



City of Abilene

Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment of City of Abilene to be held on July 14, 2026 at 8:30 a.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on June 9, 2026.

AGENDA ITEMS

2. **(BA-2026-06):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request for a Variance to Allow a 240' Separation Between an On-Premise Liquor Store and a Public School, Where 300' is Required. Located at 833 S 1st Street. *(Mason Teegardin)*
3. **(BA-2026-07):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request for a Variance to Allow for a 0-Foot Setback Along China St, S 5th St, and The Alley, Where 25-Feet Is Required. Located at 433 China Street. *(Clarissa Ivey)*
4. **(BA-2026-08):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request for A Variance to Allow 60% Lot Coverage Where 50% is Allowed, a 5-Foot Rear Setback Where 25-Feet is Required, and a 5-Foot Side Setback Where 7.5-Feet is Required. Located at 44 Pinehurst. *(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 July, 2026, at 8:45 a.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC, CMC*

BOARD OF ADJUSTMENT

BA-2026-06

STAFF REPORT

Scheduled Hearings

Board of Adjustment: July 14, 2026

Applicant

Owner: Angry Cactus Abilene, LLC

Case Manager

Mason Teegardin – Planning Manager

Request

A variance to allow a 240' separation between an on-premise liquor store and a public school, where 300' is required.

Location

833 S 1st Street

Background

The subject property is zoned as a Planned Development (PDD-164). PDD-164 allows for a Central Business (CB) base zoning, with the allowed use of production and manufacturing of alcoholic beverages within an enclosed building. This used to be the home of Sockdolager Brewing Company. The current owner is renovating the structure for a restaurant with alcohol sales, Angry Cactus. At the initial start of the renovations, the owner was told he meets all separation requirements as stated in the Land Development Code (LDC). The regulations in the LDC are the same regulations from Texas Alcoholic Beverage Commission.

Since the initial discussions, a public school has moved in at 221 Oak Street. The public school applied for an alteration permit in March of 2024 and was completed and issued a Certificate of Occupancy in August of 2024.

Planning staff received an application for an alcohol permit on May 29, 2026. Because the school was established before the alcohol permit was approved, they no longer meet the separation requirements. The separation requirements are listed in the 'Land Development Code Provisions' section.

Land Development Code Provisions

Per Section 2.4.3.3(33), all structures housing a liquor store on-premises consumption use must be located at least three hundred feet (300') from:

- Residential zoning
- College-University zoning
- Churches
- Schools
- Hospitals

The code does spell out separate regulations for different types of on-premise liquor stores (see attached LDC section), but for uses in conjunction with a standard restaurant, the following uses do not need to meet the separation requirements if they meet the criteria (see attached LDC section):

- Residential zoning
- College-University zoning

- Churches
- Hospitals

The same section also spells out how these distances are supposed to be measured, see attached LDC section for all versions of measurements. The measurement for an on-premise liquor store and a school is taken in a direct line from the property line of the school to the property line of the liquor store, and in a direct line across intersections.

The location for the requested on-premise liquor store is approximately 240 feet from the closest property line of the public school.

Site Constraints

The applicant did not specify if any site constraints are present. The previous use of a brewery closed in the Spring of 2023 and was **not** a non-conforming use at the time because the school did not move in until 2024. No nonconforming status can apply to this location because it has been vacant since then.

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.**

Staff finds there is not a hardship attributed to a physical characteristic unique to the property.

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.**

Staff finds that granting the variance is not anticipated to be contrary to the public interest or detrimental to neighboring properties. However, the anticipated traffic impacts and nature of the request present additional concerns related to the intent of the separation requirement.

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

Granting the variance is not consistent with the intent of the Land Development Code because it would allow an exception to a minimum separation requirement that is specifically intended to protect schools from the proximity of alcohol-serving establishments.

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

The hardship was not caused entirely by the petitioner; however, the applicant's delay in applying for the required alcohol permit contributed in substantial part to seeking a variance.

Attachments

- Measurement Map
- LDC Section – On-Premise Liquor Store
- PowerPoint Presentation

Notification

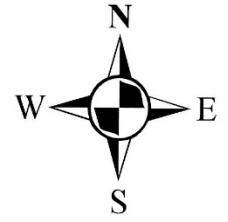
Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on June 26, 2026, via standard mail to the owners of property within a 200-foot radius of the subject street right of way. The property owners and associated parcel identification numbers are identified

below:

Legend: O - Opposed, F - In Favor

OWNER	PROPERTY ID	SITUS	RESPONSE
ABILENE PLUMBING	72643	742 S 2ND ST	
ABILENE PLUMBING SUPPLY	72386	741 S 1ST ST	
ANGRY CACTUS REAL ESTATE GROUP LLC	57538	833 S 1ST ST	
ANGRY CACTUS REAL ESTATE GROUP LLC	57538	101 OAK ST	
BDST INVESTMENTS LLC	58259	141 OAK ST	
BDST INVESTMENTS LLC	58259	141 1/2 OAK ST	
BDST INVESTMENTS LLC	58259	822 S 2ND ST	
BLAY FAMILY LLC	58659	126 PECAN ST	
BLAY FAMILY LLC	57419	801 S 1ST ST	
CITY OF ABILENE	101038		
LUCAS GIBBS HOMES LLC	58400	149 OAK ST	
SODA DISTRICT WAREHOUSE LLC	58531	806 S 2ND ST	F
SODA DISTRICT WAREHOUSE LLC	58531	806A S 2ND ST	F
SODA DISTRICT WAREHOUSE LLC	58531	806B S 2ND ST	F
SODA DISTRICT WAREHOUSE LLC	58531	806C S 2ND ST	F
T&P ARBOR LLC	58127	137 B OAK ST	
T&P ARBOR LLC	58127	137 OAK ST	
WHITENER FAMILY LIMITED PTSHP 1	57132	901 S 1ST ST	
WHITENER FAMILY LIMITED PTSHP 1	57132	901 1/2 S 1ST ST	

NOTIFICATION MAP



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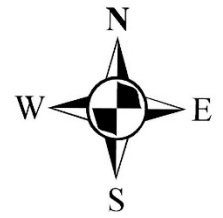
Miles

BA-2026-06

Notification Area

Sources: Esri, DeLorme, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, Buro Usland, FEMA, Intermap, and the GIS user community, 1996-2024.

