

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
MARCH 7, 2016**

MINUTES

Members Present: Mike Annas, Anne Clark, Wayne Reeder, Lori Rangel, Severo Castillo, Nic Irwin, Laura Cline

Members Absent: None

Staff Present: Dan Gibson, Laura Rouse-DeVore, and Christine Banda

Others Present: Gary Duran

1. Call meeting to order: Chair Cline called the meeting to order at 6:30p.m.
2. Introduction of Nic Irwin, newly appointed Alternate member.
3. Elect Chair and Vice-Chair for 2016.

Member Annas nominated Laura Cline for Chair and Anne Clark as Vice-Chair. Member Reeder seconded, and the motion passed unanimously with a vote of 7-0.

4. Citizen comments not related to a public hearing item. None
5. Consider the minutes of the October 5, 2015 meeting.

Member Clark made a motion to approve the October 5, 2015 minutes. Member Castillo seconded, and the motion passed unanimously with a vote of 7-0.

6. FV-16-01. Consider a request by Gary Duran for a Variance to the Lockhart Code of Ordinances, Chapter 12 "Buildings and building Regulations", Article VIII "Fences", Section 12-486 "Materials" and Section 12-490 "Residential Districts", to allow a barbed-wire fence in the front yard setback on property zoned RMD Residential Medium Density District, and consisting of 15.2 acres in the Byrd Lockhart League, Abstract-17, located at 1205 Lovers Lane.

Mr. Gibson explained that the subject property was originally zoned A-O Agricultural-Open Space District and the applicant applied for a rezoning to RMD Residential Medium Density District to allow a manufactured home on the property. He said that the applicant did get approval for both the rezoning and a specific use permit from the Planning and Zoning Commission and that the City Council approved the rezoning. He mentioned that the surrounding area remained zoned A-O.

Mr. Gibson noted that the closest residential area is west of Monument Street, which is over a ¼ mile away, and that heavy vegetation limits the visibility of the subject property. He indicated that the barbed-wire fencing material would not necessarily be out of character with the area because of the rural setting of the property. He explained that, in this case, the need for a variance was necessitated by the rezoning of the property to RMD to accommodate the manufactured home.

He indicated that the fence, as it was currently erected on the property, would require the approval of two variances. He explained that the applicant would need a variance to allow the barbed wire fencing material in the residential district and would also need a variance because the current fence exceeds the maximum 4-foot height requirement for the front yard. Mr. Gibson noted that the applicant would have been notified of the fencing requirements for the RMD District prior to the fence's installation if he had applied for a fence permit, as required by the City's ordinances.

Discussion ensued regarding how approval or denial of the variances individually would impact the existing fence.

Mr. Gibson said that staff recommends approval if all criteria for a variance were met. He indicated that he thought that meeting all of the criteria for the variance would be a pretty high hurdle for the applicant to meet. He said that the applicant was present to provide testimony to attempt to meet the criteria for the variance.

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

Gary Duran indicated that he was present to request approval from the Board for his variance request. He said that he was not aware that the construction of a fence required a permit, nor did he know that barbed-wire was not permitted in residential areas. He said that he views his property as rural or agricultural property because his front yard is used for hay. He showed where barbed-wire continues to the west and east side of his property. He explained that his reasoning for using barbed wire fencing material was to help with people dumping trash out on Lovers Lane. He indicated that there had been a big problem with illegal dumping on Lovers Lane. Mr. Duran also explained that the new fence was a replacement for a barbed wire fence that had previously been on the property before the rezone request, when the property was still zoned A-O.

Mr. Gibson said that staff was not aware that he rebuilt an existing barbed-wire fence.

Chair Cline asked how long ago he rebuilt the fence.

Mr. Duran said that he had replaced the fence in 2012. He also mentioned that he did not want to rezone the property but had to because he had already purchased the manufactured home and that staff indicated that manufactured homes were not permitted on properties zoned A-O. He said that the rezoning to RMD and getting a specific use permit were his only options to be able to have his home on his property.

Member Clark indicated a desire to abstain from the discussion and vote, stating that she felt that "good fences make good neighbors".

Chair Cline closed the public hearing and moved to board discussion.

After a lengthy discussion regarding the options for the applicant, the board took a small break at 7:19 p.m. and returned for their motion at 7:20 p.m.

Member Rangel made a motion to approve FV-16-01 and Member Irwin seconded the motion. The vote was 3-3 with Members Cline, Castillo and Annas dissenting, resulting in the variance not being approved because a minimum of six votes in favor are required. Member Clark abstained from voting.

7. Discuss date and agenda of next meeting.

Mr. Gibson said that no applications have been received as of today's date. He went on to introduce the new Assistant City Planner, Laura Rouse-DeVore.

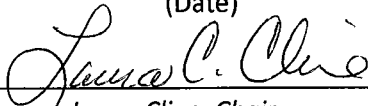
8. Adjourn.

Member Castillo made a motion to adjourn the meeting, and Member Rangel seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 7:27 p.m.



Christine Banda, Recording Secretary

Approved: 4/11/16

(Date)


Laura Cline, Chair