

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, December 6, 2021
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 July 12, 2021 meeting.
4. **ZV-21-08.** Hold a PUBLIC HEARING and consider a request by James and Laura Chambers for a Variance to Appendix I, Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required side-yard building setback from 5 feet to 3.25 feet for the rebuilding of an existing stairway located outside of the home, which will be enclosed with an addition on Lot 10, E.B. Flowers, consisting of 0.35 acre, zoned RMD (Residential Medium Density) and located at 524 South Guadalupe Street.
5. **ZV-21-09.** Hold a PUBLIC HEARING and consider a request by Marc Scammerhorn on behalf of IAM Properties Lockhart, LLC, for a Variance to Chapter 64 "Zoning", Lockhart Code of Ordinances, Section 64-197(g)(1)(e)(2), to waive the requirement for paving driveways and parking areas with an all-weather surface on the future Lot 1, Block A, Lockhart Industrial Park III Section One, consisting of 10.101 acres in the Cornelius Crenshaw Survey, Abstract No. 68, zoned IL (Industrial Light District) and located at 2701 Cahill Street.
6. Discuss the date and agenda of the next meeting.
7. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 11:00 a.m. on the 1st day of December, 2021.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
JULY 12, 2021**

MINUTES

Members Present: Laura Cline, Wayne Reeder, Mike Annas, Anne Clark, Kirk Smith, Severo Castillo (by phone), Lori Rangel (by phone)

Member Absent: Sean Martinez

Staff Present: Christine Banda, Kevin Waller

Others Present: Marjorie Tiemann (applicant, Agenda Item (4)), Joel Perez, Fermin Islas, Marisa Islas (applicant, Agenda Item (5))

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 June 7, 2021, meeting.

Vice-Chair Clark moved to approve the June 7, 2021, minutes. Member Annas seconded, and the motion passed by a vote of 7-0.

4. FV-21-01. Hold a PUBLIC HEARING and consider a request by Marjorie Tiemann for a Variance to Lockhart Code of Ordinances, Chapter 12, Section 12-490(3), to allow a six-foot tall privacy fence to be placed in the front yard, extending along the south (side) property line to the front property line, on 0.235 acre in the Francis Berry Survey, Abstract No. 2, zoned RMD Residential Medium Density District and located at 406 Concho Street.

Planning Staff Kevin Waller presented his staff report to the Board. He informed them that Staff received a letter in support of the variance request from a neighbor. The applicant wishes to place a six-foot high privacy fence along the south (side) property line, which would encroach into the required 20-foot front yard setback. Mr. Waller gave a PowerPoint presentation, including photos of the property and the side property line where the fence would be placed. He stated that Staff recommends denial but suggests an alternative solution to install tall shrubbery or dense vegetation to help provide screening from the neighboring property to the south.

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

Applicant Marjorie Tiemann of 406 Concho Street explained that she has had general problems with her neighbor to the south. She would like to install the six-foot privacy fence to help provide a barrier and promote more peaceful relations with her neighbor.

Joel Perez of 408 Concho Street explained that although he is not opposed to the fence, he does have two requests. Mr. Perez wants to ensure that the fence is placed on the actual side property line and will not encroach onto his property. While the fence is being constructed, he does not want any debris on his property. Perez stated that he has experienced harassment both from Ms. Tiemann and her son, so the fence may or may not provide peace because his neighbors are natural complainers.

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

Discussion ensued regarding precedent and civil matters.

Vice-Chair Clark moved to approve FV-21-01 because the Police Department suggested to the owner that approval is a possible solution, and with the conditions that the fence be constructed on the actual side property line, with no construction materials allowed to fall onto the neighbor's property. The motion failed for lack of a second.

Member Annas moved to deny FV-21-01. Member Reeder seconded, and the motion passed by a vote of 6-1 with Vice-Chair Clark against.

5. ZV-21-07. Hold a PUBLIC HEARING and consider a request by Marisa Islas for a Variance to Appendix I, Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required front-yard building setback from 25 feet to 19.7 feet, for a recently constructed single-family residence on Lot 31, Islas Addition, consisting of 0.273 acre, zoned RLD (Residential Low Density District) and located at 1700 Meadow Lane.

Mr. Waller presented a survey of the subject property showing the new home's encroachment into the front-yard setback. According to correspondence with the Building Official, a form survey should have been provided the City to confirm the location prior to construction. The survey was unfortunately not provided until after the home was constructed. Mr. Waller explained that a unique condition does exist, due to the illusion of the home meeting the required front setback since the street curves at this location. He stated that Staff recommends approval.

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

Fermin Islas of 1702 Meadow Lane, father of the applicant, stated that he gave the lot to his daughter so that she could build a home. It was not their intention to build within the front-yard setback. They were unaware of the increase in right-of-way width at the curve, and assumed that it was of a normal width for a residential street. Mr. Islas apologized for not turning in the form survey ahead of time, and asked for approval of the Variance. He continued that the home's front setback appears like the others in the neighborhood.

Applicant Marisa Islas of 1700 Meadow Lane explained that there was a miscommunication during the construction process, and that construction was completed during the pandemic. Ms. Islas mentioned that approval of the Variance would not result in financial gain or loss, and that it wouldn't make sense to cut off part of the home to comply with the front setback requirement. She apologized for the miscommunication between herself and the contractor.

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

Member Clark moved to approve ZV-21-07. Member Smith seconded, and the motion passed by a vote of 7-0.

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

Mr. Waller stated that the next regularly scheduled meeting would be held Monday, August 30, 2021, if applications are received by the deadline. No applications had been received by the July 12 deadline for the August 2 meeting.

