

Bastrop Zoning Board of Adjustments Agenda

Bastrop City Hall City Council Chambers

1311 Chestnut Street

Bastrop, TX 78602

(512) 332-8800



May 14, 2026

Agenda - Zoning Board of Adjustments at 6:00 PM

Bastrop Zoning Board of Adjustments meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

1. CALL TO ORDER

2. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Board/Commission must complete a citizen comment form and give the completed form to the Board/Commission Secretary prior to the start of the Board/Commission meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Board/Commission cannot discuss issues raised or make any decision at this time. Instead, the Board/Commission is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to the City Manager for research and possible future action. Profanity, physical or other threats are not allowed and may subject the speaker to loss of the time for comment, and if disruptive to the conduct of business, could result in removal of the speaker.

3. PRESENTATIONS

- 3A. Presentation regarding the Zoning Board of Adjustments authority, purpose and applicability.

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- 4A. Consider and act to elect the Zoning Board of Adjustments Chair and Vice Chair.

Submitted by: James E. Cowey, Director of Development Services

4B. Consider and act to adopt the 2026 Zoning Board of Adjustment Meeting Calendar.

Submitted by: Brittany Epling, Senior Planner

4C. Consider and act on a request for a zoning variance from the Bastrop Building Block Code, Section 6.5.003, Building Standards per Place Type for the P5 Core zoning district, to allow an existing nonconforming lot to be subdivided into three lots to accommodate two new businesses on a portion of the existing parking lot. The resulting lots would exceed the district's maximum impervious cover requirement of 65 percent, with proposed impervious cover percentages of approximately 91.9 percent, 77.7 percent, and 72.4 percent, respectively.

Submitted by: Brittany Epling, Senior Planner

5. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Thursday, May 7, 2026 at 5:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Nicole Peterson
Nicole Peterson, Development Coordinator



STAFF REPORT

MEETING DATE: May 14, 2026

TITLE: Consider and act to adopt the 2026 Zoning Board of Adjustment Meeting Calendar.

AGENDA ITEM SUBMITTED BY:

Brittany Epling, Senior Planner

BACKGROUND/HISTORY:

The proposed 2026 Zoning Board of Adjustment Meeting Calendar establishes regular meetings for the second Thursday of each month at 6:00 p.m. The calendar begins with the May 14, 2026 meeting and includes meeting dates through December 10, 2026.

The calendar identifies the complete application deadline, DRC review date, and notice-by date for each meeting. Complete applications are assumed to be due by 4:00 p.m. on the listed Monday deadline. Cases are scheduled for DRC review on the following Thursday week rather than during the same week the application is submitted.

If approved at DRC, the listed dates provide at least 10 days for notice, plus approximately one additional week of staff buffer for follow-up items and mailing. The October 8, 2026 application deadline is adjusted to August 31, 2026 due to the Labor Day holiday on September 7, 2026. The December 10, 2026 notice date is moved up to November 20, 2026 to avoid the Thanksgiving holiday closure on November 26-27, 2026. Meeting dates and processing dates were checked against the 2026 City holiday schedule provided by staff.

RECOMMENDATION:

Move to adopt the 2026 Zoning Board of Adjustment Meeting Calendar.

ATTACHMENTS:

- 2026 Zoning Board of Adjustment Meeting Calendar

City of Bastrop

2026 Zoning Board of Adjustment Meeting Calendar

Meetings are scheduled for the second Thursday of each month at 6:00 p.m.

Note: May 14, 2026, is the first BZA meeting of the year and the meeting at which this calendar may be adopted.

Application timing assumption: A complete application must be submitted by 4:00 p.m. on the listed Monday deadline. Cases go to DRC on the following Thursday week, not the same week the application is submitted. If approved at DRC, the dates below provide at least 10 days for notice, with about one additional week of staff buffer for follow-up items and mailing.