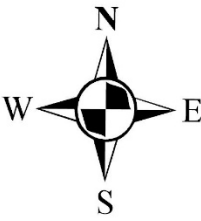
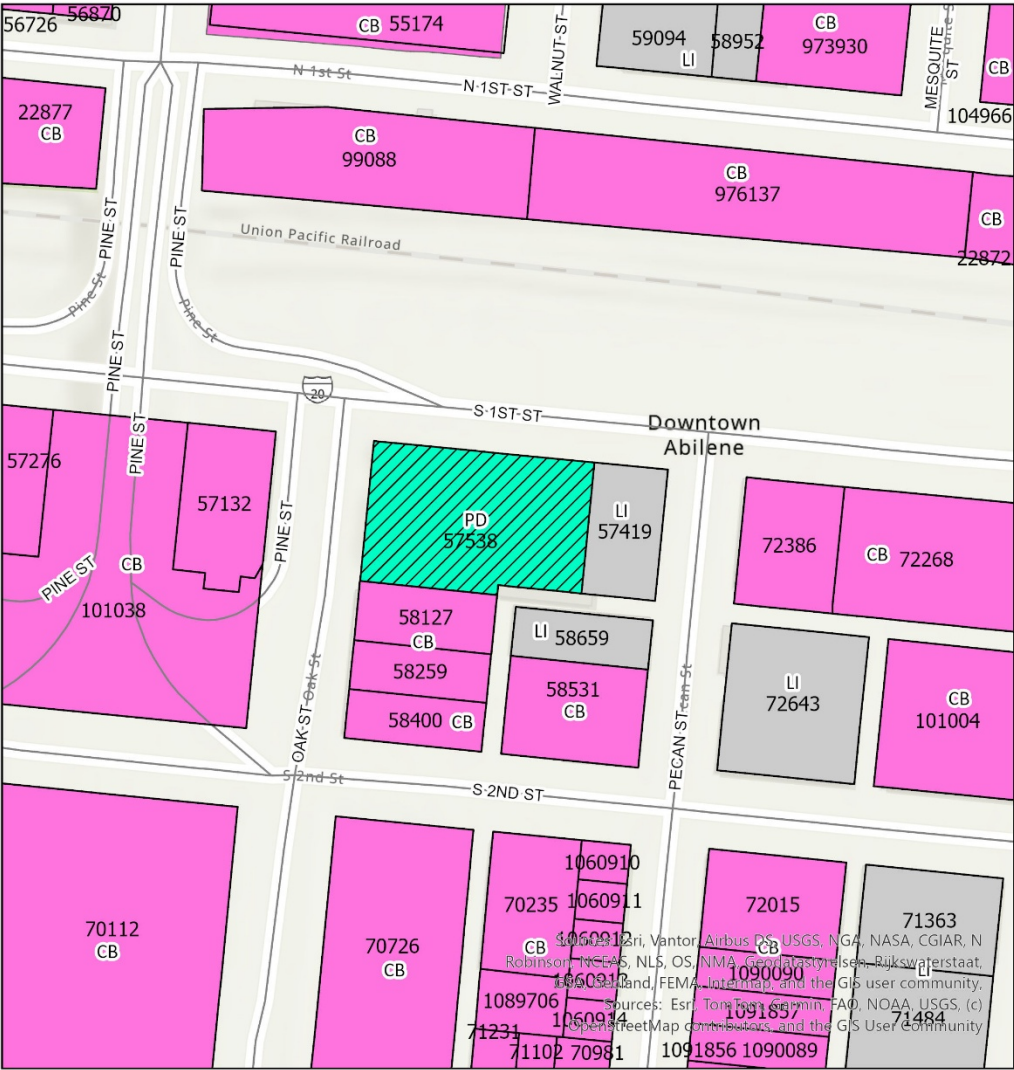
LOCATION MAP



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BA-2026-06

ZONING MAP



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Miles

- BA-2026-06
- Zoning Districts**
- CB
 - LI
 - PD

(33) LIQUOR STORE (on-premises consumption):

- a. *Distances Required.* All structures housing a liquor store on-premises consumption use must be located at least three hundred feet (300') from any lot in a residential district or in a College-University district, or any lot used primarily for church, school, or hospital purposes. Except as provided in subsections (b), (c) and (e) of this Subsection (33), said distance between the liquor store and:
- (i) A residential district or a College-University district shall be measured in a straight line in all directions from the structure housing the liquor store to the nearest point of any lot described above, and measurements shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections for portions of said structure; and
 - (ii) A church or public hospital shall be measured along the property lines of the street fronts and from front door to front door, and in direct lines across intersections; and
 - (iii) A public or private school shall be measured in a direct line from the property line of the public or private school to the property line of the liquor store, and in a direct line across intersections.
- b. *Located in Conjunction With Other Buildings, Clearly Separated.* Should the liquor store be located in conjunction with other buildings in a manner where said liquor store is clearly separated from other portions of the structure (for example, a liquor store in a shopping center or motel) the measurement shall be taken from the boundaries of the space in which the liquor store is housed or confined (not the entire shopping center, motel, or structure).
- c. *Located in Conjunction With Other Buildings, Above the Ground Level.* Should the liquor store be located in conjunction with other buildings in a manner where said liquor store is situated above the ground level of a multi-story structure and is clearly separate from other activities within the structure (for example, a liquor store on an upper level of an office tower or hotel), the measurement shall be taken from the nearest entry of the liquor store, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line to the nearest point of any lot described above.
- d. *Site Plan.* Each applicant for a liquor store must submit a Site Plan setting out the dimensions and locations for such liquor store. The applicant shall sign a certified and notarized statement attached to the Site Plan that the proposed liquor store complies with the requirements set forth hereinabove. It shall be the duty of the applicant to prepare the Site Plan and to assure compliance with the distance requirements.
- e. *Use in Conjunction with a Standard or Brewpub Restaurant.* A liquor store on-premises consumption use that, but for the sale of alcohol, may be classified as a standard restaurant or a brewpub restaurant shall not be subject to separation requirements ordinarily required thereof and pertaining to residential or College-University districts, churches, or hospitals, if such restaurant meets the following requirements:
- 1. *Valid Food and Beverage Certificate.* The restaurant shall hold a valid Food and Beverage Certificate from the Texas Alcoholic Beverage Commission and said certificate is prominently displayed. If a requirement for obtaining said certificate shall differ from any other condition of this subsection e, then the more restrictive requirement or condition shall apply;
 - 2. *Alcohol Sales Percentage.* Alcohol sales constitute no more than fifty percent (50%) of the gross receipts of the premises;
 - 3. *Kitchen and Entrees.* The restaurant shall include a full-service kitchen offering a minimum of eight entrees;
 - 4. *Entrees and Alcohol for Sale.* The restaurant shall offer the entrees for sale at all times that alcohol is offered for sale;
 - 5. *Performance Standards.* The restaurant shall meet the performance standards enumerated in [Chapter 4](#), Article 2, Division 9; and
 - 6. *Other Provisions.* The restaurant meets all other provisions of this LDC.
- f. A liquor store shall be allowed within the AO zoning district accessory to the following uses only:
- 1. Amusement Facility (Temporary);
 - 2. Drag Strip or Commercial Racing;
 - 3. Fairgrounds;
 - 4. Motorcycle Track;
 - 5. Rodeo Grounds;
 - 6. Stadium;
 - 7. Golf Course; and
 - 8. Zoo, limited to events permitted under City of Abilene Code of Ordinances [Chapter 22](#), [Section 22-2\(a\)](#).

