

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, September 11, 2023
Municipal Building — Glosserman Room
308 W. San Antonio St.**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the March 6, 2023 meeting.
4. **SE-23-02.** Hold a PUBLIC HEARING and consider a request by Joe Ivan Roland 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 platted lot depth and lot area consisting of 0.062 acre on Lot 2, Block 3, San Fernando Addition, zoned RMD (Residential Medium Density) and located at 810 Mora Street.
5. Discuss the date and agenda of the next meeting.
6. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 4:45 p.m. on the 5th day of September, 2023.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
MARCH 6, 2023**

MINUTES

Members Present: Laura Cline, Wayne Reeder, Mike Annas, Severo Castillo, Lori Rangel, Shawn Martinez, Marcia Proctor, Lucy Knight

Members Absent: None

Staff Present: Kevin Waller, David Fowler, Christine Banda

Others Present: Leigh Laine Downing (applicant, Agenda Item 4), Tamara Carlisle (applicant, Agenda Item 5), Donna Blair, Amy Bramwell, Jed Duhon, Matt Johnson, Adrian Quesada

1. Call meeting to order. Chair Cline called the meeting to order at 6:31 p.m.
2. Citizen comments not related to a public hearing item. None
3. Consider the minutes of the January 9, 2023, meeting.

Member Knight moved to approve the January 9, 2023, minutes. Member Annas seconded, and the motion passed by a vote of 7-0.

4. SE-23-01. Hold a PUBLIC HEARING and consider a request by Leigh Laine Downing, on behalf of Dee Ann Newbold with Ta YU Properties, for a Special Exception as provided in Section 64-197(g)(2)(e), Chapter 64 "Zoning", Lockhart Code of Ordinances, to reduce the minimum required off-street parking by 33% for one residential unit with a home occupation on Lot 2, Block 1, Bruch Subdivision, consisting of 0.29 acre, zoned RMD (Residential Medium Density) District, and located at 621 Church Street.

Planning Staff Kevin Waller presented the staff report. He stated that the property contains a duplex, where the applicant resides. The applicant proposes to open an aquatherapy business as a home occupation, which requires an extra parking space, but she is requesting a variance to this requirement. She owns only one vehicle and there is plenty of parking available on the existing driveway for another vehicle. The applicant states that she can only have one customer at a time and allows 30 minutes between clients. There are certain physical constraints that would not allow the applicant to expand the driveway, which include a crape myrtle tree to the north and a utility pole to the south. Mr. Waller stated that Staff recommends approval.

The Board asked Staff if there could be conditions placed on the requested variance.

Mr. Waller replied that conditions could indeed be added.

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

Applicant Laine Downing stated that she is the applicant and is hoping to purchase the subject property in the future. She passed out three additional letters of support from neighbors to the Board. Ms. Downing stated that she only performs one-hour massages and only allows certain clients into her home. She has minimal customer traffic during the day. Ms. Downing stated that she would appreciate the Board's approval of the Special Exception.

Chair Cline asked for any other speakers; seeing none, she closed the public hearing.

Member Martinez moved to approve SE-23-01, with the condition that the Special Exception only applies to Laine Leigh Downing's business, and does not run with the property. Member Reeder seconded, and the motion passed by a vote of 7-0.

5. ZV-23-02. Hold a PUBLIC HEARING and consider a request by Tamara Carlisle on behalf of Lumberyard Lockhart, LLC for a Variance to Appendix II Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum off-street parking requirement from 15 spaces to seven spaces, including one handicapped space, on part of Lot 6, A.R. Chews Addition, consisting of 0.275 acre, zoned CMB (Commercial Medium Business) District, and located at 117 Cibilo Street.

Mr. Waller came forward with the staff report. He went over the proposed site plan which included the building and parking spaces. The applicant is requesting a variance to reduce the required parking from 15 spaces to seven. Mr. Waller stated that Staff recommends approval, with the condition that additional, off-site parking is provided on the applicant's other property across Cibilo Street with a written agreement.

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

Applicant Tamara Carlisle, and Donna Blair, came forward as owners of the Lumberyard LLC who owns the subject property. They are going to develop the property into a recording studio for Adrian Quesada. There would be less than 10 employees. Ms. Carlisle and Ms. Blair believe that the development would be a great addition to the community. They asked that the Board grant the variance request.

Amy Bramwell, an architect with Studio Steinbomer Architecture & Interiors, came forward and stated that the north building would hold the office and the south building would be the recording studio. They found that the site plan shows the best layout to buffer acoustics and make for a quiet space for the recording studio.

Judd Duhon, another architect with Steinbomer, stated that the studio is in the center of the building, in order to minimize vibrations.

Chair Cline asked for any other speakers.

Matt and Amy Johnson of 426 W. Prairie Lea Street came forward in favor of the variance.

Adrian and Celeste Quesada of 913 Vogel Street stated that they are excited to expand his business in Lockhart, and look forward to using the recording studio.

Chair Cline asked if there were any other speakers; seeing none, she closed the public hearing.

Member Knight moved to approve ZV-23-02, with Staff's suggested condition of obtaining a written agreement to use parking lot across the street as the need arises. 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 stated that the next regularly scheduled meeting would be held Monday, April 3, 2023, if applications are received by the March 13th deadline.

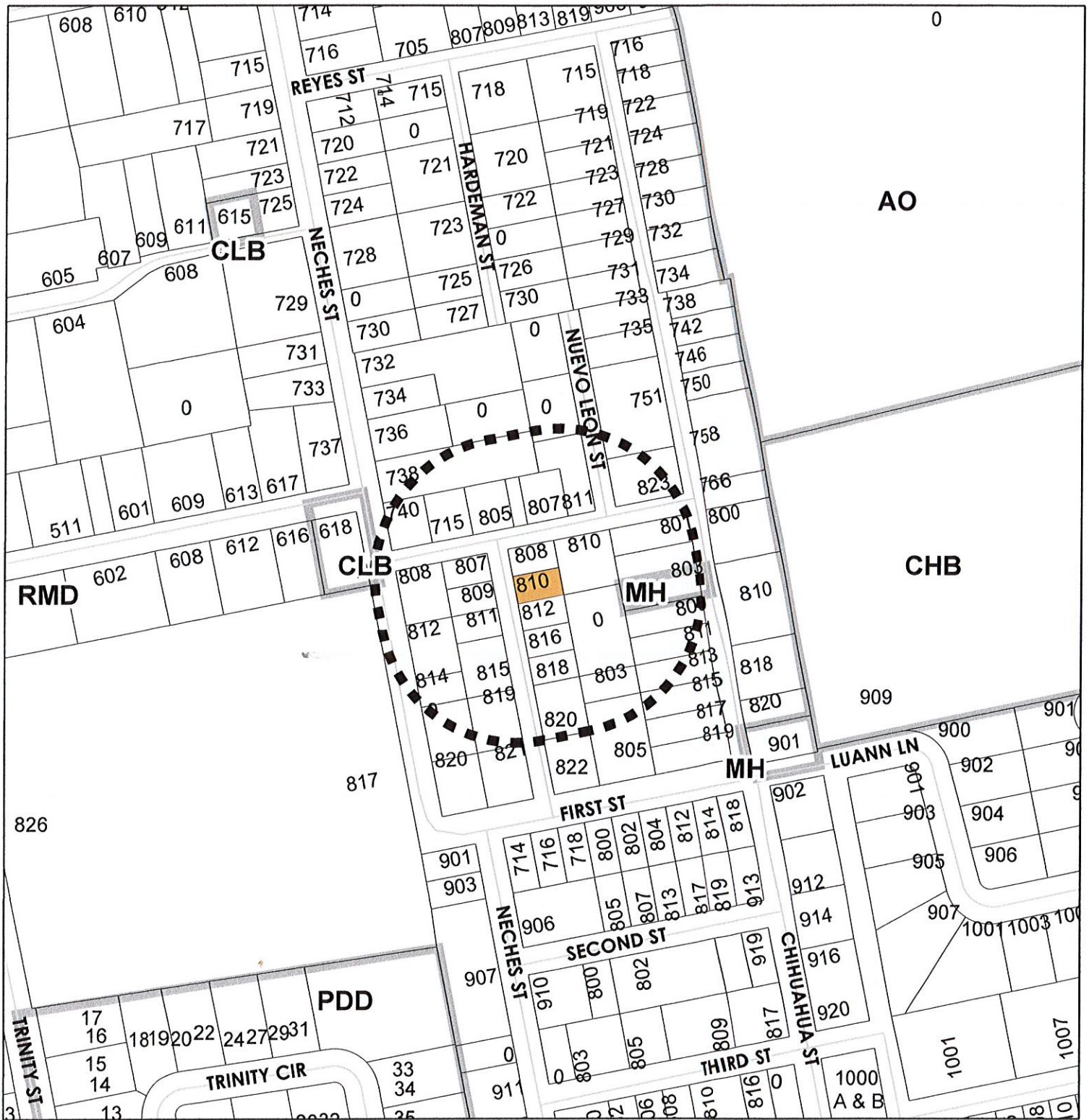
7. Adjournment.

