



## 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 Tuesday, October 8, 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

### MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Minutes from the Regular Meeting Held on September 10, 2024.

### AGENDA ITEMS

2. **BA-2024-14:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a variance request by Erica Pangburn and John Gallagher. The subject property is located at 2042 South 8<sup>th</sup> Street, Abilene, Texas. **The variance request is to allow for an accessory building to be re-built with a side yard setback of 2 feet, where 3 feet is required. (*Mason Teegardin*)**
3. **BA-2024-15:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the following variance requests by Austin Butler for a garage addition located at 1273 Canterbury Drive, Abilene. (*Mason Teegardin*)
  - **4-foot 9-inch side yard setback, where 10 feet is required.**
  - **14-foot 9-inch rear yard setback, where 30 feet is required.**
  - **Maximum lot coverage of 56.7%, where 40% is required.**

### EXECUTIVE SESSION

The Board of Adjustment of the City of Abilene reserves the right to adjourn into executive session regarding any item listed on the agenda, at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

- 551.071 Consultation with Attorney

### ADJOURNMENT

***Notice***

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

**CERTIFICATION**

*I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 4th day of October, 2024, at 1:45 p.m.*

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*Kaitlin Richardson, Deputy City  
Secretary, TRMC*



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**BOARD OF ADJUSTMENT REGULAR MEETING MINUTES**  
**September 10, 2024, 8:30 a.m.**

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

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**Members Present:** Mr. Jon Loudermilk, Chair  
Ms. Shawnda Rixey, Chair Pro Tem  
Mr. Louis Zientek, Secretary  
Ms. Joy Ellinger  
Melissa Sparks, Sergeant at Arms

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

**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.

The Board adjourned into executive session to consult with the attorney at 8:32 a.m. They reconvened the meeting at 8:44 a.m.

**MINUTES**

The public hearing was opened. Seeing no one present and desiring to be heard, the public hearing was closed. Ms. Rixey made the motion to approve the minutes from the regular meeting held on August 13, 2024. Ms. Ellinger seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

**AYES: Zientek, Ellinger, Rixey, Sparks, Loudermilk**  
**NAYS: None**

## AGENDA ITEMS

**BA-2024-12:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Kent Store Development, LLC represented by Prince Signs, LLC for a variance to allow a 32' tall pole sign within the Corridor Overlay, which allows pole signs at maximum height of 10' at 4202 Buffalo Gap Road.

Ms. Clarissa Ivey presented this request. The existing convenience store will be rebranding from Exxon to Chevron. The proposed sign is part of a pre-designed sign package designed specifically for Chevron and does not fit into the existing grandfathered pole sign. The proposed sign will have the same height as the existing sign and an area of 144 square feet. The applicant proposes to take down the existing sign and to install a new sign farther to the north along South Clack Street and away from the intersection of South Clack Street and Buffalo Gap Road.

Mr. Loudermilk opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

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

Mr. Zientek moved to **approve** the request. Ms. Rixey seconded the motion. The motion to **approve** prevailed by the following vote:

**AYES: Zientek, Ellinger, Rixey, Sparks, Loudermilk**

**NAYS: None**

**BA-2024-13:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Jimmy Campbell represented by Tim Smith for a variance to allow off-site signage at 1357 Butternut Street, specifically, to allow a 6 X 8 electronic message sign on the building at the previously mentioned address.

Mr. Adam Holland presented this request. The property owner proposes to place a small (6' x 8') LED off-site advertising sign on the south side of their building. The subject property is zoned Heavy Commercial (HC) and is used as a repair and maintenance services, automobile and small truck.

The sign was previously placed on Sockdolager/Matera Bar and Grill (located at 833 South 1<sup>st</sup> Street) and is proposed to be relocated to the subject property at the request of the sign's owner.

Mr. Loudermilk opened the public hearing. Mr. Tim Smith stepped forward to further explain the request. The sign is used to promote downtown businesses and those within the SODA district. Seeing no one else present and desiring to be heard, the public hearing was closed.

Ms. Melissa Sparks moved to **deny** this request because it does not meet all of the criteria set forth in Section 1.4.4.2 (d) of the LDC. Ms. Rixey seconded the motion. The motion to **deny** prevailed by the following vote:

**AYES: Ellinger, Rixey, Sparks, Loudermilk**

**NAYS: Zientek**

**ADJOURNMENT**

There being no further business, the Board of Adjustment meeting was adjourned at 9:20 a.m.

Approved: \_\_\_\_\_, Chair

# BOARD OF ADJUSTMENT

## BA-2024-14

### STAFF REPORT

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#### Scheduled Hearings

Board of Adjustment: October 8, 2024

#### Applicant

Owner: Erica Pangburn and John Gallagher

#### Case Manager

Mason Teegardin – Planner

#### Request

A variance to allow a 2-foot side yard setback for an accessory building (3' required).

#### Location

2042 South 8<sup>th</sup> Street

#### Background

The subject property is zoned Single Family Residential (RS-12), with an attributing Historic Overlay (H) designation. The residence and accompanying accessory buildings were built in 1932, according to Taylor County Appraisal District. The applicant is requesting a variance to rebuild one of the accessory buildings in the same location where it currently exists. The existing accessory building is badly deteriorating and sits roughly 2' from the alley side property line. Staff located a building permit for a roof replacement on the main residence and both accessory buildings in 2020, no additional permits were located for this property.

#### Land Development Code Provisions

Per Section 2.4.4.1, the required side yard setback for detached accessory buildings, with a maximum height of 10 feet, is 3 feet from the property line. Chapter 2, Article 6 – Nonconforming Uses and Structures states that when reconstructing or rebuilding a nonconforming structure, a property owner will need to apply to the Board of Adjustments for a change in the status of the nonconformity. The nonconformity in this case, is the 2-foot side yard setback.

#### Site Constraints

The applicant did not specify if any site constraints are present. The subject property, however, is in a Historic Overlay zoning district and the subject building is considered to contribute to the historic substance of the site. For that reason, the owners want to reconstruct the building to maintain the historic character of the subject site. If the proposed variance is approved, the building will be required to substantively match the character of other buildings on the site.

#### 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 “physical” condition that result in an undue hardship. However, the strict application of the accessory building setback requirement creates a conflict with other requirements in the LDC designed to maintain the historic character of historic properties.

**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 accessory building would be fully located on private property and the setback requested would only pertain to the side property line, which is shared with the alley.

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

The request is consistent with the intent of the Nonconformity section of the Land Development Code.

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

The strict application of the accessory building setback requirement creates a conflict with other requirements in the LDC designed to maintain the historic character of historic properties.

**Attachments**

- Application
- Site Plan
- PowerPoint Presentation

**Notification**

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on September 20, 2024, via standard mail to the owners of property within a 200-foot radius of the subject street right of way. The property owners and associated parcel identification numbers are identified below:

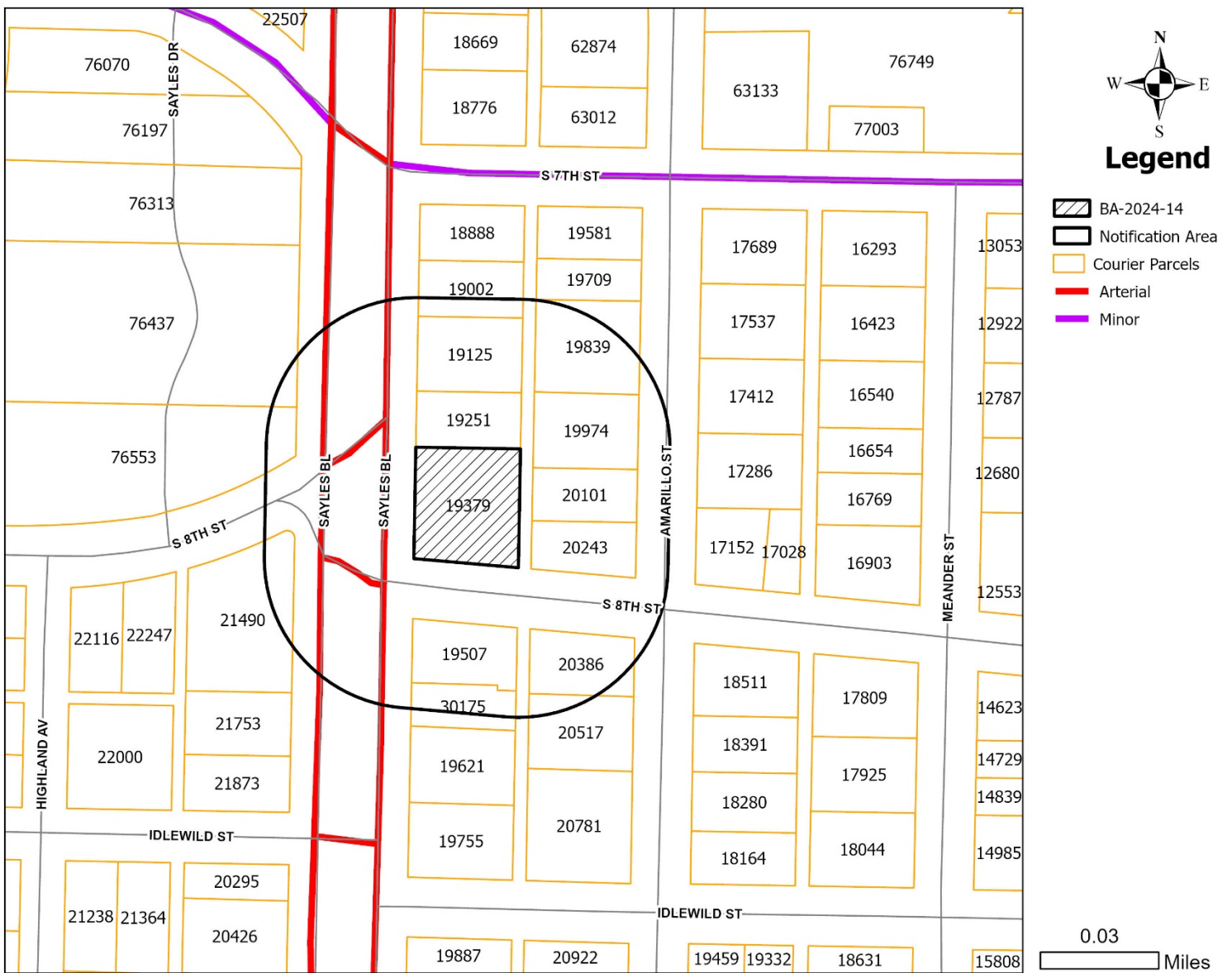
**PROPERTY OWNER**

Legend: O - Opposed, F - In Favor

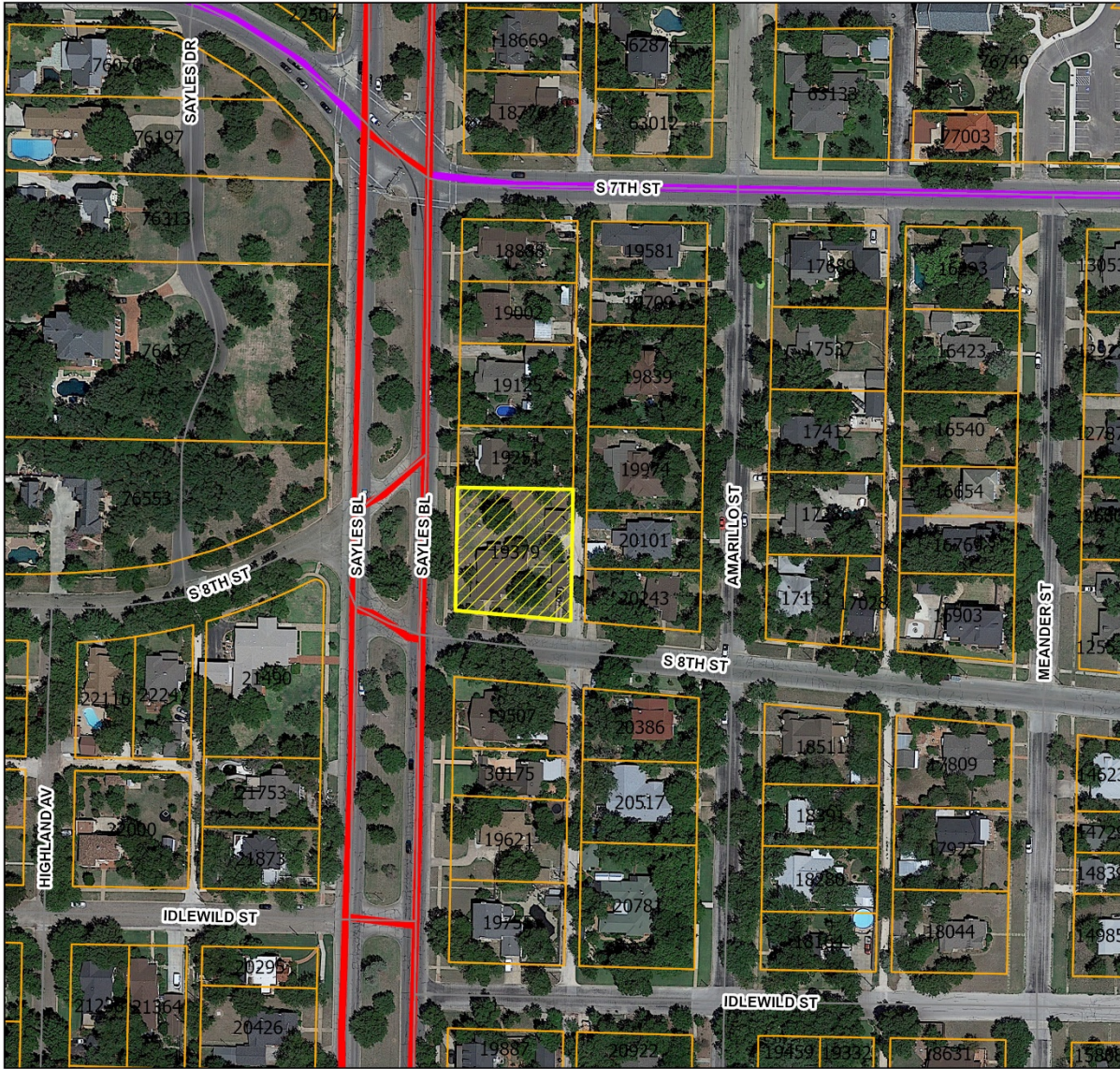
PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
ARRANT LUCIA ET AL	21490	800 SAYLES BL	
ARRANT LUCIA ET AL	21490	2125 S 8TH ST	
BRATTON CONRAD C & LINDA E	30175	809 SAYLES BL	
BRAY SHELDON E & MATTIA M	19974	742 1/2 AMARILLO ST	
BRAY SHELDON E & MATTIA M	19974	742 AMARILLO ST	
COPELAND THOMAS V JR & LORI A	20101	760 AMARILLO ST	
ELLIOT DONALD K & JULIA M	19125	735 1/2 SAYLES BL	
ELLIOT DONALD K & JULIA M	19125	735 SAYLES BL	
ELLIOT DONALD K & JULIA M	19125	735 1/2B SAYLES BL	
GALLAGHER JOHN J & ERICA PANGBURN	19379	2042 S 8TH ST	
GIDLEY SCOTT P & SHANNON D	19251	741 SAYLES BL	
GIDLEY SCOTT P & SHANNON D	19251	741 1/2 SAYLES BL	

GULF COAST CAPITAL SOLUTIONS LLC	76553	770 SAYLES DR	
MIDDLETON JAYNNE DR	20517	818 AMARILLO ST	
RICO JOSE CASJEN & CHELSEA	19839	726 AMARILLO ST	
SISCO CENE M	20243	2002 S 8TH ST	
SISCO CENE M	20243	2002 1/2 S 8TH ST	
SLAUGHTER MARY BETH	19507	2041 S 8TH ST	
TRAMMELL JAMES T & SARA B	76437	758 SAYLES DR	
WHITE GARY BOYD & MARIA	20386	802 AMARILLO ST	
WILLIAMS DANNY C & JEAN M	19002	709 SAYLES BL	<b>F</b>

**NOTIFICATION MAP**



# LOCATION MAP



## Legend







- BA-2024-14
- Courier Parcels
- Arterial
- Minor

0.03  
 Miles

# ZONING MAP



## Legend

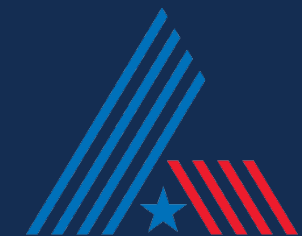
-  BA-2024-14
-  Courier Parcels
-  MD (Residential - Medium Density)
-  RS (Residential - Single Family)
-  Arterial
-  Minor

0.03 Miles

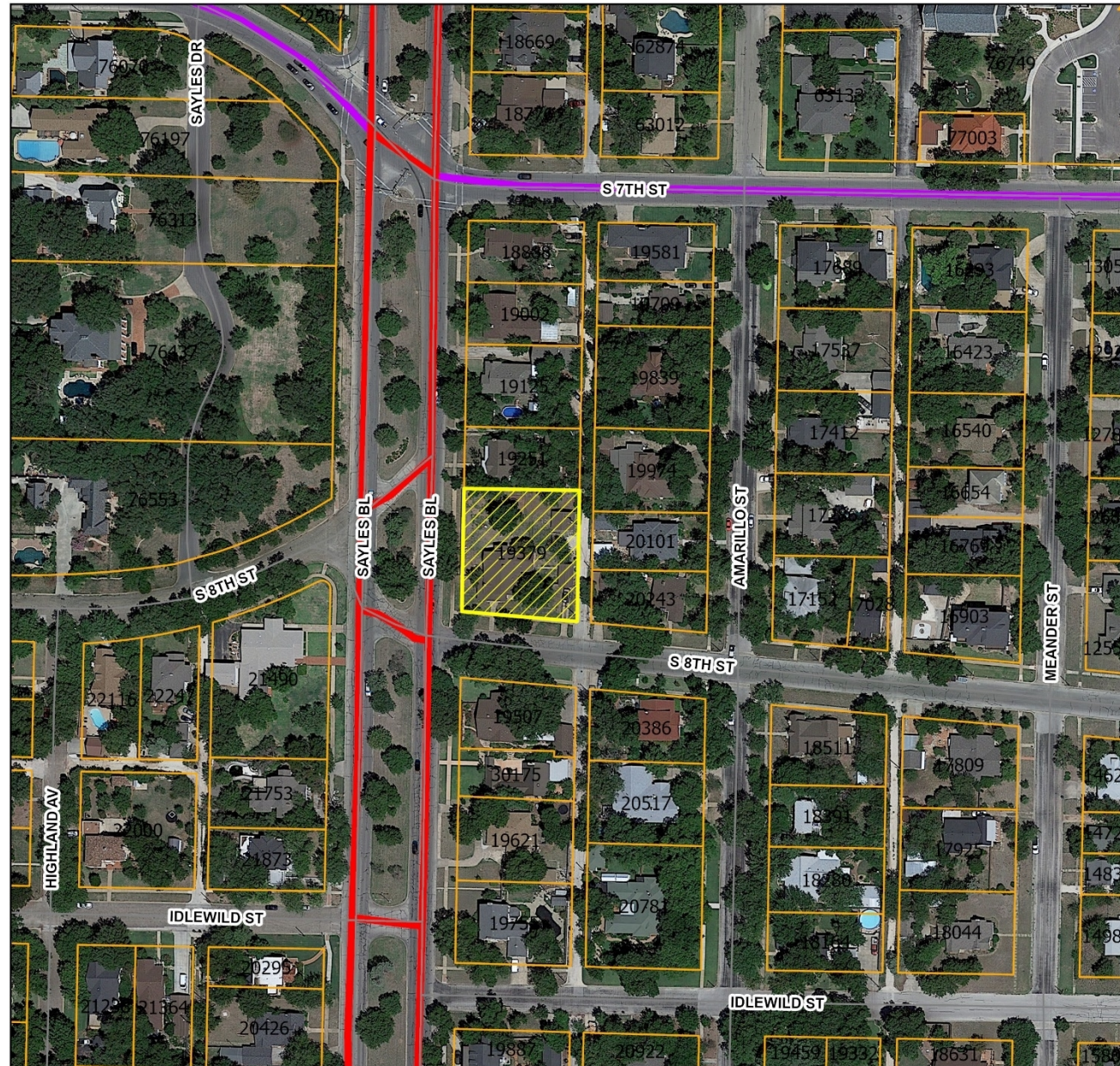


## VARIANCE REQUEST

<b>Case:</b>	BA-2024-14
<b>Owner:</b>	Erica Pangburn and John Gallagher
<b>Request:</b>	A variance to allow a 2-foot side yard set-back for an accessory building (3' required).
<b>Location:</b>	2042 South 8th Street
<b>Notification:</b>	1 in Favor, 0 Opposed
<b>Board of Adjustment:</b>	October 8, 2024



# AERIAL LOCATION MAP



## Legend

-  BA-2024-14
-  Courier Parcels
-  Arterial
-  Minor

0.03  
Miles



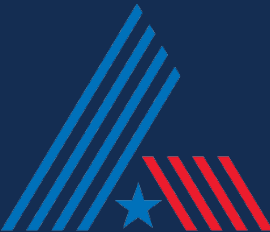
# ZONING MAP



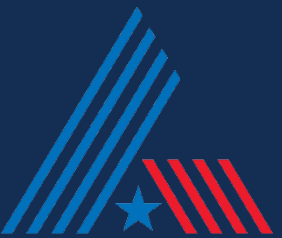
## Legend

- BA-2024-14
- Courier Parcels
- MD (Residential - Medium Density)
- RS (Residential - Single Family)
- Arterial
- Minor

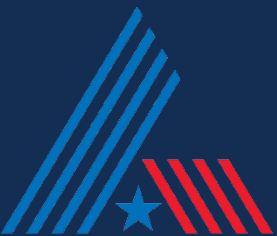
0.03  
Miles



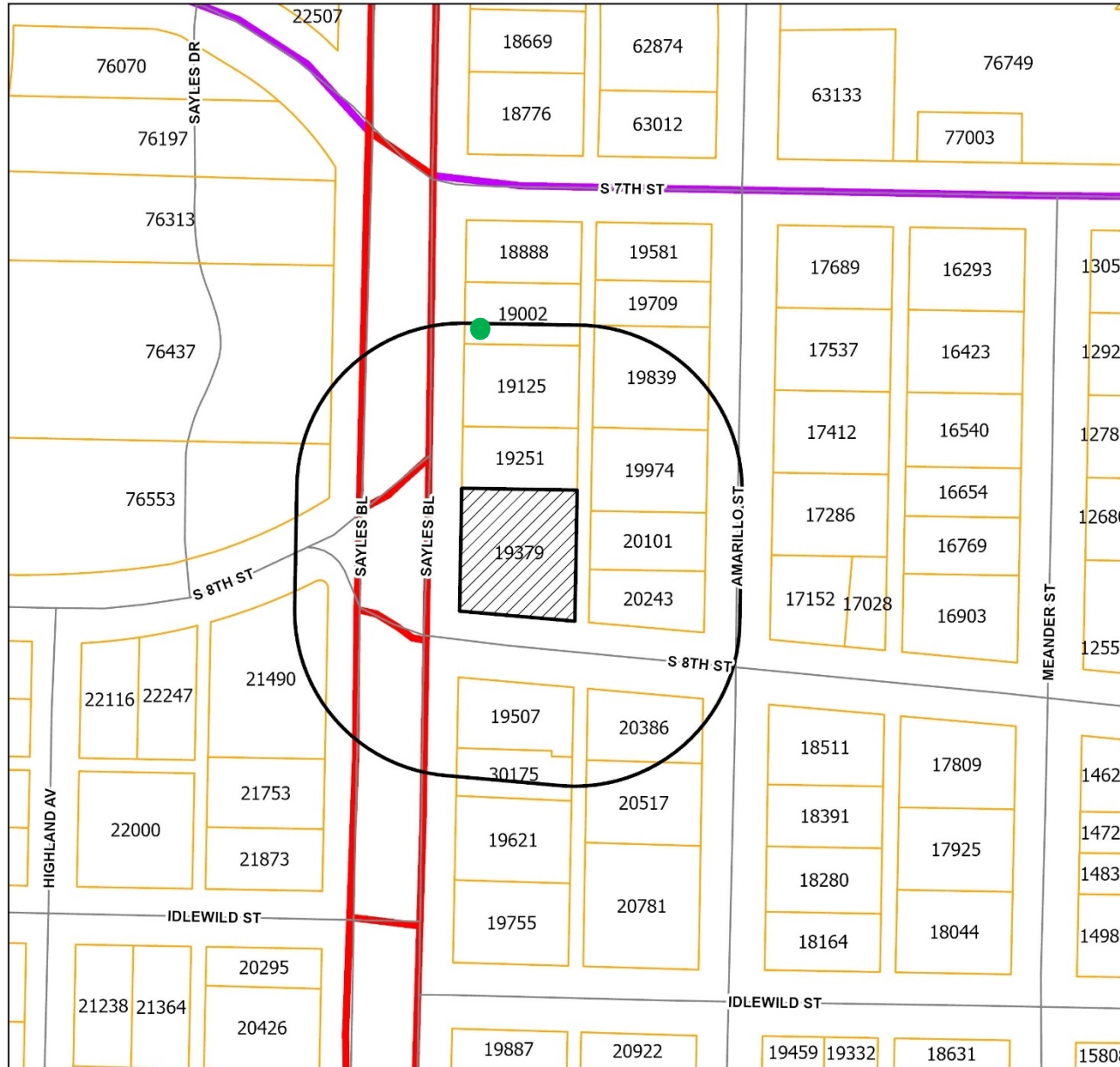
# SITE PLAN



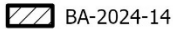
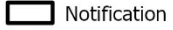
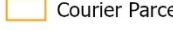


# VIEWS OF SUBJECT PROPERTY






# NOTIFICATION AREA MAP

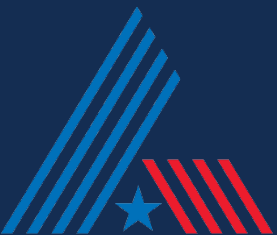


## Legend

-  BA-2024-14
-  Notification Area
-  Courier Parcels
-  Arterial
-  Minor

- 1- In Favor- 
- 0- Opposed- 

0.03  
 Miles



## 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 “physical” conditions within this property that create an undue hardship. However, the strict application of the accessory building setback requirement creates a conflict with other requirements in the LDC designed to maintain the historic character of historic properties.

**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 accessory building would be fully located on private property and the setback requested would only pertain to the side property line, which is shared with the alley.

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

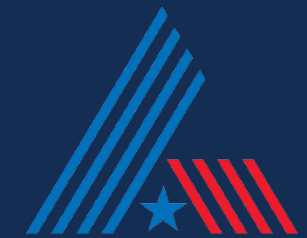
The request is consistent with the intent of the Nonconformity section of the Land Development Code.

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

The strict application of the accessory building setback requirement creates a conflict with other requirements in the LDC designed to maintain the historic character of historic properties.

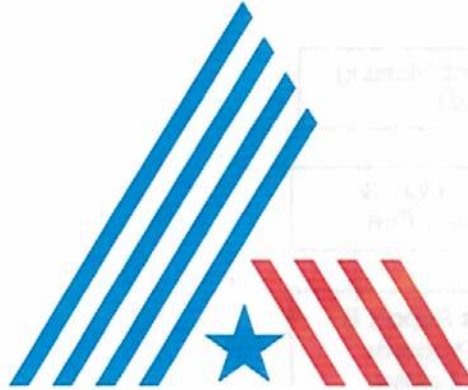


# Questions?



# Board of Adjustment Application

*AVG 6  
deadline  
Return to MT*



## PLANNING & DEVELOPMENT SERVICES CITY OF ABILENE TEXAS

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 shall finally decide on 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 2.6.2.4.

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.

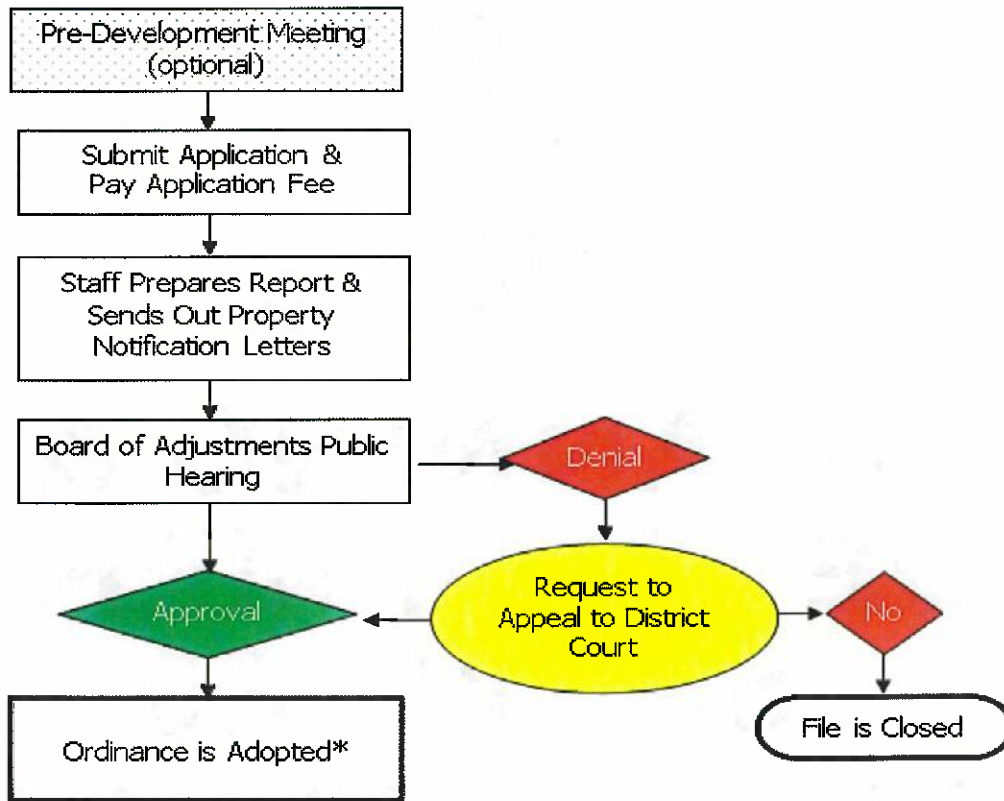
The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

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.

# Board of Adjustment Application

## Special Exception & Variance Flowchart



\*If the request is approved, the owner will have 180 days from the hearing date to obtain a building permit.

## 2024 BOARD OF ADJUSTMENT CALENDAR

APPLICATION DEADLINE	MEETING DATE ***
5-DEC-23	9-JAN-24
9-JAN-24	13-FEB-24
6-FEB-24	12-MAR-24
5-MAR-24	9-APR-24
9-APR-24	14-MAY-24
7-MAY-24	11-JUNE-24
4-JUNE-24	9-JULY-24
9-JULY-24	13-AUG-24
6-AUG-24	10-SEP-24
3-SEP-24	8-OCT-24
8-OCT-24	12-NOV-24
5-NOV-24	10-DEC-24
9-DEC-24	14-JAN-25
7-JAN-25	11-FEB-25

\*\*\* These meetings require public hearings and the applicant or a representative must be present.



# Board of Adjustment Application

## Owner Information and Representative Designation

OWNER INFORMATION			
Name: JOHN GALLAGHER & ERICA PANGBURN			
Address: 2042 S 8TH ST			
City: ABILENE	State: TX	Zip: 79602	
Number: 325-338-1380 325-266-2555	Email: gallagher2014@DUCK.COM Erica@ekdahlrealestate.com		

AGENT INFORMATION (if applicable)			
Name: N/A			
Address:			
City:	State:	Zip:	
Number:	Email:		

### Project Representation (check one):

- I will represent the application myself; OR
- I hereby designate \_\_\_\_\_ (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:

STATE OF: TX

COUNTY OF: TAYLOR

BEFORE ME, a Notary Public, on this day personally appeared \_\_\_\_\_ (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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

NOTARY PUBLIC in and for the State of Texas



# Board of Adjustment Application

## Project Information

### REQUEST TYPE

- Variance                       Special Exception                       Non-Conformity

### RELIEF PROCEDURES

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

Project Name: GARAGE REBUILD		
Address: 2042 S 8TH ST	Total lots:	Acreage: .42
Subdivision:	Block(s):	Lot(s):
Current Zoning: RESIDENTIAL/HISTORIC		

The proponent (or agent) is responsible for answering the following questions. The following questions need to be answered to the best ability possible in order to assist staff in processing the request. The Board follows this line of questioning and will expect the proponent (or agent) to cover this material in the presentation of the case.

1. 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 its intent.

- PLEASE SEE ATTACHMENT FOR ANSWERS

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

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# Board of Adjustment Application

3. What affect would it have on the rest of the public if your request is granted? What effect on the neighborhood?

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4. What special conditions apply to your property that would show that the literal enforcement of ordinance Section \_\_\_\_\_ would be an unnecessary hardship on you? What hardship other than financial?

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5. What use or activity will be made on the property if your request is granted?

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6. Is your property zoned appropriately?

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# Board of Adjustment Application

7. Does your property have sufficient flood protection according to elevation standards for that area?

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8. Are there any alternatives available that you could use without needing a variance? Would these alternatives allow you reasonable use of your property? Please explain:

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# Board of Adjustment Application

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## 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 Board of Adjustment 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 Board of Adjustment, 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 Board of Adjustment will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Board to allow for full consideration or when the public interest requires a continuation.

SIGNED: \_\_\_\_\_



DATE: \_\_\_\_\_

3 Sept 2024





**Teegardin, Mason** <mason.teegardin@abilenetx.gov>

to Erica, gallaga2014@yahoo.com ▾

Tue, Sep 3, 4:21PM (9 days ago) ☆ ↶ ⋮

Just to clarify - you are wanting a 2 foot setback from the property line?



**Erica Pangburn**

to me, gallaga2014@yahoo.com ▾

Tue, Sep 3, 4:23PM (9 days ago) ☆ ↶ ⋮

Yes ma'am.

Get [Outlook for iOS](#)

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**From:** Teegardin, Mason <mason.teegardin@abilenetx.gov>

**Sent:** Tuesday, September 3, 2024 4:21:53 PM





**Attachment: Board of Adjustment Application**  
**2042 S 8<sup>th</sup> St**

**1. 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 its intent.**

Ordinance \_\_\_\_\_ states (structures must be #feet from power lines). Our current garage, built in 1932, was improperly built and is literally falling apart. It was built prior to the placement of power lines or prior to the establishment of Ordinance \_\_\_\_\_.

We're requesting that a 2 FOOT SET-BACK variance be granted so we can proceed with demolishing our garage and replace it with an identical garage of the same depth (24'7"), width(14'2') and height dimensions (10 ft) of the current garage. The new garage will be built with modern construction methods and will use the same exterior materials and color paint as the existing garage. The roof of the new garage would be no closer to power lines than that of the existing garage.

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

Yes, there are other locations that could possibly accommodate a new garage while complying with the ordinance.

We've chosen the proposed location because it allows for the full use of our property. The proposed location is also in alignment with the current/historic location of the concrete driveway.

The proposed location will maintain the appearance and historical integrity of the property, which also currently holds historic designation.

**3. What effect would it have on the rest of the public if your request is granted? What effect on the neighborhood?**

There will be no adverse effects to the public if a variance is granted. If the current historical appearance is maintained, the effect on the neighborhood will be nothing but positive.

**4. What special conditions apply to your property that would show that the literal enforcement of Ordinance \_\_\_\_\_, Section \_\_\_\_\_, would be an unnecessary hardship on you? What hardship other than financial?**

As part of the garage project, we plan on replacing our fence. Enforcement of Ordinance \_\_\_\_\_, Section \_\_\_\_\_, would cause me to consider an irregular fence line to conform to the new location of my garage. Considering my house is in a historical district zone, and when viewed with the fences of the surrounding homes, the new fence line would look out of place. The other option is to build a new fence on the property line. That option would create a section of my property that would have no value or purpose and would create a blind spot when viewing the property from my house.

Also, a new driveway would have to be laid to conform with the location of a garage built in accordance with (IAW) the city ordinance. The new driveway would be located closer to the middle of the property when viewed from the street. Considering the location of my house within the historical district and when compared to the driveways of my neighbor's homes, the new driveway would appear odd and out of place. All the homes along the length of S 8<sup>th</sup> St have their driveways located the end of their property or located at a corner of their property. Our goal is not only to maintain the historical appearance/official designation of our home, but to also conform with the general appearance of our neighbor's homes.

Our home is one of two houses the public sees first when turning onto S 8<sup>th</sup> St from Sayles Blvd. It's also one of two homes the public sees last when leaving S 8<sup>th</sup> St for Sayles Blvd. We want our home to either make a good first impression or a lasting impression on the public when passing by. I believe building our new garage IAW the ordinance would prevent what could be a point of pride for us and Abilene.

**5. What use or activity will be made of the property if your request is granted?**

The intended use of the new structure will be as a garage.

**6. Is your property zoned appropriately?**

Yes.

**7. Does your property have sufficient flood protection according to elevation standards for that area?**

Yes. The property is not located within a flood zone.

**8. Are there any alternatives available that you could use without needing a variance? Would these alternatives allow you reasonable use of your property? Please explain.**

There are no known alternatives allowing reasonable use of my property without a variance. If the new garage is built IAW with the ordinance and barring an irregular fence line, there'll be a strip of my property between the garage and the new fence.

This strip would be of a size and location so as not to be usable for any meaningful purpose. That part of my property would not be visible from my house, making trespassing and theft a concern. Right now, the location of all structures on my property allows me to see all parts of the front and back yard, day and night. Granting a variance maintains the current appearance of our home within the historical district, won't make our home an oddity when compared to our neighbor's homes and enables us to secure our property.

# BOARD OF ADJUSTMENT

## BA-2024-15

### STAFF REPORT

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#### Scheduled Hearings

Board of Adjustment: October 8, 2024

#### Applicant

Owner: Megan and Austin Butler

#### Case Manager

Mason Teegardin – Planner

#### Request

The following variances for a garage addition:

- 4-foot 9-inch side yard setback (10 feet required).
- 14-foot 9-inch rear yard setback (30 feet required).
- Maximum lot coverage of 56.7% (40% required).

#### Location

1273 Canterbury Drive

#### Background

The subject property is zoned Single Family Residential (RS-12). The residence was built in 1981, according to Taylor County Appraisal District. The applicant is requesting multiple variances for a garage addition that includes a large patio area for and outdoor kitchen. According to building permit history, a pool was installed in 2022, and the previous existing garage was converted into a master suite in 2023. Because of the remodel, a garage is not located on this property.

#### Land Development Code Provisions

Per Chapter 2, Article 3, Division 2 – Residential Zoning Districts, Table 2-2: Site Layout and Building Requirements for Residential Zoning Districts, the required side yard setback for RS-12 is 10 feet, the required rear yard setback is 30 feet, and the maximum lot coverage is 40%.

#### Site Constraints

The applicant states that the wedge shape of the lot limits the ability to relocate the two-car garage from behind the house to the side of the house (Q1 on application).

#### 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 addition would be fully located on private property and the setbacks requested would only pertain to the side and rear property line.

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

The request is not consistent the intent of the 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**

- Application
- Site Plan
- Recent Plat
- PowerPoint Presentation

**Notification**

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on September 20, 2024, via standard mail to the owners of property within a 200-foot radius of the subject street right of way. The property owners and associated parcel identification numbers are identified below:

PROPERTY OWNER			Legend: O - Opposed, F - In Favor
PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
ANDERSON CHARLES	66528	1266 KINGSBURY RD	
ANGLIN THAD JERRELL &	66296	1250 KINGSBURY RD	
BANE ANNIE	51128	1249 CANTERBURY DR	
BUTLER AUSTIN & MEGAN	50737	1273 CANTERBURY DR	
ELLIS DONALD CHARLES & STEPHANIE	61301	1290 CANTERBURY DR	
FRIZZELL ALLAN D	50316	1310 CANTERBURY DR	
GARRETT DAN T & DONNA N	50600	1281 CANTERBURY DR	
HYDE DANNY JR ET AL	50998	1257 CANTERBURY DR	
IRIZARRY WILLIAM CAIN & MANDY SUE	73708	1265 KINGSBURY RD	
LITTLE ANDREW & JENNIFER	50865	1265 CANTERBURY DR	
MC CHESNEY JUSTIN ZETH & CECILIA	61705	1266 CANTERBURY DR	
MERRITT DAVID MATTHEW &	61430	1282 CANTERBURY DR	
NALL HUNTER	61840	1258 CANTERBURY DR	
PARKHILL ROBERT D & NIKKI B	61175	1301 CANTERBURY DR	
PEPPER SAMOA G	66649	1274 KINGSBURY RD	
SCHAEFFER JIMMY & BETH	50464	1302 CANTERBURY DR	
WILLIAMS TERRELL W &	61573	1274 CANTERBURY DR	

# NOTIFICATION MAP

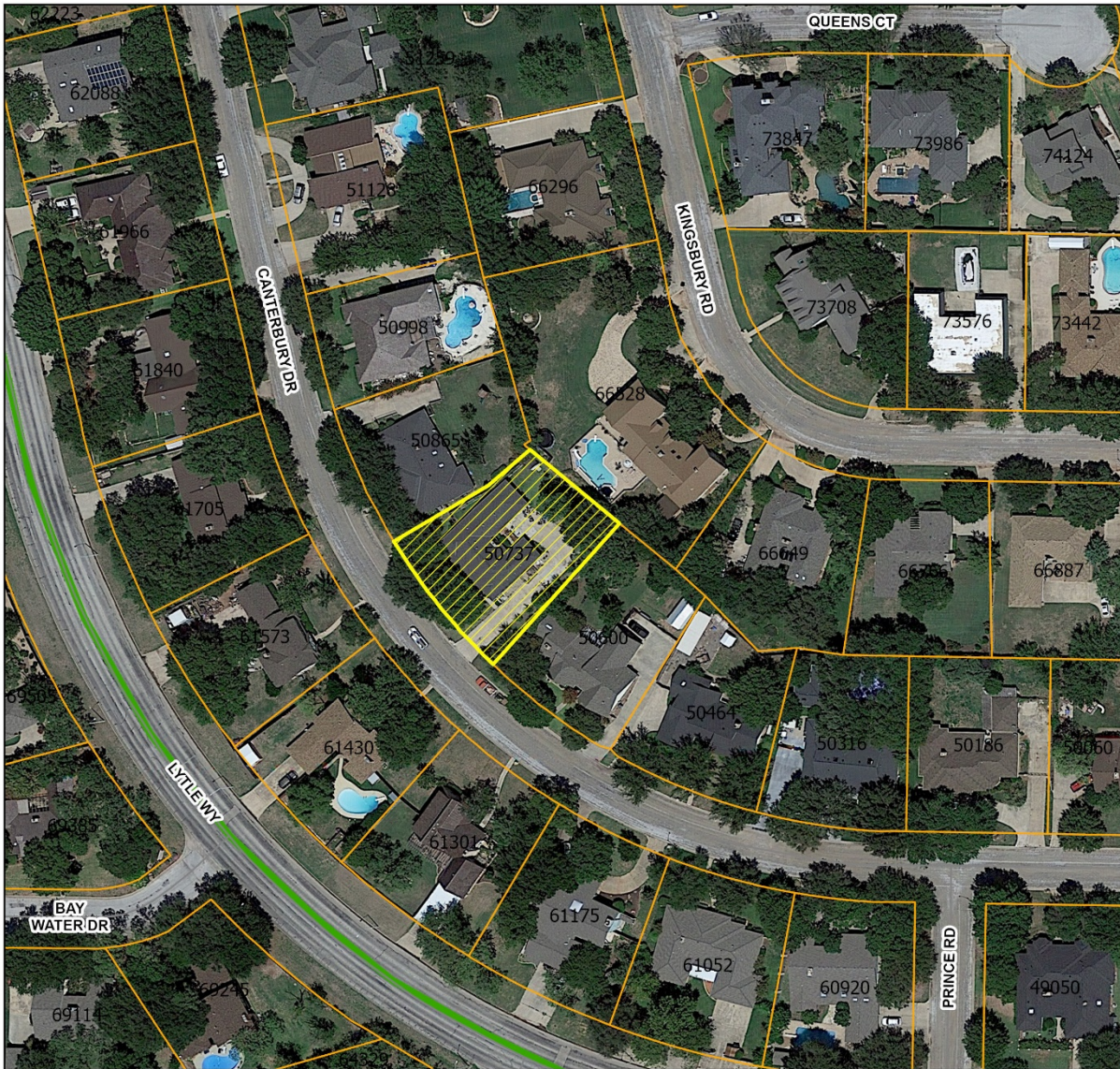


## Legend

-  BA-2024-15
-  Notification Area
-  Courier Parcels
-  Collector

0.02 Miles

LOCATION MAP

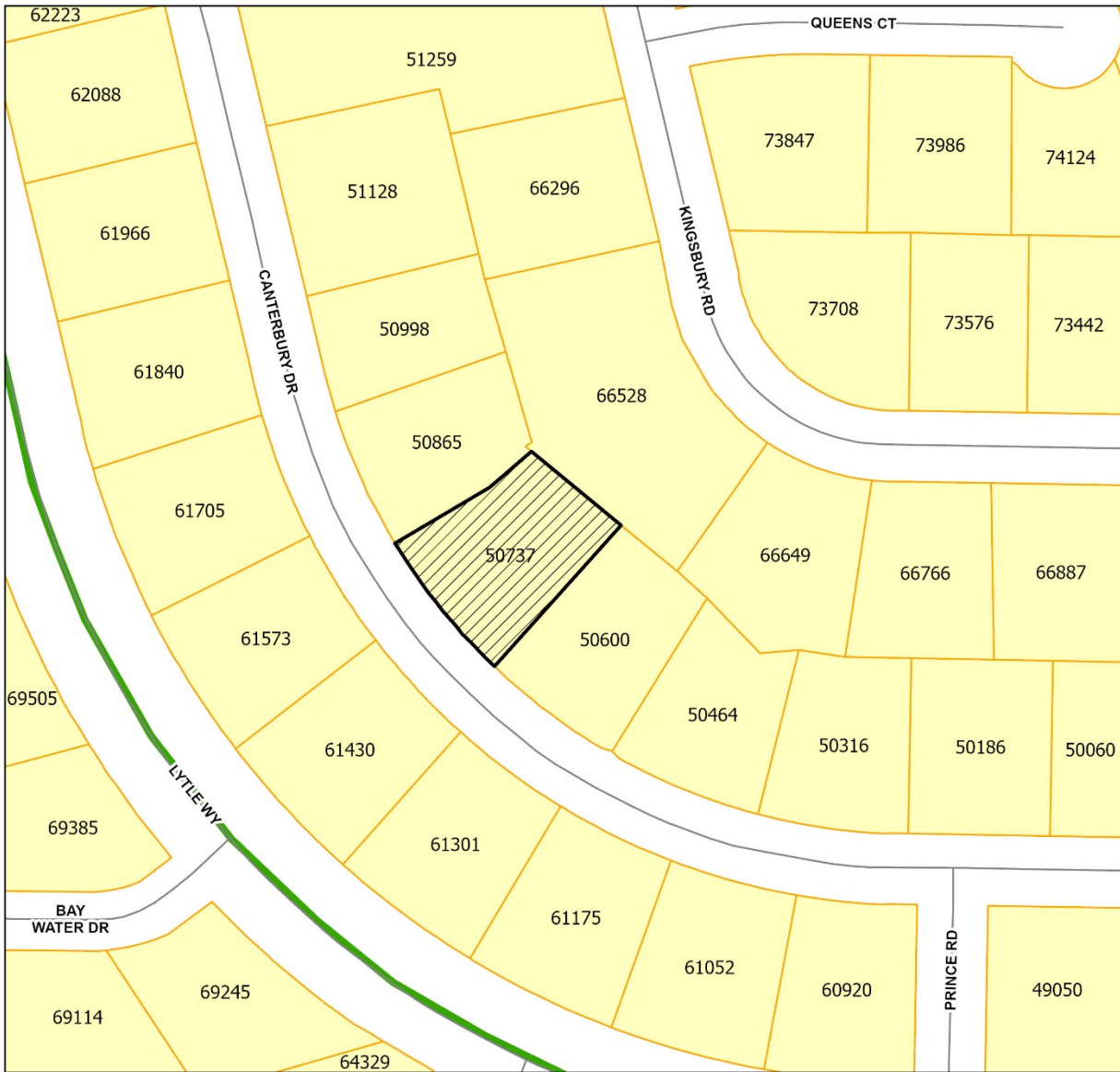


Legend





- BA-2024-15
- Courier Parcels
- Collector

0.02 Miles

# ZONING MAP



## Legend

-  BA-2024-15
-  Courier Parcels
-  RS (Residential - Single Family)
-  Collector

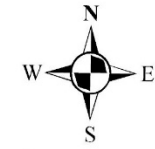
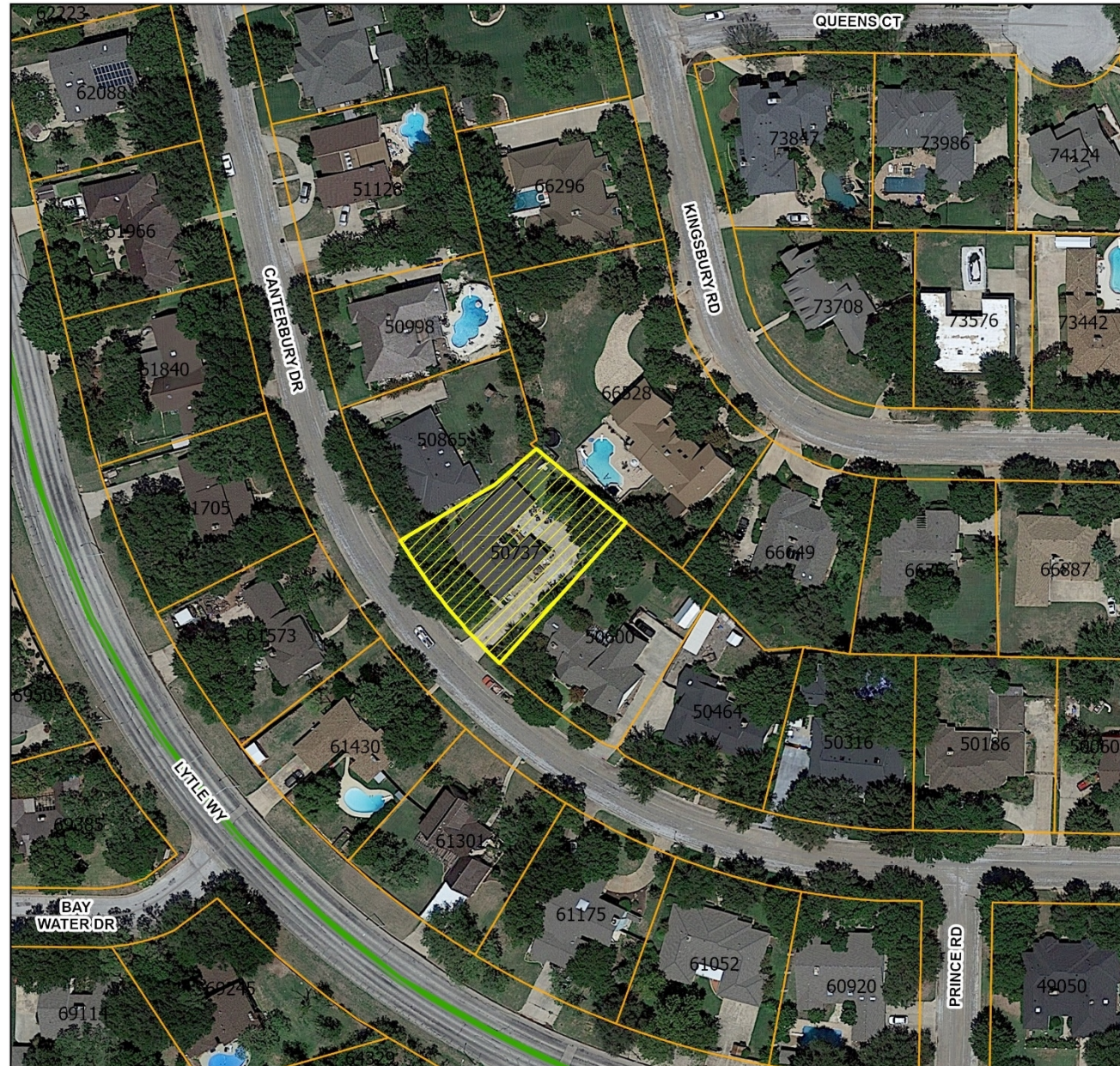
0.02 Miles

## VARIANCE REQUEST

<b>Case:</b>	BA-2024-15
<b>Owner:</b>	Megan and Austin Butler
<b>Request:</b>	<p>The following variances for a garage addition:</p> <ul style="list-style-type: none"><li>• 4-foot 9-inch side yard setback, where 10 feet is required.</li><li>• 14-foot 9-inch rear yard setback, where 30 feet is required.</li><li>• Maximum lot coverage of 56.7%, where 40% is required.</li></ul>
<b>Location:</b>	1273 Canterbury Drive
<b>Notification:</b>	0 in Favor, 0 Opposed
<b>Board of Adjustment:</b>	October 8, 2024



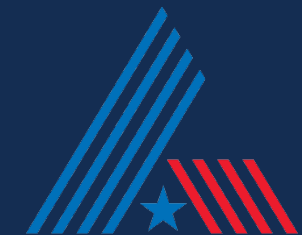
# AERIAL LOCATION MAP



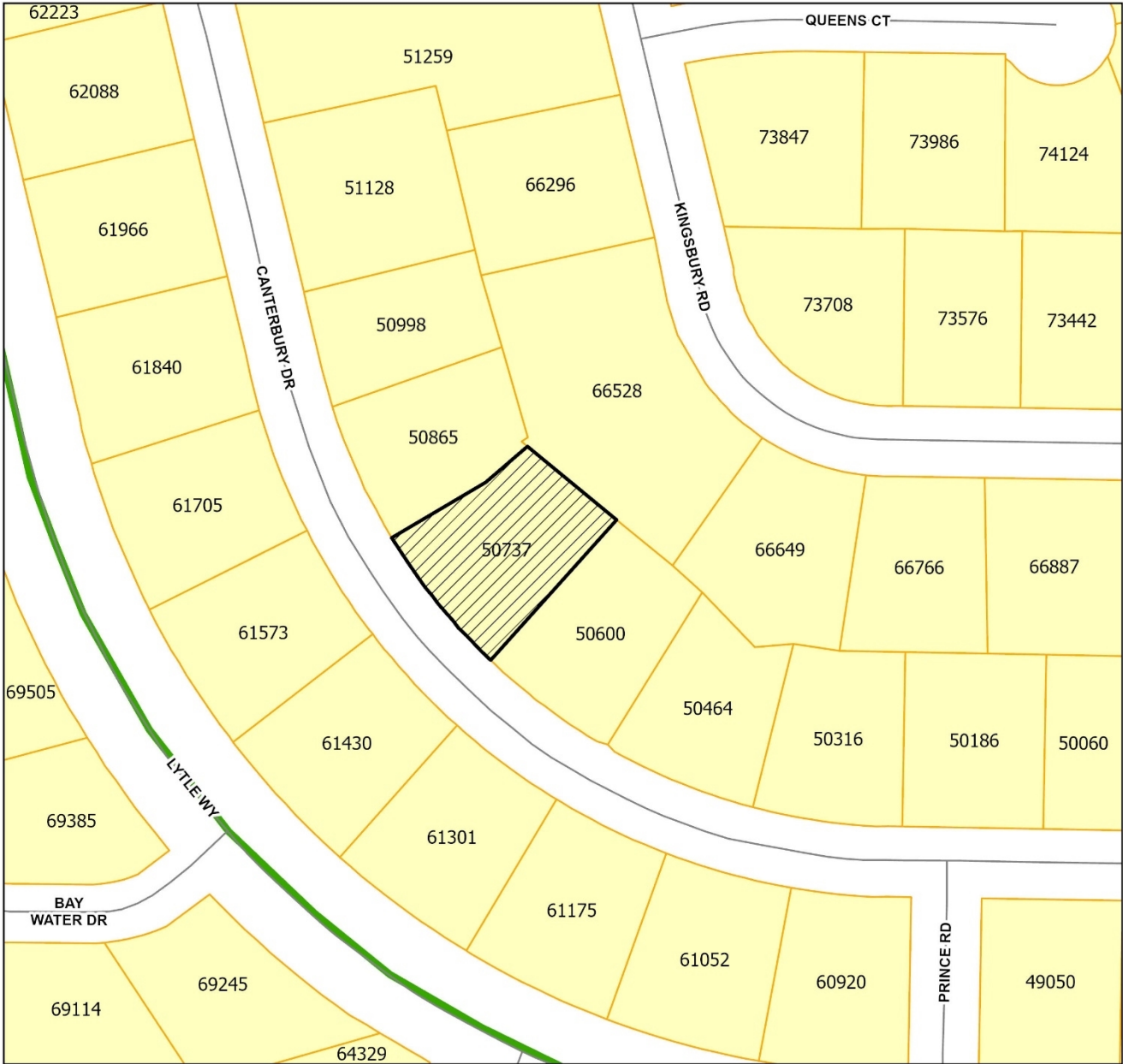
## Legend

-  BA-2024-15
-  Courier Parcels
-  Collector

0.02  
Miles



# ZONING MAP



## Legend

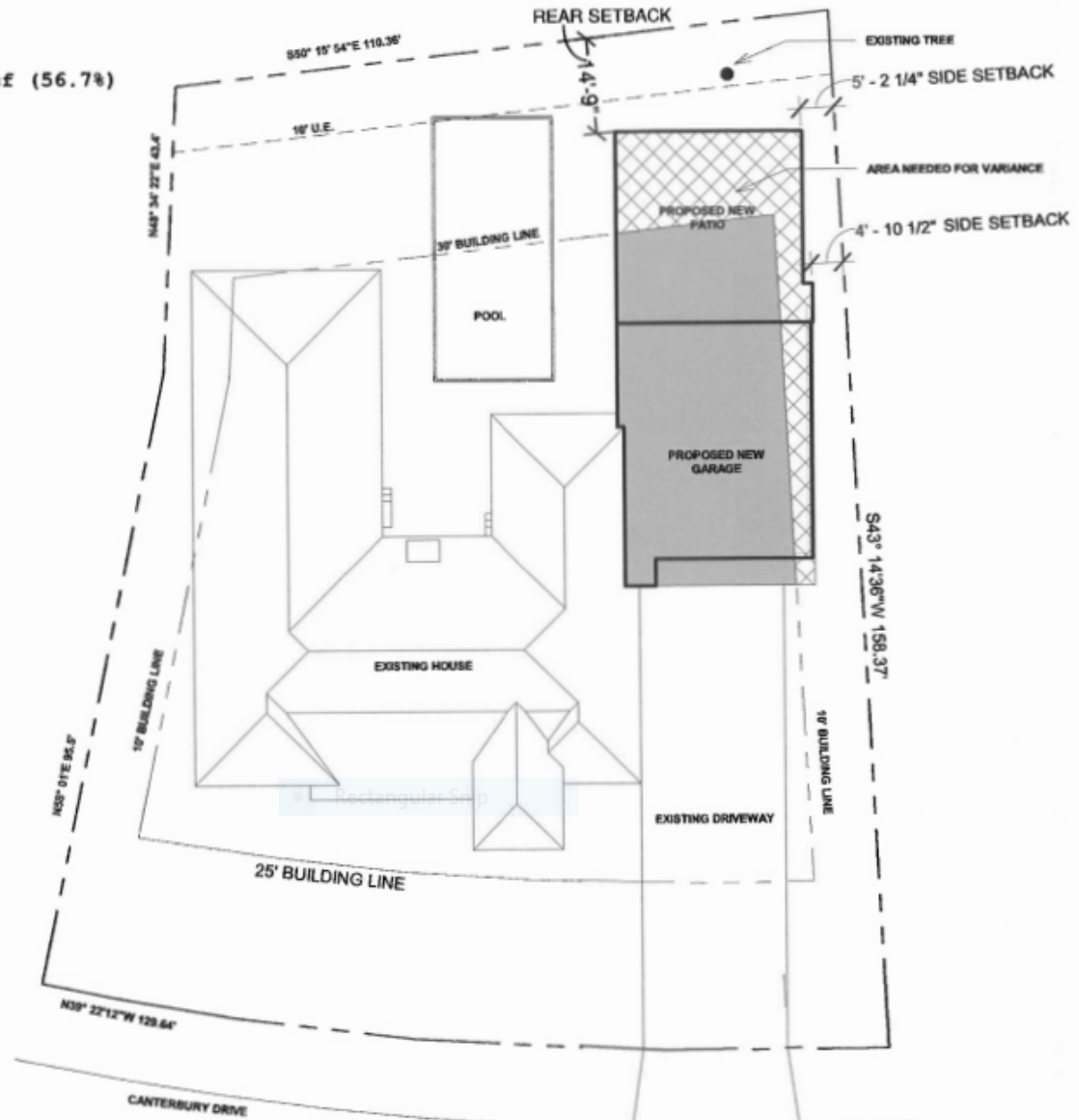
- BA-2024-15
- Courier Parcels
- RS (Residential - Single Family)
- Collector

0.02 Miles

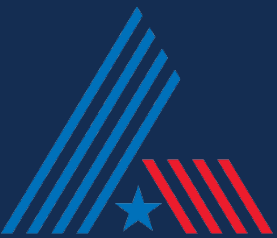


# SITE PLAN

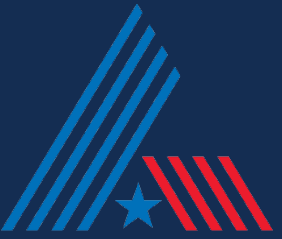
Existing Structure SF - 4,352sf  
New Garage/Outdoor Living - 2,021sf  
Lot Size - 15,840 sf  
Existing Lot Coverage - 8,429sf (53.2%)  
Lot Coverage with Improvements - 8,975sf (56.7%)



# SITE



# VIEWS OF SUBJECT PROPERTY



# NOTIFICATION AREA MAP



## Legend

- BA-2024-15
- Notification Area
- Courier Parcels
- Collector

- 0- In Favor-
- 0- Opposed-

0.02 Miles



## 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.**

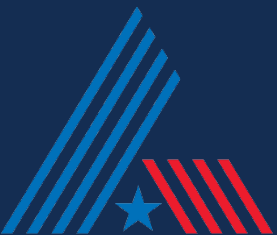
Granting the request would not be contrary to the public because the proposed addition would be fully located on private property and the setbacks requested would only pertain to the side and rear property line.

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

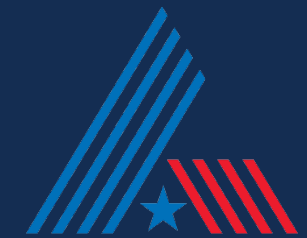
The request is not consistent the intent of the Land Development Code.

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

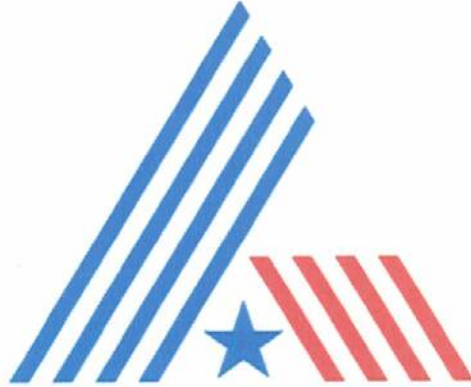
There are no apparent hardships.



# Questions?



# Board of Adjustment Application



## PLANNING & DEVELOPMENT SERVICES CITY OF ABILENE TEXAS

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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 shall finally decide on 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 2.6.2.4.

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.



# Board of Adjustment Application

## Owner Information and Representative Designation

OWNER INFORMATION			
Name: Austin and Megan Butler			
Address: 1273 Canterbury Dr.			
City: Abilene		State: TX	Zip: 79602
Number: (325) 386-5635		Email: austin@butlerco.build	

AGENT INFORMATION (if applicable)			
Name:			
Address:			
City:		State:	Zip:
Number:		Email:	

### Project Representation (check one):

- I will represent the application myself; OR
- I hereby designate \_\_\_\_\_ (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: Austin Butler

STATE OF: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

BEFORE ME, a Notary Public, on this day personally appeared \_\_\_\_\_ (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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

NOTARY PUBLIC in and for the State of Texas



# Board of Adjustment Application

## Project Information

### REQUEST TYPE

- Variance
  Special Exception
  Non-Conformity

### RELIEF PROCEDURES

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

Project Name: Butler Garage and Outdoor Living/Kitchen Addition		
Address: 1273 Canterbury Dr.	Total lots: 1	Acreage: 0.36
Subdivision: Lytle Estates Sec 1	Block(s): A	Lot(s): 14
Current Zoning: RS-12		

The proponent (or agent) is responsible for answering the following questions. The following questions need to be answered to the best ability possible in order to assist staff in processing the request. The Board follows this line of questioning and will expect the proponent (or agent) to cover this material in the presentation of the case.

1. 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 its intent.

The lot is wedge shaped, wider along the street property line / narrower along the back property line. This wedge shape limits the ability to relocate the two car garage from behind the house to the side of the house.

The intent of this project is to move the garage and remove the excessive amount of concrete paving from the back and side of the house. This change would provide a more secure play space for the family.

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

The lot dimensions will not allow the garage function to be located in a different place on the property without obstructing bedroom windows.



# Board of Adjustment Application

3. What affect would it have on the rest of the public if your request is granted? What effect on the neighborhood?

Reduction of apparent paved surfaces would be a positive visual effect from the street. The reduced driveway length with a deeper overhang in front of the garage doors would soften the view onto the property.

4. What special conditions apply to your property that would show that the literal enforcement of ordinance Section 1.4.4.2 would be an unnecessary hardship on you? What hardship other than financial?

The current width of the existing house restricts the ability to install the two car garage in a manner that enhances the overall appearance of the property. The hardship is an aesthetic consideration.

5. What use or activity will be made on the property if your request is granted?

The property will continue to be used as a residence. The advantage of the garage addition will help establish a more secure environment in the backyard for children.

6. Is your property zoned appropriately?

Yes, RS-12



# Board of Adjustment Application

7. Does your property have sufficient flood protection according to elevation standards for that area?

N/A

8. Are there any alternatives available that you could use without needing a variance? Would these alternatives allow you reasonable use of your property? Please explain:

Other alternatives are not available to install a two car garage.

**What variance(s) are you asking for?**

We are seeking two variances for the Garage and Outdoor Kitchen/Living space we are wanting to add to our property.

One is a 4'-9" variance for the side yard setback in lieu of 10'.

The other is a variance of 14'-9" for the rear yard setback in lieu of 30'.

With this Garage and Outdoor Kitchen/Living attached structure, the lot coverage will change from the existing 53.2% to a lot coverage of 56.7%.



# Board of Adjustment Application

## 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 Board of Adjustment 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 Board of Adjustment, 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 Board of Adjustment will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Board to allow for full consideration or when the public interest requires a continuation.

SIGNED: \_\_\_\_\_

A handwritten signature in black ink, appearing to be "A. J. [unclear]", written over a horizontal line.

DATE: \_\_\_\_\_

08.29.2024

Tab. 5 9L.98

PLANNING COMMISSION  
THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE TEXAS AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE CHAPTER 212, SUBCHAPTER A, AS AMENDED

*Staff Approved*

DATE: *9-24-24* CHAIRMAN: *Staff*

DATE: *9-24-24* COUNTY JUDGE: *Staff*

ATTEST: SECRETARY: *Staff*

PLANNING DIRECTOR

DATE: *9-24-24* FILE NUMBER: *NP-7824*

PLANNING DIRECTOR: *J. J. J. J.*

FEES: *Paid*

BEING LOT 114, BLOCK A, SECTION 1, LYTLE ESTATES ADDITION, A REPLAT OF LOT 14 AND 160 SQUARE FEET OUT OF THE SOUTHEAST CORNER OF LOT 13, BLOCK A, SECTION 1, LYTLE ESTATES ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, SAID LOT 114 BEING MORE THOROUGHLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 3/8" REBAR, ON THE EAST LINE OF CANTERBURY DRIVE, FOR THE SOUTHWEST CORNER OF SAID LOT 13, THE NORTHWEST CORNER OF SAID LOT 14 AND THE NORTHWEST CORNER OF THIS TRACT;

THENCE N58°33'26"E, ALONG THE SOUTH LINE OF SAID LOT 13 AND THE NORTH LINE OF SAID LOT 14 A DISTANCE OF 95.5' TO A POINT FOR AN INTERIOR CORNER OF THIS TRACT, FROM WHICH A 4" WOOD POST BEARS S86°33'20"E 0.5';

THENCE N49°06'47"E A DISTANCE OF 43.4' TO A POINT, ON THE EAST LINE OF SAID LOT 13, FOR THE NORTHEAST CORNER OF THIS TRACT, FROM WHICH A 1" ANGLE IRON BEARS N89°18'42"E 1.26';

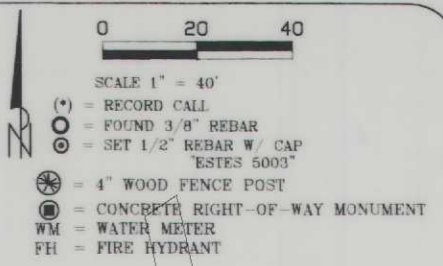
THENCE S49°43'29"E A DISTANCE OF 100.36' TO A POINT FOR THE NORTHEAST CORNER OF SAID LOT 15, THE SOUTHEAST CORNER OF SAID LOT 14 AND THE SOUTHEAST CORNER OF THIS TRACT, FROM WHICH A FENCE CORNER BEARS N29°03'22"W 3.0';

THENCE S43°47'01"W A DISTANCE OF 158.37' TO A POINT, ON THE EAST LINE OF SAID CANTERBURY DRIVE, FOR THE NORTHWEST CORNER OF SAID LOT 15 AND THE SOUTHWEST CORNER OF THIS TRACT, FROM WHICH A FOUND 3/8" REBAR BEARS S60°00'43"W 0.58';

THENCE ALONG THE EAST LINE OF SAID CANTERBURY DRIVE AND ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 504.17' AND A DELTA OF 14°46'25", CHORD BEARING N38°49'46"W A DISTANCE OF 129.64' TO THE POINT OF BEGINNING.

OWNER:  
AUSTIN BUTLER  
1273 CANTERBURY DRIVE  
ABILENE, TEXAS 79602  
(325)-386-5635  
austin@butlerco.build

AGENT:  
ESTES SURVEYING, FIRM \*10064600  
DIEHL ESTES RPLS #5003  
© ALL RIGHTS RESERVED  
162 CADDO DRIVE, ABILENE, TEXAS 79602  
(325)-893-2822  
estessurveying@outlook.com



COUNTY CLERK

DATE: *9/26/2024* FILE NUMBER: *2024-1104110*

COUNTY CLERK: *Brandi DeLemer Taylor*

DEPUTY: *Susie Carreras*

DIRECTOR OF PUBLIC WORKS

THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.

DATE: *9/24/2024* DIRECTOR OF PUBLIC WORKS: *Max E. J.*

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED MANAGER OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAS CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCK, LOTS, STREETS AND ALLEYS UNDER THE NAME OF

PLAT DESCRIPTION: LOT 114  
BLOCK A, SECTION 1, LYTLE ESTATES ADDITION, A REPLAT OF LOT 14 AND 160 SQUARE FEET OUT OF THE SOUTHEAST CORNER OF LOT 13, BLOCK A, SECTION 1, LYTLE ESTATES ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS.

AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LANES, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

SEE ATTACHED METES AND BOUNDS DESCRIPTION

EXECUTED THIS *18* DAY OF *SEPTEMBER* 20*24*

OWNER: *Megan Butler* OWNER: *Austin Butler*

GENERAL NOTES

SHEET	1	OF	1	SHEETS	ACREAGE	0.388
SCALE	1"=40'	SMALLEST LOT	16,905	SQ FT	LARGEST LOT	16,905
LOT WIDTH	MIN 100.36'	MAX 123.64'	LOT DEPTH	MIN 43.4'	MAX 158.37'	
POLES	(SYMBOL)	DOWN GUYS	(SYMBOL)	(SYMBOL)	(SYMBOL)	

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION

I HEREBY CERTIFY THAT THE PLAT SUBMITTED HERewith REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT PERMANENT MARKERS AND MONUMENTS HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE 'SUBDIVISION REGULATIONS' OF TAYLOR COUNTY, TEXAS.

PLAT DESCRIPTION: LOT 114  
BLOCK A, SECTION 1, LYTLE ESTATES ADDITION, A REPLAT OF LOT 14 AND 160 SQUARE FEET OUT OF THE SOUTHEAST CORNER OF LOT 13, BLOCK A, SECTION 1, LYTLE ESTATES ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS.

DATE: *MAY 28th, 2024*

SIGNATURE: *Diehl Estes*

DIEHL ESTES RPLS 5003

(PRINT) REGISTERED PROFESSIONAL LAND SURVEYOR



N: 6,842,239.43  
E: 1,597,031.54  
P.O.B.

TERRELL W. WILLIAMS ET UX  
1274 CANTERBURY DRIVE  
5/9/1990  
1720/618

DAVID MATTHEW MERRITT ET UX  
1282 CANTERBURY DRIVE  
4/8/2010  
#2010-04657

ANDREW LITTLE ET UX  
1265 CANTERBURY DRIVE  
10/27/2010  
#2010-15852

CHARLES G. ANDERSON  
1266 KINGSBURY ROAD  
12/7/2000  
2552/942

LOT 114  
AUSTIN BUTLER ET UX  
1273 CANTERBURY DRIVE  
6/22/2015  
#2015-09259

LOT 15  
DAN T. GARRETT ET UX  
1281 CANTERBURY DRIVE  
6/18/1996  
2164/756

CANTERBURY DRIVE  
(60' RIGHT OF WAY)

LOT 114

BLOCK A, SECTION 1, LYTLE ESTATES ADDITION,  
A REPLAT OF LOT 14 AND 160 SQUARE FEET OUT OF  
THE SOUTHEAST CORNER OF LOT 13, BLOCK A, SECTION 1,  
LYTLE ESTATES ADDITION TO THE CITY OF ABILENE,  
TAYLOR COUNTY, TEXAS.

THE STATE OF TEXAS, COUNTY OF *Taylor*

ACKNOWLEDGMENT

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED

*Austin Butler & Megan Butler*

KNOWN TO ME TO BE THE PERSON AND MANAGER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS *18th* DAY OF *September* 20*24*

NOTARY PUBLIC: *Cindy Lynn Taylor* COUNTY TEXAS

Issued By:  
CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY  
P O BOX 1800  
1534 S TREADAWAY  
ABILENE, TX 79604

Property Information	
Property ID: 50737	Geo ID: 45370001400
Legal Acres: 0.0000	
Legal Desc: LYTLE ESTATES SEC 1, BLOCK A, LOT 14 PLUS 246 SF	
Situs: 1273 CANTERBURY DR	
DBA:	
Exemptions: HS	

Owner ID: 288506 100.00%  
BUTLER AUSTIN & MEGAN  
1273 CANTERBURY DR  
ABILENE, TX 79602-4259

For Entities	Value Information
ABILENE ISD	Improvement HS: 258,211
CITY OF ABILENE	Improvement NHS: 0
TAYLOR COUNTY	Land HS: 21,384
	Land NHS: 0
	Productivity Market: 0
	Productivity Use: 0
	Assessed Value 277,018

**Current/Delinquent Taxes**

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:			0.00	0.00	0.00	0.00
Effective Date:	08/28/2024				Total Due if paid by: 08/31/2024	0.00

Official

ATTACHED TO PLAT  
IN CABINET 5  
SLIDE 98

Tax Certificate Issued for:	Taxes Paid In 2023
CITY OF ABILENE	1,722.66
TAYLOR COUNTY	1,468.08
ABILENE ISD	1,683.53

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 08/28/2024  
Requested By: Miscellaneous Customer  
Fee Amount: 10.00  
Reference #:

*Andrew Scott*  
Signature of Authorized Officer of Collecting Office

Unofficial Copy

SLIDE 18  
IN CABINET 5  
ATTACHED TO PLAT

**THE STATE OF TEXAS**

**COUNTY OF TAYLOR**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Official Public Records of Taylor County

**2024-16416 PL**  
09/26/2024 09:28:32 AM Total Fees: \$172.00



*Brandi DeRener*

Brandi DeRener, County Clerk  
Taylor County, TX

Existing Structure SF - 4,352sf  
 New Garage/Outdoor Living - 2,021sf  
 Lot Size - 15,840 sf  
 Existing Lot Coverage - 8,429sf (53.2%)  
 Lot Coverage with Improvements - 8,975sf (56.7%)

