

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
MAY 03, 2021**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Anne Clark, Kirk Smith, Severo Castillo (By Phone), Sean Martinez (By Phone)

Members Absent: Lori Rangel, Laura Cline

Staff Present: Christine Banda, Kevin Waller, Dan Gibson

Others Present: Ian Stowe (applicant, Agenda Item (4)), Arthur Palacios (applicant, Agenda Item (5)), Winn Smith, Robert McGee

1. Call meeting to order. Chair Cline called the meeting to order at 6:30 p.m.
2. Citizen comments not related to a public hearing item. None
3. Consider the minutes of the April 5, 2021 meeting.

Member Annas moved to approve the April 5, 2021 minutes. Member Reeder seconded, and the motion passed by a vote of 6-0.

4. ZV-21-03. Hold a PUBLIC HEARING and consider a request by Ian Stowe for a Variance to Section 64-197(g)(1)(b) of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow vehicles utilizing one regular off-street parking space to back into the street on Part of Lot 1, Block 42, Original Town of Lockhart, consisting of 0.239 acre zoned CMB (Commercial Medium Business District) and located at 214 Brazos Street.

Planning Staff Kevin Waller explained that the property currently contains a vacant single-family residence, which is a nonconforming use in the CMB zoning district. The applicant and owner Ian Stowe recently remodeled the building for a proposed tattoo parlor. Since a parking lot will not fit in the front yard of the property, Mr. Stowe wishes to utilize off-site parking from a neighboring property owner. He is waiting to hear back from those owners if they will allow the four additional parking spaces that are needed. The variance request is to allow one regular parking space to back into the street. Mr. Waller gave a PowerPoint presentation, reviewed the variance criteria, and stated that Staff recommends approval.

Vice-Chair Clark, acting as Chairman in Laura Cline's absence, opened the public hearing and asked for the applicant to come forward.

Applicant Ian Stowe of 428 Trinity Street explained that he recently bought the property, which was previously used as a residence in the CMB zoning district. He wishes to open a commercial business

at the property, which must meet the parking standards of the Zoning Ordinance. Mr. Stowe had asked nearby business owners if they would be willing to allow four of the required parking spaces to be provided on their properties. With the variance proposal, he is requesting that customer vehicles utilizing one off-street regular parking space on the subject property be allowed to back into the street.

Winn Smith of 8406 Avocet Drive, Austin, stated that he is not necessarily opposed to the variance, but more so indifferent. He asked what would happen if the variance is denied, and if only one parking space would be allowed for the proposed use. Mr. Smith does not understand why this side of the street is zoned for commercial use when it is primarily in residential use. He also wondered how the other homes would be affected by the variance. Smith has no issues with cars from the single-family homes backing into the street.

Mr. Waller explained that there are five required off-street parking spaces for a commercial use on the subject property. If the variance is denied and the off-site parking spaces are not granted by nearby business owners, the applicant could potentially submit a new variance application to request the waiving of all required off-street parking spaces. If that variance were to be denied, the applicant ostensibly could construct a parking lot in the rear of the property for the five required spaces.

Vice-Chair Clark asked for any other speakers; seeing and hearing none, she closed the public hearing.

Planning Staff Dan Gibson explained that all vehicle parking and circulation must occur entirely on the subject property. The property's current zoning designation was put in place prior to his employment with the City, so the home is grandfathered as a residence, but the proposed use is commercial.

Member Annas moved to deny ZV-21-03. Member Clark seconded, and the motion passed by a vote of 6-0.

5. SE-21-01. Hold a PUBLIC HEARING and consider a request by Arthur Palacios, on behalf of Robert McGee, for a Special Exception as provided in Section 64-130(c)(5) of Chapter 64 "Zoning," Lockhart Code of Ordinances, to preclude an essentially inadvertent taking of property due to an existing nonconforming lot depth on Part of Lots 4 and 5, Block 3, Original Town of Lockhart, consisting of 0.234 acre zoned CMB (Commercial Medium Business District) and located at 110 East Live Oak Street.

Mr. Waller stated that the applicant plans to demolish the existing home and redevelop the property with a mixed-use building to contain both residential and commercial office uses. He explained that the lot depth is nonconforming and does not meet the required depth for the current zoning designation. Therefore, approval of a Special Exception is necessary to enable the property to be redeveloped. Waller stated that Staff recommends approval of the Special Exception.

Vice-Chair Clark opened the public hearing and asked for the applicant to come forward.

Robert McGee of 612 State Park Road stated that he owns the property. He came to know Mr. Palacios when they were remodeling the old gas station to the west of his property. Mr. McGee has faith that his property value will improve with the future proposed mixed-use building.

Applicant Arthur Palacios of 2109 East Cesar Chavez, Austin, stated that he had just completed the mixed-use building project at the former gas station next door. During the remodel, he got to know Mr. McGee, and had asked him about the property next door. Mr. Palacios believes he can add a quality development to the property and would appreciate the Board's approval.

Vice Chair Clark asked for any other speakers; seeing and hearing none, she closed the public hearing, and asked the Board for a motion.

Member Annas moved to approve SE-21-01. Member Smith 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, June 7, 2021, if applications are received by the May 17 deadline.

7. Adjourn.

Member Smith moved to adjourn the meeting, and Member Reeder seconded. The motion passed by a vote of 6-0, and the meeting adjourned at 7:04 p.m.

Approved: June 7, 2021
(Date)

Christine Banda
Christine Banda, Recording Secretary

Anne J. Clark
Anne Clark, Vice-Chair