

ALCOHOLIC BEVERAGE SALES VARIANCE CHECKLIST



APPLICANT AND PROJECT INFORMATION

Applicant Name: _____

Applicant Phone / Email: _____

Property Owner (if different): _____

Project Name: _____

Project Location / Legal Description: _____

Travis CAD Property ID(s): _____

Current Zoning District: _____

Business Name: _____

TABC Permit or License Type (existing or proposed): _____

This checklist identifies the information and documents required for a complete application for a variance from the alcoholic beverage sales standards of UDC § 3.4.8.B.2. The variance is reviewed by staff and decided by the City Council. Applications that are not accompanied by all documents required by the UDC and prepared in accordance with the UDC will not be accepted for processing.

APPLICATION TYPE

	Type	UDC	Notes
☐	Distance variance	§ 3.4.8.B.2(ii)–(iii)	Sales within 300 feet of a Place of Worship, public or private school through secondary level, Hospital, or Child Day Care
☐	On-premise consumption variance	§ 3.4.8.B.2(iv)	On-premise consumption in circumstances not listed in § 3.4.8.B.2(iv)

This application is limited to § 3.4.8.B.2. A variance from any other Article 3 standard, including other conditional standards in § 3.4.8, is decided by the Zoning Board of Adjustment on a Zoning Variance application. Where a use requires a Specific Use Permit, the City Council may modify or delete § 3.4.8 conditions through the SUP without a variance (UDC § 3.4.8.A.3).

A City variance does not substitute for TABC permitting. The applicant remains responsible for all state licensing requirements.

SUBMITTAL, FEES, AND DIGITAL STANDARDS

Submittal calendar. New applications are accepted only on the official submittal dates shown on the City’s published Development Schedule.

Digital submittal. The City uses MyGovernmentOnline (MGO). Combine documents under the headings shown in this checklist, flatten all PDFs, and name files for easy readability.

Fees. Upon acceptance, the application is converted to a project, a case number is assigned, and fees are assessed in MGO according to the adopted Fee Schedule, including publication and notification fees. All fees must be paid in full (UDC § 1.4.2.C.1). An application is not complete until the required fees have been paid.

Indebtedness. The City will not accept or review for completeness an application from a property owner owing delinquent taxes, assessments, fees, or other debt related to the subject property until the amount is paid or payment arrangements are made (UDC § 1.4.2.D).

VARIANCE PROCESS

- 1. Pre-Application Meeting (UDC § 1.3).** Before filing, the applicant may consult with the Planning Director and other City staff concerning the request.
- 2. Submittal and Completeness Review (UDC § 3.5.1.C).** The Responsible Official will not accept an application for processing unless it is accompanied by all documents required by the UDC and prepared in accordance with the UDC. Upon acceptance, a case number is assigned and fees are assessed in MGO. If the application is incomplete, the City will provide written notice specifying the necessary documents or information and the date the application will expire, issued not later than the tenth (10th) business day following the Official Vesting Date. Issuance of a Certificate of Completeness certifies only that the application is administratively complete. It is not a determination that the application complies with the UDC and does not imply that the City will approve the application.
- 3. Expiration of an Incomplete Application (UDC § 3.5.1.D).** An application automatically expires at the close of business on the forty-fifth (45th) calendar day after the Official Vesting Date if the applicant fails to provide the documents or information specified in the City's written notice. The expiration date runs from the Official Vesting Date, not from the date of the deficiency notice. After expiration, a new application and new fees are required.
- 4. Staff Review.** Staff reviews the application, verifies the measured distances, and prepares a report to the City Council. New information submitted after the agenda packet is finalized will not be included.
- 5. Public Notice (UDC § 1.4.3).** Notice is provided as required by UDC § 1.4.3 and Table 1.2-1.
- 6. City Council Decision (UDC § 3.4.8.B.2(v)).** The City Council may allow a variance if it determines that enforcement of the regulation in the particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the Council, after considering the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community. The applicant bears the burden of establishing the facts supporting the variance.

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REQUIRED ITEMS FOR A COMPLETE APPLICATION

Required Item	UDC Citation
A. Application Information	
☐ Signed application form and signed copy of this checklist	§ 3.5.1.C; § 1.4.2.B
☐ Deed showing current ownership	Checklist
☐ Ownership Verification and Agent Authorization form executed by all persons or entities with an ownership interest	§ 1.4.2.A.2(ii); Checklist
☐ Current title commitment (dated within one year), title opinion letter, or other Proof of Ownership. If the title commitment is older than one year, submit a property report and nothing further certificate.	Checklist
☐ Original tax certificate showing no taxes due, and evidence of payment of any other indebtedness to the City related to the property	§ 1.4.2.D
☐ Written consent to the application from each lienholder on the property (if applicable)	Checklist
☐ Covenants and deed restrictions, newly applicable and previously recorded	Checklist
☐ Survey (boundary survey or plat, including metes and bounds, sealed by a licensed surveyor)	Checklist
☐ Written consent of the property owner, if the applicant is a tenant	§ 1.4.2.A.2(ii)
B. Variance Request Narrative	
☐ Identification of each provision of § 3.4.8.B.2 from which a variance is requested and the specific relief requested	§ 3.4.8.B.2
☐ Description of the business, the type of alcoholic beverage sales proposed, hours of operation, and whether sales are for on-premise or off-premise consumption	Checklist
☐ For a distance variance: identification of each Place of Worship, school, Hospital, or Child Day Care within 300 feet, and the measured distance to each	§ 3.4.8.B.2(ii)
☐ If claiming the multistory building exception for a Child Day Care, documentation of the floor locations of the business and the facility	§ 3.4.8.B.2(iii)(3)
☐ Explanation of each ground on which the variance is requested: not in the best interest of the public; waste or inefficient use of land or other resources; undue hardship on the applicant for a license or permit; the regulation does not serve its intended purpose; the regulation is not effective or necessary; or other reasons the variance is in the best interest of the community, considering public health, safety, and welfare and the equities of the situation	§ 3.4.8.B.2(v)(1)
C. Exhibits	
☐ Distance measurement exhibit prepared by a Registered Professional Land Surveyor, measured as required by § 3.4.8.B.2(iii): front door to front door along street-front property lines and in a direct line across intersections for a Place of Worship or Hospital; property line to property line in a direct line for a school or Child Day Care	§ 3.4.8.B.2(iii); Checklist
☐ Site plan or floor plan showing the location of the business, its front door, and any outdoor seating or patio	Checklist
☐ Photographs and any other supporting documentation	Checklist
D. Fees and Digital Standards	
☐ Application fees paid in full per the adopted Fee Schedule, assessed in MGO upon acceptance	§ 1.4.2.C.1
☐ PDF flattening, file naming, and document grouping in accordance with the MGO submittal standards and the headings of this checklist	Checklist

Items marked "Checklist" are administrative submittal requirements adopted by the Planning Director under UDC § 1.4.2.B.

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CERTIFICATION OF APPLICATION CHECKLIST

I hereby attest that I prepared this application and checklist and that all information shown hereon is correct and complete to the best of my knowledge. I acknowledge that an incomplete application will expire at the close of business on the forty-fifth (45th) calendar day after the application's Official Vesting Date if the deficiencies identified in the City's written notice are not addressed by that date.

Signature

Name (printed)

Title

Date