

**NOTICE OF MEETING
OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF LAMPASAS
CALVERT MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
302 E THIRD STREET
TUESDAY, JUNE 21, 2022
6:00 P.M.**

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment of the City of Lampasas, Texas, at 6:00 p.m. on Tuesday, June 21, 2022 in the Calvert Municipal Building City Council Chambers, 302 E Third Street, Lampasas, Texas. The Zoning Board of Adjustment reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed, as authorized by the Texas Government Code sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).

REGULAR SESSION

- I. Call to Order
- II. Discussion and possible action regarding the approval of the minutes dated May 17, 2022.

PUBLIC HEARING

- III. Public Hearing to consider a variance to the Single Family Residential-6 "SF-6" Zoning for property generally located at 304 E. 7th Street, Lampasas Texas, Lampasas County; specifically, Lot 5, Block 58, being 0.176 acres of the AH Barnes Addition for a reduction in lot size from 6,000 sq ft to 3,200 sq ft and a reduction in depth from 110' to 50.03'

REGULAR SESSION

- IV. Discussion and possible action to consider granting a variance to the Single Family Residential-6 "SF-6" Zoning for property generally located at 304 E. 7th Street, Lampasas Texas, Lampasas County; specifically, Lot 5, Block 58, being 0.176 acres of the AH Barnes Addition for a reduction in lot size from 6,000 sq ft to 3,200 sq ft and a reduction in depth from 110' to 50.03'
- V. Adjourn

I, Becky Sims, Zoning Administrator/City Secretary of the City of Lampasas, Texas, do hereby certify that this Notice of Meeting was posted on the bulletin board/front window of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 15th day of May 2022 at 2:00pm.



Becky Sims, Zoning Administrator/City Secretary

**MINUTES OF MEETING
OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF LAMPASAS
CALVERT MUNICIPAL BUILDING
CITY COUNCIL CHAMBERS
302 E THIRD STREET
TUESDAY, MAY 17, 2022
6:00 P.M.**

The Zoning Board of Adjustment of the City of Lampasas met in regular session on the above date with Chair Hamilton presiding.

ZBA Members Present

Jack Harrell
Danielle Shepard
Bob Caughron
Brandon Butts
Laurie Henderson

ZBA Members Absent

Charley Kennington- arrived late

Staff Present

Becky Sims, City Secretary/Zoning Administrator
Lupe Charping, Administrative Assistant/Permit Technician

REGULAR SESSION

I. Call to Order

Chair Hamilton called the meeting to order at 6:00 pm

II. Discussion and possible action regarding the approval of the minutes dated May 18, 2021.

Board member Butts moved to approve the minutes, Board member Caughron seconded the motion and with a unanimous vote, the motion carried

PUBLIC HEARING

III. Public Hearing to consider a variance to the Multi-Family Parking Requirements for property generally located at 2032 S. US Highway 281, Lampasas Texas, Lampasas County; specifically, being 5.22 acres of the LHW Johnson for a reduction in parking spaces from the required 75 spaces to one (1) space per unit for a total of 42 spaces.

Becky Sims, Zoning Administrator advised of the following:

- *Hitesh Patel, Owner, Jeremy Dillon, Representative is asking for a variance to the Multi-Family Parking Requirements of 75 spaces to one (1) space per unit for a total of 42 spaces.*
- *The property is currently zoned Retail with a Specific Use Permit to allow for an Assisted Living Facility. The area surrounding the property is Retail and Agriculture.*
- *The property owner is wanting to add two (2) 4-story multi-family age restricted complexes each with 20 apartments and one (1) two-story apartment building with two (2) apartments for a total of 42 units.*

Proposed Floor Plans:

- 14 Studios (requires 1.75 for each=24.5 spaces)
- 24 One Bedrooms (requires 1.75 for each=42 spaces)
- 4 Two Bedrooms- (requires 2 for each= 8 spaces)
 - Requirement = 75 parking spaces.
- The proposed request would be one parking space for each unit (42)

- All notifications and publications, as required by Ordinance and Statute, have been made. The City sent a total of five (5) notices to property owners within 200 feet of the applicant's property. At the time of preparing this report, the City has received no letters in favor or in protest of the request.
- **Per Section 9.4 Authority of Board.**
The Board of Adjustment may authorize a variance, providing the variance is not contrary to public interest, and due to special conditions, the literal enforcement of the regulation would result in **unnecessary hardship**; and so that the spirit of the Regulation is observed and substantial justice is done.

