

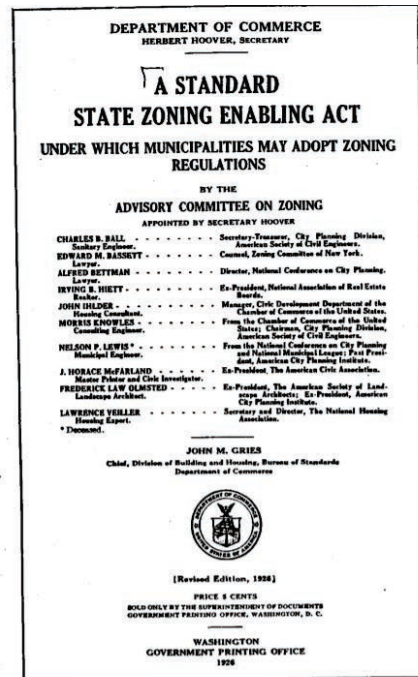
Board of Adjustment

Land Use Fundamentals UT Law CLE

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Austin, Texas
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Standard State Zoning Enabling Act



Comparison between SZEA and Texas (prior to recent amendments)

SZEA

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 the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

Texas Local Gov't Code § 211.009(Pre-2019 Legislative Session)

(a) The board of adjustment may:
(3) Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;

Comparison between SZEА and Louisiana

SZEА

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 the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

Louisiana La. R.S. 33:4727

where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to vary or modify the application of . . . the ordinance . . . so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Comparison between SZEА and Oklahoma

SZEА

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 the provisions of the ordinance will result in **unnecessary hardship**, and so that the spirit of the ordinance shall be observed and substantial justice done

Title 11 §44-107

A variance . . . may be granted, . . . only upon a finding by the board of adjustment that:

1. The application of the ordinance to the particular piece of property would create an **unnecessary hardship**;

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"Board of Adjustment"