



PROCEDURE - REQUEST FOR VARIANCE OR APPEAL OIL AND GAS BOARD OF APPEALS TOWN OF FLOWER MOUND

1. The Oil and Gas Board of Appeals consists of five (5) regular members and three (3) alternate members, and all cases must be heard by at least four (4) members. The Board is a quasi-judicial board. It is not a legislative body with the authority to amend ordinances or create new laws. The Board conducts hearings on matters dealing with the Flower Mound Oil and Natural Gas Well Drilling and Operations Ordinance and determines if strict compliance with the ordinance will create a hardship. The Board also considers whether the variance will comply with the spirit and intent of the ordinance. In order for a variance to be granted, all eleven (11) items identified on the application **must** apply. If any of the items do not apply, the Board does not have the ability to grant a variance.
2. The Board also has the authority to hear and decide appeals where it is alleged that there is an error or abuse of discretion regarding the issuance of an oil, gas, or combined well permit or the revocation or suspension of any permit issued hereunder, and as provided by this article. Any person or entity whose application is denied by the oil and gas inspector or whose permit is suspended or revoked or whose well or equipment is deemed by the oil and gas inspector to be abandoned may file an appeal to the oil and gas board of appeals pursuant to [chapter 78](#), division 3, entitled "Board of Adjustment" in this Code..
3. A pre-filing interview may be held if requested by the applicant or if deemed necessary by the Town.
4. The application must be signed by the property owner. If the applicant is not the owner, a notarized document showing authority to request the variance must accompany the application.
5. The following must also accompany the application packet:
 - A. A \$2,000.00 application fee.
 - B. A site plan of the lot showing all property lines as well as a depiction of the requested variance. If a variance from building setback requirements is requested, the site plan must be stamped by a licensed surveyor. Additional copies or other supporting documents may be required.
6. After the above items have been completed, the variance request will begin the following process:
 - A. The applicant and all property owners within 200 feet of the property where the variance is requested will be notified of a Public Hearing to be held by the Oil and Gas Board of Appeals by notice deposited in the U.S. mail. Said notices are to be mailed at least 10 days prior to the Public Hearing.
 - B. The applicant or representative must be present at the Board of Adjustment public hearing. Failure to attend the public hearing will cause the Board to deny the item without prejudice to re-filing. The letter, referenced in 6 A. above, will be your notification of any hearing.
 - C. Persons who are in favor or who oppose the request are allowed to appear before the Board in order to present their views.
7. Any additional information such as renderings, elevations, models or other supporting documents that you wish to submit may be introduced at the meeting.

According to state law, no variance can be granted without the concurring vote of at least four (4) members of the Board.

APPEALS TO A DECISION RENDERED BY THE OIL AND GAS BOARD OF APPEALS

The only appeal to a decision rendered by the Oil and Gas Board of Appeals is to State District Court. The appeal must be filed with the district court within ten (10) days of the Board's decision. State law prohibits the Town Council from hearing an appeal.



**APPLICATION - REQUEST FOR VARIANCE OR APPEAL
OIL AND GAS BOARD OF APPEALS
TOWN OF FLOWER MOUND**

DATE: _____

I, the undersigned owner or authorized agent of the following described real property located in the Town of Flower Mound, Texas, hereby make application for a request for a variance from the terms of section _____ of the Town of Flower Mound "Oil and Natural Gas Well Drilling and Operations" Ordinance.

LOCATION OF PROPERTY

Street Address: _____

Legal Description: Lot/Tract _____, Block _____, of Subdivision/Abstract _____

REQUEST: (If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

A non-refundable application fee of \$2,000.00 is required at the time of application.

The Oil and Gas Board of Appeals shall consider the following in deciding an appeal:

- (1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the vicinity;
- (2) A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made;
- (3) The granting of the variance on the specific property will not adversely affect any other feature of the comprehensive master plan of the Town;
- (4) The variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity;
- (5) Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the vicinity considering the particular location and the character of the improvements located there;
- (6) Whether the drilling of such wells would conflict with the orderly growth and development of the Town;
- (7) Whether there are other alternative well site locations;

- (8) Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the oil, gas, or combined well permit conditions to be imposed;
- (9) Whether the operations proposed are consistent with protecting the ecological integrity and environmental quality, including protection of surface and ground water sources, of potentially impacted environmentally sensitive areas.
- (10) Whether there is reasonable access for the Town fire personnel and fire fighting equipment; and
- (11) Whether the impact upon the adjacent property and the general public by operations conducted in compliance with the oil, gas, or combined well permit conditions are reasonable and justified, balancing the following factors:
 - a. The reasonable use of the mineral estate by the mineral estate owner(s) to explore, develop, and produce the minerals; and
 - b. The availability of alternative drill sites.

I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Oil and Gas Board of Appeals. **I further understand that at least four (4) affirmative votes must be cast in order to receive a variance.**

Signature of Applicant	Print Name	
Mailing Address	Telephone (Home)	Telephone (Day Number)
Staff Member's Signature	Date	Receipt Number

OIL AND GAS BOARD OF APPEALS DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

OIL AND GAS BOARD OF APPEALS CHAIRMAN: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____, _____.