



## **INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ZONING VARIANCE TO THE SAN ANTONIO BOARD OF ADJUSTMENT**

This coversheet is designed to provide you with general information about completing the attached application and should not be considered legal advice. If you have any questions, or do not understand these instructions, you are advised to seek help from a qualified attorney or land use planning expert.

Section 32-482(e) of the Unified Development Code of the City of San Antonio outlines the approval criteria that must be met for a variance request to be granted:

*No variance shall be granted unless:*

1. *The variance is not contrary to the public interest.*
  - “Condition 1” requires that in order for the variance to be granted, it may not be against the public interest. “Public Interest” for zoning variances is defined as the well-being of the general public, with specific attention to those members of the public that could be directly affected by the proposed variance.
2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*
  - “Condition 2” requires that the enforcement of a zoning regulation causes an “unnecessary hardship.” The hardship must be **caused by the property itself**, for reasons such as exceptional size or shape, topography or other physical conditions of a parcel of land. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only; and must relate to the very property for which the variance is sought. It must be a unique condition, oppressive, and not common to other property. Unnecessary hardship is present only where, in the absence of a variance, no reasonable use may be made of the property.
3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*
  - “Condition 3” requires that the granting of the variance is in accordance with the stated intent of Article 3 of the UDC and that the variance is granted with the purpose of modifying the application of the zoning ordinance as it applies to a specific property, and in doing so permit it to be reasonably used on the same basis as other

property in the same zoning district. A variance which grants a special privilege is in conflict with other provisions of the ordinance.

4. *Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located.*

- “Condition 4” requires that if the Board of Adjustment grants the variance as requested, it will not allow the operation of a use not specifically permitted in the zoning district in which it is located.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

- “Condition 5” examines whether or not the granting of the variance will negatively influence the ability of an adjacent property to be use in a manner appropriate to the zoning district to which it conforms. This condition also examines the potential of the variance to influence or change the image or perception of the locality, as defined by its built environment, landscaping, natural features and open space, types and style of housing, and other elements that contribute to its distinct identity.

6. *The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

- “Condition 6” requires that the dilemma necessitating the request of a variance is the result of exceptional physical characteristics of the property that are unique to the subject property and distinct from those of nearby properties and the district in general. The unique condition from which the hardship arises must not be the result of the actions of the property owner themselves and must not be merely financial in nature.

**All six conditions are required to be met in order for the Board of Adjustment to grant a variance. The burden of proving that these six conditions apply to the subject property is solely the responsibility of the applicant.** At the Board of Adjustment hearing, you will be expected to submit evidence proving that the above stated conditions exist. Evidence can be presented by testimony and/or through documents. (Be advised that all documents submitted during the public hearing must be retained by City Staff for the official case file.)

Failure to state in your application how your variance request meets these conditions will result in your application being deemed incomplete, and will necessitate its return to the applicant without being submitted to the Board of Adjustment.

An application can be accepted by mail only if it is complete. However, incomplete applications, along with the required fees, will be mailed back to the applicant in accordance with City cash handling policies.

## **REQUIRED MATERIAL FOR FILING A REQUEST FOR A VARIANCE TO THE BOARD OF ADJUSTMENT**

- ❑ Original “Variance Request” form, filled out and signed, stating the specific nature of the variance requested and how the request meets all of the necessary conditions.
- ❑ Original “Required Acknowledgements” form, initialed to acknowledge adherence.
- ❑ At least one copy of the site plan, **drawn to scale, including an 8 ½” x 11” size copy**, must be submitted with this application. Any additional site plans submitted must not exceed 11-inches by 17-inches in size. (If possible, please submit a copy of the site plan in a digital format)
  - Site plan must include, at minimum, the following:
    - a. A north arrow and scale.
    - b. The boundaries of the property, with all dimensions, and square footage of the lot.
    - c. The location and dimensions of all existing and proposed buildings and structures, and all required setbacks.
    - d. All walls, fences, walkways (including sidewalks) and off-street parking areas or garages, their dimensions, and distance from all property lines.
    - e. Parking lot layout and circulation showing dimensions of parking spaces and driving isles, if applicable.
    - f. The location and dimensions of all paved areas, including driveways and patios.
- ❑ One copy of Warranty Deed for the subject property.
- ❑ One copy of current tax appraisal details (available from [Bexar County Appraisal District](#)).
- ❑ Appropriate fees must be paid at the time of filing.
  - Homestead (Homestead Exemption should show on BCAD): \$ 400.00
  - Non-Homestead: \$ 600.00

\* Failure to provide any of the required material indicated above will result in the application being be deemed incomplete and will be returned to the applicant.



