



SECTION 9: SPECIAL EXCEPTIONS & VARIANCES

- Special Exception Information
- Special Exception Submittal Schedule
- Special Exception Application
- Variance Information
- Variance Application



SPECIAL EXCEPTIONS

Special Exceptions

A property owner may seek a special exception to the residential setback requirements of Chapter 2 of the Development Code. Special exception applications are due by the date indicated on the Special Exception Submittal Schedule. If staff determines the application is complete, a public hearing for the special exception will be scheduled for the next ZBA meeting. If the application is incomplete, staff will contact the applicant to obtain the necessary information to proceed with the application.

The public hearing will be advertised by the City in the official newspaper of the City at least 10 days prior to the first public hearing. All property owners within 200 feet of the site and all homeowners associations will be notified by mail, and the public hearing will be published on the City's website. Additionally, a courtesy sign will be placed at the property.

After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a special exception to a residential setback required by Chapter 2 of the Development Code, if the Board finds that:

- 1) The latest recorded Plat of the property was approved prior to being annexed into the City;
- 2) The recorded Plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by Chapter 2;
- 3) Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved Plat or other recorded restriction; and
- 4) Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

To ensure that the granting of a special exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may as part of its decision to grant a special exception: (1) Impose reasonable conditions or restrictions; and (2) grant a setback between the setback requested and the setback currently established in the residential zoning district.

A special exception application may be submitted prior to or with a building permit application for the proposed construction. Once ZBA grants the special exception, and all staff comments related to the building permit has been addressed, the building permit can be issued and construction can begin.



SPECIAL EXCEPTION SUBMITTAL SCHEDULE 2019

Completed application due to Development Planning	Public Hearing Notice Published in paper & Sign placed in yard	ZBA Meeting
Dec 17, 2018	Jan 2, 2019	Jan 16
Jan 18*	Feb 6	Feb 20
Feb 18	Mar 6	Mar 20
Mar 18	Apr 3	April 17
Apr 15	May 1	May 15
May 20	June 5	June 19
June 17	July 3	July 17
July 15	Aug 7	Aug 21
Aug 19	Sept 4	Sept 18
Sept 16	Oct 2	Oct 16
Oct 21	Nov 6	Nov 20
Nov 18	Dec 4	Dec 18
Dec 16	Jan 2, 2020	Jan 15, 2020

*Friday submittal

ZBA Meetings are scheduled the 3rd Wednesday of each month unless otherwise noted.



SPECIAL EXCEPTION REQUEST APPLICATION

FOR OFFICE USE
(Rev. 01/02/19)
Accounting Code: ZC
2019 Fee: \$608.25
Fee Required _____
Case No. _____ - _____

Return Your Submittal To Development Planning (Attn: Development Review Coordinator)
Sugar Land City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Phone#: (281) 275-2218

Please contact development planning staff to discuss your proposal prior to submitting a special exception application.

Special Exception Submittal Requirements:

Applications submitted without the following items will not be routed for review

- All materials must be submitted only digitally via USB or CD
- One (1) Completed Application (digitally and paper version)
- Submittal Fee
- Copy of the recorded plat of the property
- Copy of the recorded covenants and restrictions for the property
- One (1) legible copy of site plan / plot plan (scaled/dimensioned drawing showing location of proposed building) on 24" x 36", 11"x17", or 8 1/2" x 11"
- Building elevations

ALL FIELDS MUST BE COMPLETED.

SITE ADDRESS _____

Legal Description _____

Subdivision Name _____ Block _____ Lot _____

CONTACT INFORMATION

Project Representative: Architect Engineer Other: _____

Contact Person _____

Company _____

Address _____

Phone _____ Email _____

This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application. I understand that this application will expire one year from the date of submittal if the Planning Department has not received a revised submittal.

X _____
Project Representative's Signature _____ Date _____

Property Owner (Please Note - the Property Owner's Information Must be provided):

Name _____

Address _____

Phone _____ Email _____

Property Owner's Authorization:

I am the owner of the property for which this Special Exception application is being made. I authorize _____ (Project Representative) to submit this application and to correspond with the City of Sugar Land regarding this application on my behalf.

X _____
Property Owner's Signature (Required) _____ Date _____

Please note: a courtesy notification sign will be placed on the subject property during the public hearing process and will be removed after the public hearing.

For submittal deadlines and the Special Exception schedule, please see the *Development Application Handbook* on the Planning Department Page at www.sugarlandtx.gov



VARIANCES

Variance Information

When a variance application is submitted, staff review takes 2 weeks and may require that the applicant submit additional information necessary to undertake a complete analysis and evaluation of the variance request. Once staff reviews the application and provides comments, the applicant will be directed to resubmit the corrected materials and additional materials for the Zoning and Board of Adjustment (ZBA). Staff will review the revised materials for clearance.

Zoning Variance

The ZBA makes the final determination for zoning variances within the City and extra-territorial jurisdiction (ETJ). When staff comments have been addressed, the request will be scheduled for a public hearing at a ZBA meeting. The public hearing typically takes place approximately one month after staff comments have been addressed. The public hearing will be advertised in the City's official newspaper at least 10 days prior to the first public hearing. All property owners within 200 feet of the site and all homeowners associations will be notified by mail, and the public hearing will be published on the City's website. Additionally, a courtesy sign will be placed at the property. The ZBA holds a public hearing and then considers each case.

After the public hearing, the Board may, by the affirmative vote of 75% of its members, grant a variance to the terms of these zoning regulations if the Board finds:

1. The Variance is not contrary to the public interest, and
2. There are special circumstances or conditions applying to the land or building for which the Variance is sought,
3. A literal enforcement of the ordinance would result in unnecessary hardship; and
4. If granted, the spirit of the ordinance is observed and substantial justice is done.

Subdivision Variance

When a subdivision variance is submitted, staff review takes 3 weeks. The Planning and Zoning Commission makes recommendations to the City Council, and it is the Council who makes the final determination for Subdivision Variances within the City and extra-territorial jurisdiction (ETJ).

The Planning and Zoning Commission is required to give a recommendation, and the City Council is required to render a final decision. The City's Development Code Section 5-42 establishes criteria for the examination of a subdivision variance and if a hardship exists. As part of the application the applicant is required shall describe in writing how each of the criterion is met.

The following conditions **must** be present for consideration:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
2. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter.
4. A more appropriate design solution exists which is not currently allowed in this chapter.

The City Council may reach a conclusion that a hardship exists if it finds that:

1. If the applicant complies strictly with the provisions of this chapter, he can make no reasonable use of his property.
2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
3. The hardship relates to the applicant's land, rather than personal circumstances.
4. The hardship is unique to the property, rather than one shared by many surrounding properties.
5. The hardship is not the result of the applicant's own actions.

Property Owner (Please Note - the current Property Owner's Information Must be provided):

Name _____

Address _____

Phone _____ Email _____

Property Owner's Authorization (May be submitted under separate cover on company letterhead):

*I am the owner of the property for which this application is being made. I authorize
_____ (Project Representative) to submit this application and
to correspond with the City of Sugar Land regarding this application on my behalf.*

X _____
Property Owner's Signature (Required) _____ Date

Please note: for zoning variances, a courtesy notification sign will be placed on the subject property during the public hearing process and will be removed after the public hearing