

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, July 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 June 2, 2025 meeting.
4. **FV-25-01.** Hold a PUBLIC HEARING and consider a request by Graciela Duran-Briceño for a Variance to the Lockhart Code of Ordinances, Chapter 12 "Buildings and Building Regulations", Article VIII "Fences", Sections 12-486(a) and 12-490(3), to allow a 6-foot-tall sheet-metal fence with 100% opacity along the entire length of the side (north) property line, including an encroachment into the front-yard setback resulting in a setback reduction from 20 feet to zero feet, consisting of 0.61 acre on Lot 6, Block 1, Wilson's Addition, zoned RMD (Residential Medium Density), and located at 622 South Guadalupe St. Section 12-486(a) establishes materials permitted for fences; and Section 12-490(3) limits fences within the minimum front-yard building setback area, being 20 feet in the RMD zone, to no more than four feet in height; said fencing must not block more than 50% of the view through the fence; and the fencing must be an element of landscaping constructed of a material approved by the Building Official.
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 1st day of July, 2025.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
JUNE 2, 2025**

MINUTES

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

Members Absent: None

Staff Present: David Fowler, Kevin Waller, Romy Brossman

Others Present: Blayne Stansberry (applicant, Agenda Item 4), Omar Hussein (property owner, Item 4)

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 May 5, 2025 meeting.

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

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 in Lot 1, Block 1, Iron Ox Addition, zoned IL (Industrial Light), and located at 1205 Reed Dr.**

Planning Staff Kevin Waller presented the staff report utilizing a PowerPoint presentation. The property currently contains two large, vacant industrial buildings. According to the applicant, the new owner plans to subdivide the property into three lots for future small business use. A portion of the greenhouse will encroach into the required 10-foot side yard setback from the future property line that will separate this structure from the warehouse 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 side setback. The greenhouse will therefore be located 8.29 feet from the proposed side (south) lot line at its closest point. Staff believes that the variance request warrants approval, if the Board determines that all 6 variance review criteria are met.

Applicant Blayne Stansberry of Stansberry Engineering Co., 605 Arroyo Vista Dr., Manchaca, TX, explained that the large size of the property doesn't lend itself to small businesses. The owner is interested in subdividing the property to attract those small business opportunities.

Member Stroka inquired as to what type of small businesses will use the large buildings.

Property owner Omar Hussein, 600 W. 5th St., Austin, TX, explained that the warehouse is currently occupied by a food manufacturer. In regard to the greenhouse, discussions have occurred with several businesses that grow plants and trees.

Member Martinez asked for confirmation that all existing equipment will be removed and that only the greenhouse building will be in the setback.

Mr. Hussein confirmed that all equipment between the two buildings will be removed. He continued that if equipment is supporting the warehouse, that equipment will be on the warehouse property. If equipment is supporting the greenhouse, that equipment will be on the greenhouse property.

Chairwoman Cline closed the Public Hearing portion of the meeting, and moved to Board discussion.

Member Stroka shared his disagreement with Staff's precedent comment in the staff report.

Member Stroka moved to approve ZV-25-04. Member Annas seconded, and the motion passed with a vote of 7 - 0.

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

Mr. Waller reported that the next regularly-scheduled meeting would be held on July 7th. Applications have yet to be received for that meeting.

