

## **STAFF REPORT**

**To:** City Council  
**From:** Public Works – Engineering Services  
**Date:** October 03, 2024  
**Re:** Variance Request: Application No. PV# 2024-02 from the applicant and owner Green Land Ventures, LTD

### **SUMMARY:**

**Current Zoning:** Existing Residential 2 (ER2)

**Property Size:** 13 acres (approximately)

**Location:** The subject parcel is generally located northwest of the intersection of Rolling Acres Trail and Ammann Road (see attached Exhibit A: Subject Property Aerial Map). Street access to the property is provided from Ranch Pass.

**Use:** The proposed use of single family residential is permitted by right in this zone.

**Request:** The applicant is seeking to reduce the required minimum street frontage from 150 feet to 108 feet for three (3) lots in the proposed Stone Creek Ranch Unit 2B (see the consideration item for the Stone Creek Ranch 2B Preliminary Plat in this agenda package).

### **SITE HISTORY:**

Stone Creek Unit 2B is the only remaining section that is not platted as part of the existing Stone Creek Ranch Development. As per the applicant, Unit 1 (including subsequent amending plats), Unit 1A, Unit 2A, and Unit 2C have been recorded.

There is an existing water supply agreement between the City and the Green Land Ventures dated 2008. This agreement was amended in 2024 to increase the number of Living Unit Equivalent from 238 to 247.

On September 12, 2024, the Planning and Zoning Commission conducted a public hearing to receive public testimony on the variance. No residents spoke in support or against the proposed variance and no written testimony has been received. The commission approved a recommendation to City Council in support of the proposed variance.

### **REASON FOR THE REQUEST:**

The lots in this proposed 12-lot subdivision will be served by private on-site sewage disposal systems (septic) and public water systems requiring a minimum of 150 feet of street frontage. Three (3) lots with street frontage less than the required 150 feet are proposed in this subdivision. This variance will allow the preliminary plat to be approved as proposed.

**PUBLIC NOTICES/COMMENTS:**

A notice of the public hearing was published in the Boerne Star newspaper on August 25, 2024. As of this publication, staff has received zero (0) public comments in favor of the request and zero (0) in opposition.

**CRITERIA FOR REVIEW:**

In accordance with UDC Section 3.9(9) Variance, in making the required findings, the City Council shall consider the following.

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.
8. Insufficient Findings. The fact that property may be utilized more profitably should a variance be granted may not be considered, standing alone, as grounds for a variance. Additionally, the following types of possible findings do not constitute sufficient grounds for granting a variance:
  - a. Property cannot be used for its highest and best use;
  - b. There is a financial or economic hardship. There is a self-created hardship by the property owner his / her agent; or
  - c. The development objectives of the property owner are or will be frustrated.

**STAFF RECOMMENDATION:**

**Staff Analysis:**

1. Minimum street frontages of 108.13, 111.85, and 116.90 feet are proposed for three lots in the proposed 12-lot Stone Creek Ranch Unit 2B subdivision. These lots will not meet the minimum required street frontage of 150 feet.
2. These three (3) lots will have similar lot area as other lots in the subdivision and will meet the minimum lot area requirement of 45,000 square feet.
3. These three (3) lots meet the minimum lot size of one acre for on-site sewage facilities (OSSF) as specified in the Kendall County Development Rules. Kendall County is the regulatory authority for permitting, inspecting and monitoring OSSF in this area.
4. The existing Water Supply Agreement with Green Land Ventures, amended in 2024, allows for the construction of 247 single family residential lots. This variance allows for full buildout of the development with 247 lots.

The City Council shall consider approving or denying the proposed variance request. The City Council may also choose to table the request if they determine additional information from the applicant is warranted. It should be noted that the requested variance aligns with the existing Water Supply Agreement which allows for a total of 247 single family residential lots.

## **Exhibits**

- A. Subject Property Aerial Map
- B. Zoning Map
- C. Notification Map
- D. Universal Application and Specific Application (Variance) including Supporting Documents