BZA Meeting Date	Time	Apply By Complete Application Due Monday by 4:00 p.m.	DRC Review Date	Notice By Date	Notes
May 14, 2026	6:00 p.m.	April 13, 2026	April 23, 2026	May 1, 2026	First meeting of the year and calendar adoption meeting.
June 11, 2026	6:00 p.m.	May 11, 2026	May 21, 2026	May 29, 2026	
July 9, 2026	6:00 p.m.	June 8, 2026	June 18, 2026	June 26, 2026	
August 13, 2026	6:00 p.m.	July 13, 2026	July 23, 2026	July 31, 2026	
September 10, 2026	6:00 p.m.	August 10, 2026	August 20, 2026	August 28, 2026	
October 8, 2026	6:00 p.m.	August 31, 2026	September 10, 2026	September 25, 2026	Adjusted early due to Labor Day holiday on September 7, 2026.
November 12, 2026	6:00 p.m.	October 12, 2026	October 22, 2026	October 30, 2026	
December 10, 2026	6:00 p.m.	November 9, 2026	November 19, 2026	November 20, 2026	Notice date moved up to avoid Thanksgiving holiday closure on November 26-27, 2026.

Item 4B.

Holiday review: Meeting dates and listed processing dates were checked against the 2026 City holiday schedule provided by staff.



STAFF REPORT

MEETING DATE: May 14, 2026

TITLE:

Consider and act on a request for a zoning variance from the Bastrop Building Block Code, Section 6.5.003, Building Standards per Place Type for the P5 Core zoning district, to allow an existing nonconforming lot to be subdivided into three lots to accommodate two new businesses on a portion of the existing parking lot. The resulting lots would exceed the district’s maximum impervious cover requirement of 65 percent, with proposed impervious cover percentages of approximately 91.9 percent, 77.7 percent, and 72.4 percent, respectively.

AGENDA ITEM SUBMITTED BY:

Brittany Epling, Senior Planner

PROPERTY INFORMATION:

Applicant:	Brynda Fowler
Property Owner:	North Pines LLC
PID #	60416
Acreage:	5.85 Acres
Request:	Variance from Impervious Cover Max.
Current Zoning:	General Commercial
Prior Zoning at Time of Application:	P5 Core under Prior B3 Code
Existing Use:	Commercial (Retail)
Proposed Use:	Expanded Commercial (Retail and Service)
Requested Impervious Coverage:	91.9%, 77.7%, and 72.4% (88.1% Overall)
Maximum Impervious Coverage Allowed:	65% (under prior B3 Code and current BDC)

BACKGROUND/HISTORY:

The applicant is requesting a variance to allow the subdivision of the existing Bastrop West Commercial site, commonly known as the Tractor Supply lot.

The property was zoned P5 Core under the prior B3 Code when the application was submitted. The property is now zoned General Commercial under the Bastrop Development Code. Both zoning districts allow a maximum impervious cover of 65 percent.

The existing site is a legally nonconforming lot at 91.7 percent impervious cover. The applicant proposes to subdivide the property into three lots to allow two new commercial businesses to be developed in an area currently used as excess parking along the frontage road.

The proposed redevelopment would add landscaping and pervious area, reducing the overall site impervious cover from 91.7 percent to 88.1 percent. However, each newly created lot would still exceed the 65 percent maximum impervious cover requirement.

The B3 Code and the Bastrop Development Code allow existing nonconforming conditions to continue under certain circumstances, but do not allow subdivision of an existing nonconforming lot, or creation of new nonconforming lots without coming into compliance or express approval from the Zoning Board of Adjustments.

The two new pad sites are proposed to comply with the B3 requirements in effect at the time of application, except for impervious cover.

ZONING VARIANCE JUSTIFICATION BASED ON VARIANCE CRITERIA:

Staff analyses zoning variance requests and makes a recommended based off the specific criteria under **Section 2.4.003 Zoning Board of Adjustments (ZBA), (f) Variances**, of the B3 Code, as authorized under Chapter 211 of the Texas Local Government Code.

(1) The ZBA may authorize a Variance from these Standards when, in its opinion, undue hardship will result from requiring strict compliance. In making the findings hereinafter required, the ZBA shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect of such Variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

The proposed use is commercial and is generally compatible with the existing Tractor Supply site and surrounding commercial area. The project would also improve the overall site condition by reducing impervious cover and adding landscaping.

However, the variance would allow one existing nonconforming lot to be divided into three separate nonconforming lots. Each lot would remain above the 65 percent maximum impervious cover requirement.

Staff Finding: The proposal improves the overall site but still creates three nonconforming lots. Public health, safety, and welfare concerns related to impervious cover remain relevant. However, if the variance is approved, a Final Drainage Plan will be required to be submitted and approved to comply with current drainage requirements to ensure no additional off-site impacts.

