



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



**COUNCIL CHAMBERS  
550 LANDA STREET**

**THURSDAY, JUNE 24, 2021 at 6:00 PM**

**To participate via Zoom, use the link:  
<https://us02web.zoom.us/j/87398431867> or call (833) 926-2300 with ID 873  
9843 1867**

**AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
  - A) Approval of the April 22, 2021 Regular Meeting Minutes
5. **INDIVIDUAL ITEMS FOR CONSIDERATION**
  - A) Z-18-004 Hold a public hearing and consider a request for four variances to Sections 3.3-2(b)(1)(i), Section 3.3-2(b)(1)(iv), and Section 5.4(c) to allow 1) a proposed dwelling to encroach up to 10 feet into the required 15-foot corner side setback, 2) a proposed dwelling to encroach 9 inches into the required 5-foot interior side setback, 3) a proposed detached garage to encroach 3 feet and 7 inches into the required 5-foot interior side setback and 4) a proposed detached garage to encroach up to 7 feet and 1 inch into the required 20-foot garage setback in the "R-2" Single and Two-Family District, addressed at 298 W. Edgewater Terrace.
4. **STAFF REPORT**
6. **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

**6/24/2021**

Agenda Item No. A)

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**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting Minutes**  
**April 22, 2021**

**MEMBERS PRESENT**

Chair John Coker  
Vice Chair Brandon Mund  
Cynthia Foster  
Bonnie Leitch  
Steve Quidley

**STAFF PRESENT**

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

**MEMBERS ABSENT**

None.

**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 Leitch, to approve the minutes of the Zoning Board of Adjustment Regular Meeting of March 25, 2021. The motion carried (5-0-0).

**4. STAFF REPORT**

**(A) 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.** (Applicant: Steve & Rachelle Keller (Keller Living Trust); 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 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.)

Chair Coker asked if there were any questions for staff.

Discussion followed on the State Historic Commission recommendation and clarification of the request.

Chair Coker requested the applicant address the Board.

Steve Keller, 554 Mill St, provided clarification on the request and interactions with the State Historic Commission.

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

Vice Chair Mund asked if there was a hardship on the land.

Discussion followed on the lot size, proposed floor plan, and the historic nature of the house.

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.

William Rodgers, 16 La Mesa Dr, stated opposition to the request for any additions to the home.

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 Quidley, to approve the proposed 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. Motion carried (5-0-0).

**(B) 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. (Applicant: Santiago Quiroz; 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 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.)

Chair Coker asked if there were any questions for staff.

Discussion followed on the property labeled as 4 on the notification map.

Chair Coker requested the applicant address the Board.

Jimmy Quiroz, 133 E Nacogdoches, provided further clarification on the request.

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

Discussion followed on potential plans and the hardship on the land.

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 the potential motion and consideration of each variance separately.

Motion by Member Leitch, seconded by Member Quidley, to approve the proposed 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. Motion carried (5-0-0).

## **5. INDIVIDUAL ITEMS FOR CONSIDERATION**

A) Discuss and consider resuming in-person/virtual hybrid Zoning Board of Adjustment meetings

Ms. O'Kelley stated in-person/virtual hybrid Zoning Board of Adjustment meetings are now a possibility, and this may be discussed by the Board.

Discussion followed on how hybrid meetings may be implemented.

Vice Chair Mund, seconded by Member Leitch, to switch to in-person/virtual hybrid Zoning Board of Adjustment meetings by the next regular Zoning Board of Adjustments meeting.

## **6. ADJOURNMENT**

Chair Coker adjourned the meeting at 6:43 pm.

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**Chair**

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**Date**

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6/24/2021

Agenda Item No. A)

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Presenter/Contact*Applicant: Susan Tolbert*  
(831) 261-6853 - @gmail.com**SUBJECT:**

Z-18-004 Hold a public hearing and consider a request for four variances to Sections 3.3-2(b)(1)(i), Section 3.3-2(b)(1)(iv), and Section 5.4(c) to allow 1) a proposed dwelling to encroach up to 10 feet into the required 15-foot corner side setback, 2) a proposed dwelling to encroach 9 inches into the required 5-foot interior side setback, 3) a proposed detached garage to encroach 3 feet and 7 inches into the required 5-foot interior side setback and 4) a proposed detached garage to encroach up to 7 feet and 1 inch into the required 20-foot garage setback in the "R-2" Single and Two-Family District, addressed at 298 W. Edgewater Terrace.

**BACKGROUND / RATIONALE:****Case #:** Z-18-004

**Applicant:** Susan Tolbert  
579 Lakeview Circle  
New Braunfels, TX 78130  
(830) 822-0524 - [tolbert.susan@gmail.com](mailto:tolbert.susan@gmail.com) <<mailto:tolbert.susan@gmail.com>>

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

This request was postponed from the February 22, 2018 meeting but not to a specific date and the provided site plan has since been updated. Therefore, a revised public notice has been provided to property owners within 200 feet of the subject property.

The subject property is located at the northeast corner of W. Edgewater Terrace and N. Liberty Avenue and is 9,240 square feet in area. The property is zoned "R-2" Single and Two-Family District, is approximately 40 feet wide, 231 feet deep and abuts Landa Lake at the rear of the property. The lot width is approximately 30 feet less than the minimum 70 feet required for corner lots in the "R-2" district. Approximately 73% of the property is located within the 1% chance annual floodplain and approximately 23% of the property is located within the floodway. Due to the required setbacks within "R-2", the buildable area is 20 feet wide by 186 feet deep (3,720 square feet). When the floodway area at the rear of the property is subtracted the remaining buildable area is approximately 2,860 square feet.

The existing property improvements include a 1,270 square-foot single family dwelling located within the floodway and floodplain and a 536 square-foot detached accessory structure located within the floodplain. The existing dwelling currently encroaches into both the corner and interior side setbacks:

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approximately 10 feet into the 15-foot corner side setback along N. Liberty Avenue; and, is setback approximately 4 feet and 3 inches from the interior side property line (a 9-inch encroachment). The existing detached structure is located in front of the main dwelling and encroaches 3 feet and 7 inches into the 5-foot interior side setback (1 foot and 5 inches from the property line).

The applicant is proposing to demolish both structures and construct new replacement structures. The proposed single-family dwelling has a larger footprint that is approximately 2,495 square feet in area. The dwelling is proposed to be set back approximately 5 feet from the corner side property line along N. Liberty Avenue and 4 feet and 3 inches from the interior side property line. The required setbacks for main dwellings in "R-2" are 15 feet for corner side setbacks and 5 feet for interior side setbacks, therefore variances are required for an encroachment into each side setback.

The proposed 810 square foot (26' x 31') detached accessory structure is a front entry garage in the approximately the same location. The proposed front setback exceeds 60 feet allowing it to be located in front of the main house. The applicant proposes to preserve a section of the existing wall of the detached structure that is currently encroaching into the interior side setback and use it for a portion of a longer wall of the new detached garage. Therefore, the new detached garage will encroach 3 feet and 7 inches into the required 5-foot interior side yard setback for accessory structures for a longer distance. Garages, whether detached or attached to the main structure in the "R-2" district, are required to be set back a minimum of 20 feet from any property line along a roadway where vehicles will enter directly into said garage. This provides an area for vehicles to park in front of a garage door without becoming visual or physical hazards to pedestrians or other vehicles on the roadway. Side entry garages follow the setback requirements established for the main buildings since vehicles parked in front of their garage doors will not encroach onto sidewalks or into the roadway. Common 2-car garages are 24 feet by 24 feet but are often built smaller. The façade of the proposed garage where the vehicles will be loaded is proposed to be setback 12 feet and 11 inches from the property line along N. Liberty Avenue and therefore a variance to encroach up to 7 feet and 1 inch into the required 20-foot garage setback is being requested.

Both buildings are proposed to be located within the floodplain and a majority of the dwelling is proposed to be constructed within the floodway. Any construction within the floodway and floodplain must conform to the city's adopted floodplain management requirements, including raising the elevation of any habitable space to two feet above the base flood elevation. The existing wall proposed to be preserved on the detached structure will likely need to be demolished and rebuilt to meet floodproofing standards required for construction within the floodplain.

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 location of the floodplain on the property is a special circumstance affecting the land itself as well as the 40-foot width of the lot. Staff acknowledges the amount of floodway and floodplain on the property and with the width of the lot 30 feet less than the minimum required lot width for corner lots in "R-2" district impacts the property; however, the applicant is not attempting to reduce the impact on the floodway or floodplain with the proposed layout.) **and**

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- 2) **That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states the variances are necessary to build an adequate size home and that the lot width restricts the width of the home. Staff notes the substantial property right to use for the property for residential dwelling is not removed due to the corner side setback requirement. Furthermore, the ability to construct a detached garage is not considered a substantial property right and a smaller or side loaded detached garage could be constructed in compliance with city standards and allow vehicles to park in front of the garage door without encroaching into the roadway or conflict with pedestrians.) **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 for the house, however, all neighboring properties will still be required to comply with zoning ordinance standards for any new construction and vehicles parked in front of the garage could be hazardous to pedestrians and motorists. Furthermore, the proposed structures are required to comply with all city codes and standards required for structures built within 5 feet of a property line and within the floodway and floodplain.) **and**
- 5) **That an undue hardship exists;** (The applicant states the undue hardship is the location of the floodplain on the property which restricts the location of new construction of a single-family dwelling. The applicant further states the property is only 40 feet in width which restricts the buildable width of a new dwelling. 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 the applicant is proposing to construct within the floodway and floodplain, however, staff acknowledges the buildable width of the property is limited due to its overall width and the fact it is a corner lot.) **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.)

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:**

9,240 square feet in area  
240 feet in depth  
40.3 feet in width

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

No

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**Surrounding Zoning and Land Use:**

North - Across Comal River, R-2 / Single Family Dwellings

South - Across W. Edgewater Terrace, R-2 / Single Family Dwellings

East - R-2 / Single Family Dwellings

West - Across N. Liberty Avenue, R-2/ Single family Dwellings

**Notification**

Public hearing notices were sent to 20 owners of property within 200 feet. Staff has received no responses

**Attachments:**

1. Aerial Map
2. Aerial with Floodplain
3. Application
4. Site Plan with Proposed and Existing Improvements
5. Elevation and Floor Plans
6. Notification List and Map
7. Sec. 3.3-2 "R-2" Single Family and Two-Family District
8. Sec. 5.4 Accessory uses and structures
9. Schematic of Typical Garage Dimensions



Aerial Exhibit



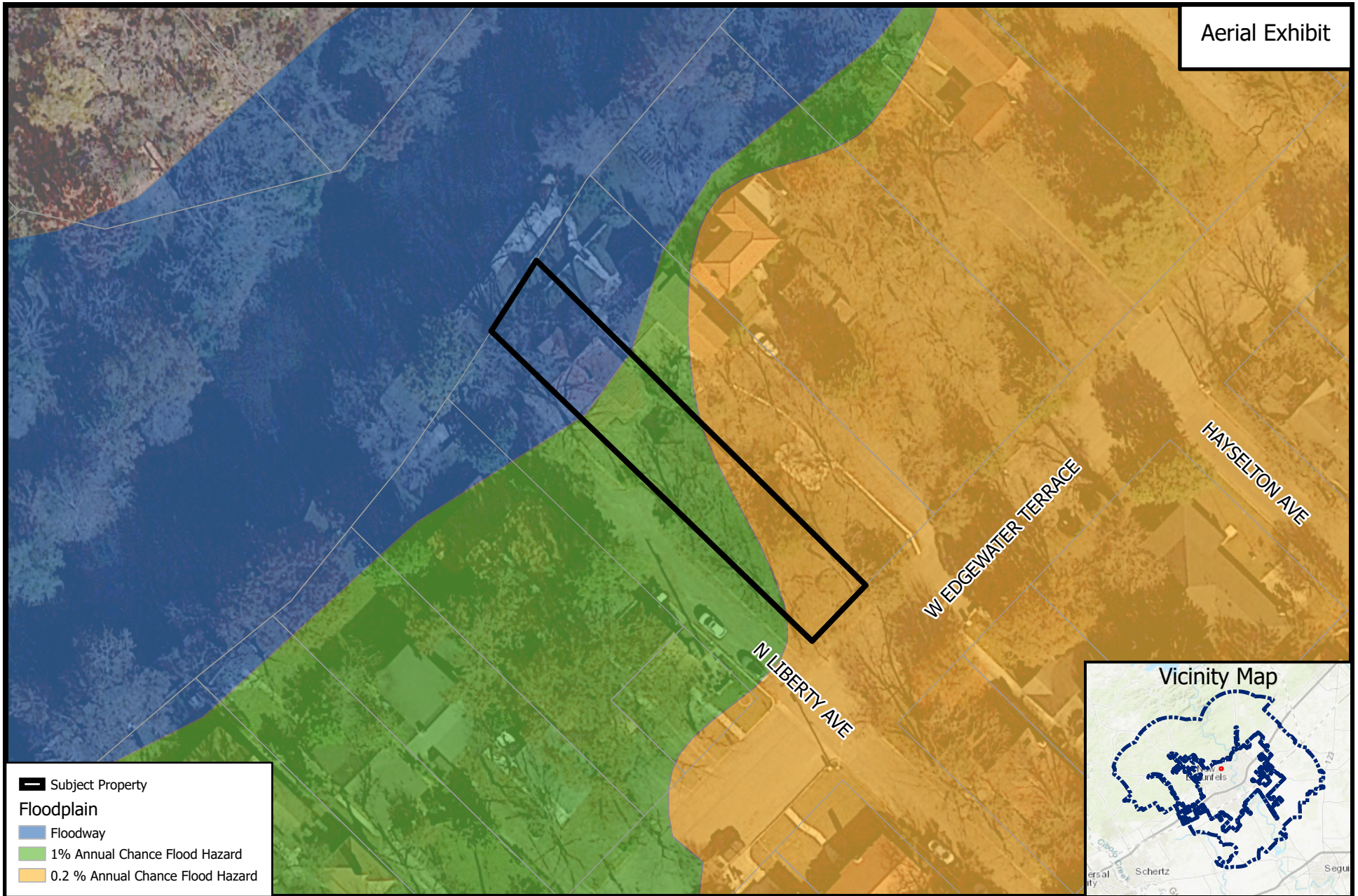
**Z18-004**

**Encroachments into Side, Corner Side, and Garage Setbacks**

0 30 60  
Feet







**Z18-004**

## Encroachments into Side, Corner Side, and Garage Setbacks

0 30 60 Feet

N

13



Source: City of New Braunfels Planning  
Date: 6/17/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by any other party 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.

