

PVC-18-01 Variance Garza Ranch



Applicant Information:

Agent: I.T. Gonzalez
3501 Manor Road
Austin, TX 78723

Property Owners: Claudia Serna & Juan Garza
PO Box 2100
Kyle, TX 78640

Subdivision: Proposed subdivision of approximately 13.72 acres located at 3030 Harris Hill Road.

Applicant Request: The applicant is requesting a variance from Section 3.6.3.1(B)(3) of the San Marcos Land Development Code, which states that lots may not exceed 3:1 lot depth to width ratio.

Subject Property:

Summary: The proposed variance is associated with PC-18-09, Garza Ranch. The proposed subdivision plat will establish 1 commercial lot in Hays County.

Zoning: ETJ - NA

Preferred Scenario: Low Intensity Zone

Existing Use: Commercial Trucking

Proposed Use: Commercial Trucking

Background:

The subject property is located at 3030 Harris Hill Road, adjacent to Harris Hill Raceway which is within the San Marcos Extra-Territorial Jurisdiction (ETJ). The proposed plat will create 1 commercial lot. The proposed plat is attached.

The applicant is requesting a variance to the requirement that lots not exceed a 3:1 width to length ratio, established in Section 3.6.3.1(B)(3) of the San Marcos Development Code. The proposed lots ratio is approximately 8:1.

This lot has already been developed without a plat. The property owner has worked with Staff to come into compliance with a Watershed Protection Plan, Plat, and Plat Variance.

This property will have 275 feet of frontage on the yet to be developed Loop 110. Additionally, the property owner is dedicating 42.5 feet along the side property line adjacent to Harris Hill Raceway in order to conform with the Transportation Master Plan.

Planning Department Analysis:

The requirements for adequate infrastructure and frontage on public streets is intended to allow the orderly development of land and prevent land locking property.

Mostyn Lane is currently a 60 foot wide access easement, which is wide enough to be accepted as a public street in the future without requiring additional dedication in order to serve the existing residences. Guadalupe County has reviewed the applicants request to accept Mostyn Lane as a public road, but if the County is able to accept Mostyn Lane, it will not be until at least the year 2020 due to budgetary restrictions.

In deciding the variance petition, the decision-maker shall apply the following criteria outlined in section 1.10.2.4(a). Staff has evaluated the request with regard to the criteria for subdivision variances:

- 1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land.**

The property owner purchased and developed this property in a manner inconsistent with the development standards. They do not have the opportunity to purchase adjacent property in order to bring it into conformance. However, in the future the property will have additional access to Loop 110 and they are dedicating a 42.5 foot wide strip of ROW along a side property line, which will allow this property to subdivide in a conforming manner in the future.

- 2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land.**

The surrounding properties are subject to the same standards, but are not as narrow as this property.

- 3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.**

The current configuration of the land would require the applicant to build an adequate public road to meet the 3:1 width to ratio requirement in order to use the property for commercial use other than agriculture.

- 4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area.**

Staff does not feel that there will be a detriment due to the fact that the property will have additional frontage on loop 110 in the future.

- 5. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property.**

Staff does not feel that there will be a detriment due to the fact that the property will have additional frontage on loop 110 in the future.

- 6. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner.**

The hardship was caused by the way the property was sold, purchased, and developed.

7. **The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship.**

This variance is not based exclusively on financial gain or hardship.

8. **The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.**

The future frontage on Loop 110 and the proposed dedication of future ROW make minimize the impact of the requested variance.

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this variance request. The City Charter delegates all platting variances to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve or deny this variance request.

Prepared By:

Will Parrish, CNU-A	Planner	August 8
Name	Title	Date