

## Legislation Text

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**File #:** 22-591, **Version:** 1

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**PRESENTER:**

Applicant/Owner: Dr. William Culver

**SUBJECT:**

WVR22-193 Discuss and consider a waiver to Section 118-45(b) to not require lot frontage to a public street for three proposed residential lots in the proposed replat of Culver Subdivision addressed at 883 Rock St.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 4 and Outside City Limits

**BACKGROUND INFORMATION:**

Applicant/Owner: Dr. William Culver  
883 Rock Street  
New Braunfels, TX 78130  
(830)237-1479; drculver@oristech.com

Staff Contact: Maddison O'Kelley  
(830) 221-4056; mokedley@nbtexas.org

The current Culver subdivision is 18.64 acres in area and comprised of 3 residential lots. The property is located on Loop 337 and Rock Street, with a portion of the property located outside city limits, in the ETJ in Comal County.

The Culver Subdivision was platted by the applicant in 2013 as 3 single-family residential lots, with Lots 1 and 2 having lot frontage on Rock Street and Lot 3, which is located at the rear of Lots 1 and 2, has frontage on Loop 337. Lot 3 takes access from the 20-foot shared access easement along the common property line of Lots 1 and 2. (see attached Current Plat of Culver Subdivision). The property owner intends to replat the existing Lot 3 into an additional 3 single-family residential lots for a total of 4 lots but will not meet all the requirements of the Subdivision Platting Ordinance with the proposed lot layout.

**The applicant is requesting a waiver to not require 3 residential lots to front on a public street.**

Section 118-45(b) of the Subdivision Platting Ordinance requires each lot within a subdivision to front onto a dedicated, improved public street unless platted as an approved private street subdivision.

The existing platted Lot 3 proposed to be subdivided currently has frontage on a public street (Loop 337). Three of the four proposed lots will not have frontage on a public street (see attached Schematic of Plat Layout). The proposed Lot A will be the only lot with public street frontage on Loop 337. The new 4 lot

configuration has all proposed lots to receive access with the continuation of a 20-foot wide access easement that crosses existing Lots 1 and 2 and through all proposed lots. Therefore, all lots are proposed to receive access from Rock Street (see attached Existing Easement Exhibit). An exhibit of the proposed access easement has not been provided to staff.

**ISSUE:**

All Subdivision Platting waiver requests must be considered by the Planning Commission.

**Commission Findings:**

The adopted Subdivision Platting Ordinance indicates the Planning Commission shall not approve/recommend approval of 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.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Denial. Staff believes the applicant's written justification letters are inadequate to justify granting approval of the waivers since they do not provide sufficient detail as to how the proposed waivers 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.

**Resource Links:**

Section 118-11 - Waiver, of the City of New Braunfels Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL\\_ARTIINGE\\_S118-11WA](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIINGE_S118-11WA)

Section 118-45(b) - Lots, of the City of New Braunfels Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL\\_ARTIVDEST\\_S118-45LO](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-45LO)