

City of Friendswood

Procedures for Variances, Appeals & Special Exceptions

From Friendswood Code of Ordinances – Appendix C Zoning

Definition of a Variance – An application to vary from the terms of the zoning ordinance only when not contrary to public interest, and when compliance with this ordinance would result in unnecessary hardship, and so that the intent of the ordinance is observed and substantial justice is done. *To apply for a variance, the applicant must have a denied plan from the building official.*

In granting any variance, the board of adjustment may describe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use, expressly or impliedly, prohibited by the terms of this ordinance in said district. *(Section II B)*

Definition of an Appeal – The board will hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance. An appeal must meet the following criteria: *(Section II A)*

1. There is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map.
2. The resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.
3. The decision of the board must be such as will be in the best interest of the community and consistent with the spirit and interest of the city's zoning laws.

Definition of a Special Exception – To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.

Authority and Scope. The board shall have the power to grant temporary and permanent special exceptions from the city's zoning ordinance.

Permanent Special Exceptions. A permanent special exception may be granted only for the following reasons:

- a. *Interpretive Authority.* If a definition or term of the city's zoning ordinance is ambiguous or contrary to common understanding, the board would clarify the definition or term based on the common definition or understanding of the term. (Example: An attached garage is normally understood to mean one where there are one or more common walls and a roof structure between the garage and the main property building. A board determination may be that roof structures alone are not considered walls so one or more buildings with a breezeway between them may not be considered as "attached.") No special exception shall be granted based on the board's initially interpreted definition.
- b. *De Minimus Exception.* The board may grant a special exception for very small exceptions to the zoning ordinance, where the spirit of the code is met and there is an overriding benefit to the applicant with no detriment to the surrounding neighbors or the city. (Example: A nine-foot, six-inch setback for the building could be allowed where a ten-foot setback is required, to allow the property owner to save an oak tree.)
- c. *Medical Necessity.* The board may grant a special exception to the above cited portions of the zoning ordinance if a medical necessity is proven, or to meet the requirements of the Americans with Disabilities Act. For medical reasons or necessity, the reason the special exception must be related to the medical condition and be supported by a letter from the applicant's physician defining the physical limitations of the applicant.

- d. No other permanent special exception based on the board's decision or determination in one case regarding structures may be granted for other cases without the proper board determination on the subsequent cases.
- e. A permanent special exception shall have no expiration date.

Application – Application shall be made to the Community Development Department within 45 days of the decision made by the staff or city official. *Refer to the submittal schedule for the current year for submittal deadlines and meeting dates.*

- Application
- Fee of \$100
- Supporting Documents (i.e. denied plan, site plan, pictures, etc.)

Meeting – A public hearing before the Zoning Board of Adjustment is required. Written notices of the meeting will be mailed to property owners within 200-feet of the subject property 10 days prior to the meeting. *(Section 10 C)*

Decision by the Board – The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative official, or to effect any variation in the application of the ordinance, or to decide in favor of the applicant on any matter or special exception upon which it is required to pass or decide under this ordinance. *(Section II D)*

Refunds – In the event that the application is withdrawn prior to the mailing of the required written notification or publication in the official newspaper, the fee shall be refunded. *(Section 10 C)*

Reapplication – No application for a variance, special exception, or appeal, which has been denied, shall be again filed earlier than one-year from the date of original denial, unless there has been a substantial change in conditions or circumstances as it relates to the property in question. *(Section 12 B)*



FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

\$100 Application Fee

Request for Variance

Request for Appeal

Request for Special Exception

Property Address: _____

Legal Description of Property (attach certified metes & bounds): _____

_____ County: _____

Property Owner Information:

Agent Information: (if applicable)

Printed Name

Printed Name

Email

Email

Phone

Phone

Signature

Date

Signature

Date

VARIANCE: From what ordinance (number and section) is the variance being requested?

(Variance cannot be for the purpose of rezoning – see Appendix C, Zoning, Section II B)

APPEAL: From what order, requirement, decision or determination of the administrative official is the appeal being requested?

SPECIAL EXCEPTION: From what ordinance (number and section) is the special exception being requested?

Please state the grounds for the appeal/variance/special exception you are seeking:

Date & Time Received

City Official

FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

Request for Variance

Request for Appeal

Request for Special Exception

FOR OFFICE USE ONLY:

Applicant's Name: _____ Phone: _____

Property Address: _____

DISPOSITION OF CASE BY ZBOA:

APPEAL

GRANTED: _____ DENIED: _____ MODIFIED: _____

MODIFICATION:

VARIANCE

GRANTED: _____ DENIED: _____ GRANTED W/CONDITIONS: _____

CONDITIONS:

SPECIAL EXCEPTION

GRANTED: Permanent DENIED: _____

Temporary

CONDITIONS:

Temporary Special Exception Expiration Date: _____

ZBOA Chairman

Date