

City of Friendswood

Procedures for Subdivision Variances

From Friendswood Code of Ordinances – Appendix B Subdivisions

Subdivision Variance – The planning and zoning commission may grant a variance to any of the provisions of appendix B, except for requirements in the city’s adopted engineering and construction standards, upon showing by clear and convincing evidence by the applicant that:

- There are special circumstances or conditions affecting the property in question;
- That enforcement of the ordinance would deprive the applicant of a substantial property right; and
- That such variance, if granted, would not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

Application – Application shall be made to the Community Development Department 30 days prior to the hearing.

- Application
- Fee of \$300
- Supporting Documents (i.e. denied plan, site plan, pictures, etc.)

Meeting – A public hearing before the planning and zoning commission is required. Written notices of the meeting will be mailed to property owners within 200-feet of the subject property before the tenth day before the hearing date. Notice shall also be published in the newspaper before the fifteenth day before the public hearing. In addition, a sign shall be erected on the property stating the time and place of the hearing not less than ten days prior to the date of the hearing.

Decision by the Board – The planning and zoning commission may, by affirmative vote of at least three-fourths of its members present and voting, grant a variance to the regulations of Appendix B if it finds, by clear and convincing evidence, that all the following criteria are met:

1. There are unique conditions peculiar to the subject parcel or tract that do not exist on adjacent parcels or tracts;
2. Strict application of appendix B deprives the applicant of rights commonly enjoyed by other land in area or land with similar uses;
3. The variance, if granted, does not frustrate the intent and purpose of appendix B and community, neighborhood, and other applicable land use and development plans, and will not adversely affect property or property values in the vicinity of the subject site;
4. Conditions supporting the granting of the variance request are not self-created by disregard or ignorance of federal, state, or local codes and/or ordinances; and
5. The variance is tailored as narrowly as possible while still granting the relief sought.

Factors that may not be considered to support the granting of a variance include, but are not limited, to the following:

1. Personal and/or economic hardship;
2. Misrepresentation of property conditions, uses, or regulations by a seller or agent;
3. Errors made by a surveyor, contractor, or builder; and
4. Increasing the profit, income, or competitive advantage of the applicant; and
5. Threats to locate or relocate outside of the city, or cancel, or scale back a project if a variance is denied.

Appeal – The decision of the planning and zoning commission on a variance request may be appealed within 14 days of said decision by filing with the city:

1. The applicant's written appeal; or
2. A written request by two members of the city council to place consideration of the variance upon the agenda of a city council meeting.

The city council shall decide the appeal at a meeting not later than 45 calendar days after the date on which the appeal is submitted and may, by majority vote of those present and voting, affirm, modify, or reverse the decision of the planning and zoning commission. Such decision of the city council shall be final.



FRIENDSWOOD PLANNING & ZONING COMMISSION
SUBDIVISION VARIANCE APPLICATION

\$100 Application Fee

Property Address: _____

Legal Description of Property (attach certified metes & bounds): _____

_____ County: _____

Property Owner Information:

Agent Information: (if applicable)

Printed Name

Printed Name

Email

Email

Phone

Phone

Signature

Date

Signature

Date

VARIANCE: From what ordinance (number and section) is the variance being requested?
(Subdivision Ordinance, Appendix B, Ordinance 2021-33)

Please state the grounds for the variance you are seeking:

Date & Time Received

City Official