



VARIANCE APPLICATION

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY INFORMATION

STREET ADDRESS: _____ SUBDIVISION NAME: _____

Lot & Block Number: _____ Survey & Abstract: _____

No. of Lots: _____ Acreage: _____ Current Zoning: _____ Proposed Zoning** : _____

Summarized reason for Variance Application (for complete narrative, answer questions as needed in this document): _____

OWNER INFORMATION

Owner Name: _____ Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

APPLICANT INFORMATION (IF OTHER THAN THE OWNER)

Agent/Representative Firm: _____ Main Contact: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Telephone: _____ Email: _____

I HEREBY CERTIFY THAT THIS APPLICATION IS IN CONFORMANCE WITH THE REQUIREMENTS OF THE CITY OF ENNIS UNIFIED DEVELOPMENT ORDINANCE, AS AMENDED, THAT PERTAIN TO THIS SUBMITTAL. I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO HAVE THE APPLICANT, OWNER OR OTHER AUTHORIZED AGENT PRESENT AT THE ZONING BOARD OF ADJUSTMENT MEETINGS. SHOULD AN AUTHORIZED PERSON NOT BE AT THE MEETING TO REPRESENT THE APPLICATION, I HEREBY REQUEST THAT CONSIDERATION OF THE ITEM BE CONTINUED TO A FUTURE DATE TO ALLOW AN AUTHORIZED PERSON THE OPPORTUNITY TO APPEAR AND PRESENT TESTIMONY. HOWEVER, I DO UNDERSTAND THAT THE CITY IS NOT OBLIGATED TO CONTINUE THIS REQUEST. I FURTHER UNDERSTAND THAT THIS REQUEST WILL BE PLACED ON THE APPROPRIATE ZONING BOARD OF ADJUSTMENT AGENDA ONLY AFTER THE APPLICATION HAS BEEN DETERMINED TO BE COMPLETE. WHERE A VARIANCE REQUEST IS SUBMITTED CONCURRENTLY WITH A ZONING REQUEST, CONCEPT PLAN, DEVELOPMENT PLAN, OR PLAT APPLICATION AND THE VARIANCE APPROVAL IS REQUIRED PRIOR TO THE APPROVAL OF SUCH A REQUEST, PLAN OR PLAT APPLICATION, I HEREBY REQUEST THAT THESE ITEMS BE PROCESSED CONCURRENTLY WHERE POSSIBLE.

I ALSO UNDERSTAND THAT FEES PAID ARE NOT REFUNDABLE. IN ADDITION, I ALSO UNDERSTAND THAT BY MY SIGNATURE BELOW, I HAVE MADE A DECLARATION THAT THE PROPERTY UNDER CONSIDERATION IS OWNED BY THE PERSON(S) AS LISTED AND UNDERSTAND THAT THE CITY OF ENNIS HAS NO RESPONSIBILITY TO VERIFY SAID OWNERSHIP INFORMATION. I ALSO UNDERSTAND THAT AN APPEAL OF DEVELOPMENT DECISIONS CAN BE MADE IN ACCORDANCE WITH THE UNIFIED DEVELOPMENT ORDINANCE.

Signature of Applicant, Owner, or Authorized Agent

DATE

FOR OFFICE USE ONLY

Application Number: _____ Initial Submission Date: _____

Completeness Determination Date: _____

In order for your request to be granted, the Zoning Board of Adjustment (ZBA) must cast **FOUR** out of five votes in support of your application.

In order for the ZBA 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 **UNIQUE CONDITIONS** and **CIRCUMSTANCES** which separate it from other typical properties with the same zoning; and explain how these unique conditions and circumstances make it **UNREASONABLE** or **UNFAIR** to apply the **STANDARD** ordinance requirements to **YOUR** property, unlike the way they are applied to all other properties.

