



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



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

THURSDAY, JULY 24, 2025 at 6:00 PM

Andrea Ranft - Member
Bobby Avary Jr. - Member
Brandon Mund - Member
Jenny Jaeckle - Member
Seth Reichenau - Member

Adam Schneider - Alternate
Steve Quidley - Alternate
Maurice Lewis II - Alternate
Timothy Bray - Alternate

AGENDA

1. CALL TO ORDER

**REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT
EMERGENCY ON-CALL PERSONNEL**

2. ROLL CALL

3. APPROVAL OF MINUTES

- A) Approval of the June 26, 2025 regular meeting minutes. [25-899](#)
[June 26, 2025 Minutes](#)

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) ZB25-0011 Hold a public hearing and consider a request [25-878](#)
for a variance from Sec. 144-3.3-10 (b)(1)(i) to allow a
building to exceed the 75-foot maximum height by 8 feet,
10 inches, in the C-4 (Resort Commercial District),
addressed at 738 IH 35 North
Applicant: Chris Rhodes
[Aerial Map](#)
[Site Plan](#)
[Roof Exhibit](#)
[Building Height Exhibit](#)
[Subject Property Photos](#)
[Notification Map, List & Responses](#)

5. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, the Commission may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

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 (830) 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.



Board of Adjustment Agenda Item Report

550 Landa Street
New Braunfels, TX

7/24/2025

Agenda Item No. A)

**DRAFT - MINUTES
OF THE NEW BRAUNFELS BOARD OF ADJUSTMENT
REGULAR MEETING OF THURSDAY, JUNE 26, 2025**

1. CALL TO ORDER

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

2. ROLL CALL

The following Board Members were present:

Andrea Ranft

Bobby Avary

Brandon Mund

Jenny Jaeckle

Seth Reichenau

3. APPROVAL OF MINUTES

A) Approval of the May 22, 2025 regular meeting minutes.

Motion by Member Jaeckle, seconded by Member Ranft to approve the May 22, 2025 minutes. Motion carried unanimously (5-0-0).

4. ELECTION OF OFFICERS

A) Election of Chair.

Vice-Chair Mund asked if there were any discussion or motion regarding the election of a Board Chair.

Member Ranft nominated Brandon Mund for Chair of the Board of Adjustment.

The present Board members agreed unanimously.

B) Election of Vice Chair.

Chair Mund asked if there were any discussion or motion regarding the election of a Board Vice-Chair.

Member Ranft nominated Jenny Jaeckle for Vice-Chair of the Board of Adjustment.

The present Board members agreed unanimously.

5. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) ZB25-0009 Hold a public hearing and consider a request for a variance to Sec. 144-3.8-4 (b)(3) & (b)(5) to allow an addition to the existing main dwelling that will connect it to the existing garage, resulting in an encroachment into the 6 foot side yard setback of 1 foot and 6 inches and an encroachment into the 20 foot rear yard setback of 20 feet, in the SND-1 (Special Neighborhood District-1), addressed 574 South Academy Avenue.

Mary Lovell presented the aforementioned item.

Chair Mund asked if there were any questions for staff.

Discussion followed on the zoning of the subject property, applicable setbacks, and the scope and intent of the requested encroachments.

Chair Mund invited the applicant to speak on the item.

Jason Owens elaborated on the intent of the request and further discussed the scope of the project, prior approval granted by the Historic Landmark Committee, and the condition and configuration of the subject property as it related to neighboring properties.

Discussion followed on property hardship, the intent of the request, the proposed floor plan, project challenges, communication efforts with neighboring property owners, and the existing build-out of the rest of the street.

Chair Mund opened the public hearing and asked if anyone wished to speak on the item.

No one spoke.

Chair Mund closed the public hearing.

Chair Mund asked if there were any further discussion or motion.

Motion by Member Avary, seconded by Vice-Chair Jaeckle, to approve the item.

