

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, June 2, 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 May 5, 2025 meeting.
4. **ZV-25-04.** Hold a PUBLIC HEARING and consider a request by Blayne Stansberry for a Variance to Appendix II of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required side-yard building setback from 10 feet to 8.29 feet, consisting of 24.575 acres on Lot 1, Block 1, Iron Ox Addition, zoned IL (Industrial Light), and located at 1205 Reed Dr.
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 9:00 a.m. on the 28th day of May, 2025.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
MAY 5, 2025**

MINUTES

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

Members Absent: Arnold Proctor, Shawn Martinez

Staff Present: David Fowler, Kevin Waller, Romy Brossman

Others Present: Timothy Wakefield (applicant, Agenda Item 4)

1. Call meeting to order. – Chair Cline called the meeting to order at 6:32 p.m.
2. Citizen comments not related to a public hearing item. – None
3. Consider the minutes of the April 7, 2024 meeting.

Chair Cline identified a correction to the ZV-25-03 vote count on the April 7th minutes.

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

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.]

Planning Staff Kevin Waller reviewed the tabled item as well as the six variance criteria. Staff's recommendation remains for denial as three of the six criteria are not met. During the last meeting, the Board requested that Staff discuss the possibility of setting a timeframe if the variance were approved. Staff reached out to the City Attorney's staff who 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, future date of sale of the property.

The Board engaged in discussion with City Staff.

Applicant Timothy Wakefield, 201 Pecos St., Lockhart, TX, spoke in favor of the variance.

Member Stroka asked the applicant about the expected lifespan of the buildings.

Mr. Wakefield stated that the structures are made of cedar, with an estimated lifespan of 10 years.

The Board went into discussion.

Member Knight moved to approve ZV-25-03, with the condition that the structures can remain until May 5, 2035, or until the property is no longer owned by the Wakefields, whichever occurs first. Member Stroka seconded, and the motion passed with a vote of 6 - 0.

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

Mr. Waller stated that the next regularly scheduled meeting would be held on June 2nd. Currently, no applications have been submitted for that meeting.

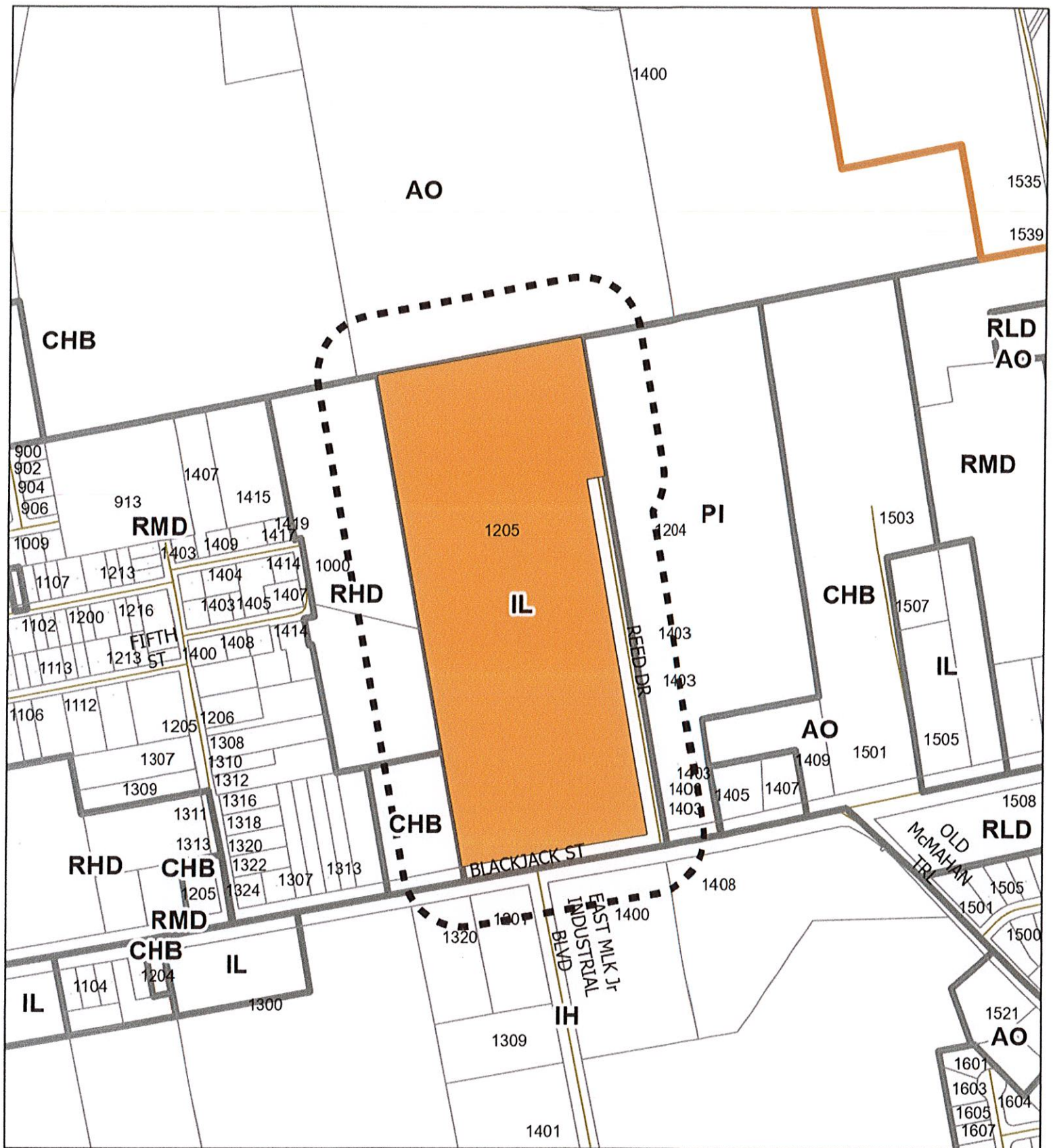
6. Adjournment.

Member Rangel moved to adjourn the meeting, and Member Knight seconded. The motion passed with a vote of 6 - 0, and the meeting adjourned at 7:00 p.m.

Approved: _____
(Date)

Romy Brossman, Recording Secretary

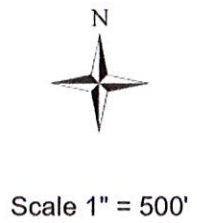
Laura Cline, Chairwoman



ZV-25-04

1205 REED DR

REDUCE THE MINIMUM REQUIRED
SIDE YARD BUILDING SETBACK
FROM 10 FEET TO 8.29 FEET



- SUBJECT PROPERTY
- ZONING BOUNDARY
- LOCKHART CITY LIMITS
- 200 FT BUFFER



SABINE ST
SAN SABA ST
ROSEWOOD ST
REYES ST

HARDEMAN ST

NUEVO LEON ST
MONTERREY ST

CHIHUAHUA ST
MORA ST

FIRST ST
SECOND ST
THIRD ST
FOURTH ST
FIFTH ST
NECHES ST

LUANN LN
PANCHITO ST
RUDDY ST

SHERWOOD ST
TEAL ST (not open)

VALDEZ ST
TORRES ST

BLACKJACK ST
EAST MILK JR INDUSTRIAL BLVD

REED DR
CENTURY OAKS DR
OAK MOUNT LN
OLD McMAHAN TRL
FALCON CREST ST
BALD EAGLE

LOVERS LN

CEMETERY

ON ASTER DR

REED DR

CENTURY OAKS DR

OAK MOUNT LN

OLD McMAHAN TRL

FALCON CREST ST

BALD EAGLE

EAST MILK JR INDUSTRIAL BLVD

BLACKJACK ST

VALDEZ ST

FOURTH ST

FIFTH ST

TORRES ST

FOURTH ST

FIFTH ST

LEE LN

LUANN LN

PANCHITO ST

SHERWOOD ST

TEAL ST (not open)

NECHES ST

FIFTH ST

RUDDY ST

CHIHUAHUA ST

FIRST ST

SECOND ST

THIRD ST

FOURTH ST

FIFTH ST

NECHES ST

RUDDY ST

SHERWOOD ST

TEAL ST (not open)

NECHES ST

RUDDY ST

SHERWOOD ST

TEAL ST (not open)

NECHES ST

RUDDY ST

SHERWOOD ST

TEAL ST (not open)

NECHES ST

RUDDY ST

SHERWOOD ST

PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

KW

CASE NUMBER: ZV-25-04

REPORT DATE: May 27, 2025

PUBLIC HEARING DATE: June 2, 2025

APPLICANT'S REQUEST: Variance to Appendix II of Chapter 64 to allow a reduction in the minimum required side-yard building setback from 10 feet to 8.29 feet

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT: Blayne Stansberry, P.E., Stansberry Engineering Co., Inc.

OWNER: Evergen Equity 30, LP, c/o M. Troy Marcus

SITE LOCATION: 1205 Reed Dr.

LEGAL DESCRIPTION: Iron Ox Addition, Block 1, Lot 1

SIZE OF PROPERTY: 24.575 acres

EXISTING USE OF PROPERTY: Vacant industrial buildings

ZONING CLASSIFICATION: IL (Industrial Light)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The property currently contains two large, vacant industrial buildings, formerly occupied by the Iron Ox robotic greenhouse operation. According to the applicant, the new owner plans to subdivide the property into three lots for future small business use. Due to the proximity between the two buildings, it is explained that a portion of the greenhouse building will encroach into the required 10-foot side-yard setback for the IL zoning district from the future property line to separate this structure from the warehouse building to the south. Since the two structures are not exactly parallel with each other, the proposed lot line between the structures will result in the greenhouse's encroachment of 1.71 feet into the 10-foot side-yard setback at its southeast corner. This encroachment tapers to zero as one moves westward, for a distance of 190 feet, representing an encroachment of 35.8 percent of the length of the greenhouse's south wall façade. The greenhouse will therefore be located 8.29 feet from the proposed side (south) lot line at its closest point, which is the subject of the variance request. The warehouse building will meet all required setbacks. According to the site plan and a Staff site visit on May 27, 2025, two air conditioning units and a water tank sit between the greenhouse and warehouse, while a canopy physically connects the two buildings. These obstructions will be removed, according to the site plan. A copy of the site plan showing the location of the two structures relative to the proposed side lot line, including the greenhouse's encroachment, is included with your agenda packet materials, and photos will be presented at the meeting.

AREA CHARACTERISTICS: The properties to the west consist of two vacant parcels zoned Commercial Heavy Business (CHB) and Residential High Density (RHD). The property to the north is owned by the Duran Gravel Company. The property to the east contains multiple County-owned facilities. The two properties to the south, across Blackjack Street, consist of industrial facilities. No nearby industrial buildings have been observed to encroach into the required building setbacks.

UNIQUE CONDITIONS OF PROPERTY: In the applicant's submitted responses to the variance review criteria, attached, it is explained that the non-parallel orientation of the greenhouse and warehouse relative to one another, combined with the proposed lot line to separate the two structures, creates a condition unique to the property. Since the current owner purchased the property from the previous owner who created the skewed orientation of the two buildings, this condition was not created by the present owner. Staff agrees that the nonparallel nature of the two buildings, relative to the proposed lot line to create individual lots for small business owners, presents a condition unique to the property.

NATURE OF HARDSHIP: The main hardship associated with the property is the orientation of the greenhouse and warehouse buildings to one another, which would not allow for a division of the property between the buildings without an encroachment into the required 10-foot side-yard building setback. Although increased financial gain could be considered a factor of the proposed variance, which, if approved, would allow for the owner to proceed with a division of land for subsequent sale to new buyers, the financial element is not the sole reason for the variance.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The proposed, 1.71-foot encroachment of the greenhouse into the side-yard setback at the building's southeast corner will not result in adverse impacts to surrounding properties or public health and safety, nor has the skewed orientation between the greenhouse and warehouse resulted in said impacts. As noted in the application materials, the separation distance between the two buildings, being 19.75 feet at their closest points, meets the Fire Code separation requirements.

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.