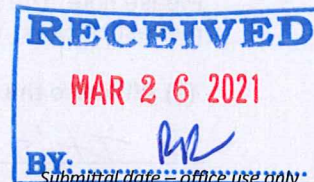




**Planning & Community Development Department  
Planning Division**

550 Landa St. New Braunfels, TX 78130  
(830) 221-4050      www.nbtexas.org

CC/Cash/Check No.: \_\_\_\_\_ Case No.: \_\_\_\_\_  
Amount Recd. \$ \_\_\_\_\_  
Receipt No.: \_\_\_\_\_



**VARIANCE APPLICATION  
(ZONING BOARD OF ADJUSTMENT)**

**APPLICATION FEES:**

Homestead: \$350 plus \$50 for each additional variance sought

Non-Homestead: \$700 plus \$50 for each additional variance sought

\*\*\*Please note that a 3% technology fee is applied to the total application fee\*\*\*

**Any application that is missing information will be considered incomplete and will not be processed.**

The applicant bears the burden of proof in establishing the facts that may justify a variance, a special exception, an appeal, or any other action in his/her favor by the ZBA.

Name of Applicant/Agent\*: Susan Tolbert

Property Address: 298 Edgewater

Mailing Address: 579 Lakeview Circle, New Braunfels 78130

**Contact information:**

Phone: 830-822-0524

E-Mail: tolbert.susan@gmail.com

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

Present Use of Property: rental Zoning: R-2

Describe Variance Request: On the Liberty side: The current home is 10 ft beyond the side set back. We request the same variance of 10 ft. On the interior side, the current wall extends 9" beyond the side setback. We are (See Attached)

**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.)

~~proposed~~ proposing a new wall which will also extend 9" beyond the setback. Basically, we want to demolish the current home and build a new home ~~with~~ with the current setbacks.

We also want to build a new garage using the current interior garage wall. That wall currently extends 3'7" beyond the side setback.

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?

It's in the flood plain which effects building. Also the lot is only 40' wide.

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

In order to build an adequate size home a variance is necessary. The width of the lot restricts the buildable width of the home.

(3) Will the granting of the variance be detrimental to the public health, safety or welfare, or injurious to other properties within the surrounding area?

No

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

No

(5) Does an undue hardship to the land exist that is not self-created, personal or financial?

If yes, please explain in detail. If no, a variance cannot be granted.

Yes, the land is in the floodplain and requires a structure that complies with associated regulations. The land is also only 40 ft. wide which restricts the structure being adequately wide.



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

Yes, I'm complying with orderly development.

Please initial the following important reminders:

ST

**APPEARANCE AT MEETINGS**

It is strongly advised that the applicant be represented at the hearing. The Board may deny requests for which the applicant or an agent do not appear.

ST

**NOTIFICATION SIGNS**

The applicant shall post the public hearing notification sign(s) at least **15 days prior to the hearing date and maintain said sign(s) in good condition**. One sign shall be required for the first 100 feet of frontage of the tract, and one additional sign for every 200 feet of frontage thereafter, or fraction thereof, except that no more than three (3) signs shall be required on each roadway frontage. If the tract has less than 200 feet of frontage per roadway, then only one sign is required per road.

The applicant is responsible for:

1. Paying for the required mail notification **(\$2.15 per mailed notice)**
2. Purchasing **(\$15 per sign)** and placing the signs at least **15 days prior to the hearing date**
3. Posting signs so they are clearly visible to the public from the adjacent public streets.
4. Ensuring that the signs remain on the property throughout the variance process.
5. In the event that a sign(s) is removed from the property or damaged, the applicant shall be responsible for purchasing a replacement sign(s) and installing it immediately.
6. Removing the signs after the final action by the Zoning Board of Adjustment.

*I hereby certify that the information provided is true and correct to the best of my knowledge.*

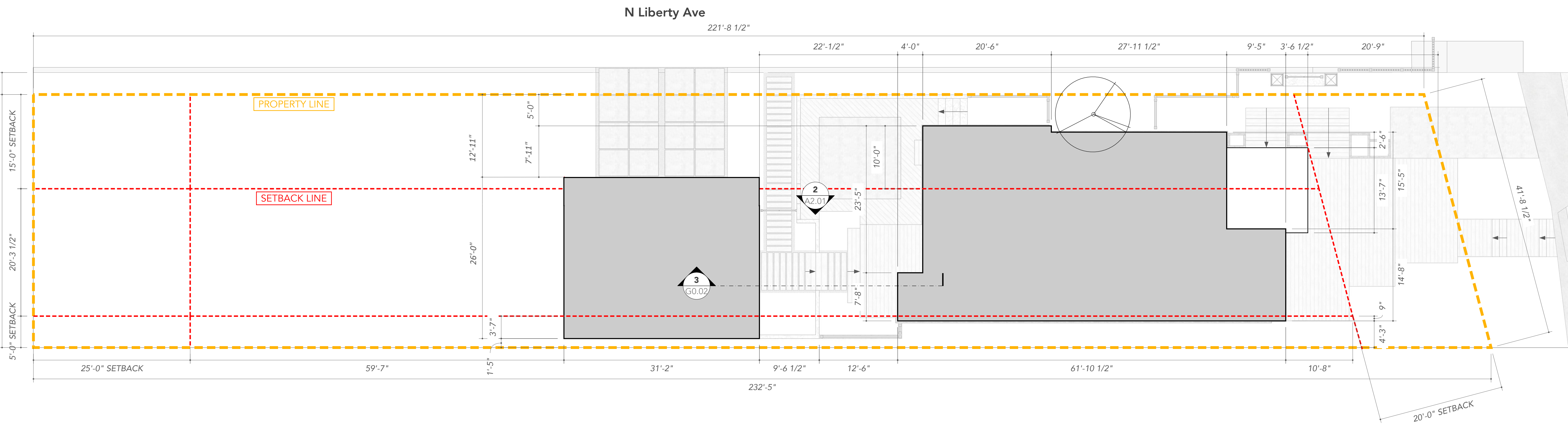
Date: 3-25-2021

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

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

- 1 Locate and verify the location of existing utilities prior to excavation. Take responsibility of contacting location services and any cost incurred for bodily injury and/or damage to Owner's property or said utility.
- 2 The designer shall be notified by the contractor of any discrepancies discovered between the plans and actual site conditions before proceeding with work. The contractor shall be liable for all modifications and damages if work proceeds without the notification.
- 3 The contractor is responsible for all aspects of maintaining a safe work site including but, not limited to providing traffic control, installation and placements of fencing and barricades, excavation and trench protection, and compliance with all federal and local regulations and codes. All safety exposures or violations shall be rectified immediately.
- 4 The contractor is responsible for protection of all existing improvements both on site and adjacent to the work site and shall repair any damage to these improvements to the satisfaction to the owner.
- 5 The contractor shall notify designer 48 hours prior to commencement of work to coordinate project inspection schedules.
- 6 Any alternatives and/or substitutions proposed by the contractor shall be submitted to the designer for approval. Changes to the scope of work and/or contract documents resulting from the acceptance of the contractor's alternates and/or substitutes shall be the responsibility of the contractor.
- 7 The contractor is responsible for removal of trash on a daily basis.
- 8 The contractor shall comply with all applicable codes, regulations, and ordinances. Prior to construction, all permits and approvals required for construction of the project shall be paid for and obtained by the contractor.

- 9 Coordinate work with subcontractors to accomplish the scope of work as shown and noted in the contract documents as well as coordinate construction with other contractors working on the site.
- 10 The contractor shall coordinate the storing of materials, parking of vehicles, and restrictions of work and access with the Owner. Under no circumstances shall any contractor store materials, park vehicles or equipment under the canopy of existing trees.
- 11 Unless otherwise specified, the contractor is responsible for providing and paying all temporary utilities and services necessary to completely install all work as shown and noted in the contract documents.
- 12 The contractor is responsible for the legal off-site disposal of surplus material and debris.
- 13 Upon completion of construction and prior to final approval, the contractor shall thoroughly clean the project site of all trash, repair all damage to finish grade, including tailings form excavations, wheel ruts and any settling or erosion that has occurred prior to completion. All areas of the project site shall be left in a neat and presentable condition satisfactory to the Owner prior to submittal of the final payment.
- 14 The contractor is responsible for providing and servicing temporary toilet facilities.
- 15 The contractor is to procure and install a porous pipe drip sprinkler system to cover all areas required by code. Contractor to submit selection and layout to designer prior to permit approval. Contractor is responsible for installation and inspection.



Designer:  
Peggy Brimhall, Principal  
Figurd  
615 E. Houston St. #529  
San Antonio, TX 78249  
Mobile: 646-726-3173

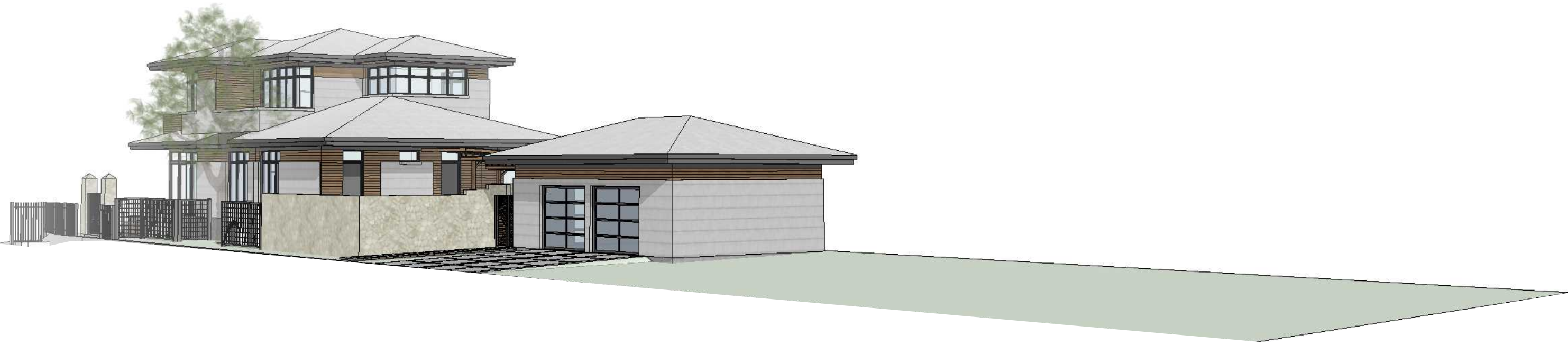
APN: XXXXXXXX

Sheet Number:

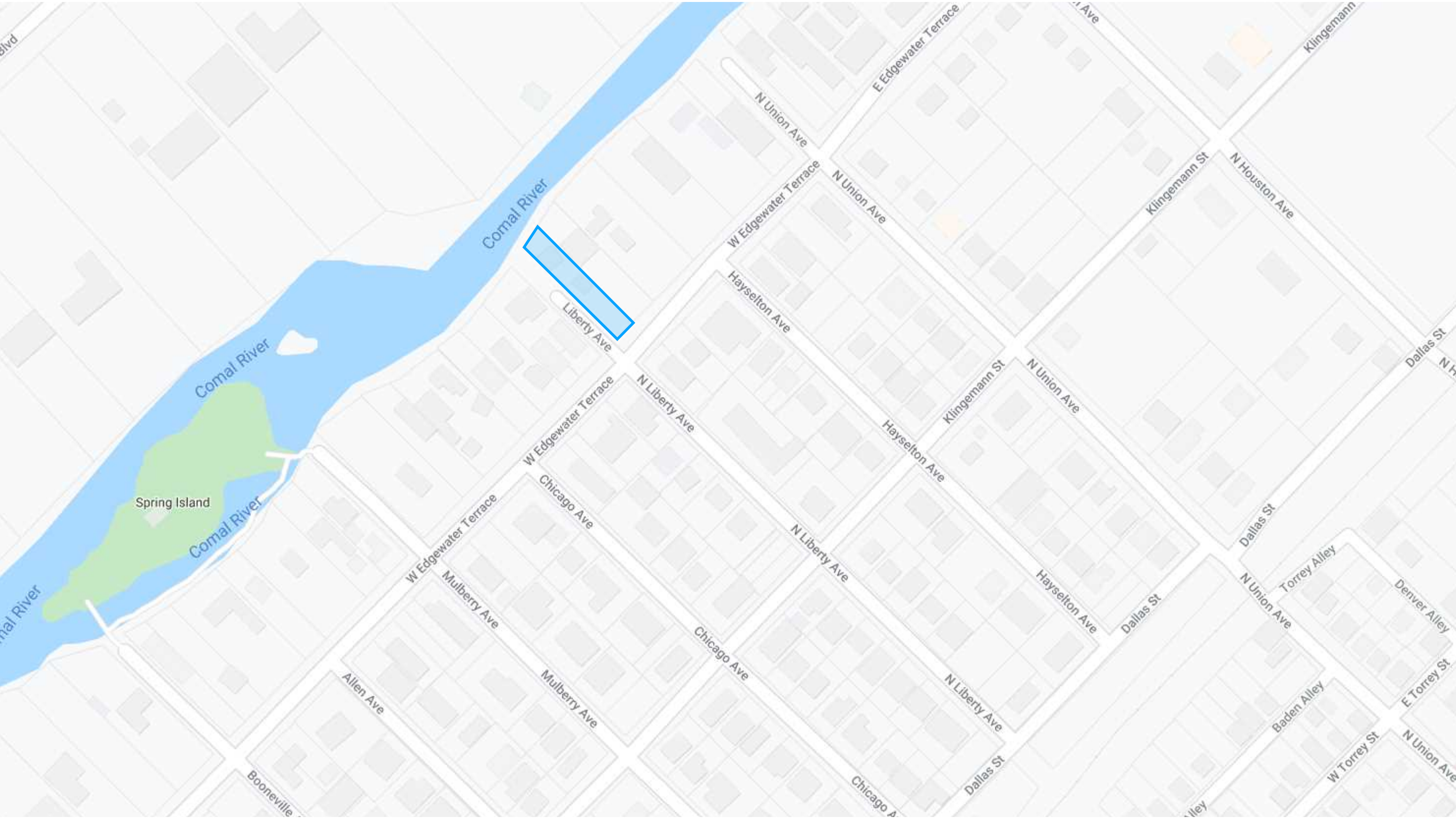




1 PERSPECTIVE  
G0.00



2 PERSPECTIVE  
G0.00



3 LOCATION  
G0.00 SCALE 1" = 200'-0"

## General Notes

### A - General Requirements

- If there are any questions regarding these plans, contact Peggy Brimhall at 646-726-3173.
  - No work shall be performed or materials furnished other than as shown on these plans or authorized as an addendum to these documents by the owner.
  - No changes to or variations from these plans may be made except upon written instruction from owner.
  - An operation and maintenance manual shall be provided to the occupant or owner.
  - Contractor to propose code compliant waste management plan to be approved by environmental services division and implemented through job completion.
  - Contractor will provide temporary sanitary facilities on the job site before the start of work.
  - Contractor shall protect and keep clean all areas not affected by scope of project.
  - Contractor shall verify all dimensions on the job site.
  - Contractor shall be responsible for ensuring that all workmanship and/or materials furnished meet with all applicable city, county, and other jurisdictional agency requirements.
  - Contractor shall be responsible for being familiar with and complying with manufacturer's instructions for correct installation and use of all material used.
  - All materials furnished shall be new and of first quality, no used materials or seconds will be permitted except upon written instruction from owner.
  - Adhesives, sealants, caulks, paints, stains, carpets, and other components shall be compliant with voc limits and other toxic compound limits.
  - Provide for removal of existing landscaping as necessary for construction of the proposed improvements, verify with owner prior to removal.
  - Storm water drainage management plan shall be implemented during construction.
  - Upon completion of work, clear the area of all construction debris and provide positive drainage away from new foundations and new flatwork, dress disturbed areas around building with topsoil remove clods, mortar, brick and stone, and other debris from soil and rake smooth, prepare for landscaping.
  - Building to be located per existing stakes on site, done by others.
  - Builder to provide allowance for 4" deep drive pavement to connect street to parkway.
  - Escape/rescue window from sleeping areas shall have a minimum of 5.7 sq. ft. clear net opening and a minimum clear opening height of 24" and a minimum clear opening width of 20". Finished sill height shall be a maximum of 44" above the floor as per IRC sec 310.
  - One-hour rated gypsum board shall be installed under stairs.
  - Smoke alarms shall be hard wired in series with battery backup power as per IRC sec R312.
  - Handrails shall be installed along all steps/stairs with 4 or more risers and conform to IRC sec R311.
  - All horizontal guard rails will be a minimum of 36" in height and comply to IRC sec R312.
  - Walls shall be braced in accordance of IRC sec R602.10.
  - Glazing shall comply with IRC sec R308.
  - All details are general and illustrative in nature. Builder shall be responsible for overseeing and insuring all water-proofing, structural, and other construction is built properly, per codes, industry standards, and manufacturer's specifications.
- S-Structural
- Engineer specifications shall override architectural specifications.
  - The bottom of all footing trenches shall be level and clean.
  - Subcontractor shall verify locations with the job superintendent to avoid needless cutting of misplaced bolts.
  - Moisture content of building materials used in wall and floor framing to be checked before enclosure.
  - Vapor retarders and capillary break to be installed at slab-on-grade foundations.
  - Install fire blocking to cut off concealed draft openings (both vertical and horizontal).
  - Plumbing walls shall be 2x6 wood studs at 16" on center, unless otherwise noted.
  - Install 2x6 backing at bath accessories.
  - All fascia, barge boards, trim, siding, etc. shall be free of splinters, where it can be touched under normal living conditions shall have a texture not so rough as to be injurious or irritating to the skin.
- MEP - Mechanical, Electrical, Plumbing
- Engineer and specialist specifications shall override architectural specifications.
  - Duct openings and other air distribution component openings shall be covered during construction.
  - Install fire blocking to cut off concealed draft openings (both vertical and horizontal).
  - HVAC system installers are trained and certified in the installation of hvac equipment.
  - HVAC supplier to specify air ventilation pump required for SIP panel system in accordance with IRC, IMC, and IECC standards.
  - Unless functioning as a whole house ventilation system, bathroom fans shall be controlled by a humidistat which shall be readily accessible. Humidistat controls shall be capable of adjustment between a relative humidity range of 50 to 80 percent.
  - Maximum plumbing fixture flow requirements shall be as follows, (a) shower heads 2gpm, (b) lavatory faucets 1.5 gpm, (c) kitchen faucets 1.8 gpm, (c) water closets 1.28 gallons per flush.
  - When a shower is served by more than one shower head, the combined flow rate of all shower heads controlled by a single valve shall not exceed 2.0 gallons per minute at 80 psi.
  - Water softeners are not a part of this scope.
  - Annular spaces around pipes, electrical cables, conduits or other openings in plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or similar method acceptable to the enforcing agency.
  - Automatic irrigation system controllers installed at the time of final inspection shall be weather based.
  - All outside electrical outlets to be WP/GFCI outlets.
  - Recessed lighting fixtures to be IC rated as required by code.
  - Access doors separating conditioned from unconditioned spaces to be weather stripped and insulated to at least the level of insulation on the surrounding surfaces. Where loose fill insulation exists, a baffle or retainer is to be installed to maintain insulation application.
  - Recessed lights in the building thermal envelope to be:
    - Type IC rated and ASTM E283 labeled and
    - Sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

## Construction Notes

Construction Type:  
Occupancy Group:

Property Address: 298 W Edgewater Terrace, New Braunfels, Texas 78130  
Phase 1A (PUD)  
Plat Number: XXXXXX  
Legal Lot Description:  
Zoning:

NO CHANGE TO PLAT

Applicable Codes  
International Residential Code 2018  
International Fire Code 2018  
International Mechanical Code 2018  
International Plumbing Code 2018  
National Electric Code 2017

International Energy Conservation Code 2016

Total Lot Area: 9,157.68 sq. ft.

|                             |                  |
|-----------------------------|------------------|
| Total Conditioned Area:     | 2,495.83 sq. ft. |
| Total Unconditioned Area:   | 829.34 sq. ft.   |
| Subtotal Garage Area:       | 659.69 sq. ft.   |
| Subtotal Closed Patio:      | 169.64 sq. ft.   |
| Total Decks & Terrace Area: | 1,273.67 sq. ft. |
| Total Covered Walkway Area: | 395.49 sq. ft.   |

## Sheet Index

G0.00 Project Data  
G0.01 Demolition Site Plan  
G0.02 Construction Site Plan  
G0.03 Perspective Views  
G0.04 Perspective Views  
A1.00 Construction Plans  
A1.01 Construction Plans  
A1.02 Roof Plans  
A1.03 Enlarged Plans  
A2.00 Exterior Elevations  
A2.01 Exterior Elevations  
A2.02 Exterior Elevations  
A3.00 Building Sections

## Symbols Index

|  |                         |  |                       |
|--|-------------------------|--|-----------------------|
|  | Drawing Note            |  | Revision Item         |
|  | Sheet Reference Marker  |  | Directional Indicator |
|  | Sheet Reference Marker  |  | Elevation Marker      |
|  | Unless Otherwise Noted  |  | True North            |
|  | Perspective View Symbol |  |                       |

Project Owner:  
Susan Tolbert  
298 W Edgewater Terrace  
New Braunfels, TX 78130  
Mobile: 830-822-0524

Designer:  
Peggy Brimhall, Principal  
Figurd  
615 E. Houston St. #529  
San Antonio, TX 78249  
Mobile: 646-726-3173

## Edgewater Residence

298 W Edgewater Terrace  
New Braunfels, Texas 78130

Project No. 000000

APN: XXXXXX

Issue title:  
Schematic Design Set

Date: 10/23/2020

Revisions:  
03/26/2021 - Revision 3  
for Variance Request

Sheet Contents:  
Project Data

Sheet Number:

G0.00



Sheet Notes

- 1

Locate and verify the location of existing utilities prior to excavation. Take responsibility of contacting location services and any cost incurred for bodily injury and/or damage to Owner's property or said utility.
- 2

The designer shall be notified by the contractor of any discrepancies discovered between the plans and actual site conditions before proceeding with work. The contractor shall be liable for all modifications and damages if work proceeds without the notification.
- 3

The contractor is responsible for all aspects of maintaining a safe work site including but, not limited to providing traffic control, installation and placements of fencing and barricades, excavation and trench protection, and compliance with all federal and local regulations and codes. All safety exposures or violations shall be rectified immediately.
- 4

The contractor is responsible for protection of all existing improvements both on site and adjacent to the work site and shall repair any damage to these improvements to the satisfaction to the owner.
- 5

The contractor shall notify designer 48 hours prior to commencement of work to coordinate project inspection schedules.
- 6

Any alternatives and/or substitutions proposed by the contractor shall be submitted to the designer for approval. Changes to the scope of work and/or contract documents resulting from the acceptance of the contractor's alternates and/or substitutes shall be the responsibility of the contractor.
- 7

The contractor is responsible for removal of trash on a daily basis.
- 8

The contractor shall comply with all applicable codes, regulations, and ordinances. Prior to construction, all permits and approvals required for construction of the project shall be paid for and obtained by the contractor.
- 9

Coordinate work with subcontractors to accomplish the scope of work as shown and noted in the contract documents as well as coordinate construction with other contractors working on the site.
- 10

The contractor shall coordinate the storing of materials, parking of vehicles, and restrictions of work and access with the Owner. Under no circumstances shall any contractor store materials, park vehicles or equipment under the canopy of existing trees.
- 11

Unless otherwise specified, the contractor is responsible for providing and paying all temporary utilities and services necessary to completely install all work as shown and noted in the contract documents.
- 12

The contractor is responsible for the legal off-site disposal of surplus material and debris.
- 13

Upon completion of construction and prior to final approval, the contractor shall thoroughly clean the project site of all trash, repair all damage to finish grade, including tailings form excavations, wheel ruts and any settling or erosion that has occurred prior to completion. All areas of the project site shall be left in a neat and presentable condition satisfactory to the Owner prior to submittal of the final payment.
- 14

The contractor is responsible for providing and servicing temporary toilet facilities.
- 15

The contractor is to procure and install a porous pipe drip sprinkler system to cover all areas required by code. Contractor to submit selection and layout to designer prior to permit approval. Contractor is responsible for installation and inspection.

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Designer will not be responsible for construction means, methods, techniques, or procedure, or for the safety precautions and program in connection with the project.

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Designer:  
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Edgewater Residence

298 W Edgewater Terrace  
New Braunfels, Texas 78130

Project No. 000000

APN: XXXXXXXX

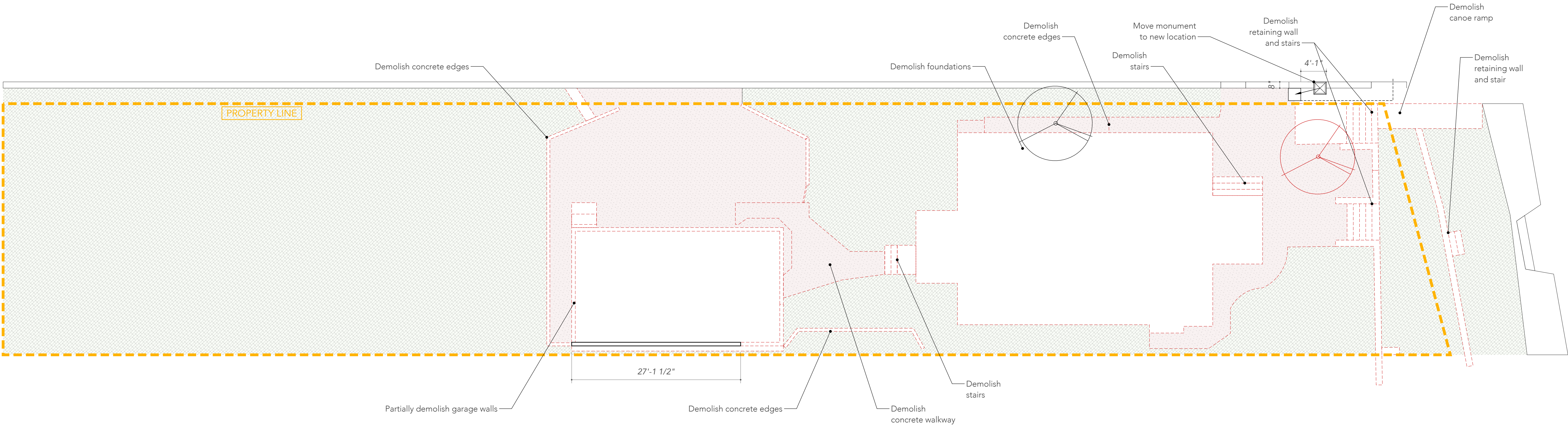
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Schematic Design Set

Date: 10/23/2020

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Sheet Contents:  
Demolition  
Site Plan

