



**Planning & Development Services Department**  
 550 Landa Street  
 New Braunfels, Texas 78130  
 (830) 221-4050 [www.newbraunfels.gov](http://www.newbraunfels.gov)

## Special Exceptions Application

**FEE: \$721**  
 (\$700 application fee + \$21 technology fee (3%))

Any application that is missing information will be considered incomplete and will not be processed.

**Name of Applicant/Agent\*:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Contact information:**

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Legal Description:** Lot #: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

(NOTE: If property is not platted, attach a copy of the metes and bounds description and survey/drawing.)

**Present Use of Property:** \_\_\_\_\_ **Zoning:** \_\_\_\_\_

**Special Exception Request:**

- Nonconforming Uses/Structures  
*If the special exception request is for 'Nonconforming Uses/Structures', please answer questions on page 2.*
- Semipublic Parking in Residential  
*If the special exception request is for 'Semipublic Parking in Residential', please answer questions on page 3.*

### SUBMITTAL CHECKLIST:

<b>STAFF:</b>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- APPLICANT:**
- Completed application
  - Fee (\$721)
  - Letter of authorization if applicant is not property owner
  - Site plan, drawn to scale and no larger than 11"x17", showing all existing and proposed improvements, setbacks from the property lines, and building elevations (if applicable.)





**Please initial the following important reminders:**

**APPEARANCE AT MEETINGS**

It is strongly advised that the applicant be represented at the hearing. The Board may deny requests for which the applicant or an agent do not appear.

**NOTIFICATION SIGNS**

The applicant shall post the public hearing notification sign(s) at least **15 days prior to the hearing date and maintain said sign(s) in good condition**. One sign shall be required for the first 100 feet of frontage of the tract, and one additional sign for every 200 feet of frontage thereafter, or fraction thereof, except that no more than three (3) signs shall be required on each roadway frontage. If the tract has less than 200 feet of frontage per roadway, then only one sign is required per road.

**The applicant is responsible for:**

1. Purchasing **(\$15 per sign)** and placing the signs at least **15 days prior to the hearing date;**
2. Posting signs so they are clearly visible to the public from the adjacent public streets.
3. Ensuring that the signs remain on the property throughout the variance process.
4. In the event that a sign(s) is removed from the property or damaged, the applicant shall be responsible for purchasing a replacement sign(s) and installing it immediately.
5. Removing the signs after the final action by the Zoning Board of Adjustment.
6. Special exception requests require mail notification **\$2.15 per mailed notice**.

*I hereby certify that the information provided is true and correct to the best of my knowledge.*

Signed: \_\_\_\_\_  
**Applicant/Agent\***

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

\* If signed by an agent, a letter of authorization must be furnished by the property owner.

**FOR OFFICE USE ONLY**

**CASE NO.:** \_\_\_\_\_

Application Received By: \_\_\_\_\_ Receipt No: \_\_\_\_\_ Date: \_\_\_\_\_

Fee: \$ \_\_\_\_\_ Zoning: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Signs: Date issued: \_\_\_\_\_ Number of signs issued: \_\_\_\_\_

Mail Notifications: Number of Notices \_\_\_\_\_ x \$2.15 per notice = \$ \_\_\_\_\_ owed

Variance to Section(s) No.: \_\_\_\_\_

## **Sec. 144-2.2. Zoning Board of Adjustment (ZBA).**

### **2.2-4. Special exceptions.**

**(a) Authority and Procedures.** The ZBA may grant the following special exceptions to these regulations, upon written request of the property owner, subject to the standards applicable to each exception hereinafter set forth. An application for a special exception shall be decided in accordance with the procedures applicable to a variance, as set forth in Section 2.2-5.

**(b) Nonconforming uses and structures.** The ZBA may grant special exceptions to the provisions of this Chapter pertaining to non-conforming status, limited to the following, and in accordance with the following standards. In granting special exceptions under this subsection, the ZBA may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the standards of this Chapter.

- (1) Expansion of the land area of a nonconforming use, up to a maximum of thirty (30) percent; or
- (2) Expansion of the gross floor area of a nonconforming structure, up to a maximum of thirty (30) percent, provided that such expansion does not decrease any existing setback and does not encroach onto adjacent property, and such expansion will bring the structure closer into compliance with this Chapter, or if it will otherwise improve or enhance public health, safety or welfare; or
- (3) Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
- (4) Reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use and/or the restoration of a building site that is nonconforming as to development standards (including, but not limited to, parking arrangement, landscaping, etc.), when a structure has been damaged by fire, flood or other calamity to the extent of more than seventy-five percent (75%) of the replacement cost of the building or structure at the time such damage. Such action by the ZBA shall have due regard for the property rights of the person or persons affected and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.

