

City of Bastrop



Agenda Information Sheet:

Zoning Board of Adjustment Meeting Date:
BOAV16:01

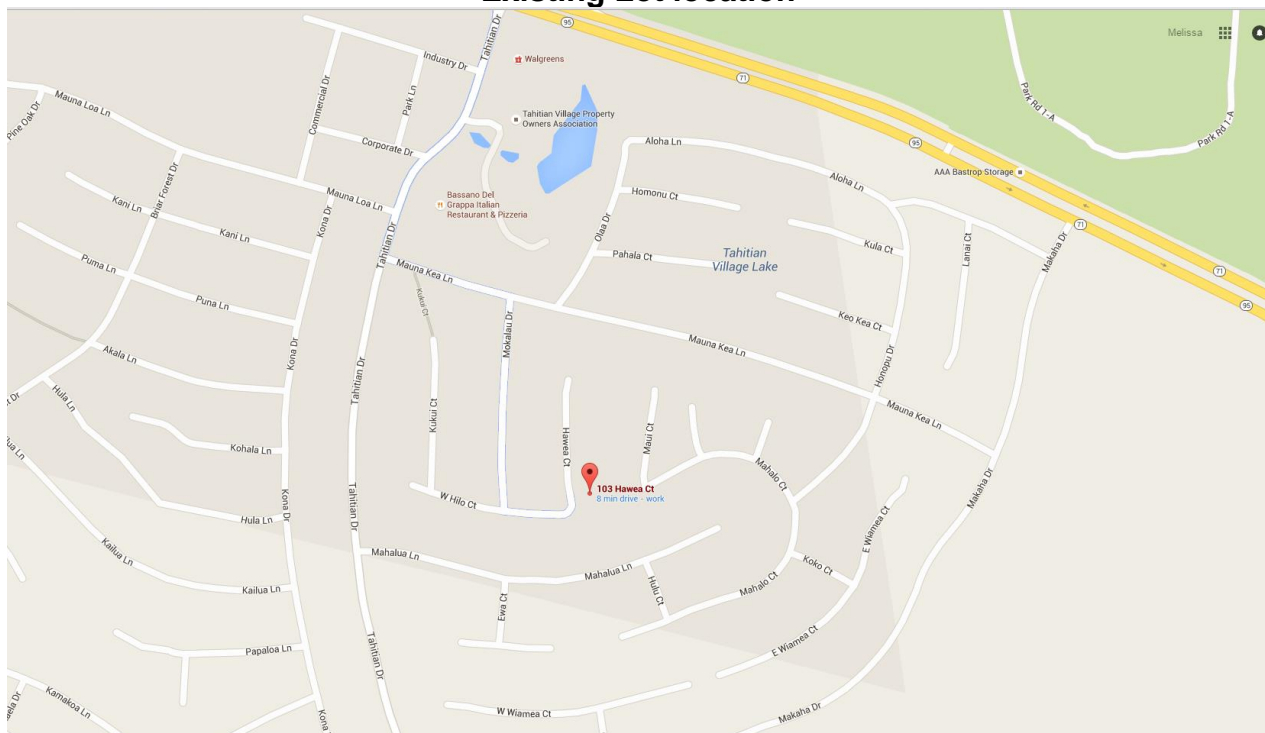
March 9, 2016
Agenda Item #5

Public Notice Description:

Consideration and possible action on a Variance to Zoning Ordinance, Section 15.4.B.2, to allow a minimum interior side yard setback of 8.4 feet, on the south side of the property, where 10 feet is required. The subject property is located in Tahitian Village, being Lot 1-468, Block 19, Unit 1, known as 103 Hawea Court and zoned SF-9, Single Family Residential-9 in the city limits of Bastrop, Texas.

Applicant:	Stefan Emami, Hoss Homes
Owner:	Travis and Karen New
Location:	103 Hawea Court
Utilities:	WCID water and sewer, and Bluebonnet electric
Zoning:	SF-9, Single-Family Residential-9
Land Use Plan:	Single Family Residential

Existing Lot location



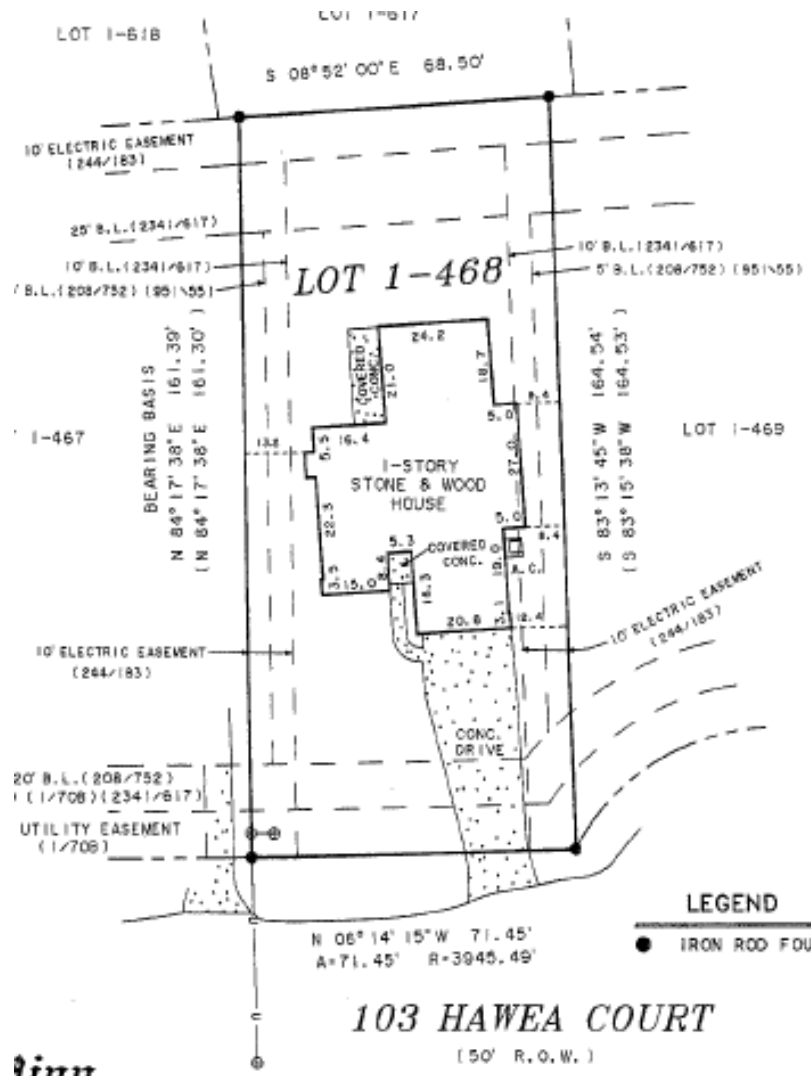
Request:

Variance to Zoning Ordinance, as requested by the homebuilder Hoss Homes, Stefan Emami, for 103 Hawea Court. The Applicant is requesting a variance of 1.6' to allow an interior side yard setback of 8.4' on the south side of the property, where ten feet (10') is required. This property was recently constructed

with a new home by Hoss/Christopher David Homes in 2015. They originally showed a ten foot (10') setback but realized it was over the side setback line when selling the home to the new family.

Variance requested is to allow the interior side yard setback of 8.4', on the south side of the property, where ten feet (10') is required.

