

# Zoning Board of Adjustments

## June 25, 2021 Meeting Minutes

The City of Bastrop Zoning Board of Adjustments met Friday, June 25, 2021 at 2:00 p.m. in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602.

### 1. CALL TO ORDER

Patrick Connell called the meeting to order at 2:02 p.m.

Patrick Connell	Present
Gary Moss	Present
Scot Robichard	Present
Jeff Haladyna	Present

### 2. EXECUTIVE SESSION

- 2A. The Board shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 to seek the advice of legal counsel on a grandfathering request for Bastrop Grove, Section 3, Lot 7, being 1.11 acres out of Nancy Blakey Survey Abstract 98, located in the 600 Block of West State Highway 71, east of State Highway 304 and south of State Highway 71, within the City Limits of the City of Bastrop, Texas.

The Zoning Board of Adjustment convened into closed executive session at 2:05 pm.

The Zoning Board of Adjustment adjourned from their closed executive session and reconvened into their meeting at 2:35 pm.

### 3. CITIZEN COMMENTS

There were no comments from citizens.

### 4. ITEMS FOR INDIVIDUAL CONSIDERATION

- 4A. Consider action to approve meeting minutes from the October 7, 2020 Zoning Board of Adjustment Meeting.

Gary Moss made a motion to approve the October 7, 2020 Zoning Board of Adjustment Meeting Minutes. Scott Robichard seconded the motion and the motion carried unanimously.

- 4B. Public hearing and consider action on a grandfathering request for Bastrop Grove, Section 3, Lot 7, being 1.11 acres out of Nancy Blakey Survey Abstract 98, located in the 600 Block of West State Highway 71, east of State Highway 304 and south of State Highway 71, within the City Limits of the City of Bastrop, Texas.

Jennifer Bills presented the history of Bastrop Grove to the Board, applicable requirements from the Texas Local Government Code for this development, and the applications which have been submitted to the City of Bastrop by the Applicant for this project.

She stated the Applicant was requesting to repeal the City Manager's determination to uphold Staff's recommendation for the Grandfathering date to be May 22, 2017, and for the

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Grandfathering status to be applied to the Subdivision Ordinance (Chapter 10) that was in place at that time, along with any specific regulations that informed the subdivision standards based on the submission of the Preliminary Plat on August 8, 2017. The applicant was also requesting the Zoning Board of Adjustment grant a variance for the entire development to be exempt from any requirements found within the B3 Code.

Jennifer Bills stated the Zoning Board of Adjustment would need to determine as this time did the City Manager make a mistake regarding the Grandfathered development status, and if so the Zoning Board of Adjustment could remand the matter back to the City Manager to re-evaluate; or the Zoning Board of Adjustment could determine to issue a ruling regarding the Grandfathering status at this time.

Jennifer Bills stated furthermore, the applicant was requesting the Zoning Board of Adjustment entertain the request to a variance from the entire B3 Code for the development if the Grandfathering Appeal was going to be denied by the Zoning Board of Adjustment. Alternatively, she stated Staff was recommending if the Grandfathering Status request is denied by the Zoning Board of Adjustment, the Zoning Board of Adjustment request the applicant submit a variance request for each portion of the code they wish to be exempt from, and bring the requests back to the Zoning Board of Adjustment for consideration at a later date.

Brendan McEntee, a Civil Engineer for CBD and representative for the applicant, read aloud a letter for the record.

Discussion commenced between the Board and Brendan McEntee. Patrick Connell asked what specific variances was the applicant looking for from the B3 Code? Brendan McEntee stated the applicant was seeking a variance from all B3 Code standards/requirements at this time.

Jennifer Bills stated Staff agreed the development should be vested to 2017 Subdivision Regulations that were adopted at that time, but any portion of the development process not related to subdivision or drainage should be subject to the B3 Code for all other development standards.

Patrick Connell noted the plat being shown for 2013 was not the same as the plat which was submitted in 2017.

The presentation and discussion with the applicants representative concluded.

Patrick Connell opened the public hearing.

There were no comments from the public.

Patrick Connell closed the public hearing.

Patrick Connell stated a blanket variance from the entire B3 Code was not something he would be in favor of entertaining.

Discussion commenced amongst the Board members regarding the merit of the applicant's request.

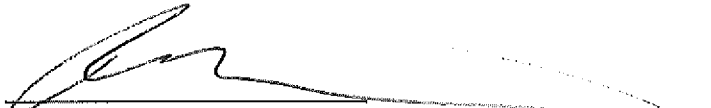
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Scott Robichard made a motion to uphold the City Manager's determination on a grandfathering request for Bastrop Grove, Section 3, Lot 7, being 1.11 acres out of Nancy Blakey Survey Abstract 98, located in the 600 Block of West State Highway 71, east of State Highway 304 and south of State Highway 71, within the City Limits of the City of Bastrop, Texas., deny the request for a variance to the B3 Code, and recommended any additional variance requests be required to come before the Board through a separate process. Gary Moss seconded the motion and the motion carried unanimously. (See attached Exhibit B for Record of Action)

### 5. ADJOURNMENT

Gary Moss made a motion to adjourn the meeting at 3:25 pm. Scot Robichard seconded the motion and the motion carried unanimously.

  
Chair

  
Vice-Chair

