



**CITY OF NEW BRAUNFELS, TEXAS
ZONING BOARD OF ADJUSTMENT MEETING**



**CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET**

THURSDAY, AUGUST 24, 2023 at 6:00 PM

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
 - A) Approval of the April 27, 2023 and July 27, 2023 Regular [23-1085](#) Meeting Minutes.
4. **ELECTION OF OFFICERS**
5. **INDIVIDUAL ITEMS FOR CONSIDERATION**
 - A) ZB23-0011 Hold a public hearing and consider a request [23-942](#) for a variance to Section 144-5.4(d) to allow an accessory structure to be located within the minimum side setback required in the "R-2" Single and Two-family District, addressed at 1062 Mulberry Ave.
Applicant / Owner: Cecil M. Gregg III

STAFF REPORT

None

6. **ADJOURNMENT**

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Board Liaison

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.



Zoning Board of Adjustment Agenda Item Report

550 Landa Street
New Braunfels, TX

8/24/2023

Agenda Item No. A)

ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
April 27, 2023

MEMBERS PRESENT

Vice-Chair Brandon Mund
Bobby Avary
Cynthia Foster
Steve Quidley
Drew Snider

STAFF PRESENT

Frank Onion, Assistant City Attorney
Jean Drew, Assistant Director
Planning & Development Services
Matthew Simmont, Planning Manager
Laure Middleton, Planner
Colton Barker, Assistant Planner
Caitlin Garrigus, Assistant Planner
Evin Wilson, Assistant Planner

Members Absent

1. CALL TO ORDER

Vice-Chair Mund called the meeting to order at 6:00pm.

2. ROLL CALL

Roll was called, and a quorum declared.

3. APPROVAL OF MINUTES

Motion by Member Avary, seconded by Member Foster, to approve the minutes of the Zoning Board of Adjustment Regular Meeting of February 23, 2023. Motion carried (5-0-0).

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) ZB23-0003 Hold a public hearing and consider a request for a variance to Section 144-5.3-2(b) to allow a solid fence in the front yard to exceed the maximum height of three (3) feet by three (3) feet for a maximum height of six (6) feet in the “R-2” Single and Two-Family District, addressed at 318 Loma Vista Street. (Applicant/Owner: John Fish; Case Manager: Laure Middleton)

Laura Middleton presented the staff report and stated Section 2.2-3(a) of the Zoning Ordinance states the ZBA may authorize a variance from the zoning regulations only upon finding all of the following facts:

- 1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** The applicant states that the neighborhood has a mix of structure types and the use of the front yard has been limited due to the neighbor's parking causing runoff onto their property. Staff acknowledges the subject property is a large lot residential property in a mainly “R-2” Single and Two-family District; **and**
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** The applicant states that their home does not have a front porch, but they would like to better ventilate their home during fair weather while maintaining security. Staff acknowledges that privacy and security can be maintained within the normal building setback parameters and fencing restrictions; **and**
- 3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area;** The applicant states the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. Staff recognizes that a variance to the fencing standards could have the effect of creating an undue property right that other properties may then feel entitled to. Open visibility of the right-of-way has been a long-standing community standard adopted in code; **and**
- 4) Granting of the variance will not have the effect of preventing the orderly use of other lands within the area in accordance with the provisions of this Chapter;** The applicant states the variance should not prevent orderly use of other land within the area. Staff notes all neighboring properties are still required to comply with the building setback and fencing restrictions; **and**
- 5) That an undue hardship exists;** The applicant states that the lot has narrow frontage, and the location of the utilities limits the access to the backyard. Staff notes that the minimum lot width

within the R-2 Zoning District is 60 feet and that a fence within the front building setback is allowed at a height of 3 feet or 4.5 feet if at least 50% open for the personal use of the front yard; **and**

- 6) **That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** The applicant states that granting the variance will be in harmony with the spirit and purpose of the City's regulations. Staff notes that the spirit and purpose of these regulations is to promote an aesthetic that is hospitable and sociable as well as promoting visibility and security in neighborhoods.

Vice-Chair Mund asked if there were any questions for staff.

No one spoke.

Vice-Chair Mund invited the applicant to speak.

John Fish, elaborated on the request and the property.

Discussion followed on construction and height of the fence.

Vice-Chair Mund opened the public hearing and asked if anyone would like to speak.

The following individuals spoke on this item: Polly Barnes, Pam Wrights, Kay Vaughn.

Discussion followed on property hardship, sight triangle visibility, fence height restrictions, and alternative options.

The following individual spoke on this item: Steve Banyel

Discussion followed on fence height regulations, landscaping regulations, the construction of the fence, and the condition of other fences in the area.

Vice-Chair Mund closed the public hearing.

Vice-Chair Mund asked if there was any discussion or a motion.

Discussion followed on the property in objection to the request.

Motion by Member Snider to approve the request for a variance to Section 144-5.3-2(b) to allow a solid fence in the front yard to exceed the maximum height of three (3) feet by three (3) feet for a maximum height of six (6) feet in the "R-2" Single and Two-Family District, addressed at 318 Loma Vista Street. Motion failed due to the lack of a second.

