

# Zoning Board of Adjustments

## October 6, 2021 Meeting Minutes

The City of Bastrop Zoning Board of Adjustments met Tuesday, October 6, 2021 at 6:00 p.m. in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602.

### 1. CALL TO ORDER

Scot Robichaud called the meeting to order at 6:03 p.m.

Gary Moss	Present
Scot Robichaud	Present
Jeff Haladyna	Present
Richard Smarzik	Present
Scott Long	Present

### 2. CITIZEN COMMENTS

There were no comments from citizens.

### 3. ITEMS FOR INDIVIDUAL CONSIDERATION

3A. Introduction of new Board member Scott Long.

The Board welcomed Scott Long.

3B. Consider action to appoint board officers for the Zoning Board of Adjustments.

Gary Moss made a motion to appoint Scot Robichaud as Chair. Richard Smarzik seconded, and the motion carried unanimously.

Gary Moss made a motion to appoint Scott Long as Vice-Chair. Richard Smarzik seconded, and the motion carried unanimously.

3C. Consider action to approve meeting minutes from the September 7, 2021 Zoning Board of Adjustment Meeting.

Richard Smarzik made a motion to approve the September 7, 2021 Zoning Board of Adjustment Meeting Minutes. Gary Moss seconded the motion and the motion carried unanimously.

3D. Public hearing and consider action on an appeal of a Grandfathered Development Status Determination and request for a variance to be exempt from the Bastrop Building Block (B3) Code for Bastrop Grove Section 5 (previously called Section 2) Proposed Preliminary Plat, being 25.9 acres out of the Nancy Blakey Survey, Abstract 98, located east of SH 304 in the 600 Block west of SH 71, within the city limits of the City of Bastrop, Texas.

Trey Job presented to the Board an appeal of a Grandfathered Development Status Determination and request for a variance to be exempt from the Bastrop Building Block (B3) Code for Bastrop Grove Section 5.

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Trey Job stated Staffs contention on this matter is the applicant did not meet the requirements to continue moving forward in the two-year timeframe as required in Chapter 245.

He stated the Applicant was requesting to repeal the City Manager's determination to uphold Staff's recommendation for the Grandfathering date to be January 22, 2019. There request is to remand back to the City manager for reconsideration.

Trey Job stated the Zoning Board of Adjustment would need to determine at 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 B3 Code for the development if the Grandfathering Appeal was going to be denied by the Zoning Board of Adjustment.

Douglas McMahan, an owner of the Bastrop Grove Project, read aloud a letter for the record.

Brenden McEntee, CBD Engineer spoke about the exemption process in relation to the project.

The Zoning Board of Adjustment convened into closed executive session at 6:38 p.m.

The Zoning Board of Adjustment adjourned from their closed executive session and reconvened into their meeting at 7:57 p.m.

Discussion commenced between Board members, staff and the applicant that included the following topics:

1. The merit January 28, 2019 email from Jennifer Bills regarding the exemption and preliminary plat status.
2. What the outcome for the project would be if the Board recommended to grant the Grandfathering request for the project to be vested to the January 22, 2019 subdivision ordinance.

The Zoning Board of Adjustment convened into closed executive session at 8:17 p.m.

The Zoning Board of Adjustment adjourned from their closed executive session and reconvened into their meeting at 8:51 p.m.

Richard Smarzik made a motion to reverse the City Managers determination and to set the grandfathering date back to January 22, 2019. Gary Moss seconded the motion and the motion carried unanimously.

Doug McMahan asked the board for clarity on if the motion granted meant the project would go back to the city manager for a zoning determination? Scot Robichaud stated the applicant would be required to follow all of the currently adopted zoning processes and requirements.


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## 4. ADJOURNMENT

Gary Moss made a motion to adjourn the meeting at 8:53 pm. Jeff Haladyna seconded the motion and the motion carried unanimously.



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Chair



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Vice-Chair