



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, March 9, 2021 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 January 12, 2021

AGENDA ITEMS

2. **BA-2021-02:** Receive a Report and Hold a Discussion and Public Hearing on a request from owners Skinny's INC., as well as Melody and Lyndell Cook, agent Berry Engineers, to seek a 7-foot variance from the minimum 15-foot exterior street-side setback required for a new commercial building on a site presently occupied by buildings at 1301 and 1357 South 14th Street. At the south west corner of Butternut and South 14th Streets, as well as the north 142.1 feet of an adjacent lot at the southeast corner of Poplar and South 14th Streets (With only landscaping provided between the building and street-side property line).

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 5th day of March, 2021, at 4:30 p.m.

Kaitlin Richardson, Deputy City
Secretary

BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

January 12, 2021

8:30 a.m.

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

Members Present: Mr. Scott Hay, Chairman
Mr. Robert Beermann
Mr. Mark Odle
Mr. Bob Thomas, Alternate

Member Absent: Col. Morton Langholtz, Vice-Chairman
Mr. Jon Loudermilk, Alternate

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Mike Warrix, Director of Planning and Development Services
Mr. Zack Rainbow, Assistant Director
Ms. Kelley Messer, First Assistant City Attorney
Ms. Cheryl Sawyers, Planning Services Manager
Mr. Nick Watts, Planner I
Ms. Melissa Farr, Executive Assistant

Others Present: Mr. Tommy Roberts Mr. Scott Senter
Mr. Bryce Stickney Mr. Chase Denis
Mr. Eddie Magee

CALL TO ORDER

Mr. Hay 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.

Mr. Hay spoke to recognize a former Board member, Mr. Roger Huber, who passed on January 2, 2021. Mr. Huber served on this Board since 2007.

MINUTES

Mr. Odle made the motion to **approve** the minutes of the previous meeting, which was held on December 8, 2020. Mr. Beermann seconded the motion. The vote to **approve** minutes was carried by four (4) with none in opposition.

AYES: Beermann, Odle, Thomas, Hay

NAYS: None

AGENDA ITEMS

BA-2021-01: Receive a Report and Hold a Discussion and Public Hearing on a request from Ameritex Homes, agent Daniel Zarate, to seek a ten (10) foot variance from the minimum lot width of 60 feet for 1402, 1414, 1422, 1426, 1442 Plum Street. Additionally the applicants are seeking a six (6) foot variance from the minimum 15 foot exterior street side setback for 1402 Plum Street.

Mr. Nick Watts presented this request. The applicant requests approval of five (5) lot width variances of 10-feet from the minimum lot width of 60-foot in Single-Family Residential (RS-6) District, for 1402, 1414, 1422, 1426 and 1442 Plum Street and one (1) 6-foot variance from the minimum 15-foot exterior street side setback in RS-6, for 1402 Plum Street.

Mr. Hay opened the public hearing. Mr. Daniel Zarate spoke in favor and was available to answer any questions.

Mr. Steven Woodard approached the lectern to inquire about the ownership of 1402 Plum Street, stating it used to belong to a family member. He was advised to speak with the current owner of the property and/or search the Deed records at the County Courthouse.

Seeing no one else present and desiring to be heard, Mr. Hay closed the public hearing. Mr. Woodard requested to ask another question, so Mr. Hay reopened the public hearing. Mr. Woodard spoke to the developers. Mr. Hay closed the public hearing again.

Property owners within 200 feet of the request were notified. There were no (0) responses received in favor, with one (1) in opposition.

PLANNING STAFF RECOMMENDATION: Staff recommends approval.

Based upon the findings provided in the staff report as criteria for approval, Mr. Beermann moved to **approve** the request for a ten (10) foot variance from the minimum lot width of 60 feet. Mr. Odle seconded the motion. The motion to **approve** this Variance prevailed by the following vote:

AYES: Beermann, Odle, Thomas, Hay

NAYS: None

Based upon the findings provided in the staff report as criteria for approval, Mr. Beermann moved to **approve** the request for a six (6) foot variance from the minimum 15 foot exterior street side setback. Mr. Odle seconded the motion. The motion to **approve** this Variance prevailed by the following vote:

AYES: Beermann, Odle, Thomas, Hay

NAYS: None

ADJOURNMENT

There being no further business, Mr. Beermann moved to adjourn the meeting. Mr. Odle seconded the motion. The Board of Adjustment meeting was adjourned at 9:05 a.m.

Approved: _____, Chair

BA-2021-02

STAFF REPORT



REQUEST:

The applicants are seeking approval of a 7-foot variance from the minimum 15-foot building setback required from a streetside lot boundary, to permit construction of a new commercial building set back 8-feet from the subject property's boundary beside South 14th Street.

AGENT/OWNERS:

Owners: Skinny's Inc.

Lydell and Melody Cook

Agent: Berry Engineers of Cleveland, Tennessee

HEARING DATE:

March 9, 2021

LOCATION:

1301 and 1357 South 14th Street, encompassing two adjacent lots on the south side of South 14th Street between Butternut and Poplar Streets in south central Abilene

LEGAL DESCRIPTION:

Lot at southwest corner of Butternut and South 14th Streets:

All of Lot 101, a Replat of all of Lot 1 and a part of Lot 2 in Block 1 of O.D. Dillingham's Division of Lot 1 in Block A of the Anderson Addition, plus an adjacent part of the same said Lot 1 in Block A of the Anderson Addition, Abilene, Taylor County, Texas.

Lot at southeast corner of Poplar and South 14th Streets:

The north 142.1 feet of Lot 101 in Block 1 of O.D. Dillingham's Division of Lot 1 in Block A of the Anderson Addition to Abilene, Taylor County, Texas.

ZONING CLASSIFICATION:

The subject property is currently in a Heavy Commercial (HC) zoning district.

BACKGROUND:

The applicants plan to demolish all existing buildings on this subject property and replace them with a new retail store encompassing 9,180 square feet. A replat of the two adjoining lots (comprising this subject property) is required before any building construction can begin. The proposed new lot will have 282+ feet of exposure onto South 14th Street as well as frontage on both Butternut and Poplar Streets. Minimum required building setbacks on this proposed new lot would ordinarily be as follows:

from the southern lot boundary	0 feet
from right-of-way for Butternut Street	25 feet
from right-of-way for Poplar Street	25 feet
from right-of-way for South 14 th Street	30 feet

However, on all three streetside lot boundaries, the minimum required building setback may be reduced to 15 feet instead of the required 25 and 30-foot setbacks, if only landscaping is provided between the building and the streetside lot boundary.

DEVELOPMENT STANDARDS:

The applicant's draft site plans show only landscaping in the space between the building's north face and the property's north boundary on right-of-way for South 14th Street. Given this circumstance, **the minimum required building setback is 15-feet from this site's north boundary.** In the absence of this complete landscape cover, the minimum required setback would otherwise be 30-feet from right-of-way for South 14th Street, a major arterial.

The applicants desire to construct a new retail building set back 8-feet from the property's north boundary on the South 14th right-of-way. **Thereby seeking a 7-foot variance from the minimum 15-foot setback required there.**

APPLICATION REVIEW:

Criteria for Approval 1.4.4.2 (d): A variance is used to modify the application of the Land Development Code [specifically, Chapters 2 and 4] as it applies to a specific piece of property. In reaching a decision on the variance request, the Board shall determine and make written findings that all of the following conditions are present:

- 1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the land, such that strict application of the provisions of this Code will create an undue hardship or inequity (other than financial) upon or for the applicant in developing the land, or deprive the applicant of reasonable and beneficial use of the land.**

Per the information provided by the applicant the strict enforcement of the required setbacks in Heavy Commercial (HC) zoning of 30-feet along S.14th and Butternut Streets coupled with the 25-foot setback along Poplar Street significantly limit the remaining allowable building placement area. Additionally, if the building orientation faces S. 14th Street, then an additional 25-foot rear setback would be required along the southern property line. The applicant also maintains that strict application of the building setbacks restricts the possibility for reasonable and acceptable driveway locations that meet the City of Abilene's spacing requirements from intersections. It is the opinion of staff that the applicant could meet the required building setbacks if the building footprint were smaller or if more land were acquired to the south.

- 2. That the granting of the variance will not be contrary to the public interest and will not be injurious to neighboring properties or otherwise detrimental to the public welfare.**

It is the opinion of staff that the planned placement of this proposed new building will not interfere with any future need to expand the adjoining right-of-way. Additionally, the proposed new building will set farther back from the roadway than the existing gas station canopy that currently exists on the property as well as reduce the number of driveways down from eight to three.