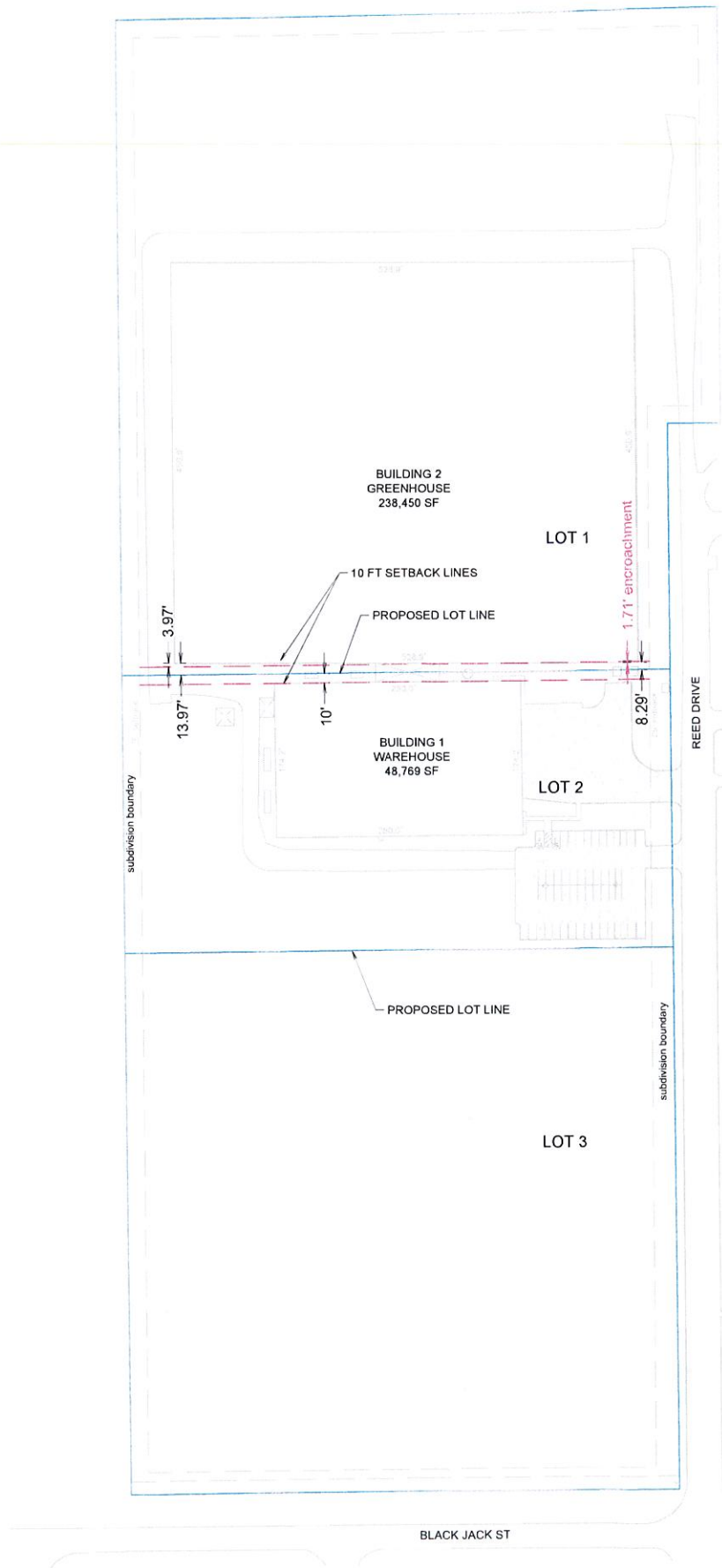
ALTERNATIVE SOLUTIONS: An alternative solution, however impractical, is to require that a small portion of the greenhouse be demolished, in order to comply with the 10-foot side-yard setback requirement, which would then negate the need for the variance. Another alternative solution, also negating the need for a variance, would be not to subdivide the property and leave it as one large lot, and individually lease out the existing two buildings, as well as any future building on the proposed Lot 3.

PRECEDENT: The Board's May 5, 2025 approval of a variance to allow a reduction in the required side-yard and rear-yard building setbacks for a greenhouse and garden shed that were inadvertently constructed within those setbacks, as well as other variance approvals for front-yard, side-yard, and rear-yard setback reductions, could arguably have set a precedent for similar setback reduction 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.



