



City of Abilene

Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment of City of Abilene to be held on Tuesday, December 8, 2020 at 8:30 AM at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

PUBLIC COMMENTS

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on November 10, 2020

AGENDA ITEMS

2. **BA-2020-03:** Receive a Report and Hold a Discussion and Public Hearing on a request from owner Yi-Chien Lien, agent Lamar Outdoor, to seek a Special Exception to allow an off-site advertising billboard within Agricultural Open Space (AO) Zoning. Legal description being 12.94 Acres out of C. A. Donavan original survey in the City of Abilene, Taylor County, Texas

ADJOURNMENT

Notice

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received forty-eight (48) hours prior to scheduled meetings. Please contact the City Secretary's Office at 325-676-6208. Telecommunication device for the deaf is 325-676-6360.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 4th day of December, 2020, at 3:40 p.m.

Shawna Atkinson, TRMC
City Secretary

BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
November 10, 2020 **8:30 a.m.**

BOARD OF ADJUSTMENT OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL

Members Present: Col. Morton Langholtz, Vice-Chairman
Mr. Robert Beermann
Mr. Mark Odle
Mr. Jon Loudermilk, Alternate
Mr. Bob Thomas, Alternate

Member Absent: Mr. Roger Huber, Secretary
Mr. Scott Hay, Chairman

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Mike Warrix, Director of Planning and Development Services
Mr. Zack Rainbow, Assistant Director
Mr. Stanley Smith, City Attorney
Mr. Nick Watts, Planner I/Historic Preservation Officer
Mr. Brad Stone, Planner III
Ms. Melissa Farr, Executive Assistant

Others Present: Mr. Bryce Stickney Mr. Stephen Moody
Mr. Chase Dennis

CALL TO ORDER

Colonel Langholtz called the meeting to order at 8:30 a.m. and Ms. Melissa Farr recorded the minutes. A quorum of members was present, and the meeting proceeded.

MINUTES

Mr. Beermann made the motion to **approve** the minutes of the previous meeting, which was held on October 13, 2020. Mr. Loudermilk seconded the motion. The vote to **approve** minutes was carried by five (5) with none in opposition.

AYES: Beermann, Odle, Loudermilk, Thomas, Langholtz
NAYS: None

AGENDA ITEMS

BA-2020-07: Receive a Report and Hold a Discussion and Public Hearing on a request from owner B.R. Forest Enterprises LLC, agent Stephen Moody for a request of an approval of a Special Exception to alter the front garage setback of a residence in a Medium Density (MD) District by

less than 10 percent. Legal description being Lot 18 in Section 2 of Cordova Place, neighborhood to the City of Abilene, Taylor County, Texas

Mr. Nick Watts presented this request. The applicant is requesting to alter the front facing garage setback by approximately 1.8 feet from the minimum setback of 25 feet to be 23.2 feet. This request is a decrease of approximately 7% from the minimum front facing garage setback.

Colonel Langholtz opened the public hearing. Mr. Stephen Moody spoke in favor of this request. He stated the subject property was already platted when they purchased it. He and his partner had rather not develop a third design, so they are requesting this Special Exception. With no other speakers coming forward, the public hearing was closed.

Property owners within 200 feet of the request were notified. There were 22 responses received in favor, with none in opposition.

PLANNING STAFF RECOMMENDATION: Staff recommends approval.

Mr. Loudermilk moved to approve this request based upon the criteria and findings of Staff. Mr. Odle seconded the motion. The motion to **approve** this Special Exception prevailed by the following vote:

AYES: Beermann, Odle, Loudermilk, Thomas, Langholtz

NAYS: None

BA-2020-08: Receive a Report and Hold a Discussion and Public Hearing on a request from owner First National Bank, agent Jacob & Martin, to seek a 57.75 foot variance from the minimum side setback of 77.9 feet required for freestanding onsite advertising signs within the Buffalo Gap Corridor Overlay. Additionally, the applicant is seeking an 8 foot variance from the minimum 10 foot front setback applicable to freestanding on site advertising signs within Neighborhood Retail (NR) Zoning. Legal description being Lot 101, Block A of Cactus Addition within the City of Abilene, Taylor County, Texas

Mr. Brad Stone presented this request. The proponents have a branch banking facility on the subject property at 5657 Buffalo Gap Road. The proponents desire to install a freestanding, monument-type sign at the front of this property.

