



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 May 11, 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:** A request from owners BR 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 15 in Section 2 of Cordova Place, neighborhood to the City of Abilene, Taylor County, Texas.
3. **BA-2021-06:** A request from owners Chris & Sarah Proctor for a request of an approval of a **2 foot variance** from the minimum 5 foot accessory building side setback for a proposed 12 foot in height building to be located in the rear of the property. Legal description being Lot 13 in Block R of the Fairways Subdivision.

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 7th day of May, 2021, at 3:35 p.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-2021-05 STAFF REPORT



Scheduled Hearing

Board of Adjustment: May 11, 2021

Applicant

BR Forest Enterprises, LLC

Request

Special Exception to alter the front garage setback of a residence in a Medium Density (MD) District by less than 10 percent.

Location

2842 and 2844 Melissa Ln. Legal description being Lot 15 in Section 2 of Cordova Place, neighborhood to the City of Abilene, Taylor County, Texas.

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, the properties to the north, east, and west are zoned Medium Density (MD). Adjacent zoning to the south is Agricultural Open Space (AO).

Background

In most cases, altering a residential setback requires a variance. However, when the requested setback is 10% or less of the minimum requirement, the applicant may seek a special exception pursuant to Section 1.4.4.1 (d)(4) of the Land Development Code.

Cordova Place Section 2 subdivision was formally platted in December 2016, and lot 15 is currently undeveloped. The proposed site plan for this lot exhibits that the northwest corner of the garage will encroach into the front garage setback by 9-inches, spanning a total distance of 3.5-feet east to west. The remainder of the proposed structure will comply with front-building setbacks.

According to information provided within the application, this lot is situated at the edge of a cul-de-sac which creates a "notch" at the front, northwest corner, which "pushes" the 25-foot front garage setback deeper into the north side of the lot than it would normally be. Additionally, there is a 40-foot easement in the rear of the property, which reduces the buildable area. The minimum rear setback within a MD district is 20-feet.

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.**

It is the opinion of staff that this request is of negligible effect to adjacent properties.

- (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 structural encroachment will place no undue burden on public facilities.

- (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 in harmony with the general purpose and intent of this ordinance.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 30, 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.

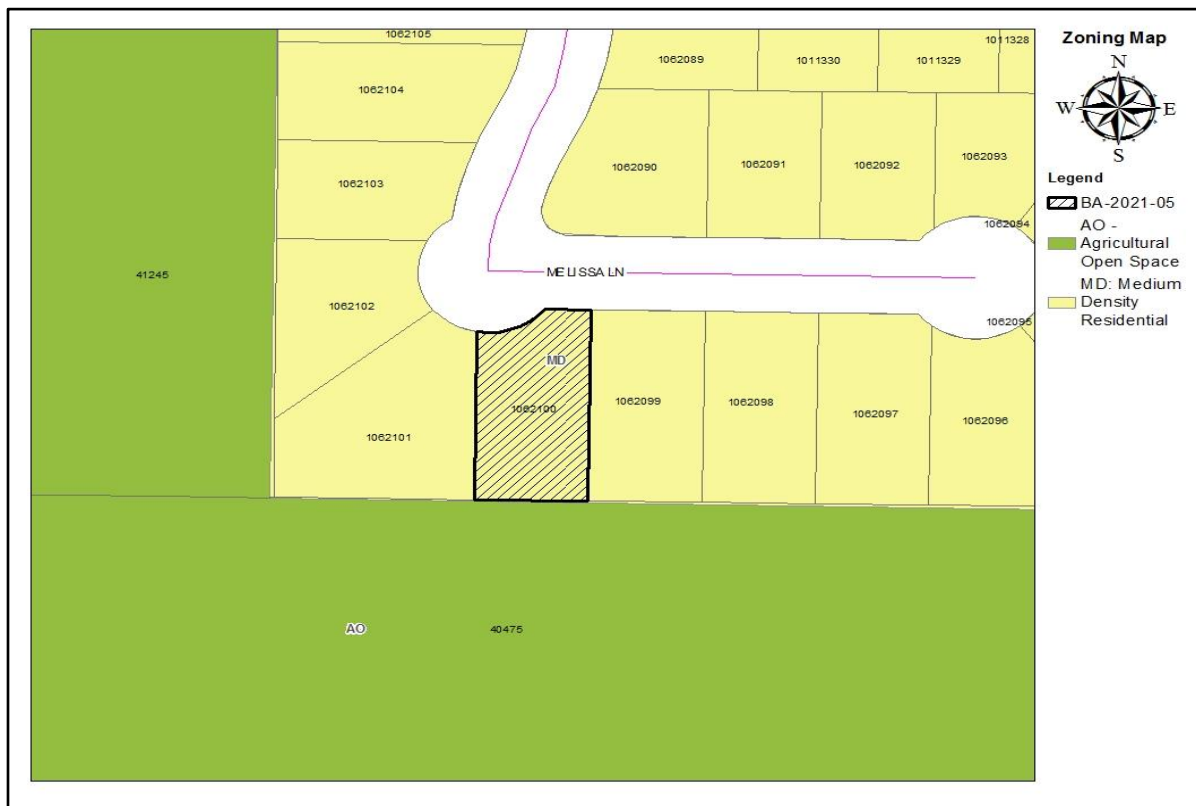
TABLE 1

Owner	Property ID	Response
B R FOREST ENTERPRISES LLC	1062097	
B R FOREST ENTERPRISES LLC	1062098	
B R FOREST ENTERPRISES LLC	1062101	
B R FOREST ENTERPRISES LLC	1062099	
B R FOREST ENTERPRISES LLC	1062100	
B R FOREST ENTERPRISES LLC	1062102	
B R FOREST ENTERPRISES LLC	1062103	
B R FOREST ENTERPRISES LLC	1062091	
B R FOREST ENTERPRISES LLC	1062090	
B R FOREST ENTERPRISES LLC	1062092	
B R FOREST ENTERPRISES LLC	1062089	
B R FOREST ENTERPRISES LLC	1062104	
CLARK JAMES RONALD & YONG	41245	
LEGACY FUNERAL HOLDINGS LLC	40475	

