

**CITY OF HILL COUNTRY VILLAGE  
APPLICATION TO BOARD OF ADJUSTMENT FOR VARIANCE TO ZONING ORDINANCE**

FEE \$500

DATE SUBMITTED: \_\_\_\_\_

(PLEASE PRINT OR TYPE)

ADDRESS: \_\_\_\_\_     RESIDENTIAL     COMMERCIAL

NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE: RESIDENCE: \_\_\_\_\_ BUSINESS: \_\_\_\_\_ CELLULAR: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_ STATUS OF APPLICANT: OWNER      AGENT     

(IF AGENT, ATTACH LETTER OF AUTHORIZATION.)

---

---

**PROPERTY DESCRIPTION**

PHYSICAL ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_ ACRES.: \_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_ DOES OWNER OWN ADJACENT PROPERTIES? \_\_\_\_\_

EXISTING USE: \_\_\_\_\_ PROPOSED USE: \_\_\_\_\_

**REASON FOR APPEAL:**

     AN ALLEGED ERROR IN AN ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY AN ADMINISTRATIVE OFFICIAL IN THE ENFORCEMENT OF CHAPTER 78. PLEASE BE SPECIFIC IN DESCRIBING THE ALLEGED ERROR:

     AUTHORIZE A VARIANCE FROM THE TERMS OF A ZONING ORDINANCE IF THE VARIANCE IS NOT CONTRARY TO THE PUBLIC INTEREST, AND OWING TO THE SPECIAL CONDITIONS, A LITERAL ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER WOULD RESULT IN UNNECESSARY HARDSHIP AND SO THAT THE SPIRIT OF THE ORDINANCE IS OBSERVED AND SUBSTANTIAL JUSTICE IS DONE.

PLEASE INDICATE SECTION OF THE CODE TO WHICH YOU ARE REQUESTING A VARIANCE: 78-\_\_\_\_\_

APPEAL IS BEING MADE FOR PERMISSION TO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CITY OF HILL COUNTRY VILLAGE  
APPLICATION TO BOARD OF ADJUSTMENT FOR VARIANCE TO ZONING ORDINANCE**

FEE \$500

DATE SUBMITTED: \_\_\_\_\_

**PLEASE SPECIFY THE HARDSHIP (WHAT IS THE IMPACT TO THE OWNER?):**

--

**SEE ATTACHED SHEET FOR JUSTIFICATION ON GRANTING A VARIANCE. IF ADDITIONAL SPACE IS NEEDED FOR A SUMMARY OF REASON FOR REQUEST, ATTACH AN ADDITIONAL TYPED OR PRINTED SHEET.**

---

---

I hereby certify that I have read and examined this application, the attached instruction sheet, and the justifications for granting a variance, and know the information I have provided to be true and correct. All provisions of laws and ordinances governing this application will be complied with whether specified herein or not. The granting of a variance or special exception does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the use of property. **I further understand that work must begin within 90 days of variance granted or the variance expires.**

\_\_\_\_\_  
**APPLICANT'S SIGNATURE**

# APPLICATION FOR VARIANCE

## INSTRUCTION SHEET

1. Complete the **application form**.
2. Include the **nature and effect of the proposed variance** on the application form or an attachment.
3. Include an **approved plat**. In lieu of such a plat, a map showing the **site plan** drawn and certified by an architect showing property boundaries and all setbacks, and all structures, and all public and private rights-of-way and easements bounding and intersecting the property under consideration would be accepted.
4. Include a list of all **property owners within seven hundred fifty feet (750')** of the property under consideration. You may find this information at [www.bcad.org](http://www.bcad.org) or use the map at City Hall.
5. A fee in the amount of **Five Hundred Dollars** (\$500.00) must accompany the application. It must be in the form of cash, check or money order payable to the City of Hill Country Village.
6. In the event the variance is denied by the Board of Adjustment, the only other recourse is to file a petition with District Court within ten days of the Board's decision.
7. The Board of Adjustment meets as needed on a case-by-case basis. Due to scheduling and legal notice requirements, **please allow four to eight weeks** for your variance request to be heard by the Board.

