

City of Sealy

Application for a Variance



Submittal Requirements for a Variance

Submit the following to the City Secretary, City of Sealy, 415 Main Street, P.O. Box 517, Sealy, Texas 77474.

1. A completed variance application and proposed Findings of Fact.
2. A Site Plan and any supporting documents as necessary to depict the variance(s).
3. One set of 8.5" by 11" reproducible copies of all submitted exhibits.
4. Application Fee (\$50.00/variance).

Failure to pay the required application fee or provide all of the required items listed for variance submittal shall constitute an incomplete application. The variance cannot be placed on the agenda for consideration until the application is complete.

The applicant, or an authorized representative, must attend the meeting(s) to present the request and to answer any questions. Failure to do so may result in the item being tabled or denied.

Filing Deadline

Variance requests must be filed with the City Secretary at least three (3) weeks prior to the next regular scheduled meeting of the appropriate Board or Commission having jurisdiction.

Variance Standards for Approval

In order to grant any variance, the applicant must provide the City with written findings of fact to be considered to illustrate how the strict application of the Sealy City Code would result in undue hardship, using the following criteria:

- A. That literal enforcement of the ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property;
- B. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
- C. That the relief sought will not injure the permitted use(s) of adjacent conforming property; and
- D. That the granting of a variance is in harmony with the spirit and purpose of these regulations.

Findings of Fact

The applicant bears the burden of proof in establishing facts to justify a variance. To establish a basis for variance consideration, the applicant must complete the following Findings of Fact statements for variance consideration.

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That special conditions or circumstances exist which are peculiar to the land, structure, or building involved and which is not applicable to other land, structures, or buildings in the surrounding area.

That literal interpretation of the City Code would deprive an applicant of a right commonly enjoyed by other properties in the surrounding area.

That special conditions or circumstances did not result from the actions of the applicant.

That granting the Variance will not confer on the applicant any special privilege that is denied by the City Code to other properties in the surrounding area.

A Variance cannot be granted to relieve self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege not permitted by the Sealy City Code.

A variance may not be granted which would result in undue hardship on another parcel of land.