



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: September 6, 2023
PREPARED BY: Scott Dunlop, Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Reconsideration, discussion, and possible action on a Short Form Final Plat for one (1) lot on .23 acres, more or less, and being located at 707 Bastrop St, Manor, TX with variances to allow for 40 ft lot width, 20 ft front setback, 5 ft side setbacks, and 10 ft rear setback, and a depth-to-width ratio of 6.25:1.

Applicant: SAVVY ATX REALTY LLC

Owner: Wenkai Chen

BACKGROUND/SUMMARY:

This plat has been approved by our engineer and it is filed with a variance that the Commission and City Council can consider.

The current zoning of the property is SF-1 Single Family Suburban which has a minimum lot width of 70'. A rezoning case for TF Two-Family was filed which also has minimum lot width of 70'. The rezoning case was withdrawn at the 8/16 City Council meeting.

The requested variances are:

1. 40' lot width (70' required)
2. 20' front setback (25' required)
3. 10' rear setback (25' required)
4. 5' side setback (7.5 required)
5. 6.25:1 depth-to-width ratio (2.5:1 required)

The earliest deed creating the tract was in February 1983. There was no zoning code at the time to regulate lot widths but the subdivision code in effect (Ord. 47 dated 12-14-77) had a provision that lot widths do not exceed three times the lot depth. This tract is 250' in depth, which exceeds that regulation so had a plat been filed in 1983 it would not have been approved. Current subdivision code has a lot width to depth ratio of 2.5:1.

This tract as currently subdivided is undevelopable since it is portions of 5 lots that are 40'x50' each and only one has frontage on a dedicated right-of-way. While the tract has never been a legal lot, it has existed in its current configuration for 40 years and only through the approval of the variances can it be improved upon. When granting a subdivision variance the Planning and Zoning Commission and City Council shall consider:

1. The public convenience and welfare will be substantially served;
2. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
3. The applicant has not created the hardship for which relief is sought;

4. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the other owners of similar and surrounding property;
5. The hardship from which relief is sought is not solely of an economic nature;
6. The variance is not contrary to the public interests;
7. Due to special circumstances, the literal enforcement of the ordinance would result in an unnecessary hardship; and
8. In granting the variance the spirit of the ordinance is observed and substantial justice is done.

Planning and Zoning Commission voted to deny 6-0 because it could set a precedent and create a hardship on the remaining adjacent lots for which that owner would need variances.

The City Council voted 5-2 to deny the plat on 8/16 due to concerns about the lot's size and configuration as it relates to adjacent lots and other lots in the area.

This plat is being brought back for reconsideration by Council Member Amezcua with additional information provided by city legal.

LEGAL REVIEW: No
FISCAL IMPACT: No
PRESENTATION: No
ATTACHMENTS: Yes

- Letter of Intent
- Plat
- Deed from 1983
- Subdivision Code of 1977
- AE Lane Addition Plat Map
- Engineer Comments
- Conformance Letter
- Notice and Labels

STAFF RECOMMENDATION:

It is the city staff's recommendation that the City Council approve a Short Form Final Plat for one (1) lot on .23 acres, more or less, and being located at 707 Bastrop St, Manor, TX with variances to allow for 40 ft lot width, 20 ft front setback, 5 ft side setbacks, and 10 ft rear setback, and a depth-to-width ratio of 6.25:1.

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| PLANNING & ZONING COMMISSION: | Recommend Approval | Disapproval | None |
| | | X | |