The first variance request is a 57 foot 9 inch variance. Approval of this request would permit the sign to be located within 20 feet from the north side boundary.

Colonel Langholtz opened the public hearing. Mr. Tal Fillingim spoke in favor of these requests, saying the property did not encompass the land to the north at the time of platting and development.

The variance of eight (8 ft.) feet will provide the width necessary to set the sign. There was no choice but to pursue a Variance, as the Corridor Overlay Sign Variance Requirements would have placed the sign in the middle of the driveway. Discussion took place regarding the visibility from

the road. Mr. Fillingim sat at the intersection to ensure the sign would not obscure the view. The sign is behind their proposed sidewalk.

With no other speakers coming forward to speak in favor nor in opposition, the public hearing was closed.

Property owners within 200 feet of the request were notified. There was one (1) response received in favor, with one (1) in opposition.

PLANNING STAFF RECOMMENDATION: Staff recommends approval.

Mr. Beermann moved to approve both requests for variances based upon the criteria and findings of Staff. Mr. Thomas seconded the motion. The motion to **approve** these Variances prevailed by the following vote:

AYES: Beermann, Odle, Loudermilk, Thomas, Langholtz

NAYS: None

ADJOURNMENT

There being no further business, Mr. Beermann moved to adjourn the meeting. The Board of Adjustment meeting was adjourned at 9:17 a.m.

Approved: _____, Chair

BA-2020-03

STAFF REPORT



REQUEST:

The applicant is requesting approval of a special exception to locate an off-site advertising sign on property zoned Agricultural Open (AO).

APPLICANTS:

Owner: Yi-Chien Lien

Agent: Lamar Outdoor

HEARING DATE:

Board of Adjustment: December 8, 2020

LOCATION:

6325 Fairway Oaks Boulevard

LEGAL DESCRIPTION:

12.94 Acres out of C. A. Donovan original survey in the City of Abilene, Taylor County, Texas.

ZONING CLASSIFICATION:

The subject property is zoned Agricultural Open Space (AO).

BACKGROUND:

Off-site advertising signs are only permitted in Agricultural Open (AO) zoning with the approval of a special exception. When considering the appropriateness of granting a special exception to allow off-site advertising signs within Agricultural Open (AO) zoning the board is asked to determine the suitability of the location. The board should consider the proximity of the proposed location to existing or proposed residential uses. The proposed location of this off-site advertising sign will adhere to the minimum setback of 17 feet from the face of the curb along Antilley Road, approximately near the midway point along the front property line along Antilley Road. The subject property is currently a vacant lot which is primarily surrounded by existing residential uses to the north, south, east, and west.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to construct a two-sided offsite advertising sign which will be 300 square feet in area. These two sides will be oriented towards east and west bound traffic along Antilley Road. The proposed height of this sign will be 35-feet at the highest point. Additionally, they intend to have the eastern facing side of the sign to be digital while the western face of the sign will be static.

DEVELOPMENT STANDARDS:

Land Development Code Section 4.2.8.9: Area, Height, Placement and Number

- (1) Off-site advertising signs are prohibited within the city limits of the City of Abilene, except as specifically authorized below:
 - a. Off-site advertising signs are permitted within the AO district only with a special exception granted by the board of adjustment. In determining the suitability of a site within the AO district, the board shall consider the proximity of the proposed location

to existing or proposed residential uses as may be indicated on the zoning map of the City of Abilene or any land use plans that have been approved by either the planning and zoning commission or the city council.

b. Regulation of Type II signs:

- i. Type II signs are those located along and oriented to a thoroughfare designated as an arterial or collector in the city's adopted Thoroughfare Plan and are only permitted in the following locations:

1. Antilley Rd.

- c. Type II signs shall have a maximum area of 378 square feet and maximum height of 35 feet.

