



## Item Brief

### **Meeting Date**

February 11, 2025

### **Agenda Item**

Public hearing and action: Ordinance No. 2025-06: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 709 E PECAN STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-6”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

### **Information**

The subject property is a vacant lot located on the southwest corner of East Pecan Street and South McNeil Street (Exhibit A). According to the survey submitted (Exhibit B), the property is a total of 10,846 square feet and is 73.75 feet wide. The minimum lot width requirement for a lot zoned “R-1” is 75 feet and the minimum living area for a home is 1,350 square feet.

In November 2024, the property owner submitted a building permit application requesting to build a new single-family residential home on the vacant lot. During the application review process, staff noticed that the lot was not legally platted; a plat was then submitted in December at which time staff verified that the lot did not meet the minimum requirements for the current zoning of the “R-1” district. Since the lot does not meet the current minimum width requirements for a lot zoned “R-1”, this lot is non-conforming and cannot be platted as it is currently zoned.

In 2022, City Council adopted Ordinance 2022-35 amending the minimum lot width and the minimum square footage of a home’s main living area ensuring any new single-family development will continue to preserve the hill country atmosphere the community provides. With this ordinance, the “R-6” zoning district was created with the original “R-1”

requirements to capture any legally platted properties that were then made non-conforming due to the amendment. The current zoning code requirements for lots zoned “R-1” and “R-6” are as follows:

Table 118-25(1)

Single-family residential — District	Minimum living area:	Minimum lot size:
"R-1"	1,350 square feet	9,000 square feet
"R-6"	1,100 square feet	7,600 square feet

The proposed single-family home has a minimum living area of 1,102 square feet (Exhibit C), which does meet the minimum requirements of the code for the requested “R-6” zoning district. However, when the amendment was adopted, the focus was to ensure larger lots were created and any new homes to be built would be a minimum of 1,350 square feet. To date, there are no properties within the City of Burnet that are zoned “R-6”.

When considering the request, there are three paths that could be considered:

1. Approve the requested rezone which allows the 1,100 square foot house to be developed as proposed.
2. Create an additional zoning category that allows the shorter lot width but requires a 1,350 square foot home to be developed.
3. Deny the request on the basis that the property was illegally subdivided, meaning it does not qualify for non-conforming rights. In this case, the Council is not obligated to approve a zoning change allowing a smaller home.

Written notices were mailed to 16 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

