

# SUBDIVISION VARIANCE APPLICATION FORM

Updated: March, 2017

Case # PVC-



## CONTACT INFORMATION

Applicant's Name	I. T. Gonzalez	Property Owner	Claudia E Serna & Juan Angel Garza
Applicant's Mailing Address	3501 Manor Road, Austin, TX 78723	Owner's Mailing Address	PO Box 2100, Kyle, TX 78640
Applicant's Phone #	512-447-7400 #11	Owner's Phone #	956-622-1051
Applicant's Email	itgonz@swbell.net	Owner's Email	serna.trucking@gmail.com

## PROPERTY INFORMATION

Subject Property Address (or general location): 3030 Harris Hill Road, San Marcos, Texas, 78666

Acres: 13.72

Tax ID #: R 149861

Legal Description\*: Lot Block Subdivision

\*Metes & Bounds or survey indicating the outer boundary of the subject property is required if variance is to waive, in its entirety, either a required Subdivision Master Plan or a required plat.

## DESCRIPTION OF REQUEST

Variance to Section: 6.7.2.1(j) of the Land Development Code, which requires:  
a lot depth to lot width ratio of no more than 3:1.

Description of proposed variance: The lot depth to lot width ratio for the one lot subdivision is 6.96.

The lot depth is 2138' and the lot width is 307'.

## AUTHORIZATION

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

Filing Fee \$700

Technology Fee \$11

**TOTAL COST \$761**

Applicant's Signature:

Date: Nov. 27, 2017

Printed Name: I.T. Gonzalez

To be completed by Staff:

Accepted By:

Date Accepted:

Proposed Meeting Date:

Application Deadline:

## SUBDIVISION VARIANCE CONSIDERATIONS

- 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?

The tract of land to be platted has a length to width ratio of 6.9:1, which exceeds the specified 3:1 ratio. The standard rationale for the use of maximum depth to width ratios is to avoid access and circulation problems for a long narrow lot. Being a fairly large tract of 13.72 acres, these issues will not be a problem, as they would be as for example with 0.5 acre lots. With the large lot, the driveways will exceed what is specified in the driveway spacing criteria. And there will be no internal circulation problems.

- 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, the situation causing the hardship is fairly unique for properties in the vicinity of the subject tract.

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

The owners would not be able to develop their property in a practical manner if 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?

The rights of owners or occupants of surrounding property, or on the public health, safety or general welfare will not be affected in any adverse way if the variance being requested is granted.

- 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?

Granting the requested variance will have no effect on the orderly subdivision of land in the area.

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

The hardship or inequity is not caused by the property owner.

- 6) 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?

The owners request for variance is based upon their desire to use their property for commercial purposes. The variance would be needed for any type of commercial enterprise.

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

The variance being requested is the minimum that will work in this situation.

**\*Note for the 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 Land 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 is the responsibility of the applicant to periodically check the sign locations to verify that the signs remain in place until final action is taken on the application and have not been vandalized or removed until after such final decision or when such application is withdrawn by the applicant. It is the responsibility of the applicant to immediately notify the Planning and Development Services Department of missing or defective signs.***
- 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 \$85 plus an \$11 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 \$85 plus an \$11 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: NOV 27, 2017

Print Name: I. T. Gonzalez, P.E.

To be completed by Staff: Case # \_\_\_\_\_

AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

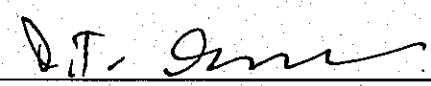
I, Juan Angel Garza (owner) acknowledge that I am the rightful owner of the property located at 3030 Harris Hill Road, San Marcos, Texas 78666 (address).

I hereby authorize I T Gonzalez (agent name) to serve as my agent to file this application for variance (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: 

Date: 9/16/17

Printed Name: Juan Angel Garza

Signature of Agent: 

Date: Nov 27 2017

Printed Name: I. T. Gonzalez, P.E.

To be completed by Staff:

Case # \_\_\_\_\_

## AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

I, Claudia E Serna (owner) acknowledge that I am the rightful owner of the property located at 3030 Harris Hill Road, San Marcos, Texas 78666 (address).

I hereby authorize I T Gonzalez (agent name) to serve as my agent to file this application for variance (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: Claudia Serna

Date: 9/6/17

Printed Name: Claudia E Serna

Signature of Agent: I.T. Gonzalez

Date: NOV 27 2017

Printed Name: I. T. Gonzalez, P.E.

To be completed by Staff:

Case #