

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, May 5, 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 April 7, 2025 meeting.
4. **ZV-25-03.** Continue a PUBLIC HEARING and reconsider 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 [*tabled from April 7, 2025 meeting*].
5. Discuss the date and agenda of the next meeting.
6. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 1:00 p.m. on the 28th day of April, 2025.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
APRIL 7, 2025**

MINUTES

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

Members Absent: None

Staff Present: David Fowler, Kevin Waller, Romy Brossman

Others Present: Steven Mazurka (applicant, Agenda Item 4), Andrew Campbell (applicant, Agenda Item 5), Timothy and Sharon Wakefield (applicants, Agenda Item 6), Larry Jackson, Paul Rodriguez, Gerald Gott, Donna Blair, Amy Clunie, Mary Lou Wygant

1. Call meeting to order. – Chair Cline called the meeting to order at 6:29 p.m.
2. Citizen comments not related to a public hearing item. – None
3. Consider the minutes of the January 6, 2025 meeting.

Member Knight moved to approve the minutes. Member Annas seconded, and the motion passed with a vote of 8-0.

Member Martinez recused himself prior to the presentations of Items 4 (ZV-25-01) and 5 (ZV-25-02).

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.

Planning Staff Kevin Waller presented maps, aerials, photos, and a survey of the subject property. The existing 1-foot front setback and 4-foot side setback were identified on the survey. The required setbacks are 20-foot at the front and 5-foot on the side. Mr. Waller reviewed the 6 variance review criteria which staff believes the application meets. Mr. Waller reported receiving communications from neighboring property owners voicing opposition for the future use of the subject property, and reinforced that the item to be voted on at this time is the variance.

Mr. Waller answered questions from the Commission. He confirmed the proposed future use of the property will be considered by the Planning and Zoning Commission through the Specific Use Permit application process.

Member Stroka inquired about the current condition of the building.

Mr. Waller stated the building can be used, though updates may be needed. He also confirmed that the variance could not be “grandfathered” in the future.

Applicant Steven Mazurka, 711 Center St., Lockhart, TX, reported his goals are to restore the building, make it safe, functional, and structurally sound.

Larry Jackson, 1502 Hunters Rd. Lockhart, TX stepped up to speak in favor of the variance.

Paul Rodriguez of 518 Caribbean Dr., Lockhart, TX, expressed opposition, representing his mother Amelia Rizzuto of 629 Fir Ln. Mr. Rodriguez stated his mother’s reasons for opposition.

Gerald Gott, 644 Bois D’Arc St., Lockhart, TX, introduced himself as a veteran, and spoke in opposition to the variance.

Donna Blair, 831 W. San Antonio St., Lockhart, TX, presented her reasons for opposition of the variance for the non-conforming structure.

Amy Clunie, 208 N. Rio Grande St., Lockhart, TX, shared her reasons for opposition, and her concern for the long-term and far-reaching consequences for the neighborhood if the variance is approved.

Mary Lou Wygant, 646 Bois D’Arc St., Lockhart, TX, also in opposition, gave her concerns including a lack of transparency with neighbors regarding the intended project.

Chairwoman Cline opened the hearing for Board discussion.

Member Stroka voiced concern regarding the potential for financial benefit, and for the need for further information to determine if the six criteria mentioned are met.

The Commission discussed the possible constraints to building improvements if the variance is approved or denied. The Commission also discussed permits for work recently done at the property.

Chair Cline and staff discussed if the variance would apply to the entire property frontage or just the building.

Member Stroka asked for confirmation that the notices mailed out were lacking information.

Mr. Waller confirmed that the notices typically specify the purpose of the variance.

Member Knight moved to deny ZV-25-01. Member Stroka seconded, and the motion passed with a vote of 7 -0.

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 S. Guadalupe St.

Mr. Waller presented the subject property with maps and photos. A 7-foot by 7-foot gazebo was recently constructed in the rear yard of the subject property, prior to securing permits. The gazebo is located 7 feet from the rear property line and encroaches 3 feet into the required 10-foot rear setback. The applicant noted that an approximately 50-foot hackberry tree on the property helped determine the location of the gazebo. Removal of the tree would be cost-prohibitive for the applicant. Removal of limbs was also considered but limb removal could present a safety hazard to the house as those limbs act as a counterbalance for the tree. Another unique feature of the property is the lot's 61-foot depth and 123-foot width, which limits the location of the gazebo. Two letters from community members in support of the variance were noted. Staff believes the variance request warrants approval if the Board determines that all six variance criteria are met.

