

## **PUBLIC NOTICE**

**City of Lockhart  
Zoning Board of Adjustment  
6:30 PM, Monday, February 5, 2024  
Municipal Building — Glosserman Room  
308 W. San Antonio St.**

### **AGENDA**

1. Call meeting to order.
2. Election of Officers for 2024.
3. Citizen comments not related to a public hearing item.
4. Consider the minutes of the December 4, 2023 meeting.
5. **ZV-23-06.** Hold a PUBLIC HEARING and consider a request by Khalil Coltrain on behalf of Lower Colorado River Authority for a Variance to Section 64-202(i), Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a freestanding communications tower encroaching upon the height limits of Lockhart Municipal Airport hazard zones as adopted December 18, 1991, on 20.2 acres in the James George League, Abstract No. 9, zoned PI (Public and Institutional) and located at 1208 Reed Drive.
6. **ZV-24-02.** Hold a PUBLIC HEARING and consider a request by Elizabeth Pirnat for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required side-yard building setback from 15 feet to 6.5 feet, on Lot 1, Block 2, South Heights, and the West ½ of an abandoned alley, consisting of 0.181 acres, zoned RMD (Residential Medium Density), and located at 1002 South Main Street.
7. Discuss the date and agenda of the next meeting.
8. Adjourn.

**Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 9:00 a.m. on the 29<sup>th</sup> day of January, 2024.**

**CITY OF LOCKHART  
ZONING BOARD OF ADJUSTMENT  
DECEMBER 4, 2023**

**MINUTES**

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

**Members Absent:** None

**Staff Present:** Kevin Waller, Christine Banda, David Fowler, Evan Olszewski

**Others Present:** Donna Sauve (applicant, Agenda Item 4), Adam Sauve

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 November 6, 2023, meeting.

*Member Knight moved to approve the November 6, 2023, minutes. Member Annas seconded, and the motion passed by a vote of 6-0.*

4. ZV-23-05. Hold a PUBLIC HEARING and consider a request by Andrew and Donna Sauve for a Variance to Appendix I, Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required rear-yard building setback from 10 feet to 6.5 feet, on Lot 17, Block 4, Rolling Greens Estates, consisting of 0.22 acre, zoned RMD (Residential Medium Density), and located at 824 Ross Circle.

Member Proctor arrived at 6:33 p.m.

Planning Staff Kevin Waller presented his staff report. He explained that the applicant built a storage building without a building permit and it was reported back to Staff. The building has also been determined to be encroaching into the required 10-foot rear-yard building setback. The applicant is requesting that the building remain at its current setback of 6.5 feet from the rear property line instead of the required 10 feet. It should be noted that moving the building further from the rear property line would result in an encroachment into the five-foot fire code building setback from the single-family residence. Mr. Waller explained that there are several neighboring properties where storage buildings encroach into the rear-yard building setback. He stated that Staff recommends approval.

Chair Cline opened the public hearing for those wanting to speak in favor of the variance.

Craig Wallace of 822 Ross Circle stated that he was in favor of the storage building's location, since there are already existing storage buildings in the neighborhood encroaching the rear-yard setbacks.

Melissa Hyatt of 826 Ross Circle stated that she was in favor of the variance.

Applicant Donna Sauve came forward with her son, Adam Sauve, to discuss the variance request. They apologized for not pulling a building permit and for the building's encroachment. They used the survey to build away from the 5-foot easement in the rear yard, and elevated the storage building to allow for drainage. The building is for Mrs. Sauve's retired husband and his hobbies. Mrs. Sauve and her son indicated that a building permit would be obtained after the variance process.

Chair Cline closed the public hearing.

*Member Knight moved to approve ZV-23-05. Member Annas seconded, and the motion passed by a vote of 7-0.*

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

Mr. Waller stated that the next regularly scheduled meeting would be held on January 8, 2024. The deadline for applications is December 18, 2023.

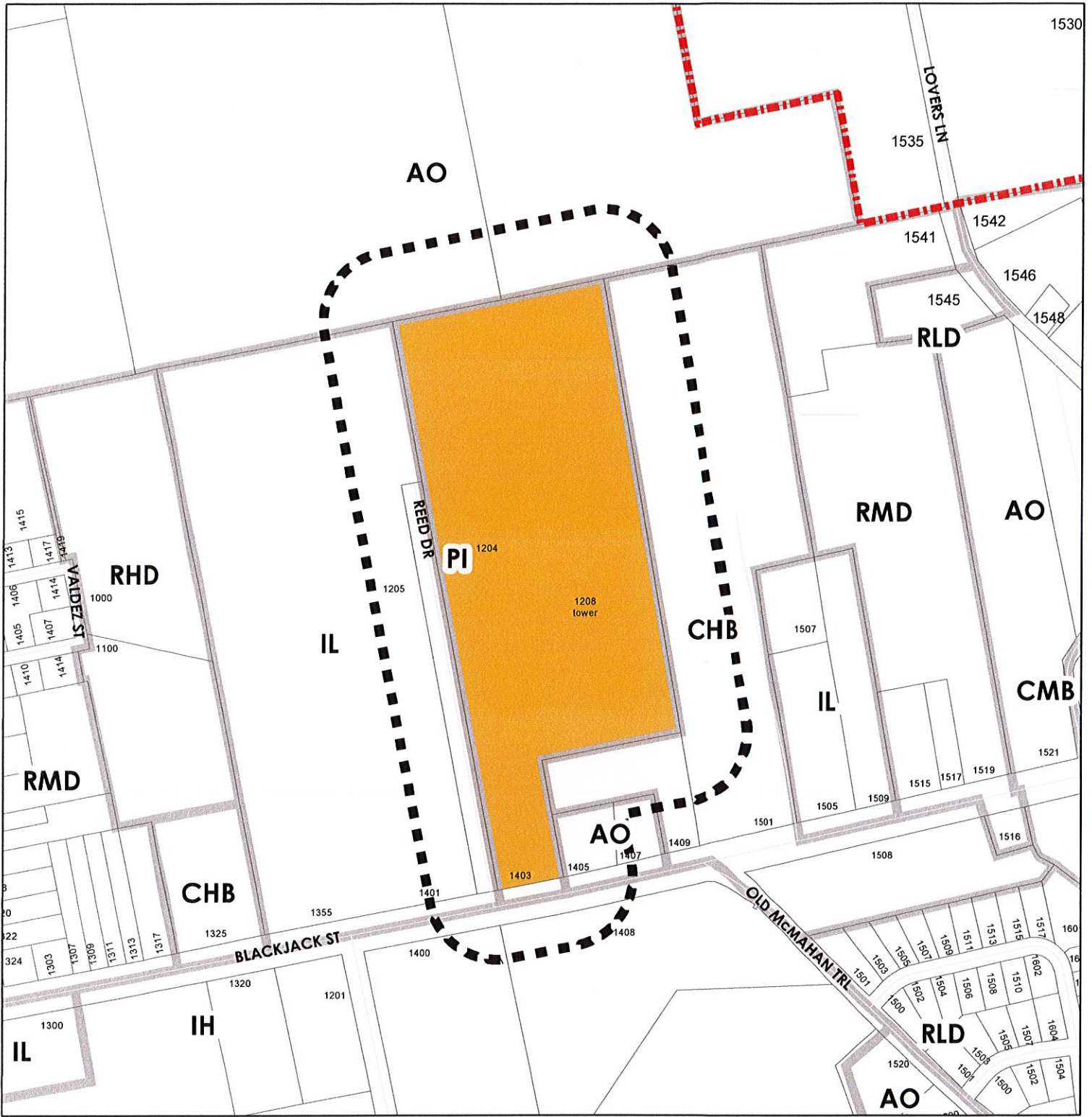
6. Adjournment.

*Vice-Chair Rangel moved to adjourn the meeting, and Member Reeder seconded. The motion passed unanimously (7-0), and the meeting adjourned at 6:56 p.m.*

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
*Christine Banda, Recording Secretary*

\_\_\_\_\_  
*Laura Cline, Chair*



**ZV-23-06**

1208 REED DR

TO ALLOW A FREESTANDING COMMUNICATIONS TOWER ENCROACH UPON HEIGHT LIMITS OF LOCKHART MUNICIPAL AIRPORT



 SUBJECT PROPERTY

 ZONING BOUNDARY

 CITY LIMITS

scale 1" = 400'



LOCKHART ETJ

LOVERS LN

OLD KELEY RD



800 Feet

400

0

CENTURY OAKS DR

OAK KNOLL LN

OLD McMAHAN TRL

REED DR

EAST MLK Jr INDUSTRIAL BLVD

BLACKJACK ST

VALDEZ ST

FOURTH ST

FIFTH ST

TORRES ST

FOURTH ST

FIFTH ST





**CASE SUMMARY**

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STAFF CONTACT: Evan Olszewski, Planner

CASE NUMBER: ZV-23-06

REPORT DATE: January 25, 2024

PUBLIC HEARING DATE: February 5, 2024

APPLICANT'S REQUEST: Variance to Section 202(i) of Chapter 64 to allow a freestanding communication tower encroaching upon the height limits of the Lockhart Municipal Airport Hazard Zones as adopted December 18, 1991.

STAFF RECOMMENDATION: **Approval with conditions, or deferral to Joint Airport Zoning Board**

CONDITIONS: None

**BACKGROUND DATA**

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APPLICANT AND OWNER: Lower Colorado River Authority / Caldwell County

SITE LOCATION: 1208 Reed Drive

LEGAL DESCRIPTION: James George League, Abstract No. 9

SIZE OF PROPERTY: 20.2 acres

EXISTING USE OF PROPERTY: Sheriff's Office

ZONING CLASSIFICATION: PI Public and Institutional District

**ANALYSIS OF ISSUES**

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REASON FOR REQUESTED VARIANCE: The applicant requests relief from Section 64-202(i), which requires that wireless communication structures conform to the height limits established in the Lockhart-Caldwell County Joint Airport Zoning Board Ordinance 91-01. The applicant proposes a 190-foot communications and emergency warning system tower on the Caldwell County Sheriff's Office property. Ordinance 91-01 establishes height limits based upon Federal Aviation Administration standards. The Property lies within an area designated as the "Horizontal Zone", which has a permitted maximum height of 150 feet above the airport ground level or 681 feet above mean sea level. The elevation of the tower site is 522 feet above sea level. This means the maximum allowable tower height is 159 feet. The proposed height of 190 feet extends 31 feet above that maximum permitted height for the location. The 190-foot tower can be permitted if a height variance is approved.

The applicant has provided the required FAA letter determining that the proposed tower does not pose a threat to the safe function of the airport, however, the tower structure is also subject to local regulations and review. The applicant states that the proposed tower cannot be reduced in height because the emergency warning systems intended for the tower rely on its height for effective radio coverage in the surrounding area. The applicant has stated that the proposed tower is designed at the minimum required height to provide adequate emergency radio coverage. A copy of the site plan showing the location, design, and characteristics of the proposed tower is included with the agenda packet materials.

AREA CHARACTERISTICS: The subject property is located within an area zoned PI Public and Institutional district. An LI Light Industrial district area abuts the property to the West and an area zoned CHB Commercial Heavy Business district abuts the property to the East. The IH Industrial Heavy district south of Blackjack Road lies to the South, and to the North is a large area designated

AO Agricultural-Open Space. According to the site plan submitted by the applicant, the proposed tower will be installed in the center of the property. The tower is located such that it is further away from the surrounding properties than it is tall.

**UNIQUE CONDITIONS OF PROPERTY:** The unique conditions of the property and proposed tower are related to the height and siting. The proposed tower height is designed to function as part of the emergency warning system. According to the applicant: "Radio coverage and system performance is dependent on antenna mounting height and will not function per specification if the height of the tower is reduced sufficiently to prevent any possibility of visibility".

One variance approval criterion is that the need for a variance cannot be caused by any action of the property owner, occupant, or applicant. Though the tower is not yet constructed, the applicant states that the height is the minimum physically necessary for radio communication to the area. The applicant and property owner submitted a letter referencing the City Code Section 64-202(D) requirement that proposed towers have explored alternative sites for equipment on preexisting towers. The letter states that an alternative existing tower is already over capacity and a new tower is required. There is one other 190-foot tower in town, owned by the Bluebonnet Electric Cooperative, but the applicant has confirmed that Bluebonnet Electric's tower is unsuitable for emergency services as the County has no way to confirm Bluebonnet will keep it in operation.

**NATURE OF HARDSHIP:** Neither increased nor reduced financial impact would be incurred by the applicant based on the approval of this variance request. Failure to approve the variance would result in a "practical difficulty" in the emergency warning system's operation for a public purpose.

**EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY:** Approval of the variance request should not "alter the essential character of the zoning district within which the property is located," satisfying another variance approval criterion. The tower's height is only a concern regarding the operation of the Lockhart Municipal Airport. However, the approval of the variance request and construction of the tower would improve public safety for the City as a whole. Balancing these two criteria with the public nature of the project, as well as the consideration that the variance request is for the "minimum amount necessary" for the structure to function as intended, leads staff to the conclusion that the request is appropriate.

**COMPLIANCE WITH VARIANCE CRITERIA:** In order to approve a variance, the Board must find that the request meets all 6 of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the enclosed written explanation as evidence in support of the variance. Staff believes that the variance request warrants approval if the Board determines that all 6 variance criteria are met.

**ALTERNATIVE SOLUTIONS:** As stated above, the applicant has stated that the proposed height is the minimum height necessary for the tower to function. Denial of the variance would stop the project. The Board could recommend that the applicant also receive a recommendation from the Lockhart Municipal Airport Board before approval, in case the Board feels that further expertise on airport matters is required in addition to the FAA determination submitted by the applicant.

**PRECEDENT:** The Board approved another variance request (ZV-04-04) for a 190' tower built by the Bluebonnet Electric Cooperative in 2004-2005. The subject of the variance was a matter of setbacks and there is no evidence that the project was reviewed for compliance with Ordinance 91-01. There is an existing tower to the Northeast of town, located at 1511 East Market Street and on property

owned by the City of Lockhart. The tower is approximately 360 feet tall, is the former location of emergency warning equipment, and was built prior to the execution of Ordinance 91-01. This tower would be approximately 75 feet taller than the ordinance would allow based on the elevation shown on the Airport Hazard Ordinance map.

The Public Works Director, Sean Kelly, recommends that if the variance is approved, the tower should include a beacon on top. Staff recommends three potential options for the Board's consideration:

- 1) Approval of the variance based on the evidence of hardship submitted by the applicant,
- 2) Approval of the variance pending additional review by the Joint Airport Zoning Board, or
- 3) Denial of the variance.

RESPONSE TO NOTIFICATION: None, as of the date of this report.



LOCKHART MUNICIPAL AIRPORT  
HAZARD ZONING ORDINANCE

91-01

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE LOCKHART MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE LOCKHART MUNICIPAL AIRPORT HAZARD ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES

This ordinance is adopted pursuant to the authority conferred by the Airport Zoning Act, Tex. Local Gov't. Code Ann., #241.001 et seq (Vernon 1988).

It is hereby found that an obstruction has the potential for endangering the lives and property of users of Lockhart Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Lockhart Municipal Airport, and that an obstruction may reduce the size of areas available for the landing, take-off, and maneuvering of aircraft, thus tending to destroy or impair the utility of Lockhart Municipal Airport, and the public investment therein. Accordingly it is declared that:

1. Lockhart Municipal Airport fulfills an essential community purpose; and
2. the creation or establishment of an obstruction has the potential of being a nuisance and may injure the region served by Lockhart Municipal Airport; and
3. it is necessary in the interest of public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
4. the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration, or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

Be it Ordained by the Joint Airport Zoning Board of the City Council of the City Lockhart, Texas and the Commissioners Court of the County of Caldwell, Texas:

Section 1. Short Title--This ordinance shall be known and may be cited as "Lockhart Municipal Airport Hazard Zoning Ordinance".

Section 2. Definitions--As used in this ordinance, unless the context otherwise requires:

- A. Airport--Means Lockhart Municipal Airport Airport.
- B. Airport Elevation--Means the established elevation of the highest point on the usable landing area measured in feet from mean sea level.
- C. Airport Hazard--Means any structure or tree or use of land which obstructs the air space required for the flight of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off, or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; is hazardous, interferes with, or obstructs such landing, taking off, or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.
- D. Airport Hazard Area--Means any area of land or water upon which an airport hazard might be established if not prevented as provided in this ordinance.

- E. **Airport Reference Point**--Means the point established as the approximate geographic center of the airport land area and so designated.
- F. **Approach Surface**--A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4 of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- G. **Approach, Transitional, Horizontal, and Conical Zones**--These zones are set forth in Section 3 of this ordinance.
- H. **Board of Adjustment**--The City of Lockhart Board of Adjustment as appointed by the City Council of the City of Lockhart, Texas as provided by the Airport Zoning Act, Tex. Local Gov't. Code Ann., #241.032 (Vernon 1988).
- I. **Conical Surface**--A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four-thousand (4,000) feet.
- J. **Hazard to Air Navigation**--An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- K. **Height Reference**--For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation.
- L. **Horizontal Surface**--A horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- M. **Joint Airport Zoning Board**--Means a board consisting of five (5) members, two (2) members appointed by the City Council of the City of Lockhart, Texas and two (2) members appointed by the Commissioners Court of Caldwell County, Texas. The four (4) members so appointed shall elect a fifth (5th) member who shall serve as chairman of said Lockhart-Caldwell County Joint Airport Zoning Board.
- N. **Landing Area**--Means the surface area of the airport used for the landing, take-off, or taxiing of aircraft.
- O. **Nonconforming Use**--Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.
- P. **Obstruction**--Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this ordinance.
- Q. **Person**--Means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- R. **Primary Surface**--A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two-hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
  - (1) The width of the primary surface for other than utility runways is five-hundred (500) feet for nonprecision instrument runways having nonprecision instrument approaches with visibility minimums greater than three-fourths statute mile.
  - (2) The width of the primary surface for a utility runway with only visual approaches is two-hundred-fifty (250) feet.

- S. **Runway**--A defined area on an airport prepared for landing and take-off of aircraft along its length.
- T. **Structure**--An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
- U. **Transitional Surfaces**--These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.
- V. **Tree**--Any object of natural growth.
- W. **Visual Runway**--A runway intended solely for the operation of aircraft using visual approach procedures.
- X. **Utility Runway**--A runway that is constructed for and intended to be used by propeller driven aircraft twelve-thousand-five-hundred (12,500) pounds maximum gross weight and less.
- Y. **Other Than Utility Runway**--A runway that is constructed for and intended to be used by propeller driven single engine and multi-engine aircraft and some turbine engine and jet engine aircraft with a maximum gross weight in excess of twelve-thousand-five-hundred (12,500) pounds.
- Z. **Nonprecision Instrument Runway**--A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

**Section 3. Zones**--In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transition surfaces, horizontal surface, and conical surface as they apply to Lockhart Municipal Airport, Lockhart, Texas. Such zones are shown on the Lockhart Municipal Airport Zoning Map consisting of one (1) sheet, prepared by the City of Lockhart, Texas, and dated December 18, 1991, which is attached to this ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with more restrictive height limitation. The various zones are hereby established and defined as follows:

**A. Approach Zone**

- (1) **Runway 18-36**--Approach zone is established beneath the approach surfaces at the ends of Runway 18-36 on Lockhart Municipal Airport for nonprecision instrument landings and take-offs with visibility minimums greater than three-fourths statute mile. The inner edge of the approach zones shall have a width of five-hundred (500) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of three-thousand-five-hundred (3,500) feet at a horizontal distance of ten-thousand (10,000) feet beyond the ends of the primary surface, its centerline being the continuation of the centerline of the runway.
- (2) **Runway 4-22**--Approach zone is established beneath the approach surfaces at the ends of Runway 4-22 on Lockhart Municipal Airport for visual landings and take-offs. The inner edge of the approach zones shall have a width of two-hundred-fifty (250) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of one-thousand-two-hundred-fifty (1,250) feet at horizontal distance of five-thousand (5,000) feet beyond the ends of the primary surface, its centerline being the continuation of the centerline of the runway.

**B. Transition Zones**--Transition zones are hereby established beneath the transition surfaces adjacent to the runways and approach surfaces as indicated on the zoning map. Transition surfaces, symmetrically located on either side of the runways, have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surfaces and from the sides of the approach surfaces.



- C. **Horizontal Zone**--The area beneath a horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten-thousand (10,000) feet radii from the center of each end of the primary surface of Runway 18-36 and connecting the adjacent arcs by lines tangent to those arcs.
- D. **Conical Zone**--The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four-thousand (4,000) feet.

**Section 4. Height Limitations**--Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

**A. Approach Zones**

- (1) **Runway 18-36**--One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the ends of and at the elevation of the primary surface and extending to a point ten-thousand (10,000) feet from the ends of the primary surface.
- (2) **Runway 4-22**--One (1) foot in height for each twenty (20) feet in horizontal distance beginning at the ends of and at the elevation of the primary surface and extending to a point five-thousand (5,000) feet from the ends of the primary surface.

- B. **Transition Zone**--Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surfaces and the approach surfaces, and extending to a height of one-hundred-fifty (150) feet above the airport elevation which is five-hundred-thirty-one (531) feet above mean sea level.
- C. **Horizontal Zone**--Established at one-hundred-fifty (150) feet above the airport elevation, or a height of six-hundred-eighty-one (681) feet above mean sea level.
- D. **Conical Zone**--Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one-hundred-fifty (150) feet above the airport elevation and extending to a height of three-hundred-fifty (350) feet above the airport elevation which is eight-hundred-eighty-one (881) feet above mean sea level.
- E. **Excepted Height Limitations**--Nothing in this ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to fifty (50) feet above the surface of the land.

**Section 5. Use Restrictions**

- A. No use shall be made of any facility, machinery, or device within the airport hazard boundary which will emit any electromagnetic radiation that causes interference with navigational signals or radio communications between the airport and aircraft using or intending to use the Lockhart Municipal Airport.
- B. No use shall be made of any facility, machinery, or device within the airport hazard boundary which will result in difficulty distinguishing between airport lights, result in glare or otherwise impair visibility, create the potential for bird strikes, or vent emissions which will result in the instability of aircraft using or intending to use Lockhart Municipal Airport.

