

## **Board of Adjustment and Municipal Sign Review Board Meeting Minutes**

The City of Bastrop Board of Adjustment and Municipal Sign Review Board, met Wednesday, October 5, 2016 at 6:00 p. m. in the Bastrop City Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas.

### **1. Call to Order.**

Blas Coy called the meeting to order at 6:05 p.m.

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

Blas Coy	Present
Dan Hays-Clark	Absent
Matthew Lassen	Present
Herb Goldsmith	Present
Bob Rogers	Present
Alyssa Halle-Schramm	Present

### **3. Citizen comments.**

There were no citizen comments.

### **4. Consideration and approval of the September 7, 2016, Board of Adjustment meeting minutes.**

Herb Goldsmith wanted clarification of “they” , referencing “the Board” in the minutes; page 3, sixth paragraph. Matthew Lassen made a motion to approve the meeting minutes of September 7, 2016 with the amendment. Seconded by Herb Goldsmith and the motion passed with four members voting for and Alyssa Halle-Schramm abstaining.

### **5. Introduction of and comments from the new alternate Board member, Alyssa Halle-Schramm.**

Melissa McCollum introduced Alyssa Halle-Schramm as the new alternate member on the Board of Adjustment. Alyssa Halle-Schramm introduced herself. She recently moved to Bastrop and is glad to be involved in the community. She has a background in urban planning and currently works at UT Austin in the Office of Sustainability.

#### **a. Administer Oath of Office for new Board of Adjustments alternate member, Alyssa Halle-Schramm.**

Melissa McCollum administered the Oath of Office for Alyssa Halle-Schramm.

### **6. BOAV16-09: Public Hearing: The Board of Adjustment will convene a public hearing on the variance request as follows:**

**Variances to the Bastrop Zoning Ordinance requested for 202 Martin Luther King Jr. Drive, within Building Block 60 East of Main St. +/-0.137 acres, considered a legal lot, zoned SF-7 Single Family Residential within the city limits of Bastrop, Texas:**

- **Section 17.4 Area Regulations B.1. Minimum Front Yard, setback requirements to allow a front setback of ten feet (10') on Mill Street, where 25' is required; and**

- **Section 17.4 Area Regulations B.4. Minimum Rear Yard, setback requirements to allow a rear setback of twelve feet (12') where 15' is required; and**
- **Section 40.7 A.3 to allow the carport/ garage to have an approximately eighteen-foot (18') setback on Mill Street where 25' is required.**

**This property is a corner lot with street frontage on both Mill Street and MLK Jr. Street.**

- a. Presentation by City Staff.**
- b. Presentation by the Applicant.**
- c. Receive verbal/written comments from the public.**
- d. Response by Applicant and/or Staff.**
- e. Close the Public Hearing.**
- f. Board discussion and render decision.**

Melissa McCollum addressed the Board. The current lot is an existing legal lot under the City of Bastrop Subdivision Ordinance, meaning it has been the same size and shape since April 20, 1981. This lot has actually been in the same size and shape since February 25, 1956. The existing lot is currently 50 feet (50') wide and only 6,000 square feet, abiding by both front and rear setbacks would allow only a ten foot (10') wide dwelling to be constructed. This property is vacant and the applicant would like to place a manufactured home on the 50 foot (50') wide lot. If approved for the variances, the owner will have to receive a separate Conditional Use Permit (CUP) for the manufactured home. The proposed house is planned to be 28 feet (28') wide.

The applicant is requesting a variance to reduce the front setback to ten feet (10') from Mill Street for the front of the house and eighteen feet (18') for the carport/ garage where twenty-five feet (25') is required. The applicant is also requesting a reduced twelve-foot (12') setback on the north/rear property line adjacent to the neighboring property. The proposed house will access the carport and parking area from Mill Street.

Herb Goldsmith, queried if the driveway and carport access would be from Mill Street. Melissa McCollum confirmed that this was the case. Blas Coy, then inquired about the neighboring residence encroaching upon the applicant's property. Melissa McCollum confirmed that the structure on the neighboring property had encroached approximately two feet into the applicant's property and complicated the hardships of this property further.

Wanda Ochoa, translator for the applicants, Jose M. Morales and Miriam Salas, spoke on their behalf. Wanda stated that the applicants look forward to moving the mobile home onto the lot and moving in with their family.

Several discussions were held between Board members, Staff and the Applicant regarding the request and the hardships of this request. Fifteen surrounding property owner notices were mailed out. Five surrounding property owner responses were received back; three in favor of the request and two with no objection. Bob Rogers stated, this is a classic reason to grant a variance request; a small lot, such as this one, that the owners would like to build a reasonable sized home on, would need these reduced setbacks.

Alyssa Halle-Schramm wanted to be sure that a ten-foot setback would meet the fire code. Melissa McCollum confirmed that, yes, the fire code requirements were satisfied and Bob Rogers stated that only three feet was required.

Blas Coy opened the meeting to the public. There were no comments from the public.

Blas Coy closed the public hearing.

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 subject property meets the City of Bastrop legal lot definition (same size and shape since April 20, 1981) and has been the same size since approximately February 25, 1956. The applicants are working within the unique size characteristics of the property and within the "buildable" area of the lot to build a home that meets the minimum dwelling unit area and is comfortable for a four-person family.*

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

*Following the setback requirements for this particular lot is difficult, in that a majority of the block has already been subdivided leaving this lot with the width of only 50 feet with two street front setbacks. The applicants neighboring property has encroached onto the lot under discussion, adding to the limitations of the property.*

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 already do not meet the current zoning ordinance setback requirements. The existing neighboring house to the north currently encroaches into this lot, and has about a 20' front yard setback from MLK and no side yard setback. The surrounding neighborhood is unique in that many lots are irregularly shaped and utilize a variety of setbacks.*

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 setback variance is against Mill Street and the neighboring property. Twelve feet (12') would meet the fire separation needed from the existing structure. Also, the carport would be setback enough to clear the Mill Street right-of-way (ROW) if parked within the driveway. The property will abide by the required ten foot (10') setback at their west property line and setback on MLK. Much of the surrounding property is currently developed with existing single family residences and individual setbacks vary greatly. This property is unique with the lot frontages on both Mill and MLK Streets.*

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.

- 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.

Bob Rogers made a motion to grant the three variance's in accordance, for reasons stated in the hardships and with staff recommendation. Seconded by Matthew Lassen. The motion passed unanimously.

Blas Coy- in favor  
Herb Goldsmith- in favor  
Bob Rogers- in favor  
Matt Lassen- in favor  
Alyssa Halle-Schramm- in favor

**7. The Board of Adjustment will recess its regular session and convene as the Municipal Sign Review Board.**

Blas Coy recessed the regular Board of Adjustment session and convened the Municipal Sign Review Board.

**8. MSRBV16-02: Public Hearing: The Municipal Sign Review Board will convene a Public Hearing on a Waiver "Variance" to the Sign Ordinance request as follows:**

Applicant asked in writing to postpone request to the next meeting date. Alyssa Halle-Schramm made a motion to postpone to the November 2, 2016 meeting. Seconded by Matthew Lassen. Board voted unanimously and will continue request at next meeting.

**9. The Municipal Sign Review Board will adjourn as the Municipal Sign Review Board and will reconvene as the Board of Adjustment.**

Blas Coy adjourned the Municipal Sign Review Board and reconvened the regular Board of Adjustment meeting.

**10. Director's Report:**

**a) Status update on actions taken/completed, to date for the Comprehensive Plan.**

Staff and the Steering Committee continue to work on the Comprehensive Plan. A meeting is scheduled for Monday October 10, 2016 to review the final chapter, Chapter 9: Implementation. Chapters that have been reviewed previously are online and can be viewed from the City's home page or at [planbastrop.org](http://planbastrop.org).

There will be an open house for the Comprehensive Plan on October 27, 2016. Feedback will be welcomed.

**b) Status update on actions taken/completed, to date for the Form Based Code Task Force for the North Area.**

The Form Based Code Task Force has created a presentation that will be going to City Council in November. A packet with the slideshow presentation has been given to all members of the Board and Herb Goldsmith, has requested that everyone on the Board please review and give feedback before it is

presented to Council. Herb Goldsmith, specifically would be interested in Alyssa Halle-Schramm's thoughts and would like to see her at the next FBC Task Force meeting.

A drainage study is in the process of being completed by Halff and Associates, for Gils Branch and Piney Creek. Further discussion was had between Board and Staff about the starting location of these creeks; where they empty into the Colorado River and the drainage/ flooding issues that they pose.

**c) Direction from the Board of Adjustment on any items to be included on any future agendas.**

Include the workshop in next month's agenda if there is not much in the agenda.

**d) Workshop for future meetings.**

The Board and Melissa discussed that signage should be included in the workshop, property owners are notified but tenants are not.

Herb Goldsmith is concerned about the statement that there would be a workshop to address Judy Hoover's issues. Bob Rogers, said that the attorney should tell the Board if they are able to rule on any of the issues brought up by Mrs. Hoover, who is accusing the Planning Department of many improprieties. Herb Goldsmith feels that accusations are not what a workshop should be about. Blas Coy stated that in terms of a workshop, Mrs. Hoover's issues could be addressed generally on policy or points in the law that are relevant to that decision making. Matthew Lassen pointed out that he thought the workshop would include expectations of notifications prior to a meeting, the Boards role if they determine proper notification was not given, and the definitions for what a variance looks like for the future of the property receiving it.

Further discussion commenced between the Board members. Herb Goldsmith, would like a flow chart with definitions and policies attached. Specific cases should not be discussed.

**11. Adjourn.**

At 6:45 p.m. Matthew Lassen made a motion to adjourn. The motion was seconded by Bob Rogers and the meeting adjourned.

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Blas Coy, Vice-Chair