



Zoning Board of Adjustments

Thursday, February 5, 2026, 6:30 PM
Council Chambers
200 S. Main St.
Cibolo, Texas 78108

Est. Duration: 20 min

1. Call to Order

2. Roll Call and Excused Absences

3. Invocation - Moment of Silence

4. Pledge of Allegiance

5. Election of Chair/Vice Chair

6. Public Hearings

- 6.A. Conduct a Public Hearing regarding a variance to Unified Development Code (UDC) Section 8.1.3 to increase the total allowable fence height for certain real property located at 2047 Persimmon Drive, legally described as ESTATES @ DEER CRK 1, BLOCK 1, LOT 1.

7. Citizens to be Heard

This is the only time during the Board Meeting that a citizen can address the Board of Adjustment. It is the opportunity for visitors and guests to address the Board on any issue to include agenda items. All visitors wishing to speak must fill out the Sign-In Roster prior to the start of the meeting. The Board may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however, the Board may present any factual response to items brought up by citizens. (Attorney General Opinion – JC-0169) (Limit of three minutes each.) All remarks shall be addressed to the Board as a body. Remarks may also be addressed to any individual member of the Board so long as the remarks are (i) about matters of local public concern and (ii) not disruptive to the meeting or threatening to the member or any attendee including City staff. Any person violating this policy may be requested to leave the meeting, but no person may be requested to leave or forced to leave the meeting because of the viewpoint expressed.

8. Consent Agenda - Consent Items (General Items)

(All items listed below are considered to be routine and non-controversial by the commission and will be approved by one motion. There will be no separate discussion of these items unless a board member requests, in which case the item will be removed from the consent agenda.)

- 8.A. Approval of the minutes of the November 3, 2025, meeting.

9. Discussion/Action

9.A. Discussion/Action regarding a variance to Unified Development Code (UDC) Section 8.1.3 to increase the total allowable fence height for certain real property located at 2047 Persimmon Drive, legally described as ESTATES @ DEER CRK 1, BLOCK 1, LOT 1.

10. Adjournment

This Notice of Meeting is posted pursuant to the Texas Government Code 551.041 - .043 on the front bulletin board of the Cibolo Municipal Building, 200 South Main Street, Cibolo, Texas which is a place readily accessible to the public at all times and that said notice was posted on

Peggy Cimics, TRMC

City Secretary

Pursuant to Section 551.071, 551.072, 551.073, 551.074, 551.076, 551.077, 551.084 and 551.087 of the Texas Government Code, the City of Cibolo reserves the right to consult in closed session with the City Attorney regarding any item listed on this agenda. This agenda has been approved by the city's legal counsel and subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551. This has been added to the agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144.

A possible quorum of Council, committees, commissions, boards and corporations may attend this meeting.

This facility is wheelchair accessible and accessible parking space is available. Request for accommodation or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (210) 566-6111. All cell phones must be turned off before entering the meeting.

I certify that the attached notice and agenda of items to be considered by the Board of Adjustment was removed by me from the City Hall bulletin board on the ____day of _____2026.

Name and Title



Date Posted: January 29, 2026 10:44 am



A. Conduct a Public Hearing regarding a variance to Unified Development Code (UDC) Section 8.1.3 to increase the total allowable fence height for certain real property located at 2047 Persimmon Drive, legally described as ESTATES @ DEER CRK 1, BLOCK 1, LOT 1.

Meeting	Agenda Group
Thursday, February 5, 2026, 6:30 PM	Public Hearings Item: 6A.
From	
Rafael Diaz, Planner I	

PROPERTY INFORMATION:

Project Name: PZ-2025-7-VAR
 Owner(s): Jody & Robert McMurry
 Representative: Jody McMurry
 Location/Area: 2047 Persimmon Dr./ .50 acres
 Location: Estates at Deer Creek Unit 1 – South of Green Valley Rd., West of Cibolo Valley Dr.
 Council Place: 3
 Future Land Use: Estate Residential
 Existing [Zoning](#): Low Density Single-Family Residential (SF-2)
 Proposed Use: New 10 ft. High Privacy Fence

FINDINGS:

The applicant is requesting a variance to Section 8.1.3 of the Unified Development Code (UDC) to increase the total allowable fence height from 8 ft. to 10 ft. for a new privacy fence at 2047 Persimmon Dr., legally described ESTATES @ DEER CRK #1, BLOCK 1, LOT 1.

