

PUBLIC NOTICE

City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, April 5, 2021
Municipal Building — Glosserman Room
308 W. San Antonio St.

BOARD MEMBER AUDIO CONFERENCE PARTICIPATION

One or more members of the Lockhart Zoning Board of Adjustment may participate in a meeting remotely. The member of the Board presiding over the meeting will be physically present at the above public location. Audio conference equipment providing two-way audio communication with each member participating remotely will be made available, and each portion of the meeting held by audio conference that is required to be open to the public can be heard by the public at the location specified.

CITIZEN AUDIO CONFERENCE PARTICIPATION

- Call-in number: 1-408-418-9388. Attendee Access Code: 626-304-323#.
- Citizens wishing to listen or participate must call in prior to the start of the meeting, and should identify themselves. Attendees may call in to listen only, if desired.
- Those wishing to speak will be called upon to address the Board.
- Zoning Board of Adjustment agenda packets can be viewed online at www.lockhart-tx.org starting two days prior to the meeting. Navigate from the Departments tab at the top of the page to Development Services – Meeting Minutes/Schedules (on left side) – Agendas & Minutes – Zoning Board of Adjustment Agendas & Minutes – Agenda Packets.

AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the March 1, 2021 meeting.
4. **ZV-21-02.** Hold a PUBLIC HEARING and consider a request by TankTown, LLC, on behalf of Amanda West and Ian Stowe, for a Variance to Chapter 64 “Zoning”, Lockhart Code of Ordinances, Section 64-197(g)(1)(e)(2), to waive the requirement of paving parking spaces with an all-weather surface on 2.756 acres in the Byrd Lockhart Survey, Abstract No. 17, zoned CHB (Commercial Heavy Business District) and located at 805 and 807 Pecos 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 10:45 a.m. on the 29th day of March, 2021.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
MARCH 01, 2021**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Laura Cline, John Juarez, Kirk Smith, Anne Clark (By Phone), Severo Castillo (By Phone)

Member Absent: Lori Rangel

Staff Present: Christine Banda, Kevin Waller

Others Present: David Francis (Applicant, Agenda Item (5))

1. Call meeting to order. Chair Cline called the meeting to order at 6:30 p.m.
2. Election of Officers for 2021.

Member Annas moved to approve Laura Cline for Vice Chair and Anne Clark for Vice-Chair. Member Reeder seconded, and the motion passed by a vote of 6-0.

3. Citizen comments not related to a public hearing item. None
4. Consider the minutes of the October 5, 2020 meeting.

Member Smith moved to approve the October 5, 2020 minutes. Member Annas seconded, and the motion passed by a vote of 6-0.

5. ZV-21-01. Hold a PUBLIC HEARING and consider a request by David Francis for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required rear-yard building setback from 10 feet to 2.5 feet, for a replacement shed on Lot 4 and parts of Lots 2, 3, and 5, Block 3, Polks Subdivision, zoned RMD (Residential Medium Density District) and located at 401 South Guadalupe Street.

Planning Staff Kevin Waller presented the staff report to the Board. He stated that the applicant would like to rebuild and enlarge a storage shed near the rear property line. The existing shed is two and one-half feet from the rear property line and does not meet the minimum rear-yard building setback requirement of 10 feet. Since the shed is to be rebuilt in its entirety, the "grandfathered" rear-yard setback will be lost, and the new shed must comply with the minimum 10-foot rear-yard setback. Mr. Waller gave a PowerPoint presentation which included photos of the property and surrounding properties, as well as a review of the six Variance criteria. He stated that Staff recommends approval if the Board determines that all six variance criteria are met.

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

Applicant David Francis of 401 South Guadalupe Street explained that he would willingly rebuild the shed in a conforming location if he thought there was a better place on the property to do so. Mr. Francis believes the existing location is ideal and is close to another outbuilding on his property with nonconforming setbacks where he would ultimately like to construct a roof extension and also have an open outdoor area for family entertainment. He stated that the shed's existing location offers great shade from a large oak tree.

Chair Cline asked if there were any other speakers.

Rachel Carter of 420 West Live Oak explained that two buildings on the applicant's property also extend onto her property. She stated that the City's building setbacks are in place for a reason. Ms. Carter expressed concerns that if one of the trees on her property, which provides shade for the applicant's storage shed, damages any of his buildings, she would be held liable for damages. Carter explained that if the applicant would agree to construct an 8-foot tall cedar fence along the rear property line and trim the portion of her tree which hangs over his property and waive her liability, she would be in favor of the variance. As proposed, Carter is not in favor of the variance.

Vice-Chair Clark asked how long each property owner has lived at their address.

