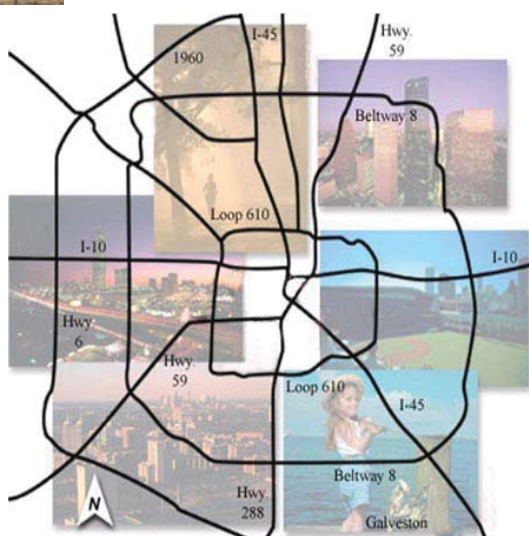




City of Houston Planning & Development Department **INFORMATION & REFERENCE GUIDE**

Variance & Special Exception Requests (Subdivision Plats)



www.houstonplanning.com

Last Updated, February 2015

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 (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.

- ❑ **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”)

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”)

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

- ☐ **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. that clearly shows the location of each notification sign posted within the property. (see
- ☐ A **Site Signage Locator Map** of the subject property should be included with the application (*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 832-393-6600 or via email at planning.variances@houston.tx.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)



PLANNING &
DEVELOPMENT
DEPARTMENT

VARIANCE Request Information Form

Plat Name:
Applicant:
Date Submitted:

(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 Reference:

Identify the section of Chapter 42 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;

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 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" 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.

Appendix B
(Example: Special Exception Request Form)



PLANNING &
DEVELOPMENT
DEPARTMENT

SPECIAL EXCEPTION Request Information Form

Plat Name:
Applicant:
Date Submitted:

(Sec. 42-48 and Sec. 42-82)

Specific requirement for which the special exception is being sought:

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 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 Reference:

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

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, subdivision for development in the city or its extraterritorial jurisdiction that justify modification of the standards that would otherwise apply;

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

- (2) The proposed special exception will achieve a result contemplated by the standard in article III of Chapter 42 (Planning Standards);

Provide a detailed statement of facts surrounding the special exception 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 modification of the standard requested is not disproportionate to the requirement of the standard;

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

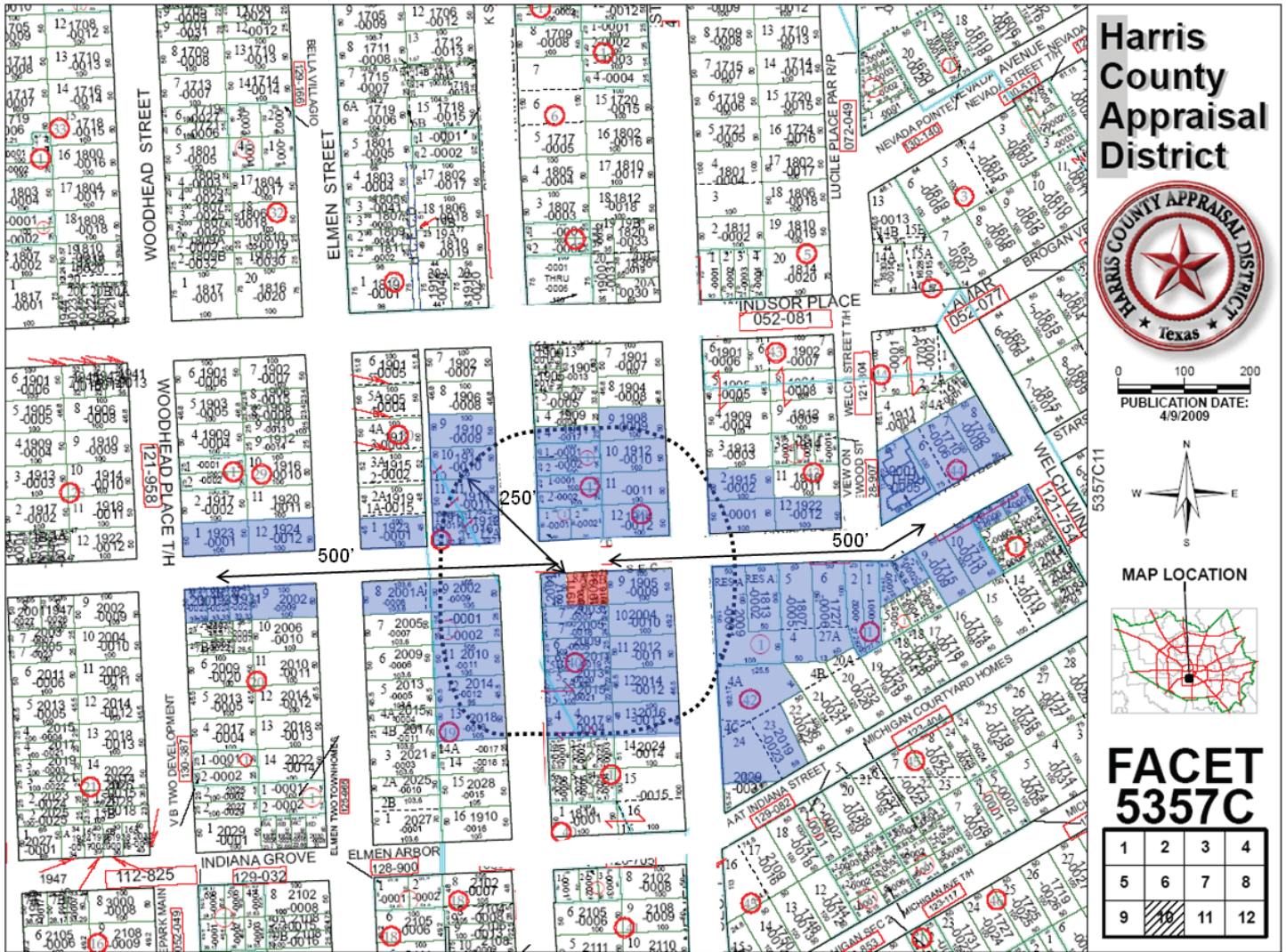
- (4) The intent and general purposes of this chapter will be preserved and maintained; and

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

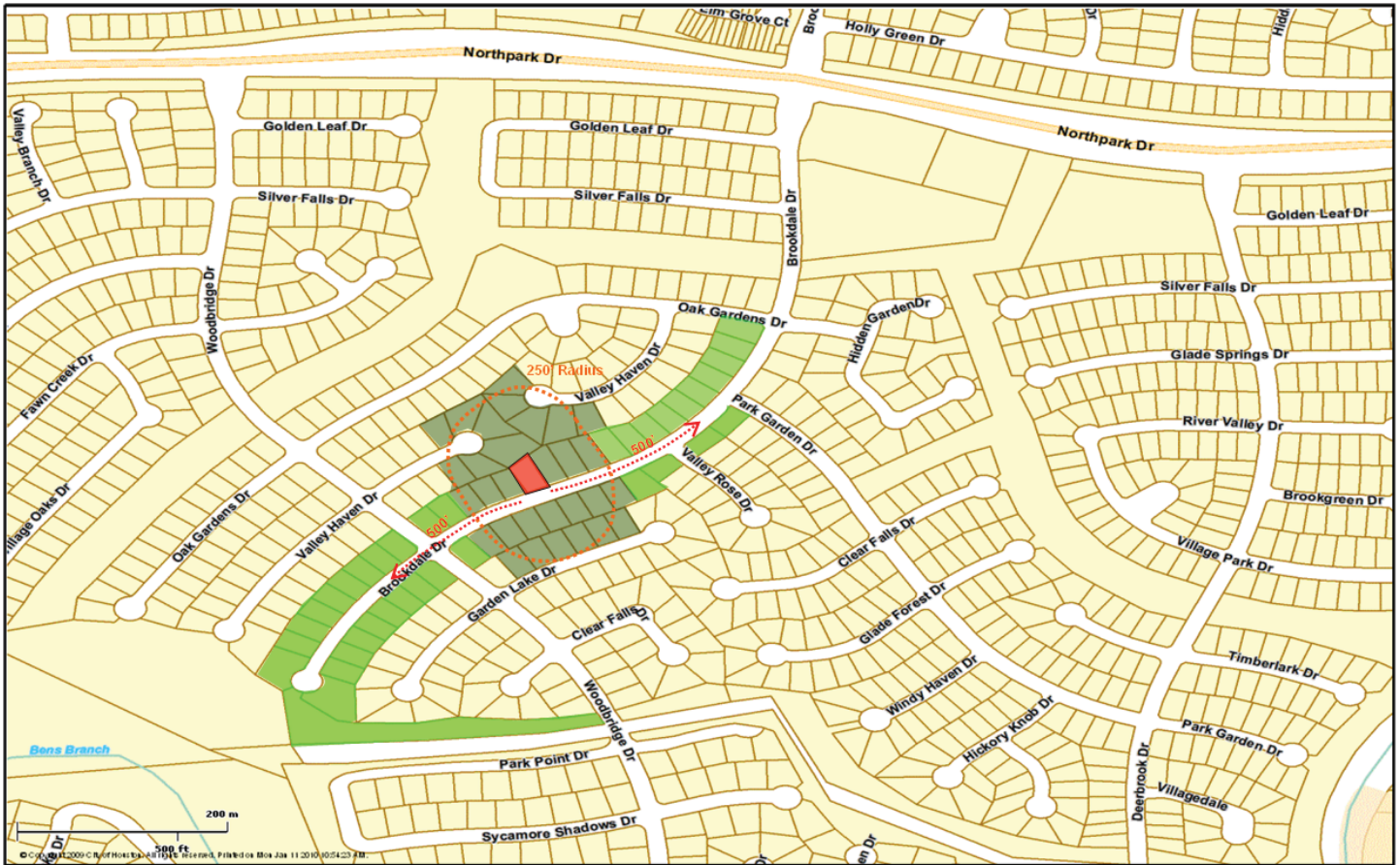
- (5) The granting of the special exception will not be injurious to the public health, safety or welfare.

