



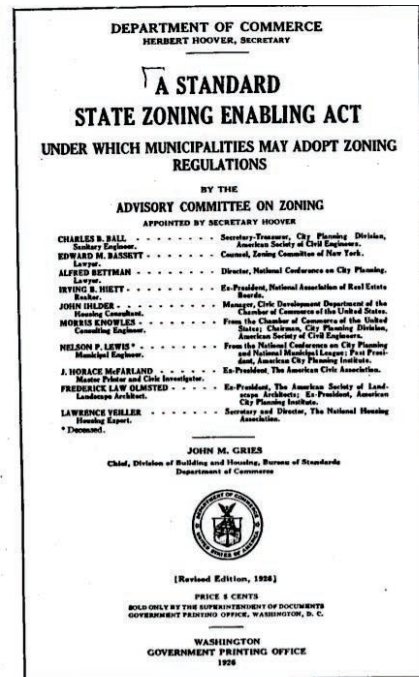
# Board of Adjustment

## Land Use Fundamentals UT Law CLE

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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 SZEa and Louisiana

### 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.

### 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 SZEa and Oklahoma

### 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

### 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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