PUBLIC NOTICE

City of Lockhart

Zoning Board of Adjustment
6:30 PM, Monday, August 4, 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 July 7, 2025 meeting.
- 4. FV-25-02. Hold a PUBLIC HEARING and consider a request by Cori Wilbanks for a Variance to Lockhart Code of Ordinances, Chapter 12 "Buildings and Building Regulations", Article VIII "Fences", Section 12-490(3), to allow a 7-foot-tall fence, with 100% opacity, within the front-yard building setbacks, resulting in a setback reduction from 25 feet to zero feet, in the M. M. Blanks Addition, Block 5, Lots 3 through 8 and 11 through 16, consisting of 2.07 acres, zoned Residential Low Density (RLD), and located at 1125 Magnolia St. Section 12-490(3) limits fences within the minimum front-yard building setback area, being 25 feet in the RLD 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 28th day of July, 2025.

CITY OF LOCKHART ZONING BOARD OF ADJUSTMENT JULY 7, 2025

MINUTES

Members Present: Wayne Reeder, Mike Annas, Lori Rangel, Shawn Martinez, Arnold Proctor, Lucy

Knight

Members Absent: Laura Cline, Patrick Stroka

Staff Present: Kevin Waller, David Fowler, Christine Banda

Others Present: Graciela Duran-Briceño (applicant, Agenda Item 4), Belinda Gillis, Linda Hinkle

1. Call meeting to order. Vice- Chair Rangel called the meeting to order at 6:30 p.m.

2. Citizen comments not related to a public hearing item. None

Consider the minutes of the June 2, 2025 meeting.

Member Knight moved to approve the June 2, 2025, minutes. Member Martinez seconded, and the motion passed by a vote of 6-0.

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.

Senior Planner Kevin Fowler came forward to give his presentation. He showed the location and before and after photos of the fence. The prior fence was all cedar wood privacy that went all the way to the front property line. The new fence with only one of the existing posts located at the front property line is now made up of sheet metal with new cedar posts. He submitted photos of properties that received some sort of violation from the city but later complied with the front yard fence requirements for that zoning district. He informed the Board that the variance request is for zero feet versus the 20 feet requirement for the front yard building setback. He explained the six variance criteria and the reasoning for his recommendation for denial of the variance request.

Vice-Chair Rangel opened the public hearing and asked for the applicant to come forward.

Applicant Graciela Duran-Briceño of 622 South Guadalupe St. stated that she is requesting a fence variance. They decided to replace it because it was falling apart. She stated she called the city and spoke with Ms. Banda about replacing her fence. Mrs. Duran-Briceño understood that if she kept one of the posts, she did not need a fence permit, and the location would be allowed. They decided to change the material so it would be sturdier for the inclement weather. They kept the post that is closest to the street as a guide for their fence. Duran-Briceño asked why during their construction no one stopped them from continuing. It would be costly for them if they had to take it all down and replace it with a different material. She believes sheet metal fencing is a more common use material for fencing and should be allowed. She pointed out other homes in the city that are in violation and believes it is not fair that she is being singled out. She has others here in support of the fence.

Member Reeder asked why a permit was not obtained.

Mrs. Duran-Briceño explained that according to her conversation with the City, a permit was not needed. She stated that the completion of the work without a required permit was not intentional, and that her husband had put a lot of work into the fence's construction.

Member Reeder confirmed with Mrs. Duran-Briceño that only one post was saved from the original fencing.

Mrs. Duran-Briceño confirmed that only one post was reused, and all the others are new posts.

Belinda Gillis of 614 South Guadalupe St. explained that she has lived in the neighborhood for 45 years. She had seen the old neighborhood and how it is now becoming more modern. She does not have a problem with the new fence. She believes it adds beauty to the neighborhood. The home next to her has a dark silt fence up for the renovation and it blocks her view when backing out, which causes more of an issue than her neighbors' new fence. Ms. Gillis is a runner and runs all around town, and has observed that there are other fences using metal materials. She would like the Board to please consider the variance and note that times are changing, and certain other materials should be allowed to be used as fencing.