Sheet Number:  
G0.01



Legend

- Demolish
- Existing to remain
- Fence
- Tree
- Property line





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298 W Edgewater Terrace  
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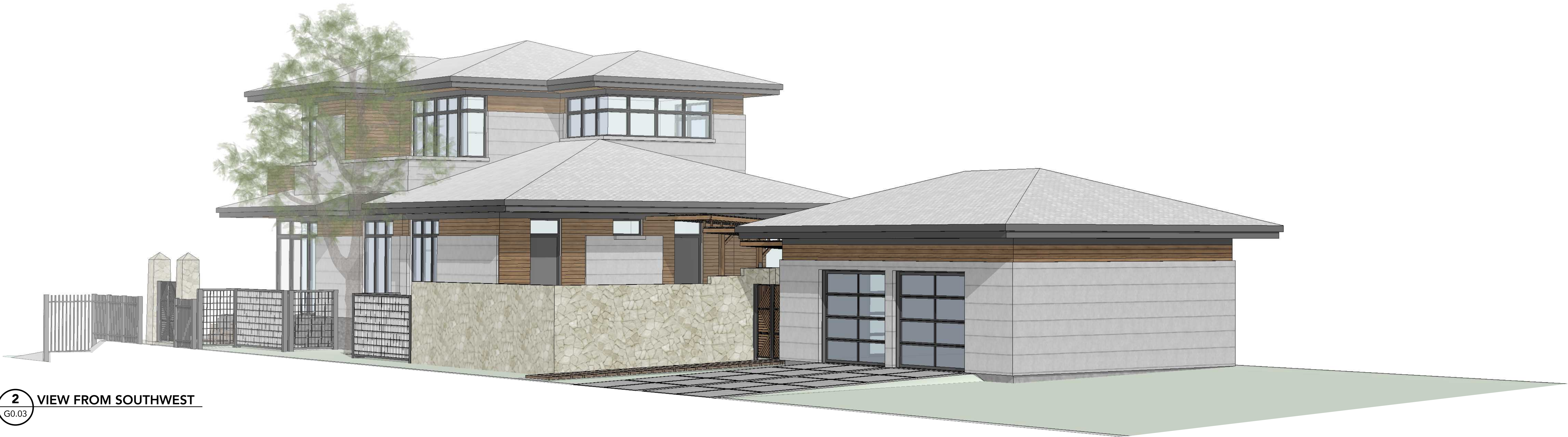
Sheet Contents:  
Perspective Views

Sheet Number:

# G0.03



**1** VIEW FROM NORTHWEST  
G0.03



**2** VIEW FROM SOUTHWEST  
G0.03



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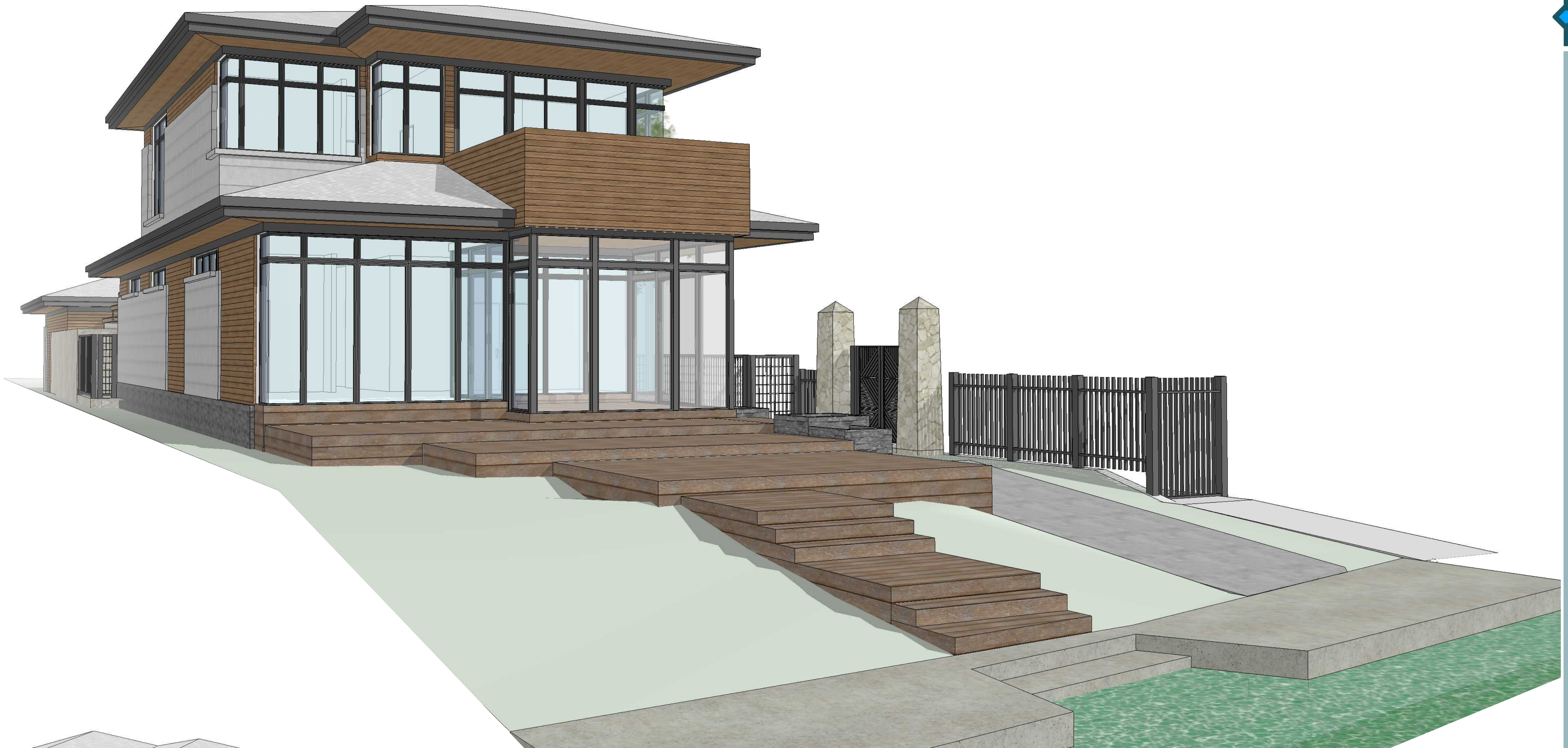
Date: 10/23/2020

Revisions:  
03/26/2021 - Revision 3  
for Variance Request

Sheet Contents:  
Perspective Views

Sheet Number:

# G0.04



**1** VIEW FROM NORTHEAST  
G0.04



**2** VIEW FROM SOUTHWEST  
G0.04



Sheet Notes

- 1 See structural drawings for framing plan.
- 2 See section-elevations for more stairs information.
- 3 Dimensions are to face of structure, unless otherwise noted.
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- 5 Cabinetry layout is for reference only, builder to verify dimensions on site.
- 6 All closets to receive typical base and trim at face, unless otherwise noted.
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- 8 Wood floor to be installed at full extent of closets.
- 9 Furniture not in scope.
- 10 Builder to provide water softener loop in garage adjacent to water heater, U.O.N.

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Figurd  
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San Antonio, TX 78249  
Mobile: 646-726-3173

Construction Legend

|     |                       |     |                   |
|-----|-----------------------|-----|-------------------|
| DW  | Dishwasher            | WR  | Wine Refrigerator |
| T   | Trash                 | FR  | Freezer           |
| M   | Microwave             | REF | Refrigerator      |
| O   | Oven                  | W   | Washer D Drier    |
| W-X | Window Tag            | D-X | Door Tag          |
| X   | Wall Type             | U   | Utility Meter     |
| H   | Tankless Water Heater | +   | Hose Bib          |

Edgewater  
Residence

298 W Edgewater Terrace  
New Braunfels, Texas 78130

Project No. 000000

APN: XXXXXXX

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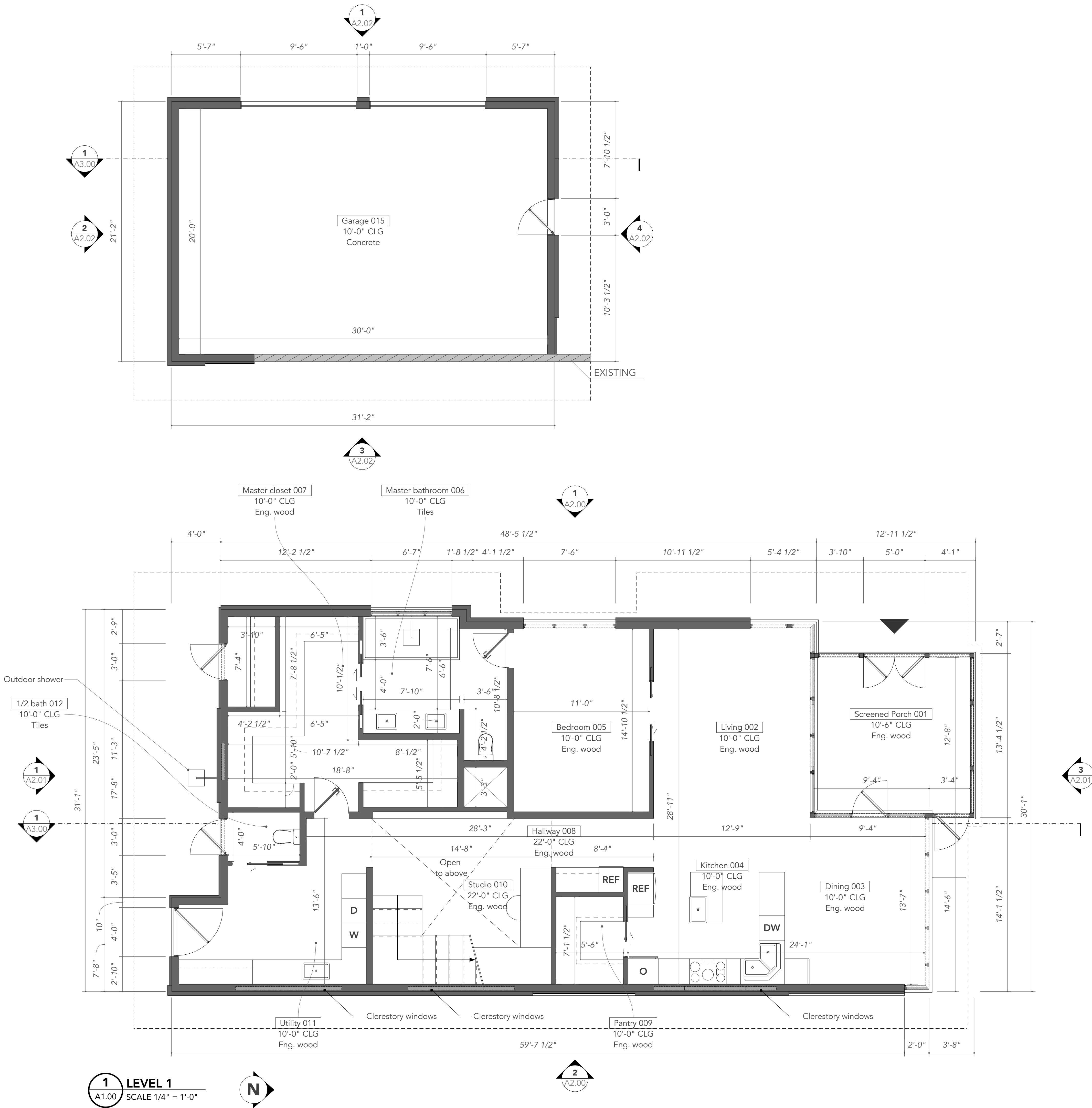
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for Variance Request

Sheet Contents:  
Construction Plans

Sheet Number:

A1.00



Sheet Notes

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Mobile: 646-726-3173

Construction Legend

|     |                       |     |                   |
|-----|-----------------------|-----|-------------------|
| DW  | Dishwasher            | WR  | Wine Refrigerator |
| T   | Trash                 | FR  | Freezer           |
| M   | Microwave             | REF | Refrigerator      |
| O   | Oven                  | W   | Washer D Drier    |
| W-X | Window Tag            | D-X | Door Tag          |
| X   | Wall Type             | U   | Utility Meter     |
| H   | Tankless Water Heater |     | Hose Bib          |

Edgewater Residence

298 W Edgewater Terrace  
New Braunfels, Texas 78130

Project No. 000000

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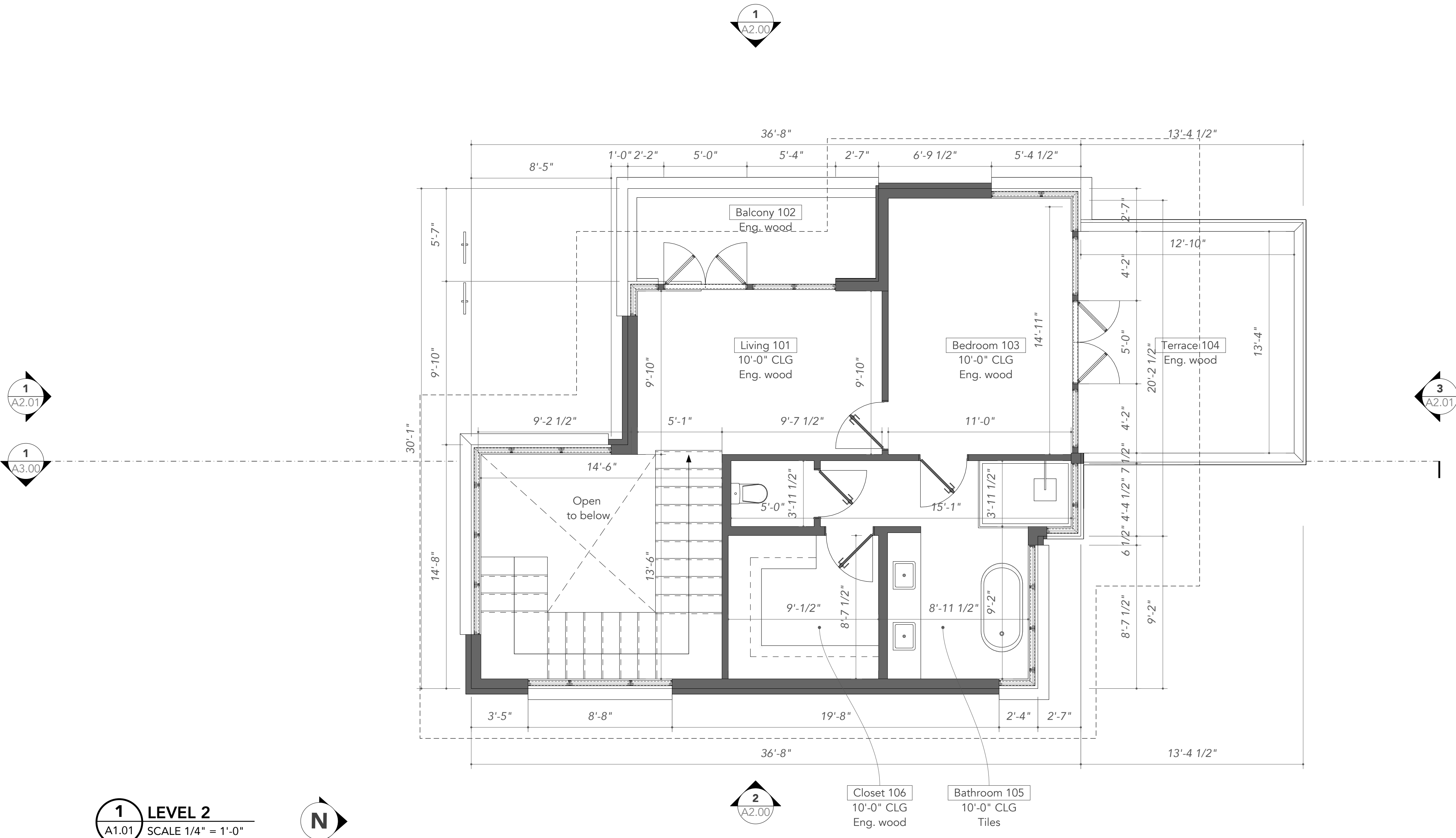
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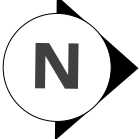
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Construction Plans

