



City of Abilene

Board of Adjustment Agenda

Notice is hereby given of a meeting of the City of Abilene Board of Adjustment to be held on Tuesday, October 14, 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 Approving the Minutes from the Regular Meeting Held on August 12, 2025

AGENDA ITEMS

2. **BA-2025-07:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request for 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. Located at 302 Willow Street. (*Clarissa Ivey*)
3. **BA-2025-08:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request for Variance Request To Allow A 27' Long Carport With A Minimum Setback Of 1' (5' Setback Required With A Maximum Of 22' In Length With Architectural Compatibility) The Request Is Also To Permit A Carport 13' From The Edge Of Pavement (A Minimum Of 15' Is Ordinarily Required). Located at 1242 Chariot Circle. (*Adam Holland*)
4. **BA-2025-09:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request for Variance to Allow a 20-foot Side Setback, Where 25 Feet Minimum is Required. Located at 3451 Silver Oak Subdivision. (*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 8th day of October, 2025, at 3:00 p.m.

Shawna Atkinson, City Secretary



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

August 12, 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
Ms. Shawnda Rixey, Vice Chair
Ms. Melissa Sparks
Ms. Laura Donaway, Alternate
Mr. Chip Whitlock, Alternate

Staff Present:

Mr. Michael Rice, Assistant City Manager
Mr. Tim Littlejohn, Director
Ms. Kelley Messer, First Assistant City Attorney
Ms. Mason Teegardin, Planning Division Manager
Ms. Melissa Farr, Executive Assistant

CALL TO ORDER

The meeting was called to order at 8:34 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. Ms. Rixey made the motion to approve the minutes of the regular meeting held on June 10, 2025. Ms. Donaway seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Whitlock, Rixey, Donaway, Sparks, Loudermilk

NAYS: None

AGENDA ITEMS

BA-2025-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Variance Request Located at 301 Cypress Street to Allow the Redevelopment of an Existing Building into 49 Multi-Family Apartments, Where 24 Units would be the Maximum Allowed.

Ms. Mason Teegardin presented this request. The applicant is requesting a variance to allow the redevelopment of an existing historic building into multi-family apartments. The maximum dwelling units per acre allowed within Central Business (CB) zoning is 24 units per acre. The request is to allow 49 units per acre within the existing footprint of the 7-story building. The applicant is also proposing commercial space on the ground floor.

Chairman Loudermilk opened the public hearing. Those who spoke were Ms. April Engstrom and Mr. Brad Benham. Seeing no one else 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 three (3) responses received in favor with none (0) in opposition.

Ms. Sparks moved to approve this request based upon the findings of staff. Ms. Rixey seconded the motion. The motion prevailed by the following vote:

AYES: Whitlock, Rixey, Donaway, Sparks, Loudermilk
NAYS: None

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:51 a.m.

Approved: _____, Chair
Jon Loudermilk

BOARD OF ADJUSTMENT

BA-2025-07

STAFF REPORT



Scheduled Hearings

Board of Adjustment: October 14, 2025

Applicant

Owner: Jeremy Ford

Case Manager:

Clarissa Ivey, Planner

Request

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

Location

302 Willow Street

Background

A residence built in 1947 exists on the property. According to the water department, service has been off since January 23, 2010. The home was sold to Mr. Ford earlier this year, who set out immediately to do repairs to the home. Unfortunately, he was not aware that building permits were required and received a stop-work order. At this time, Mr. Ford was made aware that the property was zoned Light Industrial, and he was not to resume residential uses without approval from the Board of Adjustments.

Zoning, Existing and Proposed Land Use

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

Land Development Code Provisions

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

Site Constraints

The property is completely surrounded by Light Industrial (LI) zoning. Thus, the property is not a candidate for rezoning.

Precedents/Findings

The property was condemned by the Code Enforcement Department on August 27, 2025. After reviewing the images from that inspection, it is apparent that more than \$15,650 (50% of the assessed value per Taylor CAD) might be necessary for the dwelling to become habitable.

Criteria Assessment

In deciding whether to approve, conditionally approve or deny the application for a Special Exception, the Board shall apply the standards for special exceptions for nonconformities, outlined in Section 1.4.4.1(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 not compatible with Light Industrial uses; however, a nonconforming residence exists on the same block. That home and the subject home are the last residences within this Light Industrial (LI) zoned cluster.

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

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

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

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

Attachments

- Application
- Site Plan
- PowerPoint Presentation

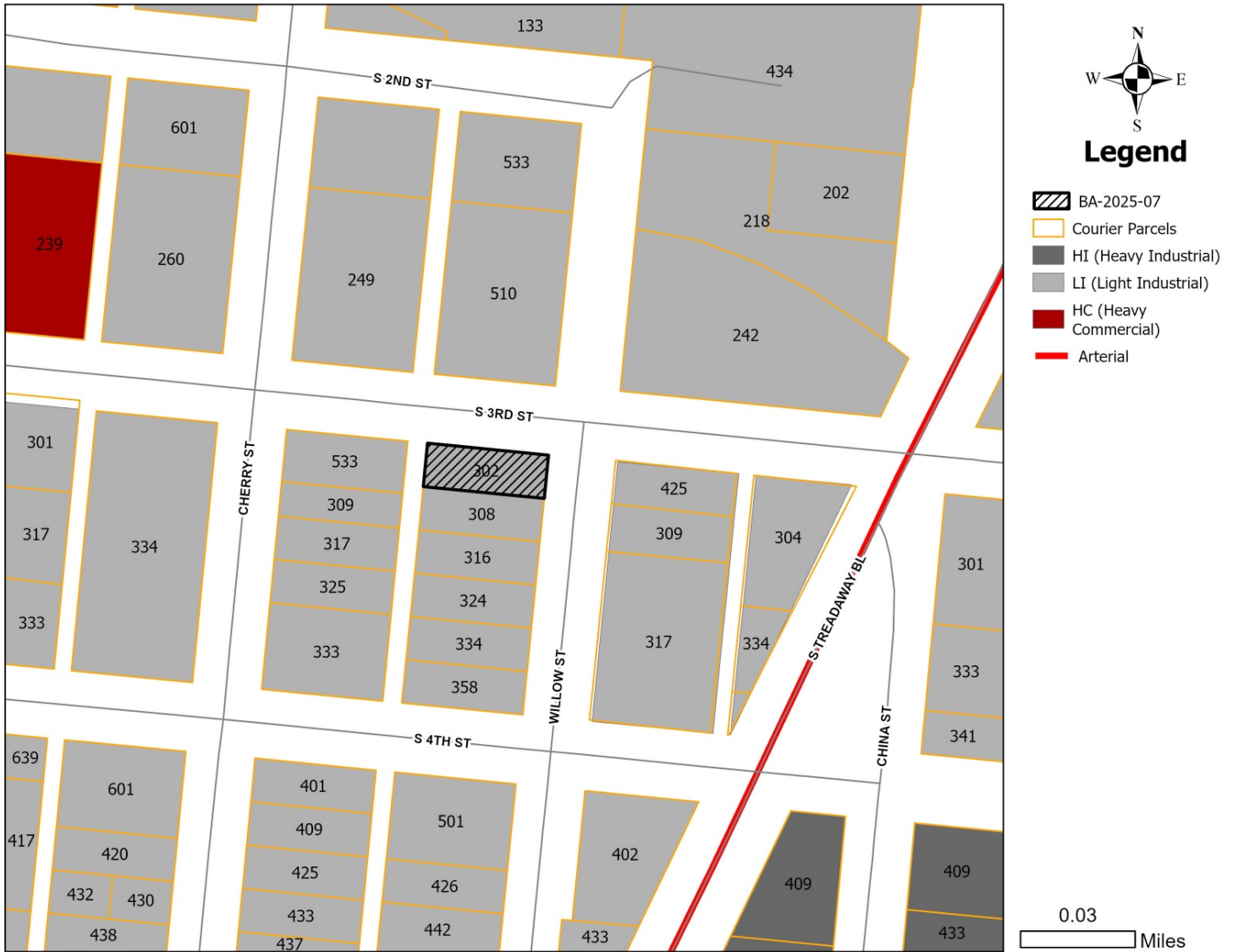
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on September 26, 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.

