



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

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## Meeting Minutes for the Zoning Board of Adjustments

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

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### 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"> <li>• <b>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.</b></li> </ul>
<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"> <li>• <b>This situation has been created by code requirements, not the applicant's or previous owner's actions.</b></li> </ul>
<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"> <li>• <b>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.</b></li> </ul>
<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"> <li>• <b>The Applicant has provided a letter and exhibits illustrating the existing requirement and proposed setback.</b></li> </ul>

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 9<sup>TH</sup> 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 Hays-Clark adjourned the meeting.



Dan Hays-Clark, Chair