

**PROCEDURE - REQUEST FOR VARIANCE OR APPEAL
BOARD OF ADJUSTMENT
TOWN OF FLOWER MOUND**

1. The Board of Adjustment consists of five (5) members, and all cases must be heard by at least four (4) members. The Board is a quasi-judicial board. It is not a legislative body with the authority to amend ordinances or create new laws. The Board conducts hearings on matters dealing with the Flower Mound Zoning Ordinance and determines if strict compliance with the ordinance will create a hardship. The Board also considers whether the variance will comply with the spirit and intent of the ordinance. In order for a variance to be granted, all four (4) items (a through d) identified on the application **must** apply. If any of the items do not apply, the Board does not have the ability to grant a variance.
2. The Board also has the authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision, or determination made by any administrative official of the Town in the enforcement of the Land Development Code. Such appeals must be filed within fifteen (15) days of the rendering of the decision by the administrative official.
3. A pre-filing interview may be held if requested by the applicant or if deemed necessary by the Town.
4. The application must be signed by the property owner. If the applicant is not the owner, a notarized document showing authority to request the variance must accompany the application.
5. The following must also accompany the application packet:
 - A. A \$250.00 application fee plus a \$40.00 legal notice fee.
 - B. A site plan of the lot showing all property lines as well as a depiction of the requested variance. If a variance from building setback requirements is requested, the site plan must be stamped by a licensed surveyor.
6. Application fee, necessary documents, etc., in completed form must be submitted to the Development Services Department. If any supporting documents are larger in size than 11x17 inches, an electronic copy must be submitted. This copy (e.g., .pdf, .jpg, .bmp file) may be provided on CD or emailed to the case manager as an attachment.
7. After the above items have been completed, the variance request will begin the following process:
 - A. The applicant and all property owners within 200 feet of the property where the variance is requested will be notified of a Public Hearing to be held by the Board of Adjustment by notice deposited in the U.S. mail. Said notices are to be mailed at least 10 days prior to the Public Hearing. The applicant will be charged \$2.50 per property notification, which must be paid prior to the notices being mailed out by the Town.
 - B. The applicant or representative must be present at the Board of Adjustment Public Hearing. Failure to attend the Public Hearing will cause the Board to deny the item without prejudice to re-filing. The letter referenced in 7. A. above will be your notification of any hearing.
 - C. Persons who are in favor of or who oppose the request are allowed to appear before the Board in order to present their views.
8. Any additional information such as renderings, elevations, models, or other supporting documents that you wish to submit may be introduced at the meeting.

According to state law, no variance can be granted without the concurring vote of at least four (4) members of the Board.

**APPEALS TO A DECISION RENDERED
BY THE BOARD OF ADJUSTMENT**

The only appeal to a decision rendered by the Board of Adjustment is to State District Court. The appeal must be filed with the district court within ten (10) days of the Board's decision. State law prohibits the Town Council from hearing an appeal.

**APPLICATION - REQUEST FOR VARIANCE OR APPEAL
ZONING BOARD OF ADJUSTMENT
TOWN OF FLOWER MOUND**

DATE: _____

I, the undersigned owner or authorized agent of the following described real property located in the Town of Flower Mound, Texas, hereby make application for a request for a variance from the terms of section _____ of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: _____

Legal Description: Lot/Tract _____, Block _____, of Subdivision/Abstract _____

REQUEST: (If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

A non-refundable application fee of \$250 + \$40 public hearing notice fee are required at the time of application. Fee of \$2.50 per property notice is due upon notification by case manager.

For a variance to be granted by the Board of Adjustment, the Board **must** determine that **all** of the following conditions apply:

- (a) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.
- (b) That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- (c) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Master Land Use Plan and will not adversely affect any other features of the Comprehensive Master Plan of the Town of Flower Mound.
- (d) That the variance, if granted, will be not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity.

I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. **I further understand that at least four (4) affirmative votes must be cast in order to receive a variance.**

Signature of Applicant Print Name

Mailing Address Telephone (Home) Telephone (Day Number)

Staff Member's Signature Date Receipt Number

BOARD OF ADJUSTMENT DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

BOARD OF ADJUSTMENT CHAIRMAN: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____, _____.