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

Appendix C
(Example 1: County Appraisal District Map)



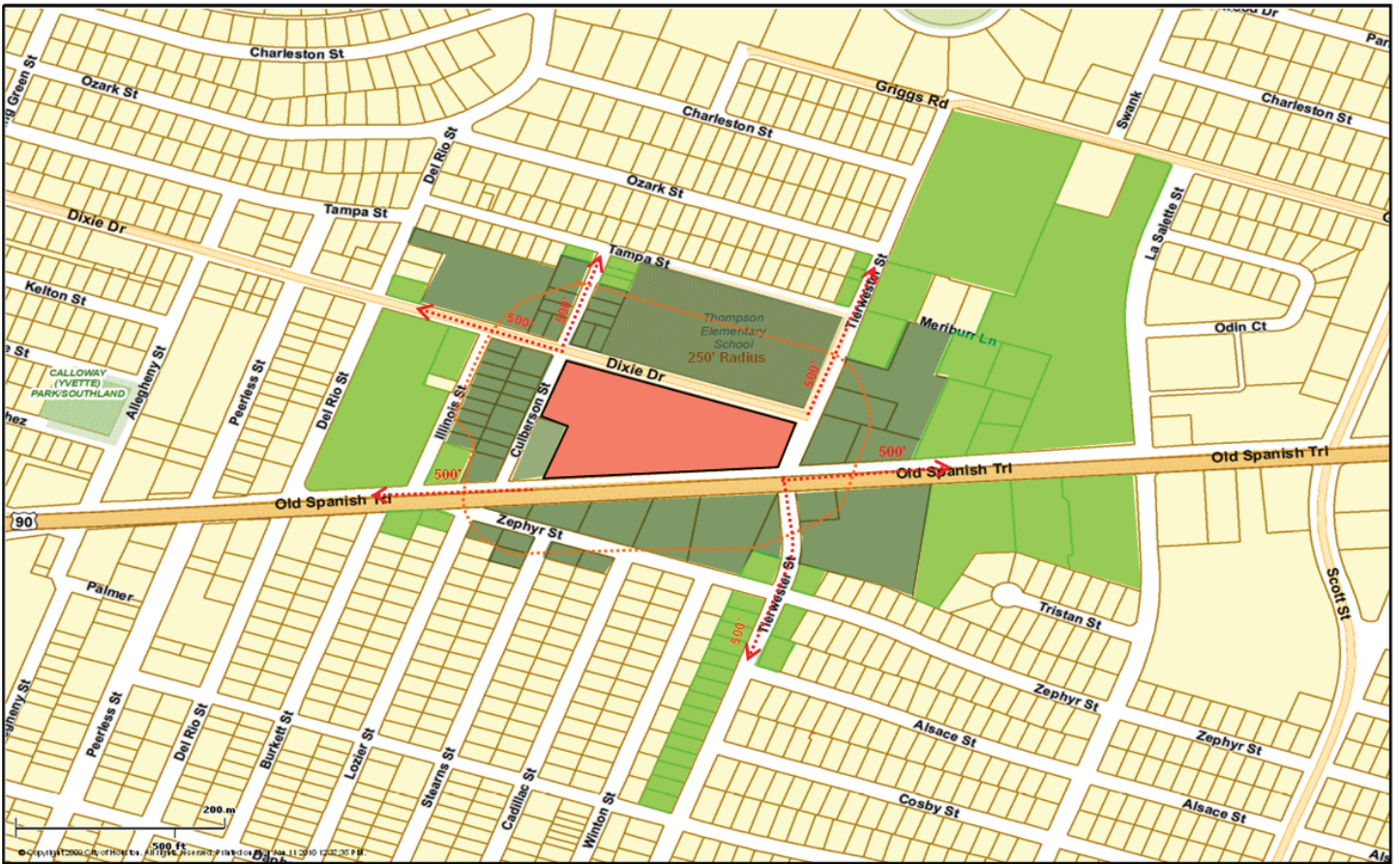
Appendix D (Example 1: Measuring the Notification Area)



Appendix D (Example 2: Measuring the Notification Area)



Appendix D (Example 3: Measuring the Notification Area)



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

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 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
Total	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	
Total	0	Total	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	Displayed
2	1962	Office Bldgs. Hi-Rise (5+ Stories)	Office Building	Excellent	17,800	View
3	1968	Office Bldgs. Hi-Rise (5+ Stories)	Office Building	Excellent	169,990	View

<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.