B) ZB23-0004 Hold a public hearing and consider a request for a variance to Section 144-5.4(e) to allow an accessory structure to exceed the height of the main building in the "R-2" Single and Two-Family District, addressed at 837 Denver Alley. (Applicant/Owner: Hunter Chavarria; Case Manager: Laure Middleton)

Laura Middleton presented the staff report and stated Section 2.2-3(a) of the Zoning Ordinance states the ZBA may authorize a variance from the zoning regulations only upon finding all of the following facts:

- 1) **That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** The applicant cites the fact that the existing house height is 11 feet as a special circumstance of the property and that the accessory structure will allow storage space of personal items that currently are taking up the minimal square footage of the home. Staff acknowledges the subject property is undersized, that 11 feet is a very limited roof height for a residence, that the zoning allows a maximum height of 35 feet for a single-family home, and if the house were built to current building standards, at 12 feet in height, a variance would not be necessary; **and**

- 2) **That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** The applicant cites Section 144-3.3-2 which states that an accessory structure is allowed by right. Staff notes the substantial property right to use the property for a residential accessory structure is not removed due to the height limitation of main structure, but is too limited for the applicant's needs; **and**
- 3) **That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area;** The applicant states the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. Staff acknowledges the impact to the surrounding area is likely negligible; **and**
- 4) **Granting of the variance will not have the effect of preventing the orderly use of other lands within the area in accordance with the provisions of this Chapter;** The applicant states the variance should not prevent orderly use of other land within the area. Staff notes all neighboring properties are still required to comply with the height restriction of any new construction of accessory structures; **and**
- 5) **That an undue hardship exists;** The applicant states the current structure is only 11 feet in total height and plans to remodel in the future which will render the variance unnecessary. Staff acknowledges the home is small and below the common building heights for currently built homes which average around 20-25 feet in height depending on roof pitch and foundation which would allow the applicant to construct the accessory storage at the necessary height for personal use; **and**
- 6) **That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** The applicant states granting of the variance will be in harmony with the spirit and purpose of the City's regulations and that the variance will only be necessary until the main structure is remodeled. Staff notes the intent for the accessory structure height requirement is to ensure the residential character of the neighborhood. Staff acknowledges the variance will allow a small accessory structure to be utilized on the property.

Vice-Chair Mund asked if there were any questions for staff.

Discussion followed on the construction of the accessory structure.

Vice-Chair Mund invited the applicant to speak.

Hunter Chavarria provided additional context regarding the request.

Discussion followed on the height and size of the structure, setback and fire safety requirements, building code and property hardship.

Vice-Chair Mund opened the public hearing and asked if anyone would like to speak.

No one spoke.

Vice-Chair Mund closed the public hearing.

Vice-Chair Mund asked if there was any discussion or a motion.

Motion by Member Quidley, seconded by Member Foster, to approve the request for a variance to Section 144-5.4(e) to allow an accessory structure to exceed the height of the main building in the "R-2" Single and Two-Family District, addressed at 837 Denver Alley. Motion carried (5-0-0).

5. STAFF REPORT

No items.

6. ADJOURNMENT

Vice-Chair Mund adjourned the meeting at 6:46pm.

Chair

Date

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ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
July 27, 2023

MEMBERS PRESENT

Chair John Coker
Vice Chair Brandon Mund
Bobby Avary
Jenny Wilson
Steve Quidley

STAFF PRESENT

Frank Onion, Assistant City Attorney
Jean Drew, Assistant Director
Planning & Development Services
Matthew Simmont, Planning Manager
Mary Lovell, Senior Planner
Colton Barker, Assistant Planner
Evin Wilson, Assistant Planner

Members Absent

1. CALL TO ORDER

Chair Coker called the meeting to order at 6:00pm.

2. ROLL CALL

Roll was called, and a quorum declared.

3. APPROVAL OF MINUTES

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) ZB23-0010 Hold a public hearing and consider a request for a variance to Section 144-3.4-2(b)(vii) to allow a lot to be created that does not meet the minimum size required in the “R-1A-6.6” Single-family District, addressed at 185 N. Live Oak Ave. (Applicant/Owner: Concepcion R. Urdiales; Case Manager: Laure Middleton)

Mary Lovell presented the staff report and stated Section 2.2-3(a) of the Zoning Ordinance states the ZBA may authorize a variance from the zoning regulations only upon finding all of the following facts:

- 1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** The applicant states that Lot 9 & 10 currently has two houses, however, the homes are situated on the property where the division would normally be required; **and**
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** The applicant states that two families live in the homes and they want to be able to pay their own taxes, and remodel without affecting the taxes of the other home/family; **and**
- 3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area;** The applicant states that at the intersection of West Mill Street and North Plum Avenue a similar partition has been executed, three parcels with single family residences. Staff acknowledges the impact to the surrounding area is likely insignificant; **and**
- 4) Granting of the variance will not have the effect of preventing the orderly use of other lands within the area in accordance with the provisions of this Chapter;** The applicant states that the variance will allow boundaries of the properties to be designated. Staff notes that the property is currently nonconforming with two dwellings on one lot in the R-1A-6.6 single family district; **and**
- 5) That an undue hardship exists;** The applicant states that the request is due to the limited size of the lot available for the minimum lot size required by the zoning district. Staff acknowledges that the original lots created in 1912 did not meet the lot dimension standards for the current zoning district since the corner lot originally had a width of 52.28 feet; **and**
- 6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** The applicant states granting of the variance will be in harmony with the spirit and purpose of the City's regulations. The applicant intends to remodel one of the existing homes and comply with the current city ordinances and build sidewalks for pedestrian safety. Staff notes the intent of the single-family zoning district will be met with the division of the lot.

Chair Coker asked if there were any questions for staff.

No one spoke.

Chair Coker invited the applicant to speak.

Justin Baranado, representing the owner, elaborated on the request and provided a brief history of the property.

Discussion followed on the distance between the two homes, the proposed dividing line, access to the property, and existing easements.

Chair Coker opened the public hearing and asked if anyone would like to speak.

No one spoke.

Chair Coker closed the public hearing and asked if there was any discussion or a motion.

Motion by Vice-Chair Mund, seconded by Member Quidley, to approve the request for a variance to Section 144-3.4-2(b)(vii) to allow a lot to be created that does not meet the minimum size required in the "R-1A-6.6" Single-family District, addressed at 185 N. Live Oak Ave. Motion carried (5-0-0).

