

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, June 1, 2020
Municipal Building — Glosserman Room
308 W. San Antonio St.**

BOARD MEMBER AUDIO CONFERENCE PARTICIPATION

One or more members of the Lockhart Zoning Board of Adjustment may participate in a meeting remotely. The member of the Board presiding over the meeting will be physically present at the above public location. Audio conference equipment providing two-way audio communication with each member participating remotely will be made available, and each portion of the meeting held by audio conference that is required to be open to the public can be heard by the public at the location specified.

CITIZEN AUDIO CONFERENCE PARTICIPATION

- *Call-in number: 1-408-418-9388. Attendee Access Code: 626-304-323#.*
- *Citizens wishing to listen or participate must call in prior to the start of the meeting, and should identify themselves. Attendees may call in to listen only, if desired.*
- *Those wishing to speak will be called upon to address the Board.*
- *Zoning Board of Adjustment agenda packets can be viewed online at www.lockhart-tx.org starting two days prior to the meeting. Navigate from the Departments tab at the top of the page to Development Services – Meeting Minutes/Schedules (on left side) – Agendas & Minutes – Zoning Board of Adjustment Agendas & Minutes – Agenda Packets.*

AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the April 6, 2020 meeting.
4. **ZV-20-02.** Hold a PUBLIC HEARING and consider a request by Countywide Builders, on behalf of Infrared Real Estate Group, LLC, for a Variance to Appendix II of Chapter 64 “Zoning”, Lockhart Code of Ordinances, to allow a reduction in the minimum required lot area from five acres to 1.778 acres for a PDD (Planned Development District), in the Byrd Lockhart League, Abstract No. 17, currently zoned CMB (Commercial Medium Business District) and located at 416 North Church Street.
5. **ZV-20-03.** Hold a PUBLIC HEARING and consider a request by Waldo Villarreal for a Variance to Appendix I of Chapter 64 “Zoning”, Lockhart Code of Ordinances, to allow a reduction in the minimum required front yard building setback from 25 feet to 10 feet, for a carport to be placed over the driveway, on Lot 2, Block 1, Phase 1 Southside Estates, zoned RLD (Residential Low Density District) and located at 102 Sunset Drive.
6. Discuss the date and agenda of the next meeting.
7. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 11:45 a.m. on the 20th day of May, 2020.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
APRIL 6, 2020**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Anne Clark, Severo Castillo, Laura Cline, Lori Rangel, John Juarez, Kirk Smith

Members Absent: None

Staff Present: Christine Banda, Kevin Waller

Others Present: Joe Williams (husband of applicant Jacqueline Williams, Agenda Item (5))

1. Call meeting to order. Chair Cline called the meeting to order at 6:30 p.m.

2. Election of Officers for 2020.

Member Clark moved to nominate Laura Cline for Chair. Member Annas seconded, and the motion passed with a vote of 7-0.

Member Annas moved to nominate Anne Clark for Vice-Chair. Member Cline seconded, and the motion passed with a vote of 7-0.

3. Citizen comments not related to a public hearing item. None

4. Consider the minutes of the February 3, 2020 meeting.

Member Clark moved to approve the February 3, 2020 minutes. Member Reeder seconded, and the motion passed by a vote of 7-0.

5. SE-20-01. Hold a PUBLIC HEARING and consider a request by Jacqueline Williams for a Special Exception as provided in Section 64-130(c)(5), Chapter 64 "Zoning", Lockhart Code of Ordinances, to preclude an essentially inadvertent taking of property due to an existing nonconforming lot depth that is less than the minimum threshold to be grandfathered on Lot 1, Block 3, San Fernando Addition, consisting of 0.062 acre zoned RMD (Residential Medium Density District) and located at 808 Mora Street.

Planning Staff Kevin Waller explained that the applicant would like to demolish the existing single-family dwelling on the property and replace it with a new single-family dwelling. The existing lot, however, is nonconforming with respect to both width and depth, and requires approval of a Special Exception in order for it to be redeveloped. Although the lot's 40-foot width is more than 70 percent of the required 50-foot width, and is therefore "grandfathered-in", the

lot depth, at 67.5 feet, is less than 70 percent of the required 105-foot depth. According to the applicant's site

plan, the new single-family home will meet all minimum building setbacks. Mr. Waller displayed photos of the property and surrounding properties in a PowerPoint slideshow presentation. He mentioned that without the approval of the Special Exception, the property could not be redeveloped. Waller stated that Staff recommends approval.

Chair Cline opened the public hearing and asked the applicant to come forward.

Joe Williams of 917 Merritt Drive said he was happy with Mr. Waller's presentation, and that he and his wife are seeking approval of the Special Exception.

Seeing no other speakers, Chair Cline closed the public hearing.

Member Clark moved to approve SE-20-01. Member Rangel seconded, and the motion passed by a vote of 7-0.

6. Discuss the date and agenda of the next meeting.

Mr. Waller indicated that the next regularly scheduled meeting will be held May 4, if applications are received by the deadline.

