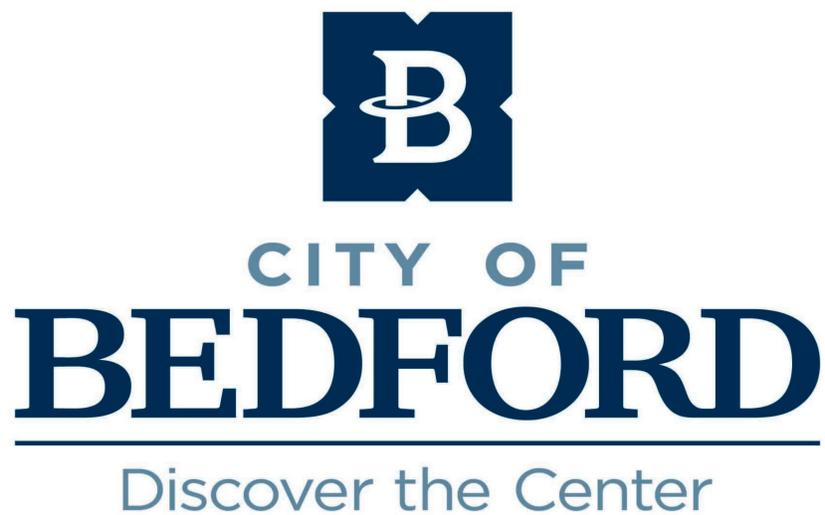


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**City of Bedford  
Planning & Zoning Department**

**Variance / Special Exception  
Application Packet**



For the  
Zoning Board of Adjustment

# Variance / Special Exception Application

City of Bedford  
2000 Forest Ridge Dr.  
Bedford, TX 76021  
817.952.2105

## APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

Variance

Special Exception

## PROPERTY INFORMATION

Project Name: \_\_\_\_\_

Project Address (Location): \_\_\_\_\_

Legal Description: \_\_\_\_\_

Proposed Number of Lots: \_\_\_\_\_ Gross Acres: \_\_\_\_\_ Neighborhood District: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

**Application Requirements:** The applicant is required to submit sufficient information that describes and justifies the proposal. See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

## APPLICANT ■ OWNER INFORMATION

Applicant: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant's Status: (check one)  Owner  Representative  Tenant  Prospective Buyer

Property Owner: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Email: \_\_\_\_\_

Ownership Status: (check one)  Individual  Trust  Partnership  Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

SIGNATURE OF PROPERTY OWNER (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: \_\_\_\_\_  
(Letter of authorization required if signature is other than property owner)

**The property owner must sign the application or submit a notarized letter of authorization.**

### For Departmental Use Only

Case #: \_\_\_\_\_

Total Fee(s): \_\_\_\_\_

Receipt #: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Rev: 02/17

**Variance / Special Exception  
Application**

City of Bedford  
2000 Forest Ridge Dr.  
Bedford, TX 76021  
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**REQUEST INFORMATION**

**Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.**

Have you applied for a building permit?  Yes  No

Have you filed an appeal or petition on this property before?  No  Yes

**1. Completely describe the variance / special exception you are requesting:**

.....  
.....  
.....

**2. Do similar conditions exist in the area? Explain:**

.....  
.....  
.....

**3. Describe how the unique conditions or circumstances do not result from your actions:**

.....  
.....  
.....  
.....

**4. Is there any way to do what you want without this request?**

.....  
.....  
.....

**Acknowledgments**

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the Planning & Zoning Department, and such withdrawal shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property, and that the Board's action does not constitute the approval of a building permit.

Applicant's Initials \_\_\_\_\_ Date \_\_\_\_\_

	<h2>Variance / Special Exception Application</h2>	City of Bedford 2000 Forest Ridge Dr. Bedford, TX 76021  817.952.2105
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**APPLICATION SUBMITTAL REQUIREMENTS**

**Variance Request**

- Application fee: The Variance / Special Exception application fee is **\$100.00, non-refundable**
- Site plan, drawn to scale, showing all lot dimensions and all existing or proposed improvements to the lot
- Ten (10) copies of all supporting documents:
  - **Statement of Planning Objectives**
  - **Site / Plot Plan showing the Variance (36" x 24" folded to size 8 1/2" x 11")**
  - **(11" x 17") of the site plan**
  - **Any additional documents**
- One (1) electronic copy (PDF) of all supporting documents

**Special Exception Request**

- Completed application form and application fee
- Ten (10) copies of site plan(s), drawn to scale, showing all lot dimensions and all existing or proposed improvements to the lot
- A written statement from the applicant describing how all conditions of the Bedford Development Code have been or will be met: Copies of **STATEMENT OF PLANNING OBJECTIVES, DEVELOPMENT SCHEDULE, PROPOSED OWNERSHIP, UTILITY PROVISIONS, ECONOMIC DEVELOPMENT, and TRAFFIC IMPACT ANALYSIS** (If required)
- One (1) electronic copy (PDF) of all supporting documents
- Application Fee:** The Special Exception application fee is **\$100.00, non-refundable**

**GENERAL INFORMATION**

**Jurisdiction** - The Zoning Board of Adjustment's powers and authority are vested in Section 211 of the Texas Local Government Code, the City of Bedford Development Code, and the Board's Rules of Procedure. The Board may only decide issues authorized by Chapter 6 of the City of Bedford Development Code, or in other areas where it is given specific authority.

