



City of La Vernia
ZONING BOARD OF ADJUSTMENT
102 E. Chihuahua St., La Vernia, Texas 78121
April 20, 2023
6:00 PM

AGENDA

1. **Call to Order**
2. **Invocation, Pledge of Allegiance and Texas Pledge**
3. **Consent Agenda**
(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)
 - A. Approve Meeting Minutes from the 03-09-23 ZBOA Meeting
4. **Discussion & Action**
 - A. 200 Wiseman Ln - Home Occupation Permit Appeal
 - B. 309 N. Seguin Rd - Home Occupation Permit Appeal
5. **Items Specific to Future Line Items on the Agenda**
6. **Adjourn**

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.

The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.

The City of La Vernia Council meetings are available to all persons regardless of disability. The facility is wheelchair-accessible parking spaces are available. Should you require special assistance, requests for accommodations must be made 48 hours before this meeting. Braille is not available. Please get in touch with the City Secretary at (830) 779-4541 or email Lboyd@lavernia-tx.gov.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above-named La Vernia Zoning 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 La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **April 17th, 2023 at 5 pm** and remained so posted continuously for at least 72 Hours preceding the scheduled time of the said meeting.

Lindsey Wheeler, City Secretary



ZONING BOARD OF ADJUSTMENT

102 E. Chihuahua St., La Vernia, Texas 78121

March 09, 2023

6:00 PM

MINUTES

1. Call to Order

The meeting was called to order at 6:00 pm

(Martin Poore, Dianell Recker, Amanda Hutchinson, Justin Oates, Gary Gilbert, and Garrett Rabel, all present)

2. Invocation, Pledge of Allegiance and Texas Pledge

Pledge led by Mayor Poore, prayer led by Pastor Bobby Nixon

3. Consent Agenda

(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)

A. Minutes from 10-20-22 Regular Meeting

MOTION: Justin Oates made a motion to approve the consent agenda as listed, seconded by Dianell Recker, all in favor

4. Public Hearing

A. Hold a Public Hearing at the request of the current owner of 15010 us why 87 W, La Vernia, Texas 78121, Bonnie Chessher, and potential partners NP Homes, requesting a variance from Code of Ordinances, Chapter 38, Sec. 38-208. - Dimensional and development standards, and; Sec. 38-402. - Off-street parking and loading requirements. for the following:

Increase the current code height allotment which maxes out at 30 feet, to 45 feet and; reduce the requirement for 1.5 parking spaces per bedroom to 1.5 spaces required per unit

- a1. Open Public Hearing
- a2. Applicant Presentation
- a3. Staff Presentation
- a4. Questions and comments by Board Members
- a5. Close Public Hearing
- a6. Motion

- a1. Open Public Hearing
The public hearing opened at 6:03 pm
- a2. Applicant Presentation
AJ Murphy, representative of NP homes presented

a3. Staff Presentation

The City Administrator provided feedback regarding previous conversations with NP homes, as well as research conducted on how other cities deal with requests such as these

a4. Questions and comments by Board Members

The board discussed, specifically regarding concerns for fire safety, and building height standards

a5. Close Public Hearing

The public hearing was closed at 6:18 pm

a6. Motion

MOTION: Dianell Recker made a motion to allow for 1 parking space per bedroom of the apartment unit, regarding the variance request for parking standards, seconded by Justin Oates, all in favor

MOTION: Justin Oates made a motion to deny the building height variance request, seconded by Gary Gilbert, all in favor

- B. Discuss and consider action on a variance request from The Texan, 14114 US Hwy 87 W , requesting a variance from Code of Ordinances, Chapter 26, Section 26-110 – Permitting Regulations for the following: larger building side sign and larger monument sign than the code allows for (currently 48 and 100 square foot allowed respectively)

b1. Open Public Hearing

b2. Applicant Presentation

b3. Staff Presentation

b4. Questions and comments by Board Members

b5. Close Public Hearing

b6. Motion

b1. Open Public Hearing

The public Hearing opened at 6:22 pm

b2. Applicant Presentation

Compadre Signs Presents

b3. Staff Presentation

City staff presented regarding examples of "Texan" signs in other cities

b4. Questions and comments by Board Members

The board discussed concerns regarding light pollution

b5. Close Public Hearing

The public hearing was closed at 6:38 pm

b6. Motion

MOTION: Gary Gilbert made a motion to approve the facade sign variance application to only apply for two sides of the building (left, and front, but not right,) or on all three sides, but the right one would not be a "lit" sign, seconded by Justin Oates, all in favor

MOTION: Gary Gilbert made a motion to approve the request for the monument sign variance, seconded by Dianell Recker, all in favor

5. Items Specific to Future Line Items on the Agenda

Potential to bring to Planning and Zoning and City Council an ordinance to amend the monument sign size standard, as well as ordinance changes to parking minimum standards

6. Adjourn

MOTION: Justin Oates made a motion to adjourn the meeting at 6:43 pm, seconded by Garrett Rabe, all in favor

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 behavior could result in a request by the Presiding Officer that the individual leaves the meeting, and if refused, an order of removal.

