



City of Abilene

Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment of City of Abilene to be held on May 13, 2025 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 March 11, 2025.

AGENDA ITEMS

2. **BA-2025-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a variance request by Nathan Franco. The subject property is located at 1758 Oldham Lane, Abilene, Texas. **The variance request is to allow a 20' rear setback, where a 25' minimum is required. (Kera Valois)**
3. **BA-2025-03:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a variance request by Kartavya (Kevin) Patel. The subject property is located at 1441 Barrow Street, Abilene, Texas. **The variance request is to allow one (1) parking space, where ten (10) are required. (Kera Valois)**

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 9th day of May, 2025, at 8:50 a.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC*



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
March 11, 2025 **8:30 a.m.**

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

Members Present: Mr. Louis Zientek, Secretary
 Ms. Melissa Sparks, Sergeant at Arms
 Mr. Josh Rader
 Mr. John Havard, Alternate
 Mr. Chip Whitlock, Alternate

Staff Present: Mr. Tim Littlejohn, Director
 Ms. Kelley Messer, First Assistant City Attorney
 Ms. Mason Teegardin, Planning Division Manager
 Ms. Clarissa Ivey, Planner I
 Ms. Melissa Farr, Executive Assistant

CALL TO ORDER

The meeting was called to order at 8:31 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 October 8, 2024. Ms. Sparks seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Rader, Whitlock, Sparks, Havard, Zientek
NAYS: None

AGENDA ITEMS

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.

Ms. Clarissa Ivey presented this request. 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.

Mr. Zientek invited the applicant, Mr. Falcon, to step forward. There was no one else present and desiring to be heard.

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

Mr. Rader moved to approve the request for a Special Exception. Mr. Whitlock seconded the motion. The motion to approve prevailed by the following vote:

AYES: Rader, Whitlock, Sparks, Zientek

NAYS: Havard

ADJOURNMENT

There being no further business, Mr. Zientek adjourned the meeting at 8:41 a.m.

Approved: _____, Chair

VARIANCE REQUEST

Case: BA-2025-02

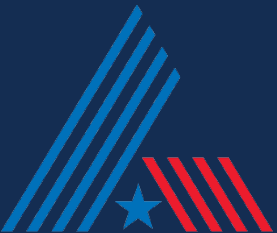
Owner: Nathan Franco

Request: Variance to allow a 20' rear setback, where 25'
is required

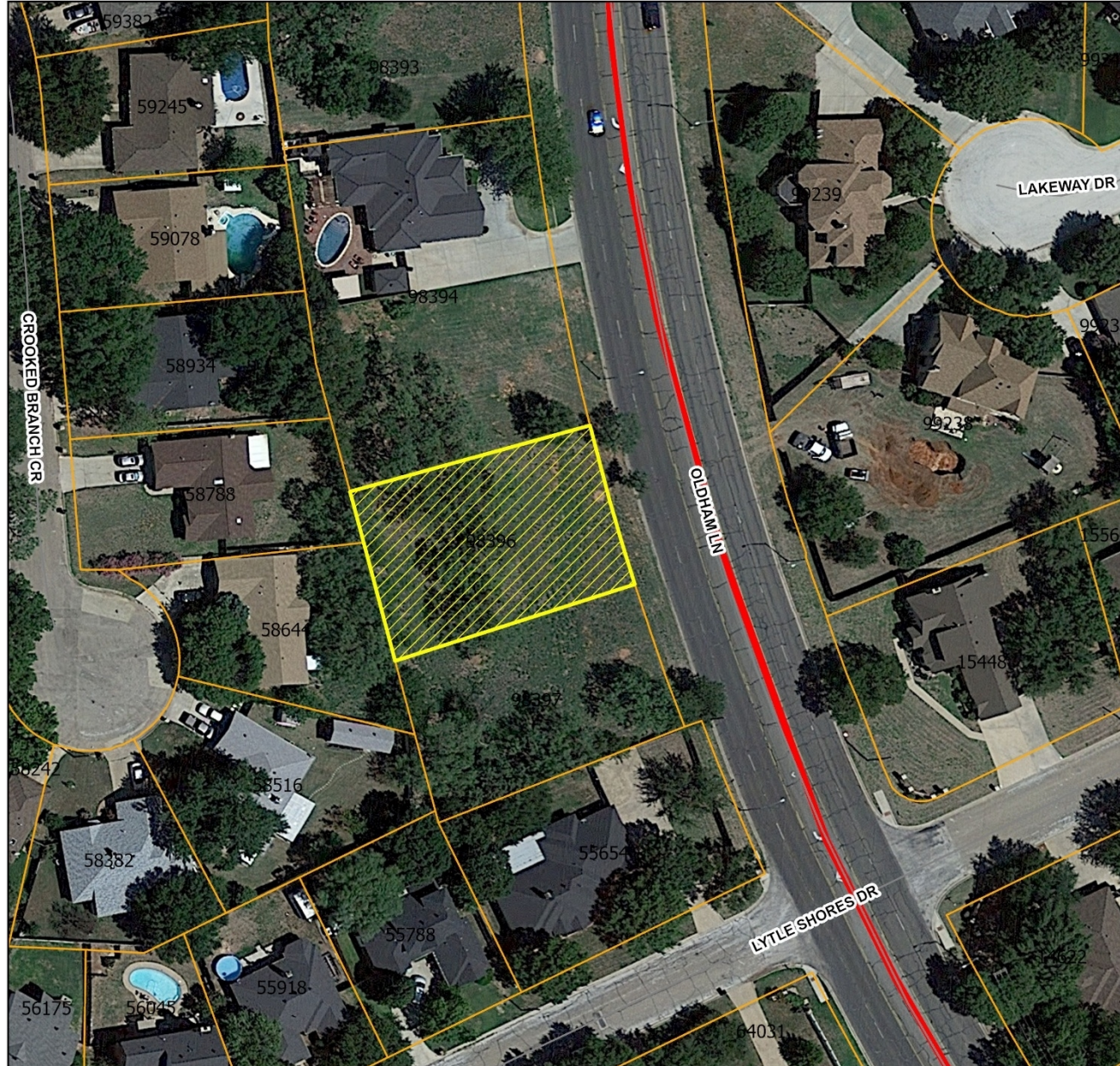
Location: 1758 Oldham Lane

Notification: 0 in Favor, 0 Opposed

**Board of
Adjustment:** May 13, 2025



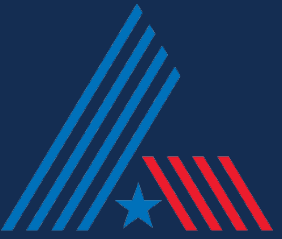
AERIAL LOCATION MAP



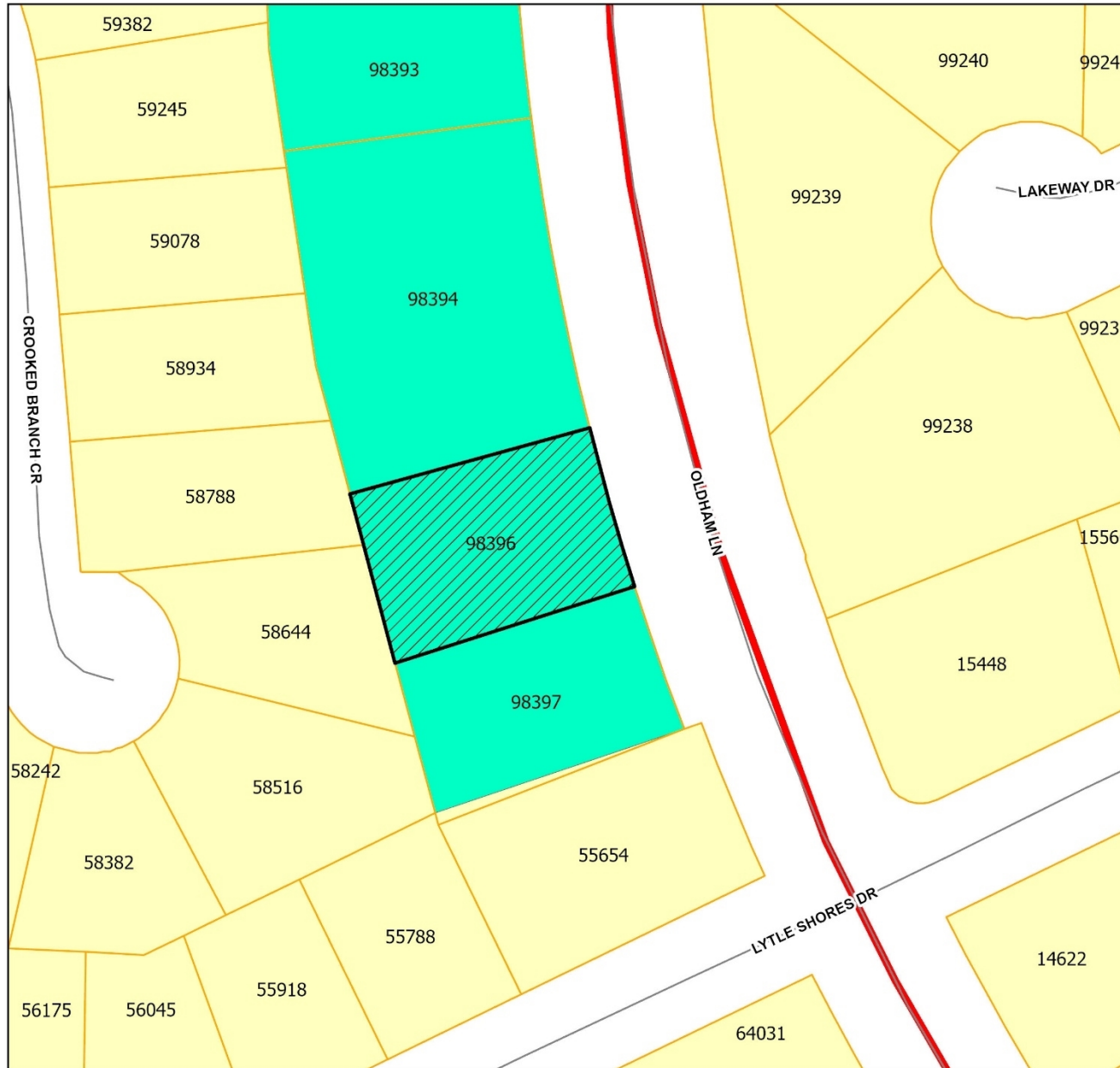
Legend

-  BA-2025-02
-  Courier Parcels
-  Arterial

0.01
Miles



ZONING MAP



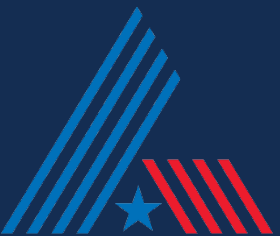
Legend

- BA-2025-02
- Courier Parcels
- PD (Planned Development)
- RS (Residential - Single Family)
- Arterial