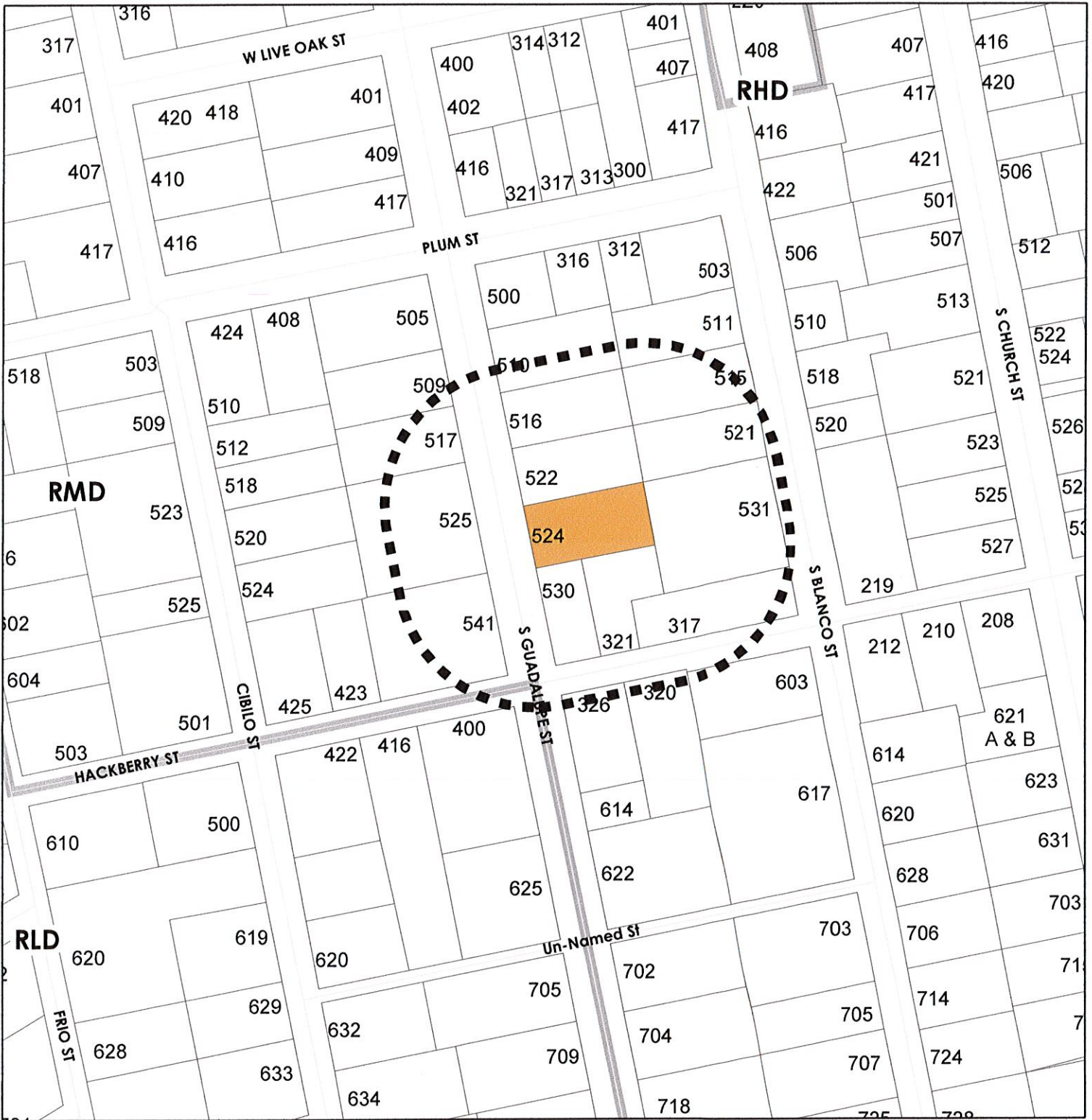
7. Adjourn.

Member Clark moved to adjourn the meeting, and Member Annas seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 7:19 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



ZV-21-08

524 S GUADALUPE ST

TO ALLOW A REDUCTION IN THE
SIDE YARD SETBACK FROM
5 FT TO 3.25 FT TO CONSTRUCT
ADDITION TO ENCLOSE STAIRWAY



 SUBJECT PROPERTY

 ZONING BOUNDARY

scale 1" = 200'



0 200 400 Feet



CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW* CASE NUMBER: ZV-21-08
REPORT DATE: December 1, 2021
PUBLIC HEARING DATE: December 6, 2021
APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required side-yard building setback from 5 feet to 3.25 feet.
STAFF RECOMMENDATION: *Denial, due to failure to meet all six variance criteria.*

BACKGROUND DATA

APPLICANT: Laura Chambers
OWNER: James and Laura Chambers
SITE LOCATION: 524 South Guadalupe Street
LEGAL DESCRIPTION: Lot 10, E.B. Flowers
SIZE OF PROPERTY: 0.35 acre
EXISTING USE OF PROPERTY: Single-Family Residence
ZONING CLASSIFICATION: RMD (Residential Medium Density District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to enclose the existing, open-air stairway on the south side of the existing residence by extending the stone wall encompassing the stairs upward to the roof of the house, and extending the roof over the stairway. The existing wall on the south side of the stairs, opposite the house, is three and one-quarter feet from the south (side) property line. Also proposed is the construction of a sunroom addition to the front of the house, which would also extend to three and one-quarter feet from the side property line, flush with the proposed stairway enclosure.

AREA CHARACTERISTICS: The subject property is located within a primarily single-family residential neighborhood zoned RMD. The adjacent property to the south, however, contains a duplex, which is the only one in the area. There appear to be two properties along the same block as the subject property, one on either side of the street, with accessory buildings encroaching into the required five-foot side-yard setback.

UNIQUE CONDITIONS OF PROPERTY: The applicant explains that the existing stairway's location on the outside of the house creates a unique condition to the property, which presents safety issues when walking from one level of the house to the other due to potential weather hazards that might cause someone to slip when the stairs are wet or icy. The applicant also states that the concrete landing at the top of the stairwell is deteriorating, presenting further safety hazards if the landing were to collapse. Finally, the applicant explains that if the reconstructed stairs were moved closer to the house to meet the required five-foot side-yard setback, they would not meet the minimum 36-inch width required by the Building Codes. Although Staff recognizes and supports the correction of safety hazards associated with the stairwell, the existing conditions do not create a unique condition that warrants an addition to the stairwell area within the required side-yard setback. Further, any construction or reconstruction less than five feet from any property line does not meet the City's Fire Code spacing requirements.

NATURE OF HARDSHIP: Approval of the variance would not result in increased financial gain or reduced financial hardship. However, the applicant states that she has been advised by a professional engineer not to undertake any work on the exterior walls of the house itself, or to the second-story flooring, as it would affect the house's structural integrity. Therefore, if the variance were denied and the applicant chose to add a new staircase as above, it would likely require substantial reconstruction of the house and increased financial hardship.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The location of the existing stairwell three and one-quarter feet from the side property line has not resulted in adverse impacts to surrounding properties and public safety. As mentioned above, there are potential safety hazards associated with the property owner's continued use of the stairwell in its present state.

