

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, April 1, 2024
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 February 5, 2024 meeting.
4. **ZV-24-04.** Hold a PUBLIC HEARING and consider a request by Hal and Hillary Purka 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 5 feet to 4 feet, on 0.1976 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RMD (Residential Medium Density) and located at 705 Sycamore Street.
5. **ZV-24-05.** Hold a PUBLIC HEARING and consider a request by Paul Ginsberg 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 11 feet, on Lot 1, Block 1, Elizabeth Homestead Addition, consisting of 0.202 acre, zoned RMD and located at 1009 North Commerce Street.
6. **ZV-24-06.** Hold a PUBLIC HEARING and consider a request by Monte J. Guidry for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required front-yard building setback from 20 feet to 17 feet, and a reduction in the minimum required side-yard building setback from 5 feet to 1 foot, on 0.216 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RMD and located at 1014 Kate Street.
7. Discuss the date and agenda of the next meeting.
8. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 10:00 a.m. on the 25th day of March, 2024.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
FEBRUARY 5, 2024**

MINUTES

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

Member Absent: Laura Cline

Staff Present: Kevin Waller, David Fowler, Evan Olszewski, Steve Lewis, and Sean Kelley

Others Present: Khalil Coltrain (applicant, Agenda Item 5), Elizabeth Pirnat (applicant, Agenda Item 6), Judge Hoppy Haden, Tom Bolen, David Marcos, Jake McCollough, Barbara Shelton, Linda Hinkle, and Jerry West.

1. Call meeting to order. Vice-Chair Rangel called the meeting to order at 6:30 p.m.
2. Election of Officers for 2024.

Member Proctor moved to table this item to the next regularly scheduled meeting. Member Knight seconded, and the motion passed by a vote of 6-0.

3. Citizen comments not related to a public hearing item. None
4. Consider the minutes of the December 4, 2023 meeting.

Member Knight moved to approve the December 4, 2023 minutes. Member Annas seconded, and the motion passed by a vote of 6-0.

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.

Planning Staff David Fowler presented the staff report, utilizing a PowerPoint® presentation. The proposed Variance would allow a communications tower higher than allowed by the Zoning Ordinance. The tower is proposed to measure 190 feet tall, which is 31 feet higher than the 159 feet allowed for this particular site. Mr. Fowler stated that Staff recommends approval, with a condition to add a flashing beacon at the top of the tower to minimize the hazard to aircraft. Fowler also stated that an alternative would be to approve with the above condition, as well as the condition that the proposal be subject to the approval of the Joint City-County Airport Zoning

Board.

Vice-Chair Rangel opened the public hearing for those wanting to speak in favor of the variance.

Applicant Khalil Coltrain, 636 S. Franklin St., LaGrange, TX, of the Lower Colorado River Authority (LCRA), provided an overview of the proposal, including a handout to the Board and Staff. Mr. Coltrain explained that LCRA would lose approximately 11 square miles of coverage if the tower was limited to the 159-foot maximum. In addition, 1,400 residents and one school site would be adversely impacted were the tower to not exceed 159 feet. Coltrain also noted that the FAA generally doesn't require a flashing beacon below a 200-foot height.

Member Proctor asked the applicant if the tower might be used commercially in the future.

Mr. Coltrain replied that there are no future plans for the tower to be used commercially.

Member Annas asked the applicant about the cost of a flashing beacon.

Mr. Coltrain responded that beacons could cost around \$25,000.00.

Judge Hoppy Haden, 5145 Silver Mine Road, Harwood, TX, explained that the tower is important for first responders, and is in favor of the variance.

Vice-Chair Rangel asked if there was anyone in opposition to the variance.

Tom Bolen, 551 Westwood Road, Lockhart, stated that the applicant isn't doing enough research if he is asking for a variance. Mr. Bolen believes that there will be future commercial use of the tower. The tower is simply a waste of money.

David Marquez, 285 Tenney Creek Rd., Dale, TX, stated that he is indifferent to the proposal. Mr. Marquez asked if the applicant has considered moving the tower to the northwest corner of the property, which would be closer to the gravel pit and wouldn't affect anyone. The tower would be a benefit to the fire department and other first responder operations. Marquez is ok with the proposed tower height.

Vice-Chair Rangel asked for Board discussion.

Member Proctor asked if the proposal had been discussed with the Joint City-County Airport Zoning Board.

Public Works Director Sean Kelley replied that the tower has been discussed with the joint board. He also added that flashing beacons are helpful for aircraft and are common on many towers.

Jake McCollough of the Lockhart Municipal Airport stated that a flashing beacon is necessary for public safety, especially during periods of poor/inclement weather.

Member Knight stated that the proposed tower height will be beneficial for public safety, and has no problem with the tower or beacon.

Member Martinez stated that he supports the proposal, including the addition of a beacon.

Member Proctor expressed that the proposal should also go before the joint City-County Airport Zoning Board, as a condition of approval in addition to the beacon.

Mr. Fowler informed the Board that the joint airport board needs to first be formally composed.

Member Proctor asked Judge Haden if there are plans to lease tower space to Verizon, AT&T, etc.

Judge Haden replied that there are no plans to lease tower space to cellular companies.

Vice-Chair Rangel asked about the current communications tower, and how it would be affected by the new tower.

Judge Haden replied that the current tower is overloaded, making the new tower necessary.

Member Proctor asked if security fencing is planned for the tower.

Judge Haden responded that fencing will be added.

Member Proctor asked if the property's northwest portion was considered for tower placement.

Judge Haden replied that the proposed location is the most cost-effective.

Member Reeder asked if the existing tower will still support emergency operations.

Judge Haden replied that the emergency operations component of the current tower will be moved to the new tower.

Vice-Chair Rangel asked if there was any further Board discussion; seeing none, she asked for a motion.

Member Knight moved to approve ZV-23-06, with Staff's condition that a flashing beacon be added to the tower. Member Annas seconded, and the motion passed by a vote of 6-0.

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 5.6 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.

Planning Staff Evan Olszewski presented the staff report, utilizing a PowerPoint® presentation. An existing accessory building encroaches 9.4 feet into the required 15-foot building setback from the side property line along the White Oak Street frontage. Mr. Olszewski explained that the variance request does not arise from a condition unique to the property, and the water drainage issue in the rear yard of the property does not create a practical difficulty or unnecessary hardship. The proposal, therefore, does not meet at least two of the six variance review criteria. Mr. Olszewski stated that Staff recommends denial, as the structure can feasibly be moved to comply with the setback requirements.

Vice-Chair Rangel opened the public hearing for those wanting to speak in favor of the variance.

Applicant Elizabeth Pirnat, 1002 S. Main St., Lockhart, explained that water pools onto the rear of the property, and that she was not aware of the City's setback requirements.

Barbara Shelton, 4563 Old McMahan Rd., spoke of the importance of the applicant's cosmetology classes, which are being held in the accessory building. Shelton added that the building's location has never bothered anyone.

Linda Hinkle, 1109 S. Main St., Lockhart, explained that the applicant was not aware of the setback requirements, and should not have to spend \$20,000.00 to move a \$4,000.00 structure to a conforming location on the property. Mrs. Hinkle stated that she is in favor of the variance.

Jerry West, 723 Barth Rd., Dale, TX, explained that if the backyard is re-graded and elevated in order to move the accessory building to a location conforming to the setback requirements, it could encourage flooding onto neighboring properties.

Member Reeder asked the applicant if the building can be used when heavy rain occurs.

Ms. Pirnat replied that the building could be used during rainy periods, since it is not in the path of the sheet flow.

Member Martinez asked the applicant about the composition of the building's foundation.

Ms. Pirnat responded that the foundation consists of concrete blocks.

Mrs. Hinkle explained that the church property to the east, Faith Chapel Pentacostal Church, is completely paved, which makes the applicant's backyard their "detention pond."

Vice-Chair Rangel asked if there was anyone in opposition to the variance; seeing none, she asked for further Board discussion. Seeing no further discussion, Vice-Chair Rangel asked for a motion.

Member Martinez moved to approve ZV-24-02, and Member Reeder seconded. The motion and second were followed by further Board discussion.

Member Knight asked if the Board approves the variance, are they setting a precedent such that a similar variance would also need to be approved for the adjacent church property, which has also expressed interest in placing a shed on their property.

Mrs. Hinkle replied that variances are on a case-by-case basis. The church has more options than the applicant as to where they can place a shed. Hinkle continued that the applicant has a unique situation and very limited options as to where her building could be placed.

