



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 March 11, 2025 at 8:30 AM at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Minutes from the Regular Meeting Held on October 8, 2024.

AGENDA ITEMS

2. **BA-2025-01:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request for a Special Exception on property located at 1457 Hollywood Drive. The special exception to resume the residential use that was previously abandoned, as well as to allow the reconstruction of said building to the extent of more than fifty percent (50%) of its replacement cost.

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 6th day of March, 2025, at 11:10 a.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC*



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
October 8, 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, Chair
 Ms. Shawnda Rixey, Chair Pro Tem
 Mr. Louis Zientek, Secretary
 Ms. Melissa Sparks, Sergeant at Arms
 Mr. John Havard, Alternate

Staff Present: Mr. Michael Rice, Assistant City Manager
 Ms. Kelley Messer, First Assistant City Attorney
 Mr. Randy Anderson, Assistant Director
 Ms. Mason Teegardin, Planner II
 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.

MINUTES

The public hearing was opened. Seeing no one present and desiring to be heard, the public hearing was closed. Mr. Havard made the motion to approve the minutes from the regular meeting held on September 10, 2024. Ms. Rixey seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Zientek, Havard, Rixey, Sparks, Loudermilk

NAYS: None

AGENDA ITEMS

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 8th 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.

Ms. Mason Teegardin presented this request. 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.

Mr. Loudermilk opened the public hearing. Mr. John Gallagher stepped forward to speak about his request. Seeing no one else present and desiring to speak, the public hearing was closed.

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

Based on staff findings and Board discussion, Mr. Havard moved to **approve** the request for a variance. Mr. Zientek seconded the motion. The hardship suffered by the petitioner is the conflict with other requirements in the LDC designed to maintain the historic character of historic properties. The motion to **approve** prevailed by the following vote:

AYES: Zientek, Havard, Rixey, Sparks, Loudermilk

NAYS: None

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.

- (1) 4-foot 9-inch side yard setback, where 10 feet is required.
- (2) 14-foot 9-inch rear yard setback, where 30 feet is required.
- (3) Maximum lot coverage of 56.7%, where 40% is required.

Ms. Mason Teegardin presented this request. 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.

Mr. Loudermilk opened the public hearing. Mr. Austin Butler stepped forward to explain the request. Seeing no one else present and desiring to speak, the public hearing was closed.

Property owners within a 200-foot radius of the property address were notified.

After reviewing Staff findings and discussion, Mr. Loudermilk moved to **approve two of the requests** (Maximum lot coverage of 56.7%, where 40% is required, and 4-foot 9-inch side yard setback, where 10 feet is required) based on the irregular shape of the lot, the stairs are required because of the existing structure of the house. Ms. Rixey seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Zientek, Havard, Rixey, Sparks, Loudermilk
NAYS: None

ADJOURNMENT

Mr. Loudermilk moved to adjourn the meeting. Mr. Havard seconded the motion. There being no further business, the Board of Adjustment meeting was adjourned at 9:37 a.m.

Approved: _____, Chair

BOARD OF ADJUSTMENT

BA-2025-01

STAFF REPORT

Scheduled Hearings

Board of Adjustment: March 11, 2025

Applicant

Owner: Mario Falcon

Case Manager:

Clarissa Ivey, Planner

Request

A special exception to resume the residential use that was previously abandoned, as well as to allow the reconstruction of said building to the extent of more than fifty percent (50%) of its replacement cost.

Location

1457 Hollywood Dr.

Background

A residence built in 1928 exists on the property. According to code violations and building permits it would appear the home was abandoned in 2021, thus abandoning the right to continue such nonconforming use. The residence was listed as condemned in September of 2024 triggering the applicant to submit a building permit request to fix burned wires and pipes affected by arson fire, the cost of these repairs total more than fifty percent (50%) of the structure's appraised value allowed to be repaired on nonconformities.

Zoning, Existing and Proposed Land Use

The subject property is zoned Light Industrial (LI) which does not allow residential uses. The applicant intends to rehabilitate a condemned residence for use as a dwelling.

Land Development Code Provisions

Per LDC Section 2.6.3.6(b), if a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Code. Additionally, Section 2.6.3.3 explains how the right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes substandard (condemned).

Site Constraints

The property is completely within the floodway. Certain limitations exist when making repairs to a structure within the floodway.

