



## 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 November 8, 2022 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

#### MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Minutes from the Regular Meeting Held on September 13, 2022.

#### AGENDA ITEMS

2. **BA-2022-11:** (3858 John Knox Drive) Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Bruce Bixby to allow a group sign at 3858 Ridgemoor Drive. **(Adam Holland)**
3. **BA-2022-12:** (2425 Shoreline Drive) Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Jayne Irons for a two-foot (2') variance from the side yard setback and one-foot (1') variance from the rear setback required for an eighteen-foot (18') tall detached accessory building in Residential (RS-12) Zoning district. **(Clarissa Ivey)**

#### EXECUTIVE SESSION

The Board of Adjustments of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:  
551.071 (Consultation with Attorney)

#### 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 November, 2022, at 3:05 p.m.*

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*Shawna Atkinson, TRMC, CMC*  
City Secretary



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## BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

September 13, 2022

8:30 a.m.

### BOARD OF ADJUSTMENT OF THE CITY OF ABILENE, TEXAS CITY HALL COUNCIL CHAMBERS, 555 WALNUT STREET, ABILENE

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**Members Present:** Mr. Scott Hay, Chairman  
Col. Morton Langholtz, Vice-Chairman  
Mr. Robert Beermann  
Mr. Jon Loudermilk  
Mr. Bob Thomas, 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:** Ms. Dianne Dulin                      Mr. Diehl Estes  
Mr. Kelsey 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 July 12, 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-2022-04 (Tabled):** 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.

Colonel Langholtz made the motion to remove this item from the table. Mr. Thomas seconded the motion. The motion prevailed by the following vote:

**AYES: Langholtz, Beermann, Loudermilk, Thomas, Hay**

**NAYS: None**

Ms. Clarissa Ivey announced the request had been pulled by the applicant.

**BA-2022-06:** Receive a Report and Hold a Discussion and Public Hearing on a Request from KeyCity Capital of a 10-foot Variance from the Minimum 60-foot Lot Width Ordinarily Required for MD (Medium Density) Zoning Districts.

Ms. Clarissa Ivey presented this request for a variance. The subject property is located at 1242 Pecan Street and within the Medium Density (MD) zoning district and is being used for single-family residential purposes. Properties to the south, west, and east are all zoned MD and are being used for single-family residential and duplexes purposes.

This property is a remainder of the W G Cannon Survey as indicated by neighboring lots and subdivisions. The single-family residence on this site was built in 1930. The City has required a minimum lot width of 50-feet since at least 1946 until 1974, when the standard was changed to a minimum width of 60-feet. The Board of Adjustment approved a variance (BA-2022-01) for the neighboring property at 1150 Grape Street to plat two (2) lots with a width of 50-feet.

Mr. Hay opened the public hearing. Mr. Kelsey Williams spoke in favor, representing the applicant. He clarified there was a prior variance granted for the adjoining lot. The applicant currently does not have plans to build on the vacant lot; however, the variance is required to approve the plat.

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

Colonel Langholtz made the motion to approve this request based upon the findings in the staff report. Mr. Loudermilk seconded the motion. The motion prevailed by the following vote:

**AYES: Langholtz, Beermann, Loudermilk, Thomas, Hay**

**NAYS: None**

**BA-2022-07:** Receive a Report and Hold a Discussion and Public Hearing on a Request from Blue Heritage Investments, LLC Represented by Geotex Property Solutions of a 20-foot Variance from the Minimum 60-foot Lot Width and 24-foot Variance from the Minimum 100-foot Lot Length Ordinarily Required for RS-6 (Residential Single-Family) Zoning Districts.

Ms. Clarissa Ivey presented this request for a variance. The applicant proposes to split the existing lot into two (2) lots to allow the accessory dwelling unit to be used as a second primary dwelling to facilitate a change in ownership. The desire of the applicant to divide and sell the ADU as noted creates the need for the requested variances.

Mr. Hay opened the public hearing. Mr. Kelsey Williams spoke in favor, representing the applicant. He confirmed that this property currently has a residence on it. The client is hoping to separate the two residences in order to sell them individually.

Property owners within a 200-foot radius of the property address were notified. There were no (0) responses received in favor, with one (1) in opposition.

Mr. Beermann made the motion to deny this request. Mr. Loudermilk seconded the motion. The motion prevailed by the following vote:

**AYES: Langholtz, Beermann, Loudermilk, Thomas, Hay**

**NAYS: None**

**BA-2022-08:** Receive a Report and Hold a Discussion and Public Hearing on a request from Paul Herrera of a 5-foot variance from the minimum 60-foot lot width ordinarily required for MD (Medium Density) Zoning districts.

Mr. Adam Holland presented this request for a variance. This property is a portion of a lot within the Watson & Russel Subdivision. It has remained vacant since annexation in 1895. The subject and surrounding properties are all zoned MD.

Mr. Hay opened the public hearing. Mr. Diehl Estes spoke in favor. He stated the owner has added the two partial lots together, and hopes to build a house to improve the neighborhood rather than leave it as a vacant lot.

Property owners within a 200-foot radius of the property address were notified. One (1) response was received in favor, with none (0) in opposition.

Mr. Beermann made the motion to approve this request. Colonel Lankford seconded the motion. The motion prevailed by the following vote:

**AYES: Langholtz, Beermann, Loudermilk, Thomas, Hay**

**NAYS: None**

**BA-2022-09:** Receive a Report and Hold a Discussion and Public Hearing on a request from Paul Herrera of a 10-foot variance from the minimum 60-foot lot width ordinarily required for MF (Multi-family) Zoning districts.

Mr. Adam Holland presented this request. The subject property is a portion of a lot within the Sunnyside Addition to the City of Abilene. It has remained vacant since annexation in 1985. The property is located within Medium Density (MD) zoning district. The land uses surrounding this site are used for single-family residential and duplex purposes surrounding this site, and all are zoned as MD.

Mr. Hay opened the public hearing. Mr. Diehl Estes spoke in favor. Ms. Dianne Dulin inquired about the effects this variance would have on her property. 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. One (1) response was received in favor, with none (0) in opposition.

Colonel Langholtz made the motion to approve this request. Mr. Loudermilk seconded the motion.

The motion 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 9:21 a.m.

|                                        |
|----------------------------------------|
| Approved: _____, Chairman<br>Scott Hay |
|----------------------------------------|

# BOARD OF ADJUSTMENT

## BA-2022-11

### STAFF REPORT

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#### **Scheduled Hearings**

Board of Adjustment: November 8, 2022

#### **Applicant**

Owner: 3850 Ridgemont Abilene LP

Agent: JCW Development, LLC

#### **Request**

Allow an off-site sign for BioLife Plasma Services and a group sign for Firehouse Subs.

#### **Location**

3858 John Knox Drive

#### **Background**

BioLife Plasma Services is located at 3366 John Knox Drive. The existing 50' tall pole sign on that property cannot be seen from Ridgemont Drive due to the height of the hotel located at 3950 Ridgemont Drive. The applicant, and the owners of Firehouse Subs, located on the subject site, are amicable to the idea of a group pole sign on the subject site for both businesses. It should be noted that:

- Currently, no free-standing sign is located on the subject property; and
- The existing 50' tall freestanding sign on the BioLife property will be removed.

#### **Zoning, Existing and Proposed Land Use**

The subject property is located in a General Commercial (GC) zoning district and is surrounded by properties that are zoned GC. The subject site is used as a fast food restaurant. All surrounding uses are commercial.

#### **Land Development Code Provisions**

LDC Section 4.2.8.9 (f) 1 (c) allows for off-site advertising along Ridgemont Drive, but group signage is generally not permitted in the Land Development Code, except in Corridor Overlay Zoning. A variance from this requirement may be appropriate in this situation because there currently is no free-standing sign on the subject site and because an existing free-standing sign will be removed if the variance is granted.

The proposed sign will satisfy all other applicable requirements of the LDC for signs in the GC district.

#### **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.**

The existing 50-foot tall pole sign on the BioLife property was originally visible from Ridgemont Drive. Visibility of this sign was greatly reduced by the height of a hotel that was constructed after the sign was erected.

- 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.**

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 because:

- The existing sign on the BioLife property will be removed;
- The subject site currently has no free-standing sign, but is entitled to one sign;
- The LDC does allow off-site advertising along Ridgemont Road; and
- The sign would comply with all applicable requirements of the LDC with respect to sign height, area, and placement.

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

As described above, the sign will be consistent with the spirit and intent of the LDC.

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

The hardship was not caused by the petitioner, but rather than by the height of the adjoining hotel that was constructed after the existing sign was erected. The only remedies available to the petitioner was to seek a variance to allow 10-feet of additional sign height to allow sign visibility or to pursue a group sign on a nearby property. Since all of the existing signs in this area are  $\leq$  50-feet in height, it applicant is pursuing the variance option that is generally consistent with the LDC rather than the alternative option, that if approved, could establish a negative precedent.

### **Staff Recommendation**

Staff recommends adding a condition requiring demolition of the existing sign on 3366 John Knox in order to prevent overcrowding of signage in this area.

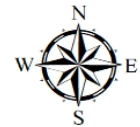
## Notification

| Owner                     | Situs               | Property ID | Response |
|---------------------------|---------------------|-------------|----------|
| 3850 RIDGEMONT ABILENE LP | 3858 RIDGEMONT DR   | 986366      |          |
| 3850 RIDGEMONT ABILENE LP | 3850 C RIDGEMONT DR | 32451       |          |
| 3850 RIDGEMONT ABILENE LP | 3850 B RIDGEMONT DR | 32451       |          |
| 3850 RIDGEMONT ABILENE LP | 3850 A RIDGEMONT DR | 32451       |          |
| 4100 JOHN KNOX ABILENE LP | 3366 JOHN KNOX DR   | 32444       |          |
| DAYTON-HUDSON CORP #219   | 3710 RIDGEMONT DR   | 32572       |          |
| GANDHI HOSPITALITY LLC    | 3950 RIDGEMONT DR   | 32447       |          |
| HERITAGE INN NUMBER XVII  | 3917 RIDGEMONT DR   | 37207       |          |
| T T MARLIN INC            | 3366 TURNER DR      | 36051       |          |
| TEPARKERTIES LLC          | 3374 TURNER DR      | 35914       |          |

## LOCATION MAP

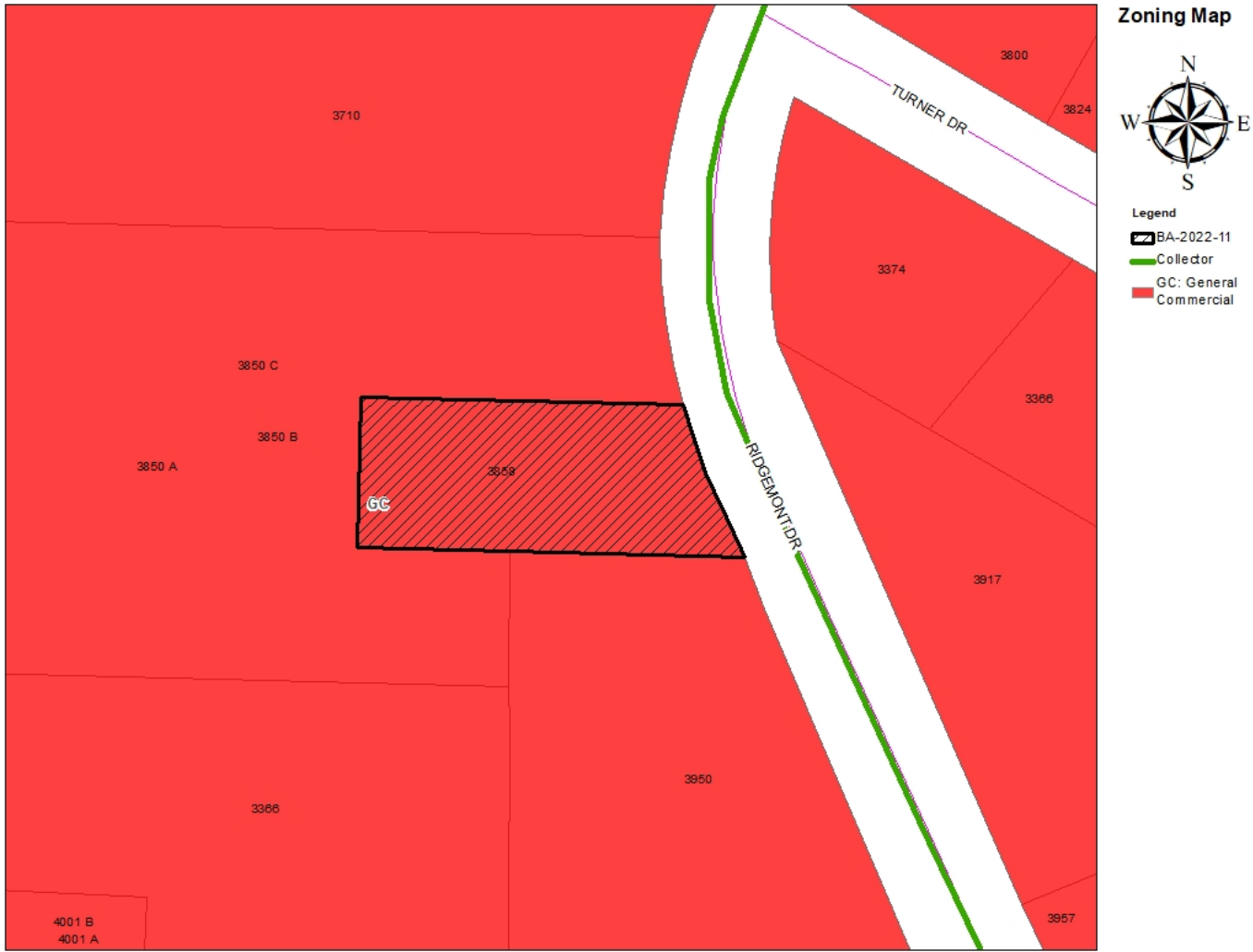


Location Map



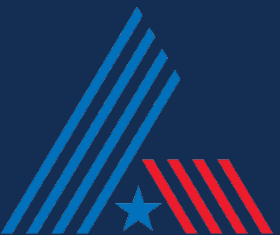
Legend  
 BA-2022-11  
 CourierParcels

ZONING MAP



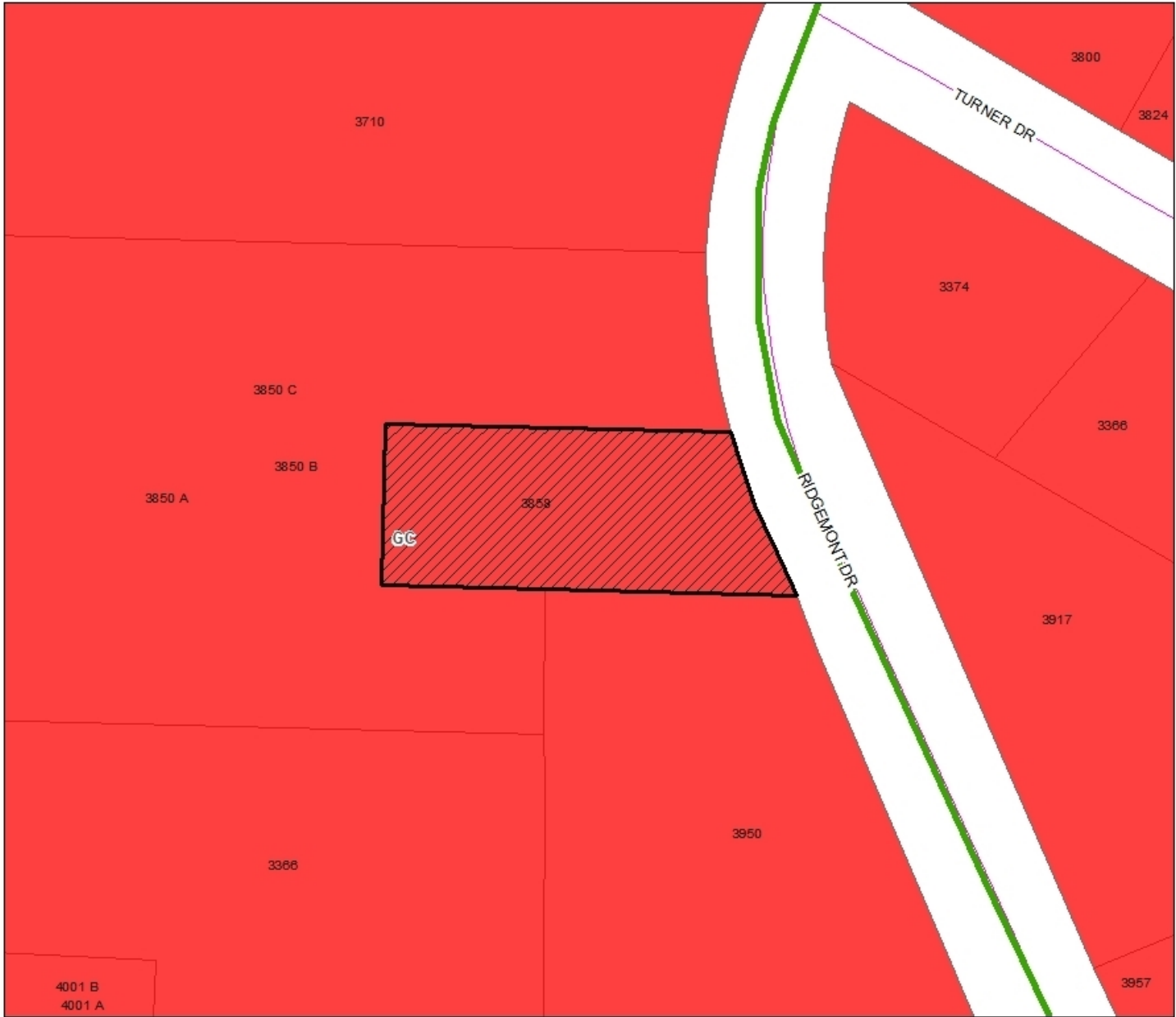
## VARIANCE REQUEST

|                             |                                                                                               |
|-----------------------------|-----------------------------------------------------------------------------------------------|
| <b>Case:</b>                | BA-2022-11                                                                                    |
| <b>Owner:</b>               | 3850 Ridgemont Abilene LP                                                                     |
| <b>Agent:</b>               | JCW Development, LLC                                                                          |
| <b>Request:</b>             | Allow Off-site signage for BioLife Plasma Services and allow group signage for Firehouse Subs |
| <b>Location:</b>            | 3858 John Knox Dr.                                                                            |
| <b>Notification:</b>        | 0 in Favor, 0 Opposed                                                                         |
| <b>Board of Adjustment:</b> | November 8, 2022                                                                              |





BA-2022-11 ZONING MAP



Zoning Map



Legend

-  BA-2022-11
-  Collector
-  GC: General Commercial

## BA-2022-10 VIEWS OF SUBJECT PROPERTY



Proposed Site for Signage



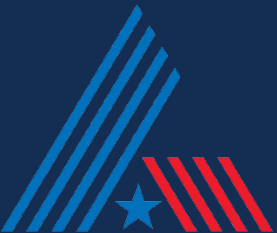
Southern Neighboring Property



Western Neighboring Property



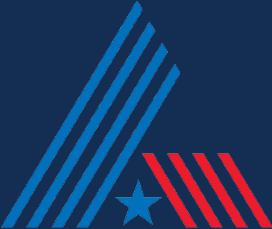
3366 John Knox Dr



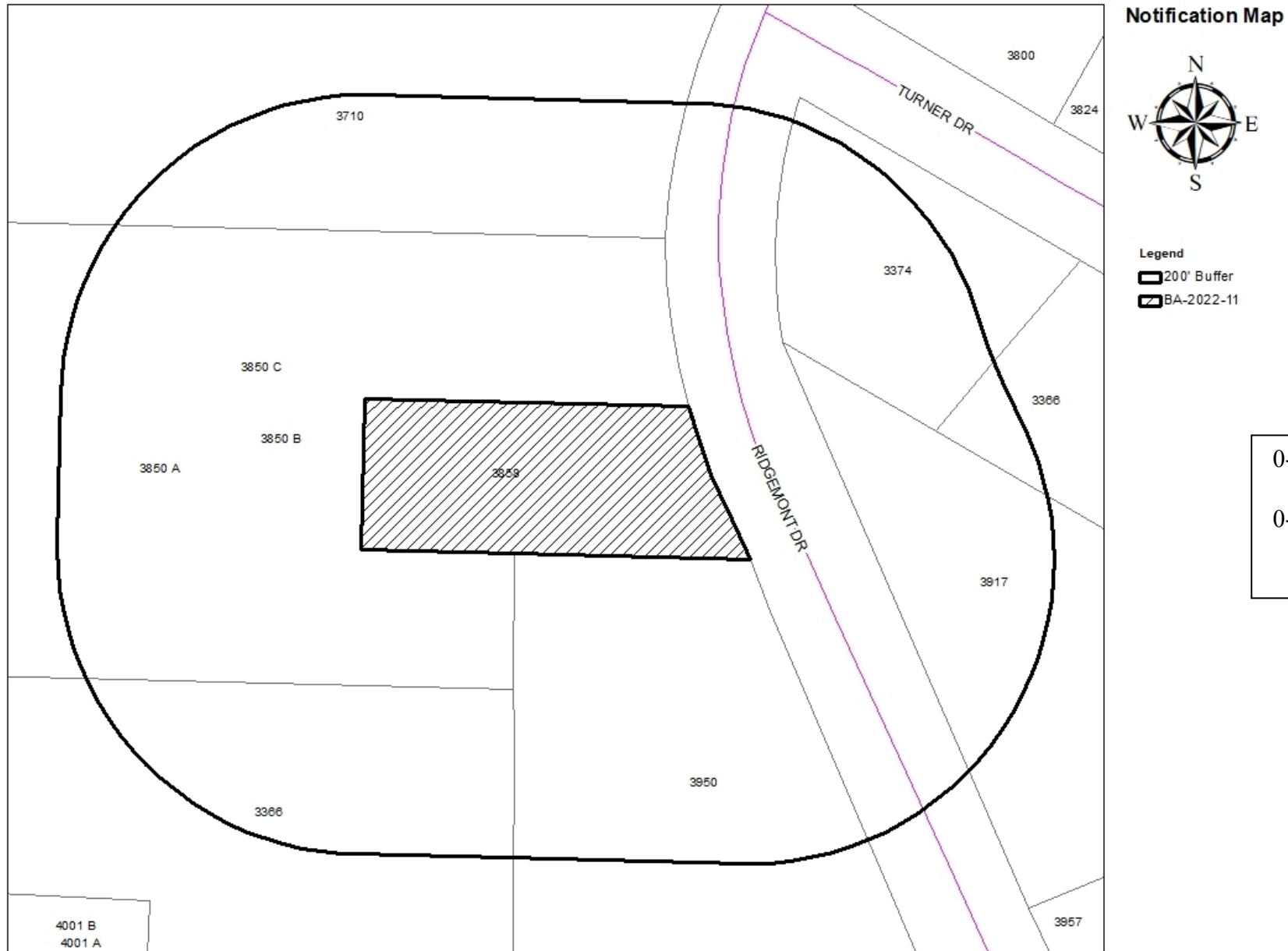
BA-2022-11 EXHIBIT MAP



- Sign to be removed
- Sign to be constructed



# BA-2022-11 NOTIFICATION AREA MAP



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

**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.**

Yes, the existing sign for this property is not visible from Ridgemont drive due to the Hotel located on the corner of Ridgemont and John Knox.

**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.**

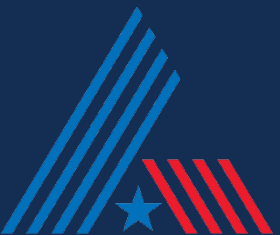
Granting the variance will not be contrary to the public interest and will not be injurious to the neighboring properties or detrimental to the public welfare because all of the existing signage along Ridgemont appears to be conforming group signage and typical signage allowed in this zoning district. The applicant's proposal will meet our requirements in the Land Development Code as far as height, size, and placement.

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

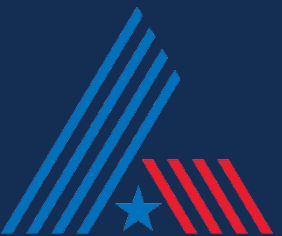
Yes

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

The hardship is not caused by the petitioner since this property's existing sign cannot function as intended because of the existing hotel to the east of the property.



# Questions?





# Development Application

## Planning

- |                                                                    |                                                         |                                                   |                                              |
|--------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Conditional Use                           | <input type="checkbox"/> Special Exceptions             | <input type="checkbox"/> Rezoning                 | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> PDD Amendment                             | <input type="checkbox"/> Street Name Change             | <input type="checkbox"/> Thoroughfare Abandonment | <input type="checkbox"/> Easement Release    |
| <input type="checkbox"/> Historic Certification of Appropriateness | <input type="checkbox"/> Historic Project Tax Reduction |                                                   |                                              |

## Relief Procedures

- |                                              |                                                 |                                                 |                                 |
|----------------------------------------------|-------------------------------------------------|-------------------------------------------------|---------------------------------|
| <input type="checkbox"/> Petition for Relief | <input type="checkbox"/> Proportionality Appeal | <input type="checkbox"/> Vested Rights Petition | <input type="checkbox"/> Appeal |
|----------------------------------------------|-------------------------------------------------|-------------------------------------------------|---------------------------------|
- Other: \_\_\_\_\_

Project Name: BioLife Plasma Services

Address: 3366B John Knox Drive, Abilene, TX 79606 No. of lots: \_\_\_\_\_ Acreage: \_\_\_\_\_

Legal Description: Curry Park Addition, Block A, LOT 304

Subdivision Name: Curry Park Addition Block: A Lot: 304

Current Zoning: GC - General Commercial Proposed Zoning (if applicable): NA

## OWNER AND AUTHORIZATION

Owner Name: Bruce Bixby, Managing Member of the General Partner of 4100 John Knox Abilene, LP

Address: 4100 John Knox Dr.

City, State, Zip: Abilene, TX 79606 Fax: \_\_\_\_\_

Phone: 325-673-7736 Email: cwood@wtconnect.com

Agent Name: JCW Development, LLC

Address: 100 Tower Drive

City, State, Zip: Beaver Dam, WI 53916 Fax: \_\_\_\_\_

Phone: 920-356-1255 Email: jtarris@jcwdev.net

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.