TABLE 2-12: LIQUOR STORES: SEPARATION REQUIREMENTS

District	Must be located at least 300 feet from any lot:		
	In a Residential District	In a College-University District	Used primarily for a Church, School, or Hospital
Liquor Store On-Premises Consumption (See Section 2.5.3.14 [Subsection 2.4.3.3(33)])	Yes	Yes	Yes



SODA DISTRICT WAREHOUSE LLC
1150 N 2ND ST STE 100
ABILENE, TX 79601-5815

NOTICE OF PUBLIC HEARING

Board of Adjustment Application Number: BA-2026-06

June 24, 2026

The Board of Adjustment will hold a public hearing on **July 14, 2026, at 8:30 AM** in the Council Chambers. The Council Chambers are located on the second floor of City Hall at 555 Walnut Street in Abilene, Texas. The variance is requested by the owners. The subject property is located at 833 S 1st Street, Abilene, Texas. **This request is for a variance to allow alcohol sales less than 300' from a public or private school.**

The attached map shows the area of this variance request. Only the area highlighted on the map by striped lines is being considered for this request. The solid boundary line surrounding the highlighted area is a state mandated 200' notification area. You are receiving this letter because your address is located within this notification area.

This public hearing is open to any interested person. Your opinions, objections, and comments relative to this may be expressed in writing, or in person at the public hearing. The City of Abilene encourages you to participate in this process. You will find a response form at the bottom of this letter that you may complete, cut off, and mail to the City. All written responses must be signed by the respondent per State law. The City also accepts comments by email per the instructions below.

If you have any questions, please contact Mason Teegardin at telephone 325-676-6490 or by email address planning@abilenetx.gov

NOTIFICATION RESPONSE FORM CASE #: BA-2026-06

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. **All correspondence must be signed** and include your name and address. For your response to be placed in the agenda, all responses must be received a minimum of five (5) days prior to the meeting. Please mail the response form to:

**Planning and Development Services
PO BOX 60, Abilene, TX 79604-0060.**

Alternatively, you may email your response to planning@abilenetx.gov.

Your Name: SODA DISTRICT WAREHOUSE LLC
Your Property Address: 806 S 2ND ST
Your Parcel ID: 58531

I am in favor of the request ☒

I am opposed to the request ☐

Signature:

A handwritten signature in black ink, appearing to read "Mason Teegardin", is written over a horizontal line.



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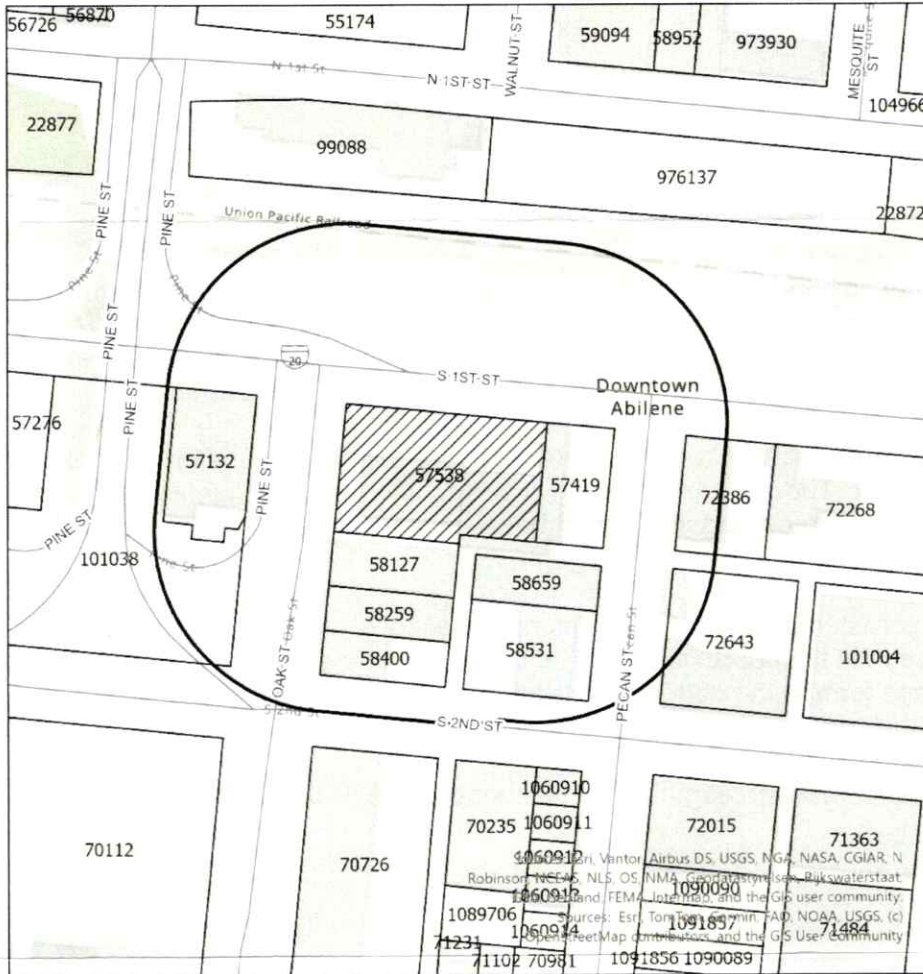
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I am opposed to the request ☐

Signature:

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BA-2026-06



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Miles

-  BA-2026-06
-  Notification Area

Additional Comments:



SODA DISTRICT WAREHOUSE LLC
1150 N 2ND ST STE 100
ABILENE, TX 79601-5815

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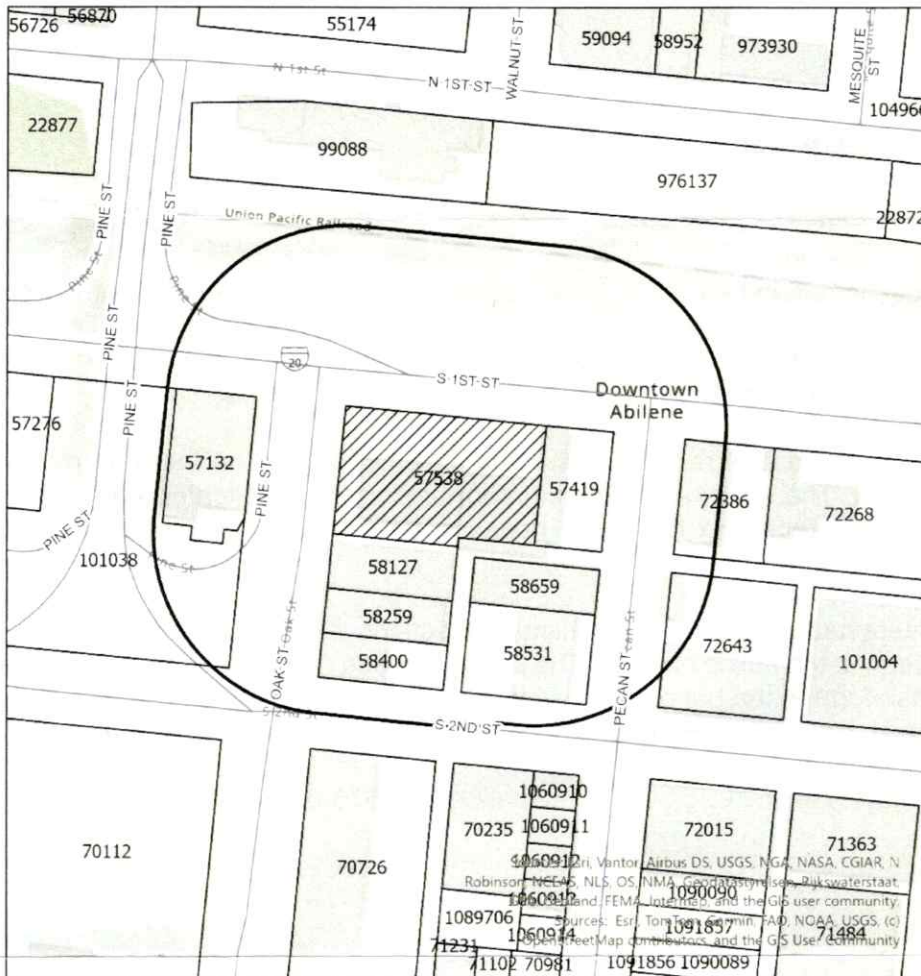
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BA-2026-06