Table 1. Surrounding Zoning Districts and Land Uses

Location	Zoning District	Land Use
North	Low Density Single-Family Residential (SF-2)	Single-Family Residential

South	Low Density Single-Family Residential (SF-2)	Single-Family Residential
East	Low Density Single-Family Residential (SF-2)	Single-Family Residential
West	Low Density Single-Family Residential (SF-2)	Single-Family Residential

PUBLIC NOTICE:

Notice was published in the local newspaper (Seguin Gazette) on January 18, 2026, and posted on the [City Website](#). Individual letters were sent by mail to 18 property owners within 200 feet of the subject property. To date, Staff has received zero (0) responses in favor and zero (0) in opposition. A public hearing, along with the Board of Adjustment’s consideration for approval or denial of the requested zoning variance, was tentatively scheduled for the February 5, 2026, meeting.

BOARD OF ADJUSTMENT ACTION:

1. **Approve** the requested variance
2. **Approve** the requested variance, **with conditions**.
3. **Deny** the requested variance **with findings**.

STAFF ANALYSIS:

Under Texas Local Government Code § 211.009(a)(3), the Board of Adjustment may authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

In addition, no variance shall be granted unless the Board of Adjustment finds that all required findings outlined in Section 4.3.5.2 of the City’s UDC are met.

Table 2. Approval Criteria – Section 4.3.5.2

Criteria for Granting a Zoning Variance	Complies	
	Yes	No

<p>1. Extraordinary Conditions</p> <p><i>That there are extraordinary conditions or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.</i></p>		
<p>2. Substantial Detriment</p> <p><i>That the granting of the variance will not be detrimental to public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.</i></p>		
<p>3. Other Property</p> <p><i>That the conditions that create the need for the variance do not generally apply to other property in the vicinity.</i></p>		
<p>4. Applicant's Actions</p> <p><i>That the conditions that create the need for the variance are not the result of the applicant's own actions.</i></p>		
<p>5. Comprehensive Plan</p> <p><i>That the granting of the variance would not substantially conflict with the Comprehensive Master Plan and the purposes of this Code.</i></p>		



A. Approval of the minutes of the November 3, 2025, meeting.

Meeting	Agenda Group
Thursday, February 5, 2026, 6:30 PM	Consent Agenda - Consent Items (General Items) Item: 8A.
From	
Peggy Cimics, City Secretary	

PRIOR CITY COUNCIL ACTION:

N/A

BACKGROUND:

N/A

STAFF RECOMMENDATION:

N/A

FINANCIAL IMPACT:

N/A

MOTION(S):

N/A

Attachments

[110325 Minutes.pdf](#)



**Board of Adjustment Meeting
Cibolo Municipal Building
200 S. Main Street
November 3, 2025
6:30 p.m.**

MINUTES

1. **Call to Order** – Meeting was called to order by the Chairman Ms. McDaniel at 6:30 p.m.
2. **Roll Call and Excused Absences** – Members Present: Ms. McDaniel, Mr. Langham, Mr. Jones, Ms. Dodd, Ms. Lambert, and Ms. Forsberg; Members Absent: Ms. Rogers
3. **Invocation/Moment of Silence** – Chairman Ms. McDaniel ask for a Moment of Silence.
4. **Pledge of Allegiance** – All in attendance recited the Pledge of Allegiance.
5. **Citizens to be Heard**

This is the only time during the Board Meeting that a citizen can address the Board. It is the opportunity for visitors and guests to address the Board on any issue to include agenda items. All visitors wishing to speak must fill out the Sign-In Roster prior to the start of the meeting. The Board may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however, the Board may present any factual response to items brought up by citizens. (Attorney General Opinion – JC-0169) (Limit of three minutes each.) All remarks shall be addressed to the Board as a body, and not to any individual member thereof. Public criticism of the Board or any action, policy program or service provided by the City is not prohibited. However, any person making personal, impertinent, or slanderous remarks to individual members of the Board while addressing the Board may be requested to leave the meeting.

The following individuals spoke during this item. Mr. Poirier, the owner of the property at 104 Montesa Court, spoke on item 6A and 8A. He explained to the Board why he was requesting the variance for the Gazebo on his property. Mr. Dycus, the owner of the property at 421 Westmont, spoke on item 6B and 8B. He also explained why he was requesting a variance for his swimming pool.

