



**BOARD OF ADJUSTMENTS
VARIANCE/APPEALS APPLICATION**

Planning and Development, City of Cuero

212 E. Main Street, P.O. Box 660, Cuero TX, 77954 | Phone: 361- 275-6114 x 130 | sosman@cityofcuero.com

Application must be accurately completed and accompanied by all required materials at the time of submission. Incomplete submittals will not be accepted. A copy of a current deed for the subject property is further required and can be obtained at the DeWitt County Clerks Office - (361) 275-0931.

PROPERTY LOCATION

House # _____ | Street _____

Parcel(s) Tax ID # _____

Current Zoning: _____

Parcel size: _____

Legal Description: _____

OWNER INFORMATION

Owner(s) _____

Mailing Address _____

City _____ | State _____ | Zip Code _____

Telephone Number: _____

Email Address _____ *Correspondence will be e-mailed to you unless you request otherwise.

PROJECT REPRESENTATIVE

Agent Name - Company/Corporation Name _____

Mailing Address: _____

City _____ | State _____ | Zip Code _____

Telephone Number: _____

Email Address _____

NOTICE TO APPLICANT: The Board of Adjustments or Appeals does not have authority to grant variances to an adopted code or regulation. Please note jurisdiction of the Board as described in section (E) of the attached zoning ordinance §158.051 BOARD OF ADJUSTMENTS.

You are required to qualify under one or more of the following criteria in order to be eligible for a Variance or Appeal hearing. Check the appropriate box/item and provide any evidence, document, photo[s], diagram or plan you feel is relevant to your case. If additional space is needed to make your response, list the code/regulation and description on a separate sheet of paper and attach to form. (Code Ordinances can be found online at cityofcuero.com–Departments-Planning and Development)

VARIANCE: I understand that the building code or zoning ordinance is being lawfully applied to my permit request, however, I ask to be allowed to vary the code/regulation provision because: **[Indicate the section of the code/regulation you are seeking relief from, describe what is unique about your situation that would make your case different from other individuals that comply with code/regulation and what remedy is sought].**

§ . . :

§ . . :

APPEAL: Appeals to the Board can be taken by any person aggrieved or by an officer, department or board of the municipality affected by any decision of the administrative official. Such appeal shall be taken within 15 days after the decision has been rendered by the administrative official by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. **[Indicate the section of the code/regulation you are seeking relief from, describe what is unique about your situation that would make your case different from other individuals that comply with code/regulation and what remedy is sought].**

§ . . :

OWNERS ENDORSEMENT

(To be completed if the applicant is not the owner. State the professional nature of the applicant, i.e. attorney, agent, architect, builder, consultant, general contractor, etc.)

STATE OF TEXAS

COUNTY OF _____

_____, being duly sworn, deposes and says:
(Name of Owner)

I reside at _____, in the County of _____, and the State of _____.

I am the owner of the described property and I have authorized the below entity to make the foregoing application on my behalf: **(Professional nature of the Applicant)**

I hereby certify that I have read and examined this application and the accompanying instruction sheet and know, to the best of my knowledge, the application to be true and accurate.

1. _____
(Signature of Owner)

Notary Public Stamp/Seal

(Print name of Owner)

2. _____
(Signature of Owner)

(Print name of Owner)

Date Notarized: _____

Notary Public:

(Signature of Notary Public) (Print name of Notary Public) (Commission Expires)

3. _____
(Signature of Agent/Representative)

Notary Public Stamp/Seal

(Print name of Agent/Representative)

4. _____
(Name of Corporation where applicable)

(Print name of Corporation Officer and Title where applicable)

Date Notarized: _____

(Address of Corporation) (City) (State) (Zip Code)

Notary Public:

(Signature of Notary Public) (Print name of Notary Public) (Commission Expires)

APPLICATION REQUIREMENTS CHECKLIST

*All application submittals shall include the following information and be submitted in packet form:
(create one original packet and duplicate six times for submission to required Board members)*