Findings of Undue Hardship (9.6-D) - In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:

- That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
- That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
- That the relief sought will not injure the permitted use of adjacent conforming property; and
- That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

(9.6 E) A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship on another parcel of land.

Per Section 9.5 Limitations on Authority of Board

The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.

The Board shall not grant a variance (except as stated in Subsection E below (non-conforming lot)) for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is **pending** on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.

Board discussion with Jeremy Dillon, Project Manager:

- Multi-Family is intended to be a sister facility to the Assisted Living Facility
 - Most will have spouses living in the facility
 - Age-restriction will happen naturally
 - Most tenants have downsized
- Assisted Living is an age in place facility.
- To meet performa of owners needs for units there is not enough land for 75 spaces
 - Portion in rear is in flood plain which would require a Lomar or Comar
 - Handicap parking requirements- 1 per 25 spaces.
 - Restrict long-term visitors
- To maximize land- proposed vertical build. Cheaper to build out
- Civil Plans in progress
- 10 parking spaces for clubhouse
- Proposed 42 spaces for Multi-Family
- 29 for existing Assisted Living.
- Staff parking?

- *Intent for tenant of Multi-Family is to move to Assisted Living Facility when ready*

REGULAR SESSION

- IV. Discussion and possible action to consider granting a variance to the Multi-Family Parking Requirements for property generally located at 2032 S. US Highway 281, Lampasas Texas, Lampasas County; specifically, being 5.22 acres of the LHW Johnson for a reduction in parking spaces from the required 75 spaces to one (1) space per unit for a total of 42 spaces.

Board member Harrell moved to approve the variance from the required 75 spaces to 50 spaces to accommodate for the four (4) two-bedroom apartments, the motion was seconded by Board member Butts, with Chair Hamilton and Board member Henderson in opposition, the motion carried. There were four in favor and two against the variance request.

- V. Adjourn- Business concluded and meeting was adjourned at 6:25 pm.

PASSED AND APPROVED this _____ day of _____, 2022.

Jason Hamilton, Chairman

ATTEST:

Becky Sims, Zoning Administrator/City Secretary

**NOTICE OF PUBLIC HEARINGS
OF THE ZONING BOARD OF ADJUSTMENT**

Notice is hereby given that the Zoning Board of Adjustment of the City of Lampasas, Texas under Sections 9.6 of the City of Lampasas Zoning Ordinance, will hold the following Public Hearing in the Calvert Municipal Building, City Council Chambers of the City of Lampasas, Texas located at 302 E Third Street, at 6:00 p.m. on Tuesday, June 21, 2022.

To consider granting a variance to the Single Family Residential-6 “SF-6” Zoning for property generally located at 304 E 7th Street, Lampasas Texas, Lampasas County; specifically, Lot 5, Block 58, being 0.176 acres of the AH Barnes Addition for the following:

- *Reduction in lot size from 6,000 sq ft to 3,200 sq ft.*
- *Reduction in depth from 110' to 50.03'*

All persons interested in the above referenced request are invited to attend the public hearing and to provide their comments at that time. Comments may also be submitted in writing to the City Secretary’s office prior to noon Tuesday, June 21, 2022 at the following address, 312 East Third Street, Lampasas Texas 76550. For additional information, please contact Becky Sims, City Secretary, at (512) 556-6831 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

I, Becky Sims, City Secretary of the City of Lampasas, Texas, do hereby certify that this Notice of Public Hearing was posted on the bulletin board/front window of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 10 day of June 2022 at 5:00pm



Becky Sims, City Secretary

City of Lampasas
Zoning Board of Adjustment
Staff Report (Canada)