Precedents/Findings

Awaiting findings from BOBs meeting, March 5th.

Criteria Assessment

In deciding whether to approve, conditionally approve or deny the application for a Special Exception, the Board shall apply the standards for special exceptions for nonconformities, outlined in Section 1.4.4.1(d), as criteria for general special exceptions. In addition, the Board shall determine that the requested special exception complies with each of the following:

- 1. Will be wholly compatible with the use and permitted development of adjacent property, either as filed or subject to such requirements as the Board finds to be necessary to protect and maintain the stability of adjacent properties.**

The proposed use is not compatible with Light Industrial uses, however, several nonconforming residences exist along Hollywood Dr.

- 2. Will place no undue burden on public facilities. Public facilities to be considered shall include, but are not limited to, streets and alleys, water and sewer utilities, schools and parks.**

The granting of the Special Exception will not place a burden on public facilities.

- 3. That approval of the special exception is clearly in harmony with the general purposes and intent of this Ordinance and, furthermore, provides for substantial justice.**

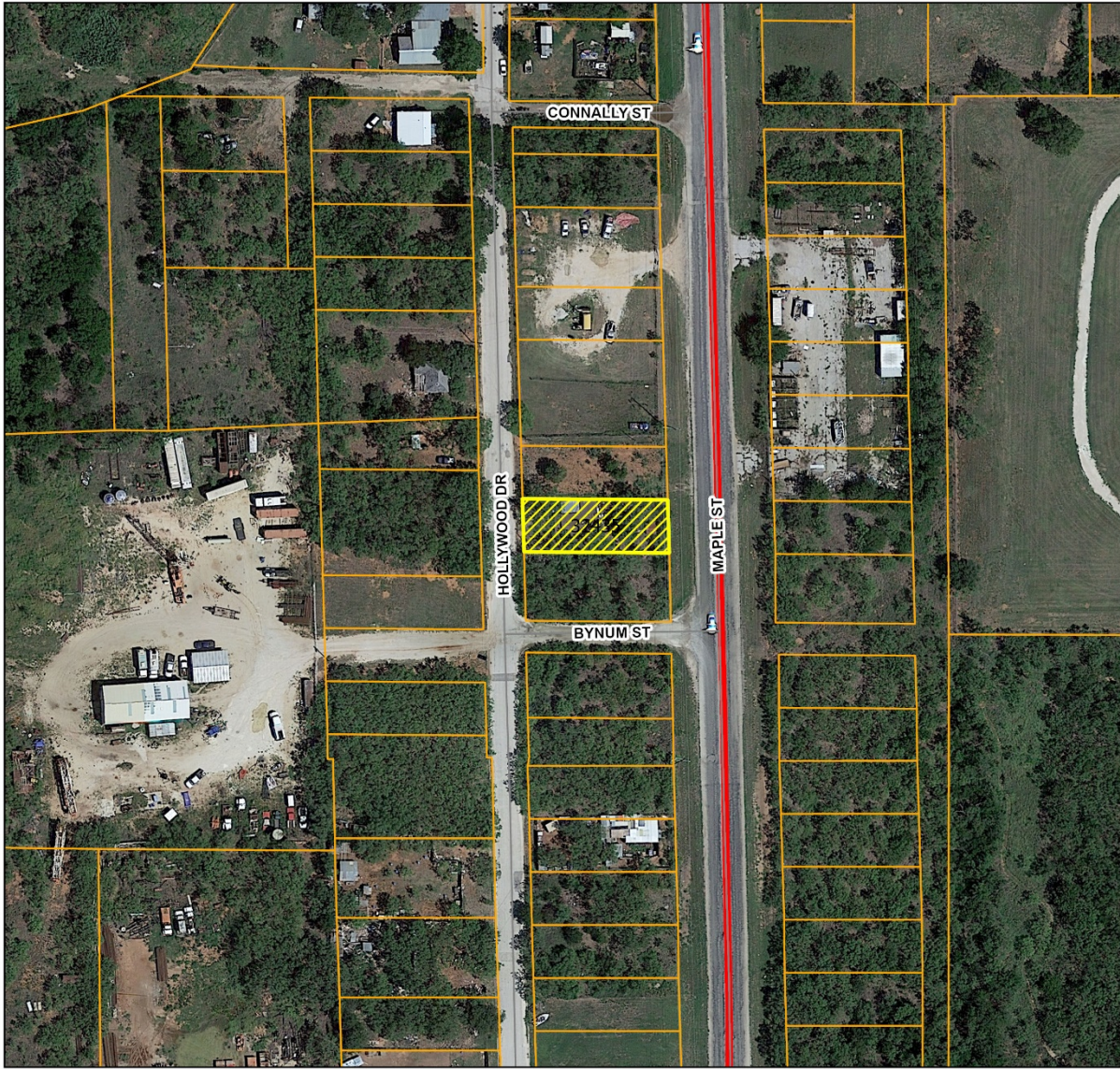
The intention of the Land Development Code is to protect residential uses from manufacturing, wholesale and medium intensity activities.

NOTIFICATIONS




Legend: O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
BAILEY AUTRY L	29070	1333 MAPLE ST	
CASTANEDA MARIO	32435	1457 HOLLYWOOD DR	Applicant
BAILEY AUTRY L	29192	1401 MAPLE ST	
HENDERSON RAYMOND E	32303	1465 HOLLYWOOD DR	F
BRYAN JORDAN	32868	1325 HOLLYWOOD DR	
HAM CAROL BETH	34271	1426 HOLLYWOOD DR	
BAILEY AUTRY L	29438	1417 MAPLE ST	
BAILEY AUTRY L	29315	1409 MAPLE ST	
BRYAN JORDAN	32987	1317 HOLLYWOOD DR	
HAM CAROL BETH	32178	1501 HOLLYWOOD DR	
WEST TEX WIRELINE LLC	34541	1442 HOLLYWOOD DR	
SHIMANSKY LOVIE	33671	1326 HOLLYWOOD DR	
THOMAS RONALD	33952	1402 HOLLYWOOD DR	
KMBD INC	29734	1433 MAPLE ST	
BAILEY AUTRY L	30078	1509 MAPLE ST	
BRYAN JORDAN	32734	1409 HOLLYWOOD DR	
WEST TEX WIRELINE LLC	73102	1474 HOLLYWOOD DR	
BAILEY AUTRY L	29581	1425 MAPLE ST	
HOLDEN ERIC	34941	1518 HOLLYWOOD DR	
FALCON MARIO JR	34095	1410 HOLLYWOOD DR	
ARZOLA JOSE ELIAS & JOSEFINA	32563	1417 HOLLYWOOD DR	
FIRST FINANCIAL TR & ASSET MGMT CO NA	29951	1501 MAPLE ST	
HOLDEN ERIC	34813	1510 HOLLYWOOD DR	
HAM CAROL BETH	32053	1509 HOLLYWOOD DR	

