

CITY OF TERRELL HILLS
ATTENTION PROPERTY OWNERS AND THEIR AGENTS
INFORMATION ON VARIANCE REQUESTS

City Ordinance and State Law make provisions for a Board of Adjustment to hear requests for variances and appeals of administrative decisions.

14 - 1 Of the City Code of Ordinances Section XI:2 states:

"2. The Board of Adjustment shall have the following powers:

a. To authorize upon appeals 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 will result in unnecessary hardships, and so that the spirit of this ordinance shall be observed and substantial justice done.

b. To 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. In exercising this authority, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for this purpose the board has the same authority as the administrative official."

The Board usually meets on the fourth Wednesday of the month at 4:00 P.M. unless conflicts occur. The City is required to give written notice to all property owners within 200 ft. of the property requesting a variance; **therefore**, we require that all of the required documents for the **by the date noted in the annual meeting schedule** in which you would like to be on the agenda for a hearing. **All requests submitted after the date found in the annual meeting schedule will not be heard until the following month.**

BEFORE making a variance request, we strongly recommend you discuss your plans with all of the neighbors located within 200 feet of your property. The Board relies heavily on neighborhood input and rarely goes against the wishes of the community unless an overwhelming hardship exists.

Individuals or their agents wishing to apply for a variance must submit the following documents in order for a request to be considered:

1. A detailed, written request for a variance which identifies the desired deviation from the Ordinance. This variance request must be specific and clearly state the exact measurements and distances being asked for and specifically identify the unnecessary hardship that complying with the Ordinance as adopted would cause. Please note that the identification of the location of your lot lines is your responsibility and not that of the City staff.

2. A true copy of your current plat showing the location of all structures on the property as it currently exists and the location of the proposed addition or new building where the variance is being requested. (NOTE: The setbacks are established from platted lot lines, not property lines. If your property includes portions of more than one lot, you may be required to amend your plat to form only one lot. City staff will be happy to assist you with this.)
3. Any other documents that you feel will be beneficial to your request and that you would like the Board to have an opportunity to review.
4. Payment of the required \$100.00 application fee to cover the administrative costs associated with the request.

Please note that the Ordinance requires that a special circumstance or condition would result in an unnecessary hardship being imposed if the Ordinance was literally enforced. This places the responsibility on the individual requesting a variance to identify the unnecessary hardship and show where other alternatives would not be workable. Monetary considerations alone are not sufficient to establish an unnecessary hardship.

I should also point out that the Board often has questions concerning the request, so we feel that it is in the property owner's best interest to attend or have a representative attend the hearing to answer these inquiries.

I hope you find this information is beneficial in your consideration of making a variance request. Please feel free to contact our staff if you have any questions.

Fire Chief C. Stutes