

City of Bastrop



Agenda Information Sheet:

Zoning Board of Adjustment Meeting Date:
BOAV16:02

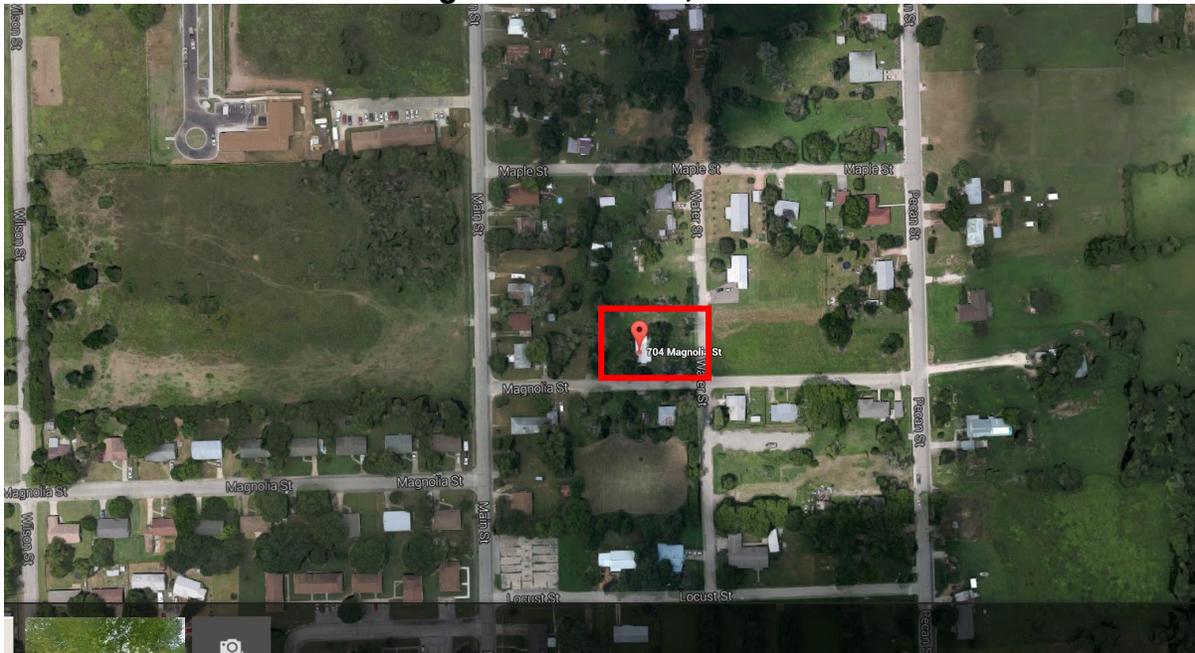
March 9, 2016
Agenda Item #6

Public Notice Description:

Consideration and possible action on a 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 SF-7, Single Family Residential-7 and is located within Farm Lot 8, East of Main Street, known as 704 Magnolia Street, being the northwest of the intersection of Magnolia and Water Street within the city limits.

Owner: Airport 4309, LLC
Applicant: John Gibson, James Garon & Associates, Inc.
Location: 704 Magnolia Street, Located in the City Limits
Utilities: City water, sewer, and electric
Zoning: SF-7, Single-Family Residential-7
Land Use Plan: Single Family Residential