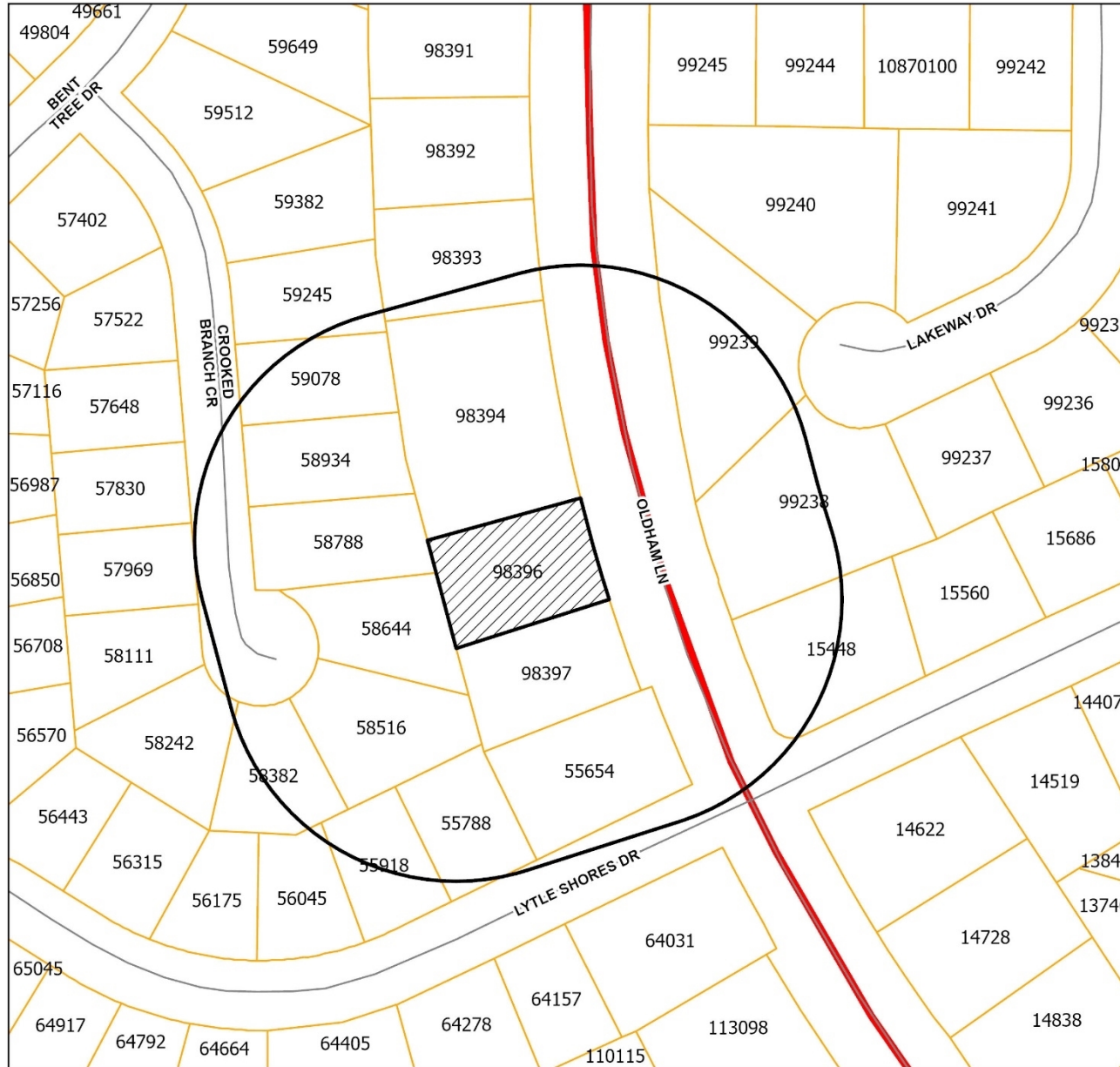
0.01
Miles



Views of Subject Property



NOTIFICATION AREA MAP

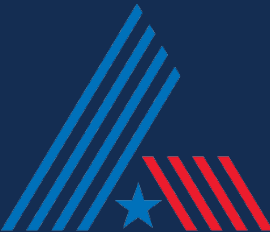


Legend

- BA-2025-02
- Notification Area
- Courier Parcels
- Arterial

0- In Favor-

0- Opposed-



Reviewed Pursuant to Section 1.4.4.1(e) 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.**

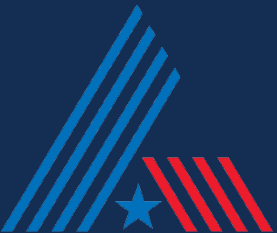
Granting the request would not be contrary to the public because the residence is located fully on private property and the setback requested would only pertain to the rear property line.

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

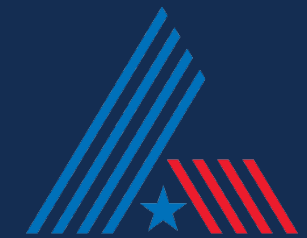
The request is not consistent with the intent of the Land Development Code.

- **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

BA-2025-02

STAFF REPORT



Scheduled Hearings

Board of Adjustment: May 13, 2025

Applicant

Owner: Nathan Franco

Case Manager: Kera Valois - Planner

Request

Variance to allow a 20' rear setback, where 25' minimum is required.

Location

1758 Oldham Lane

Background

The subject property is currently zoned Planned Development (PDD-64) with a base zoning of Residential Single Family (RS-8). A permit was issued in November of 2023 for a single family residence, with a minimum setback of 25 feet. The applicant informed us that he has built the home 5 additional feet into the 25' minimum setback. This results in the applicant asking for a 20' minimum setback.

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 rear yard setback is 25 feet. Section 2.3.2.4 (c) of the LDC states that all development must meet the required layout and building requirements outlined in Table 2-2.

Site Constraints

The applicant did not specify if any site constraints are present. There does not appear to be any site constraints, as determined by staff.

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 residence is located fully on private property and the 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 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

- Project Overview
- Site Plan
- PowerPoint Presentation

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on May 2, 2025, 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:

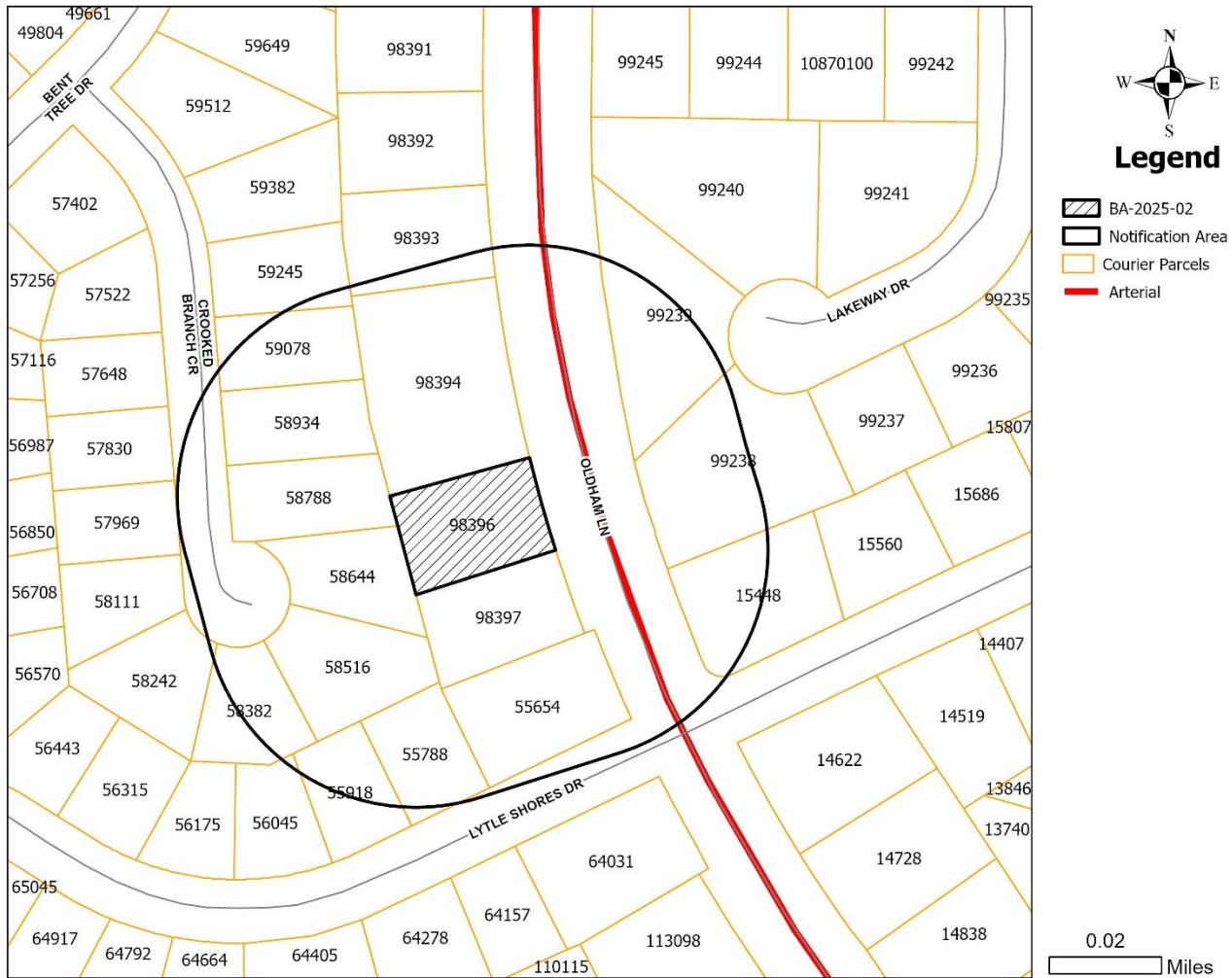
NOTIFICATIONS

Legend: O- Opposed
F- In Favor

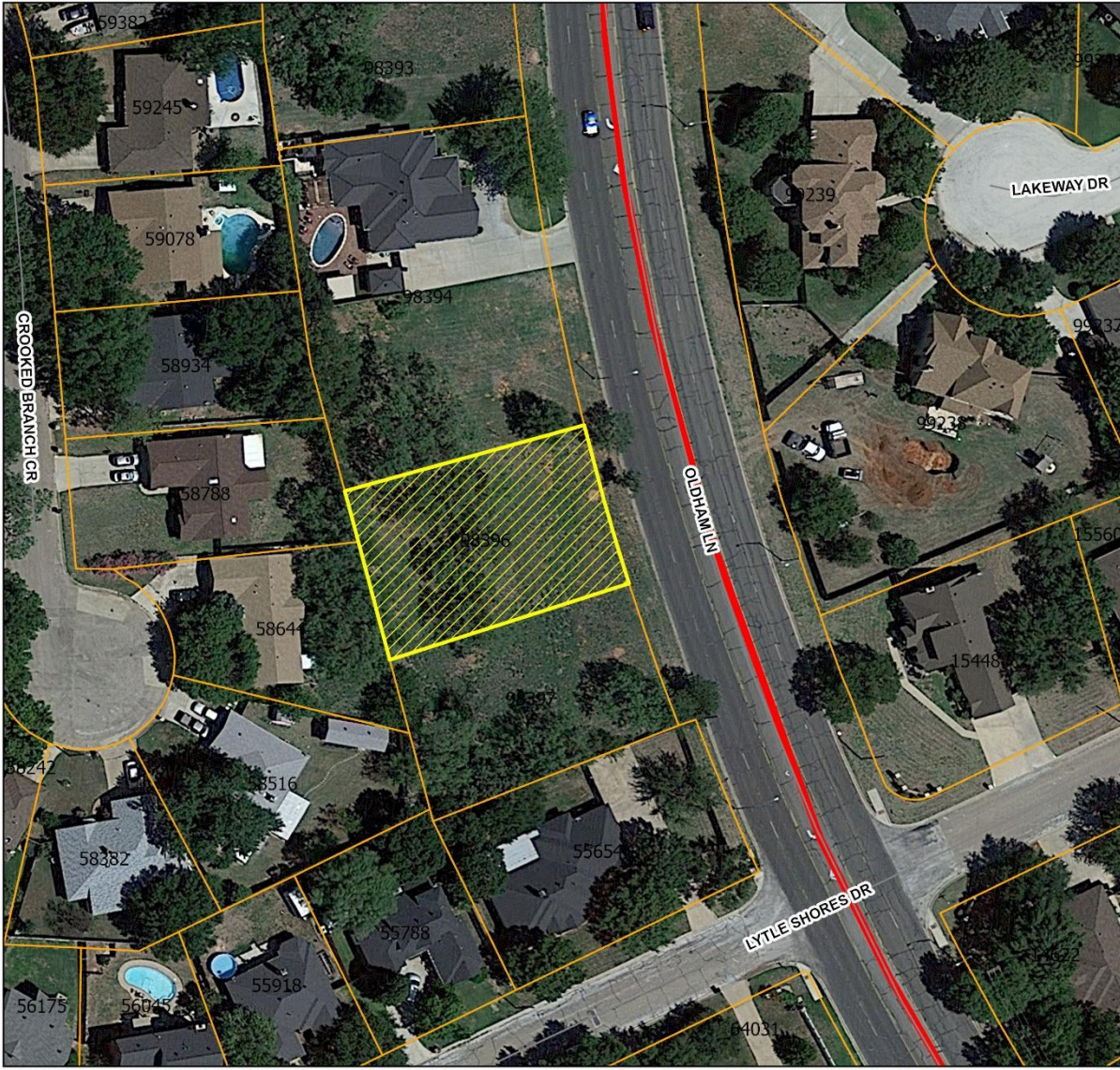
Owner	Situs	Property ID	Response
CROWNOVER MARIA I	1771 CROOKED BRANCH CR	58788	
DAVIS TIMOTHY SHANE &	1730 OLDHAM LN	98394	
DAVIS TIMOTHY SHANE &	1744 OLDHAM LN	98394	
FEL INVESTMENT LLC	1716 OLDHAM LN	98393	
FUSCO STEVEN & CYNTHIA	1772 OLDHAM LN	98397	
HEARNE DOUGLAS J & VIVIAN	1785 CROOKED BRANCH CR	58644	
HOGGE TIMOTHY A	758 LYTLE SHORES DR	55918	
HOGGE TIMOTHY ANDREW & STEPHANIE	744 LYTLE SHORES DR	56045	
MATHERS UPTON DENNIS	1743 CROOKED BRANCH CR	59078	
MATTERN DONALD & CASSIE L	1825 OLDHAM LN	15448	
MATTERN DONALD & CASSIE L	1825X OLDHAM LN	15448	
MC KAY STEVEN & LAURIE L	1786 CROOKED BRANCH CR	58242	
MORAN PATSY	772 LYTLE SHORES DR	55788	

NN HOMES LLC		98396	
PHILLIPS JAMIN & LAURA	1729 CROOKED BRANCH CR	59245	
PRESCOTT MATT	1757 CROOKED BRANCH CR	58934	
TURNER ALLEN	1799 CROOKED BRANCH CR	58516	
WAIT EDWARD M & FLORENCE A	1800 CROOKED BRANCH CR	58382	
WILLHELM KEVIN & STACY	1765 LAKEWAY DR	99238	
WILLS RILEY & GERALDINE	1750 LAKEWAY DR	99239	
ZOTZ RICHARD & MARY	786 LYTLE SHORES DR	55654	

NOTIFICATION MAP



LOCATION MAP

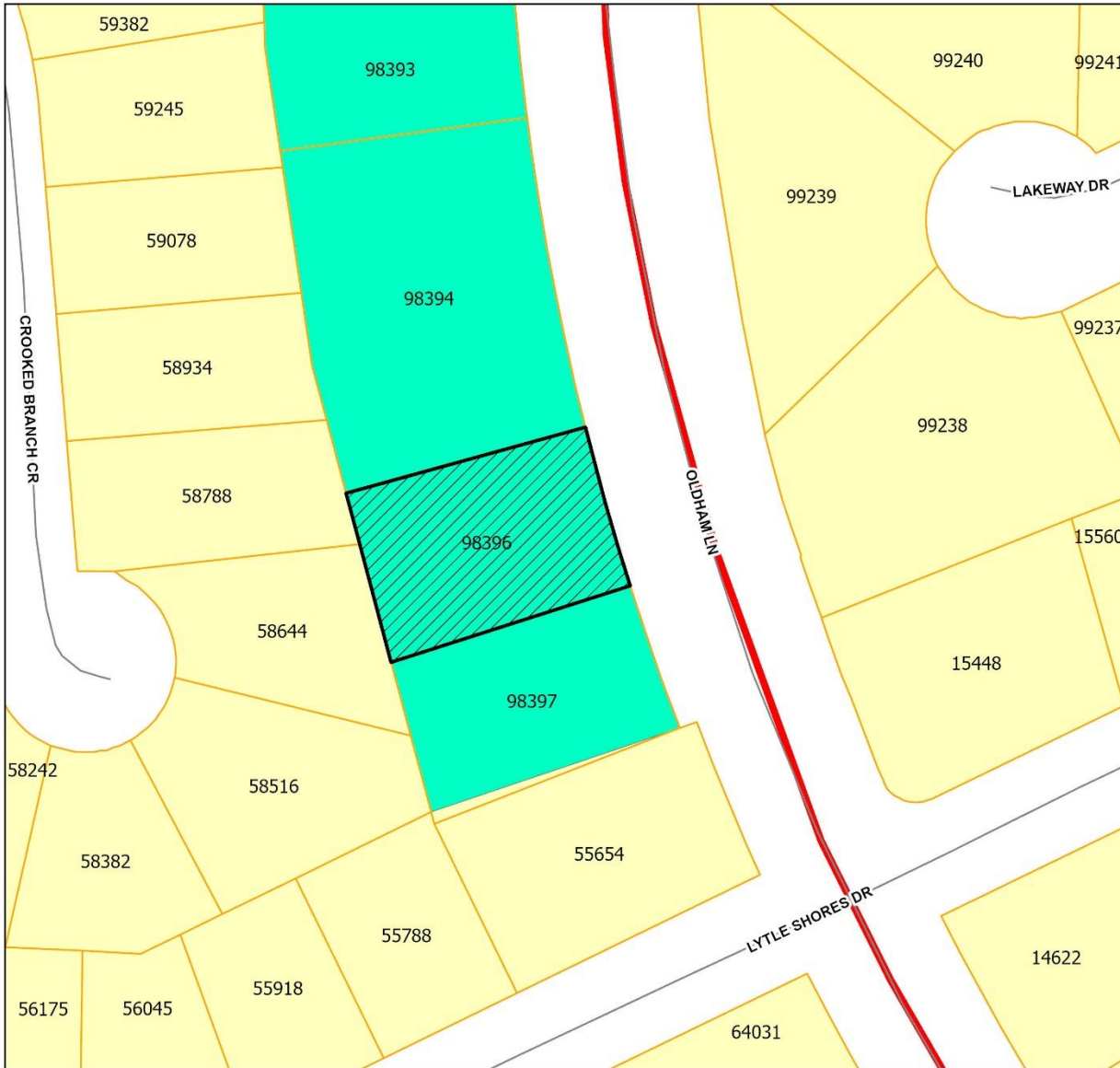


Legend

-  BA-2025-02
-  Courier Parcels
-  Arterial

0.01
Miles

ZONING MAP



Legend

- BA-2025-02
- Courier Parcels
- PD (Planned Development)
- RS (Residential - Single Family)
- Arterial

0.01 Miles

PROJECT OVERVIEW

Project Type: Board of Adjustment Application | **Project Title:** BA-2025-02 (1758 Oldham Ln)
ID # 25-000065 | **Started** 03/11/2025 at 9:04 PM



Address	Legal
1758 Oldham Ln, Abilene, TX USA 79602	Bent Tree Sec 2 Blk Block A Lot Lot 12 Bent Tree Sec 2, Block A, Lot 12

Description

A new residential construction house that is located at 1758 Oldham Ln, Abilene, Texas 79602 has accidentally been placed 5' beyond the required setback. The required setback is supposed to be 25' from the rear property line, but the home was mistakenly built at 20' instead. I would like to seek a possible consideration regarding to this matter.

PROPERTY DETAILS

Property ID	98396
GEO ID	16431
Enforcement Area	Lytle Area

PROPERTY ADDITIONAL INFORMATION

Account Number	10600021200
Property ID	16431
Land Use	Single Family Res
High School	Ahs
Middle School	Craig
Elementary School	Thomas
Super Neighborhood	Lytle Area
Courier - Building Square Feet	0

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Nathan Franco	Nathan-Franco@att.net 8177277125	1001 Altamesa BLVD unit 6822 Fort Worth, TX 76115	Residential Builder, Concrete Contractor	APPLICANT
Nn Homes Llc	-	15280 Addison Rd Ste 120 Addison, TX 75001-4508	-	Property Owner

PROJECT STEPS	DATE & TIME	RESULT	USER
Request	03/11/2025 at 9:05 PM	Accept	-

BOA Application Review	04/03/2025 at 10:40 AM	Accepted	Kera Valois
Planning Payment	04/05/2025 at 7:23 AM	Paid	Melissa E. Farr
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
Special Exceptions

Owner Name
NN Homes

Agent Name
Nathan Franco

No. of Lots
1

Acreage
0.29

Legal Description of property
Bent Tree Sec 2 Blk Block A Lot Lot 12

Current Zoning
PD

Variance or Special Exception: Explanation

A new residential construction house that is located at 1758 Oldham Ln, Abilene, Texas 79602 has accidentally been placed 5' beyond the required setback. The required setback is supposed to be 25' from the rear property line, but the home was mistakenly built at 20' instead. I would like to seek a possible consideration regarding to this matter. - Required rear setback - 25' - Home built 20' from the rear property line - Part of the home sits 5' beyond the required rear setback I apologize for the inconvenience this may have caused, but I would greatly appreciate your time and consideration regarding to the address stated above.

