



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



**COUNCIL CHAMBERS
550 LANDA STREET**

WEDNESDAY, AUGUST 25, 2021 at 6:00 PM

**To participate via Zoom, use the link:
<https://us02web.zoom.us/j/84679204406> or call (833) 926-2300 with ID 846
7920 4406**

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
 - A) Approval of the June 24, 2021 Regular Meeting Minutes [21-840](#)
4. **INDIVIDUAL ITEMS FOR CONSIDERATION**
 - A) ZB21-0001 Hold a public hearing and consider a request [21-777](#)
for a variance to Section 3.3-2(b)(v) to allow an encroachment of up to 15 feet into the required 20-foot rear setback for a main structure as a result of the expansion of an existing detached structure (5-foot setback) and attaching it the main structure in the "R-2" Single and Two-Family District, addressed at 780 Elizabeth Avenue.
 - B) ZB21-0002 Hold a public hearing and consider a request [21-697](#)
for two variances to Sections 3.3-2(b)(1)(ii) and 3.3-2(b)(v) to allow a proposed dwelling to 1) encroach up to 5 feet into the required 25-foot front setback and 2) encroach up to 15 feet into the required 20-foot rear setback in the "R-2" Single and Two-Family District, addressed at 1020 Cole Avenue.
5. **STAFF REPORT**
 - A) Updates regarding the Unified Development Code. [21-698](#)
6. **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

8/25/2021

Agenda Item No. A)

ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
June 24, 2021

MEMBERS PRESENT

Chair John Coker

Vice Chair Brandon Mund

Cynthia Foster

Bonnie Leitch

David Lerch

STAFF PRESENT

Chris Looney, Planning & Development Services Director

Jean Drew, Assistant Director, Planning and Development Services

Frank Onion, First 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 April 22, 2021. The motion carried (5-0-0).

4. STAFF REPORT

(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. (Applicant: Susan Tolbert; Case Manager: Maddison O'Kelley)

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

- 1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** (The applicant states the location of the 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**
- 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.)

Chair Coker asked if there were any questions for staff.

Discussion followed on the square footage of the structure, location of the structure, and parking.

Chair Coker requested the applicant address the Board.

Susan Tolbert elaborated on the intent and provided further clarification of the request.

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

Discussion followed on the location of a ramp, access, potential code-base alternatives, public notification, and location of the house.

Peggy Brimhall, architect, provided further clarification behind the intent of the request.

Discussion followed on the hardship on the land, floodplain, an existing tree, and the width of the house.

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

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 clarification of each variance,

Motion by Member Leitch, seconded by Vice Chair Mund, to vote on each variance separately. Motion carried (5-0-0).

Motion by Vice Chair Mund, seconded by Member Foster to approve the proposed dwelling to encroach up to 10 feet into the required 15-foot corner side setback in the "R-2" Single and Two-Family District, addressed at 298 W. Edgewater Terrace. Motion carried (5-0-0).

Motion by Member Foster to approve the proposed dwelling to encroach 9 inches into the required 5-foot interior side setback in the "R-2" Single and Two-Family District, addressed at 298 W. Edgewater Terrace. Motion failed due to lack of a second.

Motion by Chair Coker, seconded by Member Lerch to approve the proposed detached garage to encroach 3 feet and 7 inches into the required 5-foot interior side setback in the "R-2" Single and Two-Family District, addressed at 298 W. Edgewater Terrace. Motion failed (2-3-0) with Vice Chair Mund, Member Leitch, and

Member Foster in opposition.

Motion by Member Leitch, seconded by Chair Coker to approve the 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. Motion failed (2-3-0) with Vice Chair Mund, Member Foster, and Member Lerch in opposition.

5. INDIVIDUAL ITEMS FOR CONSIDERATION

6. ADJOURNMENT

Chair Coker adjourned the meeting at 6:50 pm.

Chair

Date

\\chfs-1\Departments\Planning\Minutes\ZoningBdAdjustment\2020\zba 6-24-21.docx

8/25/2021

Agenda Item No. A)

Presenter/Contact*Applicant: Carrell Miller**(210) 325-3333 - carmil1945@gmail.com***SUBJECT:**

ZB21-0001 Hold a public hearing and consider a request for a variance to Section 3.3-2(b)(v) to allow an encroachment of up to 15 feet into the required 20-foot rear setback for a main structure as a result of the expansion of an existing detached structure (5-foot setback) and attaching it the main structure in the "R-2" Single and Two-Family District, addressed at 780 Elizabeth Avenue.

BACKGROUND / RATIONALE:**Case #:** ZB21-0001

Applicant: Carrell Miller
780 Lockener Avenue
New Braunfels, TX 78130
(210) 325-3333 - carmil1945@gmail.com

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

The subject property is located within the Landa Park Estates neighborhood at the corner of Elizabeth Avenue and Country Club Circle and is zoned "R-2" Single and Two-Family District. The property is approximately 105 feet deep and 87 feet wide, totaling 8,925 square feet in area. The property line fronting Country Club Circle is considered the front property line and the property line along Elizabeth Avenue is considered the corner side property line. The required setbacks of the "R-2" district create a buildable area that is 67 feet wide by 60 feet deep (4,020 square feet in area). The rear property line of the property is adjacent to a 35' wide city-owned lot that is currently undeveloped.

The existing property improvements include a 1,589 square foot single-family dwelling built in 1982 and a detached garage in the rear yard that is approximately 525 square feet in area. The detached garage is currently set back 5 feet from the rear property line. Accessory structures are authorized to be set back 3 feet from rear property lines.

The applicant is proposing to construct a 550 square foot addition that would connect the existing dwelling and existing detached garage together creating one structure. This one structure would be subject to the setback requirements for main structures in the "R-2" district. Main structures are required to maintain a minimum setback of 20 feet from the rear property line. The resulting new main structure will have the existing detached garage and a 7' wide portion of the new addition, encroach up to 15 feet into the required 20-foot rear 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 lot has limited usable area and that the infill location [of the addition] is the most aesthetic option and best use of the land. Staff acknowledges the location of the existing dwelling and detached structure on the property and the open space between them; however, the applicant has not identified a special circumstance of the land itself that necessitates connecting the two structures in order to preserve the reasonable use of land.) **and**
- 2) **That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states the use of the space between the garage and the residence allows the property owner to maintain a rear yard and reasonably repair existing utility services. Staff notes the substantial property right to use for the property for residential dwelling is not removed due to the rear setback requirement. Furthermore, the majority of the rear yard of the subject property is already improved with the detached garage and driveway. The property behind the applicant's garage is not a "rear yard" but city-owned property.) **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 city-owned property along W. Torrey Street has a 30-inch water main and is not suitable for construction. The applicant further states the property owner currently maintains this city-owned 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 for the house, however, all neighboring properties will still be required to comply with zoning ordinance standards for any new construction. 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**
- 5) **That an undue hardship exists;** (The applicant states the infill expansion of the residence is the best use of the lot and the proposed footprint is fitting with the neighborhood. The applicant 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. The applicant further states, due to the adjacent city-owned tract, the proposed addition would be setback 40 feet from the W. Torrey Street right-of-way if the variance is approved. Staff notes the intent of the rear setback requirement is for the preservation of open space on residential property.)

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:

8,925 square feet in area

105 feet in depth

85 feet in width

Variance Request Due to Notice of Violation:

No

Surrounding Zoning and Land Use:

North - Across Country Club Circle R-2 / Single Family Dwellings

South - R-2 / Vacant

East - R-2 / Single Family Dwellings

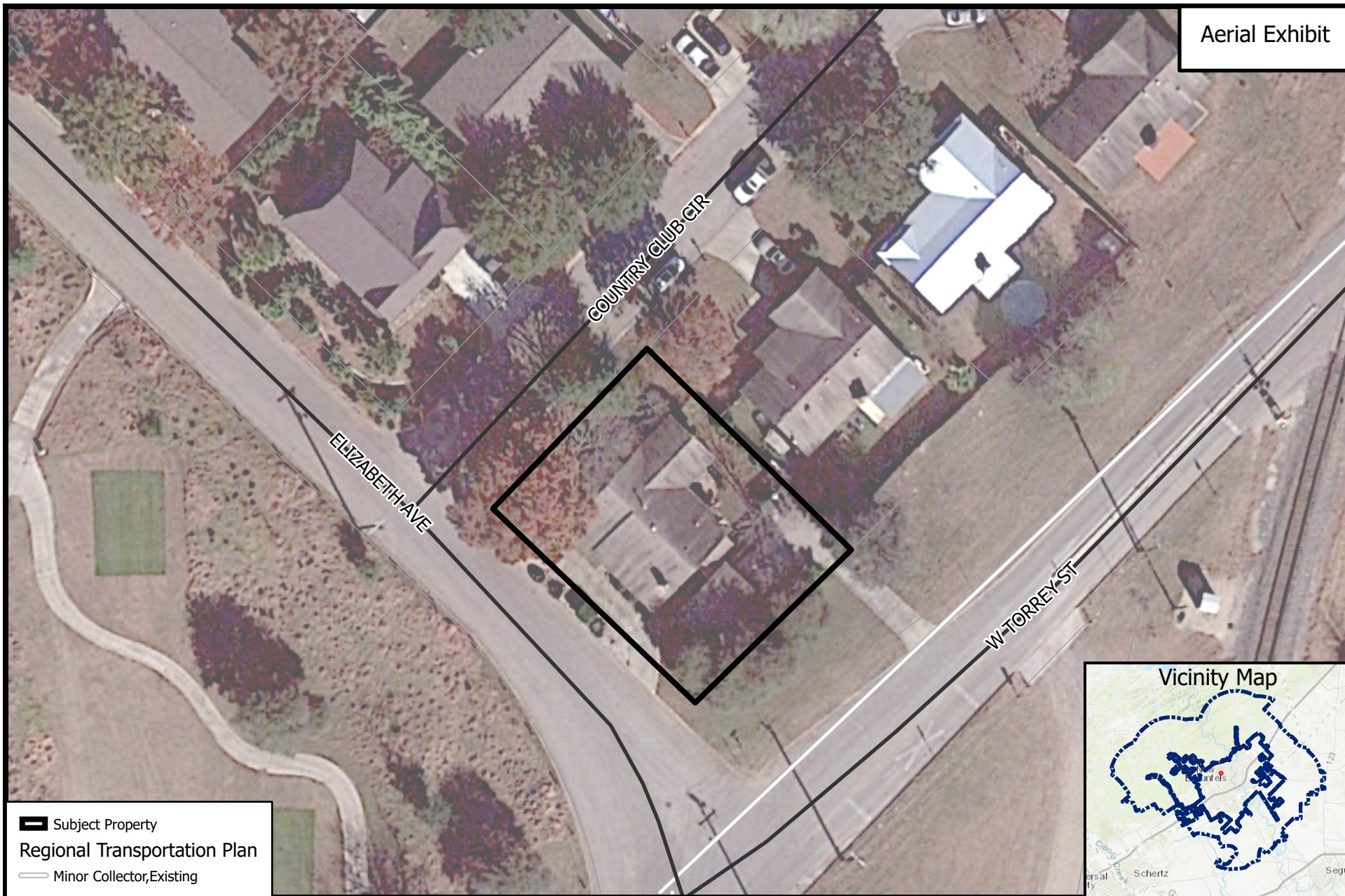
West - Across Elizabeth Avenue, R-2/ City Golf Course

Notification

Public hearing notices were sent to 11 owners of property within 200 feet. Staff has received one response in favor and none in objection.

Attachments:

1. Aerial Map
2. Application
3. Site Plan with Proposed Improvements
4. Pictures of Subject Property
5. Notification Packet and Responses
6. Sec. 3.3-2 "R-2" Single Family and Two-Family District
7. Sec. 5.4 Accessory uses and structures





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

RECEIVED

JUN 16 2021

BY: *ll*

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*: Carrell Miller

Property Address: 780 Elizabeth Ave

Mailing Address: 780 Lockner Ave

Contact information:

Phone: 20-325-3333

E-Mail: carrel1945@gmail.com

Legal Description: Lot #: 21A Block: _____ Subdivision: Country Club Estates
(NOTE: If property is not platted, attach a copy of the metes and bounds description and survey/drawing.)

Present Use of Property: Single Family Res. Zoning: R2

Describe Variance Request: ① A variance for the rear setback for a main dwelling. The addition encroaches approx 15ft into the rear yard setback. The rear property line angles decreasing the 5' encroachment to the north.

SUBMITTAL CHECKLIST:

STAFF:

APPLICANT:



Completed application



Copy of deed showing current ownership



Homestead Verification (if applicable)



Application Fee



Letter of authorization if applicant is not property owner



Site plan, drawn to scale and no larger than 11"x17", showing all existing and proposed improvements, setbacks from the property lines, and building elevations (if applicable.)

Explain the following in detail:

Please note: The information provided in response to the following questions is imperative to the variance request process. You may use additional pages if necessary.

(1) What are the special circumstances or conditions affecting the land that warrant the variance?