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

LTS 1 THRU 12 BLK 89
Houston Main Office
SSBB

Address to the owner listed on
the County Appraisal District
Record

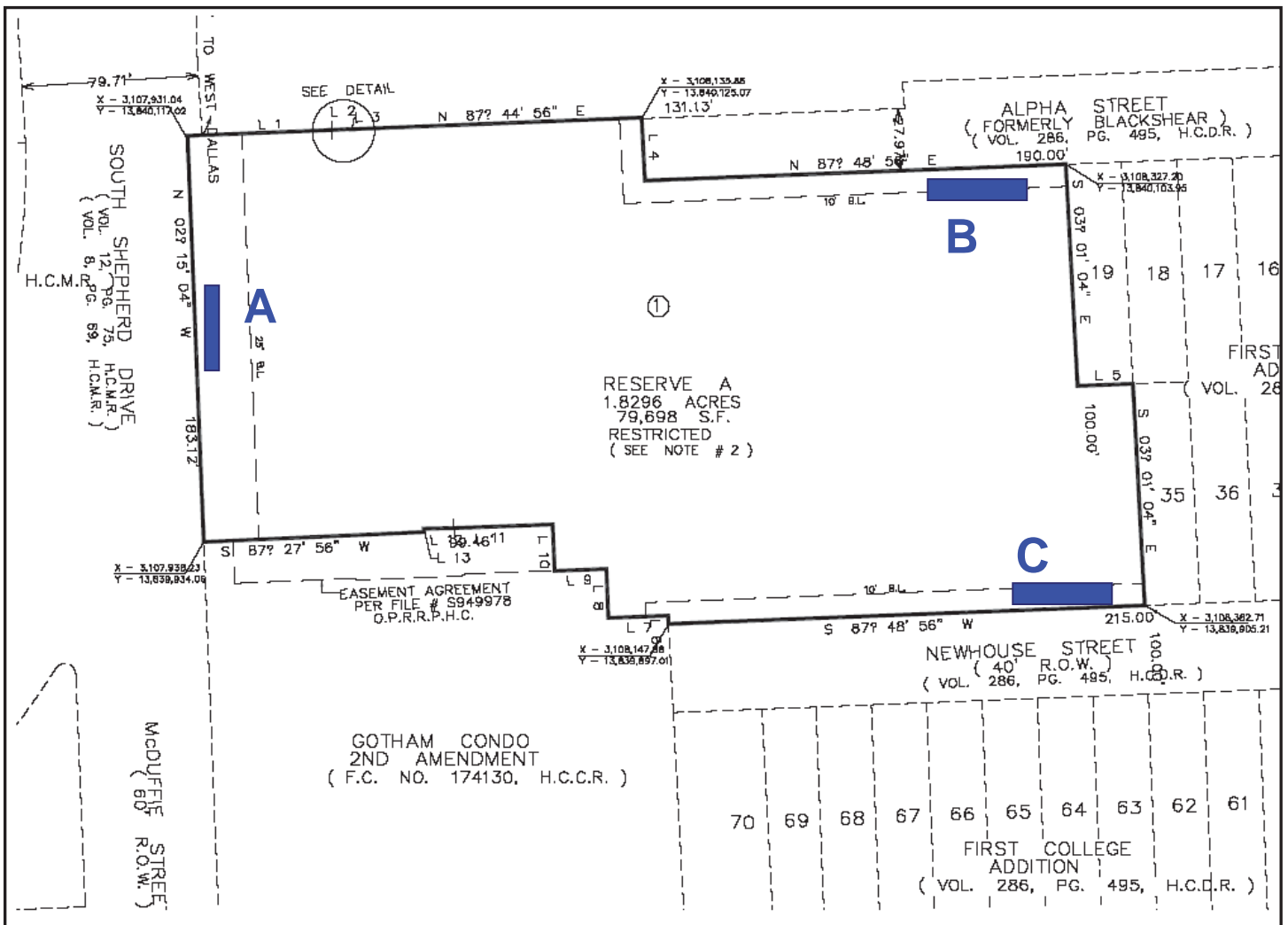
Include Legal Description
listed on the County Appraisal
District Record

REFERENCE GUIDE: VARIANCE & SPECIAL EXCEPTION REQUESTS (SUBDIVISION 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

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 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)

