



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 March 8, 2022, at 8:30 a.m., at the Abilene Public Library, South Branch, Mall of Abilene, 4310 Buffalo Gap Road, 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 February 8, 2022

AGENDA ITEMS

2. **BA-2022-01:** Receive a Report and Hold a Discussion and Public Hearing on a request from KeyCity Capital for approval of a 10-foot variance to allow construction of a duplex on a 50-foot-wide lot. **(Adam Holland)**

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 4th day of March, 2022, at 4:25 p.m.

*Kaitlin Richardson, Deputy City
Secretary*



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

February 8, 2022

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. Bob Thomas
Ms. Dani Ramsay

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

Staff Present: Mr. Michael Rice, Assistant City Manager
Ms. Kelley Messer, First Assistant City Attorney
Mr. Tim Littlejohn, Interim Director & Chief Building Official
Mr. Jared Smith, Planning Services Manager
Mr. Adam Holland, Planner I
Ms. Melissa Farr, Executive Assistant

Others Present: None

CALL TO ORDER

Mr. Hay called the meeting to order at 8:39 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 from both meetings. Mr. Thomas seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Ramsay, Beermann, Thomas, Hay

NAYS: None

AGENDA ITEMS

BA-2021-12: (Tabled from December 14, 2021 Meeting) Receive a Report and Hold a Discussion and Public Hearing on a Request from Josh Stallings (Represented by Gerard Real Estate LLC) for Approval of a Special Exception to Allow Expansion of a Nonconforming Use, Specifically By Converting a Vacant Accessory Building to an Additional Apartment Unit on the Site of Existing Apartment Buildings at 1250 Elm Street in a Heavy Commercial Zoning District.

Mr. Beermann moved to take this item from the table. Ms. Ramsay seconded the motion.

Mr. Jared Smith presented this request. The applicant is seeking approval of a special exception to allow expansion of a nonconforming use, specifically by converting a detached accessory building to an additional apartment unit on the site of existing apartment buildings.

Mr. Hay opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius of the property address were notified. There were no (0) responses received in favor, nor in opposition.

STAFF RECOMMENDATION: City staff recommends approving this requested special exception, subject to the following conditions:

- Prior to approval of required additions/alterations permits from the Planning & Development Services Office; the existing 20-foot-wide easement located at the rear of the subject property must be formally released by the City of Abilene.
- Prior to the release of this easement, the exiting 6-inch-wide sewer main located within the easement must be relocated. The re-routing and reconfiguration of this sewer main and the subsequently affected sewer service lines shall be in accordance with plans approved by the City Engineer illustrating how the sewer main will be relocated. The relocation of this sewer main must comply with the approved plans and shall be in coordination with the City of Abilene's Water Utilities Department.

Mr. Beermann moved to approve the Special Exception request as indicated in the staff report, with the recommended conditions. Mr. Thomas seconded the motion. The motion to **approve with conditions** prevailed by the following vote:

AYES: Ramsay, Beermann, Thomas, Hay

NAYS: None

ADJOURNMENT

There being no further business, Mr. Thomas moved to adjourn the meeting. Mr. Beermann seconded the motion. The Board of Adjustment meeting was adjourned at 8:50 a.m.

Approved: _____, Chairman

BOARD OF ADJUSTMENT

BA-2022-01

STAFF REPORT



Scheduled Hearing

Board of Adjustment: March 8, 2022

Applicant

Owner: KeyCity Capital

Request

The applicant is seeking a 10-foot variance from the minimum 60-foot lot width ordinarily required in Medium Density (MD) Zoning districts. The applicant intends on constructing a duplex on this tract of land.

Location

The subject property is temporarily addressed as 1150 Grape Street; located in North-central Abilene. The property is not a fully platted lot. Described as being the North 50-feet, South 150-Feet, East 140-Feet, and South 216-Feet of what was the W. G. Cannon survey of Abilene, Taylor County, Texas.