(2) Spacing and separation of off-site advertising signs shall be based on the following:

- a. Signs shall be separated from other off-site advertising signs on the same side of the street by a minimum distance of 750 feet when not on an interstate or primary highway.
- b. Signs shall be separated from other off-site advertising signs in any direction by a minimum of 250 feet.
- c. No off-site advertising signs shall be permitted less than 135 feet from a lot in a Residential Single-family (RS), Mobile Home (MH), or Multifamily (MF) district.

APPLICATION REVIEW:

Land Development Code Section 1.4.4.1 (Special Exceptions):

(a) Purpose, Applicability and Effect

1. The purpose of a special exception shall be to authorize a modification of zoning standards applicable to particular types of development within any zoning district, which is consistent with the overall intent of the zoning regulations and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed.

(e) Criteria for Approval

1. In deciding to approve, conditionally approve or deny the application for a special exception, the Board shall apply the standard for special exceptions for nonconformities, outlined in Section 1.4.4.1, as criteria for general special exceptions. In addition, the Board shall determine that the requested special exception complies with each of the following:

a. Will be wholly compatible with the use and permitted development of adjacent property, either as field or subject to such requirements as the Board finds necessary to protect and maintain the stability of adjacent properties.

1. Staff believes the installation of off-site advertising at this location is not compatible with the existing and permitted uses of the surrounding properties. North of the proposed location is a Planned Development District which has a base underlying zoning of Single Family Residential (RS-8); east of the subject property is a single family residential neighborhood zoned Patio Home (PH); west of the subject property is an existing single family residence within Agricultural Open (AO) as well as a single family residential neighborhood zoned (RS-6); and south of the subject property is vacant acreage zoned Agricultural Open (AO).

2. City staff recommends that the installation of any off-site advertising signs be in an area where commercial development is expected, typically being General Commercial (GC) or General Retail (GR) zoning districts. Abilene's Future Land Use and Development Plan Map identifies this general area as low density residential development, making it unlikely to be the location of commercial development in the future.

b. Will place no undue burden on public facilities. Public facilities to be considered shall include, but are not limited to streets and alleys, water and sewer utilities, schools and parks.

Staff anticipates no negative effects on public facilities from the proposed use.

c. The approval of the special exception is clearly in harmony with the general purpose and intent of this Ordinance and furthermore, provides for substantial justice.

Staff believes the approval of this special exception would not be in harmony with the purpose and intent of the Ordinance, as the proposed installation of off-site advertising would not be compatible with surrounding land use which is residential.

