



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



**COUNCIL CHAMBERS  
550 LANDA STREET**

**THURSDAY, OCTOBER 28, 2021 at 6:15 PM**

**IMMEDIATELY FOLLOWING THE ACCESS MANAGEMENT BOARD OF  
ADJUSTMENT MEETING WHICH BEGINS AT 6:00 P.M.**

**AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
  - A) Approval of the August 25, 2021 Regular Meeting [21-1140](#) Minutes.
4. **INDIVIDUAL ITEMS FOR CONSIDERATION**
  - A) ZB21-0005 Hold a public hearing and consider a request [21-1094](#) for two variances: 1) Section 3.3-2(b)(1)(iii) to allow a proposed addition to encroach up to 4 feet and 4 inches into the required 15-foot corner side setback ; and, 2) Section 3.3-2(b)(1)(iv) to allow a proposed attached carport to encroach up to 20 feet into the required 20-foot garage setback in the "R-2" Single-Family and Two-Family District, addressed at 325 S. Santa Clara.  
*Applicant: Kristen Burnup*
  - B) ZB21-0006 Hold a public hearing and consider a request [21-1083](#) for a variance to Section 3.4-2(b)(1)(iii) to allow a proposed carport addition to the main structure to encroach up to 4 feet and 3 inches into the required 5-foot side setback in the "R-1A-6.6" Single-Family District, addressed at 186 E. Lincoln Street.  
*Applicant: Chandler Gray*
  - C) ZB21-0009 Hold a public hearing and consider a request [21-1065](#) for a variance to Section 3.3-9(b)(2)(iii) to allow a proposed dwelling to encroach up to 10 feet into the required 15-foot corner side setback in the "C-3" Commercial District, addressed at 394 Kessler Street.

*Applicant: Michael Leal*

**5. STAFF REPORT**

- A) Election of Officers [21-1149](#)  
Chair and Vice Chair
- B) Briefing with no action regarding forthcoming [21-1161](#)  
amendments to various development-related ordinances  
to streamline processes.  
Christopher J. Looney, AICP, Planning and Development Services Director
- C) Appointment of a Zoning Board of Adjustment [21-938](#)  
representative to the Unified Development Code Citizens  
Advisory Committee  
Christopher J. Looney, AICP, Planning and Development Services Director
- D) New Board and Commission Application and Term [21-1127](#)  
Expiration Process  
Stacy Snell, AICP, CNU-A, Planning Manager

**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

**10/28/2021**

Agenda Item No. A)

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

**MEMBERS PRESENT**

Vice Chair Brandon Mund  
Steve Quidley  
Jenny Wilson  
Bonnie Leitch  
David Lerch

**STAFF PRESENT**

Chris Looney, Planning & Development Services Director  
Jean Drew, Assistant Director of the Planning and Development  
Frank Onion, First Assistant City Attorney  
Stacy Snell, Planning Manager  
Maddison O'Kelley, Assistant Planner  
Sam Hunter, Planning Technician

**MEMBERS ABSENT**

Chair Coker

**Vice Chair Mund called the meeting to order at 6:10 p.m. Roll was called, and a quorum declared.**

**3. APPROVAL OF MINUTES**

Motion by Member Leitch, seconded by Member Quidley, to approve the minutes of the Zoning Board of Adjustment Regular Meeting of June 24, 2021. The motion carried (5-0-0).

**4. STAFF REPORT**

Vice Chair Mund requested item B to be considered first.

**(B) ZB21-0002 Hold a public hearing and consider a request for 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 Ave. (Applicant: Toya Olrich; 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 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.)

Vice Chair Mund asked if there were any questions for staff.

Vice Chair Mund requested the applicant address the Board.

Toya Olrich elaborated on the intent of the request and provided additional information.

Vice Chair Mund asked if there were any questions for the applicant.

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

Judy Young commented in favor of the request.

Brenda Chapman commented in favor of the request.

Cecil Eager commented in favor of the request.

Dan Castillo commented in favor of the request.

Carrell Miller commented in favor of the request.

Shannon McIntush commented in favor of the request.

Mike Higgins commented in favor of the request.

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

Vice Chair Mund called for a motion or discussion from the Board.

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

**(A) 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 to the main structure in the "R-2" Single and Two-Family District, addressed at 780 Elizabeth Ave. (Applicant: Carrell Miller; 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 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.)

Vice Chair Mund asked if there were any questions for staff.

Vice Chair Mund requested the applicant address the Board.

Dan Castillo elaborated on the request.

Vice Chair Mund asked if there were any questions for the applicant.

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

Judy Young commented in favor of the request.

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

No one spoke.

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

Vice Chair Mund called for a motion or discussion from the Board.

Discussion followed on the city property adjacent to the rear of the subject property.

Motion by Member Quidley, seconded by Member Leitch to approve the proposed 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 to the main structure in the "R-2" Single and Two-Family District, addressed at 780 Elizabeth Ave. Motion carried (5-0-0).

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

A) Updates regarding the Unified Development Code.

Mr. Looney presented on the Unified Development Code.

#### **6. ADJOURNMENT**

Vice Chair Mund adjourned the meeting at 7:06 pm.

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**Chair**

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**Date**

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10/28/2021

Agenda Item No. A)

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Presenter/Contact*Applicant: Kristen Burnup**(830) 514-2237 - kristen22799@yahoo.com***SUBJECT:**

ZB21-0005 Hold a public hearing and consider a request for two variances: 1) Section 3.3-2(b)(1)(iii) to allow a proposed addition to encroach up to 4 feet and 4 inches into the required 15-foot corner side setback ; and, 2) Section 3.3-2(b)(1)(iv) to allow a proposed attached carport to encroach up to 20 feet into the required 20-foot garage setback in the "R-2" Single-Family and Two-Family District, addressed at 325 S. Santa Clara.

**BACKGROUND / RATIONALE:****Case #:** ZB21-0005

**Applicant:** Kristen Burnup  
325 S. Santa Clara  
New Braunfels, TX 78130  
(830) 515-2237 - kristen22799@yahoo.com

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

The subject property is located on the northeast corner of S. Santa Clara Avenue and Marguerite Street and is zoned "R-2" Single-Family and Two-Family District. Due to the configuration of the lot, the front property line is adjacent S. Santa Clara and the corner-side property line is adjacent Marguerite Street. The property is approximately 150 feet in depth and 75 feet in width, totaling 11,250 square feet in area. With the required setbacks of the "R-2" zoning district, the buildable area is 55 feet wide by 105 feet deep (5,775 square feet in area).

There is an existing single-family dwelling on the property that is approximately 1,928 square feet in area that was constructed in 1938 with a covered porch added to the rear of the house in 2008, and a detached structure (referenced as a carriage house within the application) at the rear of the property that is 440 square feet in area.

The applicant is requesting two variances to construct a 500 square foot addition within the corner-side setback with an attached 388 square foot carport to be located within the garage setback. The addition is proposed to encroach 4 feet and 4 inches into the required the 15-foot corner side setback and, therefore, would be set back 10 feet and 8 inches from the corner side property line. The attached carport is proposed to encroach up to 20 feet into the required 20-foot setback for carports in the "R-2" District, resulting in a zero-foot setback. The carport is proposed to gain access from Marguerite Street and the area between the side property line and the edge of pavement is

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approximately 10 feet which does not include a sidewalk. If approved, the carport must meet the minimum requirements of the building code for structures built within 5 feet of a property line.

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 subject property is a narrow corner lot which requires a significant corner-side setback for new construction and that there is not enough room to construct the proposed addition at the rear of the house due to an existing rear porch and large pecan trees. The applicant states the home was built in 1925 in the colonial style and if the addition was constructed in front of the home, it would destroy the architectural symmetry of the house and the historic colonial façade which the applicant intends to maintain. The applicant further states there is not sufficient space to construct the addition on the other side of the house. Staff notes the subject property meets the minimum width for corner lots in the “R-2” and 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. Furthermore, while the intent to preserve the existing face can be challenging to achieve while maintain the required setbacks, the façade is not considered a special circumstance of the land itself and there is sufficient room behind the house for an addition) **and**
- 2) **That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states the proposed addition would maintain the same setback as the existing detached carriage house at the rear of the property. The applicant further cites the age of the home, stating it was constructed without central air conditioning, one bedroom, and a cast iron stove to cook on. The applicant describes various improvements made to the home since its initial construction, however, the applicant states the home is still too small to accommodate a modern standard of living and that a primary suite is needed on the first floor of the home. The applicant states the reason for the addition is to accommodate older guests and the limited mobility of the property owner. The applicant then states the carport is necessary to protect vehicles parked on the driveway from inclement weather. Staff notes the substantial property right to use the property for a residential dwelling is not removed due to the corner side setback or garage setback requirements as space remains behind the house. Staff also notes that because carports are not required by the zoning ordinance, they are not considered a substantial property right of the applicant. The property does not have any local, state, or federal historical landmark designations.) **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. Staff notes all neighboring properties will still be required to comply with zoning ordinance standards for any new construction and the permit construction plans must meet the minimum requirements of the building code for structures built within 5 feet of a property

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line.) and

**5) That an undue hardship exists;** (The applicant cites the limited use of the property due to the antiquated construction of the home as an undue hardship. The applicant further states the hardship is not self-created due to the age of the home nor is it personal, because the layout of the home would be challenging for any elderly or disabled person from using the house. The applicant states the hardship is not financial because the disfunction and layout of the home cannot be resolved at a specific cost. The applicant further states the proposed layout would allow for proper drainage on the lot, because there is a downward slope toward the house from Marguerite Street, where water tends to pool at the side of the house. The applicant states the addition and carport would allow the applicant to capture water through gutters before it collects and damages the home. 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. Staff did not identify a significant change in grade on the lot that would result a hardship in construction due to drainage.) and

**6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant states the addition is a modest size that is necessary to make the home more livable and accessible for the property owner. The applicant further states a 10-foot setback from the corner side property will be maintained which still allows for adequate sight distance and that the intent for the request is to preserve the historic character of the home while allowing for necessary updates to bring it up to a modern standard of living. Staff acknowledges the historic character of the home and the intent to preserve the façade while expanding the footprint of the house. Staff notes there are additional requirements for structures built within 5 feet of a property line under the building code that will be subject to review upon permit application for the carport. The property has not sought local historic landmark designation so it is unknown if the proposed addition would be in character with the historic characteristics of the house.)

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:**

11,250 square feet in area

150 feet in depth

75 feet in width

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

No

**Surrounding Zoning and Land Use:**

North - R-2 / Church

South - Across S. Santa Clara, R-2 / Single Family Dwelling

East - Across Marguerite Street, R-2 / Single Family Dwellings

West - R-2/ Church parking lot

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**Notification**

Public hearing notices were sent to 15 owners of property within 200 feet. Staff has not received any responses in favor or in objection.

**Attachments:**

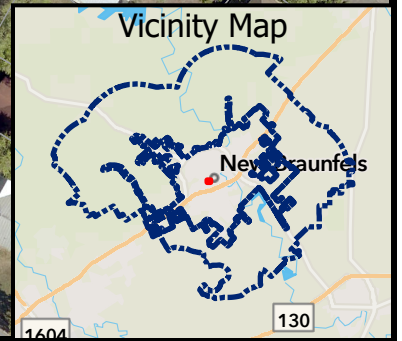
1. Aerial Map
2. Application
3. Proposed Site Plan and Floor Plan
4. Pictures of Subject Property
5. Pictures Provided by Applicant
6. Notification Packet
7. Sec. 3.3-2 "R-2" Single-Family District





Aerial Exhibit

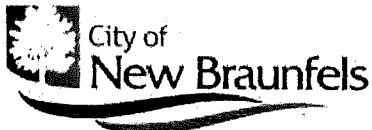
Subject Property



**ZB21-0005**  
**Corner-Side and Garage Setback Encroachment**







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

CC/Cash/Check No.: 3257

Amount Recd. \$ 360.00

Receipt No.: 41215

Case No.: ZB21-0005

Submittal date – office use only

Received  
09/23/21

## 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\*: Kristen Burnup

Property Address: 325 S Santa Clara Ave, New Braunfels, TX 78130

Mailing Address: (Same as above)

### Contact information:

Phone: 830-515-2237

E-Mail: Kristen22799@yahoo.com

Legal Description: Lot #: \_\_\_\_\_ Block: 4026 Subdivision: city block

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

Present Use of Property: home/living Zoning: \_\_\_\_\_

Describe Variance Request: primary suite addition and

Carport

### 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.)

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

We live on a narrow corner lot which requires a significant side setback for new construction. There isn't room for the addition on the back of the house because of the back porch which runs the length of the house and it would also require the removal of a large mature pecan tree. Our home was built in 1925 in the colonial style, which is described as rectangular, typically two stories, and fairly symmetrical. They have steep, side-gabled roofs, which means the triangular portion of the roof is only visible from the sides. Putting the addition in the front of the house would destroy the symmetry of the house and go against the historic colonial facade of the home which we are trying to maintain for the continued beauty of our neighborhood. The other side of the house is too close to the property line to allow any other addition in that direction.