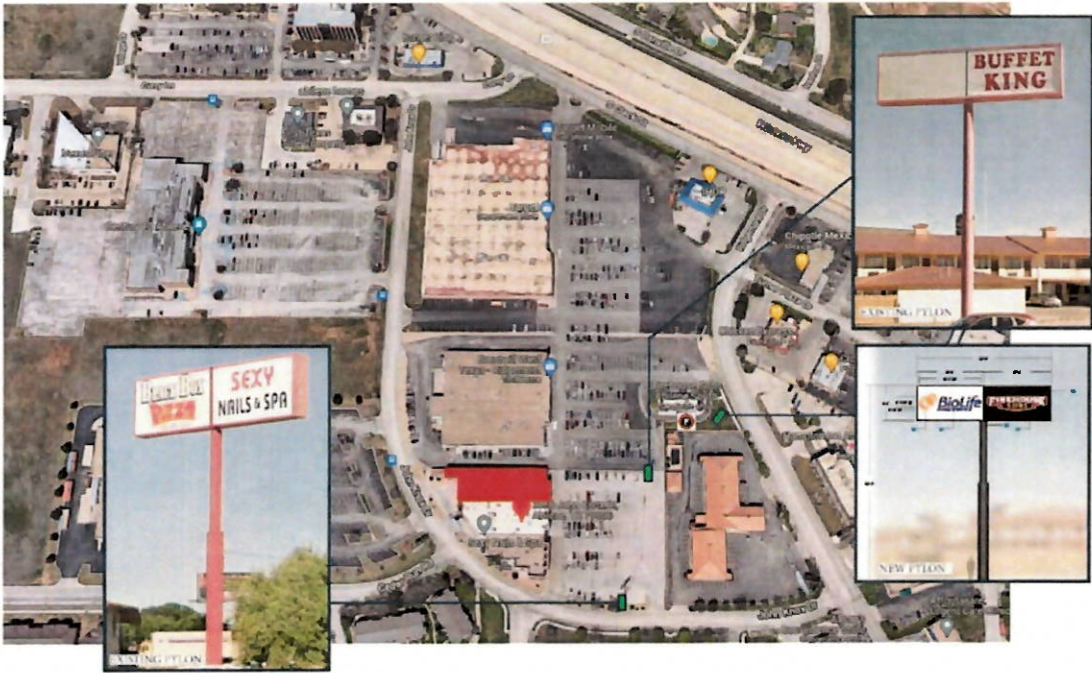
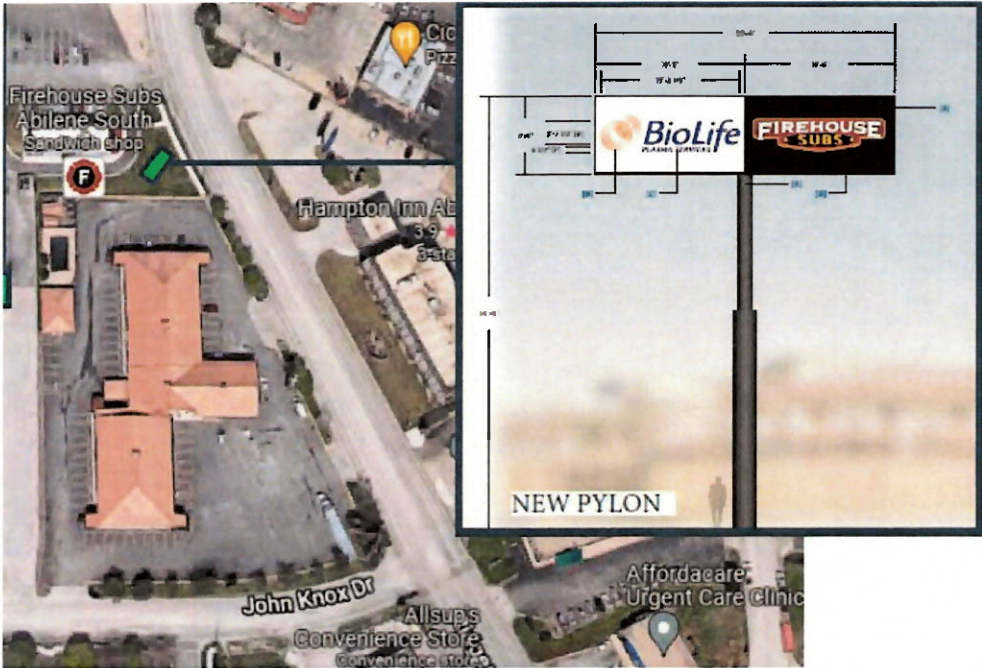
Signature Owner:  Date: 10/11/2022

## FOR OFFICE USE ONLY

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

EXHIBIT D

Proposed Sign Placement



onyx creative

BioLife

## EXHIBIT C

### Current Sign View from John Knox Dr.



**Neighboring Property Sign**



## EXHIBIT B

### Current Sign View from Ridgemont Dr.





# Development Application

THE STATE OF TEXAS )  
 )  
 COUNTY OF TAYLOR )

Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint, my true and lawful attorney, for me in my name, place and stead, to (1) file an application for a ~~zone~~ variance change, plat, street closure, alley closure, (appeal to the Board of Adjustment)\* concerning such property and (2) appear on my behalf at all necessary meetings of the appropriate board or commission or City Council, as the case may be; and the undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning & Development Services Division for the City of Abilene, Texas.

Witness my hand this day of 10/11/2022, 20  

Developed by:  
  
 DEVELOPMENT SERVICES

\*(cross out the inapplicable phrase)

## EXHIBIT A



### **Project Narrative Variance Application**

JCW Development, on behalf of BioLife Plasma Services ("BioLife"), is submitting a request for variance approval for an off-premises sign for the proposed donation center at 3366B John Knox Drive, Abilene, TX. BioLife is an industry leader in the collection of plasma, with locations nationwide. BioLife is a wholly owned subsidiary of Takeda Pharmaceutical Company. All plasma collected at BioLife centers is sent to Takeda facilities, to be used for, among other things, treatments for hemophilia, immune deficiency, and blood loss from traumatic injuries.

BioLife plans to renovate the currently vacant space at 3366B John Knox Drive into a new state of the art facility that will employ between 50-80 employees with paid medical benefits upon hiring. Additionally, the typical BioLife center pays approximately \$3,000,000 per year in donor compensation in the form of debit cards. According to tracking data maintained by BioLife and Takeda, approximately 80% of this (\$2,400,000) is spent in the community where the center is located. The project will also include exterior improvements to refresh the façade and install new high-quality signage.

The property's current 50 ft. sign has little to no frontage visibility from Ridgemont Dr. because it is located behind the Days Inn Hotel (Refer to Exhibit B). The current sign also has limited visibility from John Knox Dr. because it is set back into the parking lot and not installed at an angle easily visible from the road (Refer to Exhibit C).

BioLife is seeking a variance approval to install a panel on a new sign to be constructed on the Firehouse Sub's parcel as shown in Exhibit D.

JCW has exhausted all other options for signage on this site. The pylon sign for Sexy Nails & Spa and Black Box Pizza cannot structurally accept additional signage without being replaced. Adding an additional panel would also require a variance for the square footage of the signage, to achieve adequate visibility for vehicular traffic, as it is currently 300 sf. This option would not provide visibility to Ridgemont Dr. Placing an additional panel on the off-premises Goodwill sign was contemplated, but that sign cannot structurally accept additional panels and already does not fully support the premises it serves. Raising the current sign shared with Buffet Asia was contemplated as a variance option. This would entail replacing the current 50 ft sign with a 65 ft sign. During the pre-application meeting with Adam Holland and Randal Ivey on September 20, 2022 we were urged to find another option. At that time, we made a second request to ownership to consider a deal with Firehouse Subs and received approval to proceed with a new 50' pylon sign shown in Exhibit D. This new sign will meet all code requirements for height and panel size. We seek a variance for BioLife to place a panel on this sign in an off-premises condition.

JCW Development on behalf of BioLife Plasma Services appreciates your consideration of our application.





3850 RIDGEMONT ABILENE LP  
PO BOX 2556  
ABILENE, TX 79604-2556

### NOTICE OF PUBLIC HEARING

RE: Board of Adjustment Application Number BA-2022-11

10/27/2022

The Board of Adjustment will hold a public hearing on **November 08, 2022 at 8:30 AM** in the **Council Chambers in City Hall located at 555 Walnut Street**, to consider a request from Bruce Bixby to allow a **group sign at 3858 Ridgemoond Dr.**

The attached map shows the area of this request. Only the area bounded by the cross-hatched line on the map is being considered for this Variance. The solid line surrounding the subject property is only a notification area. All owners of property within a 200-foot radius of the subject property are required to be notified of this request.

