



SPECIAL EXCEPTIONS APPLICATION

Planning and Community Development
550 Landa Street, New Braunfels TX 78130
(830) 221-4050

PLANNING

CASE NO.: _____

FEE: \$721

(\$700 application fee + \$21 technology fee (3%))

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

Name of Applicant/Agent*: _____

Property Address: _____

Mailing Address: _____

Contact information:

Phone: _____

E-Mail: _____

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

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

Present Use of Property: _____ Zoning: _____

Special Exception Request:

Nonconforming Uses/Structures

If the special exception request is for 'Nonconforming Uses/Structures', please answer questions on page 2.

Semipublic Parking in Residential

If the special exception request is for 'Semipublic Parking in Residential', please answer questions on page 3.

SUBMITTAL CHECKLIST:

STAFF:

APPLICANT:

Completed application

Fee (\$721)

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.)

IF FOR “NONCONFORMING USES/STRUCTURES” SPECIAL EXCEPTION:

Please select the following being requested for a special exception to a nonconforming use/structure:

Expansion of the land area of a nonconforming use, up to a maximum of thirty (30) percent; or

Expansion of the gross floor area of a nonconforming structure, up to a maximum of thirty (30) percent, provided that such expansion does not decrease any existing setback and does not encroach onto adjacent property, and such expansion will bring the structure closer into compliance with this Chapter, or if it will otherwise improve or enhance public health, safety or welfare; or

Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

Reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use and/or the restoration of a building site that is nonconforming as to development standards (including, but not limited to, parking arrangement, landscaping, etc.), when a structure has been damaged by fire, flood or other calamity to the extent of more than seventy-five percent (75%) of the replacement cost of the building or structure at the time such damage. Such action by the ZBA shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.

Describe Reasoning for Special Exception Request:

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

IF FOR “SEMIPUBLIC PARKING IN RESIDENTIAL” SPECIAL EXCEPTION:

The semipublic parking request is for the occupants of:

- | | | |
|---|---|---|
| <input type="checkbox"/> apartment houses | <input type="checkbox"/> apartment hotels | <input type="checkbox"/> members of clubs |
| <input type="checkbox"/> multiple dwellings | <input type="checkbox"/> fraternity/sorority houses | |
| <input type="checkbox"/> hotels | <input type="checkbox"/> lodging houses | |

OR is the semipublic parking for the visitors to or patrons of:

- | | | |
|------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> hospitals | <input type="checkbox"/> institutions | <input type="checkbox"/> places of public assembly |
|------------------------------------|---------------------------------------|--|

Describe Reasoning for Special Exception Request:

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

Please initial the following important reminders:

_____ **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.

_____ **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. Purchasing **(\$15 per sign)** and placing the signs at least **15 days prior to the hearing date;**
2. Posting signs so they are clearly visible to the public from the adjacent public streets.
3. Ensuring that the signs remain on the property throughout the variance process.
4. 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.
5. Removing the signs after the final action by the Zoning Board of Adjustment.
6. Special exception requests require mail notification **\$2.15 per mailed notice**.

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

Date: _____

Signed: _____ Print Name: _____

Applicant/Agent*

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

FOR OFFICE USE ONLY

CASE NO.: _____

Application Received By: _____ Receipt No: _____ Date: _____

Fee: \$ _____ Zoning: _____ Meeting Date: _____

Signs: Date issued: _____ Number of signs issued: _____

Mail Notifications: Number of Notices _____ x \$2.15 per notice = \$ _____ owed

Variance to Section(s) No.: _____

\\CHFS-1\DEPARTMENTS\PLANNING\APPLICATIONS\SPECIAL EXCEPTIONS APPLICATION - DRAFT.DOCX

Sec. 144-2.2. Zoning Board of Adjustment (ZBA).

2.2-4. Special exceptions.

(a) Authority and Procedures. The ZBA may grant the following special exceptions to these regulations, upon written request of the property owner, subject to the standards applicable to each exception hereinafter set forth. An application for a special exception shall be decided in accordance with the procedures applicable to a variance, as set forth in Section 2.2-5.

(b) Nonconforming uses and structures. The ZBA may grant special exceptions to the provisions of this Chapter pertaining to non-conforming status, limited to the following, and in accordance with the following standards. In granting special exceptions under this subsection, the ZBA may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the standards of this Chapter.

- (1) Expansion of the land area of a nonconforming use, up to a maximum of thirty (30) percent; or
- (2) Expansion of the gross floor area of a nonconforming structure, up to a maximum of thirty (30) percent, provided that such expansion does not decrease any existing setback and does not encroach onto adjacent property, and such expansion will bring the structure closer into compliance with this Chapter, or if it will otherwise improve or enhance public health, safety or welfare; or
- (3) Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
- (4) Reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use and/or the restoration of a building site that is nonconforming as to development standards (including, but not limited to, parking arrangement, landscaping, etc.), when a structure has been damaged by fire, flood or other calamity to the extent of more than seventy-five percent (75%) of the replacement cost of the building or structure at the time such damage. Such action by the ZBA shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.

(c) Semipublic parking areas in residential districts. To permit in residential districts semipublic parking areas for occupants of apartment houses, multiple dwellings, hotels, apartment hotels, fraternity or sorority houses, lodging houses, members of clubs, and visitors to or patrons of hospitals, institutions, or places of public assembly, provided that such parking areas are located not more than 400 feet therefrom, and provided that such parking areas be improved as required in this Chapter.



**2018
ZONING BOARD OF ADJUSTMENT
AND
ACCESS MANAGEMENT BOARD OF ADJUSTMENT
MEETING CALENDAR
Council Chambers - 6:00 p.m.**

Meeting Date (Thursday)	Application Deadline by 4:00 p.m.	Last Date Variance Signs Must Be Placed on Property	Mail Notices to Property Owners & Applicant	Send Agendas to Board Members
January 25	December 29, 2017	January 10	January 12	January 17
February 22	January 26	February 7	February 9	February 14
March 22	February 23	March 7	March 9	March 14
April 26	March 29	April 11	April 13	April 18
May 24	April 27	May 9	May 11	May 16
June 28	June 1	June 13	June 15	June 20
July 26	June 29	July 11	July 13	July 18
August 22* (Wed.)	July 26	August 7	August 9	August 14
September 20**	August 24	September 5	September 7	September 12
October 25	September 27	October 10	October 12	October 17
November 15***	October 19	October 31	November 2	November 7
December 20****	November 21	December 5	December 7	December 12
January 24, 2019	December 28	January 9, 2019	January 11, 2019	January 16, 2019

Approved by ZBA: 10/26/17

- * August meeting is one week earlier due to Budget Meeting
- ** September meeting is one week earlier due to Comal County Fair Day
- *** November meeting is one week earlier due to Thanksgiving
- **** December meeting is one week earlier due to Christmas and New Years