LOCATION MAP

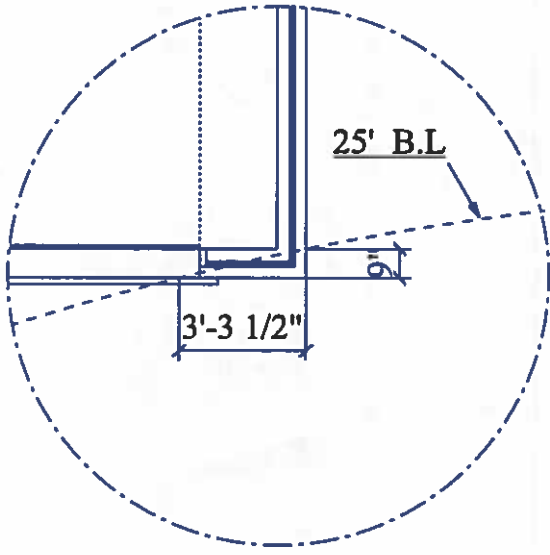
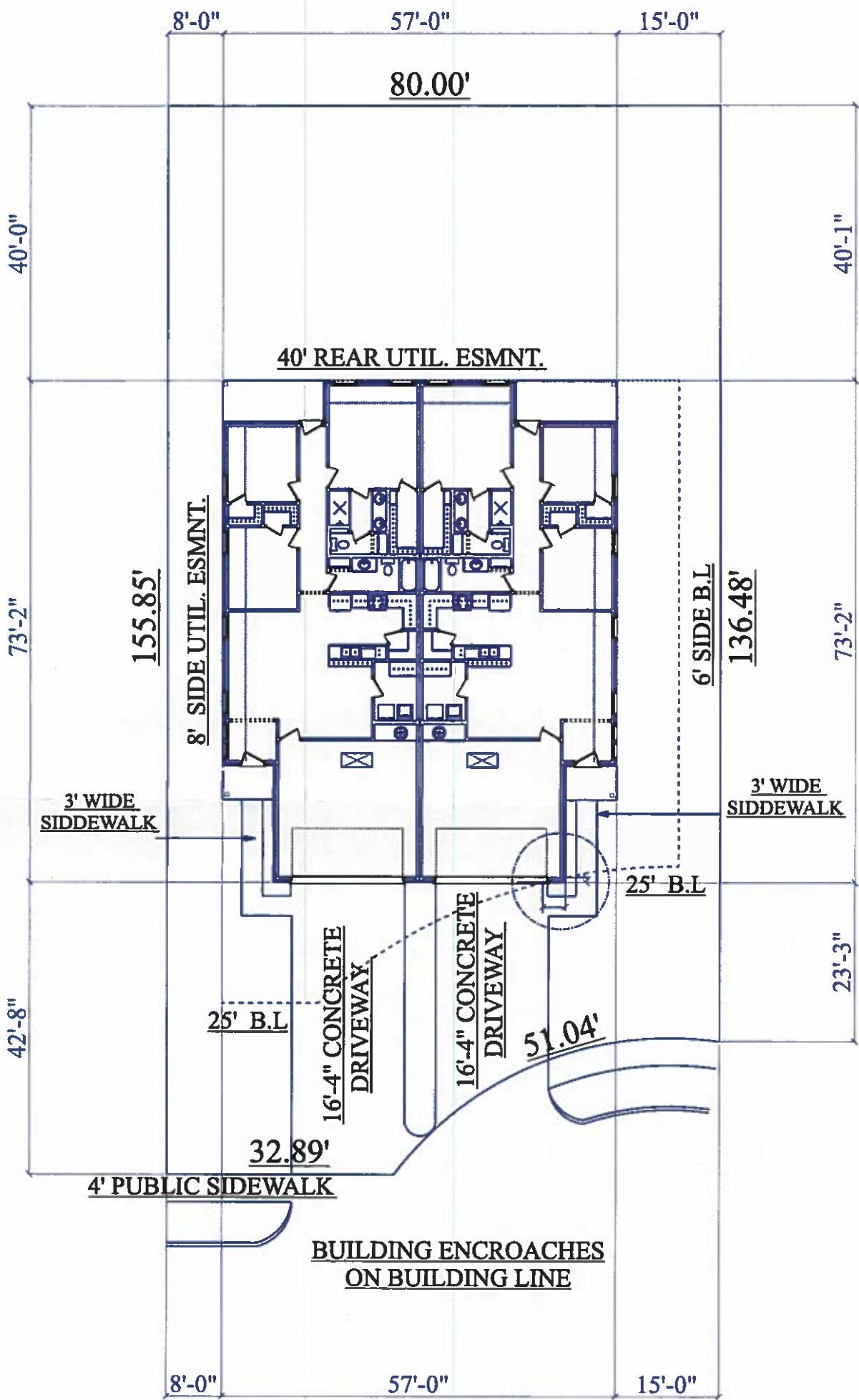


ZONING AND EXISTING LAND USE MAP





LOT 15 BLOCK A
ABILENE, TX
TAYLOR COUNTY, TEXAS



SITE PLAN
SCALE: 1" = 20'-0"

2842 & 2844 MELISSA LN.



130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972) 935-9710
WWW.PLAN-MASTER.COM



APRIL 8th, 2021
A NEW MULTI-FAMILY HOME
TO BE LOCATED @
2842 & 2844 MELISSA LANE
LOT 15 BLOCK A
ABILENE, TEXAS
TAYLOR COUNTY, TEXAS

**BR FOREST
ENTERPRISES**
(972) 672-2615



OWNER AND/ OR AGENT AUTHORIZATIONOwner Name: B R Forest Enterprises, LLCAddress: 3632 Encanto DrCity, State, Zip: Fort Worth, Texas, 76109

Fax: _____

Phone: 817-235-4758Email: stephentmoodycpa@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) Stephen Moody will act as my agent before the Board of Adjustment."

Witness my hand this day, of April 9th 2021

Special Exceptions



Variance



Appeal

What is the specific nature of the request?

A small corner of the foundation footprint encroaches on the 25' front setback. The encroachment forms a small triangle with a base of 3' 3.5" and a height of 9".

This creates a total area of encroachment of less than 2.5 sq ft on the front, northwest corner of the front setback. B R Forest is requesting a special exception allowing the minor encroachment on the 25' front setback.

Project Address: 2842 & 2844 Melissa Ln, Abilene, TX 79606No. of lots: 1Acreage: 0.27Legal Description (Use attachment if necessary): Cordova Place Sec 2, Block A Lot 15Current Zoning: MD

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: Stephen Moody, PartnerDate: April 9, 2021**FOR OFFICE USE ONLY**Received: 4/9/2021Fee: \$ 400.00Receipt No.: 0002095684

Case No.: _____

Reviewed By: NW

Variance

Please answer these questions in order to assist Staff with the processing of your Special Exception or Variance request. Please use additional sheet(s), if necessary. (Or provide site plan/ plot plan)

1. Fully describe the unique, special circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and the intent. (This CANNOT be solely caused by the applicant.)