**Section 6. Nonconforming Uses**

- A. **Regulations not Retroactive**--The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

- B. **Marking and Lighting**--Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markings, markers, and lights as shall be deemed necessary by the City Manager of the City of Lockhart, Texas, or his designated representative to indicate to the operators of aircraft in the vicinity of Lockhart Municipal Airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Lockhart, Texas.

**Section 7. Permits**

- A. **Future Uses**--Except as specifically provided in (1) and (2), hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be allowed to grow which will exceed a height of fifty (50) feet above the ground in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section 7, paragraph D.

- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four-thousand-two-hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

Nothing contained in any foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this ordinance except as set forth in Section 4, paragraph E.

**B. Permit Procedures**

- (1) When a structure, whether fixed, mobile, or temporary, is to be erected or when a tree is grown within any area of the airport hazard boundary and the highest point of such structure or tree will exceed fifty (50) feet above the ground, the provisions of Section 28-5-1, Article 28, Zoning, City of Lockhart Code of Ordinances shall apply, with the additional provision that a certificate, signed by an appropriate professional, stating the highest ground elevation of the site, structure height, or mature tree height, elevation of the highest point of the structure or the tree, and the hazard boundary elevation for that site shall be included. All elevations shall be determined from the Lockhart Municipal Airport Hazard Zoning Map, prepare by the City of Lockhart, dated December 18, 1991, and shall not require field surveys.
- (2) Any permit request which indicates, in the opinion of the Zoning Administrator, that such structure, tree, or use may cause a hazard to aircraft using or intending to use the Lockhart Municipal Airport shall be reviewed by the Joint Airport Zoning Board.
  - (a) The five (5) day approval requirement prescribed in the City of Lockhart Code of Ordinances is hereby extended to thirty (30) days when such action is to be taken and the applicant is so notified by ordinary mail.
  - (b) A posted meeting of the Joint Airport Zoning Board shall be scheduled from between ten (10) to twenty (20) days of the application date.

- (c) The Joint Airport Zoning Board shall determine, with advice from the Lockhart Municipal Airport Advisory Board, if such structure, tree, or use will constitute a hazard to aircraft using or intending to use the Lockhart Municipal Airport.
- (d) If it is determined that such structure, tree, or use is not a hazard and all other requirements of said Section 28-5-1 has been met, the permit request shall be approved.
- (e) If it is determined that the addition of appropriate markings, markers, lights, beacons, and/or shields will eliminate such hazard and the permit application is modified to include the installation, operation, and maintenance of such devices or markings at the expense of the owner of such structure or tree, and all other requirements of said Section 28-5-1 have been met, the permit request shall be approved.
- (f) If it is determined that the use can be safely permitted by engineering and/or design modifications, the building permit application modified to include such changes, and all other requirements of said Section 28-5-1 have been met, the permit request shall be approved.
- (g) If it is determined that such structure, tree, or use will constitute a hazard which can not be mitigated, the permit request shall be denied.
- (h) Upon denial of a permit request, the owner may appeal to the Board of Adjustment as provided in Section 28-4-5, Article 28, Zoning, City of Lockhart Code of Ordinances. Additionally, those aggrieved by the approval of such permit request may appeal such approval to the Board of Adjustment.

**C. Existing Uses--**No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

**D. Nonconforming Uses Abandoned Or Destroyed--**Whenever the City Manager of the City of Lockhart, Texas or his designated representative determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

**E. Variances**

- (1) Any person desiring to erect or increase the height of a structure or permit the growth of a tree such that its height will exceed the elevation of the hazard boundary elevation for that location or to use their property in violation of this ordinance shall apply to the Board of Adjustment for a variance as prescribed in said Section 28-4-5, as modified below.
- (2) Such application shall be accompanied by a determination of the Federal Aviation Administration concerning the effect of the proposal on the operation of air navigation facilities and to the safe and efficient use of navigable airspace.
- (3) There shall be a posting of a meeting of the Joint Airport Zoning Board. The meeting shall be held at least seven (7) days prior to the meeting of the Board of Adjustment. The Joint Airport Zoning Board shall determine, with advice from the Lockhart Municipal Airport Advisory Board, if a grant of the variance will constitute a hazard to aircraft using or intending to use Lockhart Municipal Airport.



- (4) The Joint Airport Zoning Board, not less than three (3) days prior to the meeting of the Board of Adjustment, shall provide a written recommendation for approval, approval with modification, or for denial of the requested variance and shall include the reason(s) for such recommendation.
  - (5) Failure of the Joint Airport Zoning Board to provide such recommendation shall not preclude nor delay action by the Board of Adjustment.
  - (6) Such recommendations of the Joint Airport Zoning Board shall not be separately appealed, but may be argued by the applicant or any other person appearing at the Board of Adjustment hearing.
- F. **Obstruction Marking and Lighting**--Any permit or variance granted may, if such action is deemed advisable by the City Manager of the City of Lockhart, Texas or his designated representative or the Board of Adjustment to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to allow the City Manager of the City of Lockhart, Texas or his designated representative to install, operate, and maintain, at the expense of the owner, such markings and lights as may be necessary.

**Section 8. Enforcement**--It shall be the duty of the City Manager of the City of Lockhart, Texas or his designated representative to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the City Manager of the City of Lockhart, Texas or his designated representative upon a form published for that purpose. The permit procedures established by the City of Lockhart, Texas shall be used. Applications required by this ordinance to be submitted to the City Manager of the City of Lockhart, Texas or his designated representative shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment by first filing said application for variance with the City Manager of the City of Lockhart, Texas or his designated representative who shall forthwith transmit said application to the Board of Adjustment for determination.

#### Section 9. Board of Adjustment

- A. There is hereby created a Board of Adjustment to have and exercise the following powers:
  - (1) to hear and decide appeals from any order, requirement, decision, or determination made by the City Manager of the City of Lockhart, Texas or his designated representative in the enforcement of this ordinance;
  - (2) to hear and decide requests for variance to the terms of this ordinance upon which such Board of Adjustment under such regulations may be required to pass;
  - (3) to hear and decide requests for special exception to the terms of this ordinance upon which such Board of Adjustment under such regulations may be required to pass;
- B. The City of Lockhart Board of Adjustment is hereby declared to be the Airport Board of Adjustment under this ordinance and shall be governed by policies, rules, and procedures in effect under the city ordinance creating the City of Lockhart Board of Adjustment.

#### Section 10. Appeals

- A. Any person aggrieved, or any taxpayer affected, by any decision of the City Manager of the City of Lockhart, Texas or his designated representative made in his administration of this ordinance, if of the opinion that a decision of the City Manager of the City of Lockhart, Texas or his designated representative is an improper application of these regulations, may appeal to the Board of Adjustment.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the City Manager of the City of Lockhart, Texas or his designated representative a notice of appeal specifying the grounds thereof. The City Manager of the City of Lockhart, Texas or his designated representative shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City Manager of the City of Lockhart, Texas or his designated representative certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in the opinion of the City Manager of the City of Lockhart, Texas or his designated representative cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the City Manager of the City of Lockhart, Texas or his designated representative and on due cause shown.
- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person, by agent, or by attorney.
- E. The Board of Adjustment may in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

**Section 11. Judicial Review**--Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to a court of competent jurisdiction, as provided by the Airport Zoning Act, Tex. Local Gov't. Code Ann. #241.041 (Vernon 1988).

**Section 12. Enforcement and Remedies**--The City Council of the City of Lockhart, Texas and the Lockhart-Caldwell County Joint Airport Zoning Board may institute in any court of competent jurisdiction, an action to prevent, restrain, correct, or abate any violation of this ordinance or of any order or ruling made in connection with its administration or enforcement including, but not limited to, an action for injunctive relief as provided by the Airport Zoning Act, Tex. Local Gov't. Code Ann. #241.044 (Vernon 1988).

**Section 13. Penalties**--Each violation of this ordinance or of any regulation order, or ruling promulgated hereunder shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than one-thousand-dollars (\$1,000.00) and each day a violation continues to exist shall constitute a separate offense.

**Section 14. Conflicting regulations**--Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail as provided by the Airport Zoning Act, Tex. Local Gov't. Code Ann. #241.044 (Vernon 1988).

**Section 15. Severability**--If any of the provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 16. Repeal of Previous Airport Zoning Ordinance**--This ordinance supersedes all previous airport zoning ordinances.

**Section 17. Effective Date**--Whereas, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public health, public safety, and general welfare an **Emergency** is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Joint Airport Zoning Board and publication and posting as required by law. Adopted by the Lockhart-Caldwell County Joint Airport Zoning Board this 18th day of December, 1991.

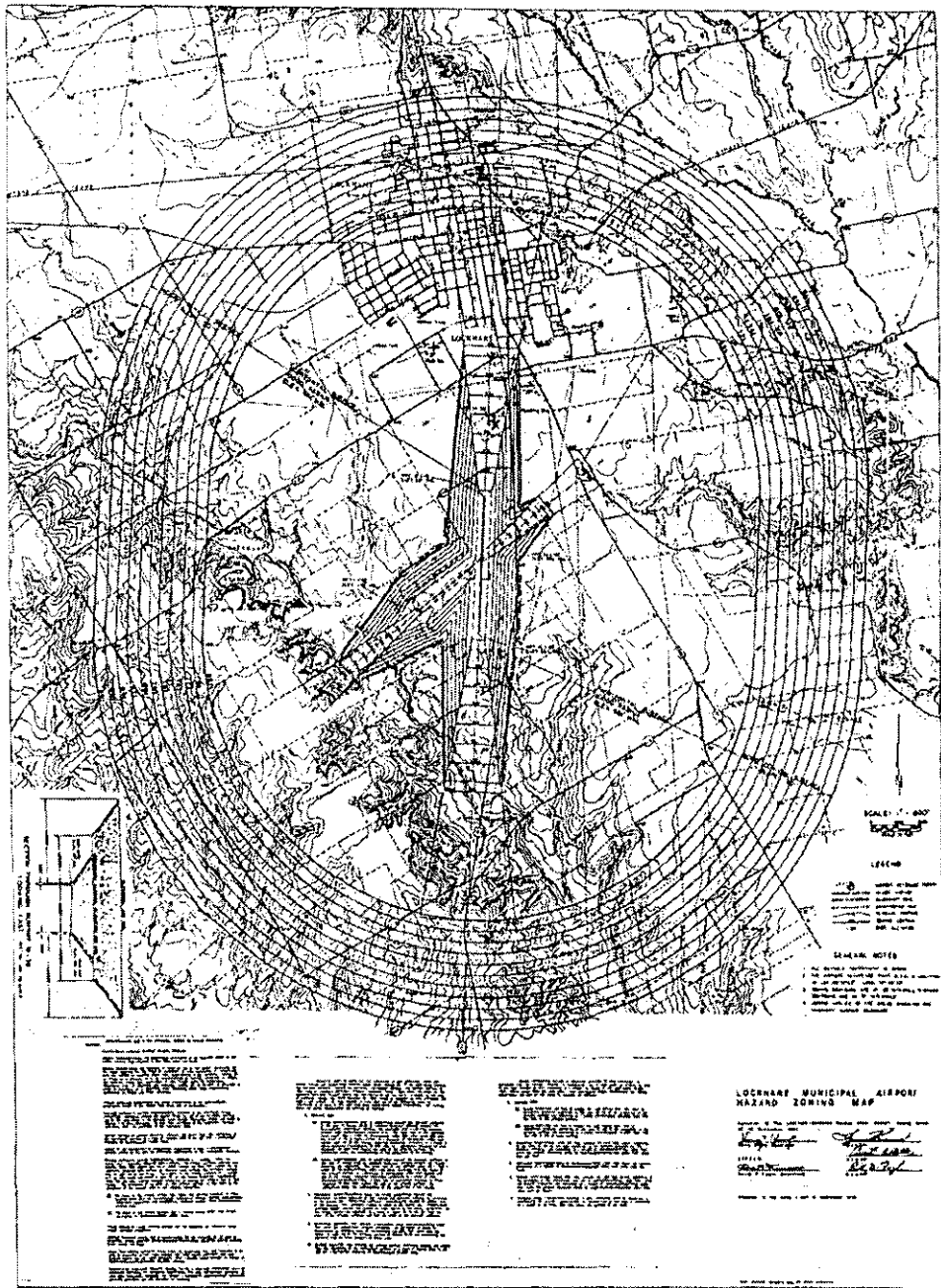
Harry T. Kump  
Chairman

[Signature]  
Secretary

[Signature]  
Vice-Chairman

[Signature]  
Member

[Signature]  
Member



FILED this 10th day of June 1992  
 At 3:01 P.M.  
 Nina S. Sells  
 NINA S. SELLS  
 CLERK COUNTY COURT, CALDWELL CO., TEX

