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 July 13, 2021 at 8:30 a.m. 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, discussion, public hearing, and action on approval of the Minutes from the Regular Meeting Held on May 11, 2021

AGENDA ITEMS

2. **BA-2021-07:** Receive a report, public hearing, discussion and action on a request for a Special Exception to allow the expansion of a nonconforming use at Lake Breeze Trailer Park, located at 902 East South 11th Street, Abilene, Texas ***(Brad Stone)***

3. **BA-2021-08**: Receive a report, public hearing, discussion and action on a request for a 3-foot 2-inch variance from the minimum 6-foot side building setback required in an RS-6 zoning district, located at 326 Shelton Street, being Lot 18 Block 1 of the Oakwood Addition, Abilene, Texas. ***(Brad Stone)***

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 July, 2021, at 3:30 p.m.

Kaitlin Richardson, Deputy City Secretary

CITY OF ABILENE

BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
May 11, 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 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 Tim Littlejohn, Assistant Director Ms. Kelley Messer, First Assistant City Attorney Haley Napier, Attorney I Ms. Cheryl Sawyers, Planning Services Manager Mr. Brad Stone, Planner III Ms. Melissa Farr, Executive Assistant
Others Present:	Mr. Stephen Moody Mr. Chris Proctor Ms. Sarah Proctor

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

Colonel Langholtz made the motion to **approve** the minutes of the previous meeting, which was held on March 9, 2021. Mr. Loudermilk seconded the motion. The vote to **approve** minutes was carried by five (5) with none in opposition.

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

AGENDA ITEMS

BA-2021-05: 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.

Ms. Cheryl Sawyers presented this request. 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.

Mr. Hay opened the public hearing. Mr. Stephen Moody spoke in favor of this request. He also spoke in a similar issue at the meeting in November for a lot across the cul-de-sac. The responses received in favor were from BR Forest Enterprises, LLC, other than one neighbor. 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. Twelve (12) responses were received in favor with none (0) in opposition.

Colonel Langholtz moved to **approve** this request based upon the findings in the staff report and the nature of the lot in the cul-de-sac. Mr. Loudermilk seconded the motion. The motion to **approve** this Special Exception prevailed by the following vote:

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

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.

Mr. Brad Stone presented this 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.

Mr. Hay opened the public hearing. Mr. and Mrs. Proctor, the applicants, spoke in favor of this request. They are asking for the additional two feet in height simply for aesthetics and consistency within the neighborhood. 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. Two (2) responses were received in favor with one (1) in opposition.

Discussing among the Commission included: Homeowner's Association would be more restrictive than the City, Uniqueness to the golf course, Concern for the neighbor in opposition, and the tree as a special circumstance.

Colonel Langholtz moved to **approve** this request based upon the uniqueness of the location and the fact that it backs against the golf course. Mr. Loudermilk seconded the motion. The motion to **approve** this Variance request prevailed by the following vote:

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

ADJOURNMENT

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

Approved: _____, Chair

BOARD OF ADJUSTMENT
BA-2021-07
STAFF REPORT

Scheduled Hearing
Board of Adjustment: July 13, 2021

Applicant
Owner: Tommy Hendrix

Request
The applicant is seeking approval of a special exception allowing expansion of a nonconforming use, specifically by increasing the number of spaces available for habitation of recreational vehicles at Lake Breeze Trailer Park.

Location
Lake Breeze Trailer Park is located at 902 East South 11th Street, on a 3.688-acre tract situated between intersections with T&P Lane and South Judge Ely Boulevard in east central Abilene.

Zoning and Existing Land Use
Land occupied by Lake Breeze Trailer Park is split between Agricultural Open Space (AO) zoning on the east 130 feet of this property, and Manufactured Housing or MH zoning, on the remaining west part of this property. This zoning arrangement has existed since at least 1974, when Abilene's current zoning map was initially adopted.

Lake Breeze Trailer Park and other such recreational vehicle parks are not automatically allowed in either AO or MH zoning districts. However, for at least 60 years, Lake Breeze Trail Park has existed at this location. Twenty-seven (27) spaces for recreational vehicles have long been available here, arranged in a U-shape around a grass-covered courtyard.

This use of land is considered legally nonconforming because recreational vehicle parks are not automatically allowed by this site's existing zoning. Lake Breeze Trailer Park is considered legal, because it existed before the present zoning map and regulations prohibited such recreational vehicle parks.

Proposed Use
The owner of this property now seeks to expand the intensity of use at Lake Breeze Trailer Park, by converting the grass-covered courtyard into "pull-through" spaces for placement of nine additional recreational vehicles. The accompanying plan provided by the applicant is contained in this report.

Land Development Code Provisions
The intensification of a legally nonconforming use is not allowed by the Land Development Code without the Board of Adjustment's approval of a special exception. Section 1.4.4.1 of the Land Development Code concerns Board of Adjustment Procedures for Special Exceptions. Paragraph (d)(9) states the Board of Adjustment may grant special exceptions to allow "*expansion of an existing*

nonconforming use that is not in compliance with the Future Land Use and Development Plan map and/or zoning district, when the Board of Adjustment determines this special exception will not adversely impact water, wastewater, drainage and street transportation systems, and is in accord with all City Codes and applicable Comprehensive Plan policies, including those pertaining specifically to land use compatibility."

Criteria Assessment
In reaching a decision on this requested special exception, the Board of Adjustment must make a finding on each of the following questions of concern about expanding a legally nonconforming use.

1. **Will the expanded use adversely impact water, wastewater, storm water drainage and street transportation systems?**
   Lake Breeze Trailer Park is solely accessible to and from E.S. 11th Street, a fully-improved arterial with two lanes for traffic flow in each direction and a continuous left-turn lane. Adding nine new spaces to this recreational vehicle (trailer) park should have no detrimental impact on traffic movement systems, especially at a local level.

   This recreational vehicle park is supplied by a 12-inch water main and is served by an 8-inch sewer main, both of which are located in adjoining right-of-way for E.S. 11th Street. Abilene Water Utilities has expressed no concern about service capacity, resulting from proposed intensification of use at Lake Breeze Trailer Park. However, water utilities does recommend that water service to this park be "*brought up to code with installation of a backflow prevention device located immediately downstream of the water meter*" at the expense of the park's owner.

   Adding nine new spaces to Lake Breeze Trailer Park is expected to increase impermeable surface (gravel) area on this site, by less than 10,000 square feet. This is less than one half the amount necessary to trigger preparation of a drainage plan for storm water mitigation. No portion of this subject property lies within the 100-year Flood Hazard Area.

2. **Is the expanded use in accord with all City Codes and applicable Comprehensive Plan policies, including those pertaining specifically to land use compatibility?**
   The vicinity surrounding this site has a mix of uses including some mobile homes, single-family dwellings on relatively large lots, and apartment buildings. Adding nine new spaces to Lake Breeze Trailer Park should, by itself, pose no threat to the integrity of nearby use.

   Abilene's Fire Marshal also notes that fire lane access to all existing and proposed RV spaces will remain at least 30 feet wide and in compliance with Fire Code requirements. This access lane is proposed to be made of crushed base material, not pavement. But City of Abilene standards for recreational vehicle parks do not require pavement of internal access drives.

Criteria for Approval
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 request 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.

Recommendation
In approving any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Land Development Code. Violating such conditions and safeguards, when made part of the term[s] under which the special exception is granted, shall be deemed a violation of the Land Development Code.

