

**CITY OF CANTON - BOARD OF ADJUSTMENT  
ZONING/SIGN VARIANCE APPLICATION**

**201 N. Buffalo, Canton, TX 75103  
903-567-1841 (phone)**

**NOTE TO APPLICANTS: IT IS YOUR RESPONSIBILITY TO THOROUGHLY READ AND UNDERSTAND THIS APPLICATION PACKET AND TO PROVIDE ALL INFORMATION REQUIRED HEREIN BEFORE THIS APPLICATION WILL BE ACCEPTED. INCOMPLETE APPLICATIONS WILL BE RETURNED.**

**WHAT IS A ZONING VARIANCE?**

A zoning variance is an adjustment in the application of the zoning regulations to a specific parcel of property based on special conditions or circumstances peculiar (unique) to the parcel of property where a literal enforcement of the provisions will result in an unnecessary hardship. A variance is in the nature of a waiver of the strict letter of the zoning ordinance upon substantial compliance with it and without sacrificing its spirit and purpose where the variance is necessary to allow the property owner to enjoy the same or similar rights enjoyed by other parcels in the same vicinity and zoning district.

**WHO MAY SEEK A VARIANCE?**

Appeals to the Board of Adjustment can be taken by any person aggrieved or by an officer, department or board of the municipality affected by the decision of the administrative officer. The appeal can be based upon an alleged error in any order, requirements, decision, or determination made by the Chief Building Official or other officer in the enforcement of the City of Canton Zoning Ordinance and/or Sign Ordinance.

**ON WHAT SPECIFIC ITEMS MAY I SEEK A VARIANCE?**

The City of Canton Zoning Ordinance provides that the Board of Adjustment may, when, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured authorize the following special exceptions:

- (1) Permit the reconstruction, extension, or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use;
- (2) Permit such modifications of the height, yard, area, coverage, and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
- (3) Require the discontinuance of non-conforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of Zoning Ordinance. All actions to discontinue a non-conforming use of land or structure shall be taken with due regard for the property rights for the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property.

**UNDER WHAT CIRCUMSTANCES CAN A VARIANCE NOT BE GRANTED?**

A variance may not be granted for a different reason other than those specifically set out above. In addition, a variance cannot be granted unless an "unnecessary hardship" exists. The following do NOT constitute an unnecessary hardship:

- (1) The property cannot be used for its highest and best use;
- (2) Financial or economic hardship
- (3) Self-created hardship;
- (4) The development objectives of the property owner are or will be frustrated; or
- (5) If the hardship is common to other similarly-classified properties.

## **HOW DO I APPLY FOR A VARIANCE?**

1. **COMPLETE THE APPLICATION FOR A VARIANCE:** After reviewing the entire application packet carefully, prepare all the information requested on the application. A complete application must include the following:
  - a. Written authorization from the owner of the property on which the variance is sought;
  - b. Application fee - \$200
  - c. Site plan or survey drawn to scale of the subject property
2. **SUBMIT APPLICATION:** Submit all the required application materials to the City Secretary at 201 N. Buffalo, Canton, Texas. An incomplete application will not be accepted.

## **HOW LONG DOES IT TAKE TO COMPLETE THE VARIANCE PROCESS:**

1. **LEGAL NOTICES:** The City of Canton is required to provide legal notice of a requested variance to property owners within 200 feet of the property at least ten days prior to the date of the public hearing
2. **PUBLIC HEARING:** the Board of Adjustment meets as needed on Thursdays at 12:30 p.m. in the City Council Chambers at City Hall. It is very important that applicants appear at this hearing in order to answer questions from the Board and from the surrounding property owners. It is the general practice of the Board to deny requests when an applicant fails to appear.
3. **EFFECTIVE DATE:** After approval of a variance by the Board of Adjustment, the variance goes into effect immediately. If the property on which the change is approved requires platting prior to any construction, the plat must make note of the variance and the date of approval, and the plat must be approved prior to construction. The granting of a variance is not approval of a plat or building permit.