The existing lot has limited useable area. The proposed infill location is the most aesthetic option and best use of the land.

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

Use of the space between the garage and the residence allows the owner to maintain a rear yard and reasonably repair existing utility services.

(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. The property along Torrey has a 30 inch water main and is not suitable for construction. The owner currently maintains this property.

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

No.

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

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

The infill expansion of the residence is the best use of this lot. This is also true if subsequent owners expand the residence vertically. This proposed footprint is fitting with the neighborhood.

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

Yes. Allowing for the city owned property
the setback from the Torrey R.O.W.
is approximately 40 feet.

Please initial the following important reminders:

OPV

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.

OPV

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.

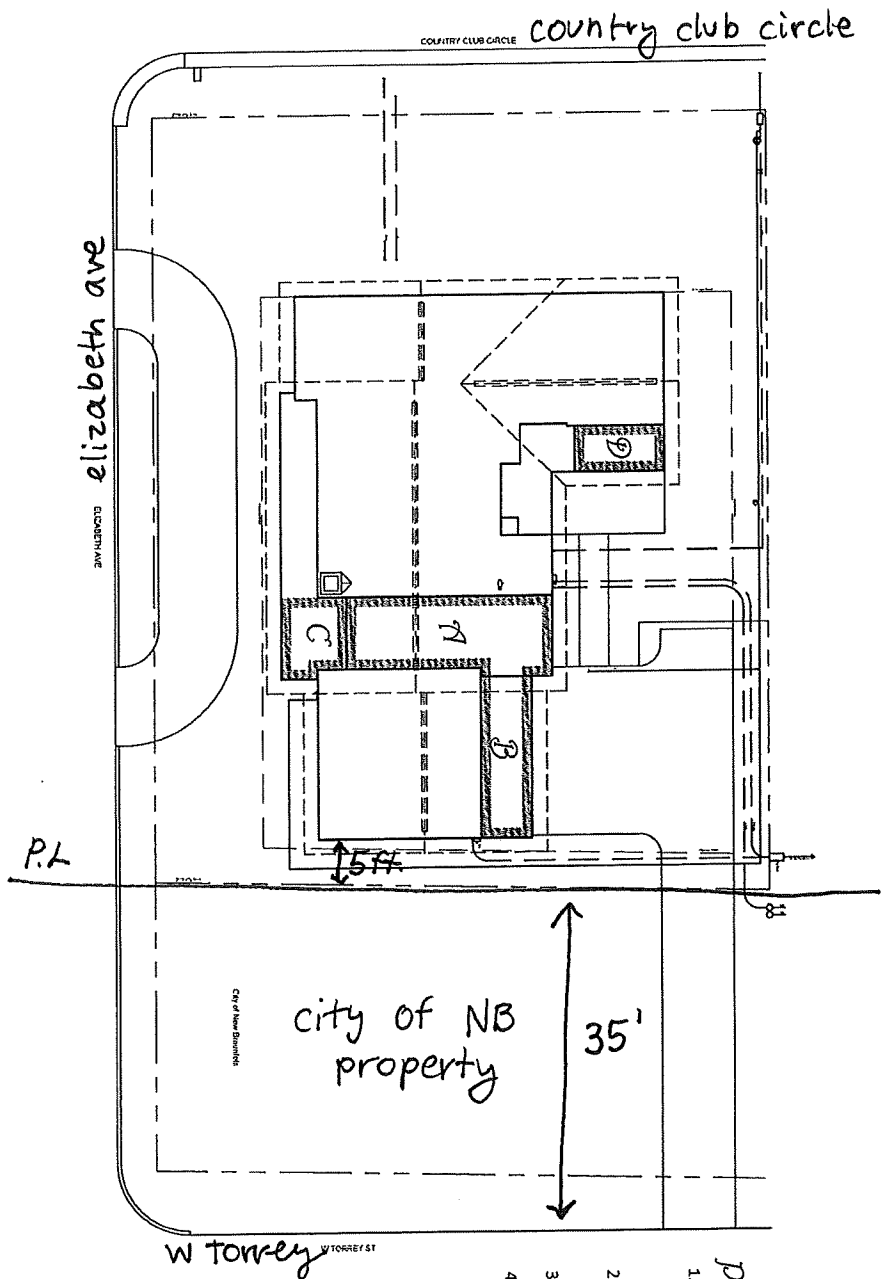
I hereby certify that the information provided is true and correct to the best of my knowledge.

Date: 6-16-21

Signed: Carrell Metzke Miller Print Name: CARRELL METZKE MILLER
 Applicant/Agent*

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

Agent: O. Daniel Castillo, Architect
395 E. Faust, NB, TX 78130
830-312-3308
odcastillo@me.com



Project Summary

1. Area A is a 10ft infill connecting the existing residence to the detached garage. The addition allows for an accessible access from the garage to the residence and creates floor area for a new kitchen.
2. Area B is a 7ft extension for the existing garage to create storage in the garage. The garage extension matches the existing setback of the garage.
3. Area C is an extension of the existing porch with no encroachments in the corner side yard setback.
4. Area D is a Closet addition with no changes to the side yard setback.

-- Site plan for 780 Elizabeth --

New Braunfels, Texas
1/16" scale

Prepared by O. Daniel Castillo, Architect, TBP# Lic. No. 17257
This preliminary design document is not for regulatory review or permitting

0-Variance, Mon Jun 14 15:47:57 2021

Variance Application

PICTURES OF SUBJECT PROPERTY





NOTICE OF PUBLIC HEARING

The New Braunfels Zoning Board of Adjustment will hold a public hearing at the request of **Carrell Miller** to consider the following variance:

Subject Property: 780 Elizabeth Avenue

Variance Requests: To allow an encroachment of up to 15 feet into the required 20-foot rear setback for a main structure as a result of the expansion of an existing detached structure (5-foot setback) and attaching it the main structure. (Site plan and other details are available at www.nbtexas.org/PublicNotice)

Required standards: **Section 3.3-2(b)(1)(v) which states:**
Rear building setback. 20 feet.

Because you own property within 200 feet of the subject property, state law requires that we notify you of the request and allow you to comment. Comments aid the Board of Adjustment in determining whether to grant or deny the variance. **The zoning of the property will not change.**

The public hearing will be held on **Wednesday, August 25, 2021** at 6:00 p.m. in the City Hall Council Chambers, addressed at 550 Landa Street, and is open to the public. All interested persons are invited to attend the meeting. You may also participate in the meeting virtually via Zoom. Information on how to join the meeting via Zoom Meeting is included with this notice. Please see the attached instructions on accessing and participating in the online meeting. **If you wish to submit written comments, please complete the information below and reply to:**

Mail: City of New Braunfels
Zoning Board of Adjustment
550 Landa Street
New Braunfels, TX 78130

Email: mokelley@nbtexas.org

Contact Maddison O'Kelley at (830) 221-4056, if you have any questions

Maddison O'Kelley, Assistant Planner
Development Planning Division

DETACH & RETURN THIS PORTION IF YOU WISH TO SUBMIT WRITTEN COMMENT

Case: ZB21-0001 (Miller) MO

Name: _____

I favor: _____

Address: _____

Circled property number from map: _____

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature _____

PROCEDURE DURING THE HEARING

- The Board will first call for the City's statement on the request.
- The City's statement will be followed by the applicant's statement. At the time of the hearing, the applicant may appear in his own behalf or may appoint an agent to represent him/her.
- Statements will then be accepted from any private citizen for the proposal.
- Statements will then be accepted from any private citizen against the proposal.
- The applicant will be given an opportunity for a final rebuttal.
- The final decision of the Board on any variance request shall be in the form of a motion which must be approved by four of the participating Board members.

NOTE:

The Board may, at any time during the hearing, question the City, the applicant or a private citizen in attendance.

For additional information visit www.nbtexas.org/2662/Zoning-Board-of-Adjustment or call the Development Planning Division at: (830) 221-4050.



Zoning Board of Adjustments Meeting to be conducted via Zoom Webinar

Department of Planning and Development Services

The public is welcome to join the meeting by phone, computer, or any other internet connected device rather than in person if so desired.

Public attendees may participate or observe the meeting as detailed on this website: <https://www.nbtexas.org/2727/ZBA-Online-Meeting-Guide>. A meeting ID and phone number will be posted the day of the meeting.

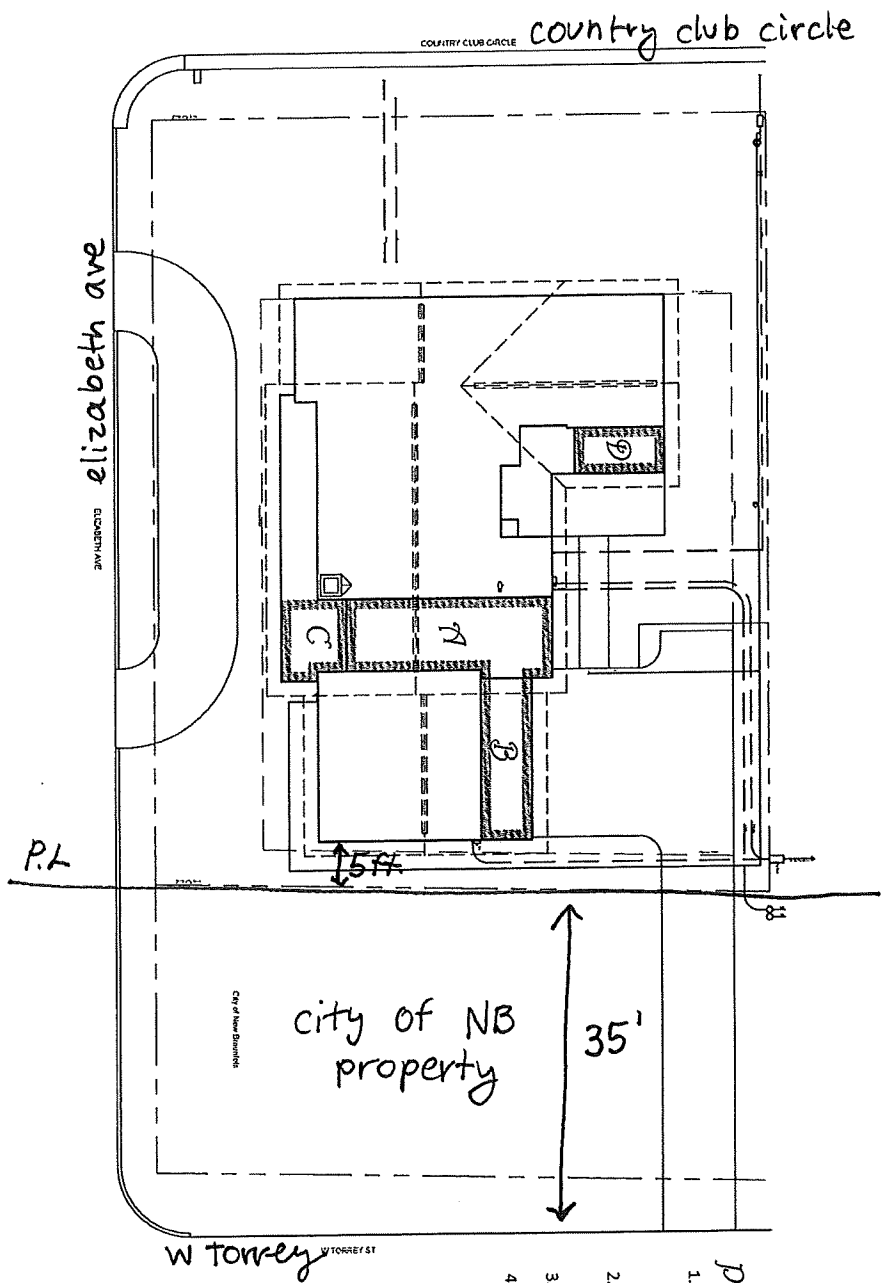
Please note the following if you would like to provide comments on individual agenda items during the meeting:

- This is a public meeting and normal meeting procedures and decorum are required.
- The City of New Braunfels will host the meeting and will share a prepared PowerPoint presentation on the host screen. As a meeting attendee you will be able to view the host screen.
- Anyone wanting to submit materials (e.g: letters, drawings, pictures) for consideration by the Planning Commission must do so via email to planning@nbtexas.org no later than 5:00 p.m. the day prior to the meeting. Include the last four digits of your phone number in the email for identification purposes.

Steps to speak during the meeting:

- During the public hearing and/or public comment time frame for the agenda item, if you would like to speak, please raise your hand in one of the two following methods to be recognized and given an opportunity to speak:
 - If you are communicating through a device (computer, laptop, tablet, etc.), click the “raise hand” icon at the bottom of the screen to request to speak.
 - IF your device does not have a microphone and you are calling from a telephone, dial *9 to request to speak.
- The host will identify participants in the order they are received. The host will identify you by name if you used the “raise hand” icon. If you are on the phone, the host will identify you by the last 4 digits of the phone number you are calling from.
- Participants will be muted, and the Host will unmute you when it is your turn to speak.
- Please state your full name and physical address for the official record and then proceed to make your statement or ask a question.
- Please introduce yourself each time you begin speaking unless you have been introduced by the chair or the host.
- Please restrict or minimize background noise while you are speaking to preserve the quality of the meeting.
- Please restrict or limit household internet activities while you are connected to the meeting to preserve the quality of the meeting.

