



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 April 13, 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

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 March 9, 2021

AGENDA ITEMS

2. **BA-2021-03:** Receive a Report and Hold a Discussion and Public Hearing on a request from owners Randy and Tami Shifflett to seek a Special Exception to operate a home occupation (airless paint sprayer repair business) in an existing accessory building located at 1357 Ruswood Drive

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 9th day of April, 2021, at 10:05 a.m.

Kaitlin Richardson, Deputy City
Secretary

BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

March 9, 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. Bryce Stickney
Mr. Bob Thomas, Alternate

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

Staff Present: 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. Brad Stone, Planner III
Ms. Melissa Farr, Executive Assistant

Others Present: Mr. Chris Berry Mr. Ron Kettler
Mr. Jim Gunn Mr. Ron Harrell

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.

MINUTES

Mr. Beermann made the motion to **approve** the minutes of the previous meeting, which was held on January 12, 2021. Mr. Odle seconded the motion. The vote to **approve** minutes was carried by five (5) with none in opposition.

AYES: Stickney, Thomas, Odle, Beermann, Hay

NAYS: None

AGENDA ITEMS

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 streetside 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 streetside property line).

Mr. Brad Stone presented this request. 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. 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.

Mr. Hay opened the public hearing. Those who spoke in favor were Mr. Chris Berry and Mr. Jim Gunn. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. There was one (1) response received in favor, with none (0) in opposition.

Based upon the findings provided in the staff report as criteria for approval, Mr. Beermann moved to approve the request. He recognized there are special circumstances, as the developer tried to obtain additional property, but the neighboring properties were not for sale. 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. The hardship is that if the building was oriented differently in order to accommodate the setback, the applicant would not be able to conduct normal operations. Moreover, the hardship is not generated by the petitioner. Mr. Stickney seconded the motion. The motion to approve this Variance prevailed by the following vote:

AYES: Stickney, Thomas, Odle, Beermann, 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 9:10 a.m.

Approved: _____, Chair

BOARD OF ADJUSTMENT

BA-2021-03

STAFF REPORT



Scheduled Hearing

Board of Adjustment: April 13, 2021

Applicant

Randy and Tammy Shifflett

Request

Special Exception to permit a Home Occupation in an Accessory Structure. Based on information provided in the application, the applicant intends to operate a repair shop for an "Airless Sales and Service shop" for commercial paint sprayers.

Location

1357 Ruswood Dr. Abilene, TX.

Zoning and Existing Land Use

The current zoning and existing land use of the properties adjacent to and in the subject property's immediate area are illustrated in this report. As indicated on the map, adjacent zoning consists of Residential Single-Family (RS-6) to the south and west; a Planned Development (PD) to the north; and Multi-Family (MF) to the east.

Background

The applicant intends to operate an airless sales and service shop within a 384-square foot accessory building located in the rear of the subject property. According to the information provided in the application, repair work will be performed within the storage building and equipment pickup/delivery will occur entirely off-site. Section 2.4.5.3 of the Land Development Code lists specific uses that are prohibited from operating as a home occupation. While this type of repair is not listed as prohibited, it is not considered a typical home occupation.

Section 2.4.5.2 of the Land Development Code states that a home occupation may be conducted in a detached accessory structure with the following conditions:

- (i) The accessory building used for home occupation must be located to the side or rear of the home or dwelling unit.
- (ii) The area of an accessory building used for a home occupation shall not be more than twenty-five percent (25%) of the floor area of the home dwelling unit.
- (iii) A special exception is required for any home occupation when conducted in a detached accessory building.

The applicant meets all of the above named home occupation conditions except (iii). The applicant must obtain a special exception in order for the home occupation to occur on their property. In

addition, compliance with applicable home occupation regulations continue in Section 2.4.5.3 of the Land Development Code.

Criteria Assessment

Section 1.4.4.1 (Special Exceptions) of the Land Development Code states that 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. The modification should be considered compatible with adjoining land uses and the character of the neighborhood in which the development is proposed.

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(e) (Criteria for approval), 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 filed or subject to such requirements as the Board finds necessary to protect and maintain the stability of adjacent properties.**

Section 2.4.5.2 Criteria for Home Occupations, (a) (7), states that “no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal sense off the lot.” It is the opinion of staff that this type of home occupation will not be wholly compatible with the surrounding residential properties as this type of equipment repair could become a nuisance to the adjacent residential properties. Additionally, other types of repair services are listed as prohibited as home occupations.