Mr. Olszewski reiterated that variances are considered strictly on a case-by-case basis, and that any future variance application from the church would be considered on its own merits.

Vice-Chair Rangel called for a vote on the motion made by Member Martinez.

The motion to approve ZV-24-02 failed on a 4-2 vote (members Knight and Proctor voted in opposition), denying the variance request.

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


Mr. Waller stated that the next regularly scheduled meeting would be held on March 4, 2024. The deadline for applications is February 12, 2024.

8. Adjournment.

Member Reeder moved to adjourn the meeting, and Member Proctor seconded. The motion passed unanimously (6-0), and the meeting adjourned at 8:05 p.m.

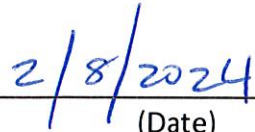
Approved: _____
(Date)

Kevin Waller, Acting Recording Secretary

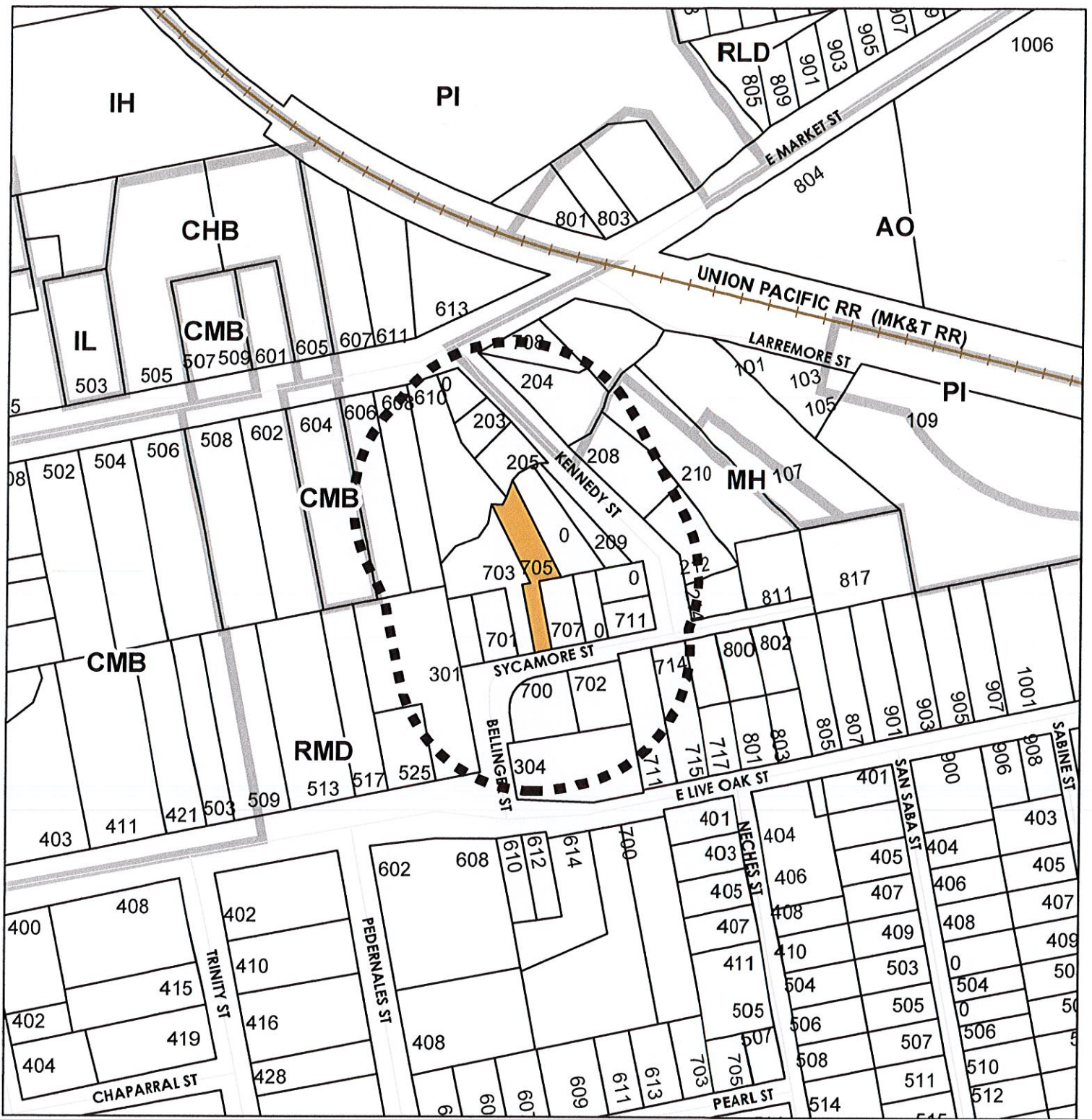


Attest: David Fowler, Zoning Administrator

Laura Cline, Chair



(Date)



ZV-24-04

705 SYCAMORE ST

TO REDUCE BOTH SIDE YARD BUILDING
SETBACKS FROM 5 FEET TO 4 FEET



- SUBJECT PROPERTY
- ZONING BOUNDARY

scale 1" = 200'



UNION PACIFIC RR (MK&T RR)

LARREMORE ST

KENNEDY ST

SYCAMORE ST

E LIVE OAK ST

SABINE ST

SAN SABA ST

NECHES ST

BELLINGER ST

PEDERNALES ST

TRINITY ST

CHAPARRAL ST

E MARKET ST

BRAZOS ST

E PRAIRIE LEA ST



CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *KW*

CASE NUMBER: ZV-24-04

REPORT DATE: March 26, 2024

PUBLIC HEARING DATE: April 1, 2024

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

STAFF RECOMMENDATION: *Denial, due to failure to meet all six variance criteria.***BACKGROUND DATA**

APPLICANT: Hal Purka

OWNER: Hillary Purka (wife)

SITE LOCATION: 705 Sycamore St.

LEGAL DESCRIPTION: Parts of Lots 3 and 4, Block 1, Concord, and Byrd Lockhart Survey, Abstract No. 17

SIZE OF PROPERTY: 0.1976 acre

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to place a new single-family residence on the southern portion of the subject property. According to the application, the residence will either be a stick-built or manufactured home. If a manufactured home, a Specific Use Permit must be approved by the Planning and Zoning Commission, prior to the building permit stage. The proposed homesite is located within a narrow portion of the property that contains 25.14 feet of frontage along Sycamore Street. The northern portion of the property, in contrast, is somewhat disjointed from the southern portion (see attached site plan), and generally located in an area of steep slopes, according to mapping imagery and a site visit conducted on March 26, 2024. The applicant wishes to avoid this area by placing the residence on the level, albeit narrow, portion of the property, which would result in side-yard setbacks of four feet from both the east and west property lines. Since the minimum required side setback in the RMD zoning district is five feet, the residence will therefore encroach one foot into each side setback, necessitating this variance request. The applicant has also informed Staff that he has attempted to contact the adjacent property owner to the west (703 Sycamore Street) about purchasing her property and consolidating it with his property, which would avoid the need for a variance and allow for additional frontage along Sycamore Street. Please refer to the attached correspondence from the applicant to who he believes to be the neighbor, whom he explains has not replied to the inquiry. It should be noted that this correspondence was of an informal nature through social media.

AREA CHARACTERISTICS: The subject property is located within a single-family residential neighborhood zoned RMD. According to a review of aerial imagery and Staff's site visit, a single-family residence appears to be encroaching into the required front yard, rear yard, and west side yard setbacks at 711 Sycamore Street to the east of the subject property, with similar encroachments at 301 Bellinger Street to the west, 707 Sycamore Street on the adjacent property to the east, and 214 Kennedy Road in the next block to the east.

UNIQUE CONDITIONS OF PROPERTY: The applicant cites in the attached letter that only the front portion of the property, being the approximately 25-foot by 100-foot southern portion, is suitable for a homesite. However, during Staff's site visit, it was observed that the rear, north portion of the property, while mostly encumbered with steep slopes down to a tributary of Plum Creek, has a clearly identifiable buildable area that is level and could support a single-family residence that would meet all setbacks. Although there is a unique condition associated with the steep slopes, it does not leave the front, 25-foot by 100-foot portion of property as the only buildable area. It should also be noted that Subdivision Regulations Section 52-76(d) requires that flag lots be at least 25 feet wide at the street frontage, which would essentially place the residence, as proposed, in the "flagpole".

