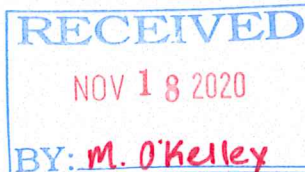




Planning & Development Services Department
550 Landa Street
New Braunfels, Texas 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: 20762
Amount Recd. \$ 721.00
Receipt No.: 226631
Case No.: 7-20-019

Submittal date – office use only



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*: Melvin Nolte Jr./ Chad Nolte

Property Address: 120 E. Edgewater Terrace, New Braunfels, TX 78130

Mailing Address: 1015 N Houston Ave, New Braunfels, TX 78130

Contact information:

Phone: (830) 708-4745

E-Mail: thenolte@swbell.net

Legal Description: Lot #: 40 & 41 Block: 5110 Subdivision: N/A

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

Present Use of Property: Residence/Vacant Land Zoning: R-2

Describe Variance Request: Requesting a 10.0ft encroachment into the 25.0ft side setback on North Union Ave so that the side setback is 15.0ft like it use to be.

SUBMITTAL CHECKLIST:

STAFF:

APPLICANT:



Completed application



Copy of deed showing current ownership



Homestead Verification (if applicable)



Application Fee



Letter of authorization if applicant is not property owner



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?

There are two old pecan trees located on the opposite side of N. Union Ave that I am trying to protect.

If the 25 foot N. Union setback is kept, the future home will encroach too close to the trees, and put strain on them. Also, there is a 20.2' x 15.3' metal shed (built by previous owner) with re-bar enforced concrete, and steel beams that could encroach too close to the future home if the 15ft N Union setback is not allowed.

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

The 25 foot setback severely limits the ability to build a one story home. A one story home is needed, as a two story home will block the western sun from one of the trees, since this pecan tree is used to a one story home.

It is also necessary to provide proper width for the house, as a combo of all the setbacks and the trees will cause the future house to take on a narrow design, something that would look undesirable for the existing neighborhood block. The required setback prevents the reasonable use of this lot to protect the trees.

(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, a house built in 1949 was recently moved off of this lot, and it had a 15ft side setback. In over 70 years there was never any issue with the 15ft setback in regards to safety, traffic, noise, or overall look. The proposed home will fit into the characteristic of the existing neighborhood block that has nothing but one story homes. In allowing this variance, it will ensure that the two old pecan trees will continue to flourish.

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

No, other properties will not be affected. The house will be one story, and not be a two story home towering above the rest of the houses in the neighborhood block. All other setbacks will remain in place.

Speaking for myself only, I would assume all of the surrounding neighbors would prefer a one story home vs a two story home on this lot.

(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 two old pecan trees could be harmed if the 25 foot side setback on N Union is to remain. Building a two story house is out of the question since the western sun would be blocked & drip-line affected. A one story home is needed, but due to the setbacks for Edgewater 25', N Union 25', and 20' back setback, there is not enough build-able space for a one story home (3 bed, 3 bath, living-room, kitchen, office, and garage) and be able to adequately distance the future home to protect the two pecan trees, especially the middle tree.

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

Yes, the variance will provide reasonable use of the property without affecting any neighbor, traffic, safety, sight lines, noise, or the neighborhood as a whole. It will also keep the one story characteristic of the neighborhood block, as well as fully protect two older pecan trees by ensuring that their drip-line's are not significantly harmed due to the encroachment of the future building.

Please initial the following important reminders:

CLN

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.

CLN

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:

11/17/2020

Signed:



Print Name:

Chad Nolte

Applicant/Agent*

*

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