6. **Public Hearings**

- A. Conduct a Public Hearing regarding a variance to Unified Development Code (UDC) Article 15 to reduce the rear yard setback for certain real property located at 104 Montesa Court, legally described as ESTATES @ DEER CRK #3 BLOCK 3 LOT 13.

Ms. McDaniel opened the Public Hearing at 6:37 P.M. No wish to speak and Ms. McDaniel closed the Public Hearing at 6:38 P.M.

- B. Conduct a Public Hearing regarding a variance to Unified Development Code (UDC) Sec. 14.1 to increase the maximum impervious coverage for certain real property located at 421 Westmont, legally described as MESA WESTERN UNIT #1 BLOCK 1 LOT 12 0.23 AC.

Ms. McDaniel opened the Public Hearing at 6:39 P.M. No one wish to speak, and Ms. McDaniel closed the Public Hearing at 6:40 P.M.

7. Consent Agenda

- A. Approval of the minutes from the March 26, 2025 meeting.

Mr. Langham Made the motion to approve the consent agenda. The motion was seconded by Ms. Lambert. For: All; Against: None. Motion carried 6 to 0.

8. Discussion/Action Items

- A. Discussion/Action regarding a variance to Unified Development Code (UDC) Article 15 to reduce the rear yard setback for certain real property located at 104 Montesa Court, legally described as ESTATES @ DEER CRK #3 BLOCK 3 LOT 13.

Ms. Forsberg made the motion to approve a variance to Unified Development Code (UDC) Article 15 to reduce the rear yard setback for certain real property located at 104 Montesa Court, legally described as ESTATES @ DEER CRK #3 BLOCK 3 LOT 13. The motion was seconded by Mr. Langham. For: All; Against: None. The motion carried 6 to 0.

- B. Discussion/Action regarding a variance to Unified Development Code (UDC) Sec. 14.1 to increase the maximum impervious coverage for certain real property located at 421 Westmont, legally described as MESA WESTERN UNIT #1 BLOCK 1 LOT 12 0.23 AC.

Mr. Langham made the motion to approve a variance to Unified Development Code (UDC) Sec. 14.1 to increase the maximum impervious coverage for certain real property located at 421 Westmont, legally described as MESA WESTERN UNIT #1 BLOCK 1 LOT 12 0.23 AC. The motion was seconded by Ms. Forsberg. For: All; Against: None. The motion carried 6 to 0.

9. Adjournment

Ms. Forsberg made the motion to adjourn the meeting at 6:55 p.m. The motion was seconded by Ms. Dodd. For: All; Against: None. The motion carried 6 to 0.

PASSED AND APPROVED THIS 5 DAY OF FEBRUARY 2026.

Chairman



A. Discussion/Action regarding a variance to Unified Development Code (UDC) Section 8.1.3 to increase the total allowable fence height for certain real property located at 2047 Persimmon Drive, legally described as ESTATES @ DEER CRK 1, BLOCK 1, LOT 1.

Meeting	Agenda Group
Thursday, February 5, 2026, 6:30 PM	Discussion/Action Item: 9A.
From	
Rafael Diaz, Planner I	

PROPERTY INFORMATION:

Project Name: PZ-2025-7-VAR

Owner(s): Jody & Robert McMurry

Representative: Jody McMurry

Location/Area: 2047 Persimmon Dr./ .50 acres

Location: Estates at Deer Creek Unit 1 – South of Green Valley Rd., West of Cibolo Valley Dr.

Council Place: 3

Future Land Use: Estate Residential

Existing [Zoning](#): Low Density Single-Family Residential (SF-2)

Proposed Use: New 10 ft. High Privacy Fence

FINDINGS:

The applicant is requesting a variance to Section 8.1.3 of the Unified Development Code (UDC) to increase the total allowable fence height from 8 ft. to 10 ft. for a new privacy fence at 2047 Persimmon Dr., legally described ESTATES @ DEER CRK #1, BLOCK 1, LOT 1.

Table 1. Surrounding Zoning Districts and Land Uses

Location	Zoning District	Land Use
North	Low Density Single-Family Residential (SF-2)	Single-Family Residential

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BOARD OF ADJUSTMENT ACTION:

1. **Approve** the requested variance
2. **Approve** the requested variance, **with conditions**.
3. **Deny** the requested variance **with findings**.

STAFF ANALYSIS:

Under Texas Local Government Code § 211.009(a)(3), *the Board of Adjustment may authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.*

In addition, no variance shall be granted unless the Board of Adjustment finds that all required findings outlined in Section 4.3.5.2 of the City’s UDC are met.

Table 2. Approval Criteria – Section 4.3.5.2

Criteria for Granting a Zoning Variance	Complies	
	Yes	No

<p>1. Extraordinary Conditions</p> <p><i>That there are extraordinary conditions or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of the land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.</i></p>		
<p>2. Substantial Detriment</p> <p><i>That the granting of the variance will not be detrimental to public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.</i></p>		
<p>3. Other Property</p> <p><i>That the conditions that create the need for the variance do not generally apply to other property in the vicinity.</i></p>		
<p>4. Applicant's Actions</p> <p><i>That the conditions that create the need for the variance are not the result of the applicant's own actions.</i></p>		
<p>5. Comprehensive Plan</p> <p><i>That the granting of the variance would not substantially conflict with the Comprehensive Master Plan and the purposes of this Code.</i></p>		

Attachments

[UDC Section 8.1.3](#)

[PZ-2025-7-VAR-Staff Map.pdf](#)

[PZ-2025-7-VAR-Variance Narrative](#)

[PZ-2025-7-VAR-Application Statement](#)

[PZ-2025-7-VAR-Survey Map](#)

[PZ-2025-7-VAR-HOA Approval Letter](#)

[PZ-2025-7-VAR-Picture 1](#)

[PZ-2025-7-VAR-Picture 2](#)

[PZ-2025-7-VAR-Picture 3](#)

[PZ-2025-7-VAR-Picture 4](#)

[PZ-2025-7-VAR-Picture 5](#)

[PZ-2025-7-VAR-Picture 6](#)

[PZ-2025-7-VAR-Example Fence](#)

4. A fence must not lean more than one (1) inch of vertical for each foot of height, as measured from the top of fence.
5. The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of, the day the owner received notice from the Chief Building Official or designee, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance.

The Chief Building Official or designee, may, upon written notice from the owner that unusual circumstances prevent timely repair of a fence, extend the replacement time as required. The Chief Building Official or designee, shall not extend the replacement time longer than 30 days. The owner requesting a replacement time extension shall provide the City a written scope and schedule detailing materials and estimated time of the completed replacement for approval.

6. A fence shall be maintained in sound structural condition as a whole or be completely replaced.
7. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces to prevent rusting, peeling or blistering surfaces.
8. Property owners shall make the repairs/maintenance in complete sections extending a minimum of support post to support post. If the Chief Building Official or designee, determines the extent of the repair on any existing fence (materials in noncompliance) is more than fifty (50%) percent of the total fence, then the owner must replace the entire fence with material approved per this Section of the UDC. The City will use a rolling twelve (12) month period to determine if over fifty (50%) percent of a fence has been repaired.

B. Requirements for a nonconforming fence, wall, gate and or column

Replacement of legal nonconforming fences, walls, gates and columns must be subject to the requirements of this Section of the UDC.

1. The City does not require a permit if:
 - a) Repair of short sections of legal nonconforming fences, walls, gates or columns, when repairs are less than two fence panels or a maximum of sixteen (16) feet; or
 - b) Replacement of fence does not exceed fifty (50%) percent of the total fence length;
2. The replacement of any nonconforming structure must be prohibited if the Chief Building Official, Code Enforcement Officer or designee determines that a public safety hazard exists, or the City Engineer determines that the structure encroaches into an easement or public right-of-way.

8.1.3 Fence Height and Types

- A. Fences constructed in the front yard of properties in the SF-3 through SF-5 districts must be three (3') feet or shorter; however, fences in the front yard may be increased by one (1') foot if it is decorative and is less than sixty (60%) percent opaque.
- B. Fences constructed in the front yards of properties in the AG, SF-1 and SF-2 districts must be three (3') feet or shorter within twenty-five (25') feet of a front property line. The height of fences within twenty-five (25') feet of a front property line in AG, SF-1 and SF-2 districts can increase to a height of five (5') feet provided that the fence is not opaque. A decorative wrought iron fence or chain link fence are examples of permitted five (5') foot fences. In the AG district, the use of wire

fencing, including barb wire fencing, is permitted. Barbed wired, electrically charged, concertina or razor wire is not permitted in any Single-Family district.

