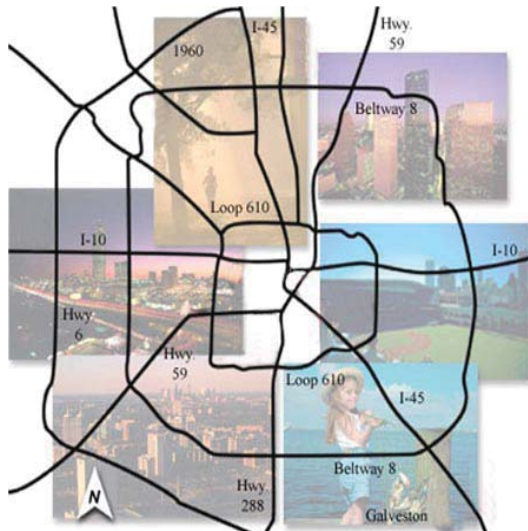
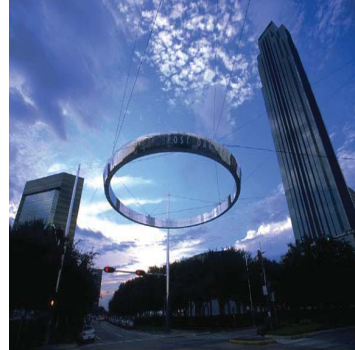




City of Houston Planning & Development Department INFORMATION & REFERENCE GUIDE

Variance & Special Exception Requests (Subdivision Plats)



www.houstonplanning.com

Last Updated, December 2019

OVERVIEW

This Planning and Development Department Reference Guide provides a summary of the requirements for subdivision plat applications requesting a variance or special exception. A variance is defined as a commission-approved deviation from the requirements of Chapter 42, whereas a special exception is a commission-approved adjustment to a requirement of Chapter 42, Article III.

A variance and/or special exception may be requested with a general plan, class I subdivision plat, class II subdivision plat, class II subdivision replat, class III subdivision preliminary plat or class III preliminary replat application. Chapter 42, section 42-74 prohibits a request on class III subdivision final plat application. The variance and/or special exception request must be included with the initial application submittal and cannot be added to applications in the “consent” or “replat” portion of the Planning Commission agenda once being considered by the Commission. The Houston Planning Commission meets every other week at the City Hall Annex located at 900 Bagby Street unless otherwise posted. (See “Appendix L” for parking information)

For complete information refer to Chapter 42 of the City of Houston Code of Ordinances.

PRE-SUBMITTAL MEETING

Applicants are encouraged to meet with the Planning and Development Department staff prior to submitting an application with a variance or special exception request. During the pre-submittal meeting staff will identify potential concerns about the proposed project and answer specific questions regarding the process or Chapter 42 requirements. Since staff will be unable to complete a thorough review of the proposed project prior to receiving a formal application, we cannot provide a recommendation at the Pre-Submittal Meeting. To request a Pre-Submittal Meeting, please call (832) 393-6600 or email planning.variances@houstontx.gov.

DEADLINES

- A complete electronic application and notification package (if applicable) must be received no later than 11:00 a.m. on the submittal date identified by the Planning Commission Meeting Schedule. A copy of the schedule is available on the Planning and Development Department website at www.houstonplanning.com.
- Site signage must be installed on the submittal date. (see “*Site Signage*” section for details)
- Photographs of the site signage must be attached to the electronic application or emailed to planning.variances@houstontx.gov no later than 5:00 p.m. on the submittal date.
- Photographs for site signage on deferred applications must be emailed to staff no later than 5:00pm on the Monday following the Commission meeting where the item was deferred.
- Revised and/or additional information requested for variance or special exception applications where final action was deferred by the Planning Commission must be submitted to staff no later than noon on Wednesday following the Commission meeting.

- For replat applications subject to the public notification requirements of Chapter 212 of the Texas Local Government Code, please reference the Public Hearing Information Package (Subdivision Plats) at www.houstonplanning.com.

SUBMITTAL REQUIREMENTS

Applications requesting a variance or special exception are subject to the submittal requirements of Chapter 42, Division 2. The following material must be provided to the Planning and Development Department prior to Planning Commission consideration of the application:

- **Complete Application** submitted on the online application submittal system (Plat Tracker) that is in compliance with the requirements and standards of Chapter 42.
- **Complete Variance** and/or **Special Request Form(s)** through the Plat Tracker.
 - **Variance Request** form must: (see “*Appendix A*”)
 - Clearly identify the specific requirement for which the variance is sought;
 - State the extent of the variance sought;
 - Provide a detailed explanation of the hardship(s) that justifies the granting of the variance; and
 - Provide detailed statement of facts addressing each of the conditions for commission approval provided in Section 42-81.
 - **Special Request** form must: (see “*Appendix B*”)
 - Clearly identify the specific requirement for which the special exception is sought;
 - State the extent of the special exception sought;
 - Provide a detailed explanation of the circumstances and facts that justify the granting of the special exception; and
 - Provide a statement addressing each of the conditions for commission approval provided in Section 42-82.
- **Site Survey** (to scale) submitted electronically with the application showing relevant features is required when:
 - Requesting a variance to the building line or right-of-way dedication requirements of Chapter 42. The survey must show the location and dimensions of the roadway paving section(s), sidewalk(s), tree(s) and other physical characteristics that are within the rights-of-way adjacent to the subject tract, or
 - Requesting a variance or special exception where an onsite physical characteristic(s) is being used to justify the request. Examples include, but are not limited to, existing structures, trees, water features, utilities, etc.
- **Site Plan** (to scale) submitted electronically with the application showing the property as it is proposed to be developed, including structures (existing & planned), property ingress/egress, internal driveways, parking configuration, trees and landscaping.
 - Applicants may present a written declaration to the Planning and Development Department if no preliminary or conceptual site layout plans have been considered.
 - Applications requesting a variance to the building line requirements of Chapter 42 or a variance related to the existing site conditions or the proposed site development must be accompanied by a proposed site plan.

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- **Aerial Photo Exhibit** submitted electronically with the application showing the subdivision site superimposed on a recent aerial photo of the property, with the adjacent conditions such as planned/proposed streets, public rights-of-way, drainage easements, water bodies, etc.
- **Ownership Records** submitted electronically when requesting to take access from a private easement outside the property boundary. Documents must be legible and complete.
- Any **Additional Documentation** referenced in the variance or special exception request. All documentation must be legible and submitted electronically with the application.
- Additional fee for the **Notification Package** must be paid through Plat Tracker during the submittal period. Reference the online Fee Schedule for more details.

NOTIFICATION PACKAGE

Chapter 42 requires notification for variances and special exceptions that are requested with applications for property partially or entirely within the city limits. See Sections 42-81(g), 42-82(f) and 42-83 for exceptions to the requirement and specific notification provisions:

- **Notice Map** will identify the proposed plat boundaries and all surrounding properties whose owners must be notified. The number of notices will be based on the 250-foot notice radius and 500-foot notification of properties abutting a street or private roadway adjacent to the subject site. This map will be created by staff to verify property owners being notified. For examples on how to measure the notification area, please see Appendix C.
- **Stamped (not metered) Envelopes** will be provided by staff and addressed to each property owner in the notice area.
- **Photos** submitted electronically of each sign taken from the adjacent right-of-way (as a citizen would see the sign from a parked vehicle in front of the property) must be attached to Plat Tracker application or emailed no later than the date of the sign posting deadline. Signs depicted in the photograph should be legible and location of sign on property should be apparent.
- A **Site Signage Locator Map** of the subject property should be included with the application that clearly shows the location of each notification sign posted within the property. (see “Appendix E”)

SITE SIGNAGE

- One **Notification Sign** is required facing each street or private roadway adjacent to the subject site. (see “Appendix F”)
 - The proposed subdivision name must appear on the sign. Please include the project reference number provided by the City of Houston at submittal.

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- If an application is requesting a special exception, please substitute the term “special exception” in place of “variance” on the sign.
 - Identify the purpose of the variance(s) or special exception(s). (See “Appendix G”)
 - Identify the proposed land uses, if known.

 - **Minimum Sign Size:** 4 feet by 8 feet
 - **Sign Location:** not more than 15 feet from each public right-of-way.
 - **Sign Lettering:** must be legible from the public right-of-way.
- The date, time, and place of the meeting at which the commission will next consider the application, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant’s plat is deferred by the commission, or if the public hearing is postponed for any reason.
- Failure to maintain signs on site until final action by the Commission on the variance or special exception may result in deferral or disapproval of application.
- If no street or private roadway borders the site, if the street or private roadway is not improved, or if more than four (4) signs would be required, please contact the Planning Department at 832-393-6600 or via email at planning.variances@houstontx.gov for further instructions.

