



City of Abilene

Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment of the City of Abilene to be held on June 14, 2022 at 8:30 a.m. at the South Branch Library inside the 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 minutes from the regular meeting held on May 10, 2022.

AGENDA ITEMS

2. **BA-2022-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Woodrow Charlena Hicks-Williams for approval of a 2-foot variance to allow installation of a new industrialized housing unit on a 60-foot-wide lot. **(Clarissa Ivey)**

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 10th day of June, 2022, at 12:00 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

May 10, 2022

8:30 a.m.

BOARD OF ADJUSTMENT OF THE CITY OF ABILENE, TEXAS ABILENE PUBLIC LIBRARY SOUTH BRANCH, MALL OF ABILENE

Members Present: Mr. Scott Hay, Chairman
Col. Morton Langholtz, Vice-Chairman
Mr. Robert Beermann
Mr. Jon Loudermilk
Ms. Dani Ramsay, Alternate

Staff Present: Mr. Michael Rice, Assistant City Manager
Ms. Kelley Messer, First Assistant City Attorney
Mr. Tim Littlejohn, Director of Planning and Development Services
Mr. Adam Holland, Planner I
Ms. Clarissa Ivey, Planner I
Ms. Melissa Farr, Executive Assistant

Others Present: Mr. James Sargent Mr. J.T. Unruh

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 from the regular meeting held on March 8, 2022. Mr. Loudermilk seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Ramsay, Langholtz, Beermann, Loudermilk, Hay

NAYS: None

AGENDA ITEMS

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.

This request was tabled at the previous meeting. Colonel Langholtz made the motion to remove this item from the table, and Mr. Beermann seconded the motion. The motion to **untable** this request prevailed by the following vote:

AYES: Ramsay, Langholtz, Beermann, Loudermilk, Hay

NAYS: None

Mr. Adam Holland presented this request to the Board. 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.

Mr. Hay opened the public hearing. Mr. J.T. Unruh (KeyCity Capital) spoke in favor, sharing his opinion that the impact of his project will be an improvement to the existing area.

Mr. James Sargent spoke in opposition, saying the rear entry of vehicles in the alley creates a burden. That traffic usually brushes against his fence. Seeing no one else 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, with one (1) received in opposition.

STAFF RECOMMENDATION: Approval

Discussion among the Board confirmed encouragement of new development and improvements for the area.

Mr. Beermann made the motion to **approve** the request based upon the findings found within the staff report and criteria for approval. Colonel Langholtz seconded the motion. The motion to **approve** this request prevailed by the following vote:

AYES: Ramsay, Langholtz, Beermann, 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 8:57 a.m.

Approved: _____, Chairman Scott Hay
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Development Application

Special Exception • 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.

1. Fully describe the unique 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.

Request an eighteen foot variance to street side property line on North 11th Street, allowing a new home as close as 12 feet to the property line. Strict enforcement of the ordinance would render my property useless. I currently own a home on this property but want to build a new home once current home is removed

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?

No.

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

House

Distance from Side Property Line _____

Length _____

Width _____

Distance from Side Property Line _____

Distance from the Curb _____

Street Name North 11th Street



Development Application

Planning

- ☐ Conditional Use
 ☐ Special Exceptions
 ☐ Rezoning
 ☒ Variance
 ☐ PDD Amendment
 ☐ Street Name Change
 ☐ Thoroughfare Abandonment
 ☐ Easement Release
 ☐ Historic Certification of Appropriateness
 ☐ Historic Project Tax Reduction

Relief Procedures

- ☐ Petition for Relief
 ☐ Proportionality Appeal
 ☐ Vested Rights Petition
 ☐ Appeal

Other: _____

Project Name: Woodrow Charlena Hicks - Williams
 Address: 2402 N. 11th Street, Abilene, TX 79603 No. of lots: 1 Acreage: 0.2204 or 9600 square feet
 Legal Description: LakeSide Addition
 Subdivision Name: Re plat of Lot 9 and South 10 feet of lot 8 Block: 30 Lot: 109
 Current Zoning: RS6 Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Woodrow Charlena Hicks - Williams
 Address: 2402 North 11th Street
 City, State, Zip: Abilene, TX 79603 Fax: N/A
 Phone: 325-660-6953 Email: wcharlena@live.com
 Agent Name: Bill Wilkins - Oak Creek Home Center
 Address: 1210 North Clark Street
 City, State, Zip: Abilene, TX 79603 Fax: 325-692-8969
 Phone: 325-692-5755 Email: oakcreekabilene.co

