



## ZONING BOARD OF ADJUSTMENTS APPLICATION

### APPLICATION TYPE

Variance Request                       Special Exception                       Interpretation Appeal

### APPLICANT INFORMATION

Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Status:                       Owner                       Tenant                       Purchaser                       Other

### PROPERTY INFORMATION

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

#### Legal Description:

Property is subdivided:                      Addition: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Property is not subdivided:                      Survey: \_\_\_\_\_

Abstract#: \_\_\_\_\_ Tract: \_\_\_\_\_

Existing Classification: \_\_\_\_\_ Proposed Classification: \_\_\_\_\_

STATUS OF PROJECT:                       Proposed                       Under Construction                       Existing

APPLIED FOR BUILDING PERMIT:                       Yes                       No

### OFFICE USE ONLY

Case Number: \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Attest: \_\_\_\_\_

Action:                       Approved                       Approved with Conditions                       Denied

Conditions:

\_\_\_\_\_  
\_\_\_\_\_



### 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 unique conditions or circumstances don't 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 Public Works 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 Town 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 Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## GENERAL REQUIREMENTS & APPLICATION INFORMATION

### GENERAL INFORMATION

**JURISDICTION:** The Zoning Board of Adjustment's power and authority are vested in Section 211 of the Texas Local Government Code and the Town of Pantego 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 4 alternate members, appointed by the Mayor and approved by the Town 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 Town Council Chambers at Town 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.

### APPLICATION SUBMITTAL REQUIREMENTS

#### VARIANCE REQUEST

- Completed application form and application fee
- Site plan, drawn to scale, showing all lot dimensions and all existing or proposed improvements to the lot
- Other supporting data related to the request.

#### SPECIAL EXCEPTION REQUEST

- Completed application form and application fee
- Site plan, drawn to scale, showing all lot dimensions and all existing or proposed improvements to the lot
- A written statement from the applicant describing how all conditions of the Zoning Ordinance have been or will be met.

#### INTERPRETATION REQUEST

- Completed application form and application fee
- 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
- Letter from the Administrative Official detailing the basis for denial of the request.



## INSTRUCTIONS

1. **APPLICATION PROCEDURE:** Applicants shall submit a written application to the Public Works Department using the form included in this packet twenty-one (21) days before the next scheduled ZBA meeting. Detailed submittal requirements for each type of application are contained in this packet. A filing fee established by the Town Council shall accompany every application.
2. **STAY OF PROCEEDINGS:** An appeal stays all proceedings of the action appealed 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. **DECISION AND VOTING:** Every decision of the Board must be based upon findings of fact detailed in the record of the meeting. 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.
4. **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 a form that it deems proper, to insure that conditions designated are being or will be complied with after approval.
5. **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.
6. **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 (30) days of the Board's decision. The Town Council does not have the authority to review a decision of the Zoning Board of Adjustment.