
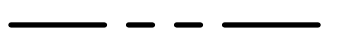
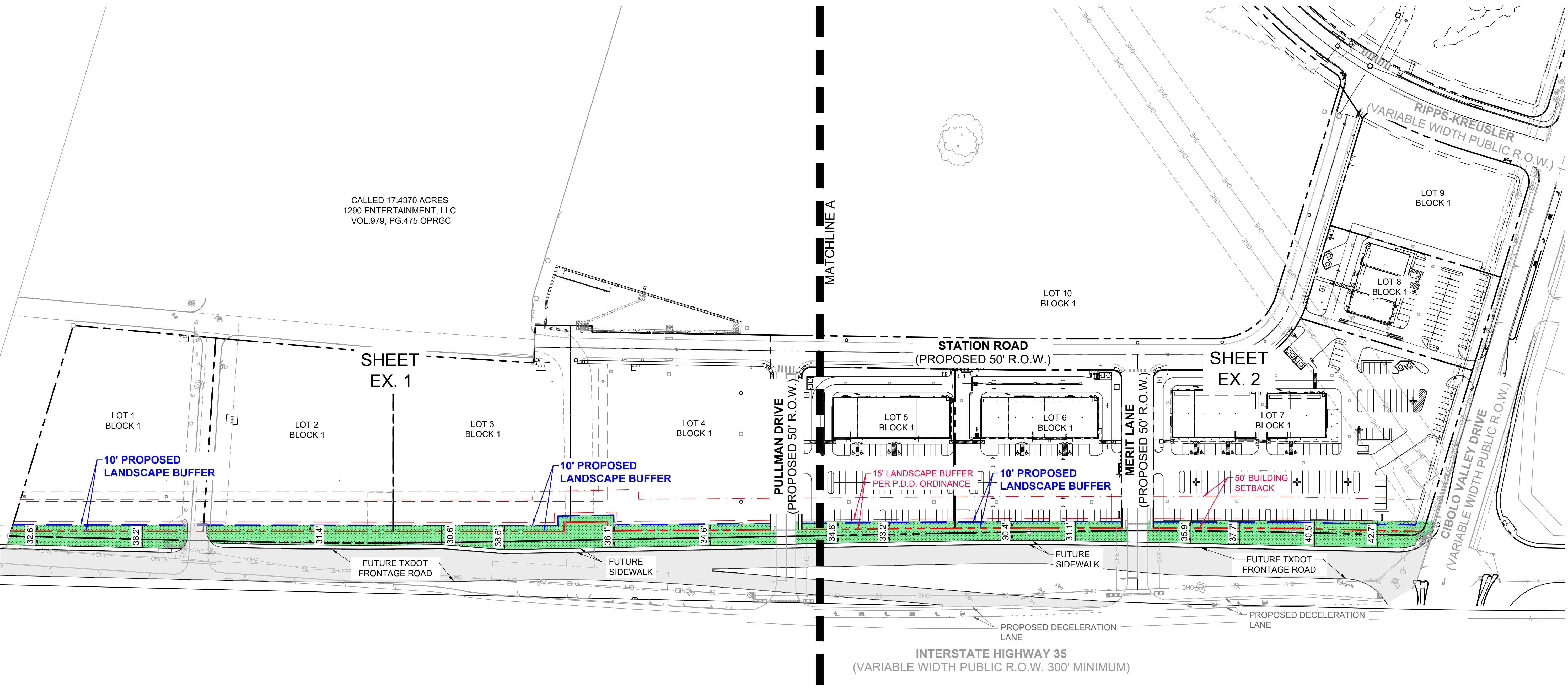


VARIANCE JUSTIFICATION FORM

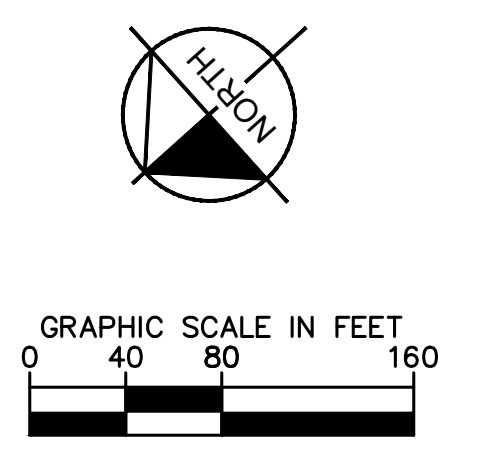
UDC 21.4.12: The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of this UDC would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.

