

**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, FEBRUARY 21, 2023
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, February 21, 2023 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 November 15, 2022

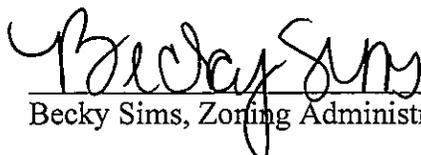
PUBLIC HEARING

- III Public Hearing to consider granting a variance to the Retail Parking Requirements for property generally located at 1799 S US Highway 281, Lampasas, Texas, Lampasas County; specifically, being 5.71 acres of the LHW Johnson Survey, Abst 0419 for a reduction in parking spaces from the required 176 spaces to 88 spaces.

REGULAR SESSION

- IV. Discussion and possible action to consider granting a variance to the Retail Parking Requirements for property generally located at 1799 S US Highway 281, Lampasas, Texas, Lampasas County; specifically, being 5.71 acres of the LHW Johnson Survey, Abst 0419 for a reduction in parking spaces from the required 176 spaces to 88 spaces.
- 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 15 day of February 2023 at 4:30 PM


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, NOVEMBER 15, 2022
6:00 P.M.**

The Zoning Board of Adjustment of the City of Lampasas met in regular session on the above date with Board member Shepard presiding

ZBA Members Present	ZBA Members Absent
Bob Caughron	Jason Hamilton
Charley Kennington	
Laurie Henderson	
Eric Hernandez	

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

Jack Harrell recused himself from this meeting since he was the applicant.

REGULAR SESSION

I. Call to Order

Board member Shepard called the meeting to order at 6:00 pm

II. Discussion and possible action regarding the approval of the minutes dated July 26, 2022.

Board member Henderson moved to approve the minutes as presented, Board member Kennington seconded the motion and with a unanimous vote, the motion carried. (Hamilton absent)

PUBLIC HEARING

II. Public Hearing to consider a variance to the Single Family Residential-6 "SF-6" Zoning for property zoned Commercial "C" described as being the west one-half (W 1/2) of Lot One (1), Block Two (2), East Lampasas, Lampasas County, commonly known as 1001 Bridge Street for a reduction in depth from 110' to 104'.

Board member Shepard opened the public hearing for discussion.

Becky Sims, City Secretary/Zoning Administrator advised of the following:

- *Jack Harrell, Owner, is asking that the City's Zoning Board of Adjustment grant a variance(s) to the City's Zoning Ordinance; specifically, Single Family Residential-6 "SF-6" lot depth from 110' to 104'*
- *The property is currently zoned Commercial The area surrounding the property is Commercial and Single Family Residential.*
- *Upon approval of the variance the property owner will go before the Planning Commission for consideration of a replat and to rezone the parcel from Commercial to Single Family Residential -6 "SF-6".*
- *All notifications and publications, as required by Ordinance and Statute, have been made. The City sent a total of seventeen (17) notices to property owners within 200 feet of the applicant's property.*

At the time of preparing this report, the City has not received any notices in favor or in opposition 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.*

With no additional comments Board member Shepard closed the public hearing.

REGULAR SESSION

- IV. Discussion and possible action to consider granting a variance to the Single Family Residential-6 “SF6” Zoning for property zoned Commercial “C” described as being the west one-half (W 1/2) of Lot One (1), Block Two (2), East Lampasas, Lampasas County, commonly known as 1001 Bridge Street for a reduction in depth from 110’ to 104’.

Board member Kennington moved to approve a variance to the Single Family Residential-6 “SF6” Zoning for property zoned Commercial “C” described as being the west one-half (W 1/2) of Lot One (1), Block Two (2), East Lampasas, Lampasas County, commonly known as 1001 Bridge Street for a reduction in depth from 110’ to 104’, the motion was seconded by Board member Hernandez and with a unanimous vote, the motion carried. (Hamilton absent)

V. Adjourn

Board member Kennington moved to adjourn the meeting at 6:10 pm, the motion was seconded by Board member Caughron and with a unanimous vote, the motion carried. (Hamilton absent)

PASSED AND APPROVED this _____ day of _____, 2023.