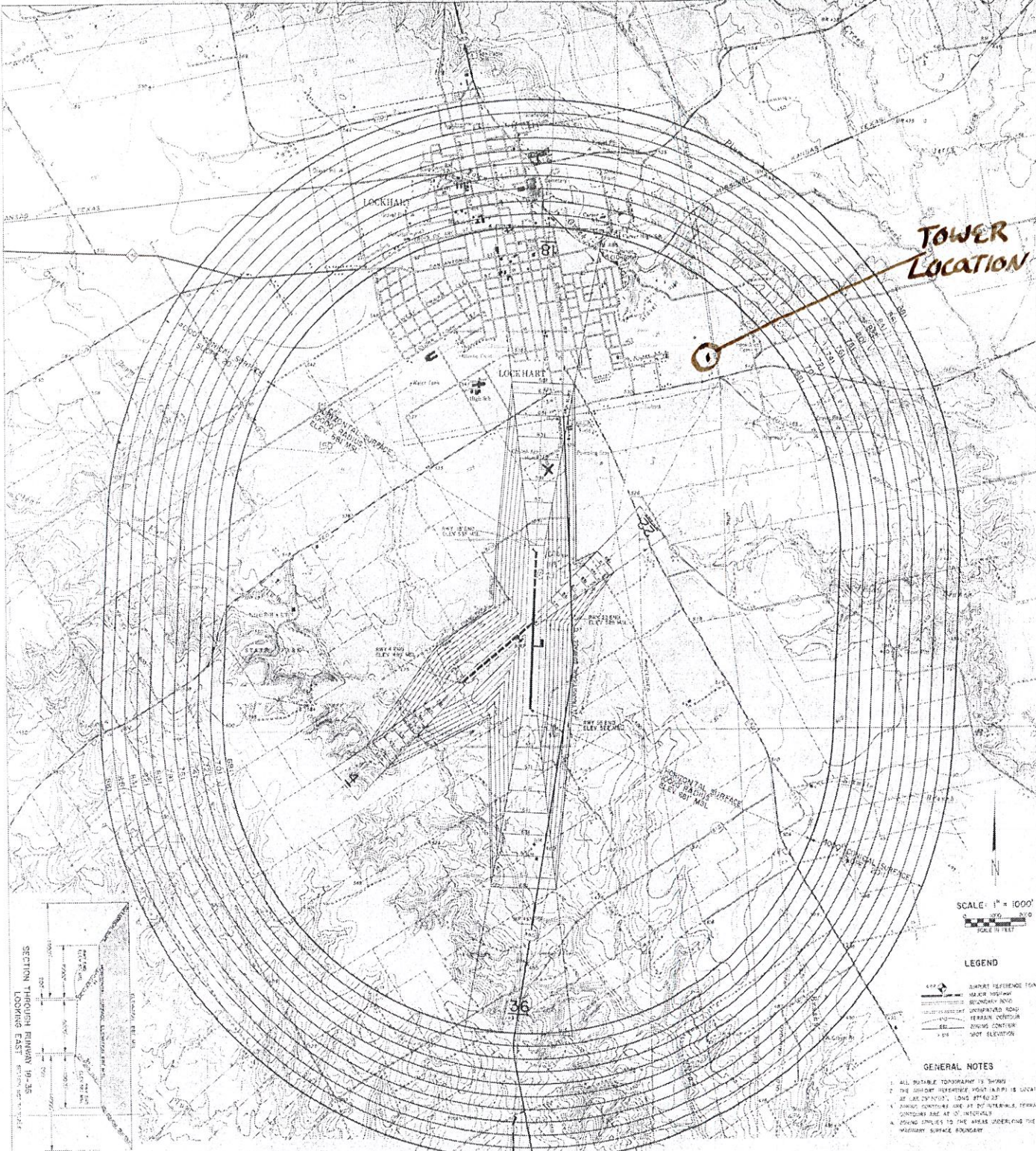
STATE OF TEXAS      COUNTY OF CALDWELL  
 I hereby certify that this instrument was filed on the  
 date and time stamped herein by me and was duly  
 recorded in the volume and page of the named record  
 of Caldwell County, Texas as stamped herein by me.

MAR 3 92

*Nina S. Sells*  
 NINA S. SELLS  
 COUNTY CLERK, CALDWELL COUNTY, TEXAS







**TOWER LOCATION**

SCALE: 1" = 1000'  
 0 100 200  
 SCALE IN FEET

**LEGEND**

- ▲ SURVEY REFERENCE POINT
- MAJOR HIGHWAY
- SECONDARY ROAD
- UNIMPROVED ROAD
- TERRAIN CONTOUR
- ZONING CONTOUR
- NEAT ELEVATION

**GENERAL NOTES**

1. ALL SUITABLE TOPOGRAPHY IS SHOWN
2. THE LOCKHART REFERENCE POINT (R.F.P.) IS LOCATED AT LAT. 29° 51' 00" N. LONG. 97° 42' 00" W.
3. ZONING CONTOURS ARE AT 20' INTERVALS. TERRAIN CONTOURS ARE AT 10' INTERVALS.
4. ZONING APPLIES TO THE AREAS OVERLAPPING THE HAZARDOUS SURFACE BOUNDARY.

SECTION THROUGH PLANNING 19-36  
 LOCKHART, TEXAS  
 1936

**ARTICLE 1. PURPOSE AND SCOPE.**

1.1 The purpose of this ordinance is to provide for the safe and efficient operation of aircraft in the vicinity of the Lockhart Municipal Airport.

1.2 This ordinance shall apply to all areas within the city limits of Lockhart, Texas, that are within the hazardous surface boundary of the Lockhart Municipal Airport.

1.3 The boundaries of the hazardous surface boundary shall be as shown on the map attached hereto and incorporated by reference.

1.4 The boundaries of the hazardous surface boundary shall be subject to change from time to time as the result of new surveying data or other information.

1.5 The boundaries of the hazardous surface boundary shall be shown on the map attached hereto and incorporated by reference.

1.6 The boundaries of the hazardous surface boundary shall be subject to change from time to time as the result of new surveying data or other information.

1.7 The boundaries of the hazardous surface boundary shall be shown on the map attached hereto and incorporated by reference.

1.8 The boundaries of the hazardous surface boundary shall be subject to change from time to time as the result of new surveying data or other information.

1.9 The boundaries of the hazardous surface boundary shall be shown on the map attached hereto and incorporated by reference.

1.10 The boundaries of the hazardous surface boundary shall be subject to change from time to time as the result of new surveying data or other information.

**ARTICLE 2. ZONING DISTRICTS.**

2.1 There shall be two (2) zoning districts within the hazardous surface boundary of the Lockhart Municipal Airport:

- (1) **Class A-1 Zoning District.** This district shall be established for the purpose of providing for the safe and efficient operation of aircraft in the vicinity of the Lockhart Municipal Airport.
- (2) **Class A-2 Zoning District.** This district shall be established for the purpose of providing for the safe and efficient operation of aircraft in the vicinity of the Lockhart Municipal Airport.

2.2 The boundaries of the Class A-1 Zoning District shall be as shown on the map attached hereto and incorporated by reference.

2.3 The boundaries of the Class A-2 Zoning District shall be as shown on the map attached hereto and incorporated by reference.

2.4 The boundaries of the Class A-1 Zoning District shall be subject to change from time to time as the result of new surveying data or other information.

2.5 The boundaries of the Class A-2 Zoning District shall be subject to change from time to time as the result of new surveying data or other information.

2.6 The boundaries of the Class A-1 Zoning District shall be shown on the map attached hereto and incorporated by reference.

2.7 The boundaries of the Class A-2 Zoning District shall be shown on the map attached hereto and incorporated by reference.

2.8 The boundaries of the Class A-1 Zoning District shall be subject to change from time to time as the result of new surveying data or other information.

2.9 The boundaries of the Class A-2 Zoning District shall be subject to change from time to time as the result of new surveying data or other information.

2.10 The boundaries of the Class A-1 Zoning District shall be shown on the map attached hereto and incorporated by reference.

2.11 The boundaries of the Class A-2 Zoning District shall be shown on the map attached hereto and incorporated by reference.

**ARTICLE 3. REGULATIONS.**

3.1 No person shall use any aircraft in the vicinity of the Lockhart Municipal Airport in a manner that is hazardous to the safe and efficient operation of aircraft.

3.2 No person shall use any aircraft in the vicinity of the Lockhart Municipal Airport in a manner that is hazardous to the safe and efficient operation of aircraft.

3.3 No person shall use any aircraft in the vicinity of the Lockhart Municipal Airport in a manner that is hazardous to the safe and efficient operation of aircraft.

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3.9 No person shall use any aircraft in the vicinity of the Lockhart Municipal Airport in a manner that is hazardous to the safe and efficient operation of aircraft.

3.10 No person shall use any aircraft in the vicinity of the Lockhart Municipal Airport in a manner that is hazardous to the safe and efficient operation of aircraft.

**LOCKHART MUNICIPAL AIRPORT HAZARDOUS ZONING MAP**

Approved by the Lockhart-Groesbeck County Joint Airport Zoning Board on 18 December 1935

HEINZ KAMM, Chairman

DAVID P. HULL, Secretary

Prepared by the City of Lockhart, Texas, 1936





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-ASW-11198-OE

Issued Date: 08/23/2023

Chris D Germer  
 Caldwell County  
 1403 Blackjack Ste. E  
 Lockhart, TX 78644

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Tower James George  
 Location: Lockhart, TX  
 Latitude: 29-52-31.30N NAD 83  
 Longitude: 97-39-13.00W  
 Heights: 520 feet site elevation (SE)  
 199 feet above ground level (AGL)  
 719 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 02/23/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5922, or [debbie.cardenas@faa.gov](mailto:debbie.cardenas@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ASW-11198-OE.

