

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
OCTOBER 05, 2020**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Laura Cline, John Juarez, Kirk Smith, Anne Clark (By Phone), Severo Castillo (By Phone)

Member Absent: Lori Rangel

Staff Present: Christine Banda, Kevin Waller

Others Present: Joe Roland (applicant, Agenda Item (6)), Worlanda Neal (property owner, Agenda Item (6)), Roberta Arispe (applicant, Agenda Item (4)), Christian Martinez, Matthew Martinez, Brenda Hernandez (applicant, Agenda Item (5)), Javier Hernandez, Lydia Salcedo, Janet McIntosh

1. Call meeting to order. Chair Cline called the meeting to order at 6:30 p.m.
2. Citizen comments not related to a public hearing item. None
3. Consider the minutes of the July 6, 2020 meeting.

Member Clark moved to approve the July 6, 2020 minutes. Member Reeder seconded, and the motion passed by a vote of 6-0.

4. SE-20-02. Hold a PUBLIC HEARING and consider a request by Roberta Arispe 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 unplatted lot width and lot area on 0.10 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RMD (Residential Medium Density District) and located at 1003 Proctor Street.

Planning Staff Kevin Waller presented the staff report to the Board via PowerPoint presentation. He stated that the property is nonconforming with regard to width and size area. Waller explained that the special exception approval is necessary in order to develop the property, and stated that Staff recommends approval.

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

Applicant Roberta Arispe stated that she seeks approval of the Special Exception in order to have the ability construct a home on the property in the future. Arispe explained that she has attempted to obtain information on the adjacent property to the east in pursuit of making her property conforming to the dimensional and area requirements, but has had little success.

Joe Roland of 207 Windridge Drive North said he is in favor of the variance request, which would allow a new home to be built and add value to the community.

Matthew and Christian Martinez of 916 Monte Vista Drive said they are in favor of the variance. The Martinez' explained that the subject property is their mother's, and she has taken good care of the property.

Chair Cline asked for any other speakers, either in person or on the phone. Seeing and hearing none, she closed the public hearing.

Member Clark moved to approve SE-20-02. Member Annas seconded, and the motion passed by a vote of 6-0.

5. SE-20-03. Hold a PUBLIC HEARING and consider a request by Brenda Hernandez, on behalf of Somsy Vejsiri, 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 unplatted lot depth and lot area on 0.127 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RLD (Residential Low Density District) and located at 1214 Farmer Street.

Mr. Waller presented the staff report to the Board and explained that this agenda item is a similar proposal to the previous item. However, with this proposal, the lot depth and lot area are nonconforming. Waller presented photos and maps of the subject property via PowerPoint. He stated that Staff recommends approval.

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

Applicant Brenda Hernandez of 231 Sunrise Street, Dale, stated that they would like to build a home for her mother-in-law from Houston so that she could live closer to the family and in a safer environment.

Javier Hernandez stated that he is Brenda's husband and the home is for his mother. Mr. Hernandez echoed that they would like to have his mother living closer to the family, and that they visit a ballpark frequently which is near the subject property. The new home would be an improvement to the property. Mr. Hernandez would appreciate the Board's approval of the special exception.

Chair Cline asked for any other speakers. Seeing and hearing none, she closed the public hearing.

Member Annas moved to approve SE-20-03. Member Smith seconded, and the motion passed by a vote of 6-0.

6. FV-20-01. Hold a PUBLIC HEARING and consider a request by Joe Roland on behalf of Worlanda Neal for a Variance to the Lockhart Code of Ordinances, Chapter 12, Section 12-490 "Residential Districts", to allow a six foot tall privacy fence to encroach approximately 12 feet into the minimum required 20 foot front yard setback on 0.511 acre in the Byrd Lockhart League, Abstract -17, zoned RMD (Residential Medium Density District) and located at 1210, 1212, and 1308 Green Street.

Mr. Waller presented the staff report to the Board and explained that the new fence encroaches into the front-yard setback on the northwest side of the subject property. A chain-link fence was previously placed in the same location, and therefore considered nonconforming, or “grandfathered”. However, once that fence was removed, the grandfathered status was lost. The applicant erected the new fence in the same location as the previous fence without a Building Permit. Mr. Waller presented photos and maps of the property via PowerPoint. He also presented and explained each of the Variance review criteria, and stated that Staff recommends denial of the variance.

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

Applicant Joe Roland of 207 Windridge Drive North stated that he was the contractor for the fence. Mr. Roland explained that he began the project at the start of the COVID-19 pandemic, and had been told by City Staff that he did not need a permit if the holes for the previous fence were used for the new fence. Roland explained that he had misunderstood, and in actuality, the fence could only be replaced in the same location if it utilized the same type of fencing material. He stated that the City relocated the paved portion of Green Street eastward, causing it to encroach onto the subject property. The new fence is attractive, and it would be unfortunate if it had to be demolished and/or relocated. Roland stated that he had spoken with Public Works Director Sean Kelley, who said that he didn’t have a problem with the fence in its current location.

Property owner Worlanda Neal echoed that the problem arose when the City moved the street some time ago and a new sewer line was installed along the street. Her house has been there for a long time. Ms. Neal then circulated a letter from previous City Manager Vance Rodgers explaining what happened with the street and its effect on the subject property.

Janet McIntosh of 1201 Green Street stated that the street has gone through a lot of changes and that there have been flooding issues since its relocation. She sees the issue as being with the street and not the fence, and is in favor of the variance.

Lydia Salcedo of 1208 Green Street explained that she is a neighbor of the applicant, and that the fence provides a buffer for the applicant’s dogs from the traffic on the street. Ms. Salcedo is in favor of the variance.

Chair Cline asked for any other speakers. Seeing and hearing none, she closed the public hearing and moved to Board discussion.

Discussion ensued amongst Board members, especially about whether a precedent would be set by granting the variance.

Member Clark moved to approve FV-20-01, explaining that the fence issue was largely created by the City when the street was relocated, resulting in a portion of the applicant’s property being taken by the City. Due to the taking, Clark explained, no precedent is being set. Member Reeder seconded, and the motion passed by a vote of 6-0.

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

Mr. Waller stated that the next regularly scheduled meeting would be held Monday, November 2, 2020, if applications are received by the October 12 deadline.

8. Adjourn.

Member Annas moved to adjourn the meeting, and Member Smith seconded. The motion passed by a vote of 6-0, and the meeting adjourned at 7:48 p.m.

Approved: March 1, 2021
(Date)


Christine Banda, Recording Secretary


Laura Cline, Chair