



**CITY OF NEW BRAUNFELS, TEXAS  
ZONING BOARD OF ADJUSTMENT MEETING**



**ZOOM  
550 LANDA STREET**

**THURSDAY, MARCH 25, 2021 at 6:00 PM**

**To participate via zoom use the link: <https://us02web.zoom.us/j/84301703812>  
or call (833) 926-2300 with ID 843 0170 3812**

**To participate via zoom use the link: <https://us02web.zoom.us/j/84301703812> or call  
(833) 926-2300 with ID 843 0170 3812**

**Instructions for participation, use link  
<http://nbtexas.org/2662/Zoning-Board-of-Adjustment>**

**AGENDA**

**1. CALL TO ORDER**

*Request all phones and other devices be turned off, except emergency on-call personnel.*

**2. ROLL CALL**

**3. APPROVAL OF MINUTES**

A) Approval of the January 28, 2021 Regular Meeting [21-293](#)  
Minutes

**7. STAFF REPORT**

A) Z-21-002 Hold a public hearing and consider a request [21-243](#)  
for a variance to Section 3.3-2(b)(1)(i) to allow a  
proposed carport and garage addition to encroach up to  
1.5 feet into the required 5-foot side setback in the "R-2"  
Single and Two-Family District, addressed at 480  
California Boulevard.

**6. INDIVIDUAL ITEMS FOR CONSIDERATION**

A) Discussion regarding the minimum standards for building [21-292](#)  
dwellings above the base flood elevation in the  
floodplain.

**8. ADJOURNMENT**

**CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

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Board Liaison

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.



## **Zoning Board of Adjustment Agenda Item Report**

550 Landa Street  
New Braunfels, TX

**3/25/2021**

Agenda Item No. A)

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**ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
January 28, 2021**

**MEMBERS PRESENT**

Chair John Coker  
Vice Chair Brandon Mund  
Cynthia Foster  
Steve Quidley

**STAFF PRESENT**

Chris Looney, Planning & Development Services Director  
Frank Onion, First Assistant City Attorney  
Maddison O'Kelley, Assistant Planner

**MEMBERS ABSENT**

Bonnie Leitch

**Chair Coker called the meeting to order at 6:01 p.m. Roll was called, and a quorum declared.**

**APPROVAL OF MINUTES**

Motion by Vice Chair Mund, seconded by Member Quidley, to approve the minutes of the Zoning Board of Adjustment Regular Meeting of December 17, 2020. The motion carried (4-0-0).

**PUBLIC HEARINGS**

**(A) Z-20-019 Hold a public hearing and consider a request for a variance to Section 3.3-2(b)(1)(iii) to allow a proposed single-family home to encroach 10 feet into the required 25-foot corner side setback, addressed at 120 E. Edgewater Terrace.** (Applicant: Melvin Nolte & Chad Nolte; Case Manager: Maddison O'Kelley)

Ms. O'Kelley presented the staff report and stated the ZBA may authorize a variance from the zoning regulations only upon finding the following facts:

- 1) *That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;*** (The applicant states the location of the proposed home has been designed to allow two heritage pecan trees to be preserved by encroaching into the corner side setback. The applicant further states the home would be constructed too close to the existing detached shed if the home is setback 25 feet from N. Union Ave. Staff acknowledges the location of one existing tree is within the buildable area of the lot.) **and**
- 2) *That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;*** (The applicant states the variance is necessary because the required setbacks limit the ability to build a reasonably sized one-story home. The applicant states a one-story home is necessary to preserve adequate sunlight for the existing trees. The applicant further states that, in order to construct a home within the required setbacks and preserve the existing trees, the home would have to be narrowly designed which would not fit in with the character of the neighborhood. Staff acknowledges the location of the existing trees on the property reduces the size of the buildable area of the lot if the trees are preserved, however, the 25-foot corner side setback requirement does not remove the substantial property right to construct a single-family home on the property. Building a single story vs. a multi-story home is not considered a property right nor a code requirement, however a single-story would likely provide more sunlight to facilitate tree growth and health.) **and**
- 3) *That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;*** (The applicant states that others will not be negatively affected by the granting of the variance. The applicant further states the home that has been removed from the property encroached 10 feet into the required setback and there were not any issues with traffic, noise, or overall look. The applicant states the proposed home will fit in with the character of the neighborhood because the adjacent homes are all one-story in height.

Staff acknowledges the homes built on the shared block as the subject property are all one-story in height and that, if the variance is approved, the impact to the surrounding area with a setback encroachment is likely minimal.) **and**

- 4) ***Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;*** (The applicant states the variance should not prevent orderly use of other land nor set an unusual precedent. The applicant states the home will be one-story, rather than a two-story home that is much taller than the adjacent homes. Staff notes all neighboring properties are required to comply with the setback requirements for any new construction.) **and**
- 5) ***That an undue hardship exists;*** (The applicant states the two existing pecan trees can be harmed if a home is built within the required setbacks and that building a two-story home is not possible to ensure the trees receive adequate sunlight. The applicant further states that, between the 20-foot rear setback and the 25-foot front and corner side setbacks, there is not enough buildable area for a reasonably sized one-story home.) **and**
- 6) ***That the granting of a variance will be in harmony with the spirit and purpose of these regulations.*** (The applicant states the variance will be in harmony with the spirit and purpose of the city's regulations and that the variance will provide reasonable use of the property without affecting any neighbor, traffic, safety, sight lines, noise, or the neighborhood as a whole. The applicant further states protecting the existing pecan trees and the single-story design of the home fit the character of the neighborhood. Staff notes the homes built along the north side of N. Union on the shared block as the subject property meet the minimum 25-foot setback and therefore, approval of the variance could disrupt the current visual setback from the street. Visual clearance or the sight distance triangle at the intersecting streets will still need to be maintained for motorist safety.)

