



City of Abilene

Board of Adjustment Agenda

Notice is hereby given of a meeting of the City of Abilene Board of Adjustment to be held on April 9, 2024 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

EXECUTIVE SESSION

The Board of Adjustment 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)

1. Legal Advice Regarding the Authority of the Board and Statutory Requirements

ELECTION OF OFFICERS

2. Chairman, Chairman Pro-Tem, Secretary, Sergeant at Arms

MINUTES

3. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Minutes from the Regular Meeting Held on February 13, 2024

AGENDA ITEMS

4. **BA-2024-04:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Bryce Davis for a Variance to allow for a 0' front setback (25' required) and to allow for a 17' rear setback (25' required) located at 1326 Walnut Street (**Mason Teegardin**)
5. **BA-2024-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from JKK Properties, LP for a Variance to allow for a 10-foot setback (50 foot is required) along the rear property line for an accessory structure located at 2598 EN 10th Street. The applicant is also requesting a variance for an alternative plan for calculating the points required for the landscaping buffer along the east north and south west interior side property lines. (**Kiley Hannah**)
6. **BA-2024-06:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Karon Bingaman and Harley Hall for a Variance to allow for an additional 5' 6" in height, for a carport that was built to 17' 6" (12' allowed) located at 3834 Kady Ridge. An additional Variance is required for a 5' street side setback (8' required). (**Kiley Hannah**)
7. **BA-2024-07:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Zach Sitzes, represented by Grant Abston, for a Variance to allow for a rear

setback of 16', where 30' is required located at 2334 Innisbrook Drive (Mason Teegardin)

8. **BA-2024-08:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from SignTex for a Variance to allow a separation of 90-feet from an existing off-site advertising (billboard) sign on the same side of the street (a 250-foot separation required) and a 90-foot radial separation from an existing off-site advertising sign (a 750-foot radial separation is required) located at 2479 S. Treadaway Boulevard (Adam Holland)

ADJOURNMENT

Notice

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received forty-eight (48) hours prior to scheduled meetings. Please contact the City Secretary's Office at 325-676-6208. Telecommunication device for the deaf is 325-676-6360.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 5th day of April, 2024, at 2:20 p.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC*



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
February 13, 2024 8:30 a.m.

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

Members Present: Mr. Jon Loudermilk
Ms. Shawnda Rixey
Ms. Joy Ellinger
Louis Zientek
Melissa Sparks

Staff Present: Mr. Michael Rice, Assistant City Manager
Ms. Kelley Messer, First Assistant City Attorney
Mr. Tim Littlejohn, Director
Mr. Randy Anderson, Assistant Director
Ms. Mason Teegardin, Planner I
Ms. Kiley Hannah, Planner I
Ms. Melissa Farr, Executive Assistant

Others Present: Mr. Morton Langholtz Mr. Sergio Vazquez
Mr. Wilson Wallace Ms. Tammy Fogel

CALL TO ORDER

The meeting was called to order at 8:30 a.m. and Ms. Melissa Farr recorded the minutes. A quorum was present, and the meeting proceeded.

MINUTES

The public hearing was opened. Seeing no one present and desiring to be heard, the public hearing was closed. Mr. Loudermilk made the motion to approve the minutes from the regular meeting held on January 9, 2024. Ms. Ellinger seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Zientek, Ellinger, Rixey, Loudermilk, Sparks

NAYS: None

AGENDA ITEMS

BA-2023-11: (Tabled) Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Sergio Vazquez for a Variance to allow for a 3-foot setback (7 feet required) for an accessory building that is 14 feet tall located at 1460 Tanglewood Road.

Mr. Loudermilk moved to remove this item from the table. Ms. Rixey seconded the motion. All members of the Board were in favor.

Ms. Mason Teegardin presented this request. This request was tabled on January 9, 2024 to give the applicant an opportunity to determine if the height of the subject accessory building could be reduced to lessen the setback requirement for the building. The applicant informed staff on January 23, 2024 that the variance request will not be amended.

The public hearing was opened. Mr. Vasquez stepped forward to speak. Mr. Wilson Wallace also spoke in favor. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. Four (4) responses were received in favor, with one (1) in opposition.

Ms. Rixey moved to **approve this request based upon the conditions being present:**

- The hardship is partially created by the applicant; however, it improves the neighborhood and provides security.
- Granting the request would not be contrary to the public because the building is located within private property and does not impose in to the neighbor's property.
- It is consistent with Land Development Code.

Ms. Sparks seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Zientek, Ellinger, Rixey, Loudermilk, Sparks

NAYS: None

BA-2024-02: (Tabled) Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Jana Dover for a 1' variance from the 7' maximum fence height indicated in the LDC on the rear fence located at 2918 Arlington Avenue.

Mr. Loudermilk moved to remove this item from the table. Ms. Rixey seconded the motion. All members of the Board were in favor.

Ms. Kiley Hannah presented this request. The Board tabled this item on January 9, 2024 because the applicant was not present. When informed of that action by staff, the applicant requested to withdraw this item. The Board will need to remove this item from the table and recognize that the item is withdrawn.

Mr. Loudermilk moved to **withdraw this item from the agenda**. Mr. Zientek seconded the motion. All members of the Board were in favor.

ADJOURNMENT

There being no further business, the Board of Adjustment meeting was adjourned at 8:53 a.m.

Approved: _____, Chairman

BOARD OF ADJUSTMENT

BA-2024-04

STAFF REPORT

Scheduled Hearings

Board of Adjustment: April 9, 2024

Applicant

Owner: Auddie Faircloth

Agent: Bryce Davis

Case Manager

Mason Teegardin - Planner

Request

Variance to allow a 0' front setback (25' required) and a 17' rear setback (25' required).

Location

1326 Walnut Street

Background

The applicant is requesting a variance to allow a 0' front setback (25' required) to match the existing buildings on the lot to the south. The applicant is also proposing a 17' rear setback (25' required) to allow for maximum storage of lumber. The variances would maintain the general look and feel of the existing buildings.

Zoning, Existing and Proposed Land Use

The subject property is zoned Heavy Commercial (HC). The applicant proposes to build a cover for lumber storage. The property to the north is a parking lot. The property directly south is a continuation of the lumber yard.

Land Development Code Provisions

Per Chapter 2, Division 3 – Nonresidential Zoning Districts, Table 2-4: Site Layout and Building Requirements for Nonresidential Zoning Districts, the street setback for Heavy Commercial zoning on a local street is 25 feet. The setback can be reduced to 15 feet if only landscaping is provided between the building and the property line. The rear yard setback (next to other lot boundary) is 25 feet.

Site Constraints

The historic character of commercial development in the center of the city is for buildings to have zero foot (0') building setbacks and for the development to occupy most of the lot area. This standard is applicable to the existing buildings in the immediate vicinity. The LDC does not include regulations that would allow central city commercial lots in a manner that would maintain the traditional and existing design character of these areas.

Criteria Assessment – Section 1.4.4.2 – Variances

A variance is used to modify the application of the Land Development Code as it applies to a specific piece of property which, because of peculiar circumstances applicable only to the property, prevent its being used on the same basis as other property in the same zoning district. In reaching a decision on the variance application, the Board shall determine and make written findings that all of the following conditions are present:

- 1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the land, such that strict application of the provisions of this Code will create an undue hardship or inequity (other than financial) upon or for the applicant in developing the land, or deprive the applicant of reasonable and beneficial use of the land.**

There are no apparent conditions within this property that create an undue hardship.

- 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 request would not be contrary to the public interest or injurious to the surrounding properties would match the existing building setbacks of buildings in the immediate vicinity of the subject site.

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

The proposed building may not be consistent with the intent of the Land Development Code, which addresses modern Heavy Commercial (HC) development but does not address traditional HC areas. However, the variance request may be consistent with the intent of the Land Development Code, which promotes visually appealing commercial districts that have outdoor storage.

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

The apparent hardship may not be caused by the petitioner. Without relief, the lots cannot be developed or redeveloped to match the existing character of these traditional commercial areas.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
HARDIN SIMMONS UNIVERSITY	32149	1342 WALNUT ST	
CARPENTER WILLIAM THOMAS	32504		
ESP INVESTMENTS LLC	32993	1341 WALNUT ST	
ESP INVESTMENTS LLC	33126	1301 WALNUT ST	
HARDIN SIMMONS UNIVERSITY	33145	922 N 13TH ST	
BADGETT JIMMIE LEON & CHARLOTTE ANN	33540	1317 WALNUT ST	
HARDIN SIMMONS UNIVERSITY	33665	1325 PINE ST	
BADGETT JIMMIE LEON & CHARLOTTE ANN	33696	1333 WALNUT ST	
CITY LUMBER INCORPORATED	33708	1326 WALNUT ST	
BADGETT JIMMIE LEON & CHARLOTTE ANN	33750	1325 WALNUT ST	
CITY LUMBER INCORPORATED	33759	1310 WALNUT ST	
ESP INVESTMENTS LLC	33774	1305 WALNUT ST	

NOTIFICATION MAP



Notification Map



- Legend
- BA-2024-04
 - Notification Area



LOCATION MAP



Aerial Map



Legend

-  BA-2024-04
-  CourierParcels

ZONING MAP



Zoning Map



- Legend
- BA-2024-04
 - Collector
 - Minor Arterial
 - RS-6: Residential Single-Family
 - HC: Heavy Commercial
 - PD: Planned Development

VARIANCE REQUEST

Case: BA-2024-04

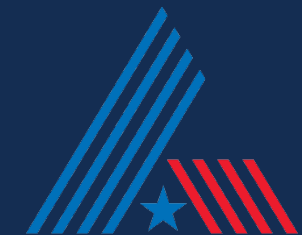
Agent: Bryce Davis

Requests: Variance to allow a 0' front setback (25' required) and 17' rear setback (25' required).

Location: 1326 Walnut Street

Notification: 0 in Favor, 0 Opposed

Board of Adjustment: April 9, 2024





AERIAL LOCATION MAP

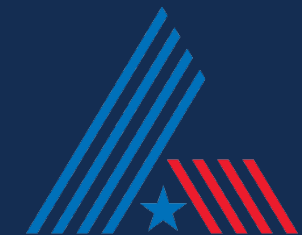


Aerial Map



Legend

-  BA-2024-04
-  CourierParcels



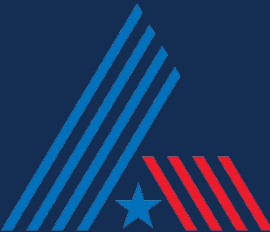
ZONING MAP



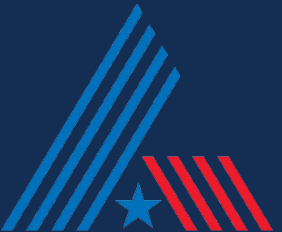
Zoning Map



- Legend**
- BA-2024-04 (Hatched pattern)
 - Collector (Green line)
 - Minor Arterial (Purple line)
 - RS-6: Residential Single-Family (Yellow)
 - HC: Heavy Commercial (Red)
 - PD: Planned Development (Light Yellow)



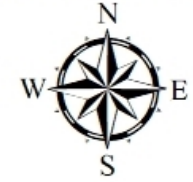
VIEWS OF SUBJECT PROPERTY



NOTIFICATION AREA MAP

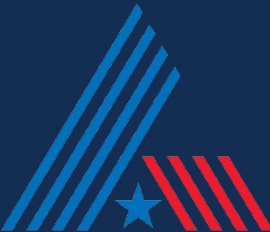


Notification Map



- 0- In Favor- ●
- 0- Opposed- ●

Legend
BA-2024-04
Notification Area



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.

There are no apparent conditions within this property that create an undue hardship.

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.

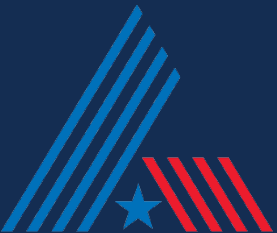
Granting the request would not be contrary to the public interest or injurious to the surrounding properties would match the existing building setbacks of buildings in the immediate vicinity of the subject site.

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

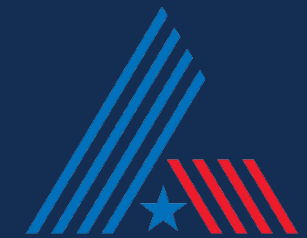
The proposed building may not be consistent with the intent of the Land Development Code, which addresses modern Heavy Commercial (HC) development but does not address traditional HC areas. However, the variance request may be consistent with the intent of the Land Development Code, which promotes visually appealing commercial districts that have outdoor storage.

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

The apparent hardship may not be caused by the petitioner. Without relief, the lots cannot be developed or redeveloped to match the existing character of these traditional commercial areas.



Questions?





2024 Development Application

Zoning Application Page 1 of 3

Planning

- Conditional Use
- PDD Amendment
- Easement Release
- Special Exceptions
- Street Name Change
- Rezoning
- Thoroughfare Abandonment
- Variance

Relief Procedures

- Petition for Relief
 - Proportionality Appeal
 - Vested Rights Petition
 - Appeal
- Other: _____

Project Name: City Lumber Addition
 Address: 1326 1510 Walnut Street Number of Lots: 1 Acreage: 0.017 AC
 Legal Description: S50 N150 E140 201 MC NAIKY 2-A ABL OT/Property 74854
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: HC Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: City Lumber Inc.
 Address: 1310 Walnut St.
 City, State, Zip: Abilene, TX 79601 Fax: _____
 Phone: (325) 673-5702 Email: _____
 Agent Name: _____
 Address: _____
 City, State, Zip: _____ Fax: _____
 Phone: _____ Email: _____

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 of Owner: [Signature] Date: 2/15/24

FOR OFFICE USE ONLY		
Received: _____	Fee: \$ _____	Receipt No.: _____
Case No.: _____	Reviewed By: _____	



2024 Development Application

Disclosure of Interest

Disclosure Questions

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.

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).

N/A

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): Bryce Davis / Auddie Faircloth

Property Owner Project Representative

Signature of Certifying Person: Bryce Davis / Auddie Faircloth

*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

X



2024 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 are requesting to build lumber storage facility. This facility will be placed on N property line and extend to E & W property line. There is a set back on the E property line that we wish to build on. All other buildings on this historic lumber yard are built on this line. We want them to match current buildings. There is also a 60' tree that we are trying to avoid cutting down. This will allow us to salvage that tree.

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?

This is the only build site available to expand the lumber yard.

- Zero ft. front property setback

- Rear 17ft. property setback



X

2024 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: Bryan D. ... / Ruddle Fincloth
DATE: 2/15/24



2024 Development Application

X

THE STATE OF TEXAS)

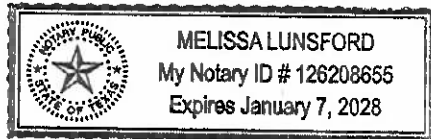
)

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 15 February, 2024



*(cross out the inapplicable phrase)



2024 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: S50 N150 E140 201 MC NAIRY 2-APBL 07 Total Number of Acres: 0.017 AC
 Zoning Classification(s): HC Total Number of Lots: 3
 Location: 1324 Walnut Street Abilene TX

Property Owner Information & Authorization

Name/Company: City Lumber Inc.
 Address: 1310 Walnut St
 City: Abilene State: TX Zip Code: 79601
 Phone: 325-673-5702 Email: _____

Project Representation (check one):

- I will represent the application myself; OR
 I hereby designate Bryce Davis (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.

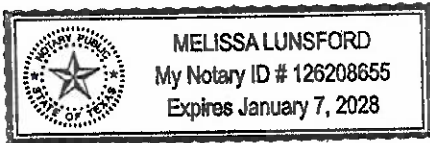
Property Owner's Signature: Auddie Faircloth Date: 2/15/24

STATE OF: Texas

COUNTY OF: Taylor

BEFORE ME, a Notary Public, on this day personally appeared Auddie Faircloth (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 15 day of February, 2024



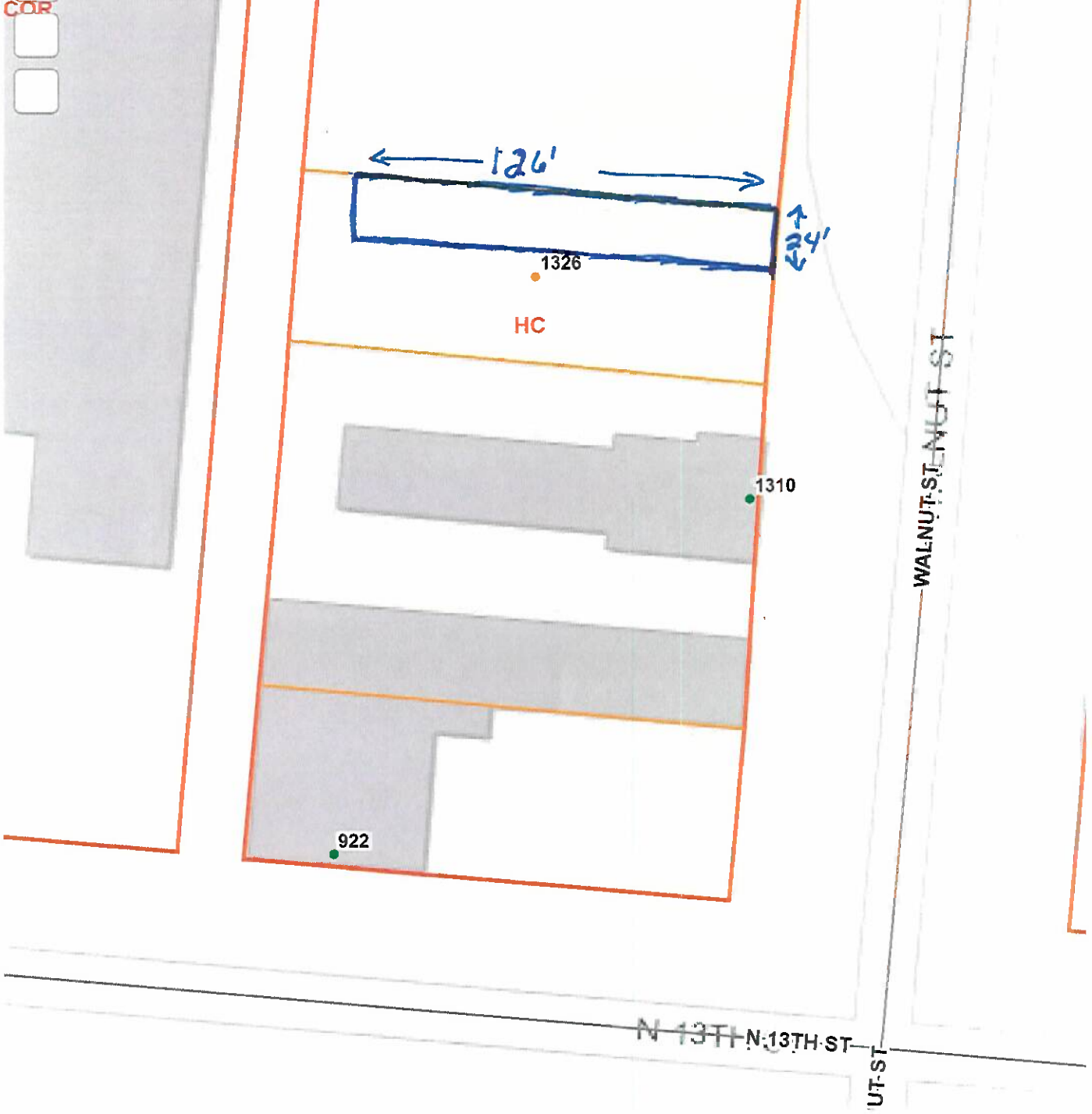
[Signature]
 NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

- Engineer Purchaser Tenant Preparer Other(specify): _____

Name: _____ Company: _____
 Address: _____ City: _____ State: _____
 Zip Code: _____ Number: _____ Email: _____

Show search results for 1310 w...



-99.730 32.464 Degrees

All rights reserved

BOARD OF ADJUSTMENT

BA-2024-05

STAFF REPORT

Scheduled Hearings

Board of Adjustment: April 9, 2024

Applicant

Owner: JKK Properties LP

Case Manager: Kiley Hannah

Request

Variance to allow a 10-foot setback (50-feet required) along the rear property line for an accessory building and to allow an alternative method to calculate the points required to satisfy the landscaping and buffering requirements on those portions of the lot that adjoin lots that allow residential uses.

Location

2598 EN 10th Street

Background

The property is undeveloped that was recently rezoned from Agricultural Open (AO) to Heavy Commercial (HC). The Planning and Zoning Commission approved the plat of the subject property on April 2, 2024. The site plan to construct a facility for the sale, lease, servicing, and display of heavy equipment is pending the outcome of this request.

A Type B Buffer is required between Heavy Commercial (HC) and a residential zoning district. The buffer yard requires a score of at least 25 points based on the point system set out in Section 4.2.4.2 of the Land Development Code. The request is to allow an alternative buffer plan to satisfy the intent Land Development Code.

Zoning, Existing and Proposed Land Use

The subject property is vacant and is zoned Heavy Commercial (HC). Most of the surrounding properties are zoned AO, which is considered a residential zoning district. As such, the development of the subject lot requires a buffer yard along the property lines that adjoin the AO districts. Similarly, a proposed vehicle wash is proposed to be located 10' from the adjoining property zoned AO, which requires a variance.

All of the properties that adjoin the west property line of the subject site are located in the regulatory 100-year floodplain and floodway.

Comprehensive Plan

The Comprehensive Plan recommends commercial development for all of the properties east of subject property and open space for all of the property to the west due to the floodplain and floodway. EN 10th Street is designated as a gateway corridor, with residential development recommended on the south side of EN 10th Street. Those recommendations have an impact on how the requested variances are evaluated.

Land Development Code Provisions

Per LDC Section 4.2.4.2, Section A, Subsection 2; a Type B Buffer is required between Heavy Commercial (HC) development and any residential zoning district. A Type B Buffer shall consist of a 5- foot wide buffer yard plus at least 25 points based on the points listed in Subsection 3.

The “Site Layout and Building Requirements” for nonresidential zoning districts specifies that the Heavy Commercial rear yard setback, when abutting a residential zoning district, shall be 50’.

Site Constraints

There are no apparent site constraints.

