



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*: Nik Petik

Property Address: 548 Rusk Street, New Braunfels 78130

Mailing Address: 151 S. Capital of TX HWY, suite 306, Austin, TX 78746

Contact information:

Phone: (512) 220-9916

E-Mail: nik@loanrangercapital.com

Legal Description: Lot #: 1 Block: 1 Subdivision: Rusk Townhomes

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

Present Use of Property: vacant

Zoning: C-O

Describe Variance Request: Requesting variance from additional residential buffering requirements

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?

Due to existing plat location and proposed residential buildings on said plat, the set back requirements create a very dense structure at the front of the lot leaving the back portion of the lot as a 20 car parking lot in view of the adjacent properties and neighborhood.

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

By allowing the set back variance, this enables the proposed buildings to spread evenly across the lot evoking an overall residential feel that is cohesive to the adjacent properties that have residential uses. In addition, by spacing out townhomes and allowing (2) 10 car parking lot in between, allows better sound buffer to noise, street sounds, headlights, and overall appearance, where otherwise a 20 car parking lot in the back of lot would enhance sound, headlights, and be more intrusive to the neighborhood.

(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?

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.

Yes, because of the location of the parcel in relation to the neighboring properties, this causes the setback requirements to force the residential buildings to the front of property, leaving the rear of property to be a 20 car parking lot. This creates an unappealing view to abutting and adjacent neighbors and exposes them to more vehicular noise and visibility henderences.

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

Yes, the zoning for this lot is C-O

Please initial the following important reminders:

NP

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.

NP

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: _____

[Signature]

Applicant/Agent*

Date: 10/21/21

Print Name: _____

Nik Petrik

*

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