Appendix A
 (Example: Variance Request Form)



**PLANNING &
 DEVELOPMENT
 DEPARTMENT**

**APPLICANT'S
 Variance Request Form**

Application Number:
 Plat Name:
 Applicant:
 Date Submitted:

The applicant bears the burden of providing factual, material, and compelling evidence to support a variance request in the Statement of Facts ("SOF") below. The applicant must write a response to each of the statements as part of their application. Failure to do so will result in the application being deemed incomplete and not placed before the Planning Commission. The applicant may attach additional supporting documents to the application. P&D will not correct, revise, or edit the applicant's information. P&D will formulate its recommendation by evaluating the SOF's information, the additional information provided and any relevant information available to the Department.

(Sec. 42-47 and Sec. 42-81)

Specific Variance is being sought and extent of variance:

Clearly identify the specific requirement for which the variance is being sought and state the extent of the variance. Provide details as to what is required by the ordinance and what is being proposed. Applicants are required to provide sufficient detail to create an overview of the conditions surrounding the request. Information provided below will be used to review the merits of the request.

Chapter 42 Section:

Chapter 42 Reference:

Identify the section of Chapter 42 that the requirement is found. Example: "42-XXX"

Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" or "no" response will not be accepted. [The applicant may provide a statement for either (1a) or (1b)]

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" or "no" response will not be accepted. [The applicant may provide a statement for either (1a) or (1b)]

(2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" or "no" response will not be accepted.

(3) The intent and general purposes of this chapter will be preserved and maintained;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" or "no" response will not be accepted.

(4) The granting of the variance will not be injurious to the public health, safety or welfare;

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" or "no" response will not be accepted.

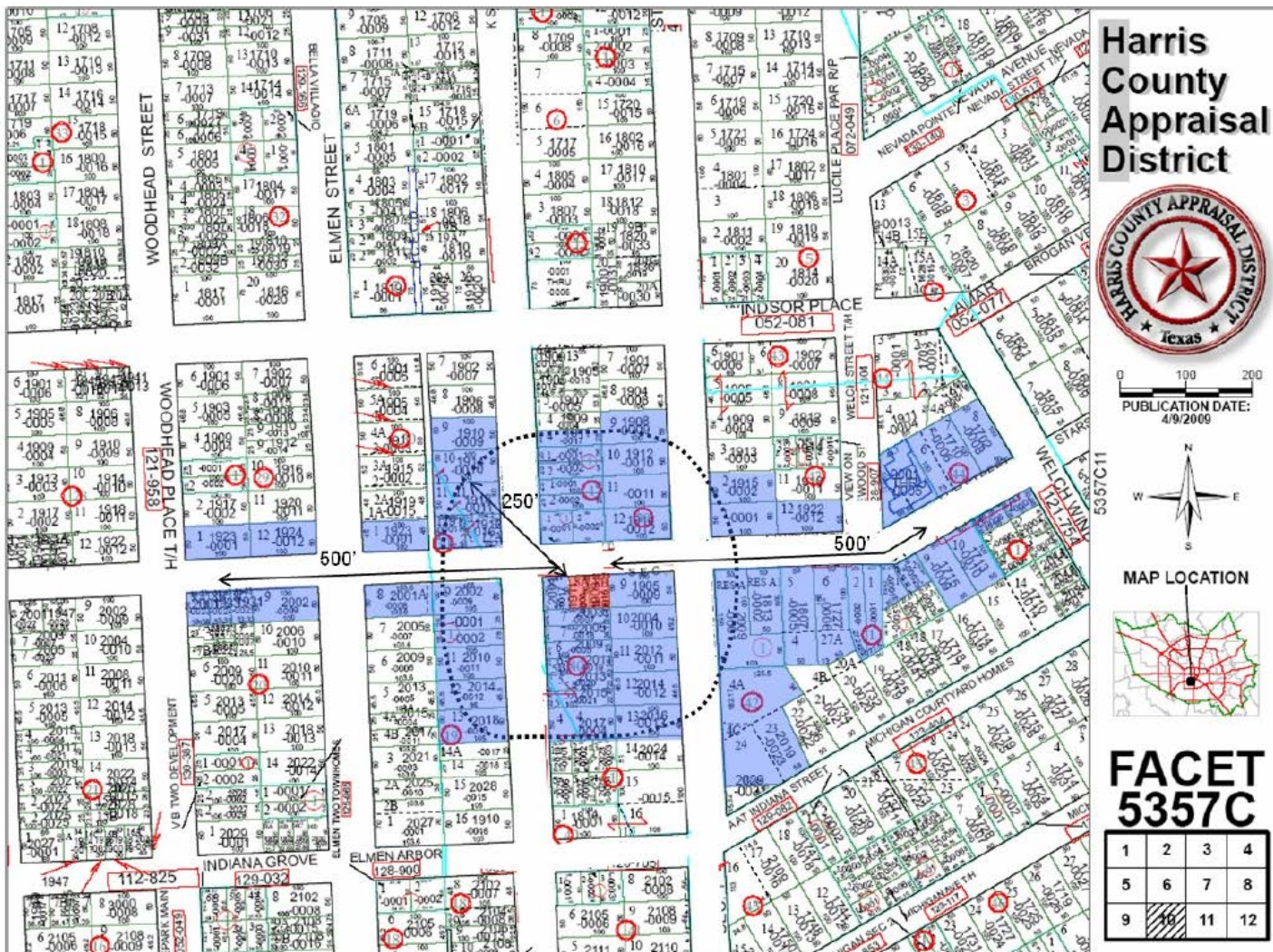
(5) Economic hardship is not the sole justification of the variance.

Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" or "no" response will not be accepted.

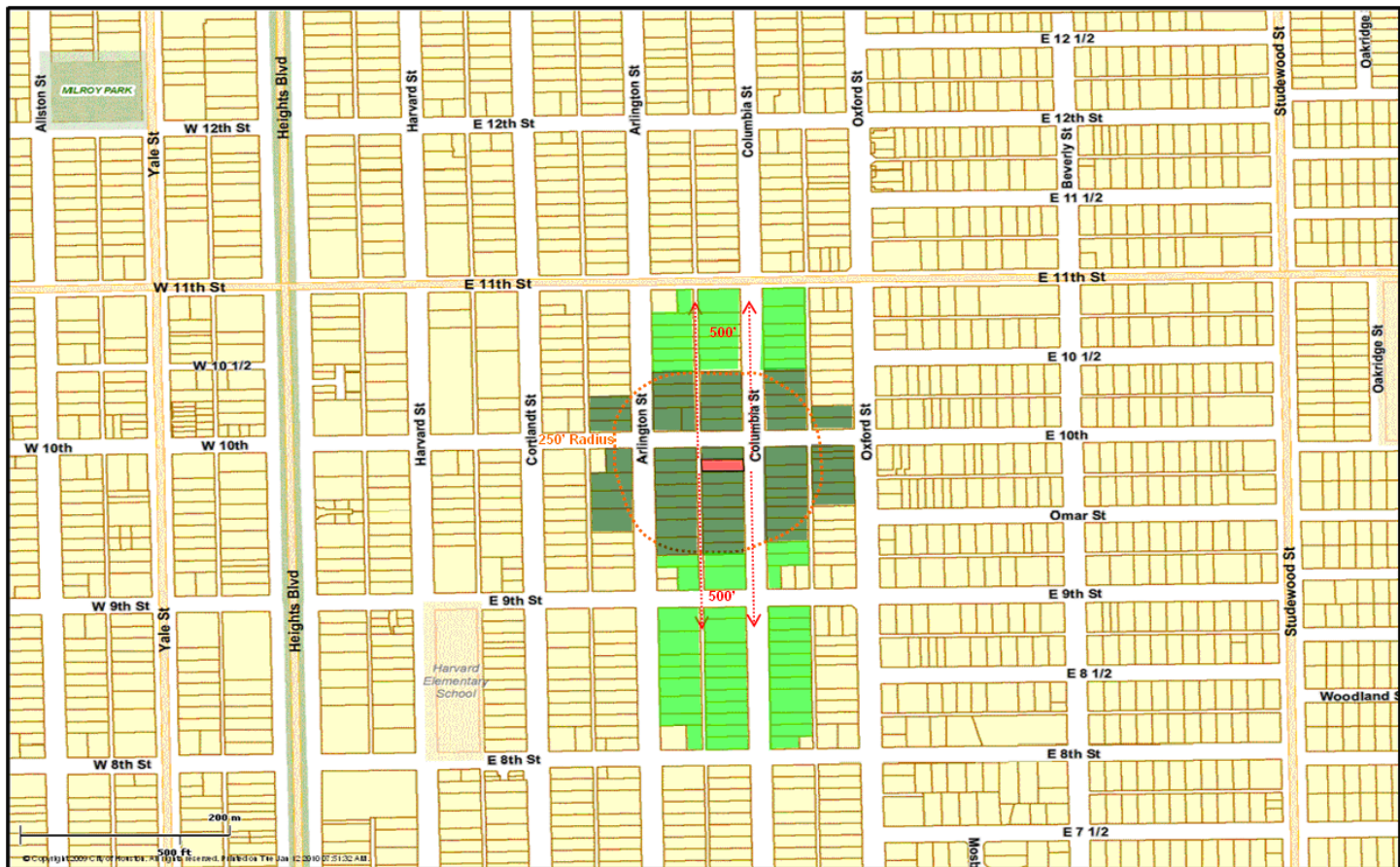
Appendix B
(Example: Special Exception Request Form)

