

City of La Vernia ZONING BOARD OF ADJUSTMENT 102 E. Chihuahua St., La Vernia, Texas 78121

March 09, 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. Minutes from 10-20-22 Regular Meeting

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
 - 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

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 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<u>, 2023, at 5:00 PM</u> and remained so posted continuously for at least 72 Hours preceding the scheduled time of the said meeting.

Lindsey Wheeler, City Secretary



REGULAR MEETING FOR THE LA VERNIA ZONING BOARD OF ADJUSTMENT 102 E. Chihuahua St. Council Chambers La Vernia, Texas 78121

Minutes Thursday, October 20th, 2022 at 6:15 P.M.

- Call to Order and Declare a Quorum. Mayor Poore called the meeting to order at 6:15 PM and declared a quorum. Members absent-Councilwoman Hutchinson.
- 2. Invocation and Pledge of Allegiance Mayor Poore led the invocation and all members recited the Pledge of Allegiance and the Texas Pledge. Pastor Bobby Nixon led the prayer.

At this time, Councilwoman Hutchinson arrived.

3. Hold a Public Hearing on a variance request from 102 San Antonio Rd (The Shed,) Katie and Chase Vincent, requesting a variance from Code of Ordinances, Chapter 26, Section 26- 110-111. for the following:

Sec. 26-110. - Permitting regulations. And **Sec. 26-111. - Prohibited sign types. – Request to** Increase the current code allotment of *A maximum of two poster-size enclosure signs may be permitted on a single commercial building to 16* and waive the current code requirement that Signs displayed for a fee or other form of consideration are not permitted

a. Open Public Hearing

The public hearing opened at 6:17 pm

b. Applicant Presentation

A representative from The Shed presented, stating that the requested signs would remain on the fence alone, all proceeds derived from the signs will be used for charitable donations, and the signs would only be visible while placing your order at the Shed

c. Staff Presentation

No staff presentation

d. Comments by Proponents and Opponents

Pastor Bobby Nixon shared that he was in favor of The Shed's initiative

e. Applicant Rebuttal

No applicant rebuttal

F. close public hearing

The public Hearing was closed at 6:21 pm

- 4. Discuss and consider action on a variance request from 102 San Antonio Rd (The Shed,) Katie and Chase Vincent, requesting a variance from Code of Ordinances, Chapter 26, Section 26- 110- 111.
- Councilwoman Recker makes a motion to approve a variance request from 102 San Antonio Rd (The Shed,) Katie and Chase Vincent, requesting a variance from Code of Ordinances, Chapter 26, Section 26- 110-111, seconded by Councilman Oates. Motion passes: 5-0.

6. Adjournment.

Councilman Oates makes a motion to adjourn the meeting, seconded by Councilwoman Hutchinson. The meeting was adjourned at 6:22 PM and all members were in favor.

ATTEST:

Martin Poore, Mayor

Lindsey Wheeler, City Secretary

Section 4, Item A.

Date Received ____

Payment _

PETITION FOR VARIANCE La Vernia Zoning Board of Adjustment

_{Date}2/10/2023

I (we) the undersigned, having an 15010 US Hwy 87 W, La		Zoning C-1*	*PENDING ZONE
Subdivision Property Owner Name_Bonnie	Lot Block Chessher	Prop ID No. 35213	- CHANGE REQUEST
Property Owner Name			
Phone	Cell		
Mailing Address 21911 Ranier Ln,	San Antonio, TX 78260-3525 State T	<78140	_

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 nonconforming 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 nonconforming 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".
- (X) Permit the modification of the (X) height, () yard, () area, () coverage and/or
 (X) 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 Chpt 38 Art. II 208 Ordinance No. 071212-02, Article Chpt 38 Art. IV, Section 402(e)(1), ____; to permit a maximum height of 45 feet (compared to the 30 feet currently allowed for C-1 zoning);

1.5 parking spaces per unit (opposed to 1.5 spaces per bedroom currently allowed for C-1 zoning)

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:

To provide an economically viable multi-family development, the height

must allow for a three story structure and parking minimums at 1.5 spaces per unit

Nader Karimi

Nader Karimi, President Signature of Petitioner NP Homes LLC

Authorized Agent

Property Owner(s) of Record or Authorized Agent

TOTAL LOTS: 46.27 OVERALL ACRES 88 RESIDENTIAL LOTS, ~15.31 ACRES 1 COMMERCIAL LOTS, ~1.55 ACRES .

