

**CITY OF LOCKHART  
ZONING BOARD OF ADJUSTMENT  
JULY 11, 2016**

**MINUTES**

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

**Members Absent:** None

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

**Others Present:** Jim Smith, Thom Earnest

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 June 6, 2016 meeting.

*Member Clark moved to approve the June 6, 2016 minutes. Member Annas seconded, and the motion passed by a vote of 7-0.*

4. ZV-16-02. A request by Ferris Joseph 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 18 spaces to eight regular spaces and one handicapped space on Lot 1, Revised Bufkin Commercial Addition, zoned CHB Commercial Heavy Business District and located at 113 Bufkin Lane. [Tabled June 6, 2016]

Ms. Laura DeVore presented the staff report to the members.

Ms. DeVore said that the applicant, Mr. Ferris Joseph, would like to relocate his produce business to his vacant property on Bufkin Lane. She said that Mr. Joseph had hired Thom Earnest as the architect to produce a site plan for the proposed project. Ms. DeVore stated that the site is surrounded by commercial businesses with a church to the west of the subject property and an apartment community to the north of property. She noted that the variance had been tabled at the previous month's meeting to today because it was discussed that there were other issues with the site plan that needed to be addressed before the Board could move forward in considering the variance request. Ms. DeVore said that the applicant did not revise the site plan and that staff still believes that the applicant could make changes that would allow the required parking spaces. She outlined that the building could be re-oriented to move the parking area to behind the building, that the building could be pushed back to allow the additional parking spaces in the front, or that the landscape area in the rear of the building could be used to provide additional parking on site. She said that staff did not believe that the applicant had demonstrated that a hardship existed because a number of other options existed to provide the parking spaces on site.

Ms. DeVore said that since no updates had been provided since the last meeting, staff still recommended denial of the variance request.

Member Clark moved to approve ZV-16-02. Member Annas seconded, and the motion passed with a vote of 7-0.

5. ZV-16-03. A request by Ferris Joseph for a Variance to Section 64-203(5), Chapter 64 "Nonresidential appearance standards", Lockhart Code of Ordinances, to waive the requirement to screen loading docks for a new commercial building on Lot 1, Revised Bufkin Commercial Addition, zoned CHB Commercial Heavy Business District and located at 113 Bufkin Lane.

Ms. DeVore said that the applicant submitted a preliminary site plan which indicated a loading dock and parking area oriented in the front of the building facing Bufkin Lane. She said that following the last meeting, the applicant had requested a second variance for relief from the screening requirement for the loading dock. She noted that board members had suggested that the applicant meet with city staff to discuss a new site design or other options to minimize the variance requests. Ms. DeVore said that the applicant did not meet with city staff, nor did they submit any updates to the site design. She said that granting relief from the screening requirement for the loading dock could lead to increased safety concerns for the site and that it could lower the surrounding property values. Ms. DeVore said that the applicant submitted commercial and industrial site photos of grandfathered properties completed before the ordinance was adopted to attempt to justify the variance. She also noted that the applicant had submitted ordinances from two surrounding municipalities, which have different requirements than the City of Lockhart. She said that it was unclear what hardship existed on this particular site to justify the variance. Ms. DeVore added that staff is concerned about the precedent this would set to the non-residential appearance standards for Lockhart. She noted that the standards were critical to protecting and advancing the aesthetics and property values of the community and that a variance had never been granted. She said that it is staff's belief that since the site was a vacant lot, a site plan should be able to be developed which more closely meets the city's requirements, but that the applicant has been resistant to make any changes to the site plan. She said that staff recommends denial of the variance.

Chair Cline opened the public hearing.

Jim Smith, of 219 Bufkin Lane, came forward noting that he may be the contractor for Mr. Joseph's building. He said from a builder's standpoint it doesn't matter where the loading docks are either in the front or the rear of the building. He discussed the specific buildings on Bufkin Lane that had been built before the ordinance took effect. He said he agreed with the proposed building for Mr. Joseph and that he felt that it would fit in the neighborhood just fine with the existing buildings already along the same street.