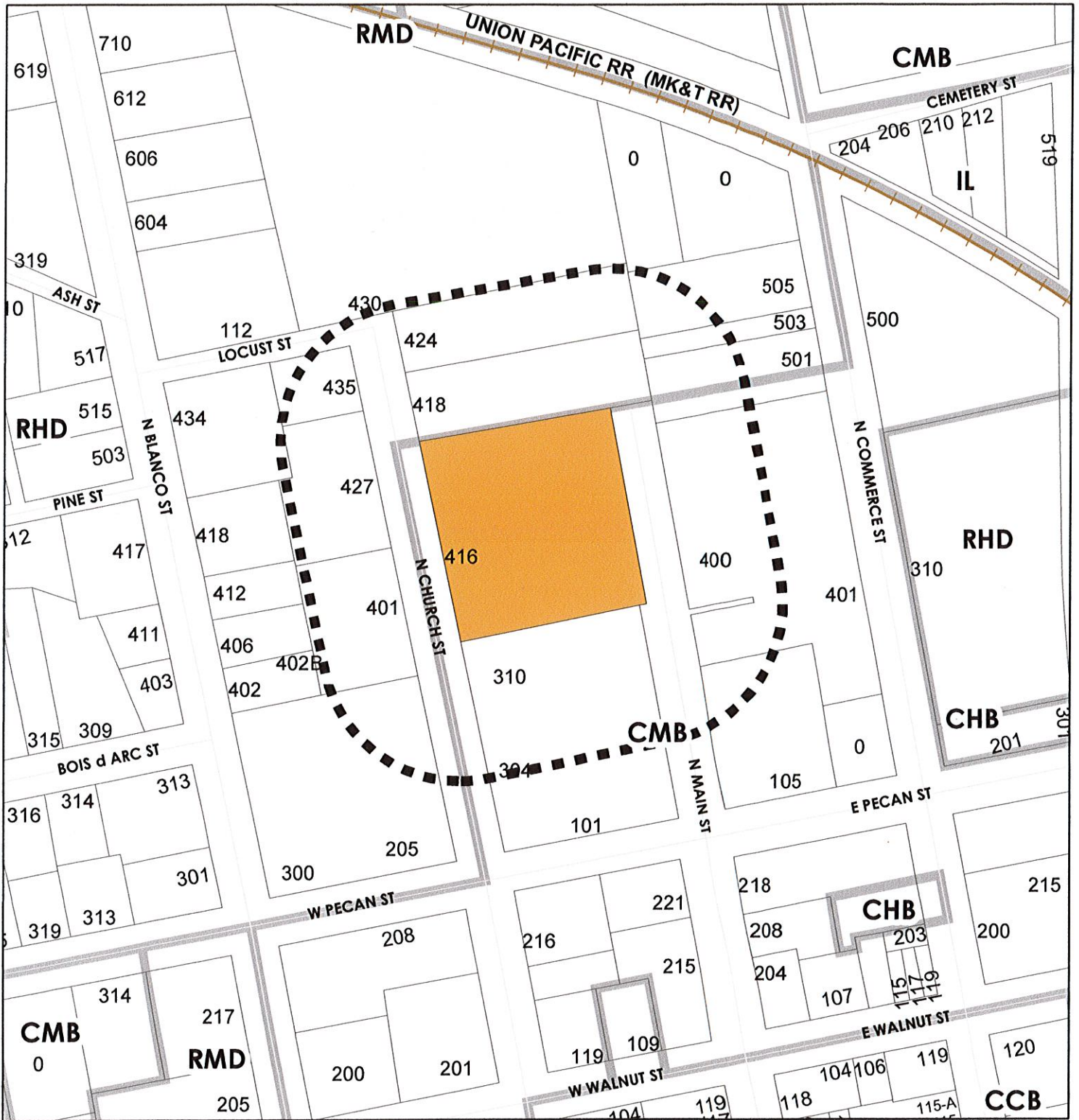
7. Adjourn.

Member Smith moved to adjourn the meeting, and Member Annas seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 6:47 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



ZV-20-02

416 N CHURCH STREET

REDUCTION IN THE MINIMUM
LOT AREA FROM 5 ACRES TO
1.778 ACRES FOR PDD



- Subject Property
- Zoning Boundary

scale 1" = 200'

PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW*

CASE NUMBER: ZV-20-02

REPORT DATE: May 21, 2020

PUBLIC HEARING DATE: June 1, 2020

APPLICANT'S REQUEST: Variance to Section 64-199(a) and Appendix II to allow a reduction in the minimum required lot area for a PDD from five acres to 1.778 acres.

STAFF RECOMMENDATION: ***Approval, if the Board determines that all six variance review criteria have been met.***

BACKGROUND DATA

APPLICANT: Jim Smith, Countywide Builders

OWNER: Jeff Gibeaux, Infrared Real Estate Group, LLC

SITE LOCATION: 416 N. Church St.

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 1.778 acres

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATION: CMB (Commercial Medium Business District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to develop the property with a mixed-use development containing residential, commercial, and mixed-use buildings. After a preliminary review of the proposal, Staff recommended that the applicant seek PDD (Planned Development District) zoning for the property, due to the uses proposed and the variances that would be required under the current zoning classification of CMB. Variances needed would include those related to building setback and off-street parking requirements. In addition, mixed-use buildings in the CMB zoning district would require approval of a Specific Use Permit from the Planning and Zoning Commission, which would add yet another layer of complexity to the project. Therefore, the applicant plans to pursue the PDD zoning district classification for the property, which is intended to accommodate developments that have unusual characteristics that might require deviations from the normal zoning and/or subdivision standards. In return for such flexibility, the PDD requires more of an up-front commitment on the part of the developer in terms of the site layout, land uses, and amenities. Section 64-199(a) and Appendix II of the Zoning Ordinance stipulate that the minimum required lot area for a PDD is five acres. The subject property, however, is only 1.778 acres, hence the request for the variance. The variance process will be the first step for the development, while the second step is submission of a subdivision plat, PDD development plan, and zoning change request to be considered by the Planning and Zoning Commission. The Commission will make a final decision on the subdivision plat, and will make a recommendation to the City Council on the development plan and zoning change, who will make the final decision on those items.

AREA CHARACTERISTICS: The immediate area contains a mixture of residential and church-related uses. A single-family residence is located north of the subject property on land zoned RMD (Residential Medium Density District). The property to the east, across North Main Street, is owned by Vision Church of Lockhart, containing the main church building and a few accessory buildings, and

is zoned CMB. The adjacent property to the south is owned by St. Mary of the Visitation Catholic Church and consists of several buildings used as church facilities, also zoned CMB. The properties to the west, across North Church Street, are zoned RMD and include a vacant property owned by the St. Mary Church at 401 North Church Street and a property with a single-family residence at 427 North Church Street.

UNIQUE CONDITIONS OF PROPERTY: The size and configuration of the property has existed in its current state for many years and was not caused by an action of the applicant or property owner. The proposed mixed-use development with the desired PDD zoning classification would be a good use of the property in an area transitioning generally from commercial to residential use.

NATURE OF HARDSHIP: Although there is nothing that prevents the applicant from developing the property for commercial use, the size of the property, relative to the five-acre minimum lot area for a PDD, creates an exceptional hardship for what Staff has determined would be a reasonable use of the property, consisting of a mixed-use development with PDD zoning. In addition, neither increased financial gain nor reduced financial hardship will be achieved with a mixed-use development at this location.

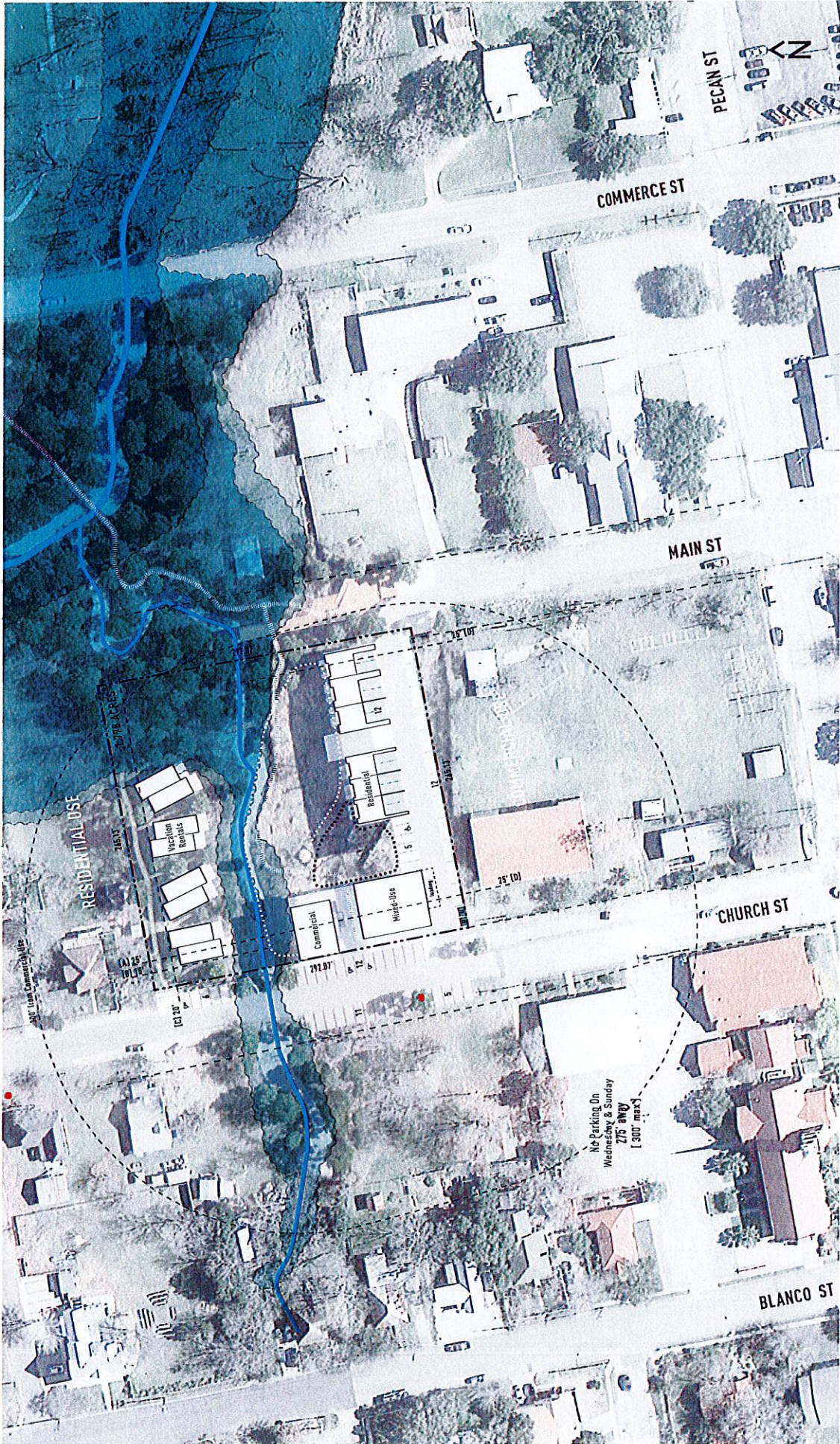
EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: According to the enclosed concept plan, a total of 29 off-street parking spaces are proposed, and a total of 34 on-street parking spaces, for a total of 63 parking spaces associated with the development. In addition, one off-street handicapped space and three on-street spaces are shown. Since the on-street parking spaces will be located within City right-of-way, coordination with the Public Works Department will be necessary prior to development. Although the desired PDD zoning district does not provide for off-street parking standards, parking, along with pedestrian safety, will be more closely analyzed at the PDD development plan stage. It should also be noted that the 100-year floodplain traverses portions of the north half of the property, which will also be considered with the development plan.

COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all six of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. In this case, Staff believes that the circumstances warrant approval. The applicant submitted the attached written explanation as evidence in support of the variance.

ALTERNATIVE SOLUTIONS: If the variance is denied, the applicant could remove the exclusive residential components of the project and apply for a Specific Use Permit from the Planning and Zoning Commission for the mixed-use building component. This option may also require zoning variances from the off-street parking requirements and building setback requirements at a minimum. Another alternative is to simply construct a commercial building that fits the parameters of the CMB zoning district that is either allowed by-right or upon approval of a Specific Use Permit.

PRECEDENT: There is a possibility that a precedent could be set by granting the variance. However, it is unlikely, since a PDD requires much more up-front commitment than many developers are willing to undertake, especially on properties of this size.

RESPONSE TO NOTIFICATION: Public hearing notices were mailed to owners of 16 properties within 200 feet of the subject property. As of the date of this report, no written or verbal expressions of support or opposition have been received.



29 Off Street Parking Spaces (On-Site)
 34 On Street Parking Spaces (Off-Site)

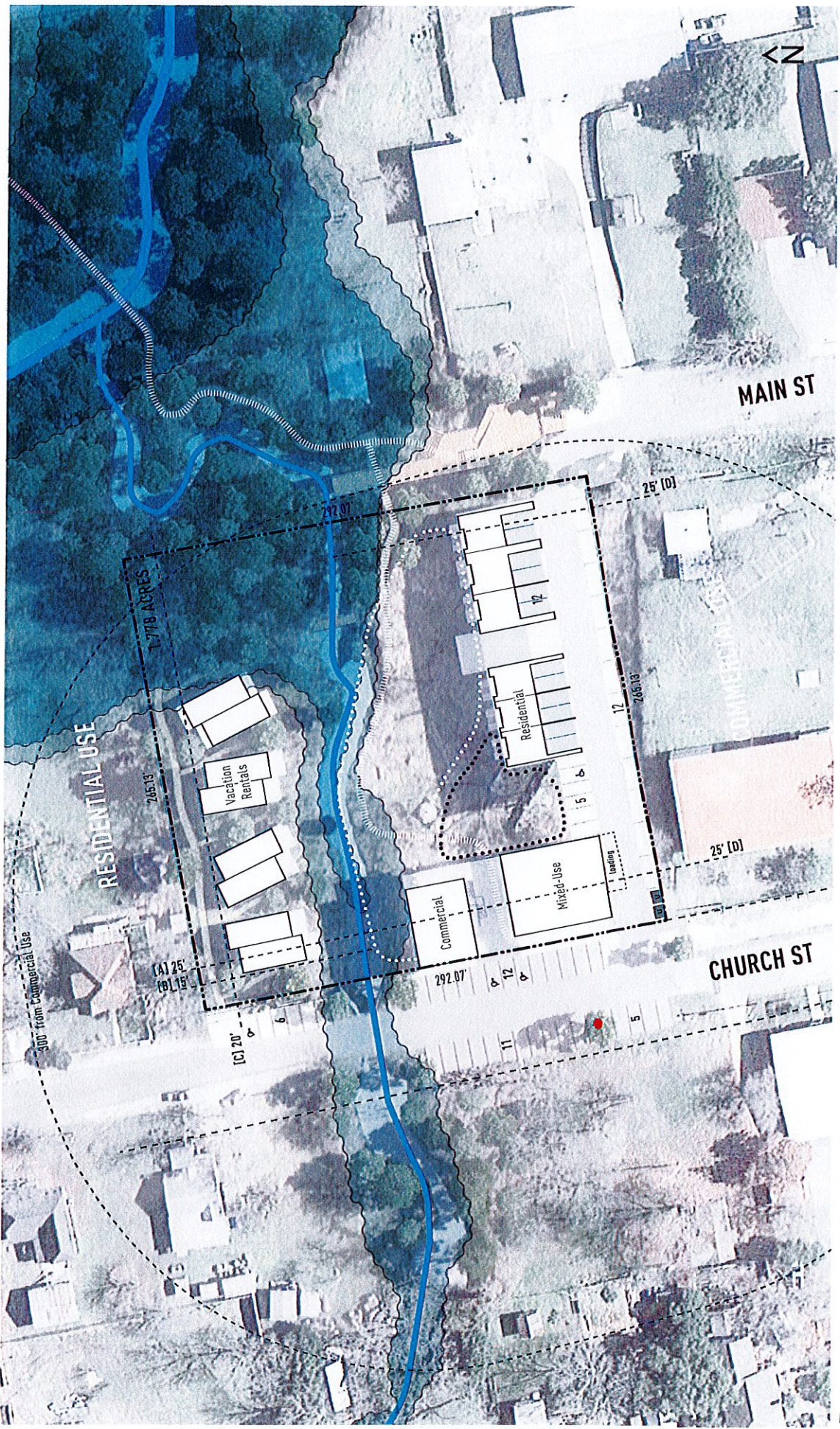
29 Fire Hydrant Locations - 500' max
 Fire Truck from Road - 500' max

