



CITY OF GRAPEVINE

BOARD OF ZONING ADJUSTMENT APPLICATION

APPLICATION MATERIAL REQUIREMENTS

- A. Meet with Planning Services staff to review application requirements for your specific request and read the attached outline describing the Board of Zoning Adjustment.
- B. Completed application with notarized signatures of owner and application.
- C. Filing Fee of \$100.00.
- C. List site address, block, lot, and subdivision name of subject property and attach current survey.
- D. Detailed diagram of site/plot plan DRAWN TO SCALE AND DIMENSIONED with other drawings as requested by staff. The plans should utilize an engineering scale and be large enough to be clearly legible.
- E. Plans must not be larger than 11'x17'. 15 copies of larger plans must be submitted.
- F. A flash drive with all files in PDF format at time of submittal.

THE APPLICATION MUST BE COMPLETED AND MEET ALL GRAPEVINE ORDINANCE REQUIREMENTS BEFORE A VARIANCE OR SPECIAL EXCEPTION REQUEST CAN BE SCHEDULED FOR A PUBLIC HEARING

DELIVERY ADDRESS:

PLANNING SERVICES DEPARTMENT
200 SOUTH MAIN STREET
GRAPEVINE, TX 76051

DIRECT QUESTIONS TO PLANNING SERVICES STAFF AT (817) 410-3155

CITY OF GRAPEVINE BOARD OF ZONING ADJUSTMENT APPLICATION

1. APPLICANT:

NAME: _____

ADDRESS: _____

CITY/STATE: _____ ZIP: _____

HOME: _____ WORK: _____ MOBILE: _____

E-MAIL: _____

2. PROPERTY OWNER(S):

NAME: _____

ADDRESS: _____

CITY/STATE: _____ ZIP: _____

HOME: _____ WORK: _____ MOBILE: _____

E-MAIL: _____

3. LEGAL DESCRIPTION (SUBJECT PROPERTY):

Site address, block, lot, and subdivision name of subject property:
(Attach Current Survey of the Subject Property)

ADDRESS: _____

LOT: _____ BLOCK: _____ SUBDIVISION: _____

4. LIST THE PERTINENT SECTION(S) OF THE ZONING ORDINANCE AND INDICATE THE SPECIFIC VARIANCES OR SPECIAL EXCEPTIONS REQUESTED. IF NECESSARY USE A SEPARATE SHEET (Failure to complete this section will result in rejection of the application.):

5. STATE THE GROUNDS FOR THE REQUEST AND DETAIL ANY SPECIAL CONDITIONS THAT IN YOUR OPINION JUSTIFY THE VARIANCE(S) OR SPECIAL EXCEPTION(S) YOU ARE REQUESTING. EXAMPLES OF SPECIAL CONDITIONS ARE: HILLS, VALLEYS, CREEKS, POWER POLES, ELEVATIONS, IRREGULAR LOT OR TRACT SHAPES, ETC. THE BOARD OF ZONING ADJUSTMENT MUST DETERMINE A SPECIAL CONDITION OR CONDITIONS EXIST(S) BEFORE MAKING A MOTION TO APPROVE A REQUEST. IF IT IS DETERMINED THAT NO SPECIAL CONDITION EXISTS, THE MOTION MUST BE TO DENY THE REQUEST. **(Failure to complete this section will result in rejection of the application.)**

6. EXPLAIN ANY UNIQUE CIRCUMSTANCES, IF APPLICABLE, NOT CONSIDERED BY THE ZONING ORDINANCE. EXAMPLES: (1) IF THE GRAPEVINE CITY COUNCIL APPROVED A PLAT PRIOR TO PRESENT ZONING ORDINANCE REQUIREMENTS; OR (2) THE ORDINANCE WAS AMENDED OR A POLICY CHANGE WAS ADOPTED AFTER INITIATION OF THE PLANS CHECK PROCESS FOR A BUILDING PERMIT OR OTHER PHASE OF THE DEVELOPMENT PROCESS. **(Failure to complete this section will result in rejection of the application.)**

7. ATTACH A DETAILED DIAGRAM OF THE SITE DRAWN TO SCALE, AND ANY OTHER DRAWINGS OR PHOTOGRAPHS NECESSARY TO HELP EXPLAIN THE CASE TO THE BOARD. SHOW ON THE DIAGRAM ALL EASEMENTS, BUILDING LINES, ENCROACHMENTS, AND THE VARIANCE(S) OR SPECIAL EXCEPTIONS REQUESTED. THE REQUESTED VARIANCE(S) OR SPECIAL EXCEPTIONS SHOULD BE QUANTIFIED BY AN APPROPRIATE MEASUREMENT (E.G. DISTANCE, PERCENTAGE, ETC.)

PLANNING SERVICES STAFF WILL DETERMINE THE AGENDA FOR EACH OF THE PUBLIC HEARING DATES. BASED ON THE SIZE OF THE AGENDA, YOUR APPLICATION MAY BE RESCHEDULED TO A LATER DATE.

