



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, June 10, 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 May 13, 2025

AGENDA ITEMS

2. **BA-2025-04:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request for special exception located at 701 S. Pioneer Drive to expand a nonconforming structure and a variance for a 5-foot setback along S 7th Street, where 30 feet is required. **(Clarissa Ivey)**
3. **BA-2025-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on request for special exception located at 222 Bois D Arc Street to expand a nonconforming structure and a variance for a 0-foot setback along the alley, where 25-feet is required. **(Clarissa Ivey)**

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 June, 2025, at 10:15 a.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC*



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
May 13, 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. Jon Loudermilk, Chair
 Mr. Louis Zientek, Secretary
 Ms. Melissa Sparks, Sergeant at Arms
 Ms. Shawnda Rixey
 Mr. John Havard, Alternate

Staff Present: Mr. Tim Littlejohn, Director
 Ms. Kelley Messer, First Assistant City Attorney
 Ms. Mason Teegardin, Planning Division Manager
 Ms. Kera Valois, 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.

MINUTES

The public hearing was opened. Seeing no one present and desiring to be heard, the public hearing was closed. Mr. Zientek made the motion to approve the minutes from the regular meeting held on March 11, 2025. Mr. Havard seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

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

AGENDA ITEMS

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.

Ms. Kera Valois presented this request. 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.

Mr. Loudermilk opened the public hearing. There were three individuals who stepped forward to speak. 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. There were no (0) responses received in favor with one (1) received in opposition.

Mr. Havard moved to approve the request based upon the lot size being a special circumstance. The motion is also made due to the existing hardship of rebuilding the structure not being caused by the petitioner because the error should have been caught during the building inspection. Mr. Zientek seconded the motion. The motion to approve prevailed by the following vote:

AYES: Zientek, Rixey, Sparks, Havard, Loudermilk

NAYS: None

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 request for the variance is to allow one (1) parking space, where ten (10) are required.

Ms. Kera Valois presented this request. 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.

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.

Ms. Rixey moved to deny the request. Ms. Sparks seconded the motion. The motion to deny prevailed by the following vote:

AYES: Zientek, Rixey, Sparks, Havard, Loudermilk

NAYS: None

ADJOURNMENT

There being no further business, Mr. Zientek moved to adjourn. Ms. Rixey seconded the motion. The meeting was adjourned at 8:58 a.m.

Approved: _____, Chair
Jon Loudermilk

BOARD OF ADJUSTMENT

BA-2025-04

STAFF REPORT

Scheduled Hearings

Board of Adjustment: June 10, 2025

Applicant

Owner: Pioneer Drive Baptist Church
Agent: eHT (BJ Prichard)

Case Manager:

Clarissa Ivey, Planner

Request

A special exception to expand a nonconforming structure and a variance for a 5-foot setback along S 7th Street, where 30 feet is required.

Location

701 S Pioneer Dr.

Background

The property was annexed into the City of Abilene in 1952. According to records the property has housed the church prior to 1986.

Zoning, Existing and Proposed Land Use

The subject property is zoned Residential Single-Family (RS-8) which allows for a Church use, which is required to meet the standards set out in the Office (O) zoning district. The church is proposing an expansion towards the northern and eastern property lines.

Land Development Code Provisions

According to LDC Section 2.6.3.2(c), a nonconforming structure cannot be expanded unless a special exception is granted. While a variance was approved in 1986 (BA-3086) for the setback on the eastern (Buccaneer St) property line, an additional variance will be necessary for a 5-foot setback along the northern (S 7th St) property line, where a 30-foot setback is required by Section 2.3.3.3 (c) Table 2-4.

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 – Special Exception Section 1.4.4.1(e)

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(e), 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 has existed in harmony for several years. Most of the adjacent properties are owned

by the church and serve as a parking lot for the church. To the East Bonham Elementary School has an agreement with the church for the use of additional parking.

- 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 Comprehensive Plan is to locate non-residential development along arterial roadways or major intersections. Expanding the non-conformity would not seem to be out of place with the general purposes and intent for this intersection.

Criteria for Assessment – Variances Section 1.4.4.2(d) A variance is used to modify the application of this Ordinance 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 existing building is already set past a 5-foot setback. Additionally, the proposed expansion will also need to meet visibility clearance.

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

The request is 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.**

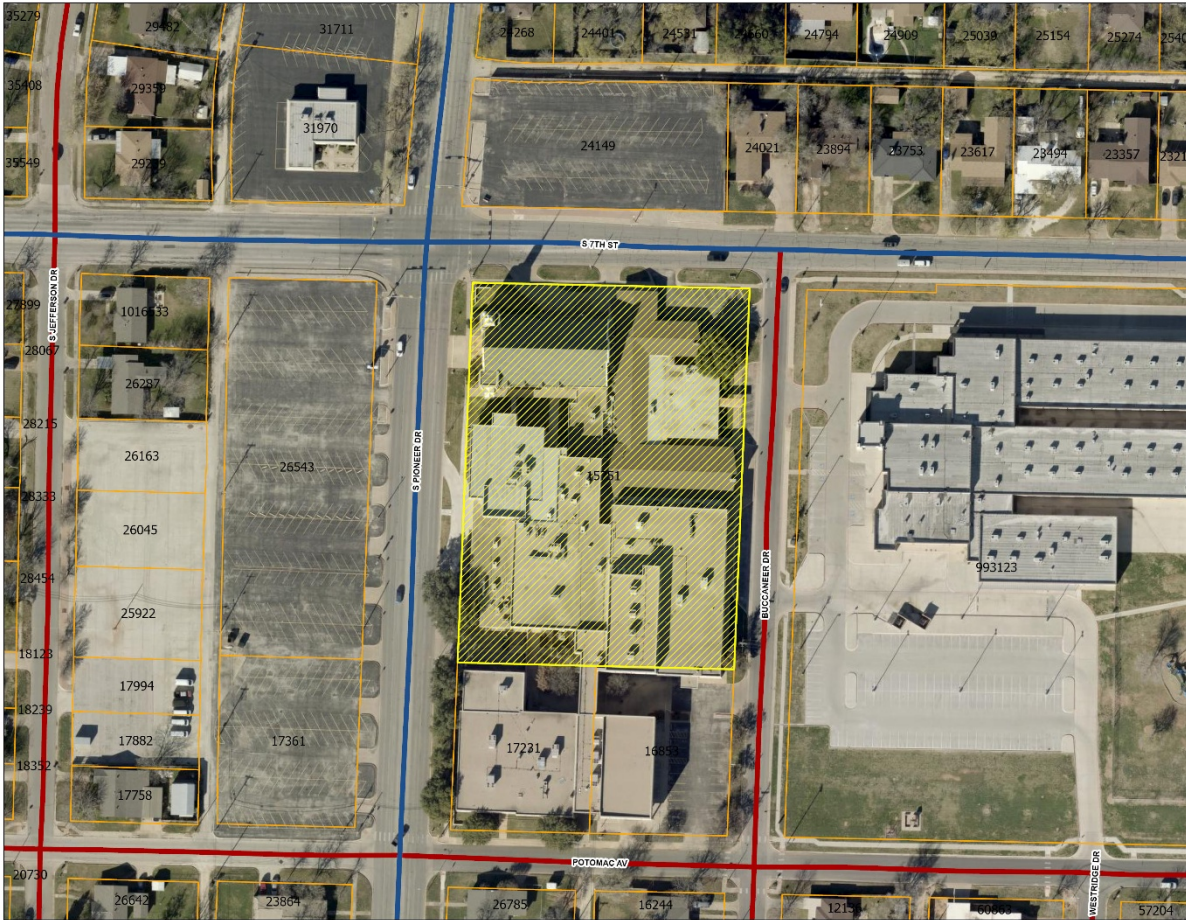
There are no apparent hardships.

