

City of Mesquite, Texas

Legislation Details (With Text)

File #:	21-5668	Version:	1	Name:	ZTA 2021-05 - Variances and the BOA
Type:	Agenda Item	Status:	Passed		
File created:	9/30/2021	In control:	City Council		
On agenda:	10/18/2021	Final action:	10/18/2021		
Title:	Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2021-05, amending the Mesquite Zoning Ordinance, as amended, by amending Section 5-207 by making revisions and deletions to various parts and sections regarding the approval standards for variances. (The Planning and Zoning Commission recommends approval of the zoning text amendment.)				

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff memo, 2. P&Z minutes, 3. Ordinance

Date	Ver.	Action By	Action	Result
10/18/2021	1	City Council	Approved	Pass

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2021-05, amending the Mesquite Zoning Ordinance, as amended, by amending Section 5-207 by making revisions and deletions to various parts and sections regarding the approval standards for variances.
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

House Bill 1475 was passed by the Texas State Legislature and signed by the Governor earlier this year and went into effect on September 1, 2021. The bill provides new criteria for a Board of Adjustment to determine what constitutes a hardship when hearing zoning variance cases. This text amendment codifies the new statute in the Mesquite Zoning Ordinance. Specifically, the bill establishes the following as guidance for what may constitute a hardship.

1. The cost of compliance is greater than 50% of the appraised value of the structure
2. Compliance would result in a loss of at least 25% of the area of the lot on which development may occur.
3. Compliance would result in some other ordinance or building code not being met.
4. Compliance would result in an encroachment on an easement or another property.
5. Compliance would result in the structure becoming nonconforming.

On September 27, 2021, the Planning and Zoning Commission voted unanimously to recommend approval of Zoning Text Amendment No. 2021-05.

Recommended/Desired Action

Following the public hearing, staff recommends approval.

Attachment(s)

Staff Memo
P&Z Minutes

Ordinance

Drafter

Jeff Armstrong

Head of Department

Jeff Armstrong