

TOWN OF SHADY SHORES

ZONING VARIANCE REQUEST PACKET

(UPDATED APRIL 29, 2014)



Application Checklist

- Application
- \$500 Application Fee
- Cost for Property Owner Mailings (\$1/Property – Minimum \$25)
- Property Detail from Denton Central Appraisal District Website
- Aerial Photograph or Plat
- Development Plans (if applicable)
- Received a minimum of 30-days prior to Board meeting

Variance Request Summary

- Main Structure Setback: _____
- Accessory Structure Setback: _____
- Lot Size: _____
- Residential Structure Size: _____
- Other: _____

ZONING VARIANCE APPLICATION

TO THE HONORABLE ZONING BOARD OF ADJUSTMENTS OF THE
TOWN OF SHADY SHORES, TEXAS:

I/WE, the undersigned owner(s) (Print) _____
of all property within described do hereby file this, my/our Application for a Zoning Variance under
the provisions of the Zoning Ordinance of the Town of Shady Shores, Texas on said property, so
there may be permitted on said property the following Zoning Variance:

The said property is located at: (Address) _____

Legal description: Survey _____ Abstract _____

Lot _____ Block _____ Total Acreage _____

Said property is currently zoned: _____

Proposed development plans are/are not submitted herewith, explanation if any.

Explanation of hardship:

I/We REPRESENT AND CERTIFY that I/We own said property and have full authority to make
and file this application. I/We have read in full the attached Zoning Variance Request Packet and
acknowledge that the variance application fee is non-refundable.

SIGNATURE(S)

DATE

E-MAIL ADDRESS

PHONE NUMBER

OFFICE USE ONLY BELOW

- Letters sent to property owners within 200-foot of subject property 10-days prior to meeting but no more than 20-days prior
- Legal notice published in official newspaper 10-days prior to meeting but no more than 20-days prior

Date Received: _____
Receipt #: _____
Check #: _____
Received by: _____

What is a zoning variance?

A zoning variance is permission granted by the Board of Adjustment to waive or alter a requirement of the zoning ordinance. The Board of Adjustment can adjust the standards of the zoning ordinance where exceptional and extraordinary circumstances apply to a property. This exceptional and extraordinary circumstance is known as a *hardship*. The Board can vary the strict application of height, area, setback, yard, parking, or density requirements of the zoning ordinance.

When could a variance be granted?

A variance is granted when a hardship associated with a property is preventing the property from meeting the requirements of the zoning ordinance. Zoning regulations are intended to preserve and protect property uses and values, and to promote health and general welfare. Therefore, provisions of the zoning ordinance should be universally applied. However, sometimes there are extraordinary conditions at a particular property. Due to this peculiar circumstance, carrying out the strict letter of the zoning ordinance would render the property useless. A variance can be granted after an analysis focused on particular conditions and circumstances of a specific property.

What is a hardship?

There are special conditions attached to the property that do not generally apply to other properties in the area. Special conditions can involve the size, shape, topography or general location. There is a physical constraint which is unique to a property. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the code or misinformation at the time of purchase or construction. A hardship is a characteristic of the property, not the person.

A literal enforcement of the provisions of the zoning ordinance will result an unnecessary hardship. For example, it must be demonstrated that a strict enforcement of the ordinance would prohibit the development of the property or no reasonable use of the property can be made. It is not sufficient that the requirement would make the property less profitable or marketable.

The variance request is necessary for the preservation of a property right of the applicant that is substantially the same as that possessed by owners of other property in the same zoning district. For example, it must be demonstrated to the Board that you are seeking a property right that is generally enjoyed by other property owners in the same zoning district, not some additional privilege not generally enjoyed by others in the area.

The spirit of the zoning ordinance is observed and substantial justice is done. For example, variances cannot be granted which would be contrary to the public interest or that would pose a threat to the public health and safety such as fire safety, structural stability, clearance, preservation of air, light or open space, and visual or aesthetic concerns.

What is not a hardship?

Economic hardships. For example, adding more units to a building than allowed can generate more income and make the project more economically feasible.

Self-Created hardships. Conditions that are created as a result of action by the applicant or owner and not as a result of the land.

Personal hardships. Conditions personal to the owner of the land (ie. person's health, age, family conditions, desires, or other personal needs), not conditions especially affecting the lot in question.

ZONING VARIANCE PROCESS FLOWCHART

(process in its entirety can be found in Zoning Ordinance 256, Article 3.7 Board of Adjustment)

Following a decision of the Zoning Board of Adjustment, the applicant has 180 days in which to apply for and receive a building permit for the development plans for which a variance was granted.

An applicant may not submit a request for the same variance for a minimum period of 6-months, unless the conditions of the property substantially change within that 6-month period.