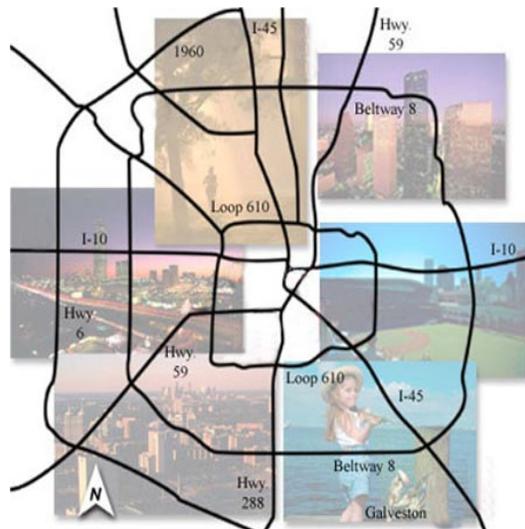




# City of Houston Planning & Development Department INFORMATION & REFERENCE GUIDE

## Variance & Special Exception Requests (Development Plats)



[www.houstonplanning.com](http://www.houstonplanning.com)

Last updated, February 2015

## **OVERVIEW**

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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 L*” for parking information)

For complete information on requirements, please refer to Chapter 42 of the City of Houston Code of Ordinances.

## **PRE-SUBMITTAL MEETING**

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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](mailto:planning.variances@houstontx.gov).

## **DEADLINES**

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- 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](http://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](mailto: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 via email to [planning.variances@houstontx.gov](mailto: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](http://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) 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 in person or 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.
- **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 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*”)

**Please assemble stamped and addressed envelopes with their corresponding County Appraisal District Record in consecutive order.**

- **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 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 H*”)

**SITE SIGNAGE**

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- One **Notification Sign** is required facing each street or private roadway adjacent to the subject site. (see “Appendix I”)
  - 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 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 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](mailto: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
- 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: Electronic and Paper 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:

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**Appendix A**  
(Example: Application Form)

**Houston Planning Commission**  
City of Houston Planning and Development Department

	<b>ITEM:</b> Meeting Date:
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**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 [planning.variances@houstontx.gov](mailto:planning.variances@houstontx.gov) 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](http://www.houstonplanning.com).

APPLICANT COMPANY	CONTACT PERSON	PHONE NUMBER	EMAIL ADDRESS		
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
PROPERTY ADDRESS	FILE NUMBER	ZIP CODE	LAMBERT	KEY MAP	DISTRICT
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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

**EXISTING STRUCTURE(S) [TYPE; SQ. FT.]:** [REDACTED]  
**PROPOSED STRUCTURE(S) [TYPE; SQ. FT.]:** [REDACTED]

**PURPOSE OF VARIANCE REQUEST:** [REDACTED]

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

**DEVELOPMENT PLAT VARIANCE**

Appendix B  
(Example: Variance Request Form)

