



Zoning Board Of Adjustment Application Information

Included in this Packet:

Application & Checklist

Land Development & Permit eSystem Information

Zoning and Development Code, Sections 10-50, 10-53 & 8-84

(Variances, Special Exceptions & Sign Exceptions)

Zoning Board of Adjustment

This packet provides the information and application requirements for [Special Exception](#), [Variance](#), & [Sign Exception](#) requests. These items are decided by the Zoning Board of Adjustment (ZBA) following a recommendation by staff and input from the public. For a Variance, Special Exception, or Sign Exception to be approved, at least four (4) members of the ZBA must vote in favor of the request. Below is a brief summary of these processes:

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General Information

Variance

Variances can be requested for code requirements when the strict enforcement of the code would create a substantial hardship, due to unique special conditions not generally found within the city. Reasons for granting a variance may not include a financial or economic hardship, a self-created hardship by the property owner or profitability.

Special Exceptions

Special Exceptions can be requested for the eligible uses listed in each zoning district. These uses are generally compatible with the other uses permitted in the zoning district, but a site-specific review is required before their approval can be considered. Conditions may be imposed to ensure the appropriateness of the use at the particular location. A preliminary site plan must be submitted with the special exception request.

Sign Exceptions

Exceptions can be requested for signs which do not strictly comply with the terms of the sign ordinance.

Presubmittal Meeting

Prior to submitting an application, the Applicant must schedule a presubmittal meeting with PDS to discuss the proposed development. A [Presubmittal Meeting Request form](#) is included in this packet and is also available online.

Please contact PDS Intake at (512) 218-5428 or PDSIntake@roundrocktexas.gov to schedule the presubmittal meeting.

Zoning Board of Adjustment application & checklist

DATE: _____

_____ By: _____
(name of present owner) (name of agent)

ZONING CLASSIFICATION: _____

PROPERTY DESCRIPTION: Describe only the property to be rezoned using either metes and bounds or subdivision reference.

_____ acres out of the _____ Survey, Abstract
_____.

(or)

_____ Subdivision; Lot _____, Block _____

(and/or)

Street Address(es) of the Property

Volume and Page of deed(s) which conveyed the property to the present owner:

Volume _____, Page _____, _____ acres

Type of Ownership: _____ Sole Owner; _____ Community Property; _____ Partnership;
_____ Corporation; _____ Trust.

OWNER'S SIGNATURE

AGENT'S SIGNATURE

(mailing address)

(mailing address)

(city, state, zip code)

(city, state, zip code)

Telephone

Telephone

If ownership is other than sole or community property, name the partners, principals, beneficiaries, etc. respectively:

1) (name)	(position)	(address)	(city, state, zip code)
2) (name)	(position)	(address)	(city, state, zip code)

Description of Variance or Special Exception:

Checklist:

1. Application
2. Letter describing nature of variance or special exception
3. Survey and field notes, including acreage and name of survey, typed and entitled EXHIBIT "A" on 8 1/2" x 14" paper
4. Copy of deed to show proof of present ownership
5. A map (to scale) indicating the property to be zoned with a line drawn around the property at 300' from the lot line, indicating the properties whose owners require notification
6. List of names and addresses of owners of all properties partially or wholly within 300 feet of the proposed subdivided property. Planning and Development Services will send public notices with a fee of \$1 per address.
7. A check payable to the City of Round Rock for the filing fee and the public notice sign.
Filing Fee: \$500.00
On-site Public Hearing Notification Sign: \$20.00
On-site Public Hearing sign(s) installed by Applicant as per instruction sheet.
8. Each application shall be accompanied by an abstractor's certificate, which shall state the names and addresses of all current owners and current lien-holders of the property described in the application. The abstractor's certificate shall be dated no sooner than ten (10) days prior to submission of the application. The application shall not be reviewed or approved until the receipt of the abstractor's certificate.

Sec. 8-84. - Sign Exceptions

Owners of signs which do not strictly comply with the terms of this chapter may seek an approval as an exception from the Zoning Board of Adjustment.

- (1) The following shall be considered in the review of a permit application for an exception for a sign:
 - a. The existence of specific site opportunities or constraints.
 - b. Consideration for novelty signs or signs that have a structure that does not conform to freestanding sign types or building sign types listed in sections 8-76 and 8-84.
 - c. Situations where a sign's view is obscured by building setbacks, surrounding buildings, existing trees or elevated roadways.
 - d. New and/or innovative concept in sign manufacturing which are not specifically addressed in this chapter.
- (2) In order for an exception to the sign regulations to be approved, the Zoning Board of Adjustment shall find that:
 - a. There are no associated vehicular safety issues that would result from the location of the sign.
 - b. The sign is compatible with the surrounding development.
 - c. The sign does not result in reduced compliance with regulations in other chapters of the City Code.
 - d. The sign's location meets the requirements pertaining to easements in this chapter.
 - e. The exception is not being used to allow a sign type that would not otherwise be permitted by this chapter, with the exception of those meeting the criteria of subsections (1)b or (1)d, above.

