

# SUBDIVISION / ZONING VARIANCE APPLICATION

Updated: March, 2023

## CONTACT INFORMATION

Applicant's Name	Michael Delacruz	Property Owner	Justin Pearson
Company	Bird Dog LLC	Company	San Marcos BBA
Applicant's Mailing Address	2637 Red Bud Way New Braunfels	Owner's Mailing Address	510 Lazy Ln
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

## PROPERTY INFORMATION

Subject Property Address: 1701

Acres: 1.052 Tax ID #: R 1138639

Legal Description: Lot 1 Block \_\_\_\_\_ Subdivision Goodnight Business Center

Existing Use(s): Restaurant

## DESCRIPTION OF REQUEST

Variance to Section: S.I.S.S.E.4.B of the Land Development Code, which require

Description of proposed variance (additional pages may be used): Asking for variance to be able to offer alcohol to customers.

## 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

## 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 to the applicant or would deprive the applicant of the reasonable and beneficial use of the property?

I wouldn't be able to sell alcohol.

- 2) Do the circumstances or conditions causing the hardship similarly affect all or most of the properties in the vicinity of the subject property? No

- 3) What substantial property right would not be preserved or enjoyed if the provisions of the Land Development Code were literally enforced? I wouldn't be able

to sell alcohol at restaurant or provide the option to customer

- 4) What effect, if any, would the variance have on the rights of owners or occupants of surrounding properties or on the public health, safety or general welfare? None

- 5) What effect, if any, would the variance have on the orderly subdivision of other land in the vicinity of the subject property in accordance with the provisions of the Land Development Code? None

- 6) Is the hardship or inequity suffered by the applicant caused wholly or in substantial part by the actions of the applicant or owner or applicant? Neither

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

I wouldn't be able to provide the option to sell alcohol to customers

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

PROPERTY OWNER AUTHORIZATION

I, Justin Pearson (owner name) on behalf of  
San Marcos BBA (company, if applicable) acknowledge th  
am/are the rightful owner of the property located at  
17015 IH35, San Marcos Tx, 78666 (address).

I hereby authorize Kaylee Estrada (agent name) on behalf of  
San Marcos BBA (agent company) to file this application for  
SUBDIVISION / ZONING (application type), and, if necessary, to v  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Justin Pearson Date: 12/9

Printed Name, Title: Justin Pearson

Signature of Agent: Kaylee Estrada Date: 12/9

Printed Name, Title: Kaylee Estrada

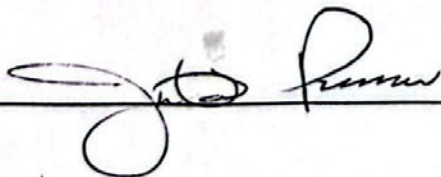
## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

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

- **Notification Signs:** if required by code, staff shall place notification signs on each street adjacent property and must be placed in a visible, unobstructed location near the property line. It is unlawful to alter any notification sign, or to remove it while the request is pending. However, any removal that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It is the responsibility of the applicant to periodically check sign locations to verify that the signs in place 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 a 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 this application. The City's Planning and Development Services Department staff has my permission to place the 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 Council.*

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

12/9/2024

Print Name: \_\_\_\_\_

Justin Pearson