



PLANNING

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

APPLICATION FEES:

Homestead: \$350 plus \$50 for each variance sought
Non-Homestead: \$700 plus \$50 for each 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.

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: _____

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.
3. 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.
4. Removing the signs after final action by the Board.
5. AMBA/ Variance / Special Exception requests require mail notification \$2.15 per mailed notice.

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: _____

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

**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	January 11, 2018	January 16, 2018

* August meeting is one day 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