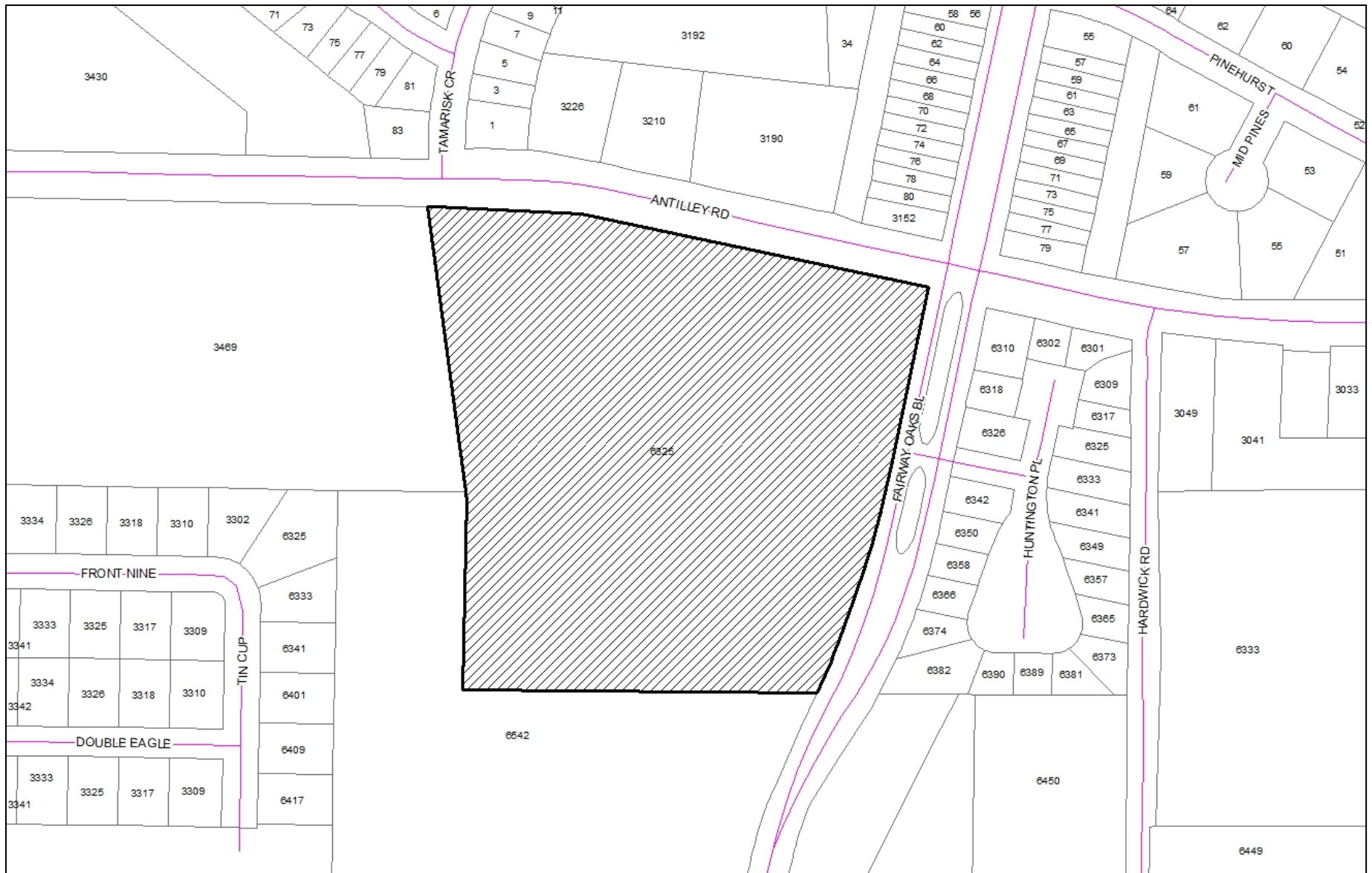
STAFF RECOMMENDATION: Denial, based on a conclusion that placement of this off-site advertisement sign will not be compatible with the surrounding residential land use. The request is noncompliant with review criteria of section 1.4.4.1 (e).

NOTIFICATION: The Planning Services Division sent, with a certificate of mailing, a notice of this requested Special Exception to the applicant and to owners of all property within a 200-foot radius of this subject property:

Owner	Situs	Response
ABILENE COUNTRY CLUB INC		
ABILENE HUNTINGTON RIDGE		
ABILENE URBAN PROPERTIES LP	3190 ANTILLEY RD	
ARMSTRONG RANDY L & JODY ANNE	80 FAIRWAY OAKS BL	
BRADSHAW DAVID T	81 TAMARISK CR	
BULLOCK ROBERT H & NICOLE C	3469 ANTILLEY RD	
BYRD MIKE	6542 FAIRWAY OAKS BL	
CACERES ALFREDO	6326 HUNTINGTON PL	
CAMPBELL BONNIE L	79 TAMARISK CR	
CLARK CODY & MARISSA	6374 HUNTINGTON PL	
DELAGARZA RUBEN JR & STARLA	6302 HUNTINGTON PL	
DOBY KYLE R	3152 ANTILLEY RD	
FITZHUGH CINDY G BURLESON	1 TAMARISK CR	
GREEN OAKS TOWN HOMES		
JOHNSON GERALD L &	78 FAIRWAY OAKS BL	
LEE JOSHUA & STACY	6310 HUNTINGTON PL	
LIEN JUNG C & YI-CHIEN	6325 FAIRWAY OAKS BL	
LIN YEH ENTERPRISES LTD	3210 ANTILLEY RD	
LONG INVESTMENTS LLC	83 TAMARISK CR	
LOYOLA FAMILY LTD		
MILLER JAMES P & BARBARA L	77 FAIRWAY OAKS BL	
MURPHY KENNETH T	79 FAIRWAY OAKS BL	
ONYX PROPERTIES INC		
ONYX PROPERTIES INC		
ORREN SHIRLEY A	3 TAMARISK CR	
POOLE RYAN V	6366 HUNTINGTON PL	
RAMOLIA PARAS	3226 ANTILLEY RD	
ROBINSON LEAH P	6350 HUNTINGTON PL	
SCOTT WILLIAM V & RHONDA L	6358 HUNTINGTON PL	
THORNQVIST LENORE	75 FAIRWAY OAKS BL	
TINDELL MARY HELEN LIFE ESTATE	76 FAIRWAY OAKS BL	
TULL MATTHEW W & KYRA L	6382 HUNTINGTON PL	
WILLIAMSON ROBERT A & DONNA	6342 HUNTINGTON PL	
WOOD JERRY W & JOAN E	6318 HUNTINGTON PL	

ATTACHMENTS:

- Application
- Presentation



OWNER AND/OR AGENT AUTHORIZATION

Owner Name: YI-CHIEN LIEN

Address: 2404 Piedra Dr.

City, State, Zip: Plano, TX 75023 Fax: _____

Phone: 325-320-1085 Email: jlien444@gmail.com

Agent Name: Lamar Outdoor

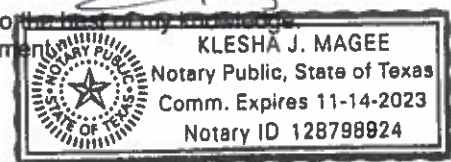
Address: 4282 Tremor Dr.

City, State, Zip: Abilene, TX 79602 Fax: _____

Phone: 325-677-7724 Email: jhankins@lamar.com

"I am the property owner, and I certify that the information included in this application is true to the best of my knowledge.

(Name) Tammy Roberts will act as my agent before the Board of Adjustment.



Witness my hand this day, of Feb 14 2020

☒ Special Exceptions ☐ Variance ☐ Appeal

What is the specific nature of the request?

Installing a digital billboard in AO zoning

Project Address: 6325 Fairway Oak BL No. of lots: _____ Acreage: _____

Legal Description (Use attachment if necessary): A1295 CA Donovan PRE,

Acres 12.94 Property ID 33519

Current Zoning: AO

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: [Signature] Date: 2/14/2020

FOR OFFICE USE ONLY

Received: 3/9/2020 Fee: \$ 400.00 Receipt No.: 0001051247

Case No.: BA-2020-03 Reviewed By: [Signature]



Smith, Jared <jared.smith@abilenetx.gov>

BA-2020-03

1 message

Kyle Doby <kdoby@epicconstruction.net>
To: Jared Smith <jared.smith@abilenetx.gov>

Tue, Nov 10, 2020 at 3:08 PM

Jared,

Please let this email indicate that I am opposed to the advertising billboard on Antilley Rd. I own 26, 68, 70 and 80 Fairway Oaks Blvd. I am opposed on all 4 address.

