

RESOLUTION NO. R2022-28

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-22 – PRELIMINARY PLAT FOR THE PROPOSED PRELIMINARY PLAT OF HONEY ROCK SUBDIVISION

Whereas, Code of Ordinances, Section 98-22(D)3(G), requires the applicant to submit a survey showing significant trees within the subdivision that are to remain and to be removed during construction; and

Whereas, Code of Ordinances, Section 98-22(D)3(H), requires the applicant to submit a mitigation plan for trees that are to be removed; and

Whereas, the applicant has petitioned for a variance to allow the applicant to defer the requirement of showing significant trees to remain and be removed, as well as the mitigation plan, to the time of construction plan submittal of each phase; 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 the applicant would be required to still provide the tree preservation and mitigation plans at the time of construction plan submittal to the code requirement would still be met.**
- The literal enforcement of this chapter would result in unnecessary hardship: **as the amount of acreage and number of trees could change within the proposed timeframe to complete the different phases and approving the variance would allow the applicant sufficient time to preserve healthy trees and meet the intent of the code.**
- 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 8th day of March 2022.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

