



**Application for
Variance from
Board of
Adjustments**

City of Granite Shoals, TX
2221 North Phillips Ranch Road
Granite Shoals, TX 78654
phone (830) 598-2424 x 303
www.graniteshoals.org

**FOR OFFICE USE
ONLY**

CASE NO.: _____

Application Received By: _____ Receipt No: _____ Date: _____

Fee: \$ _____ Zoning: _____ Meeting Date _____

- Completed application and fee - (Granite Shoals City Code. Ordinance 646)
\$350 for variance or adjustment, \$100 for appeals.
- Site plan, drawn to scale and no larger than 11"x17", showing all existing and proposed improvements, setbacks from the property lines, and building elevations (if applicable.)
- If request is for an APPEAL OF DECISION of a city official, submit copy of decision as issued and a detailed statement explaining the grounds for the appeal.
- Proof of Ownership of the Property/tax appraisal information (available from Burnet County Central Appraisal District)

Variance to Section(s) No.: _____

Checklist: Metes & Bounds/Survey _____ Notarized Owner Signature: _____

Please write legibly in black or blue pen, or type.

Owner:	Applicant (if different than owner):
Address:	Address:
Telephone:	Telephone:
Email*:	Email*:

**Email should only be provided if you consent to your email address becoming a part of public record.*

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by the Zoning Ordinance to other parcels of land in the particular zoning district. No variance may be granted that results in undue hardship upon another parcel of land.

Location of the Property: (address/legal description)

Lot # _____ of Block # _____ of the _____ Section

of _____ Subdivision. Commonly known as

_____ Granite Shoals, Texas 78654

(if applicable) Abstract # _____ Survey Name: _____

Size of property: _____

Metes and Bounds description - if applicable: please attach on separate page to this application.

Zoning of property: _____

Present Use of Property: _____

State the SPECIFIC PROVISION of the zoning ordinance for which you are requesting a variance. (You may give the Section number and paragraph, OR you may DESCRIBE the regulation/requirement.)

Describe SPECIFICALLY the variance you are seeking:

In order for your request to be granted, the Board of Adjustment must cast at least FOUR out of five votes in support of your application.

In order for the Board members to vote in support of your application, you must prove several things by your application.

Your application must clearly show that your property has SPECIAL CONDITIONS- for instance - AREA, SHAPE or SLOPE of the property that distinguish it from other properties within the same zoning district and must explain how these conditions prevent your property from being appropriately developed without a variance. (This section may not be necessary for appeal of decision cases, complete if applicable)

Describe the SPECIAL CONDITIONS of the property that distinguish it from other properties in the same zoning district:

Explain how these SPECIAL CONDITIONS prevent the property from being appropriately developed without a variance:

Additionally, in order for the Board members to vote in support of your application, it must be shown that the SPECIAL CONDITIONS that you have described are NOT the result of your own actions (*See City of Dallas v. Vanesko*, 189 S.W.3d 769 (Tex. 2006)).

Explain how the SPECIAL CONDITIONS affecting your property came to be, AND how they ARE NOT the result of YOUR OWN ACTIONS, (This section may not be necessary for appeal of decision cases, complete if applicable):

Furthermore, you must demonstrate that the variance you are seeking will permit you to enjoy the same rights with respect to the use of your property that are presently enjoyed by other properties in the same vicinity or zone as your property.

Explain how the City's ordinance requirement(s) prevent you from enjoying a right to use your property that is presently enjoyed by other properties in the same vicinity or zone as your property:

Additionally, you must demonstrate that the granting of a variance will not adversely affect the land use pattern as outlined in the City's zoning map and will not adversely affect any other feature of the City's comprehensive use plan.

Explain how your request for a variance will not adversely affect the City's land use pattern or any other feature of the City's comprehensive use plan: (This section may not be necessary for appeal of decision cases, complete if applicable)

Finally, you must demonstrate that the granting of the variance will not be a material detriment to the public welfare or injure the use, enjoyment or value of the properties in the vicinity of your property.

Explain how the granting of a variance will not be injurious to the public welfare or to the use, enjoyment or value of the properties in the vicinity of your property (This section may not be necessary for appeal of decision cases, complete if applicable):

Required Acknowledgements

Please read the following statements carefully and initial each line. By placing your initials next to the statements below, you, **the property owner**, are stating that you agree with and will abide by these requirements (please initial acknowledging adherence).

Initial

_____ By filing this request for a variance, I understand that any construction that requires said variance shall cease until such time that the variance is approved, if applicable. Should the Board of Adjustment deny the request, I may pursue an appeal or bring my property into compliance in accordance with any and all City codes **within 30 days**.