LOCATION MAP

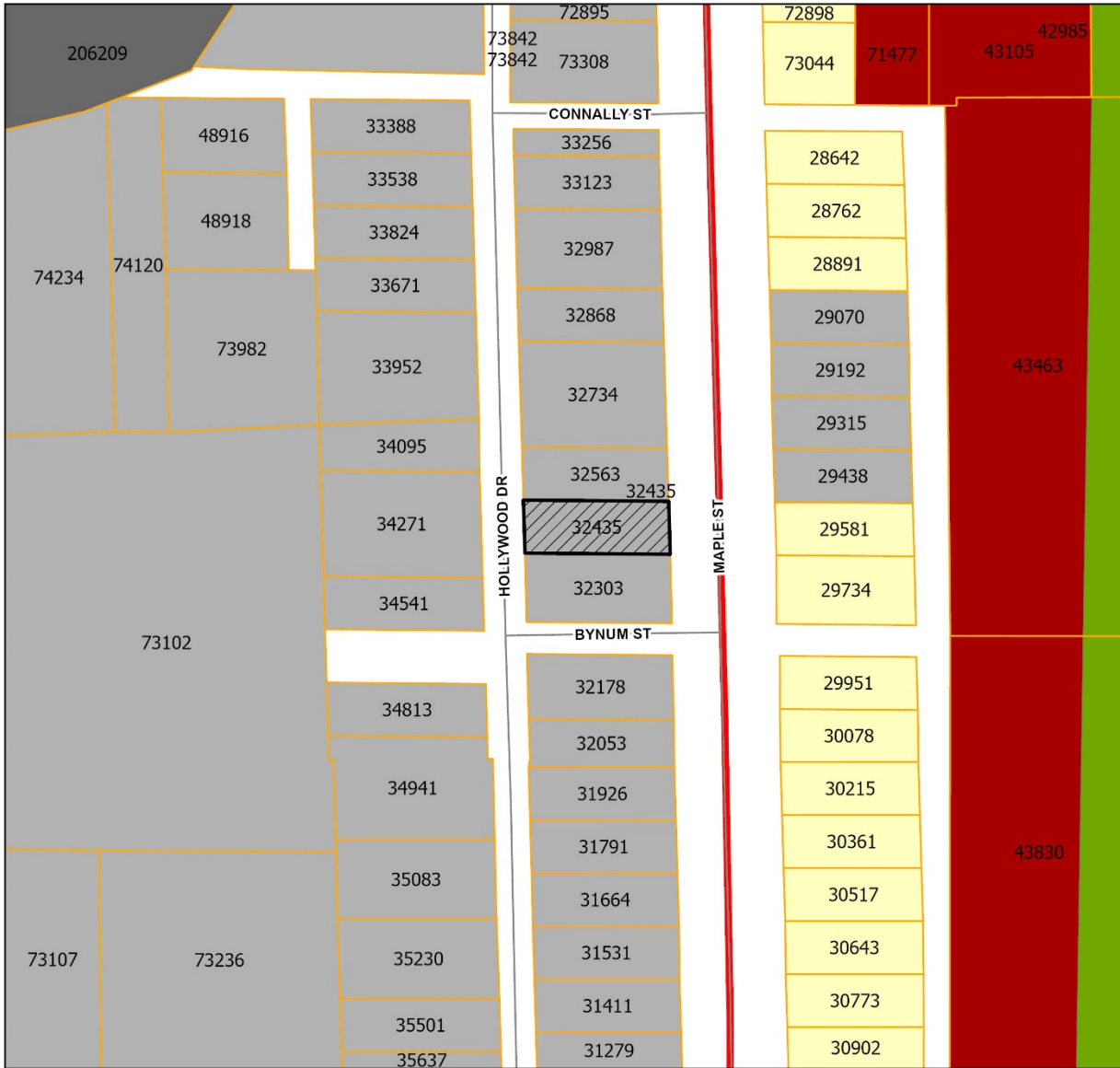


Legend


-  BOA-2025-01
-  Courier Parcels
-  Arterial

0.02
Miles

ZONING MAP



Legend

-  BOA-2025-01
-  Courier Parcels
-  HI (Heavy Industrial)
-  LI (Light Industrial)
-  HC (Heavy Commercial)
-  RS (Residential - Single Family)
-  AO (Agricultural Open)
-  Arterial

0.02 Miles

Welcome

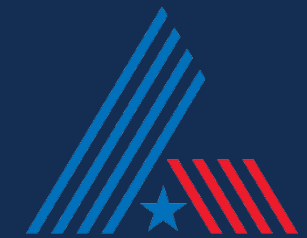
to the

Board of Adjustments Meeting

*Please add your name to the sign-in
sheet by the door and have a seat*



INVOCATION



Item 1

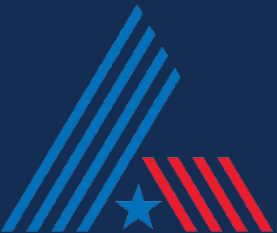
MINUTES

Approval of the Minutes from the Regular Meeting Held on October 8, 2024

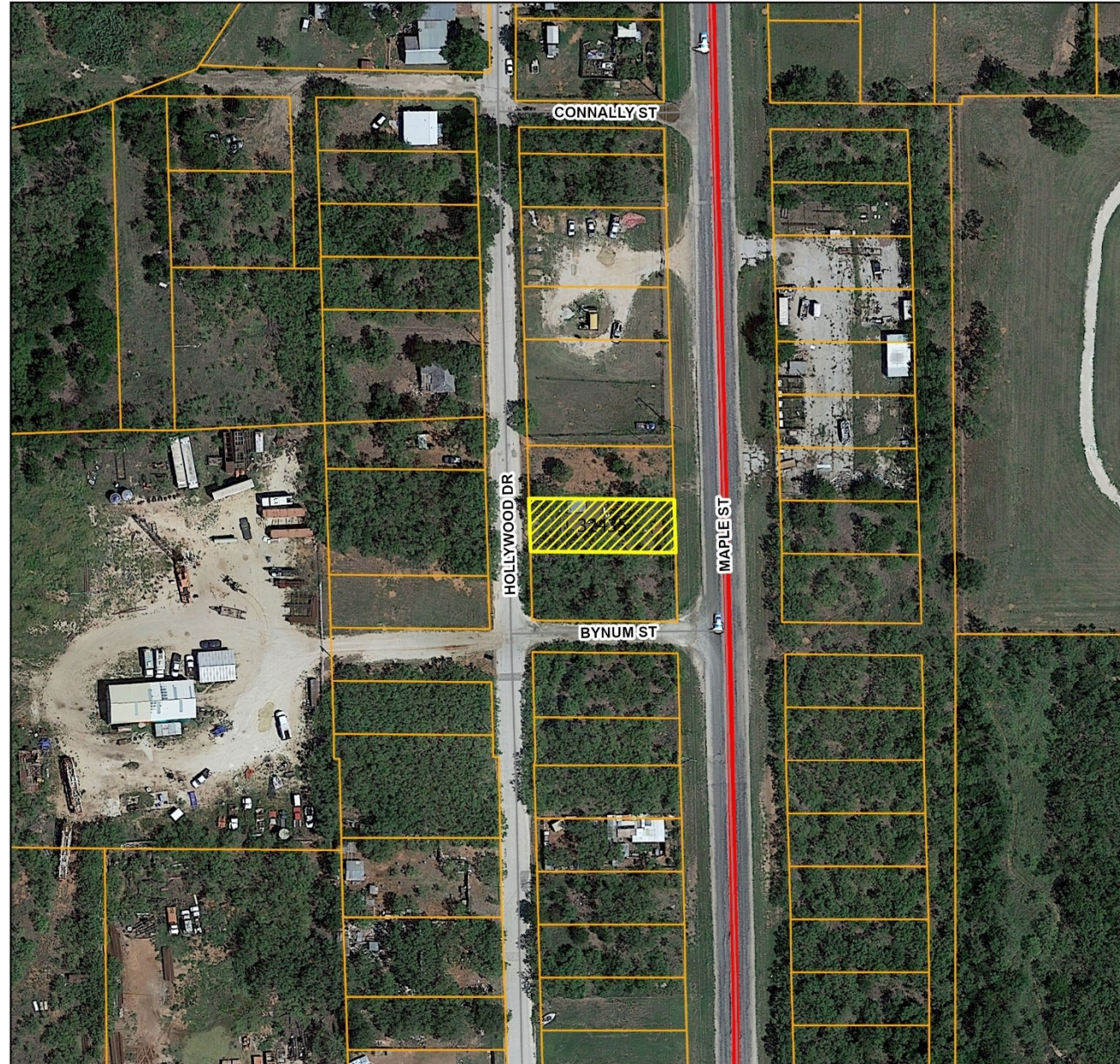


SPECIAL EXCEPTION REQUEST

Case:	BA-2025-01
Owner:	Mario Falcon
Request:	A special exception to resume the residential use and to allow the reconstruction of more than fifty percent (50%) of its replacement cost
Location:	1457 Hollywood Dr
Notification:	1 in Favor, 0 Opposed
Board of Adjustment:	March 11, 2025



AERIAL LOCATION MAP



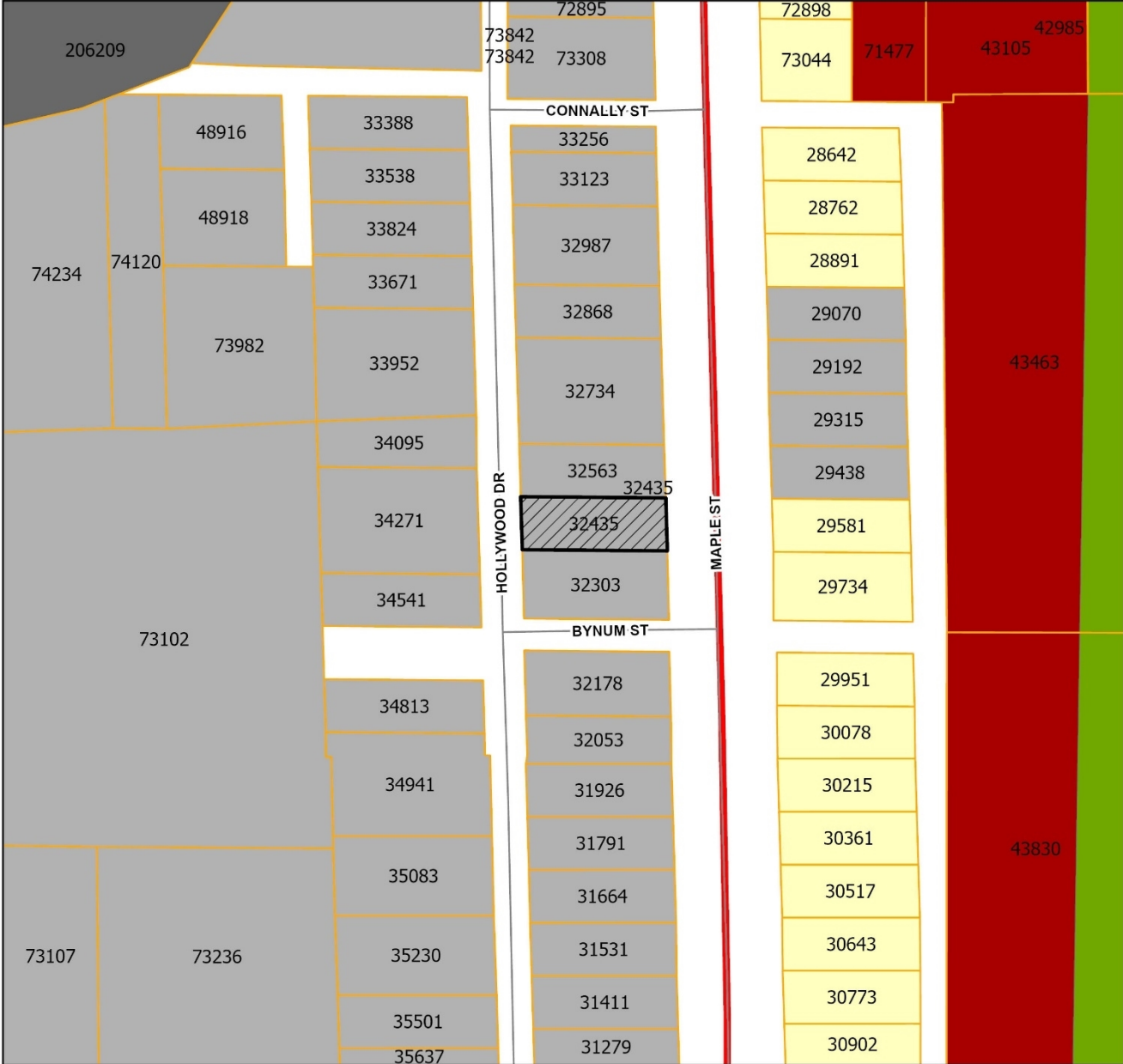
Legend

-  BOA-2025-01
-  Courier Parcels
-  Arterial









0.02
Miles



ZONING MAP

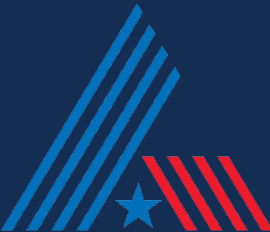


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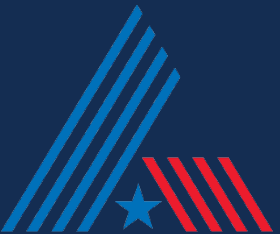
-  BOA-2025-01
-  Courier Parcels
-  HI (Heavy Industrial)
-  LI (Light Industrial)
-  HC (Heavy Commercial)
-  RS (Residential - Single Family)
-  AO (Agricultural Open)
-  Arterial