NATURE OF HARDSHIP: Approval, or denial, of the variance would not result in increased financial gain or reduced financial hardship.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Construction of a residence one foot closer to the side property lines on either side might result in adverse impacts to surrounding properties and public safety. Due to the property's narrow frontage, it would position the residence within close proximity to the gravel driveway of the adjacent neighbor to the east, as well as to a future driveway on the adjacent property to the west, which also has a narrow frontage on Sycamore Street. As a result, there might also be adverse impacts with driveway spacing for a new residence on the subject property in relation to the surrounding properties, however, the property does have physical street frontage and therefore a right of access.

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 denial, as discussed above, due to failure to meet all 6 variance review criteria.

ALTERNATIVE SOLUTIONS: Two alternative solutions would be to either construct a residence within the proposed location in such a way that meets all setback requirements, which would equate to a house approximately 15 feet in width, or to build in the north portion of the property, away from the ravine, that also meets the setbacks. A third solution, although unlikely as noted above, would be for the applicant to purchase the adjacent property to the west and consolidate it with his property, which would avoid the need for a variance.

RESPONSE TO NOTIFICATION: A neighboring property owner approached Staff during the March 26, 2024 site visit to inquire about the location of the property corners of the subject property in relation to the boundaries of his property. The neighbor did not indicate either support or opposition to the variance request.

STAFF RECOMMENDATION: Staff recommends denial of the variance request, as noted above, as it does not meet all 6 of the variance review criteria. We believe that the applicant has two options, one being to locate the residence in the north portion of property in an area that meets all setback requirements, and the other option being to build in the southern portion of the property, also in a way that meets all setbacks. Although this would involve choosing a house layout and/or size that differs from what is planned, construction in either of these two locations in a way that meets all setback requirements is a feasible option.

March 4, 2024

City of Lockhart Planning Department and Zoning Variance Board Members

PO Box 239
308 W. San Antonio St
Lockhart, TX 78644

Dear Lockhart Planning Department and Zoning Variance Board Members,

We are asking for your review and assistance on 705 Sycamore St. We inherited this lot and realized that the City of Lockhart platted the lots on the Eastside long and narrow decades ago. This property currently has a 25 ft wide opening and goes back 100 ft deep. This lot also has additional challenges of being oddly shaped and backing up to a steep slope into the creek. Though the entire property may seem buildable from the map, only the front portion of the property is suitable for a homesite.

We would like to use the front portion of the lot as the location for a homesite. Since the property has a 25 ft opening at the front at Point L1, we would like that to be reclassified as the front of the property. Currently Points L2 and L3 are considered the front, even though it doesn't have street access. (Please see the attached survey for reference.)

We acknowledge the city requires a 25 ft parking pad. However, the current 5 ft site restrictions on each side of any proposed build restrict us from building past the required parking pad on the lot.

We are asking for the adjustment of about 1 ft on each side of the proposed homesite. Our neighbors to the right of the property (707 Sycamore St.) built their house 5 feet from the street curb. It seems reasonable that we be allowed to have the adjustments.

If we are granted the variances it will allow us to build a home or place a single-wide manufactured home. This request for a variance will not alter the essential character of single-family homes as there is a manufactured home three lots over. It will enable us to use the property just as the rest of our neighbors along Sycamore St.

Sincerely,

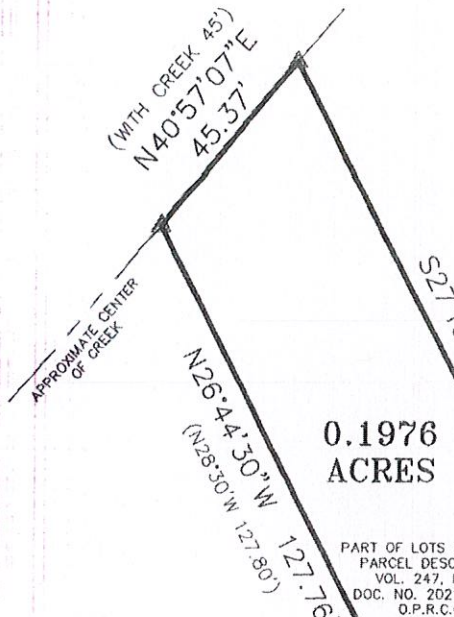
Hal and Hillary Purka
PO Box 38
Lockhart, TX 78644

CALLED 0.13 ACRES
DOC. NO. 2019-001942
O.P.R.C.C.T.

**SURVEY OF 0.1976 ACRES OUT OF
THE BYRD LOCKHART SURVEY, ABSTRACT NO. 17,
CITY OF LOCKHART, CALDWELL COUNTY, TEXAS**

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S78°44'05"W	25.14'
(L1)	(S80°00'W)	(25.00')
L2	N78°41'18"E	8.34'
(L1)	(N80°00'E)	(8.33')
L3	S78°41'18"W	28.44'

CALLED 0.19 ACRES
DOC. NO. 2021-002468
O.P.R.C.C.T.



**0.1976
ACRES**

PART OF LOTS 3 & 4 AND
PARCEL DESCRIBED IN
VOL. 247, PG. 34
DOC. NO. 2021-008049
O.P.R.C.C.T.

PARCEL OF LAND AS
DESCRIBED IN EXHIBIT A
VOL. 409, PG. 69
O.P.R.C.C.T.

*Needs to be
re-classified to show
as front of the
property*

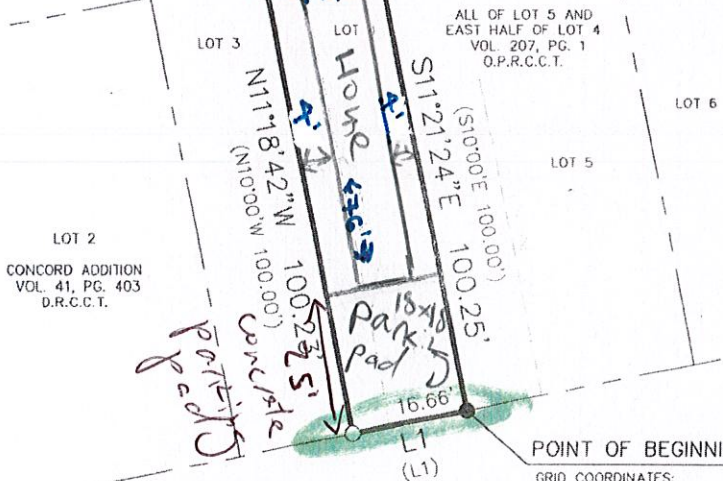
BEARING BASIS: BEARINGS AND COORDINATES ARE
BASED ON THE TEXAS STATE PLANE COORDINATE
SYSTEM, SOUTH CENTRAL ZONE, NAD83. ALL
DISTANCES ARE ADJUSTED TO SURFACE USING A
COMBINED SCALE FACTOR OF 1.00013.

THE TRACT LIES WITHIN ZONE "X", AREAS DETERMINED
TO BE OUTSIDE THE 100-YEAR FLOODPLAIN
ACCORDING TO THE NATIONAL FLOOD INSURANCE
RATE MAP COMMUNITY PANEL NO. 48055C0120E,
DATED JUNE 19, 2012 FOR CITY OF LOCKHART.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT
OF A TITLE COMMITMENT. RECORD INFORMATION
SHOWN HEREON IS BASED ON A PUBLIC RECORDS
SEARCH AND MAY NOT INCLUDE ALL SETBACKS,
EASEMENTS, OR INSTRUMENTS PERTAINING TO THIS
PROPERTY.

LEGEND

- 1/2" IRON ROD SET W/ CAP
- IRON ROD FOUND
- ▲ CALCULATED POINT IN CREEK
- () RECORD INFORMATION



POINT OF BEGINNING

GRID COORDINATES:
N= 13871229.41
E= 2391168.63

SYCAMORE STREET
(ROW WIDTH VARIES)

SCALE: 1" = 40'
CITY OF LOCKHART
CALDWELL COUNTY
BYRD LOCKHART SURVEY
ABSTRACT NO. 17



ADDRESS: 705 SYCAMORE STREET, LOCKHART TX 78644

I, GINA LOFTIS-FRANKLIN, DO HEREBY CERTIFY THAT THE
PROPERTY SHOWN HEREON, WAS PREPARED FROM AN
ON-THE-GROUND SURVEY PERFORMED SEPTEMBER-NOVEMBER
2023 UNDER MY DIRECTION AND SUPERVISION; IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND
THAT SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY.