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: Woodrow C Hicks - Williams Date: 4/29/2022

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
 Case No.: _____ Reviewed By: _____



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED:

Woodrow Charles Hicks - Williams DATE: 4/29/2022

BOARD OF ADJUSTMENT BA-2022-02 STAFF REPORT



Scheduled Hearing

Board of Adjustment: June 14, 2022

Applicant

Owner: Woodrow Charlena Hicks-Williams

Request

The applicant is seeking a 2-foot variance from the minimum 30-foot side setback ordinarily required in Residential Single-Family (RS-6) Zoning districts from an arterial street. The applicant intends on installing an industrialized housing unit on this tract of land.

Location

The subject property is addressed as 2402 N 11th St; located in North-central Abilene. The property has recently been platted. Described as being Lot 109 a replat of Lot 9 and the South 10 feet of Lot 8, Block 30 of the Lakeside Addition in Abilene, Taylor County, Texas.

Zoning and Existing Land Use

The property is located within Residential Single-Family 6 District (RS-6) and has been since 1974. The subject property is currently occupied by the applicant. The land uses surrounding this subject property are single-family residences to the North and East which are all located within RS-6 zoning and a vacant lot zoned for Residential Multi-Family to the West, and Cobb Park directly to the South.

Land Development Code Provisions

According to Table 2-2 within Division 2 "Residential Zoning Districts" in the Land Development Code; Residential Single-Family zoning requires a minimum lot width of 60-feet. Which would require a minimum 30' setback from the south property line.

Background

Presently this property has been replatted. 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. A 900sq ft industrialized housing unit has been in place since 1956.

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 south property line setback requirements for this particular property would create a hardship resulting in inequitable use and development of the property. Strict adherence to the minimum 30-foot side-yard setback requirement would deprive the applicant of reasonable and beneficial use of the land. Without the variance approval, the lot will likely remain deteriorated and only of value to the owner.

- 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. Currently this lot meets minimum standards for Single Family residence zoning districts, the lot is 60' wide and 160' long allowing for all but one of the setbacks to be met.

- 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 June 6 , 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
RODRIGUEZ VICTOR R	1117 PARK AV	70619	
GUTIERREZ CARMEN	1101 PARK AV	70374	
CITY OF ABILENE		116137	
HICKS WOODROW CHARLENA	2402 N 11TH ST	72277	
HARENDT JON ROBERT	1126 PARK AV	71884	
CITY OF ABILENE	2302 STATE ST	116135	
CITY OF ABILENE	909 FORREST AV	116135	
CITY OF ABILENE	2442 N 11TH ST	72393	
1134 PARK HOLDING LLC	1134 PARK AV	71752	
BROKERAGE HOUSE INC	1109 PARK AV	70495	
CITY OF ABILENE		116136	
GALVAN JOE A	2429 N 12TH ST	16553	
GALVAN JOE A	2425 N 12TH ST	16553	
MONTOYA LEOLA	1110 PARK AV	72150	
HICKS WOODROW C	2426 N 11TH ST	72524	
WHITE DONALD EDWARD & DOROTHY NE	1118 PARK AV	72023	
COOPER GERARD & FLORA	1133 PARK AV	70861	
BURNETT DEBORAH K	1125 PARK AV	70736	