CONCEPTUAL LOT LAYOUT
SCALE 1" = 120'



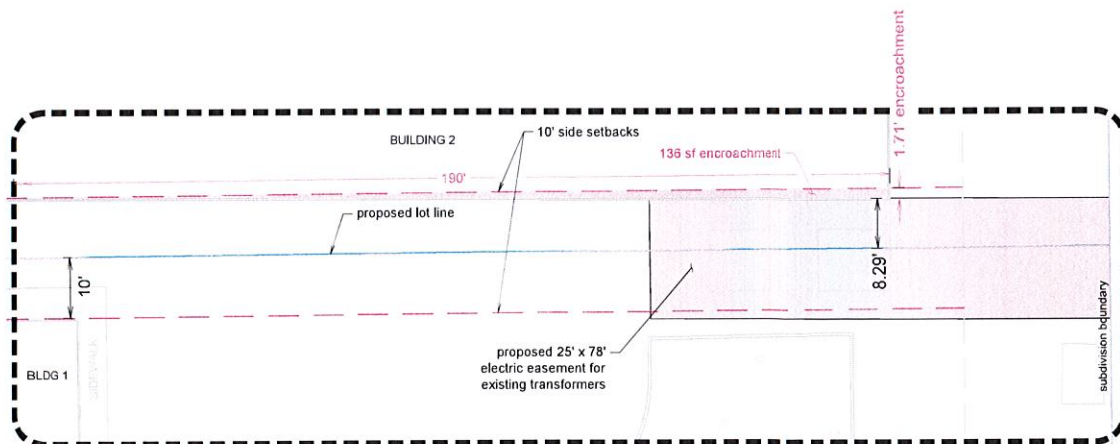
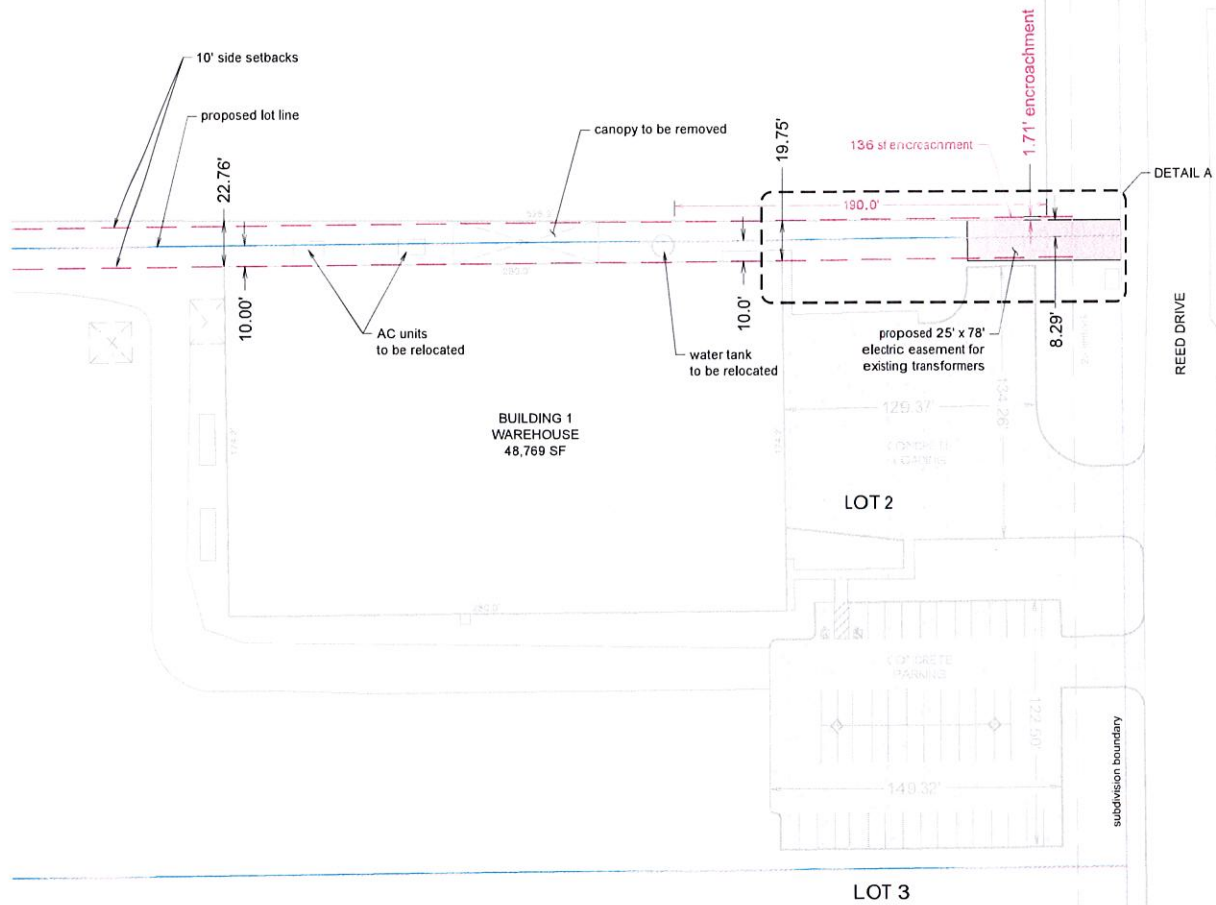