The ZBA shall not approve a variance unless it finds that ALL of the following criteria have been met:

- (a) The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with the same zoning;
- (b) The need for the variance is not self-created;
- (c) The need for the variance is not personal or financial hardship;
- (d) The requested variance does not permit a person a privilege in developing a parcel of land which would not be permitted by City ordinances to other parcels of land in districts with the same zoning district or in a manner inconsistent with the rights of properties similarly zoned; and
- (e) The grant of the variance would not violate the intent of this UDO and would further substantiate justice.

VARIANCE REQUEST INFORMATION QUESTIONS:

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 **EXACTLY HOW**, and **TO WHAT EXTENT** your request will **DIFFER** from the **REQUIREMENTS** of the ordinance, as described **ABOVE**. (Use **REVERSE**, or additional sheets if necessary.)

Describe the CONDITIONS and CIRCUMSTANCES which are UNIQUE to your property and situation:

Explain why these unique conditions and circumstances make it UNREASONABLE or UNFAIR to apply the STANDARD ordinance requirements to your property:

Additionally, in order for the ZBA members to vote in support of your application it must be shown that the unique conditions and circumstances which you have described are NOT the result of your own actions. (Actions taken by previous owners and actions taken by your agents can be construed as "Your actions.")

Can you explain how the unique conditions and circumstances affecting your property came to be, AND SHOW that they ARE NOT the result of YOUR OWN ACTIONS?

Furthermore, the ZBA must be satisfied that the variance you are requesting is the MINIMUM deviation from the terms of the ordinance NECESSARY to OVERCOME the unique conditions and circumstances which you have described.

Explain how your proposal is the MINIMUM manner by which the unique conditions and circumstances described can be overcome:

Also, the ZBA must be convinced that granting such a variance would not constitute an UNFAIR GRANT OF SPECIAL PRIVILEGE to you, granting privileges that are otherwise denied by the ordinance.

In other words, why would granting this variance be ONLY FAIR, and NOT MORE THAN FAIR, to you, since others are prevented from doing what you are requesting?

Finally, the Board must be certain your request is in harmony with the public welfare, and will not in any way be injurious or detrimental to your neighbors and their property rights.

Signature of Owner(s) or Authorized Agent

Date

AGENT AUTHORIZATION (IF APPLICABLE)

Agent Authorization: I/We, _____, owner(s) of the aforementioned property do hereby certify that I/we have given my/our permission to _____ to act as my/our agent for this rezoning request.

Signature of Owner(s)

Date

YOUR RIGHTS TO APPEAL THE ZBA'S DECISION.

LOCAL GOVERNMENT CODE, Section 211.011

Any of the following persons may present to a court of record a verified petition stating that the decision of the ZBA is illegal in whole or in part and specifying the grounds of the illegality: (1) a person aggrieved by a decision of the ZBA; (2) a taxpayer; or (3) an officer, department, board, or bureau of the municipality.

The petition must be presented within ten (10) days after the date the decision is filed in the ZBA's office.

SUBMITTAL REQUIREMENTS AND PROCEDURES

Applications submitted without all the required documents will not be reviewed and will be returned to the applicant for revision. Please be sure that all required elements are included. If you have questions on any of these elements, please call the Planning and Development Department at (972) 875-6442

VARIANCE REQUEST

- Fully completed City of Ennis Variance Application (this application)
- Application Fee – Payable to the City Ennis
- Five (5) 18" x 24" **SCALED**, blue or black line drawings of the "Site (or Plot) Plan" which shows as-built survey information (such as property lines, easements, all existing structures, etc.) for the property as well as the proposed improvement (the requested variance). All drawings shall be to scale and "line to line" measurements indicated. All drawings shall have a North directional indicator, an "Area" inset map, indicate all appropriate zoning district and the required setback lines, be prepared by a Registered Professional Land Surveyor, and have a legal description of the property
- One (1) 8 ½" x 11" drawing of the "Site (or Plot) Plan" (printed copy and digital copy in PDF format via drive/disc/email)
- Any other items, materials, or information you believe should be considered or that staff has determined is necessary for consideration of the application
- After review for completeness and acceptance by the City of Ennis staff, the applicant will be notified and a ZBA meeting date will be assigned