Sheet Number:

A1.01



1 LEVEL 2  
A1.01 SCALE 1/4" = 1'-0"





Sheet Notes

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- 2 See section-elevations for more stairs information.
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Construction Legend

|     |                       |     |                   |
|-----|-----------------------|-----|-------------------|
| DW  | Dishwasher            | WR  | Wine Refrigerator |
| T   | Trash                 | FR  | Freezer           |
| M   | Microwave             | REF | Refrigerator      |
| O   | Oven                  | W   | Washer            |
|     |                       | D   | Drier             |
| W-X | Window Tag            | D-X | Door Tag          |
| X   | Wall Type             | U   | Utility Meter     |
| H   | Tankless Water Heater | +   | Hose Bib          |

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Edgewater  
Residence

298 W Edgewater Terrace  
New Braunfels, Texas 78130

Project No. 000000

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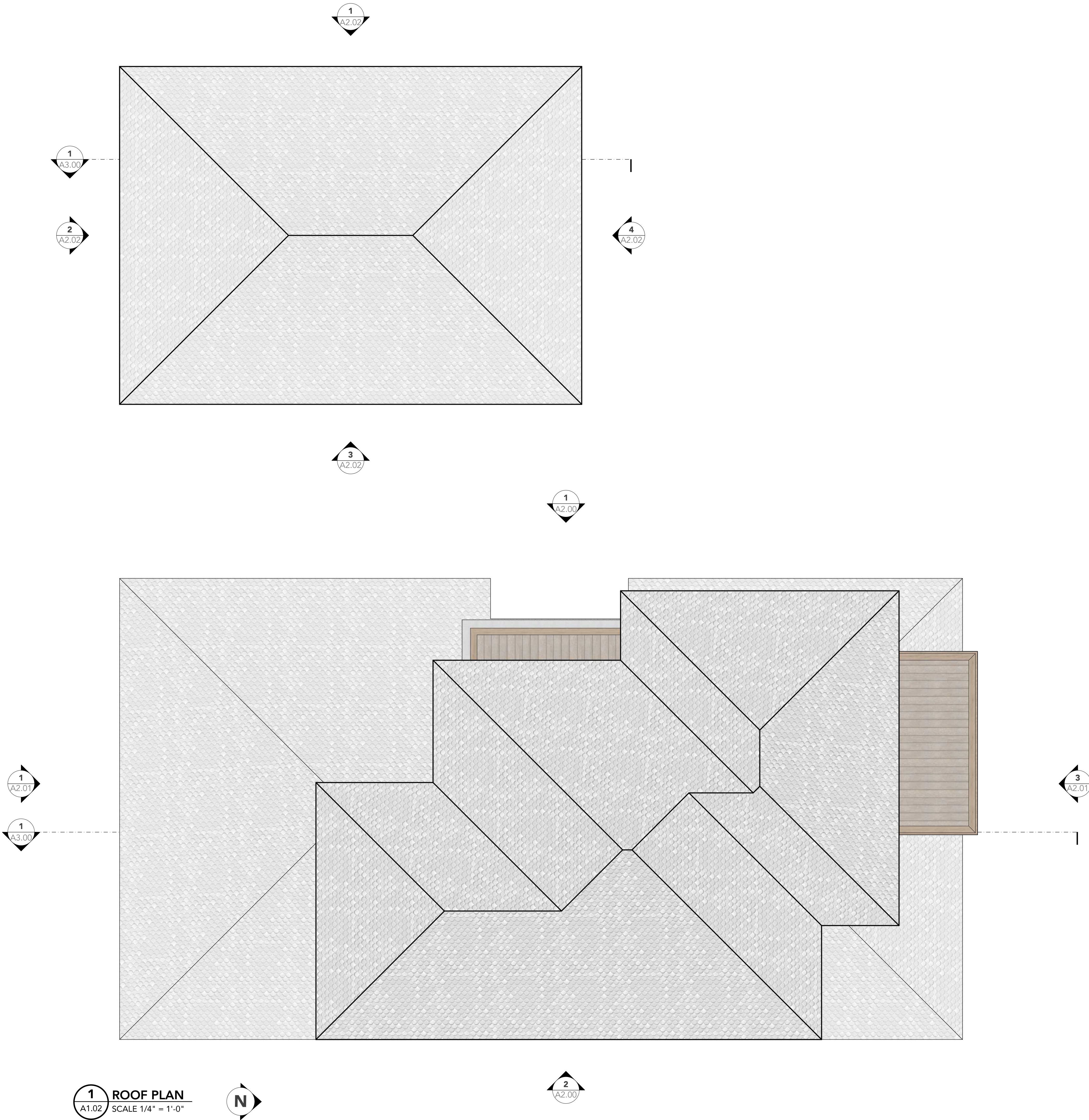
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Sheet Contents:  
Roof Plans

Sheet Number:

A1.02





Designer:  
Megy Brimhall, Principal  
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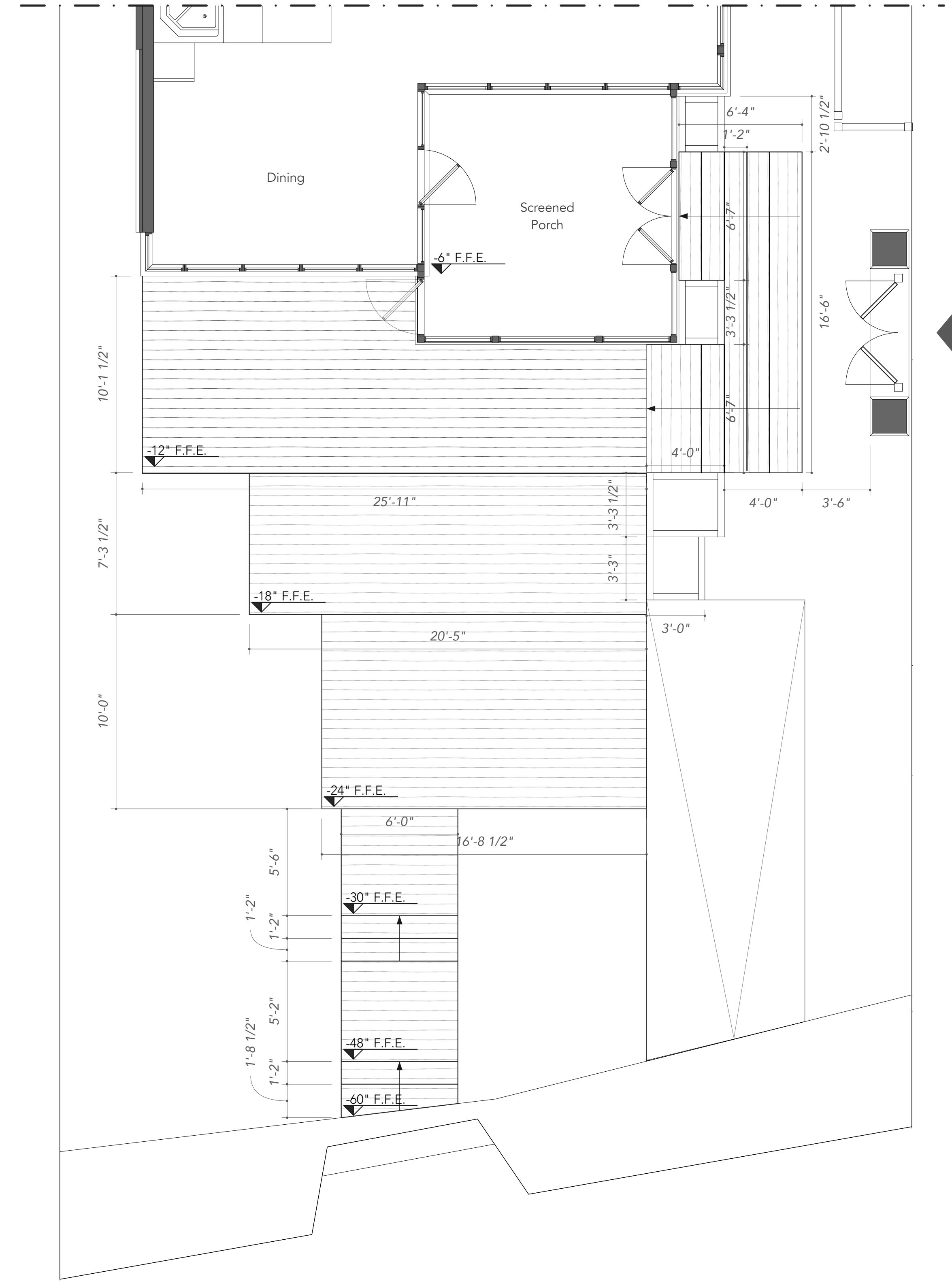
## Edgewater Residence

Project No. 000000

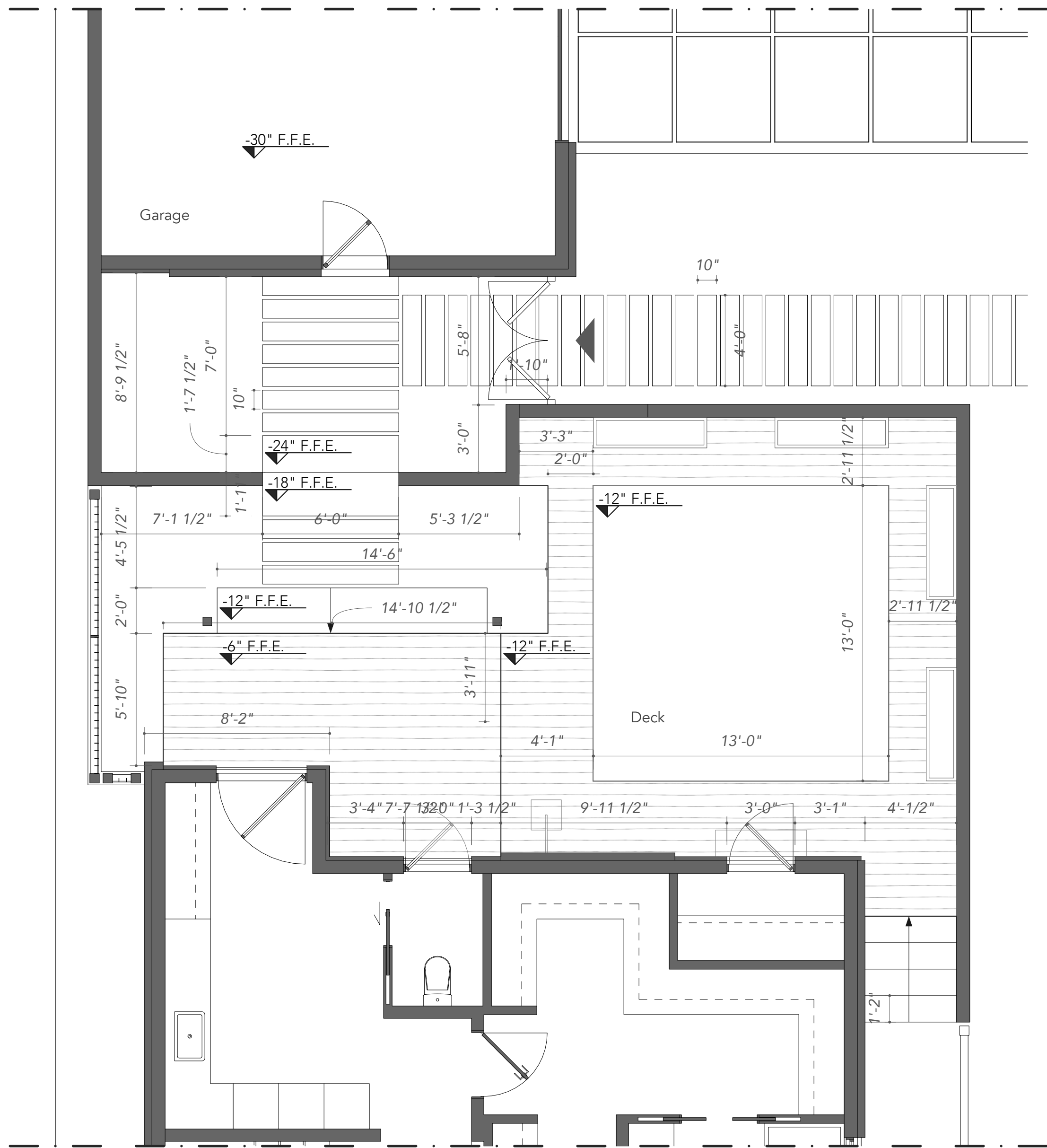
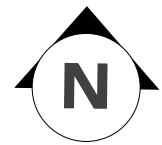
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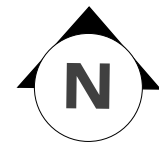
Sheet Number:



**1 ENLARGED PLAN AT DECKS**  
A1.03 SCALE 1/4" = 1'-0"



**2 ENLARGED PLAN AT BACKYARD**  
A1.03 SCALE 1/4" = 1'-0"





Project Owner:  
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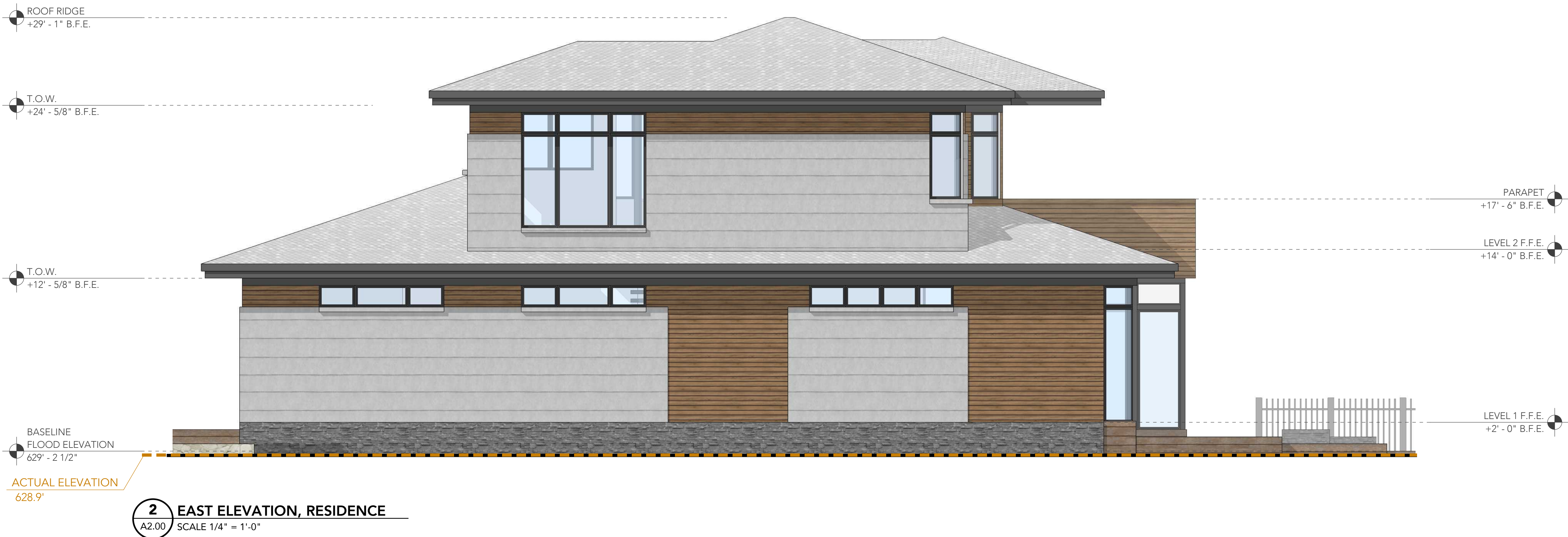
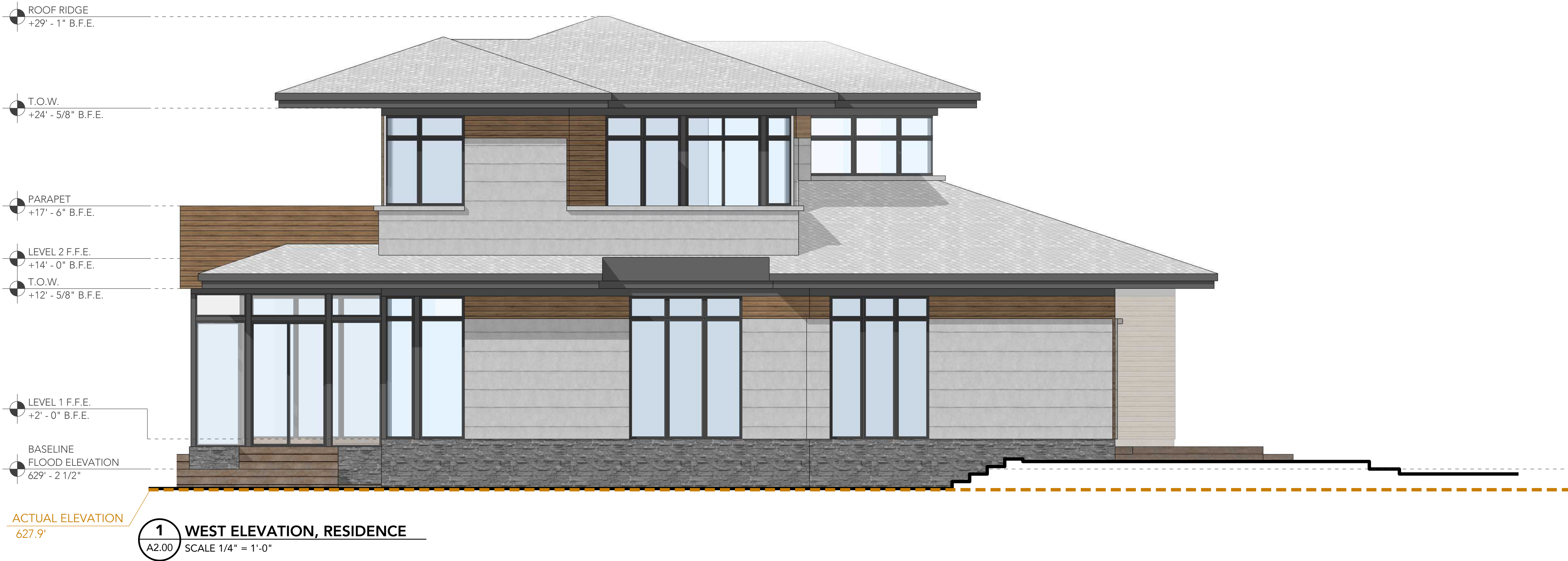
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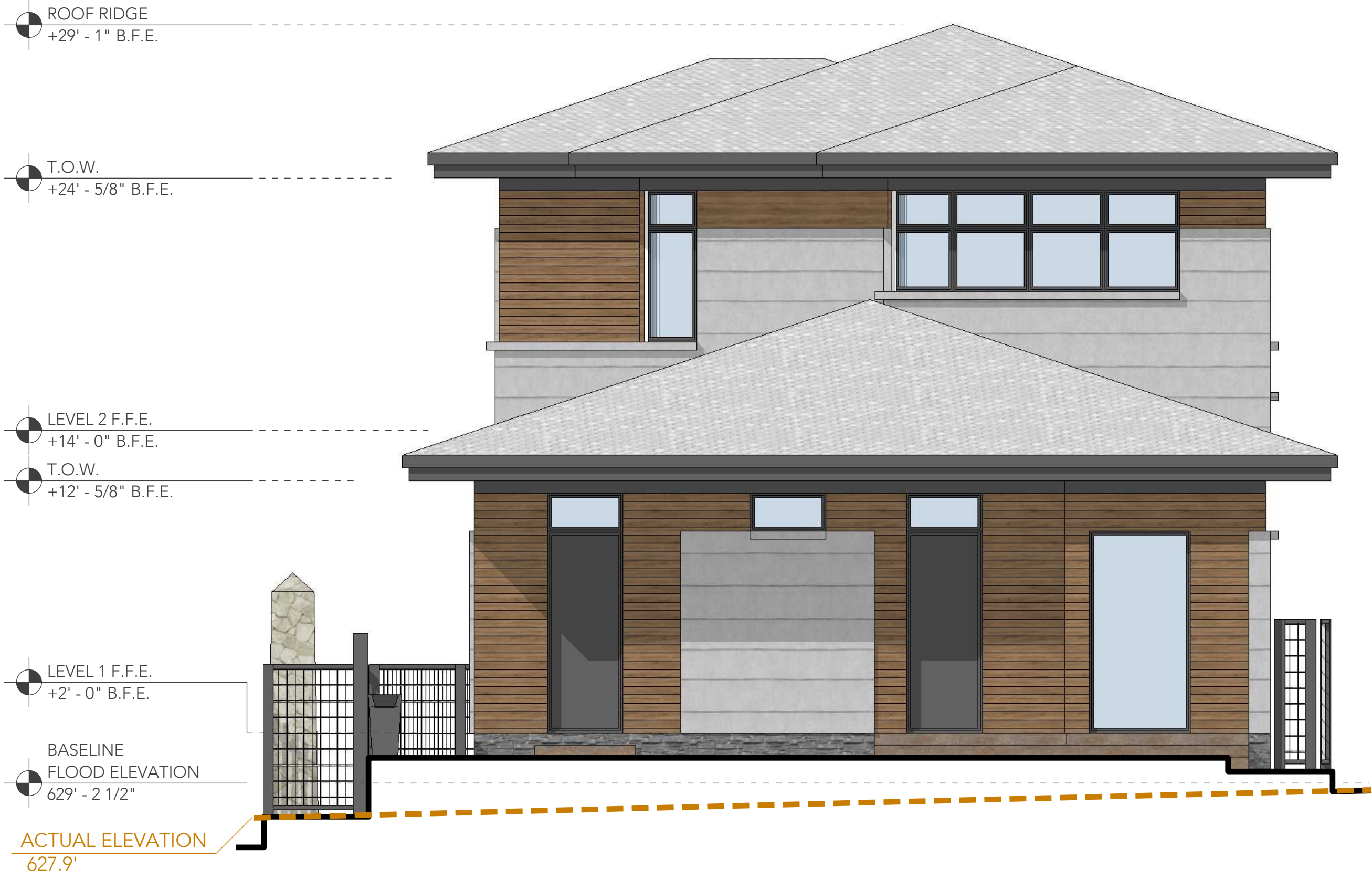
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Exterior Elevations

Sheet Number:

**A2.00**



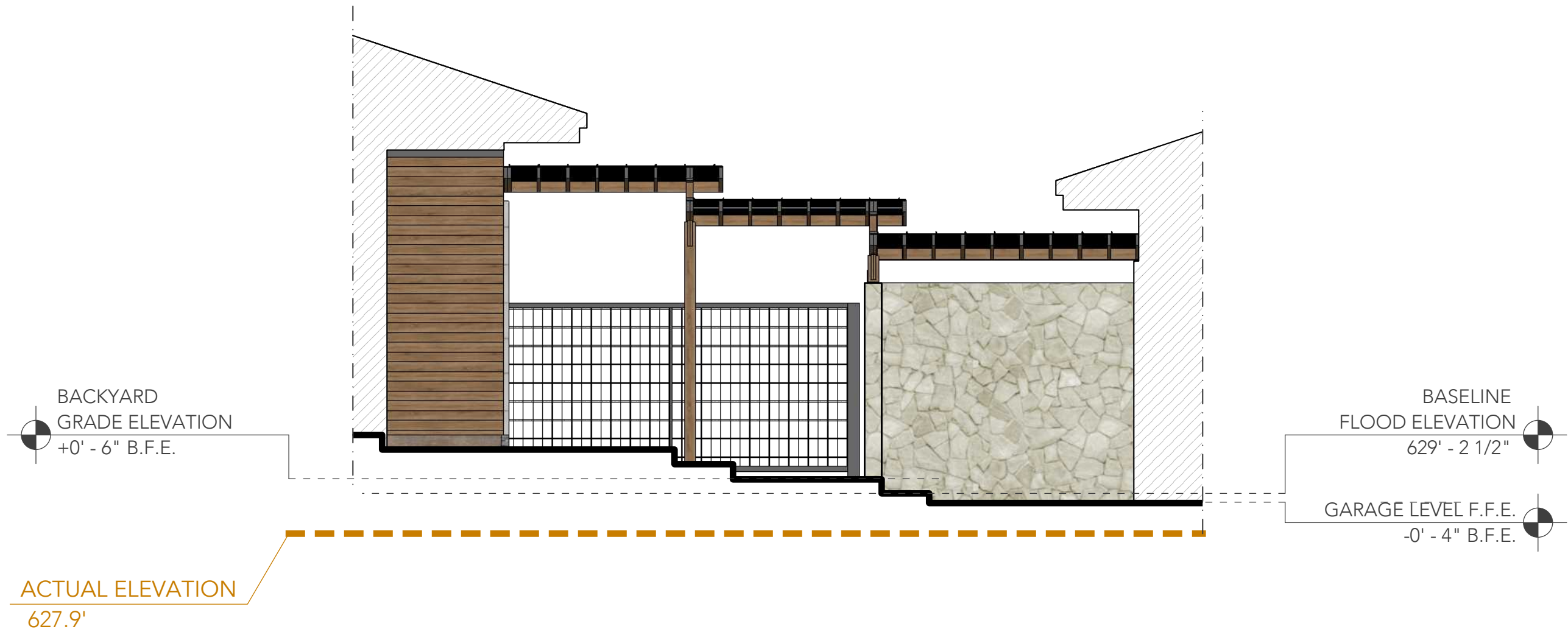




**1 SOUTH ELEVATION, RESIDENCE**  
A2.01 SCALE 1/4" = 1'-0"



**3 NORTH ELEVATION, RESIDENCE**  
A2.01 SCALE 1/4" = 1'-0"



**2 WEST ELEVATION, COVERED WALKWAY**  
A2.01 SCALE 1/4" = 1'-0"

Project Owner:  
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Mobile: 646-726-3173