- (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.**

It is the opinion of staff that this home occupation will place no-undue burden on public facilities if the home occupation complies with the provisions of 2.4.5.3 of the Land Development Code.

- (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.**

It is the opinion of staff that the approval of the special exception is not in harmony with the general purpose and intent of this ordinance (Section 2.4.5.1 Purpose) as it could impose an annoyance and inconvenience to neighboring property owners.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on March 31, 2021, via certified mail to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

Owner	Parcel ID	Response
BAISDEN JANELLE DAVIS	35042	
BALLEW MARGARET LYNNE	38905	
BECKSWORTH GRADY LYNN &	38903	
BEST JOHN C & KARA J	38909	
BREEDEN JACKIE P &	38907	
BYRD MARY ANN	34779	
BYRD ROBERT RAY	30386	
CASTLEMAN JOSHUA &	35192	
CLOWER JERRY A & BARBARA H	30407	
GATTIS JIMMY L	38899	
HARDCASTLE JACK P & SUSAN D	38655	
HEJL JEROME C JR &	30388	
HULETT JOE DALE	993436	
JESSUP SCOTT W &	38911	
KEENAN WILLIAM JOHN & MEGANNE MAHANAY	38526	
MARTIN DIANE A GORSLINE	35328	
MARTIN MARGARET THOMAS	38912	
MICKEY DAVID R & CAROLYN K	35462	
RANEIRI RYAN MARK	34637	
ROSE THOMAS E & DIANE L	30409	
SHIFFLETT TAMI GALE POPPELL	34911	
TAYLOR DENNIS LEE & MELISSA ANN	38902	
WEST TEXAS UTILITIES CO	54207	
WILLIAMS CHARLES W & DEBBIE J	30411	
WYLER MARY KATHRYN LF EST	34505	

LOCATION MAP



ZONING AND EXISTING LAND USE MAP





Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Case # BA-2021-03

1 message

Bill Keenan <bill@wjkeenan.org>

Mon, Apr 5, 2021 at 10:33 AM

To: planning@abilenetx.gov

Keenan William John & Meganne Mahanay
Parcel 38526

Oppose - Meg and I oppose the variance for what we consider a light industrial business within our neighborhood. This machine repair business is proposed for 1357 Russwood Dr. This property already has 4 or 5 outbuildings. I'd like to know if any of those structures are non-compliant. Is lot coverage violated? Is setback violated? Was any required variance issued? Did each structure get any required building permit before its construction?

OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Randy & Tami Shifflett
Address: 1357 Ruswood Dr.
City, State, Zip: Abilene Tx 79601 Fax: _____
Phone: 325-370-1915 Email: tami.shifflett@gmail.com
Agent Name: _____
Address: _____
City, State, Zip: _____ Fax: _____
Phone: _____ Email: _____

"I am the property owner, and I certify that the information included in this application is true to the best of my knowledge.
(Name) Tami Shifflett will act as my agent before the Board of Adjustment."

Witness my hand this day, of Feb. 12 2021

☒ Special Exceptions ☐ Variance ☐ Appeal

What is the specific nature of the request?

To allow Randy Shifflett to run his Airless Sates & Services shop @ our house. He repairs the small airless paint sprayers that painters use. Picking up sprayers from customers & bringing them to the detached garage to work on.

Project Address: 1357 Ruswood Dr. Abilene, Tx No. of lots: 1 Acreage: _____

Legal Description (Use attachment if necessary): RAEFORD HILLS SEC 10, BLOCK D, LOT 8

Current Zoning: RS-6

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: Tami Shifflett Date: 2-12-2021

FOR OFFICE USE ONLY

Received: 02/22/2021 Fee: \$ 400.00 Receipt No.: N/A MY60V
Case No.: BA-2021-03 Reviewed By: NW