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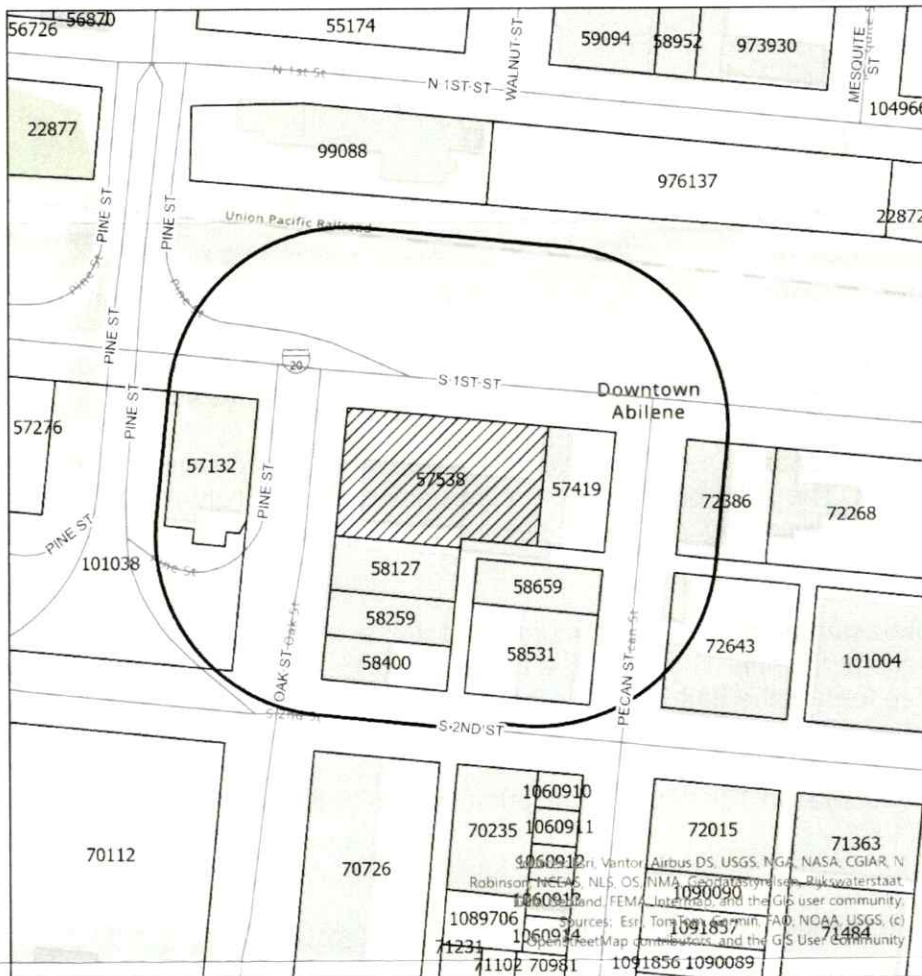
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BA-2026-06

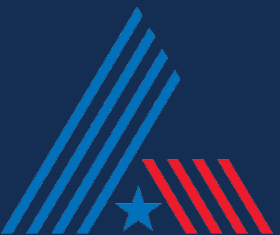


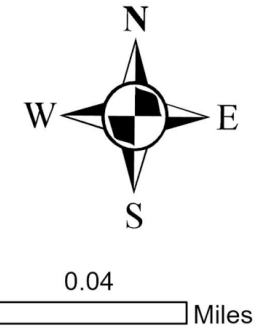
-  BA-2026-06
-  Notification Area

Additional Comments:

VARIANCE REQUEST

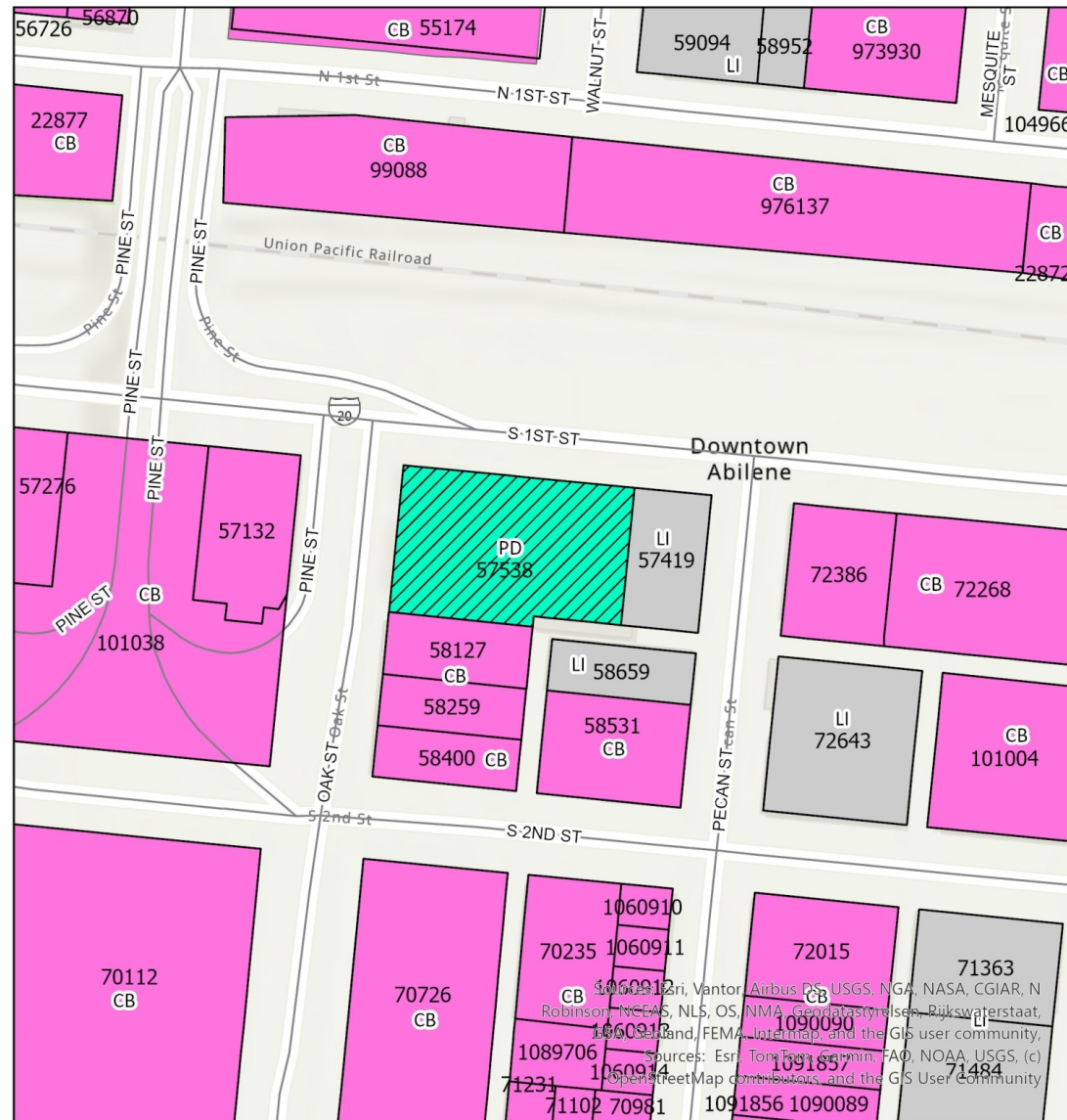
Case:	BA-2026-06
Owner:	Angry Cactus Abilene, LLC
Request:	A variance to allow a 240' separation between an on-premise liquor store and a public school, where 300' is required.
Location:	833 S 1st Street
Notification:	1 in Favor, 0 Opposed
Board of Adjustment:	July 14, 2026