## Edgewater Residence

298 W Edgewater Terrace  
New Braunfels, Texas 78130

Project No. 000000

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Schematic Design Set

Date: 10/23/2020

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Sheet Contents:  
Exterior Elevations

Sheet Number:

**A2.01**



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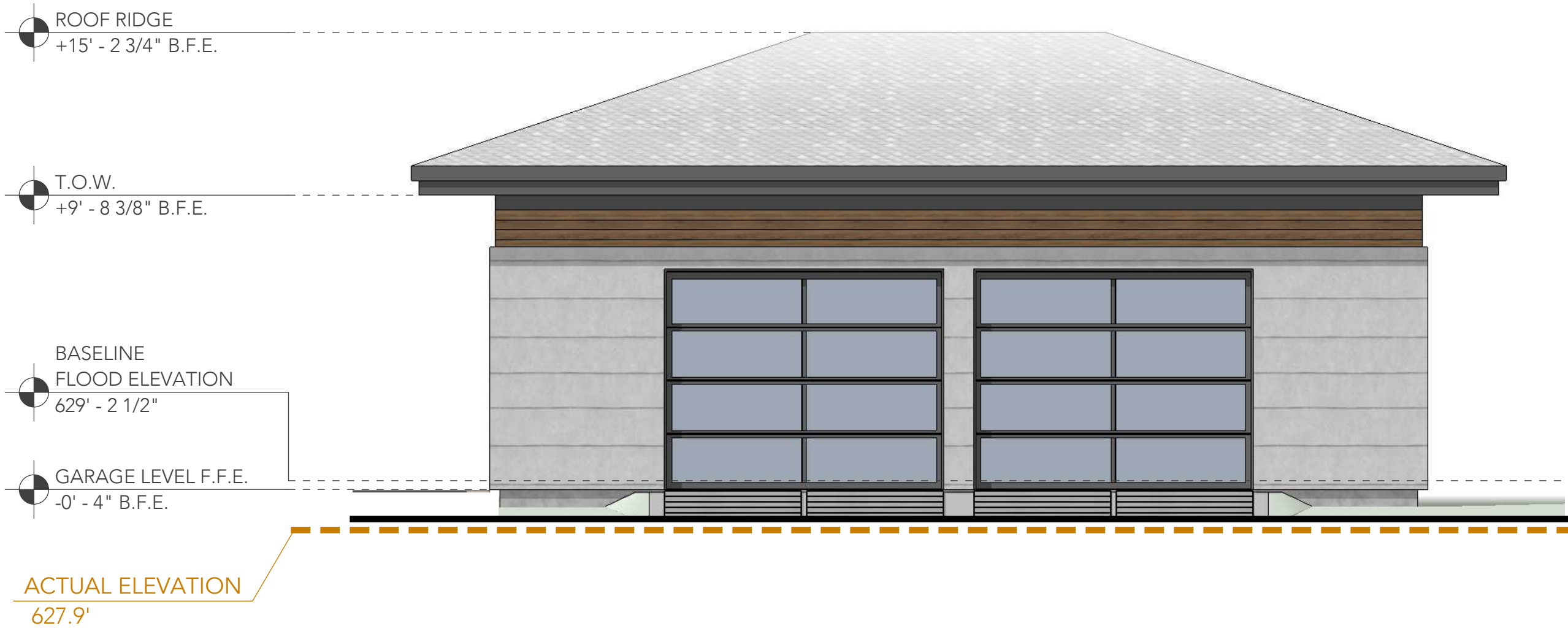
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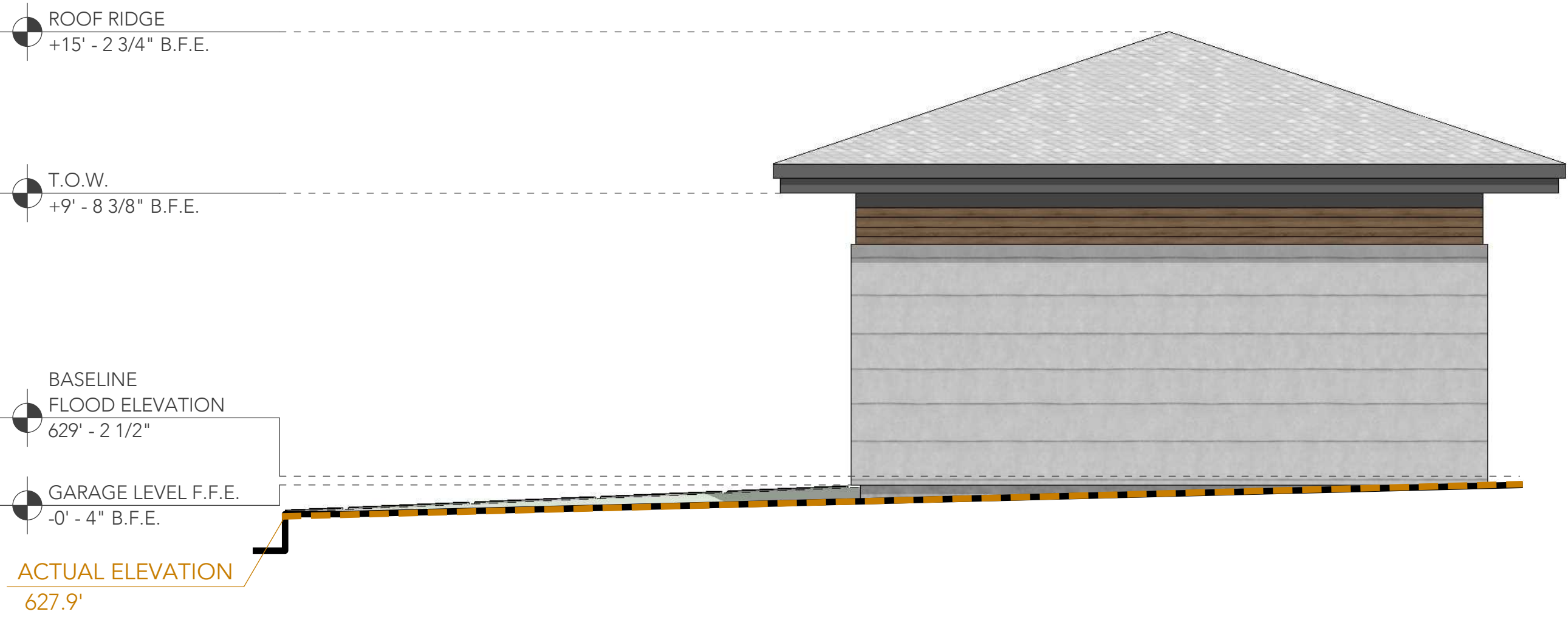
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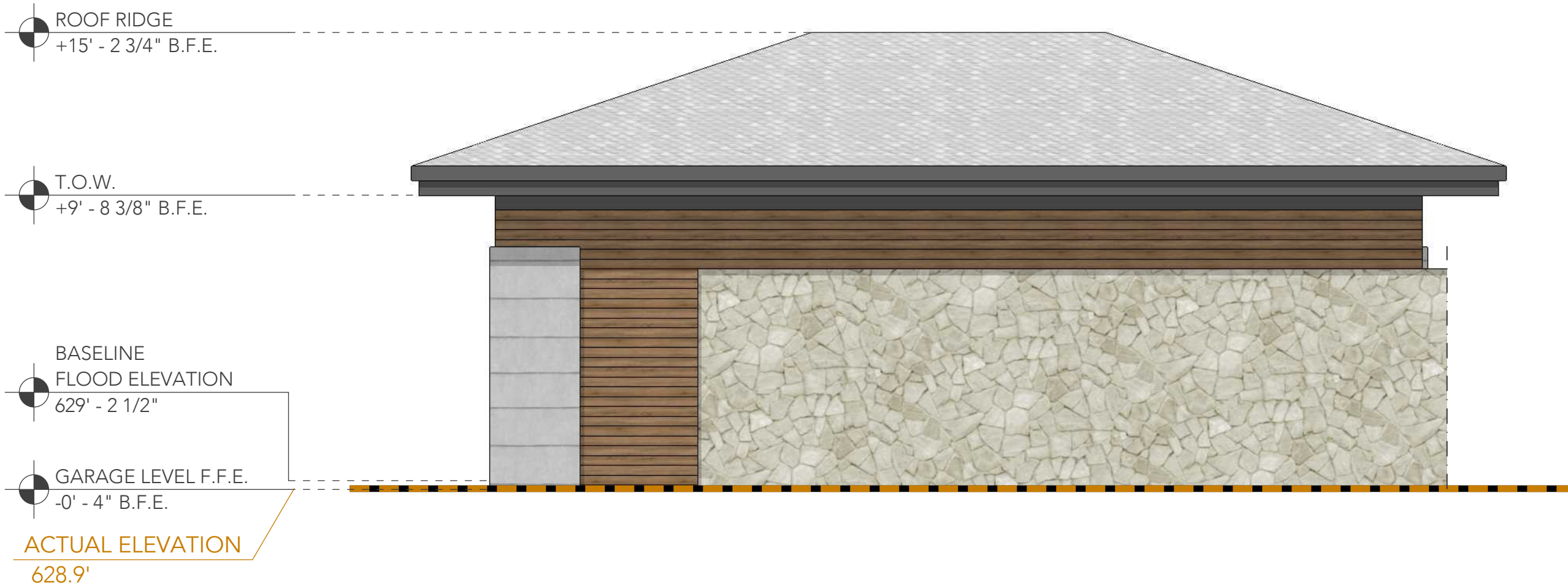
**A2.02**



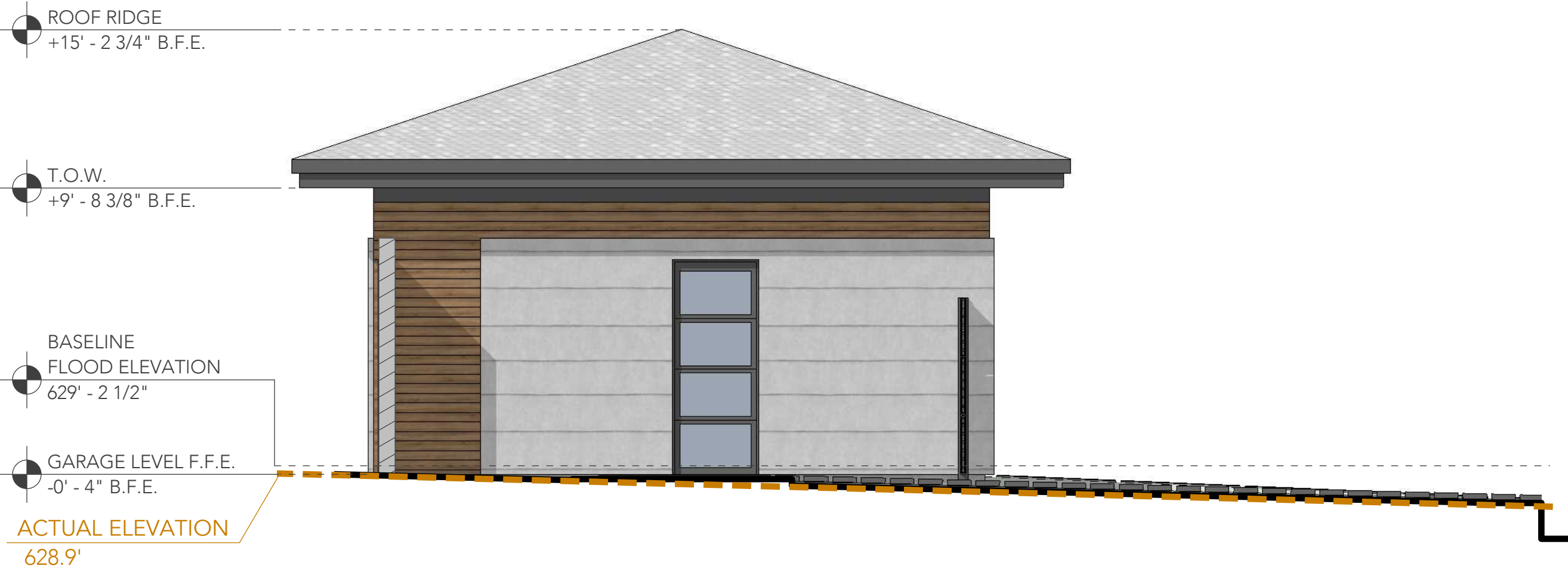
**1 WEST ELEVATION, GARAGE**  
A2.02 SCALE 1/4" = 1'-0"