Ms. Carter replied that she has owned her property for six years.

Mr. Francis stated that he has owned his property for 11 years.

Chair Cline asked if there were any other speakers. Seeing and hearing none, she moved to Board discussion.

The Board discussed Ms. Carter's concerns regarding her overhanging tree and the potential liability issue.

Vice-Chair Clark moved to deny ZV-21-01. Member Castillo 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 would be held Monday, April 5, 2021, if applications are received by the March 15 deadline.

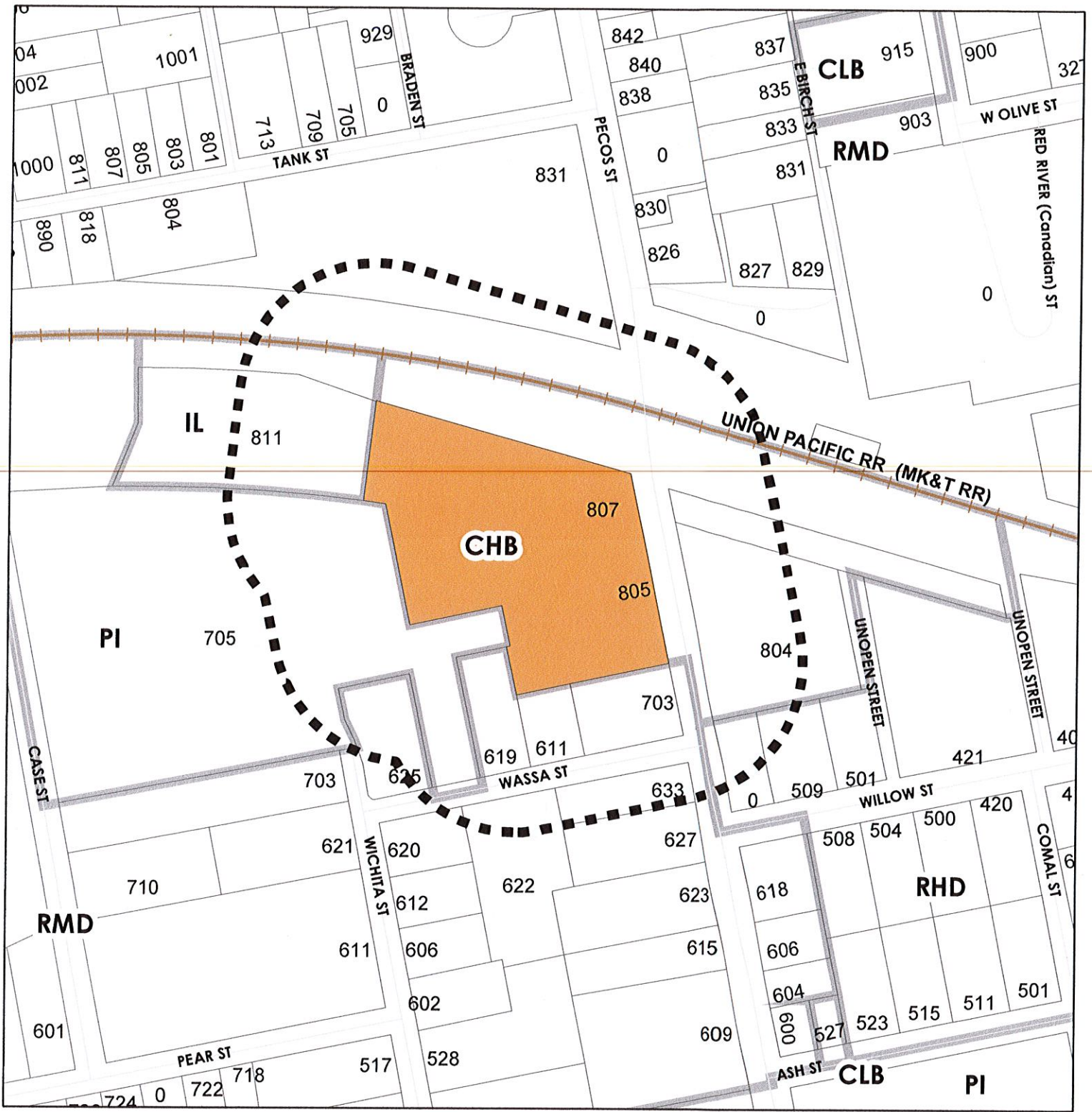
7. Adjourn.