**Houston Planning Commission**  
City of Houston Planning and Development Department



**ITEM:**  
Meeting Date:

**APPLICANT'S STATEMENT OF FACTS**

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

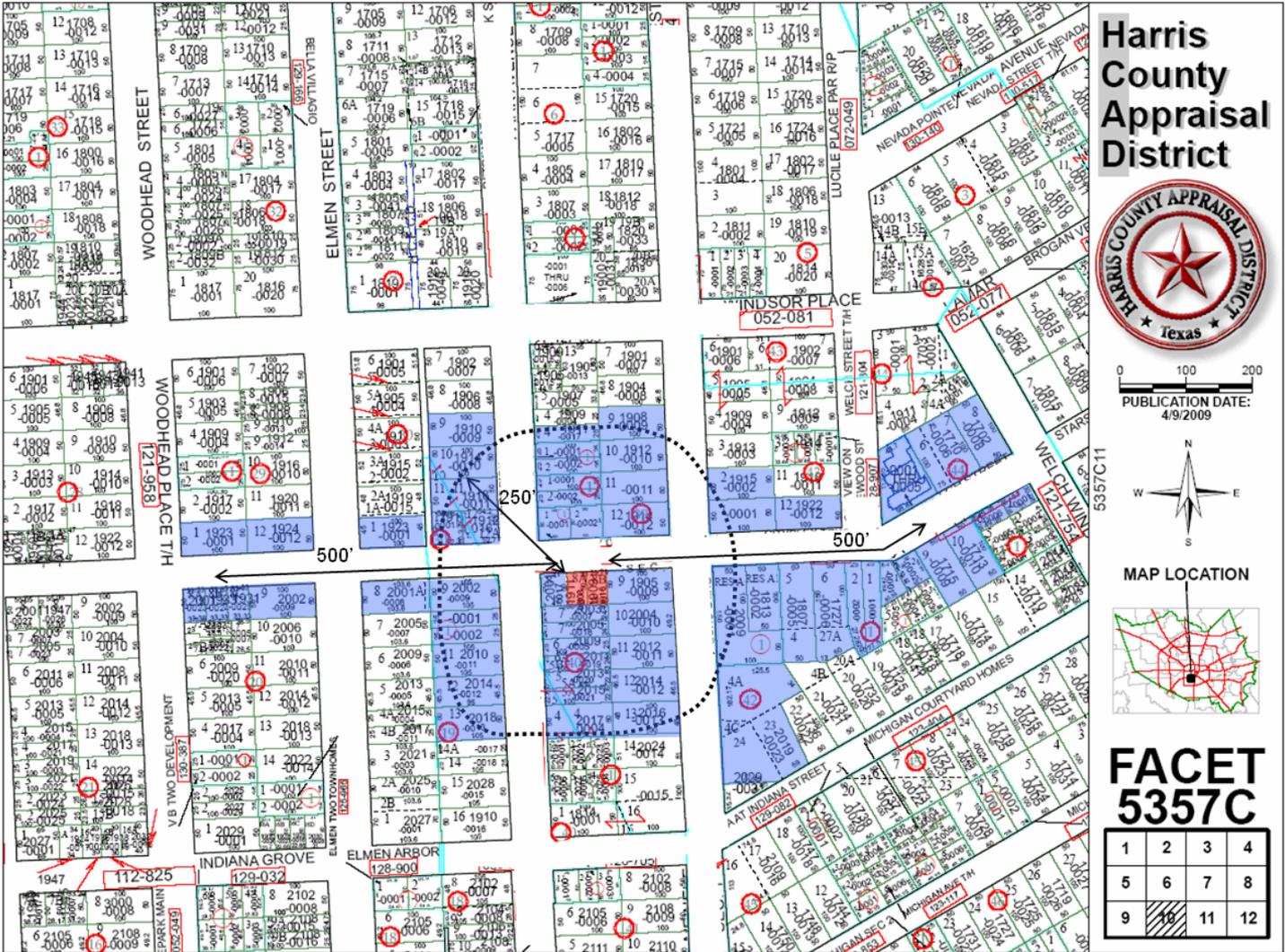
*In this section, clearly identify the specific requirement for which the variance is being sought and state the extent of the variance request. Provide details as to what is required by the ordinance and what is being proposed. Applicants are required to provide sufficient detail to create an overview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

*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](mailto:planning.variances@houstontx.gov).*