The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.

The City of La Vernia Council meetings is available to all persons regardless of disability. The facility is wheelchair-accessible parking spaces are available. Request for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email Lboyd@lavernia-tx.gov.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above-named La Vernia Zoning Board of Adjustment is a true and correct copy of said Notice and that I posted a true and accurate copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **March 3, 2023, at 5:00 PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of the said meeting.

Lindsey Wheeler, City Secretary



City of La Vernia Home Occupation Permit Application

Address: 200 Wiseman Ln

Business Name: Bliss House Yoga, LLC.

Applicant Name: Margie Sanders Type of Business: Holistic Therapy

I own this home (attach proof of ownership)

I rent this home (attach notarized letter from owner granting permission to conduct business from premises)

Email: blisshouseyoga@yahoo.com Telephone Number: 314-882-3075

Property Owner's Name: David & Margaret Sanders

Home occupation means an occupation or activity carried on in the home by a member of the occupant's immediate family, residing on the premises in which the occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Home Occupations are subject to the following requirements:

La Vernia Code of Ordinances Sec.38-405.- Home Occupation Regulations

(b)Required conditions.

(1)The area set aside for home occupations shall not exceed 20 percent of the total floor area of such residence.(2)No interior or exterior business sign shall be permitted.(3)No mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.(4)Retail sales shall be prohibited on the premises except for the retail sales of products and goods produced and fabricated on the premises as a result of the home occupation.(5)Only members of the immediate family permanently residing on the premises shall be employed in the home occupation.(6)In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. and no later than 10:00 p.m.(7)No more than one home occupation shall be permitted within any single dwelling unit.(8)A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.(9)There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.(10)There shall be no exterior storage of materials to be used in conjunction with a home occupation.(11)A home occupation shall produce no offensive or obnoxious noise, vibration, smoke, electrical interferences, dust, odors, heat or other obnoxious conditions detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the city's code enforcement officer pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the board of adjustment within 30 days of the code enforcement officer's written determination.(12)A home occupation shall not create any increased traffic generation.(13)All home occupations may be subject to periodic inspections.(14)A home occupation shall not have any signage other than a nameplate not more than one square foot in area nor any display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, shall not have any commodity sold on the premises, shall not employ any person other than a member of the immediate family residing on the premises nor shall there be any mechanical equipment used except of a type that is similar in character to that normally used for purely domestic or household purposes.

(c)Permits.(1)Purpose. To establish a method to allow the city to regulate and control nonresidential activities and main the types and numbers of home occupations in the city.(2)Required. Each resident within the city that has, or desires to establish an authorized home occupation, is required to have a home occupation permit.(3)Application. The following provisions shall apply for a home occupation permit:a.Applicant shall apply to the administrative official for a home occupation permit.b.The administrative official or his designee may issue the permit if the home occupation meets all the requirements established in subsection (b) of this section.c.The decision of the administrative official or his designee may be appealed to the board of adjustment in accordance with article I of this chapter.d.The board of adjustment will be the final judgment on appeals which must be submitted to the board within 30 days of disapproval.e.Supporting documents:1.Signed statement. One type of supporting evidence that may be submitted to the board of adjustment for their consideration of an appeal is a signed statement by each property owner within 200 feet of the property on which the home occupation is to occur, stating that the property owner has no objection to the existence of the proposed home occupation. An example of such a statement is as follows:

"I (name) the property owner at (address) have been advised by (name of home occupation applicant) of the request to the city for a home occupation permit for the purpose of conducting (type of home occupation) and I have no objection to the home occupation permit being granted for the purpose reflected in this statement.

Signature of neighboring property owner and date"

2.Statement from property owner. An applicant who is renting the property on which a home occupation permit is requested shall obtain a written statement from the owner of the property. The owner will state that he has no objection to the home occupation on the property.3.Persons with demonstrated physical handicaps. Persons with physical handicaps may be permitted special consideration. The applicant may request a waiver of a portion or all of one or more of the requirements for a home occupation.4.Granted of exception. It shall be the responsibility of the applicant to submit sufficient evidence to justify the granting of an exception to any of the requirements in subsection (b) of this section.5.Conditions applicable to home occupation permits.(i)Validation. A home occupation remains valid for a period of two years.(ii)Renewal. Permits shall be renewed every two years.(iii)Termination. When a home occupation is found in noncompliance with the requirements outlined in subsection (b) of this section, the permit will be terminated immediately.(iv)Renewal of terminated permits. The procedure for renewal of a terminated permit shall be the same as required for the issuance of a new permit under this chapter.

(Ord. No. 120910-01, § 1(ch. 5, § 5), 12-9-2010)

I have read, understand and will comply with the conditions of the City of La Vernia Code of ordinances as contained herein.

Dated on the 13th day of February, 20 23 .

