



# ZONING BOARD OF ADJUSTMENT

## APPLICATION FOR VARIANCE

City of Burleson  
141 W Renfro St  
Burleson TX 76028  
817.447.5400

### APPLICATION TYPE

Variance Request

Special Exception

Interpretation Appeal

### APPLICANT ♦ PROPERTY OWNER INFORMATION

♦ APPLICANT \_\_\_\_\_ Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Applicant's Status: (check one)  Owner  Representative  Tenant

♦ PROPERTY OWNER \_\_\_\_\_ Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Ownership Status: (check one)  Individual  Trust  Partnership  Corporation

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

The property owner must sign the application or submit a notarized letter of authorization. Please initial the acknowledgments on the second page before signing this application.

### PROPERTY INFORMATION

Street Address or Location \_\_\_\_\_

Legal Description \_\_\_\_\_

Present Zoning \_\_\_\_\_ Present Land Use \_\_\_\_\_

Status of Project:  Proposed  Under Construction  Existing

Have you applied for a building permit?  Yes  No

Have you filed an appeal or petition on this property before?  No  Yes

### BOARD OF ADJUSTMENT OFFICIAL USE ONLY

Case Number \_\_\_\_\_ Hearing Date \_\_\_\_\_

Action  Approved  Approved with Conditions  Denied

Conditions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Attest: Zoning Board of Adjustment Secretary

**REQUEST INFORMATION**

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

1. Completely describe the variance you are requesting. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Do similar conditions exist in the area? Explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe how the unique conditions or circumstances do not result from your actions. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Is there any way to do what you want without this request? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Acknowledgments**

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the Planning & Community Development Department, and such withdrawal shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property, and that the Zoning Board of Adjustment action does not constitute the approval of a building permit.

Applicant's Initials \_\_\_\_\_ Date \_\_\_\_\_

# Zoning Board of Adjustment

## GENERAL REQUIREMENTS AND APPLICATION INFORMATION

### GENERAL INFORMATION

**Jurisdiction** The Zoning Board of Adjustment's powers and authority are vested in Section 211 of the Texas Local Government Code and the Burleson Zoning Ordinance. The Board may only decide issues authorized by the Zoning Ordinance or in other areas where it is given specific authority.

**Structure** The Board consists of 5 regular members and 2 alternate members, appointed by the City Council. The Board is a quasi-judicial body and does not have the authority to amend ordinances or create new laws.

**Meetings** The Board meets as needed in the City Council Chambers at City Hall.

### TYPES OF REQUESTS

**Variance Request** The Board may authorize a variance from the specific terms of the Zoning Ordinance when the literal enforcement of the ordinance would result in an unnecessary hardship or practical difficulty in the development of a specific property. Variances may not be granted to serve as a convenience or to relieve a financial hardship.

**Special Exception Request** The Board may authorize a special exception land use where allowed by the Zoning Ordinance.

**Interpretation Appeal** An appeal for an interpretation of the regulations or zoning map designations may be filed with the Board. An interpretation by the Board establishes guidelines for ruling in future administrative actions.

### INSTRUCTIONS

- 1. Application Procedure** - Applicants shall submit a written application to the Planning & Community Development Department using the form included in this packet. Detailed submittal requirements for each type of application are contained in this packet.

A filing fee established by the City Council shall accompany every application. The amount of the fee is based on the actual cost of processing the application by the City. The application fee for a variance is \$250.

- 2. Stay of Proceedings** - An appeal stays all proceedings of the action appealed from unless the Administrative Official, after the notice of appeal has been filed, certifies in writing to the Board that a stay would cause imminent peril to life or property. In such cases, proceedings shall only be stayed by a restraining order granted by the Board or by a court of record.
- 3. Notice of Hearing** - Official written notice of public hearing on every application for a variance or for an interpretation of regulations applying solely to an individual property are sent to all owners of real property lying within two hundred feet of the property on which the variance is requested. The notice of hearing is mailed to each property owner as the ownership appears on the last approved city tax roll. The notice will state the date, time and place of the hearing, and the nature of the subject to be considered.
- 4. Public Hearing Procedure** - Public hearings are required for all requests for variances or permits for nonconforming uses or structures. Upon submittal of the application, the Planning & Community Development Department will schedule the application for public hearing before the Zoning Board of Adjustment. The public hearings provide an opportunity for the Board to hear from appellants; examine evidence; question the appellant, city staff, or any witnesses; or seek additional information. At the public hearing, the applicant, all proponents and all opponents will be given the opportunity to speak about the proposal. After completion of the public hearing, the Zoning Board of Adjustment will discuss the merits of the case and render a decision.

5. **Decision and Voting** - Every decision of the Board must be based upon findings of fact and detailed in the record of the meeting. The standards for consideration of a variance request are detailed in Section 46 of the Zoning Ordinance. The affirmative vote of four members is necessary in order for a request to be approved. A 3-2 vote in favor of the request is not considered approval of the request.
6. **Approval of Request** - In approving any request, the Board may establish conditions, including time limits, in order to secure substantially the objectives of the regulation or provision to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted. When necessary the Board may require guarantees, in the form as it deems proper, to insure that conditions designated are being or will be complied with after approval.
7. **Denial of Request** - No appeal or application that has been denied shall be further considered by the Board, unless the Board affirmatively finds: ① that new plans materially change the nature of the request, or ② the permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of changed conditions.
8. **Appeal of Board Actions** - A decision of the Board of Adjustment may only be appealed to district court. The petition setting forth that such decision is illegal, in whole or in part, must specify the grounds of such illegality. The petition must be presented to the court within thirty days of the Board's decision. The City Council does not have the authority to review a decision of the Zoning Board of Adjustment.

## APPLICATION SUBMITTAL REQUIREMENTS

- |                                  |   |
|----------------------------------|---|
| <b>Variance Request</b>          | <ul style="list-style-type: none"> <li>▫ Completed application form and application fee</li> <li>▫ Site plan, drawn to scale, showing all lot dimensions and all existing or proposed improvements to the lot</li> <li>▫ Other supporting data related to the request</li> </ul>  |
| <b>Special Exception Request</b> | <ul style="list-style-type: none"> <li>▫ Completed application form and application fee</li> <li>▫ Site plan, drawn to scale, showing all lot dimensions and all existing or proposed improvements to the lot</li> <li>▫ A written statement from the applicant describing how all conditions of the Zoning Ordinance has been or will be met</li> </ul>  |
| <b>Interpretation Request</b>    | <ul style="list-style-type: none"> <li>▫ Completed application form and application fee</li> <li>▫ Statement by the applicant describing the way the Regulation should be interpreted, together with diagrams or charts illustrating the proposed application of the text or map provisions</li> <li>▫ Letter from the Administrative Official detailing the basis for denial of the request</li> </ul> |

## FOR MORE INFORMATION

Planning & Community Development Department  
 City of Burleson  
 141 W Renfro Street  
 Burleson, Texas 76028  
 817.447.5400 office  
 817.426.0971 fax