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 (713) 837-7701 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 (DRC) that is in compliance with the requirements and standards of Chapter 42.

- **Complete Variance and/or Special Request Form(s)** through the DRC.

  - **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 must be accompanied by a proposed site plan.
REFERENCE GUIDE: VARIANCE & SPECIAL EXCEPTION REQUESTS (SUBDIVISION PLATS)

- **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.

- **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:

- A **County Appraisal District Map** identifying the proposed plat boundaries and all surrounding properties whose owners must be notified. The 250-foot notice radius and 500-foot notification of properties abutting a street or private roadway adjacent to the subject site must be identified on this County Appraisal District Map. The map must be legible and to scale. This map will be used by staff to verify property owners being notified. (see “Appendix C”) For examples on how to measure the notification area, please see Appendix D.

- A copy of the **County Appraisal District Record** or tax statement for each property within the 250-foot notice radius, as well as all properties that are along a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat. Record or statement must be less than 30 days old when submitted. (see “Appendix E”)

- **Stamped (not metered) Envelopes** addressed to each property owner in the notice area. The return address area must be left blank. Indicate the lot and block numbers, or reserve letters, corresponding to each property owner on the lower left-hand corner of the front of each envelope. Please note that metered envelopes are not acceptable because the postage is valid only for the meter date. In cases which the appraisal district records or tax statements show the same owner name and owner address for multiple property accounts, only one envelope is needed for that owner/address. (see “Appendix F”)

- **Excel Spreadsheet** submitted on the DRC with notification envelope information: “owner line 1”, “owner line 2”, “address line 1”, “address line 2”, “City”, “State”, “Zip Code”, “Legal Description”, “Property Address” and “Property Zip Code” (see “Appendix G”)

- **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 DRC
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 H”)

SITE SIGNAGE

- One Notification Sign is required facing each street or private roadway adjacent to the subject site. (see “Appendix I”)
  - The proposed subdivision name 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 J”)
  - 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 713-837-7701 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 Subdivision Plat or General Plan Application  
☐ Verify Chapter 42 Submittal Requirements  
☐ Complete Variance or Special Exception Request  
☐ Verify Chapter 42 Planning Standards Compliance  
☐ Applicable Fees  
☐ Site Survey (if applicable)  
☐ Site Plan (if applicable)  
☐ Aerial Photo Exhibit  
☐ Ownership Records (if applicable)  
☐ Additional Documentation (if applicable)  
☐ In-City Notification Requirements (if applicable)

Notification Package Requirements: Electronic and Parper copies required

☐ County Appraisal District Map  
☐ County Appraisal District Records  
☐ Stamped Envelopes  
☐ Excel Spreadsheet

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: Variance Request Form)

Variance Request Information Form

Plat Name:
Company Name:
Date Submitted:

(Sec. 42-47 and Sec. 42-81)
Specific variance 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 ordinance and what is being proposed. Applicants are required to provide sufficient detail to create an overview of the conditions surrounding the variance request. The Statement of Facts provided below will be used to review the merits of the variance request outlined in this section.

Chapter 42 Reference: Identify the Section of Chapter 42 the requirement is found. Example: “42-XX”

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;
Provide a detailed statement of the facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate.
[The applicant may provide a statement for either (1a) or (1b).]
or

(1b) Strict application of the requirements of this chapter 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 contrary to sound public policy;
Provide a detailed statement of the facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate.
[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 the facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate.

(3) The intent and general purposes of this chapter will be preserved and maintained;
Provide a detailed statement of the facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate.

(4) The granting of the variance will not be injurious to the public health, safety or welfare; and
Provide a detailed statement of the facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate.

(5) Economic hardship is not the sole justification for the variance.
Provide a detailed statement of the facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate.
**Appendix B**
(Example: Special Exception Request Form)

**Special Exception Request Information Form**

Plat Name:  
Company Name:  
Date Submitted:  

*(Sec. 42-48 and Sec. 42-82)*  
**Specific special exception being sought and extent of special exception:**

Clearly identify the specific requirement for which the special exception is being sought and state the extent of the special exception. Provide details as to what is required by ordinance and what is being proposed. Applicants are required to provide sufficient detail to create an overview of the conditions surrounding the special exception request. The Statement of Facts provided below will be used to review the merits of the request outlined in this section.

**Chapter 42 Reference:** Identify the Section of Chapter 42 the requirement is found. Example: “42-XX”

**Statement of Facts**

(1) Special circumstances exist that are unique to the land or the proposed subdivision or development and that are not generally applicable to all other land, subdivisions or developments in the city or its extraterritorial jurisdiction that justify modification of the standards that otherwise would apply;  
Provide a detailed statement of the facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate.

(2) The proposed special exception will achieve a result contemplated by the standards in article III of this chapter;  
Provide a detailed statement of the facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate.

(3) The modification of the standard requested is not disproportionate to the requirement of the standard, provided however that the commission shall not be authorized to grant a special exception if the modification of the standard is 33 percent or greater. A modification of a measurable standard by 10 percent or less shall be presumed to be not disproportionate;  
Provide a detailed statement of the facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate.

(4) The intent and general purposes of this chapter will be preserved and maintained; and  
Provide a detailed statement of the facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate.

(5) The granting of the special exception will not be injurious to the public health, safety or welfare.  
Provide a detailed statement of the facts surrounding the special exception request that would meet the abovementioned criteria. Information must be complete and accurate.
Appendix C
(Example 1: County Appraisal District Map)
Appendix D
(Example 1: Measuring the Notification Area)
Appendix D
(Example 2: Measuring the Notification Area)
Appendix D
(Example 3: Measuring the Notification Area)
### Appendix E
(Example: County Appraisal District Record)

**Owner Name & Mailing Address for Notification Envelopes**

**Legal Description to be placed on the bottom-left corner of the Notification Envelopes**

### Print Date

Document “Print Date” must be within 30 days of the application submittal date.
Appendix F
(Example: Notification Envelopes)

Envelope Specifications

Size: #10 or 4 1/8" x 9 1/2"

Weight: 24 lb. Weight of paper is also sometimes called Basis Weight. The weight describes the pounds of a ream of paper, typically consisting of 500 sheets cut to its basic size.

Flap: Commercial/Official [Diagram] NOT self sealing

Notification Envelope must be stamped, not metered, with the correct postage.

Notification Envelope Return Address area must be left blank.

City of Houston
Parcel Q96-010
P.O. Box 1562
Houston, TX 77251-1562

LTS 1 THRU 12 BLK 89
Houston Main Office
SSBB

Include Legal Description listed on the County Appraisal District Record

Address to the owner listed on the County Appraisal District Record
### Appendix G

(Example: Notification Excel Spreadsheet)

<table>
<thead>
<tr>
<th>Owner Line 1</th>
<th>Owner Line 2</th>
<th>Address Line 1</th>
<th>Address Line 2</th>
<th>Owner City</th>
<th>Owner State</th>
<th>Owner Zip</th>
<th>Legal Description</th>
<th>Property Address</th>
<th>Property Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY OF HOUSTON</td>
<td>PARCEL Q96-010</td>
<td>PO BOX 1562</td>
<td>HOUSTON</td>
<td>TX</td>
<td>77251-1562</td>
<td>LTS 1 THRU 12 BLK 89 HOUSTON MAIN OFFICE SSB</td>
<td>611 WALKER ST</td>
<td>77002</td>
<td></td>
</tr>
<tr>
<td>JOHN</td>
<td>DOE</td>
<td>123 ANY ST</td>
<td>APT 10</td>
<td>ANYTOWN</td>
<td>TX</td>
<td>12345-1234</td>
<td>LTS 1, 2 AND 4 BLK 2 ANY SUBDIVISION</td>
<td>123 PROPERTY ST</td>
<td>77002</td>
</tr>
<tr>
<td>ANY BUSINESS</td>
<td></td>
<td>324 ANY ST</td>
<td></td>
<td>ANYTOWN</td>
<td>TX</td>
<td>12345-5655</td>
<td>RES A ANY SUBDIVISION</td>
<td>456 BUSINESS ST</td>
<td>77002</td>
</tr>
</tbody>
</table>

### Appendix H

(Example: Site Signage Locator Map)
Applications Requesting a Variance OR Variance & Special Exception:

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**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 (713) 837-7701
www.houstonplanning.com planning.variances@houstontx.gov

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Applications Requesting ONLY a Special Exception:

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**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 (713) 837-7701
www.houstonplanning.com planning.variances@houstontx.gov

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1 See “Appendix J” for a list of Requests Purposes.
2 See “Appendix K” for a list of requirements the Commission CANNOT consider a Special Exception on.
Appendix J
(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 K
(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 J”. 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 L
(Planning Commission Parking Map)

*Parking garages and lots are privately managed and set their own fees. They do not provide discounts to the City of Houston or visitors to City of Houston buildings.