**Signature Control No: 593766311-597241546**  
Debbie Cardenas  
Specialist

( DNE )

Attachment(s)  
Frequency Data  
Map(s)

cc: FCC

Frequency Data for ASN 2023-ASW-11198-OE

<b>LOW FREQUENCY</b>	<b>HIGH FREQUENCY</b>	<b>FREQUENCY UNIT</b>	<b>ERP</b>	<b>ERP UNIT</b>
6	7	GHz	55	dBW
10	11.7	GHz	55	dBW





## AM - Amendment of a Pending Application

[Reference Copy](#)

[Help](#)

### Confirmation

#### General Information

**File Number:**  
A1249124

**Registration Number:**  
1325962

**Date Received:**  
09/21/2023

**Purpose:**  
Amend an application

**Status:**  
Granted

**National Notice Date:**  
08/11/2023

#### Owner Information

**Caldwell County**  
Attn: Hoppy Haden  
110 S Main St  
RM 101  
Lockhart, TX 78644

**Phone:** (512) 398-1809

**E-mail:**  
[hoppy.haden@co.caldwell.tx.us](mailto:hoppy.haden@co.caldwell.tx.us)

#### Antenna Structure

**Latitude:**  
29° 52' 31.3" N

**Longitude:**  
097° 39' 13.0" W

**Structure Location:**  
200ft SE of 1204 Reed Dr  
Lockhart, TX 78644

**Overall AGL Height:**  
60.7 m

**FAA Study Number:**  
2023-ASW-11198-OE

**Date Issued:**  
08/23/2023

### Resources

- [Tower Construction Notification System \(TCNS\)](#)
- [E-106 System](#)
- [File Pleadings](#)
- [TOWAIR](#)
- [FAA Notice Criteria Tool](#)
- [Universal Licensing System](#)

[Back to Home](#)

Submit a [help request for assistance](#) or contact (877) 480-3201 or TTY: (717) 338-2824

Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

Phone: 1-888-225-5322  
TTY: 1-888-835-5322  
Fax: 1-866-418-0232

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[RSS](#)  
[Office of Inspector General](#)

**Hoppy Haden**  
County Judge  
512 398-1808

**Caldwell County Courthouse**  
110 South Main Street  
Lockhart, TX 78644  
Fax: 512 398-1828

**B.J. Westmoreland**  
Commissioner Precinct 1

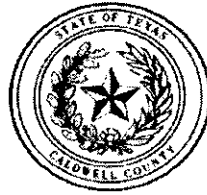
**Rusty Horne**  
Commissioner Precinct 2

**Edward "Ed" Theriot**  
Commissioner Precinct 3

**Dyral Thomas**  
Commissioner Precinct 4

**County Treasurer**  
512 398-1800

**Danie Teltow**  
County Auditor  
512 398-1801



October 31, 2023

David Fowler  
City Planning Director  
City of Lockhart  
308 W. San Antonio  
Lockhart, TX 78644

RE: Code of Ordinances, City of Lockhart, Texas Sec. 64-202 (d)

Dear Mr. Fowler:

The Caldwell County Commissioners' Court has contracted the Lower Colorado River Authority (LCRA) to design and construct a 700/800 MHz shared radio system for emergency use by first responders in Caldwell County and the agencies contained within the county. While assessing the best locations for emergency communication sites, it was determined that a site in or around Lockhart, Texas was necessary for proper communication.

The assessment of radio sites surrounding, but not contained within the city limits of, Lockhart, Texas noted one possibility of an existing tower that had adequate height to accomplish the emergency communication goals of Caldwell County. This tower is owned by a third-party company that leases the tower for communication use. The county and LCRA assessed the geographical location and third-party lease and structural fees for this communication tower. The geographical location of the tower did not provide an adequate microwave transport path from the dispatch center for proper backhaul capabilities that are required by the dispatch center. Therefore, this communications tower was eliminated from contention as an emergency radio site.

Caldwell County then turned their sites to the communication towers inside of the city limits of Lockhart, Texas. The single existing communication tower that exists within the city limits with the proper height to conduct proper emergency communication is located at 1511 E. Market Street. This is the current emergency communication tower used by GAATRS for the current radio system. This tower is leased by a third-party owner and has several other leased attachments currently on the tower. The county and LCRA assessed the current condition of the communications tower and the financial considerations of the third-party lessor. The additional attachments have rendered the tower over capacity and the tower is incapable of accepting other attachments currently. Therefore, this communications tower was eliminated from contention as an emergency radio site.

**Hoppy Haden**  
County Judge  
512 398-1808

**Caldwell County Courthouse**  
110 South Main Street  
Lockhart, TX 78644  
Fax: 512 398-1828

**B.J. Westmoreland**  
Commissioner Precinct 1

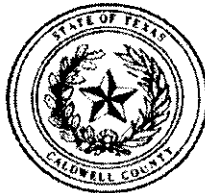
**Rusty Horne**  
Commissioner Precinct 2

**Edward "Ed" Theriot**  
Commissioner Precinct 3

**Dyral Thomas**  
Commissioner Precinct 4

**County Treasurer**  
512 398-1800

**Danie Teltow**  
County Auditor  
512 398-1801



The county partnered with LCRA to design a tower to be constructed by LCRA and owned by the county, on county property, adjacent to the County Sheriff's Office. This location provided a place for an emergency communications tower with ample height and a clear, microwave path to the dispatch center. The emergency radio communications site and access were designed to be unobtrusive to the surrounding area and the glide path of the airport. LCRA has received conditional approval from the FCC and FAA to construct the emergency communications tower without lighting to further the discreet nature of the radio site. Caldwell County chose to pursue this option for the new emergency communications site to serve the City of Lockhart and the surrounding area.

Caldwell County appreciates the efforts of the City of Lockhart to properly vet the location of the new emergency communications tower and radio site. Should any questions arise about the choice of this location, please contact the office of the County Judge.

Sincerely,

A handwritten signature in black ink, appearing to read "Hoppy Haden", is written over a horizontal line.

Hoppy Haden  
Caldwell County Judge



November 10, 2023

David Fowler  
City Planning Director  
City of Lockhart  
308 W. San Antonio Street  
Lockhart, TX 78644

Subject: Compliance with City of Lockhart Code of Ordinances, Section 64-202 -  
Wireless Telecommunication Facilities

Dear Mr. Fowler,

The Lower Colorado River Authority has been contracted by Caldwell County to improve emergency communications infrastructure in the county. One important component of the project is a new communications tower in Lockhart. This tower is proposed for the L.W. Scott Annex site at 1208 Reed Drive, in Lockhart.

I am writing to confirm that the wireless telecommunication facility, as described in Section 64-202 of the municipal code, fully complies with all the criteria outlined therein.

Please find below a detailed summary of how each criterion has been met:

- (a) Existing Facilities: This is a new facility; therefore, this section is not applicable.
- (b) Code Requirements: The facility adheres to all applicable FAA and FCC requirements. The FAA has completed a determination study. The tower and associated foundation have been designed according to ANSI/TIA/EIA 222-H Structural Standards for Steel Antenna Towers and Antenna Supporting Structures. Drawings and specifications have been prepared and sealed by a registered professional engineer and were submitted with the building permit application.
- (c) Co-location Capability: It is contemplated that the new freestanding tower will be used exclusively for transmission and reception of communications by public emergency agencies such as the Caldwell County Sheriff's Office and other authorized first responders. As a result, we believe the tower structure is exempt from the co-location requirement.
- (d) Availability of Sites: The new tower will be constructed for the purpose of transmission and reception of public safety radio communications for the Caldwell County Sheriff's Office and other authorized first responders. The location of the tower was selected based on the radio coverage requirements

of the Sheriff's Office. The County does not own any antenna structures that could provide equivalent radio signal coverage in the designated area. A letter from Caldwell County is provided and attached to this application.

- (e) **Abandoned Facilities:** The tower structure is a new construction; therefore, this section is not applicable at this time. However, the property owner – Caldwell County – is committed to notifying the City of Lockhart building official when the wireless telecommunication facility ceases operation and complying with the removal requirements for abandoned facilities as set forth in the code if they become applicable.
- (f) **Facilities on Public Property:** It is not contemplated that the tower facilities will be used by any commercial system providers as mentioned in this section of the code.
- (g) **Prohibited Location:** LCRA has captured 360° spherical panoramas at 2 different resolutions and three different heights: 180', 190', and 200'. The photos and video are taken at an approximately 200x zoom. This has identified that approximately the top 20 feet of the tower will be visible from the courthouse. The results for the unlit tower, with a distance of 1.25 miles from the courthouse, are believed minimally impactful.
- (h) **Access:** The tower site has direct access to a public street, meeting all city standards for driveways.
- (i) **Height:** The freestanding tower adheres to the height limits set forth in the Lockhart Municipal Airport hazard zones and its height will be 190 feet.
- (j) **Setbacks:** The tower complies with all setback requirements, both in terms of distance from property boundaries and residential dwellings, as outlined in this chapter.
- (k) **Illumination and Appearance:** The wireless telecommunication facility is not artificially illuminated and is not required to be by the FAA or FCC. The tower maintains the appropriate finish and color scheme, and the equipment enclosures are designed to blend with the surrounding environment.
- (l) **Security and Screening:** The base of the freestanding tower and associated equipment enclosures are enclosed by a six-foot security fence, equipped with a locked access gate. The entrance to the site does not face any public streets and screening will not be required.
- (m) **Signage:** Only one nonilluminated permanent sign, not exceeding two square feet, has been placed for emergency identification purposes. No commercial advertising will be added.



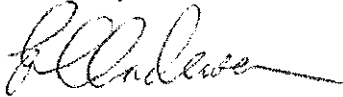
Mr. David Fowler  
November 10, 2023  
Page 3 of 3

(n) Historic Districts: The wireless telecommunication facility is not installed outside of a building within a historic district.

We trust that this information satisfies the requirements set forth in Section 64-202 of the municipal code. We look forward to your reply.

Thank you for your attention to this matter. If you have any questions or would like additional information, please feel free to contact me at 512-730-6409 or the LCRA Project Manager, Thuanny Anderson at 737-230-5595.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Andersen", with a long horizontal flourish extending to the right.

