



## **SUBDIVISION REGULATIONS WAIVER**

### **SUMMARY OF SUBDIVISION REGULATIONS WAIVER APPLICATION REQUIREMENTS**

#### **Application Review Requirements:**

1. Meet with Development Services Staff to review the application requirements for your specific request.
2. Make sure you have everything on the Subdivision Regulations Waiver Check List.
3. Completed application with signatures of owners and/or applicant.
4. Application fee for a variance is \$250.00.
5. Must have the general block address, address, Kaufman County Appraisal District's property identification number and the proposed lot, block and subdivision name of the subject property
6. It is the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligation directly attributable to said property and owed by the owner or previous owner thereof shall have been paid at the time of application submittal.
7. Submit any drawing, plans, exhibits, information about proposed uses in order to ensure that the request is understood. Development Services Staff will let you know if additional copies are needed and what size they need to be.
8. This application and/or payment for the Subdivision Regulations Waiver will not be accepted if it is incomplete. Staff will not retain partial packets.

**Application must be signed by the property owner and submitted in conjunction with the preliminary plat and land study or final plat before the request can be scheduled with the Planning and Zoning Commission and City Council.**

#### **DELIVERY ADDRESS:**

DEVELOPMENT SERVICES DEPARTMENT  
CITY OF KAUFMAN  
209 S. WASHINGTON  
KAUFMAN, TEXAS 75142

**DIRECT QUESTION TO DEVELOPMENT SERVICES STAFF AT  
(972)-932-2216  
FAX NUMBER (972)-932-6288**



## SUBDIVISION REGULATIONS WAIVER CHECK LIST

ITEMS REQUIRED	
	Subdivision Regulations Waiver Check list
	Application for Subdivision Regulations Waiver with the list of variances and list of hardship(s).
	Subdivision Regulations Waiver Fee of \$250.00
	Pictures of the property from all four sides
	Location Map
	One of the following:
	Survey of the property
	Plat plan
	Site building plans
	Topography survey
	Digital copies of everything submitted on a usb drive (the drive will not be returned and can contain all sets)
	The information below is for staff regarding notifications.
	Assign case number: SV-



## SUBDIVISION REGULATIONS WAIVER

1. **Street & Block Range:** \_\_\_\_\_

KCAD Property Identification Number(s): \_\_\_\_\_

Proposed Lot, Block, & Subdivision Name: \_\_\_\_\_

2. **Engineering Company:** \_\_\_\_\_

Engineer's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office #: \_\_\_\_\_ Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

3. **Property Owner:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office #: \_\_\_\_\_ Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

4. **List the requested variances. If necessary, use a separate sheet.**

Section	Required	Variance Amount Needed
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		

5. List any hardships that exists for this property. If necessary, use a separate sheet.

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A. **Findings of Undue Hardship** - In order to grant a variance, the City Council must make written findings that an undue hardship exists, using the following criteria:

1. Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
4. The variance will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, and other adopted plans, except that those documents may be amended in the manner prescribed by law.
5. An alternate design will achieve the same result or intent as the standards and regulations prescribed herein.

B. The applicant bears the burden of proof in establishing the facts justifying a variance.

**I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL MEETING**

**I hereby authorize the undersigned applicant to act as my agent for the representation and/or presentation of the request.**

Applicant Name (print or type): \_\_\_\_\_

Applicant signature: \_\_\_\_\_

Owner Name (print or type): \_\_\_\_\_

Owner signature: \_\_\_\_\_

Date Received \_\_\_\_\_ Date Paid \_\_\_\_\_ Receipt Number \_\_\_\_\_

## KAUFMAN SUBDIVISION ORDINANCE

### SECTION 1.11 VARIANCES

- 1.11 a. General. Where the City Council finds that unreasonable hardships or difficulties may result from strict compliance with the Subdivision Ordinance, and/or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a variance to portions of these regulations so that substantial justice may be done and the public interest is secured, provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the City Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
1. Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property;
  2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property;
  3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
  4. The variance will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, and other adopted plans, except that those documents may be amended in the manner prescribed by law;
  5. An alternate design will achieve the same result or intent as the standards and regulations prescribed herein.
- b. Criteria for Variances From Development Exactions. Where the City Council finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner, or is so excessive as to constitute confiscation of the tract to be platted, it may approve variances to such requirements, so as to prevent such excess.
- c. Conditions. In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.2.
- d. Procedures:
1. A petition for a variance shall be submitted in writing by the property owner at the time when the development plat, preliminary plat or final plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner.

2. Where a hardship is identified in a land study which will result in a request for a variance, the Planning and Zoning Commission may recommend a conditional variance. A conditional variance shall receive final approval along with a preliminary plat provided that the preliminary plat conforms to the land study and that no new information or reasonable alternative plan exists which, at the determination of the City Council, voids the need for a variance. All variances shall have final approval or disapproval by the City Council.
- e. Criteria for Variances for Street Exactions. Where the City Council finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations exceeds reasonable benefit to the property to be platted, it may approve variances for such requirements so as to prevent such excess. In order to qualify for a variance under this Section, the property owner shall demonstrate that the costs of right-of-way dedication and/or construction for non-local streets imposed pursuant to these regulations substantially exceeds the incremental costs of providing land and transportation improvements necessary to offset the additional traffic impacts generated by, or attributable to, the development upon the transportation network serving the property, including that which may be generated by or attributed to other phases to be platted.