Zoning and Existing Land Use

The property is located within Medium Density (MD) zoning (previously classified as RM-3) and has been since 1974. Presently, the subject property is vacant. The land uses surrounding this subject property are single-family residences and duplexes to the South, West, and East which are all located within MD zoning, and a vacant lot zoned for office uses to the North.

Land Development Code Provisions

According to Table 2-2 within Division 2 "Residential Zoning Districts" in the Land Development Code; Medium Density zoning requires a minimum lot width of 60-feet.

Background

Presently this property is a remainder of the W G Cannon Survey as indicated by neighboring lots and subdivisions. The subject property has remained vacant since annexation in 1895. The City of Abilene's Code of Ordinances has required a minimum lot width of 50-feet since at least 1946; in 1974 the standard was changed to be a minimum of 60-feet in width. Prior to the issuance of a building permit for the construction of a new residence on this subject property the property must be platted.

Criteria Assessment

A variance is used to modify the 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 believes that the strict application of the lot width requirement for this particular property would create a hardship resulting in inequitable use and development of the property. Strict adherence to the minimum 60-foot lot width requirement would deprive the applicant of reasonable and beneficial use of the land. Without the variance approval, the lot will likely remain undeveloped and only of value to the owner; if the neighboring property were to be obtained and then replatted.

- 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.**

Staff believes that granting the variance will not be contrary to the public interest and will not be injurious to the neighboring properties or detrimental to the public welfare.

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

Granting the variance would be generally consistent with the intent and purpose of lot width requirements for residential lots. The reason for minimum lot widths and depths is to provide minimum square footage of lot area in order to promote open space and avoid the creation of high-density development in areas where such density is otherwise incompatible with surrounding land use(s). The lot which is intended to be created following this variance approval would be 7,000 square feet; which exceeds the minimum 6,000 square foot requirement for lots within MD zoning. Furthermore, per the graphic exhibit provided by the applicant, the proposed residence that would be constructed on the subject property would meet the minimum setback ordinarily required within MD zoning.

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

The hardship or inequity is not caused by the petitioner.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on February 25, 2022, 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	Property ID	Response
AMEZQUITA JUAN & MARGARITA	1101 GRAPE ST	60278	
CERVANTES JUAN A & ROSALIA R	1125 GRAPE ST	51825	
CERVANTES JUAN A & ROSALIA R	1117 GRAPE ST	59990	
CERVANTES JUAN A & ROSALIA R	1632 N 11TH ST	60132	
CORPIAN GARY LEE & MARILU LEE	1740 N 11TH ST	16016	
DALZELL DAVID E	1135 GRAPE ST	51701	
FLORES FELIPE T	1141 GRAPE ST	51573	
HERNANDEZ MICHAEL	1126 GRAPE ST	15536	
JIMENEZ RICHARD JR & BIANCA	1746 N 11TH ST	16141	
JMK5 ABILENE LLC	1204 GRAPE ST	67227	
KJACK HOLDINGS LLC	1142 GRAPE ST	68931	
KJACK HOLDINGS LLC	1150 GRAPE ST	69425	
LABORICO JOSE LUIS & ELIZABETH	1136 GRAPE ST	69046	
MONROY FERNANDO & MARY		65455	
MONROY FERNANDO & MARY	1733 N 12TH ST	69289	
RODRIGUEZ JOHNNY	1726 N 11TH ST	15896	
ROGERS BENNIE BOB HOUSTON ET AL	1749 N 12TH ST	65324	
SANCHEZ GLENDA	1118 GRAPE ST	15654	
SARGENT DEXTER JAMES IV	1729 N 12TH ST	69165	
SARGENT DEXTER JAMES IV	1158 GRAPE ST	69549	
SKINNYS LLC	1202 GRAPE ST	67350	
VINSON LANNY ROSS	1201 GRAPE ST	50804	

Attachments

Application

PowerPoint Presentation

This is a detailed plat map of a portion of the City of St. Louis, Missouri. The map shows several blocks of land, with individual lots numbered. A specific lot, 00400, is highlighted with diagonal hatching. The map includes street names: N 127th St, N 117th St, and N 118th St. A north arrow is located in the upper right corner.