B) ZB23-0011 Hold a public hearing and consider a request for a variance to Section 144-5.4(d) to allow an accessory structure to be located within the minimum side setback required in the "R-2" Single and Two-family District, addressed at 1062 Mulberry Ave. (Applicant/Owner: Cecil M. Gregg III; Case Manager: Laure Middleton)

Mary Lovell presented the staff report and stated Section 2.2-3(a) of the Zoning Ordinance states the ZBA may authorize a variance from the zoning regulations only upon finding all of the following facts:

- 1) **That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** The applicant states that the existing home was built in the 1930's with an addition in the 1980's. The footprint leaves a small L-shaped backyard with no outdoor storage or garage. The storage shed is intended to be used for a golf cart, river floats, yard equipment, etc. Placing the shed at the end of the driveway, behind the existing gate is the most logical location to maximize outdoor space in the backyard; **and**
- 2) **That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** The applicant states that the placement of the shed is aesthetically pleasing from the street as it is centered on the gate. This placement also increases its functionality to pull heavy items directly out and down the driveway, and being located in the corner allows for maximum usage of the backyard area for entertaining and recreation; **and**
- 3) **That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area;** The applicant states that granting the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. Staff acknowledges that the property owner will be required to retrofit the structure to meet the fire code standards for a structure less than 5 feet from the side property line; **and**
- 4) **Granting of the variance will not have the effect of preventing the orderly use of other lands within the area in accordance with the provisions of this Chapter;** The applicant states that the variance will not prevent the orderly use of other land within the area; **and**
- 5) **That an undue hardship exists;** The applicant states that the existing improvements dictate the size and configuration of the rear yard. The existing structure has no outdoor storage or garage. The home is located in a water recreation district, but lacks any storage for canoes, kayaks, pool floats, tubes, etc. which are frequently pilfered if left in the open. They are also unsightly and a haven for mosquitoes and vermin. Thus, a shed or garage is needed. Placing the shed in the corner at the terminus of the driveway maximizes the space for recreation and entertaining; **and**
- 6) **That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** The applicant states granting of the variance will be in harmony with the spirit and purpose of the City's regulations. The neighbors have noted that the lack of outdoor storage has

long been an issue at this location causing unsightly clutter and unsafe hazards as former owners have resorted to running extension cords over the open driveway to charge their golf carts. Allowing residents to recreate and entertain friends and family is part of the cultural traditions of New Braunfels.

Chair Coker asked if there were any questions for staff.

Discussion followed on the construction and location of the detached structure relative to the property lines and setbacks.

Chair Coker invited the applicant to speak.

Cecil Gregg, 1062 Mulberry Avenue, elaborated on the request discussing the location of the structure and the existing foundation it was constructed on.

Chair Coker opened the public hearing and asked if anyone would like to speak.

The following Individuals spoke on the item: Brenda Chapman

Chair Coker closed the public hearing.

Chair Coker asked if there was any discussion or a motion.

Motion by Member Quidley, seconded by Chair Coker, to approve the request for a variance to Section 144-5.4(d) to allow an accessory structure to be located within the minimum side setback required in the "R-2" Single and Two-family District, addressed at 1062 Mulberry Ave.

Discussion followed on the precedence of past variances granted in the area, the lack of a permit for the structure's construction, and hardship of the property,

Coker reopened the public hearing.

The following individuals spoke on the item: Brenda Chapman.

Coker closed the public hearing.

Discussion followed on the construction and location of the structure, the existing foundation it was built on, and potentially tabling the request to the next month's regular meeting to allow time for the applicant to gather evidence of the previous structure.

Motion by Vice-Chair Mund, seconded by Member Wilson, to table the request until the August 24, 2023 regular meeting and the request that more information regarding the existing foundation be presented at that time. Motion carried (4-1-0), with Member Quidley in opposition.

C) ZB23-0012 Hold a public hearing and consider a request for a variance to Section 144-5.4(c) to allow an accessory structure to encroach up to 5 feet into the minimum side setback required in the "R-1A-6.6" Single-family District, addressed at 198 E. Lincoln Street. (Applicant: Nathan Camp; Owner: Annette B. & Patrick S. Logan; Case Manager: Laure Middleton)

Mary Lovell presented the staff report and stated Section 2.2-3(a) of the Zoning Ordinance states the ZBA may authorize a variance from the zoning regulations only upon finding all of the following facts:

- 1) **That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** The applicant states that the existing attached storage structure was originally built on the property line which was acceptable at the time it was constructed. The structure became dangerous, and an "eye sore" to the public. To rectify these issues, the shed was rebuilt for safety reasons, and to enhance the visual aspects of the neighborhood. As it previously stood, the shed was seen by some children of the neighborhood as an abandoned structure that

was worthy of investigation. This could have potentially led to injury to such children, and a liability of the owners. The lot size and shape does not allow for any storage structure to be built with a 5-foot set back as is required by the city for new construction. This lot is in a flood zone, which restricts and limits the area upon which to build. The footprint of the foundation was NOT increased or changed during the repair/renovation. This attached structure was built with the house in 1930 and has now been there for almost 100 years; and