D. Sanders
Applicant Signature

David Sanders
Printed Name

City Staff Use Only:

_____ Approved _____ Denied

Comments: _____

Planning Department

Date

SCANNED

Independence Title/GFH# 217-2633-CRSA/EK

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED WITH VENDOR'S LIEN

Date: February 16, 2022

Grantor: Donald W. Rackler a/k/a Donald Rackler

Grantor's Mailing Address:

6491 FM 775 Lavenia TX 78121

Grantee: David Chad Sanders and Margaret Marie Sanders, husband and wife

Grantee's Mailing Address:

302 Cascade Cove, Cibolo, TX 78108

Consideration: TEN AND NO/100 DOLLARS and other good and valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of a note of even date that is in the principal amount of \$665,023.00 and is executed by Grantee, payable to the order of Guardian Mortgage, a division of Sunflower Bank, N.A. The note is secured by a vendor's lien retained in favor of Guardian Mortgage, a division of Sunflower Bank, N.A. in this deed and by a deed of trust of even date from Grantee to John Cottrell, Trustee.

Guardian Mortgage, a division of Sunflower Bank, N.A., at Grantee's request, having paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described, the vendor's lien and superior title to the property are retained for the benefit of Guardian Mortgage, a division of Sunflower Bank, N.A. and are transferred to Guardian Mortgage, a division of Sunflower Bank, N.A. without recourse on Grantor.

Property (including any improvements):

All that certain tract or parcel of land containing 10.84 acres of land, more or less, out of the Juan Delgado Survey, Abstract No. 8, in Wilson County, Texas, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

Reservations: A reservation unto Grantor of all the oil, gas and other minerals now owned by the Grantor that are in or under the property and that may be produced from it, provided however, Grantor reserves no surface rights to the property.

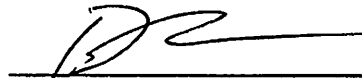
Exceptions to Conveyance and Warranty: This conveyance, however, is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all restrictions, covenants, assessments, reservations, outstanding mineral interests held by third parties, conditions, and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the hereinabove mentioned County and State or to the extent that they are apparent upon reasonable inspection of the property; and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent they are still in effect and relating to the hereinabove described property. Ad valorem taxes on said property for the current year, having been prorated, the payment thereof is assumed by Grantee.

Use Restrictions: This conveyance, however, is made and accepted subject to restrictions placed on the property in this deed by Grantor as more particularly set forth on Exhibit "B" attached hereto and incorporated herein for all purposes.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.



Donald W. Rackler

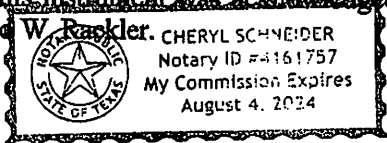
ACKNOWLEDGMENT

STATE OF TEXAS

§
§
§

COUNTY OF Wilson

This instrument was acknowledged before me on this the 16 day of February, 2021,
by Donald W. Raskler.



Cheryl Schneider
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:
Law Office of Kenneth R. Cooper
14607 San Pedro, Suite 130
San Antonio, TX 78232-4356

AFTER RECORDING RETURN TO:
~~David Chad Sanders and~~
~~Margaret Marie Sanders~~
302 Cascade Cove
Cibolo, TX 78108

after recording
Independence Title
19707 IH10 West, Suite 101
San Antonio, TX 78257

**MARTINEZ
SURVEYING & MAPPING CO.
Firm # 101822-00
P.O. BOX 17971
San Antonio, Texas 78217
(210) 829-4244**

STATE OF TEXAS
COUNTY OF WILSON

TRACT 1
10.84 ACRE TRACT

All that certain tract or parcel of land containing 10.84 acres in Wilson County, Texas, out of the Juan Delgado Survey, Abstract 8, being a portion of that certain tract called 39.32 acres described in conveyance Donald W. Rackler, of record in Document 92763, Official Public Records of Wilson County, Texas.

- COMMENCING:** at a ½" iron pin found on the Southwest line of U. S. Highway 87 at the East corner of Kipling W. & Julie A. Workman, 21.24 acre tract, of record in Volume 2125, Page 101, Official Public Records of Wilson County, Texas, and same being the North corner of said 39.32 acre tract;
- THENCE:** along with the Southwest line of U. S. Highway 87, the following courses and distances:
South 25 deg. 21 min. 20 sec. East, 122.09 feet to a ½" iron pin found and
South 27 deg. 01 min. 45 sec. East, 556.30 feet to a ½" iron pin set with cap at the East corner of a 17.60 acre tract, surveyed this same day, and same being the North corner of Wiseman Lane, for the North corner and Point of Beginning of this tract;
- THENCE:** South 27 deg. 01 min. 45 sec. East, 30.07 feet along with the Southwest line of U. S. Highway 87 to a ½" iron pin set with cap at the North corner of Tract 2, 10.87 acre tract, surveyed this same day, and same being the East corner of said Wiseman Lane, for the East corner of this tract;
- THENCE:** South 66 deg. 44 min. 48 sec. West, 567.86 feet into said 39.32 acre tract to a ½" iron pin set with cap at the West corner of Tract 2, 10.87 acre tract, surveyed this same day, for a corner of this tract;
- THENCE:** South 01 deg. 06 min. 26 sec. West, 1003.16 feet to a ½" iron pin set with cap on the Northwest line of La Vernia Chamber of Commerce tract, of record in Volume 247, Page 118 and Volume 321, Page 129, Deed Records of Wilson County, Texas, at the South corner of said Tract 2, 10.87 acre tract, for the Southeast corner of this tract;
- THENCE:** South 61 deg. 16 min. 45 sec. West, 213.63 feet along with the common line between said 39.32 acre tract and said La Vernia Chamber of Commerce tract and also the Robert L. Lewis III and Shawn Michelle Lein, 25.00 acre tract, of record in Volume 1797, Page 365, Official Public Records of Wilson County, Texas, to a ½" iron pin found with cap, at the East corner of William J. Witte, 42.7225 acre