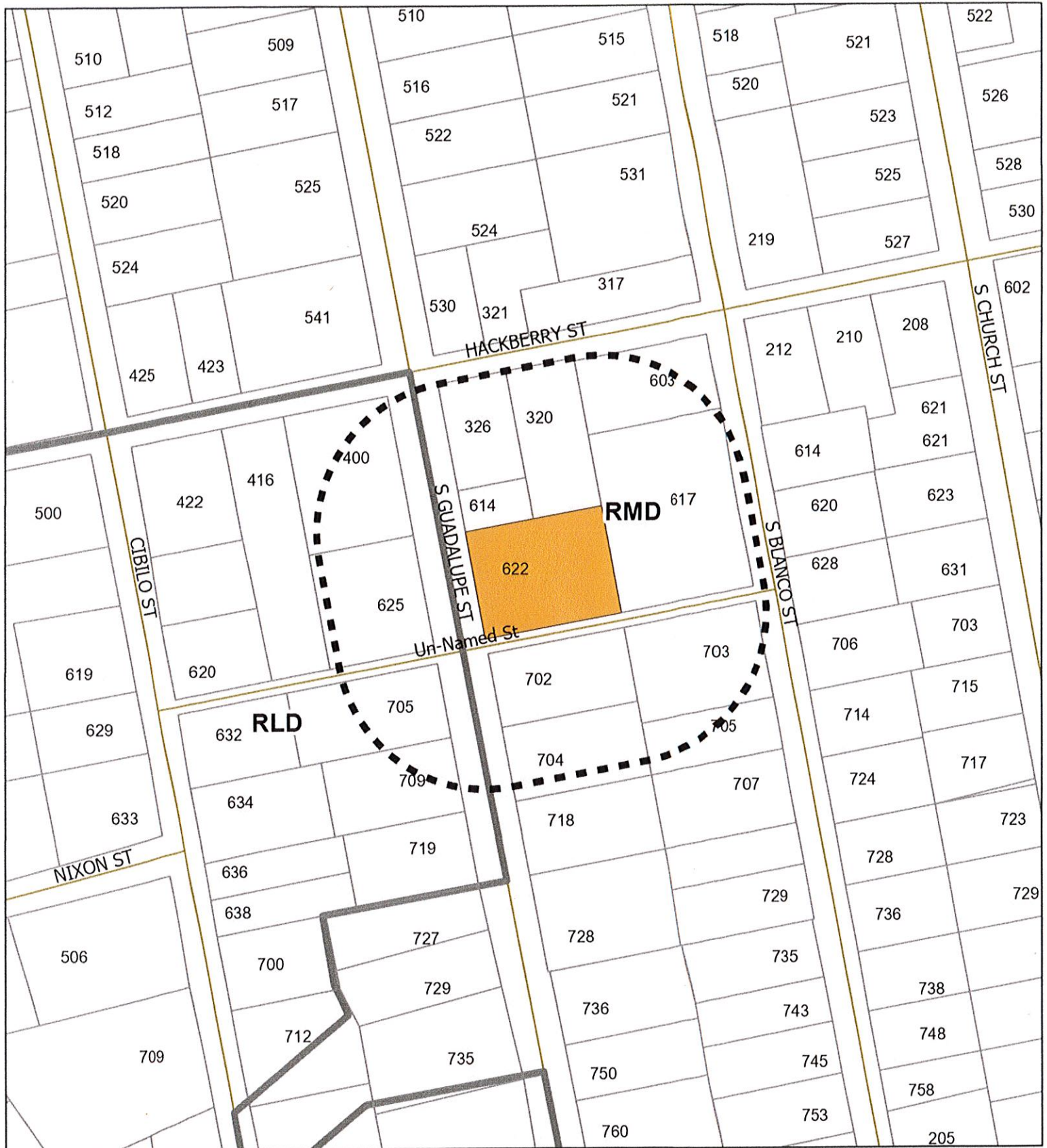
6. Adjournment.

Vice-Chair Rangel moved to adjourn the meeting, and Member Reeder seconded. The motion passed with a vote of 8-0, and the meeting adjourned at 6:49 p.m.

Approved: _____
(Date)

Romy Brossman, Recording Secretary

Laura Cline, Chairwoman



FV-25-01

622 S GUADALUPE ST

ALLOW A 6 FT SOLID SHEET METAL
FENCE WITHIN THE FRONT YARD
BUILDING SETBACK



Scale 1" = 200'



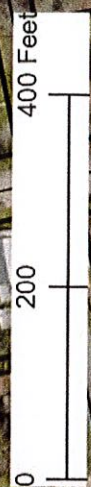
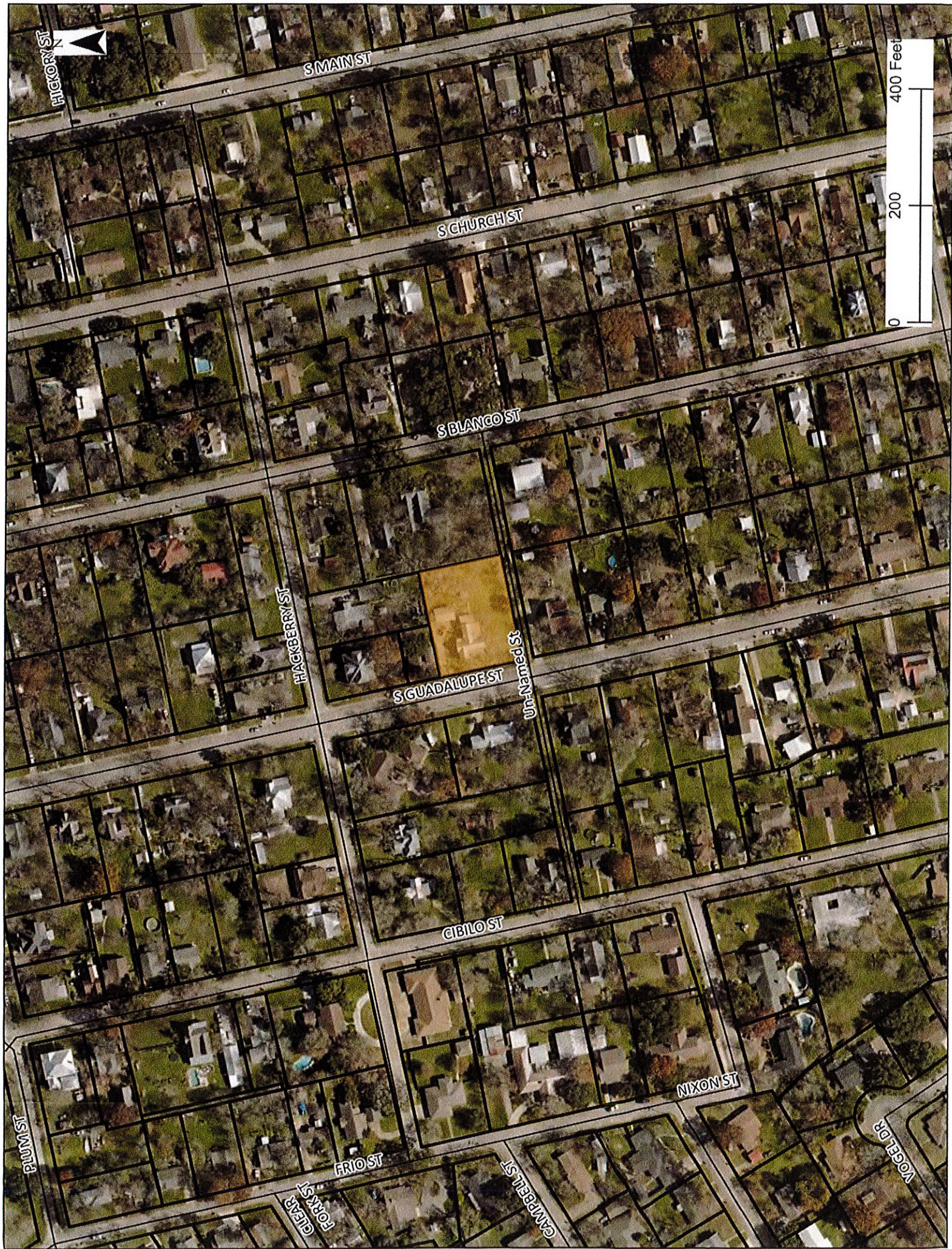
SUBJECT PROPERTY



ZONING BOUNDARY



200 FT BUFFER



S MAIN ST

S CHURCH ST

S BLANCO ST

S GUADALUPE ST

CIBILO ST

NIXON ST

FROST

CLEAR FORK ST

CAMPBELL ST

VOGEL DR

PLUM ST

HACKBERRY ST

Un-Named St

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *KW*

CASE NUMBER: FV-25-01

REPORT DATE: June 30, 2025

PUBLIC HEARING DATE: July 7, 2025

APPLICANT'S REQUEST: Variance to Chapter 12, Article VIII "Fences", Sections 12-486(a) and 12-490(3) to allow a 6-foot tall sheet-metal fence with 100% opacity within the front-yard building setback

STAFF RECOMMENDATION: ***Analysis of the variance review criteria supports a recommendation for DENIAL***

BACKGROUND DATA

APPLICANT: Graciela Duran-Briceño

OWNERS: Graciela Duran-Briceño and Benny Briceño

SITE LOCATION: 622 South Guadalupe St.