Legend: O- Opposed F- Favor

Owner	Situs	Property ID	Response
ARMSTRONG DORIS J	309 CHERRY ST	44425	
ARMSTRONG JEROLD R	533 S 3RD ST	44547	
ARMSTRONG JEROLD R	510 S 3RD ST	44909	
CAF REALTY LLC	316 WILLOW ST	43133	
CAF REALTY LLC	308 WILLOW ST	43017	
COCHNAUER ROBERT	358 WILLOW ST	43491	
COCHNAUER ROBERT	334 WILLOW ST	43377	
CROWE MANAGEMENT SERVICES INC	249 CHERRY ST	45355	F
FAIN CECIL A & JANE A	309 WILLOW ST	11097	
FAIN CECIL A & JANE A	425 S 3RD ST	11219	
FAIN TOMMY	317 WILLOW ST	10748	
FAIN TOMMY	442 S 4TH ST	10748	
FORD JEREMY JEROME	302 WILLOW ST	42882	Applicant
PAYNE HENRIETTA	324 WILLOW ST	43258	
PINK FRANCES M BRITTON	317 CHERRY ST	44025	
REYES ROLANDO SR	325 CHERRY ST	43855	
REYES ROLANDO SR	333 CHERRY ST	43607	
SHAR-I LP	242 S TREADAWAY BL	11832	

ZONING MAP



Welcome

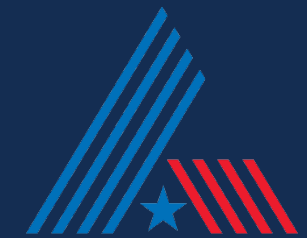
to the

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 August 12, 2025



Case: BA-2025-07

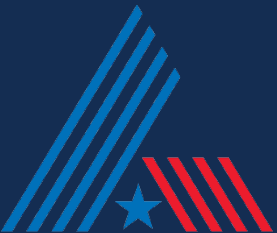
Owner: Jeremy Ford

Request: A special exception to resume the residential use and to allow the reconstruction of more than fifty percent (50%) of its replacement cost.

Location: 302 Willow Street

Notification: 1 in Favor, 0 Opposed

Board of Adjustment: October 14, 2025



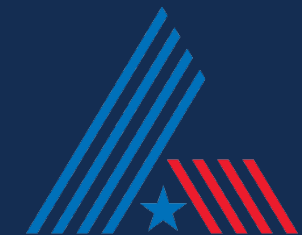
AERIAL LOCATION MAP



Legend

-  BA-2025-07
-  Courier Parcels
-  Arterial

0.03
Miles



ZONING MAP

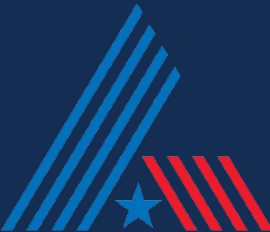


Legend

- BA-2025-07
- Courier Parcels
- HI (Heavy Industrial)
- LI (Light Industrial)
- HC (Heavy Commercial)
- Arterial

0.03

Miles



VIEWS OF SUBJECT PROPERTY



Initial State



Current State



VIEWS OF NEIGHBORING PROPERTIES



USES IN LIGHT INDUSTRIAL ZONING

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

LEGEND

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

SERVICE:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRADE – RETAIL USES:

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

TRADE – WHOLESALE USES:

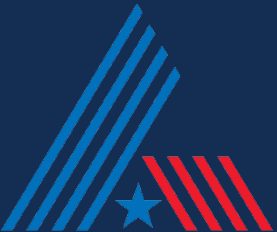
- P Liquor, Wholesale/Distribution
- C Livestock – Wholesale or Auction
- P Wholesaling and Storage (indoor)
- P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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



NOTIFICATION AREA MAP



Legend

- BA-2025-07
- Notification Buffer
- Courier Parcels
- Arterial

- 1- In Favor-
- 0- Opposed-

0.01
Miles



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

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

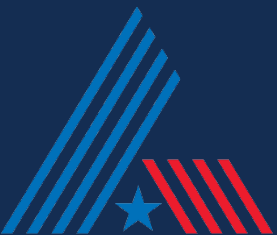
The proposed use is not compatible with Light Industrial uses; however, a nonconforming residence exists on the same block. That home and the subject home are the last residences within this Light Industrial (LI) zoned cluster.

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.

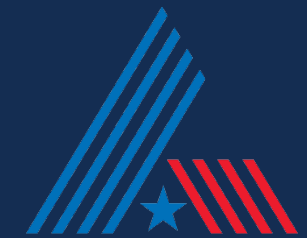
The granting of the Special Exception will not place a burden on public facilities.

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 Land Development Code intends to protect residential uses from manufacturing, wholesale, and medium-intensity activities.



Questions?





Board of Adjustment Application

Owner Information and Representative Designation

OWNER INFORMATION			
Name:	Jeremy Ford		
Address:	302 Willow St.		
City:	Abilene	State:	TX
Zip:	74602		
Number:	323 334 7225	Email:	JeremyJFord@hotmail.com

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

Project Representation (check one):

I will represent the application myself; OR

I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

Property Owner's Signature: Jeremy Ford

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: 302 Willow Rehab		
Address: 302 Willow St.	Total lots:	Acreage:
Subdivision:	Block(s):	Lot(s):
Current Zoning: LI		

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

1. Describe the unique circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and its intent.

The home was originally built residential
 I plan to keep the home residential
 I would consider it "Grandfathered In" as residential
 The home is historical to the area
 The home is standing with minimal damage
 Has sat vacant for over 25 years
 house was listed & purchased as residential

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?

Bring up the property value and neighborhood value.
Remove the property as an "eye sore" in the community
Construction is happening throughout the Soda Dist.
as improvement. This will add value to the area.

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?

I moved to Abilene and bought the house as a residence. I would have no place to live in the future. Financially a burden because I bought the house w/ savings. The location is a hardship because its close to my job in the Enterprise bldg.

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

Residential for me to live in. Close to my job, in the soda dist. In a safe community within the city limits.

6. Is your property zoned appropriately?

No! It was residential. Sold to me as residential has since changed to light industrial.



Board of Adjustment Application

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

yes. I bought the house w/ builders insurance.

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:

None. I bought the property with the intention to rehab it and live in on the property. I moved to Abilene for work with plans to stay. I want to keep the property so I can ~~move~~ fix it up & move into the home.



Board of Adjustment Application

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Board of Adjustment at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Board of Adjustment, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Board of Adjustment will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Board to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

A handwritten signature in blue ink, appearing to read "Jeremy", written over a horizontal line.

DATE: _____

A handwritten date in blue ink, "8/26/25", written over a horizontal line.

BOARD OF ADJUSTMENT

BA-2025-08

STAFF REPORT



Scheduled Hearings

Board of Adjustment: October 14, 2025

Applicant

Owner: John Wray

Case Manager: Adam Holland - Planner

Request

Variance to allow the following:

- 27-foot-long carport, where 22 feet is the maximum allowed.
- 1-foot property line setback, where 5 feet is the minimum setback required.
- 13 foot back of curb setback, where 15 feet is the minimum setback required.

Location

1242 Chariot Circle

Background

The subject property is currently zoned Residential Single-Family (RS-6). The owner of the property would like to build a carport to store a vehicle under. Previously, the pad under the proposed carport was paved with concrete. The owner would like to build the carport over the existing pad.

Land Development Code Provisions

Per Section 2.4.4.2 - Carports and Patio Covers, the street setback for carports and patio covers can extend no further than five (5) feet from any lot boundary adjacent to a public street if they are architecturally compatible. Secondly, the leading edge or face of the roof shall be separated at least 15 feet from the back of street curb or, if a curb does not exist there, from the edge of any street surface. Finally, the same section only allows a carport to extend a length of twenty-two (22) feet from the principal structure.

Site Constraints

There does not appear to be any site constraints, as determined by staff. A conforming carport can be built on these premises.

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 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 or injurious to neighboring properties.

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

- Application
- Site Plan
- PowerPoint Presentation

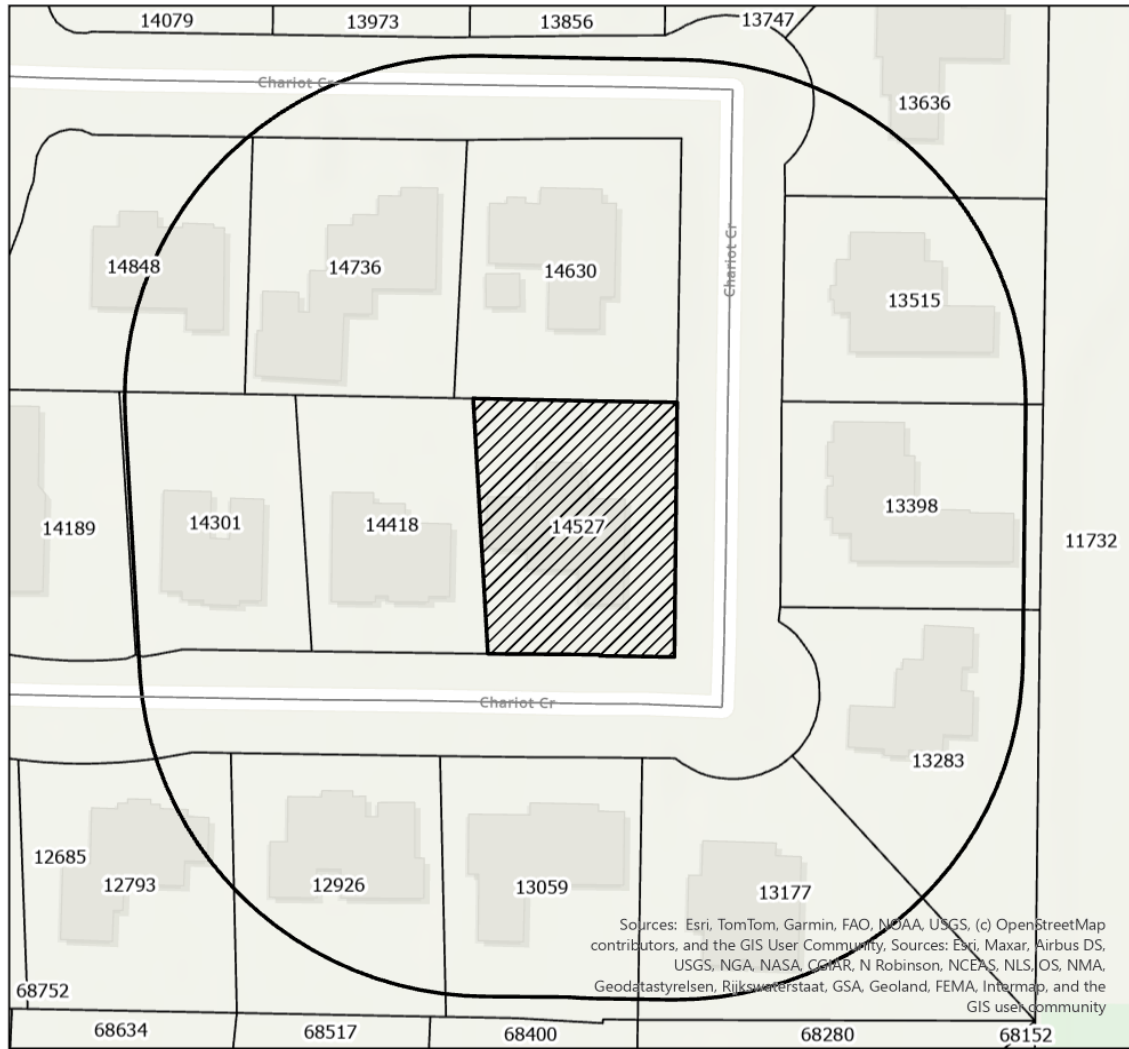
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on September 26, 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:

Legend: O – Opposed F - In Favor

OWNER	SITUS	PROP_ID	RESPONSE
CARRIZALES JESSICA NICOLE & CYNTHIA	1259 CHARIOT CR	12793	
HENDRIX REBECCA D	1247 CHARIOT CR	13177	
MARSHALL ROBERT WAYNE & SHANNON	1256 CHARIOT CR	14418	F
WRAY ROBERT & CHERYL	1235 CHARIOT CR	13515	
SILVESTRI KEVIN A	1221 CHARIOT CR	14630	
LOVE ROGER D & JACKIE	1243 CHARIOT CR	13283	
WRAY JOHN ALLEN &	1242 CHARIOT CR	14527	
GOLDSMITH LLOYD M & MARY N	1217 CHARIOT CR	14736	
KRUSE ROBERT M	1260 CHARIOT CR	14301	
BAILEY SUE BETH	1251 CHARIOT CR	13059	
AVILA GABRIEL & SHERRY	1231 CHARIOT CR	13636	
BLOCKER DONALD W	1239 CHARIOT CR	13398	
LESTER JON JAY & LISA GAYLE	1255 CHARIOT CR	12926	
GERMANY JESSE RAY & CHARLENE FLEENER	1213 CHARIOT CR	14848	

NOTIFICATION MAP



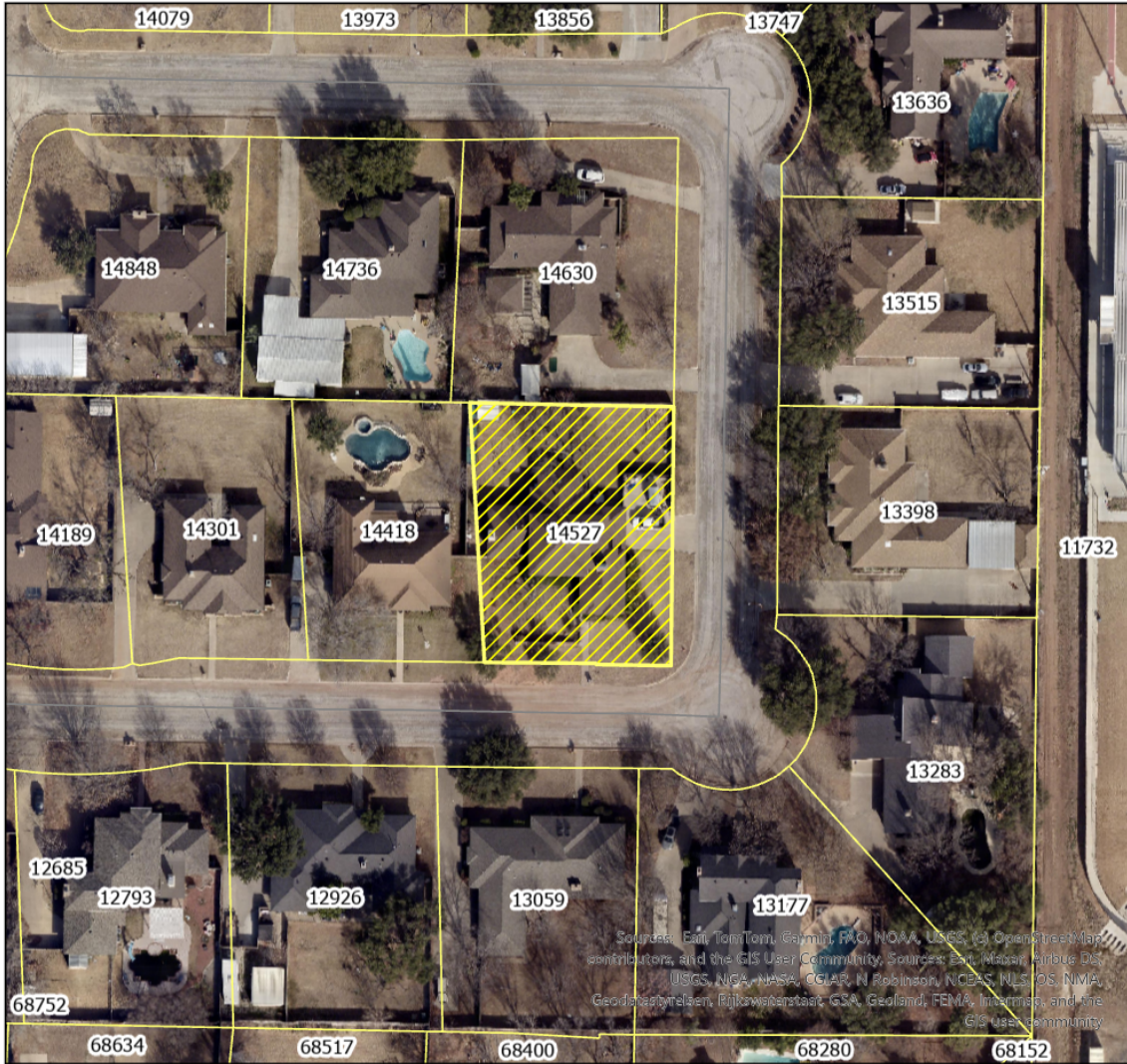
0.01

Miles

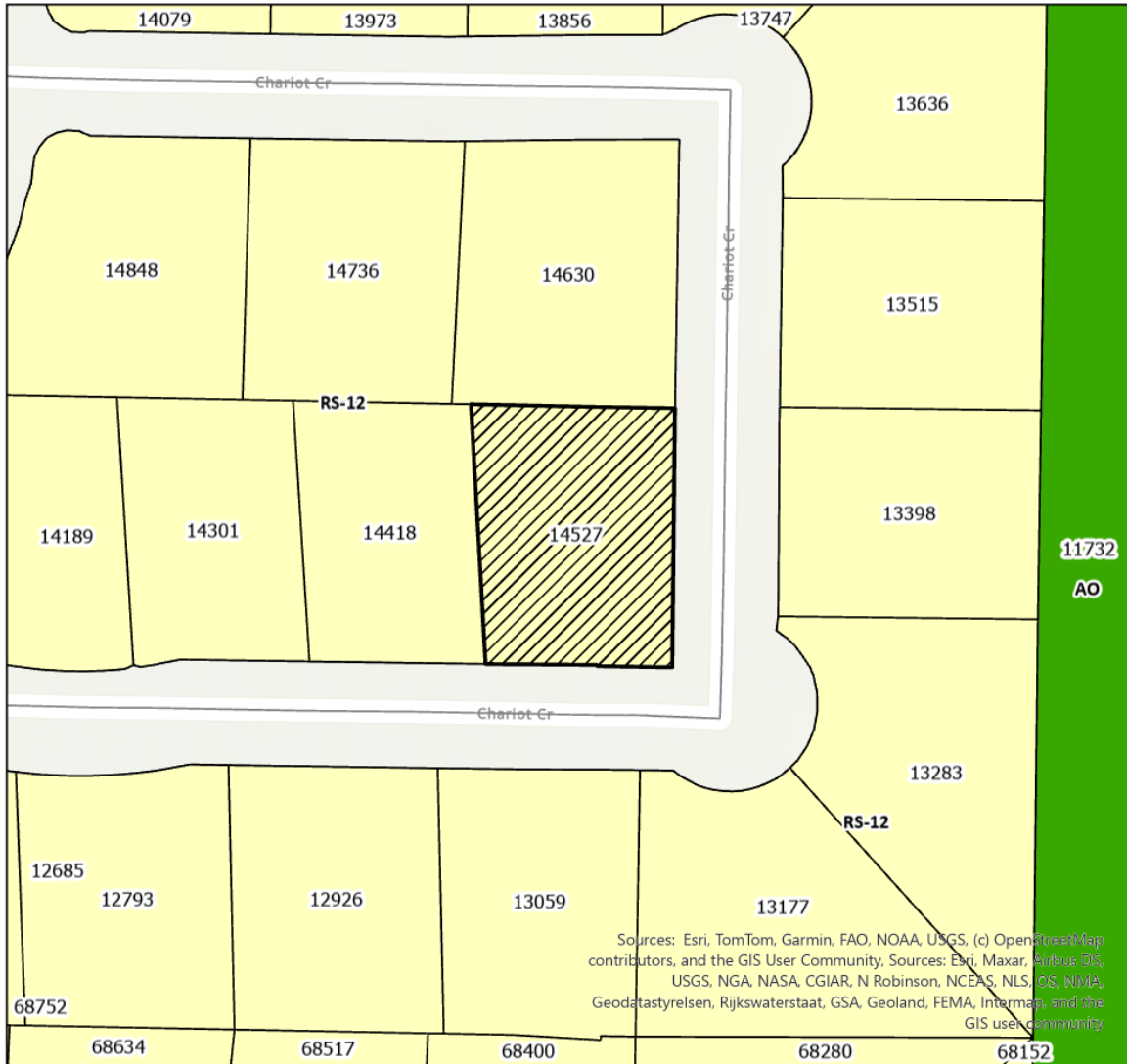
- Notification Area
