



NON-STANDARD PLAT/VARIANCE APPLICATION

Non-Standard Plat/Variance approval is to be obtained by the owner of the property to be subdivided prior to selling. Therefore, the applicant is the owner of the property to be subdivided.

Date Received: 2-18-25

Commissioner Precinct #: 2

Check #: 114

1. Name of Owner: William J. Johndrow

2. Address of Property to be subdivided: 935 Stevens Rd., Somerset, TX 78069

3. Mailing Address of Owner: 935 Stevens Rd., Somerset, TX 78069

4. Phone Number of Owner: (210) 391-0051

5. Name of Alternate Contact Person: W. Michael Orbelo, Attorney

6. Address of Alternate Contact Person: 215 W. Bandera Rd., Ste. 114, Boerne, TX 78006

7. Phone Number of Alternate Contact Person: (210) 264-7539

8. Relief Requested (Reference the specific Section/Paragraph of the current Atascosa County Subdivision and Development Rules and Regulations):

Variance is requested for the .75 acres designated as Tract 1 on submitted survey. Per Sec. 4.2 no ares are intended for public or common use but does not meet additional qualifications for exemption.

9. Reason for Requesting Relief

a. What special circumstances or conditions affect the land involved such that the strict interpretation of the provisions of these regulations would deprive you of the reasonable use of this land.

This is a small part of Applicant's homestead in a sparsely populated rural area. The sale of the .75 acre lot is intended to provide financial benefit to Applicant in retirement. Strict interpretation of the regulations would be so cost-prohibative that it would deny him this benefit.



b. Why is relief necessary for the preservation and enjoyment of a substantial property right of yours?

This relief is necessary for the preservation and enjoyment of Applicant's right to alienate his property.

c. Will the granting of relief not be detrimental to the public's health, safety, and welfare? Please explain.

Not detrimental. This is an undeveloped lot and all utility and building codes will apply.

d. Will the granting of relief not have the effect of preventing the orderly subdivisions of other land in the area? Please explain.

No effect. This is a sparsely populated rural area.

Applicant Signature:

Date:

1/18/25



NON-STANDARD PLAT/VARIANCE APPLICATION CHECKLIST

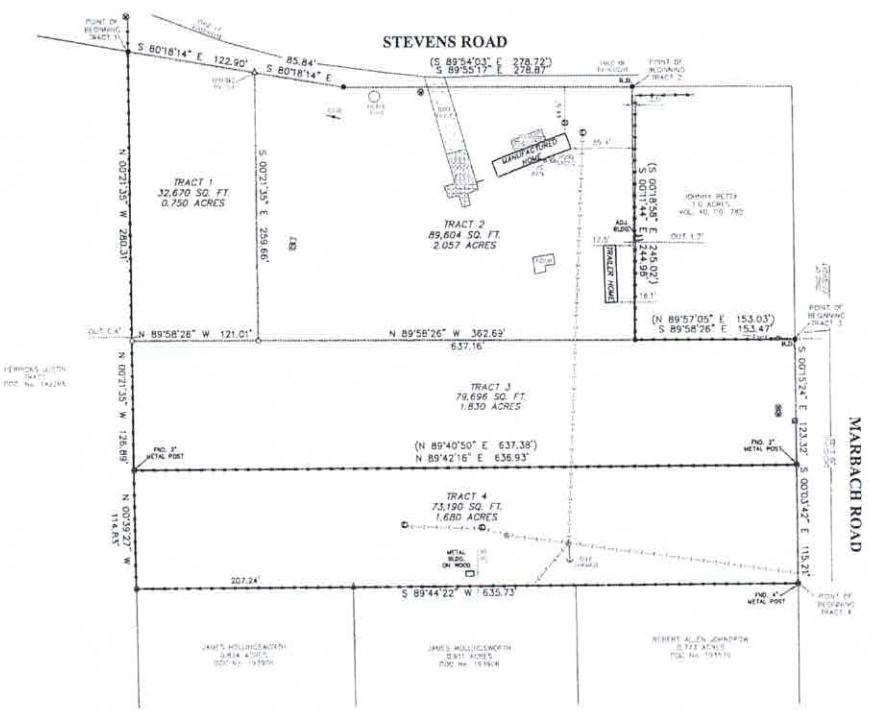
The following checklist is for the use of the applicant in ascertaining initial compliance with the Non-Standard Plat/Variance Procedures of the Atascosa County Subdivision and Development Rules and Regulations and assisting the Atascosa County Rural Development Office in processing an application under the Rules. This completed list should be presented to the Atascosa County Rural Development Office with each Application for Non-Standard Plat/Variance consideration.