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

We are seeking a variance to the side setback requirements on a corner lot. We have a carriage house at the back of our lot which is original to the home. The planned additions would maintain the side setback that the carriage house provides. The current setback from South Santa Clara Ave will be maintained as is.

Our home was built in 1925. When it was built, there was of course, no central air or heat, only one bathroom, and a cast iron stove to cook on. Through the years, a half bath was added downstairs so that guests wouldn't have to go upstairs as well as central air and heat and a gas stove. We love the history of our home, but due to the age and design, it is no longer providing us what we need or what is expected in a home of this era.

A primary suite is needed on the first floor of the house. Currently, all bedrooms and the one full bathroom are up a narrow staircase that is becoming hazardous as we get older. The addition will also allow for a laundry room in the primary closet because the current laundry area is down in the unfinished basement down another set of hazardous stairs.

This is important for two reasons. The first reason is that we are very concerned when our parents and older guests visit us, there isn't an option downstairs for them to be able to sleep and use bathroom facilities and this requires them to use the stairs that were built in 1925 and are very steep and narrow. We are constantly concerned that one of them could fall down the stairs and be seriously injured. The second reason is that I (James Burnup) am a 100% disabled veteran and have limited mobility. This sometimes makes it difficult to get up and down the stairs especially when carrying objects like laundry baskets. Also, due to the steep and narrow staircase, we are unable to get some items that are very standard in any modern home up the stairs such as a queen bed box spring. The ability to have a primary suite on the main level which incorporates a laundry room would allow me to live in this house for the long term instead of being forced out when it becomes too difficult for me to navigate.

A carport is also required to protect our investment in our cars from inclement weather and the Texas sun.

Both a carport/garage and main level primary suites are the standard in newer homes for good reason and we need to be able to bring our historic home to a place that provides these things for our family while maintaining the historic look and feel.

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

No.

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

No.

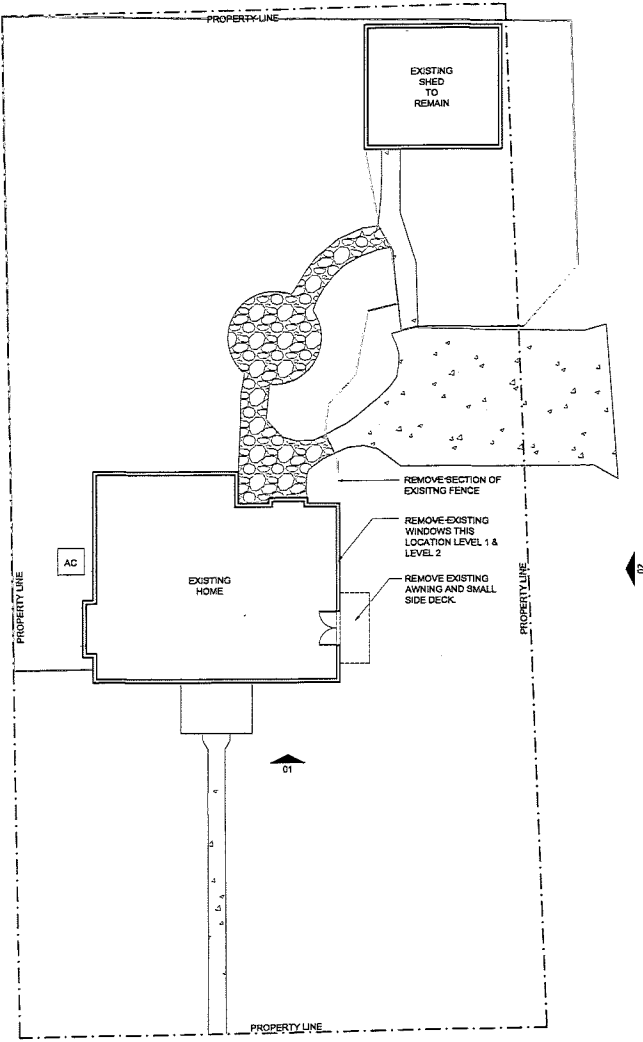
**(5) Does an undue hardship to the land exist that is not self-created, personal or financial?**

Yes. As stated in our answer to question number 2 above, this is a hardship due to our limited use of our lot and home based on antiquated plans and building practices that no longer fit the needs of a modern family. This hardship was not self-created since it is the original footprint of the home that was built in 1925 with the exception of a half bath and small kitchen addition that was added on prior to our ownership. The hardship is not personal to us as it would provide a hardship for any elderly or disabled person forced to climb steep stairs multiple times daily for normal household events and chores. The hardship is also not financial because no amount of money would change the layout or disfunction of the design of the home for a modern family. Modernizing this home is simply the best and greatest use of this downtown space and will be beneficial to any owner in the future.

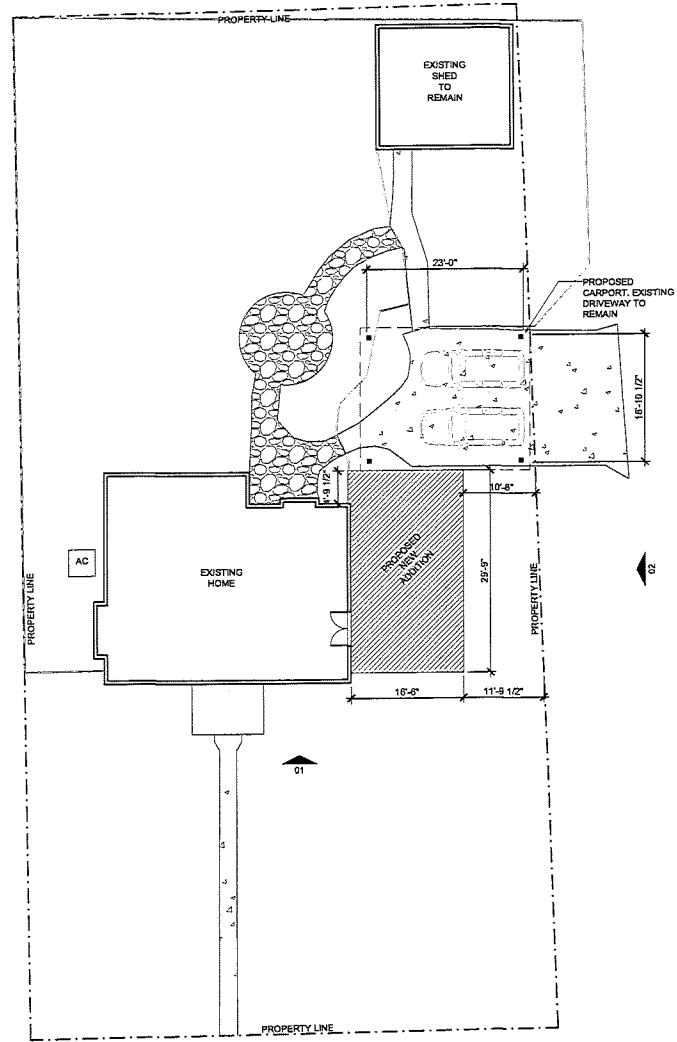
The requested variance would also allow us to build proper drainage on the low point in our yard. Currently, due to the slope of our driveway and our lot layout, the low point of our yard collects water which eventually drains through walls or the basement window into our basement unless I pump it back into the street. This is exacerbated by the slope of our driveway which directs water towards our home and collects water around the foundation of the home which weakens the foundation at the back corner of the house and our large fireplace. The addition of a primary suite and carport would allow us to capture much of this water through gutters before it collects and damages the home.

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

Yes. We are not attempting to build an enormous addition which will fill our entire lot and be an eyesore. We are simply asking to build a roughly 500 square foot primary bedroom addition which will make this house livable for our family with elderly parents and my disabilities from my military service. We will still have a large setback (over 10 feet) from the street on the side of the primary addition and our front setback will not change which provides ample space to observe cross traffic on South Santa Clara Ave. Our intention is to keep the addition in the historic spirit of our 1925 home which will increase the beauty of our neighborhood while providing much needed updates to our home. This will allow us to bring our home to a level which is expected and needed in this day and age both to us as current owners and any future owners as this house begins its second century as a downtown New Braunfels home.



**02 DEMOLITION PLAN**  
SCALE: 1/8" = 1'-0"



**01 SITE PLAN**  
SCALE: 1/8" = 1'-0"

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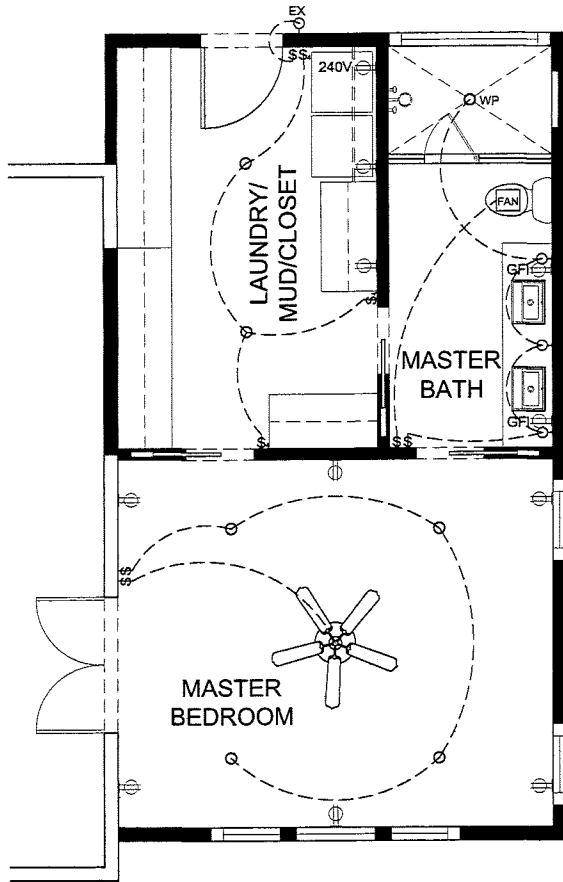
Issued: 4.14.21

Site Plan  
Scale: 1/8" = 1'-0"

Project Address:  
325 S. Santa Clara Ave  
New Braunfels, TX 78130

Ashley Bruchas  
New Braunfels Remodeling, LLC  
118 Briarwood Dr.  
New Braunfels, TX 78130  
830.515.9747