Page 19 of 58

ZONING MAP



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☐ Miles

 BA-2026-06

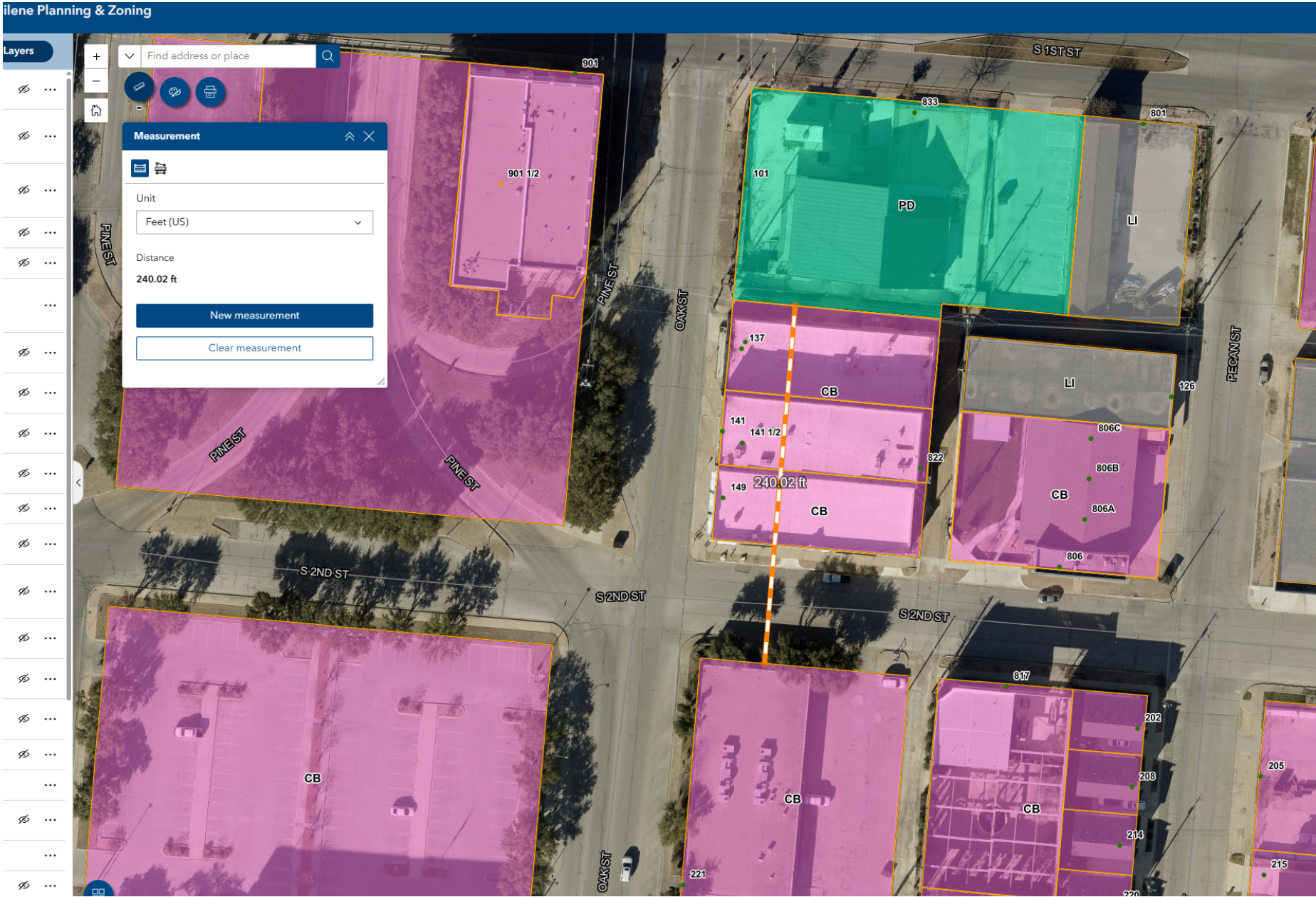
Zoning Districts

 CB

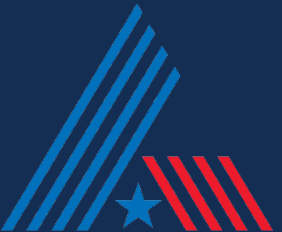
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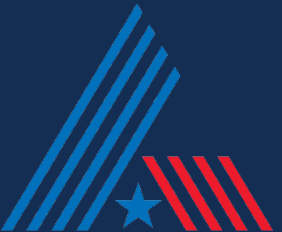
SEPARATION SITE PLAN



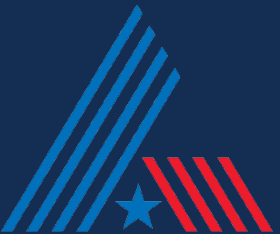
VIEWS OF SUBJECT PROPERTY



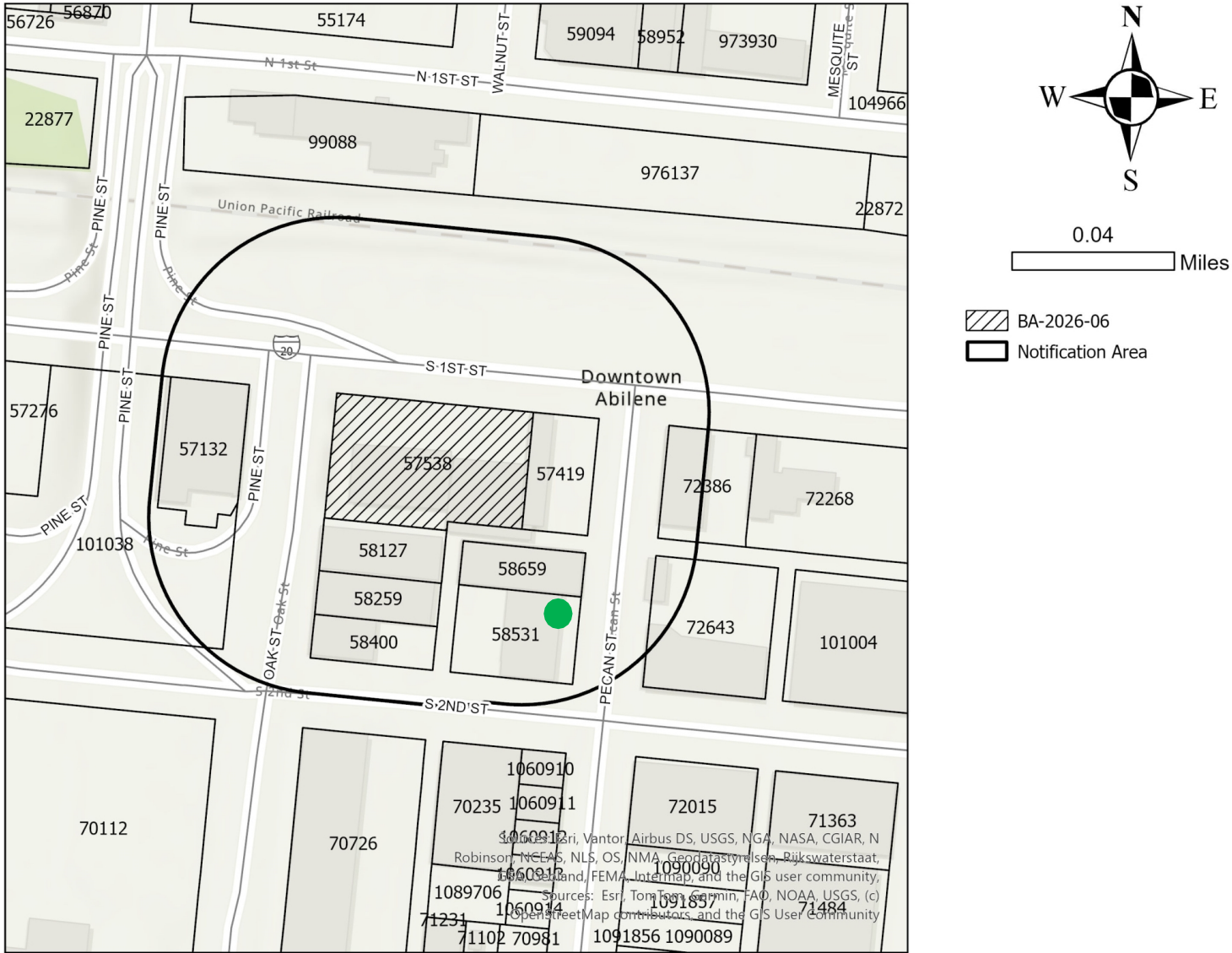
VIEWS OF SUBJECT PROPERTY



VIEWS OF PUBLIC SCHOOL



NOTIFICATION AREA MAP



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.

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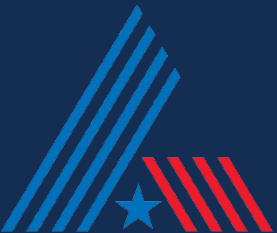
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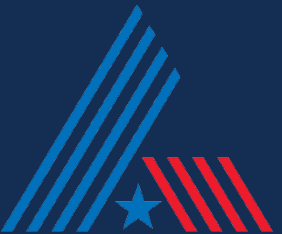
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The hardship was not caused entirely by the petitioner; however, the applicant's delay in applying for the required alcohol permit contributed in substantial part to seeking a variance.



Questions?



BOARD OF ADJUSTMENT

BA-2026-07

STAFF REPORT

Scheduled Hearings

Board of Adjustment: July 14, 2026

Applicant

Owner: Tankersley Investments LLC

Agent: Jack Hull

Case Manager

Clarissa Ivey – Planner II

Request

The applicant is requesting a variance to allow for a 0-foot setback along China St, S 5th St, and the alley where 25-feet is required.

Location

433 China Street

Background

The property is located within Original Town Abilene which has buildings dating back to the 1950's; prior to the Land Development Code being adopted. Many of the existing structures in the area do not conform to the setbacks standards as adopted currently.

The applicant is proposing to build a warehouse, for which he will need to receive deliveries from semi-trucks. The Land Development Code states that all maneuvering must fit within the lot, you cannot maneuver in the right-of-way. The applicant is proposing to push the building entirely to one side of the property to maximize the maneuvering area for these large vehicles.

Land Development Code Provisions

Per Chapter 2, Article 3, Division 2 – Non-Residential Zoning Districts, Table 2-4: Site Layout and Building Requirements for Non-Residential Zoning Districts, the minimum required street setback along a minor street is 25-feet, and the minimum required rear yard setback is 25-feet.

Site Constraints

Staff finds that there are no site constraints.

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** 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.**

Staff finds that there are no special circumstances or site constraints related to the physical surroundings, shape, topography, or other features of the property that create an undue

hardship or inequity. The property does not have physical constraints that prevent compliance with the Land Development Code. Therefore, strict application of the setback requirements would not deprive the applicant of reasonable and beneficial use of the land.

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.

Staff finds that granting the request would not be injurious to neighboring properties, or public welfare.

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 as the applicant is proposing to develop the property for a use indented for the Heavy Industrial (HI) zoning, as well as working towards keeping all traffic maneuvering within the subject property.

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

The hardship is caused by the petitioner.