Setbacks: (A) 75' Street | Worst Case | SF-1, DF-1
 (B) 15' Street | Best Case | TH-1, TH-2, CM-1
 (C) 70' Side | CMB next to RHD
 (D) 75' Street | CMB | Shown Plan will require a variance

Site: 1,778 acres | 77,001 sf
 Flood: Zone AE | 17% of site in 0.2%

80 ft

HISTORICAL ACCESS - MINIMUM 90° PARKING | 05.01.2020
 Main Springs | Site Proposal | 05.01.2020
 LAKE FLATO



29 Off Street Parking Spaces (On-Site)
 1 Off Street Loading Area (On-Site Alley)
 34 On-Street Parking Spaces (Off-Site)

Fire Hydrant Locations - 500' max
 Fire Flow from Abund - 600' max

Setbacks: (A) 25' Street | Worst Case | SF-1, DF-1
 (B) 15' Street | Best Case | TH-1, TH-2, CM-1
 (C) 20' Side | CMR next to RHD
 (D) 25' Street | CMR | Shower Plan will require a variance

Site: 1.778 acres | 77,101 sf
 Flood: Zone AE | 27% of site in 0.2%

HISTORICAL ACCESS - MINIMUM 90° PARKING | 05.01.2020
 Main Springs | Site Proposal | 05.01.2020
 LAKE | FLATO

Overview

Developer is requesting a variance to Chapter 64 Appendix II. and Sec. 64-199 in the City of Lockhart Code of Ordinances which states the minimum lot size required to request a Planned Development District (PDD) zoning is 5 acres.

The proposed development at 416 N. Church St. is currently zoned CMB in Lockhart and is 1.8 acres. Due to its location adjacent to downtown, a mixed-use development would provide the best use of the land to support the City of Lockhart's Comprehensive Plan. In order to develop as mixed-use, we believe that our best course of action is a PDD zoning change. Here are the supporting reasons:

Evidence:

1. If conventional zoning is used, it would require the following zoning variances:
 - a. Development plan would include a setback variance request for standalone commercial building and a mixed-use commercial/residential building
 - b. On-site parking variance
 - c. Mixed-use buildings and residential buildings on lot zoned CMB ***usually requires specific use.

Because of the nature of this proposed walkable community and the amount of variances that would be required to develop such a project, it has been determined by the City Planner that a PDD process would be the appropriate mechanism to accomplish the project as envisioned. This would eliminate the process of multiple variance requests and inefficient use of city resources. We feel it is a better course of action for all involved to simply ask for a variance in the size requirements for PDD zoning. We feel our project, although smaller than the requirements, still is worthy of the careful planning and predictability of PDD zoning.

2. The development is planned to be phased. According to City of Lockhart Zoning Ordinance Sec. 64-199 (c), phasing is already an additional requirement of a PDD.

Sec. 64-199 (c.) - *"In order to minimize the potential negative effects of partial completion of a PDD, the preliminary and final development plans shall each be divided into phases of development. Development phases shall be designed such that each shall constitute a completed unit and shall not require any other completed phase to allow development or use. Phases shall not divide lots, blocks, or street centerlines. Final plats shall be filed for record only for those phases completed."*

3. Our district would contain a combination of various residential and commercial development types. According to the City of Lockhart Zoning Ordinance, we fit the description of a PDD.

Sec. 64 -196 (p) - *"Planned development district (PDD). This district provides for a combination of the various residential development types, which may include various commercial district*

types, or for commercial and industrial tracts within the same area. This district may be developed in any area within the city as a specific use and may be subject to special conditions and regulations as prescribed by the commission or council. See [chapter 52](#), Code of Ordinances, [section 64-166](#) and [section 64-198](#).)

Specific Responses to Application Criteria:

1. **A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;** *The unique physical condition is that the size of the lot is smaller than the minimum required 5 acres for PDD zoning in the Lockhart Ordinance. It is bounded on two sides by public streets and is dissected through the center with a creek. The creek and adjacent ROW make the property location very suitable for mixed use as anticipated by PDD zoning, yet these limitations control the size of the tract.*
2. **The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;** *Lot was platted this size and is compatible with the layout of Lockhart in this area.*
3. **The variance is the minimum amount necessary to allow a reasonable use of the property;** *Yes, one variance would allow the project use rather than multiple variances under conventional zoning.*
4. **The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;** *Correct. The reason for zoning variance is we think PDD zoning will reinforce the most comprehensive and compatible use of the property within the downtown area.*
5. **The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district;** *The ability to obtain PDD zoning will not adversely affect public health or safety or interfere with adjacent property use and will allow us to actually improve safety and City infrastructure on adjacent ROW.*
6. **The variance will not alter the essential character of the zoning district within which the subject property is located and is in harmony with the intent and purposes of the zoning ordinance.** *The proposed project is a mix-use development on a commercial zoned property abutted by both commercial and residential property. It will harmonize with the surrounding district by providing a seamless transition within the district.*

CITY OF
Lockhart
TEXAS

ZONING VARIANCE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Countywide Builders
DAY-TIME TELEPHONE (512)-787-0383
E-MAIL ws@countywidere.com

ADDRESS P.O. Box 1117
Lockhart, TX 78644

OWNER NAME Infrared Real Estate Group LLC
DAY-TIME TELEPHONE (512)-923-5961
E-MAIL jgibeaux@outlook.com

ADDRESS P.O. Box 68
Lockhart, TX 78644

PROPERTY

ADDRESS OR GENERAL LOCATION 416 N. Church St.

