

## Board of Adjustment

The Board of Adjustment met Wednesday, September 5, 2012 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	- absent
Dan Hays-Clark	- present
Debra Thorne-Francis	- absent
Clifford Wright	- present
Drew Pickle	- present
Herb Goldsmith	- present

### 3. Consideration and approval of the August 1, 2012 meeting minutes.

Clifford Wright made a motion to approve the meeting minutes of August 1, 2012. Seconded by Drew Pickle and the motion passed unanimously.

### 4. Public Hearing. Case BOAV12:08: The Board of Adjustment will Convene a Public Hearing on a variance request as follows:

**Variance to Zoning Ordinance Section 20.4.B.4 and 40.7.A.4 to allow a two (2') foot six (6") inch rear side yard where thirty-five (35') feet is required for a patio cover-type structure. The subject property consists of +/- 0.241 acres within Farm Lot 1, West of Main Street commonly known as 600 Farm Street an area zoned MF-1, Multi-Family Residential District 1 in the city limits of Bastrop, Texas:**

- 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.

Melissa McCollum addressed the Board stating the request is for a variance to Zoning Ordinance, as requested by Cynthia C. Bryant, for 600 Farm Street located on the northeast corner of Church and Farm Street. The applicant is requesting a variance to the rear yard setback of two and a half (2.5) feet where thirty-five (35) feet is required to construct a covered patio area. The current lot is constructed with a home, facing Farm Street and an existing driveway entrance off Church Street. The property was rezoned from residential to Multi Family in 1976 for the owners at the time to add an apartment to their home.

The variance being requested is to allow a covered patio to be built over existing concrete driveway to be within the rear setback of two and a half (2.5') feet where thirty-five (35') feet is required. The patio would encroach thirty two and a half (32.5') feet into the setback area. The proposed patio would be over existing impervious cover.

Melissa handed out additional photos, supplied by the applicant, and additional response notices that received after the packet had been delivered. All responses received from surrounding property owners were in favor of the variance request.

The applicant, Cynthia Bryant was present and addressed the board stating that there are two doors that lead to the backyard and one is off the master bedroom. Ms. Bryant stated that when entertaining guests outside it would not be desirable to have them come through the master bedroom. She stated it would be more desirable and practical to have the patio cover located where there is an existing door that leads to the kitchen.

Herb Goldsmith questioned if that area off the bedroom was covered and Ms. Bryant said there is a small covered patio and she needed access from the kitchen.

Dan Hays-Clark asked if the large concrete patio already existed when the property was purchased and Ms. Bryant said yes.

Clifford Wright questioned if the proposed patio cover would be attached to the house. Ms. Bryan said that she had quotes from the contractor for both attached and unattached. The patio cover will be metal and will be same color as the roof of the house.

Dan Hays-Clark asked if staff had worked with Ms. Bryant on alternate designs. Melissa stated that staff had not discussed alternatives and that even rezoning the property back to single family residential would still require a variance.

Blas Coy asked if there were health and safety issues with the proposed cover and Melissa replied there did not appear to be issues with health and safety.

Dan Hays-Clark closed the public hearing at 6:50 p.m. and entertained a motion.

Drew Pickle made a motion to approve the variance request to allow a 2 foot 6 inch rear yard setback where 35 feet is required for a patio cover structure at 600 Farm Street.

Dan Hays-Clark then read each of Criteria of Findings (to grant a variance) and the Board answered each as listed:

<b>CRITERIA for Findings</b>	
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;  <i>Yes there are special circumstances- the layout of the existing residence and the location of the large concrete patio and the size of the lot</i>
2.	The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;  <i>Yes - the kitchen is accessible from the large existing concrete patio where the owner is requesting to put the patio cover</i>

	<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>No granting the variance is not 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</i></p>
	<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>No – 6 responses were received and none were opposed to the request</i></p>
	<p>5. The applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, which are not shared generally by other parcels in the neighborhood or district; and</p> <p><i>Yes – the patio cover will be placed over the existing concrete patio</i></p>
	<p>6. The conditions or circumstances relied on for the variance were <b>NOT</b> created by a person having an interest in the property.</p> <p><i>The conditions/circumstances existed when the property was purchased</i></p>
	<p>7. Financial hardship to the applicant, standing alone, has <b>NOT</b> been claimed.</p> <p><i>No</i></p>

Clifford Wright seconded the motion to grant the variance to allow a 2 foot 6 inch rear yard setback where 35 feet is required for a patio cover structure at 600 Farm Street and the motion was approved unanimously.

Blas Coy stated that he appreciated the Board's response.

**5. Director's Report:**

- a. **Board/Commission Training to be held either September 20<sup>th</sup> or October 2<sup>nd</sup> at 6:00 p.m. in Council Chambers.**
- b. **Next meeting date, October 3, 2012 or other possible date.**
- c. **Invite input from the Board related to issues for possible inclusion on future agendas.**

Melissa said the training will be held for all Boards and Commissions and that they may attend either date. Clifford Wright asked if there were makeup dates/video available. Dan Hays-Clark asked if this training would count for Continuing Education Credit. Melissa replied that she will check on this. Melissa asked the Board to email Marie as to what date they would be attending.


There will be no meeting on October 3, 2012. The tentative date for the next meeting will be between the dates of October 15<sup>th</sup> and 18<sup>th</sup>. Melissa said she will check with Debra Thorne-Francis and let the Board know the exact date of the October meeting.

Herb Goldsmith asked if there will be additional training available. Melissa said training will be

scheduled as soon as possible. Dan Hays-Clark suggested that J. C. Brown discuss the hardship clause.

**6. Adjourn.**

At 7:05 p.m. Dan Hays-Clark made a motion to adjourn. Seconded by Drew Pickle and the meeting adjourned.



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Dan Hays-Clark, Board of Adjustment Chair