NOTIFICATIONS

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

Property Owner	Property ID	Situs	Response
ABILENE BOARD OF REALTORS	31970	626 S PIONEER DR	
ABILENE IND SCHOOL DIST	993123	4250 POTOMAC AV	
ABILENE IND SCHOOL DIST	993123	717 BUCCANEER DR	
BAPTIST CITY MISSION	15751	701 S PIONEER DR	
BARRETT WALTER S & LORI	23894	4258 S 7TH ST	
PIONEER DRIVE BAPTIST	24149	4398 S 7TH ST	
PIONEER DRIVE BAPTIST	24021	4302 S 7TH ST	
PIONEER DRIVE BAPTIST	17361	726 S PIONEER DR	
PIONEER DRIVE BAPTIST	17231	727 S PIONEER DR	
PIONEER DRIVE BAPTIST	16853	735 BUCCANEER DR	
PIONEER DRIVE BAPTIST	26543	710 S PIONEER DR	
WILLIAMS DONALD A	23753	4250 S 7TH ST	

LOCATION MAP

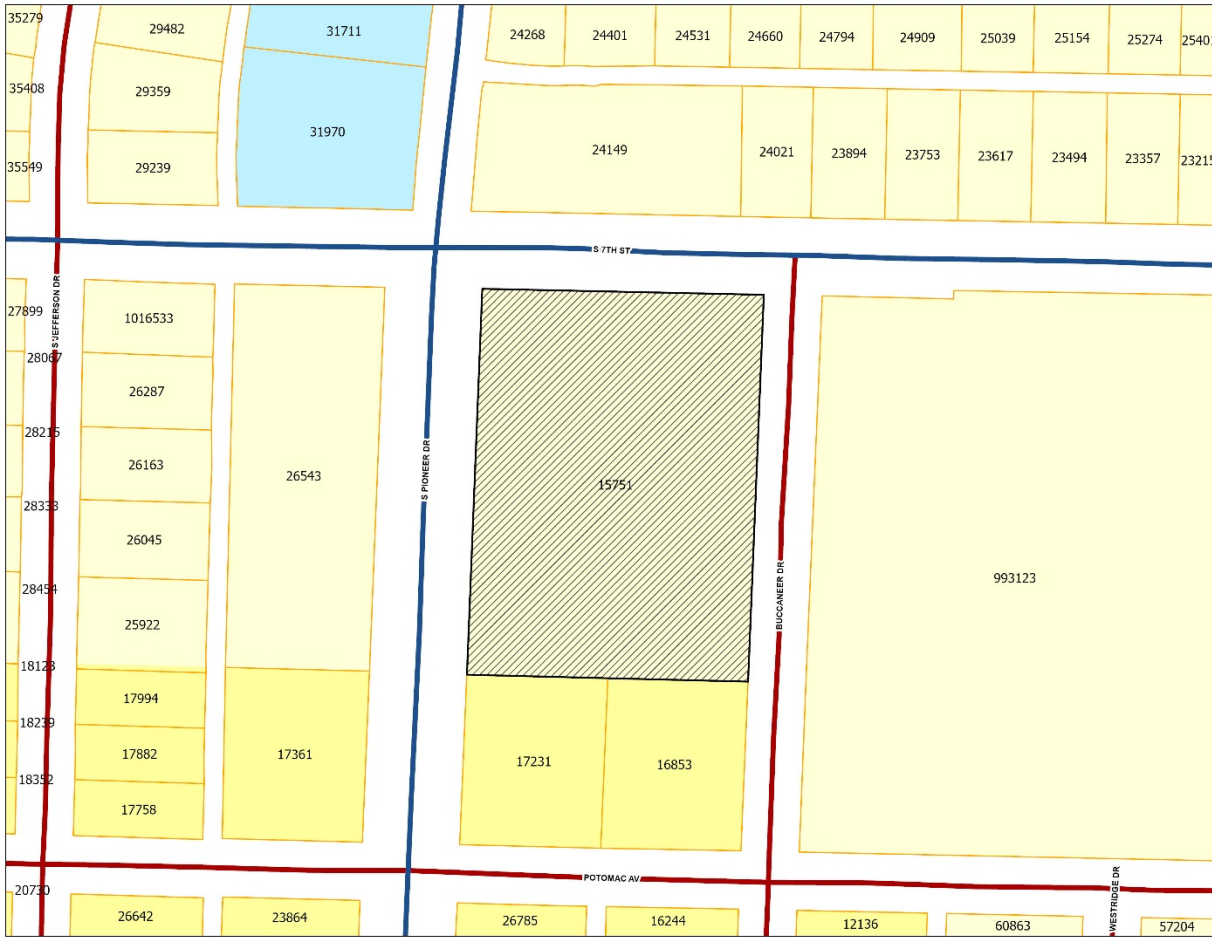


Legend








- BA-2025-04
- Courier Parcels
- Local
- Major Arterial

0.01 Miles

ZONING MAP

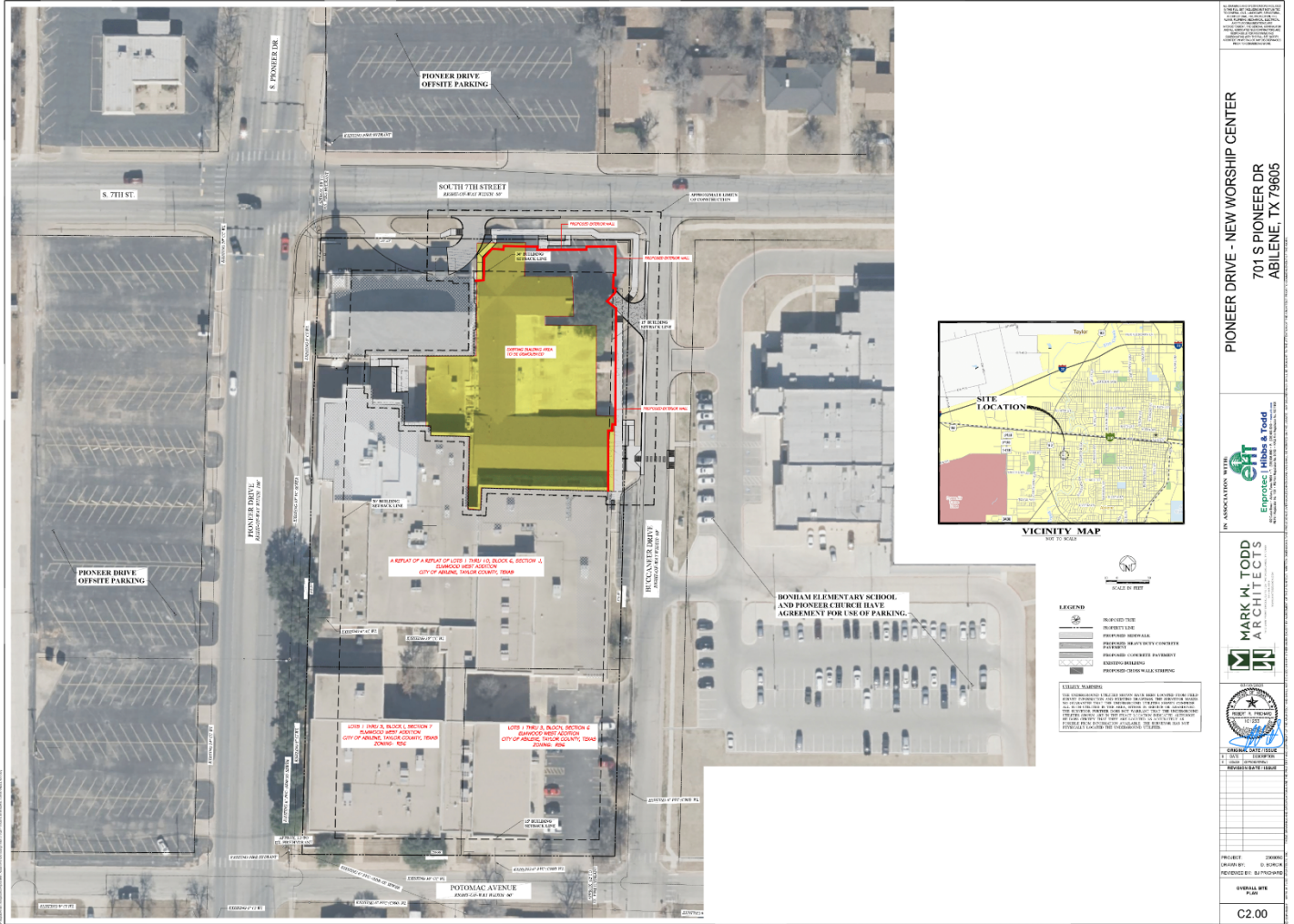


Legend

-  BA-2025-04
-  Courier Parcels
-  O (Office)
-  RS-6 (Single Family Residential)
-  RS-8 (Single Family Residential)
-  Local
-  Major Arterial

0.01 Miles

Proposed Expansion



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 May 13, 2025



SPECIAL EXCEPTION & VARIANCE REQUEST

Case: BA-2025-04

Owner: Pioneer Drive Baptist Church

Agent: eHT

Request: A special exception to expand a nonconforming structure and a variance for a 5-foot setback along S 7th Street, where 30 feet is required.

