

**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 Dillom, 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 perform 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