



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



**ZOOM
550 LANDA STREET**

THURSDAY, APRIL 22, 2021 at 6:00 PM

To participate via zoom use the link:

**<https://us02web.zoom.us/j/81549031028> or call (833) 926-2300 with ID 815
4903 1028**

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(833) 926-2300 with ID 815 4903 1028**

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
 - A) Approval of the March 25, 2021 Regular Meeting [21-395](#)
Minutes
7. **STAFF REPORT**
 - A) Z-21-004 Hold a public hearing and consider a request [21-321](#)
for a variance to Section 3.3-2(b)(1)(v) to allow a
proposed addition to encroach up to 7.5 feet into the
required 20-foot rear setback in the "R-2" Single and
Two-Family District, addressed at 554 W. Mill Street.
 - B) Z-21-005 Hold a public hearing and consider a request [21-322](#)
for a variance to Section 3.3-9(b)(2)(ii) and Section
3.3-9(b)(2)(iii) to: 1) allow a proposed addition to
encroach up to 5 feet into the required 25-foot front
setback and 2) allow a proposed addition to encroach
up to 10 feet into the required 20-foot rear setback in the
"C-3" Commercial District, addressed at 133 E.
Nacogdoches Street.
6. **INDIVIDUAL ITEMS FOR CONSIDERATION**
 - A) Discuss and consider resuming in-person/virtual hybrid [21-360](#)
Zoning Board of Adjustment meetings.
8. **ADJOURNMENT**

CERTIFICATION

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

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

4/22/2021

Agenda Item No. A)

**ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
March 25, 2021**

MEMBERS PRESENT

Chair John Coker
Vice Chair Brandon Mund
Cynthia Foster
Bonnie Leitch
Lawrence Spradley

STAFF PRESENT

Chris Looney, Planning & Development Services Director
Nathan Brown, Assistant City Attorney
Maddison O'Kelley, Assistant Planner
Sam Hunter, Planning Technician

MEMBERS ABSENT

Steve Quidley

Chair Coker called the meeting to order at 6:00 p.m. Roll was called, and a quorum declared.

3. APPROVAL OF MINUTES

Motion by Vice Chair Mund, seconded by Member Foster, to approve the minutes of the Zoning Board of Adjustment Regular Meeting of January 28, 2021. The motion carried (5-0-0).

4. STAFF REPORT

(A) 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. (Applicant: San Revers; 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 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.)

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.

Sam Revers, 480 California, elaborated on the nature of 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 Member Leitch, seconded by Vice Chair Mund, to approve the proposed 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. Motion carried (5-0-0).

5. INDIVIDUAL ITEMS FOR CONSIDERATION

Ms. O'Kelley presented on the minimum standards for building dwellings above the base flood elevation in the floodplain.

Discussion followed on the reasoning for our current code on properties within the floodplain.

6. ADJOURNMENT

Chair Coker adjourned the meeting at 6:15 pm.

Chair

Date

\\chfs-1\Departments\Planning\Minutes\ZoningBdAdjustment\2020\zba 3-25-21.docx

4/22/2021

Agenda Item No. A)

Presenter/Contact

Applicant: Steve & Rachelle Keller
(210) 833-6481 - kellers@rushenterprises.com

SUBJECT:

Z-21-004 Hold a public hearing and consider a request for a variance to Section 3.3-2(b)(1)(v) to allow a proposed addition to encroach up to 7.5 feet into the required 20-foot rear setback in the "R-2" Single and Two-Family District, addressed at 554 W. Mill Street.

BACKGROUND / RATIONALE:

Case #: Z-21-004

Applicant: Steve & Rachelle Keller (Keller Living Trust)
29446 FM 3009
New Braunfels, TX 78132
(210) 833-6481 - kellers@rushenterprises.com
[<mailto:kellers@rushenterprises.com>](mailto:kellers@rushenterprises.com)

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

The subject property is located on West Mill Street within the City's Mill Street Historic District and is zoned "R-2" Single and Two-Family District. The property is approximately 85 feet wide at West Mill Street and is 117 feet in depth. There is an existing single-family home on the property that was constructed in 1855 and a detached shed.

The applicant intends to construct an addition onto the existing structure that is approximately 960 square feet in area. In addition to being in the City's Historic District, the property is also designated as a state historical landmark by the Texas Historical Commission (THC). The applicant provided a previous site plan to the THC requesting the proposed addition to be built within the required building setbacks, but the state denied it. The applicant states the THC is requiring the addition be constructed at the rear of the home. The addition is now proposed to be approximately 12 feet, 6 inches from the rear property line. Therefore, the applicant is requesting a variance from the City's setback requirement to allow the proposed addition to encroach up to 7.5 feet into the required 20-foot rear building setback.

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 the strict application of the provisions of this Chapter would deprive the applicant of**

the reasonable use of land; (The applicant states the Texas Historical Commission has designated the property as a historical landmark and denied previous plans to expand the home within the allowed buildable area. Staff acknowledges the state historic status of the property is a special circumstance that affects the buildable area of the lot due to the THC's discretion on construction.) **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 to preserve the right to improve the home to bring it up to modern living standards. The applicant further states the Texas Historical Commission would not allow the applicant to expand the home within the setbacks and therefore the addition is only authorized at the rear of the home within the rear building setback. Staff acknowledges the existing home is approximately 1,114 square feet in area. Staff notes the substantial property right to use the property for residential is not removed due to the rear 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. The applicant further states the property has been an "eye sore" for years as the existing structure has been vacant and had been broken into. The applicant then states that, once the home is renovated, the addition will allow the house to be occupied and improve public safety.) **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 because the entire property is currently fenced and separated from neighboring properties. The applicant states all neighboring properties will continue to enjoy the use of their properties following construction of the addition. 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.) **and**
- 5) That an undue hardship exists;** (The applicant states the hardship is that the home was built in 1855 on a larger parcel of land that was subsequently subdivided. The applicant further states the Texas Historical Commission (THC) exercises discretion on all alterations on the property and efforts to have plans approved by the THC that indicated the proposed additions would be built within the required building setbacks were denied. 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, but notes the state requirements limiting the building envelope.) **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 in that the city has an interest in preserving historical homes in the area. The applicant states the granting the variance will allow the home to be restored and kept in the family of one of the New Braunfels founding fathers.)

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:**

9,945 square feet in area

117 feet in depth

85 feet in width

Variance Request Due to Notice of Violation:

No

Surrounding Zoning and Land Use:

North - R-2 / Single Family Dwellings

South - Across W. Mill Street, R-2 / Church

East - R-2 / Single Family Dwelling

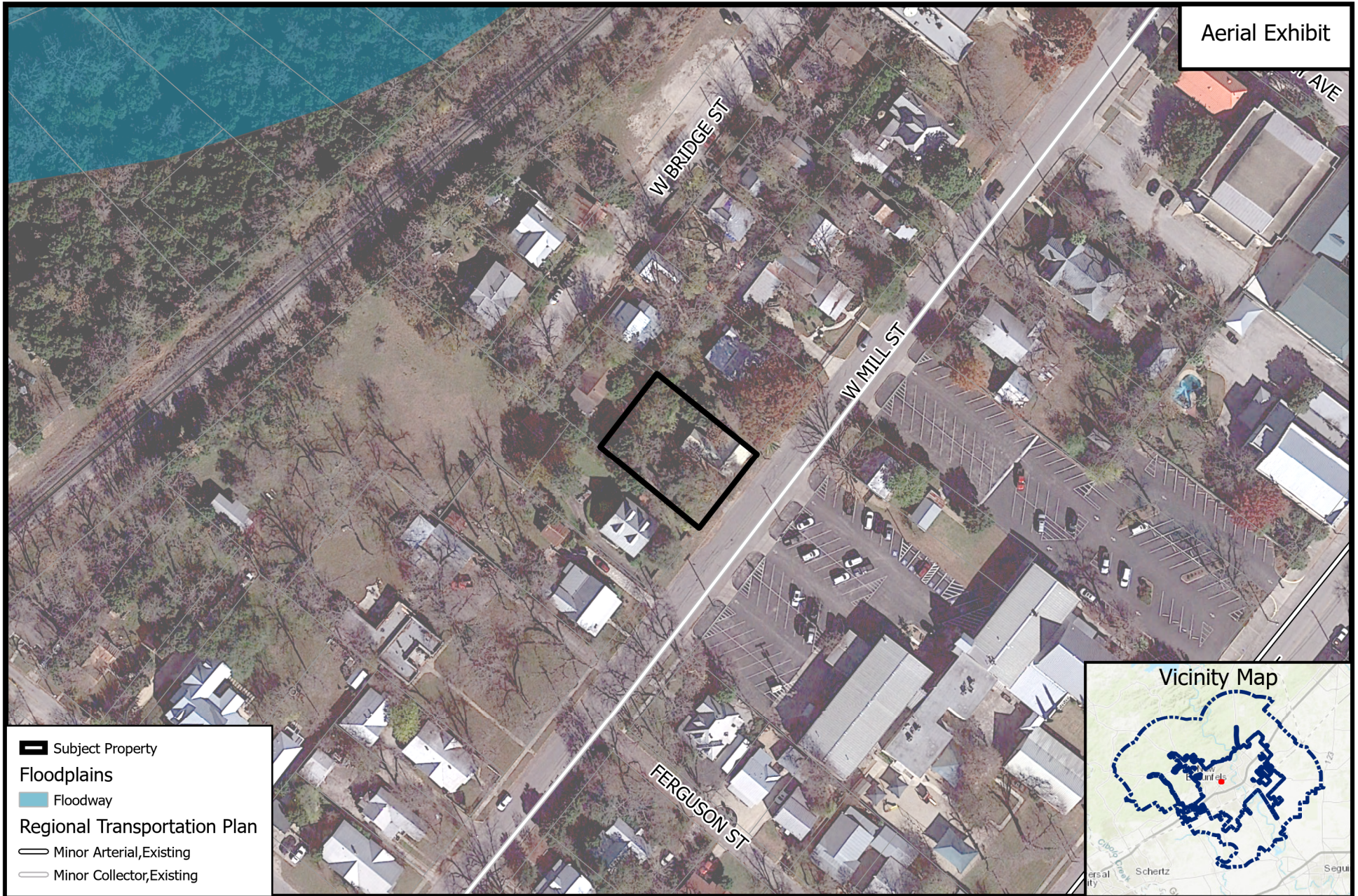
West - R-2/ Single family Dwelling

Notification

Public hearing notices were sent to 17 owners of property within 200 feet. Staff has received no responses

Attachments:

1. Aerial Map
2. Application
3. Site Plan
4. Photographs
5. Notification List and Map
6. Sec. 3.3-2 "R-2" Single Family and Two-Family District



Z21-004

Rear setback encroachment



Source: City of New Braunfels Planning
Date: 4/8/2021

DISCLAIMER: This map and information contained in it were developed exclusive 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.



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

10

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*: Steve & Rachelle Keller (Keller Living Trust)

Property Address: 554 Mill Street

Mailing Address: 29446 FM 3009 New Braunfels, Tx 78132

Contact information:

Phone: (210) 833-6481

E-Mail: Kellers@rushenterprises.com

Legal Description: Lot #: _____ Block: _____ Subdivision: _____

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

Present Use of Property: Residential/Vacant Zoning: Residential

Describe Variance Request: Requesting variance for the set back at the rear of the property of 12.5 feet vs. the 20 feet requirement

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 Texas Historical Commission has designated this property a historical landmark & denied our plans to restore & add to the home that kept it inside the city's set back requirements. ~~The house as it sits today~~

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

Applicant has the right to add/improve the home to bring it up to modern living standards (ie. have master/dryer hook ups, closets, a second bedroom). The THC would not allow us to alter the existing home ~~for these~~ so we were forced to add on to the rear of the property which encroaches on the set back requirement

(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. In fact the property has been a bit of an 'eye-sore' for years. Sitting vacant it has been broken into & fixtures & hardware were stolen. Once renovated w/ the addition that will allow a family to live there will improve public safety.

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

No. The entire property is currently fenced & separate & distinct from neighboring properties. All neighboring properties will continue to enjoy the same usage of their properties post construction.

(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 the house was built in 1855 on a larger parcel of land that was subsequently subdivided. It was the first home in Comal County to receive a ~~land~~ historical landmark designation by the Texas Historical Commission (THC). The THC exercises wide discretion on all alterations of the property. Efforts to have plans approved by the THC that kept the home inside setback boundaries were denied.

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

Absolutely. The City of NB has an interest in preserving historical homes in the area. This home was built by George Ulrich, the wagon master that brought Prince Solms to New Braunfels. Rachelle Keller is George Ulrich's 4x Great Granddaughter. Granting this variance will allow the home to be restored and kept in the family of one of New Braunfels founding fathers.

Please initial the following important reminders:

gm

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.

in

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]*

Rachelle U Keller

Date:

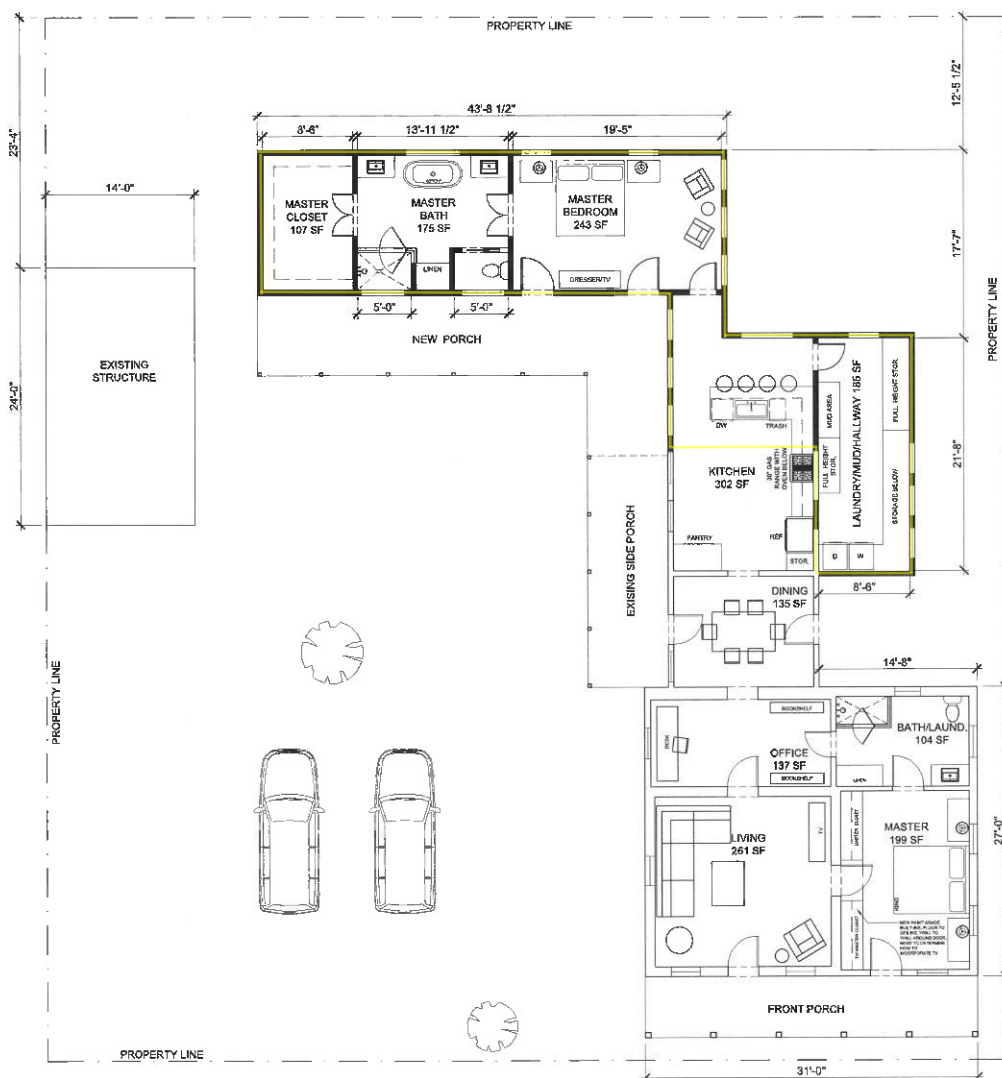
3/24/01

Print Name:

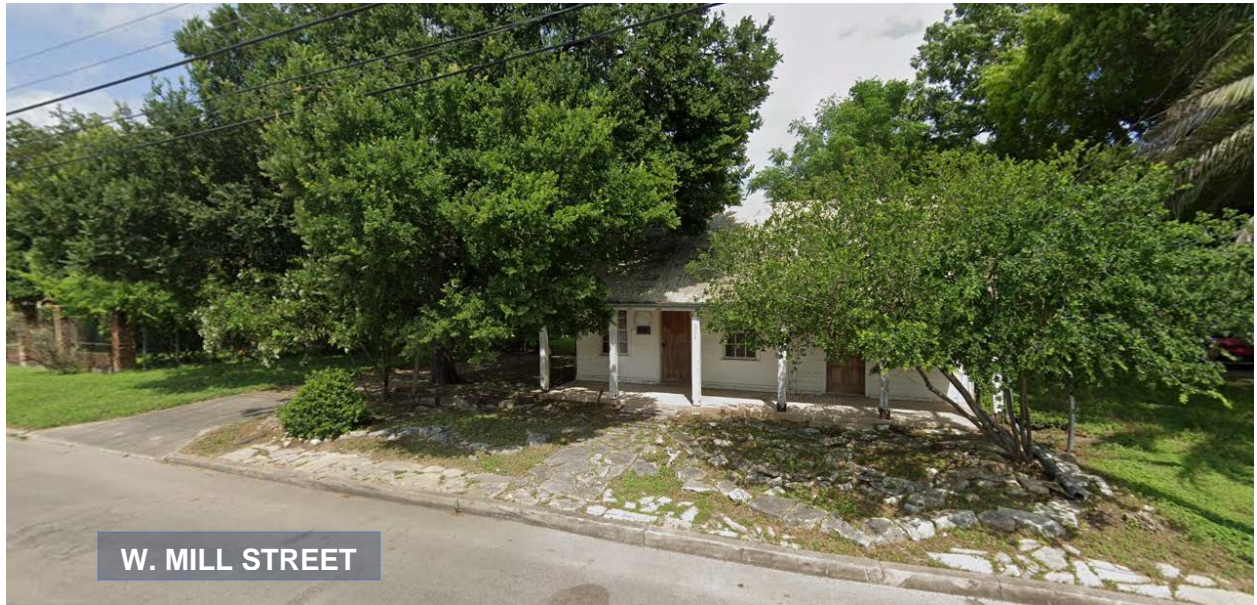
Steven L Keller

Applicant/Agent*

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



01 FLOOR PLAN OPTION 4
SCALE: 3/16" = 1'-0"



ZONING BOARD OF ADJUSTMENT – APRIL 22, 2021
ZOOM WEBINAR MEETING

Address/Location: 554 W Mill St

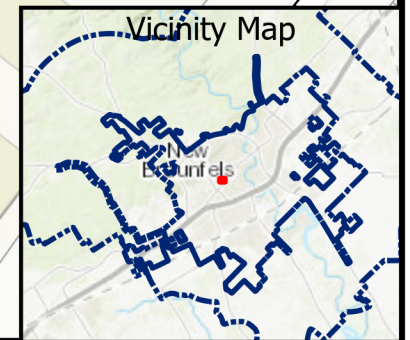
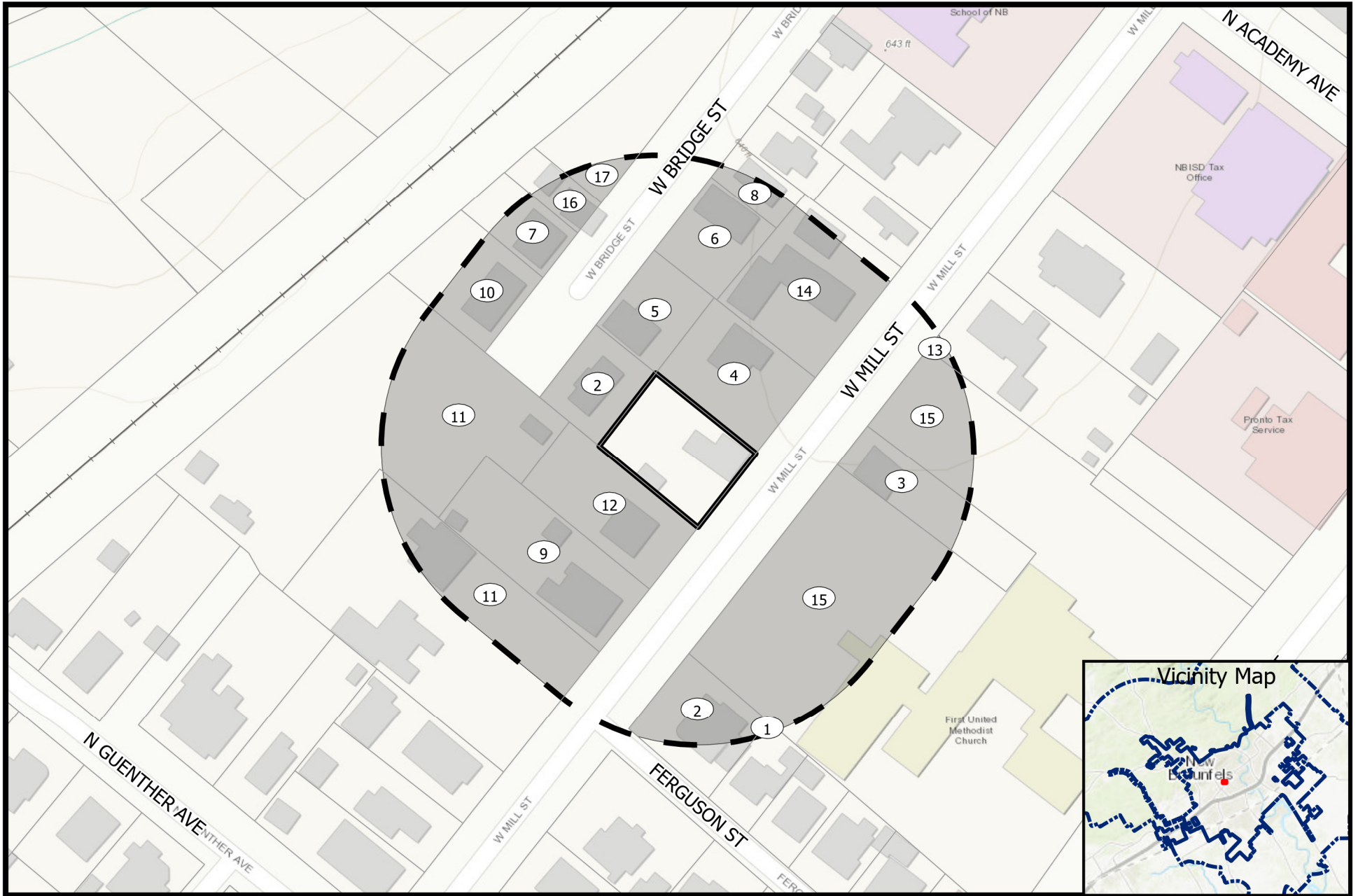
Applicant: Steve & Rachelle Keller

