



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 Tuesday, November 12, 2019 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

PUBLIC COMMENTS

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

MINUTES

1. Approval of minutes from previous meeting, October 8, 2019

AGENDA ITEMS

2. **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 (RS-6) 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
3. **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
4. **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

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 8th day of November, 2019, at 11:05 a.m.

Shawna Atkinson, City Secretary

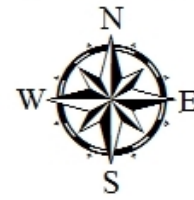
Case: BA-2019-18
Applicant: Gabriel Avila
Request: 10ft Variance from minimum 20ft
building setback required
Location: 4749 Buffalo Gap Road
Notification: 0 in Favor, 0 Opposed
Board of Adjustment: November 12, 2019



BA-2019-18 AERIAL LOCATION MAP



Location Map



Legend

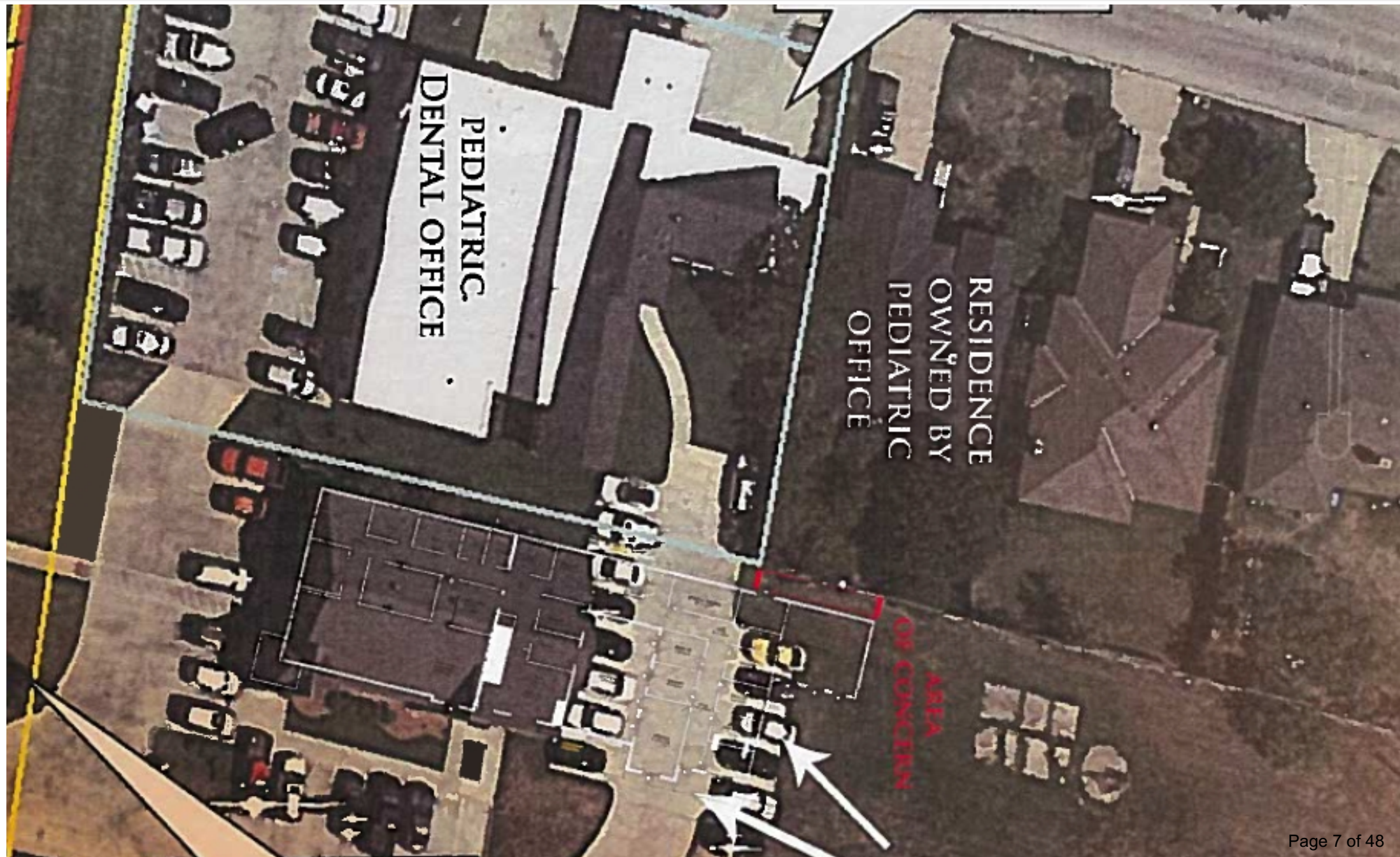
 BA-2019-18



BA-2019-18 ZONING MAP









- Not consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.3.3)
- Reviewed Pursuant to Section 1.4.4.2 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Denial



 200' Buffer
 BA-2019-18



Questions?



BA-2019-18

STAFF REPORT



REQUEST:

The applicant is requesting a 10-foot variance from minimum 20-foot building setback ordinarily required (in an Office (O) Zoning District) from interior side lot boundary adjoining residential zoning district, to permit office building enlargement within 10-feet from the north side boundary.

APPLICANTS:

Owner: Gabriel Avila

HEARING DATE:

Board of Adjustment: November 12, 2019

LOCATION AND LEGAL DESCRIPTION:

4749 Buffalo Gap Road, on Lot 2 in Block 1 of South Mesa Addition Section 1

ZONING CLASSIFICATION:

This property is currently in Office (O) zoning district.

BACKGROUND:

Based on building permit records, City staff has compiled the following timeline of building construction on this property:

1. In 2008, a Site Plan application was received for Advanced Eyecare's original office building.
 - a. The Site Plan permitted construction of the building as close as 10-feet to the neighboring property to the North. This neighboring property falls within Office (O) Zoning.
2. In January of 2009, a building permit was issued for construction of Advanced Eyecare's building.
3. In 2014, a building permit was issued to allow an addition to the western portion of this original office space.
 - a. Site Plan for this addition permitted the building as close as 10-feet to the neighboring property line to the North, which is classified as Office (O) Zoning.
4. The current request of a third addition, if approved will neighbor residential zoning to the north as close as 10-feet City Ordinances require setbacks in Office (O) Zoning to be a minimum of 20-feet from residentially zoned lots.

PROPOSAL AND REQUESTED ACTION:

The applicant is seeking to construct another addition to the western 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-foot variance to the typically required 20-foot building setback required between Office (O) and Residential (RS) Zoning, this variance will allow the building to be as close as 10-feet to the residential properties to the north.

DEVELOPMENT STANDARDS:

Land Development Code Table 2-4: Site Layout and Building Requirements for Non-Residential Zoning

This table stipulates that, in Office (O) zoning districts, a minimum 10-foot building setback is required from interior side lot boundaries adjacent commercially zoned properties, and a minimum 20-foot building setback is required from interior side lot boundaries when adjacent to residentially zoned properties.

APPLICATION REVIEW:

Land Development Code Section 1.4.4.2: Variances

(d) **Criteria for Approval.** A variance is used to modify the application of the Land Development Code [Chapters 2 and 4] as it applies to a specific piece of property. 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 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.**

Finding: City staff can discern no special conditions about the subject property or its surroundings that might distinguish this property from others in the same zoning district and subject to the same building setback standards.

- 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.**

Finding: Granting this variance request may be contrary to public interest. Approving this variance may compromise the residential nature of the home(s) that are adjacent to the subject property.

