



## **Planning and Zoning Variance & Special Exception Guidelines**

A Variance is defined as permission for a property owner to depart from the literal requirements of a zoning regulation in cases in which strict enforcement of the zoning regulation would cause undue hardship in the use and development of the property due to special circumstances unique to the property itself. Variances would be presented before the Board of Adjustments.

The Zoning Board of Adjustment (ZBA or Board) is a quasi-judicial body that has the authority to decide the following types of applications:

1. Variances
2. Changes in Nonconforming Status
3. The City's interpretation of any zoning regulation.

The Board consists of five members. Meetings of the Board are conducted on the second Tuesday of every month at 6:00 p.m., as necessary to consider requests for variances. All cases to be heard by the Board shall be heard by a minimum of 3 members, and a majority vote of members is necessary to grant the recommendation of a variance. All recommendations from the Board of Adjustments will go before the City Council for final approval.

A Special Exception is a City-authorized modification of zoning standards which is consistent with the overall intent of the zoning regulations and for which express standards are prescribed, but that requires additional review to determine whether the modification is compatible with adjoining land uses and the character of the surrounding neighborhood. Special exceptions would be presented before the Board of Commissioners.

Planning and Zoning Board of Commissioners is a quasi-judicial body that has the authority to decide the following types of applications.

1. Changing zones
2. Traffic, Parking safety
3. Public buildings erected by city, county, state, school district, federal or other governmental body.
4. Airports, Trailer camps, Drive in Theaters
5. Radio/television transmitting or receiving towers taller than one hundred (100) feet
6. Water reservoirs, pumping station, water towers or artesian wells.
7. Large scale developments

The Board of Commissioners exist of seven members. Meetings of the Board are conducted on the fourth Monday of every month at 6:00 p.m., as necessary to consider requests for special exceptions. All cases to be heard by the Board shall be heard by a minimum of 4 members, and a majority vote of 4 members is necessary to make a recommendation to grant a special exception. All recommendations from the Board of Commissions will go before the City Council for final approval.



## Approval Process

### 1. Meet with City Staff

The applicant should meet with Staff to determine the requirements for development of the property. If the applicant cannot meet the requirements set forth, the applicant may apply for a variance or a special exception. However, variances are to be granted only in cases of undue hardship, not mere inconvenience or financial hardship in developing a property.

### 2. Submittal of the Application

The applicant or property owner shall submit all items as listed on checklist, application and associated fees upon submittal.

### 3. Review of Application by City Staff

Planning Staff will process the application. Staff may contact the applicant or owner for additional information during the review period.

### 4. Public Hearing

All special exception requests are public hearings. Staff will notify the applicant of the date of the public hearing. A notice of public hearing is mailed to all property owners within 200 feet of the subject property at least 10 days prior to the date of the public hearing. A legal notice of the hearing is also published in the local newspaper at least 15 days prior to the hearing for all special exceptions to be heard before the Board of Commissioners.

During the public hearing, Staff presents a summary of the proposed variance/ special exception to the Board. The applicant or property owner **must** be in attendance at the meeting to explain the request to the Board, and to answer any questions the Board may have regarding the request. Members of the public then have the opportunity to speak in favor or in opposition to the request. After all public comments are taken, the Board will vote on the request. The Board may approve, deny, or table the special exception to a future meeting. If the request is denied, the applicant must comply with the section of the ordinance that the special exception was requested from. The Board may table the request if they require additional information to make an informed decision and/or if a question comes up that cannot be answered at the meeting.

