

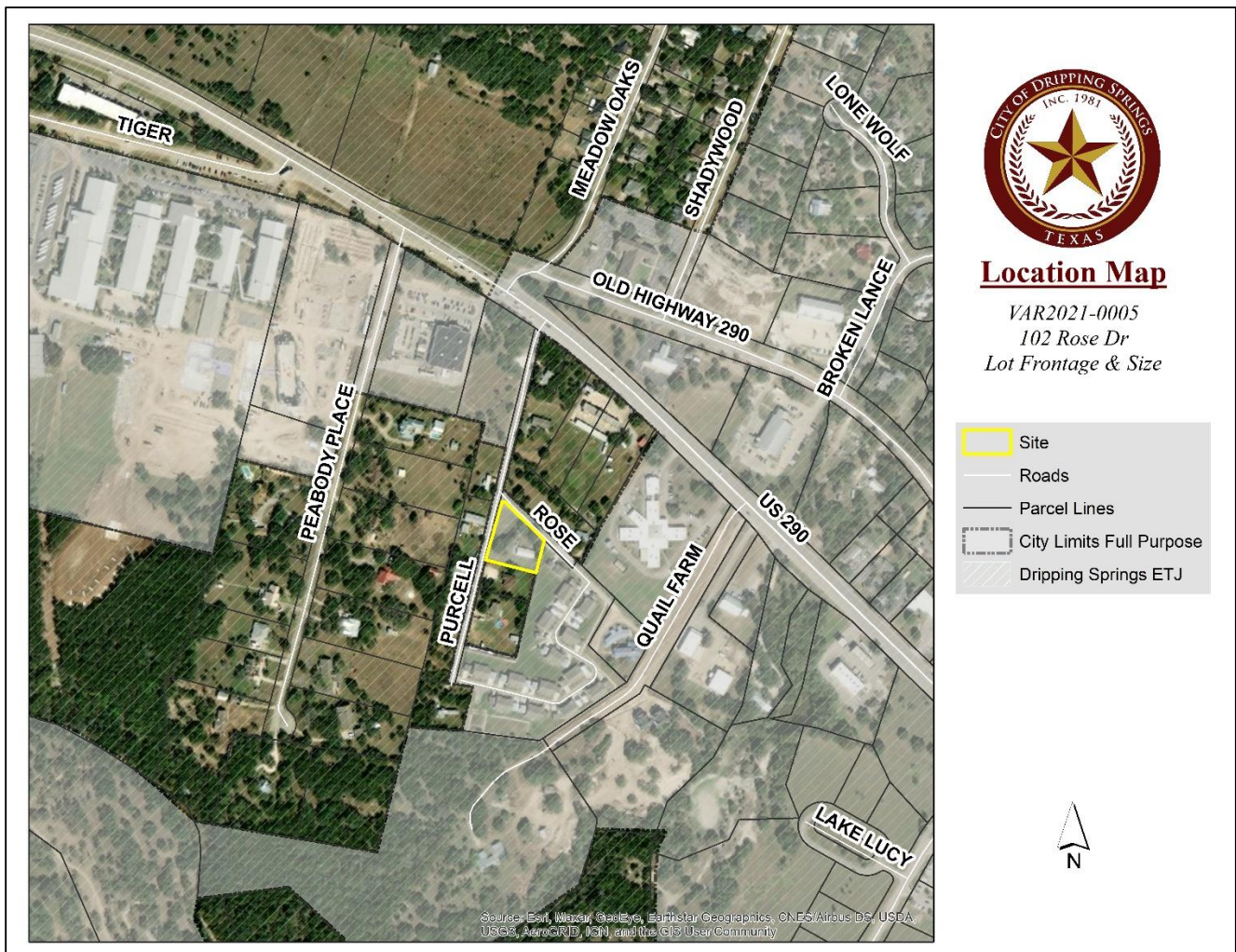


# City Council Planning Department Staff Report

**City Council Meeting:** April 27, 2021  
**Project No:** VAR2021-0005  
**Project Planner:** Robyn Miga, Consulting Planner

## Item Details

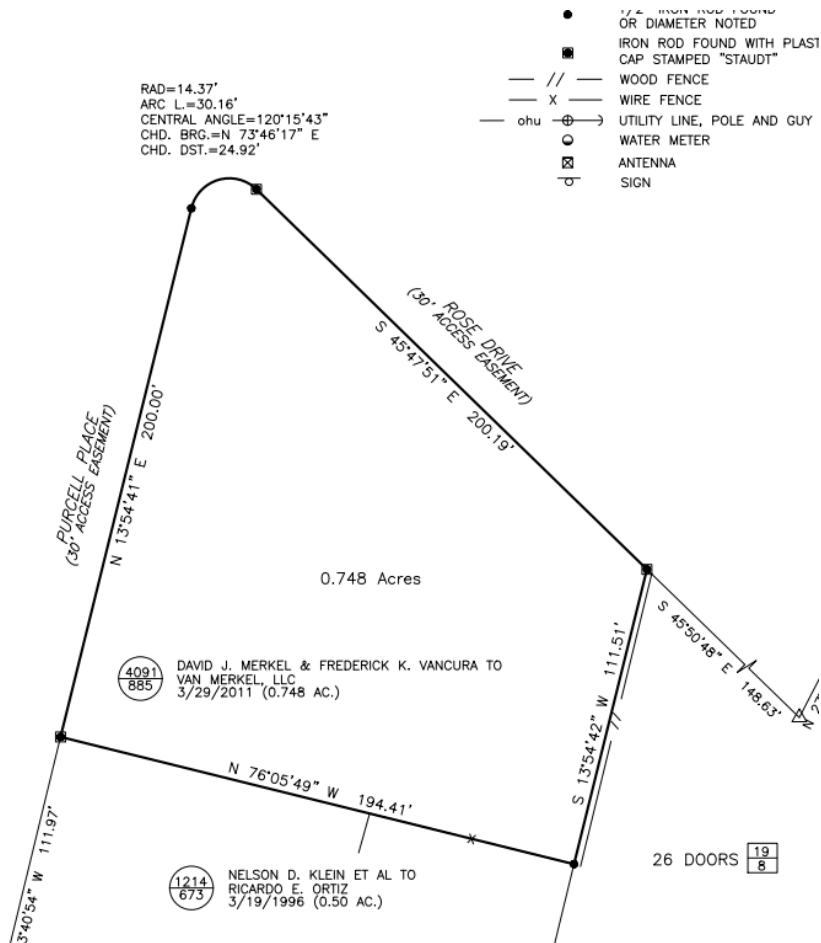
**Project Name:** Van Merkel Duplex  
**Property Location:** 102 Rose Drive  
**Legal Description:** Approximately .748 acres situated in the B.F. Hanna Survey No. 428, Hays County, Texas  
**Applicant:** Dave Merkel and Fred Van Cura  
**Property Owner:** Van Merkel, LLC  
**Request:** Subdivision Variance request to vary from Section 14.7, minimum lot or unit size; and Subdivision Variance request to vary from Section 14.2, Frontage.



# Planning Department Staff Report

## Overview

This property was annexed and zoned SF-4, Two-Family Residential (Duplex) in December 2020. The property will be served by public water, but will need a septic system for wastewater service in this area. Per Section 14.7 of the City's Subdivision Ordinance, a property is required to have a minimum of .75 acres to be eligible to be served by septic. Furthermore, the lot is located at the corner of two private roadway easements, that are each 30 foot wide. Under Section 14.2, Frontage, of the City's Code of Ordinances, each lot or unit on a subdivision plat shall front onto a dedicated, improved public street, unless platted as an approved private street subdivision.



## Summary

Section 1.7 requires that in making a determination regarding a requested variance request, P&Z shall consider the following factors:

Factors	Staff Comments
Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity	Granting these variances will not be detrimental to the public safety, health, or welfare, and will not be injurious to other property or to the owners of other property. It will also not prevent orderly subdivision of other property in the vicinity.
The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property; and	The requests are unique and not applicable to another other property in the vicinity.

## Planning Department Staff Report

Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and	This property is shy of the requirement for septic by .02 acres, and without the variance, the site would not be eligible to be served by a septic system, and public sewer is not in the immediate vicinity. The lot/parcel has also existed in this configuration along Rose Drive and Purcell Place, which were allowed to be created as easements prior to new subdivision regulations being put in place.
The variance will not in any manner vary the provisions of the Zoning Ordinance, Planned Development District Ordinance, or Comprehensive Plan, or any other adopted plan(s) or ordinance(s) of the City; and	The property owner is still required to follow all zoning requirements for the site.
An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and	There is not an alternative plan for this site to be served by a septic system.
The waiver variance will enable the applicant to preserve more native trees, provide more open space, or ensure more wildlife preservation than would be possible complying with the strict mandates of this Chapter.	N/A

### Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the request.

### Meetings Schedule

April 27, 2021 – Planning and Zoning Commission

### Attachments

Exhibit 1: Variance Application for lot Size

Exhibit 2: Variance Application for lot Frontage

Exhibit 2: Site Plan

Recommended Action:	Staff is recommending approval of the requested variances.
Alternatives/Options:	Recommend denial of the variance applications.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A