



NOTICE OF PUBLIC HEARING

The New Braunfels Zoning Board of Adjustment will hold a public hearing at the request of **Toya Boyer** to consider the following variance:

Subject Property: 1020 Cole Avenue

Variance Requests: To allow a proposed dwelling to 1) encroach up to 5 feet into the required 25-foot front setback and 2) encroach up to 15 feet into the required 20-foot rear setback. (Site plan and other details are available at www.nbtexas.org/PublicNotice)

Required standards: **Sections 3.3-2(b)(1)(ii) which states:**
Front building setback. 25 feet.
Section 3.3-2(b)(1)(v) which states:
Rear building setback. 20 feet.

Because you own property within 200 feet of the subject property, state law requires that we notify you of the request and allow you to comment. Comments aid the Board of Adjustment in determining whether to grant or deny the variance. **The zoning of the property will not change.**

The public hearing will be held on **Wednesday, August 25, 2021** at 6:00 p.m. in the City Hall Council Chambers, addressed at 550 Landa Street, and is open to the public. All interested persons are invited to attend the meeting. You may also participate in the meeting virtually via Zoom. Information on how to join the meeting via Zoom Meeting is included with this notice. Please see the attached instructions on accessing and participating in the online meeting. **If you wish to submit written comments, please complete the information below and reply to:**

Mail: City of New Braunfels
Zoning Board of Adjustment
550 Landa Street
New Braunfels, TX 78130

Email: mokelley@nbtexas.org

Contact Maddison O'Kelley at (830) 221-4056, if you have any questions

Maddison O'Kelley, Assistant Planner
Development Planning Division

DETACH & RETURN THIS PORTION IF YOU WISH TO SUBMIT WRITTEN COMMENT

Case: ZB21-0002 (Boyer) MO

Name: _____

I favor: _____

Address: _____

Circled property number from map: _____

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature _____

PROCEDURE DURING THE HEARING

- The Board will first call for the City's statement on the request.
- The City's statement will be followed by the applicant's statement. At the time of the hearing, the applicant may appear in his own behalf or may appoint an agent to represent him/her.
- Statements will then be accepted from any private citizen for the proposal.
- Statements will then be accepted from any private citizen against the proposal.
- The applicant will be given an opportunity for a final rebuttal.
- The final decision of the Board on any variance request shall be in the form of a motion which must be approved by four of the participating Board members.

NOTE:

The Board may, at any time during the hearing, question the City, the applicant or a private citizen in attendance.

For additional information visit www.nbtexas.org/2662/Zoning-Board-of-Adjustment or call the Development Planning Division at: (830) 221-4050.



Zoning Board of Adjustments Meeting to be conducted via Zoom Webinar

Department of Planning and Development Services

The public is welcome to join the meeting by phone, computer, or any other internet connected device rather than in person if so desired.

Public attendees may participate or observe the meeting as detailed on this website: <https://www.nbtexas.org/2727/ZBA-Online-Meeting-Guide>. A meeting ID and phone number will be posted the day of the meeting.

Please note the following if you would like to provide comments on individual agenda items during the meeting:

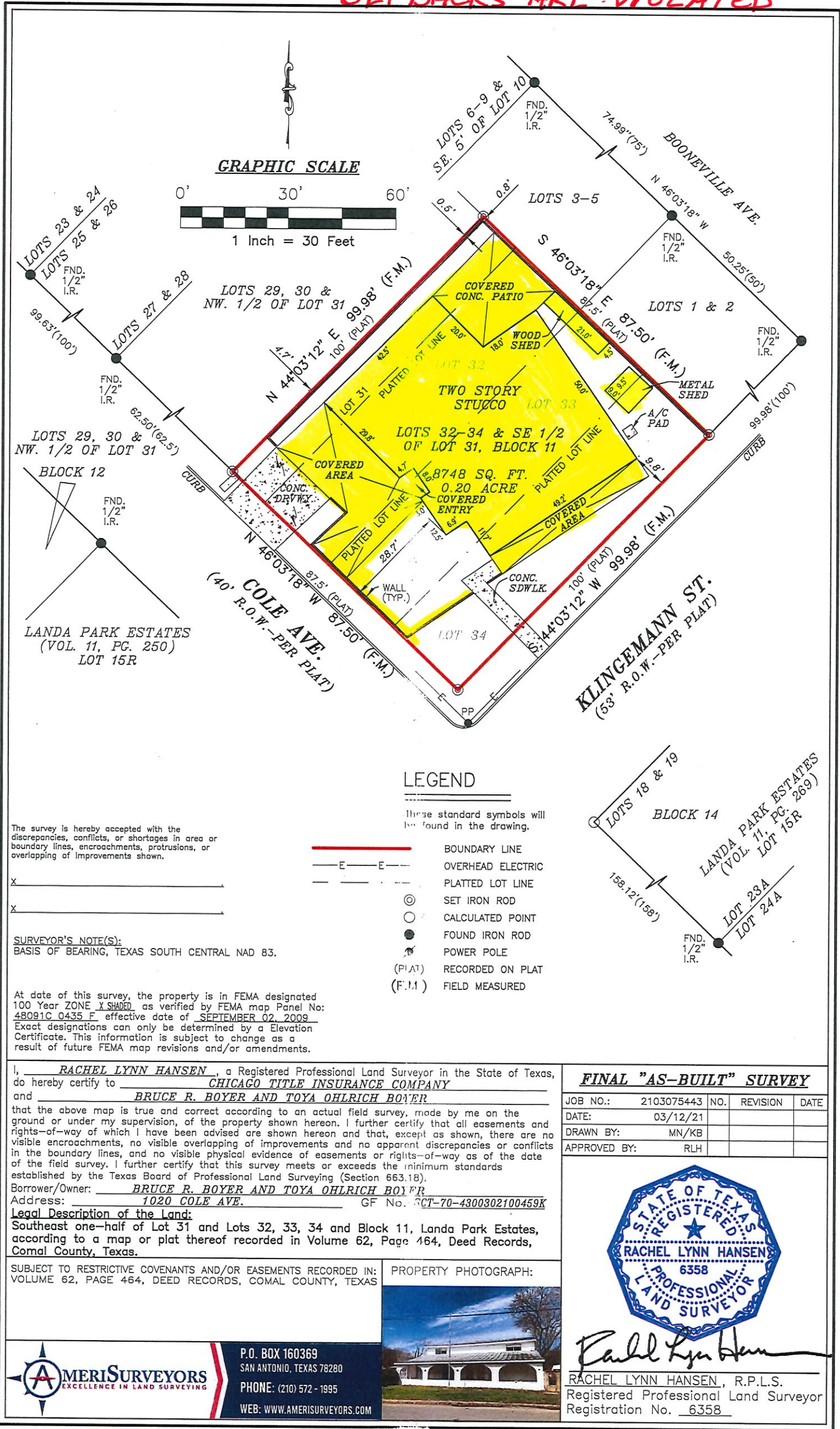
- This is a public meeting and normal meeting procedures and decorum are required.
- The City of New Braunfels will host the meeting and will share a prepared PowerPoint presentation on the host screen. As a meeting attendee you will be able to view the host screen.
- Anyone wanting to submit materials (e.g: letters, drawings, pictures) for consideration by the Planning Commission must do so via email to planning@nbtexas.org no later than 5:00 p.m. the day prior to the meeting. Include the last four digits of your phone number in the email for identification purposes.

Steps to speak during the meeting:

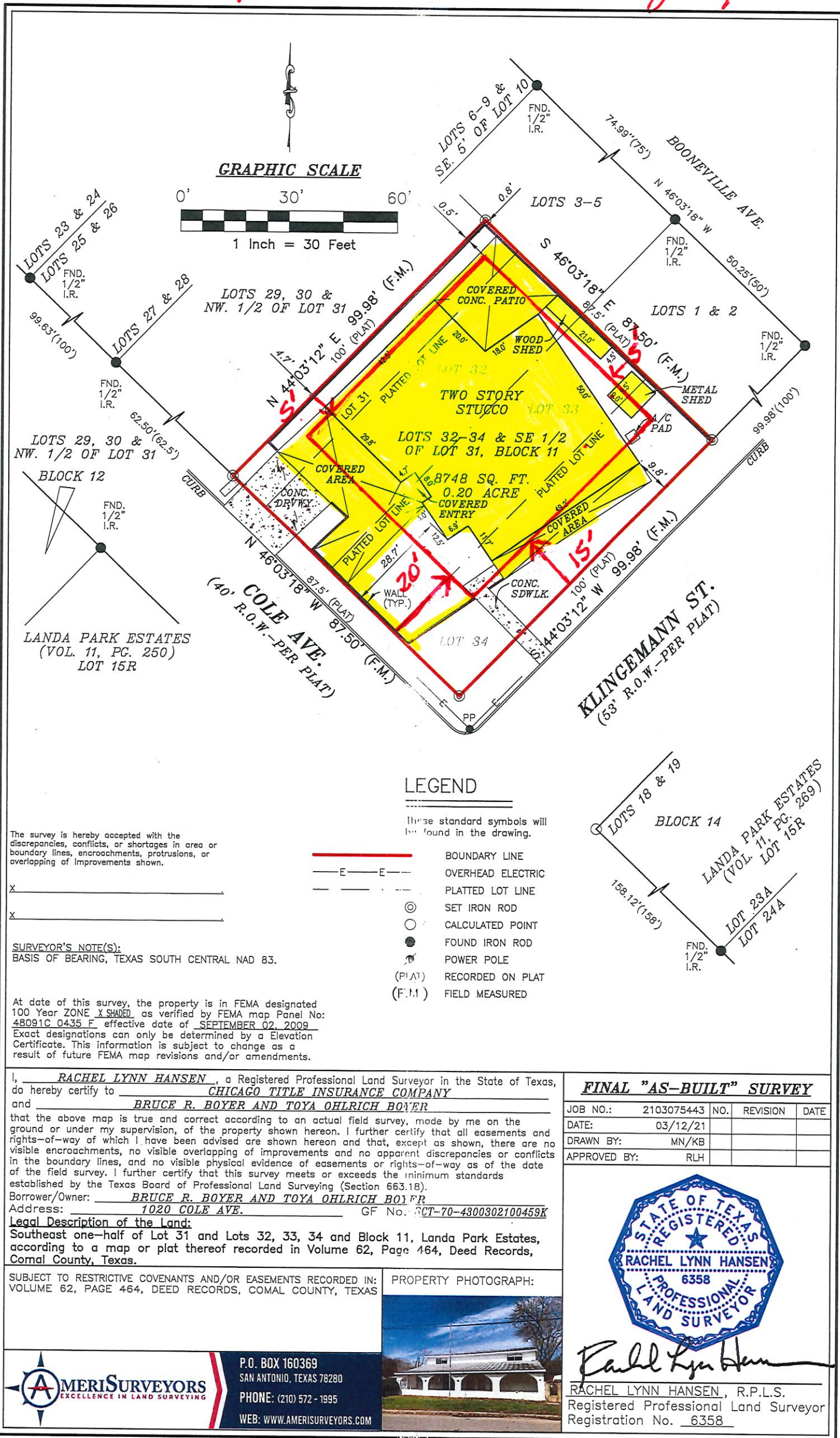
- During the public hearing and/or public comment time frame for the agenda item, if you would like to speak, please raise your hand in one of the two following methods to be recognized and given an opportunity to speak:
 - If you are communicating through a device (computer, laptop, tablet, etc.), click the "raise hand" icon at the bottom of the screen to request to speak.
 - IF your device does not have a microphone and you are calling from a telephone, dial *9 to request to speak.
- The host will identify participants in the order they are received. The host will identify you by name if you used the "raise hand" icon. If you are on the phone, the host will identify you by the last 4 digits of the phone number you are calling from.
- Participants will be muted, and the Host will unmute you when it is your turn to speak.
- Please state your full name and physical address for the official record and then proceed to make your statement or ask a question.
- Please introduce yourself each time you begin speaking unless you have been introduced by the chair or the host.
- Please restrict or minimize background noise while you are speaking to preserve the quality of the meeting.
- Please restrict or limit household internet activities while you are connected to the meeting to preserve the quality of the meeting.

If you have any questions or concerns please email Planning@nbtexas.org or call the planning line at (830) 221-4087. Thank you.

CURRENT SURVEY - IMPROVEMENTS HIGHLIGHTED - ALL CURRENT SETBACKS ARE VIOLATED



Red Overlay Shows Setbacks Being Requested



The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of Improvements shown.

SURVEYOR'S NOTE(S):
BASIS OF BEARING, TEXAS SOUTH CENTRAL NAD 83.

At date of this survey, the property is in FEMA designated 100 Year ZONE X SHADED as verified by FEMA map Panel No: 48091C 0435 F effective date of SEPTEMBER 02, 2009. Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

I, RACHEL LYNN HANSEN, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to CHICAGO TITLE INSURANCE COMPANY and BRUCE R. BOYER AND TOYA OHLRICH BOYER

that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).