ALTERNATIVE SOLUTIONS: The applicant explains that the reconstruction of the stairs to meet the required setbacks in the same or different exterior location, or in an interior location, is unfeasible, as it would impact the structure's integrity, as discussed above. However, an alternative solution is simply to repair the existing staircase and concrete landing to a safe condition, which would still allow a reasonable use of the property without a variance.

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

STAFF RECOMMENDATION: Staff recommends denial of the variance request, which does not meet all six of the variance review criteria. The owners were aware of the exposed stairway when they purchased the property. However, this is not grounds for a variance, when safety issues can be repaired without it. While the open stairway is not considered part of the enclosed footprint of the house, the enclosure of the stairway and extending the interior footprint would create a nonconforming situation.

CITY OF LOCKHART - SITE PLAN

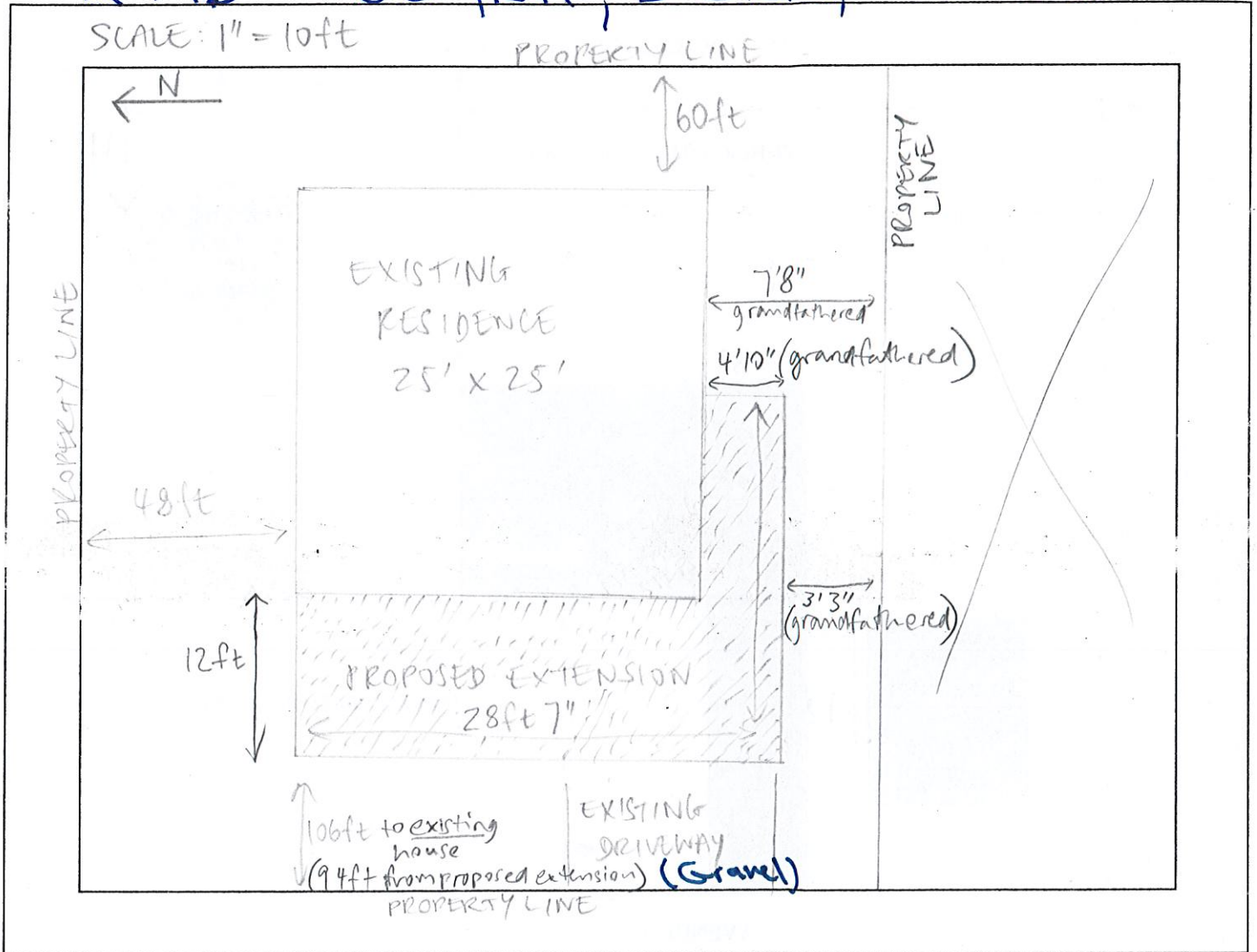
APPLICANT NAME: CHAMBERS PHONE: 7379909919

SITE ADDRESS: 524 S Guadalupe

PERMIT NUMBER: _____ DATE: _____

PROPOSED WORK: _____

RMD - 20' front, 5' sides, 10' Rear



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.

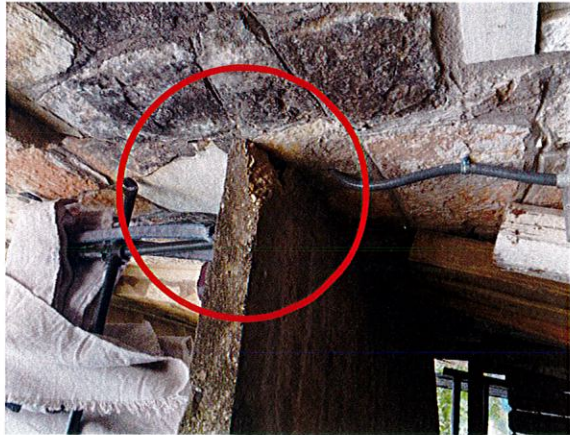
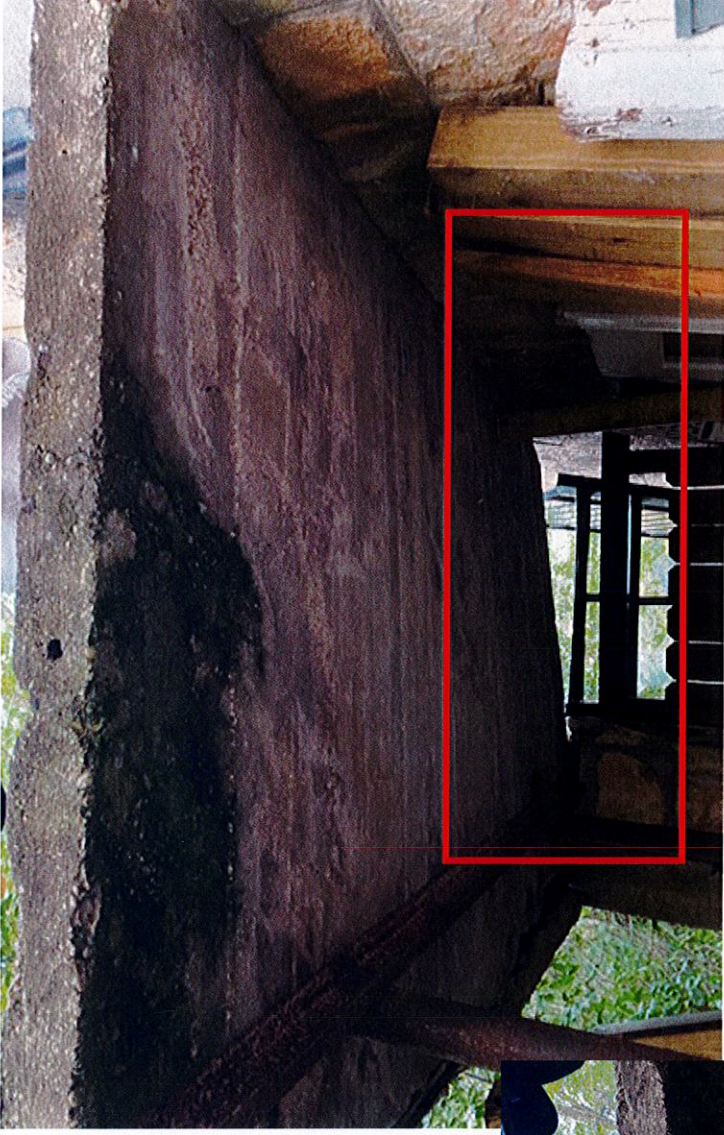
524 S Guadalupe St