Variance Request

The property at 1758 Oldham Ln is requesting to have a review for its 20' rear setback.

Special Exception

The property at 1758 Oldham Ln is requesting to have a review for its 20' rear setback.

INVOICES	DUE DATE	CONTACT	TOTAL	PAID	DUE																						
25-001687	04/08/2025	Nathan Franco	\$ 400.00	\$ 400.00	\$ 0.00																						
<table border="1"> <thead> <tr> <th>Fees</th> <th>Account No</th> <th>Total</th> <th>Paid</th> <th>Due</th> </tr> </thead> <tbody> <tr> <td>Board of Adjustment Fee</td> <td>1004002-42099</td> <td>\$ 400.00</td> <td>\$ 400.00</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="6">Receipts</td> </tr> <tr> <td colspan="6">25-001603</td> </tr> </tbody> </table>						Fees	Account No	Total	Paid	Due	Board of Adjustment Fee	1004002-42099	\$ 400.00	\$ 400.00	\$ 0.00	Receipts						25-001603					
Fees	Account No	Total	Paid	Due																							
Board of Adjustment Fee	1004002-42099	\$ 400.00	\$ 400.00	\$ 0.00																							
Receipts																											
25-001603																											

TOTALS	\$ 400.00	\$ 400.00	\$ 0.00
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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
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BOA Application Review	04/03/2025 at 10:40 AM	Approved	Accepted
Staff Prepares Report & Send Property Notification Letters	04/05/2025 at 7:23 AM	In Review	-

INSPECTIONS	DATE & TIME	STATUS	HISTORY
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No data for Inspections.

GENERATED DOCUMENTS	PRINTED ON	PRINTED BY	ISSUED TO
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No data for Generated Documents.

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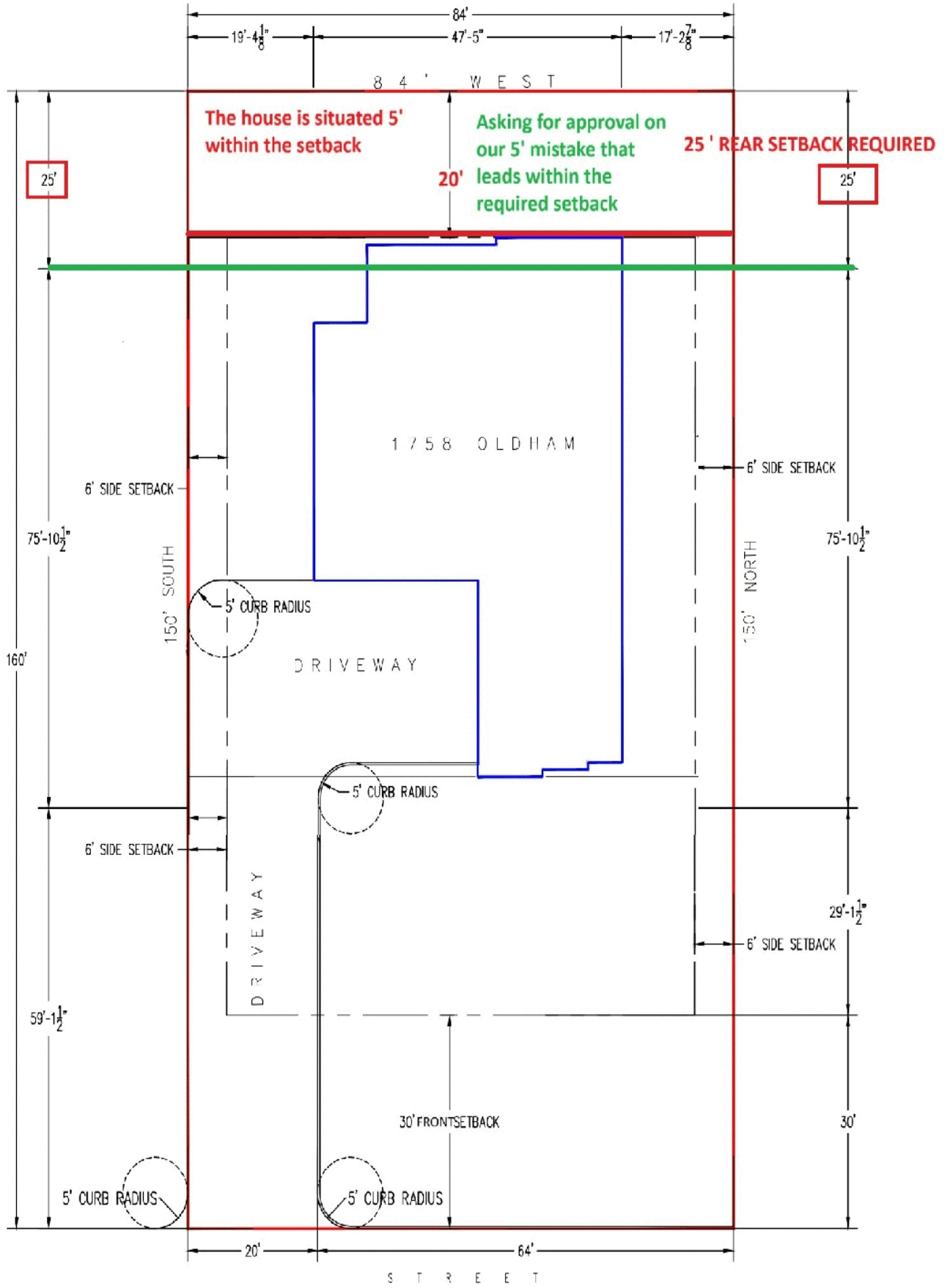
No data for Attached Documents.

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

No data for General Comments.



BOARD OF ADJUSTMENT

BA-2025-03

STAFF REPORT



Scheduled Hearings

Board of Adjustment: May 13, 2025

Applicant

Owner: Kartavya (Kevin) Patel

Case Manager: Kera Valois - Planner

Request

Variance to allow one (1) parking space, where ten (10) are required.

Location

1441 Barrow Street

Background

The subject property is zoned General Commercial (GC) and is being proposed for a new development. The current use of the lot is a pizza restaurant and the applicant is proposing to demolish and build a 7 Brew. Once an existing building is demolished, any new development is required to conform to the standards set out in the Land Development Code. The proposed 7 Brew is currently in the Site Plan review phase, where a parking issue has been identified. Drive-thru restaurants are required to have a minimum of ten (10) parking spaces, no matter the building square footage. At this time, they are only proposing one (1) parking space, that is also a handicapped spot. Initially, the applicant informed us they had a parking agreement with the Walgreens to the north, then during the site plan review, informed us that they cannot put anything in writing, which we cannot accept. They then proposed to obtain a parking agreement with the shopping centre across Barrow. We could not accept this option due to the safety hazards of the employees walking across a busy thoroughfare. Section 4.2.1.3 Off-Street Parking—Minimum Requirements and Standards has been included in this packet for your reference. Please refer to (c(1&2)).

Land Development Code Provisions

Per Chapter 2, Article 4, Division 2 – Land Use Matrix, Trade - Retail Uses, states that the required parking spaces are 1/125 SF with a minimum of 10 parking spaces.

Site Constraints

The applicant stated that due to the shape of the lot and the stacking spaces they are planning to have for the drive thru that there is not room for the required amount of parking spaces. Staff has determined that there are no site constraints that limit them to comply with the required number of spaces.

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 circumstances with the land which 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.

The granting of the variance will be contrary to the public interest. Granting the variance as presented would not allow for adequate parking, especially for employees.

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

The request is not consistent with 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

- Project Overview
- Site Plan
- PowerPoint Presentation

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on May 2, 2025, 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:

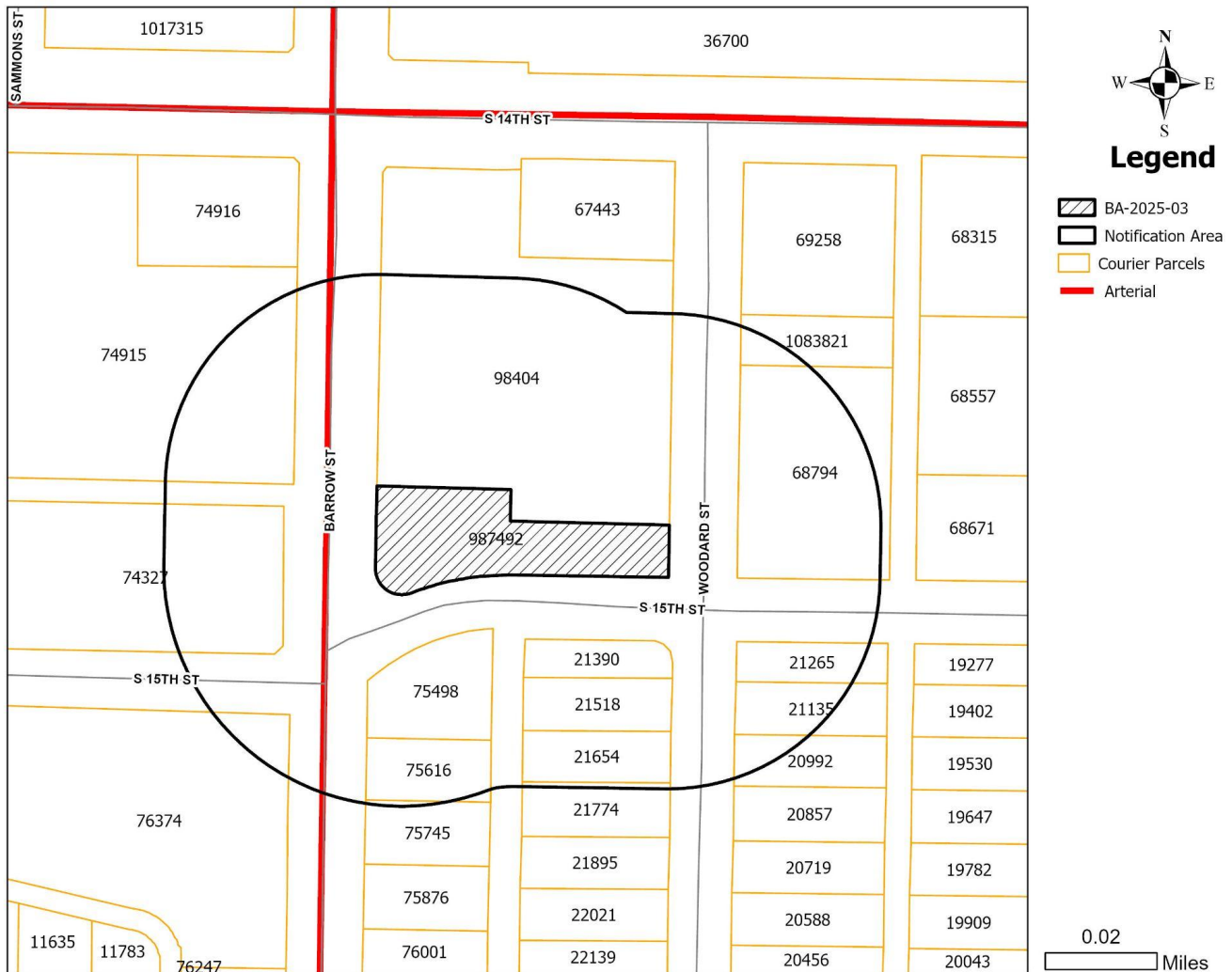
NOTIFICATIONS

**Legend: O- Opposed
F- In Favor**

Owner	Situs	Property ID	Response
1441 BARROW ST COMPANY	3082 S 15TH ST	987492	
ABILENE S 14TH ST LLC	3033 Y S 14TH ST	98404	
BRYANTS PLUMBING AND CONSTRUCTION LLC	2934 S 15TH ST	68794	
COLLAZO JUAN JR	1517 WOODARD ST	20992	
DOBBS THOMAS L & JACQUELINE D	1517 BARROW ST	75745	
GODHEER ERIC BRANDON	1501 BARROW ST	75498	
HATHAWAY GARY	1501 WOODARD ST	21265	
HEATHERLY WALDRAFF WANDA	1509 BARROW ST	75616	

LLEWELLYN KATHARINE E	1425 WOODARD ST	1083821	
MILLS CRAIG & LINDA	1526 WOODARD ST	21774	
PROCTOR RICHARD L	1518 WOODARD ST	21654	
PROSPERITY BANK	1502 Y BARROW ST	76374	
ROGERS D L CORP	1442 BARROW ST	74327	
SUMMERS LINDA C	1509 WOODARD ST	21135	
SV ABILENE LLC	3101 S 14TH ST	74915	
TEXAS MIDWEST HOLDINGS LLC	1510 WOODARD ST	21518	

NOTIFICATION MAP



LOCATION MAP



ZONING MAP



VARIANCE REQUEST

Case: BA-2025-03

Owner: Kartavya (Kevin) Patel

Request: Variance allow for 1 parking space, where 10 are required.

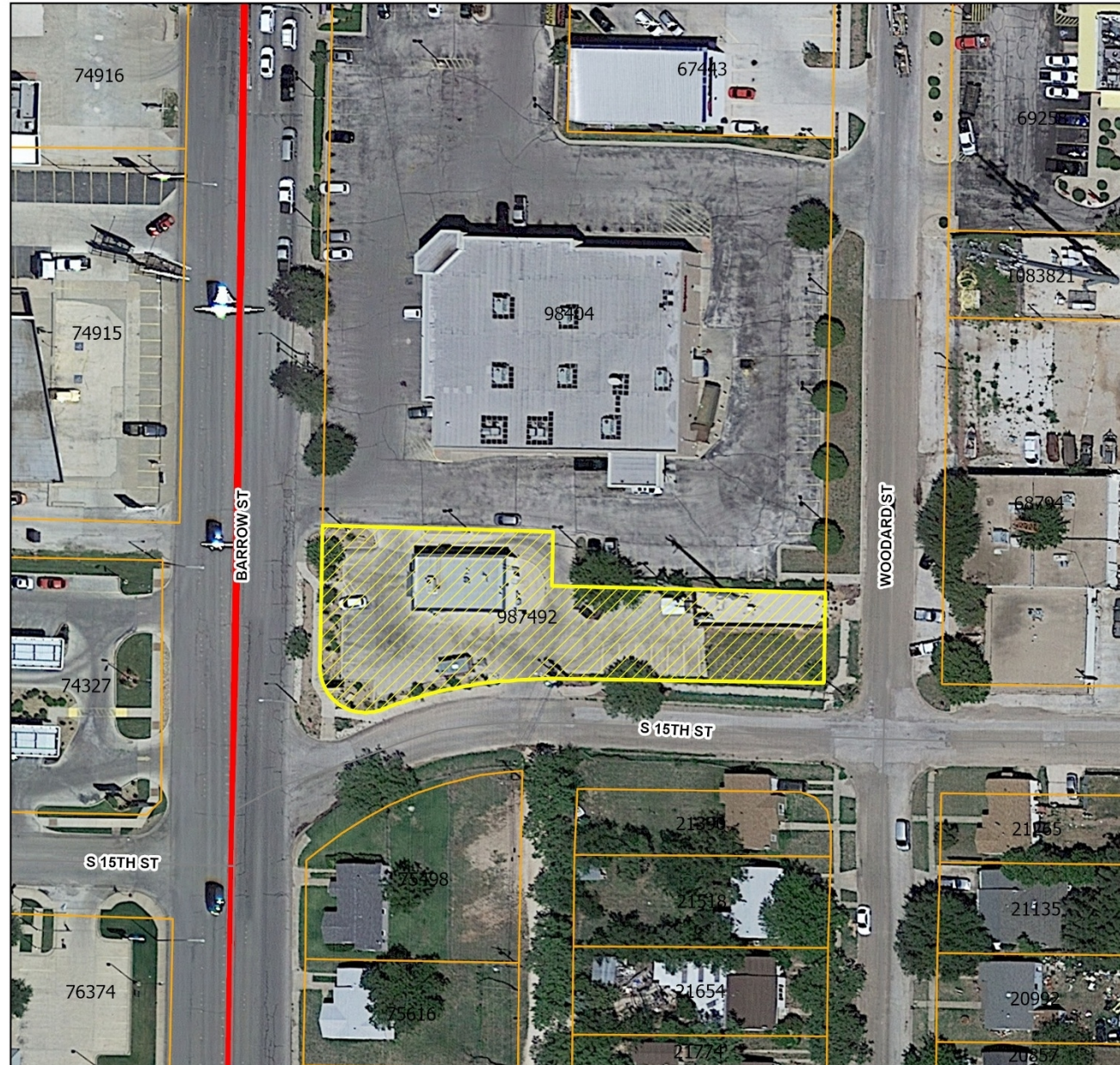
Location: 1441 Barrow Street

Notification: 0 in Favor, 0 Opposed

Board of Adjustment: May 13, 2025



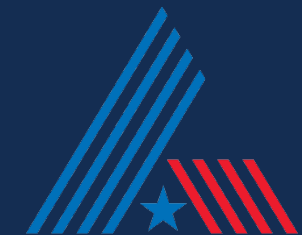
AERIAL LOCATION MAP



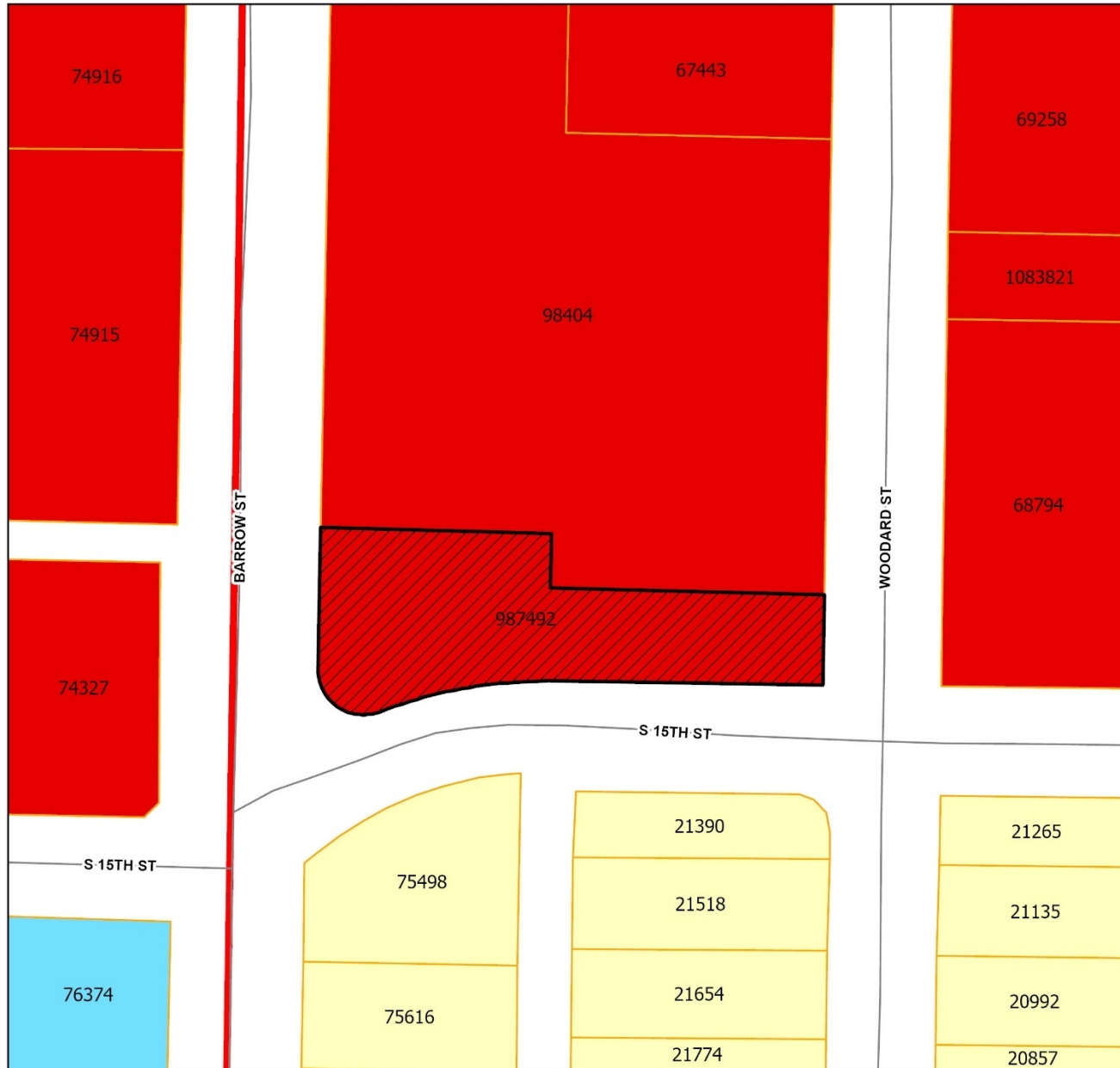
Legend

-  BA-2025-03
-  Courier Parcels
-  Arterial

0.01
Miles



ZONING MAP



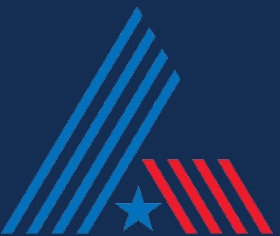
Legend

- BA-2025-03
- Courier Parcels
- GC (General Commercial)
- O (Office)
- RS (Residential - Single Family)
- Arterial

