



# **City of Rollingwood**

## **Zoning Board of Adjustment**

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# Zoning Commission

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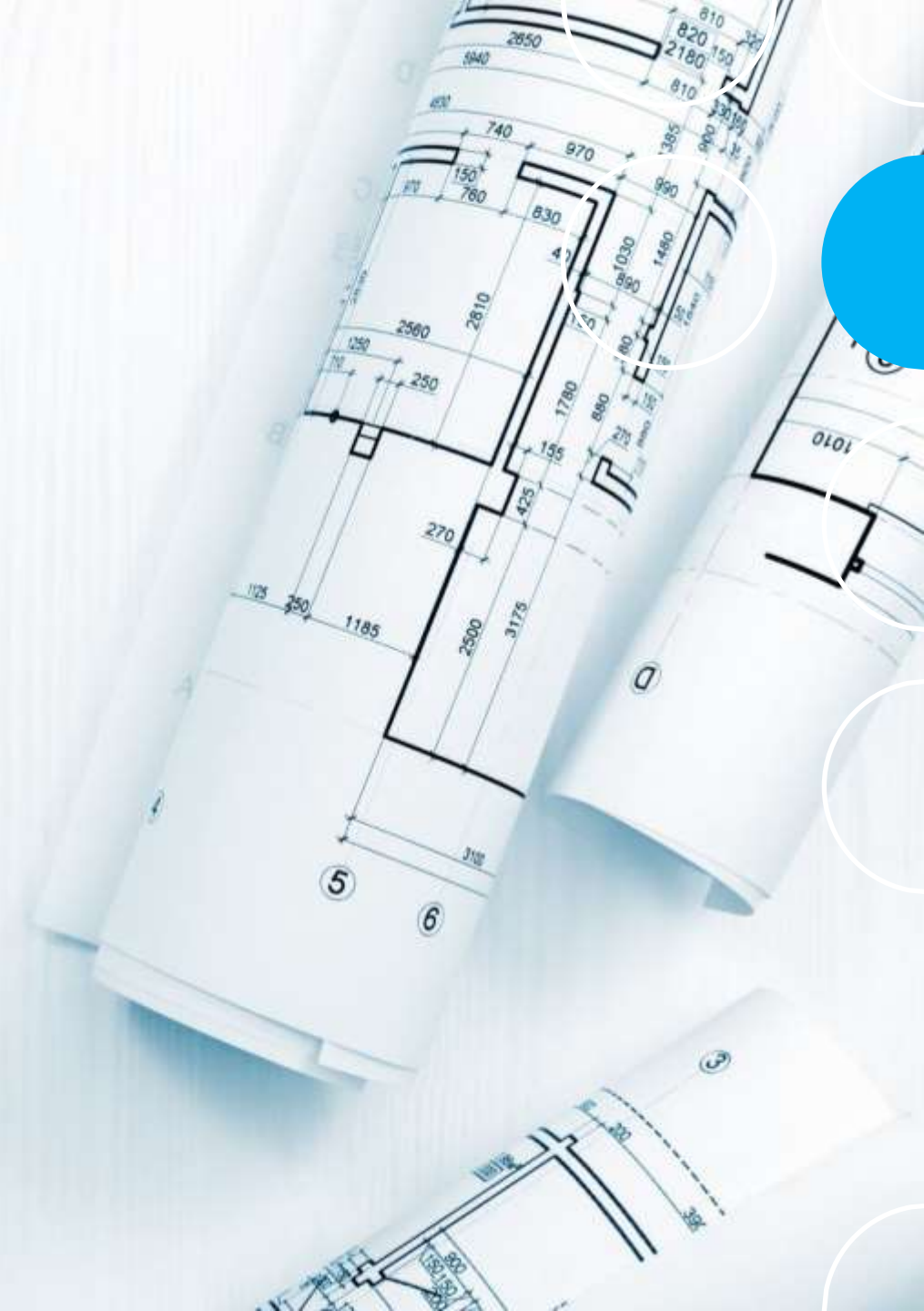
Performs  
advisory  
functions

Develops a  
comprehensive  
zoning plan

Reviews and  
reports on  
amendments to  
zoning

Focus is usually  
on large scale  
planning issues

# Zoning is Discretionary



# Zoning Board of Adjustment

More of an action  
agency

Deals with issues  
on a tract-by-  
tract basis

Quasi - judicial

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# Zoning Board of Adjustment



CITY MAY CREATE



MUST BE BOARD SEPARATE  
FROM CITY COUNCIL IN  
HOME RULE CITY



# Zoning Board of Adjustment

- LGC Sections 211.008-211.011
    - Five members
    - Two-year terms
    - Mayor appoints; City Council approves the appointment slate
    - Mayor appoints Alternates ensure quorum; City Council approves
    - Removal only for cause
- 





# Zoning Board of Adjustment

- LGC Sections 211.008-211.011
  - Alternate members may be appointed to serve in the absence of one or more regular members when requested by the mayor or city manager (by ordinance)
  - Each case must be heard by at least 75% of the membership

# Zoning Board of Adjustment

- LGC Sections 211.008-211.011
  - The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter and with the approval of the governing body.
  - The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses.
  - All meetings of the board shall be open to the public.
  - Each case must be heard by at least 75% of the membership.







# Zoning Board of Adjustment

- LGC Sections 211.008-211.011
    - The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote.
    - The board shall keep records of its examinations and other official actions.
    - The minutes and records shall be filed immediately in the board's office and are public records.
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# Zoning Board of Adjustment

- LGC Sections 211.008-211.011
  - Decide appeals from a decision of an administrative official regarding the Zoning Ordinance
    - May reverse, affirm, or modify an administrative official's order, requirement, or decision
  - Authorize a variance if:
    - public interest is served;
    - substantial justice is achieved; and
    - unnecessary hardship would otherwise result
  - Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
  - Decide other matters authorized by ordinance under the Chapter 211 Subchapter A





The background of the image is a detailed architectural floor plan. It features various rooms and corridors, with labels such as 'CONFERENCE 127', 'CORRIDOR 126', 'EXIST. WOMEN 122', and 'MEN 128'. Dimensions like '13'-7 1/2"', '18'-4 1/2"', and '12'-0"' are visible. A yellow pencil with a green and yellow striped eraser and a pink eraser tip lies diagonally across the drawing. A wooden ruler is also present, showing measurements in inches and centimeters. The text 'MADE IN U.S.A.' is visible on the ruler. The title 'Rules of Procedure' is overlaid on a dark grey rectangular box in the center-right of the image. On the far right, there are several white circles of varying sizes, some of which are partially cut off by the edge of the image.

# Rules of Procedure





# Rules of Procedure

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Preface

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Purpose and Scope

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Election of Officers

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Presiding Officer, Secretary

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Minutes and Records

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Meetings

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Voting

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Application Forms

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Hearing Required

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Deliberation, Voting, and Findings

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Board Decisions

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Prohibition on Ex Parte Communications

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Limitations on Authority of Zoning Board of Adjustment

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# Procedures con't

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The Board and Selection of Officers

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Presiding Officer, Secretary, Legal Counsel, Minutes and Records

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Consultants and Volunteer Assistance

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Quorum and Absences

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Meetings

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Public Comment

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Motions and Discussions

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Voting on Motions

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Reconsideration of Decisions

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Conflicts of Interest

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# What Board of Adjustments CANNOT do

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Grant	Grant a “use” variance
Grant	Grant an increase to the variance requested
Overturn	Overturn a staff decision, authorize a variance from the zoning ordinance, or approve an applicant’s request with less than 75% of the affirmative votes of the members

# What Board of Adjustments CAN do

Grant variance that will:

- Not be contrary to public interest
- Where due to special conditions literal enforcement would result in unnecessary hardship
- So that the spirit of the ordinance is observed, and substantial justice is done

Board of Adjustments is the escape valve for the Zoning Ordinance when land does not fit ordinance mold



# Unnecessary Hardships

- What they are NOT
    - Property that cannot be used for its highest and best use
    - Financial or economic hardship
    - Self created hardship
    - The development objectives of the property owner are or will be frustrated
  - Structures
-

# Practical Tips

1

BE CAUTIOUS –  
DON'T SPEED  
UP THE  
PROCESS.

2

TREAT ALL  
APPLICANTS  
FAIRLY.

3

MAKE PROPER  
FINDINGS.

4

FRAME  
COMMENTS IN  
OBJECTIVE  
TERMS.

5

BE ATTENTIVE!

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# Questions?

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