EXISTING HOUSE	1928 SF
ADDITIONAL LIVING SF	493 SF
TOTAL SQUARE FOOTAGE	2421 SF

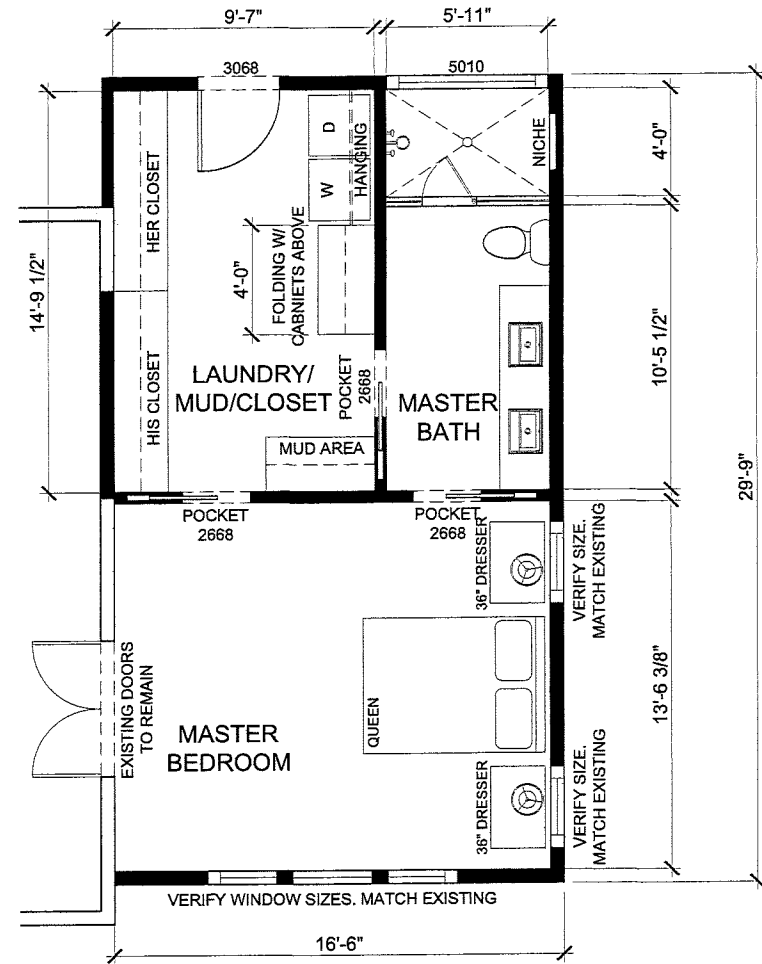
FLOOR PLAN GENERAL NOTES:

1. MASTER BEDROOM: WOOD FLOORING TO MATCH EXISTING WOOD FLOORS IN HOME. VERIFY.
2. MASTER BATHROOM: TILE FLOORING & SHOWER SURROUND. VANITY TO BE PAINT GRADE MILLWORK WITH QUARTZ COUNTERTOPS. ALL PLUMBING FIXTURES BY OWNER, INSTALLED BY GC.
3. LAUNDRY/MUD/CLOSET: TILE FLOORING. PAINT GRADE MILLWORK WITH QUARTZ COUNTERTOPS (VERIFY WITH OWNER WHAT MILLWORK GC IS PROVIDING IN THIS SPACE VS. WHAT THE OWNER WILL PROVIDE).

RCP LEGEND:	
	5\" LED DIMMABLE RECESSED CAN LIGHT. 3000K
	DIMMABLE WALL SCONCE BY OWNER. \$250.00 ALLOWANCE EACH.
	EXTERIOR WALL SCONCE BY OWNER. \$250.00 ALLOWANCE EACH.
	RESTROOM EXHAUST FAN
	CEILING FAN WITH NO LIGHT KIT BY OWNER. \$350.00 ALLOWANCE EACH.

ELECTRICAL LEGEND:	
	DUPLEX OUTLET
	GFI DUPLEX OUTLET
	240V DEDICATED OUTLET

02 ELECTRICAL PLAN  
SCALE: 1/2" = 1'-0"



01 FLOOR PLAN  
SCALE: 1/2" = 1'-0"

2

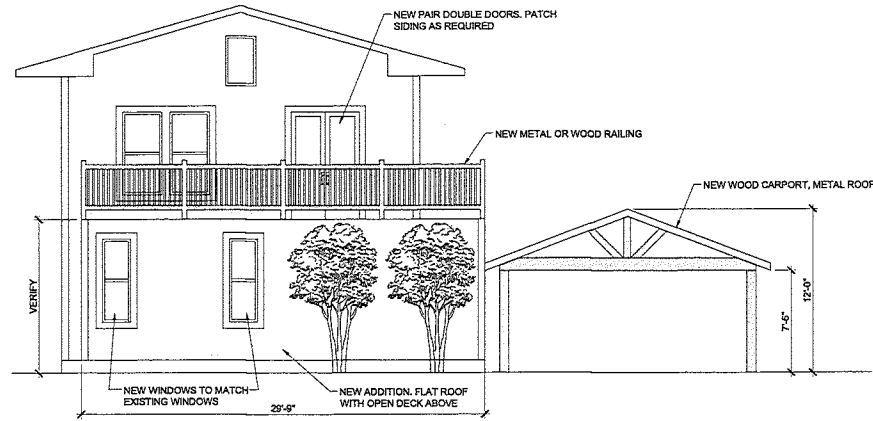
Issued: 4.14.21

Floor Plan  
Electrical Plan  
Scale: 1/2" = 1'-0"

Project Address:  
325 S. Santa Clara Ave  
New Braunfels, TX 78130

Ashley Bruchas  
New Braunfels Remodeling, LLC  
118 Briarwood Dr.  
New Braunfels, TX 78130  
830.515.9747





**02 SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



**01 FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"

3

Issued: 4.14.21

Exterior Elevations  
Scale: 1/4" = 1'-0"

Project Address:  
325 S. Santa Clara Ave  
New Braunfels, TX 78130

Ashley Bruchas  
New Braunfels Remodeling, LLC  
118 Briarwood Dr  
New Braunfels, TX 78130  
830.515.9747





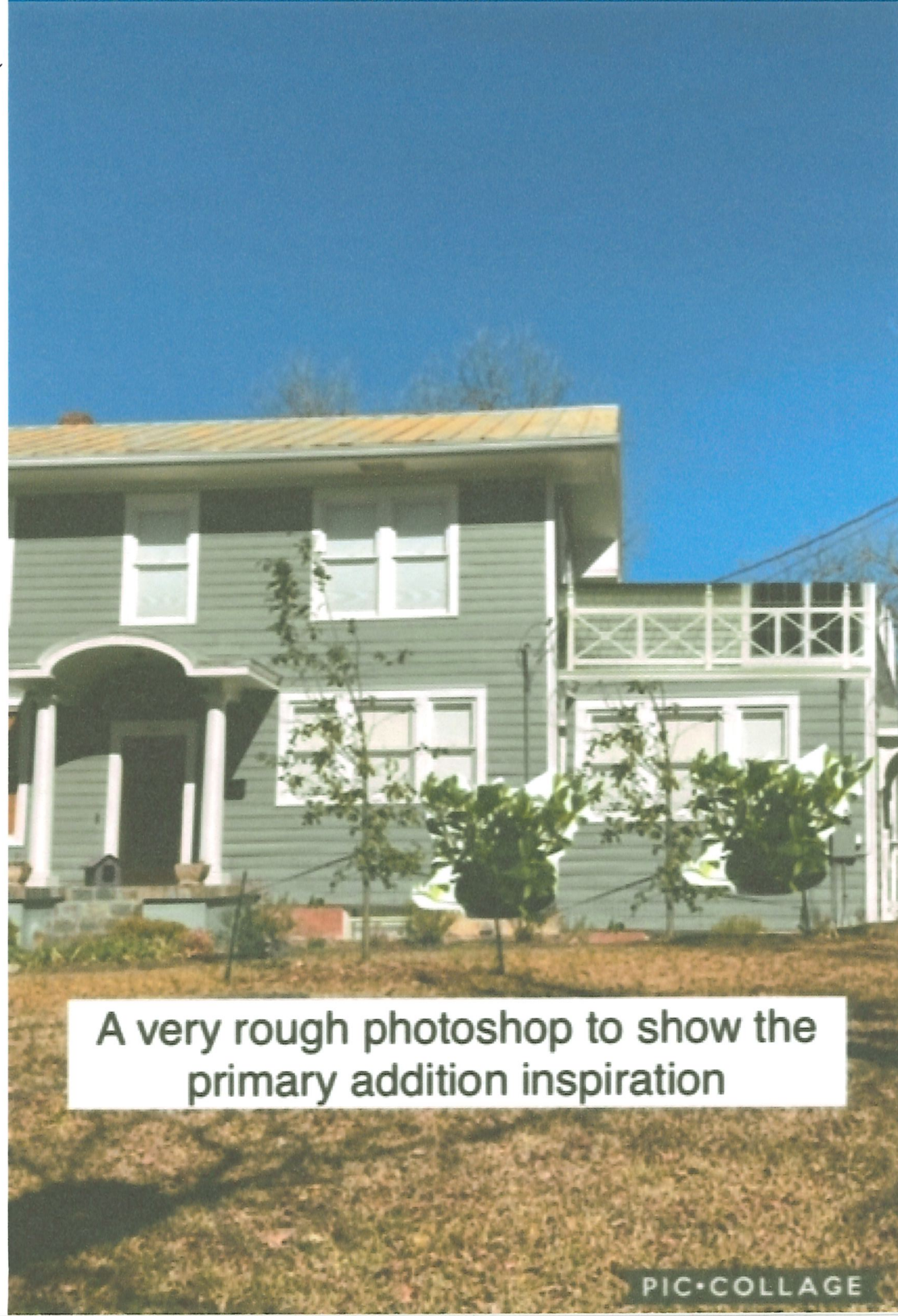
Burnup, Kristen



Carport inspiration



Burnup, Kristen



A very rough photoshop to show the  
primary addition inspiration



Burnup, Kristen



Primary Suite addition (minus the windows)



## NOTICE OF PUBLIC HEARING

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

**Subject Property:** 325 S. Santa Clara

**Variance Requests:** To allow 1) a proposed addition to encroach up to 4 feet and 4 inches into the required 15-foot corner-side setback and 2) to allow a proposed carport to encroach up to 20 feet into the required 20-foot garage setback. (Site plan and other details are available at [www.nbtexas.org/PublicNotice](http://www.nbtexas.org/PublicNotice))

**Required standards:** **Sections 3.3-9(b)(2)(iv) which states:**  
*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.  
**Sections 3.3-9(b)(2)(iii) which states:**  
*Side building setback.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the streets where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots.

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 **Thursday, October 28, 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. 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](mailto:mokelley@nbtexas.org)

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

Maddison O'Kelley, Planner  
Development Planning Division

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

**Case: ZB21-0005 (Burnup) MO**

Name: \_\_\_\_\_

I favor: \_\_\_\_\_

Address: \_\_\_\_\_

Circled property number from map: \_\_\_\_\_

I object: \_\_\_\_\_  
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature \_\_\_\_\_

