

Legislation Text

File #: 22-580, **Version:** 1

PRESENTER:

Applicant: Heather Steed, Sherwood Surveying & SUE

Owner: Jeffrey Hansen

SUBJECT:

WVR22-191 Discuss and consider a waiver from Section 118-45(b), to not require a proposed lot to have frontage on an existing improved public street for the proposed replat of Lots 5E-1 & 5E-2, Huisache Hills Subdivision.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Outside City Limits**BACKGROUND INFORMATION:**

Case #: WVR22-191

Applicant: Sherwood Surveying & SUE
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Owner: Jeffrey Hansen
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New Braunfels, TX 78133
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Staff Contact: Matthew Simmont
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The existing 2-lot subdivision, Lots 5E-1 & 5E-2 of the Huisache Hills Subdivision, is comprised of approximately 14.6 acres located at the termination of Castin Lane (private road), about 1,200 feet from its intersection with Union Wine Road. The subject property is improved with two residences on each existing lot.

The existing replat included the dedication of 30 feet of right-of-way adjacent Lot 5E-1 for a future Minor Collector. The owner would like to further subdivide both existing lots to establish a total of 4 lots and is requesting relief from a requirement of the Subdivision Platting Ordinance prior to submittal of the replat application.

ISSUE:Lot frontage:

The applicant is requesting a waiver from the requirement to have frontage on an improved public street for proposed Lot 5E-1B.

Section 118-45(b) of the Subdivision Platting Ordinance requires all newly created lots to have frontage on an improved street.

The justification letter provided by the applicant indicates no development is currently planned on proposed Lot 5E-1B and it is intended to be sold to an adjacent owner for future development. An access easement is shown on the plat exhibit that will ensure access rights until the planned public roadway is constructed.

Waiver criteria are provided below in Commission Findings.

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:

N/A

RECOMMENDATION:

Staff is not opposed to the applicant's requested waiver as the subject property has frontage along a future planned minor collector that will provide access to a public street once the roadway is constructed. Additionally, the proposed access easement from proposed Lot 5E-1B to Castin Lane will ensure access until the minor collector is constructed.

Resource Links:

Chapter 118-45 Lots, of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH118SUPL_ARTIVDEST_S118-45LO