

# VARIANCE APPLICATION

## DEPARTMENT OF PLANNING

### Instructions:

1. Please type or print with ink.
2. Application must be accurately completed, and accompanied by all required materials at the time of submittal. Incomplete submittals will be returned to the applicant. The Planning Department cannot guarantee a deadline extension to allow for the submittal of omitted information or materials.
3. Application must be signed by all legal owners of the subject property or by the legally authorized agent for the property owner(s). If the request will be processed by an agent, the application must be accompanied by a notarized "Designation of Agent Form" signed by all legal owners of the property.
4. The following items shall accompany the application:
  - a. Variance Application Fee.
  - b. A copy of the deed(s) to the subject property verifying legal ownership.
  - c. A legible site plan or plot plan of the subject property.
  - d. A letter describing in detail the reason(s) for the request and the hardship on which the request is based.
  - e. Other materials, as appropriate (i.e. photos, slides, drawings, plats, petitions, etc.)

<i>For Office Use Only</i>
Submittal Date: _____
Application Fee: _____
PC Meeting Date: _____
CC Meeting Date: _____
Received By: _____
Name of Accompanying Plat: _____

### Owner / Agent Data:

1. NAME(S) OF OWNER(S): \_\_\_\_\_  
\_\_\_\_\_
2. NAME OF AGENT, IF APPLICABLE: \_\_\_\_\_
3. PHONE NUMBER OF OWNER / AGENT (circle one): \_\_\_\_\_
4. FAX NUMBER OF OWNER / AGENT (circle one): \_\_\_\_\_
5. MAILING ADDRESS OF OWNER / AGENT (circle one): \_\_\_\_\_  
\_\_\_\_\_

### Property Data:

1. PROJECT NAME & STREET ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_  
\_\_\_\_\_
2. LEGAL DESCRIPTION OF SUBJECT PROPERTY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. ACREAGE: \_\_\_\_\_

**Variance Request:**

I / We, being the legal owner(s) or the agent for the legal owner(s) of the property described above, hereby request that the Planning Commission and City Council of the City of Dayton, Texas consider the following variance request(s) to the City of Dayton Code of Ordinances:

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**Reason / Hardship For The Variance:**

In order to recommend approval of a variance, the Planning Commission must make a finding of hardship. As noted in the instructions, ***you must attach a letter*** describing the reasons for the request and the hardship on which the request is based, stating the grounds for the variance and all of the facts relied upon for the case.

**Variance Review Criteria:**

In order to make a finding of hardship, the Planning Commission must determine that ***all*** of the following criteria are met. ***State how your variance request meets these four criteria. Please note that the hardship cannot be based solely on financial or self-imposed conditions.*** (Attach additional pages for multiple variance requests or if additional space is needed.)

1. The granting of the variance will not be detrimental to the public safety health, or welfare, be injurious to surrounding property, or violate the intent and purpose of the regulation:

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2. The granting of the variance is not based on a hardship which is self-imposed:

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3. The hardship is not based solely on the cost of complying with the regulation:

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4. The hardship is based on circumstances which are unique to the property for which the variance is sought, and not circumstances common to other properties:

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**NOTICE:** The City of Dayton does not enforce deed restrictions and cannot grant variances to deed restrictions. Any variance granted pursuant to this application and any building permit issued pursuant to such variance does not constitute or represent approval or authority to violate deed restrictions. A plat vacation and replat pursuant to Chapter 212, Texas Local Government Code may be required for such authority.

**Signature(s) of Owner(s) / Agent** (circle one):

This is to certify that the information provided above is true and correct and that I am the owner of record of the above described property or the owner(s)' legally authorized agent.

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

<i>For Office Use Only</i>
PC Approval / Denial: _____
CC Approval/ Denial: _____

# DESIGNATION OF AGENT FORM

This form designates \_\_\_\_\_ as my / our duly authorized agent, to act on my / our behalf in requesting a variance involving the property described below. I am also submitting a copy of the deed(s) to the subject property as evidence of my ownership.

PROPERTY ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

## Notary Statement:

**SWORN TO AND SUBSCRIBED** before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

Notary Public in and for \_\_\_\_\_ County, Texas

My Commission expires: \_\_\_\_\_

\_\_\_\_\_

(Printed or Typed Name)

**(Repeat Signature Block and Notary Statement for each owner)**