**ZONING BOARD OF ADJUSTMENT – OCTOBER 28, 2021**  
**CITY COUNCIL CHAMBERS**

**Address/Location:** 325 S Santa Clara

**Applicant:** Kristen Burnup

**Case #:** ZB21-0005

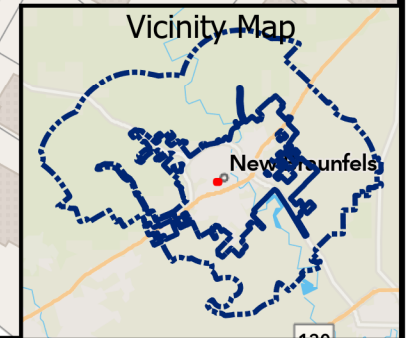
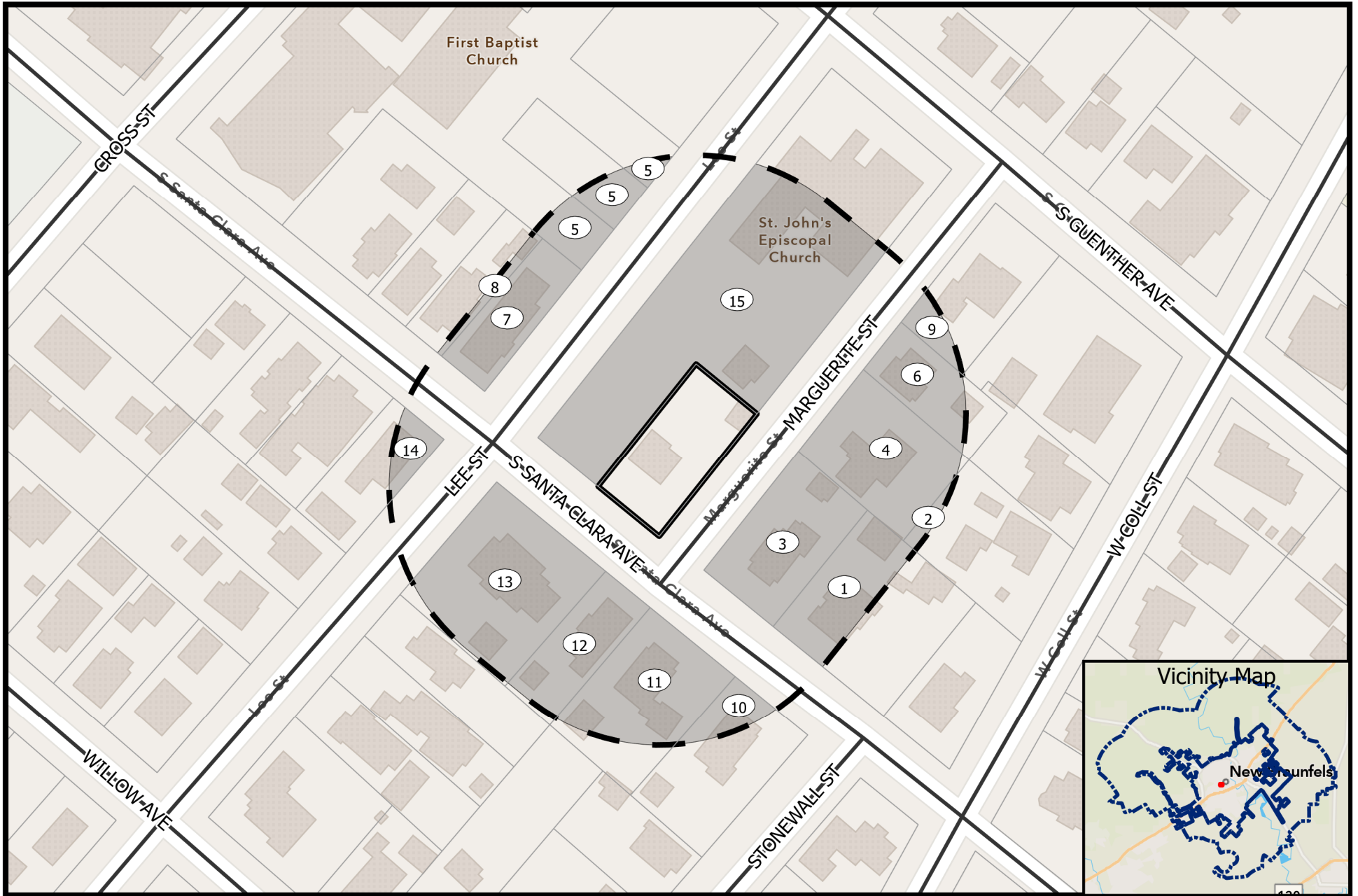
The circled numbers on the map correspond to the property owners listed below. All information is from the Comal Appraisal District Records. The property under consideration is marked "Subject Property."

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. GORENCE KENNETH C & LORI DD AMES | 9. JONES ROGER D & THERESA R LEBLANC |
| 2. BUTTS CARMEN P                   | 10. LUNA RENE U & KELLY M CHAMBERS   |
| 3. ATTRA ED & REBECCA L MARTINEZ    | 11. SCHROER ROBERT A & CAROL L       |
| 4. GUAJARDO MANUEL M                | 12. PITTMAN CHARLENE A               |
| 5. FIRST BAPTIST CHURCH OF NB       | 13. LEGLER KIP D                     |
| 6. MAHLOCH AMY L                    | 14. DELGADO LEONARDO V JR & JANIE    |
| 7. SHAW DOUGLAS                     | 15. ST JOHNS EPISCOPAL               |
| 8. PANIAGUA PABLO & MARY            |                                      |

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**SEE NOTIFICATION MAP**





**ZB21-0005**  
**Corner-side setback encroachment**

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

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

(1) *Uses permitted by right:*

Residential uses:

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

Non-residential uses:

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

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

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

(1) One family dwellings.

(i) *Height.* 35 feet.

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

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

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

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

(3) Non-Residential Uses.

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







10/28/2021

Agenda Item No. B)

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Presenter/Contact*Applicant: Chandler Gray**(512) 658-2490 - gray.texas@gmail.com***SUBJECT:**

ZB21-0006 Hold a public hearing and consider a request for a variance to Section 3.4-2(b)(1)(iii) to allow a proposed carport addition to the main structure to encroach up to 4 feet and 3 inches into the required 5-foot side setback in the "R-1A-6.6" Single-Family District, addressed at 186 E. Lincoln Street.

**BACKGROUND / RATIONALE:****Case #:** ZB21-0006

**Applicant:** Robert S. and Chandler B. Gray  
186 E. Lincoln Street  
New Braunfels, TX 78130  
(512) 658-2490 - gray.texas@gmail.com

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

The subject property is located on E. Lincoln Street and is zoned "R-1A-6.6" Single-Family District. The property is approximately 220 feet in depth and 50 feet in width, totaling 11,000 square feet in area. The lot width is approximately 10 feet less than the minimum 60-foot width required for residential interior lots in the "R-1A-6.6" district. The rear property line abuts the Comal River and approximately 70% of the property is located within the 1% annual chance floodplain. Due to the required setbacks within the "R-1A-6.6" district, the buildable area is 40 feet wide by 175 feet deep (7,000 square feet in area).

There is an existing single-family dwelling on the property that is approximately 1,488 square feet in area that was constructed in 1933. A variance was granted to the property in 2001 to allow the house to maintain its existing 3-foot setback from the side property line and to allow a proposed addition at the rear of the house to encroach up to three feet into the 5-foot side setback. The addition was constructed in 2001 and is approximately 320 square feet in area. The width of the house is 40.3 feet.

The applicant is proposing to construct a carport addition at the front of the home that will be structurally attached to the northeast corner of the front porch. Because the carport is proposed to be structurally attached to the dwelling, it is considered a part of the main structure. The carport addition is 18.5 feet wide and 20 feet deep. The applicant is requesting a variance to allow the proposed carport to encroach up to 4 feet and 3 inches into the required 5-foot side setback for main structures

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in the "R-1A-6.6" District. If the variance is approved, the carport would be set back 9 inches from the side property line.

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

- 1) **That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** (The applicant cites the property's 50-foot width and the existing 3-foot side setback encroachment of the home as two special circumstances that affect the land. The applicant states the proposed sunshade (carport) would follow along the edge of the house, but, due to the city's setback requirements, the sunshade would not be in compliance with the 5-foot side setback requirement. Staff notes that the minimum width for all interior lots in "R-1A-6.6" is 60 feet and that the subject property is only 50 feet wide. However, there are several residential districts within the city where 50-foot wide lots exist and 5-foot wide setbacks are maintained. 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. Furthermore, the applicant states the purpose of the carport's proposed location is to keep it in line with the existing house, but the house is set back approximately 3 feet from the property line. Additional explanation has not been provided as to why it would be necessary for the carport to be constructed 9 inches from the side property line, 27 inches closer than the existing 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 existing driveway was permitted in 2001 and that he would prefer to build the sunshade in the same location as the driveway. The applicant further states the intent of the variance request is to enhance the home and better protect his vehicles without constructing a fully enclosed garage. The applicant states granting the variance would help protect his vehicles which would provide a reasonable use of the land. Staff notes the substantial property right to use the property for a residential dwelling is not removed due to the width of the lot nor the side setback requirement.) **and**
- 3) **That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;** (The applicant states the variance should not be detrimental to public health, safety or welfare.) **and**
- 4) **Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;** (The applicant believes the variance should not prevent orderly use of other land within the area. Staff notes all neighboring properties will still be required to comply with zoning ordinance standards for any new construction and the permit construction plans must meet the minimum building code requirements for structures built within 5 feet of a property line.)  
**and**
- 5) **That an undue hardship exists;** (The applicant cites the width of the lot, age of the dwelling, and the year in which the property was platted as hardships that affect the land itself due to each circumstance predating the modern standard for garages and off-street parking for vehicles. The applicant further states that most homes in the neighborhood have a structure used to protect vehicles and the applicant would like to do the same. Staff has not

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identified a physical hardship due to the nature of the land itself that is not shared by other residential property within the neighborhood. Staff acknowledges the lot is only 50 feet wide where the district requires 60-foot wide interior lots, however, a carport of 18.5 feet in width would appear to have sufficient room on the lot to be located to maintain the 5-foot setback.) **and**

**6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant states all other features, other than the side setback, of the proposed carport will conform to city regulations. The applicant further states the two-post carport will be neutral in color and set back further from the front property line than neighboring garages and carports. Staff acknowledges the carport's conformity to all other requirements adopted within the zoning ordinance as proposed. Staff notes there are additional requirements for structures built within 5 feet of a property line under the building code that will be subject to review during the permit application for the carport per Section R302.1(1) of the International Residential Code.)

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:**

11,000 square feet in area

220 feet in depth

50 feet in width

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

No

**Surrounding Zoning and Land Use:**

North - Across E. Lincoln Street, R-1A-6.6 / Single Family Dwellings

South - Across Comal River, R-1A-6.6 / Single Family Dwelling

East - R-1A-6.6 / Single Family Dwellings

West - R-1A-6.6/ Single family Dwellings

**Notification**

Public hearing notices were sent to 17 owners of property within 200 feet. Staff has not received any responses in favor or in objection.

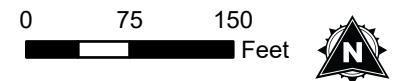
**Attachments:**

1. Aerial Map
2. Application
3. Proposed Site Plan
4. Carport Elevation Example
5. Pictures of Subject Property
6. Notification Packet
7. Sec. 3.4-2 "R-1A-6.6" Single-Family District





## ZB21-0006 Side setback encroachment







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

CC/Cash/Check No.: 2074

Amount Recd. \$ 360.00

Receipt No.: 41190

Case No.: ZB21-0006

Submittal date – office use only

**RECEIVED**

**SEP 28 2021**

BY: RP

## 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\*: Robert S. and Chandler B. Gray

Property Address: 186 E Lincoln St New Braunfels, TX 78130

Mailing Address: 186 E Lincoln St New Braunfels, TX 78130

### Contact information:

Phone: 512.658.2490

E-Mail: gray.texas@gmail.com

Legal Description: Lot #: 6 Block: 5002 Subdivision: Comal River NB

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

Present Use of Property: Residence / Homestead Zoning: R-1A-6.6

Describe Variance Request: \_\_\_\_\_

### 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 checked="" 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?**

This is a narrow 50 foot lot with a 1933 residence built within 2-3 feet of property line. The proposed sunshade would follow along one edge of the house, but due to today's city codes, the sunshade would not be in compliance due the current 5 foot setback requirement.

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

We received a permit in 2001 for our driveway (where we would now like to install a sunshade) and a variance later in 2001 for an addition/remodel along this same side of the property. We would now like to enhance our home, and better protect our vehicles, by adding the least obtrusive structure to protect our vehicles (vs a fully enclosed garage.) We would appreciate being granted a variance to help protect our property and to provide us a reasonable use of our land.

**(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, this 1933 home was platted as a narrow 50 foot lot and subsequently built before today's vehicles and garages became standard in the mid-century. Most homes in this old neighborhood now have some sort of structure or carport to protect their vehicles and we would like the protection.

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

Yes, except for the side setback all other features of the carport/shade structure conform to City regulations. The two post carport would be a neutral grey in color and set back more from the street than neighboring garages/carports.

**Please initial the following important reminders:**

RSC

**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.

RSC

**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: \_\_\_\_\_



Applicant/Agent\*

Date: September 27, 2021

Print Name: \_\_\_\_\_

Robert S. Gray  
Chandler B. Gray

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

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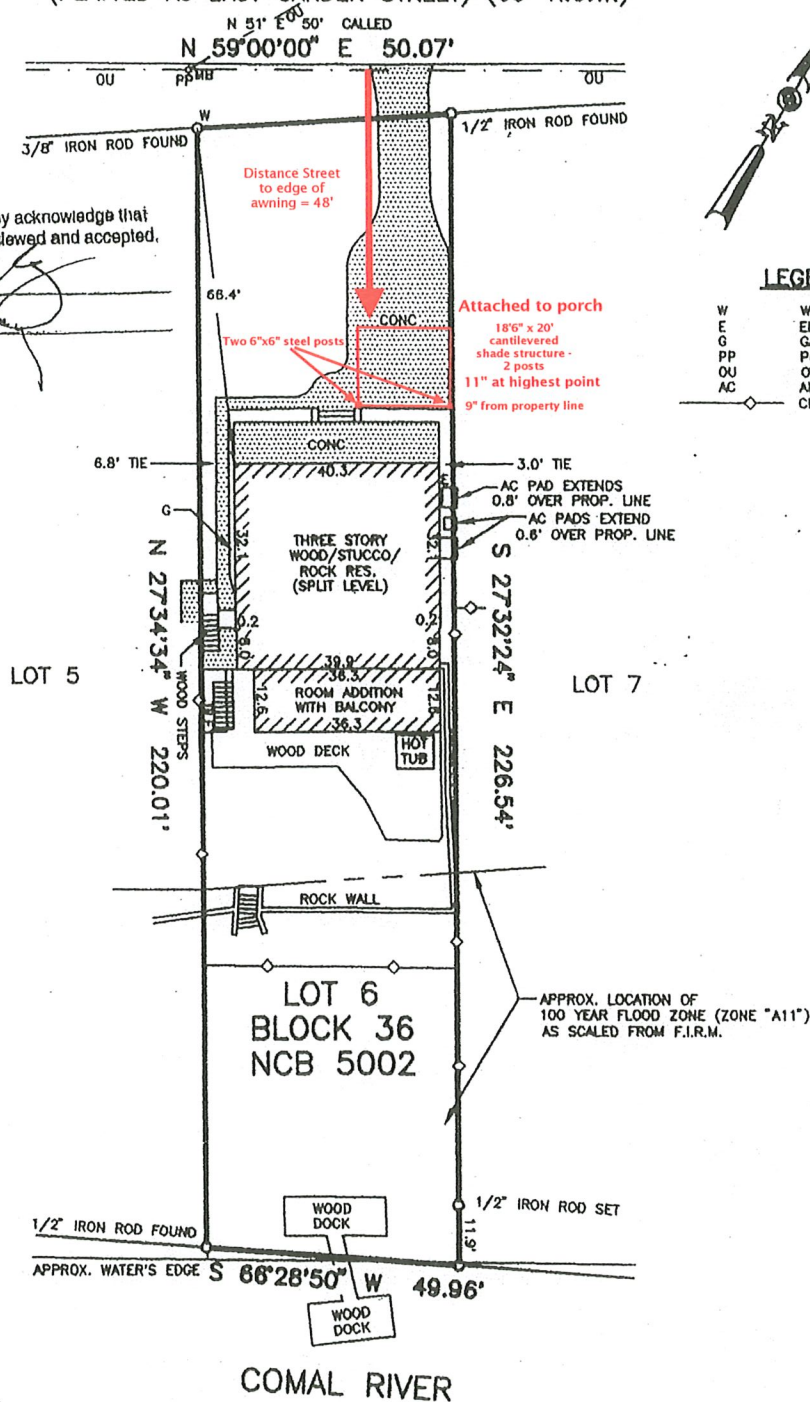
# E. LINCOLN STREET

(PLATTED AS EAST GARDEN STREET) (60' R.O.W.)

Scale: 1" = 30'

The undersigned hereby acknowledge that this survey has been reviewed and accepted.

*Handwritten signature: [Signature]*  
*Handwritten signature: [Signature]*



REFERENCE BEARING:  
BASIS OF BEARING OBTAINED FROM  
PLAT REFERENCED BELOW.

ADDRESS: 186 E. LINCOLN STREET

REFERENCES: VOL. 39, PG. 236-237  
VOL. 52, PG. 167

SURVEY PLAT SHOWING LOT 6, BLOCK 36, NEW CITY BLOCK 5002, SUMMER HOME ADDITION, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AS RECORDED IN VOLUME 39, PAGES 236-237, DEED RECORDS OF COMAL COUNTY, TEXAS.

M.D.S. LAND SURVEYING CO.  
618 COMAL STREET  
NEW BRAUNFELS, TEXAS 78130  
PHONE: (830) 625-0337

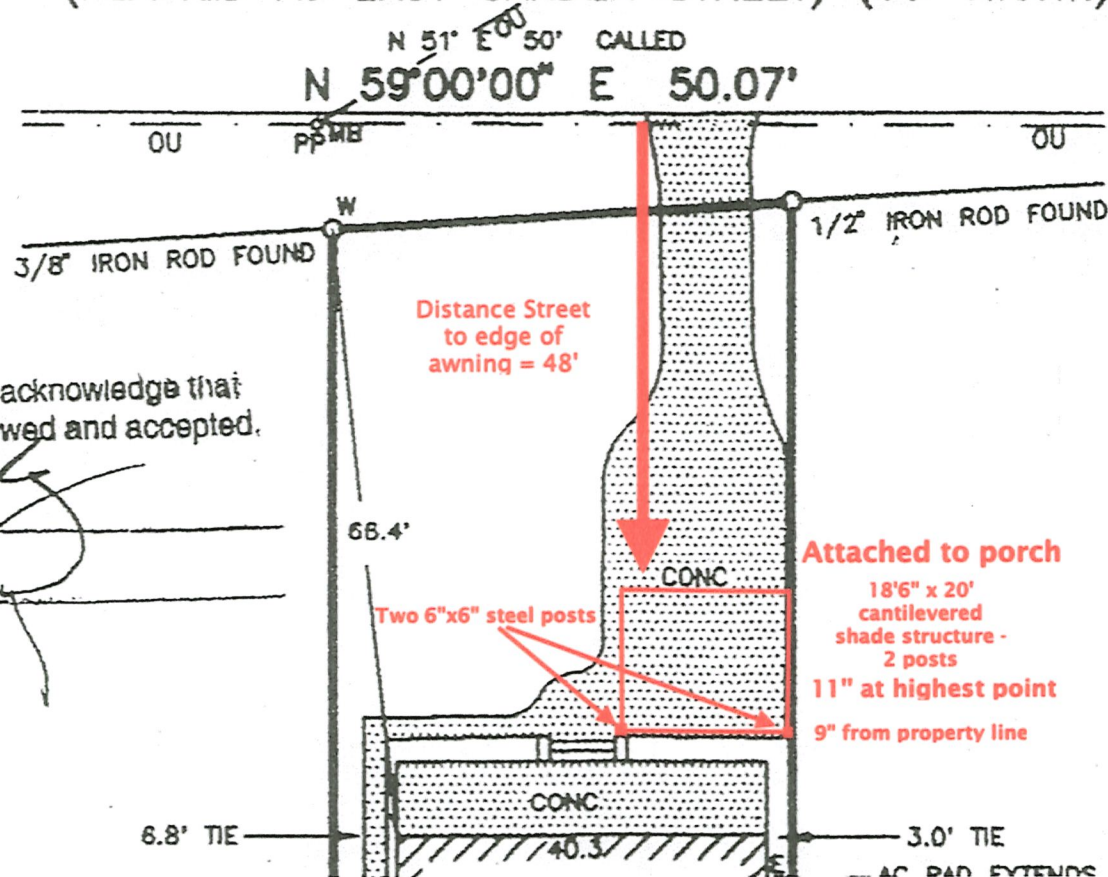
© 2002 M.D.S. LAND SURVEYING CO.



# E. LINCOLN STREET

(PLATTED AS EAST GARDEN STREET) (60' R.O.W.)

Scale: 1" = 30'



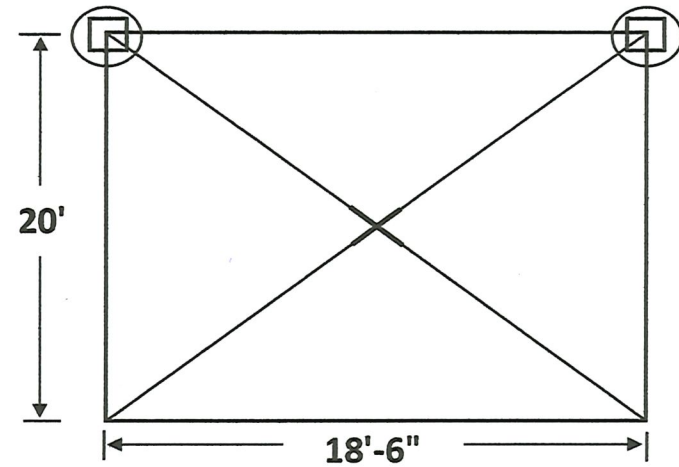
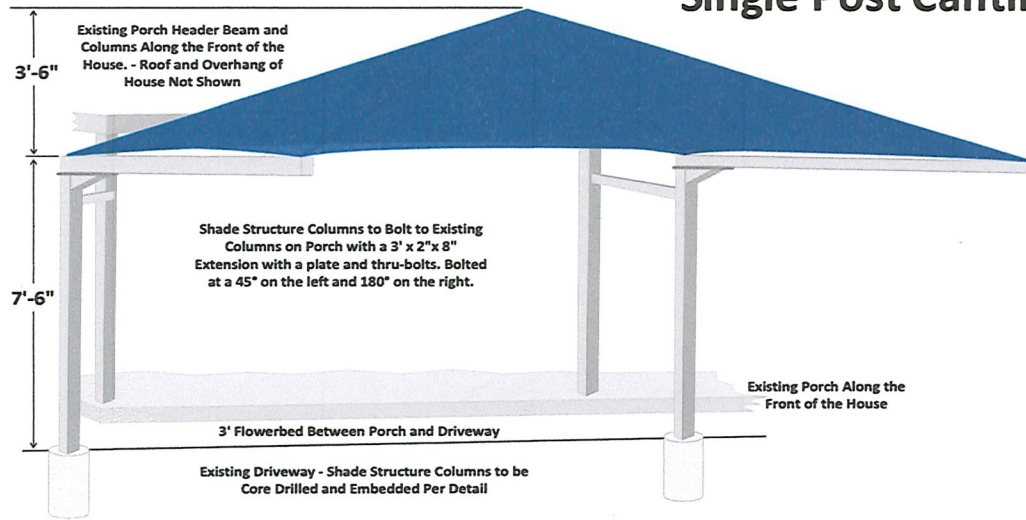
The undersigned hereby acknowledge that this survey has been reviewed and accepted.

*Plot 54*  
*Charles B. G...*

## LEGEND:

W	WATER METER
E	ELECTRIC METER
G	GAS METER
PP	POWER POLE
OU	OVERHEAD UTILITIES
AC	AIR CONDITIONER
—◇—	CHAINLINK FENCE

## Single Post Cantilever Pyramid



All phases of the work shall conform to standard methods of steel fabrication and construction as set forth by the 2018 International Building Code and the AISC Manual of Steel Construction. Concrete / Foundation work shall be in accordance with the ACI 318-14.

Structural steel shall be cold-formed structural quality steel, welded or seamless, complying with ASTM A-500, Grade B & ASTM-A36.

Columns 6" x 6" x 3/16" ASTM-A36 Square Tubing  
 Beams 6" x 4" 3/16" ASTM-A36 Square Tubing  
 Upper Structure 2-7/8" sch 40 Round Pipe  
 Columns & Beam Flange to Flange 8" x 24" x 1/2" Plate  
 Connections w/ 10" Gusset (8) 5/8" Bolts, Nuts, Lock Washers & (8) Flat Washers  
 All Plate to be 1/2" for connections and end caps.

Columns shall be embedded.

All field connections shall be bolted in accordance with ASTM Structural Specification for Bolted Connections. No welding shall be done in the field.

100% High-density polyethylene woven architectural fabric membrane canopy Commercial 95 by Gale Pacific. Tested to ASTM E-8400 meeting Class A requirements and NFPA 701-99 method 2. Sewn with Gore/Tenara thread. Tensioned w/ 1/4" dia. galvanized 7x19 stranded perimeter cable minimum tensile strength of 7,000lbs.

Powder coated finish complying with requirements of UL 1332, Organic Coating for Steel Enclosures for Outdoor Use Electrical Equipment - Component.