Chair Coker asked if there were any questions for staff.

Discussion followed for clarification of what is being requested.

Chair Coker requested the applicant address the Board.

Chad Nolte, 963 N Houston Ave, stated he is the agent and provided further clarification and intent on the request.

Chair Coker asked if there were any questions for the applicant.

Discussion followed on what is needed to maintain the trees on the lot.

Chair Coker opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Coker opened the public hearing and asked if anyone wished to speak in opposition.

No one spoke.

There being no further comment, Chair Coker closed the public hearing.

Chair Coker called for a motion or discussion from the Board.

Motion by Vice Chair Mund, seconded by Member Foster, to approve the proposed request for a variance to Section 3.3-2(b)(1)(iii) to allow a proposed single-family home to encroach 10 feet into the required 25-foot corner side setback, addressed at 120 E. Edgewater Terrace. Motion carried (4-0-0).

**(B) Z-20-022 Hold a public hearing and consider a request for a variance to Section 3.3-2(b)(1)(i) to allow the height of a single-family dwelling to exceed the maximum 35-foot height by**

**approximately 21 feet in the “R-2” Single and Two-Family District, addressed at 204 Rio Drive.**  
(Applicant: Jim Melsha; Case Manager: Maddison O’Kelley)

Ms. O’Kelley presented the staff report and stated the ZBA may authorize a variance from the zoning regulations only upon finding the following facts:

- 1) ***That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;*** (The applicant states the structure must be elevated an additional 26 feet due to the property’s location within the floodway. Staff acknowledges the required 25-foot base flood elevation impacts the construction of a single-family dwelling which, therefore, can be compressed with the generally applicable height limits.) ***and***
- 2) ***That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;*** (The applicant states the interior elevator needs to be extended to access the roof top deck, which will eliminate the secondary elevator and replace it with an emergency escape ladder. The applicant further states the plans originally approved with the first variance showed a secondary elevator, which would have required a support structure of the same height as the new elevator chase. Staff notes the additional height required to construct and access the proposed rooftop deck is not a substantial property right.) ***and***
- 3) ***That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;*** (The applicant states the variance should not be detrimental to public health, safety or welfare. It is not anticipated the proposed structure will be detrimental to public health and safety if built to the appropriate standards.) ***and***
- 4) ***Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;*** (The applicant believes the variance should not prevent orderly use of other land within the area and states the additional height of the elevator enclosure does not obstruct the view of the river from any existing properties. There does not appear to be a negative effect preventing orderly use of other land within the area, however, all neighboring properties will still be required to comply with the height limits and other zoning ordinance standards for any new construction on their properties, including property located within the floodplain.) ***and***
- 5) ***That an undue hardship exists;*** (The applicant states the standards to build two feet above the base flood elevation is an undue hardship. Staff acknowledges new construction of habitable space below the base flood elevation is prohibited and the construction of a new dwelling will be limited to having the elevation of the first habitable floor at a minimum elevation of 27 feet above the average adjacent grades. Staff notes that the variance granted in 2018 allowed an overall height of 20 feet for habitable area above the base flood elevation.) ***and***
- 6) ***That the granting of a variance will be in harmony with the spirit and purpose of these regulations.*** (The applicant states granting of the variance will be in harmony with the spirit and purpose of the zoning ordinance as it 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.)

Chair Coker asked if there were any questions for staff.

Discussion followed on the context of the previous variance request in 2018.

Chair Coker requested the applicant address the Board.

Robert Allison, 106 La Luna, presented further clarification of the intent behind the request.

Chair Coker asked if there were any questions for the applicant.

Discussion followed on the potential hardship of the land, and further context of the previous request considered by the ZBA in 2018, code compliant alternatives, and the nature of the structure being built

without being included on the plans.

Chair Coker opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Coker opened the public hearing and asked if anyone wished to speak in opposition.

No one spoke.

There being no further comment, Chair Coker closed the public hearing.

Chair Coker called for a motion or discussion from the Board.

Discussion followed on if the request included a hardship applicable to the consideration of the board.

Motion by Chair Coker, seconded by Member Quidley, to approve the proposed request for a variance to Section 3.3-2(b)(1)(i) to allow the height of a single-family dwelling to exceed the maximum 35-foot height by approximately 21 feet in the "R-2" Single and Two-Family District, addressed at 204 Rio Drive. Motion failed (2-0-2) with Vice Chair Mund and Member Foster in opposition.

**(C) Z-20-023 Hold a public hearing and consider a request for a variance to Section 3.3-9(b)(1)(v) to allow an existing commercial structure to encroach up to 15 feet into the required 20-foot residential setback, addressed at 177 E. Faust Street.** (Applicant: HMT Engineering & Surveying; Case Manager: Maddison O'Kelley)

Ms. O'Kelley presented the staff report and stated the ZBA may authorize a variance from the zoning regulations only upon finding the following facts:

- 1) ***That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;*** (The applicant states the building's current setback is approximately 5-6 feet from the property line. The applicant further states the entire block wherein the subject property is located is zoned commercial; however, the adjacent property is a residential use that required a 20-foot setback affecting the subject property. Staff acknowledges the commercial zoning of the neighborhood; the residential setback is intended to protect residential land uses from potential adverse effects of being located adjacent to commercial uses. Staff further acknowledges the provision requiring a residential setback was adopted after the existing commercial structure was built.) ***and***
- 2) ***That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;*** (The applicant states the variance is necessary for the property owner to obtain permits for any future improvements to the property. Staff acknowledges the subject structure may not be enlarged or expanded due to its legal-nonconforming status; and the substantial property right to have a commercial use is not removed due to the residential setback requirement within the Zoning Ordinance.) ***and***
- 3) ***That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;*** (The applicant states there will be no detriment to the public's health, safety, or welfare if the variance is granted. Staff acknowledges the setback encroachment will likely have a minimal impact; the subject property must comply with all other development standards intended to protect adjacent residential uses from potential nuisances such as required lighting, noise, and buffering standards.) ***and***
- 4) ***Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;*** (The applicant states the variance should not prevent the orderly use of other land nor set an unusual precedent. Staff states the intent of the residential setback is to preserve the property right of adjacent residences to use

and enjoy their property. Furthermore, neighboring properties would still be required to comply with the residential setback requirement for any new commercial construction adjacent to property used or zoned for one- or two-family dwellings.) **and**

