

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, January 6, 2025
Municipal Building — Glosserman Room
308 W. San Antonio St.**

AGENDA

1. Call meeting to order.
2. Elect Chairman and Vice-Chair for 2025.
3. Citizen comments not related to a public hearing item.
4. Consider the minutes of the November 4, 2024 meeting.
5. **ZV-24-08.** Hold a PUBLIC HEARING and consider a request by Ivan Tristan for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required lot depth standard from the required 120 feet to 102.22 feet, on 0.235 acre in the Francis Berry Survey, Abstract No. 2, zoned RMD (Residential Medium Density), and located at 204 N. Rio Grande St.
6. Discuss the date and agenda of the next meeting.
7. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 1:00 p.m. on the 30th day of December, 2024.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
NOVEMBER 4, 2024**

MINUTES

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

Members Absent: None

Staff Present: David Fowler, Kevin Waller, Romy Brossman

Others Present: Alan Balsler (applicant, Agenda Item 5), Natalie Douga, Linda Hinkle

1. Call meeting to order. – Chair Cline called the meeting to order at 6:30 p.m.
2. Elect Chairman and Vice Chairman for 2024

Member Reeder moved to nominate Chairwoman Cline to continue as Chairwoman, and Vice-Chair Rangel to continue as Vice-Chair. Member Annas seconded, and the motion passed with a vote of 7-0.

3. Citizen comments not related to a public hearing item. - None
4. Consider the minutes of the April 1, 2024 meeting.

Chairwoman Cline asked that Vice-Chair Rangel be moved from the Members Present to the Members Absent list.

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

5. ZV-24-07. Hold a PUBLIC HEARING and consider a request by Alan Balsler for a Variance to Appendix II of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required lot width, depth, and area standards, on 3.648 acres in the Byrd Lockhart Survey, Abstract No. 17, zoned AO (Agricultural-Open Space), and located at 1109, 1111, and 1117 Silent Valley Road (F.M. 2001).

Planning Staff Kevin Waller presented the staff report using a PowerPoint presentation. A subdivision plat was recently submitted for review for a 5.306-acre property, which includes a portion of a 17.228-acre property owned by applicant Alan Balsler, as well as three parcels accessed by Meadow Lake Drive, a private road described on the plat as a 60-foot-wide access

easement. The zoning variance is necessary since these three parcels are currently nonconforming with respect to the width, depth, and area standards set forth in Zoning Ordinance Appendix II, and will continue to be nonconforming after the subdivision plat is recorded. The three parcels are zoned AO (Agricultural-Open Space), which requires minimum depth and width dimensions of 200 feet by 200 feet, and a minimum lot area of one acre. Specifically, the proposed Lot 2 will have an average width of 198.25 feet, average depth of 174.85 feet, and lot area of 0.796 acre. Lot 3 will have an average width of 198.04 feet, a depth of 174.92 feet, and lot area of 0.795 acre. Lot 4 will have an average width of 167.61 feet. While the lots will remain nonconforming, their widening and resulting increase in area will make the lots more conforming to the AO standards upon approval of the subdivision plat. Staff recommends approval of the zoning variance.

Member Reeder asked if the current property owners also reside at the properties, and if they have been notified of this hearing.

Mr. Waller replied that the owners do reside at their properties, and have signed consent forms to participate in this process.

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

Applicant Alan Balsler, 11166 Lawnhaven Rd., Dallas, TX, stated that this request will enable the three properties to become more conforming to the one-acre minimum lot size. It also allows the homeowners to own their road (Meadow Lake Drive). The road will always be theirs; it will always be private.

Natalie Douga, 1111 Silent Valley Rd., Lockhart, stated that she regularly represents the 1109 and 1117 Silent Valley Rd. homeowners at council meetings. Mrs. Douga stated that they are all aware of what's going on and are in agreement. They appreciate Mr. Balsler allowing Meadow Lake Drive to be included within the homeowners' property boundaries.

Linda Hinkle, 1109 S. Main St., Lockhart, stated that this is a reasonable thing to fix and has taken a long time. It's a good solution that protects everybody.

Member Proctor moved to approve ZV-24-07. Member Martinez seconded, and the motion passed with a vote of 6-0, with one abstention.

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

Mr. Waller stated that no applications have been received for the next regularly scheduled meeting, therefore the December 2nd meeting will be canceled.

