



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 12, 2022 at 8:30 AM 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, Hold a Discussion and Public Hearing, and Take Action on the Minutes from the Regular Meeting Held on June 14, 2022.

AGENDA ITEMS

2. **BA-2022-03:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from KeyCity Capital of a **13-foot variance from the minimum 60-foot lot width ordinarily required for MF (Multi-family) Zoning districts.** (Adam Holland)
3. **BA-2022-04:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request for an **8-foot variance from the minimum 60-foot lot width ordinarily required for RS-6 (Residential Single-family) Zoning districts.** (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 7th day of July, 2022, at 12:30 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

June 14, 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
Mr. Bob Thomas, Alternate

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

Others Present: Ms. Woodrow Charlena Williams

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 May 10, 2022. Mr. Loudermilk seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Langholtz, Beermann, Loudermilk, Thomas, Hay

NAYS: None

AGENDA ITEMS

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.

Mr. Adam Holland presented this request. The subject property is addressed as 2402 N. 11th Street located in North-central Abilene, and has recently been platted. 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 to install an industrialized (modular) housing unit on this tract of land.

Mr. Hay opened the public hearing. Ms. Williams confirmed she has already replatted the lots and is working with Oak Creek Homes. 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 responses received in favor, nor in opposition.

Colonel Langholtz made the motion to approve this request for a variance. Mr. Loudermilk seconded the motion. The motion to **approve** the variance request prevailed by the following vote:

AYES: Langholtz, Beermann, Loudermilk, Thomas, Hay

NAYS: None

ADJOURNMENT

There being no further business, Colonel Langholtz moved to adjourn the meeting. Mr. Beermann seconded the motion. The Board of Adjustment meeting was adjourned at 8:45 a.m.

Approved: _____, Chairman Scott Hay
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BOARD OF ADJUSTMENT

BA-2022-01

STAFF REPORT



Scheduled Hearing

Board of Adjustment: July 12, 2022

Applicant

Owner: KeyCity Capital

Request

The applicant is seeking a 13-foot variance from the minimum 60-foot lot width ordinarily required in Multi-Family (MF) Zoning districts. The applicant intends on constructing a duplex on this tract of land.

Location

The subject property is temporarily addressed as 1734 N 2nd Street; located in North-central Abilene. The property is not a fully platted lot. Described as being a portion of the Keeble subdivision of the Original Town of Abilene, Taylor County, Texas.

Zoning and Existing Land Use

The property is located within Multi-Family (MF) zoning (previously classified as RM-2) 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 North and West in an MF district, a Firehouse to the East located in an MX district, and a restaurant to the South in a GC district.

Land Development Code Provisions

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

Background

Presently this property is a portion of a lot within the Keeble subdivision of Lots 1 and 2 Block 182 of the Original Town of Abilene Subdivision 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 6,110 square feet; which exceeds the minimum 6,000 square foot requirement for lots within MF 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 MF 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 July 1, 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
AUSTIN KENNETH & VIRDA	1725 N 2ND ST	56044	
ABARES LLC		53073	
WESTMORELAND DANIEL W	245 MERCHANT ST	52543	
WESTMORELAND DANIEL W	243 MERCHANT ST	52543	
WESTMORELAND DANIEL W	247 MERCHANT ST	52543	
WESTMORELAND DANIEL W	241 MERCHANT ST	52543	
FLOURNOY CHARONDA BALLARD	1717 N 2ND ST	55917	
ABARES LLC	1734 N 2ND ST	55160	
SEWARD EDWIN R	233 MERCHANT ST	52674	
ROMERO MARIA A		52939	
120 GRAPE STREET LLC	128 GRAPE ST	56174	
120 GRAPE STREET LLC	130 GRAPE ST	56174	
120 GRAPE STREET LLC	120 GRAPE ST	56174	
120 GRAPE STREET LLC	150 GRAPE ST	56174	
120 GRAPE STREET LLC	140 GRAPE ST	56174	
120 GRAPE STREET LLC	142 GRAPE ST	56174	
120 GRAPE STREET LLC	158 GRAPE ST	56174	
JAMES BILL J JR &	300 GRAPE ST	54119	
WEST TEXAS LIGHTHOUSE	1749 N 2ND ST	55659	
AUSTIN KENNETH &	231 MERCHANT ST	52801	
AUSTIN KENNETH &	225 MERCHANT ST	52801	
ROMERO MARIA A	1750 N 2ND ST	55417	
D L ROGERS CORP	1720 N 1ST ST	983796	
D L ROGERS CORP	1734 N 1ST ST	983796	
BATTEN KEVIN &	1766 N 2ND ST	55535	
ROMERO MARIA A	1742 N 2ND ST	55281	
CITY OF ABILENE	250 GRAPE ST	53594	
MYATT J F		53191	

Attachments

Application

PowerPoint Presentation

LOCATION MAP



ZONING AND EXISTING LAND USE MAP



Case: BA-2022-03

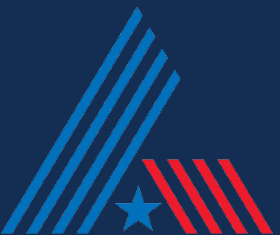
Owner: KeyCity Capital

Request: 13-foot Variance from the minimum 60-foot lot width ordinarily required in Multi-Family (MF) Zoning

Location: 1734 N 2nd.

Notification: 0 in Favor, 0 Opposed

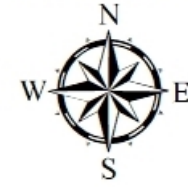
Board of Adjustment: July 12, 2022



BA-2022-03 AERIAL LOCATION MAP



Location Map



Legend

- BA-2022-03
- CounterP Parcels

BA-2022-03 ZONING MAP



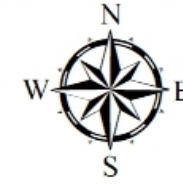
BA-2022-03 NEZ Map



BA-2022-03 NOTIFICATION AREA MAP



Notification Map



Legend

- CourierParcels_...
- BA-2022-03

0- In Favor- 
0- Opposed- 

BA-2022-03 VIEWS OF SUBJECT PROPERTY



Southern View of Subject
property

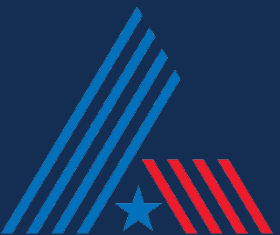


Eastern Neighboring
Property

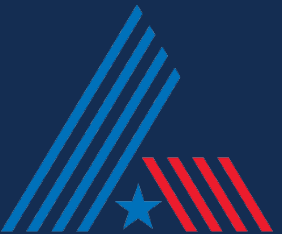
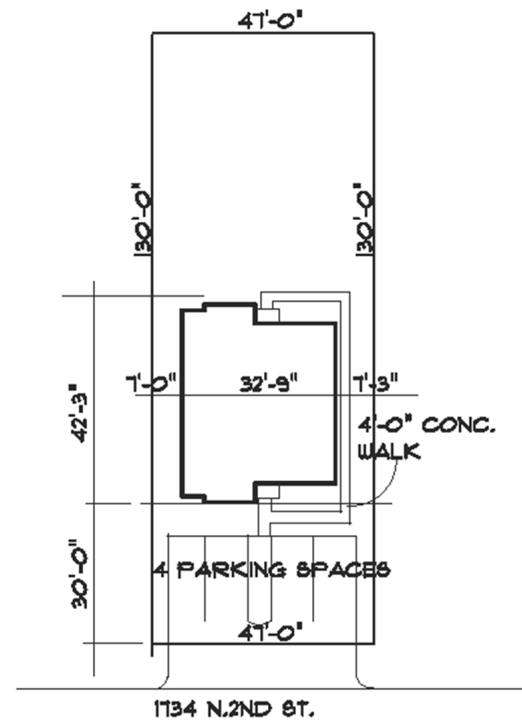
Western Neighboring
properties



Southern
Neighboring
Property



BA-2022-03 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 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.

- **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.**

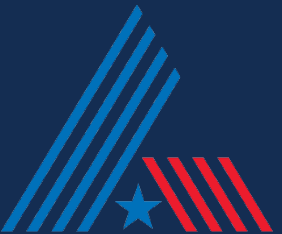
Granting the variance would be generally consistent with the intent and purpose of lot width requirements for residential lots. The lot which is intended to be created following this variance approval would be 6,110 square feet; which exceeds the minimum 6,000 square foot requirement for lots within MF 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 MF zoning.

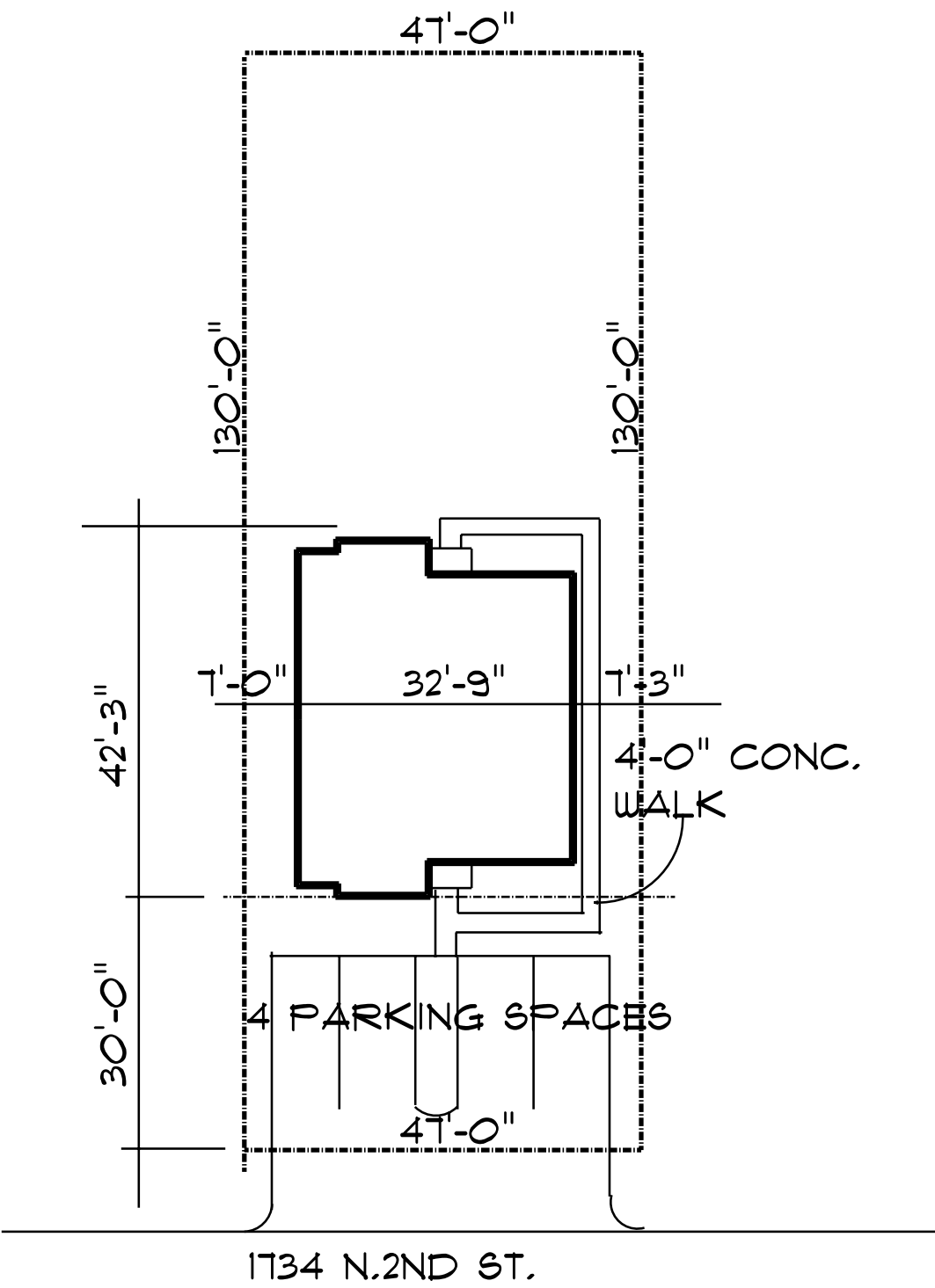
The hardship or inequity suffered by the petitioner is not caused wholly or in substantial part by the petitioner.