Zoning Variance application

- Asking to demo and replace the structurally unsound concrete slab at top of stairs.
- Asking to build new stairs – existing metal stairs have come away from main structure (metal has corroded) and are not safe.
- Asking to demo and replace concrete stair landing and demo and replace stairs. Then add walls and a roof over the existing outside stairs and landing, so occupants don't have to go outside to get up and down the stairs.
- Also would like to build an extension(sunroom) to the front of the house to stairs lead into the inside downstairs, instead of leading to the outside at the bottom of the stairs.



- Stairs lead to top of concrete slab landing. Concrete slab is cracked, sloping and structurally unsound (dangerous).



- House exterior wall is 7' 8" (92") from property line.
- Existing stairs are grandfathered in (house built in 1942).



- Inner side of original stone wall of staircase is 4'5" (53") from property line.
- Outer side of original stone wall is 3'3" (53") from property line.

Owner would like to demo and replace the structurally unsound concrete slab at top of stairs, and add an upper section to the old stone wall, and add a roof, so the stairs could be inside.

But any new construction has to be at least 5ft from the property line.

So owner proposed to demo the original stone wall, and build a new wall to be at least 5ft away from the property line.

However...



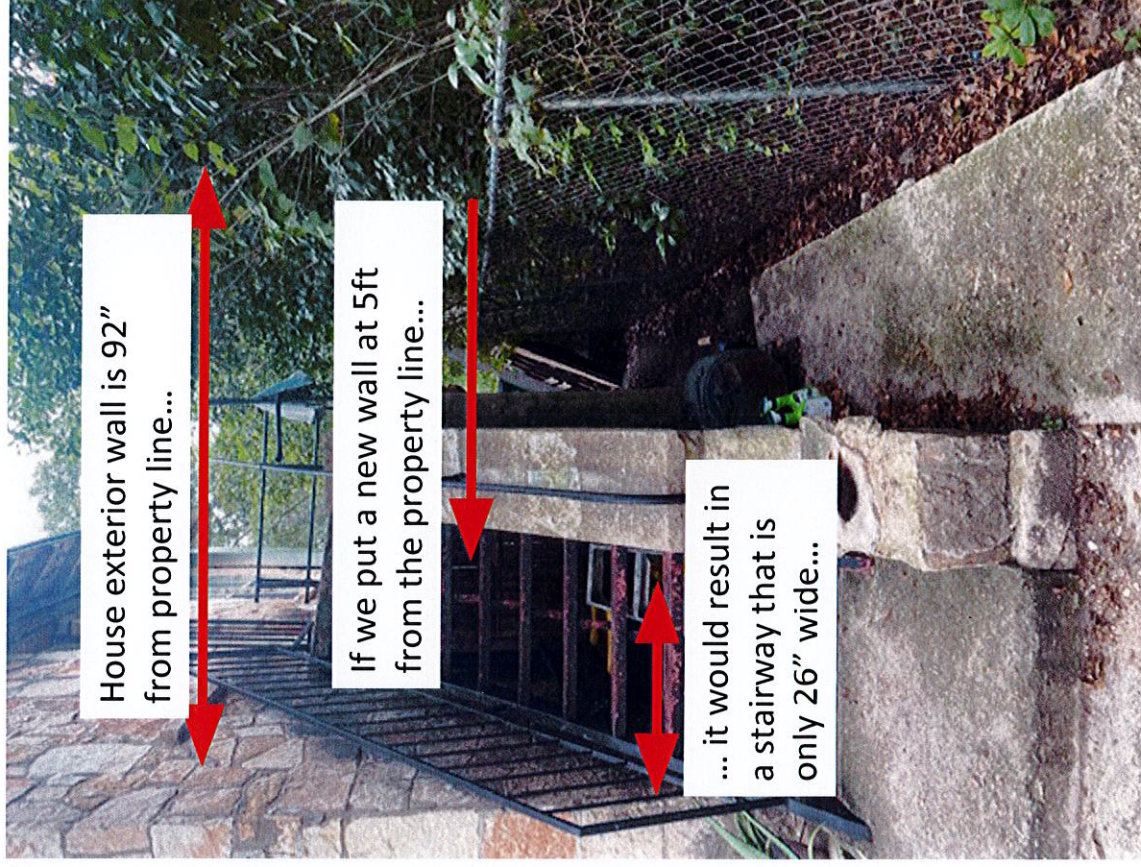
... If we do this, the stairway ends up being only 26" wide:

Exterior wall of house from property line is 92" minus 60" from property line (5ft) = 32"

32" minus 6" thickness of an exterior wall = 26"

Which does not meet code...

Stairway needs to be at least 36" wide.



House exterior wall is 92" from property line...

If we put a new wall at 5ft from the property line...

... it would result in a stairway that is only 26" wide...