## JUSTIFICATION FOR GRANTING A VARIANCE

*City Code Chapter 78-23(k). Limitations on Power to Grant Variances*

**No variance shall be granted on property that is not properly platted. However, the Board may waive this requirement for platting on property that cannot meet all the requirements of the Hill Country Village subdivision ordinance. In addition no variance shall be granted unless:**

1. Such variance will not be contrary to public interest.
2. Such variance will not authorize the operation of a use other than one which is specifically authorized for the district in which the subject property is located.
3. Such variance will not substantially or permanently injure the appropriate use of adjacent or nearby conforming property in the same district.
4. Such variance will not alter the essential character of the subject property or of the district in which it is located.
5. Such variance will be in harmony with the spirit and purpose of this ordinance.
6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and 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.
7. The variance will not substantially weaken the general purposes of this ordinance or the regulations herein established for the specific district.
8. The variance will not adversely affect the public health, safety, or welfare.

# Request for Variance

Request for temporary (12 mo.) variance to Zoning Code Ordinance 929:

Section 16 Item (B)(5)(a) Setbacks

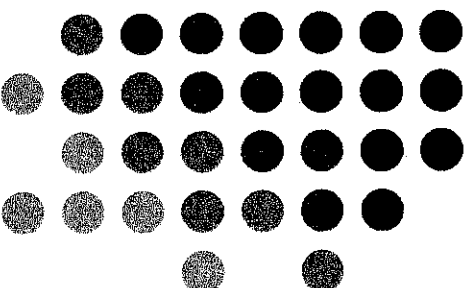
Section 16 Item (B)(10) Temporary Residence

**Owner Requirement:**

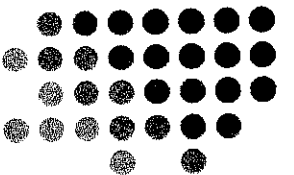
To have a place of sanctuary, 7a to 7p Monday through Saturday, from home improvement construction.