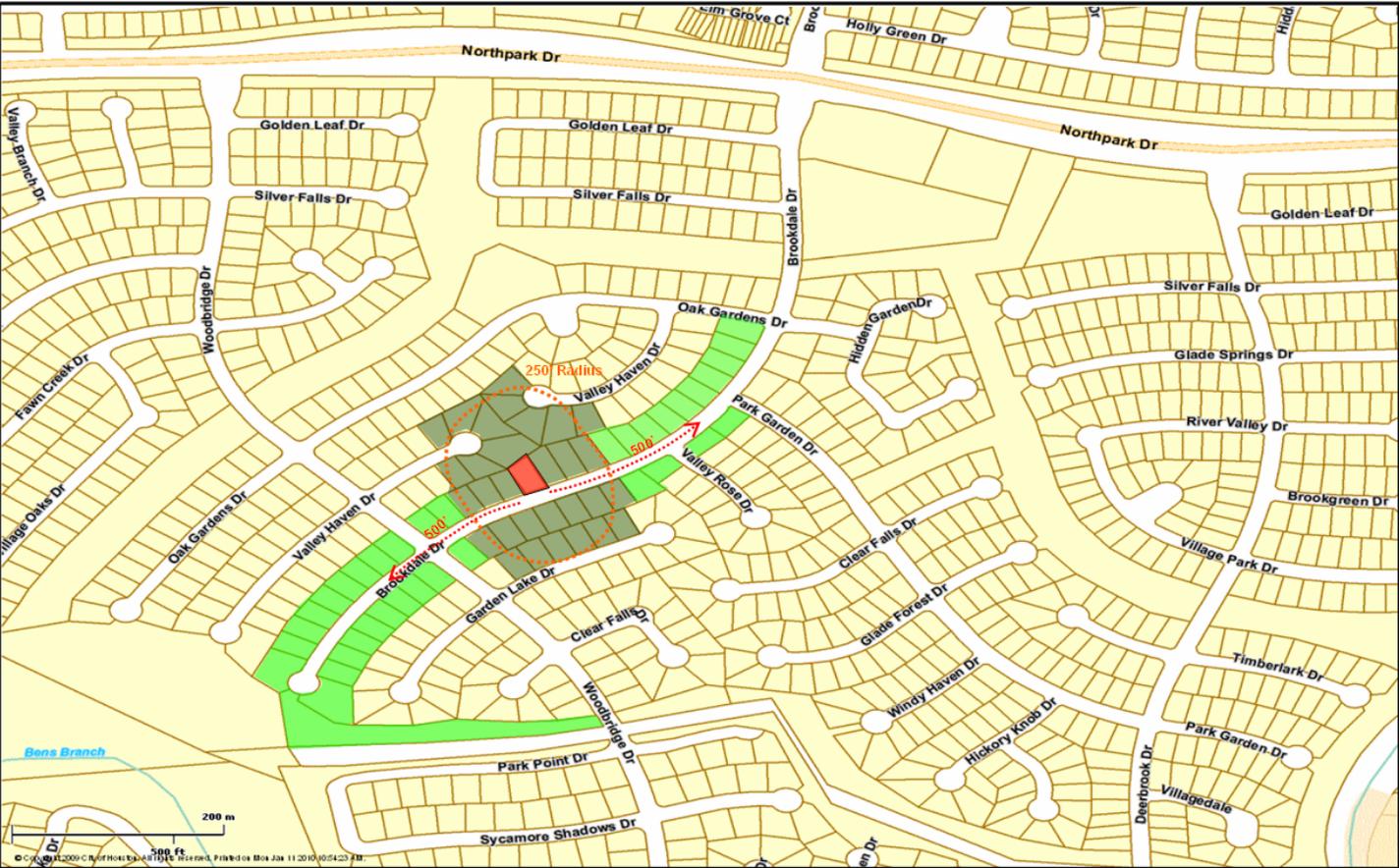
- (1a) The imposition of the [redacted] ; and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or  
*Provide a detailed statement of facts surrounding the variance request that would meet the abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted. [The applicant may provide a state 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 state 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 abovementioned criteria. Information must be complete and accurate. A simple "yes" and "no" response will not be accepted.*

**DEVELOPMENT PLAT VARIANCE**

Appendix C  
(Example 1: County Appraisal District Map)