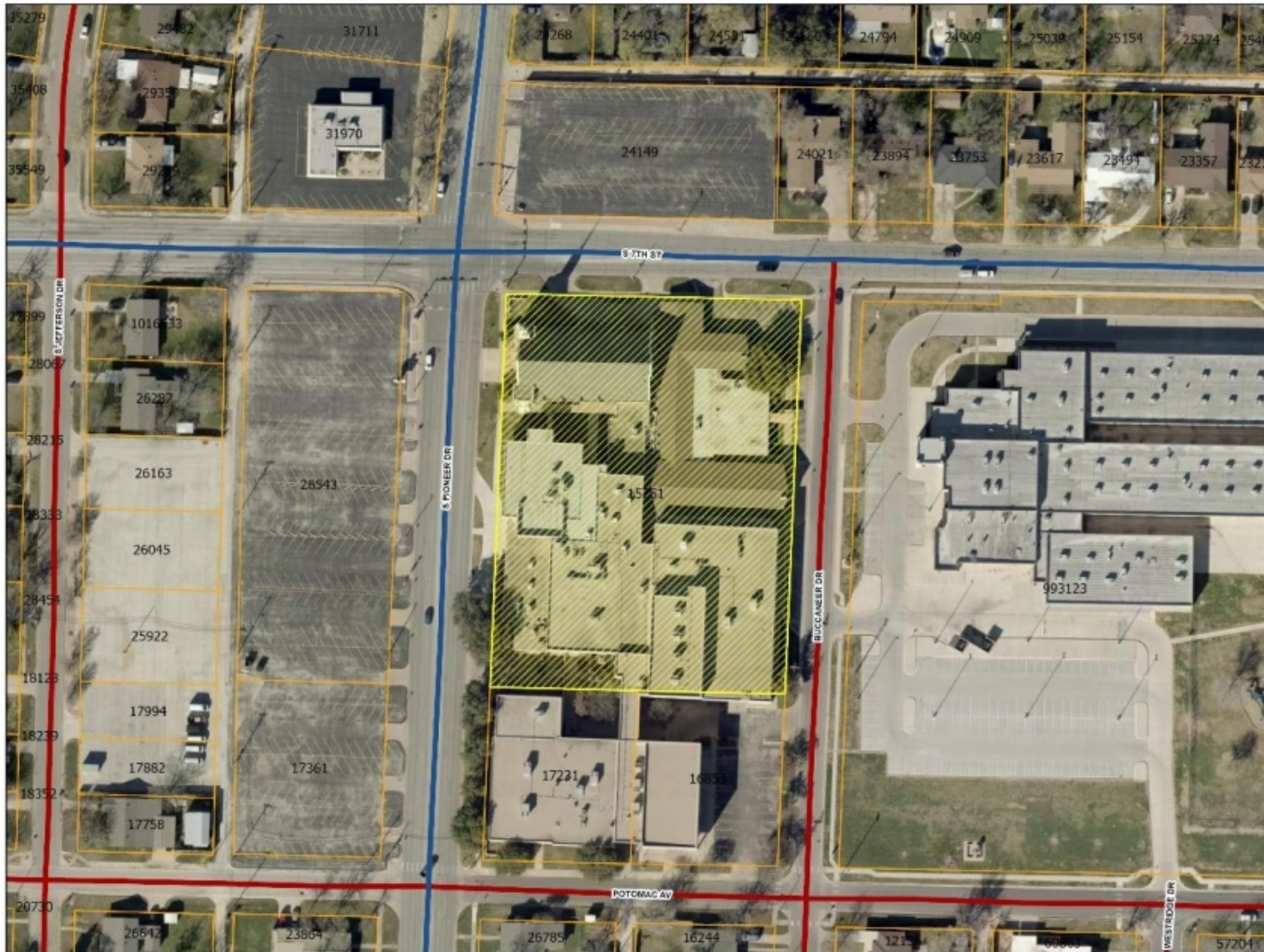
Location: 701 S Pioneer Dr

Notification: 0 in Favor, 0 Opposed

Board of Adjustment: June 10, 2025



AERIAL LOCATION MAP



Legend

-  BA-2025-04
-  Courier Parcels
-  Local
-  Major Arterial

0.01
Miles



ZONING MAP



Legend

- BA-2025-04
- Courier Parcels
- O (Office)
- RS-6 (Single Family Residential)
- RS-8 (Single Family Residential)
- Local
- Major Arterial

0.01 Miles

VIEWS OF SUBJECT PROPERTY



VIEWS OF NEIGHBORING PROPERTIES





NOTIFICATION AREA MAP



Legend

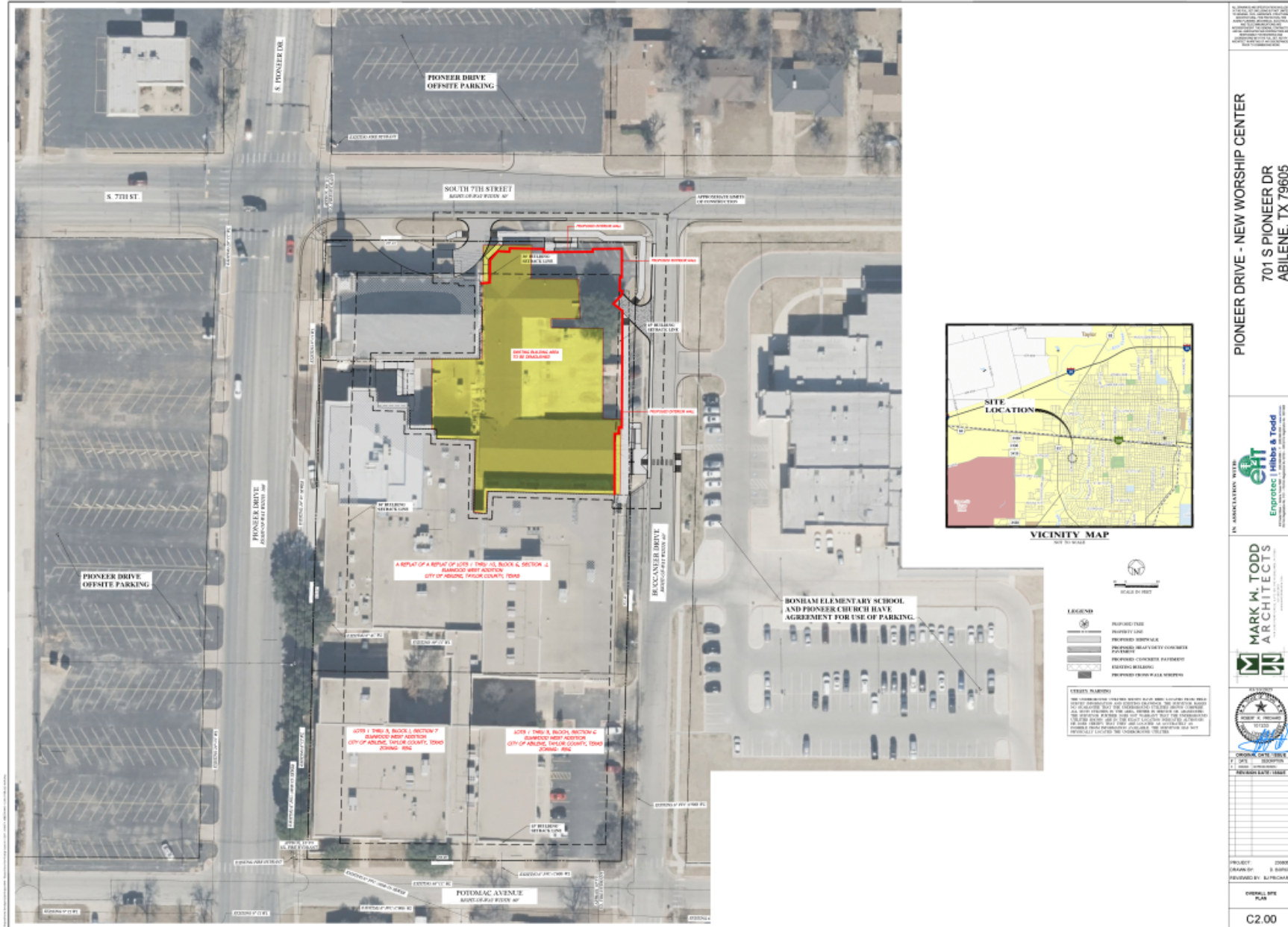
- Notification Area
- BA-2025-04
- Courier Parcels
- Local
- Major Arterial

0- In Favor- 

0- Opposed- 



PROPOSED EXPANSION



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

- **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 has existed in harmony for several years. Most of the adjacent properties are owned by the church and serve as a parking lot for the church. Bonham Elementary School, to the east, has an agreement with the church for the use of additional parking.

