

# City of Pottsboro

528 FM 120

P. O. Box 1089

Pottsboro, Texas 75076

903-821-0676, Ext. 4

## Variance Application Requirements

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Completed application with the following supporting documents and applicable fees required. Incomplete submittals will not be accepted:

- Five (5) 11" x 17" copies of a scaled plot plan, survey or site plan with the requested area for the variance clouded.
- Mailing addresses for all property owners within 200' feet of the subject property
- Completed application with notarized signature from property owner(s)

If you are requesting a variance for an existing structure include 2-3 images showing the structure in relation of your property and adjacent properties.

Following the submittal of a completed application, supporting documents and fees, the City of Pottsboro will schedule your request for consideration on a future council agenda. Notification of the meeting date will be provided via email. Please contact the city offices with any additional questions.

**PER ZONING ORDINANCE:** Variances apply to how a structure or its appurtenances fit on a property.

A variance might be granted to ease lot setback requirements due to land terrain.

27.1. The Pottsboro City Council (Council) shall have the power to grant variances to the terms of this ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this ordinance will result in unnecessary hardship.

27.2. All applications for variances shall be accompanied by:

27.2.1. Description of special conditions or circumstances that exist which require the variance need;

27.2.2. Details of how the applicant's rights that are commonly enjoyed by other properties in the same district would be deprived by not granting a variance;

27.2.3. Proof that the special conditions and circumstances requiring the variance were not the result of the actions of the applicant;

27.2.4. Demonstration that in the approval of the variance, the requester will not receive any special privileges;

27.2.5. A site plan drawn to scale and depicting general arrangement of the project including building location(s).

27.3. A 75% approval vote of the Council is required to approve a variance, when the Council determines that all of the conditions are met.

27.4. Other nonconforming buildings or structures in the same zoning district will not be grounds for issuance of a variance.

27.5. City Council may permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

27.6. Variance for Land Topography: A variance may be granted as a special exception in specific cases where land by reason of exceptional or extraordinary topographical conditions; that through the strict application of this ordinance would result in peculiar and undue hardship upon the owner of the property, provided such relief may be granted without substantial detriment to the public good and without impairing the intent and purpose of this ordinance.

**CITY OF POTTSBORO**  
528 FM 120 EAST,  
POTTSBORO, TX 75076  
903-786-2281, Ext. 4

**VARIANCE APPLICATION FEE: \$150.00**  
**(Effective 3-1-2019)**

Application & fees received \_\_\_\_\_

**VARIANCE REQUEST APPLICATION**

Property Description: Survey Name: \_\_\_\_\_  
Abstract No. \_\_\_\_\_ Tract No. \_\_\_\_\_  
Subdivision Name: \_\_\_\_\_ Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_  
Known Address: \_\_\_\_\_

Name of **Property Owner**: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Name of **Applicant or Corporate Office**: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**REASON FOR REQUEST:**

In order to make a finding of hardship and grant a variance, the Council must determine that all the following conditions are met. Please note that the stated hardship may not be financial or self-induced. State specific requirements for the variance requested. (Examples: setbacks, lot size, etc.)

- a. The requested variance does not violate the intent of the ordinance or its amendments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. Special conditions or restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- c. The hardship is in no way the result of the applicant's own actions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- d. The interpretation of the provisions in tie ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date \_\_\_\_\_

If the applicant is not the property owner, complete the following authorization:

**OWNER AND AUTHORIZATION**

Property Owner Name: (print or type) \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

**CHECK ONE OF THE FOLLOWING:**

\_\_\_\_\_ I will represent the application myself; or

\_\_\_\_\_ I hereby designate \_\_\_\_\_ (representative) to act in the capacity as my agent for  
submittal, processing, representation, and/or presentation of all matters related to this request.

\_\_\_\_\_  
Representative Contact number

\_\_\_\_\_  
Mailing address/Street address City State Zip

The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. By signing below, I agree that the City of Pottsboro (the "City") is authorized and permitted to provide information contained within this application, including the email address, to the public. The "City" is also authorized and permitted to reproduce any copyrighted information submitted in connection with the application, if such reproduction is associated with the application in response to a Public Information Request.

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF GRAYSON

BEFORE ME, a Notary Public, on this day personally appeared \_\_\_\_\_ the above signed, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Signature

Request was approved/denied by the City Council on this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary (SEAL)