



Transportation & Capital Improvements Department

550 Landa Street

New Braunfels, Texas 78130

(830) 221-4275 www.newbraunfels.gov

Variance Application

(TRANSPORTATION AND TRAFFIC ADVISORY BOARD)

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 T&T Advisory Board.

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:

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Completed application

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Copy of deed showing current ownership

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Homestead verification (if applicable)

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Application Fee

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Letter of authorization if applicant is not property owner

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Site plan, drawn to scale and no larger than 11"x17", with all dimensions, distinguishing between existing and proposed driveways. Be sure to include all adjacent driveways and intersections, and any other necessary details.

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 or to the owners of the 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 or any other ordinance(s) of the city? 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.

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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 Traffic and Transportation Advisory Board. The Traffic and Transportation Advisory Board 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 Traffic and Transportation Advisory Board 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 Traffic and Transportation Advisory Board 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 Transportation and Capital Improvements Department by the property owner on forms provided by the Transportation and Capital Improvements 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 as noted in Appendix D of the City's Code of Ordinances.
 - (3) All variances shall be approved, disapproved, or conditionally approved by the Traffic and Transportation Advisory Board.
 - (4) The findings of the Traffic and Transportation Advisory Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Traffic and Transportation Advisory Board meeting at which a variance is considered, approved, approved with conditions or disapproved.
- (d) **Procedure for Appeals.** Appeals to the Traffic and Transportation Advisory Board 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 the officer, that by reason of facts stated in the certificate a stay would, in the officer's 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 Transportation and Capital Improvements Department a written notice of appeal specifying the grounds for the appeal and pay the fee as noted in Appendix D of the City's Code of Ordinances. 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 Traffic and Transportation Advisory Board 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.