



## Variance Request

**APPLICATION:** Original Completed Application signed and notarized by the owner of the property.

**PROOF OF OWNERSHIP:** Proof of ownership of the property will need to be provided. This could be closing documentation from purchasing the property or a copy of the deed to the property.

**SURVEY:** A Copy of the property survey will be required.

**LEGAL DESCRIPTION OF PROPERTY:** Documentation stating the legal metes and bounds of the property will be required.

**CURRENT TAX CERTIFICATE:** A current original tax certificate obtained from Kaufman County will be required as proof that all taxes are current on the property.

**SITE PLAN:** A drawing or mark up of purposed request, or documentation explaining why the variance is needed for the property in question.

**APPLICATION FEE:** Application fees shall be paid before the Application is considered complete. The application for a variance request review is \$300.00 plus \$3.00 per lot that must receive the notice of publications. The City Secretary shall calculate and receive total amount due before processing the application.

**PUBLIC HEARING:** A public hearing will be scheduled prior to review by the City Council. The City will require 30 days from the date the application is considered complete to publish notices of the Public Hearing and mailing notices of the Public Hearing to residents in the 200-foot buffer zone.

If you have questions please call 972-427-3771 and speak to the Planning and Zoning Department.

## City of Crandall Development Application

Please check the appropriate box below to indicate the type of application you are requesting and provide all information required to process your request.

- |   |  |
|---|--|
| <input type="checkbox"/> Annexation Petition          | <input type="checkbox"/> Amending Plat                     |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Final Plat                        |
| <input type="checkbox"/> Land Study                   | <input type="checkbox"/> Preliminary Plat                  |
| <input type="checkbox"/> Specific Use Permit (SUP)    | <input type="checkbox"/> Planned Development Detailed Plan |
| <input type="checkbox"/> Variance, Subdivision        | <input type="checkbox"/> Planned Development Concept Plan  |
| <input type="checkbox"/> Variance, Zoning             | <input type="checkbox"/> Site Plan                         |
| <input type="checkbox"/> Zoning Change                | <input type="checkbox"/> Other: _____                      |

### PROJECT INFORMATION

Project Name: \_\_\_\_\_

Project Address (Location): \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Existing Comprehensive Plan Designation: \_\_\_\_\_ Gross Acres: \_\_\_\_\_

**Application Requirements:** The applicant is required to submit sufficient information that describes and justifies the proposal. See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

### APPLICANT INFORMATION

Applicant: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Email: \_\_\_\_\_

Key Contact: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Email: \_\_\_\_\_

SIGNATURE OF PROPERTY OWNER OR APPLICANT  
(SIGN AND PRINT OR TYPE NAME)

SIGNATURE: \_\_\_\_\_  
(Letter of authorization required if signature is other than property owner)

Print or Type Name: \_\_\_\_\_

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated.

Given under my hand and seal of office  
on this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Notary Public

### For Departmental Use Only

Case No. \_\_\_\_\_

Date Submitted \_\_\_\_\_

Total Fee(s): \_\_\_\_\_

Check No.: \_\_\_\_\_

Date Sent to City Planner / City Engineer: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Form Updated: 1/2024

The City Council shall receive the written recommendation of the City Engineer and shall decide whether to approve, approve with conditions, or deny the request for utility service extension.

(4) Criteria for Approval

The City Council, in considering final action on a request for utility service extension, should consider the following criteria:

- (a) Whether the proposed development to be served by the extension is consistent with the Comprehensive Plan;
- (b) Whether the extension is proposed to be constructed in accordance with all applicable City ordinances, regulations and standards;
- (c) Whether it is feasible to annex the property, and any intervening or adjacent and abutting property which is needed for utility rights-of-way, into the City in conformity to Chapter 43 of the LGC;
- (d) Whether the utility extension would compromise the City's ability to timely provide adequate water or wastewater facilities to property inside the City;
- (e) Whether the utility extension will lead to premature development that cannot be served efficiently and timely by emergency services and roadway, drainage or park facilities;
- (f) Whether the utility extension is financially feasible to the City given the proposed means of financing the extension;
- (g) Whether the utility extension will lead to significant degradation of water quality or other environmental resources, either from construction of the water or wastewater improvements, development of the property owner's land, or development of other land that may be served through the extended facilities;
- (h) Whether the property owner proposes to extend wastewater facilities without utilizing City water facilities; and
- (i) The extent to which the proposed agreement promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

K. VARIANCES

(1) Applicability

- (a) The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.