Case #: Z-21-004

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. DIETEL JOANN | 10. CAMPOS LIBRADA |
| 2. FORRES CELESTE M | 11. KENDRICK JOHN C |
| 3. FIRST UNITED METHODIST
CHURCH NEW BRAUNFELS | 12. TREVINO LUIS C |
| 4. ORTIZ MARIA | 13. LAMMERS LESLIE J & THOMAS E
TUMLINSON |
| 5. DISSTON MORRIS C | 14. GIAMBERNARDI MARVIN L & ANN C |
| 6. SANCHEZ ALICIA ALEMAN | 15. FIRST METHODIST CHURCH |
| 7. QUINTANILLA JUAN M SR | 16. FORRES PARTNERSHIP |
| 8. FORRES DONALD E & LYNN S | 17. UNION PACIFIC RAILROAD CO |
| 9. JONES THOMAS W & STEFFANIE | |

SEE NOTIFICATION MAP



Z21-004 Rear 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.

4/22/2021

Agenda Item No. B)

Presenter/Contact*Applicant: Santiago Quiroz**(830) 832-1088 - jimmyquiroz1963@gmail.com***SUBJECT:**

Z-21-005 Hold a public hearing and consider a request for a variance to Section 3.3-9(b)(2)(ii) and Section 3.3-9(b)(2)(iii) to: 1) allow a proposed addition to encroach up to 5 feet into the required 25-foot front setback and 2) allow a proposed addition to encroach up to 10 feet into the required 20-foot rear setback in the "C-3" Commercial District, addressed at 133 E. Nacogdoches Street.

BACKGROUND / RATIONALE:**Case #:** Z-21-005

Applicant: Santiago Quiroz
133 E. Nacogdoches
New Braunfels, TX 78130
(830) 832-1088- jimmyquiroz1963@gmail.com
[<mailto:jimmyquiroz1963@gmail.com>](mailto:jimmyquiroz1963@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 5,366 square feet in area and is zoned "C-3" Commercial District. The property is approximately 65 feet wide at East Nacogdoches Street and is 74 feet in depth. The lot area is approximately 1,234 square feet less than the minimum required lot size for an interior lot and the lot depth is approximately 26 feet less than the minimum required depth in the "C-3" district.

There is an existing single-family home on the property that was constructed in 1951. The front porch on the existing home is setback approximately 20 feet from the front property line along East Nacogdoches Street which is authorized under the zoning ordinance under Sec. 144-5.21-3(c) Yard and setback exceptions, which allows for front porches that are less than 120 square feet in area to encroach up to 6 feet into the front setback.

The applicant is proposing to construct two additions onto the rear and along the front façade of the home adjacent to the porch. The applicant is requesting a variance to allow the proposed additions to encroach approximately 10 feet into the required 20-foot rear setback and 5 feet into the required 25-foot front setback respectively. The applicant cites the variance as necessary due to the lot's configuration.

Due to the age of the neighborhood, setbacks vary and most do not meet current ordinance

requirements

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 the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** (The applicant cites the lot's configuration as a special circumstance affecting the land itself because the buildable area for the addition is limited. Staff notes the lot is approximately 1,234 square feet less than the required minimum lot size and 26 feet less than the minimum required lot depth for single-family dwellings within the "C-3" zoning district. Staff acknowledges the lot depth limits the area an addition can be constructed at the front and rear of the house.) **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 to allow for the construction of the addition and to make necessary repairs on the existing structure. Staff notes the substantial property right to use the property for residential is not removed due to the front and rear setback requirements.) **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. The applicant further states there is not another residence at the rear of the property.) **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.) **and**
- 5) **That an undue hardship exists;** (The applicant states granting the variance will allow the construction of an addition that provides easier access within the home for his father. A variance may not be authorized by the ZBA to relieve a personal hardship; however, staff acknowledges the buildable area of the lot is restricted due to its configuration as a hardship of the land itself.) **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 the proposed addition will comply with all other applicable code requirements.)

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:

5,366 square feet

74 feet in depth
65 feet in width at front; 61 feet in width at rear

Variance Request Due to Notice of Violation:
No

Surrounding Zoning and Land Use:
North - C-3 / Single Family Dwellings and Vacant
South - Across E. Nacogdoches Street, C-3 / Commercial
East - C-3 / Single Family Dwellings
West - C-3/ Single family Dwellings

Notification
Public hearing notices were sent to 12 owners of property within 200 feet. Staff has received no responses

Attachments:

1. Aerial Map
2. Application
3. Site Plan
4. Photographs
5. Notification List and Map
6. Sec. 3.3-9 "C-3" Commercial District



Z21-005

Front and rear setback encroachments



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

CC/Cash/Check No.: 5559

Amount Recd. \$ 412.00

Receipt No.: _____

Case No.: Z-21-005

Submittal date – office use only

RECEIVED

MAR 23 2021

BY: RP

24

Variance Application

(Access Management 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 AMBA.