**Structure** - The Board consists of 5 regular members and 2 alternate members, appointed by the City Council. The Board is a quasi-judicial body and does not have the authority to amend ordinances or create new laws.

**Meetings** - The Board meets on the third Wednesday of each month at 6:30 p.m., as needed, in the City Council Chambers at City Hall.

**TYPES OF REQUESTS**

**Variance Request** - The Board may authorize a variance from the specific terms of the Bedford Development Code when the literal enforcement of the ordinance would result in an unnecessary hardship or practical difficulty in the development of a specific property. Variances may not be granted to serve as a convenience or to relieve a financial hardship.

**Special Exception Request** - The Board may authorize a special exception land use where allowed by the Bedford Development Code.

*See Chapter 6 - Procedures and Zoning Board of Adjustment of the City of Bedford Development Code for complete information.*

## INSTRUCTIONS

- 1. Application Procedure** - Applicants shall submit a written application to the Planning & Zoning Department using the form included in this packet. Detailed submittal requirements for each type of application are contained in this packet.

A filing fee established by the City Council shall accompany every application. The amount of the fee is based on the actual cost of processing the application by the City. The application fee for a variance or special exception is \$100.00.
- 2. Stay of Proceedings** - An appeal stays all proceedings of the action appealed from unless the Administrative Official, after the notice of appeal has been filed, certifies in writing to the Board that a stay would cause imminent peril to life or property. In such cases, proceedings shall only be stayed by a restraining order granted by the Board or by a court of record.
- 3. Notice of Hearing** - Official written notice of public hearing on every application for a variance or for an interpretation of regulations applying solely to an individual property are sent to all owners of real property lying within two hundred feet of the property on which the variance is requested. The notice of hearing is mailed to each property owner as the ownership appears on the last approved city tax roll. The notice will state the date, time and place of the hearing, and the nature of the subject to be considered.
- 4. Public Hearing Procedure** - Public hearings are required for all requests for variances or permits for nonconforming uses or structures. Upon submittal of the application, the Planning & Zoning Department will schedule the application for public hearing before the Zoning Board of Adjustment. The public hearings provide an opportunity for the Board to hear from appellants; examine evidence; question the appellant, city staff, or any witnesses; or seek additional information. At the public hearing, the applicant, all proponents and all opponents will be given the opportunity to speak about the proposal. After completion of the public hearing, the Zoning Board of Adjustment will discuss the merits of the case and render a decision.
- 5. Decision and Voting** - Every decision of the Board must be based upon findings of fact and detailed in the record of the meeting. The standards for consideration of a variance request are detailed in Chapter 6 of the Bedford Development Code. The affirmative vote of four members is necessary in order for a request to be approved. A 3-2 vote in favor of the request is not considered approval of the request.
- 6. Approval of Request** - In approving any request, the Board may establish conditions, including time limits, in order to secure substantially the objectives of the regulation or provision to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted. When necessary the Board may require guarantees, in the form as it deems proper, to insure that conditions designated are being or will be complied with.
- 7. Denial of Request** - No appeal or application that has been denied shall be further considered by the Board, unless the Board affirmatively finds: ① that new plans materially change the nature of the request, or ② the permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of changed conditions.
- 8. Appeal of Board Actions** - A decision of the Board of Adjustment may only be appealed to district court or court of jurisdiction. The petition setting forth that such decision is illegal, in whole or in part, must specify the grounds of such illegality. The petition must be presented to the court within thirty days of the Board's decision. The City Council does not have the authority to review a decision of the Zoning Board of Adjustment.

**Listed below are the criteria upon which the Board must base its decision:**

**VARIANCES**

Section 6.5.C of the City of Bedford Development Code

The Zoning Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
  - e. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

**SPECIAL EXCEPTIONS**

Section 6.5.B of the City of Bedford Development Code

A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is required.
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least fifteen (15) days prior to the public hearing. All property owners within two hundred (200) feet of the property shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing.
3. The public hearing shall be held. Any party may appear in person, or by an agent or attorney.
4. The Zoning Board of Adjustment shall make a finding that it is empowered to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
5. In granting a special exception, the Zoning Board of Adjustment may also prescribe a time limit for which the special exception may continue. Failure to comply with this requirement stipulated by the Board shall void the special exception permit issued.
6. Violation of any reasonable provisions, conditions and safeguards that are made a part of the terms under which the special exception permit granted shall be deemed in violation of this ordinance and punishable under the penalty section of this Development Code.