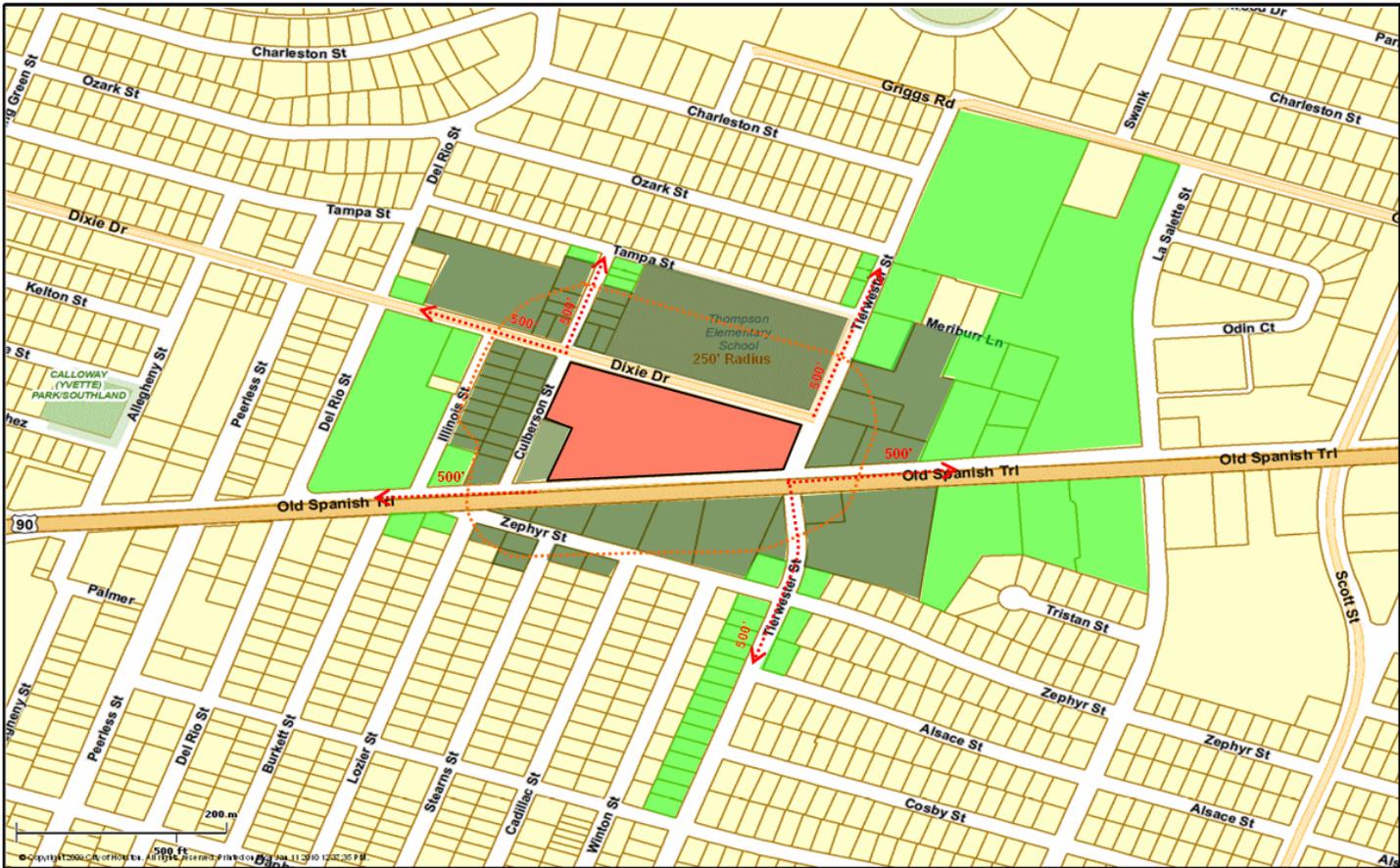
### Appendix D (Example 1: Measuring the Notification Area)



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 Details Page 1 of 2

HARRIS COUNTY APPRAISAL DISTRICT  
 REAL PROPERTY ACCOUNT INFORMATION  
 0010890000001

Year: 2008

Owner and Property Information									
Owner Name & Mailing Address: CITY OF HOUSTON PARCEL Q96-010 PO BOX 1562 HOUSTON TX 77251-1562					Legal Description: LTS 1 THRU 12 BLK 89 HOUSTON MAIN OFFICE SSBB Property Address: 611 WALKER ST HOUSTON TX 77002				
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Map Facet	Key Map®
X1 -- Governmental Exempt	4354 -- Office Bldgs. Hi-Rise (5+ Stories)	E	0	62,500 SF	663,352	0	5900	5457A	493L

Value Status Information		
Capped Account	Value Status	Shared CAD
Pending	All Values Pending	No

Exemptions and Jurisdictions					
Exemption Type	Districts	Jurisdictions	ARB Status	2007 Rate	2008 Rate
<b>Total</b>	001	HOUSTON ISD	Pending	1.15670	
	040	HARRIS COUNTY	Pending	0.39239	
	041	HARRIS CO FLOOD CNTRL	Pending	0.03106	
	042	PORT OF HOUSTON AUTHY	Pending	0.01437	
	043	HARRIS CO HOSP DIST	Pending	0.19216	
	044	HARRIS CO EDUC DEPT	Pending	0.00585	
	048	HOU COMMUNITY COLLEGE	Pending	0.09243	
	061	CITY OF HOUSTON	Pending	0.64375	
	265	HOUSTON D'TOWN MGMT D	Pending	0.13500	

Valuations					
2007 Value			2008 Value		
	Market	Appraised		Market	Appraised
Land	0		Land		
Improvement	0		Improvement		
<b>Total</b>	0		<b>Total</b>	Pending	Pending

Land												
Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Adj Value
1	4354 -- Office Bldgs. Hi-Rise (5+ Stories)	SF1	SF	62,500	1.00	1.00	1.00	Restr or Non-Conf	1.00	0	0	0

Building						
Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1968	Office Bldgs. Hi-Rise (5+ Stories)	Office Building	Excellent	475,562	<a href="#">Displayed</a>
2	1962	Office Bldgs. Hi-Rise (5+ Stories)	Office Building	Excellent	17,800	<a href="#">View</a>
3	1968	Office Bldgs. Hi-Rise (5+ Stories)	Office Building	Excellent	169,990	<a href="#">View</a>

<http://www.head.org/records/Print.asp?taxyear=2008&acct=0010890000001&card=1&bld=1> 4/23/2008

**Document "Print Date" must be within 30 days of the application submittal date**



Appendix F  
(Example: Notification Envelopes)