***The following documents shall be submitted as part of the application.
Incomplete applications WILL NOT be accepted.***

- Non-Standard Plat/Variance Application – must be filled out in its entirety.
- A complete copy of deed indicating applicant's ownership of the property.
- A survey plat indicating the parent tract and the tract being created by the proposed Non-Standard Plat/Variance.
- Letter from the appropriate electric utility supplier.
Name of Company: CPS ENERGY
- Letter from the appropriate water utility supplier.
Name of Company: BENTON CITY WATER SUPPLY CORPORATION
- NA If the tract being created by the proposed Non-Standard Plat/Variance has frontage on a state-maintained road, a statement from TxDOT indicating availability of access to property.
- If the property is within a subdivision, a copy of the Subdivision Covenants, Conditions and Restrictions.
- NA If the property is within a subdivision, but Subdivision Covenants, Conditions and Restrictions do not exist, a signed and dated statement from the applicant stating that they do not exist.
- NA If the property is within a subdivision, a statement from the Home Owners Association indicating the division of the tract is not in violation of the Subdivision Covenants and Restrictions.
- If the property is within a subdivision, but a Home Owners Association (HOA) does not exist, a signed and dated statement from the applicant stating that an HOA does not exist.

NOTE: THE INFORMATION ON THIS SURVEY IS THE PROPERTY OF WESTAR ALAMO. ANY REPRODUCTION OR USE OF THIS SURVEY WITHOUT THE WRITTEN PERMISSION OF WESTAR ALAMO IS STRICTLY PROHIBITED. THE INFORMATION ON THIS SURVEY IS PROVIDED AS IS AND WESTAR ALAMO MAKES NO WARRANTY, EXPRESS OR IMPLIED, FOR THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THE INFORMATION FOR ANY PARTICULAR PURPOSE. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND OFFICIALS. WESTAR ALAMO SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS SURVEY.

3-27-24



NOTE: ALL DISTANCES ARE BASED ON THE 1983 ADJUSTED MEAN SEA LEVEL DATUM.

NOTE: THE SOUND SURVEYOR HAS NOT PROVIDED A CURRENT SURVEY OF THE PROPERTY AND THERE MAY BE CHANGES IN THE BOUNDARIES OF THE PROPERTY SINCE THE DATE OF THIS SURVEY.

NOTE: ALL DISTANCES ARE BASED ON THE 1983 ADJUSTED MEAN SEA LEVEL DATUM.

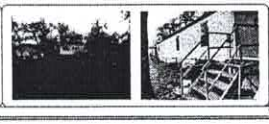
NOTE: ALL DISTANCES ARE BASED ON THE 1983 ADJUSTED MEAN SEA LEVEL DATUM.

ACCEPTED BY: _____

Westar Alamo
LAND SURVEYORS, L.L.C.
414 10th Street, Suite 100
Mesa, AZ 85201-1000
Phone: (480) 971-1000
Fax: (480) 971-1001
www.westaralamo.com

DATE: 03/11/2021

Property Address:	Property Description:
215 S.W. 10th Road	TRACT 1 Being 32,670 sq. ft. (0.750 acres) of land, bounded on the north by Stevens Road, on the east by Marbach Road, on the south by the boundary line of Tract 3, and on the west by the boundary line of Tract 1, as shown on the plat hereof.
	TRACT 2 Being 85,604 sq. ft. (2.057 acres) of land, bounded on the north by Stevens Road, on the east by Marbach Road, on the south by the boundary line of Tract 3, and on the west by the boundary line of Tract 1, as shown on the plat hereof.
	TRACT 3 Being 79,696 sq. ft. (1.830 acres) of land, bounded on the north by Stevens Road, on the east by Marbach Road, on the south by the boundary line of Tract 4, and on the west by the boundary line of Tract 1, as shown on the plat hereof.
	TRACT 4 Being 73,190 sq. ft. (1.680 acres) of land, bounded on the north by Stevens Road, on the east by Marbach Road, on the south by the boundary line of Tract 4, and on the west by the boundary line of Tract 3, as shown on the plat hereof.



