close to the house to avoid undermining the foundation. Additionally, the potential of lifting rock strata under the foundation exists where rock excavation is required near the structure.

FINDINGS: The planned swimming pool and spa are to be constructed behind the house separate from the house foundation and will be approximately six feet (6') from the residence at the closest point. The pool is to be constructed of steel reinforced gunite concrete. Surface drainage of the proposed pool area is to the rear of the lot.

CONCLUSION: The proposed pool design is very sturdy and not likely to leak. Palo Verde's pool construction methods include protecting the house foundation during construction, preventing the house foundation from being undermined and maintaining the structural integrity of the house. They will monitor the pool excavation and will add additional gunite or shoring to protect the excavation walls, if necessary. Additionally, Palo Verde warrants all their pools and will be solely responsible for any damage to the property, including the house foundation during construction of the pool. Once the pool is constructed, it should not endanger the property in any way. Therefore, approval of the proposal to construct a swimming pool is recommended.

PREPARED BY:

John R. Clark, P.E.
Clark Engineering, LLC
Firm No. F-22197



5/10/2022

Pond Hill Garden Villas
PO Box 803555
Dallas TX 75380
(866) 473-2573

Date: April 22, 2022

John Gasko
102 Lazenby
San Antonio TX 78231

Property Address: 102 Lazenby - Lot 2208 - Blk - Unit

ARCHITECTURAL COMMITTEE CERTIFICATE OF APPROVAL WITH CONDITIONS

Dear John Gasko,

For the listed project item(s): In-Ground Pool & Deck

We are pleased to inform you that the Architectural Committee for Pond Hill Garden Villas has approved your application **with the following stipulations:**

Ingress/egress must be from the street your property faces and must be through your property only. Ingress/egress cannot be through any common areas/easements/drainage areas.

- 1.) It is your responsibility to notify your builder/or contractor of the Committee's decision.
- 2.) Owner is responsible to secure any and all required permits prior to installation.
- 3.) Ingress, egress, and storage of all materials and equipment is confined to this lot only.
- 4.) No contractor signage is allowed on-site unless expressly allowed by Association documents.
- 5.) Please practice good neighbor considerations with regard to construction time of day, cleanliness, and duration.
- 6.) No improvements may be located within the building setbacks and easements unless a Variance has been approved in advance by the Board of Directors of Association or Architectural Committee, documented, and recorded with County Clerk's office.
- 7.) If there is a deviation from approved plans, new plans must be submitted and approved prior to installation.

The approval is contingent upon compliance with the specifications set forth in the approved application. The Architectural Committee's approval of the application and the plans only constitutes compliance of the plans with subdivision guidelines, standards, protective covenants, deed restrictions, and/or dedicatory instruments. The Architectural Committee's approval of this application does not relieve the applicant from conformance with federal or state law, local codes, and ordinances, or other design considerations which are neither reviewed nor approved by the Architectural Committee. The actions or approvals set forth above do not constitute and shall not be an opinion, approval, warranty, or representation by the Association or its Architectural Committee as to whether the improvements contemplated in the plans are or will (1) be structurally sound; (2) comply with applicable governmental regulations; (3) be free from damage by wind, rain or flood; (4) not encroach into an easement or setbacks; (5) not divert surface water in a manner not allowed by law or deed restriction; or (6) be habitable. By beginning the improvement project, the applicant acknowledges and represents that applicant is familiar with the subdivision guidelines, standards, protective covenants, deed restrictions, and/or dedicatory instruments for the Association and the plans submitted herewith are, to the applicant's knowledge, are in compliance. The Architectural Committee, Association, Board of Directors, and its agents are held harmless in this matter.

Please retain this letter for your files. If you have any questions regarding this matter, please contact your community manager at (866) 473-2573 or e-mail us at ponhillg@ciramail.com.

Sincerely,

Architectural Committee of Pond Hill Garden Villas

The Committee has executed this Certificate of Approval with Conditions effective as of April 22, 2022.

PermitClerk

From: Bill Hill
Sent: Friday, May 13, 2022 11:21 AM
To: PONHILLG@CiraMail.com
Cc: PermitClerk; Trish Nichols; Curtis Leeth
Subject: Pond Hill Setback Issue

Community Manager,

Reference ACC approval of pool at 102 Lazenby.

The ACC approved an in-ground pool at the above address. The pool extends five feet back into the setback line of 10 feet. I am assuming you did this by mistake or is there some authorization document that I am missing. I reviewed the PLAT and our zoning ordinances.

Here to Serve!

