

## **PUBLIC NOTICE**

**City of Lockhart  
Zoning Board of Adjustment  
6:30 PM, Monday, February 3, 2020  
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 December 2, 2019 meeting.
4. **ZV-20-01.** Hold a PUBLIC HEARING and consider a request by Paul Thomas Barr and Arthur Palacios, on behalf of the Estate of T. C. Holland, for a Variance to Appendices I and II of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum off-street parking requirement from 12 regular spaces and one handicap space to seven regular spaces and one handicap space, and for a Variance to Section 64-197(g)(1)(b) of the Zoning Ordinance to allow two existing regular spaces to back into the street, on part of Lot 4, Block 3, Original Town of Lockhart, consisting of 0.154 acre zoned CMB (Commercial Medium Business District) and located at 400 South Main Street.
5. Discuss the date and agenda of the next meeting.
6. Adjourn.

**Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 2:45 p.m. on the 28<sup>th</sup> day of January, 2020.**

**CITY OF LOCKHART  
ZONING BOARD OF ADJUSTMENT  
DECEMBER 2, 2019**

**MINUTES**

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

**Members Absent:** None

**Staff Present:** Christine Banda, Kevin Waller, Dan Gibson

**Others Present:** Farouq Rajabali (Applicant, Agenda Item 4)

1. Call meeting to order. Chair Cline called the meeting to order at 6:31 p.m.
2. Citizen comments not related to a public hearing item. None
3. Consider the minutes of the October 7, 2019 meeting.

*Member Clark moved to approve the October 7, 2019 minutes. Member Annas seconded, and the motion passed by a vote of 7-0.*

4. ZV-19-03. Hold a PUBLIC HEARING and consider a request by FYZAAR, Inc., on behalf of Farouq Rajabali, for a Variance to Appendix II of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required front-yard building setback from 25 feet to zero feet, for a previous canopy to be replaced that collapsed in a storm, on Part of Lots 1 and 2, Block 16, Original Town of Lockhart, consisting of 0.213 acre, zoned CMB (Commercial Medium Business District) and located at 112 South Colorado Street (U.S. 183).

Planning Staff Kevin Waller presented the case to the Board. He explained that back in June there was a storm with high winds that destroyed the Exxon Convenience Store's canopy. The owner would like to replace the canopy in its original location within the minimum required 25-foot front yard building setback, which requires the variance application. Mr. Waller continued with the case maps and photos of the subject property. He stated that Staff recommends approval of the Variance request.

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

Applicant Farouq Rajabali stated that he is the owner of the property and would like permission to replace the canopy in its original location. He stated that a canopy protects his customers from rainfall, and that business has decreased 50 percent since the loss of the previous canopy.

Chair Cline, seeing no other speakers, closed the public hearing.

Discussion ensued amongst the Board.

*Member Clark moved to approve ZV-19-03. Member Juarez seconded, and the motion passed by a vote of 7-0.*

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

Mr. Waller indicated that the next regularly scheduled meeting will be held January 6, 2020, if applications are received by the deadline.

