

PUBLIC NOTICE

City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, July 12, 2021
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 7, 2021 meeting.
4. **FV-21-01.** Hold a PUBLIC HEARING and consider a request by Marjorie Tiemann for a Variance to Lockhart Code of Ordinances, Chapter 12, Section 12-490(3), to allow a six-foot tall privacy fence to be placed in the front yard, extending along the south (side) property line to the front property line, on 0.235 acre in the Francis Berry Survey, Abstract No. 2, zoned RMD (Residential Medium Density District) and located at 406 Concho Street.
5. **ZV-21-07.** Hold a PUBLIC HEARING and consider a request by Marisa Islas for a Variance to Appendix I, Chapter 64 “Zoning”, Lockhart Code of Ordinances, to allow a reduction in the minimum required front-yard building setback from 25 feet to 19.7 feet, for a recently-constructed single-family residence, on Lot 31, Islas Addition, consisting of 0.273 acre, zoned RLD (Residential Low Density District) and located at 1700 Meadow Lane.
6. Discuss the date and agenda of the next meeting.
7. Adjourn.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 1:00 p.m. on the 2nd day of July, 2021.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
JUNE 7, 2021**

MINUTES

Members Present: Wayne Reeder, Mike Annas, Anne Clark, Kirk Smith, Severo Castillo (By Phone), Sean Martinez (By Phone), Lori Rangel (By Phone)

Member Absent: Laura Cline

Staff Present: Christine Banda, Kevin Waller

Others Present: Jim Smith (applicant, Agenda Item 4), Ian Stowe (applicant, Agenda Item 5), Amanda West, Lance Elrod (applicant, Agenda Item 6), Greg Zanghi, and Luci Kempton

1. Call meeting to order. Vice-Chair Clark 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 May 3, 2021, meeting.

Member Annas moved to approve the May 3, 2021, minutes. Member Reeder seconded, and the motion passed by a vote of 6-0.

4. ZV-21-04. Hold a PUBLIC HEARING and consider a request by Jim Smith on behalf of Jack Pearce, LLC, for a Variance to Appendix II, Chapter 64 "Zoning", Lockhart Code of Ordinances, to allow a reduction in the minimum 10-foot rear-yard building setback to zero feet for a new building on Lots 1 and 2, Jack Pearce Subdivision, consisting of 0.17 acre zoned CCB (Commercial Central Business District) and located at 120 and 124 East Market Street.

Planning Staff Kevin Waller gave Staff's report to the Board. Mr. Waller explained that the property consists of the last two undeveloped lots downtown, next to the new tattoo parlor on East Market Street. There is a 15-foot wide alley between the rear of the property and the Henry's Restaurant property. The applicant plans to build a three-story, mixed-used building that would abut the rear property line. Waller stated that a comment letter was received from a nearby property owner who had concerns that allowing a building to abut the rear property line might result in the alley becoming blocked by delivery vehicles parking at the rear of the property. Mr. Waller stated that the alley would allow adequate vehicular circulation if a building were to be constructed up to the rear property line. He recommended approval of the zoning variance.

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

Applicant Jim Smith of 1480 Clear Fork Street explained that it is his dream to build a nice, modernized, three-story building on the property. The building will include both commercial and residential uses, along with a rooftop garden. Mr. Smith mentioned that there should be no traffic disruptions from his development. Smith also stated that although there will be off-street parking for the residential component, there is no off-street parking requirement in the CCB zoning district.

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

Member Smith moved to approve ZV-21-04. Member Reeder seconded, and the motion passed by a vote of 7-0.

5. ZV-21-05. Hold a PUBLIC HEARING and consider a request by Ian Stowe for a Variance to Appendix II, Chapter 64 "Zoning", Lockhart Code of Ordinances, to waive the requirement for off-street parking for a commercial building on Part of Lot 1, Block 42, Original Town of Lockhart, consisting of 0.239 acre zoned CMB (Commercial Medium Business District) and located at 214 Brazos Street.

Mr. Waller gave Staff's presentation to the Board. He explained that the proposal is for a variance to waive all five required parking spaces for the subject property. Waller mentioned that the applicant is willing to work with the City to improve the road in front of his property to provide two on-street parallel parking spaces, in lieu of the required off-street spaces. Staff believes that a parking lot could feasibly be constructed at the rear of the property that could accommodate the five required spaces. Waller stated that the variance request does not meet all six of the variance review criteria, and consequently, Staff recommends denial of the variance.

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

Applicant Ian Stowe of 428 Trinity Street stated that he has lived in Lockhart for 10 years. He sees that this block has been neglected, and is not sure why it is zoned commercial. Mr. Stowe mentioned that the clients of one of the nearby business' back into the street. He is willing to upgrade a portion of Brazos Street with two new parallel parking spaces to help mitigate the parking issue. In addition, Stowe requested that Mr. Annas abstain from voting, because he feels that Annas has a conflict of interest.