If you have any questions or concerns please email Planning@nbtexas.org or call the planning line at (830) 221-4087. Thank you.



Project Summary

1. Area A is a 10ft infill connecting the existing residence to the detached garage. The addition allows for an accessible access from the garage to the residence and creates floor area for a new kitchen.
2. Area B is a 7ft extension for the existing garage to create storage in the garage. The garage extension matches the existing setback of the garage.
3. Area C is an extension of the existing porch with no encroachments in the corner side yard setback.
4. Area D is a Closet addition with no changes to the side yard setback.

-- Site Plan for 780 Elizabeth --
New Braunfels, Texas
1/16" scale

Prepared by D. Daniel Castillo, Architect, TBA Inc. No. 17257
This preliminary design document is not for regulatory review or permitting

Variance Application

ZONING BOARD OF ADJUSTMENT – AUGUST 25, 2021
CITY COUNCIL CHAMBERS AND
ZOOM WEBINAR MEETING

Address/Location: 780 Elizabeth Avenue

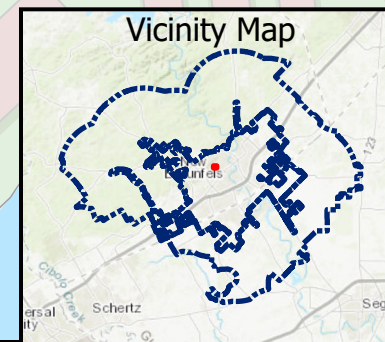
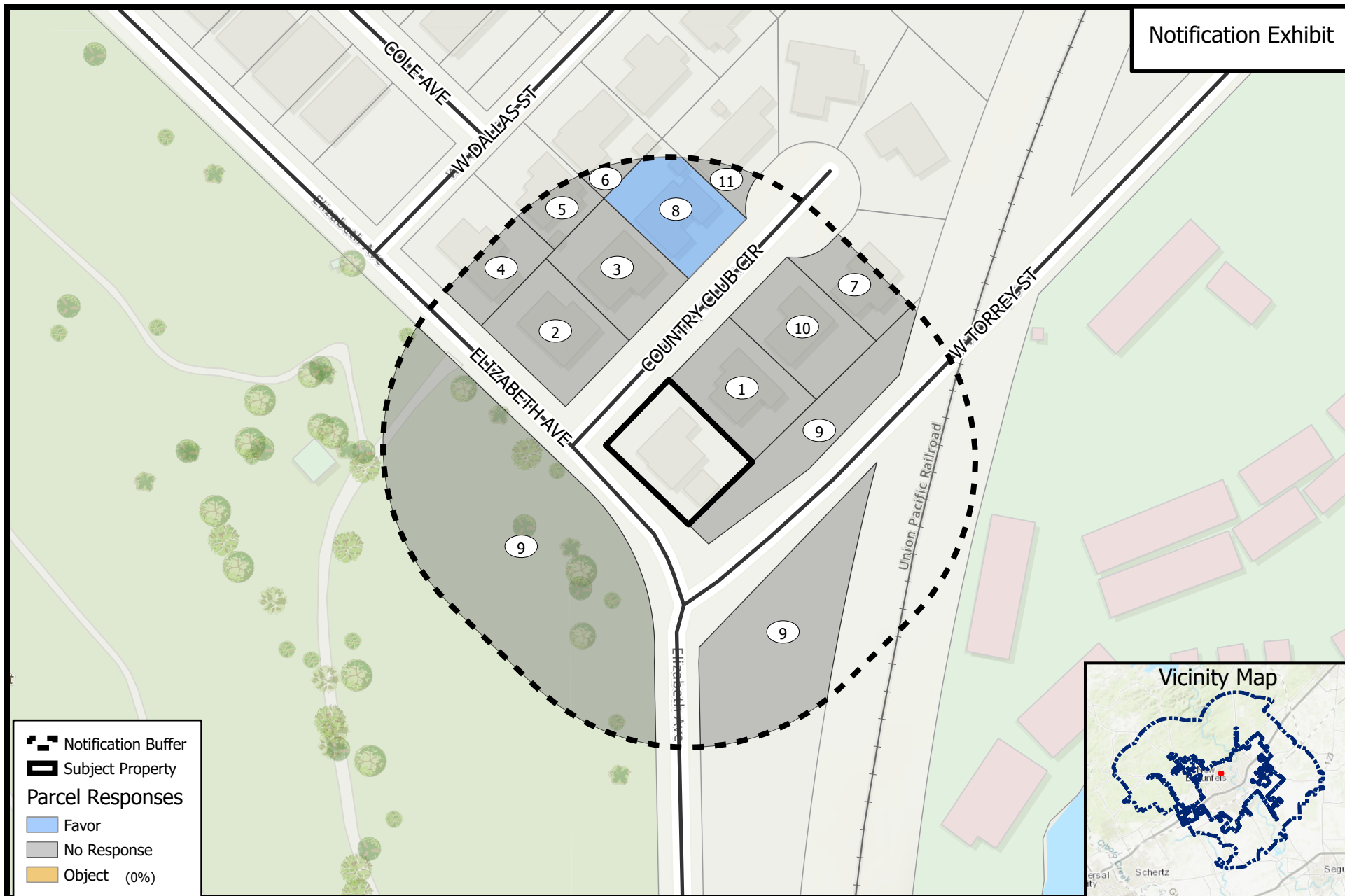
Applicant: Carrell Miller

Case #: ZB21-0001

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. JERGIN SPENCER ET AL | 7. SUTTON JOLENE & RANDALL |
| 2. MCCALL CLEO B & JODY M | 8. NOVSEK ALISON R & NATHAN J |
| 3. OKRASINSKI MICHAEL & NELLE GLASSER | 9. NEW BRAUNFELS CITY OF |
| 4. JONAS KATHERINE O | 10. WILLETT SCOTT L & LINDA |
| 5. HERMANN CLAY B & JENNIFER N | 11. DOMIER CLAYTON & MARLENE |
| 6. YOUNG LESLIE S & JUDY W | |

SEE NOTIFICATION MAP



From: [Nathan Novsek](#)
To: [Maddison O'Kelley](#)
Subject: 780 Elizabeth Avenue Case # ZB21-0001
Date: Monday, August 16, 2021 10:15:43 PM

Property #8

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mrs. O'Kelley,

My name is Nathan Novsek. I received your information with my packet from the city regarding Mrs. Miller's request for her property on 780 Elizabeth Avenue. I will not be able to attend the meeting on August 25th but wanted to voice my opinion which is with Mrs. Miller. I feel she should be allowed to attach the structures on her property regardless of the 20' rule. This small project will not have any effect that would trouble the neighborhood or guests passing through. The real issue here is how the contractors you hired left your property touching Mrs. Miller's property on that corner.

One proposal I would like to make is that the city clean up the corner on Elizabeth & Torrey they own. The past few months construction has been ongoing for the water/sewer line which touches Mrs. Miller's property. Upon completion, this area was left full of road base and gravel where it once was grass and wildflowers. We are very proud of our neighborhood and being this area is the start of Landa Park, I feel it is in the city's best interest to keep it well maintained as opposed to allow it to continue in its current state. I'm sure the city employee who left the variance sign there noticed the eye sore corner we have to pass everyday. We hope that regardless of this variance case you can take pride in keeping our community clean and appealing.

We thank you for allowing us to be a part of this process and sending out the information packets.

-Nathan Novsek
15 Country Club Circle

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.

8/25/2021

Agenda Item No. B)

Presenter/Contact

Applicant: Toya Ohlrich Boyer
(830) 708-4425 - toyanbtx@outlook.com

SUBJECT:

ZB21-0002 Hold a public hearing and consider a request for two variances to Sections 3.3-2(b)(1)(ii) and 3.3-2(b)(v) to allow a proposed dwelling to 1) encroach up to 5 feet into the required 25-foot front setback and 2) encroach up to 15 feet into the required 20-foot rear setback in the "R-2" Single and Two-Family District, addressed at 1020 Cole Avenue.

BACKGROUND / RATIONALE:

Case #: ZB21-0002

Applicant: Toya Ohlrich Boyer
2471 Wallaby Circle
New Braunfels, TX 78132
(830) 708-4425 - toyanbtx@outlook.com <<mailto:toyanbtx@outlook.com>>

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

The subject property is located within the Landa Park Estates neighborhood at the northeast corner of Cole Avenue and W. Klingemann Street and is zoned "R-2" Single and Two-Family District. The property is approximately 100 feet in depth and 87 feet in width, totaling 8,750 square feet in area. The front property line is along Cole Avenue and the corner side property line is along W. Klingemann Street. Due to the required setbacks within the "R-2" district, the buildable area is 67 feet wide by 55 feet deep (3,685 square feet in area).

The existing property improvements include a 2,168 square-foot single family dwelling built in 1946 with multiple subsequent additions including a 600 square foot addition constructed in 1966, a porch enclosure and bathroom addition in 1972, and a second story built in 2000. An attached carport was also constructed at the front of the home and two sheds are located in the rear yard, one of which is structurally attached to the home and the other detached.

The main structure currently encroaches into several required setbacks. The encroachments are approximately:

- 15 feet into the required 25-foot front setback.
- 10 feet into the 20-foot garage setback for carports.
- 5 inches into the required 5-foot side setback.
- 11 feet into the 15-foot corner side setback.
- 20 feet into the required 20-foot rear setback.

The applicant is proposing to demolish all existing structures on the property to construct a new single-family dwelling. The applicant is requesting two variances to allow the new residence to encroach 5 feet into the 25-foot front setback and 15 feet into the 20-foot rear setback. The setbacks of the new home would reduce the existing front and rear setback encroachments by 5 feet each. Therefore, if both variances are approved, the home would be set back 20 feet from the front property line and 5 feet from the rear property line. The applicant intends to bring the interior side setback and 15-foot corner side setback into conformance with the zoning ordinance, thereby reducing the interior side setback encroachment by 5 inches and the corner side setback by 11 feet.

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 current setback requirements were designed for newer developments that have lots that are more than 100' in depth and that the current setback requirements would restrict the applicant from building on 45' of buildable space on the lot. The applicant further states the hardship is the size of the lot and code required setbacks. Staff notes that the minimum depth for all lots in "R-2" is 100 feet. Although the nearly square configuration of the lot is not typical for lots in "R-2", the subject property meets the minimum lot depth (100 feet) requirement and exceeds the minimum requirements for lot width (70 feet) and area (7,000 sf) for corner lots in the district. Additionally, setback requirements are not a special circumstance of the land itself since their impact on development of the subject property is shared with other residential properties with the same zoning. The request appears to be more related to the minimum standards of the R-2 district for the neighborhood as opposed to special circumstances or conditions of the property.) **and**
- 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 not necessary to preserve a substantial property right of the property owner. Staff notes the substantial property right to use the property for a residential dwelling is not removed due to the rear and front 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.) **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. While the proposed building envelope reduces the existing encroachments, 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 existing structure is in violation of all setbacks on each side of the property and that they want to improve the neighborhood. The applicant further states that, if the variances are not approved, the buildable area would require a taller, skinnier structure to be constructed that would be out of character for the neighborhood. Staff has not identified a physical hardship due to the nature of the land

-
- itself that is not shared by other residential property within 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. The applicant further states the setback adjustments will allow them to make improvements in keeping with the neighborhood than the current structure. Staff acknowledges the existing encroachments within each required setback are proposed to be reduced.)