0.02

Miles



VIEWS OF SUBJECT PROPERTY



VIEWS OF NEIGHBORING PROPERTIES



West Neighboring Property



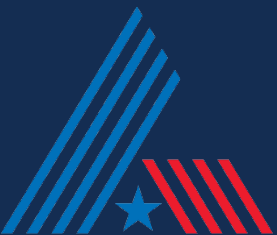
Northwest Neighboring Property



South Neighboring Property



North Neighboring Property



USES IN LIGHT INDUSTRIAL ZONING

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Drive-Through Facility
- TP Field Office or Construction Office (temporary)
- P Freight Container
- P Fuel Sales
- TP Itinerant Business
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- P Mobile Home or Temporary Building (office for sales and service)
- P Recreation Building, Multipurpose
- P Recycling Collection Point
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Adult Entertainment Enterprise
- C Cultural Facilities
- P Drive-in Theater
- C Motorized Racing
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Correction, Detention, or Penal Facilities
- P Fire/Police Station
- P Homeless/Emergency Shelter
- P Medical/Dental Laboratory
- P Military and Armed Forces Reserve Center
- P Post Office
- C Sanitary Landfill

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
- C Permitted as a Conditional Use Permit, Requiring Approval by City Council
- TP Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

SERVICE:

- P/C Automobile Wash
- P Contractor Services
- P Funeral Home/ Mortuary/Morgue
- P Kennel (With Outdoor Pens)
- P Kennel (Without Outdoor Pens)
- P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Printing, Copying, Reproduction, Publishing
- P Recycling Collection and Processing Center
- P Repair and Maintenance Services - Automobile/Small Truck (major)
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- P Repair and Maintenance Services (outdoors)
- P Repair and Maintenance Services (truck and other large vehicles)
- P Scales (public)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (all size animals)
- P Veterinary Service (small animals)
- P Wrecker/Towing

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P Educational and Scientific Research
- P School: Public/Private
- P Trade/Business School

TRADE – RETAIL USES:

- P Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Head Shop
- P Liquor Store (Off Premises Consumption) (Defined under Liquor Store)
- P Liquor Store (On Premises Consumption) (Defined under Liquor Store)
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- P Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES:

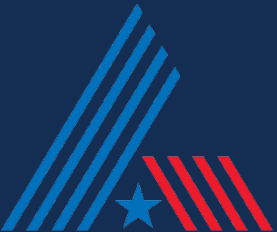
- P Liquor, Wholesale/Distribution
- C Livestock – Wholesale or Auction
- P Wholesaling and Storage (indoor)
- P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

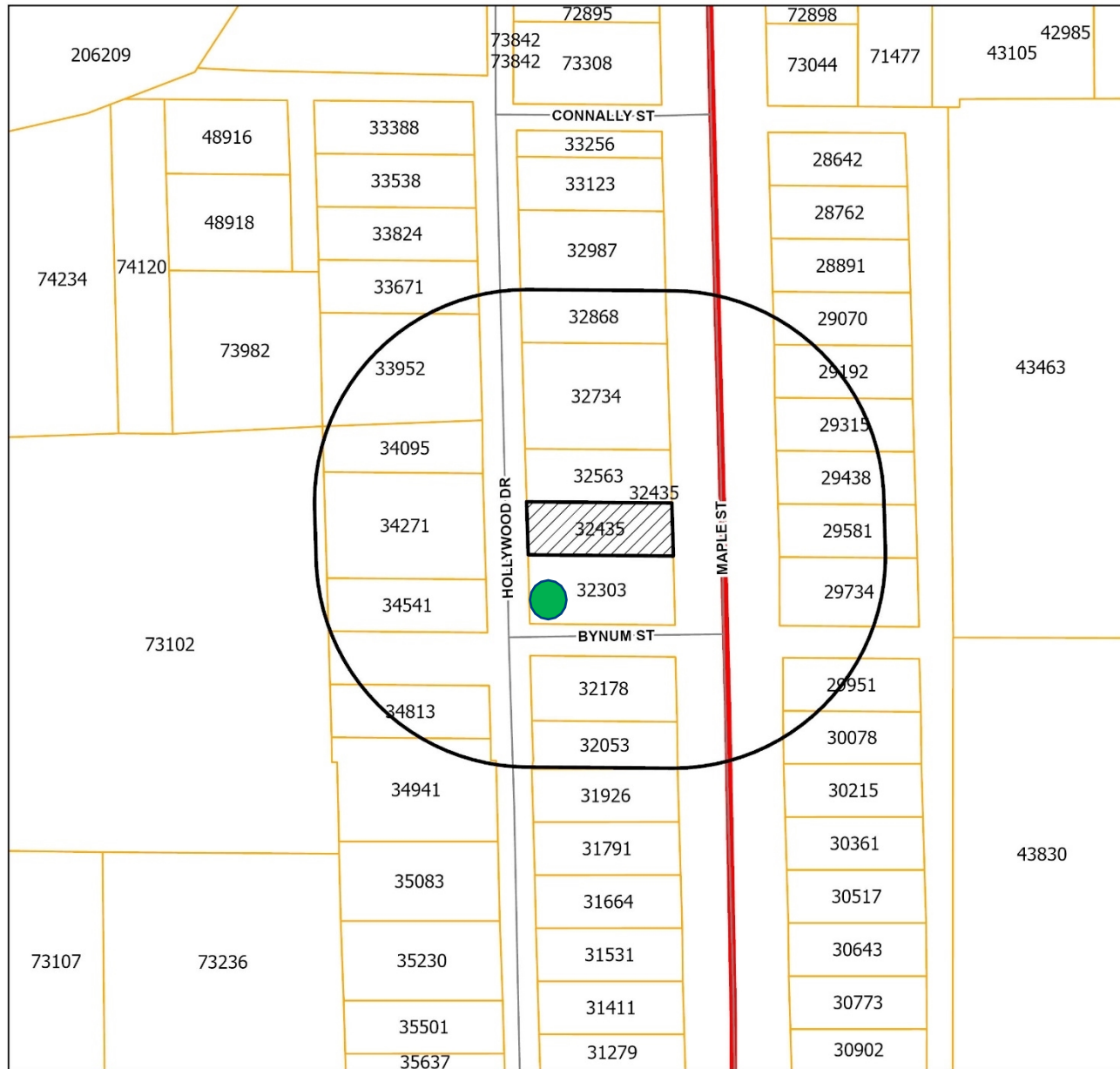
- P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
- P Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility
- P Railroad Switching and Marshaling Yard
- P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- C Mining
- P Petroleum or Gas Well
- P Liquor
- P Manufacturing (light)
- P Urban Garden



