



Item Brief

Meeting Date

December 9, 2025

Agenda Item

Public hearing and action: Resolution No. R2025-84: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-42 – TRANSPORTATION IMPROVEMENTS, FOR THE PROPOSED PRELIMINARY PLAT OF EAGLE’S NEST, SECTION 3 SUBDIVISION

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

Information

The proposed Eagle’s Nest Section 3 Preliminary Plat is a single-family residential subdivision located on 17.45 acres of property located on the east side of Eagle Ridge (Exhibit A) and abuts the city limits. The proposed subdivision will include thirteen (13) residential lots ranging in size from 1.01 acres to 2.63 acres.

The proposed subdivision (Exhibit B) will gain access from Eagle Ridge via the proposed Manor Drive. Manor Drive is a proposed dead-end cul-de-sac with an approximate length of 826 feet. Per Sec. 98-42, the maximum length for a cul-de-sac is 600 feet. Therefore, the proposed preliminary plat requires approval of a subdivision variance prior to consideration.

The requested variance (Exhibit C) pertains to the requirements outlined in Code of Ordinances Sec. 98-42(b)(8) which states: *“In general, culs-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...”*

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

Staff has evaluated the variance request and has determined that:

The subject property, which consists of 17.45 acres, has only one feasible point of ingress and egress from Eagle Ridge. Because the property abuts the city limits and is surrounded by existing development, staff has determined that a dead-end street is the only viable method of providing access. The proposed 826-foot cul-de-sac meets all applicable fire code requirements for adequate fire apparatus turnaround and has been approved by the City's Fire Marshal. Staff finds that the requested variance serves the public interest by allowing the property to be subdivided into one-acre lots. Strict enforcement of the maximum cul-de-sac length required by Sec. 98-42 would impose a hardship that is not solely economic. The hardship arises from the physical characteristics of the property: its size necessitates a cul-de-sac exceeding the maximum length by approximately 200 feet, yet it is not large enough to provide a second point of ingress and egress.

P&Z Report

Planning and Zoning will meet on Monday, December 1st; staff will present P&Z's recommendation at the City Council meeting.

Recommendation

Open the public hearing.

Discuss and consider Resolution No. R2025-84.

Exhibit A – Location



[illegible]

Exhibit C – Applicant's Request



September 25, 2025

Leslie Kimbler
City of Burnet
10011 Buchanan Dr., Ste. 4
Burnet, TX 78611

**RE: EAGLE'S NEST SUBDIVISION, PHASE 3
CITY OF BURNET, BURNET COUNTY, TEXAS
CCL 25-086**

**SUBJECT: CUL-DE-SAC STREET LENGTH VARIANCE REQUEST
(STREET DESIGN CRITERIA: RESIDENTIAL, LARGE LOT)**

Dear Ms. Kimbler:

On behalf of our Client, GD Development Group, LLC, represented by Jim Gallegos, we respectfully request a variance from the City of Burnet Unified Development Code, Section 98-42(b)(8), Transportation Improvements. The current regulations require a 600 foot long maximum street length for cul-de-sacs in a large residential subdivision with less than 80 dwelling units.

We hereby request a 826 foot maximum street length as approved and supported by the local Fire Marshal.

We appreciate your consideration of this request.

Sincerely,

Chris Elizondo, P.E., R.P.L.S.
Managing Principal

RESOLUTION NO. R2025-84

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-42 – TRANSPORTATION IMPROVEMENTS, FOR THE PROPOSED PRELIMINARY PLAT OF EAGLE’S NEST, SECTION 3 SUBDIVISION

WHEREAS, Code of Ordinances, Section 98-42, imposes lengths for residential culs-de-sac within the subdivision; 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 THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AS FOLLOWS:

Section One. Recitals. That the recitals to this Resolution are 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: **approving the variance allows the property to be developed in the most advantageous way to the existing surrounding developments and is not contrary to the public interest.**
- The literal enforcement of this chapter would result in unnecessary hardship: **due to the property’s location abutting the city limits and the existing surrounding developments, the literal enforcement 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 9th day of December 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary