

City of Bastrop



Agenda Information Sheet:

Zoning Board of Adjustment Meeting Date:
BOAV16:07

September 7, 2016
Agenda Item #8

Public Notice Description:

Consideration and possible action on a Variance to Zoning Ordinance, Section 32.3 E, Planned Development requirements to allow a planned development to be less the three (3) acre minimum for Farm Lot 8 West of Main Street being +/- 1.666 acres and Farm Lot 8 West of Main Street being +/- 0.921 acres totaling +/-2.58 acres located between Main and Wilson Street in the city limits of Bastrop, Texas.

Owner: Rachael Howell, Shelley, Aaron and Darshan
Applicant: Kari Blachly
Location: 2304 Main Street (two pieces of property with frontage on Main Street and Wilson Street)
Utilities: City water, sewer, and electric
Zoning: SF-7, Single-Family Residential-7
Land Use Plan: Single Family Residential

Existing +/- 2.58 acres, lot location map



Background:

The property is shown on the Bastrop County Appraisal District (BCAD) as being approximately 2.58 acres, and the owners have recently surveyed the two parcels to be about 2.754 acres. Either way, the two parcels together are less than the required 3 acres needed to submit a Planned Development, PD application.

Section 32.3- Planned Development Requirements:

E. The minimum acreage for a planned development request shall be three (3) acres.

The owner is asking for variance to the size requirement only, being less than 3 acres. The purpose of at PD- Planned Development District is as follows:

32.1 - GENERAL PURPOSE AND DESCRIPTION:

As new development occurs in the City of Bastrop, it is the intent of the City Council to foster neighborhoods and the commercial enterprises serving these neighborhoods with the accessibility to public space, diversity and richness of building styles, lot sizes, and uses found in the older areas of the City (i.e., principally that area bounded by the Colorado River on the west, Highway 71 on the south and Highway 95 on the east).

To that end, this ordinance provides for Planned Development Districts which encourage innovation in design and combinations of the land use units and uses described in this ordinance. This flexibility can provide a developer of such a Planned Development District the potential for a more efficient development through clustered higher densities, a more interesting and attractive development, if in turn it also provides for more public lands for parks, trails, squares, educational purposes, and other public uses.

The developer of a Planned Development District can maximize use of the land through higher lot coverages and densities, variable setback provisions, and by mixing uses to accommodate different lot sizes.

On the other hand, the potential residents and users of the district - including the broader community of Bastrop - will have available to them greater choice in meeting their housing, shopping and recreational needs. Such a district could also be viewed as one more nearly akin to historic Bastrop than would a typical suburban neighborhood.

The City Council of the City of Bastrop, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission may authorize the creation of a Planned Development District.

The Planned Development (PD) District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, retail, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD District may be used to permit new or innovative concepts in land

utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

Request:

Variance to Zoning Ordinance, as requested by Kari Blachly for the Owners, of 2304 Main Street located between Main and Wilson Street. The Applicant is requesting a variance to allow the properties to be able to apply for and submit a Planned Development, PD application.

This variance does NOT approve the PD application, but only allows the owners to be able to submit an application. PD is a change in zoning, and must go through the appropriate zoning process which requires details, notification, and public hearings. It also requires recommendation from the Planning and Zoning Commission and action from City Council. This property will also have to be platted in the future prior to development.

The owners feel they have a “unique” product type that they would like to submit under a PD, application. They feel a PD, gives them an opportunity to use an innovative housing type, “cottage home” but also gives assurances to not misuse the property. If a PD is approved the owner would be limited to the allowances of the PD application/approval.

The Owners have spoken to staff and briefly to the Planning and Zoning Commission on January 28, 2016 and to the Form Based Code (FBC) North Area Task Force at their February 4, 2016 meeting. These were workshop items/informal discussions but Planning and Zoning Commission felt that the FBC Task Force should review and work through their proposal. The FBC Task Force at their meeting felt that they were open to new housing types but that the community should be part of the process and decide what type of development would be on the 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 currently does not meet “legal lot” status and the owners know that they will have to plat the property, and feel the PD application gives them the best opportunity to showcase their “cottage home” community. They do not feel the normal zoning districts allow them the opportunity to apply and build their unique housing type/community.