Attachments

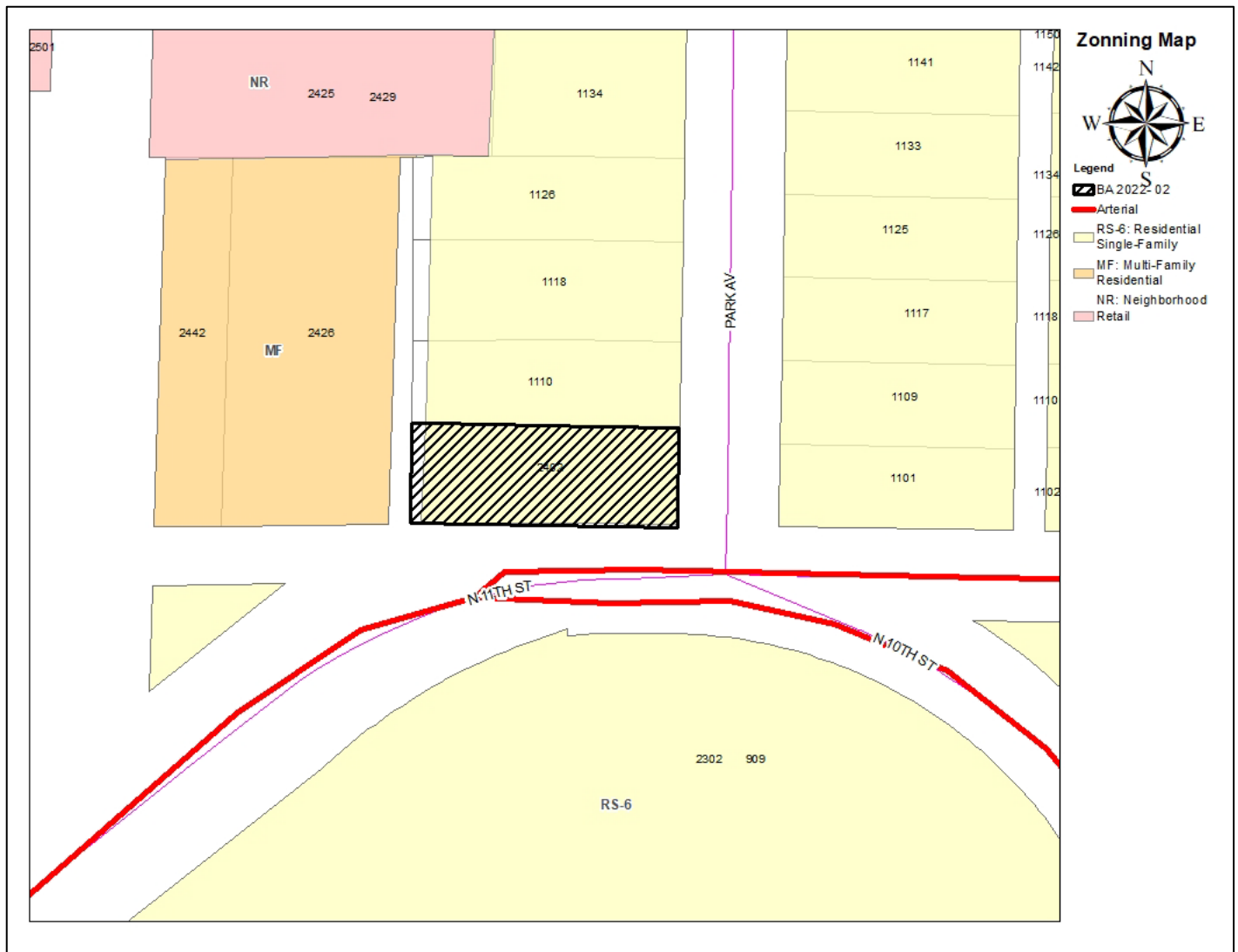
Application

PowerPoint Presentation

LOCATION MAP



ZONING AND EXISTING LAND USE MAP



Case: BA-2022-02

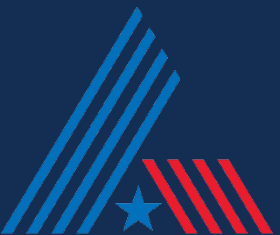
Owner: Woodrow Charlena Hicks-Williams

Request: 2-foot Variance from the minimum 30-foot setback
required from an arterial street.

Location: 2402 N 11th.