**(c) Semipublic parking areas in residential districts.** To permit in residential districts semipublic parking areas for occupants of apartment houses, multiple dwellings, hotels, apartment hotels, fraternity or sorority houses, lodging houses, members of clubs, and visitors to or patrons of hospitals, institutions, or places of public assembly, provided that such parking areas are located not more than 400 feet therefrom, and provided that such parking areas be improved as required in this Chapter.



**2022  
ZONING BOARD OF ADJUSTMENT  
MEETING CALENDAR  
COUNCIL CHAMBERS 6:00 PM**

Meeting Date (Thursday unless otherwise noted)	Application Submittal Deadline	Last Date Variance Signs Must Be Placed on Property	Mail Notices to Property Owners & Applicant	Send Agendas to Board Members
January 27, 2022	December 31, 2021	January 12, 2022	January 14, 2022	January 21, 2022
February 24, 2022	January 28, 2022	February 9, 2022	February 11, 2022	February 18, 2022
March 24, 2022	February 25, 2022	March 9, 2022	March 11, 2022	March 18, 2022
April 28, 2022	April 1, 2022	April 13, 2022	April 14, 2022*	April 22, 2022
May 26, 2022	April 29, 2022	May 11, 2022	May 13, 2022	May 20, 2022
June 23, 2022	May 27, 2022	June 8, 2022	June 10, 2022	June 17, 2022
July 28, 2022	July 1, 2022	July 13, 2022	July 15, 2022	July 22, 2022
August 25, 2022	July 29, 2022	August 10, 2022	August 12, 2022	August 19, 2022
September 15, 2022**	August 19, 2022	August 31, 2022	September 2, 2022	September 9, 2022
October 27, 2022	September 30, 2022	October 12, 2022	October 14, 2022	October 21, 2022
November 17, 2022****	October 21, 2022	November 2, 2022	November 4, 2022	November 10, 2022***
December 15, 2022*****	November 18, 2022	November 30, 2022	December 2, 2022	December 9, 2022
January 26, 2023	December 30, 2022	January 11, 2023	January 13, 2023	January 20, 2023

\* One day earlier due to City Hall closure for Founders Day  
 \*\* September meeting is one week earlier due to Comal County Fair  
 \*\*\* November agenda sent one day earlier due to Veteran's Day  
 \*\*\*\* November meeting is one week earlier due to Thanksgiving  
 \*\*\*\*\* December meeting is one week earlier due to Christmas and New Years

## ***INSTRUCTIONS FOR SUBMITTING THIS APPLICATION***

This application can be submitted online using the City of New Braunfels permit portal. For instructions on how to submit this permit application, please read below.

1. Access the online permit portal at <https://nbpermits.nbtexas.org/publicaccess>. Once you arrive at the Portal Login Page you will need to create a username and password.
  - a. The username will need to be a valid email address and you will be informed of the status of your application via email.
  - b. Password Requirements are: Minimum of 8 characters and must include at least one uppercase, one lowercase, and a number. Passwords cannot match your email address, first, or last name.
2. Select the Create Application button at the top center of the page and click on the Planning/Zoning folder.
3. Navigate to the desired application on the following pages. The application will be titled the same as it is on page 1 of this document.
4. Once you have found the correct application type, click on it once and select the Begin Application button.
5. Enter the application information:
  - a. Main: Subject property location (if applicable) and description of the request.
  - b. People: Your contact information. The email address provided will receive status updates on the application as it proceeds through the review process. You can add additional email addresses to receive status updates, but the provided email addresses must have a permit portal account.
  - c. App Form: Questions relating to the application.
  - d. Attachments: Upload a digital copy of this application and all required documents listed on page (1). Attachments must be .pdf format and named as they are listed on this application. **ALL REQUIRED DOCUMENTS LISTED ON THE APPLICATION MUST BE ATTACHED OR THE APPLICATION IS CONSIDERED INCOMPLETE.**
  - e. Payment: The required fee to submit. Please note: all credit/debit card transactions will incur a 2.75% processing fee. We encourage you to utilize one of our free options which include cash, check or e-Check.

You will receive a confirmation email once the application is submitted. If the application is incomplete or requires corrections, you will be emailed by a staff member requesting the information that is necessary to continue review. **AN INCOMPLETE APPLICATION WILL NOT CONTINUE TO BE REVIEWED AND CAN DELAY THE PROCESS.** Communication from the portal system will originate from [cwmessenger@newbraunfels.gov](mailto:cwmessenger@newbraunfels.gov).

*If you have any questions, please contact Development Planning Division Staff at [planning@newbraunfels.gov](mailto:planning@newbraunfels.gov) or (830) 221-4050.*