



Variance Guide and Process

Does your property have special circumstances?

A zoning variance is a request to deviate from typical zoning regulations due to special circumstances. The regulations for the Board of Adjustment are listed in the [New Braunfels Code of Ordinances Sec. 144-2.2](#). The process for this application will take approximately 1 month and go before the **Board of Adjustment** where the Board will determine whether the property suffers a hardship preventing the property from conforming with typical zoning regulations.

The City is required to notify property owners within 200 feet of the subject property. These notifications consist of mailings and signage, fees apply. The variance applications can be found on the City's [Online Permit Portal](#).

**Please note: this allowance is a discretionary decision made by the Board of Adjustment based upon review and consideration of property circumstances and input from neighbors.*

You'll need to submit the following with your application on our [Online Permit Portal](#), if any of the following information is missing the application will be considered incomplete and will not be accepted:

- **Deed**
- **Homestead Verification** (if applicable)
- **Owner's Agent Letter of Authorization** (if applicable: this letter authorizes someone other than the owner to act on their behalf)
- [Site plan](#) drawn to scale, showing all existing and proposed improvements, setbacks and building elevations
- **Photos** of the property from the street showing the current state of the property

Keep in mind, applicants will also be asked to answer the following required questions as part of their application:

1. What are the special circumstances or conditions affecting the land that warrant the variance?
2. Why is the variance necessary to preserve a substantial property right of the applicant?
3. Will the granting of the variance be detrimental to the public health, safety, or welfare, or injurious to other properties within the surrounding area?
4. Would granting the variance prevent the orderly use of other properties within the area?
5. Does an undue hardship to the land exist that is not self-created, personal or financial?
6. Will granting the variance be in harmony with the spirit and purpose of the City's regulations?

Applicants may also be asked the following questions:

1. Is the financial cost of compliance with the zoning ordinance greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code?
2. Would compliance with the zoning ordinance result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur?
3. Would compliance with the zoning ordinance result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement? Would granting the variance prevent the orderly use of other properties within the area?
4. Would compliance with the zoning ordinance result in the unreasonable encroachment on an adjacent property or easement?
5. Does the city consider the structure to be nonconforming?

If your application is accepted, you'll be asked to pay the non-refundable application fee, starting at **\$350** for homesteaded properties and **\$700** for non-homesteaded properties. Each additional variance included in the request will be an additional **\$50** fee. In addition to the application fees, there will be public notice signage and mailing fees to be invoiced at a later date.

Please note: For each transaction there will be an additional 3% technology fee.

The **variance** request will have a public hearing before the Board of Adjustment, where the Board will make their final decision on approval or denial of the request.

For more information regarding the Board of Adjustment please refer to: [Sec. 144-2.2. -Zoning Board of Adjustment \(ZBA\).](#)

Definitions

The Definitions here are simplified version of their true definitions, please see Section 144 for further specification and definitions.

Variance - a request to deviate from typical zoning regulations due to special circumstances.

Zoning - The purpose of zoning land in the City of New Braunfels is to promote the health, safety, and general welfare of the public. Zoning districts and regulations are established to maintain land use compatibility, provide fire separation, prevent overcrowding of land, ensure adequate light and air, as well as guarantee sufficient transportation, utilities, parks, and other public facilities to accommodate growth.

Board of Adjustment - A board of 5 members with 4 alternates appointed by the City Council for two years. The board meets regularly at City Hall and is open to the public