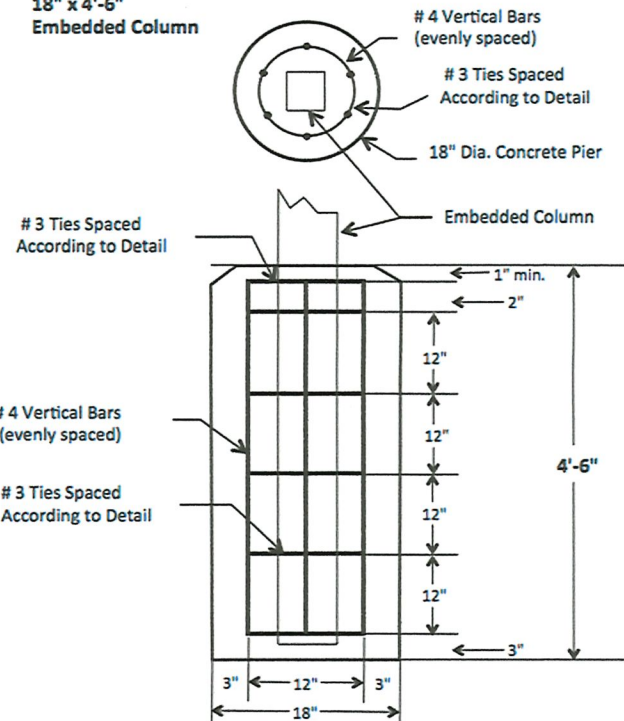
Project:  
 Bob Gray  
 186 E Lincoln St  
 New Braunfels TX 78130



PERMANENT SHADE STRUCTURES

ShadePro LLC  
 8690 FM 306  
 New Braunfels TX 78132  
 Ph 210-651-1041  
 Email:  
 Information@ShadePro.com

18" x 4'-6"  
 Embedded Column









## NOTICE OF PUBLIC HEARING

The New Braunfels Zoning Board of Adjustment will hold a public hearing at the request of **Robert S. and Chandler B. gray** to consider the following variance:

**Subject Property:** 186 E. Lincoln Street

**Variance Requests:** To allow a proposed carport addition to the main structure to encroach up to 4 feet and 3 inches into the required 5-foot side setback. (Site plan and other details are available at [www.nbtexas.org/PublicNotice](http://www.nbtexas.org/PublicNotice))

**Required standards:** **Sections 3.4-2(b)(1)(iii) which states:**  
*Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width.

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 **Thursday, October 28, 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. 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](mailto:mokelley@nbtexas.org)

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

Maddison O'Kelley, Planner  
Development Planning Division

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

**Case: ZB21-0006 (Gray) MO**

Name: \_\_\_\_\_

I favor: \_\_\_\_\_

Address: \_\_\_\_\_

Circled property number from map: \_\_\_\_\_

I object: \_\_\_\_\_  
(State reason for objection)

Comments: (Use additional sheets if necessary)

**Signature** \_\_\_\_\_

**ZONING BOARD OF ADJUSTMENT – OCTOBER 28, 2021**  
**CITY COUNCIL CHAMBERS**

**Address/Location:** 186 E Lincoln St

**Applicant:** Robert S. and Chandler B. Gray

**Case #:** ZB21-0006

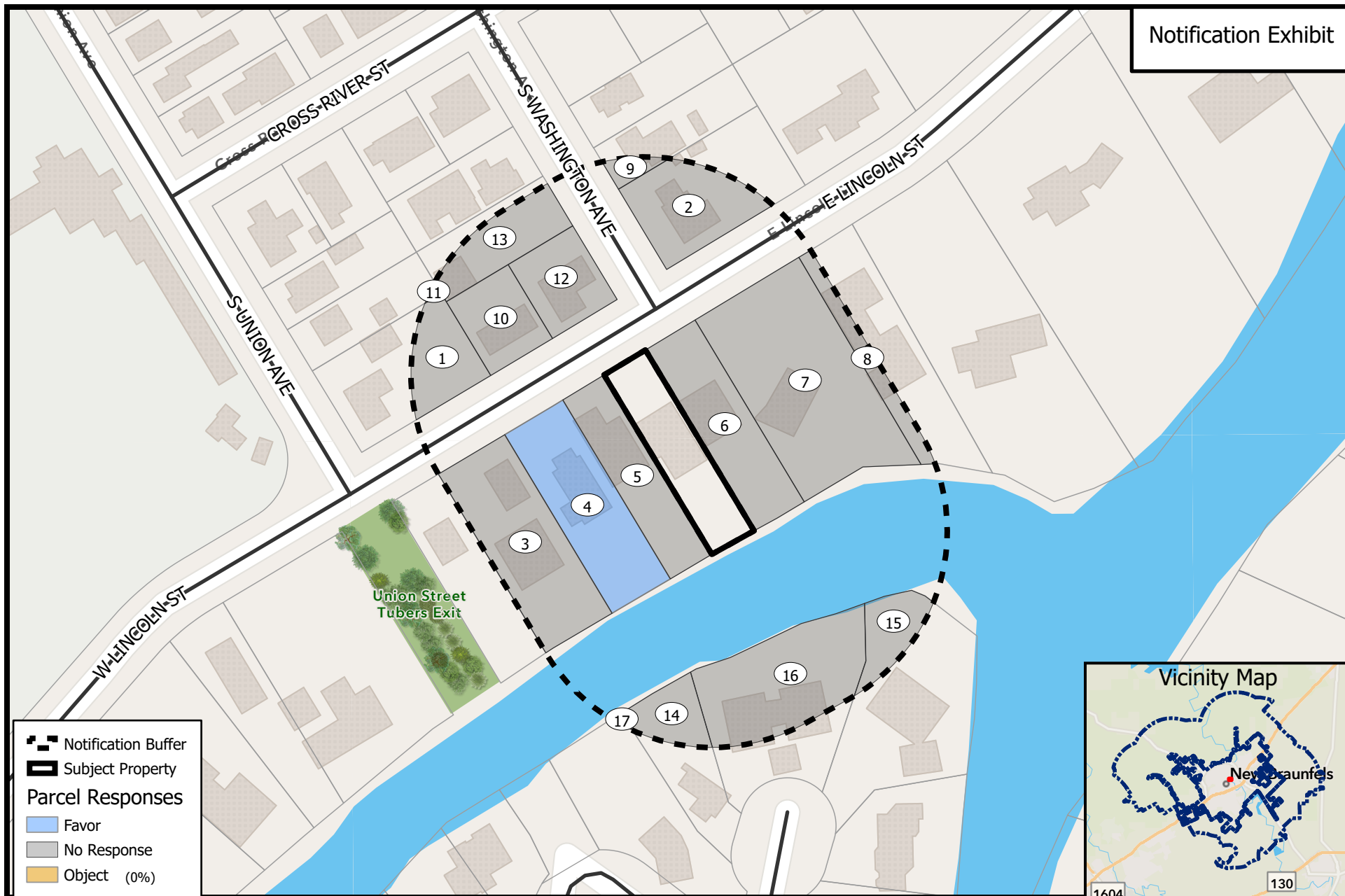
The circled numbers on the map correspond to the property owners listed below. All information is from the Comal Appraisal District Records. The property under consideration is marked "Subject Property."

- |                                       |                                     |
|---------------------------------------|-------------------------------------|
| 1. TANNEBERGER VIOLET M               | 10. MCDONALD MARILYN P              |
| 2. COOPER MIRIAM C & CRAIG R          | 11. HALLETT NANCY & DAVID W         |
| 3. SPENCE JOHN & CINDY AGEE           | 12. RINCON EARL G & LISA C          |
| 4. HEJL TED W & KAY E                 | 13. ERCUMS KARLIS III               |
| 5. SCHUMANN CARROLL C                 | 14. DAVIS CHUCK L & DEBORAH A       |
| 6. LOGAN ANNETTE B & PATRICK S        | 15. RAMIREZ RICHARD M & ROSE MARY H |
| 7. LAHOURCADE JOHN L GST EXEMPT TRUST | 16. ICKEN ANDREW F & MAYLYNN E      |
| 8. CRONIN EDWARD C JR & SHARON        | 17. KROCK JOEL & HALEY              |
| 9. CRABILL DAVID EUGENE               |                                     |

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**SEE NOTIFICATION MAP**





- Notification Buffer
- Subject Property
- Parcel Responses**
- Favor
- No Response
- Object (0%)



OCT 20 2021

## NOTICE OF PUBLIC HEARING

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**Required standards:** **Sections 3.4-2(b)(1)(iii) which states:**  
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550 Landa Street  
New Braunfels, TX 78130

**Email:** [mokelley@nbtexas.org](mailto:mokelley@nbtexas.org)

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

Maddison O'Kelley, Planner  
Development Planning Division

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

Case: ZB21-0006 (Gray) MO

Name: Ted W. Hejz

Address: 162 E. LINCOLN

Circled property number from map: 4

Comments: (Use additional sheets if necessary)

I favor: ✓

I object: \_\_\_\_\_  
(State reason for objection)

Signature Ted W. Hejz

### 3.4-2. "R-1A-6.6" single-family district.

*Purpose.* The R-1A-6.6 single-family district is intended for development of primarily detached, single-family residences and customary accessory uses on lots of at least 6,600 square feet in size. The following regulations shall apply in all "R-1A-6.6" districts:

*"R-1A" district.* The district called "R-1A" shall be renamed and shown on the zoning map as "R-1A-6.6".

- (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 building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Community home (see definition)
- 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)
- Church/place of religious assembly
- Community building (associated with residential uses)
- Contractor's temporary on-site construction office (with permit from Building Official; Sec 5.10)
- 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 or private
- Governmental building or use with no outside storage
- Park and/or playground (public)
- 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) *Height and area requirements:*

(1) Residential uses.

- (i) *Height.* 35 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *Side building setbacks.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear 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.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600 square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area 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. Where 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 per dwelling unit not located over the recharge zone and one acre per dwelling unit located over the recharge zone.
  - (viii) *Lot depth.* 100 feet.
  - (ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.
- (2) 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.

10/28/2021

Agenda Item No. C)

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Presenter/Contact*Applicant: Michael Leal*(830) 624-9675 - [lealme@sbcglobal.net](mailto:lealme@sbcglobal.net)**SUBJECT:**

ZB21-0009 Hold a public hearing and consider a request for a variance to Section 3.3-9(b)(2)(iii) to allow a proposed dwelling to encroach up to 10 feet into the required 15-foot corner side setback in the "C-3" Commercial District, addressed at 394 Kessler Street.

**BACKGROUND / RATIONALE:****Case #:** ZB21-0009

**Applicant:** Michael Leal  
120 S. Rueckle Road  
New Braunfels, TX 78130  
(830) 624-9675 - [lealme@sbcglobal.net](mailto:lealme@sbcglobal.net)

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

The subject property is located on the corner of Kessler Street and Sanger Avenue, in a residential neighborhood that is west of the Guadalupe River and north of Elliot Knox Boulevard. The property is zoned "C-3" Commercial District and is approximately 150 feet in depth and 60 feet in width, totaling 9,000 square feet in area. The lot width is approximately 10 feet less than the minimum 70-foot width required for residential corner lots in the "C-3" district, however the code includes allowances for lots that do not meet the minimum width, provided that *"such lot was in separate ownership prior to September 25, 1967, this requirement shall not prohibit the erection of a one-family dwelling"*. The front property line is along Kessler Street and the corner side property line is along Sanger Avenue. Due to the required setbacks within the "C-3" district, the buildable area is 40 feet wide by 105 feet deep (4,200 square feet in area).

The property is currently vacant, and the applicant is proposing to either move an existing home onto the lot or construct a new single-family dwelling. The applicant is requesting a variance to allow the proposed dwelling to encroach 10 feet into the 15-foot corner side setback. If the variance is approved, the structure would be set back 5 feet from the corner side property line along Sanger Avenue. The portion of Sanger Avenue adjacent to the subject property is only improved for approximately 63 feet of the subject property with the remaining length of approximately 80 feet unimproved.

The applicant's application references a request to allow a front setback encroachment of 10 feet. Section 5.21-3 of the Zoning Ordinance states where lots on the same side of the street between two



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intersecting streets are developed with varying front yard depths and no plat has been filed showing a setback line, the front setback shall be determined by the planning director. Staff was able to administratively approve a setback determination of 13 feet and 9 inches for the front setback of the subject property per Section 5.21-3. Due to the age of the neighborhood, setbacks vary and most do not meet current ordinance requirements. The front setback of the homes along the south side of Kessler Street between Kuehler Avenue and Sanger Avenue is an average of approximately 13 feet 9 inches. Staff has made the applicant aware of the setback determination; as this was addressed administratively, the variance to allow a front setback encroachment is no longer a part of the requested action by the ZBA. Because no other building or property is located on the block of Sanger Avenue that the subject property is located on, staff is not able to make a determination for the corner-side setback, thus consideration of this corner side variance is referred to the ZBA for consideration.