	Zoning	Existing Land Use
North	O and RS-6	Pediatric Office & Single-Family Residence
South	NR and AO	Standard Restaurant & Vacant Lot
East	RS-6	Single-Family Residence
West	RS-6	Single-Family Residence

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

Finding: The intent of the setback standards outlined in the Land Development Code, specifically regarding the increased building setbacks when commercial business’s are adjacent residentially zoned properties is to preserve an open environment and ensure privacy of residences, while also minimizing possible nuisances that may be otherwise created by encroachment of commercial business’s.

Given the absence of any inherently special conditions about this particular property or its surroundings, approving the requested variance would be contrary to the intent of Abilene’s Land Development Code.

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

No evidence of hardship or inequity was provided by the applicant as part of the application.

STAFF RECOMMENDATION: Denial, due to the inconsistencies between the request and the criteria for approval in the Land Development Code.

NOTIFICATION:

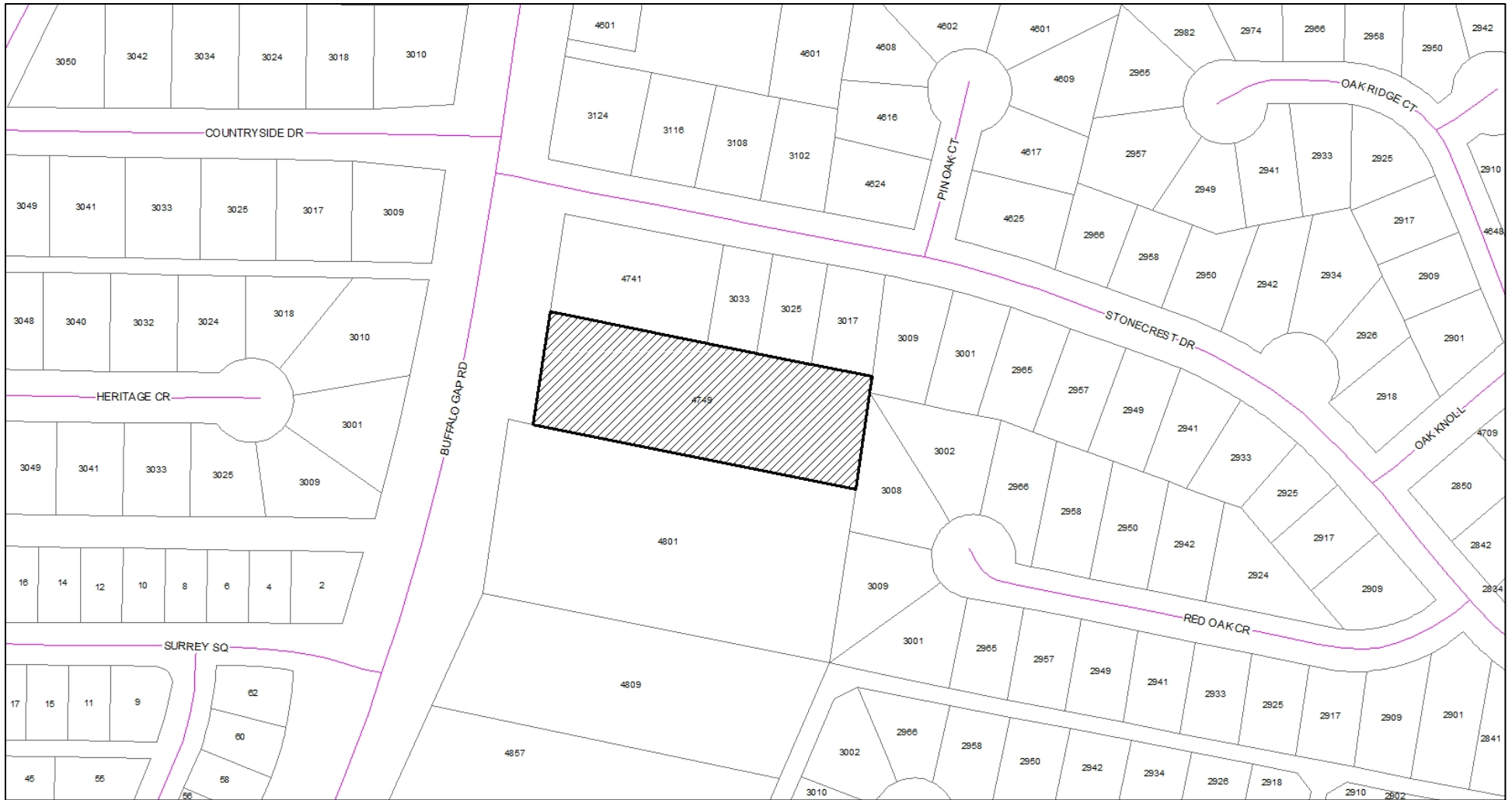
The Planning Services Division sent, with a certificate of mailing, a notice of requested variance to the applicant and to owners of property within a 200-foot radius of this subject property:

Owner	Situs	Response
ABILENE PEDIATRIC DENTAL ASSOCIATES PLLC	3033 STONECREST DR	
AVILA GABRIEL & SHERRY	4749 BUFFALO GAP RD	
BUCKNER ERNEST E & LINDA S	4624 PIN OAK CT	
BUFFALO GAP STREET PROPERTIES LLC	4741 BUFFALO GAP RD	
BYERS JAMES R & JO ANN	3108 STONECREST DR	
CAFFEY B E	3010 HERITAGE CR	
CALLAWAY DONALD A III	4801 BUFFALO GAP RD	
CANALES CALEB ANTHONY &	3017 STONECREST DR	
COLES JERI LYNN	3001 STONECREST DR	
DAVIS JEAN	3001 HERITAGE CR	
DEAVER TOMMIE H	3009 RED OAK CR	
FALADE OLUGBENGA & JANET F	2965 RED OAK CR	
JONES BOYCE D & LARONNA J	2957 STONECREST DR	
JOSHUA MATTHEW W & GLORIA	3025 STONECREST DR	
MARTIN DENNIS PRESTON & CAROLL V	3116 STONECREST DR	
MC ALISTER JERRY P & SUE	2966 RED OAK CR	
MC DONALD SCOTT G & DEE	4625 PIN OAK CT	
RAMON OSCAR JR	3124 STONECREST DR	
RICHARDSON JOE	3009 HERITAGE CR	
SHARP STEVEN R & ANGELA R	3008 RED OAK CR	
SINGLETON JAMES A &	3009 STONECREST DR	
STONE JAMES C & MEREDITH J	3001 RED OAK CR	
THARP GWYNN & BEVERLY	2965 STONECREST DR	
WILHELM DONALD L & WILHELM LARRY W	3009 COUNTRYSIDE DR	
WILLIS LETA COLLEEN	3102 STONECREST DR	
WRIGHT SHANNA C	3002 RED OAK CR	

ATTACHMENTS:

- Application
- Presentation

Case # BA-2019-18
October 28, 2019



OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Gabriel Avila

Address: 4749 Buffalo Gap Road

City, State, Zip: Abilene, Texas, 79606

Fax: _____

Phone: 325 692 9596

Email: eyedoc3903@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?

building an add on to a growing medical practice which will encroach upon the 20 ft restriction
guideline between (proper term?) office and residential properties. The area impinged upon
is zoned residential but is owned by our neighbor, a dental office.

