



**CITY OF POTEET**  
COMMUNITY DEVELOPMENT  
491 Ave. H. / P. O. Box 378. Poteet, Texas 78065  
830-742-3574



## **VARIANCE APPLICATION PACKET**

**NOTE TO APPLICANTS: IT IS YOUR RESPONSIBILITY TO THOROUGHLY READ AND UNDERSTAND THIS APPLICATION PACKET AND TO PROVIDE ALL INFORMATION REQUIRED HEREIN BEFORE THIS APPLICATION WILL BE ACCEPTED. INCOMPLETE APPLICATIONS WILL BE RETURNED.**

### **WHAT IS A VARIANCE?**

A variance is an adjustment in the application of the City Ordinance regulations to a specific parcel of property based on special conditions or circumstances peculiar (unique) to the parcel of property where a literal enforcement of the provisions will result in unnecessary hardship. A variance is in the nature of a waiver of the strict letter of the City Ordinances Codes upon substantial compliance with it and without sacrificing its spirit and purpose where the variance is necessary to allow the property owner to enjoy the same or similar rights enjoyed by other property owners in the same vicinity and zoning district.

### **WHO MAY SEEK A VARIANCE?**

Appeals to the City Council can be taken by any person aggrieved or by an officer, or department, affected by the decision of the Building Official. The appeal can be based upon an alleged error in any order, requirements, decision, or determination made by the Building Official or other officer in the enforcement of City Ordinance Codes.

### **ON WHAT SPECIFIC ITEMS MAY I SEEK A VARIANCE?**

Any City Code Ordinance, when, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured authorize the following special exceptions:

- (1) Permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use.
- (2) Permit such modifications of the height, yard, area, coverage, and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
- (3) Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to regulations and zoning ordinances. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard for the property rights for the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property.

### **UNDER WHAT CIRCUMSTANCES CAN A VARIANCE NOT BE GRANTED?**

A variance may not be granted for a different reason other than those specifically set out above. In addition, a variance cannot be granted unless an "unnecessary hardship" exists. The following do NOT constitute an unnecessary hardship:

- (1) the property cannot be used for its highest and best use;
- (2) financial or economic hardship;
- (3) self-created hardship;
- (4) the development objectives of the property owner are or will be frustrated; or
- (5) if the hardship is common to other similarly classified properties.

## **HOW DO I APPLY FOR A VARIANCE?**

1. **COMPLETE THE APPLICATION FOR A VARIANCE:** After reviewing the entire application packet carefully, prepare all the information requested on the application. A complete application must include the following:
  - Written authorization from the owner of the property on which the variance is sought.
  - Application fee
  - Site plan or survey drawn to scale of the subject property
2. **SUBMIT APPLICATION:** Submit all the required application materials to the Building Official at 491 Ave. H. Poteet, Texas 78065. City Staff cannot accept an incomplete application.

## **HOW LONG DOES IT TAKE TO COMPLETE THE VARIANCE PROCESS?**

1. **FILING:** Completed applications for appeals must be filed no later than 5:00 p.m. the Tuesday before the scheduled City Council meeting to the Building Official.
2. **EFFECTIVE DATE:** If approved by the City Council, the variance goes into effect immediately. If the property on which the change is approved requires platting prior to any construction, the plat must make note of the variance and the date of approval, and the plat must be approved prior to construction. The granting of a variance is not approval of a plat or building permit.
3. **DENIED:** If the variance is denied by the City Council, the applicant will not be able to appeal again.

## **HOW MUCH DOES A VARIANCE REQUEST COST?**

A fee of \$100.00 for signs and \$150.00 for all other variance requests must be paid at the time the application is submitted and is non-refundable even if the application is denied.

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**VARIANCE APPLICATION**

<i>For Office Use Only</i>	Date Rcvd: _____
Fee: _____	Receipt# _____
CC Date: _____	Approved/Denied _____

**PROPERTY INFORMATION:**

Address: \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Lot Width: \_\_\_\_\_ Lot Depth: \_\_\_\_\_ Total SF of Lot: \_\_\_\_\_

Is this property located on a corner lot?  Yes  No

**OWNER INFORMATION:**

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**IF APPLICABLE:** Owner hereby gives \_\_\_\_\_ permission to seek the variance or appeal stated herein and to represent him/her at the meeting of the City Council meeting.

I hereby certify that the above statements are true and correct to the best of my knowledge.

\_\_\_\_\_  
Owner's Signature

**STATE OF TEXAS**  
**COUNTY OF \_\_\_\_\_**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

(seal) \_\_\_\_\_  
 Notary Public  
 My Commission expires: \_\_\_\_\_

**IF DIFFERENT FROM ABOVE, APPLICANT INFORMATION:**

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**ACTION REQUESTED:**

Seeking an appeal from City Ordinance No. \_\_\_\_\_ Section: \_\_\_\_\_

Seeking a permit for the reconstruction, extension, or enlargement of a building occupied by a nonconforming use.

Seeking a variance as follows:

	Ordinance Requirements	Requested Dimensions	Variance From Ordinance
LOT SIZE			
LOT WIDTH			
LOT DEPTH			
SIDE YARD			
SIDE YARD			
SIDE YARD @ CORNER			
FRONT YARD			
YEAR YARD			
COVERAGE AREA			
PARKING SPACES			
OTHER: Specify			

# HARDSHIP FINDINGS

IN ORDER TO MAKE A FINDING OF HARDSHIP AND TO GRANT A VARIANCE, THE CITY COUNCIL MUST DETERMINE THAT ALL OF THE FOLLOWING CONDITIONS ARE MET. STATE HOW YOUR REQUEST MEETS THESE CONDITIONS. PLEASE NOTE THAT THE STATED HARDSHIP MAY NOT BE FINANCIAL OR SELF-CREATED.

1. The request for variance is in harmony with the general purposes and intent of City Ordinance No. \_\_\_\_\_, as amended, and continues to protect surrounding properties from any negative impacts because:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. If the request is to permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use, such reconstruction will not prevent the return of such property to a conforming use. because:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The special or unique condition(s) of restricted area, shape, topography, or physical features that exist on the subject parcel of land, which are not applicable to other parcels of land in the same zoning district, and which cause unusual and practical difficulty or unnecessary hardship in compliance with the provisions sought here to be varied are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. The hardship sought to be avoided is NOT the result of (a) the applicant's own actions (self-imposed or self-created) and (b) economic or financial hardship because:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. The provisions of City Ordinance No. \_\_\_\_\_, and its amendments, that are sought to be varied deprive the applicant of the following rights to use his property that are commonly enjoyed by other properties in the same zoning district which comply with these ordinance provisions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#####  
**REQUIRED SUBMITTALS:**

- Completed application
- Owner permission, if applicable
- Application Fee
- Site Plan or Survey drawn to scale

**NOTICE TO APPLICANT:**

I have carefully read the complete application and know the same is true and correct. I hereby agree to comply with all provisions of local, State, and Federal Laws, whether herein specified or not. As the owner of the above property or a duly authorized agent as provided herein, I hereby grant permission to enter the premises and make all necessary inspections.

Signed: \_\_\_\_\_ Address: \_\_\_\_\_  
 Print Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 Date: \_\_\_\_\_ Email: \_\_\_\_\_

**STATE OF TEXAS**

**COUNTY OF \_\_\_\_\_**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

(seal)

\_\_\_\_\_  
 Notary Public  
 My Commission expires: \_\_\_\_\_