Amanda West stated that she lives with Mr. Stowe. She agrees that the proposed upgrade of Brazos Street would enhance the road in front of the subject property.

Jim Smith of 1408 Clear Fork Street explained that he is really not against the variance, but when he was asked to improve the parking situation for a property he owns on Brazos Street, he purchased a nearby property to construct a parking lot. Smith stated that there are ways to properly address parking issues.

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

Member Clark moved to deny ZV-21-05. Member Reeder seconded, and the motion passed by a vote of 6-0-1, with Member Annas abstaining.

6. ZV-21-06. Hold a PUBLIC HEARING and consider a request by Lance Elrod on behalf of Blackjack Block I, LLC, for a Variance to Appendix II, Chapter 64 "Zoning", Lockhart Code of Ordinances, to increase the maximum lot coverage standard from 50 percent to 51.19 percent for new structures on Lot 1, Block 1, Iron Ox Addition, consisting of 24.575 acres zoned IL (Industrial Light District) and located at 1205 Reed Drive.

Mr. Waller reported that the applicant plans to the develop the property with a commercial greenhouse facility, in two phases. The development will surpass the maximum allowed lot coverage of 50 percent in the IL zoning district. The applicant is therefore requesting a variance to increase the allowed lot coverage to 51.19 percent, which the applicant states will increase product yield. Waller stated that the variance request does not meet all six of the variance review criteria, and consequently, Staff recommends denial of the variance.

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

Applicant Lance Elrod explained that Phase One of the development will include construction of the support structure and first half of the greenhouse facility. Phase two would then expand the support structure and add the second half of the facility. There would be an onsite drainage basin that is not expected to impact adjacent properties.

Greg Zanghi stated that he is Vice-President of Iron Ox. The company's mission is to bring fresh produce to local communities. The facility would be mostly automated, to be constructed to a size that is slightly over the maximum allowed lot coverage.

Luci Kempton, another Iron Ox representative, stated that the new facility will offer a variety of produce options, and that the slight increase in lot coverage will help overall production.

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

Member Annas moved to approve ZV-21-06. Member Reeder seconded, and the motion passed by a vote of 6-0.

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

Mr. Waller stated that the next regularly scheduled meeting would be held Monday, July 12, 2021, if applications are received by the June 21st deadline.

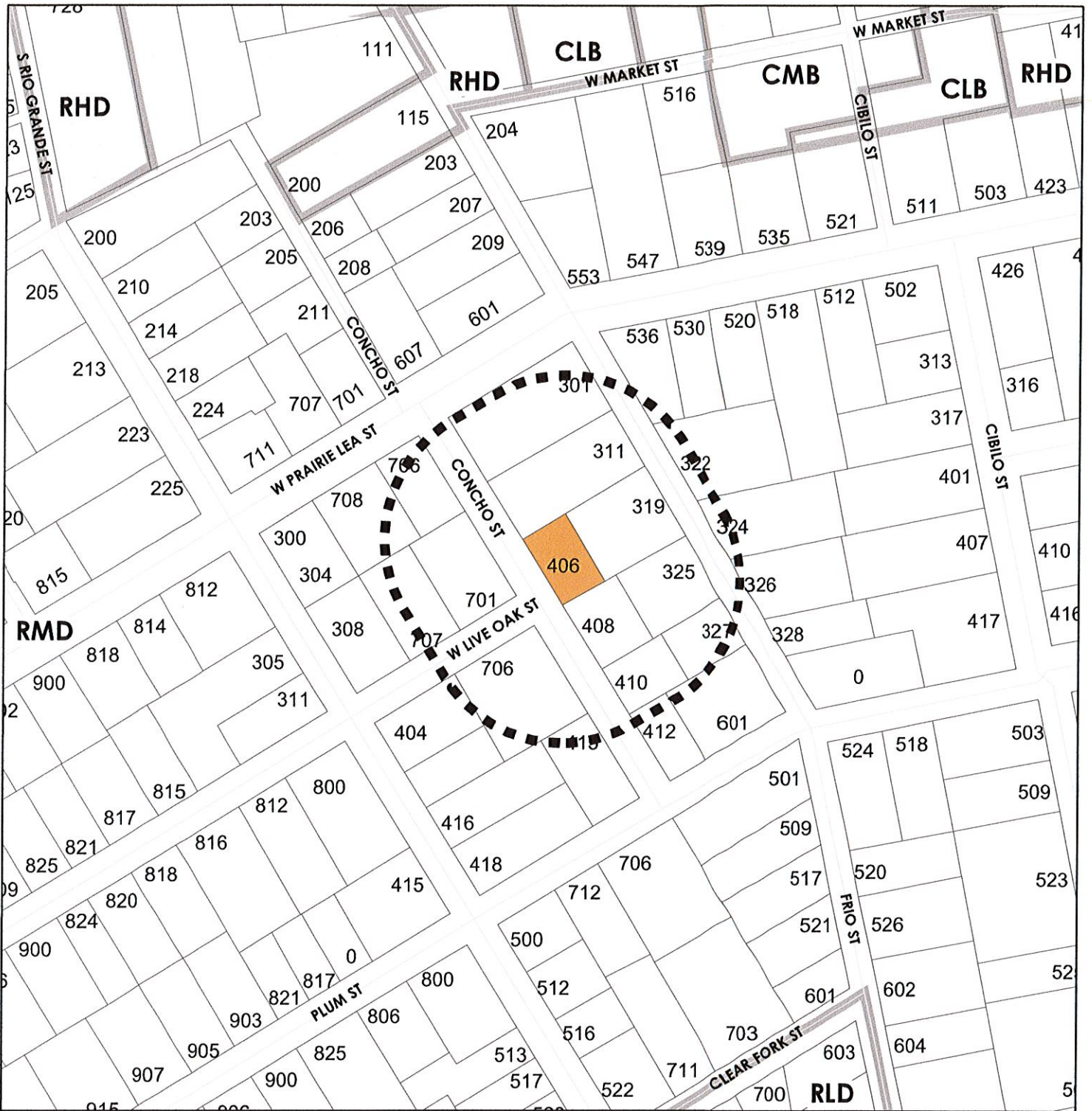
8. Adjourn.

Member Reeder moved to adjourn the meeting, and Member Smith seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 7:26 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Anne Clark, Vice-Chair



FV-21-01

406 CONCHO ST

TO ALLOW A SIX FT PRIVACY FENCE TO BE PLACED IN THE FRONT YARD AND EXTEND TO THE FRONT PROPERTY



- SUBJECT PROPERTY
- ZONING BOUNDARY

scale 1" = 200'

To who it may concern. We are requesting a variance to the fencing ordinance at the property at 406 Concho St. here in Lockhart, TX. We are seeking to add a 6' wooden slatted privacy fence from the existing fence in our backyard, up into our front yard along the existing property line between our property and the property at 408 Concho St to match the opposite side of our property to maintain a consistent appearance. As well as to increase additional privacy and security to match.

We are in a unique situation in that our neighbor has consistently harrassed and intimated us for years. Our older fence is in need of repairs. While replacing and repairing the existing fence. We would like to extend it across the front yard to match the other front side fence on the property of 311 Frio and create a matching

appearance as well as reducing the confrontations that arise. To no fault of our own. The non peaceful actions presented to by the residents in 408 Concho are well known by the Lockhart Police Department and was suggested by Chief Pedraza. Before attempting his suggestion. We planted additional landscaping for screening to no avail.

We believe it shouldn't have any impact on the general public health and safety of or neighbors and community. The residents at 408 park their vehicles in the public easement, which already blocks any view into the street from our driveway. So a higher fence shouldn't increase any already existing visual hazards. The fence on the other side does still allow for safe entry and exit from the driveway. In no way will this variance be of financial benefit to

either party. If anything. Hopefully it will provide peace and serenity to both residencies. Also it shouldn't have any impact on the essential character of the neighborhood, but would create additional consistency to both sides of our property. Making it a more uniform appearance to the street and block.

We plead to this committee to approve this variance to help achieve a peaceful resolution to our neighborhood and provide an overall quality of life to all on our block, as well as maintaining an environment that is safer and consistent to both sides of our property.

Thank you for your consideration in this matter. We love Lockhart and want to do everything to make it better for our community.

Marjorie and James Tiemann
406 Concho St.
Lockhart, TX 78644

• Adendum:

#1. The property at 311 Frio has a 6' wooden Privacy Fence that is already in ~~the~~ place matching what we want to replicate on the opposite side which should be matching on both sides of our property. We would like to have the same option of fencing ^{as} ~~as they~~ have.

#2. we need no influence in the fence ~~not~~ next door being built and would like to have the same option to do so.

CASE SUMMARY

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

CASE NUMBER: FV-21-01

REPORT DATE: July 6, 2021

PUBLIC HEARING DATE: July 12, 2021

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

STAFF RECOMMENDATION: ***Analysis of the variance review criteria supports a recommendation for DENIAL (see Alternative Solutions below)***

CONDITIONS: None

BACKGROUND DATA

APPLICANT and OWNER: Marjorie Tiemann

SITE LOCATION: 406 Concho Street

LEGAL DESCRIPTION: Francis Berry Survey A-2 (metes and bounds)

SIZE OF PROPERTY: 0.2351 acre

EXISTING USE OF PROPERTY: Duplex-family residence

ZONING CLASSIFICATION: RMD (Residential Medium Density District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes to construct a six-foot tall pine privacy fence within the required 20-foot front-yard setback of the subject property, due to civil conflicts with the next-door neighbor to the south. An existing low wooden rail fence with cinder blocks generally marks the front half of the south-side property line, which the applicant states is slightly inset into her property by about one to two feet. A dilapidated, six-foot fence is located along the rear half of the side property boundary. The dilapidated fence and wooden rail fence are both proposed to be replaced on the side property line, which will create one continuous six-foot tall fence from the rear property line to the front property line. 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 does not comply with any of these conditions.

AREA CHARACTERISTICS: The property contains the only duplex in a well-established, single-family residential neighborhood. There are no other privacy fences, or other fences over four feet high, in front yards of other homes in the area.

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 proposed fence will maintain a consistent appearance with the south-side and rear-yard fences on the adjacent property to the north, the rear property line of which adjoins the front yard of the subject property. However, Staff finds that the

location of the adjacent property's fence does not create a unique condition to the subject property such to allow a fence in the front-yard setback, simply because the applicant would like it to line up with the adjoining property's fence. The applicant also states that the Police Chief recommended that a taller fence be constructed in the proposed location in order to help alleviate conflicts and hostility with the neighbor to the south. Although Staff understands that the reason for the proposed fence is a serious and sensitive matter, such construction still requires either compliance with the Fence Ordinance or approval of a variance to certain provisions thereof.

NATURE OF HARDSHIP: The construction of a taller fence within the front-yard setback would impose a self-created hardship. There is nothing that prevents a fence constructed in the front yard from meeting the standards of the Fence Ordinance.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The applicant states that the neighbor's parking of vehicles on the street in proximity to the subject property creates a visibility hazard when backing out of the driveway. However, Staff believes that the construction of a six-foot tall fence in the proposed location would present a permanent 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, an electric utility pole appears to be located approximately two to three feet from where the new fence would meet the front property line, which may present obstacles to the maintenance of the electric pole or transmission line.

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, an alternative solution could include tall shrubbery, or other vegetation, for screening in the proposed location. Another alternative, which would not provide the desired screening and is therefore unlikely to be utilized, would be that the proposed fence be redesigned 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, it may set a precedent for other fence variance applications to allow fences within the front-yard setback for screening from neighbors.

RESPONSE TO NOTIFICATION: A telephone inquiry was received on July 2, 2021 from the neighbor to the south of the subject property. The neighbor explained that they do not have an issue with the proposed fence, but believes that the applicant's claim that the location of the existing, low-lying rail fence to be replaced is slightly inset into the subject property is in error, and is actually located on the south-side property line. Therefore, the neighbor believes that when the fence is reconstructed within the front-yard setback and shifted slightly southward, it will then fully encroach onto their property. The neighbor would like a survey to be conducted to demonstrate that the location of the proposed fence will in fact be located on the side property line, without encroachment.



311 Fried St.

Existing 6' wooden Fence

Existing wooden Fence 6' wooden

310 Fried St.

Existing wooden 6' Fence

Driveway

Garage

Unit A

Unit B

Side walk



Side walk

Driveway

Existing wooden 6' Fence
Gate

Proposed new 6' wooden Fence

SUV SUV

403 Concho St.

Concrete St

parked cars

Public Easement

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 Marjorie Tiemann ADDRESS 406 Concho St B
DAY-TIME TELEPHONE 512 569 7291 Lockhart, TX
E-MAIL _____ 78644

OWNER NAME Marjorie Tiemann ADDRESS 406 Concho St B
DAY-TIME TELEPHONE 512 569 7291 Lockhart, TX
E-MAIL _____ 78644

PROPERTY

ADDRESS OR GENERAL LOCATION 406 Concho St Lockhart, TX
LEGAL DESCRIPTION (IF PLATTED) attached Francis Berry A-2 (metes & bounds)
SIZE 0.235 ACRE(S) ZONING CLASSIFICATION RMO
EXISTING USE OF LAND AND/OR BUILDING(S) residence

REQUESTED FENCE VARIANCE

VARIANCE TO SECTION(S) 12-490 (3) Front yard OF THE FENCE REGULATIONS
CURRENT ORDINANCE REQUIREMENT(S) Fences allowed in front yards must be no greater than 6 feet in height, no more than 50% can block view or 2 1/2 feet unless may block 50% or more

REQUESTED VARIANCE(S) Reason! we are constantly being harassed by our next door neighbor. He stares, intimidates, & hollers across property line. Many police reports have been filed. The Chief of Police suggested a taller fence to obtain more privacy and to help alleviate hostilities.

