

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
APRIL 1, 2024**

MINUTES

Members Present: Laura Cline, Wayne Reeder, Mike Annas, Shawn Martinez, Lucy Knight, Arnold Proctor, Patrick Stroka

Member Absent: Lori Rangel

Staff Present: Kevin Waller, David Fowler, Evan Olszewski

Others Present: Hillary and Hal Purka (applicants, Agenda Item 4), Severo Castillo (public comment, Agenda Item 4), Paul Ginsberg (applicant, Agenda Item 5), Linda Hinkle (public comment, Agenda Item 5 and Agenda Item 6), Nathan Zapien (applicant's representative, Agenda Item 6), Monte Guidry (applicant and owner, Agenda Item 6).

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 February 5, 2024 meeting.

Member Lucy Knight noted that Tom Bonn's name was misspelled on the first and second pages of the minutes.

Member Knight moved to approve the minutes as amended. Member Annas seconded, and the motion passed with a vote of 7 to 0.

4. **ZV-24-04.** Hold a PUBLIC HEARING and consider a request by Hal and Hillary Purka for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required side-yard building setback from 5 feet to 4 feet, on 0.1976 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RMD (Residential Medium Density) and located at 705 Sycamore Street.

Planning Staff Kevin Waller presented the staff report using a PowerPoint presentation. The proposed variance would allow for the applicant to place a manufactured home or other structure within a thin part of the subject property. The request is motivated by the topography of the rear, wider part of the subject property. Mr. Waller noted that Staff recommends denial of the variance, with the alternatives of designing a smaller home that will fit within the setbacks or using the rear of the property for a smaller construction.

Member Proctor asked staff if a manufactured home was allowed on the site. Staff clarified that it would require a Specific Use Permit after the variance was approved. Member Proctor noted that neighboring properties built in tough topographic conditions similar to the rear of the property.

Member Annas asked which criteria for the variance request were not met. Staff reported that the conditions requiring a unique circumstance, public safety regarding additional driveway access on the street (although the property does have physical street frontage and must be allowed a right-of-access), and circumstances not prohibiting any reasonable use of the property were all not satisfied.

Chair Cline opened the public hearing for those wanting to speak in favor of the variance.

Applicants Hillary and Hal Purka, P.O Box 38 in Lockhart, stated that they needed more information about building on the challenging topography at the rear and received an answer that if they built within the setbacks no variance would be required. The applicants explained that the property was inherited and while they had attempted to sell the lot, the property was most useful to them as a residence for their extended family. Based on this fact, they stated that the path of least resistance to building was desirable to them.

Chair Cline asked about their conversations with neighbors regarding the construction to which the applicants responded that they contacted everyone they could, but no acquisition of neighboring property or sale to neighbors was possible.

The applicants noted that the property's shape was created by the City and that the problem they had could be resolved by the City.

Member Annas and Member Proctor asked about the position of the proposed structure relative to the neighboring house, and the applicants and Chair Cline discussed the dimensions of the property.

Chair Cline asked if there was anyone in opposition to the variance.

Severo Castillo, 1001 West Prairie Lea Street, came forward and stated he was not in opposition, but that he purchased a lot nearby and didn't know what was going on with the property boundaries in the area because someone had built a driveway on his property. He noted that permits and compliance are lacking in the neighborhood.

Chair Cline closed the public hearing and requested Board discussion.

Member Reeder asked how a manufactured home would fit on the site.

Member Stroka asked Staff to repeat which variance review criteria were not met.

Mr. Waller replied that Criterion One (condition unique to the property), Criterion Two (physical surroundings), Criterion Five (public health and safety), and Criterion Six (minimum amount necessary to allow a reasonable use of the property) were all not met.

Member Annas stated that the applicant would be more comfortable on the lot if they built in the back.

Member Knight asked if the owner would consider a stick-built building in the wider area of the property.

Member Stroka stated that it was difficult to make a decision without knowing the details of how far back a building could be built on the wider part of the property, and recommended more analysis before a decision is made.

Member Knight suggested that the Board table the item until the data is collected and the applicant knows what they want to do.

Member Knight moved to table ZV-24-04 to allow the applicant time to analyze the northern, 45-foot-wide half of the property as to its depth and developability south of the steep incline. Member Stroka seconded, and the motion passed with a vote of 7-0.

