

# SUBDIVISION / ZONING VARIANCE APPLICATION

Updated: September, 2020



## 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 \$740

Technology Fee \$13

**TOTAL COST \$753**

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

APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://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

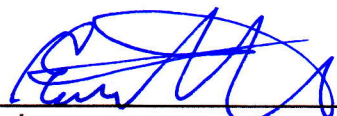
**PROPERTY OWNER AUTHORIZATION**

I, David Chiu (owner name) on behalf of  
n/a (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
2550 Hunter Rd ste 1106 San Marcos, Tx 78666 (address).

I hereby authorize Edwin Mendez (agent name) on behalf of  
El Jefe Mexican Restaurant (agent company) to file this application for  
Conditional Use Permit (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 01/18/2021

Printed Name, Title: David Chiu- Property Owner

Signature of Agent:  Date: 01/18/2021

Printed Name, Title: Edwin Mendez --Restaurant Owner

Form Updated October, 2019

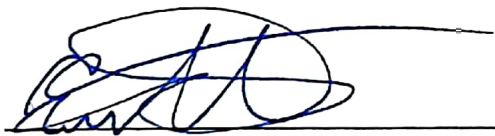
**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS  
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

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 \$91 plus a \$13 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 \$91 plus a \$13 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: 01/18/2021

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

**Edwin Mendez**

Form Updated October, 2019





## San Marcos Consolidated Independent School District

631 Mill Street | San Marcos, Texas 78666 | OFFICE 512.393.6700 | FAX 512.393.6787

April 14, 2021

City of San Marcos  
Attn: Julia Cleary  
Planning & Zoning Commission  
630 East Hopkins  
San Marcos, TX 78666

Dear Ms. Cleary:

As Superintendent of San Marcos Consolidated Independent School District, I hereby notify the City of San Marcos that the District agrees to the proposed operations and does not oppose the granting of a variance from the distance requirements associated with El Jefe Mexican Restaurant's Conditional Use Permit for on-premises consumption of alcoholic beverages at 2550 Hunter Road, Suite 1106, San Marcos, TX.

Additionally, the District respectfully request that the following language, or substantially identical language, be printed on El Jefe Mexican Restaurant's menus:

"Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages."

Sincerely,

Michael Cardona  
Superintendent of Schools

**From:** Art Araujo <artaraujo69@gmail.com>  
**Sent:** Tuesday, April 20, 2021 6:03 AM  
**To:** Cleary, Julia <JCleary@sanmarcostx.gov>  
**Subject:** Re: [EXTERNAL] Request El Jefe Mexican Restaurant

Good Morning Julia--

The answer to question one is yes. As we speak our total beverage sales are about 9%. We are projecting total beverage sales to be 20-24 percent of total sales. We are looking to lure more business with the liquor license. We are hopeful that instead of losing customers we will gain. We are looking for alcohol sales to be between 10-15 % of total sales.

The answer to question two is yes. We are looking to redesign our menu. We would be more than glad to add that to our new menu.

On Mon, Apr 19, 2021 at 5:11 PM Cleary, Julia <[JCleary@sanmarcostx.gov](mailto:JCleary@sanmarcostx.gov)> wrote:

Good evening Mr Mendez,

I wanted to let you know that we have received a letter of the support from the School District in favor of your application. I have uploaded it to the applicant portal and attached it to this email.

I would be grateful if you could answer these questions.

1. Will the money that your business make from alcohol sales be less than 25% of the overall revenue? The Development Code ( [see here](#)) says that businesses who receive this Variance shall be required to file an annual report, due forty-five (45) days before the hearing on the annual conditional use permit renewal, setting forth the gross sales of the business and the gross sales derived from the sale of alcoholic beverages.
2. The letter from the School District requests that the applicant adds the following language ( or substantially identical language) into the menu – “ *Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming beverages*”. If you are granted a CUP, will you add this language to your menu?

Please give me a call with any questions.

All the best,

Julia



**Julia** Cleary  
Planner | Planning & Development Services  
630 E Hopkins, San Marcos, TX 78666  
512.805.2658

El Jefe Mexican Restaurant

2550 Hunter Rd Suite 1106

San Marcos, Tx 78666

210-355-8353

210-213-4202

REF: LOE-- FOR VR21-01 (EL JEFE Variance)

Attach is all information need for the application.

1. TABC application
2. Property Owner Authorization Form
3. Our government id's
4. A map measurement of Property and party and patio area.

The standard to be varied should not be applied to the development because we are not changing any physical structure to the building outside or inside. The outside and inside is still the same as the previous owner had it (Komal Latin & Bar). Record show that building and patio is as was as the previous had when they had the CBA. We looking to run same style of restaurant with a different menu and better décor. The business mission statement is run a Mexican restaurant with a resort feel. Covid has made it difficult to staff and increase sales because customer come into the restaurant with desire to purchase alcohol. We feel with the addition of the CBA are sales will increase which in return allows us to stay and operated here in San Marcos. Projection are 15% to 20% in gross food sales. We projection alcohol sales are to be in same range 15% to 20% of gross sales. If I can answer any call please feel free to call at 210-355-8353 or email me at [Edwin.mendez0685@yahoo.com](mailto:Edwin.mendez0685@yahoo.com). Thank you and have a blessed day.

Edwin Mendez

owner