



CITY OF FULSHEAR

PO Box 279 /6611 W. Cross Creek Bend Ln
Fulshear, Texas 77441
Phone: 281-346-8860 ~ Fax: 281-346-2556
www.fulsheartexas.gov

VARIANCE/APPEAL APPLICATION

JURISDICTION: The Zoning Board of Adjustments is a citizen court appointed by the City Council to hear appeals and requests for: Variances, Special Exceptions, and Interpretations of the Zoning Ordinance.

WHO MAY APPLY: The owner of the property under consideration, or a person having a written authorization from, and representing, the owner may apply for a “Variance” or “Special Exception” to the Zoning Board of Adjustments.

WHEN TO APPLY: Application for an appeal must be filed at which time a meeting will be scheduled.

FILING FEE: Residential Variance \$150.00
Commercial Variance \$300.00
Zoning Appeal \$300.00
(Filing Fee Non-Refundable)

HEARING PROCESS: The applicant, or authorized agent, must be present at the hearing to present one’s appeal. Otherwise the Board may deny the case.

BOARD DECISION: At the conclusion of the public hearing, the Board will render a decision to either: approve, approve with conditions, continue, deny or deny without prejudice. Applicants with approved cases are allowed 180 days to obtain a building permit.

APPEAL OF DECISION: Any person aggrieved by a decision of the Board may, within ten (10) ten days following the date the Board’s Decision are filed for record in the City Planning Department, submit a petition to the City Council. **Decisions of the Board do not replace approvals required by any other agency or review body.**

APPLICANTS

RESPONSIBILITY: Applicants are responsible for the presentation of their case before the Board, and to provide support information to include, but not be limited to the following items:

- Surrounding land use supporting the request.
- Description of the Hardship that necessitate the request
- Reason (s) for appearing before the Board
- Reasons why the Board should grant the applicants request

OTHER REGULATORY CONSIDERATIONS: Approval of a request does not negate any private legal recorded Restrictive Deed Covenants or Restrictions that may affect the property.

CRITERIA REGULATING VARIANCE REQUESTS: Consideration by the Board is determined by the following criteria:

1. Will literal enforcement of the ordinance result in a hardship or practical difficulty?
2. Is the hardship self-imposed?
3. Is the condition unique to the property, or is it common to other properties within the area?

4. Will the requested Variance injure the adjacent property?
5. Will the requested Variance be contrary to orderly development in the area?

WITHDRAWAL OF CASE: The applicant may withdraw his/her case at any time without penalty, except after public notice has been filed. A request for withdrawal shall be submitted in writing and submitted to the Plan Review Division of the City of Fulshear.

DEFINITIONS:

APPROVED: Official Consent, although approval of a request does not negate any private legal recorded Restrictive Deed Covenants or Restrictions that may affect the property.

APPROVED WITH CONDITIONS: The Board can modify the request and Approve with Conditions; these conditions must be met in order to be approved for permitting or final inspection.

DENY: Official rejection of the request, this exact request cannot be made for this property to the Zoning Board of Adjustments, if the applicant chooses, he can appeal to the City Council within 10 days of the denial.

DENY WITHOUT PREJUDICE: Official rejection of the request although the request is left so that the applicant can come back with the same request at a later date.

HARDSHIP: It shall be incumbent upon an applicant to conclusively prove at the public hearing that, if compelled to meet the provisions of this Ordinance, the applicant cannot secure reasonable use of the property; that the hardship claimed results from the application of the provisions of this Ordinance; that the hardship claimed is suffered by the property directly, and not merely by other properties; that the hardship claimed is not the result of the applicant's own actions.

Please note: that monetary or cosmetic reasons will not pass the hardship standard.

VARIANCE: A variance is a permit which the Board may grant in certain situations, enabling a property owner the use of his property in a way which is in conflict with the literal provisions of the Ordinance. A request to vary some development requirement such as a setback, number of parking spaces, height, lot area, etc. A variance may be approved only upon a determination that;

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

APPEAL: A appeal may be made when any action or decision issued by the City affects anyone's rights or the applicant believes that the interpretation of the city administration is contrary to the City Ordinance.



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APPLICATION DATE: _____

ADDRESS OF PREMISES AFFECTED: _____

LEGAL DESCRIPTION: _____

OWNERS INFORMATION: NAME _____
ADDRESS _____ CITY _____ STATE _____
ZIP CODE _____ EMAIL _____ PHONE NUMBER _____

APPLICANTS NAME (if different than owner) _____
ADDRESS _____ CITY _____ STATE _____
ZIP CODE _____ EMAIL _____ PHONE NUMBER _____

EXPLAIN REQUEST: (fully explain the existing conditions that make this request necessary) _____

Status of the Project: Existing Under Construction Proposed

Have there been previous variance requests for this property? _____

Are there similar situations in the area? _____

Addresses: _____

Have you informed your Home Owners Association? _____ or Neighbors? _____

Request Proposal and Description: Provide a description of the existing and or proposed physical property improvements relative to this case (ie: materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case:

(Continued... Request Proposal)

Acknowledgement: I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Planning Commission, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. I understand that if I receive approval, I must still obtain approval from all other required departments within the City and that I must obtain required permits within 180 days from the date of the Board approval.

Signed by the Applicant/Owner Agent: _____ Date: _____