LEGAL DESCRIPTION (IF PLATTED) A017 Lockhart, BYRD, Acres 1.778 (Metes & Bounds)

SIZE 1.778 ACRE(S) ZONING CLASSIFICATION CMB

EXISTING USE OF LAND AND/OR BUILDING(S) Vacant Property (Old Concrete Plant)

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Sec. Chapter 64 Appendix II. and Sec. 64-199^(a) OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) Minimum 5 acres (minimum lot area for a PDD)

REQUESTED VARIANCE(S) Lower the minimum acreage standard to allow our 1.778 Acre Plat to be zoned PDD

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

A WRITTEN STATEMENT DOCUMENTING THE REASON FOR THE VARIANCE(S), INCLUDING EVIDENCE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CRITERIA AS REQUIRED FOR APPROVAL OF A VARIANCE.

1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
2. The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
3. The variance is the minimum amount necessary to allow a reasonable use of the property;
4. The *sole* reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
5. The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
6. The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

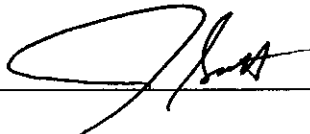
SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and, 7) any other proposed features of the site which are applicable to the requested variance.

APPLICATION FEE OF \$ 185.56 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 acre and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE _____



DATE 5/11/2020

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 93753A

DATE SUBMITTED 5/12/20

CASE NUMBER ZV - 20 - 02

DATE NOTICES MAILED 5-18-2020

DATE NOTICE PUBLISHED 5-21-2020

BOARD OF ADJUSTMENT MEETING DATE 6/1/20

DECISION _____

CONDITIONS _____

Mr. Jeff Gibeaux
Infrared Real Estate Group LLC
P. O. Box 68
Lockhart, TX 78644

May 11, 2020

Mr. Dan Gibson
Development Services Department
City of Lockhart
308 W. San Antonio Street
Lockhart, TX 78644

RE: 1.78 acres, A017, Byrd Lockhart, City of Lockhart, TX; Also known as Parcel ID for the Caldwell County Appraisal District No. 17909; also known as 416 North Church, Lockhart, TX 78644

Dear Mr. Gibson,

I am in the feasibility period to sell the subject property to PHX 15 LLC and or assigns. I authorize Mr. Ramzi Al-Rashid, Mrs. Nicole AlRashid, and or Jim Smith and or Winn Smith to apply for a variance for PDD variance to be considered by one or more committees or staff with the City of Lockhart, Texas. I understand this PDD variance will only become effective upon the sale of the property within the guidelines approved by the City of Lockhart. I am the member manager of the general partner for Infrared Real Estate Group LLC.

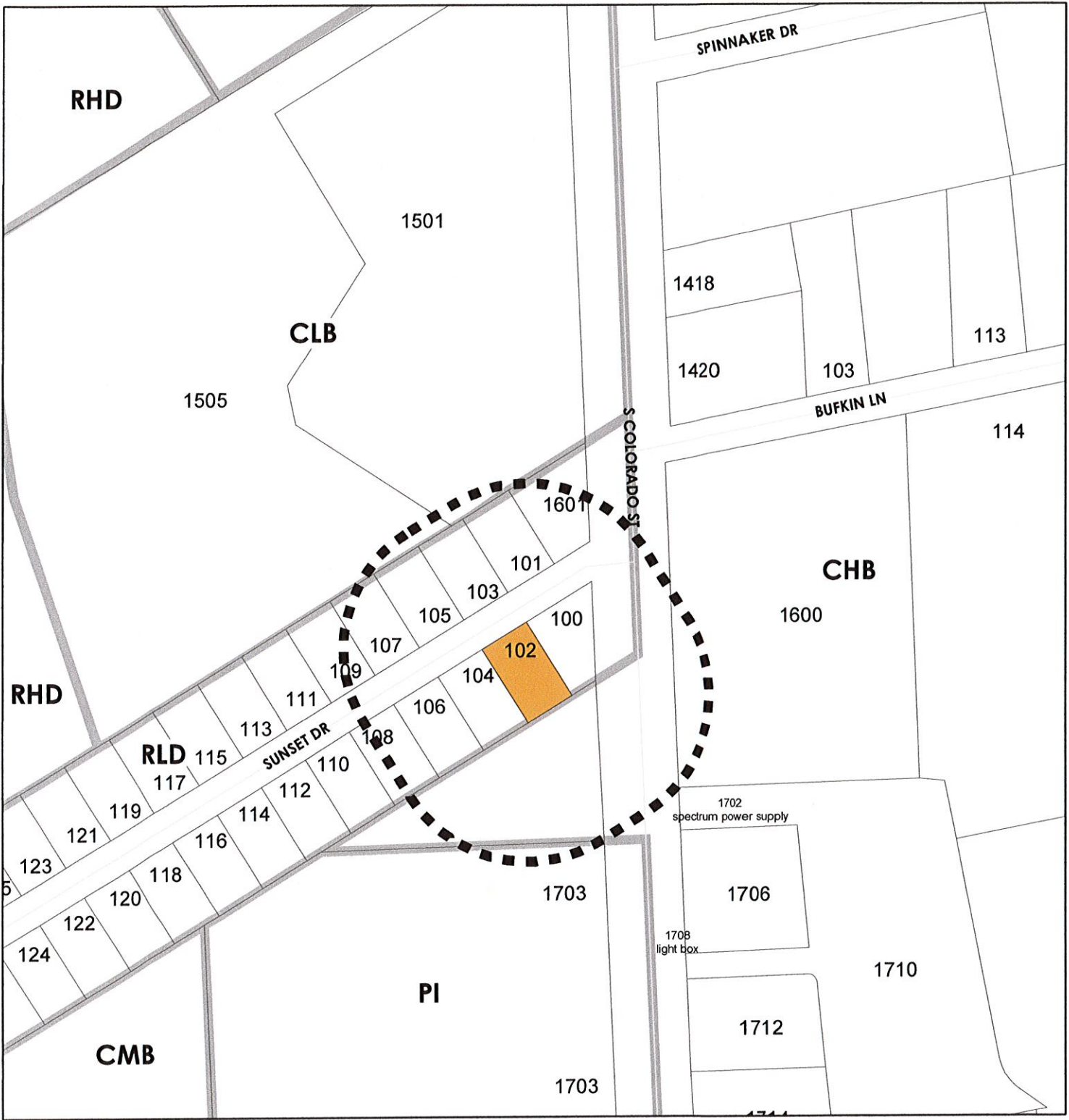
DocuSigned by:

Jeff Gibeaux

5/11/2020

U26670AFE7D4411...
Jeff Gibeaux

DATE




ZV-20-03

102 SUNSET DRIVE

REDUCTION IN THE MINIMUM
FRONT YARD SETBACK FROM
25 FT TO 10 FT FOR A CARPORT



 Subject Property

 Zoning Boundary

scale 1" = 200'

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW* CASE NUMBER: ZV-20-03
REPORT DATE: May 22, 2020
PUBLIC HEARING DATE: June 1, 2020
APPLICANT’S REQUEST: Variance to Appendix I to allow a reduction in the minimum front-yard building setback from 25 feet to 10 feet.
STAFF RECOMMENDATION: *Denial, unless the Board determines that all six variance review criteria have been met.*
CONDITIONS: None.

