



**Planning & Community Development Department
Planning Division**

550 Landa St. New Braunfels, TX 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: 1260 Case No.: 2-20-022
Amount Recd. \$ 721.00
Receipt No.: 226652



**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*: Jim Melsha

Property Address: 204 Rio Dr

Mailing Address: 216 Rio Dr., New Braunfels, TX 78130

Contact information:

Phone: 210-391-3189

E-Mail: jimmelsa@icloud.com

Legal Description: Lot #: 1 & 44 Block: 18 Subdivision: _____

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

Present Use of Property: residential Zoning: residential

Describe Variance Request: Allow for a total maximum
height of 56 feet. My request is for an
additional 8 feet, for a total of 56 feet

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?

The structure must be elevated an additional 26 feet due to it being located in the 100-year flood way

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

The interior elevator needs to be extended to access the roof top deck, eliminating the secondary elevator & replacing it with an emergency escape ladder. The originally approved plans showed a secondary elevator which would have required a support structure of the same height as the new elevator chase.

(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

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

The additional height of the elevator enclosure does not obstruct the view of the river from any of the existing properties

(5) Does an undue hardship to the land exist that is not self-created, personal or financial?

If yes, please explain in detail. If no, a variance cannot be granted.

The building must be elevated on piers in order to raise it above the water surface elevation of the 100-year flood way. This raises the overall height of the structure by 26 feet.

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?

My request is for an additional 8 feet, for a total of 56 feet variance.

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

(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?

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

(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.

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

Yes, the variance will allow for a safety structure in the form of an emergency escape ladder to be added, protecting the occupants from being trapped in the event of a power failure.

Please initial the following important reminders:

APPEARANCE AT MEETINGS

It is strongly advised that the applicant be represented at the hearing. The Board may deny requests for which the applicant or an agent do not appear.

NOTIFICATION SIGNS

The applicant shall post the public hearing notification sign(s) at least **15 days prior to the hearing date and maintain said sign(s) in good condition**. One sign shall be required for the first 100 feet of frontage of the tract, and one additional sign for every 200 feet of frontage thereafter, or fraction thereof, except that no more than three (3) signs shall be required on each roadway frontage. If the tract has less than 200 feet of frontage per roadway, then only one sign is required per road.

The applicant is responsible for:

1. Paying for the required mail notification (**\$2.15 per mailed notice**)
2. Purchasing (**\$15 per sign**) and placing the signs at least **15 days prior to the hearing date**
3. Posting signs so they are clearly visible to the public from the adjacent public streets.
4. Ensuring that the signs remain on the property throughout the variance process.
5. In the event that a sign(s) is removed from the property or damaged, the applicant shall be responsible for purchasing a replacement sign(s) and installing it immediately.
6. Removing the signs after the final action by the Zoning Board of Adjustment.

I hereby certify that the information provided is true and correct to the best of my knowledge.

Signed: James Melsha Date: 12/12/20
Applicant/Agent* Print Name: James Melsha

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