



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

CC/Cash/Check No.: \_\_\_\_\_

Amount Recd. \$ \_\_\_\_\_

Receipt No.: \_\_\_\_\_

Case No.: \_\_\_\_\_

Submittal date – office use only

**RECEIVED**

**JUN 16 2021**

BY: *ll*

## 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\*: Carrell Miller

Property Address: 780 Elizabeth Ave

Mailing Address: 780 Lockner Ave

### Contact information:

Phone: 20-325-3333

E-Mail: carrel1945@gmail.com

Legal Description: Lot #: 21A Block: \_\_\_\_\_ Subdivision: Country Club Estates  
(NOTE: If property is not platted, attach a copy of the metes and bounds description and survey/drawing.)

Present Use of Property: Single Family Res. Zoning: R2

Describe Variance Request: ① A variance for the rear setback for a main dwelling. The addition encroaches approx 15ft into the rear yard setback. The rear property line angles decreasing the 5' encroachment to the north.

### 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 existing lot has limited useable area. The proposed infill location is the most aesthetic option and best use of the land.

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

Use of the space between the garage and the residence allows the owner to maintain a rear yard and reasonably repair existing utility services.

(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. The property along Torrey has a 30 inch water main and is not suitable for construction. The owner currently maintains this property.

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

No.

(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 infill expansion of the residence is the best use of this lot. This is also true if subsequent owners expand the residence vertically. This proposed footprint is fitting with the neighborhood.



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

Yes. Allowing for the city owned property  
the setback from the Torrey R.O.W.  
is approximately 40 feet.

Please initial the following important reminders:

OPC

**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.

OPC

**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: 6-16-21

Signed: Carrell Metzke Miller Print Name: CARRELL METZKE MILLER  
Applicant/Agent\*

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

Agent: O. Daniel Castillo, Architect  
395 E. Faust, NB, TX 78130  
830-312-3308  
odcastillo@me.com