Project Address: 4749 Buffalo Gap Road

No. of lots: 1 Acreage: 1.2

Legal Description (Use attachment if necessary): Lot 2 in Block 1 of South Mesa
Addition, Section One

Current Zoning: ours: office/medical. neighbors: residential

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: _____

Date: 9/4/19

FOR OFFICE USE ONLY

Received: 09/16/2019

Fee: \$

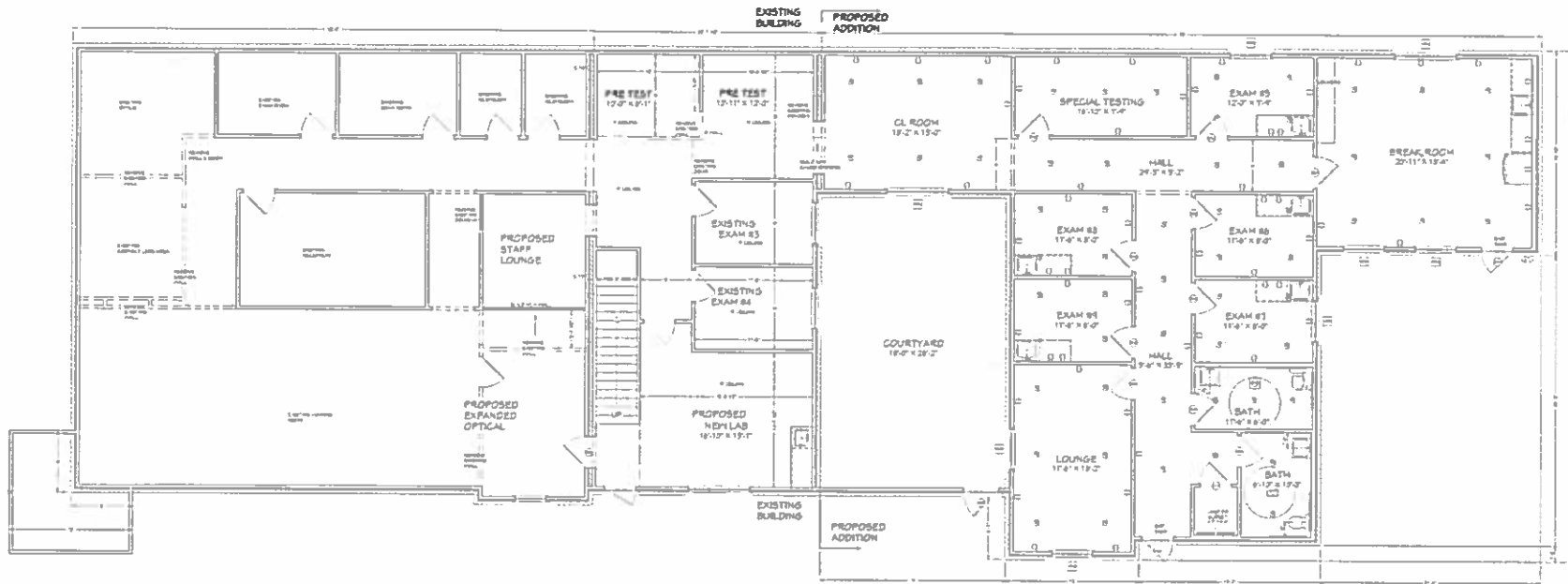
\$400

Receipt No.: 0002088153

Case No.: _____

Reviewed By: _____

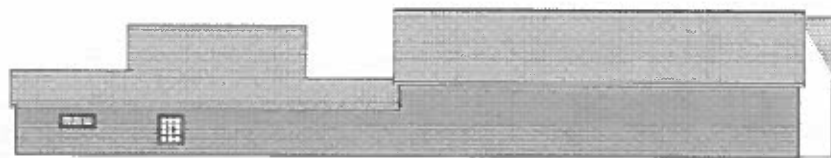
10-foot variance from minimum 20-foot building
setback required (in an Office zoning district)
from interior side lot boundary adjoining a
residential zoning district, to permit office
building enlargement within 10 feet from
north side boundary of subject property



ADDITION SQUARE FOOTAGE
2229 SQ FT

ROOM SCHEDULE		ROOM SCHEDULE	
NO.	ROOM	NO.	ROOM
1	PRE TEST	11	LOUNGE
2	PRE TEST	12	CL ROOM
3	CL ROOM	13	SPECIAL TESTING
4	SPECIAL TESTING	14	EXAM 83
5	EXAM 83	15	EXAM 84
6	EXAM 84	16	EXAM 85
7	EXAM 85	17	EXAM 86
8	EXAM 86	18	EXAM 87
9	EXAM 87	19	BATH
10	BATH	20	BREAK ROOM
21	HALL	22	HALL
23	STAFF LOUNGE	24	NEW LAB
25	EXPANDED OPTICAL	26	COURTYARD

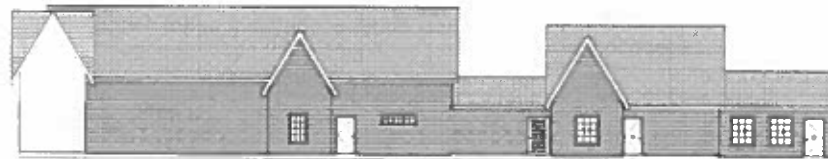
ROOM SCHEDULE		ROOM SCHEDULE	
NO.	ROOM	NO.	ROOM
1	PRE TEST	11	LOUNGE
2	PRE TEST	12	CL ROOM
3	CL ROOM	13	SPECIAL TESTING
4	SPECIAL TESTING	14	EXAM 83
5	EXAM 83	15	EXAM 84
6	EXAM 84	16	EXAM 85
7	EXAM 85	17	EXAM 86
8	EXAM 86	18	EXAM 87
9	EXAM 87	19	BATH
10	BATH	20	BREAK ROOM
21	HALL	22	HALL
23	STAFF LOUNGE	24	NEW LAB
25	EXPANDED OPTICAL	26	COURTYARD



RIGHT ELEVATION (NORTH)