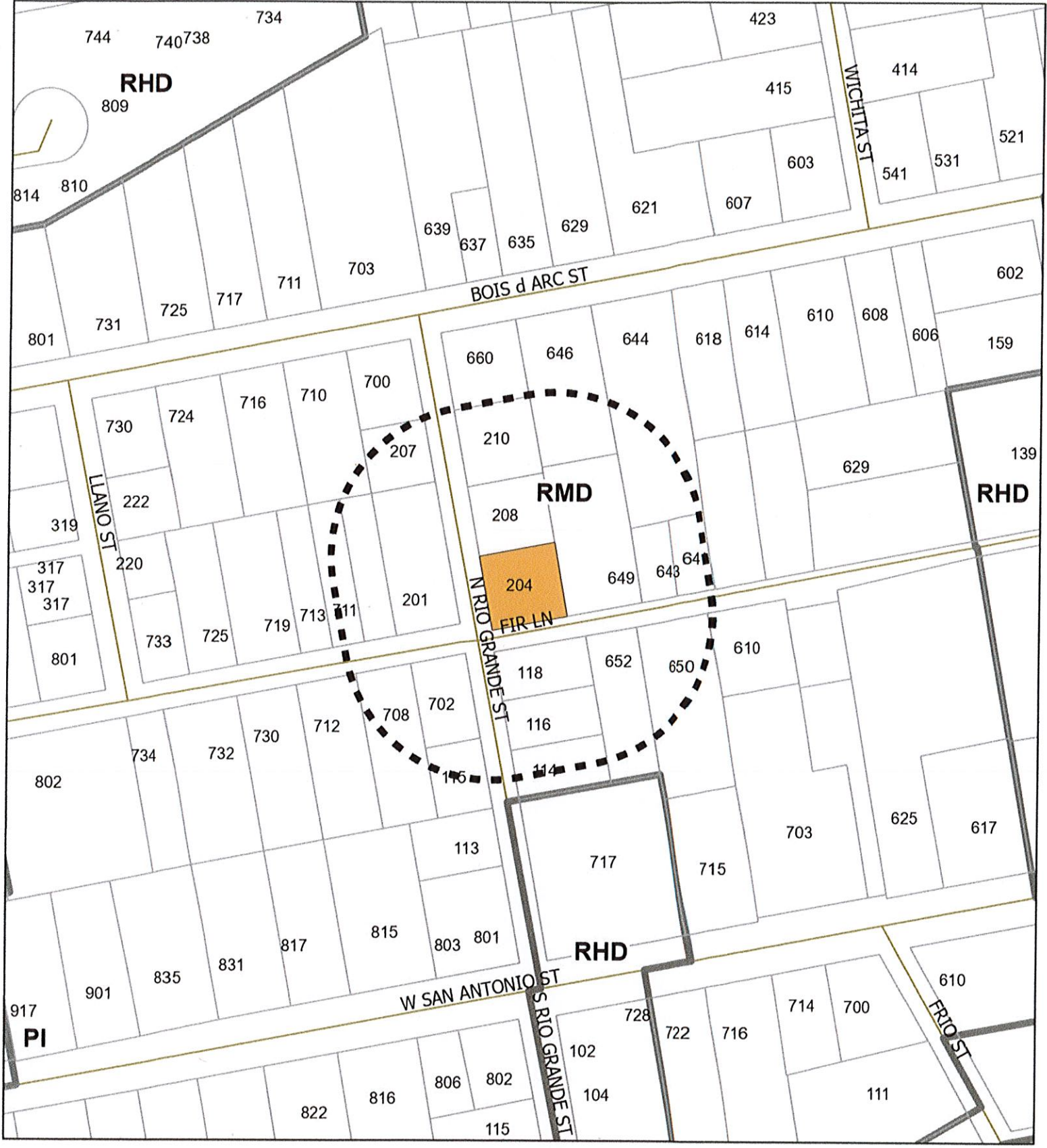
7. Adjournment.

Vice-Chair Rangel moved to adjourn the meeting, and Member Reeder seconded. The motion passed with a vote of 7-0, and the meeting adjourned at 6:56 p.m.

Approved: _____
(Date)

Romy Brossman, Recording Secretary

Laura Cline, Chairwoman



ZV-24-08

204 N RIO GRANDE ST

VARIANCE TO LOT DEPTH



SUBJECT PROPERTY

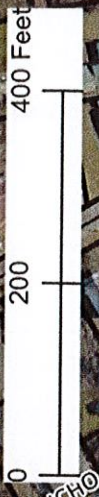


ZONING BOUNDARY



200 FT BUFFER

Scale 1" = 200'



PECOS ST

ELM ST

WICHITA ST

FRIO ST

W MARKET ST

CONCHO ST

BOIS D ARC ST

N RIO GRANDE ST

S RIO GRANDE ST

W SAN ANTONIO ST

FIR LN

ILANO ST

PEACH ST

REDWOOD ST

N MEDINA ST

S MEDINA ST

MAGNOLIA ST

PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *KW*

CASE NUMBER: ZV-24-08

REPORT DATE: December 30, 2024

PUBLIC HEARING DATE: January 6, 2025

APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required lot depth standard

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT: Ivan Tristan

OWNERS: Ivan Tristan and Jiovanna Llamas

SITE LOCATION: 204 N. Rio Grande St.

LEGAL DESCRIPTION: Francis Berry Survey, Abstract No. 2 (property survey attached)

SIZE OF PROPERTY: 0.235 ac.

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The variance request is to allow for construction of a duplex on the subject property. The property is currently nonconforming with respect to the depth standard for both the Duplex Family-1 (DF-1) or Duplex Family-2 (DF-2) development types set forth in Zoning Ordinance Appendix I. According to the survey submitted with the application materials, the property's depth is 102.22 feet, which falls short of the 105-foot depth standard of the DF-2 type and the 120-foot standard of the DF-1 type. The property's width is 100 feet, with an area of 10,222 square feet, well above the width standards of 50 feet and 65 feet for the DF-2 and DF-1 development types, respectively, and above the area standards of 6,000 square feet and 8,500 square feet for the DF-2 and DF-1 types, respectively. Please refer to the applicant's written responses to the zoning variance review criteria.

AREA CHARACTERISTICS: The subject property is located primarily within a single-family residential neighborhood. A duplex is located on the same block as the subject property, at 210 N. Rio Grande St. The adjacent property to the north is zoned RMD and contains a single-family residence. The property to the west, across North Rio Grande Street, as well as that to the south, across Fir Lane, are also zoned RMD with single-family residences. The adjacent property to the east is zoned RMD, and contains what appears to be a vacant building, classified as commercial by the Caldwell County Appraisal District.

UNIQUE CONDITIONS OF PROPERTY: According to the applicant's attached letter, although the property is nonconforming with respect to depth, its 100-foot width far exceeds the 50- and 65-foot width requirements for the DF-1 and DF-2 development types, as noted above. Staff also notes the property's area, at 10,222 square feet, exceeds the 6,000 and 8,500 square-foot area standards of the DF-1 and DF-2 types. Staff believes that the property's generous width and area figures, relative to its shallow depth, present conditions unique to the property.

NATURE OF HARDSHIP: The main hardship associated with the property and the construction of a duplex is the property's nonconforming depth. Although it could be perceived that construction of a duplex on the property maximizes financial gain, thereby minimizing financial hardship, the current dimensions of the property could potentially allow a subdivision into two single-family lots that could provide even more financial gain than a single duplex. However, a subdivision in this instance would result in two lots that would be slightly nonconforming with respect to lot depth and area, thereby requiring a zoning variance to allow the nonconformities.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Although approval of the variance would result in additional traffic associated with two dwelling units instead of one, the additional impact to surrounding property and traffic safety would be negligible.

COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all 6 of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the enclosed written explanation as evidence in support of the variance. Staff believes that the variance request warrants approval.