Gina Loftis-Franklin 11-19-2023
GINA LOFTIS-FRANKLIN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6087 - STATE OF TEXAS DATE



G & M SURVEYING
G & M Surveying LLC
489 Agnes St, Suite 211-581
Bastrop, Texas 78602
gmsurveying.gina@gmail.com
(512) 581-1973
TX Firm Registration No. 10194682

Kevin Waller

From: H P <halpurka@gmail.com>
Sent: Wednesday, March 13, 2024 11:05 AM
To: Kevin Waller
Cc: Hillary
Subject: Sycamore st property

Hi Kevin,

Thank you for your assistance on the lot at Sycamore Street.

I'm attaching two messages I sent on Facebook messenger trying to reach out to the recorded property owner of neighboring lot. I checked Caldwell County CAD, and it shows Nicolette Haywood Moore.

As you can see in the attached messages from 1/12/2022, I tried to reach out to her using the most common, and popular messaging service, and received no response at all.

It's been two years, and that's why I'm moving forward with what we have.

Hal Purka

703 sycamore

 Search

 Cart

 Email

Page 1 of 1 - Total: 1 (0.005 seconds)

 Show View Options



1



1 - 1 of 1 item

19124

 \$ Pay Taxes

Owner Name:MOORE NICOLETTE HAYWOOD

Legal Description:CONCORD, BLOCK 1, LOT
PT 3, AND 0.25 ACRE B.LOCKHART A-017

Geographic ID:0300523-001-003-30

Property ID:19124

Year:2024

Appraised Value:N/A



Nicolette Moore

Facebook

You're not friends on Facebook

Lives in East Side



Add friend Profile

JAN 12, 2022 AT 2:13 PM

Hi, can I talk to you about a lot on Sycamore Street in Lockhart, TX? We have the little lot next to you on Sycamore Street. I wanted to know if you would be interested in selling it? Thank you.

Sent



Nicolette Moore

Facebook

You're not friends on Facebook

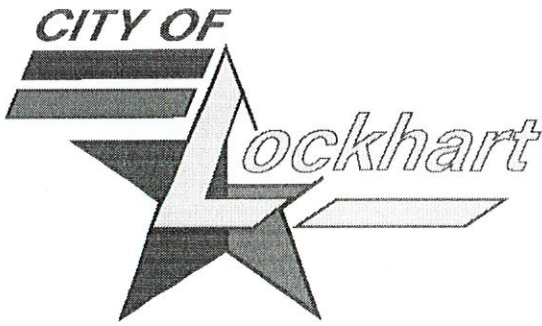
Lives in Houston, Texas

[View profile](#)

JAN 12, 2022 AT 2:13 PM

Hi, can I talk to you about a lot on Sycamore Street in Lockhart, TX? We have the little lot next to you on Sycamore Street. I wanted to know if you would be interested in selling it?
Thank you.

Sent



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 Hal Purka
DAY-TIME TELEPHONE (914) 962-9101
E-MAIL halpurka@gmail.com

ADDRESS P.O. Box 38
Lockhart, TX 78644

OWNER NAME Hillary Purka
DAY-TIME TELEPHONE (941) 962-9102
E-MAIL hillarypurka@gmail.com

ADDRESS P.O. Box 38
Lockhart, TX 78644

PROPERTY

ADDRESS OR GENERAL LOCATION 705 Sycamore St, Lockhart, TX 78644

LEGAL DESCRIPTION (IF PLATTED) CONCORD, BLOCK 1, LOT PT 3,4, AND 0.14 ACRE B.Lockhart A-017

SIZE 0.1976 ACRE(S) ZONING CLASSIFICATION RMD - R100

EXISTING USE OF LAND AND/OR BUILDING(S) Empty Lot

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix I OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) 5-foot side setback

REQUESTED VARIANCE(S) 4-foot side setbacks for both the west and east side yards.

We would like a variance request to side setbacks on the West and East sides of the property to fit a 16-foot-wide manufactured home or a site-built home.

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.

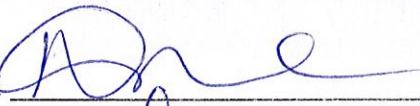
1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
2. The condition 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 \$279.64 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 _____


Hal Puka

DATE _____

3/9/24

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER R012B 2027

DATE SUBMITTED 3/5/24

CASE NUMBER ZV - 24 - 04

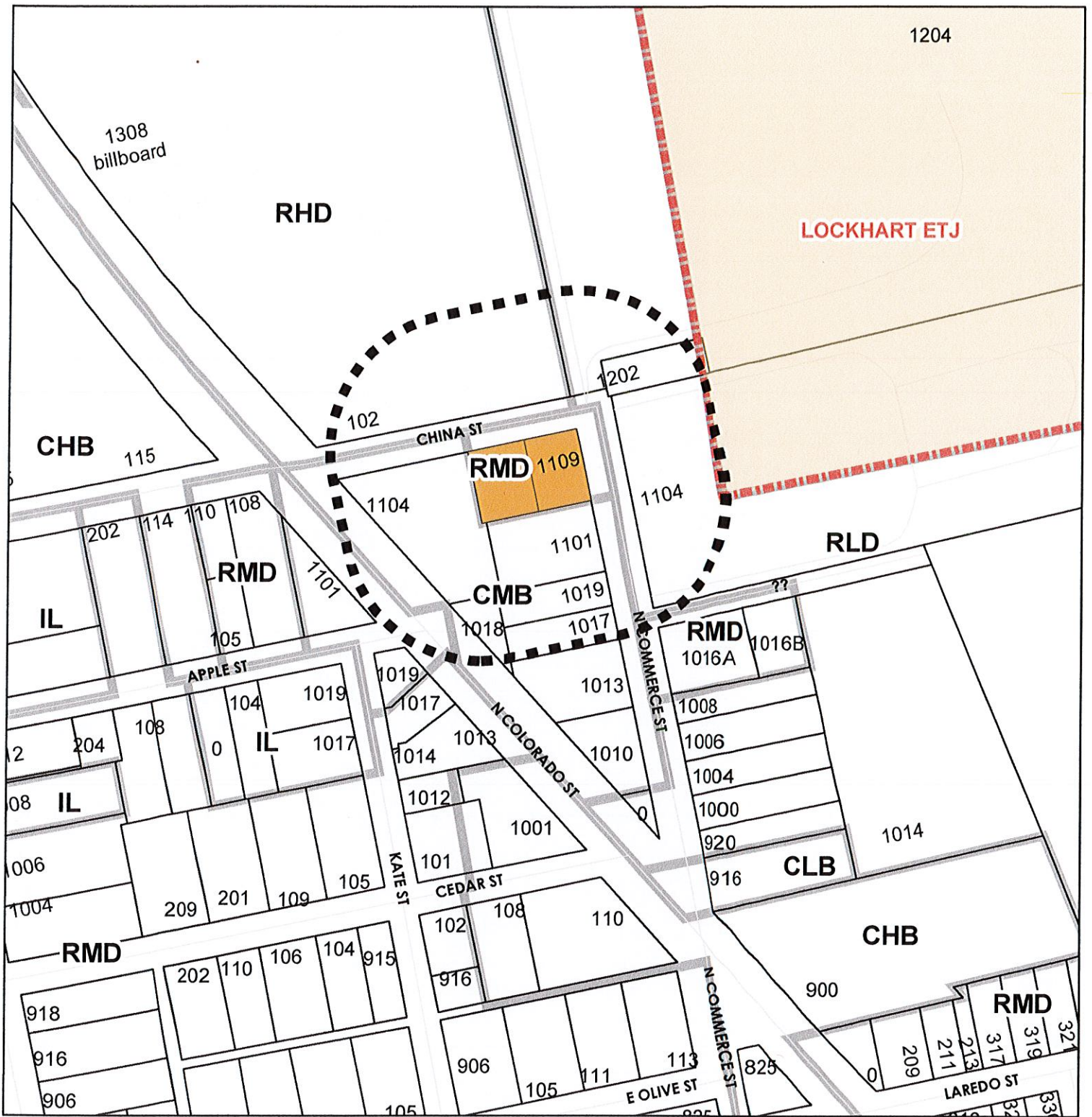
DATE NOTICES MAILED 3/18/24

DATE NOTICE PUBLISHED 3/21/24

BOARD OF ADJUSTMENT MEETING DATE 4/1/24

DECISION _____

CONDITIONS _____



ZV-24-05

1109 N COMMERCE ST

TO REDUCE THE SIDE YARD BUILDING
SETBACK FROM 15 FEET TO 11 FEET



- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS

scale 1" = 200'



LOCKHART ETJ

400 Feet

200

0

N COMMERCE ST

N COMMERCE ST

E OLIVE ST

N COLORADO ST

KATE ST

CEDAR ST

APPLE ST

CHINA ST

N BLANCO ST

??



PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Evan Olszewski, Planner

CASE NUMBER: ZV-24-04

REPORT DATE: March 22, 2024

PUBLIC HEARING DATE: April 1, 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 11 feet.

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT AND OWNER: Paul Ginsberg

SITE LOCATION: 1109 North Commerce Street

LEGAL DESCRIPTION: Part of the Byrd Lockhart Survey A-17

SIZE OF PROPERTY: 0.371 acres

EXISTING USE OF PROPERTY: Single-Family Residence

ZONING CLASSIFICATION: RMD Residential Medium Density District

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The Applicant requests a variance to the side building setback on the north side of a legally non-conforming property at the intersection of North Commerce Street and China Street. Variances are not normally requested for legally non-conforming lots, however, the Applicant is preparing to subdivide the property. Since subdivisions cannot create non-conforming lots and the proposed subdivision does not relocate the property line, a variance is required to allow the existing structure to remain. The structure is an approximately 1,100 square-foot single family home fronting North Commerce Street. Because the subject property is a corner lot, the setbacks are twenty-five feet from one street and fifteen feet from the other in the RMD Zoning District as set forth in Appendix I of the Zoning Ordinance. Accordingly, the Applicant seeks a variance of four feet to the fifteen-foot side setback on China Street.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant land/Large lot single-family	RHD/RLD	Mixed Retail, Office, Residential; Residential, Medium Density
East	Cemetery	PI	Public-Institutional
South	Single-family residential	CMB	Residential, Medium Density
West	Commercial	CMB	Residential, Medium Density

UNIQUE CONDITIONS OF PROPERTY: The location of the structure within the current building setback for the RMD Residential Medium Density district was not created by the property owner and is unique in that changes to the city code over time created the need for a variance.

NATURE OF HARDSHIP: The Applicant proposes to subdivide the subject property and build a second house. Without receiving a variance, the Applicant would have to demolish the existing house to subdivide the property.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The unpaved right-of-way along China Street is very wide. Granting a variance of four feet into the building setback would not encroach upon traffic or obstruct visibility. Further, the structure is set back approximately five additional feet from the setback line along the property's North Commerce Street frontage.

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 finds that the essential character of the zoning district would not be harmed by the proposed variance since the structure is already in-place and legally non-conforming. The request for variance is not solely based upon the desire for financial benefit because an identical variance could be required later on for major additions to the existing house.

ALTERNATIVE SOLUTIONS: None recommended.

PRECEDENT: The Board's July 2021 and December 2023 approvals of variances on other properties to allow the reduction in required building setbacks may have set a precedent for similar requests with unavoidable site conditions preventing construction in permitted areas. The current request results from a condition unique to the property, in that the structure was in compliance with the setbacks at the time of construction and the road right-of-way is very wide. In February 2024, the Board denied a variance to the side setbacks on a property where unpermitted new construction had occurred in violation of the current setbacks. The legally-nonconforming nature of this structure makes this case similar to the earlier examples and different from the recent case.

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

Minor Plat Elizabeth Homestead Addition

A subdivision of 0.371 acres out of the
Byrd Lockhart Survey A-17 in the City of Lockhart,
Caldwell County, Texas
LEGAL DESCRIPTION

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being also a part of the Byrd Lockhart Survey A-17 and being also all of a tract of land called 0.185 acres and conveyed to Paul Ginsberg by deed recorded in Volume 608 Page 463 of the Official Public Records of Caldwell County, Texas and being also all of a tract of land called 3/8 acres and conveyed to Paul Ginsberg by deed recorded in Volume 482 Page 902 of the said Official Public Records and further described in Volume 144 Page 560 of the Deed Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron pin found used for basis of bearing in the NE corner of the above mentioned 0.185 acre tract and in the intersection of the South line of China Street and the West line of North Commerce Street for the NE corner this tract.

THENCE S 30°00'00" E with the West line of North Commerce Street and the East line of the said 0.185 acre tract and the East line of the said 3/8 acre tract 105.42 feet to a capped 1/4" iron pin found in the SE corner of the said 3/8 acre tract and the apparent NE corner of a tract of land called 0.371 acres and conveyed to Joe Ivan Roland by deed recorded in Instrument #2009-001529 of the said Official Public Records for the SE corner this tract.

THENCE S 80°07'31" W with the South line of the said 3/8 acre tract and the apparent North line of the above mentioned Roland tract 153.66 feet to a capped 1/4" iron pin found used for basis of bearing in the SW corner of the said 3/8 acre tract and the apparent NW corner of the said Roland tract and the SE terminus of a 12' Alley for the SW corner this tract.

THENCE N 09°58'30" W with the West line of the said 3/8 acre tract and the West line of the said 0.185 acre tract and the East line of the said 12' Alley 185.08 feet to a 1/4" iron pin found used for basis of bearing in the NW corner of the said 0.185 acre tract and the intersection of the East line of the said 12' Alley and the South line of China Street for the NW corner this tract.

THENCE N 80°00'00" E with the North line of the said 0.185 acre tract and the South line of the said China Street 153.67 feet to the place of beginning containing 0.371 acres of land more or less.

STATE OF TEXAS
COUNTY OF CALDWELL

I, Jerry L. Hinkle, registered professional land surveyor, State of Texas, hereby certify that this plat is a true and correct representation of a survey made on the ground and all monuments and markers were properly placed under my direct supervision and to the best of my knowledge.

IN WITNESS WHEREOF, my hand and seal, this _____ day of _____, 20____.

NOT FOR PUBLIC RELEASE

Jerry L. Hinkle
Registered Professional
Land Surveyor #5459

BONNIE L. SCHMIDT
VALERIE P. 878
OFFICIAL PUBLIC RECORDS
FIRST TRACE UNIT 14, 88 88...

STATE OF TEXAS
COUNTY OF CALDWELL

I, the undersigned owner of the land shown on this plat by deeds recorded in Volume 608 Page 463 (called 0.185 acres) and Volume 482 Page 902 of the Official Public Records of Caldwell County, Texas and said Volume 482 Page 902 further described in Volume 144 Page 560 (called 3/8 acres) of the Deed Records of Caldwell County, Texas, do hereby subdivide said property to be known as ELIZABETH HOMESTEAD ADDITION and further reserve to the public all easements for the mutual use of all public utilities desiring to use the same, that any public utility shall have the right to remove and keep removed all or any part of any growth or construction for maintenance or efficient use of its respective system in such easements.

DATE _____

PAUL GINSBERG
1101 THORPE LANE
SUITE 105 #321 ARC STREET
SAN MARCOS, TEXAS 78666

STATE OF TEXAS
COUNTY OF CALDWELL

Before me, the undersigned authority, personally appeared PAUL GINSBERG, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations stated herein.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF CALDWELL

I, Steve Lewis, City Manager of the City of Lockhart, do hereby certify that this plat was approved by the City of Lockhart, Caldwell County, Texas, on the _____ day of _____, 20____.