- Current stairway is 3'7" (43") wide to inner side of stone stair wall.
- And 4'10" (58") to outer side of stair wall.



Recap:
Owner would like to demo dangerous concrete slab at top, cover stairs so we don't have to go outside in rain, storms, snow, sun, etc, and replace metal stairs which have corroded away from the main stone house.

Code requirement is for any new construction to be 5ft from property line, which grandfathered stairs don't meet because house was built in 1942.

If existing old stone stair wall is demo'd and a new wall is built at the 5ft mark, it leaves a staircase that is too narrow/ won't meet code.



Possible solution (A):
Demo the stairs completely, and try to put the stairs on one of the other 3 walls of the house.

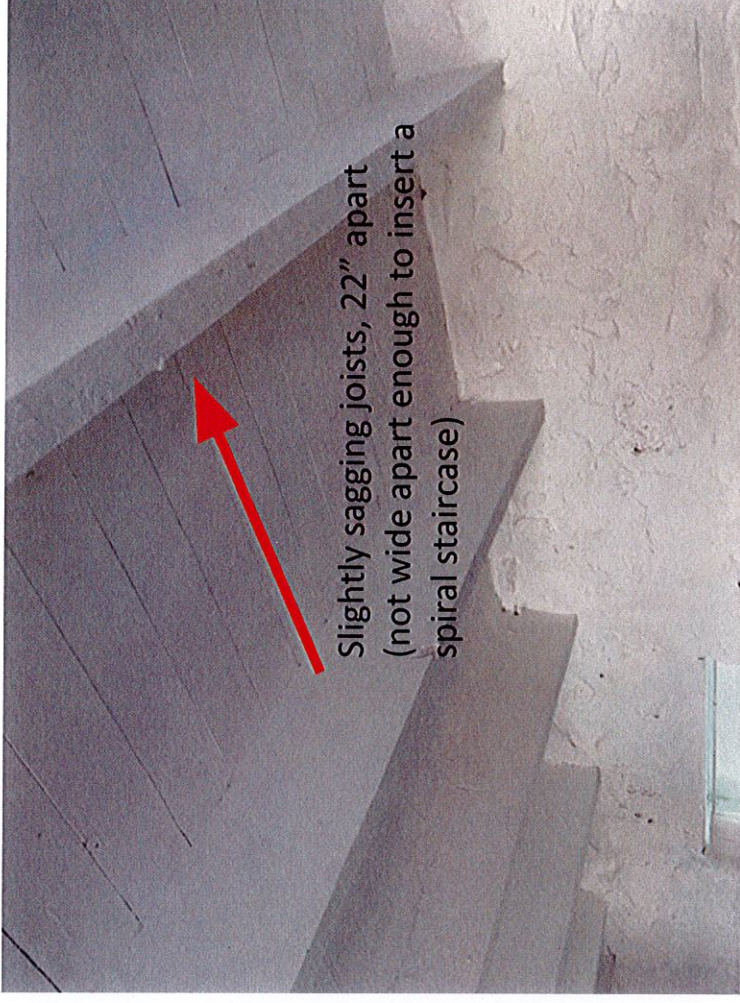
Concern:
There are some cracks in the stone around the house. It is an old house and cutting any stone out of any of the 3 other walls might make it structurally unsound. Previous structural engineers working on the house during reno have advised against making any changes to the structure/weight-bearing capacity of the house due to its age.



Possible solution (B):
Put a spiral staircase inside the house.

Concern:

The ceiling of the downstairs/ floor of the upstairs are joists of old wooden 8x2's, spaced about 22" apart. In order to insert a spiral staircase, we would have to cut through 1 or 2 of the joists. It's hard to see in the picture but the joists sag from age, and it would be very risky to cut through one to make room for a spiral staircase as it might affect the structural capacity.



Owner has tried to think of other ways to rebuild stairs to be safe, and to be covered by a wals and roof, and still meet code.

But she doesn't want to affect the structural soundness of the house.

Thank you for your time and consideration.

Submittal Requirements:

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;

- Yes. The house was built of stone in 1942. The stairway was built on the outside of the house, supported by a half-wall, also made of stone. At the top of the stairs, the occupant can enter/ exit the upstairs of the house via a concrete landing. This concrete landing is cracked, sloping and structurally unsound. The metal stairs outside the house have corroded away from the house and are not stable and are slippery when wet.
The 80-year-old half-wall which supports the stairs sits at 3'3" from the property line. Owner would like to demo and replace the sloping concrete landing and old metal stairs which are supported by this stone wall, and extend the wall up to the roofline, and add a roof, so owner/ occupants don't have to go outside to access upstairs/ downstairs. Currently, owners have to go outside to get up and down the stairs, which results in getting wet if it's raining and occupant needs to access bathroom (upstairs), being wary when going outside/ downstairs at night to get a glass of water from the kitchen, slipping on icy stairs in winter, being worried that the concrete landing is going to crack and collapse when they step on it to go upstairs/ downstairs, etc. The reason the owner would like to keep stairs in the same location, and use the same doorway location into the upstairs that already exists (per house's original construction) is because drilling out stone bricks to make a new doorway to the upstairs on one of the other three stone walls of the house (which would meet setback requirements) would compromise the structural integrity of the house. A structural engineer has already advised in conversation not to make any changes to the structure of the house due to its age. Owner has also considered inserting a spiral staircase inside, but this would also compromise the structural integrity of house.

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

No – the existing wall, stair landing and stairs are grandfathered in.

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

Yes – the owners are worried that the concrete landing is going to crack and fall in one day, and are nervous this could happen when their small son is walking on the landing. The metal stairs are also slippery when wet/ icy and are not sturdy. The owners have to use the stairs in all different types of weather and times of day to get from upstairs to downstairs (in rain, snow, at night if they forgot something upstairs or downstairs.)

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;

No.

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,

No – the health and safety of the use of the property would be improved. It would not interfere with the appropriate use of the adjacent confirming property.

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.

No – being able to preserve and not demo the existing stone half-wall would not alter the essential character of the zoning district.