Alternative Buffering/Landscaping Plan

The LDC does not award bonus points when an applicant proposes an oversized buffer area. In this instance, the application is proposing a large dry detention area along the west property line. The size and extent of this area is quantified on the on the Alternative Plan. Generally accepted planning principles recognize the value of spatial buffer yards and tend to award more value providing addition space. Since the land to the west is in the floodplain and is likely to remain undeveloped, a spatial buffer along the west property line is appropriate.

Along the eastern property line, the Alternative Plan provides a more traditional buffer yard treatment with screening and landscaping. Given the likelihood that commercial uses will eventually be located on the acreage to this east, this proposed treatment may also be appropriate.

At the direction of staff, the Alternative Plan places great emphasis on the streetscape appearance on EN 10th Street and East Stamford Street.

Precedents/Findings

The Alternative Plan appears to satisfy the intent of the Type B buffer yard through the provisions of additional landscaping, streetscape treatments, perimeter fencing, and a large amount of open space and spatial separation along the west property line.

Criteria Assessment

A variance can be approved only when special circumstances are present to justify the expansion of a nonconforming building. In reaching a decision on the variance requests, the Board shall determine and make written findings that all of the following conditions are present:

Buffering requirement Variance:

- 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 irregularly long lot calls for a large amount of buffer yard due to the west property line abutting a potential residential use being an Agricultural Open (AO) zoning district, causing a potential hardship.

- 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 request would not be contrary to the public because the irregularly long lot is abutting a possible residential zoning use that is located within the 100 year floodplain on the west property line.

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

The Alternative Plan is consistent with the spirit and intent Land Development Code with respect to buffer yards and landscaping.

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

The irregular lot shape and depth of the subject property was expressly platted into this form by the applicant. As a result, the hardship was partially self-created. The applicant has provided an Alternate Plan to mitigate the effects of the proposed variances.

Setback requirement Variance:

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 irregular shaped lot potentially causes a hardship.

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 request would not be contrary to the public because the Alternative plan satisfies the intent of the setback requirements considering the abutting property may be zoned commercial in the future.

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

The proposed vehicle wash may be consistent with the intent of the Land Development Code, due to adequate buffering that may be provided with the 10' setback.

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

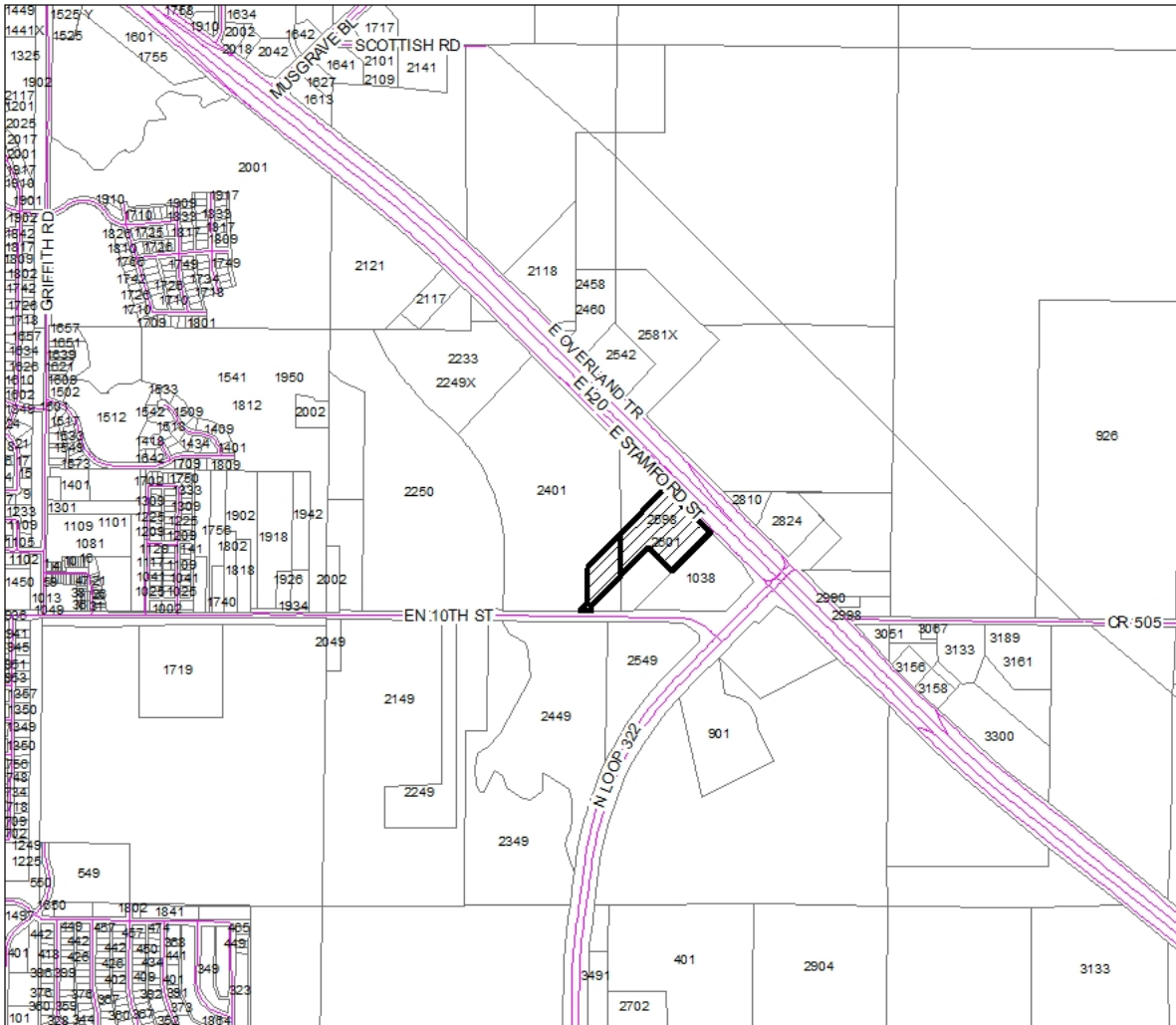
The irregular lot shape and depth of the subject property was expressly platted into this form by the applicant. As a result, the hardship was self-created. The applicant has provided an Alternate Plan to mitigate the effects of the proposed variances.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER	PROP_ID	SITUS	RESPONSE
AWTRY MIKE & BUFFI	1088184		F
AWTRY MIKE & BUFFI	1088183		F
SS SRANI LLC	34253	1038 N LOOP 322	
AWTRY MIKE & BUFFI	1017941	2401 E STAMFORD ST	F
JKK PROPERTIES LP	33654	2598 EN 10TH ST	
JKK PROPERTIES LP	33654	2601 E STAMFORD ST	
AWTRY MIKE & BUFFI	1088185		F
AWTRY MIKE & BUFFI	105566		F

LOCATION MAP

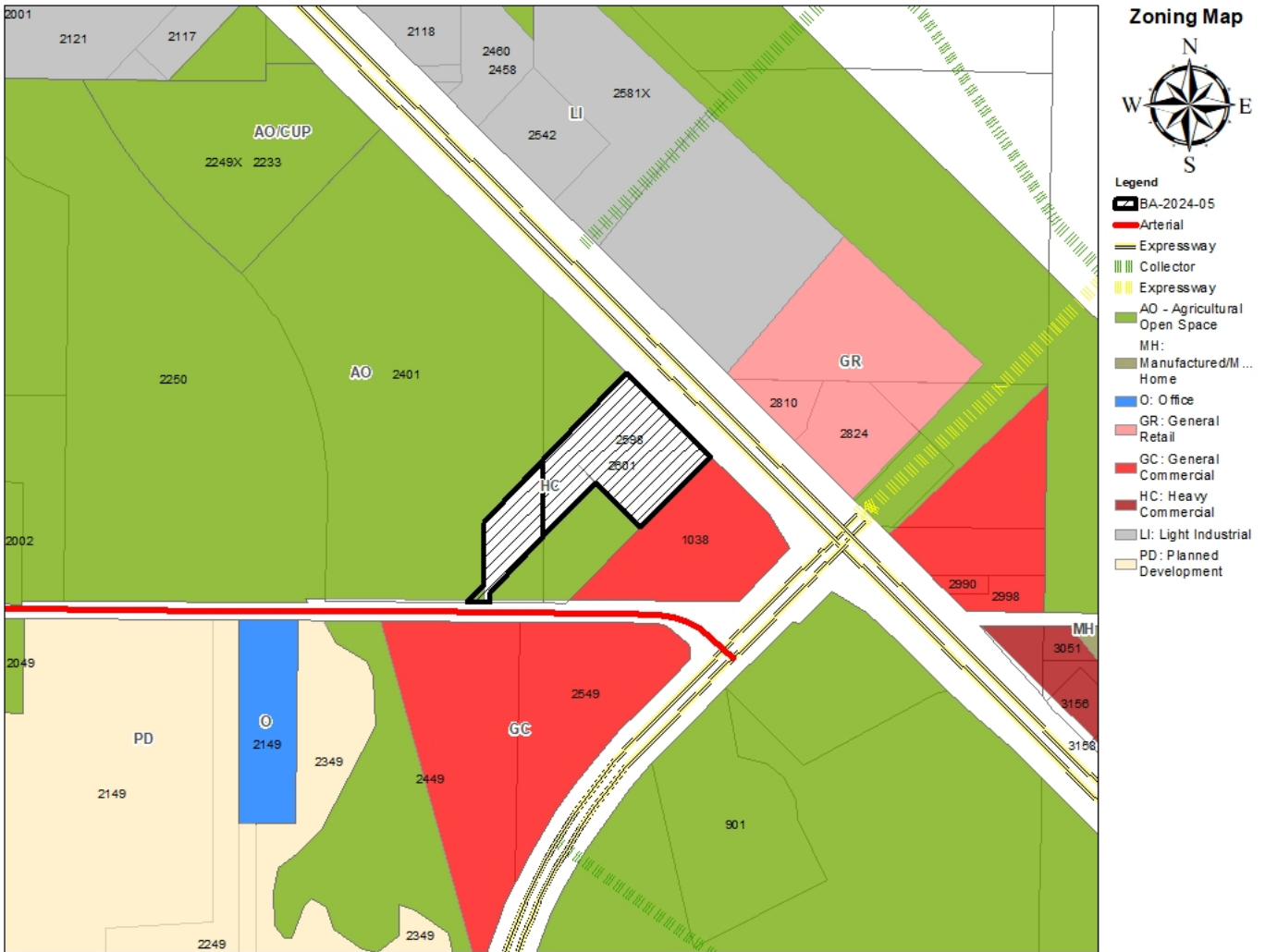


Location Map



Legend
BA-2024-05

ZONING MAP



PROJECT OVERVIEW

Project Type: Board of Adjustment Application | **Project Title:** Board of Adjustment Application
ID # 24-000047 | **Started** 03/05/2024 at 2:08 PM



Address	Legal
2598 EN 10th St, Abilene, TX USA 79601	A1431 Sur 32 B A L Se/4 Blk Acres 15.4 A1431 Sur 32 B A L Se/4, Acres 8.16

Description
A new 31,387 square foot heavy machinery sales and service facility with offices, parts warehouse, service bays and wash bays.

PROPERTY DETAILS

Property ID	33654
GEO ID	60709
Enforcement Area	Abilene Heights Area

PROPERTY ADDITIONAL INFORMATION

Account Number	A1431001000
Property ID	60709
Land Use	Vacant
High School	Eula
Middle School	Eula
Elementary School	Eula
Super Neighborhood	Abilene Heights Area
Courier - Building Square Feet	0

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Awtry Mike & Buffi	-	245 Nora Miller Rd Abilene, TX 79602-6419	-	Property Owner
Jkk Properties Lp	-	11500 E I-40 Amarillo, TX 79118-7031	-	Property Owner
John Jenkins	jjenkins@sims-architects.com 8063587069	2810 Duniven Suite 100 Amarillo, TX 79109	-	APPLICANT

PROJECT STEPS	DATE & TIME	RESULT	USER
Request	03/05/2024 at 2:12 PM	Accept	-

BOA Application Review	-	-	-
Planning Payment	-	-	-
Staff Prepares Report & Send Property Notification Letters	-	-	-
Board of Adjustments Public Hearing	-	-	-
Appeal to District Court	-	-	-
Variance/Special Exception	-	-	-
Archive	-	-	-

INFORMATION FIELDS

BOA Application Type
Variance

Owner Name
JKK Properties, LP

Agent Name
John Kritser

No. of Lots
1

Acreage
-

Legal Description of property
10.866 acres out of Blind Asylum Lands Survey No.32, Abstract No. 1431, and Abstract No. 1433, Taylor County, Texas. 2601 East Stamford.

Current Zoning
Heavy Commercial

Variance or Special Exception: Explanation
Set back variance Explanation: The maneuvering distances for this type of heavy equipment necessitates larger open areas. The depth of the site from the I-20 frontage was established using dimensions that allow for safe driving clearances of the large equipment using a dimension of approximately 120' between buildings and obstacles. A 50' rear yard setback constricts the maneuvering space between the wash bay building and main shop building creating an unsafe condition. The entire site circulation is based on these extreme maneuvering clearances that provide safety for the employees and customers. Pursuant to Section 2.4.4.1,c, the wash/rental building is an accessory building which is defined as a subordinate building detached from the main building the use of which is secondary to and supportive of the main building. Heavy equipment arriving at the facility for repairs or service are washed of field debris before going into the service shop. Equipment going out to renters is checked out in the rental bay to assure good running order and properly fitted with requested accessories. Buffer Variance Explanation: The shape and size of this site has a perimeter of 3,771 feet. Installation of an additional 15' wide buffer strip as defined in Section 4.2.4.2 Land Use Buffers results in an additional 46,820 square feet of landscape, irrigation and an additional 150 trees in excess of the landscape requirements listed in Section 4.2.2.5 and Section 4.2.2.3 General Landscape Requirements. Tripling the landscape area and number of trees places an undue financial hardship for an owner on a site of this size and shape. The current design with 20,280 square feet of landscape, 41 total trees and 123 shrubs meet the landscape requirements. There is an additional 190,397 square feet of unpaved area that will be revegetated under the conditions of the Erosion Control Plan.

Variance Request

Set back Variance Request: Request is made to maintain a 10' set back along the south intermediate property line at the wash bay/rental building in accordance with 2021 Uniform Building Codes. In (3) under 2.4.4.1, the rear yard setback for accessory buildings in nonresidential districts shall be no less than five feet (5'). The Uniform Building Code allows buildings to be constructed 5' from the property line with a 2 hour rated wall with no openings. If the building is 10' from the property line, no rating is required and openings are allowed. The current design meets the requirements of the UBC 2021.

Buffer Variance Request: Request is made to approve the landscape plan as submitted and permit the detention basin on the west and the space on the rear east property line from the wash bay/rental building to satisfy the buffer requirement. In accordance with the requirements of the Erosion Control Workmap, Sheet C4.1, the areas disturbed by the construction will be revegetated with natural materials.

Special Exception

-

INVOICES	DUE DATE	CONTACT	TOTAL	PAID	DUE
----------	----------	---------	-------	------	-----

No data for Invoices, Fees & Payments.

CREDENTIALS

No data for Credentials.

OCCUPANCY TYPE	CONSTRUCTION TYPE	SQUARE FEET	VALUATION
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No data for Occupancy Type.

REVIEWS	DATE & TIME	STATUS	HISTORY
---------	-------------	--------	---------

BOA Application Review	03/05/2024 at 2:12 PM	In Review	-
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INSPECTIONS	DATE & TIME	STATUS	HISTORY
-------------	-------------	--------	---------

No data for Inspections.

GENERATED DOCUMENTS	PRINTED ON	PRINTED BY	ISSUED TO
---------------------	------------	------------	-----------

No data for Generated Documents.

ATTACHED DOCUMENTS	UPLOADED ON	UPLOADED BY
--------------------	-------------	-------------

No data for Attached Documents.

EPR DOCUMENTS	ASSOCIATED STEPS	STATUS	LAST REVIEW BY
---------------	------------------	--------	----------------

Civil	BOA Application Review	Not Uploaded	-
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GENERAL COMMENTS

No data for General Comments.

Yellowhouse Machinery

Abilene, Texas

Landscape Variance Analysis



Required Landscape:

Section 4.2.2.5 Required Landscape

- (a) A minimum percentage of the area of a site located between the building facade and the adjacent street right-of-way must be landscape area, which varies by zoning district based on the following:
 - (1) 15% of the site for residential multifamily (MD and MF) and neighborhood (NO, NR, and MX) districts.
 - (2) 5% of the site for commercial or office (O, CU, MU, GR, GC, and HC) districts.
 - (3) 0% of the site for the central business (CB) district and industrial (LI and HI) districts.

(Ord. No. 8-2010, pt. 1 (Exh. A), 4-22-10)

Our site is 469,154 square feet requiring 23,457 square feet of landscape.

Section 4.2.2.3 General Landscape Requirements

- (a) Grass or other vegetative cover is generally required for all required landscape areas. A maximum of 15% of the required landscape area may include non-vegetative pervious cover, such as landscaping rocks, pervious pavers, or similar, excluding sidewalks or paths.
- (b) Sidewalks or paths within a landscape area shall be included in the landscape area calculation and shall not count against the impervious cover limit.
- (c) The parkway must remain landscaped except for authorized improvements, such as driveways, sidewalks, or other public infrastructure, including for single-family and two-family residential development.
- (d) A minimum 10-foot-wide landscape area shall be provided along all property lines adjacent to a street, except within the Central Business district or other areas where the building setback is less than 10 feet, in which case the building setback area shall be landscaped.
- (e) *Required trees and shrubs:*
 - (1) One tree plus three shrubs are required per 500 square feet of required landscape area, rounded up to the nearest whole tree or shrub.
 - (2) Street trees are required at a rate of 1 per 40 feet of street frontage along Enhancement Corridors, as designated in the City's Comprehensive Plan, and 1 per 60 feet of street frontage along other arterials and collectors. Placement of trees may be varied, but may not result in fewer than the required number of trees for a property.
- (f) Any landscape area within the public right-of-way shall not count toward any landscape area requirements. However, plantings, such as street trees and shrubs, within the parkway shall count toward the general landscaping requirement for a site.

Article (e) requires 69 trees and 207 shrubs.

Section 4.2.4.2 Land Use Buffers

- (a) Buffer yards consisting of a minimum width landscaping area, landscape plantings, and/or walls or fencing are required between land uses of different intensities for the purpose of mitigating negative impacts such as noise, trash, light, and visual appearance.
- (1) Type A Buffer is required between Residential Multifamily (MD and MF), Office (NO and O), College-University (CU), Medical Use (MU), or Neighborhood Retail (NR) districts and any lower intensity residential district. A Type A Buffer shall consist of a 5-foot wide buffer yard plus at least 15 points based on the points listed in subsection (3) below.
 - (2) Type B Buffer is required between Heavy Commercial (HC), General Commercial (GC), or General Retail (GR) districts and a residential district or between any Industrial district and any other non-industrial district other than Heavy Commercial (HC) and General Commercial (GC). A Type B Buffer shall consist of a 5-foot wide buffer yard plus at least 25 points based on the points listed in subsection (3) below.
 - (3) *Points.*
 - a. Opaque masonry wall with 6 foot minimum height = 15 points.
 - b. Opaque fence with 6 foot minimum height = 5 points.
 - c. An existing, continuous fence or wall on the adjacent property = ½ the points of a fence or wall on the subject property.
 - d. Each additional 5 feet of buffer yard = 5 points (maximum of 15 points).
 - e. One tree with a mature height of at least 20 feet and height of at least 8 feet at time of planting per 25 lineal feet of buffer yard = 10 points.
 - f. Three smaller trees per 25 lineal feet of buffer yard = 10 points.

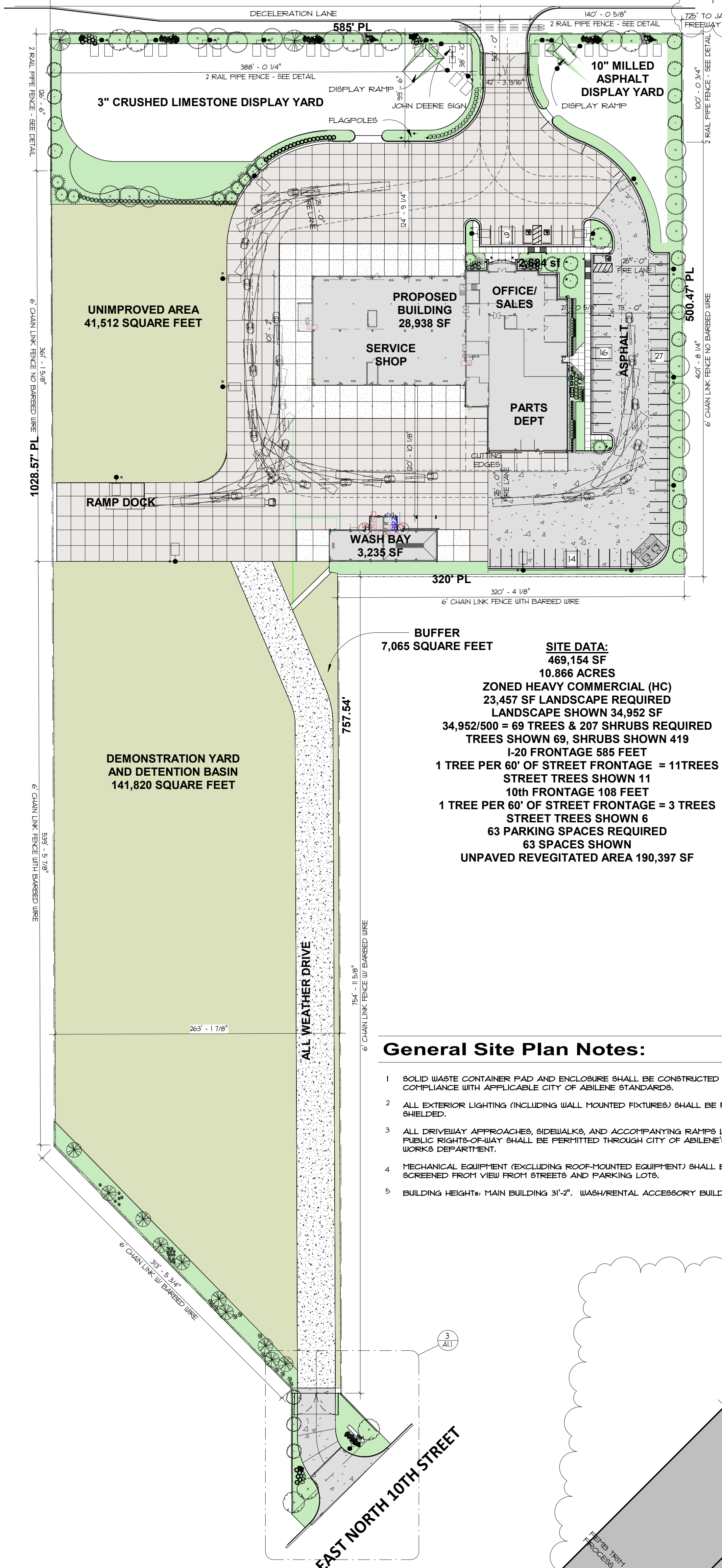
A type B 15' wide buffer completely around our site results in an additional 46, 820 square feet of landscape and 150 trees.

Provided Landscape:

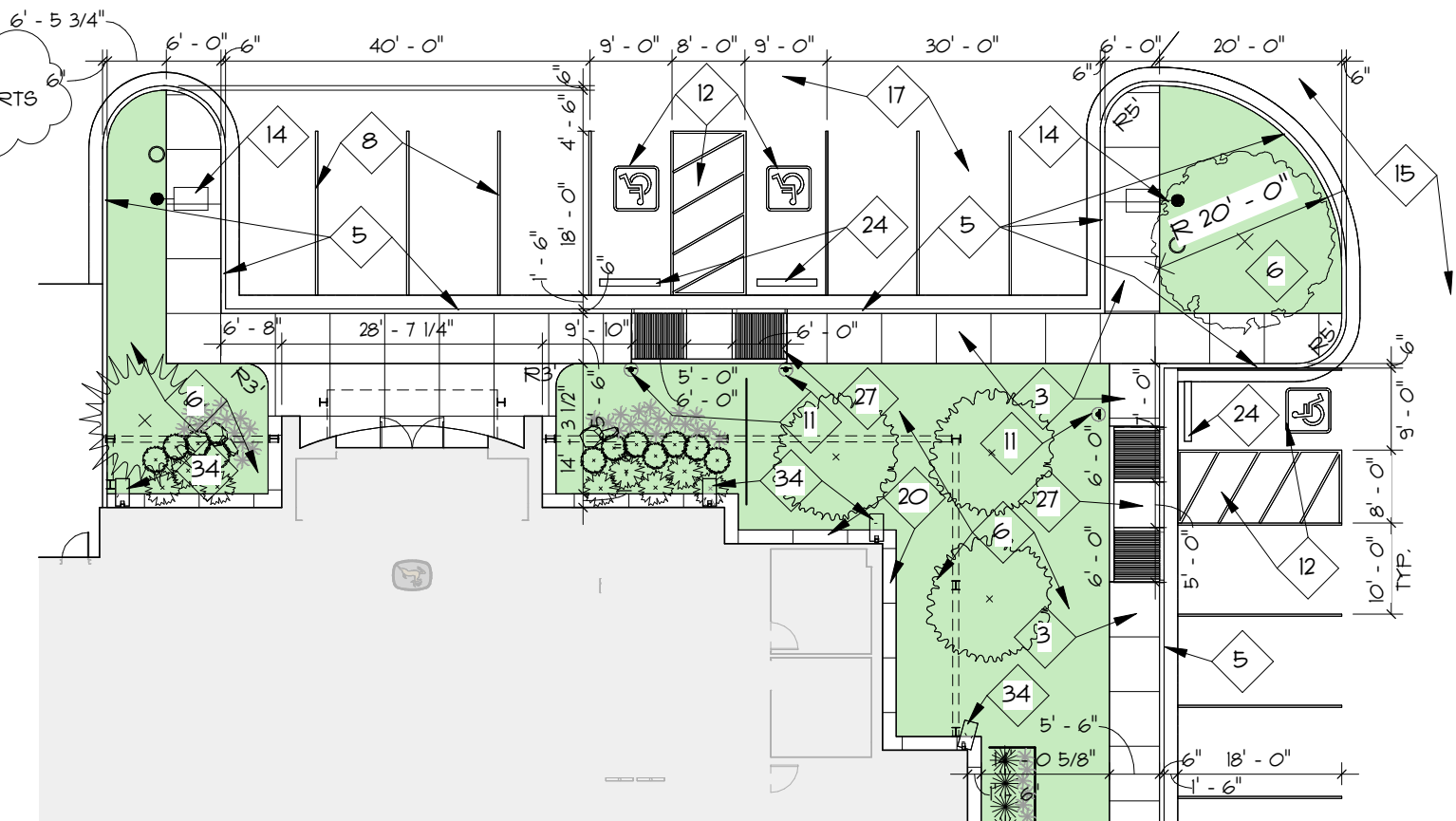
Our current design shows 34,952 square feet of irrigated landscape or 50% more than required by the landscape ordinance. We are showing the required number of street trees and landscape trees with additional enhanced landscape and trees at the 10th Street entrance. We have twice as many shrubs as required by the landscape ordinance. We have also added a 15' wide landscape buffer along the west property line near 10th Street with an additional 10 trees and 30 shrubs.

We request that the current landscape design be approved as meeting the intent of the landscape and buffer requirements.

E. STAMFORD ST. INTERSTATE 20 ACCESS ROAD



2 Site Plan Overall
A1.1 SCALE: 1" = 60'-0"



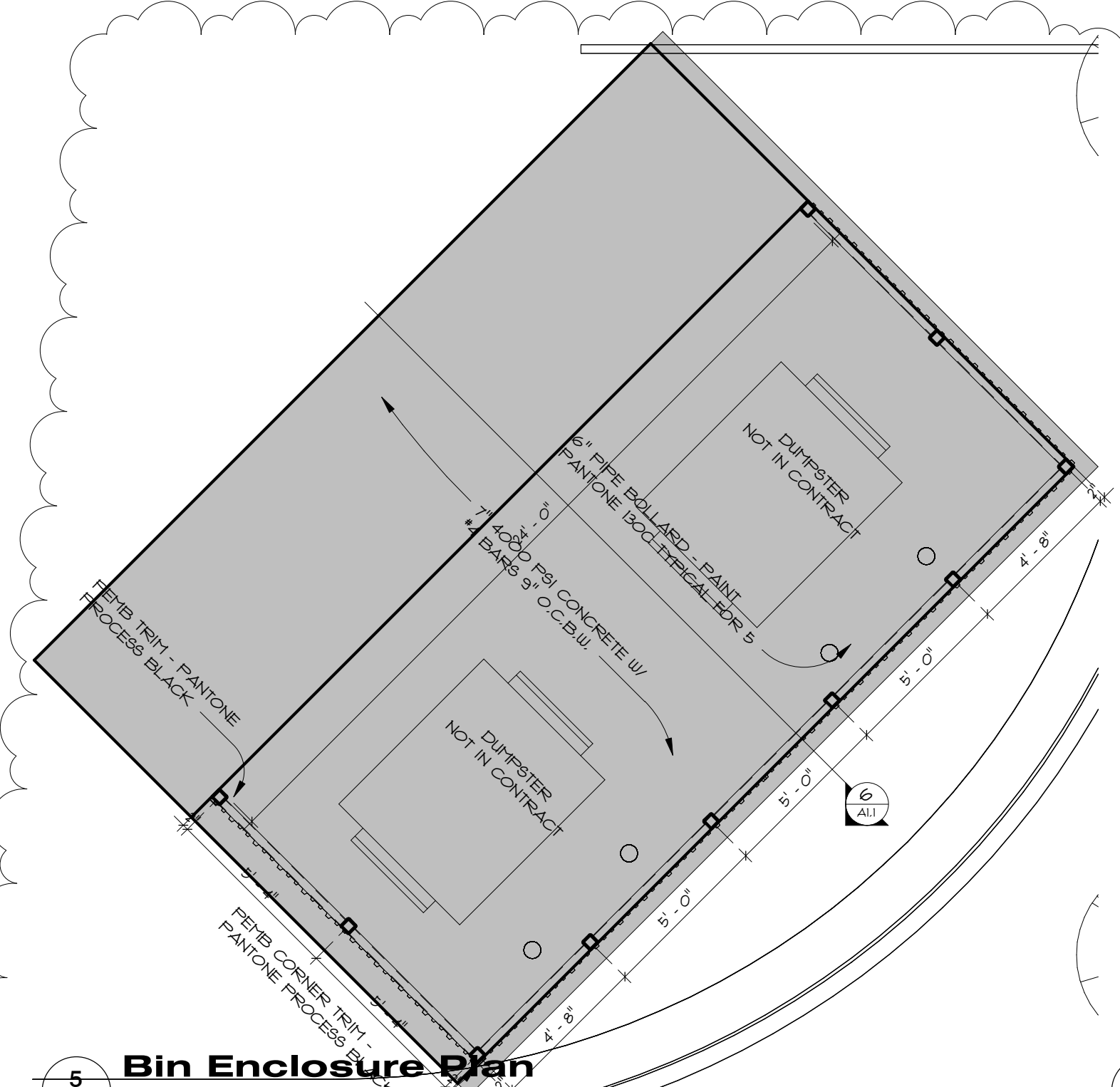
4 Site Plan - Enlarged
A1.1 SCALE: 1" = 20'-0"

Referenced Site Plan Notes:

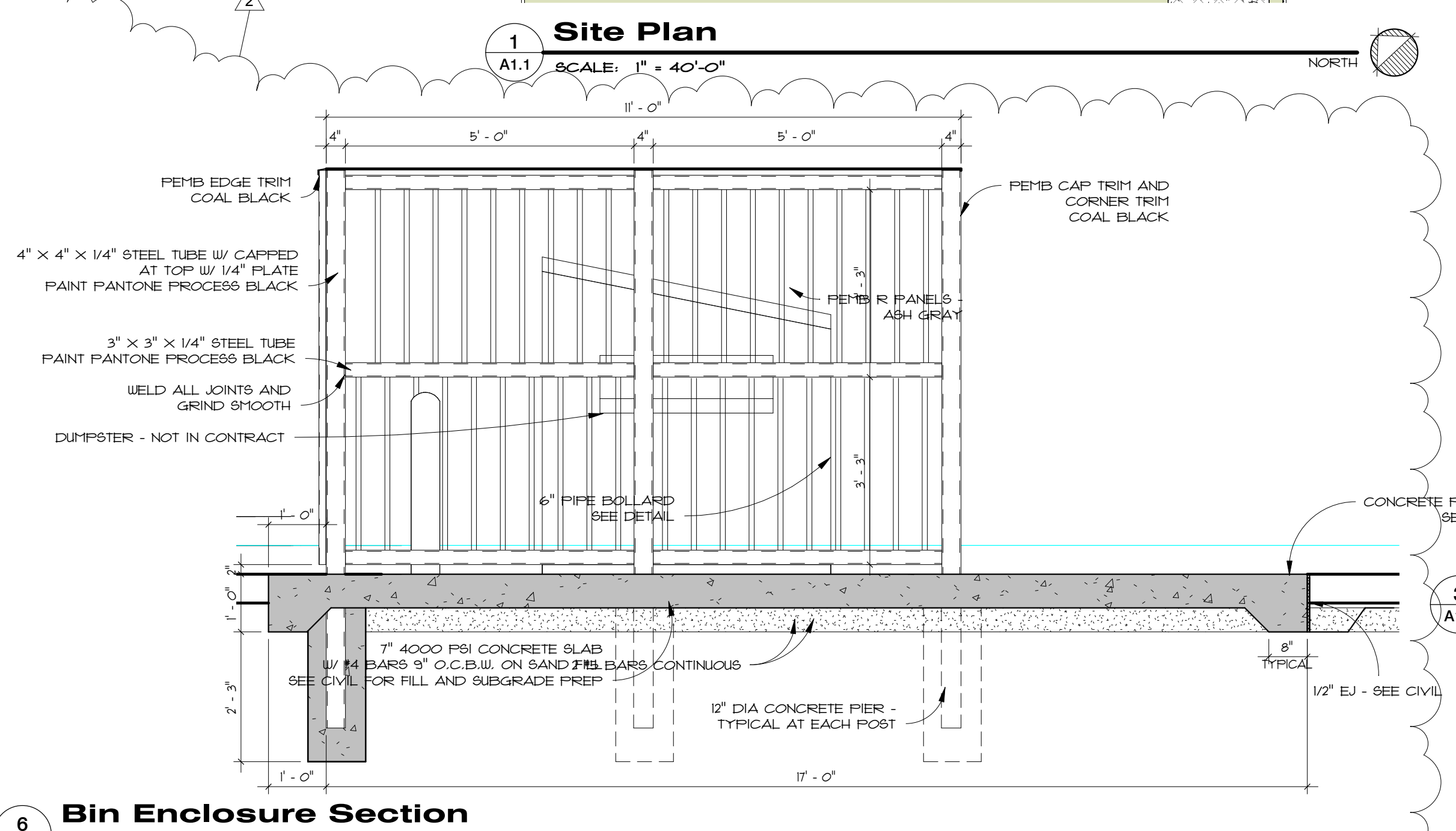
- 1 TRANSFORMER 4 CONC. PAD. SEE ELECTRICAL.
- 2 EXISTING CONCRETE CURB AND GUTTER TO REMAIN.
- 3 NEW 4" THICK, 3000 PSI CONCRETE WALK W/ 3 BARS AT 18" O.C. BUI. ON 2 1/2" SAND CHAIRS W/ FIBERGLASS 4 AIR ENTRAINING ADJUSTURE OVER 2 SANDFILL. VERIFY WIDTH ON PLAN. SEE DETAIL 12/A1.2.
- 4 NEW GAS METER, REF. PLUMBING.
- 5 NEW CONCRETE CURB AND GUTTER. SEE 19/A1.2 AND CIVIL.
- 6 LANDSCAPE AREAS. REF. LANDSCAPE.
- 7 NEW PROJECT CONSTRUCTION SIGN NOT SHOWN ON PLAN. VERIFY LOCATION WITH OWNER. COORD. W/ ARCHITECT FOR DETAIL.
- 8 PARKING STRIPES TO BE PAINTED 4" WIDE ALL ACCESSIBLE MARKING AND SYMBOLS TO MATCH IN COLOR. COLOR TO BE SELECTED BY OWNER.
- 9 NEW CONCRETE TURN INS, PATCH AND REPAIR ANY DAMAGE TO EXISTING PAVING AND RIGHT OF WAY CAUSED DURING CONSTRUCTION. PROVIDE LANDSCAPE SLEEVES AS REQUIRED. SEE CIVIL SHEETS FOR DETAILS INCLUDING CULVERTS.
- 10 NEW 6" SINGLE PIPE BOLLARDS TO BE FILLED WITH CONCRETE AND PAINT AS SPECIFIED. REF. 15/A1.2 - SEE FLOOR PLANS FOR ALL LOCATIONS.
- 11 NEW 6" SINGLE PIPE BOLLARD TO BE FILLED WITH CONCRETE AND PAINTED. PROVIDE ACCESSIBLE PARKING SIGN WITH ADDITIONAL "VAN" SIGN (ADJACENT TO 8'-0" WIDE ACCESSIBLE). OWNER TO PROVIDE PRE-FINISHED SLEEVE. SEE DETAIL 3/A1.2.
- 12 ACCESSIBLE PARKING SPACE AND ASLE TO HAVE NO GREATER SLOPE THAN 2% IN ANY DIRECTION TO MEET ADA REQUIREMENTS. REF. G11 FOR DETAIL.
- 13 ACCESSIBLE ASLE TO COMPLY WITH ADA/AS REQUIREMENTS. ACCESSIBLE ASLE TO HAVE NO SLOPE EXCEEDING 2% IN THE DIRECTION OF TRAVEL AND NO CROSS SLOPE GREATER THAN 2%. REF. G11 FOR DETAIL.
- 14 NEW SITE LIGHTING WITH CONCRETE BASES. VERIFY ALL OVERHEAD AND UNDERGROUND UTILITIES BEFORE DIGGING. NOTIFY ARCHITECT OF ANY DISCREPANCIES. SEE 4/A1.2 AND ELECTRICAL SHEETS FOR DETAILS.
- 15 NEW ASPHALT PAVING SEE CIVIL SHEETS FOR DETAILS.
- 16 PROVIDE CONSTRUCTION FENCE. COORDINATE WITH OWNER FOR EXACT LOCATIONS. FENCE TO MEET SPECIFICATIONS. (NOT SHOWN)
- 17 NEW CONCRETE PAVING. SEE CIVIL SHEETS FOR LOCATIONS OF JOINTS, DETAILS, AND LOCATIONS.
- 18 COMPACTED BASE DRIVE - SEE CIVIL DRAWINGS.
- 19 PROVIDE SLEEVES AND CONDUITS (NOT SHOWN ON PLANS) - SEE LANDSCAPE, ELECTRICAL, AND PLUMBING SHEETS.
- 20 18" WIDE CONCRETE HOW STRIP, REF. 14/A1.2.
- 21 MONUMENT SIGN, SEE 20, 21, 4 22/A1.2, VERIFY W/ OWNER. RUN CONDUITS FOR POWER 4 DATA, REF. ELEC.
- 22 6" STEEL PIPE GUARD RAIL ALONG BUILDING, REF. 7/A1.2.
- 23 NEW DRAINAGE CULVERT, REF. CIVIL.
- 24 CONCRETE CURB BLOCKS AT EACH HANDICAP PARKING SPACE, REF. 13/A1.2.
- 25 1/2" WIDE FIRE LANE STRIPING TO MEET CITY OF ABILENE REQUIREMENTS - 4" WIDE RED LABELLED WITH REQUIRED VERBIAGE.
- 26 DUMPSTERS GENERAL WITH 7'-0" TALL METAL PANEL FENCE 3 SIDES.
- 27 CURB RAIMP, REF. 15/A1.2.
- 28 25" TALL FLAGPOLES 3 THIS, REF. 11/A1.2.
- 29 NOT USED.
- 30 STEEL PIPE SWING VEHICULAR GATE, REF. 8/A1.2.
- 31 PIPE RAIL FENCE, REF. 6/A1.2.
- 32 6" TALL CHAIN LINK FENCE WITH 3 STRAND 18" BARBED WIRE TOP, REF. 23/A1.2, VERIFY BARBED WIRE LOCATION ON OVERALL SITE PLAN.
- 33 EXISTING POLE SIGN TO BE RELOCATED FROM EXISTING DEALERSHIP BY OWNER. PROVIDE CONCRETE BASE IN CONTRACT.
- 34 CONCRETE SPLASH BLOCK, REF. 18/A1.2.
- 35 CONDENSING UNIT ON 4" TALL CONCRETE HOUSEKEEPING SLAB 3 THIS, VERIFY WITH SUPPLIER.
- 36 ELECTRICAL CONNECTION CABINET ON BUILDING. SEE ELECTRICAL FOR DETAILS.
- 37 CULVERT - SEE CIVIL SHEETS.

General Site Plan Notes:

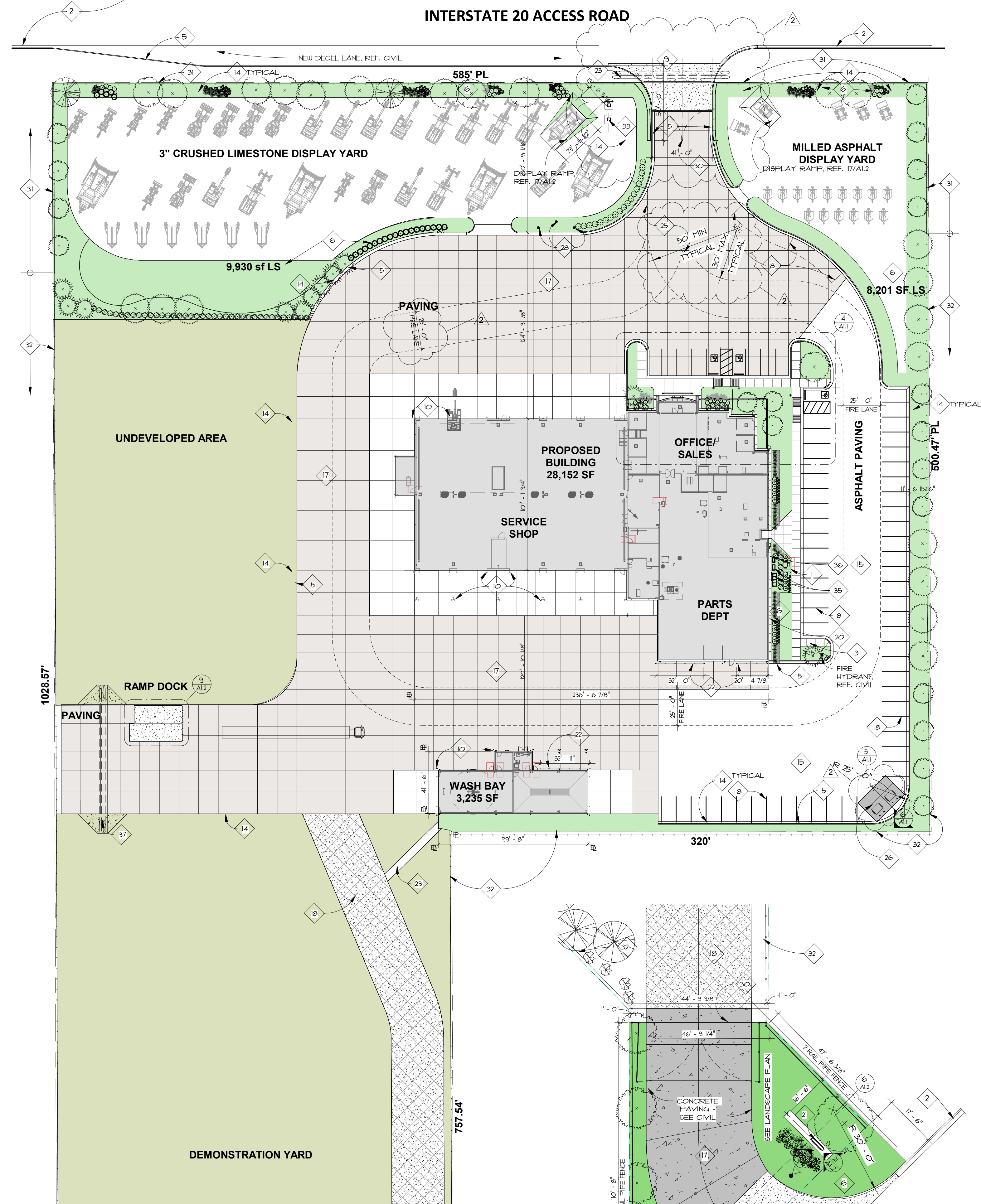
- 1 SOLID WASTE CONTAINER PAD AND ENCLOSURE SHALL BE CONSTRUCTED IN COMPLIANCE WITH APPLICABLE CITY OF ABILENE STANDARDS.
- 2 ALL EXTERIOR LIGHTING (INCLUDING WALL MOUNTED FIXTURES) SHALL BE FULLY SHIELDED.
- 3 ALL DRIVEWAY APPROACHES, SIDEWALKS, AND ACCOMPANYING RAMPS LOCATED IN PUBLIC RIGHTS-OF-WAY SHALL BE PERMITTED THROUGH CITY OF ABILENE'S PUBLIC WORKS DEPARTMENT.
- 4 MECHANICAL EQUIPMENT (EXCLUDING ROOF-MOUNTED EQUIPMENT) SHALL BE SCREENED FROM VIEW FROM STREETS AND PARKING LOTS.
- 5 BUILDING HEIGHTS: MAIN BUILDING 31'-2", WASH/RENTAL ACCESSORY BUILDING 22'-10".



