



ZONING SPECIAL EXCEPTION APPLICATION CHECKLIST

APPLICANT AND PROJECT INFO

Applicant Name: _____
Applicant Phone #: _____
Project Name: _____
Project Location: _____

This checklist is intended to provide information and data needed to constitute a complete application. A request for a Special Exception requires review by staff and approval by the Zoning Board of Adjustments. In accordance with UDC Article 3 Zoning Regulations. Incomplete applications will not be accepted.

MY GOVERNMENT ONLINE SUBMISSION REQUIREMENTS

The City of Bee Cave utilizes a digital review system called MyGovernmentOnline, which requires certain digital submittal standards. For more detailed information and troubleshooting, please review the separate MyGovernmentOnline User Guide available at <http://www.MyGovernmentOnline.org/>

APPLICATION FEES

All application fees shall be paid in full according to the adopted Fee Schedule. The adopted Fee Schedule is available on the City Website: <http://www.BeeCaveTexas.gov/>

ZONING VARIANCE PROCESS

The process for applying for a zoning variance involves the following steps:

1. **Pre-Application Conference.** Prior to filing of a Special Exception Request, the owner may consult with the Planning Director, and other City staff concerning compliance with all applicable ordinances and regulations.
2. **Submittal of Application and Completeness Check.** The applicant will provide all required documents and fees along with the signed application and applicable checklist for a completeness check. Staff will review the documents for completeness of items listed on the checklists and provide feedback about any additional information or documents required from the applicant. Staff will perform a completeness check within 10 business days. **If the application is deemed incomplete, the applicant will have 45 calendar days to resubmit the incomplete items, or the application will expire.**
3. **Filing Date.** Upon determination of application completeness, the application will be considered filed with the Planning and Development Department. The application will be distributed to all applicable staff members for review.



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4. **Review.** City Staff will review the application for compliance with the UDC and other city requirements and provide comments. The applicant may need to make changes and revisions to the application or supporting materials. After staff comments are resolved, staff will compile a staff report to be submitted to the BOA for review, post the item on the next regularly scheduled meeting of the BOA.
5. **Action.** Special Exceptions require Zoning Board of Adjustments approval (Subsection 3.4.11E.2 of Article 3 Zoning Regulations). The BOA may grant Special Exceptions by issuing orders in the following circumstances:
 - a. Reestablishment of an abandoned non-conforming use, and
 - b. Expansion of a non-conforming use on a lot of record of up to 15% of the extent or size of the use at the time it became non-conforming.

In issuing an order to grant a Special Exception, the BOA may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the UDC.

6. **Finality of BOA Decision.** The decision of the Board shall be final. However, any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the Board is illegal in whole or in part and specifying the grounds of the illegality:
 - a. A person aggrieved by the decision;
 - b. A taxpayer; or
 - c. An officer, department, or board of the City;

The petition must be presented within ten (10) days after the date the decision is filed in the Board's office. Subject to the provisions of TLGC Section 211.011.

REQUIRED ITEMS FOR SUBMITTAL OF A COMPLETE APPLICATION

The following is grouped into the electronic documents that will be required for submittal. The list below each document heading shows the individual items that are to be combined to form the PDF document. Please review the Detailed Information section of this form for help in preparing each of these items. Please, flatten all PDF before submittal and rename documents for easy readability.

- Application Information**
 - Deed showing current ownership
 - Notarized Verification of Land Ownership Form
 - Authorization Agent Designation Form (if applicant different than owner)
 - Written consent to Special Exception request from each lienholder of the subject property (if applicable)
 - Current Title Commitments



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- Original Tax Certificate issues by Travis Central Appraisal District and showing no taxes due
- Covenants, Deed Restrictions (newly applicable and previously recorded)
- Survey (boundary survey or plat, including metes and bounds, sealed by a licensed surveyor)
- Special Exception Request:**
 - For a **request to re-establish an abandoned non-conforming use** provide a written narrative that identifies the reason for the Special Exception request and provides the following information:
 - The date the non-conforming use was established; and
 - The date the non-conforming use was deemed abandoned by the City; and
 - Evidence no other conforming use has been established in the area vacated by the abandoned use; and
 - Evidence the inability to resume the non-conforming use would deprive the property owner of all economic value of the land.
 - For a **request to expand a non-conforming use** provide a written narrative that identifies the reason for the Special Exception request and provides the following information:
 - The date the non-conforming use was established; and
 - The size or extent (SF) of the non-conforming use at the time it was established; and
 - The size or extent (SF) of the proposed expansion of the non-conforming use; and
 - For outdoor expansion of a non-conforming use, evidence the applicable screening requirements of Section 5.1.1 can be met; or
 - For expansion of a building or structure housing a non-conforming use the ability to meet the requirements of Section 3.4.11E.3 and 4 and Section 3.4.3, 3.4.4, or 3.4.5 as applicable.
 - Any exhibits necessary to substantiate the circumstances surrounding the Special Exception request (i.e., Documents, Photos, Maps, Plans, etc.)
 - Any other relevant supporting documents or research
- Fees (located on the Fee Schedule)**