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- .
- 1 GREENSPACE AREA, ~12.93 ACRES 1 MULTI-FAMILY LOT, ~11.38 ACRES .

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DY.

STREET "C" - ~583.01 LF STREET "D" - ~445.24 LF STREET "D" - ~445.24 LF STREET "E" - ~838.76 LF • .

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TOTAL ROADS: 5.10 ACRES, 4,406.88 LF, 5 STREETS STREET "A" - ~1,934.64 LF STREET "B" - ~ 605.23 LF

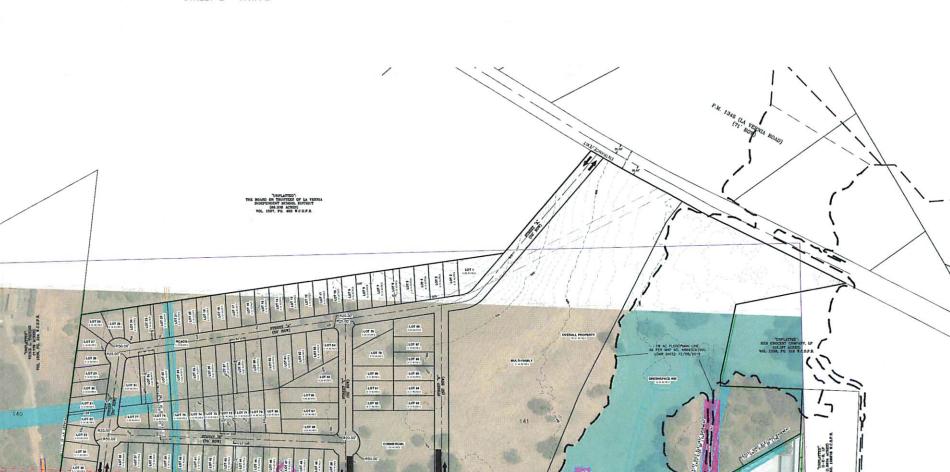
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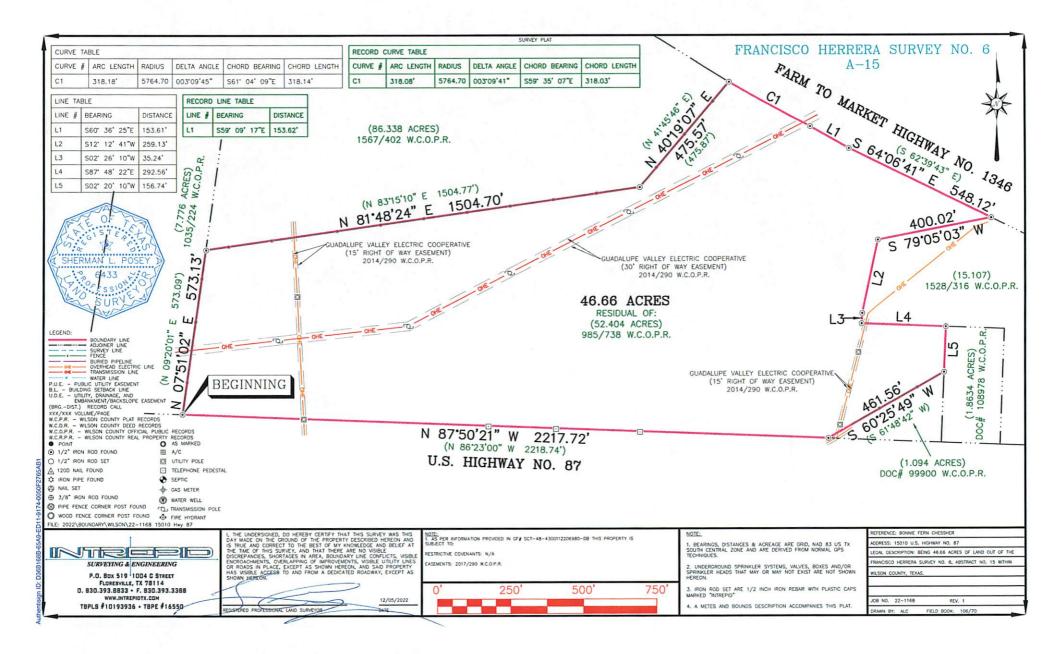
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LEGAL DESCRIPTION: Being 46.66 acres of land out of the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas and also being the residual of that certain 52.404 acre tract described in Volume 985, Page 738 of the Official Public Records of Wilson County, Texas; Said 46.66 acre tract being more particularly described as follows and as surveyed under the supervision of Intrepid Surveying & Engineering Corporation in November, 2022:

BEGINNING at a 1/2 inch iron rod found in the north line of U.S. Highway No. 87 for the southeast corner of that certain 7.776 acre tract described in Volume 1035, Page 224 of said Official Public Records and the southwest corner hereof;

THENCE North 07°51′02″ East a distance of 573.13 feet along the east line of said 7.776 acre tract to a 1/2 inch iron rod found for the southwest corner of that certain 86.338 acre tract described in Volume 1567, Page 402 of said Official Public Records and the northwest corner hereof;

THENCE along the common lines of said 86.338 acre tract, the following 2 courses:

- North 81°48'24" East a distance of 1504.70 feet to a 1/2 inch iron rod found for an interior corner hereof;
- North 40°19'07" East a distance of 475.57 feet to a 1/2 inch iron rod found in the southwest line of Farm to Market Highway No. 1346 for the north corner hereof;

THENCE along the common lines of Farm to Market Highway No. 1346, the following 3 courses:

- Following a curve turning to left through an angle of 003°09'41", having a radius of 5764.70 feet, an arc length 318.18 feet and whose long chord bears South 61°04'09" East a distance of 318.14 feet to a 1/2 inch iron rod found for a northeast corner hereof;
- South 60°36'25" East a distance of 153.61 feet to a 1/2 inch iron rod found for a northeast corner hereof;
- South 64°06′41″ East a distance of 548.12 feet to a 1/2 inch iron rod found for the north corner of that certain 15.107 acre tract described in Volume 1528, Page 316 of said Official Public Records and an east corner hereof;

THENCE along the common lines of said 15.107 acre tract, the following 4 courses:

- South 79°05′03″ West a distance of 400.02 feet to a 1/2 inch iron rod found for an interior corner hereof;
- South 12°12'41" West a distance of 259.13 feet to a 1/2 inch iron rod found for a corner hereof;
- 3. South 02°26'10" West a distance of 35.24 feet to a 1/2 inch iron rod found for an interior corner hereof;
- South 87°48'22" East a distance of 292.56 feet to a 1/2 inch iron rod found for the northwest corner of that certain 1.8634 acre tract described in Document No. 108978 of said Official Public Records and a northeast corner hereof;

THENCE South 02°20'10" West a distance of 156.74 feet along the west line of said 1.8634 acre tract to a 1/2 inch iron rod found for the north corner of that certain 1.094 acre tract described in in Document No. 99900 of said Official Public Records and a southeast corner hereof;

P.O. Box 519 1004 C Street Floresville, TX 78114 O. (830) 393-8833 F. (830) 393-3388 THENCE South 60°25′49″ West a distance of 461.56 feet along the northwest line of said 1.094 acre tract to a 1/2 inch iron rod found in the north line of U.S. Highway No. 87 for the southwest corner of said 1.094 acre tract and the southeast corner hereof;

THENCE North 87°50′21″ West a distance of 2217.72 feet along the north line of U.S. Highway No. 87 to the **POINT OF BEGINNING** containing 46.66 acres more or less, and as shown on certified plat herewith.