LEGAL DESCRIPTION: Lot 6, Block 1, Wilson's Addition

SIZE OF PROPERTY: 0.61 ac.

EXISTING USE OF PROPERTY: Single-family residence

ZONING CLASSIFICATION: RMD (Residential Medium Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: A 6-foot tall, 100% opaque, sheet-metal privacy fence was recently constructed within the required 20-foot front-yard setback of the subject property, and without a fence permit. The sheet-metal fence extends along the full length of the north, side property line to the actual front property line, resulting in a zero-foot front-yard setback. The applicant explains that the fence was reconstructed in the same location and height as a previous, wooden fence, as illustrated in the enclosed photos. Section 12-490(3) of the Fence Ordinance limits fences in residential front-yard building setback areas to a maximum height of four feet, stipulates that no more than 50 percent of the fence elevation shall block the view through the fence, and requires such fences to be an element of landscaping constructed of a material approved by the building official. Section 12-486(a) establishes permitted fence materials, such as wood, masonry, ornamental wrought iron, etc., but does not include sheet-metal as a permitted material. The newly constructed fence does not comply with any of the above provisions.

AREA CHARACTERISTICS: The property is located within an established single-family residential neighborhood, which is zoned RMD on the east side of South Guadalupe Street, including the subject property, and RLD (Residential Low Density) on the west side of the street. Although the 6-foot fence along the property's side, south property line appears to also encroach into the front-yard setback, numerous examples of conforming front-yard fences have been found in the area. Those include four-foot-high fences within the front-yard setback, exhibiting the "step-down" approach at the side property line, at 524 South Guadalupe St., 718 South Guadalupe St., 727 South Guadalupe St., and 729 South Guadalupe St. Further south, at 206 State Park Rd., the material of a side-yard and

rear-yard fence was recently changed from an unpermitted wood-metal combination to exclusively wooden, upon notification from Staff of the violation.

UNIQUE CONDITIONS OF PROPERTY: Although the fence has been reconstructed at the same height and location as the previous fence, this does not result from a condition unique to the property. Since the previous fence was removed, with the exception of the front fence post at the front property line, the recent reconstruction constitutes a “new” fence that must comply with current City standards. The applicant explains that she was under the impression that the work completed was merely a refurbishment of the previous fence. Staff finds no conditions unique to the property, topographical or otherwise, that would necessitate the fence as currently constructed.

NATURE OF HARDSHIP: The construction of the fence within the front-yard setback and of a sheet-metal material is considered a self-created hardship. There is nothing that prevents a fence constructed in the front yard from meeting the standards of the Fence Ordinance, including the height, degree of opacity, and material allowances along its entire length.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Staff believes that the construction of a 6-foot tall opaque fence in this location, regardless of the fact that it is replacing a fence of the same height and location, would present a safety hazard for those backing out of the driveway on the subject property, and potentially to those backing out of driveways on neighboring properties as well. In addition, it could be argued that the fence’s sheet-metal material might present a glare hazard at certain times of day, based upon the position of the sun. It should also be noted that the sheet-metal presents more of an industrial-type appearance that could be seen as an alteration of the essential character of the RMD zoning district within which the subject property is located.

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 attached written explanation as evidence in support of the variance.

ALTERNATIVE SOLUTIONS: Two alternative solutions include: (1) removal of that portion of the fence within the front-yard setback, and changing the material along the remainder of the north, side property line to an approved material; or (2) “stepping back” the fence to a four-foot-tall fence within the front-yard setback, with an opacity no greater than 50% in the setback, also with approved materials for the entire fence length. In addition, during a Staff site visit on June 30, 2025, the applicant expressed a desire to reconstruct the side-yard fence along the south property line in the future, which will also need to meet all applicable City standards.