- **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 Comprehensive Plan is to locate non-residential development along arterial roadways or major intersections. Expanding the non-conformity would not seem to be out of place with the general purposes and intent for this intersection.



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

- **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 existing building is already set past a 5-foot setback. Additionally, the proposed expansion will also need to meet visibility clearance.

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

The request is 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.

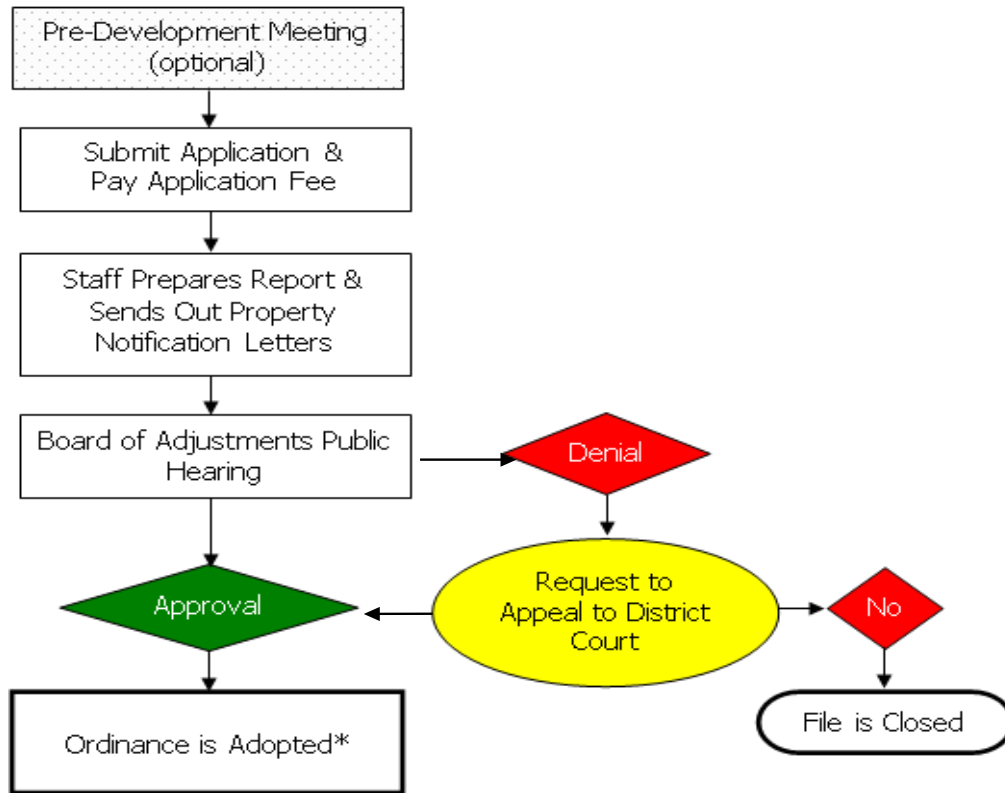
The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

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: Pioneer Drive Baptist Church			
Address: 701 South Pioneer,			
City: Abilene		State: Texas	Zip: 79605
Number: N/A		Email: N/A	

AGENT INFORMATION (if applicable)			
Name: eHT Engineering (BJ Prichard)			
Address: 402 Cedar Street			
City: Abilene		State: Texas	Zip: 79601
Number: 325-698-5560		Email: bj.prichard@e-ht.com	

Project Representation (check one):

- I will represent the application myself; OR
- I hereby designate eHT Engineering (BJ Prichard) (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: _____

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: Pioneer Drive Baptist Church - Worship Building Expansion		
Address: 701 Pioneer Drive, Abilene, Texas	Total lots: 3 Lots	Acreage:
Subdivision: Elmwood West Addition	Block(s): 6 / Sec J	Lot(s): All
Current Zoning: RS6 / RS8		

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.

Pioneer Drive Baptist Church, located at the corner of Pioneer Drive and South 7th Street is situated in the Elmwood West Addition to the City of Abilene and currently zoned for residential single family homes. The original church building (located on the northeast corner of the site) was built in 1954. Since its initial construction in 1954, the building has undergone a number of renovations and expansions to add various facilities and services. The current configuration of the building today has been in place (with a couple of minor exceptions) since 1995. Based on aerial photography, the last major building addition appears to have been completed in 2007-2008. The building in its current configuration pre-dates the City's current Land Development Code and does not appear to fully comply with building setback requirements established in the current Land Development Code. The proposed renovation project includes the demolition of the original church building (built in 1954) and the construction of a new worship center in its place. The exterior walls of the new worship center will be consistent with the exterior walls of the rest of the building and facilities, but will not meet current building setback requirements on South 7th Street or Buccaneer Drive. The church property is bounded by a parking area to its north, a parking area and office building to the northwest and a large parking area and other other church related facilities long its west side. The east side of the church is currently bordered by Bonham Elementary School. Refer to the attached overall site plan.

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. In reference to the attached overall site plan, the existing church building essentially occupies the entirety of Block 6, Section J of the Elmwood West Addition, reaching from South 7th Street to Potomac on the south from Pioneer Drive to Buccaneer Drive on the east. As shown, the proposed project includes the demolition of a significant portion of the existing building in order to create space for the new worship center. There is no other location within this property to construct the proposed facility.



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?

The proposed renovation project is not anticipated to have a significant impact on the surrounding neighborhood. The property use will not change from its current use. As noted above, at least one exterior wall on each side of the existing building is not compliant with the current building setback requirements. All of the non-compliant walls have been in place since 2008. The church currently owns property to north and west of the building that is utilized for parking. The east side of the building is bordered by Bonham Elementary School. The nearest residential properties to the church are located on the south side of Potomac, on the opposite end from the proposed worship center. The proposed project is not anticipated to significantly increase or alter current traffic volumes or patterns.

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?

The hardship for this property variance request is that the existing church property is fully developed (built out). The applicant is having to demolish a large portion of the existing building to make room for the new worship center. Other areas of the existing building area are also being renovated to absorb the offices and other facilities being demolished for the worship center expansion. Complying with the current building setbacks on South 7th and Buccaneer would significantly reduce the available square footage of the proposed worship center, defeating a primary purpose for the completion of this project in the first place - a larger worship space.

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

Property usage will not change from its current use as a place of worship / church / religious facility.

6. Is your property zoned appropriately?

Churches or Places of Worship are currently allowed by right in all zoning districts.



Board of Adjustment Application

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

Yes. The existing property is not located within any designated Special Flood Hazard Zones and has sufficient drainage facilities to protect the building.