- (b) Approval of a variance legitimizes a condition that would otherwise be a violation of this UDC and authorizes a property owner to submit subsequent development applications consistent with the approved variance.
- (2) Application Requirements
  - Any request for a variance shall be accompanied by an application prepared in accordance with the Development Standards.
- (3) Processing of Application and Decision
  - (a) Submittal
    - An application for a variance and payment of the application fee shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B of this UDC. The City Manager may request a recommendation from any other appropriate City employee or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the BOA for consideration.
  - (b) Notification Requirements
    - An application for a variance requires the following notification in accordance with SECTION 4C of this UDC:
      - 1) Written notice; and
      - 2) Published notice.
  - (c) Decision by the BOA
    - The BOA shall receive the recommendation of the City Manager and shall hold a public hearing in accordance with SECTION 4D of this UDC. The BOA may vote to approve, approve with conditions, or deny the variance. The BOA may, on its own motion or by request of the property owner, postpone consideration of the variance to a date certain that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
- (4) Criteria for Approval
  - In order to make a finding of hardship and grant a variance from the zoning regulations of this UDC, the BOA shall determine the following:
    - (a) The requested variance does not violate the intent of this UDC or its amendments;
    - (b) Special conditions of restricted area, 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; and

- (d) The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

(5) Appeals of BOA Decisions

Any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, or board of the City may appeal a decision of the BOA regarding any variance request in accordance with SECTION 3D of this UDC.

L. SPECIAL EXCEPTIONS

(1) Applicability

- (a) The BOA shall have the ability to authorize a modification of zoning standards applicable to particular types of development within any zoning district which is consistent with the overall intent of the zoning ordinance and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed. An application for a special exception may be filed for only those modifications specifically identified in this UDC.
- (b) Approval of a special exception authorizes a property owner to submit subsequent development applications consistent with the approved special exception.

(2) Application Requirements

Any request for a special exception shall be accompanied by an application prepared in accordance with the Development Standards.

(3) Processing of Application and Decision

(a) Submittal

An application for a special exception shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B of this UDC. The City Manager may request a recommendation from any other appropriate City employee or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the BOA for consideration.

(b) Notification Requirements

An application for a special exception requires the following notification in accordance with SECTION 4C of this UDC:

- 1) Written notice; and
- 2) Published notice.

(c) Decision by the BOA

The BOA shall receive the written recommendation of the City Manager and shall hold a public hearing in accordance with SECTION 4D of this UDC. The BOA may vote to approve, approve with conditions, or deny the special exception. The BOA may, on its own motion or by request of the property owner, postpone consideration of the special exception to a date certain that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

(4) Criteria for Approval

To approve an application for a special exception, the BOA must determine that the following criteria are met:

- (a) That granting the special exception serves an obvious and necessary purpose.
- (b) That granting the special exception will ensure an equal or better level of land use compatibility than the otherwise applicable standards.
- (c) That granting the special exception will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks or other land use considerations.
- (d) That granting the special exception will not adversely affect adjoining property values in any material way.
- (e) That granting the special exception will be generally consistent with the purposes and intent of this UDC.
- (f) That the use or special exception being sought is specifically identified in the permitted uses section of the controlling zoning district for the subject property as identified in this UDC.
- (g) That the applicant's requested use or exception specifically meets or exceeds the express standards prescribed for the property in the controlling zoning district.

(5) Appeal of Decision on Special Exception

Any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, or board of the City may appeal a decision of the BOA regarding any special exception request in accordance with SECTION 3D(5) of this UDC.

M. APPEAL OF DEVELOPMENT APPLICATION DETERMINATION

(1) Purpose and Applicability

The purpose of an appeal is to contest an initial decision on a development application based upon alleged misapplication of the regulations contained within this UDC and the criteria for approval of the application. An appeal may not be used to amend, vary or otherwise modify the standards of this

UDC that apply to the development application. Any decision on a development application required by this UDC may be appealed to the board, commission or City Council indicated within the specific procedures for each such application. The granting of an appeal supersedes the decision from which the appeal was taken and results in approval, conditional approval or denial of the development application for which the approval was sought.

(2) Appeal Requirements

Any person or persons aggrieved by any decision on a development application, or any officer, department, or board of the City may appeal a decision on a development application to the board, commission or City Council responsible for consideration of the appeal as indicated in this UDC. An appeal shall contain a written statement of the reasons why the decision is erroneous, and shall be accompanied by a fee established by the City Council. An appeal by an applicant shall be accompanied by a copy of the development application on which the initial decision was rendered. An appeal may include any other documents that support the position of the appellant. A written appeal must be filed with the City Manager within ten (10) working days from the date of notification of the decision on the development application from which decision the appeal is sought.

(3) Processing of Appeal and Decision

(a) Submittal

An appeal of a development application decision shall be submitted to the City Manager for processing. Upon receipt of a written appeal, the City Manager shall compile all documents constituting the record of the decision subject to appeal and transmit the record to the board, commission or City Council responsible for considering the appeal.

(b) Stay of Proceedings

Receipt of a written appeal of a decision on a development application stays all proceedings of the City in furtherance of the decision from which the appeal is taken, including without limitation: acceptance, processing or issuance of any subsequent development applications, and any development activities authorized by initial approval of the development application. The stay shall be lifted only if the City Manager certifies in writing to the board, commission or City Council responsible for consideration of the appeal that a stay would cause imminent peril to life or property. Thereafter, the stay may be reinstated only by order of the board, commission or City Council responsible for consideration of the appeal or a court of record, on application, after notice to the City Manager, for due cause shown.

(c) Notification Requirements

An appeal requires the following notification in accordance with SECTION 4C of this UDC:

- 1) Written notice; and

2) Published notice.

(d) Decision on Appeal

The board, commission or City Council responsible for consideration of the appeal shall hold a public hearing and decide the appeal within thirty (30) days of written receipt of the request for the appeal. The board, commission, or City Council responsible for consideration of the appeal shall affirm, reverse or modify the decision of the administrative official from which the appeal was taken.

(e) Notification of Decision on Appeal

The appellant, property owner and the applicant for the development application under appeal shall be notified of the decision on the appeal in accordance with SECTION 4E of this UDC.

(4) Criteria for Approval

In deciding the appeal, the board, commission, or City Council responsible for consideration of the appeal shall apply the same criteria that govern the initial decision on the development application under the provisions of this SECTION 4M

(5) Expiration and Extension

For purposes of determining expiration or extension periods under this UDC, the date the board, commission or City Council responsible for consideration of the appeal grants relief on the appeal is the date on which the development application is deemed approved, modified or denied.

N. PUBLIC INFRASTRUCTURE IMPROVEMENT CONSTRUCTION PLANS AND COMMUNITY FACILITIES AGREEMENTS

(1) Applicability

Every subdivision or development that requires the installation of public infrastructure improvements to serve the proposed subdivision or development is required to submit construction plans to ensure that the required improvements are constructed in accordance with all applicable standards of this UDC and any other codes of the City pertaining to the construction and installation of the public infrastructure improvements. All public infrastructure improvement construction plans shall be submitted and approved by the City's Director of Public Works prior to an application for a final plat.

(2) Application Requirements

Any request for an approval of construction plans for public infrastructure improvements shall be accompanied by an application prepared in accordance with the requirements of this UDC. The City Manager shall be responsible for determining the form and content of the construction plans.

(3) Processing of Application and Decision

(a) Submittal