

## Board of Adjustment

The Board of Adjustment met Wednesday, March 6, 2013 at 6:30 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 6:30 p.m.

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

|                      |           |
|----------------------|-----------|
| Blas Coy             | - present |
| Michael Gibbons      | - present |
| Dan Hays-Clark       | - present |
| Debra Thorne-Francis | - present |
| Clifford Wright      | - present |
| Drew Pickle          | - present |
| Herb Goldsmith       | - present |

3. Citizen's comments.

There were no citizen's comments.

4. Consideration and approval of the February 6, 2013, Board of Adjustment meeting minutes.

Clifford Wright made a motion to approve the meeting minutes. Seconded by Debra Thorne-Francis and the motion passed unanimously.

5. Public Hearing Case BOAV13:02: The Board of Adjustment will convene a public hearing on a variance request as follows:

Variances to Zoning Ordinance Section 17.4.B.3 to the exterior side yard setback, to have 2.5 foot setback where 15 feet is required; and Section 17.4.D.1 which requires parking to be located behind the front building line. The subject property consists of approximately 0.2931 acres within Farm Lot 1, East of Main Street commonly known as 709 Buttonwood Street in an area zoned SF-1, Single Family Residential District 7 in the city limits of Bastrop, Texas.

Melissa McCollum addressed the Board stating this property owner recently purchased 709 Buttonwood and is looking to remodel and expand the current structure. She stated the property is located on the southwest corner of Water and Buttonwood and that this block is also served by an alley. Melissa explained to the Board the owner intends to add additional square footage onto the existing home, and with this expansion process, plans to remove the existing carport structure and replace this area with living space. Melissa stated to meet the requirements of having a garage/carport, the owner is proposing to build a new garage (attached to the house) over portions of the existing driveway that will be perpendicular to the house and face the alley. She stated the owner is proposing to have access from the alley and also a driveway onto Buttonwood.

Melissa stated a variance is needed because the proposed garage is within the exterior side yard setback of only two and a half feet where fifteen feet is required, and the garage/carport would encroach twelve and a half feet into the side yard setback area. She stated an additional variance is also needed for the proposed parking to be located behind the building line on the same lot, and again the proposed garage structure will encroach twelve and a half feet in the side yard setback. Melissa stated the owner is requesting a variance prior to the submittal of any building permit applications and that if the variance is approved, the owner proposes to add onto the house and build a new carport/garage. She stated the owner will have to follow all building code requirements.

Discussions were held between the Board and Melissa with all questions answered.

Mark Rose addressed the Board stating he intends to substantially renovate the property at 709 Buttonwood to the same level of quality as his previous home located at 1208 Church Street. Mr. Rose stated the current configuration on this lot is a bit of a challenge as he referenced his survey shown on the projection screen. Mr. Rose stated the current configuration is impractical as it can only house one car and acts more as a breezeway than a garage. He stated his proposed garage configuration will be in keeping with the existing conditions of his immediate neighbors. He plans to build a residence that will be a positive addition to the Historic District, and while he is not considering this as a restoration, it is a renovation in keeping with the work and investment as he has done with his previous home and will be a project that fits the City's character as well as his desires for the home.

Dan Hays-Clark closed the public hearing.

Clifford Wright made a motion to approve the variance request with the approved staff findings.

*The proposed garage structure entrance faces the alley which will eliminate cars sticking out into the Buttonwood Street right-of-way (ROW).*

*The owner will be replacing the granite driveway with a more permanent surface.*

*The newly proposed driveway layout will have access to both the alley and Buttonwood Street eliminating the need to back into the ROW.*

*The proposed garage will not encroach onto any neighboring properties.*

*The proposed garage will have better access to the alley which is unique to this block.*

Seconded by Drew Pickle. The variance request was approved unanimously. The vote went as follows:

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|----------------------|-----------|
| Blas Coy             | - approve |
| Drew Pickle          | - approve |
| Debra Thorne-Francis | - approve |
| Michael Gibbons      | - recused |
| Clifford Wright      | - approve |
| Dan Hays-Clark       | - approve |

6. Public Hearing Case BOAV13:03: The Board of Adjustment will convene a public hearing on a variance request as follows:

## Consideration and possible action on Variances to the City of Bastrop Zoning Ordinance

- Section 17.4.B1: Minimum Front Yard – Twenty-five feet (25') to allow the existing structure to remain at a 12.5 foot setback on Farm Street and the existing structure on Jefferson to remain anywhere from about 1 to 1.5 feet.
- Section 17.4.A.3: Minimum Lot Depth – One hundred ten feet (110') to allow two of the proposed lots facing Farm Street to have a lot depth of approximately 106 feet.
- Section 9.7.C. To authorize the enlargement, expansion or repair of a nonconforming structure in excess of sixty percent (60%) of its current value. In such instance, current value shall be established at the time of application for a hearing before the ZBA.
- Section 9.7.E.
- To authorize the occupancy of an abandoned nonconforming structure. Such action by the ZBA shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare and safety, character of the area surrounding such structure, and the conservation, preservation and protection of property.

