

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, December 4, 2023
Municipal Building — Glosserman Room
308 W. San Antonio St.**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the November 6, 2023 meeting.
4. **ZV-23-05.** Hold a PUBLIC HEARING and consider a request by Andrew and Donna Sauve for a Variance to Appendix I, Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required rear-yard building setback from 10 feet to 6.5 feet, on Lot 17, Block 4, Rolling Greens Estates, consisting of 0.22 acre, zoned RMD (Residential Medium Density), and located at 824 Ross Circle.
5. Discuss the date and agenda of the next meeting.
6. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, at 9:00 a.m. on the 21st day of November, 2023.

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

MINUTES

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

Member Absent: Marcia Proctor

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

Others Present: John Pastrano (applicant, Agenda Item 4), Ian Noble (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 September 11, 2023, meeting.

Member Knight moved to approve the September 11, 2023, minutes, with the revision to remove former Board member Severo Castillo's name from Page 1. Member Rangel seconded, and the motion passed by a vote of 6-0.

4. ZV-23-03. Hold a PUBLIC HEARING and consider a request by John Pastrano for a Variance to Appendix I, Chapter 64 "Zoning", Lockhart Code of Ordinances, to waive the off-street parking requirement of two parking spaces, on 0.12 acre in Lot 19, Trumble's Addition, zoned CMB Commercial Medium Business and located at 310 West Market Street.

Planning Staff Kevin Waller presented the staff report, and explained that the subject property was located across from City Hall on West Market Street. He stated that the home was 13 feet from the front property line, which was not enough room to have off-street parking in the front yard. Mr. Waller mentioned that there is a neighboring fence, water meter, and electrical guy wire that hinders parking on the east side of the home. He believes that the variance request meets all 6 of the review criteria, and recommends approval of the variance to waive the off-street parking requirement.

Chair Cline opened the public hearing, and asked the applicant to present their proposal.

Applicant John Pastrano explained that he is the owner of the property and would like to remodel the home and utilize it as a residence. He needs approval of the variance to move forward with the building permit.

Chair Cline closed the public hearing.

Member Martinez moved to approve ZV-23-03. Member Annas seconded, and the motion passed by a vote of 6-0.

5. ZV-23-04. Hold a PUBLIC HEARING and consider a request by Ian Noble for a Variance to Appendix II, Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum off-street parking requirement from eight spaces to four spaces, in addition to one handicapped space, on 0.307 acre in the Byrd Lockhart League, Abstract No. 17, zoned CHB Commercial Heavy Business and located at 631 South Colorado Street (Us 183).

Mr. Waller presented the staff report which included location maps showing the surrounding properties. The applicant has obtained additional parking approval from the Manager at Auto Zone. The smaller building on the property will be for office use, with the larger building for retail use. Mr. Waller stated that staff recommends approval of the variance.

The Board asked Mr. Waller how the business patrons would know that there was extra parking available at Auto Zone.

Mr. Waller replied that the applicant should answer this question.

Chair Cline opened the public hearing to hear from the applicant.

Applicant Ian Noble stated that he is the owner of the property, and that he could place signage such that business patrons are aware of the additional parking at Auto Zone.

Chair Cline closed the public hearing.

Member Knight moved to approve ZV-23-04. Member Martinez seconded, and the motion passed by a vote of 6-0.

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

Mr. Waller stated that the next regularly scheduled meeting will be held on December 4, 2023, with one item for the agenda thus far. The deadline for applications is November 13, 2023.

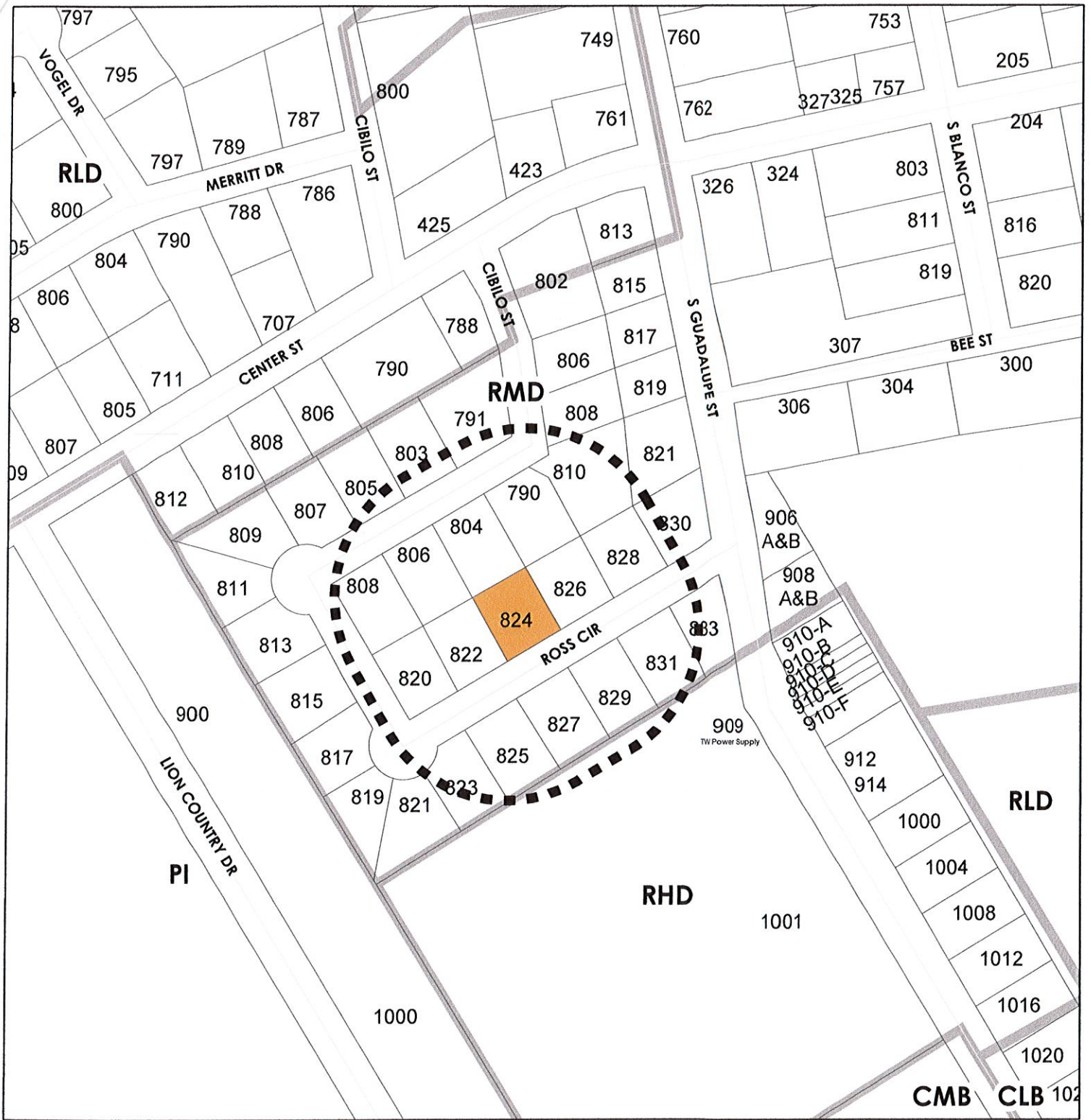
7. Adjournment.

Member Knight moved to adjourn the meeting, and Member Annas seconded. The motion passed unanimously (6-0), and the meeting adjourned at 7:01 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



ZV-23-05

824 ROSS CIRCLE

TO REDUCE THE REAR YARD BUILDING
SETBACK FROM 10 FEET TO 6.5 FEET



- SUBJECT PROPERTY
- ZONING BOUNDARY

scale 1" = 200'

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

KW

CASE NUMBER: ZV-23-05

REPORT DATE: November 27, 2023

PUBLIC HEARING DATE: December 4, 2023

APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required rear-yard building setback from 10 feet to 6.5 feet.

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT AND OWNER: Donna Sauve

SITE LOCATION: 824 Ross Circle

LEGAL DESCRIPTION: Lot 17, Block 4, Rolling Greens Estates

SIZE OF PROPERTY: 0.22 acre

EXISTING USE OF PROPERTY: Single-Family Residence

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: A 14-foot-wide by 18-foot-long storage shed was recently constructed in the rear yard of the subject property as an accessory structure to the existing single-family residence. The shed is located 6 ½ feet from the rear property line, which encroaches 3 ½ feet into the required 10-foot rear-yard building setback for the RMD Zoning District set forth in Appendix I of the Zoning Ordinance. A copy of the site plan showing the location of the shed as constructed is included with your agenda packet materials.

AREA CHARACTERISTICS: The subject property is located within a single-family residential neighborhood zoned RMD. According to a review of aerial imagery, an accessory structure appears to be encroaching into the required rear-yard setback on the adjacent property to the north at 804 Ross Circle, with similar structures encroaching into the setback on 790, 806, and 808 Ross Circle.

UNIQUE CONDITIONS OF PROPERTY: The construction of the shed within the required 10-foot rear-yard building setback could be considered a condition unique to the property. Although it was the builder and property owner's responsibilities to ensure compliance with all required setbacks, requiring the shed to be moved to meet the rear setback requirements would place a financial burden on the applicant. The relocation of the shed 3 ½ feet further into the property to meet the 10-foot building setback would result in an approximately 4 ½ foot distance between the shed and residence, which would not meet the Fire Code separation requirement of 5 feet between structures. However, the shed could be placed elsewhere in the rear yard that would meet all required building setbacks and the Fire Code separation requirement. In previous discussions with the applicant and according to the written responses to the variance review criteria, the applicant explains that she was under the assumption that the five-foot overlap of the 10-foot-wide drainage and utility easement into the rear of the property, shown on the submitted site plan, was the actual required building setback line. In addition, the applicant states that it would be difficult for heavy machinery to access the rear yard in order to move the shed. A large tree located in front of the wider side yard entry

gate to the rear yard might also present difficulties with heavy equipment accessing the rear of the property, although the tree does not appear to have a circumference that would classify it as protected.

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

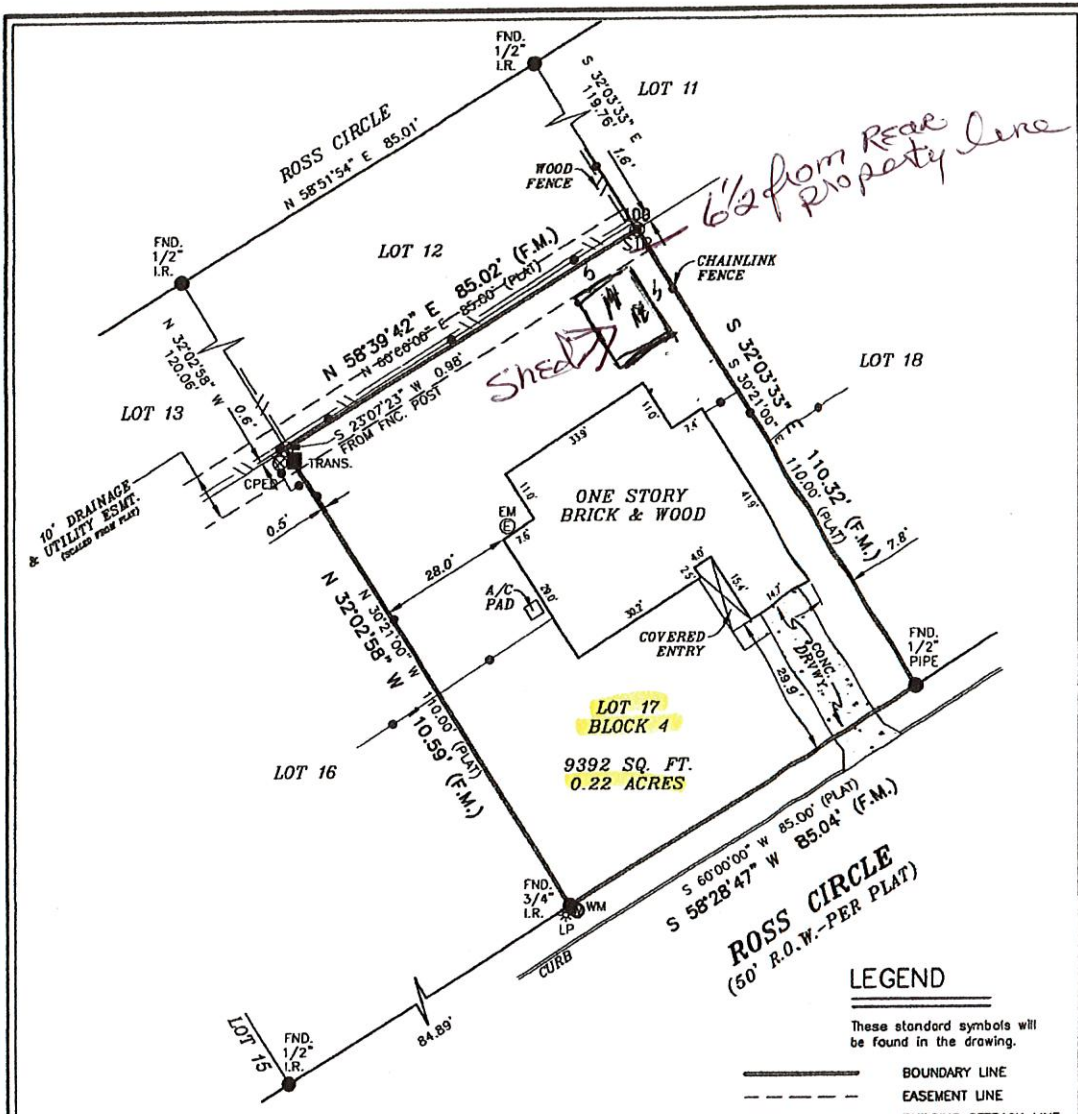
EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Construction of the shed 3 ½ feet into the rear-yard building setback, outside of the drainage and utility easement specified above, does not appear to have resulted in adverse impacts to surrounding properties and public safety. It should be noted that much of the shed is not visible from Ross Circle, due to its placement to the rear of the house's northeast corner.

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: The two alternative solutions, which are not practical as mentioned above, are to require either that the shed be moved to comply with the 10-foot rear-yard setback requirement, or that the north 3 ½ feet of the shed's width be demolished to eliminate the encroachment.

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.

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

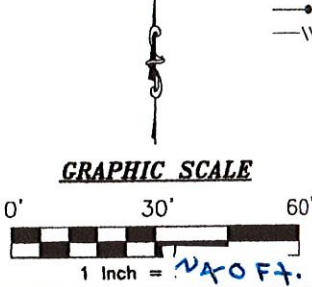


SURVEYOR'S NOTE(S):

BASIS OF BEARING, TEXAS SOUTH CENTRAL ZONE NAD 83.
 The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

X _____
 X _____

At date of this survey, the property is in FEMA designated ZONE X as verified by FEMA map Panel No. 48055C 0235 E effective date of JUNE 19, 2012.
 Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.



LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- - - EASEMENT LINE
- · - · - BUILDING SETBACK LINE
- · - · - CHAINLINK FENCE
- · - · - WOOD FENCE
- ⊙ SET IRON ROD
- CALCULATED POINT
- FOUND IRON ROD
- ⊕ WATER METER
- ⊖ ELECTRIC METER
- ⊗ CABLE PEDESTAL
- * LIGHT POLE
- TRANSFORMER
- (PLAT) RECORDED ON PLAT
- (F.M.) FIELD MEASURED

I, **AARON MICAH REYNOLDS**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **CAPITAL TITLE OF TEXAS, LLC** and **SENTE MORTGAGE, INC.**

that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).
 Borrower/Owner: **ETHAN SANCHEZ AND ROBIN M. HICKS**
 Address: **824 ROSS CIRCLE** GF No. **17-320985-LT**

Legal Description of the Land:
 Lot 17, Block 4, **ROLLING GREEN ESTATES**, an Addition in Caldwell County, Texas, according to the Map or Plat recorded in Volume 355, Page 599, Deed Records of Caldwell County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN: VOLUME 355, PAGE 599, DEED RECORDS, CALDWELL COUNTY, TEXAS VOLUME 371, PAGE 600, REAL PROPERTY, CALDWELL COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



FINAL "AS-BUILT" SURVEY

JOB NO.:	1708047313	NO.	REVISION	DATE
DATE:	08/24/17			
DRAWN BY:	MN/HM			
APPROVED BY:	AUR			



Aaron M. Reynolds
AARON MICAH REYNOLDS, R.P.L.S.
 Registered Professional Land Surveyor
 Registration No. 6644

AMERISURVEYORS LLC
 1100 NW Loop 410, Suite 846 San Antonio, Texas 78213
 Phone: (210) 872-1995 Fax: (210) 872-1943

Submittal Requirements for Variance Application

1. The shed was built 6.5 ft from the property line which is a greater distance than any of the other sheds adjacent to their property line. We thought we were in the correct distance of 5 ft from the property line based on the property drawing and lot details. It will now be very costly to move the shed the additional 3.5 feet to meet the 10 ft set back rule from the property line.
2. We made sure the shed was built up off the ground to accommodate for drainage and the drainage easement by the property fence. The condition and characteristics of the shed is similar to what our neighbors have and this is a single shed on our small lot, while other neighbors have multiple structures adjacent to the property line and do not adhere to the Cities set back rule at all.
3. The shed is over 8ft from the house to allow for spacing between the 2 buildings to meet those city requirements of 5ft between structures.
4. The sole purpose of the variance is to not incur additional cost to move the shed an additional 3.5 ft. The back yard would not allow for a large machine to get into that area to move the shed. This shed is for personal use to hold our garden tools and ride on mower and no financial gain.
5. The variance will not adversely affect any of our neighbors, public health or safety or permanently interfere with the appropriate use of adjacent conforming property in the same district.
6. The shed will not alter the essential characteristics of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

Signed Property owner

Donna J Sauve

A handwritten signature in cursive script that reads "Donna J Sauve". The signature is written in black ink and is positioned below the printed name.

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 DONNA & ANDREW SALVE ADDRESS 824 ROSS CIRCLE
 DAY-TIME TELEPHONE 978-870-9427 Lockhart
 E-MAIL DISSALVE@MSN.COM

OWNER NAME DONNA SALVE ADDRESS SAME AS ABOVE
 DAY-TIME TELEPHONE 978-870-9427
 E-MAIL DISSALVE@MSN.COM

PROPERTY

ADDRESS OR GENERAL LOCATION Back yard of 824 Ross Circle
 LEGAL DESCRIPTION (IF PLATTED) Lot 17 Block 4, Rolling Green Estates
 SIZE 0.22 ACRE(S) ZONING CLASSIFICATION Residential - RMD
 EXISTING USE OF LAND AND/OR BUILDING(S) Residential

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix I OF THE ZONING ORDINANCE
 CURRENT ORDINANCE REQUIREMENT(S) 10' set back from ^{rear} property line for shed

REQUESTED VARIANCE(S) to allow the shed to encroach 3.5' into the 10' set back line, and resulting in a reduced rear setback of 6 1/2 feet from the rear property line.

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 \$ 282.19 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

Donna J. Sauve

DATE

11/2/2023

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER R01257190

DATE SUBMITTED 11/3/23

CASE NUMBER ZV - 23 - 05

DATE NOTICES MAILED 11/17/2023

DATE NOTICE PUBLISHED 11-23-2023

BOARD OF ADJUSTMENT MEETING DATE 12/14/23

DECISION _____

CONDITIONS _____