Planning and Zoning

with Web AppBuilder for ArcGIS



20ft

32.458 -99.700 Degree

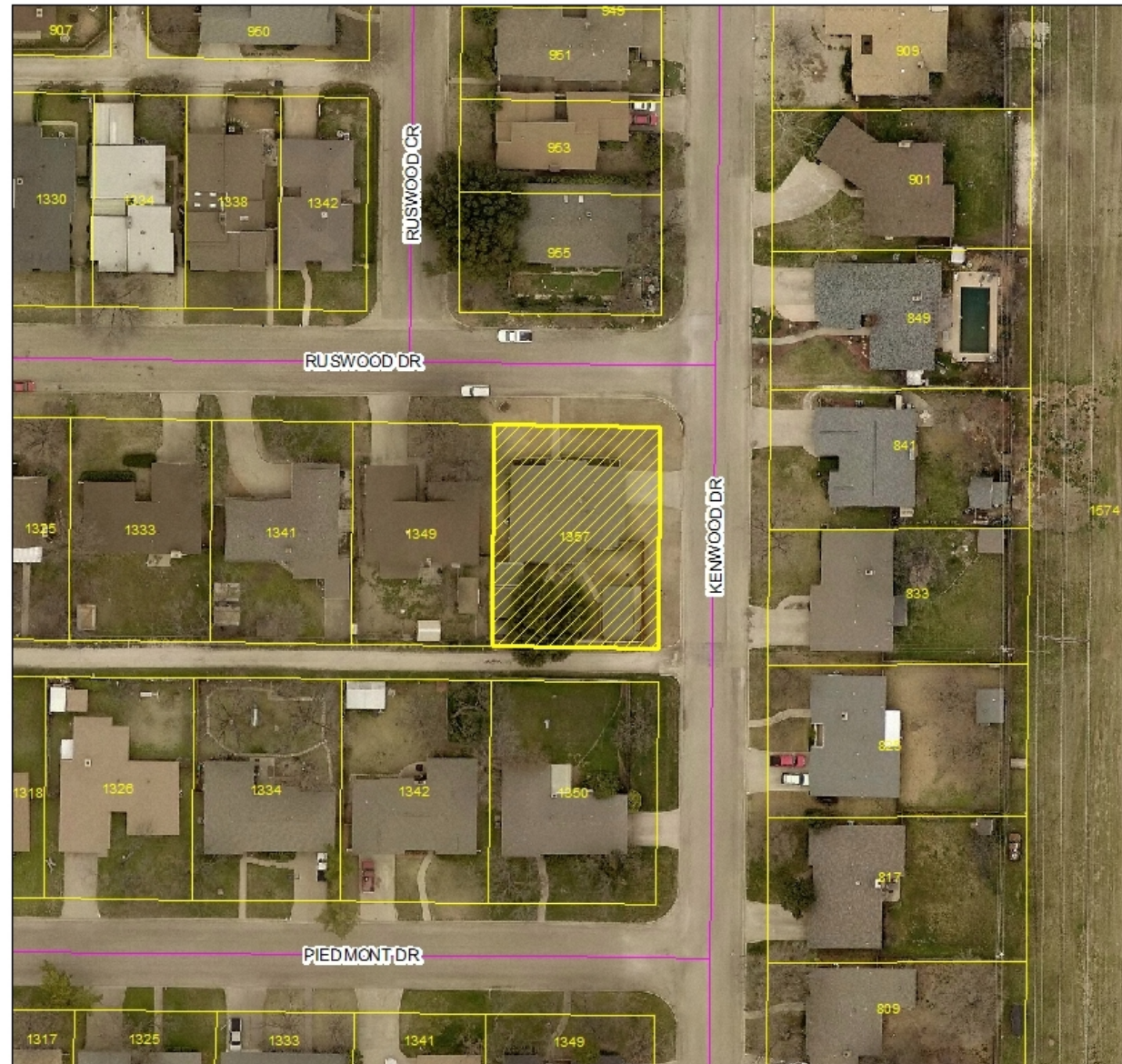
All Rights Reserved

SPECIAL EXCEPTION REQUEST

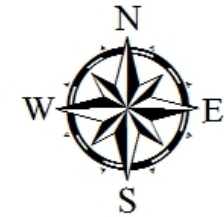
Case: BA-2021-03
Owner: Randy and Tammy Shifflett
Request: Special Exception to permit a Home Occupation in an Accessory Structure (Airless Paint Sprayer Sales and Services shop)
Location: 1357 Ruswood Dr.
Notification: 0 in Favor, 1 Opposed
Board of Adjustment: April 13, 2021