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

The owners feel that the PD process allows them the opportunity to showcase their "cottage home" community and are willing to go through the PD process for consideration and possible recommendation and approval from Planning and Zoning Commission and City Council.

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 variance if approved does NOT grant the PD. The PD must be submitted, reviewed by staff and heard by both the Planning and Zoning Commission and City Council. This only allows the application to be submitted.

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 variance if approved does not affect the other property in surrounding area. This only allows the PD application to be submitted, and PD's are individual to each project/property.

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 properties are somewhat irregular in shape and the owners hope to use a "cottage home" development on the combined two parcels. They are about a quarter of an acre shy of meeting the three (3) acre requirement.

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: Thirty-five (35) adjacent property owner notifications were mailed 7/20/2016, however the August BOA meeting was canceled. Surrounding property owners were re-notified again on 8/16/2016. Responses from both notifications are included. As of this date, two (2) comments have been received, both of which have no objection to the variance request; no responses have been received in favor or opposed to the request.

Basis of Support:

Staff recommends approval of the variance to Section 32.3 E, Planned Development requirements to allow a planned development to be less the three (3) acre minimum for Farm Lot 8 West of Main Street being +/- 1.666 acres and Farm Lot 8 West of Main Street being +/- 0.921 acres totaling +/-2.58 acres located between Main and Wilson Street in the city limits of Bastrop, Texas. Staff recommends the following conditions:

1. PD application must be submitted within one (1) year.
2. Variance only applies to one (1) application submittal.

Recommended Action:

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, plot survey, location map, surrounding property owner responses and findings of fact



2304 Main Street Property Location Map



Kari Jo Blachly
Entitlement Consulting Services
P.O. Box 511
Smithville, Texas 78957

May 2, 2016

City of Bastrop
Board of Adjustment
1311 Chestnut Street
Bastrop, TX 78602

RE: Variance Request for 2304 Main Street.

Dear City of Bastrop Board of Adjustment Members,

Please allow this letter to serve as my formal request for a variance on behalf of Rachael C. Howell, owner of the two parcels that comprise the property addressed at 2304 Main Street, Bastrop, Texas 78602.

Ms. Howell is seeking a variance to zoning ordinance Section 32.3(e) requiring Planned Development District to be a minimum of 3 acres.

Below you will find the findings for this request:

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.

The reasonable use of the land is as proposed by the owners would be deprived based upon the unavailability of a zoning district and use that would be applicable to the proposed new development of a cottage home community. The two tracts purchased for the proposed community is located at 2304 Main Street and is currently zoned SF-7. The 2.75-acre property was conveyed to the current owners by meets and bounds. A Planned Development District would allow such development as described in the City of Bastrop Code of Ordinances under Chapter 14, Exhibit A, III, Section 32.1 states "A PD District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure

against misuse of increased flexibility.” The Code of Ordinances under Chapter 14, Exhibit A, III, Section 32(E.) also states, “The minimum acreage for a planned development request shall be three (3) acres.” which initiated this variance request to enable the property owners to request a PD Rezoning.

The proposed cottage home community consist of four (4) principle structures not to exceed 1000 square feet and four (4) accessory structures not to exceed 500 square feet along with a proposed shared deck space adjacent to the garden & farm area. The subject property is located in an existing, established residential use area.

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

The property owners purchased the land with the intent of building the community together and living in the individual cottages. These will be owner occupied cottages. The .25 acre deficit prohibits the process of requesting a Planned Development District which would be requested specifically for the proposed cottage home community.

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.