Survey of Property

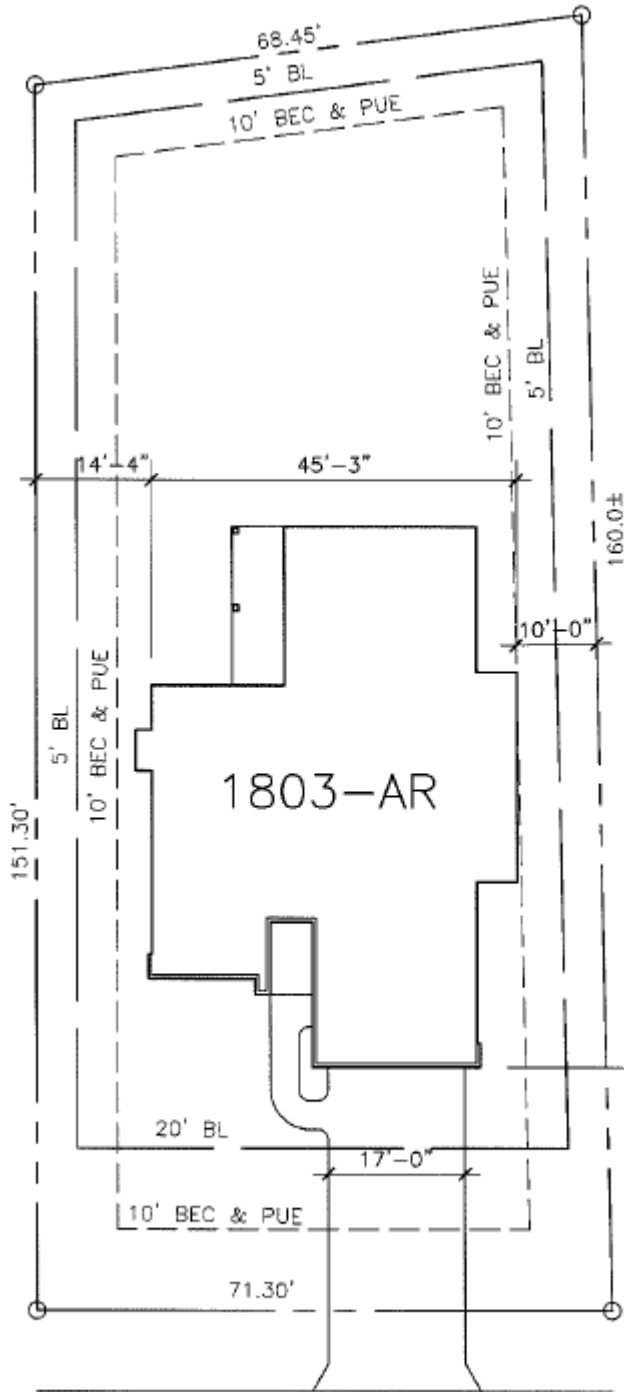


Background:

The property is commonly known as 103 Hawea Court, within the City of Bastrop and is zoned SF-9, Single Family Residential-9.

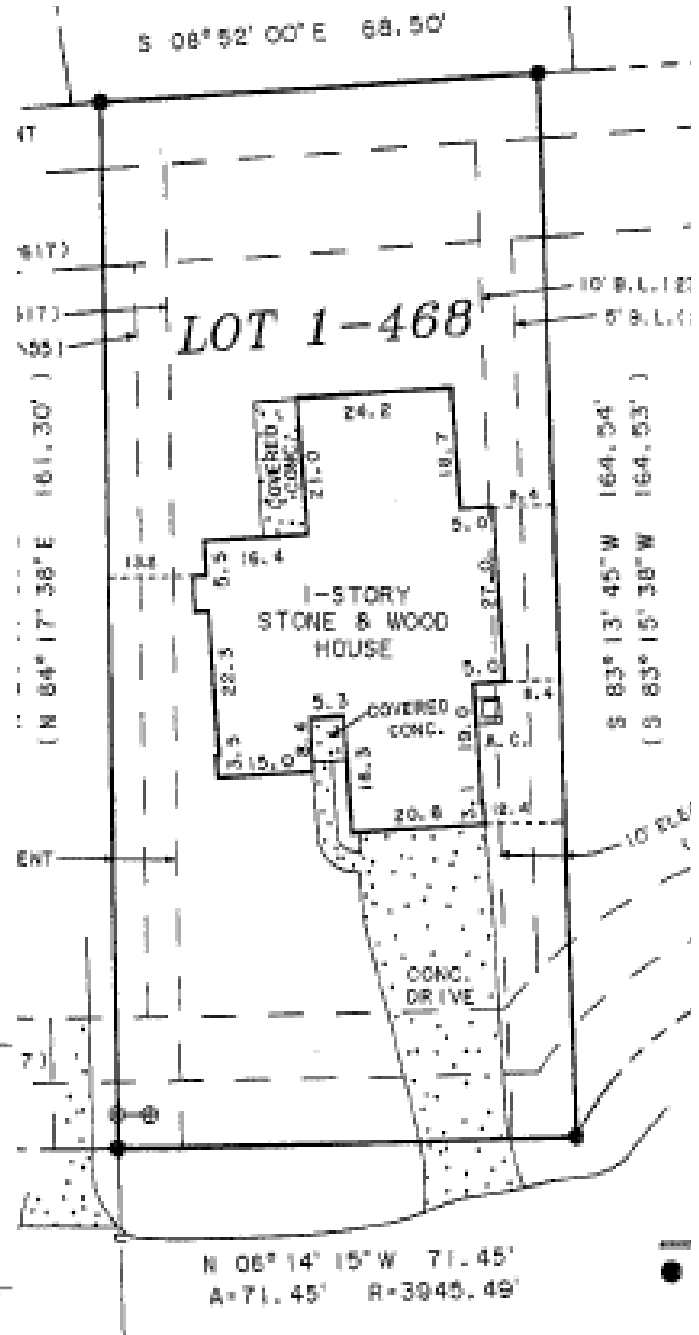
The applicant/homebuilder is requesting a variance after the construction of a new single family home. Once complete the builder realized the home was over the side property line and PUE (Public Utility Easement). Bluebonnet Electric has signed a release of the PUE. If the variance is approved, the applicant would not have to modify or tear down the structure they have recently sold to the new family.