BACKGROUND DATA

APPLICANT AND OWNER: Waldo Villarreal
SITE LOCATION: 102 Sunset Dr.
LEGAL DESCRIPTION: South Side Estates, Block 1, Lot 2
SIZE OF PROPERTY: 0.215 acre
EXISTING USE OF PROPERTY: Single-Family Dwelling
ZONING CLASSIFICATION: RLD (Residential Low Density District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant wishes to construct a 12-foot by 12-foot carport addition to the front of the existing single-family residence. The carport would attach to the front of the existing, eight-foot deep covered porch (see enclosed elevation drawing) that is located in front of the former garage that has been converted to living space. According to the enclosed site plan, the carport will meet the minimum setback requirements on the side and rear yards, but will encroach 15 feet into the required 25-foot front yard setback, which would result in a 10-foot setback from the front property line to the front carport columns. It should be noted that the existing covered porch is located 22 feet from the front property line, or three feet into the required front-yard setback. According to the applicant, the carport will allow one of the applicant’s vehicles to be covered and protected from a large tree on the property that releases sap and acorns that have dented the vehicles, in addition to causing a slipping hazard. The applicant also cites difficulty entering and exiting his vehicle during periods of inclement weather, which can also present a slipping hazard.

AREA CHARACTERISTICS: The subject property is surrounded by lots that are developed with single-family dwellings, with the exception of the adjacent parcel to the south, which is vacant and zoned CHB (Commercial Heavy Business). An existing carport is located five properties to the west at 112 Sunset Drive, which appears to be within the required front-yard setback. The subject property and numerous properties nearby contain garage conversions to living space, which requires all vehicles to be parked in the driveways.

UNIQUE CONDITIONS OF PROPERTY: The existing residence on the property is nonconforming with respect to the required 25-foot minimum front-yard setback in the RLD zoning district because it is only 22 feet from the front property line at its closest point. However, this does not necessarily set a precedent for a structural addition to be constructed even closer to the property line. No physical surroundings or topographical conditions exist which would necessitate encroachment of the proposed carport into the required front-yard setback. The large tree to the east of the driveway is not considered a unique condition to the property, as other homes in the area contain trees of similar

size and type in proximity to their respective driveways. Additionally, the property's garage to living space conversion was completed by the applicant many years ago, which, along with other garage conversions in the area, is not a unique condition.

NATURE OF HARDSHIP: No hardship exists that would require the proposed carport to be located within the front-yard setback. The applicant's garage conversion constitutes a self-created hardship, and there is nothing that prevents the applicant from converting the former garage area back to its previous use, which would allow a protected, enclosed area for parking one vehicle. The existing driveway allows enough parking for three vehicles outside of the road right-of-way, one along the west façade of the residence, and two in front. Although the driveway is wide and deep enough to park a vehicle along the west façade, the construction of a carport in that area could meet the front-yard setback, but not the side-yard setback to the west.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: There are no adverse impacts anticipated with the addition of a carport to a residential neighborhood.

COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all six of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the attached written explanation as evidence in support of the variance.

ALTERNATIVE SOLUTIONS: A carport meeting all setback requirements would only be feasible in the rear yard of the property, for which the existing driveway along the west side of the house could be extended with a jog so that a new detached carport or garage would meet the minimum side setback requirements. However, a carport with a shallower depth might be a feasible alternative in the proposed location. For instance, a carport that is 9 feet deep, excluding the front overhang, instead of 12 feet, would enable the applicant's longest vehicle, a Chevy Silverado pickup, to be covered to the end of the driver- and front-passenger doors. Although the rear half of the vehicle would not be protected from the elements and debris caused by the tree, this alternative would provide the driver and front passenger protection from the elements as well as from the slipping issue of falling acorns. A proposed carport shortened to a depth of 9 feet would result in a still-nonconforming setback of 13 feet to the front property line, instead of the proposed 10 feet, and may be considered the minimum degree of variance necessary to address the applicant's primary concern.

PRECEDENT: The granting of the variance as proposed would set a noticeable precedent. Since many of the homes within the South Side Estates subdivision have converted garages, the desirability to construct a carport in front of one's garage conversion is likely high, which will become even more attractive an option if the variance is approved.

RESPONSE TO NOTIFICATION: Public hearing notices were mailed to owners of 16 properties within 200 feet of the subject property. As of the date of this report, no written or verbal expressions of support or opposition have been received.

