



**City of Colleyville
Community Development Department**

**Zoning Board of Adjustment/Sign Board of Appeals
Variance Checklist**

- Zoning Variance (ZBA/City Council)
- Interpretation Appeal
- Tree Mitigation Appeal
- Sign Variance (SBA)
- Other:_____
- Sidewalk / General Waiver

VARIANCE / APPEAL INFORMATION & CHECKLIST

City of Colleyville
100 Main Street
Colleyville TX 76034
817.503.1050

APPLICATION SUBMITTAL REQUIREMENTS

INSTRUCTIONS: Apply here: <https://www.colleyville.com/government/departments-a-l/community-development/community-development-applications-and-checklists>

The following items must be submitted online. Below is the checklist of information to include on exhibits:

Variance Request

- Application fee paid
- Statement of Planning Objectives (see page 6 for guidance)
 - Describe the variance you are requesting
 - Describe how the unique condition or circumstance did not result from your actions
 - Explain if there is any way to accomplish what you want without this request
- Any supporting documents

Interpretation Request

- Application fee paid
- Statement by the applicant describing the way the regulation should be interpreted, together with diagrams or charts illustrating the proposed application of the text or map provisions
- Letter from the Administrative Official detailing the basis for denial of the request

GENERAL INFORMATION

Jurisdiction - The Zoning Board of Adjustment's powers and authority are vested in Section 211 of the Texas Local Government Code, the Colleyville Land Development Code of the City of Colleyville, and the Board's Rules of Procedure. The Board may only decide issues authorized by Chapter 1 of the Land Development Code, or in other areas where it is given specific authority.

Structure - The Board consists of 5 regular members and 2 alternate members, appointed by the City Council. The Board is a quasi-judicial body and does not have the authority to amend ordinances or create new laws.

Meetings - The Board meets on the second Tuesday of each month at 7:00 p.m., as needed, in the City Council Chambers at City Hall.

TYPES OF REQUESTS

Variance Request - The Board may authorize a variance from the specific terms of the Land Development Code when the literal enforcement of the ordinance would result in an unnecessary hardship or practical difficulty in the development of a specific property. Variances may not be granted to serve as a convenience or to relieve a financial hardship.

Minor Variances: A deviation up to ten percent (10%) of a regulation shall be considered a minor variance request and will be processed and scheduled with the Zoning Board of Adjustment.

Major Variances: A deviation greater than ten percent (10%) of a regulation shall be considered a major variance request and will be processed as a Special Use Permit and will be scheduled with the Planning and Zoning Commission and the City Council.

Interpretation Appeal - An appeal for an interpretation of the regulations or zoning map designations may be filed with the Board. An interpretation by the Board establishes guidelines for ruling in future administrative actions.

See Chapter 1 of the Colleyville Land Development Code and the Zoning Board of Adjustment Rules of Procedure for complete information.

INSTRUCTIONS

- 1. Application Procedure** - Applicants shall submit an online application to the Community Development Department. Detailed submittal requirements for each type of application are contained in this packet.

A filing fee established by the City Council shall accompany every application. The amount of the fee is based on the actual cost of processing the application by the City. The application fee for a sign variance is \$250 and all other variances are \$175.

- 2. Stay of Proceedings** - An appeal stays all proceedings of the action appealed from unless the Administrative Official, after the notice of appeal has been filed, certifies in writing to the Board that a stay would cause imminent peril to life or property. In such cases, proceedings shall only be stayed by a restraining order granted by the Board or by a court of record.
- 3. Notice of Hearing** - Official written notice of public hearing on every application for a variance or for an interpretation of regulations applying solely to an individual property are sent to all owners of real property lying within five hundred feet of the property on which the variance is requested. The notice of hearing is mailed to each property owner as the ownership appears on the last approved city tax roll. The notice will state the date, time and place of the hearing, and the nature of the subject to be considered.
- 4. Public Hearing Procedure** - Public hearings are required for all requests for variances or permits for nonconforming uses or structures. Upon submittal of the application, the Community Development Department will schedule the application for public hearing before the Zoning Board of Adjustment. The public hearings provide an opportunity for the Board to hear from appellants; examine evidence; question the appellant, city staff, or any witnesses; or seek additional information. At the public hearing, the applicant, all proponents and all opponents will be given the opportunity to speak about the proposal. After completion of the public hearing, the Zoning Board of Adjustment will discuss the merits of the case and render a decision.
- 5. Decision and Voting** - Every decision of the Board must be based upon findings of fact and detailed in the record of the meeting. The standards for consideration of a variance request are detailed in Chapter 1 of the Land Development Code. The affirmative vote of four members is necessary in order for a request to be approved. A 3-2 vote in favor of the request is not considered approval of the request.
- 6. Approval of Request** - In approving any request, the Board may establish conditions, including time limits, in order to secure substantially the objectives of the regulation or provision to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted. When necessary the Board may require guarantees, in the form as it deems proper, to insure that conditions designated are being or will be complied with.
- 7. Denial of Request** - No appeal or application that has been denied shall be further considered by the Board, unless the Board affirmatively finds: ① that new plans materially change the nature of the request, or ② the permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of changed conditions.
- 8. Appeal of Board Actions** - A decision of the Board of Adjustment may only be appealed to district court. The petition setting forth that such decision is illegal, in whole or in part, must specify the grounds of such illegality. The petition must be presented to the court within thirty days of the Board's decision. The City Council does not have the authority to review a decision of the Zoning Board of Adjustment.

CONDITIONS GOVERNING APPLICATIONS

Listed below are the criteria upon which the Board must base its decision:

VARIANCES

Section 1.16.F of the Land Development Code

The Zoning Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances 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;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 - e. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.