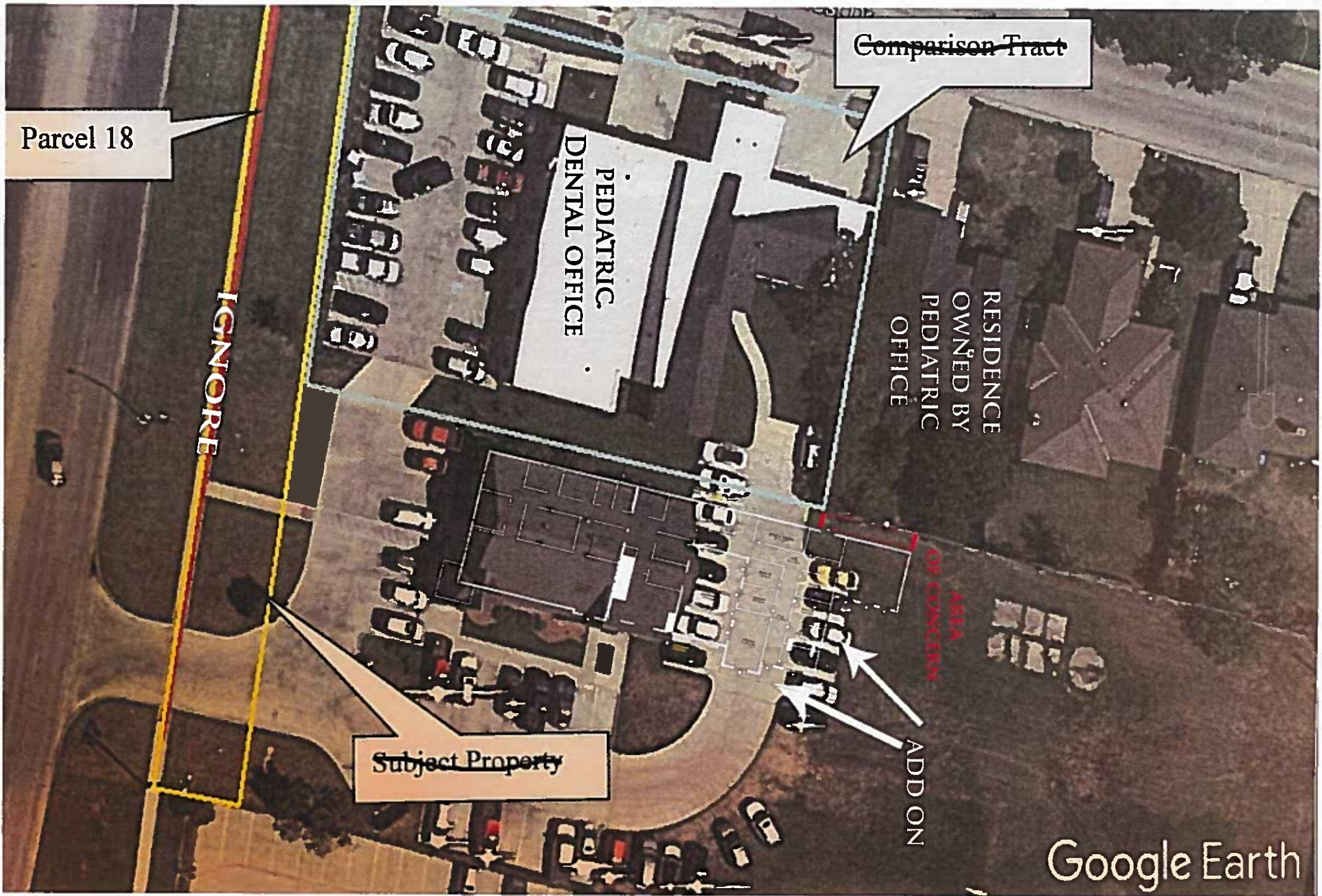


REAR ELEVATION (EAST)



SIDE ELEVATION

ADVANCED EYE CARE ROUGH DRAFT #2			
Date: JUN 2014	Scale: 1/4" = 1'	Sheet: 1 of 1	6/14
FLOOR PLAN			
Page: 1 of 1	Drawing: 1		



Parcel 18

IGNORE

PEDIATRIC.
DENTAL OFFICE

Comparison Tract

RESIDENCE
OWNED BY
PEDIATRIC
OFFICE

Subject Property

AREA
OF CONCERN

ADD ON

Google Earth

BA-2019-19

STAFF REPORT



REQUEST:

The applicant is requesting a 4-foot and a 2-foot variance

APPLICANT:

Owner: Stuart Douglas

Agent: Willie Carrigan of Carrigan Construction LLC

HEARING DATES:

Board of Adjustment: November 12th, 2019

LOCATION AND LEGAL DESCRIPTION

3009 San Miguel

Lot 12, Block 4 of Lynwood Sec 3

ZONING CLASSIFICATION:

Since 1974, this property and the entire Lynwood neighborhood have been in a Residential Single-Family (RS-8) zoning district.

PROPOSAL AND REQUESTED ACTION:

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.

DEVELOPMENT STANDARDS:

Land Development Code Section 2.4.4.1: Regulations by District Type

(b) 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.

Land Development Code Section 2.3.2.4: Residential Single-Family District-8

(1) Protect the residential character of the included area by excluding most commercial and incompatible activities, as appropriate.

(3) Preserve open space and avoid overcrowding by requiring certain minimum yards, open spaces, and lot areas.

APPLICATION REVIEW:

Land Development Code Section 1.4.4.2: Variances

(d) **Criteria for Approval.** A variance is used to modify the application of the Land Development Code [Chapters 2 and 4] as it applies to a specific piece of property. 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 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, based on the information provided by the applicant, staff cannot discern any special or unique conditions regarding this property.

- (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.

Yes, staff is of the opinion that the proposed height of the accessory building, in accordance with the distance to adjacent properties, could prove to be unsightly.

	Zoning	Existing Land Use
North	RS-8	single-family residence
South	RS-8	single-family residence
East	RS-8	single-family residence
West	RS-8	single-family residence

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

No, this proposed accessory structure encroaches on the minimum setback standards for accessory structures as depicted in the Land Development Code.

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

No information was provided by the applicant to support the granting of the requested variances.

STAFF RECOMMENDATION: Denial, due to the inconsistencies between the request and the criteria for approval in the Land Development Code.

NOTIFICATION:

Owner	Situs	Response
BARNES MARTIN S & AMANDA LOUISE	3017 SAN MIGUEL DR	
CLINTON SHERMAN L & CLAUDIA	3026 SHEPHERD ST	
CONLEY JAMES L & GLORIA J	3018 SHEPHERD ST	
DAVIS REID T & PATTI S	3117 HIGH MEADOWS DR	
DOCKERY WILLIAM D &	3133 HIGH MEADOWS DR	
DOMALL III LLC	3018 SAN MIGUEL DR	
DOUGLAS STUART W & DONNA L	3009 SAN MIGUEL DR	
GREER DENNIS L & BRENDA W	3010 SAN MIGUEL DR	
GREGORY ROBERT L	3010 SHEPHERD ST	
HALEY ROBERT H	3118 HIGH MEADOWS DR	
JONES PATSY J	3134 HIGH MEADOWS DR	
LARA ALMA C	3110 HIGH MEADOWS DR	
LETZ LARRY D & JEANIE LIFE ESTATE	3102 SAN MIGUEL DR	
MARTIN RICHARD H & DONNA R	3101 SAN MIGUEL DR	
NEWTON MICHAEL E &	3102 SHEPHERD ST	
NORWOOD VIOLA MAE	3025 SAN MIGUEL DR	
REID DAWN M	3126 HIGH MEADOWS DR	
SIMER GARY E & JULIE L	3141 HIGH MEADOWS DR	
STURROCK JIMMIE R &	3101 HIGH MEADOWS DR	
VILLAGRAN OLIVIA LOPEZ	3026 SAN MIGUEL DR	
WARD DAVID M	3109 HIGH MEADOWS DR	

ATTACHMENTS:

- Application
- Presentation

OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Stuart Douglas
Address: 3009 San Miguel
City, State, Zip: Abilene Tx 79605 Fax: _____
Phone: 325 669-3525 Email: sdouglas@AbileneAero.com
Agent Name: Carrigan Const (Willie Carrigan)
Address: 596 Private Rd 2150
City, State, Zip: Clyde, Tx 79510 Fax: _____
Phone: 325 665-9706 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?

* So the drive thru door opening is more Accessible
Building to house walk thru more Accessible (to narrow
at the minimum set back

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

Legal Description (Use attachment if necessary): _____

Current Zoning: RS-8

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: _____ Date: _____

FOR OFFICE USE ONLY

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

Case No.: _____ Reviewed By: _____

* Complete Set of plans
Required with application.