Plot Plan at time of Permitting



HAWEA COURT

Survey of Property



Variance Criteria:

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only those conditions that it deems necessary to or desirable in the public interest. In making the findings hereinafter required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who reside or work in the proposed use, and

the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

Criteria for Findings

A. In order to grant a variance from these zoning regulations, the Board of Adjustment must make written findings that undue hardship exists, using the following criteria:

1. Special circumstances or conditions exist which affect the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the land.

The property was recently constructed with a new single family home and the homebuilder oversite caused a partial encroachment of the home into the side yard. Special circumstances exist where the homebuilder applied forms for a square piece of property where this lot is not directly square. The applicant is requesting a side yard setback of 8.4', where 10' is required, to allow for newly constructed home to remain without modification.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The home is complete and will not affect surrounding property owners and adjacent property.

3. Granting of the variance will not be detrimental to the public health, safety or welfare or Injurious to other property in the area, and the spirit of the ordinance will be observed. Variances may be granted only when in harmony with the general purpose and intent of this ordinance.

The applicant also received a release of the electric easement from Bluebonnet electric.

4. Granting of a variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance.

The newly constructed single family home replaces one that was lost during the 2011 fires and will not affect adjacent property owners.

5. The Applicant's practical difficulties and/or unnecessary hardship arise from unusual conditions or circumstances pertaining only to the Property, which difficulties and/or hardship are not shared generally by other parcels in the neighborhood of the Property.

The applicant/builder will change practices in the future to eliminate the oversite that necessitated the variance for the side yard setback.

B. A variance is to be denied if conditions or circumstances relied on for a variance were created by a person having an interest in the property.

C. Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.

D. The applicant bears the burden of proof in establishing the facts justifying a variance.

Comments: Fourteen (14) adjacent property owner notifications were mailed 2/17/2016. As of this date no comments have been received, in support or opposed to the variance request; one notice was returned undeliverable.

Basis of Support:

Staff recommends approval of the Variance to Section 15.4.B.2, to allow a minimum interior side yard setback of 8.4 feet, on the south side of the property, where 10 feet is required. The subject property is located in Tahitian Village, being Lot 1-468, Block 19, Unit 1, known as 103 Hawea Court and zoned SF-9, single family residential in the city limits of Bastrop, in accordance with granting the variance Findings of Fact.

Recommended Action:

Staff has recommended approval and provided factual comments above in relation to the variance criteria for the Board's consideration. The applicant has also provided a letter and documentation supporting their request. Additional comments may be provided at the meeting based upon additional testimony that may be provided during the hearing.

Adopt findings in the form that renders the Board's position to "grant" or "deny" the request.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director Planning and Development Department

Attachments:

Letter from property owner, survey, location map, copy of Bluebonnet release of Electric Easement and findings of fact.



BOARD OF ADJUSTMENT APPLICATION & CHECKLIST – CHECK ONE OF THE FOLLOWING:

☒ VARIANCE, ☐ APPEAL, ☐ NON-CONFORMING STRUCTURE, ☐ NON-CONFORMING USE

Current Zoning: Residential SF-9

1/15/16
(Submittal Date)

INSTRUCTIONS:

- Submit application by appointment with Marie Murnan in the Planning Department. 512-332-8842.
- Fill out the following application and checklist completely prior to submission, placing.
- Use the most current application from the City's website (www.cityofbastrop.org). City ordinances can be obtained from the City of Bastrop.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the application to be accepted.

- ___ Completed and signed application/checklist with owner's signature.
- ___ Copy of deed showing current ownership and receipt showing all taxes have been paid
- ___ Letter to Board of Adjustment signed by owner in which written appeal states all facts and circumstances regarding hardship caused by code requirement and need for request.
- ___ Notification list of property owners within 200 feet of subject property as identified on the latest approved tax roll. Notification list shall be provided on one set of mailing labels (Avery 5160 or similar).
- ___ 3 prints of a Site Plan (see details below), folded to 8 1/2 X 11
- ___ Application fee – Filing and processing fees are as follows:

___ Single family or less intensive use	\$300/parcel plus \$3.00/acre
___ Multi-family use	\$300/parcel plus \$3.00/acre
___ Commercial or Industrial use	\$300/parcel plus \$3.00/acre

Description of Property

Name of Subdivision: Tahitian Village 103 House et Lot & Block: 1-468

Number of Acres: .24 Survey: Mike McMinn Abstract: _____

Location of property (using directional indicators e.g. north, south, east, west when possible): _____

Request being made: I am looking to get a variance for 1.6 feet to meet the 10 ft. setback/easement requirement. The location of the variance needed is on the south side of the lot to the right of the house

Code Section and Requirement: _____

Site Plan Requirements

☒ Date

☒ Scale (i.e. 1" = 20')

- ☒ North arrow
- ☒ Name/address of property owner(s)
- ☒ Address and legal description of subject property
- ☒ Name and title of preparer
- ☒ Legal description and names of adjacent property owners
- ☒ Property lines with dimensions
- ☐ Easements
- ☒ Setback lines
- ☒ Existing and proposed buildings and other improvements with setbacks and heights
- ☒ Use of existing and proposed buildings
- ☒ Approximate location of existing buildings within 100 feet of subject property
- ☐ Location of existing and proposed:
 - ☐ Drainage
 - ☐ Utilities
 - ☐ Streets/alleys with names
 - ☐ Landscaping and/or screening devices
 - ☐ Off-street parking and loading facilities
 - ☐ Ingress/egress to subject property
 - ☐ Type, location and dimensions of all signs
 - ☐ Existing and proposed lighting

Other data, documentation and/or justification for the requested variance hereby submitted:

103 Hawea Ct

Variances

In order to grant a variance request, the Board of Adjustment must determine an undue hardship exists, using the following criteria:

1. Special circumstances or conditions exist which affect the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the application.
3. Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area, and the spirit of the ordinance will be observed. Variances may be granted only when in harmony with the general purpose and intent of this ordinance.
4. Granting of a variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance.
5. Granting of a variance must be predicated on a finding that the applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, such as exceptional irregularity of the land involved, which are not shared generally by other parcels in the neighborhood or district.

- B. A variance is to be denied if conditions or circumstances relied on for a variance were created by a person having an interest in the property.
- C. Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.
- D. The applicant bears the burden of proof in establishing the facts justifying a variance.

Please Note: The signature of owner authorizes City of Bastrop staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.**

I hereby certify that I am the legal owner of the above described property and that I (Check One below):

☒ *will represent my application before the Planning Department and Board of Adjustment.*

☐ *hereby authorize the person named below to act as my agent in processing this application before the Planning Department and Board of Adjustment.*

Stefan Emami

Owner's Name (printed)

S.A. Emami

Owner's Signature

1/15/16

Date

169 Keanahakululu Ln.

Owner's Address

Bastrop

City

Texas

State

78602

Zip

512-791-7737

Phone

Fax

hosshomes@gmail.com

Email Address

Agent's Name (printed)

Agent's Signature

Date

Company

Street

City

State

Zip

Phone

Fax

Email address

Do Not Write Below This Line ~ Staff Will Complete

Notification List of Property Owners Within 200 feet – on blank mailing labels ☒

All Fees Paid:

☒ Filing

Site Plan of Subject Property

☒

Accepted for Processing By: *Maria Murren*

Date: *1/15/16*

Date of Public Notification in Newspaper: *2/20/16*

Date of Public Hearing @ Board of Adjustment: *3/9/16*

Dear Members of the Board of Adjustment,

My name is Stefan Emami and I am a builder in here in Bastrop. I am writing this because there was an oversight in calculation for easement/variance on the south side of my property at 103 Hawea Court(between Unit 1, Block 19, Lot 468 and Unit 1, Lot 19, Lot 469). I am at 8.4 feet from the building line, rather than the required 10 feet, which means I am 1.6 feet into the easement/building line. The lots in this area are very small in width, 71.45 feet in the front, and 68.5 feet in the back, and a house with the width of 47.25 feet was chosen. With the 10 foot requirement, it only leaves room for a foot or less on either side. For future homes, I will choose more carefully which plans I use for any given lot. I feel terrible about this, and I sincerely apologize for the inconvenience caused by this oversight, and it is a mistake that will not be repeated. I want to continue building homes in the city, and this is a definite lesson that has been learned. The house is completed and is under contract, but the contract is on hold until the issue is resolved.