Thom Earnest, of 324 Main Street in Dale Texas, said that the site plan submitted to the board for consideration should meet all the requirements to run the produce business from the subject property and that the granting of the variance request should be justified. He said that the owner does agree with city staff that the lot is long and contains public utility easements along the rear and side of the property which created a hardship for the orientation of the building. He said that the current design addresses that issue and the non-residential appearance standards creates a hardship for loading docks. He said that the maneuvering of vehicles on the property makes it extremely difficult to comply with the screening standard. He said that the city suggested reorienting the building to help with the screening requirement but if that is done it would create more hardship than it solves. He said reorienting the building would create more impervious cover in the rear of the property, impact the ponding system, and would require more masonry on the front elevation of the building to comply with the non-residential appearance standards. He expressed that no other building is oriented with the building placed at the front building setback line with parking in the rear along Bufkin Lane. He said that although they brought examples of already grandfathered buildings they are exactly similar to what Mr. Joseph is proposing for his building. He added that he does not believe they would offend any other businesses. He stated that he disagrees with the city's statement that the building would have an unsafe effect on the surrounding properties. Mr. Earnest noted that the police would be able to see front-facing doors to the street a lot better than rear facing doors. He asked why the standard discriminates solely on a loading dock door. He said that the

loading dock they propose will have canopy cover which will provide more shade and help with the items being able to be viewed from the street. He added that the other municipalities' ordinances that were submitted with the variance application offer flexibility based upon the category of street that the loading dock faces. He noted that the City of Lockhart's ordinance is not structured that way. Mr. Earnest said that he hopes that the Board will use its ability to make adjustments to the current standards until the City Council changes the ordinance.

Chair Cline asked for clarification from Mr. Earnest in regards to the other cities ordinances regarding screening and why he was suggesting they had better options for businesses. Chair Cline asked if there was no possible way to reorient the building.

Mr. Earnest replied that Mr. Joseph had been playing with the design for more than ten years and this was his most efficient arrangement.

Member Clark asked Mr. Earnest why Mr. Joseph hired him to be the architect of the project if the site can only be designed this way.

Mr. Earnest said that Mr. Joseph needed someone licensed to sign off on his design.

Chair Cline asked if there was any way to make a different site design.

Mr. Earnest said that he had been looking into adding a fence within the property to maybe work as the screening, but noted that it would not be a permanent structure like the ordinance requires. He said that the option is still up in the air because he is not sure it would work.

Member Clark asked if he or the applicant had met with city staff since the last meeting to help come up with a better design to comply.

Mr. Earnest said that he had just briefly met with city staff, but not to discuss any changes to the site design. He said that he knows that money cannot be a hardship, but in the end, it all comes down to money. He said that Mr. Joseph has his own design for his business.

Chair Cline closed the public hearing and asked for board discussion.

Ms. DeVore re-read the City of Lockhart's non-residential appearance standards to the members.

There was discussion about appearances of new construction versus old construction and the application of the non-residential appearance standards.

Chair Cline asked about staff's concern with safety issue.

Ms. DeVore said that safety is always a concern and that this is a structure that could change uses in the future, so that was an additional concern because the products being warehoused may not always be produce. She noted an additional concern is that the truck traffic in front of the building could be a hazard for employees or pedestrians.

Chair Cline asked if there was no loading dock in the design and if the doors were built level, would this still be an issue.

Ms. DeVore said that the code does not specify and that it only states "truck loading/unloading docks" should be screened.

Mr. Gibson added there are no requirements for overhead doors or car repair shops.

Member Clark said that she had hoped that the applicant and staff would have come up with a compromise on the site design, but obviously that had not happened.

Discussion ensued and staff clarified for the Board that this was the first variance request being considered from the non-residential appearance standards since the ordinance was adopted and that precedent is an important consideration of this request.

Chair Cline asked Mr. Smith if he could clarify some construction issues for the members.

Mr. Smith asked if the garage doors would have to be screened if it was built to the floor for loading.

The Board agreed that it would require screening.

Mr. Smith said that Fashion Mirror and Glass Company load and unload in exactly the same way and that their doors are not screened.

Mr. Gibson said that Fashion Mirror and Glass has an entrance for vehicles to go inside and that the loading and unloading were to be taking place inside.

Mr. Smith said that none of the loading and unloading is done inside at Fashion Mirror and Glass and that it all takes place outside with no screening. He said that he just wanted to inform the members and city staff of the violation.

Mr. Gibson said that when the plans for Fashion Mirror and Glass were approved all loading and unloading was to take place inside.

Chair Cline said obviously the applicant, Fashion Mirror and Glass, was not forthcoming with city staff.


*Member Clark moved to approve ZV-16-03. Member Rangel seconded, and the motion failed by a vote of 4-3 with Members Cline, Irwin, and Castillo against.*

6. Discuss date and agenda of next meeting.

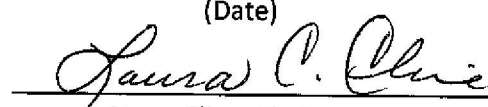
Ms. DeVore informed the members that their next meeting will be August 1, 2016.

7. Adjourn.

*Member Clark moved to adjourn the meeting, and Member Cline seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 7:23 p.m.*

  
Christine Banda, Recording Secretary

Approved:

8/1/16  
(Date)  
  
Laura Cline, Chair