
The Garden Ridge Board of Adjustment will meet in a regular session on Monday, August 18, 2025, at 6:00 p.m. in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted providing time, place, date, and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

1. Call to Order/Roll Call**2. Pledge of Allegiance****3. Citizen Comment Period – limited to 30 minutes total**

Rules for Citizens' Participation: The Board welcomes citizen participation and comments at all meetings.

If you speak, you must follow these guidelines:

a) Respect and courtesy:

1. Direct your comments to the entire Board, not to an individual member, nor to the audience.
2. Show the Board the same respect that you would like to be shown.
3. End your speaking at the time allotted below.

b) Speaking:

1. First citizen comment period.
 - 1.1. You are required to sign up to speak and you are limited to one 3-minute period.
2. Second citizen comment period.
 - 2.1. You are not required to sign up and you are limited to one 2-minute period.
3. State your name and address before your comments begin.
4. You are only allowed to speak once per topic, unless also speaking during a posted Public Hearing.

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.

4. Business Items

The following items are for discussion, consideration, and action.

a) Approval of Minutes for June 16, 2025, Board of Adjustment Meeting.

b) Rules of Procedure.

c) Petition by Don and Connie Simmons for a zoning variance to Ordinance No. 13-102024, Section 2. Zoning Regulations, Subsection 2.06.04. Accessory Structures, B. Residential Accessory Structures, Table 6, which requires that an accessory structure (such as a carport) be located behind the front façade of the primary dwelling in a residential zoning district. The property is located at 20632 Timber Rose Drive and further known as Lot 29, Block 1, Garden Ridge Estates Subdivision, Garden Ridge, Comal County, Texas, consisting of .86 acres in size and zoned Residential Estate (RE) District.

1. Receive presentations from Applicant and/or City Staff.
2. Hold a public hearing.
3. Discuss and take action.

5. Citizen Comment Period – limited to 20 minutes total

See "Rules for Citizens' Participation" under Item 3.

6. Adjournment

AGENDA NOTICES:

Decorum Required: Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Board Authorized: The Board may vote or act upon any item within this Agenda. The Board reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Title 5, Chapter 551, of the Texas Government Code.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of the other city boards, commissions, and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions, and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions, and/or committees of the City, whose members may be in attendance. The members of the boards, commissions, and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action are specifically provided for on an agenda for that board, commission, or committee subject to the Texas Open Meetings Act.

This is to certify that I, Marisa Spencer, posted this Agenda at 11:30 a.m. on August 12, 2025, on the bulletin board located at the entrance to Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

Marisa Spencer

Marisa Spencer
City Secretary

Members Present:

Chair Veronica Garcia
Vice-Chair Elizabeth Templeman
Roy Leatherberry
Jennifer Dalton (alternate)

Members Absent:

Autumn Flanagan
David Krawczynski

City Staff and City Councilmembers Present:

Ryan Rapelye, City Manager
Marisa Spencer, City Secretary
Cyndi Simmons, Assistant City Secretary/Communications Specialist
Natalie Thamm, City Attorney
Mayor Lisa Swint

1. Call to Order/Roll Call

With a quorum of the Board of Adjustment members present, Chair Garcia called the meeting of the Garden Ridge Board of Adjustment to order at 6:00 p.m. on Monday, June 16, 2025, in the City Council Chambers of Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Pledge of Allegiance

Chair Garcia led the Pledge of Allegiance.

3. Citizen Comment Period

No one signed up to speak.

4. Business Items

The following items are for discussion, consideration, and action.

a) Approval of Minutes for May 6, 2024, Board of Adjustment Meeting.

Motion: A motion was made by Member Leatherberry, seconded by Member Dalton, to approve the Minutes for May 6, 2024, Board of Adjustment Meeting. The Board voted four (4) for and none (0) opposed. The motion carried unanimously.

b) Rules of Procedure.

Motion: A motion was made by Member Templeman, seconded by Member Dalton, to follow Robert's Rules of Order and follow the Public Hearing process as outlined on the agenda. The Board voted four (4) for and none (0) opposed. The motion carried unanimously.

c) Petition by Michael Nufer for a zoning variance to Ordinance No. 13-102024, Section 2, Zoning Regulations, Subsection 2.05, Use Regulations, 2.05.07, Zoning Dimensional Regulations Table to allow the construction of a wooden stairway with a four (4) foot encroachment into the fifteen (15) foot side building setback in a residential zoning district on property located at 8903 Tuscan Hills Drive. The property is further known as Lot 13, Block 6, Georg Ranch Subdivision Unit 2, Garden Ridge, Comal County, Texas, consisting of .81 acres in size and zoned Residential Estate (RE) District. In the Residential Estate (RE) District, the minimum side building setback for an interior lot is fifteen (15) feet.

1. Receive presentations from Applicant and/or City Staff.

Michael Nufer presented the petition for a zoning variance to allow the construction of a wooden stairway with a four (4) foot encroachment into the fifteen (15) foot side building setback in a residential zoning district on property located at 8903 Tuscan Hills Drive.

2. Hold a public hearing.

Chair Garcia opened the public hearing at 6:09 p.m.

Mike Shands, 8827 Tuscan Hills Drive, spoke regarding the petition. City Secretary Marisa Spencer stated there were no written comments submitted.

Chair Garcia closed the public hearing at 6:11 p.m.

3. Discuss and take action.

The Board discussed the petition and findings of fact for zoning ordinance variance.

Upon giving public notice and conducting a public hearing on this variance request in accordance with Ordinance No. 13-102024, the Board of Adjustment adopts these specific, written findings as follows:

- i. There any not any special circumstances or conditions affecting the land such that the application of the Zoning Ordinance deprives the applicant of reasonable use of the land.
- ii. The requested variance is the minimum necessary required to alleviate the undue hardship.
- iii. The request is necessary for the preservation and enjoyment of a substantial property right.
- iv. The request is not detrimental to the public health, safety, or general welfare.
- v. The variance does not impair the purpose and intent of the Zoning Ordinance/Comprehensive Plan or cause injury to other property in the area.
- vi. The variance does not prevent the orderly use of land within the area.
- vii. Undue hardship exists for the Applicant without the variance.

Motion: A motion was made by Member Leatherberry, seconded by Member Dalton, to approve the petition by Michael Nufer for a zoning variance to Ordinance No. 13-102024, Section 2, Zoning Regulations, Subsection 2.05, Use Regulations, 2.05.07, Zoning Dimensional Regulations Table to allow the construction of a wooden stairway with a four (4) foot encroachment into the fifteen (15) foot side building setback in a residential zoning district on property located at 8903 Tuscan Hills Drive. The property is further known as Lot 13, Block 6, Georg Ranch Subdivision Unit 2, Garden Ridge, Comal County, Texas, consisting of .81 acres in size and zoned Residential Estate (RE) District. The Board voted four (4) for and none (0) opposed. The motion carried unanimously.

5. Citizen Comment Period

No one wished to speak.

6. Adjournment

There being no further business, the Monday, June 16, 2025, Board of Adjustment Meeting was adjourned at 6:14 p.m. by Chair Garcia.

ATTEST:

Veronica Garcia
Chair

Marisa Spencer
City Secretary



LEGAL NOTICE
NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT

The Board of Adjustment of the City of Garden Ridge, Texas, will conduct a public hearing on Monday, August 18, 2025, at 6:00 p.m. in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

The public hearing will be to consider a petition by Don and Connie Simmons for a zoning variance to Ordinance No. 13-102024, Section 2. Zoning Regulations, Subsection 2.06.04. Accessory Structures, B. Residential Accessory Structures, Table 6, which requires that an accessory structure (such as a carport) be located behind the front façade of the primary dwelling in a residential zoning district. The property is located at 20632 Timber Rose Drive and further known as Lot 29, Block 1, Garden Ridge Estates Subdivision, Garden Ridge, Comal County, Texas, consisting of .86 acres in size and zoned Residential Estate (RE) District.

The Development Application for Zoning Variance and associated attachments to the application can be viewed on the City's website at <https://www.ci.garden-ridge.tx.us/292/PublicLegal-Notices> or at Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

The City encourages citizen participation, and the public is invited to attend the public hearing in person to provide oral comments on this matter. Alternatively, written comments on this matter may be submitted in advance in accordance with the *City of Garden Ridge Notice of Procedures for Written Comments during Public Hearings* posted on the City's Website.

The meeting can be viewed live on the City of Garden Ridge YouTube Channel and will be archived on the City's Website for on demand viewing. Please feel free to contact City Hall at 210-651-6632 if you need additional information on this matter.

This is to certify that I, Marisa Spencer, posted this Legal Notice at 10:00 a.m. on July 29, 2025, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway.

Marisa Spencer

Marisa Spencer
City Secretary





Development Application

For Office Use
Case No. _____

Submission of an application does not indicate acceptance by the City of Garden Ridge.

Type of Request:

- Annexation
- Zone Change
- Zoning Change PUD
- Zoning Variance
- Zoning Special Exception
- Specific Use Permit
- Tree Removal Permit
- Preliminary Plat
- Final Plat
- Replat
- Plat Variance
- Other: _____

Project Name/Description: _____

Site Location Information

Legal Description Garden Ridge Estates 1, Block 1, Lot 29

County Appraisal District Parcel ID # (all properties) Comal

Property Deed recorded in Comal County Volume # _____ Page(s) # _____

Address: 20632 Timber Rose Number of Lots: 1 Acreage: .86

General Location of Property (if no address): _____

Subdivision Name: Garden Ridge Estates 1 Block: 1 Lot: 29

Zoning Information

Current Zoning: R Requested Zoning (if applicable): _____

Existing Land Use: _____ Proposed Land Use (if applicable): _____

Property Owner Information (if not sole owner, a signed development application must be submitted for each owner)

Owner Name: Dan & Connie Simmons (Simmons Living Trust)

Owner Address: 20632 Timber Rose Garden Ridge TX 77826
(Street) (City) (State) (Zip)

Phone #: 512-925-9930 Email: bvatz4@yahoo.com

Applicant Information - Check box if same as property owner

Name: _____

Address: _____
(Street) (City) (State) (Zip)

Phone #: _____ Email: _____

Engineer/Surveyor Information (if applicable)

Name: _____
(Company) (Contact Person)

Address: _____
(Street) (City) (State) (Zip)

Phone #: _____ Email: _____

Authorized Agent Information (if applicable)

Name: _____

Address: _____
(Street) (City) (State) (Zip)

Phone #: _____ Email: _____

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application, and all information submitted here in is true and correct. I understand that the information provided herein may be used by the City of Garden Ridge for sending required notices and I consent to the posting of hearing notices on the said property if required.

Signature Owner: *Don Simmons* _____

Date: 6-19-2025

Printed Name: DON SIMMONS

Office Use Only

Received Date: _____

Date Application Deemed Complete: _____

Case No.: _____

Review By: _____



Zoning Variance – Application Checklist

Incomplete submissions will NOT be accepted

For Office Use
Case No. _____

Application Completeness Requirements:

- Development Application signed by property owner
- This checklist (signed by applicant or authorized representative)
- Certified Copy of a Tax Certificate showing no taxes owed (if taxes are owed submit Tax Receipts with the Certificate showing a zero balance owed)
- Application fees in the form of a check made payable to City of Garden Ridge
- A letter addressed to the Board of Adjustment, signed by the property owner and requesting the desired zoning variance from the City's Zoning Ordinance and prepared in accordance with the criteria below
- 3 copies of a Site Plan drawn to scale or survey and formatted to 11" by 17", showing all existing and proposed improvements, setbacks from property lines, easements, building elevations, and other relevant information (if applicable)
- A list of all properties within 200' including the owner's name, mailing address, current land use, and zoning
- Digital copy in .pdf format of entire application submission (application, checklist, exhibits, etc.) on CD or USB drive
- Any additional information deemed necessary for processing and evaluating this request

Request Letter Criteria

The letter describing the request shall include the specific section from the Zoning Ordinance for which the variance is being sought, a description of the requested variance and why it is needed, and include a justification for the variance addressing all of the following:

1. Unique Circumstances - That there are special circumstances or conditions affecting the land involved such that the application of the Ordinance's provisions would deprive the Applicant of the reasonable use of his/her land.
2. Minimum Necessary Relief Required to Alleviate the Undue Hardship - The Zoning Variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.
3. Preservation of Property Rights - That the Zoning Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant.
4. No Substantial Detriment to the Public Good - That the granting of the Zoning Variance will not be detrimental to the public health, safety, or general welfare, impair the purposes and intent of this Ordinance and the Comprehensive Plan or be injurious to other property within the area.
5. Orderly Use of Land - That the granting of the Zoning Variance will not have the effect of preventing the orderly use of other land within the area in accordance with this Ordinance.
6. A Finding of Undue Hardship- In order to grant a Zoning Variance, the Board of Adjustment must make findings that an undue hardship exists, using the following criteria:
 - a. That the requested variance does not violate the intent of the zoning regulations.
 - b. That special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and not applicable to other parcels of land in the same zoning district.
 - c. That the relief sought will not injure the permitted use of adjacent conforming property.
 - d. That the granting of a Zoning Variance will be in harmony with the spirit and purpose of these regulations.
 - e. That the hardship is in no way the result of the applicant's own actions.

- f. That the interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
7. (If applicable) If the hardship is applied to a structure, the following may be considered grounds to determine whether an undue hardship would result from compliance with the ordinance:
- a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 - b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - e. The municipality considers the structure to be a nonconforming structure.

Additional information regarding zoning variances may be found in the City's Zoning Ordinance Sec. 2.08.02 Zoning Variance.

Submittal Information

- INCOMPLETE APPLICATIONS AND SUBMITTALS WILL BE REJECTED; an application may be deemed incomplete after initial staff review.

Questions shall be directed to, and complete applications shall be submitted in person to the following:

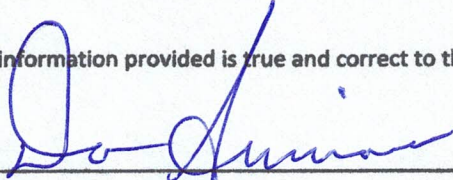
City of Garden Ridge
 Attn: City Manager
 9400 Municipal Parkway
 Garden Ridge, TX 78266
 (210) 651-6632
CityManager@ci.garden-ridge.tx.us

Appearance at Meetings

It is strongly advised that the applicant or applicant's authorized agent be represented at the public hearing and Board of Adjustment meeting where this request will be heard.

Preparer's Certification

I hereby certify that the information provided is true and correct to the best of my knowledge.

Preparer's Signature:  Date: 6-19-2025

Printed Name: Don Summers

Company Name: _____



Properties with timely protests for 2024 that are still pending with the CAD will not be billed until resolved.

WELCOME TO COMAL COUNTY

View and Pay

Search Term

(Ex: 0601A 004 002 or P22122)

20632 timber rose27977

Search By

Property Id

Bill Status

Paid

Tax Year

2024

SEARCH

Search Results

 CLEAR ALL

 ADD TO CART

Owner Name	Tax Year	Payment Status	Property Id
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No Rows Fo



10

Showing rows 0 to 0

of 0

Not Finding Your Property?

Try using the search tips below



Properties with timely protests for 2024 that are still pending with the CAD will not be billed until resolved.

[Home](#) / **27977**

2024 - 27977 Paid



0

Days left to pay



\$0.00

Balance remaining



\$0.00

Penalties



0

Estimated payments

TAX BILL DETAILS

TAX BILL PDF

BILL RECEIPT

Owner Information

Name	SIMMONS LVNG TRST 6-24-2024
Address	DONALD D & CONNIE J SIMMONS TR ,20632 TIMBER ROSE
City	GARDEN RIDGE
State	TX

Dear Garden Ridge,

June 19, 2025

We respectfully and humbly request a variance for our carport. As the saying goes, "I closed the gate after the cows got out." In my ignorance, I did not obtain a permit because I didn't realize one was required. Unfortunately, I now understand that I am in violation of a city ordinance. . In the past, when I added a closet to our home and completed significant plumbing repairs, I obtained permits for both.

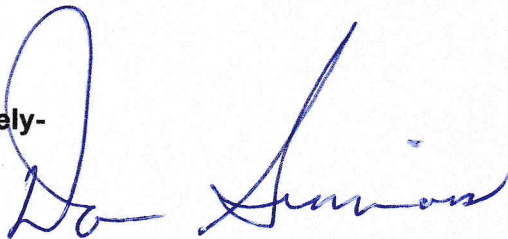
The structure in question is a standalone carport with no plumbing and only a single electrical circuit, which powers two motion detector lights We are currently in the process of completing the carport in its current location for several important reasons:

1. **Protection from weather:** We want to shield our vehicle from hail and the elements. (See attached car photo – Exhibit A)
2. **Safe and convenient access:** We need the shortest and safest path from the vehicle to our front door. I am 79 years old and use a cane 24/7, and my wife is 76. (See attached plat with site plan – Exhibit B)
3. **Alternative locations:** were impractical: We explored placing the unit on the side of the house, but that would require a longer walk exposed to the elements, with a slight incline to the front door. While a door could be added under this scenario, it would require two steps to rise above the one-foot foundation, plus a 10-foot ADA ramp (10:1 ratio). (See attached plat with side carport option – Exhibit C)
4. **Port-a-cache possibility:** We can connect the structure, to the house, with a covered walkway. (See attached plat with a port a cache Exhibit D)
5. **Aesthetic compatibility:** Once completed, the standalone carport, with stucco ends and matching stucco columns will align with the architectural style of our home and be visually appealing—consistent with the older homes in Garden Ridge. (Carport view from mailbox Exhibit E)

While driving through the Garden Ridge Estates sub division we have noted several exceptions to City Ordinance 13 and respectfully ask for cool heads to prevail and your consideration. My wife Connie and I are simple people nearing transition to a nursing home. While we remain in Garden Ridge, we hope to live peacefully and in harmony with our community.

Thank you for your time and understanding.

