

*****NOTICE*****

City of Bastrop
P.O. Box 427
Bastrop, Texas 78602
(512) 332-8840
www.cityofbastrop.org

BOARD OF ADJUSTMENT MEETING
Wednesday, March 9, 2016
6:00 pm
City Hall Council Chambers
1311 Chestnut Street
Bastrop, Texas 78602

(Board of Adjustment as applicable, may, at any time, recess the Regular or Workshop Session to convene in Executive Session at the request of the Chair, a Board Member, the Planning Director, or legal counsel concerning any item posted on the agenda, for any purpose authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.)

1. Call to Order: Open the regular meeting of the Board of Adjustment and welcome visitors.
2. Roll call and confirmation of a quorum of Board members.
3. Citizen comments.
(Persons may address the Board of Adjustment on any issue not otherwise listed on this Agenda. Please observe the time limit of three (3) minutes. In accordance with the State of Texas Open Meeting Act, the Board may not comment, deliberate or take action on such citizen comments/statements during this meeting, except as authorized by Section 551.042, Texas Government Code.)
4. Consideration and approval of the October 7, 2015, Board of Adjustment meeting minutes.
5. Public Hearing Case BOAV16:01: The Board of Adjustment will convene a public hearing on a variance request as follows:

Variance to Zoning Ordinance, Section 15.4.B.2.interior side setback of 10' – requesting a variance of 1.6' to allow an 8.4' interior side setback for Lot 1-468, Block 19, Tahitian Village, Unit 1 that is zoned SF9, Single Family Residential and is located at 103 Hawea Court within the city limits.

- a. Presentation by Staff.
- b. Presentation by Applicant.
- c. Receive other verbal and written testimony, including public Input, if any.
- d. Response by Applicant and/or Staff.
- e. Close public hearing.
- f. Board discussion and render decision.

6. Public Hearing Case BOAV16:02: The Board of Adjustment will convene a public hearing on variances requested as follows:

Variances to Zoning Ordinance, Section 17.4.A.1 minimum lot area of 7,000 square feet – two of the proposed three lot subdivision will have minimum lot square footage of less than 6,500 square feet; and Variance to Section 17.4.A.3 minimum lot depth of 110' – two of the proposed lots will have a lot depth of +/-106'. The property is zoned SF7, Single Family Residential and is located within Farm Lot 8, East of Main Street, known as 704 Magnolia Street being northwest of the intersection of Magnolia and Water Street within the city limits.

- a. Presentation by Staff.
- b. Presentation by Applicant.
- c. Receive other verbal and written testimony, including public Input, if any.
- d. Response by Applicant and/or Staff.
- e. Close public hearing.
- f. Board discussion and render decision.

7. Director's Report:

- a) Comprehensive Plan and Form Based Code North Area update.
- b) Direction from the Board of Adjustment on any items to be included on any future agendas.

8. Adjourn.

CERTIFICATE

I, Marie K. Murnan, certify that the above notice of meeting was posted on the bulletin board of City Hall, and on the City's website on the 14th day of March, 2016 at 11:10 AM/PM

Marie Murnan

Marie Murnan

*The City of Bastrop is committed to compliance with the Americans with Disabilities Act.
Reasonable modifications and equal access to communications will be provided upon request.
Please call 512-332-8800*

KR

Posted Confirmed

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

Copy

GRANTING VARIANCE

WHEREAS, Jose M. Morales and Miriam Salas ("Applicants") of Bastrop, Texas, the owners of the property legally described as being approximately 0.137 acres, 202 Martin Luther King Jr. Drive, within Building Block 60, East of Main 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 SF-7- Single Family Residential-7 Zoning District; and

WHEREAS, the Applicants have applied for a variance to the City of Bastrop Zoning Ordinance, for the Property within the SF-7, Single Family Residential-7 Zoning District, in accordance with Section 17.4 Area Regulations B.1. Minimum Front Yard, setback requirements to allow a front setback of ten feet (10') on Mill Street, where 25' is required; and

WHEREAS, the Applicants have applied for a variance to the City of Bastrop Zoning Ordinance, for the Property within the SF-7, Single Family Residential-7 Zoning District, in accordance with Section 17.4 Area Regulations B.4. Minimum Rear Yard, setback requirements to allow a rear setback of twelve feet (12') where 15' is required; and

WHEREAS, the Applicants have applied for a variance to the City of Bastrop Zoning Ordinance, for the Property within the SF-7, Single Family Residential-7 Zoning District, in accordance with Section 40.7 A.3 to allow the carport/ garage to have an approximately eighteen-foot (18') setback on Mill Street where 25' is required; and

WHEREAS, Applicants have filed a proper request for such variance's; and

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

WHEREAS, public notice has been given and a public hearing was held on October 5, 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 Variances of the City's Zoning Ordinance, do exist on the property legally described as being 202 Martin Luther King Jr. Drive, within Building Block 60, East of Main St., +/-0.137 acres,

approximately 6,000 square feet 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 subject property meets the City of Bastrop legal lot definition (same size and shape since April 20, 1981) and has been the same size since approximately February 25, 1956. The applicants are working within the unique size characteristics of the property and within the "buildable" area of the lot to build a home that meets the minimum dwelling unit area and is comfortable for a four-person family.</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>Following the setback requirements for this particular lot is difficult, in that a majority of the block has already been subdivided leaving this lot with the width of only 50 feet with two street front setbacks. The applicants neighboring property has encroached onto the lot under discussion, adding to the limitations of 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>Many properties in the surrounding area already do not meet the current zoning ordinance setback requirements. The existing neighboring house to the north currently encroaches into this lot, and has about a 20' front yard setback from MLK and no side yard setback. The surrounding neighborhood is unique in that many lots are irregularly shaped and utilize a variety of setbacks.</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 proposed setback variance is against Mill Street and the neighboring property. Twelve feet (12') would meet the fire separation needed from the existing structure. Also, the carport would be setback enough to clear the Mill Street right-of-way (ROW) if parked within the driveway. The property will abide by the required ten-foot (10') setback at their west property line and setback on MLK. Much of the surrounding property is currently developed with existing single family residences and individual setbacks vary greatly. This property is unique with the lot frontages on both Mill and MLK Streets.</i></p>
X	<p>5. The applicant's practical difficulties or unnecessary hardship arise from</p>