

BOARD OF ADJUSTMENT

Rules governing the application appeal for a Public Hearing.

1. The City shall provide application form.
2. Every appeal shall be filed on this application form.
3. Every appeal shall be accompanied by the prescribed fee of \$50.00 (per Ordinance No. 252)
4. The application shall bear the signatures of the owner of the property under appeal or shall be accompanied by a letter from the owner acknowledging taking of the appeal.
5. An incomplete application or a communication purporting to be an application and not made in the form prescribed shall be regarded only as a notice of intent to appeal and shall not be considered or acted upon by the Board.
6. No appeal shall be taken to the Board until or unless the Enforcing Officer has first refused a permit for a plan submitted or has rendered an interpretation of the Zoning Ordinance.
7. The Board shall consider only three types of appeals as are authorized under Article 1011g, Revised Civil Statutes of Texas, as needed:
 - (1) for interpretation of meaning or intent of the Zoning Ordinance,
 - (2) for special exception for use or development of property on which the Board is required to act, or
 - (3) for a variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of property.
8. An appeal shall be filed with the Board within the ten (10) days after the date of decision of the Enforcing Officer.
9. Public notice of any appeal affecting a specific property shall be by written notice by United States mail, prepaid, not less than ten (10) days prior to the date of the hearing.
10. The notice shall identify the applicant, the location of the property in question, the nature of the request, and the applicable Zoning Ordinance requirements.
11. Evidence supporting the grant or denial of an appeal shall be submitted only through the secretary or to the Board in public meeting.
12. No appeal may be withdrawn after giving of public notice and prior to Board action thereon without formal consent of the Board.
13. No appeal that has been denied shall be considered in a new appeal unless the new plans materially change the nature of the case.
14. Hearings on all matters on which a decision of the Board is required by law shall be open to the public. The applicant may appear in his own behalf or be represented by counsel or agent.