CITY OF ABILENE

BUILDING
INSPECTIONS

Building Permit Application

This application must be complete before a permit will be issued. No work shall be performed or fee accepted until the permit has been approved and issued. *Required fields

* Lot: 12 * Block: 4 * Addition: Lynwood Sect. 3 * Plasticity Index: _____

* Is Property located within a Flood Plain: ☐ YES ☒ NO

* Job Address: 3009 San Miguel

* Water Supply: ☒ CITY ☐ OTHER _____ * Water Meter Size: _____

* Sanitary Sewer: ☒ CITY ☐ PRIVATE

* Electric Supplier: ☒ AEP ☐ Taylor Other _____

* Spray foam ☐ Yes ☐ No if yes RES check required

Name of Business (if applicable): _____

* Contractor: Willie Carrigan * Contact Person: Sara

* Contact Person E-mail Address: williecarri@icloud.com * Phone: 325 665 9706

Contractor Address: _____ City: _____ State: _____ Zip: _____

* A/C Sq.Ft.: _____ * Total Under Roof Sq.Ft. 1600'

* Total Living Sq.Ft. 1st floor garage Sq.Ft. _____

* Valuation of Work: \$ 10,200.00 Second floor porches Sq.Ft. _____

(Total cost of construction excluding cost of land) If construction is valued over \$50,000 and is not residential, TDLR Project No. (Required):

- The City of Abilene will arrange a Development Review Meeting with owner and contractor for all new "ground up" commercial projects. You may decline such meeting by signing here: _____

* Class of Work: ☒ New ☐ Alteration ☐ Addition ☐ Repair ☐ Moving

* Structure Type: ☐ One-Two Family ☐ Multi-Family ☐ Commercial ☐ Industrial ☒ Other: Accessory

* Proposed Setbacks: Front Not in front Back: X Side: Southeast corner of lot N 5 E W 3 Side: N 5 E W 3

Curb: _____

* Description of Work: 10' metal building

List Subcontractors Below

*Subcontractors indicated shall register with the City of Abilene Building Inspections Department before permits are processed. Contractors shall validate the permit issued for this construction. Separate permits will not be issued for the various trades.

** Alarms are required to be permitted and registered with the City of Abilene Police Department.

*ELECTRICAL: Yes CONCRETE: Yes
*PLUMBING: NO *ROOFING: metal
*HVAC: NO SEPTIC: NO
FRAMING: metal **ALARM: Yes

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local laws regulating construction or the performance of construction. By signing below, I understand that I shall meet all City Ordinances and Development Standards applicable to the appropriate zoning.

*Date: 10/9/19
*Applicant Signature: Stuart Doyle
*Printed Name: Stuart Doyle

To schedule inspections call 325-676-6273/6232, email buildingpermits@abilenetx.com or log on to mygov.us/login

***** OFFICE USE ONLY *****

Planning: Reviewed by: Jared Smith Date: 10/9/19

Site plan required? ☒ Y ☐ N ☒ Zoning: RS-8

Minimum Setbacks: Front _____ Back: _____ Side: N S E W _____ Side: N S E W _____

Curb: _____ Parkway Width: _____

Flood Plain: ☐ Y ☐ N Sidewalks: ☐ Y ☐ N

Min. elevation: _____ or 18" above gutter, grade: _____

Zoning Approval: _____ Engineering Approval: _____

Notes: _____

Building Inspection: Reviewed by: _____ Time Received: _____ Date: _____

Floor Plan: _____ Foundation Plan: _____ Energy Report: _____ Asbestos Verification: _____

Set-Back Verification: _____ TDLR#? ☐ Y ☐ N Site plan approved? ☐ Y ☐ N Plan Review Complete: _____

Notes: _____



October 9, 2019 at 10:13 AM

Carrigan Const LLC

596 Private Rd 2150

Clyde Tx 79510

We propose to build a 20'x30'x10' metal building on a 4"-3500 psi slab
Slab will have 12"x18" perimeter beams with 4 sticks of 1/2" rebar in beams
3/8" rebar on 18" centers in 4" mat.

All sheets and trim will be 30 PBR

1-10'x8' overhead door

1-36" walk door

\$17,200 total. If it's not listed above it's not included in the total price

2 Yr warranty on labor

+\$800 to make a 12'Eve

+\$1,600 to make a 14' Eve

Wiv CF 10-9-19

Signature.

Date.

Signature.

Date

sdouglas@AbileneAero.com



Planning and Zoning

with Web AppBuilder for ArcGIS



32.414 -99.763 Degree

All Rights Reserved

Case: BA-2019-19
Applicant: Stuart Douglas
Request: 4ft variance from minimum 7ft
interior side and 2ft from minimum
5ft rear for accessory building
Location: 3009 San Miguel
Notification: 0 in Favor, 0 Opposed
Board of Adjustment: November 12, 2019



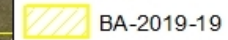
BA-2019-19 AERIAL LOCATION MAP



Location Map



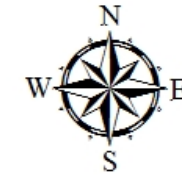
Legend



BA-2019-19 ZONING MAP



Zoning Map



Legend

-  BA-2019-19
-  RS-6: Residential Single-Family
-  RS-8: Residential Single-Family





- Not consistent with Development Standards of Land Development Code (Section 2.4.4.1 & 2.3.2.4)
- Reviewed Pursuant to Section 1.4.4.2 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Denial



BA-2019-19 NOTIFICATION AREA MAP



Questions?



BA-2019-20

STAFF REPORT



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 5 feet from the front boundary of their home site.

APPLICANTS:

Owners: Christie Moreno and Cesar Rangel

HEARING DATE:

Board of Adjustment: November 12, 2019

LOCATION:

933 Kenwood Drive, approximately 188 feet south from East North 10th Street. Kenwood Drive lies approximately 1/3 mile east from and parallel to North Judge Ely Boulevard.

LEGAL DESCRIPTION:

Lot 12 in Block L of Radford Hills Addition, Section 10

ZONING CLASSIFICATION:

This particular property as well as all 26 lots bordering the east side of Kenwood Drive are located in a Residential Multi-Family (MF) zoning district. All 26 lots are occupied by conventional single-family homes. In MF zoning districts, single-family homes are subject to building setback, separation, height and density standards applicable to Residential Single-Family (RS-6) zoning districts.

BACKGROUND:

In RS-6 zoning districts, all building structures (including open carports and porches) must generally be set back a minimum 15 feet from any front boundary on rights-of-way for local streets. The Board of Adjustment is authorized to approve Special Exceptions allowing open-sided carports and porches to extend within as few as 5 feet from front lot boundaries, so long as all the following conditions are met:

- The carport or patio cover must be attached to or abut the principal building.
- Support posts must not exceed two feet (2') in width or diameter.
- The carport or patio cover must be located over/on an improved surface.
- The Board of Adjustment shall determine the carport or porch will **not** be detrimental to the visual environment or character of the area.

PROPOSAL AND REQUESTED ACTION:

Earlier this year, the applicants had installed a prefabricated metal carport in front of a garage attached to their home at 933 Kenwood Drive. This carport was installed without a building permit and in violation of building setback standards of Abilene's Zoning Regulations.

After having been informed of this violation, the property's owners applied for approval of a Special Exception to legitimize their previous installation of this offending carport structure. If Board members approve the requested Special Exception, the applicants may obtain a permit to place this carport in front of their home. If the request is denied, the applicants must remove the carport altogether.

Each of the **objective** criteria required to approve this requested Special Exception is believed to have been met:

- The leading edge of this carport roof is set back at least 5 feet from the front property line.
- The existing carport abuts the principal building (residence) at 933 Kenwood Drive.
- Support posts (columns) on the existing carport do not exceed two feet (2') in width.
- The existing carport is located over the applicants' concrete-paved driveway.

If this carport will be allowed to remain in place, the Board of Adjustment must determine whether the one subjective criterion for Special Exception approval has also been met:

- Is this existing carport detrimental to the visual environment or character of the area?

