

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
JULY 12, 2021**

MINUTES

Members Present: Laura Cline, Wayne Reeder, Mike Annas, Anne Clark, Kirk Smith, Severo Castillo (by phone), Lori Rangel (by phone)

Member Absent: Shawn Martinez

Staff Present: Christine Banda, Kevin Waller

Others Present: Marjorie Tiemann (applicant, Agenda Item (4)), Joel Perez, Fermin Islas, Marisa Islas (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 June 7, 2021, meeting.

Vice-Chair Clark moved to approve the June 7, 2021, minutes. Member Annas seconded, and the motion passed by a vote of 7-0.

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.

Planning Staff Kevin Waller presented his staff report to the Board. He informed them that Staff received a letter in support of the variance request from a neighbor. The applicant wishes to place a six-foot high privacy fence along the south (side) property line, which would encroach into the required 20-foot front yard setback. Mr. Waller gave a PowerPoint presentation, including photos of the property and the side property line where the fence would be placed. He stated that Staff recommends denial but suggests an alternative solution to install tall shrubbery or dense vegetation to help provide screening from the neighboring property to the south.

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

Applicant Marjorie Tiemann of 406 Concho Street explained that she has had general problems with her neighbor to the south. She would like to install the six-foot privacy fence to help provide a barrier and promote more peaceful relations with her neighbor.

Joel Perez of 408 Concho Street explained that although he is not opposed to the fence, he does have two requests. Mr. Perez wants to ensure that the fence is placed on the actual side property line and will not encroach onto his property. While the fence is being constructed, he does not want any debris on his property. Perez stated that he has experienced harassment both from Ms. Tiemann and her son, so the fence may or may not provide peace because his neighbors are natural complainers.

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

Discussion ensued regarding precedent and civil matters.

Vice-Chair Clark moved to approve FV-21-01 because the Police Department suggested to the owner that approval is a possible solution, and with the conditions that the fence be constructed on the actual side property line, with no construction materials allowed to fall onto the neighbor's property. The motion failed for lack of a second.

Member Annas moved to deny FV-21-01. Member Reeder seconded, and the motion passed by a vote of 6-1 with Vice-Chair Clark against.

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.

Mr. Waller presented a survey of the subject property showing the new home's encroachment into the front-yard setback. According to correspondence with the Building Official, a form survey should have been provided the City to confirm the location prior to construction. The survey was unfortunately not provided until after the home was constructed. Mr. Waller explained that a unique condition does exist, due to the illusion of the home meeting the required front setback since the street curves at this location. He stated that Staff recommends approval.

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

Fermin Islas of 1702 Meadow Lane, father of the applicant, stated that he gave the lot to his daughter so that she could build a home. It was not their intention to build within the front-yard setback. They were unaware of the increase in right-of-way width at the curve, and assumed that it was of a normal width for a residential street. Mr. Islas apologized for not turning in the form survey ahead of time, and asked for approval of the Variance. He continued that the home's front setback appears like the others in the neighborhood.

Applicant Marisa Islas of 1700 Meadow Lane explained that there was a miscommunication during the construction process, and that construction was completed during the pandemic. Ms. Islas mentioned that approval of the Variance would not result in financial gain or loss, and that it wouldn't make sense to cut off part of the home to comply with the front setback requirement. She apologized for the miscommunication between herself and the contractor.

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

Member Clark moved to approve ZV-21-07. Member Smith seconded, and the motion passed by a vote of 7-0.

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

Mr. Waller stated that the next regularly scheduled meeting would be held Monday, August 30, 2021, if applications are received by the deadline. No applications had been received by the July 12 deadline for the August 2 meeting.

7. Adjourn.

Member Clark moved to adjourn the meeting, and Member Annas seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 7:19 p.m.

Approved: 12-6-2021
(Date)

Christine Banda
Christine Banda, Recording Secretary

Laura Cline
Laura Cline, Chair

by Annas → Clark