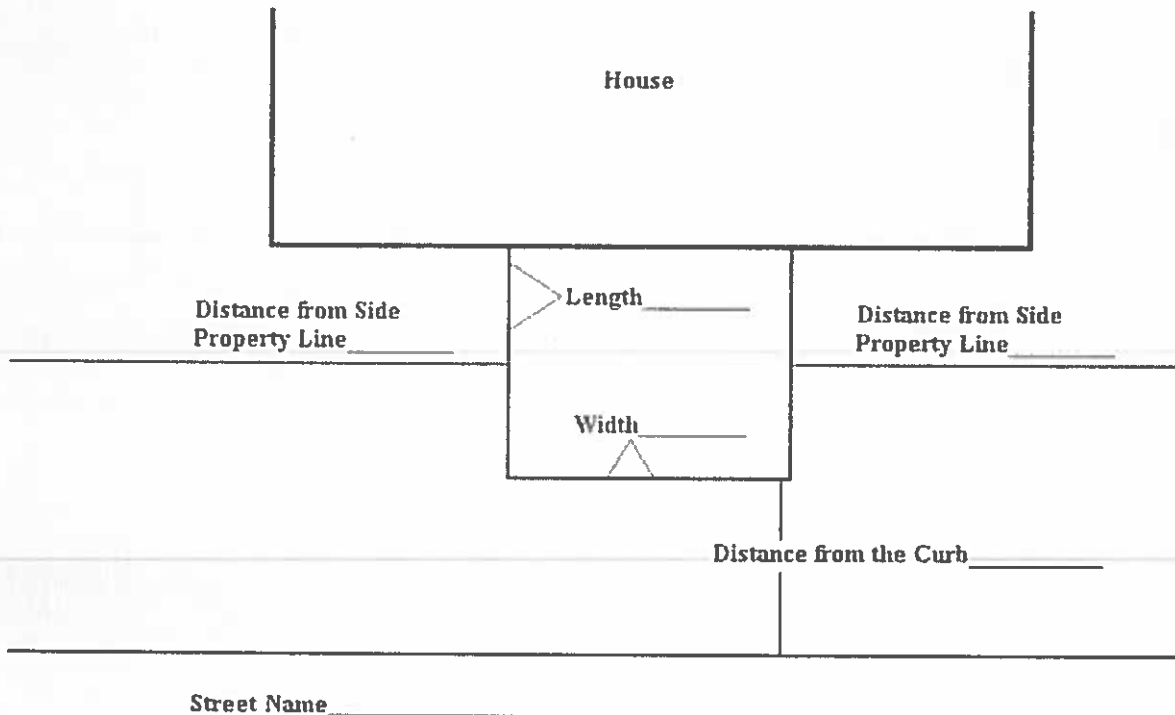
The lot is situated at the edge of a culdesac which creates a notch at the front, northwest corner which pushes the 25' front setback deeper into the north side of the lot than it would normally be if the lot was not on the culdesac. Additionally, there is a large 40' easment at the back of the lot related to a large water line. This easement overrides the normal 20' rear setback and pushes the rear setback an additional 20' toward the front of the lot. These two issues combine to cause the minor encroachment of the front setback. If either of these issue existed without the other then there would be no encroachment.

2. If this application is for a special Exception to allow a carport in the front yard setback, please fill-in the diagram below.

House building material: ☐ Brick ☐ Stone ☐ Wood ☐ Other: _____

Carport Building Material: ☐ Similar to principal structure ☐ Metal ☐ Brick ☐ Stone ☐ Wood

☐ Other _____

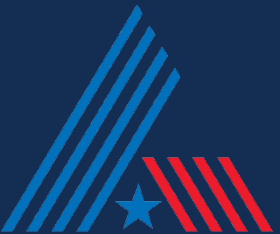




LATTER

Page 13 of 38

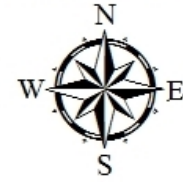
Case: BA-2021-05
Owner: B.R. Forest Enterprises, LLC
Agent: Stephen Moody
Request: Special Exception
Location: 2842 & 2844 Melissa Lane
Notification: 0 in Favor, 0 Opposed
Board of Adjustment: May 11, 2021



