



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 2, 2022

AGENDA TOPIC: Consideration and possible action of a request (Application No. P & Z 2022-03-28) from Thomas C Dechert, applicant and property owner, to grant a Variance from the requirements of UDC Section 5.4 (1) b to reduce the street frontage for a lot served by private septic (OSSF) from 150 feet to 70 feet for the property located at 423 and 425 Ammann Road, Boerne, TX

DATE: June 2, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Katherine Schweitzer, P.E., Manager of Engineering Services

SUMMARY:

The subject 27-acre (approx.) tract is located north-west of the intersection of Rolling Acres Trail and Ammann Rd. The subject tract is currently not platted and contains a single-family residence. The applicant is proposing to subdivide the 27-acre (approx.) tract into two lots. The front 8-acre lot facing Ammann Road will encompass the existing single family residential. The second rear 19-acre lot will be used to construct a new single-family residence. For the 2-lot plat to be approved, each lot needs to meet the UDC requirements.

The property is zoned Rural Residential and both lots will meet the zoning requirements of the UDC. However, one of the lots will not be in conformance with the subdivision regulations contained in the UDC and therefore the applicant is requesting this Variance.

The front 8-acre lot facing Ammann Road, with a frontage of 230' (approximately) will be served by private septic (OSSF) and private well. As per UDC Section 5.4 (1), lots with private septic (OSSF) and private well require a minimum lot width of 200' and this lot will meet the frontage requirements.

The rear flag shaped 19-acre lot with a frontage of 70' (approximately) will be served by city water and private septic private septic (OSSF) system. As per UDC Section 5.4 (1), lots with private septic (OSSF) and city water require a minimum lot width of 150' and the rear lot will not meet this requirement. UDC Sec. 3.8 (8) ii., grants the City Council the authority to hear and grant a Policy Variance to reduce the lot width upon the recommendation of the Planning and Zoning Commission.

The subject property was granted two approvals for the proposed configuration from the City Council at their meeting of March 3, 2022, as per UDC Section 5.4:

- a. To create the proposed flag shaped rear lot, and
- b. To create a rear lot with a depth (approx. 3000') that is greater than five times the lot frontage on the street (70')

ANALYSIS:

Findings: As per the UDC Sec. 3.9 (9), before granting the Variance, the **P & Z and City Council must find** that all of the following apply:

1. There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of its land. For example, a Variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage;
2. The Variance is necessary for the preservation of a substantial property right of the applicant;
3. Granting of the Variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code;
4. Conditions that create the need for the Variance do not generally apply to other property in the vicinity;
5. Conditions that create the need for the Variance are not the result of the applicant's own actions;
6. Granting of the Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code; and
7. Because of the conditions that create the need for the Variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Additionally, in making the required findings, the **P & Z and City Council** will take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such Variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity.

Insufficient Findings: As per the UDC, the fact that property may be utilized more profitably if a Variance is granted may not be considered alone as grounds for a Variance. Additionally, the following types of possible findings do not constitute sufficient grounds for granting a Variance:

1. Property cannot be used for its highest and best use;
2. There is a financial or economic hardship. There is a self-created hardship by the property owner or his/her agent; or
3. The development objectives of the property owner are or will be frustrated.

Staff Analysis: If the Variance is granted, the applicant will be able to proceed to subdivide the property into two parcels as proposed.

Density: Since the applicant is creating two lots on a site of 27 acres (approx.), the overall density will be lower than the density envisioned for the RR zone.

Lot size: The size of proposed lots will be 8 acres and 19 acres, both of which will be larger than the minimum required lot size of 5 acres for this zone. .

Compliance with Comprehensive Plan recommendations: The rural character, as envisioned for this area in the City's Comprehensive Plan, will be preserved.

Compliance with the UDC: With the other Variances already granted by the City Council, this request will be in compliance with the requirements of the UDC.

Character of the area: Granting of this Variance will permit one residence on a 19-acre lot that will not adversely affect the character of the neighborhood, considering that the Stone Creek subdivision to the north has one-acre lots generally.

Self-created hardship: The lots were inherited by the property owner in its current configuration, the rear lot being land-locked. This condition is not the result of the applicant's own actions.

In conclusion, it is staff's opinion that the requested Variance meets the criteria listed for findings of a hardship as per UDC Sec. 3.9 (9).

Staff recommends approval.

JOINT PUBLIC HEARING:

During their May 12, 2022, joint public hearing, City Council and the Planning and Zoning Commission heard public comments on the submitted variance request.

All real property owners within 200 feet were notified and notice of the public hearing was published in the local newspaper. Two (2) public comment(s) in favor and one (1) in opposition were heard.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

During their May 12, 2022, meeting the Planning & Zoning Commission held discussion on this item and recommended approval of the variance request.

The motion was passed unanimously (7-0).

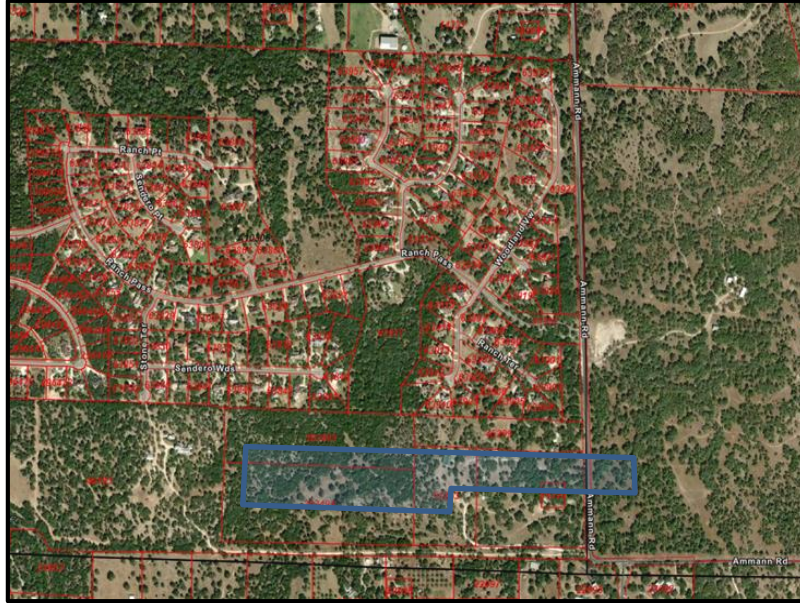
POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The City of Fair Oaks Ranch's current process requires the Planning and Zoning Commission to consider the Variances related to development standards and make a recommendation to the City Council. The City Council has the final authority to act on the Variance.

