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P.O. BOX 3100 • PHONE 325-643-5451  
EARLY, TEXAS 76803

## Variance Request Process and Criteria

**Dear Applicant,**

Thank you for your interest in applying for a variance with the City of Early. A variance is a request for an exception to certain zoning or land use ordinances. This letter outlines the steps for submitting a variance application and the criteria that must be met for the City Council to approve your request.

### **Variance Approval Process**

**1. Submit Application**

Complete the attached variance application form and submit it to the Development Department along with any required supporting documents.

**2. Review by City Staff**

City staff will review your application to ensure all required information has been provided. If additional details are needed, you will be contacted.

**3. City Council Review**

Once your application is complete, it will be scheduled for a public hearing before the City Council. You will be informed of the meeting date and time. During the hearing, you will have the opportunity to present your case, and the Council will consider public input, if applicable.

**Notice is required to be mailed to each property owner within 200 feet of your property. Additionally, in the public hearing, the council will hear from any property owners either in favor or opposed to granting the variance.**

**Notice is required to be placed in a local newspaper at least 10 days before the City Council Public Hearing, therefore timing of the hearing will be dependent on the publication dates and scheduled City Council Meetings.**

**4. City Council Decision**

After the public hearing, the City Council will vote on your variance request. For approval, the following criteria must be met:

## Variance Permit Criteria

It is not the responsibility of City Staff to advocate for the variance in front of the City Council. The Unified Development Code requires that a certain level of criteria is met for the approval of the variance as listed below.

The City Council must make an affirmative finding that the following criteria have been satisfied:

**1. Special Circumstances:**

Special circumstances must exist that are peculiar to the land or structure in question, and these circumstances should not apply to other land or structures in the same zoning district.

**2. No Self-Imposed Hardship:**

The special circumstances must not be the result of actions taken by the applicant.

**3. Undue Hardship:**

Literal interpretation and enforcement of the Unified Development Code (UDC) must result in the applicant being deprived of rights commonly enjoyed by other landowners in the same zoning district, creating an unnecessary and undue hardship.

**4. Non-Financial Hardship:**

The hardship incurred cannot be financial in nature.

**5. Minimal Deviation:**

Granting the variance must be the minimum action necessary to make possible the use of the land or structure in a way that is not contrary to the public interest and that aligns with the spirit of the UDC.

**6. No Adverse Impact:**

Granting the variance must not adversely affect adjacent properties in any material way.

**7. Consistency with the UDC:**

The variance must be generally consistent with the purposes and intent of the UDC.

## Next Steps

If your variance is approved, you will receive written confirmation from the City. Any conditions imposed by the City Council must be met before the variance becomes effective. If your variance is denied, you will be informed of the reasons the request was denied.

If you have any questions about the process or the criteria, please contact the City Hall at 325-643-5451

We are here to help you navigate this process and ensure your request is fairly considered.

Please fill out the attached application completely and provide as attachments any necessary supporting documents to assist your application approval process.



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## 1. Applicant Information

- **Full Name:** \_\_\_\_\_
- **Address:** \_\_\_\_\_
- **Phone Number:** \_\_\_\_\_
- **Email Address:** \_\_\_\_\_

## 2. Property Information

- **Property Address:**  
\_\_\_\_\_
- **Property Owner (if different from applicant):**  
\_\_\_\_\_
- **Zoning District:** \_\_\_\_\_
- **Parcel Number (if applicable):** \_\_\_\_\_

## 3. Ordinance for Which a Variance is Requested

- **Ordinance Number or Title:** \_\_\_\_\_
- **Ordinance Section (Number):** \_\_\_\_\_
- **Brief Description of Ordinance Requirement:**  
(Example: Setback requirement, fence height limit, etc.)  
\_\_\_\_\_

## 4. Reason for Requesting Variance

- **Describe the specific variance requested:**  
\_\_\_\_\_

- **Ordinances are put in place to protect against safety issues, unsightly conditions, drainage issues, and the overall aesthetics of a neighborhood. To vary this ordinance, it is your burden to prove that you are being negatively affected by the ordinance and the hardship is not financial in nature (ie. You are asking for a variance from installing a drainage pipe under your driveway because it costs too much). Explain how enforcing this ordinance creates an undue hardship for you or your property:**  

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- **Provide justification on how the variance will not negatively affect the health, safety, or welfare of the community (Attach additional documentation if necessary):**  

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## **5. Supporting Documents**

(Please attach the following items if applicable)

- **Site Plan or Survey**
- **Photographs of the Property**
- **Letters of Support (optional)**

## **6. Declaration and Signature**

I, the undersigned, certify that all information provided in this application is accurate to the best of my knowledge. I understand that submitting this application does not guarantee approval of the variance.

- **Applicant's Signature:** \_\_\_\_\_
- **Date:** \_\_\_\_\_

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## **Office Use Only**

- Date Received: \_\_\_\_\_
- Application Fee (if applicable): \_\_\_\_\_
- Review Date: \_\_\_\_\_
- Decision:  Approved  Denied