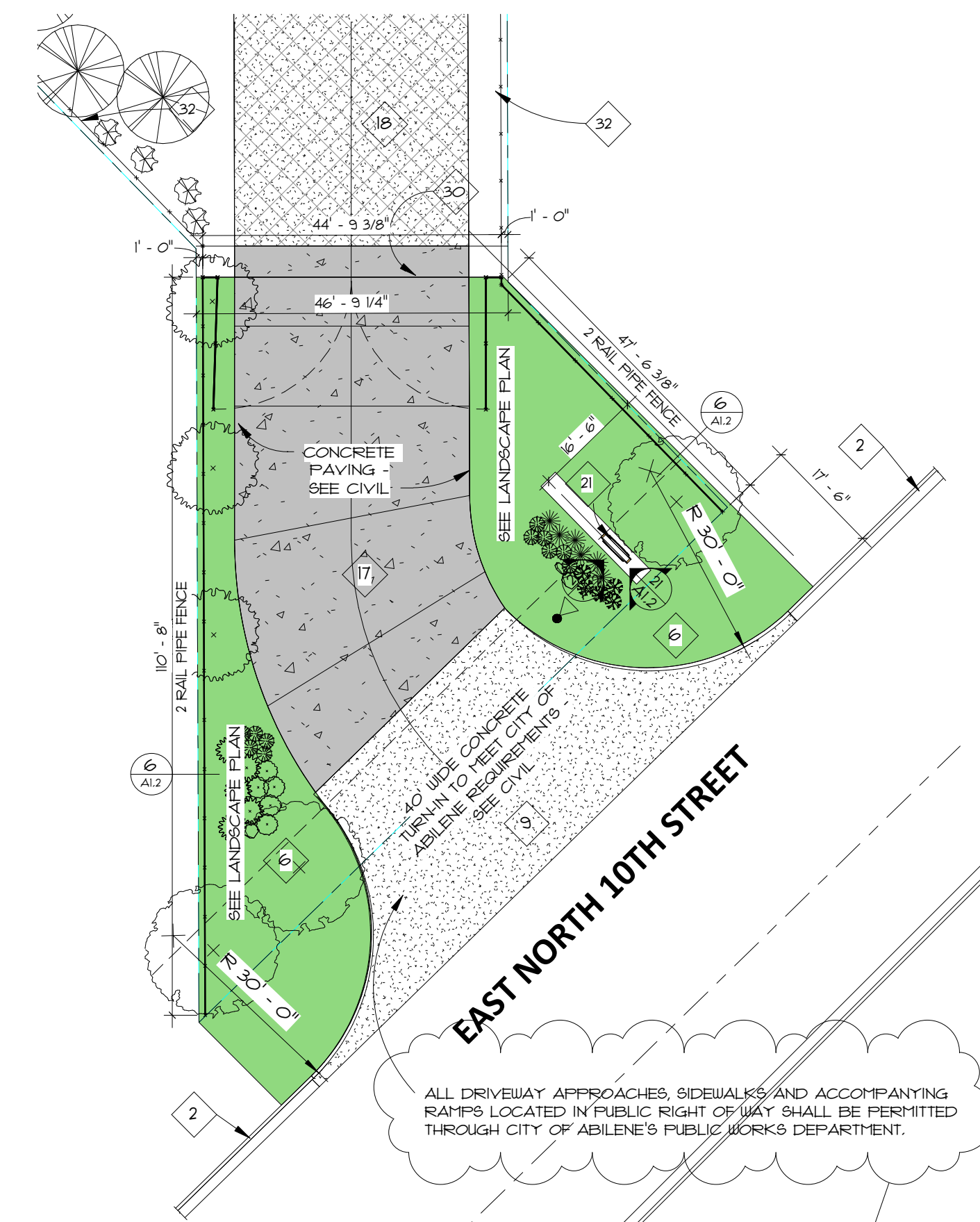
5 Bin Enclosure Plan
A1.1 SCALE: 1/4" = 1'-0"



6 Bin Enclosure Section
A1.1 SCALE: 1/2" = 1'-0"



1 Site Plan
A1.1 SCALE: 1" = 40'-0"



3 South Entrance Plan
A1.1 SCALE: 1" = 20'-0"



These plans and specifications shall remain the property of the architect and shall not be used for the construction of any building other than the building specified in the building contract without the written consent of the architect.

SIMS + ARCHITECTS
2810 QUINNEN CIRCLE, SUITE 100
AMARILLO, TEXAS 79109
806.356.7089p 806.356.8242f
WWW.SIMS-ARCHITECTS.COM



YELLOWHOUSE
JOHN DEERE

A New Sales & Service Facility for
YELLOWHOUSE MACHINERY
Abilene, Texas
Interstate 20

SUBMISSION DATES
10/6/2023
Landscape Revisions
4-2-2024

SHEET TITLE
Site Plan

PROJECT NUMBER
2021-52

SHEET NUMBER
A1.1

Case: BA-2024-05

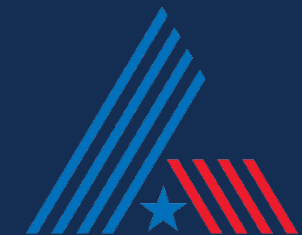
Owner: Jkk Properties, LP

Requests: Variance to allow a 10-foot setback (50-feet required) along the rear property line for an accessory building and to allow an alternative method to calculate the points required to satisfy the landscaping and buffering requirements on those portions of the lot that adjoin lots that allow residential uses.

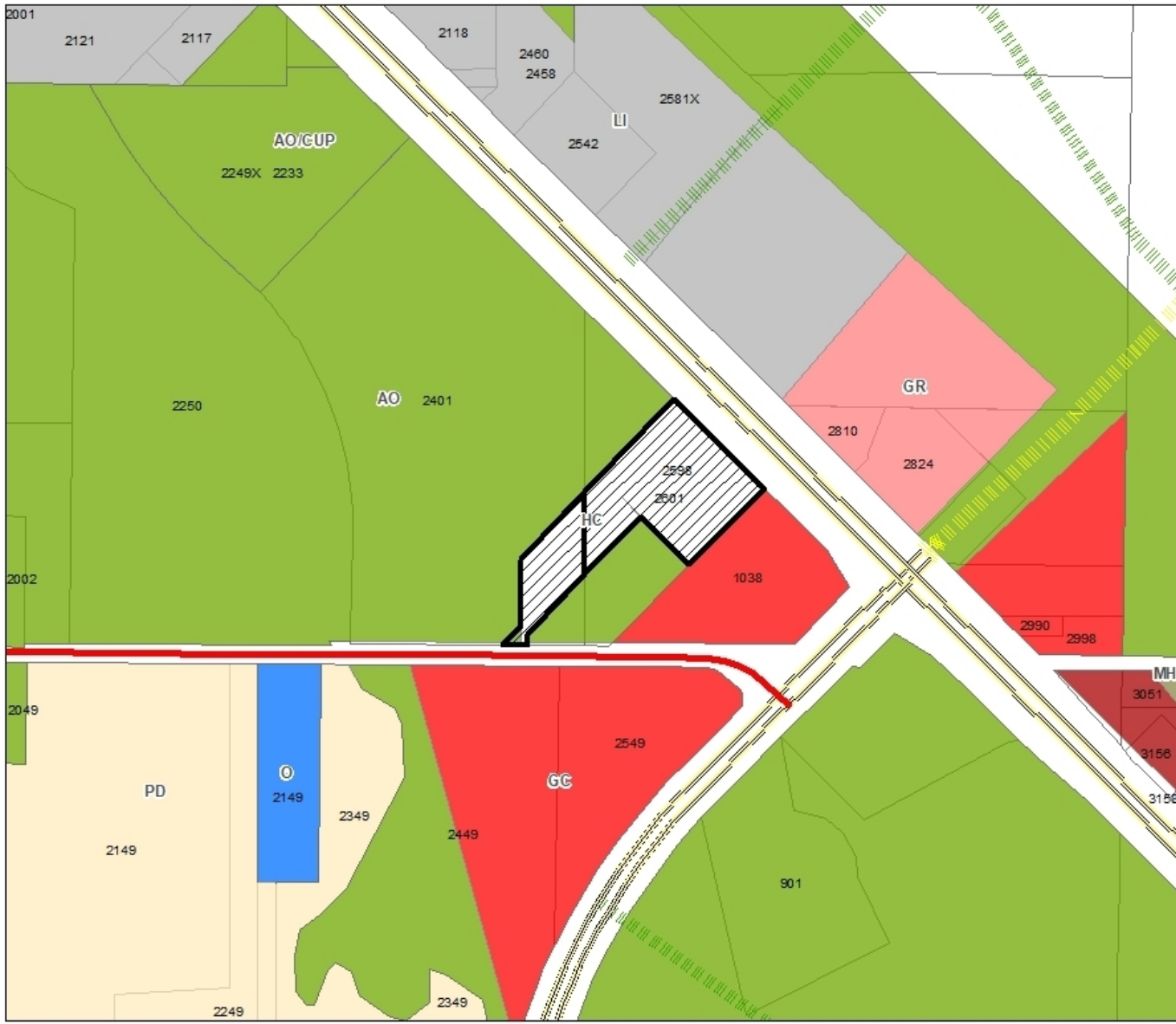
Location: 2598 EN 10th St

Notification: 5 in Favor, 0 Opposed

Board of Adjustment: April 9, 2024



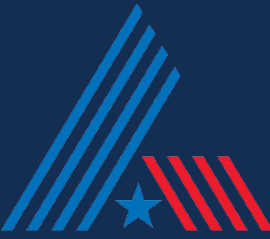
ZONING MAP



Zoning Map



- Legend**
- BA-2024-05
 - Arterial
 - Expressway
 - Collector
 - Expressway
 - AO - Agricultural Open Space
 - MH: Manufactured/Modular Home
 - O: Office
 - GR: General Retail
 - GC: General Commercial
 - HC: Heavy Commercial
 - LI: Light Industrial
 - PD: Planned Development



VIEWS OF SUBJECT PROPERTY



Subject Property



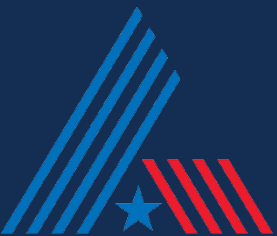
Subject Property



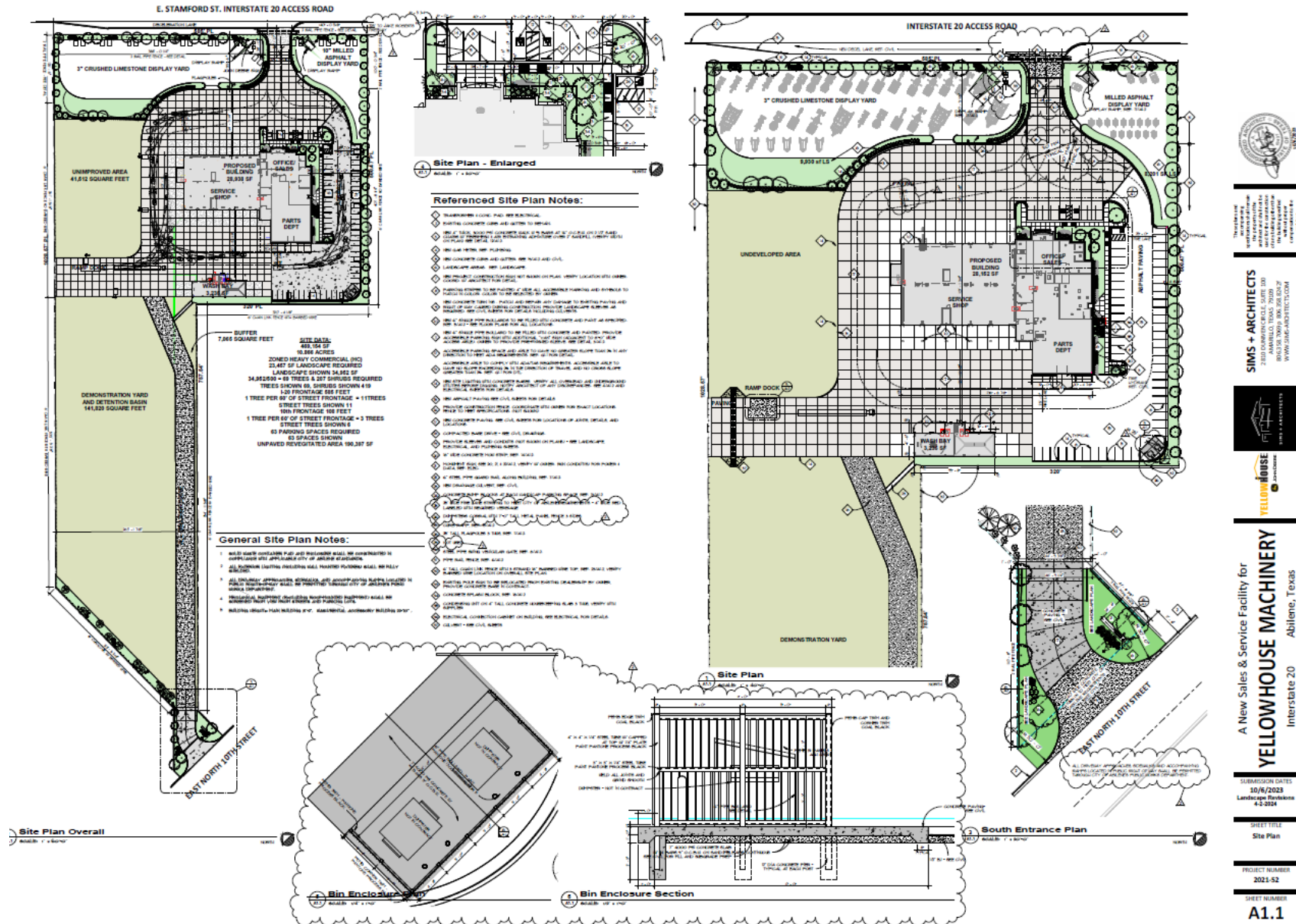
Subject Property



Neighboring Property



LANDSCAPE PLAN



THE CITY OF ABILENE
2000 UNIVERSITY BLVD, SUITE 100
ABILENE, TEXAS 79601
WWW.CITYOFABILENE.COM

SIMS + ARCHITECTS
2000 UNIVERSITY BLVD, SUITE 100
ABILENE, TEXAS 79601
WWW.SIMS-ARCHITECTS.COM



YELLOWHOUSE MACHINERY
A NEW SALES & SERVICE FACILITY FOR

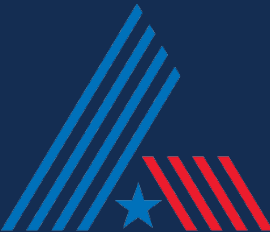
YELLOWHOUSE MACHINERY
A New Sales & Service Facility for
Interstate 20
Abilene, Texas

SUBMISSION DATES
10/6/2023
LANDSCAPE REVISIONS
4-5-2024

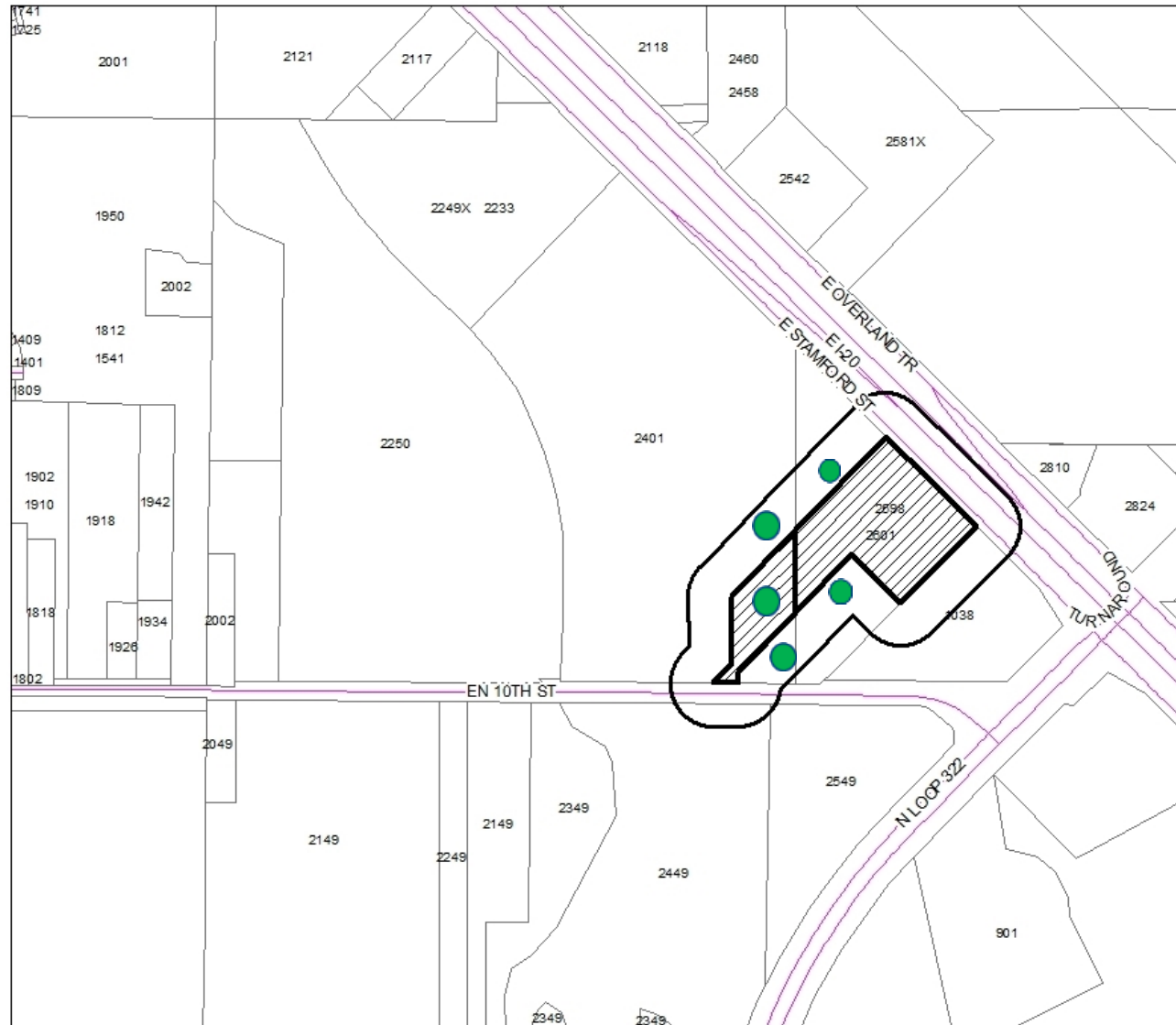
SHEET TITLE
Site Plan

PROJECT NUMBER
2021-52

SHEET NUMBER
A1.1





NOTIFICATION AREA MAP





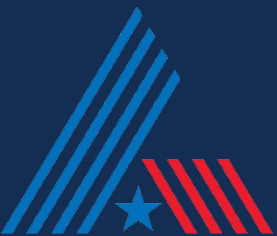
Notification Map



Legend

-  Courier Parcels...
-  BA-2024-05

- 5 - In Favor- 
- 0 - Opposed- 



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.

The irregularly long lot calls out for a large amount of buffer yard due to the west property line abutting a potential residential use being an Agricultural Open (AO) zoning district causing a potential hardship.

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 request would not be contrary to the public because the irregularly long lot is abutting a possible residential zoning use that is located within the 100 year floodplain.

Granting the Variance is consistent with the intent of Abilene's Land Development Code.

The Alternative Plan is consistent with the spirit and intent Land Development Code with respect to buffer yards and landscaping.

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

The irregular lot shape and depth of the subject property was expressly platted into this form by the applicant. As a result, the hardship was partially self-created. The applicant has provided an Alternate Plan to mitigate the effects of the proposed variances.



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.

The irregular shaped lot potentially causes a hardship.

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.

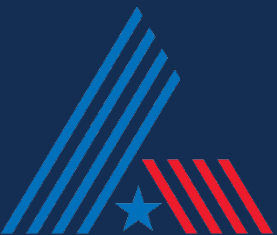
Granting the request would not be contrary to the public because the Alternative Plan satisfies the intent of the setback requirements considering the abutting property may be zoned commercial in the future.

Granting the Variance is consistent with the intent of Abilene's Land Development Code.