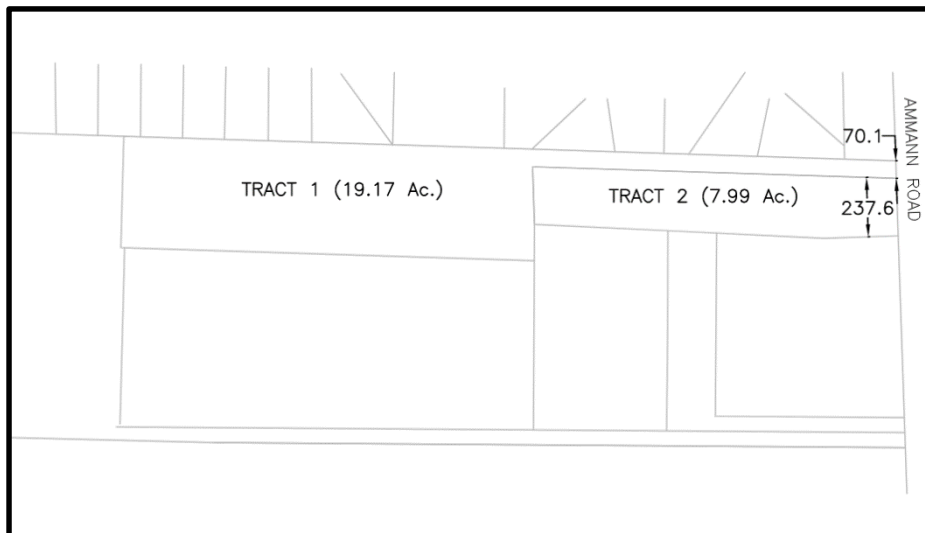
PROPOSED MOTION:

I move to approve the request from Thomas C Dechert, applicant and property owner, to grant a Variance from the requirements of UDC Section 5.4 (1) b to reduce the street frontage for a lot served by private septic (OSSF) from 150 feet to 70 feet for the property located at 423 and 425 Ammann Road, Boerne, TX.

Exhibit A: Location Map

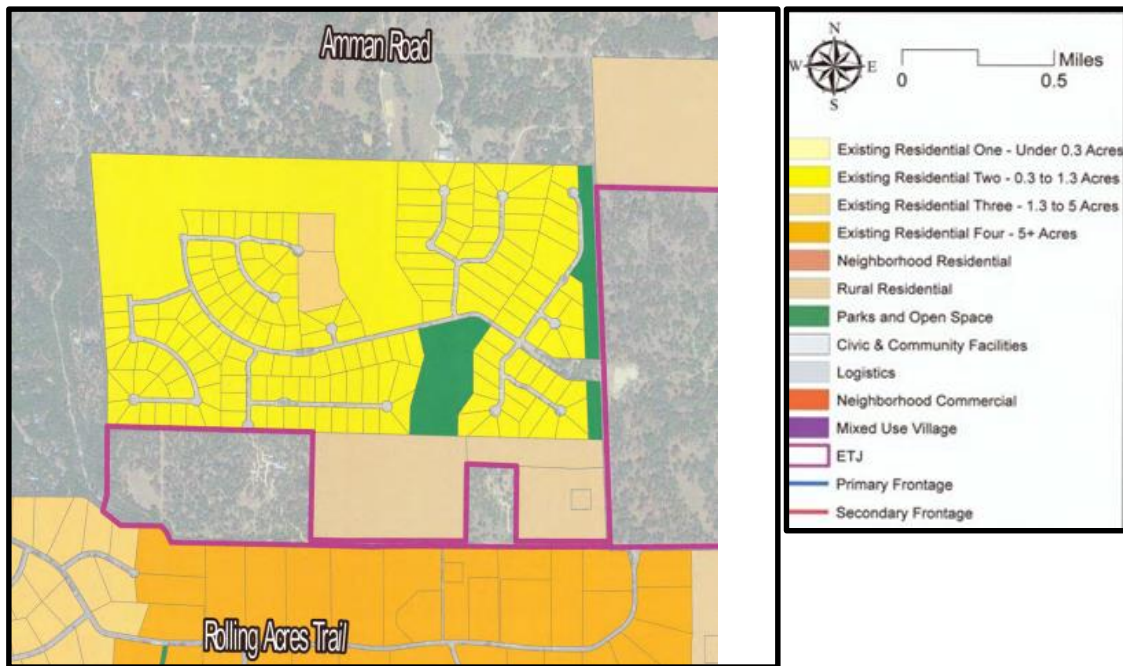


Source: Kendall CAD GIS



Source: Provided by the Applicant

Exhibit C: Zoning Map



Source: City of Fair Oaks Ranch

Attachments:

1. Universal Application
2. S20 Variance Specific Application Form
3. Letter of Intent
4. Notification Map
5. Property Owner Comment Forms