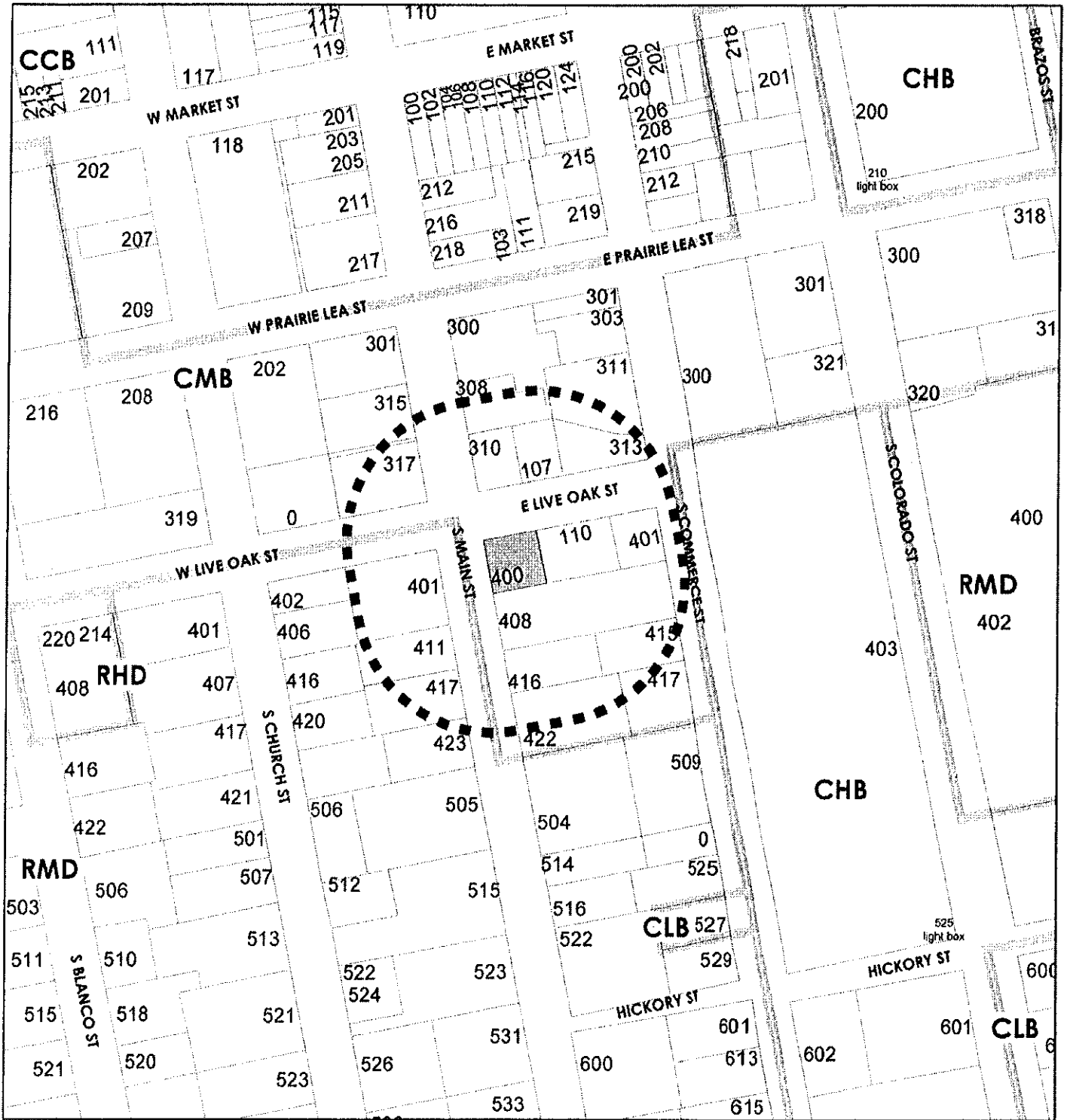
6. Adjourn.

*Member Rangel moved to adjourn the meeting, and Member Clark seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 6:46 p.m.*

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
*Christine Banda, Recording Secretary*

\_\_\_\_\_  
*Laura Cline, Chair*



# ZV-20-01

400 SOUTH MAIN STREET

REDUCTION IN THE MINIMUM  
OFF-STREET PARKING REQUIRED  
FROM 12 TO 7 PARKING SPACES  
WITH ONE HANDICAP SPACE AND  
TO ALLOW TWO SPACES TO BACK  
INTO THE STREET



scale 1" = 200'



Subject Property



Zoning Boundary

# PLANNING DEPARTMENT REPORT

# ZONING VARIANCE

## CASE SUMMARY

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STAFF CONTACT: Kevin Waller, Assistant City Planner

KW

CASE NUMBER: ZV-20-01

REPORT DATE: January 27, 2020

PUBLIC HEARING DATE: February 3, 2020

APPLICANT'S REQUEST: For two Zoning Variances, one to allow a reduction in the minimum number of required off-street parking spaces from 12 to seven, plus one handicapped space, and the other Variance to allow two existing regular spaces to back into the street.

STAFF RECOMMENDATION: *Approval*

## BACKGROUND DATA

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APPLICANTS: Paul Barr and Arthur Palacios

OWNER: T. C. Holland Estate

SITE LOCATION: 400 S. Main St.

LEGAL DESCRIPTION: Part of Lot 4, Block 3, Original Town of Lockhart

SIZE OF PROPERTY: 0.154 acre

EXISTING USE OF PROPERTY: Vacant commercial building

ZONING CLASSIFICATION: CMB (Commercial Medium Business District)

## ANALYSIS OF ISSUES

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REASON FOR REQUESTED VARIANCES: The property currently consists of a vacant commercial building, which the applicant plans to remodel into a mixed-use building containing both residential and commercial uses, as shown on the enclosed floor plan. A mixed-use building requires a Specific Use Permit in the CMB Zoning District, according to Section 64-196(i)(2)(a) of the Zoning Ordinance, for which an application has been submitted for the February 12, 2020 Planning and Zoning Commission meeting. According to Appendix II of the Zoning Ordinance, the off-street parking standard in the CMB District is one space per 300 square feet of building floor area, plus one per employee in the maximum shift. For the residential component of the proposal, Appendix I establishes that the off-street parking standard is two spaces per dwelling unit containing three bedrooms or less. The required total number of parking spaces for the two residential units is four spaces, and the required spaces for the two commercial office units are eight spaces based on the proposed square footage and number of employees per unit, for a grand total of 12 spaces and one handicapped space. The proposed reduction to seven spaces and one handicapped space is requested, due to the size of the property and existing building that would allow insufficient room for the 13 total parking spaces required by the Ordinance and ADA. The enclosed site plan shows an efficient layout of seven parking spaces, plus one handicapped space. Due to the location of the two existing spaces in the northeast corner of the site plan identified as Spaces "1" and "2", backing into the street will be necessary for those spaces. The applicant therefore also requests a Variance to allow vehicles using these two spaces to back into the street. Section 64-197(g)(1)(b) of the Zoning Ordinance requires adequate provision for unobstructed ingress and egress to all parking spaces, without backing into public right-of-way.

**AREA CHARACTERISTICS:** The immediate area contains a mixture of residential and commercial uses. A vacant, multiple-unit commercial building is located north of the subject property, across East Live Oak Street. Eeds Funeral Home is located on the adjacent property to the south. To the west and across South Main Street from the subject property are single-family residences in an area zoned Residential Medium Density (RMD), and the adjacent property to the east also contains a single-family residence. Properties that don't appear to have adequate off-street parking include the vacant commercial building mentioned above at 310 South Main Street, the Lockhart Smile Center Dentist's office at 308 South Main Street, and Community Development Management Company at 317 South Main Street.

**UNIQUE CONDITIONS OF PROPERTY:** The configuration of the subject property has existed in its current state for many years, predating the zoning ordinance. Regardless of the use, compliance with the off-street parking standard is difficult unless the size of the building is significantly reduced so that the floor area component of the parking calculation would be smaller.

**NATURE OF HARDSHIP:** An exceptional hardship is imposed by the size of the lot in relation to the size of the building thereon. This condition was not caused by an action of the property owner or applicant.

**EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY:** There should be no adverse impacts on the neighborhood as there will not be an overflow of vehicles parking in the street due to the reduction in the number of spaces. As this is a residential and low-intensity commercial area, allowing vehicles in two of the parking spaces along the East Live Oak Street frontage to back into the street will not have adverse impacts on public safety. The seven parking spaces will be adequate for the proposed uses, the small commercial offices of which will have very little customer traffic.

**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. In this case, Staff believes that the circumstances warrant approval. The applicant submitted the attached written explanation as evidence in support of the variance.

**ALTERNATIVE SOLUTIONS:** If the variance is denied, the applicant could construct the seven parking spaces as proposed, and make up the five-space difference (totaling 12 spaces) by attempting to arrange for the joint use of off-site parking in an existing lot that is within 300 feet, as provided in Sections 64-197(g)(1)(c) and 64-197(g)(3). The off-site spaces utilized must be in addition to the minimum number of spaces required for the parking lot owner's purposes, or must be used during off-setting periods where both uses don't need the spaces at the same time. However, the use of parking spaces on another property requires a long-term written agreement to ensure that the spaces will always be available. Properties identified within a 300-foot radius of the subject property that may have five extra spaces to accommodate the proposed uses include the Eeds Funeral Home on the adjacent property to the south, and the Countywide Realty property located at 300 South Commerce Street.