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:

8,750 square feet in area
100 feet in depth
87.5 feet in width

Variance Request Due to Notice of Violation:

No

Surrounding Zoning and Land Use:

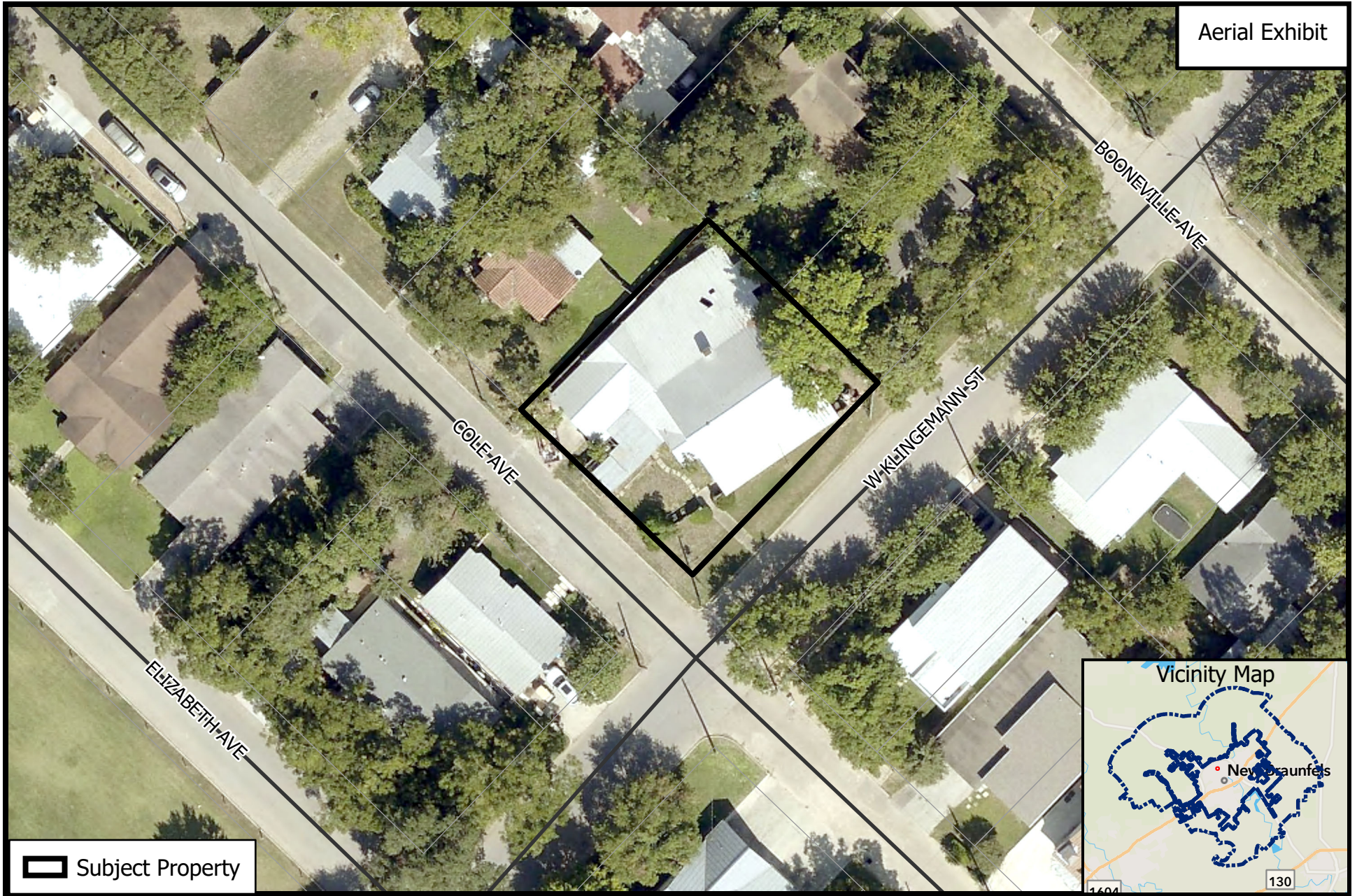
North - R-2 / Single Family Dwellings
South - Across W. Klingemann Street, R-2 / Single Family Dwellings
East - R-2 / Single Family Dwellings
West - Across Cole Avenue, R-2/ Single family Dwellings

Notification

Public hearing notices were sent to 27 owners of property within 200 feet. Staff has received 3 responses in favor and none in objection.

Attachments:

1. Aerial Map
2. Application
3. Existing Survey and Proposed Site Plan
4. Pictures of Subject Property
5. Notification Packet
6. Sec. 3.3-2 "R-2" Single Family and Two-Family District
7. Pictures Provided by Applicant of Neighborhood Properties



Aerial Exhibit

Subject Property

Vicinity Map

New Braunfels

0 25 50 Feet



ZB21-0002 Rear and Front Setback Encroachments

Source: City of New Braunfels Planning
Date: 8/11/2021

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.



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

CC/Cash/Check No.: _____

Amount Recd. \$ _____

Receipt No.: _____

Case No.: _____

Submittal date – office use only

Variance Application

(Zoning Board of Adjustment)

APPLICATION FEES:

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

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

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

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

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

Name of Applicant/Agent*: Toya Ohlrich Boyer

Property Address: 1020 Cole Ave, New Braunfels, Tx 78130

Mailing Address: 2471 Wallaby Circle, New Braunfels, Tx 78132

Contact information:

Phone: 830-708-4425

E-Mail: toyanbtx@outlook.com

Legal Description: Lot 1/2 lot 31 Block: 11 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: Residence Vacant Zoning: R2

Describe Variance Request: 2 Variances - One for a 15' encroachment in the rear and one
for a 5' encroachment in the front

SUBMITTAL CHECKLIST:

STAFF:	APPLICANT:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Completed application
<input type="checkbox"/>	<input checked="" type="checkbox"/> Copy of deed showing current ownership
<input type="checkbox"/>	<input type="checkbox"/> Homestead Verification (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/> Application Fee
<input type="checkbox"/>	<input type="checkbox"/> Letter of authorization if applicant is not property owner
<input type="checkbox"/>	<input checked="" type="checkbox"/> 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 current setback codes were designed for newer developments which are more than
100' in length (depth). Current setback codes would restrict 45' or almost half the
buildable space. The hardship is the size of the lot and code setbacks.

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

NO

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

NO

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

NO

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

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

The existing structure is in violation of all setbacks on every side of the property. We want
to improve the neighborhood. However, if we are held to the current setback code, the
buildable area would require a taller and skinnier structure that would not be
characteristic of the neighborhood.

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

YES - Additionally, we believe these setback adjustments will allow us to make

improvements more in keeping with the neighborhood than the current structure.

Please initial the following important reminders:

(7)

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.

(7)

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:

Toya Ohlrich Boyer
Applicant/Agent*

Date:

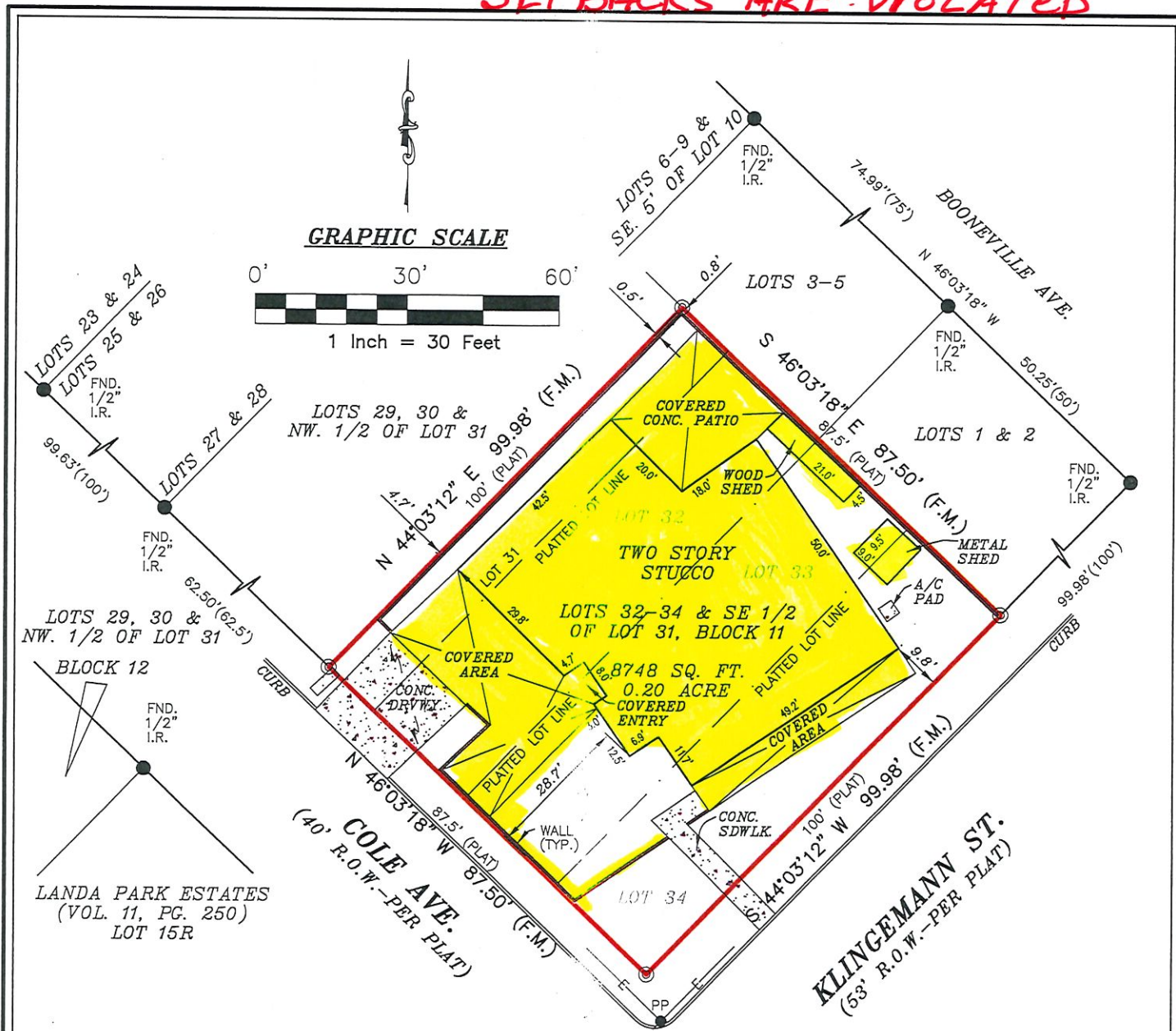
7-19-21

Print Name: Toya Ohlrich Boyer

*

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

R. Bruce Boyer



LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- OVERHEAD ELECTRIC
- PLATTED LOT LINE
- SET IRON ROD
- CALCULATED POINT
- FOUND IRON ROD
- POWER POLE
- RECORDED ON PLAT
- FIELD MEASURED

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

X
X

SURVEYOR'S NOTE(S):
BASIS OF BEARING, TEXAS SOUTH CENTRAL NAD 83.

At date of this survey, the property is in FEMA designated 100 Year ZONE X SHADED as verified by FEMA map Panel No: 48091C 0435 F effective date of SEPTEMBER 02, 2009. Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

I, RACHEL LYNN HANSEN, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to CHICAGO TITLE INSURANCE COMPANY and BRUCE R. BOYER AND TOYA OHLRICH BOYER

that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).

Borrower/Owner: BRUCE R. BOYER AND TOYA OHLRICH BOYER
Address: 1020 COLE AVE. GF No. ACT-70-4300302100459K

Legal Description of the Land:

Southeast one-half of Lot 31 and Lots 32, 33, 34 and Block 11, Landa Park Estates, according to a map or plat thereof recorded in Volume 62, Page 464, Deed Records, Comal County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN: VOLUME 62, PAGE 464, DEED RECORDS, COMAL COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



FINAL "AS-BUILT" SURVEY

JOB NO.:	2103075443	NO.	REVISION	DATE
DATE:	03/12/21			
DRAWN BY:	MN/KB			
APPROVED BY:	RLH			

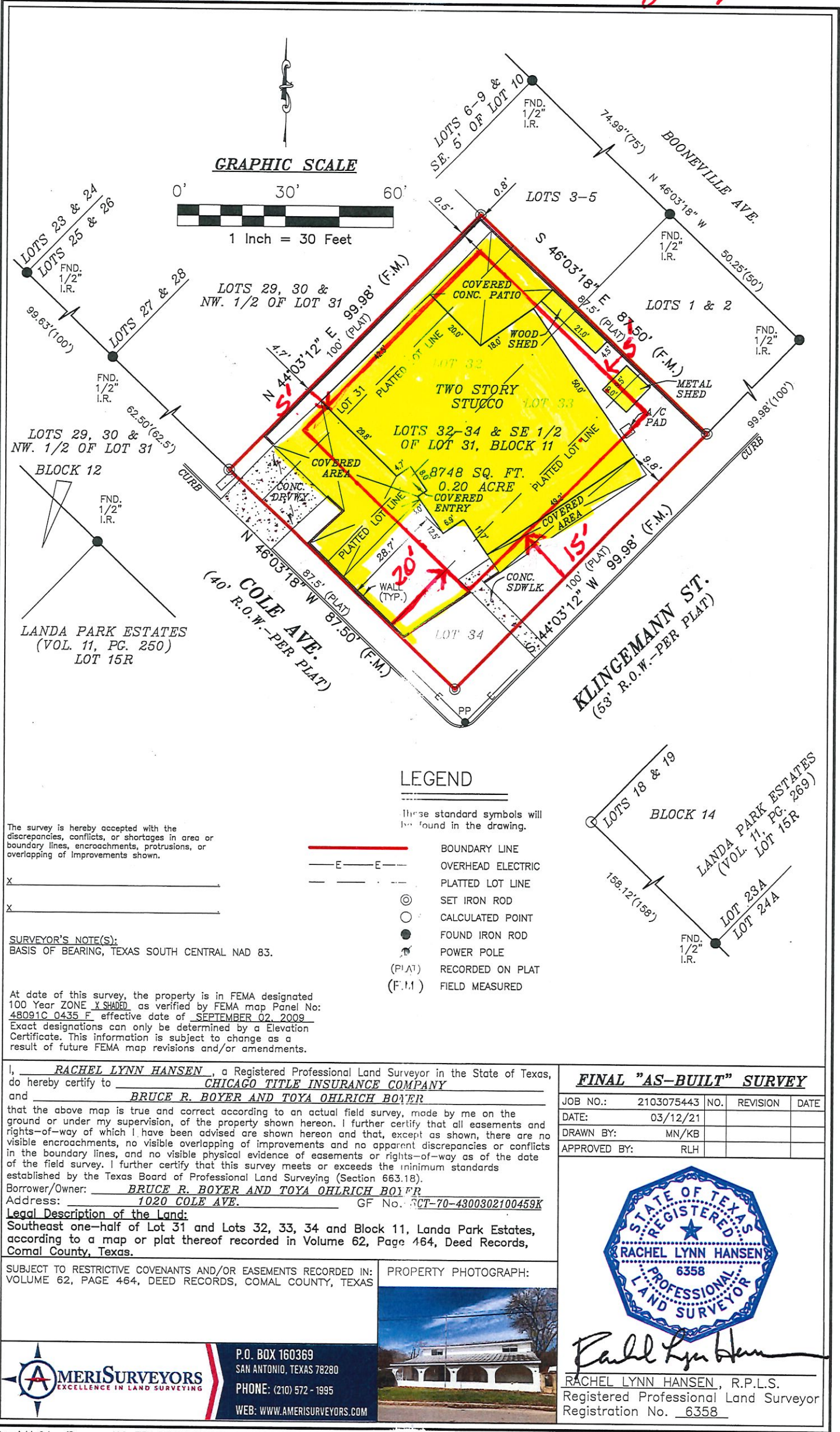


Rachel Lynn Hansen
RACHEL LYNN HANSEN, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 6358