Name of Applicant/Agent*: Santiago Quiroz

Property Address: 133 E. Nacogdoches St.

Mailing Address: 133 E. Nacogdoches St.

Contact information:

Phone: 830-832-1088

E-Mail: jimmyquiroz1963@gmail.com

Legal Description: Lot #: 3 Block: 1041 Subdivision: Voelcker Addition

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

Present Use of Property: Residential Zoning: C3

Describe Variance Request: Requesting to encroach 5 feet in the front property line and 10 feet in the back of property lines to construct an addition to existing structure.

SUBMITTAL CHECKLIST:

STAFF:

APPLICANT:

☐☒

Completed application

☐☒

Copy of deed showing current ownership

☐☒

Homestead Verification (if applicable)

utilities

☐☒

Application Fee \$412

☐☒

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?

Lot 3 is a small lot, only 74 feet deep and 65 feet across making it hard to add on to the existing structure and staying off 20 feet from the property lines.

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

Allowing the variance will permit us to add-on to the existing house, make upgrades and repairs needed to keep the house as our homestead.

(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, granting of the variance will not interfere with the public welfare or safety to other properties in the area it will stay within the lot. No other residence are in back of the property.

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

No, granting the variance will not prevent use of other properties, all adjustments will be within the property not interfering with any driveways or right of way to surrounding properties.

(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.

Permitting the variance to be granted will allow me to add on to the existing house and expanding the doorways, hall and bathroom making it easier for my father to move around in his wheelchair.

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

Yes, granting the request for the variance all of the City's regulations, building permits and codes will be followed needed to comply to this project.

Please initial the following important reminders:

Sc

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.

Sc

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: 3-19-21

Signed: Santiago Quiroz
Applicant/Agent*

Print Name: Santiago Quiroz

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



Legend

Permits

- Septic
- Piprow/Driveway
- Floodplain
- Utility

Addresses

Major Roads

- Farm roads
- Highways

Streets

Parcels

- Future Parcels

New Braunfels

Stop 10 feet from
back property line

Extend 5 feet from front
property line *into
setback*

Notes

0.0 0 0.01 0.0 Miles

NAD_1983_StatePlane_Texas_South_Central_FIPS_4204_Feet
Comal County GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 927