MARK J. EWALD, Registered Professional Land Surveyor, No. 21148

DATE: 03/11/2021

REGISTERED PROFESSIONAL LAND SURVEYOR
TERRA REGISTRATION NO. 2021



12-NOV-24

W. MICHAEL ORBELO ATTORNEY
Attn: MICHAEL ORBELO
215 W. BANDERA RD, SUITE 114
BOERNE, TX 78006

Re: Letter of Availability (electric and gas)

Proposed Development: 935 Stevens Rd, Somerset, TX 78069

To Whom It May Concern:

Please accept this letter as confirmation that the proposed development listed above can be served by CPS Energy's electric and gas distribution system under the provisions of our current Supply Line Extension Policy contingent on the appropriate easements, rights-of-way, and permits being obtained and/or provided.

Since the specific plans indicating how the property will be developed have not yet been submitted, CPS Energy cannot estimate the cost for providing electric and gas service within the identified tract of property. A cost estimate for the provision of these utility services may be requested once plans depicting the types of development and configurations are submitted to CPS Energy for review.

This letter is not intended as a certification that CPS Energy has reviewed subdivision plans or plats nor approval of any submitted plans or plats. The applicable governmental entity's procedure for plat approval may require that utility plans be reviewed by CPS Energy prior to submittal to those applicable governmental entities.

If you should have any questions or concerns regarding this Letter of Availability, please contact our office at (210)353-4050.

Sincerely,

Debra Herrera

Debra Herrera
IDS Supervisor
Customer Design and Delivery

ENGINEER'S REPORT

TO : BENTON CITY WATER SUPPLY CORPORATION

REFERENCE : Hydraulic Investigation for One (1) Connection
Application No. 24-1200 2nd Meter Request

LOCATION : Water System Map for Benton City W.S.C.
935 Stevens Rd. (South Side, West of Marbach Rd. Intersection)
GREEN OAKS S/D, PT OF LOT 15 & 16, 2.811 ac.
Atascosa County Parcel ID # 207955

OWNER : William Johndrow
935 Stevens Rd.
Somerset, TX 78069
(210) 391-0051

DATE : December 23, 2024

This study is being performed and investigated per the Standard Service Application for the addition of one (1) 5/8" meter at the Applicant's property for residential use. The property currently is being served by an existing water meter. In the event the applicant decides to change the intended land use, this study becomes null and void and a new study shall be applied for.

In conclusion to this investigation, we find that this meter can be added to the existing 8" water main on the South side of Stevens Rd. The system will deliver a minimum of 35 psi to the meter in this area during peak flow conditions of 1.5 gpm per connection in the system at normal operation, based on maps provided by the Benton City W.S.C. This assumes the system is being operated as designed. The system will remain within current State requirements for delivery pressure and flow in that area. Fire protection will not be provided.

The Applicant shall coordinate the location of the proposed meter with the Benton City W.S.C. The short service shall be installed along the South Right of Way of Stevens Rd. The Applicant is responsible for the design and installation and maintenance of the service line from the meter to the point of service.

Should you have any questions or require additional information, please do not hesitate to call!

COPE ENGINEERING, INC.

BY: 



- This document is for informational purposes only in reference to this hydraulic investigation. This is not to be used for permitting, construction and/or bidding. Quantities are based on data and information provided by the Benton City W.S.C.
- This study is valid for 60 days from the date of this report.