If the Board of Adjustment is inclined to approve this requested special exception, Board members may consider imposing the following conditions:

- installing a backflow prevention device located immediately downstream of the water meter, at the expense of the park's owner

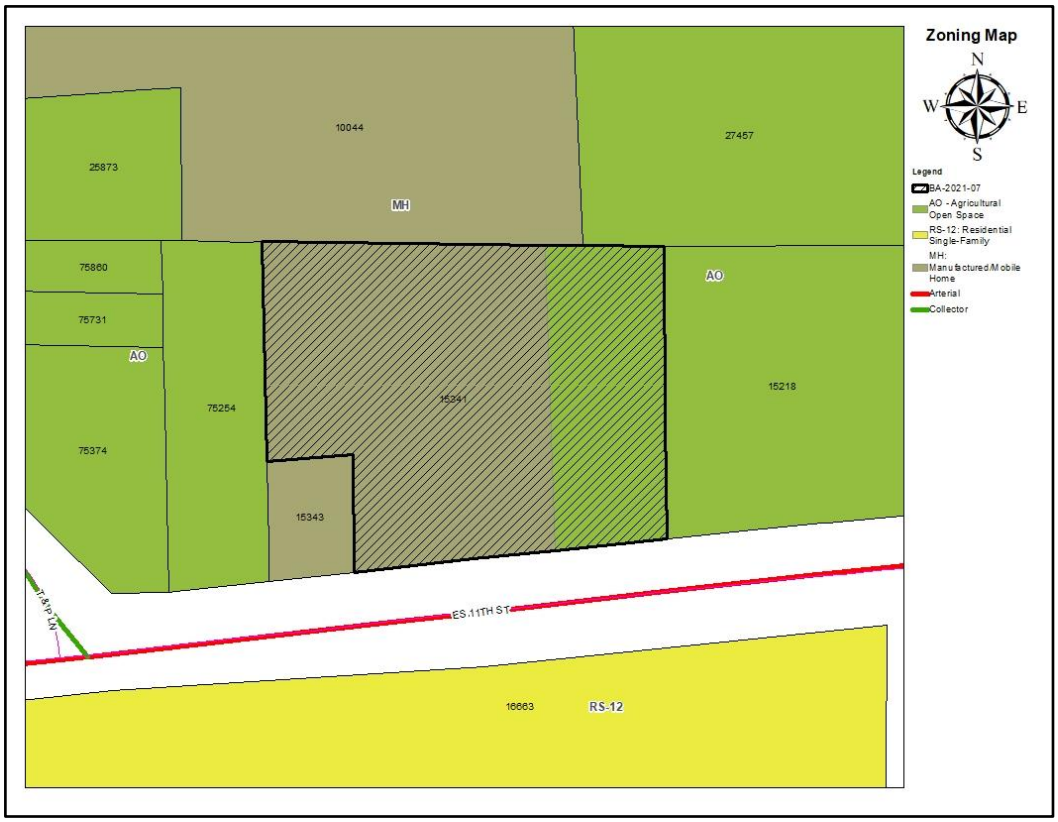
Notification
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on July 2, 2021 to the applicant and other owners of property within a 200-foot radius of this subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

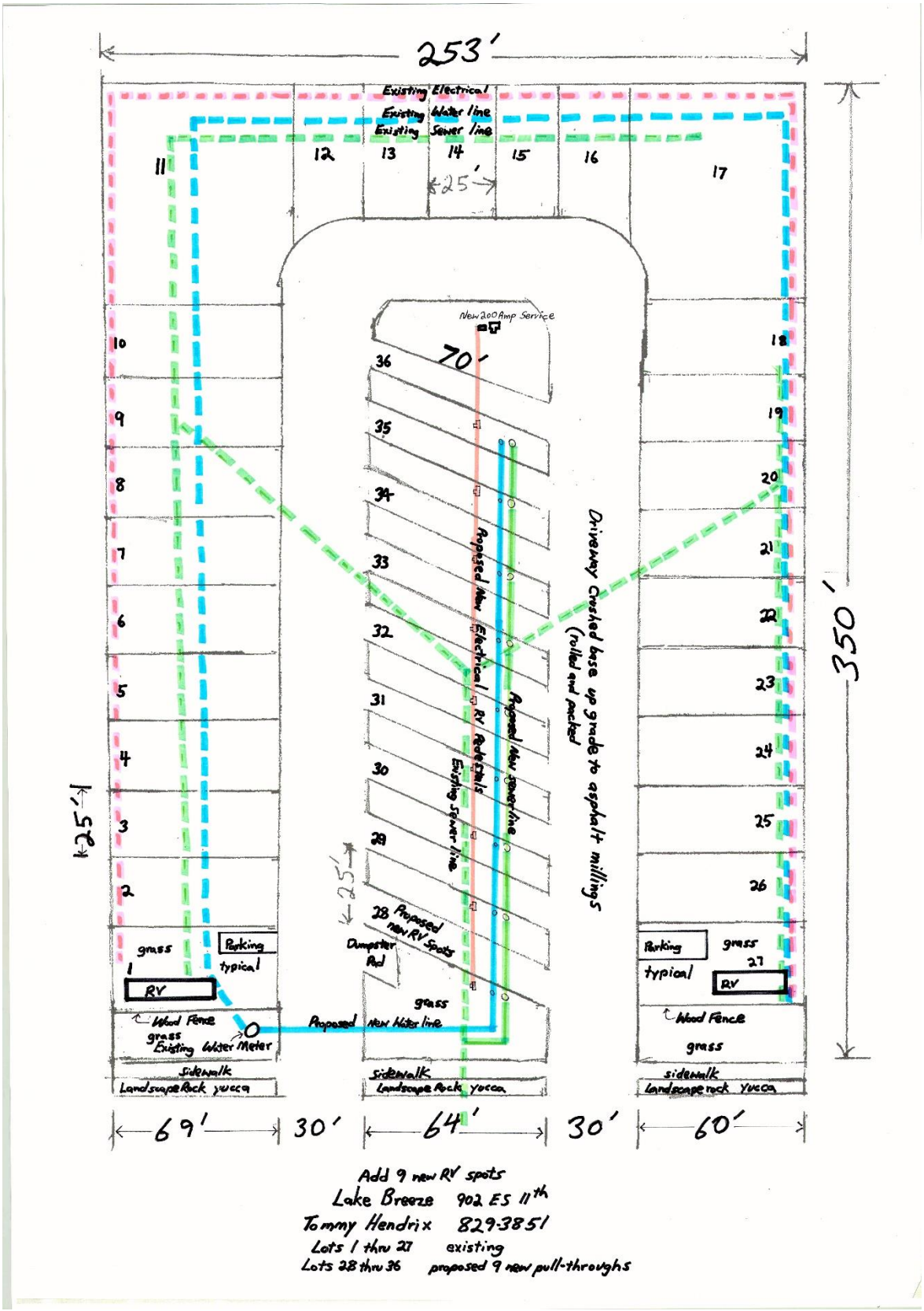
Owner	Situs	Response
DAVIS MARY KAY	1065 T & P LN	
HAWKINS YISRAYL	810 ES 11TH ST	
HENDRIX TOMMY D	826 ES 11TH ST	
HENDRIX TOMMY D	902 ES 11TH ST	
HENDRIX TOMMY D	818 ES 11TH ST	
HOUSE OF YAHWEH		
HOUSE OF YAHWEH	802 ES 11TH ST	
HOUSE OF YAHWEH	1025 T & P LN	
LEE RYAN WADE	1049 T & P LN	
LYTLE LAKE WATER DISTRICT	1301 OLDHAM LN	
LYTLE LAKE WATER DISTRICT	1505 OLDHAM LN	
MACKEY JACQUELINE ANN	926 ES 11TH ST	
MANGUM DEE & DAVID	1073 T & P LN	

LOCATION MAP

ZONING AND EXISTING LAND USE MAP



SITE EXHIBIT



Add 9 new RV spots
Lake Breeze 902 ES 11th
Tommy Hendrix 829-3851
Lots 1 thru 27 existing
Lots 28 thru 36 proposed 9 new pull-throughs

OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Tommy Hendrix

Address: 13484 FM 1082

City, State, Zip: Abilene TX 79601-8628 Fax:

Phone: 325-8293851 Email: tnthendrix@yahoo.com

Agent Name: not applicable

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 ☑ change in status of nonconformity

What is the specific nature of the request?

