

City of Sealy

Application for a Variance



Owner/Applicant: _____ Date: _____

Fee: \$ _____

Street Address/Property Location: _____

Legal Description:

Lot _____ Block _____ Section/Unit: _____
_____ Subdivision or

_____ Attached is the legal description of the property

I hereby certify that all information provided is true and correct and that I am the legal owner of the property for which this variance is requested.

Sign: _____ Print: _____

Address: _____

Phone Number: _____

Applicant/Agent Contact:

Print: _____ Phone Number: _____

Cite City Code Section(s) which a variance is requested and nature of the proposed variance:

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Submittal Requirements for a Variance

Submit the following to the City Secretary, City of Sealy, 415 Main Street, P.O. Box 517, Sealy, Texas 77474.

1. **A completed variance application and proposed Findings of Fact.**
2. **A Site Plan and any supporting documents as necessary to depict the variance(s).**
3. **One set of 8.5" by 11" reproducible copies of all submitted exhibits.**
4. **Application Fee (\$200.00 for residential and \$500.00 for commercial).**

Failure to pay the required application fee or provide all of the required items listed for variance submittal shall constitute an incomplete application. The variance cannot be placed on the agenda for consideration until the application is complete.

The applicant, or an authorized representative, must attend the meeting(s) to present the request and to answer any questions. Failure to do so may result in the item being tabled or denied.

Filing Deadline

Variance requests must be filed with the City Secretary at least three (3) weeks prior to the next regular scheduled meeting of the appropriate Board or Commission having jurisdiction.

Variance Standards for Approval

In order to grant any variance under **Chapter 28-110-Variances** OR **Chapter 87-3-Special Provisions(b) Variances** - in Sealy's City Code of Ordinances, the applicant must provide the City of Sealy with written findings of fact to be considered to illustrate how the strict application of the Sealy City Code would result in unnecessary hardship, using the following criteria:

- A. That literal enforcement of the ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property;
- B. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
- C. That the relief sought will not injure the permitted use(s) of adjacent conforming property; and
- D. That the granting of a variance is in harmony with the spirit and purpose of these regulations.

A variance, under **Chapter 87-3(b)**. Special Provisions, or from any such rule or regulation may be granted by the city council only upon a good and sufficient showing by the owner that;

- A. There are special circumstances or conditions affecting the property in question;

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- B. That enforcement of the provisions of this chapter will deprive the applicant of a substantial property right;
- C. That if a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.
 - a. All variance applicants shall erect a four-foot by eight-foot sign for commercial properties and an intended single-family residential home shall erect a two-foot by three-foot sign. facing the front of the property no greater than 15 feet from the public right-of-way with legible lettering from such public right-of-way stating that a variance is being requested and the date, time, and location of the planning commission meeting in which the variance will be considered. The sign shall be erected at least 15 days before the date of any meeting in which the variance will be considered.
 - b. The sign shall consist of a white background with black legible font. The sign shall be self-supporting and be erected so that a minimum of one-foot separates the bottom of the sign from the ground below. The sign shall not be obstructed by natural or man-made elements. A URL, QR code, or city phone number, as specified by the city planner or designated staff, shall be posted on the sign.
 - c. City staff shall approve the sign and its proposed location prior to installation and may allow for minor deviations of this section. City shall mail notice of the variance request to all property owners within a 200 foot radius of the property line requesting the variance at least 15 days before the date of the planning commission meeting in which the variance will be considered. Variance notice shall be placed on the city website and social media accounts.

Findings of Fact

The applicant bears the burden of proof in establishing facts to justify a variance. To establish a basis for variance consideration, the applicant must complete the following Findings of Fact statements for variance consideration.

That special conditions or circumstances exist which are peculiar to the land, structure, or building involved and which is not applicable to other land, structures, or buildings in the surrounding area.

That literal interpretation of the City Code would deprive an applicant of a right commonly enjoyed by other properties in the surrounding area.

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That special conditions or circumstances did not result from the actions of the applicant.

That granting the Variance will not confer on the applicant any special privilege that is denied by the City Code to other properties in the surrounding area.

A Variance cannot be granted to relieve self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege not permitted by the Sealy City Code.

A variance may not be granted which would result in undue hardship on another parcel of land.