

SUBDIVISION / ZONING VARIANCE APPLICATION

Updated: March, 2023



CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

PROPERTY INFORMATION

Subject Property Address: _____

Acres: _____ Tax ID #: R _____

Legal Description: Lot _____ Block _____ Subdivision _____

Existing Use(s): _____

DESCRIPTION OF REQUEST

Variance to Section: _____ of the Land Development Code, which requires:

Description of proposed variance (additional pages may be used): _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee \$750

Technology Fee \$15

TOTAL COST \$765

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

VARIANCE CONSIDERATIONS

(Please include additional pages as necessary)

1) What special circumstances or conditions affect the subject property such that strict application of the provisions of the Land Development Code would create an unnecessary hardship or inequity upon the applicant or would deprive the applicant of the reasonable and beneficial use of the property?

2) Do the circumstances or conditions causing the hardship similarly affect all or most of the properties in the vicinity of the subject property? _____

3) What substantial property right would not be preserved or enjoyed if the provisions of the Land Development Code were literally enforced? _____

4) What effect, if any, would the variance have on the rights of owners or occupants of surrounding property, or on the public health, safety or general welfare? _____

5) What effect, if any, would the variance have on the orderly subdivision of other land in the area in accordance with the provisions of the Land Development Code? _____

6) Is the hardship or inequity suffered by the applicant caused wholly or in substantial part by the property owner or applicant? _____

7) To what extent is the request for variance based upon a desire of the owner, occupant or applicant for increase financial gain from the property, or to reduce an existing financial hardship?

8) Is the degree of variance requested the minimum amount necessary to meet the needs of the applicant or property owner? _____

***Note for the Board / Commission:**

The following responses were provided by the applicant and may not be consistent with the Department staff report

PROPERTY OWNER AUTHORIZATION

I, _____ (owner name) on behalf of
_____ (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
_____ (address).

I hereby authorize _____ (agent name) on behalf of
_____ (agent company) to file this application for
_____ (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: _____

Printed Name, Title: _____

Signature of Agent: _____ Date: _____

Printed Name, Title: _____

Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: _____

Date: _____

Print Name: _____

Form Updated March, 2023



CHECKLIST FOR SUBDIVISION / ZONING VARIANCE APPLICATION

The following items are requested for consideration of this application. These and additional items may be required, at the request of the Department, in order to determine the application complete and filed.	Comments
<input type="checkbox"/> Pre-development meeting with staff is <u>required</u> unless waived by the Responsible Official <ul style="list-style-type: none"> • Please visit http://sanmarcostx.gov/1123/Pre-Development-Meetings to schedule, or email planninginfo@sanmarcostx.gov with any questions. 	
<input type="checkbox"/> Completed Application for Variance	
<input type="checkbox"/> If applicable, Completed Application for Development associated with the requested variance	
<input type="checkbox"/> If request is to waive platting requirements <ul style="list-style-type: none"> • Certificate of no tax delinquency • Metes & Bounds or survey indicating the outer boundary of the subject property • CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet 	
<input type="checkbox"/> Detailed written statement of the reasons why the standards to be varied should not be applied to the development	
<input type="checkbox"/> Description of the existing use and improvements of the subject property, including type(s) of building(s), floor area and number of off-street parking spaces, as applicable	
<input type="checkbox"/> Description of the proposed use and related improvements / development of the subject property, including type(s) of building(s), floor area and number of off-street parking spaces, as applicable	
<input type="checkbox"/> Illustrations or other documents showing the effect of the requested variance on the proposed development	
<input type="checkbox"/> Written responses to the questions on pg. 2	
<input type="checkbox"/> Notification Authorization	
<input type="checkbox"/> Authorization to represent the property owner, if the applicant is not the owner	
<input type="checkbox"/> Application Filing Fee \$750 Technology Fee \$15	
**San Marcos Development Code Section 2.3.1.1(C): “Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete...”	