tract, of record in Volume 1706, Page 447, Official Public Records of Wilson County, Texas, and same being the South corner of said 39.32 acre tract, for the South corner of this tract;

THENCE: North 29 deg. 40 min. 21 sec. West, 966.14 feet along with the common line between said 39.32 acre tract and said Witte, 42.7225 acre tract to a ½" iron pin set with cap, at the South corner of 17.60 acre tract, surveyed this same day, for the West corner of this tract;

THENCE: across said 39.32 acre tract with the Southeast line of said 17.60 acre tract, surveyed this same day, the following courses and distances:
North 66 deg. 25 min. 30 sec. East, 734.46 feet to a ½" iron pin set with cap and
North 66 deg. 44 min. 48 sec. East, 565.88 feet to the POINT OF BEGINNING.

Bearing Basis – North 58 deg. 46 min. 54 sec. East, 1318.62 feet – from the Northwest line of said 39.32 acre tract, of record in Document # 92763, Official Public Records of Wilson County, Texas.




A handwritten signature in black ink that reads "Reynaldo Martinez Jr." with a stylized flourish at the end.

REYNALDO MARTINEZ JR.
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 5482
W. O. # 21-11-12A
November 15, 2021
(SEE ATTACHED SURVEY PLAT)

EXHIBIT "B"
RESTRICTIONS

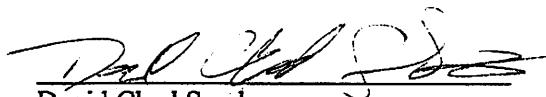
1. The main property use will be for residential purposes. Primary home to be built must be at least 2,000 sq. ft. of heated and cooled living area, and must be a minimum of 50% masonry, excluding concrete fiberboard. Hardi-Plank and similar products are not considered to be masonry. Home must be built on a concrete slab foundation.
2. A guest house/cottage/office may also be built, provided that it is not more than 1,500 sq. ft. of heated and cooled living area.
3. Barns, garages, and outbuildings will be allowed, provided that the total enclosed square footage of such structures ~~and all residential structures~~ does not exceed 10,000 sq. ft. MS DS
4. The property is not to be used as a dumping ground for trash and shall not be used for the open storage of any materials whatsoever, except during the construction of the primary home and other buildings, so long as the construction progresses without delay and is completed within six (6) months.
5. No inoperative or unlicensed vehicle shall be placed on the property except in an enclosed structure.
6. No commercial trucks or heavy commercial equipment may be parked on the tract except temporarily as needed for residential construction purposes.
7. Tractors and farm implements may be stored on the property without being enclosed in a structure, but they must be parked in an area that is not visible to the neighbors on Wiseman Lane.
8. No noxious or offensive activity shall be allowed, nor shall any activities be done thereon which may be or become a nuisance to the neighbors.
9. Farm animals and domestic pets may be kept on the property as allowed by Wilson County, and the City of La Vernia, and must be maintained in such a way as to not be noxious or offensive to neighbors. The large scale commercial breeding of any animals shall not be allowed.
10. No pigs or hogs may be raised, kept or bred except on a temporary basis for 4-H or FFA related school supervised programs.
11. These restrictions are for the benefit of the owners of the tracts on Wiseman Lane, and may be altered, expanded or rescinded at any time with the mutual written and recorded consent of all property owners on Wiseman Lane. In any event, these restrictions will expire and become null and void twenty (20) years from the date of initial recording, unless all residents on Wiseman Lane agree to modify or extend them.

SELLER:




 Donald W. Rackler

BUYERS:



 David Chad Sanders



 Margaret Marie Sanders



[External] GF# 2177633-CRSA - Revised...