- BA-2025-08

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

LOCATION MAP



ZONING MAP



0.01 Miles

 BA-2025-08

Zoning Districts

 AO

 RS-12

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NIMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

VARIANCE REQUEST

Case: BA-2025-08

Owner: John Wray

Request: Variance to allow the following:

- 27-foot-long carport, where 22 feet is the maximum allowed.
- 1-foot property line setback, where 5 feet is the minimum setback required.
- 13 foot back of curb setback, where 15 feet is the minimum setback required.

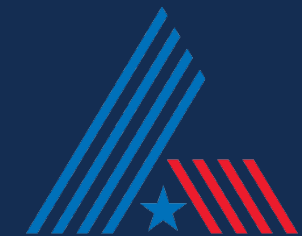
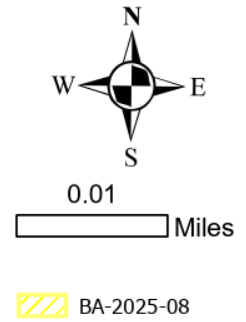
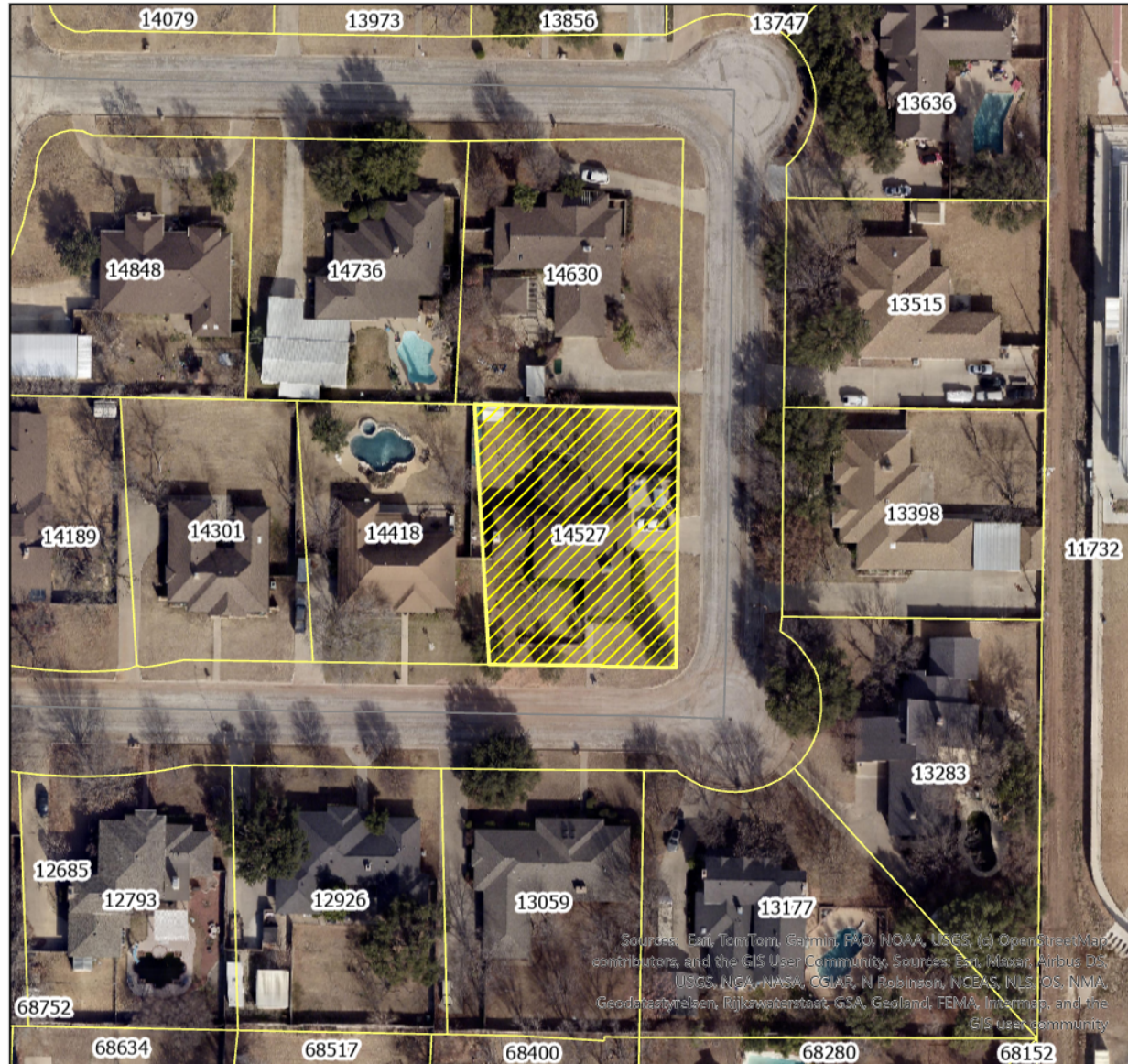
Location: 1242 Chariot Circle

Notification: 1 in Favor, 0 Opposed

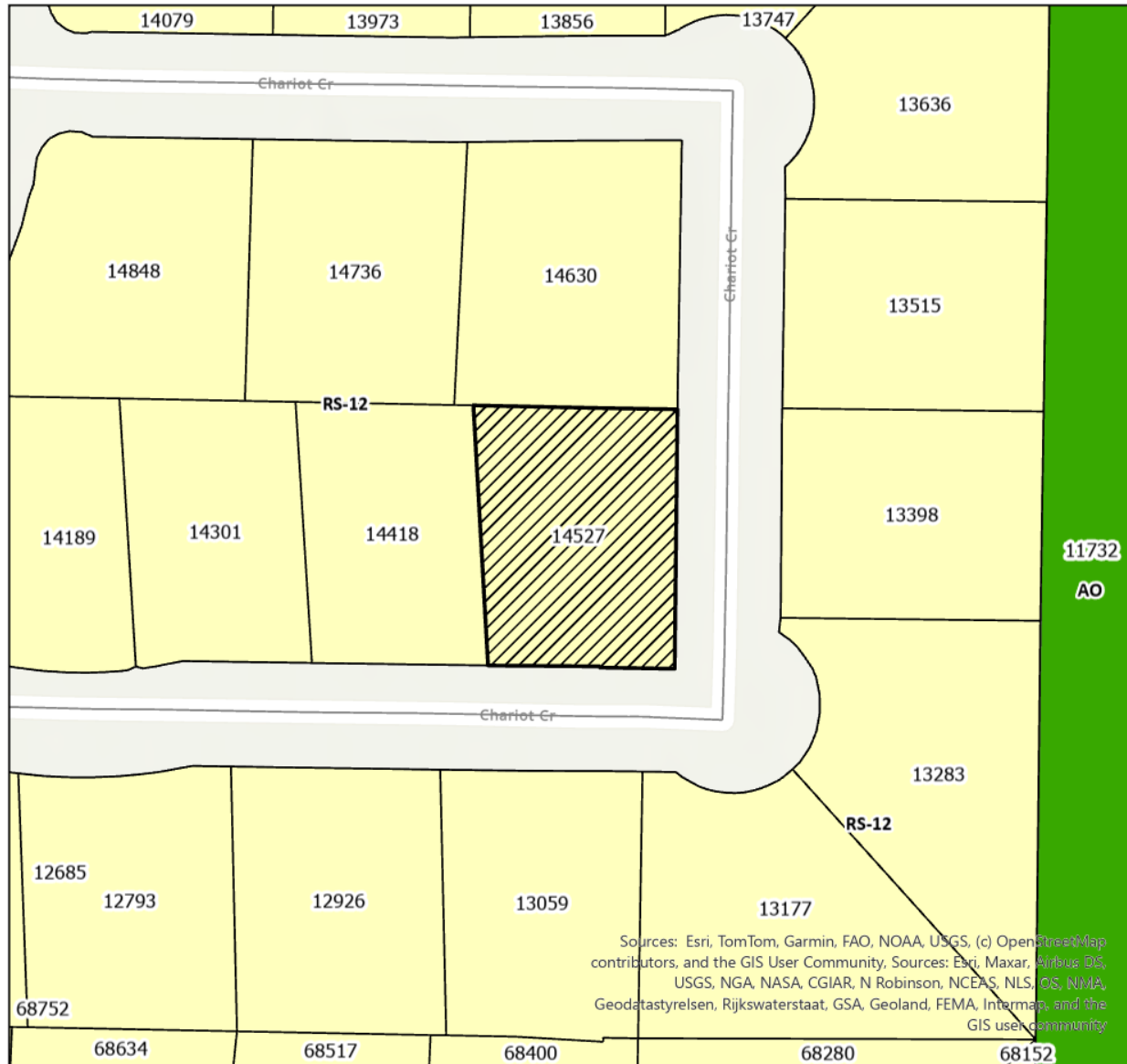
**Board of
Adjustment:** October 14, 2025



