



BOARD OF ADJUSTMENT

Zoning Code Variance Request

Office Use Only:

Case # BOA _____

Rcvd. Date: _____

Meeting Date: _____

PROPERTY DETAIL

Property Street Address: _____

Property Legal Description: *Lot* _____ *Block* _____ *Abstract/Subdivision* _____ *Phase* _____

Applicant Name: _____ Title: _____

Mailing Address: _____ City: _____ Zip: _____

Phone Number: _____ Fax Number: _____ email: _____

ZONING CODE VARIANCE DETAIL

CITY ZONING CODE (S) APPEALING: _§_____

State hardship or situation, which you feel, justifies action by the appeals board: _____

Variance Requested – BE SPECIFIC [*Ex.: Variance to reduce the required side yard setback for a detached accessory building from 10 feet to 6 feet*] _____

REQUIRED MATERIALS FOR SUBMITTAL WITH APPLICATION

Initial Below

Checklist

City Use

	Copy of Denial Letter from City Official (If Applicable)	
	Property Boundary Survey or Plot Plan	
	Drawing Illustrating the Requested Variance	
	Photographs of Structure / Property	
	Check or Cashier's Check made out to the City of Murphy for the appropriate fees: Non-Homestead \$300.00 / Homestead \$200.00	



APPLICANT AGREEMENT: (COMPLETE IF YOU ARE NOT THE PROPERTY OWNER)

I understand that filing this application does not constitute approval and incomplete applications will result in delays and possible denial. I further understand that the filing fee is non-refundable regardless of the action of the board.

Applicant Signature: _____ 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 _____

OWNER AGREEMENT:

(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: _____



**COMMUNITY DEVELOPMENT
DEPARTMENT
Zoning Board of Adjustments
2010
Meeting Schedule**

Submittal Deadline Noon	Newspaper Notice / Mail Out Date	Zoning Board of Adjustment Meeting Date
December 23	January 3	January 21
January 20	January 31	February 18
February 17	February 28	March 18
March 17	March 28	April 15
April 21	May 2	May 20
May 19	May 30	June 17
June 16	June 27	July 15
July 21	August 1	August 19
August 18	August 29	September 16
September 22	October 3	October 21
October 20	October 31	November 18
November 17	November 28	December 16

- All applications are heard by the Zoning Board of Adjustments are final. Decisions cannot be appealed to City Council.
- Application submittal deadlines are on Wednesday at **Noon** on the date listed.
- Submission of plans by a particular submittal date does not guarantee automatic scheduling for a specific Zoning Board of Adjustments meeting date.
- The Zoning Board of Adjustments meets on the 3rd Thursday each month (as needed) at 6:30 p.m. in the Council Chambers, City Hall, 206 North Murphy Road, Murphy, Texas.
- **The Zoning Board of Adjustments meetings are subject to cancellation at the discretion of the Board.**



Board of Adjustment Checklist

Community Development Department

The Board of Adjustment is composed of seven appointed citizens (and four alternates) and has the power to hear and decide cases, which interpret provisions of the zoning ordinance. This board sits as a judicial body – a citizen court in zoning matters. Unlike the Planning and Zoning Commission, this board is not a recommending body. Its decisions are final, subject only to review by the courts. Members are considered to be officers of the City of Murphy.

The Board of Adjustment decides on applications for special exceptions of land use and authorizes variances of land use or development authorized under the zoning ordinance.

The board has three powers as specified in Section 211.009, Texas Local Government Code:

- To render an interpretation of the city zoning ordinance when someone alleges that there is error in any order, requirement, decision or determination made by a city official who administers the ordinance;
- To decide whether to approve or deny applications for a special exception to normal zoning rules when such use or development is specifically authorized in the zoning ordinance; and
- To authorize requests for variance from the zoning ordinance when it is not contrary to the public interest.

The Board of Adjustment meets in the City Council Chambers on the third Thursday of each month at 6:30 p.m.

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 circumstances of the situation.

Special Information to be Provided:

I. Request:

- 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.
- Appeal of an Administrative Decision:** State the decision of official that is being appealed and what decision you believe should have been made. Reference the regulations on which the decision is based.
- Special Exception:** State the circumstances that warrant Board action.

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

Community Development Department

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.

SUBMISSION REQUIREMENTS

1. A site plan prepared according to the following requirements must be submitted with every application, or the application will not be accepted.
2. If you have a property survey it should be used as the basis for your site plan.
3. 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.
4. 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 is measured from the post) and extent of roof overhang, if any
 - 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.

5. **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 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 usually **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.

Community Development Department

Photographs

You must provide photographs of the structure to be presented to the Board during the public hearing. 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.

If you have questions regarding please contact the Community Development Department at 972-468-4000.

Application Process

1. Applicant is to meet with the City Planner and/or Building Official for a pre-application conference.
2. Application must be complete and submitted to the City Planner no later than 29 days prior to the 3rd Thursday of the following month **(see submittal schedule)**.
3. Fees must be submitted with the application in the form of Check or Cashier's check. The fee is non-refundable regardless of the board's decision or applicant's decision to withdraw request.
4. Public notice, providing the name and address of applicant and variance request information, is to be posted in the local newspaper not less than 16 days prior to the public hearing.
5. Public comment response form is to be mailed to all real property owners within a 200 foot radius of the subject property not less than 11 days prior to the public hearing.
6. The applicant is to appear at the public hearing before the board to state the case at hand **(see submittal schedule)**.