

Application for a Variance, Change to the Zoning District Boundaries or the Zoning Ordinance

Fee \$500 Receipt # _____ Date Paid _____ Received By _____	Address: _____ __Residential__ Commercial Name of Applicant: _____ Mailing Address: _____ Phone: _____ Cellular: _____ Email Address: _____ Status of Applicant: Owner ____ Agent ____ (If Agent, Attach Letter of Authorization)
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PROPERTY DESCRIPTION

Physical Address: _____

Legal Description: _____ Acres: _____

Current Zoning: _____ Proposed Zoning (If Applicable): _____

Existing Use: _____ Proposed Use: _____

Does Owner Own Adjacent Properties? _____

I. VARIANCE (Complete this section for a variance request.)

REASON FOR VARIANCE REQUEST AS ALLOWED BY ORDINANCE:

_____ An alleged error in an order, requirement, decision, or determination made by an administrative official in the enforcement of Chapter 78. Please be specific in describing the alleged error:

_____ Authorize a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest, and owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship and so that the spirit of the ordinance is observed and substantial justice is done.

PLEASE INDICATE SECTION OF THE CODE TO WHICH YOU ARE REQUESTING A VARIANCE: _____

PLEASE DESCRIBE THE NATURE OF THE VARIANCE REQUESTED:

PLEASE SPECIFY THE HARDSHIP (WHAT IS THE IMPACT TO THE OWNER?):

IF ADDITIONAL SPACE IS NEEDED FOR A SUMMARY OF REASON FOR REQUEST, ATTACH AN ADDITIONAL TYPED OR PRINTED SHEET.

II. CHANGES TO ZONING DISTRICTS OR ZONING CODE TEXT (Complete this section for a request to change zoning boundaries, the nature of zoning districts and/or the Zoning Code.)

EXISTING ZONING DISTRICT AND/OR CODE REQUIREMENT THAT YOU REQUEST TO CHANGE:

WHAT CHANGE DO YOU REQUEST?

REASON FOR CHANGE REQUEST

Sec. 78-21. - Procedures for zoning changes and text amendments.

- (a) *Powers of city council.* Pursuant to the provisions of Local Government Code § 211.001 et seq., the city council may amend or supplement the provisions of this chapter and it may change the zoning districts and district boundaries established in this chapter.
- (b) *Filing with city administrator or his designated agent.* All petitions, applications, recommendations, or proposals for changes in the zoning district classification of property or for changes in the textual provisions of this chapter shall be filed with the city administrator or his designated agent.
- (c) *Fee to accompany application.* When an application is filed for a change of zoning district boundaries or for any change in the text of the zoning ordinance, such application shall be accompanied by a nonrefundable fee in the amount established by city council from time to time. The fee shall be paid by cash, certified check, or cashier's check to the city administrator or his designated agent immediately upon filing said application. No notice of such application shall issue and no hearing shall be had before the zoning commission or the city council until the prescribed fee is paid. The city administrator or his designated agent shall keep and preserve an itemized record of all fees received and the disposition thereof.
- (d) *Repeat applications.* No application for the rezoning of any lot or tract of land in the city shall be received or filed with the zoning commission and no hearing had thereon, if, within six months prior thereto an application was received or filed and withdrawn before a full, fair and complete and final hearing was had thereon; or if within six months prior thereto a full, fair, complete and final hearing was had on the rezoning of such lot or tract of land before the zoning commission; provided, however, if new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing shall be produced by the applicant, under a sworn affidavit to that effect, then in that event, the zoning commission shall have the power to waive this minimum time limit and proceed to hear and consider such application. It is further provided that no application for the rezoning of a lot or tract of land in the city shall be received or filed with the zoning commission and no hearing had thereon, if within one year prior thereto the city council, after consideration and hearing, has denied an application for rezoning of the same property.
- (e) *Notice of commission hearing.* At least 11 days in advance of the commission hearing, the city administrator or his designated agent shall notify the owners of all property within 750 feet of the subject property inside the city limits, and within 200 feet of the subject property outside the city limits, of the matter which is pending before the zoning commission. For this purpose, the owners to be notified shall be determined from the most recent city tax roll for properties inside the city limits, and from the most recent tax roll of the county or the adjacent city for properties outside the city limits. The city administrator or his designated agent shall also publish notice of the council hearing at least 16 days in advance of the hearing date, as required by law.
- (f) *Recommendation by zoning commission.* The zoning commission shall file its report and recommendations signed by the chair or presiding member on the matter with the city

administrator or his designated agent for transmittal to the city council as soon as practical after the conclusion of the commission's hearing, so that final action on the matter by city council is not unreasonably delayed.

- (g) *Application to city council.* All applications for rezoning which have been recommended for approval by the zoning commission shall be presented by the applicant to the city council within 90 days from the date of the commission's approval. In the event the applicant fails to present the application for rezoning to the city council within 90 days, the city council shall not act on the application until it has been resubmitted to the zoning commission for action. The application shall then be treated as an original application for rezoning, and all fees required by this chapter shall be paid by the applicant.
- (h) *Notice of council hearing.* Upon receipt of the report and recommendations of the zoning commission and the applicant's application to the city council, the city council shall hold a public hearing and act on the matter with reasonable and deliberate speed. At least 11 days in advance of the council hearing, the city administrator or his designated agent shall notify the owners of all property within 750 feet of the subject property inside the city limits, and within 200 feet of the subject property outside the city limits, of the matter which is pending before the city council. The city administrator or his designated agent shall also publish notice of the council hearing at least 16 days in advance of the hearing date, as required by law.
- (i) *Effect of protest.* If the zoning commission recommends against a change in zoning or if there is a protest against a change in the zoning district classification of any property signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or of the lots or tracts of land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
- (j) *Requirements for additional information.* Before taking final action on any rezoning application, either the zoning commission or the city council may require the applicant to present, at the applicant's expense, engineering reports, data or other information which either the commission or the city council may reasonably require in order to make an appropriate determination on the application. Such information shall be furnished to the city administrator or his designated agent when requested by either the commission or the city council.

III. APPLICANT SIGNATURE AND CERTIFICATION FOR VARIANCE OR CHANGE TO ZONING DISTRICTS OR ZONING CODE TEXT (Must be completed.)

I hereby certify that I have read and examined this application, the attached instruction sheet, and the justifications for granting a variance or change, and know the information I have provided to be true and correct. All provisions of laws and ordinances governing this application will be complied with whether specified herein or not. The granting of a variance or special exception does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the use of the property. I further understand that work must begin within 90 days of variance granted or the variance expires.

Applicant's Signature

APPLICATION FOR VARIANCE

INSTRUCTION SHEET

1. Complete the **application form**.
2. Include the **nature and effect of the proposed variance** on the application form or an attachment.
3. Include an **approved plat**. In lieu of such a plat, a map showing the **site plan** drawn and certified by an architect showing property boundaries and all setbacks, and all structures, and all public and private rights-of-way and easements bounding and intersecting the property under consideration would be accepted.
4. A fee in the amount of **Five Hundred Dollars (\$500.00)** must accompany the application. It must be in the form of cash, check or money order payable to the City of Hill Country Village.
5. The Zoning Commission meets as needed on a case-by-case basis. Due to scheduling and legal notice requirements, **please allow four to eight weeks** for your variance request to be heard by the Commission.