- C. In the C-4 and Industrial zoning districts, the use of chain link fencing shall be permitted except where C-4 and Industrial districts adjoin or face residential districts or institutional uses, in which case the buffer yard requirements would be applicable. The use of chain link fencing along public rights-of-way that face lower intensity zoning districts shall be prohibited, unless such fencing is located behind an opaque landscape hedge or berm.
- D. Within an industrial park, the height of chain link fencing can be increased by three (3') feet to allow wire security fencing, such as barb wire. The use of razor wired fencing and concertina razor wire fencing shall be expressly prohibited, unless such fencing is a requirement of the State of Texas or U.S. Government for certain security purposes.
- E. **Fences in all other yards may not exceed eight (8') feet in total height.**

8.1.4 Building materials

- A. Fences must be built of wood, metal, bricks, or masonry. If masonry fencing is used, a decorative finish, such as stucco or split faced block must be used. Chain link fencing is prohibited in the C-1, C-2 and C-3 and Mixed-Use Districts. Chain link fencing may be used in the C-4, I-1 and I-2 districts along property lines that do not border or face any residential or institutional uses zoning district.

Composite fencing such as TREX or alternative proposed materials that are comparable in nature may be proposed subject to the review and approval of the Planning and Engineering Director or designee.

- B. Only two or less materials may be used to construct a fence.
- C. Wood fences should be rot resistant.
- D. The use of barbed wire, electrically charged wire, chain link with slats, razor wire or other sharp-edged surfaces on fences within residential zoning districts is prohibited, unless required by any law or regulation of the City, the state or any agency thereof.
- E. Finished sides of fence posts must face opposite private or public property.

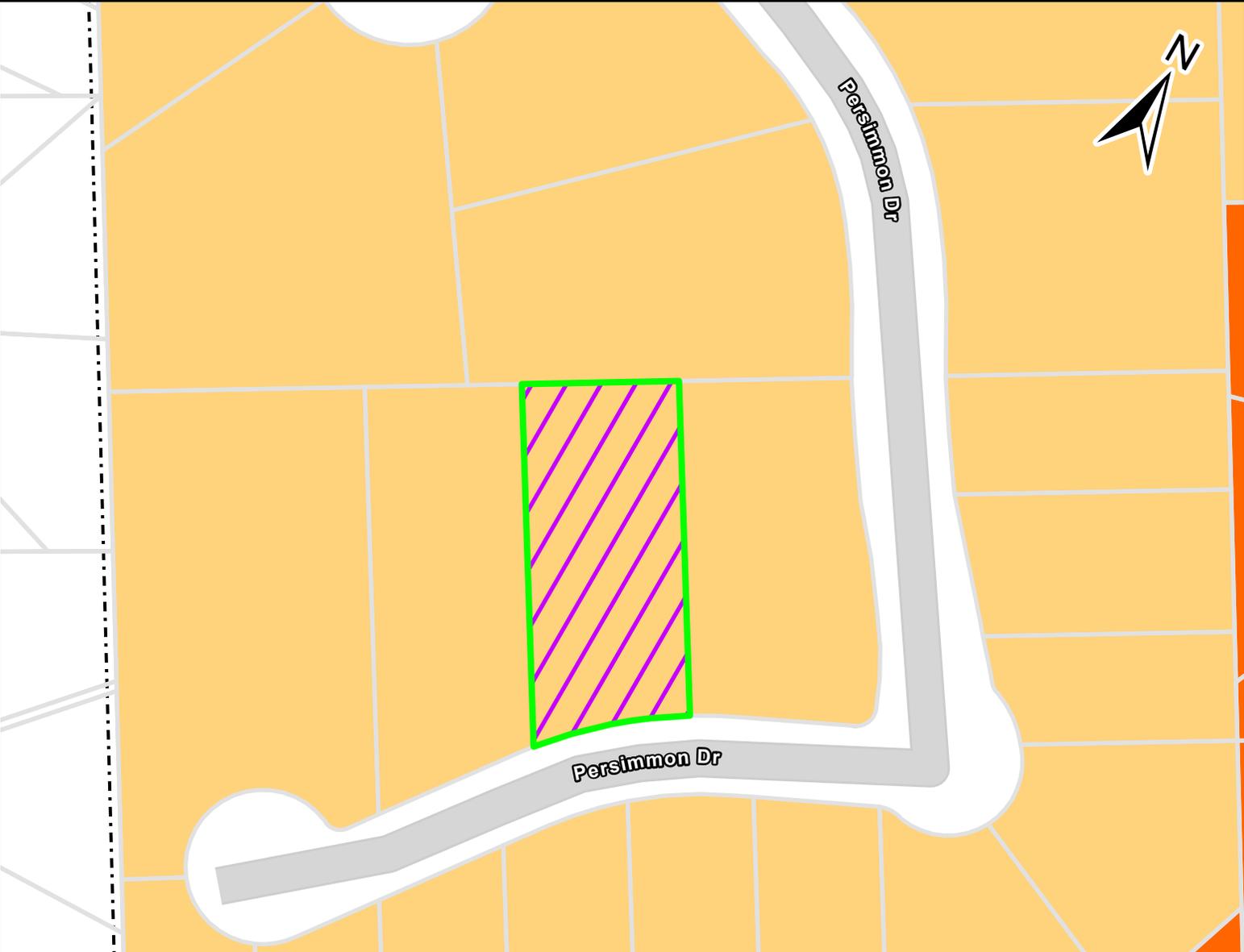
8.1.5 Residential Subdivision Perimeter Fencing

