



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** September 27, 2022

**PREPARED BY:** Walter E. Reeves, Jr, AICP, Director of Development Services

**AGENDA CONTENT:** Discussion and possible action on a variance request to use septic systems on a propose 2 lot subdivision located on the south side of Kiber Road, just west of Sims Drive

**AGENDA ITEM SECTION:** Consent Agenda

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**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:** This is a request for a variance of Section 23-15.C to allow use of on-site sewerage facilities (OSSF) pursuant to Section 23-15.D.2. The proposed OSSF are septic systems. The subject property consists of 3.996 acres and is in the Single Family Estate Residential – 20 (SFE-20) zoning district (Attachment 1). The proposal is to subdivide the property into two lots (Attachment 2). The ordinance (Attachment 3) annexing the property into the City (Ord. #2011-O-6C) Exhibit “B” of the ordinance, the Annexation Services Plan, requires that prior to the City providing sanitary sewer service to the area the property owner, at his/her own expense, must install a grinder pump or small lift station in accordance with applicable codes and departmental policies and maintain the lift station or install a gravity. The variance request (Attachment 4) outlines the reasons for the variance, and Mr. Javier Vasquez, PE with HDR has provided a timeline detailing efforts to meet Chapter 23 requirements (Attachment 5). As Attachments 4 and 5 indicate, the applicant has been unable to find a way to connect to the City’s sewer system, and while a solution could certainly be found if enough money is spent, that solution would not be consistent with the Section 23-32 Rough Proportionality requirement and pursuant to Section 23-33 the City Council can grant relief. After discussion with the City Attorney, it was determined that the controlling regulations in this instance are Sections 23-32 and 23-33 and not Ordinance #2011-O-6C. No action was taken at the August 16, 2022 special meeting of the Commission due to lack of a quorum.

**Action taken by the planning and zoning commission.** The commission voted to approve this application to allow an on-site sewage system.

**Recommendation.** The planning and zoning commission forwarded this application to the city council for consideration and appropriate action.

