

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
FEBRUARY 5, 2024**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Lori Rangel, Shawn Martinez, Lucy Knight, Marcia Proctor

Member Absent: Laura Cline

Staff Present: Kevin Waller, David Fowler, Evan Olszewski, Steve Lewis, and Sean Kelley

Others Present: Khalil Coltrain (applicant, Agenda Item 5), Elizabeth Pirnat (applicant, Agenda Item 6), Judge Hoppy Haden, Tom Bonn, David Marcos, Jake McCollough, Barbara Shelton, Linda Hinkle, and Jerry West.

1. Call meeting to order. Vice-Chair Rangel called the meeting to order at 6:30 p.m.
2. Election of Officers for 2024.

Member Proctor moved to table this item to the next regularly scheduled meeting. Member Knight 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 December 4, 2023 meeting.

Member Knight moved to approve the December 4, 2023 minutes. Member Annas seconded, and the motion passed by a vote of 6-0.

5. ZV-23-06. Hold a PUBLIC HEARING and consider a request by Khalil Coltrain on behalf of Lower Colorado River Authority for a Variance to Section 64-202(i), Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a freestanding communications tower encroaching upon the height limits of Lockhart Municipal Airport hazard zones as adopted December 18, 1991, on 20.2 acres in the James George League, Abstract No. 9, zoned PI (Public and Institutional) and located at 1208 Reed Drive.

Planning Staff David Fowler presented the staff report, utilizing a PowerPoint® presentation. The proposed Variance would allow a communications tower higher than allowed by the Zoning Ordinance. The tower is proposed to measure 190 feet tall, which is 31 feet higher than the 159 feet allowed for this particular site. Mr. Fowler stated that Staff recommends approval, with a condition to add a flashing beacon at the top of the tower to minimize the hazard to aircraft. Fowler also stated that an alternative would be to approve with the above condition, as well as the condition that the proposal be subject to the approval of the Joint City-County Airport Zoning

Board.

Vice-Chair Rangel opened the public hearing for those wanting to speak in favor of the variance.

Applicant Khalil Coltrain, 636 S. Franklin St., LaGrange, TX, of the Lower Colorado River Authority (LCRA), provided an overview of the proposal, including a handout to the Board and Staff. Mr. Coltrain explained that LCRA would lose approximately 11 square miles of coverage if the tower was limited to the 159-foot maximum. In addition, 1,400 residents and one school site would be adversely impacted were the tower to not exceed 159 feet. Coltrain also noted that the FAA generally doesn't require a flashing beacon below a 200-foot height.

Member Proctor asked the applicant if the tower might be used commercially in the future.

Mr. Coltrain replied that there are no future plans for the tower to be used commercially.

Member Annas asked the applicant about the cost of a flashing beacon.

Mr. Coltrain responded that beacons could cost around \$25,000.00.

Judge Hoppy Haden, 5145 Silver Mine Road, Harwood, TX, explained that the tower is important for first responders, and is in favor of the variance.

Vice-Chair Rangel asked if there was anyone in opposition to the variance.

Tom Bonn, 551 Westwood Road, Lockhart, stated that the applicant isn't doing enough research if he is asking for a variance. Mr. Bolen believes that there will be future commercial use of the tower. The tower is simply a waste of money.

David Marquez, 285 Tenney Creek Rd., Dale, TX, stated that he is indifferent to the proposal. Mr. Marquez asked if the applicant has considered moving the tower to the northwest corner of the property, which would be closer to the gravel pit and wouldn't affect anyone. The tower would be a benefit to the fire department and other first responder operations. Marquez is ok with the proposed tower height.

Vice-Chair Rangel asked for Board discussion.

Member Proctor asked if the proposal had been discussed with the Joint City-County Airport Zoning Board.

Public Works Director Sean Kelley replied that the tower has been discussed with the joint board. He also added that flashing beacons are helpful for aircraft and are common on many towers.

Jake McCollough of the Lockhart Municipal Airport stated that a flashing beacon is necessary for public safety, especially during periods of poor/inclement weather.

Member Knight stated that the proposed tower height will be beneficial for public safety, and has no problem with the tower or beacon.

Member Martinez stated that he supports the proposal, including the addition of a beacon.

Member Proctor expressed that the proposal should also go before the joint City-County Airport Zoning Board, as a condition of approval in addition to the beacon.

Mr. Fowler informed the Board that the joint airport board needs to first be formally composed.

Member Proctor asked Judge Haden if there are plans to lease tower space to Verizon, AT&T, etc.

Judge Haden replied that there are no plans to lease tower space to cellular companies.

Vice-Chair Rangel asked about the current communications tower, and how it would be affected by the new tower.