A. Legislative Findings and Purpose.

The City Council finds that it is necessary for the public welfare to impose standards to improve and preserve the quality of a subdivision's perimeter fences in residential neighborhoods in order to avoid blighting influences on neighborhoods and public safety problems.

B. Applicability.

The requirements of this subsection apply only to fences located along the perimeter of a tract or parcel subject to an application for subdivision plat approval which adjoins a collector or arterial street or a platted multiple lot residential subdivision that adjoins a collector or arterial street.



PZ-2025-7-VAR Rezoning Request

 Property of Interest

 Parcel Boundaries

 Cibolo City Limits

 Low Density Single-Family Residential (SF-2)

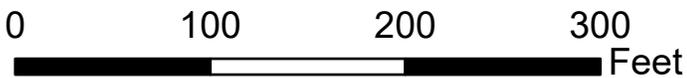
 High Density Single-Family Residential (SF-6)

Water: City of Cibolo

Sewer Service: City of Cibolo

Council Place: 3

Zoning: Low Density Single-Family Residential



To Whom It May Concern:

I am submitting this application to respectfully request a variance to build a 10-foot wooden privacy fence along the rear property line of our residence. The city's ordinance limits fences to a maximum of 8 feet without a variance; however, due to unique and ongoing issues affecting our property, we are requesting approval to construct a 10 foot fence.

Our property backs up to the neighbor's (side) yard where a 6-foot wooden fence, owned by the neighboring property, is in place. In May, the neighbors completed the installation of a pool with an elevated waterfall structure that sits close to our shared property line. This elevated structure is used as a jumping platform, giving the neighbors a clear line of sight into our yard, pool, and the windows along the back side of our home. The result is a significant loss of privacy for our family. The neighbors have a dog who has been seen on the waterfall, looking into our yard. A 10 foot fence would provide a barrier to keep the dog from potentially jumping into our yard. Additionally, the design and topography of our neighborhood exacerbate the noise situation. The neighbors' yard sits higher in elevation than ours, and the land slopes downward towards the street in front of our house, creating an amphitheater-like acoustic effect that funnels sound directly to our home. The removal of trees and grass during their pool construction further reduced the natural sound buffer. As a result, we routinely hear music, parties, and noise from their yard, sometimes inside our home even with our recently installed upgraded sound-resistant windows. We have informally consulted a civil engineer, who noted that due to the elevation differences and sound reflection, a 10-foot fence is the only effective structural solution to mitigate the sound and restore our privacy.

The goal of installing this 10-foot board-on-board cedar fence with cap and trim and metal posts (every 6 feet) is to:

- **Restore privacy** for our family in both our backyard and inside our home.
- **Block direct lines of sight** from elevated features in the neighbors' yard into ours.
- **Mitigate noise** generated by the neighboring pool and frequent parties.
- **Reduce light pollution** from the neighbors' backyard lights that currently shine into our property.

This request is not made lightly. I have researched various mitigation strategies for months and found no viable alternative to this solution. We have also received formal approval from our Homeowners Association (Deer Creek HOA) for this variance request. We have lost the ability to enjoy and use our backyard due to the noise and visibility into our space. A 10-foot fence is a reasonable, appropriate, and necessary solution given the unique topographical and acoustic conditions of our property. We kindly ask for the approval of this variance to allow construction of a 10-foot fence along our rear property line.

Thank you for your time and consideration.