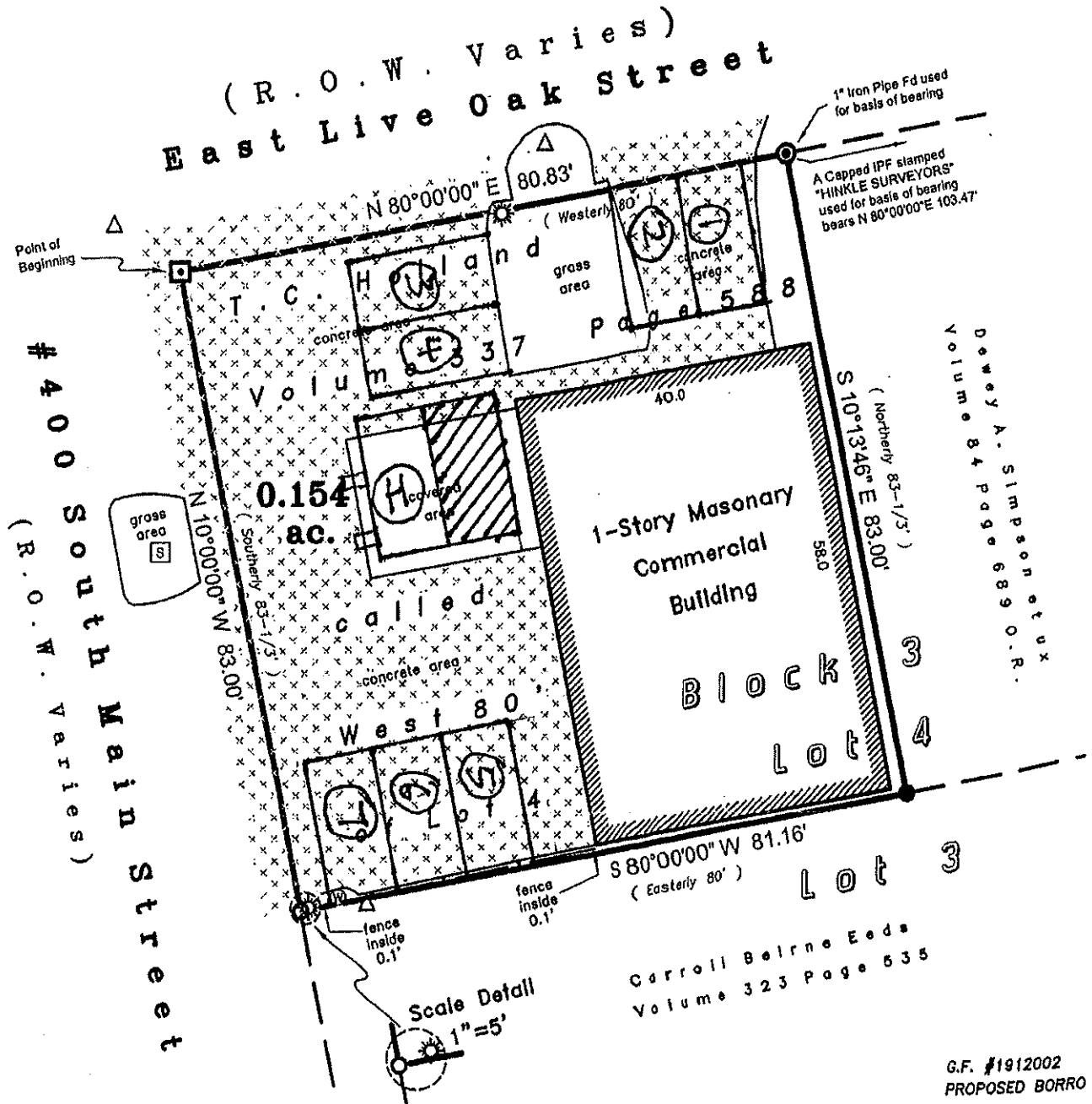
**PRECEDENT:** There will be no future precedent set by granting the variance because of the unique circumstances of the property that create a significant hardship by limiting the future use of the property.

**RESPONSE TO NOTIFICATION:** Public hearing notices were mailed to owners of 19 properties within 200 feet of the subject lot. As of the date of this report, no written or verbal expressions of support or opposition have been received.

↑  
North

Scale: 1" = 20'

# City of Lockhart Caldwell County, Te Original Town of Lockhart Part of Lot 4 ir



General Notes

1) THIS SURVEY IS FOR USE WITH THIS ONE TRANSACTION ONLY.