BA-2021-05 AERIAL LOCATION MAP



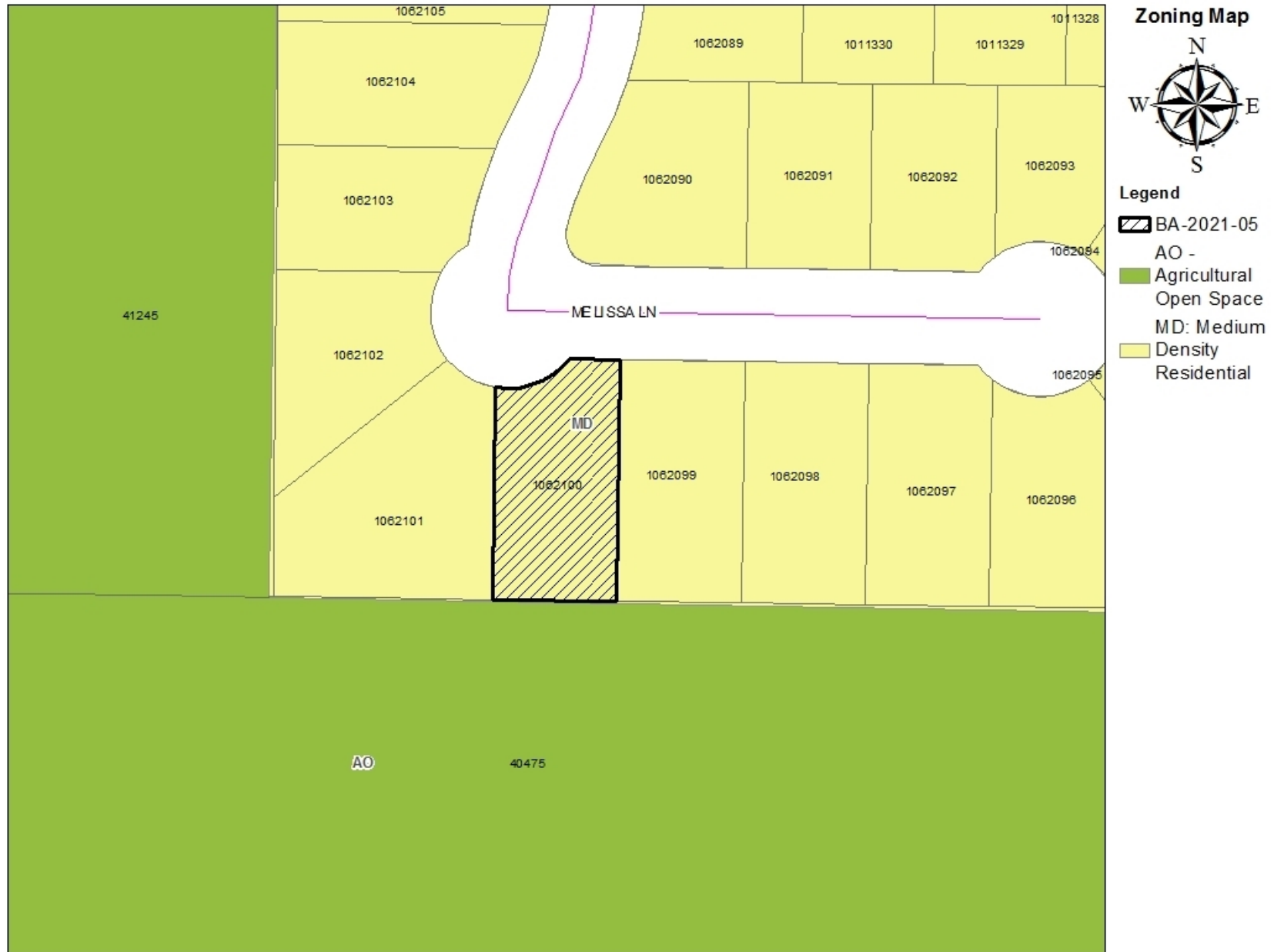
Location Map



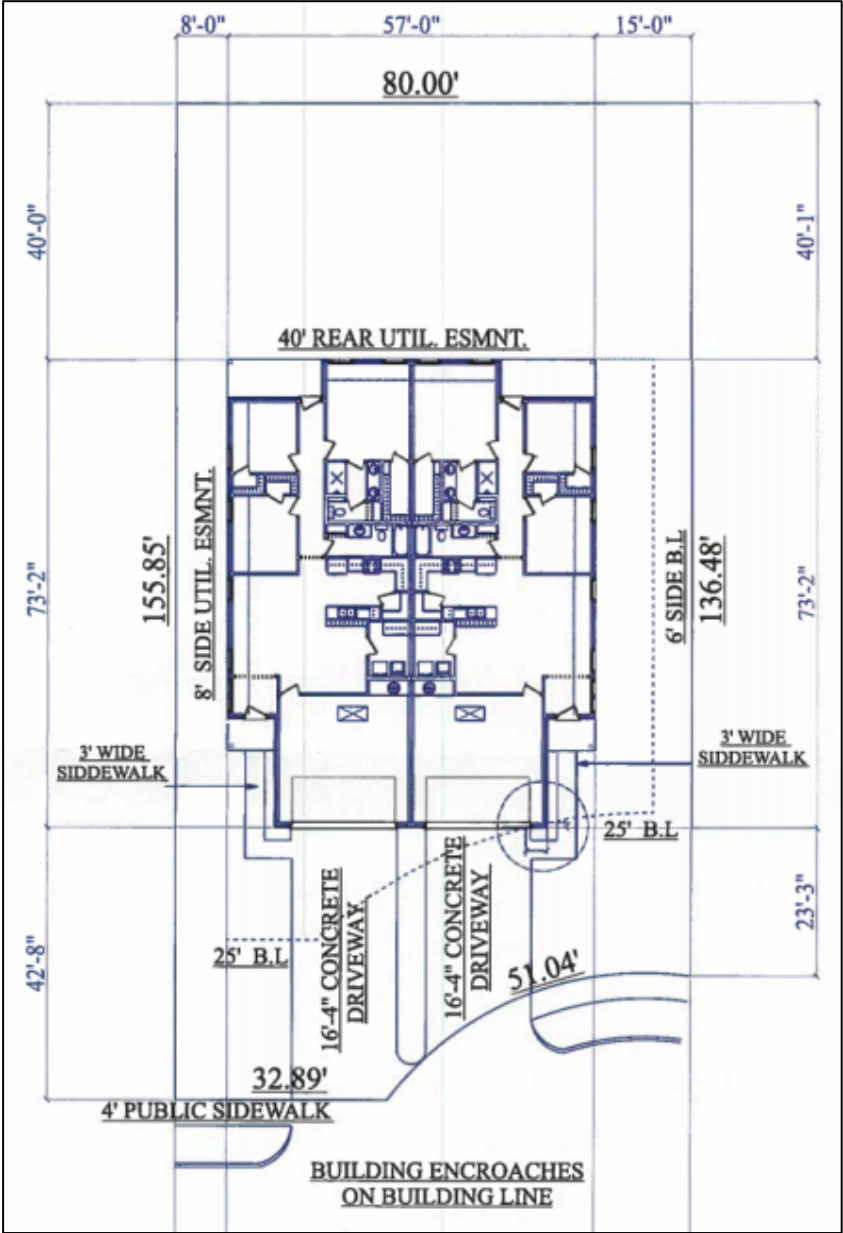
Legend

 BA-2021-05

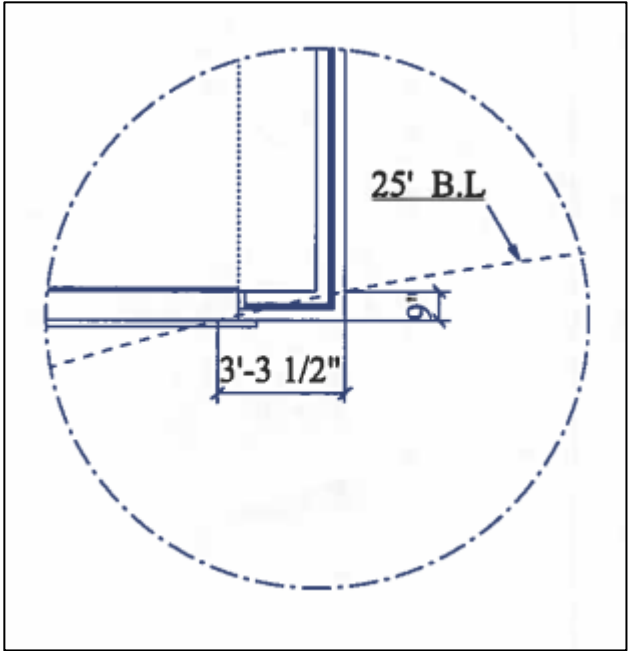
BA-2021-05 ZONING MAP







Expanded View of Garage Corner



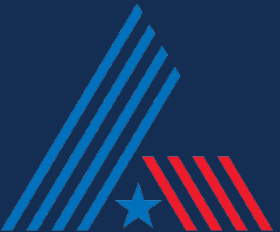
South view of Subject
Property



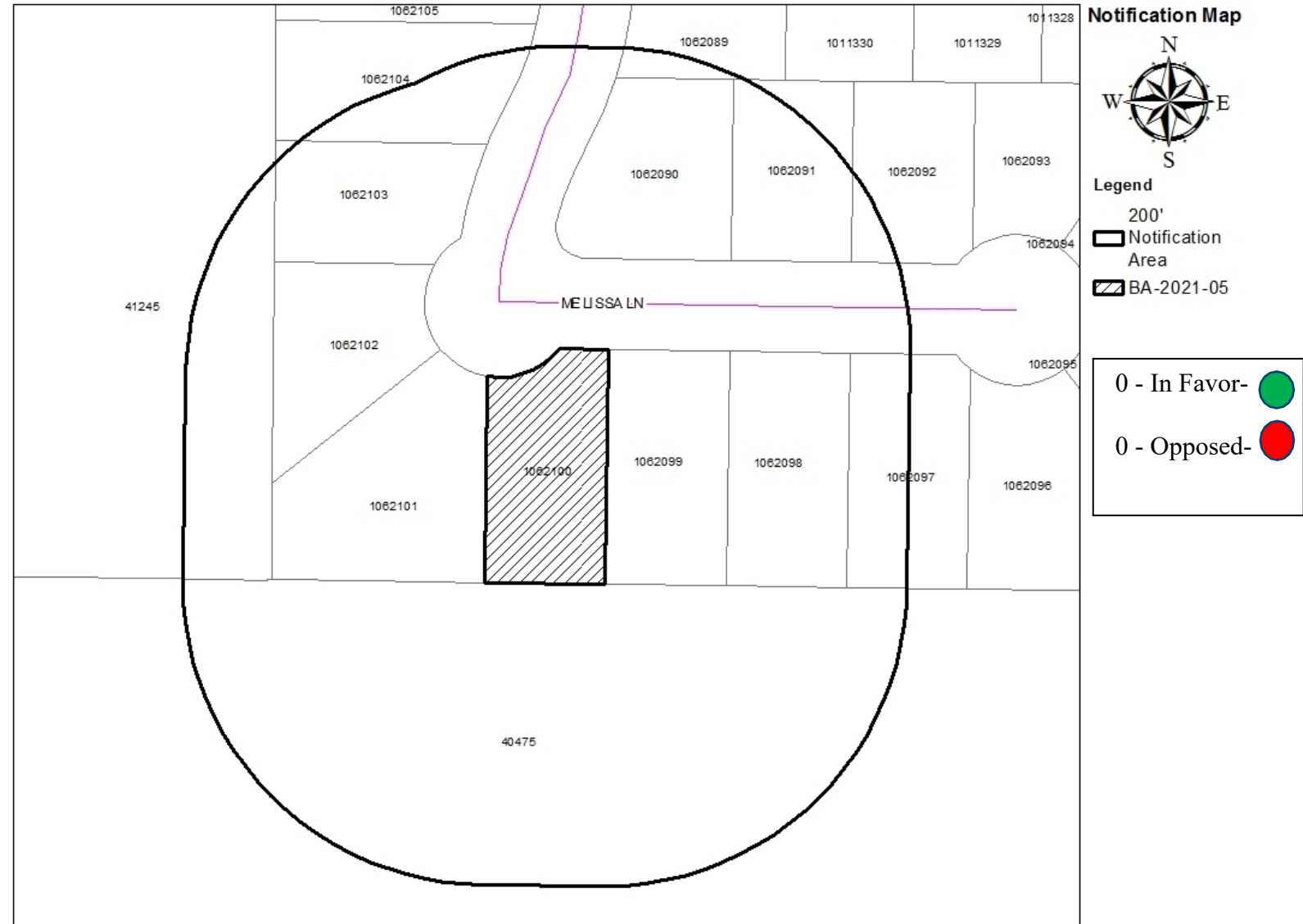
2802 & 2804 Melissa Ln.



Southwest view of 2834 &
2836 Melissa Ln.

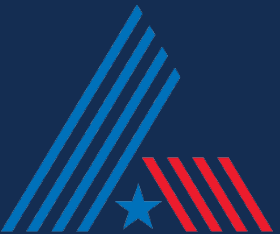


BA-2021-05 NOTIFICATION AREA MAP

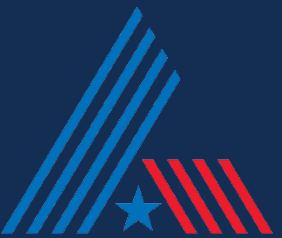


Section 1.4.4.1 (e) Criteria for Approval

- 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?



BOARD OF ADJUSTMENT

BA-2021-06

STAFF REPORT



Scheduled Hearing

Board of Adjustment: May 11, 2021

Applicants

Chris and Sarah Proctor

Request

The applicants are seeking relief in the form of a variance from Section 2.4.4.1(b)(3)(b) of the Land Development Ordinance to allow a three (3) foot side setback from the property's western boundary in lieu of the five (5) foot side setback required. The request is for a two (2) foot side setback variance that would result in a three (3) foot side setback for a proposed detached garage. A site plan is included in the application.

Location

25 Cypress Point, Lot 13, Block R in the Fairways Subdivision

Zoning and Existing Land Use

This single-family home site lies within Planned Development District Number 4 (PD4) in the Fairways subdivision. Single-family home sites in PD4 are subject to land use regulations of Residential Single-Family (RS-8) zoning districts. The subject property is bordered by other single-family home sites directly to the east, west, and across the street to the north. To the south the property backs up to the number 2 fairway of the golf course.

Land Development Code Provisions