On their application for Special Exception approval, the proponent(s) included the following background information:

"We have four vehicles. One is a vintage 1979 Chevy Corvette that has been restored. The other three vehicles include a 2014 Chevy Corvette with only 25,000 miles, my wife's automobile and my truck. During the last bad hailstorm, we had two automobiles stored in the garage of my father's home. Unfortunately, he passed away, and his home has since been sold. My restored 1970 Corvette is valued at \$25,000, and the newer Corvette is valued between \$45,000 - \$50,000."

DEVELOPMENT STANDARDS:

Land Development Code Section 2.3.2.5: Residential Single-Family (RS-6) District

(a) Purpose. The Residential Single-Family (RS-6) District is intended to permit residential development of detached single-family dwellings, permitted accessory structures and appropriate desirable open space on lots not less than 6000 square feet in area. This district is also designed to achieve the following:

- (1) Protect the residential character of the included areas, by excluding most commercial and other incompatible activities.
- (2) Preserve open space and avoid overcrowding by requiring certain minimum yards, open spaces and lot areas.

Land Development Code Table 2-2: Site Layout and Building Requirements for Residential Zoning

This table stipulates that, in RS-6 zoning districts, a minimum 15-foot building setback is generally required from front lot boundaries on local streets.

APPLICATION REVIEW:

Land Development Code Section 1.4.4.1: 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, which is consistent with the overall intent of the zoning regulation for which express standards are prescribed, **but that requires additional review to determine whether the development with the modification is compatible with adjoining land use and the character of the neighborhood in which the development is proposed.** Section 1.4.4.1 goes on to state that, in approving a Special Exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with Zoning Regulations.

Land Development Code Section 2.4.4.2 specifically authorizes the Board of Adjustment to approve Special Exceptions allowing construction (or installation) of open-sided carports in minimum front

yards otherwise required to be free of any buildings, if the Board determines the carport is not detrimental to the visual environment or character of the area.

As mentioned above, the subject property has a prefabricated metal carport recently installed in front of a two-car garage attached to the north side of the existing home there. This carport is believed to extend within as few as five feet from the property's front boundary which, in turn, lies twelve feet from and parallel to the face-of-curb on pavement for Kenwood Drive. The attached garage is believed to be set back 27 feet from this property's front boundary.

No other such carport (similar to the one on this subject property) exists in front yards of other lots along the 1/3-mile length of Kenwood Drive. The same is true of this entire residential neighborhood lying:

- south from East North 10th Street,
- east from North Judge Ely Boulevard,
- north from Musken Road, and
- west from Kenwood Drive.

Furthermore, the existing carport is made entirely of metal, while homes in the surrounding neighborhood are almost universally faced with brick on their front and side walls. As a consequence, the appearance of this particular carport in the front yard of this particular property is not consistent with the visual character of this residential environment.

Of special concern is the placement of this structure (albeit open-sided) in this property's front yard. Zoning limitations on building placement are, among other considerations, intended to preserve and enhance the open space character that homeowners expect and desire in a single-family residential environment. It is staff's opinion that placing this carport in the subject property's front yard is contrary to those objectives.

STAFF RECOMMENDATION: Denial, based on a conclusion that placement of this carport is indeed detrimental to the visual environment and character of this area.

NOTIFICATION: The Planning Services Division sent, with a certificate of mailing, a notice of this requested Special Exception to the applicant and to owners of all property within a 200-foot radius of this subject property:

Owner	Situs	Response
ABILENE CHRISTIAN UNIVERSITY		
ALLEN BILLIE L	934 RUSWOOD CR	
CHAMBERLAIN TRUST	909 KENWOOD DR	
CITY OF ABILENE		
DISABILITY RESOURCES INC	951 KENWOOD DR	
DISABILITY RESOURCES INC	949 KENWOOD DR	
ELLISON RUSSELL C & BEVERLY E	949 RUSWOOD CR	
FARMER JOHNNY & BETTY	939 RUSWOOD CR	
GIBSON SOOK HEE	925 KENWOOD DR	
GILBRETH JAMES DAVID &	941 RUSWOOD CR	
HALBERT ENTERPRISES LLC	941 KENWOOD DR	
HULETT JOE DALE	951 RUSWOOD CR	
MORENO CHRISTIE	933 KENWOOD DR	
NELSON BONNIE	943 RUSWOOD CR	
PEVEY THOMAS M & CONNIE J	945 RUSWOOD CR	
RILEY WILLIAM D & BRENDA	917 KENWOOD DR	
SEALS OTIS E & GERALDINE	936 RUSWOOD CR	
SHERRILL BRENDA	947 RUSWOOD CR	
SINCLAIR YVONNE LF EST	937 RUSWOOD CR	
WEST TEXAS UTILITIES CO	1574 SAN JACINTO DR	

ATTACHMENTS:

- Application
- Presentation



OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Cosar Rando Christie Moreno

Address: 933 Kenwood Drive

City, State, Zip: Abilene Fax: _____

Phone: 325-201-7889 Email: elchicoabilene@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) Cosar Rando 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?

TO PERMIT AN OPEN-SIDED CARPORT TO
EXTEND WITHIN AS FEW AS 5 FEET
FROM FRONT BOUNDARY OF SUBJECT PROPERTY

We have 4 Automobiles, 1 one is a Vintage 1979 Chevy Corvette it has been
Restored. 2014 Chevy Corvette with only 25,000.00 miles, My Wife's car, and my
Truck. The last Bad hail storm we had two Automobiles were in Dad's
Garage. Unfortunately my DAD passed away and the was SOLD. 1979 Corvette
Restored I paid \$25,000.00 - my other Corvette is around
\$45,000.00 - \$50,000.00

Project Address: 933 Kenwood Drive No. of lots: _____ Acreage: _____

Legal Description (Use attachment if necessary): Radford Hill's 10 REP of L Block
LOT 12 IN BLOCK L OF RADFORD HILLS ADDITION,
SECTION 10

Current Zoning: MF

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: Cosar Rando Date: _____

FOR OFFICE USE ONLY

Received: 10-11-2019 Fee: \$ 400

Receipt No.: 0002088432

Case No.: SP. 2019-20

Reviewed By: BRAD 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)