ZONING BOARD OF ADJUSTMENT – APRIL 22, 2021
ZOOM WEBINAR MEETING

Address/Location: 133 E Nacogdoches Street

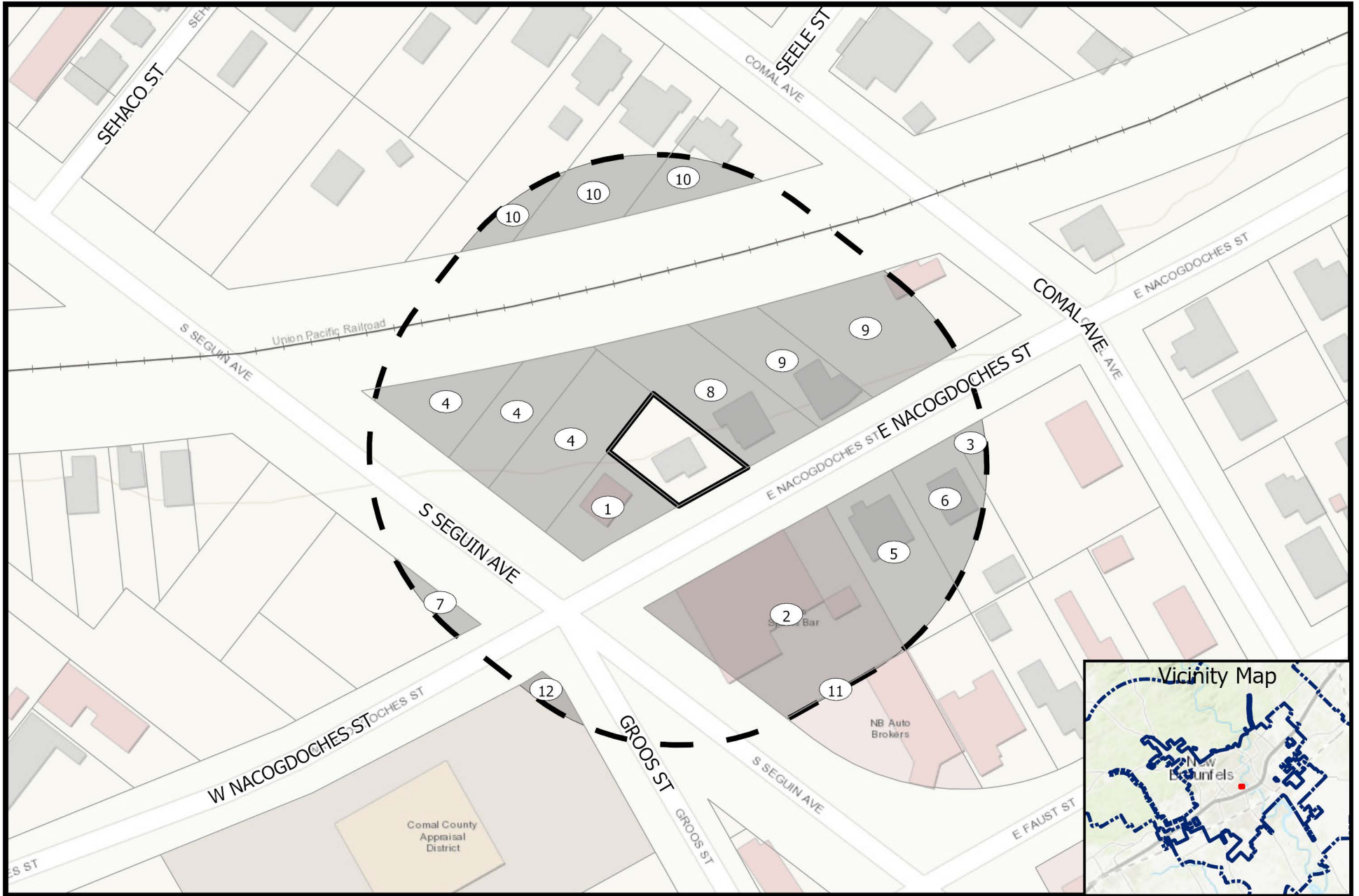
Applicant: Santiago Quiroz

Case #: Z-21-005

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. BROOKS RONALD G | 7. ROBERTS ELLEN |
| 2. LORENZANA DE ESQUIVEL LILIAN S | 8. GARCIA JOHN A ET AL |
| 3. NACO STREET SERIES | 9. WRECKER SERIES |
| 4. PROPERTY OWNER | 10. DON LORENZOS INC |
| 5. ESQUIVEL LILIAN S & JUAN A | 11. JECKT HOLDINGS LLC |
| 6. RODRIGUEZ GEORGE JR | 12. COMAL APPRAISAL DISTRICT |

SEE NOTIFICATION MAP



Z21-005

Front and rear setback encroachments

3.3-9. "C-3" commercial district. The following regulations shall apply in all "C-3" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Appendix. 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 building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Bed and breakfast inn (see Sec. 5.6)
- Boardinghouse/lodging house
- Community home (see definition)
- Duplex / two-family / duplex condominiums
- Family home adult care
- Family home child care
- Home Occupation (See Sec. 5.5)
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Rental or occupancy for less than one month (see Sec. 5.17)
- Residential use in buildings with the following non-residential uses
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care (with overnight stay)
- Aircraft support and related services
- All terrain vehicle (ATV) dealer / sales
- Ambulance service (private)
- Amphitheater
- Amusement devices/arcade (four or more devices)
- Amusement services or venues (indoors) (see Sec. 5.13)
- Amusement services or venues (outdoors)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Assembly/exhibition hall or areas
- Athletic fields
- Auction sales (non-vehicle)
- Auto body repair, garages (see Sec. 5.11)
- Auto glass repair/tinting (see Sec. 5.11)
- Auto interior shop / upholstery (see Sec. 5.11)
- Auto leasing
- Auto muffler shop (see Sec. 5.11)
- Auto or trailer sales rooms or yards (see Sec. 5.12)
- Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)
- Auto paint shop
- Auto repair as an accessory use to retail sales (see Sec. 5.11)
- Auto repair garage (general) (see Sec. 5.11)
- Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)
 Automobile driving school (including defensive driving)
 Bakery (retail)
 Bank, savings and loan, or credit
 Bar/Tavern
 Barber/beauty college (barber or cosmetology school or college)
 Barber/beauty shop, haircutting (non-college)
 Barns and farm equipment storage (related to agricultural uses)
 Battery Charging station
 Bicycle sales and/or repair
 Billiard / pool facility
 Bingo facility
 Bio-medical facilities
 Book binding
 Book store
 Bottling or distribution plants (milk)
 Bottling works
 Bowling alley/center (see Sec. 5.13)
 Broadcast station (with tower) (see Sec. 5.7)
 Bus barns or lots
 Bus passenger stations
 Cafeteria / café / delicatessen
 Campers' supplies
 Car wash (self service; automated)
 Car wash, full service (detail shop)
 Carpet cleaning establishments
 Caterer
 Cemetery and/or mausoleum
 Check cashing service
 Chemical laboratories (not producing noxious fumes or odors)
 Child day care/children's nursery (business)
 Church/place of religious assembly
 Civic/conference center and facilities
 Cleaning, pressing and dyeing (non-explosive fluids used)
 Clinic (dental)
 Clinic (emergency care)
 Clinic (medical)
 Club (private)
 Coffee shop
 Commercial amusement concessions and facilities
 Communication equipment installation and/or repair
 Community building (associated with residential uses)
 Computer and electronic sales
 Computer repair
 Confectionery store (retail)
 Consignment shop
 Contractor's office/sales, with outside storage including vehicles
 Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
 Convenience store with or without fuel sales
 Country club (private)
 Credit agency
 Curio shops
 Custom work shops
 Dance hall / dancing facility (see Sec. 5.13)
 Day camp

Department store
 Drapery shop / blind shop
 Drug sales/pharmacy
 Electrical repair shop
 Electrical substation
 Exterminator service
 Farmers market (produce market - wholesale)
 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)
 Feed and grain store
 Filling station (fuel tanks must be below the ground)
 Florist
 Food or grocery store with or without fuel sales
 Fraternal organization/civic club (private club)
 Freight terminal, truck (all storage of freight in an enclosed building)
 Frozen food storage for individual or family use
 Funeral home/mortuary
 Furniture manufacture
 Furniture sales (indoor)
 Garden shops and greenhouses
 Golf course (miniature)
 Golf course, public or private
 Governmental building or use
 Greenhouse (commercial)
 Handicraft shop
 Hardware store
 Health club (physical fitness; indoors only)
 Heating and air-conditioning sales / services
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)
 Home repair and yard equipment retail and rental outlets (no outside storage)
 Hospice
 Hospital, general (acute care/chronic care)
 Hospital, rehabilitation
 Hotel/motel
 Hotels/motels - extended stay (residence hotels)
 Ice delivery stations (for storage and sale of ice at retail only)
 Kiosk (providing a retail service)
 Laundromat and laundry pickup stations
 Laundry, commercial (w/o self serve)
 Laundry/dry cleaning (drop off/pick up)
 Laundry/washateria (self serve)
 Lawnmower sales and/or repair
 Limousine / taxi service
 Locksmith
 Lumberyard (see Sec. 5.15)
 Lumberyard or building material sales (see Sec. 5.15)
 Maintenance/janitorial service
 Major appliance sales (indoor)
 Market (public, flea)
 Martial arts school
 Medical supplies and equipment
 Metal fabrication shop
 Micro brewery (onsite manufacturing and/or sales)
 Mini-warehouse/self storage units with outside boat and RV storage
 Mini-warehouse/self storage units (no outside boat and /RV storage permitted)
 Motion picture studio, commercial film

