

# City of Bastrop



## Agenda Information Sheet:

**Zoning Board of Adjustment Meeting Date:**  
**BOAV16:08**

**September 7, 2016**  
**Agenda Item #9**

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### Public Notice Description:

Consideration and possible action on a Variance to the Zoning Ordinance, SF-20 Single Family Residential requirements, Section 14.4P E. to allow a minimum dwelling unit of 850 square feet where 1200 square feet is required for 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1, Replat of Block A, Lot 3B, being +/- 1.1580 acres within the city limits of Bastrop, Texas.

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**Owner/ Applicant:** Edward and Kathy Dickens  
**Location:** 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1  
**Utilities:** City water and BP&L electric  
**Zoning:** SF-20, Single-Family Residential-20  
**Land Use Plan:** Single Family Residential

**Existing +/-1.1580 acres lot location map**



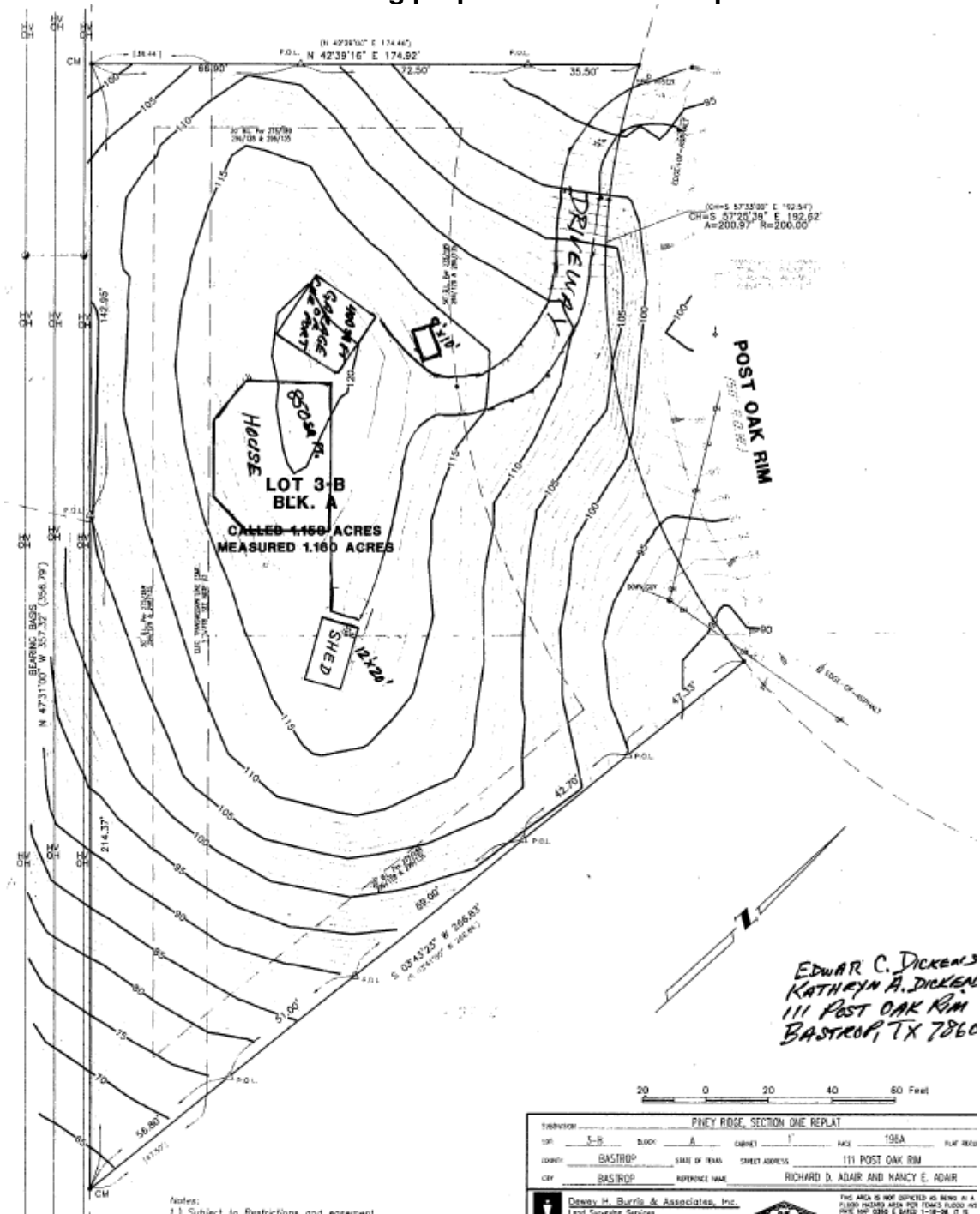
### Background:

This property is currently vacant and the owner would like to place a new single family home on the property.