Linda Hinkle of 1109 South Main St. stated that she is involved with the survey of the property. The owner needed to know where her front property line was in relation to her fence. Mrs. Hinkle drove her SUV onto the driveway of the subject property to see if the fence did not allow visibility when backing out and she said there were no issues. She saw an issue with the construction fencing two houses down that made visibility difficult. Mrs. Hinkle is not sure of the conversation the owner had with the City, but maybe there needs to be better communication, and the fencing ordinance may need updating.

Member Reeder said that the construction fencing should only be temporary.

Mrs. Hinkle replied that she understands this, but it still makes it very hard to see.

Vice-Chair Rangel asked for any other speakers; seeing none she closed the public hearing and moved to the Board discussion.

Member Knight mentioned that the ordinance might need updating because there are a lot of other materials being used for fencing now.

Member Martinez stated that other cities are using this very same metal material, and agrees that the ordinance needs to be updated.

Member Knight moved to approve FV-25-01, with the exception that the applicant must comply with the front yard building setbacks for fencing. Those requirements are no more than four feet in height with 50% visibility and approved material listed in the city ordinance. Member Martinez seconded, and the motion passed by a vote of 6-0.

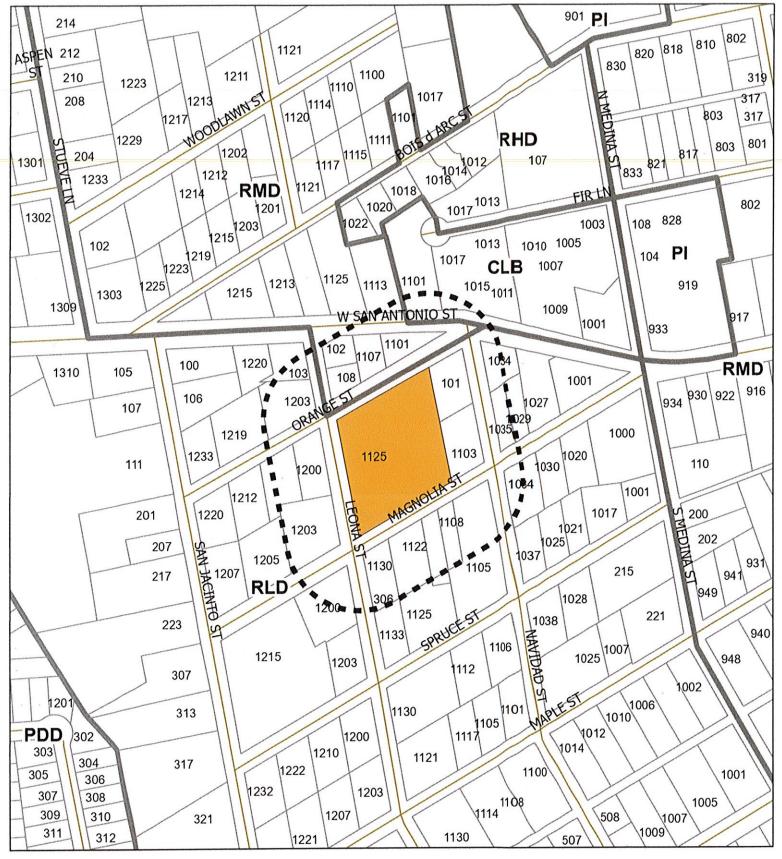
5. Discuss the date and agenda of the next meeting.

Mr. Waller stated that the next regularly scheduled meeting will be held on August 4, 2025. The deadline for applications is Monday, July 14th.

6. Adjournment.

Member	Knight	moved	to	adjourn	the	meeting,	and	Member	Martinez	seconded.	The	motion
passed by	ı a vote	of 6-0,	and	d the mee	eting	adjourne	d at	7:25 p.m.				

