

Planning Department Variance Checklist

- ☐ **CITYVIEW ONLINE APPLICATION** must register for an account if a first-time applicant.
- ☐ **PROOF OF OWNERSHIP** including but not limited to certified tax certificate, copy of deed, etc.
- ☐ **LETTER OF INTENT** must include all letter of intent requirements including waiver requests shown on page 2, and signature of the owner or authorized agent (separate digital file).
- ☐ **AGENT AUTHORIZATION LETTER** must include all requirements shown on page 3, and signature of the owner (separate digital file).
- ☐ **VARIANCE JUSTIFICATION FORM** see page 5 for form (separate digital file).
- ☐ **VARIANCE EXHIBIT** formatted and scaled to a 12" by 24" page size (separate digital file). See technical requirements below.

LETTER OF INTENT REQUIREMENTS

Header

Date

City of Schertz Planning Department
1400 Schertz Parkway Bldg. 1
210-619-1780

Letter Contents:

Define acreage of subject property.

Specify existing and/or proposed zoning district.

Describe in detail the location of the property.

(Example: approximately 125 feet South of Main Street or distance from an intersection.)

Specify proposed uses with specific operations defined.

Please specify if the proposed development will be developed in phases.

Special considerations such as waivers, or variances.

The Letter of Intent must provide the signature and contact information of the owner or owner's authorized agent.

AUTHORIZED AGENT LETTER REQUIREMENTS

If acting as an agent on behalf of the owner of the property, then an Authorized Agent Letter is required.

Separate digital file submission

Authorized Agent Letter must be notarized.

Include the following language:

“With this letter, **(owner name)**, authorizes you to recognize **(authorized agent name/ Professional Service Group)**, as its Agent, and acting on its behalf may sign for development applications, waivers and requests, and permits for constructions in relation to **(property address / proposed development name)**, and by its signature, **(owner name)** recognizes and approves these actions and willfully accepts responsibility as the owner of this project.”

Authorized Agent Letter must be notarized

****We recommend specifying in the agent authorization letter that the professional services from a specific group are authorized in relation to a project.****

VARIANCE TECHNICAL CHECKLIST

<u>General Variance Sheet</u>	<u>Applicant</u>
Survey of property showing dimensions, building locations, setback dimensions, easements and other applicable information.	
Provide a conceptual exhibit showing the variance request.	
Photos, and/or additional information deemed appropriate for justification.	
If homeowner's association is in effect, must have an affidavit from an authorized representative of the association certifying that the association has approved the requested variance.	
Any additional information required/requested by this application, City staff, City Codes & Ordinances and State Statues	

VARIANCE JUSTIFICATION FORM

UDC 21.4.12: The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of this UDC would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.

1. Description of variance request and Unified Development Code (UDC) section the project or request is varying from:

2. Does the requested variance violate the intent of the Unified Development Code or deprive the applicant of right commonly enjoyed by other properties in the same zoning district that comply with the same provisions?

(YES/NO) Explain:

3. Do special conditions or restricted area, shape, topography, or physical features exist that are irregular to the subject parcel of land and not applicable to other parcels of land in the same zoning districts?

(YES/NO) Explain:

4. Is the hardship the result of the applicant's own actions or intended for financial interest?

(YES/NO) Explain:

5. Would granting this variance be detrimental to the public welfare or injurious to the value of property in the vicinity?

(YES/NO) Explain:

VARIANCE CRITERIA OF APPROVAL

LGC § 211.009 Authority of the Board

(b-1) In exercising its authority under Subsection (a)(3), the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (1) The financial cost of compliance is 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) Compliance would 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) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (5) The municipality considers the structure to be a nonconforming structure.

(c) The concurring vote of 75 percent of the members of the board is necessary to:

- (1) Reverse an order, requirement, decision, or determination of an administrative official;
- (2) Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
- (3) Authorize a variation from the terms of a zoning ordinance.