Brief discussion followed on the requested variances and phrasing of

the motion.

Member Avary amended the earlier motion to include both requested variances and the amended motion was seconded by Vice-Chair Jaeckle. Motion carried unanimously (5-0-0).

6. EXECUTIVE SESSION

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551.071, the Commission may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

Did not convene and no action was taken.

7. ADJOURNMENT

There being no further business Chair Mund adjourned the public meeting at 6:22pm.

By: _____
BOARD CHAIR

Attest:

BOARD LIAISON

7/24/2025

Agenda Item No. A)

PRESENTER:**Applicant:** Chris Rhodes**SUBJECT:****ZB25-0011** Hold a public hearing and consider a request for a variance from Sec. 144-3.3-10 (b)(1)(i) to allow a building to exceed the 75-foot maximum height by 8 feet, 10 inches, in the C-4 (Resort Commercial District), addressed at 738 IH 35 North**BACKGROUND RATIONALE:****Case #:** ZB25-0011**Applicant:** Chris Rhodes, (979) 268-2000, chris.rhodes@oldhamgoodwin.com**Owner:** OGC River Village Hotel I LP**Staff Contact:** Mary Lovell, (830) 221-4051, mlovell@newbraunfels.gov

The subject property is located along Interstate Highway 35 North between an apartment complex and a restaurant. The property is approximately 4.4 acres with an access drive leading to a larger portion of the property near the Guadalupe River. The front of the property, including the driveway access, is zoned C-3 (Commercial District). The remainder of the platted lot is zoned C-4 (Resort Commercial District). C-3 has a maximum height of 120 feet, and C-4 has a maximum height of 75 feet.

The applicant is requesting a variance to allow a building that is 83 feet and 10 inches in height to exceed the height maximum in C-4 by 8 feet, 10 inches. Per Section 144.521-2, all necessary mechanical appurtenances are not included when calculating the building height.

Section 2.2-2(a) of the Zoning Ordinance states the Board of Adjustment may authorize a variance from the zoning regulations only upon finding 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 variance request is the result of two primary conditions affecting the subject property:

A) The subject property is heavily sloped towards the river with approximately thirty feet of vertical fall from the planned parking lot entry to the river edge. This extreme topography necessitates a smaller footprint and a taller building to achieve a viable project.

B) The buildable area on the subject property is further limited by two additional easement areas that were required to be dedicated to New Braunfels Utilities (NBU) at the time the subject property was platted. These easements are required to support a longstanding public capital project to replace an existing sanitary sewer trunk/collector line that parallels the Guadalupe River and serves the community at large. The easements cover

approximately half of an acre of the 4.4-acre subject property. The combined impact of excessive topography across the subject property, as well as the loss of additional surface acreage to accommodate a public capital project, warrants a variance for increased building height), **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 extreme slope across the subject property, combined with the loss of additional surface acreage to support the NBU capital project benefitting the public at large, severely limit the buildable footprint for a property. A property of this total surface acreage with C-4 height restrictions could accommodate an approximately 300+ room hotel and resort under normal conditions; however, due to the significant loss of usable surface acreage on the subject property as described above, increased building height is necessary to simply achieve a modest-sized commercial project), **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 the granting of the variance will have no detrimental impact on the adjacent property owners and will have some benefit to the adjacent properties. The front of the subject property, as well as the lots between the subject property and the IH-35 frontage road, are zoned C-3, which allows a building height of 120 feet, which is substantially more than the requested building height on the subject property. The adjacent property immediately to the northeast is another hotel development, Courtyard by Marriott, which is owned and operated by an ownership group affiliated with the applicant. The adjacent property immediately to the southwest is a multifamily development. The applicant has maintained a substantial distance (greater than 1/1 transitional site plane) from the multifamily development, and there are also trees along this property line, which provide screening. The smaller building footprint allows the applicant to maintain a greater setback between the building being constructed and the neighboring properties), **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 granting of the variance will not prevent the orderly use of other properties within the area), **and**