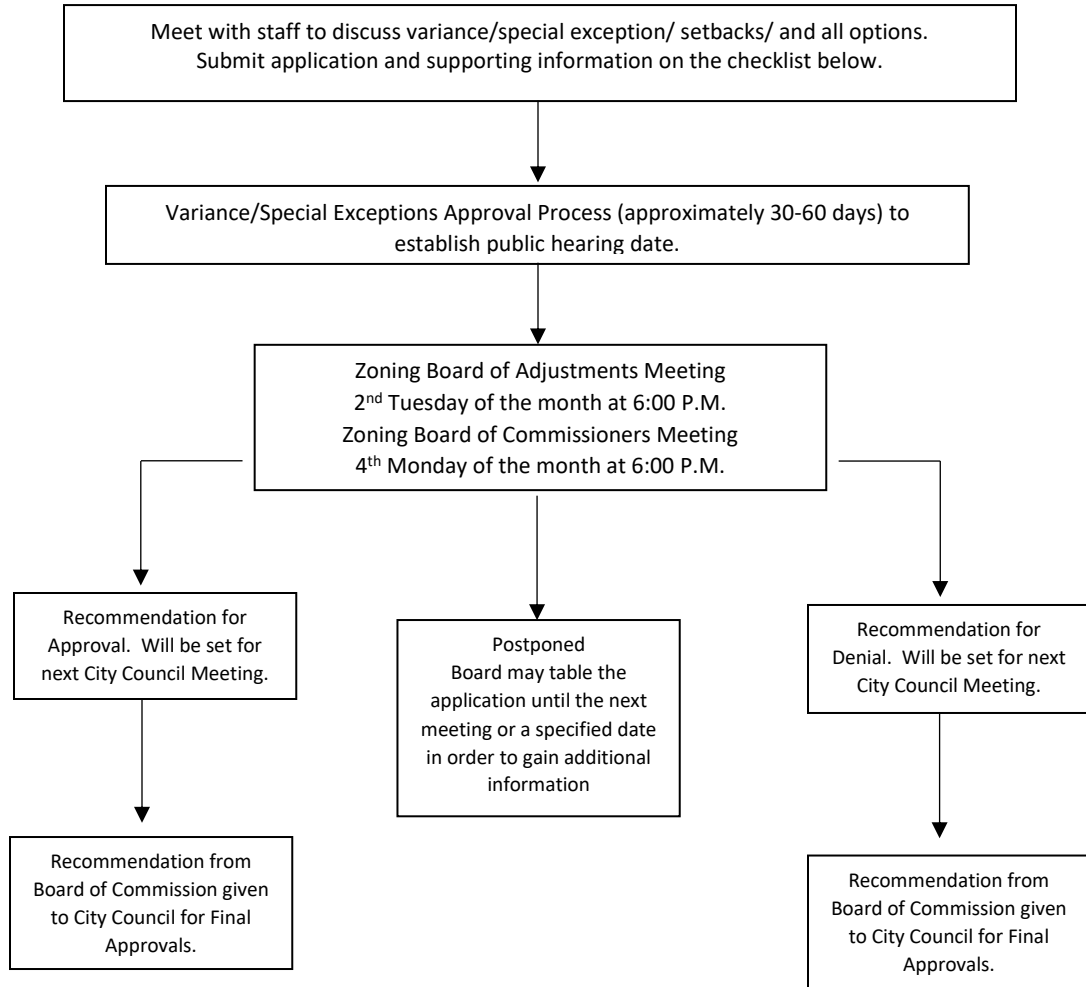
The entire process can take approximately 30 – 60 days from the application submittal to the Board of Commissions meeting.

Variances do require notice of meetings be provided to persons living within two hundred feet of the property that is subject of a variance request, but do not require a public hearing and/or advertisement.

The recommendation of the BOA/BOC would be presented to city council at the next scheduled meeting for final approvals/denials.



## Flow Chart



### Checklist

The following items are to be submitted with the application:

- Application filled out completely and signed by the owner of the property and/or requestor.
- Metes and bounds description (survey or plat of the property that provides or contains the metes and bounds description), Parcel Map, clearly indicating the location,
- Brazoria County Appraisal District Information printout of the property/properties affected.
- Letter of Intent explaining why the variance/special exception was requested.
- Site plan showing the proposed layout of the subject property, which clearly indicated the requested variance or special exception.
- Any other relevant information including letters of intent to purchase, intent to sell, etc.



- Letter of representation by owner if being represented by someone other than the owner themselves, including a copy of owner's drivers' license and/or company issued letterhead.

