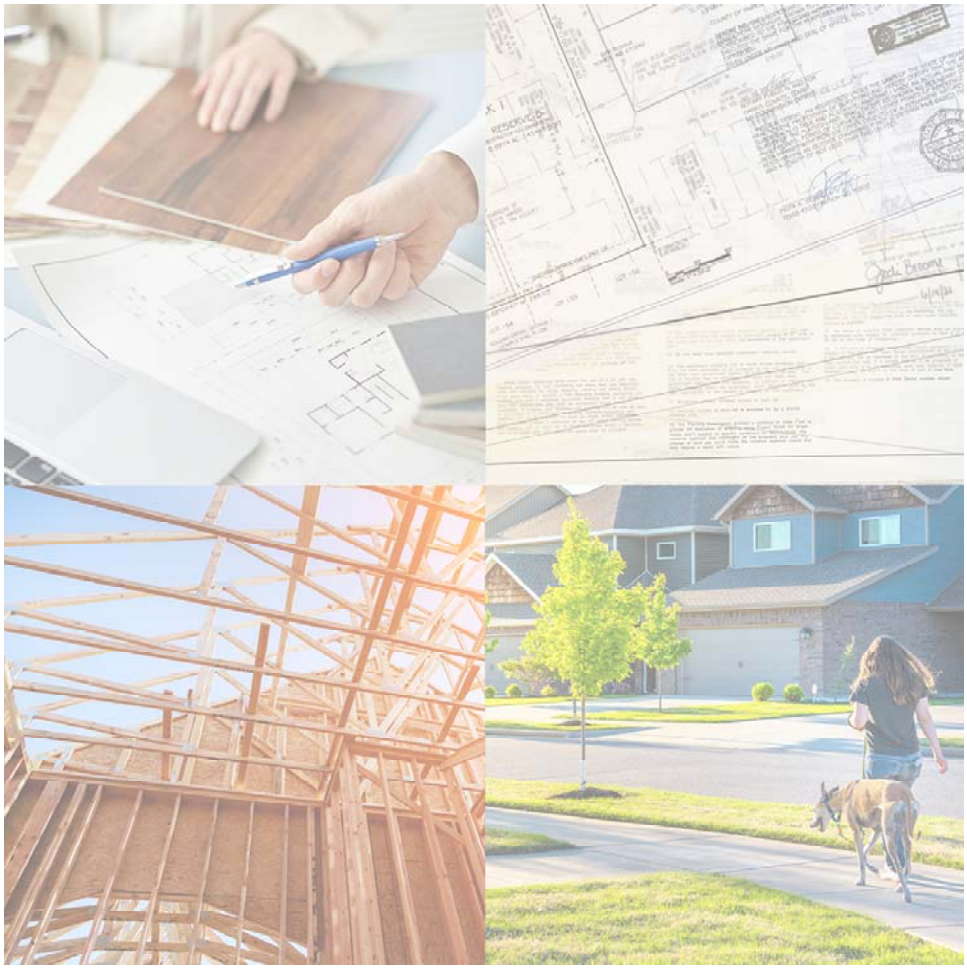
Development Plats

Variance & Special Exception Requests



PLANNING & DEVELOPMENT DEPARTMENT

www.houstonplanning.com

Last Updated, April 2024

REFERENCE GUIDE: VARIANCE & SPECIAL EXCEPTION REQUESTS (DEVELOPMENT PLATS)

OVERVIEW

This Planning and Development Department Reference Guide provides a summary of the requirements for development plat applications (sometimes called "site plan review") 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.

The variance and/or special exception application process begins at the Planning & Development Department's offices within the **Code Enforcement Building** located at **1002 Washington**. Once submitted and verified to be complete, review of the application and presentation before the Planning Commission will be handled by a staff member located at our 611 Walker Street office downtown. The Houston Planning Commission meets every other week at the City Hall Annex located at 900 Bagby Street unless otherwise posted. (See *"Appendix H"* for parking information)

For complete information on requirements, please 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 *"Development Plat Variance Pre-Submittal Meeting"*, please call (832) 393-6600 or email planning.variances@houstontx.gov.

DEADLINES

- A complete application and notification package 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 included within the notification package 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 or staff will recommend disapproval.

- 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.

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 electronically to planning.variances@houstontx.gov that is in compliance with the requirements and standards of Chapter 42. The application form can be downloaded from our website at www.houstonplanning.com, under "Department Links" select "**Forms**" then click on "**Variance Form: Development Plat Variance**" (See "*Appendix A*")
- ☐ **Complete Variance** and/or **Special Request**

    - **Variance Request** form must**:** (see "*Appendix B*")
        - 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.