Change status of existing nonconformity, specifically, by allowing more intensive use of nonconforming recreational vehicle park.

Project Address: 902 East South 11th Street No. of lots: 1 Acreage: 3.688

Legal Description (Use attachment if necessary): 3.688-acre tract out of southeast quarter of Blind Asylum Lands Section 48 in the City of Abilene, Texas

Current Zoning: MH and AO

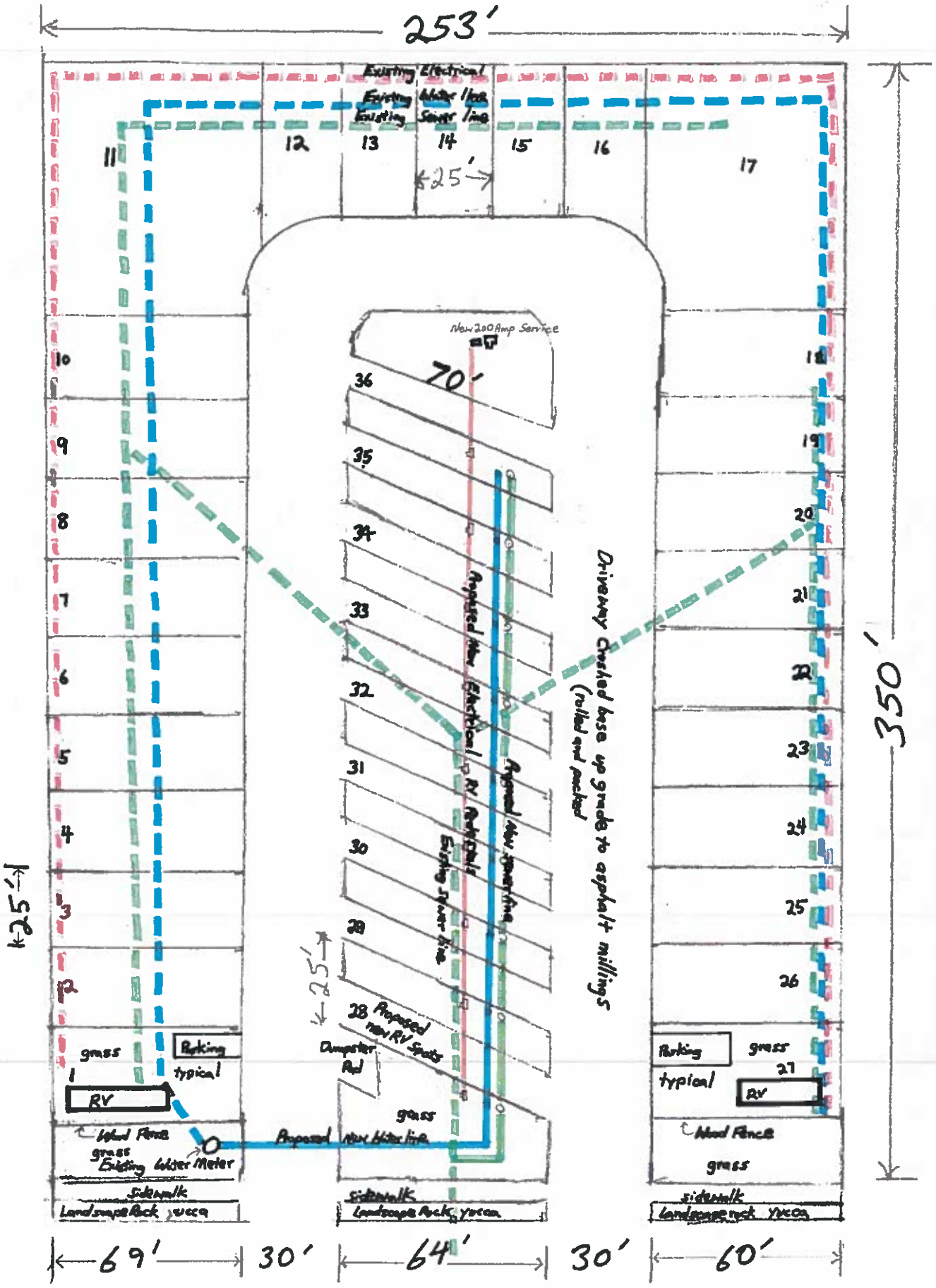
I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development 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: Tommy Hendrix Date: 5-25-2021

FOR OFFICE USE ONLY

Received: 05/26/2021 Fee: $ 400 Receipt No.: 0001061317

Case No.: BA-2021-07 Reviewed By: Bradley Stone



Add 9 new RV spots
Lake Breeze 902 ES 11th
Tommy Hendrix 829-3851
Lots 1 thru 27 existing
Lots 28 thru 36 proposed 9 new pull-throughs

RV'S WELCOME
LAKE BREEZE
829 3851
669-3829

JCT
1750
LAKE BREEZE

CITY OF ABILENE

FILE COPY

July 7 2021

Tommy Hendrix
13484 FM 1082
Abilene TX 79601-8628

SUBJECT: Board of Adjustment case number BA-2021-07, concerning the Lake Breeze Trailer Park at 902 East South 11th Street

Mr. Hendrix:

The Board of Adjustment for the City of Abilene will consider your requested special exception allowing expansion of a nonconforming use at 902 East South 11th Street, specifically by increasing the number of spaces available for habitation of recreational vehicles at Lake Breeze Trailer Park.

The Board will conduct a public hearing (and presumably make a final decision) on this matter, during its next meeting scheduled for **Tuesday, July 13 of 2021**. This meeting will begin at **8:30 AM in Council Chambers on the second floor of Abilene's City Hall**, 555 Walnut Street.

You or another representative should be available at that meeting, prepared to present your case and to answer any relevant questions from Board member. I look forward to seeing you there.

If you have additional questions or concerns about these matters, please contact me at telephone number 325-676-6382 or by email at brad.stone@abilenetx.gov.