### **P&Z Report**

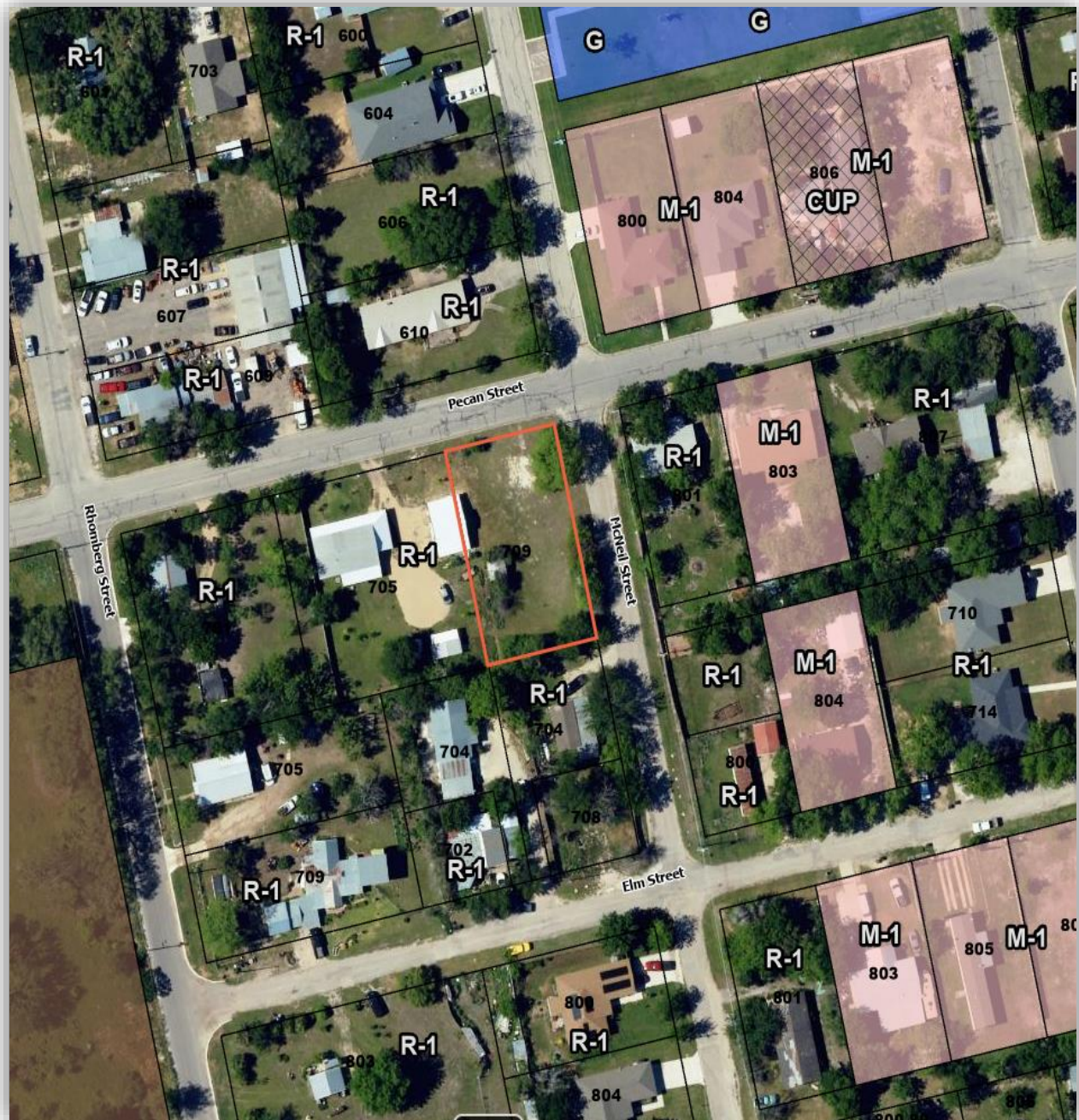
Planning and Zoning met at their regularly scheduled meeting on Monday, February 3<sup>rd</sup> and recommended approval of Ordinance 2025-06 as presented.

