



# Welcome to the Zoning Board of Adjustments (ZBA)

Overall Authority to protect the Health, Safety, and Welfare of the City and Citizens

## Municipal Planning Authority





# Allowance

- Zoning Board of Adjustment is allowed by Sec 211.008 of the State of Texas Local Government Code



# General Decision Responsibilities

- Appeals to administrative decisions
- Variance requests from Zoning Ordinance
- Make recommendation to Zoning Ordinance based on variances
- Special Exceptions to the Zoning Ordinance

# Appeals to Administrative Decisions

- Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official
- The board may reverse or affirm, in whole or in part, or modify the administrative official's order
- The concurring vote of 75 percent of the members of the board is necessary





## Variance Requests

- Hear and decide an appeal that alleges a special circumstance applies to a property
- In order to grant a variance to the development code the Board shall find that all the following have been satisfied:
  - That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
  - That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
  - That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
  - That the demonstrable hardship is not self-imposed;
  - That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
  - That the variance, if granted will not change the character of the zoning district in which the property is located;
  - That the variance, if granted is in keeping with the intent of the development code; and
  - That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Wylie.
- The concurring vote of 75 percent of the members of the board is necessary
- Variance runs with the property, not the owner.

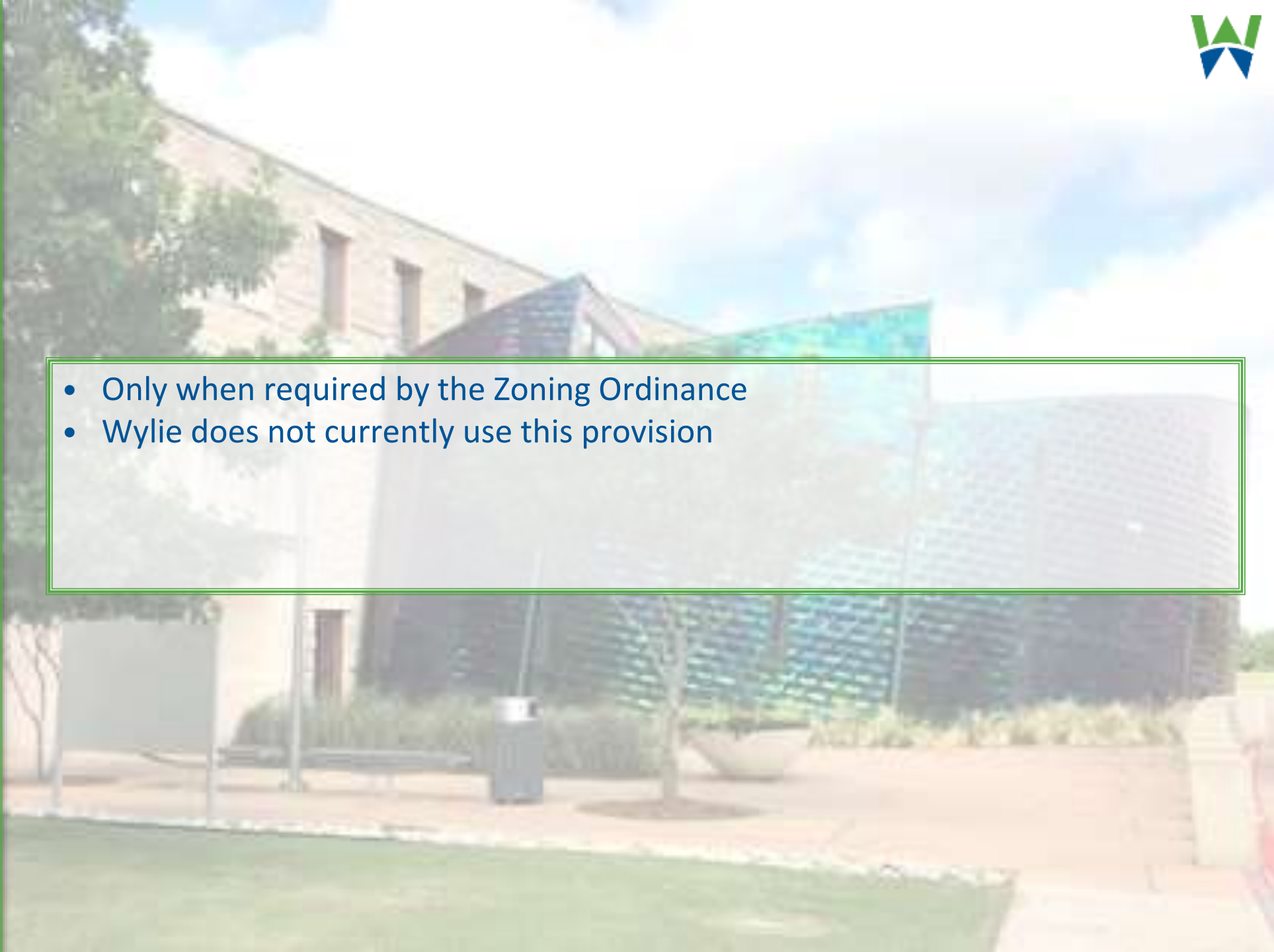
# Ordinance Amendments

- Covers only Zoning Ordinance
- Board gives direction to staff, usually as a result of favorable vote for applicant
- P&Z makes recommendation to City Council



## Special Exceptions

- Only when required by the Zoning Ordinance
- Wylie does not currently use this provision







# ZBA Operates by Adopted Rules and Procedures

- Written by Board Members
- Approved by City Council
- Updated March 2020



# General Meeting Format

- Chairman calls meeting to order
- Citizen Comments on Non-Agenda Items
- Executive or Work Session (as needed)
- Consent Items (minutes)
- Public Hearings
- General Business
- Adjournment

*Texting during a meeting may and can constitute as Public Information, please refrain from using personal devices during meetings.*



# General Item Format

- Chairman Introduction
- Staff Report
- Applicant Remarks
- Public Hearing
  - Citizen Comment
  - Applicant Rebuttal
- Board Discussion
- Motion (approve, approve with conditions, disapprove)



## Other Considerations

- Packet Delivery
- Attendance
- Quorums/Open Meetings
- Pre-Meeting Questions
- Open Records
- Conflict of Interest



## Planning Staff

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