Member Proctor moved to adjourn the meeting, and Member Martinez seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 7:10 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



SE-23-02

810 MORA ST

TO PRECLUDE AN INADVERTENT
TAKING OF PROPERTY DUE TO A
NONCONFORMING LOT DEPTH AND AREA



 SUBJECT PROPERTY

 ZONING BOUNDARY

 200 FT BUFFER

scale 1" = 200'



ROSEWOOD ST

REYES ST

HARDEMAN ST

NUEVO LEON ST

MONTERREY ST

MORA ST

NECHES ST

COTONWOOD ST

TRINITY ST

PIN OAK ST

GARCIA ST

LEE LN

LUANN LN

CHIHUAHUA ST

FIRST ST

SECOND ST

THIRD ST

NECHES ST

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

KW

CASE NUMBER: SE-23-02

REPORT DATE: September 6, 2023

PUBLIC HEARING DATE: September 11, 2023

APPLICANT'S REQUEST: Special Exception, as provided in Section 64-130(c)(5), to preclude an inadvertent taking of property due to a 67.50-foot nonconforming lot depth and a 2,701 square-foot (0.062 acre) nonconforming lot area.

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT AND OWNER: Joe Roland

SITE LOCATION: 810 Mora Street

LEGAL DESCRIPTION: Lot 2, Block 3, San Fernando Addition

SIZE OF PROPERTY: 0.062 acre

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED SPECIAL EXCEPTION: The applicant proposes to construct a single-family residence on the subject property. In order for the property to be developed, any use must meet certain dimensional standards, including a 50-foot minimum lot width and a 105-foot minimum depth for the SF-2 development type in the RMD zoning district, or receive approval of a Variance, or a Special Exception, in order to preclude an inadvertent taking of the property. In addition, the minimum lot size for an SF-2 in the RMD zone is 5,500 square feet. In this instance, the Special Exception application seemed more appropriate. The property is 0.062 acre in size, or approximately 2,701 square feet, and measures 40 feet wide by 67.50 feet deep, thereby nonconforming with respect to the minimum required area and depth. Although the lot width is also nonconforming, it is greater than 70% of the required lot width, which is considered to be "grandfathered" (Zoning Ordinance Section 64-63(b)). According to the enclosed site plan, the proposed residence will meet the required setbacks for the RMD zone.

AREA CHARACTERISTICS: The adjacent properties to the north, east, and south, as well as the property across Mora Street to the west, are zoned RMD and developed with single-family residences. All properties along Mora Street that are located on the same block as the subject property, and on the block across Mora Street facing the street, are also nonconforming with respect to depth, with several also nonconforming in width and area.