City of Lockhart Caldwell County, Texas

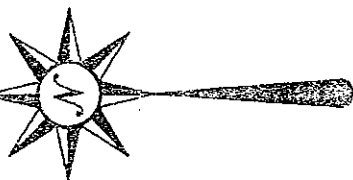
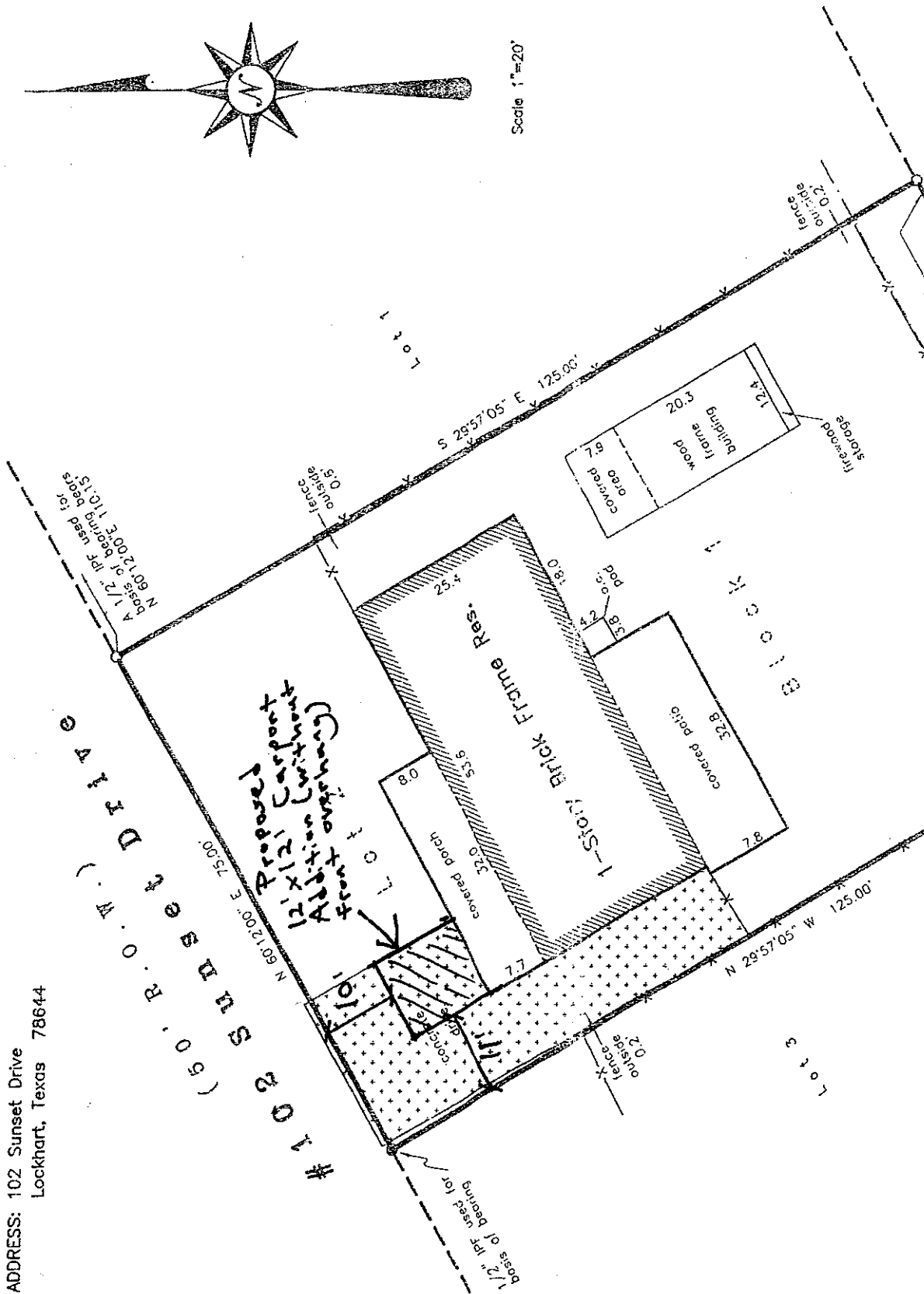
Phase 1 Southside Estates

Lot 2 in Block 1

G.F. #0212127

BORROWER: Waldo L. Villarreal and
Janie Villarreal

911 ADDRESS: 102 Sunset Drive
Lockhart, Texas 78644



Scale 1"=20'

*Proposed
Aluminum
Carport
(concrete
overlaid)*

*(S.O.R.O.W.)
Sunset Drive*

102

Lot 3

Block 1

Lot 1

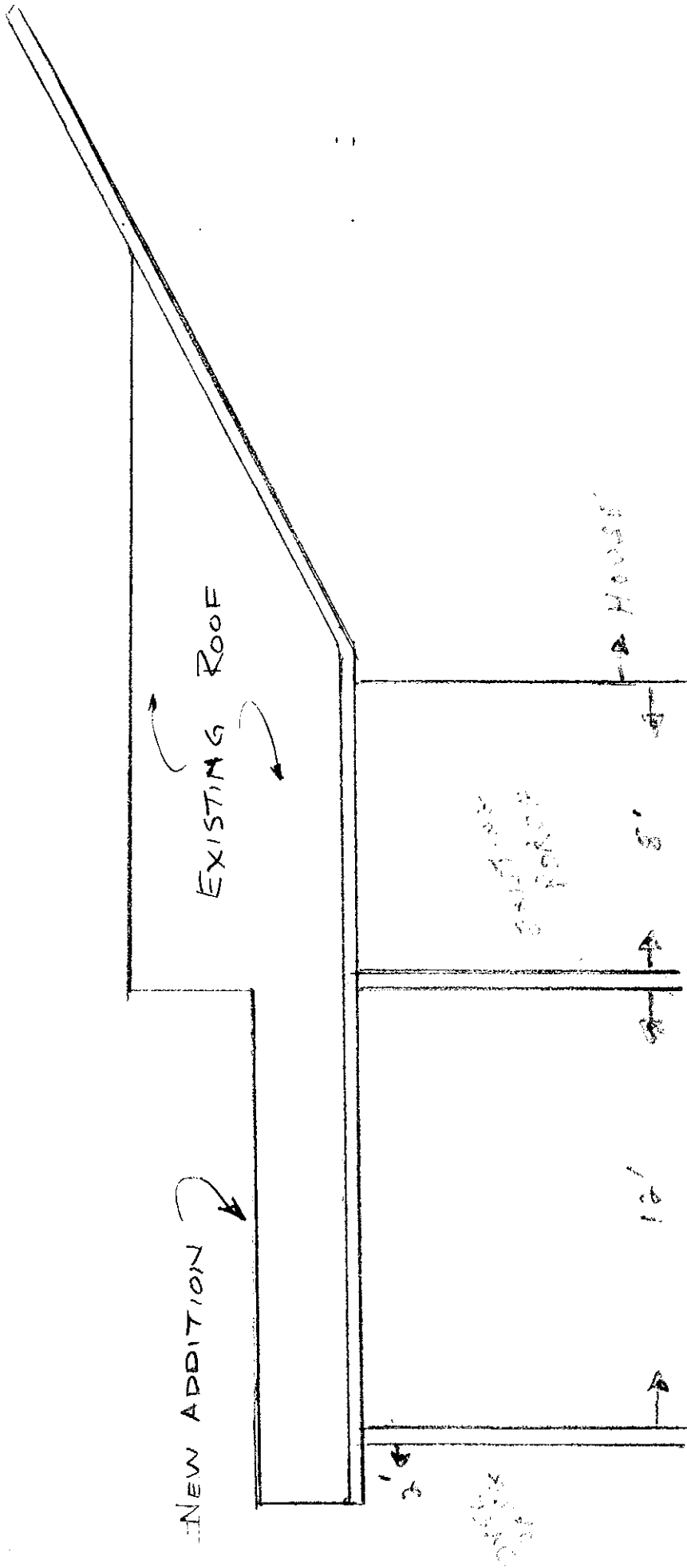
*1/2" IPT used for
bases of bearing posts
N 60°12'00" E 10.15'*