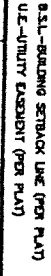

Bill Hill
City Manager
Shavano Park

www.shavanopark.org



ESTABLISHED 1956

City Living with Country Charm!

[illegible]

LOT(S) 2206 BLOCK 26 N.C.B. 17704 SUBDIVISION POND HILL GARDEN VILLAS
 VOLUME 9705 PAGE 86 DOC# -
 WITNESS MY HAND AND SEAL THIS 26TH DAY OF APRIL, 2022
 ADDRESS: 102 LAZENBY
 BY: JOHN GASKO AND MONICA GASKO

- ZERO LOT LINE
- ▲ - 1/2" IRON ROD FOUND
- ** - RECORD CORNER
- *** - MAG NAIL SET

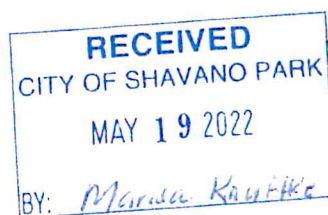
102
Lazenby

ZONING VARIANCE PROCEDURE CHECKLIST




Applicant's Name:	<u>JOHN GASKO</u>
Applicant's Address:	<u>102 Lazenby Shavano Park, Tx 78231</u>
Application Received On:	<u>5/19/22</u> by: <u>Marisa Knuffke</u>

Date Completed

- ☐ Building permit is applied for and all paperwork is submitted to the Building Inspector for review, approval or denial. 4/25/22
- ☐ 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. 5/16/22
- ☐ If the Building Inspector denies the permit, the *section and reason* for the denial must be on the Variance Request form. 5/19/22
- ☐ If the permit is denied, the applicant is given a Zoning Board of Adjustments Variance 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. 5/19/22
- ☐ Verification that all pertinent information has been received:
Permit ✓ Denial ✓ Variance Request form ✓
Variance Fee Survey ✓ Section/Reason for denial ✓ 5/19/22
- ☐ 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. 5/19/22
- ☐ Compiles names and addresses of property owners within 200 feet of the requestor's property and mails out notification of the hearing date. 5/27/22
- ☐ City Secretary sends out notification of public hearing to City's paper of record to be published once a week for two consecutive weeks. 6/1/2022
6/7/2022
- ☐ City Secretary prepares agenda for hearing and posts according to state law requirements. 5/24/2022
- ☐ City Secretary notifies the applicant and permit department of the results in writing and keeps original material as permanent record.






Land Use Code:

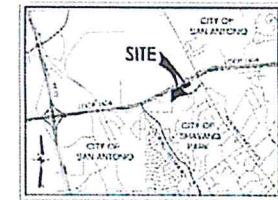
	Residential
	Commercial
	Private Open Space

Land Use Summary:

Residential			
Townhomes, East	20 d.u.'s	on	6.4 acres
Townhomes, West	46 d.u.'s	on	8.1 acres
Commercial			
East	(+/-) 27,000sf	on (+/-) 3.5 acres	
West	(+/-) 45,000sf	on (+/-) 6.8 acres	

Legend:

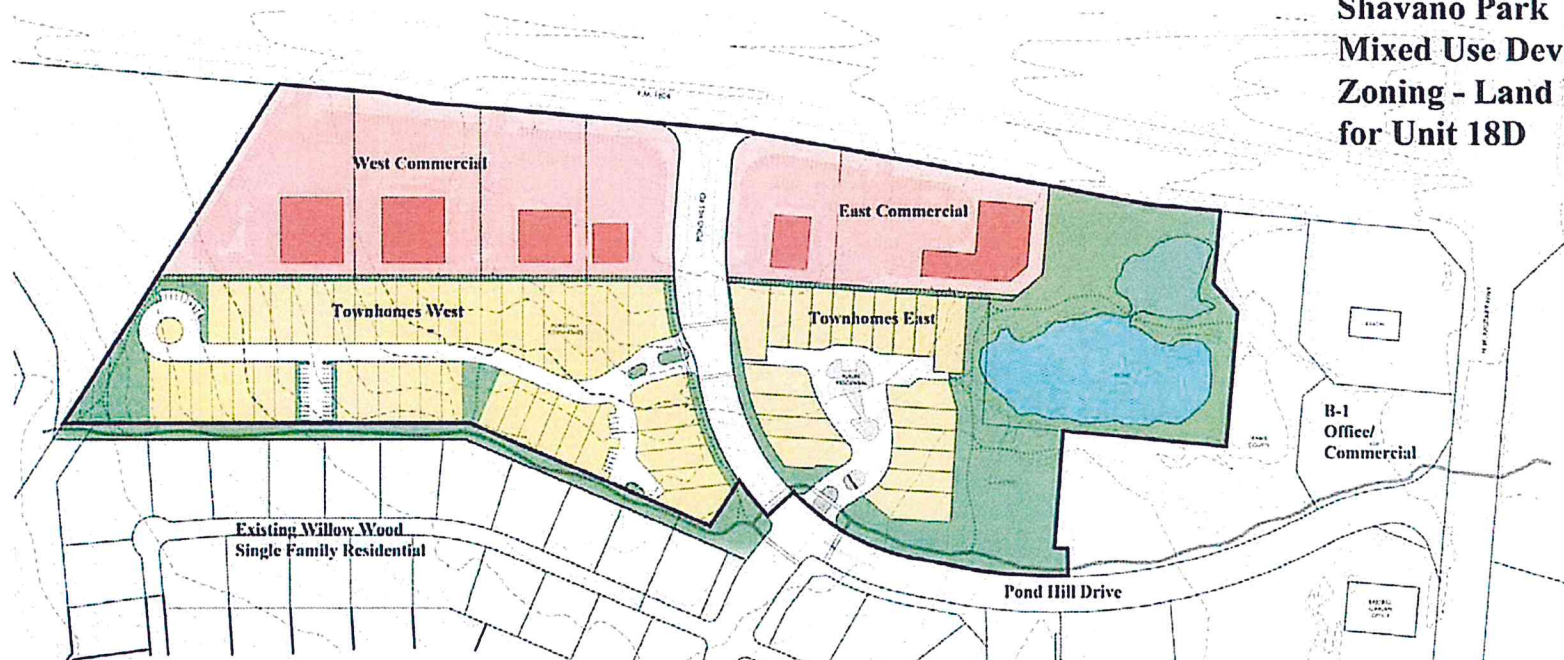
	MXD Zoning Boundary
	6' Multi-Use Pathway
	Potential Lot Lines



LOCATION MAP



Shavano Park Mixed Use Development Zoning - Land Use Plan for Unit 18D



03-07-14

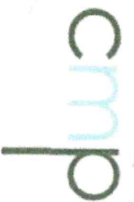
REVISED MXD PLAN

NOTES:
1) LANDSCAPE HARDSCAPE SHOWN FOR VISUALIZATION ONLY. REFER TO LANDSCAPE ARCHITECT FOR LANDSCAPING.
2) LOCATION AND POSITION OF CONSTRUCTION TO BE VERIFIED WITH CLIENT.
3) ONE (1) HOUR FIRE CODE RATING REQUIRED FOR WALLS 5FT OF PROPERTY LINE IAW 2015 IRC SECTION R302.

SQUARE FOOTAGE CALCULATION:	
HARDSCAPE COVERAGE:	(WALKWAY AND DRIVEWAY)
HARDSCAPE - WALKWAY	57 SQ.FT.
HARDSCAPE - DRIVEWAY	653 SQ.FT.
TOTAL HARDSCAPE	710 SQ.FT.

REVISIONS	
NO.	DATE DESCRIPTION
01	05/20/21 JH
02	05/20/21 REVISION

PLAN 2558
POND HILL GARDEN VILLAS
102 Lazenby
Lot 2208, Block 26
Shavano Park, Texas



chesney *architects* partners, inc.
architecture/interior design

4001 Broadway, Suite 250 | San Antonio, Texas 78206
210.828.9481 • | 210.828.7719 | TBAE Firm Reg BR1010
chesneyarchitects.com

JDP NO: 21075
DATE: 05/21/21
DRAWN BY: DDS
CHECKED BY: DDS

SHEET:
SITE

ESMT IS IN THE FRONT OF THE YARD.
SETBACK LINES IN BACKYARD BUT WE
DO NOT HAVE ANY STRUCTURES GOING
IN. ONLY POOL AND FLATWORK.
SCOPE OF CONSTRUCTION WILL NOT
EXCEED 24" IN HEIGHT ABOVE GROUND