EFFECT ON PUBLIC HEALTH AND SAFETY: The addition of one dwelling unit will have negligible impact in an already established single-family residential neighborhood.

EFFECT ON THE CHARACTER OF THE ZONING DISTRICT WHERE LOCATED: The addition of one dwelling unit is consistent with the character of the RMD zoning district.

EFFECT ON SURROUNDING PROPERTY: Due to the facts that approval of the special exception would not change the size or configuration of the lot, the property is already zoned for residential use, and required setbacks will be maintained, there would be no adverse impact on surrounding properties.

RESPONSE TO NOTIFICATION: Staff received two inquiries on August 31, 2023, one via email and the other by phone, as to the details of the proposal. Neither individual expressed support or opposition to the Special Exception.

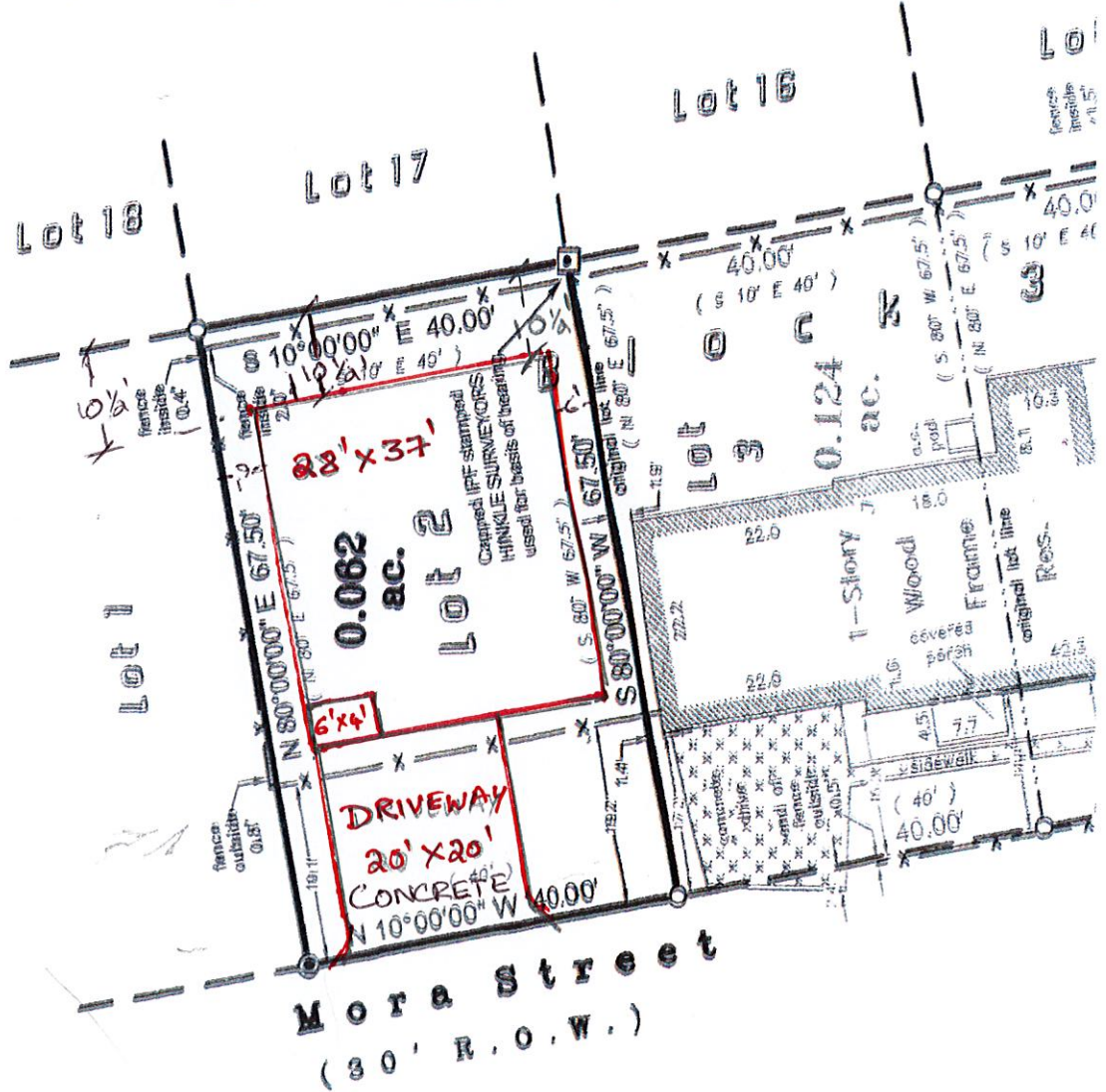
City of Lockhart Caldwell County, Texas

San Fernando Addition

Lots 2 in Block 3

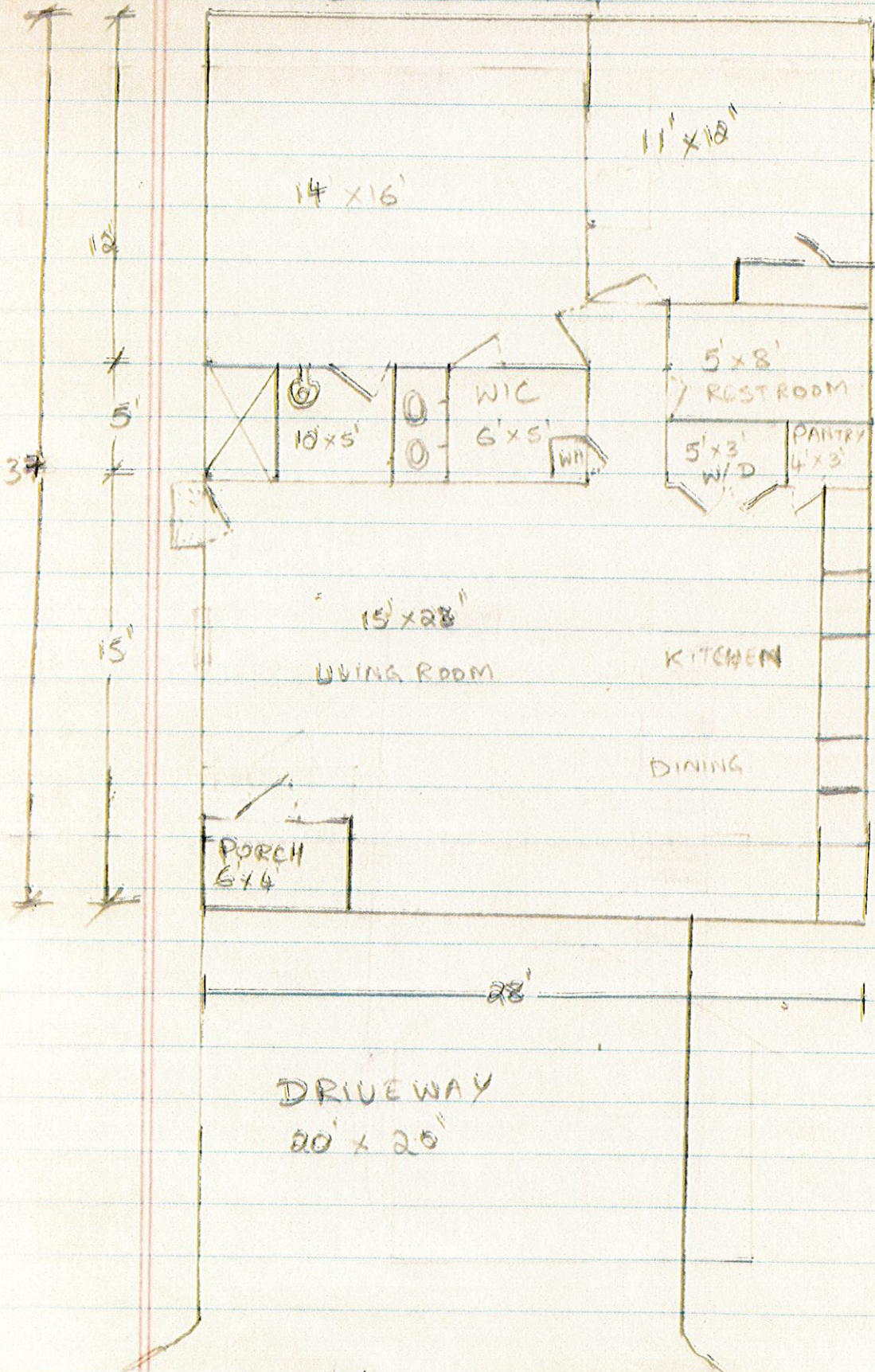
General Notes

- 1) Before digging call 811 to verify locations of any utilities, pipelines, or other easements of record since the surveyor cannot guarantee the exact position of these encumbrances.