_____ I understand and agree that prior to the hearing of this case by the Board of Adjustment, staff will conduct a thorough site visit in order to take photographs of the property for use at the public hearing. This site visit may necessitate complete access to the subject property. Staff will make a reasonable attempt to contact the property owner prior to visiting the site. I hereby agree to allow staff to enter the property for the purposes of conducting the site visit, and I understand that it is my responsibility to ensure that conditions at the subject site will not create a hindrance to city staff. If site conditions are not conducive to staff completing the necessary task during the site visit, I understand that my case may be delayed.

_____ Any exhibits submitted by the applicant (audio, visual, document, or otherwise) must be submitted to staff at least five (5) business days prior to the public hearing, and will not be returned.

_____ Refunds will not be issued.

_____ I understand that I may be represented at the hearing, either personally or through the agent of my choosing. I understand that the Board may deny requests for which the applicant or an agent do not appear to provide testimony.

_____ I understand that letters will be sent to neighboring property owners, and that information from this application will be published in the *Highlander News*, to notify the public and interested parties about this case.

_____ I understand that all Board of Adjustment Hearings are noticed and held in open session and that citizens will be given a chance to be heard.

YOUR RIGHT TO APPEAL THE BOARD'S DECISION.

If you are dissatisfied with the Board's decision, you have a right to seek judicial review pursuant to Texas Local Government Code § 211.011.

Granite Shoals Board of Adjustments operates under applicable sections of the Local Government Code Section 211. This Code is available on the internet at the State of Texas website.

The BOA may authorize a variance from the Zoning Ordinance only upon finding:

- (1) There are special circumstances or conditions peculiar to the property;
- (2) The strict application of the terms of the Zoning Ordinance will impose upon the applicant unusual and practical difficulties or a particular hardship that would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the Ordinance;
- (3) The proposed variance is in harmony with the Ordinance;
- (4) The proposed variance is in the public interest and will ensure that substantial justice will be done;
- (5) The granting of the variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty for the applicant;
- (6) The proposed variance not confer upon the applicant any special privilege that is denied by the Ordinance to other similarly-situated properties in the same district;
- (7) The surrounding property will be properly protected and there are sufficient remaining regulations adequate to govern the project.

STATEMENT REGARDING RESTRICTIVE COVENANTS/DEED RESTRICTIONS

I have diligently searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants that apply to the property that would be in conflict with this Variance Request, except as follows:

Copy here or attach any restrictive covenant(s) that apply to your request. If there are none, then enter the word "NONE".

Definition:

“Restrictive Covenants and/or Deed Restrictions” are legal restrictions on the use of land in a subdivision, and are conditions under which you received title. These restrictions were made by the original developer and can be different for each subdivision. The City of Granite Shoals is not legally a party to these conditions and does not enforce restrictive covenants, but the owner of any property in the subdivision may have the right to file litigation if you violate a restrictive covenant. Restrictive Covenants/Deed Restrictions are on file at the Burnet County Courthouse and are also contained in the property abstract.

(Additional information may be deemed necessary by staff for processing this request.) This application must be completed in full, and all information requested must be provided, or this application will be declared incomplete and the case will not be scheduled.

Any additional information applicant wishes to provide regarding this request (optional):

I hereby certify that the information provided is true and correct to the best of my knowledge.

Date: _____

Signed: _____ **Print Name:** _____

PROPERTY OWNER ACKNOWLEDGEMENTS

Notarized signature of *all* owners is mandatory.

Use additional sheets if necessary.

Property Ownership Acknowledgement: As owner of the property described in this application, I understand that my property is being considered for a zoning variance from the City of Granite Shoals.

Signature of Owner _____ Date _____

Owner's Name (Typed or Printed) _____

Notary Acknowledgement: Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration expressed and in the capacity therein stated.

Given under my hand and seal of office on this the _____ day of _____, 20_____.

Notary Public In and For Texas

My commission expires the _____ day of _____, 20_____.

Agent Authorization (if applicable)

Agent Authorization: I, _____, owner of the aforementioned property do hereby certify that I have given my permission to _____ to act as my agent for this variance request.

Signature of Owner _____ Date _____

Owner's Name (Typed or Printed) _____

Notary Acknowledgement: Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration expressed and in the capacity therein stated.

Given under my hand and seal of office on this the _____ day of _____, 20_____.

Notary Public In and For Texas

My commission expires the _____ day of _____, 20_____.