



DATE: April 4, 2022

TO: Planning Commission
1901 5th Street
Bay City, Texas 77414

FROM: Alyssa Dibbern - Public Works
1217 Avenue J
Bay City, Texas 77414

SUBJECT: Lee Avenue/Lopez Subdivision - Variance Request - Minimum Lot Size deficiency due to needed access easement for City utilities

A variance is being requested on behalf of Mr. Lopez by the city of Bay City.

Reference: Variance to allow under sizing of lots due to a needed city access easement.

Mr. Lopez is subdividing 1.03 acres off Lee Avenue; recorded in File No. 2021-6196 of the M.CO.R. Elisha Hall League, Abstract No. 45. The city has a small lift station near Cottonwood Creek (referred to as 'Little Cottonwood Lift Station') in which Lopez's land is currently used as an access point. Lopez is dividing his land into lots for sale. In order to keep maintenance on Little Cottonwood Lift Station, the city will need an access easement. Due to this needed access easement, Lots 1 & 2 of Mr. Lopez's proposed subdivision, do not meet Municipal Code requirements (they would otherwise). Lots 1 & 2 will be 46 feet by 96 feet with a square foot of 4421 each.

According to Municipal Code Sec. 98-98. Lots. (f) subsection (1,2, &4):

(f) Minimum lot sizes shall be as follows:

(1) 50-foot width.

(2) 100-foot depth, unless otherwise approved.

(4) Lot area minimum: 6,000 square feet where served by sanitary sewers. A review of

the Municipal Code found in:

Sec. 98-6. - Variances (a-c)

(a) The planning commission shall hear all requests for a variance from the provisions of this chapter. The planning commission may authorize a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning commission shall prescribe any condition or conditions that it deems necessary or desirable considering the public interest; in making the findings required in subsection (b), the variance committee shall take into consideration the following:

(1) The nature of the proposed use of the land involved and existing uses of land in the vicinity;

- (2) The number of persons who will reside or work in the proposed subdivision;
 - (3) The probable effect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity; and
 - (4) Any and all other facts the variance committee may deem relevant.
- (b) No variance shall be granted unless the planning commission finds that:
- (1) There are special circumstances or conditions affecting the land involved such that the strict application of these requirements would deprive the applicant of the reasonable use of his land;
 - (2) The granting of the variance will not be detrimental to the public health, safety or welfare, or be injurious to other property in the area; and
 - (3) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.
- Such findings of the planning commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the variance committee meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these requirements so that the public health, safety and welfare may be secure and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship requiring variance under this chapter.
- (c) No variance shall be granted as to required improvements, minimum lot sizes or utilization except that variance may be granted for drainage improvements outside the city.

Plat approval involves three stages as required by Part II - Code of Ordinance, Chapter 98 - Subdivision, Article II. Platting Procedures, etc.:

- (1) Departmental review by the Public Works department and the Bay City Gas Company;
- (2) Completeness Review by the Director of Public Works; and
- (3) Final Approval by City Planning Commission.

Departmental review is still underway. Planning commission's guidance is being sought for further instructions.

Options:

- 1. Allow variance to allow minimum lot size due to needed city access easement.
- 2. Deny the variance for (2) lots under minimum lot size and agree for a shared driveway for access to lift station.

Requirements:

- 1. Depending on the outcome of the variance, a note will be added to the face of the plat stating the decision.

This situation, and others to be like it, will be considered on a case-by-case basis. The circumstances will determine to conclusion.

Alyssa Dibbern
Engineering Technician, Public Works