

Our Mission...

...to be responsible stewards of the public trust, to strive for excellence in public service, and to enhance the quality of life for all.

Request for Variance or Appeal

Zoning Board of Adjustment



A submittal application is not official until all the following are delivered to and acknowledged by the City and the City issues a payment receipt.

- This application signed, with all information complete and accurate.
- Survey of Property
- Any additional information such as renderings, elevations, models or other supporting documents.
- Filing Fee: \$100.00
- Any presentation (optional) shall be submitted Monday prior to the week of the meeting.

Name of Applicant: _____ Signature: _____

Address of Property : _____

Lot/Tract: _____ Block: ____ of Subdivision/Abstract _____

Phone: _____ E-mail: _____

Name of Property Owner (if not applicant): _____

Property Owner signature (if not applicant): _____

Type of variance: Setbacks _____ Materials _____ Signs _____ Lot Size _____ Landscaping _____ Other _____

Description of requested variance: _____

1. The Board of Adjustment consists of five members and all cases must be heard by at least four of the members. 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 Wylie 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 items (A through F) below **must** apply. If any of the items do not apply, the Board does not have the ability to grant a variance.

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.

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- 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.

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) days of the rendering of the decision by the official.

3. The variance 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 days prior to the public hearing.
- B. Any persons are allowed to appear before the Board in order to present their views.
- C. 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.

4. 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. Normally, this is a vote of at least four of the five members. However, should only four board members be present, all four members must approve for a variance to be granted.

5. 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) days of the Board's decision. State law prohibits the City Council from hearing any appeal.

I have read this application packet and understand the rules and procedures as presented. I also 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

Office Use Only		
Date Received: _____	Receipt Number: _____	ZBA Date: _____
Ordinance Section(s): _____		
Staff Signature: _____		