P.O. BOX 160369
SAN ANTONIO, TEXAS 78280
PHONE: (210) 572-1995
WEB: WWW.AMERISURVEYORS.COM

Red Overlay Shows Setbacks Being Requested



PICTURES OF SUBJECT PROPERTY





NOTICE OF PUBLIC HEARING

The New Braunfels Zoning Board of Adjustment will hold a public hearing at the request of **Toya Boyer** to consider the following variance:

Subject Property: 1020 Cole Avenue

Variance Requests: To allow a proposed dwelling to 1) encroach up to 5 feet into the required 25-foot front setback and 2) encroach up to 15 feet into the required 20-foot rear setback. (Site plan and other details are available at www.nbtexas.org/PublicNotice)

Required standards: **Sections 3.3-2(b)(1)(ii) which states:**
Front building setback. 25 feet.
Section 3.3-2(b)(1)(v) which states:
Rear building setback. 20 feet.

Because you own property within 200 feet of the subject property, state law requires that we notify you of the request and allow you to comment. Comments aid the Board of Adjustment in determining whether to grant or deny the variance. **The zoning of the property will not change.**

The public hearing will be held on **Wednesday, August 25, 2021** at 6:00 p.m. in the City Hall Council Chambers, addressed at 550 Landa Street, and is open to the public. All interested persons are invited to attend the meeting. You may also participate in the meeting virtually via Zoom. Information on how to join the meeting via Zoom Meeting is included with this notice. Please see the attached instructions on accessing and participating in the online meeting. **If you wish to submit written comments, please complete the information below and reply to:**

Mail: City of New Braunfels
Zoning Board of Adjustment
550 Landa Street
New Braunfels, TX 78130

Email: mokelley@nbtexas.org

Contact Maddison O'Kelley at (830) 221-4056, if you have any questions

Maddison O'Kelley, Assistant Planner
Development Planning Division

DETACH & RETURN THIS PORTION IF YOU WISH TO SUBMIT WRITTEN COMMENT

Case: ZB21-0002 (Boyer) MO

Name: _____

I favor: _____

Address: _____

Circled property number from map: _____

I object: _____
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature _____

PROCEDURE DURING THE HEARING

- The Board will first call for the City's statement on the request.
- The City's statement will be followed by the applicant's statement. At the time of the hearing, the applicant may appear in his own behalf or may appoint an agent to represent him/her.
- Statements will then be accepted from any private citizen for the proposal.
- Statements will then be accepted from any private citizen against the proposal.
- The applicant will be given an opportunity for a final rebuttal.
- The final decision of the Board on any variance request shall be in the form of a motion which must be approved by four of the participating Board members.

NOTE:

The Board may, at any time during the hearing, question the City, the applicant or a private citizen in attendance.

For additional information visit www.nbtexas.org/2662/Zoning-Board-of-Adjustment or call the Development Planning Division at: (830) 221-4050.



Zoning Board of Adjustments Meeting to be conducted via Zoom Webinar

Department of Planning and Development Services

The public is welcome to join the meeting by phone, computer, or any other internet connected device rather than in person if so desired.

Public attendees may participate or observe the meeting as detailed on this website: <https://www.nbtexas.org/2727/ZBA-Online-Meeting-Guide>. A meeting ID and phone number will be posted the day of the meeting.

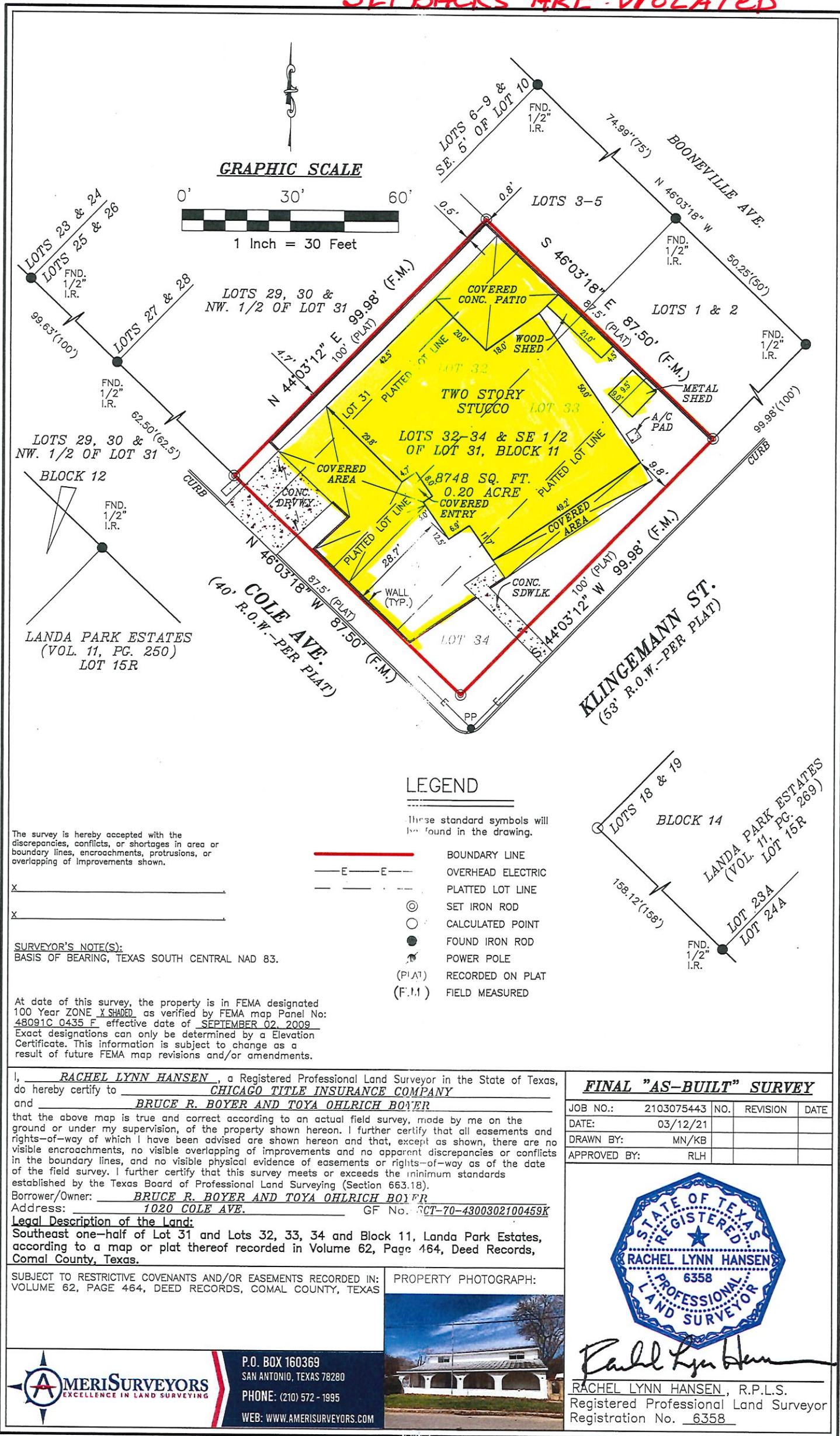
Please note the following if you would like to provide comments on individual agenda items during the meeting:

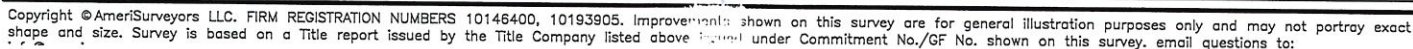
- This is a public meeting and normal meeting procedures and decorum are required.
- The City of New Braunfels will host the meeting and will share a prepared PowerPoint presentation on the host screen. As a meeting attendee you will be able to view the host screen.
- Anyone wanting to submit materials (e.g: letters, drawings, pictures) for consideration by the Planning Commission must do so via email to planning@nbtexas.org no later than 5:00 p.m. the day prior to the meeting. Include the last four digits of your phone number in the email for identification purposes.

Steps to speak during the meeting:

- During the public hearing and/or public comment time frame for the agenda item, if you would like to speak, please raise your hand in one of the two following methods to be recognized and given an opportunity to speak:
 - If you are communicating through a device (computer, laptop, tablet, etc.), click the “raise hand” icon at the bottom of the screen to request to speak.
 - IF your device does not have a microphone and you are calling from a telephone, dial *9 to request to speak.
- The host will identify participants in the order they are received. The host will identify you by name if you used the “raise hand” icon. If you are on the phone, the host will identify you by the last 4 digits of the phone number you are calling from.
- Participants will be muted, and the Host will unmute you when it is your turn to speak.
- Please state your full name and physical address for the official record and then proceed to make your statement or ask a question.
- Please introduce yourself each time you begin speaking unless you have been introduced by the chair or the host.
- Please restrict or minimize background noise while you are speaking to preserve the quality of the meeting.
- Please restrict or limit household internet activities while you are connected to the meeting to preserve the quality of the meeting.

If you have any questions or concerns please email Planning@nbtexas.org or call the planning line at (830) 221-4087. Thank you.