Thank you,

Kyle Doby



Smith, Jared <jared.smith@abilenetx.gov>

[Planning] BA-2020-03

Angela Thornton <apgthorn13@gmail.com>
To: planning@abilenetx.gov

Tue, Nov 10, 2020 at 4:03 PM

In reference to the issue reference above the following addresses are STRONGLY OPPOSED.

Trey Thornton
60 Pinehurst St
Abilene, TX 79606

and

55 Fairway Oaks Blvd
Abilene, TX 79606

Cell is 325-665-4227

Thank you

Sent from my iPhone

--

You received this message because you are subscribed to the Google Groups "Planning Services" group.
To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/141AA997-B3F9-4FA5-8960-C17314CA7520%40gmail.com>.



Smith, Jared <jared.smith@abilenetx.gov>

[Planning] BA-2020-03

Angela Thornton <apgthorn13@gmail.com>
To: planning@abilenetx.gov

Tue, Nov 10, 2020 at 4:03 PM

In reference to the issue reference above the following addresses are STRONGLY OPPOSED.

Trey Thornton
60 Pinehurst St
Abilene, TX 79606

and

55 Fairway Oaks Blvd
Abilene, TX 79606

Cell is 325-665-4227

Thank you

Sent from my iPhone

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Smith, Jared <jared.smith@abilenetx.gov>

BA-2020-03

1 message

Kyle Doby <kdoby@epicconstruction.net>
To: Jared Smith <jared.smith@abilenetx.gov>

Tue, Nov 10, 2020 at 3:08 PM

Jared,

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Thank you,

Kyle Doby



Smith, Jared <jared.smith@abilenetx.gov>

BA-2020-03

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To: Jared Smith <jared.smith@abilenetx.gov>

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Thank you,

Kyle Doby



Smith, Jared <jared.smith@abilenetx.gov>

BA-2020-03

1 message

Kyle Doby <kdoby@epicconstruction.net>
To: Jared Smith <jared.smith@abilenetx.gov>

Tue, Nov 10, 2020 at 3:08 PM

Jared,

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Thank you,

Kyle Doby



Smith, Jared <jared.smith@abilenetx.gov>

[Planning] Case #BA-2020-03

1 message

Lisa Clark <Lisa.Clark@abilenederm.com>
To: "planning@abilenetx.gov" <planning@abilenetx.gov>

Thu, Nov 5, 2020 at 5:32 PM

To Whom It May Concern:

We received a letter today regarding a Notice of Public Hearing for Case #BA-2020-03. We are the managing partners of Abilene Dermatology and Skin Surgery Center, PC as well as the owners of Abilene Urban Properties and would like to oppose Case #BA-2020-03 scheduled on the Board of Adjustments docket for Tuesday, November 10th. This case is related to Lamar Outdoor Advertising erecting a billboard on the property across the street from our building located at 3190 Antilley Road.

Mr. Tommy Roberts had previously contacted our office regarding this case and had offered to not allow any competing advertising with our facility on this billboard for its lifetime. In our view, our opposition stems more from the fact that this area consists mainly of residential subdivisions as well as a church and country club. It is our belief that the residents along Antilley Road including ourselves as both business and home owners would prefer not to have such an eye sore along a mainly residential area and feel this type of advertising would be more beneficial on a commercial road or interstate.

If you need any additional information, please let us know.

Thank you,

Paras Ramolia, MD
Managing Partner

Sina Aboutalebi, MD
Managing Partner

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Thank you,

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BULLOCK ROBERT H & NICOLE C
3469 ANTILLEY RD
ABILENE, TX 79606-5009

NOTICE OF PUBLIC HEARING

RE: Board of Adjustment Application Number BA-2020-03

11/02/2020

The Board of Adjustment will hold a public hearing on **Tuesday, November 10, 2020 at 8:30 AM**, in **City Council Chambers, 2nd Floor**, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from owner YI-CHIEN LIEN, agent Lamar Outdoor, to seek a special exception to allow an off-site advertising billboard within Agricultural Open Space (AO) Zoning. Legal description being 12.94 Acres out of C A Donovan original survey in the City of Abilene, Taylor County, Texas.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for this variance request. The solid boundary line around the subject area is only a notification area. All property owners within a 200-foot radius of the requesting property are required to be notified of the request.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

