CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State St ★ P.O. Box 1299 ★ Decatur, TX 76234 ★ www.decaturtx.org

Design Standards Variance Request
Subdivision Variance Request
Checklist

General Requirements:

- ❑ A universal application form and the appropriate fees.
- ❑ A letter of explanation/justification. See section below.
- ❑ Submit a total of five (5) copies of site plan (if applicable) for the property. These copies should be individually folded with drawing side out.
- ❑ A location map clearly indicating the site in relation to adjacent streets, distance to nearest intersection and other landmarks.
- ❑ **Submit one (1) copy of proof of ownership (recorded property deed or current year tax statements).**
- ❑ **Submit documentation on any and all liens and lien holders of property.**
- ❑ **I have reviewed the checklist and all submittals for completeness and accuracy. If application submittal is determined to be incomplete, additional fees may be assessed.**

Variance Requested:

I, _____, being the owner of the property located at _____ _____ which is/is not currently under consideration for final platting, request a variance from:

❑ **Design Standards**

Chapter 1

- o Section 106 Sidewalks
  - ❑ Construction (Section 106.1)
  - ❑ Minimum Width (Section 106.7)
- o Section 107 Landscape Design
  - ❑ Single-Family Landscaping Requirements
  - ❑ Multi-Family Landscaping Requirements
  - ❑ Office/Retail/Commercial Landscaping Requirements
  - ❑ Industrial Landscaping Requirements
- o Section 108 Buffering
  - ❑ Type A Buffering—4' Fence with one (1) linear landscaping band
  - ❑ Type B Buffering—6' Decorative fence architecturally compatible with general area with one (1) linear landscaping band
  - ❑ Type C Buffering—6' Decorative fence architecturally compatible with general area with two (2) linear landscaping bands

  Specify nature of request checked above

Chapter 2

- o Section 201 Street Improvements
  - ❑ Curb and Gutter (Section 201.2.3)

Other

Specify Chapter_____

- o Specify Section_____
  - ❑ Specify Sub-Section_____

Specify nature of any item checked above_____

_____

❑ **Subdivision Regulations**

Specify nature of request_____

_____

Content of the Letter of explanation/justification for a Variance:

I understand that I am applying for a variance from the Design Standards/Subdivision Regulations of the City of Decatur and that this variance can only be granted if I prove hardship by meeting **all** four of the conditions below. I also understand that financial or self-induced hardship cannot be considered for granting a variance. Below I explain exactly how I meet these four conditions:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land. (Specify how):

_____

_____

_____

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. (Specify):

_____

_____

_____

3. Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area. (Specify):

_____

_____

_____

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Design Standards or Subdivision Regulations and that the interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. (Specify):

_____

_____

_____

_____ _____

Signature **Date**

City of Decatur Development Services Universal Application

Check box to indicate application type — ***Incomplete applications will be rejected***

☐ Annexation Petition	☐ Gas Well Development Plat	☐ Special Use Permit
☐ Amending Plat	☐ Plat Extension-Final or Preliminary	☐ Subdivision Variance
☐ Comprehensive Plan Amendment	☐ Preliminary Plat	☐ Zoning Change
☐ Conveyance Instrument	☐ Replat	☐ Zoning Variance (ZBA)
☐ Design Standards Variance	☐ ROW Use Agreement	☐ Vacation Plat
☐ Final Plat	☐ ROW Abandonment/ Closing	☐ Other _____

***Application Requirements*: Signed application form, application fees, Copy and filing fees, Proof of Ownership (Recorded Deed or current tax statements), required # of plats / plans, signed checklist and a PDF of all documentation.**

PROJECT INFORMATION: ☐ Residential ☐ Commercial Is this property platted? ☐ Yes ☐ No

If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor

Project Name:_____ Total Acres_____

Project Address (Location):_____ Parcel(s) Tax ID R #:_____

(LOT, BLOCK & SUBDIVISION OR SURVEY WITH METES & BOUNDS DESCRIPTION SEALED BY A LICENSED SURVEYOR)

Parent Project Name/Number_____ Parcel(s) Tax ID GEO #:_____

Brief Description of Project: _____ ETJ ☐ Yes

Please state the identity of any individual(s), or other entities that presently hold a lien upon the real estate which is the subject of this request: _____. *Lien holder/mortgagee must also sign plat for filing of record.*

Existing Use:_____ Existing Zoning:_____ # of Existing Lots:_____ # of Existing Units:_____

Proposed Use:_____ Proposed Zoning:_____ # of Proposed Lots _____ Proposed Units:_____

APPLICANT INFORMATION: Please circle your preferred method of contact.

Applicant / Company_____ Email_____

Address_____ Phone_____ Fax_____

City_____ State_____ Zip_____

Property Owner_____ Email_____

Address_____ Phone_____ Fax_____

City_____ State _____ Zip_____

Key Contact/Company_____ Email_____

Address_____ Phone_____ Fax_____

City_____ State _____ Zip_____

(MUST BE SIGNED FOR ALL APPLICATIONS) - *Letter of authorization required if signature is other than property owner and a letter of authorization is required from lienholder/mortgagee, if applicable.*

I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of the owner of said property; and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

_____ _____

SIGNATURE OF PROPERTY OWNER SIGNATURE OF LIEN HOLDER

PLAT WAIVER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS)

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government Code.

_____ _____

SIGNATURE OF PROPERTY OWNER SIGNATURE OF LIEN HOLDER

Known to me to be the person(s) whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposed and consideration expressed and in the capacity therein stated. Given under my hand and seal of office on this _____ day of _____ 20_____

_____

Notary Public

For Departmental Use Only

Case#: _____

Project Mgr : _____

Total Fee(s): _____

Payment Method: _____

Submittal Date: _____

Accepted By: _____

FREQUENTLY ASKED QUESTIONS

When will my application be considered?

Your application will be reviewed by the Planning & Zoning Commission (P & Z) and then the City Council. P & Z usually meets the first Tuesday of each month, while Council meets on the 2nd and 4th Mondays of each month.

When should I apply?

By law, your application **may** require a minimum of two public hearings. These hearings must be advertised in the local newspaper 15 days prior to the meetings. In order to be heard at the next P & Z meeting, you will need to apply a minimum of 40-45 days prior to the meeting to allow the City time to place the ads in the paper.

What happens at the meetings?

The person chairing the meeting will open the public hearing and invite people to speak about your item. After gathering all public comments, the chair will close the public hearing and the commission will make a decision about your application.

So others may talk about my application?

Yes, if your application requires a public hearing, your case will be advertised in the local newspaper. In addition, for most public hearing items, everyone within 200 feet of the property will be mailed a notification letter.

How do they decide?

The P & Z looks at local, state and federal laws as well as the City's long-range plan and makes a recommendation to the City Council. Council considers P & Z's recommendation and may approve, deny or approve with conditions.

How much does it cost?

The application fee is based on the City's current Fee Schedule Ordinance. Check the City's Web Site or the Planning Department for the most current Fee Schedule. Please make checks payable to the "City of Decatur".

What type of Property Drawings do I need?

The applicant must provide a legible and reasonable drawing, to scale, illustrating that which is requested. At a minimum, the drawing must show property in question along with all adjacent properties, streets, street names, north arrow and scale of drawing. Identify lots with lot and block numbers and subdivision name or, if not subdivided, a complete metes and bounds description when addressed. For assistance, contact a surveyor. For additional requirements, please refer to Decatur's Design Standards, Zoning Ordinance and Subdivision Ordinance.

DO NOT WRITE BELOW THIS LINE

- ***Application*** ***Yes*** ***No***
- ***Fee Paid*** ***Yes*** ***No***
- ***Survey Provided*** ***Yes*** ***No***
  # of Copies _____
- ***Plans Provided*** ***Yes*** ***No***
  # of Copies _____
- ***Application Accepted*** ***Yes*** ***No***

To Be Completed by Staff Accepting Application

Key Dates

On P&Z Agenda:_____

On Council Agenda:_____

Newspaper Publication Dates:

P&Z:_____

CC:_____

Property Owner Notification Date_____

Recommendations and Decisions

Staff:_____

P&Z:_____

CC:_____

Last updated 04/2012