The hardship that would result from not receiving a variance, will be that the house will not be sellable due to the fact that any future owner which tries to sell down the road, will look at the issue and not want to purchase in the first place. I do not believe this should change the spirit of the neighborhood, nor infringe on the adjacent property owners' rights, because even though the encroachment is within the 10 foot building line, it is also located within the utility easement. I have spoken with Bluebonnet Electric and they have issued an easement release which I will include with this application. I would greatly appreciate a variance on this property so that I may close the deal and help the customers move into their new home. Thank you for your consideration and time.

Stefan Emami



LEGAL DESCRIPTION: LOTS 1-468, BLOCK 19, UNIT 1, TAHITIAN VILLAGE, A SUBDIVISION IN BASTROP COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET NO. 1, PAGE 70B, PLAT RECORDS OF BASTROP COUNTY, TEXAS, ALSO LOCALLY KNOWN AS 103 HAWEEA COURT, BASTROP, TEXAS.

NOTE: THESE LOTS ARE SUBJECT TO THE TAHITIAN VILLAGE PROPERTY OWNERS ASSOCIATION AND RESTRICTIONS SET OUT IN (938/282), (951/55), (2016/742), (2292/79), (2135/272) AND (234/617), OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS.



103 HAWEA COURT

CMW

Marshall

Land Surveying Company

4008 GREENMOUNTAIN LANE

AUSTIN, TEXAS 78759

(512) 343-1970

FAX (512) 243-6343

FIRM NO. 10094300

G. F. 1539432-BAS

DATE December 26, 2015

SCALE 1" = 30'

FA/PG 296/61, 75

J.O.# 12115

TO INDEPENDENCE TITLE COMPANY, TITLE RESOURCES GUARANTY COMPANY, AND DARLA D. KOEHLER, EXCLUSIVELY;

The undersigned does hereby state that this survey was this day made on the ground of the property legally described hereon and is correct to the best of my knowledge, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines or roads in place except as shown or noted hereon, and that said property has access to and from a dedicated roadway, except as shown or noted hereon.

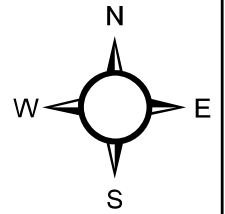
C. Michael McMin, Jr., R.P.L.S.No. 4267

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE IN GREEN INK AND THE IMPRESSION SEAL OF THE ABOVE SURVEYOR.

Copyright 2015 McMinn Land Surveying Company



103 Hawea Court Property Location Map



PARTIAL RELEASE OF EASEMENT

STATE OF TEXAS

COUNTY OF BASTROP

That for a good and valuable consideration, receipt of which is hereby acknowledged, Bluebonnet Electric Cooperative, Inc., has abandoned, released, and discharged, and by these presents does hereby abandon, release, and discharge those certain **ten foot (10') easement** located **on the South property line**, as shaded on drawing, (drawing attached and made a part hereof), of the herein described property granted to said Bluebonnet Electric Cooperative, Inc., by Tahitian Village, a subdivision as recorded in an instrument dated July 1, 1976, recorded in Volume 244, Page 183, Deed records of Bastrop County, Texas, insofar as it covers the following described property, to-wit:

Unit 1, Block 19, Lot 1-468, Tahitian Village, a subdivision in Bastrop County, Texas, according to the map or plat thereof, recorded in Plat Cabinet No. 1, Page 70B – 74A, Plat Records of Bastrop County, Texas, to which reference is hereby made for all purposes.

But, it is expressly agreed and understood this is a specific release of the described easement parts and that the same shall in no wise release, affect, or impair the remaining parts of the easement and that the same shall in no wise release, affect or impair additional existing easements on said property.

EXECUTED on this the 6th day of January, 2016

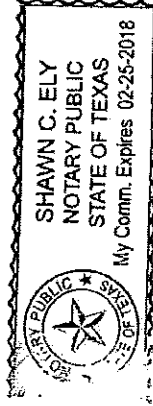
BLUEBONNET ELECTRIC COOPERATIVE, INC.

BY: *Chad Chovanec*
Chad Chovanec
ITS: Easement Specialist

STATE OF TEXAS

COUNTY OF LEE

This instrument was acknowledged before me on this the 6th day of January, 2016, by Chad Chovanec, its : Easement Specialist of Bluebonnet Electric Cooperative, Inc., a Texas corporation.



Shawn C. Ely
Shawn C. Ely
Notary Public – State of Texas

ACTION OF THE CITY OF BASTROP ZONING BOARD OF ADJUSTMENT

GRANTING VARIANCE

WHEREAS, Stefan Emami, (“Applicant”) of Bastrop, Texas, are the builders of the home located of the property legally described as being Lot 1-468, Block 19, Unit 1, Tahitian Village, commonly known as 103 Hawea Court; Bastrop, Bastrop County, Texas (“Property”); and

WHEREAS, said Property is located in an area zoned under the City’s Zoning Ordinance as SF-9, Single Family Residential-9; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Zoning Ordinance, for the Property within the SF-9, Single Family Residential-9 Zoning District, in accordance with Section 9.8; and

WHEREAS, Applicant desires a variance be granted to authorize side yard setback of 8.4 feet, on the south side of the property, where ten feet (10’) is required; and

WHEREAS, Applicant has filed a proper request for such variance; and

WHEREAS, Applicant alleges that strict compliance with the City’s Zoning Ordinance would result in undue hardship to Applicant, pursuant to Section 9.6 of the City’s Zoning Ordinance; and

WHEREAS, public notice has been given and a public hearing was held on March 9, 2016 before the Bastrop Zoning Board of Adjustment, with at least the statutory required 75% of members being present.

NOW THEREFORE, THE BASTROP ZONING BOARD OF ADJUSTMENT FINDS THAT:

1. The circumstances required for granting approval of the above described variance, as set out in Section 9.6 of the City’s Zoning Ordinance, do exist on the property legally described as being Lot 1-468, Block 19, Unit 1, Tahitian Village, commonly known as 103 Hawea Court; Bastrop, Bastrop County, Texas (“Property”):

	CRITERIA for Findings
X	<p>1. Special circumstances or conditions exist which affect the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the land;</p> <p><i>The property was recently constructed with a new single family home and the homebuilder oversite caused a partial encroachment of the home into the side yard. Special circumstances exist where the homebuilder applied forms for a square piece of property where this lot is not directly square. The applicant is requesting a variance of 1.6' to allow an interior side yard setback of 8.4' where 10' is required, to allow for newly constructed home to remain without modification.</i></p>
X	<p>2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p><i>The home is complete and will not affect surrounding property owners and adjacent property.</i></p>
X	<p>3. Granting the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area, and the spirit of the ordinance will be observed. [Variances may be granted only when in harmony with the general purpose and intent of this ordinance];</p> <p><i>The applicant also received a release of the electric easement from Bluebonnet electric.</i></p>
X	<p>4. Granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance;</p> <p><i>The newly constructed single family home replaces one that was lost during the 2011 fires and will not affect adjacent property owners.</i></p>
X	<p>5. The applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, which are not shared generally by other parcels in the neighborhood or district; and</p> <p><i>The applicant/builder will change practices in the future to eliminate the oversite that necessitated the variance for the side yard setback.</i></p>
X	<p>6. The conditions or circumstances relied on for the variance were <u>NOT</u> created by a person having an interest in the property.</p>
X	<p>7. Financial hardship to the applicant, standing alone, has <u>NOT</u> been claimed.</p>

2. Therefore, the request to grant the variance to the side yard setback on the west side of the property, as noted herein, IS HEREBY GRANTED, with the following conditions, if any:

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____

3. This matter was heard by at least 75% of the members of the Board who voted as follows:

- A. Dan Hays-Clark _____
- B. Blas Coy _____
- C. Matthew Lassen _____
- D. Michael Gibbons _____
- E. Herb Goldsmith _____

4. The action of the Bastrop Zoning Board of Adjustment, concerning this request for a variance to the City's Zoning Ordinance, was approved by a minimum of at least four (4) members of the Board, in full compliance with the Local Government Code, Section 211.009(c)(3).
5. As required by the Local Government Code, Section 211.008(f), minutes of this proceeding shall be kept on file in the Board's office, and are public records.

NOW THEREFORE, the above request for a variance was heard and granted on March 9, 2016 by the Bastrop Zoning Board of Adjustment.

By: Presiding Officer

STATE OF TEXAS

§

COUNTY OF BASTROP

§

**CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP ZONING REQUIREMENTS**

I, Ann Franklin, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop Zoning Board of Adjustment Granting Variance" is a true and correct copy of the original document in the Board of Adjustment Office, and I further certify that such document accurately reflects the action granting a variance taken by the Board on _____, 20__.