- ☐ **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), distance from back-of-curb to property line, 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.

- ☐ **Building Plans** (to scale) submitted electronically with the application showing the proposed structure(s) within the subject site. Please make sure the set of building plans is an expendable copy, as the plans will not be returned.

- ☐ **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.

☐ Any **Additional Documentation** referenced in the variance or special exception request. All documentation must be legible and submitted electronically with the application.

☐ Complete **Notification Package** submitted to the Planning and Development Department. This requirement applicable for applications filed for property that is partially or entirely within the city limits. See Section 42-83 for complete information on the notification requirements.

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. The following information must be included within the "notification package" submitted to staff by the submittal deadline:

Notice Map will identify the proposed site boundaries and all surrounding properties whose owners must be notified. The number of notices will be based on a 300-foot notice radius 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".

Notification Envelopes will be provided by staff for 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 within with the notification package of the 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 D"*)

SITE SIGNAGE

☐ One **Notification Sign** is required facing each street or private roadway adjacent to the subject site. (see "*Appendix E*")

- The site address must appear on the sign. Please include the project reference number provided by the City of Houston at submittal.
- 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 F"*)
- Identify the proposed land uses, if known.

- **Minimum Sign Size:** 4 feet by 8 feet
- **Sign Location:** not more than 15 feet from each street or private roadway.
- **Sign Lettering:** must be legible from the street or private roadway.

☐ 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.

Variance & Special Exception Quick-Check List

General Submittal Requirements:

- ☐ **Pre-Submittal Meeting with Staff**
- ☐ **Complete Development Plat Application (Microsoft word document)**
- ☐ **Verify Chapter 42 Submittal Requirements**
- ☐ **Complete Variance or Special Exception Request**
- ☐ **Verify Chapter 42 Planning Standards Compliance**
- ☐ **Applicable Fees**
- ☐ **Site Survey**
- ☐ **Site Plan**
- ☐ **Copy of Building Plans**
- ☐ **Aerial Photo Exhibit**
- ☐ **Ownership Records** (if applicable)
- ☐ **Additional Documentation** (if applicable)
- ☐ **Notification Requirements**

Notification Package Requirements:

Site Signage Requirements:

- ☐ **Sign Posted on Time**
- ☐ **Sign Minimum Size**
- ☐ **Sign Location(s)**
- ☐ **Sign Lettering**
- ☐ **Sign Information**
- ☐ **Sign Photos**
- ☐ **Site Signage Locator Map**

APPLICANT COMMENTS:

Appendix A
(Example: Application Form)

PLANNING & DEVELOPMENT DEPARTMENT

Houston Planning Commission

ITEM:
Meeting Date:

VARIANCE REQUEST APPLICATION

An applicant seeking a variance and/or special exception to the Planning Standards of Chapter 42 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to the Planning & Development Department at 1002 Washington Avenue 3rd floor prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at www.houstonplanning.com.

APPLICANT COMPANY	CONTACT PERSON	PHONE NUMBER	EMAIL ADDRESS

PROPERTY ADDRESS	FILE NUMBER	ZIP CODE	LAMBERT	KEY MAP	DISTRICT

HCAD ACCOUNT NUMBER(S):
PROPERTY LEGAL DESCRIPTION:
PROPERTY OWNER OF RECORD:
ACREAGE (SQUARE FEET):
WIDTH OF RIGHTS-OF-WAY:
EXISTING PAVING SECTION(S):
OFF-STREET PARKING REQUIREMENT:
OFF-STREET PARKING PROVIDED:
LANDSCAPING REQUIREMENTS:

EXISTING STRUCTURE(S) [SQ. FT.]:
PROPOSED STRUCTURE(S) [SQ. FT.]:

PURPOSE OF VARIANCE REQUEST:

CHAPTER 42 REFERENCE(S):
Identify the section of Chapter 42 the requirement is found. Example "42-XXX"

DEVELOPMENT PLAT VARIANCE

DPV_dm *February, 2017*

Appendix B
(Example: Variance Request Form)

PLANNING & DEVELOPMENT DEPARTMENT

Houston Planning Commission

ITEM:
Meeting Date:

APPLICANT STATEMENT OF FACTS

SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):

In this section, clearly identify the specific requirement for which the variance is being sought and state the extent of the variance request. Provide details as to what is required by the ordinance and what is being proposed. Applicant 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.

APPLICANT'S STATEMENT OF FACTS:

The applicant must clearly identify how the requested variance meets the criteria in either (1a) or (1b) and All items (2) through (5). The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at planning.variances@houstontx.gov

(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" and "no" response will not be accepted. [The applicant may provide a statement for either (1a) or (1b)]

(1b) **Strict application of the requirements of this chapter would make a 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" and "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" and "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" and "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" and "no" response will not be accepted.

