

**CITY OF CLEBURNE
ZONING BOARD OF ADJUSTMENT
APPLICATION**

*** NOTE: THE REQUEST IS FINAL ONLY WHEN THE ZONING BOARD OF ADJUSTMENT HAS TAKEN FINAL ACTION ON IT. THE APPLICANT IS CAUTIONED NOT TO MAKE ANY FINANCIAL OR LEGAL COMMITMENTS TO THE PROPERTY UNTIL FINAL DISPOSITION OF THE REQUEST. ***

DATE: _____

PROPERTY ADDRESS: _____

PROPERTY DESCRIPTION (LEGAL): _____

**** OWNER'S NAME:** _____

OWNER'S ADDRESS: _____

CITY, STATE, ZIP: _____ **Phone (**
) _____

REPRESENTATIVE'S NAME: _____

REPRESENTATIVE'S ADDRESS: _____

CITY, STATE, ZIP: _____ **Phone: (** _____ **)**

I respectfully request that the property described above be granted a variance from Title XV: Land Usage, Chapter 155 - Zoning of the Cleburne Code of Ordinance as follows (Please be specific as to your request):

ATTACH THE FOLLOWING:

- ____(1) **A notarized letter from the property owner authorizing a representative to present the request, if the property owner will not be presenting the request.**
- ____(2) **A plat, map, sketch, drawing or survey sketch that clearly indicates the location and dimensions of the property, including the layout of existing structures.**
- ____(3) **A copy of a notarized Warranty Deed showing proof of ownership to the property and the volume and page number where it was filed at the County Court House.**
- ____(4) **A tax certificate from the Johnson County Tax Collector's Office –(\$10.00 payable at the tax office.**
- ____(5) **A STATEMENT OF FACTS AND REASONS why the Zoning Regulations should not be applied to the property in question and how the standards governing the Board's action would be satisfied;**
- ____(6) **Non-refundable application fee of \$150.**

I attest that the above information is true and accurate to the best of my knowledge that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing thereon. I understand that if any of the above information is found to be wrong or inaccurate that my application may be removed from consideration prior to the time the application is voted upon by the Zoning Board of Adjustment.

I understand that in the event the undersigned is not present or represented at the public hearing the Zoning Board of Adjustment shall have the power to dismiss this proposal either at the call of the case or after hearing.

I reserve the right to withdraw this proposal. However, written withdrawal filed at any time after the giving of notice of the Zoning Board of Adjustment hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after hearing.

Attesting to inaccurate or false information on this zoning application can result in conviction of a misdemeanor and fine not to exceed \$2,000.

SIGNATURE OF PROPERTY OWNER _____ : _____ DATE: _____

SIGNATURE OF REPRESENTATIVE _____ DATE: _____

FEE: \$150.00 DATE PAID: _____ RECEIVED BY: _____

SET FOR BOA MEETING: _____

Note: If the request is approved, Staff will file a resolution in the Deed Records of Johnson County to be put on file with the copy of your deed. This resolution will stay with this property each time the property is bought or sold. After filing, Staff will issue the applicant a copy of the "Filed Resolution."

**CITY OF CLEBURNE
ZONING BOARD OF ADJUSTMENT APPLICATION
GENERAL INFORMATION**

I. APPLICATION

Application must be completed and on file with all required information furnished and all fees paid prior to the scheduled deadline to be placed on the upcoming agenda.

II. ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment is a quasi-judicial Board with powers granted under Sec. 211.009 of the Local Government Code. The Board can take several actions regarding a request. These could include, but may not be limited to the following:

- A. Approve the request based on the finding of a hardship.
- B. Deny the request.
- C. Postpone or continuance of the request for further study.

III. POWERS OF THE BOARD OF ADJUSTMENT

- 1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative officer in the enforcement of Chapter 211 of the Local Government Code or an ordinance adopted under Chapter 211 of the Local Government.
- 2. Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so.
- 3. Authorize in specific cases a variance from the terms of the zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.
- 4. Hear and decide other matters authorized by an ordinance adopted under Chapter 211 of the Local Government Code.

IV. GENERAL INFORMATION

- A. There is a non-refundable application fee of \$150 due any payable to the City of Cleburne before the application is considered to be complete.
- B. The applicant must provide a legal description of the property and must provide a copy of a notarized Warranty Deed showing proof of ownership to the property and the volume and page number r where it was filed at the Johnson County Court House, a copy of a survey, map or plat, and a tax certificate from the Johnson County Tax Office.

- C. The applicant must be the owner of the property. However, if the property owner will not be presenting the request, he must submit a notarized letter authorizing a representative to present the request.
- D. The applicant may wish to obtain the signatures of the property owners within 200 feet. The City Staff will prepare a list of the names and addresses of the property owners within 200 feet (according to the most current tax roll); and a petition form to be used in securing the signatures of those property owners who do not object to the request.
- E. The property owners within 200 feet of the property will be notified by letter prior to the Board of Adjustment hearing.
- F. Anyone may speak regarding the request.

POWERS OF THE ZONING BOARD OF ADJUSTMENT
Section 211.009

1. To hear and decide an appeal that alleges error in an order, decision, or interpretation of the zoning ordinance by an administrative officer.
2. To hear and decide special exceptions to the zoning ordinance when the zoning ordinance requires that it do so.
3. To authorize variances to the zoning ordinance in unique situations.
4. To hear and decide other matters authorized by the zoning ordinance.

CRITERIA TO DETERMINE A HARDSHIP - The burden of proof is on the applicant to present a case for a hardship.

1. It must demonstrate a special condition that is inherent in the property itself.
2. The hardship must be present to the extent that it prevents any reasonable use of the land.
3. The hardship must not be self-imposed or self-created.
4. The hardship must not be contrary to the public interest.
5. The determination of a hardship must be within the spirit of the ordinance and substantial justice must be done.

VARIANCE REQUIREMENTS:

1. Finding of a hardship.
2. Finding that the piece of property is unique and contains properties or attributes not common to other similarly situated properties.
3. Finding that the literal enforcement of the ordinance would work an unnecessary hardship.
4. Finding that the need for the variance was not created by the applicant.
5. Finding that the hardship cannot be financial alone.
6. Finding that the granting will not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the zoning ordinance.

EXAMPLE ONLY

Dated: _____

City of Cleburne
Attention: Planning & Zoning Project Coordinator
10 N. Robinson
P.O. Box 677
Cleburne, TX 76033-0677

I/We, _____, authorize _____ to represent me/us in all scheduled hearings and meetings before the City of Cleburne regarding the variance request at my/our property located _____ City of Cleburne, Johnson County, Texas.

Thank you for helping us resolve this request.

Sincerely,

State of Texas §
County of Johnson §

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ date of _____, A.D. _____.

Notary Public, State of Texas