



## Zoning Variance – Application Checklist

*Incomplete submissions will NOT be accepted*

For Office Use  
Case No. \_\_\_\_\_

### Application Completeness Requirements:

- Development Application signed by property owner
- This checklist (signed by applicant or authorized representative)
- Certified Copy of a Tax Certificate showing no taxes owed (if taxes are owed submit Tax Receipts with the Certificate showing a zero balance owed)
- Application fees in the form of a check made payable to City of Live Oak (Variance = \$1,000; or \$500 with proof of homestead exemption)
- A letter addressed to the Board of Adjustment, signed by the property owner and requesting the desired zoning variance from Chapter 24 of the City's Code of Ordinances and prepared in accordance with the criteria below
- 14 copies of a Site Plan drawn to scale or survey and formatted to 11" by 17" or 8½" by 11", showing all existing and proposed improvements, setbacks from property lines, easements, building elevations, and other relevant information (if applicable)
- Digital copy in .pdf format of entire application submission (application, checklist, exhibits, etc.) on CD or USB drive
- Any additional information deemed necessary for processing and evaluating this request

### Request Letter Criteria

The letter describing the request shall include the specific section from the code of ordinances for which the variance is being sought and include a justification for the variance addressing all of the following:

1. All special circumstances or conditions (including restricted area, topography or physical features) affecting the land involved, which are not applicable to other parcels of land in the same zoning district, such that the application of the zoning ordinance's provisions would deprive the applicant of the reasonable use of his/her land.
2. The variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
4. The granting of the variance will not be detrimental to the public health, safety or welfare, or impair the purposes and intent of the zoning ordinance and the comprehensive plan or be injurious to other property within the area.
5. The granting of the zoning variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the zoning ordinance.
6. A finding that an undue hardship exists. In determining if a hardship exists the following criteria will be used:
  - a. That literal enforcement of the ordinance will create an undue hardship or practical difficulty in the development of the affected property; and
  - b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
  - c. That the relief sought will not injure the permitted use of adjacent conforming property; and
  - d. That the granting of the variance will be in harmony with the spirit and purpose of the zoning ordinance; and
  - e. Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located
7. (If applicable) If the hardship is applied to a structure, the following may be considered grounds to determine whether an undue hardship would result from compliance with the ordinance:
  - a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent tax appraisal roll;
  - b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
  - c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

- d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- e. The city considers the structure to be a nonconforming structure.

Additional information regarding zoning variances may be found in the City's Code of Ordinances Sec. 24-138 *Variances*.

**Submittal Information**

- INCOMPLETE APPLICATIONS AND SUBMITTALS WILL BE REJECTED; an application may be deemed incomplete after initial staff review.

Questions shall be directed to, and complete applications shall be submitted in person to the following:

City of Live Oak  
Planning Department  
8001 Shin Oak Dr.  
Live Oak, TX 78233  
[planning@liveoaktx.net](mailto:planning@liveoaktx.net)

**Appearance at Meetings**

It is strongly advised that the applicant or applicant's authorized agent be represented at the public hearing and Board of Adjustment meeting where this request will be heard.

**Preparer's Certification**

I hereby certify that the information provided is true and correct to the best of my knowledge.

Preparer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Company Name: \_\_\_\_\_