



Zoning Board of Adjustments

Variance Packet & Application



Zoning Board of Adjustment Variance Application Instructions

1. Completed attached application.
2. Site Plan with all structures, fences, dimensions, property lines, etc. May be hand drawn.
3. A letter to the ZBA explaining your request.
4. Owner affidavit form completed.
5. A non-refundable filing fee of \$500.00 for a Residential Request
6. A non-refundable filing fee of \$800.00 for a Commercial Request.
7. Any other information that you feel will help explain your request.

CITY OF FOREST HILL
NOTICE TO VARIANCE APPLICANT

Applicants have a right to request a variance; however, obtaining a variance is not a “right”. In fact, it is very difficult to obtain a variance because the State law places many restrictions on the Zoning Board of Adjustment that must be met before a variance can be granted.

The Zoning Board of Adjustment (ZBA) is a quasi-judicial board. When in session, the ZBA is the same, in most respects, as a court of law. Board members may only consider evidence that is presented to them. Also, appeals from ZBA decisions can only be made to a District Court within ten (10) calendar days from the date of decision.

A successful variance granted by the ZBA is a permit variance to the development regulations where the literal enforcement of the City’s Ordinance would result in an unnecessary hardship, or where such variance is necessary to permit the reasonable development of a specific parcel of land which differs from other parcels of land in the same district. Examples of development regulations could include front yard setbacks, side yard setbacks, rear yard setbacks, lot depth, lot width, lot coverage, off-street parking or loading, lot area, maximum height, or masonry requirements. Examples of how a parcel of land may differ from other parcels within the same district could include distinctly different area, shape, or slope so that the parcel of land can not be developed in a manner commensurate with the development upon other parcels in the same district.

It is very important that you present sufficient evidence to “make” your case. Pictures, maps, plats, testimony of witnesses, letters from neighbors, etc., are examples of typical evidence considered by the ZBA. Your case must be decided based upon the ZBA being able to answer “yes” to the below listed requirements which are extracted from State law*. You must provide evidence to convince the ZBA that your case should be approved because there is a:

- Finding of hardship
- Finding that literal enforcement of the ordinance would work an unnecessary hardship
- Finding that the piece of property is unique and contains properties or attributes not common to other similarly situated properties.
- Finding that the need for the variance was not created by the applicant
- Finding that the hardship cannot be financial alone.
- Finding that the granting of a variance will not be injurious to the public health, safety, and welfare or defeat the intent of the philosophy contained in the zoning ordinance.

* Extracted from Section 211.009(a)(3) Local Government Code.

**ZONING BOARD OF ADJUSTMENT
VARIANCE APPLICATION**

Planning Office, 3219 California Parkway, Forest Hill, TX 76119
Phone: (817) 806-4701 Fax: (817) 568-3049



Form must be completed in ink or typed.

Applicant Name: _____

Home Phone: _____ Cell Phone: _____

Mailing Address: _____

Property Owner Name: _____

Home Phone: _____ Cell Phone: _____

Mailing Address: _____

Property Address: _____ Lot Size: _____

Property Legal Description: _____

NOTE: Attach metes and bounds description should the property not be platted.

Zoning District: _____ Ordinance Section that variance is being requested: _____

Has a previous application or appeal been filed on this property? Yes _____ No _____

If yes, date of application: _____ Outcome: _____

Does the variance request stem from a repair from:

a. A hail storm? Yes _____ No _____

b. Natural wear or deterioration? Yes _____ No _____

c. Fire? Yes _____ No _____

Does the variance request derive from a remodel? Yes _____ No _____

Does the variance request stem from a new construction? Yes _____ No _____

Explain the reason(s) and/or justification(s) for the requested variance: _____

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustments meeting.

I understand that in the event the undersigned is not present or represented at the public hearing the Zoning Board of Adjustment shall have the power to dismiss this proposal either at the call of the case or after hearing and such dismissal shall constitute a denial by the Board. I further understand that should the outcome of the case be a denial that my only recourse for appeal is with the District Court within ten (10) calendar days from the date of the decision.

I reserve the right to withdraw this proposal at any such time upon written request filed with the Zoning Board of Adjustment Secretary and such withdrawal shall immediately stop all proceedings. I further understand that the filing fee is non refundable and the procedure will begin anew upon the re-filing of the request.

Applicant Signature: _____ Date: _____



**Zoning Board of Adjustments
Owner Affidavit**

This is to certify that

_____, the stated undersigned, is/are the sole owner(s) of the property described in this application, and that I/we fully aware of the application being presented to the Zoning Board of Adjustments.

Owner signature

Owner signature

State of Texas §
County of Tarrant §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared _____,
known to me to be the person(s) whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20____.

Notary Public in and for the State of Texas

SEAL