Subject Property	The property is described as the 0.176 acres of the AH Barnes Addition commonly known as 304 E 7 th Street, Lampasas Texas, Lampasas County; specifically, Lot 5, Block 58.
Request	Luis Ramon Canada, <u>Owner</u> , is asking that the City’s Zoning Board of Adjustment to grant a variance(s) to the City’s Zoning Ordinance; specifically, Single Family Residential-6 “SF-6” as follows: <ul style="list-style-type: none">➤ Reduction in lot size from 6,000 sq ft to 3,200 sq ft.➤ Reduction in depth from 110’ to 50.03’
Current Zoning	The property is currently zoned Retail. The area surrounding the property is Retail. <i>If the variance is approved the property owner will go before the Planning Commission for consideration to a change in zoning and for plat approval.</i>
Character	The property owner is wanting to replat Lot 5, 0.176 into two lots and build a new home on the corner of 7 th and Main Street.
Notification	All notifications and publications, as required by Ordinance and Statute, have been made. The City sent a total of twenty-four (24) notices to property owners within 200 feet of the applicant’s property. At the time of preparing this report, the City has received no letters in favor or in protest of the request.
Consideration	Per Section 9.4 Authority of Board. The Board of Adjustment may authorize a variance, <i>providing the variance is not contrary to public interest, and due to special conditions, the literal enforcement of the regulation would result in unnecessary hardship</i> ; and so that the spirit of the Regulation is observed and substantial justice is done. <i>Findings of Undue Hardship (9.6-D) - In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:</i> <ul style="list-style-type: none">• <i>That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and</i>• <i>That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and</i>• <i>That the relief sought will not injure the permitted use of adjacent conforming property; and</i>• <i>That the granting of a variance will be in harmony with the spirit and purpose of these regulations.</i> <i>(9.6 E) A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship on another parcel of land.</i>

Per Section 9.5 Limitations on Authority of Board

The Board shall have no power to grant a zoning amendment. In the event that a request for a *zoning amendment is pending* before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.

The Board shall not grant a variance (except as stated in Subsection E below- (non-conforming lot)) for any parcel of property or portion thereof upon which a *site plan*, preliminary plat or final plat, where required, is *pending* on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.

Recommendation

If the Board finds all conditions of Section 9.6, Variances A - C., are met, a concurring vote of four members is required to grant the variance.

If the Board finds all conditions of Section 9.6, Variances A - C, are not met, a motion may be made to deny the variance.

Lampasas Central Appraisal District



General Real Estate Property Information

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Property ID: 288

Account / Geo Number:
10020-058-005-00

Property Legal Description:
LOT: 5
BLK: 58
ADDN: A H BARNES

Survey / Sub Division Abstract:
A H BARNES

Property Location:
304 E 7TH ST
LAMPASAS TX 76550

Block:

Owner Information:
CANADA LUIS R

295 PR 3035

LAMPASAS TX 76550 9707

Section / Lot:

Previous Owner:
TAYLOR DONALD L JR

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Deed Information:

Volume:	469
Page:	120
File Number:	
Deed Date:	4/26/2011

Property Detail:

Agent:	None
Property Exempt:	
Category/SPTB Code:	A1
Total Acres:	0.176
Total Living Sqft:	See Detail
Owner Interest:	1.000000
Homestead Exemption:	
Homestead Cap Value:	0
Land Ag/Timber Value:	0
Land Market Value:	21,120
Improvement Value:	29,700
Property Market Value:	50,820

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Lampasas Central Appraisal District



Land Information

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Parcel ID: 288
 Owner Name: CANADA LUIS R
 Account Number: 10020-058-005-00
 Situs Address: 304 E 7TH ST

Sequence 1		
Acres: N/A	Market Class: FF	Market Value: 19,360
Land Method: FF	Ag/Timber Class:	Ag/Timber Value: 0
Homesite Value: YES	Land Type:	Ag Code:
Front Foot: 64	Rear Foot: 64	Lot Depth: 120
Front Foot Avg: 64	Lot Depth %: 1	Land Square Ft: N/A

Total Land Value: \$ 19,360

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Jur Code	Description	Market Value	Homestead	Total Exemption	Taxable
LAM	LAMPASAS COUNTY	50,820		0	50,820
R&B	ROAD & BRIDGE	50,820		0	50,820
CLA	CITY OF LAMPASAS	50,820		0	50,820
SLA	LAMPASAS ISD M&O	50,820		0	50,820
SLAIS	LAMPASAS ISD I&S	50,820		0	50,820

* Where supporting website data is available.

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Version 4.1.0

PRELIMINARY PLAT FOR
A REPLAT OF LOT 5, BLOCK 58
OF A.H. BARNES ADDITION
 A SUBDIVISION IN THE CITY OF LAMPASAS,
 LAMPASAS COUNTY, TEXAS.