If you have any questions, please contact Jared Smith, Planner II at (325) 676-6490 or jared.smith@abilenetx.gov

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: BA-2020-03

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Name: BULLOCK ROBERT H & NICOLE C
Address: 3469 ANTILLEY RD

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

*Charlie Dennis,
Current Owner!*

*Property Values
Urban blight*



Smith, Jared <jared.smith@abilenetx.gov>

[Planning] Case#ba-2020-03

1 message

'Jerry/Joan Wood' via Planning Services <planning@abilenetx.gov>

Sun, Nov 8, 2020 at 12:28 PM

Reply-To: Jerry/Joan Wood <pajowood@yahoo.com>

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

OPPOSED

Jerry and Joan Wood
[6318 Huntington Pl](#)[Sent from Yahoo Mail on Android](#)

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CASE #: BA-2020-03

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: WILLIAMSON ROBERT A & DONNA
Address: 6342 HUNTINGTON PL

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Robert A Williamson Jr

Any billboard(s) along this area will block our beautiful sunsets. Please find a location elsewhere.

SPECIAL EXCEPTION REQUEST

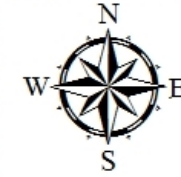
Case: BA-2020-03
Owner: Yi-Chien-Lien
Agent: Lamar Outdoor
Request: Special Exception
Location: 6325 Fairway Oaks Boulevard
Notification: 0 in Favor, 10 Opposed
Board of Adjustment: December 8, 2020