G.F. #1912002  
PROPOSED BORRO

911 ADDRESS: 401  
Loc

R. CRAIG NASSO  
ARCHITECT

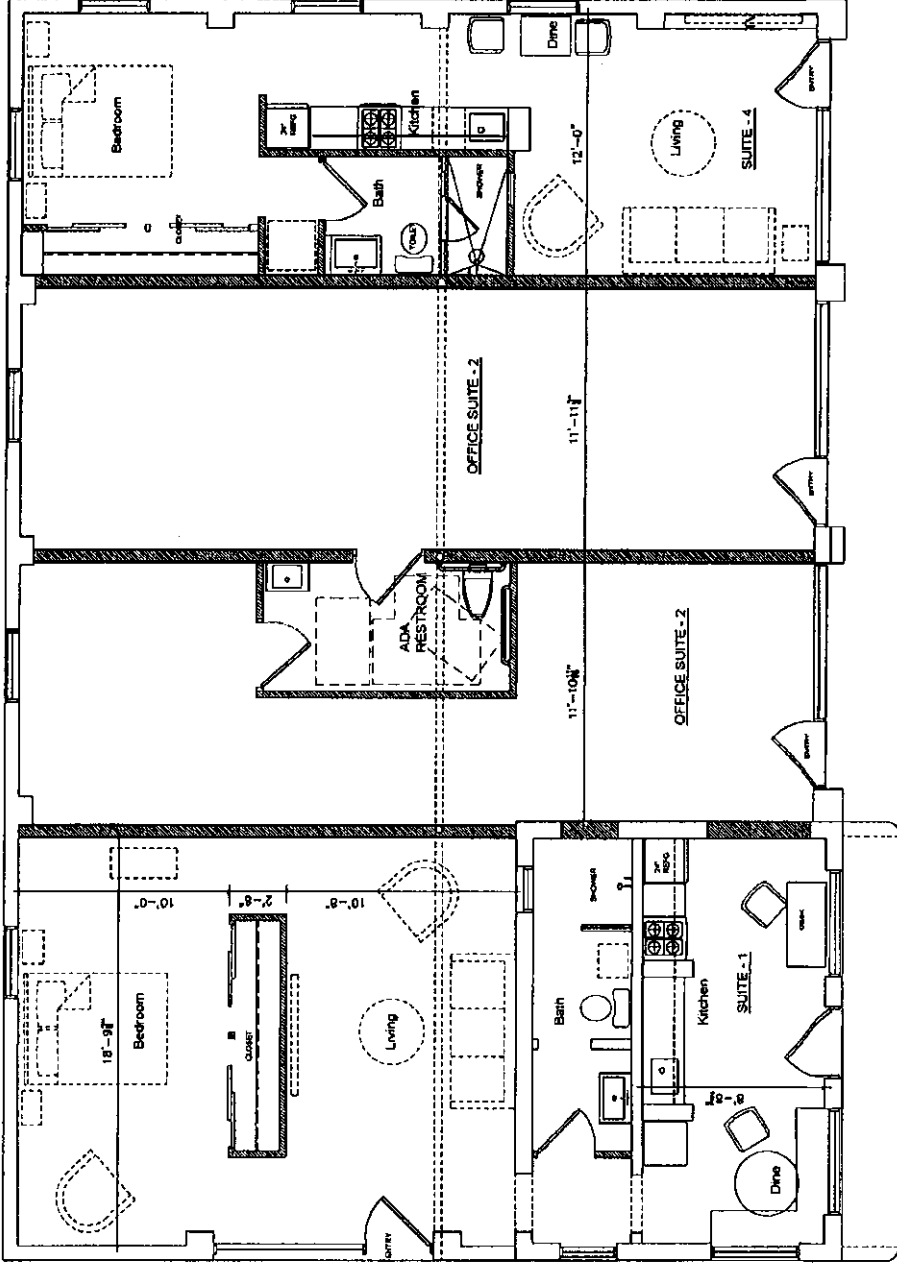
FOR PRELIMINARY  
REVIEW ONLY

DATE: 1.12.20

Drawn by: RCN

FLOOR PLAN

**A2.0**



FLOOR PLAN  
FIRST DRAFT 1.08.20  
SCALE 3/16" = 1'-0"

OUTDOOR  
COVERED  
AREA



Dear Lockhart Zoning Board of Adjustment Members:

Thank you for taking the time to review our variance application. We are requesting a parking variance for the property at 400 S Main St. We think this is an exceptional building. We love the site, the history and the architecture. We want to repurpose this long vacant gas station into something that works for today's Lockhart. Our hope is to retain the building and it's character. We are requesting a variance because there is very little area to park cars on the site with the existing structure. We are proposing a mixed use development, because it has less parking needs than a fully commercial use. Below are our responses to the criteria laid out in the requirements.

1) The tract has a unique physical condition that creates a difficulty which prevents us from a literal enforcement of the ordinance. This unique physical condition is the size of the lot and structure which were developed in 1950 and how that interacts with current zoning and city ordinances.