Аррі	roved:
	(Date)
Christine Banda, Recording Secretary	Laura Cline, Chairwoman



FV-25-02

1125 MAGNOLIA ST

ALLOW A 100% OPACITY
7 FT WALL WITH 8FT COLUMNS
MADE OF MASONRY STUCCO
WITHIN THE FRONT YARD BUILDING SETBACKS



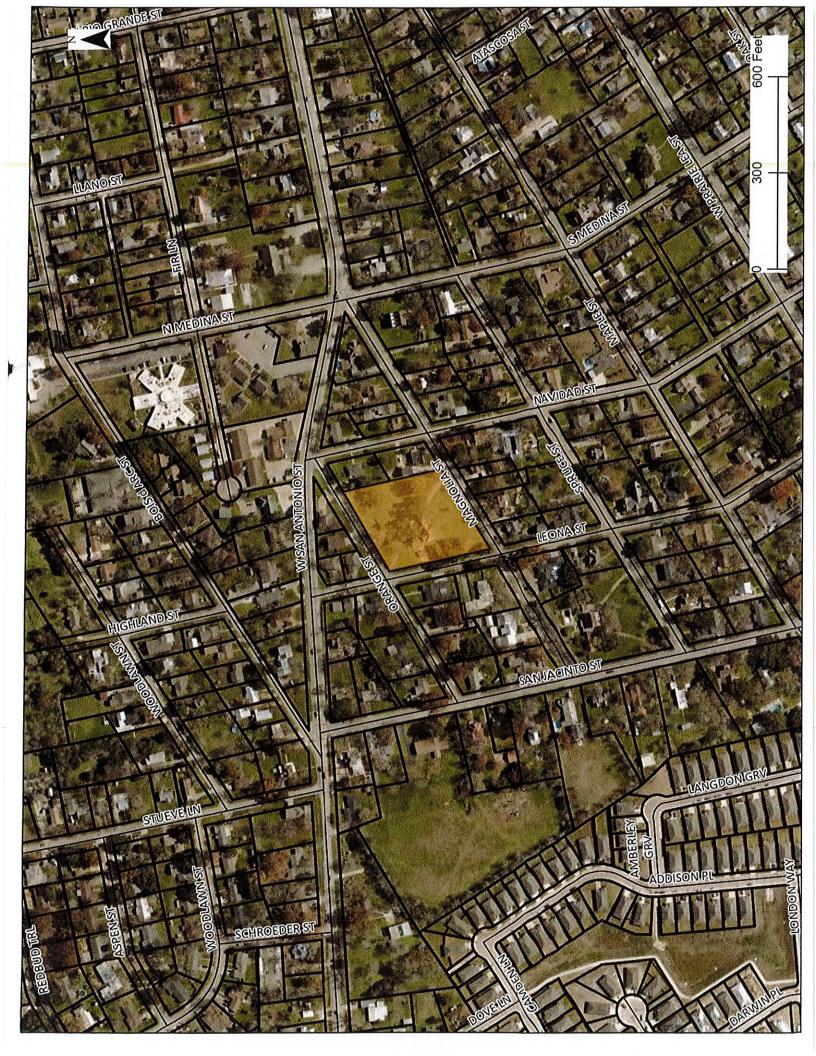
SUBJECT PROPERTY



ZONING BOUNDARY



200 FT BUFFER



PLANNING DEPARTMENT REPORT

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner

CASE NUMBER: FV-25-02

REPORT DATE: July 28, 2025

PUBLIC HEARING DATE: August 4, 2025

APPLICANT'S REQUEST: Variance to Chapter 12, Article VIII "Fences", Section 12-490(3), to allow a

7-foot-tall fence with 100% opacity within the front-yard building setbacks

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

DENIAL

BACKGROUND DATA

APPLICANT AND OWNER: Cori Wilbanks SITE LOCATION: 1125 Magnolia St.