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 Laura Chambers
DAY-TIME TELEPHONE 7379909919
E-MAIL galbraith.laura@gmail.com

ADDRESS 524 S Guadalupe St
Lockhart, TX 78644

OWNER NAME James & Laura Chambers
DAY-TIME TELEPHONE 7379909919
E-MAIL galbraith.laura@gmail.com

ADDRESS 524 S Guadalupe St
Lockhart, TX 78644

PROPERTY

ADDRESS OR GENERAL LOCATION 524 S Guadalupe St
LEGAL DESCRIPTION (IF PLATTED) EB Flowers Lot 10
SIZE 0.35 ACRE(S) ZONING CLASSIFICATION RMD
EXISTING USE OF LAND AND/OR BUILDING(S) Single Family Residential

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix I OF THE ZONING ORDINANCE
CURRENT ORDINANCE REQUIREMENT(S) 5-foot side-yard setback

REQUESTED VARIANCE(S) Owner would like to demo and replace existing grandfathered-in concrete slab of stairs landing, and adjoining metal stairs, which are located outside of the house. And then build on top of the existing stone wall to complete that wall up to roof level, and add a roof, so stairs would be inside. The stairs and landing are not structurally sound (concrete slab is sloping, cracked and unsafe, and metal stairs have corroded away from main house and are slippery when wet). Grandfathered-in stairs do not meet required 5ft side yard setback. They are at the 3'3" mark, instead of at the 5ft mark (wall is 13-14" thick). If existing wall at side of stairs is moved closer to the main house to meet required 5ft setback, resulting stairway would be less than 36" (code requirement for width of a stairway.)

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.

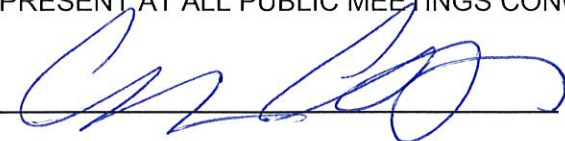
SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, 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 \$ 150 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

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

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

SIGNATURE



DATE

11/15/21

OFFICE USE ONLY

ACCEPTED BY Kevin Walker

RECEIPT NUMBER 1041576

DATE SUBMITTED 11/15/21

CASE NUMBER ZV - 21 - 08

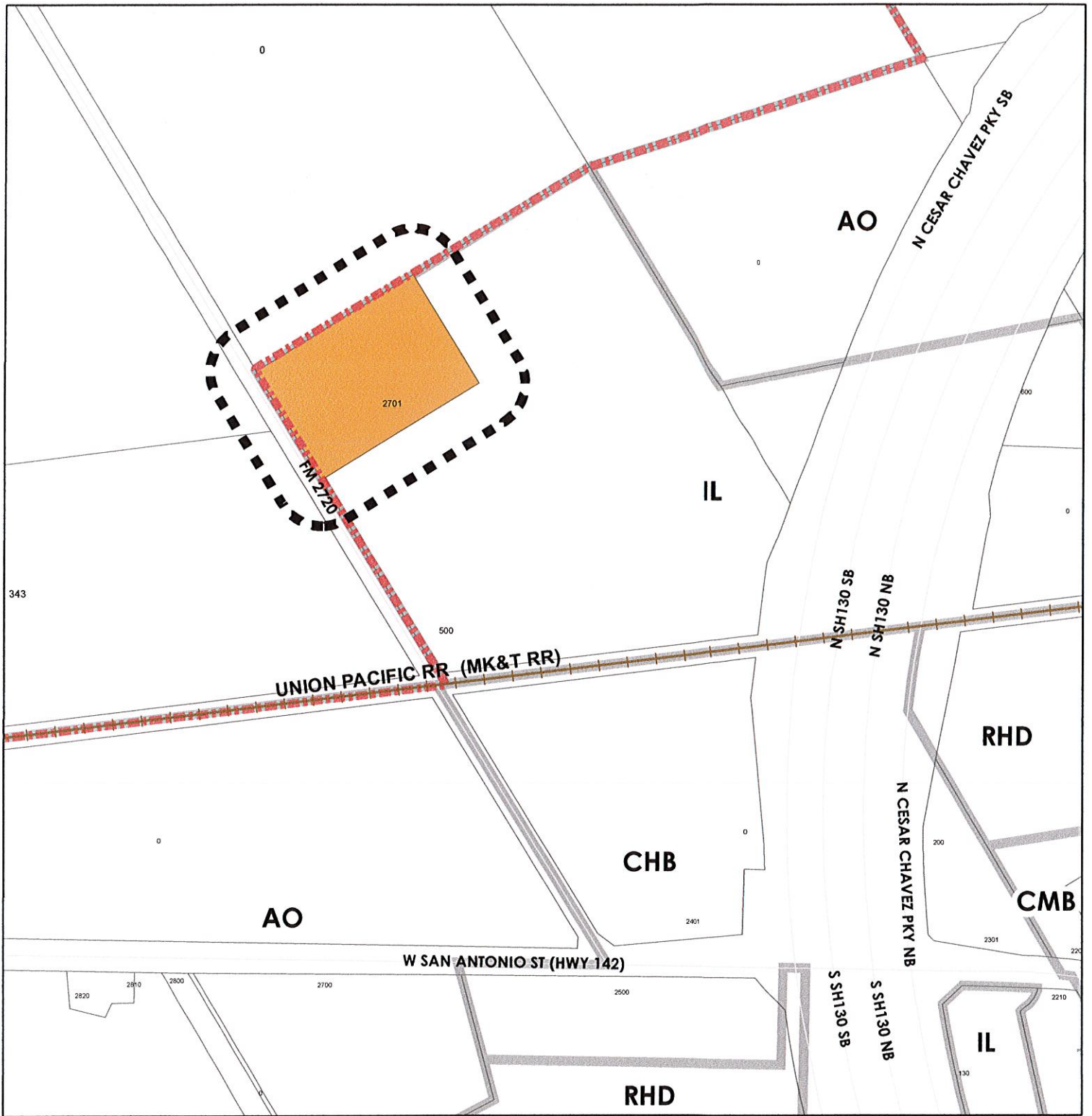
DATE NOTICES MAILED 11-22-2021

DATE NOTICE PUBLISHED 11-25-2021

BOARD OF ADJUSTMENT MEETING DATE 12/6/21

DECISION _____

CONDITIONS _____



ZV-21-09

2701 CAHILL STREET

TO WAIVE THE REQUIREMENT
FOR PAVING DRIVEWAYS & PARKING
AREAS WITH AN ALL-WEATHER SURFACE



- SUBJECT PROPERTY
- ZONING BOUNDARY

scale 1" = 600'



W SAN ANTONIO ST (HWY 142)

UNION PACIFIC RR (AMTRAK RR)