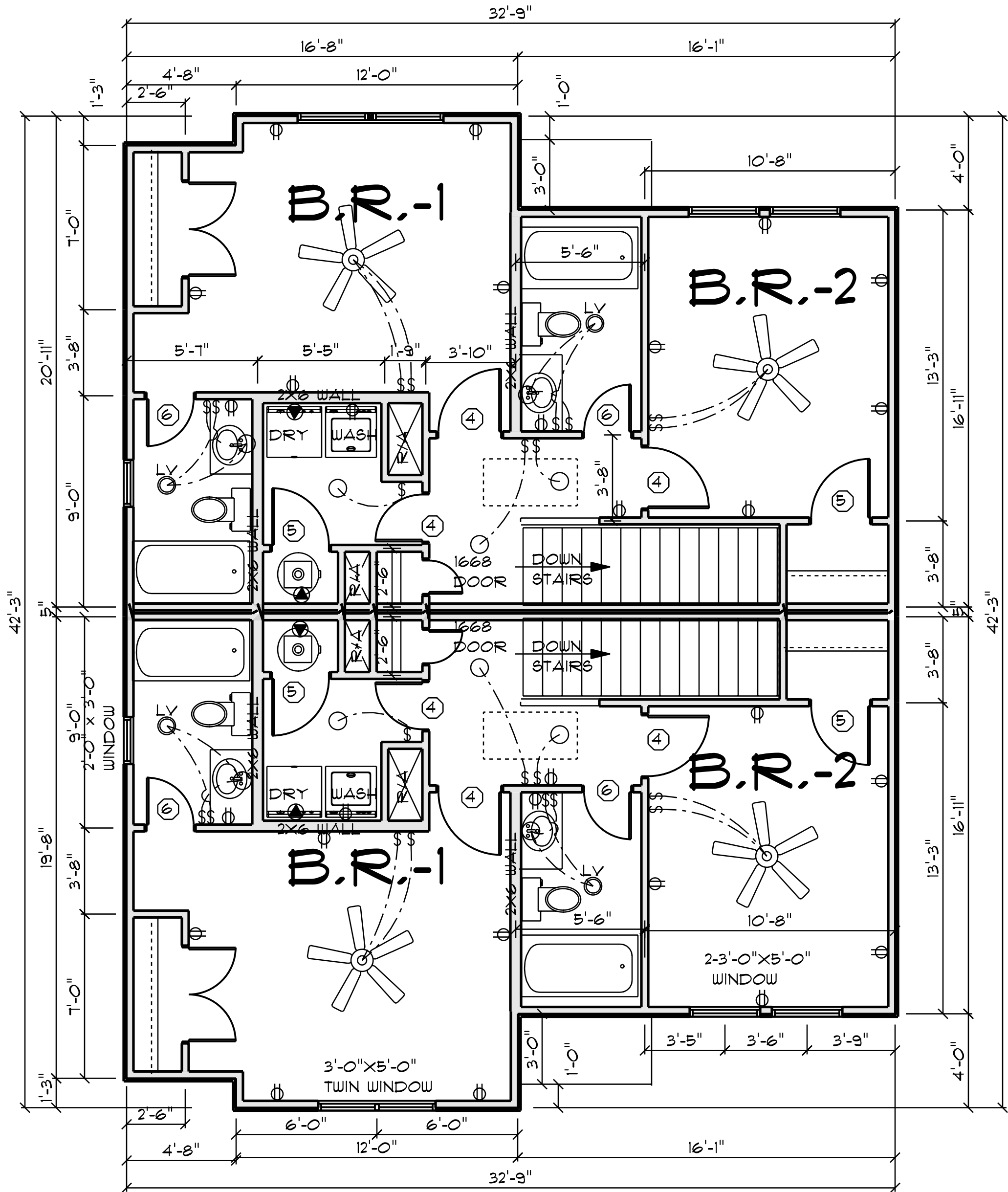
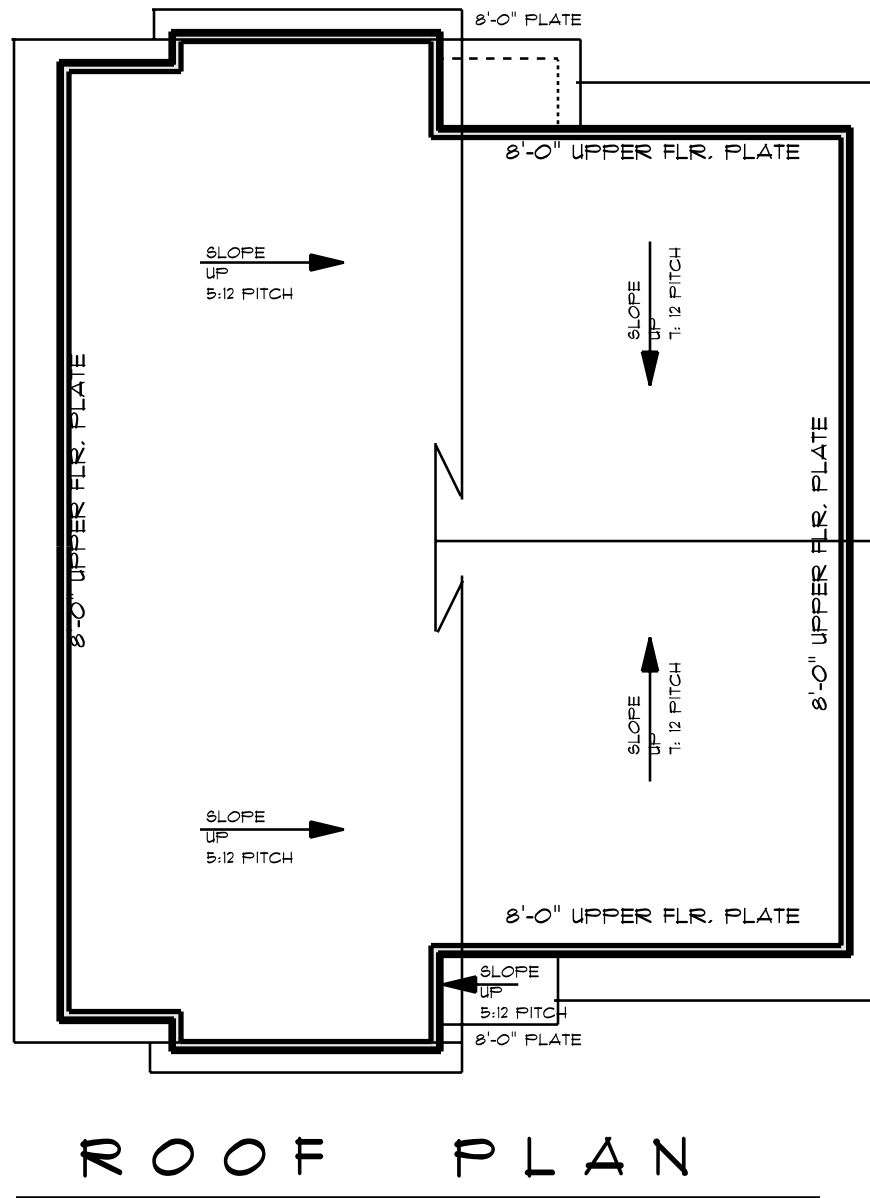
The hardship or inequity is not caused by the petitioner.