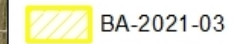
BA-2021-03 AERIAL LOCATION MAP



Location Map



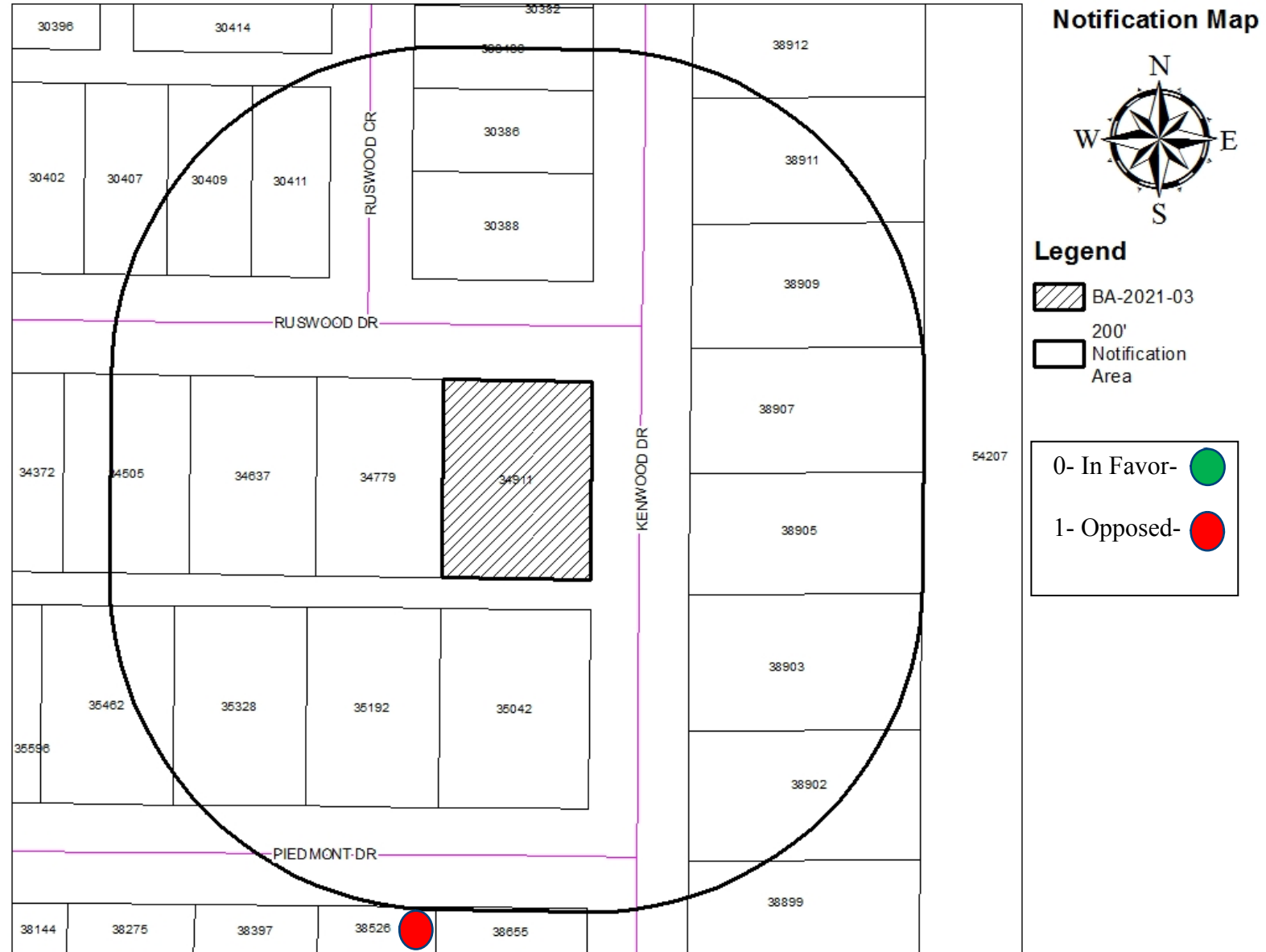
Legend



BA-2021-03 ZONING MAP



BA-2021-03 NOTIFICATION AREA MAP



BA-2021-03 VIEWS OF SUBJECT PROPERTY

South view of Subject Property



Southwest view of Subject Property



Aerial View indicating Accessory Buildings



Northwest View of Subject Property



Section 1.4.4.1 (e) Criteria for Approval

- 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.
- 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.
- 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



Questions?

