



Zoning Board of Adjustment Agenda
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8840

December 6, 2017 at 6:00 P.M.

City of Bastrop Zoning Board of Adjustment meetings are available to all persons regardless of disability. If you require special assistance, please contact the Planning Department at (512) 332-8840 or write 1311 Chestnut Street, 78602, or emailing plan@cityofbastrop.org or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

2. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Council, please submit a fully completed request card to the Board Secretary prior to the beginning of the meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Commission cannot discuss issues raised or make any decision at this time. Issues may be referred to City Staff for research and possible future action.

To address the Commission concerning any item on the agenda, please submit a fully completed request card to the Board Secretary prior to the consideration of that item.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider action to approve the minutes from the November 1, 2017 meeting.
- B. Election of officers for the Zoning Board of Adjustments.

4. WORKSHOP SESSION


- A. Roles and responsibilities of the Zoning Board of Adjustments.

5. DIRECTOR OF PLANNING & DEVELOPMENT UPDATES

- A. Direction from the Zoning Board of Adjustment on any items to be included on future agendas.

6. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time December 1st and remained posted for at least two hours after said meeting was convened. 2017 3pm



Launa Eckert, Board Secretary



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1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8840

Meeting Minutes for the Zoning Board of Adjustments

November 1, 2017 at 6:00 P.M.

1. CALL TO ORDER

Dan Hays-Clark called to order at 6:04 p.m.

Dan Hays-Clark	PRESENT
Blas Coy	PRESENT
Bob Rogers	PRESENT
Scott Bryant	PRESENT
Jimmy Crouch	PRESENT

2. CITIZEN COMMENTS

No citizen comments.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider action to approve the minutes from the June 6, 2017 meeting.

Bob Rogers asked for spelling a correction to the minutes. Motion to approve minutes by Blas Coy with correction, seconded by Jimmy crouch. Motion approved 5-0.

B. Public hearing and consider action to approve a variance to the Form-based Code Section 6.7 b (i) Neighborhood Build-to Zones and Setbacks for General Frontage, to allow a 25 foot front setback, where a 75.5 foot setback is required, for 0.578 acres of Farm Lot, Block 15 east of Main Street, located at 1804 Hill Street in the city limits of Bastrop.

A motion was made by Bob Rogers to approve a variance to the Form-based Code Section 6.7 b (i) Neighborhood Build-to Zones and Setbacks for General Frontage, to allow a 25 foot front setback, where a 75.5 foot setback is required, for 0.578 acres of Farm Lot, Block 15 east of Main Street, located at 1804 Hill Street in the city limits of Bastrop.

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

a. *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.*

- **This area has a mix of existing uses that are residential and non-residential in nature. These uses, along with half of the lots on the block being vacant, leads to an excessive setback requirement when the existing setbacks are averaged.**

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

- **The established zoning for this property encourages residential uses that have an accessory office use. Additionally, the Form-based Code requires parking to be set at least 10 feet behind the front façade of the building. An excessive setback will decrease the ability to meet this intent.**

c. *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. Variance may be granted only when in harmony with the general purpose and intent of this ordinance.*

- **The applicant is requesting a 25 foot setback, which is the maximum setback allowed in the Neighborhood Zone for areas that do not have a setback defined by surrounding properties. The use of a 25-foot setback maintains a reasonable front yard.**

d. *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.*

- **Allowing a setback of 25 feet will not adversely impact the use of surrounding properties.**

<p>e. <i>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.</i></p> <ul style="list-style-type: none"> • The Form-base Code establishes a unique setback for infill lots in areas that have established buildings. This leads to conditions that are specific to individual lots that are not generally shared by other parcels.
<p>2. <i>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.</i></p> <ul style="list-style-type: none"> • This situation has been created by code requirements, not the applicant's or previous owner's actions.
<p>3. <i>Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.</i></p> <ul style="list-style-type: none"> • The nature of the Applicant's request is related to site requirements for setback and having a buildable area that meets the intent of the zoning code, not a financial hardship.
<p>4. <i>The applicant bears the burden of proof in establishing the facts justifying a variance.</i></p> <ul style="list-style-type: none"> • The Applicant has provided a letter and exhibits illustrating the existing requirement and proposed setback.

Motion seconded by Jimmy Crouch and the motion passed 5-0.

4. DIRECTOR OF PLANNING & DEVELOPMENT UPDATES

- A. Direction from the Zoning Board of Adjustment on any items to be included on future agendas.
- B. November 9TH Boards and Commissions Appreciation Banquet.
November 9, 2017 at 6:30pm
- C. Upcoming board training.
December 6 2017- executive chambers
- D. City Work Plan and Rosenberg's Rule of Order.

At 6:30 p.m. Blas Coy made a motion to adjourn and Dan Hay-Clark adjourned the meeting.

Dan Hays-Clark, Chair

DRAFT

**RECORD OF ACTION
ZONING BOARD OF ADJUSTMENT
CITY OF BASTROP, TEXAS**

WHEREAS, David McKenzie, (“Applicant”) submitted a request for a Zoning Variance the Form-based Code Section 6.7 b (i) Neighborhood Build-to Zones and Setbacks for General Frontage, to allow a 25 foot front setback, where a 75.5 foot setback is required, for 0.578 acres of Farm Lot, Block 15 East of Main Street, located at 1804 Hill Street in the city limits of Bastrop, Texas (“Property”); and

WHEREAS, the Property is located in an area zoned under the Bastrop Zoning Ordinance as Form-based Code Neighborhood Professional Office (NPO) Character Zone; and

WHEREAS, the Applicant has requested a variance in accordance with Section 9.8 of the Bastrop Zoning Ordinance; and

WHEREAS, the Applicant is requesting a 25 foot front setback; and

WHEREAS, the Form-based Code Section 6.7 b (i) requires a setback of the average of the setbacks of the surrounding structures on the same block face, which is calculated to be 75.5 feet; and

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

WHEREAS, public notice has been given and public hearing was held on November 1, 2017 before the Bastrop Zoning Board of Adjustment, with at least the statutory required 75% of members being present, and

WHEREAS, in order to grant a variance from these zoning regulations, the Zoning Board of Adjustments must make written findings.

NOW THEREFORE, THE BASTROP ZONING BOARD OF ADJUSTMENT MAKES THE FOLLOWING FINDINGS:

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| <p>1. In order to grant a variance from these zoning regulations, the Board of Adjustments must make written findings that undue hardship exists, using the following criteria:</p> |
| <p>a. <i>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.</i></p> <ul style="list-style-type: none">• This area has a mix of existing uses that are residential and non-residential in nature. These uses, along with half of the lots on the block being vacant, leads to an excessive setback requirement when the existing setbacks are averaged. |

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

- **The established zoning for this property encourages residential uses that have an accessory office use. Additionally, the Form-based Code requires parking to be set at least 10 feet behind the front façade of the building. An excessive setback will decrease the ability to meet this intent.**

c. *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. Variance may be granted only when in harmony with the general purpose and intent of this ordinance.*

- **The applicant is requesting a 25 foot setback, which is the maximum setback allowed in the Neighborhood Zone for areas that do not have a setback defined by surrounding properties. The use of a 25-foot setback maintains a reasonable front yard.**

d. *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.*

- **Allowing a setback of 25 feet will not adversely impact the use of surrounding properties.**

e. *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 Form-base Code establishes a unique setback for infill lots in areas that have established buildings. This leads to conditions that are specific to individual lots that are not generally shared by other parcels.**

2. *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.*

- **This situation has been created by code requirements, not the applicant's or previous owner's actions.**

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| <p>3. <i>Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.</i></p> <ul style="list-style-type: none"> • The nature of the Applicant’s request is related to site requirements for setback and having a buildable area that meets the intent of the zoning code, not a financial hardship. |
| <p>4. <i>The applicant bears the burden of proof in establishing the facts justifying a variance.</i></p> <ul style="list-style-type: none"> • The Applicant has provided a letter and exhibits illustrating the existing requirement and proposed setback. |

Therefore, the request to grant the variance to Form-based Code Section 6.7 b (i) to allow a 25 foot front setback, as noted herein, **IS HEREBY APPROVED** with no additional conditions, and

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

Dan Hays-Clark	Approve
Blas Coy	Approve
Bob Rogers	Approve
Scott Bryant	Approve
Jimmy Crouch	Approve

And; 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); and

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 **approved** on November 1, 2017 by the Bastrop Zoning Board of Adjustment.

By: Dam Hays-Clark
 Presiding Officer