Ann Franklin
Interim City Secretary
City of Bastrop

Subscribed and sworn to before me on this the _____ day of _____, 20__ to
certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires: _____, 20__

ACTION OF THE CITY OF BASTROP ZONING BOARD OF ADJUSTMENT

DENYING VARIANCE

WHEREAS, Stefan Emami, ("Applicant") of Bastrop, Texas, are the builders of the home located on the property legally described as being Lot 1-468, Block 19, Unit 1, Tahitian Village, commonly known as 103 Hawea Court; Bastrop, Bastrop County, Texas ("Property"); and

WHEREAS, said Property is located in an area zoned under the City's Zoning Ordinance as SF-9, Single Family Residential-9; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Zoning Ordinance, for the Property within the SF-9, Single Family Residential-9 Zoning District, in accordance with Section 9.8; and

WHEREAS, Applicant desires a variance be granted to authorize side yard setback of 8.4 feet, on the south side of the property, where ten feet (10') is required; and

WHEREAS, Applicant has filed a proper request for such variance; and

WHEREAS, Applicant alleges that strict compliance with the City's Zoning Ordinance would result in undue hardship to Applicant, pursuant to Section 9.6 of the City's Zoning Ordinance; and

WHEREAS, public notice has been given and a public hearing was held on March 9, 2016 before the Bastrop Zoning Board of Adjustment, with at least the statutory required 75% of members being present.

NOW THEREFORE, THE BASTROP ZONING BOARD OF ADJUSTMENT FINDS THAT:

1. The circumstances required for granting approval of the above described variance, as set out in Section 9.6 of the City's Zoning Ordinance, do not exist on the property legally described as being Lot 1-468, Block 19, Unit 1, Tahitian Village, commonly known as 103 Hawea Court; Bastrop, Bastrop County, Texas ("Property"):

	CRITERIA for Findings
	<p>1. There are no special circumstances or conditions that exist which affect the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the land;</p> <p>_____</p> <p>_____</p>
	<p>2. The variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p>_____</p> <p>_____</p>
	<p>3. Granting the variance would be detrimental to the public health, safety or welfare or injurious to other property in the area, and the spirit of the ordinance will be observed. Variances may be granted only when in harmony with the general purpose and intent of this ordinance;</p> <p>_____</p> <p>_____</p>
	<p>4. Granting of the variance would have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance;</p> <p>_____</p> <p>_____</p>
	<p>5. The applicant's practical difficulties or unnecessary hardship do not arise from unusual conditions or circumstances, which are not shared generally by other parcels in the neighborhood or district;</p> <p>_____</p> <p>_____</p>
	<p>6. The conditions or circumstances relied on for the variance was created by a person having an interest in the property.</p> <p>_____</p> <p>_____</p>
	<p>7. Financial hardship to the applicant, standing alone, has been claimed.</p> <p>_____</p> <p>_____</p>

2. Therefore, the request to grant the variance to the side yard setback on the west side of the property, as noted herein, IS HEREBY DENIED.
3. This matter was heard by at least 75% of the members of the Board who voted as follows:
 - A. Dan Hays-Clark _____
 - B. Blas Coy _____
 - C. Matthew Lassen _____
 - D. Michael Gibbons _____
 - E. Herb Goldsmith _____
4. The action of the Bastrop Zoning Board of Adjustment, concerning this request for a variance to the City's Zoning Ordinance, was not approved by a minimum of at least four (4) members of the Board, in full compliance with the Local Government Code, Section 211.009(c)(3).
5. As required by the Local Government Code, Section 211.008(f), minutes of this proceeding shall be kept on file in the Board's office, and are public records.

NOW THEREFORE, the above request for a variance was heard and denied on March 9, 2016 by the Bastrop Zoning Board of Adjustment.

By: Presiding Officer

STATE OF TEXAS

§

COUNTY OF BASTROP

§

**CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP ZONING REQUIREMENTS**

I, Ann Franklin, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop Zoning Board of Adjustment Denying Variance" is a true and correct copy of the original document in the Board of Adjustment Office, and I further certify that such document accurately reflects the action denying a variance taken by the Board on _____, 20____.

Ann Franklin
City Secretary
City of Bastrop

Subscribed and sworn to before me on this the _____ day of _____, 20____ to
certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires: _____, 20____