



Planning & Development Services Department

550 Landa Street

New Braunfels, Texas 78130

(830) 221-4050 www.newbraunfels.gov

Variance Application
(Access Management Board of Adjustment)

APPLICATION FEES:

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

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

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

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

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

Name of Applicant/Agent*: _____

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:** _____

Describe Variance Request: _____

SUBMITTAL CHECKLIST:

STAFF:	APPLICANT:	
<input type="checkbox"/>	<input type="checkbox"/>	Completed application
<input type="checkbox"/>	<input type="checkbox"/>	Copy of deed showing current ownership
<input type="checkbox"/>	<input type="checkbox"/>	Homestead verification (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee
<input type="checkbox"/>	<input type="checkbox"/>	Letter of authorization if applicant is not property owner
<input type="checkbox"/>	<input type="checkbox"/>	Site plan, drawn to scale and no larger than 11"x17", showing all existing and proposed improvements and dimensions.

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 specific physical surroundings, shape, and/or topographical conditions of the specific property exist that prevent the specific property from complying with the standards, as distinguished from a mere inconvenience? _____

(2) Will the granting of the variance be detrimental to the public health, safety or welfare, or injurious to other properties within the surrounding area? If no, explain how and why it won't.

(3) Would granting the variance nullify the intent and purpose of the code/standard? If no, explain how and why it won't.

(4) Is there an alternative proposal that will achieve the intent and purpose of the code/standard? If yes, explain.

Please initial the following important reminder:

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.

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

Signed: _____ **Date:** _____
Applicant/Agent*

Print Name: _____
Applicant/Agent*

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

Intentionally Blank

Sec. 114-100. Variances and Appeals.

- (a) **Variance.** It is recognized that in certain cases a variance from the regulations of this Article may need to be granted. In cases where the possibility of undue hardship would result from compliance with this Article, or where the purpose of this Article may be served to a greater extent by an alternative proposal a request may be made for review by the Access Management Board of Adjustment. The Access Management Board of Adjustment may approve a variance from any portion of the regulations of this Article so that substantial justice may be done and the public interest secured, provided the variance shall not have the effect of nullifying the intent and purpose of this Article, and further provided that the Access Management Board of Adjustment shall not approve a variance or alternative proposal unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Granting the variance or alternative proposal will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of the property;
 - (2) Because of the particular physical surroundings, shape, and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations of this Article is carried out; or an alternate proposal will achieve the same result or intent as the standards and regulations prescribed in this Article;
 - (3) The variance or alternative proposal will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.
- (b) **Conditions for Variance.** In approving a variance from the provisions of this Article, the Access Management Board of Adjustment may require such conditions as will, in its judgment, secure substantially the purposes described in this Article.
- (c) **Procedures for Variance.**
- (1) A petition for a variance shall be submitted in writing to the Planning Department by the property owner on forms provided by the Planning Department. The petition shall explain the purpose of the variance, state fully the grounds for the variance and all of the facts relied upon by the applicant.
 - (2) All variances shall be approved, disapproved, or conditionally approved by the Access Management Board of Adjustment.
 - (3) The findings of the Access Board of Adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Access Management Board of Adjustment meeting at which a variance is considered, approved, approved with condition or disapproved.
- (d) **Procedure for Appeals.** Appeals to the Access Management Board of Adjustment may be taken by any aggrieved person or by any officer, department, board or bureau of the City of New Braunfels affected by any decision of the City Engineer or other administrative officer concerning the interpretation or implementation of this Article.
- (1) *Stays of proceedings.* An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and due cause shown.
 - (2) *Notice of Appeal.* The appellant must file with the Planning Department a written notice of appeal specifying the grounds for the appeal and pay a fee of \$250.00. The notice of appeal shall be filed within 45 days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board all papers constituting the record of action that is appealed. The chair or any two members of the Access Management Board of Adjustment may call a special meeting to consider appeals.
 - (3) *Action by the Board on Appeal.* The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination. Each appeal shall be decided within 30 days following the date the notice of appeal is filed.



**2023
ACCESS MANAGEMENT BOARD
MEETING CALENDAR
Council Chambers
6:00 p.m.**

Meeting Date (Thursday unless otherwise noted)	Application Submittal Deadline	Last Date Variance Signs Must Be Placed on Property	Mail Notices to Property Owners & Applicant	Send Agendas to Board Members
January 26, 2023	December 30, 2022	January 11, 2023	January 13, 2023	January 20, 2023
February 23, 2023	January 27, 2023	February 8, 2023	February 10, 2023	February 17, 2023
March 23, 2023	February 24, 2023	March 8, 2023	March 10, 2023	March 17, 2023
April 27, 2023	March 31, 2023	April 12, 2023	April 14, 2023	April 21, 2023
May 25, 2023	April 28, 2023	May 10, 2023	May 12, 2023	May 19, 2023
June 22, 2023	May 26, 2023	June 7, 2023	June 9, 2023	June 16, 2023
July 27, 2023	June 30, 2023	July 12, 2023	July 14, 2023	July 21, 2023
August 24, 2023	July 28, 2023	August 9, 2023	August 11, 2023	August 18, 2023
September 21, 2023*	August 25, 2023	September 6, 2023	September 8, 2023	September 15, 2023
October 26, 2023	September 28, 2023**	October 11, 2023	October 13, 2023	October 20, 2023
November 16, 2023***	October 20, 2023	November 1, 2023	November 3, 2023	November 9, 2023****
December 21, 2023	November 22, 2023*****	December 6, 2023	December 8, 2023	December 15, 2023
January 25, 2024	December 29, 2023	January 10, 2024	January 12, 2024	January 19, 2024

- * September meeting is one week earlier due to Comal County Fair
- ** October meeting application deadline is one day earlier due to Comal County Fair
- *** November meeting is one week earlier due to Thanksgiving
- **** November agenda mailed out one day earlier due to Veteran's Day