Borrower/Owner: BRUCE R. BOYER AND TOYA OHLRICH BOYER
Address: 1020 COLE AVE. GF No. RCT-70-4300302100459K

Legal Description of the Land:
Southeast one-half of Lot 31 and Lots 32, 33, 34 and Block 11, Landa Park Estates, according to a map or plat thereof recorded in Volume 62, Page 464, Deed Records, Comal County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN: VOLUME 62, PAGE 464, DEED RECORDS, COMAL COUNTY, TEXAS



P.O. BOX 160369
SAN ANTONIO, TEXAS 78280
PHONE: (210) 572 - 1995
WEB: WWW.AMERISURVEYORS.COM

FINAL "AS-BUILT" SURVEY

JOB NO.:	2103075443	NO.	REVISION	DATE
DATE:	03/12/21			
DRAWN BY:	MN/KB			
APPROVED BY:	RLH			



Rachel Lynn Hansen
RACHEL LYNN HANSEN, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 6358

ZONING BOARD OF ADJUSTMENT – AUGUST 25, 2021
CITY COUNCIL CHAMBERS AND
ZOOM WEBINAR MEETING

Address/Location: 1020 Cole Avenue

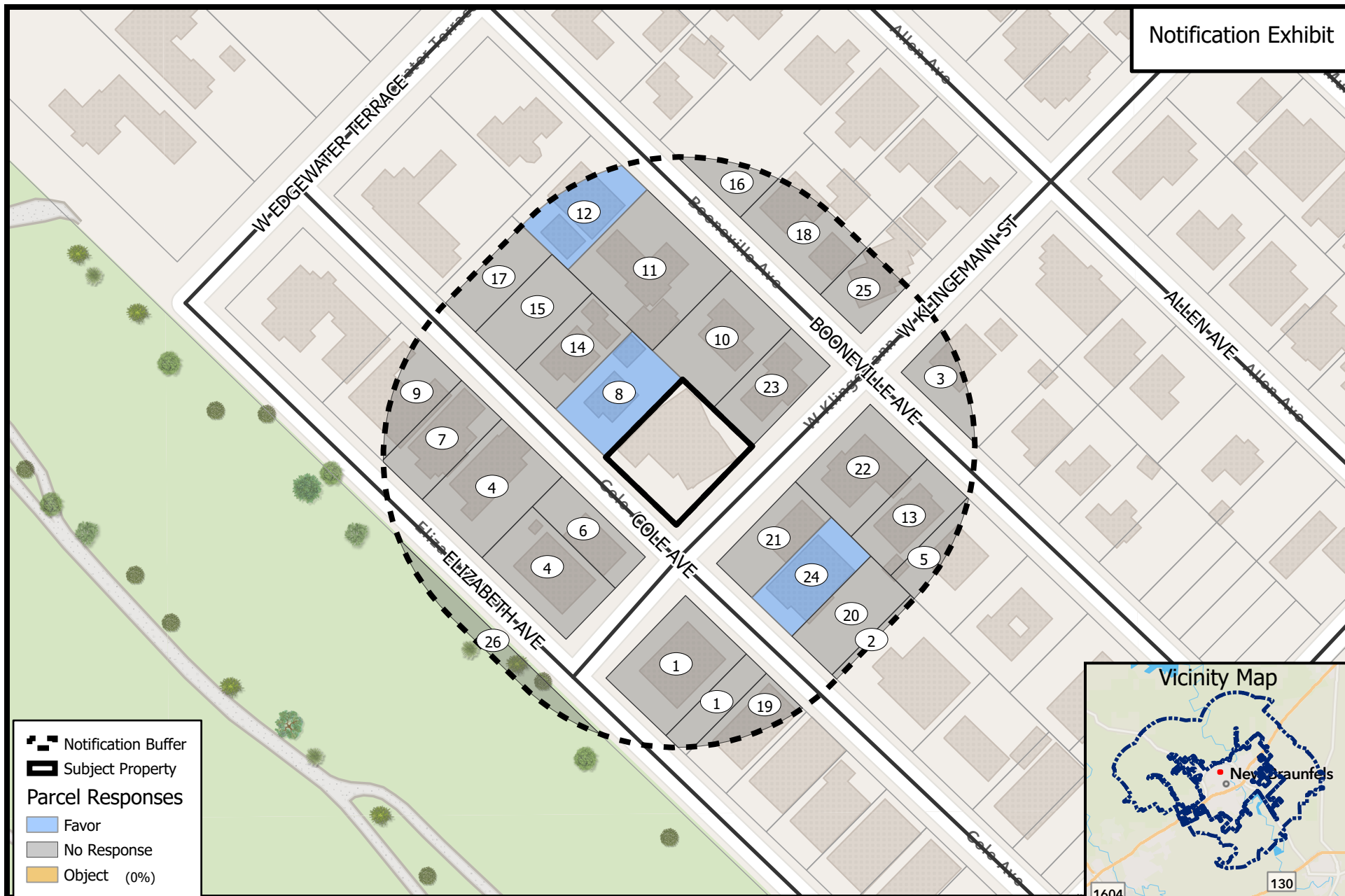
Applicant: Toya Boyer

Case #: ZB21-0002

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

- | | |
|--|---|
| 1. TRIPOLI NB HOLDINGS LLC | 14. PHILLIPS MOORE COURTNEY MNGMNT TRST |
| 2. FELTON STONEWALL S JR & ELIZABETH N | 15. PHILLIPS YALE G JR |
| 3. YOUNG JUDY IONE WATSON ET AL | 16. STORIE KITTY FEAREY |
| 4. SWANSON PAT H & MAUREEN M | 17. FORAN LTD |
| 5. WOOLSEY MICHAEL R | 18. HIGGINS MICHAEL E & ALICE E |
| 6. 1021 COLE AVENUE TRUST | 19. KUYKENDALL RONALD L |
| 7. MALINS EMILY A | 20. RIEDEL LORENE B |
| 8. NB COLE LLC | 21. POST RICHARD J & AMY P |
| 9. BARTHOLOMEW RICHARD A & ANN S | 22. ELBEL TODD LEE |
| 10. HIGGINS MICHAEL E & ALICE | 23. MOORE CHRISTOPHER S & MELINDA S |
| 11. BOLIN ARLINE T | 24. 984 COLE AVE LLC |
| 12. KRAMER PETER W & VICTORIA G | 25. MCINTUSH KENNETH E II & SHANNON M |
| 13. PROPERTY OWNER | 26. CITY OF NEW BRAUNFELS |
-

SEE NOTIFICATION MAP



ZB21-0002

Rear and Front Setback Encroachments

0 60 120 Feet



Source: City of New Braunfels Planning
Date: 8/19/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

From: [Pete Kramer](#)
To: [Maddison O"Kelley](#)
Subject: 1020 Cole Ave. Variance Request - Support
Date: Tuesday, August 17, 2021 2:51:18 PM

Property #12

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.

Madison,

