

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, April 7, 2025
Municipal Building — Glosserman Room
308 W. San Antonio St.**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the January 6, 2025 meeting.
4. **ZV-25-01.** Hold a PUBLIC HEARING and consider a request by Steven Mazurka on behalf of 711CTR, LLC 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 one foot, and a reduction in the minimum required side yard building setback from 5 feet to 4 feet, on 0.469 acre in the Francis Berry Survey, Abstract No. 2, zoned RMD (Residential Medium Density), and located at 649 Fir St.
5. **ZV-25-02.** Hold a PUBLIC HEARING and consider a request by Andrew Campbell for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required rear yard building setback from 10 feet to 7 feet, consisting of 0.174 acre in part of Lot 2, Block 2, Polks Addition, zoned RMD (Residential Medium Density), and located at 416 South Guadalupe St.
6. **ZV-25-03.** Hold a PUBLIC HEARING and consider a request by Timothy and Sharon Wakefield for a Variance to Appendix I of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required rear yard building setback from 10 feet to two feet, and a reduction in the minimum required side yard building setback from 5 feet to 1.5 feet, for a greenhouse and a garden shed, consisting of 0.351 acre in Lot 2, Block 1, Loveland-Schneider Subdivision, zoned RMD (Residential Medium Density), and located at 201 Pecos St.
7. Discuss the date and agenda of the next meeting.
8. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 1:00 p.m. on the 27th day of March, 2025.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
JANUARY 6, 2025**

MINUTES

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

Members Absent: Lori Rangel, Mike Annas

Staff Present: Kevin Waller, Romy Brossman

Others Present: Ivan Tristan (applicant, Agenda Item 5), Lynn Moody

1. Call meeting to order. Chair Cline called the meeting to order at 6:31 p.m.
2. Elect Chairman and Vice Chairman for 2025.

Member Stroka moved to nominate Laura Cline to continue as Chair and Lori Rangel to continue as Vice-Chair. Member Proctor seconded, and the motion passed with a vote of 6-0.

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

Member Knight moved to approve the minutes. Member Martinez seconded, and the motion passed with a vote of 6-0.

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 Street.

Planning Staff Kevin Waller presented the staff report with a PowerPoint presentation. The variance request to the lot depth standard would allow for the 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) and 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 development 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. Staff believes that the property's generous width and area figures relative to its shallow depth present conditions unique to the property. The additional impact to the surrounding properties and traffic safety would be negligible. Staff believes that the variance request warrants approval.

Member Knight asked if the nearby parcel with duplexes at 210 N. Rio Grande is comparable in depth to the subject property.

Mr. Waller confirmed that the two properties are consistent in depth.

Member Proctor asked if the variance request was approved, resulting in the ability for a duplex to be constructed on the property, and the property was later sold without being built upon, would the variance approval transfer with the property?

Mr. Waller stated that the variance approval would carry-over.

Applicant Ivan Tristan, 150 Witter Rd., Lockhart, TX, stated that he's always wanted to build a duplex in this area. He will remain the owner of the property and rent it out. At one time he owned another duplex, on China Street, but had to sell it. He continued that it's hard to find a bigger lot in this area, and it's getting even harder as the city grows.

Lynn Moody of 702 Fir Street, also representing neighbor Beth Salazar of 201 N. Rio Grande Street, shared their concern about increased traffic, parking, personal safety, and loud parties.

Member Knight asked staff if other residents submitted comments in opposition.

Mr. Waller reported that no other letters or comments in opposition were received.

Member Stroka inquired about the number of parking spaces for each half of the duplex.

Mr. Waller confirmed that the duplexes must meet the City's parking requirements, including two off-street parking spaces for each unit. For each duplex unit, parking locations will consist of a single-car garage and one driveway parking spot.

Chair Cline stated that a second option for the applicant would be to split the property in two and build two small houses, one on each lot. The lot depth would still be nonconforming, and a variance would still be required. The same number of parking spaces would be required and there would be the same amount of traffic.

Member Martinez moved to approve ZV-24-08. Member Knight seconded, and the motion passed with 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 February 3rd, and that the application deadline is January 13th. To date, no applications have been received.

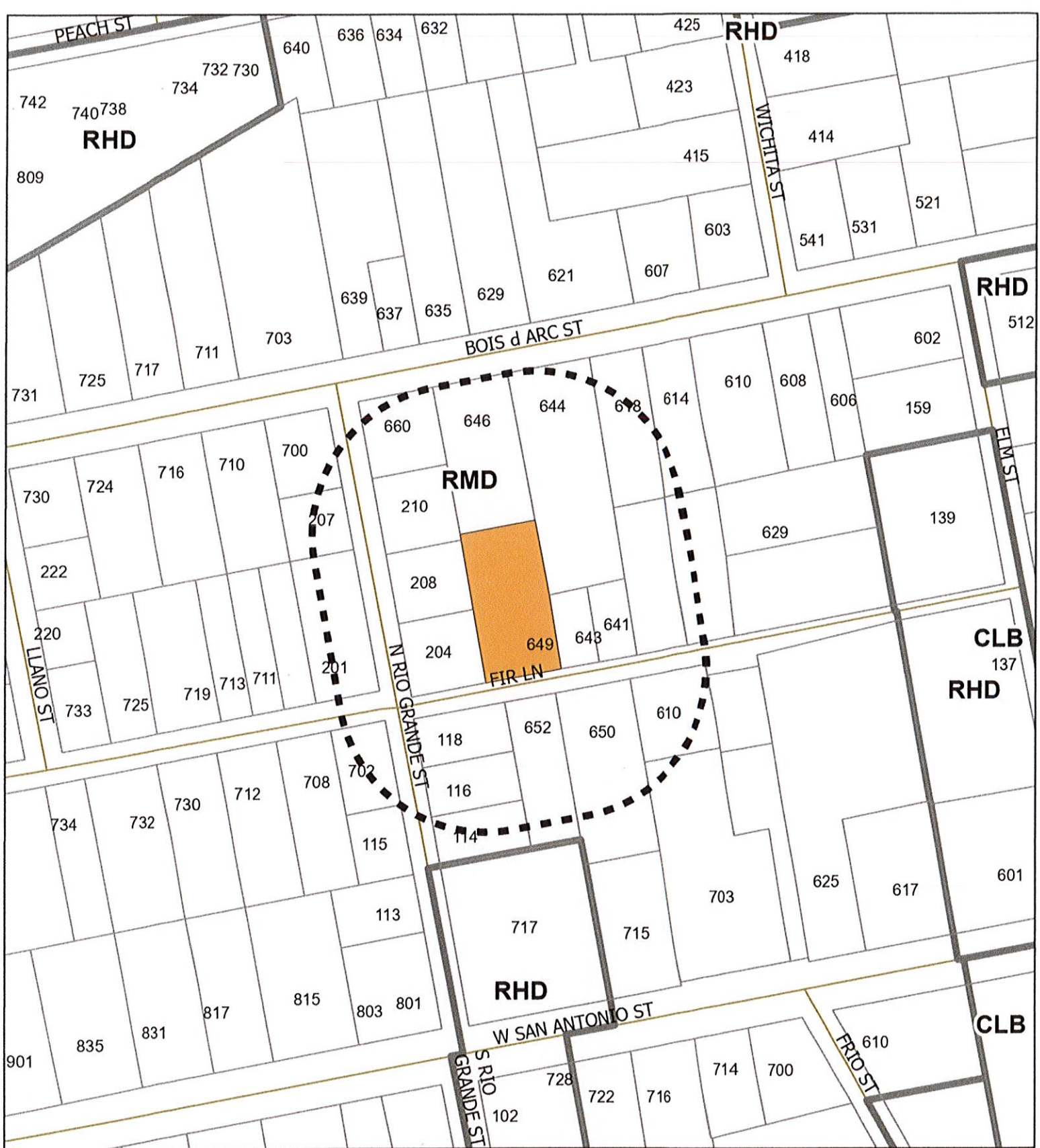
7. Adjournment.

Member Knight moved to adjourn the meeting, and Member Stroka seconded. The motion passed with a vote of 6-0, and the meeting adjourned at 7:01 p.m.

Approved: _____
(Date)

Romy Brossman, Recording Secretary

Laura Cline, Chairwoman



ZV-25-01

649 FIR LANE

TO REDUCE MIN FRONT YARD
BUILDING SETBACK TO 1 FT
AND SIDE YARD SETBACK TO 4 FT



SUBJECT PROPERTY

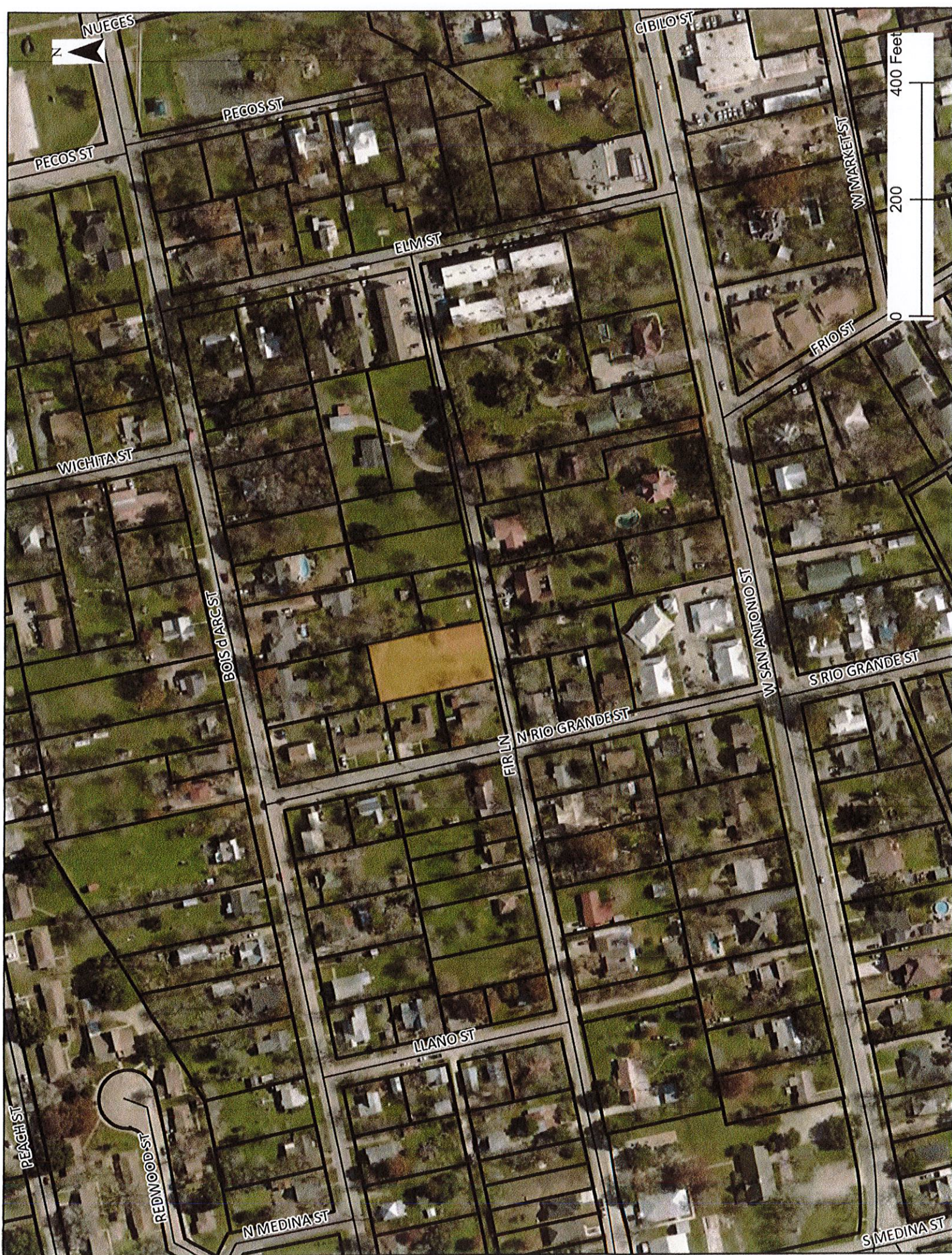


ZONING BOUNDARY



200 FT BUFFER

Scale 1" = 200'



NUECES

CIBILO ST

PECOS ST

PECOS ST

ELM ST

WICHITA ST

BOIS d'ARC ST

FR LN

N RIO GRANDE ST

LLANO ST

N MEDINA ST

PEACH ST

REDWOOD ST

W MARKET ST

FRIO ST

W SAN ANTONIO ST

S RIO GRANDE ST

S MEDINA ST

0 200 400 Feet

PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

KW

CASE NUMBER: ZV-25-01

REPORT DATE: March 21, 2025

PUBLIC HEARING DATE: April 7, 2025

APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required front-yard building setback from 20 feet to one foot, and in the side-yard setback from 5 feet to 4 feet.

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT: Steven Mazurka

OWNER: 711 CTR, LLC, c/o Steven Mazurka

SITE LOCATION: 649 Fir Ln.

LEGAL DESCRIPTION: North, Block B, Lot 5 and part of Lot 6

SIZE OF PROPERTY: 0.469 ac.

EXISTING USE OF PROPERTY: Vacant commercial building

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to open a Veterans' transitional housing complex on the property, which would include the utilization of an existing, vacant storage building as storage and maintenance for the new use. This building, constructed in 1910, measures 24.3 feet wide by 72 feet long, with 9-foot overhangs on either side, and is located one foot from the front property line and four feet from the side (east) property line. According to Zoning Ordinance Appendix I, the required front-yard setback is 20 feet, and the side setbacks, 5 feet. The applicant has therefore requested a variance to allow the building to remain in place with the current setbacks. A copy of the site plan showing the location of the building is included with your agenda packet materials. It should also be noted that the proposed transitional housing use will require a Specific Use Permit from the Planning and Zoning Commission.

AREA CHARACTERISTICS: The subject property is located primarily within a single-family residential neighborhood zoned RMD, which also includes a duplex on an adjacent property to the northwest and several vacant properties to the east of the subject property. The adjacent, vacant property to the west received approval of a variance at the Board's January 6, 2025 meeting for a substandard lot depth to allow the construction of a duplex. According to a review of aerial imagery, a single-family residence located across the street at 610 Fir Ln. appears to be encroaching into the required front-yard setback.

UNIQUE CONDITIONS OF PROPERTY: The long-standing location of the storage building within the required 20-foot front-yard building setback and within the 5-foot side-yard setback could be considered a condition unique to the property. The applicant states in the application that a request for an estimate to move the building was denied by several companies, due to the size and construction materials of the structure.

NATURE OF HARDSHIP: The main hardship associated with the property is the building's location within the front-yard and side-yard setbacks. Neither increased financial gain nor reduced financial hardship has occurred as a result of the building's location within the setbacks. However, failure to approve the variance would cause a financial hardship, requiring either physical relocation (infeasible as noted above) or partial demolition of the structure.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The location of the storage building within the required front- and side-yard setbacks does not appear to have resulted in adverse impacts to surrounding properties and public safety. The adjacent property to the east, opposite which the building encroaches into the side setback, is currently vacant, as noted above.

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, if the Board determines that all 6 variance criteria are met.

ALTERNATIVE SOLUTIONS: The two alternative solutions, which are not practical as mentioned above, are to require either that the building be moved to comply with the 20-foot front-yard setback requirement and five-foot side setback requirement, or that the south 19 feet of the shed's length and the east one foot of its width be demolished to eliminate the encroachment.

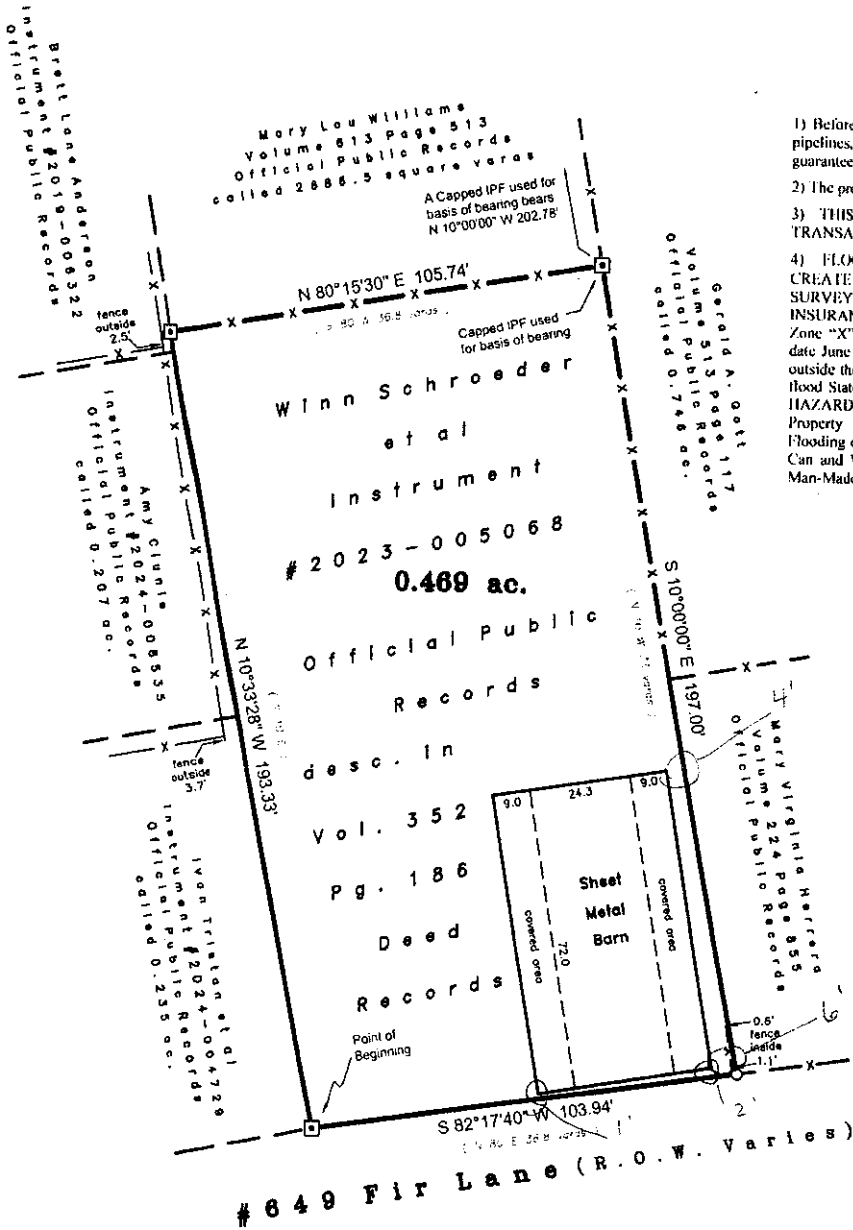
PRECEDENT: The Board's December 2023 approval of a variance to allow a reduction in the required rear-yard building setback for a storage shed that was inadvertently constructed within that setback may have set a precedent for similar requests, including that of the subject property. Variances, however, are considered strictly on a case-by-case basis, and the current request does result from a condition unique to the property, as previously discussed.

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

City of Lockhart Caldwell County, Texas

Francis Berry Survey A-2

North's Addition Part of Lot 6 in Block B



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 #48055C0120; 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 HUD - 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.

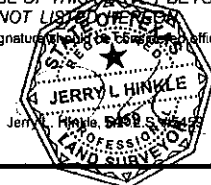


Scale 1"=30'

G.F.#24-2905-D
911 ADDRESS: 649 Fir Lane
Lockhart, Texas 78644

SURVEY DRAWING

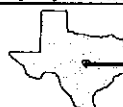
Showing a 0.469 acre tract of land out of the Francis Berry Survey A-2 and part of Lot 6 in Block B of North's Addition in the City of Lockhart, Caldwell County, Texas according to the map or plat thereof recorded in Volume O Page 498 of the Deed Records of Caldwell County, Texas and the improvements as found situated thereon. I do hereby certify to (1) the foregoing plat is a true and correct representation of a survey made on the ground under my direct supervision on January 23, 2025, (2) I have shown or noted all recorded easements or right of ways listed in the title report provided by Comidor Title, Dripping Springs, Texas, G.F. #24-2905-D effective date December 15, 2024, and shown all observable evidence of easements on the ground. There are no encroachments, protrusions, conflicts nor any shortages in area nor boundary other than shown hereon. THIS SURVEY IS CERTIFIED TO THE PERSON(S) / COMPANY SHOWN HEREON AND ITS CONTENTS GUARANTEED FOR USE WITH THIS ONE TRANSACTION ONLY DATED THIS DATE. THE SURVEYOR SHALL INCUR NO LIABILITY FOR ANY USE OF THIS SURVEY BEYOND THIS TRANSACTION OR FOR ANY PERSONS(S) / COMPANY NOT LISTED HEREON. Only those prints containing the raised Surveyor's seal and an original "LIVE" signature shall be considered official and relied upon by the user.



LEGEND

- CAPPED 1/2" IRON PIN SET
STAMPED "HINKLE SURVEYORS"
- CAPPED IRON PIN FOUND
STAMPED "HINKLE SURVEYORS"
- (---) ORIGINAL DEEDED CALLS
- X- FENCES MEANDER
- UNLESS OTHERWISE NOTED

Field Book: d.c.	Drawn By: JLM LH
Job No. 20250231-FirLane	Drawing: 20250231-FirLane.dwg
Date: January 2025	Word Date: Begin 01012025
Surveyed By: JLM JDB	Autocad Date: Begin 01012025



HINKLE
SURVEYORS

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

CITY OF

Lockhart

TEXAS

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 STEVEN MAZURKA

ADDRESS 711 Center St

DAY-TIME TELEPHONE 239 248 9085

LOCKHART TX 78644

E-MAIL Steven@Mazurka.com

OWNER NAME 711 CTR, LLC

ADDRESS 711 Center St

DAY-TIME TELEPHONE 239-248 9085

LOCKHART TX 78644

E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION 649 FIR LANE

LEGAL DESCRIPTION (IF PLATTED) ~~LOT 5, BLOCK B, NORTH, BLOCK B, LOT 5, PT 6~~

SIZE .48 ACRE(S) ZONING CLASSIFICATION RMD ^{ADDITION}

EXISTING USE OF LAND AND/OR BUILDING(S) WAREHOUSE STORAGE

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix I OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) BUILDING REQUIRE 20' ^{front} set back FROM STREET & RESIDENTIAL USE. 5' setback required from side & property lines.

REQUESTED VARIANCE(S) ALLOW NONCONFORMING USE AS STORAGE AND MAINTENANCE AND ALLOW EXISTING SET BACK FROM STREET & side property line.

- Allow a 1-foot setback from the front property line.
- Allow a 4-foot setback from the side (east) property line. line.

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, PAYABLE TO THE CITY OF LOCKHART. **\$322**

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

Steven Mazurka

DATE Feb 25, 2025

OFFICE USE ONLY

ACCEPTED BY D. Fowler/Kevin Waller RECEIPT NUMBER R01356237

DATE SUBMITTED 2/25/25 CASE NUMBER ZV - 25 - 01

DATE NOTICES MAILED 3/21/25 DATE NOTICE PUBLISHED 3/27/25

BOARD OF ADJUSTMENT MEETING DATE 4/7/25

DECISION _____

CONDITIONS _____

Request for Variance

649 Fir Lane, Lockhart, TX 78644

Owner: 711CTR, LLC

Steven Mazurka, Managing member.

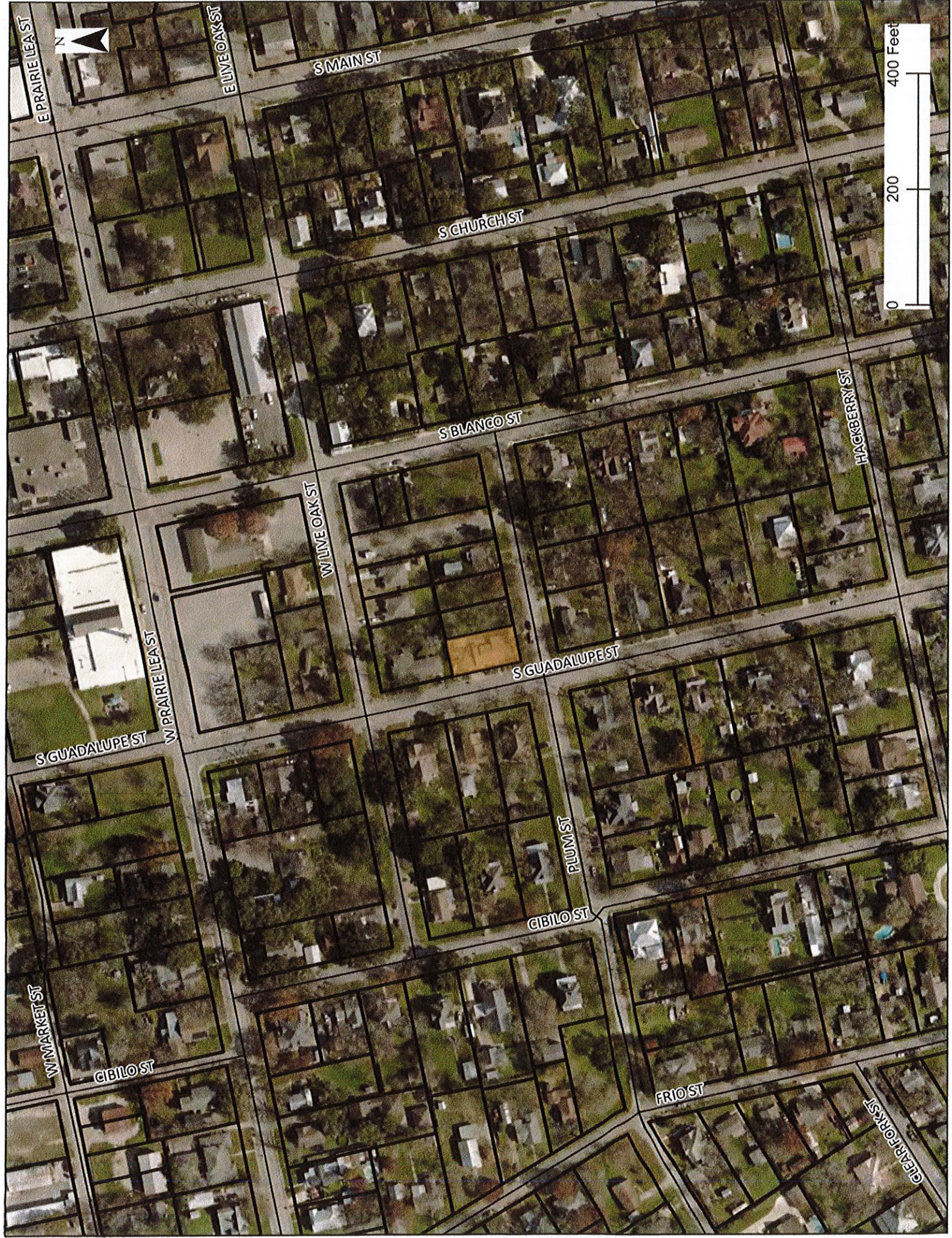
1. The dry storage building was built in 1910 and has been continually used for storage. The building is 24'x72' with 9' overhang on both sides. A request for estimate to move the building was denied by several companies due to the size and construction.

2. The structure was in place at the time of purchase and is situated approximately 5' from the street and 12' from side lot line.

↓ 1' from front property line

3. Electrical power is necessary for continued maintenance and repair. It had electrical power previously but it does not currently have power or water. That requires zoning approval.
4. Request for variance from setback and non-conforming use as maintenance and storage is not incompatible with adjacent property. It will not adversely affect public health or safety and not permanently interfere with appropriate use of adjacent property.
5. The variance will not alter the essential character of the zoning district.

Scale 1" = 200'



PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *KW*

CASE NUMBER: ZV-25-02

REPORT DATE: March 25, 2025

PUBLIC HEARING DATE: April 7, 2025

APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required rear-yard building setback from 10 feet to 7 feet

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT AND OWNER: Andrew Campbell

SITE LOCATION: 416 S. Guadalupe St.

LEGAL DESCRIPTION: Polks, Block 2, part of Lot 2

SIZE OF PROPERTY: 0.174 ac.

EXISTING USE OF PROPERTY: Single-Family Residential

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: A 7-foot-wide by 7-foot-long freestanding gazebo was recently constructed in the rear yard of the subject property as an accessory structure to the existing single-family residence, prior to securing the necessary permits. The gazebo is located 7 feet from the rear property line at the structure's closest corner, which encroaches 3 feet into the required 10-foot rear-yard building setback for the RMD Zoning District set forth in Appendix I of the Zoning Ordinance. A copy of the site plan showing the location of the gazebo as constructed is included with your agenda packet materials, and photos will be presented at the meeting.

AREA CHARACTERISTICS: The subject property is located primarily within a single-family residential neighborhood zoned RMD, which also includes a duplex on the adjacent property to the north and two vacant properties to the east of the subject property. It should be noted that the single-family residence on the subject property encroaches into the front-yard setback, with the same encroachment occurring for the duplex located on the property to the north at 400 and 402 S. Guadalupe St.

UNIQUE CONDITIONS OF PROPERTY: The applicant states in the application that an approximately 50-foot tall Hackberry tree on the subject property, located to the west of the gazebo, helped determine where the structure would be placed. It is explained that Hackberry trees have weak limbs, which could present a safety hazard were a limb to break off and strike the gazebo. The applicant has provided photos that show several large limbs looming over the gazebo, with as little as two feet of horizontal separation between the tree limbs and structure. Although the applicant plans to keep the tree, its removal was considered, which would be cost-prohibitive. Removal of the limbs closest to the gazebo was also considered; however, the applicant explains that those limbs provide a counterbalance to the tree, that, if removed, could present a safety hazard to the house with the opposite-facing limbs. The applicant also notes that he assumed that the rear property line was

actually a side property line, due to the property's very shallow depth and long width. Staff agrees that the lot's 61-foot depth and 123-foot width is another condition unique to the property.

NATURE OF HARDSHIP: The main hardships associated with the property are the proximity of the Hackberry tree to the west of the gazebo and the shallow rear yard. Neither increased financial gain nor reduced financial hardship has occurred as a result of the building's location within the setbacks.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Construction of the gazebo three feet into the rear-yard building setback does not appear to have resulted in adverse impacts to surrounding properties and public safety. The adjacent property to the east, opposite which the gazebo encroaches into the rear setback, is currently vacant, as noted above.