(2) In order to grant a Variance from these zoning Standards, the ZBA must make written findings that undue hardship exists, using the following criteria:

Staff does not find that the applicant has demonstrated an undue hardship. The request appears related to the desired subdivision and development layout rather than a special condition of the land.

Staff Finding: Undue hardship has not been established.

A. Special circumstances or conditions exist that affect the land involved such that the strict application of the provisions of this Code would deprive the Applicant of the reasonable use of the land.

The site is already developed and used for commercial purposes. The existing Tractor Supply use may continue. No special physical condition has been identified that would deprive the applicant of reasonable use of the property.

Staff Finding: Not supported.

B. The Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant.

The variance would allow the applicant to subdivide and develop two new pad sites, but it does not appear necessary to preserve an existing substantial property right.

Staff Finding: Not supported as presented.

C. 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 shall be granted only when in harmony with the general purpose and intent of this Code.

The overall site impervious cover would be reduced, which is a positive improvement. However, the subdivision would create three lots that each exceed the 65 percent impervious cover limit.

The spirit of the ordinance, as it relates to existing nonconformities, is to allow lawful nonconforming lots or sites to continue, while encouraging them to move toward compliance over time when redevelopment occurs. Nonconforming status is not intended to allow a site to remain nonconforming indefinitely when there is significant redevelopment or subdivision activity. Instead, significant redevelopment should reduce or eliminate nonconforming conditions where feasible.

In this case, the project reduces the overall site impervious cover, but it would also formalize the nonconforming condition across three separate lots. This is not fully consistent with the intent of the Code to reduce nonconformities and avoid creating new nonconforming lots.

Staff Finding: Partially supported because the overall site impervious cover is reduced, but not fully supported because the proposed subdivision would create three separate nonconforming lots instead of bringing the lots into compliance.

D. Granting of a Variance is consistent with the Comprehensive Plan and will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this Code.

The proposed commercial use is generally consistent with the commercial character of the area. However, allowing new nonconforming lots without a demonstrated hardship may weaken consistent application of the Code.

Staff Finding: Partially supported.

- E. 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, including topography or the exceptional irregularity of the land involved, that are not shared generally by other parcels in the neighborhood or district.***

No unusual condition, topography issue, or exceptional irregularity has been identified. The hardship appears to result from the proposed subdivision layout.

Staff Finding: Not supported.

- F. 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 need for the variance is created by the proposed subdivision into three lots. The applicant could potentially keep the site as one lot or redesign the lots to reduce the nonconformity.

Staff Finding: Not supported.

- G. Financial hardship to the Applicant, standing alone, shall not be deemed to constitute a hardship.***

Any financial, leasing, financing, or development preference related to creating separate lots does not constitute a hardship by itself.

Staff Finding: Not supported.

- H. The Applicant bears the burden of proof in establishing the facts justifying a Variance, which shall be documented in the record.***

The applicant has shown that the project would improve the overall site condition, but has not demonstrated a qualifying hardship for creating three nonconforming lots.

Staff Finding: Not met.

Overall Staff Finding

Staff recognizes that the proposed redevelopment would improve the existing site by adding landscaping, adding pervious area, and reducing total impervious cover from 91.7 percent to 88.1 percent.

However, the request would allow one existing nonconforming lot to be subdivided into three separate nonconforming lots. Each resulting lot would exceed the 65 percent maximum impervious cover allowed in the General Commercial zoning district and under the prior P5 Core zoning district.

Staff evaluates variance requests on an individual lot basis when a subdivision is proposed. While the overall site would improve, the applicant has not demonstrated an undue hardship based on special or unusual conditions affecting the land.

RECOMMENDATION:

Move to deny the zoning variance request for Bastrop West Commercial, also known as the Tractor Supply lot, to allow the subdivision of the existing nonconforming commercial lot into three General Commercial-zoned lots with proposed impervious cover of 91.9 percent, 77.7 percent, and 72.4 percent, where 65 percent is the maximum impervious cover allowed, based on the finding that the applicant has not demonstrated an undue hardship under the variance criteria.

This denial is based on the following findings:

1. The property is already developed and used for commercial purposes.
2. No special physical condition, unusual topography, or exceptional irregularity of the land has been identified.
3. The request appears to result from the proposed subdivision and development layout rather than a hardship created by the land itself.
4. The variance would allow one existing nonconforming lot to be divided into three separate nonconforming lots.
5. Although the overall site impervious cover would be reduced from 91.7 percent to 88.1 percent, each resulting lot would still exceed the 65 percent maximum impervious cover requirement.
6. The request is not fully consistent with the spirit of the ordinance, which is to allow lawful nonconformities to continue while encouraging them to move toward compliance when significant redevelopment or subdivision occurs.