LEGAL DESCRIPTION: M.M. Blanks Addition, Block 5, Lots 3 through 8 and 11 through 16

SIZE OF PROPERTY: 2.07 acres

EXISTING USE OF PROPERTY: Single-family residence ZONING CLASSIFICATION: RLD (Residential Low Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to construct a 7-foot-tall masonry stucco fence with 100% opacity, effectively a wall, with 8-foot-tall masonry columns spaced 20 feet apart, within the 25-foot minimum front-yard building setback along both the Magnolia Street and Orange Street property frontages. Both of these frontages are considered front yards, with the Leona Street frontage considered a side yard, for the purposes of building setbacks. According to the enclosed site plan, the fence will be constructed on the property line for the entirety of the Magnolia Street, Orange Street, and Leona Street frontages, resulting in a zero-foot setback along those frontages. Since Leona Street is considered a side yard, the fence is allowed to be constructed on that property line, without the need for a variance. However, the encroachment of the 7-foot-tall fence into the two front yards on the Magnolia and Orange Street frontages does require a variance, along with the fence's proposed 100% opacity level, which are the subjects of this application. 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. The proposed fence's masonry stucco is an allowed fence material, according to Sections 12-486(a) and 12-490(3). The applicant also plans to incorporate vegetation along the fence's face, further elevating its aesthetic.

AREA CHARACTERISTICS: The neighboring properties to the west, across Leona Street; to the south, across Magnolia Street; and the adjacent properties to the east, are all developed with single-family residences and are also located within the RLD zoning district. The properties to the north, across Orange Street, contain duplexes in the Residential Medium Density (RMD) zoning district. Further north is the West San Antonio Street corridor, transitioning from commercial uses to residential as one moves west. Two nearby residential fences have been found to be located within the front-yard setback, being those at 1107 Orange St. and 1122 Magnolia St. Similarly, there are a few examples of residential fences nearby that conform to the 25-foot front-yard setback requirement, including those at 1203, 1205, and 1207 Magnolia Streets, located on the block to the west of the subject property. The applicant has provided addresses of various nearby properties with opaque fences located on property lines; however, Staff found that those fences are located along either rear or side property lines, with some appearing to have been constructed prior to the current fence regulations.

UNIQUE CONDITIONS OF PROPERTY: Although the applicant notes that the property is surrounded on three sides by streets, with two front yards and no back yard, this is not considered a condition unique to the property sufficient to allow a fence to be constructed on the front property lines. There are no topographical constraints that would necessitate placement of a fence on the front property line for either the Magnolia Street or Orange Street frontages, nor are there any protected trees within the front yards along these streets that would preclude a fence that conforms to the setback requirements. The applicant also states that there are a few brick pillars, located at the property's southwest and northwest corners, that represent the location of a previous fence. These pillars appear to be located either on the property line, or within the road rights-of-way, but do not represent a "grandfathered" status to allow a new fence in the same location.

NATURE OF HARDSHIP: There is no increased financial gain or reduced financial hardship associated with the proposed placement of a fence on the front property lines in lieu of conforming with the front setback requirements. With regard to a non-financial hardship, there is nothing that prevents the construction of a fence that meets the front-yard setback requirements along the property's Magnolia Street and Orange Street frontages. It should also be noted that a fence meeting the setback requirements would be allowed at the proposed 7-foot height with 8-foot columns, and at the proposed 100% opacity level.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The applicant states that the fence will increase the safety factor of the property, due to a proposed swimming pool and several other planned water features, in addition to mitigating any effects from high winds, as well as creating a sound barrier for the neighbors. Staff, however, believes that the construction of a 7-foot-tall opaque fence on the property lines as proposed could present a safety hazard for those backing out of the driveways on the subject property, and potentially to those backing out of driveways on the two adjacent properties to the east, including 1103 Magnolia St. and 101 Navidad St.

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: Aside from constructing the fence such that it meets the front-yard setback, an alternative solution might be to lower the height of the proposed fence to four feet, which would still require a variance to the 50% maximum opacity standard. Staff believes that this alternative, however, still would not meet all 6 of the variance review criteria, specifically, that a condition unique to the property exists that is sufficient to warrant a 100% opaque fence. Another alternative could be to construct a pseudo- wrought-iron fence (if actual wrought iron is not feasible), such as of an aluminum material, which would still require a variance to the four-foot height limitation within the front-yard setback. Still another possible alternative would be to construct a four-foot-tall fence with no more than 50% opacity in the front setback, thereby negating the need for a variance.

RESPONSE TO NOTIFICATION: No responses to the notifications sent have been received to date. The applicant has stated, however, that she plans to submit letters of support prior to the meeting.