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:

No. As noted above, the property is essentially built out. The applicant is planning to removed a portion of the existing structure to make room for the proposed worship center addition. There are not other locations on this property that would allow for the construction of the new facility.



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: 03/14/2025

BOARD OF ADJUSTMENT

BA-2025-05

STAFF REPORT



Scheduled Hearings

Board of Adjustment: June 10, 2025

Applicant

Owner: Mauro Omar and Rebella Ortiz

Agent: Mayhem Solutions, LLC (Jeremy Wright)

Case Manager:

Clarissa Ivey, Planner

Request

A special exception to expand a nonconforming structure and a variance for a 0-foot setback along the alley, where 25-feet is required.

Location

222 Bois D Arc St.

Background

This property is part of Original Town Abilene, and home to a commercial building built in 1939. Most recently the property has been used as warehouse storage of audio equipment for 83 Entertainment.

Zoning, Existing and Proposed Land Use

The subject property is zoned Light Industrial (LI).

Land Development Code Provisions

In Light Industrial (LI) zoning the setback along N 2nd St and the alley is 25 feet, the existing structures were built within this setback in 1939, prior to the adoption of the Land Development Code (LDC). According to LDC Section 2.6.3.2(c), a nonconforming structure cannot be expanded unless a special exception is granted. The proposed addition will also require a variance to be granted for a 0-foot setback along the alley.

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 – Special Exception Section 1.4.4.1(e)

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(e), 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 allowed and compatible with the permitted uses of the adjacent properties.

- 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 Light Industrial (LI) zoning district is to provide areas for a wide range of manufacturing, wholesale, and medium intensity activities - all a non-nuisance type.

Criteria for Assessment – Variances Section 1.4.4.2(d) A variance is used to modify the application of this Ordinance 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 undue hardship.

- 2. That the granting of the variance will not be contrary to the public interest and will not be injurious to neighboring properties or otherwise detrimental to the public welfare.**

Granting the request would not be contrary to the public interest and will maintain fire separation minimum from structures on adjacent properties.

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

The request is 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.

NOTIFICATIONS

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

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
CITY OF ABILENE	1061956	209 E HWY 80	
DEANDA PAUL V & IRMA M	55379	241 COTTONWOOD ST	
FAIN TOMMY	975938		
FLORES ROBERT	59637	233 BOIS D ARC ST	
GOMEZ FELIPA	996295	225 COTTONWOOD ST	
GOMEZ FELIPA	996291	233 COTTONWOOD ST	
HERRERA MARCUS	55002	213 COTTONWOOD ST	
HERRERA MARCUS	54740	209 COTTONWOOD ST	
HERRERA MARK	56542	301 COTTONWOOD ST	
ORTIZ ADOLFO M	54086	234 BOIS D ARC ST	
ORTIZ MAURO OMAR	56417	302 BOIS D ARC ST	
ORTIZ MAURO OMAR & REBECCA	54480	202 BOIS D ARC ST	
ORTIZ MAURO OMAR & REBECCA	54480	222 BOIS D ARC ST	APPLICANT
ORTIZ MAURO OMAR FERMIN	53957	242 BOIS D ARC ST	

LOCATION MAP

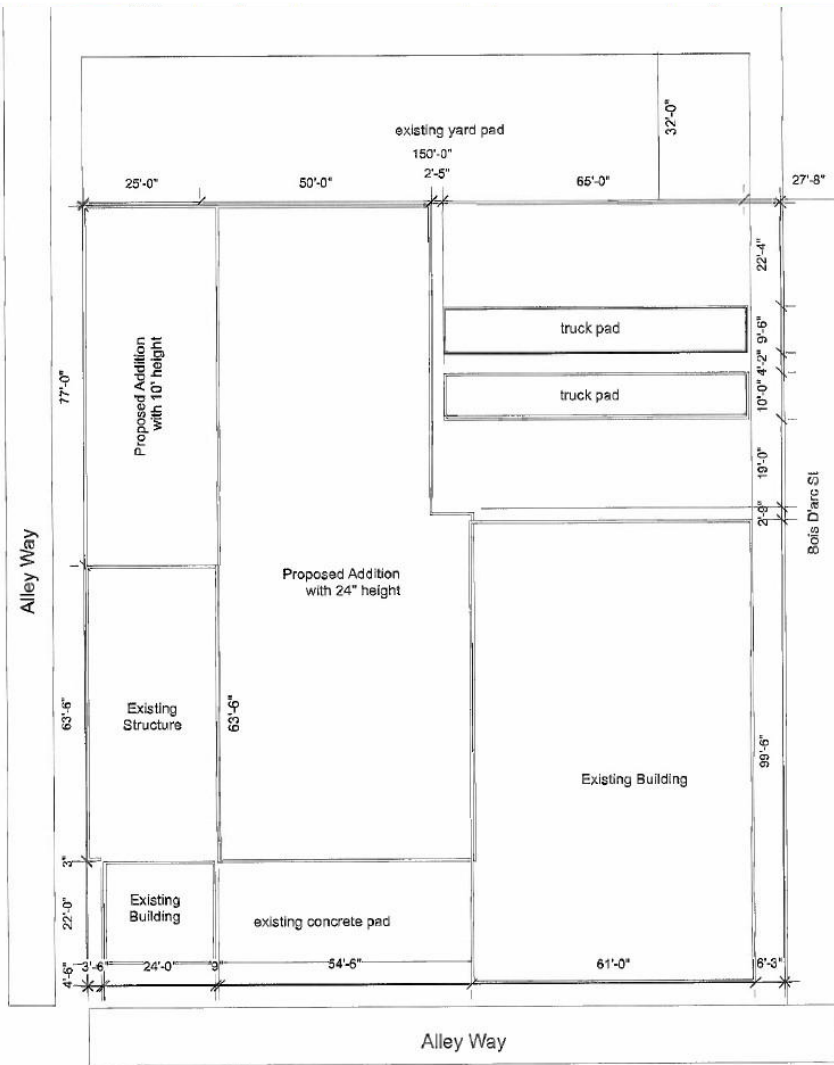


Legend

- BA-2025-05
- Courier Parcels
- Highway
- Local

0.01 Miles

ZONING MAP



Legend

- BA-2025-05
- Courier Parcels
- HI (Heavy Industrial)
- LI (Light Industrial)
- Highway
- Local

Proposed Expansion

SPECIAL EXCEPTION & VARIANCE REQUEST

Case: BA-2025-05

Owner: Mauro Omar and Rebella Ortiz

Agent: Mayhem Solutions, LLC (Jeremy Wright)

Request: A special exception to expand a nonconforming structure and a variance for a 0-foot setback along the alley, where 25-feet is required.