Existing +/- 0.467 acres, lot location

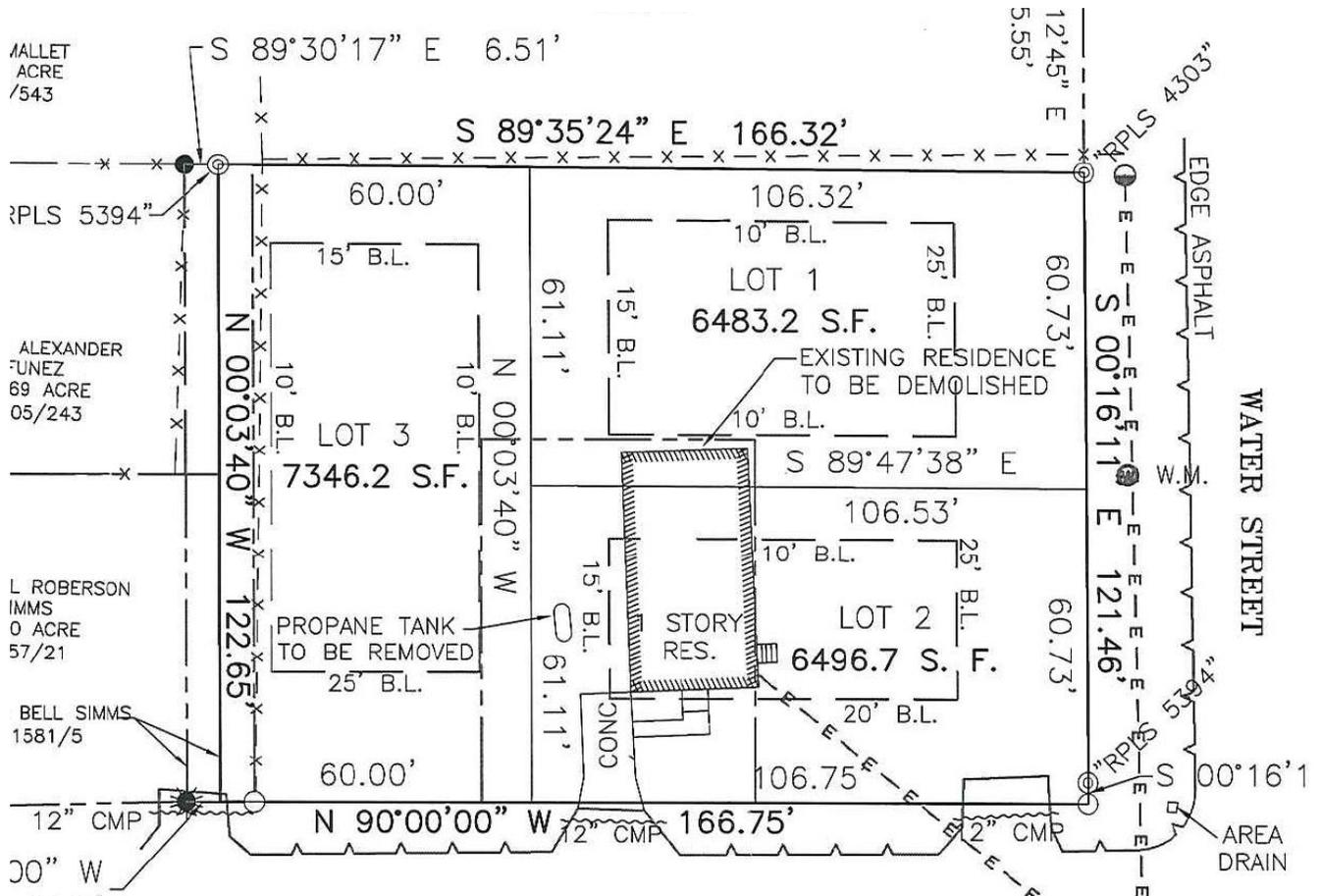


Request:

Variance to Zoning Ordinance, as requested by John Gibson, with James Garon & Associates, for 704 Magnolia Street located on the northwest corner of Magnolia and Water Streets. The Applicant is requesting a variance to both lot depth square footage of lot to subdivide the large parcel into three (3)

lots, to be known as Magnolia Gardens. Currently there is one home on the entire property. The proposed subdivision layout plan indicates the existing residence is to be demolished.

Proposed Subdivision



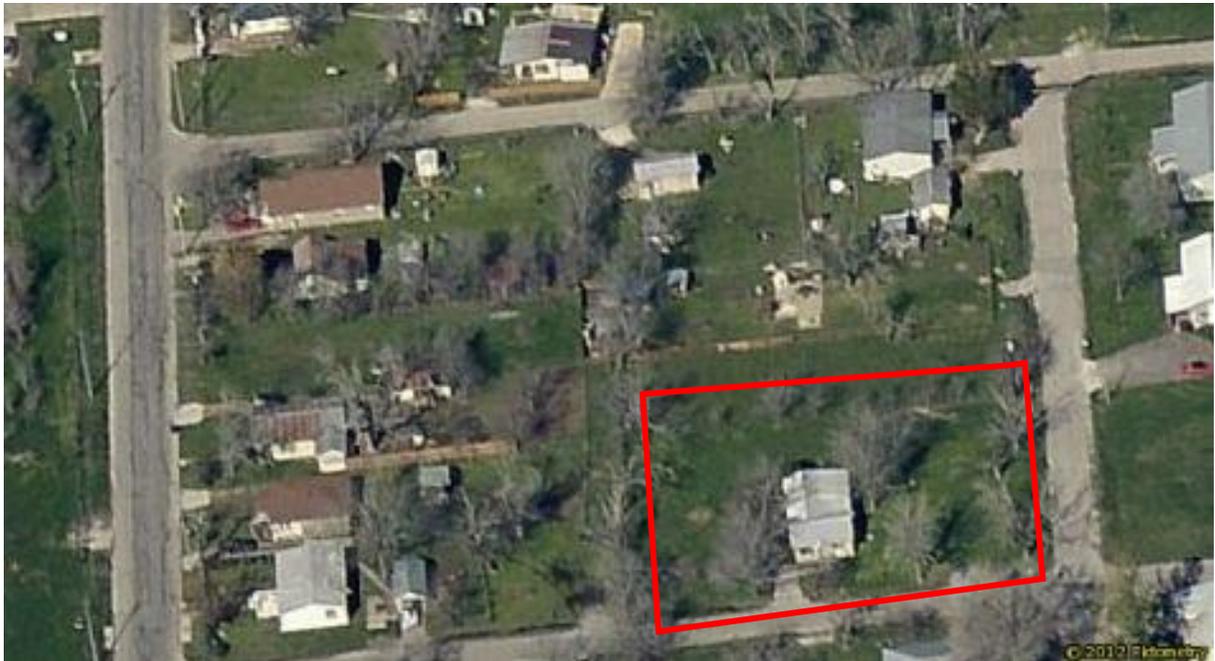
Lots 1 and 2 would be less than the 7000 sq. ft. minimum and the same lots would only have 106.53' depth verses the required 110 feet. The existing home would have to be removed to accommodate the new subdivision layout.

Variances requested to allow the property to be subdivided into three lots with a variance to Section 17.4.A.1 to allow two of the lots (Lot 1 and Lot 2) to have a minimum lot area less than 7,000 square feet –to be approximately 6,500 square feet; and Variance to Section 17.4. A.3 minimum lot depth of 110' – two of the proposed lots (Lot 1 and Lot 2) will have a lot depth of +/-106'.

Google Street View- May 2011



Pictometry of Lot



Background:

The property is commonly known as 704 Magnolia Street, within the City of Bastrop and is zoned SF-7, Single Family Residential.

The applicant is requesting a variance prior to the submittal of the subdivision of Magnolia Gardens. If the variances are approved, the applicant proposes to subdivide the property into three (3) lots with the varied lot size (square footage) and lot depth.

Utilities are available to the site and any extensions that might be required as part of the building permit application will be at the owner/applicants expense. The owner/applicant will be required to follow all other building code requirements.

Variance Criteria:

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only those conditions that it deems necessary to or desirable in the public interest. In making the findings hereinafter required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who reside or work in the proposed use, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

Criteria for Findings

A. In order to grant a variance from these zoning regulations, the Board of Adjustment must make written findings that undue hardship exists, using the following criteria:

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.

The property currently has one existing single family residence being approximately 1100 sq. ft. on one large lot. The proposed subdivision layout indicates that the existing residence is to be demolished. This would allow the lot to be subdivided to provide three (3) lots that would provide additional homes. The variation in lot depth is about 4 feet or 3.5% change in the lot depth. The two smaller lots at a little under 6500 square feet is about a 500 sq. ft. difference or approximate 7.5 % change from lot size. The average lot size being 6775 square feet.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The owner proposes to demolish the existing home and build one home on each lot. Many lots in this neighborhood are irregular in shape.

3. Granting of 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.

Many properties in the surrounding area do not meet the current zoning ordinance shape requirements.

4. Granting of a 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.

The proposed additional single family residences will enhance the vacant lot and the neighborhood.

5. The Applicant's practical difficulties and/or unnecessary hardship arise from unusual conditions or circumstances pertaining only to the Property, which difficulties and/or hardship are not shared generally by other parcels in the neighborhood of the Property.

The existing lot size of 122 feet by 166 feet lend to subdivision layout to support three single family lots.

- B. A variance is to be denied if conditions or circumstances relied on for a variance were created by a person having an interest in the property.

The owners/applicant purchased this property in its current configuration. The owner/applicant is applying for this variance prior to applying for subdivision layout and is not requesting any other variances. (setbacks etc.).

- C. Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.
D. The applicant bears the burden of proof in establishing the facts justifying a variance.

Comments: 21 adjacent property owner notifications were mailed 2/17/2016. As of this date no comments have been received, in support or opposed to the variance request; two were returned undeliverable.

Basis of Support:

Staff recommends approval of the 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 SF-7, Single Family Residential-7 and is located within Farm Lot 8, East of Main Street, known as 704 Magnolia Street, being the northwest of the intersection of Magnolia and Water Street within the city limits.

Recommended Action:

Staff has recommended approval and provided factual comments above in relation to the variance criteria for the Board’s consideration. The applicant has also provided a letter and documentation supporting their request. Additional comments may be provided at the meeting based upon additional testimony that may be provided during the hearing.

Adopt findings in the form that renders the Board’s position to “grant” or “deny” the request.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director Planning and Development Department

Attachments:

Letter from property owner, survey, location map, and findings of fact



BOARD OF ADJUSTMENT APPLICATION & CHECKLIST – CHECK ONE OF THE FOLLOWING:

VARIANCE, **APPEAL**, **NON-CONFORMING STRUCTURE**, **NON-CONFORMING USE**

Current Zoning: SF-7

1/26/2016
(Submittal Date)

INSTRUCTIONS:

- **Submit application by appointment** with Marie Murnan in the Planning Department. 512-332-8842.
- Fill out the following application and checklist completely prior to submission, placing.
- Use the most current application from the City's website (www.cityofbastrop.org). City ordinances can be obtained from the City of Bastrop.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the application to be accepted.

- 1. Completed and signed application/checklist with owner's signature. *RC Sig*
- 2. Copy of deed showing current ownership and receipt showing all taxes have been paid ✓
- 3. Letter to Board of Adjustment signed by owner in which written appeal states all facts and circumstances regarding hardship caused by code requirement and need for request.
- 4. Notification list of property owners within 200 feet of subject property as identified on the latest approved tax roll. Notification list shall be provided on one set of mailing labels (Avery 5160 or similar). ✓
- 5. 3 prints of a Site Plan (see details below), folded to 8 1/2 X 11
- 6. Application fee – Filing and processing fees are as follows: *RC*
 - Single family or less intensive use \$300/parcel plus \$3.00/acre
 - Multi-family use \$300/parcel plus \$3.00/acre
 - Commercial or Industrial use \$300/parcel plus \$3.00/acre

Description of Property

Name of Subdivision: Magnolia Gardens (proposed) Lot & Block: Pt. Farm Lot 8, East of Main S

Number of Acres: 0.467 ACRE Survey: _____ Abstract: _____

Location of property (using directional indicators e.g. north, south, east, west when possible): Immediately northwest of intersection of Water Street and Magnolia Street

Request being made: We are requesting for the allowance of lot area and depths as shown on attached site plan. Lots 1 and 2 are proposed to be 6,483.2 SF and 6,496.7 SF, respectively. Lots 1 and 2 have proposed depths of approximately 106 feet

Code Section and Requirement: Section 17.4.A.1: Min area = 7000 SF per lot.
Section 17.4.A.3: Min Depth = 110 feet

Site Plan Requirements

- Date
- Scale (i.e. 1" = 20')



RECEIVED
JAN 27 2016
By 

- North arrow
- Name/address of property owner(s)
- Address and legal description of subject property
- Name and title of preparer
- Legal description and names of adjacent property owners
- Property lines with dimensions
- Easements
- Setback lines
- Existing and proposed buildings and other improvements with setbacks and heights
- Use of existing and proposed buildings
- Approximate location of existing buildings within 100 feet of subject property
- Location of existing and proposed:
 - Drainage
 - Utilities
 - Streets/alleys with names
 - Landscaping and/or screening devices
 - Off-street parking and loading facilities
 - Ingress/egress to subject property
 - Type, location and dimensions of all signs
 - Existing and proposed lighting

Other data, documentation and/or justification for the requested variance hereby submitted:

Variances

In order to grant a variance request, the Board of Adjustment must determine an undue hardship exists, using the following criteria:

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 the reasonable use of the land.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the application.
3. Granting of 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.
4. Granting of a 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.
5. Granting of a variance must be predicated on a finding that the applicant's practical difficulties or unnecessary hardship arise from unusual conditions or circumstances, such as exceptional irregularity of the land involved, which are not shared generally by other parcels in the neighborhood or district.

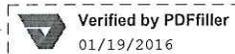
- B. A variance is to be denied if conditions or circumstances relied on for a variance were created by a person having an interest in the property.
- C. Financial hardship to the applicant, standing alone, shall not be deemed to constitute a hardship.
- D. The applicant bears the burden of proof in establishing the facts justifying a variance.

Please Note: The signature of owner authorizes City of Bastrop staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.**

I hereby certify that I am the legal owner of the above described property and that I (Check One below):

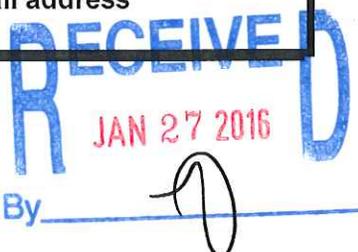
_____ will represent my application before the Planning Department and Board of Adjustment.

hereby authorize the person named below to act as my agent in processing this application before the Planning Department and Board of Adjustment.



Airport 4309, LLC			
Owner's Name (printed)	Owner's Signature	Date	
2606 Tower Dr	Austin Texas	78703	
Owner's Address	City	State	Zip
(512) 507-5079			ray@beyond2u.net
Phone	Fax	Email Address	

John Gibson			
Agent's Name (printed)	Agent's Signature		Date
James E Garon & Associates, Inc.			01/19/2016
Company			
185 McAllister Rd	Bastrop	Texas	78602
Street	City	State	Zip
(512) 303-4185			jgibson@austin.rr.com
Phone	Fax	Email address	



Do Not Write Below This Line ~ Staff Will Complete

Notification List of Property Owners Within 200 feet – on blank mailing labels

All Fees Paid: Filing Site Plan of Subject Property

Accepted for Processing By: jen Date: 1/27/16

Date of Public Notification in Newspaper: 2/20/16

Date of Public Hearing @ Board of Adjustment: 3/9/16

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

185 McAllister Rd.
P.O. Box 1917
Bastrop, Texas 78602
512-303-4185
Fax 512-321-2107
jgibson@austin.rr.com

January 26, 2016

Board of Adjustment Members
Bastrop City Hall
1311 Chestnut Street
Bastrop, Texas 78602

RE: Magnolia Gardens; Variance request

Dear Board Members:

On behalf of our client, Airport 4309, LLC, we are requesting variances to the Zoning Ordinance for the proposed final plat. The subject lot lies immediately northwest of the intersection of Magnolia Street and Water Street and is proposed to be subdivided as shown in the attached site plan. Variances are requested from Zoning Ordinance Sections 17.4.A.1 and 17.4.A.3.

Zoning Ordinance Section 17.4.A.1 requires a minimum lot area of 7,000 square feet. Proposed lots 1 and 2 will have areas of 6,483.2 square feet and 6,496.7 square feet, respectively. Section 17.4.A.3 of the Zoning Ordinance requires a minimum lot depth of 110 feet. Lots 1 and 2 will be less than four feet short of this requirement. This dimension is necessary to ensure Lot 3 complies with the minimum lot width of 60 feet.

The proposed lots keep with the spirit of the zoning ordinance to the extent possible given the geometric constraint of the existing property boundary while allowing the property owner to retain the full value of the land. Redevelopment of this site will make a positive impact on the district with the addition of new residences.

If you need any additional information please do not hesitate to contact me.

Sincerely,



John B. Gibson

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JAN 27 2016
By 

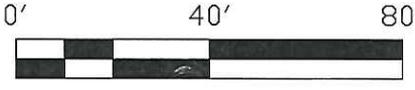
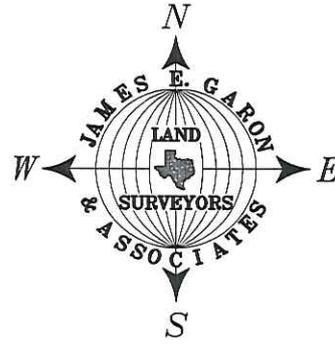
LEGAL DESCRIPTION:

0.467 ACRE OF LAND LYING IN AND BEING A PORTION FARM LOT 8, EAST OF MAIN STREET, CITY OF BASTROP, MAP OR PLAT OF RECORD IN CABINET 1, PAGE 23A PLAT RECORDS, BASTROP COUNTY, TEXAS AND BEING ALL OF THE FOLLOWING:

TRACT 1: 0.364 ACRE, PT. OF FARM LOT 8, EAST OF MAIN STREET, BASTROP COUNTY, TEXAS, RECORDED IN 112/538, D.R.B.C.T. (REMAINDER)

TRACT 2: 0.084 ACRE, PT. OF FARM LOT 8, EAST OF MAIN STREET, BASTROP COUNTY, TEXAS RECORDED IN 200/737, D.R.B.C.T. (PT. OF 112/538)

TRACT 3; 0.018 ACRE, PT. OF 13' ALLEY VACATED BY THE CITY OF BASTROP BY ORDINANCE RECORDED IN 1518/520 O.P.R.B.C.T.



