



DEPARTMENT OF DEVELOPMENT SERVICES

Development Services Center – 215 W. Hickory Street – Denton, Texas 76201 voice: (940) 349-8541
www.cityofdenton.com

Zoning Board of Adjustment Application and Checklist

PROPERTY INFORMATION:

Project Name: Parcel(s) Tax ID# (Required):
Project Address (Location): Total Acres:
Previous Project Number (If Applicable):
Existing Zoning: # of Existing Lots: # of Existing Units:
Proposed Zoning: # of Proposed Lots: # of Proposed Units:

OWNER INFORMATION AND AUTHORIZATION:

Name:
Company Name:
Address:
Telephone: Email:

CHECK ONE OF THE FOLLOWING:

- I will represent the application myself; or
I hereby designate (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. By signing below, I agree that the City of Denton (the "City") is authorized and permitted to provide information contained within this application, including the email address, to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in connection with the application, if such reproduction is associated with the application in response to a Public Information Request.

Owner's Signature: Date:

STATE OF TEXAS COUNTY OF BEFORE ME, a Notary Public, on this day personally appeared (printed owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the owner, for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the day of , 20.

Notary Signature

(seal)



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Please note that this checklist is intended to assist developers and design professionals in the preparation of submittals for DRC review and are generally what is needed to facilitate the review of the proposed **Zoning Board of Adjustment**. A submittal of a complete application will facilitate a timely review. Failure of the applicant to provide required information or obtain a waiver from the DRC Chair will result in application not being processed. Under special circumstances, additional items may be required through the Development Review Committee process prior to approval.

#### ITEMS TO BE SUBMITTED

- Application and Checklist.**
- Associated Fee(s):** as listed on the **Development Review Fee Schedule**.
- Project Narrative:** Written proposal for the project. Describe the proposed deviation from Subchapter 3, 5, 11, 14, 15 or 22 of the Denton Development Code (DDC), reason(s) for the request and how the proposed request meets the approval criteria in Subchapter 3 of the DDC.
- Site Layout Exhibit:** Layout Exhibits will be drawn on a sheet size of 24" x 36". Smaller or larger sheet size may be accepted only if approved by DRC Chair. Site Plans will be drawn to a scale no smaller than 1" = 60' unless otherwise approved by the DRC Chair. **Refer to the attached Site Plan Checklist.**
- All documents shall bear appropriate seals, stamps or other validations/certifications of work as applicable in accordance with State law and local requirements.
- Legal Description:** 1) a subdivision reference or 2) a metes and bounds description of the property prepared and sealed by a registered land surveyor.
- Copies of Deed or Owner Authorization Letter.**
- All documents are required to be PDF files, each sheet will be a single item and will be uploaded into ProjectDox.**

#### Section 35.3.6, *Board of Adjustment Procedure*, of the **Denton Development Code** states,

- A. The following actions shall follow the Board of Adjustment Procedure:
1. Consider an application for a Variance from the zoning regulations (Subchapter 5). This applies to development that is two (2) acres in size or less. Any deviations that would increase the maximum density above the underlying zoning district, would not be allowed.
    - i. Front, side or rear yard setbacks
    - ii. Lot width
    - iii. Lot depth
    - iv. Lot coverage
    - v. Landscaping regulations
    - vi. Height
    - vii. Floor area ratio
    - viii. Minimum lot area
  2. Consider an application for a Variance from the sign regulations (Subchapter 15).
    - i. Maximum effective area
    - ii. Height
    - iii. Setbacks



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3. Consider an application for a Variance from gas well drilling and production regulations, within the City Limits (Subchapter 22).
  - i. Minimum separation requirement for gas well drilling and production from protected uses.
4. Consider an application to change, reestablish or terminate a Nonconforming Use (Subchapter 11).
5. Consider an appeal of an Administrative Decision (Subchapter 3).
- B. Section 35.14.2, Parking Standards – Generally, allows that when the minimum/maximum cannot be achieved, the applicant may seek a Variance from the Board of Adjustment using the Board of Adjustment Procedure.
  1. Parking below the minimum required per Section 35.14.4 of the DDC.
  2. Off-site parking located more than 300 feet from the use.

***A Variance shall not be granted to relieve a self-created or personal hardship or to relieve a purely financial hardship.***

A **Variance** shall only be granted upon a finding that:

1. Special circumstances or conditions apply to the parcel for which the Variance is sought, which circumstances or conditions are peculiar to such parcel and do not apply generally to other parcels in the same district or neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such parcel;
2. The granting of the Variance will not be detrimental to the public welfare or injurious to other property or improvements in the district or neighborhood in which the parcel is located;
3. The granting of the Variance is necessary for the reasonable use of the parcel and that the Variance granted is the minimum Variance that will accomplish this purpose; and
4. The literal enforcement and strict application of the provisions of this ordinance will result in an unnecessary hardship inconsistent with the general provisions and intent of this ordinance and that in granting such Variance the spirit of the ordinance will be preserved and substantial justice done.

The board may grant a **Variance from the sign regulations** only upon a finding that all of the following exist:

1. Due to some unique condition or feature of the parcel which is not generally common to other parcels, literal compliance with the sign regulation would cause unnecessary hardship;
2. The granting of the Variance will not violate the spirit or the intent of the regulations; and
3. The condition or feature which creates the need for the Variance did not result from the owner's acts.

The board may authorize the actions described below with respect to **nonconforming uses** if the actions would not unreasonably increase the impact to the surrounding properties, nor substantially prolong the life of the nonconforming use. Action by the board shall have due regard for the property rights of the person or persons affected and shall be considered in regard to the public welfare, character of the neighboring properties, and the conservation, preservation and protection of property. Based on the foregoing criteria, the board may authorize the following actions:

1. The reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use, where such structure has been damaged by fire or other causes to the extent of more than fifty percent (50%), but less than the total of the replacement cost of the structure on the date of the damage.
2. The enlargement, expansion or repair of a nonconforming structure in excess of fifty percent (50%) of its current value. In such instance, current value shall be established at the time of application for a hearing before the board. If such expansion or enlargement is approved by the board, all provisions of the district in which such structure is located shall apply to the new construction on the lot or parcel. A person shall not expand a nonconforming use beyond the lot on which the use is located however, the board may allow the person to provide off-street parking or loading spaces on another lot;
3. A change of use from one nonconforming use to another nonconforming use, provided that such change is to a use of a more restricted classification. In the event that a nonconforming use is changed to a nonconforming use of a more



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restricted classification, the building or structure containing such nonconforming use shall not later be reverted to the former lower or less restricted classification. The board may establish a specific period of time for the conversion of the occupancy to a conforming use;

4. To authorize the occupancy of an abandoned nonconforming structure. Such action by the board shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare and safety, character of the area surrounding such structure, and the conservation, preservation and protection of property.
5. The Board may review and approve, reverse, or modify any **staff determination** made pursuant to Sections 35.3.7.A.3 and A.4 of this Subchapter. The decision of the board shall be based on the intent of this Chapter.

#### SITE LAYOUT CHECKLIST:

- 24" x 36" sheet(s) at a minimum scale equal to 1"=60'
  1. If there are multiple sheets, clearly depict match lines where sheets join.
  2. Number all sheets.
- Provide a date, north arrow, scale (minimum 1"=60') and legend.
- Provide a vicinity map which clearly shows the site in relationship to its surrounding area (scale no less than 1"= 1 mile)
- Provide the following information on the site plan clearly and legibly:
  1. Depict phase lines of the project if proposed to be constructed in phases.
  2. In a data table provide the estimated calculations:
    - a. Estimated time of completion of the project by phase.
    - b. Total project acreage.
    - c. Proposed densities for each dwelling units by type and approximate total number of dwelling units by type.
    - d. Proposed floor area ratio (FAR) for all non-residential land uses and gross floor area (GFA) for all non-residential buildings by type.
    - e. Lot coverage (percentage of imperious surface).
    - f. Landscaped (percentage of pervious surface).
    - g. ESA acreage calculation.
    - h. Proposed number of stories and the height of all structures.
    - i. Parking calculation per the requirements of Subchapter 14 of the DDC.
  3. Depict a typical detail of a parking space.
  4. Depict the zoning and future land use designation on site and on the properties immediately adjacent within 150 feet of the property boundaries.
  5. Delineate flood zones, floodways and ESAs on site and within 150 feet of the property boundaries.
  6. Indicate and dimension proposed lot lines, land uses, structures, facilities, easements, open space areas (including buffer yards), parking, loading areas and vehicular circulation.
  7. Depict a typical lot layout for all housing types including footprints, setbacks and driveways.
  8. Depict the location of proposed signs and solid waste revetment.

*Note: Additional Information may be required by City staff during the project review.*