

CITY OF WILMER
APPLICATION TO BOARD
OF ADJUSTMENT
\$100 APPLICATION FEE

<input type="checkbox"/> Interpretation Request	<input type="checkbox"/> Variance Request	<input type="checkbox"/> General Appeal	
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Applicant/Owner Information

Contact _____ Telephone No. _____ Fax No. _____

Address _____

City _____ State _____ Zip Code _____

Contact's Status: (check one) Owner Representative Tenant

Owner _____ Telephone No. _____ Fax No. _____

Address _____

City _____ State _____ Zip Code _____

Ownership Status: (check one) Individual Trust Partnership Corporation

Property Information

Site Location _____

Site Street Address _____

Subdivision _____ Lot No. _____ Block No. _____

Present Zoning _____ Present Land Use _____

Status of Project: Proposed Under Construction Existing

Have you applied for a building permit? Yes No

Has any appeal or petition been filed on this property before? No Yes Date _____

Request Information

Please answer the following questions as completely as possible. Failure to fully outline the situation by answering these questions could cause unnecessary delay in evaluating your appeal.

1. Fully explain the unique conditions or circumstances that exist which are peculiar to your land, structure, or building that make this request necessary. _____

2. Do similar conditions exist in the area? Explain. _____

3. Describe how the unique conditions or circumstances do not result from your actions. _____

Request Information, continued

4. Are other property owners in your area aware of your request?

5. Is there any way to do what you want without this request? _____

Acknowledgments

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time, except during notice periods, upon written request filed with the Planning Department, and such withdrawal shall immediately stop all proceedings thereon; provided, however, withdrawal filed at any time after the giving of notice of the Board hearing shall constitute a denial by the Board. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

Applicant Signature _____ Owner Signature _____

Property owner must sign the application or submit a notarized letter of authorization. Please review the acknowledgments prior to signing this application.

For Office Use Only

Application Date:

BOA Hearing Date

Case No:

BOARD OF ADJUSTMENT APPLICATION

The City is concerned about the time, expense and efforts you and City staff have or will put into your project. The checklists herein are provided to expedite the project review process by providing a clear understanding as to what is expected for acceptance and approval. City staff is bound by City ordinance and State law regarding publishing of notices, mail outs, etc. that will have an affect upon when your project will be heard by the approval body, which can only occur when the Application and plans are complete in all detail as determined by City staff. It has been learned through the years and by many previous cases, that the effectiveness and efficiency of the process most often is determined by the capabilities, quality control, and responsiveness of consultants and their contractors.

Please read each check list carefully. Plans are to be complete in all details for all projects prior to acknowledgement by the City that the respective plan is ready to proceed for approval. Instructions for completion are included with each checklist.

The City has made every effort to evaluate historical plans and approvals to make sure that the checklists addresses all details needed on a Site Plan. Recognizing that no two projects sites are the same, and that consultant's vary in their experience and quality control processes, the City may require that a plan or an element of the plan be redone, or that information not specifically addressed on the checklist be provided for a smoother review and approval experience.

It is recognized that there most often will be changes needed from what was submitted to the City for review. City staff examines each item on the checklist to ensure the item was sufficiently addressed according to City requirements. Where deficiencies are found, the plans will be marked up and returned to the consultant named on the application to be addressed prior to further review or acceptance. Please note the following:

IMPORTANT NOTICE

Due to recent legislation enacted by the 79th Texas legislature in 2005, the City is required to treat any original application, development plan or plat application as a formal permit application if the submittal gives the City fair notice of the proposed project and hence, according to Chapter 245 of the Texas Local Government Code, the City will treat such as a formal permit application as that term is defined under that Chapter. Once a permit application is received, the City will furnish a response to the applicant within 10 business days from the date of submittal to provide comments as to any deficiencies in the submittal. The applicant shall be given 45 days, commencing from the initial date of submittal, to make all corrections as noted, to provide a complete set of plans meeting submission requirements, and to correct any deficiencies. Upon determination by the City Planner, who shall consider the complexity of the project, failure of a resubmittal to meet all requirements in the check list, ordinance and submission requirements upon the expiration of the 45-day period will result in the closure of the file; the case shall become null and void, and the permit shall be deemed to be expired. Any further submittal will be treated as a new case and subject to existing requirements, together with required fees.

SECTION 25 BOARD OF ADJUSTMENT- SECTIONS D & E

D. NOTICE OF HEARING BEFORE BOARD OF ADJUSTMENT REQUIRED.

The Board of Adjustment shall hold a public hearing on all appeals made to it and written notice of such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred (200) feet of the property on which the appeal is made. Such notice shall be given no less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the United States Post Office. Notice shall also be given by publishing the same in the official publication of the City of Wilmer at least ten (10) days prior to the date set for hearing, which notice shall state the time and place of such hearing.

E. JURISDICTION OF BOARD OF ADJUSTMENT.

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 variances and exceptions to the regulations herein established and take action relative to the continuance and discontinuance of a nonconforming use:

1. To hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the building inspector in the enforcement of this ordinance;
2. Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in Section 5 apply;
3. Initiate on its motion or cause presented by interested property owners' action to bring about the discontinuance of a nonconforming use;
4. Require the discontinuance of a nonconforming use under any plan whereby full value of the structure 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 ordinance;
5. Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of Section 20 [Section 24];
6. Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure and provided that such actions conform to the provisions of Section 20 [Section 24];
7. Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard;
8. Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, building size or percent of masonry required, where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.