Sincerely

Bradley Stone

Bradley Stone,
Planner III

Case: BA-2021-07
Owner: Tommy Hendrix
Request: Special Exception to allow the expansion of a nonconforming use
Location: 902 East South 11th Street
Notification: 0 in Favor, 0 Opposed
Board of Adjustment: July 13, 2021

BA-2021-07 AERIAL LOCATION MAP

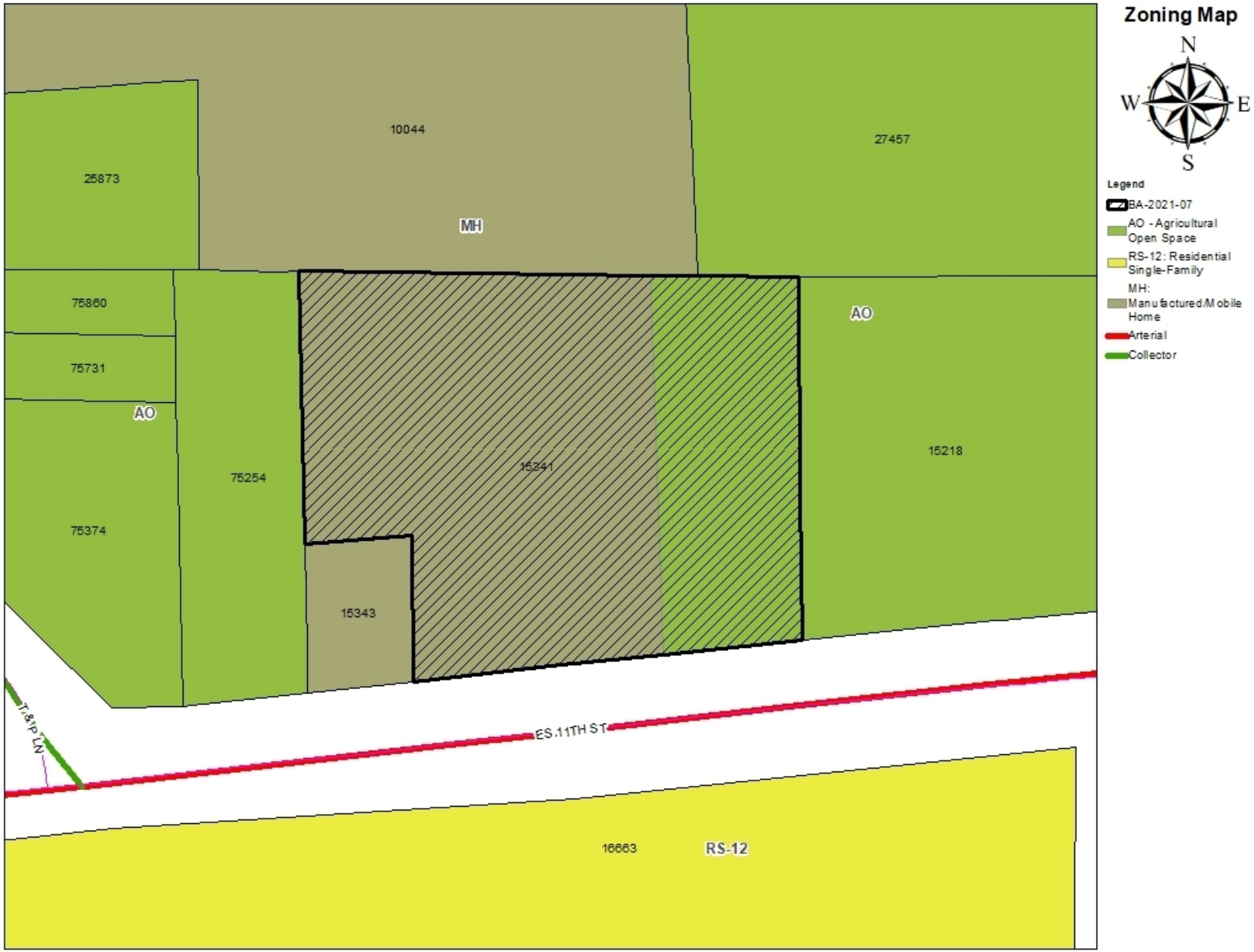
Location Map

N
W E
S

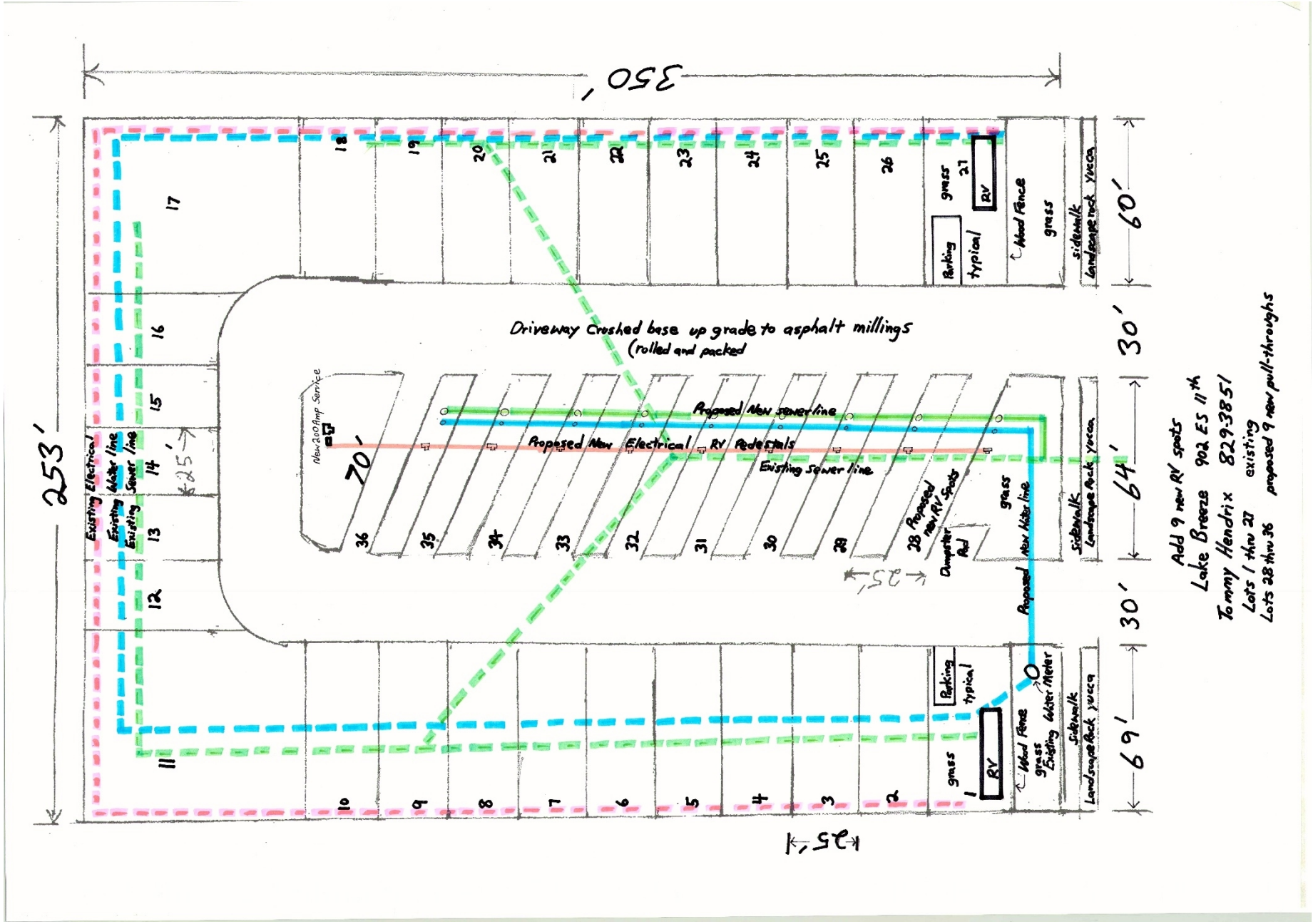
Legend

BA-2021-07

BA-2021-07 ZONING MAP



BA-2021-07 SITE EXHIBIT



BA-2021-07 PHOTOS

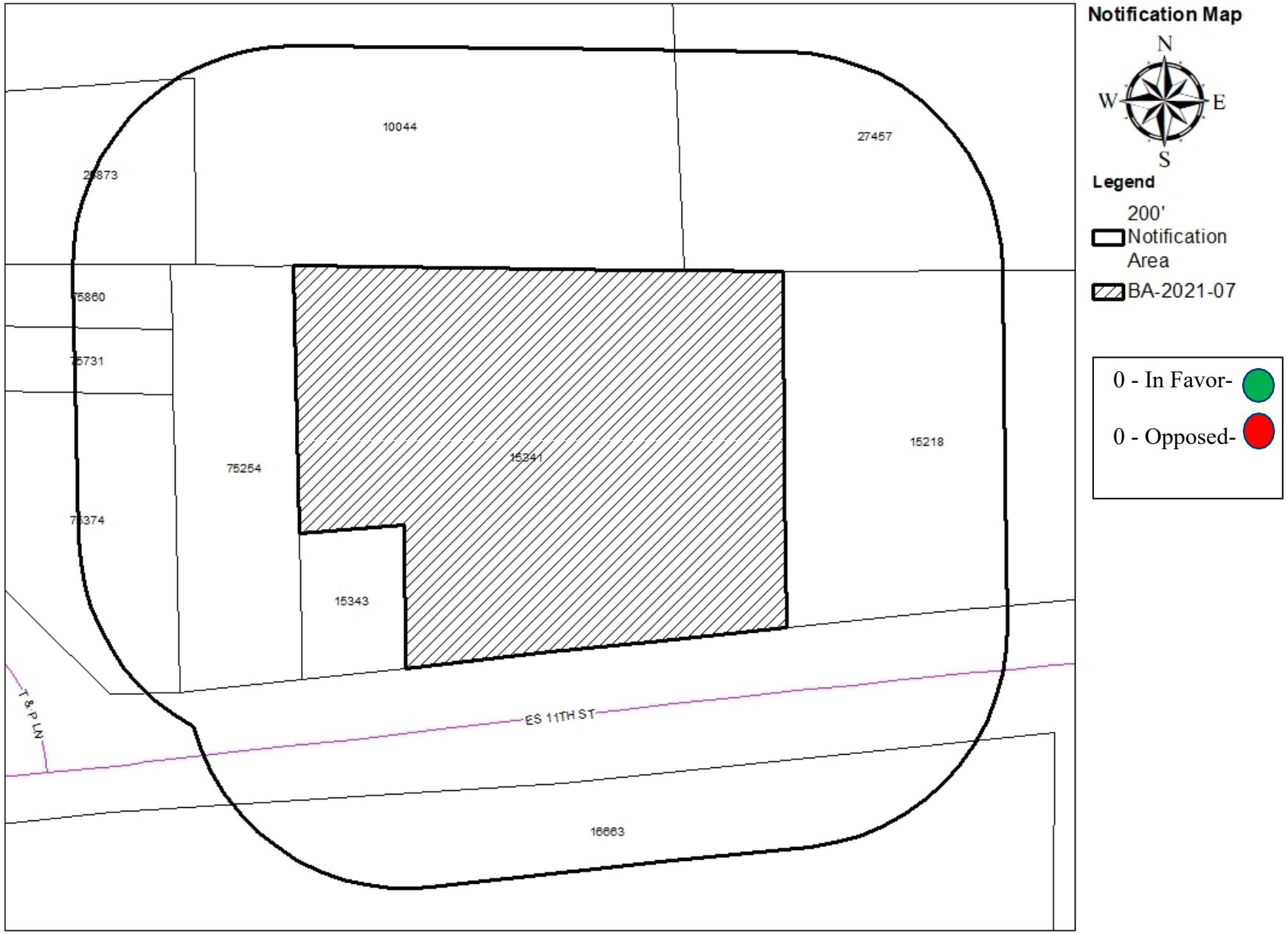
Western view of Subject Property

Northeastern view of Subject Property

Southern view and adjacent street

Northwestern view of Subject Property

BA-2021-07 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-2021-08
STAFF REPORT

Scheduled Hearing
Board of Adjustment: July 13, 2021

Applicant
Owner: Rosaelena Landeros

Request
The applicant is seeking a 3-foot, 2-inch variance from the minimum 6-foot side building setback ordinarily required in an RS-6 zoning district, to legitimize previous construction of a residential addition situated 2 feet, 10 inches from the south side boundary of her property at 326 Shelton Street.

Location
The subject property includes a single-family residence at 326 Shelton Street in west central Abilene. This address corresponds to Lot 18 in Block 1 of the Oakwood Addition.

Zoning and Existing Land Use
The applicant's single-family home site lies within a Residential Single-Family (RS-6) zoning district and has since 1974. This subject property is surrounded by other single-family home sites in RS-6 to the north, south, east and west.

Land Development Code Provisions
In RS-6 zoning districts, the principal residential building must be set back a minimum 6-feet from each interior side lot boundary.

Background
In 1956, a permit was granted to construct the original home on this property. That original residence remains on this property. It is set back 5-feet from its north side boundary and 14-feet from its south side boundary, in compliance with building setback standards of Zoning Regulations in effect at that time.

Approximately ten years ago, that original residence was expanded southward to add 300+ square feet of additional floor area. This residential addition extends to within 2' 10" of this property's south side boundary. Zoning regulations stipulate a minimum 6-foot building setback from that south (interior) side boundary. During the entire 75-year history of zoning in Abilene, the minimum required side setback for conventional single-family housing has never been less than five (5) feet.