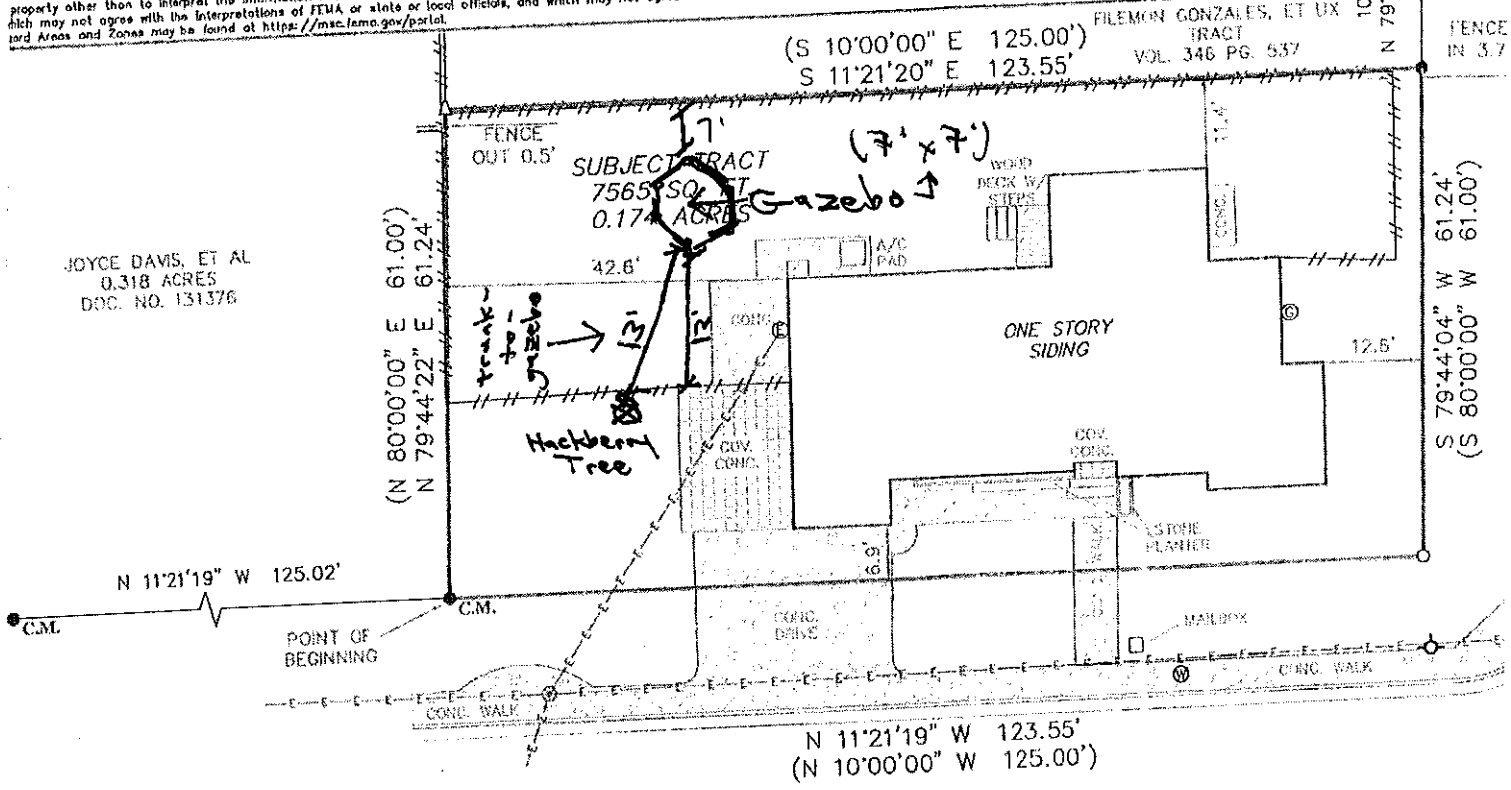
COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all 6 of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the enclosed written explanation as evidence in support of the variance. Staff believes that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

ALTERNATIVE SOLUTIONS: The two alternative solutions, however impractical, are to require either that the gazebo be moved to comply with the 10-foot rear-yard setback requirement, which would likely result in the removal of the Hackberry tree (non-protected tree), or that the east 3 feet of the structure's width be demolished to eliminate the encroachment.

PRECEDENT: The Board's December 2023 approval of a variance to allow a reduction in the required rear-yard building setback for a storage shed that was inadvertently constructed within that setback may have set a precedent for similar requests, including that of the subject property. Variances, however, are considered strictly on a case-by-case basis, and the current request does result from conditions unique to the property, as previously discussed.

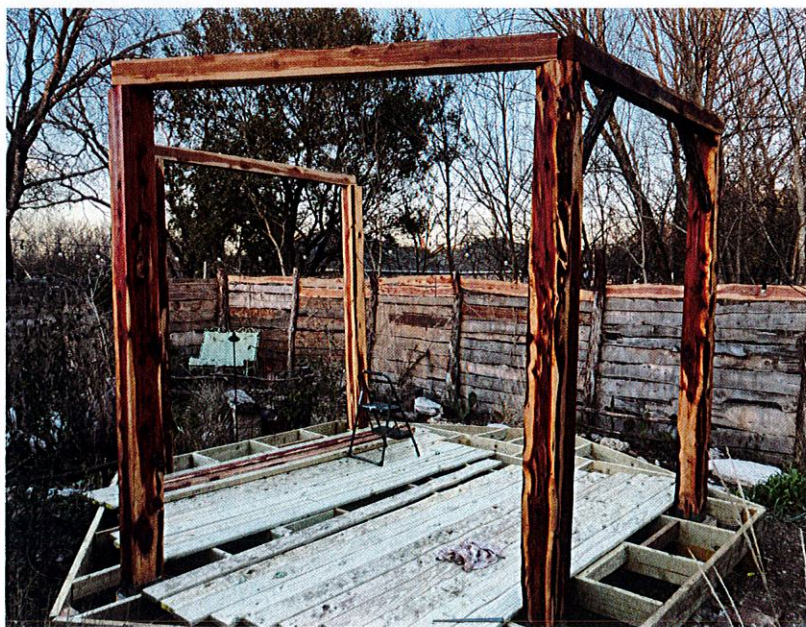
RESPONSE TO NOTIFICATION: None, as of the date of this report.

