

**CITY OF GARLAND
BOARD OF ADJUSTMENT APPLICATION**

Applicant Name:	
Daytime Telephone Number:	Fax Number:
E-Mail Address:	
Mailing Address (include Street, City, State and Zip Code):	
Owner(s) of Subject Property:	
Address of Owner(s) (include Street, City, State and Zip Code):	

LEGAL DESCRIPTION OF SUBJECT PROPERTY:

Street Address:		
Subdivision Name:	Lot Number:	Block Number:

ATTACH METES AND BOUNDS DESCRIPTION IF PROPERTY IS UNPLATTED.

Current Zoning:

SEE INFORMATION SHEET BEFORE COMPLETING I THROUGH III

I. Request:

FOR OFFICE USE ONLY: Filing Fee: \$ _____ File Number: _____

III. _____ (Signature of Applicant) _____ (Date)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed in the foregoing instrument and acknowledge to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office, this _____ day of _____, AD, _____.

Notary Public in and for the State of Texas, County of _____

IV. _____ (Signature of Owner) _____ (Date)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed in the foregoing instrument and acknowledge to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office, this _____ day of _____, AD, _____.

Notary Public in and for the State of Texas, County of _____

BOARD OF ADJUSTMENT ACTION

DATE: _____ ACTION: _____

Secretary of the Board
(Attest)

Chairman

Date: _____ Date: _____

SITE PLAN AND PHOTOGRAPH REQUIREMENTS FOR BOARD OF ADJUSTMENT APPLICATIONS

Prior to submitting your variance request, all applicants should consider that requests brought before the Board of Adjustment must declare a property hardship. Typically, a property hardship is defined by the shape, size, or slope of a property being such that it cannot be developed in a manner appropriate with the development permitted upon other parcels of land in the same district.

Garland Development Code

2.22 (E) (6) **Findings of the Board:** In order to make a finding of hardship and to grant a variance, the Board shall find: 1) that literal enforcement of the GDC would result in an unnecessary hardship and where the variance is necessary to permit the use of a specific parcel of land which differs from other parcels of land in the same district by being of such a restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district; 2) that the hardship not be self-created or personal hardship or that the hardship is not merely a financial hardship; 3) that the granting of the variance will not permit a person a privilege in developing a parcel of land not permitted by the GDC or on other parcels of land in the district; 4) that the granting of the variance will not create a hardship on another parcel of property.

Site Plans

A site plan prepared according to the following requirements must be submitted with every application, or the application will not be accepted.

1. If you have a property survey it should be used as the basis for your site plan.
2. Site plans do not have to be professionally prepared. They must, however, be clearly drawn and legible. Straight lines must be drawn using a straight edge. Labels and dimensions must be neat and easy to read. Line width/darkness must be adequate for photocopying. Dimensions must be accurate and proportional.
3. The following information must be provided on the site plan:
 - Property address;
 - Property boundaries and lot dimensions;
 - Location and size of ALL structures (including fences) on the property, including those that are not the subject of the application;
 - Dimensions of structures for which a variance is being requested;
 - Distance from applicable property lines of all structures for which a setback variance is requested (distance for carports are measured from the post nearest to the property line) and extent of roof overhang, if any; and
 - Primary building, roofing and foundation materials utilized for accessory structures and additions (including carports)

It is your responsibility to ensure that the information provided on your site plan is accurate.

4. **It is your responsibility to determine where your property lines are.** Please be advised that the property line is not always the same as the fence line, nor is it the same as the edge of the sidewalk, street or alley pavement. If you do not have a property survey you can generally locate front, rear and side property lines that are adjacent to a street or alley by taking one-half the width of the adjacent street or alley right-of-way and measuring that distance from the center of the street or alley right-of-way and measuring that distance from the center of the street or alley toward your house. The subdivision plat (available at the Planning Department) will provide you with the width of the street or alley right-of-way (the width of the right-of-way is **not** the same as the width of the pavement). The front property line is usually (but not always) one foot in from the edge of the sidewalk closest to your house. **Please be aware, however, that these techniques are not always completely accurate or reliable. If there is uncertainty as to where the property line is, the services of a registered professional land surveyor should be enlisted.**

Photographs

The City Staff will take photographs of the subject structure on your property from the street and/or alley. This photograph will be shown to the Board of Adjustment in the pre-meeting prior to the public hearing. If, however, the subject structure is located such that it is not clearly visible from the street or alley you must provide photographs of the structure to be presented to the Board during the public hearing; or provide access to the area so that City Staff may take the necessary photographs. The photographs must clearly show the structure, its location and the violation for which the variance is being sought. One (or more) photographs must provide a close-up view of the structure, and another must provide a view of the structure within the surrounding yard.

Questions

If you have any questions regarding your variance request, site plan or photographs, please contact Samantha Morrow with the Building Inspection Department at (972) 205 – 2300; or via e-mail at smorrow@ci.garland.tx.us.

I, the undersigned, affirm that I have read the above and understand the terms of appearing before the Board of Adjustments for the City of Garland, Texas.

Applicant Signature

Date

**INFORMATION SHEET REGARDING APPLICATIONS*
TO THE BOARD OF ADJUSTMENT**

General

In actions before the Board of Adjustment, the burden of proof falls on the applicant, i.e.: (1) If a variance is requested, factual evidence must be presented to satisfy the Board that a hardship exists, which is not generally true of other properties in the area and which is not a self-created hardship. (The economic cost of compliance is not legally considered a hardship). (2) If the decision of an administrative official is appealed, evidence must be presented to satisfy the Board that an error exists in the official's decision. (3) If a special exception is requested, evidence must be presented to satisfy the Board that a special exception to terms of the ordinance is warranted due to the peculiar circumstance of the situation.

Special Information to be Provided:

I. Request:

- A. **Variance:** Briefly state the requirement as it now exists and what it will become if the variance is granted and reference the requirement in the Zoning Ordinance. Example: "Variance to reduce the required side yard setback for a detached accessory building in the rear yard from 3 feet to 2 feet; Section 17-400."
- B. **Appeal of an Administrative Decision:** State the decision of the official which is being appealed and what decision you believe should have been made. Reference the regulations on which the decision is based.
- C. **Special Exception:** State the circumstance which warrant Board action.

II. Property Hardship: State the nature of the hardship which you feel justifies action by the Board of Adjustment.

III. Drawing: The applicant must provide a legible and reasonable drawing, to scale, illustrating that which is requested. For example, if a setback variance for an accessory building is being sought, then the drawing should indicate the proposed location of the accessory building, the distance from the accessory building to the main building, and property lines, etc.

Note: Most title companies require a survey to be conducted on property being bought or sold prior to closing on the sale. Drawing the proposal on a copy of this survey is an excellent way to illustrate the request.

Cost of Board of Adjustment Appeal **\$200** residential and **\$300** commercial (accept cash, checks and MasterCard, Visa and Discover). Notification will be sent within a 200 foot area of subject property.

*** Applications must be notarized at the time of signature of the applicant and / or owner.**