



## PROCEDURE – REQUEST FOR VARIANCE OR APPEAL

### ZONING BOARD OF ADJUSTMENT CITY OF HITCHCOCK

1. The Board of Adjustment consists of five (5) members with two alternates and all cases must be heard by at least seventy-five (75) percent of the members four (4). 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 Hitchcock Zoning 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 six (6) items (a through f) 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 in an order, requirement, decision or determination made by any administrative official of the City in the enforcement of the Zoning Ordinance. Such appeals must be filed within ten (10) calendar days of the rendering of the decision by the administrative official. There is a \$500.00 application fee for an appeal due at the time the appeal is made.
3. A pre-filing interview may be held if requested by the applicant or if deemed necessary by the City.
4. The application must be signed by the property owner. If the applicant is not the owner, a signed document showing authority to request the variance must accompany the application.
5. The following must also accompany the variance application packet:
  - a. A \$100.00 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.
  - c. All presentation material must be received by Community Development Staff on the Monday the week prior to the meeting.
6. Application fee, necessary documents, etc. in completed form must be submitted to the Planning Department. Paper copies may be required by Community Development Staff, but a PDF file document is required.
7. 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 variance request as such ownership appears on the last approved city tax roll, will be notified of a public hearing to be held by the Board of Adjustment by notice deposited in the U.S. mail. Said notices are to be mailed at least 10 calendar days prior to the public hearing.
  - b. The applicant or representative should be present at the Board of Adjustment public hearing. Failure to attend the public hearing may cause the Board to deny the item without prejudice to refiling. The letter, referenced in item 7a 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.
8. Any additional information such as renderings, elevations, models or other supporting documents that you wish to submit may be introduced at the meeting emailed to [development@cityofhitchcock.org](mailto:development@cityofhitchcock.org) prior to the meeting.

**According to state law, no variance can be granted without the concurring vote of at least seventy-five (75) percent of the members of the Board.**

### APPEALS TO A DECISION RENDERED BY THE BOARD OF ADJUSTMENT

The only appeal to the decision rendered by the Board of Adjustment is to State District Court. The appeal must be filed with the district court within ten (10) calendar days of the Board's decision. State law prohibits the City Commission from hearing any appeal.



**APPLICATION – REQUEST FOR VARIANCE**  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF HITCHCOCK**

Date: \_\_\_\_\_

I, the undersigned owner or authorized agent of the following described real property located in the City of Hitchcock, Texas, hereby make application for a request for a variance from the terms of section \_\_\_\_\_ of the City of Hitchcock Zoning Ordinance.

**LOCATION OF PROPERTY**

Street Address: \_\_\_\_\_ CAD Property ID# \_\_\_\_\_

Legal Description: \_\_\_\_\_

Request Variance: Parking      Building Setbacks      Building Materials      Signs      Other Ordinance  
(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.)

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A non-refundable application fee of \$100.00 is required at the time of application for a variance.

For a variance to be granted by the Board of Adjustment, the Board **MUST** determine that ALL of the following conditions apply:

- 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 other districts shall be considered ground for the issuance of a variance.
- f. Financial hardship shall not be considered grounds for the issuance of a variance.

I have read this application packet and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least seventy-five (75) percent concurring affirmative votes must be cast in order to receive a variance.

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