The residential addition built on this subject property (approximately 10 years ago) was constructed without a building permit and in violation of zoning regulations. The applicant now seeks approval of a variance to legitimize previous construction of this residential addition.

Criteria Assessment
A variance is used to modify application of certain Zoning Regulations in the Land Development Code as it applies to a specific 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.**
   City staff finds no inherently special conditions of the subject site or its surroundings, by which strict application of building setback standards would create unnecessary hardship for the use and development of this property. The site at 326 Shelton Street is similar in size and shape to others nearby and subject to the same zoning regulations. This site also exhibits no unusual topographic conditions which would make it fundamentally difficult or impractical to develop in compliance with zoning regulations. Except for the one home on this subject property, residences in this neighborhood are generally set back at least 5 feet from side lot boundaries.

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 granting this requested variance would not be injurious to neighboring properties or detrimental to public welfare. A residence on the lot located directly south of this subject property is set back five feet (5') from that lot's north side boundary. This leaves less than eight feet (8') separating exterior walls of the house at 326 Shelton Street from its neighbor to the south at 318 Shelton Street. Modern zoning regulations in Abilene and elsewhere generally try to ensure at least a 10-foot separation between detached single-family residences, in furtherance of the following objectives:

   - prevent the spread of fire from one residence to another;
   - provide room for firefighters to maneuver themselves and their equipment, for extricating persons trapped inside a burning building;
   - maintain a measure of privacy for residents of adjoining properties; and
   - maintain a measure of open space that homeowners expect and desire in a single-family residential environment.

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 for detached single-family residences.

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 with the application for variance.

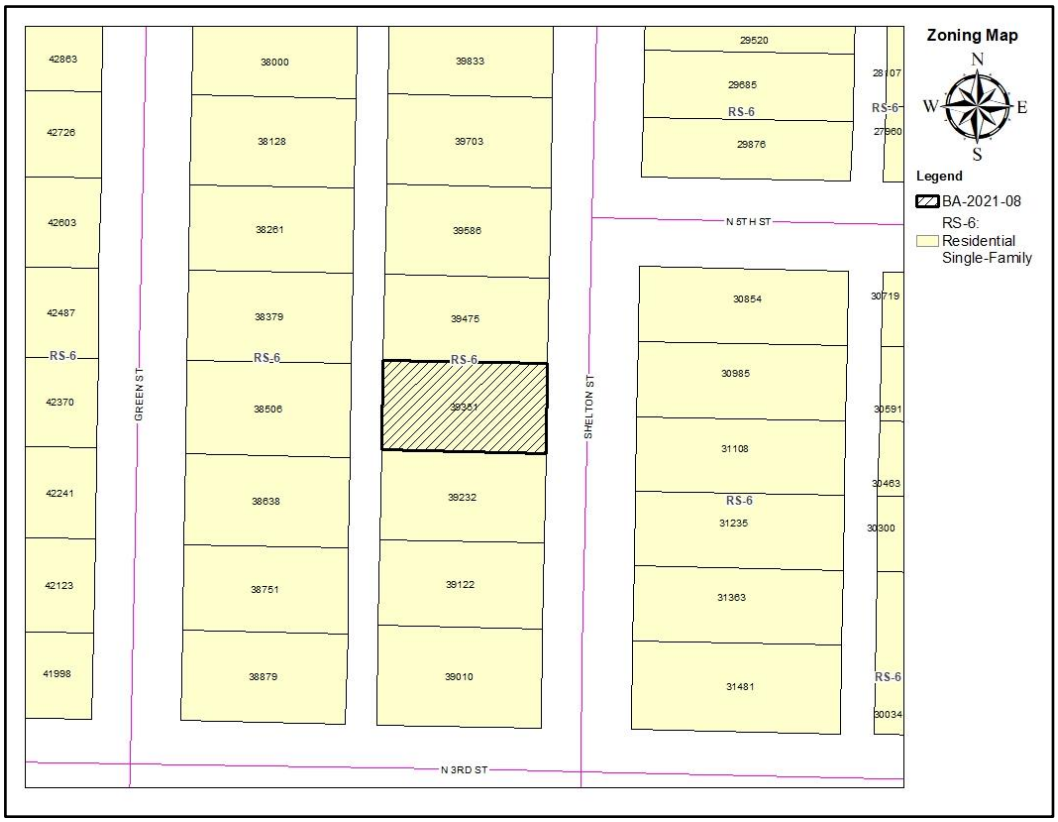
Notification
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on July 2, 2021 to the applicant and other owners of within a 200-foot radius of this subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

Owner	Situs	Response
CHAPMAN LARRY & SUSAN	317 SHELTON ST	
CORTEZ BONNIE	410 SHELTON ST	
DAVIS JUNE	325 GREEN ST	
ESQUIVEL HOMER	309 SHELTON ST	
EUBANKS CYNTHIA DIANE	301 SHELTON ST	
FLORES ROSA D	318 GREEN ST	
GARCIA RAUL R & TEODORA	341 SHELTON ST	
GARCIA RAUL RENE & TEODORA	334 SHELTON ST	
GONZALEZ DIONICIO & EUGENIA	301 GREEN ST	
GRETILLAT ARNO W & KRISTI D	326 GREEN ST	
HERNANDEZ JESUS & MARIA	402 SHELTON ST	
JACKSON KEITH A	417 GREEN ST	
LABRENZ AUSTIN SETH	401 GREEN ST	
M & M2 ENTERPRISES LLC	327 SHELTON ST	
M & M2 ENTERPRISES LLC	325 SHELTON ST	
MUNIZ JOSE & AMY	333 SHELTON ST	
RAMIREZ RANDY	309 GREEN ST	
SAUCEDO ELIAZAR JR	302 SHELTON ST	
SERRATO ROSAELENA	326 SHELTON ST	
SHELTON DEBRA DENISE	509 SHELTON ST	
SMITH CONNIE	333 GREEN ST	
SOUTHWEST LONE STAR INVESTMENTS LP	501 SHELTON ST	
SUGG CLIFTON DWIGHT	318 SHELTON ST	
VAUGHN DOUGLAS W	409 GREEN ST	
VEGA JAMIE	418 SHELTON ST	
VERBOIS BREANN W	334 GREEN ST	
VICKERS DANA L	402 GREEN ST	
WASHBURN JUSTIN T	310 SHELTON ST	
WASHBURN TONY DOUGLAS &	317 GREEN ST	

LOCATION MAP

ZONING AND EXISTING LAND USE MAP



OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Rosaelena Landeros

Address: 326 She Hon

City, State, Zip: Abilene, Tx. 79603 Fax: _____

Phone: 325-260 5633 Email: serr2502@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) _____ 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?

Requesting approval of variance as noted on our appraisial. It is my understanding that our house as it stands is less than the 6' requirement. I am asking for your help so we can proceed with sale of our home.

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

Legal Description (Use attachment if necessary): Lot 18 in Block 1 of the Oakwood Addition to Abilene

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: Rlllos Date: 6-18-21

FOR OFFICE USE ONLY

Received: 06/18/2021 Fee: $ #400 Receipt No.: 0002503010

Case No.: BA-2021-08 Reviewed By: Bradley Stone

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.)**

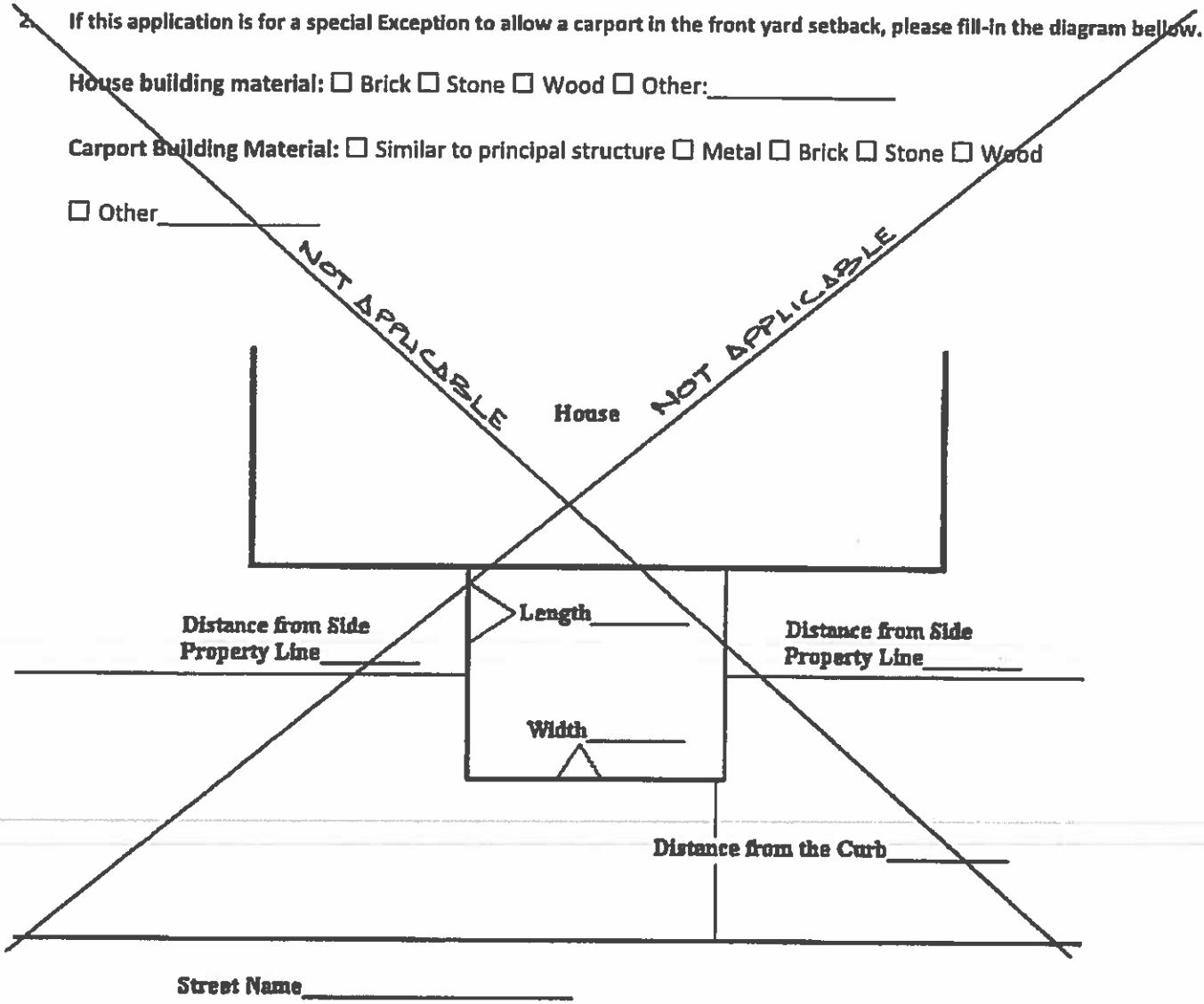
The Southside addition of our home is not meeting the minimum 6' requirement (encroachment). It measured at almost 3' I was not aware of this ~~and~~ not meeting requirement. and plead for your help.