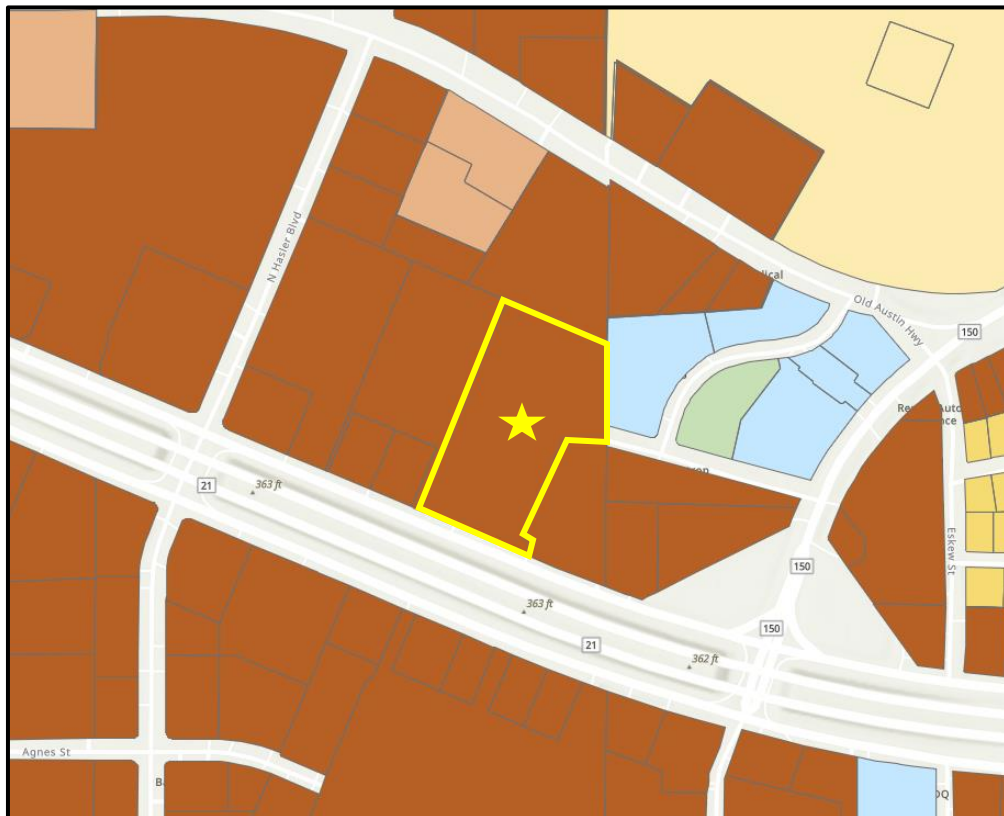
ATTACHMENTS:

- Zoning Map and Site Map
- Proposed Subdivision/Site Plan
- Variance Justification Letter from Applicant

