

Application Checklist

- ☐ Letter of Request: signed by property owner or applicant, outlining the reason for the request and how each of the criteria for a subdivision variance have been met.
- ☐ Subdivision Variance Application ☐ Site Plan/Plat ☐ Application Fee (\$500) ☐ Owner Authorization

Property Information

Business Name: _____

Physical Address: _____ City, State: Mesquite, Texas

Zip Code: _____

Variance Requested (identify specific standards in subdivision ordinance varied from)

Applicant Information – The person filling out the application

First Name: _____ Last Name: _____

Phone Number: _____ Email Address: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: ☐ Yes ☐ No (If no, fill in information below)

First Name: _____ Last Name: _____

Phone Number: _____ Email Address: _____

Mailing Address: _____ City, State: _____
(If different from physical address)

Zip Code: _____

Office Use Only

Zoning of Property: _____ Modification Request: ☐ Waiver ☐ Deferment ☐ Substitution

Date Received: _____ Project Intake: _____ Case #: _____

OWNER AUTHORIZATION

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the City of Mesquite Screening and Buffering Modification Application.

Property Owner:	_____	Phone Number:	_____
Address:	_____		
	_____	Email Address:	_____
Print Name:	_____		_____
Title:	_____		_____
Signature:	_____		

Subdivision Variance

CITY OF MESQUITE ORDINANCE REGARDING SUBDIVISION VARIANCE

Article III., O. – Subdivision Variance

- (1) *Purpose.* The subdivision variance process is intended to provide relief from subdivision regulations where undue hardship or physical impossibility would result from the strict application of those regulations. State and/or federal laws or requirements may not be varied by the City.
- (2) *Applicability.* A subdivision variance may be requested under this section. Drainage or access management variances may be requested under the provisions of the Engineering Design Manual.
- (3) *Procedures.*
 - (a) *Application submission and fee.* An applicant shall submit an application and fee on the City's Online Application Portal.
 - (b) *Completeness review.* All applicants are required to submit complete applications in compliance with this Article.
 - (c) *Public notice requirements.* Public notice is required for a subdivision variance.
 - (d) *Action by review and decision-making bodies.*
 1. *Planning and Zoning Commission—subdivision.* A request for a subdivision variance is heard by the Commission. The Commission may approve or deny a request for subdivision variance, and impose reasonable conditions and limitations of approval in order to further the purposes and intent of this ordinance.
 2. *Consideration by the Planning and Zoning Commission for subdivision variances.* The Commission shall take into account:
 - a. The nature of the proposed use of land involved;
 - b. Existing uses in the vicinity;
 - c. The number of persons who will reside or work in the proposed subdivision;
 - d. The probable effect of such variance upon traffic conditions; and
 - e. The probable effect of such variance upon the public health, safety, and welfare in the vicinity.
 3. *Findings by the Planning and Zoning Commission for subdivision variances.* Before granting a subdivision variance, the Commission must find that:
 - a. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the land;
 - b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, that granting the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
 - c. That 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 ordinance.
- (4) *Violation of other ordinances.* Approval of a subdivision variance shall not constitute a violation of any other ordinance of the City.
- (5) *Limitations on approval.* A plat application associated with the approved subdivision variance must be applied for within two years of the approval of the variance. If the applicant fails to file such application within the time period, the request is automatically denied without prejudice and a new application for variance must be made.

(Ord. No. 5082, § 2(Exh. A), 11-20-23)

Article IX. – Variances

The commission may authorize a variance from these regulations when, in the opinion of the commission, undue hardship will result from requiring strict compliance. In granting a variance, the commission shall prescribe only conditions that are deemed necessary or desirable to the public interest and making the findings hereinbelow required. The commission shall take into account the nature of the proposed use of land involved, and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the commission finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- (2) That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, that 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) That 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 ordinance. Such findings of the commission together with specific facts on which such findings are based shall be incorporated under the official minutes of the commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
- (4) The Commission may not authorize a variance that would constitute a violation of any other valid ordinance of the City of Mesquite.
- (5) In order to defray the administrative costs of processing requests for variances to the provisions in these regulations, requests shall be accompanied with a fee in the amount shown in the current fee schedule as adopted by the City Council.

(Ord. No. 3974, § 1(4), 7-21-08)