



Staff Report
Planning and Zoning Commission
Subdivision Variance
February 20, 2024

File #: ZS24010002

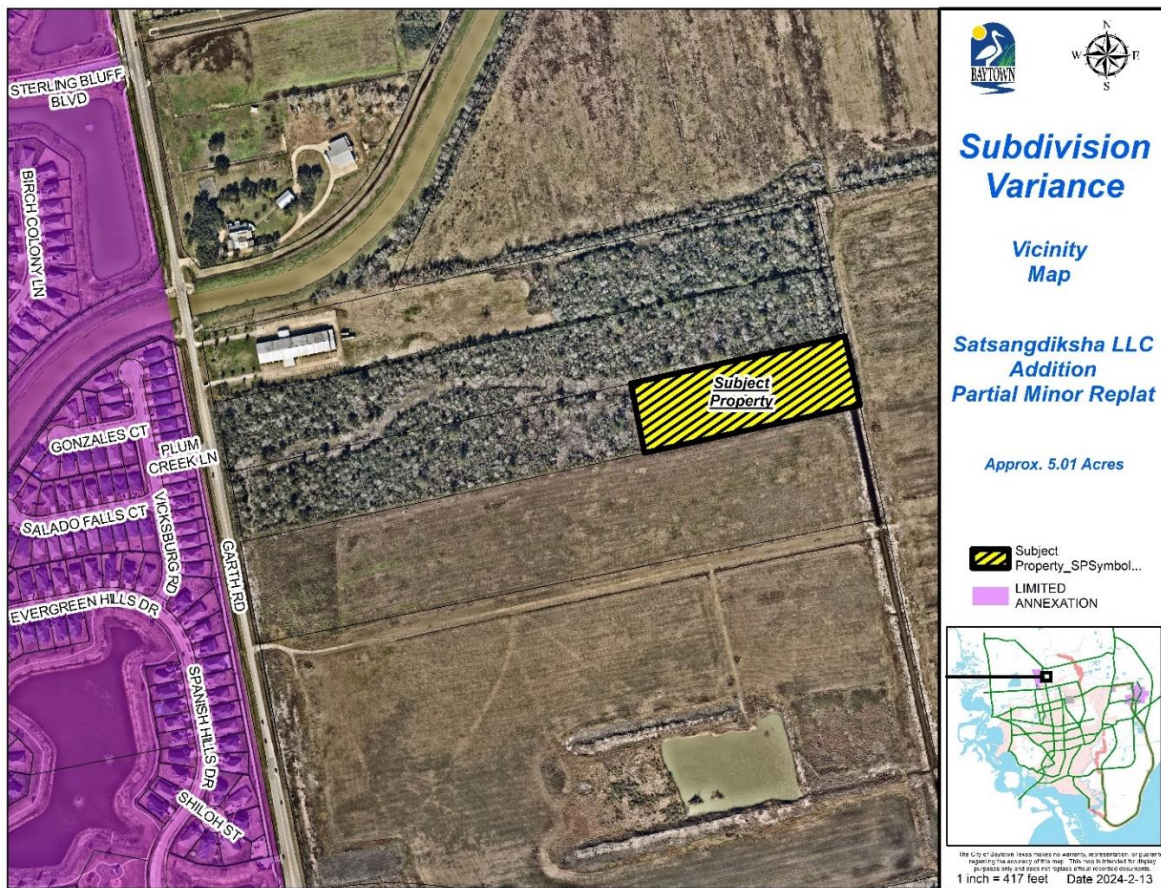
Requested Action: A subdivision variance to allow for the creation of a lot with no frontage on an improved public right-of-way (ROW), located approximately 1,680 feet east of the intersection of Garth Road and Plum Creek Lane.

Applicant: Hutchinson & Associates – Alex Romo

Owner: Satsangdiksha LLC – Diwakar Singh

Subject Property:

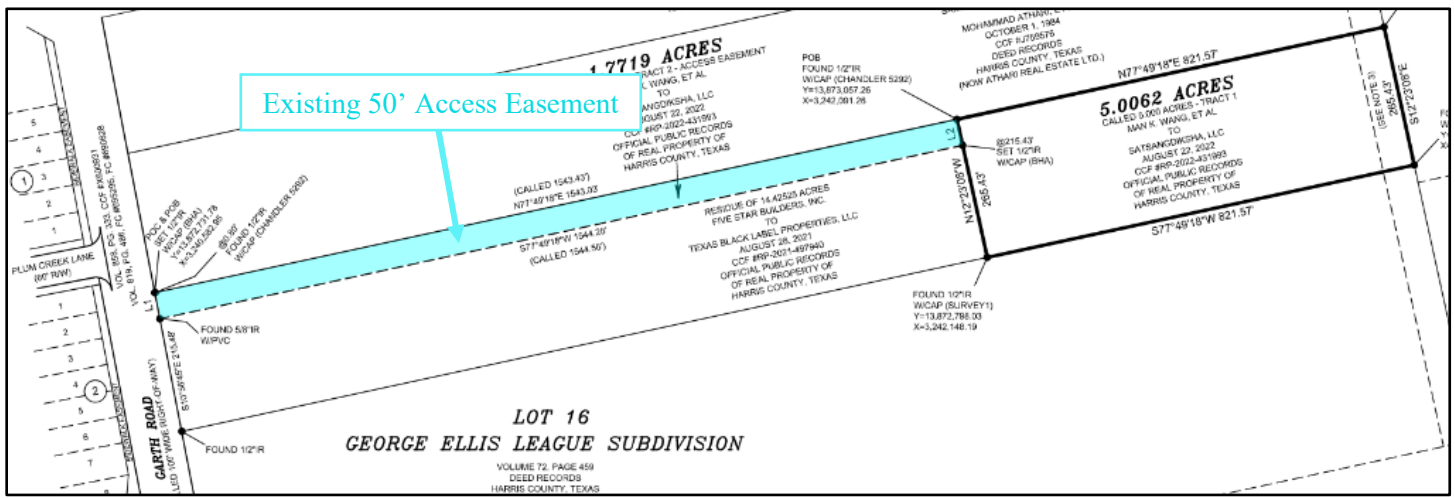
Approximately 5.01 acres located approximately 1,680-feet east of the intersection of Garth Road and Plum Creek Lane, legally described as 5.01 acres situated in part of Tract 6 of the George Ellis League, Abstract No. 21, Baytown ETJ, Harris County, Texas; HCAD #: 0402210000513.



Vicinity Map

Parcel Information:**Current Use:** Vacant**Proposed Use:** Commercial**Future Land Use Plan:** Low Density Residential**Adjacent Parcel Information:****North:** Vacant, Undeveloped**South:** Vacant, Undeveloped**East:** Planned Single-Family Dwelling Residential Subdivision**West:** Garth Road ROW and Single-Family Dwelling Residential Subdivision**Purpose of the request and Background:**

The subject property is located within the Extraterritorial Jurisdiction (ETJ) of the City of Baytown. The applicant is proposing a one (1) lot subdivision consisting of 5.01 acres and intends to develop the property as a lot for vehicle, boat and RV storage. Currently, the applicant does not plan to construct any buildings or structures on the site, only to secure the property with a fence with gated access, and add a parking area.



Proposed Lot Layout

The applicant is requesting a variance from the Unified Land Development Code (ULDC), Article IV. - Subdivisions, Division 5. Sec. 4.17(1) – which requires each lot to have frontage on an existing public street. The applicant’s request is to utilize an existing 50-foot access easement, which provides access to this lot from Garth Road.

Sec. 1.29.5. - Subdivision variance process states “*Subdivisions outside city limits. Variances to this chapter may be granted as to all required improvements in subdivisions located wholly outside the city, but within its extraterritorial jurisdiction, provided the subdivision complies with the minimum standards set by the appropriate county governing body.*” Staff will review for compliance with all other requirements of the Subdivision code when the plat is submitted for approval by the City. In addition to City review and consideration, the County’s Commissioners Court approval will also be required.

Staff Analysis:

The Planning and Zoning Commission may grant a variance based upon the following findings:

1. **Are there special circumstances or conditions affecting the land involved, such that the strict application of this chapter would deprive the applicant of the reasonable use of his land?**

The proposed subdivision is located within the City's ETJ. According to County Deed Records, the property was created in this configuration through a Warranty Deed on August 27, 2001. The existing 50-foot access easement was established in 2022. Because the property has existed in this configuration for at least 20 years, strict application of the code would deprive the applicant of the reasonable use of their property.

2. **Will the granting of the variance be detrimental to the public health, safety and welfare or will be injurious to other property in the area?**

It is not anticipated that the granting of this variance will be detrimental to the public health, safety, and welfare or be injurious to other property in the area. The proposed subdivision would create one non-residential lot in a predominately undeveloped area. Additionally, the 50-foot access easement would be sufficient for emergency service access.

3. **Will granting the variance have the effect of preventing the orderly subdivision of other land in the area according to the subdivision ordinance?**

Granting this variance will not prevent orderly subdivision of land in the area. In the ETJ, subdividing property by metes and bounds is a common practice which has caused properties to lose access to an improved public right-of-way. Allowing the property to establish one (1) lot with access to an existing 50-foot access easement will ensure a certain degree of orderly growth for the area.

Staff Recommendation:

Staff recommends approval of the requested subdivision variance to allow creation of a lot with no frontage on an improved public right-of-way (ROW) for one (1) lot.