## **Re-Platting Procedures**

The following requirements, in addition to other requirements of city ordinance, Land Usage Chapter 152, and other ordinances applicable hereto, in general, are the minimum requirements to be provided by the owner for any re-platting within the city limits or within the extra territorial jurisdiction (ETJ) of the city. The City of Sweeny does follow strict provisions set forth by H.B. 3167 and Local Government Code Section 212.

\*\*Subdivisions, please see ordinance 152.01 for extra requirements including utilities, engineering, drainage, standards, and constructions procedures.

For combining properties, changing existing layout of properties, separating properties, or adding property footage from neighboring property, please use the below guidelines for reference.

### Meet with City Staff

The applicant should meet with Staff to determine the requirements of the property, according to the zoning ordinance Section 110-1.

### Submittal of the Application

The applicant or property owner shall submit a complete zoning application along with an agenda request. If applicant and owner are not the same, a letter of intent to sell must accompany the application and agenda request. **The applicant/ requestor is required to attend the council meeting.** Full packages will only be accepted from the first (1<sup>st</sup>) business day of the month thru the fifth (5<sup>th</sup>) business day of the month. All packages will include a council agenda request accompanied by three (3) copies of mylars adhering to the below specifications and accompanying items from the checklist attached. Incomplete packages will not be accepted.

\*\* If the applicant is acting as an agent on behalf of the owner of the property, a letter of permission as acting agent is required upon mylar and agenda submittal.

\*\*\* All parties must sign all copies of the mylars in front of the city notary upon submittal or sign in front of a notary and submit copies of each parties' drivers' license for confirmation of signatures.

### Review of Application by City Staff

Staff will process the application and will contact the applicant or owner for additional information during the review period. The applicant will be placed on the agenda for which specified on the agenda request to seek decision from the governing city council.

## **All mylars must adhere to the Brazoria County Clerk's Office and Local Gov. Code 212.047, 212.004c, 232.002a, 212.016.**

- All plats must be on mylars in sizes 12x18, 18x24, 18x36, 18x48, or 24x36 and printed on the front side of the document only.
- All mylars must include the following signature lines as required by the Brazoria County Clerk's Office.
  - Members of the city's governing body of all presented before for approvals to include five (5) Council Positions, Mayor, City Secretary, and City Attorney signature lines.
  - Notary acknowledgment of the owner's signature
  - Notary acknowledgment of the new owner's signature (if applicable)
  - Signature by the Surveyor and Surveyor's Seal
  - Signature of the lienholder (if applicable)
  - Date of Approval from the city's governing body.
- Plats located in the ETJ of a city, the resident must provide an extra original to be filed and sent to the Brazoria County Engineer's Office per the Brazoria County Clerk's Office Plat Regulations Recording Subdivision Plats.



- Mylars must include the wording 'Amended' or 'Re-Plat' on the face of the plat. Plats must also have the name of plat printed accordingly.
- For further information, please contact the Brazoria County Clerk's Office for official recording regulations. 979 864 1355

## REPLAT PACKAGE FOR SUBMITTAL CHECKLIST

- 3 Copies of Mylars
- Zoning Application filled out entirely
- Agenda request
- Intent to sell letter by current owner
- Brazoria County Appraisal District property information printout (include all properties being affected)
- Letter of representation by owner if agent is representing for any property
- Signage of mylars by both parties in front of city notary
- Copies of both parties' drivers' license
- All full packages must and can only be received between the 1<sup>st</sup> and the 5<sup>th</sup> business day of the month

### **Requestor/requestor's agent is required to be in attendance for the City Council meeting for discussion of the re-plat.**

If the re-plat is approved at the City Council Meeting, all plats will be signed and dated by the council, mayor, city attorney, and city secretary. Upon completion, the applicant/requestor will be contacted to pick-up signed and completed mylars to file with the county of record- Brazoria County Clerk's Office in Angleton, Texas.

The City of Sweeny will keep one mylar for record purposes. One is to be filed with the Clerk's office, and one copy is for the applicant/requestor. Please keep in mind that if you want extra copies, they must be submitted upon the original package submittal.

The City of Sweeny will notify Brazoria County Appraisal District and/or 911 Addressing of any changes.