



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 124**
Administrative Exception Variance Request Procedures for Building Permits, Environmental, and Platting (AEVR)

DATE: October 10, 2006/*Revised November 16, 2007/August 1, 2014/ December 19, 2019 / November 19, 2021*

CREATED BY: Land Development Division/Engineering and Environmental Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update IB 124. This bulletin has been updated to incorporate the department's new format for Information Bulletins. Application updated to include a fillable application and e-mail addresses for submittal.

The City's Unified Development Code (UDC) provides applicants the opportunity to seek administrative reprieve from sections of the code that are routinely modified, as well as provides ways to appeal administrative decisions by submitting Variances to Planning Commission. UDC Section 35-511(e) allows Administrative Variances for items relating to Division 3 Landscaping and Tree Preservation (Environmental Variances). UDC Section 35-436 allows for Administrative Exceptions for subdivision plat related items. UDC Section 35-501 lists specific code sections in which an Administrative Exception may be granted. The current UDC and its amendments as well as fee schedules may be accessed under "documents on-line" at the following web link: <http://www.sanantonio.gov/dsd>.

Scope:

The Administrative Exception/Variance Request (AEVR) is required to show that the spirit, intent, and minimum acceptable level of public health, welfare and safety are preserved as ordained by the UDC. Through this process, the City is attempting to resolve issues administratively during platting, tree permit applications and building permit reviews before variances to the Board of Adjustment or Planning Commission become necessary. This same process may be used to request a variance to UDC related items for Planning Commission decision. This process has been introduced to help expedite and evaluate your requests in a consistent and timely manner throughout the Development Services Department and its Divisions.

The AEVR process is not used for applications to variances for zoning regulations. For more information and contacts please see the following website: <http://www.sanantonio.gov/dsd/services/zoning.aspx>. A Board of Adjustment application may be obtained using the following document: <https://docsonline.sanantonio.gov/FileUploads/DSD/IB554.pdf>.

Procedures

The following procedures are to be followed to help expedite the review of your AEVR for a platting issue, or tree permit and/or building permit issue.

1. The AEVR is to be submitted to DSD using the attached application and the form letter in an electronic pdf format with supporting documentation provided electronically. The AEVR will be logged-in with copies routed to the appropriate staff for review/recommendations.
2. One AEVR is required for each item/code issue under consideration.
3. The supporting documentation for the AEVR is to be prepared on company letterhead, signed and dated. See the example provided. The letter shall include the minimum information listed or the application will be deemed incomplete and will result in delaying the review process.
4. The AEVR must be signed by the Owner, or the Owner's representative.

The fee for Administrative Exceptions, Environmental Variances to Trees and Landscaping and the fee for a Variance to Planning Commission that is submitted for review and consideration is located on the DSD Fee Schedule that can be downloaded on-line at the web address above. (Currently \$350.00) The fee must be included with the variance request application and letter. For building permits, the fee is assessed once per site for each discipline. For example, one fee may be assessed for traffic related issues and another fee assessed for tree and landscape issues for the same site. A variance to Planning Commission is assessed per issue going before the Commission.

5. The applicant can submit electronic documents in pdf format (AEVR packages) to:

Building Permits – Plans and Permits Administrative staff at:

dsd.plansmanagement@sanantonio.gov

Traffic/Trees and Landscaping – Environmental Section Review staff at:

Veronica.Hernandez@sanantonio.gov

6. The AEVR will be routed to the appropriate staff for review. After staff review of the Administrative Exception or the Environmental Variance, DSD will respond by approving your request, approving your request with additional requirements, or denying your request. In all cases, the applicant will receive an electronic copy of the ruling.
7. The estimated turnaround time for an Administrative Exceptions, or Platting Variance review and action is fifteen (15) business days. For Variances to platting, the UDC allows five (5) working days to review the submission for completeness. Variances to Planning Commission will be scheduled for consideration the same commission date as the plat. Environmental Variances will be reviewed as soon as possible, but will be reviewed before 30-days.
8. For plats, Variances filed pursuant to Certificate of Determination requests shall be subject to a review time of up to 20 days in accordance with UDC Section 35-430(d) prior to scheduling the variance for Planning Commission. In such cases where the variance is approved, the Certificate of Determination shall be issued within 10 days. Additional fees may apply.