- To Build a consistent wooden privacy fence of 6 feet in our front yard from ^{Back corner to Front} corner to corner, Front & Back to preserve the peace. One side of our property already has a tall 6-foot fence - Thank God!

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 \$ 125⁰⁰ 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 Maione Ani

DATE 6-9-2021

OFFICE USE ONLY

ACCEPTED BY C. Baker

RECEIPT NUMBER 01011077

DATE SUBMITTED 6-9-2021

CASE NUMBER FV - 21 - 01

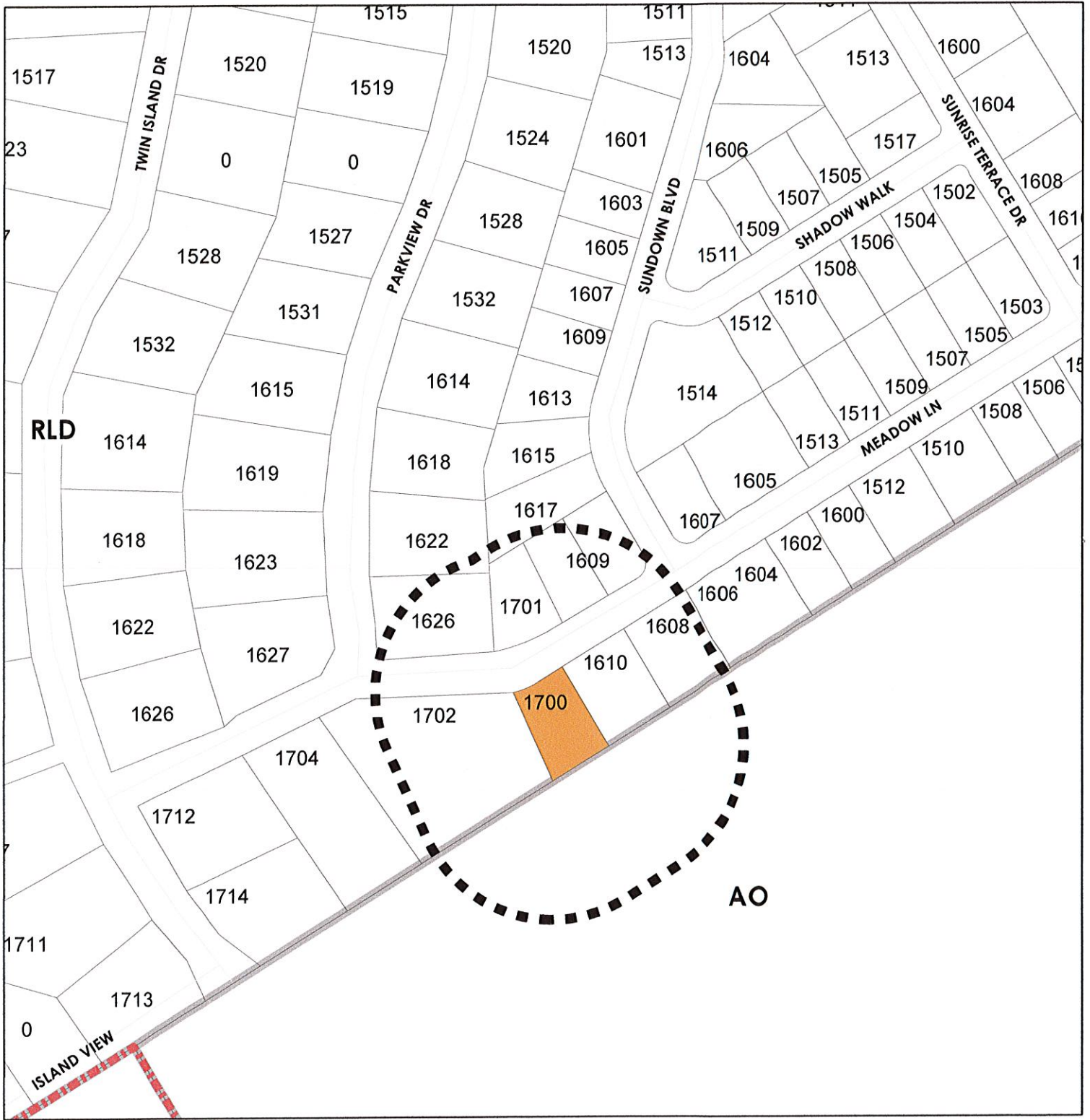
DATE NOTICES MAILED 6-28-2021

DATE NOTICE PUBLISHED 7-1-2021

BOARD OF ADJUSTMENT MEETING DATE 7-12-2021

DECISION _____

CONDITIONS _____



ZV-21-07

1700 MEADOW LN

TO ALLOW A REDUCTION IN THE FRONT YARD SETBACK FROM 25 FT TO 19.7 FT FOR A NEW RESIDENCE ALREADY BUILT



 SUBJECT PROPERTY

 ZONING BOUNDARY

 CITY LIMITS

scale 1" = 200'

According to the survey the house was built 5 ft 5 inches ^{*} closer to the property line than the allotted space of the 25 feet requirement by the City. The City provides a 10-foot spacing between the curb and the property line. The rest of the subdivision sits on 10 feet except my house because it sits on a turn that is pushed out an additional 5 feet 5 inches from the curb, going into the turn, into the next lot.

The house was set up 35 feet from the curb and the strings identifying where the house was to be set. We called for an inspection by the City. Mr. Russell came out and measured it 35 feet from the curb and told us that we were ok to pour the cement. The house was finished and when it was time for the final survey, we were notified that we were 5 feet 5 inches too close to the property line.

This all happened due to a lack of communication between both the builder and the City staff. We reached out to the City in July of 2020 during the pandemic and most of our communication was by phone and did not allow for a lot of touch points. We were given a checklist which we did complete and turn in for approval. No other forms were provided to the contractor in writing to show if any other requirements needed to be met. The builder, Mr. Gomez, had never built a house in the city limits of Lockhart and was not familiar with the City rules and inspections. Mr. Islas and the builder communicated with Shane frequently to ensure we were on task. Somehow in the mix of everything a survey form was missed, and we were not in compliance with the house being built 25ft from the boundary line.

We are therefore asking for a variance approval for the 5ft 5 inches of the house that is currently too close to the property line.

This variance will not adversely affect public health or the safety. It will not interfere with the appropriate use of the adjacent conforming property in the same district.

The variance will not alter the essential character of the zoning district within which the house property is located and is in harmony with the intent and purpose of the zoning ordinance.

* 5 feet 3.6 inches,
per survey
measurement. -KW

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Assistant City Planner *KW* CASE NUMBER: ZV-21-07
REPORT DATE: July 7, 2021
PUBLIC HEARING DATE: July 12, 2021
APPLICANT'S REQUEST: Variance to Appendix I of Chapter 64 to allow a reduction in the minimum required front-yard building setback from 25 feet to 19.7 feet.
STAFF RECOMMENDATION: **Approval**
CONDITIONS: None

BACKGROUND DATA

APPLICANT AND OWNER: Marisa Islas
SITE LOCATION: 1700 Meadow Lane
LEGAL DESCRIPTION: Lot 31, Islas Addition
SIZE OF PROPERTY: 0.273 acre
EXISTING USE OF PROPERTY: Single-Family Residence
ZONING CLASSIFICATION: RLD (Residential Low Density District)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The subject property was recently developed with a single-family residence, which was inadvertently constructed within the required front-yard building setback. According to Appendix I of the Zoning Ordinance, the front-yard building setback in the RLD Zoning District is 25 feet, and the Variance request is to allow a reduction to 19.7 feet, which is the building's closest point to the front property line. A copy of the survey showing the house as constructed is included with your agenda packet materials.

AREA CHARACTERISTICS: The subject property is located within a single-family residential neighborhood. The adjacent property to the southeast is vacant and zoned AO (Agricultural-Open Space District). There do not appear to be any other properties within the entire subdivision with buildings located within the 25-foot front-yard setback.

UNIQUE CONDITIONS OF PROPERTY: The construction of the house within the required 25-foot front-yard building setback could be considered a unique condition to the property. Although it was the homebuilder and property owner's responsibilities to ensure compliance with all required setbacks, requiring the house to be moved to meet the front setback requirements would place an unnecessary financial burden on the applicant. In responding to the variance review criteria, the applicant explains that the builder had never previously built a house in Lockhart and was unfamiliar with the City's regulations and procedures. Email correspondence from Building Official Shane Mondin on June 21, 2021 stated that the Inspections Department does not have record of a site inspection for the property. According to Mr. Mondin, the applicant explained during a pre-construction meeting that the mortgage company required a form survey, which the City accepts in lieu of a site inspection. It was not discovered that a form survey had not been completed until the closing of the construction project file.

NATURE OF HARDSHIP: Neither increased financial gain nor reduced financial hardship has occurred as a result of the house's location within the required front-yard setback. However, failure to approve the variance would cause a substantial financial hardship, requiring at least partial reconstruction of the house.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: Construction of the house five and one-quarter feet into the front-yard building setback has not resulted in adverse impacts to surrounding properties and public safety. The lot is located along a curve in the street, which diminishes the visual perception of a substandard setback.

ALTERNATIVE SOLUTIONS: The only alternative solution, which is not realistic as mentioned above, is to require that the house be moved to comply with the 25-foot front-yard setback requirement.

RESPONSE TO NOTIFICATION: A telephone inquiry was received on July 2, 2021 from a nearby property owner, who believes that the applicant should have done their due diligence prior to constructing the house. The nearby owner believes that the applicant shouldn't be able to build without verifying the proper setback requirements and simply ask for forgiveness later.

Kevin Waller

From: Shane Mondin
Sent: Monday, June 21, 2021 4:55 PM
To: Kevin Waller
Subject: RE: Islas Variance
Attachments: DOC062121.pdf

The Inspections Department does not have record of a site inspection for 1700 Meadow Lane. I have attached copies of the approved site plan and final survey for your reference. During our pre-construction meeting, Fermin Islas stated that a form survey was required by the mortgage company. The City of Lockhart accepts a form survey in lieu of the site inspection. It was not discovered that a form survey was not completed until the closing of the construction project file. Please let me know if you need additional information.

Shane Mondin
Building Official
City of Lockhart
308 W. San Antonio Street
P.O. Box 239
Lockhart, Texas 78644
512-398-3461 ext.2340 main
512-398-6335 direct
512-398-3833 fax
smondin@lockhart-tx.org

From: Kevin Waller <kwaller@lockhart-tx.org>
Sent: Monday, June 21, 2021 8:52 AM
To: Shane Mondin <smondin@lockhart-tx.org>
Subject: Islas Variance

Shane:

Mr. Islas turned in his variance application last Friday. Would you still be open to writing a brief statement that the inspector did not measure from the actual front property line when the home was built? You could even just do a reply email if you like.

Thanks,

Kevin

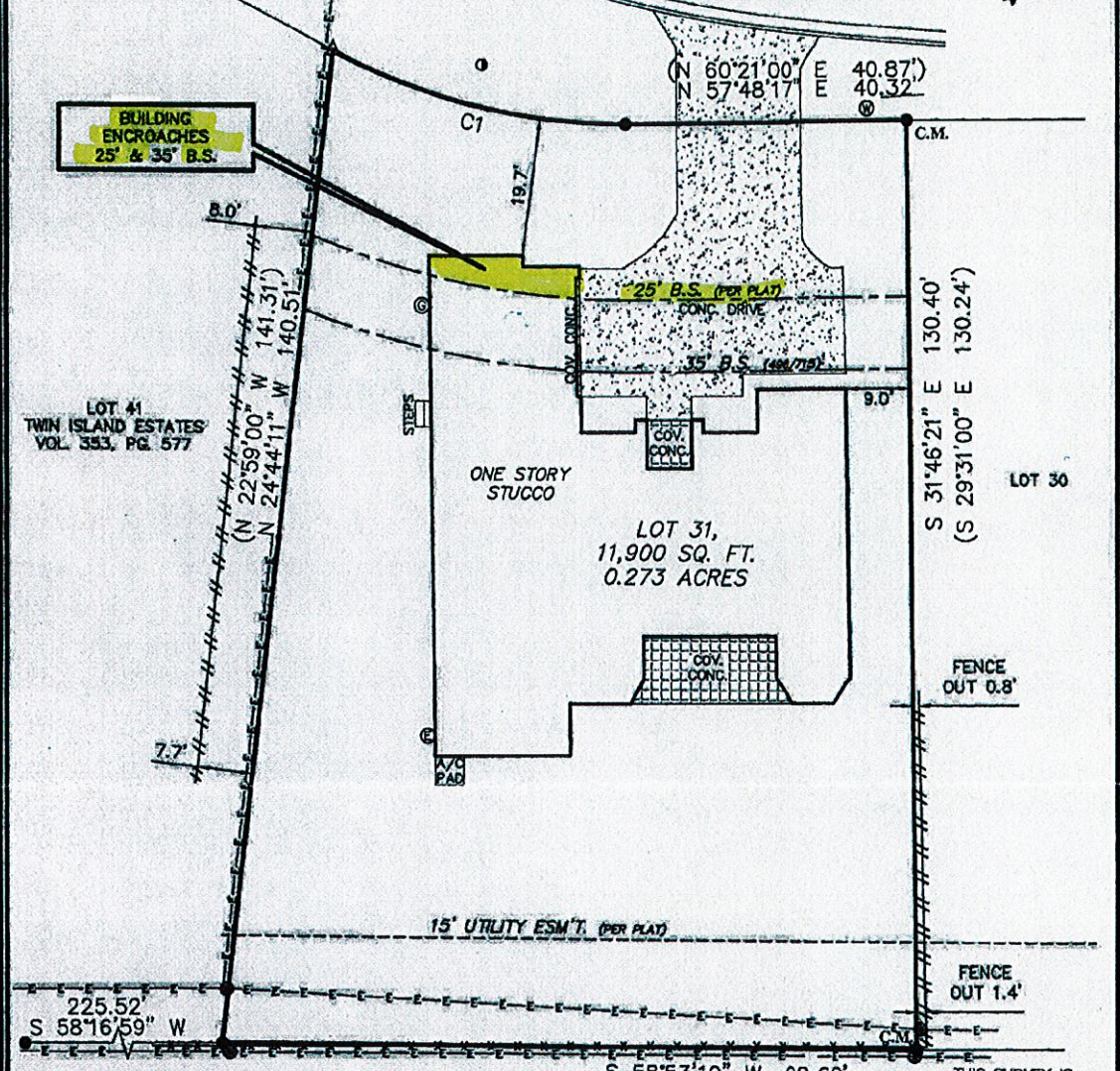
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	85.46'	42.84' (43.01')	42.39'	N 72°32'45" E	28°43'22"

SCALE: 1"=20'

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON ACTUAL GPS OBSERVATIONS, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE, GRID.



MEADOW LANE
(50' R.O.W.)



NOTE:
THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOLUME 469, PAGE 715, REAL PROPERTY RECORDS, CALDWELL COUNTY, TEXAS; VOLUME 2, PAGE 13, PLAT CABINET A, SLIDE 75, PLAT RECORDS, CALDWELL COUNTY, TEXAS.

KLUTTS LAND INC. TRACT
VOL. 99, PG. 570

THIS SURVEY IS
ACKNOWLEDGED AND
IS ACCEPTED:

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48055C, Panel No. 0235E, which is dated 8/18/2014. By reading from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://map.fema.gov/portal>.



Property Address:
1700 MEADOW LANE
Property Description:
BEING LOT 31, ISLAS ADDITION TO THE CITY OF LOCKHART,
CALDWELL COUNTY, TEXAS, ACCORDING TO THE PLAT
RECORDED IN VOLUME 2, PAGE 13, PLAT CABINET A, SLIDE
75, OF THE CALDWELL COUNTY PLAT RECORDS.

Owner:
MARISA M. ISLAS

FIRM REGISTRATION NO.
1011700

Westar Alamo
LAND SURVEYORS, L.L.C.
P.O. BOX 1645 BOERNE, TEXAS 78008
PHONE (210) 372-9900 FAX (210) 372-9999

- LEGEND**
- ▲ = CALCULATED POINT
 - ⊙ = 1/2" IRON ROD
 - = RECORD INFORMATION
 - = BUILDING SETBACK
 - C.M. = CONTROLLING MOMENTARY
 - = FWD PK NAIL
 - = WATER METER
 - = BOLLARD/CLEANOUT
 - = POWER POLE
 - = OVERHEAD ELECTRIC
 - = ELECTRIC METER
 - = GAS METER
 - = WIRE FENCE
 - = WOOD FENCE
- DWG:FO RVD:RBA



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown hereon.

Mark J. Ewald

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095



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 Marisa M. ISUAS ADDRESS 1700 Meadow Lane
DAY-TIME TELEPHONE 512-373-0223 Lockhart, Tx. 78644
E-MAIL marisais76@gmail.com
OWNER NAME Marisa M. ISUAS ADDRESS same as above
DAY-TIME TELEPHONE 512-373-0223
E-MAIL marisais76@gmail.com

PROPERTY

ADDRESS OR GENERAL LOCATION 1700 Meadow Lane Lockhart, Tx. 78644
LEGAL DESCRIPTION (IF PLATTED) Lot 31, ISUAS Subdivision Addition
SIZE .273 ACRE(S) ZONING CLASSIFICATION Residential (RLD)
EXISTING USE OF LAND AND/OR BUILDING(S) Residential - Single-Family

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) Appendix 1 OF THE ZONING ORDINANCE
CURRENT ORDINANCE REQUIREMENT(S) 25-Foot Minimum required
front-yard setback.

REQUESTED VARIANCE(S) Single Family Residence
located 5ft 3.6 inches too close to City boundary ^(front property line)
line. Reduce set back ~~to 19'7"~~
from 25 ft. to 19.7 ft.

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 \$ ~~125.00~~^{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 Marisa M. Islas

DATE 06/17/21

OFFICE USE ONLY

ACCEPTED BY Kevin Waller

RECEIPT NUMBER 01012808

DATE SUBMITTED 6/18/21

CASE NUMBER ZV - 21 - 07

DATE NOTICES MAILED 6-28-2021

DATE NOTICE PUBLISHED 7-1-2021

BOARD OF ADJUSTMENT MEETING DATE 7/12/21

DECISION _____

CONDITIONS _____