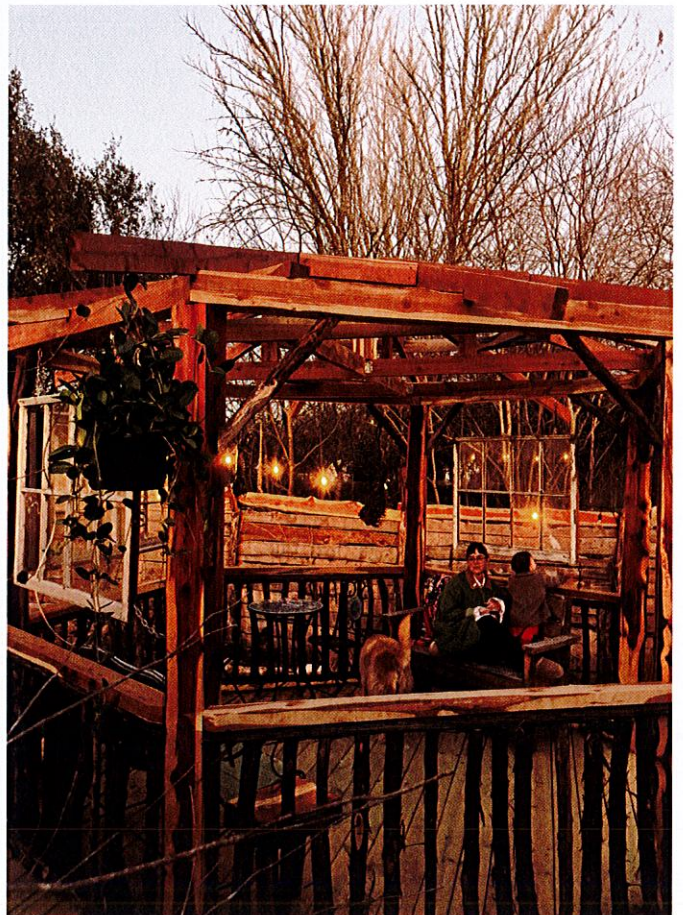
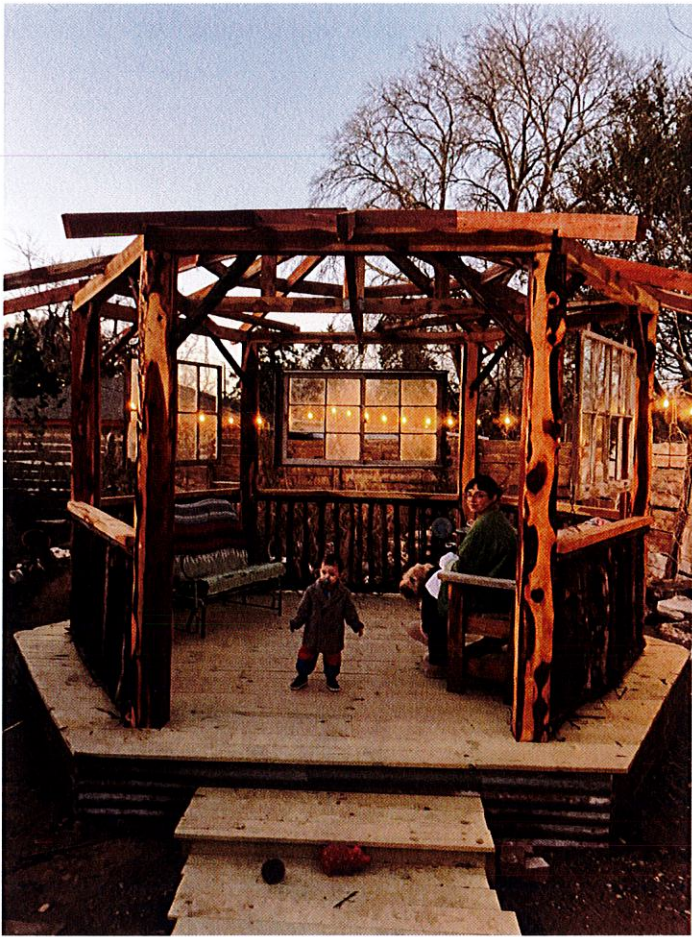
THE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE
 N. OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey
 is included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 480026, Panel No. 01206, which is Dated 05/19/2012. By scaling from that FIRM, it
 that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the
 property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD
 which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special
 Flood Areas and Zones may be found at <https://msc.fema.gov/portal>.



NOTE:
 BEARINGS SHOWN HEREON ARE BASED ON ACTUAL GPS
 OBSERVATIONS, TEXAS STATE PLANE COORDINATES,
 SOUTH CENTRAL ZONE, GRID.













20ft
from
back
fence







CITY OF

Lockhart

TEXAS

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 Andrew Campbell

ADDRESS 416 S. Guadalupe

DAY-TIME TELEPHONE 330 554 7731

Lockhart, TX

E-MAIL andy.campbell@me.com

78644

OWNER NAME Same

ADDRESS Same

DAY-TIME TELEPHONE 330 554 7731

E-MAIL andy.campbell@me.com

PROPERTY

ADDRESS OR GENERAL LOCATION 416 S. Guadalupe

LEGAL DESCRIPTION (IF PLATTED) Polks Block 2 part of Lot 2

SIZE 0.174 ACRE(S)

ZONING CLASSIFICATION Residential (RMD)

EXISTING USE OF LAND AND/OR BUILDING(S) Home

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix I OF THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) Structure needs to be

10 ft from back of property

- 10-foot rear setback -

REQUESTED VARIANCE(S) I would like permission to

allow one corner post of a hexagonal
pergola/gazebo to be 7ft from property
line. - 7 feet setback from rear property line

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.

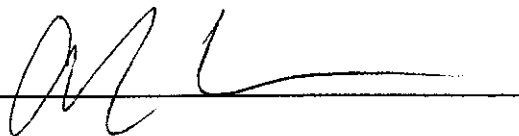
- ① A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
- ② The 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 \$ 276.10 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

3/11/25

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER R01361119

DATE SUBMITTED 3/14/25

CASE NUMBER ZV 25 - 02

DATE NOTICES MAILED 3/21/25

DATE NOTICE PUBLISHED 3/27/25

BOARD OF ADJUSTMENT MEETING DATE 4/7/25

DECISION _____

CONDITIONS _____

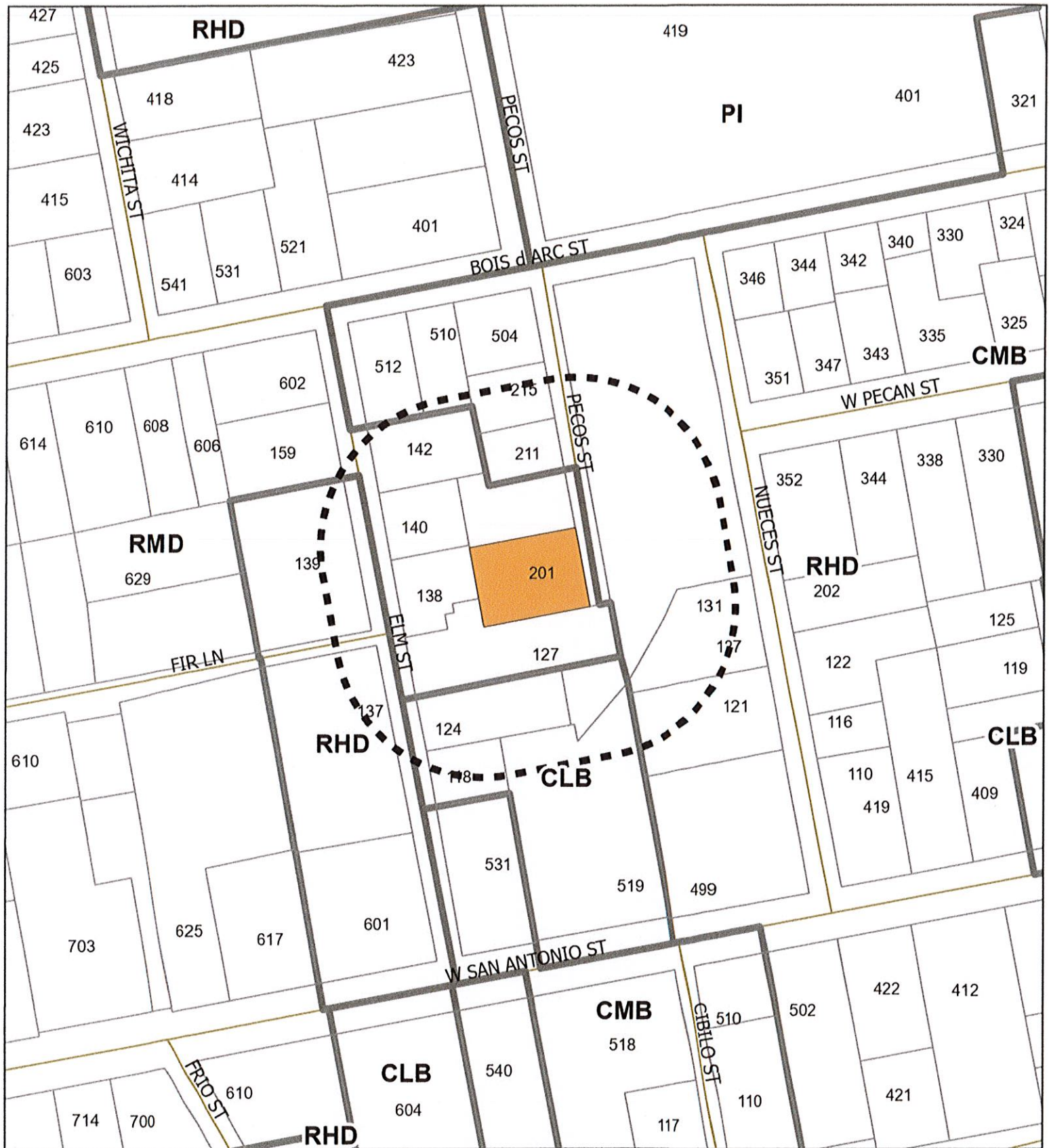
Thank you for the consideration.