- 2) The property shown has access to and from a public roadway.
- 3) THIS SURVEY IS FOR USE WITH THIS ONE TRANSACTION ONLY.
- 4) FLOOD ZONES SHOWN ARE APPROXIMATE AND CREATE NO LIABILITY ON THE PART OF THE SURVEYOR AND ARE BASED ON FROM A FLOOD INSURANCE RATE MAP. The property shown lies in Flood Zone "X" according to FEMA Panel #48057C(012)0E effective date June 19, 2002. Flood Zone "X" is areas determined to be outside the 0.2% annual chance floodplain. **WARNING: This Flood Statement, as Determined by a FLOOD-PLAIN F.I.A. FLOOD HAZARD BOUNDARY MAP, DOES NOT IMPLY that the Property or the improvements thereon will be free from Flooding or Flood Damage. On rare occasions, Greater Floods Can and Will Occur, and Flood Heights may be increased by Man-Made or Natural Causes.**



310 MORA

LOT SIZE: 40' x 67 1/2'



SPECIAL EXCEPTION APPLICATION

CITY OF

Lockhart

TEXAS

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

APPLICANT/OWNER

APPLICANT NAME Joe Roland

ADDRESS 507 Monomest St,

DAY-TIME TELEPHONE 512 905-2630

Lockhart, Tx 78644

E-MAIL MikeLockhartRealty@gmail.com

OWNER NAME Joe Roland

ADDRESS Same as above