FEES: \$250.00

Application - One (1) Original and six (6) copies of complete Application

- Name of owner and their address, phone number(s), and e-mail(s). If another person is making the proposal as the prospective developer, a document indicating that the owner has granted permission of this individual to submit the application is also required.
- Name of the contact person and their address, phone number(s), and e-mail(s).
- Name of any other professional having prepared parts of the project proposal and their address, phone number(s), and e-mail(s).
- Certificate of paid taxes on the subject property
- Current deed, obtained at the DeWitt County Clerks Office - (361) 275-0931
- List of surrounding property (within 200 feet) names and address of owners per DeWitt County Appraisal District (for concurrent applications involving rezoning or platting)

Site – Seven (7) copies Min: 11” x 17” – Two (2) Max: 24” x 36”, where applicable

Site plan and supporting documents required; petition for zoning district change or conditional use. When in the opinion of the Planning and Zoning Commission, City Council, or Zoning Board of Adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such Commission, Council, or Board to properly review and evaluate all relevant factors thereof, said Commission, Council, or Board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this section, prior to rendering a decision thereon. The petitioner is encouraged to meet with the appropriate Commission, Council, or Board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition. The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to: Site plan - Meeting all of the requirements of a preliminary plat, as described in the City's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition.

WHERE APPLICABLE:

- Existing and proposed zoning district;
- General outline of extensive tree cover areas;
- Drainage ways and 100-year flood plain limits;
- Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;
- Proposed internal, non-vehicular circulation linkages, such as, pedestrian paths and hike trails, bike trails, and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;

A tabular summary schedule indicating:

1. The gross acreage and percent of each type of zoning category proposed;
2. The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family townhouse, and the like, including the total gross project acreage;
3. The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half of any abutting street;
4. The quantitative number of dwelling units proposed for each residential dwelling type (i.e., single family, two-family, and the like);
5. Proposed maximum lot coverage by building types (i.e., 1/F, 2/F, M/F, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

Architectural drawings. Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, and the like, where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

Written documents. In narrative form on 8 1/2 x 11 inch sheets, including:

- (a) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, and the like;
- (b) Legal description of the total site area proposed for rezoning, development, or conditional use permit;
- (c) A development schedule indicating the approximate dates(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;
- (d) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;
- (e) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;
- (f) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;
- (g) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and
- (h) Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

- **Note that a digital PDF copy of the entire submittal package is due at the time of filing. An application will not be determined complete until the digital PDF is submitted.**

The digital PDF shall display and print exactly as submitted on the hard copies.

**APPENDIX A:
Findings – Variances**

Inquiry		Findings
<p>Is the request for a variance owing to special conditions inherent in the property itself?</p> <p>If yes, CONTINUE If no, STOP</p>	→	<p>The property is/has ... (e.g., odd-shaped, unusual topography, etc.)</p>
<p>Is the condition one unique to the property requesting the variance?</p> <p>If yes, CONTINUE If no, STOP</p>	→	<p>The condition is unique to this property.</p>
<p>Is the condition self-imposed or self-created?</p> <p>If yes, STOP If no, PROCEED</p>	→	<p>The condition necessitating the request was not created by the property owner.</p>
<p>Will a literal enforcement of the zoning ordinance result in an unnecessary hardship?</p> <p>If yes, CONTINUE If no, STOP</p>	→	<p>Strict enforcement of the zoning ordinance would impose a hardship above that suffered by the general public.</p>
<p>Will the hardship prevent any reasonable use whatsoever?</p> <p>If yes, CONTINUE If no, STOP</p>	→	<p>Without the grant of the requested variance, the property owner would be deprived of the right to use his property. Financial considerations alone cannot satisfy this requirement.</p>
<p>Would the grant of the variance be contrary to public interest?</p> <p>If yes, STOP If no, CONTINUE</p>		
<p>Is the request within the spirit of the ordinance and does it further substantial justice?</p> <p>If yes, CONTINUE If no, STOP</p>		