

City of Hurst, Texas
Zoning Board of Adjustment
Procedure for Variance Request

1. A pre-filing interview may be held by the Building Official or his assistant.
2. The application submitted must be signed by the owner of the property. If the applicant is not the owner, a notarized document showing authority to request the variance must accompany the application.
3. The following documents must accompany the application:
 - A. Fee of \$200.00
 - B. Metes and bounds (field notes) if property has not been platted and dedicated to the City of Hurst or when a variance is requested on a portion of a platted or unplatted tract describing the portion. A registered surveyor’s seal must appear on the metes and bounds.
4. Application, fee, necessary documents, etc. in completed form must be submitted to the Building Inspection Department before or not later than 12:00 Noon on the deadline dates specified on the attached sheet.
5. After the above items have been completed, the variance request will be processed as follows:
 - A. The applicant and property owners within the zone of influence (property within 200 feet of the variance property, excluding any public streets) will be notified of the public hearing to be held by the Zoning Board of Adjustment.
 - B. The applicant or representative must be present at the Zoning Board of Adjustment hearing. Your letter will be your notification of this meeting. Persons favoring or opposing the request are allowed to appear before the Board at this time.
6. Any additional information or other supporting documents may be introduced at the meeting.
7. In order for a variance to Zoning Ordinance No. 606 to be granted, each of the four questions listed on the following page must receive four affirmative votes. If any of the questions fail to receive the required number of affirmative votes, the request for variance will be denied.

I have read this application form and understand that its completion and payment of the prescribed fees does not guarantee an affirmative action by the Zoning Board of Adjustment. I further understand that all four of the questions listed on page two of this application must received at least four affirmative votes in order to receive a variance from Zoning Ordinance 606.

Applicant Name (Please Print)

Applicant’s Signature

Date

Staff Member’s Signature

The Zoning Board of Adjustment Powers and Duties

The Zoning Board of Adjustment consists of five (5) regular members and two (2) alternates. 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 City of Hurst Zoning Ordinance.

The Board's jurisdiction shall extend to and include hearing and deciding on the following types of appeals and applications and to that end shall have the necessary authority to insure continuing compliance with its decisions:

Interpretation: To render an interpretation of the zoning regulations or the matters of their application where it is alleged that an error in any order, requirement or determination was made by the enforcing officer in the administration of such provisions. In reaching its decision, the board shall establish firm guidelines for future administrative actions on similar matters.

Special exceptions: To decide upon those applications for special exception to use or develop property when the same is authorized under these regulations subject to board approval.

Variance: To authorize upon appeal in specific cases such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest. Such variances shall not be authorized unless the board makes an affirmative finding to all of the following questions:

- (a) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
- (b) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
- (c) That the relief sought will not injure the permitted use of adjacent conforming property.
- (d) That the granting of the variance will be in harmony with the spirit and purposes of these regulations.

No variance shall be granted without the concurring vote of four members of the board.

Application fees may only be refunded if a withdrawal is entered before the public hearing notices are prepared.

ZONING BOARD OF ADJUSTMENT CITY OF HURST

Application – Request for Variance (Interpretation, Special Exception or Variance)

Date: _____

I, the undersigned owner or _____

(Option-holder, etc.)

of the following described real property located in the City of Hurst, Texas, hereby make application for a request for a variance / interpretation / special exception from the terms of Section _____, Zoning Ordinance No. 606.

LEGAL DESCRIPTION

Lot _____, Block _____, of _____ Addition.
(If request is on a portion of platted property or property that is still in a survey, attach metes and bounds prepared by a registered surveyor.)

Street Address: _____

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.)

For a variance to be granted by the Zoning Board of Adjustment, the Board must make an affirmative finding to all the following requirements:

- (a) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
- (b) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
- (c) That the relief sought will not injure the permitted use of the adjacent conforming property;
- (d) That the granting of the variance will be in harmony with the spirit and purposes of these regulations.

The attached checklist must be completed before your application will be considered by the Board. Attached is an application fee of \$200.00.

Applicant Name (Please Print)

Signature of Applicant

Address

Telephone

Checklist – Request for Variance

Zoning Board of Adjustment

City of Hurst, Texas

To assist the Zoning Board of Adjustment in making a decision regarding your request for a variance, please complete the following:

1. Is your land or your building different from others around you? _____

2. Is your land or building useful for any purpose without the variance requested? _____

3. What effect will the granting of this variance have on other property, on adjacent streets or to people passing by? _____

4. If the variance is denied, how will the property be used? _____

5. How is the property around you used? _____

6. Who in your opinion will be affected by this change? _____

7. Will traffic conditions be affected by the requested change? _____

8. What evidence do you anticipate offering in support of your position? _____

Printed Name

Signature

Date