Member Reeder moved to adjourn the meeting, and Member Juarez seconded. The motion passed by a vote of 6-0, and the meeting adjourned at 7:02 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



ZV-21-02

805 & 807 PECOS ST

TO WAIVE THE REQUIREMENT OF
PAVING PARKING SPACES WITH AN
ALL-WEATHER SURFACE



 Subject Property

 Zoning Boundary

scale 1" = 200'

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW* CASE NUMBER: ZV-21-02
REPORT DATE: March 29, 2021
PUBLIC HEARING DATE: April 5, 2021
APPLICANT’S REQUEST: Variance to Section 64-197(g)(1)(e)(2) to waive the paved, all-weather surface requirement for an off-street parking area
STAFF RECOMMENDATION: *Denial, due to failure to meet all six variance criteria.*

BACKGROUND DATA

APPLICANT: Ian Stowe
OWNER: Tank Town, LLC
SITE LOCATION: 805 and 807 Pecos St.
LEGAL DESCRIPTION: Metes and Bounds
SIZE OF PROPERTY: 2.756 acres
EXISTING USE OF PROPERTY: Commercial
ZONING CLASSIFICATION: CHB (Commercial Heavy Business District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to enlarge the warehouse building in the center of the property for a future special events center and utilize the existing gravel driveway to the south of the building for parking at the facility. The submitted site plan shows a total of 31 proposed, graveled parking spaces, in addition to three handicapped spaces at the south end of the proposed special events facility. The site plan also identifies 8 additional parking spaces on an existing asphalt area of the property along Pecos Street, which are currently unstriped. A Special Events Center will require approval of a Specific Use Permit application from the Planning and Zoning Commission, which the applicant intends to seek after the Variance process. The requested Variance and subject of this application is to leave the area to be designated for parking, save for the 8 proposed spaces currently on asphalt, in its existing gravel form and waive the paved, all-weather parking surface requirement set forth in Zoning Ordinance Section 64-197(g)(1)(e)(2).

AREA CHARACTERISTICS: The adjacent properties to the south of the subject property are developed with single-family dwellings. The properties to the east, across Pecos Street, are also owned by the applicant and consist of the former grain silos operated by K-C Grain. To the north of the subject property is the Union Pacific Railroad and associated right-of-way. The three adjacent properties to the west, from north to south, consist of a commercial operation, the Lockhart Public Works Department and facilities, and a single-family dwelling.

UNIQUE CONDITIONS OF PROPERTY: The applicant’s written responses to the Variance review criteria cite the longstanding gravel condition of the proposed parking area and its history of usage by tractor and truck traffic as being a unique condition of the property. The applicant also states that the Public Works Department relies heavily on this part of the subject property for access to its facilities. However, Staff notes that the frequent usage of this area in its gravel state by truck traffic and heavy equipment does not create a condition unique to the property.

NATURE OF HARDSHIP: Although there would be reduced financial hardship associated with not paving the proposed parking area, the request for the variance is not based exclusively upon the applicant's desire to avoid the cost of paving. The applicant states that the primary reasons for the variance are to preserve the property's historical conditions, including that associated with drainage, as well as to maintain the aesthetic nature of the property. Staff notes that the addition of pervious cover, such as parking lot paving, would require engineered stormwater detention, which would be a significant expense.

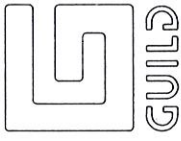
EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The applicant states that the variance will not interfere with surrounding properties, as the current drainage conditions of the site will be preserved. In addition, the applicant states that leaving the proposed parking area in its current form will help maintain a mutual relationship with the Public Works Department. Staff finds that paving the parking lot to City standards would not necessarily impede its use by the Public Works Department. Additionally, it should be noted that a gravel parking lot can adversely impact drainage from the property, as increased traffic circulation and parking on a gravel surface will invariably lead to increased erosion potential that could affect surrounding properties as well as Pecos Street.

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. The applicant submitted the attached written explanation as evidence in support of the variance. Staff believes that the variance request should be denied, as it does not meet all six of the variance review criteria. However, if the variance is approved, Staff recommends that the three handicapped spaces be paved and striped, at a minimum.

ALTERNATIVE SOLUTIONS: An alternative solution includes constructing the parking lot and circulation area in accordance with the paved, all-weather surface standards required by Section 64-197(g)(1)(e)(2). An alternative surface would not be allowed due to the type of commercial use proposed.

PRECEDENT: The applicant cites Smitty's Market as having set a precedent with its gravel parking lot at the corner of South Colorado Street and East Prairie Lea Street. However, Smitty's parking lot was established prior to adoption of the City's current paved parking standards, and has remained in the same use. Staff believes that allowing a gravel parking lot for the proposed use would set a precedent for other businesses whose proposals do not meet all of the variance criteria to request the same. In addition, a disadvantage of a gravel parking lot is that it cannot be striped.