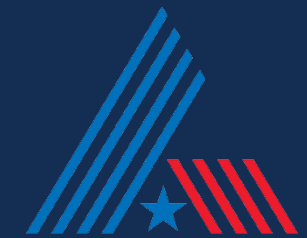
The proposed vehicle wash may be consistent with the intent of the Land Development Code, due to the adequate buffering that may be provided with the 10' setback.

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

The irregular lot shape and depth of the subject property was expressly platted into this form by the applicant. As a result, the hardship was partially self-created. The applicant has provided an Alternate Plan to mitigate the effects of the proposed variances.



Questions?



BOARD OF ADJUSTMENT

BA-2024-06

STAFF REPORT

Scheduled Hearings

Board of Adjustment: April 9, 2024

Applicant

Owner: Harley Hall and Karon Bingaman

Case Manager: Kiley Hannah

Request

Variances to allow a 17'- 6" carport height (12' allowed) and a 5' side yard setback (8' required).

Location

3834 Kady Ridge, Abilene, TX 79606

Background

The applicant is requesting a carport height variance in order to cover a recreational vehicle. The subject carport would be located on an irregularly shaped corner lot and the existing fence limits the availability of locations to build a carport to cover the RV. The below "Subject Property Layout" shows the shape of the lot, the subject RV, and the existing fence.

A permit was issued to construct subject carport with a finished peak height of 14' in height (12' tall sidewalls) and a 5' side yard setback. Later the applicant returned to amend the permit to increase the height of the carport to 15'-6". An increase in the carport height requires a corresponding increase in the side yard setback. Staff approved the height amendment but erred allowing the setback to remain at 5'. Building Inspection issued a stop work order prior to completion of the carport because height of the structure would be 17'- 6".

Zoning, Existing and Proposed Land Use

The subject property is zoned Single-Family Residential (RS-6). The owner is requesting a variance to allow the subject carport to stand at 17' 6" in height (12' allowed). The owner is requesting an additional variance to allow a 5' side yard setback (8' required).

Land Development Code Provisions

Per LDC Section 2.4.4.1, detached accessory buildings with a maximum height of 10 feet shall be setback a minimum of 3 feet from an interior side property line. Detached accessory buildings over 10 feet in height shall be setback from an interior side property line, where no public alley exists, with an additional foot of setback for every foot of building height over 10 feet.

Site Constraints

There are no apparent site constraints.

Precedents/Findings

The garage was constructed with a height of 17'6". The applicant requested a permit for a building for a peak height of 14', staff advised the applicant of the required 5' setback.

Criteria Assessment

A variance can be approved only when special circumstances are present to justify the expansion of a nonconforming building. In reaching a decision on the variance requests, 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 subject lot does not have a conventional rectangular shape due to the curvature of the adjoining street. The lot shape limits where a carport may be constructed.

- 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 request would not be contrary to the public because the building is located within private property and does not impose in to the neighbor's property.

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

The carport may be consistent with the intent of the Land Development Code, which requires additional setback separation for taller building detached accessory structures and allows for a maximum 12' height for carports. However, the purpose of the height limitation is intended for the benefit of adjoining properties to only allow taller structures if they are farther from the property line. In this case, there is no adjoining property that would be affected if the carport height is increased to 17' – 6".

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

The inequity suffered by the petitioner results from the unusual lot shape. Errors were made by the applicants' contractor regarding the carport height and by staff regarding the setback, but those errors do not affect any adjoining owner.

Subject Property Layout



NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER	PROP_ID	SITUS	RESPONSE
BELTWAY PARK BAPTIST CHURCH	100254		
MC CLENDON ERIC MIKE &	993525	3833 KADY RDG	F
OLSON MICHAEL & CAROL	993527	3817 KADY RDG	F
CAP ROCK RIDGE ASSOC	993506	8118 WHITE BL	
SLACK JAMES M & TRACY M	993517	3825 TIMBER RDG	
CLIFTON BRETT	993521	3810 KADY RDG	
SNITKER DOUGLAS JAMES & MELANIE	993542	3834 NOBLES RANCH RD	
GAURA JASON ALAN & JESSICA ELISE	993528	3809 KADY RDG	F
CALDERA CARLOS R	993526	3825 KADY RDG	
DILLON DUNCAN JAMES & HANNA	993518	3817 TIMBER RDG	
MENDOZA NICHOLAS & AMY	993516	3833 TIMBER RDG	
JEFFREY EMILY	993540	3818 NOBLES RANCH RD	
REYES ANDREW & DONNA	993507	3834 TIMBER RDG	
SHEPHERD DANIEL R	993523	3826 KADY RDG	
MC COY BRADLEY S & DORA	993522	3818 KADY RDG	F
HALL HARLEY L & KARON BINGAMAN	993524	3834 KADY RDG	
BARNETT DICKIE W & JANET LF EST	993541	3826 NOBLES RANCH RD	

ZONING MAP



VARIANCE REQUEST

Case: BA-2024-06

Owner: Harley Hall and Karon Bingaman

Requests: Variance to allow a 17' 6" carport with a side yard setback of 5'.

Location: 3834 Kady Ridge

Notification: 4 in Favor, 0 Opposed

Board of Adjustment: April 9, 2023



AERIAL LOCATION MAP



Aerial Map



Legend

- BA-2024-06
- CourierParcels



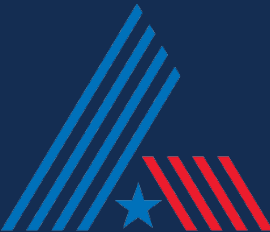
ZONING MAP



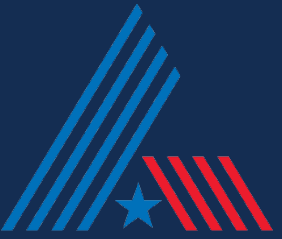
Zoning Map



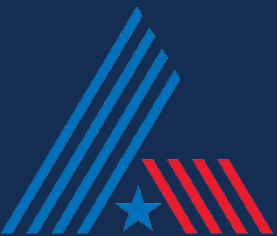
- Legend
- BA-2024-06
 - Arterial
 - Arterial
 - Collector
 - Expressway
 - AO - Agricultural Open Space
 - RS-6: Residential Single-Family
 - PD: Planned Development



PROPERTY LAYOUT



VIEWS OF SUBJECT PROPERTY



NOTIFICATION AREA MAP



Notification Map



Legend

- CourierParcels_...
- BA-2024-06

- 4- In Favor-
- 0- Opposed-



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.

The subject lot does not have a conventional rectangular shape due to the curvature of the adjoining street. The lot shape limits where a carport may be constructed.

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.

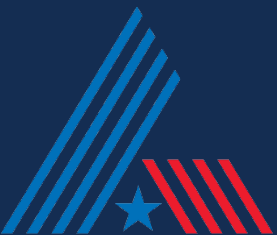
Granting the request would not be contrary to the public because the building is located within private property and does not impose in to the neighbor's property.

Granting the Variance is consistent with the intent of Abilene's Land Development Code.

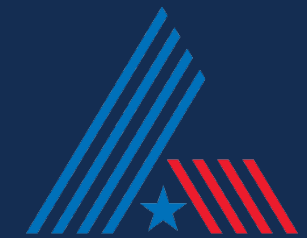
The carport may be consistent with the intent of the Land Development Code, which requires additional setback separation for taller building detached accessory structures and allows for a maximum 12' height for carports. However, the purpose of the height limitation is intended for the benefit of adjoining properties to only allow taller structures if they are farther from the property line. In this case, there is no adjoining property that would be affected if the carport height is increased to 17' – 6".

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

The inequity suffered by the petitioner results from the unusual lot shape. Errors were made by the applicants' contractor regarding the carport height and by staff regarding the setback, but those errors do not affect any adjoining owner.



Questions?





2024 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: Cap Rock Ridge Addition Total Number of Acres: 0.305
 Zoning Classification(s): Residential Total Number of Lots: 1
 Location: Section 1 Blk C Lot 9

Property Owner Information & Authorization

Name/Company: Harley Hall
 Address: 3834 Kandy Ridge
 City: Abilene State: Tx Zip Code: 79606
 Phone: 325 280 4234 Email: harley.hall1993@gmail.com

Project Representation (check one):

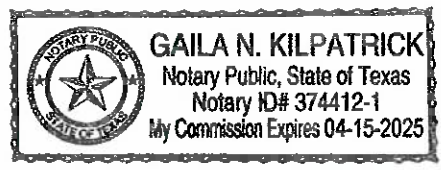
- I will represent the application myself; OR
- I hereby designate Scorpion Buildings (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding 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: [Signature] Date: 3/7/24
 STATE OF: Texas
 COUNTY OF: Taylor

BEFORE ME, a Notary Public, on this day personally appeared Harley Hall (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 7th day of March, 2024



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

Project Representative Information (complete if designated by owner)

- Engineer
- Purchaser
- Tenant
- Preparer
- Other(specify): _____

Name: _____ Company: _____
 Address: _____ City: _____ State: _____
 Zip Code: _____ Number: _____ Email: _____



2024 Development Application

Zoning Application Page 1 of 3

Planning

- Conditional Use
- PDD Amendment
- Easement Release
- Special Exceptions
- Street Name Change
- Rezoning
- Thoroughfare Abandonment
- Variance

Relief Procedures

- Petition for Relief Other:
- Proportionality Appeal
- Vested Rights Petition
- Appeal

Project Name: _____
 Address: _____ Number of Lots: _____ Acreage: _____
 Legal Description: _____
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: _____ Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Harley Hall & Karon Bungaman
 Address: 3834 Koby Ridge
 City, State, Zip: Abilene TX Fax: _____
 Phone: 325 513 8544 Email: _____
 Agent Name: Scorpion Buildings
 Address: 316 Ash St.
 City, State, Zip: Abilene, TX 79601 Fax: _____
 Phone: 325 232 8925 Email: scorpionbuildings@yahoo

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 of Owner: Karon Bungaman Hall Date: 3/6/24

FOR OFFICE USE ONLY

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



2024 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.

The current fence line prohibits the RV to access any area of the property, besides the location that it is currently at.

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 there are no other locations on the property

ArcGIS Web Map



3/5/2024, 12:38:06 PM

- Road Centerlines
- Courier Parcels
- Zoning Setbacks
- Address Points
- Zoning Districts
- Current

1:564
0 0.01 0.01 0.02 mi
0 0.01 0.01 0.02 km
City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | ArcGIS Web AppBuilder

PROJECT OVERVIEW

Project Type: Board of Adjustment Application | **Project Title:** BA-2024-04 (2598 EN 10th)

ID # 24-000047 | **Started** 03/05/2024 at 2:08 PM



Address	Legal
2598 EN 10th St, Abilene, TX USA 79601	A1431 Sur 32 B A L Se/4 Blk Acres 15.4 A1431 Sur 32 B A L Se/4, Acres 8.16

Description
A new 31,387 square foot heavy machinery sales and service facility with offices, parts warehouse, service bays and wash bays.

PROPERTY DETAILS

Property ID	33654
GEO ID	60709
Enforcement Area	Abilene Heights Area

PROPERTY ADDITIONAL INFORMATION

Account Number	A1431001000
Property ID	60709
Land Use	Vacant
High School	Eula
Middle School	Eula
Elementary School	Eula
Super Neighborhood	Abilene Heights Area
Courier - Building Square Feet	0

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Awtry Mike & Buffi	-	245 Nora Miller Rd Abilene, TX 79602-6419	-	Property Owner
Jkk Properties Lp	-	11500 E I-40 Amarillo, TX 79118-7031	-	Property Owner
John Jenkins	jjenkins@sims-architects.com 8063587069	2810 Duniven Suite 100 Amarillo, TX 79109	-	APPLICANT

PROJECT STEPS	DATE & TIME	RESULT	USER
Request	03/05/2024 at 2:12 PM	Accept	-

BOA Application Review	03/06/2024 at 11:08 AM	Accepted	Kiley Hannah
Planning Payment	03/06/2024 at 12:53 PM	Paid	Kiley Hannah
Staff Prepares Report & Send Property Notification Letters	-	-	-
Board of Adjustments Public Hearing	-	-	-
Appeal to District Court	-	-	-
Variance/Special Exception	-	-	-
Archive	-	-	-

INFORMATION FIELDS

BOA Application Type
Variance

Owner Name
JKK Properties, LP

Agent Name
John Kritser

No. of Lots
1

Acreage
-

Legal Description of property
10.866 acres out of Blind Asylum Lands Survey No.32, Abstract No. 1431, and Abstract No. 1433, Taylor County, Texas. 2601 East Stamford.

Current Zoning
Heavy Commercial

Variance or Special Exception: Explanation

Set back variance Explanation: The maneuvering distances for this type of heavy equipment necessitates larger open areas. The depth of the site from the I-20 frontage was established using dimensions that allow for safe driving clearances of the large equipment using a dimension of approximately 120' between buildings and obstacles. A 50' rear yard setback constricts the maneuvering space between the wash bay building and main shop building creating an unsafe condition. The entire site circulation is based on these extreme maneuvering clearances that provide safety for the employees and customers. Pursuant to Section 2.4.4.1,c, the wash/rental building is an accessory building which is defined as a subordinate building detached from the main building the use of which is secondary to and supportive of the main building. Heavy equipment arriving at the facility for repairs or service are washed of field debris before going into the service shop. Equipment going out to renters is checked out in the rental bay to assure good running order and properly fitted with requested accessories. Buffer Variance Explanation: The shape and size of this site has a perimeter of 3,771 feet. Installation of an additional 15' wide buffer strip as defined in Section 4.2.4.2 Land Use Buffers results in an additional 46,820 square feet of landscape, irrigation and an additional 150 trees in excess of the landscape requirements listed in Section 4.2.2.5 and Section 4.2.2.3 General Landscape Requirements. Tripling the landscape area and number of trees places an undue financial hardship for an owner on a site of this size and shape. The current design with 20,280 square feet of landscape, 41 total trees and 123 shrubs meet the landscape requirements. There is an additional 190,397 square feet of unpaved area that will be revegetated under the conditions of the Erosion Control Plan.

Variance Request

Set back Variance Request: Request is made to maintain a 10' set back along the south intermediate property line at the wash bay/rental building in accordance with 2021 Uniform Building Codes. In (3) under 2.4.4.1, the rear yard setback for accessory buildings in nonresidential districts shall be no less than five feet (5'). The Uniform Building Code allows buildings to be constructed 5' from the property line with a 2 hour rated wall with no openings. If the building is 10' from the property line, no rating is required and openings are allowed. The current design meets the requirements of the UBC 2021. Buffer Variance Request: Request is made to approve the landscape plan as submitted and permit the detention basin on the west and the space on the rear east property line from the wash bay/rental building to satisfy the buffer requirement. In accordance with the requirements of the Erosion Control Workmap, Sheet C4.1, the areas disturbed by the construction will be revegetated with natural materials.

Special Exception

-

INVOICES	DUE DATE	CONTACT	TOTAL	PAID	DUE
24-001271	03/08/2024	John Jenkins	\$ 400.00	\$ 400.00	\$ 0.00
Fees		Account No	Total	Paid	Due
Board of Adjustment Fee		1004002-42099	\$ 400.00	\$ 400.00	\$ 0.00
Receipts					
24-001169					
TOTALS			\$ 400.00	\$ 400.00	\$ 0.00

CREDENTIALS

No data for Credentials.

OCCUPANCY TYPE	CONSTRUCTION TYPE	SQUARE FEET	VALUATION
No data for Occupancy Type.			

REVIEWS	DATE & TIME	STATUS	HISTORY
BOA Application Review	03/06/2024 at 11:08 AM	Approved	Accepted
Staff Prepares Report & Send Property Notification Letters	03/06/2024 at 12:53 PM	In Review	-

INSPECTIONS	DATE & TIME	STATUS	HISTORY
No data for Inspections.			

GENERATED DOCUMENTS	PRINTED ON	PRINTED BY	ISSUED TO
Project Overview	03/06/2024 at 11:04 AM	Kiley Hannah	-

ATTACHED DOCUMENTS	UPLOADED ON	UPLOADED BY
No data for Attached Documents.		

EPR DOCUMENTS	ASSOCIATED STEPS	STATUS	LAST REVIEW BY
Civil	BOA Application Review	Not Uploaded	-

GENERAL COMMENTS

No data for General Comments.

BOARD OF ADJUSTMENT

BA-2024-07

STAFF REPORT

Scheduled Hearings

Board of Adjustment: April 9, 2024

Applicant

Owner: Zach Sitzes

Agent: Grant Abston

Case Manager

Mason Teegardin, Planner

Request

Variance to allow a 16' rear setback (30' required).

Location

2334 Innisbrook Drive

Background

The applicant is requesting a variance to allow a 16' rear setback (30' required) to allow a 3-car garage.

Land Development Code Provisions

Per Chapter 2, Division 2 – Residential Zoning Districts, Table 2-2: Site Layout and Building Requirements for Residential Zoning Districts, the required rear yard setback is 30 feet. Section 2.5.1.1 (d)(3) of the LDC does allow staff to use setback averaging where there are existing non-conforming buildings. The homes on Innisbrook Drive were constructed at a time when the required rear setback was 25'. Using rear setback averaging, the average rear setback of the homes on the same side of Innisbrook Drive is 25', meaning the required rear setback can be reduced administratively to 25'. The applicant requests a 16' rear setback.

Site Constraints

The applicant did not specify if any site constraints are present.

Criteria Assessment – Section 1.4.4.2 – Variances

A variance is used to modify the application of the Land Development Code as it applies to a specific piece of property which, because of peculiar circumstances applicable only to the property, prevent its being used on the same basis as other property in the same zoning district. In reaching a decision on the variance application, the Board shall determine and make written findings that all of the following conditions are present:

- 1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the land, such that strict application of the provisions of this Code will create an undue hardship or inequity (other than financial) upon or for the applicant in developing the land, or deprive the applicant of reasonable and beneficial use of the land.**

There are no apparent conditions within this property that create an undue hardship.

- 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 request would not be contrary to the public because the proposed development would be fully located on private property and setback requested would only pertain to the rear property line.

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

The request is not consistent with the intent of Land Development Code.

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

There are no apparent hardships.

Attachments

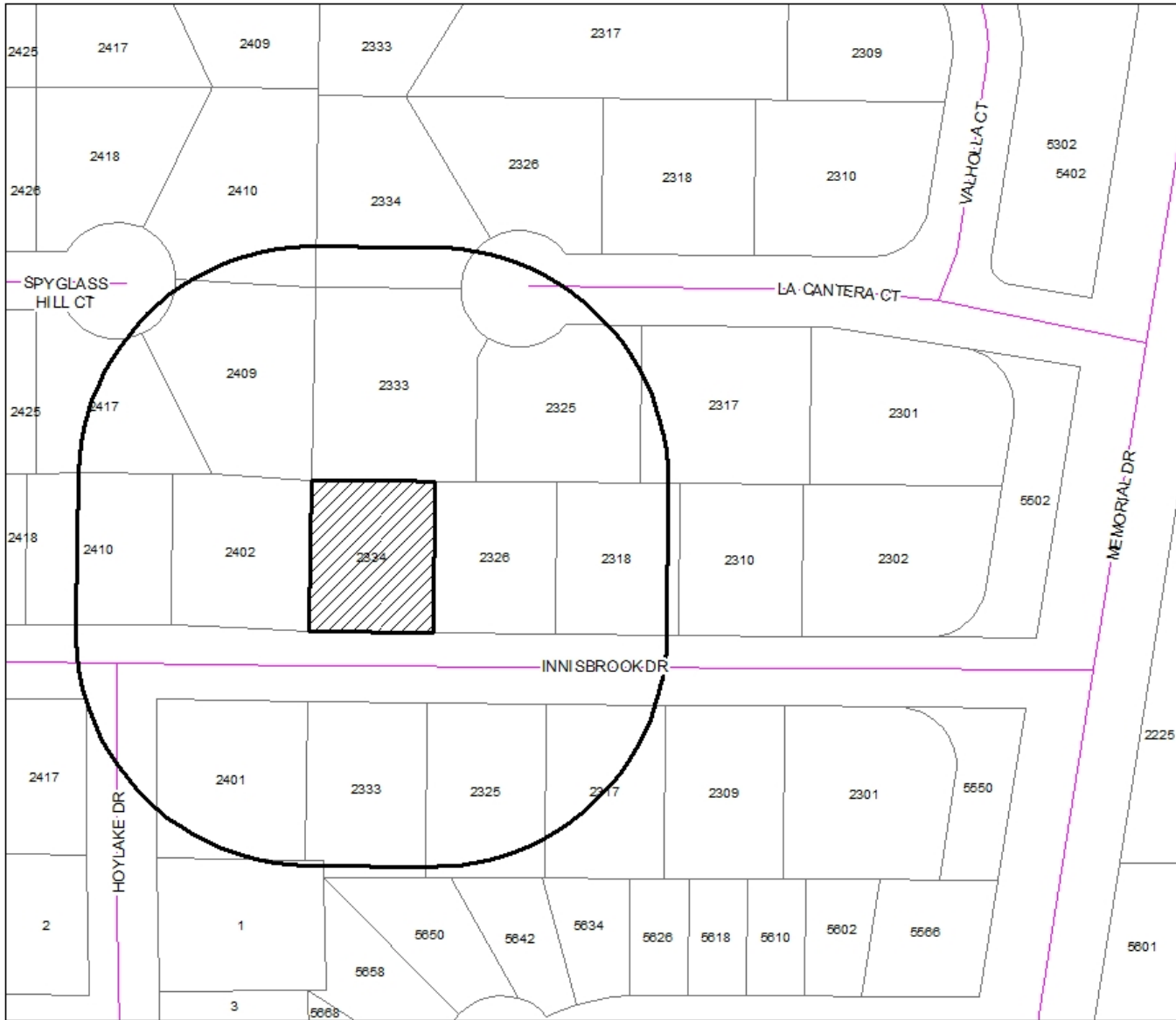
Site Plan

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
MANAWES KRAIWIT &	37464	2410 SPYGLASS HILL CT	
COWLING MICHAEL B &	37575	2409 SPYGLASS HILL CT	
YAZDANI IMRAN A	37703	2417 SPYGLASS HILL CT	
FONG ALAN S & NANCY H	38571	2410 INNISBROOK DR	
COX BOBBY E & LISA D	38692	2402 INNISBROOK DR	
FORD WILLIAM A III &	40529	2417 INNISBROOK DR	
MARTIN STEWART C & TRACIE H	40658	2401 INNISBROOK DR	
BEASLEY RICKY & SUZANNE	49547	1 HOYLAKE DR	
LARA JOE DAVID & MONA GAYLE	107317	2333 INNISBROOK DR	
PATEL NAYNA	107318	2325 INNISBROOK DR	
JEREZA DANIEL VALENTIN	107319	2317 INNISBROOK DR	
SITZES ZACHARY & AMY	107323	2334 INNISBROOK DR	
ALLEN GERALDINE	107324	2326 INNISBROOK DR	
GOODE RALPH W JR & MARGARET D	107325	2318 INNISBROOK DR	
ALDRIEDGE WAYNE MARK & TERRI	107329	2317 LA CANTERA CT	
YOUNG S CRAIG & JENNY L	107330	2325 LA CANTERA CT	O
HEUERMAN JASON S & MENDY M	107331	2333 LA CANTERA CT	
BOYD JAMES LEE & KAREN PISARZ	107332	2334 LA CANTERA CT	