pdf

2177633-C...4 acres.pdf

2.2 MB

**EXHIBIT "B"
RESTRICTIONS**

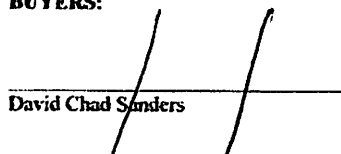
1. The main property use will be for residential purposes. Primary home to be built must be at least 2,000 sq. ft. of heated and cooled living area, and must be a minimum of 50% masonry, excluding concrete fiberboard. Hardi-Plank and similar products are not considered to be masonry. Home must be built on a concrete slab foundation.
2. A guest house/cottage/office may also be built, provided that it is not more than 1,500 sq. ft. of heated and cooled living area.
3. Barns, garages, and outbuildings will be allowed, provided that the total enclosed square footage of such structures and all residential structures does not exceed 10,000 sq. ft.
4. The property is not to be used as a dumping ground for trash and shall not be used for the open storage of any materials whatsoever, except during the construction of the primary home and other buildings, so long as the construction progresses without delay and is completed within six (6) months.
5. No inoperative or unlicensed vehicle shall be placed on the property except in an enclosed structure.
6. No commercial trucks or heavy commercial equipment may be parked on the tract except temporarily as needed for residential construction purposes.
7. Tractors and farm implements may be stored on the property without being enclosed in a structure, but they must be parked in an area that is not visible to the neighbors on Wiseman Lane.
8. No noxious or offensive activity shall be allowed, nor shall any activities be done thereon which may be or become a nuisance to the neighbors.
9. Farm animals and domestic pets may be kept on the property as allowed by Wilson County, and the City of La Verne, and must be maintained in such a way as to not be noxious or offensive to neighbors. The large scale commercial breeding of any animals shall not be allowed.
10. No pigs or hogs may be raised, kept or bread except on a temporary basis for 4-H or FFA related school supervised programs.
11. These restrictions are for the benefit of the owners of the tracts on Wiseman Lane, and may be altered, expanded or rescinded at any time with the mutual written and recorded consent of all property owners on Wiseman Lane. In any event, these restrictions will expire and become null and void twenty (20) years from the date of initial recording, unless all residents on Wiseman Lane agree to modify or extend them.

SELLER:

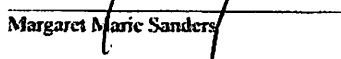


Donald W. Rackler

BUYERS:



David Chad Sanders



Margaret Marie Sanders





VG-2378-2022-117743

Wilson County
Eva S. Martinez
Wilson County Clerk

Instrument Number: 117743

Real Property Recordings

Recorded On: February 25, 2022 12:32 PM

Number of Pages: 9

" Examined and Charged as Follows: "

Total Recording: \$54.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 117743
Receipt Number: 20220225000026
Recorded Date/Time: February 25, 2022 12:32 PM
User: Loretta R
Station: cclerk03

Record and Return To:

INDEPENDENCE TITLE CINDY CRUZ
19707 IH-10 WEST, STE. 101
SAN ANTONIO TX 78257



STATE OF TEXAS
Wilson County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Wilson County, Texas

Eva S. Martinez

Eva S. Martinez
Wilson County Clerk
Floresville, TX

lboyd

From: David Sanders <dcsanders@paric.com>
Sent: Wednesday, March 29, 2023 2:34 PM
To: Lindsey
Subject: RE: [External] Home occupation regulations

Lindsey,

What do I need to do to appeal this decision?

DAVID SANDERS

From: Lindsey <lboyd@lavernia-tx.gov>
Sent: Tuesday, February 21, 2023 11:44 AM
To: David Sanders <dcsanders@paric.com>
Subject: [External] Home occupation regulations

Mr. Sanders,

We regret to inform you that we are declining your application for home occupancy based on the following code provisions:

Sec. 38-405. - Home occupation regulations.
Required conditions.

(1)

The area set aside for home occupations shall not exceed 20 percent of the total floor area of such residence.

(2)

No interior or exterior business sign shall be permitted.

(5)

Only members of the immediate family permanently residing on the premises shall be employed in the home occupation.

(8)

A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.

(12)

A home occupation shall not create any increased traffic generation.

Information regarding appealing this decision can be seen below:

b.

The administrative official or his designee may issue the permit if the home occupation meets all the requirements established in subsection (b) of this section.

c.

The decision of the administrative official or his designee may be appealed to the board of adjustment in accordance with article I of this chapter.

d.

The board of adjustment will be the final judgment on appeals which must be submitted to the board within 30 days of disapproval.

e.

Supporting documents:

1. Signed statement. One type of supporting evidence that may be submitted to the board of adjustment for their consideration of an appeal is a signed statement by each property owner within 200 feet of the property on which the home occupation is to occur, stating that the property owner has no objection to the existence of the proposed home occupation. An example of such a statement is as follows:

"I (name) the property owner at (address) have been advised by (name of home occupation applicant) of the request to the city for a home occupation permit for the purpose of conducting (type of home occupation) and I have no objection to the home occupation permit being granted for the purpose reflected in this statement.

Signature of neighboring property owner and date"

2.

Statement from property owner. An applicant who is renting the property on which a home occupation permit is requested shall obtain a written statement from the owner of the property. The owner will state that he has no objection to the home occupation on the property.

3.

Persons with demonstrated physical handicaps. Persons with physical handicaps may be permitted special consideration. The applicant may request a waiver of a portion or all of one or more of the requirements for a home occupation.

4.

Granting of exception. It shall be the responsibility of the applicant to submit sufficient evidence to justify the granting of an exception to any of the requirements in subsection (b) of this section. Section 4, Item A.

Let us know if you have any questions or concerns.