As discussed, please consider this email my official support for the variance request by Yellow Roses in NB, LLC for the setback changes they are asking for.

The existing structure violates most all setback rules, and a new property with these adjusted setbacks will be great for the neighborhood.

Best Regards,

Pete Kramer
1065 Booneville Ave
New Braunfels, TX 78130
(979) 595-6716

From: [Matt Mathias](#)
To: [Maddison O"Kelley](#)
Cc: Toyanbtx@outlook.com
Subject: 1020 Cole Avenue Hearing - Toya Boyer
Date: Tuesday, August 17, 2021 10:59:41 AM

Property #24

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.

Chairman and Board Members,

I have received the notice of the proposed setback variances at 1020 Cole Ave. Ms. Boyer also went to the effort to separately contact neighbors via mail in July so that we would be aware of the situation in advance.

Our family owns 984 Cole, which is separated by only one home. Given the age of the existing structure and its current state of non-compliance, we whole heartedly support the proposed variances as remaining in character of the neighborhood. The current setbacks create a hardship that the City has consistently recognized in the Estates. Please vote to approve the variances, which will ultimately provide for a better environment and appropriate home on this lot.

Thank you for your consideration.

Matt Mathias
984 Cole Ave.
New Braunfels, TX

The information contained herein has been obtained from sources deemed to be reliable; however Mathias Partners makes no guarantees, warranties, or representations as to the accuracy thereof. All information is presented subject to changes in price, corrections, errors, omissions, prior sale, lease or withdrawal without notice and is not to be considered complete, accurate, or total representations of the facts surrounding the property. Interested parties should conduct their own independent analysis.



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Maddison O'Kelley, Assistant Planner
Development Planning Division

DETACH & RETURN THIS PORTION IF YOU WISH TO SUBMIT WRITTEN COMMENT

Case: ZB21-0002 (Boyer) MO

Name: MARY JANE NALLEY

I favor: ☒

Address: 1072 CAP ROCK HILL, 78130

Circled property number from map: 8

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: 