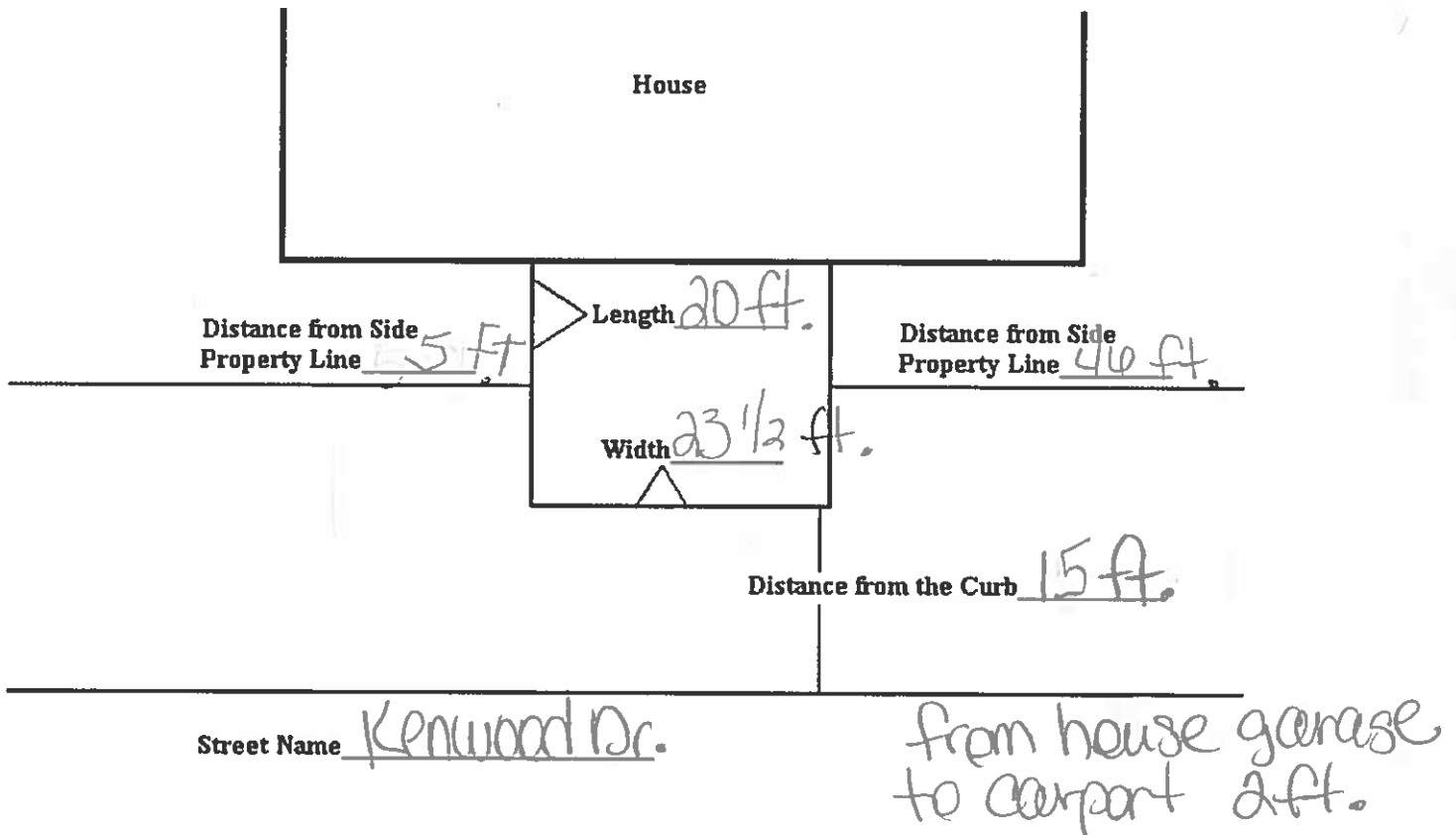
1. Fully describe the unique, special circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and the intent. (This CANNOT be solely caused by the applicant.)

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: ~~Brick~~

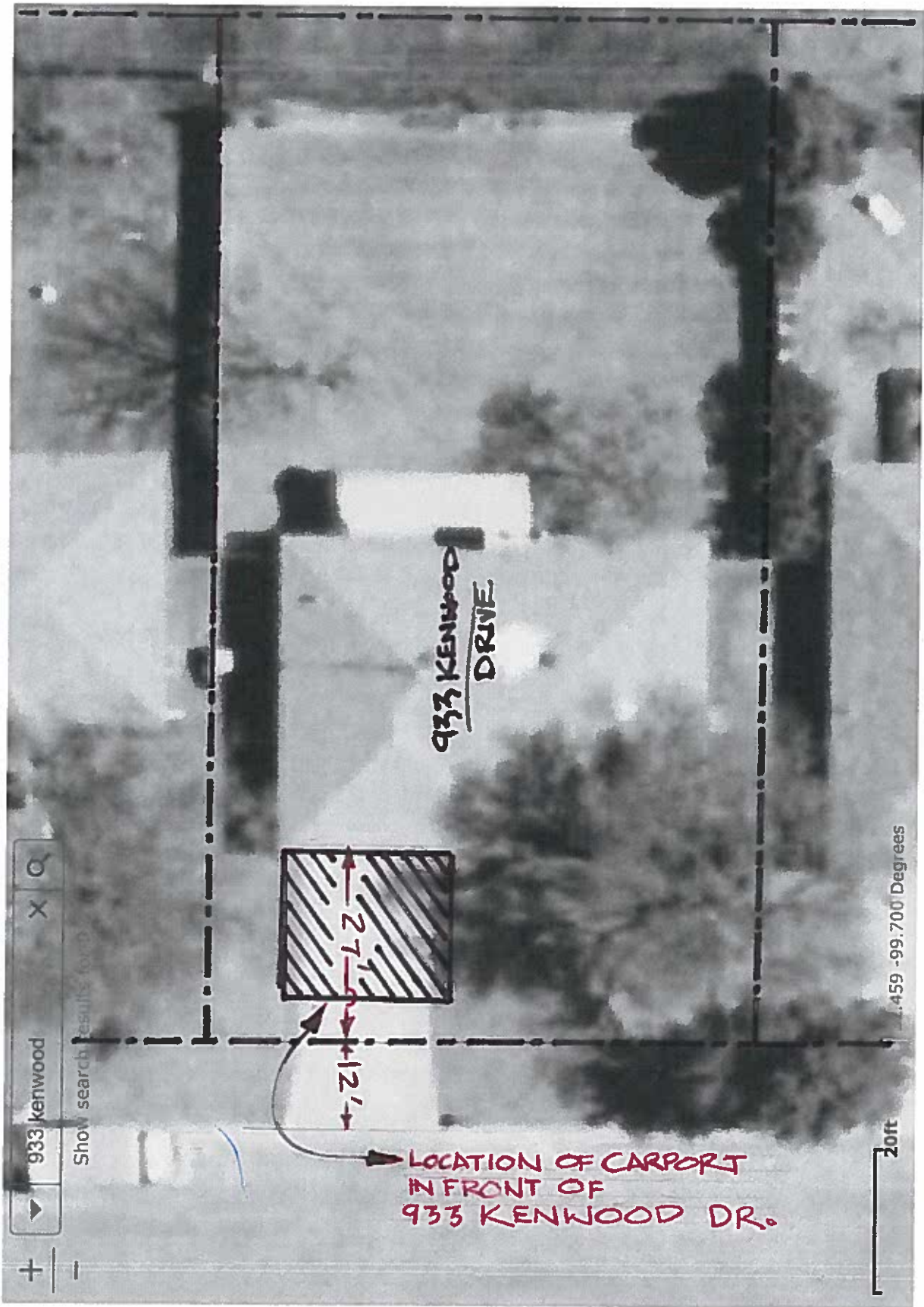
Carport Building Material: ☐ Similar to principal structure ☒ Metal ☐ Brick ☐ Stone ☐ Wood