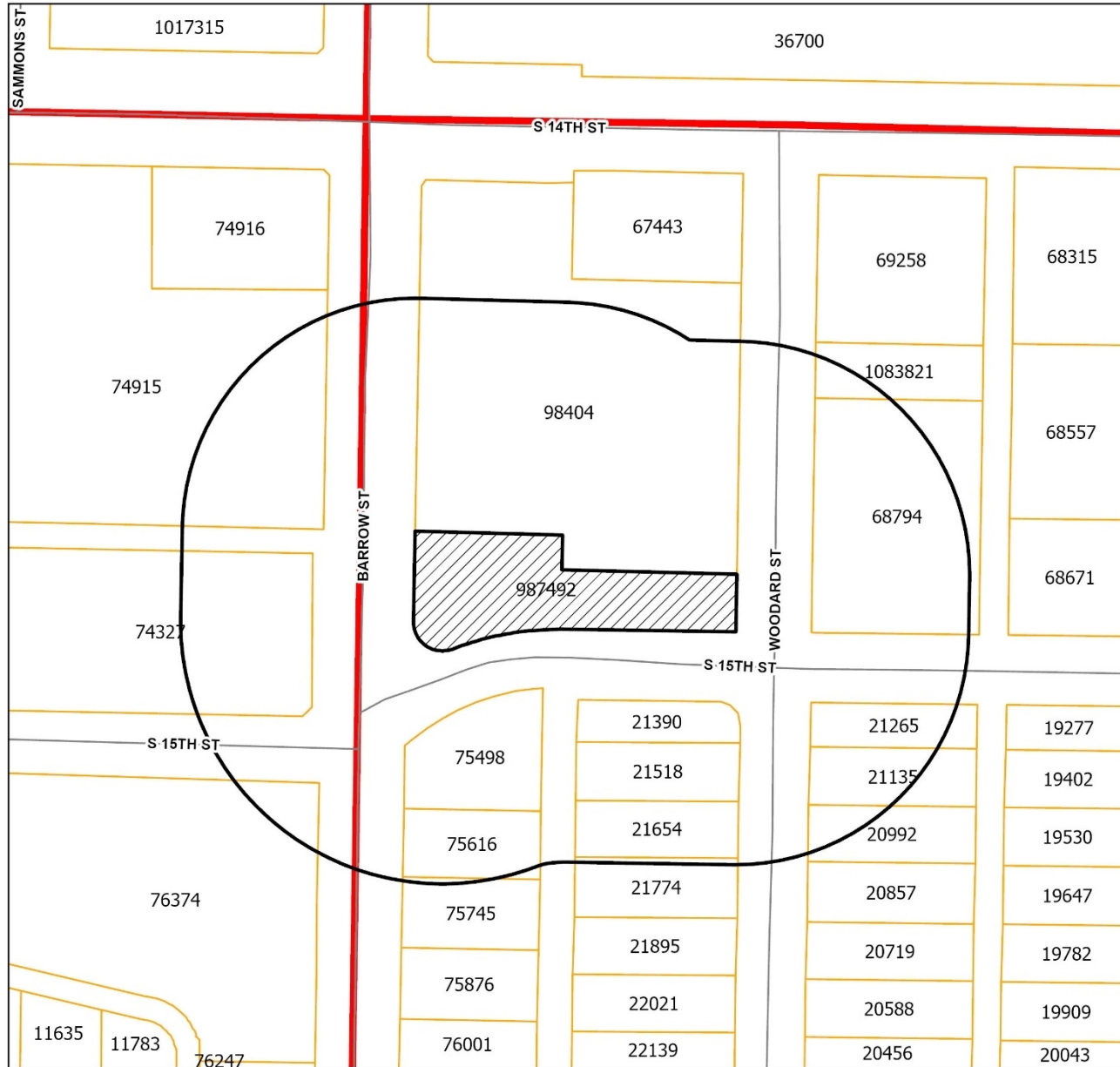
0.01
Miles



SUBJECT PROPERTY VIEWS



NOTIFICATION AREA MAP



Legend

- BA-2025-03
- Notification Area
- Courier Parcels
- Arterial

- 0- In Favor-
- 0- Opposed-

0.02 Miles



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

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The granting of the variance will be contrary to the public interest. Granting the variance as presented would not allow for adequate parking, especially for employees.

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

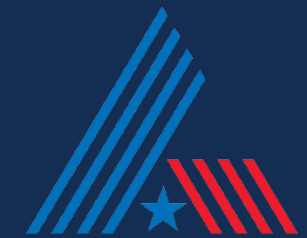
The request is not consistent with the intent of the Land Development Code.

- **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

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.

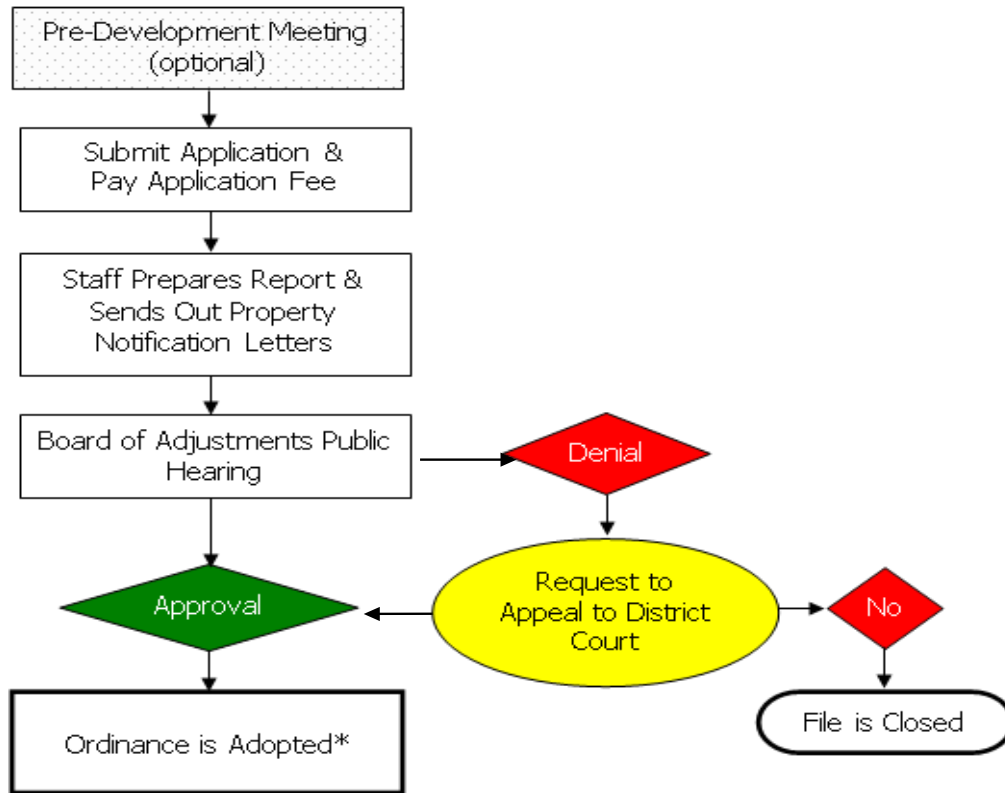
The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

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.

2025 BOARD OF ADJUSTMENT

APPLICATION DEADLINE	MEETING DATE ***
12/10/24	01/14/25
01/07/25	02/11/25
02/04/25	03/11/25
03/04/25	04/08/25
04/08/25	05/13/25
05/06/25	06/10/25
06/03/25	07/08/25
07/08/25	08/12/25
08/05/25	09/09/25
09/09/25	10/14/25
10/08/25	11/12/25
11/04/25	12/09/25
12/09/25	01/13/2026

*** 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: 1441 BARROW ST COMPANY		
Address: 2650 CR 364		
City: Anson	State: TX	Zip: 79501
Number:	Email:	

AGENT INFORMATION (if applicable)		
Name: Kartavya (Kevin) Patel		
Address: 1782 W. McDermott Dr.		
City: Allen	State: TX	Zip: 75013
Number: 469.331.8566	Email: kpatel@triangle-engr.com	

Project Representation (check one):

- I will represent the application myself; OR
- I hereby designate Kartavya (Kevin) Patel (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: Jones

BEFORE ME, a Notary Public, on this day personally appeared Bob Herndon (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 April, 2025



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: 7 Brew Coffee		
Address: 1441 Barrow St.	Total lots: 1	Acreage: .446
Subdivision: PAPA MURPHEY'S ADDITION	Block(s): A	Lot(s): 1
Current Zoning: GC - General Commercial		

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.

We are proposing a 510 S.F. 7 Brew Coffee Shop. This development will consist of a drive-through only building and does not have indoor seating or ordering. Due to the size and narrow shape of the lot, we are unable to accommodate the requirement of 10 parking spaces, but have incorporated 25 staking spaces in the drive through because that is where our customers are going to be. We would like to request waiver to have one onsite parking versus 10 required by the ordinance.

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?

No, the site is less than .5 acre and is too narrow to have the space to accommodate the 510 s.f. building as well as the required parking spaces. We made efforts to negotiate a shared parking agreement with the property located to the North, but the property owners were not open to an agreement. Therefore, We would like to request waiver to have one onsite parking versus 10 required by the ordinance.



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?
If our request is granted, we will proceed with the development and provide several jobs to the

residents as well as give the community a quick and convenient option to enjoy coffee on the go.

4. What special conditions apply to your property that would show that the literal enforcement of ordinance
Section 4.2.1.3 would be an unnecessary hardship on you? What hardship other than financial?

This site is less than .5 acre and even with the 510 s.f. building, the lot does not have the space to
accommodate the parking requirement. Additionally, our proposed use does not have indoor seating
or ordering and only requires parking spaces for employees on duty which does not exceed 2
employees at a time.

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

If our request is granted, we will develop the proposed 7 Brew Coffee shop.

6. Is your property zoned appropriately?

Yes.



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:

We have made attempts to negotiate a shared parking agreement with the property to the North, however, the property owners were not open to an agreement. As a result, this variance represents our only remaining option to ensure the viability of the site for this development.



