

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, July 6, 2020
Municipal Building — Glosserman Room
308 W. San Antonio St.**

BOARD MEMBER AUDIO CONFERENCE PARTICIPATION

One or more members of the Lockhart Zoning Board of Adjustment may participate in a meeting remotely. The member of the Board presiding over the meeting will be physically present at the above public location. Audio conference equipment providing two-way audio communication with each member participating remotely will be made available, and each portion of the meeting held by audio conference that is required to be open to the public can be heard by the public at the location specified.

CITIZEN AUDIO CONFERENCE PARTICIPATION

- *Call-in number: 1-408-418-9388. Attendee Access Code: 626-304-323#.*
- *Citizens wishing to listen or participate must call in prior to the start of the meeting, and should identify themselves. Attendees may call in to listen only, if desired.*
- *Those wishing to speak will be called upon to address the Board.*
- *Zoning Board of Adjustment agenda packets can be viewed online at www.lockhart-tx.org starting two days prior to the meeting. Navigate from the Departments tab at the top of the page to Development Services – Meeting Minutes/Schedules (on left side) – Agendas & Minutes – Zoning Board of Adjustment Agendas & Minutes – Agenda Packets.*

AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the June 1, 2020 meeting.
4. **ZV-20-04.** Hold a PUBLIC HEARING and consider a request by Efrain Gutierrez, on behalf of Alice Guinn, for a Variance to Chapter 64 “Zoning”, Lockhart Code of Ordinances, Section 64-205(b)(16), to allow a Portable Food Establishment to connect directly to the City wastewater system, on 0.464 acre in the James George Survey, Abstract No. 9, zoned CHB (Commercial Heavy Business District) and located at 1209 South Main Street.
5. Discuss the date and agenda of the next meeting.
6. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 10:15 a.m. on the 2nd day of July, 2020.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
JUNE 1, 2020**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Anne Clark, Laura Cline, John Juarez, Kirk Smith, Lori Rangel (By Phone)

Member Absent: Severo Castillo

Staff Present: Christine Banda, Kevin Waller, Dan Gibson

Others Present: Winn Smith (applicant, Agenda Item (4)), Ramzi Al-Rashid and Nicole Al-Rashid (purchasers of property, Agenda Item (4)), Jonathan Smith (Consulting Architect, Agenda Item (4)), Waldo Villarreal (Applicant, Agenda Item (5))

1. Call meeting to order. Chair Cline called the meeting to order at 6:30 p.m.
2. Citizen comments not related to a public hearing item. None
3. Consider the minutes of the April 6, 2020 meeting.

Member Clark moved to approve the April 6, 2020 minutes. Member Annas seconded, and the motion passed by a vote of 7-0.

4. ZV-20-02. Hold a PUBLIC HEARING and consider a request by Countywide Builders, on behalf of Infrared Real Estate Group, LLC, for a Variance to Appendix II of Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum required lot area from five acres to 1.778 acres for a PDD (Planned Development District), in the Byrd Lockhart League, Abstract No. 17, currently zoned CMB (Commercial Medium Business District) and located at 416 North Church Street.

Chair Cline stated that she was abstaining from this item. Vice-Chair Clark served as Chair for this item in Chair Cline's place.

Planning Staff Kevin Waller opened with a PowerPoint presentation to the Board, including an overview of the proposal and the land uses on neighboring properties. The applicant's ultimate goal is to develop the subject property with a mixed-use development containing residential, commercial, and mixed-use buildings. Such a proposal is best achieved through rezoning the property to PDD (Planned Development District), due to the uses proposed and the variances that would be required under the current zoning classification of CMB (Commercial Medium Business). In addition, mixed-use buildings in the CMB zoning district would require approval of a Specific Use Permit from the Planning and Zoning Commission, which would add yet another layer of complexity to the project. The PDD zoning district allows for flexibility in land uses on a property,

such as those proposed, along with flexible parking and setback requirements, in return for more up-front commitment on the part of the developer in terms of site layout, land uses, and amenities. Section 64-199(a) and Appendix II of the Zoning Ordinance stipulate that the minimum required lot area for a PDD is five acres. The subject property, however, is only 1.778 acres, hence the request for the variance, which is the current proposal and prior to the zoning change process before the Planning and Zoning Commission and City Council. Mr. Waller answered the Board's questions and stated that Staff recommends approval of the variance.

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

Applicant Winn Smith of 8406 Avocet Drive, Austin, Texas 78745, said he represents Countywide Builders who are working with the new owners of the property Mr. and Mrs. Al-Rashid. Mr. Smith explained how the project will be unique to, and benefit, Lockhart. The property is the site of a former concrete plant and neglected. Smith stated that the applicants are very committed to the project's development. They believe that PDD zoning will allow for the best use of the property. Smith stated that this will be their third project with the new owners, who have a strong desire to preserve the natural landscape of the property. They have also partnered with Jonathan Smith of Lake/Flato Architects, who worked on the design for the new Austin Public Library downtown.

New owner Ramzi Al-Rashid of 3916 Deer Trail, Spicewood, Texas 78669 stated that he grew up in Luling, Texas. He feels very confident in Lake/Flato Architects' capabilities. The property is beautiful, and they are excited about the project. The owners would appreciate the Board's approval of the Variance.

Architect Jonathan Smith, 1007 Fulton Ave., San Antonio, Texas 78201 stated that PDD zoning would be great for this type of project.

Vice-Chair Clark asked for any other speakers; seeing none, she closed the public hearing.

Member Annas moved to approve ZV-20-02. Member Smith seconded, and the motion passed by a vote of 6-0, with one abstention.

5. ZV-20-03. Hold a PUBLIC HEARING and consider a request by Waldo Villarreal 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 25 feet to 10 feet, for a carport to be placed over the driveway, on Lot 2, Block 1, Phase 1 Southside Estates, zoned RLD (Residential Low Density District) and located at 102 Sunset Drive.

Mr. Waller gave a PowerPoint presentation to the Board, and explained that the applicant would like to construct a 12-foot by 12-foot carport attached to the front of the house and fully within the required 25-foot front-yard setback. The carport would allow protection from inclement weather, as well as from a tree on the property that presents a slipping hazard with falling acorns and causes damage to the applicant's vehicle with the acorns and tree sap. Waller stated that the tree and proximity of the applicant's house to the front property line are not unique conditions to the property, as neighboring properties have similar characteristics. In addition, the applicant's garage has been enclosed and converted to living space, which is a common occurrence in the neighborhood. Mr. Waller suggested that a carport with a shallower depth than that proposed,

that would encroach less into the front-yard setback, might be a reasonable alternative to the proposed carport dimensions. Waller stated that Staff recommends denial of the Variance, unless the Board were to determine that all six Variance review criteria have been met.

Chair Cline opened the public hearing and asked for the applicant to come forward.

Applicant Waldo Villarreal of 102 Sunset Drive, Lockhart, stated that the main reason for the variance request is for protection from a large tree in his front yard. He is older and cannot move as quickly when getting in and out of his vehicle. During certain times of year, the tree discharges sap that creates a slipping hazard. Falling acorns also create a slipping hazard and dent the applicant's vehicle. The applicant continued that the carport would protect him from inclement weather and falling tree limbs. He would like the Board's consideration and approval of the variance.

Chair Cline asked for any other speakers; seeing none, she closed the public hearing.

There was discussion about a similar carport variance proposal on Magnolia Street in 2018 that had been denied by the Board out of concern of setting a precedent. The Board agreed that Mr. Villarreal's concerns are valid, but that they had to follow the Variance review criteria.

Member Clark moved to deny ZV-20-03. Member Reeder seconded, and the motion passed by a vote of 6-1 (Member Rangel against).

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

Mr. Waller indicated that the next regularly scheduled meeting will be held Monday, July 6th, if applications are received by the deadline.

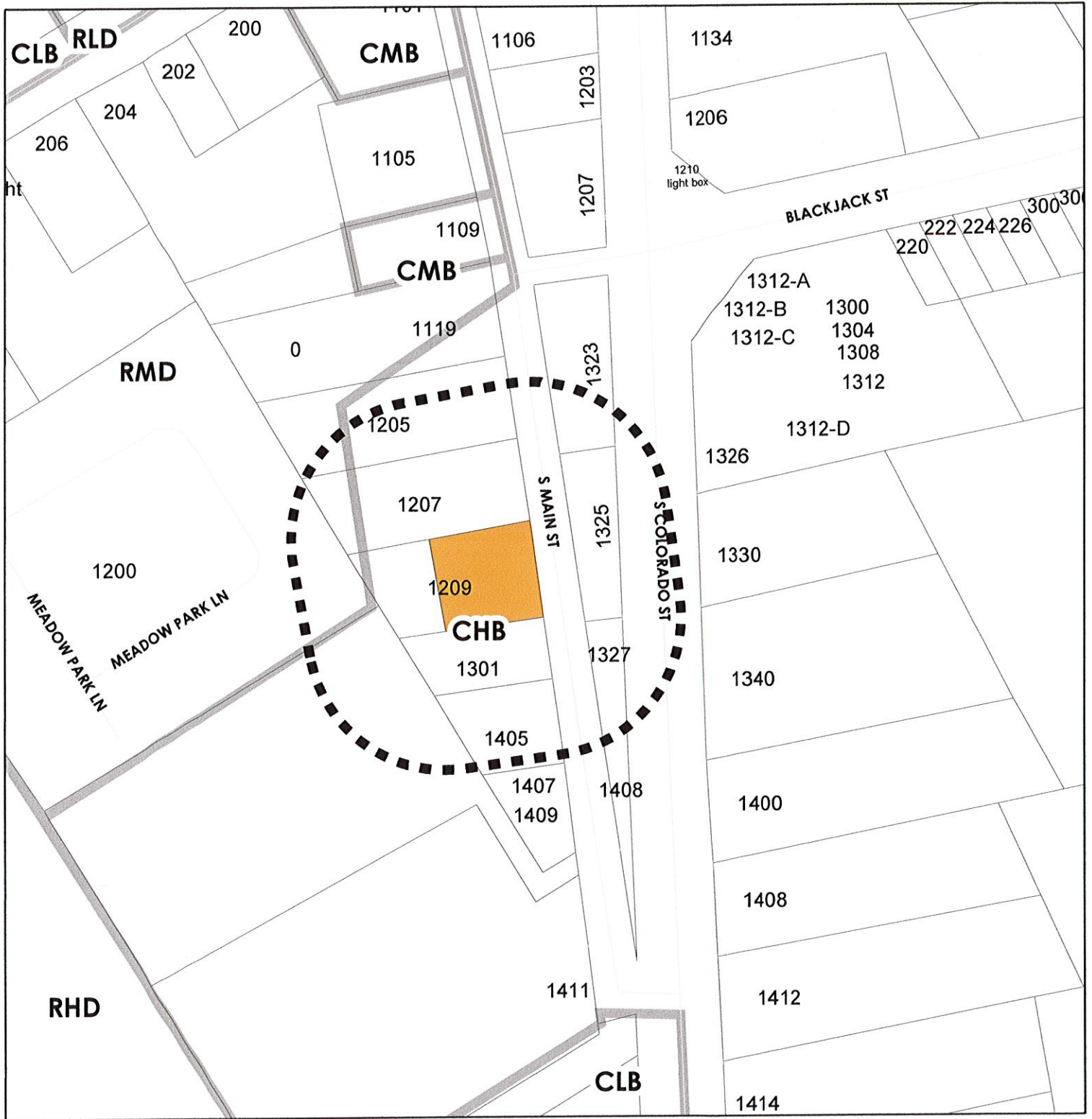
7. Adjourn.

Member Clark moved to adjourn the meeting, and Member Reeder seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 7:23 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



ZV-20-04

1209 S MAIN ST

ALLOW CONNECTION TO
CITY WASTEWATER



- Subject Property
- Zoning Boundary

scale 1" = 200'

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW*

CASE NUMBER: ZV-20-04

REPORT DATE: June 26, 2020

PUBLIC HEARING DATE: July 6, 2020

APPLICANT'S REQUEST: Variance to allow a Portable Food Establishment to connect directly to the City wastewater system.

STAFF RECOMMENDATION: ***Approval, if the Board determines that all six variance criteria are met.***

CONDITIONS: Installation of an under-sink grease trap.

BACKGROUND DATA

APPLICANT: Efrain Gutierrez

OWNER: Alice Guinn, G&G Laundry, Inc.

SITE LOCATION: 1209 S. Main St.

LEGAL DESCRIPTION: James George Survey, Abstract No. 9 (metes and bounds)

SIZE OF PROPERTY: 0.464 acre

EXISTING USE OF PROPERTY: Commercial laundromat

ZONING CLASSIFICATION: CHB (Commercial Heavy Business District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant plans to locate a Portable Food Establishment on the property and connect to the City's wastewater system. The food establishment will be located in the parking lot area of the G&G Laundromat property. According to Section 64-205(b)(16), such establishments "...shall have a self-contained wastewater holding tank that must be emptied by either taking it to an authorized dump station or by being pumped to an authorized wastewater-hauling vehicle." As such, the applicant proposes a variance to the above standard to allow the food trailer's direct connection to the City sewer system.

AREA CHARACTERISTICS: The property is located in a commercial area of South Main Street zoned CHB that is approximately 300 feet northwest of the street's intersection with South Colorado Street. A car wash business is located on the adjacent property to the north. To the east and across South Main Street are a Texaco gas station and convenience store. The property to the south is the Lockhart Antiques & Collectibles business, and that to the west is vacant, with the Meadow Park Village apartments further west.

UNIQUE CONDITIONS OF PROPERTY: There are no conditions unique to the property that necessitate connection of the portable food establishment to the municipal wastewater system. There is adequate space on the property for a wastewater holding tank to be located in proximity to the food establishment.

NATURE OF HARDSHIP: No hardship would result from the food establishment's utilization of a wastewater holding tank. The closest dump station is located at Lockhart State Park, approximately three miles to the southwest.

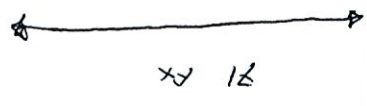
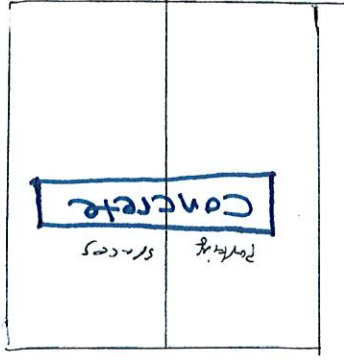
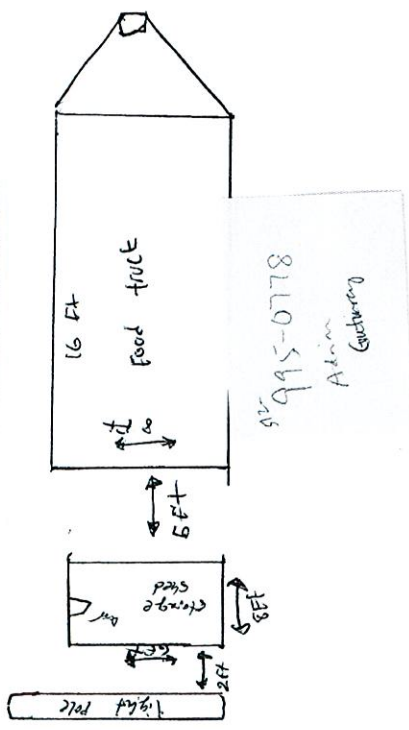
EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Approval of the requested variance will not have an adverse impact on public health and safety, but would improve safety conditions by avoiding a storage tank in favor of a direct connection to the municipal wastewater system. An under-sink grease trap will be made a condition of approval, which will prevent grease and oils from entering the wastewater system. Both the Building Official and the Sanitation Health Official have indicated that they have no objections to the requested variance, provided a grease trap is installed.

COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all six 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. Staff believes that the variance request warrants approval, if the Board determines that all six variance criteria are met.

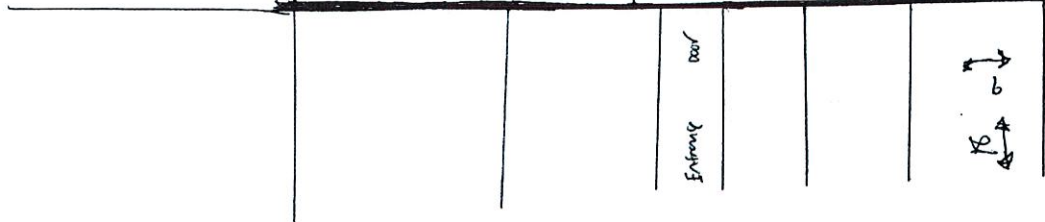
ALTERNATIVE SOLUTIONS: If the variance is denied, the applicant would be required to have an on-site, self-contained wastewater holding tank, as discussed above.

PRECEDENT: A precedent may have already been set for the type of variance requested. A variance request to connect two portable food establishments, or portable food court, to the City wastewater system on the same property at 906 South Colorado Street was approved in March 2015. However, those circumstances were slightly different in that the portable food court had its own dedicated restroom facility between the two food trailers that was already connected to the wastewater system. The proposed food trailer will not have a dedicated restroom facility, but will have approved access to the laundromat restrooms.

RESPONSE TO NOTIFICATION: Public hearing notices were mailed to owners of nine properties within 200 feet of the subject property, as well as to the applicant. As of the date of this report, no written or verbal expressions of support or opposition have been received.



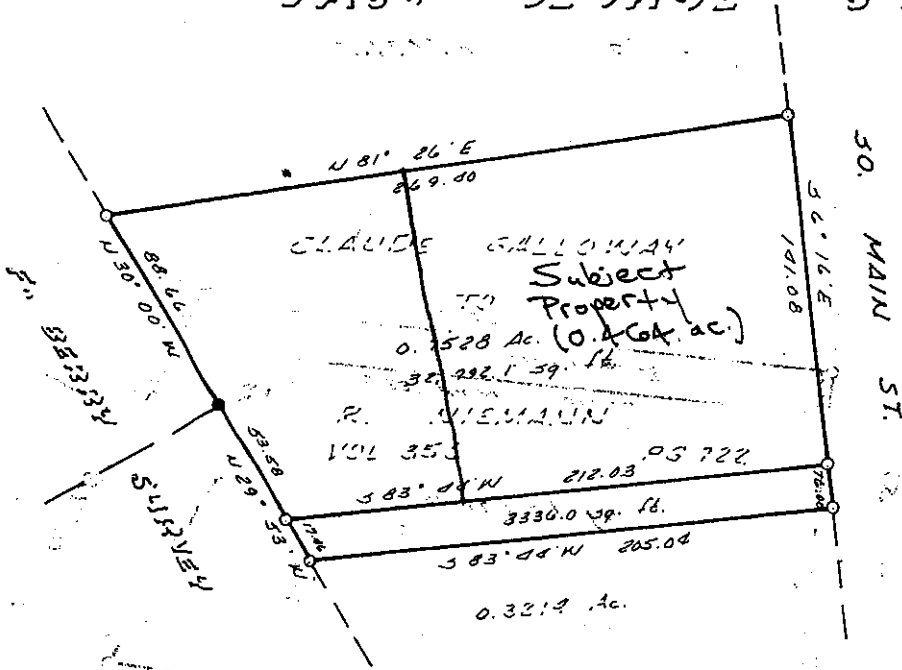
Laundromat



S. Main St. →

Scale: 1" = ~10' | N →

JAMES GEORGE SURV.

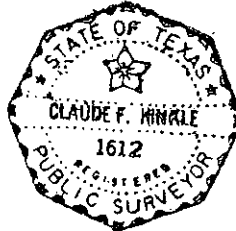


SURVEY PLAT

Showing two tracts out of the James George Survey in Caldwell County, Texas.

SURVEYED: April, 1982

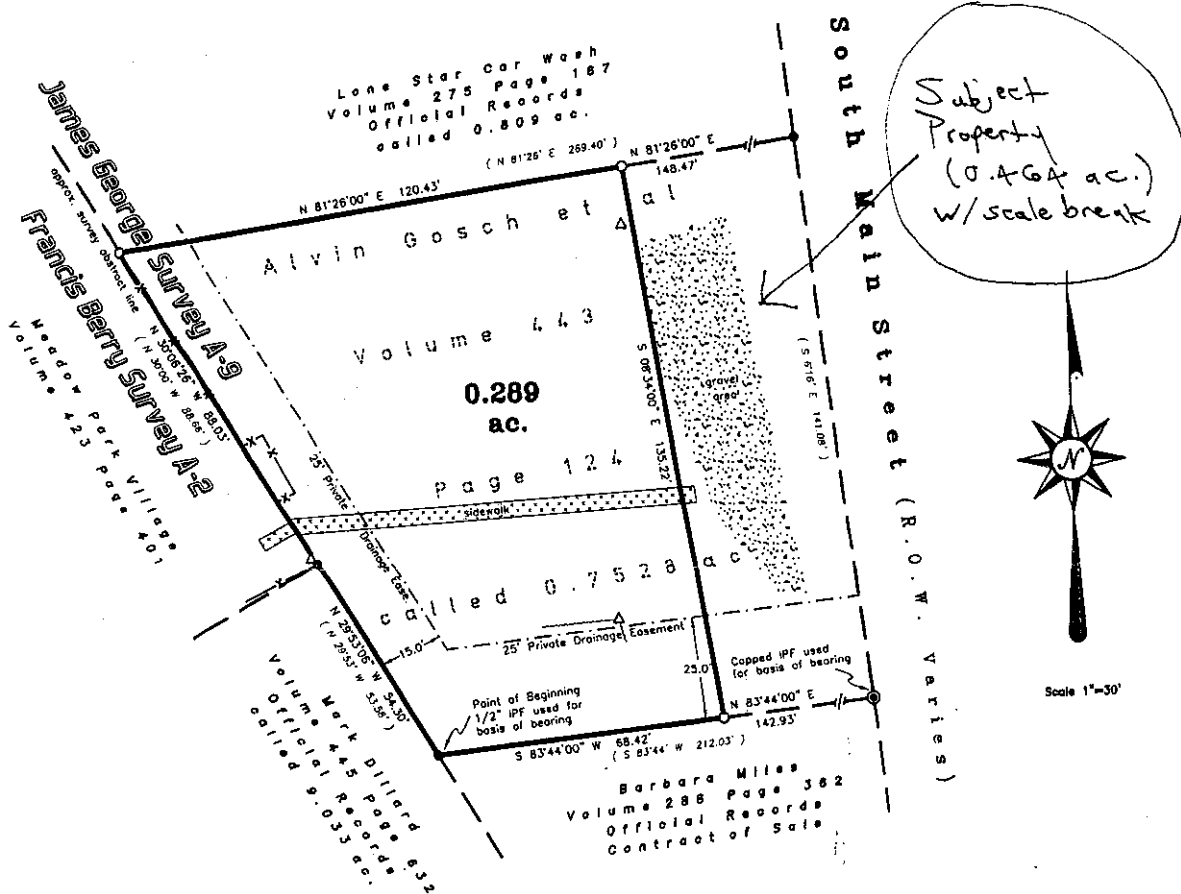
Claude F. Hinkle
 Claude F. Hinkle
 RPS # 1612



SCALE 1" = 40'

City of Lockhart Caldwell County, Texas

James George Survey A-9



General Notes

- 1) THIS SURVEY IS FOR USE WITH THIS ONE TRANSACTION ONLY.
- 2) 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 #480095-0005-C dated January 17, 1991. Flood Zone "X" is determined to be outside the 500-year floodplain. No special flood hazards according to FEMA Panel mentioned hereon. 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.