Danielle Shepard, Board Member

ATTEST:

Becky Sims, Zoning Administrator/City Secretary

Application for Variance to the Zoning

CITY OF LAMPASAS

**** REPRINT RECEIPT****

REC#: 01351670 1/27/2023 4:15 PM
OPER: HM1 TERM: 069
REF#: 4890

TRAN: 210.0000 PERMITS & LICENSES
ECKERMANN ENGINEERING
PLANNING & ZONING F 250.00CR

TENDERED: 250.00 CHECK
APPLIED: 250.00-
CHANGE: 0.00

Please check the appropriate box below to indicate the type of variance you are required to process your request.

- Minimum Setback Standards Lot Width and/or Lot Depth
 Non-conforming Use Other: _____

Request Information

Location 1799 S US Hwy 281, Lampasas, TX 76550

*Subdivision LHW Johnson Survey, A-419 (Vol. 565, Pg. 916) Lot No. _____

Existing Zoning Retail Proposed _____

Copy of current appraisal card, showing legal description of property is required to process Appraisal District. Copy of current survey may be required after initial review.

* A metes and bounds description must be attached if the request is for property not platte

Stated Hardship: (May not be self-created or personal hardship, nor for financial reasons only.)

See attached summary letter.

Applicant/Owner Information

Key Contact Sam Walker, PE Telephone No. 512-556-8160 FAX No. _____

Address P.O. Box 388

City Lampasas State Texas Zip Code 76550

Contact's Status: (check one) Owner Representative Tenant Prospective Buyer

- The owner's signature is required on this application.

- This is to certify that I/We the undersigned, am/are the sole owner(s) of the property described above on the date of this application.

Owner (please print) MD Abel Co. Signature Joseph C. Abel

Address P.O. Box 949 Telephone No. 512-556-4556 FAX No. _____

City Lampasas State Texas Zip Code 76550

Corporation, Partnership or Joint Venture Ownership Name MD Abel Co.

Authorized Representative (please print name) Sam Walker, PE

Title Eckermann Engineering, Vice President Signature Sam Walker

Address P.O. Box 388 Telephone No. 512-556-8160 FAX No. _____

City Lampasas State Texas Zip Code 76550

FOR OFFICE USE ONLY

Case No:	Fee:	ZBA Hearing:	ZBA Date
Zoning Map:	Tax Map:	Check by:	Check by:
Date Submitted:			



December 20, 2022

Becky Sims
Zoning Administrator
City of Lampasas
312 E. 3rd Street
Lampasas, TX 76550

***Re: Parking Variance Summary Letter
Moore Gym and Spa
Lampasas, Texas***

Dear Mrs. Sims:

Please accept this summary letter as part of a Variance Request to the City's parking requirement contained with the Zoning Ordinance on behalf of the Developer, M. D. Abel Co., for the proposed Moore Gym and Spa development to be located on the southeast corner of E.E. Ohnmeiss and US 281. The subject site is located within the full-purpose jurisdiction of the City of Lampasas and is therefore subject to the City's Zoning Ordinance. The property is currently undeveloped and zoned R-Retail which allows for the proposed Gym and Spa use. Separate applications will be submitted at a later date to support the subdivision and development of the property.

Section 36.6(25) of the City of Lampasas Zoning Ordinance requires that a health club, health spa, or exercise clubs provide a parking ratio of 1 parking space per 150 square feet of gross floor area. However, based upon site constraints and the anticipated need for parking of the proposed uses we would request that this ratio be reduced to 1 space per 300 sf.

The reduced parking ratio is being requested for the following reasons:

1. As shown on the attached site plan the subject site has many large oak and pecan trees that are desired to be saved. Additionally the site has a drainage channel in the middle of the property along with water and sewer lines that bisect the site. Given these site constraints we do not anticipate being able to park the spa and gym facilities at the ratio of 1/150 sf. We do believe that we can provide a parking ratio close to 1/250 sf, but still request the variance of 1/300 sf to provide some flexibility.