The subject property consists of approximately 0.5830 acres within Building Block 11, East of Water Street commonly known as 909 Farm Street in an area zoned SF-7, Single Family consists of approximately 0.5830 acres within Building Block 11, East of Water Street commonly known as 909 Farm Street in an area zoned SF-1, Single Family Residential District 7 in the city limits of Bastrop, Texas.

Melissa McCollum addressed the Board stating the property located at 909 Farm Street, on the southwest corner of Farm and Jefferson Street, is currently vacant and has a structure located near the intersection of Jefferson and Farm with much of the back/side yards full of concrete. She stated it looks like the property has had driveways on both Jefferson and Farm Streets. Melissa briefly reviewed the variety of uses in the past according to utility records, which are Commercial / Funeral Home until 1993, Grace Fellowship owned from 1993-1997, and Residentially used from 1997-2009.

Melissa stated the current owners purchased the property last year, and had requested a zoning change in November 2012 from SF-7, Single Family-7 to O, Office, and this request was denied by Planning and Zoning Commission, and was not forwarded to City Council at owner's request. She stated the owner has since decided to remodel the existing structure. The plans call for them to keep portions of the existing structure on the setback line of both Farm and Jefferson Street, and they are also proposing to subdivide the existing lot into a total of three lots.

Melissa stated several variances are needed to rehabilitate the existing structure as it is considered a non-conforming structure and is currently twelve and a half feet back from the Farm Street setback and a one to one and a half foot setback on the Jefferson Street side. She stated both of these street setbacks would require twenty-five foot front yard setbacks.

Melissa said an additional variance is needed for the proposed lot layout as currently the lot is one large lot, and the owner is proposing to subdivide it into three residential lots. With this proposed subdivision, the two lots facing Farm Street would not achieve the required lot depth/size of lot and each lot must be a minimum lot depth of one hundred ten feet. These two lots are proposed to be approximately one hundred six feet. Melissa stated that because the existing structure located on the corner of Farm and Jefferson Street is non-conforming, the

owner is asking the Board of Adjustment to allow the repair and occupancy approvals needed to continue renovating the structure. Melissa referenced the projection screen showing the survey, stating the existing house is proposed to be disconnected at approximately the conflicting roof lines and separated into two structures and placed on their own individual lots.

Melissa stated with these variances and authorization from the Board of Adjustment to occupy and remodel this existing structure, the owner intends to proceed with a subdivision application and the permits necessary to remodel and build/move new homes on the two new lots.

Mike Lopez addressed the Board stating they intend to basically mirror what is currently surrounding the neighborhood. He stated they have spoken with all the neighbors informing them of their intentions and Mr. Lopez said the responses were positive as long as the property is used residentially.

Discussions were held between the Board, Applicant and Melissa regarding parking for each lot, drainage and setbacks.

Herb Goldsmith addressed the Board as a surrounding property owner stating the drainage is poor in this area, that there is a backup of water onto his property that happens during heavy rain falls and possibly, if the concrete was removed at 909 Farm Street, it may abate the situation. It was agreed the current structure has become an eyesore for the City and the proposed improvements will be a welcomed sight.

Dan Hays-Clark closed the public hearing.

Michael Gibbons made a motion to approve the variance requests with the approved staff findings.

*The property has an existing home that is located within the setback area. The owner hopes to rehabilitate and remodel the existing single family home.*

*The owner will meet the other setback requirements on the additional proposed lots. The lot depth variance is only four (4) feet shy of meeting the depth requirement, and the overall area regulations of the proposed lots including width and square footage exceeds the minimums.*

*The existing structure is the only setback variance proposed by the owner.*

*The variance to lot depth will not necessitate or allow any additional setback variances for the newly proposed/additional lots. The setback variance only applies to the existing structure on the corner of Farm and Jefferson. The existing structure should not affect any of the neighboring properties regarding setbacks.*

*This property is very unique in that it has had multiple uses and additions in the previous decades. The owner is trying to rehabilitate an existing structure and create a neighborhood residential feel.*

Seconded by Debra Thorne-Francis and the motion passed unanimously.  
The vote went as follows:

|                      |           |
|----------------------|-----------|
| Blas Coy             | – approve |
| Debra Thorne-Francis | – approve |
| Michael Gibbons      | – approve |

Clifford Wright  
Dan Hays-Clark

– approve  
– approve

7. Discussion, consideration and possible action regarding a Resolution of Support of Form Based Code by the Bastrop Zoning Board of Adjustment to be forwarded to City Council.

Melissa stated this item will be discussed at the City Council's Retreat to be held this Saturday, March 9<sup>th</sup>. Discussions were held between the Board and Melissa regarding the Resolution. It was decided to approve the resolution with agreed edits that will be forwarded to all Board members, reviewed and incorporated into the resolution via email. Dan Hays-Clark agreed to come by the Planning office before the Council's Retreat to sign on behalf of this Board.


Clifford Wright made a motion to approve the Resolution of Support of Form Based Code. Seconded by Michael Gibbons and the motion passed unanimously.

8. Director's Report.

Melissa stated there will be a BOA meeting in April on the 3<sup>rd</sup>.

9. Adjourn.

Blas Coy made a motion to adjourn. Seconded by Clifford Wright and the meeting adjourned at 7:28 p.m.



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Dan Hays-Clark, Chair