**Envelope Specifications**

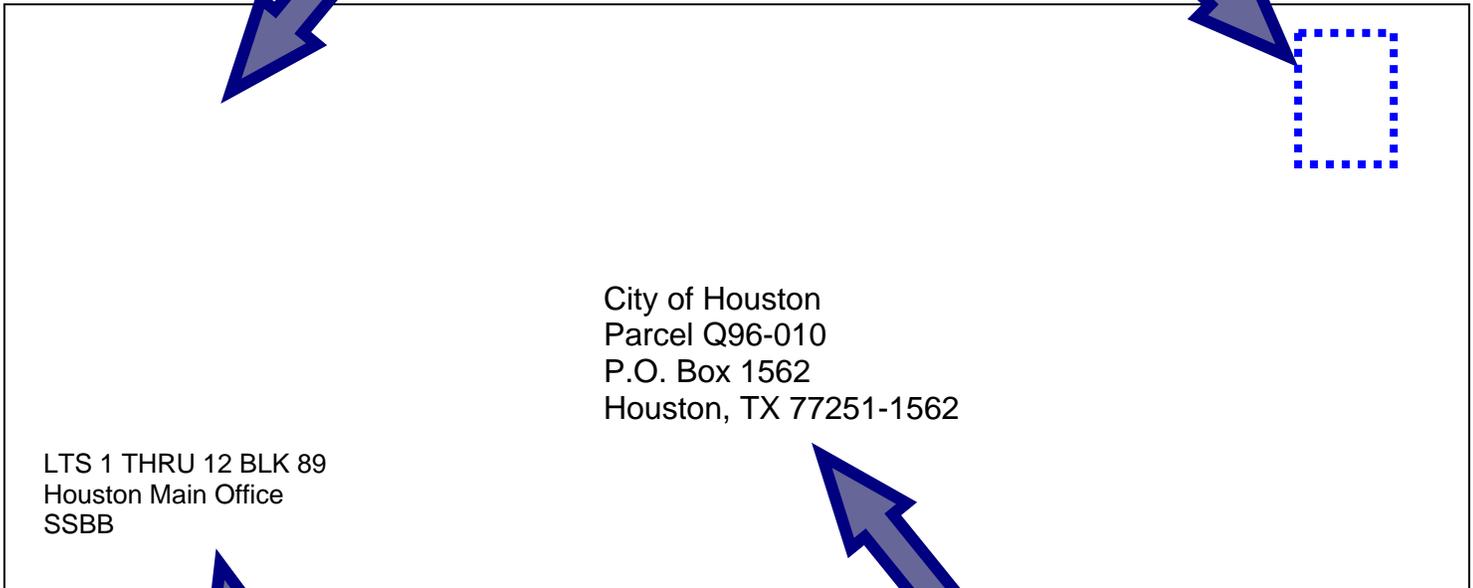
**Size:** #10 or 4 1/8" x 9 1/2"

**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  NOT self sealing

Notification Envelope Return  
Address area must be left  
blank.