5. **ZV-24-05. Hold a PUBLIC HEARING and consider a request by Paul Ginsberg for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required side-yard building setback from 15 feet to 11 feet, on Lot 1, Block 1, Elizabeth Homestead Addition, consisting of 0.202 acre, zoned RMD and located at 1009 North Commerce Street.**

Planning Staff Evan Olszewski presented the staff report to the Board. He emphasized that the existing structure cannot be moved and that the right-of-way on China Street is very wide. The variance to the side-street setback requirement would have minimal impact on the surrounding properties and traffic safety, and would enable the property owner to subdivide the property legally.

Chair Cline opened the public hearing for those wanting to speak in favor of the variance.

Applicant Paul Ginsberg, 851 Peach Street/1101 Thorpe Lane, came forward and stated he was not sure why a variance is required.

Chair Cline clarified that a proposed subdivision cannot create illegal lots, so the setbacks must be resolved prior to processing his subdivision.

Chair Cline asked if there was anyone to speak in opposition. Seeing none, she closed the public hearing and requested Board discussion.

Member Knight stated she had no problem with the variance.

Chair Cline stated that setback problems with older, nonconforming homes are common and variances are appropriate in such cases.

Member Martinez moved to approve ZV-24-05. Member Knight seconded, and the motion passed with a vote of 7-0.

6. **ZV-24-06.** Hold a PUBLIC HEARING and consider a request by Monte J. Guidry for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required front-yard building setback from 20 feet to 17 feet, and a reduction in the minimum required side-yard building setback from 5 feet to 1 foot, on 0.216 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RMD and located at 1014 Kate Street.

Mr. Waller presented the staff report. He noted that the setback variance request is the latest in several steps required to lawfully recognize the existing accessory structure as an accessory dwelling unit.

Member Knight asked about the nonconforming south-side setback of the primary residence on the property.

Mr. Waller replied that the primary residence is not part of the variance request, and that its nonconforming side setback is grandfathered.

Member Knight inquired as to whether the neighbors were in support of the variance request.

Mr. Waller noted that the letter received from a neighbor in opposition seemed to have stemmed from an assumption that a new building was being proposed on the property. In addition, a different neighbor, to the north, contacted Staff via phone and is in favor of the variance, having worked with the applicant on obtaining the survey to relocate their common boundary line so that it did not encroach through the accessory building.

Chair Cline opened the public hearing for those wishing to speak in favor of the variance.

Linda Hinkle, 1109 South Main, described the situation on the property, specifically that it was originally owned together with the neighboring parcel by one family, which later experienced some internal conflict and subdivided the property. The family worked with the new owner of the property to adjust the property line to not run through the accessory building. The variance is required because the accessory building is very close to that new line. Mrs. Hinkle also noted that a portion of Kate Street had been abandoned to provide parking for the building.

Nathan Zapien, 1420 Pendergrass, stated that the property belongs to his parents, who bought it without knowing the full situation. They discovered the problems when the electric meter was turned on and the City looked into the property.

Chair Cline asked if anyone was present to speak in opposition to the variance. Seeing none, she closed the public hearing and requested Board discussion.

Chair Cline stated that it seems like the process to lawfully recognize the building as an accessory dwelling unit was working, and appreciated the work that the applicant had done.

Member Proctor stated that it is clear that Staff is in favor of the variance request.

Member Stroka moved to approve ZV-24-06. Member Annas seconded, and the motion passed with a vote of 7-0.

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

Mr. Waller stated that the next regularly scheduled meeting would be held on the first Monday in May, with the deadline for agenda items in about a week.

Member Knight noted that ZV-24-04 might be back on that agenda.

With regard to the updated Board membership roster distributed at the meeting, Chair Cline noted that the individual area codes should be identified, and not use 512 as the default area code.

Chair Cline noted that Member Annas is not the Vice-Chair, but Member Lori Rangel is. Additionally, Chair Cline's work numbers should be removed, as they are not the best means of contact for her.

Member Martinez noted that his work number should also be removed, for the same reason.

Member Knight corrected her phone number.

8. Adjournment.

Member Proctor moved to adjourn the meeting, and Member Stroka seconded. The motion passed with a vote of 7-0, and the meeting adjourned at 7:48 p.m.

Approved: Nov 4, 2024
(Date)


Evan Olszewski, Acting Recording Secretary


Laura Cline, Chair