

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, January 9, 2023
Municipal Building — Glosserman Room
308 W. San Antonio St.**

AGENDA

1. Call meeting to order.
2. Election of Officers for 2023.
3. Citizen comments not related to a public hearing item.
4. Consider the minutes of the December 5, 2022 meeting.
5. **ZV-23-01.** Hold a PUBLIC HEARING and consider a request by Clayton Penn for a Variance to Chapter 64 "Zoning", Lockhart Code of Ordinances, Section 64-197(g)(2)(a), to waive the requirement for one covered parking space on 0.159 acre in the Byrd Lockhart League, Abstract No. 17, zoned RMD (Residential Medium Density) District, and located at 1015 Red River Street.
6. Discuss the date and agenda of the next meeting.
7. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 1:00 p.m. on the 3rd day of January, 2023.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
DECEMBER 5, 2022**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Shawn Martinez, Laura Cline, Lori Rangel, Anne Clark, Marcia Proctor

Member Absent: Lucy Knight (present in audience)

Staff Present: Christine Banda, Kevin Waller

Others Present: Tamara Carlisle (applicant, Agenda Item 4)

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.

Chair Cline introduced two new Board members, Marcia Proctor and Lucy Knight.

3. Consider the minutes of the November 7, 2022, meeting.

Member Clark moved to approve the November 7, 2022, minutes. Member Annas seconded, and the motion passed by a vote of 6-0.

4. SE-22-04. Hold a PUBLIC HEARING and consider a request by Tamara Carlisle on behalf of The Lumberyard Lockhart, LLC, for a Special Exception as provided in Section 64-130(c)(5), 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 Lot 20, A.R. Chews Addition, consisting of a total of 0.135 acre, zoned CMB (Commercial Medium Business District) and located at 500 West Market Street [tabled from November 7, 2022 meeting].

Planning Staff Kevin Waller presented Staff's report, including maps showing the location of the property. He stated that the applicant wishes to build a single-family residence on the subject property. The requested Special Exception would allow the lot to be developed with a nonconforming depth. Mr. Waller stated that Staff recommends approval.

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

Applicant Tamara Carlisle of 1700 Rabb Road, Austin, stated that she is the owner of the subject property. She also owns other nearby parcels planned for single-family development. Carlisle explained that the homes will have front porches, with parking at the rear. She wishes to create a nice, walkable community.

Chair Cline asked for any other speakers; seeing none, she closed the public hearing.

Member Martinez moved to approve SE-22-04 as submitted. Member Reeder seconded, and the motion passed with a vote of 7-0.

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

Mr. Waller stated that the next meeting would be held Monday, January 9, 2023, if applications are received by the deadline. The January 9 date is the second Monday of the month, due to the City's observance of New Year's Day on January 2.

Member Clark announced that she will be resigning from the Board, and that this is her last meeting. She has enjoyed working with everyone.