Motion picture theater (indoors)
Motion picture theater (outdoors, drive-in)
Motorcycle dealer (primarily new / repair)
Moving storage company
Moving, transfer, or storage plant
Museum
Needlework shop
Non-bulk storage of fuel, petroleum products and liquefied petroleum
Nursing/convalescent home/sanitarium
Offices, brokerage services
Offices, business or professional
Offices, computer programming and data processing
Offices, consulting
Offices, engineering, architecture, surveying or similar
Offices, health services
Offices, insurance agency
Offices, legal services - including court reporting
Offices, medical offices
Offices, real estate
Offices, security/commodity brokers, dealers, exchanges and financial services
Park and/or playground (private or public)
Parking lots (for passenger car only) (not as incidental to the main use)
Parking structure/public garage
Pawn shop
Personal watercraft sales (primarily new / repair)
Pet shop / supplies (10,000 sq. ft. or less)
Pet store (more than 10,000 sq. ft.)
Photo engraving plant
Photographic printing/duplicating/copy shop or printing shop
Photographic studio (no sale of cameras or supplies)
Photographic supply
Plant nursery
Plant nursery, with retail sales
Plumbing shop
Portable building sales
Propane sales (retail)
Public recreation/services building for public park/playground areas
Publishing/printing company (e.g., newspaper)
Quick lube/oil change/minor inspection
Radio/television shop, electronics, computer repair
Recreation Buildings (private or public)
Recycling kiosk
Refreshment/beverage stand
Research lab (non-hazardous)
Restaurant with drive-through
Restaurant/prepared food sales
Retail store and shopping center
Retirement home/home for the aged (public)
RV park
RV/travel trailer sales
School, K-12 (public or private)
School, vocational (business/commercial trade)
Security monitoring company
Security systems installation company
Shoe repair shops
Sign manufacturing/painting plant

Storage - exterior storage for boats and recreational vehicles
 Storage in bulk
 Studio for radio or television (without tower)
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Tailor shop
 Tattoo and body piercing studio
 Taxidermist
 Telemarketing agency
 Telephone exchange buildings (office only)
 Tennis court (commercial)
 Theater (non-motion picture; live drama)
 Tire sales (outdoors)
 Tool rental
 Transfer station (refuse/pick-up)
 Travel agency
 Truck Stop
 University or college (public or private)
 Upholstery shop (non-auto)
 Used or second hand merchandise/furniture store
 Vacuum cleaner sales and repair
 Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential
 Video rental / sales
 Warehouse / office and storage / distribution center
 Waterfront amusement facilities - berthing facilities sales and rentals
 Waterfront amusement facilities - boat fuel storage / dispensing facilities
 Waterfront amusement facilities - boat landing piers / launching ramps
 Waterfront amusement facilities – swimming / wading pools / bathhouses
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 Welding shop
 Wholesale sales offices and sample rooms
 Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein.

- (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) Non-residential uses.

- (i) *Height.* 120 feet.
- (ii) *Front building setback.* No building setback required.
- (iii) *Side building setback.* No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than five feet shall be provided.
- (iv) *Rear building setback.* 20 feet.

- (v) *Residential setback.* Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, 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.
 - (vi) *Width of lot.* The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirements will not prohibit the construction of a use enumerated in this district.
 - (vii) *Lot depth.* 100 feet.
 - (viii) *Parking.* See Section 5.1 for permitted uses' parking.
- (2) One family dwellings.
- (i) *Height.* 45 feet.
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Rear building setback.* 20 feet.
 - (iv) *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.
 - (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) *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.* 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 and 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. See Section 5.1 for other permitted uses' parking.
- (3) Duplexes.
- (i) *Height.* 45 feet.
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Rear building setback.* 20 feet.

- (i) *Side building setbacks.* 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.
 - (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) *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.* 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 Sec. 5.1 for other permitted uses' parking.
- (4) Multifamily dwellings.
- (i) *Height.* 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).
 - (ii) *Front building setback.* 25 feet.
 - (iii) *Rear building setback.* 25 feet.
 - (iv) *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.
 - (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) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, 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.
 - (vii) *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.

- (viii) *Lot area.* The minimum lot area for a multifamily dwelling shall be 15,000 square feet; for each unit over ten an additional 1,500 square feet of lot area shall be required. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, multifamily developments shall be approved by the City Sanitarian.
- (ix) *Lot coverage.* For multifamily structures, the combined area of all yards shall be at least 55 percent of the total lot or tract; provided, however, that in the event enclosed parking is provided the minimum total yard area requirement shall be 40 percent of the total lot or tract.
- (x) *Distance between structures.* For multifamily structures, there shall be a minimum of ten feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of ten feet between structures backing rear to rear, and a minimum of 20 feet front to rear. (See Illustration 1 in Sec. 3.3-3)
- (xi) *Lot depth.* 100 feet.
- (xii) *Parking.* For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
 - 1. One-bedroom apartment or unit . . . 1 1/2 spaces
 - 2. Two-bedroom apartment or unit . . . 2 spaces
 - 3. Each Additional bedroom . . . 1/2 space
 - 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)



Zoning Board of Adjustment Agenda Item Report

550 Landa Street
New Braunfels, TX

4/22/2021

Agenda Item No. A)
