

Application to Board of Adjustment for Variance to Zoning Ordinance

Fee \$600 Receipt # _____ Date Paid _____ Received By _____	Address: _____ <input type="checkbox"/> Residential <input type="checkbox"/> Commercial Name of Applicant: _____ Mailing Address: _____ Phone: _____ Cellular: _____ Email Address: _____ Status of Applicant: Owner <input type="checkbox"/> Agent <input type="checkbox"/> (If Agent, Attach Letter of Authorization)
--	--

PROPERTY DESCRIPTION

Physical Address: _____

Legal Description: _____ Acres: _____

Current Zoning: _____ Proposed Zoning: _____

Existing Use: _____ Proposed Use: _____

Does Owner Own Adjacent Properties? _____

Reason for Appeal:

_____ 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: 78-_____

APPEAL IS BEING MADE FOR PERMISSION TO

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

SEE ATTACHED SHEET FOR JUSTIFICATION ON GRANTING A VARIANCE. IF ADDITIONAL SPACE IS NEEDED FOR A SUMMARY OF REASON FOR REQUEST, ATTACH AN ADDITIONAL TYPED OR PRINTED SHEET.

I hereby certify that I have read and examined this application, the attached instruction sheet, and the justifications for granting a variance, 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 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 **Six Hundred Dollars (\$600.00)** 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. In the event the variance is denied by the Board of Adjustment, the only other recourse is to file a petition with District Court within ten days of the Board's decision.
6. The Board of Adjustment 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 Board.

JUSTIFICATION FOR GRANTING A VARIANCE

CITY CODE CHAPTER 78-23(K). LIMITATIONS ON POWER TO GRANT VARIANCES

No variance shall be granted on property that is not properly platted. However, the Board may waive this requirement for platting on property that cannot meet all the requirements of the Hill Country Village subdivision ordinance. In addition no variance shall be granted unless:

1. Such variance will not be contrary to public interest.
2. Such variance will not authorize the operation of a use other than one which is specifically authorized for the district in which the subject property is located.
3. Such variance will not substantially or permanently injure the appropriate use of adjacent or nearby conforming property in the same district.
4. Such variance will not alter the essential character of the subject property or of the district in which it is located.
5. Such variance will be in harmony with the spirit and purpose of this ordinance.
6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
7. The variance will not substantially weaken the general purposes of this ordinance or the regulations herein established for the specific district.
8. The variance will not adversely affect the public health, safety, or welfare.