

LAND USE APPEALS

The University of Texas School of Law
2017 Land Use Fundamentals

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INTRODUCTION

- ❖ Zoning Appeal
- ❖ Board of Adjustment

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ZONING APPEALS

Changes in the zoning of a particular tract or area

- ❖ a landowner appeals a denial
- ❖ a neighbor appeals a grant

Changes in zoning regulations

- ❖ rarely the subject of litigation
- ❖ maybe not a zoning case at all

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EXHAUSTION OF REMEDIES

Zoning Commission (aka Plan Commission)

- ❖ no statutory power to change zoning
- ❖ therefore a challenge to the commission's decision is not ripe
- ❖ its power is nevertheless greater than that of an advisory commission

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EXHAUSTION OF REMEDIES

City Council

- ❖ its decision will be final
- ❖ no further administrative appeals available
- ❖ so ripe for appeal

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EXHAUSTION OF REMEDIES

Board of Adjustment

- ❖ argument has been made that an exception should be applied for
- ❖ have seen no cases where a challenge to a zoning change or denial was dismissed for ripeness on this basis

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