



PROJECT NAME: \_\_\_\_\_

# VARIANCE

## APPLICATION & CHECKLIST SUBMITTAL PACKET

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## GENERAL

A Variance is an exception to an ordinance in situations where there is an unusual condition that makes the strict application of a requirement a hardship or inequity.

## HELPFUL LINKS



- Development Services – [www.leandertx.gov/ds](http://www.leandertx.gov/ds). Includes links to the following:
  - Development Process – Applications, Submittal Schedule
  - Planning Department: Zoning, Subdivision, Site Development, Current Developments
  - Building Permits & Inspections: Building Permits, Impact Fees
  - Engineering Department
  - Maps & Guides – Comprehensive Plan, Transportation Plan, Development Guide, Transportation Criteria Manual, Drainage Criteria Manual
- Fire: [www.leandertx.gov/fire](http://www.leandertx.gov/fire)
- Parks: [www.leandertx.gov/parksrec](http://www.leandertx.gov/parksrec)
- Development Hub – Application Portal: [www.leandertx.gov/hubgo](http://www.leandertx.gov/hubgo)

## CONTACT INFORMATION

Please contact the Development Services Department by emailing [planning@leandertx.gov](mailto:planning@leandertx.gov) with any questions regarding this application.

## INSTRUCTIONS

- Fill out the following application and checklist completely prior to submission.
- Current applications and City ordinances may be found on the City's website (<http://www.leandertx.gov/ds>).
- Please refer to the "Submittal Schedule" for submittal deadlines. Applications may be submitted through the Development Hub at anytime for preview. Once all items are confirmed and accepted, the review process will start on the next available filing date as listed in the submittal schedule.
- This request will initially be reviewed by staff, then scheduled for decision by the Planning & Zoning Commission, City Council, or Board of Adjustment (BOA) based on the type of request.
- All items listed in the "Required Items for Application Submittal" on [page 3](#) shall be uploaded to the Development Hub.

## TYPE OF VARIANCE (CHECK APPROPRIATE BOX)

- Zoning:** \_\_\_\_\_  
Identify Section
- Sign:** \_\_\_\_\_  
Identify Section
- Subdivision:** \_\_\_\_\_  
Identify Section
- Other:** \_\_\_\_\_  
Identify Ordinance & Section

