

RESOLUTION NO. R2021-58

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE TECHNICAL CONSTRUCTION STANDARDS SECTION 210 STREET DESIGN CRITERIA AND SECTION 290 STREET LIGHT REQUIREMENT FOR EAGLE'S NEST, SECTION III, A 13 LOT RESIDENTIAL SUBDIVISION

Whereas, on April 9th, 2019, City Council has approved the application for the final plat of the Eagle's Nest, Section III, Subdivision; and

Whereas, Technical Construction Standards Section 210, impose street width requirements within the Subdivision; and

Whereas, Technical Construction Standards Section 290, impose street light construction requirements within the Subdivision; and

Whereas, the Eagle's Nest Subdivision is currently developed with 23 foot wide streets; and

Whereas, the Eagle's Nest Homeowner's Association Board of Directors have requested streetlights not be constructed within the subdivision due to the Eagles Nest Community's promotion of "dark skies"; and

Whereas, the applicant has petitioned for a variance to stay consistent with the existing development and to preserve the community's dark skies ambiance; and

Whereas, the Planning and Zoning Commission has recommended the variance be granted:

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Recitals. That the recitals to this Resolution are incorporated herein for all purposes.

Section two. Findings. As required by City Code Sec. 98-82 City Council finds:

- Granting the variance is not contrary to the public interest: **as streetlights are not installed in other sections of Eagles Nest and the existing streets are already developed at the 23 foot width.**
- The literal enforcement of this chapter would result in unnecessary hardship: **as the installation of streetlights would interfere with neighboring property owners' ability to enjoy dark skies and the street width would be inconsistent to the existing development.**

- The variance observes the spirit of the chapter and concludes that substantial justice is done: **By granting this variance, the spirit of the code is observed, ad substantial justice is done**

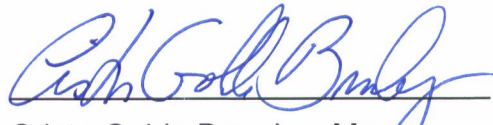
Section three. Approval. The variance request is hereby approved and granted.

Section four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

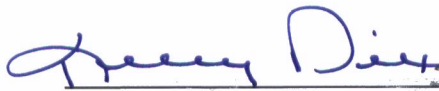
Section five. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 16TH day of November, 2021.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