- 5) ***That an undue hardship exists;*** (The applicant states the building was existing in the current location at the time the current owner purchased the property. Staff acknowledges the allowable width of a commercial structure is limited due to the width of the lot and the residential setback from the adjacent property. Staff has not identified a physical hardship due to the nature of the land itself that is not shared by other commercial property adjacent to residential land uses; this is becoming a more mixed-use neighborhood, therefore impacts to surrounding residential properties and property owners should be considered when designing the form and scale of commercial construction, or when making improvements to existing structures.) **and**
- 6) ***That the granting of a variance will be in harmony with the spirit and purpose of these regulations.*** (The applicant states granting the variance will be in harmony with the spirit and purposes of these regulations.)

Chair Coker asked if there were any questions for staff.

Discussion followed for clarification of the nature of the request.

Chair Coker requested the applicant address the Board.

Chris Van Heerde, 290 S Castell Ave, elaborated the intent behind the request.

Chair Coker asked if there were any questions for the applicant.

Chair Coker opened the public hearing and asked if anyone wished to speak in favor.

No one spoke.

Chair Coker opened the public hearing and asked if anyone wished to speak in opposition.

No one spoke.

There being no further comment, Chair Coker closed the public hearing.

Chair Coker called for a motion or discussion from the Board.

Motion by Vice Chair Mund, seconded by Chair Coker, to approve the proposed request for a variance to Section 3.3-9(b)(1)(v) to allow an existing commercial structure to encroach up to 15 feet into the required 20-foot residential setback, addressed at 177 E. Faust Street to bring the existing structure into compliance and allow for code compliant expansions and no new structures or rebuilds.

Discussion followed for clarification of the motion and if the variance included any expansions to the existing building complaint with current code.

Motion carried (4-0-0).

#### **ITEMS FOR INDIVIDUAL CONSIDERATION**

- A) Updates regarding recommended code amendments made by the Zoning Board of Adjustment for the City Council's consideration.

Ms. O'Kelley presented on recommended code amendments as proposed by the Board to bring to City Council for consideration such as code regarding porches, carports, etc.

Ms. O'Kelley stated that staff is considering potential recommendations to City Council to have reduced



setbacks in Landa Park Estates.

Discussion followed on receiving information to attend future City Council meetings on these matters.

Member Foster asked if there could be information presented on how other cities handle floodplain height requirements.

Discussion followed.

Discussion followed on the Missing Middle Housing presentation attended by members of the Board and future training events.

**ADJOURNMENT**

Chair Coker adjourned the meeting at 6:58 pm.

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**Chair**

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**Date**

\\chfs-1\Departments\Planning\Minutes\ZoningBdAdjustment\2020\zba 1-28-21.docx

3/25/2021

Agenda Item No. A)

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Presenter/Contact*Applicant: Samuel Revers**(831) 261-6853 - [srrevers@gmail.com](mailto:srrevers@gmail.com)***SUBJECT:**

Z-21-002 Hold a public hearing and consider a request for a variance to Section 3.3-2(b)(1)(i) to allow a proposed carport and garage addition to encroach up to 1.5 feet into the required 5-foot side setback in the "R-2" Single and Two-Family District, addressed at 480 California Boulevard.

**BACKGROUND / RATIONALE:****Case #:** Z-21-002

**Applicant:** Samuel Revers  
480 California Blvd  
New Braunfels, TX 78130  
(831) 261-6853 - [srrevers@gmail.com](mailto:srrevers@gmail.com) <<mailto:srrevers@gmail.com>>

**Staff Contact:** Maddison O'Kelley  
(830) 221-4056 - <[mokelley@nbtexas.org](mailto:mokelley@nbtexas.org)>

The subject property is an interior lot that is approximately 15,600 square feet in area and is zoned "R-2" Single and Two-Family District. The property is approximately 78 feet wide at California Boulevard and is 200 feet in depth. There is an existing single-family home on the property that was constructed in 1954.

There is an existing carport and garage structurally attached to the side of the home that is setback approximately 3.5 feet from the interior side property line on the south end of the lot and is therefore considered legally nonconforming. The carport and garage are approximately a total of 1,300 square feet in area. According to county appraisal records, the carport was constructed in 1960 and the garage was originally built detached from the home in 2000. Both the carport and garage are now structurally attached to the home.

The applicant is intending to demolish and reconstruct the existing carport and garage in the same footprint. The structure is currently setback 3.5 feet from the side property line. Therefore, a variance is required to allow the new structure to encroach up to 1.5 feet into the required 5-foot side setback in order for it to be built in the same location as the existing structure.