## PROJECT INFORMATION

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

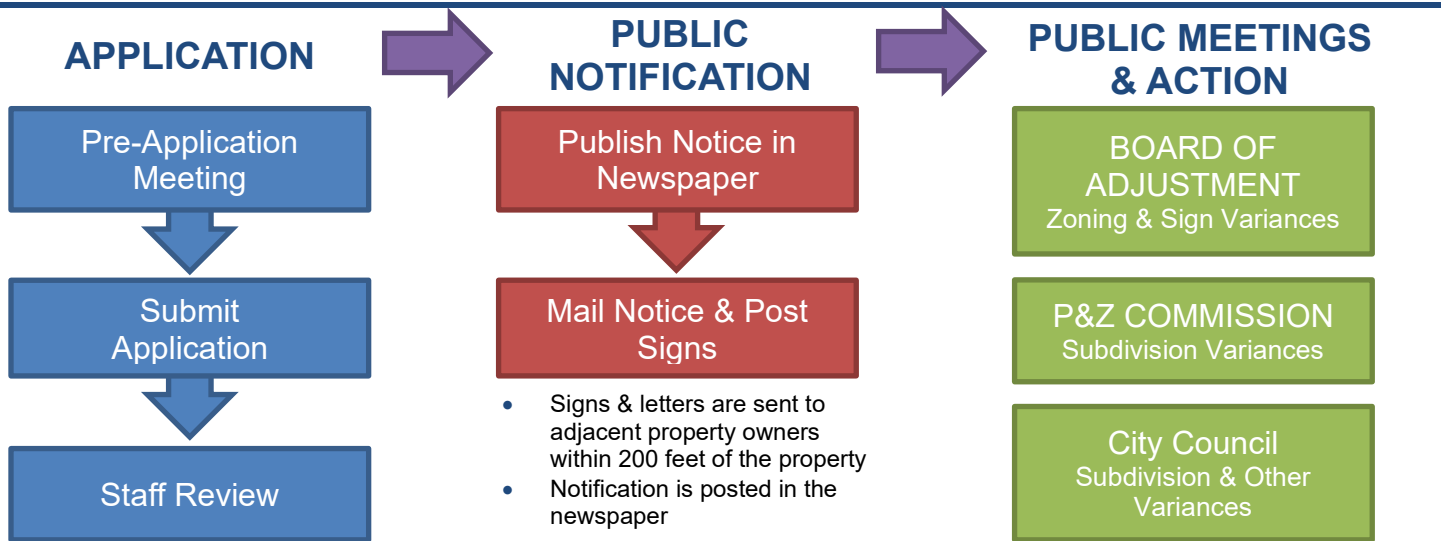
Property Acreage: \_\_\_\_\_

Legal Description: \_\_\_\_\_

County Short ID#: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

**PROCESS OVERVIEW**



**REQUIRED ITEMS FOR THE SUBMITTAL PACKAGE**

REQUIRED ITEMS	PROVIDED	<i>Check each box if you have complied with that item. This application/checklist is only a guide. All state and local ordinances and code requirements cannot be reflected on this application/checklist. If there are any questions regarding the regulations, the applicant shall consult source law.</i>
	<input type="checkbox"/>	1. Completed and Signed Application & Checklist with the owner's signatures.
	<input type="checkbox"/>	2. Deed showing current ownership. Proof of signatory for corporations is required.
	<input type="checkbox"/>	3. Public Notification <ul style="list-style-type: none"> <li><input type="checkbox"/> Tax map(s) highlighting the subject property and showing the line extending 200 feet from property</li> <li><input type="checkbox"/> List of property owners names, addresses, and the County Property Identification Number from the county appraisal district (<a href="http://www.wcad.org">www.wcad.org</a> or <a href="http://www.traviscad.org">www.traviscad.org</a>) within 200 feet of the perimeter of the tract and</li> <li><input type="checkbox"/> County short ID # of subject property _____.</li> </ul>
	<input type="checkbox"/>	4. Public Hearing Signage document at the end of this checklist is signed and dated (Subdivision Ordinance Variance Only).
	<input type="checkbox"/>	5. Certified tax certificate or evidence that taxes have been paid.
	<input type="checkbox"/>	6. 8½" x 11" map demonstrating the proposed public notification sign locations
	<input type="checkbox"/>	7. Letter of intent describing the proposed appeal and stating the reason/justification for the request.
	<input type="checkbox"/>	8. Development meeting notes, confirmation that a development meeting was not required, or Due Diligence Report.
	<input type="checkbox"/>	9. Application Fees (calculation listed on <a href="#">page 4</a> ).

**APPLICATION FEE\* CALCULATION**

Filing Fee:	\$ 400.00
Owner Notification Fee – \$5.00 per owner notification:	\$ _____
Notification Sign – \$30.00 per sign (Subdivision Ordinance Variance only: 1 sign at edge of the roadway frontage with signs no more than 300' apart along frontage):	\$ _____
Professional Recovery Fee:	\$ 250.00
Technology Fee	\$ 25.00
<b>TOTAL FEE (due at the time of application submission) \$</b>	

\* An invoice for application fees will be provided during the completeness check. All fees shall be paid prior to the acceptance of the submittal for review.

## APPLICANT INFORMATION

**Please Note:** The signature of owner authorizes City of Leander staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his/her agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. If there are multiple property owners, one notarized form per owner is required. Approval of this application and the related plat or plans does not constitute the approval of variances or waivers to ordinance requirements. Applicant is responsible for compliance with all applicable ordinance unless a variance, waiver, or exception has been specifically approved. The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

**(Check One):**

\_\_\_\_ I, the owner, will represent this application with the City of Leander.

\_\_\_\_ I, the owner, hereby authorize the person named below to act as my agent in processing this application with the City of Leander.

### OWNERSHIP INFORMATION:

**Owner Name (Company or Individual):** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

*(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)*

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_

*By signing this form, the owner of the property authorizes the City of Leander to begin proceedings in accordance with the process for the type of application indicated above. Owner further acknowledges that submission of an application does not in any way obligate the City to approve the application. By signing this form the owner of the property authorizes the City of Leander to enter upon the property to perform all necessary inspections and acknowledges that the construction will be in accordance with the City of Leander standards and the approved construction documents. By indicating an agent on the application, the property owner authorizes the agent to represent the request and all official contact will be between the City of Leander and the agent.*

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

THE STATE OF \_\_\_\_\_ §

§ KNOW ALL MEN BY THESE PRESENTS

COUNTY OF \_\_\_\_\_ §

Before me, \_\_\_\_\_, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public's Signature \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

### AGENT INFORMATION:

If an agent is representing the owner of the property, please complete the following information:

**Project Agent:** \_\_\_\_\_ **Company:** \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Mobile: \_\_\_\_\_

*I hereby attest that I prepared this application/checklist and that all information shown hereon is correct and complete to the best of my knowledge:*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Date

## CONFLICT OF INTEREST DISCLOSURES

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Please submit at the time of submission of application and update disclosures within 7 business days after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

### **ARTICLE 9.05, CITY CODE OF ORDINANCES – CODE OF ETHICS:**

<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=leanderset>

#### ▪ **Ethics Ordinance – Disclosure Statements**

The City's Ethics Ordinance requires persons seeking to enter discretionary contracts with the City or appearing before the City Council or another City board or body to disclose certain relationships and conflicts of interest. The relevant sections of the Ethics Ordinance are set forth below. The Ethics Ordinance can be found in Article 9.05, Chapter 9 of the City's Code of Ordinances at the above link.

#### **Sec. 9.05.007 Persons doing business with the city**

##### (a) Persons seeking discretionary contracts.

(1) For the purpose of assisting the city in the enforcement of provisions contained in this article, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in [sections 9.05.004](#) and [9.05.005](#) of this article. Further, the individual or business entity agree to abide by the same ethical standards as set forth for public servants in this article.

(2) Subsection (a) of this section will become a permanent footnote on documents contained in city bid packets for discretionary contracts.

##### (b) Disclosure of conflicts of interest by persons appearing before a board or city body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:

- (1) An employee or officer of the city that advises or makes presentations to the board or city body; or
- (2) Any member of the board or city body;

has or may have a conflict of interest pursuant to chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

**Sec. 9.05.009(f)** Disclosure by persons appearing before a city body. Any person who appears before any city body who has had business dealings within the preceding 12-month period involving one or more transactions of five hundred dollars (\$500.00) or more each quarter, or for a total of twenty-five hundred dollars (\$2,500.00) or more, within the preceding 12-month period with a councilmember, commissioner, or business entity in which a councilmember or commissioner has a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with this article.

**PUBLIC HEARING SIGNAGE REQUIREMENTS – SUBDIVISION ORDINANCE VARIANCE ONLY**

I \_\_\_\_\_ AGREE TO POST PUBLIC NOTICE SIGNAGE IN ACCORDANCE WITH THE FOLLOWING RULES.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Name (printed)**

\_\_\_\_\_  
**Date**

The applicant is required to place notification signs on the property in question notifying the public of the dates and times of the Planning & Zoning meeting and the City Council meeting. These signs must be visible on the property for both meetings. Signs must be placed on the property at least 15 days prior to the meeting dates, but not more than 30 days prior to the first meeting and shall remain until after the last public meeting date. The City of Leander shall provide these signs to the applicant for posting.

The yellow public hearing signs are to be posted on the subject property adjacent to all roadways at each corner of the development and at intervals not to exceed 300 feet.

The signs will include the following information.

**Proposed**

**‘PROJECT TYPE’**

**(Variance)**

**FOR**

**‘PROJECT NAME & FILE # – SPECIFIC REQUEST’**

**PUBLIC HEARING**

**DATES/TIMES: \_\_\_\_\_**

The owner or owner’s agent is required to sign the affidavit provided with the signs indicating that signs will be posted in accordance with these Public Hearing Signage Requirements. Staff will check to determine if the signage is posted in accordance with requirements. Failure to post public hearing signage in accordance with requirements will result in invalid public notice and the applicant will be required to pay for new public notices, letter notices and signage fees and proceed through the notification again.

**The owner or owner’s agent shall submit pictures of the public hearing signage.**