



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

CC/Cash/Check No.: _____

Amount Recd. \$ _____

Receipt No.: _____

Case No.: _____

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*: Susan Tolbert

Property Address: 298 Edgewater Terrace

Mailing Address: 579 Lakeview Circle

Contact information:

Phone: 830-822-0524

E-Mail: tolbert.susan@gmail.com

Legal Description: Lot #: 1 Block: 4 Subdivision: Landa Park Estates
(NOTE: If property is not platted, attach a copy of the metes and bounds description and survey/drawing.)

Present Use of Property: Rental Zoning: R-2

Describe Variance Request: I seek a variance that will allow a new home to be built 5' from the exterior property line which is the same setback as the existing house enjoys.

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 lot's configuration is 30 feet more narrow than the minimum required for a typical R-2 lot. Secondly, the lot contains 5 legacy trees that should be preserved. The tree furthest from the front-facing property line is set back 86 feet (see pg. 2).

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

The variance is necessary to preserve my right to build a home with modern living and safety standards. The variance is also necessary to extend the buildable area away from 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?

The variance will not be detrimental to public health, safety or welfare. Once the new home is built it will improve public safety because it will be built in a sustainable manner that complies with all city codes, and be inhabited by the owner.

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

The neighboring properties will continue to enjoy and use their properties in the same manner as today since variance would allow for the new structure to be placed in approximately the same side setback as the existing structure. (see pg. 2)

(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. Given the limitations described in item 1, not only is the building area decreased by the trees but also by the narrow width of the lot which is not the width of a typical corner lot which current city codes are written for. This undue hardship is not self-created, personal or financial. It is environmental and ecological. It is also the result of codes written before I was born.

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

Yes, granting the variance will be in harmony with the purpose and spirit of the city regulations, because the city also has an interest in preserving the scale, context, foliage and ecology of the area.

Please initial the following important reminders:

ST **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.

ST **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: Oct. 22, 2021

Signed: Susan Tolbert Print Name: Susan Tolbert
Applicant/Agent*

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

Continuation of (1)

which makes the buildable area 750 sq. feet less than the typical R-2 corner lot.

So, not only is the land restricted by the 15 foot setback it is also restricted by the heritage trees. These 2 factors combined make the variance necessary to build a home.

continuation of (4)

Also by the removal of the old, existing structures, the new home will be in compliance with the 5' interior setback.

The existing structure encroaches almost 4 ft. into the 5 ft setback.