Site Map



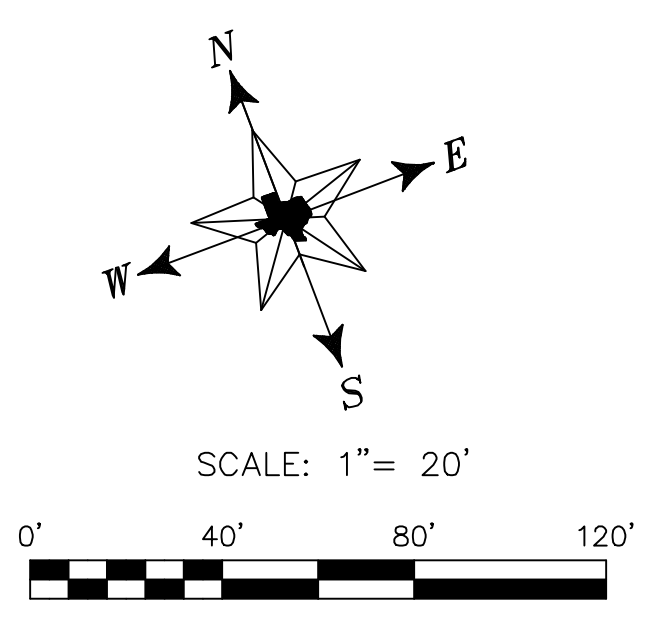
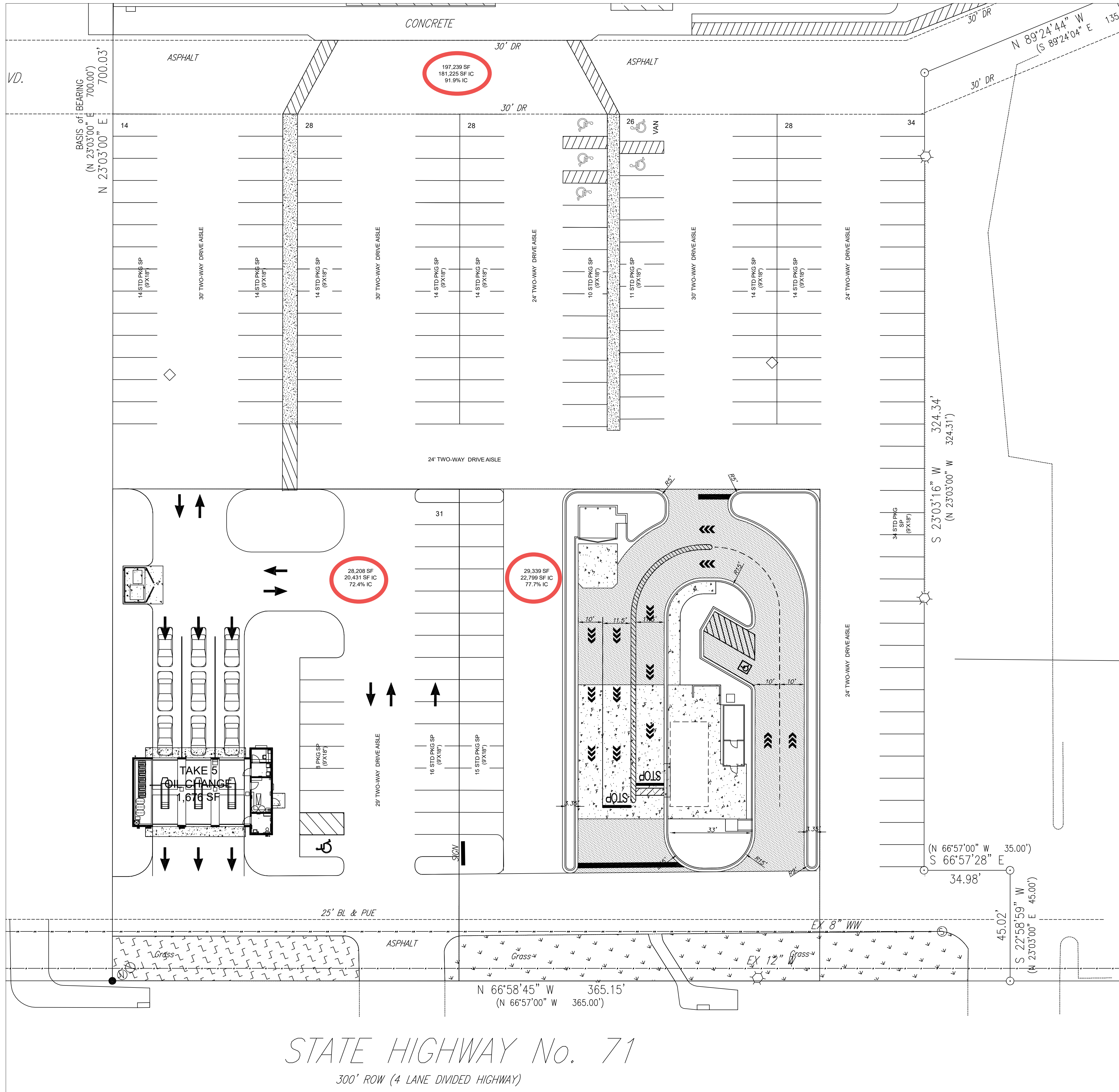
Zoning Map



Zoned Parcels

ZoneType

- Parks & Open Space
- Rural Residential
- Single Family Residential (SF-1)
- Single Family Residential (SF-2)
- Single Family Residential (SF-3)
- Mixed Use
- General Commercial
- Public Institutional
- Industrial
- Planned Development



