



FENCE VARIANCE APPLICATION

DEFINITION:

Variance- procedure for modification of the literal provisions of an ordinance, granted when strict enforcement of the ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Leon Valley Code of Ordinances, Chapter 3.05, "FENCES," Section 3.05.004, "Variances"

The city council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings below required, the council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the probable effect of such variance on surrounding property, and the probable effect of such variance on the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the council finds:

- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

Such findings of the council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

PURPOSE:

To afford individual(s) an opportunity to request a fence variance.

SUBMITTAL REQUIREMENTS:

A complete Variance Application Package (VAP) shall be submitted to the Development Department. Your application will be placed on the next available City Council Meeting agenda in accordance with notification procedures. City Council meetings are held on the first and third Tuesdays of each month.



Proper City staff review of this application is dependent upon the accuracy of information provided. Any inaccurate or inadequate information provided by you may delay the proper review of your application and/or cause the return of this application.

The Variance Application Package consists of:

- Two (2) copies of completed fence application and variance application;
- Fee of \$200 (non-refundable) for the hearing;
- Two (2) copies of necessary plans detailing location of existing and/or proposed fence, existing structures, easements, and property line, and

APPROVAL PROCESS:

- Staff review of application materials will be submitted to the City Council.
- Notice of hearing mailed to adjacent property owners within 200 feet of the subject site a minimum of 15 days prior to the scheduled meeting; and
- City Council will review case information and a hearing will be held at which time the applicant may address Council. Council will vote at the meeting to grant or deny the variance. Council decision is final.

City Code Chapter 3.05 "FENCES," may be referenced at:

<http://z2codes.franklinlegal.net/franklin/z2Browser2.html?showset=leonvalleyset>



APPLICATION FORM

6400 El Verde Road.

Leon Valley, TX 78238

Contact: Felisha Novan

Email: f.novan@leonvalleytexas.gov or 210-684-1391 ext.228

FENCE VARIANCE, FVA CASE # _____

PRINT (IN BLACK) OR TYPE

NAME OF APPLICANT: _____	
ADDRESS: _____	
PHONE NO: HOME ()	WORK ()
FAX ()	

PROPERTY DESCRIPTION

ADDRESS: _____
LEGAL DESCRIPTION: _____
EXISTING PROPERTY USE: _____
STATEMENT OF PURPOSE (Describe why this variance is needed.)

I HEARBY CERIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND THE ATTACHED ISNTRUCTION SHEET AND KNOW THE INFORMATION I HAVE PROVIDED TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS APPLICATION WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A VARIANCE DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING THE USE OF THE PROPERTY.

Signature of Property Owner

NOTE: If applicant is not the property owner, a notarized letter of authorization must be submitted with this application.