Sec. 10-50. - Variance.

- (a) *Purpose.* The Zoning Board of Adjustment shall have jurisdiction to hear requests for a variance from the terms of this chapter. The ZBA shall be authorized to grant a variance from the terms hereof if, and only if, they find that the strict enforcement of this chapter would create a substantial hardship to the applicant, by virtue of unique special conditions not generally found within the city, and that the granting of the variance would preserve the spirit and intent of the chapter, and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that public health, safety and welfare may be secured and substantial justice done.
- (b) *Approval process.*
- (1) *Review and report by zoning administrator.* Once the application is complete, the zoning administrator shall review the variance application, subject to the review criteria enumerated in subsection (c) below, and give a report to the Zoning Board of Adjustment on the date of the scheduled public hearing.
 - (2) *Action by the Zoning Board of Adjustment.*
 - a. *Notice.* The Zoning Board of Adjustment shall mail notice in accordance with [subsection 10-1](#).
 - b. *Variance review and public hearing.*
 1. In conjunction with review of the variance application, subject to the criteria listed in subsection (c) of this section, the Zoning Board of Adjustment shall hold a public hearing and shall make a written finding and give its approval, approval with modifications or conditions, or disapproval.
 2. It shall take a concurring vote of 75 percent of the members of the ZBA to approve or approve with modifications or corrections an application for a variance from this chapter.
- (c) *Criteria for approval of variances.*
- (1) *Required findings.* The Zoning Board of Adjustment shall authorize a variance from the requirements of this chapter when an unnecessary hardship would result from the strict enforcement of this chapter. In granting a variance, the ZBA shall prescribe only conditions that it deems not prejudicial to the public interest. In making the required findings, the ZBA shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance shall be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the ZBA finds all of the following:
 - a. *Extraordinary conditions.* There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this chapter

will deprive the applicant of the reasonable use of their land. For example, a variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.

- b. *Application of a substantial property right.* The variance is necessary for the preservation and application of a substantial property right of the applicant.
 - c. *Substantial detriment.* The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area, or to the city in administering this chapter.
 - d. *Other property.* These conditions do not generally apply to other property in the vicinity.
 - e. *Applicant's actions.* The conditions are not the result of the applicant's own actions.
 - f. *General plan.* The granting of the variance would not substantially conflict with the general plan and the purposes of this chapter.
 - g. *Utilization.* Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- (2) *Insufficient findings.* The following types of possible findings do not constitute sufficient grounds for granting a variance:
- a. The property cannot be used for its highest and best use.
 - b. There is a financial or economic hardship.
 - c. There is a self-created hardship by the property owner or his agent.
 - d. The development objectives of the property owner are or shall be frustrated.
- (3) *Limitations.* The Zoning Board of Adjustment may not grant a variance when the effect of which would be any of the following:
- a. To allow the establishment of a use not otherwise permitted in the applicable zoning district.
 - b. To increase the density of a use above that permitted by the applicable district.
 - c. To expand a nonconforming land use.
 - d. To change the zoning district boundaries shown on the official zoning map.
- (4) *Profitability not to be considered.* The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.
- (d) *Appeal.* Appeals of the Zoning Board of Adjustment's decision must be made within ten days to the district court, county court, or county court at law in accordance with V.T.C.A., Local Government Code.

Sec. 10-53. - Special exceptions.

(a) *Applicability.*

- (1) Special exceptions include uses that are generally compatible with the other uses permitted in a zoning district, but require individual review of their location, design, configuration, density and intensity of use or structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location.
- (2) Uses that may be considered for special exception are identified in the permitted uses section of each individual district within this chapter.
- (3) An application for a special exception may not be made unless the use is identified as one that may be considered for special exceptions in the relevant district, as listed in the permitted uses section of each individual district within this chapter.

(b) *Requirement for concurrent site plan submittal.*

- (1) Application for a special exception must occur in conjunction with the submittal of a site plan. The Zoning Board of Adjustment may not render a decision on the special exception application until after the site plan has been favorably reviewed by the zoning administrator.
- (2) Any modification to an approved site plan that was filed in conjunction with a special exception shall cause the special exception to become void, regardless of its current status, including already obtained approval by the ZBA. Such special exceptions must be resubmitted to the ZBA for consideration using the modified site plan. If the modified site plan requires zoning administrator approval, no decision may be rendered on the special exception until after the site plan has been favorably reviewed by the zoning administrator.