This property was zoned SF-1, Rural Single Family Residential, as part of the zoning map adopted May 1, 1991. Current Zoning is SF-20, Single-Family Residential-20 District.

Section 14.4 E Minimum Dwelling Unit Area: One thousand eight hundred (1,800) square feet. Lots of record that had a SF-1 zoning designation on the effective date of this ordinance will be allowed to have a minimum dwelling unit size of twelve hundred (1,200) square feet.

**Site/Plot Plan showing proposed home and improvements**



**Request:**

Variance to Zoning Ordinance, as requested by Edward and Kathy Dickens, for 111 Post Oak Rim, within the Piney Ridge Subdivision. The Applicant is requesting a variance to reduce the minimum square footage requirement for the dwelling unit from the required 1,200 sq. ft. to only 850 sq. ft. This would allow his house to be 350 sq. ft. smaller than the minimum requirement.

The owners will have several other structures on the property, including a carport/garage and storage and garden sheds. Total structures on the property, including the house will be approximately 1,580 sq. ft.

Topography of the site and existing trees make a “standard” septic system difficult. The owner will be working with the City to have a compliant waste water system to meet standards.

The property is unique in that it has a 50’ (foot) LCRA transmission line easement at the rear of the property and severe topography. There is 55’ (feet) elevation difference from the lowest point to the highest point on the property.

No other variances are requested.

**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 owner is working within the unique topographical characteristics of the property and within the “buildable” area of the lot to build a home that meets the extenuating setback requirements placed on the lot.*

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

*The owner is requesting that the requirement to meet “dwelling” size by adding a “second story” is not warranted/needed as there are only two individuals that will be residing within the premises and do not need the additional square footage. They are also looking to have a smaller footprint to preserve existing trees on the 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.

*A smaller home will work with the unique topography of the site, and preserve existing trees, and have less impervious cover. Also, the owner will make sure that this property is compliant with the appropriate waste water collection system.*

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.

*A smaller home will not affect adjacent property owners and will work with the unique topography of the site.*

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 existing topography and transmission lines make the "buildable" area of the lot limited.*

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:** 8 adjacent property owner notifications were mailed 8/15/2016. As of this date four (4) comments have been received in favor of the request.

**Basis of Support:**

Staff recommends approval of the variance to Section 14.4 E. to allow a minimum dwelling unit of 850 square feet where 1200 square feet is required for 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1, Replat of Block A, Lot 3B, being +/- 1.1580 acres within the city limits of Bastrop, Texas

**Recommended Action:**

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

**City Contact:**

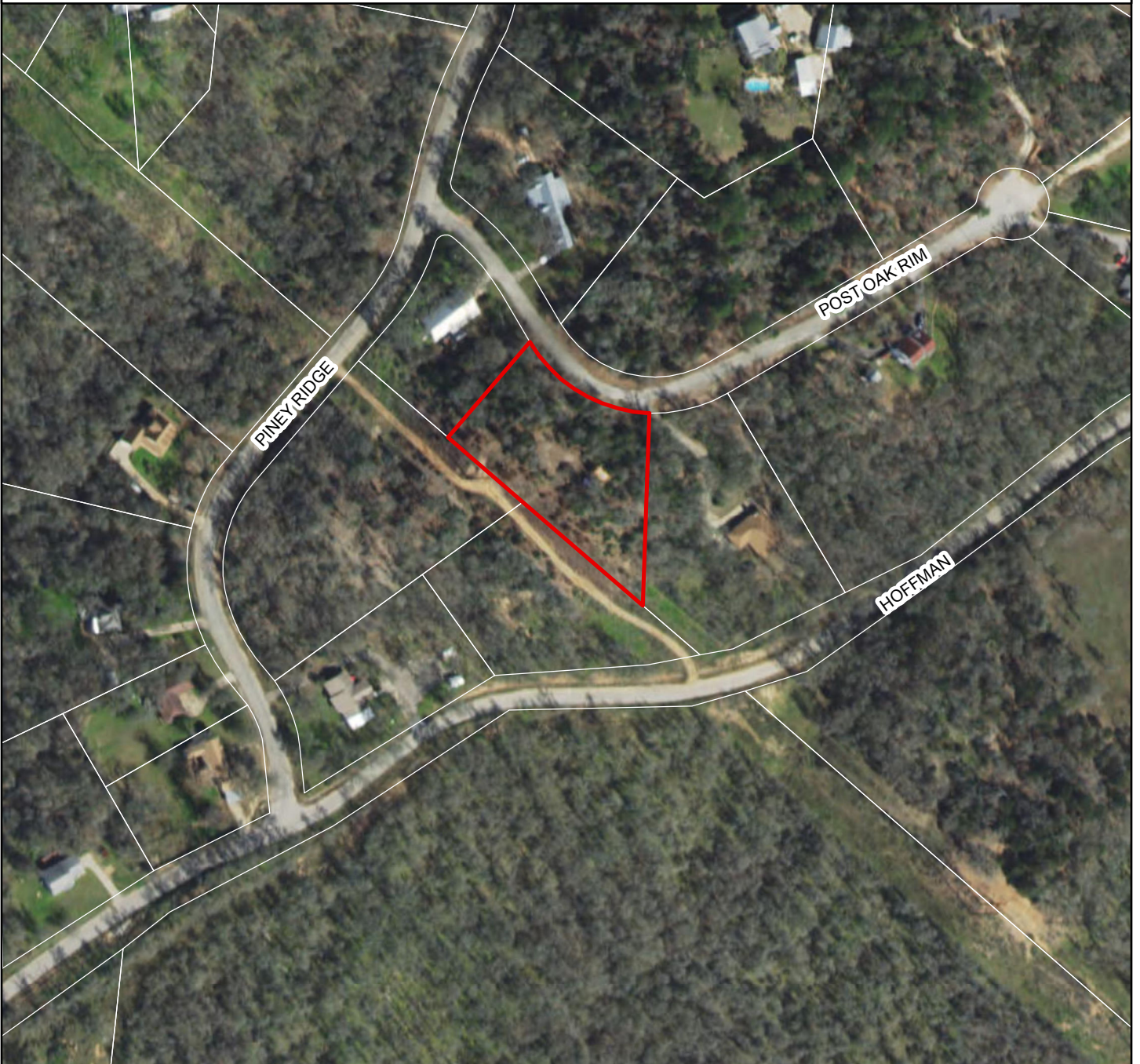
Melissa M. McCollum, AICP, LEED AP, Director Planning and Development Department

**Attachments:**

Letter from property owner, site plan, location map, responses, and findings of fact



# Property Location Map for 111 Post Oak Rim

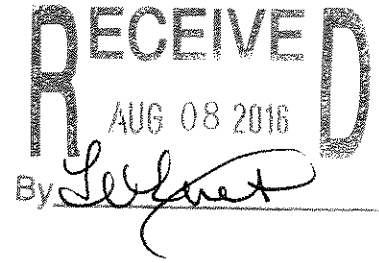


## Legend

 111 Post Oak Rim

August 4, 2016

Board of Adjustment



Re: Ordinance Variance Request for 111 Post Oak Rim, Bastrop, TX 78602

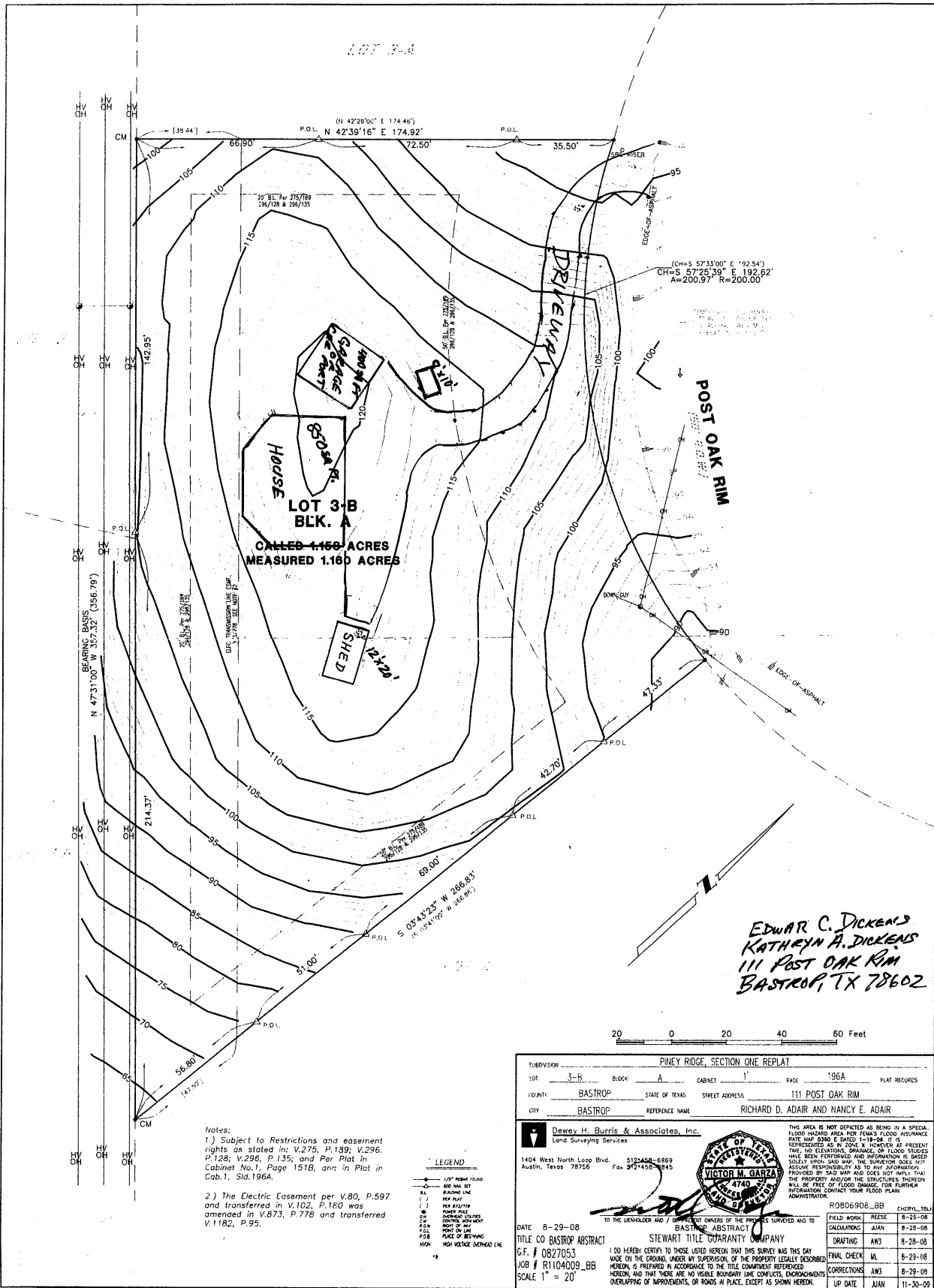
We would like to request a variance to ordinance Section 14.4 E to allow a residential structure to be 850 sq. ft. rather than 1200 sq. ft. for the following reasons:

- The terrain of the 1.15 acres is a hill, of which only a small area the top of the property is buildable as shown on the attached site/plot plan and elevation plan.
- Set back on Post Oak Rim street side of property is 50' and 25' on the east & west sides of the property. On the south side of the property there is a 50' LCRA powerline easement.
- We are planning to build an 850 sq. ft. single story home:
  - To best fit the small buildable area
  - Edward is a disabled veteran and a two story home would not be practical
  - Retain natural beauty of the property and landscape
- Current improvements as shown on the site/plot plan are:
  - 12 x 20 storage shed
  - 8 x 10 garden shed
  - Partial cement driveway has been laid up to the set back line at the top of the hill
- Besides the home structure, we plan to build a 20 x 20 carport or garage
- We are planning for the following utility accommodations:
  - Electric will be supplied by BP&L until an off grid solar system has been completed.
  - We have made contact with Trey Job, Director of Public Works and are working together to create a compliant waste water solution for our property. Our goal is to have our waste removal by incineration or composting.
  - We have had a septic system contractor on the property and have been advised that with all the trees and the lay of the land that a standard septic system will not be a workable solution.
- Lastly, please find the following exhibits to our request:
  - Site/Plot plan
  - Topographical diagram showing closest neighbors and power lines
  - Elevation map
  - Property deed/release of lien
  - Bastrop County Tax office – taxes paid receipt
  - Adjacent owners address labels

We appreciate your careful consideration of our request for variance.

Respectfully,

Two handwritten signatures in black ink. The first signature is for Edward Dickens and the second is for Kathy Dickens.  
Edward & Kathy Dickens



Site / Plot Plan

8/4/16

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: DAVID & CINDY BRIGG  
 Property Address: 106 POST OAK RIM 78602 Phone (optional): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Email (optional): \_\_\_\_\_

Property Owner's Signature: David & Cindy Brigg

Comments: (Optional)  
We own the property directly across Post Oak Rim from Ed's property. We strongly support the request.

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 to square footage Post Oak Rim- mailed 8/15/2016

RECEIVED  
 AUG 22 2016  
 By [Signature]



**NOTICE OF PUBLIC HEARING  
BASTROP ZONING BOARD OF ADJUSTMENT**

Dear Property Owner:

The Bastrop Zoning Board of Adjustment will conduct a public hearing in the City Council Chambers, 1311 Chestnut Street, Bastrop, Texas on Wednesday, September 7, 2016 at 6:00 p.m. to consider the following request:

Variance to the Zoning Ordinance, SF-20 Single Family Residential requirements, Section 14.4 E. to allow a minimum dwelling unit of 850 square feet where 1200 square feet is required.

The Applicant is: Edward and Kathy Dickens

Property Location: 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1

Legal Description: Replat of Block A, Lot 3B, being +/- 1.1580 acres

**PROPOSED LETTER, SITE PLAN AND LOCATION MAP FROM THE APPLICANT INCLUDED  
WITH NOTICE**

As a property owner within 200' of the above referenced property, you are being notified of the public hearing and invited to attend to express your opinion at the meeting or in writing by completing the form below. Written comments, either in support or opposition to this request, must be submitted to the Planning Department prior to the September 7, 2016 meeting at 1311 Chestnut Street, P.O. Box 427, Bastrop, Texas 78602, Fax (512) 332-8829 or call the Planning Department at (512) 332-8840.

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✕ **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: Loucelva C. Davis  
Property Address: 131 Piney Ridge Phone (optional): 210-3137057  
Mailing Address: Bastrop Tx Email (optional): Davisloucelva@gmail.com

Property Owner's Signature: Loucelva C. Davis

Comments: (Optional)

the owners Edward and I have talked about runoff water and his choices of septic

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 to square footage Post Oak Rim- mailed 8/15/2016

**RECEIVED**  
AUG 31 2016

By \_\_\_\_\_

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The Applicant is: Edward and Kathy Dickens

Property Location: 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1

Legal Description: Replat of Block A, Lot 3B, being +/- 1.1580 acres

**PROPOSED LETTER, SITE PLAN AND LOCATION MAP FROM THE APPLICANT INCLUDED  
WITH NOTICE**

As a property owner within 200' of the above referenced property, you are being notified of the public hearing and invited to attend to express your opinion at the meeting or in writing by completing the form below. Written comments, either in support or opposition to this request, must be submitted to the Planning Department prior to the September 7, 2016 meeting at 1311 Chestnut Street, P.O. Box 427, Bastrop, Texas 78602, Fax (512) 332-8829 or call the Planning Department at (512) 332-8840.

-----  
✂ **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: RC Hollmann Phone (optional): \_\_\_\_\_  
Property Address: 117 Post Oak Rim Email (optional): \_\_\_\_\_  
Mailing Address: 117 Post Oak Rim  
BASTROP, TX 78602

Property Owner's Signature: Barbara Hollmann  
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 to square footage Post Oak Rim- mailed 8/15/2016

**RECEIVED**  
AUG 21 2016  
By \_\_\_\_\_  
**10 of 19**

**NOTICE OF PUBLIC HEARING  
BASTROP ZONING BOARD OF ADJUSTMENT**

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Variance to the Zoning Ordinance, SF-20 Single Family Residential requirements, Section 14.4 E. to allow a minimum dwelling unit of 850 square feet where 1200 square feet is required.

The Applicant is: Edward and Kathy Dickens

Property Location: 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1

Legal Description: Replat of Block A, Lot 3B, being +/- 1.1580 acres

**PROPOSED LETTER, SITE PLAN AND LOCATION MAP FROM THE APPLICANT INCLUDED  
WITH NOTICE**

As a property owner within 200' of the above referenced property, you are being notified of the public hearing and invited to attend to express your opinion at the meeting or in writing by completing the form below. Written comments, either in support or opposition to this request, must be submitted to the Planning Department prior to the September 7, 2016 meeting at 1311 Chestnut Street, P.O. Box 427, Bastrop, Texas 78602, Fax (512) 332-8829 or call the Planning Department at (512) 332-8840.

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X **PROPERTY OWNER'S RESPONSE** X

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: GREG WARDNER

Property Address: 133 POST OAK RIM

Mailing Address: BASTROP, TX 78602

P.O. BOX 225

Phone (optional): 512-562-6048

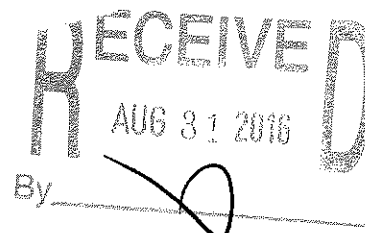
Email (optional): \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_

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 to square footage Post Oak Rim- mailed 8/15/2016



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

**GRANTING VARIANCE**

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WHEREAS, Edward and Kathy Dickens (“Applicants”) of Bastrop, Texas, the owner of the property legally described as being approximately 1.1580 acres, 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1, Replat of Block A, Lot 3B. 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-20, SF-2; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Zoning Ordinance, for the Property within the SF-20, Single Family Residential-20 Zoning District, in accordance with Section 14.4 E; and

WHEREAS, Applicant desires a variance be granted to authorize the building of a dwelling unit of 850 square feet where a 1200 square foot minimum for a dwelling is zoned

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 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1, Replat of Block A, Lot 3B, being +/- 1.1580 acres within the city limits of Bastrop, Texas (“Property”):

<b>CRITERIA for Findings</b>	
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 owner is working within the unique topographical characteristics of the property and within the “buildable” area of the lot to build a home that meets the extenuating setback requirements placed on the lot.</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 owner is requesting that the requirement to meet “dwelling” size by adding a “second story” is not warranted/needed as there are only two individuals that will be residing within the premises and do not need the additional square footage. They are also looking to have a smaller footprint to preserve existing trees on the 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>A smaller home will work with the unique topography of the site, and preserve existing trees, and have less impervious cover. Also, the owner will make sure that this property is compliant with the appropriate waste water collection system.</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>A smaller home will not affect adjacent property owners and will work with the unique topography of the site.</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 existing topography and transmission lines make the “buildable” area of the lot limited.</i></p>
X	<p>6. The conditions or circumstances relied on for the variance were <b>NOT</b> created by a person having an interest in the property.</p>
X	<p>7. Financial hardship to the applicant, standing alone, has <b>NOT</b> been claimed.</p>

2. Therefore, the request to grant the variance to allow a minimum dwelling unit of 850 square feet where 1200 square feet is required, 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 granted 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 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**

**DENYING VARIANCE**

---

WHEREAS, Edward and Kathy Dickens (“Applicants”) of Bastrop, Texas, the owner of the property legally described as being approximately 1.1580 acres, 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1, Replat of Block A, Lot 3B. 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-20, SF-2; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Zoning Ordinance, for the Property within the SF-20, Single Family Residential-20 Zoning District, in accordance with Section 14.4 E; and

WHEREAS, Applicant desires a variance be granted to authorize the building of a dwelling unit of 850 square feet where a 1200 square foot minimum for a dwelling is zoned

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 111 Post Oak Rim, within the Piney Ridge Subdivision, Section 1, Replat of Block A, Lot 3B, being +/- 1.1580 acres within the city limits of Bastrop, Texas (“Property”):



<b>CRITERIA for Findings</b>	
	<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 allow a minimum dwelling unit of 850 square feet where 1200 square feet is required, as noted herein, IS HEREBY DENIED, 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

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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\_\_