ZONING BOARD OF ADJUSTMENT – AUGUST 25, 2021
CITY COUNCIL CHAMBERS AND
ZOOM WEBINAR MEETING

Address/Location: 1020 Cole Avenue

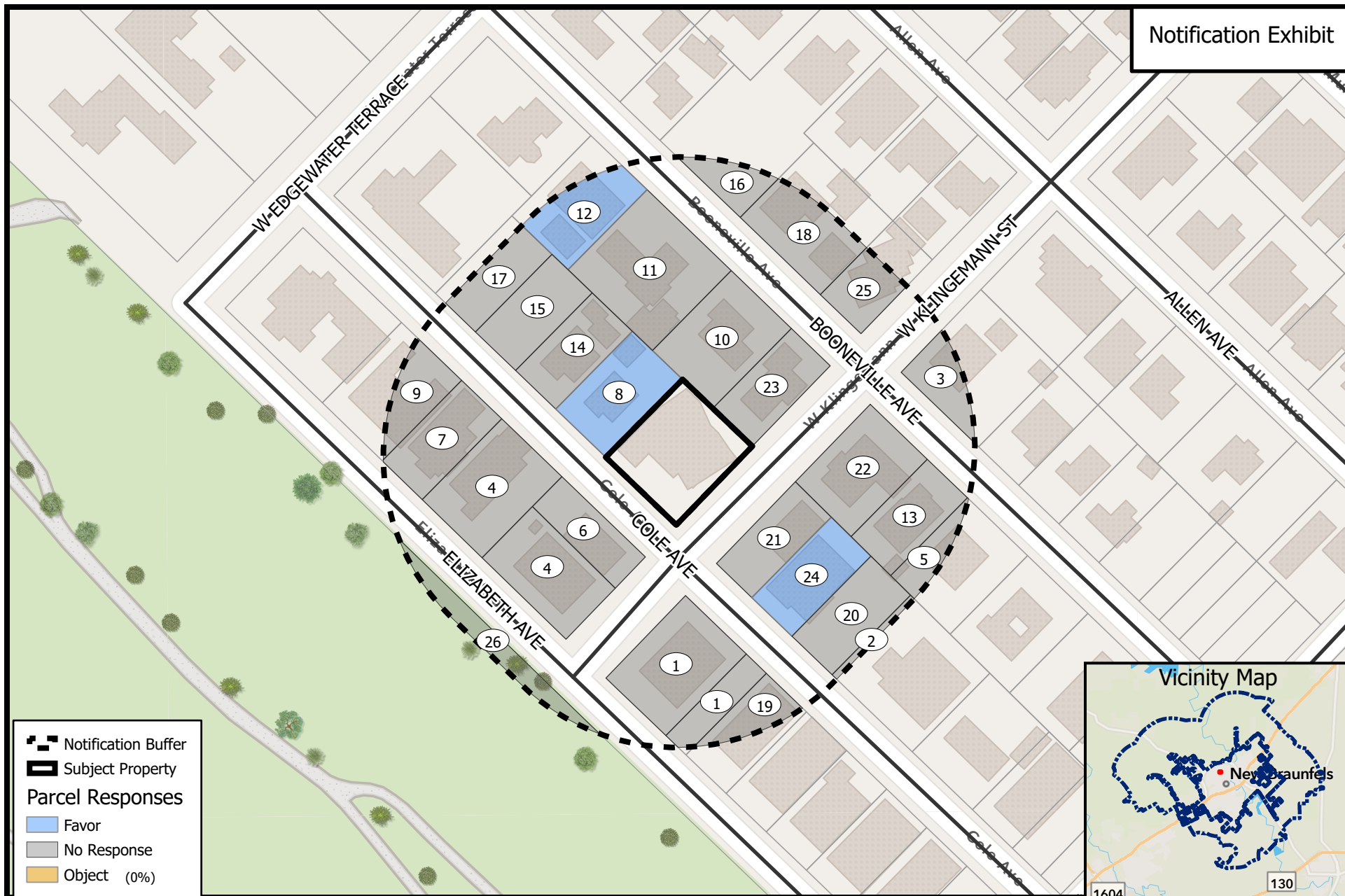
Applicant: Toya Boyer

Case #: ZB21-0002

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. TRIPOLI NB HOLDINGS LLC | 14. PHILLIPS MOORE COURTNEY MNGMNT TRST |
| 2. FELTON STONEWALL S JR & ELIZABETH N | 15. PHILLIPS YALE G JR |
| 3. YOUNG JUDY IONE WATSON ET AL | 16. STORIE KITTY FEAREY |
| 4. SWANSON PAT H & MAUREEN M | 17. FORAN LTD |
| 5. WOOLSEY MICHAEL R | 18. HIGGINS MICHAEL E & ALICE E |
| 6. 1021 COLE AVENUE TRUST | 19. KUYKENDALL RONALD L |
| 7. MALINS EMILY A | 20. RIEDEL LORENE B |
| 8. NB COLE LLC | 21. POST RICHARD J & AMY P |
| 9. BARTHOLOMEW RICHARD A & ANN S | 22. ELBEL TODD LEE |
| 10. HIGGINS MICHAEL E & ALICE | 23. MOORE CHRISTOPHER S & MELINDA S |
| 11. BOLIN ARLINE T | 24. 984 COLE AVE LLC |
| 12. KRAMER PETER W & VICTORIA G | 25. MCINTUSH KENNETH E II & SHANNON M |
| 13. PROPERTY OWNER | 26. CITY OF NEW BRAUNFELS |
-

SEE NOTIFICATION MAP



ZB21-0002

Rear and Front Setback Encroachments

0 60 120 Feet



Source: City of New Braunfels Planning
Date: 8/19/2021

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 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.

From: [Pete Kramer](#)
To: [Maddison O"Kelley](#)
Subject: 1020 Cole Ave. Variance Request - Support
Date: Tuesday, August 17, 2021 2:51:18 PM

Property #12

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Madison,

As discussed, please consider this email my official support for the variance request by Yellow Roses in NB, LLC for the setback changes they are asking for.

The existing structure violates most all setback rules, and a new property with these adjusted setbacks will be great for the neighborhood.

Best Regards,

Pete Kramer
1065 Booneville Ave
New Braunfels, TX 78130
(979) 595-6716

From: [Matt Mathias](#)
To: [Maddison O"Kelley](#)
Cc: Toyanbtx@outlook.com
Subject: 1020 Cole Avenue Hearing - Toya Boyer
Date: Tuesday, August 17, 2021 10:59:41 AM

Property #24

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chairman and Board Members,

I have received the notice of the proposed setback variances at 1020 Cole Ave. Ms. Boyer also went to the effort to separately contact neighbors via mail in July so that we would be aware of the situation in advance.

Our family owns 984 Cole, which is separated by only one home. Given the age of the existing structure and its current state of non-compliance, we whole heartedly support the proposed variances as remaining in character of the neighborhood. The current setbacks create a hardship that the City has consistently recognized in the Estates. Please vote to approve the variances, which will ultimately provide for a better environment and appropriate home on this lot.

Thank you for your consideration.

Matt Mathias
984 Cole Ave.
New Braunfels, TX

The information contained herein has been obtained from sources deemed to be reliable; however Mathias Partners makes no guarantees, warranties, or representations as to the accuracy thereof. All information is presented subject to changes in price, corrections, errors, omissions, prior sale, lease or withdrawal without notice and is not to be considered complete, accurate, or total representations of the facts surrounding the property. Interested parties should conduct their own independent analysis.



NOTICE OF PUBLIC HEARING

The New Braunfels Zoning Board of Adjustment will hold a public hearing at the request of **Toya Boyer** to consider the following variance:

Subject Property: 1020 Cole Avenue

Variance Requests: To allow a proposed dwelling to 1) encroach up to 5 feet into the required 25-foot front setback and 2) encroach up to 15 feet into the required 20-foot rear setback. (Site plan and other details are available at www.nbtexas.org/PublicNotice)

Required standards: **Sections 3.3-2(b)(1)(ii) which states:**
Front building setback. 25 feet.
Section 3.3-2(b)(1)(v) which states:
Rear building setback. 20 feet.

Because you own property within 200 feet of the subject property, state law requires that we notify you of the request and allow you to comment. Comments aid the Board of Adjustment in determining whether to grant or deny the variance. **The zoning of the property will not change.**

The public hearing will be held on **Wednesday, August 25, 2021** at 6:00 p.m. in the City Hall Council Chambers, addressed at 550 Landa Street, and is open to the public. All interested persons are invited to attend the meeting. You may also participate in the meeting virtually via Zoom. Information on how to join the meeting via Zoom Meeting is included with this notice. Please see the attached instructions on accessing and participating in the online meeting. **If you wish to submit written comments, please complete the information below and reply to:**

Mail: City of New Braunfels
 Zoning Board of Adjustment
 550 Landa Street
 New Braunfels, TX 78130

Email: mokelley@nbtexas.org

Contact Maddison O'Kelley at (830) 221-4056, if you have any questions

Maddison O'Kelley, Assistant Planner
 Development Planning Division

DETACH & RETURN THIS PORTION IF YOU WISH TO SUBMIT WRITTEN COMMENT

Case: ZB21-0002 (Boyer) MO

Name: MARY JANE NALLEY

Address: 1072 CAP ROCK HILL, 78130

Circled property number from map: 8

Comments: (Use additional sheets if necessary)

Signature: 

I favor: 

I object: _____
 (State reason for objection)

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.