This hearing is open to any interested person. Opinions, objections, and/or comments about this matter may be expressed in writing, or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out and mail to the City's Department of Planning and Development Services. All such responses must be signed. Comments are also accepted by email as indicated below.

If you have any questions about this matter, please contact Adam Holland, Planner I at (325) 676-6237 or [planning@abilenetx.gov](mailto:planning@abilenetx.gov)

For the BOARD OF ADJUSTMENT  
Please call (325) 676-6237 if you have any questions about this notice.

**CASE #: BA-2022-11**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: 3850 RIDGEMONT ABILENE LP  
Address: 3850 B RIDGEMONT DR  
Property ID: 32451

Mailing To: Planning and Development Services  
P.O. Box 60, Abilene TX 79604-0060

Email: [planning@abilenetx.gov](mailto:planning@abilenetx.gov)

I am in favor ☒  
Additional Comments:

I am opposed ☐

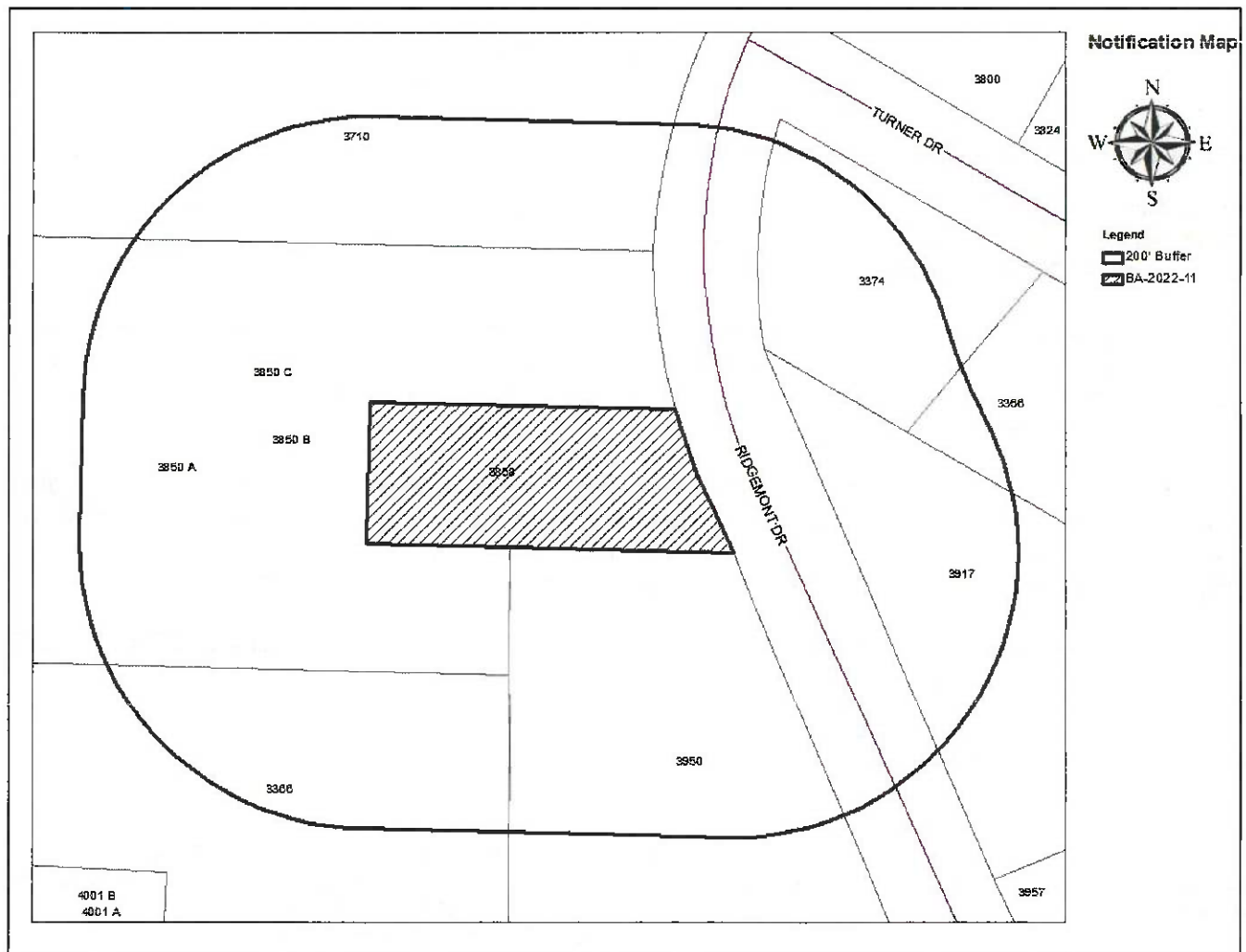
Signature: \_\_\_\_\_

Planning & Development Services  
555 Walnut Street  
Abilene, Texas 79601  
325.676.6237

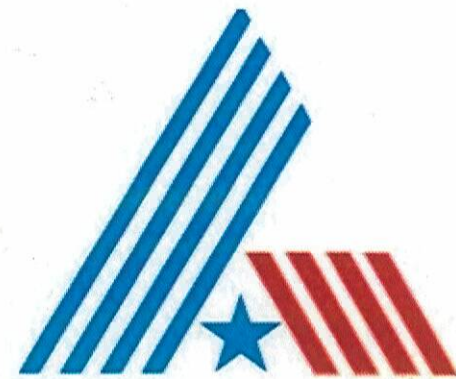
[ABILENETX.GOV/PLANNINGANDDEVELOPMENT](http://ABILENETX.GOV/PLANNINGANDDEVELOPMENT)



## BA-2022-11



# 2022 Development Application



**CITY OF ABILENE**

**PLANNING AND  
DEVELOPMENT SERVICES**

- Conditional Use • Rezoning
  - PDD • PDD Amendment
  - Street Name Change
- Thoroughfare Abandonment
  - Easement Release
- Historic Certificate of Appropriateness
  - Historic Project Tax Reduction
  - Plats • Petition for Relief
- Board of Adjustment (Variance)
  - Other



# Development Application

## Zoning Application Page 1 of 3

### Planning

- |                                                                    |                                             |                                                         |                                              |
|--------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Conditional Use                           | <input type="checkbox"/> Special Exceptions | <input type="checkbox"/> Rezoning                       | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> PDD Amendment                             | <input type="checkbox"/> Street Name Change | <input type="checkbox"/> Thoroughfare Abandonment       | <input type="checkbox"/> Easement Release    |
| <input type="checkbox"/> Historic Certification of Appropriateness |                                             | <input type="checkbox"/> Historic Project Tax Reduction |                                              |

### Relief Procedures

- |                                              |                                                 |                                                 |                                 |
|----------------------------------------------|-------------------------------------------------|-------------------------------------------------|---------------------------------|
| <input type="checkbox"/> Petition for Relief | <input type="checkbox"/> Proportionality Appeal | <input type="checkbox"/> Vested Rights Petition | <input type="checkbox"/> Appeal |
|----------------------------------------------|-------------------------------------------------|-------------------------------------------------|---------------------------------|
- Other: \_\_\_\_\_

Project Name: \_\_\_\_\_

Address: 2425 Shoreline Dr. No. of lots: 1 Acreage: 0.6152

Legal Description: \_\_\_\_\_

Subdivision Name: Lytle shores Block: L Lot: 104

Current Zoning: RS12 Proposed Zoning (if applicable): \_\_\_\_\_

### OWNER AND AUTHORIZATION

Owner Name: Bryan and Jayne Irons

Address: 2425 Shoreline dr.

City, State, Zip: Abilene TX 79602 Fax: \_\_\_\_\_

Phone: 806-543-7257 Email: bryan.ironsa@yahoo.com

Agent Name: Lyndra Heger

Address: 12202 CR 361

City, State, Zip: Hawley TX 79525 Fax: \_\_\_\_\_

Phone: 325-514-3251 Email: lynnker4ever@gmail.com

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: Nona Jayne Irons Date: 10-13-2022

### FOR OFFICE USE ONLY

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



# 2022 Development Application

## Zoning Application-Page 2 of 3

### Existing Zoning

- |                                           |                                         |                             |                              |
|-------------------------------------------|-----------------------------------------|-----------------------------|------------------------------|
| <input type="checkbox"/> AO               | Agricultural Open Space                 | <input type="checkbox"/> GR | General Retail               |
| <input type="checkbox"/> RR               | Rural Residential RR-5 & RR1            | <input type="checkbox"/> MU | Medical Use                  |
| <input checked="" type="checkbox"/> RS-12 | Residential Single-Family – 12,000 lots | <input type="checkbox"/> CB | Central Business             |
| <input type="checkbox"/> RS-8             | Residential Single-Family - 8,000 lots  | <input type="checkbox"/> MX | Mixed Use                    |
| <input type="checkbox"/> RS-6             | Residential Single-Family - 6,000 lots  | <input type="checkbox"/> GC | General Commercial           |
| <input type="checkbox"/> PH               | Single-Family Residential Patio Home    | <input type="checkbox"/> HC | Heavy Commercial             |
| <input type="checkbox"/> TH               | Residential Townhouse                   | <input type="checkbox"/> LI | Light Industrial             |
| <input type="checkbox"/> MD               | Residential Medium Density              | <input type="checkbox"/> HI | Heavy Industrial             |
| <input type="checkbox"/> MH               | Manufactured/Mobile Home                |                             |                              |
| <input type="checkbox"/> CU               | College & University                    | <input type="checkbox"/> PD | Planned Development District |
| <input type="checkbox"/> NO               | Neighborhood Office                     |                             |                              |
| <input type="checkbox"/> O                | Office                                  | <input type="checkbox"/>    | Empowerment Overlay          |
| <input type="checkbox"/> NR               | Neighborhood Retail                     |                             |                              |

### Reason for Zoning Change

N/A

### Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "Z"

<https://abilenetx.gov/563/Fee-Schedule>

Fees can be paid online with credit card.



# 2022 Development Application

## Zoning Application-Page 3 of 3

### ZONING IMPACT ANALYSIS

Please answer these questions in order to assist Staff with the processing of your Zoning request.

1. Is the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended?

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2. Is the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified?

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3. Is the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area?

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4. Are there other factors which will substantially affect the public health, safety, morals, or general welfare? \_\_\_\_\_

Other Required Forms – Disclosure of Interest (See Attached)



# Development Application

## Owner Authorization and Representative Designation

### Property Description

Subdivision: Lytle Shores Total Number of Acres: 0.6152  
 Zoning Classification(s): RS12 Total Number of Lots: 1  
 Location: 2425 shoreline dr Abilene TX 79602

### Property Owner Information & Authorization

Name/Company: Bryan & Jayne Irons  
 Address: 2425 Shoreline Dr.  
 City: Abilene State: TX Zip Code: 79602  
 Phone: (806) 543-7257 Email: bryan.ironson@yahoo.com

### Project Representation (check one):

- ☐ I will represent the application myself; OR  
☒ I hereby designate Lyndrieth Hege (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. 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 request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

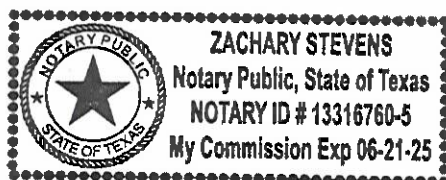
Property Owner's Signature: Nona Jayne Irons Date: 10-13-2022

STATE OF: Texas

COUNTY OF: Taylor

BEFORE ME, a Notary Public, on this day personally appeared Nona Jayne Irons (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 13 day of October, 20 22



[Signature]  
 NOTARY PUBLIC in and for the State of Texas

### Project Representative Information (complete if designated by owner)

Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Builder

Name: Lyndrieth Hege Company: Lonestar Picket Fence  
 Address: 12202 CR301 City: Harvey State: TX  
 Zip Code: 77455 home: 325-5143251 Email: lynnakery4ever@gmail.com



# Development Application

## Disclosure of Interest

Every question must be answered. If the question is not applicable, answer with "N/A".

**NOTE:** If the Project Representative is not the Property Owner, this form must be filled out by **both** the Property Owner and the Project Representative.

### Disclosure Questions

- A. Do you believe that a City official\* or City employee\*\* may have a conflict of interest in the property or application referenced on the reverse side? Yes ☐ No ☒
- B. If so, state the name of each City official or employee of the City of Abilene known by you that may have a conflict of interest in the property or application referenced on reverse side.

N/A

- C. State all information upon which you base the belief (use additional paper, if necessary).

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Abilene, Texas, as changes occur.

Name of Certifying Person (print): Lyndrith Hege

Property Owner ☐ Project Representative ☒

Signature of Certifying Person: [Signature]

\*Mayor, City Council members, Planning and Zoning Commission members, and Zoning Board of Adjustment members.

\*\*City Manager, City Secretary, City Attorney, and all department heads



# 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.

We built the building to what was approved by the city. But the drawing was not interpreted properly and now the building is built and we need a variance for 3 ft.

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~~ Yes We chose to build it because the plans were approved by the city.



# 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 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:

Two handwritten signatures in black ink, one appearing to be "C. M. ..." and the other "J. H. ...".

DATE:

10/13/22



# Development Application

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THE STATE OF TEXAS)  
)  
COUNTY OF TAYLOR)

Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint, my true and lawful attorney, for me in my name, place and stead, to (1) file an application for a zone change, plat, street closure, alley closure, (appeal to the Board of Adjustment)\* concerning such property and (2) appear on my behalf at all necessary meetings of the appropriate board or commission or City Council, as the case may be; and the undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning & Development Services Division for the City of Abilene, Texas.

Witness my hand this day of October 13, 2022

\*(cross out the inapplicable phrase)

# BOARD OF ADJUSTMENT

## BA-2022-12

### STAFF REPORT

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#### **Scheduled Hearings**

Board of Adjustment: November 08, 2022

Presented by: Clarissa Ivey, Planner I

#### **Applicant**

Owner: Bryan and Jayne Irons

Agent: Lyndrith Hege

#### **Request**

A two-foot (2') variance from the required side yard setback and one-foot (1') variance from the required rear setback is requested to allow an eighteen-foot (18') tall detached accessory building in a Residential (RS-12) zoning district.

#### **Location**

2425 Shoreline Drive

#### **Background**

The subject site is located in the Lytle Shores, Section 1, of Abilene. The subject lot meets the minimum size requirements of the Residential (RS-12) zoning district.

#### **Zoning, Existing and Proposed Land Use**

All of the properties surrounding the subject site are located in the RS-12 zoning district. A single-family residence currently exists on the subject lot and all adjacent lots.

#### **Land Development Code Provisions**

LDC Section 2.4.4.1 (b) (3) states that detached accessory buildings with a height up to 10' shall have a setback of 3' from interior side and rear property lines. Detached accessory buildings  $\geq 10'$  shall have the same 3' setback plus and an additional foot for every foot of building height over 10'.

#### **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.**

A building permit and a foundation permit were issued to begin construction of the accessory building. The plans submitted with the permits did not specify the height of the proposed accessory building, so the permits were issued under the assumption that the building height would be 10-feet, or less. Since then, the foundation has been poured and framing was started. When it was clear that the building height would exceed 10-feet, a stop-work order was issued.

**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.**

If the variance is granted, the owners of the adjoining properties would not be limited in any way as to height, area, or location of a detached accessory on those properties because such a structure would be able to comply with the separation requirements of the building code and all applicable LDC requirements.

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

Granting the variance would be generally consistent with the spirit and intent of the LDC because adequate separation between buildings would be maintained between the proposed structure and any existing or future construction of an accessory building on any adjoining lot.

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

The hardship or inequity was caused by the petitioner because the application did not provide adequate information to determine the correct location of the foundation. However, the applicant was likely not aware that there was a relationship between the height of structure and the correct minimum setback requirements for detached accessory buildings.

**Notification**

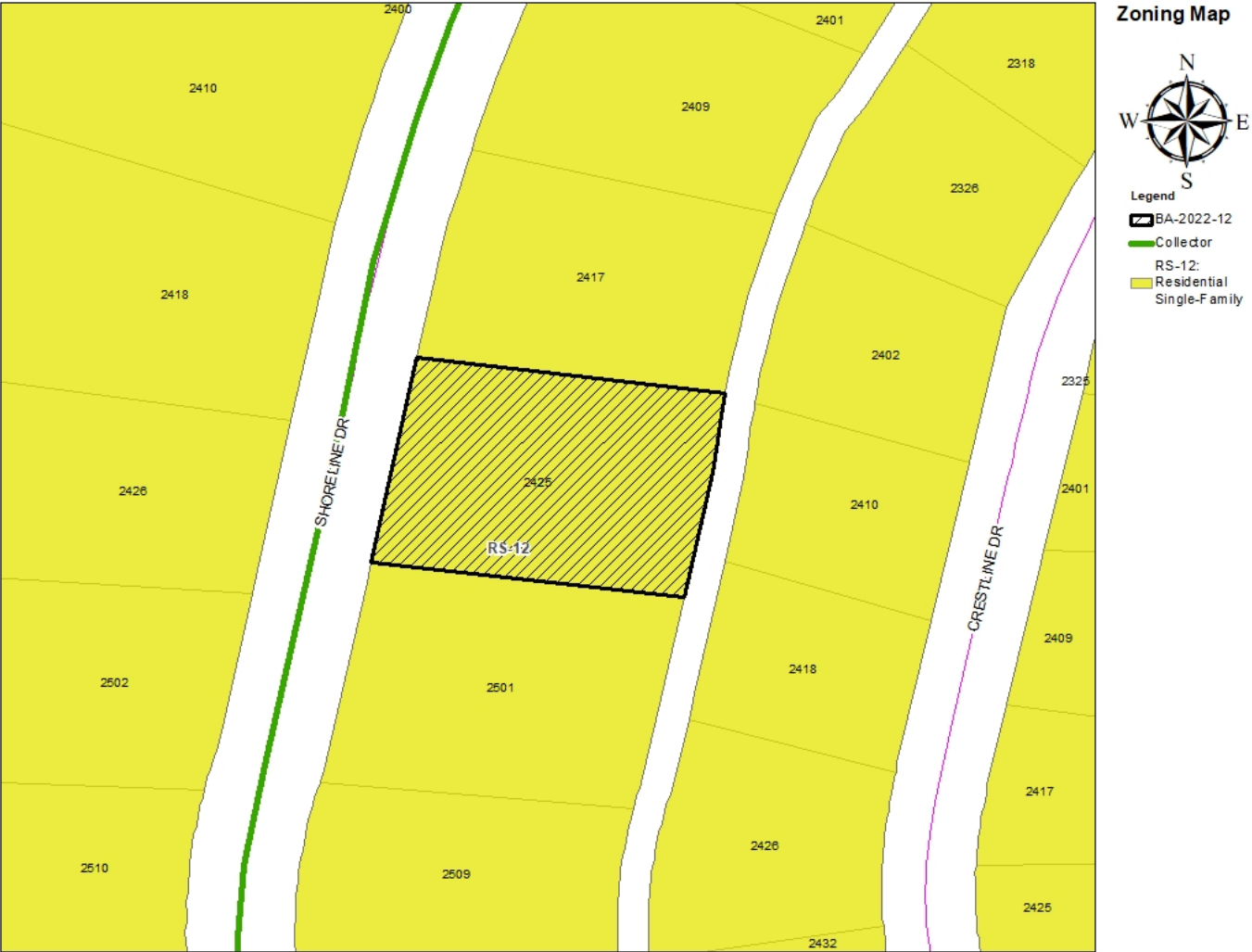
| Owner                      | Situs             | Property ID | Response |
|----------------------------|-------------------|-------------|----------|
| HANNA JON &                | 2418 SHORELINE DR | 42481       | F        |
| IRONS BRYAN D & NONA JAYNE | 2425 SHORELINE DR | 45336       |          |
| COLEMAN EDDIE & SHIRLEY    | 2410 CRESTLINE DR | 60400       |          |
| RICHMOND JAMES BRUCE &     | 2510 SHORELINE DR | 42842       | F        |
| HALL MELINDA KAY BRADSHAW  | 2502 SHORELINE DR | 42718       |          |
| STARRAK JOLENE T           | 2402 CRESTLINE DR | 60257       |          |
| HOMER JOHN & LAURA         | 2501 SHORELINE DR | 45215       |          |
| HEGWOOD DONALD & DEBBIE    | 2326 CRESTLINE DR | 60113       |          |

|                          |                   |       |   |
|--------------------------|-------------------|-------|---|
| WHITE NICHOLAS D & LINDA | 2418 CRESTLINE DR | 60543 | F |
| UTLEY SANDY R & SHELLY D | 2426 SHORELINE DR | 42598 |   |
| ROARK GARY D & LINDA S   | 2410 SHORELINE DR | 42363 |   |
| BEASLEY KENNETH R SR &   | 2509 SHORELINE DR | 45035 |   |
| WILSON J F & LORRAINE    | 2426 CRESTLINE DR | 60696 |   |
| ABBE RICKY & LORIE       | 2417 SHORELINE DR | 45485 | F |
| WADE KIRK & LAURA        | 2409 SHORELINE DR | 45636 | F |

### LOCATION MAP

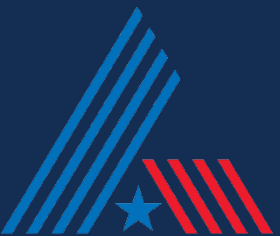


ZONING MAP

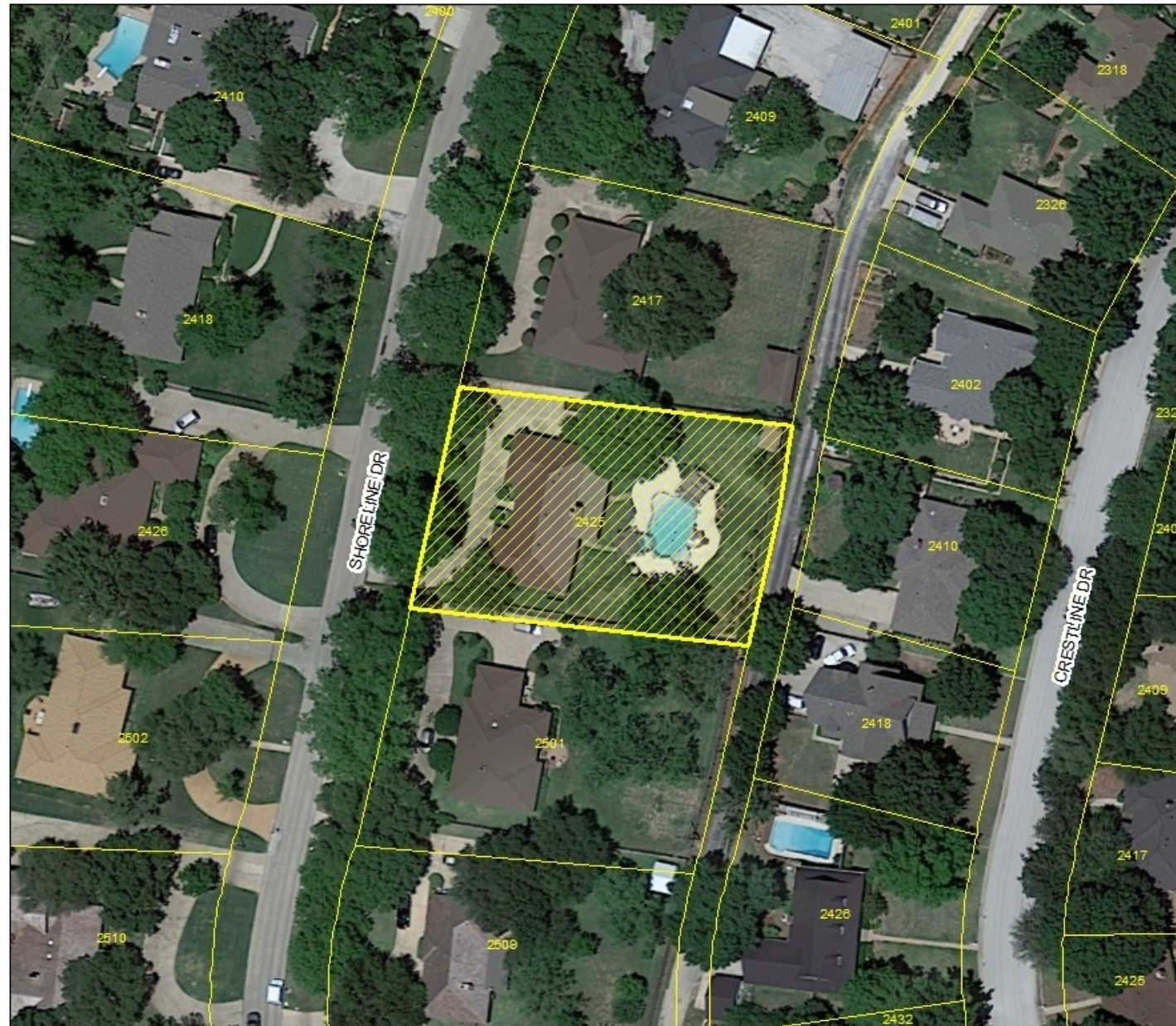


## VARIANCE REQUEST

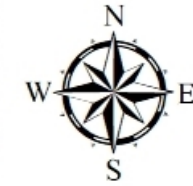
|                             |                                                                                                                                                                                |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case:</b>                | BA-2022-12                                                                                                                                                                     |
| <b>Owner:</b>               | Bryan and Jayne Irons                                                                                                                                                          |
| <b>Agent:</b>               | Lyndrith Hege                                                                                                                                                                  |
| <b>Request:</b>             | 2-foot variance from the side yard requirement,<br>1-foot variance from the rear yard requirement,<br>for an 18' tall detached accessory building.<br>(RS-12) Zoning district. |
| <b>Location:</b>            | 2425 Shoreline Dr.                                                                                                                                                             |
| <b>Notification:</b>        | 5 in Favor, 0 Opposed                                                                                                                                                          |
| <b>Board of Adjustment:</b> | November 8, 2022                                                                                                                                                               |



# BA-2022-12 AERIAL LOCATION MAP

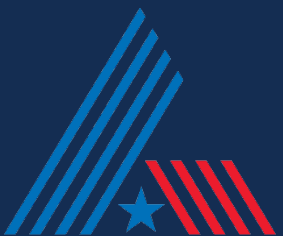


Location Map

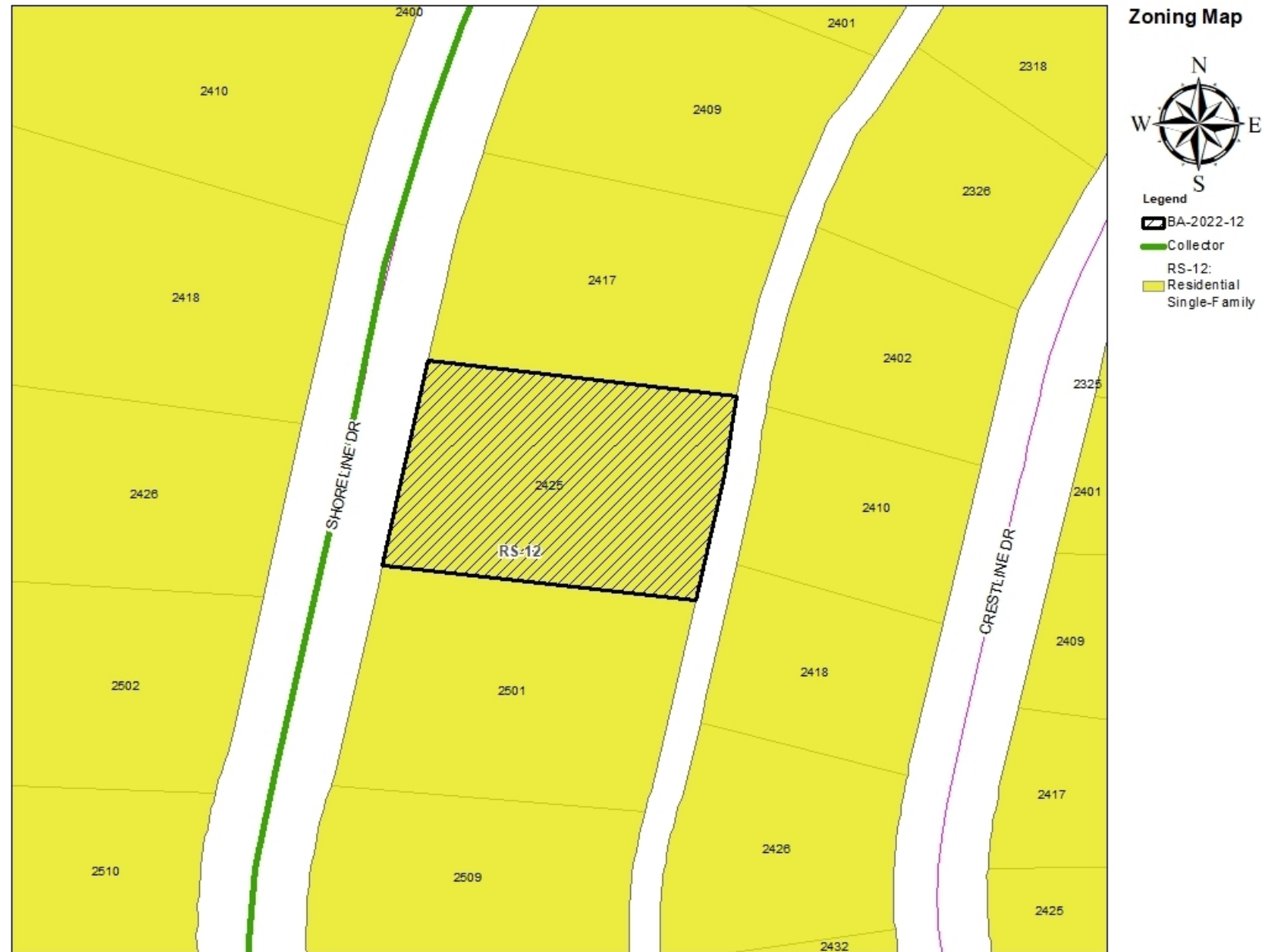


Legend

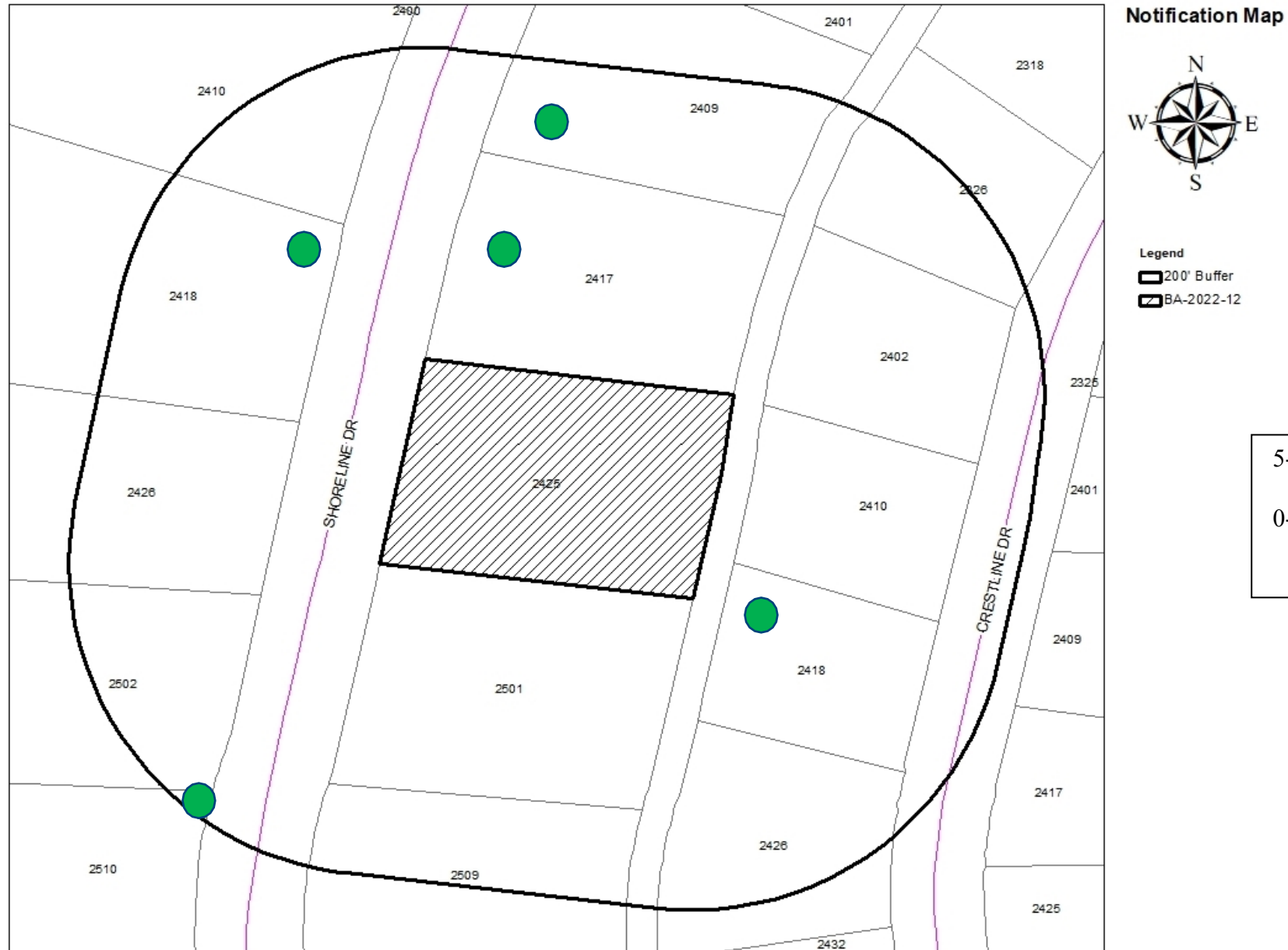
- BA-2022-12
- CourierParcels



# BA-2022-12 ZONING MAP



# BA-2022-12 NOTIFICATION AREA MAP



## BA-2022-12 VIEWS OF SUBJECT PROPERTY



Subject Property



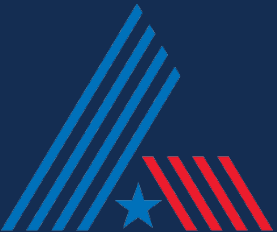
Southern Neighboring  
Property



Western Neighboring  
Property



Northern Neighboring Property



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

**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.**

There are no circumstance or condition that arises from the condition of the property that effect the development of the site.

**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.**

Granting the variance would not be contrary to the public interest, injurious to the neighboring properties, or detrimental to the public welfare because the height and location of the subject building would negatively effect the height, area, or placement of a detached accessory on those properties.

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

The granting the variance would not be inconsistent with the spirit and intent of the LDC because adequate separation between buildings would be maintained between the proposed building and location of new detached accessory building on an adjoining lot.

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

The hardship or inequity was caused by the petitioner because the application did not provide adequate information to determine the correct location of the foundation.



# Questions?

