



Planning and Development Department

# ZONING BOARD OF ADJUSTMENT: INFORMATION AND GUIDELINES

- JURISDICTION:** The Board of Adjustment is a citizen court appointed by the City Council to hear an appeal and request for: **Variances, Special Exceptions, and Interpretations of the Zoning Ordinance.**
- WHO MAY APPLY:** The owner of the property under consideration, or a person having a written authorization from and representing the owner, may apply for a Variance or Special Exception to the Zoning Board of Adjustment.  
Anyone aggrieved by an Interpretation of the Zoning Ordinance, rendered by a City Official, may appeal such decision to the Zoning Board of Adjustment.
- WHERE TO APPLY:** Planning and Development Department-Appeals, (Lower Level in the Northeast corner of the building), City Hall, 200 Texas Street, Fort Worth, Texas 76102.
- WHEN TO APPLY:** Application for an appeal must be filed by the scheduled filing deadline, which is approximately 30 days prior to the Public Hearing.

### 2017 COMMERCIAL AND RESIDENTIAL FILING DEADLINES (4:00pm)..... HEARING DATES

December 19, 2016.....	January 18, 2017
January 13.....	February 15
February 20.....	March 15
March 20 .....	April 19
April 17 .....	May 17
May 15 .....	June 21
June 19 .....	July 19
July 17.....	August 16
August 21.....	September 20
September 18.....	October 18
October 16.....	November 15
November 20 .....	December 20
December 18, 2017 .....	January 17, 2018

**HEARING DATE:** **COMMERCIAL BOARD:** Third Wednesday of each month at 10:00 a.m.  
**RESIDENTIAL BOARD:** Third Wednesday of each month at 1:30 p.m.  
**LOCATION:** Council Chamber, 2nd Floor, City Hall, 200 Texas St, Fort Worth, 76102.

<b>FILING FEES:</b>	Commercial Special Exception	\$750	Residential Special Exception (SE)	\$400
	Commercial Variance	\$500	Residential Variance	\$300
	Commercial Additional Variance	\$150	Non-Owner Occupied SE/Variance	\$500
	Interpretation	\$400	Residential Additional Variance	\$150
	Continuance requested by Applicant	\$200		

**Non-Owner Occupied Case(s)** includes rental property and pending purchases. Deed or binding proof of ownership must be submitted with the Board of Adjustment request.

**NOTE:** Additional fees may be applicable upon full review of the application request. All fees must be paid at the time of application filing. Upon Board approval of a request, a separate application and fee is required for processing a building permit.

**HEARING PROCESS:**

The Planning and Development Department is required to mail a hearing notice to all property owners within 300 feet of the application site, at least ten days before the hearing date. The applicant, or authorized agent, must be present at the hearing to present the appeal. If not, the Board may DENY the case.

To watch the Hearings: <http://www.fortworthtexas.gov/>, click on "Watch online Now" & "Board of Adjustment video."

Applicants are responsible for the presentation of their case before the Board and to provide support information including, but not limited to the following items:

- Surrounding land use supporting the request.
- Description of the "Hardship(s)" that necessitate the request.  
(See Zoning Ordinance No. 13896, Sect. 3.403.1-5)
- Reason(s) for appearing before the Board (i.e. code violation, citizen complaint, Building Inspector noted permit violation, etc.)
- Reasons why the Board should grant the applicant's request.

**CRITERIA REGULATING VARIANCE REQUESTS:**

Sect. 3.403 of the Zoning Ordinance establishes the evaluation criteria for consideration by the Board, when reviewing and deciding upon requested variances to the Zoning Ordinance. The applicant is therefore encouraged to respond to these criteria, upon addressing the Board:

1. Will literal enforcement of the ordinance result in a "hardship" or "practical difficulty"?
2. Is the "hardship" self-imposed?
3. Is the condition unique to the property, or is it common to other properties in the area?
4. Will the requested variance injure the adjacent property?
5. Will the requested variance be contrary to orderly development in the area?

**WITHDRAWAL OF CASE:**

The applicant may withdraw their case without penalty, before public notice has been filed.

A request for withdrawal shall be submitted in writing. Upon receipt, all proceedings will terminate. If the application is withdrawn after public notice advertisement, no re-application of like nature will be accepted within a 24-month period. If "Denied Without Prejudice" and the original applicant finds substantial or significant changes have occurred in the project during the prescribed 24-month waiting period, then a written re-application may be submitted, with a waiver requested relaxing all or part of the 24-month period.

**BOARD DECISION:**

At the conclusion of the public hearing, the Board will render a decision to: **approve; approve with conditions; continue; deny; or deny without prejudice.** \***Applicants with approved variances are allowed 180 days to obtain a building permit.**

*\*(A one-time extension may be obtained upon written request to the Senior Planner.)*

**APPEAL OF DECISION:**

Any person aggrieved by a decision of the Board may, within **ten (10) days** following the date the Board's Decision is filed for record in the City Planning and Development Department, submit a verified petition to any court of law having legal jurisdiction, setting forth that the Board's decision is illegal, either in whole or in part, and specifying the grounds of the illegality.

**OTHER REGULATORY CONSIDERATIONS:**

Decisions of the Board do not replace approvals required by any other agency or review body. Approval of a request does not negate any private legal recorded Restrictive Deed Covenants and Restrictions that may affect the property. The City does not enforce these private restrictions.

**Supplemental Information:**

Residential (817) 392-2733; Commercial (817) 392- 8026; FAX (817) 392-7526

Log on: [www.fortworthtexas.gov/PlanningandDevelopment](http://www.fortworthtexas.gov/PlanningandDevelopment)

Email for correspondence: [boardofadjustment@fortworthtexas.gov](mailto:boardofadjustment@fortworthtexas.gov)

**APPLICATION TO THE  
ZONING BOARD OF ADJUSTMENT  
CITY OF FORT WORTH, TEXAS**



**Planning and Development**

Marque con una "X" si necesita que la Ciudad le proporcione un INTERPRETE durante la Audiencia Publica.

**PLEASE PROVIDE A DETAILED SITE PLAN**

**Address of Premises affected:** \_\_\_\_\_  
**Lot/Tract:** \_\_\_\_\_ **Block/Abstract:** \_\_\_\_\_ **Lot Size:** \_\_\_\_\_  
**Legal Description: Addition/Survey:** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Tele:** ( ) \_\_\_\_\_ **E-Mail** \_\_\_\_\_

**Applicant's Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Tele:** ( ) \_\_\_\_\_ **E-Mail** \_\_\_\_\_

**Provide a description of the existing/proposed project, with structure type/use, dimensions, height, and materials:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Additional documentation may be supplied to support your case If photos are supplied, please label each picture.**

Status of Project:  Existing  Under Construction  Proposed  
 Status of Property:  Owner Occupied  Vacant Land  Non-owner Occupied

**Previous Board of Adjustment Case filed on this property:**  Yes  No  
 Date \_\_\_\_\_ Case Number(s) \_\_\_\_\_

**Is the purpose of this request to provide reasonable accommodation for a person(s) with disabilities?**  YES  NO

If Yes, the application will be directed to the Planning and Development Director or Zoning administrator for review pursuant to Ordinance No. 22098-03-2016, "Reasonable Accommodation or Modification for residential Uses." Applications under a Reasonable Accommodation Ordinance review will not be heard by the Board of Adjustment. Please see Ordinance No. 22098-03-2016 (Chapter 17, division V) for more information.

**NOTE TO STAFF: If Yes, send a copy of this application and any attachments to the Zoning Administrator.**

Have you informed your request to Home Owners Association?  YES  NO /or Neighbors?  YES  NO

To watch the Hearings: <http://www.fortworthtexas.gov/>, click on "Watch online Now" & "Board of Adjustment video".