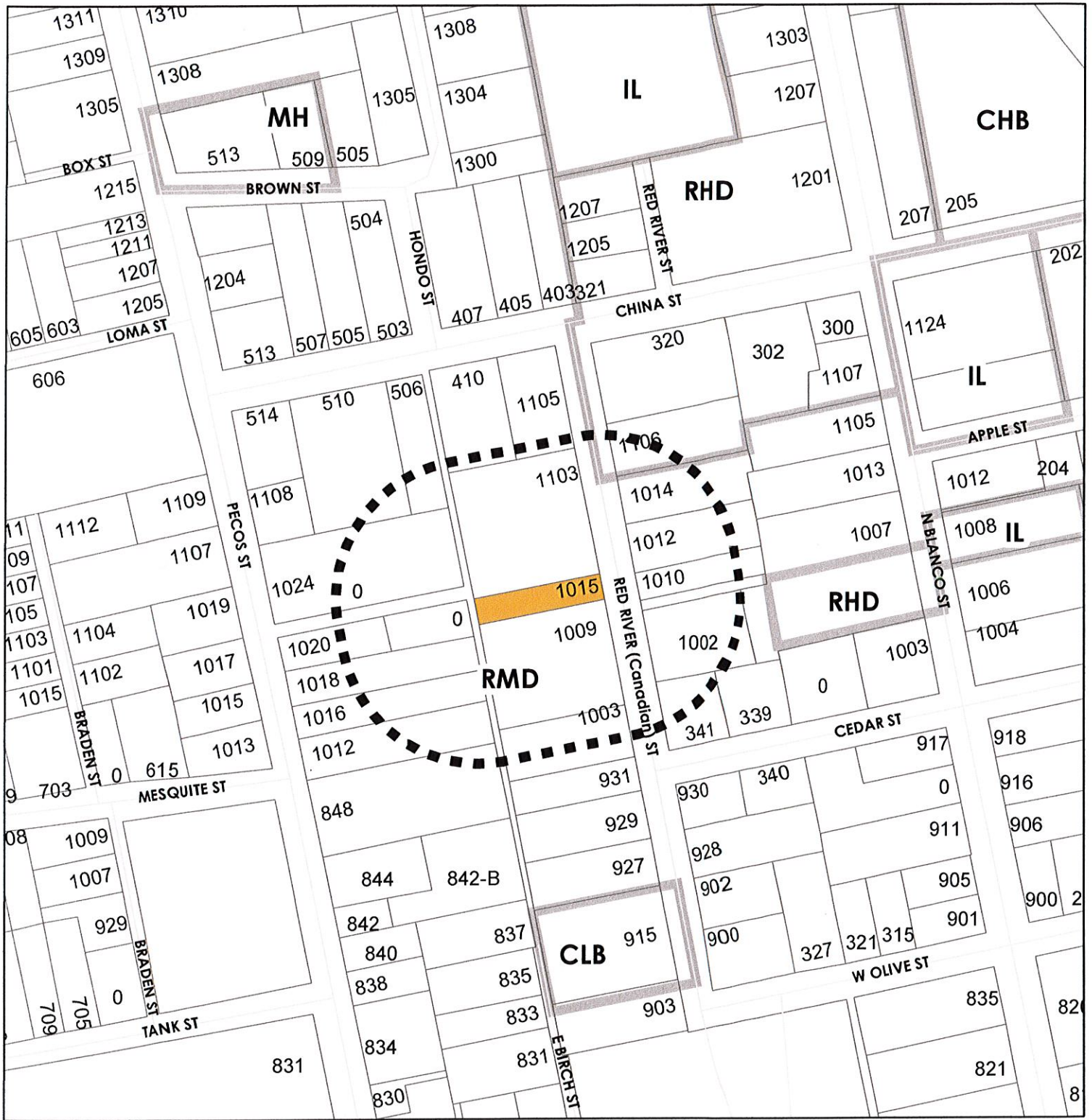
6. Adjourn.

Member Rangel moved to adjourn the meeting, and Member Martinez seconded. The motion passed unanimously (7-0), and the meeting adjourned at 6:45 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



ZV-23-01

1015 RED RIVER ST

TO WAIVE THE REQUIREMENT OF COVERED PARKING



 SUBJECT PROPERTY

 ZONING BOUNDARY

scale 1" = 200'



CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *KW* CASE NUMBER: ZV-23-01
REPORT DATE: January 3, 2023
PUBLIC HEARING DATE: January 9, 2023
APPLICANT'S REQUEST: Variance to Section 64-197(g)(2)(a) to waive the requirement for one covered parking space
STAFF RECOMMENDATION: *Approval*

BACKGROUND DATA

APPLICANT AND OWNER: Clayton Penn
SITE LOCATION: 1015 Red River Street
LEGAL DESCRIPTION: Byrd Lockhart Survey A-17 (metes and bounds)
SIZE OF PROPERTY: 0.159 acre
EXISTING USE OF PROPERTY: Vacant
ZONING CLASSIFICATION: RMD (Residential Medium Density) District

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to relocate an existing, 900 square-foot craftsman-style house from Austin onto the subject property, and has informed Staff that the building is not a manufactured home. Approval of a Special Exception was granted by the Board on August 29, 2022 to allow the property to be developed with a 37.5-foot nonconforming parcel width. The current proposal is to waive the covered parking requirement of Section 64-197(g)(2)(a) of the Zoning Ordinance, which requires one covered parking space (220 square feet) for the SF-2 development type in the RMD zoning district, through the Zoning Variance procedures. According to the enclosed site plan, an 18-foot-wide by 18-foot-deep uncovered asphalt driveway is proposed for parking. The proposed residence will meet all required setbacks, and will be renovated as part of the relocation onto the subject property per the applicant. Several photographs of the house in its current location are also enclosed.