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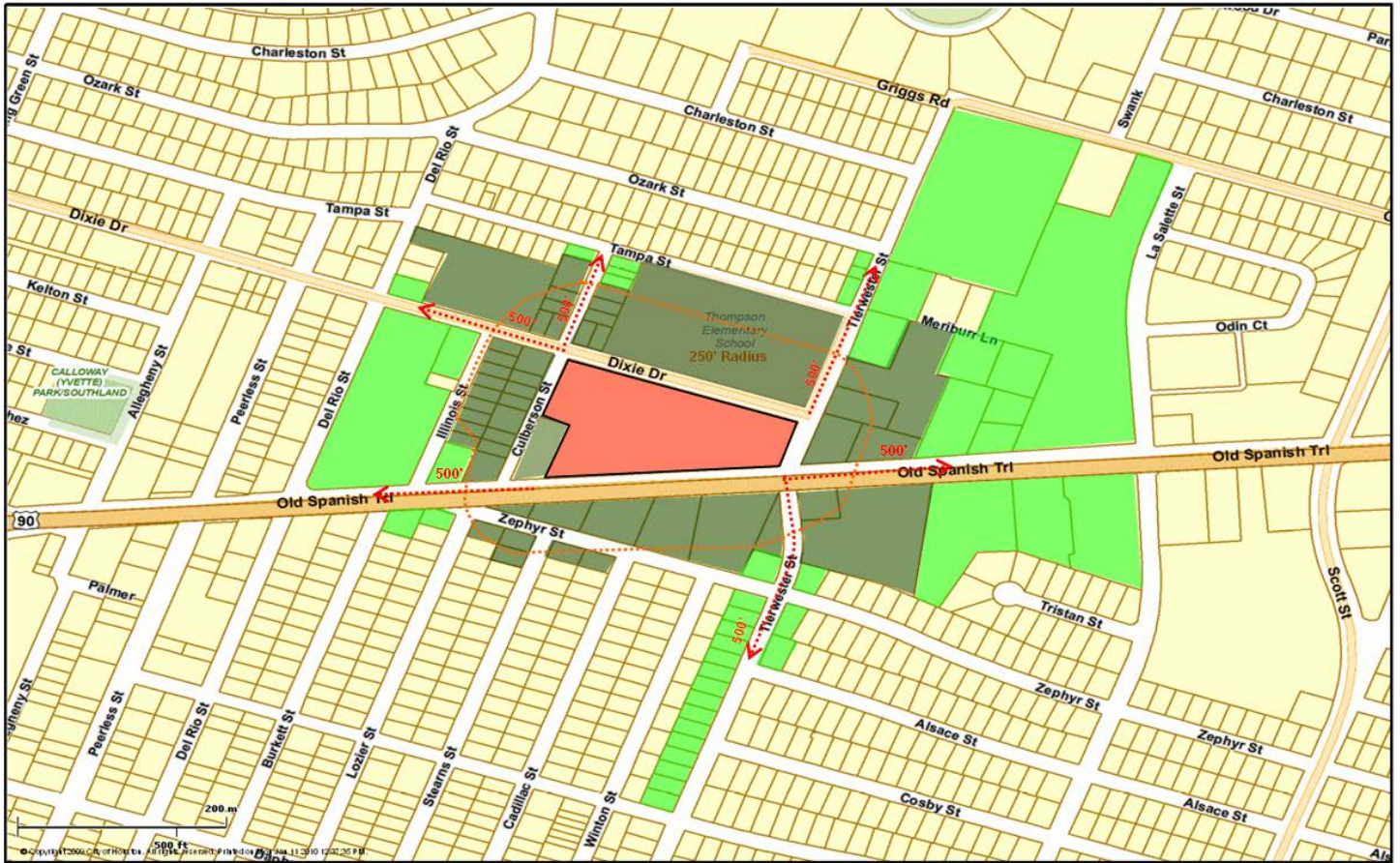
Appendix C
 (Example 3: County Appraisal District Map)



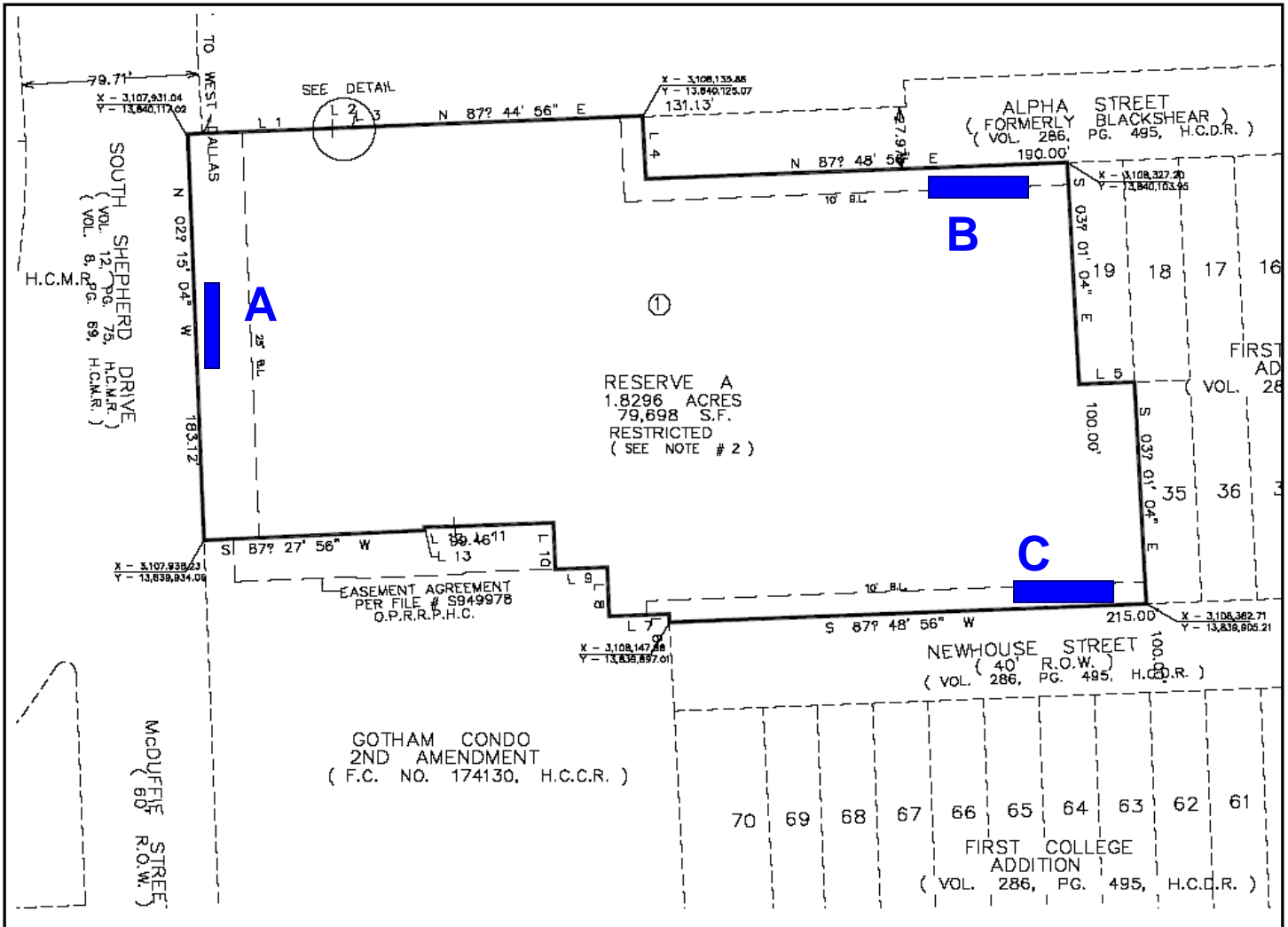
Appendix D
(Example 2: Measuring the Notification Area)