BA-2020-03 AERIAL LOCATION MAP



Location Map



Legend

 BA-2020-03





BA-2020-03 VIEWS OF SUBJECT PROPERTY

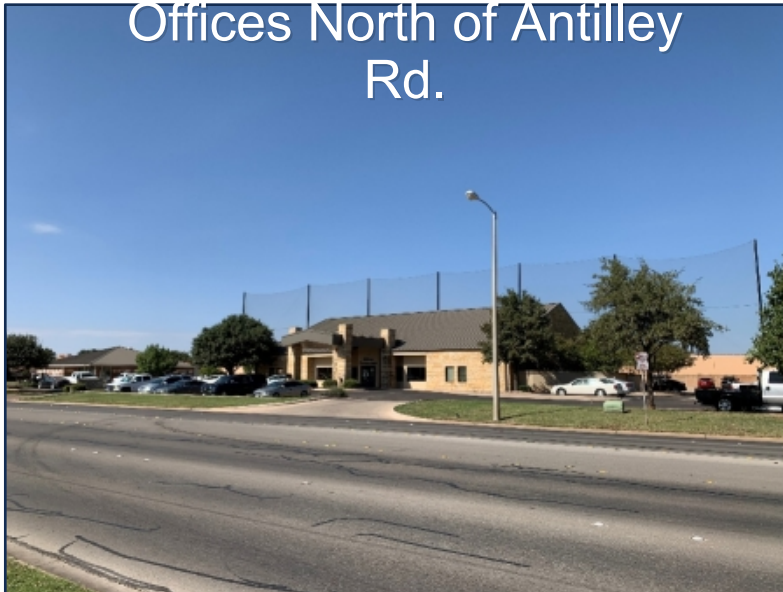
West View of Subject Property



East View of Subject Property



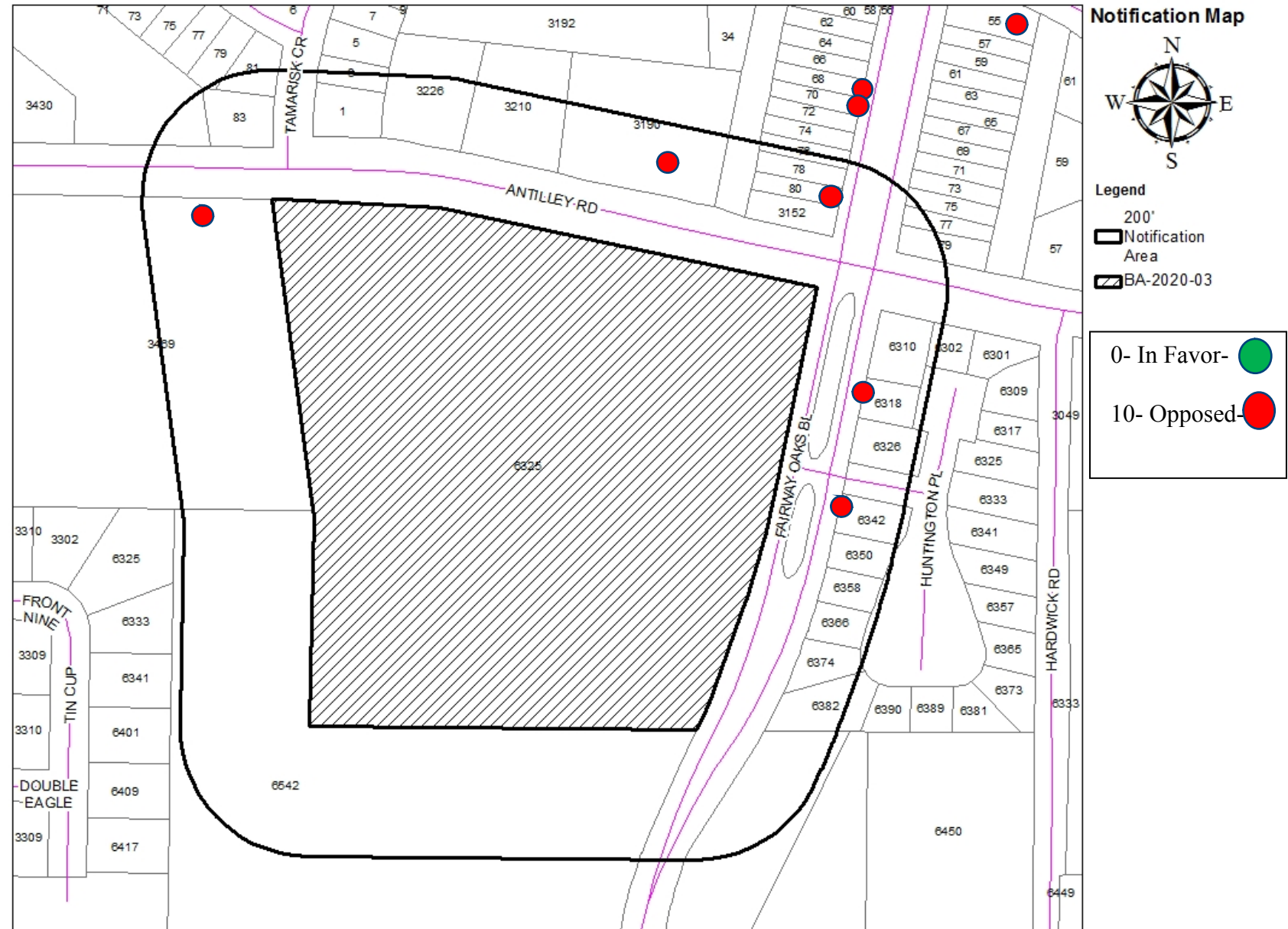
Offices North of Antilley Rd.



Residences North of Antilley Rd.



BA-2020-03 NOTIFICATION AREA MAP



- Reviewed Pursuant to Section 1.4.4.1 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Denial, due to the unlikelihood of the property ever being rezoned to an appropriate zoning classification that would permit off-site advertising signs.



Questions?