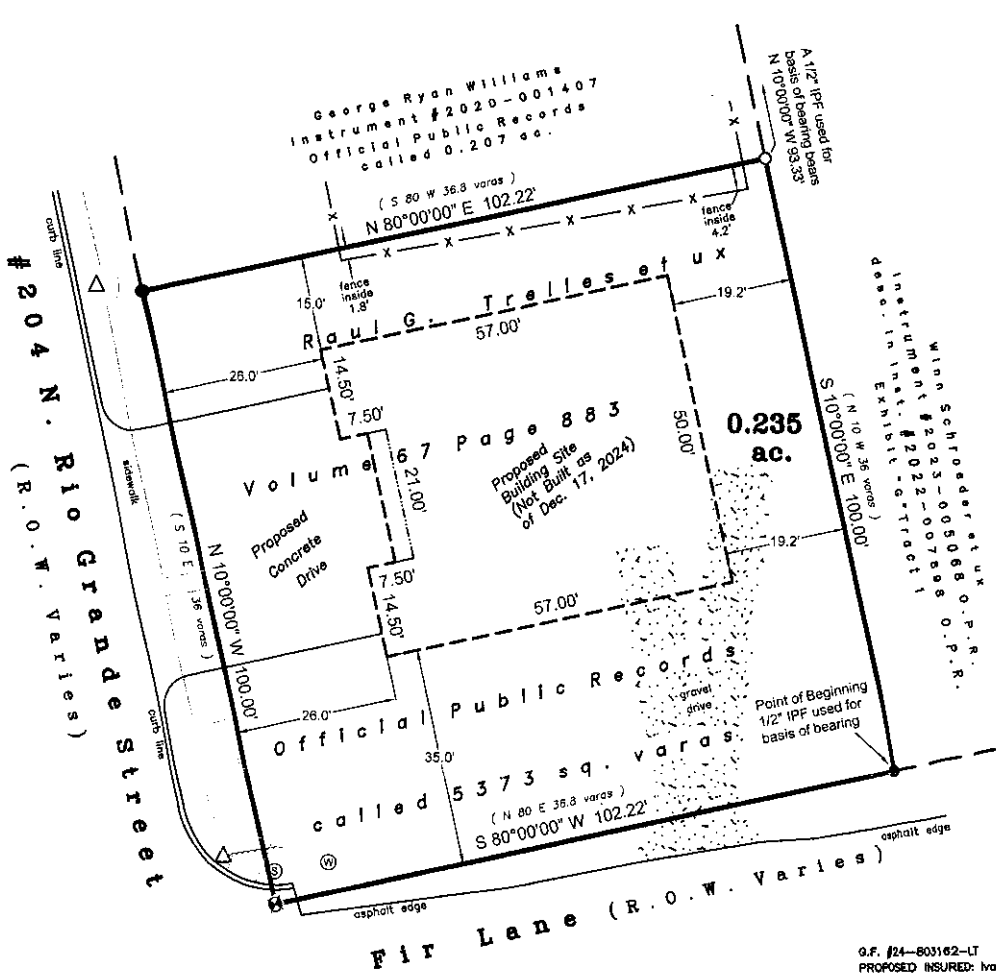
ALTERNATIVE SOLUTIONS: One alternative solution would be to construct a single-family residence on the property. This alternative, however, would require a Special Exception approval from the Board, since the property does not meet the required 105-foot depth standard for a single-family home. Another alternative solution would be to subdivide the property to allow for two single-family residences, which would require a variance approval as noted above. The granting of the requested variance to allow a duplex, however, would yield the same number of dwelling units as a subdivision into two single-family lots.

PRECEDENT: A Zoning Variance was approved by the Board on November 4, 2024 to allow for nonconforming lot depths, as well as widths and areas for three properties to be subdivided, located along Meadow Lake Drive (Case File #ZV-24-07). Although approval of that variance might have set a precedent for similar requests including the current request, each variance must be strictly considered on a case-by-case basis, and exhibit characteristics inherently unique to that particular property. Staff believes that the subject property does have conditions unique to the property, being the generous width and area noted above, and therefore, a precedent is not likely to be set.

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

City of Lockhart Caldwell County, Texas

Francis Berry Survey A-2



Winn Schroeder et ux
Instrument #2023-005068 O.P.R.R.
Instrument #2022-00768 O.P.R.R.
Demo. Inmate - Exhibit - Contract 1

G.F. #24-803162-LT
PROPOSED INSURED: Ivan Tristram and Jovonna Llamas
911 ADDRESS: 204 N. Rio Grande St. Lockhart, Texas 78644

General Notes

- 1) Before digging call 811 to verify locations of any utilities, pipelines, or other easements of record since the surveyor cannot guarantee the exact position of these encumbrances.
- 2) The property shown has access to and from a public roadway.
- 3) THIS SURVEY IS FOR USE WITH THIS ONE TRANSACTION ONLY.
- 4) FLOOD ZONES SHOWN ARE APPROXIMATE AND CREATE NO LIABILITY ON THE PART OF THE SURVEYOR AND ARE BASED ON FROM A FLOOD INSURANCE RATE MAP. The property shown lies in Flood Zone "X" according to FEMA Panel #48055C0120E effective date June 19, 2012. Flood Zone "X" is areas determined to be outside the 0.2% annual chance floodplain. WARNING: This flood Statement, as Determined by a H.U.D. - F.I.A. FLOOD HAZARD BOUNDARY MAP, DOES NOT IMPLY that the Property or the improvements thereon will be Free from Flooding or Flood Damage. On rare occasions, Greater Floods Can and Will Occur, and Flood Heights may be increased by Man-Made or Natural Causes.

PROPOSED BUILDING SITE

Showing a proposed building site on 0.235 acres of land out of the Francis Berry Survey A-2 in the City of Lockhart, Caldwell County, Texas and the improvements as found situated thereon. I do hereby certify that the foregoing drawing is a representation of a building site only and should not be relied upon for conveyance purposes. Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.



LEGEND

- CAPPED 1/2" IRON PIN SET STAMPED "HINKLE SURVEYORS"
- 1/2" IRON PIN FOUND
- ⊕ PK NAIL SET IN ASPHALT
- △ EL POLE
- ⊙ WATER METER
- ⊙ STOP SIGN
- GUY WIRE
- (.....) ORIGINAL DEEDED CALLS
- X- FENCES MEANDER
- ▨ GRAVEL
- ▩ CONCRETE
- UNLESS OTHERWISE NOTED

Field Book: d.c.	Drawn By: J.LH LH
Job No. 20241571	Drawing: 20241571-buildinggate.dwg
Date: June 2024	Word Date: Begin 08012024
Surveyed By: J.LH JDB	AutoCAD Date: Begin 06012024



P.O. Box 1027 1109 S. Main Street Lockhart, TX 78644
Ph: (512) 398-2000 Fax: (512) 398-7683 Email: contact@hinklesurveyors.com Firm Registration No. 100886-00

Applicant's responses to 6 variance criteria

Kevin Waller

From: Ivan Tristan <ivantristan85@yahoo.com>
Sent: Friday, December 20, 2024 10:35 AM
To: Kevin Waller
Subject: 204 N rio grande

This email originated from an external sender. Please exercise caution before clicking on any links or attachments.

Hi there for the number #1 question

Criterion 1 ↓

On my property we have the survey showing 100 ft wide for 102.22 ft dep we propose to building duplex on this address but we need variance on the depth part the city requires 120 ft so we 17.78 on the ~~site~~ ^{site} plan. We have the required for the city.

2 questions

— Criterion 2

N/A ←

3 questions

— Criterion 3 ↓

Yes is minimum the property is planned al ready we not changing dimensions on the property

[Sent from Yahoo Mail for iPhone](#)

Kevin Waller

From: Ivan Tristan <ivantristan85@yahoo.com>
Sent: Friday, December 20, 2024 2:25 PM
To: Kevin Waller
Subject: Re: 204 N rio grande

This email originated from an external sender. Please exercise caution before clicking on any links or attachments.

Question #4 Criterion 4
N/A ←

Question #5 Criterion 5
N/A ←

Question #6 Criterion 6
No problem 😊 No ←

And the property I'm gonna keep it for my retirement

[Sent from Yahoo Mail for iPhone](#)

On Friday, December 20, 2024, 11:56 AM, Kevin Waller <kwaller@lockhart-tx.org> wrote:

Ivan, could you also please send your responses to Numbers 4, 5, and 6 as well, in email written form?

Also, will you be selling the property, once the duplex is developed?

Kevin

From: Ivan Tristan <ivantristan85@yahoo.com>
Sent: Friday, December 20, 2024 10:35 AM
To: Kevin Waller <kwaller@lockhart-tx.org>
Subject: 204 N rio grande

This email originated from an external sender. Please exercise caution before clicking on any links or attachments.

ZONING VARIANCE APPLICATION

CITY OF

Lockhart
TEXAS

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Ivan Tristan ADDRESS 150 Wither Rd
 DAY-TIME TELEPHONE 512-227-6550 Lockhart, TX 78644
 E-MAIL IVANTRISTAN85@yahoo.com
 OWNER NAME Same as applicant ADDRESS _____
 DAY-TIME TELEPHONE _____
 E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION 204 N Rio Grande St
 LEGAL DESCRIPTION (IF PLATTED) Survey attached / unplatted
 SIZE 0.235 ACRE(S) ZONING CLASSIFICATION RMD
 EXISTING USE OF LAND AND/OR BUILDING(S) vacant (old home removed)

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) 64-Appendix I OF THE ZONING ORDINANCE
 CURRENT ORDINANCE REQUIREMENT(S) 120-foot minimum depth
dimension for duplexes of the DF-1 development type.
 REQUESTED VARIANCE(S) Depth dimension of 102.22 feet.

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 \$250.00 PLUS \$150.00 PER ACRE, FOR A MAXIMUM OF \$2,500.00, APPLICATION FEE OF \$285.25 PAYABLE TO THE CITY OF LOCKHART.

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 _____

12-18-24

OFFICE USE ONLY

ACCEPTED BY Chander

RECEIPT NUMBER 01341871

DATE SUBMITTED 12/18/24

CASE NUMBER ZV - 24 - 08

DATE NOTICES MAILED 12-23-24

DATE NOTICE PUBLISHED 12-26-24

BOARD OF ADJUSTMENT MEETING DATE 1-6-2024

DECISION _____

CONDITIONS _____