Lot numbers visible on the map include:

- 07227, 07300, 00004 (top row)
- 00078, 00324, 00400, 00283, 00165 (middle row)
- 00543, 00400, 00051, 00040, 00036, 00004 (bottom row)
- 00072, 00002, 00141, 00010, 00090 (left side)
- 00079, 00112, 00070, 00001, 00120 (right side)
- 00073, 00701, 00026, 00000 (far right)

Street names visible on the map include:

- N 127th St
- N 117th St
- N 118th St

A north arrow is located in the upper right corner.

Zoning Map

Legend

- BA-2022-01
- Minor Arterial
- MD: Medium Density Residential
- O: Office
- GR: General Retail

Map Details:

- Streets:** N 12TH ST, N 11TH ST, GRAPE ST
- Parcel Numbers:** 1236, 1224, 1228, 1210, 1202, 1201, 1217, 1232, 1234, 1220, 1238, 1204, 1226, 1240X, 1757, 1749, 1733, 1729, 1758, 1746, 1740, 1742, 1726, 1158, 1150, 1142, 1134, 1136, 1126, 1118, 1141, 1133, 1135, 1125, 1117, 1101, 1032, 1120, 1018.
- Zoning Districts:** GR (General Retail), MD (Medium Density Residential), O (Office), Density Residential.

Case: BA-2022-01

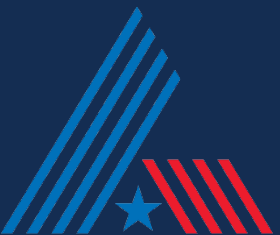
Owner: KeyCity Capital

Request: 10-foot Variance from the minimum 60-foot lot width required in Medium Density (MD) Zoning.

Location: 1150 Grape St.