**Owner Intent:**

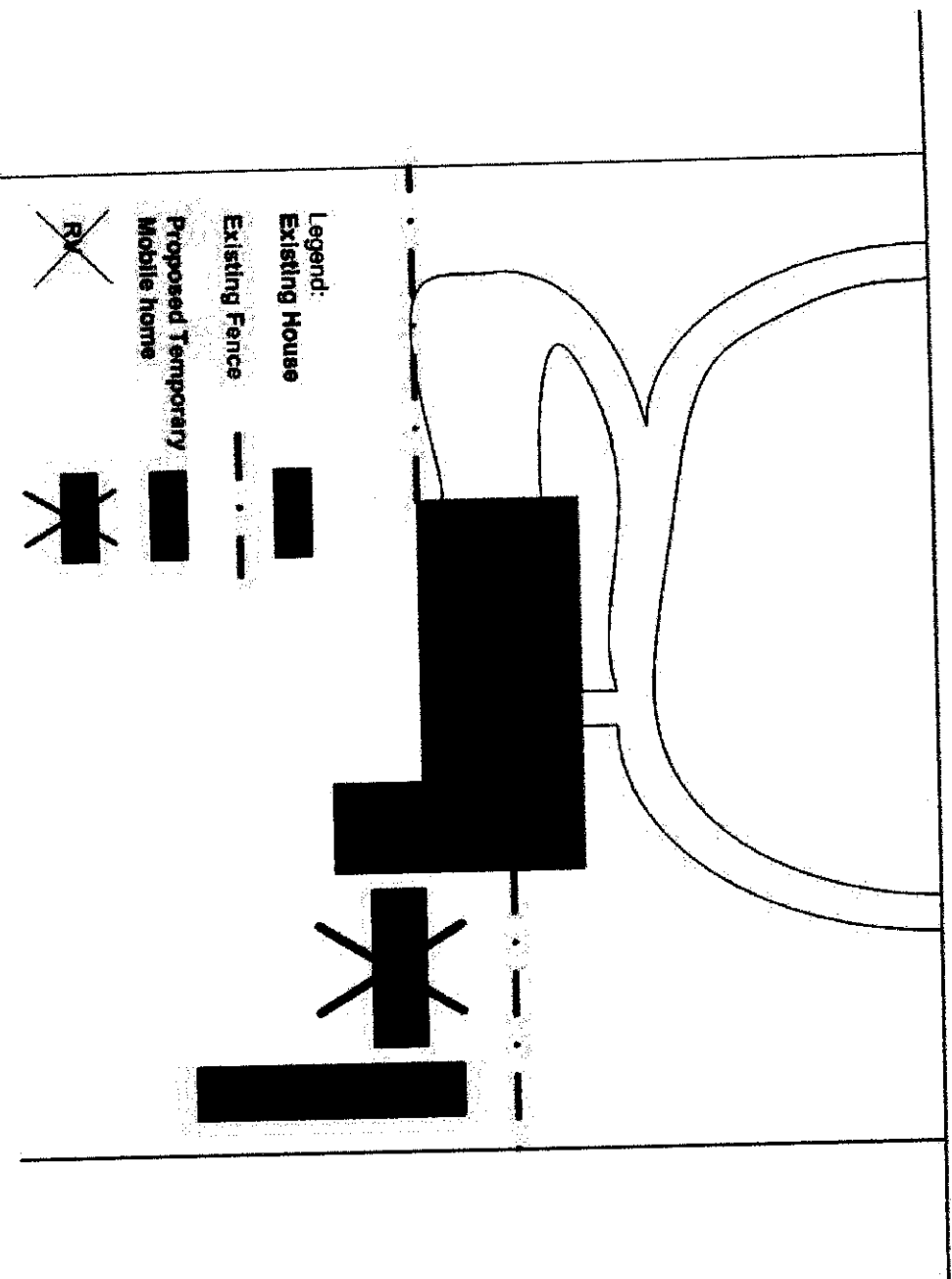
To locate a mobile home in the south side setback to be used as a sanctuary and possibly as a temporary residence for a maximum period of 12 months.



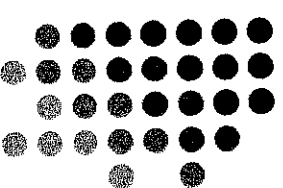
# Graphical Representation



Village Circle

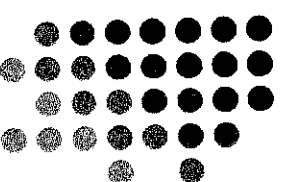


# Justification for Variance – 1



- **Property is properly platted**
  - Certified survey, dated Feb. 7, 2005, provided with application.
- **Variance will not be contrary to public interest**
  - Variance approval allows for lower aesthetic impact to neighborhood than alternative and ultimate result of project will likely increase property values.
- **Variance will not authorize the operation of a use other than the one specifically authorized for the district...**
  - Intended use consistent with R-1 district allowable uses (e.g. one family dwelling, home office)
- **Variance will not permanently or substantially injure the appropriate use of adjacent or nearby conforming property...**
  - Variance is temporary so there is no permanent impact.
  - Only adjoining or nearby property significantly impacted is 120 Village Cir and owners have indicated that they support the variance.
- **Variance will not alter the essential character of the subject property...**
  - Character not impacted by partially visible and temporary structure on 1% of property.

# Justification for Variance - 2



- *Variance will be in harmony with the spirit and purpose of the ordinance*
  - Primary reason for variance request.
  - Variance not necessary to meet owners' minimum requirements.
- *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and 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...*
  - Unique circumstances include location of existing structures on property and required location for least impact to neighborhood.
- *The variance will not substantially weaken the general purposes of this ordinance...*
  - Temporary nature of request ensures no enduring impact to ordinance.
- *The variance will not adversely impact the public health, safety, and welfare.*
  - The proposed location of the temporary residence will be behind a 6' fence to ensure no safety impact.
  - All standard services (e.g. waste, electricity, water, etc.) will be in compliance with state, county and local codes.