Location: 222 Bois D Arc St

Notification: 0 in Favor, 0 Opposed

Board of Adjustment: June 10, 2025



ZONING MAP



Legend

- BA-2025-05
- Courier Parcels
- HI (Heavy Industrial)
- LI (Light Industrial)
- Highway
- Local

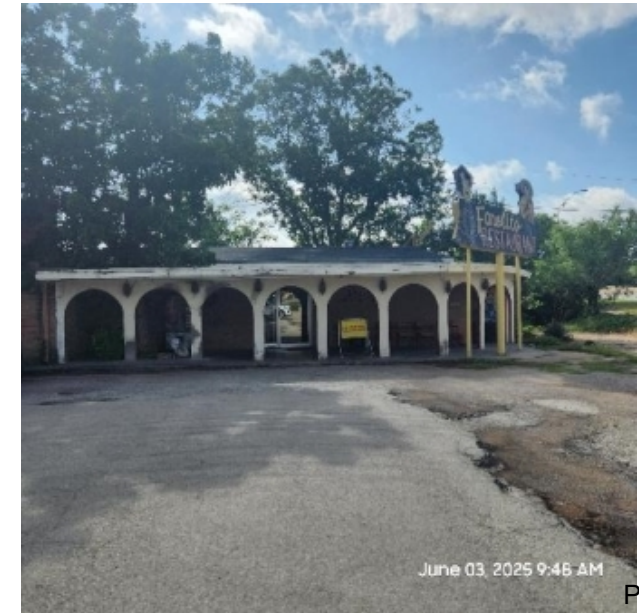
0.01 Miles



VIEWS OF SUBJECT PROPERTY





VIEWS OF NEIGHBORING PROPERTIES



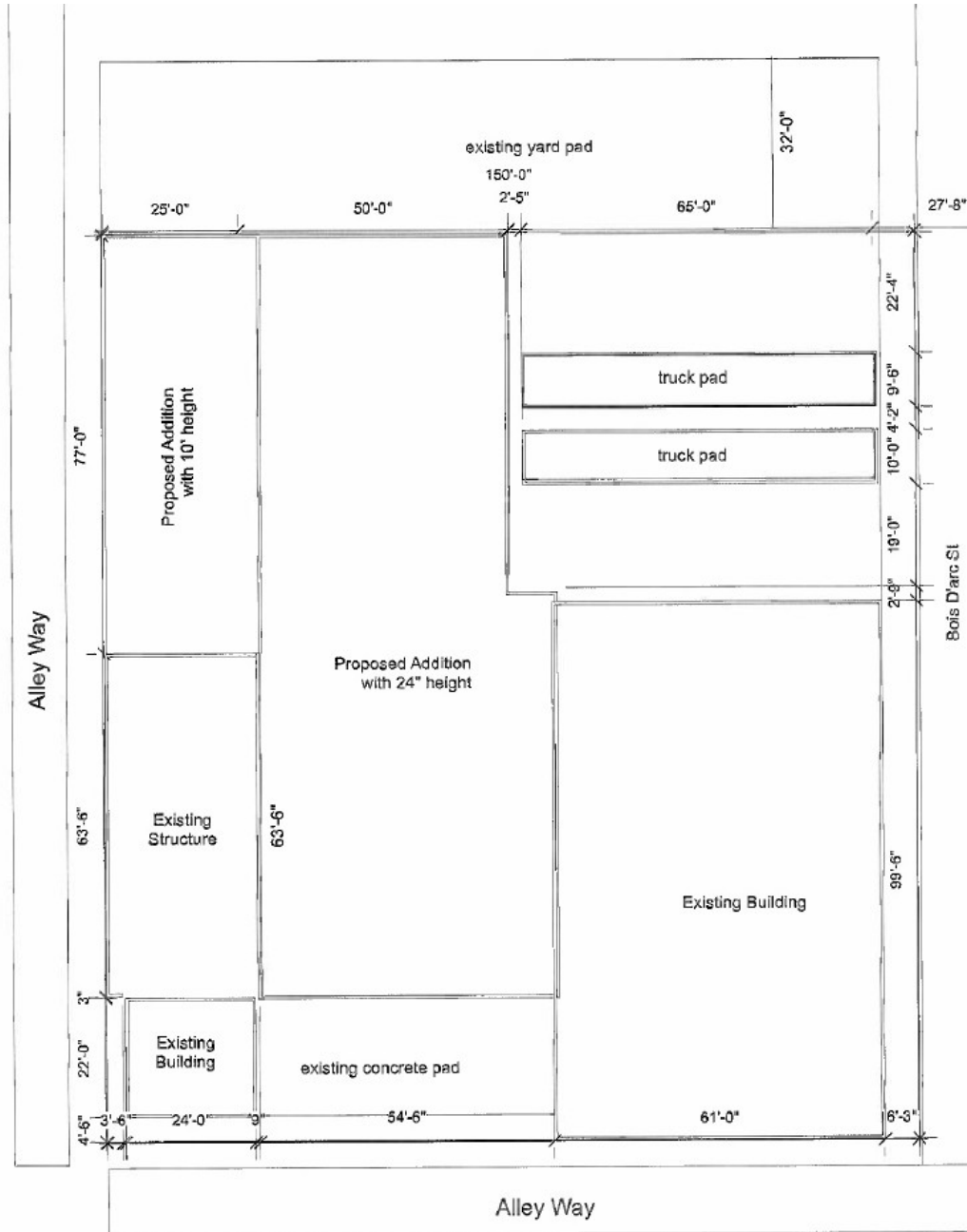
NOTIFICATION AREA MAP



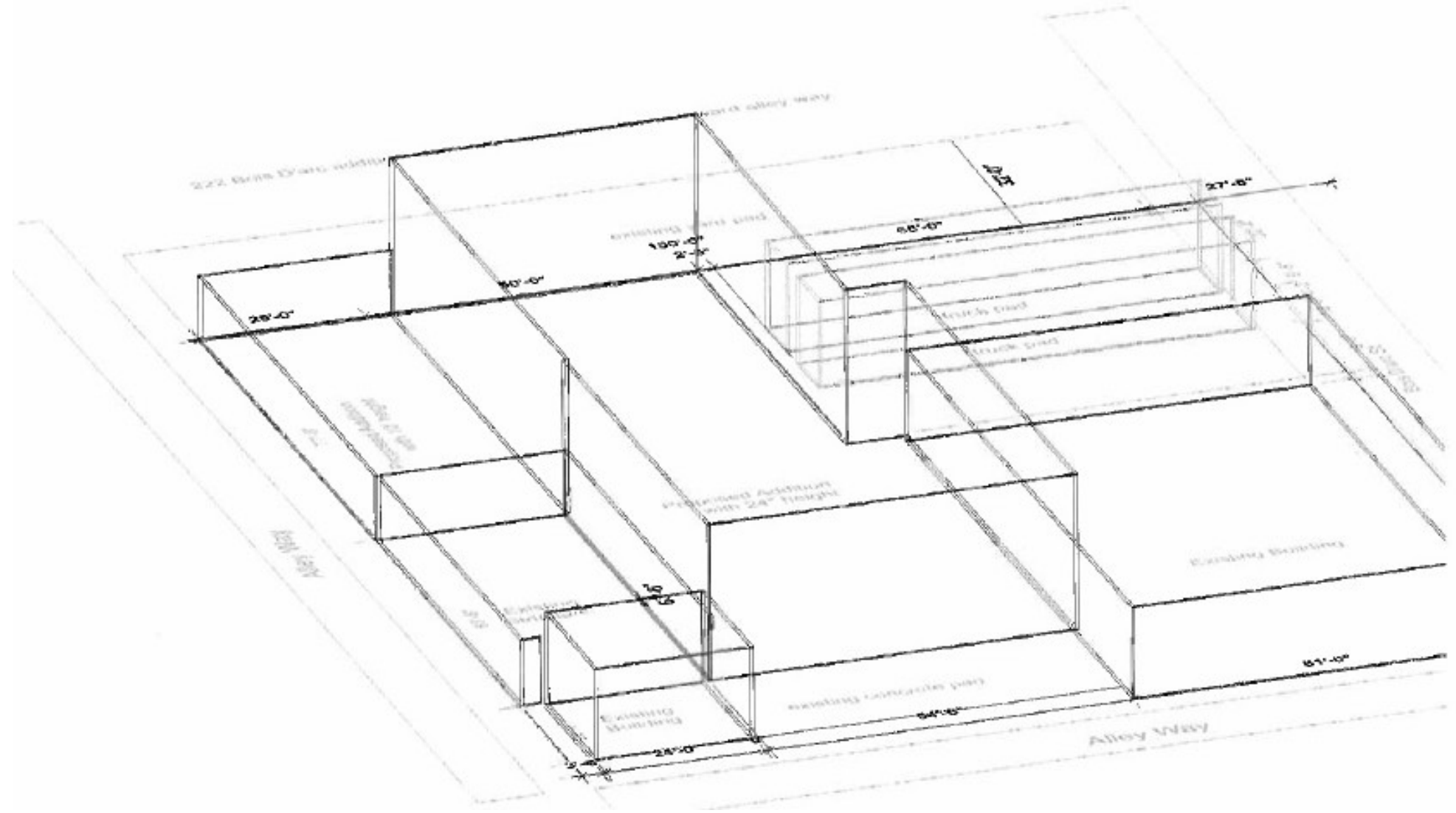
0- In Favor- 
0- Opposed- 



PROPOSED EXPANSION



PROPOSED EXPANSION



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

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 allowed and compatible with the permitted uses of the adjacent properties.

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 Light Industrial (LI) zoning district is to provide areas for a wide range of manufacturing, wholesale, and medium intensity activities, all of a non-nuisance type.



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

- 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 undue hardship.

- 2. That the granting of the variance will not be contrary to the public interest and will not be injurious to neighboring properties or otherwise detrimental to the public welfare.**

Granting the request would not be contrary to the public interest and will maintain fire separation minimum from structures on adjacent properties.

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

The request is 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.



Questions?





Board of Adjustment Application

Owner Information and Representative Designation

OWNER INFORMATION			
Name:	MAURO OMAN AND REBELLA ORTIZ		
Address:	2633 SHORELINE		
City:	ABILENE	State:	TX
		Zip:	79602