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

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

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

☐ Other_____



City of Abilene June 17, 2021

I Rosaelena Serrato Landeros am the owner at 326 Shelton, Abilene, Texas (Lot 18 in Block 1 of the Oakwood Addition to Abilene). I am submitting this application for approval of a variance. I was informed just this week after the appraisal was completed on my home that I was not aware weren't within the guidelines for Zoning due to an addition that was made to my home. I had no knowledge of the addition being out of code. Had I known that I would've done corrected this sooner. However, at this point it is difficult for me to remedy this situation without your help and this is definitely a lesson learned. I would like consideration for my application to be approved as I am in the process of selling my home and purchasing a home. The home that I am purchasing will allow my sister and her daughters to live with me and my 2 children as she has some health issues that are worrisome and I would like to be able to help her out. In order to help her and make the move I need to be able to proceed with the sale of my home. During the process of selling our home I have had inspections completed, updates completed as requested by the buyer and everything has been cleared this far and once again ask for your help to continue moving forward. Our closing date is June 28th and I pled that there is some way that I can get an approval sooner than the next committee meeting in July to avoid delays on the sale of my home and/or the buyer withdrawing her purchase offer.

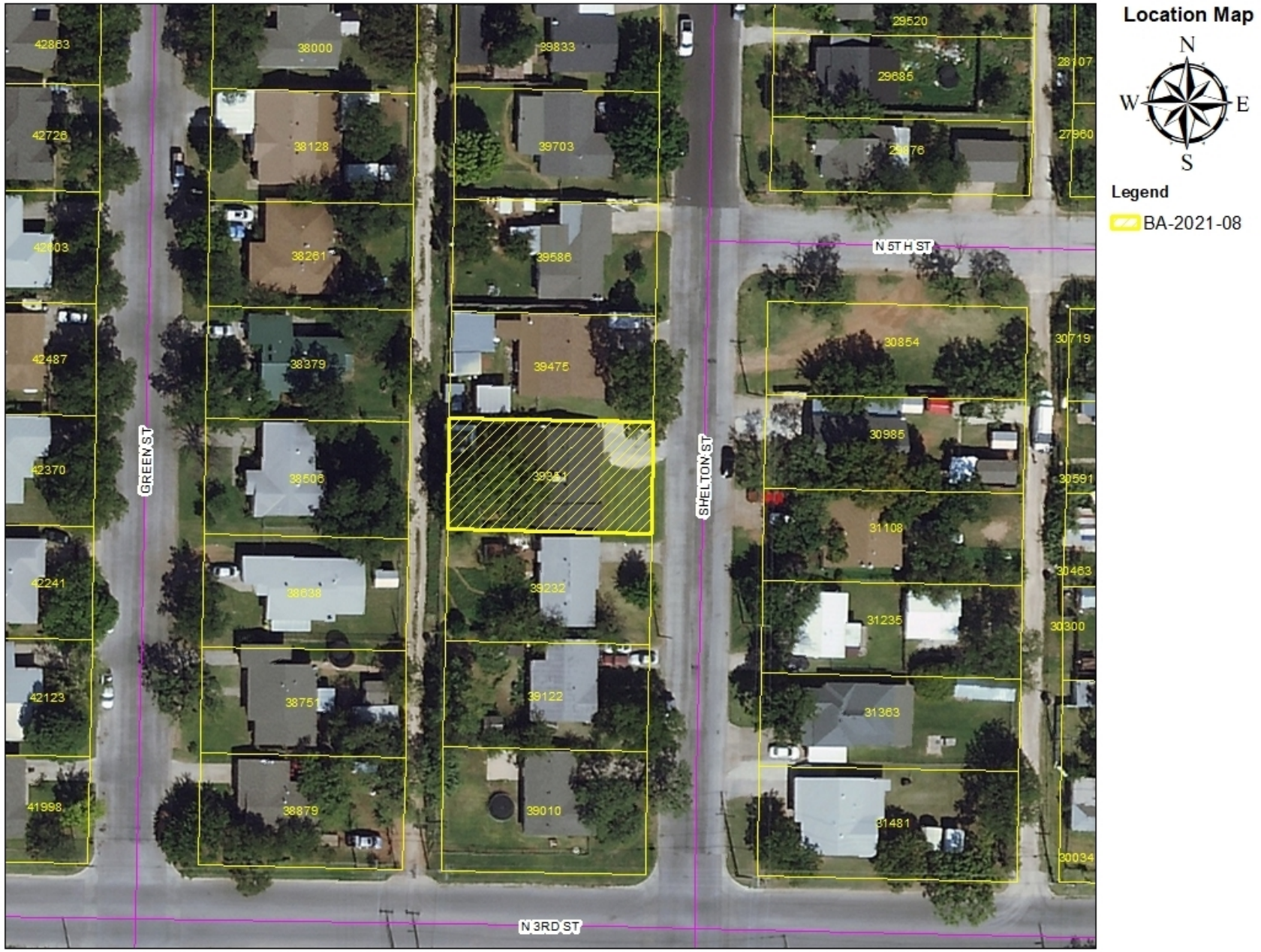
NORTH
326 SHELTON ST
Show search results for 326 SH...
334
326 SHELTON STREET
326
25'
12'
SHELTON STREET
318
20ft

SCALE: 1" = 20'

VARIANCE REQUEST

Case: BA-2021-08
Owner: Rosaelena Landeros
Request: 3-foot 2-inch variance from the minimum 6-foot side building setback
Location: 326 Shelton Street
Notification: 0 in Favor, 0 Opposed
Board of Adjustment: July 13, 2021

