



1000 N. Old Betsy Road \* P.O. Box 637 \* Keene, Texas \* 76059 \* 817-641-3336

### POWERS OF THE ZONING BOARD OF ADJUSTMENT SECTION 211.09

1. To hear and decide an appeal that alleges error in an order, decision, or interpretation of the zoning ordinance by an administrative officer.
2. To hear and decide special exceptions to the zoning ordinance when the zoning ordinance requires that it do so.
3. To authorize variances to the zoning ordinance in unique situations.
4. To hear and decide other matters authorized by the zoning ordinance.

### CRITERIA TO DETERMINE A HARDSHIP

(The burden of proof is on the applicant to present a case of a hardship)

1. It must demonstrate a special condition that is inherent in the property itself.
2. The hardship must be present to the extent that it prevents any reasonable use of the land.
3. The hardship must **NOT** be self-imposed or self-created.
4. The hardship must not be contrary to the public interest.
5. The determination of a hardship must be within the spirit of the ordinance and substantial justice must be done.

### VARIANCE REQUIREMENTS

1. Finding of a hardship.
2. Finding that the piece of property is unique and contains properties or attributes not common to other similarly situated properties.
3. Find that the literal enforcement of the ordinance would work an unnecessary hardship.
4. Finding that the need for the variance was not created by the applicant.
5. Find that the hardship cannot be financial alone.
6. Find that the granting will not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the zoning ordinance.

**EXAMPLE ONLY**

USE ONLY IF ANOTHER ENTITY WILL BE REPRESENTING THE REQUEST

Date: \_\_\_\_\_

City of Keene  
Attention: Zoning Board of Adjustment  
1000 N Old Betsy Rd  
P.O. Box 637 Keene, TX 76059

Dear Zoning Board of Adjustment Chairman and Board Members:

I/we \_\_\_\_\_, authorize \_\_\_\_\_

YOU OR YOUR ORGANIZATION                      YOUR REPRESENTATIVE

me/us in all scheduled hearings and meetings before the City of Keene regarding the request

for a variance property located at: \_\_\_\_\_

\_\_\_\_\_  
ADDRESS & LEGAL DESCRIPTION

Thank you for helping us resolve this request.

Sincerely,

State of Texas     § \_\_\_\_\_

County of Johnson § \_\_\_\_\_

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he/she executed the same of the purposes and consideration therein expressed. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public's Signature

My Commission Expires: \_\_\_\_\_