Notification: 0 in Favor, 0 Opposed

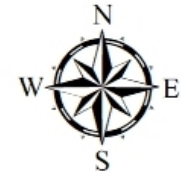
Board of Adjustment: March 8, 2022



BA-2022-01 AERIAL LOCATION MAP



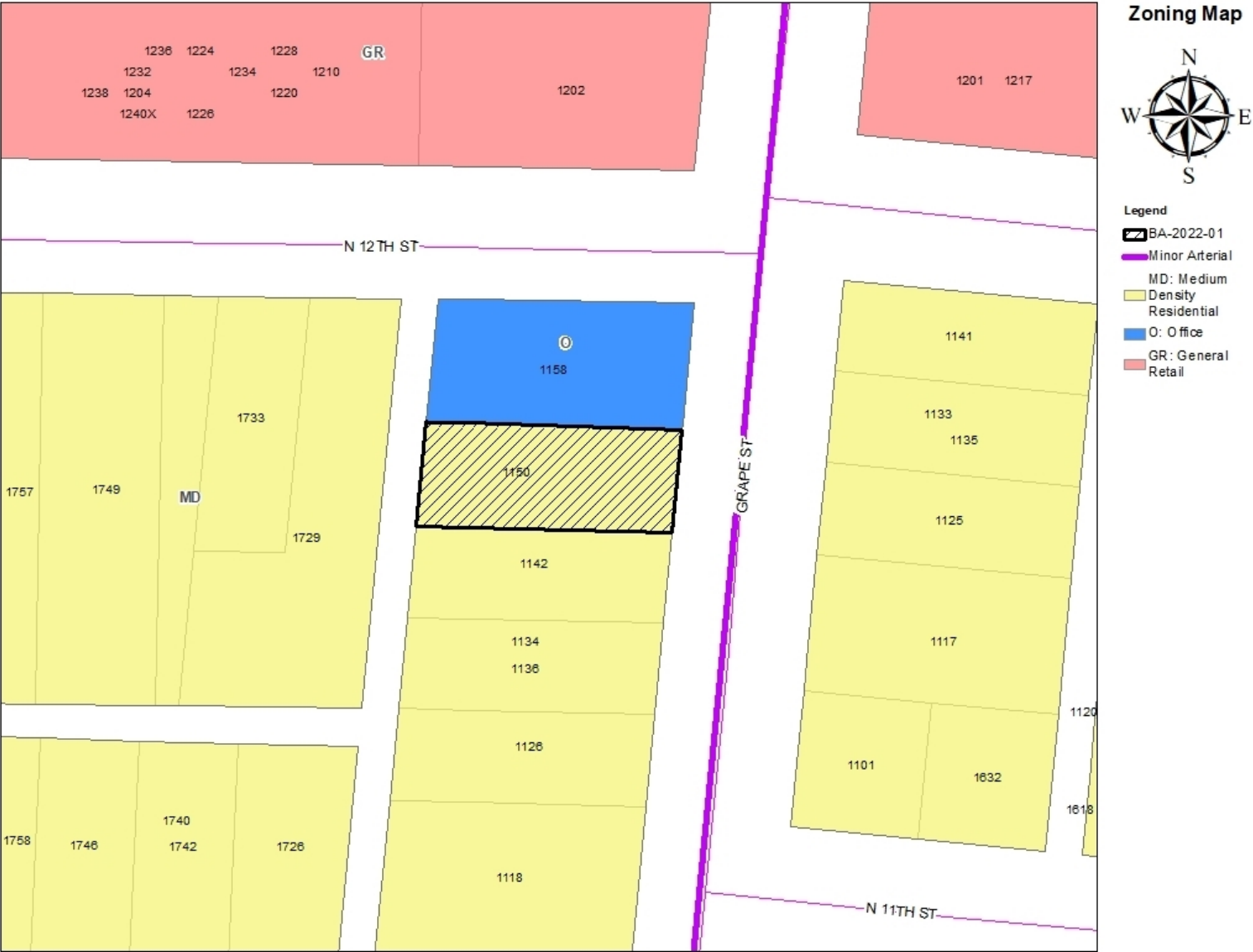
Location Map



Legend

BA-2022-01

BA-2022-01 ZONING MAP



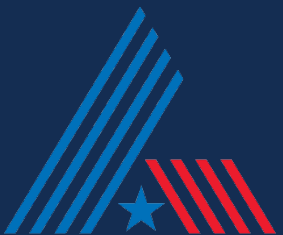
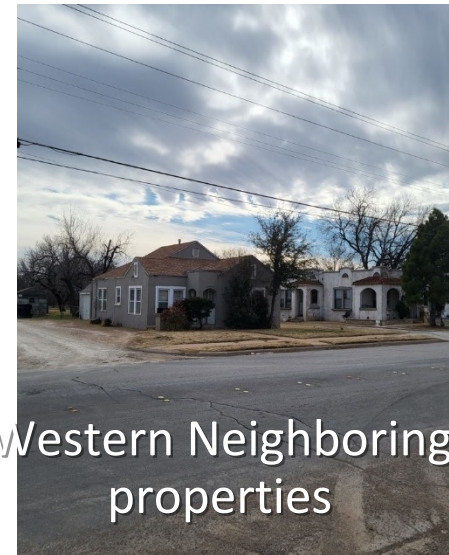
BA-2022-01 NOTIFICATION AREA MAP



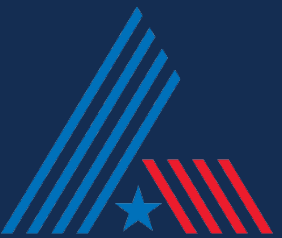
BA-2022-01 NEZ MAP



BA-2022-01 VIEWS OF SUBJECT PROPERTY



- Reviewed Pursuant to Section 1.4.4.2 (d) of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval



Questions?

