



Item Brief

Meeting Date

December 10, 2024

Agenda Item

Public hearing and action: Resolution No. R2024-86: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-42 – TRANSPORTATION IMPROVEMENTS AND SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF THE RESERVE AT BURNET SUBDIVISION

1. Staff Presentation
2. Public Hearing
3. Discuss and considering action

Information

The proposed development, The Reserve at Burnet Subdivision, is a single-family residential large lot subdivision covering approximately 168 acres (Exhibit A). The proposed subdivision will create 85 lots; the lot size will range from a minimum of one acre to a maximum of six acres.

The subdivision will consist of seven new streets, six of which are cul-de-sacs, and create three blocks. The three blocks and two of the cul-de-sac streets (Trump Drive and Hadley Lane) do exceed the allowable length as outlined in the code. Additionally, 12 lots within the subdivision exceed the allowable depth-to-width ratio outlined in the code.

The first requested variance pertains to the requirements outlined in Code of Ordinances Sec. 98-42(b)(8), which states: “In general, cul-de-sac shall not exceed 600 feet in length and shall have a turnaround of not less than 96 feet in diameter in residential areas, and not less than 100 feet in diameter in commercial and industrial areas and be in compliance with the city's adopted fire code.”

The second requested variance, outlined in Code of Ordinances Sec. 98-48(1)(b), states: “Residential blocks shall not exceed 600 feet nor be less than 300 feet in length, except as otherwise provided for herein.”

The third requested variance is in Code of Ordinances Sec. 98-48(2)(g) which states: “The ratio of average depth to average width shall not exceed two and one-half to one nor be less than one and one-half to one....”

The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

“In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- c. The applicant has not created the hardship from which relief is sought;
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed, and substantial justice is done.

Staff Analysis:

The subdivision has several different natural factors that played a role in the size of the lots and the placement of the streets. There are two natural waterways that traverse two different parts of the property, one of which is a documented stream called “Hickey Branch”. Also, there are very large granite outcroppings throughout the 168 acres. Additionally, there are over 4100 significant trees (trees that measure over eight inch caliper) within the subdivision. With the layout presented, the applicant is able to create a reasonable number of buildable lots, while only removing 275 trees, and keeping the impervious cover under 20% to meet water quality requirements.

Due to the topography, the significant amount of trees, and the large outcroppings of granite in the area, the literal enforcement of the code would result in unnecessary

hardship. Therefore, staff does believe the requested variance would meet the criterion of the code.

P&Z Report

The Planning and Zoning Commission met on Monday, December 2nd, and did recommend approval of Resolution No. R2024-86 as presented.

Recommendation

Open the public hearing.

Discuss and consider Resolution No. R2024-86.

Variance Request



June 10, 2024

David Vaughn, City Manager
City of Burnet
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

**RE: THE RESERVE AT BURNET: PRELIMINARY PLAT
CITY OF BURNET, TEXAS
CCL: 23-052**

**SUBJECT: BLOCK LENGTH, LOT DEPTH/WIDTH RATIO, AND CUL-DE-SAC LENGTH
VARIANCE REQUEST**

Dear Mr. Vaughn,

On behalf of our Client, The Reserve at Burnet, LLC, we respectfully request the following variances from the City of Burnet Code of Ordinances. The City of Burnet Subdivision Regulations Section 98-48(1)(b) requires a maximum block length of 600 feet. Section 98-48(2)(g) requires a maximum lot depth/width ratio of 2.5:1. Section 98-42(b)(8) requires a maximum cul-de-sac length of 600 feet.

Below is a brief summary of the justifications for consideration of this request:

- a. *The public convenience and welfare will be substantially served.*
Granting of these geometric exceptions allows orderly development and serves the convenience and welfare of the public.
- b. *The appropriate use of surrounding property will not be substantially or permanently impaired or diminished.*
The use of surrounding property is not impaired or diminished by the granting of these geometric variances.
- c. *The applicant has not created the hardship from which relief is sought.*
The hardship is due to two large natural existing drainageways traversing the Site. The intent of the development is to avoid disturbance and of these riparian corridors and leave them in a natural state. The proposed road geometry efficiently serves the development and lowers the overall density.
- d. *The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property.*

The proposed layout demonstrates features and geometry found in similar developments in the City of Burnet.

- e. *The hardship from which relief is sought is not solely of an economic nature.*

The hardship is due to two large existing drainageways traversing the Site. The intent of the development is to avoid disturbance and of these riparian corridors and leave them in a natural state. The street and lot geometry provides an ergonomic alternative to strict compliance with Code.

- f. *The variance is not contrary to the public interest.*

The granting of these variances is not contrary to the public interest. The layout provides safe access to lots and avoids disturbance of the existing drainageways.

- g. *Due to special conditions, the literal enforcement of this Chapter would result in an unnecessary hardship.*

To meet the block length, lot depth/width ratio, and cul-de-sac length requirements, the applicant would disturb the two existing natural drainageways as discussed above. The proposed layout allows for larger lots (>1.5 acres) to be developed in these granite outcrop areas.

- h. *In granting the variance the spirit of the Ordinance is observed and substantial justice is done.*

The alternate design achieves safe access, provides large lots, and meets the intent of the City of Burnet Subdivision Regulations and enhances the residential community of Reserve at Burnet.


We hereby request a variance to allow a block length of approximately 14,633 feet for Block A, and 851 feet for Block B, 984 feet for Block C.

We hereby request a variance to allow a lot depth/width ratio greater than 2.5:1 for lots 3, 5, 7, 28, 29, 51, 52, 57, 72, 81, 82, and 83.

We hereby request variance to allow a maximum cul-de-sac length of approximately 663 for Parker Lane.

We appreciate your consideration of this request.

Sincerely,



Hugo Elizondo, Jr., P.E., C.F.M.
Principal

xc: Prem Kalidindi, The Reserve at Burnet, LLC.

RESOLUTION NO. R2024-86

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-42 – TRANSPORTATION IMPROVEMENTS AND SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF THE RESERVE AT BURNET SUBDIVISION

WHEREAS, Code of Ordinances, Section 98-42, imposes lengths for cul-de-sacs within the Subdivision; and

WHEREAS, Code of Ordinances, Section 98-48, imposes requirements for residential block lengths; and

WHEREAS, the applicant has petitioned for a variance to the Code of Ordinances; and

WHEREAS, the Planning and Zoning Commission has recommended the variance be granted.

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

Section One. Recitals. The recitals set out above are hereby approved and incorporated herein for all purposes.

Section Two. Findings. As required by City Code Sec. 98-82 City Council finds:

- Granting the variance is not contrary to the public interest: **by developing the larger lots, which creates the longer cul-de-sac roads and excess block lengths, it allows the developer to save a significant amount of trees which is not contrary to the public's interest.**
- The literal enforcement of this chapter would result in unnecessary hardship: **due to the topography and the large outcroppings of granite in the area, the literal enforcement of the code would result in unnecessary hardship.**
- The variance observes the spirit of the ordinance and concludes that substantial justice is done: **staff has determined that all other requirements of the code are adhered to and therefore, the spirit of the ordinance is observed and substantial justice is done.**

Section Three. Approval. The variance request is hereby approved and granted.

Section Four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section Five. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED on this the 10th day of December 2024.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary