



## 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:

*All subdivision variance application materials must be submitted by 11:00 a.m. on the intake deadline.*

- Completed subdivision variance application.
  - Must be signed, original ink, by the property owner, 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
- Electronic copies in .pdf format of all submittal documents.
- 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.
- Copy of deed restrictions, if any.

*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.*

Applicant: _____	Case #: _____
Intake Date: _____	Received by: _____
Amount Paid: \$ _____	Cash/MO#/Check #: _____ Receipt #: _____



**CITY OF KILLEEN - SUBDIVISION VARIANCE APPLICATION**

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

Address / Location of property to be platted: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Type:     Preliminary     Final     Replat     Minor     Amended

Name(s) of Property Owner(s): \_\_\_\_\_

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

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

Primary Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Cell Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

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

Type of Ownership:     Sole Ownership     Partnership     Corporation     Other

Recorded Copy of Warranty Deed: Is a copy of the appropriate deed(s) attached?    YES     NO   

Name of Developer: \_\_\_\_\_

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

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

Name of Engineer/Surveyor: \_\_\_\_\_

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

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

Primary Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Cell Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

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

Is the Property: Within City Limits Within the ETJ (5.0 miles)     YES     NO

Proposed Land Use: \_\_\_\_\_ Current Land Use \_\_\_\_\_

Total Acreage: \_\_\_\_\_ Number of Lots: \_\_\_\_\_ Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Is there a simultaneous rezoning of any part of this property?     YES     NO

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 and Zoning Commission (except in the case of minor plats) 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; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

**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: \_\_\_\_\_

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

*Current as of August 2022*



## CONTACT LIST

### City of Killeen Contacts:

#### **Planning & Development Services**

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Assistant Planner  
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#### **Engineering & Public Works**

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City Engineer  
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Project Engineer  
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Nilka Rosado; Engineer in Training  
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#### **Fire Marshall**

James Chism; Fire Marshall  
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