Note: Bearings, distances and acreage shown hereon are NAD 83, South Central Zone and are derived from GPS techniques. Iron Rods set are a 1/2 inch rod with plastic caps marked "INTREPID".

Surveyed by;

November 10, 2022

Sherman L. Posey, R.P.L.S. Job# 22-1168.

AFFIDAVIT OF BONNIE CHESSHER

THE STATE OF TEXAS	§
	ş
WILSON COUNTY	§

BEFORE ME, the undersigned authority, on this day personally appeared Bonnie Chessher who, being duly sworn by me, deposed and stated under oath as follows:

- 1. My name is Bonnier Chessher. I am over 18 years of age and fully competent to make this Affidavit. The facts stated herein are based on my personal knowledge and are true and correct.
- 2. I am the sole owner of the property identified in the records of the Wilson County Appraisal District as:

Address: 15010 US HWY 87 W, LA VERNIA, TX 78121 Property ID: 35213 Geographic ID 3000-00000-10102 Legal Description: CITY OF LA VERNIA, LOT 101B, ACRES 46.6996

- 3. I hereby authorize NP Homes LLC, a Texas Limited Liability Company, or its agents to submit a Zoning Change Application to the City of La Vernia, Texas, to change the zoning designation of the above referenced property from C-2 "General Commercial District" to C-1 "Retail District", and to take all further action as may be required by the City of La Vernia to obtain final approval for the zone change.
- 4. I hereby authorize NP Homes LLC, a Texas Limited Liability Company, or its agents to submit a Petition for Variance to the Zoning Board of Adjustment for the City of La Vernia, Texas, to obtain variances for the following regulations in the Code of Ordinances City of La Vernia, Texas, codified through Ordinance No. 071212-02 effective 08/29/2022 (Supplement 5):

Sec. 38-208 – Dimensional and development standards C-1 Retail District Variance from Maximum Height of 30 ft to 45 ft

- Sec. 38-402 (e)(1) Off-street parking and loading requirements Multifamily, duplex, two-family, condominium, or other similar use Variance from 1.5 spaces per bedroom to 1.5 spaces per unit
- 5. Any zoning changes and variance requests shall be subject to final closing of the

Affidavit of Bonnie Chessher

Page 1

transaction conveying the property to NP Homes LLC, or assigns.

Further, the Affiant sayeth naught.