AREA CHARACTERISTICS: The area is primarily zoned RMD. The adjacent property to the south is vacant, as is the property to the west and that across Red River Street to the east. The adjacent property to the north is developed with a single-family residence. Three properties to the south of the subject property and located on the same block are developed with single-family homes and have no covered parking, with the same circumstances applicable to four homes across Red River Street.

UNIQUE CONDITIONS OF PROPERTY: Although there are no unique topographical features of the property that would preclude the placement of a carport or garage, the narrow width of the property would necessitate its placement in front of the house. According to Section 64-197(g)(2)(a), placement of such in a location that is closer to the front property line than the house's front wall façade or covered porch is prohibited. The property's narrow width can therefore be considered a unique physical condition that was not caused by an action of the property owner.

NATURE OF HARDSHIP: Although there would be a reduced financial hardship associated with not providing covered parking, applicant Clayton Penn's written response to the variance criteria states that the request for the variance is not based exclusively upon his desire to avoid the cost of providing covered parking. It should be noted that financial implications are not the only factor when considering a variance. Mr. Penn places special emphasis on the property's narrow width, which would result in a carport occupying a sizeable portion of the width of the front yard.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Due to the facts that approval of the Variance would not change the size or configuration of the lot, the property is already zoned for residential use, and required setbacks will be maintained, there would be no adverse impact on surrounding properties. The applicant states, and Staff agrees, that the Variance will not adversely impact public health or safety.

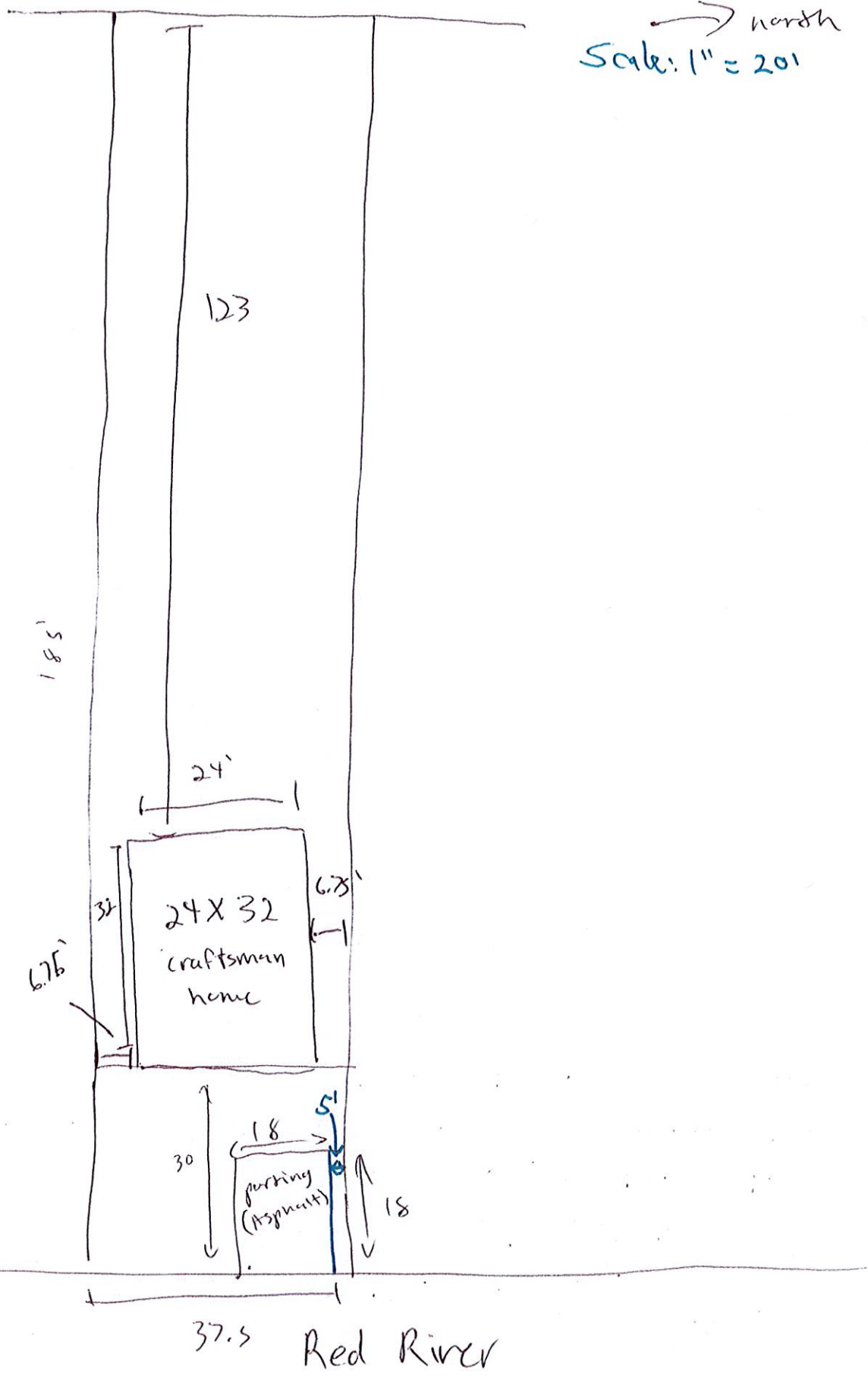
COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all six of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the attached written explanation as evidence in support of the variance. Staff believes that the variance request warrants approval, if the Board determines that all six variance criteria are met.