RESPONSE TO NOTIFICATION: No responses to the notifications sent have been received to date. However, an email was received on June 16, 2025 from Linda Hinkle of Hinkle Surveyors, who stated, in part, that although the fence is a hazard for those backing out of the driveway, it does not look bad, and according to the applicant, is liked by the neighbor on the other side of the fence at 614 South Guadalupe St.

STAFF RECOMMENDATION RATIONALE: Staff recommends denial of the variance request, which does not meet 5 of the 6 variance review criteria. The applicant explains that according to discussions with Staff, she was under the assumption that “refurbishing” the fence included removing and replacing all but the first post at the front property line. However, this is not grounds for a variance, as the fence has been fundamentally altered by an action of the current property owner, and is out of compliance with City standards. There are no unique conditions of the property justifying the fence in its current composition and location.

City of Lockhart Caldwell County, Texas

Wilson's Addition Lot 6 in Block 1

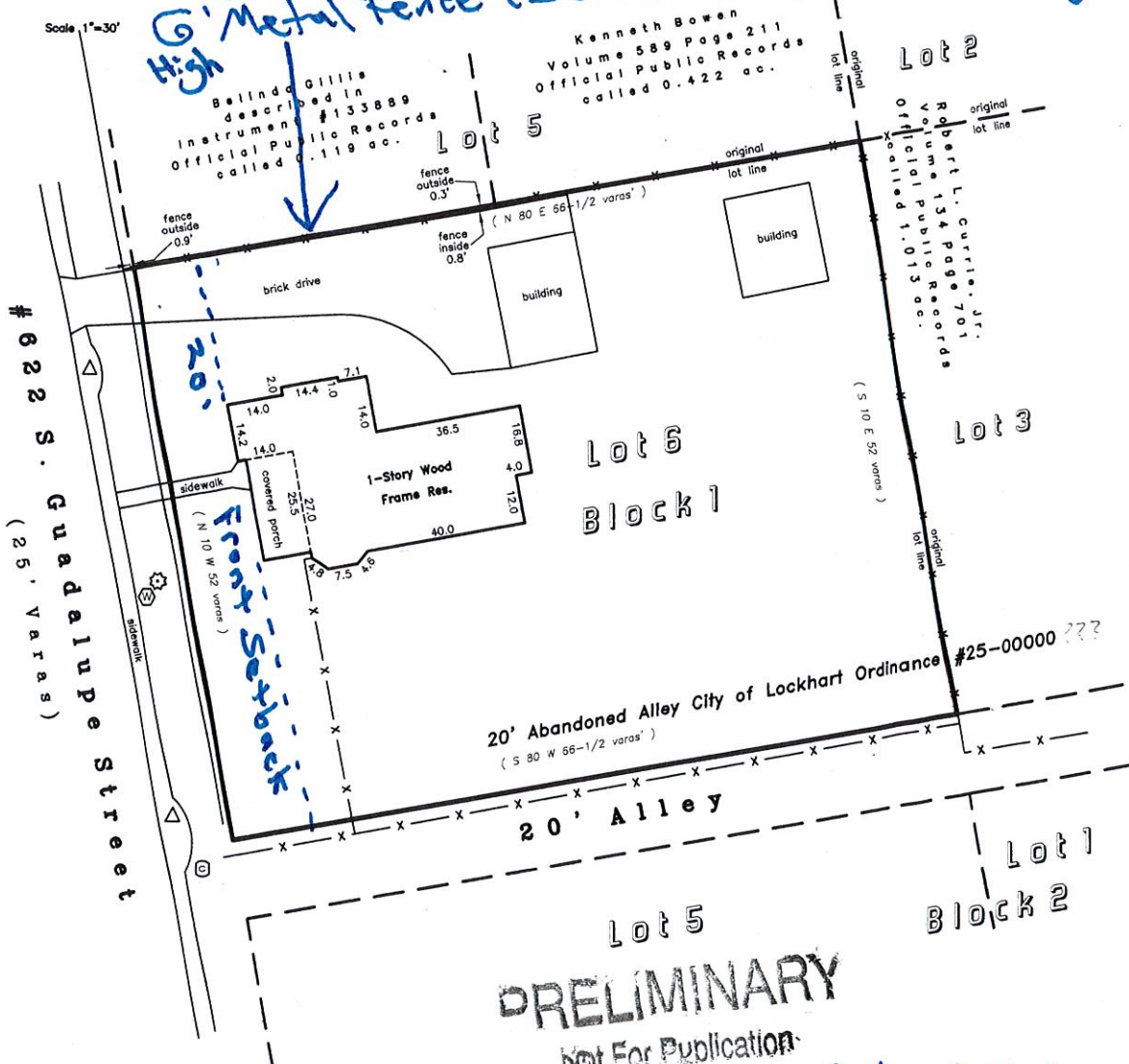


PRELIMINARY
Not For Publication

General Notes

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

6' Sheet-High Metal Fence (Zero feet front setback)



SURVEY DRAWING

Showing Lot 6 in Block 1 of WILSON'S ADDITION in the City of Lockhart, Caldwell County, Texas according to the map or plat thereof recorded in Volume 20 Page 245 of the Deed Records of Caldwell County, Texas and the improvements as found situated thereon. I do hereby certify that (1) the foregoing plat is a true and correct representation of a survey made on the ground under my direct supervision on May 8, 2025, (2) No Abstract of Title, title commitment, nor research or record easements were supplied to the Surveyor. There may exist easements of record which could effect this parcel. **THIS SURVEY IS CERTIFIED 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 ONE TRANSACTION OR FOR ANY PERSON(S) NOT ASSOCIATED WITH THIS TRANSACTION. Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.

Not For Publication
Jerry L. Hinkle, R.P.L.S. #5459

Reduced Scale:
1" = 45'

Field Book: d.c.	Drawn By: JLH LH
Job No. 2025	Drawing: 2025-622 S. Guadalupe St.
Date: May 2025	Word Date: Begin 05012025
Surveyed By: JLH J08	Autocad Date: Begin 05012025



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



Before



© 2025 Google

4 ft





