



## Board of Adjustment Application

<b>Board of Adjustment:</b>	The Farmersville City Council sits as the BOA.
<b>Meeting Date:</b>	2 <sup>nd</sup> or 4 <sup>th</sup> Tuesday of the month at 5:30 p.m., depending on when application was received and publication and notice was provided
<b>Location:</b>	City Hall Council Chambers at 205 S. Main Street
<b>Application Fee:</b>	Actual cost of publication, actual cost of notifications + administrative fee based on time for processing (Invoiced after request is heard by the BOA)
<b>Items Required at Time of Submittal:</b>	<ol style="list-style-type: none"><li>1. Completed Application</li><li>2. Exhibit showing plot plan, site, elevations, or other support paperwork</li></ol>

**Note:** Only complete application submittals will be placed on the Board of Adjustment's agenda.

In accordance with the provisions of the Texas Local Government Code §§ 211.008, *et seq.* and the City of Farmersville's Code of Ordinances, the Board of Adjustment is only authorized to consider request for variances and appeals after public hearing and notice to owners of property within 200 feet of the subject property as well as newspaper publication of the time, date and location of the hearing on the request based on the following Ordinance:

### **"2.5 BOARD OF ADJUSTMENT**

#### **2.5.1 ORGANIZATION**

As the city is a Type A general law municipality of the state, the city councilmembers are hereby granted the authority to act as a board of adjustment under V.T.C.A., Local Government Code Ch. 211.

#### **2.5.2 PROCEDURE**

The board shall adopt rules to govern its proceedings; provided, however, that such rules are not inconsistent with this article or state statutes. Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. The

chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be public record.

### 2.5.3 APPEALS

- 1) Appeals to the board of adjustment can be taken by any person aggrieved, or by an officer, department, or board of the municipality affected, by a decision of the City Manager under this ordinance. Such appeal shall be taken within 15 days after the decision has been rendered by the City Manager, by filing with the officer from whom the appeal is taken and with the board of adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- 2) An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in the mail addressed to all owners of real property located within 200 feet of the property to which the appeal applies and by publishing notice of such hearing in a newspaper of general circulation in the city. Both the posted and published notice shall be given at least ten days prior to the date set for the hearing. At the hearing, any party may appear in person or by attorney or by agent.

### 2.5.4 JURISDICTION

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board of adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exception to the regulations herein established.

- 1) Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use of the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.
- 2) Permit such modifications of the height, yard, area, coverage, and parking regulations 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.
- 3) Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this article. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The board shall, from time to time on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the city.
- 4) To bring about the discontinuance of a nonconforming use under a plan whereby the owner's actual investment in the structures on the property prior to the time that the use became nonconforming can be amortized within a definite time period.

#### 2.5.5 ACTION OF THE BOARD OF ADJUSTMENT

- 1) In exercising its powers the board may, in conformity with the provisions of V.T.C.A., Local Government Code Ch. 211, as amended, revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and make such order, requirement, decisions, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
- 2) The concurring vote of four members of the board shall be necessary to revise any order, requirements, decision or determination of the City Manager, or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance from which this section is derived or to affect any variance in such ordinance.

- 3) Any persons, jointly or severally, aggrieved by any decision of the board of adjustment or any tax payer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.”

*[Remainder of page intentionally left blank.]*



## Board of Adjustment Application

Variance

Appeal

Today's Date: \_\_\_\_\_

### \*\*Contact Information\*\*

Property Location: \_\_\_\_\_  
(street address)

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block \_\_\_\_\_

Property Owner: \_\_\_\_\_  
(Name) (Address) (City, State, & Zip Code)

Property Owner is giving \_\_\_\_\_ authority to represent him/her at meeting.  
(Applicant Name)

Property Owner Printed Name: \_\_\_\_\_ Property Owner Signature: \_\_\_\_\_

Applicant: \_\_\_\_\_  
(Name) (Address) (City, State, & Zip Code)

\_\_\_\_\_  
(Email) (Phone)

### \*\*REQUEST\*\*

Please list types requested:

Description	Ordinance Requirements	Requested Dimensions	Variance from Ordinance
Lot Size			
Lot Width			
Lot Depth			
Side Yard			
Side at Corner			
Front Yard			
Rear Yard			
Driveway			
Exterior Construction			
Other			

**PLEASE DESCRIBE THE REASON(S) YOU ARE REQUESTING TO BE HEARD BY THE BOARD OF ADJUSTMENT. YOU ARE REQUIRED TO ATTACH INFORMATION TO SUPPORT YOUR REQUEST.**

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