Granting the variance requested would not be detrimental to the public health safety or welfare or injurious to the other property in the area due to the fact that this is a proposed residential use with very low density proposed and is located in an established residential district. The cottage home community proposed would be in harmony with the general purpose and intent of the Planned Development District Regulations due to its unique and innovative proposed use of land. The Planned Development District request would be proposed to meet the specific requirements of the cottage home community.

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 Planned Development District would be requested as a residential use and it would provide the orderly use of the other land in the area, which are residential uses.

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.

The subject property was conveyed in meets and bounds and the new development of the cottage home community is unique in its concept and unprecedented in the City of Bastrop. The property is .25 acres or 10, 890 square feet less than the minimum 3 acre parcel requirement for requesting a planned development district that is adjacent to fully developed residential platted lots. The planned development district that shall be requested from City Council is a unique and growing residential use that are not shared generally by other parcels in the neighborhood or district which are single family uses.

Thank you for your consideration and possible action on this variance request. Please feel free to contact me directly at (512) 289-0010 or via email at


kariblachly@gmail.com.

Respectfully submitted,



Kari Blachly

Authorized Agent for Rachael C. Howell



VERSION 1.2
JANUARY 25, 2016

MACRO
FRIENDS
.....
MICRO
HOMES

A COTTAGE HOUSING COMMUNITY
PLAN

BASTROP, TEXAS

PRESENTED BY: R. HOWELL, S. WARD, D. JANI, A. SEGO,
281.793.4433

A SITE BUILT COTTAGE COMMUNITY PLAN

DEVELOP A HOUSING PLAN

MISSION AND GOALS

We are longtime friends wanting to live in the beautiful City of Bastrop. We want to live simpler lives, reduce our footprint, and live sustainably in Bastrop. There is a growing trend towards smaller housing and many micro-communities are popping up all over Texas. The style of housing we are proposing is in keeping with the existing architecture that can be found throughout Bastrop. We are requesting the Planning & Zoning Commission to consider a Planned Development to allow zoning regulations that would accommodate our proposed development that is not available currently in the adopted Zoning Code.

BACKGROUND

From New York to Austin and from Paris to Seattle, micro houses of all styles—and sizes, generally 300 - 500 square feet and under, are where some are now calling home.