3. Granting the variance is consistent with the intent of Abilene's Land Development Code.

It is the opinion of staff that granting the variance is consistent with the intent of Abilene's Land Development Code.

4. The hardship or inequity suffered by the petitioner is not caused wholly or in substantial part by the petitioner.

It is the opinion of staff that the hardship is created by the size of the building the applicant is proposing for the site.

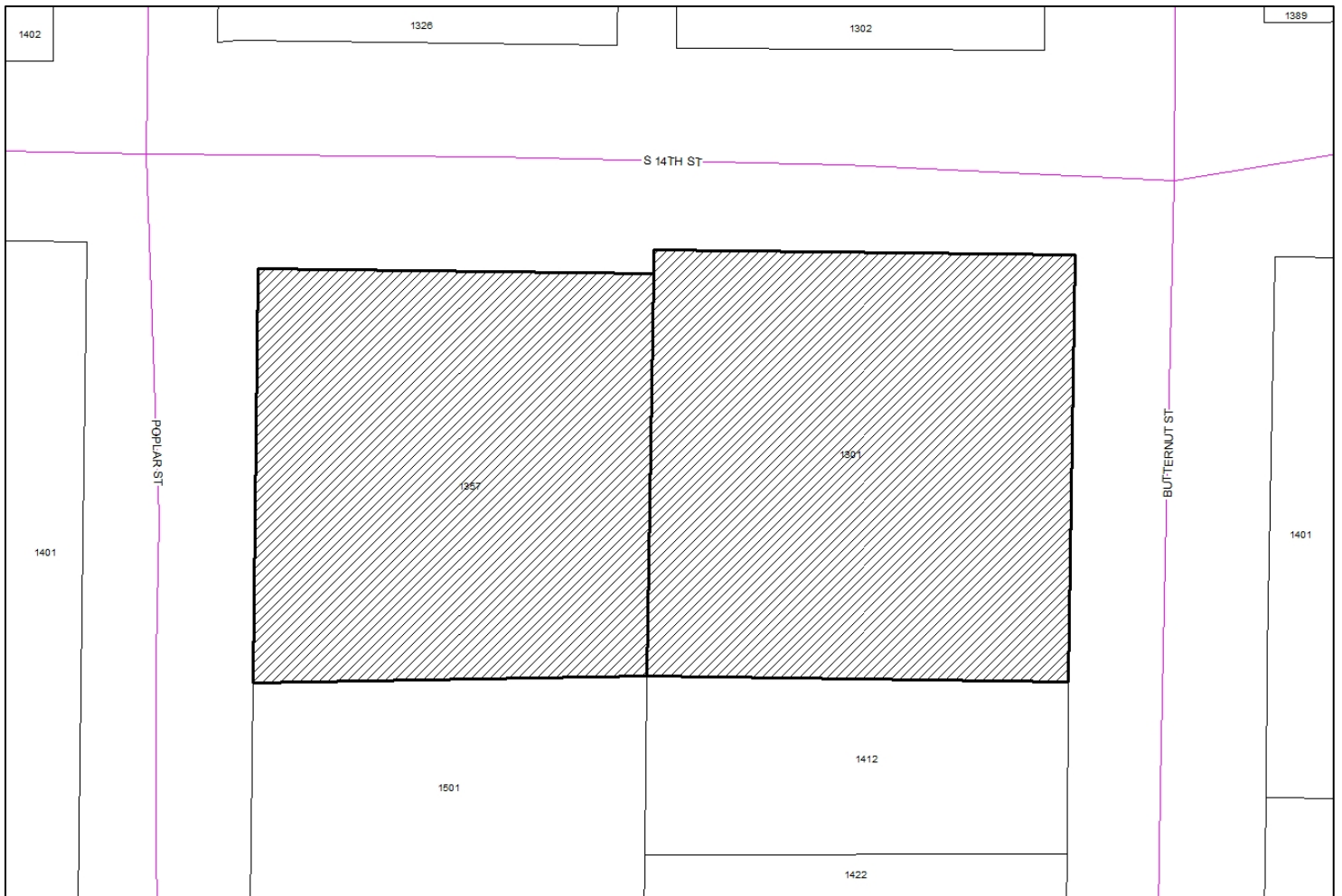
	Zoning	Existing Land Use
North	HC	retail and office buildings
South	HC	self-service storage, vacant land
East	HC	Restaurant
West	HC	retail services, building contractor(s)