1. Description of variance request and Unified Development Code (UDC) section the project or request is varying from:
Variance request is for the Landscape Setback along TXDOT ROW for Lots 1-7 of the Schertz Station Subdivision Plat – Lot 1-10, 12 – Block 1. The request is for a 5' width reduction along Interstate Highway 35 (TXDOT ROW). Please reference Ordinance No. 22-S-44, Section III (Area I), (C - Landscape Buffer).
2. Does the requested variance violate the intent of the Unified Development Code or deprive the applicant of right commonly enjoyed by other properties in the same zoning district that comply with the same provisions?
(YES, NO) Explain:
No. The variance would allow for a 10-ft Landscape Setback only along the Interstate Highway 35 frontage. The client still intends to provide the landscaping as shown on the approved Landscape Plans for the first 3 lots along this frontage. And there will be additional landscape area between the ROW line and the future TxDOT pavement for additional buffering between pavement areas (see exhibits included for illustration).
3. Do special conditions or restricted area, shape, topography, or physical features exist that are irregular to the subject parcel of land and not applicable to other parcels of land in the same zoning districts?
(YES, NO) Explain:
Yes. This variance request is related to the previous ROW taking by TxDOT done in preparation of the future widening of IH-35. The limits of that taking had changed over time and is unique to this property. Due to the location of the now-established ROW boundary, other public streets planned for the south side of the lots, and the previously approved site plans, the full 15 ft of buffer width from the ROW line cannot be accommodated along IH-35.
4. Is the hardship the result of the applicant's own actions or intended for financial interest?
(YES, NO) Explain:
No, this hardship is the result of the survey base for the project having had a previously proposed TxDOT ROW line that has been used for all of the planning work to date. Prior to recordation of the plat, we discovered that the survey base did not reflect the final limits of the TxDOT ROW taking.
5. Would granting this variance be detrimental to the public welfare or injurious to the value of property in the vicinity?
(YES, NO) Explain:
No. In the ultimate condition, a landscape area between proposed pavement will still be provided along IH-35 in line with the intent of the UDC that is greater than 15 ft wide. Based on current preliminary TxDOT plans, at least 30 ft of landscaped area width is expected to be provided between the future TxDOT frontage road and the proposed pavement on Lots 1-7 as illustrated on the exhibits included with this application.

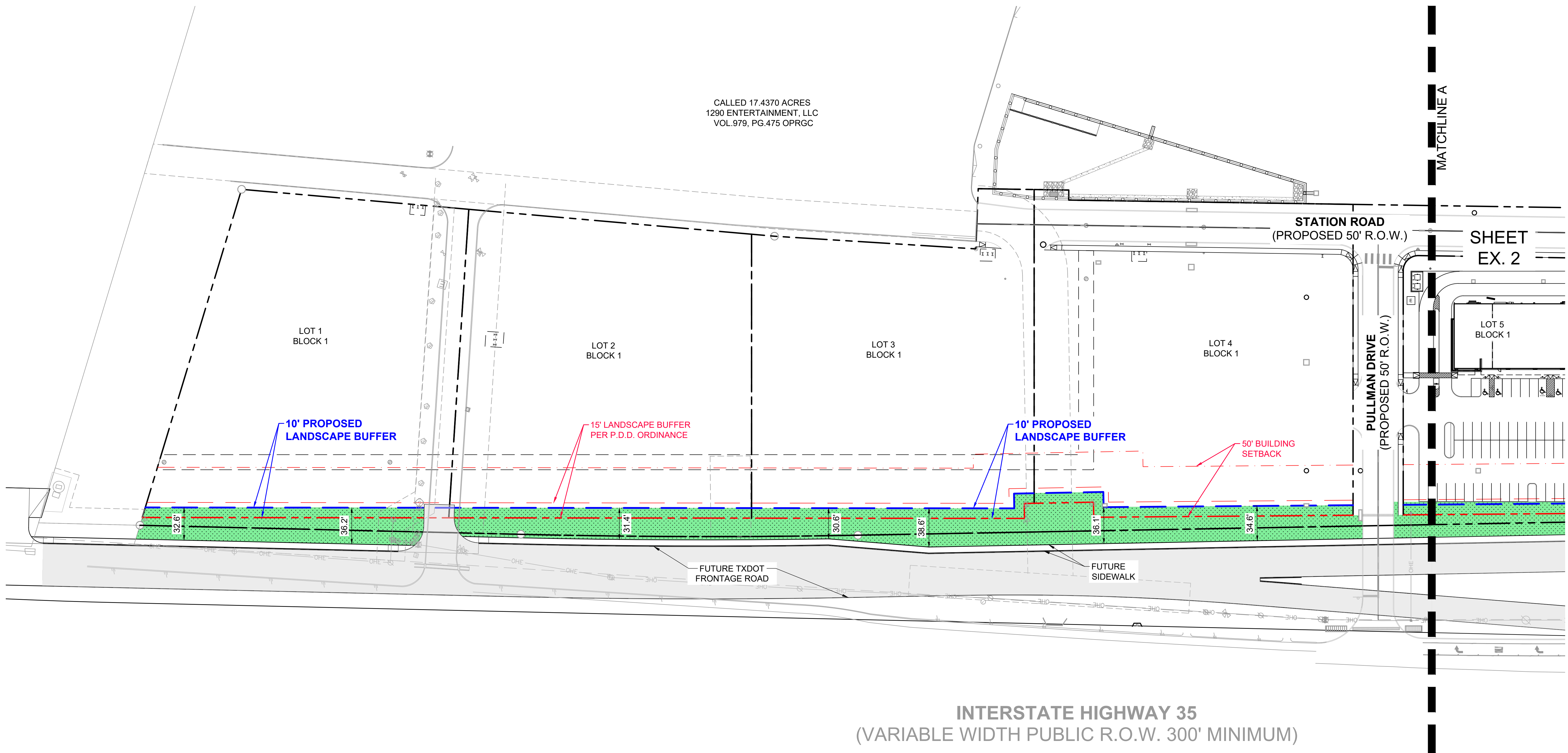
LEGEND	
	FINAL TXDOT ROW LINE
	PREVIOUS PROPOSED TXDOT ROW LINE



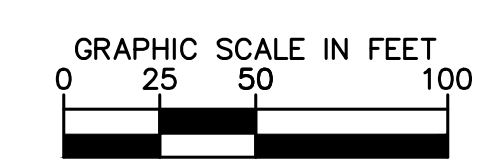
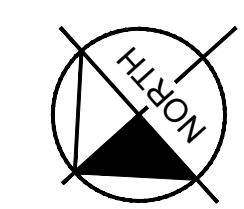
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LEGEND	
	FINAL TXDOT ROW LINE
	PREVIOUS PROPOSED TXDOT ROW LINE


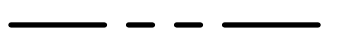


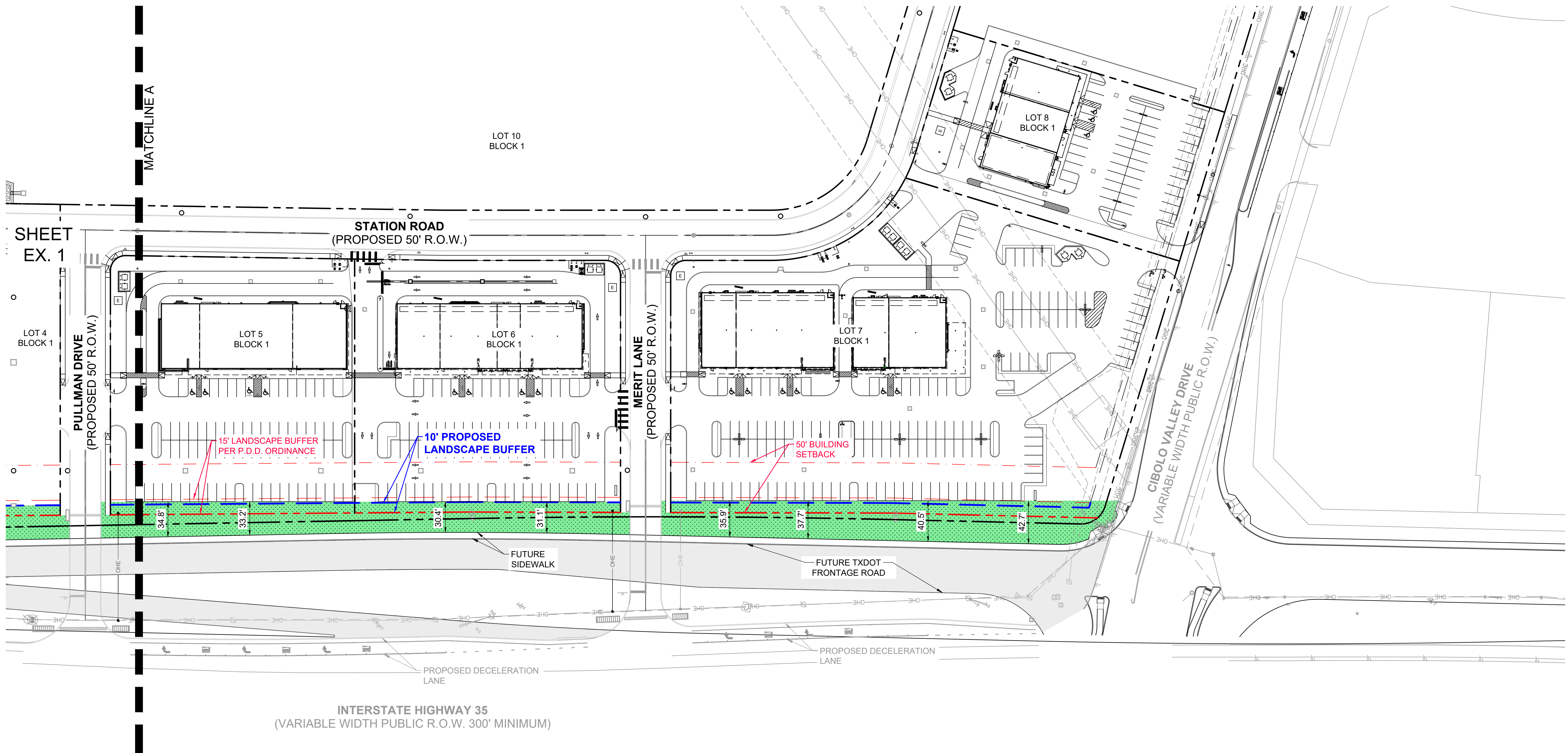
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LEGEND	
	FINAL TXDOT ROW LINE
	PREVIOUS PROPOSED TXDOT ROW LINE



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