

**BOARD OF ADJUSTMENT
MEETING MINUTES OF DECEMBER 3, 2014**

The Bastrop Board of Adjustment met Wednesday, December 3, 2014 at 6:00 p.m. in the City Council Chambers, 1311 Chestnut Street, Bastrop, Texas.

1. Call to Order.

Dan Hays-Clark called the meeting to order at 6:02 p.m.

2. Roll call and confirmation of a quorum of Board members.

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| Blas Coy | - present |
| Michael Gibbons | - present |
| Dan Hays-Clark | - present |
| Clifford Wright | - absent |
| Herb Goldsmith | - present |
| Matthew Lassen (Alternate) | - present |
| Bob Rogers (Alternate) | - present |

3. Citizen comments.

There were no citizen comments.

4. Consideration and approval of the September 3, 2014 Board of Adjustment meeting minutes.

Blas Coy made a motion to approve the September 3, 2014 meeting minutes. Seconded by Clifford Wright and the motion passed unanimously.

5. Interpretation of Case BOAV12:07: The Board of Adjustment will convene a discussion to interpret and affirm the variance requests previously heard on November 7, 2012, related to property located at 1305 Wilson Street:

Consideration and possible action for Zoning Board of Adjustment to approve the reconstruction and expansion of a nonconforming structure in accordance with Section 9.7.B and 9.7.C for the subject property consisting of +/- 0.183 acres on a Farm Lot, Block 1 West of Main Street commonly known as 1305 Wilson Street in an area zoned SF7, Single Family Residential in the city limits of Bastrop.

Alternate member, Bob Rogers, addressed the Chair, Dan Hays-Clark, requesting to recuse himself as he was not a member of this Board at that time.

Melissa McCollum addressed the Board members stating she asked for this meeting to interpret and affirm the previously granted variance from November 7, 2012. She stated this property received the above variance requests based upon the proposed project presented at that time.

Over a year has passed and the owner has added property and approximately doubled the size of his original lot to be a total of 0.366 acres versus the original 0.183. A new lot layout was platted administratively in June of 2014. The owner also received a "moving permit" to move several structures onto the property September 5, 2014. Melissa stated no other permits have been released as staff was awaiting a site plan showing where structures would be located.

Melissa stated the new site plan submitted December 5, 2014, showed the new "moved" structures complying with the setbacks and the existing "varied" 1980 foundation and walled structure still planned to be used, and was proposed to be a garage/storage building in front of the house. With the site plan submittal, staff realized the original intent of the variance received in November of 2012 needed further clarification/interpretation with the changed use of the structure and doubling the size of the original lot.

Melissa stated the owner has submitted plans for the remodel of the existing structures with the proposed garage/storage being within the front setback, but was denied further permits on the remodel pending site development issues and clarification since this could change the permanent location of the "moved" structures. She stated Staff and the Owner disagree on the interpretation and potential applicability of the prior variances granted to the new lot which doubled the size of the previous lot and also showed the original "varied" structure as being part of a house/living area, not a garage/storage. Melissa stated she is requesting the BOA render a decision as to whether the prior variances granted were intended to or should apply to the newly reconfigured development, and if so, to formally act to affirm the Board's original action for the new development.

Dan Hays-Clark asked for a refresher on the previously granted variance stating the Applicants were given a front building line variance for the existing structure provided we had an engineer's report on the slab. Melissa stated that was correct. Mr. Hays-Clark asked for clarification from Melissa asking if this is really an interpretation of the ruling in November of 2012, as the Applicant has since changed the site, they've changed the entire layout of the site, and they have change the size of the site, so therefore the variance we granted doesn't even exist any longer.

Dan Hayes-Clark stated we now have a new site plan and we have to decide if our old ruling for the old site carries over to the new site.

Blas Coy stated he feels the powers of this Board are limited and when citizens come in requesting a variance, they should know exactly what they are going to do. He stated we've had issues of this nature before and we might want to consider placing a limit on the time period on the validity of a granted variance, as it's been over two years since we heard and ruled on this variance. Mr. Coy stated when he votes, he is looking at what has been presented to the Board at that time. He stated now the slab that was to be the porch is now to be a garage, which is a change in use. Whatever the Applicants are proposing to do now, has nothing to do with what we ruled on at that time; the entire site has changed.

Dan Hayes-Clark confirmed with Melissa McCollum that building permits do have a time limit of six (6) months that they must begin the work and continue working

on the project. Melissa stated that is correct for building permits. She stated the Applicant did pull appropriate partial permits for demolition and clean up, moving permits for placement of the moved structures. When the Applicant applied for permits for the permanent foundation setting and permanent placement of the moved structures, that is when staff noticed the previously granted variance was not going to be applicable to this new site plan.

Dan Hays-Clark stated now the entire usage of the site as well as the boundaries of the site have changed, we cannot make a ruling on the old information because the old information no longer exists; it no longer pertains to this project.

Several discussions were held between the Board members and Staff regarding the use of the existing structure and slab, the materials to be used and the moved-in structures.

Herb Goldsmith made a motion to affirm that this Board has reviewed the change in use, lot size increase with the 2012 variance and it no longer applies to this property. The motion was seconded by Clifford Wright and the motion passed unanimously by all members.

6. Director's Report.

Melissa reminded the Board members of the City Christmas Party, December 19th with dinner being served at 6:30 pm. If you have not RSVP'd, to do so now. She also gave a brief update on upcoming meetings for Form Based Code.

7. Adjourn.

Clifford Wright made a motion to adjourn the meeting. Seconded by Michael Gibbons and the meeting adjourned at 6:28 p.m.



Dan Hays-Clark, Chair