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

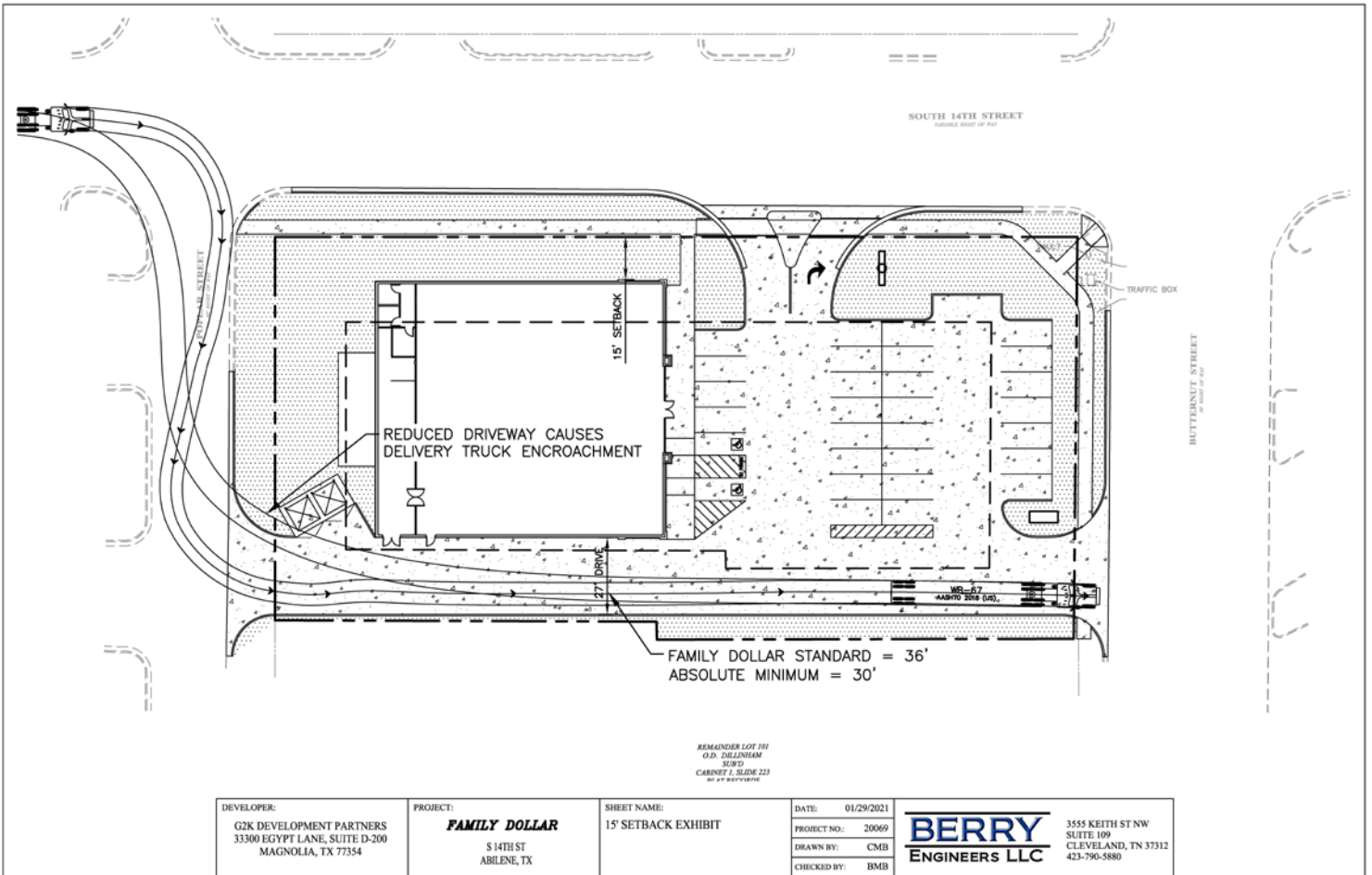
Owner	Situs	Response
BRADSHAW RONNIE & BARBARA	1401 BUTTERNUT ST	
CAP INVESTMENT PROPERTIES III LLC	1302 S 14TH ST	
CASEY PETER	1326 S 14TH ST	
COOK LYNDEL & MELODY	1357 S 14TH ST	In Favor
DUB WRIGHT BOULEVARD LP	1501 POPLAR ST	
J HAGIN LLC	1497 S 14TH ST	
J HAGIN LLC	1433 S 14TH ST	
MATTHEWS LESTER & CELIA	1401 S 14TH ST	
MC DANIEL J RUSSELL	1402 S 14TH ST	
MC DANIEL JACK RUSSELL	1366 POPLAR ST	
NAVEJAS IGNACIO	1358 POPLAR ST	
PCKC LLC	1441 BUTTERNUT ST	
PCKC LLC		
PITTMAN WILLIAM R & GAIL L	1442 POPLAR ST	
PITTMAN WILLIAM ROBERT &	1412 BUTTERNUT ST	
PITTMAN WILLIAM ROBERT &	1454 BUTTERNUT ST	
PITTMAN WILLIAM ROBERT &	1422 BUTTERNUT ST	
PITTMAN WILLIAM ROBERT &	1442 BUTTERNUT ST	
SKINNYS INC	1301 S 14TH ST	
SKINNYS INC	1366 BUTTERNUT ST	
WHITTENS 2 LLC	1365 BUTTERNUT ST	
WHITTENS 2 LLC	1389 BUTTERNUT ST	