0' 5' 10'
1" = 20'
SITE PLAN
SCALE: NTS

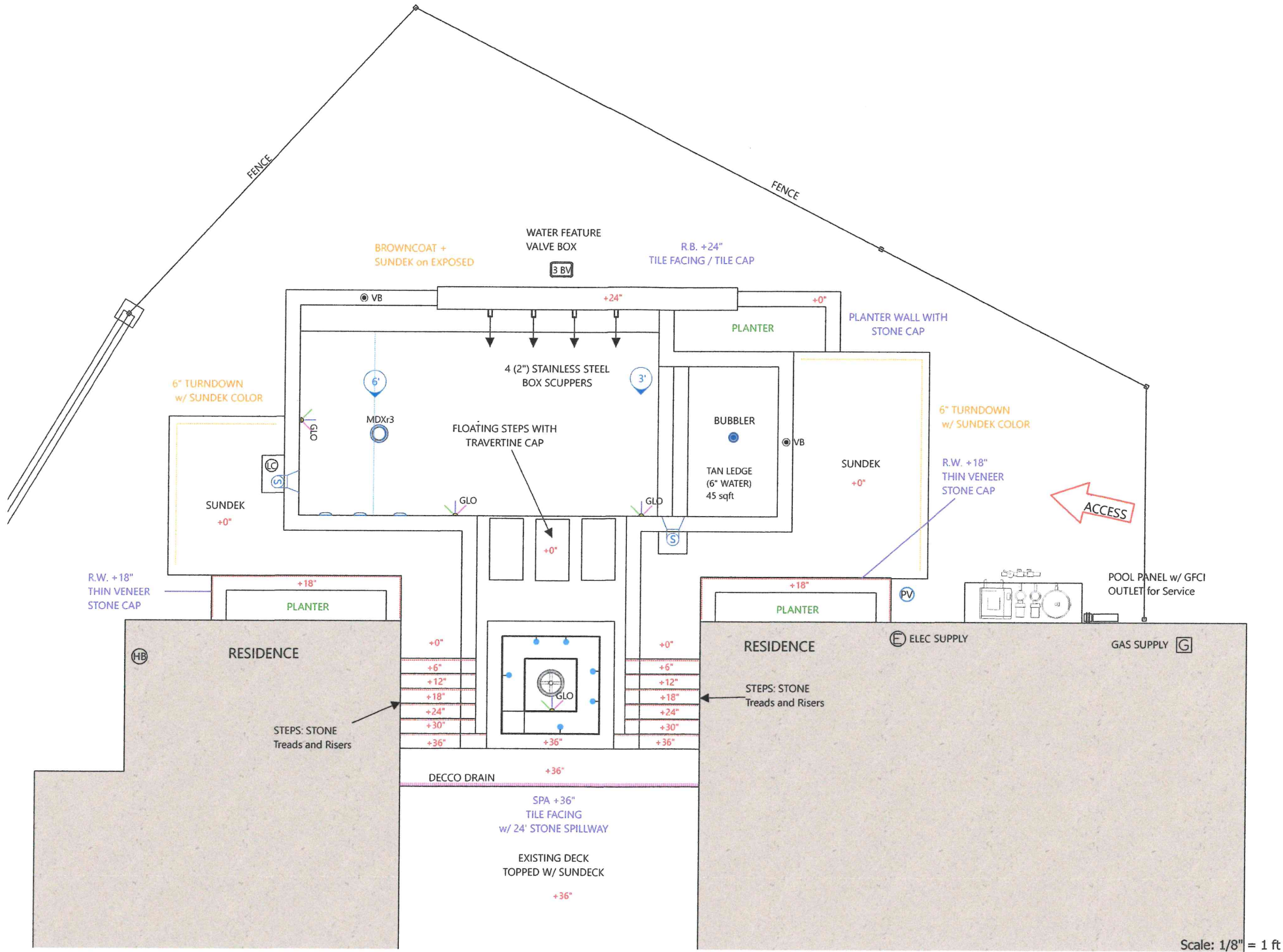
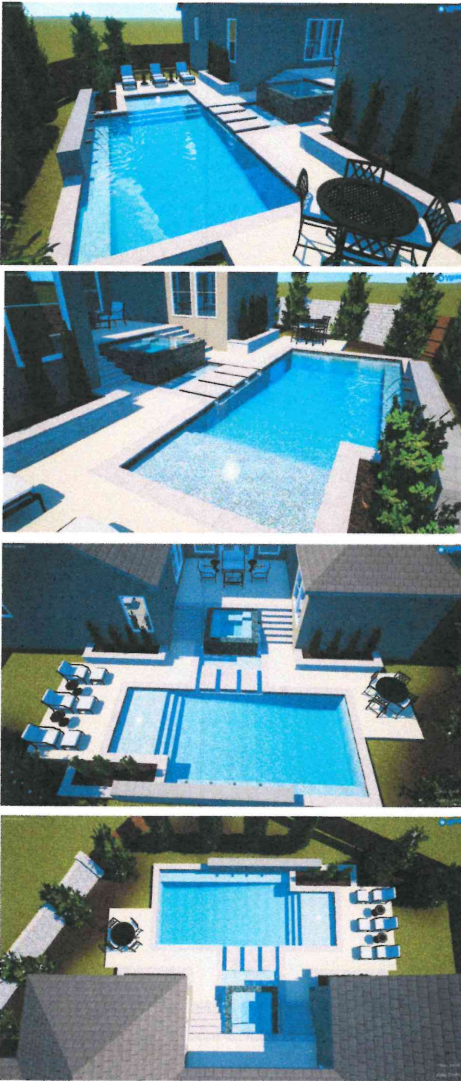


