

Board of Adjustment

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

1. Call to Order: Open the regular meeting of the Board of Adjustment and welcome visitors.

Dan Hays-Clark called the meeting to order at 6:00 p.m.

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

Blas Coy	- present
Michael Gibbons	- present
Dan Hays-Clark	- present
Clifford Wright	- absent (notification given; out of town)
Herb Goldsmith	- present
Matthew Lassen	- present
Bob Rogers	- present

3. Citizen comments.

There were no citizen comments.

4. Consideration and approval of the August 6, 2014 Board of Adjustment meeting minutes.

Blas Coy made a motion to approve the meeting minutes of August 6, 2014 with corrections given to staff earlier in the week. Seconded by Matthew Lassen and the motion passed unanimously.

5. Interpretation of Case BOAV13:03: The Board of Adjustment will convene a discussion to interpret and affirm the variance requests previously heard on March 6, 2013, related to property located at 909 Farm Street (and now also 911 Farm Street).

Melissa McCollum addressed the Board members giving a brief overview of the variance granted on March 6, 2013 for 909 Farm Street in which the owner's, Mike and Cindy Lopez, presented a variance request for three (3) lots requiring setback variances. Today, Ms. Vandiver owns the properties and there are now two (2) lots. 911 Farm Street is the lot located on the corner of Jefferson and Farm Streets and 909 Farm Street has the existing structure that was moved onto it. Melissa went over permits that have been pulled for both properties, one for a new residence on 911 Farm Street and the remodel permit for the structure moved onto the second lot, 909 Farm Street.

Melissa stated no permits were pulled for the garage constructed on the site for 911 Farm Street, and that staff is requesting the Board to 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.

Discussion was held between the Board and Melissa clarifying some of the details in relation to the initial location of the original structure, the lot changes that were actually made versus what was actually done; and the address before any changes were made, as well as the additional new address.

Rhonda Vandiver, current owner of the property, addressed the Board stating she visited the Planning Department several times regarding the possibilities for the entire property and remodeling the existing building; where the existing building would be split in two and moved to, and where the new structure would be located. She stated she was asked to draw and show where her building lines were going to be. Ms. Vandiver stated she wound up taking off the porch of the old building and moved the building(s) further back from Farm Street than originally planned as it looked more aesthetically pleasing. She stated she was told she needed to show the garage to be located in the back portion of the property. Ms. Vandiver stated she has a drawing showing where they intended to place the garage setback fifteen feet. She stated she had inspections performed on both lots, buildings, and is inquiring why she was not told at that time she was in violation of the City's code regulations.

Ms. Vandiver discussed the previous variance request approval for Mike and Cindy Lopez for this property. She went over her timeline from that variance approval to the filing of the final plat as well as, definitions she researched in the City's Code of Ordinances. The Board members, Staff and Ms. Vandiver had several discussions regarding the existing building in relation to the current buildings, what parts were split in half of the old existing building, what was new and what is being remodeled. It was stated at this time by Board Alternate, Bob Rogers, when a variance is granted for one (1) lot to be split into three (3) lots with specific setbacks, and then changed from three (3) lots to two (2) lots, that initial variance is null and void, and an applicant would have to go through the entire variance process again to request any variances needed.

At 6:45 p.m., the Board Chair, Dan Hays-Clark closed the public hearing.

Blas Coy made the motion the original order was very clear on the findings for the existing structure and affirmed staff's enforcement of the variance previously granted on March 6, 2013.

Seconded by Herb Goldsmith and the motion passed with all in favor.

6. Director's Report.

Melissa addressed the Board members stating there would be another Boards and Committee Training Session on September 18, 2014 at City Hall. She encouraged any Board member who has not attended any of the training sessions to do so.

Board members asked Melissa about sandwich board sign regulations in downtown and Melissa stated to check with Nancy Wood of the Main Street Program. There was also a question about taxes in relation to zoning and changes.

7. Adjourn.

Blas Coy made a motion to adjourn the meeting. Seconded by Michael Gibbons and the meeting adjourned at 6:56 p.m.



Dan Hays-Clark, Chair