Applicant and property owner Andrew Campbell, 416 South Guadalupe St., Lockhart, TX, introduced himself and presented more letters of support from neighbors.

Member Proctor moved to approve ZV-25-02. Member Knight seconded, and the motion passed with a vote of 7-0.

Member Martinez rejoined the Board for the presentation of Item 6 (ZV-25-03).

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 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.

Mr. Waller presented the subject property with maps and photos. An 8-foot wide by 10-foot long shed and a 7-foot wide by 11-foot-long greenhouse were recently constructed in the side and rear yards of the subject property, prior to securing the necessary permits. Both structures are located 1.5 feet from the side (north) property line, which encroaches 3.5 feet into the required 5-foot side setback. In addition, the greenhouse is located two feet from the rear property line, encroaching 8 feet into the required 10-foot rear setback. The two structures are situated near raised garden beds. The applicant explained that a pecan tree and oak tree restrict the location options of both structures. It should be noted both trees are not considered protected species. Staff has determined that the six variance criteria are not all met with this application and

therefore recommends denial.

The Board and Mr. Waller discussed the item, including fire code and alternate locations for the structures.

Applicant Timothy Wakefield, 201 N. Pecos St., Lockhart, TX, shared the reasoning for the structures and stated he would be happy to remove them if the property is sold.

Chair Cline closed the public hearing portion of the meeting and opened it for Board discussion.

Member Stroka moved to table ZV-25-03 to a future meeting, until direction is provided from the City Attorney regarding a possible variance approval period. Member Annas seconded, and the motion passed with a vote of 8 -0.

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

No dates or agendas discussed.

8. Adjournment.

Member Proctor moved to adjourn the meeting, and Vice-Chair Rangel seconded. The motion passed with a vote of 8-0, and the meeting adjourned at 8:03 p.m.

Approved: _____
(Date)

Romy Brossman, Recording Secretary

Laura Cline, Chairwoman



N BLANCO ST

W MARKET ST

S GUADALUPE ST

N GUADALUPE ST

W PECAN ST

NUECES ST

W MARKET ST

GIBILO ST

PECOS ST

PECOS ST

BOIS D ARC ST

W SAN ANTONIO 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 *[updated April 28, 2025]*

PUBLIC HEARING DATE: May 5, 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.

Update April 28, 2025: Following the Board's discussion of potentially setting a timeframe for any approval of the variance during the April 7, 2025 meeting, Staff addressed the matter with the City Attorney's office. According to an email to Staff dated April 11, 2025, the City Attorney's Office advised that the Board should not consider a variance, absent a special condition of the property. Further, any hardship on the property owner is self-imposed, personal, and financial only, and should therefore not be considered. However, if the Board does find a special condition of the property, it could set a temporary timeline for compliance, which would need to be a specific date, and not just an unknown date associated with any future sale of the property. There are practical issues with making the timeline coincide with the sale of the property, one being that a purchaser would be buying without knowledge that the buildings need to be moved. If the variance is approved for a finite period, the expiration should again be a date certain, so it is clear when the buildings need to be removed. It should also be noted that if the Board approves the variance, a precedent might be set for other, similar proposals.

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.





[illegible]

BUILDING1. Garden Shed
8 feet x 10 feet

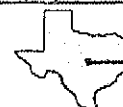
BUILDING2. Greenhouse.
7 feet x 11 feet

Scale 1"=20'

LEGEND

-  ORANGE CAPPED IRON PIN FOUND
 4' DIAMETER WELL
 WATER METER
(.....) ORIGINAL DEEDED CALLS
-X- FENCES MEANDER
 CONCRETE
UNLESS OTHERWISE NOTED

Field Book: d.e.	Drawn By: JLM LM
Job No: 20232781	Drawings: 20232781.dwg
Date: October 2023	Work Date: Begin 10012023
Survived By: JLM JOB	Autosaved Date: Begin 10012023



HINKLE
SURVEYORS

P.O. Box 1027 1109 S. Main Street Lockhart, TX 78544
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 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 512-457-9401 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

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 \$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 / 5/5/25

DECISION Tabled at 4/27/25 meeting to a future meeting.

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