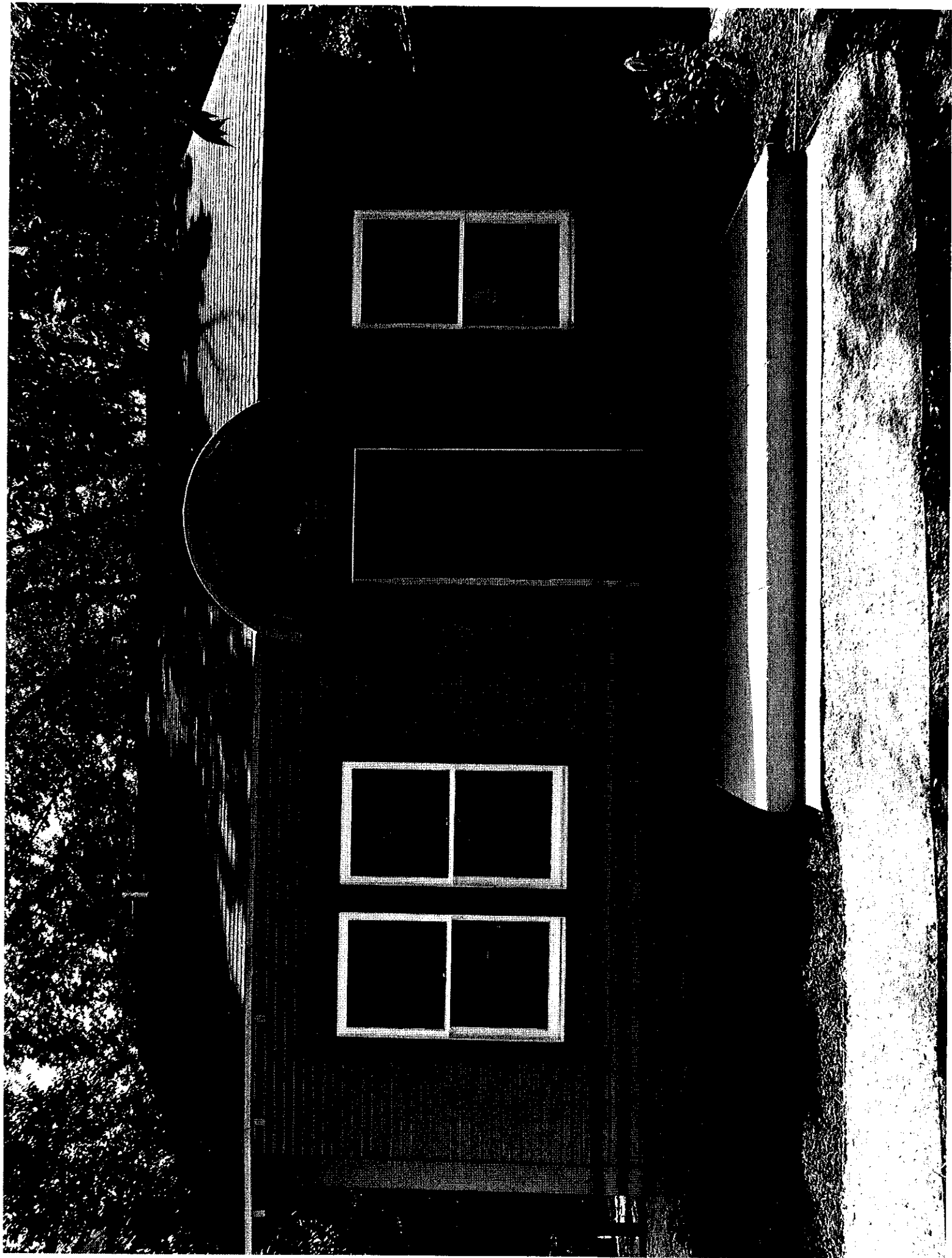
ALTERNATIVE SOLUTIONS: There are two alternatives. One would be to construct a new stick-built house on the property in lieu of moving the existing house in Austin onto the property, and design it such that a one- or two-car garage, or carport, be integrated into the design, while not extending the garage/carport closer to the front property line than the front porch or front wall. The other option would be to construct a detached carport or garage in front of the house to be moved onto the property, and set the house further back from the front property line to accommodate it. Both alternatives, although undesirable to the applicant, would avoid the need for a variance.