5) That an undue hardship exists; (The applicant states that the extreme slope of the property, combined with the sizable loss of surface acreage to accommodate an NBU public project, restricts the buildable area of the subject property. This hardship limits the footprint available on which to build, which necessitates a taller structure to provide the room count and amenities for a moderately-sized commercial project), **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 of the City's regulations. Part of the subject property is zoned C-3, which already allows building heights up to 120 feet; therefore, the height variance request is in harmony with the development standards located on a portion of the property. In addition, the applicant's project is in harmony with the goals of the C-4 zoning and includes lodging, meeting space, a restaurant, and outdoor recreational opportunities along the riverfront.)

LAND USE FISCAL ANALYSIS REFERENCE:

The variance request is in alignment with the following recommendations and strategies of the Land Use Fiscal Analysis:

- Increase building heights to enhance land use efficiency by expanding habitable area within a reduced footprint, promoting long-term fiscal sustainability.

-
- Provide a mix of uses and building types, heights, and sizes in a more walkable context to produce more value and fiscal productivity.
 - Prioritize infill projects that add people and buildings in areas with existing infrastructure. This will increase revenue to better cover cost of services, and distribute cost burdens across more business/property owners.

STAFF RECOMMENDATION:

Staff concurs with the applicant's justification and recommends approval of the applicant's variance request. In addition to the existing physical hardship due to the nature of the land, split zoning of the property, and public easements on site, the request is also supported by the City's adopted Land Use Fiscal Analysis.

GENERAL INFORMATION:**Size:**

Lot area: 4.4 acres

Lot depth: Approximately 800 feet

Lot width: Varies

Variance Request Due to Notice of Violation:

No

Surrounding Zoning and Land Use:

North - Freeway

South - Guadalupe River

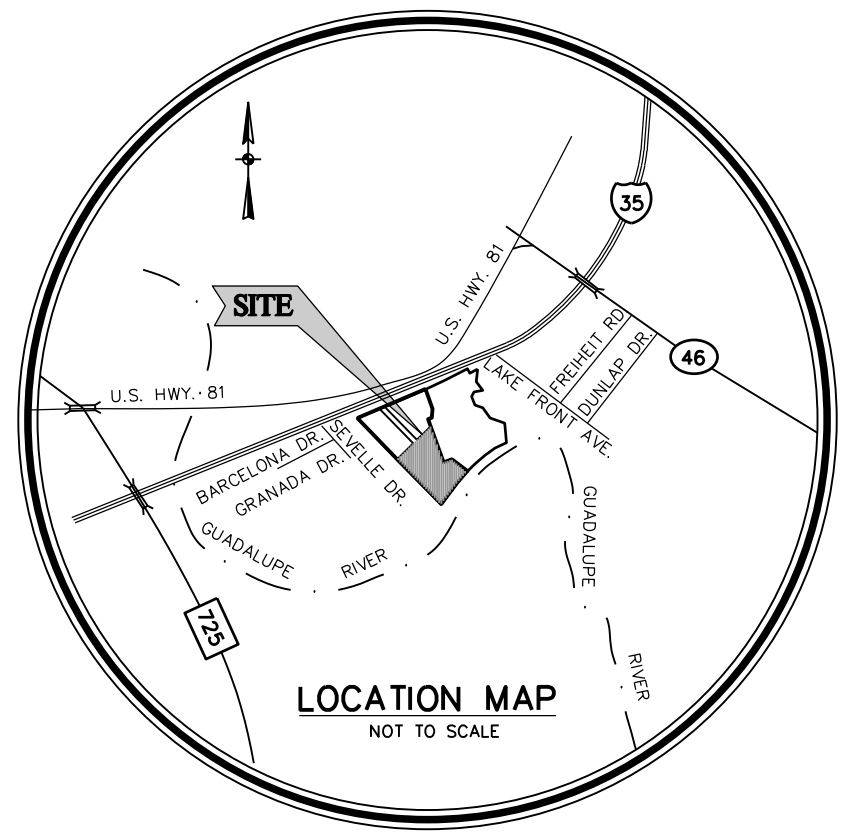
East - C-3 & C-4 Restaurant, Hotel

West - R-3L SUP, C-3 & C-4, Short Term Rental, Apartments

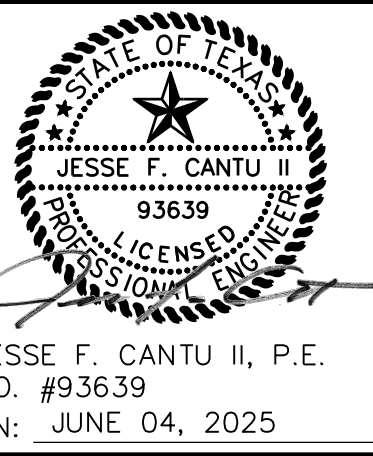
Notification

Public hearing notices were sent to 6 owners of property within 200 feet of the subject property. To date, staff has received no responses in opposition.





KCI TECHNOLOGIES, INC.
2806 W. BITTERS RD, SUITE 218
SAN ANTONIO, TEXAS 78248
PHONE: (210) 641-9999
FAX: (210) 641-6440
REGISTRATION #F-10573 / #101943-65



PROJECT #: E0648400
DRAWN BY: CV
CHECKED BY: JFC

NILES BOLTON ASSOCIATES

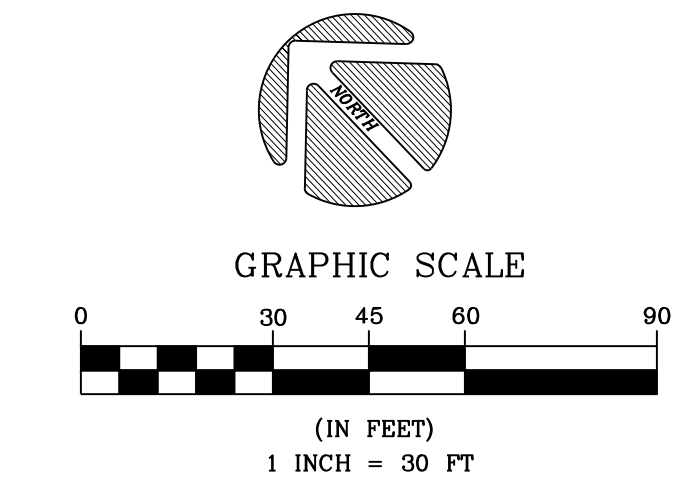
3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305
T 404 365 7600
www.nilesbolton.com

No.	Description	Date
1	ISSUE FOR PERMIT	01/27/23
2	SITE PLAN REVISIONS	04/28/23
3	ADDENDUM 3	12/19/23
4	OPW SET	02/23/24
5	IPC SET	03/29/24
6	ASG #01	03/07/25
7	ASG #02	06/04/25

This drawing, as an instrument of service, is and shall remain the property of the architect and shall not be reproduced, published or used in any way without the permission of the architect.