NOTIFICATION AREA MAP



Legend

- Notification Area
- BOA-2025-01
- Courier Parcels
- Arterial

- 1- In Favor-
- 0- Opposed-

0.02 Miles



Reviewed Pursuant to Section 1.4.4.1(e) of Land Development Code (Criteria for Approval)

Will be wholly compatible with the use and permitted development of adjacent property, either as filed or subject to such requirements as the Board finds to be necessary to protect and maintain the stability of adjacent properties.

The proposed use is not compatible with Light Industrial uses, however, several nonconforming residences exist along Hollywood Dr.

Will place no undue burden on public facilities. Public facilities to be considered shall include, but are not limited to, streets and alleys, water and sewer utilities, schools and parks.

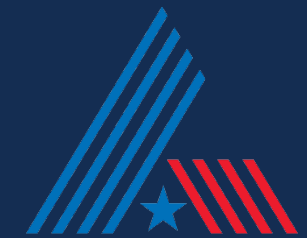
The granting of the Special Exception will not place a burden on public facilities.

That approval of the special exception is clearly in harmony with the general purposes and intent of this Ordinance and, furthermore, provides for substantial justice.

The intention of the Land Development Code is to protect residential uses from manufacturing, wholesale and medium intensity activities.



Questions?





Board of Adjustment Application

Owner Information and Representative Designation

OWNER INFORMATION			
Name:	Mario Falcon		
Address:	2501 S. 27th		
City:	Abilene	State:	TX
		Zip:	79605
Number:	325 660 6818	Email:	Castaneda.mario.1823@gmail.com

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

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.

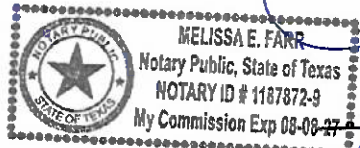
Property Owner's Signature: _____

STATE OF: Texas

COUNTY OF: Taylor

BEFORE ME, a Notary Public, on this day personally appeared MARIO FALCON (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 6th day of February, 2025



 NOTARY PUBLIC in and for the State of Texas



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?

N/A

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?

None

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

Residential Family home

6. Is your property zoned appropriately?

NO



Board of Adjustment Application

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

yes

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:

N/A



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 "M. [unclear]", written over a horizontal line.

DATE: _____

4/6/25