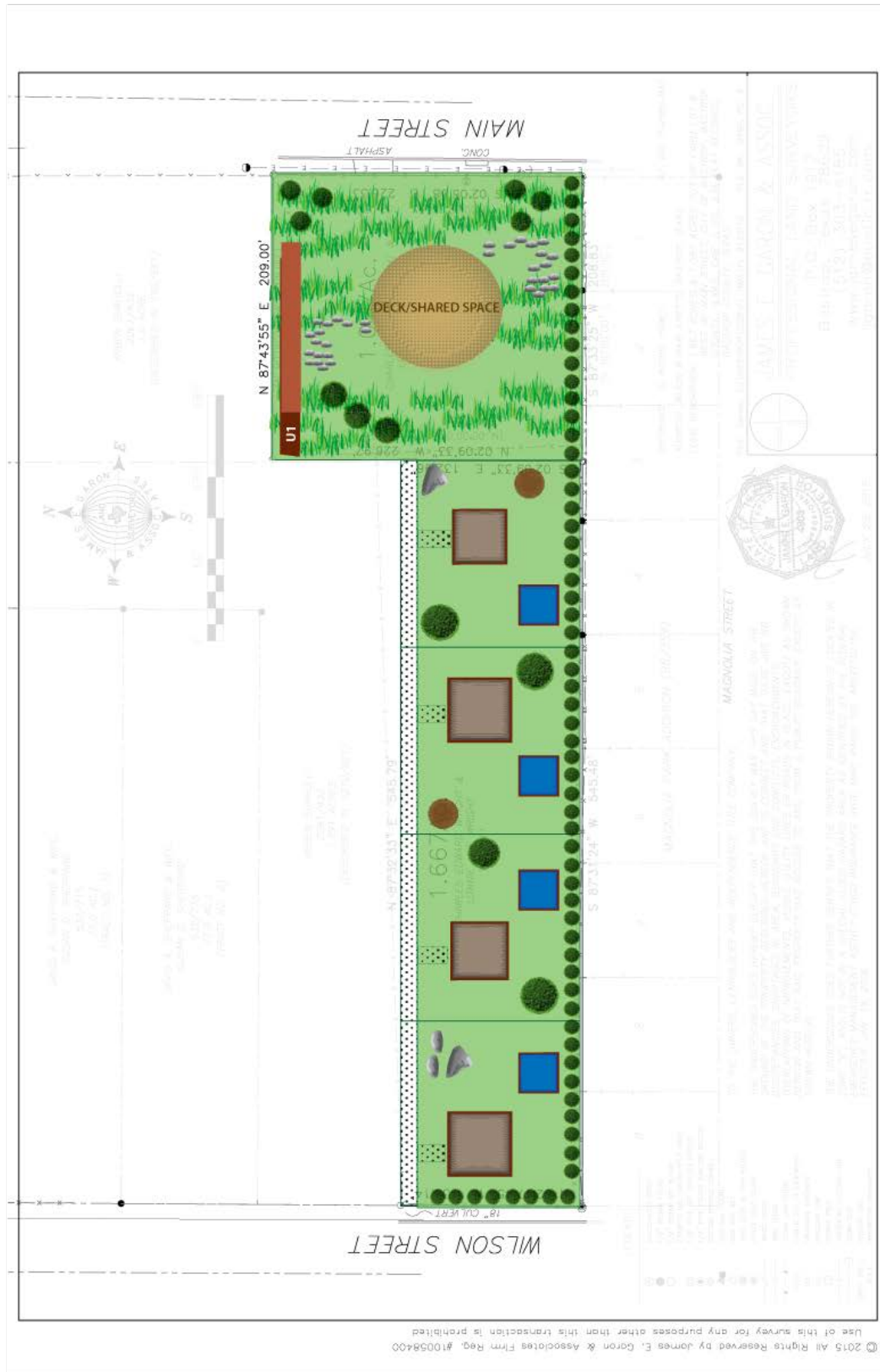
Our proposed community would be site built cottages that are between 500 -1000 square feet each.

CURRENT SMALL SPACE MARKET TREND LINKS

	Media and Press
1	http://www.today.com/home/tiny-house-market-proving-bigger-homes-arent-always-better-t1386
2	http://www.today.com/video/lifelong-friends-build-bestie-row-to-live-near-each-other-443147843859
3	http://thekojonnamdishow.org/shows/2014-08-18/living-small-micro-housing-grows
4	http://www.seattletimes.com/pacific-nw-magazine/seattles-micro-housing-boom-offers-an-affordable-alternative/
5	http://www.bizjournals.com/seattle/news/2014/10/07/not-just-mico-housing-the-average-seattle.html

If the Planning & Zoning Commission supports our proposal, then we would move forward with filing our planned development along with a Board of Adjustment Variance requesting to seek a reduction of the minimum land size area from 3 acres to 2.75 acres to accommodate the Planned Development, and proceed with the Zoning and Platting process.

PROPOSED SITE PLAN – NOT TO SCALE



Site plan consists of up to a total of 8 site built cottages - 4 principal cottages (approximately 500 - 1000 sq. ft.) and 4 accessory cottages (approximately 500 sq. ft.). The DECK/SHARED SPACE would be an open screened deck. The proposed site plan will be built with the 4 principal cottages with the option to build the accessory cottages if the individual cottage owners chose to do so. The deck/shared space and surrounding property will be shared among the individual cottage owners.

NOTES:

Principal Structures =



Accessory Structures =



Utility Structure = **U1**

All access will be taken from Wilson Street and water & wastewater utilities are available on Main Street.