Jody McMurry
(702)468-0892

Variance Application Statement – Request for 10' Fence

A. Extraordinary Conditions

There are special and unique conditions affecting our property that justify the need for a variance. Our backyard's rear property line shares a neighbors side yard property line. In May, the neighbors installed a pool that includes an elevated waterfall structure. This structure is regularly used as a platform for jumping into the pool, resulting in direct line-of-sight over the current 6-foot fence into our yard and even into our home. The topography and layout of the neighbors' yard, combined with this elevated feature, has created a situation in which their activities — that we can see and hear — are unreasonably intrusive. Additionally, the acoustics of the area amplify noise, creating an “amphitheater effect” where music and conversations from their yard are clearly heard sitting in our backyard and, at times, inside our home. Sometimes, we are able to hear music in our bedroom. Because of this, we have lost the use and enjoyment of our property — particularly our backyard and pool. It has also significantly compromised our privacy. Given the unique conditions of the adjoining property and its impact on ours, strict application of the 8-foot fence limitation would deprive us of reasonable enjoyment and privacy.

B. Substantial Detriment

The proposed 10-foot fence will not be detrimental to public health, safety, or welfare. On the contrary, it is intended to enhance the safety and livability of our property by restoring a reasonable level of privacy and reducing excessive noise and light pollution. The fence will not obstruct any utilities, or drainage. The fence will also provide additional security, helping to prevent the neighbors' dog — which climbs the waterfall and looks over the fence — from potentially entering our yard and posing a risk to our pets or guests.

C. Other Property

The conditions necessitating this variance are not present in other nearby properties. Our property is uniquely affected due to the height and design of the neighbor's pool, including the elevated waterfall structure, and the acoustical amplification created by the elevation of the two yards. These are not general conditions shared by other homes in the vicinity. The impact of this particular backyard configuration on our property is highly specific and not experienced by others in our neighborhood.

D. Applicant's Actions

The conditions creating the need for this variance are not the result of any action on our part. The pool, waterfall, and frequent high-volume use of the neighbors' backyard were introduced after they moved in in December, 2024 and the pool was completed in May, 2025. We have made good faith efforts to mitigate the noise — including replacing windows — without success. Given the nature of our previous attempt to speak with the neighbors regarding their dog, and out of concern for our safety and neighborhood relationships, we do not feel comfortable repeatedly calling the police or directly confronting the issue. This variance is a last resort, carefully considered and researched, to address a problem we did not create.

E. Comprehensive Plan

The variance has been approved by the Deer Creek HOA. The requested variance does not substantially conflict with the Comprehensive Master Plan or the purposes of the zoning code. The fence will be constructed with board-on-board cedar with cap and trim, and metal posts every 6 feet. This will ensure structural integrity and aesthetic compatibility with the neighborhood. It will be professionally installed and maintained. The variance serves the spirit of the zoning code by promoting the peaceful and private enjoyment of residential property and maintaining safety. It will not negatively affect the aesthetic or structural character of the area and will support the goals of residential quality of life and neighborhood compatibility.

ADJ. PLAT - ROYAL OAK ACRES- UNIT ONE
 (VOL. 5, PG. 196A)
 LOT 6

10 FT Fence
 Across
 Property line

N 59°00'39" E 100.01' (F.M.)
 N 59°34'05" E 100.01' (PLAT)

109.61' (109.61')

5' ELEC. GVEC ESMT.
 (PER PLAT)

WOOD
 FENCE

FIRE PIT

POOL
 PUMP

POOL

CONC.
 PAVING

GARAGE

ADJ. PLAT
 THE ESTATES AT
 DEER CREEK, UNIT-1B
 (VOL. 6, PG. 459)
 LOT 2, BLOCK 1

LOT 2

N 31°40'08" W 235.02' (F.M.)
 N 31°13'19" W 235.37' (PLAT)

S 31°13'19" E 217.81' (PLAT)
 S 31°39'53" E 217.81' (F.M.)

32.0'
 26.3'

CONC.
 SDWLK

COVERED
 CONC.

WOOD
 DECK

SPA

TWO STORY
 STONE & SIDING

LOT 1, BLOCK 1

22334 SQ. FT.
 0.51 ACRES

40.0'

GATE

CONC.
 DRVWY.

CONC.

COVERED
 PORCH

25' BLDG. SETBACK
 (PER PLAT)

LOT 1

15' UTILITY ESMT.
 (PER PLAT)

5' DRAINAGE ESMT.
 (PER PLAT)

S 36°27'57" W
 95.17'

FND.
 1/2" I.R.
 ILLEGIBLE CAP

FND.
 1/2" I.R.
 LP

CURB

C1 (PLAT)
 C2 (F.M.)

