



APPLICATION TO APPEAR BEFORE THE ACCESS MANAGEMENT BOARD OF ADJUSTMENT

Planning & Community Development Department
Planning Division
550 Landa Street, New Braunfels TX 78130
Phone: (830) 221-4050

PLANNING

Application fee: \$200 plus \$50 for each standard for which a variance is sought

Applicant/Agent*: _____

Property Address: _____

Mailing Address: _____

Telephone: Work: _____ Home: _____ Email: _____

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: _____

Describe Variance: _____

Explain the conditions affecting the property that warrant the variance; your hardship if the variance is not granted; and the effect the variance will have on neighboring property (see Sec. 114-100(a) next page):

Notification Signs The applicant is responsible for:

- 1. Purchasing (\$15 per sign) and placing the signs at least 15 days prior to the hearing date;
2. Ensuring the signs remain on the property throughout the variance process; and
3. Removing the signs after final action by the Board.

Attendance at Meeting It is important 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*

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

FOR OFFICE USE ONLY

CASE No.: _____

Application Received By: _____ Receipt No: _____ Date: _____ Fee: \$ _____

Zoning: _____ Meeting Date: _____ Signs Issued: _____

Variance to Section(s) No.: _____

Checklist: Site Plan _____ Metes & Bounds/Survey _____ Agent Letter: _____

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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) The fee for variances shall be \$200, plus \$50 for each standard for which a variance is sought.
 - (3) All variances shall be approved, disapproved, or conditionally approved by the Access Management Board of Adjustment.
 - (4) 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.



PLANNING

**2017
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 & Press
January 26	December 30, 2016	January 11	January 13	January 18
February 23	January 27	February 8	February 10	February 15
March 23	February 24	March 8	March 10	March 15
April 27	March 31	April 12	April 14	April 19
May 25	April 28	May 10	May 12	May 17
June 22	May 26	June 7	June 9	June 14
July 27	June 30	July 12	July 14	July 19
August 17*	July 21	August 2	August 4	August 9
September 21**	August 25	September 6	September 8	September 13
October 26	September 29	October 11	October 13	October 18
November 16***	October 20	November 1	November 3	November 8
December 28	December 1	December 13	December 15	December 20
January 25, 2018	December 29	January 10	January 12, 2018	January 17, 2018

* 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