Sincerely-



Don Simmons 20632 Timber Rose 512-925-9930 bvatcc@yahoo.com



Exhibit A

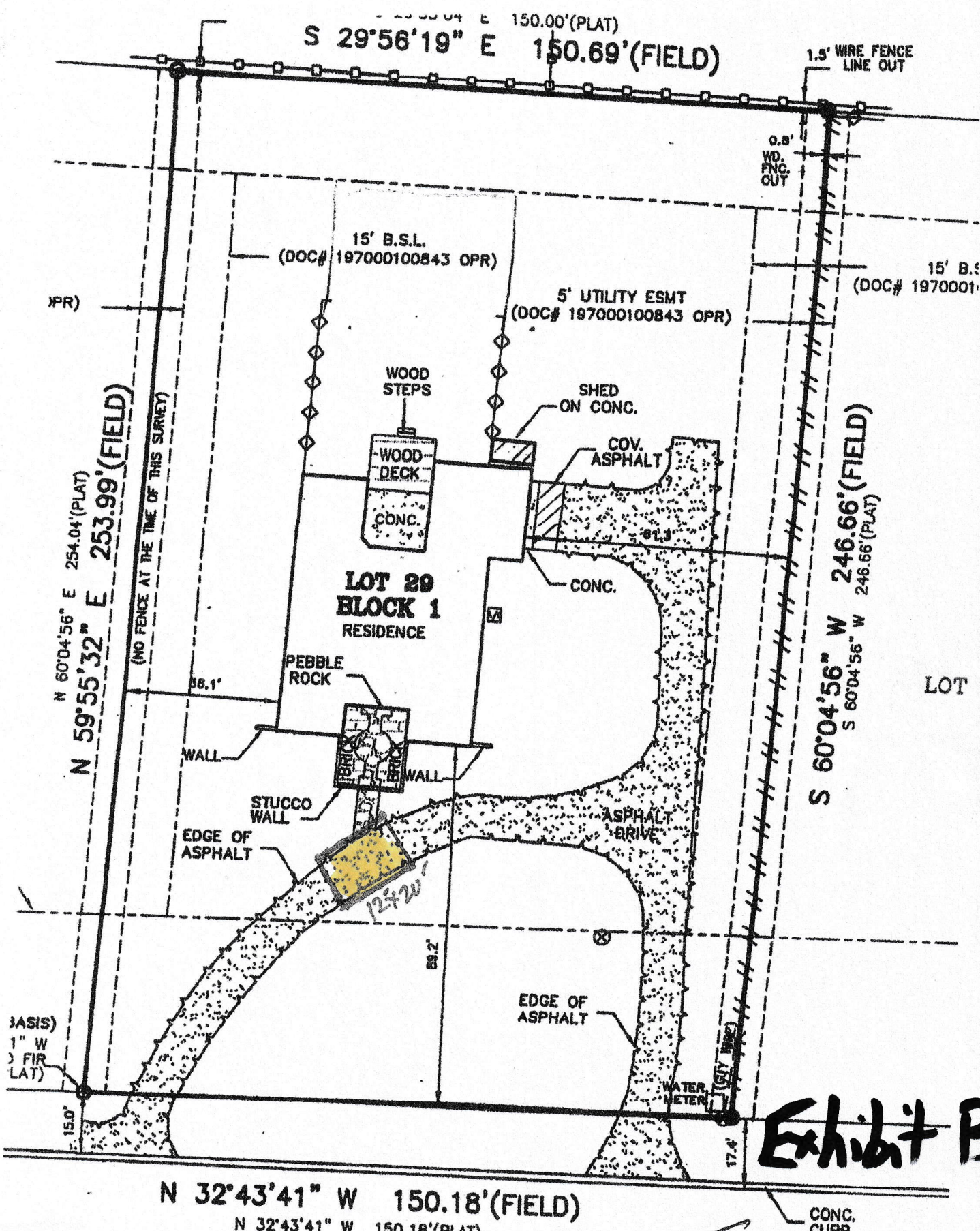


