

## Legislation Text

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File #: 21-13, Version: 1

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## Contact

*Applicant: James Dillon*  
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**SUBJECT:**

WVR20-323 Consideration of a waiver to Section 118-45 of the Subdivision Platting Ordinance to allow a lot with no public street frontage addressed at 610 Dammann Lane.

**Plat Information:**

**Owner/Applicant:** James Dillon  
610 Dammann Lane  
New Braunfels, TX 78130  
(830) 608-4851  
[jmdillon75@gmail.com](mailto:jmdillon75@gmail.com)

**Staff Contact:** Holly Mullins  
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**Description:** 2 proposed residential lots on 57 acres

**Background:**

The subject property is a 57-acre family tract in the City's Extraterritorial Jurisdiction (ETJ) of Guadalupe County. The applicant currently owns one acre out of the tract, and is being gifted an additional 14 acres which he will combine into a 15-acre lot.

Subdividing his acreage out of the larger tract does not meet an exemption from platting because the property currently has no street frontage.

**Street Frontage/Access:**

**The applicant is requesting a waiver to Section 118-45b of the Subdivision Platting Ordinance to allow potentially two lots with no dedicated street frontage.** He states the intent is simply to continue the residential use of family land, and to allow his residence to be documented on a separate lot.

The nearest public street is Altwein Lane, approximately 0.8 miles from the property. Access to the property is taken from Altwein Lane via Dammann Lane, a private road, and then by a recorded access easement across private property (which is also owned by the family).

If the waiver is approved, he will proceed with platting. The proposed plat may include two separate lots (the 15-acre tract and the approximately 42 remaining acres), or a master plan may be submitted

for the entire 57 acres with one 15-acre final plat.

Either way, this waiver request is to allow up to two lots to be accessed by easement with no street frontage. If further subdivision occurs in the future, access will need to be reviewed again at that time.

The property is currently owned as two separate tracts. The applicant is not proposing to increase the number of tracts, just adjust their sizes. Approval of the waiver will allow legal lots to be platted, and therefore staff does not oppose the request.

**Commission Findings:**

The Planning Commission shall not approve a waiver unless it makes findings based upon the evidence presented to it in each specific case that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity.
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein;; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 6.4:</b> Consider how each new development project impacts the transportation system and ensure appropriate mitigation is implemented.
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**Staff Recommendation:**

Approval.

**Attachments:**

1. Aerial Map
2. Applicant's Waiver Justification
3. Plat Proposal and Access Exhibit
4. Recorded Access Easement