Land area 119,790 total sf

Maximum Possible Density

2 principal cottages @ 1,000 sf = 2,000 sf

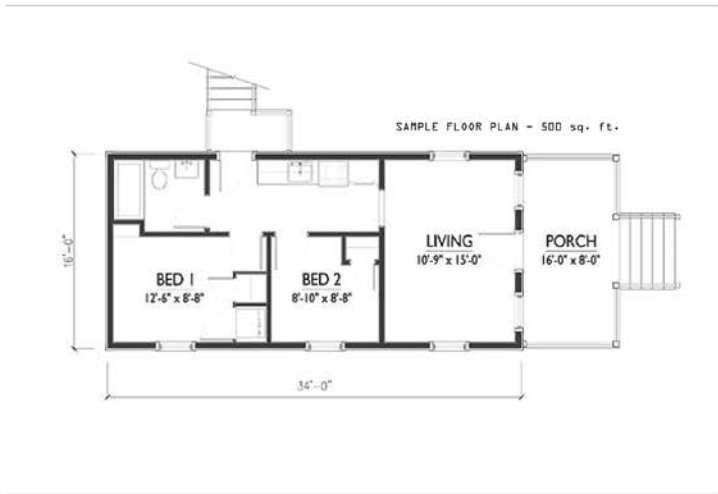
2 principal cottages @ 800 sf = 1,600 sf