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:  _____

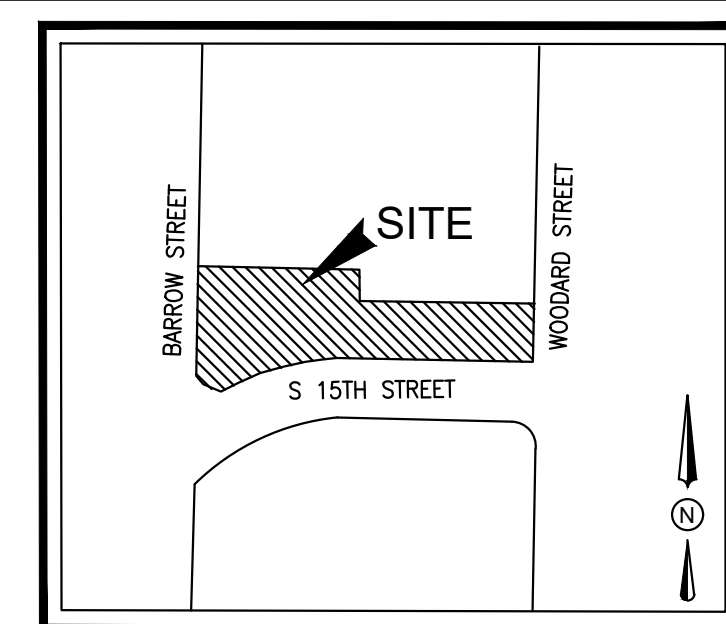
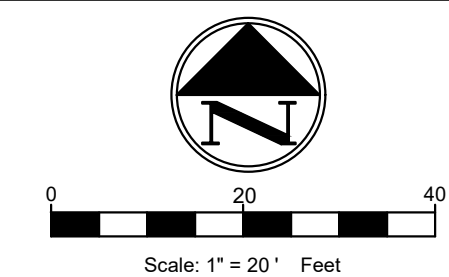
DATE: 04/02/2025

Line Table		
Line #	Length	Direction
L1	168.21'	N88° 56' 09"W
L2	49.90'	S01° 14' 13"W
L3	147.82'	S88° 56' 08"E
L4	26.15'	S00° 43' 53"W
L5	137.74'	S88° 55' 13"E
L6	92.94'	N00° 53' 00"E

Curve Table			
Curve #	Length	Radius	Delta
C1	25.56'	30.000	048.82
C2	101.29'	225.340	025.75

SITE GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE CITY OR LOCAL JURISDICTION STANDARDS.
2. THE LOCATION OF UNDERGROUND UTILITIES INDICATED ON THE PLANS IS TAKEN FROM AS-BUILTS, UTILITY PLANS OR SURVEY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE ARRANGEMENTS WITH THE OWNERS OF SUCH UNDERGROUND UTILITIES PRIOR TO WORKING IN THE AREA TO CONFIRM THEIR EXACT LOCATION AND TO DETERMINE WHETHER ANY ADDITIONAL UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL UNDERGROUND UTILITIES. IF EXISTING UNDERGROUND UTILITIES ARE DAMAGED, THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF REPAIRING THE UTILITY.
3. WHERE EXISTING UTILITIES OR SERVICE LINES ARE CUT, BROKEN OR DAMAGED, THE CONTRACTOR SHALL REPLACE OR REPAIR THE UTILITIES OR SERVICE LINES WITH THE SAME TYPE OF ORIGINAL MATERIAL AND CONSTRUCTION, OR BETTER, UNLESS OTHERWISE SHOWN OR NOTED ON THE PLANS. AT HIS OWN COST AND EXPENSE, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER AT ONCE OF ANY CONFLICTS WITH UTILITIES.
4. ALL EXCAVATIONS, TRENCHING AND SHORING OPERATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE U. S. DEPARTMENT OF LABOR, OSHA, CONSTRUCTION SAFETY AND HEALTH REGULATIONS AND ANY AMENDMENTS THERETO.
5. THE CONTRACTOR SHALL RESTORE ALL AREAS DISTURBED BY CONSTRUCTION TO ORIGINAL CONDITION OR BETTER. RESTORED AREAS INCLUDE, BUT ARE NOT LIMITED TO TRENCH BACKFILL, SIDE SLOPES, FENCES, DRAINAGE DITCHES, DRIVEWAYS, PRIVATE YARDS AND ROADWAYS.
6. ANY CHANGES NEEDED AFTER CONSTRUCTION PLANS HAVE BEEN RELEASED, SHALL BE APPROVED BY THE CITY ENGINEER. THESE CHANGES MUST BE RECEIVED IN WRITING.
7. THE CONTRACTOR SHALL PROVIDE "RED LINED" MARKED PRINTS TO THE ENGINEER PRIOR TO FINAL INSPECTION INDICATING ALL CONSTRUCTION WHICH DEVIATED FROM THE PLANS OR WAS CONSTRUCTED IN ADDITION TO THAT INDICATED ON THE PLANS.
8. ALL CURB RADIUS TO BE 10' OR 2' UNLESS OTHERWISE NOTED ON THE SITE PLAN.



EASEMENT/SETBACK LEGEND	
BUILDING SETBACK	B.S.
LANDSCAPE SETBACK	L.S.
FIRE LANE, ACCESS & UTILITY EASEMENT	F.A.U.E.
FIRE LANE, ACCESS & DRAINAGE EASEMENT	F.A.D.E.
ACCESS EASEMENT	A.E.
SIDEWALK EASEMENT	S.E.
SANITARY SEWER EASEMENT	S.S.E.
WATER EASEMENT	W.E.
ELECTRICAL EASEMENT	E.E.
UTILITY EASEMENT	U.E.
DRAINAGE & DETENTION EASEMENT	D.D.E.

SITE DATA SUMMARY TABLE	
SITE ACREAGE:	0.446 ACRES (19,437 S.F.)
ZONING:	GENERAL COMMERCIAL
PROPOSED USE:	RESTAURANT, FAST FOOD
BUILDING AREA:	530.58 S.F.
NUMBER OF STORIES:	1
BUILDING HEIGHT:	19'-0" +/-
BUILDING COVERAGE:	2.72%
FLOOR AREA RATIO:	0.02
IMPERVIOUS AREA:	11,697.07 S.F. (60.17%)
PERVIOUS/LANDSCAPE AREA:	7,739.93 S.F. (39.83%)
REQUIRED STACKING SPACES:	5 SPACES
PROVIDED STACKING SPACES:	25 SPACES
REGULAR PARKING REQUIRED:	10 SPACES
REGULAR PARKING PROVIDED:	9 SPACES
HANDICAP PARKING REQUIRED:	1 SPACES (1 VAN ACCESSIBLE)
HANDICAP PARKING PROVIDED:	1 SPACES (1 VAN ACCESSIBLE)
TOTAL PARKING PROVIDED:	10 SPACES

EXISTING LEGEND		
BOUNDARY LINE	○	SET IRON ROD (AS NOTED)
ADJONER BOUNDARY LINE	●	FOUND IRON ROD (AS NOTED)
EASEMENT LINE (AS NOTED)	⊗	"X" CUT FOUND
WATER LINE	⊗	"X" CUT SET
SANITARY SEWER LINE	⊗	WATER METER
STORM DRAIN LINE (AS NOTED)	⊗ FH	FIRE HYDRANT
OVERHEAD ELECTRIC LINE	⊗ SS	SANITARY SEWER MANHOLE
BENCH MARK	⊗ CV	CABLE VAULT
CONTROL MONUMENT	⊗ TPED	TELEPHONE PEDESTAL
OFFICIAL PUBLIC RECORDS TAYLOR COUNTY, TEXAS	⊗ W	FIBER OPTIC MARKER
O.P.R.T.C.T.	⊗ W	WATER VALVE
D.R.T.C.T.	⊗ W	EXISTING SIGN
P.R.T.C.T.	⊗ W	STORM MANHOLE
DEED RECORDS TAYLOR COUNTY, TEXAS	⊗ W	LIGHT POLE
PLAT RECORDS TAYLOR COUNTY, TEXAS	⊗ W	GAS METER
POWER POLE	⊗ W	GREASE TRAP
BOLLARD	⊗ W	TELEPHONE RISER
SANITARY SEWER CLEAN OUT	⊗ W	

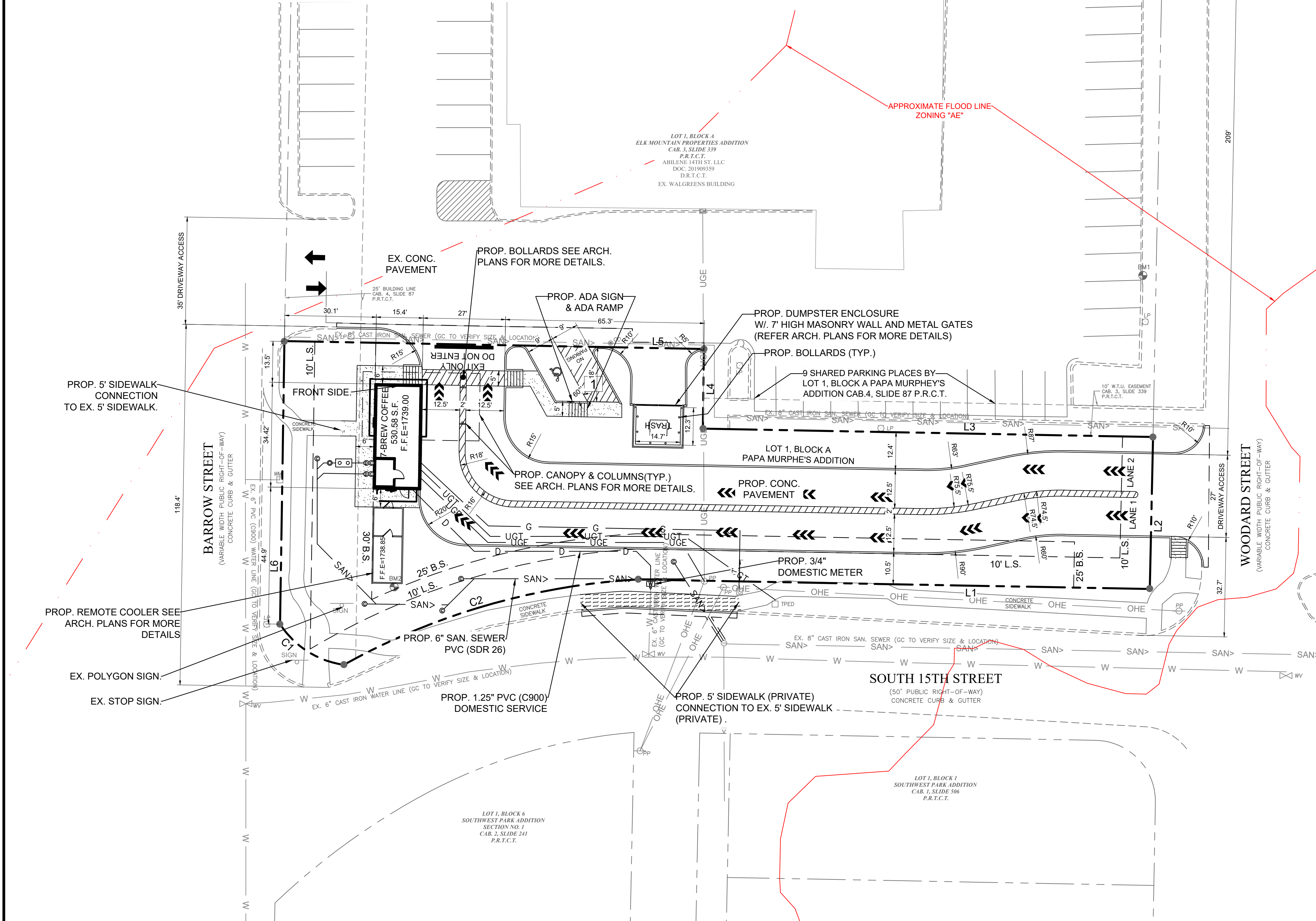
PROJECT CONTACT LIST	
ENGINEER TRIANGLE ENGINEERING LLC 1782 W. McDERMOTT DRIVE ALLEN, TEXAS 75013 CONTACT: KARTAVYA PATEL, P.E. PHONE: 469-331-8566	OWNER/DEVELOPER RED SKY HOLDINGS CONTACT: KEVIN MATTONSON EMAIL: KMattonson@RedSkyHoldings.com PHONE: 972-369-4123
SURVEYOR TRAVERSE LAND SURVEYING 14200 MIDWAY ROAD, SUITE 130 DALLAS, TEXAS 75244 CONTACT: GRAYSON CEBALLOS PHONE: 940-395-6999	ARCHITECT BUF STUDIO 702 SE 5th ST, SUITE 30 BENTONVILLE, ARKANSAS 72712 CONTACT: ANDREW D FINNEGAN, P.E. PHONE: 479-579-9959