STEVE LEWIS
CITY OF LOCKHART, MANAGER

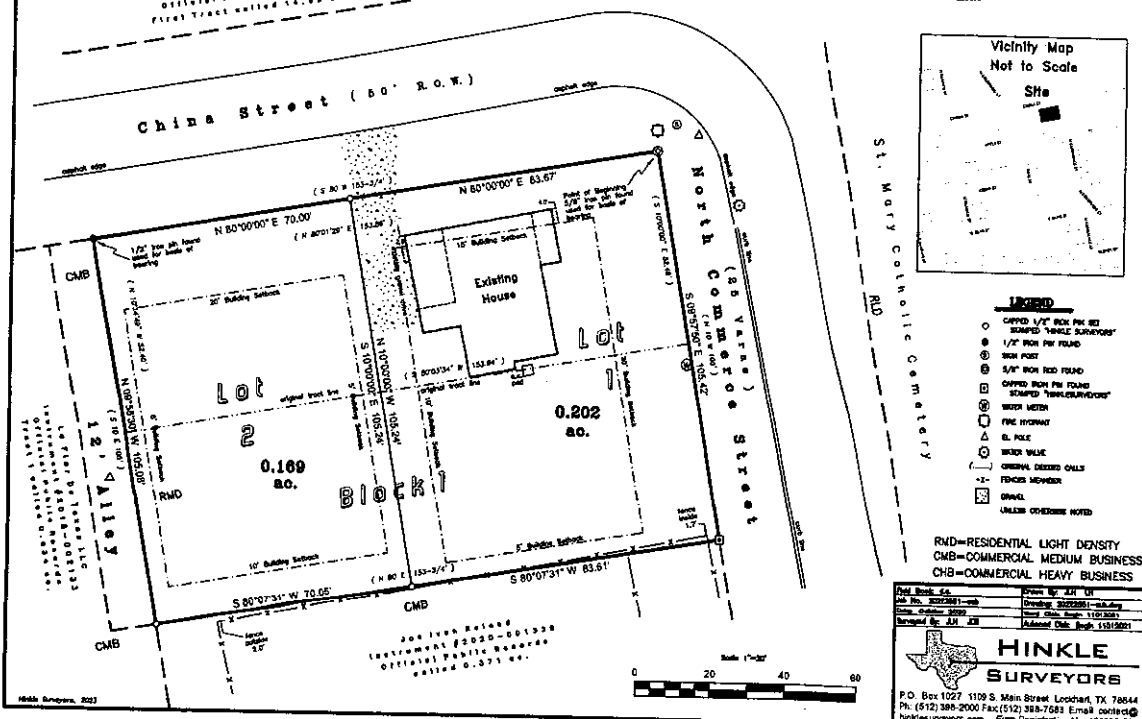
STATE OF TEXAS
COUNTY OF CALDWELL

I, Teresa Rodriguez, County Clerk in and for Caldwell County, Texas do hereby certify that the foregoing instrument with its certificates of authentication was filed for record in my office the _____ day of _____, 20____ at _____ o'clock _____ M., and duly recorded on the _____ day of _____, 20____, in the Plat Records of Caldwell County, Texas in Plat Cabinet _____ at Slide _____.

Teresa Rodriguez
County Clerk, Caldwell County, Texas

SURVEYOR'S NOTES:

- The lots shown in this plat are in Flood Zone "X" according to FEMA Panel #80502212E effective date June 19, 2012. FLOOD ZONE "X" is as determined to be outside the 1% Annual Chance Floodplain.
- Lot 1 and Lot 2 in Block 1 is zoned RMD (Residential Medium Density District) and the surrounding lots are zoned CMB (Commercial Medium Business) and CHB (Commercial Heavy Business) as shown on plat.
- Building setbacks shall be in accordance with City of Lockhart Zoning Ordinance.
- A four-foot wide public sidewalk shall be constructed along the North property line frontage along the South line of China Street and the East property line frontage along the West line of North Commerce Street by individual lot owners, prior to issuance of Certificate of Occupancy for any structure on any lot.
- A fee in lieu of parkland dedication, in the amount of \$_____, shall be paid to the City of Lockhart prior to the recording of this plat.
- RECORD OWNER OF LAND: Paul Ginsberg
DESIGNER OF PLAT: Jerry L. Hinkle, R.L.S., #5459, PO Box 1027, Lockhart, TX 78644 (512) 398-2000
DATE OF PREPARATION: May 2013
SURVEYOR: Jerry L. Hinkle, R.L.S., #5459, PO Box 1027, Lockhart, TX 78644 (512) 398-2000
- Boundary Courses: 1' in 196147; Lot Course #1 = 1' in 326619; Lot Course #2 = 1' in 220196



Paul Ginsberg
Doc No. 20120481-008
Date: 05/20/13
Surveyed by: J.L.H.

Steve Lewis
Doc No. 20120481-008
Date: 05/20/13
Approved Date: 05/21/2013

HINKLE SURVEYORS
P.O. Box 1027, 1109 S. Main Street, Lockhart, TX 78644
Ph: (512) 398-2000 Fax: (512) 398-7583 Email: contact@hinklesurveyors.com Firm Registration No. 100695-00



PO Box 1027 Lockhart TX 78644

Ph: 512-398-2000 Fax: 512-398-7683

Registration Firm #10086600

March 11, 2024d

To whom it may concern:

No: 1) Special Circumstances: I currently have a house located at 11109 N commerce street. I would like to split the lot to sell one and keep the other lot.

No:2) This would me to get the best use of my property at far as value for future income.

No: 3) This will not be deterrental to the public health, saftey or welfare, and would nto be indjurious to other property in the area.

No: 4) This variance will not have any adverse effect on the neighborhood in accordance with provisions of the code.

No: 5) As the home currently exist and on the corner lot and no building set back requiremets were in force at the time this house was built.

No:6) My lots are Zoned RMD I would like a variance to the side set back line along China street for what is going to be called Lot 1 of the Eliabeth Homestead Addition when the plat is approved and recorded.

Thanks for your consideration,

Paul Ginsberg

ZONING VARIANCE 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 Paul Ginsberg
DAY-TIME TELEPHONE 512-376-8085
E-MAIL pgmed340@gmail.com

ADDRESS _____
1101 Thorpe Lane
San Marcos TX 78666

OWNER NAME same as above
DAY-TIME TELEPHONE _____
E-MAIL _____

ADDRESS _____

PROPERTY

ADDRESS OR GENERAL LOCATION 1109 N Commerce Street
LEGAL DESCRIPTION (IF PLATTED) Byrd Lockhart Survey A-17
SIZE 0.371 ACRE(S) ZONING CLASSIFICATION RMD
EXISTING USE OF LAND AND/OR BUILDING(S) Residential

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) n/a OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) current residence is was rezoned to RMD the side street set back line requirement is 15' at the time this time this

home was built there were no building set back requirements.

REQUESTED VARIANCE(S) I would like to ask that the home on Lot 1 of of the future Elizabeth Homestead Addition, get a variance to the Building Set back line for Lot 1 along China Street.

9ft. variance requested. @

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.

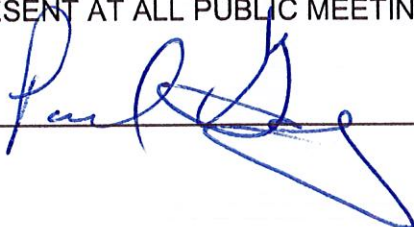
1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
2. The condition 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 \$~~305~~³⁰⁵ 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 _____

