
BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

November 12, 2019

8:30 a.m.

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

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

Members Absent: Mr. Scott Hay, Chairman

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

Others Present: Mr. Gabriel Avila Mr. Ronnie Hamilton
Ms. Carole Hamilton Mr. Stuart Douglas
Mr. Cesar Rangel Ms. Christie Moreno

CALL TO ORDER

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

MINUTES

Mr. Huber made the motion to approve the minutes of the previous meeting (October 8th) as presented, there being no deletions, no additions, and no corrections. Mr. Beermann seconded the motion. The vote to approve minutes was carried five (5) with none in opposition.

**AYES: Langholtz, Huber, Beermann, Odle, Loudermilk
NAYS: None**

AGENDA ITEMS

BA-2019-18: A request from Gabriel Avila for a ten (10) foot variance to the required 20' interior side setback ordinarily required between Office (O) zoning and Residential Single Family (RS6) zoning; Legal description being SOUTH MESA ADDITION SECTION 1, BLOCK 1, LOT 2, City of Abilene, Taylor County, Texas and located at 4749 Buffalo Gap Road

Mr. Jared Smith presented this request. The applicant is seeking to construct another addition to the eastern most end of the building. In order to keep the northern end of the building "Flush" with the existing office space, they are seeking a 10' variance to the typically required 20' building setback required between Office (O) and Residential (RS) Zoning.

Colonel Langholtz opened the public hearing.

Speaking in favor was: Mr. Gabriel Avila

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 none (0) received in opposition.

STAFF RECOMMENDATION: Denial

Discussion topics included: 1) Slope of land, 2) The lot is deep and difficult to access, 3) Impact to residential lots, 4) The impact of runoff must be addressed.

Mr. Beermann moved to approve as requested based upon the information in the staff report, and the following findings:

- **There are special circumstances being the property is adjacent to both commercial and residential properties, the drainage issue related to the slope of the land, and the lot is deep and access is difficult.**
- **The granting of this variance is consistent with the spirit and intent of the LDC, as it blends commercial and residential into a viable option for both parties.**
- **The hardship suffered by petitioner is the complication of the development without this variance.**

Mr. Huber seconded the motion. The motion to approve the *variance request* prevailed by the following vote:

AYES: Huber, Beermann, Loudermilk, Langholtz

NAYS: Odle

BA-2019-19: A request from Stuart Douglas, agent Willie Carrigan of Carrigan Construction LLC, for a zoning setback variance to facilitate the location of an accessory building in the rear

yard of the residence; Legal description being Lot 12, Block 4 of Lynwood Sec 3, City of Abilene, Taylor County, Texas and located at 3009 San Miguel

Mr. Nick Watts presented this request. The applicant is seeking a 4-foot variance from the minimum 7-foot building setback on the interior side boundary and a 2-foot variance from the minimum 5-foot building setback from the property's rear boundary to construct a 14-foot tall accessory building for better accessibility through the doors.

Colonel Langholtz opened the public hearing.

Speaking in favor was: Mr. Stuart Douglas

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. Three (3) responses were received in favor with none (0) received in opposition.

STAFF RECOMMENDATION: Denial

Discussion topics included: 1) Clarification for heights and setback distances was needed, 2) The height will be kept to 12 feet, 3) The need for this request is a two (2) foot variance to the interior and one (1) foot to the alley, or rear boundary.

The applicant was asked to approach to confirm the 12 foot peak in height is acceptable.

Mr. Beermann moved to approve the modified request based upon the peak height of 12 feet. The motion included these findings:

- The limited development of the lot based upon the existing structure and intended use for the property is a special circumstance.
- The hardship suffered by petitioner would be not being able to construct the accessory building according to the request for the appropriate use of his property.
- Mitigate rain/water runoff from neighbor's property

Mr. Huber seconded the motion. The motion to approve the *variance request* prevailed by the following vote:

AYES: Langholtz, Huber, Beermann, Odle, Loudermilk

NAYS: None

BA-2019-20: A request from Christie Moreno and Cesar Rangel, for a Special Exception to allow an open carport within 5' from the front boundary of their home site; Legal description being RADFORD HILLS SECTION 10, BLOCK L, LOT 12, City of Abilene, Taylor County, Texas and located at 933 Kenwood Drive

Mr. Brad Stone presented this request. The applicants request approval of a Special Exception (from ordinary building setback standards) to legitimize previous installation of an open carport in front of their residence and set back five (5) feet from the front boundary of their home site.

Colonel Langholtz opened the public hearing.

Speaking in favor was: Mr. Cesar Rangel

Speaking in opposition was: Mr. Ronnie Hamilton

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) received in opposition.

STAFF RECOMMENDATION: Denial

Mr. Beermann moved to deny this request. Mr. Odle seconded the motion. The motion to deny this *special exception* request prevailed by the following vote:

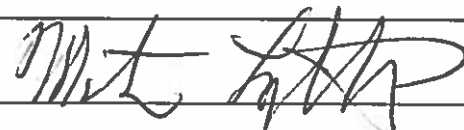
AYES: Langholtz, Huber, Beermann, Odle, Loudermilk

NAYS: None

ADJOURNMENT

Mr. Huber moved to adjourn. Mr. Beermann seconded the motion. There being no further business, the Board of Adjustment meeting was adjourned at 10:20 a.m.

Approved: _____



_____, Vice-Chair