UP
3822 R

DECLARATION OF RESTRICTIVE COVENANTS
AND USE LIMITATIONS

THE STATE OF TEXAS X
 KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF ATASCOSA X

That we, PAUL W. MARBACH and MARJORIE L. MARBACH as Owners and Sellers of all of the following described lands located in Atascosa County, Texas, and EVERARDO O. JOHNSON and SOCORRO L. JOHNSON, Owners of Lots 12 and 13, to-wit:

Being all of the above described real property, and known as "GREEN OAKS," according to the official map or plat thereof recorded in Volume 34, at page 43, of the Deed and Plat Records of Atascosa County, Texas, reference to which and the record thereof being made here for all pertinent purposes in aid of the description of such property;

We do hereby make and publish the following recited limitations and restrictions which shall apply and become a part of all contracts for sale, contracts for deed, deeds, and other legal instruments whereby title or possession to any lot in said unit is hereafter conveyed or transferred, to-wit:

EX-101
443
PAGE 471

1. That each of the lots in said subdivision shall hereafter be used only for the construction of one single family residence thereon except as permitted in Paragraph 1(A), here following, including other appurtenant structures permitted under the terms hereof, with it being intended that no commercial use of any such lots shall be permitted and, specifically, that no sign shall be placed on any such lot indicating a commercial use thereof, and that each main dwelling unit hereafter constructed on each such lot shall contain at least 600 square feet of area, exclusive of porches, garages, and breezeways.
- 1(A) In addition to residential usage as set out in Paragraph 1, above, lots may be used for the following purposes:
 - (a) Lots may be used for placing of mobile homes. Mobile homes so placed must have a minimum width of 10 feet and minimum length of 40 feet, shall have been manufactured by a recognized mobile home manufacturer and shall conform to applicable state laws. No mobile homes shall be placed on said lots which were manufactured prior to the year of 1965 without prior written permission of the seller. No more than one mobile home may be placed on any lot without the expressed written permission of the seller.
2. That all single family main dwelling units hereafter constructed in said subdivision shall be constructed in a good and workmanlike manner with the use of new materials or used materials of stock length covered with new materials, with it being specifically here provided that unless the exterior is of natural wood, brick or stone, it shall immediately be painted with two (2) coats of paint.
3. That no structures (other than mobile homes on above specified lots) shall be moved onto any lots in said sub-

division other than newly constructed modular homes. Such homes shall contain at least 600 square feet of area, exclusive of porches, garages, and breezeways. Barns and out buildings may be moved onto said property only with the express approval of the seller as provided for in Paragraph 5.

4. That the entire exterior of all main dwelling units constructed in said subdivision, together with the driveways, sidewalks and other exterior appurtenances thereto, must be completed within nine (9) months after the commencement of work thereon or the placing of materials therefor on such property, whichever occurs the earliest; and
5. That prior to the construction of or placing of any barns, detached garages, sheds, or other out-buildings on any lot in said subdivision, plans and specifications therefor, including a plot plan showing the proposed location thereof, must be submitted to the seller hereinafter provided for and approval therefor procured from such seller prior to the commencement of construction thereon, and in connection therewith it is controllingly understood that the construction of any or placing of such barns, detached garages, sheds or other out buildings on any lot in said subdivision without the prior approval of the seller will be conclusively presumed to be in violation of these restrictions, with it being intended in connection with the provisions hereof that the seller, in furtherance of a uniform plan for the development of said unit, shall be vested with the authority to control the location and type of construction of any such barns, detached garages, sheds, and other out-buildings built in said subdivision into a high-class rural residential area. Notwithstanding the foregoing, however, it is expressly understood that the failure of the seller to give notification of its disapproval of any such plans and specifications for any such improvements, including a plot plan showing the location thereof, within thirty (30) days after receipt thereof shall be deemed for all purposes under the provisions hereof as the approval thereof; and,
6. That no garage, garage apartment, shack or temporary building shall be constructed on any lot in said subdivision as living quarters thereon, except that detached servant's quarters or a garage apartment without any floor space limitations may be constructed thereon provided it is built in conjunction with or after the main dwelling unit to which it is appurtenant is constructed; and,
7. That any attachments made to the mobile home, such as patio covers, awnings, etc., shall be of regular manufactured materials normally found in mobile home parks or subdivisions. The area between the bottom of the mobile home and the ground level shall be enclosed with a non-transparent material, within one hundred twenty (120) days from the date the mobile home is installed on the lot. Travel trailers or campers may be stored in the rear portions of the lot but not occupied as living quarters. If porches or rooms are to be added to existing mobile homes, then such additions shall be submitted to the seller for approval. Such request for approval of such additions shall be submitted in writing and accompanied by sufficient sketches, pictures, and specifications so that the seller will be able to make a decision in connection therewith; and
8. That within 50 feet from any street in said subdivision only the construction of a white painted board, net wire with a six (6) inch painted board on top, redwood, cedar, or chain link fencing will be permitted, unless otherwise approved in writing by the seller, and that within the area