ATTACHMENTS:

- location map
- graphic site exhibit



EXHBIT "A"



PROJECT OVERVIEW

Project Type: Board of Adjustment Application

ID # 21-000007 | **Started** 01/20/2021 at 12:24 PM



Address

1301 S 14th St, Abilene,
TX USA 79602

Legal

Anderson Addition
L101repl1anderson-
l1&n10l2dill A Dillingham
Anderson Abl

Property Info

Property ID: 71974

Description

1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the land, such that strict application of the provisions of this Code will create an undue hardship or inequity (other than financial) upon or for the applicant in developing the land, or deprive the applicant of reasonable and beneficial use of the land. The 0.90 acre development parcels are bounded on 3 sides by streets. The HC zoning required setbacks of 30'™ along S 14th St and Butternut St along with the 25'™ setback along Poplar St significantly limit the remaining allowable building placement area. Additionally, if the building orientation faces S 14th St, then an additional 25'™ rear setback would be required along the southern property line. Strict application of the building setbacks restricts the possibility for reasonable & acceptable driveway locations (spacing from intersections). 2. That the granting of the variance will not be contrary to the public interest and will not be injurious to neighboring properties or otherwise detrimental to the public welfare. The proposed project will be dedicating right-of-way along S 14th St as required by the platting process for public use. The proposed building location is not inconsistent with the adjacent properties and is actually farther away from the right-of-way than an existing gas station canopy currently exists on the property. The proposed building location will allow the development to provide the most driveway spacing distance between the proposed driveway accesses and existing intersections and reduces the number of driveways on the property from 8 (existing) to 3.

PROJECT STEPS	DATE & TIME	RESULT	USER
Request	01/20/2021 at 12:31 PM	Accept	-
BOA Application Review	02/12/2021 at 1:53 PM	Accepted	Nick Watts
Planning Payment	02/12/2021 at 2:10 PM	Paid	Zack Rainbow
Staff Prepares Report & Send Property Notification Letters	03/03/2021 at 8:42 AM	Completed	Nick Watts
Board of Adjustments Public Hearing	-	-	-
Appeal to District Court	-	-	-
Variance/Special Exception	-	-	-
Archive	-	-	-

INFORMATION FIELDS

BOA Application Type

Variance

Owner Name

Belterra Partners - Ronnye Kettler

Agent Name

Berry Engineers, LLC - Chris Berry

No. of Lots

1

Acreage

0.90

Legal Description of property

Lot 201, Block A, Family Dollar Subdivision

Current Zoning

HC (Heavy Commercial)

Variance or Special Exception: Explanation

See attached site plans for details. The significant setbacks required by HC zoning (30' on two sides, 25' on two sides), severely limits the buildable area of the 0.90 acres development. Right-of-way is being dedicated by plat along S 14th Street. The proposed building location is necessary to provide adequate driveway corner clearance separation and a feasible truck delivery route.

