

**CITY OF LOCKHART  
ZONING BOARD OF ADJUSTMENT  
MAY 2, 2016**

**MINUTES**

**Members Present:** Mike Annas, Anne Clark, Wayne Reeder, Stephanie Juarez-Ramirez, Severo Castillo, Nic Irwin, Laura Cline, Kirk Smith

**Members Absent:** Lori Rangel

**Staff Present:** Dan Gibson, Christine Banda, Laura DeVore

**Others Present:** Chuck Nash, Sallie Satagaj

1. Call meeting to order: Chair Cline called the meeting to order at 6:30p.m.
2. Citizen comments not related to a public hearing item. None
3. Consider the minutes of the April 11, 2016 meeting.

*Member Clark moved to approve the April 11, 2016 minutes. Member Annas seconded, and the motion passed by a vote of 7-0.*

4. SE-16-01. A request by Edward Lopes, on behalf of Joe Guerrero, for a Special Exception as provided in Section 64-130(c)(2), Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a manufactured home as a resumption of a nonconforming use that has been discontinued for a consecutive period exceeding six months on Lots 2 and 3, Block B, Oakview Addition, zoned RMD Residential Medium Density District and located at 902 Chihuahua Street.

Laura DeVore presented the case to the board. She noted that the property had been vacant for over two years and extended family members of the owner would like to renovate and occupy the manufactured home to continue the residential use of the property. She said that the manufactured home had been vacant for over six months and because the length of the vacancy exceeded the six month threshold, the manufactured home was no longer grandfathered as a legal-non-conforming use. Ms. DeVore stated the structure could not be used without the approval of the special exception. She said that, if the special exception were to be denied, the only other options available to the applicants would be removal of the existing home and replacing it with a traditional, site-built home, or replacing the existing manufactured home with a newer model as a one-time replacement.

Ms. DeVore presented photos of neighboring properties, which were predominantly residential, including a few manufactured homes of varying ages. She stated that the existing manufactured home fits into the character of the neighborhood. She said that out of all the notices mailed, only one phone call came in that had a few questions, but expressed no opposition to the request.

Ms. DeVore said that staff recommends approval, if there is no public opposition.

Chair Cline opened up for any speakers in favor of the special exception.

Edward Lopez III said that his brother-in-law Joe Guerrero owns the property. Mr. Lopez said that Mr. Guerrero gave the home to him and his wife because they needed a place to live and save money. He said that his brother-in-law had left him in charge to oversee this public hearing and to have the renovations done to the home. He noted that he had plans to obtain permits to replace the roof and siding. Mr. Lopez explained that he has helped Mr. Guerrero remodel the interior not too long ago. He said that he had just obtained an electrical permit to bring the electrical up to code. He stated that the yard would be cleaned up and that old vehicles would be removed from the rear yard. Mr. Lopez said that he, eventually, would like to put up a new fence in the rear yard for his grandchildren. He said that the house would be a blessing for him and his wife so that they can get on their feet.

George Escobedo of 907 Luann Lane, Lockhart, Texas, said that he had lived in the neighborhood for over 42 years and that the subject location had been a health hazard in the past. He noted that he had made numerous complaints about vehicles parked in the right-of-way obstructing the intersection at First Street and Chihuahua Street in the past, when the property was under previous ownership. He said that his main concern is keeping the neighborhood clean and safe. Mr. Escobedo said that the way the property looks now brings down neighboring property values. He stated he could not believe they were able to place the manufactured home on the property because it did not look like it complied with city standards.

Ms. DeVore said that the home had been there since 1980 and at the time there was little enforcement of city regulations for manufactured homes or building yard setbacks at that time.

Chair Cline closed the public hearing seeing no other speakers.

The members discussed Mr. Escobedo's concerns and Mr. Lopez's request to have a place to live with his wife and noted that he had been renovating the home. The members noted that many of the concerns involved code enforcement and that the City would enforce any future code enforcement issues.