STAFF RECOMMENDATION RATIONALE: Staff recommends denial of the variance request, which does not meet 4 of the 6 variance review criteria. While Staff recognizes that the property is surrounded on three sides by streets and that the applicant desires to enhance the beauty and safety of the property with a masonry stucco fence to complement the aesthetics of the home, these do not present conditions unique to the property to support a recommendation for approval.

Fence Variance

Our mission with this property is to restore it back to its former glory as best we can. This is an incredible house that has been neglected for some time and we want to bring it back to life. In addition to a pool, we are adding two koi ponds, a fountain, flower gardens, and a lawn for croquet and other games, all of which become safer with a fence surrounding the property. We don't want balls flying into the street or neighbors having to worry that kids or pets could easily wondering onto the grounds and fall into fountains, ponds or the pool.

There are still a few pillars standing from the original fence. Those few remaining pillars indicate that the original fence stood about 8' from the curb, on Magnolia, Leona and Orange street. We would like to put a new fence on the property line, which is between 1' to 2' in from where the original one once stood. We understand that the fence rules changed in the 90's, but this house is from an error long before that, and as we revive this property, we would like to go back to the placement that was once there.

We know a variance might be a difficult thing to get as we are new to the community and have not yet gained your trust. The intension of the fence rule as we were explained by Mrs. Banda was to make sure the town maintained a beautiful esthetic. We want this house and property to add to the beauty of the town. To take a magnificent house that has been left almost derelict for years and bring it back to its full potential. Due to the unique nature of this property we feel a variance serves the community.

To put in this much fence is a huge financial cost, but one we feel is worth the safety, security and privacy. We want to create a beautiful green living wall that opens into an oasis of different environments. We want this to be a space that everyone can come in and enjoy, from our neighbors and friends to the book club and more.

We can not afford the wrought Iron fence we imagine was once there and it would not gives us or the neighbors the sound barrier or privacy that will keep the neighborhood quiet and peaceful. Stone is beautiful, though sadly out of our reach financially. So we are asking to make it a light stucco fence, 7' tall, which matches the stucco portions of the house. We are going to grow flowering and green vines all over it, as well as have manicured landscaping surrounding it. We have also purchased several beautiful old French wrought iron gates for the main entrance on Magnolia and other walkways that we feel will elevate the aesthetic.

The unique physical condition that exists within this property is the fact that the house is built along the back property lines in the plat map. Also unique is that the property takes up almost a whole city block. This creates a situation unlike other properties in lockhart. We have two front yards and no direct neighboring homes to gain privacy. We need a fence for privacy and safety, not only for ourselves, but for all of our surrounding neighbors.

Along Leona we are permitted to put the fence at the property line, and we think this would be the perfect distance for the rest of the property. Partially because like we said earlier, the original fence stood even closer to the curb.

We have installed a pool on the Magnolia St. side of the house. Beyond the pool enclosure, we would love to add another layer of security and privacy for the pool, not only for us, but safety from passing children being able to see the pool and be tempted to climb in. Anyone with a backyard will understand. The unique thing as we said before is that this property has no legal backyard. What we are asking is that you afford us the same privacy and safety afforded to everyone that has a "backyard", where the rules currently allow an 8' privacy fence.

We also have a dog that can easily jump a 4' fence that is typically allowed in front yards. Having an 7' tall fence would keep her safe from the busy surrounding streets such as San Antonio St.

Putting a fence at 25' would not only look bad, it would prohibit the restoration of this house and property to its full grandeur.

