



City of Heath  
200 Laurence Dr.  
Heath, TX 75032  
972-961-4883

## **APPLICATION FOR ZONING VARIANCE, SPECIAL EXCEPTION OR APPEAL Board of Adjustment**

The Board of Adjustment is a quasi-judicial board and serves as the first and final authority for Zoning Ordinance variances, special exceptions and appeals of administrative decisions. Applicant appeals to a ruling by the Board of Adjustment go directly to District Court. There is no appeal to City Council. The creation, authority, and procedures of the Board of Adjustment are established in the Texas Local Government Code (TLGC) §211.008-211.111 and in the Heath Code of Ordinances §9.02, §33.60, §159.46 and §159.87 (B).

### **TYPE OF ACTION REQUESTED:**

- ☐ **VARIANCE** from the literal enforcement of the Zoning Ordinance.
- ☐ **SPECIAL EXCEPTION** to the side and rear yard setbacks abutting the City of Dallas take-line or non-confirming uses, lots and structures.
- ☐ **APPEAL** of an order, requirement, decision, or determination by an administrative official in enforcement of the Zoning Ordinance.

### **APPLICANT INFORMATION:**

Name (printed):  
Address:  
Email Address:  
Telephone Number:

**Legal Description of the Subject Property** (Lot, Block, Subdivision or CAD Tract No., survey, Abstract, Address):

**Legal Owner of the Subject Property** (Proof of Ownership is required):

**Explain the Reason for Request** (Attach supporting information):

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If you are requesting an APPEAL to an administrative order, requirement, decision, or determination, provide documentation of the order, requirement, decision, or determination you are appealing. Documentation must include the date the decision was made by the administrative official. Appeals must be made within 20 days of the date of the decision.

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**If you are applying for a VARIANCE from the literal enforcement of the Zoning Ordinance, the Board of Adjustment must find that all five (5) of the following criteria exist for the subject property. Provide an explanation for each of the following criteria:**

- 1. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to the land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and that the circumstances or conditions are such that the strict application of the provisions of this subchapter would deprive the applicant of the reasonable use of the land or building.**

These special circumstances or conditions are described as follows:

- 2. Granting the variance will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.**

The variance will be beneficial to the public welfare, the property, and improvements in the zone or neighborhood as described below:

- 3. Granting the variance is necessary for the reasonable use of the land or building and the variance as granted by the Board is the minimum variance that will accomplish this purpose.**

Please describe any reasonable uses of the land that are impossible without the variance. Is this the minimum variance that will accomplish this purpose? Explain.

- 4. The literal enforcement and strict application of the provisions of the Zoning Ordinance will result in an unnecessary hardship inconsistent with the general provisions and intent of the Zoning Ordinance and that in granting the variance, the spirit of the Zoning Ordinance will be preserved and substantial justice done.**

Provide documentation and describe the **unnecessary hardship** using at least one of the following five (5) criteria established by TLCG §211.009 (b-1):

- (1) The financial cost of compliance with the Zoning Ordinance is greater than 50% of the appraised value of the structure as shown on the most recent appraisal roll certified to the County assessor;
- (2) Compliance with the Zoning Ordinance would result in a loss to the lot on which the structure is located of at least 25% of the area on which development may physically occur;
- (3) Compliance with the Zoning Ordinance would result in the structure not being in compliance with a requirement of the Heath Code of Ordinances, the building code or other requirement;
- (4) Compliance with the Zoning Ordinance would result in the unreasonable encroachment on an adjacent property or easement; **OR**
- (5) The municipality considers the structure to be a nonconforming structure.

5. The Board shall take into account the number of persons residing or working in the buildings or upon the land and the traffic conditions in the vicinity.

Please describe these conditions.

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**If you are applying for a SPECIAL EXCEPTION, the Board of Adjustment must find that all three (3) of the following criteria exist for the subject property. Provide an explanation for each of the following criteria:**

1. The granting of the exception will not be injurious or otherwise detrimental to the public health, safety, morals and general welfare of the general public.

The exception will be beneficial to the public health, safety, morals and general welfare as described below:

2. The granting of the exception will not be injurious to the property or improvements in the zone or neighborhood in which the property is located.

The exception will be beneficial to the property or improvements in the zone or neighborhood as described below:

3. The granting of the exception will be in harmony with the general purpose and intent of the Zoning Ordinance.

Please describe these conditions.

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**Signature of Applicant**

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**Date**

<b>City Office Use Only:</b>	
Application Date:	
Fee: \$850	Check #          CC          Cash
Board of Adjustment Hearing Date	
Notice Published (15 days prior)	
Neighborhood Notices Mailed (10 days prior)	
FOR APPEALS ONLY: Date of Administrative Decision	
FOR APPEALS ONLY: 60 <sup>th</sup> Day After Appeal Filed	