SPRINGHILL SUITES BY MARRIOTT
AT RIVER VILLAGE
738 I.H. 35 NORTH
NEW BRAUNFELS, TX 78130
OGC RIVER VILLAGE HOTEL I, LP

SHEET TITLE:
OVERALL
PAVEMENT PLAN
SHEET NUMBER:
C02.0



LEGEND

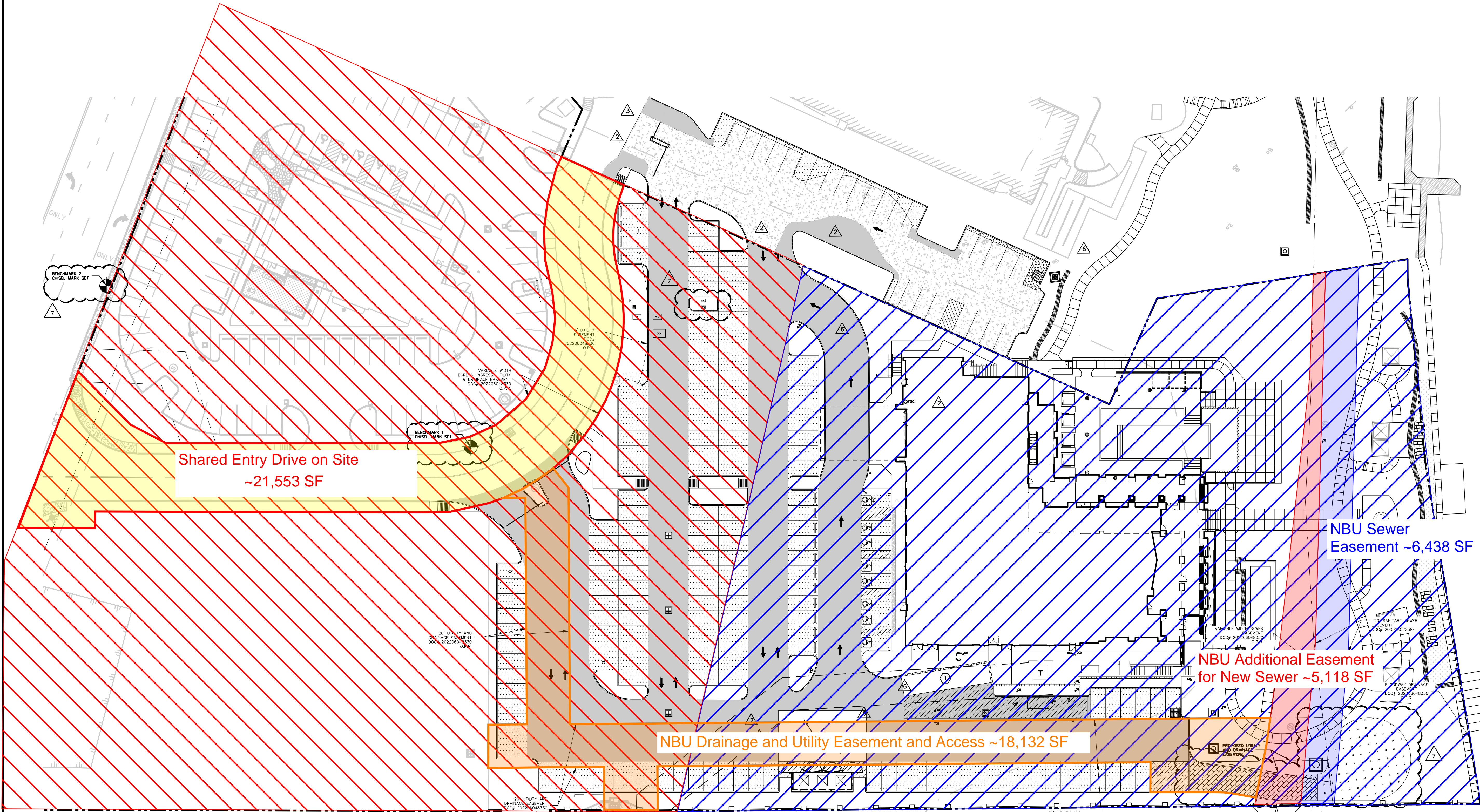
- EXISTING PAVEMENT TO REMAIN
- PROPOSED LIGHT DUTY 5" CONCRETE PAVEMENT, SEE SHEET C08.1 DETAIL #1.
- PROPOSED MODERATE DUTY 6" CONCRETE PAVEMENT, SEE SHEET C08.1 DETAIL #1.
- PROPOSED HEAVY DUTY 7" CONCRETE PAVEMENT, SEE SHEET C08.1 DETAIL #1.
- PROPOSED PAVERS ON GRADE