SETBACK ENCROACHMENT

SCALE 1" = 60'

BUILDING 2
GREENHOUSE
238,450 SF

LOT 1



DETAIL A
SCALE 1" = 20'



stansberry engineering co.

Texas Registered Engineering Firm F-9276 phone 512 / 292-8000 www.stansberryengineering.com

1205 REED DRIVE

ZONING VARIANCE

13 MAY 2025

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 Blayne Stansberry
DAY-TIME TELEPHONE 512 / 292 - 8000
E-MAIL blayne@stansberryengineering.com

ADDRESS Stansberry Engineering Co., Inc.
PO Box 132
Manchaca, TX 78652

OWNER NAME Evergen Equity 30 LP
DAY-TIME TELEPHONE 512 / 515 - 3333
E-MAIL omar@evergenequity.com; troy@evergenequity.com

ADDRESS Evergen Equity 30 LP Attn: Troy Marcus
600 W. 5th Street #1200
Austin, Texas 78701

PROPERTY

ADDRESS OR GENERAL LOCATION 1205 Reed Dr.
LEGAL DESCRIPTION (IF PLATTED) Lot 1, Block 1, Iron Ox Addition
SIZE 24.575 ACRE(S) ZONING CLASSIFICATION IL- Industrial Light
EXISTING USE OF LAND AND/OR BUILDING(S) agriculture (currently vacant) / food storage distribution

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) ~~Ch 64, Article VII~~, Appendix II OF THE ZONING ORDINANCE
CURRENT ORDINANCE REQUIREMENT(S) 10-foot building side setback

REQUESTED VARIANCE(S) 8.29-foot side-yard setback
Applicant proposes to subdivide the parcel and create a lot line between the existing warehouse building and the greenhouse for two new businesses. There is currently 19.75 feet to 22.76 feet of distance between the two buildings. A new lot line would result in the southeast corner of Building 2, the greenhouse, encroaching 1.71 feet into the setback.

A variance to the 10-foot setback requirement is requested. The applicant and owner understand existing structures and infrastructure are prohibited from crossing lot lines.

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 \$ 2,500 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 Blayne Stansbury

DATE 5/9/2025

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER R01375005

DATE SUBMITTED 5/15/25

CASE NUMBER ZV 25 - 0A

DATE NOTICES MAILED 5/19/25

DATE NOTICE PUBLISHED 5-22-2025

BOARD OF ADJUSTMENT MEETING DATE 6/2/25

DECISION _____

CONDITIONS _____

City of Lockhart
Development Services
308 W. San Antonio St.
Lockhart, TX 78644

RE: Submittal Authorization for 1205 Reed Drive

To Whom It May Concern:

This letter hereby authorizes Stansberry Engineering Co., Inc. to represent Evergen Equity 30, LP in the submission of documents and plans associated with the City of Lockhart application requirements for a zoning variance for the above referenced project located at 1205 Reed Drive. Stansberry Engineering Co., Inc. is also hereby authorized to attend on our behalf all applicable meetings regarding said project. If you have any questions regarding this matter, please contact M. Troy Marcus at 512-900-0760.