NOTIFICATION MAP

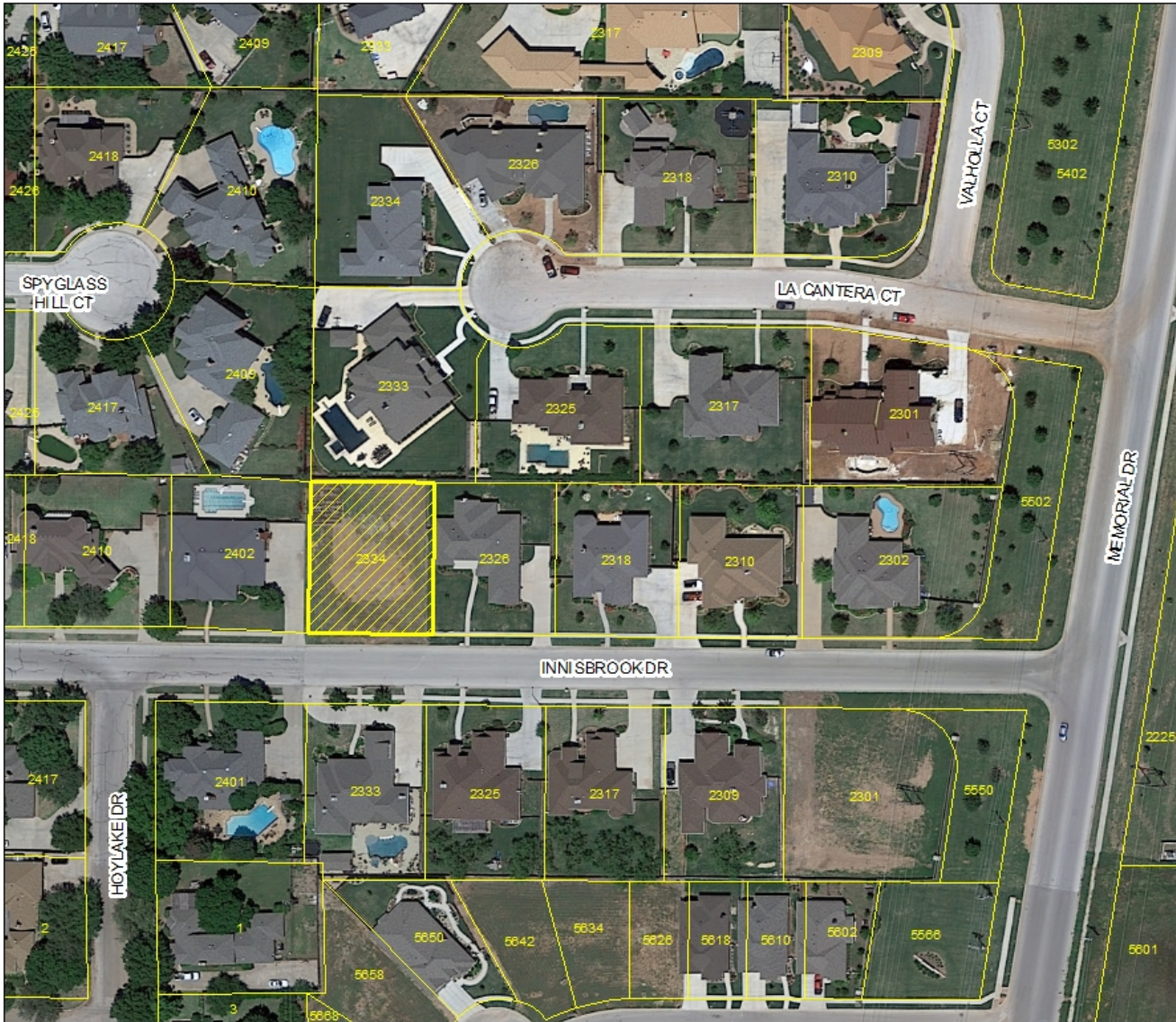


Notification Map



- Legend
- BA-2024-07
 - Notification

LOCATION MAP



Legend
■ BA-2024-07
■ CourierParcels

ZONING MAP



Zoning Map



- Legend**
- BA-2024-07
 - Minor Arterial
 - RS-12: Residential Single-Family
 - PH: Residential Single-Family Patio Home
 - GR: General Retail
 - PD: Planned Development

VARIANCE REQUEST

Case: BA-2024-07

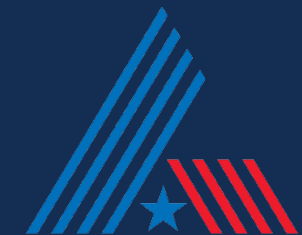
Agent: Grant Abston

Request: Variance to allow for a rear setback of 16', where 30' is required.

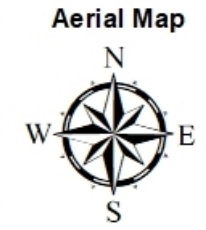
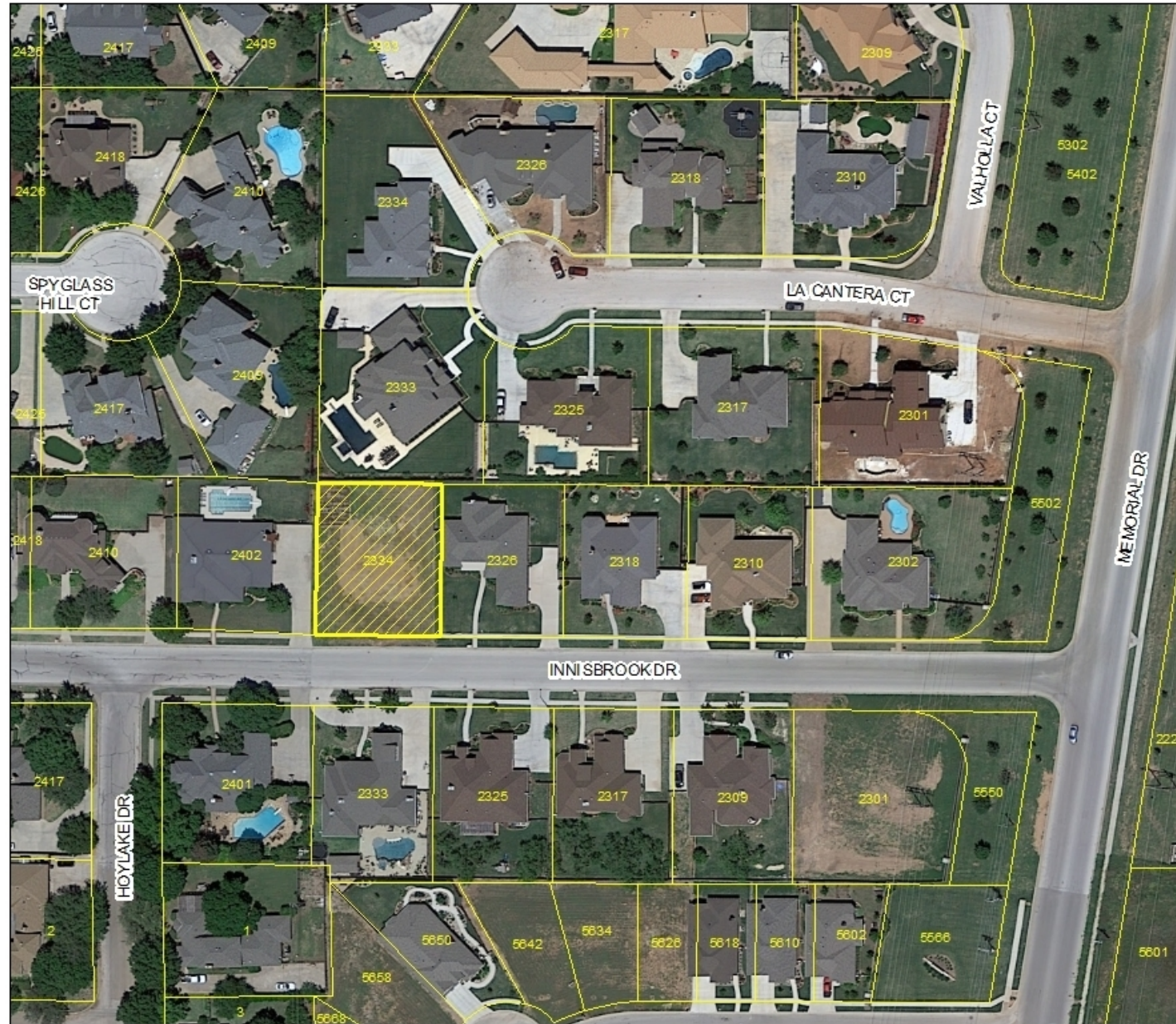
Location: 2334 Innisbrook Drive

Notification: 0 in Favor, 1 Opposed

Board of Adjustment: April 9, 2024



AERIAL LOCATION MAP



- Legend
- BA-2024-07
 - CourierP parcels



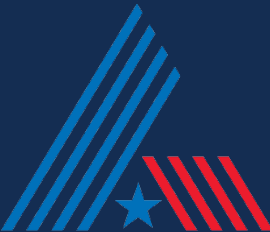
ZONING MAP



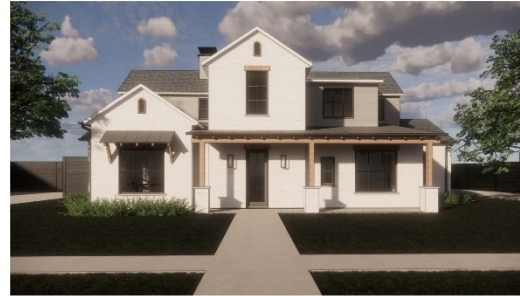
Zoning Map



- Legend**
- BA-2024-07
 - Minor Arterial
 - RS-12: Residential Single-Family
 - PH: Residential Single-Family Patio Home
 - GR: General Retail
 - PD: Planned Development

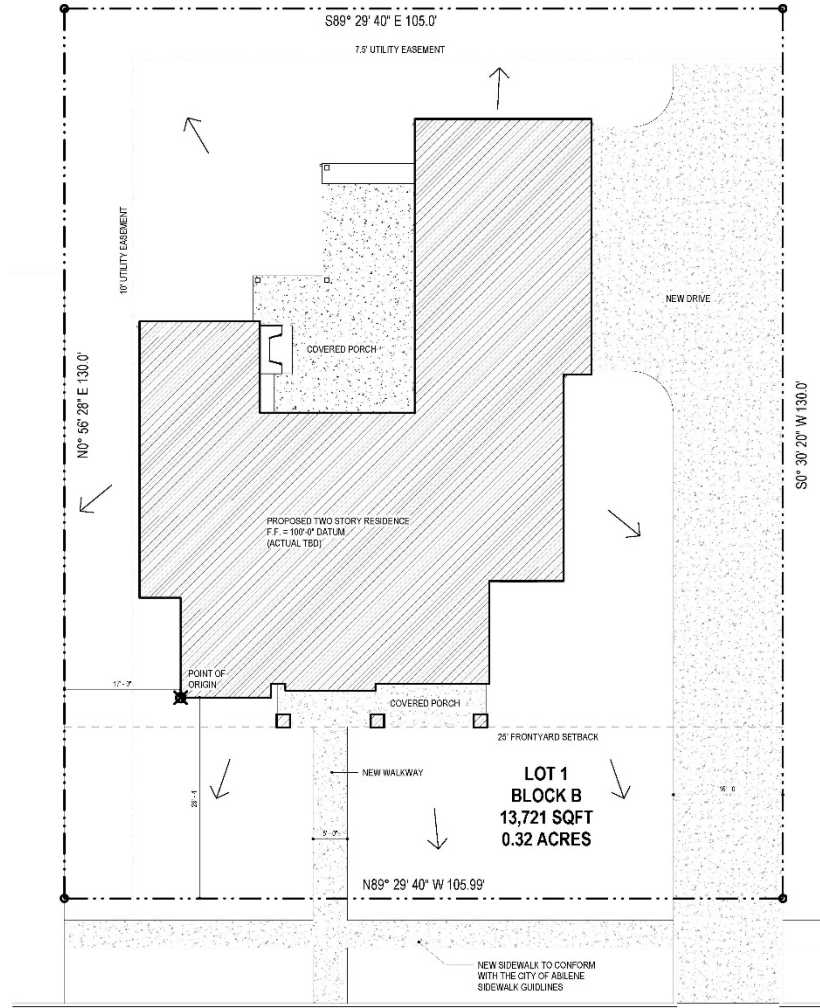


SITE PLAN



RENDERING FOR ILLUSTRATIVE PURPOSES ONLY

- GENERAL NOTES**
1. THESE PLANS ARE PRELIMINARY. ALL APPLICABLE CODES AND ORDINANCES CONTRACTORS TO COMPLY WITH ALL LOCAL CODES, RULES AND REGULATIONS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE STATE AND LOCAL CODES.
 3. PROVIDE CONTROL AND EXPANSION JOINTS AS REQUIRED ON CONCRETE, WALKS PATIOS AND APPLICABLE EXTERIOR WALLS.



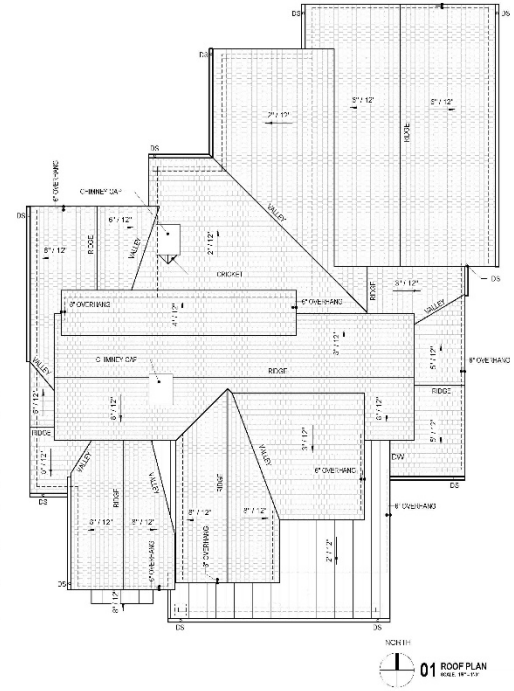
INNISBROOK DRIVE
(80' RIGHT-OF-WAY)

02 SITE PLAN
DATE: 10-1-24

- ROOF NOTES**
1. ALL ROOF OVERHANGS TO BE 12\"/>
 - 2. DASHED LINE REPRESENTS FACE OF EXTERIOR WALL. RFT. CW.
- ROOF PLAN LEGEND**
- [Symbol] COMPOSITE SHINGLE ROOF
 - [Symbol] STANDING SEAM METAL ROOF
 - [Symbol] DOWNSPOUT

SITE PLAN LEGEND

[Symbol]	PROPOSED RESIDENCE
[Symbol]	PROPOSED PLANTING
[Symbol]	UTILITY EASEMENT (L, R)
[Symbol]	BUILDING SETBACK LINE (S.L.)
[Symbol]	PROPERTY LINE
[Symbol]	POINT OF ORIGIN
[Symbol]	SLOPE OF GRADE TO DRAIN



SQUARE FOOTAGE CALCULATIONS

FIRST FLOOR CONDITIONS:	2,674 SF
OVERHANG	674 SF
FRONT PORCH	188 SF
BACK PORCH	188 SF
SECOND FLOOR CONDITIONS:	1,048 SF
SECOND FLOOR FUTURE BAL. FLOOR	188 SF
TOTAL SQUARE FOOTAGE - "UNDER ROOF"	5,062 SF
CONDITIONS:	1,148 SF
UNCONDITIONED:	3,914 SF
TOTAL	5,062 SF

INDEX OF SHEETS

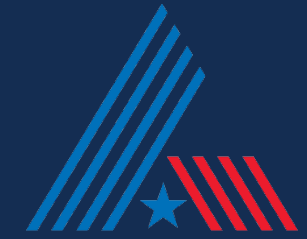
A1	SITE PLAN / ROOF PLAN
A2	FOUNDATION PLAN
A3	FIRST FLOOR PLAN
A4	SECOND FLOOR PLAN, DOOR AND WINDOW SCHEDULE
A5	ELEVATIONS
A6	SELECTED CULING PLAN / ELECTRICAL PLAN

SHEET ISSUES
REVISIONS: NONE FOR CONSTRUCTION

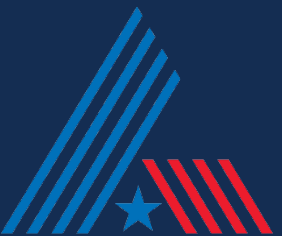
SITZES RESIDENCE
SITE PLAN / ROOF PLAN

DESIGNED/PROCESSED BY:
JADEN DEMERT
jaden.demert@sgn.com

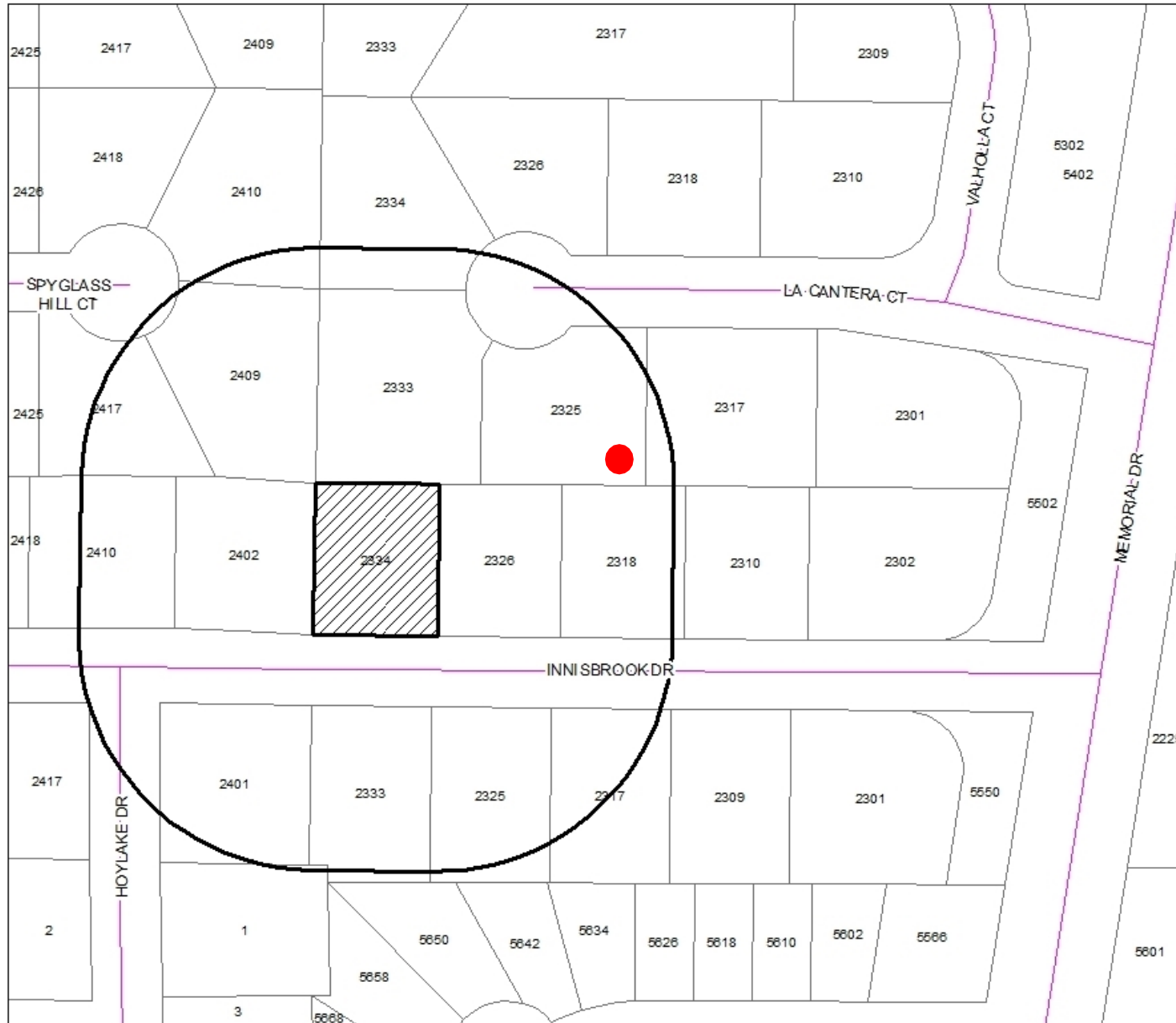
DATE:
02/05/24
SCALE:
As Indicated
SHEET:



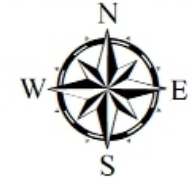
VIEWS OF SUBJECT PROPERTY



NOTIFICATION AREA MAP

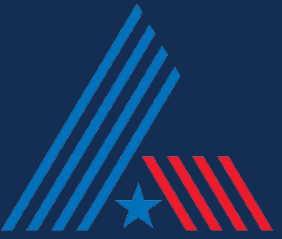


Notification Map



- 0- In Favor- ●
- 1- Opposed- ●

Legend
BA-2024-07
Notification



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.

