



1100 McDuff Avenue / Post Office Box 425 Grandview, Texas 76050
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APPLICATION FOR ZONING BOARD OF ADJUSTMENT APPEAL OR VARIANCE

SECTION 1. APPLICANT/OWNER INFORMATION

Applicant/Developer: _____

Physical Address: _____

City: _____ State: _____ ZIP: _____

Mailing Address (if different): _____

City: _____ State: _____ ZIP: _____

Telephone: _____ Email: _____

Applicant Status (Check one): Owner Other (State relationship) _____

Property owner MUST SIGN below or submit a signed letter of authorization if Applicant is not owner.

Owner (if different): _____

Physical Address: _____

City: _____ State: _____ ZIP: _____

Mailing Address (if different): _____

City: _____ State: _____ ZIP: _____

Telephone: _____ Email: _____

Applicant is encouraged to attach any Maps, Site Plans, and Drawings to application they want considered.

SECTION 2. VARIANCE REQUEST INFORMATION

When completing this application, consider the Grandview Code § 56.914(e) states “no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.”

Property street address (if applicable): _____

Property legal description: _____

Lot(s): _____ Block(s): _____

Subdivision Plat Name: _____

Current zoning of property: _____

Zoning Section you are requesting a variance regarding (must be a Zoning Ordinance, Chapter 56 Code of Ordinances): _____

Proposed Variance: _____

Proposed Use of Property: _____

Justification for Variance: _____

SECTION 3. VARIANCE REQUIRED CONSIDERATIONS

The following are mandatory questions the Applicant must provide and the Board must consider when hearing a request for Variance.

Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district:

Explain how literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter: _____

Explain how the special conditions and circumstances do not result from the actions of the applicant:

Explain how the granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district: _____

SECTION 4. APPENDIX

This appendix is not meant to modify any Federal or State laws or City Ordinances. It is intended to be informative and to be used as a guideline to assist applicants complete the Application. In the event of a discrepancy between this form and any statutes or ordinances, the relevant statutes and ordinances shall control.

Tex. Loc. Govt Code § 211.008(d) requires any case before the Board of Adjustment to be heard by a quorum of at least 75% of the board members.

Tex. Loc. Govt Code § 211.009 explains the authority and limitations by state law of the Board of Adjustment. The statute requires a concurring vote of 75% of the members of the Board to reverse an administrative decision or authorize a variance. Generally, the Board may hear an appeal where:

- 1) applicant alleges error made by an administrative official in the enforcement of zoning ordinances;
- 2) applicant is claiming a special exception when the ordinances specifically require the Board to hear cases involving that special exception, with;
- 3) applicant is claiming a specific case for a variance from the terms of the zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and the spirit of the ordinance is observed and substantial justice done. See Tex. Loc. Govt Code § 211.009(b-1) for more information on what qualifies as an unnecessary hardship.

The City of Grandview Code of Ordinances § 56.912(d), mirroring state law above, requires a minimum of four board members to concur to reverse an administrative decision or grant an appeal.

The City of Grandview Code of Ordinances § 56.912(b) lists the following special exceptions the Board shall hear as follows:

- 1) Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformity with the master plan and present no conflict or nuisance to adjacent properties.
- 2) Permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
- 3) Grant a permit for the extension of a use, height, or area regulation into an adjoining district where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this chapter is derived.
- 4) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and primary purpose of continuing the nonconforming use is not to continue a monopoly.
- 5) Waive or reduce the parking and loading requirements of any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- 6) Determine whether an industry should be permitted within the M-1—Light Industrial District and M-2—Heavy Industrial District because the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- 7) Rule on all applications on sitting of manufactured homes in districts not so zoned. Approval shall only be allowed in cases of extreme hardship under guidelines established by the board.

The City of Grandview Code of Ordinances § 56.914 lists the specific cases a variance may be considered.

The City of Grandview Code § 56-915(a), following the requirements in state law for limited authority granted to the Board of Adjustments, states “The board shall have no authority to change any provisions of this chapter and its jurisdiction is limited to hardship and borderline cases, which may arise from time to time. The board may not change the district designation of any land either to a more or less restrictive zone. The board does not have the authority to grant use variances (i.e., to approve a use that is not allowed by ordinance).”

This document is not meant to modify any Federal or State laws or City Ordinances. It is intended to be informative and to be used as a guideline. Where circumstances of a particular job differ from these procedures, the decision of the Development Department will prevail.