FM 2720

2701

343

500

2401

N CESAR CHAVEZ PKY

N SH 130 SB

N SH 130 NB

N CESAR CHAVEZ PKY NB

200

2301

200

0 500 1,000 Feet



CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW* CASE NUMBER: ZV-21-09
REPORT DATE: December 1, 2021
PUBLIC HEARING DATE: December 6, 2021
APPLICANT'S REQUEST: Variance to Section 64-197(g)(1)(e)(2) to waive the paved, all-weather surface requirement for an off-street parking and driveway area
STAFF RECOMMENDATION: ***Approval of the Variance for the proposed areas of crushed concrete except for the area extending from the northeast corner of the building to the east property line.***

BACKGROUND DATA

APPLICANT: Marc Scammerhorn
OWNER: Lockhart Economic Development Corporation
BUYER: IAM Properties - Lockhart, LLC
SITE LOCATION: 2701 Cahill Street
LEGAL DESCRIPTION: Future Lot 1, Block A, Lockhart Industrial Park III Section One (currently Cornelius Crenshaw Survey, Abstract No. 68)
SIZE OF PROPERTY: 10.101 acres
EXISTING USE OF PROPERTY: Vacant
ZONING CLASSIFICATION: IL (Industrial Light District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to develop the property with an industrial manufacturing facility for the McElroy Metals company. While the main parking area along the south and east sides of the proposed building will be constructed of reinforced concrete, the applicant proposes to utilize a crushed concrete material for a driveway, circulation area, and trailer parking on the north and west sides of the building. The requested variance is to allow the crushed concrete surface and waive the paved, all-weather parking surface requirement set forth in Zoning Ordinance Section 64-197(g)(1)(e)(2) for the areas identified above. The crushed concrete areas will be used by raw material trucks, and will not be visible from Cahill Street according to the applicant. The applicant would like to have the ability to expand the building to the northwest in the future, and explains that reinforced concrete or asphalt is more difficult and expensive to remove than the proposed crushed concrete. The applicant further explains that if the building expansion does not occur within the next ten years, the crushed concrete will be replaced with reinforced concrete or asphalt. The subject property is part of a recently approved subdivision, Lockhart Industrial Park III Section One, the final plat of which was approved by the Planning and Zoning Commission in August 2021. Since the plat has not yet been recorded, the subject lot does not yet legally exist, and no construction activity may commence until after the plat has been recorded and the necessary permits issued.

AREA CHARACTERISTICS: The adjacent properties to the north and east of the subject property are in agricultural use, with the property to the north being located outside the City limits. To the south is the proposed Section Two of Lockhart Industrial Park III. Across F.M. 2720 to the west is a property in agricultural and rural residential use, also outside the City limits. As this property is located on the fringe of the City limits, there are no examples of other properties in the area with unpaved parking lots.

UNIQUE CONDITIONS OF PROPERTY: The property is currently undeveloped and of level terrain, with no unique topographical features.

NATURE OF HARDSHIP: Although there would be reduced financial hardship associated with not paving certain portions of the proposed parking and circulation areas, the request for the variance is not based exclusively upon the applicant's desire to avoid the cost of paving. The applicant states that the primary reason for the variance is to allow for future expansion of the proposed building into the areas proposed with a crushed concrete surface. However, a desire for future expansion does not necessarily constitute a hardship caused by any unique condition of the property.

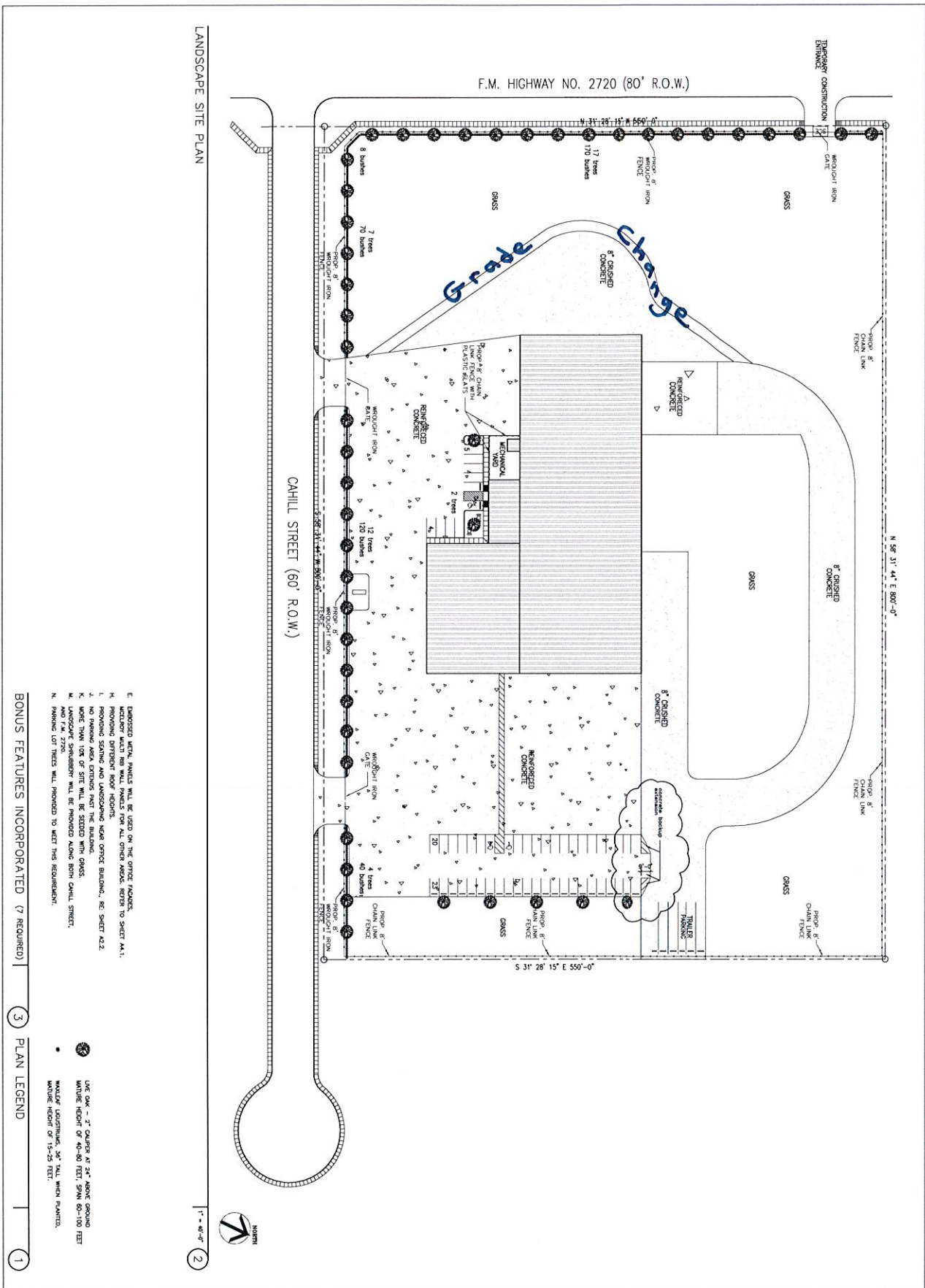
EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The applicant states, and Staff agrees, that the variance will not interfere with surrounding properties and will not adversely impact public health or safety.

COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all six of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the attached written explanation as evidence in support of the variance. Staff believes that the variance request warrants approval, if the Board determines that all six variance criteria are met, except for the area extending from the northeast corner of the building to the east property line. This area will likely see more truck traffic than the other proposed crushed concrete areas, and also includes six trailer parking spaces, which would be better served with an all-weather surface.

ALTERNATIVE SOLUTIONS: An alternative solution includes constructing the proposed crushed concrete areas in accordance with the paved, all-weather surface standards. An all-weather surface is defined as either reinforced concrete, asphalt, or masonry pavers installed in accordance with manufacturer's specifications. This alternative would avoid the need for a variance.

PRECEDENT: Staff's suggested compromise to grant a variance for a portion of the area proposed to be crushed concrete, while requiring that the trailer parking and maneuvering area abutting the paved parking lot be an all-weather surface, might avoid setting an undesirable precedent.

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



NEW MANUFACTURING BLDG.
FOR
MCELROY METALS
LOCKHART, TEXAS

SUPERIOR
Building Systems
GENERAL CONTRACTORS
1000 W. 10TH ST. SUITE 200
LOCKHART, TEXAS 78741
SIS PRODUCT NO. 370

| REVISION | DATE | BY | DESCRIPTION |
|----------|----------|----|-----------------------------|
| 1 | 10/19/21 | | FOR PERMIT AND CONSTRUCTION |
| 2 | 11/09/21 | | FOR PERMIT AND CONSTRUCTION |
| 3 | 12/09/21 | | FOR PERMIT AND CONSTRUCTION |

| DATE | DESCRIPTION |
|----------|-----------------------------|
| 10/19/21 | FOR PERMIT AND CONSTRUCTION |
| 11/09/21 | FOR PERMIT AND CONSTRUCTION |
| 12/09/21 | FOR PERMIT AND CONSTRUCTION |

Scale: 1" = 40'-0"

North Arrow

Sheet Issue

10/19/21 FOR PERMIT AND CONSTRUCTION

11/09/21 FOR PERMIT AND CONSTRUCTION

12/09/21 FOR PERMIT AND CONSTRUCTION

Project Number: 370-ADL-08-ADL

File ID: 370-ADL-08-ADL

Sheet No. **AO.1**

LANDSCAPE SITE PLAN

Sheet Title

1 2 3 PLAN LEGEND

1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO UNLESS OTHERWISE SPECIFIED.

2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).

3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.

7. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE MATERIALS.

9. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE ENVIRONMENT.

11. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE ENVIRONMENT.

13. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.

14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE ENVIRONMENT.

15. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE ENVIRONMENT.

17. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.

18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE ENVIRONMENT.

19. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.

20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE ENVIRONMENT.

IAM Properties – Lockhart, L.L.C.
P O Box 1148
Shreveport, Louisiana 71163-1148

November 17, 2021

Building Official
City of Lockhart, Texas

Re: Variance Request

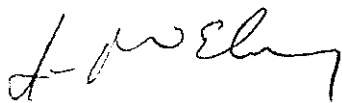
Dear Sir or Madam:

IAM Properties – Lockhart, LLC is asking for a variance for all weather parking and surface material requirements. We will address the six questions for the approval of the variance.

1. The reason for this is because IAM Properties – Lockhart, LLC would like the ability to expand the building to the northwest in the future, and concrete or asphalt is more difficult and expensive to remove. If the expansion does not happen within the next 10 years, we will replace the crushed concrete with asphalt or concrete.
2. The condition will be caused by the property owner.
3. It is the amount necessary to allow reasonable use of the property.
4. The reason for the variance is not for financial gain or to reduce financial hardship of owner.
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.
6. The variance will not alter the character of the zoning ordinance.

Thank you for your consideration.

Sincerely,



Ian A. McElroy
Manager

IAM Properties requests that crushed concrete be allowed for a road on the north side on our property (2701 Cahill, Lockhart, TX). This road will be used for raw material trucks and will not be visible from Cahill road. The reasoning behind wanting this area to be crushed concrete is that this area will be the "future expansion" of the building. If we are to pour concrete or lay asphalt, this area would have to be removed when adding on to the building.



Marc Scammerhorn

McElroy Metal Mill,

Representing IAM properties.

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 MARC SCAMMERHOEN

ADDRESS 1500 Hamilton Dr

DAY-TIME TELEPHONE 816 616 6236

Bossier City LA 71411

E-MAIL MSCAMMERHOEN@MCELROYMETH.COM

OWNER NAME I AM PROPERTIES

ADDRESS _____

DAY-TIME TELEPHONE 816 616 6236

E-MAIL mscammerhoen@mcclroymeth.com

PROPERTY

ADDRESS OR GENERAL LOCATION 2701 CAHILL St.

Final Plat to be recorded soon!

LEGAL DESCRIPTION (IF PLATTED) Lot 1, Block A, Lockhart Ind. Park III

Section One

SIZE 10.101 ACRE(S)

ZONING CLASSIFICATION IL

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

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) GA-197(g)(1)(e)(2) OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) Driveways & parking areas (off-street)

shall be paved w/ an all-weather surface - i.e., asphalt, concrete, or masonry pavers.

REQUESTED VARIANCE(S) CRUSHED CONCRETE ON NORTH SIDE OF

Building & west side of building as well.

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 \$ 352.02 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

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

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

SIGNATURE _____

Mane Serrano

DATE _____

11-10-2021

OFFICE USE ONLY

ACCEPTED BY Kevin Walker

RECEIPT NUMBER 1041670

DATE SUBMITTED 11/16/21

CASE NUMBER ZV - 21 - 09

DATE NOTICES MAILED 11-22-2021

DATE NOTICE PUBLISHED 11-25-2021

BOARD OF ADJUSTMENT MEETING DATE 12/6/21

DECISION _____

CONDITIONS _____