- 2) **That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** The applicant states that this property is a river front property, and to get the benefit of and enjoy the river view and river access, as other river view properties in the area, and to have room to securely store personal property and have an outdoor living space, it is necessary to maximize the land space available for structures. This attached structure was infested with mice, mold, and other rodents, was impacted by extensive insect damage and water damage and was a hazard to the public and the property owners. It is within the rights of the property owners to repair and restore their dwelling to a safe and usable structure. The storage structure was in use at the time as it's the only storage area on the property. Without the variance, the homeowners lose the substantial property right that they have, which allowed the attached structure to be placed on the property line. The only other place for a storage structure might be in the front yard, but it would be unsightly, block the view of the house, and it would probably not be acceptable to the neighbors or the city. Staff notes that fire code does not allow soffits within 2-feet of the property line for fire safety. The original structure was not compliant with current fire code, but any new structures must comply. The structure would need to be designed to meet fire code to be built on the property line; and
- 3) **That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area;** The applicant states that granting the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. Staff notes that fire code standards for a structure built on a property line requires no roof overhang, no openings facing the neighboring property, and fire-rating of the walls and roof; and
- 4) **Granting of the variance will not have the effect of preventing the orderly use of other lands within the area in accordance with the provisions of this Chapter;** The applicant states that the variance will not prevent the orderly use of other land within the area; and
- 5) **That an undue hardship exists;** The applicant states that the lot is in a flood zone, which restricts and limits the area upon which to build. Lot configuration and size did not allow for this part of the structure to be built within a 5-foot setback. The 5-foot setback may not have existed at the time the structure was built (1930), or this attached structure was allowed as an exception. Perhaps a variance was granted back in 1930. Staff acknowledges that current setback standards were adopted with zoning in 1961; and
- 6) **That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** The applicant states granting of the variance will be in harmony with the spirit and purpose of the City's regulations. This renovated structure is an improvement to the land, to the lot, and the neighborhood. It is no longer a public health hazard and is a safe structure. At this point in time the rebuilt structure is only missing the steel roof panels and a door. In other words the project is more than 90% complete. A great amount of time and dollars have been invested to get it to it's current state prior to the city's demand to stop work. It is hoped that the city will receive the above information and help us resolve the situation with an approval. There was no ill intent with this repair. We believed that we provided all the required documents and information about the project and receive the necessary permits before starting the work. The severe condition of the building was not fully known until we started taking it apart and uncovering how bad it truly was. We then only continued to replace all the bad materials and complete the project as planned and did not know we should have done something differently. Staff acknowledges that the scope of work that was reviewed with the permit was exceeded with a complete demolition of the nonconforming structure, and the new structure was not fully reviewed. It is necessary for the city to review the construction and plans, as built, to ensure that the structure was designed and built to meet fire code.

Chair Coker asked if there were any questions for staff.

Discussion followed on the construction of the structure and nonconforming structure regulations.

Chair Coker invited the applicant to speak.

Nathan Camp, 1111 Thorpe Lane, elaborated on the request, discussed property hardship and the condition of the original structure.

Discussion followed on the footprint and condition of the original structure, deviations from the original, building material and structure location.

Chair Coker opened the public hearing and asked if anyone would like to speak.

The following individuals spoke on the item: Annette & Patrick Logan

The applicant responded that he was very concerned for the safety of the building.

Chair Coker closed the public hearing.

Chair Coker asked if there was any discussion or a motion.

Discussion followed on property hardship.

Motion by Member Avery, seconded by Vice-Chair Mund, to approve the request for a variance to Section 144-5.4(c) to allow an accessory structure to encroach up to 5 feet into the minimum side setback required in the "R-1A-6.6" Single-family District, addressed at 198 E. Lincoln Street. Motion carried (5-0-0).

5. STAFF REPORT

No items.

6. ADJOURNMENT

Chair Coker adjourned the meeting at 6:47pm.

Chair

Date

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8/24/2023

Agenda Item No. A)

PRESENTER:

Applicant / Owner: Cecil M. Gregg III

SUBJECT:

ZB23-0011 Hold a public hearing and consider a request for a variance to Section 144-5.4(d) to allow an accessory structure to be located within the minimum side setback required in the “R-2” Single and Two-family District, addressed at 1062 Mulberry Ave.

BACKGROUND RATIONAL:

Case #: ZB23-0011

Applicant: Cecil M. Gregg III
37 N. Bay Blvd.
Spring, TX 77380
(281) 755 - 1320 | agregg3@me.com

Staff Contact: Laure Middleton
(830) 221 - 4054 | Lmiddleton@newbraunfels.gov

The subject property is located approximately 128 feet from the corner of Edgewater Terrace and Mulberry Avenue and is a combination of the original Lots 23, 24, & 25, Block 8 of the Landa Park Estates Subdivision, recorded in 1933. The subject property is approximately 7,500 square feet in area with a lot depth of 100 feet, and a lot width of 75 feet. The property is zoned “R-2” single and two-family district. There is one 4,318 square-foot 2-story dwelling, built in 1935, with a 238-square-foot attached covered porch, a 238-square-foot balcony, and a 742 square-foot storage area attached to the residence.

The applicant is requesting a variance to allow an accessory structure to encroach 1’9” into the side setback, prescribed by the zoning ordinance to be a minimum of 5 feet. The applicant also has another non-conforming structure in the northern corner of the property, and they are working with the Building Division to resolve the issues with that structure.

The applicant has built a storage shed on an existing slab in the rear of the property at a distance of 3’3” from the side property line and 3’8” from the rear property line.

Chapter 144-5.4(d) of the New Braunfels Code of Ordinances requires accessory structures to have a minimum side setback of 5 feet, and a minimum rear setback of 3 feet.

