



Planning & Development Services Department
 550 Landa Street
 New Braunfels, Texas 78130
 (830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: <u>2091</u>
Amount Recd. \$ <u>772.00</u>
Receipt No.: <u>41441</u>
Case No.: <u>ZB 21-0009</u>
<i>Submittal date – office use only</i>

Variance Application
(Zoning 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 ZBA.

Name of Applicant/Agent*: Balcones Vista Phase 1, LLC / Michael Leal

Property Address: 394 Kessler Street

Mailing Address: 120 S. Rueckle Rd.

Contact information:

Phone: (830) 624-9675

E-Mail: lealme@sbcglobal.net

Legal Description: Lot #: 8 Block: 1059 Subdivision: _____

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

Present Use of Property: Vacant **Zoning:** C3

Describe Variance Request: We are requesting variances for the side setback of 15 ft. to 5 ft. and the front setback of 25 ft. to 15 ft.

SUBMITTAL CHECKLIST:

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

The property is at the corner of Kessler St. and Sanger Ave. which requires us to have a 15 ft. side setback. However, since Sanger Ave. is a dead end, the lot functions as an interior lot and the 15 ft. side setback is not needed for sight distance. Also, the neighboring front setback is approximately 15 ft. and we would like to match it.

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

The variances allow us to maximize the building area while also remaining consistent with other properties in the neighborhood.

(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?

No, the 15 ft. side setback is not required for sight distance since Sanger Ave. is a dead end. Also, the neighboring property has a front setback of approximately 15 feet.

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

No, the variances do not prevent the orderly use of other properties.

(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.

Yes, the constraints due to the location of the Sanger Ave. dead end create a hardship by technically classifying this lot as a corner lot, although it functions as an interior lot. Also, the rear neighbor has replatted their property in such a way that does not allow us to acquire the adjacent Right-of-Way to provide for more building area and remove the constraints.

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

Yes.

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.

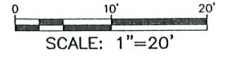
Date: October 1, 2021

Signed: Michael Leal Print Name: Michael Leal
Applicant/Agent*

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

S 60°58'00" W 60.00'

EXIST. 3' BLDG. LINE (DETACHED STRUCTURE)



EXIST. 20' BLDG. LINE

PROP. 3-CAR GARAGE

S 29°02'00" E 150.00'

PROP. 5' BLDG. LINE

EXIST. 15' BLDG. LINE

EXIST. 5' BLDG. LINE

N 29°02'00" W 150.00'

SANGER AVENUE
60' R.O.W.

PROP. DRIVEWAY

394 KESSLER STREET
LOT 8
BLOCK 1059

PROPOSED RESIDENCE
1,800 SF, 1-STORY
2 BDRM / 2 BATH

EXIST. 25' BLDG. LINE

PROP. 15' BLDG. LINE

N 60°58'00" E 60.00'

KESSLER STREET

60' R.O.W.

ORCI/GR# 9055 /Closcr AMH /S _____
NB

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:
YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

STATE OF TEXAS §
COUNTY OF COMAL § KNOW ALL MEN BY THESE PRESENTS:

THAT LORI DD AMES, a single woman and KENNETH C. GORENCE, a single man, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by BALCONES VISTA PHASE 1, LLC, hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged;

HAS GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee the following described property situated in Comal County, Texas; to-wit:

Lot 8, New City Block 1059 of KUEHLER ADDITION, a subdivision in the City of New Braunfels, Comal County, Texas, according to plat recorded in Volume 46, page(s) 430-431, Deed Records of Comal County, Texas.

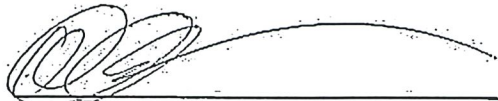
This conveyance is made subject to, all and singular, the restrictions, conditions, easements, and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the County Clerk of Comal County, Texas.

Taxes for the current year have been prorated and are thereafter assumed by Grantee.

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever:

Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, and successors to warrant and forever defend, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and assigns against any person whomsoever claiming or to claim the same or any part thereof.

DATED this the 18th day of September, 2020.


LORI DD AMES, a single woman

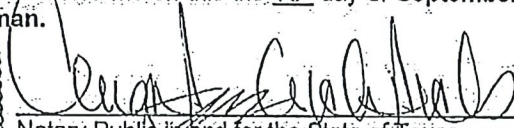

KENNETH C. GORENCE, a single man

THE STATE OF TEXAS
COUNTY OF Comal

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§

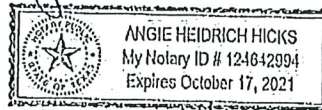
This instrument was acknowledged before me on this the 18th day of September, 2020, by LORI DD AMES, a single woman.



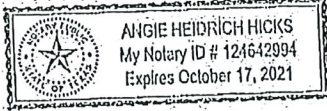

Notary Public in and for the State of Texas

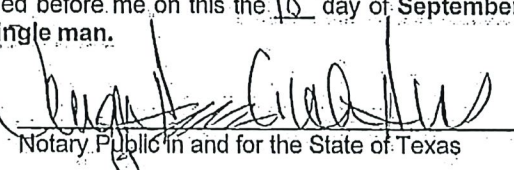
THE STATE OF TEXAS
COUNTY OF Comal

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This instrument was acknowledged before me on this the 18th day of September, 2020, by KENNETH C. GORENCE, a single man.




Notary Public in and for the State of Texas

GRANTEE'S MAILING ADDRESS:
1205 Bueckle Rd.
New Braunfels, TX
78130

CASH WD AMES - BALCONES
Old Republic Title Co. (AH)
GF #9955NB

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
09/22/2020 02:48:22 PM
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