### **Recommendation**

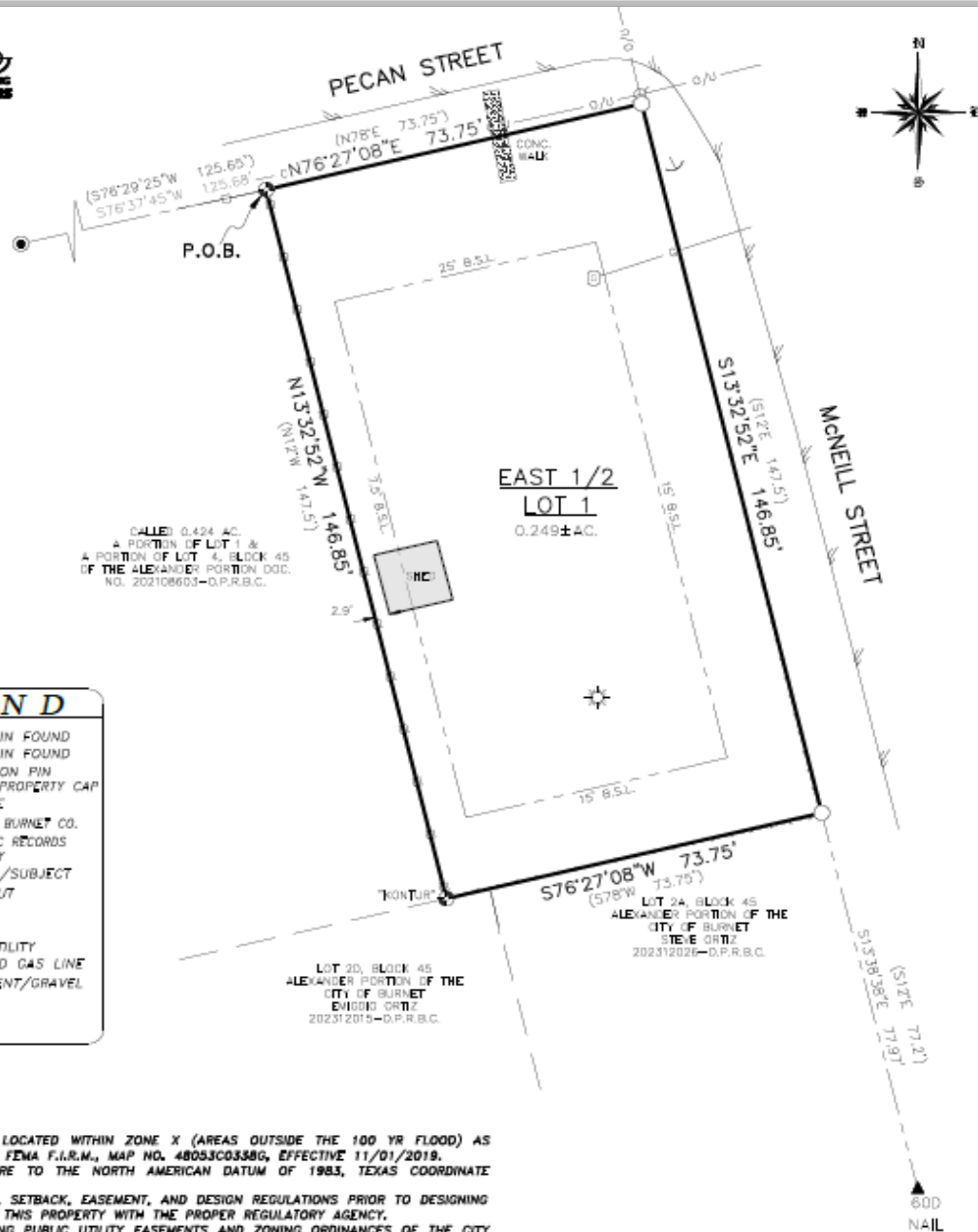
Open the public hearing.

Discuss and consider Ordinance 2025-06.