Sincerely,

A handwritten signature in black ink, appearing to be "M. Troy Marcus", written over a faint horizontal line.

M. Troy Marcus



stansberry engineering co.

May 9, 2025

Mr. Kevin Waller
City of Lockhart
308 W. San Antonio St.
P.O. Box 239
Lockhart, TX 78644

RE: Zoning Variance Request
1205 Reed Drive

Mr. Waller,

A variance to the zoning regulations of Chapter 64, Article VII, Appendix II of the City of Lockhart Code of Ordinances is requested. Appendix II requires a 10 foot side building setback for IL zoned property.

The variance application outlines six conditions to consider when authorizing 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;

The property is approximately 25 acres and was originally developed as a single, large, agricultural food supplier. This business is no longer in operation and the property is under different ownership. The existing development includes a 49,000 sq. ft. warehouse building and 238,000 sq. ft. greenhouse. **Small businesses prefer to operate on separate and individual lots rather than a larger single lot with combined buildings. As a single tract, the property has sat vacant.** The scale of the original development is not conducive for small business use.

The current property owner recognizes the benefits of small, local business operations to the community. Therefore, a subdivision of the 25-acre tract into three lots is proposed to allow opportunities for multiple small businesses to purchase property out of this underutilized tract.

A new lot line between the existing warehouse and greenhouse structures will separate the structures for separate businesses to operate out of. Another new lot line south of the warehouse will create a vacant 9 acre parcel, providing an opportunity for another small business to develop.

A variance to the building setback requirement is requested for the lot line between the two existing structures. The buildings are not exactly parallel and the building separation distances range between 19.75 feet and 22.76 feet.

Industrial Light (LI) zoning requires a 10-foot side setback between the buildings and new property line. The new property line can be established so that the entire warehouse building and the majority of the greenhouse meets the side setback requirements. However, the greenhouse is slightly skewed and the southeast corner along the building frontage encroaches within the setback a maximum of 1.71 feet.

2. The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;

The skewed construction of the greenhouse building with the warehouse building does not provide for even division of the tract along a portion of the proposed lot line. The resulting encroachment in the setback at the southeast building corner is 1.71 feet.

3. The variance is the minimum amount necessary to allow reasonable use of the property;

The greenhouse is slightly skewed and the requested maximum encroachment in the 10-foot side setback is 1.71 feet at the southeast building corner at the frontage. The encroachment distance decreases along the side of the building and there is no encroachment 190 feet from the building frontage. This is only 30 percent of the total building length of 530 feet. The total encroachment area of the building within the setback is 136 square feet. The majority of the greenhouse building complies with the 10-foot setback requirement.

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;

Unfortunately, the scale of the existing development is too large for many small businesses. Creating multiple lots with a subdivision offers more opportunities for new small businesses to operate and own land.

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;

The setback variance will not impact public health and safety. Building separation meets fire department requirements. In addition, the setback variance will not affect use of adjacent property.

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;

The setback variance will not alter the character of the zoning district. The encroachment distance of 1.71 feet into the 10-foot side setback is minimal. The skewed construction causes the encroachment to dissipate. The majority of the greenhouse building meets the 10-foot setback requirement.

In summary, the setback variance will allow division of this large tract into smaller tracts providing opportunity for small businesses to operate at a smaller scale rather than having large building vacancies in the district.

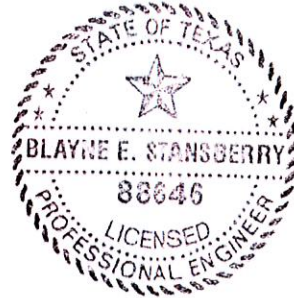
If you have any questions on the subdivision application or variance request, please contact me at 512 / 292-8000.

Sincerely,

Stansberry Engineering Co., Inc.

Blayne Stansberry

Blayne E. Stansberry, P.E.



 **stansberry engineering co.**