**STAFF USE ONLY**

Owner Occupied Variance (One and Two Family Homes) for Section \_\_\_\_\_  
 Special Exception for Section \_\_\_\_\_  
 Non-Owner Occupied Case for Section \_\_\_\_\_  Interpretation of the Regulation \$400  
 Zoning \_\_\_\_\_ HCLC Approval/Applied \_\_\_\_\_ NEZ Approval/Applied \_\_\_\_\_ Urban Village \_\_\_\_\_

<b>DATE RECEIVED:</b>	<b>FEE AMOUNT PAID :</b>	<b># OF REQUESTS:</b>	<b>RECEIVED BY:</b>	<b>CASE NO.</b>

**Variance Request Proposal Only**

Please explain in your own words, how the request meets each of the hardship criterion listed below.

1. The variance is not a self-created hardship. \_\_\_\_\_

\_\_\_\_\_

2. The property where the variance is being sought has unique circumstances existing on the property, such as area, shape, or slope; that the unique circumstances were not created by the property owner; that the request is not merely financial or for convenience; and that the circumstance is not due to the general conditions of the zoning district of the property.

\_\_\_\_\_

3. The variance would be harmony with the intent and purpose of the comprehensive plan and the specific chapter of the zoning ordinance.

\_\_\_\_\_

4. The variance will not adversely affect the health, safety, or welfare of the public.

\_\_\_\_\_

5. The variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.

\_\_\_\_\_

**Acknowledgement**

I certify that the information provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will present this case in a public hearing before the Zoning Board of Adjustment, unless I withdraw the request prior to the public notice. Should I initiate withdrawal after public notice is given, the filing fee will be non-refundable. Also, no new application may be filed for hearing within 24 months of a Board denial, unless the denial is without prejudice or substantial changes have occurred which warrant a Board waiver of the 24-month mandatory re- application delay period. **ANY REQUIRED PERMITS MUST BE OBTAINED WITHIN 180 DAYS.**

**Certificacion**

Certifico que la informacion proveida es verdadera y correcta en la medida de mi conocimiento, y que yo y/o mi representatnte estare(mos) en la audiencia publica del Consejo de Ajustes a menos de que decidiera retirar el caso antes que la Ciudad envíe la Notificacion Publica. Entiendo que si retirara mi caso despues que la Notificacion fuera publicada, la accion del Consejo seria la de negar el caso, y que el costo de la aplicacion no seria reembolsada. Además, entiendo que no podria aplicar en un plazo de 24 meses a la fecha en que la negativa del Consejo sea publicada, a menos de que el caso sea negado sin ser juzgado o cuando se presentaran cambios substanciales por lo que podria aplicar antes de 24 meses. **ENTIENDO QUE EL PERMISO DE CONSTRUCCION DEBERA SER OBTENIDO EN UN PLAZO DE 180 DIAS.**