Records

Your AEVR application and the final decision of the DSD Director or Planning Commission shall be officially recorded in the permanent records of this department.

Should you be dissatisfied with the action/ruling taken on your Administrative Exception, or Environmental Variance you have the right to appeal the ruling to Board of Adjustment or Planning Commission in accordance with the provisions of the UDC Section 35-483. Additional fees may apply.

If you have any questions about this administrative exception/variance or about the procedures to follow, please contact dsdplansmanagement@sanantonio.gov

Attachments:

1. AEVR Application required to be submitted electronically.
2. Required format for AEVR Letter to be submitted to DSD as a pdf. You may request this letter as a Word Document from Plans and Permits, Land Development staff, or download from the DSD website. The administrative portion indicating “Approved, Approved with Comments, or Denied” must be included in the letter.

Summary:

This Information Bulletin is for informational purposes only.

Prepared by: Pablo Martinez, PE, Development Services Engineer

Reviewed by: Pablo Martinez, PE, Development Services Engineer

Authorized by: John Jacks, Assistant Director



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	
A/P # /PPR # /Plat #	
Date:	
Code Issue:	
Code Sections:	

Submitted By:	<input type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name:		
Company:		
Address:		Zip Code:
Tel #:	Fax#	E-Mail:
Consultant:		
Company:		
Address:		Zip Code:
Tel #:	Fax#	E-Mail:
Signature:		

<u>Additional Information – Subdivision Plat Variances & Time Extensions</u>				
1.	<input type="checkbox"/> Time Extension	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Floodplain Permit	<input type="checkbox"/> Completeness Appeal
	<input type="checkbox"/> Other _____			
2.	City Council District _____	Ferguson Map Grid _____	Zoning District _____	
3.	San Antonio City Limits	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4.	Edwards Aquifer Recharge Zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
5.	Previous/existing landfill?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
6.	Parkland Greenbelts or open space? Floodplain?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

CUSTOMER'S CO. LETTERHEAD

Date

Administrative Exception / Variance Request Review¹

City of San Antonio

Development Services Department

1901 S. Alamo

San Antonio, TX 78204

Re: Project Name
A/P, Plat Number, or Project Number (if applicable)
UDC Code Section or Issue

- Administrative Exception
- Environmental Variance
- Subdivision Platting Variance – Time Extension

Dear Development Services,

- *At a minimum, provide the following information in your Administrative Exception / Variance Request letter:*
- *Introduction: Identify the project and state that you are requesting consideration for an administrative exception, environmental variance or platting variance.*
- *Code Issue: Identify the specific Unified Development Code (UDC) section for which the AEVR is proposed.*
- *Discussion / Justification: Provide rationale and supporting information, such as technical data, engineering calculations, results of actual field tests, requirements or allowances in other standard engineering references, etc. that provide the basis for the City to accept the request. Proposed design documents (e.g., architectural or engineering plans, photos, etc.) and supporting information listed above should be attached to the request as needed to clarify proposed request. Specifically, provide:*
 - *rationale as to why the administrative exception / variance will not be contrary to the spirit and intent of the UDC and the specific regulations from which an exception is requested;*
 - *assertion that the applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare;*
 - *justification stating that under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception/variance is granted;*

○ *In addition, the following items must be addressed as required by the UDC for Variances UDC Section 35-483(e), and must be placed as bullet points in the request letter:*

- *If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property; and*
- *The hardship relates to the applicant's land, rather than personal circumstances; and*
- *The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and*
- *The hardship is not the result of the applicant's own actions; and*
- *The granting of the exception/variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.*

- *Conclusion: Provide a summary statement such as "In my/our professional opinion, the proposed administrative exception / variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public".*

Sincerely,

Signature and Title Block of Applicant

Signature of Owner (if applicable)

For Office Use Only:	AEVR #: _____	Date Received: _____	
<u>DSD – Director Official Action:</u>			
<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED W/ COMMENTS	<input type="checkbox"/> DENIED	
Signature: _____	Date: _____		
Printed Name: _____	Title: _____		
Comments: _____	_____		
