



**TOWN OF LAKESIDE
9830 CONFEDERATE PARK ROAD
LAKESIDE, TEXAS 76108
(817)237-1234, ext. 303**

BOARD OF ADJUSTMENT VARIANCE REQUEST APPLICATION

**INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ZONING VARIANCE TO
THE TOWN OF LAKESIDE BOARD OF ADJUSTMENT**

This coversheet is designed to provide you with general information about completing the attached application and should not be considered legal advice. If you have any questions, or do not understand these instructions, you are advised to seek help from a qualified attorney or land use planning expert.

Section 151.035 of the Unified Code of the Town of Lakeside outlines the approval criteria that must be met for a variance request to be granted.

Variances. To authorize upon appeal in specific cases such variance from the height, yard area, coverage, and parking regulations set forth in this chapter as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification. A variance from the terms of this chapter shall not be granted by the Zoning Board of Adjustment unless and until it finds that:

1. *The variance is necessary because special conditions exist.*

Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the *same district*.

2. *That literal interpretation deprives Applicant's rights.*

That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

3. *That the special conditions and circumstances do not result from the actions of the applicant.*

4. *That granting the variance requested will not confer on the applicant any special privilege.*

That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

5. *The Board shall further make a finding that the reasons set forth in the application justify the variance.*

The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

6. *The variance is not contrary to the public interest.*

The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

7. *Variance must be permissible use.*

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

All seven conditions are required to be met in order for the Board of Adjustment to grant a variance. The burden of proving that these seven conditions apply to the subject property is solely the responsibility of the applicant. At the Board of Adjustment hearing, you will be expected to submit evidence proving that the above stated conditions exist. Evidence can be presented by testimony and/or through documents. (Be advised that all documents submitted during the public hearing must be retained by City Staff for the official case file.)

Failure to state in your application how your variance request meets these conditions will result in your application being deemed incomplete, and will necessitate its return to the applicant without being submitted to the Board of Adjustment.

An application can be accepted by mail only if it is complete. However, incomplete applications, along with the required fees, will be mailed back to the applicant in accordance with City cash handling policies.

REQUIRED MATERIAL FOR FILING A REQUEST FOR A VARIANCE TO THE BOARD OF ADJUSTMENT

- Original “Variance Request” form, filled out and signed, stating the specific nature of the variance requested and how the request meets all of the necessary conditions.
- Original “Required Acknowledgements” form, initialed to acknowledge adherence.
- At least one copy of the site plan, **drawn to scale, including an 8 ½” x 11” size** copy, must be submitted with this application. Any additional site plans submitted must not exceed 11-inches by 17-inches in size. (If possible, please submit a copy of the site plan in a digital format)
- Site plan must include, at minimum, the following:
 - a. A north arrow and scale.
 - b. The boundaries of the property, with all dimensions, and square footage of the lot.
 - c. The location and dimensions of all existing and proposed buildings and structures, and all required setbacks.
 - d. All walls, fences, walkways (including sidewalks) and off-street parking areas or garages, their dimensions, and distance from all property lines.
 - e. Parking lot layout and circulation showing dimensions of parking spaces and driving isles, if applicable.
 - f. The location and dimensions of all paved areas, including driveways and patios.
- One copy of Warranty Deed for the subject property.
- One copy of current tax appraisal details (available from Tarrant County Appraisal District).
- Appropriate fees must be paid at the time of filing \$ 150.00

* Failure to provide any of the required material indicated above will result in the application being deemed incomplete and will be returned to the applicant.

Town of Lakeside
**REQUEST FOR A VARIANCE TO THE BOARD OF ADJUSTMENT
TO THE HONORABLE BOARD OF ADJUSTMENT:**

Property description (Attach field notes if necessary):

| | |
|----------|-------------------|
| Lot No.: | Block No.: |
| Zoning: | Property Address: |

The Applicant, requests the Lakeside Board of Adjustment consider the following variance **(below, please describe in detail the variance you are seeking, including a description of existing and/or proposed improvements relative to this case): ***

(Attach additional pages if necessary and label "Attachment A")

*Note: Local Government Code §211.010 (b) require that an applicant give notice of the type of variance that is requested and that the specific conditions necessary for granting the variance exist. Failure to do so may result in the return of your application.

