

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, October 5, 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 July 6, 2020 meeting.
4. **SE-20-02.** Hold a PUBLIC HEARING and consider a request by Roberta Arispe for a Special Exception as provided in Section 64-130(c)(5), Chapter 64 “Zoning”, Lockhart Code of Ordinances, to preclude an essentially inadvertent taking of property due to an existing nonconforming unplatted lot width and lot area on 0.10 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RMD (Residential Medium Density District) and located at 1003 Proctor Street.
5. **SE-20-03.** Hold a PUBLIC HEARING and consider a request by Brenda Hernandez, on behalf of Somsy Vejsiri, for a Special Exception as provided in Section 64-130(c)(5), Chapter 64 “Zoning”, Lockhart Code of Ordinances, to preclude an essentially inadvertent taking of property due to an existing nonconforming unplatted lot depth and lot area on 0.127 acre in the Byrd Lockhart Survey, Abstract No. 17, zoned RLD (Residential Low Density District) and located at 1214 Farmer Street.
6. **FV-20-01.** Hold a PUBLIC HEARING and consider a request by Joe Roland on behalf of Worlanda Neal for a Variance to the Lockhart Code of Ordinances, Chapter 12, Section 12-490 “Residential Districts”, to allow a six foot tall privacy fence to encroach approximately 12 feet into the minimum required 20 foot front yard setback on 0.551 acre in the Byrd Lockhart League, Abstract-17, zoned RMD (Residential Medium Density District) and located at 1210, 1212, and 1308 Green Street.
7. Discuss the date and agenda of the next meeting.
8. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 11:15 a.m. on the 30th day of September, 2020.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
JULY 06, 2020**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Laura Cline, John Juarez, Lori Rangel (By Phone), Severo Castillo (By Phone)

Members Absent: Anne Clark, Kirk Smith

Staff Present: Christine Banda, Kevin Waller

Others Present: None

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 June 1, 2020 meeting.

Member Annas moved to approve the June 1, 2020 minutes. Member Reeder seconded, and the motion passed by a vote of 6-0.

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, 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.

Planning Staff Kevin Waller explained that the applicant has a portable food establishment on the subject property and would like to connect directly to the City's wastewater system. The Zoning Ordinance requires that a portable food establishment 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. Mr. Waller stated that Staff recommends approval with the condition that the applicant install an under-sink grease trap.

Chair Cline opened the public hearing and asked for any speakers either in favor or against. None came forward, so she closed the public hearing.

Chair Cline moved to approve ZV-20-04 with staff's condition of installing an under-sink grease trap. Member Juarez seconded, and the motion passed by a vote of 6-0.

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

Mr. Waller indicated that the next regularly scheduled meeting would be held August 3rd if applications are received by the deadline.

6. Adjourn.

Member Annas moved to adjourn the meeting, and Member Reeder seconded. The motion passed by a vote of 6-0, and the meeting adjourned at 6:46 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair

CASE SUMMARY

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

CASE NUMBER: SE-20-02

REPORT DATE: September 30, 2020

PUBLIC HEARING DATE: October 5, 2020

APPLICANT'S REQUEST: Special Exception, as provided in Section 64-130(c)(5), to preclude an inadvertent taking of property due to a 35.72-foot (average) nonconforming parcel width and a nonconforming parcel area of 0.10 acre

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT: Roberta Arispe

OWNER: Same

SITE LOCATION: 1003 Proctor Street

LEGAL DESCRIPTION: Byrd Lockhart Survey A-17 (metes and bounds)

SIZE OF PROPERTY: 0.10 acre (35.72 feet (average) wide by 119.85 feet deep)

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATION: RMD (Residential Medium Density District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED SPECIAL EXCEPTION: The applicant proposes to develop the property with either a site-built single-family dwelling or manufactured home. In order for the property to be developed, any use must meet certain dimensional standards, including a 50-foot minimum lot width and a 105-foot minimum depth for the SF-2 development type in the RMD zoning district, or receive approval of a Variance, or a Special Exception, in order to preclude an inadvertent taking of the property. In this instance, the Special Exception application seemed more appropriate. The property is 0.10 acre, or approximately 4,356 square feet, and measures 35.72 feet wide, which is the property's average width considering its differing widths at the front and rear property lines, and 119.85 feet deep. Since neither the property's width, nor its area, conforms to the required dimensions in the RMD district, either a Variance or Special Exception approval is necessary. According to the submitted application and site plan, the new residence will meet the required setbacks for the RMD district. If a manufactured home is utilized, a Specific Use Permit approval from the Planning and Zoning Commission will be required. In addition, the applicant submitted a letter from Matthew Allen of the Caldwell County Appraisal District (attached) which explains that the adjacent, undeveloped property to the east is partially traversed by Alex Street. This creates a situation that may prevent the applicant from being able to potentially purchase part of the adjacent property in order to make her property conforming to the minimum width and area requirements.

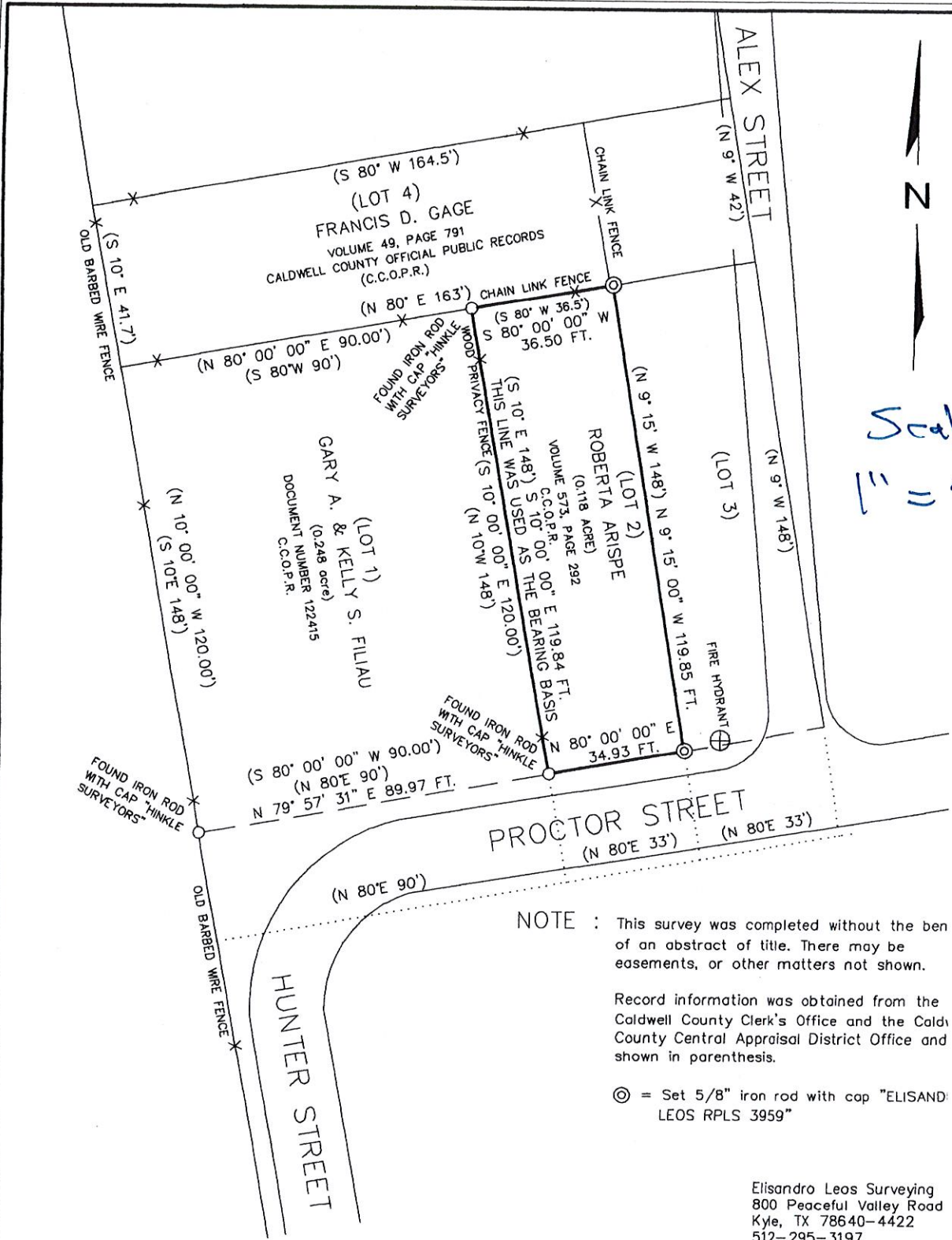
AREA CHARACTERISTICS: The properties to the north, west, and south, across Proctor Street, are developed with single-family dwellings. The property to the east is currently undeveloped and encroached upon by Alex Street, as discussed above. The neighborhood in general consists primarily of older single-family dwellings of varying physical condition, with some lots of substandard dimensions, most notably along Alex Street.

EFFECT ON PUBLIC HEALTH AND SAFETY: Other substandard lots in the neighborhood have been developed with no adverse impacts on public health and safety.

EFFECT ON THE CHARACTER OF THE ZONING DISTRICT WHERE LOCATED: The character of the area already includes homes on substandard-sized properties similar to the subject parcel.

EFFECT ON SURROUNDING PROPERTY: Due to the facts that approval of the special exception would not change the size or configuration of the lot, the property is already zoned for residential use, and required setbacks will be maintained, there would be no adverse impact on surrounding properties.

RESPONSE TO NOTIFICATION: None as of the date of this report.



Scale:
1" = 40'

NOTE : This survey was completed without the benefit of an abstract of title. There may be easements, or other matters not shown.

Record information was obtained from the Caldwell County Clerk's Office and the Caldwell County Central Appraisal District Office and shown in parenthesis.

⊙ = Set 5/8" iron rod with cap "ELISAND LEOS RPLS 3959"

Elisandro Leos Surveying
 800 Peaceful Valley Road
 Kyle, TX 78640-4422
 512-295-3197
 Cell: 512-567-4349
 eleosurveying@hotmail.com
 Firm Registration #100229

I, Elisandro Leos, do hereby certify that the above plat represents a survey made on the ground, by me, and shows the facts as found at the time of the survey, that there are no visible and or apparent encroachments other than shown. This survey is NULL AND VOID without the original signature, in blue ink, and impression seal.

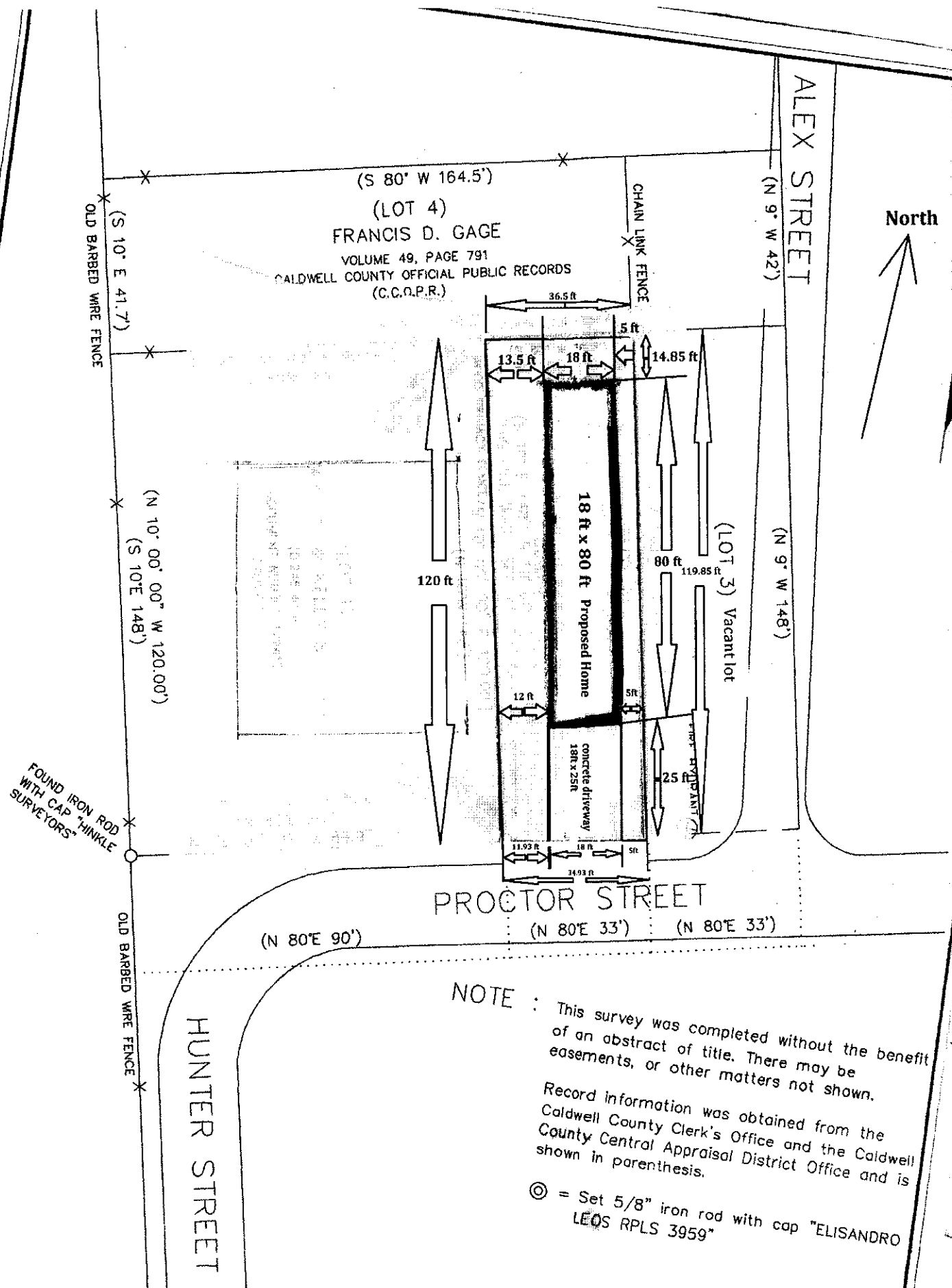
Elisandro Leos
 Elisandro Leos - R.P.L.S. 3959



SURVEY PLAT

OF
 ALL THAT CERTAIN TRACT OR PARCEL OF 0.118 ACRE OF LAND KNOWN AS "LOT 2" (0.118 ACRE) SITUATED IN THE BYRD LOCKHART LEAGUE, ABSTRACT NUMBER 17, BEING A PART OF THE TRACT DESCRIBED IN A DEED OF RECORD IN VOLUME 356, PAGE 683 OF THE CALDWELL COUNTY DEED RECORDS.

IN THE CITY OF LOCKHART, TEXAS
 SURVEYED : MARCH 21, 2016
 SURVEYED FOR : ROBERTA ARISPE
 ADDRESS : 1001 PROCTOR STREET
 SCALE : 1" = 40 FEET



NOTE : This survey was completed without the benefit of an abstract of title. There may be easements, or other matters not shown. Record information was obtained from the Caldwell County Clerk's Office and the Caldwell County Central Appraisal District Office and is shown in parenthesis.
 © = Set 5/8" iron rod with cap "ELISANDRO LEOS RPLS 3959"

Elisandro Leos Surveying
 800 Peaceful Valley Road
 Kyle, TX 78640-4422
 512-295-3197
 Cell: 512-567-4349
 eleosurveying.com



SPECIAL EXCEPTION APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Roberta Arispe
DAY-TIME TELEPHONE 512 650 5785
E-MAIL psalms40103@yahoo.com

ADDRESS 906 Monte Vista
Lockhart Tx 78644

OWNER NAME Roberta Arispe
DAY-TIME TELEPHONE 512 650 5785
E-MAIL psalms40103@yahoo.com

ADDRESS _____

PROPERTY

ADDRESS OR GENERAL LOCATION 1003 Proctor, Lockhart Tx
LEGAL DESCRIPTION (IF PLATTED) meets and bounds
SIZE .10 ACRE(S) ZONING CLASSIFICATION RMD
EXISTING USE OF LAND AND/OR BUILDING(S) Vacant

REQUESTED SPECIAL EXCEPTION

AUTHORIZED BY SECTION 64-130(c)(5) OF THE ZONING ORDINANCE

EXPLANATION OF OR REASON FOR REQUEST, INCLUDING DESCRIPTION FOR PROPOSED USE AND/OR BUILDING AND SITE IMPROVEMENTS, AS APPLICABLE TO THE REQUESTED SPECIAL EXCEPTION.

I would like permission to get the lot
buildable to construct a Manufactor or site built
home. This will be constructed on a nonconforming
lot with respect to lot width and area. Home
will conform to required setbacks.

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.

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 special exception.

APPLICATION FEE OF \$ 125.00 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 Roberta Anipe

DATE 09/15/2020

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 960409

DATE SUBMITTED 9/15/2020

CASE NUMBER SE - 20 - 02

DATE NOTICES MAILED 9-21-2020

DATE NOTICE PUBLISHED 9-24-2020

BOARD OF ADJUSTMENT MEETING DATE 10/5/2020

DECISION _____

CONDITIONS _____

CALDWELL COUNTY APPRAISAL DISTRICT

April 11, 2016

Owner: Roberta Arispe
PID # 18229
Legal: A017 Lockhart, Byrd, Acres 0.11

A current survey was performed March 2016. The surveyor had discovered that there is a small strip of land between the East side of the property and Alex Street. This area was supposed to be Lot 3 of a partition deed. The surveyor could not determine who the current owner should be at this time.

The City has encroached this area over time as the street had migrated toward the West instead of continuing straight to Proctor Street. There are no know documents that gave the City any ownership or easement.

The surveyor had suggested that Roberta should contact an attorney to discuss the possibility of claiming adverse possession for this small strip of land. The owner has been mowing and cleaning this land for many years. It appears that the City has assumed that she was the owner of this tract. The surveyor also mentioned that someone should contact the City about where the agreeable East edge should be defined since the street runs at an angle.

Matthew Allen



610 San Jacinto Street
P.O. Box 900
Lockhart, Texas 78644
United States

PHONE (512) 398-5550
FAX (512) 398-5551
E-MAIL general@caldwellcad.org
WEB SITE www.caldwellcad.org

CASE SUMMARY

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

CASE NUMBER: SE-20-03

REPORT DATE: September 30, 2020

PUBLIC HEARING DATE: October 5, 2020

APPLICANT'S REQUEST: Special Exception, as provided in Section 64-130(c)(5), to preclude an inadvertent taking of property due to an 84.10-foot nonconforming parcel depth and a nonconforming parcel area of 0.127 acre

STAFF RECOMMENDATION: **Approval**

CONDITIONS: None

BACKGROUND DATA

APPLICANT: Brenda Hernandez

OWNER: Somsy Vejsiri

SITE LOCATION: 1214 Farmer Street

LEGAL DESCRIPTION: Byrd Lockhart Survey A-17 (metes and bounds)

SIZE OF PROPERTY: 0.127 acre (66 feet wide by 84.10 feet deep)

EXISTING USE OF PROPERTY: Vacant

ZONING CLASSIFICATION: RLD (Residential Low Density District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED SPECIAL EXCEPTION: The applicant proposes to develop the property with a single-family dwelling. In order for the property to be developed, any use must meet certain dimensional standards, including a 65-foot minimum lot width and a 120-foot minimum depth for the SF-1 development type in the RLD zoning district, or receive approval of a Variance, or a Special Exception, in order to preclude an inadvertent taking of the property. In this instance, the Special Exception application seemed more appropriate. The applicant has indicated that potentially purchasing property from a neighbor in order to make the subject property conforming would be cost-prohibitive. The property is 0.127 acre, or approximately 5,532 square feet, and measures 66 feet wide by 84.10 feet deep. Since neither the property's depth, nor its area, conforms to the required dimensions in the RLD district, either a Variance or Special Exception approval is necessary. According to the submitted application and site plan, the new residence will meet the required setbacks for the RLD district.

AREA CHARACTERISTICS: The subject property is surrounded by properties developed with single-family dwellings. The neighborhood in general consists primarily of older single-family dwellings of varying physical condition, with several lots of substandard widths generally located to the west, north, and east.

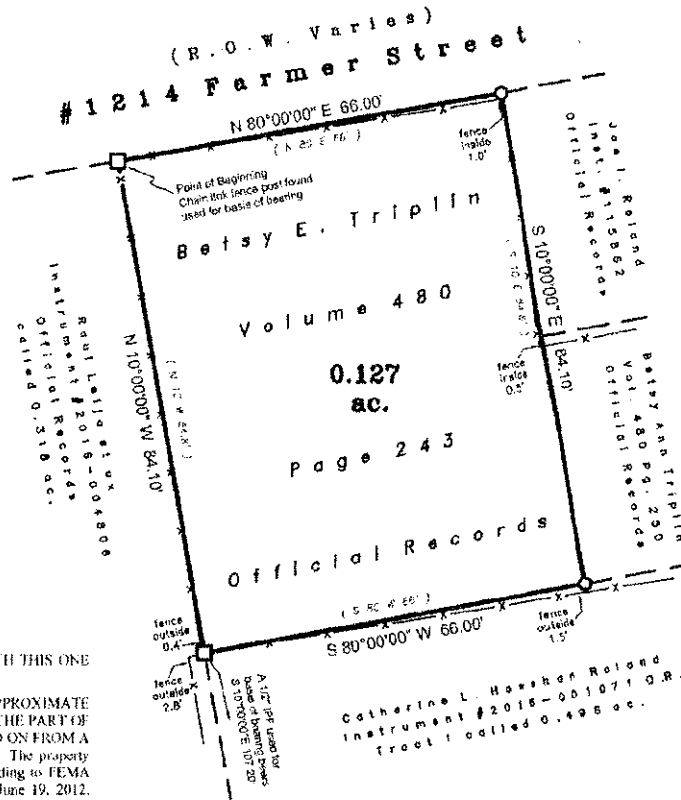
EFFECT ON PUBLIC HEALTH AND SAFETY: Other substandard lots in the neighborhood have been developed with no adverse impacts on public health and safety.

EFFECT ON THE CHARACTER OF THE ZONING DISTRICT WHERE LOCATED: The character of the area already includes homes on substandard-sized properties similar to the subject parcel.

EFFECT ON SURROUNDING PROPERTY: Due to the facts that approval of the special exception would not change the size or configuration of the lot, the property is already zoned for residential use, and required setbacks will be maintained, there would be no adverse impact on surrounding properties.

RESPONSE TO NOTIFICATION: None as of the date of this report.

**City of Lockhart Caldwell County, Texas
Byrd Lockhart Survey A-17**



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 #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.

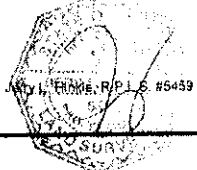
911 ADDRESS: 1214 Farmer Street
Lockhart, Texas 78644

LEGEND

- CAPPED 1/2" IRON PIN SET STAMPED "HINKLE SURVEYORS"
- CHAIN LINK FENCE POST
- ORIGINAL DEEDED CALLS
- X- FENCES MEANDER UNLESS OTHERWISE NOTED

SURVEY PLAT

Showing a 0.127 acre tract of land out of the Byrd Lockhart Survey A-17 in 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 June 20, 2019, (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.



© Hinkle Surveyors, 2019

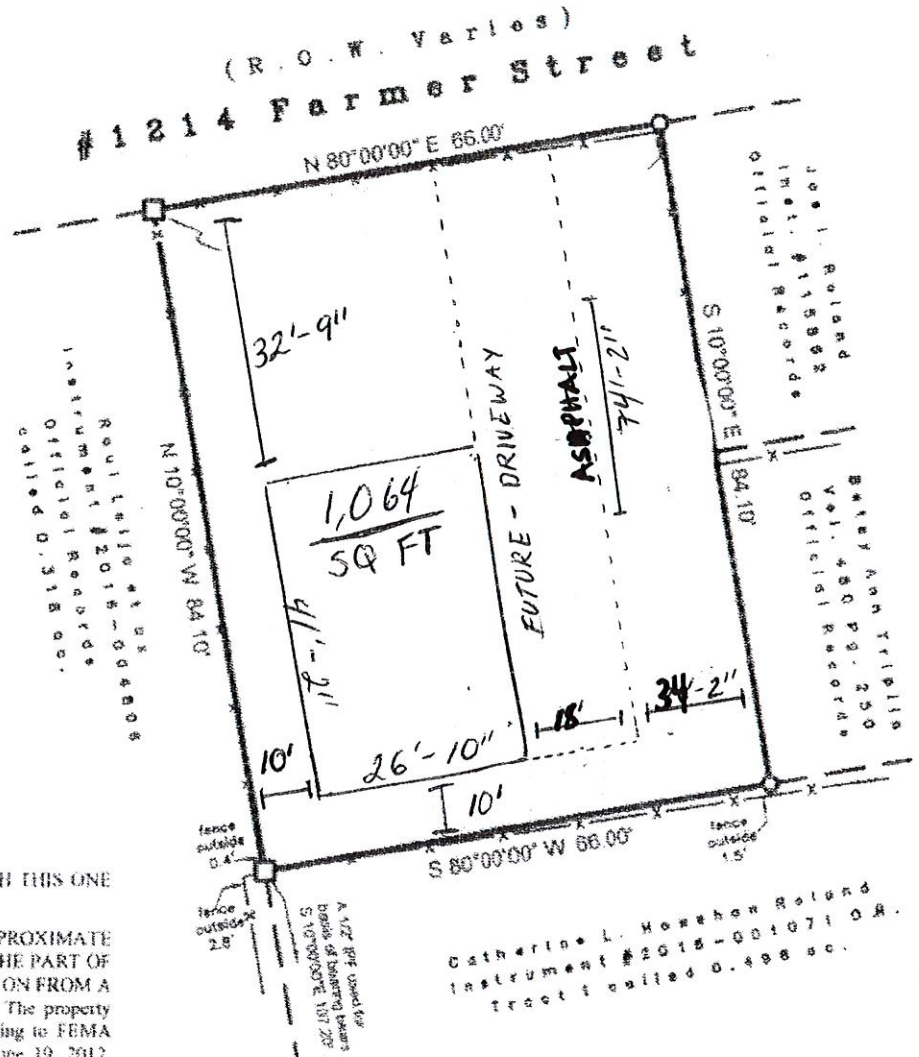
Field Book: 46	Drawn By: JH BS
Job No: 20191711	Drawing: 20191711.dwg
Date: June 2019	Word Disk: Begin 08012019
Surveyed By: JH LH	Autocad Disk: Begin 08012019

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. 100866-00

City of Lockhart Caldwell County, Texas

Byrd Lockhart Survey A-17



General Notes

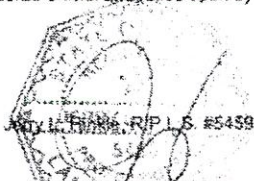
- 1) THIS SURVEY IS FOR USE WITH THIS ONE TRANSACTION ONLY.
- 2) FLOOD ZONES SHOWN ARE APPROXIMATE AND CREATE NO LIABILITY ON THE PART OF THE SURVEYOR AND ARE BASED ON FROM A FLOOD INSURANCE RATE MAP. The property shown lies in Flood Zone "X" according to FEMA Panel #48055CD120E effective date June 19, 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.

911 ADDRESS: 1214 Farmer Street
Lockhart, Texas 78644

Scale:
1" = ~25'

SURVEY PLAT

Showing a 0.127 acre tract of land out of the Byrd Lockhart Survey A-17 in 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 June 20, 2019, (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.



LEGEND

- CAPTIED 1/2" IRON PIN SET STAMPED "HINKLE SURVEYORS"
- CHAIN LINK FENCE POST
- ORIGINAL DEEDED CALLS
- X- FENCES MEANDER UNLESS OTHERWISE NOTED

Field Book: 400	Drawn By: JKH BS
Job No. 20191711	Drawing: 20191711
Date: June 2019	Word Disk: Begin 04
Surveyed By: JKH LH	Autocad Disk: Begin



HINKL SURVEYO

P.O. Box 1027 1109 S. Main Street Lockhart,
Ph: (512) 398-2000 Fax: (512) 398-7683 Email
hinklesurveyors.com Firm Registration No. 1

September 14, , 2020

City of Lockhart
P.O. Box 239
Lockhart, TX 78644

Re: Zoning Variance Application Authorization

To Whom It May Concern:

As Owner of the property at 1214 Farmer St. Lockhart, TX 78644 (A017 LOCKHART, BYRD, ACRES .127), I hereby authorize Mr. Jose J. Hernandez & Brenda Hernandez to act as 'Applicant' in regards to the Zoning Variance Application for the above listed property.

Thank you.

DocuSigned by:
SOMSY VEJSIRI
7B6B0A7F004D486...

Mr. Somsy Vejsiri

9/14/2020

Date

SPECIAL EXCEPTION APPLICATION

CITY OF

Lockhart
TEXAS

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Brenda Hernandez ADDRESS 231 Sunrise st.

DAY-TIME TELEPHONE (956) 763-7187 Dale Tx 78616

E-MAIL josejhdz52123@gmail.com

OWNER NAME Somsy Vejsiri ADDRESS 1712 E. Riverside Dr. #143

DAY-TIME TELEPHONE 323-251-2435 Austin Tx 78741

E-MAIL somsystudio@yahoo.com

PROPERTY

ADDRESS OR GENERAL LOCATION 1214 Farmers street Lockhart Tx 78644

LEGAL DESCRIPTION (IF PLATTED) A017 Lockhart, BYRD, ACRES .127 (Meters & Bounds)

SIZE .127 ACRE(S) ZONING CLASSIFICATION Residential low Density

EXISTING USE OF LAND AND/OR BUILDING(S) Vacant lot.

REQUESTED SPECIAL EXCEPTION

AUTHORIZED BY SECTION GA-130(c)(5) OF THE ZONING ORDINANCE

EXPLANATION OF OR REASON FOR REQUEST, INCLUDING DESCRIPTION FOR PROPOSED USE AND/OR BUILDING AND SITE IMPROVEMENTS, AS APPLICABLE TO THE REQUESTED SPECIAL EXCEPTION.

Construct single family Residence on a nonconforming lot with respect to lot depth and area. Home will conform to required setbacks.

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.

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 special exception.

APPLICATION FEE OF \$ 125.00 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 Brenda Hernandez

DATE 09-14-2020

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 960410

DATE SUBMITTED 9/16/2020

CASE NUMBER SE - 20 - 03

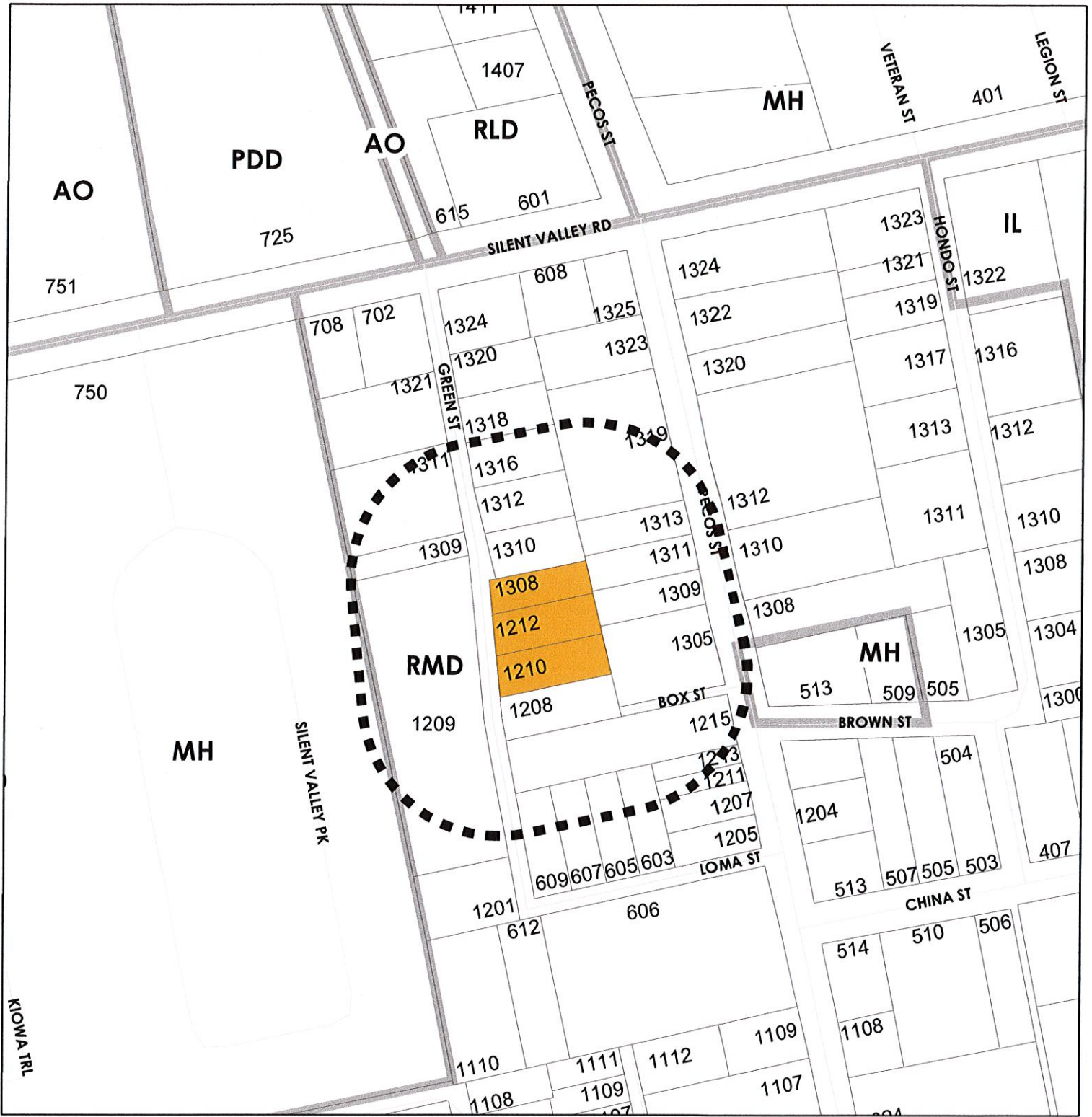
DATE NOTICES MAILED 9-21-2020

DATE NOTICE PUBLISHED 9-24-2020

BOARD OF ADJUSTMENT MEETING DATE 10/5/2020

DECISION _____

CONDITIONS _____



FV-20-01

1210, 1212, 1308 GREEN ST

TO ALLOW A SIX FT PRIVACY FENCE TO ENCROACH 12 FT INTO THE MINIMUM 20 FT FRONT YARD SETBACK



 SUBJECT PROPERTY

 ZONING BOUNDARY

scale 1" = 200'

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner

KW

CASE NUMBER: FV-20-01

REPORT DATE: October 1, 2020

PUBLIC HEARING DATE: October 5, 2020

APPLICANT'S REQUEST: Variance to Section 12-490(3) to allow a 6-foot tall opaque privacy fence in the front yard of a residence on property zoned RMD

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

CONDITIONS: None

BACKGROUND DATA

APPLICANT: Joe Roland

OWNER: Worlanda Neal

SITE LOCATION: 1210, 1212, and 1308 Green Street

LEGAL DESCRIPTION: Byrd Lockhart Survey A-17 (metes and bounds)

SIZE OF PROPERTY: 0.551 acre

EXISTING USE OF PROPERTY: Single-family dwelling

ZONING CLASSIFICATION: RMD (Residential Medium Density District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant recently constructed a 6-foot tall wooden, opaque privacy fence in the front yard of the subject property, prior to securing a building permit or approval of a Fence Variance. The fence encroaches approximately 12 feet into the minimum required 20-foot front-yard setback, or 8 feet from the front property line at its closest point. The fence's setback from the front property line, as constructed, ranges from approximately 8 feet to 25 feet. Section 12-490(3) of the Fence Ordinance limits fences in residential front-yard building setback areas to a maximum height of four feet, requires fences to block no more than 50 percent of 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 6-foot high wooden privacy fence does not comply with any of these conditions. In addition, it should be noted that the three property addresses above are each located on tracts that are collectively identified as one 0.551-acre parcel in a legal description recorded in Volume 230, Page 821 of the Caldwell County Official Records.

AREA CHARACTERISTICS: There are no other privacy fences, or other fences over four or five feet high, in front yards of other homes in the immediate neighborhood. There are some chain-link fences in several front yards along North Pecos Street, one block to the east, that are at least four feet high, but considered "grandfathered".

UNIQUE CONDITIONS OF PROPERTY: There is no physical condition of the subject property, such as size or topography, that differentiates it from other similarly situated lots in the area. In responding to the variance review criteria, the applicant states that the curvature of Green Street along the property's frontage creates a unique condition that necessitates the fence to be placed within the front-yard setback. However, Staff finds that the fence could have been constructed to follow the general contour of the street and still maintain the required 20-foot front-yard setback. The applicant also states that the new fence was constructed in the exact location of a previous, chain-link fence, which appears to have been over four feet tall according to Google street-view imagery. The location of the previous fence may be considered a unique condition of the property, although it is unknown if the current property owner constructed the previous fence, thus creating a self-imposed hardship.

NATURE OF HARDSHIP: No hardship would result from placement of the fence in a location that meets the required front-yard setback, other than the financial implications associated with its relocation. Financial conditions are not considered a hardship.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Although the fence will not have an adverse impact on public safety, it may alter the essential character of the zoning district and neighborhood within which it is located due to its visibility from the street. The fence may set an undesirable precedent for tall, solid fences in residential front yards where there is no unique condition of the property that justifies it.

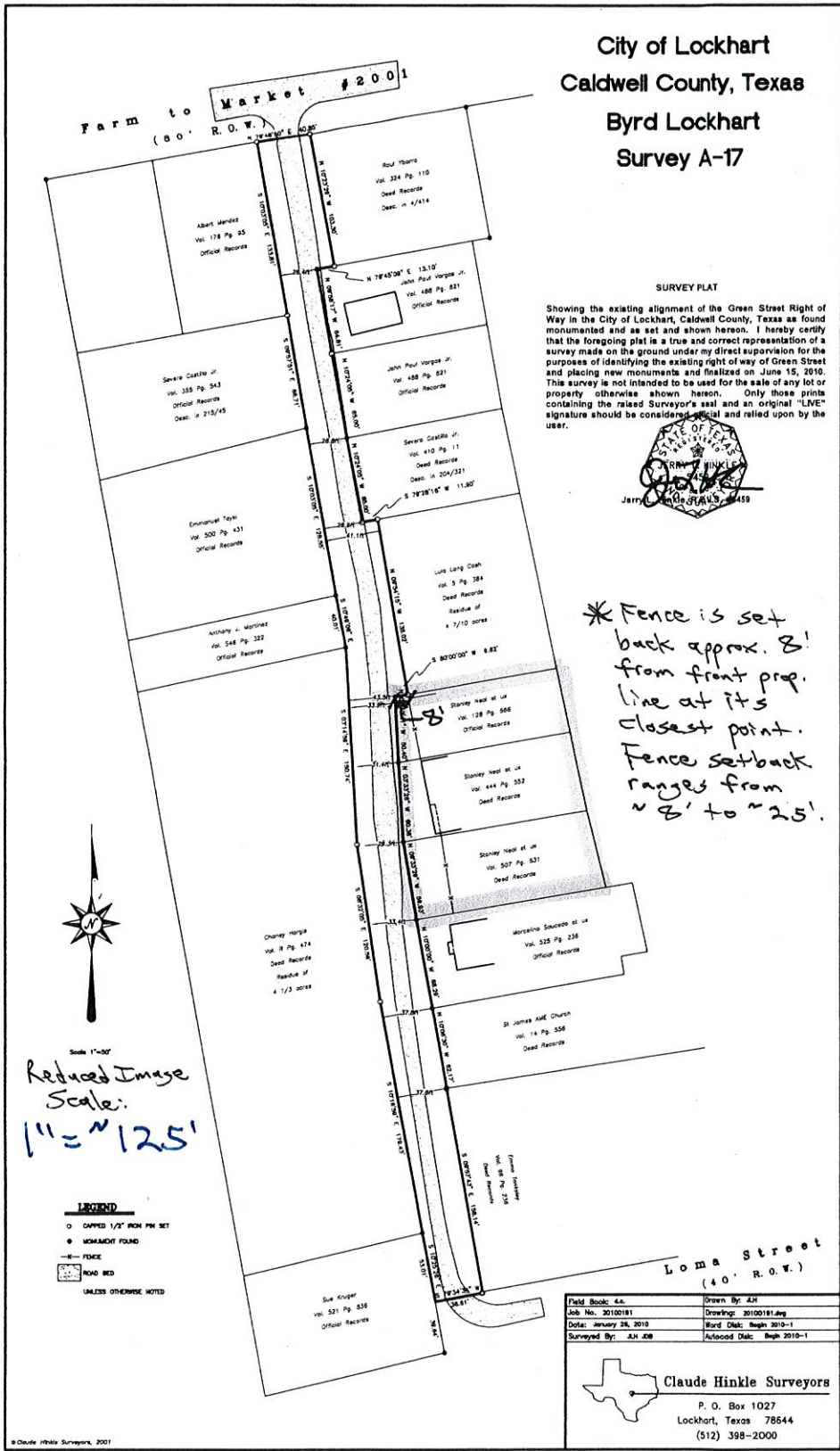
COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all six of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the attached written explanation as evidence in support of the variance.

ALTERNATIVE SOLUTIONS: If the variance is denied, the fence would either have to be relocated to meet the required 20-foot front-yard setback, or it could be replaced with a new fence within the front-yard setback that is limited to a maximum of four feet high, with a wood split-rail fence, wood or simulated wood picket fence, or wrought-iron fence.

PRECEDENT: If the variance is approved and the fence remains, it may set a precedent for other fence variance applications for similar fences in the neighborhood.

RESPONSE TO NOTIFICATION: None, as of the date of this report.

**City of Lockhart
Caldwell County, Texas
Byrd Lockhart
Survey A-17**



SURVEY PLAT

Showing the existing alignment of the Green Street Right of Way in the City of Lockhart, Caldwell County, Texas as found monumented and as set and shown hereon. I hereby certify that the foregoing plat is a true and correct representation of a survey made on the ground under my direct supervision for the purpose of identifying the existing right of way of Green Street and placing new monuments and finalized on June 15, 2010. This survey is not intended to be used for the sale of any lot or property otherwise shown hereon. Only those prints containing the releasé Surveyor's seal and an original "LIVE" signature should be considered official and relied upon by the user.




** Fence is set back approx. 8' from front prop. line at its closest point. Fence setback ranges from ~ 8' to ~ 25'.*



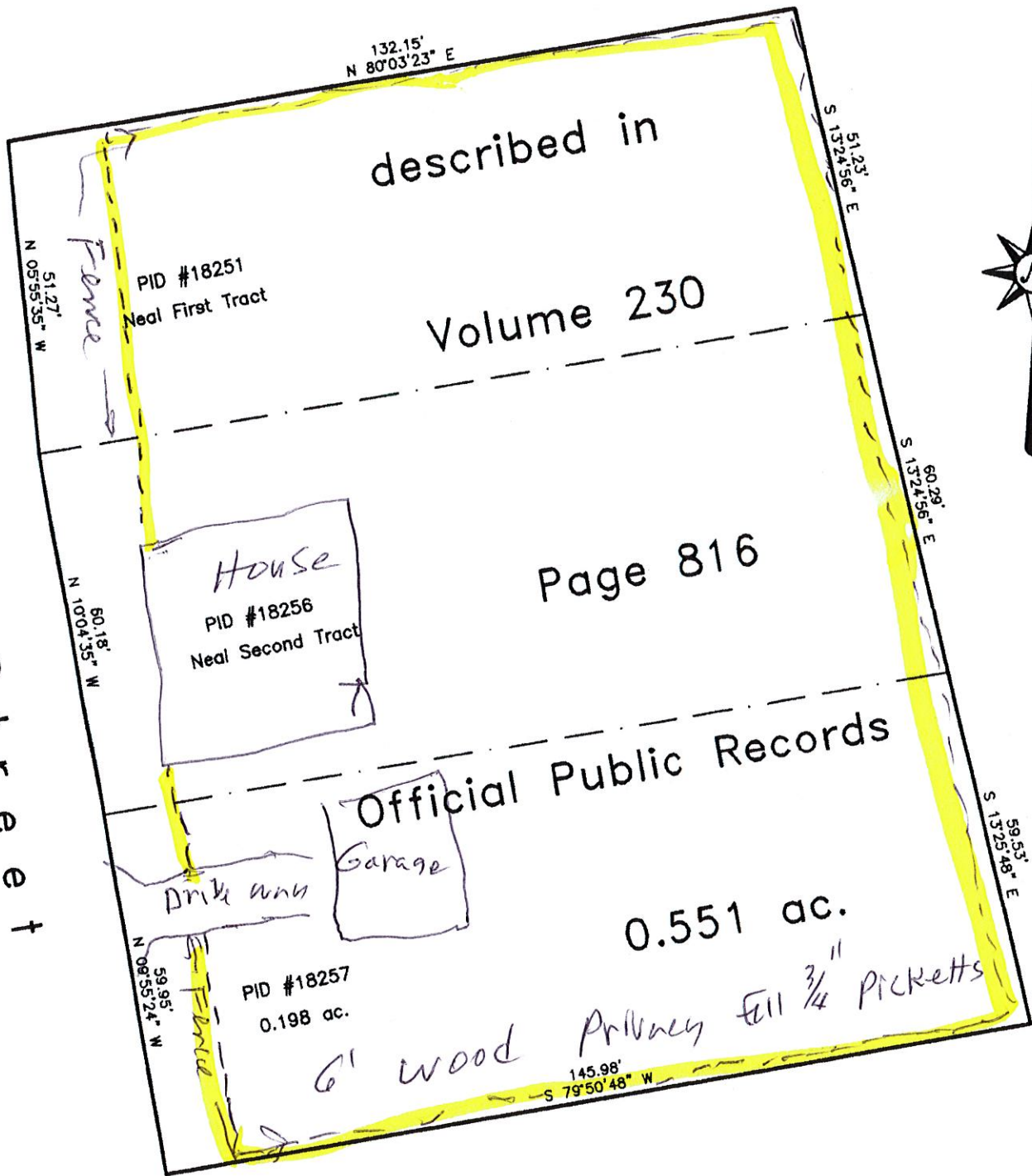
Scale 1"=50'
Reduced Image Scale:
1" = ~ 125'

- LEGEND**
- CAPPED 1/2" IRON PIN SET
 - MONUMENT FOUND
 - FENCE
 - ▨ ROAD BED
 - UNLESS OTHERWISE NOTED

Field Book: 6.6	Drawn By: J.H.
Job No.: 20100181	Drawing: 20100181.dwg
Date: January 28, 2010	Ward Dist: Bugh 2010-1
Surveyed By: J.H. JHB	Autocad Dist: Bugh 2010-1


Claude Hinkle Surveyors
 P. O. Box 1027
 Lockhart, Texas 78644
 (512) 398-2000

Green Street



Scale: 1" = ~ 25'

1. Unique physical condition exists along Green Street. Evidence shows that Green St is constructed in such a way that it is straight for most of the way, but, at the point where the conflict ~~is~~ is, it makes a sharp curve ~~to~~ toward the house, whereas if it had remained straight, there would not have been a need for this Variance Request.

(1.) ~~At~~ At the southern end of the property there is no problem, because the street is straight at that point.

2. The fence was constructed and installed in the same foot print as the existing chain link fence that was, as stated above. The street is the problem.

3. This variance ~~is~~ request is the minimum amount necessary.

4. This variance surely not the desire of owner, we want satisfied already.

5. No it will not adversely affect the general public health or safety.

6. The variance will not alter the central character of the zoning District, within which the property is located.

Authorization to Represent Green Street Property

From: Worlanda Neal (nealy_blu@yahoo.com)

To: j.roland60@yahoo.com

Date: Monday, September 14, 2020, 11:04 AM CDT

Good morning,

Joe Roland has my authority to represent my property located at 1212 Green Street, Lockhart, Texas 78644. If you have any questions or need additional information please let Joe know. Thanks

Worlanda Williams-Neal
2W Consulting

When I stand before God at the end of my life, I would hope that I would have not one bit of talent left, and could say "I used everything you gave me" And Jesus would put his arms around me and say "Job well done"!



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 Joe Roland
DAY-TIME TELEPHONE (512) 738-2172
E-MAIL j.roland60@yahoo.com

PO Box 1197
Lockhart, TX 78644-1197
ADDRESS 207 Windsor No
Lockhart, TX
78644

OWNER NAME Worlanda Neal
DAY-TIME TELEPHONE (512) 796-4871
E-MAIL _____

ADDRESS 1212 Loreen St.
LOCKHART, TX
78644

PROPERTY

ADDRESS OR GENERAL LOCATION 1210, 1308 1212 Loreen St. LOCKHART, TX
LEGAL DESCRIPTION (IF PLATTED) (Metes & Bounds) A017 LOCKHART, Byrd, ACRES 78644
SIZE 0.551 ACRE(S) ZONING CLASSIFICATION .182, & Portion of ABANDONED MAY ST. RMD
EXISTING USE OF LAND AND/OR BUILDING(S) Homestead w/3 lots

REQUESTED FENCE VARIANCE

VARIANCE TO SECTION(S) 12-490(3) OF THE FENCE REGULATIONS

CURRENT ORDINANCE REQUIREMENT(S) Allow a 6' tall opaque privacy fence to encroach approximately 12 feet into the minimum required 20-foot front ^{yard} setback!

REQUESTED VARIANCE(S) Request a variance to allow the ^{new} fence at the front northside of Residence. According to City of Lockhart ordinance, The fence should have been constructed 20' from the street (Green St). The ^{new} fence was construct in the same foot print as the old 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 others 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 \$ ~~750.00~~^{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

Joe D. Roland

DATE

2 Sept. 20

10-20-2020
012-41-9

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 960405

DATE SUBMITTED 9/16/2020

CASE NUMBER FV - 20 - 01

DATE NOTICES MAILED 9-21-2020

DATE NOTICE PUBLISHED 9-24-2020

BOARD OF ADJUSTMENT MEETING DATE 10/5/2020

DECISION _____

CONDITIONS _____