## **HOW MUCH DOES A VARIANCE REQUEST COST?**

A fee of \$200 must be paid at the time the application is submitted and is non-refundable even if the application is denied.

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TYPE OF REQUEST:       Variance       Appeal

**PROPERTY INFORMATION:**

Property Address: \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision: \_\_\_\_\_

Lot Width \_\_\_\_\_ Lot Depth: \_\_\_\_\_ Total square footage of lot: \_\_\_\_\_

VZCAD ID number of property: \_\_\_\_\_

**OWNER INFORMATION:**

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**AGENT INFORMATION:**

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**ACTION REQUESTED:**

<input type="checkbox"/>	<b>Seeking an appeal from Zoning Ordinance, Section _____</b>		
<input type="checkbox"/>	<b>Seeking a permit for the reconstruction, extension, or enlargement of a building occupied by a non-conforming use</b>		
<input type="checkbox"/>	<b>Seeking a variance as follows:</b>		
	<b>Ordinance Requirements</b>	<b>Requested Dimensions</b>	<b>Variance from Ordinance</b>
LOT SIZE			
LOT WIDTH			
LOT DEPTH			
SIDE YARD (street)			
SIDE YARD (Interior)			
SIDE YARD @ corner			
FRONT YARD			
REAR YARD			
COVERAGE AREA			
PARKING SPACES			
OTHER: Specify			

<input type="checkbox"/>	<b>Seeking a variance for a sign</b>		
	<b>Ordinance Requirements</b>	<b>Requested Dimensions</b>	<b>Variance from Ordinance</b>
SIGN SIZE:			
SIGN HEIGHT:			
TYPE OF SIGN:			
MATERIALS USED:			
PLACEMENT:			
OTHER:			

**HARDSHIP FINDINGS:**

**In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship may not be financial or self-created.**

1. The request for variance is in harmony with the general purposes and intent of Zoning Ordinance and/or Sign Ordinance, as amended, and continues to protect surrounding properties from any negative impacts because:  


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2. If the request is to permit the reconstruction, extension, or enlargement of a building occupied by a non-conforming use, such reconstruction will not prevent the return of such property to a conforming use because:  


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3. The special or unique condition(s) of restricted area, shape, topography, or physical features that exist on the subject parcel of land, which are not applicable to other parcels of land in the same zoning district, and which cause unusual and practical difficulty or unnecessary hardship in compliance with the provisions sought here to be varied are:  


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4. The hardship sought to be avoided is NOT the result of (a) the applicant's own actions (self-imposed or self-created) and (b) economic or financial hardship because:  


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5. The provisions of Zoning Ordinance and/or Sign Ordinance, and any amendments, that are sought to be varied deprive the applicant of the following rights to use his/her property that are commonly enjoyed by other properties in the same zoning district which comply with these ordinance provisions:  


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Notice of Owner:

I have carefully read the complete application and know the same is true and correct. I hereby agree to comply with all provisions of local, State and Federal laws, whether herein specified or not. As the owner of the above property, I hereby grant permission to enter the premises and make all necessary inspections:

\_\_\_\_\_

Date

\_\_\_\_\_

Owner's Signature

\_\_\_\_\_

Printed Name of Owner

\_\_\_\_\_

Date

\_\_\_\_\_

Owner's Signature

\_\_\_\_\_

Printed Name of Owner

**APPLICABLE:** I hereby certify: (1) that I am the sole owner of the above-named property; and (2) I have the legal authority to seek a variance to the zoning and/or sign ordinance regarding the above-described real property.

**NOTE: IF YOU ARE NOT THE SOLE OWNER, PLEASE CONTACT CITY STAFF FOR ADDITIONAL NEEDED INFORMATION.**

As Owner, I hereby give \_\_\_\_\_ permission to seek the variance or appeal stated herein and to represent me at meetings with City Staff and/or with the Board of Adjustment.

I hereby certify that the above statements are true and correct to the best of my knowledge.

\_\_\_\_\_

Owner's Signature

\_\_\_\_\_

Printed Name of Owner

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Seal)

\_\_\_\_\_

Notary Public

My Commission Expires

\_\_\_\_\_