

CITY OF PARIS
COMMUNITY DEVELOPMENT DEPARTMENT
P. O. Box 9037 ■ Paris, Texas 75461 ■ 903-784-9234

BOARD OF ADJUSTMENT
VARIANCE APPLICATION PACKET

NOTE TO APPLICANTS: IT IS YOUR RESPONSIBILITY TO THOROUGHLY READ AND UNDERSTAND THIS APPLICATION PACKET AND TO PROVIDE ALL INFORMATION REQUIRED HEREIN BEFORE THIS APPLICATION WILL BE ACCEPTED. INCOMPLETE APPLICATIONS WILL BE RETURNED.

WHAT IS A VARIANCE?

A variance is an adjustment in the application of the zoning regulations to a specific parcel of property based on special conditions or circumstances peculiar (unique) to the parcel of property where a literal enforcement of the provisions will result in unnecessary hardship. A variance is in the nature of a waiver of the strict letter of the zoning law upon substantial compliance with it and without sacrificing its spirit and purpose where the variance is necessary to allow the property owner to enjoy the same or similar rights enjoyed by other parcels in the same vicinity and zoning district.

WHO MAY SEEK A VARIANCE?

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 the decision of the administrative officer. The appeal can be based upon an alleged error in any order, requirements, decision, or determination made by the Chief Building Official or other officer in the enforcement of Zoning Ordinance No. 1710.

ON WHAT SPECIFIC ITEMS MAY I SEEK A VARIANCE?

Zoning Ordinance No. 1710 provides that the Board of Adjustment may 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 authorize the following special exceptions:

- (1) Permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use on 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 Zoning Ordinance No. 1710. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard for the property rights for 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.

UNDER WHAT CIRCUMSTANCES CAN A VARIANCE NOT BE GRANTED?

A variance may not be granted for a different reason other than those specifically set out above. In addition, a variance cannot be granted unless an "unnecessary hardship" exists. The following do NOT constitute an unnecessary hardship:

- (1) the property cannot be used for its highest and best use;
- (2) financial or economic hardship;
- (3) self-created hardship;
- (4) the development objectives of the property owner are or will be frustrated; or
- (5) if the hardship is common to other similarly classified properties.

HOW DO I APPLY FOR A VARIANCE?

1. **COMPLETE THE APPLICATION FOR A VARIANCE:** After reviewing the entire application packet carefully, prepare all the information requested on the application. A complete application must include the following:
 - Written authorization from the owner of the property on which the variance is sought.
 - Application fee
 - Site plan or survey drawn to scale of the subject property
2. **SUBMIT APPLICATION:** Submit all the required application materials to the Community Development Department at 150 1st Street S.E. The Community Development Department Staff cannot accept an incomplete application.

HOW LONG DOES IT TAKE TO COMPLETE THE VARIANCE PROCESS?

1. **FILING DEADLINE:** Completed applications for appeals must be filed no later than 5:00 p.m. on the second Tuesday of each month to the Community Development Department.
2. **LEGAL NOTICES:** The City of Paris is required to provide legal notice of a requested variance to property owners within two hundred (200) feet of the property at least ten (10) days prior to the date of the public hearing.
3. **PUBLIC HEARING:** The Board of Adjustment meets on the first Tuesday of each month at 12:00 p.m. in the City Council Chambers, City Hall. It is very important that applicants appear at this hearing in order to answer questions from Board and from the surrounding property owners. It is the general practice of the Board to deny requests when an applicant fails to appear.
4. **EFFECTIVE DATE:** After approval of a variance by the Board of Adjustment, the variance goes into effect immediately. If the property on which the change is approved requires platting prior to any construction, the plat must make note of the variance and the date of approval, and the plat must be approved prior to construction. The granting of a variance is not approval of a plat or building permit.

HOW MUCH DOES A VARIANCE REQUEST COST?

A fee of \$100.00 for signs and \$50.00 for all other variance requests must be paid at the time the application is submitted and is non-refundable even if the application is denied.

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APPLICATION TO BOARD OF ADJUSTMENT

<i>For Office Use Only</i>	Date Rcvd: _____
Fee: _____	Receipt # _____
BOA Date: _____	Approved/Denied _____

TYPE OF REQUEST: Variance Appeal

PROPERTY INFORMATION:

Address: _____

Lot _____ Block _____ Subdivision _____ Current Zoning: _____

Lot Width: _____ Lot Depth: _____ Total SF of Lot: _____

Is this property located on a corner lot? Yes No Is this property located in a historic district? Yes No

OWNER INFORMATION:

Owner's Name: _____

Owner's Address: _____ Phone: _____

<p>IF APPLICABLE: Owner hereby gives _____ permission to seek the variance or appeal stated herein and to represent him/her at the meeting of the Board of Adjustment.</p> <p>I hereby certify that the above statements are true and correct to the best of my knowledge.</p> <p align="right">_____ Owner's Signature</p> <p>STATE OF TEXAS COUNTY OF _____</p> <p>Subscribed and sworn to before me this _____ day of _____, 20____</p> <p>(seal)</p> <p align="right">_____ Notary Public My Commission expires: _____</p>

IF DIFFERENT FROM ABOVE, APPLICANT INFORMATION:

Applicant's Name: _____

Applicant's Address: _____ Phone: _____

ACTION REQUESTED:

<input type="checkbox"/> Seeking an appeal from Zoning Ordinance No. 1710, Section _____ <input type="checkbox"/> Seeking a permit for the reconstruction, extension, or enlargement of a building occupied by a nonconforming use. <input type="checkbox"/> Seeking a variance as follows:

	Ordinance Requirements	Requested Dimensions	Variance From Ordinance
LOT SIZE			
LOT WIDTH			
LOT DEPTH			
SIDE YARD			
SIDE YARD			
SIDE YARD @ CORNER			
FRONT YARD			
YEAR YARD			
COVERAGE AREA			
PARKING SPACES			
OTHER: Specify			

