

**Board of Adjustment Meeting Minutes of March 9, 2016**  
**6:00 pm**  
**City Council Chambers**  
**1311 Chestnut Street**  
**Bastrop, Texas**

**1. Call to Order.**

At 6:05 p.m. Dan Hays-Clark called the meeting to order.

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

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

**3. Citizen comments.**

There were no citizen comments.

**4. Consideration and approval of the October 7, 2015, Board of Adjustment meeting minutes.**

Blas Coy made a motion to approve the meeting minutes of October 7, 2015 with one correction in the roll call section of the meeting minutes. The motion was seconded by Herb Goldsmith and approved unanimously.

**5. Public Hearing Case BOAV16:01: The Board of Adjustment will convene a public hearing on a variance request as follows:**

Variance to Zoning Ordinance, Section 15.4.B.2.interior side setback of 10' – requesting a variance of 1.6' to allow an 8.4' interior side setback for Lot 1-468, Block 19, Tahitian Village, Unit 1 that is zoned SF9, Single Family Residential and is located at 103 Hawea Court within the city limits.

Melissa McCollum addressed the Board stating the Applicant is requesting a variance of 1.6' to allow an interior side yard setback of 8.4' on the south side of the property, where ten feet (10') is required. She stated this property was recently developed with a new home by Hoss/Christopher David Homes in 2015. They originally showed a ten foot (10') setback but realized it was over the side setback line when selling the home to the new family. The Applicant has obtained a signed release from Bluebonnet Electric for the release of the PUE (public utility easement). Melissa

stated if this variance is approved, the applicant would not have to modify or tear down the structure they have recently sold to the new family.

Several discussions were held between Board members, Staff and the Applicant regarding the builder's experience in building homes within city limits, questions regarding the form survey and approval of what was submitted. More discussions were held on how this happened, as this a substantial mistake, enough to cause a potential law suit and placement of the stakes for the form survey. It was suggested to possibly create a firm policy for form plans for the future building plans.

Dan Hays-Clark closed the public hearing.

Blas Coy made a motion to approve the variance in accordance with Staff's findings. Seconded by Michael Gibbons and the motion passed unanimously.

6. Public Hearing Case BOAV16:02: The Board of Adjustment will convene a public hearing on variances requested as follows:

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 SF7, Single Family Residential and is located within Farm Lot 8, East of Main Street, known as 704 Magnolia Street being northwest of the intersection of Magnolia and Water Street within the city limits.

Melissa stated the applicant is proposing to subdivide this property into three lots with the varied lot size (square footage) and lot depth. Melissa stated this request is by John Gibson, with James Garon & Associates, for 704 Magnolia Street which is located on the northwest corner of Magnolia and Water Streets. She stated the Applicant is requesting two of the proposed three lot subdivision will have a minimum lot square footage of less than 6,500 square feet and two of the proposed lots will have a lot depth of +/-106 feet. Melissa stated currently there is one home on the entire property and the proposed subdivision layout plan indicates the existing residence is to be demolished. She stated 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.

Discussions commenced regarding the BOA not having the authority to rule on this, that it should go before the P&Z Commission. Melissa stated this property is approximately 0.467 acres and to have a Planned Development. it would need to be greater than three acres. The City's legal counsel, Shan Weatherford, was asked this question and stated the lot depth and square footage is a variance request. There were discussions held on how these three lots would compare to regular residential

neighborhoods as well as the waterlines meeting the water demand for this project. Staff stated this will all be addressed through the subdivision process.

**7. Director's Report.**

Melissa gave a brief update on the Comprehensive Plan stating the next Steering Committee meeting will be on March 30<sup>th</sup> at 6:00 pm. She also gave a brief update on the North Area Form Based Code project stating there will be a Task Force meeting on March 24<sup>th</sup>.

Dan Hays-Clark closed the public hearing.

Michael Gibbons made a motion to approve the variance with staff's findings. Seconded by Matthew Lassen and the motion passed unanimously.

**8. Adjourn.**

Matthew Lassen made a motion to adjourn. Seconded by Blas Coy and the meeting adjourned at 7:20 p.m.

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Dan Hays-Clark, Chair