SCALE: 1" = 40'

LEGEND

- ⊕ CALCULATED POINT
- 1/2" REBAR FOUND
- 1/2" REBAR SET W/CAP
- ⊙ STAMPED J.E. GARON RPLS 4303
- ⊗ IRON ROD W/CAP FOUND
- ⊙ 1/2" PIPE FOUND (UNLESS NOTED)
- ⊙ COTTON SPINDLE FOUND
- ⊙ 60d NAIL FOUND
- ⊙ 60d NAIL SET
- ⊙ TREE (SIZE & TYPE NOTED)
- ⊙ FENCE POST FOUND
- ⊙ WOOD FENCE
- ⊙ WIRE FENCE
- ⊙ CHAIN LINK FENCE
- ⊙ P.U.E. PUBLIC UTILITY EASEMENT
- ⊙ D.E. DRAINAGE EASEMENT
- ⊙ B.L. BUILDING LINE
- ⊙ POWER POLE
- ⊙ OVERHEAD ELECTRIC LINE
- ⊙ DOWN GUY
- ⊙ (BRG.-DIST.) RECORD CALL
- ⊙ (R.C.) RESTRICTIVE COVENANTS

©"RPLS 4303"

WILLIAM F GONZALES
0.217 ACRE
2060/168

SEAN MALLET
0.402 ACRE
1793/543

"RPLS 5394"

EDGAR ALEXANDER
FUNEZ
0.269 ACRE
2105/243

LULA BELL ROBERSON
SIMMS
0.220 ACRE
2057/21

LULA BELL SIMMS
1581/5

"RPLS 4303"

S 00°12'45" E
55.55'

S 89°30'17" E 6.51'

S 89°35'24" E 166.32'

S 00°12'45" E
60.73'

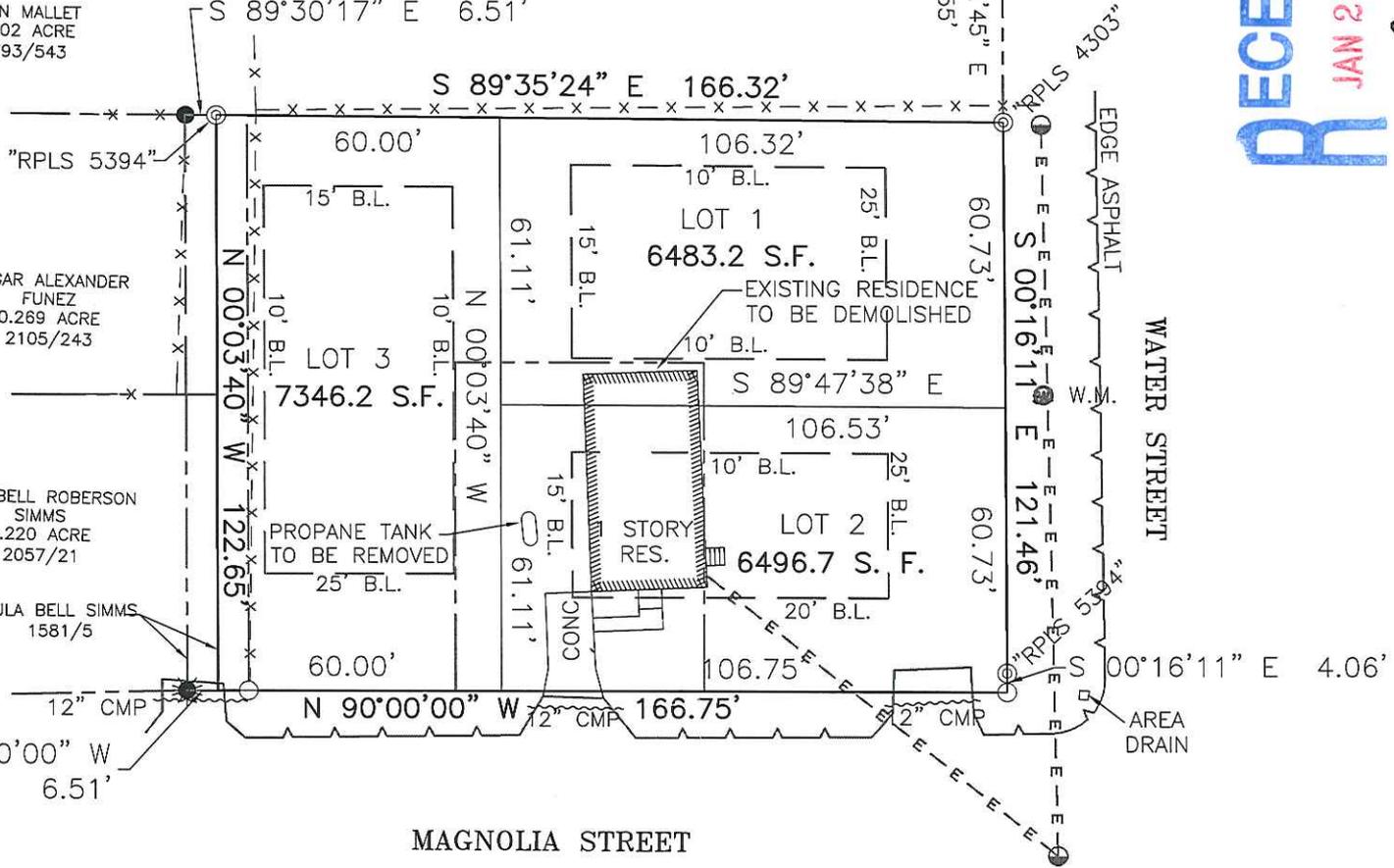
S 00°16'11" E
121.46'

S 00°16'11" E
60.73'

S 00°16'11" E
4.06'

S 00°16'11" E
4.06'

S 00°16'11" E
4.06'



RECEIVED
JAN 27 2016

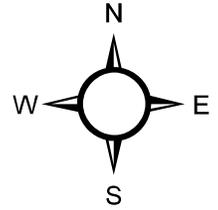
By _____

SITE PLAN & PROPOSED SUBDIVISION OF
0.467 ACRE OF LAND LYING IN AND BEING A
PORTION FARM LOT 8, EAST OF MAIN STREET,
CITY OF BASTROP





704 Magnolia Property Location Map



ACTION OF THE CITY OF BASTROP ZONING BOARD OF ADJUSTMENT

GRANTING VARIANCE

WHEREAS, Airport 4309, LLC (“Applicant”) of Bastrop, Texas, are the owners of the property legally described as being Farm Lot, Block 8 East of Main Street, commonly known as 704 Magnolia Street; 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; and

WHEREAS, Applicant has 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 9.8; and

WHEREAS, Applicant desires a variance be granted to authorize two of the proposed three lot subdivision will have minimum lot square footage of less than 6,500 square feet (Lot 1 and Lot 2); and two of the proposed lots will have a lot depth of +/-106’ (Lot 1 and Lot 2); and

WHEREAS, Applicant has filed a proper request for such variance; and

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

WHEREAS, public notice has been given and a public hearing was held on March 9, 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 of the City’s Zoning Ordinance, do exist on the property legally described as being Farm Lot, Block 8 East of Main Street, commonly known as 704 Magnolia Street; Bastrop, Bastrop County, 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 property currently has one existing single family residence being approximately 1100 sq. ft. on one large lot. The proposed subdivision layout indicates that the existing residence is to be demolished. This would allow the lot to be subdivided to provide three (3) lots that would provide additional homes. The variation in lot depth is about 4 feet or 3.5% change in the lot depth. The two smaller lots at a little under 6500 square feet is about a 500 sq. ft. difference or approximate 7.5 % change from lot size. The average lot size being 6775 square feet.</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>The owner proposes to demolish the existing home and build one home on each lot. Many lots in this neighborhood are irregular in shape.</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 do not meet the current zoning ordinance shape requirements.</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 additional single family residences will enhance the vacant lot and the neighborhood.</i></p>
X	<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>The existing lot size of 122 feet by 166 feet lend to subdivision layout to support three single family lots.</i></p>
X	<p>6. The conditions or circumstances relied on for the variance were NOT created by a person having an interest in the property.</p> <p><i>The owners/applicant purchased this property in its current configuration. The owner/applicant is applying for this variance prior to applying for subdivision layout and is not requesting any other variances. (setbacks etc.).</i></p>
X	<p>7. Financial hardship to the applicant, standing alone, has NOT been claimed.</p>

2. Therefore, the request to grant the variance to the side yard setback on the west side of the property, as noted herein, IS HEREBY GRANTED, with the following conditions, if any:

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____

3. This matter was heard by at least 75% of the members of the Board who voted as follows:

- A. Dan Hays-Clark _____
- B. Blas Coy _____
- C. Matthew Lassen _____
- D. Michael Gibbons _____
- E. Herb Goldsmith _____

4. The action of the Bastrop Zoning Board of Adjustment, concerning this request for a variance to the City's Zoning Ordinance, was approved by a minimum of at least four (4) members of the Board, in full compliance with the Local Government Code, Section 211.009(c)(3).

