

Board of Adjustment Application



PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE TEXAS

The Board of Adjustment is organized to have all the powers and authority as set forth in the Charter of the City of Abilene, Texas, and as authorized by Chapter 211 of the Texas Local Government Code.

The Board of Adjustment shall finally decide on the following types of applications:

1. An application for a Special Exception pursuant to Section 1.4.4.1;
2. An application for a Variance pursuant to Section 1.4.4.2;
3. A sign permit or an interpretation of Sign Regulations related to development within the City limits (refer to Chapter 4, Article 1, Division 3, Section 4.1.3.6 or Chapter 4, Article 2, Division 8, respectively); and
4. An application for a change in the status of a non-conformity pursuant to Section 2.6.2.4.

The Board of Adjustment shall finally decide appeals on the following matters of an appeal of any official's interpretation of the requirements of Chapters 2 or 4 of this LDC in which the requirement applies to development within the City limits of Abilene, unless a separate appeals process is otherwise defined within this LDC.

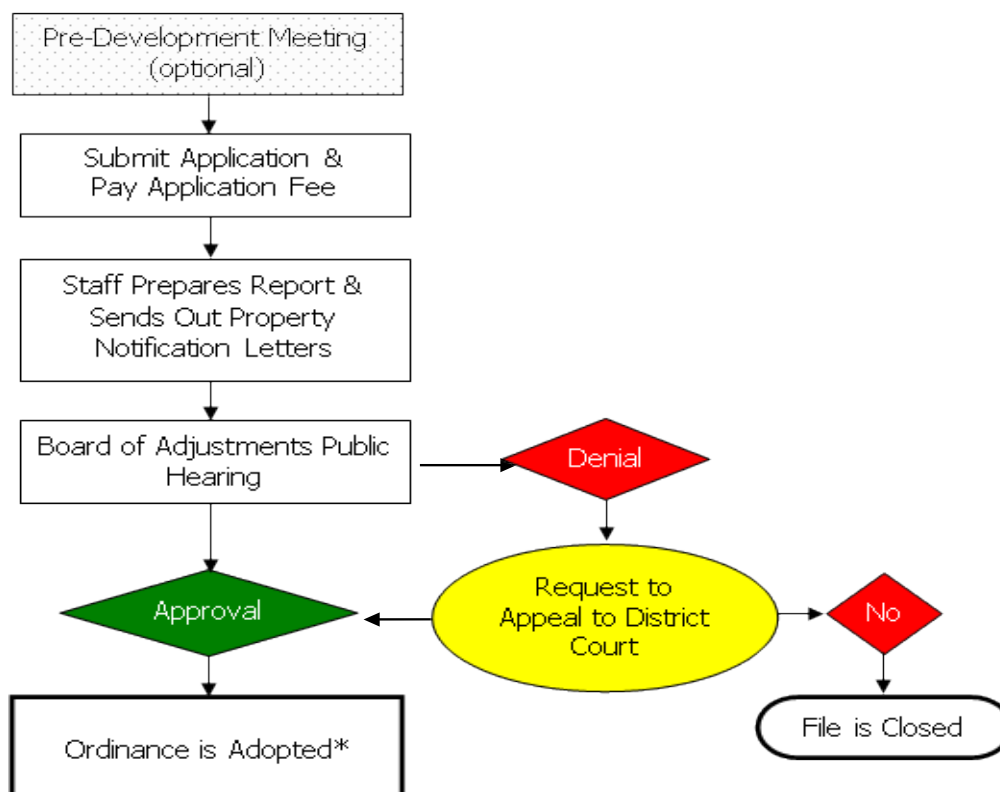
The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

1. Approval of a petition for a zoning map amendment;
2. Approval of a Conditional Use Permit; and
3. Authorization of a use not authorized in the zoning district in which the applicant's property is located, except to the extent necessary to decide a special exception or a petition for a change in status of a non-conformity.

Also, the Board of Adjustment shall not render any decision on an application, appeal or relief petition while a petition for a zoning amendment, application for a Conditional Use Permit, or plat application for the same land is pending and until such petition or application has been finally decided pursuant to procedures in Chapter 1 of the LDC.

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Special Exception & Variance Flowchart



*If the request is approved, the owner will have 180 days from the hearing date to obtain a building permit.

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APPLICATION DEADLINE	MEETING DATE ***
DEC. 9, 25	JAN. 13, 26
JAN. 6, 26	FEB. 10, 26
FEB. 3, 26	MAR. 10, 26
MAR. 10, 26	APR. 14, 26
APR. 7, 26	MAY. 12, 26
MAY 5, 26	JUN. 9, 26
JUN. 9, 26	JUL. 14, 26
JUL. 7, 26	AUG. 11, 26
AUG. 4, 26	SEP. 8, 26
SEP. 8, 26	OCT. 13, 26
OCT. 6, 26	NOV. 10, 26
NOV. 3, 26	DEC. 8, 26
DEC. 8, 26	JAN. 12, 27

*** These meetings require public hearings and the applicant or a representative must be present.



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Owner Information and Representative Designation

OWNER INFORMATION

Name:

Address:

City:

State:

Zip:

Number:

Email:

AGENT INFORMATION (if applicable)

Name:

Address:

City:

State:

Zip:

Number:

Email:

Project Representation (check one):

☐ I will represent the application myself; OR

☐ I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

Property Owner's Signature: _____

STATE OF: _____

COUNTY OF: _____

BEFORE ME, a Notary Public, on this day personally appeared _____
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the _____ day of _____, 20_____

NOTARY PUBLIC in and for the State of Texas



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Project Information

REQUEST TYPE

- ☐ Variance ☐ Special Exception ☐ Non-Conformity

RELIEF PROCEDURES

- ☐ Petition for Relief ☐ Proportionality Appeal ☐ Vested Rights Petition ☐ Appeal
☐ Other: _____

Project Name:		
Address:	Total lots:	Acreage:
Subdivision:	Block(s):	Lot(s):
Current Zoning:		

The proponent (or agent) is responsible for answering the following questions. The following questions need to be answered to the best ability possible in order to assist staff in processing the request. The Board follows this line of questioning and will expect the proponent (or agent) to cover this material in the presentation of the case.

1. Describe the unique circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and its intent.

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance, if so, why have you chosen the proposed location?



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3. What affect would it have on the rest of the public if your request is granted? What effect on the neighborhood?

4. What special conditions apply to your property that would show that the literal enforcement of ordinance Section _____ would be an unnecessary hardship on you? What hardship other than financial?

5. What use or activity will be made on the property if your request is granted?

6. Is your property zoned appropriately?



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7. Does your property have sufficient flood protection according to elevation standards for that area?

8. Are there any alternatives available that you could use without needing a variance? Would these alternatives allow you reasonable use of your property? Please explain:



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PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Board of Adjustment at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Board of Adjustment, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Board of Adjustment will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Board to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

DATE: _____