

## A G E N D A



## Recommendation for Council Action

Austin City Council

Item ID

62614

Agenda Number

5.

Meeting Date:

10/6/2016

Department:

Austin Water Utility

## Subject

Approve an ordinance waiving City Code Section 15-5-10 (D) (2) relating to the minimum lot size required for an on-site sewage facility for property located at 1750 Channel Road, Austin, Texas. (District 10)

## Amount and Source of Funding

There is no unanticipated fiscal impact.

## Fiscal Note

A fiscal note is not required.

Purchasing Language:

Prior Council Action:

For More Information: Reyna Holmes, 512-972-0202; Denise Avery, 512-972-0104

Council Committee,  
Boards and  
Commission Action:

September 14, 2016- Recommended by the Water and Wastewater Commission on a 7-0 vote with Commissioner Fishbeck Maia abstaining and Commissioners Lee, Kellough, and Parker absent. With a condition that no waiver and/or variance to the OSSF Design Standard can be granted without Commission approval.

MBE / WBE:

Related Items:

## Additional Backup Information

The lot at 1750 Channel Road was annexed into the City's full purpose annexation area in January 1891 when the City Charter was approved. A single-family residence was constructed in the late 1960s. At the time of construction and presently, centralized wastewater service is not available to the property. In order to provide for wastewater service, the homeowner constructed an on-site sewage facility ("OSSF") often referred to as a septic tank. The current property owner plans to redevelop the lot and replace the existing house and OSSF. Water service to the residence is provided by a private water supply.

The lot located at 1750 Channel Road was never platted. Before redevelopment can commence, City Code requires that the property be legally platted. In addition to the redevelopment of the lot, the applicant is proposing to combine the existing lot (0.14 acres) with 0.035 acres and 0.025 acres of adjacent tracts. As part of the approval process to join the lots via a subdivision and for redevelopment, Austin Water's OSSF review and approval is also required.

Per City Code Section 15-5-10 (D) (2), the minimum lot sizing requirement for lots to be served by an OSSF and platted or created after October 14, 2013 is one acre, if served by a private water supply. The combined proposed lot size for 1750 Channel Road is 0.2 acres. Additional land is not available to further increase the size of the lot.

The TCEQ has delegated the authority to enforce OSSF rules and regulations within the City limits to the City of Austin. While the property does not meet the current State minimum lot sizing requirement of 1 acre, TCEQ staff has provided written clarification that the lot can be grandfathered from the State's sizing requirements under 30 TAC §285.4(b)(1).

Austin Water staff will be unable to recommend approval of the proposed subdivision unless a waiver to City Code Section 15-5-10 (D) (2) is granted by City Council.

Austin Water staff recommends Section 15-5-10 (D) (2) of the City Code, with regards to the minimum lot size for an OSSF, be waived for 1750 Channel Road. All other OSSF rules and regulations regarding the design (including separation distances and setback requirements), construction, and maintenance of the OSSF will apply and may impact the size and configuration of proposed structures that may be constructed by the landowner. This waiver shall not be construed as approval of an OSSF design. The landowner will submit a plan for the new OSSF consistent with this proposed lot size waiver and other City OSSF requirements for Austin Water staff approval.