APPLICANT (PRINT) _____

APPLICANT SIGNATURE _____

OWNER (PRINT) _____

OWNER SIGNATURE _____

The State of _____

County of _____

Before me _____ on this day personally appeared _____ known to me (or proved to me on the oath of _____ or through _____ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, A.D. _____.

SEAL

Notary Signature

The State of _____

County of _____

Before me _____ on this day personally appeared _____ known to me (or proved to me on the oath of _____ or through _____ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, A.D. _____.

SEAL

Notary Signature

BOARD OF ZONING ADJUSTMENT APPLICATION PROCEDURAL TIMETABLE

APPLICATION DEADLINE

BOARD OF ZONING ADJUSTMENT REVIEW SUBMITTAL
(SEE APPLICATION FORM FOR REQUIREMENTS)

DAYS 1 - 7

PLANNING STAFF REVIEW
CITY/STAFF ATTORNEY REVIEW

DAY 8

STAFF MAY REQUEST ADDITIONAL INFORMATION
FROM APPLICANT FOR ANY CHANGES OR ADDITIONS
TO APPLICATION SUBMITTAL RELATIVE TO THE
REQUEST IF NECESSARY

DAY 15

APPLICANT TO SUBMIT REVISED OR ADDITIONAL
APPLICATION SUBMITTAL

DAY 16

NOTICE TO NEWSPAPER AND ADJACENT PROPERTY
OWNERS

DAY 20

PACKETS DISTRIBUTED TO BOARD OF ZONING
ADJUSTMENT MEMBERS, CITY COUNCIL AND NOTICES
TO THE APPLICANTS AS REMINDERS OF THE PUBLIC
HEARING.

DAY 30

BOARD OF ZONING ADJUSTMENT PUBLIC HEARING

DENIAL

REQUIRES MAJORITY
VOTE, 1 YEAR WAITING
PERIOD NECESSARY TO
REAPPLY BEGINS 10 DAY
PERIOD IN WHICH AN
APPEAL TO DISTRICT
COURT CAN BE MADE

APPROVAL

REQUIRES A 3/4 VOTE FOR
APPROVAL

TABLE

FURTHER RESEARCH
AND/OR INFORMATION

Section 68. Board of Adjustment

- A. There is hereby created a Board of Adjustment which shall consist of five (5) regular members, each to be appointed by a majority of the City Council for a term of two (2) years.
- B. In addition to the five (5) regular members of the Board of Adjustment, two (2) alternate members of the Board of Adjustment who shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager, shall be appointed by a majority of the City Council, so that all cases heard by the Board of Adjustment will always be heard by a minimum of four (4) members.
- C. Regular members and alternate members of the Board of Adjustments shall serve a term of two (2) years and until their successors are appointed and qualified. Regular and alternate members of the Board of Adjustment may be removed from office for cause by the City Council upon written charges and after a public hearing.
- D. The Board of Adjustment shall select from among its regular members, a chairman, and acting chairman, to act in the absence of the chairman, and a secretary.
- E. The Board of Adjustment may adopt rules to govern its proceedings and conduct of the business before the Board. Any rule or rules shall be adopted by a resolution by the Board entered upon the minutes of the Board and a copy thereof shall be filed with the City Secretary of the City of Grapevine.
- F. Meetings of this Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman shall administer oaths and compel attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon such question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board and shall be a public record.
- G. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer of the department, board or bureau of the City, affected by any decision of the building inspector or other administrative officer of the City relative to the Zoning Ordinance. Such appeal shall be taken within fifteen (15) days after the date of the decision of the building inspector or other administrative officer has been rendered, by filing with the officer from whom the appeal is taken and within the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record from which the appeal was taken.
 - 1. A filing fee of one hundred dollars (\$100.00) to help pay a part of the cost of legal publication, accumulating engineering data, and other administrative costs shall accompany each notice or appeal filed with the Board of Adjustments.
 - 2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or a Court Of Record on application of notice to the

officer from whom the appeal is taken and on due cause shown.

3. The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing any party may appear in person, by agent or by attorney.

H. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official of the City in the enforcement of this Ordinance.
2. To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass under this Ordinance, if any.
3. To authorize upon appeal in special cases, such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provision of this Ordinance will result in unnecessary hardship, so that the spirit of this Ordinance shall be observed and substantial justice done.
4. To permit in any district such modification of the requirements of the district regulations as the Board may deem necessary to secure an appropriate development of a lot where adjoining such lot on two (2) or more sides there are lots occupied by buildings which do not conform to the regulations of the district.

I. In exercising its powers, the Board of Adjustment may, in conformity with the provisions of this Ordinance and the provisions of Articles 1101-A to 1011-J, both inclusive, after amended, reverse, or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

1. The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance, or to affect any variance to this Ordinance.
2. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the City may present to a Court of Record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the Court within ten (10) days after the filing of the decision in the office of the Board of Adjustment.

J. No appeal to the Board of Adjustment shall be allowed on the same piece of property or on the same or similar question prior to the expiration of one year from the date of a ruling of the Board of Adjustment on any appeal to such body unless other property in the same zoning area shall have, within such one-year period, been altered or changed by a ruling of the Board of Adjustment, in which each such change of circumstances shall permit the allowance of an appeal.