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**City of Colleyville  
Community Development Department**

**Zoning Board of Adjustment/Sign Board of Appeals  
Application Packet**



## Development Application Fees

City of Colleyville  
100 Main Street  
Colleyville TX 76034  
817.503.1050

### Zoning

Zoning Change	\$ 500	+ \$5 per acre
Planned Unit Development (PUD)	\$ 750	+ \$5 per acre
Amendment to an existing PUD to add, delete or change a special condition	\$ 450	
Special Use Permit (SUP)	\$ 500	+ \$5 per acre
SUP Residential Accessory Building	\$ 175	
SUP Residential Carport	\$ 175	
SUP for Beer/Wine Sales and Package Stores	\$ 500	

### Platting

Preliminary Plat	\$ 500	+ \$7.50 per lot
Final Plat or Replat	\$ 500	+ \$7.50 per lot
Minor Plat	\$ 250	
Amending Plat	\$ 250	

### Site Plans

Site Plan application - review	\$ 250	
Landscape Plan application - review	\$ 250	

### Variances and Appeals

ZBA Variance and/or Appeal	\$ 175	
Sign Board appeal	\$ 250	
Tree Mitigation appeal	\$ 250	
Sidewalk/ General Waiver Request	\$ 125	

### Sale of Materials

Plat or Topo Map (copy)	\$ 3	
Zoning Map (large color)	\$ 7	
Zoning Map (small color)	\$ 5	
Zoning Atlas (black & white)	\$ 7	
Zoning Atlas (color)	\$ 15	
Official Map	\$ 3	
Land Development Code	\$ 35	
Zoning Verification Letter	\$ 50	

*The Land Development Code and the City's Municipal Code are available at [www.colleyville.com](http://www.colleyville.com)*

# Community Development Services Application

City of Colleyville  
100 Main Street  
Colleyville TX 76034  
817.503.1050

## APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Straight Zoning Change   | <input type="checkbox"/> Preliminary Plat  | <input type="checkbox"/> Replat                | <input type="checkbox"/> Sidewalk / General Waiver |
| <input type="checkbox"/> Special Use Permit       | <input type="checkbox"/> Final Plat        | <input type="checkbox"/> Minor Plat            | <input type="checkbox"/> Zoning Variance (ZBA)     |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Prelim/Final Plat | <input type="checkbox"/> Site & Landscape Plan | <input type="checkbox"/> Sign Variance (SBA)       |
| <input type="checkbox"/> PUD Amendment            | <input type="checkbox"/> Amending Plat     | <input type="checkbox"/> Interpretation Appeal | <input type="checkbox"/> Other: _____              |

## PROPERTY INFORMATION

Project Name: \_\_\_\_\_

Project Address (Location): \_\_\_\_\_

Legal Description: \_\_\_\_\_

Proposed Number of Lots: \_\_\_\_\_ Gross Acres: \_\_\_\_\_ Neighborhood District: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

**Application Requirements:** The applicant is required to submit sufficient information that describes and justifies the proposal. See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

## APPLICANT OWNER INFORMATION

Applicant: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Email: \_\_\_\_\_

*Applicant's Status: (check one)*    Owner    Representative    Tenant    Prospective Buyer

Property Owner: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Email: \_\_\_\_\_

*Ownership Status: (check one)*    Individual    Trust    Partnership    Corporation

<p>NAME OF APPLICANT (PRINT): _____</p> <p>SIGNATURE: _____ Date: _____</p> <p>NAME OF PROPERTY OWNER (PRINT): _____</p> <p>SIGNATURE: _____ Date: _____</p>	<p style="text-align: center;"><b>For Departmental Use Only</b></p> <p>Case #: _____</p> <p>Total Fee(s): _____</p> <p>Receipt #: _____</p> <p>Date Submitted: _____</p> <p>Accepted By: _____</p>
<p><b>Plats Only:</b> This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.</p> <p>I waive the statutory time limits in accordance with Section 212 of the Texas Local Government Code.</p> <p>PROPERTY OWNER SIGNATURE: _____ Date: _____</p> <p style="text-align: center;"><b>The property owner must sign the application or submit a notarized letter of authorization.</b></p>	<p>Rev 08/19</p>

## VARIANCE / APPEAL INFORMATION

City of Colleyville  
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### APPLICATION SUBMITTAL REQUIREMENTS

#### Variance Request

- Completed application form and application fee
- Site plan, drawn to scale, showing all lot dimensions and all existing or proposed improvements to the lot
- Statement of Planning Objectives (see page 7 for guidance)
  - Describe the variance you are requesting
  - Describe how the unique condition or circumstance did not result from your actions
  - Explain if there is any way to accomplish what you want without this request
- Fifteen (15) copies of all supporting documents:
  - **Statement of Planning Objectives**
  - **(11" x 17") of the site plan**
  - **Any additional documents**
- One (1) 8½" x 11" of the site plan
- One (1) CD or USB flash drive with copy of all documents

#### Interpretation Request

- Completed application form and application fee
- Statement by the applicant describing the way the regulation should be interpreted, together with diagrams or charts illustrating the proposed application of the text or map provisions
- Letter from the Administrative Official detailing the basis for denial of the request
- One (1) CD or USB flash drive with copy of all documents

#### **Acknowledgments**

I certify that the information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the Community Development Department, and such withdrawal shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property, and that the Board's action does not constitute the approval of a building permit.

Applicant's Initials \_\_\_\_\_ Date \_\_\_\_\_

### GENERAL INFORMATION

**Jurisdiction** - The Zoning Board of Adjustment's powers and authority are vested in Section 211 of the Texas Local Government Code, the Colleyville Land Development Code of the City of Colleyville, and the Board's Rules of Procedure. The Board may only decide issues authorized by Chapter 1 of the Land Development Code, or in other areas where it is given specific authority.

**Structure** - The Board consists of 5 regular members and 2 alternate members, appointed by the City Council. The Board is a quasi-judicial body and does not have the authority to amend ordinances or create new laws.

**Meetings** - The Board meets on the second Tuesday of each month at 7:00 p.m., as needed, in the City Council Chambers at City Hall.

## TYPES OF REQUESTS

**Variance Request** - The Board may authorize a variance from the specific terms of the Land Development Code when the literal enforcement of the ordinance would result in an unnecessary hardship or practical difficulty in the development of a specific property. Variances may not be granted to serve as a convenience or to relieve a financial hardship.

*Minor Variances:* A deviation up to ten percent (10%) of a regulation shall be considered a minor variance request and will be processed and scheduled with the Zoning Board of Adjustment.

*Major Variances:* A deviation greater than ten percent (10%) of a regulation shall be considered a major variance request and will be processed as a Special Use Permit and will be scheduled with the Planning and Zoning Commission and the City Council.

**Interpretation Appeal** - An appeal for an interpretation of the regulations or zoning map designations may be filed with the Board. An interpretation by the Board establishes guidelines for ruling in future administrative actions.

*See Chapter 1 of the Colleyville Land Development Code and the Zoning Board of Adjustment Rules of Procedure for complete information.*

## INSTRUCTIONS

**1. Application Procedure** - Applicants shall submit a written application to the Community Development Department using the form included in this packet. Detailed submittal requirements for each type of application are contained in this packet.

A filing fee established by the City Council shall accompany every application. The amount of the fee is based on the actual cost of processing the application by the City. The application fee for a sign variance is \$250 and all other variance are \$175.

**2. Stay of Proceedings** - An appeal stays all proceedings of the action appealed from unless the Administrative Official, after the notice of appeal has been filed, certifies in writing to the Board that a stay would cause imminent peril to life or property. In such cases, proceedings shall only be stayed by a restraining order granted by the Board or by a court of record.

**3. Notice of Hearing** - Official written notice of public hearing on every application for a variance or for an interpretation of regulations applying solely to an individual property are sent to all owners of real property lying within two hundred feet of the property on which the variance is requested. The notice of hearing is mailed to each property owner as the ownership appears on the last approved city tax roll. The notice will state the date, time and place of the hearing, and the nature of the subject to be considered.

**4. Public Hearing Procedure** - Public hearings are required for all requests for variances or permits for nonconforming uses or structures. Upon submittal of the application, the Community Development Department will schedule the application for public hearing before the Zoning Board of Adjustment. The public hearings provide an opportunity for the Board to hear from appellants; examine evidence; question the appellant, city staff, or any witnesses; or seek additional information. At the public hearing, the applicant, all proponents and all opponents will be given the opportunity to speak about the proposal. After completion of the public hearing, the Zoning Board of Adjustment will discuss the merits of the case and render a decision.

**5. Decision and Voting** - Every decision of the Board must be based upon findings of fact and detailed in the record of the meeting. The standards for consideration of a variance request are detailed in Chapter 1 of the Land Development Code. The affirmative vote of four members is necessary in order for a request to be approved. A 3-2 vote in favor of the request is not considered approval of the request.

**6. Approval of Request** - In approving any request, the Board may establish conditions, including time limits, in order to secure substantially the objectives of the regulation or provision to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit

is granted. When necessary the Board may require guarantees, in the form as it deems proper, to insure that conditions designated are being or will be complied with.

7. **Denial of Request** - No appeal or application that has been denied shall be further considered by the Board, unless the Board affirmatively finds: ① that new plans materially change the nature of the request, or ② the permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of changed conditions.
8. **Appeal of Board Actions** - A decision of the Board of Adjustment may only be appealed to district court. The petition setting forth that such decision is illegal, in whole or in part, must specify the grounds of such illegality. The petition must be presented to the court within thirty days of the Board's decision. The City Council does not have the authority to review a decision of the Zoning Board of Adjustment.

## CONDITIONS GOVERNING APPLICATIONS

**Listed below are the criteria upon which the Board must base its decision:**

### VARIANCES

Section 1.16.F of the Land Development Code

The Zoning Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
  - e. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.