Section 2.4.4.1(b)(3)(b) states: *Detached accessory buildings (other than open carports or patio covers) over 10 feet in height shall be set back from an interior side or rear property line, where no public alley exists, at least 1 additional foot in depth for every 1 foot in height over 10 feet.* In RS-8 zoning districts, detached enclosed accessory buildings are required to have side setbacks of at least three (3) feet from interior side property boundaries when the building is no more than 10-feet in height. The proposed garage is 12 feet in height. As a result, the minimum required side setback calculated pursuant to Section 2.4.4.1 is five (5) feet.

Criteria Assessment

A variance is used to modify application of the Land Development Code as it applies to a specific piece of property. In reaching a decision on a 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.

No information was provided in the application to demonstrate that a hardship exists and a variance is warranted. In reviewing the application, City staff found no special conditions of the site or its surroundings, by which strict application of building setback standards would create an unnecessary hardship. With their application for variance, the applicants cited four nearby circumstances of detached accessory structures built 3-feet (or less) from interior side lot boundaries. Each of these four structures are either:

- compliant with setback standards applicable to open-sided carports;
- compliant with setback standards in effect at the time of its construction, but which have since been amended;
- constructed without a permit and in violation of zoning regulations; or
- compliant with a variance authorized by the Board of Adjustment.

(See accompanying appendix for more detailed explanation of all four circumstances cited by the proponents.)

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.

No information was provided in the application to address how the granting of a variance would not be injurious to neighboring properties or detrimental to public welfare. Setback standards for enclosed accessory buildings help promote compatibility with neighboring properties by ensuring a minimum distance of yard area around the boundaries of residential lots, in direct relation to the height of building mass in this case. Granting this variance would permit encroachment of the proposed garage into the required setback area.

