

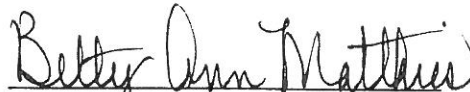
City of Seguin

VARIANCE


- 1. **Issued to:** Mr. W Fireworks
- 2. **Issued by:** City of Seguin
- 3. **Date:** November 21, 2006
- 4. **Property Description:** Approximately 1.5 acres located at 177 Pine Meadow Road, Seguin, Texas, (identified by Guadalupe Appraisal District Number 119967) and containing a commercial improvement measuring approximately eighty (80) feet by forty (40) feet.
- 5. **Applicable Regulation:** Chapter 70, Article I, Sec. 70-7(b) of the Seguin Code of Ordinances, which makes it unlawful to possess, manufacture, sell, or offer to sell fireworks within five-thousand (5,000) feet of the city limits.
- 6. **Findings & Justifications:** At the time Mr. W Fireworks purchased the land at issue and constructed its facility, the property was not located within 5,000 feet of the city limits. Recent annexations by the City of Seguin have extended the city limits, bringing the subject property within the prohibited distance. Due to the capital investments made with regard to the property, the City Council finds that Mr. W Fireworks should be granted a reasonable time to minimize any resultant financial detriment.
- 7. **Description of Variance:** The City Council hereby approves a Variance to Chapter 70, Article I, Sec. 70-7(b) of the Seguin Code of Ordinances, by authorizing the property owned by Mr. W Fireworks at 177 Pine Meadow Road, Seguin, Texas, to be used for the sale of fireworks for a period ending December 31, 2014.
- 8. **Expiration of Variance:** This variance shall expire on December 31, 2014. If, prior to that date, Mr. W Fireworks transfers, sells, or otherwise conveys its interest in the property, the variance will be deemed to have expired.
- 9. **Conditions of Variance:** The City Council approves the variances in consideration of the following conditions:
 - a. That the existing structure not be significantly altered, expanded or improved.
 - b. That the use and discharge of fireworks on the property remain prohibited and subject to criminal prosecution.
 - c. That the variance is deemed to have expired if the property is sold, conveyed, or leased to a third party.

- d. That the storage structure currently located on the property (identified by the Guadalupe Appraisal District as a storage building measuring 240 square feet and appraised at \$1,800.00) be removed, at the owner's expense, on or before January 31, 2007.
- e. That written notice be conspicuously displayed on the front of the building, containing the following language: "IT IS ILLEGAL TO POSSESS, USE, OR DISCHARGE FIREWORKS WITHIN THE SEGUIN CITY LIMITS OR WITHIN 5,000 FEET OF THE SEGUIN CITY LIMITS. VIOLATORS WILL FACE CRIMINAL PROSECUTION." The notice shall be a minimum of four feet by three feet in dimension. The expense for the notice shall be borne by the owner, and the notice shall remain in place for the duration of the Variance.

PASSED AND APPROVED, this the 21st day of November 2006, by a vote of 8 ayes, 0 nays, and 0 abstentions of the Seguin City Council.


BETTY ANN MATTHIES
MAYOR

ATTEST:


Thalia Stautzenberger
City Secretary