NOTES:

- PER NEW BRAUNFELS ORDINANCE 118-49(B), SIDEWALK INFRASTRUCTURE SHALL BE INSTALLED ALONG ALL STREET FRONT OF LOTS AT THE TIME OF LOT IMPROVEMENT.
- CONTRACTOR TO REFERENCE LANDSCAPE PLANS FOR SLEEVE AND IRRIGATION NEEDS PRIOR TO PAVEMENT INSTALLATION.
- CONTRACTOR TO REFERENCE LANDSCAPE AND ARCHITECTURAL PLANS FOR ALL SIDEWALK LOCATIONS, LANDSCAPE PLANS TO SUPERSEDE CIVIL DETAILS.

BENCHMARK INFORMATION

Number	Northings	Eastings	Elevation	Raw Data
1	13801193.88Z	2254174.08Z	607.167	BM CHM SET
2	13801414.51Z	2254581.14Z	610.009	BM CHM SET



Approximate Limits of C-3 Zoning

Approximate Limits of C-4 Resort Commercial Zoning

ROOF OF STAIR AND
WATER HEATER ROOM
ELEVATION: 9'4"-10"



HIGH ROOF
ELEVATION: 8'3"-10"

ROOF OF ELEVATOR
OVERRIDE
ELEVATION: 9'0"-3 1/2"



HIGH ROOF AREA SUMMARY:

TOTAL HIGH ROOF AREA: **17,286 SF**

ROOF AREA OF STAIR AND WATER HEATER ROOM: 543 SF

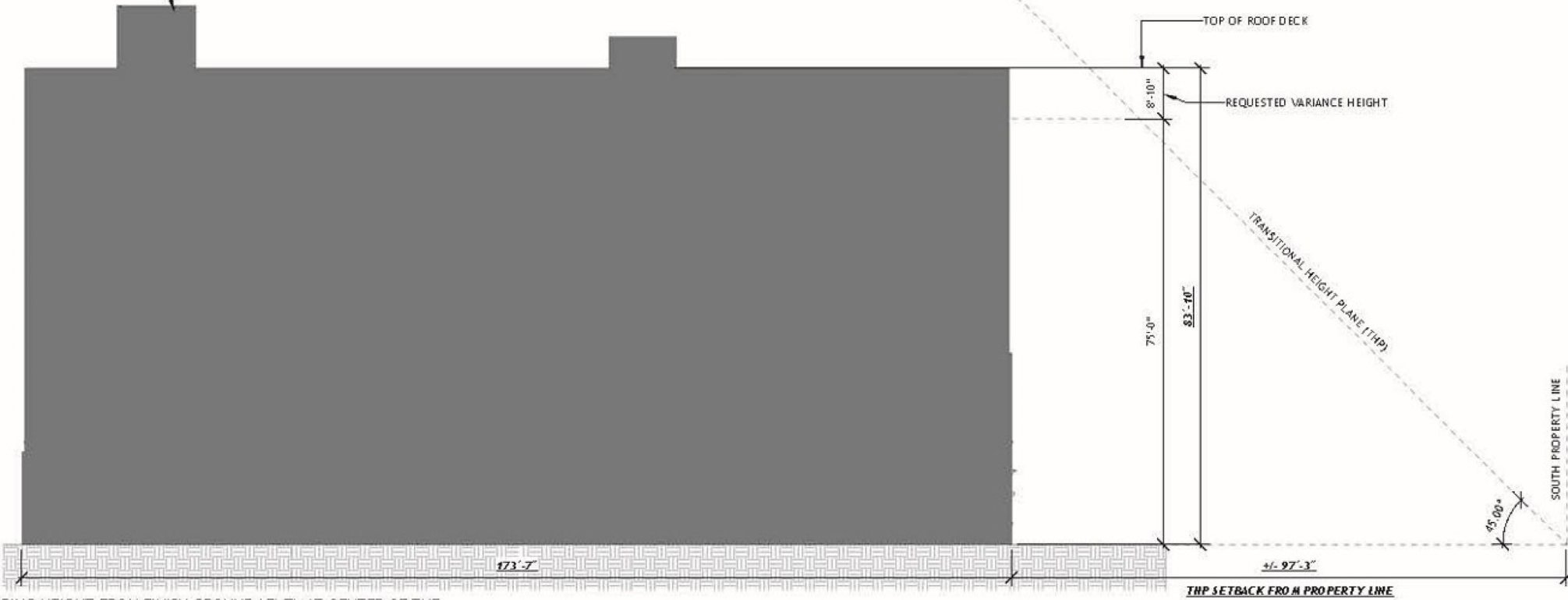
ROOF AREA OF ELEVATOR OVERRIDE: 361 SF

TOTAL AREA STAIR, ELEVATOR OVERRIDE, WATER HEATER ROOM: 904 SF

10% OF TOTAL HIGH ROOF AREA: **1,728.6 SF > 904 SF**

EXISTING
2012.09.09

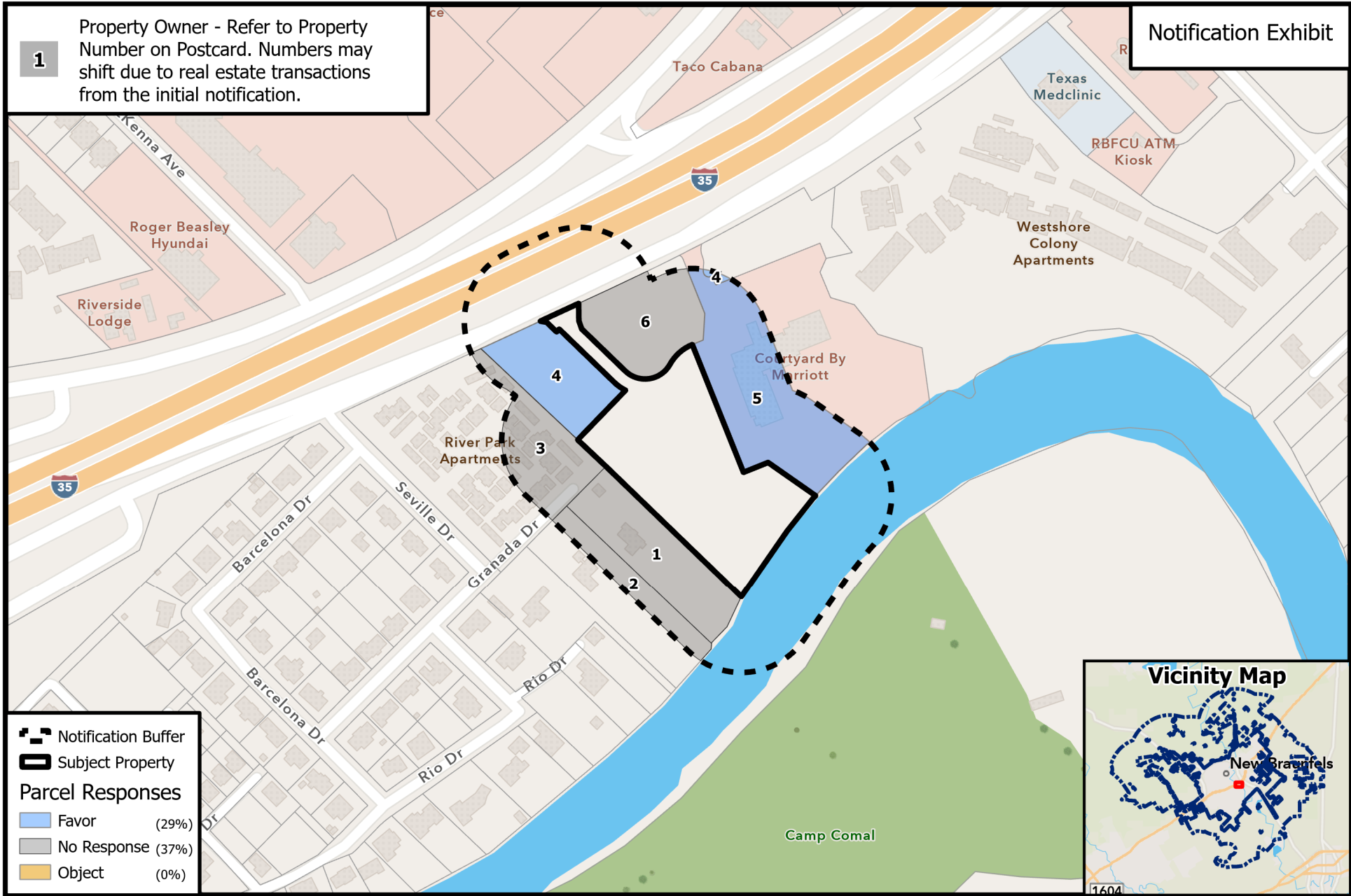
ROOF OF STAIR AND
WATER HEATER ROOM



BUILDING HEIGHT FROM FINISH GROUND LEVEL AT CENTER OF THE
FRONT ELEVATION

1/16" = 1'-0"





BOARD OF ADJUSTMENT – July 24, 2025 – 6:00PM

City Hall Council Chambers

Applicant: Chris Rhodes

Address/Location: 738 IH 35 N

Case # ZB25-0011

The numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as “Subject Property”.

1. 586 NEW BRAUNFELS LLC
2. VILLANUEVA KATE
3. 241 NEW BRAUNFELS LLC
4. CLEARVIEW NEW BRAUNFELS LP

5. NEW BRAUNFELS GUADALUPE RIVER
HOTEL LP
6. SCF RC FUNDING I LLC

SEE MAP

CLEARVIEW NEW BRAUNFELS LP

2121 N AKARD ST STE 250

DALLAS TX 75201

Property #: 4

ZB25-0011

Case Manager: ML

FAVOR ☒

OPPOSE ☐

COMMENTS

Please remember us
when we have requests.

Sincerely

Mita Starcher

From: [Mary Lovell](#)
To: [Bennett Morgan](#); [Mike Starcher](#); [Casey Oldham](#); [Chris Rhodes](#)
Subject: RE: New Braunfels - Height Variance Request - 738 IH North - Property #5