Before



Google Maps

622 Guadalupe St

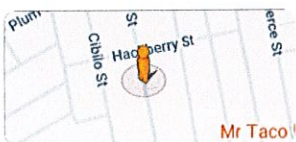
Lockhart, Texas

Google Street View

May 2011



Image capture: May 2011 © 2025 Google



Before

Sheet Metal Fence
KATE & Olive Street



AFTER



AFTER



Date: 6/16/2025

To: City of Lockhart

From: Graciela Duran-Briceno, 622 S. Guadalupe Street, Lockhart, Texas 78644

Ref: Fence Variance Application – Written Statement

To whom it may concern, this is a written statement documenting the reason for the variance, including evidence that the request complies with the following criteria as required for approval of variance:

1. A unique physical condition exists within or adjacent to the subject fence structure on Lot 6, Block 1 located thereon which distinguishes it from other similarly situated decorative metal fencing that is currently constructed within the city of Lockhart. i.e., (residence on the corner of San Jacinto and West Prairie Lee, and a new Duplex on Kate and Olive Street; and which creates an exceptional hardship, difficulty and inequity that would result from literal enforcement of the ordinance.
2. The condition or characteristic noted above is not caused by an action of willful intent of the property owner, nor to disregard the request for a city permit. The property owner previously inquired with Christine Banda, Planning/GIS Tech to ask if a permit was necessary to refurbish an existing warped fence; Banda responded 'no' not for an existing fence, a permit is only required for a newly built fence. Therefore, the owner retained the 'grandfathered' original 6-foot fence post to refurbish at a minimum 20 percent of the existing warped, wood fence pickets on Lot 6, Block 1 with metal and wood. The refurbished fence remains at its 'original height of 6 feet and the setback measures at its original 17 feet from the street curb at 622 S Guadalupe Street, Lockhart, TX 78644.
3. The variance is the minimum amount necessary to allow for reasonable use of the property.
4. The sole reason for the variance is not a desire of the owner for increased financial gain or reduced financial hardship, it is solely for the privacy, safety and protection of owner; and to keep pets contained within the owner's property and neighbors.
5. The variance is not intended, nor will it adversely affect the general public health or safety, or people residing or working in the vicinity of the proposed fence, 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 fence regulations.