Section 2.2-3(a) of the Zoning Ordinance states the ZBA may authorize a variance from the zoning regulations only upon finding all of the following facts:

1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;

(The applicant states that the existing home was built in the 1930's with an addition in the 1980's. The footprint leaves a small L-shaped backyard with no outdoor storage or garage. The storage shed is intended to be used for a golf cart, river floats, yard equipment, etc. Placing the shed at the end of the driveway, behind the existing gate is the most logical location to maximize outdoor space in the backyard,) **and**

2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; (The applicant states that the placement of the shed is aesthetically pleasing from the street as it is centered on the gate. This placement also increases its functionality to pull heavy items directly out and down the driveway, and being located in the corner allows for maximum usage of the backyard area for entertaining and recreation.) **and**

3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; (The applicant states that granting the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. Staff acknowledges that the property owner will be required to retrofit the structure to meet the fire code standards for a structure less than 5 feet from the side property line.) **and**

4) Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter; (The applicant states that the variance will not prevent the orderly use of other land within the area.) **and**

5) That an undue hardship exists; (The applicant states that the existing improvements dictate the size and configuration of the rear yard. The existing structure has no outdoor storage or garage. The home is located in a water recreation district, but lacks any storage for canoes, kayaks, pool floats, tubes, etc. which are frequently pilfered if left in the open. They are also unsightly and a haven for mosquitoes and vermin. Thus a shed or garage is needed. Placing the shed in the corner at the terminus of the driveway maximizes the space for recreation and entertaining.) **and**

6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations. (The applicant states granting of the variance will be in harmony with the spirit and purpose of the City's regulations. The neighbors have noted that the lack of outdoor storage has long been an issue at this location causing unsightly clutter and unsafe hazards as former owners have resorted to running extension cords over the open driveway to charge their golf carts. Allowing residents to recreate and entertain friends and family is part of the cultural traditions of New Braunfels.)

Per Section 2.2-3 of the Zoning Ordinance, a variance shall not be granted to relieve a self-created or personal hardship, nor based solely on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by Chapter 144 to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

GENERAL INFORMATION:

Size:

Lot area: 7,500 square feet

Lot depth: 100 feet

Lot width: 75 feet

Variance Request Due to Notice of Violation:

Yes

Surrounding Zoning and Land Use:

North - R-2 / Single-family Residential

South - Across Mulberry Ave, R-2 / Single-family Residential

East - R-2 / Single-family Residential

West - R-2 / Single-family Residential

Notification

Public hearing notices were sent to 32 owners of property within 200 feet of the subject property. Staff has received no responses in favor or in objection.





Planning & Development Services Department

550 Landa Street

New Braunfels, Texas 78130

(830) 221-4050 www.newbraunfels.gov

**Variance Application
(Zoning Board of Adjustment)**

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.

General:

1	Name of Applicant/Agent:						
2	Subject Property Address:						
3	Legal Description of Subject Property	Lot Number	23,24,25	Block Number		Subdivision	Landa Park Estates
4	Present Use of Property			Zoning			
5	Describe Variance Request(s)						
	1) To place a storage building encroaching in the rear and side setbacks (being 3'10" from the rear property line and 2'11" from the NE side property line. 2) to place a patio cover over an outdoor kitchen encroaching the rear and side setbacks, being 18" from the rear property line and 12" from the NW side property line.						

Required Attachments:

City	Applicant	Attachment
NAME DIGITAL DOCUMENT FILES AS THE ARE LISTED IN BOLD BELOW		
		Email a digital copy(.pdf) of all documents included in application to plats@newbraunfels.gov
	X	Application (completed and signed by applicant)
	X	Deed showing current ownership
	N/A	Homestead Verification (if applicable)
	N/A	Letter of Authorization (if an agent is acting on behalf of the property owner)
	x	Site Plan drawn to scale no larger than 11"x17" if submitted on paper, showing all existing and proposed improvements, setbacks from the property lines, and building elevations (if applicable)
	X	Photos Of Subject Property taken from each corner of the lot where it meets the street

Required Fees:

Application Fees	
	Application Fee (Homestead) (\$350 + \$10 Technology Fee (3%) = Total \$360)
	Application Fee (Non-Homestead) (\$700 + \$21 Technology Fee (3%) = Total \$721)
	Each Additional Variance (\$50 + \$1 Technology Fee (3%) = Total \$51)
Technology Fee	
	3% technology fee applied to total application fee
Public Hearing Notice Fees	
	Please Note: Public hearing mail notification fees are invoiced at a later date than when the application is submitted. You will be contacted with your fee total.
	Public Hearing Mailed Notices (\$2.15 per mailed notice)
	Public Hearing Signs (\$15 per sign)

ZBA Criteria for Approval of a Variance

In order for the Zoning Board of Adjustment to grant a variance, the applicant must prove that the 6 required criteria below have been met. You will be asked to describe your property's unique circumstances based on the below criteria in the questions. **Please answer the following questions to establish how the criteria to approve a variance is met.** The answers provided will be reported to the Zoning Board of Adjustment with staff comments. You may use additional pages if necessary.

1. What are the special circumstances or conditions affecting the land that warrant the variance?

A special circumstance must be a condition or issue of the land that is unique to the subject property and is not a circumstance that is shared by other properties. Variances are granted to property that has special circumstances that are so unique they are not reasonably considered within the development standards of the zoning ordinance; circumstances that are shared by multiple properties are considered in the zoning ordinance regulations to ensure orderly development.

The existing home on the property is believed to have been built by the Henne family in the 1930s. It was renovated/enlarged in the 1980s. The footprint of the house leaves only a small L- shaped backyard with no outdoor storage or garage.

The storage shed is intended to be used for a golf cart, river floats, yard equipment, etc. Due to the size and location of the house, the driveway runs along and abuts the NE property line. Placing the shed at the end of the driveway, behind the existing gate is the most logical location to maximize outdoor space in the backyard.

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

A substantial property right is the ability to use the land as its zoning intended. Property owners in residential zoning districts have a substantial property right to use and enjoy their property for dwelling. Please note that not all improvements intended for the enjoyment of a property are protected as substantial property rights. The reasonable use of the land can include, but is not limited to, adequate living space, open yard area, access to light and air, and so on.

Placement of the shed is aesthetically pleasing from the street as it is centered on the gate. This placement also increases its functionality to pull heavy items directly out and down the driveway. and being located in the corner allows for maximum usage of backyard area for entertaining and recreation.

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?