Erik Andersen  
Vice President  
Telecom Business Development

# CITY OF LOCKHART - SITE PLAN

APPLICANT NAME: Lower Colorado River Authority

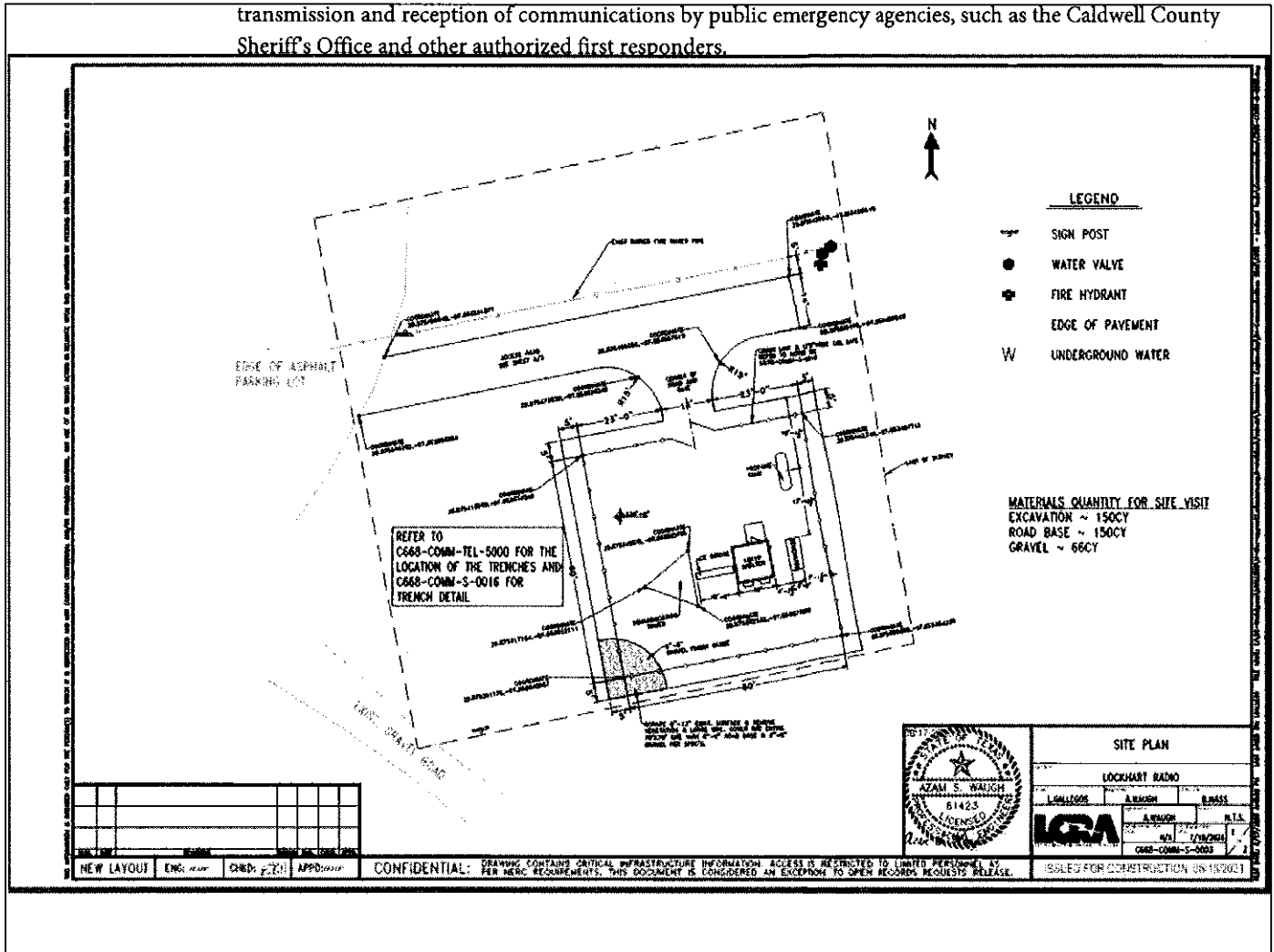
PHONE: 512-578-4587

SITE ADDRESS: 1208 Reed Drive, Lockhart TX 78644

PERMIT NUMBER: \_\_\_\_\_

DATE: 09/07/2023

**PROPOSED WORK:** Install a 10'x10'x9' Telecom enclosure, a 5'-0" x 5'-0" cast-in-place concrete door stoop, a 3'-9" x 8'-6" cast-in-place concrete generator pad, a 2'-0" x 10'-0" ice bridge, two 5' stand-off antenna mount, a pipe mount for dish and a 190ft lattice Telecom Tower. The communication tower will be used exclusively for the transmission and reception of communications by public emergency agencies, such as the Caldwell County Sheriff's Office and other authorized first responders.



Please indicate the following:

1. North arrow, scale of the drawing (e.g., 1" = 50 feet), property lines with dimensions, and abutting streets and alleys;
2. Outline the location, size, and type of all structures with labels indicating whether existing or proposed; show roof overhangs as dotted lines;
3. Distances between all existing and/or proposed structures (measuring from roof overhang, if any) as well as from all existing and/or proposed structures to all property lines;
4. Location, type, and width of all known easements; and
5. Location, dimensions, and surface material of existing or proposed driveways and off-street parking areas; specify the number of provided and required parking spaces. Planning staff can assist with this requirement.

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 Lower Colorado River Authority

ADDRESS P.O. Box 220

DAY-TIME TELEPHONE 737.230.5595

Austin, TX 78767

E-MAIL thuanny.anderson@lcra.org

Khalil.Coltain@lcra.org

OWNER NAME Caldwell County

ADDRESS 110 S Main St. RM 101

DAY-TIME TELEPHONE 512-398-1809

Lockhart, TX 78644

E-MAIL hoppy.haden@co.caldwell.tx.us

**PROPERTY**

ADDRESS OR GENERAL LOCATION 1208 Reed Dr., Lockhart, TX 78644

LEGAL DESCRIPTION (IF PLATTED) \_\_\_\_\_

SIZE 20.2 ACRE(S)

ZONING CLASSIFICATION Public and Institutional

EXISTING USE OF LAND AND/OR BUILDING(S) Sheriff's Office

**REQUESTED ZONING VARIANCE**

VARIANCE TO SECTION(S) 64-202(G) OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) Prohibited location: No freestanding tower, or commercial antenna attached to any other structure,

shall be erected in a location in the city where the tower or antenna would be visible when viewed by eyes five feet, eight inches above ground level

from any portion of the county courthouse property or abutting portions of Main, San Antonio, Commerce and Market Street rights-of-way.

REQUESTED VARIANCE(S) We request relief from the tower height limitation. The top of the new tower may be visible

from the county courthouse grounds. Limiting the tower height to conform to this section would significantly reduce

the coverage area and effectiveness of the public safety communications network relying on the new tower.

## **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.

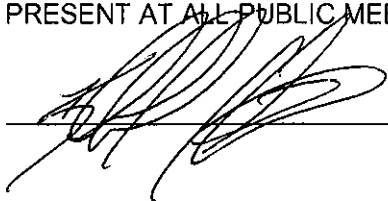
1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
2. The condition 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 \$250.00 PLUS \$150.00 PER ACRE, FOR A MAXIMUM OF \$2,500.00, APPLICATION FEE OF \$2,500 PAYABLE TO THE CITY OF LOCKHART.**

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 \_\_\_\_\_

11-29-23

**OFFICE USE ONLY**

ACCEPTED BY D. Fowler

RECEIPT NUMBER 01262727

DATE SUBMITTED 12/1/2023

CASE NUMBER ZV 2324 0601

DATE NOTICES MAILED 1-23-2024

DATE NOTICE PUBLISHED 1-25-2024

BOARD OF ADJUSTMENT MEETING DATE 2-5-2024

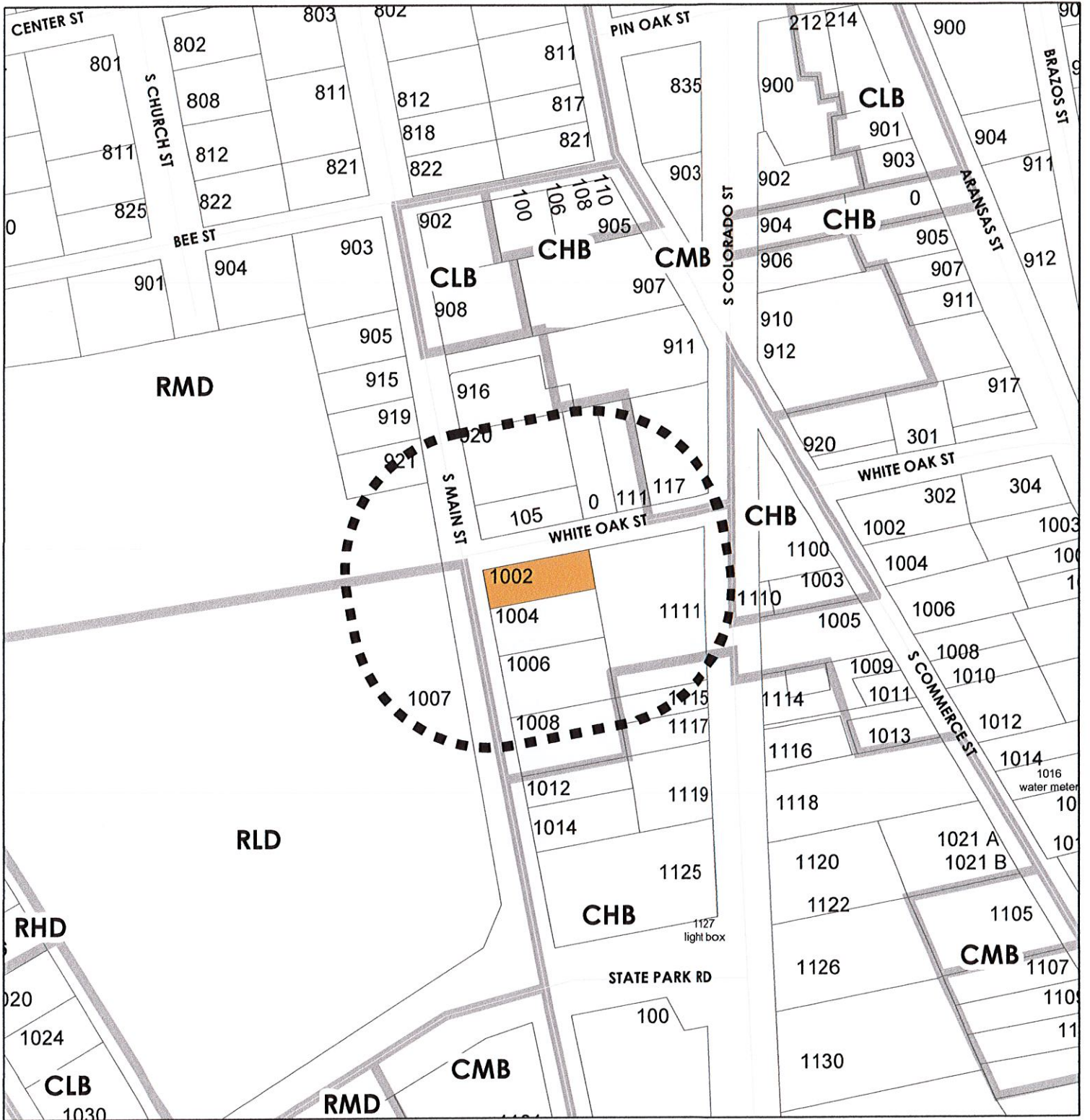
DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





**ZV-24-02**

1002 S MAIN ST

TO REDUCE THE SIDE YARD  
BUILDING SETBACK FROM 15 FT TO 5.6 FT



- SUBJECT PROPERTY
- ZONING BOUNDARY

scale 1" = 200'





BRAZOS ST

ARANSAS ST

WHITE OAK ST

S COMMERCE ST

S COLORADO ST

WHITE OAK ST

S MAIN ST

STATE PARK RD

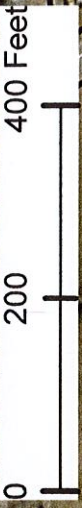
S CHURCH ST

BEE ST

S BLANCO ST

CENTER ST

S GUADALUPE ST





**CASE SUMMARY**

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STAFF CONTACT: Evan Olszewski, Planner

CASE NUMBER: ZV-24-02

REPORT DATE: January 25, 2024

PUBLIC HEARING DATE: February 5, 2024

APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required side yard building setback from 15 feet to 5.6 feet.