5. As required by the Local Government Code, Section 211.008(f), minutes of this proceeding shall be kept on file in the Board's office, and are public records.

NOW THEREFORE, the above request for a variance was heard and granted on March 9, 2016 by the Bastrop Zoning Board of Adjustment.

By: Presiding Officer

STATE OF TEXAS

§

COUNTY OF BASTROP

§

**CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP ZONING REQUIREMENTS**

I, Ann Franklin, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop Zoning Board of Adjustment Granting Variance" is a true and correct copy of the original document in the Board of Adjustment Office, and I further certify that such document accurately reflects the action granting a variance taken by the Board on _____, 20__.

Ann Franklin
Interim City Secretary
City of Bastrop

Subscribed and sworn to before me on this the ____ day of _____, 20__ to certify which witness my hand and official seal.

Notary Public in and for the State of Texas
My Commission Expires: _____, 20__

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

DENYING VARIANCE

WHEREAS, Airport 4309, LLC (“Applicant”) of Bastrop, Texas, are the owners of the property legally described as being Farm Lot, Block 8 East of Main Street, commonly known as 704 Magnolia Street; 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; and

WHEREAS, Applicant has 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 9.8; and

WHEREAS, Applicant desires a variance be granted to authorize two of the proposed three lot subdivision will have minimum lot square footage of less than 6,500 square feet (Lot 1 and Lot 2); and two of the proposed lots will have a lot depth of +/-106’ (Lot 1 and Lot 2); and

WHEREAS, Applicant has filed a proper request for such variance; and

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

WHEREAS, public notice has been given and a public hearing was held on March 9, 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 of the City’s Zoning Ordinance, do not exist on the property legally described as being Farm Lot, Block 8 East of Main Street, commonly known as 704 Magnolia Street; Bastrop, Bastrop County, Texas (“Property”):

	CRITERIA for Findings
	<p>1. There are no special circumstances or conditions that 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>_____</p> <p>_____</p>
	<p>2. The variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant;</p> <p>_____</p> <p>_____</p>
	<p>3. Granting the variance would 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>_____</p> <p>_____</p>
	<p>4. Granting of the variance would have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance;</p> <p>_____</p> <p>_____</p>
	<p>5. The applicant's practical difficulties or unnecessary hardship do not arise from unusual conditions or circumstances, which are not shared generally by other parcels in the neighborhood or district;</p> <p>_____</p> <p>_____</p>
	<p>6. The conditions or circumstances relied on for the variance was created by a person having an interest in the property.</p> <p>_____</p> <p>_____</p>
	<p>7. Financial hardship to the applicant, standing alone, has been claimed.</p> <p>_____</p> <p>_____</p>

2. Therefore, the request to grant the variance to the side yard setback on the west side of the property, as noted herein, IS HEREBY DENIED.

3. This matter was heard by at least 75% of the members of the Board who voted as follows:

- A. Dan Hays-Clark _____
- B. Blas Coy _____
- C. Matthew Lassen _____
- D. Michael Gibbons _____
- E. Herb Goldsmith _____

4. The action of the Bastrop Zoning Board of Adjustment, concerning this request for a variance to the City's Zoning Ordinance, was not approved by a minimum of at least four (4) members of the Board, in full compliance with the Local Government Code, Section 211.009(c)(3).

5. As required by the Local Government Code, Section 211.008(f), minutes of this proceeding shall be kept on file in the Board's office, and are public records.

NOW THEREFORE, the above request for a variance was heard and denied on March 9, 2016 by the Bastrop Zoning Board of Adjustment.

By: Presiding Officer

STATE OF TEXAS

§

COUNTY OF BASTROP

§

**CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP ZONING REQUIREMENTS**

I, Ann Franklin, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop Zoning Board of Adjustment Denying Variance" is a true and correct copy of the original document in the Board of Adjustment Office, and I further certify that such document accurately reflects the action denying a variance taken by the Board on _____, 20__.

Ann Franklin
City Secretary
City of Bastrop

Subscribed and sworn to before me on this the ____ day of _____, 20__ to certify which witness my hand and official seal.

Notary Public in and for the State of Texas
My Commission Expires: _____, 20__