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 property is at the corner of Kessler Street and Sanger Avenue and is a corner lot that is subject to the 15-foot required corner side setback for residential properties. The applicant states that Sanger Avenue is an unused, dead-end street and as a result, the subject property functions similarly to an interior lot where the corner-side setback is not needed to maintain adequate sight-distance. Staff notes the lot is approximately 10 feet narrower than the minimum lot width of 70 feet for corner lots in the "C-3" district and less than 50% of Sanger Avenue adjacent to the subject property is improved. There are no vehicular access points on this segment of Sanger Avenue and the extension of Sanger Avenue is not likely.) **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 maximize the buildable area of the lot while also remaining consistent with other properties in the neighborhood. Staff notes that, although the increased setback can create be more challenging to design a structure that can accommodate the width of the buildable area, the substantial property right to use the property for a residential dwelling is not removed due to the corner-side setback requirement.) **and**
- 3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;** (The applicant states the variance should not be detrimental to public health, safety or welfare and that the 15-foot corner side setback is not needed to maintain sight distance for vehicles since Sanger Avenue is a dead end. Staff acknowledges that the impact to the surrounding area is likely minimal and that the terminus of Sanger Avenue is unimproved.) **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. Staff notes all neighboring properties and subsequent structures will still be required to comply with zoning ordinance standards for any new construction.) **and**
- 5) That an undue hardship exists;** (The applicant cites the location of Sanger Avenue as a hardship by technically classifying the lot as a corner lot, even though it functions as an interior lot. The applicant further states the neighbor to the south of the subject property

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has replatted their property in such a way that does not allow the applicant to acquire the adjacent right-of-way to provide for a larger buildable area and remove the constraints created by the development standards in the district. Staff has not identified a physical hardship due to the nature of the land itself that is not shared by other residential corner lots 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. Staff acknowledges the purpose of the corner-side setback requirement is to ensure adequate sight-distance for passing vehicles and to maintain the line of sight for building by creating a standardized setback. In this circumstance, the sight-distance and building setback line are not relevant to the subject property's development due to the lack of vehicular activity this portion of Sanger Avenue adjacent the subject 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:**

9,000 square feet in area  
150 feet in depth  
60 feet in width

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

No

**Surrounding Zoning and Land Use:**

North - Across Kessler Street, C-3 / Single Family Dwellings  
South - C-3 / Single Family Dwelling  
East - Across Sanger Avenue, C-3 / Multifamily Apartments  
West - C-3/ Single family Dwellings

**Notification**

Public hearing notices were sent to 13 owners of property within 200 feet. Staff has received no responses in favor or in objection.

**Attachments:**

1. Aerial Map
2. Application
3. Proposed Site Plan
4. Pictures of Subject Property and Sanger Avenue
5. Notification Packet
6. Sec. 3.3-9 "C-3" Commercial District











**Planning & Development Services Department**

550 Landa Street  
New Braunfels, Texas 78130  
(830) 221-4050 [www.nbtexas.org](http://www.nbtexas.org)

CC/Cash/Check No.: 2091

Amount Recd. \$ 772.00

Receipt No.: 41441

Case No.: 2B21-0009

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\*: Balcones Vista Phase 1, LLC / Michael Leal

Property Address: 394 Kessler Street

Mailing Address: 120 S. Rueckle Rd.

**Contact information:**

Phone: (830) 624-9675

E-Mail: lealme@sbcglobal.net

Legal Description: Lot #: 8 Block: 1059 Subdivision: \_\_\_\_\_

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

Present Use of Property: Vacant Zoning: C3

Describe Variance Request: We are requesting variances for the side setback of 15 ft. to 5 ft. and the front setback of 25 ft. to 15 ft.

**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 property is at the corner of Kessler St. and Sanger Ave. which requires us to have a 15 ft. side setback. However, since Sanger Ave. is a dead end, the lot functions as an interior lot and the 15 ft. side setback is not needed for sight distance. Also, the neighboring front setback is approximately 15 ft. and we would like to match it.

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

The variances allow us to maximize the building area while also remaining consistent with other properties in the neighborhood.

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

No, the 15 ft. side setback is not required for sight distance since Sanger Ave. is a dead end. Also, the neighboring property has a front setback of approximately 15 feet.

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

No, the variances do not prevent the orderly use of other properties.

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

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

Yes, the constraints due to the location of the Sanger Ave. dead end create a hardship by technically classifying this lot as a corner lot, although it functions as an interior lot. Also, the rear neighbor has replatted their property in such a way that does not allow us to acquire the adjacent Right-of-Way to provide for more building area and remove the constraints.

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

Yes.

Please initial the following important reminders:

*ml*

**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.

*ml*

**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:

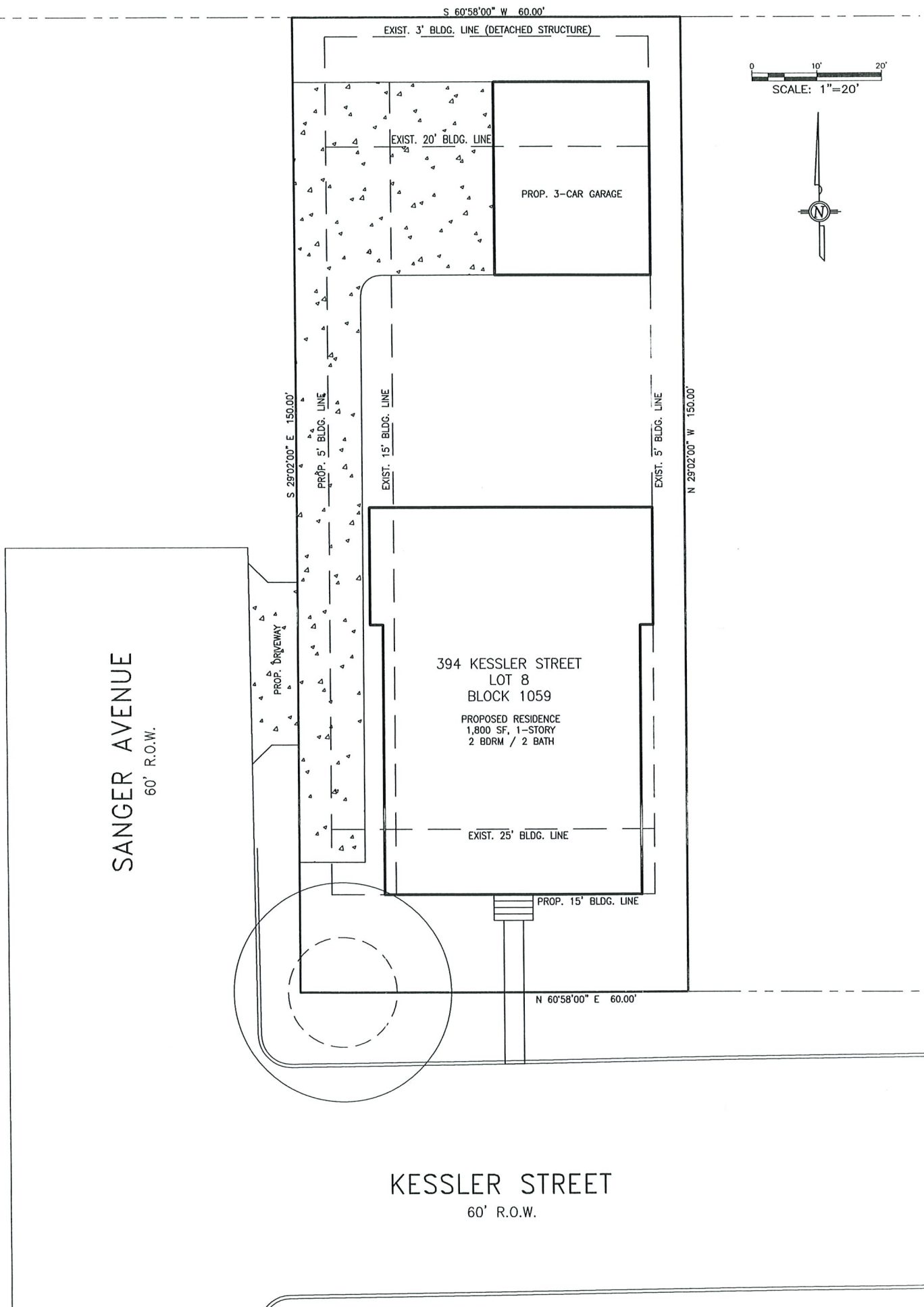
1. Paying for the required mail notification **(\$2.15 per mailed notice)**
2. Purchasing **(\$15 per sign)** and placing the signs at least **15 days prior to the hearing date**
3. Posting signs so they are clearly visible to the public from the adjacent public streets.
4. Ensuring that the signs remain 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: *Michael Leal* Date: October 1, 2021  
 Applicant/Agent\* Print Name: Michael Leal

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







ORI/GR# 9955 /Closor AMH /\$ \_\_\_\_\_  
NB

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:  
 YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

### GENERAL WARRANTY DEED

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COMAL

§

THAT LORI DD AMES, a single woman and KENNETH C. GORENCE, a single man, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by BALCONES VISTA PHASE 1, LLC, hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged;

HAS GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee the following described property situated in Comal County, Texas, to-wit:

Lot 8, New City Block 1059 of KUEHLER ADDITION, a subdivision in the City of New Braunfels, Comal County, Texas, according to plat recorded in Volume 46, page(s) 430-431, Deed Records of Comal County, Texas.

This conveyance is made subject to, all and singular, the restrictions, conditions, easements, and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the County Clerk of Comal County, Texas.

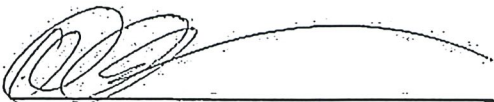
Taxes for the current year have been prorated and are thereafter assumed by Grantee.

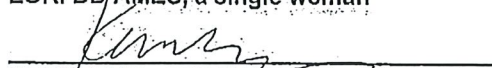
TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever.

POOR QUALITY

Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, and successors to warrant and forever defend, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and assigns against any person whomsoever claiming or to claim the same or any part thereof.

DATED this the 18th day of September, 2020.

  
LORI DD AMES, a single woman

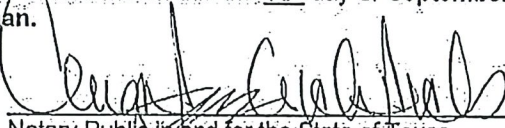
  
KENNETH C. GORENCE, a single man

THE STATE OF TEXAS  
COUNTY OF Comal

§  
§

This instrument was acknowledged before me on this the 18th day of September, 2020, by LORI DD AMES, a single woman.

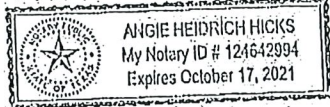


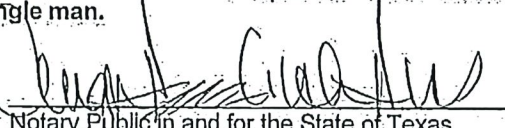
  
Notary Public in and for the State of Texas

THE STATE OF TEXAS  
COUNTY OF Comal

§  
§

This instrument was acknowledged before me on this the 18th day of September, 2020, by KENNETH C. GORENCE, a single man.