**NEIGHBORHOOD
EXAMPLES
SHOWING
NO 20' BACKYARD
SETBACKS**



Legend

Permits

- S Septic
- P Piprow/Driveway
- F Floodplain
- U Utility

Addresses

Major Roads

- Farm roads
- Highways

Streets

Parcels

Future Parcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Notes

122 W KLINGEMANN ST

0.0 0 0.02 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

















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

Legend

Permits

- Septic
- Piprow/Driveway
- Floodplain
- Utility

Addresses

Major Roads

- Farm roads
- Highways

Streets

Parcels

Future Parcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Notes

389 W Klingemann St

1: 961









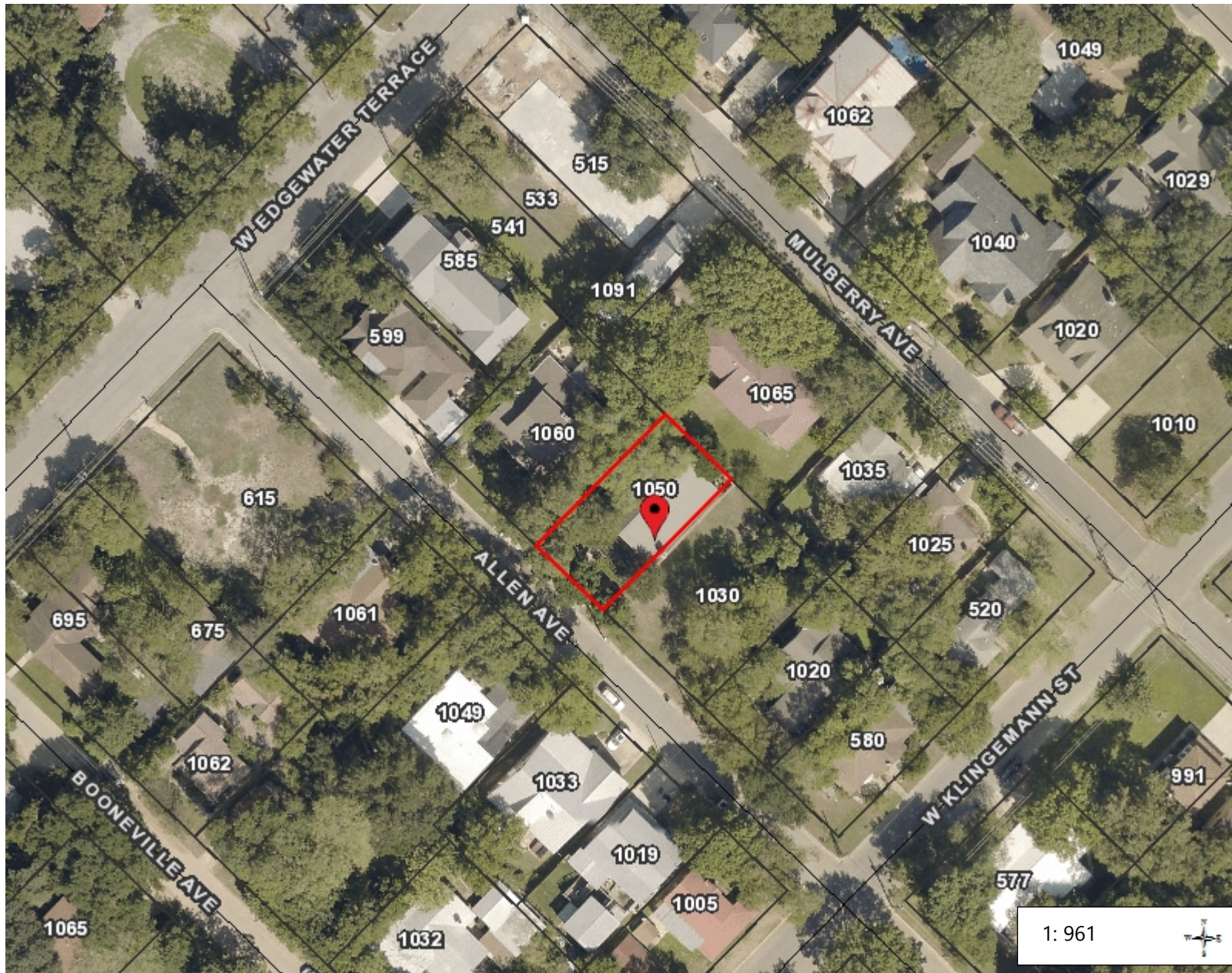


63









Legend

Permits

- Septic
- Piprow/Driveway
- Floodplain
- Utility

Addresses

Major Roads

- Farm roads
- Highways

Streets

Parcels

Future Parcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Notes

1050 Allen Ave

0.0 0 0.02 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







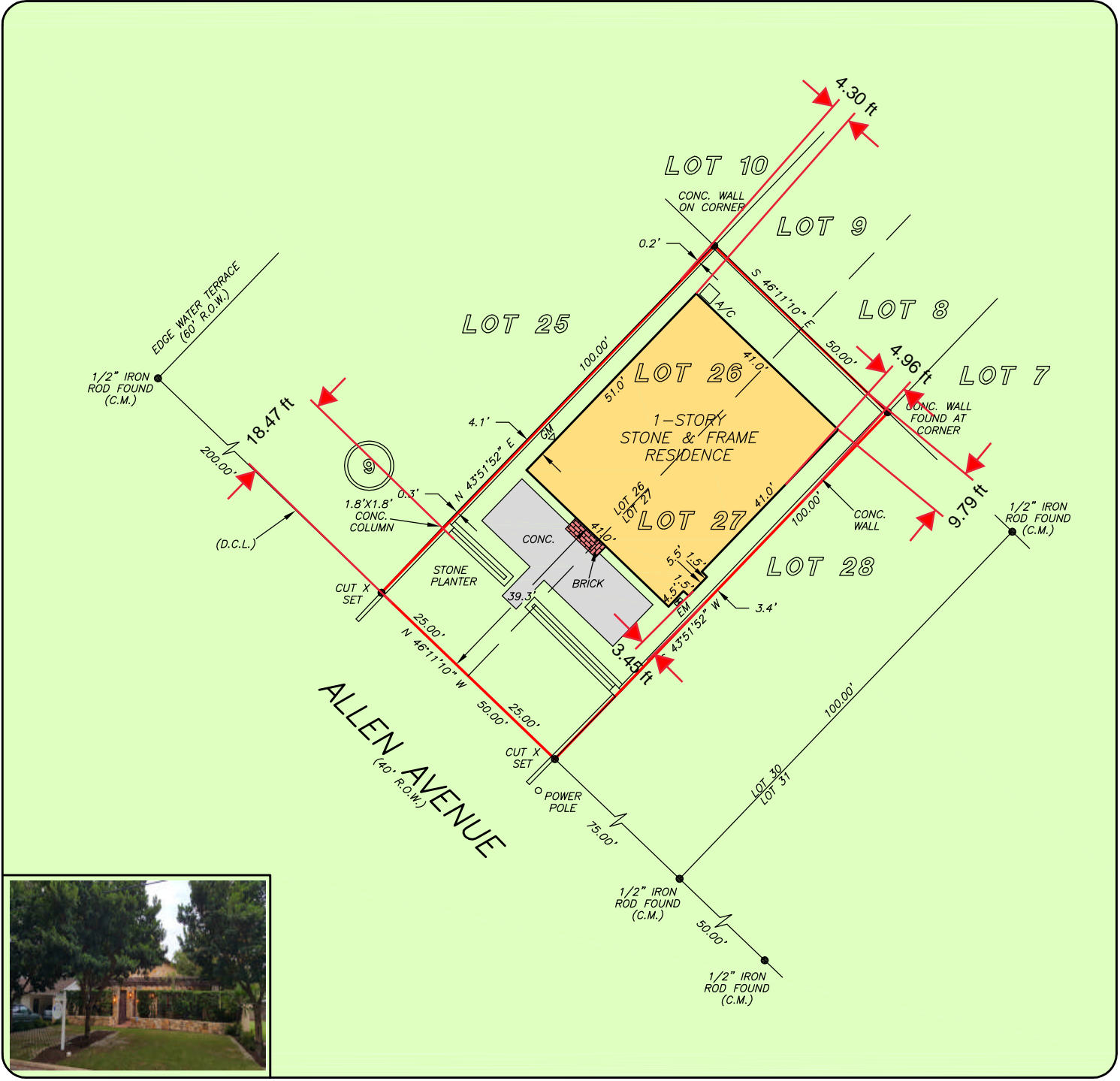


GF NO. 5007NB TRINITY TITLE OF TEXAS
ADDRESS: 1050 ALLEN AVENUE
NEW BRAUNFELS, TEXAS 78130
BORROWER: KATHY F. BOSS

LOTS 26 AND 27, BLOCK 9
LANDA PARK ESTATES

A SUBDIVISION IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 62, PAGE(S) 463-464 OF THE DEED RECORDS
OF COMAL COUNTY, TEXAS

SCALE: 1" = 30'



THIS PROPERTY DOES NOT LIE WITHIN THE
100 YEAR FLOOD PLAIN AS PER FIRM
PANEL NO. 48091C 0435 F
MAP REVISION: 09/02/2009
ZONE X
BASED ONLY ON VISUAL EXAMINATION OF MAPS.
INACCURACIES OF FEMA MAPS PREVENT EXACT
DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION
WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
RECORD BEARING: DOC NO. 201706022193, C.C.M.P.R.

DRAWN BY: JM

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
ON THE GROUND, THAT THIS PLAT CORRECTLY
REPRESENTS THE FACTS FOUND AT THE
TIME OF SURVEY AND THAT THERE ARE NO
ENCROACHMENTS APPARENT ON THE GROUND,
EXCEPT AS SHOWN HEREON. THIS SURVEY IS
CERTIFIED FOR THIS TRANSACTION ONLY AND
ABSTRACTING PROVIDED IN THE ABOVE
REFERENCED TITLE COMMITMENT WAS RELIED
UPON IN PREPARATION OF THIS SURVEY.

PATRICK TREWITT
PROFESSIONAL LAND SURVEYOR
NO. 5677
JOB NO. SA2017-02688
NOVEMBER 17, 2017

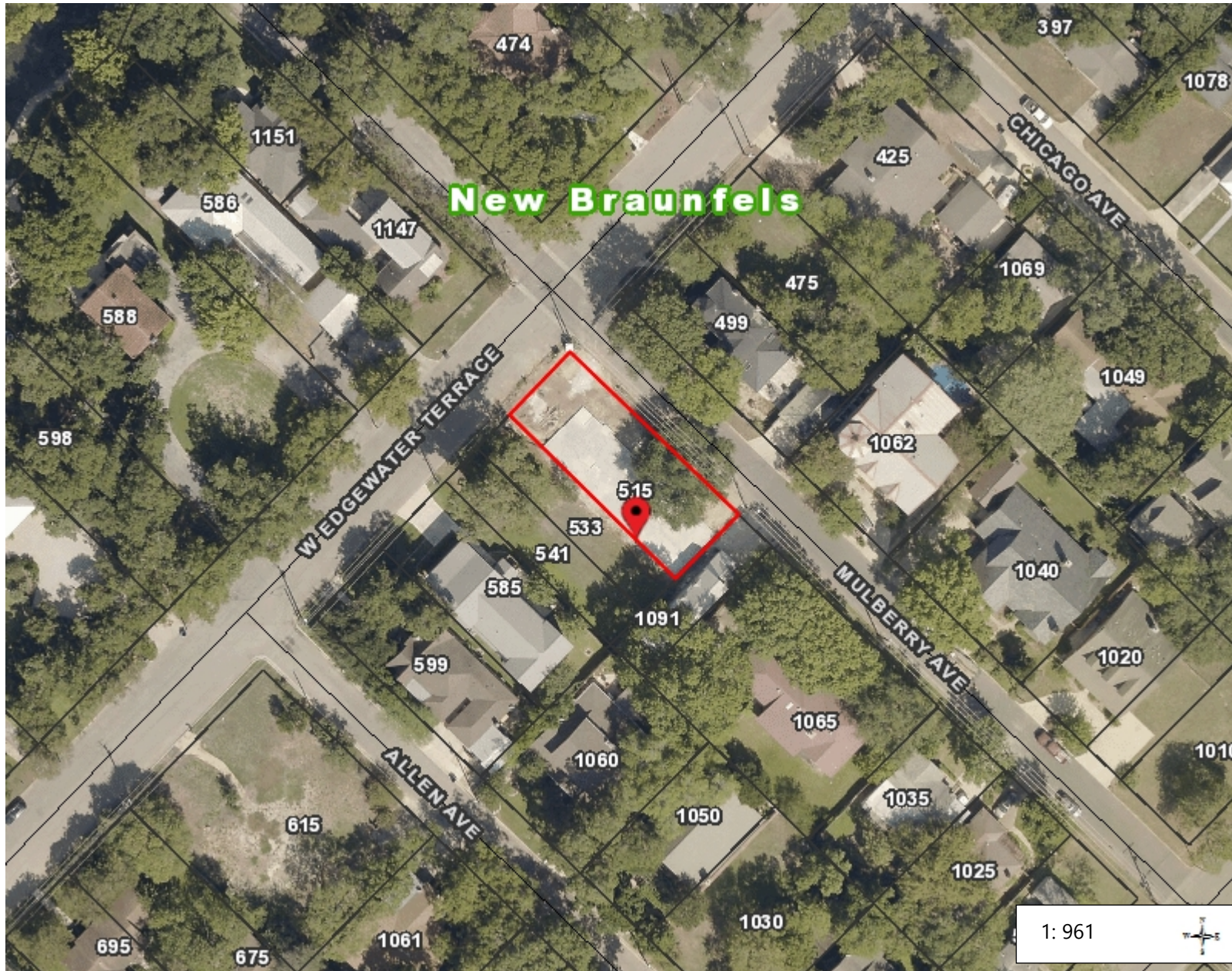


RENAY SMITH
830-608-1551



PRECISION
surveyors

1-800-LANDSURVEY
www.precisionsurveyors.com
281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
FIRM NO. 10063700



Legend

Permits

- Septic
- Piprow/Driveway
- Floodplain
- Utility

Addresses

Major Roads

- Farm roads
- Highways

Streets

Parcels

Future Parcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Notes

515 W Edgewater Terrace

0.0 0 0.02 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



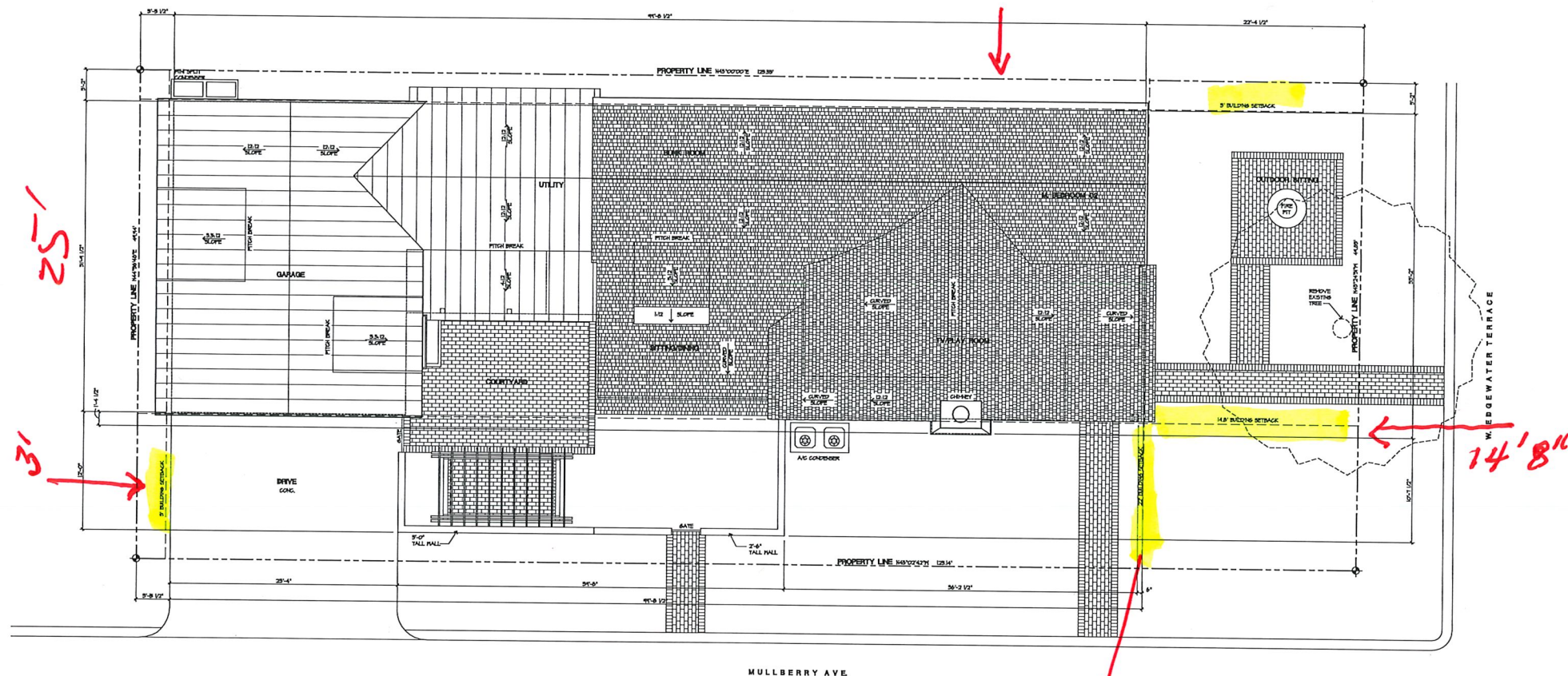
NOTES TO SHEET

ROOF NOTES

1. STANDING SEAM METAL ROOF, 24 GA. FIELD FORMED PAN-HEMP GALVANIZED DOUBLE LOCKED, 1" STANDING SEAM FLAT PANEL ROOFING.
2. BROWNSHAW PALLAS ROOF SAM SHAVE SHABLE ROOFING BY BROWNSHAW ROOF PRODUCTS, INC. 2023 STATE HPT 36, PAVING, OK. 7005 CONTACT: ELATION ROOF - 800.871.1468 PFLP@BROWNSHAWROOFPRODUCTS.COM
3. ROOFING UNDERLAYMENT, BROWNSHAW SHEET PAPERFLEX UNDERLAYMENT.
4. ROOF DRAINAGE, 3" COX PLYWOOD.
5. ALL EXPOSED ROOF FLASHING 1 DRIP EDGE FLASHING SHALL MATCH METAL ROOF MATERIAL.
6. ROOF PENETRATIONS, FLASHING STACKS, VENTS, AND EXHAUSTS SHALL BE CONSIDERED FROM FRONT ELEVATION VIEW, REAR ELEVATION VIEW.
7. ALL RIDGES AND HIPS SHALL BE DOUBLE-LOCK STANDING SEAM METAL ROOFING.
8. PROVIDE MAINTENANCEABLE ROOF END CAPS, TRIMMED END CAPS ARE NOT ALLOWED.