Signed by the Owner / Applicant or Agent

(Circle appropriate entity) \_\_\_\_\_ Date \_\_\_\_\_

# Board of Adjustment

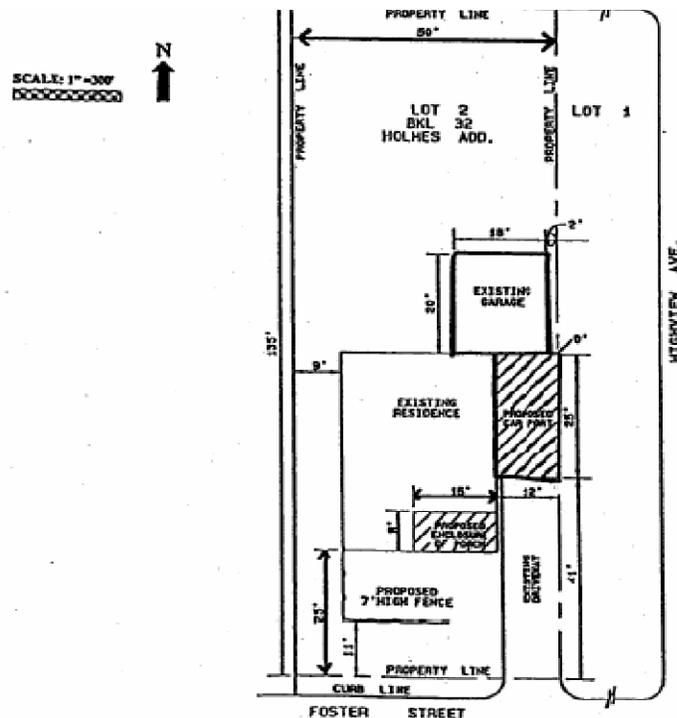
## SITE PLAN REQUIREMENTS



Planning and Development

1. Plan Sheet Size 8½"x11".
2. Site plans larger than 11"x14" must be downsized.
3. Use dark pencil or ink and print legibly.
4. Drawing must be to scale with graphic scale and North Arrow.
5. Identify and show all Property Lines and Lot Dimensions.
6. Show all existing buildings and structures with a *solid heavy line*, and all proposed requests with a *dashed line*.
7. Dimension the perimeter of all structures and provide square footage of each building/structure
8. Show the dimensional separation from each building/structure and distances to adjacent property lines.
9. Identify and label all adjacent streets, alleys, and access easements.
10. Show on-site parking areas with dimensions of parking spaces and maneuvering areas, when it is applicable.
11. Provide a copy of the **subdivision plat** where the lot is located and a copy of the plot plan or title survey map.
12. **FRONT YARD FENCES** – Require a Special Exception and must have a Support Petition. The support petition is optional for all other projects.
13. **SIGNAGE** - Special Exception or Variance request(s) must have rejection letters prior to submitting a Board of Adjustment case.

### SITE PLAN - EXAMPLE





*Planning and Development Department*

**LETTER OF AUTHORIZATION**

**To the City of Fort Worth, Texas**

Authority is hereby granted to \_\_\_\_\_  
(Family Member, Friend, Company, etc, to represent you at the hearing)

\_\_\_\_\_  
Address City State Zip (Telephone)

to file in my/our behalf for Request for Variance from terms of the Zoning Ordinance or Special Exception on the following described property:

(Address) \_\_\_\_\_

(Legal Description) \_\_\_\_\_

The Authority is granted only for the following specific request:

(Nature of Appeal) \_\_\_\_\_

The undersigned is the property owner of the above-described property.

The Authorization will remain in force until revoked by written notice.

Owner - Original Signature: \_\_\_\_\_

Owner - Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Accepted for Case No. \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

# BOA - SUPPORT PETITION

**1. Required for a front yard fence Special Exception; optional for all other projects.**  
 Requisito para Excepciones Especiales para bardas/cercas al frente; pero opcional para otros proyectos.

For front yard fences or gates write height to the highest point and material. For other projects write materials and distances to the property lines. Escriba la altura maxima y el material para cercas o portones al frente. Para otros proyectos, escriba el material y las distancias a las lineas de propiedad.

## ORIGINAL SIGNATURES

**DO NOT SIGN THIS SUPPORT PETITION IF THE SECTION ABOVE HAS BEEN LEFT BLANCK.**  
**NO FIRME SI EL SOLICITANTE HA DEJAO EN BLANCO EL RECUADRO DE ARRIBA.**

**2. Obtain the signatures of support from next door property owners and the one across the street.**  
 Obtenga las firmas de apoyo de los dueños de los lotes adyacentes y la del vecino de enfrente.

I have been informed of the Special Exception/Variance requested and I have NO objection...  
 He sido informado sobre la Excepcion Especial/Varianza solicitada y NO me opongo...

Owner's Name	Signature	Address
1		
2		
3		
4		
5		
6		