Judge Haden replied that the current tower is overloaded, making the new tower necessary.

Member Proctor asked if security fencing is planned for the tower.

Judge Haden responded that fencing will be added.

Member Proctor asked if the property's northwest portion was considered for tower placement.

Judge Haden replied that the proposed location is the most cost-effective.

Member Reeder asked if the existing tower will still support emergency operations.

Judge Haden replied that the emergency operations component of the current tower will be moved to the new tower.

Vice-Chair Rangel asked if there was any further Board discussion; seeing none, she asked for a motion.

Member Knight moved to approve ZV-23-06, with Staff's condition that a flashing beacon be added to the tower. Member Annas seconded, and the motion passed by a vote of 6-0.

6. ZV-24-02. Hold a PUBLIC HEARING and consider a request by Elizabeth Pirnat 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 5.6 feet, on Lot 1, Block 2, South Heights, and the West ½ of an abandoned alley, consisting of 0.181 acres, zoned RMD (Residential Medium Density), and located at 1002 South Main Street.

Planning Staff Evan Olszewski presented the staff report, utilizing a PowerPoint® presentation. An existing accessory building encroaches 9.4 feet into the required 15-foot building setback from the side property line along the White Oak Street frontage. Mr. Olszewski explained that the variance request does not arise from a condition unique to the property, and the water drainage issue in the rear yard of the property does not create a practical difficulty or unnecessary hardship. The proposal, therefore, does not meet at least two of the six variance review criteria. Mr. Olszewski stated that Staff recommends denial, as the structure can feasibly be moved to comply with the setback requirements.

Vice-Chair Rangel opened the public hearing for those wanting to speak in favor of the variance.

Applicant Elizabeth Pirnat, 1002 S. Main St., Lockhart, explained that water pools onto the rear of the property, and that she was not aware of the City's setback requirements.

Barbara Shelton, 4563 Old McMahan Rd., spoke of the importance of the applicant's cosmetology classes, which are being held in the accessory building. Shelton added that the building's location has never bothered anyone.

Linda Hinkle, 1109 S. Main St., Lockhart, explained that the applicant was not aware of the setback requirements, and should not have to spend \$20,000.00 to move a \$4,000.00 structure to a conforming location on the property. Mrs. Hinkle stated that she is in favor of the variance.

Jerry West, 723 Barth Rd., Dale, TX, explained that if the backyard is re-graded and elevated in order to move the accessory building to a location conforming to the setback requirements, it could encourage flooding onto neighboring properties.

Member Reeder asked the applicant if the building can be used when heavy rain occurs.

Ms. Pirnat replied that the building could be used during rainy periods, since it is not in the path of the sheet flow.

Member Martinez asked the applicant about the composition of the building's foundation.

Ms. Pirnat responded that the foundation consists of concrete blocks.

Mrs. Hinkle explained that the church property to the east, Faith Chapel Pentacostal Church, is completely paved, which makes the applicant's backyard their "detention pond."

Vice-Chair Rangel asked if there was anyone in opposition to the variance; seeing none, she asked for further Board discussion. Seeing no further discussion, Vice-Chair Rangel asked for a motion.

Member Martinez moved to approve ZV-24-02, and Member Reeder seconded. The motion and second were followed by further Board discussion.

Member Knight asked if the Board approves the variance, are they setting a precedent such that a similar variance would also need to be approved for the adjacent church property, which has also expressed interest in placing a shed on their property.

Mrs. Hinkle replied that variances are on a case-by-case basis. The church has more options than the applicant as to where they can place a shed. Hinkle continued that the applicant has a unique situation and very limited options as to where her building could be placed.

Mr. Olszewski reiterated that variances are considered strictly on a case-by-case basis, and that any future variance application from the church would be considered on its own merits.

Vice-Chair Rangel called for a vote on the motion made by Member Martinez.

The motion to approve ZV-24-02 failed on a 4-2 vote (members Knight and Proctor voted in opposition), denying the variance request.

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

Mr. Waller stated that the next regularly scheduled meeting would be held on March 4, 2024. The deadline for applications is February 12, 2024.

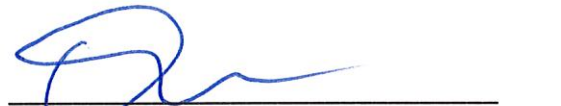
8. Adjournment.

Member Reeder moved to adjourn the meeting, and Member Proctor seconded. The motion passed unanimously (6-0), and the meeting adjourned at 8:05 p.m.

Approved: 2/11/24
(Date)


Kevin Waller, Acting Recording Secretary


Laura Cline, Chair


Attest: David Fowler, Zoning Administrator

2/8/2024
(Date)