-Lindsey

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

(a) *Purpose and intent.* It is the purpose of this section to:

- (1) Protect residential areas from the adverse impact of activities associated with home occupations.
- (2) Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- (3) Establish criteria and development standards for home occupations conducted in dwelling units.

(b) *Required conditions.*

- (1) The area set aside for home occupations shall not exceed 20 percent of the total floor area of such residence.
- (2) No interior or exterior business sign shall be permitted.
- (3) No mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
- (4) Retail sales shall be prohibited on the premises except for the retail sales of products and goods produced and fabricated on the premises as a result of the home occupation.
- (5) Only members of the immediate family permanently residing on the premises shall be employed in the home occupation.
- (6) In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. and no later than 10:00 p.m.
- (7) No more than one home occupation shall be permitted within any single dwelling unit.
- (8) A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.
- (9) There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.
- (10) There shall be no exterior storage of materials to be used in conjunction with a home occupation.
- (11) A home occupation shall produce no offensive or obnoxious noise, vibration, smoke, electrical interferences, dust, odors, heat or other obnoxious conditions detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the city's code enforcement officer pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the board of adjustment within 30 days of the code enforcement officer's written determination.
- (12) A home occupation shall not create any increased traffic generation.

All home occupations may be subject to periodic inspections.

(13)

(14) A home occupation shall not have any signage other than a nameplate one square foot in area nor any display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, shall not have any commodity sold on the premises, shall not employ any person other than a member of the immediate family residing on the premises nor shall there be any mechanical equipment used except of a type that is similar in character to that normally used for purely domestic or household purposes.

(c) *Permits.*

(1) *Purpose.* To establish a method to allow the city to regulate and control nonresidential activities and maintain a record of the types and numbers of home occupations in the city.

(2) *Required.* Each resident within the city that has, or desires to establish an authorized home occupation, is required to have a home occupation permit.

(3) *Application.* The following provisions shall apply for a home occupation permit:

- a. Applicant shall apply to the administrative official for a home occupation permit.
- b. The administrative official or his designee may issue the permit if the home occupation meets all the requirements established in subsection (b) of this section.
- c. The decision of the administrative official or his designee may be appealed to the board of adjustment in accordance with article I of this chapter.
- d. The board of adjustment will be the final judgment on appeals which must be submitted to the board within 30 days of disapproval.
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4. Granting of exception. It shall be the responsibility of the applicant to submit sufficient evidence to justify the granting of an exception to any of the requirements in subsection (b) of this section.
5. Conditions applicable to home occupation permits.
 - (i) Validation. A home occupation remains valid for a period of two years.
 - (ii) Renewal. Permits shall be renewed every two years.
 - (iii) Termination. When a home occupation is found in noncompliance with the requirements outlined in subsection (b) of this section, the permit will be terminated immediately.
 - (iv) Renewal of terminated permits. The procedure for renewal of a terminated permit shall be the same as required for the issuance of a new permit under this chapter.

(Ord. No. 120910-01, § 1(ch. 5, § 5), 12-9-2010)

City of La Vernia Home Occupation Permit Application

Address: 309 N. Seguin Rd

Business Name: none

Applicant Name: Kevin Hyland Type of Business: Picnic Tables (Woodcrafts)

I own this home (attach proof of ownership)

I rent this home (attach notarized letter from owner granting permission to conduct business from premises)

Email: Kevin.cat.hyland@gmail.com Telephone Number: 210 378 4874

Property Owner's Name: Kevin and Catherine Hyland

Home occupation means an occupation or activity carried on in the home by a member of the occupant's immediate family, residing on the premises in which the occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Home Occupations are subject to the following requirements:

La Vernia Code of Ordinances Sec.38-405.- Home Occupation Regulations

(b) Required conditions.

- (1) The area set aside for home occupations shall not exceed 20 percent of the total floor area of such residence.
- (2) No interior or exterior business sign shall be permitted.
- (3) No mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
- (4) Retail sales shall be prohibited on the premises except for the retail sales of products and goods produced and fabricated on the premises as a result of the home occupation.
- (5) Only members of the immediate family permanently residing on the premises shall be employed in the home occupation.
- (6) In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. and no later than 10:00 p.m.
- (7) No more than one home occupation shall be permitted within any single dwelling unit.
- (8) A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.
- (9) There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.
- (10) There shall be no exterior storage of materials to be used in conjunction with a home occupation.
- (11) A home occupation shall produce no offensive or obnoxious noise, vibration, smoke, electrical interferences, dust, odors, heat or other obnoxious conditions detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the city's code enforcement officer pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the board of adjustment within 30 days of the code enforcement officer's written determination.
- (12) A home occupation shall not create any increased traffic generation.
- (13) All home occupations may be subject to periodic inspections.
- (14) A home occupation shall not have any signage other than a nameplate not more than one square foot in area nor any display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, shall not have any commodity sold on the premises, shall not employ any person other than a member of the immediate family residing on the premises nor shall there be any mechanical equipment used except of a type that is similar in character to that normally used for purely domestic or household purposes.