Date: Wednesday, July 16, 2025 4:23:50 PM

Thank you! This email will be fine instead of the card; anything in writing. The meeting is next week on July 24th.

Have a good day,

Mary Lovell
Senior Planner | Planning and Development Services
550 Landa St | New Braunfels, TX 78130
830-221-4051 | mlovell@newbraunfels.gov
One City, One Team

From: Bennett Morgan <bennettm@ciltld.com>
Sent: Wednesday, July 16, 2025 4:18 PM
To: Mary Lovell <mlovell@newbraunfels.gov>; Mike Starcher <MikeS@ciltld.com>; Casey Oldham <casey.oldham@oldhamgoodwin.com>; Chris Rhodes <chris.rhodes@oldhamgoodwin.com>
Subject: New Braunfels - Height Variance Request - 738 IH North - Property #5
Importance: High

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mary,

I am writing this email to notify the Board of our approval to the above referenced variance request (ZB25-0011). I am not where I can get a response form returned by mail to the case manager before tomorrow's hearing.

Again, please allow this email as our vote to APPROVE the requested variance.

Sincerely,
Bennett

J. Bennett Morgan
Vice President/Partner
Clearview Investments, Ltd.
2121 N Akard Street, Suite 250
Dallas, Texas 75201
Telephone: (214) 282-7007