- 1. The house was built on the back lines of the plat map, which according to the city, means we have two front yards, and no way to gain privacy.
- 2. We didn't build this house we didn't remove any of the trees and shrubs that offered privacy, safety, wind protection and some amount of sound barrier. They were all removed by the previous two owners, putting us in the situation of needing to rebuild the privacy and safety.
- 3. This fence is the least we can do to offer the safety and privacy for the community. While increasing the the essence of style and elegance needed to match and exemplify this old grand mansion.
- 4. This is not for financial gain, it is for privacy and safety. It is going to be at a huge cost to us. But worth it to elevate the grounds and gardens.
- 5. This will increase the safety of the property due to several small ponds, a fountain, a swimming pool, stairways, all of which become more protected by this fence. It will also keep the wind from ripping through the property as it does now, which is rough on plants, butterflies and even the structure and windows. This allows micro-environments to thrive. Also, by putting this in, it will create a sound barrier for the neighbors. At present a conversation carries through the whole property.
- 6. This fence does not alter the essential character of the zoning district. There are many fences in our neighborhood of various heights and designs. It appears that all of the houses on a development going west on Maple street have 8' tall privacy fences 4' from the curb. You can also drive down San Jacinto, Leona, and Navidad streets and see not only 6' tall and fully opaque fences, but homes and car ports at the property line as well. Therefore, having our fence on the property line is in keeping with the neighborhood standard.

This fence is uniquely positioned to create an oasis for the community to enjoy the gardens, library, the pool on occasion, and still maintain the calm quite that all of us in the neighborhood so cherish.

I know it's hard to trust new comers to the community and trust our esthetic especially when things are changing in the yard. But we are here to restore and elevate this property not destroy it. We are using the shingles from the main house on the pool house so as to maintain some more of the original style on the property. Please trust that we care deeply about reviving this incredible home.

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 Cori Wilbanks ADDRESS 3203 French Pl.
DAY-TIME TELEPHONE 432-935-3474 Austn. 7x 78772
E-MAIL Con Wilbanks @quail.com
OWNER NAME BACKET DEVESTMENTS LLC ADDRESS Same as above
DAY-TIME TELEPHONE Same as above
E-MAIL
PROPERTY
ADDRESS OR GENERAL LOCATION 1125 Magnolia St.
LEGAL DESCRIPTION (IF PLATTED) All of Lots 3 4 5 6, 7 8, 11, 12, 13 14, 15, 16 in block #5 of SIZE 2. DACRE(S) ZONING CLASSIFICATION RLD Kesidenfal
EXISTING USE OF LAND AND/OR BUILDING(S) Versidence - 5 ingle-family
REQUESTED FENCE VARIANCE
VARIANCE TO SECTION(S) 12-490 (3) OF THE FENCE REGULATIONS
CURRENT ORDINANCE REQUIREMENT(S) Four-foot Leight maximum within
front-fard settent and no more than 5010 of fence elevertion
shall black the view through the tence.
REQUESTED VARIANCE(S) 1- toof - tall fence (wall) with 5-toof
tall columns, both masony stucco within front-
yard setback and 100% opacity. Setback reduction
requested from 25 feet to zero feet alon, both the Magnolia St. and Orange St. property frontages.

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.

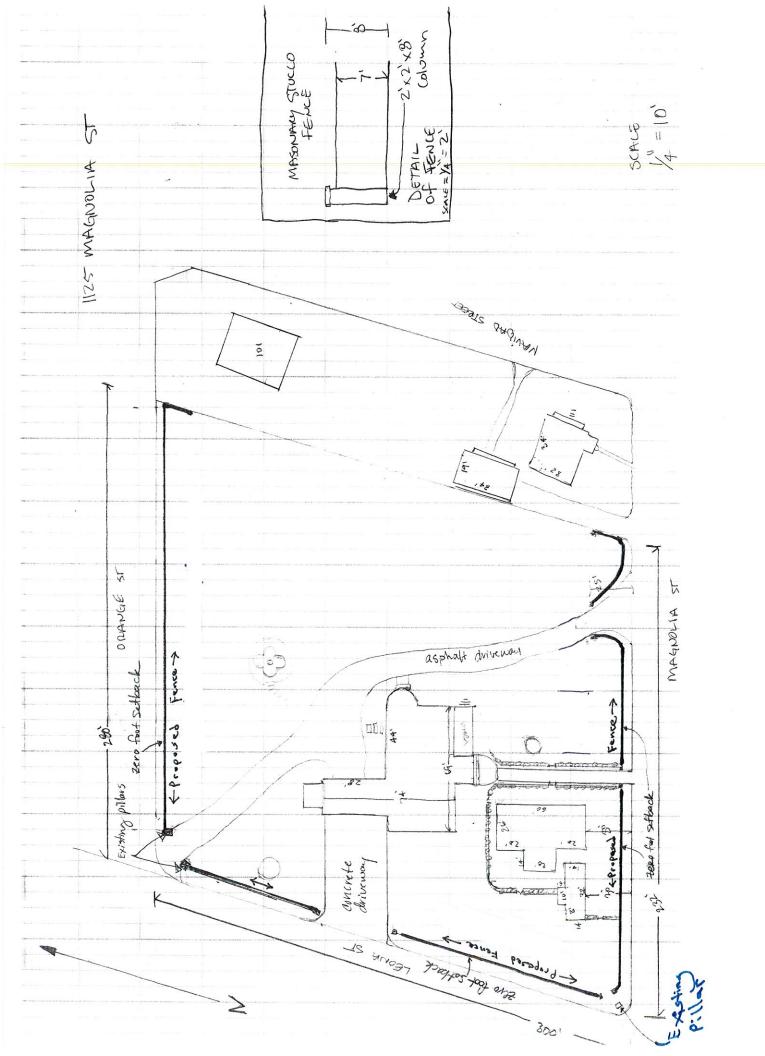
APPLICATION FEE OF \$250.00 PLUS \$150.00 PER ACRE, FOR A MAXIMUM OF \$2,500.00, APPLICATION FEE OF \$550.00 PAYABLE TO THE CITY OF LOCKHART.