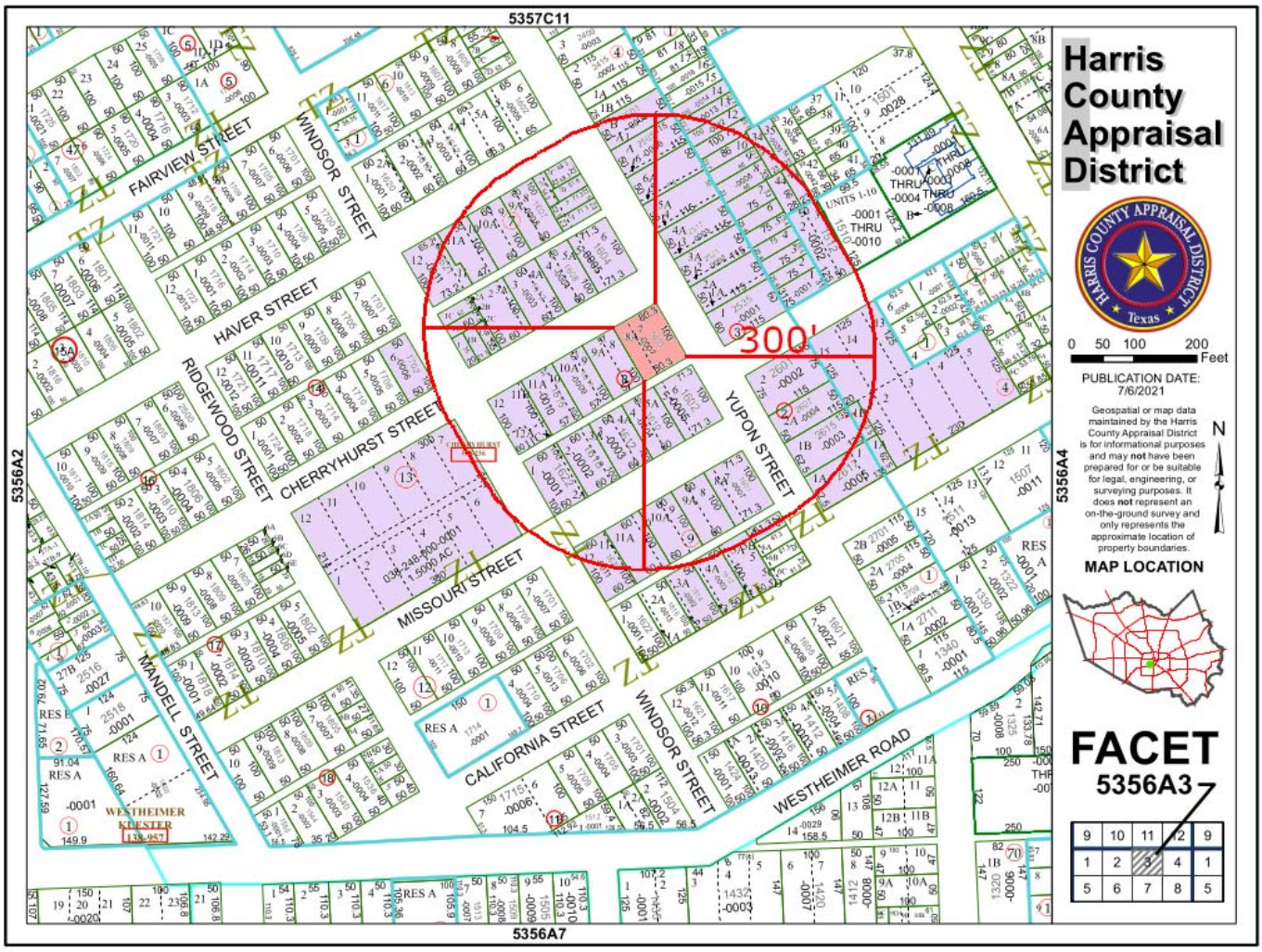
(5) **Economic hardship is not the sole justification of the variance.**