AERIAL LOCATION MAP



ZONING MAP



0.01 Miles

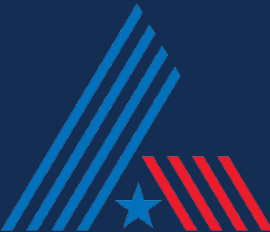
BA-2025-08

Zoning Districts

AO

RS-12

CONCEPT PLAN



Views of Subject Property



Subject Property



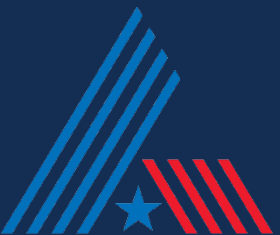
East Neighboring Property



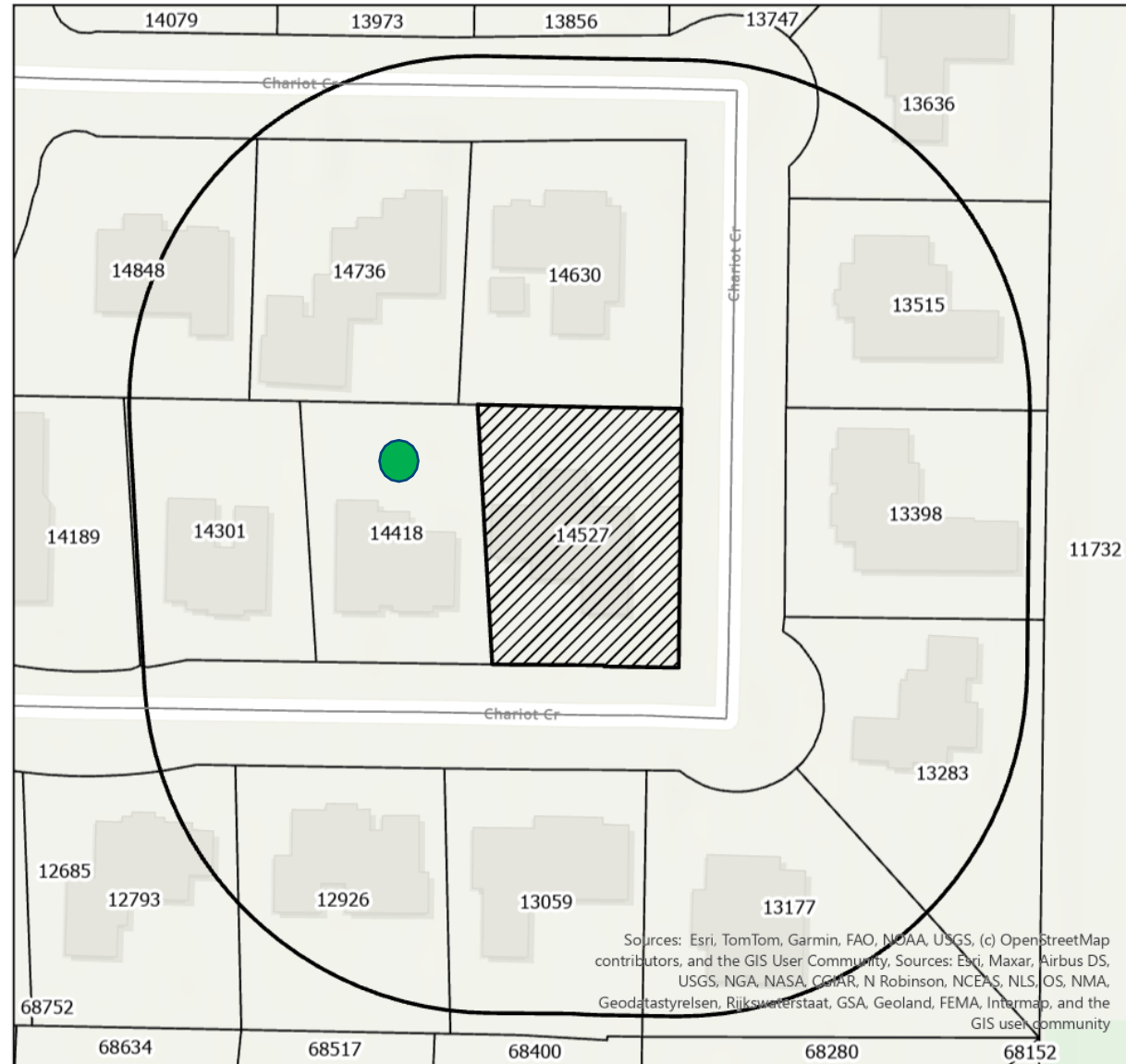
Subject Property



North Neighboring Property



NOTIFICATION AREA MAP

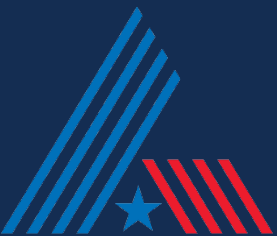


0.01 Miles

Notification Area
BA-2025-08

1- In Favor- ●
0- Opposed- ●

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community



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

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

There are no apparent conditions of the land 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.**

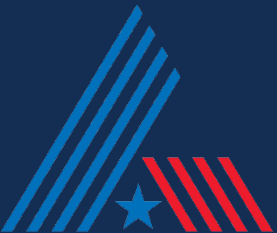
Granting the request would not be contrary to the public or injurious to neighboring properties.

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

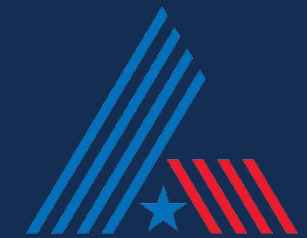
The request is not consistent with the intent of the Land Development Code.

- **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?





Outlook

Case #BA-2025-08

From Robert Marshall <mars146@yahoo.com>
Date Fri 9/26/2025 3:31 PM
To Planning Services <planning@abilenetx.gov>

I am in favor of this request!

Parcel id- 14418
Robert Marshall
1256 Chariot Circle

[Sent from Yahoo Mail for iPhone](#)

BOARD OF ADJUSTMENT

BA-2025-09

STAFF REPORT



Scheduled Hearings

Board of Adjustment: October 14, 2025

Applicant

Owner: Jonathan Neely

Case Manager: Kera Valois - Planner

Request

Variance to allow a 20-foot side setback, where 25 feet minimum is required.

Location

3451 Silver Oak Subdivision

Background

The subject property is currently zoned Agricultural Open (AO). A site plan was approved in May of 2022 requiring the minimum setback of 25 feet from the side property line. During the final inspection, staff discovered that the building encroaches approximately 5 feet into the required setback. The site plan was approved with the building being the minimum of 25 feet from the property line.

Land Development Code Provisions

Per Chapter 2, Article 3, Division 2 – Residential Zoning Districts, Table 2-2: Site Layout and Building Requirements for Residential Zoning Districts, the required side yard setback is 25 feet. Section 2.3.2.1 (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.
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

- Application
- Site Plan
- PowerPoint Presentation

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on September 26, 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:

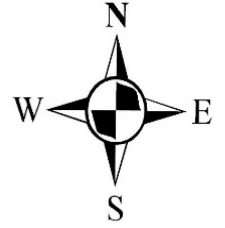
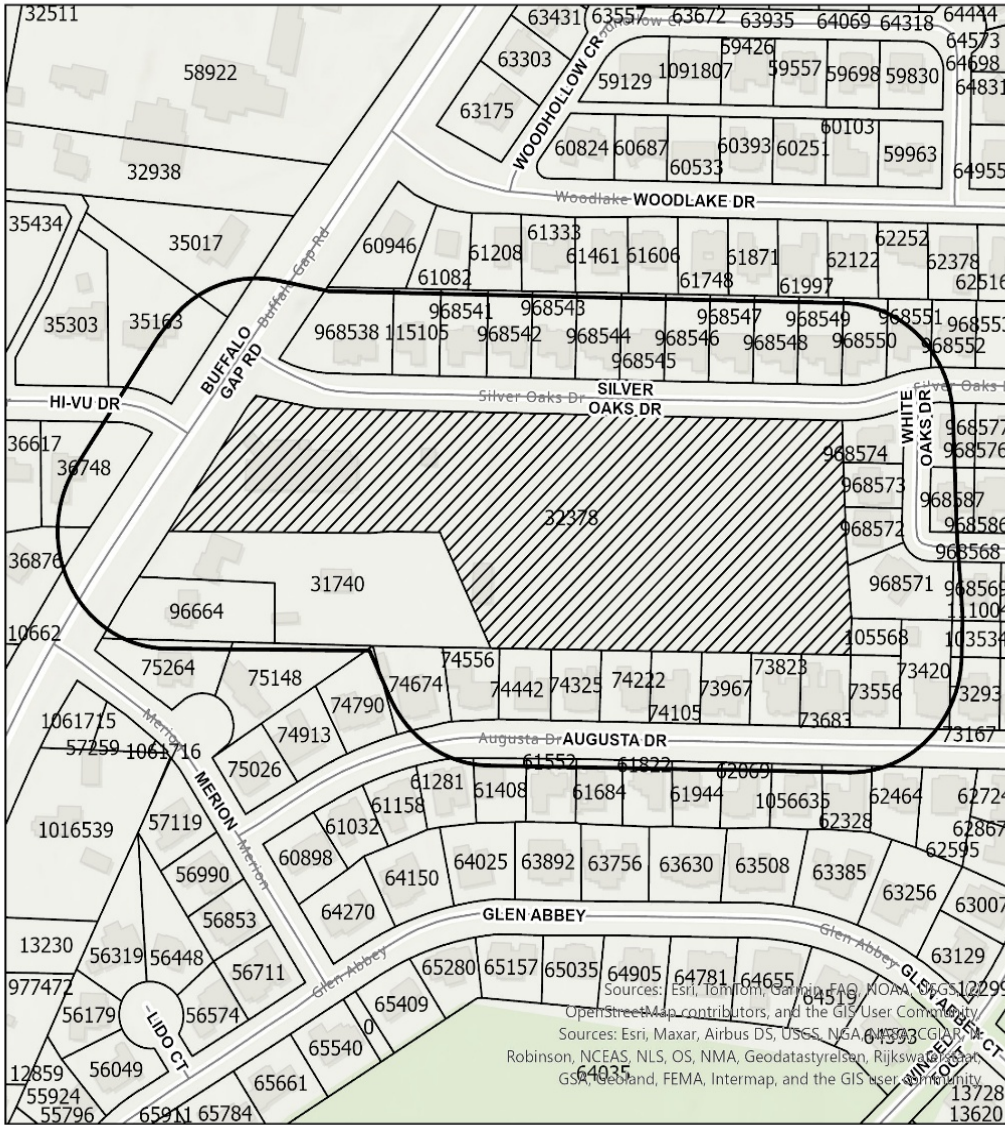
Legend: O – Opposed F - In Favor

OWNER	SITUS	PROPERTY ID	RESPONSE
BOONE JAMES E & TERI	54 AUGUSTA DRIVE	74442	
CHURHC MAN TRAVIS B &	3341 WHITE OAKS DRIVE	968569	
COCO SCOTT M	50 AUGUSTA DRIVE	74222	
COLTON GRAIG A & HWA CHA	3502 SILVER OAKS DRIVE	968544	
CONFIDENTIAL OWNER	38 AUGUSTA DRIVE	73420	
CONFIDENTIAL OWNER	44 AUGUSTA DRIVE	73823	
CORBETT JIM G & WHITNEY D HILL	3526 SILVER OAKS DRIVE	968541	
CROSS JAMES MICHAEL &	52 AUGUSTA DRIVE	74325	
CURREY BRADY K	41 AUGUSTA DRIVE	62328	
DAWLEY JAMES H	48 AUGUSTA DRIVE	74105	
ELLIS DARRYL H	3426 SILVER OAKS DRIVE	968548	
GALLAGHER JAMES P &	5609 BUFFALO GAP ROAD	31740	
GILLESPIE EYNTHIA	43 AUGUSTA DRIVE	1056635	
GUERRERO JARRYD & REED LINDSEY	57 AUGUSTA DRIVE	61281	
HAIL DIANNE J	49 AUGUSTA DRIVE	61822	
HOKE BLAKE AUSTIN & BAILEY		103534	

HOKE BLAKE AUSTIN & BAIELY	36 AUGUSTA DRIVE	73293	
HVIDT SHARON L	3442 SILVER OAKS DRIVE	968546	
JOHNSON DAVID & KAREN	60 AUGUSTA DRIVE	74790	
KARLIN JANICE FAYE	55 AUGUSTA DRIVE	61408	
KRAUSE MITCHELL & CHRISTINE	3510 SILVER OAKS DRIVE	968543	
LETH KELLY & MICHELLE MC CARTHY	3542 SILVER OAKS DRIVE	968538	
LUTHER DYLAN & LINDITA HALA	46 AUGUSTA DRIVE	73967	
MARTIN VIRGIL G & DANA L	39 AUGUSTA DRIVE	62464	
MARTINEZ JOSE & JUANITA	3534 SILVER OAKS DRIVE	115105	
MATADOR 27 LLC	10 MERION	75264	
MC DOLE VIRGINIA	3641 HI-VU DRIVE	36748	
MILLER MARK & NINA JAN	5619 BUFFALO GAP ROAD	96664	
MILLS DEBORAH R	3425 WHTIE OAKS DRIVE	968574	
MORRISON DAVID ROBERT	45 AUGUSTA DRIVE	62069	
MYERS SHELBY A	3402 SILVER OAKS DRIVE	968551	
NEW BEGINNINGS UNITED	5535 BUFFALO GAP ROAD	32378	
NEW BGINNINGS UNITED	3451 SILVER OAKS DRIVE	32378	APPLICANT
OAKES ARMANDO MICHAEL & DIANA L	3417 WHITE OAKS DRIVE	968573	
PLETON VICKI	51 AUGUSTA DRIVE	61684	
PREMIER PROPERTIES ABILENE LLC	5526 BUFFALO GAP ROAD	35017	
PREMIER PROPERTIES ABILENE LLC	5530 BUFFALO GAP ROAD	35017	
PREMIER PROPERTIES ABILENE LLC	5522 BUFFALO GAP ROAD	35017	
PRESTON MATTHEW T & SHONA S		105568	
PRESTON MATTHEW T & SHONA S	40 AUGUSTA DRIVE	73556	
RIEWE VICTOR E & MIRIAM P	53 AUGUSTA DRIVE	61552	
RIPPLE KEVIN & DAWN M	3418 SILVER OAKS DRIVE	968549	
RODEN TYLER & MORGAN	42 AUGUSTA DRIVE	73683	
ROY WAYNE M & RITA G	47 AUGUSTA DRIVE	61944	
SIMS JON M & ALISON B	3434 SILVER OAKS DRIVE	968547	
SMITH DONALD RAY & EDNA B LIVING TRUST	3518 SILVR OAKS DRIVE	968542	
SMITH RHONDA SUE	3409 WHITE OAKS DRIVE	968572	
SMITH STEWART C & CHARLOTTE R	3401 WHITE OAKS DRIVE	968571	
SUBIC NILES M & KERENSA E	3410 SILVER OAKS DRIVE	968550	
TUCKER ROBERT L & CLAIRISSA K	3350 SILVER OAKS DRIVE	968552	F

WELLBORN KEVIN & ALISON	3350 WHITE OAKS DRIVE	968587	
WHITAKER WILLIAM M&	8 MERION	75148	
WHITE ASHLEY	5618 BUFFALO GAP ROAD	36876	
WICKER HAROLD D & PATSY	3602 HI-VU DRIVE	35163	
WITEMEYER WAYNE D & HILDA H	56 AUGUSTA DRIVE	74556	
WITEMEYER WESLEY D	58 AUGUSTA DRIVE	74674	
WOHLERS SAMUEL SCOTT	3349 SILVER OAKS DRIVE	968576	
ZEGADA LUIS F	3450 SILVER OAKS DRIVE	968545	

NOTIFICATION MAP



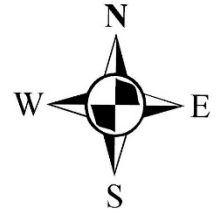
0.07

Miles


- BA-2025-09
- Notification Area

Sources: Esri, TomTom, Garmin, FEG, NOAA, USGS, 12299
 OpenStreetMap contributors, and the GIS User Community
 Sources: Esri, Maxar, Airbus DS, USGS, NSA, 64593, CGLAR, 64035
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 GSA, Geoland, FEMA, Intermap, and the GIS user community