1

Scale: 1/20" = 1 ft



32255 IH10 West A, Boerne TX 78006



Pool Specs

Perimeter: 136 Area: 493
Depth: 3'-5.5' Returns: 4
Drains: MDX R3 Lights: 3 pool
Skim: 2 Gallons: 14744
Spillover Length(s):
Interior Finish: PebbleSheen
Notes:

Spa Specs

Perimeter: 26 Area: 42
Jets: 6 Height: 36
Lights: 1 spa Returns: n/a
Spillover Type: Tile
Drains: aquastar 360 circle drain
Notes:

Stone and Tile

Raised Beams: Tile
Exposed Walls: n/a
Pool Tile Material: Glass
Notes: Raised beam tile goes into water

Deck Specs

Area: 372 Topping Area: 220
Steps LF: 30
Coping Material: Travertine
Surface Material: sundeck
Walls LF: 43' Walls SF: 60sf
Turndown SF: 50
NOTES:

EQ Specs

Circ Pump: Intelliflo VSF
Pump #2: Intelliflo VSF
Pump #3:
Filter: Pentair Clean and Clear 520
Heater: Mastertemp 400k btu
Sanitizer: Ultra UV / Power clean
Blower: 1 hp Jandy
Cleaner: PVR infloor
Pool Lights: globrite
Spa Light: globrite
Control Panel: Easytouch 4 function
Remote: Screenlogic
Fill Line: Manual
Other:
Other:
Other:
Other:

APPROVE

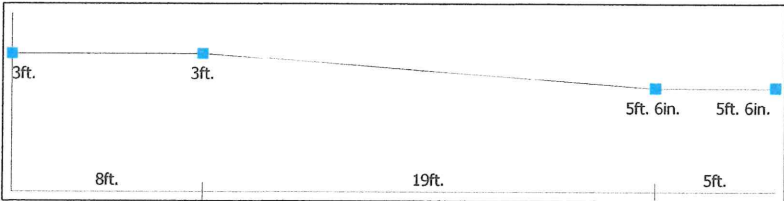
I/we (the undersigned) have reviewed this plan and approve it as correct within reasonable tolerance. I/we understand that any changes made to a shape or to a location may delay the project and/or result in additional cost.

X

Project Name: GASKO
Client Name: John and Monica Gasko
Client Email: gasko66f@gmail.com
Client Phone: 210.860.2590
Address: 102 Lazenby
City: Shavano Park
State/Zip: Texas / 78231
Designer Name: Chris Bulik

Block:
Subdivision: Pond Hill
Gate Code:
Lot #:
Notes:

Pool Depth Profile





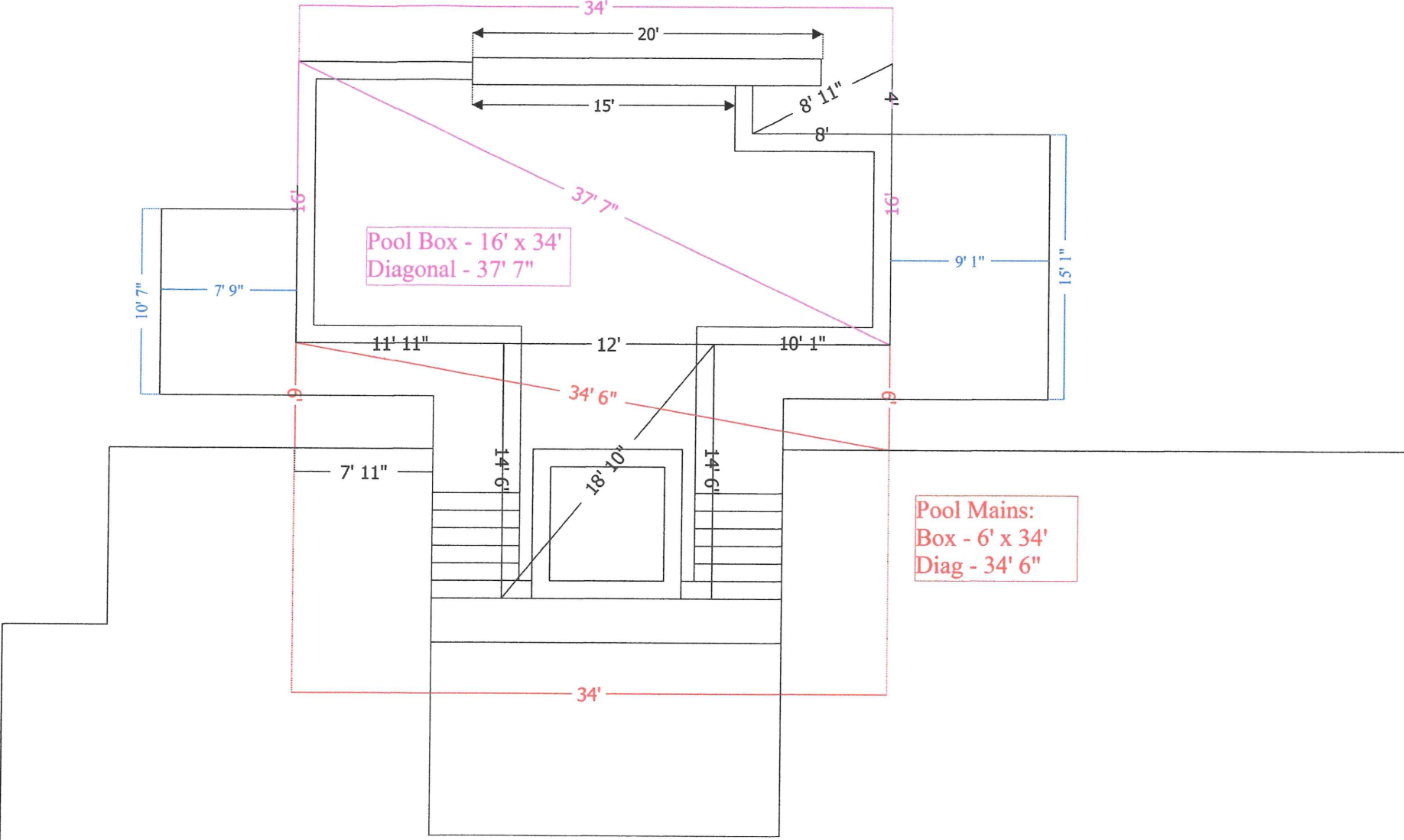
32255 IH10 West A, Boerne TX 78006

Additional Specifications

Steps (LF):	30
Benches (LF):	24
Deck Steps (LF):	30
Stone Border Forming (LF):	n/a
Spa Facing (SF):	90
Raised Beam (SF):	50
Wall Footer (LF):	43
Wall Cap (LF):	43
Wall Face (SF):	60
Reverse Deck (SF):	n/a
Boulder Lug (LF):	

Layout Verifications

Pool Out of Grade:	
Deck Out of Grade:	
Turndown sqft:	
Access Type:	
Trees to be Removed:	
EX Concrete Removal:	
Fence Type:	
Fence Posts:	
Electric meter to EQ:	
Gas meter to EQ:	
Skimmer to EQ:	
Spa to EQ:	



Scale: 1/8" = 1 ft

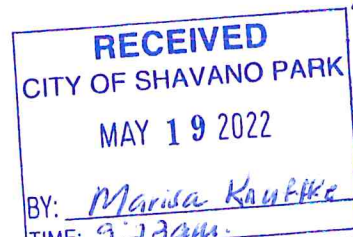
102
Lazenby

ZONING VARIANCE PROCEDURE CHECKLIST

Applicant's Name: JOHN GASKO
Applicant's Address: 102 Lazenby Shavano Park, Tx 78231
Application Received On: 5/19/22 by: Marisa Knuffke

Date Completed

- ☐ Building permit is applied for and all paperwork is submitted to the Building Inspector for review, approval or denial. 4/25/22
- ☐ 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. 5/16/22
- ☐ If the Building Inspector denies the permit, the *section and reason* for the denial must be on the Variance Request form. 5/19/22
- ☐ If the permit is denied, the applicant is given a Zoning Board of Adjustments Variance 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. 5/19/22
- ☐ Verification that all pertinent information has been received:
Permit ✓ Denial ✓ Variance Request form ✓
Variance Fee Survey ✓ Section/Reason for denial ✓ 5/19/22
- ☐ 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. 5/17/22
- ☐ Compiles names and addresses of property owners within 200 feet of the requestor's property and mails out notification of the hearing date. 5/27/22
- ☐ City Secretary sends out notification of public hearing to City's paper of record to be published once a week for two consecutive weeks. 6/1/2022
6/1/2022
- ☐ City Secretary prepares agenda for hearing and posts according to state law requirements. 5/28/2022
- ☐ City Secretary notifies the applicant and permit department of the results in writing and keeps original material as permanent record. 6/7/2022



owner_name	addr_line2	addr_city	addr_state	addr_zip	situs
KASSNER LARRY W & REBECCA C	120 PENNS WAY	SAN ANTONIO	TX	78231-1400	120 PENNS WAY SHAVANO PARK, TX 78231
FIFTY SEVEN TEN LLC	4001 POND HILL ROAD	SAN ANTONIO	TX	78231	4001 POND HILL RD SAN ANTONIO, TX 78231
WRIGHT THOMAS E & CAROLYN J	123 PENNS WAY	SHAVANO PARK	TX	78231-1400	123 PENNS WAY SHAVANO PARK, TX 78231
WILLOW WOOD(SHAVANO PARK) HOA INC	3424 PAESANOS PKWY STE 100	SAN ANTONIO	TX	78231-4412	301 GRANVILLE WAY SHAVANO PARK, TX 78231
WILLOW WOOD (SHAVANO PARK) HOA INC	1600 NE LOOP 410 STE 202	SAN ANTONIO	TX	78209-1613	REGENT CIR SHAVANO PARK, TX 78231
WARNER KRISTINA C & LIU XIANGYU	378 REGENT CIR	SAN ANTONIO	TX	78231-1404	378 REGENT CIR SHAVANO PARK, TX 78231
HENDRICK ERIC P & AMY J	226 PERSIMMON POND	SAN ANTONIO	TX	78231-1408	226 PERSIMMON POND SHAVANO PARK, TX 78231
GILBERT WYATT MALCOLM JR & HOPKINS GLORIA JEAN	377 REGENT CIR	SAN ANTONIO	TX	78231-1404	377 REGENT CIR SHAVANO PARK, TX 78231
STANDEFORD MARK E & CINDY F	365 REGENT CIR	SHAVANO PARK	TX	78231-1404	365 REGENT CIR SHAVANO PARK, TX 78231
VOIT MARK P & CATHERINE M	135 PENNS WAY	SHAVANO PARK	TX	78231-1400	135 PENNS WAY SHAVANO PARK, TX 78231
KILPATRICK PETER & DARLENE	132 PENNS WAY	SAN ANTONIO	TX	78231-1400	132 PENNS WAY SHAVANO PARK, TX 78231
LEONARD JAMES K & GEORGANNE G	238 GRANVILLE WAY	SAN ANTONIO	TX	78231-1406	238 GRANVILLE WAY SHAVANO PARK, TX 78231
APPACHI ELUMALAI & MALA	133 PENNS WAY	SAN ANTONIO	TX	78231-1400	133 PENNS WAY SHAVANO PARK, TX 78231
OQUIN JAMES C III & KIMBERLY H	219 PERSIMMON POND	SAN ANTONIO	TX	78231-1408	219 PERSIMMON POND SHAVANO PARK, TX 78231
POND HILL GARDEN VILLAS LTD	11 LYNN BATTS LN STE 100	SAN ANTONIO	TX	78218-3077	BEDINGFELD SHAVANO PARK, TX 78231
OYELAND LTD	2424 BABCOCK RD	SAN ANTONIO	TX	78229-6031	N LOOP 1604 W TX 78231
STOEBER WAYNE E & JILL K	128 PENNS WAY	SHAVANO PARK	TX	78231-1400	128 PENNS WAY SHAVANO PARK, TX 78231
HESITA EDSSEL L & MARIFI M	131 PENNS WAY	SAN ANTONIO	TX	78231-1400	131 PENNS WAY SHAVANO PARK, TX 78231
VIGER ANDREW S & KAREN S	164 BEDINGFELD	SAN ANTONIO	TX	78231-4407	164 BEDINGFELD SHAVANO PARK, TX 78231
BEXAR COUNTY MEDICAL LIBRARY ASSOCIATION	4334 N LOOP 1604 W STE 200	SAN ANTONIO	TX	78249	4334 N LOOP 1604 W TX 78231
ROOKS JAMES BYRON JR & SHERRY LYNN RAMSEY	160 BEDINGFELD	SAN ANTONIO	TX	78231-4407	160 BEDINGFELD SHAVANO PARK, TX 78231
ARREOLA SYLVIA GUADALUPE	172 BEDINGFELD	SHAVANO PARK	TX	78231-4407	172 BEDINGFELD SHAVANO PARK, TX 78231
BELLAIRE HAGEN LTD	4372 N LOOP 1604 W STE 206	SAN ANTONIO	TX	78249-1201	110 LAZENBY SHAVANO PARK, TX 78231
POLZIN KATHRYN DANIELLE	134 PENNS WAY	SAN ANTONIO	TX	78231-1400	134 PENNS WAY SHAVANO PARK, TX 78231
HAHN MAGGIE	175 BEDINGFELD	SHAVANO PARK	TX	78231	175 BEDINGFELD SHAVANO PARK, TX 78231
TAWIL DAVID A & STARR JODI MEDNICK	374 REGENT CIR	SHAVANO PARK	TX	78231	374 REGENT CIR SHAVANO PARK, TX 78231
ALCALA PHILLIP	171 BEDINGFELD	SHAVANO PARK	TX	78231	171 BEDINGFELD SHAVANO PARK, TX 78231