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



LTS 1 THRU 12 BLK 89  
Houston Main Office  
SSBB

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

Include Legal Description  
listed on the County Appraisal  
District Record

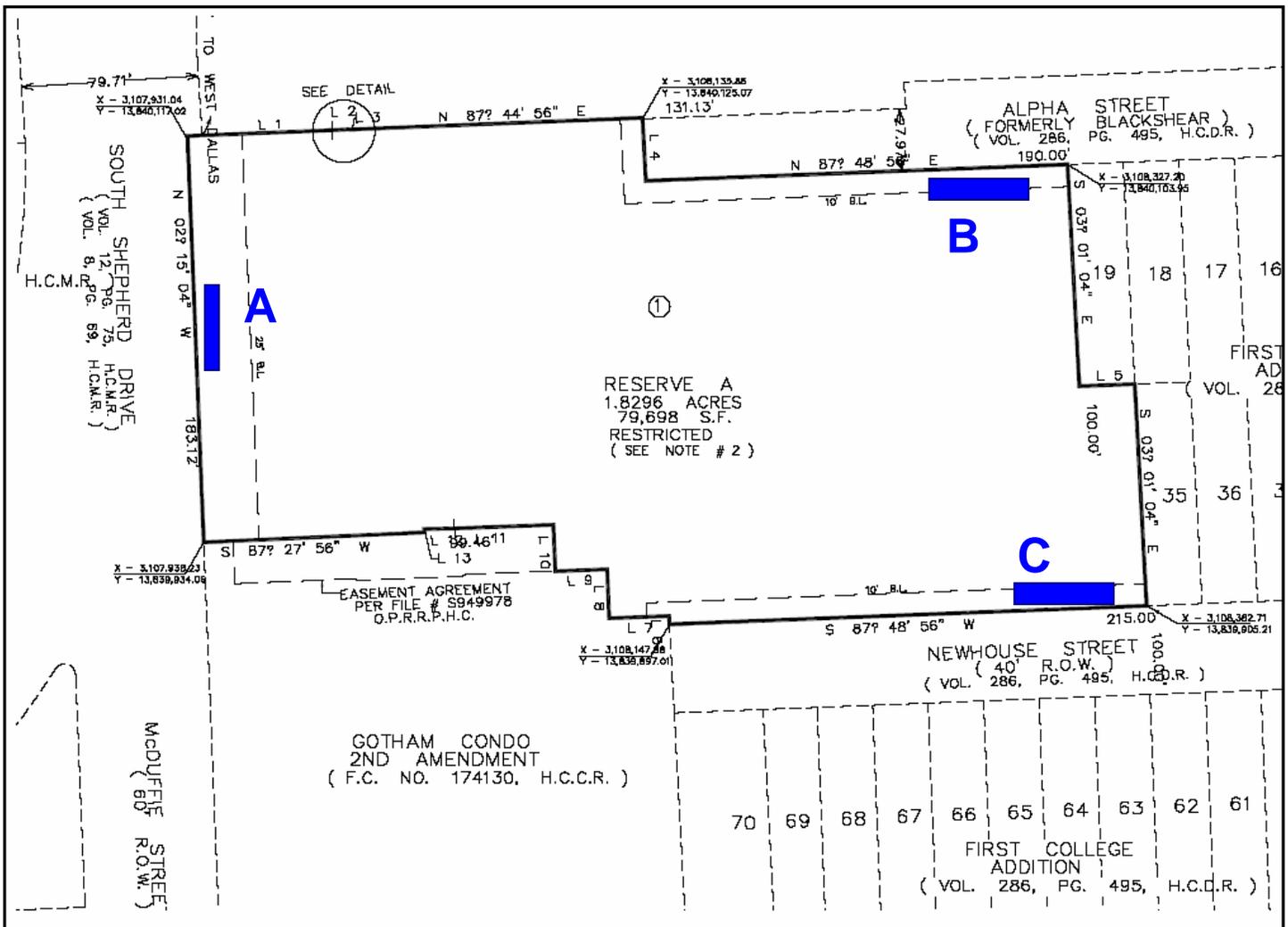
Address to the owner listed on  
the County Appraisal District  
Record

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

**Appendix G**  
(Example: Notification Excel Spreadsheet)

Owner Line 1	Owner Line 2	Address Line 1	Address Line 2	Owner City	Owner State	Owner Zip	Legal Description	Property Address	Property Zip Code
CITY OF HOUSTON	PARCEL Q96-010	PO BOX 1562		HOUSTON	TX	77251-1562	LTS 1 THRU 12 BLK 89 HOUSTON MAIN OFFICE SSBB	611 WALKER ST	77002
JOHN	DOE	123 ANY ST	APT 10	ANYTOWN	TX	12345-1234	LTS 1, 2 AND 4 BLK 2 ANY SUBDIVISION	123 PROPERTY ST	77002
ANY BUSINESS		324 ANY ST		ANYTOWN	TX	12345-5555	RES A ANY SUBDIVISION	456 BUSINESS ST	77002
....									
...									
..									

**Appendix H**  
(Example: Site Signage Locator Map)



Appendix I  
(Example: Site Notification Sign)

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

**NOTICE OF VARIANCE REQUEST**

**PROPERTY ADDRESS (Ref. #)**

Purpose of the Variance Request: **LIST VARIANCE(S)**<sup>1,2</sup>  
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](http://www.houstonplanning.com) [planning.variances@houstontx.gov](mailto:planning.variances@houstontx.gov)

Applications Requesting **ONLY** a Special Exception:

**NOTICE OF SPECIAL EXCEPTION REQUEST**

**PROPERTY ADDRESS (Ref. #)**

Purpose of the Special Exception Request: **LIST SPECIAL EXCEPTION(S)**<sup>1,2</sup>  
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](http://www.houstonplanning.com) [planning.variances@houstontx.gov](mailto:planning.variances@houstontx.gov)

<sup>1</sup> See "Appendix J" for a list of Requests Purposes.

<sup>2</sup> 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)