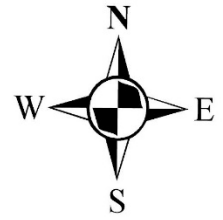
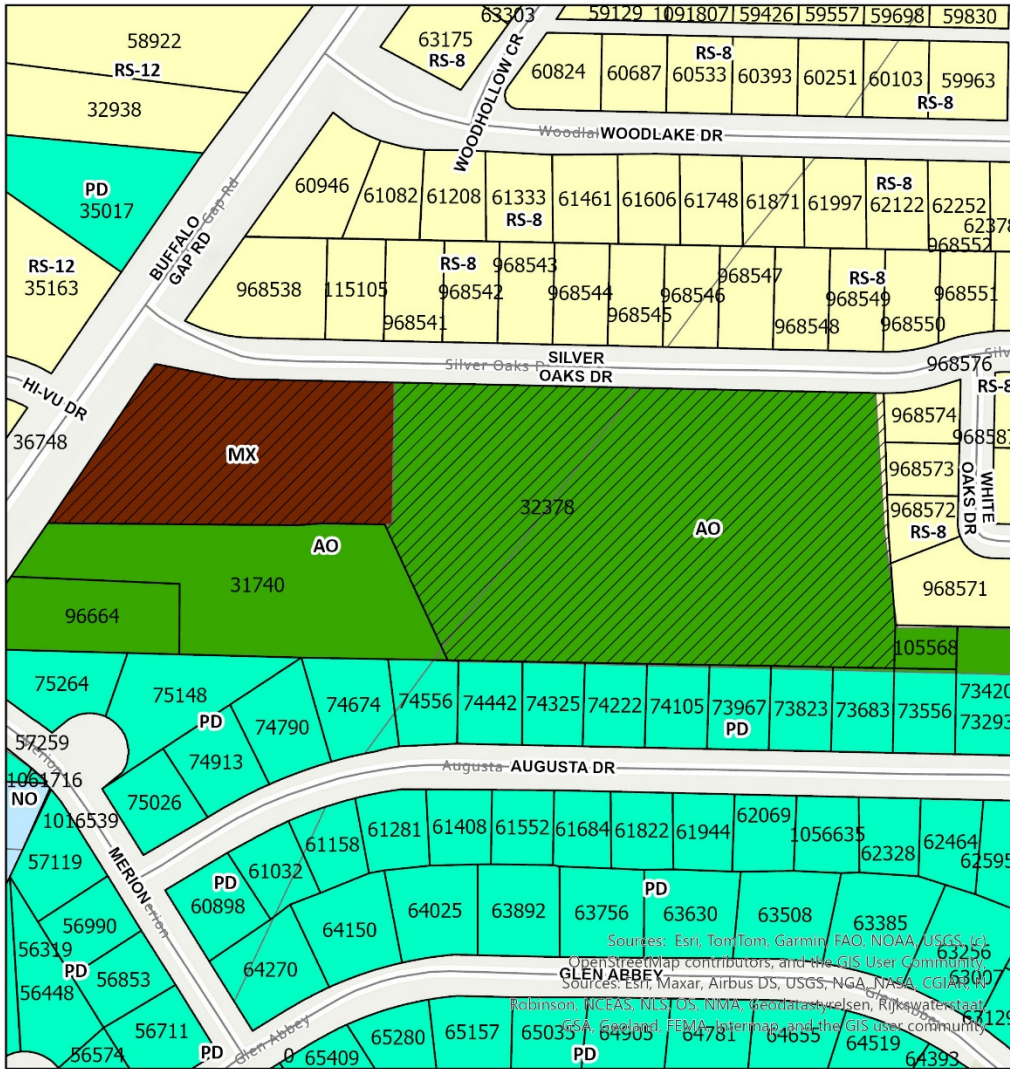
LOCATION MAP



0.06
Miles

 BA-2025-09

ZONING MAP



0.06 Miles

BA-2025-09

Zoning Districts

- AO
- MX
- NO
- PD
- RS-12
- RS-8

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, etc.
 OpenStreetMap contributors, and the GIS User Community
 Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGLAR, etc.
 Robinson, NCEAS, NLS, OS, NIMA, Geodatastelsel, Rijkswaterstaat
 GSA, Geoland, FEMA, Intermap, and the GIS user community

VARIANCE REQUEST

Case: BA-2025-09

Owner: Jonathan Neely

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

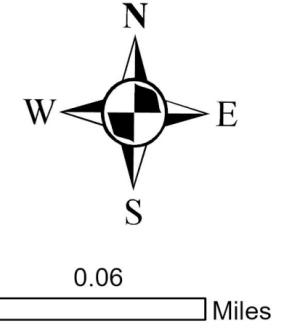
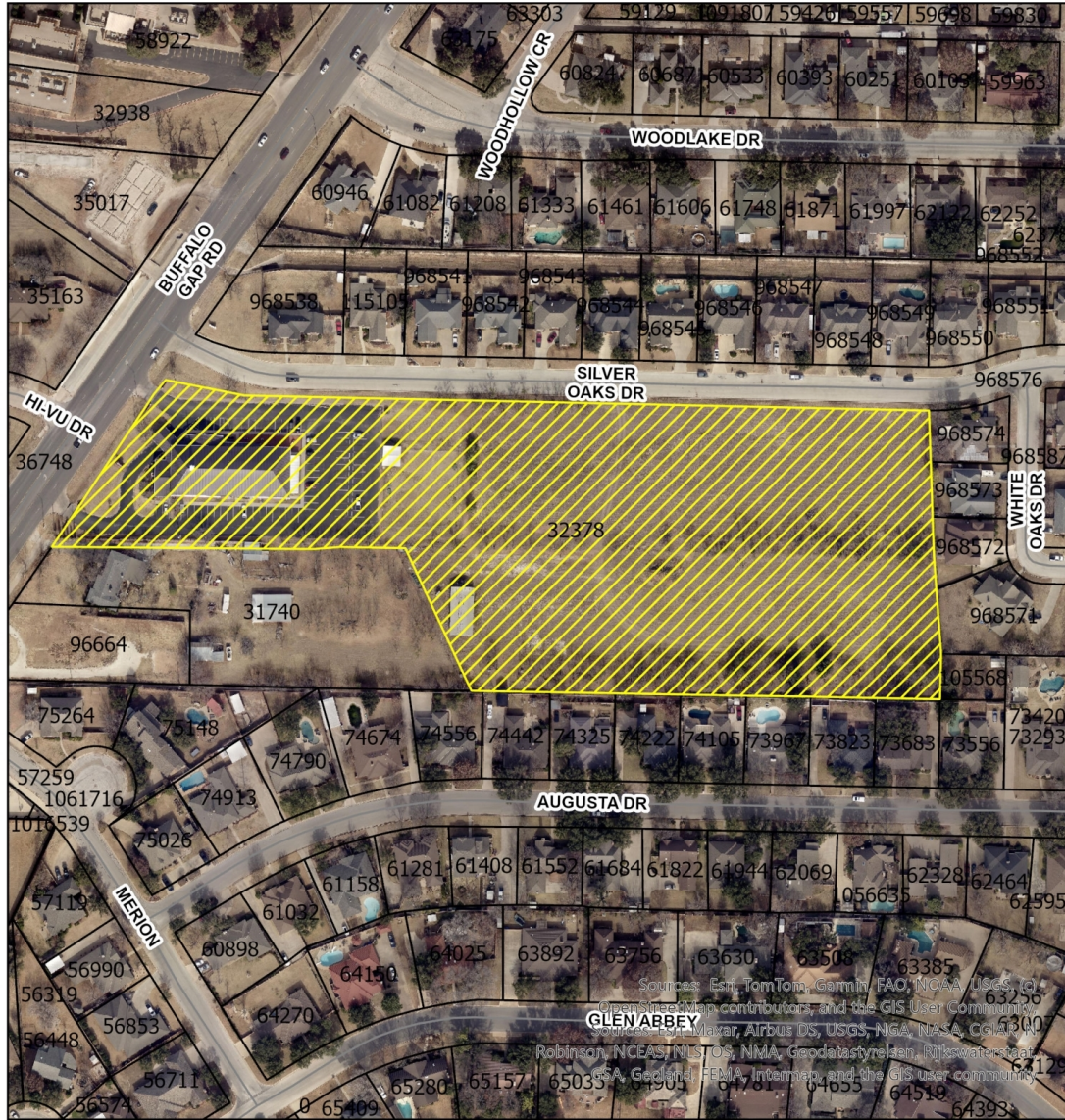
Location: 3451 Silver Oaks Drive