SITE NOTES

1. EROSION CONTROL, PROVIDE SILT FENCING AND OR OTHER EROSION CONTROL MEASURES DURING CONSTRUCTION.
2. PROTECT EXISTING TREES DURING CONSTRUCTION, PROTECT ROOTS DUE TO DRAINAGE FROM PAVES, CHEMICAL, SOLVENTS AND EXCESSIVE TRAFFIC.
3. BRIDGE PAVEMENT PATTERN, VERIFY W/ OTHER.
4. MAKE CONNECTIONS TO ELEC. METER BY UNDERGROUND.



MULLBERRY AVE.

Dibello
architects, pllc
388 Comal Avenue
New Braunfels, Texas 78130
830.643.1195
www.dibelloarchitects.com



DATE OF ISSUE:
CD - OWNER REVIEW 18 DEC. 2019
CD - OWNER REVIEW 21 JAN. 2020
CD - OWNER REVIEW 26 FEB. 2020
CD - OWNER REVIEW 18 MAR. 2020
CD - APPENDIX 01 12 MAY 2020

MILLS RESIDENCE

515 W. Edgewater Terrace | New Braunfels, TX 78130

© 2019 Dibello Architects, PLLC

SHEET CONTENTS:
SITE PLAN/ROOF PLAN

SHEET NUMBER:

A1.0

DATE OF PLOT: 12 MAY 2020







Legend

Permits

- Septic
- Piprow/Driveway
- Floodplain
- Utility

Addresses

Major Roads

- Farm roads
- Highways

Streets

Parcels

Future Parcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Notes

791 W Klingemann St

0.0 0 0.02 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



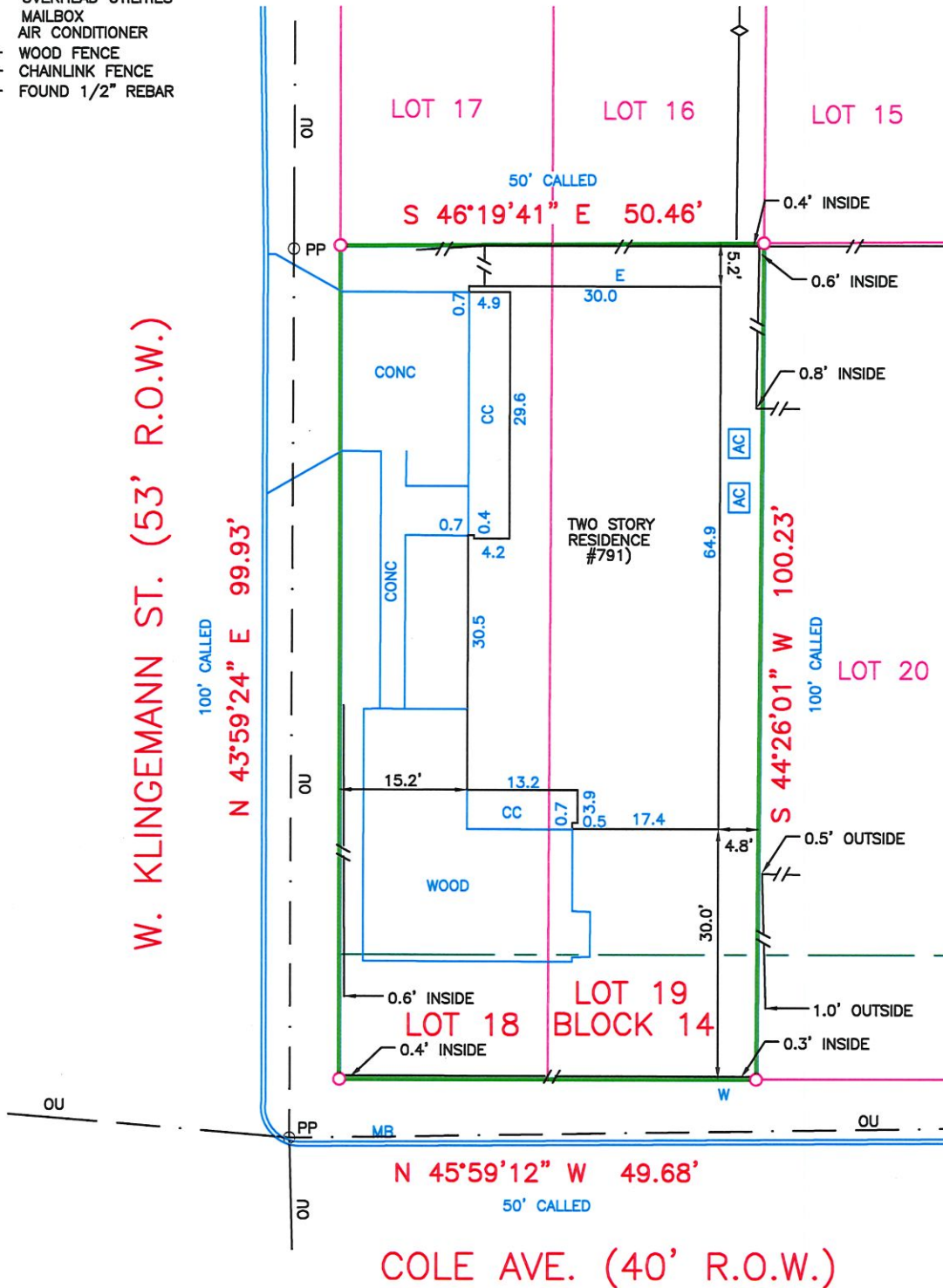




LEGEND:

CC	COVERED CONCRETE
W	WATER METER BOX
E	ELECTRIC METER
PP	POWER POLE
OU	OVERHEAD UTILITIES
MB	MAILBOX
AC	AIR CONDITIONER
---	WOOD FENCE
---	CHAINLINK FENCE
---	FOUND 1/2" REBAR

Scale: 1" = 20'



BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE.

ADDRESS 791 W. KLINGEMANN ST.

REFERENCES: VOL. 62, PG. 464
VOL. 78, PG. 238
VOL. 51, PG. 374

SURVEY PLAT SHOWING LOTS 18 AND 19, BLOCK 14, LANDA PARK ESTATES, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AS RECORDED IN VOLUME 62, PAGE 464, DEED RECORDS OF COMAL COUNTY, TEXAS.



New Braunfels Branch Office
Texas Survey Firm 10194320
1011 West County Line Road
New Braunfels, Texas 78130
(P) 830/625.0337 (F) 830/626.3601



THIS PLAT SHOWS THE LOCATION OF EASEMENTS, RESTRICTIONS, AND BUILDING SETBACK LINES AS SET FORTH IN SCHEDULE B OF TITLE CO.: ALAMO TITLE G.F. #4000142000263 DATED: 03-16-20 THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

[Signature]

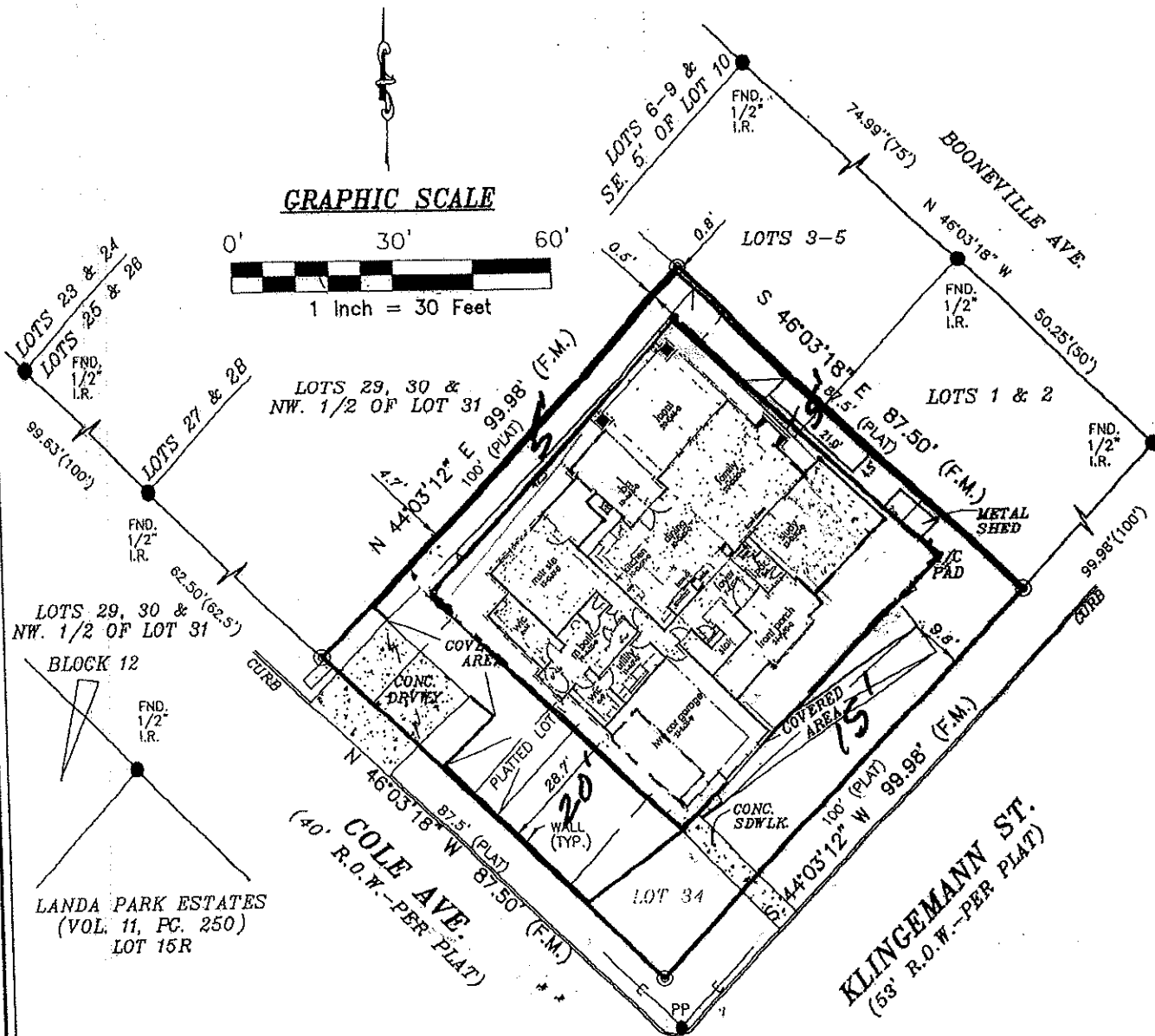
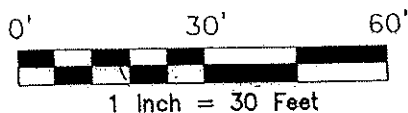
DAVID A. LAMBERTS
REGISTERED PROFESSIONAL LAND SURVEYOR

4907
TEXAS REGISTRATION NO.
SURVEY NOT VALID UNLESS ORIGINAL SIGNATURE IS IN RED INK
JOB # 202-000-102
DATE: 4/3/20










1024 x 682

GRAPHIC SCALE



LEGEND.

These standard symbols will be found in the drawing.

- | | |
|---|-------------------|
|  | BOUNDARY LINE |
|  | OVERHEAD ELECTRIC |
|  | PLATTED LOT LINE |
|  | SET IRON ROD |
|  | CALCULATED POINT |
|  | FOUND IRON ROD |
|  | POWER POLE |
| (PLAT) | RECORDED ON PLAT |
| (F.M.) | FIELD MEASURED |

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

X

X

SURVEYOR'S NOTE(S):

SURVEYOR'S NOTE(S):
BASIS OF BEARING, TEXAS SOUTH CENTRAL NAD 83.

At date of this survey, the property is in FEMA designated 100 Year ZONE X SHAD as verified by FEMA map Panel No: 48091C 0435 F effective date of SEPTEMBER 02 2009. Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

I, RACHEL LYNN HANSEN, a Registered Professional Land Surveyor in the State of Texas,
do hereby certify to CHICAGO TITLE INSURANCE COMPANY

and that the above may be true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.16).

FINAL "AS-BUILT" SURVEY

JOB NO.:	2103075443	NO.	REVISION	DATE
DATE:	03/12/21			
DRAWN BY:	NN/KB			
APPROVED BY:	RLH			



Zoning Board of Adjustment Agenda Item Report

550 Landa Street
New Braunfels, TX

8/25/2021

Agenda Item No. A)