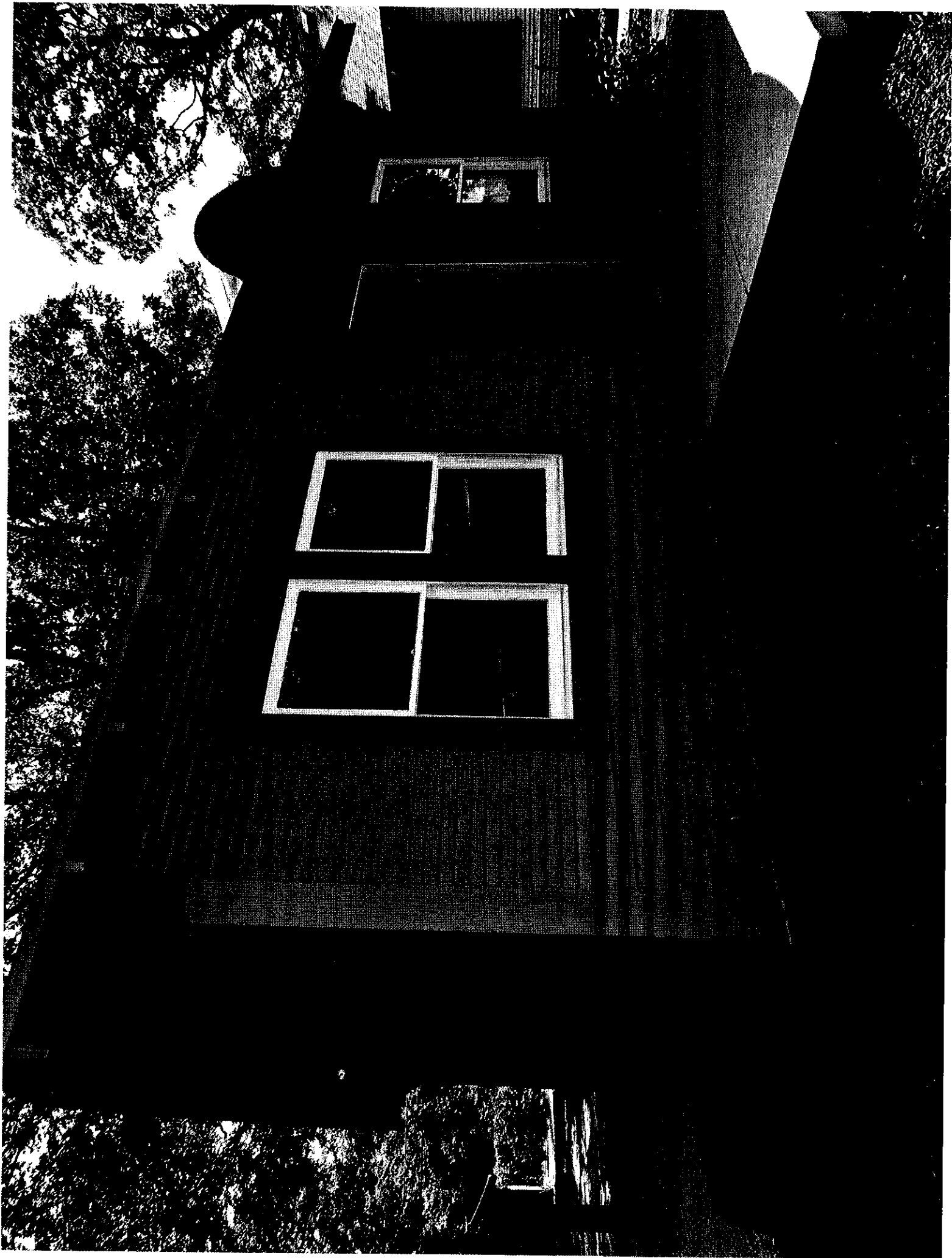
PRECEDENT: Approval of a variance to the covered parking requirement might set an undesirable precedent. Other applicants might choose to move an existing home onto a property and seek a similar variance to avoid incompatibility of character between a new construction garage/carport and the house. In this instance, however, the 37.5-foot width of the property might be seen as having limited "curb appeal" if either of the alternative solutions above were implemented, and does create a unique condition of the property, as previously discussed.