We built this gazebo for our children to spend more time outdoors and hope that you agree that it will not adversely affect the public in any way.

1. We have a large, well-established hackberry tree that stands over 50 feet tall which was a key factor in where we placed the gazebo. After inquiring with tree removal services about having it taken down, we discovered that the cost would be several thousand dollars. Therefore, we have decided to coexist with the tree. Hackberry trees are known for having weak limbs and a tendency to fall, so we chose to build the gazebo away from the tree. This way, we can avoid the risk of large limbs falling on the structure, potentially while our children are playing inside.
2. The tree was planted and established well before we bought the house.
3. The gazebo remains centered in the backyard, with only one post of the hexagon encroaching past the ten-foot limit, which is still 7 feet from the property line.
4. There is no financial gain for this decision.
- 5/6. The gazebo presents no public health or safety risks and I've spoken to the majority of my neighbors who all find it to be beautiful and not a hindrance in any way.
This variance would not in anyway be out of character with other similar aspects of our neighborhood.

Thanks again,

The Campbell Family



ZV-25-03

201 PECOS ST

REDUCE MIN REAR YARD
BUILDING SETBACK FROM
10 FT TO 2 FT AND SIDE YARD
BUILDING SETBACK FROM 5 FT TO 1.5 FT



SUBJECT PROPERTY



ZONING BOUNDARY



200 FT BUFFER

Scale 1" = 200'



N BLANCO ST

N GUADALUPE ST

S GUADALUPE ST

W MARKET ST

0 200 400 Feet

W PECAN ST

NUECES ST

W MARKET ST

CIBILO ST

PECOS ST

W SAN ANTONIO ST

BOIS D'ARC ST

PECOS ST

ELM ST

FRIO ST

WICHITA ST

FR LN

PEACH ST

N RIO GRANDE ST

S RIO GRANDE ST

PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

KW

CASE NUMBER: ZV-25-03

REPORT DATE: March 25, 2025

PUBLIC HEARING DATE: April 7, 2025

APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required rear-yard building setback from 10 feet to 2 feet, and a reduction in the minimum required side-yard building setback from 5 feet to 1.5 feet.

STAFF RECOMMENDATION: **Denial**, due to failure to meet all six variance criteria.

BACKGROUND DATA

APPLICANTS AND OWNERS: Timothy and Sharon Wakefield

SITE LOCATION: 201 Pecos St.

LEGAL DESCRIPTION: Lot 2, Loveland-Schneider Subdivision

SIZE OF PROPERTY: 0.351 ac.

EXISTING USE OF PROPERTY: Single-Family Residence

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: An 8-foot-wide by 10-foot-long garden shed, as well as a 7-foot-wide by 11-foot-long greenhouse, were recently constructed in the rear yard of the subject property as accessory structures to the existing single-family residence, prior to securing the necessary permits. The garden shed and greenhouse are both located 1.5 feet from the side (north) property line, which encroaches 3.5 feet into the required 5-foot side-yard building setback for the RMD Zoning District set forth in Appendix I of the Zoning Ordinance. In addition, the greenhouse is located two feet from the rear property line, thereby encroaching 8 feet into the required 10-foot rear-yard setback. A copy of the site plan showing the locations of the two structures as constructed is included with your agenda packet materials, and photos will be presented at the meeting.

AREA CHARACTERISTICS: The adjacent properties to the north and south are zoned RMD and contain single-family residences. The property to the east, across Pecos Street, is a City park. The adjacent property to the west is also owned by the applicant, zoned RMD, and is vacant. Further west, across Elm Street, are two apartment complexes, The Oaks and The Elms.

UNIQUE CONDITIONS OF PROPERTY: The applicant explains in the application that a Pecan tree and Oak tree restrict the location options of the greenhouse and shed. The applicant desired to place these structures near the raised beds that he had constructed to create a workable garden space that enabled his wife to have an easily manageable garden with the two structures and raised beds in proximity to one another. During a March 24, 2025 site visit to the property, Staff observed that neither the Pecan tree nor Oak tree are classified as Protected Trees. Although Staff appreciates the thoughtfulness that went into creating a very attractive, functional garden space, the existing property features do not create a unique condition that warrants the location of the greenhouse and garden shed within the required side-yard and rear-yard setbacks. It is our conclusion that the structures can be relocated to meet the required setbacks without adverse impacts from the two

trees noted above. Further, the current encroachments into these setbacks do not meet the City's five-foot Fire Code spacing requirements.

NATURE OF HARDSHIP: Staff has determined that there is no unique condition of the property that creates a hardship associated with meeting the required building setbacks. Neither increased financial gain nor reduced financial hardship has occurred as a result of the two structures' locations within the required rear-yard and side-yard setbacks.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Construction of the garden shed and greenhouse 3 ½ feet into the side-yard building setback, with the greenhouse also 8 feet into the rear setback, does not appear to have resulted in adverse impacts to surrounding properties and public safety. It should be noted that the greenhouse is largely screened from Pecos Street, due to its placement behind the north side-yard fence and the garden shed, with the upper third of the garden shed visible above the fence.

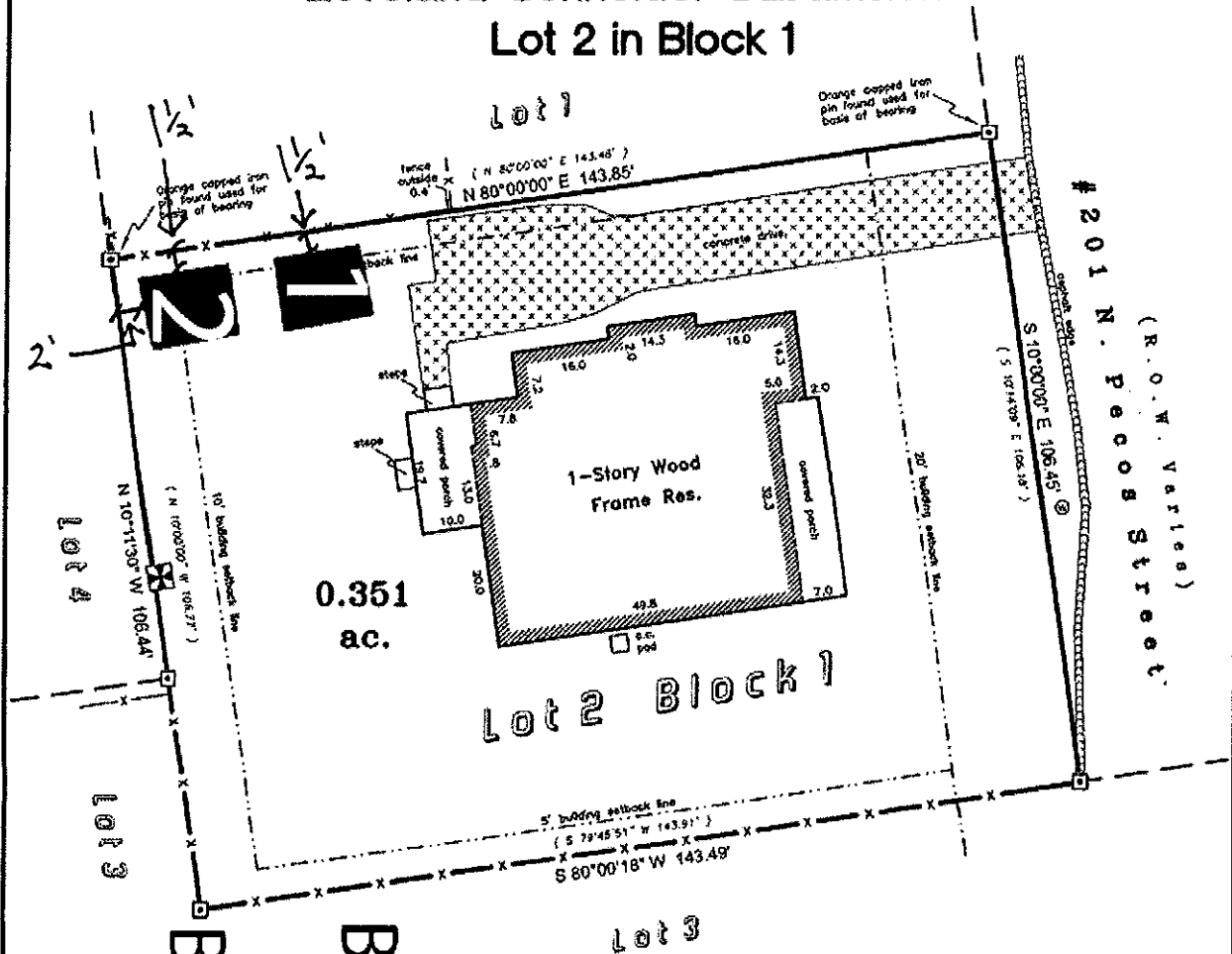
COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all 6 of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the enclosed written explanation as evidence in support of the variance. Staff believes that the variance request warrants denial, due to failure to meet all 6 of the variance review criteria; namely, Criterion 1 (unique property condition not created by owner, occupant, or applicant), and Criterion 2 (practical difficulty/unnecessary hardship).