A variance that is detrimental to public health, safety or welfare, or injurious to property within the area may not be granted. A variance may not be granted if it deprives another property owner of the use or enjoyment of their property. A variance may not be granted if it will create an unsafe condition, such as a variance to allow construction that limits visibility for drivers.

NO

Continue to next page

<p>4. Would granting the variance prevent the orderly use of other properties within the area? A variance cannot be granted if it will prevent another property from complying with a regulation or ordinance.</p>
NO

<p>5. Does an undue hardship to the land exist that is not self-created, personal or financial? An undue hardship is a hardship of the <u>land</u> itself. The hardship cannot be personal. Examples of what <i>is</i> an undue hardship: topography, lot configuration and size, the location of heritage trees on a lot, and so on. Examples of what <i>is not</i> an undue hardship: financial constraints, personal preferences, aesthetic choices. Hardships may not be self-created by the applicant. A self-created hardship can include performing construction work without city approval or permitting.</p>
<p>The existing improvements (1930's) dictate the size and configuration of the rear yard. The existing structure has NO outdoor storage or garage. The home is located in a water recreation district, but lacks any storage for canoes, kayaks, pool floats, tubes, etc. which are frequently pilfered if left in the open. They are also unsightly and a haven for mosquitos and vermin. Thus, a shed or garage is needed. Placing the shed in the corner at the terminus of the driveway maximizes the space for recreation and entertaining.</p>

<p>6. Will granting the variance be in harmony with the spirit and purpose of the City's regulations? The purpose of the zoning ordinance is to ensure adopted development standards promote the health, safety, and the general welfare of the public. Development standards have been established with reasonable consideration for the character of the zoning districts and impacts created by various land uses. Variances may not conflict the intent of the zoning ordinance regulations or the goals of the Comprehensive Plan.</p>
<p>Yes. The neighbors have noted that the lack of outdoor storage has long been an issue at this location causing unsightly clutter and unsafe hazards as former owners have resorted to running extension cords over the open driveway to charge their golf carts. Allowing residents to recreate and entertain friends and family is part of the cultural traditions of New Braunfels.</p>

Continue to next page

Additional Items of consideration

If any of the following questions apply to the circumstances of your variance request(s), you may answer them. If a question does not apply to the reasoning for your request(s), you may skip it or answer N/A. These questions are supplementary to the Board's decision in addition to the required 6 criteria on the previous pages.

1. Is the financial cost of compliance with the zoning ordinance greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code?
N/A

2. Would compliance with the zoning ordinance result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur?
N/A

3. Would compliance with the zoning ordinance result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement?
N/A

4. Would compliance with the zoning ordinance result in the unreasonable encroachment on an adjacent property or easement?
N/A

5. Does the city consider the structure to be nonconforming? See Section 144-2.3(a) regarding nonconforming structures.
The existing home is nonconforming as it encroaches on the NW property line. The new structure would be conforming, except as to the requested encroachments.

Continue to next page

Applicant Contact Information:

Applicant Name		Date	
E-Mail		Phone #	
Mailing Address (City, State, Zip)			

Please read and initial the following important reminders:

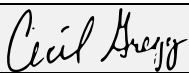
CD3 **Appearance at Meetings.**

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.

CD3 **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.

Please Note: Your signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will not be accepted.

Applicant Signature		Date	
Applicant Name (Printed)			

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

2.2-1. Power and duty. The zoning board of adjustment (ZBA) may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions and variances to the terms of this chapter, and decide appeals from decisions of administrative officials, in harmony with its general purpose and intent and in accordance with general or specific rules herein contained.

2.2-2. ZBA procedures. The ZBA shall operate in accordance with V.T.C.A., Local Government Code §§ 211.008—211.011 and shall adopt rules in accordance with the provisions of this chapter. Meetings of the ZBA shall be held at the call of the chairman and at such times as the ZBA may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the ZBA and shall be a public record. The concurring vote of four members (or 75 percent) of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in this chapter.

2.2-3. Variances.

(a) Authority. The ZBA may authorize a variance from these regulations only upon finding:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land;
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- (4) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter;
- (5) That an undue hardship exists; and
- (6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

(b) Procedures for variance.

- (1) Application for variance shall be made by the owner of real property (or authorized agent) to the planning department on forms provided by the planning department.
- (2) Fee and sign. The fee for variance requests and related signs shall be per appendix D of this Code (see subsection 144-2.2-5).
- (3) No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with section 144-2.2-5. The deliberations and determinations of the ZBA, together with the specific facts upon which such determinations are based, shall be incorporated into the official minutes of the ZBA meeting at which the variance application is decided.

2.2-5. Variance and special exception notice.

- (a) Notice and public hearing. The ZBA shall hold a public hearing for consideration of the variance or special exception request no later than 45 calendar days after the date the application for action is filed. Written notice of the public hearing for a variance or special exception shall be provided to all property owners, via U.S. mail, within 200 feet of the affected property at least ten calendar days prior to the public hearing. The applicant may appear at the hearing in person or by agent or attorney.
- (b) Sign. In addition to the mailed notification, a variance or special exception sign shall be placed adjacent to each public street or right-of-way, abutting the subject property, or if the property does not front a public street or right-of-way, to the closest public street or right-of-way, located in the middle of the frontage, and within three feet of the curb or the pavement, or as prescribed by the planning and community development department at the time of application. One sign shall be required for the first 100 feet of frontage of the tract, and, thereafter, one additional sign for every 200 feet of frontage, or fraction thereof, except that no more than three 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. All signs shall be clearly visible to the public from the adjacent public streets. The applicant shall post the sign(s) at least 15 days prior to the ZBA meeting and maintain said sign(s) in good condition and in place until final action. If the sign(s) is not posted 15 days prior to the ZBA meeting, the applicant's case shall be withdrawn and rescheduled. 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. The sign(s) shall be furnished by the city and a fee shall be charged the applicant per appendix D of this Code.