4 accessory cottages @ 500 sf = 2,000 sf

Utility Structure @100 sf

Total density = 5,700 sf

SAMPLE SITE BUILT COTTAGES

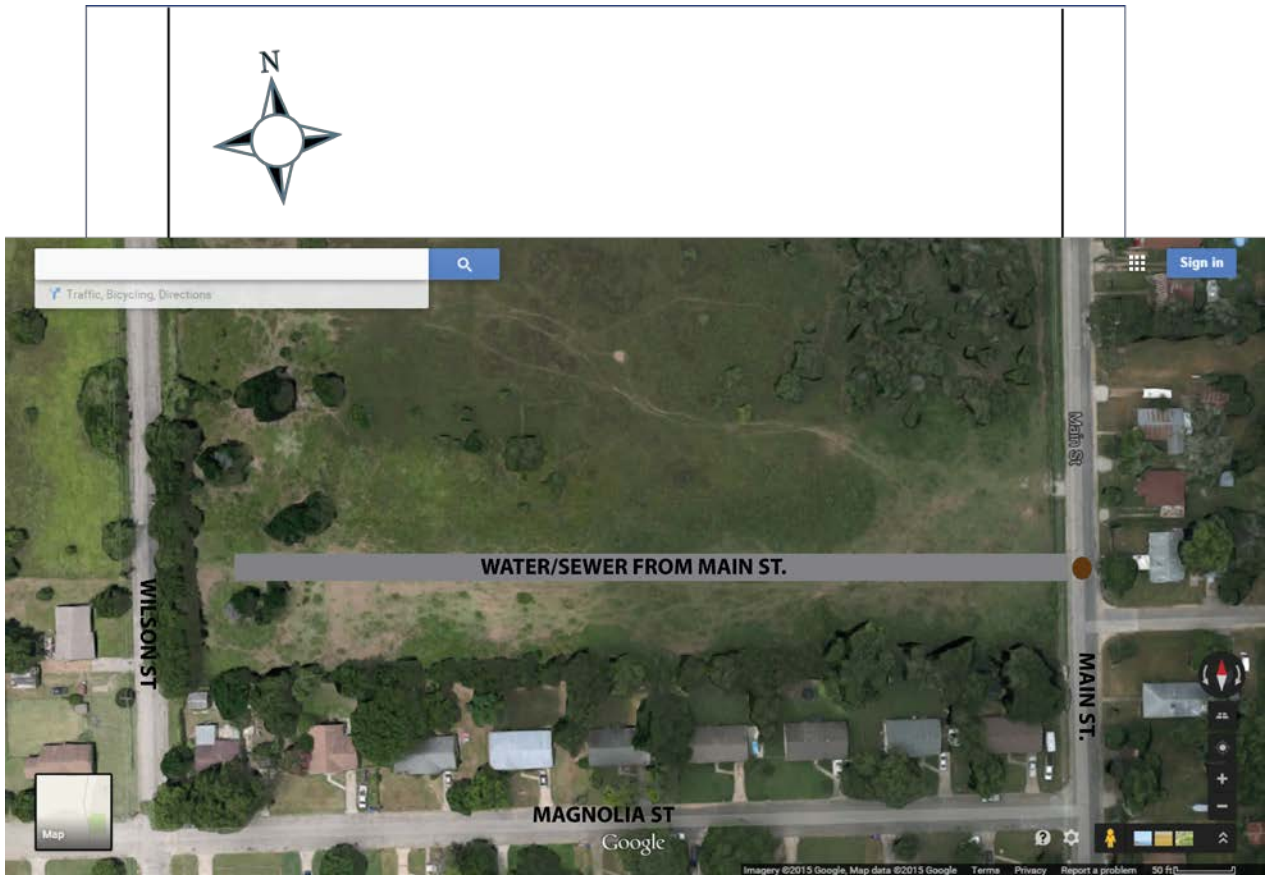


SAMPLE FLOOR PLAN - 500 sq. ft.



SAMPLE FLOOR PLAN - 1,000 sq. ft.

NEARBY UTILITIES OFF MAIN STREET



SAMPLES OF EXISTING COTTAGE HOMES IN BASTROP



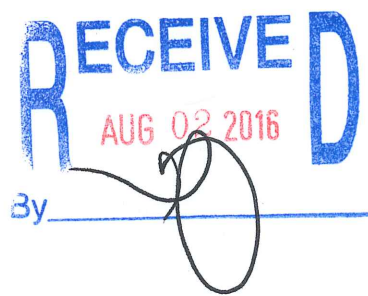
As a property owner within 200':
(Please check ✓ one)

- I am in favor of the request.
- I am opposed to the request.
- I have no objection to the request.

Property Owner Name: Bonnie R. Woehl Phone (optional): _____
 Property Address: 414 Magnolia Email (optional): _____
 Mailing Address: P.O. Box 998
Bonnie R. Woehl

Property Owner's Signature: Bonnie R. Woehl
 Comments: (Optional)

Please reply to: Planning and Development Department
 City of Bastrop
 P.O. Box 427
 Bastrop, Texas 78602 or via fax (512) 332-8829



Re: Variance Planned Development 3.00 acre minimum - mailed 7/20/2016

PROPERTY OWNER'S RESPONSE

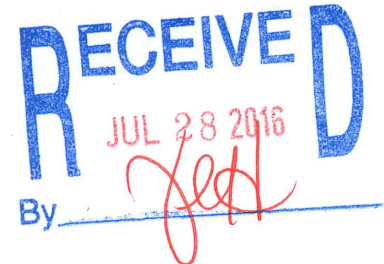
As a property owner within 200':
(Please check ✓ one)

- I am in favor of the request.
- I am opposed to the request.
- I have no objection to the request.

Property Owner Name: LINGOLD Phone (optional): 903 742 1912
 Property Address: 2204 Water, 2207 Main Email (optional): Mr.B.LingoldLaw@
 Mailing Address: ↑ Gmail.com

Property Owner's Signature: M: B
 Comments: (Optional) Looks Good!

