

ZONING VARIANCE APPLICATION FORM

Updated: March, 2017

Case # VR-____-____



CONTACT INFORMATION

Applicant's Name	JORGE RUIZ MARTINEZ	Property Owner	DAVID CHIU
Applicant's Mailing Address	1625 SPRUCE ST, SAN MARCOS, TX 78666	Owner's Mailing Address	311 LAUREL HILL, SAN MARCOS, TX 78666

PROPERTY INFORMATION

Subject Property Address: 2550 HUNTER RD, STE 1105, SAN MARCOS, TX 78666

Acres: 1 Tax ID #: R 32089774620

Legal Description: Lot 3A Block 1 Subdivision HUNTER HILL SUBD. SEC 1

Existing Use(s): RESTAURANT/BAR

DESCRIPTION OF REQUEST

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

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

PROPERTY SHARES A BORDER WITH A SCHOOL (FOOTBALL FIELD) AND VARIANCE ADDRESSES THE PROXIMITY OF A SCHOOL WITH A BUSINESS THAT SELLS ALCOHOL

AUTHORIZATION

All required application documents are attached. I understand the fees and the process for obtaining a zoning variance and understand my responsibility to be present at meetings regarding this application.

Filing Fee \$700

Technology Fee \$11

TOTAL COST \$711

Applicant's Signature: _____

Date: 9/9/25

Printed Name: JORGE RUIZ MARTINEZ

To be completed by Staff:

Accepted By: _____

Date Accepted: _____

Proposed Meeting Date: _____

Application Deadline: _____

ZONING 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?
APPLYING PROVISIONS STRICTLY WOULD CAUSE FINANCIAL HARDSHIP TO THE BUSINESS ON THIS PROPERTY AS IT WOULD NO LONGER BE ABLE TO SELL ALCOHOL, NOR WOULD IT BE ABLE TO PAY THE SALES TAXES GENERATED FROM THOSE SALES

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, THIS IS THE ONLY BUSINESS THAT SELLS ALCOHOL ON THE PREMESIS

3) What substantial property right would not be preserved or enjoyed if the provisions of the Land Development Code were literally enforced? WOULD BE UNABLE TO SELL ALCOHOL ON THE PREMESIS

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? NONE TO DATE

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? NONE TO DATE

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

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?
THIS VARIANCE IS TO BOTH INCREASE FINANCIAL GAIN AND REDUCE FINANCIAL HARDSHIP; IT ALSO ALLOWS APPLICANT TO PAY STATE AND CITY TAXES ON REVENUE

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

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

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

**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: _____

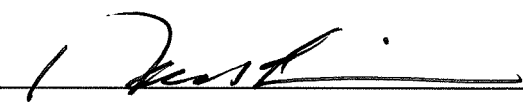
Print Name: JORGE RUIZ MARTINEZ

Form Updated March, 2023

AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

I, DAVID CHIU (owner) acknowledge that I am the rightful owner of the property located at 2550 HUNTER RD, STE 1106, SAN MARCOS, TX 78666 (address).

I hereby authorize ANA DEL TORO (agent name) to serve as my agent to file this application for VARIANCE AND CONDITIONAL USE PERMITS (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: 

Date: 9-4-21

Printed Name: DAVID CHIU

Property Owner

Signature of Agent: 

Date: _____

Printed Name: ANA DEL TORO

To be completed by Staff:

Case # _____