Attachments

- Concept Plan
- PowerPoint Presentation

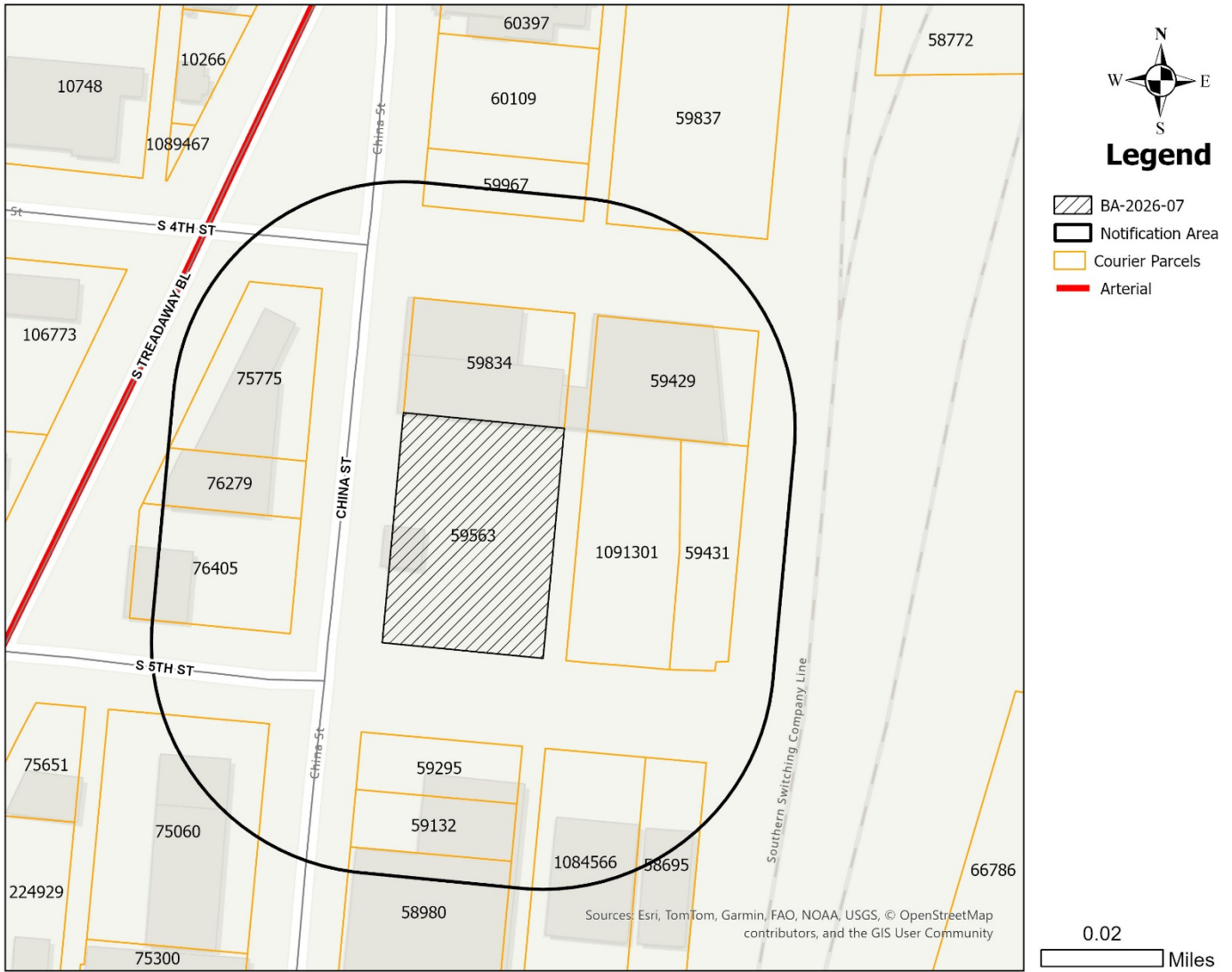
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on June 25, 2026, 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

Property Owner	Property ID	SITUS	Response
GREGORY INVESTMENTS LLC	1084566	308 S 6TH ST	
GREGORY INVESTMENTS LLC	58695		
GRISHAM GARY W & SANDY	75060	550 CHINA ST	
GRISHAM GARY W & SANDY	75060	502 CHINA ST	
HOEMKE PROPERTY LLC	76279	425 S TREADAWAY BL	
HOEMKE PROPERTY LLC	76405	441 S TREADAWAY BL	
HOEMKE PROPERTY LLC	75775	409 S TREADAWAY BL	
JACKSON HULL & CO INC	58980	533 CHINA ST	
JACKSON HULL & CO INC	59295	501 CHINA ST	
JACKSON HULL & CO INC	59132	509 CHINA ST	
LYDICK-HOOKS ROOFING INC	59834	409 CHINA ST	
LYDICK-HOOKS ROOFING INC	59834	401 CHINA ST	
LYDICK-HOOKS ROOFING INC	59429	317 S 4TH ST	
LYDICK-HOOKS ROOFING INC	59967	341 CHINA ST	
TANKERSLEY INVESTMENTS LLC	59563	433 CHINA ST	Subject Property
TANKERSLEY INVESTMENTS LLC	1091301	410 ROSE ST	
UNION PACIFIC SYSTEM	59837	201 ROSE ST	
UNION PACIFIC SYSTEM	59431		

NOTIFICATION MAP



LOCATION MAP



Legend

- BA-2026-07
- Courier Parcels
- Arterial

0.01

Miles

ZONING MAP



Legend

- BA-2026-07
- Courier Parcels
- HI (Heavy Industrial)
- LI (Light Industrial)
- Arterial

0.01 Miles

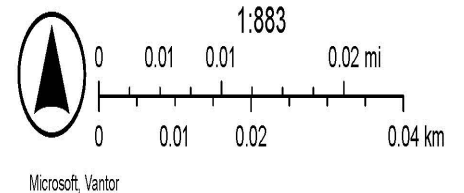
City of Abilene Planning & Zoning Map



6/30/2026, 9:17:38 AM

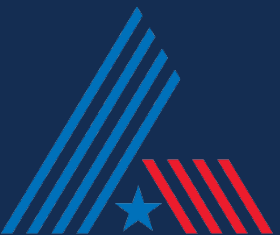
Address Points (Current & Pending)	Single Family Residential (RS)	Neighborhood Retail (NR)	Central Business (CB)
● Current	Mobile Home (MH)	Neighborhood Office (NO)	Light Industrial (LI)
● Pending	Patio Home (PH)	Office (O)	Heavy Industrial (HI)
Orange Outline: Courier Parcels	Medium Density Residential (MD)	General Retail (GR)	Heavy Commercial (HC)
Black Outline: All District Outlines	Townhome (TH)	College/University (CU)	Planned Development (PD)
Light Green: Rural - Residential (RR)	Multi-Family Residential (MF)	Medical Use (MU)	Road Centerlines
Dark Green: Agricultural Open (AO)	Mixed Use (MX)	General Commercial (GC)	Municipal Boundaries

World Imagery
High Resolution 60cm Imagery
High Resolution 30cm Imagery
Citations



VARIANCE REQUEST

Case:	BA-2026-07
Owner:	Tankersley Investments LLC
Agent:	Jack Hull
Request:	A variance to allow a for a 0-foot setback along China St, S 5th St, and the alley, where 25' is required.
Location:	433 China Street
Notification:	0 in Favor, 0 Opposed
Board of Adjustment:	July 14, 2026

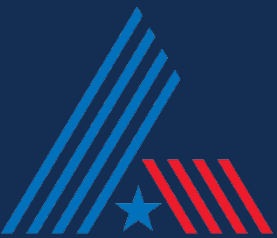


AERIAL LOCATION MAP



- BA-2026-07
- Courier Parcels
- Arterial

0.01
Miles



ZONING MAP



Legend

- BA-2026-07
- Courier Parcels
- HI (Heavy Industrial)
- LI (Light Industrial)
- Arterial