Please reply to: Planning and Development Department
 City of Bastrop
 P.O. Box 427
 Bastrop, Texas 78602 or via fax (512) 332-8829



Re: Variance Planned Development 3.00 acre minimum - mailed 7/20/2016

**ACTION OF THE CITY OF BASTROP
ZONING BOARD OF ADJUSTMENT**

GRANTING VARIANCE

WHEREAS, Rachael Howell (“Owner”) of Bastrop, Texas, of the property legally described as being Farm Lot 8 West of Main Street being +/- 1.666 acres and Farm Lot 8 West of Main Street being +/- 0.921 acres totaling approximately 2.58 acres located between Main and Wilson Street. The subject property is in the City of Bastrop, Bastrop County, Texas (“Property”); and

WHEREAS, said Property is located in an area zoned under the City’s Zoning Ordinance as Single-Family Residential-7, SF-7; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Zoning Ordinance, to apply for a Planned Development, PD, in accordance with Section 32 of the Zoning Code to apply for the PD being under the required three (3) acres needing a variance from Section 32.3 E; and

WHEREAS, Applicant desires a variance be granted to authorize the submittal of a planned development to be less the three (3) acre minimum in Planned Development requirements

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 September 7, 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 Farm Lot 8 West of Main Street being +/- 1.666 acres and Farm Lot 8 West of Main Street being +/- 0.921 acres totaling approximately 2.58 acres located between Main and Wilson Street within the city limits of Bastrop, 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 currently does not meet "legal lot" status and the owners know that they will have to plat the property, and feel the PD application gives them the best opportunity to showcase their "cottage home" community. They do not feel the normal zoning districts allow them the opportunity to apply and build their unique housing type/community.</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 owners feel that the PD process allows them the opportunity to showcase their "cottage home" community and are willing to go through the PD process for consideration and possible recommendation and approval from Planning and Zoning Commission and City Council.</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 variance if approved does NOT grant the PD. The PD must be submitted, reviewed by staff and heard by both the Planning and Zoning Commission and City Council. This only allows the application to be submitted.</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 variance if approved does not affect the other property in surrounding area. This only allows the PD application to be submitted, and PD's are individual to each project/property.</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 properties are somewhat irregular in shape and the owners hope to use a "cottage home" development on the combined two parcels. They are about a quarter of an acre shy of meeting the three (3) acre requirement.</i></p>
X	<p>6. The conditions or circumstances relied on for the variance were NOT created by a person having an interest in the property.</p>
X	<p>7. Financial hardship to the applicant, standing alone, has NOT 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) PD application must be submitted within one (1) year.

(b) Variance only applies to one (1) application submittal.

(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. Bob Rogers _____

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 September 7, 2016 by the Bastrop Zoning Board of Adjustment.

By: Presiding Officer

STATE OF TEXAS

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COUNTY OF BASTROP

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

I, Launa Eckert, in the Planning and Development Department 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 Planning and Development Department, and I further certify that such document accurately reflects the action granting a variance taken by the Board on September 7, 2016.

Launa Eckert
Planning Technician
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**

DENY VARIANCE

WHEREAS, Rachael Howell (“Owner”) of Bastrop, Texas, of the property legally described as being Farm Lot 8 West of Main Street being +/- 1.666 acres and Farm Lot 8 West of Main Street being +/- 0.921 acres totaling approximately 2.58 acres located between Main and Wilson Street. The subject property is in the City of Bastrop, Bastrop County, Texas (“Property”); and

WHEREAS, said Property is located in an area zoned under the City’s Zoning Ordinance as Single-Family Residential-7, SF-7; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Zoning Ordinance, to apply for a Planned Development, PD, in accordance with Section 32 of the Zoning Code to apply for the PD being under the required three (3) acres needing a variance from Section 32.3 E; and

WHEREAS, Applicant desires a variance be granted to authorize the submittal of a planned development to be less the three (3) acre minimum in Planned Development Requirements

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 September 7, 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 Farm Lot 8 West of Main Street being +/- 1.666 acres and Farm Lot 8 West of Main Street being +/- 0.921 acres totaling approximately 2.58 acres located between Main and Wilson Street within the city limits of Bastrop, 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 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. Bob Rogers _____
- 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 denied on September 7, 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, Launa Eckert, in the Planning and Development Department 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 Planning and Development Department, and I further certify that such document accurately reflects the action granting a variance taken by the Board on September 7, 2016.

Launa Eckert
Planning Technician
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__