(c)Permits.(1)Purpose. To establish a method to allow the city to regulate and control nonresidential activities and maintain types and numbers of home occupations in the city.(2)Required. Each resident within the city that has, or desires to establish an authorized home occupation, is required to have a home occupation permit.(3)Application. The following provisions shall apply for a home occupation permit:a.Applicant shall apply to the administrative official for a home occupation permit.b.The administrative official or his designee may issue the permit if the home occupation meets all the requirements established in subsection (b) of this section.c.The decision of the administrative official or his designee may be appealed to the board of adjustment in accordance with article I of this chapter.d.The board of adjustment will be the final judgment on appeals which must be submitted to the board within 30 days of disapproval.e.Supporting documents:1.Signed statement. One type of supporting evidence that may be submitted to the board of adjustment for their consideration of an appeal is a signed statement by each property owner within 200 feet of the property on which the home occupation is to occur, stating that the property owner has no objection to the existence of the proposed home occupation. An example of such a statement is as follows:

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Signature of neighboring property owner and date"

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(Ord. No. 120910-01, § 1(ch. 5, § 5), 12-9-2010)

I have read, understand and will comply with the conditions of the City of La Vernia Code of ordinances as contained herein.

Dated on the 24TH day of February, 2022


Applicant Signature

KEVIN HYLAND
Printed Name

City Staff Use Only:

_____ Approved _____ Denied

Comments: _____

Planning Department

Date

Date Received _____

Payment _____

PETITION FOR VARIANCE
La Vernia Zoning Board of Adjustment

Date Feb 25 2023

I (we) the undersigned, having an interest in property located at 309 Seguin

_____ Zoning C1

Subdivision City Of La Vernia Lot 168 Block _____ Prop ID No. 27399

Property Owner Name Kevin Hyland

Phone 210-378-4874 Cell same

Mailing Address 309 Seguin La Vernia State TX Zip 78121

respectfully request that I (we) be granted the following variance(s) to the regulations established by the Zoning Ordinance of the City of La Vernia, Texas (Mark "X" where applicable):

- Permit a change of occupancy from one non-conforming use to another non-conforming use permitted in the same or higher (more restricted) zoning classification as the original non-conforming use. NOTE: Prior to application or relief by the Board, there shall be in force a valid "Certificate of Occupancy and Compliance."
- Permit the reconstruction, extension, or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building, subject to such building modification not preventing the return of the subject property to a conforming use. Refer to above "NOTE".
- Permit the modification of the () height, () yard, () area, () coverage and/or () parking regulations as are necessary to secure appropriate development of the subject parcel.

The variance requested being more particularly the Board's consideration for relief from Ordinance No. Chap 38, Article IV, Section 308-405, Item #2; to permit exterior sign

The petitioner will provide a building plan, sketch, plat and/or survey for the purpose of clearly and accurately depicting the type and extent of relief being sought.

Explain how the hardship is not contrary to the public interest and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and that the spirit of the ordinance is observed and substantial justice is done: Please see the attachments Page 1 thru 6

Signature of Petitioner

Kevin Hyland
Catherine Hyland
Property Owner(s) of Record or Authorized Agent

Request for Variance Allowing Exterior Signage to Comply with “Home Occupation Permit.”

Item 1. A zoning restriction as applied to 309 Seguin Road, La Vernia, Texas in regard to the “Home Occupation Permit” Chapter 38, Article IV, Sec. 308-405, Item #2 interferes with the Property Owners (Kevin and Catherine Hyland) reasonable use of the property, considering the unique setting of the property in its environment.

Example: The property is also zoned for Commercial Retail/Mixed Use, giving the understanding that if this property was not lived in by its owners, zoning would allow for a commercial type of atmosphere with the understanding that it would not interfere with a residential setting due to mixed use definition. Upon initial viewing, the property gives a commercial appearance due to its location, parking, busy thoroughfare (FM 775), and surrounding area businesses (storage facility 460 feet away, flea market 210 feet away, landscaping business 510 feet away, church facility 60 feet away).

Item 2. No fair and substantial relationship exists between the general purposes of the zoning ordinance Chapter 38, Article IV, Sec. 308-405, Item #2 in regards to “no interior or exterior business sign shall be permitted” and the specific restriction on the property mainly with the understanding that this restriction of no signation would be completely understood within a neighborhood per se, where property values and the personal neighborhood setting would be altered unfairly to other property owners within the same area. Yet due to the specific location of 309 Seguin Road and the present business signage (total of 7) within 500 feet of the property, it is the belief that the requested variance would not alter the surrounding property values, cause any hazard with fire codes, endanger the public in any way, and/or cause any problem with traffic flow. The approval of this variance would not injure the public or private rights of others.

Item 3. The variance would not injure the public or private rights of others. See above items.

Page 2 of 6

Summary. I am a retired, disabled veteran. My wife is also recently retired. We have lived and worked in San Antonio for more than 30 years and wanting to leave the hustle and congestion of a large city, we chose La Vernia with the idea of fulfilling a dream of owning a small business at some point.

