



CITY OF KILLEEN - SUBDIVISION VARIANCE APPLICATION

In accordance with Killeen Code of Ordinances Sec. 26-25: Whenever a tract to be developed is of such unusual size or shape or is surrounded by development of such unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardship or inequity, the Planning and Zoning Commission may grant a variance from the regulation of this chapter when, in their opinion, undue hardship will result from requiring strict compliance.

In granting approval of a request for a subdivision variance, the Planning and Zoning commission shall conclude that the requested variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and that the variance observes the spirit of this chapter and concludes that substantial justice is done.

No subdivision variance shall be granted unless the commission finds:

1. That, due to special circumstances or conditions inherent to the property, the strict application of the provisions of this chapter would result in an unnecessary hardship or deprive the applicant of the reasonable use of his land;
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter;
4. That the appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
5. That the hardship from which relief is sought is not solely of an economic nature;
6. That the applicant has not created the hardship from which relief is sought;
7. That in granting the variance, the public convenience and welfare will be substantially served; and
8. That in granting the variance, the spirit of the ordinance is observed, and substantial justice is done.

In making the findings required herein, the commission shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, the possibility that a nuisance will be created, and the probable effect of such waiver upon traffic conditions and upon public health, convenience, and welfare of the vicinity.

Such findings of the commission shall be incorporated into the official minutes of the meetings at which such variance is granted.

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Requirements for all subdivision variance submittals:

Subdivision Variance applications will be available through the MGO portal between 8 a.m. to 11 a.m., the day of the intake.

Please reference the P&Z Commission Calendar on the City of Killeen website.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

- ☐ Completed subdivision variance submittals (signed; may be handwritten or DocuSigned)
 - Must be signed by the property owner(s), or
 - In the case of a corporation or partnership, documentation must be provided authorizing a single party to sign on behalf of the corporation or partnership (e.g., Corporate Resolution, Minutes, Certificate of Formation)
- ☐ Warranty deed (showing current ownership of the property)
- ☐ Copy of deed restrictions (existing or proposed, if applicable)
- ☐ Letter of request, signed by property owner or applicant, outlining the reason for the request and how each of the eight (8) criteria for a subdivision variance have been met.
- ☐ All submittal documents shall be in .pdf format
 - File names should include the name of each application document (i.e., “Deed”)
- ☐ Application fee (all payment methods accepted, except American Express; checks made payable to City of Killeen; payment is made after application submittal has been accepted through MGO)
 - Subdivision Variance Application: \$300.00
 - Tech fee: \$10.00

For additional information pertaining to subdivisions and subdivision variances, please reference the City of Killeen Code of Ordinances, Chapter 26 - Subdivisions and Other Property Developments.



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Subdivision Name: _____

Address / Location of property to be platted: _____

Legal Description: _____

Type: ☐ Preliminary ☐ Final ☐ Replat ☐ Amended

Name(s) of Property Owner(s): _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Phone: (_____) _____ - _____ Cell Phone: (_____) _____ - _____

Email: _____

Type of Ownership: ☐ Sole Ownership ☐ Partnership ☐ Corporation ☐ Other

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of Engineer/Surveyor: _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Phone: (_____) _____ - _____ Cell Phone: (_____) _____ - _____

Email: _____

Is the Property: Within City Limits ☐ YES ☐ NO

Proposed Land Use: _____ Current Land Use _____

Total Acreage: _____ Proposed Number of Lots: _____ Current Zoning: _____

Owner(s) must initial:

_____ I hereby certify that all fees/charges owed by me/us to the City concerning any prior plats and/or subdivisions have been paid in full as of the date of this application.

_____ I understand that I may request a development review with city staff at any time during the platting or variance process.

_____ I understand that I must obtain approval of my requested variance from the Planning and Zoning Commission prior to the validation and approval of my plat submission.

_____ I understand that I must obtain approval of the plat from the Planning staff prior to the plat being recorded with the Clerk of Bell County.



APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ - _____

Home Phone: (____) _____ - _____ Business Phone: (____) _____ - _____

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific subdivision variance request.

I understand that the City will deal only with a fully authorized agent. If at any time it should appear that my agent has less than full authority to act, then the application may be suspended, and I will have to personally participate in the disposition of the application. I understand that all communications related to this application, are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my," or "me" is a reference to the entity.

Signature of Agent: _____ Title: _____

Printed/Typed Name of Agent: _____ Date: _____

Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

***Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.**



City of Killeen Contacts:

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