

ORDINANCE NO. 210-86

AN ORDINANCE AMENDING THE ZONING BOARD OF ADJUSTMENTS, OF THE CITY OF WILLOW PARK, TEXAS,

Board of Adjustment. The word "Board" when used in this Ordinance shall be construed to mean the Board of Adjustment.

Organization and Procedure.

- A. Establishment. A Board of Adjustment is hereby established in accordance with the provisions of Article 1011g, Revised Civil Statutes of Texas, regarding the zoning of cities and with the powers and duties as provided in said Statutes.
- B. Membership. The Board shall consist of five citizens of Willow Park, each to be appointed by the Mayor and confirmed by the Town Commission for staggered terms of two years respectively. Each member of the Board shall be removable for cause by the Town Commission upon written charges and after public hearings. Vacancies shall be filled by the Town Commission for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chairman who shall serve for a period of one (1) year or until his successor is elected. There shall be 2-4 alternates to the Board to be appointed in like manner to serve in the absence of a regular member.
- C. Meetings. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office the City Secretary and shall be a public record.
- A. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- B. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.
- C. Notice of Hearing on Appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof, as well as direct notice to the parties in interest, and shall mail notice of such hearing to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby.
- D. Decision by Board. The Board shall decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by attorney.

Powers and Duties of Board

- A. The Board of Adjustment shall have the following powers:
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision. or determination made by an administrative official in the enforcement of this Act or of any ordinance adopted pursuant thereto.
 - 2. To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.
 - 3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
- B. In exercising the above-mentioned powers such Board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- C. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance

upon the following questions:

1. That literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property.
2. That the situation causing the, hardship or difficulty is not unique to the affected property or is self-imposed.
3. That release sought will injure the permitted use of adjacent conforming property.
4. That the granting of the variance will not be in harmony with the spirit and purpose of the zoning ordinance.

Each question must be taken individually and each question must be voted on individually.

By: *M. T. Philpot*
Tim Philpot, Mayor

ATTEST:

Aref Hassan
City Secretary

Approved as to form and legality:

Carter L Hampton
Carter L. Hampton
City Attorney