PALASOTA JOSEPH A & DIANE M	127 PENNS WAY	SHAVANO PARK	TX	78231	127 PENNS WAY SHAVANO PARK, TX 78231
BOURGEOIS RAYMOND FLINT & PAULINE MERY	332 TOWNE VUE	SAN ANTONIO	TX	78213	124 PENNS WAY SHAVANO PARK, TX 78231
CARDENAS ROBERT	159 BEDINGFELD	SHAVANO	TX	78231	159 BEDINGFELD SHAVANO PARK, TX 78231
RAJUNOV LEONARDO & ELISE	119 PENNS WAY	SHAVANO PARK	TX	78231-1400	119 PENNS WAY SHAVANO PARK, TX 78231
R REBECCAG HOLDINGS LLC	1009 FALDO DR	LAREDO	TX	78045	203 BEDINGFELD SHAVANO PARK, TX 78231
BELLAIRE HAGEN LTD	3216 NAPLER PARK # 200	SAN ANTONIO	TX	78231	106 LAZENBY SHAVANO PARK, TX 78231
STRAUSBURG NELLIE A REVOCABLE TRUST	176 BEDINGFELD	SAN ANTONIO	TX	78231-4407	176 BEDINGFELD SHAVANO PARK, TX 78231
GALLEGOS RANDY L & MARIA E	168 BEDINGFELD	SHAVANO PARK	TX	78231	168 BEDINGFELD SHAVANO PARK, TX 78231
RUSSELL RASHEAN & MICHA M HALL-RUSSELL	167 BEDINGFELD	SHAVANO PARK	null	78231	167 BEDINGFELD SHAVANO PARK, TX 78231
GONZALEZ GERARDO FUAD BENDECK	239 GRANVILLE WAY	SAN ANTONIO	TX	78231	239 GRANVILLE WAY SHAVANO PARK, TX 78231
ORTEGA MARK ANTHONY	152 BEDINGFELD	SAN ANTONIO	TX	78231	152 BEDINGFELD SHAVANO PARK, TX 78231
BRUCHMILLER ELIZABETH	118 LAZENBY	SHAVANO PARK	TX	78231	118 LAZENBY SHAVANO PARK, TX 78231
BRUCHMILLER BRETT	114 LAZENBY	SHAVANO PARK	TX	78231	114 LAZENBY SHAVANO PARK, TX 78231
GASKO JOHN & MONICA	102 LAZENBY	SHAVANO PARK	TX	78231	102 LAZENBY SHAVANO PARK, TX 78231



May 27, 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 **June 20, 2022 at 6:00 p.m.**, for the purpose of considering the application for the following special exception request:

NAME OF APPLICANT:

John Gasko

LOCATION:

102 Lazenby
Shavano Park, TX 78231

Applicant is petitioning the City of Shavano Park Board of Adjustment for a special exception pursuant to 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.

NEWSPAPER NOTICE - PUBLISHED JUNE 1, 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 June 20, 2022 at 6:00 p.m. for the purpose of considering the application for the following Special Exception:

NAME OF APPLICANT:

by John Gasko

LOCATION:

102 Lazenby
Shavano Park, TX 78231

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.

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NAME OF APPLICANT:

by John Gasko

LOCATION:

102 Lazenby
Shavano Park, TX 78231

- 2.** 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.

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.

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:

TRISH NICHOLS, CITY SECRETARY

Board of Adjustment – June 20, 2022 6:00PM

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

I Motion to approve the special exception as requested by John Gasko, 102 Lazenby, for an exception to Chapter 36, Article V, Section 36-132 (c)(1) to allow the installation of a pool within the approved MXD site Plan building setback lines on the subject property for the following factors:

- (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. 36-132(e). **(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