SURVEY PLAT

Showing a 0.289 acre tract of land out of the James George Survey A-9 in the City of Lockhart, Caldwell County, Texas. 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 December 1, 2011, (2) No Abstract of Title, title commitment, nor research of 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.** Only those prints containing the raised Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the public.



LEGEND

- CAPPED 1/2" IRON PIN SET
- 1/2" IRON PIN FOUND
- ⊙ CAPPED IRON PIN FOUND
- △ EL POLE
- || SCALE BREAK
- GUY WIRE
- (.....) ORIGINAL DEEDED CALLS
- x- FENCES MEANDER
- ▨ GRAVEL DRIVE
- CONCRETE
- UNLESS OTHERWISE NOTED

Field Book: d.a.	Drawn By: JKH BS
Job No. 20113351	Drawing: 20113351.dwg
Date: December 1, 2011	Word Date: Begin 12012011
Surveyed By: JKH JOB	Autocad Date: Begin 12012011

Claude Hinkle Surveyors

P. O. Box 1027
1109 S. Main Street
Lockhart, Texas 78644
Ph: (512) 398-2000 Fax: (512) 398-768
email: contact@claudehinklesurveyors.com

1. SEPARATE SEWER LINE

FOR DRAINING THESE GREY WATER.
FROM FOOD TRAILER.

2. SEPARATE SEWER LINE IS

NOT CAUSED BY ME THE
PROPERTY OWNER. NEED SEPARATE
LINE.

3. VARIANCE GIVEN FOR RENTER

TO HAVE CASIER ACCESS LINE FOR

HIS SEWER.

4. NO

5. NO DOES NOT AFFECT HEALTH OR
SAFETY OF ANYTHING.

(2)

b. No isn't going to alter
ANY CHARACTER OF ZONING DISTRICT.

Yes and is in harmony with
intent and purposes of the
ZONING ORDINANCE.

6/15/20

G & G LAUNDRY, INC.

Alice Quinn



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 Efrain Gutierrez
DAY-TIME TELEPHONE 512-938-2043
E-MAIL gutierrezal018@gmail.com

ADDRESS 1209 S. Main St
Lockhart, TX 78614

OWNER NAME Alice Guinn
DAY-TIME TELEPHONE 512-995-0507
E-MAIL aliceguinn@yahoo.com

ADDRESS PO Box 477
1209 S. Main St
Lockhart, TX 78644-
0477

PROPERTY

ADDRESS OR GENERAL LOCATION 1209 South MAIN
LEGAL DESCRIPTION (IF PLATTED) Metes & Bounds (James George Sarvey A-9)
SIZE 0.464 ACRE(S) ZONING CLASSIFICATION CHB
EXISTING USE OF LAND AND/OR BUILDING(S) Food Trailer

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) 64-205(b)(16) OF THE ZONING ORDINANCE
CURRENT ORDINANCE REQUIREMENT(S) Portable food establishments shall not be connected directly to the City wastewater system.

REQUESTED VARIANCE(S) Sewer line for Food Trailer - separate from G & G Laundry, Etc.

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 \$ 150.00 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 acre and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

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 *Albee S. Quinn*

DATE 6/15/20

OFFICE USE ONLY

ACCEPTED BY Kevin Walker

RECEIPT NUMBER 94359A

DATE SUBMITTED 6/16/20

CASE NUMBER ZV - 20 - 04

DATE NOTICES MAILED 6-24-2020

DATE NOTICE PUBLISHED 6-25-2020

BOARD OF ADJUSTMENT MEETING DATE 7/6/20

DECISION _____

CONDITIONS _____

