

RESOLUTION NO. R-2022-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, TO APPROVE AN APPEAL OF THE DETERMINATION OF THE PLANNING & ZONING COMMISSION AND GRANT A SUBDIVISION VARIANCE FROM THE B³ CODE TECHNICAL MANUAL, SECTION 3.2.005 REQUIRING ALL NEW LOTS TO BE A MINIMUM OF ONE ACRE IN SIZE FOR ON-SITE SEWER FACILITIES AND A SUBDIVISION VARIANCE FROM THE 2018 INTERNATIONAL FIRE CODE, APPENDIX D, SECTION D107.1 REQUIRING A SUBDIVISION WITH MORE THAN 30 UNITS/LOTS TO HAVE A SECONDARY POINT OF EGRESS FOR PINEY RIDGE SECTION 1, BLOCK A, REPLAT OF LOT 11, BEING 1.838 ACRES OUT OF PINEY RIDGE SUBDIVISION, LOCATED AT TBD POST OAK RIM, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, AS SHOWN IN EXHIBIT A; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to the City of Bastrop Subdivision Ordinance, Section 9 - Variances, the City Council is able to waive required subdivision regulations when the requirements cause an unnecessary hardship to the subdivider and the variance does not depart from the intent of the code; and

WHEREAS, Martha Miles ("the Applicant") has requested a subdivision variance to allow the subdivision of a new lot that is less than one acre in size and a subdivision variance to increase the amount of platted lots in a subdivision that has more than 30 lots and residential units; and

WHEREAS, Section 3.2.005 of the B³ Code Technical Manual requires all new lots to be a minimum of one acre in size for on-site sewer facilities; and

WHEREAS, the 2018 International Fire Code, Appendix D, Section D107.1 requires a subdivision with more than 30 units/lots to have a secondary point of egress; and

WHEREAS, the Texas Local Government Code, Section 212.0146 requires notices to be sent to properties within 200 feet of the replat, and a public hearing be held to consider a residential replat that require a variance before approval; and

WHEREAS, the Planning & Zoning Commission, being the municipal authority responsible for approving plats, held a public hearing at a special meeting on September 15, 2022 and voted 6-0 to deny both variances; and

WHEREAS, Section 1.03.092 of the Bastrop, Texas Code of Ordinances provides final authority to City Council through an appeal process; and

WHEREAS, on September 16, 2022 the Applicant request an appeal to City Council on the determination of the Planning & Zoning Commission; and

WHEREAS, the City Council after reviewing the facts as provided by City Staff and the Applicant, finds that the these requirements cause an unnecessary hardship to the applicant and do not create a risk to life and safety.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

Section 1: Approving the appeal to grant subdivision variance to waive the requirements the B³ Code Technical Manual, Section 3.2.005 requiring all new lots to be a minimum of one acre in size for on-site sewer facilities and a subdivision variance from the 2018 International Fire Code, Appendix D, Section D107.1 requiring a subdivision with more than 30 units/lots to have a secondary point of egress, as shown in Exhibit A, within the city limits of Bastrop, Texas, is hereby approved.

Section 2: All orders, ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 3: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 11th day of October 2022.

CITY OF BASTROP, TEXAS

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney