

APPLICATION FOR VARIANCE OR SPECIAL EXCEPTION

PROPERTY INFORMATION:

Address: _____

Legal Description: Lot(s) _____ in Block _____ of the _____ Subdivision in City Block _____

OWNER INFORMATION:

Owner Name _____ Daytime Phone _____ Signature _____

Mailing Address _____ City _____ State _____ Zip Code _____

APPLICANT INFORMATION:

Applicant Name _____ Daytime Phone _____ Email Address _____ Signature _____

Mailing Address _____ City _____ State _____ Zip Code _____

PLEASE SELECT ONE TYPE OF APPEAL (Per Texas Local Government Code § 211):

- 1. Interpretation** of the meaning or intent of the zoning ordinance
- 2. Special exception** for use or development of property
- 3. Variance** from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of property

REQUIRED ATTACHMENTS (Per ZBA Rules & Procedures 602, 702 & 802)

1. For an appeal requesting **interpretation** of the meaning or intent of the zoning ordinance, attach:

- A statement by the applicant describing the way it is alleged the regulation should be interpreted,
- Diagrams and charts illustrating the erroneous and the proper application of the map or text provisions.

2. For an appeal requesting a **special exception** for use or development of property, attach:

- A site plan, drawn to scale, showing all lot dimensions, and the location and dimensions of all existing and proposed lot improvements
- A statement by the applicant describing the way in which all conditions prescribed by zoning regulations will be or have been met.

3. For an appeal requesting a **variance** from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of property, attach:

- A site plan, drawn to scale, showing the location and dimension of the lot and all existing and proposed improvements;
- Statement of facts and reasons why the zoning regulations should not be applied to the property in question and how standards governing the board's actions would be satisfied

NECESSARY FINDINGS (per City of Nacogdoches Code of Ordinances § 118-99):

The board of adjustment, pursuant to the powers conferred upon it by state law, the city ordinances, and this article, may grant variances and exceptions to the sections of this chapter upon the findings listed below. Please **explain** in your own words, how the request meets each of the findings listed below:

1. Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter

2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;

3. Such variance will not adversely affect the health, safety or general welfare of the public

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located;

5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope; and that 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

6. The variance is not a self-created hardship.

NOTE: This application **will not** be processed **unless** it is filled out in its entirety and accompanied by required attachments and filing fee of \$350.00.

- Completed Application Form
- Required Attachments
- Application Fee
- Copy of current deed

FOR OFFICE USE ONLY

Date Filed: _____ Case Number: _____ Accepted By: _____ Tentative ZBA Date: _____

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Zoning Board of Adjustments Basis for Action

(ZBA Rules & Procedures Sections 603, 703, & 803)

- For requests for an appeal of an **interpretation** of the meaning or intent of the zoning ordinance
 - o The board shall consider
 - Facts and statements filed in the application
 - Testimony presented at the public hearing
 - The City Staff’s technical report
 - The Board’s independent investigation of the language of the ordinance and of related ordinances
 - o The board will make the interpretation, provided the applicant has demonstrated to the satisfaction of the board that one or more of the following conditions exist, and the decision of the board would be in the interest of the community and would carry out the spirit and intent of the zoning regulations:
 - That there is reasonable doubt or difference of interpretation as to the specific intent of the regulations or map
 - That an appeal of use or provisions would clearly permit a use which is in the character with the uses enumerated for the various zones and with the objectives of the zone in question; and
 - That the resulting interpretations will not grant a special privilege to one property inconsistent with other properties similarly situated.

- For requests for a **special exception** for use or development of property
 - o The board shall consider
 - The facts filed with the application
 - The testimony presented at the public hearing
 - The City Staff’s technical report on the application
 - The Board’s filings in its field inspection of the property
 - o The board will grant the request, subject to special terms and conditions as necessary to ensure compatibility of the proposed use or development with adjacent properties, provided the applicant has demonstrated the following to the satisfaction of the board:
 - That all conditions enumerated in the regulations for the special exception use or development will be complied with
 - That the proposed use will not be obnoxious, dangerous, or unnecessarily hazardous to persons or property at or near such location
 - That, where the board finds necessary, provision will be made for the installation and maintenance of the best practical means known for the abatement of obnoxious fumes, gas, dust, smoke, odor, water carried waste, noise, vibration, or similar nuisance, and
 - That the granting of the exception will further the objectives, spirit and intent of the zoning regulations

- For requests for a **variance** from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of property
 - o The board shall consider:
 - The facts filed with the application
 - Testimony presented at the public hearing
 - The City Staff’s technical report
 - The board’s findings in its field inspection
 - o The board shall grant the appeal, subject to necessary terms and conditions, provided the applicant has demonstrated to the satisfaction of the board that the decisions of the board will be in the best interest of the community and would carry out the spirit and intent of the zoning regulations.

For Your Information – Applicant Keep This Page

Zoning Board of Adjustments Necessary Findings Code of Ordinances § 118-99

The board of adjustment may grant variances and exceptions to the sections of this chapter upon finding that:

1. Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter;
2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;
3. Such variance will not adversely affect the health, safety, or general welfare of the public;
4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located;
5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including, but not limited to the area, shape or slope; and that 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; and
6. The variance is not a self-created hardship.

City Policy

No application will be accepted without a copy of the most current deed, accurately listing the same person or entity as the owner as is listed as owner on the application.