BA-2021-08 AERIAL LOCATION MAP



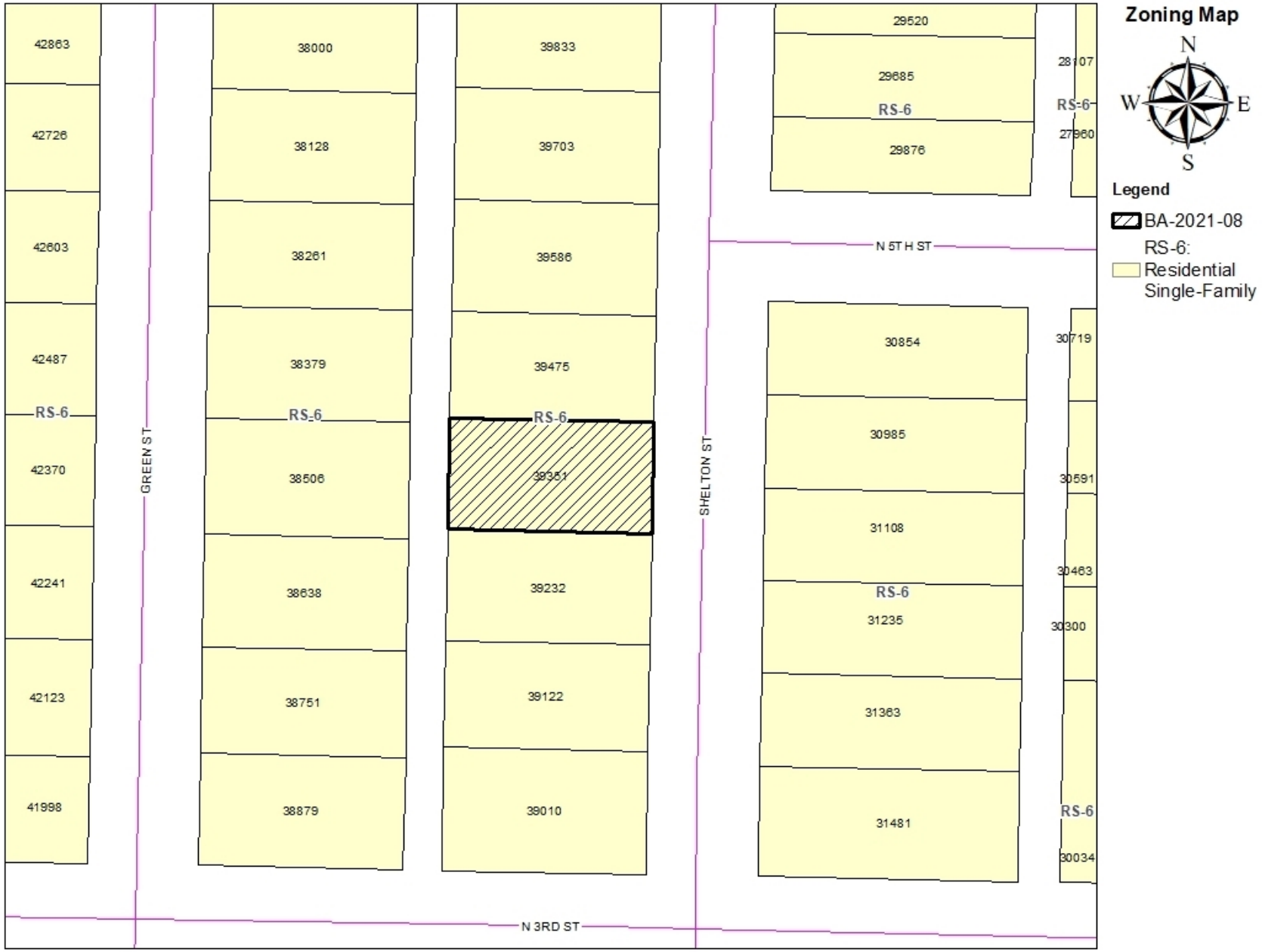
Location Map

N
W E
S

Legend

BA-2021-08

BA-2021-08 ZONING MAP

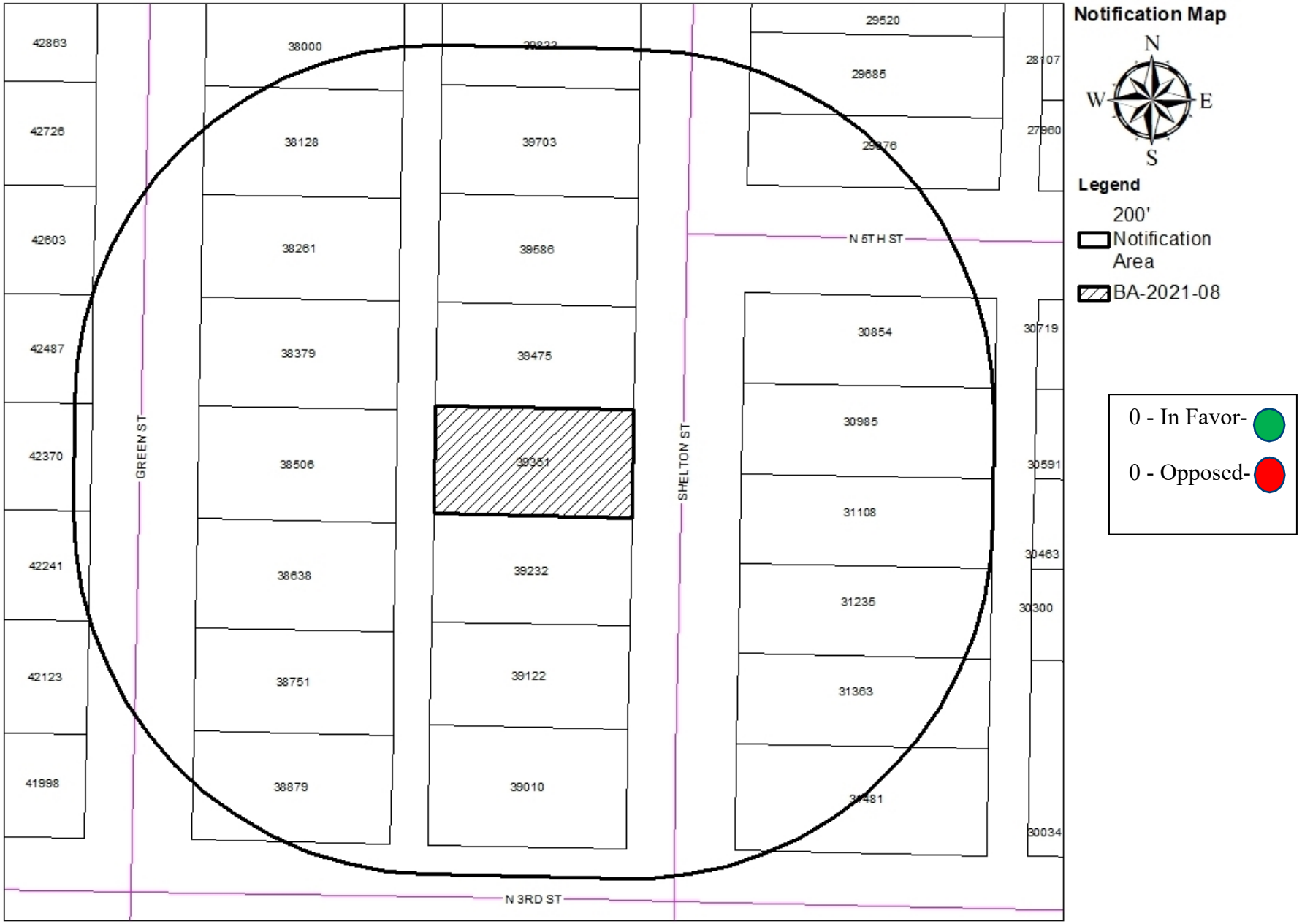


BA-2021-08 PHOTOS

Subject Property

Addition and Neighboring Property

BA-2021-08 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?