CITY OF SAN ANTONIO  
**DEVELOPMENT SERVICES DEPARTMENT**

## **REQUEST FOR A VARIANCE TO THE BOARD OF ADJUSTMENT**

### **TO THE HONORABLE BOARD OF ADJUSTMENT:**

Property description (Attach field notes if necessary):

Lot No.: \_\_\_\_\_

Block No.: \_\_\_\_\_

NCB: \_\_\_\_\_

Zoning: \_\_\_\_\_

Property Address: \_\_\_\_\_

The Applicant, \_\_\_\_\_, requests the San Antonio Board of Adjustment consider the following variance (**below, please describe in detail the variance you are seeking, including a description of existing and/or proposed improvements relative to this case**): \*

*(Attach additional pages if necessary and label "Attachement A")*

\*Note: Local Government Code §211.010 (b) and San Antonio City Code §35-481 (b)(1) require that an applicant give notice of the type of variance that is requested and that the specific conditions necessary for granting the variance exist. Failure to do so may result in the return of your application.





Respectfully submitted:

Name of applicant: \_\_\_\_\_ Status: Owner ( ) Agent ( )

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Other phone: \_\_\_\_\_ Email: \_\_\_\_\_

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

Name of representative: \_\_\_\_\_

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Other phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Other phone: \_\_\_\_\_ Email: \_\_\_\_\_

**AUTHORIZATION BY PROPERTY OWNER(S)**

I, \_\_\_\_\_, the owner of the subject property, authorize  
\_\_\_\_\_  
(Applicant) to file this request for a variance from the  
requirements of the Unified Development Code of the City of San Antonio on my/our behalf.

I also authorize \_\_\_\_\_ to represent me in this  
(Person or persons you would have represent you at the hearing)  
variance request before the Board of Adjustment.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

Case No. \_\_\_\_\_

HANSEN Case No. \_\_\_\_\_

Case Manager \_\_\_\_\_

Date Submitted \_\_\_\_\_

Tentative Hearing Date \_\_\_\_\_

## Required Acknowledgements

Please read the following statements carefully and initial on the respective line. By placing your initials next to the statements below, you, **the property owner**, are stating that you agree with and will abide by these requirements (please initial acknowledging adherence).

### Initial

\_\_\_\_\_ By filing this request for a variance, I understand that any construction that requires said variance shall cease until such time that the variance is approved, if applicable. Should the Board of Adjustment deny the request, I may pursue an appeal or bring my property into compliance in accordance with any and all City codes **within 30 days**.

\_\_\_\_\_ I understand that prior to the hearing of this case by the Board of Adjustment, staff will conduct a thorough site visit in order to take photographs of the property for use at the public hearing. This site visit may necessitate complete access to the subject property. Staff will make a reasonable attempt to contact the property owner 24 hours prior to visiting the site. I understand that it is my responsibility to ensure that conditions at the subject site will not create a hindrance to city staff. If site conditions are not conducive to staff completing the necessary task during the site visit, your case may be delayed.

\_\_\_\_\_ Any exhibits submitted by the applicant (audio, visual, document, or otherwise) must be submitted to staff at least 24 hours prior to the public hearing and must be made part of the official record and will not be returned.

\_\_\_\_\_ Refunds will be issued in accordance with the department cash handling policy and will be subject to a \$100 processing fee. This fee is charged for all refund requests. Refunds may only be issued if request is submitted prior to the case being published in a newspaper of general circulation.

\_\_\_\_\_ In case of conflict, the English version of all documentation will govern. You acknowledge receipt of this application written in the English language, with the Spanish language text where applicable, and the important terms herein. Some future correspondence may only be available/provided in English. **(En caso de un conflicto de interpretación, la versión en inglés de toda documentación gobernará. Usted reconoce el recibo de esta solicitud escrita en el idioma inglés, con texto en español donde aplica y de los terminos importantes. Algúna correspondencia futura podría ser disponible/proveado a solamente en inglés.)**

**Language interpreters are available and must be requested 48 hours prior to the meeting. For more information or to request an interpreter, call Kristie Flores at (210) 207-5876.**

**Hay servicios de traducción simulatánea disponibles. Estos servicios deben ser pedidos con 48 horas de anticipación. Para más información o para servicios de traducción, Kristie Flores al (210) 207-5876.**