

CITY OF KENNEDALE  
BOARD OF ADJUSTMENT  
APPLICATION FOR VARIANCE

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**APPLICANT AND OWNER INFORMATION**

**SECTION 1. APPLICANT.**

Name \_\_\_\_\_

Work Phone \_\_\_\_\_ OR Home \_\_\_\_\_

*Please provide a phone number where we can reach you during regular business hours.*

Mailing Address

\_\_\_\_\_

\_\_\_\_\_

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**SECTION 2. OWNER.**

*If the owner is the applicant, write "same as applicant" below and leave the rest of this section blank.*

Name \_\_\_\_\_

Work Phone \_\_\_\_\_ Home \_\_\_\_\_

Mailing Address

\_\_\_\_\_

\_\_\_\_\_

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**SECTION 3. PROPERTY INFORMATION.**

<b>Property Location</b> (Number and Street)



**KENNEDALE**  
Development Services  
www.cityofkennedale.com

<b>Legal Description</b> <i>(Lot, Block, and Subdivision/Addition)</i>

Note: Attach a metes and bounds description if the property is not platted.

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**VARIANCE REQUEST**

Zoning District

City Code reference for requirements that creates need for variance

Describe City Code Requirement

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Describe variance requested

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What hardship has been created?

What created the hardship?

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**I declare that the above is true and correct.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

### **Required attachments**

The following items must be submitted with your application and the required application fee.

- 1) Two SITE PLANS, drawn to scale, showing all lot dimensions, and the location and dimensions of all existing and proposed lot improvements; and
- 2) A STATEMENT OF FACTS AND REASONS why the zoning regulations should not be applied to the property in question and how the standards governing the Board's actions would be satisfied; and
- 3) A STATEMENT from authorized city staff citing the reasons for refusing to issue a permit under the plans submitted.



## City of Kennedale Board of Adjustment Procedures

The Board of Adjustment is composed of five (5) members and up to four (4) alternates who are residents and taxpayers of the City of Kennedale, each of whom has been appointed by the City Council. The Board must hear each case and render a decision based on the merits of the case. The Board's decisions are governed by the City of Kennedale regulations and by state law. Please note that the Board must follow these standards in order to find in an applicant's favor; if the standards are not met, the Board cannot grant the applicant's request.

1. After the meeting is called to order, all necessary business will be taken care of before the hearing of the first case. Necessary business may include, but is not limited to, hearing from visitors about topics not related to the cases posted on the agenda to be heard by the Board and approval of minutes from previous meetings.
2. When it is time for a specific case to be heard, the Chairman of the Board will read a brief summary of the request. A member of the city staff may then be called upon by the Chairman to give a presentation providing pertinent facts concerning the case to be reviewed.
3. The Chairman will then call upon the applicant to present his case and all evidence supporting his request. The applicant will have fifteen (15) minutes to present his case and all supporting evidence, including presentations by witnesses or supporters brought by the applicant. The applicant may ask for one (1) extension of a maximum of five (5) minutes, if needed, to complete his presentation.
4. The Board may ask the applicant a series of questions, and only the applicant or his/her representatives may respond. No one from the audience may address the Board except during the public hearing or unless specifically questioned by a member of the Board.
5. The Chairman will then open the public hearing and will call for those in support of the case (those who are not witnesses or supporters brought by the applicant) to address the Board. Speakers will address all comments to the Chairman of the Board. Each speaker will have a maximum of three (3) minutes each to address the Board.
6. The Chairman shall next call on those opposed to the granting of the applicant's request to present their arguments. Speakers will address all comments to the Chairman of the Board. Each speaker will have a maximum of three (3) minutes to address the Board.
7. The applicant shall have the opportunity to cross examine any adverse witness and shall have a maximum of five (5) minutes to cross examine. The applicant shall then have the right of rebuttal to arguments presented by the opposition and shall have a maximum of five (5) minutes to rebut. Following the rebuttal, the Chairman shall order the hearing closed.
8. Each side shall proceed without interruption by the other, and all arguments/pleading shall be addressed to the Board. No questioning between individuals will be permitted except during cross-examination during the time allotted by the Board. During the hearing, no board members shall discuss, debate, or argue an issue with the applicant or any other speakers who address the Board during the hearing, nor indicate his/her probable vote on the appeal.



9. After all have been heard, the Chairman will close the public hearing and the Board members will discuss the case and express opinions as to its merits. During its review, the Board may call back any applicant or speaker for clarification of facts presented in the hearing. **Note: During this discussion period, members of the audience are to refrain from addressing the Board or making any public statement.** Should the need arise, the Chairman is free to open the public hearing again and request any party for clarification or additional information. After further discussion, the public hearing will again close.

When the Board has received all required facts concerning the case in question, the Chairman will entertain a motion. One Board member will make a motion. If the motion receives a second, the Chairman will allow for further discussion if needed. The vote will then be taken and the Chairman will announce the decision. At this time any additional cases will be heard. After all scheduled cases have been called; the Board may conduct any further business or adjourn. Normally decisions on appeals will be given within thirty (30) days after the required public hearing or after receipt of all evidence or information.

Appeals of the decision made by the Board of Adjustment must be filed within ten (10) days after the Board's decision has been filed in the office of the City Secretary.