Exhibit B

Carport

20632 Timber Rose

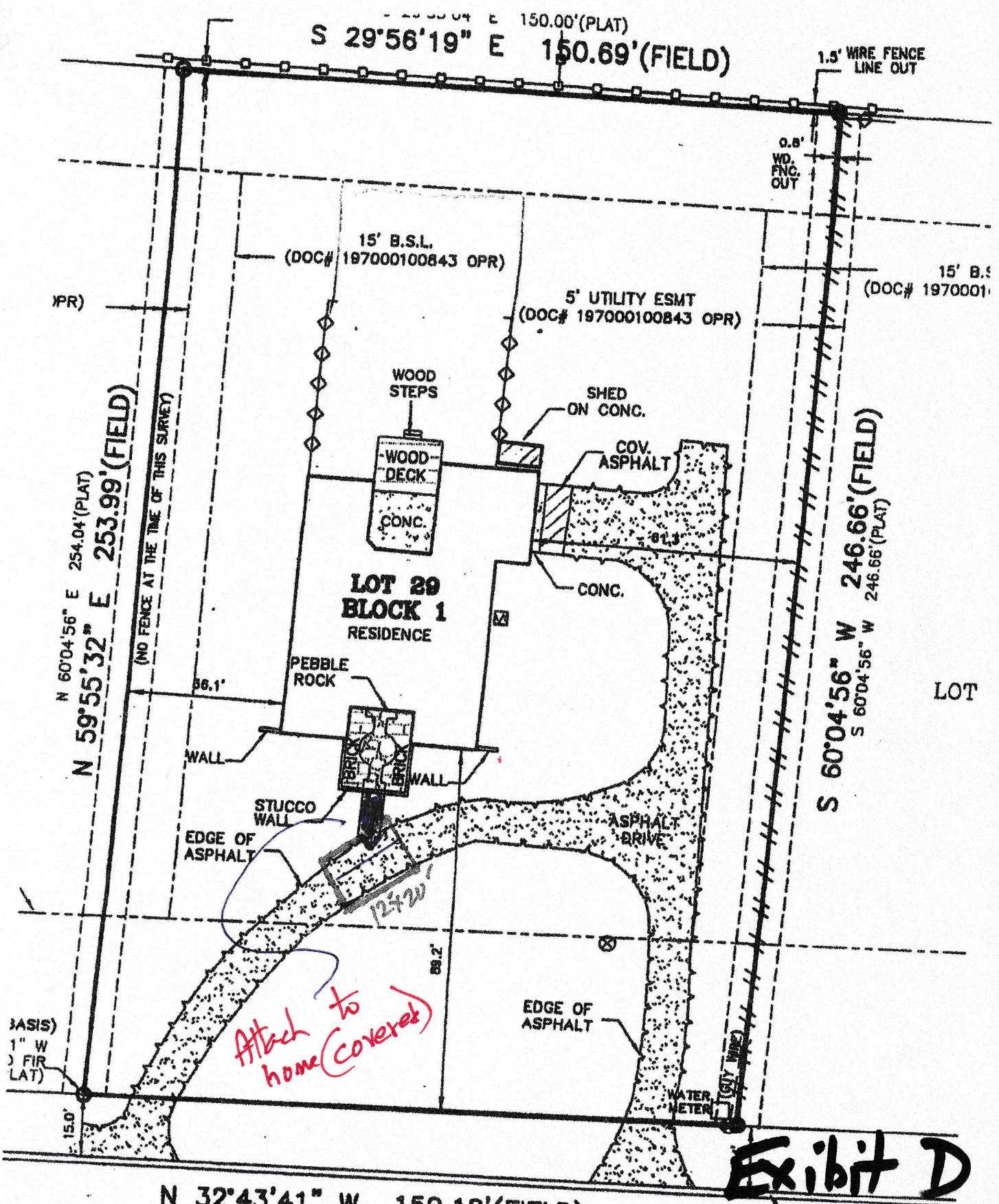
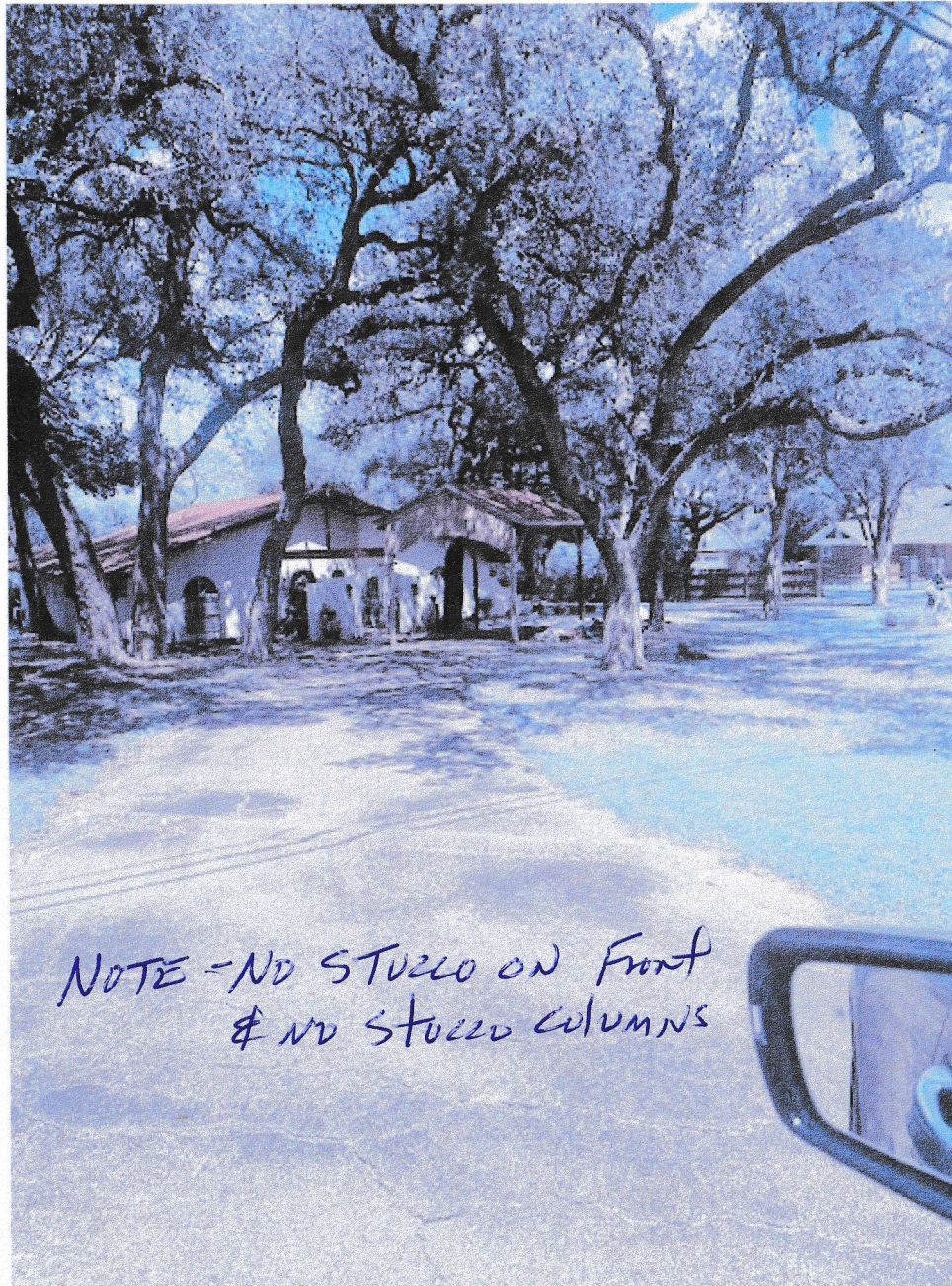


