



## Memorandum

911 Central Parkway North, Suite 425  
San Antonio, TX 78232  
Phone: (210) 494-0088  
Fax: (210) 494-4525

---

**Date**            **March 5, 2020**

**To**                Matthew W. Simmont, AICP  
                        City of New Braunfels- Planning and Development Services

**From**            Mike Husek, P.E.

**Subject**        Re: Legend Pond Legend Point Phase 8  
                        **Waiver Request - Min. Lot Frontage NBCO Sec. 118-45(b)**

---

Dear Mr. Simmont:

During final plat review for Legend Pond Legend Point Phase 8 by City of New Braunfels staff, it was noted to revise Lots 17-21, Block 8 such that all lots have a minimum of 36 feet of street frontage as per NBCO Sec. 118-45(b). Bentwood Way cul-de-sac Lots 17-21, Block 8 were adjusted to allow the same number of lots within Legend Point Unit 8 as are indicated in the approved Legend Pond Concept Plan. As a result of the City's request to provide additional Right of Way (ROW) along Klein Meadows, the lot alignment had to be adjusted. In addition, GBRA requirements changed resulting in a dedicated (outside of any residential lot) 21-foot wide sanitary sewer easement between Lots 16 and 17, that is at a set location to get the proposed sewer main to line up with the existing lots in Legend Point Unit 4. This unique geographic limitation took away from the available frontage for lots in the Bentwood Way ROW. New Braunfels ISD was unwilling to allow an easement through their tract. The geography of the site is such that the alternate sewer design to avoid the current approach, meeting GBRA's maximum sanitary sewer construction depth allowances, was not acceptable. Attached is an exhibit that shows the driveways with additional parking for vehicles along the cul-de-sac lots, which does not have an adverse impact within the Bentwood Way ROW.

1. The applicant has taken all practicable measures to minimize any adverse impacts to the public safety, health, or welfare.
2. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity.
3. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein;
4. The waiver will not in any manner vary the provisions of the zoning ordinance or other ordinance(s) of the city.

Respectfully,

Michael Husek, P.E.  
Project Manager