  
Notary Public in and for the State of Texas

GRANTEE'S MAILING ADDRESS:

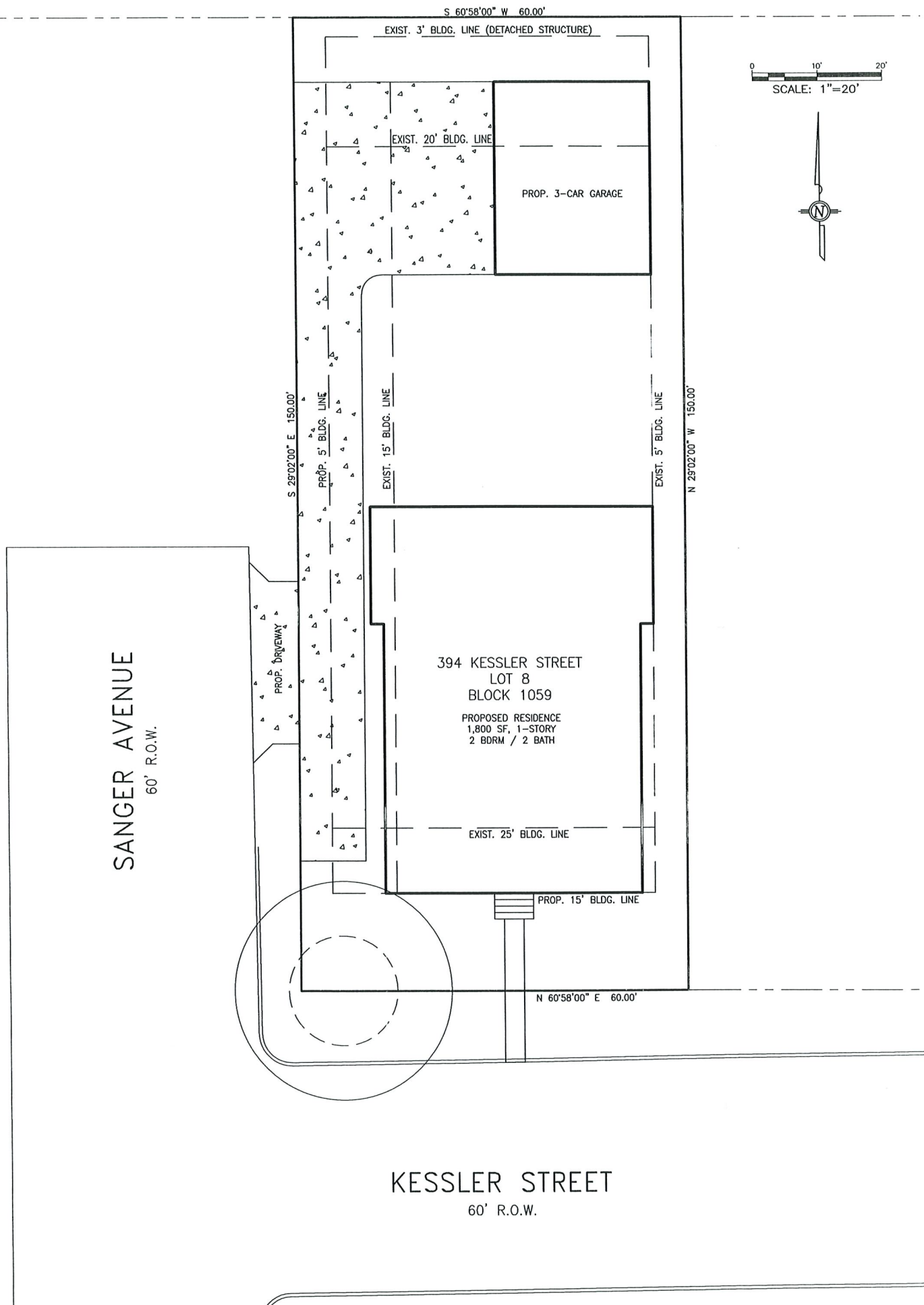
1205 Bueckle Rd.  
New Braunfels, TX  
78130

CASH WD AMES - BALCONES  
Old Republic Title Co. (AH)  
GF #9955NB

Filed and Recorded  
Official Public Records  
Bobbie Koepp, County Clerk  
Comal County, Texas  
09/22/2020 02:48:22 PM  
CHRISTY 2 Pages(s)  
202006041003









## NOTICE OF PUBLIC HEARING

The New Braunfels Zoning Board of Adjustment will hold a public hearing at the request of **Balcones Vista Phase 1, LLC/Michael Leal** to consider the following variance:

**Subject Property:** 394 Kessler Street

**Variance Requests:** To allow a proposed dwelling to encroach up to 10 feet into the required 15-foot corner-side setback. (Site plan and other details are available at [www.nbtexas.org/PublicNotice](http://www.nbtexas.org/PublicNotice))

**Required standards:** **Sections 3.3-9(b)(2)(iii) which states:**  
*Side building setback.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the streets where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots.

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 **Thursday, October 28, 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. 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](mailto:mokelley@nbtexas.org)

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

Maddison O'Kelley, Planner  
Development Planning Division

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

**Case: ZB21-0009 (Leal) MO**

Name: \_\_\_\_\_

I favor: \_\_\_\_\_

Address: \_\_\_\_\_

Circled property number from map: \_\_\_\_\_

I object: \_\_\_\_\_  
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature \_\_\_\_\_



**ZONING BOARD OF ADJUSTMENT – OCTOBER 28, 2021**  
**CITY COUNCIL CHAMBERS**

**Address/Location:** 394 Kessler

**Applicant:** Balcones Vista Phase 1, LLC (Michael Leal)

**Case #:** ZB21-0009

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. HAAS EWALD R & EVELYN M | 8. DAWSON WILLIAM S & ALEXANDRA R  |
| 2. SCHWARZ BRUCE ALAN      | PARKER                             |
| 3. NUCKELS RICHARD JOHN JR | 9. RICHARDS TRISTAN & JANNA K LOTT |
| 4. MAXWELL SYLVIA J        | 10. CRENWELGE KARL G               |
| 5. HILL CLARK HOLDINGS LLC | 11. SEIDEL RICHARD G               |
| 6. SEIDEL CONNIE Z         | 12. MILL BRIDGE MFAP LLC           |
| 7. SEIDEL CONNIE Z         |                                    |

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**SEE NOTIFICATION MAP**



**ZB21-0009**  
**Front & corner-side setback encroachment**

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

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

(1) *Uses permitted by right:*

Residential uses:

- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Bed and breakfast inn (see Sec. 5.6)
- Boardinghouse/lodging house
- Community home (see definition)
- Duplex / two-family / duplex condominiums
- Family home adult care
- Family home child care
- Home Occupation (See Sec. 5.5)
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Rental or occupancy for less than one month (see Sec. 5.17)
- Residential use in buildings with the following non-residential uses
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

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

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



Department store  
 Drapery shop / blind shop  
 Drug sales/pharmacy  
 Electrical repair shop  
 Electrical substation  
 Exterminator service  
 Farmers market (produce market - wholesale)  
 Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)  
 Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)  
 Feed and grain store  
 Filling station (fuel tanks must be below the ground)  
 Florist  
 Food or grocery store with or without fuel sales  
 Fraternal organization/civic club (private club)  
 Freight terminal, truck (all storage of freight in an enclosed building)  
 Frozen food storage for individual or family use  
 Funeral home/mortuary  
 Furniture manufacture  
 Furniture sales (indoor)  
 Garden shops and greenhouses  
 Golf course (miniature)  
 Golf course, public or private  
 Governmental building or use  
 Greenhouse (commercial)  
 Handicraft shop  
 Hardware store  
 Health club (physical fitness; indoors only)  
 Heating and air-conditioning sales / services  
 Heavy load (farm) vehicle sales/repair (see Sec. 5.14)  
 Home repair and yard equipment retail and rental outlets (no outside storage)  
 Hospice  
 Hospital, general (acute care/chronic care)  
 Hospital, rehabilitation  
 Hotel/motel  
 Hotels/motels - extended stay (residence hotels)  
 Ice delivery stations (for storage and sale of ice at retail only)  
 Kiosk (providing a retail service)  
 Laundromat and laundry pickup stations  
 Laundry, commercial (w/o self serve)  
 Laundry/dry cleaning (drop off/pick up)  
 Laundry/washateria (self serve)  
 Lawnmower sales and/or repair  
 Limousine / taxi service  
 Locksmith  
 Lumberyard (see Sec. 5.15)  
 Lumberyard or building material sales (see Sec. 5.15)  
 Maintenance/janitorial service  
 Major appliance sales (indoor)  
 Market (public, flea)  
 Martial arts school  
 Medical supplies and equipment  
 Metal fabrication shop  
 Micro brewery (onsite manufacturing and/or sales)  
 Mini-warehouse/self storage units with outside boat and RV storage  
 Mini-warehouse/self storage units (no outside boat and /RV storage permitted)  
 Motion picture studio, commercial film

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

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

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

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

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

(1) Non-residential uses.

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

- (v) *Residential setback.* Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
  - (vi) *Width of lot.* The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirements will not prohibit the construction of a use enumerated in this district.
  - (vii) *Lot depth.* 100 feet.
  - (viii) *Parking.* See Section 5.1 for permitted uses' parking.
- (2) One family dwellings.
- (i) *Height.* 45 feet.
  - (ii) *Front building setback.* 25 feet.
  - (iii) *Rear building setback.* 20 feet.
  - (iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
  - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
  - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
  - (vii) *Lot area.* Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre and one acre on the Edwards Aquifer Recharge Zone.
  - (viii) *Lot depth.* 100 feet.
  - (ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.
- (3) Duplexes.
- (i) *Height.* 45 feet.
  - (ii) *Front building setback.* 25 feet.
  - (iii) *Rear building setback.* 20 feet.



- (i) *Side building setbacks.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
  - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
  - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet
  - (vii) *Lot area.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
  - (viii) *Lot depth.* 100 feet.
  - (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See Sec. 5.1 for other permitted uses' parking.
- (4) Multifamily dwellings.
- (i) *Height.* 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).
  - (ii) *Front building setback.* 25 feet.
  - (iii) *Rear building setback.* 25 feet.
  - (iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
  - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
  - (vi) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
  - (vii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.

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





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

550 Landa Street  
New Braunfels, TX

**10/28/2021**

Agenda Item No. A)

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10/28/2021

Agenda Item No. B)

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**PRESENTER:**

Christopher J. Looney, AICP, Planning and Development Services Director

**SUBJECT:**

Briefing with no action regarding forthcoming amendments to various development-related ordinances to streamline processes.

**DEPARTMENT:** Planning and Development Services Department

**COUNCIL DISTRICTS IMPACTED:** All

**BACKGROUND INFORMATION:**

Several development-related processes require multiple steps that end with City Council or Planning Commission consideration. Where local ordinances require City Council or Planning Commission consideration for a final decision, staff is drafting amendments to these processes to identify any streamlining opportunities.

**ISSUE:**

It has been noted that some of these processes do not necessarily rise to a level requiring City Council scrutiny and, with appropriate criteria, could be addressed and finalized at an administrative or board/commission level. The intent of the proposed amendments is to enhance customer service and reduce review times for customers and developers by re-evaluating the decision-making hierarchy and which board, commission or Council should decide appeals or waivers. The City Council directed staff at the July 12, 2021 regular meeting to research and identify these streamlining opportunities.

Staff is examining the currently adopted ordinances and thus far has identified the following processes for consideration:

**Zoning Ordinance**

- Appeal processes: Temporary Mobile Storage Units, Off-site Parking Plans, Multi-family and Non-residential design standards, etc.

**Platting Ordinance**

- Staff review and criteria for approval of Alternative Pedestrian Plans.
- Staff review and criteria for approval of block length waivers.
- Final decision by Planning Commission for sidewalk waivers with criteria for approval.

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**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends continuing to research and identify all streamlining opportunities to bring forward draft amendment recommendations.

10/28/2021

Agenda Item No. C)

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**PRESENTER:**

Christopher J. Looney, AICP, Planning and Development Services Director

**SUBJECT:**

Appointment of a Zoning Board of Adjustment representative to the Unified Development Code Citizens Advisory Committee

**DEPARTMENT:** Planning & Development Services Department

**COUNCIL DISTRICTS IMPACTED:** All

**BACKGROUND INFORMATION:**

At their September 27, 2021 meeting, the City Council endorsed the composition of the UDC Citizens Advisory Committee. The make-up of the committee includes the appointment of a member of the Zoning Board of Adjustment.

**ISSUE:**

N/A

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

N/A

10/28/2021

Agenda Item No. D)

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**PRESENTER:**

Stacy Snell, AICP, CNU-A, Planning Manager

**SUBJECT:**

New Board and Commission Application and Term Expiration Process

**DEPARTMENT:** Planning & Development Services Department

**COUNCIL DISTRICTS IMPACTED:** All

**BACKGROUND INFORMATION:**

Discussion regarding the updated process and term expiration dates for all City boards and commissions. The term cycle for ZBA is not affected by these updates.

**ISSUE:**

N/A

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

N/A