☐ Other Metal



Planning and Zoning

with Web AppBuilder for ArcGIS

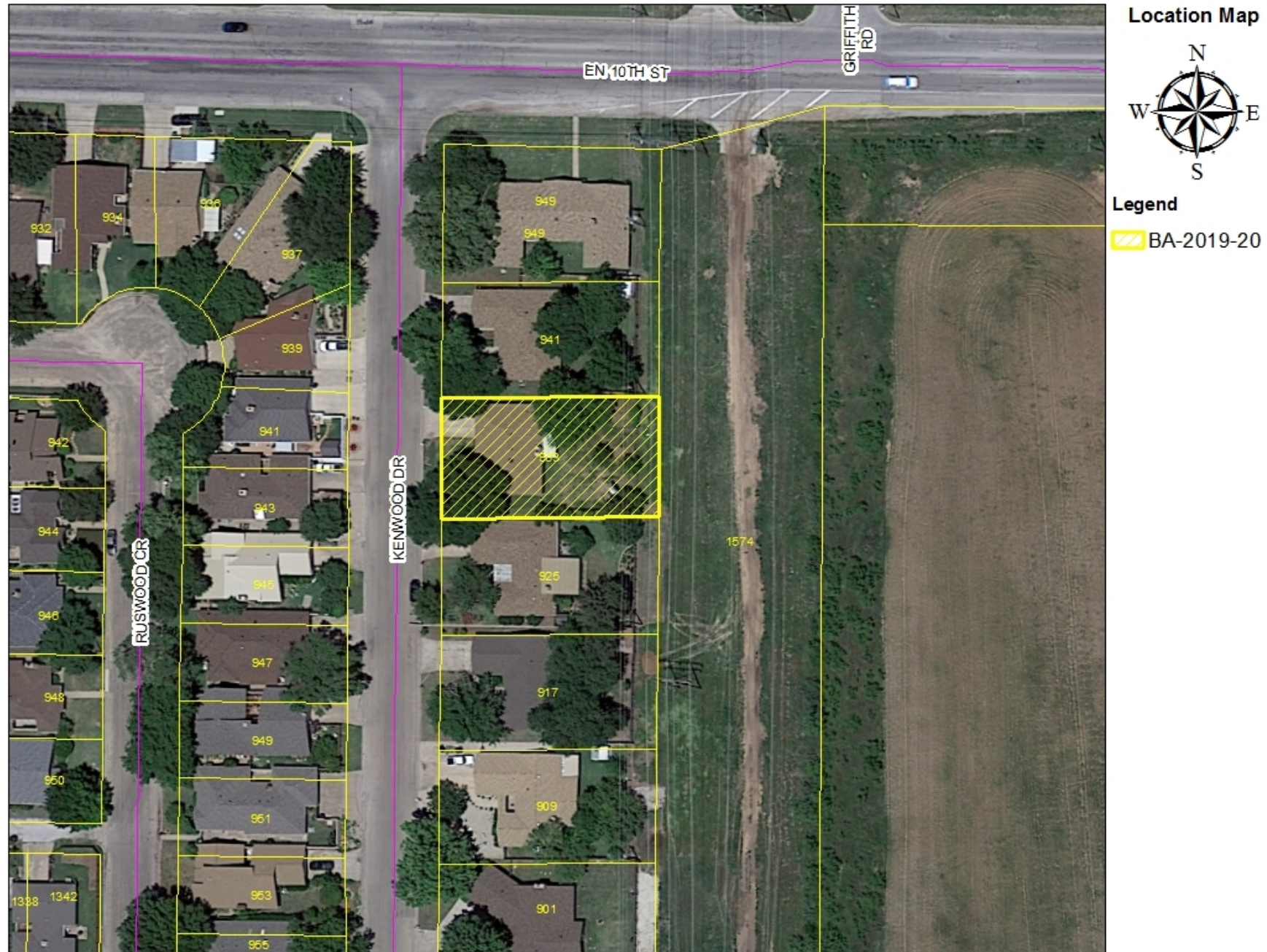


SCALE: 1" = 20'

Case:	BA-2019-20
Applicant:	Christie Moreno & Cesar Rangel
Request:	Special Exception (from ordinary building setback standards) to legitimize previous installation of an open carport in front of their residence and set back 5 feet from the front boundary
Location:	933 Kenwood Drive
Notification:	0 in Favor, 0 Opposed
Board of Adjustment:	November 12, 2019



BA-2019-20 AERIAL LOCATION MAP



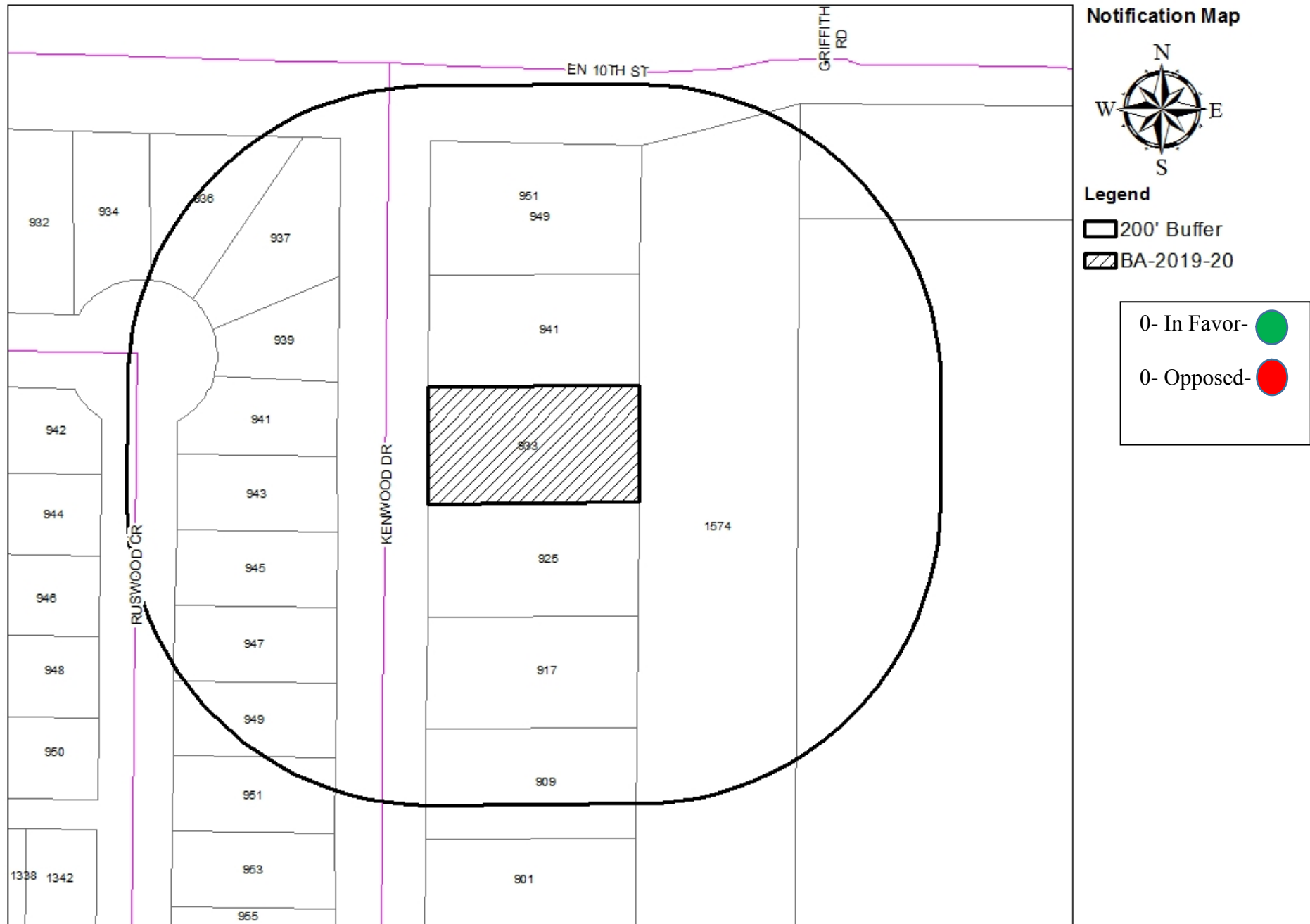




- Reviewed Pursuant Development Standards of Land Development Code (Section 2.3.2.5)
- Reviewed Pursuant to Section 1.4.4.1 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Denial



BA-2019-19 NOTIFICATION AREA MAP



Questions?