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

In the absence of hardships or special conditions, granting the variance would be generally inconsistent with the intent and purpose of setback requirements applicable to the type of building planned at this location.

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

No evidence of hardship was presented in the application.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on April 30, 2021 to the applicants 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	Property ID	Response
ABILENE COUNTRY CLUB INC	63768	
BAKER MORRIS	40962	
BLAIR GREGORY W & JANICE L	41480	
BRADY NATHAN & ARIN LEIGH EM	41082	
DEPRANG CLIFFORD & ROSANNA	44154	
GOLDSMITH GARY	41229	
GRIFFIN JERRY L &	12346	
HOFF JOSEPH BRUNO & JANE F	12585	
KOUBA ANDREW	41352	
LONG DERRICK & TAMARA	43979	
OVERALL RANDY & JUDY	12223	
PROCTOR CHRISTOPHER S & SA	44276	
RIPLEY JAMES STEPHEN &	44519	
SKAGGS CONNIE MAC & JERILYN	44401	
STEPHENS JOSEPH W III &	12466	
WARREN JERRY M & SHEILA R	40838	

13771 12703 12585 12466 12346 12223 12100 11974

40713 40838 40962 41082 41229 41352 41480 41608

CHIMNEY ROCK RD

CYPRESS ST

43832 43979 44154 4427 44401 44519 44646 44763

43708

83768

Zoning Map

N
W E
S

Legend

- BA-2021-06
- RS-8: Residential Single-Family
- PD: Planned Development

13771
49713
CHIMNEY ROCK RD

12703 12585 12466 RS-8 12346 12223 12100 11974

40838 40962 41082 41229 41362 41480 41608

CYPRESS ST

43832 43979 44154 44276 44401 44519 44646

PD

63768

APPENDIX

Summary of circumstances explaining presence of accessory structures located close to internal boundaries of lots nearby 25 Cypress Point

11 Cypress Point

At this location, the one and only carport appearing in recent (2020) aerial photos was permitted during 2002. Unless this building has been converted from its original construction as an open-sided carport, to a more fully-enclosed structure, it meets the minimum 3-foot setback now required of an open carport. Open-sided carports and patio covers have less-restrictive standards for setback from side lot boundaries. The leading edge of the roof on all such open structures may extend within as few as 3-feet from side lot boundaries.

21 Cypress Point

The detached accessory building at this location conforms to setback standards in effect when it was built during 1984. At that time, the leading edge of roofs on both open-sided carports and fully-enclosed accessory buildings were allowed to extend within as few as 1-foot from side and rear lot boundaries. The detached accessory building at this location appears to meet that standard.

23 Cypress Point

What is presumed to be an open-sided carport at this location appears to have been constructed without a permit, at some time during the past three years. The leading edge of roofs on open-sided carports are allowed to extend within as few as 3-feet from side lot boundaries. The roof on this particular carport appears to be set back no more than 2-feet from this lot's west side boundary, in violation of local zoning regulations.

29 Cypress Point

The open-sided carport at 29 Cypress Point was initially constructed without a permit and in violation of zoning regulations. The leading edge of this carport roof extends all the way to this property's east side boundary. After City staff responded to this violation, the property owners did successfully seek approval of a variance from the Board of Adjustment, legitimizing this carport already built to the site's east side lot boundary.

OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Chris and Sarah Proctor

Address: 25 Cypress Point St.

City, State, Zip: Abilene, TX 79606 Fax: _____

Phone: 325.829.2863 Email: csp62098@me.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) _____ will act as my agent before the Board of Adjustment."

Witness my hand this day, of _____ 20____

☐ Special Exceptions ☒ Variance ☐ Appeal

What is the specific nature of the request?

We would like to build a detached garage that is 12
feet tall and matches the esthetic of our house and the
rest of our neighborhood. See attached letter.

Project Address: _____ No. of lots: _____ Acreage: _____

Legal Description (Use attachment if necessary): _____

Current Zoning: _____

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: _____

Received: _____ Fee: \$ _____ Receipt No.: _____

Case No.: _____ Reviewed By: _____

Variance

Please answer these questions in order to assist Staff with the processing of your Special Exception or Variance request. Please use additional sheet(s), if necessary. (Or provide site plan/plot plan)

1. Fully describe the unique, special circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and the Intent. (This CANNOT be solely caused by the applicant.)

The current city regulations will not allow us to build the garage we would like. Many of our neighbors have garages similar to what we would like to build. We are asking for a variance so we can build a functional garage that matches the style of our home.

2. If this application is for a special Exception to allow a carport in the front yard setback, please fill-in the diagram below.

House building material: ☐ Brick ☐ Stone ☐ Wood ☐ Other: _____

Carport Building Material: ☐ Similar to principal structure ☐ Metal ☐ Brick ☐ Stone ☐ Wood

☐ Other _____

The diagram illustrates the layout of a house and a carport relative to property lines and the street. A large rectangle at the top is labeled "House". Below it, a smaller rectangle represents the carport. The carport's "Length" is indicated by a horizontal dimension line, and its "Width" is indicated by a vertical dimension line. To the left of the carport, a horizontal line with an arrow points to the "Distance from Side Property Line". To the right of the carport, a horizontal line with an arrow points to the "Distance from Side Property Line". Below the carport, a vertical line with an arrow points to the "Distance from the Curb". At the bottom, a horizontal line is labeled "Street Name".

To the Board of Adjustments,

We recently moved to Fairway Oaks to be closer to my husband's new dental practice on Antilley. We love our new street. We love our new neighborhood. We want our property to look just as nice as the properties surrounding it. In keeping with the aesthetic of our neighborhood and our home, we are wanting to build a detached two car garage with a peak of twelve feet that is less than three feet from our property line. There are existing detached structures on multiple homes throughout Fairway Oaks with a twelve foot (or even taller) peak that are less than three feet from the property line. I am submitting pictures of a small sampling of them. One of them is currently under construction and two have been built with the past eighteen months. Due to how our home sits on our property we are asking for a variance so that we may build like so many others have done in our neighborhood.

We have three teenage sons who will soon be driving. The proposed two garage will help keep our home from looking like a parking lot and keep our street neat. It will also not block our neighbor's view (on either side) of the golf course where we are proposing to build.

We, along with our contractor, have put much thought into the best way to add this garage, and building closer than three feet to our property line really is the most feasible solution. A peak of less than twelve feet will not look right with our home or the homes in our area. Please consider our variance request.