WOOD
 BRIDGE

FND.
 1/2" I.R.
 ILLEGIBLE CAP

PERSIMMON
 (50' R.O.W.-PER PLAT)
 A.K.A. PERSIMMON DR.

SURVEYOR'S NOTE(S):
 BASIS OF BEARING, TEXAS SOUTH CENTRAL NAD 83.

LOT 8

L=71.57' (71.62')
 R=700.00'
 CB=N 63°03'31" E
 CL=71.54'

FND.
 1/2" I.R.

S 86°25'07" W
 124.47'

N.T.S. (50.0')

FND.
 1/2" I.R.
 ILLEGIBLE CAP

L=9.23'
 R=15.0'
 CB=N
 CL=9.0'

FND.
 1/2" I.R.

Homeowners Association for Deer Crest, The Ridge at Deer Creek and The Estates at Deer Creek, Inc.

ARCHITECTURAL APPROVAL NOTICE

October 06, 2025

Name: Jody and Robert McMurry
RE: 2047 Persimmon

SUBJECT: Architectural Control Application - 615651
TITLE: Fence Vairance
DESCRIPTION: We are requesting a variance to install a 10 foot fence across our back property line. It is important to note that the property behind us is NOT in the HOA and are not required to seek the same approvals we are. There is currently a 6 ft fence, but it no longer provides privacy. The current fence belongs to the neighbors. We will be adding our own fence. The property behind us recently sold (Dec '24) and the new homeowners have installed a pool, with a 5 ft tall waterfall which they stand on and jump off into the pool. We have lost our privacy and the enjoyment of the use of our backyard space. We can not be in our backyard or look out our kitchen window without seeing activity in their back yard. We can not be in our backyard to enjoy our pool, without SEEING and hearing them. A 10 foot fence will restore use of our back yard, restore our privacy, reduce sound and reduce the light pollution caused by their backyard lights. We would also like to replace the fence in our front yard. It does not require a variance, we will be replacing it with what is already there. We will paint the rod iron gate black (currently brown) and the fence will be natural cedar with a trim and cap top. I have included pictures of what we see across the back fence as well as an example of what our completed fence will look like. The dimensions of the fence across the back will be the entire length of the back yard and 10 ft tall, The original quote from 2 studs pro service was for 68' across, but after further consideration, we want it to go the entire length of the back yard. The fence will be board on board with cap and trim, metal posts every 6 ft.

Your application for ***Fence Vairance*** was received on September 09, 2025 has been **Approved**. This approval is based on proper permits being obtained from the City and/or County, if required. Not obtaining the necessary permits could result in withdrawal OR negate this approval.

Applicable Stipulations: Check with the city of Cibolo to see if there are any waiver requirements as well.

Please review the entire set of DCCRs (Declaration of Covenants, Conditions and Restrictions) or Architectural Guidelines (if applicable) and remain in full compliance. Sections include, but are not limited to:

1. Do not obstruct or impair proper drainage. *Your property grade was designed by a state licensed civil engineer to direct water away from the structure and adjoining properties towards the street gutter water collection system. Failure to reestablish proper drainage may cause, but is not limited to, damage to non-moisture resistant improvements, heaving of foundation soils, uplift of perimeter footings, deformation of the framing, and damage to adjacent properties.*
2. Do not divert water to neighboring lots.
3. Do not allow water to pond or come into contact with house foundation/slab.
4. Patio overheads are to be stained/painted to match original builder OR any ACC approved house trim color.
5. Observe side yard setback requirements for any overheads.
6. Any rework of the grade adjacent to the existing fence should be done very carefully to eliminate any kind of drainage problem to the adjacent neighbors. The grade cannot be raised against the fence for any reason.
7. Wrought iron, slump stone and wood fencing may not be modified without prior written ACC approval.

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8. Do not build or place any improvement within easement or setback lines without written ACC approval.
9. Owner is responsible for obtaining all required permits from the City and/or County.

With this approval, the owner acknowledges that the association neither assumes responsibility or liability for your compliance, nor waives its rights to hereafter enforce your compliance.

Should you have any further questions, please contact:

Lifetime HOA Management, LLC

Agent for Homeowners Association for Deer Crest, The Ridge at Deer Creek and The Estates at Deer Creek, Inc.