Special Exception: House Building Material

-

INVOICES	DUE DATE	CONTACT	TOTAL	PAID	DUE
21-000671	02/12/2021	Chris Berry	\$ 400.00	\$ 400.00	\$ 0.00
		Fees	Account No	Total	Paid
					Due
		Board of Adjustment Fee	1002503010-44020	\$ 400.00	\$ 400.00
					\$ 0.00
TOTALS			\$ 400.00	\$ 400.00	\$ 0.00

CREDENTIALS

No data for Credentials.

OCCUPANCY TYPE	CONSTRUCTION TYPE	SQUARE FEET	VALUATION
No data for Occupancy Type.			

REVIEWS	DATE & TIME	STATUS	HISTORY
BOA Application Review	02/12/2021 at 1:53 PM	Approved	Accepted
Staff Prepares Report & Send Property Notification Letters	03/03/2021 at 8:42 AM	Approved	Completed
Board of Adjustments Public Hearing	03/03/2021 at 8:42 AM	In Review	-

INSPECTIONS	DATE & TIME	STATUS	HISTORY
No data for Inspections.			

GENERATED DOCUMENTS	PRINTED ON	PRINTED BY	ISSUED TO
Project Overview	03/03/2021 at 8:42 AM	Nick Watts	-
Project Overview	03/03/2021 at 8:40 AM	Nick Watts	-

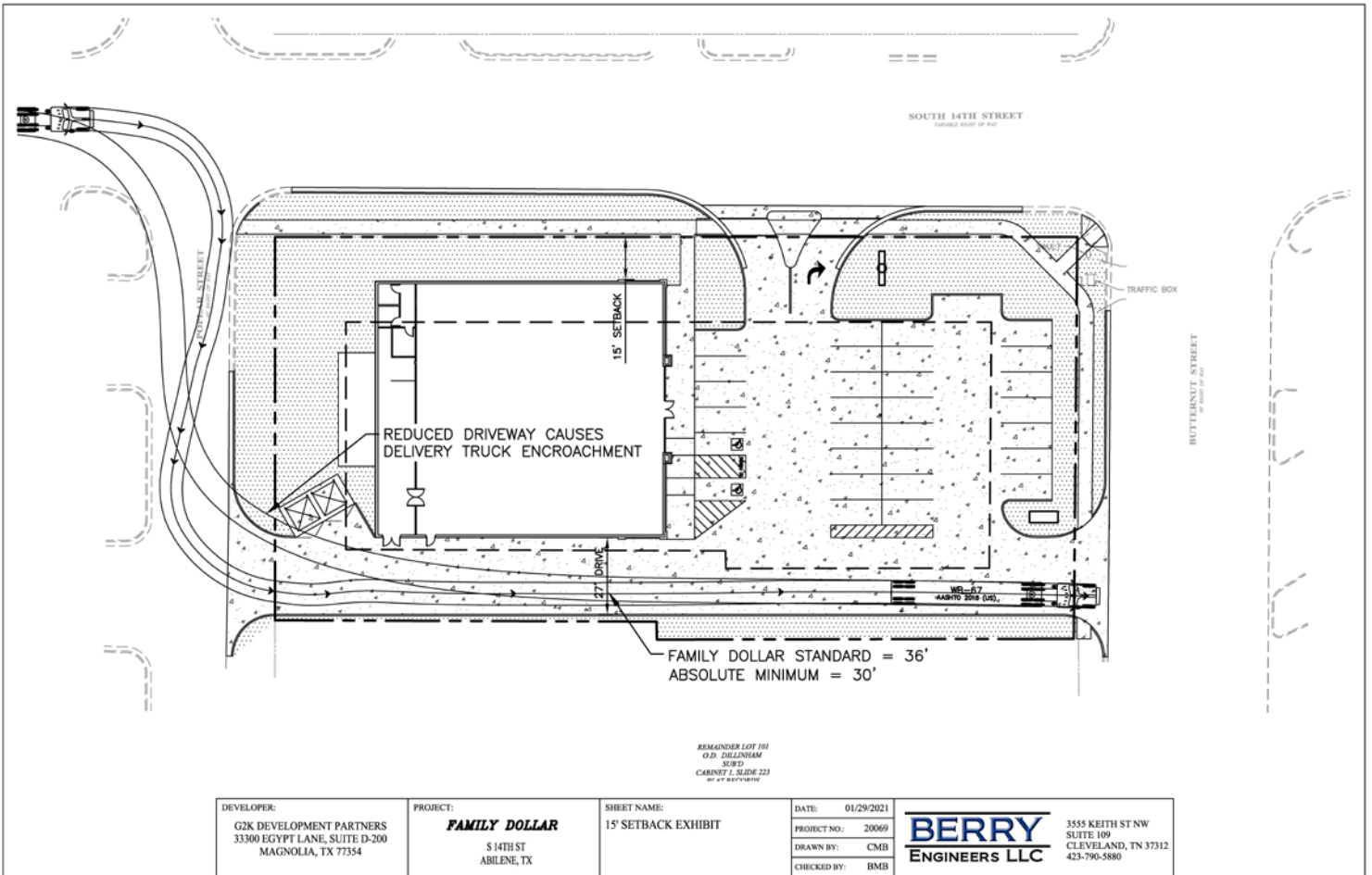
EPR DOCUMENTS	ASSOCIATED STEPS	STATUS	LAST REVIEW BY
Application	BOA Application Review	Not Uploaded	-
Updated Site plan	BOA Application Review	Uploaded	Chris Berry on 01/20/2021 at 12:31 PM
Misc	BOA Application Review	Uploaded	Chris Berry on 01/20/2021 at 12:31 PM
Staff report	BOA Application Review	Not Uploaded	-