CONDITIONS NECESSARY FOR GRANTING A VARIANCE

Below are the conditions that are required to exist in order for the Board of Adjustment to grant a variance request. Describe in detail how the requested variance meets these conditions.

(Attach additional pages if necessary and label "Attachment B")

- 1. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.**

- 2. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.**

- 3. The plight of the owner of the property 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.**

- 4. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.**

- 5. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.**

- 6. The variance is not contrary to the public interest.**

- 7. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located.**

Respectfully submitted:

| | | | | | |
|------------------------|---------|------|-----------|---|--|
| Name of Applicant: | | | | Status: Owner <input type="checkbox"/> Agent <input type="checkbox"/> | |
| Mailing Address: | Street | City | State | Zip Code | |
| Hm Ph.: | Wk Ph.: | | Cell Ph.: | | |
| Email Address: | | | | | |
| Applicant's Signature: | | | | Date: | |

| | | | | | |
|-------------------------|---------|------|-----------|----------|--|
| Name of Representative: | | | | | |
| Mailing Address: | Street | City | State | Zip Code | |
| Hm Ph.: | Wk Ph.: | | Cell Ph.: | | |
| Email Address: | | | | | |

| | | | | | |
|-------------------------|---------|------|-----------|----------|--|
| Name of Property Owner: | | | | | |
| Mailing Address: | Street | City | State | Zip Code | |
| Hm Ph.: | Wk Ph.: | | Cell Ph.: | | |
| Email Address: | | | | | |

OFFICE USE ONLY

| | |
|-----------------|-------------------------|
| Case No.: | Case Manager: |
| Date Submitted: | Tentative Hearing Date: |

AUTHORIZATION BY PROPERTY OWNER(S)

I, _____, the owner of the subject property, authorize _____ to file this request for a variance from the _____
(Applicant)

requirements of the Unified Code of the Town of Lakeside on my/our behalf.

I also authorize _____ to represent me in this _____
(Person or persons you would have represent you at the hearing)
variance request before the Board of Adjustment.

Property Owner's Signature

Date

Required Acknowledgements

Please read the following statements carefully and initial on the respective line. By placing your initials next to the statements below, you, **the property owner**, are stating that you agree with and will abide by these requirements (please initial acknowledging adherence). _____

Initial

_____ Initial By filing this request for a variance, I understand that any construction that requires said variance shall cease until such time that the variance is approved, if applicable. Should the Board of Adjustment deny the request, I may pursue an appeal or bring my property into compliance in accordance with any all City codes **within 30 days**.

_____ Initial I understand that prior to the hearing of this case by the Board of Adjustment staff will conduct a thorough site visit in order to take photographs of the property for use at the public hearing. This site visit may necessitate complete access to the subject property. staff will make a reasonable attempt to contact the property owner 24 hours prior to visiting the site. I understand that it is my responsibility to ensure that conditions at the subject site will not create a hindrance to city staff. If site conditions are not conducive to staff completing the necessary task during the site visit, your case may be delayed.

_____ Initial Any exhibits submitted by the applicant (audio, visual, document, or otherwise) must be submitted to staff at least 24 hours prior to the public hearing and must be made part of the official record and will not be returned.

_____ Initial Refunds will be issued in accordance with the department cash handling policy and will be subject to a \$50 processing fee. This fee is charged for all refund requests. Refunds may only be issued if request is submitted prior to the case being published in a newspaper of general circulation. It is the responsibility of the applicant to provide a translator, if necessary. If the applicant cannot provide a translator on the date of the public hearing, the case will be re-scheduled to the next available Board of Adjustment meeting date, in order meet the applicant's requirements. **(Es la responsabilidad del solicitante proveer un traductor si sea necesario.)** In case of conflict, the English version of all documentation will govern. You acknowledge receipt of this application written in the English language, with the Spanish language text where applicable, and the important terms herein. Some future correspondence may only be available/provided in English. **(En caso de un conflict de interpretación, la versión en inglés de toda documentación gobernará. usted reconoce el recibo de esta solicitud escrita en el idioma ingles, con texto en espanol donde aplica y de los terminos importantes. Algúna correspondencia futura podría ser disponible/proveado a solamente en inglés.)**