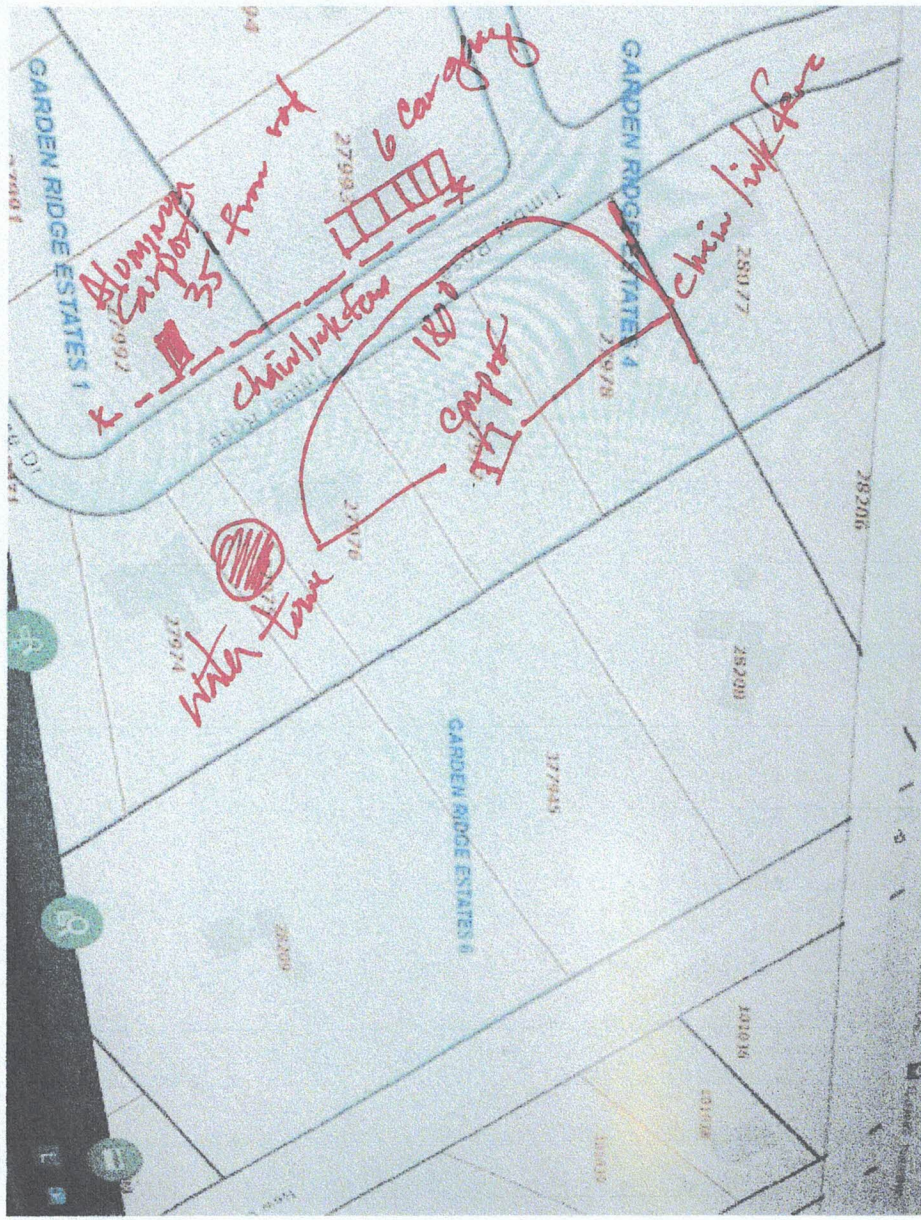
Exhibit D

Port-a-cade 20632 Timber Rose



NOTE - NO STUCCO ON FRONT
& NO STUCCO COLUMNS

Exhibit E



180° View from Carport



200 feet from Subject Property:

ID	Address	Name
377945	20525 FM 3009	NGOC-Tuyen D ONG TR
28208	20631 FM 3009	Cheryln Krivka
28206	20711 FM 3009	Roy J and Rose Leatherberry
27978	20656 Timber Rose	Nancy R Kraft
27977	20632 Timber Rose	Subject Property
27973	20530 Timber Rose	Erika and Edwardo Menez de Castillo
27975	20578 Timber Rose	City of Garden Ridge
28077	20666 Timber Rose	Don and Barbara Harris
27922	9495 Garden Ridge	Becky Houy

27993 9498 Cinchona Trail Linda and Daniei W Brossman

27976 P.O. Box 419
Schertz, TX 78154 Robert J Baich and Nadine L Knaus

27974 20552 Timber Rose Edward J and Lois V Faieski TR



Date: June 14, 2025

Project Number: 2025-3571

20632 - CARPORT
W/ELECTRICAL

Permits Dept
City of Garden Ridge

Job Address: 20632 Timber Rose, garden ridge TX 78266

Dear Permits Dept
City of Garden Ridge,

Staff has completed its review of the plans for the project that is to be located at 20632 Timber Rose, garden ridge TX 78266.

The plan review has been Denied with the following Comments:

Residential

A carport is not permitted in the front yard.

It must be located in the side or rear yard, behind the front facade of the house, and meet the setback requirements for the area in which it is built.

- See Ordinance 13, Sec. 2.06.04.

Setbacks per Table 6.

BB 2708

Please submit any revisions or additional information for the plan review directly to the city, rather than emailing. For questions or further details about the plan review itself, feel free to contact me directly at

Office: (830) 885-0007

Email: Schedule@bb-inspections.com

Sincerely,

BB Inspections, Plans Examiner

All work performed shall comply with the current International Building Codes, NEC, state codes and local ordinances. Final approval of the permit application is contingent upon review and approval from all required city departments. Failure to discover all code violations through the city's review process does not relieve the designer/architect and contractor from the responsibility of producing a product in compliance with all requirements of the currently adopted International Code Series, the NEC and local ordinances.

Applicant: Don and Connie Simmons
Address: 20632 Timber Rose Drive

Description: Request for variance to Zoning Ordinance No. 13-102024, Section 2, Zoning Regulations, Subsection 2.06.04. Accessory Structures, B. Residential Accessory Structures, Table 6, which requires that an accessory structure (such as a carport) be located behind the front façade of the primary dwelling in a residential zoning district. The property is located at 20632 Timber Rose Drive and further known as Lot 29, Block 1, Garden Ridge Estates Subdivision, Garden Ridge, Comal County, Texas, consisting of .86 acres in size and zoned Residential Estate (RE) District.

Upon giving public notice and conducting a public hearing on this variance request in accordance with Ordinance No. 13-102024, the Board of Adjustment adopts these specific, written findings as follows:

Criteria for Zoning Variance Approval (Ordinance No. 13-102024, Section 2.08.02.)	<u>Yes</u>	<u>No</u>
1. There are special circumstances or conditions affecting the land involved such that the application of the Ordinance’s provisions would deprive the Applicant of the reasonable use of their land.		
2. The Zoning Variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.		
3. The Zoning Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant.		
4. The granting of the Zoning Variance will not be detrimental to the public health, safety, or general welfare, impair the purposes and intent of the Ordinance and the Comprehensive Plan or be injurious to other property within the area.		
5. The granting of the Zoning Variance will not have the effect of preventing the orderly use of other land within the area in accordance with this Ordinance.		
6. An undue hardship exists, using the following criteria, for Applicant without the variance.		
<p>Hardship Criteria:</p> <p>In determining if a hardship exists, use the following criteria:</p> <ul style="list-style-type: none"> a) That the requested variance does not violate the intent of the zoning regulations. b) That special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and not applicable to other parcels of land in the same zoning district. c) That the relief sought will not injure the permitted use of adjacent conforming property. d) That the granting of a Zoning Variance will be in harmony with the spirit and purpose of these regulations. 		

- e) That the hardship is in no way the result of the applicant's own actions.
- f) That the interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
- g) In considering a variance as applied to a structure, the Board of Adjustment may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
 - i. The financial cost of compliance is greater than fifty (50) percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under section 26.01 Tax Code; or
 - ii. Compliance would result in a loss to the lot on which the structure is located of at least twenty-five (25) percent of the area on which development may physically occur; or
 - iii. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement; or
 - iv. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - v. The city considers the structure to be a nonconforming structure.

Additional Notes: _____

With _____ members present, and upon a vote of _____ for, _____ against, _____ abstaining.

The variance is hereby: _____ granted _____ denied

Presiding Officer/Board of Adjustment Chair

Date