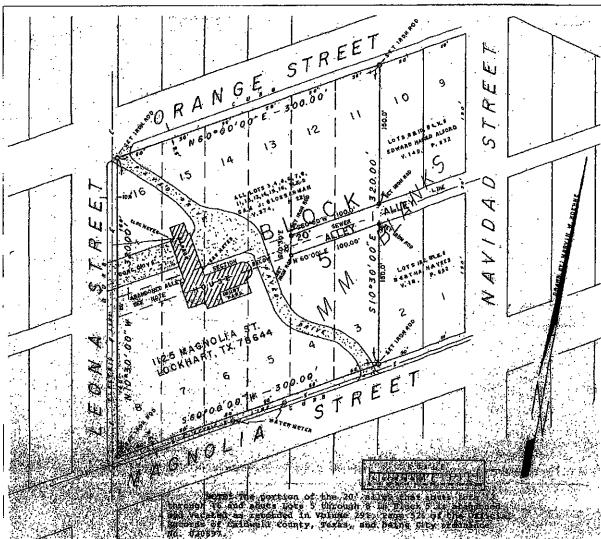
TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE

DATE 6/30/25

OFFICE USE ONLY	
ACCEPTED BY Kerin Waller	RECEIPT NUMBER ROLS SA-696
DATE SUBMITTED 6/30/15	CASE NUMBER FV - 25 - 52
DATE NOTICES MAILED 7-21-2025	
BOARD OF ADJUSTMENT MEETING DATE	8/4/25
DECISION	
CONDITIONS	





BURTON M. JONES and LEAR E. JONES ALL OF LOTS NOS THREE (3), FOUR (4), FIVE (51, SIXIE) 名色多葉版 (F), EIGHT (8), ELEVEN (11), TWELYE (12), THERTEEN (13), FOURTEEN (14), FIFTEEN (15), 4nd SIXTEEN (16), in BLOCK NO. FIVE (5) of the M. M. BLANKS ADDITION to the CITY of LOCKHART, according to the PLAT of RECORD IN VOLUME 41, PAGES 334-335 of THE DEED RECORDS OF CALDWELL COUNTY, TEXAS SCALE: 1" : 60 FT.

ROTE: The above shown house location does not lie within the 100 Year Flood Hazard Zone as shown on the Flood Insurance Rate Map of the City of Lockhart, Caldwell County, Texas, the effective date is January 18, 2002.

TO THE LIEMHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE COMPANY:

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements, or rights of way, except as shown hereon, and that said property has access to and from a deficited readway. a dedicáted roadway.

Tim W. Muras, R.P.L.S.
Registered Professional Land Surveyor No. 4401
Sphulchburg, Texas.
Jamuary 18, 2002
Pebruary 6, 2002