INFORMATION SECTION
KEEP THIS SECTION FOR YOUR RECORDS

2.2-6. Appeals. Appeals to the ZBA may be taken by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the building official or other administrative officer concerning the interpretation or implementation of this chapter.

- (a) Stays of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the ZBA, 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.
- (b) Procedure for appeal. The appellant must file with the planning and community development department a written notice of appeal specifying the grounds for the appeal and pay a fee per appendix D of this Code. The notice of appeal shall be filed within 45 calendar days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the ZBA all papers constituting the record of action that is appealed. The chair of the ZBA or any two members may call a special meeting to consider appeals.
- (c) Action by the ZBA. The ZBA shall decide the appeal within 30 calendar days after the written request (i.e., notice of appeal) was received. The ZBA 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, and for that purpose the ZBA has the same authority as the administrative official.

2.2-7. Burden of proof. 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.

2.2-8. Waiting period. No application to the ZBA for the same or a related variance, or special exception, or appeal on the same piece of property shall be allowed for a waiting period of 180 calendar days following denial of an application by the ZBA unless other property in the immediate vicinity has, within the 180-day waiting period, been changed or acted upon by the ZBA or the city council so as to alter the facts and conditions upon which the previous denial was based. Such changes of circumstances shall permit the re-hearing of a variance, or special exception, or appeal request by the ZBA, but such circumstances shall in no way have any force in law to compel the ZBA, after a hearing on the matter, to grant a subsequent variance, or special exception or appeal request. Any subsequent variance, or special exception or appeal request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.

2.2-9. Petition to a court of record. Any person or persons jointly or severally aggrieved by any decision of the ZBA, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is unlawful, in whole or in part, specifying the unlawful grounds. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the ZBA.

- (a) Writ of certiorari. Upon the presentation of such petition the court may allow a writ of certiorari directed to the ZBA to review such decision of the ZBA and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- (b) Certified or sworn copies. The ZBA shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (c) Testimony. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.
- (d) Costs. Costs shall not be allowed against the ZBA unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.
- (e) Preference. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.



**2023
ZONING BOARD OF ADJUSTMENT MEETING
CALENDAR
Council Chambers
6:00 p.m.**

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 26, 2023	December 30, 2022	January 11, 2023	January 13, 2023	January 20, 2023
February 23, 2023	January 27, 2023	February 8, 2023	February 10, 2023	February 17, 2023
March 23, 2023	February 24, 2023	March 8, 2023	March 10, 2023	March 17, 2023
April 27, 2023	March 31, 2023	April 12, 2023	April 14, 2023	April 21, 2023
May 25, 2023	April 28, 2023	May 10, 2023	May 12, 2023	May 19, 2023
June 22, 2023	May 26, 2023	June 7, 2023	June 9, 2023	June 16, 2023
July 27, 2023	June 30, 2023	July 12, 2023	July 14, 2023	July 21, 2023
August 24, 2023	July 28, 2023	August 9, 2023	August 11, 2023	August 18, 2023
September 21, 2023*	August 25, 2023	September 6, 2023	September 8, 2023	September 15, 2023
October 26, 2023	September 28, 2023**	October 11, 2023	October 13, 2023	October 20, 2023
November 16, 2023***	October 20, 2023	November 1, 2023	November 3, 2023	November 9, 2023****
December 21, 2023	November 22, 2023*****	December 6, 2023	December 8, 2023	December 15, 2023
January 25, 2024	December 29, 2023	January 10, 2024	January 12, 2024	January 19, 2024

-
- * September meeting is one week earlier due to Comal County Fair
 - ** October meeting application deadline is one day earlier due to Comal County Fair
 - *** November meeting is one week earlier due to Thanksgiving
 - **** November agenda mailed out one day earlier due to Veteran's Day

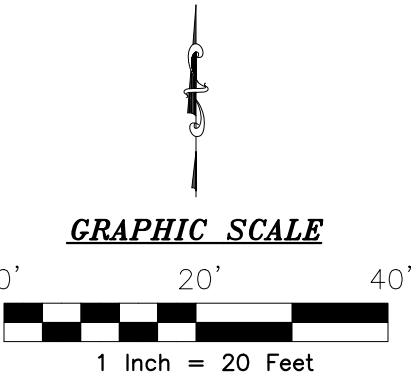
INSTRUCTIONS FOR SUBMITTING THIS APPLICATION

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.

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



BRENT C. PFEIFFER &
HOLLIE H. PFEIFFER
(DOC. NO. 202106001266)
(A.K.A. LOT 18A)

MULBERRY AVE.
(40' R.O.W. - PER PLAT)

TWO STORY
STONE, STUCCO
& SIDING
LOTS 23-25
BLOCK 8
7537 SQ. FT.
0.17 ACRE

SURVEYOR'S NOTE(S):

BASIS OF BEARING, TEXAS SOUTH CENTRAL ZONE, NAD 83.

THIS SURVEY IS PRODUCED WITHOUT THE ADDITION OF RESEARCH FROM A TITLE OR A TITLE ABSTRACT COMPANY. THEREFORE, ADDITIONAL DEED OR REAL PROPERTY RESTRICTIONS, SUCH AS EASEMENTS OR SETBACKS, MAY APPLY THAT ARE NOT GRAPHICALLY OR OTHERWISE SHOWN, AND/OR LISTED ON THIS SURVEY. ANY RESTRICTIONS, ADDRESSED HEREON, ARE AS ALREADY KNOWN TO THE UNDERSIGNED, TO AFFECT THIS SUBDIVISION. THEIR DEPICTIONS ARE NOT MEANT TO REPRESENT ALL POSSIBLE ESMTS. AND SETBACKS THAT MAY APPLY TO THIS LOT.

