



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

CC/Cash/Check No.: _____ Amount Recd. \$ _____ Receipt No.: _____ Case No.: _____ <i>Submittal date – office use only</i>

Special Exceptions Application

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:
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- 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.)

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.: _____

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.



**2021
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 28	December 31	January 13	January 15	January 22
February 25	January 29	February 10	February 12	February 19
March 25	February 26	March 10	March 12	March 19
April 22	March 26	April 7	April 9	April 16
May 27	May 30	May 12	May 14	May 21
June 24	May 28	June 9	June 11	June 18
July 22	June 25	July 7	July 19	July 16
August 25* (Wed)	July 29	August 10	August 12	August 19
September 16**	August 20	September 1	September 3	September 10
October 28	October 1	October 13	October 15	October 22
November 18***	October 22	November 3	November 5	November 12
December 16****	November 19	December 1	December 3	December 10
January 27, 2021	December 30, 2020	January 12, 2021	January 14, 2021	January 21, 2021

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