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

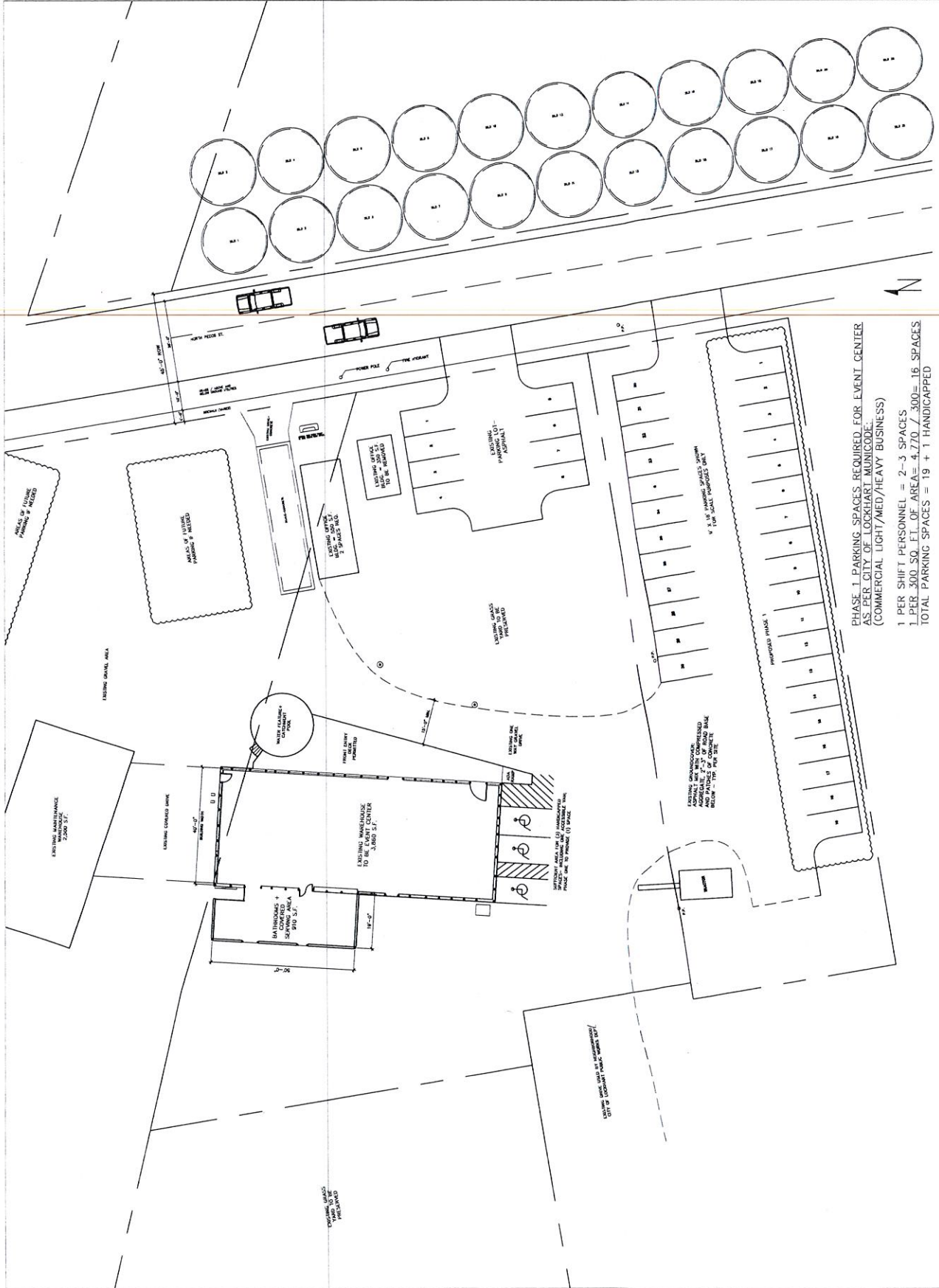


**GREEN GUILD
STUDIO**
428 TRINITY ST.
LOCKHART, TX
78644

**EVENT CENTER
AT
TANK TOWN**
LOCKHART, TX
805 N. PECOS ST.
LOCKHART, TX
78644

**SITE PLAN
A-1.2**

REV. 3.5.21



**PHASE 1 PARKING SPACES REQUIRED FOR EVENT CENTER
AS PER CITY OF LOCKHART, MUNICIPAL CODE
(COMMERCIAL LIGHT/MED/HEAVY BUSINESS)**

- 1 PER SHIFT PERSONNEL = 2-3 SPACES
- 1 PER 300 SQ. FT. OF AREA = 4,270 / 300 = 16 SPACES
- TOTAL PARKING SPACES = 19 + 1 HANDICAPPED

SCALE: 1/32" = 1' - 0"

1. PROPOSED SITE PLAN

Zoning Variance Response

2/10/21

This request for variance complies with the City of Lockhart's (6) criteria items required for approval of a variance.

