



# CITY OF BAYTOWN

## Zoning Variance Checklist

Planning and Development Services  
2401 Market Street  
Baytown, TX 77520  
Phone: 281-420-5394  
Planning@baytown.org

Carefully review the following information before submitting a zoning variance request. It is the applicant's responsibility to defend their case before the Board of Adjustment ("BOA") to include providing a statement with their application that justifies the variance based on established criteria set forth below. Please note that the BOA may not grant a variance to relieve a self-created or personal hardship or for financial reasons only.

The following list of submittal requirements shall be used by the applicant as a checklist in preparing a complete application. The City shall also use the checklist to verify the completeness of the application at the time it is submitted. Applicants are responsible for submitting complete applications. Incomplete applications will be rejected and returned to the applicant.

**Universal Development Application** – complete with all required signatures

**Application Fee** – \$150.00

**Agent Information** – if you are an agent and not the property owner, then you shall submit a notarized statement from the owner naming you as agent for this application or you must provide an executed contract for sale allowing you to apply for this variance. If the property is owned by any entity or corporation and not an individual, please submit Articles of Incorporation or other documentation verifying signatory authorization.

**Applicant's Statement** – The statement shall: describe the request (e.g. request to reduce the building setback from X to Y); indicate the existing zoning district; indicate the current and proposed property uses; the section(s) of the Unified Land Development Code ("ULDC") that the applicant is seeking a variance from; and, state the reason(s) each variance is being requested. Finally, the statement shall illustrate how the applicant's request addresses the following criteria (NOTE: the BOA may grant a variance only if it finds ALL of the following criteria are met):

1. Ensures the same general level of land use compatibility as the otherwise applicable standards;
2. Is not a hardship of the applicant's own making;
3. Does not adversely affect adjacent land uses and the physical character of uses in the neighborhood in which the exception is sought because of inadequate buffering, screening, setbacks and other land use considerations;
4. Does not adversely affect property values of adjacent properties in any material way and will improve the property value of the property for which the exception is sought. (Did the applicant demonstrate that the structure has historically provided a facility in the neighborhood or otherwise improves the overall neighborhood);
5. Furthers the goals and vision of the city as set forth in the comprehensive plan, the vision statement, and an applicable neighborhood plan or redevelopment plan adopted by the city council;
6. Is generally consistent with the purposes and intent of the ULDC
7. Is needed as special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same district and are not merely financial;
8. Is necessary as literal interpretation and enforcement of the terms and provisions of the dimensional standards would deprive the applicant of rights commonly enjoyed by landowners in the same district and would cause an unnecessary and undue hardship;
9. Is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of the ULDC and would result in substantial justice; and
10. Will bring the existing and proposed structure closer to compliance with the ULDC or will otherwise improve or enhance public health, safety or welfare.

By signing below I acknowledge that I have reviewed the general information and submittal requirements checklist and have included the required submittal items and reviewed them for completeness and accuracy.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Printed Name