NDL 445 PAGE 472

3822

lying beyond 50 feet from any street, ranch style fencing may be erected; temporary or electric fencing will not be permitted within 50 feet of any street; and,

9. That all water wells drilled in said subdivision shall be cased to water strata to be used, or as Texas State Health Regulations require.
10. That all sewage disposal systems constructed in said subdivision shall be by septic tank and field drains as recommended by the Texas State Health Department and as administered by the local licensing authority having jurisdiction. Permits for septic systems must be obtained from Atascosa County authorities. In no event will a cess-pool or outdoor toilet be permitted; and,
11. That no animals will be permitted on any lot or area of said subdivision other than those normally kept for domestic or farm purposes by individuals in a private rural neighborhood. That it being specifically understood no animal or fowl commercial feeding or sales operation will be permitted on any part of said subdivision. In No event will more than one (1) animal or combination of animals be allowed per acre in said subdivision without the express written approval of the seller. Furthermore: dogs - specifically outside dogs, will be limited to two (2) regardless of the number of acres owned. Any family with five acres or more may have forty-eight (48) chickens of the egg producing varieties. No fighting type chickens will be permitted except by permission from seller and must be housed on rear half of property. Furthermore, no animals, domestic, or farm animals, such as horses, cattle, sheep, goats, hogs, or dogs will be permitted on any lot prior to the construction of a fence around the lot or an area with a good and substantial fence capable of restraining such animals on the lot.
12. That no part or portion of said subdivision shall be used as a junkyard, or as an area for the accumulation of scrap or used materials and that no part of said subdivision shall be used for any purpose that is obnoxious or offensive to the owners of other lots in said subdivision, nor shall anything be done in said subdivision that becomes an annoyance or nuisance to the owners of other lots in said subdivision; and,
13. The resubdivision of any tract in said subdivision will not be permitted without the written approval of the seller. In no event shall the remaining tracts after resubdivision contain less than two and one half (2½) acres; and,
14. That any structures, including pens and fences, (except property line fences) erected or placed in said subdivision shall be set back at least 100 feet from the front property line and 30 feet from the side lines of each lot unless otherwise approved in writing by the seller. In the case of a corner lot, each line adjacent to the road shall be considered as a front line; and
15. Exploration, drilling, or mining for oil, gas or other minerals will not be permitted on any lot or tract in said subdivision, except by permission of the sellers.
16. Clearing of land, before land is paid for in full and released from lien, only brush, weeds, vines, and small trees will be killed or cut away from the land without the express written consent of the sellers, except on area for building and gardening.

BY: A.C. PAGE 73

- 17. If through error or oversight or mistake, an owner of a lot in said subdivision builds, or causes to be built, any structure thereon which does not conform to all of the limitations and restrictions herein recited, it is expressly here provided that such non-conformity shall in no way affect these limitations or restrictions insofar as they apply to any and all other lots in said subdivision. Any delinquency or delay on the part of the party or parties having the right to enforce these restrictions shall not operate as a waiver of such violation and such delinquency or delay shall not confer any implied right on any other owner or owners of lots in said subdivision to change, alter, or violate any of the restrictions herein contained.