ic Chessher

Bonnie Chessher

SUBSCRIBED AND SWORN TO BEFORE ME on this

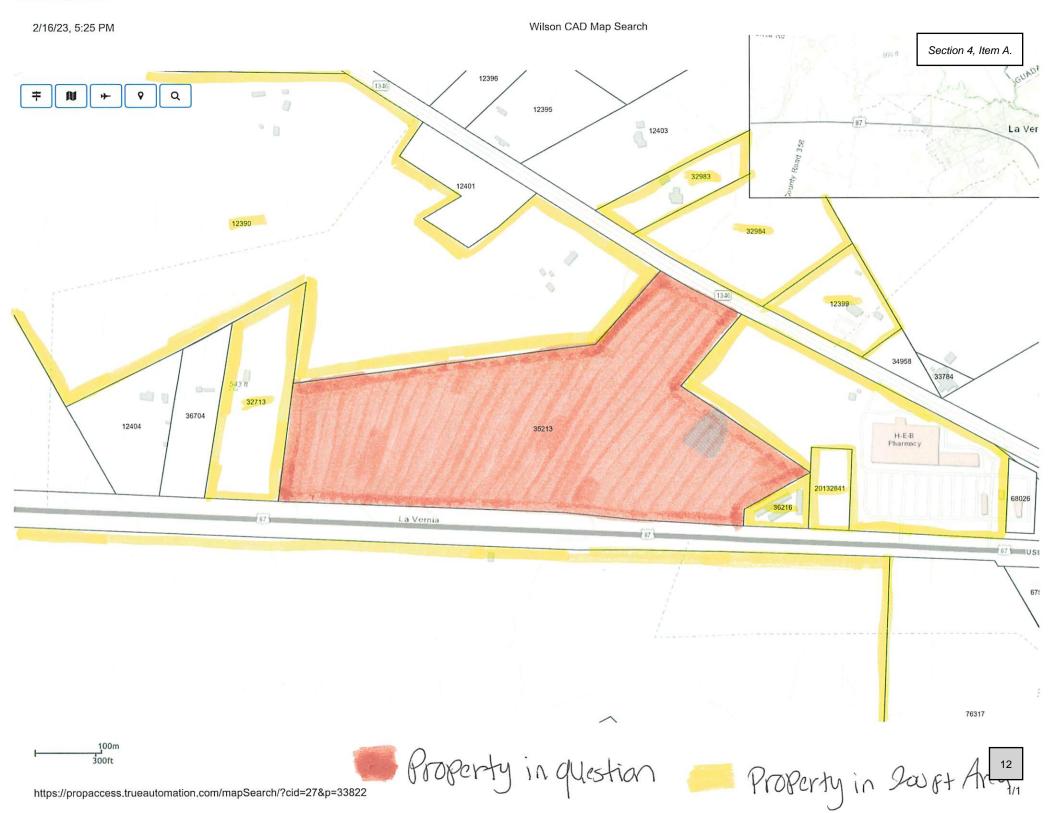
Loday of Feb. , 2023 by Bonnie Chessher.

[seal]



NOTARY PUBLIC IN AND FOI

Affidavit of Bonnie Chessher



	Section 4, Ite
Sign Variance Application Sign & Billboard Ordinance No. 091406-01 City of La Vernia	Date Received: <u>Permit/Receipt No.:</u> <u>Fee Paid:</u> Paid Paid
Subdivision Name & Project Name :	L <i>v</i> v
Survey Name: Abstract #: # of Lots: # of Total Acres (rounded to the nearest te	enth):
Type of Sign: Building Signs ~ Monument Sig	9 <i>n</i>
*The applicant is encouraged to schedule a meeting with the City Secretary staff to discuss the variance request prior to submitting an application for a	
Applicant Name: Robert Mark Pullin Company: Compadres Design Inc.	
Address: 4002 N Main St, Ste 400	Sales and a second s
City, State, Zip: Victoria , TX 77901	- A Manual Change
Phone #: 3615707446 Alternate #: 361	550 5270
Phone #: <u>3615707446</u> Alternate #: <u>3613</u> Email Address: <u>Mark@Compadresclesign.Com</u>	n
 Please Check is information is same as above Current Property Owner: Brian Dlugosch 	
Address: <u>507 E Main St.</u> City, State, Zip: <u>Yorktown</u> , TK-78164	the same to a state
2	The second second
Phone #: 361-364-9304 Alternate #: Email Address: brian, dlugosch@thetexanstores	s. com
Owners Signature:	
I (we) the undersigned, having an interest in the installation of a sign that is n regulations established in La Vernia City Ordinance No. 091406-01 Signs and I variance for the following: <u>Larger Building Signs</u>	
Larger Monument Signs	

Items Required at Time of Submittal:

Section 4, Item B.