(c) *Approval process.*

- (1) *Review and report by zoning administrator.* Once the application is complete, the zoning administrator shall review the proposed development in light of the general plan, subject to the criteria enumerated in subsection (d) of this section, and give a report to the Zoning Board of Adjustment on the date of the scheduled public hearing.
- (2) *Zoning Board of Adjustment (ZBA) action.*
 - a. *Notice.* The Zoning Board of Adjustment shall mail notice in accordance with subsection 10-1.
 - b. *Public hearing.*
 1. In conjunction with review of the special exception application, subject to the criteria enumerated in subsection (d) of this section, the Zoning Board of Adjustment shall hold a public hearing and approve, approve with modifications or conditions, or disapprove the special exception application.

2. It shall take a concurring vote of 75 percent of the members of the ZBA to approve or approve with modifications or corrections a special exception application.
- c. *Recordation of action.* One copy of an approved special exception permit shall be given to the owner of the property, and one copy shall be filed in the office of the zoning administrator.
- (d) *Special exception review criteria.* The Zoning Board of Adjustment may approve an application for a special exception where it reasonably determines that there shall be no significant negative impact upon residents of surrounding property or upon the general public. The ZBA shall consider the following criteria in its review:
 - (1) *Consistent with Zoning and Development Code.* The proposed exception shall be specifically listed as permitted by special exception in the zoning district under consideration. The proposed exception shall meet the purpose and intent of this chapter and the use shall meet all the minimum standards established in this chapter for this type of use.
 - (2) *Consistent with general plan.* The proposed exception shall be consistent with the development policies and goals and objectives as embodied in the general plan.
 - (3) *Compatible with surrounding area.* The required site plan shall ensure compatibility with existing land uses in the surrounding area. The proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
 - (4) *Harmonious with character and scale of surrounding area.* The proposed site plan, circulation plan, and schematic architectural, signage, and landscaping designs shall be harmonious with the character of the surrounding area.
 - (5) *Impacts minimized.* The likely impact on public infrastructure such as roads, parking facilities, water and wastewater systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use shall be minimized without negatively impacting existing uses in the area and in the city.
 - (6) *Effect on natural environment.* The potential creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts shall be minimized.
 - (e) *Additional conditions.* The Zoning Board of Adjustment may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this chapter and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping, and additional improvements such as curbing, sidewalks and screening.
 - (f) *Appeal.* Appeals of the Zoning Board of Adjustment's decision must be made within ten days to the district court, county court, or county court at law in accordance with V.T.C.A., Local Government Code.

City of Round Rock Development Contacts

Planning and Development Services Department (PDS)

301 W. Bagdad, Suite 210, Round Rock, TX 78664	512-218-5428	Fax: 512-218-3286
Easement Dedications/Vacations and Fiscal Posting		
Roxanne Flores, Senior Engineering Tech.	512-218-6658	rflores@roundrocktexas.gov
Encroachment Agreements		
Diane Buck, Planner	512-341-3166	dbuck@roundrocktexas.gov
Floodplain and Drainage Requirements		
Jeff Dunsworth, PE, CFM, Senior Engineer	512-341-3363	jdunsworth@roundrocktexas.gov
Forestry and Landscaping		
David Bost, Senior Planner	512-341-3175	dbost@roundrocktexas.gov
Platting Application Requirements, Review and Approval Process, and Plat Recordation		
Juan Enriquez, Senior Planner	512-218-5429	jenriquez@roundrocktexas.gov
Veronica Chandler, Planning Tech	512-341-3320	vchandler@roundrocktexas.gov
Presubmittal Meetings		
Cecilia Chapa, Planning Tech	512-218-5428	pdsintake@roundrocktexas.gov
Savina McCarter, Planning Tech		
Project Closeout		
Alice Guajardo, Planning Tech	512-341-3161	aguajardo@roundrocktexas.gov
Signs		
Diane Buck, Planner	512-341-3166	dbuck@roundrocktexas.gov
Utilities and Subdivision Improvements		
Jeff Brooks, Engineering Associate	512-341-3363	jbrooks@roundrocktexas.gov
Zoning and PUD Applications, Annexation		
Clyde von Rosenberg, AICP, Senior Planner	512-341-3174	cvonrosenberg@roundrocktexas.gov
<u>Fire Department</u>		
203 Commerce Blvd., Round Rock, TX 78664	512-218-5590	Fax: 512-218-5594
Fire Code		
Mark Selby, Prevention Division Captain	512-218-6633	selby@roundrocktexas.gov
<u>Parks and Recreation Department (PAR)</u>		
301 W. Bagdad, Suite 250, Round Rock, TX 78664	512-218-5540	Fax: 512-218-5548
Parkland Dedication and Trails		
Katie Baker, Park Development Mgr.	512-341-3355	kbaker@roundrocktexas.gov
<u>Transportation Department</u>		
2008 Enterprise Drive, Round Rock, TX 78664	512-218-7044	Fax: 512-218-3242
Transportation Requirements		
Ed Polasek, Transportation Senior Planner	512-341-3167	epolasek@roundrocktexas.gov