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

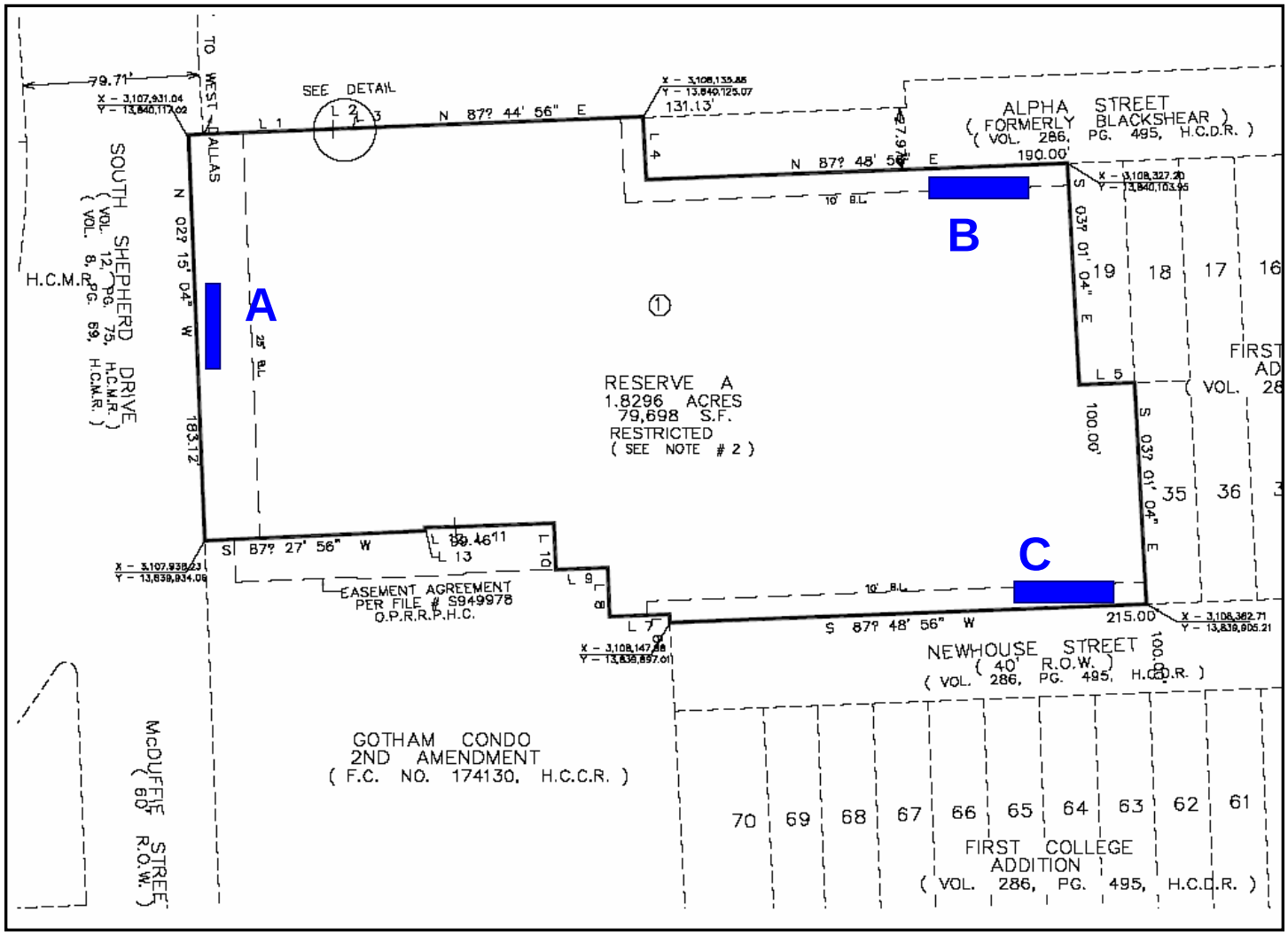
DEVELOPMENT PLAT VARIANCE

DPV_dm *February, 2017*

Appendix C
(Example: County Appraisal District Map)



Appendix D
(Example: Site Signage Locator Map)



Appendix E
(Example: Site Notification Sign)

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

NOTICE OF VARIANCE REQUEST

Address (Project number)

Purpose of the Variance Request: Describe the request briefly

Proposed Land Use(s) for site: Describe the proposed use

The Houston Planning Commission will hold a public meeting to consider this application.

Meeting time: Thursday, XXXXX, 20XX, at 2:30 p.m.

Meeting location: City Hall Annex Building, 900 Bagby Street
City Council Chamber, Public Level, Houston, Texas

Submit comments: speakercomments.pc@houstontx.gov

For information regarding this application, please contact:
Applicant name at (###) ###-####
- or-
The Houston Planning & Development Department at (832) 393-6600.

[1] **See "Appendix F" for a list of Requests Purposes.**
[2] **See "Appendix G" for a list of requirements the Commission CANNOT consider a Special Exception on.**

Appendix F

(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 G
(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

Appendix H
(Planning Commission Parking Map)