At date of this survey, the property is in FEMA designated ZONE X SHADED, as verified by FEMA map Panel No: 48091C 0435 F effective date of SEPTEMBER 02, 2009. Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

I, RACHEL LYNN HANSEN, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to

that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Engineers and Land Surveyors (Section 138.89).

Borrower/Owner: CECIL M. GREGG III & ALICIA L. GREGG
Address: 1062 MULBERRY AVE. GF No. --

Legal Description of the Land:
Lots 23, 24 and 25, Block 8 of LANDA PARK ESTATES, a subdivision in the city of New Braunfels, Comal County, Texas, according to the plat recorded in Volume 62, Pages 463-464 of the Deed Records of Comal County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN: VOLUME 62, PAGES 463-464, DEED RECORDS, COMAL COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



P.O. BOX 160369
SAN ANTONIO, TEXAS 78280
PHONE: (210) 572 - 1995
WEB: WWW.AMERISURVEYORS.COM

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

X _____
X _____

LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- METAL FENCE
- PLATTED LOT LINE
- SET IRON ROD
- FOUND IRON ROD
- FOUND MAG SPINDLE
- WATER METER
- ELECTRIC METER
- GAS METER
- (PLAT) RECORDED ON PLAT
- (F.M.) FIELD MEASURED

FINAL "AS-BUILT" SURVEY

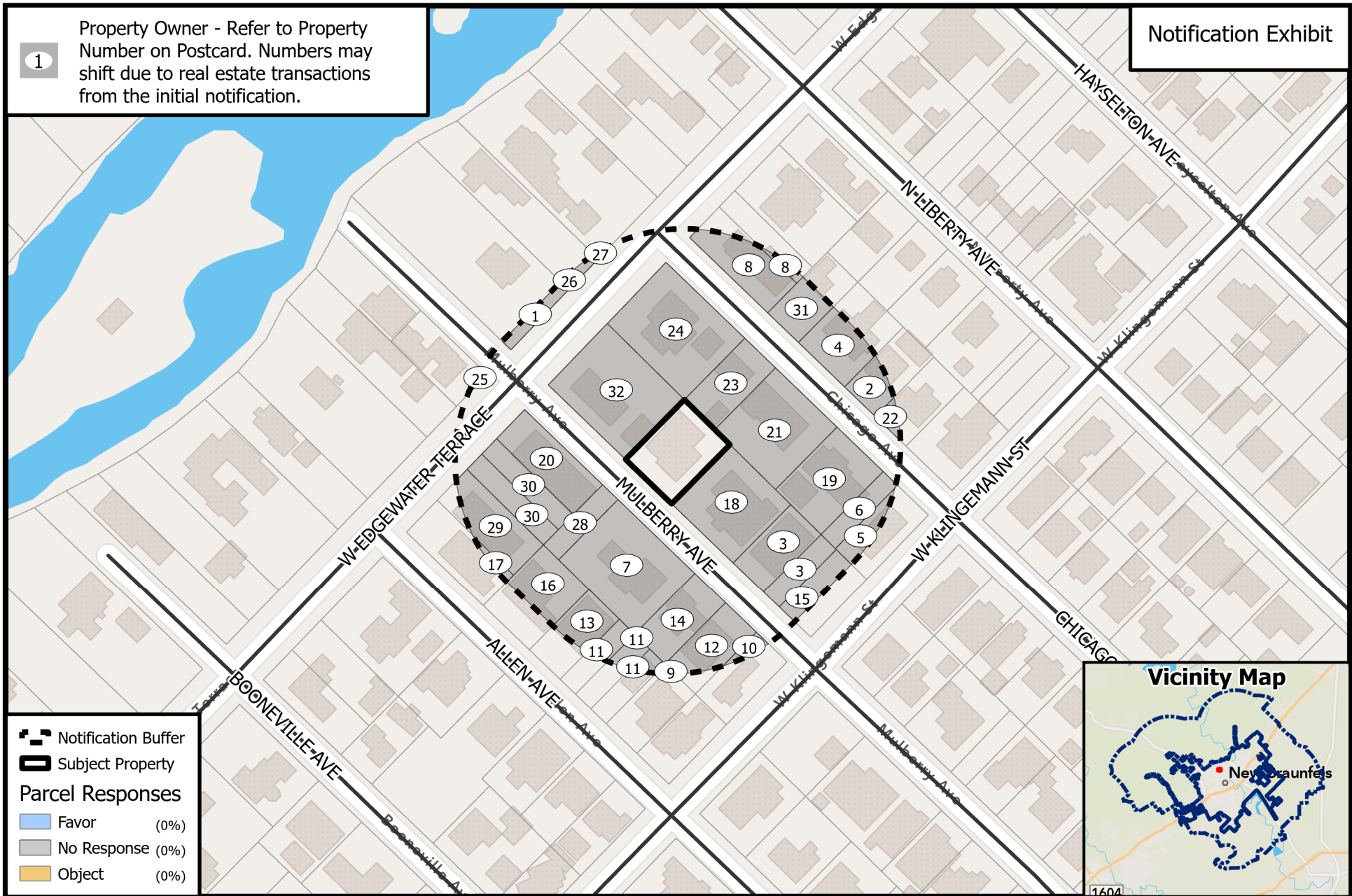
JOB NO.:	2306095738	NO.	REVISION	DATE
DATE:	06/12/23	01.	LOT STAKED AND	06/20/23
DRAWN BY:	JD/RM/JC		UPDATED SURVEY	
APPROVED BY:	RLH	02.	REM. PUMP/ADD DIST.	06/22/23
(REFER JOB NO. 2306095662)				



RACHEL LYNN HANSEN, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 6358









Old Gazebo