There are no apparent conditions within this property that create an undue hardship.

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.

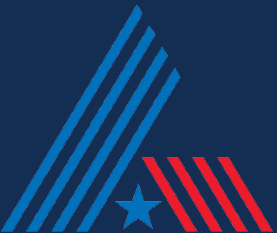
Granting the request would not be contrary to the public because the proposed development would be fully located on private property and setback requested would only pertain to the rear property line.

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

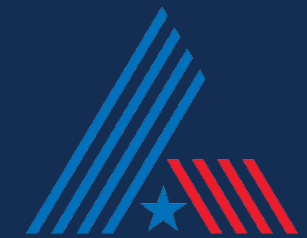
The request is not consistent with the intent of Land Development Code.

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

There are no apparent hardships.



Questions?





2024 Development Application

Zoning Application Page 1 of 3

Planning

- Conditional Use Special Exceptions Rezoning Variance
- PDD Amendment Street Name Change Thoroughfare Abandonment
- Easement Release

Relief Procedures

- Petition for Relief Proportionality Appeal Vested Rights Petition Appeal
- Other: _____

Project Name: Sitzes - New Construction Residence

Address: 2334 Innisbrook Dr, Abilene, TX 79606 Number of Lots: 1 Acreage: 0.315

Legal Description: The Villages of Abilene, Block B, Lot 1, Acres .315

Subdivision Name: Villages of Abilene Meadows Block: B Lot: 1

Current Zoning: RS12 Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Zach Sitzes

Address: 2301 Lynbrook Drive

City, State, Zip: Abilene, TX 79606 Fax: _____

Phone: 325-338-2067 Email: zach.sitzes@gmail.com

Agent Name: _____

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

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 of Owner: _____ Date: _____

FOR OFFICE USE ONLY

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

Case No.: _____ Reviewed By: _____



2024 Development Application

Disclosure of Interest

Disclosure Questions

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.

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.
Zach Sitzes

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

Zach Sitzes is on the Planning and Zoning Commission, and is also the owner of the lot/property for which this application is being submitted.

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): Grant Abston

Property Owner Project Representative

Signature of Certifying Person: Grant Abston

*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

2024 Development Application

BOARD OF ADJUSTMENT

The Board of Adjustment is organized to have all the powers and authority as set forth in the Charter of the City of Abilene, Texas, and as authorized by Chapter 211 of the Texas Local Government Code.

The Board of Adjustment has authority of applications to decide the following types of applications:

1. An application for a Special Exception pursuant to Section 1.4.4.1;
2. An application for a Variance pursuant to Section 1.4.4.2;
3. A sign permit or an interpretation of Sign Regulations related to development within the City limits (refer to Chapter 4, Article 1, Division 3, Section 4.1.3.6 or Chapter 4, Article 2, Division 8, respectively); and
4. An application for a change in the status of a non-conformity pursuant to Section 1.4.4.3.

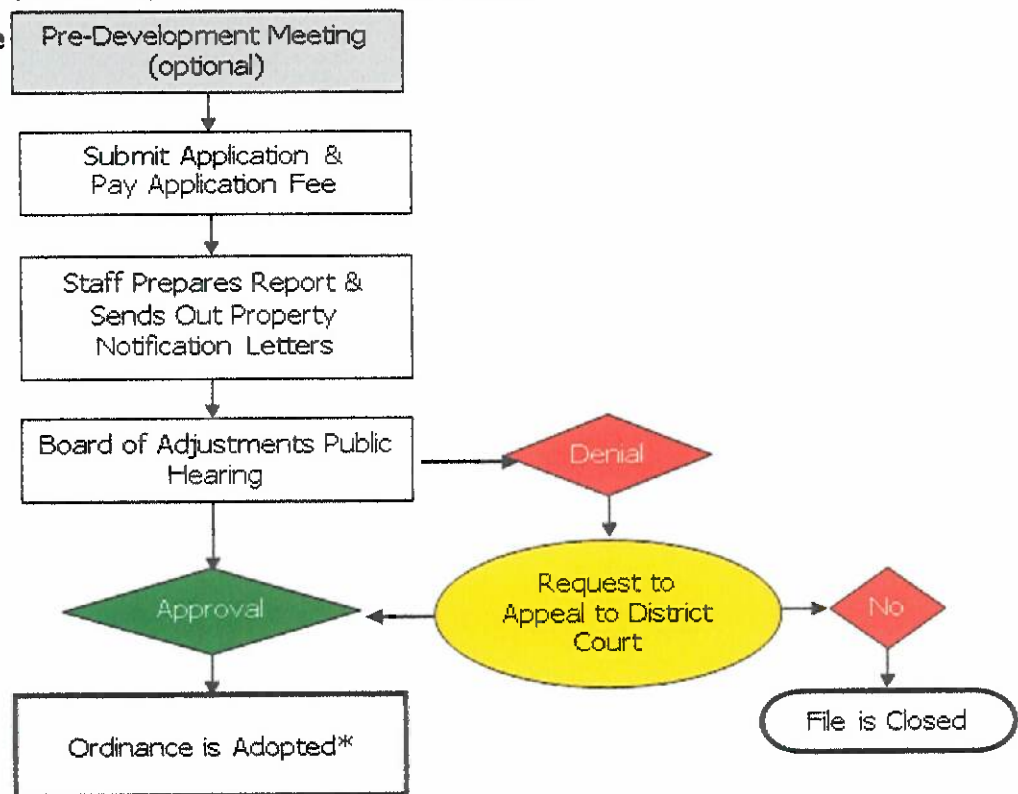
The Board of Adjustment shall finally decide appeals on the following matters of an appeal of any official's interpretation of the requirements of Chapters 2 or 4 of this LDC in which the requirement applies to development within the City limits of Abilene, unless a separate appeals process is otherwise defined within this LDC.

The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

1. Approval of a petition for a zoning map amendment;
2. Approval of a Conditional Use Permit; and
3. Authorization of a use not authorized in the zoning district in which the applicant's property is located, except to the extent necessary to decide a special exception or a petition for a change in status of a non-conformity.

Also, the Board of Adjustment shall not render any decision on an application, appeal or relief petition while a petition for a zoning amendment, application for a Conditional Use Permit, or plat application for the same land is pending and until such petition or application has been finally decided pursuant to procedures in Chapter 1 of the LDC.

Special Exception & Variance Flowchart



*If the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit, if one is required.

2024 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.

The current setback for the property in which we intend to build a new home is as follows: Parkway: 12 ft; Front: 25 ft; Rear: 30 ft; Side 10 ft. Our current plans conform to all setbacks with the exception of the rear setback of 30 ft. While we do adhere to the 7.5 ft rear utility easement, the current plans conform to a 16'-1.5" rear setback. The only portion of the proposed plans that extends beyond the 30 ft rear setback is the garage, and more specifically, the third car portion of the garage. We are seeking a variance for the third car portion of the garage (roughly 15 feet) to extend beyond the 30 ft rear setback.

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?

The current lot has a total of 55 ft of rear/front setbacks, which considerably shrinks the lot, and presents architectural challenges when trying to build a home of a certain square footage. We are not imposing on any of the utility easements, and the only portion of the home that extends beyond the 30 ft rear setback is the third-car portion of the garage, which would be one story. All livable spaces would adhere to the current setbacks. In addition, a number of homes in the current development/street do not adhere to the 30 ft setback requirement. The setback total presents unique architectural challenges.



2024 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: The Villages of Abilene Total Number of Acres: 0.315
 Zoning Classification(s): RS12 Total Number of Lots: 1
 Location: 2334 Innisbrook Dr, Abilene, TX 79606

Property Owner Information & Authorization

Name/Company: Zach Sitzes
 Address: 2301 Lynbrook Dr.
 City: Abilene State: TX Zip Code: 79606
 Phone: 325-338-2067 Email: zach.sitzes@gmail.com

Project Representation (check one):

- I will represent the application myself; OR
- I hereby designate Grant Abston (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.

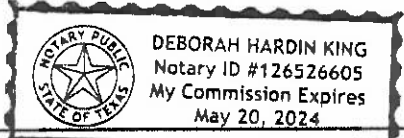
Property Owner's Signature: Zach Sitzes Date: 3/14/24

STATE OF: Texas

COUNTY OF: Taylor

BEFORE ME, a Notary Public, on this day personally appeared ZACH SITZES (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 14 day of March, 2024

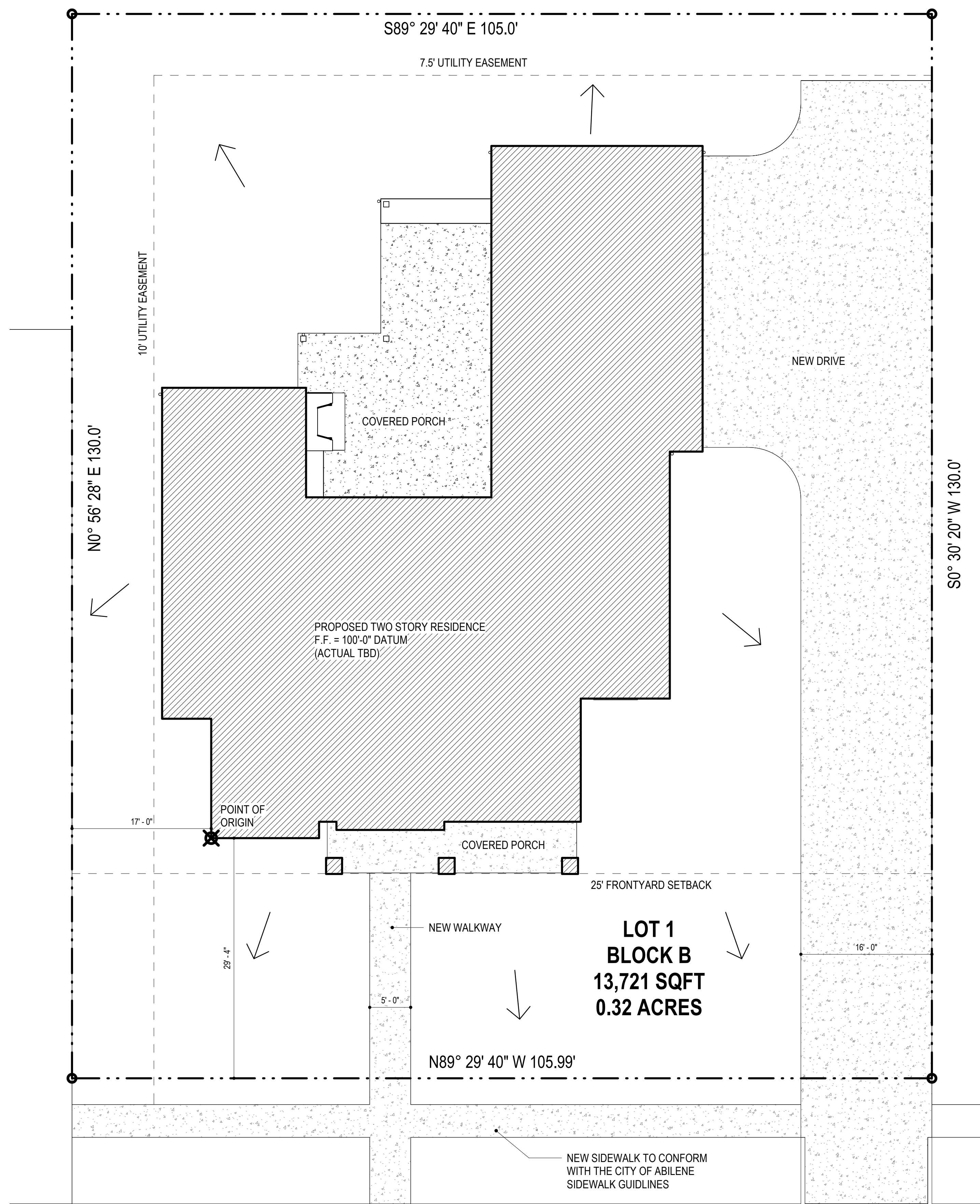


NOTARY PUBLIC in and for the State of Texas

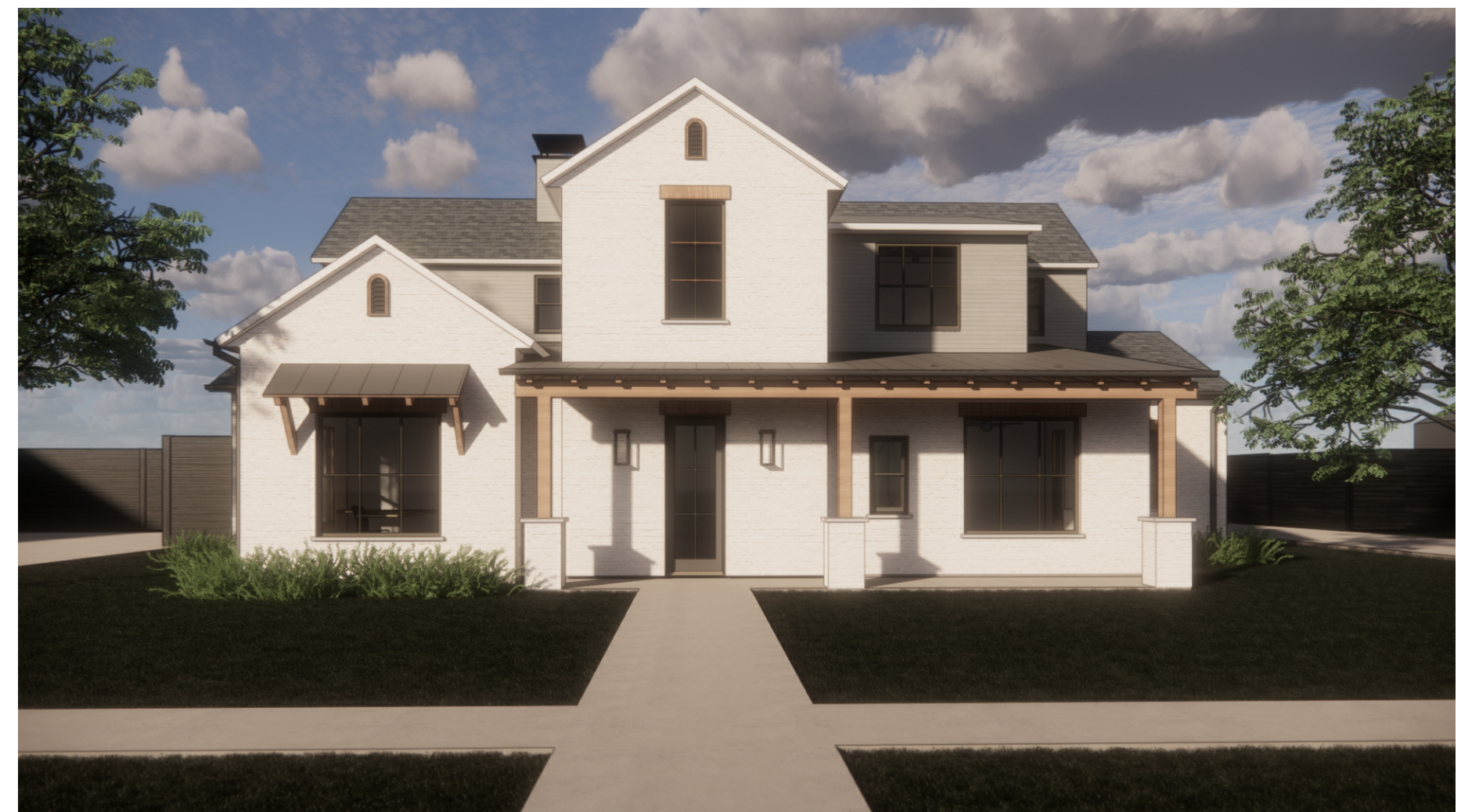
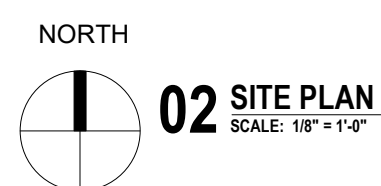
Project Representative Information (complete if designated by owner)

- Engineer
- Purchaser
- Tenant
- Preparer
- Other(specify): Builder

Name: Grant Abston Company: Wilder Company
 Address: 526 College Drive City: Abilene State: TX
 Zip Code: 79601 Number: 972-978-9042 Email: grant@thewilderco.com



INNISBROOK DRIVE
(60' RIGHT-OF-WAY)



RENDERING FOR ILLUSTRATIVE PURPOSES ONLY

- GENERAL NOTES**
1. THESE PLANS ARE INTENDED TO MEET ALL APPLICABLE CODES AND ORDINANCES. CONTRACTOR TO COMPLY WITH ALL LOCAL CODES AND ORDINANCES AND DEED RESTRICTIONS.
 2. ALL MATERIALS SHALL MEET ALL APPLICABLE STATE AND LOCAL CODES.
 3. PROVIDE CONTROL AND EXPANSION JOINTS AS REQUIRED ON CONCRETE WALKS, PATIOS, AND APPLICABLE EXTERIOR WALLS.

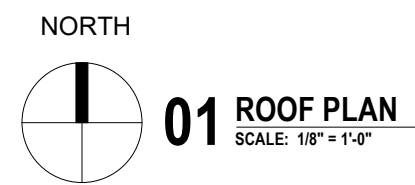
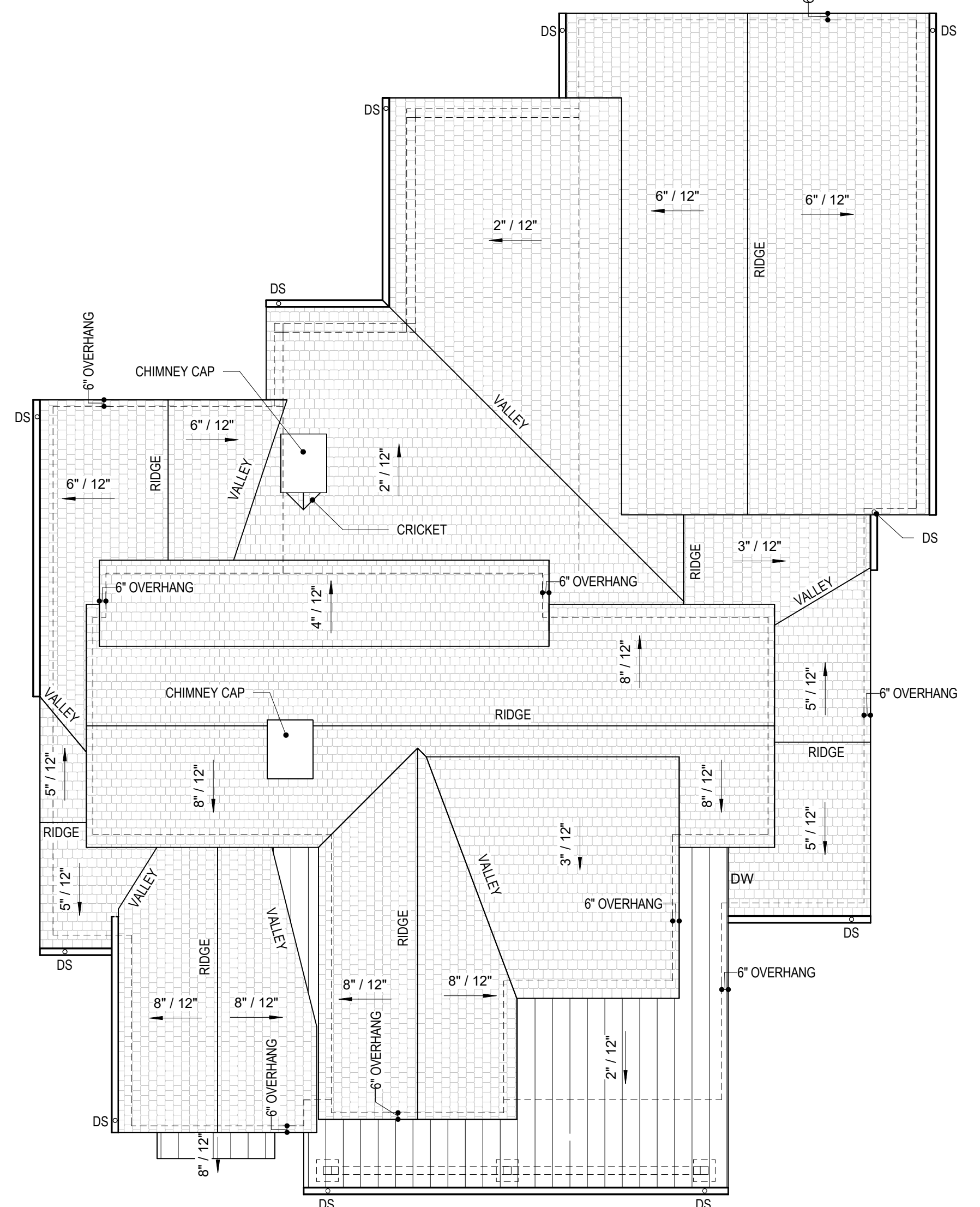
- ROOF NOTES**
1. ALL ROOF OVERHANGS TO BE 1'-0" UNLESS NOTED OTHERWISE
 2. DASHED LINE REPRESENTS FACE OF EXTERIOR WALL BELOW

ROOF PLAN LEGEND

	COMPOSITE SHINGLE ROOF
	STANDING SEAM METAL ROOF
	DOWNSPOUT

SITE PLAN LEGEND

	PROPOSED RESIDENCE
	PROPOSED FLATWORK
	UTILITY EASEMENT (U.E.)
	BUILDING SETBACK LINE (B.L.)
	PROPERTY LINE
	POINT OF ORIGIN
	SLOPE OF GRADE TO DRAIN



SQUARE FOOTAGE CALCULATIONS

FIRST FLOOR CONDITIONED:	2,614 SF
GARAGE	916 SF
FRONT PORCH	186 SF
BACK PORCH	690 SF
SECOND FLOOR CONDITIONED:	1,048 SF
SECOND FLOOR FUTURE BUILD OUT:	151 SF
TOTAL SQUARE FOOTAGE UNDER ROOF	
CONDITIONED	3,662 SF
UNCONDITIONED	1,943 SF
TOTAL	5,605 SF

INDEX OF SHEETS

A1 - SITE PLAN / ROOF PLAN
A2 - FOUNDATION PLAN
A3 - FIRST FLOOR PLAN
A4 - SECOND FLOOR PLAN / DOOR AND WINDOW SCHEDULE
A5 - ELEVATIONS
A6 - REFLECTED CEILING PLAN / ELECTRICAL PLAN

SHEET ISSUES
REVIEW SET - NOT FOR CONSTRUCTION

SITZES RESIDENCE
SITE PLAN / ROOF PLAN

DRAWINGS PROVIDED BY:
JADEN DEMENT
jaden.dement@gmail.com

DATE:
02/25/24
SCALE:
As indicated
SHEET:

A1

BOARD OF ADJUSTMENT

BA-2024-08

STAFF REPORT

Scheduled Hearings

Board of Adjustment: April 9, 2024

Applicant

Owner: TMAD Properties LLC

Case Manager: Adam Holland

Request

Variance from the minimum separation requirements for off-site signage (billboards) to allow a 90-foot separation from an existing off-site advertising sign.

