



BOARD OF ADJUSTMENT APPLICATION

SUMMARY OF BOARD OF ADJUSTMENT APPLICATION REQUIREMENTS

Application Review Requirements:

1. Meet with Development Services Staff to review the application requirements for your specific request.
2. Make sure you have everything on the Board of Adjustment Check List.
3. Completed application with signatures of owners and/or applicant.
4. Application fee for a variance is \$250.00.
5. Must have the address and the lot, block and subdivision name of the subject property
6. It is the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligation directly attributable to said property and owed by the owner or previous owner thereof shall have been paid at the time of application submittal.
7. Submit any drawing, plans, exhibits, information about proposed uses in order to ensure that the request is understood. Development Services Staff will let you know if additional copies are needed and what size they need to be.
8. This application and/or payment for the Board of Adjustment will not be accepted if it is incomplete. Staff will not retain partial packets.

Application must be signed by the property owner before the request can be scheduled with the Board of Adjustment Committee.

DELIVERY ADDRESS:

DEVELOPMENT SERVICES DEPARTMENT
CITY OF KAUFMAN
209 S. WASHINGTON
KAUFMAN, TEXAS 75142

**DIRECT QUESTION TO DEVELOPMENT SERVICES STAFF AT
(972)-932-2216
FAX NUMBER (972)-932-6288**



BOARD OF ADJUSTMENT CHECK LIST

| ITEMS REQUIRED | |
|----------------|-----------------------------------------------------------------------------------------------------------------|
| | Board of Adjustment Check list |
| | Application for Board of Adjustment with the list of variances. |
| | Board of Adjustment Fee of \$250.00 |
| | Pictures of the property from all four sides |
| | Location Map |
| | One of the following: |
| | Survey of the property |
| | Plat plan |
| | Site building plans |
| | Topography survey |
| | Digital copies of everything submitted on a usb drive (the drive will not be returned and can contain all sets) |
| | The information below is for staff regarding notifications. |
| | Assign case number: V- |
| | Public Hearing |
| | Newspaper notification |
| | 200' buffer notification |



BOARD OF ADJUSTMENT APPLICATION

1. Site Location:

Street Address: _____

Lot, Block, & Subdivision Name: _____

2. Applicant:

Name: _____

Address: _____

City/State: _____ Zip: _____

Office #: _____ Cell #: _____ Fax #: _____

Email Address: _____

3. Property Owner:

Name: _____

Address: _____

City/State: _____ Zip: _____

Office #: _____ Cell #: _____ Fax #: _____

Email Address: _____

4. List the requested variances. If necessary, use a separate sheet.

| Section | Required | Variance Amount Needed |
|---------|----------|------------------------|
| Sect. | | |
| Sect. | | |
| Sect. | | |
| Sect. | | |
| Sect. | | |
| Sect. | | |
| Sect. | | |

5. List any hardships that exists for this property. If necessary, use a separate sheet.

- A. **Findings of Undue Hardship** - In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:
1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
 2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
 3. That the relief sought will not injure the permitted use of adjacent conforming property; and
 4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- B. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.
- C. The applicant bears the burden of proof in establishing the facts justifying a variance.

I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT THE BOARD OF ADJUSTMENT MEETING

I hereby authorize the undersigned applicant to act as my agent for the representation and/or presentation of the request.

Applicant Name (print or type): _____

Applicant signature: _____

Owner Name (print or type): _____

Owner signature: _____

Date Received _____ Date Paid _____ Receipt Number _____

KAUFMAN ZONING ORDINANCE

SECTION 9 BOARD OF ADJUSTMENTS

9.6 VARIANCES:

- A. The Zoning Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary for or desirable to the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- B. **Conditions Required for Variance** - No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 9.8.C or D of this Ordinance and unless the ZBA finds:
1. That there are special circumstances or conditions (such as, but not limited to, restricted area, shape, topography or physical features) that are unique to the property affecting the development of the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 3. That the granting of the variance will not be detrimental to the public health, safety or welfare, and shall not adversely impact other properties in the vicinity or give the owner of a business an undue advantage over other businesses. Vicinity is defined as all properties with the same zoning classification sharing a common district boundary as the applicant and those properties within 300 feet of the subject property with a different zoning classification; and
 4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area and does not conflict with the spirit of this Ordinance, which is one of providing public safety, open space and air, preservation and enhancement of the appearance of the City and protection of property values.

Such findings of the ZBA, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the ZBA meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice be done.

- D. **Findings of Undue Hardship** - In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:

1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
 2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
 3. That the relief sought will not injure the permitted use of adjacent conforming property; and
 4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- D. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.
- E. The applicant bears the burden of proof in establishing the facts justifying a variance.

9.7 APPEALS TO THE ZONING BOARD OF ADJUSTMENTS:

- A. **Authority** - In addition to the authorization of variances from the terms of this Ordinance, the ZBA shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance; the ZBA may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the ZBA has the same authority as the administrative official. The ZBA may also hear and decide other matters authorized by the Subdivision Ordinance and other ordinances regarding land use regulations.
- B. **Who May Appeal** - Any of the following persons may appeal to the ZBA a decision made by an administrative official:
1. A person directly aggrieved by the decision; or
 2. Any officer, department, board or office of the municipality affected by the decision.
- C. **Procedure for Appeal** - The appellant must file with the ZBA and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the ZBA all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the ZBA facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the ZBA or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within four (4) weeks after the written request (i.e., notice of appeal) was received, after which time the request shall be deemed automatically approved if no formal action is taken. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and make the correct order, requirement, decision or determination.

9.8 PROCEDURES:

- A. **Application and Fee** - An application for a variance by the Zoning Board of Adjustments shall be made in writing using forms prescribed by the ZBA, and shall be accompanied by an application fee (as set forth in the Fee Schedule as adopted, a site plan and/or additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and/or other similar documents.
- B. **Review and Report by the City** - The City Manager, or his designee, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his findings to the ZBA.
- C. **Notice and Public Hearing** - The Zoning Board of Adjustments shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.
- D. **Action by the ZBA** - The ZBA shall not grant a variance unless it finds, based upon compelling evidence, that each of the conditions in Section 9.6 has been established. The ZBA may impose such conditions, limitations and safeguards, as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.