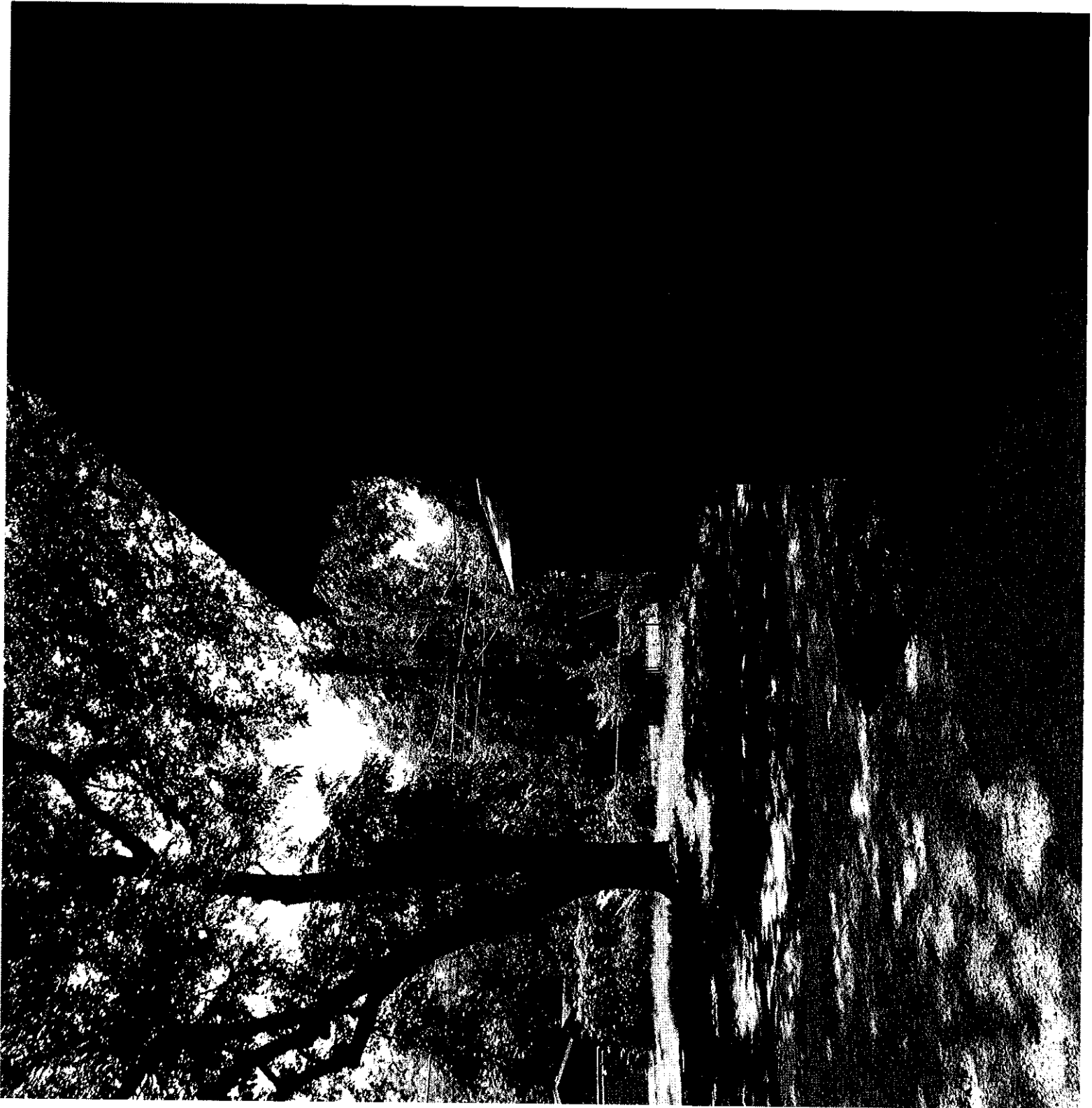
RESPONSE TO NOTIFICATION: None, as of the date of this report.