Sincerely,



Graciela Duran-Briceno

622 S Guadalupe Street

Lockhart, Texas 78644

512-376-8403

Bennygracie_87@yahoo.com

CITY OF
Lockhart
TEXAS

FENCE 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 Graciela Duran-Briceno
DAY-TIME TELEPHONE 512-376-8403
E-MAIL bennygracie_87@yahoo.com

ADDRESS 622 S Guadalupe Street
Lockhart, Texas
78644

OWNER NAME Briceno, Benny and Graciela Duran-Briceno
DAY-TIME TELEPHONE 512-376-8403
E-MAIL bennygraciela_87@yahoo.com

ADDRESS 622 S Guadalupe Street
Lockhart, Texas
78644

PROPERTY

ADDRESS OR GENERAL LOCATION 622 S Guadalupe Street, Lockhart, Texas 78644
LEGAL DESCRIPTION (IF PLATTED) Lot 6, Block 1, Wilson's Addition
SIZE 140'X185' 0.61 ACRE(S) ZONING CLASSIFICATION RMD
EXISTING USE OF LAND AND/OR BUILDING(S) Residential

REQUESTED FENCE VARIANCE

VARIANCE TO SECTION(S) Article VIII "Fences" Material 12-486 (A) ☒ Setback 12-490 (3) OF THE FENCE REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) Sheet metal fencing not listed as a permitted material in 12-486(a) / Four-foot fence height within front-yard setback maximum and no more than 50% of fence elevation shall

REQUESTED VARIANCE(S) Variance to keep 6' sheet metal fence within front setback and 100% opacity for the full fence elevation. Setback reduction requested from 20 feet to Zero feet.

12-490(3) →

to block the view through the fence.

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.

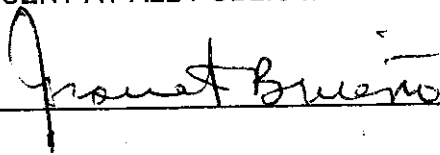
1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
2. The condition 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 the general public health or safety, or persons residing or working in the vicinity of the proposed fence, 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 fence regulations.

DRAWING, 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, parking areas, and existing fences; 5) location, dimensions, and type of proposed fence; and, 6) any other information 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 \$341.50 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 6/12/2025

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER R01381862

DATE SUBMITTED 6/16/25

CASE NUMBER FV - 25 - 01

DATE NOTICES MAILED 6/20/25

DATE NOTICE PUBLISHED 6-26-2025

BOARD OF ADJUSTMENT MEETING DATE 7/7/25

DECISION _____

CONDITIONS _____

Kevin Waller

From: Jerry Hinkle <contact@hinklesurveyors.com>
Sent: Monday, June 16, 2025 4:50 PM
To: Kevin Waller
Subject: Re: 622 S. Guadalupe- Fence Setback
Attachments: 20251531-Fence-GuadSt.pdf

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

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

Here is preview of what is going to be a survey to abandon an alley on the South side of the lot. RMD Zoning which is 20' BSL, they build the fence where it was previous.

They said they talked with the City about building the fence and was told as long as they put it in the same place they did not need a permit. OOPS, maybe they were not told about the step down process, or no one knew it was already built to the property corner pin.

I was not aware that a metal fence was not allowed until they came in and said it was not allowed.

Just lack of knowledge on what the actual materials are allowed, do you guys have a paper you offer to folks about what type of fencing is allowed and a paper showing that step down effect to build to the street.

They did not know that about that and when they came in an ask about rebuilding the fence they were not told that.

Just a big mix up. I suggested that they lower the fence starting at the 20" BSL and maybe put a decorative open type wire and space it between the solid pieces about every 6" or so to alternate seeing thru the solid fence.

I know it is a hazard pulling out on to the street for line of sight.

Hope they can work it out they like the fence and according to them the neighbor does too. It dose not look bad.

See attachment.

Thanks,
Linda