*1/2" IPT used for
bases of bearing posts
N 29°57'05" W 125.00'*

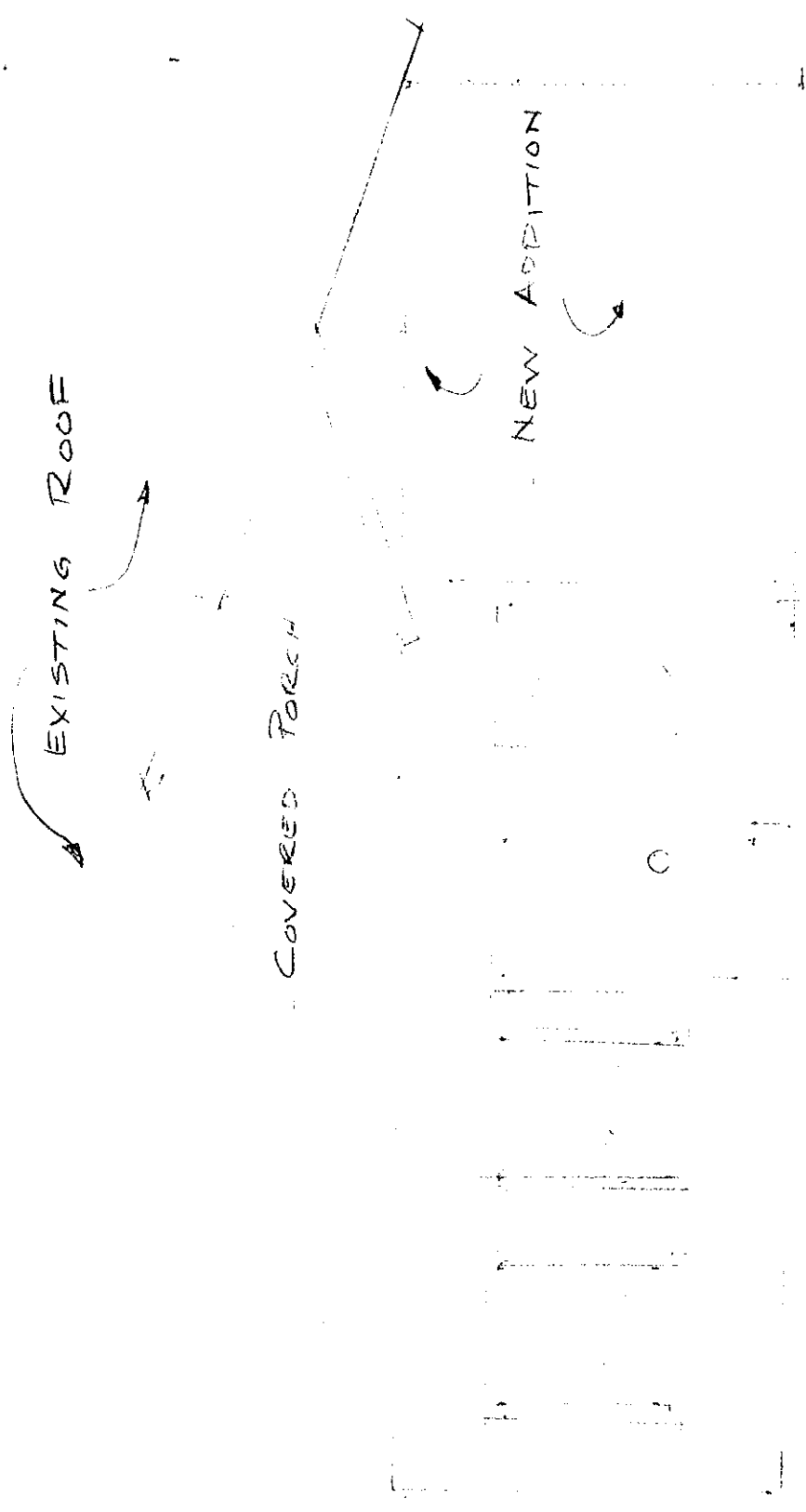
*fence
outside
0.2'*

*fence
outside
0.5'*

*fence
outside
0.2'*



RIGHT SIDE VIEW
 102 SUNSET DRIVE



FRONT VIEW

102 SUNSET DRIVE

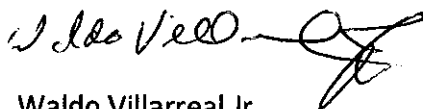
City of Lockhart
308 W. San Antonio St
Lockhart, Texas 78644

To Whom It May Concern:

The owner of property 102 Sunset Drive, Lockhart, Texas 78644 is a disabled veteran. The owner is requesting to extend/add a carport to his existing home. When there is inclement weather, the veteran has difficulty exiting and entering his automobile. This can cause hardship in the event that the veteran or his spouse fall. In addition, there is a tree that is located directly next to driveway. The tree releases acorns that cause dents on my car. Also, the tree releases sap that drips on the car and ruins the paint job of the vehicle. The veteran/owner has resided at this property for 42 years and has no intent of leaving the property. This extension/addition will be on the owner's property and does not interfere with adjacent properties. Due to being zoned a residential property, the extension/addition will not change the zoning of the property.

Please contact me should you have any further questions.

Sincerely,



Waldo Villarreal Jr.

5122938955 (cell)



ZONING VARIANCE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME WALDO VILLARREAL ADDRESS 102 SUNSET DR
DAY-TIME TELEPHONE 512-398-9917 LOCKHART TX
E-MAIL _____
OWNER NAME SAMIR AS ABOUR ADDRESS _____
DAY-TIME TELEPHONE 512-668-7647 _____
E-MAIL WALDOJANIE@GMAIL.COM _____

PROPERTY

ADDRESS OR GENERAL LOCATION 102 SUNSET DR.
LEGAL DESCRIPTION (IF PLATTED) LOT 2 BLOCK 1 SOUTHSIDE Estates
SIZE 0.215 ACRE(S) ZONING CLASSIFICATION RESIDENTIAL LOW DENSITY
EXISTING USE OF LAND AND/OR BUILDING(S) RESIDENCE - Single-Family

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix I of Chapter 64 OF THE ZONING ORDINANCE
CURRENT ORDINANCE REQUIREMENT(S) allow a reduction in min. front setback 25 feet

REQUESTED VARIANCE(S) EXTEND CARPORT 12' TOWARD ST.
allow reduction in min. required front setbacks
from 25 ft to 10 ft for a carport

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

A WRITTEN STATEMENT DOCUMENTING THE REASON FOR THE VARIANCE(S), INCLUDING EVIDENCE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CRITERIA AS REQUIRED FOR APPROVAL OF A VARIANCE.

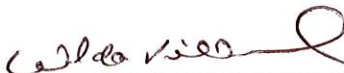
1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
2. The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
3. The variance is the minimum amount necessary to allow a reasonable use of the property;
4. The *sole* reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
5. The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
6. The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and, 7) any other proposed features of the site which are applicable to the requested variance.

APPLICATION FEE OF \$ 125⁰⁰ PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 acre and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE 

DATE ~~5-19-2020~~

5-18-2020

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 937641

DATE SUBMITTED 5/13/20

CASE NUMBER ZV - 20 - 03

DATE NOTICES MAILED 5-18-2020

DATE NOTICE PUBLISHED 6-21-2020

BOARD OF ADJUSTMENT MEETING DATE 6/1/20

DECISION _____

CONDITIONS _____
