

**Board of Adjustment Meeting Minutes of October 7, 2015**

**6:00 pm**

**City Council Chambers**

**1311 Chestnut Street**

**Bastrop, Texas**

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

At 6:07 p.m. Dan Hays-Clark called the meeting to order.

2. Oath of office for new Board Alternate, Daniel Ducloux.

Melissa McCollum introduced Daniel Ducloux and welcomed to the Board of Adjustment as an alternate member. Mr. Ducloux was then sworn in.

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

Blas Coy	- present
Michael Gibbons	- absent (prior notice was given)
Dan Hays-Clark	- present
Matthew Lassen	- present
Herb Goldsmith	- present
Daniel Ducloux (Alternate)	- present
Bob Rogers (Alternate)	- present

4. Citizen comments.

There were no citizen comments.

5. Consideration and approval of the September 2, 2015, Board of Adjustment meeting minutes.

Blas Coy made a motion to approve the meeting minutes of September 2, 2015. The motion was seconded by Matthew Lassen and approved unanimously.

6. Public Hearing Case BOAV15:02: The Board of Adjustment will convene a continuance of a public hearing, from the September 2, 2015 BOA meeting, Agenda Item No. 6, on a variance request as follows:

Exhibit B, Downtown Form-Based Code, Section 6.7, Neighborhood, (b) building placement, (i) build-to zones and setbacks, (C) general frontage +/- 5 feet of the average front setback of the two structures on either side of the subject property on the same block face the average of setback. The variance request is to allow a front yard setback of 34 feet where 49

feet is required. The subject property consists of +/-0.165 acres, being Lot 2-A, Replat of Lot 1, J&T /W-2 Subdivision and Lot 2A, Amended Plat of Morris Addition, known as 1500 Church Street, Neighborhood character zone in the city limits of Bastrop, Texas

Melissa McCollum addressed the Board stating 1500 Church Street has a storied past; that the lot was created/added to Church Street in March 2008 with the creation of the Morris Addition Plat. She stated the new lot subdivided the original property that contains the Orgain Home circa 1888, located at 1508 Church and which is on the corner of Church and Cedar Streets to make two lots. The Morris family then amended the plat in January 2009 to give the "existing pool and accessory structure" from Lot 1 to recently created Lot 2. Melissa stated this created new Lot 1A and Lot 2A. Melissa further stated building permits were pulled for a home/primary structure to be built, but unfortunately the primary structure was destroyed/burned in approximately June 2009. This has left this property vacant without a primary structure and with only the "existing pool and accessory structure".

Giving a bit more history, Melissa stated that separately in October of 2009 the property behind the Morris Addition that faced Wilson and Cedar Street was being platted into two lots known as J&T Hoover/W-2 Subdivision. She stated this property was then platted/amended again to take the existing pool and accessory structure "pool house" that was originally part of the Amended Morris Addition Lot 2A and move these structures to the back yard of Lot 1 in the J&T Hoover/W-2 Subdivision. This new plat made Lot 2A available for a new structure. This was approved by City Council on July 28, 2015.

Melissa stated the owner and future possible purchaser of the lot, Terry Stringer, is requesting a variance to the general/front yard setback. In the FBC the general street/front setback is predicated on +/- 5 feet of the average general/front setback of the two structures on either side of the subject property on the same block face, and the 1500 Church Street property is 70 feet wide and 102.5 feet deep, being 0.165 acres/7,187 sq. ft. Only three properties are used to calculate the required "general/front" setback for the 1500 Church Street:

North of subject property - Morris House, 1508 Church – setback is +/- 61 feet  
South of subject property - Bell House, 1408 Church - setback is +/- 68 feet  
2<sup>nd</sup> South of subject property - Dougherty/Tankersley House, 1404 Church - setback is +/- 33 feet; average Setback is +/- 49 feet  
(61+68+33=162 / 3 =54 -5)

Melissa stated staff measured these setbacks on Church Street by standing on the sidewalk and using a laser line/level as well as a tape measure. These are approximate measurements, and do not represent surveys. This measurement is also not from the property line, but from the west edge of the existing sidewalk. Staff did their best to measure the "setback" as the same location/place for each property.