3-6/2024

OFFICE USE ONLY

ACCEPTED BY Evan Osowski

RECEIPT NUMBER P01284006

DATE SUBMITTED 3/11/2024

CASE NUMBER ZV - 24 - 05

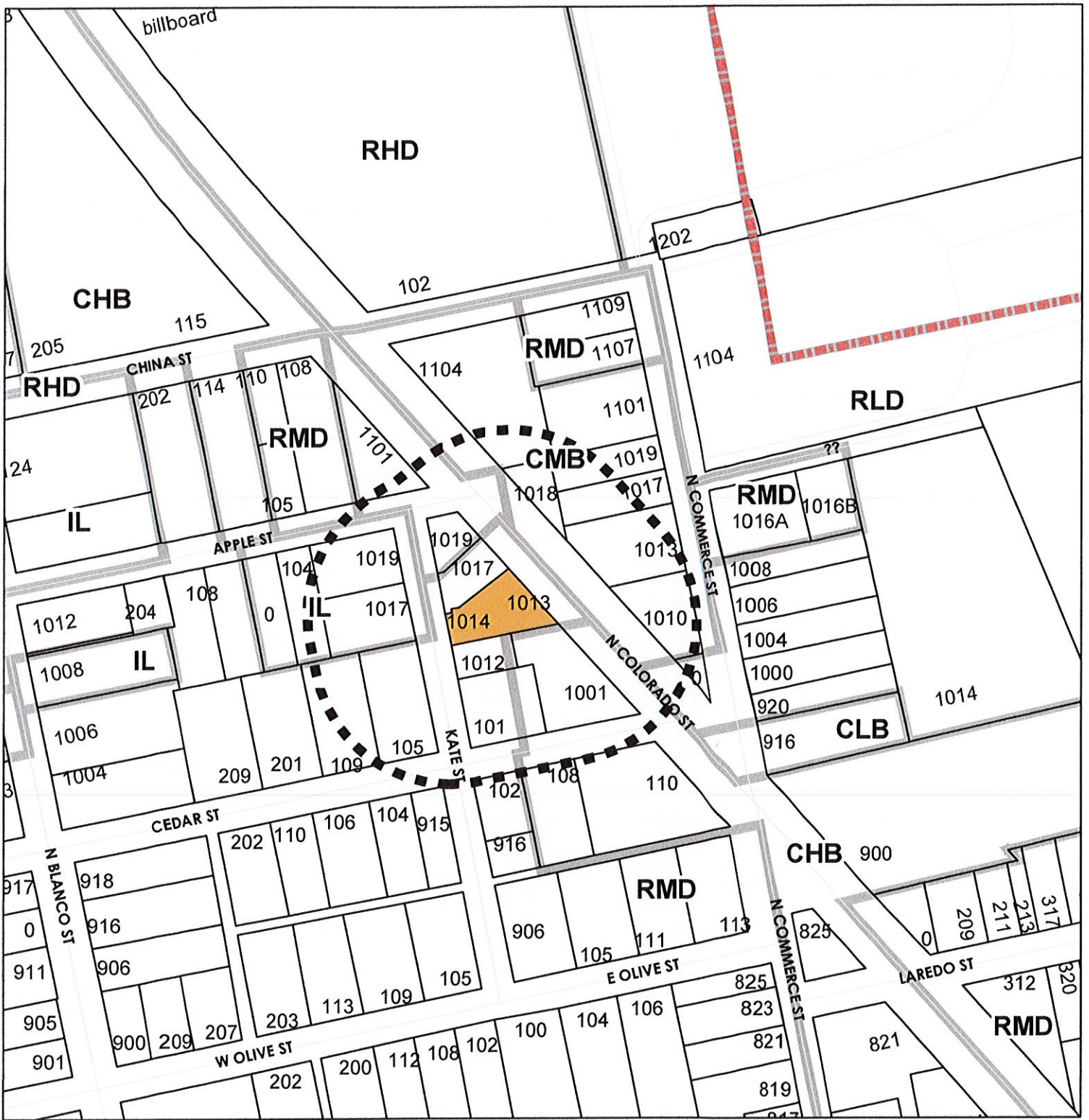
DATE NOTICES MAILED 3-18-2024

DATE NOTICE PUBLISHED 3-21-2024

BOARD OF ADJUSTMENT MEETING DATE April 1st 2024

DECISION _____

CONDITIONS _____






ZV-24-06

1014 KATE ST

TO REDUCE THE FRONT YARD BUILDING SETBACK FROM 20 FEET TO 17 FEET AND THE SIDE YARD BUILDING SETBACK FROM 5 FEET TO 1 FOOT



-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  CITY LIMITS

scale 1" = 200'



LOCKHART ETJ



N COMMERCE ST

N COLORADO ST

KATE ST

APPLE ST

CEDAR ST

N BLANCO ST

CHINA ST

OLIVE ST

LAREDO ST

JUAN ST

N COMMERCE ST

W OLIVE ST

PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

KW

CASE NUMBER: ZV-24-06

REPORT DATE: March 27, 2024

PUBLIC HEARING DATE: April 1, 2024

APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required front-yard building setback from 20 feet to 17 feet, and a reduction in the minimum required side-yard building setback from five feet to one foot.

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT: Nathan Zapien

OWNER: Monte Guidry

SITE LOCATION: 1014 Kate St.

LEGAL DESCRIPTION: Byrd Lockhart Survey, Abstract No. 17 (metes and bounds)

SIZE OF PROPERTY: 0.216 acre

EXISTING USE OF PROPERTY: Residential

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: An approximately 36-foot-wide by 24-foot-deep accessory building is located within the west portion of the subject property along the Kate Street frontage. This building is located 17 feet from the property line abutting Kate Street, which would be considered a front property line in addition to the property's North Colorado Street frontage, and one foot from the property's north side property line. As a result, the building encroaches three feet into the required 20-foot front-yard building setback for the RMD Zoning District set forth in Appendix I of the Zoning Ordinance, and encroaches four feet into the required five-foot side setback. A survey in November 2023 adjusted the property's north side boundary line, which slightly overlapped the building, to a line jog that resulted in the one-foot setback, which could not be adjusted to a greater setback due to the location of a carport on the adjacent property to the north. The boundary line relocation was exempt from the subdivision platting requirement, due in part to the building's encroachment across the property line (Subdivision Regulations Section 52-2). The property recently received approval of a zoning change in November 2023 from Commercial Heavy Business (CHB) to RMD in order to permit this building as an Accessory Dwelling Unit-General (ADU). The primary residence is located on the east portion of property along the North Colorado Street frontage. According to the applicant and current owner of the property, the accessory building was converted from a commercial garage to living quarters by the previous owner at an unknown time during the ownership of the previous owner between 2020 and 2022. A copy of the site plan showing the location of the accessory building is included with your agenda packet materials. Note that a Specific Use Permit must be approved by the Planning and Zoning Commission, in order for the structure to be lawfully utilized as an ADU-General in the RMD zone, which is a less restrictive ADU use type than the ADU-Limited type.

AREA CHARACTERISTICS: The subject property is located within an area transitioning from single-family residential development to the west to the Colorado Street commercial corridor to the east. The adjacent property to the north is zoned RMD and in single-family residential use. The properties to the east, located across North Colorado Street, are zoned Commercial Medium Business (CMB) and in

commercial use. The adjacent properties to the south are zoned CHB and RMD, with the CHB property being vacant. The properties to the west, across Kate Street, are zoned RMD and Industrial-Light (IL), with both properties in residential use. According to a review of aerial imagery and Staff's March 26, 2024 site visit, the carport on the adjacent property to the north encroaches into the front-yard setback, the commercial building on the next property to the north encroaches into the front and side setbacks, and the single-family residence on the subject property encroaches into the front and side setbacks.

UNIQUE CONDITIONS OF PROPERTY: The applicant cites in the attached letter that the accessory building's encroachment into the front and side setbacks predates his purchase of the property in 2022. Staff believes that the longstanding location of the structure within these setbacks is a unique condition associated with the property. Further steps have been taken by the applicant to minimize this condition with the boundary line relocation, as discussed above.

NATURE OF HARDSHIP: Neither increased financial gain nor reduced financial hardship has occurred as a result of the building's location within the required front-yard and side-yard setbacks. However, failure to approve the variance would cause a financial hardship, requiring either physical relocation or partial demolition of the building.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The building's location three feet into the front-yard building setback and four feet into the side setback does not appear to have resulted in adverse impacts to surrounding properties and public safety. In phone correspondence received from the adjacent property owner who shares the applicant's north side boundary, further discussed below, she is in favor of the variance request.

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: Two alternative solutions, which are not practical as mentioned above, are to require either that the building be moved to comply with the 20-foot front-yard and five-foot side-yard setback requirements, or that the encroaching portions of the building be demolished to eliminate the encroachments. A third alternative solution, also impractical, would simply be to remove the building from the property.

PRECEDENT: The Board's July 2021 approval of a variance to allow a reduction in the required front-yard building setback for a single-family residence that was inadvertently constructed within that setback may have set a precedent for similar requests, including that of the subject property. Variances, however, are considered strictly on a case-by-case basis, and the current request does result from a condition unique to the property, as previously discussed.

RESPONSES TO NOTIFICATION: Staff received an email from a neighboring property owner on March 20, 2024 (enclosed), who expressed concerns primarily related to fire hazard and parking. Upon review of the letter, it appears that the neighbor might be confused and believe that the building is proposed, as the letter also states: "The builder should adjust the house plans..." In addition, a phone call was received from the owner of the adjacent property to the north on March 21, 2024, who stated that she is in favor of the variance request, and had agreed to the boundary line relocation completed by survey, discussed above.