- LEGEND**
- △ = CALCULATED POINT
 - = FND 1/2" IRON ROD
 - () = RECORD INFORMATION
 - B.S. = BUILDING SETBACK
 - R.D. = RECORD DIGNITY MONUMENT
 - ⊙ = FIRE HYDRANT
 - Ⓜ = SANITARY SEWER MANHOLE
 - ⊗ = WIRE FENCE
 - ⊕ = POWER POLE
 - E— = OVERHEAD ELECTRIC

IMPERVIOUS COVER CALCULATIONS
 EXISTING IC = 233,555 SF (91.7%)
 PROPOSED CONDITION:
 WHOLE SITE: 224,455 SF (88.1%)

STATE HIGHWAY No. 71
 300' ROW (4 LANE DIVIDED HIGHWAY)

NO.	DATE	REVISIONS	BY

NORTH PINES CENTER REDEVELOPMENT
 441 W SH 71
 BASTROP, TX 78602
DIMENSIONAL SITE PLAN

Highland Development
 & ENGINEERING COMPANY
hd+e
 FIRM REGISTRATION # F-19450
 155 Glass Ln
 Bastrop, Texas 78602
 (815) 674-4945



SHEET
6
 OF 21

525 TAHITIAN DRIVE • BASTROP, TEXAS 78602 • PHONE (512) 585-1388

VARIANCE REQUEST

PROJECT: BASTROP WEST COMMERCIAL – LOT 2

Property Owner's Name : North Pines LLC

Property Address: 441 W SH 71, Bastrop, Texas 78602

Project Purpose : Create a 3-lot Amending Plat to allow two new lots for two new businesses on the SH 71 Corridor, providing tax revenue and amenities to local residents.

1. The variance is not contrary to the public interest and will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area. Not contrary to the public interest; public health; safety ; or welfare or injurious to other property in area.

To the contrary, this plan (variance requests) follows and finishes a pattern set by this Shopping Center in its inception i.e. business operations and buildings along the east- west boundary on the North followed by parking then business/ buildings on the east-west access road on the South (along HWY. 71 access road). Without the Variance the tract in question remains a large slab (over 1 acre) of unsightly unproductive asphalt (see pictures). This is would not be detrimental to health, safety or injurious to other property or the public.

2. Due to special conditions peculiar to the property, a literal enforcement of this Code would result in unnecessary hardship as applied to the property.

Absent the Variance requested, the Applicant will be deprived of rights, benefits and productive use of over 1 acre of substantially unutilized space. This lot was originally designed and put in place by the Developers for Walmart, pursuant to its business model in the 1980's. The parking was and remains excessive in size relative to current use or need. This is substantially unused area (except for the occasional tractor trailer "resting area"—see pictures).

3. The variance is necessary to permit the applicant to preserve and enjoy a substantial property right while not interfering with use and enjoyment of properties belonging to others in the area, and the spirit and intent of this Code continues to be observed.

This Variance is the only reasonable way to do such– convert excess parking into usable retail/ service space. Using such space as a portion of Lot 2 (without re-subdivision) will create long-term ownership restrictions that are not acceptable, e.g. practical inability to properly obtain

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loans based on the property. This plan does not interfere with the use and enjoyment of properties of others in the area.

4. The unnecessary hardship (depriving the owner of the highest and best productive use) is based on conditions related to the property.

This stems from the exceptional size of the asphalt parking lot relative to need. Using the property by utilizing what exists currently with the least amount of disruption to others in the area is the obvious answer.

5. The unnecessary hardship is not self-created. The Board shall deny a variance if the requested relief is based on a condition created by a person with an interest in the property.

Current usage has changed over time. The original owner has moved to another location, and the parking needs have changed. The Variance requested will cure the anomaly here and was not self-created.

6. Financial impact alone, including loss of profits, personal circumstances, or higher development costs typical of the district, does not constitute unnecessary hardship. However, in evaluating unnecessary hardship as applied to a structure, the Board may consider the grounds listed in Texas Local Government Code Section 211.009(b-1).

This is not driven by financial impact alone.

7. The applicant bears the burden of proof, and the evidence supporting each finding must be documented in the record.

We believe we have met the burden based on the above Code sections and the above guidance from Staff.

8. A variance shall not authorize a use that is not otherwise permitted in the zoning area.

The Variance requested does not allow a use not permitted in this Zoning district. This statement is true.