**2 SOUTH ELEVATION, GARAGE**  
A2.02 SCALE 1/4" = 1'-0"

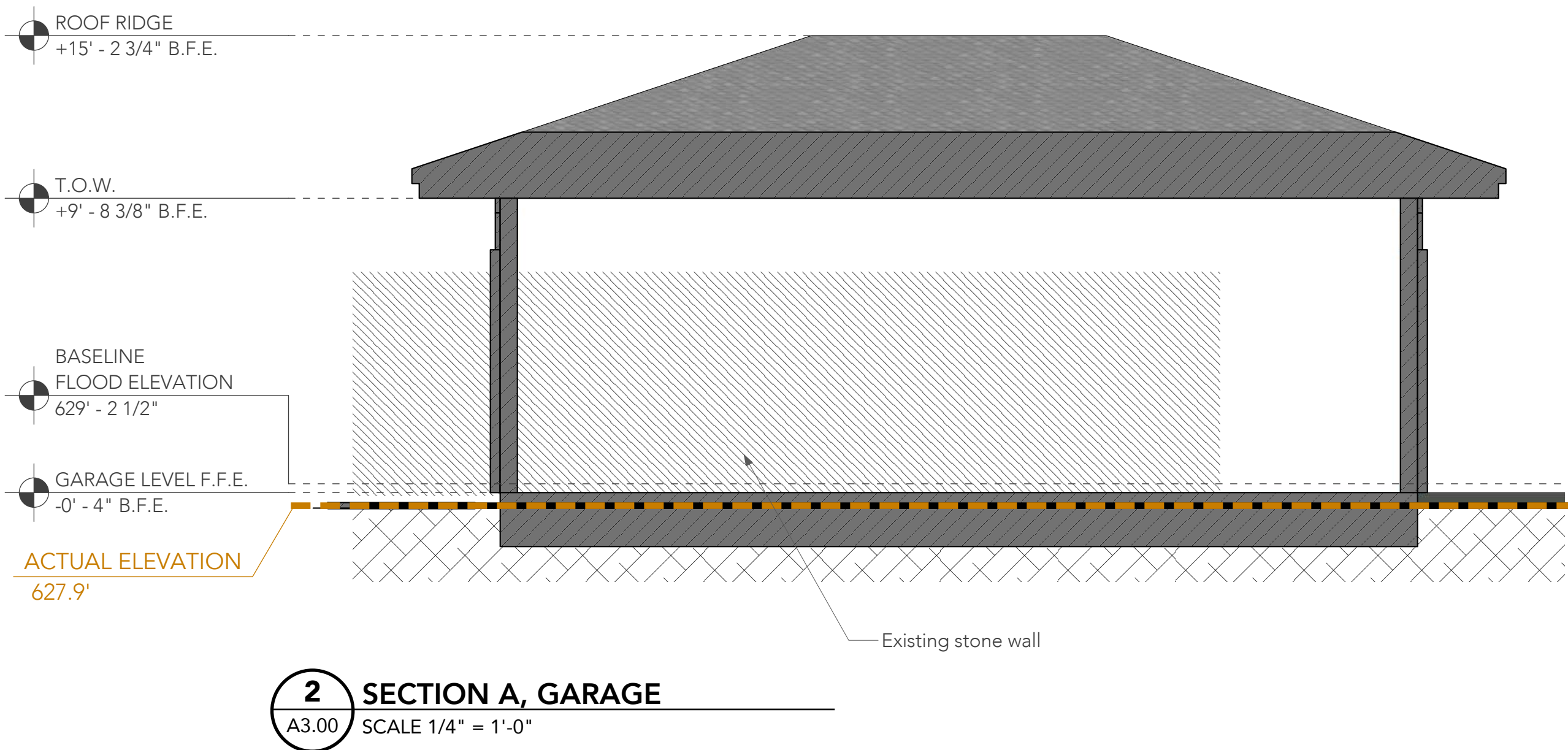


**2 EAST ELEVATION, GARAGE**  
A2.02 SCALE 1/4" = 1'-0"



**4 NORTH ELEVATION, GARAGE**  
A2.02 SCALE 1/4" = 1'-0"





Project Owner:  
Phil Hooker, Manager  
Dwell Dominion Group  
6609 Blanco Road, Ste 260B  
San Antonio, Texas 78216  
Mobile: 210-383-5573

Civil Engineer:  
Ryan Plagens, VP, PE CFM  
Up Engineering  
1270 N Loop 1604 E Suite 1310  
San Antonio, Texas 78232  
Office: 210-774-5504

Designer:  
Peggy Brimhall, Principal  
Figurd  
615 E. Houston St. #529  
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Mobile: 646-726-3173

Structural Engineer:  
Frank Kern, Dept. Mgr  
GE Reaves Engineering  
5250 Callaghan Road  
San Antonio, Texas 78228  
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Builder:  
Brady Johanson, Owner  
Brady Colt Custom Homes  
22211 IH 10 West, 1206  
San Antonio, Texas 78257  
Mobile: 210-279-5367

## Edgewater Residence

298 W Edgewater Terrace  
New Braunfels, Texas 78130

Project No. 000000  
APN: XXXXXXX

Issue title:  
Schematic Design Set

Date: 10/23/2020

Revisions:  
03/26/2021 - Revision 3  
for Variance Request

Sheet Contents:  
Building Sections

Sheet Number:

**A3.00**

**ZONING BOARD OF ADJUSTMENT – JUNE 24, 2021**  
**ZOOM WEBINAR MEETING**

**Address/Location:** 298 W Edgewater Terrace

**Applicant:** Susan Tolbert

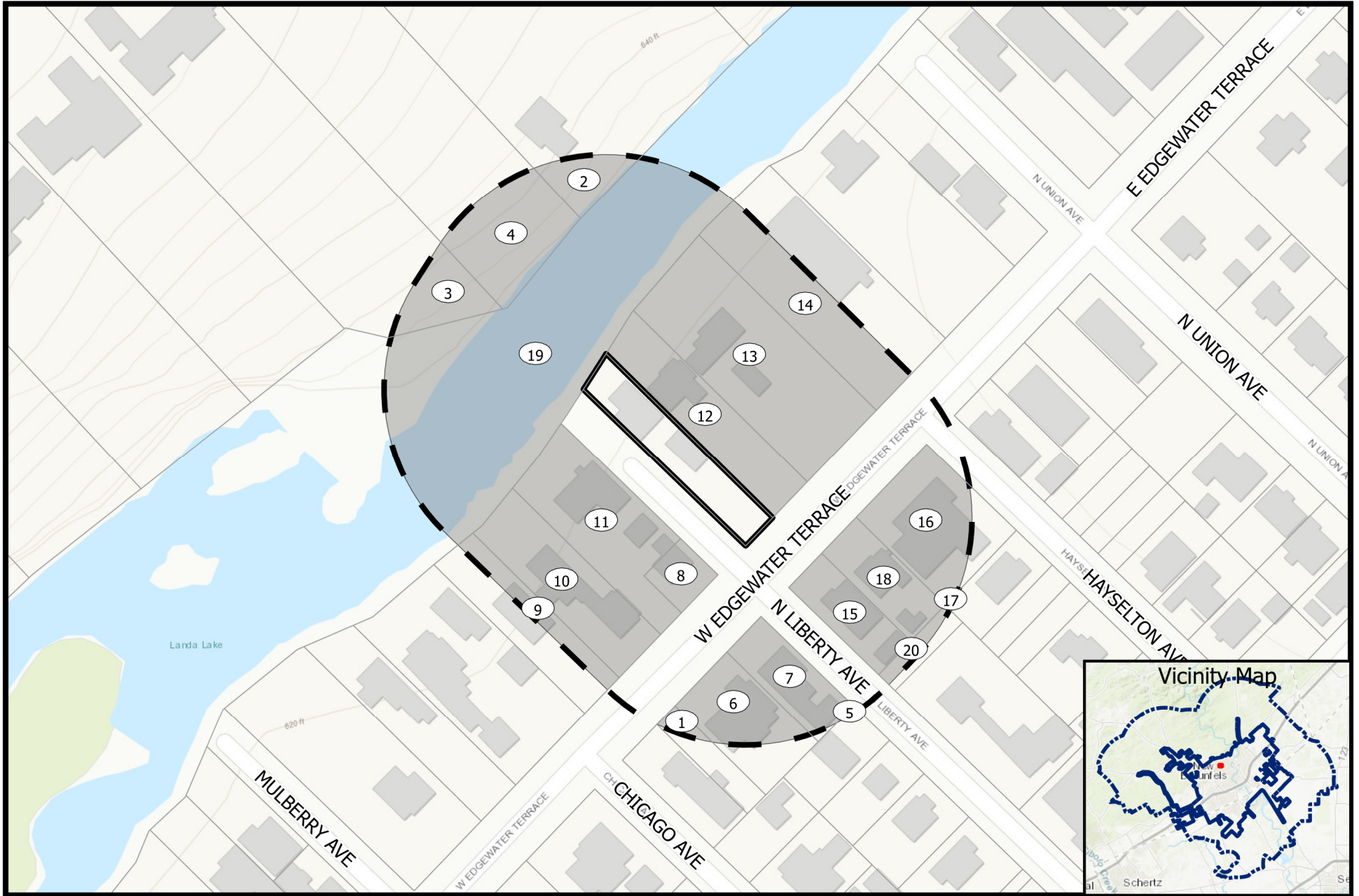
**Case #:** Z-18-004

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. MOUSSA GEORGE  | 11. DANVERS HOLLIS & KIRSTEN RVCBL TRST              |
| 2. ONEILL KATHERINE L EXEMPT TRUST &<br>ROBERT K LEY EXEMPT TRUST | 12. REID BEN A & LINDA C                             |
| 3. LANO CHARLES F JR & KATHLEEN                                   | 13. ALLEN BONNIE B                                   |
| 4. SACCO MARK   | 14. DROZD DOYLEEN                                    |
| 5. P & W RANCH LLC  | 15. SUDELA WILLIAM R & CYNTHIA A                     |
| 6. DUFF ROBERT E & JOAN   | 16. GUINN JOE L & NINA                               |
| 7. WINKLER EDITH  | 17. MILLER RANDY & KAREN                             |
| 8. STEFFAN KATHLEEN C   | 18. BERGMAN MEYERS K ET AL                           |
| 9. LOS LEONES FAMILY PARTNERSHIP                                  | 19. COMAL COUNTY WATER RECREATIONAL<br>DISTRICT NO 1 |
| 10. RHODUS GEORGE T & DEBORAH M                                   | 20. BRIGGS ROBERT A JR                               |

---

**SEE NOTIFICATION MAP**



**Z18-004**

**Corner side and side setback encroachment**

0 75 150  
Feet



Source: City of New Braunfels Planning  
Date: 5/11/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by any other party 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.

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.

#### 5.4. Accessory uses and structures.

(a) *General.* Accessory buildings are subordinate buildings detached from the main building, the use of which is incidental to and used only in conjunction with the main building. Accessory buildings include, but are not limited to, an automobile storage garage, storage building (for storage belonging to the owner or tenant), greenhouse or home workshop, and shall not be utilized for human habitation.

(b) *Front yard/location requirement.* Any accessory building hereafter constructed or placed on any lot shall provide a front yard of 60 feet or shall be located behind the main building, whichever is less.

(c) *Side building setback requirement.* Except for townhouses, there shall be a side building setback on each side of an accessory building not less than five feet. In the case of a corner lot, the exterior side setbacks for the particular zoning district shall govern. Townhouse accessory building setback is a minimum of three feet.

(d) *Rear building setback requirement.* The depth of the rear yard shall be at least three feet. The building(s) shall not occupy more than 30 percent of the rear yard. In the case of a through lot, the depth of the rear yard shall be 25 feet.

(e) *Height.* The height of the accessory building shall not exceed the height of the main building.

(f) *Maximum number of buildings per lot.* In no instance shall more than two detached accessory buildings be allowed on one lot.

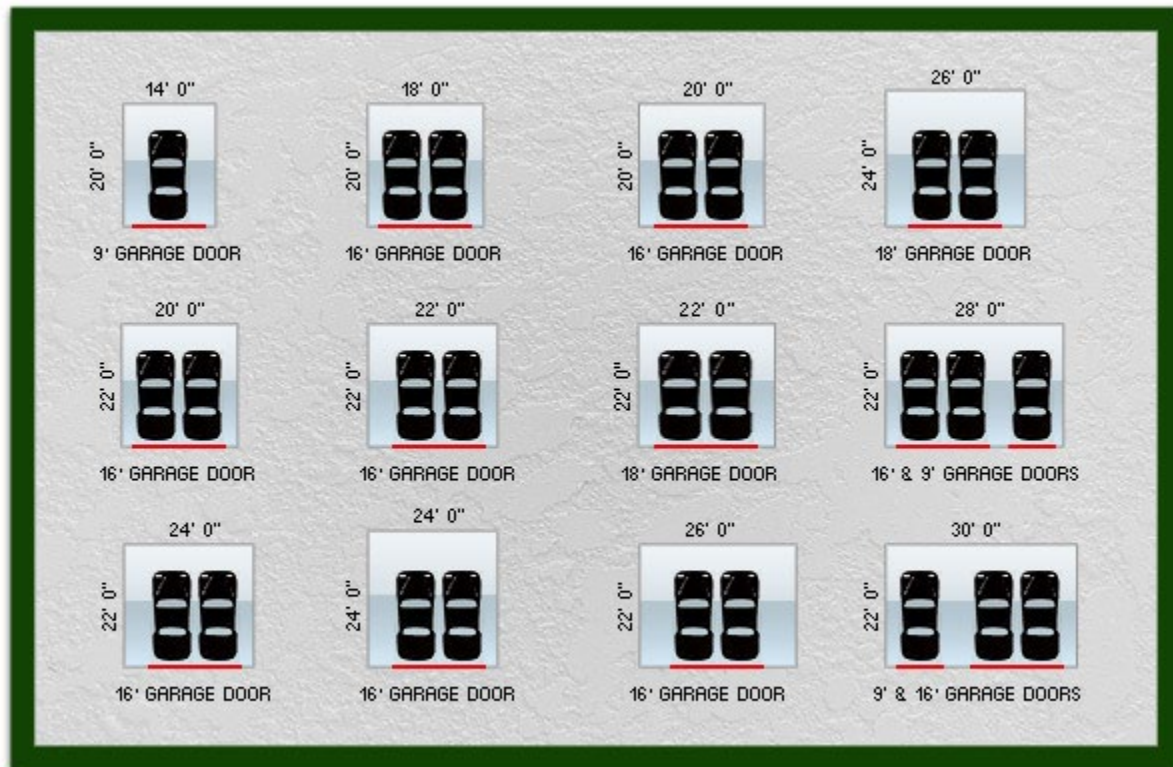
(g) *Building spacing.* As per adopted Building Codes.

(h) *Accessory dwellings.* A secondary living space that is on-site with a primary living space is allowed and may be contained within the same structure as the primary dwelling, or may be contained in a separate structure. A guest house and a garage loft are examples of accessory dwellings. No compensation may be paid for occupying the accessory dwelling. Separate kitchen facilities such as a stove, oven or dishwasher are not allowed in accessory dwelling.

(i) *Accessory equipment requirements.* Air conditioning compressors, swimming pool pumps and similar accessory structures shall observe all front and exterior side yard setbacks specified for the particular zoning district in which the property is located. A minimum interior side building setback and rear building setback of three feet shall be observed, unless otherwise approved by the Building Official in accordance with the City adopted building codes.



## Schematic of Typical Garage Dimensions



## 2 Car Garage Dimensions