The applicant would like a variance to the front yard/general setback of a reduction of an additional 10 feet from his average of 44 feet. Applicant measured from the "property line" to the best of his abilities and measured the following setbacks.

North of subject property - Morris House, 1508 Church – setback is +/- 57 feet  
South of subject property - Bell House, 1408 Church - setback is +/- 63 feet  
2<sup>nd</sup> South of subject property - Dougherty/Tankersley House, 1404 Church - setback is +/- 28 feet; average Setback is +/- 44 feet ( $57+63+28=148 / 3=49-5$ )

Melissa informed the Board the applicants have a home design that they would like to put on the property. The current home design structure is 50x54 feet, being approximately 2700 square feet. With the size of home he hopes to put, it would be 10 feet from each side property line and approximately 14.5 feet from the rear.

Melissa stated setbacks required in the FBC are +/-5 average of the general/front yard with minimum 10 feet side property lines and 5 foot rear. In accordance with the FBC the buildable area for the lot is  $50.5 \times 50 = +/- 2,487$  square feet. This would not allow for Mr. Stringer's proposed house/design. She stated under the previous zoning ordinance for this area, with minimum lot sizes, the building envelope would have been 50 x 70 or roughly +/- 3,495 square feet.

Melissa stated nine (9) adjacent property owner notifications were mailed 8/12/2015, and as of this date one property owner response has been received opposed to the variance request. The opposition is attached.

Melissa stated staff recommends approval of the variance request to allow a front yard setback of 44 feet (an additional 5 feet) where 49 feet is required as measured from the western edge of the existing sidewalk.

Several discussions were held between Melissa and the Board members regarding the purpose of meeting with the HLC was to look at style of home; not the setbacks; the uniqueness of this case and that this contracting is still pending.

Mr. Stringer addressed the Board stating he would like to build a home that meets the "compatible infill" requirements that are outlined in the Neighborhood designation in the FBC. Mr. Stringer stated he met with the Historic Landmark Commission (HLC) to work with Mr. Stringer to review the proposed design/elevations of the home. HLC suggested ideas/changes that could make his home more "compatible" between two national, state, and city historical designated structures.

Mr. Joe Grady Tuck addressed the Board discussing some history of lots that were broken up into smaller lots over the years and that the larger lots in town, only a few remain; this lot being one. Mr. Tuck stated the Stringer's are the nicest people he has ever met and they have gone to lengths to make this project happen. Mr. Tuck

approached the dais with a plat copy referencing the fence location, pool and proposed home.

Several discussions were held between the Board and Mr. Tuck, as well as Mr. Stringer who introduced his builder, Vince Kaiser, regarding the proposed driveway. Mr. Kaiser stated there would be a driveway going into the carport.

Mr. Henry Bell addressed the Board stating Mr. Tuck does not qualify for a variance for this property; that he created his own problem when he moved the rear lot line in July of 2015. Mr. Bell quoted from Section 9.6 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." Mr. Bell also stated he did not feel the house design submitted to HLC met the architecture of the historic homes.

Dan Hays-Clark closed the public hearing.

Herb Goldsmith made a motion to approve the variance request as submitted by staff. Seconded by Blas Coy who requested to include conditions placed by HLC in which Mr. Goldsmith stated that would be between the applicant/owner and the HLC. The vote went as follows:

Blas Coy	- approve variance
Dan Hays-Clark	- approve variance
Matthew Lassen	- deny variance
Herb Goldsmith	- approve variance
Daniel Ducloux	- deny variance

The motion failed and the variance was denied.

**7. Director's Report:**

Melissa and Board member, Blas Coy, gave a brief update on the Comprehensive Plan stating over 1500 responses to the survey were submitted and that everyone seemed to be of great minds and are very involved.

**8. Adjourn.**

Blas Coy made a motion to adjourn. Seconded by Herb Goldsmith and the meeting adjourned at 8:00 p.m.

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Dan Hays-Clark, Chair