GENERAL COMMENTS

No data for General Comments.

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Chris Berry	cberry@berryengineers.com 4237905880	3555 Keith St Suite 109 Cleveland, TN 37312	-	APPLICANT
Skinny's Inc	-	3457 Curry Ln Abilene, TX 79606-2229	-	-
Skinny's Inc	-	3262 Chimney Rock Rd Abilene, TX 79606	-	-
Skinny's Inc	-	3262 Chimney Rock Rd Abilene, TX 79606-3376	-	-
Skinny's Inc	-	Po Box 682148 Franklin, TX 37068	-	Property Owner

EXHBIT "A"
(submitted by the applicant)



G2K Development Partners
33300 Egypt Lane #D-200
Magnolia, TX 77354



February 24, 2021

Skinny's LLC, owner of **1301 South 14th Street, Abilene TX 79602.**

Lot 101, a replat of all of lot 1, and a part of lot 2, O.D. Dillingham Division of Lot 1, Block A, and part of Lot 1, Block A,
Anderson Addition to the City of Abilene, Taylor County, Texas.

authorizes G2K Development Partners to act as limited agent to (1) apply for variances, (2) submit plats for review, and to (3) submit plans for approval. This authorization applies only to those actions required for the Family Dollar project.

Signature DocuSigned by: Bink Budhathoki
37FB19249D00407...

Signature DocuSigned by: Tony Miller
003E346E6ACF4D7...

G2K Development Partners

G2K Development Partners
33300 Egypt Lane #D-200
Magnolia, TX 77354



February 24, 2021

Lyndel Cook and Melody Cook , owners of 1357 South 14th Street, Abilene TX 79602.

Being the North 135 feet of Lot 101, a replat of the South 132.75 feet of Block 1, O. D. Dillingham Subdivision and Lots 1-12 of R. A. McClains Subdivision, City of Abilene, Taylor County, Texas, as shown by plat recorded in Plat Cabinet No. 1, Slide 223, Plat Records, Taylor County, Texas.

authorizes G2K Development Partners to act as agent in order to apply for variances, submit plats for review, and to submit plans for approval. This authorization applies only to those actions required for the Family Dollar project.

