

RESOLUTION NO. 2005- 13 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 Garza Subdivision No. 4 at 2904, 2908 and 2910 Pleasant Green Drive, which is owned by Alice V. Garza; 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;

Alice V. Garza, owner of the proposed Garza Subdivision No. 4, wishes to plat at least three habitable lots at 2904, 2908 and 2910 Pleasant Green Drive, between Callis Street and Willie Street;

This request for variances was considered at a public hearing before the Planning Commission, which recommended approval of the variances described above and entered into its minutes the reasons which justified such recommendation; and

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 self-imposed;
- (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 Garza Subdivision No. 4, as described above, in accordance with the recommendation of the Planning Commission, conditioned on driveways being constructed with sufficient on-site maneuvering space to enable vehicles to avoid backing onto Pleasant Green Drive.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 1st day of February, 2005.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 1st day of February, 2005.



ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Will Armstrong
WILL ARMSTRONG, Mayor
City of Victoria, Texas

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

Distribution: Legal Department
 Planning Department
 IMS Department

Copies Sent: February 2, 2005