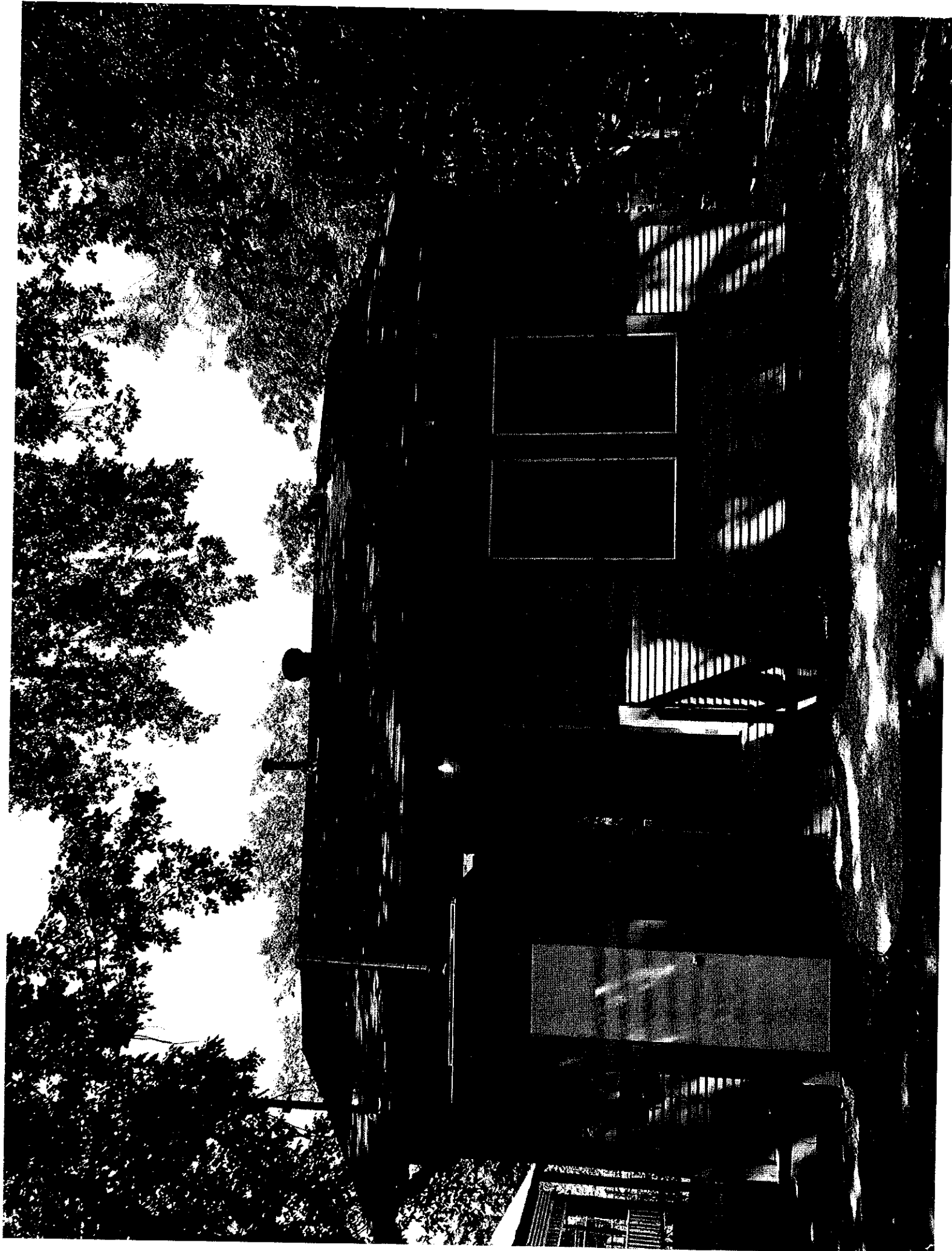
→ north
Scale: 1" = 20'











