

**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, AUGUST 15, 2023  
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	
Tim Hefley	
Jack Harrell	

Staff Present  
Becky Sims, City Secretary/Zoning Administrator  
Lupe Charping, Administrative Assistant/Permit Technician  
Ryan Ward, ACM  
Frank Ellett, Building Official

**REGULAR SESSION**

I. Call to Order

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

I. Discussion and possible action regarding the approval of the minutes dated February 21, 2023

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

**PUBLIC HEARING**

- II. Public Hearing to consider granting a variance to the City of Lampasas Zoning Regulations, Section 36 Off-Street Parking and Loading Requirements. 36.3 Nonresidential and Multi-Family Districts- Special Off-Street Parking Provisions. (C) All off-street parking, maneuvering, loading and storage areas shall be paved in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces) for property generally located at 402 E Avenue J, Lampasas, Texas, described as 1.07 acres of the William S Hotkiss Survey ***to allow for compacted road base to be used as improved surface for the off-street parking and loading for the new addition of mini storages to the existing property.***

*Board member Shepard opened the public hearing for discussion.*

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

- Mike Hail, MW Hail Construction, (Applicant/Contractor), Drew Sans, Sensational Storage, (Property Owner) has requested that the Zoning Board of Adjustment to consider granting a variance to Section 36 Off-Street Parking and Loading Requirements. 36.3 Non-residential and Multi-Family Districts- Special Off-Street Parking Provisions. (C) All off-street parking, maneuvering, loading and storage areas shall be paved in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces)

○ *To allow for compacted road base to be used as improved surface for the off-street parking and loading for the new addition of mini storages to the existing property.*

- The property is currently zoned Commercial. The area surrounding the property is Commercial and Single Family Residential-6 “SF-6”
- The property is currently used as a mini storage facility. The owner is adding additional storage units to the property.
- All notifications and publications, as required by Ordinance and Statute, have been made. The City sent a total of fifteen (15) 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.

Mrs. Sims referred to the following pages in the packet.

Page 11- layout of lot improvements

Page 12-13-sampling from Section 36 of the Zoning Ordinance (parking requirements)

- Highlighted a few items that relate to paving

Page 14- parking lot definition- paved in accordance with city standards

Page 15- City of Lampasas Code- of Ordinances

Chapter 66-36 Paving Specifications –

City of Lampasas website

- City Design Criteria-
- Standards & Specifications
  - Roadway & Pavement
    - General Paving Notes
    - Page 16- General Paving Notes

### Consideration

#### **Per Section 9.4 (c) 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 D - E., 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 D - E, are not met, a motion may be made to deny the variance.

*Joe England, Engineer presented a copy of an email between him and Mr. Ward, ACM regarding parking lot requirements, city paving specifications and definitions.*

*Baard member Shepard inquired about striping on compacted base material. Mr. England advised of temporary curb stops that will identify parking spaces.*

*Mrs. Sims advised of the following definitions in response to Mr. England's testimony*

- *Improved surface means any surface, which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface.*
- *Paving- to lay or cover with material (such as asphalt or concrete) that forms a firm level surface for travel.*
- *One of the primary functions of road base is to provide strong structural support for the road surface, enabling it to withstand heavy traffic and weather conditions. Road base also provides a stable platform for the pavement, reducing the risk of settlement and heaving.*

*Board member Harrell commented that paving is defined within the intent of the required and regulated code and standards.*

*Mr. Hail advised that the existing parking lot is not paved.*

*Mrs. Sims advised that the site plan does call for paved surface.*

*Jonathan Hail addressed the board and advised that after approval from the Building Official, he spoke with the Fire Marshall and was allowed an improved surface in lieu of paved surface.*

*Mrs. Sims advised per the exhibit provided, paved surface was marked off and signed by Jonathan Hail, the Building Official signed off on the plans in December 2022, and the Fire Marshal in January 2023. The plans call for striping and fire lanes, which cannot be done on base material.*

*Mr. Hail advised that parking spaces are not required. The traffic at the Storage Building will be minimal and access is through a gate with access code.*

*Mrs. Sims advised the board that parking spaces are required for Storage Facilities as defined within the Zoning Regulations.*

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

<b>REGULAR SESSION</b>
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- I. Discussion and possible action to consider granting a variance to the City of Lampasas Zoning Regulations, Section 36 Off-Street Parking and Loading Requirements. 36.3 Nonresidential and Multi-Family Districts- Special Off-Street Parking Provisions. (C) All off-street parking, maneuvering, loading and storage areas shall be paved in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces) for property generally located at 402 E Avenue J, Lampasas, Texas, described as 1.07 acres of the William S Hotkiss Survey ***to allow for compacted road base to be used as improved surface for the off-street parking and loading for the new addition of mini storages to the existing property.***

*Mrs. Sims advised that if the board finds that the conditions have been met for the variance request, a concurring vote of four members is required to grant the variance.*

*Board member Caughron moved to allow for compacted road base to be used as improved surface for the off-street parking and loading for the new addition of mini storages to the existing property, the motion was seconded by board member Kennington, with no additional votes in favor of the variance the motion failed.*

*Board member Hefley moved to deny the variance to allow for compacted road base as an improved surface for the off-street parking and loading for the new addition of mini storages to the existing property, the motion was seconded by Board member Harrell, with Board member Shepard in favor, and Caughron and Kennington in opposition, the motion carried.*

#### IV. Adjourn

*The meeting was adjourned at 6:45 p.m.*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Danielle Shepard, Board Member

ATTEST:

\_\_\_\_\_  
Becky Sims, Zoning Administrator/City Secretary