In the initial selection and decision to purchase 309 Seguin Road, we were very excited to learn that the property was zoned for mixed use, including commercial. Before and during the final purchase of the property, we made numerous phone calls to City Hall and city employees in regard to verifying that the property was zoned commercial. Now, after spending over \$500,000 we have learned that while it is true that the property is zoned for Residential/Commercial/Retail (Mixed Use), it cannot be used for both, therefore requiring us to move out of the home to explore using the property for commercial use.

Not being educated in all of the city ordinances, we now know that because the exact question wasn't asked regarding occupying (living) in the home and exercising the commercial zoning at the same time, we must change our future plans for the property. This brings us to the Home Occupation Permit process, where a hobby of woodworking in my 700 square foot shop/garage, which is already part of the home, is put to some use. In doing this, due to the location and surrounding area, we are asking that the City of La Vernia allow a variance to place a small exterior sign on the property following all other rules and regulations in accordance with the City of La Vernia Home Occupancy Permit application.

We thank you in advance for this consideration,



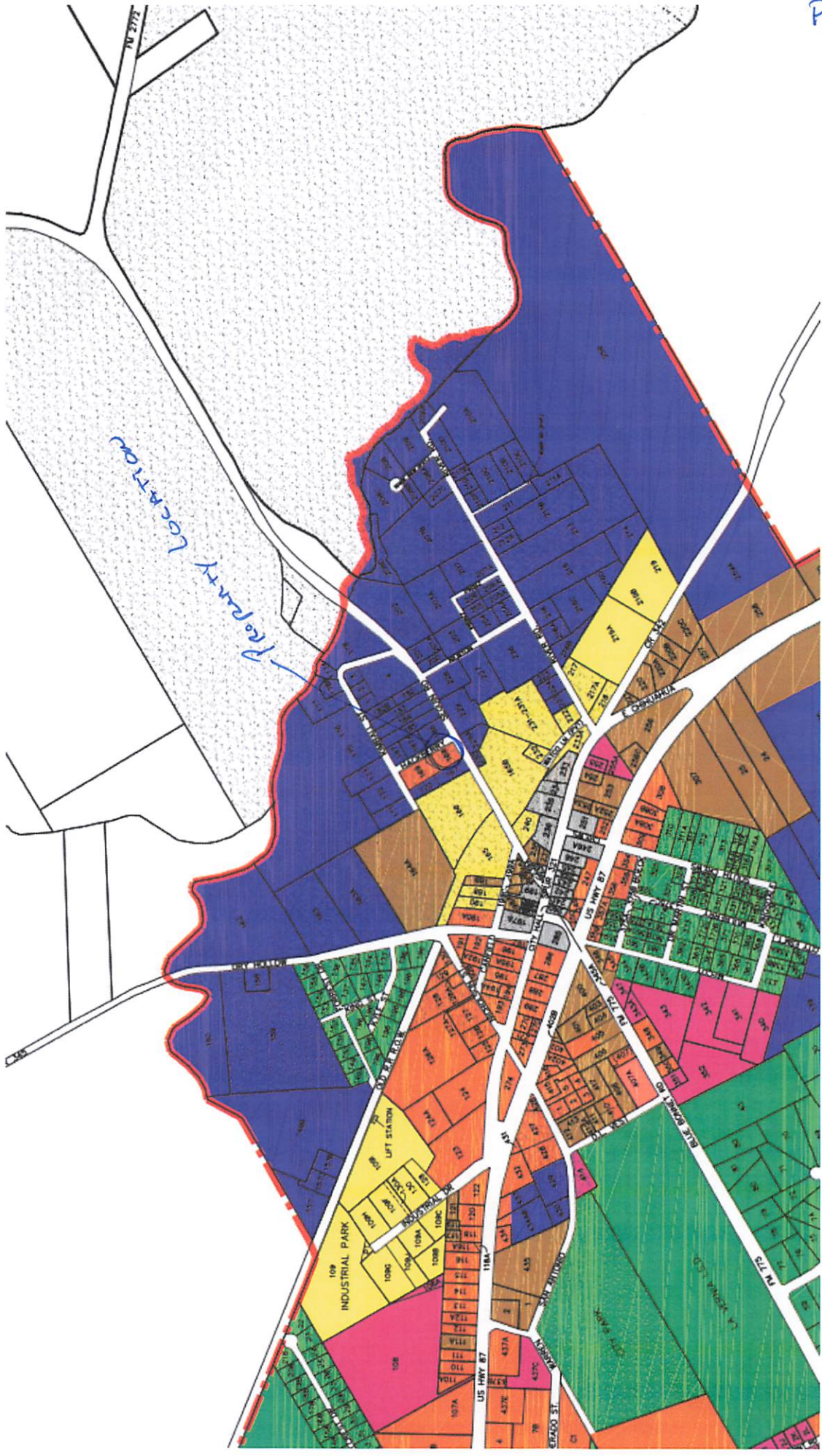
Catherine A. Hyland

Kevin and Catherine Hyland

309 Seguin Road, La Vernia, Texas 78121

Phone: (210) 378-4874

Email: kevin.cat.hyland@gmail.com







Page 5 of 6

← 48" →

Picnic Tables



For Sale

← 30" →

(210) 378-4874

Page 6 of 6

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