Exhibit A – Location and Current Zoning



## Exhibit B – Survey

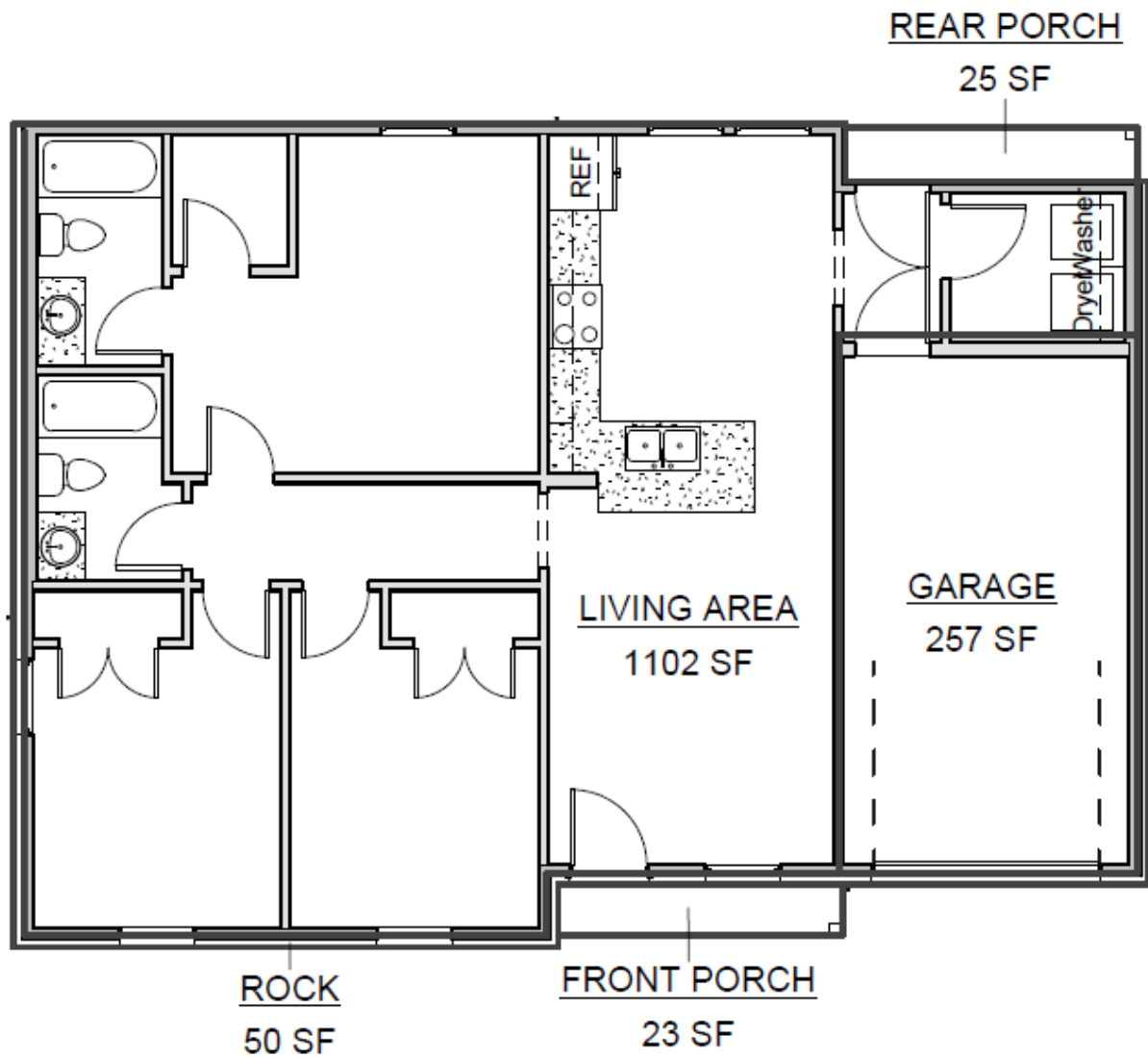


## LAND TITLE SURVEY

LEGAL DESCRIPTION: BEING A 0.249 ACRE TRACT IN THE CITY OF BURNET, AND BEING THAT SAME TRACT CALLED EAST 1/2 OF LOT 1, BLOCK 45, ALEXANDER ADDITION, AS REFERENCED IN A SHERIFF'S DEED TO REI INVESTIFY, LLC, OF RECORD IN DOCUMENT NO. 202204374, AND DESCRIBED BY METES AND BOUNDS IN VOLUME 93, PAGE 609, DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 0.249 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS ON SUBSEQUENT PAGE ATTACHED HERETO AND MADE A PART HEREOF.