2. Adjacent jurisdictions such as the following require a lower parking ratio than is referenced in the Lampasas Zoning Ordinance:
 - a. Copperas Cove – Amenity Centers – 1/250 sf
 - b. Marble Falls – Recreation/Entertainment, Indoor – 1/250 sf
 - c. Burnet – Personal Services (Retail) – 1/250 sf
3. Patrons of the gym and spa will only park at the facility for one-to-two-hour increments, allowing the provided parking spaces to be utilized by multiple visitors per day.
4. Lastly, the parking field for the spa and gym will be shared facilities so that any overflow parking can utilize the adjacent site's parking area. Peak use times for the gym and spa are not expected to be at the same time.

In summary, we would like to request a variance to reduce the required parking ratio for a Gym and Spa use to 1 space per 300 square feet for the Moore development. If you should have any questions regarding this application, please feel free to contact us at 512-556-8160.

Sincerely,

ECKERMANN ENGINEERING, INC.



Sam Walker, P.E.
Vice President

Attachments: Application for Parking Variance
Moore Gym and Spa Conceptual Site Plan
CAD Appraisal Card
Moore Site Survey
Variance Fee = \$250

Property ID: 11011

Owner: M D ABEL CO

Property ID: 11011

Account Number: 20419-164-000-00

Property Legal Description: ACR: 5.71 OL31
ABST: 0419
SURV: L H W JOHNSON

Deed Information: Volume: 565
Page: 916
File Number: 180123
Deed Date: 2/5/2020

Property Location: 1799 S US HWY 281
LAMPASAS TX 76550

Block:

Survey / Sub Division Abstract: L H W JOHNSON OL31
419

Section / Lot:

Owner Information: M D ABEL CO

Property Detail:

Property Exempt: F1
Category / SPTB Code: 5.710
Total Acres: See Detail
Total Living Sqft: 1.000000
Owner Interest: 0
Homestead Exemption: 0
Homestead Cap Value: 0
Land Ag / Timber Value: 507,410
Land Market Value: 0
Improvement Value: 0

Previous Owner: HART RONNIE E

Jur Code	Jur Name	Total Market	Homestead	Total Exemption	Taxable
LAM	LAMPASAS COUNTY	507,410		0	507,410
R&B	ROAD & BRIDGE	507,410		0	507,410
CLA	CITY OF LAMPASAS	507,410		0	507,410
SLA	LAMPASAS ISD M80	507,410		0	507,410
SLAIS	LAMPASAS ISD I&S	507,410		0	507,410

Land Detail

<p>Acres: N/A Land Method: SQ Land Homesiteable: NO Front Foot: N/A Front Ft Avg: N/A</p>		<p>Market Class: SF058 Ag/Timber Class: Land Type: Rear Foot: N/A Lot Depth %: N/A</p>		<p>Market Value: 222,160 Ag/Timber Value: 0 Ag Code: Lot Depth: N/A Land Square Ft: 108900</p>	
<p>Land Sequence 1</p>		<p>Land Sequence 2</p>			
<p>Acres: N/A Land Method: SQ Land Homesiteable: NO Front Foot: N/A Front Ft Avg: N/A</p>		<p>Market Class: SF058 Ag/Timber Class: Land Type: Rear Foot: N/A Lot Depth %: N/A</p>		<p>Market Value: 285,250 Ag/Timber Value: 0 Ag Code: Lot Depth: N/A Land Square Ft: 139827</p>	

Total Land Value: \$ 507,410

Property ID: 11011

Owner: M D ABEL CO

Previous Owner Information

Parcel ID	Seller	Buyer	Volume	Page	File Number	Deed Date
11011	HART RONNIE E	M D ABEL CO	565	916	180123	2/5/2020
11011			312	101		1/1/1900

**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, February 21, 2023

To consider granting a variance to the Retail Parking Requirements for property generally located at 1799 S US Highway 281, Lampasas, Texas, Lampasas County; specifically, being 5.71 acres of the LHW Johnson Survey, Abst 0419 as follows:

- *Reduction in parking spaces from the required 176 spaces to 88 spaces.*

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, February 21, 2023 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.

**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, February 21, 2023

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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, February 21, 2023 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 15th day of February 2023 at 4:30 pm.

A handwritten signature in black ink that reads "Becky Sims". The signature is written in a cursive, flowing style.