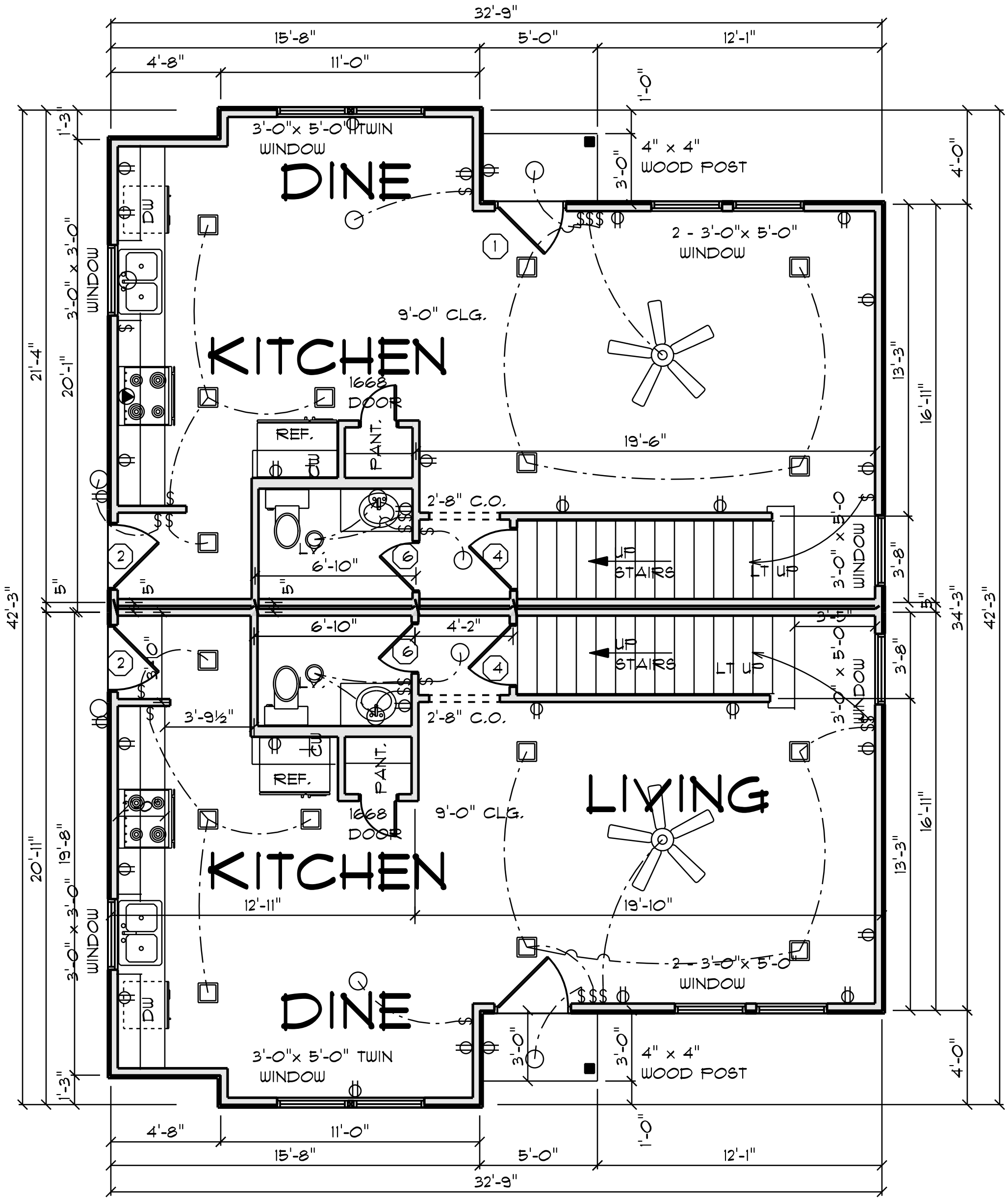
Questions?







UPPER FLOOR PLAN



LOWER FLOOR PLAN

LOWER 1262 SQ.FT.
UPPER 1180 SQ.FT.
TOTAL AREA 2442 SQ.FT.

DAVID C. LUTZ
DESIGNER
946 BRIAR OAKS
ROCKWALL TEXAS
817-691-5833

DRAWN BY

DAVID

REVISED BY

DATE REVISED

CUSTOMER

PLAN NUMBER
2222-DL

GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. THESE BLUEPRINTS ARE NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF DAVID C. LUTZ. THESE BLUEPRINTS ARE NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF DAVID C. LUTZ. THESE BLUEPRINTS ARE NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF DAVID C. LUTZ.

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DAVID CLUTZ DESIGNS

BOARD OF ADJUSTMENT

BA-2022-04

STAFF REPORT



Scheduled Hearing

Board of Adjustment: July 12, 2022

Applicant

Owner: Paul Herrera

Request

The applicant is seeking an 8-foot variance from the minimum 60-foot lot width ordinarily required in Residential Single-Family (RS-6) Zoning districts. The applicant intends on constructing a Single-Family Residence on this tract of land.

Location

The subject property is temporarily addressed as 2811 Roberts Street located in South-central Abilene. The property is a platted lot. Described as being Block 1 Lot 5 of the R C Winters S & H Bal 11 in Abilene, Texas.

Zoning and Existing Land Use

The property is located within Residential Single-Family (RS-6) zoning and has been since 1974. Presently, the subject property is vacant. The land uses surrounding this subject property are single-family residences to the North, East, South, and West which are all located within RS-6 zoning.

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.

Background

Presently this property is platted as Block 1 Lot 5 of the R C Winters S & H Bal 11. 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.

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 6,136 square feet; which exceeds the minimum 6,000 square foot requirement for lots within RS-6 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 RS-6 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 July 1, 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
VASQUEZ MANUEL & DIANETT	2732 S 12TH ST	38822	
MOODY CLARK	2733 S 11TH ST	31048	
LOPEZ DANIEL & MARIA R	1141 MATADOR ST	31033	
KP HOMES LLC	2716 ROBERTS ST	30231	
TLC CONDOS LLC	2809 S 11TH ST	31174	
BX4B PROPERTIES LLC	2733 ROBERTS ST	76154	
ESCOBEDO HILDA	2741 S 11TH ST	1002636	
REESE NANCY	2741 S 12TH ST	58925	
HERRON JOHNNY MAC	2749 S 12TH ST	59507	
HANTMAN JOSEPH M REV TRUST	2819 ROBERTS ST	31410	
DIAZ ELENA	2834 ROBERTS ST	32454	
FLORES LUCY B	2726 S 12TH ST	1060946	
WILLIAMS REBECCA WOOD	2757 S 12TH ST	37576	
HUERTA JUAN CARLOS &	2802 ROBERTS ST	31425	
WILLIAMSON CECILIA LOU	2834 S 12TH ST	33002	
RAMZANALI SHERALI	2741 ROBERTS ST	76267	
BANKS VERONICA A	2826 ROBERTS ST	31803	
ALCANTAR HAILEY THALIA	2830 ROBERTS ST	32070	
TREVINO ONOFRE	2818 ROBERTS ST	31679	
HILL BRITTON R	2750 S 12TH ST	32879	
SEGURA BALDOMERO	2736 ROBERTS ST	30790	
MARTINEZ MARIO & ELENA	2827 ROBERTS ST	31278	
GARCIA JULIA	2742 S 12TH ST	38958	
BAYLESS JAMES	2725 ROBERTS ST	76024	
PARRISH DAVID A & MARY P	2720 S 12TH ST	38575	
AGUILLON ADOLFO R & MARIA A	2818 S 12TH ST	32750	
BECERRA ROBERTO	2817 S 11TH ST	31550	
BYRAM STEPHEN L & NENA D	1149 MATADOR ST	31154	
IMPACT GROUP EQUITIES LLC	2726 ROBERTS ST	30657	
NEALEY KIMBERLY R	2717 ROBERTS ST	75903	
MATHEWS SEAN M	2825 S 11TH ST	32194	
MATHEWS SEAN M	2825 A S 11TH ST	32194	
HANTMAN JOSEPH M REV TRUST	2811 ROBERTS ST	31529	
FERNANDEZ ELUTERIA	2801 S 11TH ST	31296	

Attachments

Application

PowerPoint Presentation

LOCATION MAP

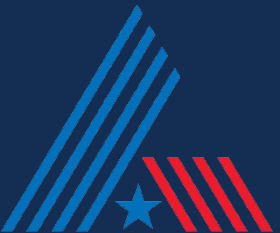


ZONING AND EXISTING LAND USE MAP

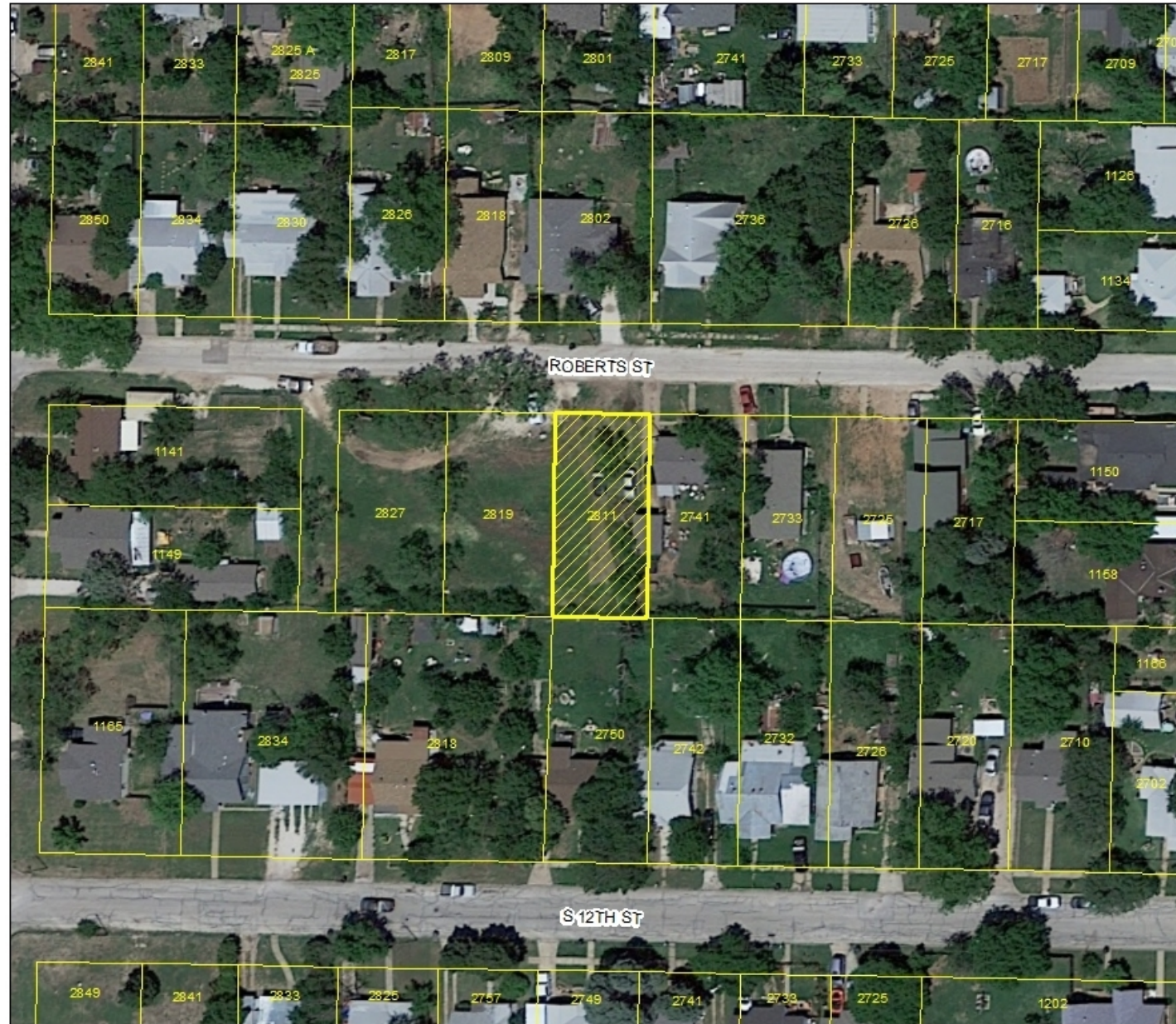


VARIANCE REQUEST

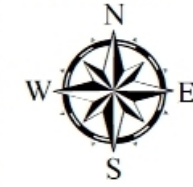
Case:	BA-2022-04
Owner:	Paul Herrera
Request:	8-foot Variance from the minimum 60-foot lot width ordinarily required in Multi-Family (RS-6) Zoning
Location:	2811 Roberts St.
Notification:	0 in Favor, 0 Opposed
Board of Adjustment:	July 12, 2022



BA-2022-04 AERIAL LOCATION MAP



Location Map



Legend

- BA-2022-04
- CounterP parcels

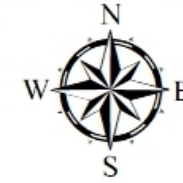
BA-2022-04 ZONING MAP



BA-2022-04 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Buffer
- BA-2022-04

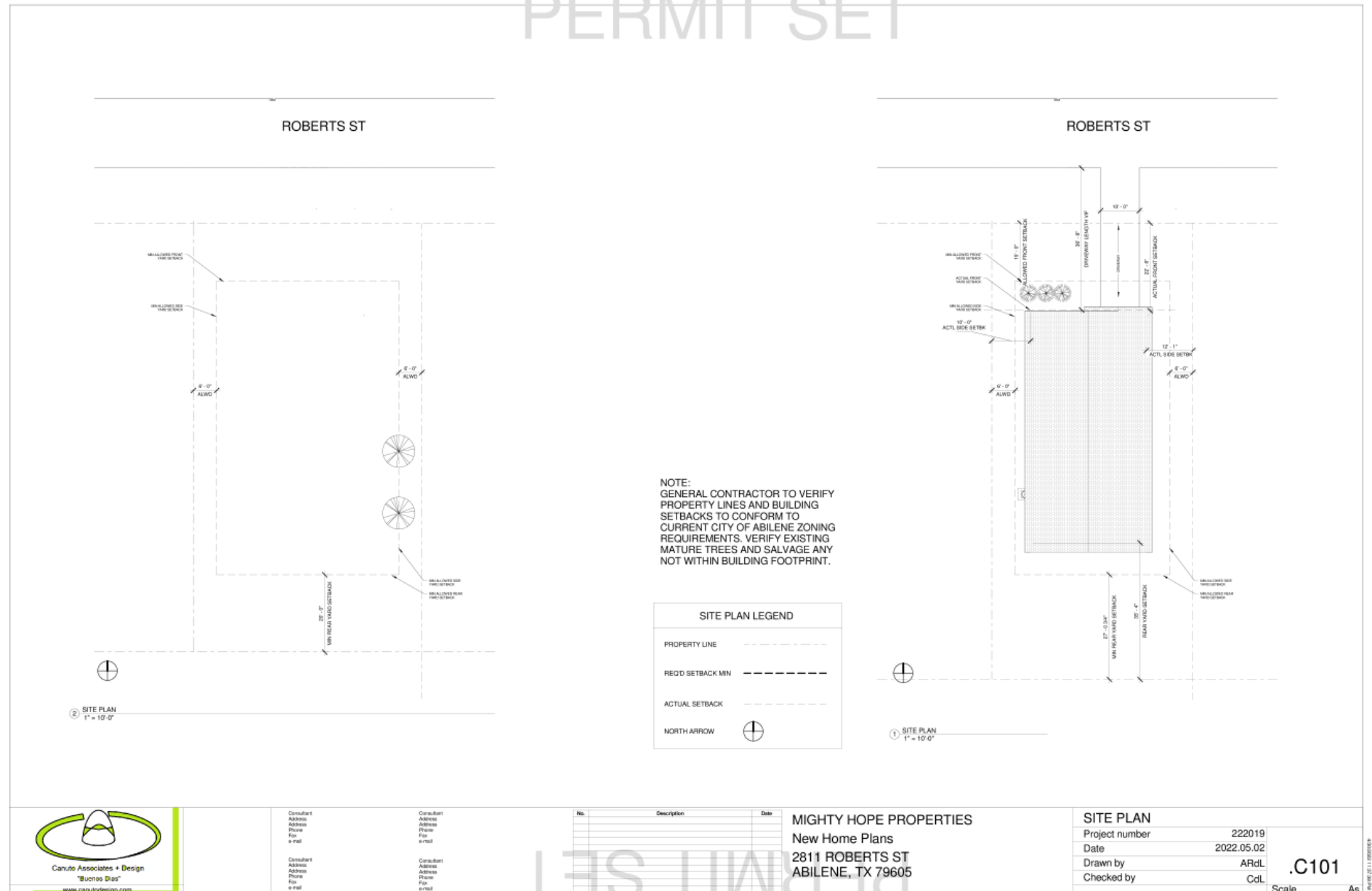
- 0- In Favor-
- 0- Opposed-

BA-2022-04 VIEWS OF SUBJECT PROPERTY



BA-2022-04 Conceptual Plan

PERMIT SET



• 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 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.

- **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.**

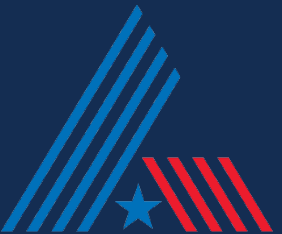
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The hardship or inequity suffered by the petitioner is not caused wholly or in substantial part by the petitioner.

The hardship or inequity is not caused by the petitioner.

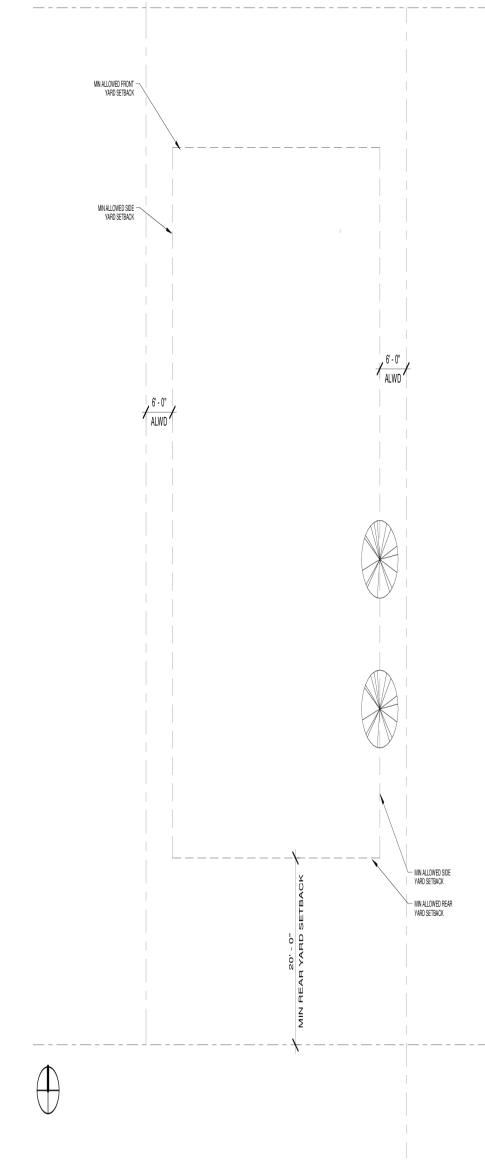


Questions?



ROBERTS ST

ROBERTS ST



2 SITE PLAN
1" = 10'-0"

NOTE:
GENERAL CONTRACTOR TO VERIFY
PROPERTY LINES AND BUILDING
SETBACKS TO CONFORM TO
CURRENT CITY OF ABILENE ZONING
REQUIREMENTS. VERIFY EXISTING
MATURE TREES AND SALVAGE ANY
NOT WITHIN BUILDING FOOTPRINT.

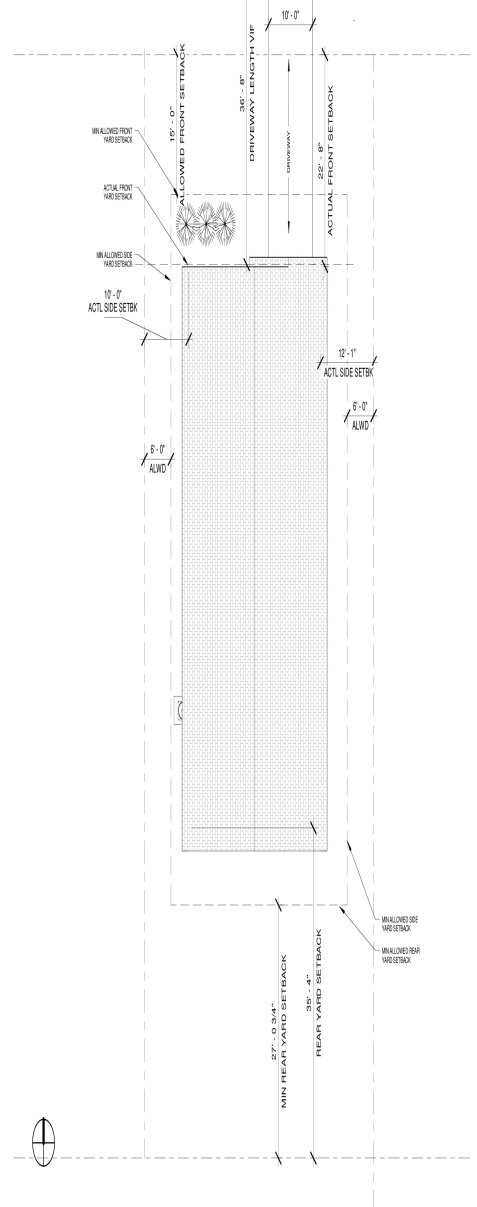
SITE PLAN LEGEND

PROPERTY LINE

REQ'D SETBACK MIN

ACTUAL SETBACK

NORTH ARROW



1 SITE PLAN
1" = 10'-0"



Canuto Associates + Design
"Buenos Dias"

www.canutodesign.com

Consultant
Address
Phone
Fax
e-mail

Consultant
Address
Phone
Fax
e-mail

Consultant
Address
Phone
Fax
e-mail

Consultant
Address
Phone
Fax
e-mail

No.	Description	Date

MIGHTY HOPE PROPERTIES

New Home Plans

2811 ROBERTS ST
ABILENE, TX 79605

SITE PLAN

Project number 222019

Date 2022.05.02

Drawn by ARdL

Checked by CdL

.C101

Scale As
indicated