

RESOLUTION NO. 2003- 79 R

A RESOLUTION GRANTING A VARIANCE FROM SECTION 21-55(h) OF THE VICTORIA CITY CODE, WHICH PROHIBITS SINGLE FAMILY RESIDENTIAL LOTS FROM HAVING DIRECT ACCESS TO AN ARTERIAL STREET, TO THE PROPOSED HOPKINS ADDITION RESUBDIVISION NO. 2, LOCATED ON THE SOUTHEAST CORNER OF DELMAR DRIVE AND LONE TREE ROAD, WHICH IS OWNED BY THE ESTATE OF EARL WILBUR HOPKINS, JR.; AND DECLARING AN EFFECTIVE DATE.

Section 21-55(h) of the Victoria City Code prohibits single family residential lots from having direct access to an arterial street;

Hopkins Addition Resubdivision No. 2 is a proposed plat of 0.464 acres located on the southeast corner of Delmar Drive and Lone Tree Road. The proposed plat will divide an existing commercial lot into two residential lots. Both lots will front on Delmar Drive. Lot 1 will have driveway access to Lone Tree Road and Lot 2 will have driveway access to Delmar Drive; therefore, the owner has requested a variance to Section 21-55(h);

This request for variance was considered at a public hearing before the Planning Commission, which recommended approval of the variance described above, conditioned on (1) driveway access to Lot 1 being prohibited on Delmar Drive and being located to the rear of the lot facing Lone Tree Road and (2) driveway access to Lot 2 being limited to the south side of the lot;

The City Council finds based upon the evidence presented in this case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare, be injurious to surrounding property, or violate the intent and purpose of the regulation;
- (2) The granting of the variance is not based on a hardship, which is selfimposed;
- (3) The hardship is not based solely on the cost of complying with the regulation; and
- (4) The hardship is based on circumstances which are unique to the property for which the variance is sought, and not circumstances common to other properties.

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

A variance from Section 21-55(h) of the Victoria City Code is granted for the proposed Hopkins Addition Resubdivision No. 2, which is owned by the Estate of Earl W. Hopkins, Jr., as described above in accordance with the recommendation of the Planning Commission, conditioned on (1) driveway access to Lot 1 being prohibited on Delmar Drive and being located to the rear of the lot facing Lone Tree Road and (2) driveway access to Lot 2 being limited to the south side of the lot.

2.

This resolution shall become effective immediately upon adoption.

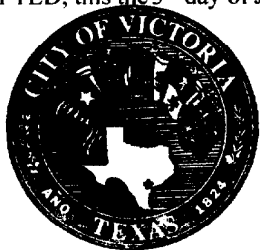
PASSED, this the 3rd day of June, 2003.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 3rd day of June, 2003.



Gary Middleton
GARY MIDDLETON, Mayor of the
City of Victoria, Texas

ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

APPROVED AS TO LEGAL FORM:
David Atmar Smith
DAVID ATMAR SMITH, City Attorney

Distribution: Legal Department
Planning Department

Copies Sent: JUNE 5, 2003