Date: February 6, 2023

**NOTICE OF APPLICATION
FOR A VARIANCE TO THE ZONING ORDINANCE
OF THE CITY OF LAMPASAS, TEXAS**

A request has been received from Sam Walker, PE (representative), MD Abel Co, (owner) who is asking that the City's Zoning Board of Adjustment provide a variance(s) to the City's Zoning Ordinance, as allowed by Section 9.6 of the City of Lampasas Zoning Ordinance, concerning property in the Retail "R" Zoning District that is generally located at 1799 S.US Highway 281, Lampasas, Texas, Lampasas County; specifically, being 5.71 acres of the LHW Johnson Survey, Abst 0419

The applicant, Sam Walker, Eckermann Engineering has requested that the Zoning Board of Adjustments grant a variance to the Retail "R" Zoning District requirements for the following:

- *Reduction in parking spaces from the required 176 spaces to 88 spaces.*
-

The City of Lampasas Zoning Board of Adjustment will hold a Public Hearing on this request, scheduled to begin at **6:00 pm on Tuesday, February 21, 2023**. This Public Hearing will be conducted in the City Council Chambers, which is located at 302 E Third Street, Lampasas, Texas. The Board will hear the details concerning this request and may reach a decision on it after the Public Hearing.

As a person who owns property that is located within 200 feet of the property that is the subject of this requested change, you are invited to attend the Public Hearing and make your views known to the members of the Board of Adjustment. If you have any questions about this notice or the hearing, please call Becky Sims, City Secretary at (512)556-6831. If you cannot attend the Public Hearing in person, you are invited to express your views on this request by filling in and returning the short form included. In order for the board to consider your written comments, the form must be received by the City Secretary at 312 E Third Street Lampasas, Texas 76550, by no later than noon on **Tuesday, February 21, 2023**. The completed form may be mailed, faxed or hand delivered.

If interpreter services for the deaf or hearing impaired are required by you, for participation at the Public Hearing, please contact the City Secretary at City Hall, (512) 556-6831. A request for interpretive assistance must be provided to the City at least 48 hours in advance of the date/time shown above for the scheduled Public Hearing.

**WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST
(Abel Request)**

I own _____, [address] in Lampasas, Texas.

At this time, I _____ (do) *or* _____ (do not) plan to attend the Public Hearing noted above.

Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.

As a property owner who may be affected by the requested change, I want the Board to know that I, _____ (protest) or _____ (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.

My support/objection to the request is because:

(1) _____

(2) _____

(3) _____

(Further information may be written on back of this sheet, if additional space is needed.)

Signed _____ Date _____, 20____

Written Form Received by City Staff on: _____, 20____ by _____.

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

Subject Property The property is described as 5.71 acres of the LHW Johnson Survey, Abst 0419 Lampasas, Texas, Lampasas County, commonly known as 1799 S US Highway 281

Request Sam Walker, PE (representative), MD Abel Co. (owner) is asking that the City's Zoning Board of Adjustment grant a variance(s) to the City's Zoning Ordinance; specifically, the retail parking requirement as follows:

➤ ***Reduction in parking spaces from 176 spaces to 88 spaces.***

Current Zoning The property is currently zoned Retail. The area surrounding the property is Retail.

Character The proposed development is a 21,764 sq ft Gym and a 4,364 sq ft. Spa, based on the square footage of the proposed Gym it would require 146 spaces and the Spa would require 30 spaces. The ratio is 1 space for every 150 sq ft per the City of Lampasas Zoning regulations. The applicant is asking to model the parking after a 1/300 sq ft. ratio. (see attached letter)

36.6 PARKING REQUIREMENTS BASED ON USE:

In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:

Health club, health spa or exercise club: One (1) space per one hundred fifty (150) square feet of floor area.

The zoning regulations allow for shared parking as defined below:

Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the Building Official. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Lampasas.

Notification All notifications and publications, as required by Ordinance and Statute, have been made. The City sent a total of eight (8) notices to property owners within 200 feet of the applicant's property. At the time of preparing this report, the City has not received any notices in favor or in opposition of the request.

Consideration **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.

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.

Abe Property
1799 S 281

