City of New Braunfels
PLANNING

APPLICATION TO APPEAR BEFORE THE ACCESS MANAGEMENT BOARD OF ADJUSTMENT

Planning and Community Development
424 S. Castell Avenue, New Braunfels TX 78130
Phone: (830) 221-4050 Fax: (830) 608-2109

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 affect 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: _____

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.

2013
ZONING BOARD OF ADJUSTMENT
AND
ACCESS MANAGEMENT BOARD OF ADJUSTMENT
MEETING CALENDAR - REVISED

Council Chambers - 6:00 p.m.

Meeting Date (Thursday)	**Application Deadline**	**Last Date Variance Signs Must Be Placed On Property**	**Mail Notices To Property Owners & Applicant**	**Send Agendas To Board Members and Press**
January 24	December 28, 2012	January 9	January 11	January 16
February 28	February 1	February 13	February 15	February 22
March 28	March 1	March 13	March 15	March 22
April 25	March 28	April 10	April 12	April 19
May 23	April 26	May 8	May 10	May 17
June 27	May 31	June 12	June 14	June 21
July 25	June 28	July 10	July 12	July 19
August 22	July 26	August 7	August 9	August 16
September 19*	August 23	September 4	September 6	September 13
October 24	September 26	October 9	October 11	October 18
November 21**	October 25	November 6	November 8	November 15
December 19***	November 22	December 4	December 6	December 13
January 23, 2014	December 27, 2013	January 8, 2014	January 10, 2014	January 17, 2014

* September meeting is one week earlier due to Fair Day.
** November meeting is one week earlier due to Thanksgiving Holidays.
*** December meeting is one week earlier due to Christmas Holidays.

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