Location

2479 S Treadaway Blvd.

Background

The property owner proposes to place a small (6' x 8') LED off-site advertising sign on the front of their building. The sign was previously placed on Barnard's Refinishing and has been proposed to be moved at the request of staff.

Land Development Code Provisions

Per LDC Section 4.2.8.9, new off-site signs must comply with the following separation requirements:

1. New off-site signs (billboards) must have a 250' radial separation from any existing off-site sign (billboard); and
2. New off-site signs (billboards) must have a 750' separation from any existing off-site sign (billboard) on the same side of the road.

The applicant requests a variance from both of those requirements.

The purpose of the above requirements is to avoid the clustering of traditional billboard. The LDC classifies billboards into Type I and Type II categories. Type I signs may have up to 672 square feet are limited to I-20, Winters Freeway, and Loop 322. Type II signs are limited to 372 square feet along specific arterial and collector streets listed in the LDC, including Treadaway Boulevard. Since there are categories to regulate smaller billboards, the proposed 48 square foot sign is technically a Type II sign.

The LDC also categorizes signage as "on-site" and "off-site". On-site signs advertise the name of the business on the same site in which the sign is located. "Off-site" signs advertise businesses or services available at another location.

Proposed Sign/Technology

Sign technology has rapidly evolved over the past twenty years and will continue to do so. As a result, the sign regulations of most cities typically trails the pace of evolving technology. Abilene is no exception. Abilene's sign regulations were adopted prior to the evolution of signs into a miniature format with a resolution that is comparable to a PC monitor or large screen television. A sign of this type is suitable for on-site and off-site advertising. The proposed 48 square foot sign will be mounted to the building and scroll through different off-site tenants at a programmed duration.

Site Constraints

There are no apparent site constraints.

Precedents/Findings

The proposed sign is smaller than the average Type II signage by a large margin. The proposed square footage is 48 sq. ft. Ordinary Type II sign. There is no precedent for such a sign in Abilene.

Criteria Assessment

A variance can be approved only when special circumstances are present to justify the expansion of a nonconforming building. In reaching a decision on the variance requests, 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.**

There are no apparent hardships present, however, the Land Development Code does not provide standards for off-site advertising signs which are significantly smaller than ordinary billboards.

- 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 request would not be contrary to the public because the sign is located within private property and does not impose in to the neighbor's property. The LED sign has adjustable brightness so problems with the sign can be addressed.

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

The separation requirements set in the Land Development Code are specified toward larger billboard type signs and the LDC makes no provisions for smaller LED signs. Because of the small size of this sign, and the provisions in the LDC, staff finds this request consistent with the spirit and intent of the LDC to limit off-site signage.

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

There are no apparent hardships because the need for the variance was created by the applicant.

Staff Recommendation:

If the Board approves the variances, staff would recommend that the following condition of the approval be included:

1. The sign owners contact information shall be printed on the sign so they may be reached to address any problems with brightness or malfunctions.

NOTIFICATIONS

Legend:

O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
HR3 LLC	41696	967 S 25TH ST	
KELLEY MASONRY INC	55638	2442 S TREADAWAY BL	
SITZES STEVEN O	46784	2433 S TREADAWAY BL	
TMAD PROPERTIES LLC	41322	2479 S TREADAWAY BL	
VERIC LLC	55517	2402 S TREADAWAY BL	
XTERRA CONSTRUCTION LLC	45458	1410 S 24TH ST	

LOCATION MAP



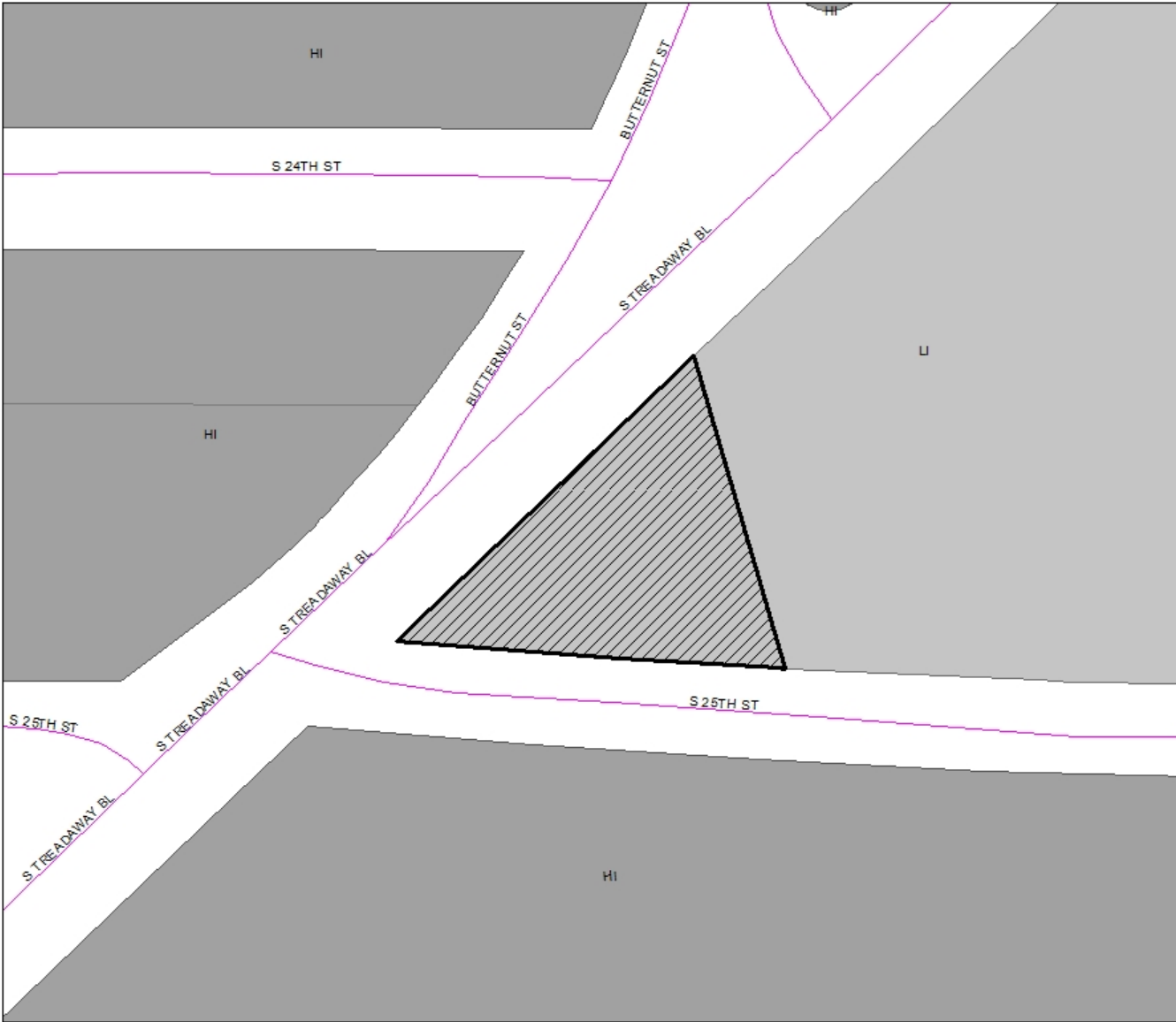
Aerial Map



Legend

- BA-2024-08
- Roads
- CourierParcels

ZONING MAP



Zoning Map

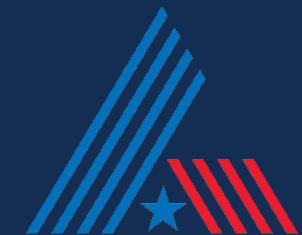


Legend

- BA-2024-08
- LI: Light Industrial
- HI: Heavy Industrial
- Roads
- CourierParcels

VARIANCE REQUEST

Case:	BA-2024-08
Owner:	TMAD Properties LLC
Requests:	Variance to allow a 90 foot separation from an existing off-site sign (250' separation required from all existing off-site signs and 750' required from an existing off-site sign on the same side of the street)
Location:	2479 S Treadaway Blvd.
Notification:	0 in Favor, 0 Opposed
Board of Adjustment:	April 9, 2024



AERIAL LOCATION MAP



Aerial Map

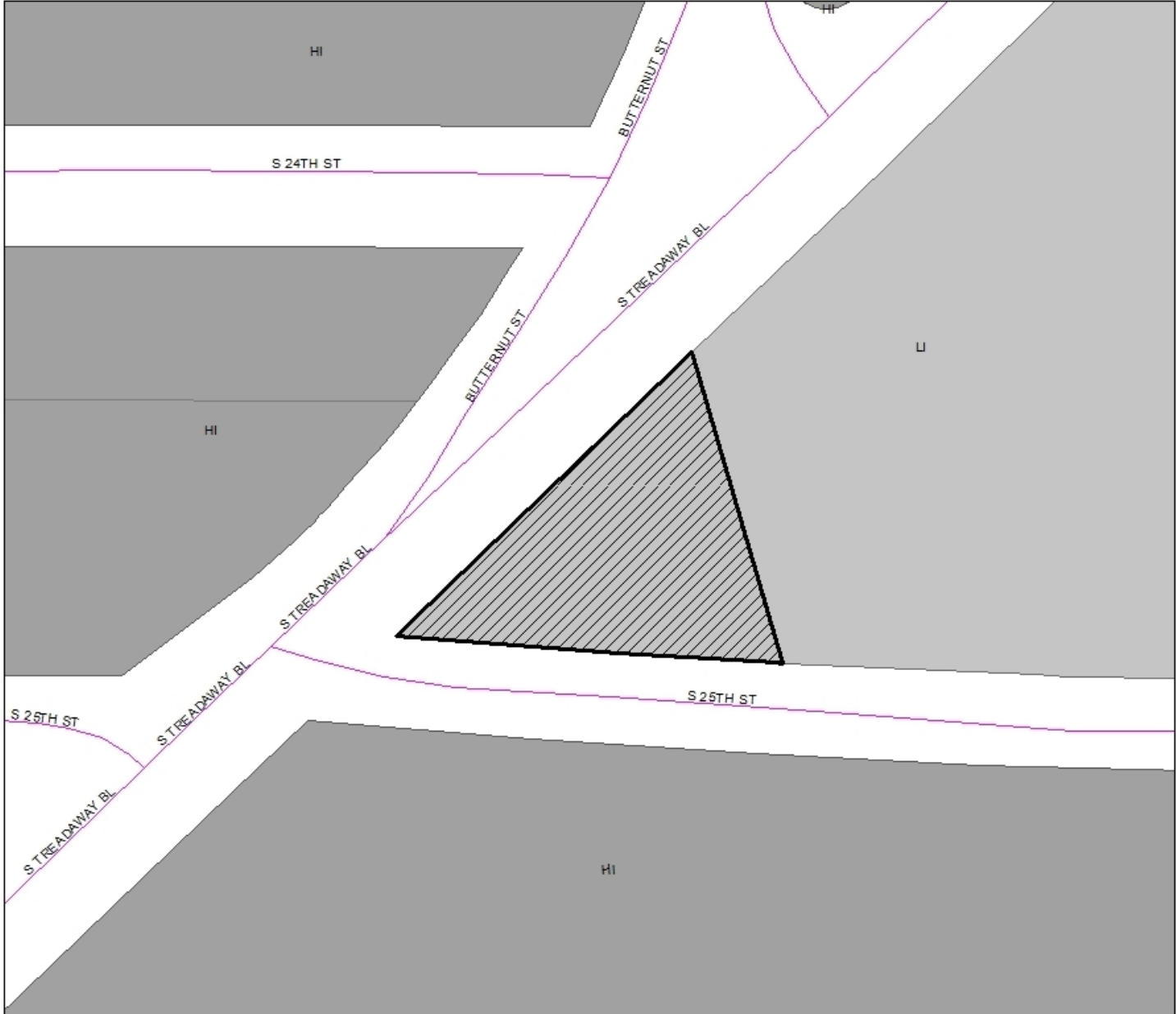


Legend

-  BA-2024-08
-  Roads
-  CourierParcels



ZONING MAP

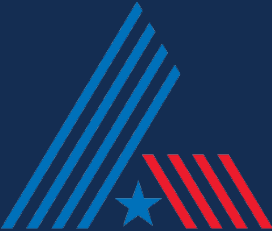


Zoning Map



Legend

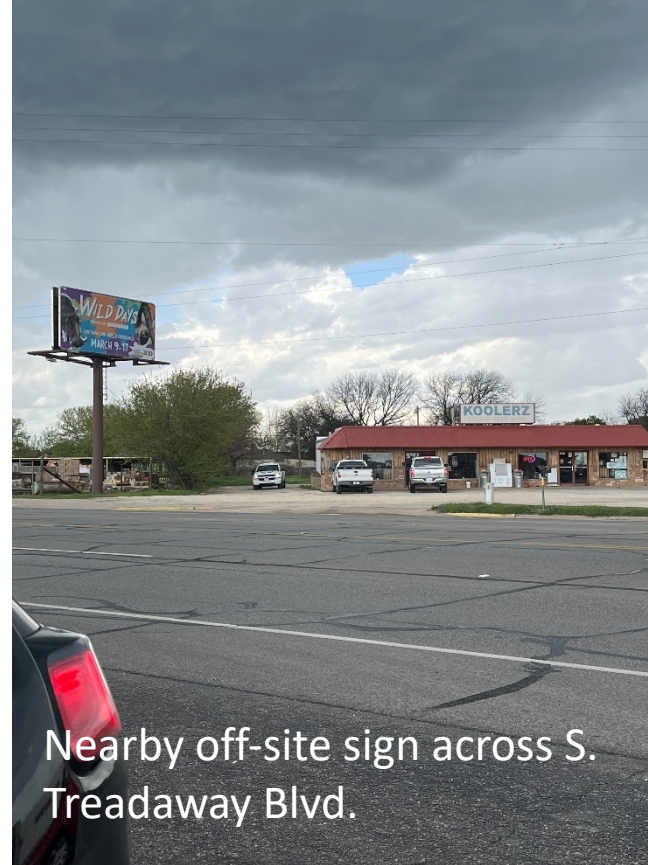
- BA-2024-08
- LI: Light Industrial
- HI: Heavy Industrial
- Roads
- CourierParcels



VIEWS OF SUBJECT PROPERTY



Subject Property



Nearby off-site sign across S. Treadaway Blvd.



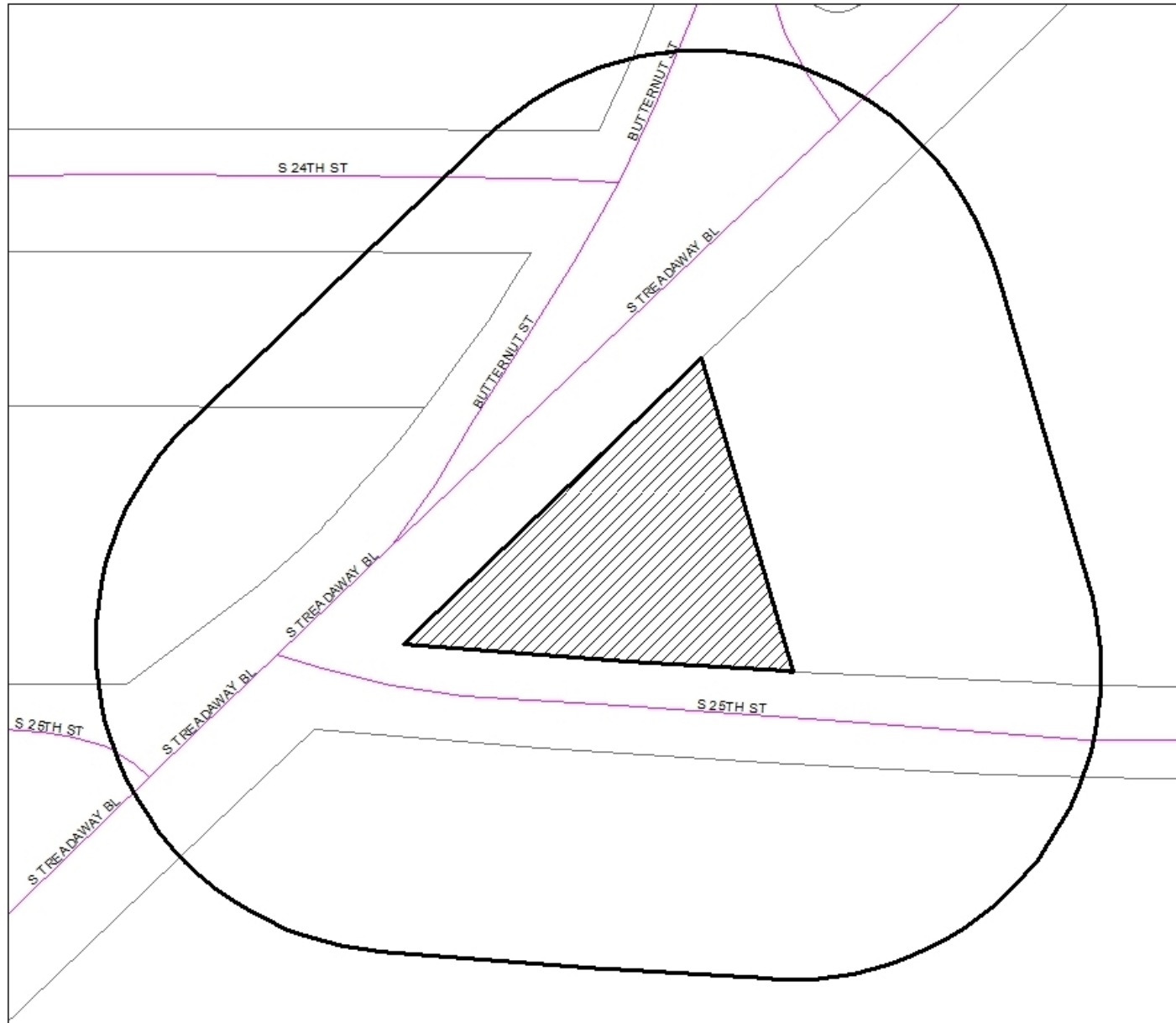
Neighboring Property (North side)



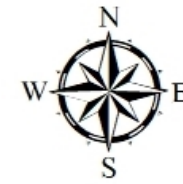
Adjacent off-site sign



NOTIFICATION AREA MAP



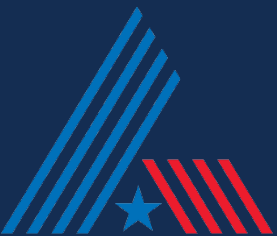
Notification



- 0- In Favor- ●
- 0- Opposed- ●

Legend

- Notification Area
- BA-2024-08
- Roads
- CourierParcels



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.

There are no apparent hardships present, however, the Land Development Code does not provide standards for off-site advertising signs which are significantly smaller than ordinary billboards.

That the granting of the Special Exception 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 request would not be contrary to the public because the sign is located within private property and does not impose in to the neighbor's property. The LED sign has adjustable brightness so problems with the sign can be addressed.

Granting the Special Exception is consistent with the intent of Abilene's Land Development Code.

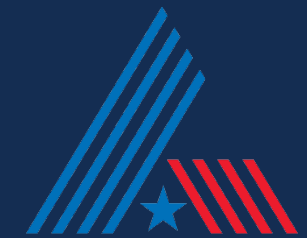
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The hardship or inequity suffered by the petitioner is not caused wholly or in substantial part by the petitioner.

There are no apparent hardships because the need for the variance was created by the applicant.



Questions?





2023 Development Application

Zoning Application Page 1 of 3

Planning

- Conditional Use
- Special Exceptions
- Rezoning
- Variance
- PDD Amendment
- Street Name Change
- Thoroughfare Abandonment
- Easement Release

Relief Procedures

- Petition for Relief
 - Proportionality Appeal
 - Vested Rights Petition
 - Appeal
- Other: _____

Project Name: LED SIGN ON SIGN EX

Address: 2479 S TRENDAWAY BLVD Number of Lots: _____ Acreage: _____

Legal Description: _____

Subdivision Name: _____ Block: _____ Lot: _____

Current Zoning: _____ Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: JETT BRANNON

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

Agent Name: _____

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

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 of Owner: _____ Date: _____

FOR OFFICE USE ONLY		
Received: _____	Fee: \$ _____	Receipt No.: _____
Case No.: _____	Reviewed By: _____	



2023 Development Application

Disclosure of Interest

Disclosure Questions

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.

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.

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): WES ROBERTS

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



2023 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 INTEND TO INSTALL AN LED SCREEN MEASURING 6' X 8' ON THE SOUTH FACING SIDE OF THE BUILDING AT 2479 TREADAWAY BLVD. THERE IS A BILLBOARD ON THE CORNER WITHIN 150 FT OF THE INSTALL LOCATION.

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?

THE SIGN WILL BE INSTALLED ON THE BUILDING AND THERE IS NO OTHER PLACE THAT MEETS THE ORDINANCE REQUIREMENTS ON THE BUILDING.



2023 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.

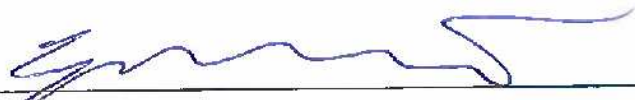
PUBLIC NOTIFICATION

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: 
DATE: 3/5/24