Notification: 1 in Favor, 0 Opposed

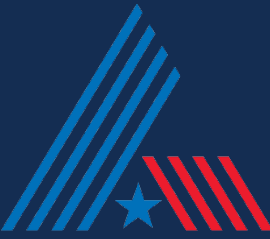
Board of Adjustment: October 14, 2025



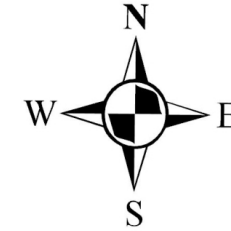
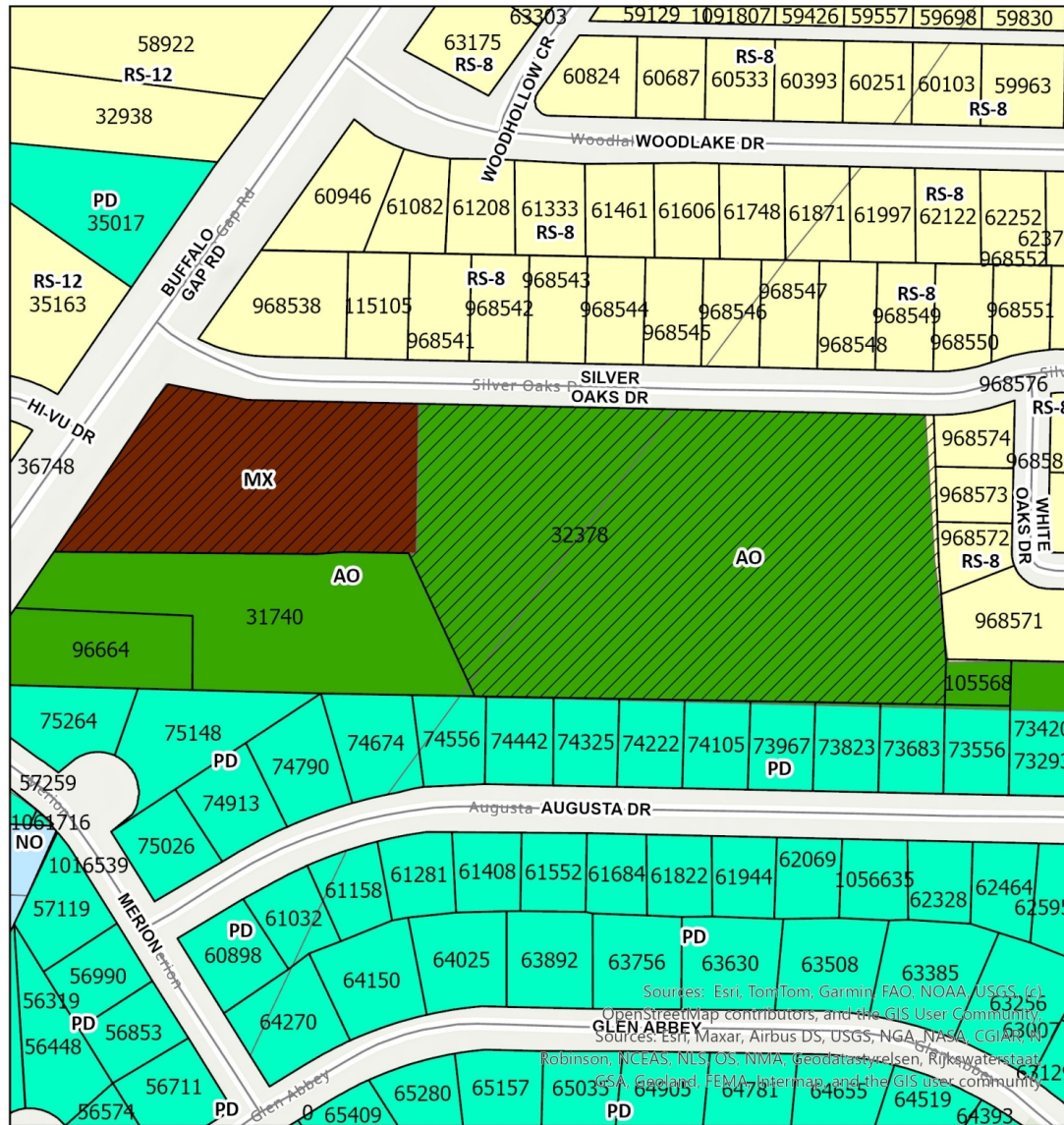
AERIAL LOCATION MAP



 BA-2025-09



ZONING MAP



0.06

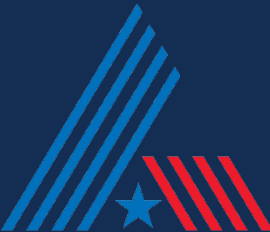
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BA-2025-09

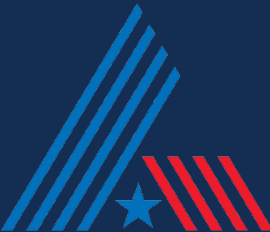
Zoning Districts

- AO
- MX
- NO
- PD
- RS-12
- RS-8

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community
Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGLA, (c) Robinson, NCEAS, NLS, OS, NIMA, Geodata, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community



Views of Subject Property



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

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

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

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

Granting the request would not be contrary to the public.

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

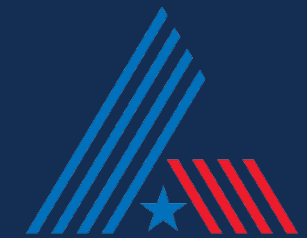
The request is not consistent with the intent of the Land Development Code.

- **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

Owner Information and Representative Designation

OWNER INFORMATION			
Name: Jonathan Neely			
Address: 9605 CR 203			
City: Abilene		State: TX	Zip: 79602
Number: 325-280-5998		Email: jmneely1026@gmail.com	

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

Project Representation (check one):

- I will represent the application myself; OR
- I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

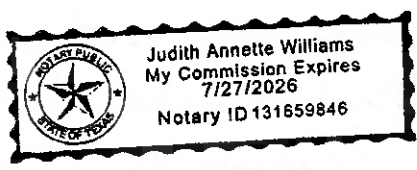
Property Owner's Signature: Jonathan Neely

STATE OF: TEXAS

COUNTY OF: TAYLOR

BEFORE ME, a Notary Public, on this day personally appeared Jonathan Neely (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 5th day of September, 2025



Judith Williams
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: <u>New Beginnings Childcare Academy</u>		
Address: <u>3451 Silver Oaks Drive</u>	Total lots: <u>0</u>	Acreage: <u>1</u>
Subdivision: <u>Silver Oak Subdivision</u>	Block(s): _____	Lot(s): <u>101</u>
Current Zoning: <u>Apostle United Pentecostal Adv. Block A,</u>		

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

1. Describe the unique circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and its intent.

The building was constructed in good faith, but sits approximately (5) five feet outside the required setback. The building is fully built on permanent footers with complete plumbing, electric, and decking and skirting making relocation impossible. The issue arises from the unique circumstances of the boundaries and not from any intention to bypass city ordinances

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?

There are no other suitable locations on the property that comply with the ordinances, as relocating the building, which is part of New Beginnings Childcare Academy, would separate it from the existing structures and would disrupt the functional layout of the site, and this would put us out of compliance with state daycare guidelines

Board of Adjustment Application

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

Granting this request would have a positive effect on the public by allowing us to provide licensed daycare services for approximately 150 families in Abilene, many of whom are teachers, medical professionals, and first responders. The effect on the neighborhood would be minimal to none, as the facility is already constructed, meets safety standards, and is consistent with the surrounding land use.

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 special condition is that the building has already been permanently constructed with all the required infrastructure, and moving it would render the entire structure unstable. Literal enforcement of this ordinance would create an unnecessary hardship by forcing the removal of a completed, code-compliant facility that cannot be relocated elsewhere on the property without violating state daycare regulations or disrupting the functional use of the building.

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

If our request is granted, the property will be used to operate an accredited Texas Rising Star daycare that serves families in Abilene. As an award-winning provider recognized as second on the list of Abilene's best daycares, we will continue to offer high-quality, licensed, accredited childcare services that meet state standards and support working families in the Abilene community.

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:

There are no other alternatives.



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: Jonathan Neely

DATE: 9/5/2025

Board of Adjustment Application



OFFICE OF THE BOARD OF ADJUSTMENT

The Board of Adjustment is a body of citizens appointed by the Board of Supervisors to hear and decide appeals from decisions of the Planning Commission and the Board of Health. The Board also has the authority to grant variances from the zoning ordinance when the strict application of the ordinance would result in an unnecessary hardship.

The Board of Adjustment is composed of seven members, three of whom are appointed by the Board of Supervisors and four by the Board of Adjustment itself. The Board meets on a regular basis to hear and decide appeals and variance applications.

The Board of Adjustment is responsible for ensuring that the zoning ordinance is applied fairly and consistently. It also has the authority to grant special use permits for certain types of uses that are not permitted as a matter of right.

The Board of Adjustment is a public body and its proceedings are open to the public. Any person who is affected by a decision of the Board has the right to be heard and to present evidence in support of their position.

The Board of Adjustment is committed to providing a fair and equitable process for all parties involved. It is the Board's goal to resolve disputes and make decisions that are in the best interests of the community.

Board of Adjustment
1234 Main Street
City, State, ZIP