To whom it may concern -

We are writing to submit a variance for 64-197(G)(2)(A) which requires one covered parking space (carport or garage of at least 220 sq. ft). We would like to waive the requirement for the following reasons that comply with the submittal requirements criteria:

1. The unique size of the lot creates an exceptional hardship. The lot is very narrow, at only .17 acres, and the covered carport would take up almost our entire front yard and be illogical.
2. The narrow characteristic was not caused by any of our actions.
3. We think omitting the carport requirement is the minimal action to take.
4. The sole reason for doing this is not for reduced financial hardship.
5. This variance will not adversely affect public safety or health.
6. It will not alter the essential character of the zoning district.

Thank you for your time. Look forward to moving our beautiful house into this beautiful neighborhood.

Thank you,

Clayton Penn
12/12/2022



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 Clay Penn ADDRESS 505 S Guadalupe St.
DAY-TIME TELEPHONE (512) 413-4378 Lockhart, TX
E-MAIL claytie.p@gmail.com 78644
OWNER NAME same as above ADDRESS _____
DAY-TIME TELEPHONE _____
E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION 1015 Red River St.
LEGAL DESCRIPTION (IF PLATTED) Metes and Bounds - Byrd Lockhart
SIZE 1.59 ACRE(S) ZONING CLASSIFICATION RMD A-17
EXISTING USE OF LAND AND/OR BUILDING(S) none

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) 64-197(6)(2)(A) OF THE ZONING ORDINANCE
CURRENT ORDINANCE REQUIREMENT(S) currently requires one covered parking space in the form of a carport or garage of at least 220sf (one vehicle) for the SF-2 development type
REQUESTED VARIANCE(S) We propose a variance to waive the covered parking requirements in the section above.

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.

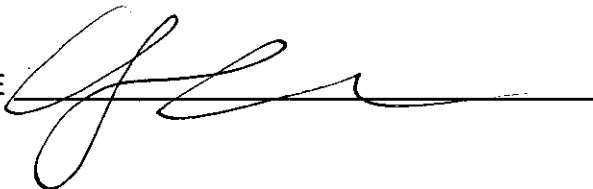
SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, 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

12/9/22

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER R01193853

DATE SUBMITTED 12/13/22

CASE NUMBER ZV 23 - 01

DATE NOTICES MAILED 12-22-2022

DATE NOTICE PUBLISHED 12-29-2022

BOARD OF ADJUSTMENT MEETING DATE 1/9/23

DECISION _____

CONDITIONS _____

