

**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: 4/5/21
(Date)


Christine Banda, Recording Secretary


Laura Cline, Chair