Criteria 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.

Response: The existing lot and its drive / parking surfaces consist of 75+ years of documented heavy compacted mix of aggregates ranging from 6" to 24" deep. The found aggregates consist of asphalt, concrete, limestone rock, granitic stone, and road base/ cliché. These aggregates have been and are still compacted heavily throughout the history of this property by tractor and truck traffic that currently and previously occupied the site.

Currently the south "gravel" drive is heavily used by the City of Lockhart public works department, further distinguishing our site and its uniqueness to meet the criteria.

Criteria 2: The condition or characteristic noted above is not caused by an action of the property owner, occupant or applicant;

Response: The conditions listed above, existed prior to the purchase of the property by the current owner. The current owner plans to adapt to these historical conditions and keep the visual and textural context of the property in tact.

Criteria 3: The variance is the minimum amount necessary to allow a reasonable use of the property.

Response: Correct, a variance approving the existing parking conditions is the minimum approval necessary to allow a reasonable use of the property.

Criteria 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;

Response: The variance is necessary on the subject property to:

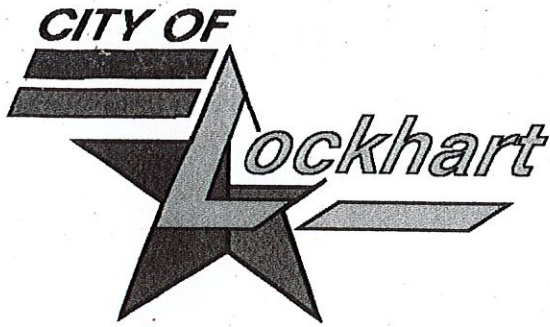
- a. Preserve historical conditions of a historic property in Lockhart.
- b. Preserve the current drive and drainage conditions of the site, its neighbors (City Public Works Dept.) , and Town Branch creek.
- c. Preserve the aesthetic nature of this visually unique space.

Criteria 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;

Response: This variance will not adversely affect public health or safety and will prevent interference with the adjacent properties by continuing to allow for the adjacent properties to drain as they currently do and have for the past 75 years, as well as keep the relationship with the City of Lockhart public works dept. mutual.

Criteria 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.

Response: The variance is needed in order to preserve the essential character of this site and its existing harmony within its context and zoning district.



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 Tank Town LLC

ADDRESS 805 N. Pecos Street

DAY-TIME TELEPHONE _____

Lockhart TX 78644

E-MAIL _____

OWNER NAME Amanda West & Ian Stowe

ADDRESS 428 Trinity Street

DAY-TIME TELEPHONE (512) 914-4790

Lockhart, TX 78644

E-MAIL tanktowntx@gmail.com

PROPERTY

ADDRESS OR GENERAL LOCATION 805⁴⁸⁰⁷ Pecos Street Lockhart TX 78644

LEGAL DESCRIPTION (IF PLATTED) Notes & Bounds Parcel ID # 95597 & 17948

SIZE 2.756 ACRE(S)

ZONING CLASSIFICATION Commercial Heavy Business

EXISTING USE OF LAND AND/OR BUILDING(S) Grain Storage | Offices | Workshop

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) 6A-197(g)(1)(e)(2) PAVING OF PARKING SPACES OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) "Paving of Parking Spaces" w/ an all-weather surface.

REQUESTED VARIANCE(S) We "Tank Town" request that a variance to the ManiCode section 6A-197(g)(1)(e)(2) that requires us to PAVE our required parking spaces. We ask that we may continue to use our existing gravel parking as we have used for many years prior, so that we can preserve the aesthetic, history and drainage consistency of the site.

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; *Yes - 75 yrs compacted road base, asphalt, cement*
2. The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant; *purchased this way existing condition*
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; *to match historical lockhart site example SMITHS*
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 \$ 205.12 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 2-9-21

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 994464

DATE SUBMITTED 3/15/21

CASE NUMBER ZV - 21 - 02

DATE NOTICES MAILED 3-22-2021

DATE NOTICE PUBLISHED 3-25-2021

BOARD OF ADJUSTMENT MEETING DATE 4/5/21

DECISION _____

CONDITIONS _____
