



SECTION 8: SPECIAL EXCEPTIONS, VARIANCES, & ZONING APPEALS

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Submittal Procedures

As of June 14, 2022 the plan submittal processes will be online intake only through Citizen Self Service (CSS). You will be able to apply and pay for a DRC plan submittal online, available to you at any time. The Citizen Self Service (CSS) online web portal can be accessed via the City's webpage, and also via this link: www.sugarlandtx.gov/CSS

All development related submittals and payments shall be submitted online via the CSS web portal on Monday by 3 pm. The submittals will then be routed for processing to the appropriate departments. The Development Planning Office can be contacted at 281-275-2218 or at planning@sugarlandtx.gov and the Engineering Department at 281-275-2780.

Special Exception Submittal Requirements:

- Completed application online through the CSS online portal
 - Legal description of property
 - Copy of recorded plat of property
 - Copy of recorded covenants and restrictions for the property
 - Copy of site plan/plot plan showing location of proposed improvements
 - Building elevations of proposed construction
- Submittal Fee (\$679.50) paid through CSS online portal

Variance Submittal Requirements:

- Completed application online through the CSS online portal
 - Legal description of property
 - Letter describing proposed variance and addressing each Development Code criterion (see below for list of criteria for Zoning Variances and Subdivision Variances)
 - Copy of the site plan or plat, including vicinity map
- Submittal Fee paid through CSS online portal
 - Zoning Variance (\$829.25)
 - Subdivision Variance (\$836.50, but no fee if submitted with a plat)

Zoning Appeals Submittal Requirements:

- Completed application online through the CSS online portal
 - Legal description of property
 - Letter describing proposed appeal and addressing what is being appealed
 - Copy of site plan or plat, depending on what is being appealed
 - Submittal Fee (\$528.75) paid through CSS online portal



SPECIAL EXCEPTIONS

Special Exceptions

A property owner may seek a special exception to the residential setback requirements of Chapter 2 of the Development Code if there are recorded restrictions for the lot that pre-date annexation into Sugar Land's City Limits. 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 Zoning Board of Adjustment (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 business 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 or other recorded restriction for the property establishes a setback or other regulation that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (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 the Board grants the special exception, and all staff comments related to the building permit have been addressed, the building permit can be issued and construction can begin.



SPECIAL EXCEPTION SUBMITTAL SCHEDULE 2023

Completed application due to Development Planning	Public Hearing Notice Published in paper & Sign placed in yard	ZBA Meeting
Dec 19, 2022	Jan 4	Jan 18
Jan 16	Feb 1	Feb 15
Feb 13	Mar 1	Mar 15
Mar 20	Apr 5	April 19
Apr 17	May 3	May 17
May 22	June 7	June 21
June 19	July 5	July 19
July 17	Aug 2	Aug 16
Aug 21	Sept 6	Sept 20
Sept 18	Oct 4	Oct 18
Oct 16	Nov 1	Nov 15
Nov 20	Dec 6	Dec 20
Dec 18	Jan 3, 2024	Jan 17, 2024

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



VARIANCES

Variance Information

When a variance application is submitted, staff review takes approximately 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. Note- A variance process is applicable to bulk regulations from zoning and is not available for land uses, parking requirements, or signs.

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 business days prior to the 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 approximately 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). A public hearing is required at P&Z for consideration of a replat that requires a variance.

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, Chapter 2, Section 5-41 establishes criteria for the examination of a subdivision variance and if a hardship exists. As part of the application the applicant is required to 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 this 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 the City's Development Code.
4. A more appropriate design solution exists which is not currently allowed in the City's Development Code.

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 the City's Development Code, 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.



APPEALS

Information

Appeals are related to an administrative official's decision on a zoning regulation. When an application is submitted regarding an applicant appealing an administrative official's decision on a zoning regulation, (Chapter 2 of Development Code) staff review takes approximately 2 weeks and may require that the applicant submit additional information necessary to clarify the request. Once the information is received, the staff will review the revised materials for clearance and schedule a meeting with the Zoning and Board of Adjustment (ZBA).

DEVELOPMENT CODE CRITERIA: **ZONING APPEAL**

DECISION-MAKING AUTHORITY: Zoning Board of Adjustment (final determination)

RELATED REQUIREMENTS: Public Hearing and property owner notification within 200 feet radius of the property in question (unless appeal is not for a specific property)

APPLICABILITY: Corporate Limits NOTE- Development Code Reference under Chapter 2, Article I

The Zoning Board of Adjustment (after a Public Hearing) is required to consider each case in light of the criteria set forth in Chapter 211 of the Texas Local Government Code and Chapter 2 (Zoning) Article I of the City of Sugar Land Development Code. Key points for applicants to understand include:

- Any person specified by state law may appeal an administrative official's decision on a zoning regulation to the Board of Adjustment. An appeal is filed by the applicant submitting a completed notice of appeal, within the time established by the rules of the Board, along with the required fee, to the Director on a form provided for that purpose. The Notice of appeal must contain a statement of the reasons the party appealing believes the decision appealed is not a correct decision.
- The proper filing of an appeal stays all proceedings in furtherance of the action that is appealed, unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceeding may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.
- The burden of establishing that the decision appealed was wrong is on the party bringing the appeal.
- For notification, the Director will schedule a public hearing on the appeal before the Board of Adjustment. At least 10 business days prior to the hearing, written notice of the time and place of the hearing will be given to the person filing the appeal and to all owners of adjoining properties within 200 feet, in the same manner in which adjoining properties are given notice of a hearing before the Commission for a change in zoning classification.
- After the close of the public hearing, the Board may reverse, affirm, or modify the administrative official's decision from which an appeal is taken and make the correct decision. A vote to reverse or modify the administrative officer's decision requires a vote of 75% of the members of the Board.