

Variance Checklist

- ☐ **CLOUDPERRIT ONLINE APPLICATION** must register for an account if first time applicant.
- ☐ **APPLICATION FEE** must be submitted at the time application is submitted, (see adopted Fee Schedule).
- ☐ **LETTER OF INTENT** must include all letter of intent requirements shown on page 2, and signature of the owner or applicant (separate digital file).
- ☐ **VARIANCE JUSTIFICATION FORM** see page 4 for form (separate digital file).
- ☐ **PROOF OF OWNERSHIP** certified copy of a Tax Certificate for the subject property and/or copy of Deed
- ☐ **VARIANCE EXHIBIT** formatted and scaled to a 24" by 36" page size (separate digital file). See technical requirements below.

AUTHORIZED AGENT LETTER REQUIREMENTS

If acting as an agent on behalf of the owner of the property, then an Authorized Agent Letter is required.

- Separate digital file submission
- Authorized Agent Letter must be notarized.
- Include following language:

“With this letter, **(owner name)**, authorizes you to recognize **(authorized agent name)**, as its Agent, and acting on its behalf may sign for development applications, waivers and requests, and permits for constructions in relation to **(property address and/or application number)**, and by its signature, **(owner name)** recognizes and approves these actions and willfully accepts responsibility as the owner of this project.”

Authorized Agent Letter must be notarized



LETTER OF INTENT REQUIREMENTS

- Header

Date

City of Caldwell
Development Services Department
114 S. Echols St. Caldwell, TX 77836
979-567-3271 ext. 104

Letter Contents:

- Define acreage of subject property.
 - Specify existing and/or proposed zoning district.
 - Describe in detail the location of the property.
 - *(Example: approximately 125 feet South of Main Street or distance from an intersection.)*
 - Specify proposed uses with specific operations defined.
 - Please specify if the proposed development will be developed in phases.
 - Special considerations such as waivers, or variances.
- **The Letter of Intent must provide the signature and contact information of the owner or owner's authorized agent.**

VARIANCE TECHNICAL CHECKLIST

<u>General Variance Sheet</u>	<u>Applicant</u>
Survey of property showing dimensions, building locations, setback dimensions, and other applicable information.	
Provide a conceptual site plan exhibit showing the variance request.	
Photos, and/or additional information deemed appropriate for justification.	
If homeowner's association is in effect, must have an affidavit from an authorized representative of the association certifying that the association has approved the requested variance.	
Any additional information required/requested by this application, City staff, City Codes & Ordinances and State Statues	

VARIANCE CRITERIA OF APPROVAL

Findings Required for Approval. *The Board of Adjustment must make all of the following findings in order to grant a variance. Please answer YES or NO and provide an explanation for each:*

1. Extraordinary Conditions – Are there special conditions affecting the land (such as unusual shape, topography, or other unique physical features) so that strict application of the ordinance would deprive the applicant of reasonable use of the property?
(YES / NO) Explain: _____
2. Financial Hardship – Would the financial cost of compliance exceed 50% of the appraised value of the structure (per the most recent certified tax roll)?
(YES / NO) Explain: _____
3. Unreasonable Restriction – Would application of the ordinance to this property effectively prohibit or unreasonably restrict its reasonable use?
(YES / NO) Explain: _____
4. Uniqueness – Are the conditions described above unique to this property and not generally applicable to other properties in the same zoning district?
(YES / NO) Explain: _____
5. Not Self-Imposed – Are the conditions causing the hardship not the result of actions taken by the applicant or property owner?
(YES / NO) Explain: _____
6. No Public Detriment – Would granting this variance not be detrimental to public health, safety, or welfare, nor injurious to neighboring property or the City's ability to administer the ordinance?
(YES / NO) Explain: _____
7. Consistency with Comprehensive Plan & Zoning Ordinance – Would granting the variance not substantially conflict with the City's Comprehensive Plan or the purpose and intent of the zoning ordinance?
(YES / NO) Explain: _____

Prohibited Grounds for Variance. *The Board may not grant a variance if the request is based solely on any of the following:*

1. Desire to use the property for its “highest and best use”;
2. A hardship created by the property owner or the owner’s agent;
3. Frustration of the owner’s development objectives;
4. Increased profitability if the variance is granted.

Limitations. *A variance cannot:*

1. Authorize a land use not otherwise permitted in the zoning district;
2. Increase the allowed density of a use;
3. Expand a nonconforming residential use; or
4. Change zoning district boundaries shown on the Official Zoning Map.