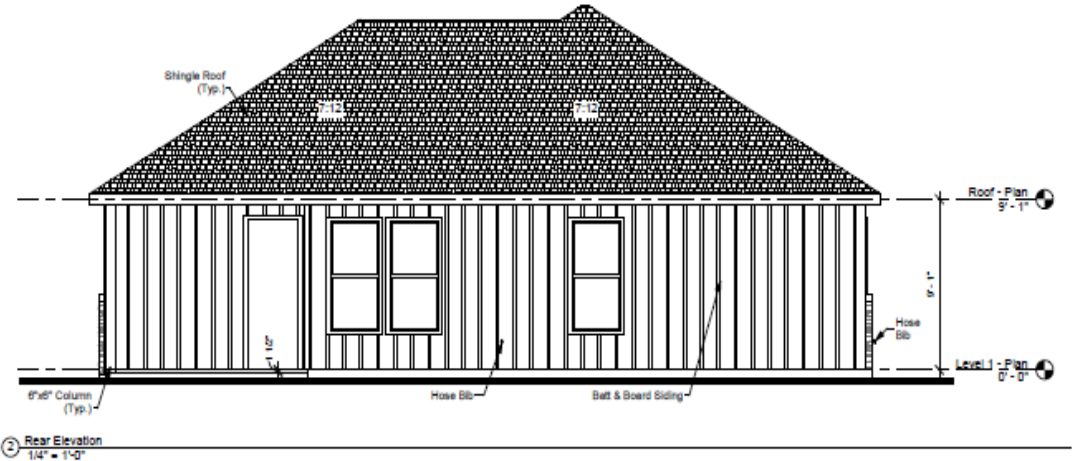
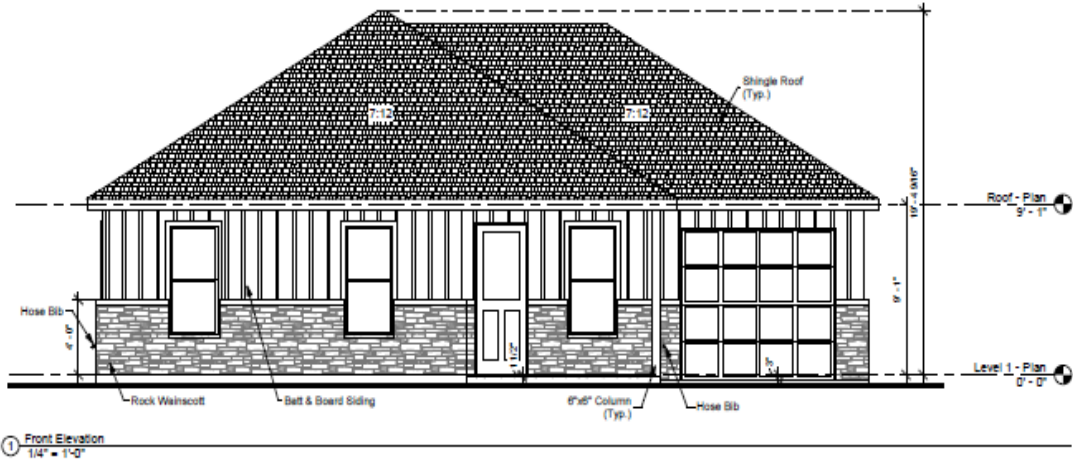


Exhibit C – Proposed Single-family Home (Pg. 1)



② Level 1 - Area Analysis Plan  
1/8" = 1'-0"

Exhibit C – Proposed Single-family Home (Pg. 2)



## **ORDINANCE NO. 2025-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 709 E PECAN STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-6”; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council, by the passage and approval of Ordinance No. 2021-01, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

**WHEREAS**, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

**WHEREAS**, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

**WHEREAS**, it is further legislatively found that the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; and

**WHEREAS**, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

**Section One. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

**Section Two. Property.** The Property that is subject to this Zoning District Reclassification is: **709 E PECAN STREET** (LEGAL DESCRIPTION: BEING 0.249 AC. TRACT, MORE OR LESS, AND BEING THAT SAME TRACT CALLED EAST ½ OF LOT 1, BLOCK 45, ALEXANDER ADDITION, S8450) as shown on **Exhibit “A”** hereto.

**Section Three. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – “R-6”** Zoning District Classification is hereby assigned to the Property described in section two.

**Section Four. Zoning Map Revision.** The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

**Section Five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Section Six. Severability.** This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

**Section Seven. Effective Date.** This Ordinance is effective upon final passage and approval.

**PASSED AND APPROVED** on this the 11<sup>th</sup> day of February, 2025.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary



**Exhibit "A"**

709 E PECAN ST