Appendix D
(Example 3: Measuring the Notification Area)



Appendix E
(Example: Site Signage Locator Map)



Appendix F
(Example: Site Notification Sign)

Applications Requesting a Variance **OR** Variance & Special Exception:

NOTICE OF **VARIANCE** REQUEST

PROPOSED SUBDIVISION NAME (Ref. #)

Purpose of the Variance Request: **LIST VARIANCE(S)**^{1,2}
Proposed Land Use(s) for site: **LIST LAND USE(S), if known**

The Houston Planning Commission will next consider the application on:
MONTH DAY, YEAR at 2:30 p.m.
City Hall Annex, Public Level
900 Bagby Street, Houston, Texas.

For information regarding this application, please contact:
Applicant Contact's Name with **Applicant's Company Name** at **Telephone number**
-or-
The Houston Planning & Development Department at (832) 393-6600
www.houstonplanning.com planning.variances@houstontx.gov

Applications Requesting **ONLY** a Special Exception:

NOTICE OF **SPECIAL EXCEPTION** REQUEST

PROPOSED SUBDIVISION NAME (Ref. #)

Purpose of the Special Exception Request: **LIST SPECIAL EXCEPTION(S)**^{1,2}
Proposed Land Use(s) for site: **LIST LAND USE(S), if known**

The Houston Planning Commission will next consider the application on:
MONTH DAY, YEAR at 2:30 p.m.
City Hall Annex, Public Level
900 Bagby Street, Houston, Texas.

For information regarding this application, please contact:
Applicant Contact's Name with **Applicant's Company Name** at **Telephone number**
-or-
The Houston Planning & Development Department at (832) 393-6600
www.houstonplanning.com planning.variances@houstontx.gov

¹ See "Appendix G" for a list of Requests Purposes.

² See "Appendix H" for a list of requirements the Commission CANNOT consider a Special Exception on.

Appendix G

(Purpose of Requests for Notification Signs – select all that apply)

Chapter 42 – Division 1 (General)

Urban Designation

Chapter 42 – Division 2 (Streets)

R.O.W. Dedication
R.O.W. Transition
Street Intersection Standards
Cul-de-Sac Standards
Street Reverse Curves
Street Naming
Street Extension

Chapter 42 – Division 3 (Building Lines)

Building Line(s)
Visibility Triangle(s)
Special Building Line Area Requirements

Chapter 42 – Division 4 (Lots and Reserves)

Lot Size
Lot Width
Lot Access
Single-Family Parking
Reserve Size
Reserve Width
Reserve Access
Special Lot Size Area Requirements
Partial Replat Requirements

Chapter 42 – Division 5 (Easements)

Easement Requirements

Chapter 42 – Division 6 (Multi-Family Residential Developments)

Multi-Family Private Street Standards
Multi-Family Access
Multi-Family Fire Protection
Multi-Family Parking
Multi-Family Open Space

Chapter 42 – Division 7 (Parks and Private Parks)

Park Dedication
Park Location
Park Land Standards

Chapter 42 – Article IV. (Transit Corridor Development)

Transit Corridor Standards

Appendix H

(Chapter 42 Requirements that CANNOT be considered by a Special Exception)

Select all applicable purposes for the Special Exception request(s) from the list outlined in “Appendix G”. Please note that the Planning Commission cannot grant a special exception to any of the following requirements:

Lot Size Requirements

Compensating Open Space Requirements

Building Line Requirements

Criteria for Designating an Urban Area

Any Requirement not within Chapter 42, Division III

