

General Explanation:

The Planning Commission may grant a non-use variance from the Town Code on a case by case basis when strict application of the regulations would cause exceptional practical difficulties, undue hardship to the property owner, and would not be contrary to the public interest. Variances cannot be granted for a use not normally permitted in a zone. A zone change should be sought to permit such a use. No other applications may be submitted concurrently with a variance application. An applicant must have received approval of a non-use variance prior to submitting a development application or any other related application.

Requests are reviewed on a first come, first served basis. Staff will review the request and identify any missing items. Once the variance request is considered complete, the request will be scheduled for a public hearing before the Planning Commission. Staff will prepare a report to the Planning Commission. The applicant will also receive a copy of this report. The Planning Commission will hold a formal public hearing on the variance request. The Planning Commission will approve, approve with conditions, or disapprove the proposal based on the information presented and their findings with regard to the review criteria.

[APPLY HERE: CommunityCore Online Permit Link](#)

Review the below submittal requirements for applicable plans and documents which shall be submitted online with the Property Vacation application. Before submitting online, ensure you have all of the below information.

- 1. General Application Information.** An application submitted by multiple applicants shall designate one person from among them to serve as the primary applicant.
 - Project Street Address & Unit Number
 - Property Legal Description
 - Owner Name/Address
 - Applicant Name/Address
 - Description of Work
 - Zoning District
 - Lot Size (square feet)
- 2. Property Owner Consent:** If the applicant is not the owner of the property, a statement by the owner consenting to this application must be submitted.
- 3. Application Fee:**
 - \$1000.00 non-refundable application fee and;
 - Development Review Account (DRA) for technical review with an initial deposit of:
 - \$800 OR \$1,500 for large projects (see Section 2.3.2.D)
- 4. Written Materials.** Applicant must submit additional information showing that the conditions listed in Frisco Town Code, Section 2.7.3 exist on the property.
 - The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district.
 - That the extraordinary or exceptional physical condition of the property will not allow reasonable use of the property in its current zone in the absence of relief.
 - That the granting of the variance will not have an adverse impact on the surrounding properties, the neighborhood, or the community as a whole.
 - The granting of the variance will not be detrimental to public health, safety, and welfare or injurious to surrounding property values and neighborhood character.
 - The granting of a variance shall not be substantially inconsistent with any plans adopted by the Town of Frisco.
 - The granting of the variance shall not materially weaken the general purpose of the Zoning Ordinance or its regulations.
 - The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property.
- 5. Public Notice:** **The applicant shall be responsible for providing accurate mailing labels as part of the complete project application and for posting the notice of the public hearing on the subject property,** and shall bear all costs incurred in connection with giving notice of the public hearing. The Community Development Department shall be responsible for writing the content of notices and mailing. Please refer to Section 2.3.5 for additional information.

- 6. Project Drawings:** Each application shall include two (2) scaled paper copies of each required plan set along with a scaled electronic plan submitted with the online application.
- **Engineered drawings** shall be dimensioned and have a minimum scale of 1":20'. All plans shall be submitted to the same scale.
 - i. **Topographic Survey:** Required for new construction projects.
 - ii. **Site Plan:** Show the location of all existing structures and improvements proposed. Include a development calculation table with the lot size, lot coverage, number of parking spaces, building height, and lawn area calculations.
 - **Architectural drawings** shall be dimensioned and have a minimum scale of 1/8":1'. All plans shall be submitted to the same scale.
 - i. **Floor Plan:** Include all walls, windows, doors, stairs, lighting, bedrooms, balconies, attached decks or patios with interior access.
 - ii. **Roof Plan:** Include roof and roof overhangs.
 - iii. **Elevation Drawings:** Show all sides of the building elevations. For additions to existing structures, be sure to clearly indicate which portions of the structure are existing and which are proposed.

DEVELOPMENT REVIEW ACCOUNT (DRA) INFORMATION

A Development Review Account (DRA) is an account established for Planning Division applications that may incur legal, engineering or other similar technical fees for review and consultation incurred by the Town.

A DRA must be established at the time an application is filed. The initial payment to set-up a DRA is not a guarantee of the final cost for legal and/or technical fees; it is only the minimum amount required to establish a DRA. The Town will notify the applicant of any deficiency in the DRA account balance as often as applicable. No plan approval will be given if the applicant does not have the minimum DRA balance, and no application shall be scheduled on an agenda or reviewed until such payment has been made.

Once costs have been incurred, there will be approximately four months from the date of the review activity for the Town records to reflect the actual costs. Descriptions of all review activities are available upon request.

After final approval of an application, including all associated conditions that may require site inspections and/or other follow-up review, or upon a request for return of DRA funds, the Town will determine the balance remaining in the account. This amount can only be calculated after all bills associated with the application are submitted to the Town. All funds in the account over the costs incurred by the Town will be returned to the applicant.