

MINUTES
CITY OF HELOTES
BOARD OF ADJUSTMENT

The City of Helotes Board of Adjustment met on Monday, February 12, 2024, at 7:00 p.m. in the City Hall Council Chambers, 12951 Bandera Road, Helotes, Texas 78023. This was an open meeting, subject to the open meeting laws of the State of Texas.

BOA Members Present: Donny Jones, Chair
Elizabeth Mendez
Charles Roberts (video conferencing)
Robert Logue

Absent: Todd Compton

Staff Present: Michael Gallardo, Development Services Director

1. Call to Order.

Chair Jones called the meeting to order at 7:00 p.m. and led the pledge to the U.S. flag. See above for members present.

ITEMS FOR INDIVIDUAL CONSIDERATION:

2. Discussion of and action on the election of Board Officers to include the following:

- **Chairman; and**
- **Vice-Chairman. (Board)**

Motion was made by Board Member Roberts to nominate Robert Logue as Chairman. Second by Chair Jones. The motion carried unanimously by those present.

Motion was made by Board Member Logue to nominate Charles Roberts as Vice-Chairman. Second by Chair Jones. The motion carried unanimously by those present.

**Note – The new elected Chair will preside at the next meeting.*

PUBLIC HEARING:

- 3. Public hearing to give all interested persons the right to appear and be heard on a request by Efrain Perez for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-62, authorizing an encroachment on the required front yard setback of 40 feet in a single-family residential district for tracts out of the unplatted area of the Beverly Hills Subdivision, recorded as County Block 4469 Parcel-6F out of Survey Abstract 869 (BCAD Property ID No. 236954) and County Block 4469 Parcel-6G out of Survey Abstract 982 (BCAD Property ID No. 236956) in the Official Public Records of Bexar County, Texas.**

Chair Jones opened the public hearing at 7:09 p.m.

Florinda Ruiz signed up but decided not to speak.

Kenneth Menn spoke in opposition to the variance request, stating the tracts (the majority located in the floodplain) are subject to flooding and believes development on the tracts would affect surrounding properties.

Chair Jones closed the public hearing at 7:13 p.m.

OPEN SESSION:

4. Citizens to be Heard.

No one signed up to speak on this item.

ITEMS FOR INDIVIDUAL CONSIDERATION:

5. Discussion of and action on a request by Efrain Perez for a variance to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-62, authorizing an encroachment on the required front yard setback of 40 feet in a single-family residential district for tracts out of the unplatted area of the Beverly Hills Subdivision, recorded as County Block 4469 Parcel-6F out of Survey Abstract 869 (BCAD Property ID No. 236954) and County Block 4469 Parcel-6G out of Survey Abstract 982 (BCAD Property ID No. 236956) in the Official Public Records of Bexar County, Texas. (Applicant)

Staff provided a short summary on the item. The subject properties are two residential unplatted tracts within the Beverly Hills Subdivision. The Applicant intends to construct his home; however, the back of the property is in the floodplain. To avoid building on the floodplain, the Applicant has positioned the home towards the front of the property and proposes building at a front yard setback of 30 feet. Code of Ordinances Section 98-62, Subparagraph (c)(1) dictates that there shall be a front yard setback of 40 feet. If the variance is approved, the Applicant will move forward with platting the two tracts into one lot.

Speaking on this item was Daniel Aguilar, Bexar Engineers & Associates. Daniel informed the Board of his background in drainage and floodplain administration. Any flooding observed in the Beverly Hills Subdivision could have been a higher rainfall event than the 100-year FEMA flood event. In this project the latest flood calculations were used, and pre and post-construction elevation certificates are to be submitted to keep the Applicant and neighboring homes safe. A condition of FEMA is that a development will not generate more flooding downstream. Lastly, the septic tank field is outside the floodplain, as shown in the utility site exhibit (included in the Agenda Item).

The Board discussed the variance and acknowledged that the topography circumstances were beyond the owner's control.

Motion was made by Board Member Roberts, second by Board Member Logue, to approve a variance authorizing the construction of a single-family residential home to encroach on the front yard setback. The motion carried unanimously by those present.

Before adjourning, Chair Jones announced this was his last meeting and enjoyed the opportunity (of serving on the board).

Adjourn.

With no more business to come before the Board, Chair Jones adjourned the meeting at 7:44 pm.

Respectfully submitted,


Donny Jones, Chair

ATTEST:


Celina Perez, City Secretary

The BOA Finding of Facts are attached to these Minutes.





**BOARD OF ADJUSTMENT
FINDING OF FACTS
February 12, 2024 | 7:00 p.m.**

Applicant: Efrain Perez

Address: Two single-family residential district tracts out of the unplatted area of the Beverly Hills Subdivision recorded as:

- County Block 4469 Parcel-6F out of Survey Abstract 869, BCAD Property ID No. 236954; and
- County Block 4469 Parcel-6G out of Survey Abstract 982, BCAD Property ID No. 236956.

A request for a variance to Municipal Code of Ordinances Chapter 98 *Zoning*, Section 98-62, subparagraph (c)(1) *Front yard setback*, authorizing an encroachment on the required front yard setback of 40 feet in a single-family residential district (R-1). The specifics of the variance request are to allow a main single-family residential home built 30 feet from the front property line or an encroachment of 10 feet on the front yard setback. The house footprint is at the front of the property to avoid building on the floodplain area towards the rear of the property.

Upon giving public notice and conducting a Public Hearing on February 12, 2024, in accordance with Code of Ordinances Chapter 98 *Zoning* and State Law, the Board of Adjustment adopts these specific, written findings as follows:

With 4 Members present, and upon a vote of 4 for and 0 against and 0 abstaining, the

above variance request is: ✓ granted or _____ denied.

Any interested person wishing to appeal this decision is required to file a Writ of Certiorari in a district court, county court, or county court at law within ten (10) days of the date this decision is filed with the City Secretary, in accordance with Texas Local Government Code Section 211.011. This decision was filed with the City Secretary on February 29, 2024.

PRESIDING BOA CHAIRMAN:



Donny Jones, Chair

Date: 02 / 29 / 2024

ATTEST:



Celina Perez, City Secretary