STAFF RECOMMENDATION: **Denial**

CONDITIONS: None

**BACKGROUND DATA**

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APPLICANT AND OWNER: Elizabeth Pirnat

SITE LOCATION: 1002 South Main Street

LEGAL DESCRIPTION: Lot 1, Block 2 and West ½ of an abandoned alley, South Heights Addition

SIZE OF PROPERTY: 0.181 acres

EXISTING USE OF PROPERTY: Single-Family Residence

ZONING CLASSIFICATION: RMD Residential Medium Density District

**ANALYSIS OF ISSUES**

---

REASON FOR REQUESTED VARIANCE: A 10-foot-wide by 28-foot-long structure for residential occupation use was recently constructed in the side yard of the subject property as an accessory structure to the existing single-family residence. The structure was constructed without a permit and was brought to the attention of the City by representatives of the Faith Chapel church which backs up to the property on South Colorado Street. The church had recently inquired about replacing a legally nonconforming shed on their own property and were informed that building in the setback is not allowed. The structure is located 5.6 feet from the side property line, which encroaches 9.4 feet into the required 15-foot side-yard building setback for the RMD Zoning District set forth in Appendix I of the Zoning Ordinance. A copy of the site plan showing the location of the shed as constructed is included in the agenda packet materials.

AREA CHARACTERISTICS: The subject property is located within an area with a mix of commercial and residential uses behind the church, which fronts South Colorado Street to the east. The nearest parcels are zoned RMD Residential Medium Density, with CHB Commercial Heavy Business to the south along South Main Street. The subject property is located at the southeast corner of the intersection of South Main Street and White Oak Street. According to a review of the survey and aerial imagery, the subject property's northern boundary is nine feet from the curb line of White Oak Street, giving the impression that the structure is set back further than it really is.

UNIQUE CONDITIONS OF PROPERTY: The construction of the structure within the required 15-foot side-yard building setback could not be considered a condition unique to the property. The Applicant states that the structure is in its current location because it is the only place in her yard that does not flood and explains that this unique flooding condition is caused by runoff from White Oak Street, of which the City is aware but has not addressed. However, it is the responsibility of the builder and property owner to ensure compliance with all setbacks and address site-specific issues such as flooding prior to construction. According to the Interim Building Official, Shane Mondin, the structure

was built without a permit, suggesting that the builder or property owner did not satisfy that responsibility. It is possible for the structure to be relocated elsewhere in the rear yard that could meet all the required building setbacks. In previous discussions with the applicant and according to the written responses to the variance review criteria, the applicant explains that the flooding conditions prevent the relocation of the structure and since these conditions were not caused by her actions, the variance is warranted. However, filling or regrading low property prior to construction is the routine solution to areas of standing water on a property.

**NATURE OF HARDSHIP:** The Applicant proposes to use the structure as space for a home business, which would not be possible if the variance is not granted and the structure cannot be relocated. Relocation of the structure is feasible, however, the regrading of the rear yard to prevent the flood conditions mentioned by the Applicant would increase the cost of the project. Additional financial hardship would be created by the cost of relocating the structure.

**EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY:** Construction of the structure 9.4 feet into the side-yard building setback does not appear to have resulted in adverse impacts to surrounding properties and public safety. Though the structure is large, its setback from the front of the property and the wide right-of-way on White Oak Street means that the structure does not obstruct the view of drivers at the intersection.

**COMPLIANCE WITH VARIANCE CRITERIA:** In order to approve a variance, the Board must find that the request meets all 6 of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the enclosed written explanation as evidence in support of the variance.

**ALTERNATIVE SOLUTIONS:** The alternative solution is to require that the structure be relocated to the rear yard of the property, where the setback requirements would be met.

**PRECEDENT:** The Board's July 2021 and December 2023 approvals of variances to allow the reduction in the required building setbacks may have set a precedent for similar requests with unavoidable site conditions preventing construction in permitted areas. Variances, however, are considered strictly on a case-by-case basis, and the current request does not result from a condition unique to the property, as previously discussed. The December 2023 case had the unique condition of natural features obstructing the path that machinery would use to move the structure. The subject property already has accessory structures located in the rear yard, demonstrating that machinery can access the area. Finally, as mentioned above, the church abutting the rear of the property was informed that they cannot replace a legally nonconforming shed in the same setback on their property. Church representatives visited with the Interim Building Official for the request and followed up when the structure appeared on the subject property to ask why it was allowed. It would establish a negative precedent to grant a variance to unpermitted work immediately adjacent to a property whose owner contacted the City before construction and was denied permission.

**RESPONSE TO NOTIFICATION:** None, as of the date of this report.

**Property Photos with Descriptions from Applicant 1-4-2024 through 1-10-2024**

All information below is from the applicant and does not represent staff's position.

This is traveling South Bound on S Main Street - to make a LEFT turn ( going east )

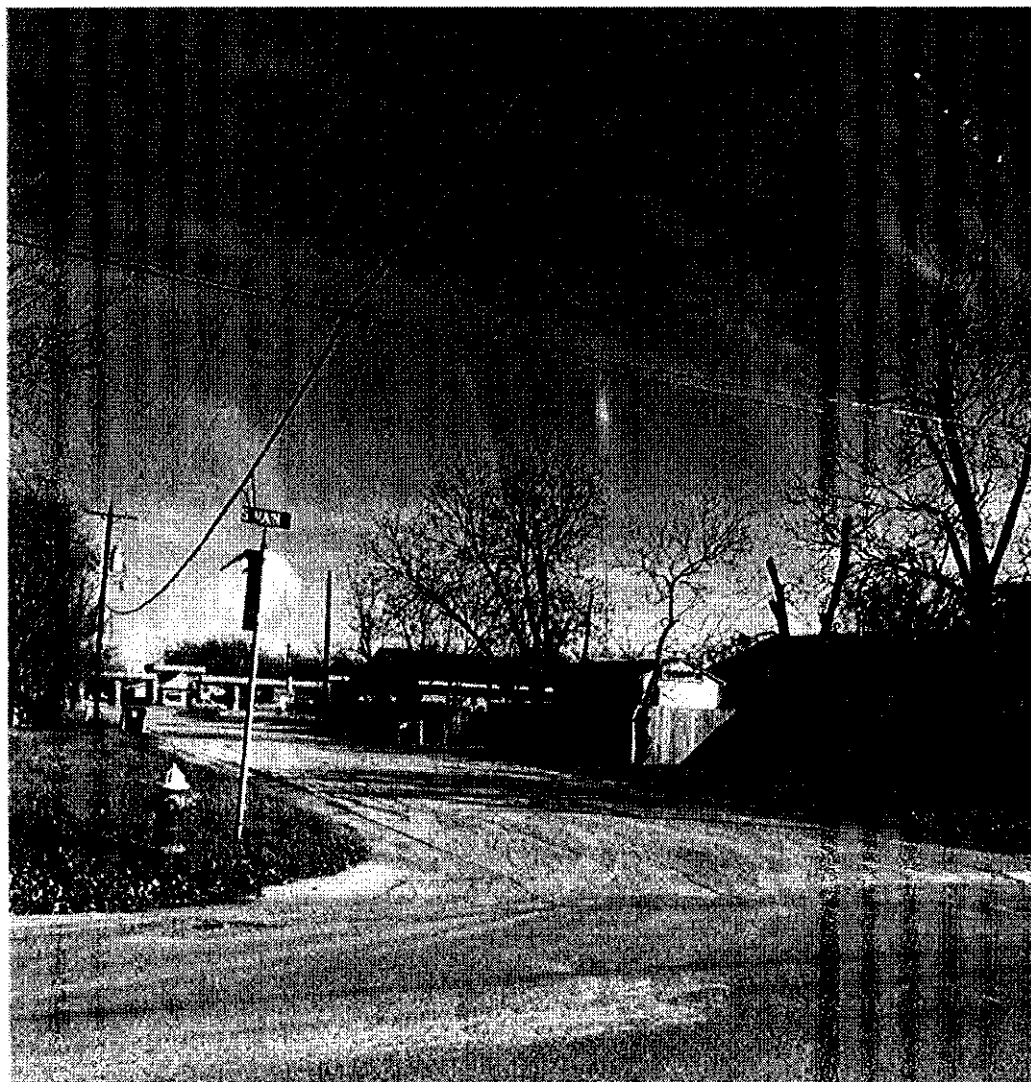
There is no visual obstruction / or interference of any view to see clearly to turn

Left - across on coming ( north bound traffic ) to turn onto White Oak Street

This building was placed behind an existing fence that did not have to be taken down

And behind an existing tree -

No visual obstruction / or field of view -



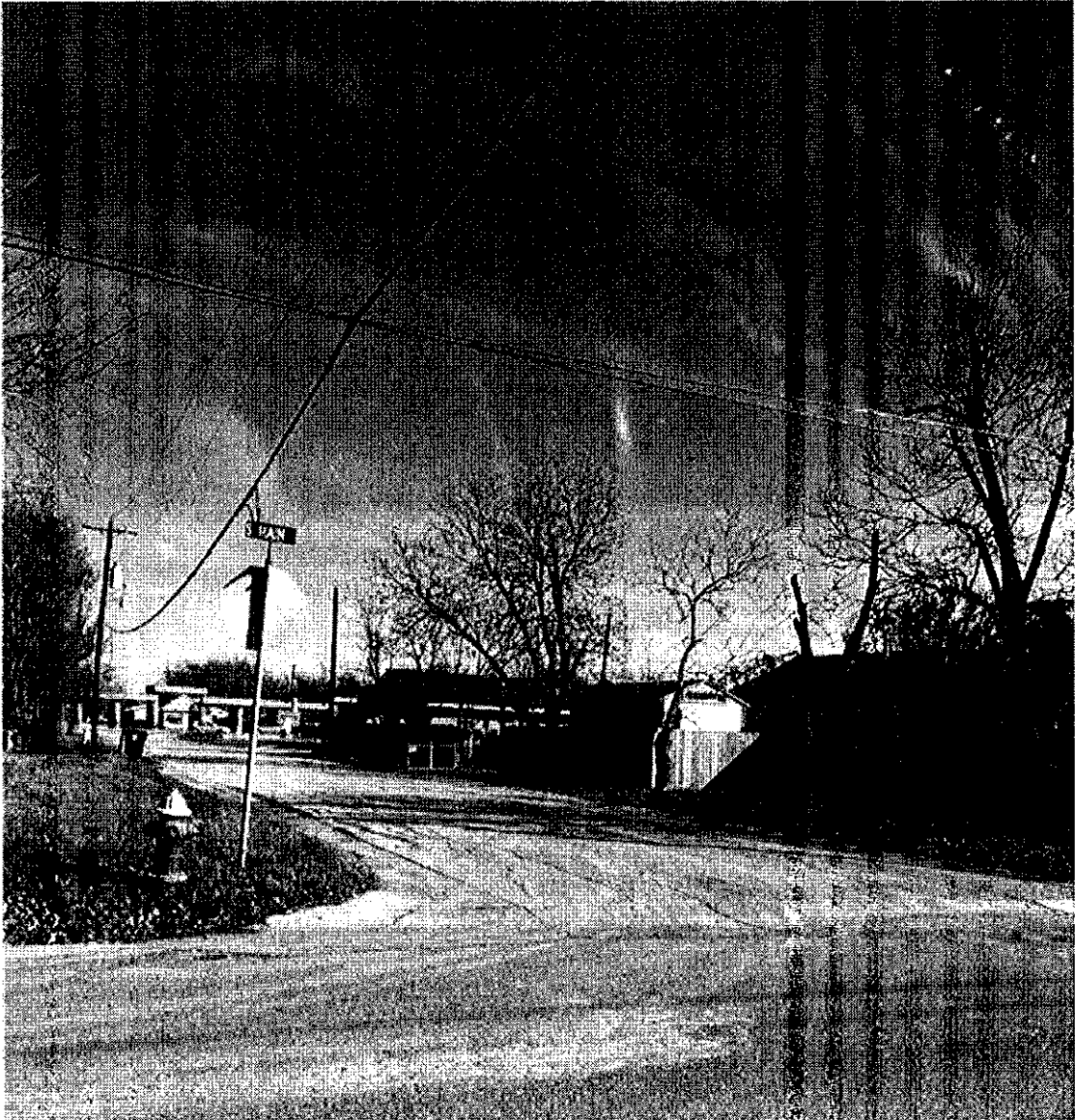


This is - traveling NORTH on S Main Street - to make a RIGHT turn ( East ) on to  
White Oak Street - no visual obstructions / field of view to turn -