Sign Variance Application

Sign & Billboard Ordinance No. 091406-01

City of La Vernia

Date Received:

Permit/Receipt No.:

Fee Paid:

Property Owner(s) of Record or Authorized Agent

Printed Name of Property Owner(s) of Record

or Authorized Agent

(seven copies provided ten days prior to the city council meeting)

- A site plan indicating the position, height and size of the proposed sign and other existing
 advertising structures on the property in relation to nearby buildings or structures, north arrow
 and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts and setback
 clearance zone;
- Specifications for the construction and display of the sign;
- Copy of stress diagrams or plans, when needed, containing information as to safety and structural
 integrity of the sign. NOTE: The City of La Vernia assumes no liability for safety and structural integrity;
- Copy of permit approved by the Texas Department of Transportation, Texas Transportation Commission, Wilson County, Texas or successor agencies, if state law requires a state permit;

All attachments included with application are to be 8 ½" by 11" in size.

Signature of Petitioner

+ Mark Pullin

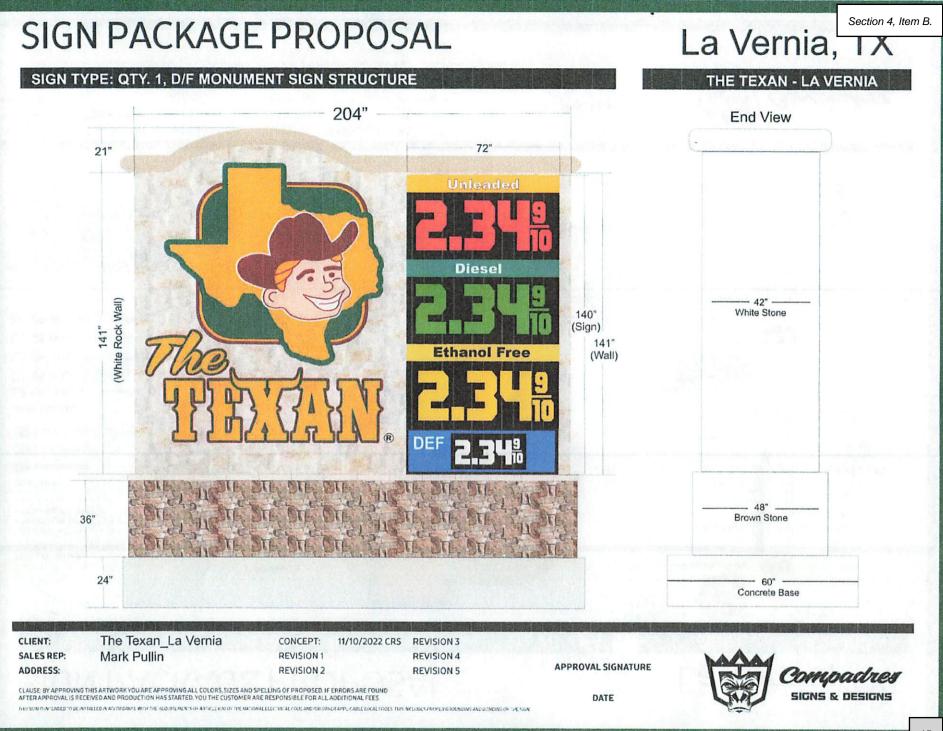
Printed Name of Petitioner

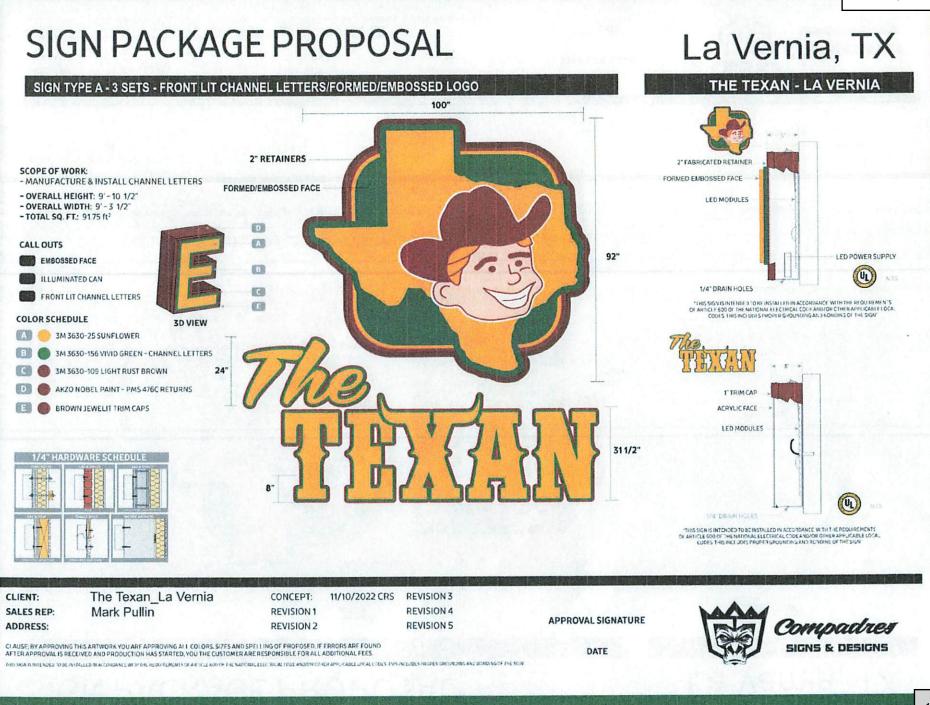
Please check one:

I will represent this variance request at the Council Meeting
 I will not be able to represent this variance at the Council Meeting. My authorized representative who will represent this variance before the La Vernia City Council is:

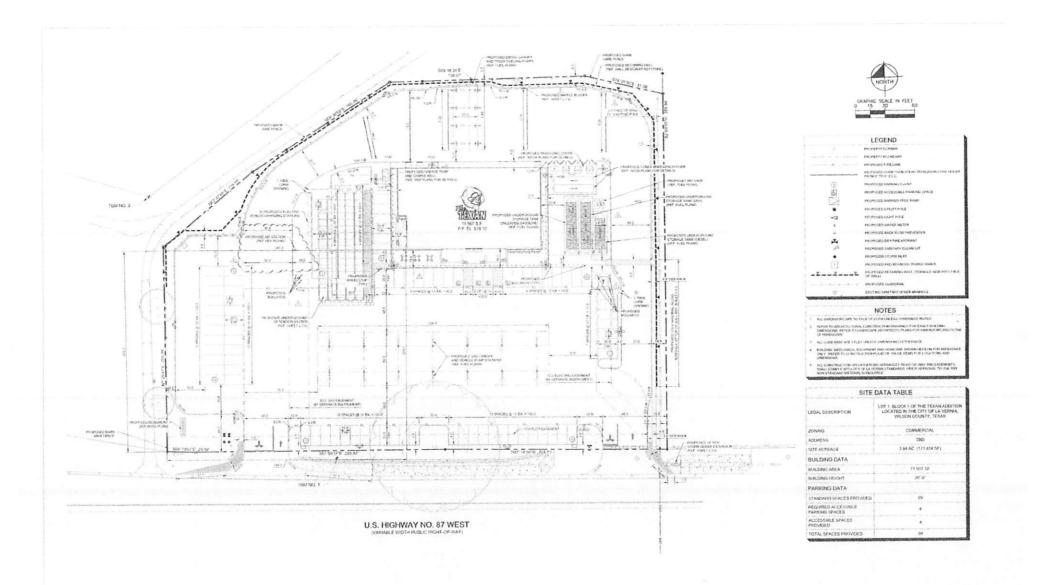
Note to Applicant:

(initials) A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. The decision of the City Council shall be final on all sign cases.





Section 4. Item B.



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