Number:	325-665-4770	Email:	OMAR@83ENTERTAINMENT.COM

AGENT INFORMATION (if applicable)			
Name:	JEREMY WRIGHT - MAYHEM SOLUTIONS LLC		
Address:	3902 MONTICELLO CR		
City:	ABILENE	State:	TX
		Zip:	79605
Number:	325-320-8585	Email:	MAYHEM SOLUTIONS@HOTMAIL.COM

Project Representation (check one):

- I will represent the application myself; OR
- I hereby designate JEREMY WRIGHT (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.

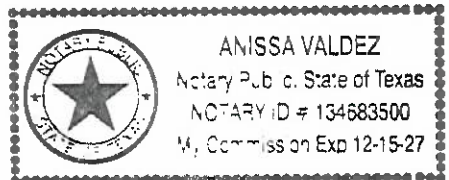
Property Owner's Signature: Rebecca Ortiz

STATE OF: TEXAS

COUNTY OF: TAYLOR

BEFORE ME, a Notary Public, on this day personally appeared Mauro and Rebecca Ortiz (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 9th day of April, 2025



[Signature]

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: 83 ENTERTAINMENT EXPANSION		
Address: 222 8.15 D ARC	Total lots: 4 *	Acreage: .64
Subdivision: 75100A	Block(s): 141	Lot(s): 3,4,5,6
Current Zoning: LIGHT INDUSTRIAL		

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.

ADDING WAREHOUSE BETWEEN TWO EXISTING BUILDINGS THAT ARE
 NON CONFORMING. OPTION 2 IS PREFERRED WITH ADDITIONAL SPACE.

* WILL BE REPLATTED TO ONE LOT

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



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?

NONE

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?

WITHOUT ADDITIONAL SPACE, COMPANY CAN NOT STAY AT CURRENT LOCATION

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

NEW ADDITION IS FOR WAREHOUSE SPACE

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:

NO



Board of Adjustment Application

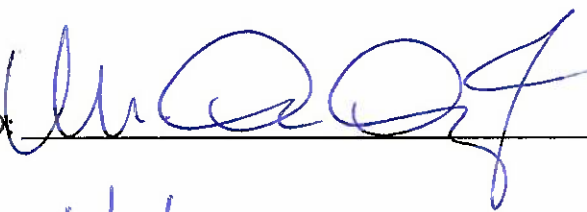

PUBLIC NOTIFICATION

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: 4/9/25

222 Bois D'arc addition - Option 2 with west addition toward alley way.