Thank you,
Sarah Proctor

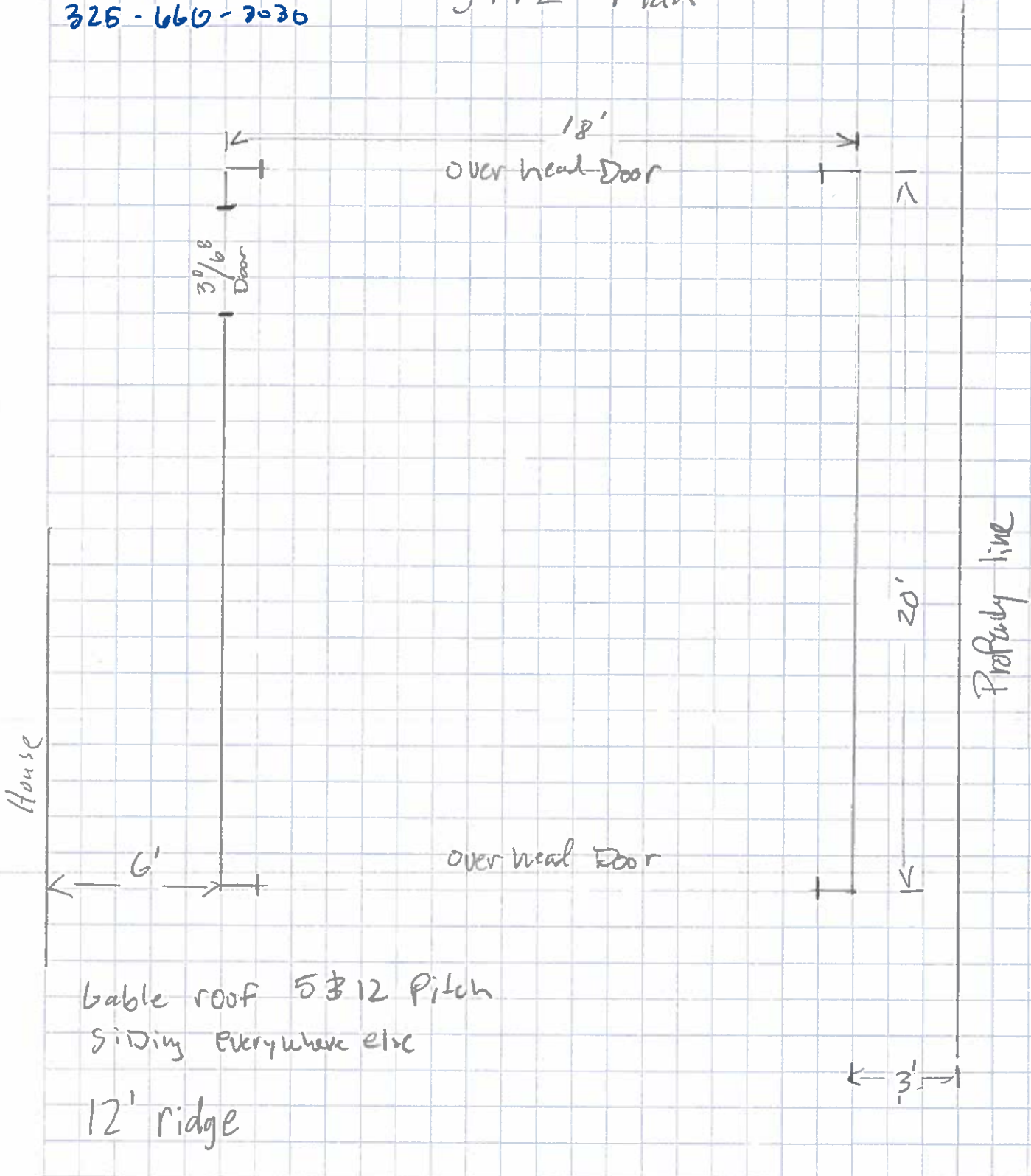


Heighten Construction

Boyd Heighten
325-660-7030

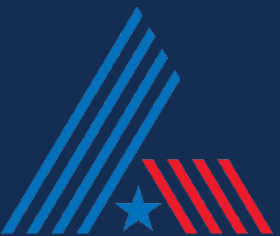
25 Cypress Point
Arlene, Tx 79606

SITE Plan



Where others have their branches, we have our roots.

Case: BA-2021-06
Owner: Chris & Sarah Proctor
Request: 2-foot variance from the minimum 5-foot setback
for an accessory building located in the rear of the
property
Location: 25 Cypress Point
Notification: 0 in Favor, 1 Opposed
Board of Adjustment: May 11, 2021