ALTERNATIVE SOLUTIONS: An alternative solution is simply to relocate the greenhouse and garden shed to locations that comply with the setback requirements, which appears feasible, based upon Staff's site visit. In addition, the applicant states in the application that the two structures "...are fairly basic, practical wooden structures that we would be happy to remove if we were ever to leave the premises."

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

STAFF RECOMMENDATION RATIONALE: Staff recommends denial of the variance request, which does not meet all 6 of the variance review criteria. The applicant explains that he was not aware of the permit or setback requirements when the structures were erected. However, this is not grounds for a variance, when there are locations nearby that do conform to the setback requirements. The locations of the Pecan and Oak trees do not necessitate the locations of the structures as currently positioned.

City of Lockhart Caldwell County, Texas
 Loveland-Schneider Subdivision
 Lot 2 in Block 1



BUILDING1. Garden Shed
 8 feet x 10 feet
 BUILDING2. Greenhouse.
 7 feet x 11 feet

G.F. #23-2474-L
 911 ADDRESS: 201 N. Pecos Street
 Lockhart, Texas 78644



Scale 1"=20'

LEGEND

- ORANGE CAPPED IRON PIN FOUND
- 4" DIAMETER WELL
- WATER METER
- ORIGINAL DECEDED CALLS
- FENCES MEANDER
- CONCRETE
- UNLESS OTHERWISE NOTED

Field Books d.c.	Drawn By JLM LH
Job No. 20232781	Drawing: 20232781.dwg
Date: October 2023	Word Date: Begin 10012023
Surveyed By: JLM JOB	Autocad Date: Begin 10012023

HINKLE
SURVEYORS

P.O. Box 1027 1109 S. Main Street Lockhart, TX 78644
 Ph: (512) 398-2000 Fax: (512) 398-7883 Email: contact@hinklesurveyors.com Firm Registration No. 100880-00

CITY OF

Lockhart

TEXAS

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 Sharon Wakefield ADDRESS 201 Pecos Street
DAY-TIME TELEPHONE 512-576-7698 Lockhart TX 78644
E-MAIL Sharon.Awakefield@gmail.com
OWNER NAME Sharon Wakefield ADDRESS 201 Pecos Street
DAY-TIME TELEPHONE 512-157-9401 Lockhart TX 78644
E-MAIL Tim@SoundwavesArtFoundation.com

PROPERTY

ADDRESS OR GENERAL LOCATION 201 Pecos Street
LEGAL DESCRIPTION (IF PLATTED) Loveland-Schneider subd, Lot 2
SIZE 0.351 ACRE(S) ZONING CLASSIFICATION Residential (RMQ)
EXISTING USE OF LAND AND/OR BUILDING(S) Single Family Residence

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix I OF THE ZONING ORDINANCE
CURRENT ORDINANCE REQUIREMENT(S) 10-foot rear building setback,
and 5-foot side setback.

REQUESTED VARIANCE(S) To the setbacks at side and back fence.
- Rear setback of 2 feet, & side setback of 1.5 feet
for a greenhouse.
- Side setback of 1.5 feet for a shed.

SUBMITTAL REQUIREMENTS

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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;
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APPLICATION FEE OF \$250.00 PLUS \$150.00 PER ACRE, FOR A MAXIMUM OF \$2,500.00, APPLICATION FEE OF \$302.65 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 Jim Weber

DATE 2/26/25

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER R01362132

DATE SUBMITTED 3/24/25

CASE NUMBER ZV - 25 - 03

DATE NOTICES MAILED 3/21/25

DATE NOTICE PUBLISHED 3/27/25

BOARD OF ADJUSTMENT MEETING DATE 4/7/25

DECISION _____

CONDITIONS _____

Variance Request for 201 Pecos Street

1. There is a large pecan tree. (Around 80ft) and smaller oak tree (Around 30 feet) that restrict the space that could incorporate a greenhouse and shed. Speaking with a garden designer we wanted to build these structures next to the raise beds that I had built to allow my wife to have a workable garden space. The greenhouse is 2ft from the back fence an 1 1/2 feet from side. The Shed is 1 1/2 feet from side. This North side of the yard now is a beautiful working garden whilst the South side is more ornamental and used for relaxing.

2. The trees that restrict the positioning of these buildings were all on the property when we purchased it.

3. Having the buildings 5 foot from the fence would mean the removal of both trees. The land behind us is owned by us and the next door neighbor was extremely happy for us to put these buildings where they are so no one is affected by these structures. They don't block Andy's views or restrict light in any way for our neighbours.

4. The addition of these buildings does not increase the value of the property. They are fairly basic practical wooden structures that we would be happy to remove if we were ever to leave the premises.

5. Because the yard is flanked on all three sides by neighboring yards any emergency vehicles would access the property from the road at the front of our house. there is no access to the rear of the property. The structures pose no other health and safety risk.

6. The yard we have created has been carefully designed to blend in with the aesthetic historical nature of the house. We were asked to open our house and garden for the Lockhart Holiday homes Tour last year. We have respectfully tried to build a home in keeping with the other older homes in our neighbourhood.

Thank you,

Tim & Sharon Wakefield
512-457-9401

Tim Wakefield
201 Pecos St
Lockhart
Texas
78644

February 24th 2025

To The City of Lockhart,

I am writing a supporting letter to ask if you would consider granting a variance for a greenhouse and shed I have on my property at 201 Pecos St, Lockhart, 78644.

I purchased this house around 18 months ago and have painstakingly created a wonderful garden space for my wife and I to enjoy. My wife has been unwell for some time and my intention was to create an easily manageable garden with raised beds and a greenhouse and shed in close proximity to enable her to do something she loves.

There are a few trees in the yard that restricted where these could go and I have attached a plan to show where these are situated as well as a photograph to show that this has been done very tastefully.

We were actually asked to show our home and garden in the Lockhart open homes weekend in December as the organizers felt it was a property people would enjoy. I have also consulted with my neighbour, Christopher St Ledger who is the only person affected by any view of our garden and he is more than happy with the outcome.

I am fully aware now that I should have had a permit for these structures and will fully comply with your decision. Being from the UK this kind of permitting is new to me and I would have gone through the correct procedure had I known this was the protocol.

I hope you consider this application for a variance favorably and am more than happy to have someone from the City come and see the property at any time to assess the merits of this request.

Sincerely

Tim Wakefield
Artist // [Soundwaves Art Foundation](#)
+1 512 457 9401 // tim@soundwavesartfoundation.com