



**Planning & Community Development Department**  
**Planning Division**  
 550 Landa St. New Braunfels, TX 78130  
 (830) 221-4050      www.nbtexas.org

CC/Cash/Check No.: _____	Case No.: _____
Amount Recd. \$ _____	
Receipt No.: _____	
<i>Submittal date – office use only</i>	

**VARIANCE APPLICATION**  
**(ACCESS MANAGEMENT BOARD OF ADJUSTMENT)**

**APPLICATION FEES:**

**Homestead: \$350 plus \$50 for each additional variance sought**  
**Non-Homestead: \$700 plus \$50 for each additional variance sought**  
*\*\*\*Please note that a 3% technology fee is applied to the total application fee\*\*\**

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

**The applicant bears the burden of proof in establishing the facts that may justify a variance, a special exception, an appeal, or any other action in his/her favor by the AMBA.**

**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:** \_\_\_\_\_

**Describe Variance Request:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SUBMITTAL CHECKLIST:**

STAFF:	APPLICANT:	
<input type="checkbox"/>	<input type="checkbox"/>	Completed application
<input type="checkbox"/>	<input type="checkbox"/>	Copy of deed showing current ownership
<input type="checkbox"/>	<input type="checkbox"/>	Homestead Verification (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee
<input type="checkbox"/>	<input type="checkbox"/>	Letter of authorization if applicant is not property owner
<input type="checkbox"/>	<input type="checkbox"/>	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.)

**Explain the following in detail:**

Please note: The information provided in response to the following questions is imperative to the variance request process. You may use additional pages if necessary.

**(1) What are the special circumstances or conditions affecting the land that warrant the variance?**

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**(2) Why is the variance necessary to preserve a substantial property right of the applicant?**

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**(3) Will the granting of the variance be detrimental to the public health, safety or welfare, or injurious to other properties within the surrounding area?**

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**(4) Would granting the variance prevent the orderly use of other properties within the area?**

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**(5) Does an undue hardship to the land exist that is not self-created, personal or financial?**

If yes, please explain in detail. If no, a variance cannot be granted.

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(6) Will granting the variance be in harmony with the spirit and purpose of the City's regulations?

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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. Paying for the required mail notification (**\$2.15 per mailed notice**)
2. Purchasing (**\$15 per sign**) and placing the signs at least **15 days prior to the hearing date**
3. Posting signs so they are clearly visible to the public from the adjacent public streets.
4. Ensuring that the signs remain on the property throughout the variance process.
5. 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.
6. Removing the signs after the final action by the Zoning Board of Adjustment.

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

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

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

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

*Intentionally Blank*

## Sec. 114-100. Variances and Appeals.

- (a) **Variance.** It is recognized that in certain cases a variance from the regulations of this Article may need to be granted. In cases where the possibility of undue hardship would result from compliance with this Article, or where the purpose of this Article may be served to a greater extent by an alternative proposal a request may be made for review by the Access Management Board of Adjustment. The Access Management Board of Adjustment may approve a variance from any portion of the regulations of this Article so that substantial justice may be done and the public interest secured, provided the variance shall not have the effect of nullifying the intent and purpose of this Article, and further provided that the Access Management Board of Adjustment shall not approve a variance or alternative proposal unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Granting the variance or alternative proposal will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of the property;
  - (2) Because of the particular physical surroundings, shape, and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations of this Article is carried out; or an alternate proposal will achieve the same result or intent as the standards and regulations prescribed in this Article;
  - (3) The variance or alternative proposal will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.
- (b) **Conditions for Variance.** In approving a variance from the provisions of this Article, the Access Management Board of Adjustment may require such conditions as will, in its judgment, secure substantially the purposes described in this Article.
- (c) **Procedures for Variance.**
- (1) A petition for a variance shall be submitted in writing to the Planning Department by the property owner on forms provided by the Planning Department. The petition shall explain the purpose of the variance, state fully the grounds for the variance and all of the facts relied upon by the applicant.
  - (2) All variances shall be approved, disapproved, or conditionally approved by the Access Management Board of Adjustment.
  - (3) The findings of the Access Board of Adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Access Management Board of Adjustment meeting at which a variance is considered, approved, approved with condition or disapproved.
- (d) **Procedure for Appeals.** Appeals to the Access Management Board of Adjustment may be taken by any aggrieved person or by any officer, department, board or bureau of the City of New Braunfels affected by any decision of the City Engineer or other administrative officer concerning the interpretation or implementation of this Article.
- (1) *Stays of proceedings.* An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and due cause shown.
  - (2) *Notice of Appeal.* The appellant must file with the Planning Department a written notice of appeal specifying the grounds for the appeal and pay a fee of \$250.00. The notice of appeal shall be filed within 45 days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board all papers constituting the record of action that is appealed. The chair or any two members of the Access Management Board of Adjustment may call a special meeting to consider appeals.
  - (3) *Action by the Board on Appeal.* The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination. Each appeal shall be decided within 30 days following the date the notice of appeal is filed.



PLANNING

**2019  
ZONING BOARD OF ADJUSTMENT  
AND  
ACCESS MANAGEMENT BOARD OF ADJUSTMENT  
MEETING CALENDAR  
Council Chambers - 6:00 p.m.**

<b>Meeting Date (Thursday)</b>	<b>Application Deadline by 4:00 p.m.</b>	<b>Last Date Variance Signs Must Be Placed on Property</b>	<b>Mail Notices to Property Owners &amp; Applicant</b>	<b>Send Agendas to Board Members</b>
January 24	December 28, 2018	January 9	January 11	January 16
February 28	February 1	February 13	February 15	February 20
March 28	March 1	March 13	March 15	March 20
April 25	March 29	April 10	April 12	April 17
May 23	April 26	May 8	May 10	May 15
June 27	May 31	June 12	June 14	June 19
July 25	June 28	July 10	July 12	July 17
August 21* (Wed.)	July 25	August 6	August 8	August 13
September 19**	August 23	September 4	September 6	September 11
October 24	September 27	October 9	October 11	October 16
November 21***	October 25	November 6	November 8	November 13
December 19****	November 22	December 4	December 6	December 11
January 23, 2020	December 27	January 8, 2020	January 10, 2020	January 15, 2020

Approved by ZBA: 9/20/2018

- \* August meeting is one week earlier due to Budget Meeting
- \*\* September meeting is one week earlier due to Comal County Fair Day
- \*\*\* November meeting is one week earlier due to Thanksgiving
- \*\*\*\* December meeting is one week earlier due to Christmas and New Years