- 18. All of which restrictive covenants and use limitations will remain in force and effect for a term of fifteen (15) years from and after date hereof on all the lands and premises in such Unit of said Subdivision and accordingly will be observed and complied with by all owners of lots therein during said period of time; but in connection therewith, however, it is specifically further understood that the undersigned, their heirs, legal representatives and assigns, hereby retain the right, in furtherance of the scheme or plan for the development of said Subdivision, to grant variances from and on such aforerecited restrictive covenants and use limitations by way of amendments hereto provided they, in the exercise of their best judgment, believe that any such variances would be in furtherance of such scheme or plan of development for said Subdivision. At any time within six months prior to the end of fifteen (15) years after date hereof the then owners, with any husband and wife being considered as one owner, of a majority of the property in said subdivision, calculated on an acreage basis, may by instrument in writing filed with the County Clerk of Atascosa County, Texas, extend the above and foregoing restrictive covenants and use limitations on said Subdivision, including any such amendments thereto, for an additional period of fifteen (15) years. The undersigned, their heirs, legal representatives, and assigns, or any one or more of the owners of properties in said subdivision, Atascosa County, Texas, shall have the right to enforce the foregoing covenants and use limitations, including any amendments thereto, by injunction, either prohibitory or mandatory, or both, in order to prevent a breach thereof or to enforce the observance thereof, which remedy, however, shall not be exclusive and the undersigned, their heirs, legal representatives or assigns, including any other person or persons owning property in such Unit of said Subdivision, injured by virtue of any breach of such restrictive covenants and use limitations shall accordingly have, as the case may be, his or their remedy for the damages suffered by them as a result of any such breach.

- 19. All of the restrictions and use limitations herein contained on said subdivision shall extend to, and accordingly be binding upon, the heirs, assigns, devisees, contract holders, and owners of every kind who may acquire any real property interest of any type, nature or kind in said subdivision from the undersigned, legal representatives, and assigns.

EXHIBIT A AND C PAGE 474

WITNESS OUR HANDS at Natalia, Texas, this 9th day of September, 1976.

Everardo O. Johnson
 Everardo O. Johnson
 Owner of Lots 12 & 13

Paul W. Marbach
 Paul W. Marbach
 Seller

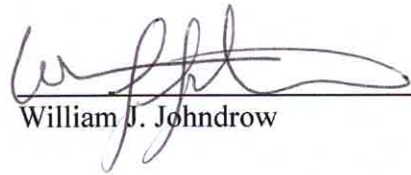
Socorro L. Johnson
 Socorro L. Johnson
 Owner of Lots 12 & 13

Marjorie L. Marbach
 Marjorie L. Marbach
 Seller

**STATEMENT OF WILLIAM J. JOHNDROW
IN SUPPORT OF VARIANCE APPLICATION**

My name is William J. Johndrow. I am the applicant for the Non-Standard Plat/Variance Application to which this statement is attached. The property subject to the Application is not subject to the control or rules of any home owners association (HOA) in that an HOA does not exist for this property.

Signed on 1/18/, 2025



William J. Johndrow

W. MICHAEL ORBELO

Attorney at Law

215 W. Bandera Rd., Suite 114

Boerne, Texas 78006

(210) 264-7539

(866) 246-2457 Fax

michaelorbelo@yahoo.com

VIA CERTIFIED MAIL RRR #7022 1670 0001 0699 8103

January 30, 2025

Britni Van Curan
Atascosa County Rural Development Office
1 Courthouse Circle Dr., Ste. 106
Jourdanton, Texas 78026

RE: Application for Non-Standard Plat/Variance – William J. Johndrow

Dear Ms. Van Curan:

Enclosed with this letter is a variance application and fee to be submitted under the name of my client, William J. Johndrow. I note the instructions on the application that approval is to be obtained prior to selling the property and I believe you are aware that Mr. Johndrow has already deeded this lot to another individual.

Art. XIV of the Atascosa County Subdivision and Development Regulations does not appear to require approval prior to sale. Additionally, Art. XIV grants the Commissioners Court complete discretion in these matters. Therefore, we respectfully request that this application be accepted in the name of William J. Johndrow.

Please feel free to direct any communications to me at the above contact information.

Sincerely,



W. Michael Orbelo

Encl.

W MICHAEL ORBELO ATTORNEY AT LAW
IOLTA ACCOUNT

215 WEST BANDERA 114 210-226-7611
BOERNE, TX 78006

114

88-2193/1140
130

DATE

CHECK ARMOR
TRADE PUBLICATION

County Road Development Office \$ 152.00
One Bank of America DOLLARS

Photo
Safe
Deposit
Details on back

BROADWAY BANK

(800) 531-7650 • broadway.bank

Application - Various *MS*

⑆ 114021933⑆ ⑆ 0000402303⑆ 0114