GENERAL NOTES:

Basis of Bearings:
 Texas State Plane Coordinate System
 NAD83 Texas Central Zone.

Total Acreage: 0.147 acres
 Use: Residential
 Owner: Luis Ramon Canada
 285 Private Road 3045
 Lampasas, Texas 76550

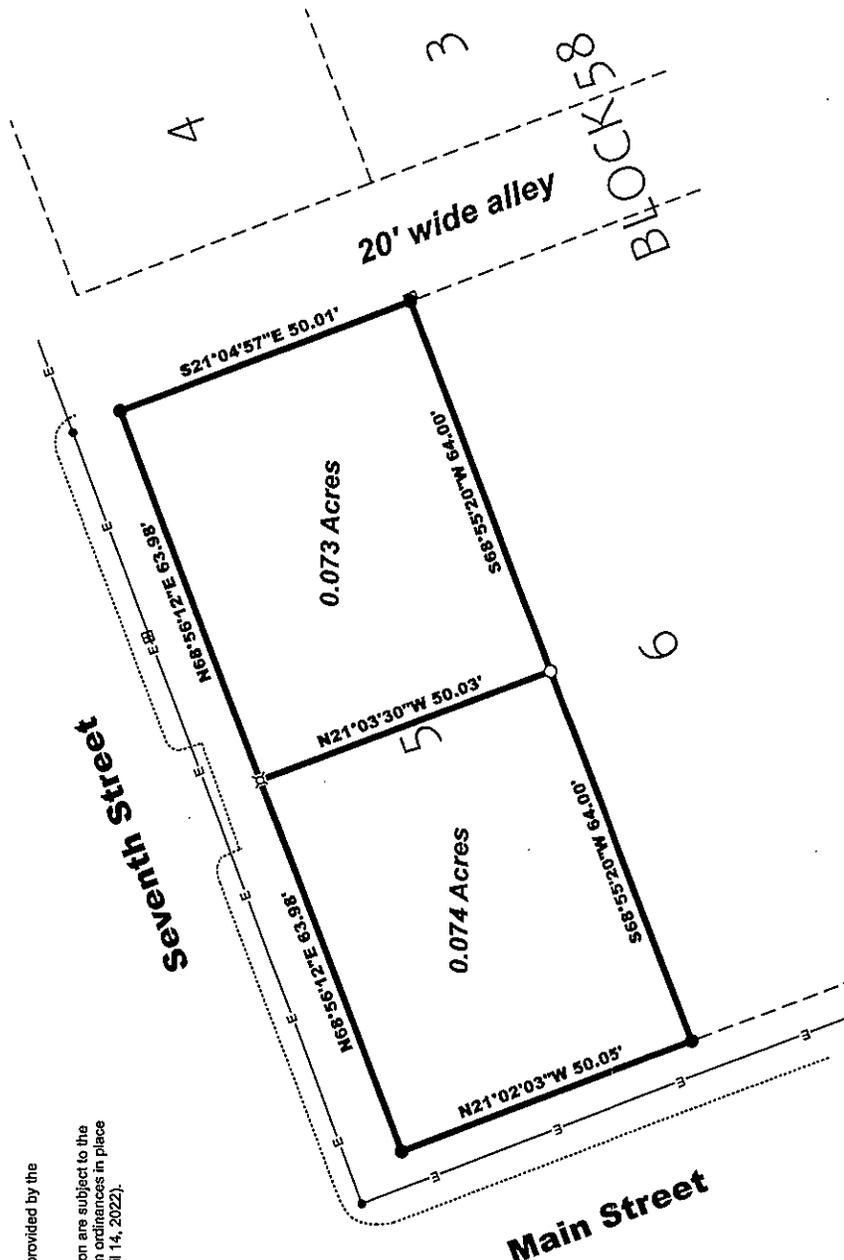
0.176

Electric service will be provided by the
 City of Lampasas.

Water will be provided by the City of
 Lampasas.

Sewer service will be provided by the
 City of Lampasas.

The tracts shown hereon are subject to the
 Zoning and Subdivision ordinances in place
 at the time of plat (April 14, 2022).



Parcel 288



