



**CITY OF KEMAH**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**  
**VARIANCE APPLICATION**

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## **OVERVIEW**

A Variance is required for any deviation from the requirements of the city's ordinances. A Variance is only granted when strict conformity to the provisions of the code would cause an unnecessary hardship because of the circumstances unique to the property on which the Variance is granted. Variance requests are reviewed by City Council.

## **SUBMITTALS**

The following is a list of required and suggested exhibits for presentation to City Council.

Required exhibits and the completed Variance Application **must be** submitted to the City at least 20 business days prior to the scheduled meeting date, and shall include:

1.  Completed Variance Application form.
2.  Application Fee of \$500.00 per Variance Request.
3.  Proof of ownership of the property in question (Title Policy, Warranty Deed, Deed of Trust, etc.).
4.  Survey showing all existing structures with dimensions of the structures and distances from property lines. Sealed by a registered surveyor in the State of Texas.
5.  Plot Plan/Site Plan, drawn to scale, showing existing conditions and proposed Variance relief.
6.  Project Description/Justification Letter listing specific reason(s) that thoroughly explain what is being requested and why such Variance should be granted (Explanations of hardships or special conditions). Page 5 of Variance Application Packet
7.  If required, Affidavit of Posting fully executed which ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the meeting date. Such sign will be provided by the Community Development Services Department.

*The property owner or a designated representative must appear at the city council meeting to present the information to city council and answer any questions which may arise.*



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The following items are suggested to aid in making a complete presentation in order for City Council to make a knowledgeable decision regarding the application.

8. \_\_\_\_\_ All dimensions of your property as they relate to your application.
9. \_\_\_\_\_ All dimensions of adjacent properties as they may relate to your application and/or other properties in the block which may be pertinent to your application.
10. \_\_\_\_\_ Photographs of your property and/or other adjacent properties to clarify your presentation.
11. \_\_\_\_\_ Architectural scale drawings to help clarify your presentation.

Any staff reports made to City Council are based upon information submitted with the application. Any information to be submitted to City Council which was not submitted at the time of application should be provided to staff at least 10 business days prior to the meeting. This will enable staff to make reports based on all the facts being presented.

### **PROCESS**

1. Upon receipt of a complete Variance application packet the variance request will be scheduled based on the submittal date.
2. If a Notice of Public Hearing is required, the Community Development Services Department will provide a Notice of Public Hearing sign to the applicant which must be posted on the property where the Variance is being requested. The sign must be posted on the property visible from the public right of way and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
3. If a Notice of Public Hearing is required, an Affidavit of posting fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the meeting date. Such sign will be provided by the Community Development Services Department.
4. If a Notice of Public Hearing is required, the Community Development Services Department will publish the Notice of Public Hearing in the Galveston County Daily News and at City Hall in conformance with legal requirements. Additionally, the city will send a Notice of Public Hearing to all property owners within 200 feet of the subject property where the variance is being requested.

**Generally, City Council may authorize a variance from certain 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 or desirable to the public interest including, but not limited to, the public's health, safety, convenience, and welfare.**



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Address of Property \_\_\_\_\_

Commercial \_\_\_\_\_

Residential \_\_\_\_\_

Legal Description of the Site: \_\_\_\_\_

Galveston County Appraisal District Property Number: \_\_\_\_\_

Property Owner

Designated Representative (DR)

Property Owner Name \_\_\_\_\_

DR Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone Number \_\_\_\_\_

Phone Number \_\_\_\_\_

Email \_\_\_\_\_

Email \_\_\_\_\_

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Exact ordinance section from which a Variance is requested: \_\_\_\_\_

Are there drawings, photos and other data? ( )NO ( )YES (Please list items here and attach)

**Note:** Generally, City Council may authorize a Variance from certain 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 or desirable to the public interest including, but not limited to, the public's health, safety, convenience and welfare. Variance-related decisions of the council, together with the specified facts upon which such decisions are based, shall be incorporated into the official minutes of duly noticed City Council meetings.

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief. I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this application and subsequent decisions will be complied with whether specified herein or not.

Property Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_

Designated Representative Signature \_\_\_\_\_ Date: \_\_\_\_\_

VARIANCE FEE \$ \_\_\_\_\_ PAYMENT TYPE \_\_\_\_\_ PAYMENT DATE \_\_\_\_\_



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**PROVIDE REASON(S) FOR VARIANCE REQUEST**

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