This is the view heading SOUTH on S Main St - to turn LEFT ( west ) on to  
White Oak Street - NO visual obstruction or view blocking to turn onto White Oak St

This building is behind a EXISTING FENCE that did not have to be taken down -



Street view - heading WEST on White Oak Street

No visual obstruction from view to turn Left or Right on to Main Street



Visual of WHITE OAK STREET ( heading West )

No obstruction of view -



The area the building was placed

10:24 AM Thu Jan 4



July 3, 2023  
8:51 AM

100%



The area it was placed without moving existing fence or tree

10:23 AM Thu Jan 4



July 16, 2023  
9:23 AM

Edit ⓘ 🗑️ 🔄



10:23 AM Thu Jan 4



July 16, 2023  
8:23 AM

Edit ⓘ 🗑️ 🔄



10:21AM Thu Jan 4

August 23, 2023  
2:44PM

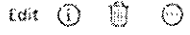
100%



10:21AM Thu Jan 4

November 18, 2023  
12:57PM

100%





10:20 AM Thu Jan 4

May 31, 2020  
7:01 PM

100%



Edit ⓘ 🗑️ 😊



10:20 AM Thu Jan 4

May 12, 2020  
2:53 PM

100%



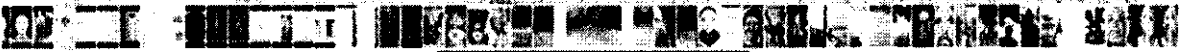
Edit ⓘ 🗑️ 😊



10:20AM Thu Jan 4

May 12, 2020  
7:50PM

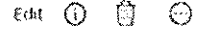
100%



10:20AM Thu Jan 4

May 12, 2020  
2:40PM

100%

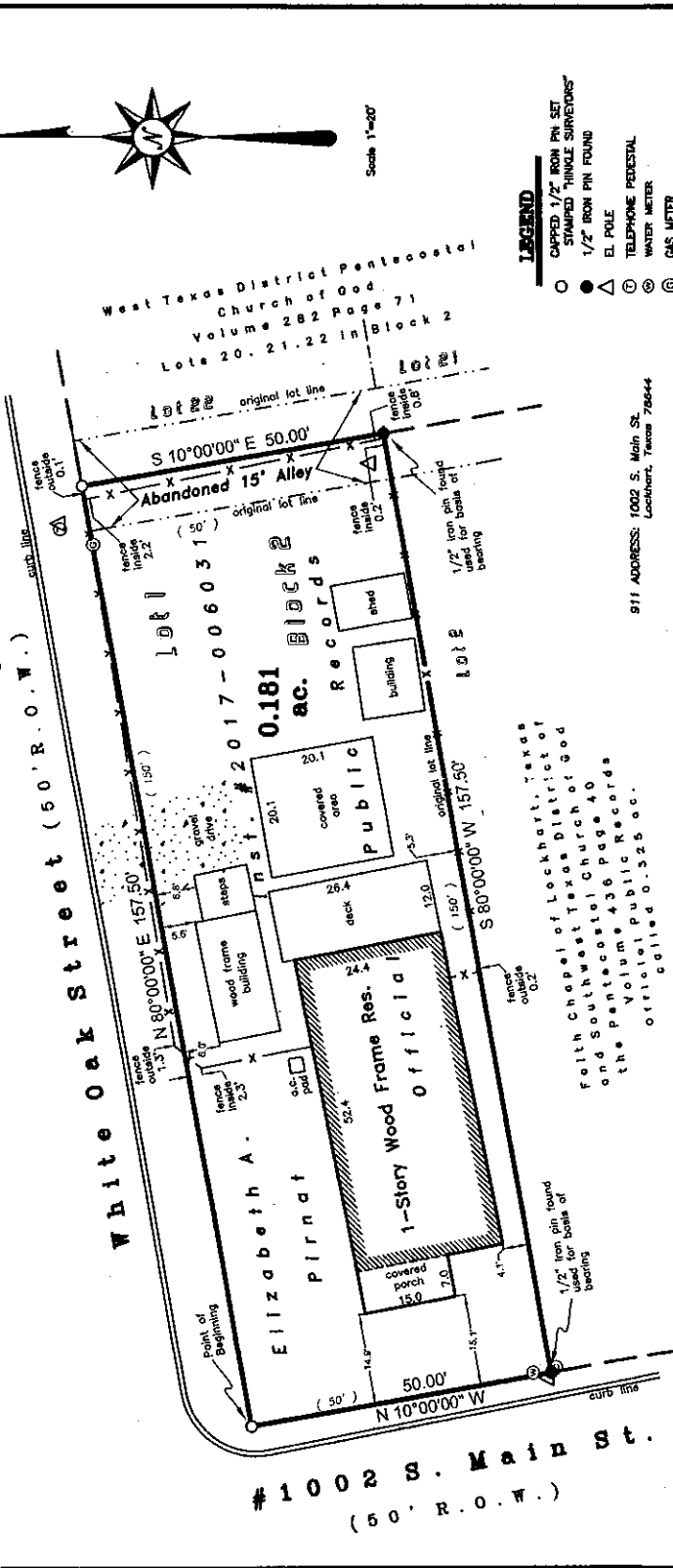




LIVE



# City of Lockhart Caldwell County, Texas South Heights Addition Lot 1 in Block 2 and the West 1/2 of an Abandoned 15' Alley



- LEGEND**
- CAPPED 1/2" IRON PIN SET
  - STAMPED "HINKLE SURVEYORS"
  - △ 1/2" IRON PIN FOUND
  - EL. POLE
  - ⊙ TELEPHONE PENETRAL
  - ⊗ WATER METER
  - ⊕ GAS METER
  - ⊖ CLEAN OUT
  - ⊙ ORIGINAL DEEDED CALLS
  - ⊙ FENCES MEMBER
  - ⊙ GRAVEL
  - ⊙ UNLESS OTHERWISE NOTED

Drawn By: J.H. J.H.
Drawing: 2022S431.dwg
Sub No. 2022S431
Date: August 2023
Word Date: Begin 06072023
AutoWord Date: Begin 08072023
Surveyed By: J.H. J.H.



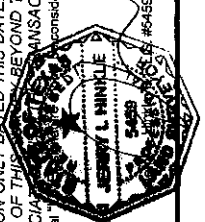
**HINKLE SURVEYORS**  
P.O. Box 1027 1109 S. Main Street Lockhart, TX 78644  
Ph: (512) 398-2000 Fax: (512) 398-7683 Email: contact@hinklesurveyors.com Firm Registration No. 100886-00

**General Notes**

- 1) Before digging call 811 to verify locations of any utilities, pipelines, or other subsurface 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 #48852023E effective date June 19, 2012. Flood Zone "X" is areas determined to be outside the 0.2% annual chance floodplain. **WARNING: THIS Flood Statement, as provided by FEMA, is for informational purposes only and DOES NOT IMPLY the Flood Risk or any 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.**

**General Notes**

Showing a 0.181 acre tract of land being all of Lot 1 in Block 2 of SOUTH HEIGHTS ADDITION to the City of Lockhart, Caldwell County, Texas according to the map or plat thereof recorded in Volume 59 Page 89 of the Deed Records of Caldwell County, Texas and the West 1/2 of an ABANDONED 15' ALLEY and the improvements as found situated thereon. I do hereby certify that (1) the foregoing plat is a true and correct representation of a survey made on the ground under my direct supervision on August 31, 2023. (2) No Abstract of Title, title commitment, nor research or record encumbrances were supplied to the Surveyor. There may exist encumbrances of record which could affect this parcel. **THIS SURVEY IS CERTIFIED AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE. THE SURVEYOR SHALL INCUR NO LIABILITY FOR ANY USE OF THIS SURVEY BEYOND THIS ONE TRANSACTION OR FOR ANY PERSON(S) NOT ASSOCIATED WITH THIS ONE TRANSACTION.** Only those prints containing the raised Surveyor's seal and an original are considered official and relied upon by the user.



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 Elizabeth Pirnat

ADDRESS 1002 S Main Street

DAY-TIME TELEPHONE 512-203-0008

Lockhart, TX 78644

E-MAIL mstexc@lvc.com

OWNER NAME Same

ADDRESS "

DAY-TIME TELEPHONE "

E-MAIL "

### PROPERTY

ADDRESS OR GENERAL LOCATION 1002 South Main Street

LEGAL DESCRIPTION (IF PLATTED) Lot 1, Block 2 + West 1/2 of Abandoned 15' Alley South Heights Addition.

SIZE 0.161 ACRE(S) ZONING CLASSIFICATION RMD. Res Medium Density

EXISTING USE OF LAND AND/OR BUILDING(S) Residential/Home Office

### REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Ch. 64 - Appendix I - Setbacks OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) 15' side setback along White Oak Street.

REQUESTED VARIANCE(S) Allow the already-built accessory building with a 5.6' setback to remain in the required 15' side setback. Total variance = 9.4'.



# **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 \$ 277.15 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125	<i>Ordinance 2023-08: \$250<sup>00</sup> + \$150<sup>00</sup>/acre.</i>
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 1-4-24



**OFFICE USE ONLY**

ACCEPTED BY EVAN CLSZEWSKI

RECEIPT NUMBER 201269298

DATE SUBMITTED 1/4/2024

CASE NUMBER ZV - 24 - 02

DATE NOTICES MAILED 1-22-2024

DATE NOTICE PUBLISHED 1-25-2024

BOARD OF ADJUSTMENT MEETING DATE 2/5/2024

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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;

*only place in my yard that does NOT FLOOD*

2. The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;

*correct - poor drainage off White Oak City arranged it*

3. The variance is the minimum amount necessary to allow a reasonable use of the property;

*correct*

3. 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*

4. 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,

*correct*

5. 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.

*correct*