Signature

Lyndel Cook

Signature

Melody Cook

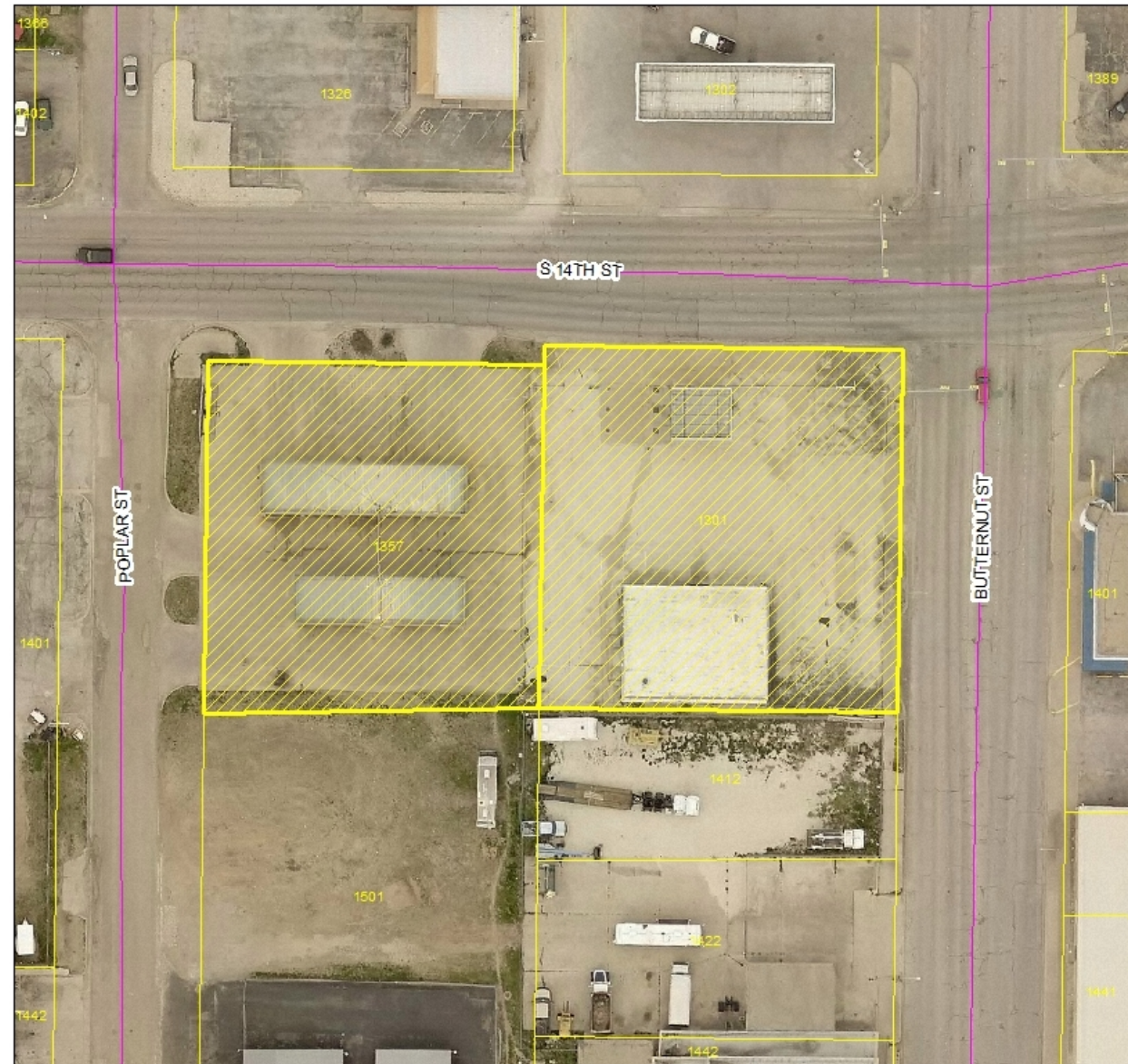
G2K Development Partners

VARIANCE REQUEST

Case: BA-2021-02
Owner: Skinny's Inc.
Lydell & Melody Cook
Agent: Berry Engineers of Cleveland, TN
Request: 7-foot variance from the minimum 15-foot building setback required from a streetside lot boundary
Location: 1301 & 1357 S. 14th St.
Notification: 1 in Favor, 0 Opposed
Board of Adjustment: March 9, 2021



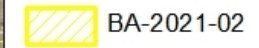
BA-2021-02 AERIAL LOCATION MAP



Location Map



Legend





BA-2021-02 NOTIFICATION AREA MAP



BA-2021-02 VIEWS OF SUBJECT PROPERTY

East View of S. 14th St.



1301 S. 14th St.



1357 S. 14th St.



West View of S. 14th St.



Questions?