SITE LEGEND	
CONCRETE CURB	---
SAW-CUT LINE	---
FENCE	X X
FIRE LANE	---
STRIPING	---
SIDEWALK HATCH	---
PARKING SPACES	X
MONUMENT/PYLON SIGN	---
WHEEL STOPS	---
HANDICAP LOGO	---
HANDICAP SIGN	---
RAMP	---
BOLLARD	---
TRAFFIC ARROW	---
FIRE HYDRANT	---
DUMPSTER	---
SANITARY SEWER MANHOLE	---
SANITARY SEWER CLEANOUT	---
SANITARY SEWER DOUBLE CLEANOUT	---
SANITARY SEWER SAMPLE PORT	---
GREASE TRAP	---
DOMESTIC WATER METER	---
IRRIGATION METER	---
GAS METER	---
TRANSFORMER	---
LIGHT POLE	---
POWER POLE	---

BENCHMARKS	
THE BENCHMARKS AND ELEVATIONS SHOWN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAV88) BY USING GPS OBSERVATIONS IN CONJUNCTION WITH THE ALLTERRA RTK NETWORK.	
BENCHMARK NO. 1 FROM THE MOST NORTHEASTERLY CORNER NORTH 52.98 FEET THENCE WEST 3.40 FEET TO A "SQUARE CUT X" IN CONCRETE. ELEVATION: 1738.59'	
BENCHMARK NO. 2 FROM THE MOST SOUTHWESTERLY CORNER NORTH 25.65 FEET THENCE EAST 16.60 FEET TO A "SQUARE CUT X" IN CONCRETE. ELEVATION: 1738.23'	

FLOOD PLAIN NOTE

ALL OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN THE 100 YEAR FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48441C0217F, DATE JANUARY 6, 2012. THE SUBJECT PROPERTY IS LOCATED IN THE AREA DESIGNATED AS ZONE "AE" SHADED.



- 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 APPROACHED, SIDEWALKS & ACCOMPANYING RAMPS LOCATED IN PUBLIC RIGHT-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 & PARKING LOTS.

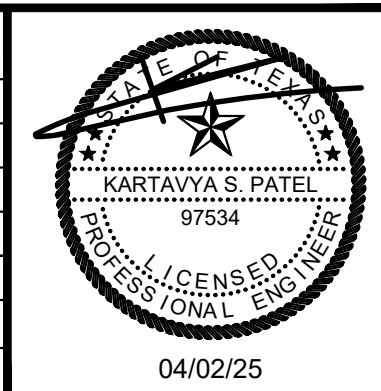
- NOTES:**
- THE CONTRACTOR SHALL PROVIDE WATER METER BOXES FOR EACH WATER SERVICE CONNECTION DETAILED ON THE PLANS. FORWARD METER SIZES 1.5" TO 2". THE CONTRACTOR SHALL SUPPLY A BASS AND HAYS BH 1527 (AMI COMPATIBLE) WATERMETER BOX LID AND PMSBCF 1527-12 WATER METER BOX, OR A EAST JORDAN IRON WORKS PRODUCT NUMBER 32131364 (AMI COMPATIBLE) WATER METER BOX LID AND PRODUCT NUMBER 38001527 WATER METER BOX, OR EQUIVALENT.
 - FOR WATER METER SIZES 5/8" TO 1". THE CONTRACTOR SHALL SUPPLY A BASS AND HAYS BH 1324 AMR LID WATER METER BOX LID AND PMSBCF 1324-12 WATER METER BOX, OR AN EAST JORDAN IRON WORKS PRODUCT NUMBER 32131365 (AMI COMPATIBLE) 1324 WATER METER BOX LID AND PRODUCT NUMBER 3214401W WATER METER BOX, OR EQUIVALENT.

NOTES:

PROPOSED WATER & SERVICE LINE SIZE FROM THE WATER METER TO THE PROPOSED STRUCTURE MUST BE 50% LARGER THAN THE PROPOSED WATER METER SIZE.



NO.	DATE	DESCRIPTION	BY
1	02/25/25	1st CIVIL SUBMITTAL	KP
2	03/19/25	2nd SITE PLAN SUBMITTAL	KP
3	04/02/25	3rd SITE PLAN SUBMITTAL	KP
.	.	.	.
.	.	.	.
.	.	.	.
.	.	.	.



SITE PLAN

7-BREW COFFEE

1441 BARROW STREET

CITY OF ABILENE

TAYLOR COUNTY, TEXAS 79605

LOT1 BOLCK A, PAPA'S MURPHEY'S ADDITION

TRIANGLE ENGINEERING LLC

T: 469.331.8566 | F: 469.213.7145 | E: info@triangle-engr.com
 W: triangle-engr.com | O: 1782 W. McDermott Drive, Allen, TX 75013

Planning | Civil Engineering | Construction Management

P.E.	DES.	DATE	SCALE	PROJECT NO.	SHEET NO.
KP	MK	01/28/25	SCALE BAR	023-25	C-3.0

TX. P.E. FIRM #11525

Section 4.2.1.3 Off-Street Parking—Minimum Requirements and Standards

(a) *Minimum Requirements for Off-Street Parking.* Requirements are as follows:

- (1) Parking on grass or other non-paved area in any zoning district is prohibited except in the AO or Rural Residential districts for parking related to a private single-family detached residence. All required parking shall be on a paved surface.
- (2) In any multiple-family, duplex, or townhome dwelling unit or condominium development for which leasing offices are provided on the site:
 - a. Visitor parking shall be provided according to the "Office, Professional and General Business" parking requirements within the Land Use Matrix, based on the square footage of the leasing office.
 - b. Where clubhouses are provided on the site, off-street parking shall be provided according to the "Retail Business, General" parking requirements within the Land Use Matrix, based on the square footage of the clubhouse facility.
- (3) For residence halls, fraternity buildings, and sorority buildings, additional parking spaces may be required by the DRC for fraternity and sorority buildings as a condition of the Site Plan approval where the building does not provide permanent sleeping facilities for all members of the organization.
- (4) The requirements for schools within the Land Use Matrix shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Such requirements will be calculated based on the applicable parking requirements for the individual uses.
- (5) For any restaurant, eating and/or drinking establishment where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats. Establishments having only outdoor dining consisting of fewer than sixteen (16) seats shall provide a minimum of four (4) parking spaces.
- (6) In addition to required parking spaces, a center-based child day-care center or pre-elementary school shall provide a driveway with separate points of ingress and egress to the premises and having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block access to the other required off-street parking spaces.
- (7) Parking requirements for recreation and amusement facilities that have any combination of the outdoor uses listed in the Land Use Matrix on the same premises shall be calculated based on the sum of the minimum requirements for the individual uses proportionate to the indoor and outdoor areas allocated for each use.
- (8) For a multi-purpose building, such as within a mixed use development, the total required parking spaces shall generally be the sum of spaces necessary for individual uses included.
- (9) Where open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open land shall be added to floor space in determining the number of parking spaces required.

(b) *New or Unclassified Uses.* When a proposed land use is not classified in the Land Use Matrix, the parking requirements will be based on the minimum standard which applies to a specified use which is most closely related to the proposed land use, as determined by the Planning Director.

(c) *Parking Location.*

-
- (1) Except as otherwise provided within this Section:
 - a. All required off-street parking shall be located on the same lot or tract as the principal use being served by the parking area.
 - b. All required off-street parking shall be within the same zoning classification required of the use which the parking area supports (i.e., a parking lot serving a particular commercial activity must be located in a zoning district where that activity being served is also allowed).
 - c. Site design of parking, loading, and maneuvering areas shall be designed to minimize negative impacts to traffic flow on adjacent streets.
 - (2) For any use, building or structure, where the required off-street parking cannot be provided on the premises because of the size or location of lot, as evidenced by and approved in relation to the Site Plan, such parking may be provided on other property not more than four hundred feet (400') from the building site. In such cases where parking is permitted to be located on a separate lot, such parking shall be conveniently usable without unreasonable:
 - a. Hazard to pedestrians;
 - b. Hazard to vehicular traffic;
 - c. Traffic congestion; or
 - d. Detriment to the appropriate use of other properties in the vicinity.
 - (d) *Off-site Parking.* To allow off-site parking where all or part of the minimum number of parking spaces required in Chapter 4, Article 2, Division 1 of this LDC are located within three hundred feet (300') on a lot or tract of land that is legally separate from the property containing the principal use served by the parking area, provided that:
 - a. Both lots or tracts are under the same ownership; or
 - b. It can be established that two or more uses, applying jointly and concurrently for the special exception, will be sharing a parking area that may be on property that is not under the same ownership as one or more of the uses to be served by the parking, where the shared parking area has a capacity of at least the minimum number of spaces for the use having the greatest minimum requirement, where all uses have their primary need for parking during offsetting periods so that the parking area will be utilized by only one principal use at a time, and where the arrangement is documented through a long-term lease or other written agreement.
 - c. Adequate accessible pedestrian connections are provided connecting the parking area and the principal use.
 - (e) *Collective Parking Facilities.*
 - (1) No requirement set forth in this division shall be construed to prevent collective utilization of any off-street parking facility for two (2) or more buildings or uses, providing, however, that the total number of off-street parking spaces shall not be less than the sum of the requirements for the particular individual uses computed separately in accordance with the applicable regulations for off-street parking spaces.
 - (2) A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned, including the owner/agent of the principal use utilizing the parking and the owner/agent of the lot on which the parking is to be provided. Such written agreement shall assure the continued availability of and access to (i.e., via an easement, etc.) the off-street parking area for the principal use it is intended to serve.
 - (f) *Alternative Parking Plan.*

-
- (1) The Director of Traffic and Transportation, or designee, may approve an Alternative Parking Plan which shows a reduced need for parking based on the unique characteristics of a particular use or location, shared parking such as projected transit use, high percentage non-motorized customer traffic, or as part of pedestrian-oriented mixed-use development.
 - (2) Denial of an Alternative Parking Plan may be appealed to the Board of Adjustment under the procedures for an Appeal of a Responsible Official's Decision.

(Ord. No. 8-2010, pt. 1(Exh. A), 4-22-10; Ord. No. 19-2010, pt. 1(Exh. A), 8-12-10)