Section 2.2-3(a) of the Zoning Ordinance states the ZBA may authorize a variance from the zoning regulations only upon finding all of the following facts:

**1) That there are special circumstances or conditions affecting the land involved such that**

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**the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** (The applicant states the existing carport appears to be closer than 5 feet from the side property line. The applicant wishes to replace the structure in the same footprint. In a separate email to staff, the applicant stated the structure is approximately 3.5 feet from the side property line. Staff acknowledges the legal nonconforming status of the existing carport and garage structure; however, staff has not identified a special circumstance affecting the land itself.) **and**

- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states the variance to replace a dilapidated structure with a new, enclosed attached structure with the same footprint. The applicant further states the privacy fence along the property line is 5 feet from the structure. Staff notes the substantial property right to use for the property for residential dwelling is not removed due to the side setback requirement.) **and**
- 3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;** (The applicant states the variance should not be detrimental to public health, safety or welfare.) **and**
- 4) Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;** (The applicant believes the variance should not prevent orderly use of other land within the area. There does not appear to be a negative effect preventing orderly use of other land within the area by granting the variance, however, all neighboring properties will still be required to comply with zoning ordinance standards for any new construction. Furthermore, the proposed structure will be required to comply with Building code standards required for additions built within 5 feet of a property line.) **and**
- 5) That an undue hardship exists;** (The applicant states the hardship is that the zoning ordinance would not allow the existing structure to be rebuilt within the same footprint. Furthermore, the applicant states that if the carport is rebuilt within the 5-foot side setback it would not be wide enough to be useful. The applicant then states the existing driveway and existing carport footprint would not be enlarged or encroach any further than the existing structure today. Staff has not identified a physical hardship due to the nature of the land itself that is not shared by other residential property in the neighborhood.) **and**
- 6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant states granting of the variance will be in harmony with the spirit and purpose of the zoning ordinance and it would allow him to beautify the neighborhood.)

Per Section 2.2-3 of the Zoning Ordinance, a variance shall not be granted to relieve a self-created or personal hardship, nor based solely on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by Chapter 144 to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