BA-2021-06 AERIAL LOCATION MAP



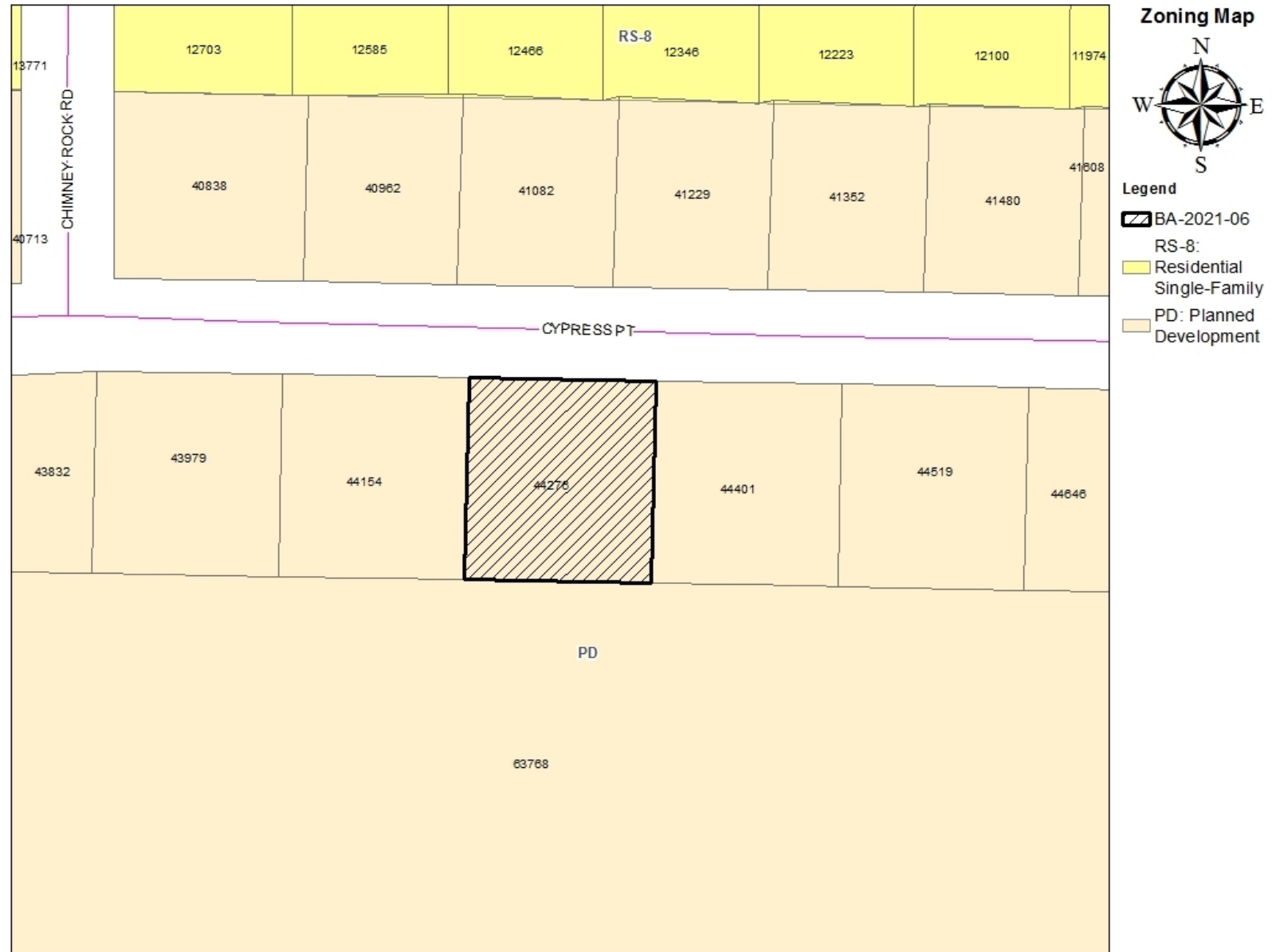
Location Map



Legend

 BA-2021-06

BA-2021-06 ZONING MAP



South view of 25 Cypress Point



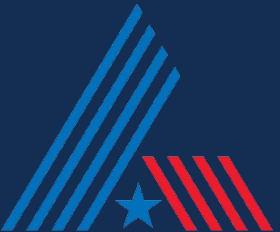
South view of 23 Cypress Point
Carport



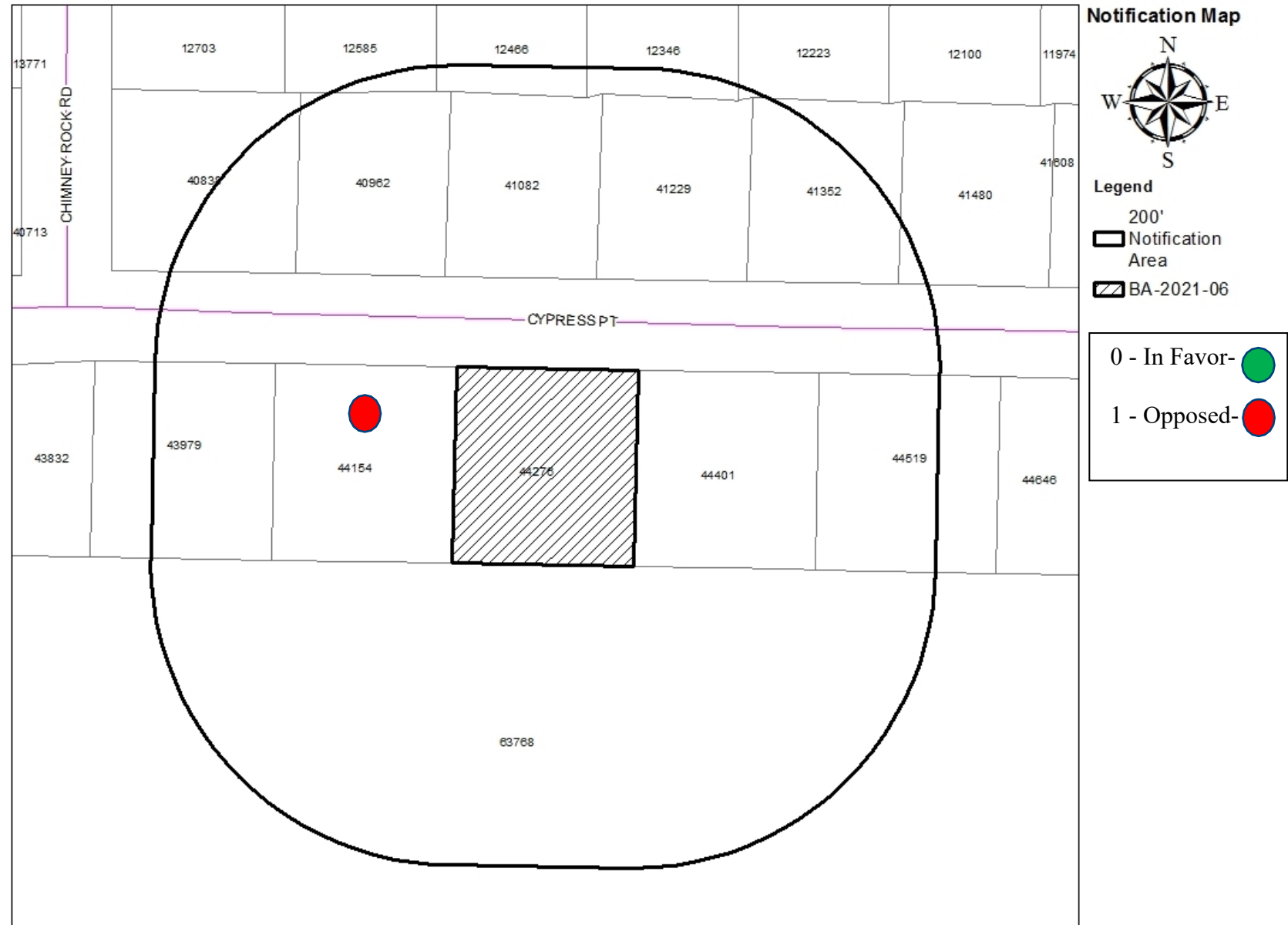
West side of 25 Cypress Point



South view of 23 Cypress Point
Carport



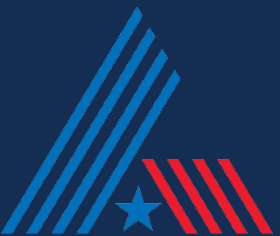
BA-2021-06 NOTIFICATION AREA MAP



Section 1.4.4.2 (d) Criteria for Approval

(d) Criteria for Approval. A variance is used to modify the application of this Ordinance as it applies to a specific piece of property which, because of peculiar circumstances applicable only to the property, prevent its being used on the same basis as other property in the same zoning district. In reaching a decision on the variance application, 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 feature affecting the land such that the strict application of the provisions of this Code to the proposed use would create an undue hardship or inequity (other than financial) upon or for the applicant in developing the land or deprive the applicant of the reasonable and beneficial use of the land;
- (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;
- (3) Granting the variance is consistent with spirit and intent of this LDC and is in harmony herewith.
- (4) The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner



Questions?