*Member Annas moved to approve SE-16-01. Member Castillo seconded, and the motion passed with a vote of 7-0.*

5. SV-16-01. A request by Chuck Nash Auto Group, on behalf of Abigail Michelson, Etal, and Michelson Investments, LLC, for a Variance to Section 46-10(i)(2) of Chapter 46 "Signs", Lockhart Code of Ordinances, to allow an increase in the maximum height of a flagpole from 30 feet to 50 feet for a used car dealer on Block 26, Original Town of Lockhart, zoned CMB Commercial Medium Business District and located at 215 North Colorado Street (HWY 183).

Laura Devore presented the staff report to the members. She said that the applicant applied for a variance to allow a 50-foot flagpole in the CMB Commercial Medium Business District. She noted that a 30-foot flagpole is the maximum height allowed in the current zoning district of CMB in the sign ordinance. She said that the applicant provided no evidence to staff to prove that the 30-foot flagpole could not be seen from the North Colorado Street overpass. She stated that the applicant's existing permanent signage is visible from all directions and is no taller than 20 feet. She said that there is nothing unique about the property in terms of physical characteristics and that it sits several feet higher than Colorado Street (Hwy 183). She does not believe granting the variance would have any negative impact on the surrounding properties. She mentioned that two letters of support were received.

Ms. DeVore recommended approval only if the Board determined that all six criteria have been met for granting the variance.

Chair Cline asked for those in favor of the variance to come forward.

Chuck Nash, the owner of Nash Auto Group, presented another letter of support from Livengood Feeds to the members. He said that he was excited to hear that the Ford Dealership received approval of a 50-foot

sign. He said that he has flagpoles in Seguin and San Marcos. He said the American Flag would enhance the town and community. He noted that he would not place a Chuck Nash flag or any additional flags on the pole. He said that the flagpole and the American Flag would be illuminated at night. He mentioned that the 50-foot flagpole would enable customers to locate his business and that there were currently many customers who are unable to find their location.

Sallie Ann Satagaj of 715 Grapevine Trail in Lockhart, Texas came forward to voice her opposition. She said that she has been a resident of Lockhart, Texas for 35 years and is upset about the proposed variance. She explained that she is a veteran's daughter and is offended that Chuck Nash would use a flagpole and an American Flag for commercial purposes to bring more customers to the business. She said that his use of the American flag is not for patriotism. She mentioned that she was upset about businesses in the past cutting down beautiful oak trees and putting up large signage along Colorado Street (Hwy 183) which is now why the city has a tree ordinance and sign ordinance in place. She expressed concerns about the precedent that might be set if the board allowed this owner to put up a 50-foot sign. She expressed concerns that other businesses may choose to follow suit. She noted that there were many other businesses moving into Lockhart that have complied with the local sign ordinance and she gave the examples of HEB and Walmart.

Chair Cline closed the hearing and moved to board discussion.

Member Annas asked staff the size of the new Ford dealership sign.

Mr. Gibson said that they were putting up a 30-foot sign and not a 50-foot sign as Mr. Nash expressed.

There were concerns about the precedent this would set and whether a 30-foot flagpole was sufficient.

*Member Annas moved to deny SV-16-01. Member Reeder seconded, and the motion passed by a vote of 6-0 with Kirk Smith abstaining.*

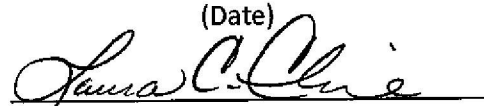
6. Discuss date and agenda of next meeting.

Laura said that no new applications have been received as of today's date, but noted that the filing deadline has not yet passed.

7. Adjourn.

*Member Clark moved to adjourn the meeting, and Member Reeder seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 7:20 p.m.*

  
Christine Banda, Recording Secretary

Approved: 6-6-2016  
(Date)  
  
Laura Cline, Chair