DAY-TIME TELEPHONE _____

E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION 810 Mora St, Lockhart, Tx 78644

LEGAL DESCRIPTION (IF PLATTED) Lot 2, Block 3, San Fernando

SIZE 0.062 ACRE(S)

ZONING CLASSIFICATION RMD

EXISTING USE OF LAND AND/OR BUILDING(S) Vacant

REQUESTED SPECIAL EXCEPTION

AUTHORIZED BY SECTION GA-130(c)(5) OF THE ZONING ORDINANCE

EXPLANATION OF OR REASON FOR REQUEST, INCLUDING DESCRIPTION FOR PROPOSED USE AND/OR BUILDING AND SITE IMPROVEMENTS, AS APPLICABLE TO THE REQUESTED SPECIAL EXCEPTION.

Construction of SFR on a non-conforming lot.

- To preclude an inadvertent taking of property due to a nonconforming lot depth. & area

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.

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 special exception.

APPLICATION FEE OF \$ 125⁰⁰/₁₀₀ 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

Joe L. Roland

DATE 08/10/23

OFFICE USE ONLY

ACCEPTED BY

Kevin Walker

RECEIPT NUMBER

R01291546

DATE SUBMITTED

8/15/23

CASE NUMBER SE

23 - 02

DATE NOTICES MAILED

8/28/23

DATE NOTICE PUBLISHED

8/31/23

BOARD OF ADJUSTMENT MEETING DATE

9/11/23

DECISION _____

CONDITIONS _____