City of Lockhart Caldwell County, Texas

Byrd Lockhart Survey A-17

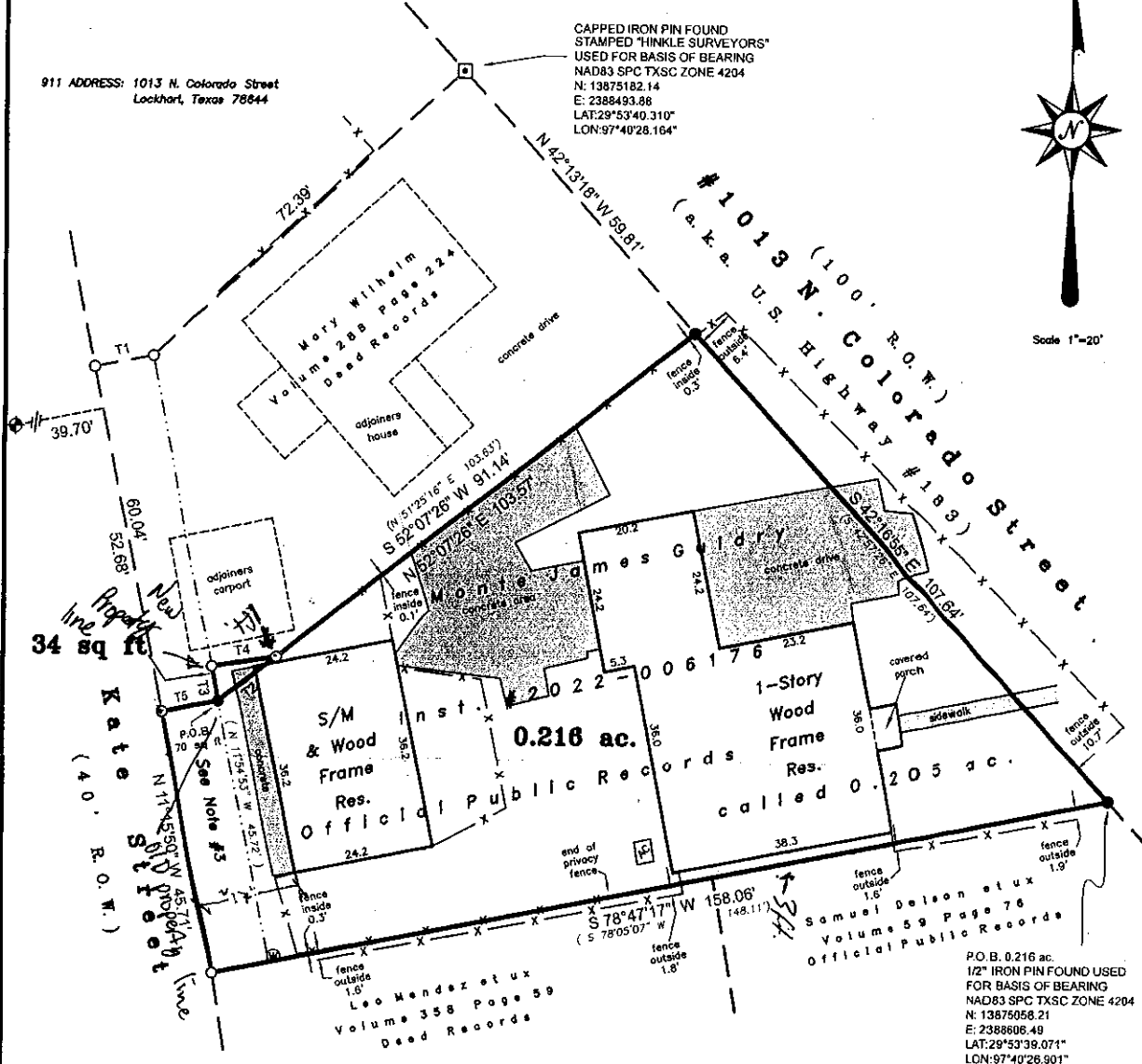
*Mark and boards head
det. ref. 2012*

911 ADDRESS: 1013 N. Colorado Street
Lockhart, Texas 78644

CAPPED IRON PIN FOUND
STAMPED "HINKLE SURVEYORS"
USED FOR BASIS OF BEARING
NAD83 SPC TXSC ZONE 4204
N: 13875182.14
E: 2388493.88
LAT: 29°53'40.310"
LON: -97°40'28.164"



Scale 1"=20'

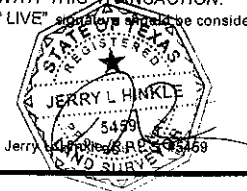


General Notes

- 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) THE EAST 10' OF KATE STREET WAS VACATED BY THE CITY OF LOCKHART BY ORDINANCE #03-19 RECORDED IN VOL. 350 PG. 470 OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS BUT DOES RETAIN SAID 10' AS A UTILITY AND DRAINAGE EASEMENT.
- 4) THIS SURVEY IS FOR USE WITH THIS ONE TRANSACTION ONLY.
- 5) 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(s) according to FEMA Panel #48055C0120E 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 Determined by a H.U.D. - 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.

SURVEY DRAWING

Showing two tracts of land out of the Byrd Lockhart Survey A-17 in the City of Lockhart, Caldwell County, Texas 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 July 27, 2023 and revised on November 9, 2023, (2) No Abstract of Title, title commitment, nor research or record easements were supplied to the Surveyor. There may exist easements 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 TRANSACTION.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature shall be considered official and relied upon by the user.



LINE TABLE

LINE	BEARING	DISTANCE
T1	N 78°44'10" E	10.00'
T2	S 52°07'28" W	112.43'
T3	N 11°15'50" W	16.06'
T4	N 81°16'13" E	111.13'
T5	N 78°44'10" E	10.00'

LEGEND

- CAPPED 1/2" IRON PIN SET STAMPED "HINKLE SURVEYORS"
- 1/2" IRON PIN FOUND
- ◻ CAPPED IRON PIN FOUND STAMPED "HINKLE SURVEYORS"
- ⊕ CHAIN LINK FENCE POST
- ⊙ WATER METER
- /// SCALE BREAK
- (.....) ORIGINAL DEEDED CALLS
- X- FENCES MEANDER UNLESS OTHERWISE NOTED

Field Book: d.c.	Drawn By: J.L.H. LH
Job No. 20232571	Drawing: 20232571.dwg
Date: November 2023	Word Disk: Begin 11012023
Surveyed By: J.L.H. JDB	Autocad Disk: Begin 11012023

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

1013 N. Colorado St.
Variance Request

We ask for a variance on 1013 N. Colorado St. to allow existing dwelling to encroach setback lines. We understand that the dwellings encroach said setback lines, but dwellings pre-date ownership of property. The Caldwell County (ND) website also has the dwellings being built in 1950.

Kevin Waller

From: Frank Recio <frank_fast63@yahoo.com>
Sent: Wednesday, March 20, 2024 8:55 PM
To: Kevin Waller
Subject: ZV-24-06 Variance Request by Monte J. Guidry

Mr. Waller,

In response to your letter concerning a request by Monte J. Guidry for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, we strongly **object** to the requested variances.

A one foot side yard setback is ridiculous. If there were to be a fire, it would pose a fire hazard to the neighboring property and there would also be very little room to fight a fire. This poses a great risk to property and **human** lives in the area. Lockhart cannot and should not risk such a threat. Lockhart would be risking a lawsuit from those affected if this were to occur.

As for the building setback of 17 feet, we strongly oppose that too. This would more than likely add more street parking to an already narrow street.

With all the new codes that Lockhart has recently added, such as required flower bed, carports/garages, why would Lockhart even consider such a variance as above? We believe Lockhart would be negligent if it were to approve the requested variance.

The builder should adjust the house plans to accommodate the variances that are in place now.

Please confirm receipt of this letter by acknowledging our email.

Sincerely,
Francisco and Juanita V. Recio
Property Owners of
1017 Kate St, Lockhart TX

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 <u>NATHAN ZAPIEN</u>	ADDRESS <u>1420 Pendergrass St.</u>
DAY-TIME TELEPHONE <u>(512) 468-8770</u>	<u>Lockhart, Tx</u>
E-MAIL <u>n.i.zapien@gmail.com</u>	<u>78644</u>
OWNER NAME <u>Monte J. Guidry</u>	ADDRESS <u>4835 Seawillow Rd.</u>
DAY-TIME TELEPHONE <u>713-252-9250</u>	<u>Lockhart, Tx</u>
E-MAIL <u>Jim@guidryeast.com</u>	<u>78644</u>

PROPERTY

ADDRESS OR GENERAL LOCATION 1014 Kate St St.

LEGAL DESCRIPTION (IF PLATTED) Metes & Bounds

SIZE 0.216 ACRE(S) ZONING CLASSIFICATION RMD

EXISTING USE OF LAND AND/OR BUILDING(S) Residential dwellings.

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix 1. OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) Front setback 20 feet, and side setback 5 feet.

REQUESTED VARIANCE(S) To allow existing accessory dwelling to encroach setbacks on -

- 3' encroachment into front setback at Kate Street
- 4' encroachments into side setback (north side)

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, PAYABLE TO THE CITY OF LOCKHART. *\$282.40*

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 _____

M. J. Swidley

DATE _____

3/11/2024

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER _____

DATE SUBMITTED 3/12/24

CASE NUMBER ZV - 24 - 06

DATE NOTICES MAILED 3/18/24

DATE NOTICE PUBLISHED 3/21/24

BOARD OF ADJUSTMENT MEETING DATE 4/1/24

DECISION _____

CONDITIONS _____
