

Plat Waiver Justification

Suzanne Forrest, James & Vanessa Dillon are seeking a plat waiver for a dividing a parcel of land (PID 60123). PID 60123 is owned by Suzanne Forrest, James Dillon's mother, and totals approximately fifty-six acres. Suzanne Forrest would like to gift deed approximately fourteen acres from PID 60123 to her son, James Dillon. This +/- 14 acres, once deeded to the Dillons, will surround the one-acre lot that the Dillons currently own (PID 60124). (***See attached document entitled Schematic of Plat Layout***).

Specifically, we are seeking relief from Chapter 118-45 (b) *Each lot shall front onto a dedicated, improved public street unless platted as an approved private street subdivision.*

From the boundary of the referenced property it is +/- .8 miles to a public road (Altwein Lane). The route from the referenced property to Altwein Lane is first via recorded easement, then by private road (Dammann Lane). ***See attached document entitled Access to Property***

This division of property meets the conditions for a plat waiver under Chapter 118 (Subdivision Platting) of the New Braunfels, Texas, Code of Ordinances. The waiver is requested under Section 118-11A (General) as follows:

The location and division of the referenced property creates an undue hardship should platting the land for division be required. The Forrests own several tracts of land adjacent to each other, none of which are accessible via public road. The Forrests / Dillons offer the following factual and ample statements in response to the requirements of the stated code:

a(1): The proposed waiver will not be injurious to other properties or property owners in the vicinity nor will it affect the subdivision of other properties in the area. The Forrests / Dillons are not creating, or attempting to create, a "subdivision" in the common sense of the word (ie multiple dwellings with separate owners). They are simply attempting to continue the use of family land as it was intended when purchased by the Forrests. Once the 14 +/- acres are deeded to the Dillons, the Dillons intend to build a single-family residence for their personal use and intend the property and improvements to be inherited by the Dillon descendants. The gifting of land to a family member for a single-family residence in no way impacts the landowners surrounding the tract of land in question.

a(2) The physical surroundings, shape and/or topographical conditions of the property renders it impossible to meet the 36' (residential) or 60' (non-residential) of public road frontage requirement referenced in Sec. 118-45 (b). The lack of public ingress/egress, with exception of a private road and an existing easement into the property, constitutes a particular hardship distinguished from a mere inconvenience. As you can see in the attachment entitled ***Topographical Conditions***, there is no public road that provides public frontage to any of the Forrest / Dillon properties, including the property under discussion (PID 60123). This is a unique access situation that is unlikely to change.

a(3) The waiver will not in any manner vary the zoning ordinance of the city.