2) The condition limiting the parking on the site is not caused by an action of the property owners or others. The intent is to repurpose the existing building and not increase the square footage. The parking is limited by the size of the existing tract and structure.

3) The variance we are requesting is the minimum amount necessary to allow a reasonable use of the property. Our proposal is for a Mixed Use Development which has a lower parking requirement than a fully Commercial use. If this building were to be developed as completely Commercial, the parking requirement would be much higher. Our proposed development requires a minimum parking reduction.

4) The sole reason for the variance is not a desire of the owners or others for increased financial gain or reduced financial hardship. We know that there are other uses for the building which could generate significantly more income but believe that our proposal provides an ideal use of this site that is economically sustainable while retaining the makeup and character of the surrounding neighborhood.

5) We have no reason to believe our parking variance will adversely affect public health or safety or will substantially or permanently interfere with the appropriate use of adjacent properties in the district.

6) The parking variance we are requesting will not alter the essential character of the zoning district. The zoning class is CMB, commercial. By having some percentage of the building being office we honor that zoning category and with the two residential units we are in harmony with the adjacent residential neighborhood.



# 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 Paul Barr & Arthur Palace ADDRESS 2109 E Cesar Chavez  
DAY-TIME TELEPHONE 512-496-0687 Austin Tx 78702  
E-MAIL art+palace@me.com  
OWNER NAME <sup>T.Co</sup> Holland c/o Holland Thomas ADDRESS 818 W Live Oak St  
DAY-TIME TELEPHONE 512 791 0163 Lockhart Tx 78644  
E-MAIL chpeck51@austin.rr.com

## PROPERTY

ADDRESS OR GENERAL LOCATION 400 South Main St (Tax ID#: 16233)  
LEGAL DESCRIPTION (IF PLATTED) Mets and Bounds (Attached)  
SIZE 0.154 ACRE(S) ZONING CLASSIFICATION CMB <sup>Original Town of Lockhart,</sup>  
EXISTING USE OF LAND AND/OR BUILDING(S) Vacant Gas Station <sup>Block 3, Part of Lot 4</sup>

## REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix 2, SEC. 64-197 (g)(2)b OF THE ZONING ORDINANCE  
CURRENT ORDINANCE REQUIREMENT(S) 4 parking spaces for 2 dwelling units, 8 parking spaces for 2 offices, plus 1 handicap space. Back into public street prohibited.  
REQUESTED VARIANCE(S) Reduction in offstreet parking from 12 regular spaces & 1 handicap space to 7 regular spaces & 1 handicap space. Allow 2 regular spaces to back into street.

## 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 \$ 125 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

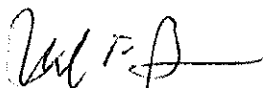
TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE



DATE

1-13-20



**OFFICE USE ONLY**

ACCEPTED BY Dan Gibson

RECEIPT NUMBER 915242

DATE SUBMITTED 1-13-20

CASE NUMBER ZV-20-01

DATE NOTICES MAILED 1-29-2020

DATE NOTICE PUBLISHED 1-23-2020

BOARD OF ADJUSTMENT MEETING DATE 2-3-20

DECISION \_\_\_\_\_

CONDITIONS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**T. C. Holland Estate**  
818 W. Live Oak Street  
Lockhart, TX 78644

January 9, 2020

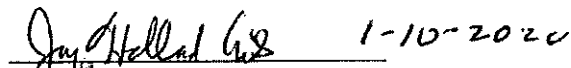
Mr. Dan Gibson  
City of Lockhart, Development Services Dept.  
308 W. San Antonio St.  
Lockhart, TX 78644

RE: 400 S. Main Street, Lockhart, TX 78644

Dear Mr. Gibson,

The subject property is under contract effective 12-3-2019 from the Estate of T. C. Holland to Paul Thomas Barr and Arthur Palacios. Please regard this letter as the permission necessary for the prospective Buyer to apply for both a Zoning Variance Application and a Specific Use Permit Application at their expense. We authorize them to sign each application and to proceed in cooperating with the City of Lockhart to provide information necessary to obtain approval at your earlier possible date. We understand a public hearing may be necessary and authorize the prospective Buyers to represent themselves in the process of purchasing our property.

  
Thomas M. Holland      Date

  
Joy G. Holland Giles      Date

  
Carole Holland Peck      Date