Notification: 0 in Favor, 0 Opposed

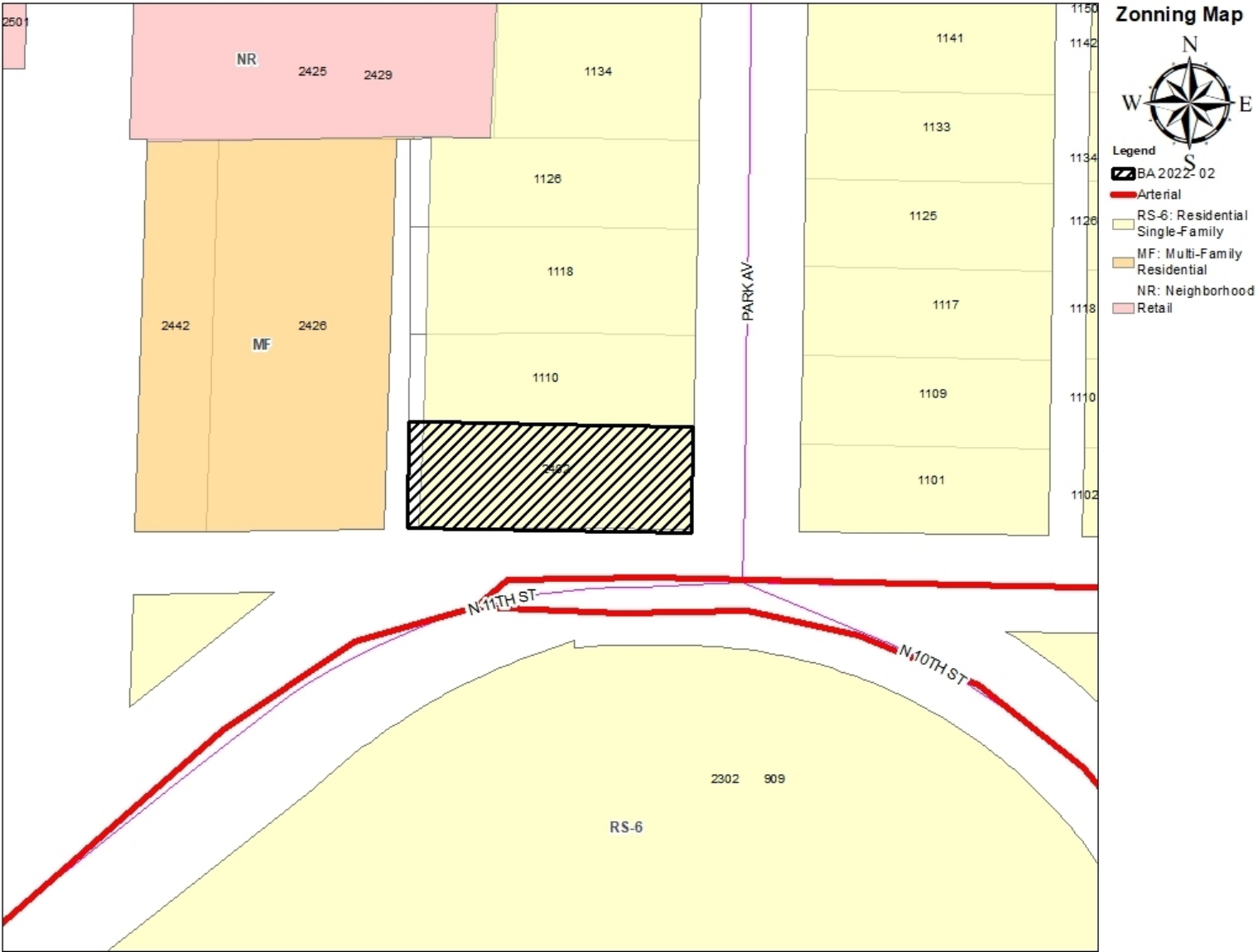
Board of Adjustment: June 14, 2022



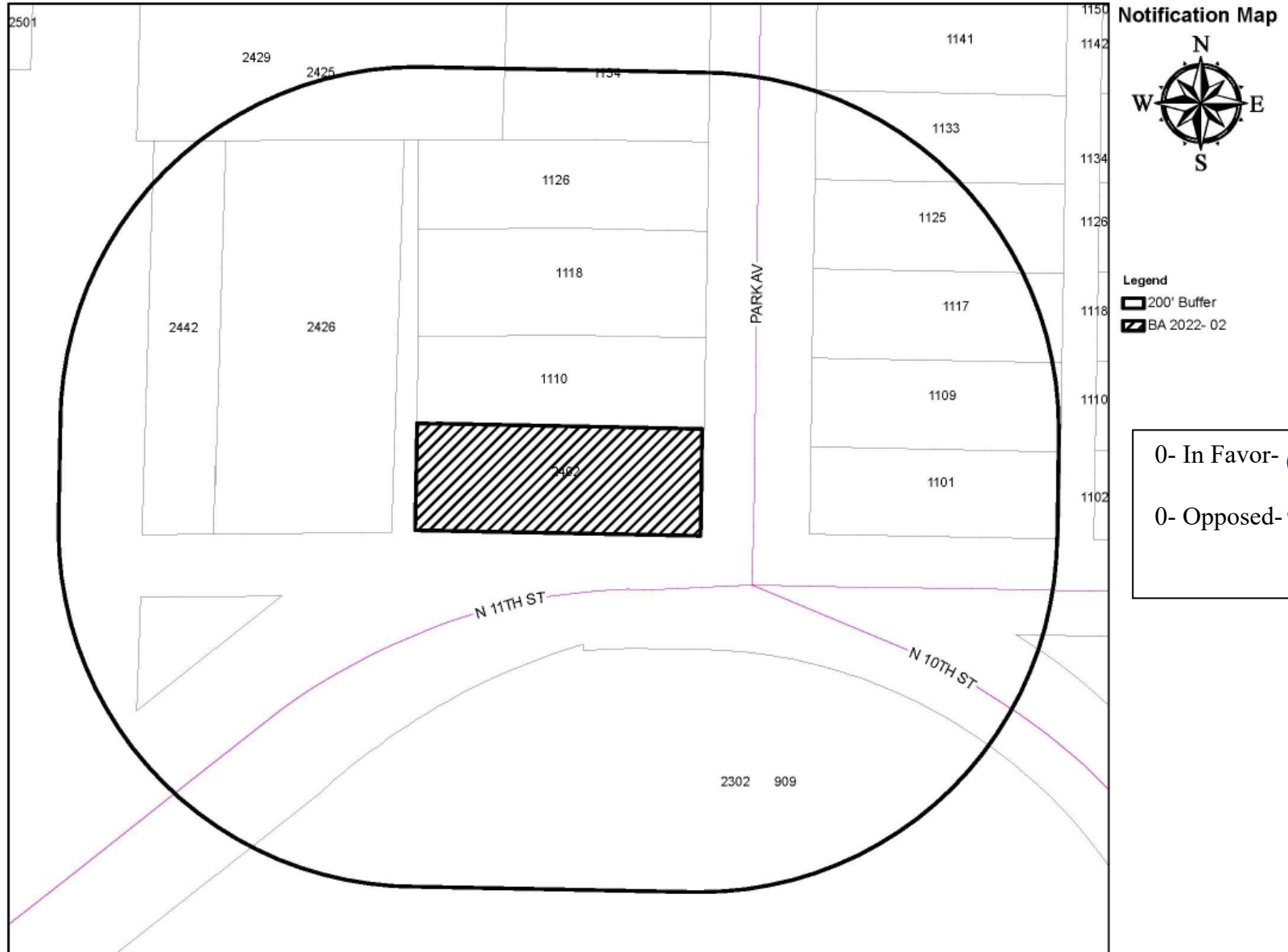
BA-2022-02 AERIAL LOCATION MAP



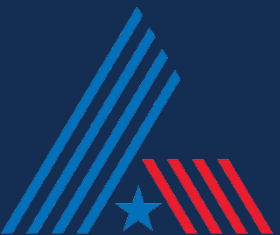
BA-2022-02 ZONING MAP



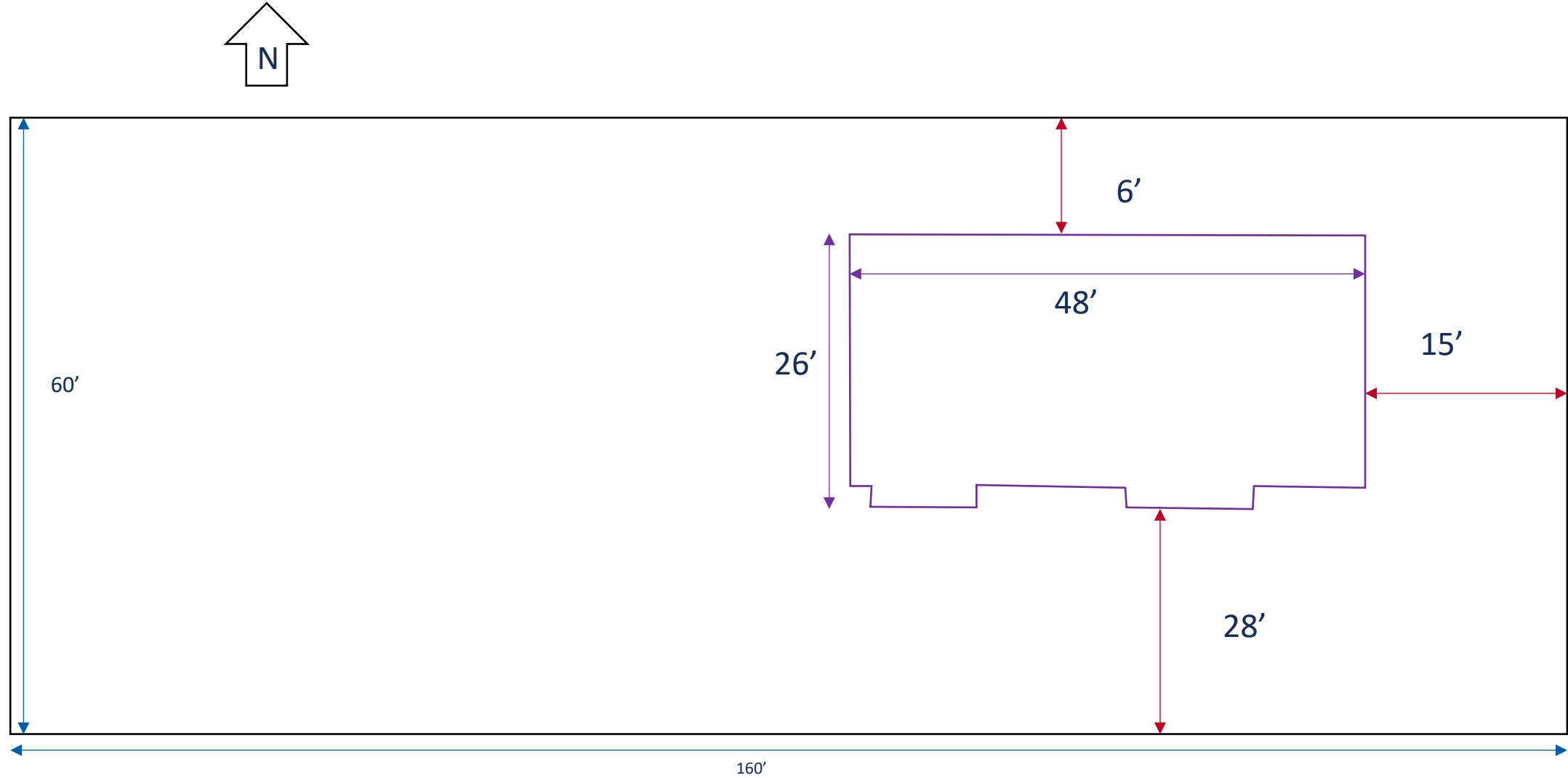
BA-2022-02 NOTIFICATION AREA MAP



BA-2022-02 VIEWS OF SUBJECT PROPERTY



BA-2022-02 Conceptual Plan



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

- **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 south property line setback requirements for this particular property would create a hardship resulting in inequitable use and development of the property. Strict adherence to the minimum 30-foot side-yard setback requirement would deprive the applicant of reasonable and beneficial use of the land. Without the variance approval, the lot will likely remain deteriorated and only of value to the owner.

- **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.

- **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. Currently this lot meets minimum standards for Single Family residence zoning districts, the lot is 60' wide and 160' long allowing for all but one of the setback to be met.

- **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.



Questions?