#### **GENERAL INFORMATION:**

##### **Size:**

15,600 square feet

200 feet depth

78 feet in width

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**Variance Request Due to Notice of Violation:**

No

**Surrounding Zoning and Land Use:**

North - Across Louisiana Ave, R-1 / Single Family Dwellings

South - R-2 / Single Family Dwellings

East - R-1 / Single Family Dwellings

West - Across California Blvd, R-2/ Single family Dwellings

**Notification**

Public hearing notices were sent to 15 owners of property within 200 feet. Staff has received no responses

**Attachments:**

1. Aerial Map
2. Application
3. Existing Site Plan
4. Proposed Site Plan
5. Elevation Plans
6. Email to Staff Regarding Setbacks
7. Photograph
8. Notification List and Map
9. Sec. 3.3-2 "R-2" Single Family and Two-Family District





**Z21-002**  
**Side setback encroachment**







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.: 2788  
Amount Recd. \$ 360.00  
Receipt No.: 22441  
Case No.: Z-21-002

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\*: SAMUEL REVERS

Property Address: 480 California Blvd, New Braunfels, TX 78130

Mailing Address: 480 California Blvd, New Braunfels, TX 78130

### Contact information:

Phone: 831-261-6853

E-Mail: SRREVERS@GMAIL.COM

Legal Description: Lot #: 1 Block: 11 Subdivision: Lander Park Highlands 2

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

Present Use of Property: Residential Zoning: R2

Describe Variance Request: Replace existing carport with an attached  
\$ enclosed 2-car garage.

### 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 carport appears to be closer than 5 ft. from property line. ~~New Construction~~ City code says any new construction on this property must have a 5 ft. setback from property line. I wish to replace the structure within the same footprint.

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

A grand-fathered variance is necessary to replace an ugly/dilapidated structure with a new, enclosed and attached structure, within the same footprint. The survey (site-plan) shows the existing structures closest corner to be 1.9 ft. from property line. However existing property line privacy fence is actually 5 ft. from structure.

**(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.

The undue hardship that exists is that current code would not allow the existing structure to be re-built within the same footprint. A new-build ~~at~~ following the required 5 ft. setback would not allow enough width for the structure to be useful. The existing driveway and existing carport footprint would not be enlarged or encroach in any further way if variance is granted. There would simply be a new/attached structure built within the existing footprint.

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

I believe it would be and also beautify the neighborhood.

Please initial the following important reminders:

SR. **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.


SR. **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.*

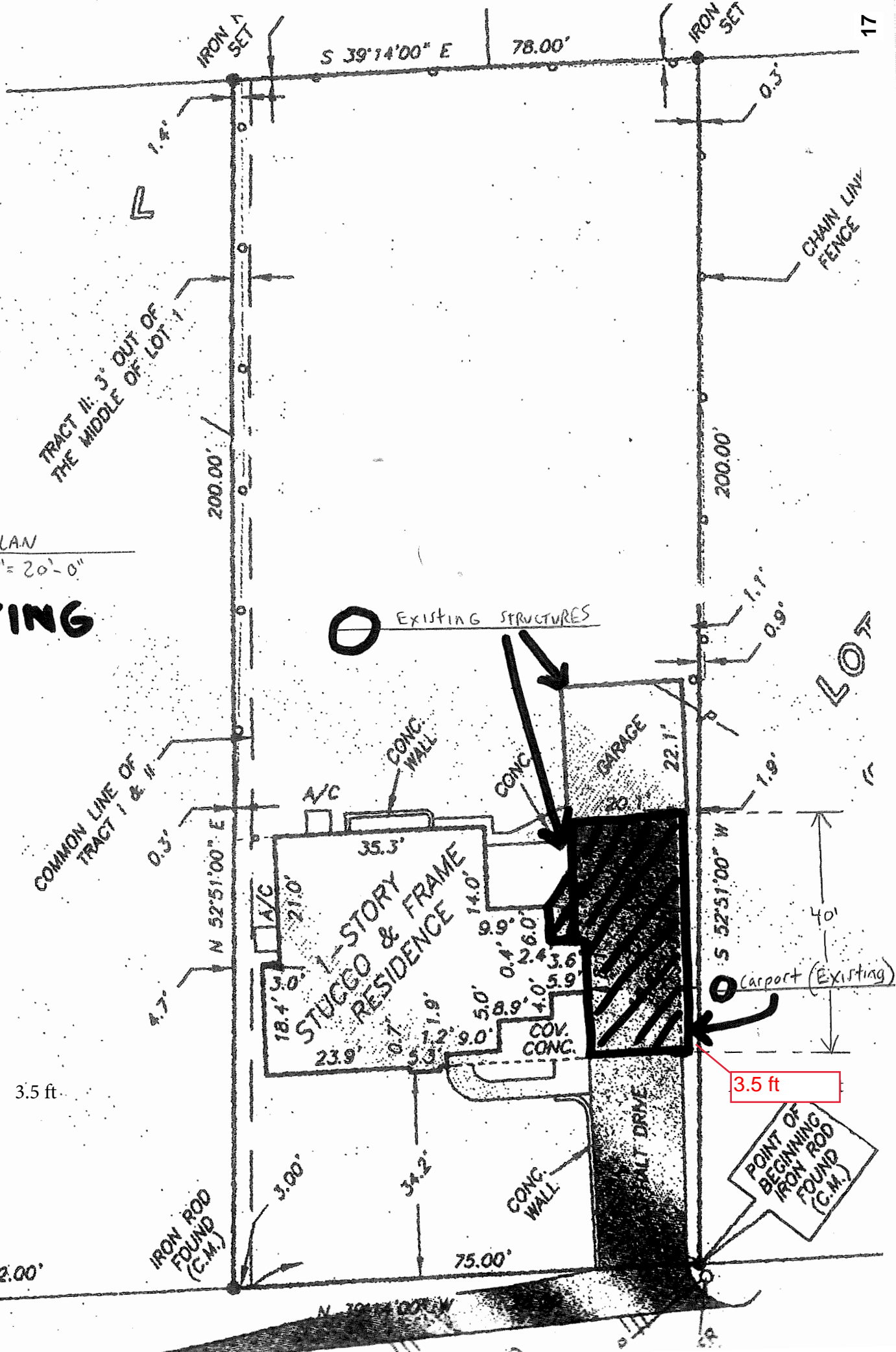
Signed:  Date: 2/23/2021  
 Applicant/Agent\* Print Name: Samuel Revers

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




# EXISTING

**0 SITE PLAN**  
SCALE: 1" = 20'-0"




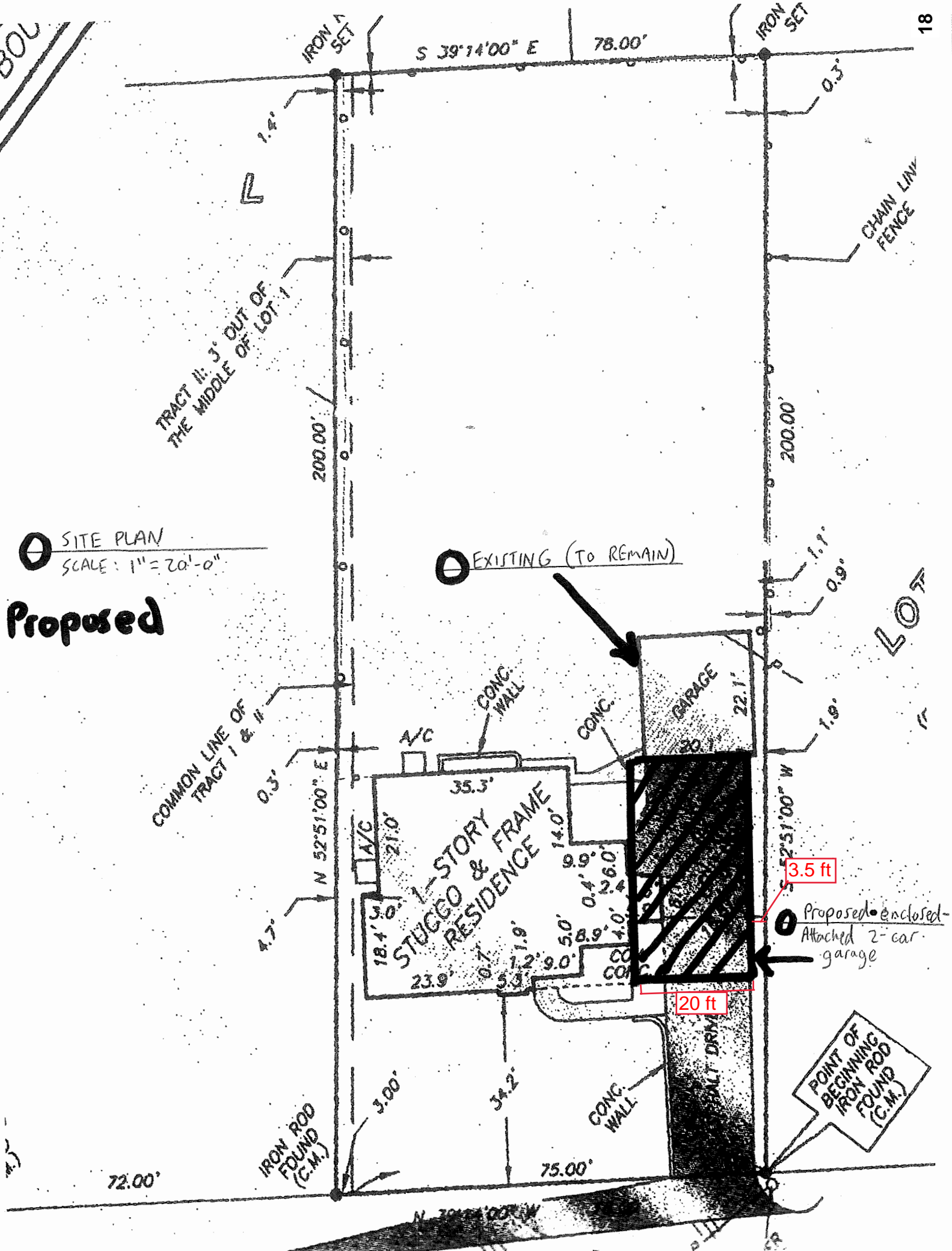
BOU

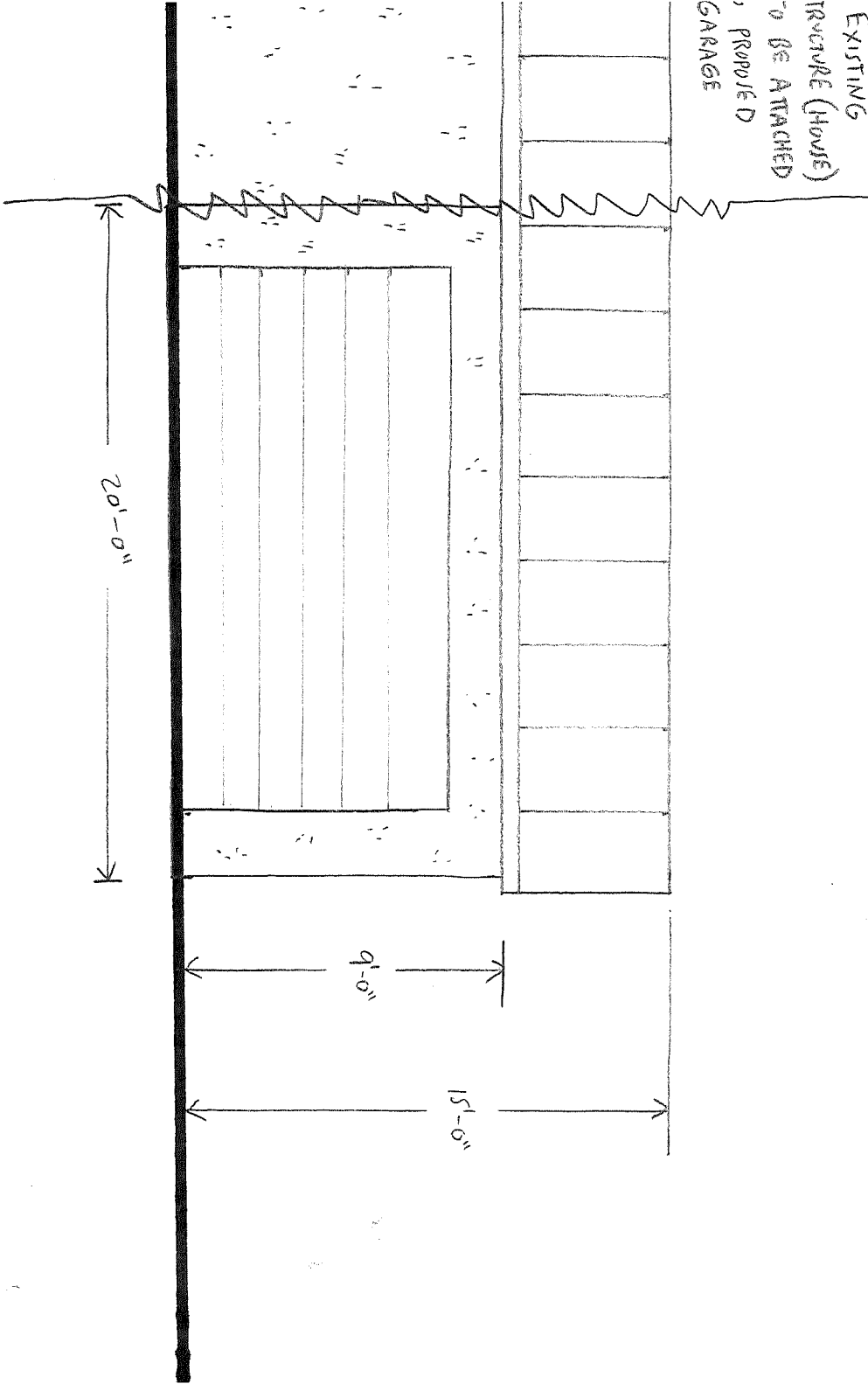
TRACT II: 3' OUT OF THE MIDDLE OF LOT I

 SITE PLAN  
SCALE: 1" = 20'-0"

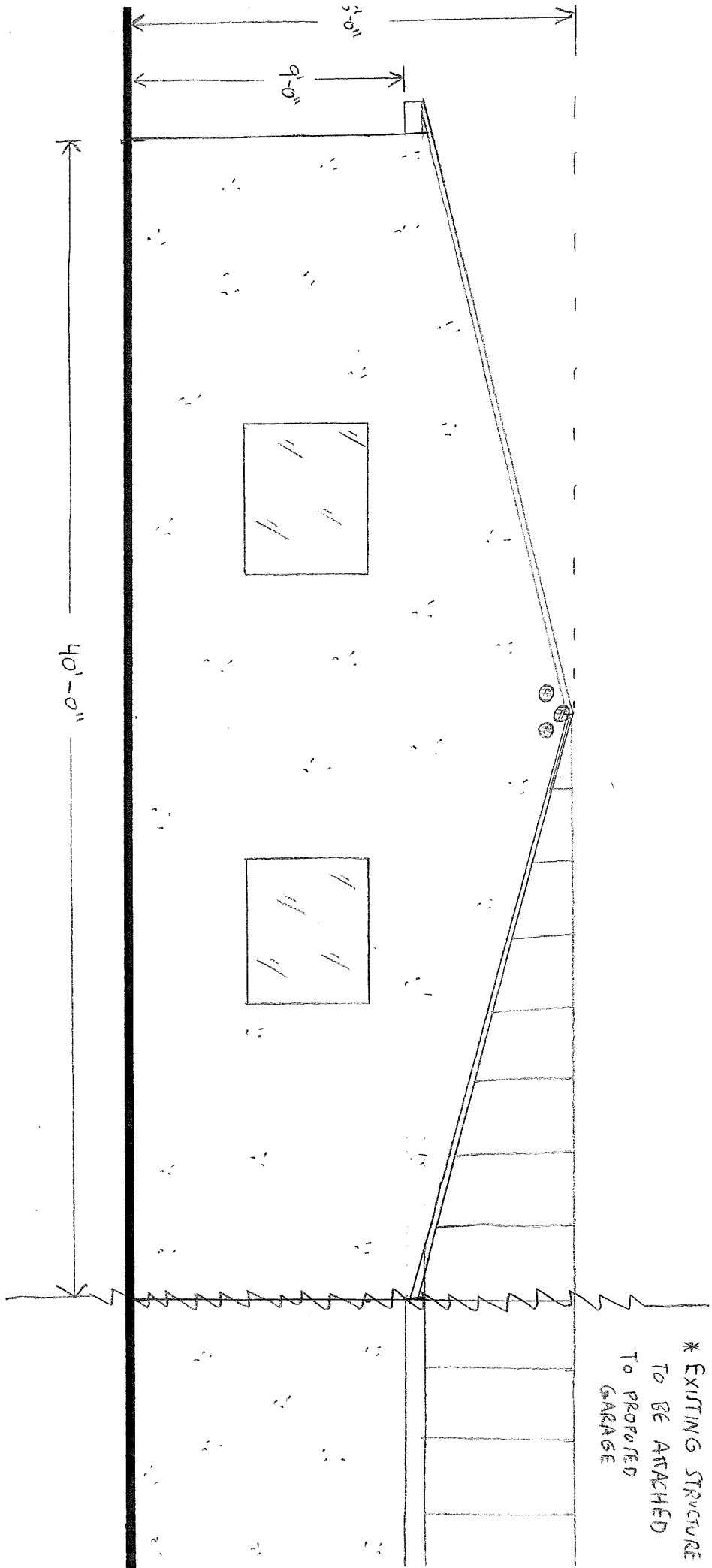
**Proposed**

 EXISTING (TO REMAIN)





**O** FRONT ELEVATION  
SCALE: 1" = 5'-0"



\* EXISTING STRUCTURE  
TO BE ATTACHED  
TO PROPOSED  
GARAGE

**N** NORTH ELEVATION  
SCALE: 1" = 5'-0"

Re: Variance Application - Request for Additional Information



Samuel Revers <srrevers@gmail.com>  
To: Maddison O'Kelley

Reply Reply All Forward ...

Mon 3/8/2021 1:47 PM

If there are problems with how this message is displayed, click here to view it in a web browser.

**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.**

Hi Maddison,

- the existing carport is approx 3 1/2 ft from property line.
- the new garage will be the same distance from the property line (3 1/2 ft.)
- the existing carport is attached to the home
- the new garage will be attached to the home
- the new garage will be the same size as existing carport.

As stated on the application all I want to do is replace the existing carport with an enclosed garage. The new structure will be in the exact same footprint of the existing carport and will not encroach the property line any more.

Thanks !

-Sam Revers

On Mon, Mar 8, 2021 at 11:08 AM Maddison O'Kelley <MOKelley@nbtexas.org> wrote:

Good morning,

My name is Maddison O'Kelley and I am the case manager assigned for your variance request to allow a carport and garage replacement at 480 California Blvd. In order to assist with drafting the staff report prepared for the Zoning Board, can I ask you some additional questions regarding your application?

1. Approximately how far away is the existing garage/carport from the side property line?
2. Approximately how far away will the new carport/garage be from the side property line?
3. Is the existing carport/garage structure attached to the home?
4. Will the new carport/garage structure be attached to the home?
5. Will the new carport/garage be approximately the same size as the existing one?

Thank you very much,



Maddison O'Kelley  
Assistant Planner | Planning and Development Services  
550 Landa St | New Braunfels, TX 78130  
#OneCityOneTeam 830-221-4056 | MOKelley@nbtexas.org | www.nbtexas.org/planning



Do you have a question about a permit? Check out the [Citizen Portal](#).

We encourage you to keep up with the progress on our new comprehensive plan by visiting [www.envisionnewbraunfels.org](http://www.envisionnewbraunfels.org).

This email, plus any attachments, may constitute a public record of the City of New Braunfels and may be subject to public disclosure under the [Texas Public Information Act](#).

Please take a moment to complete the City of New Braunfels [Customer Satisfaction Survey](#).





**ZONING BOARD OF ADJUSTMENT – MARCH 25, 2021**  
**ZOOM WEBINAR MEETING**

**Address/Location:** 480 California Blvd

**Applicant:** Samuel Revers

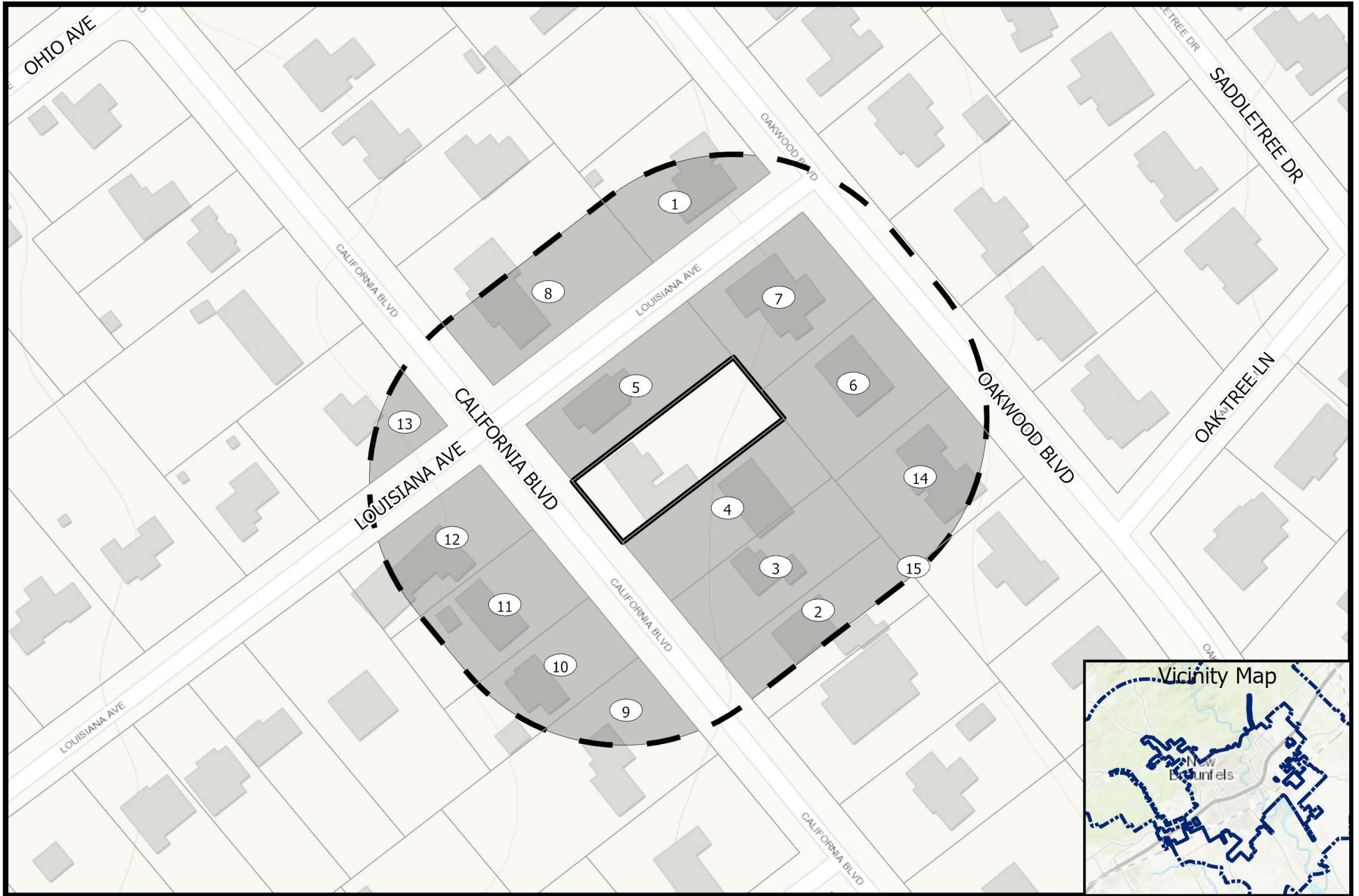
**Case #:** Z-21-002

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. BAKER RONALD E & MARY K  | 9. OTOOLE SHARON                      |
| 2. ACKERMAN DANIEL L        | 10. PATTISON SHEILA R                 |
| 3. LANG TANYA L             | 11. BALL WILLIAM BOYCE                |
| 4. GORDON CHERYL H          | 12. OEHLER WALTER E JR                |
| 5. GARZA ALVARO & DORA A    | 13. RODRIGUEZ ROXANNE M               |
| 6. BROWN WILLIAM B & DIANE  | 14. JAMES PETER R & KATIE J FAIRBRASS |
| 7. BURST RICHARD O & JUDY G | 15. BOND ROBERT W LIVING TRUST        |
| 8. REARDON ROBERT F         |                                       |

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**SEE NOTIFICATION MAP**



**Z21-002**  
**Side setback encroachment**



3.3-2. "*R-2*" single-family and two family district. The following regulations shall apply in all "R-2" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows:

(1) *Uses permitted by right:*

Residential uses:

- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Accessory building/structure
- Community home (see definition)
- Duplex/two-family/duplex condominium
- Family home adult care
- Family home child care
- Home Occupation (see Sec. 5.5)
- One family dwelling, detached
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

- Barns and farm equipment storage (related to agricultural uses)
- Cemetery and/or mausoleum
- Church/place of religious assembly
- Community building (associated with residential uses)
- Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
- Country club (private)
- Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
- Golf course, public and private
- Governmental building or use with no outside storage
- Park and/or playground (private and public)
- Plant nursery (growing for commercial purposes but no retail sales on site)
- Public recreation/services building for public park/playground areas
- Recreation buildings (public)
- School, K-12 (public or private)
- Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

- (2) *Conflict.* In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) *Maximum height, minimum area and setback requirements:*

(1) One family dwellings.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

- (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
  - (v) *Rear building setback.* 20 feet.
  - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
  - (vii) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre or one acre on the Edwards Aquifer Recharge Zone.
  - (viii) *Lot depth.* 100 feet.
  - (ix) *Parking.* Two off-street parking spaces shall be provided for each one family detached dwelling unit. See Section 5.1 for other permitted uses' parking.
- (2) *Duplexes.*
- (i) *Height.* 35 feet.
  - (ii) *Front building setback.* 25 feet.
  - (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
  - (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
  - (v) *Rear building setback.* 20 feet.
  - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
  - (vii) *Lot area per family.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
  - (viii) *Lot depth.* 100 feet.

- (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Section 5.1 for other permitted uses' parking.

(3) Non-Residential Uses.

- (i) *Height.* 35 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Where any building abuts a property with a one or two family use, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (iv) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
- (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) *Rear building setback.* 20 feet.
- (vii) *Width of lot.* 60 feet.
- (viii) *Lot depth.* 100 feet.
- (ix) *Parking.* See Section 5.1 for permitted uses' parking.



## Zoning Board of Adjustment Agenda Item Report

550 Landa Street  
New Braunfels, TX

**3/25/2021**

Agenda Item No. A)

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