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

0.01
Miles



CONCEPT PLAN

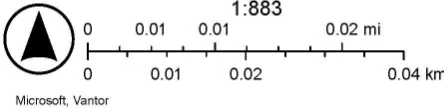
City of Abilene Planning & Zoning Map



6/30/2026, 9:17:38 AM

Address Points (Current & Pending)	Single Family Residential (RS)	Neighborhood Retail (NR)	Central Business (CB)
● Current	Mobile Home (MH)	Neighborhood Office (NO)	Light Industrial (LI)
● Pending	Patio Home (PH)	Office (O)	Heavy Industrial (HI)
○ Courier Parcels	Medium Density Residential (MD)	General Retail (GR)	Heavy Commercial (HC)
□ All District Outlines	Townhome (TH)	College/University (CU)	Planned Development (PD)
■ Rural - Residential (RR)	Multi-Family Residential (MF)	Medical Use (MU)	Road Centerlines
■ Agricultural Open (AO)	Mixed Use (MX)	General Commercial (GC)	Municipal Boundaries

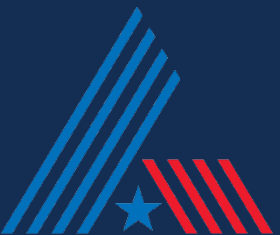
World Imagery
High Resolution 60cm Imagery
High Resolution 30cm Imagery
Citations



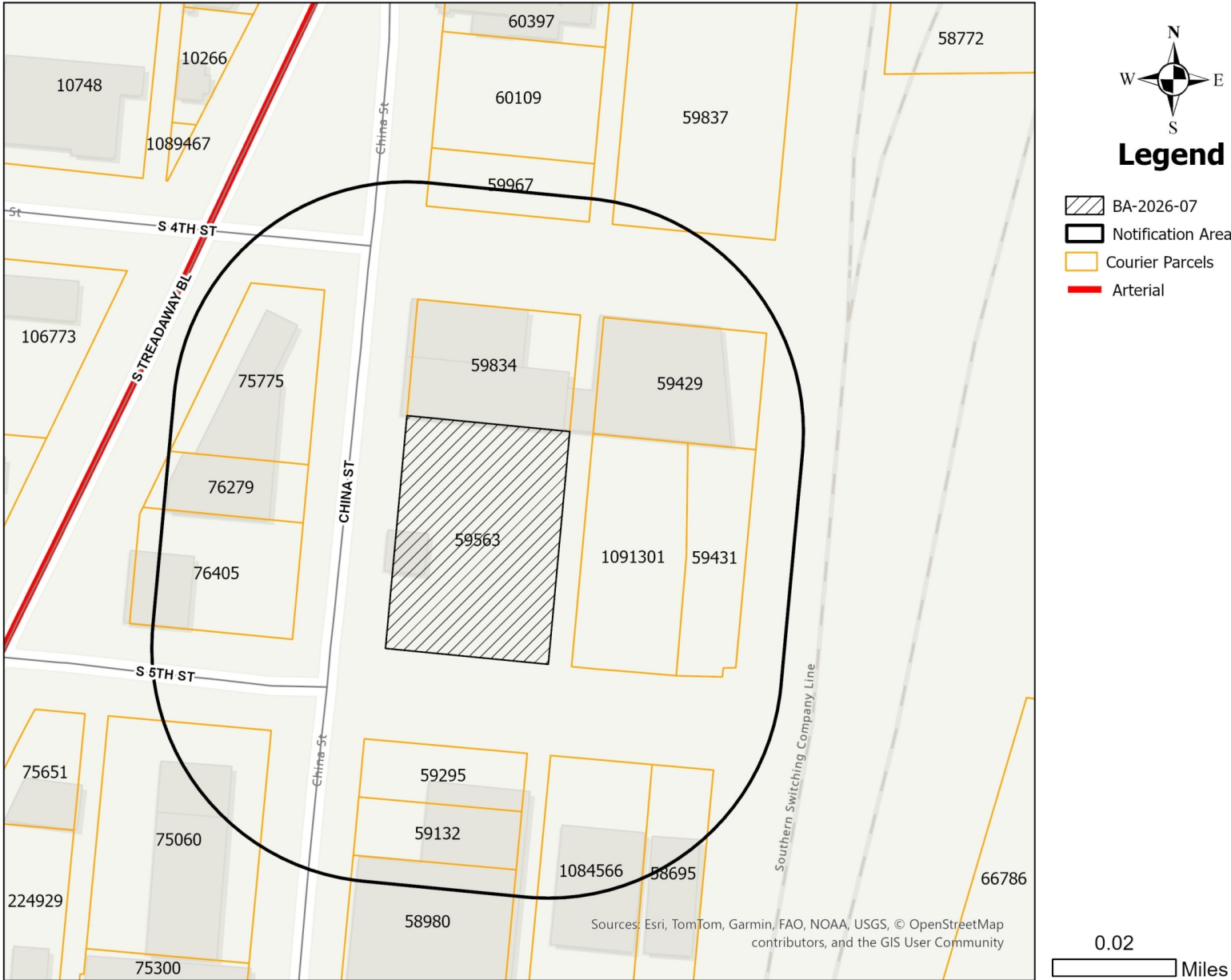
VIEWS OF SUBJECT PROPERTY



VIEWS OF NEIGHBORING PROPERTIES



NOTIFICATION AREA MAP



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.

Staff finds that there are no special circumstances or site constraints related to the physical surroundings, shape, topography, or other features of the property that create an undue hardship or inequity. The property does not have physical constraints that prevent compliance with the Land Development Code. Therefore, strict application of the setback requirements would not deprive the applicant of reasonable and beneficial use of the land.

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.

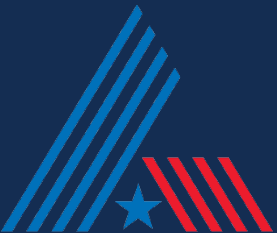
Staff finds that granting the request would not be injurious to neighboring properties, or public welfare.

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

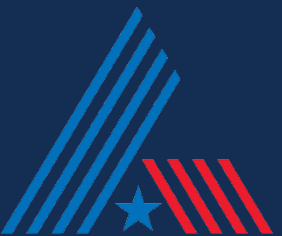
The request is consistent with the intent of the Land Development Code as the applicant is proposing to develop the property for a use indented for the Heavy Industrial (HI) zoning, as well as working towards keeping all traffic maneuvering within the subject property.

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

The hardship is caused by the petitioner.



Questions?



BOARD OF ADJUSTMENT

BA-2026-08

STAFF REPORT



Scheduled Hearings

Board of Adjustment: July 14, 2026

Applicant

Owner: Jana & Cody Cooley

Agent: Extreme Exteriors

Case Manager: Kera Valois - Planner

Request

Variance to allow the following:

- 60% lot coverage where a maximum of 50% is allowed.
- 5' rear setback (25' required)
- 5' side setback (7.5' required)

Location

44 Pinehurst

Background

The subject property is currently zoned as a Planned Development District (PDD-4) with a base zoning of Residential Single Family (RS-8). A permit for the pool was issued in June 2026. The owner of the property intends to build a new pool house that is attached to the main residence.

Land Development Code Provisions

The Land Development Code allows a maximum of 50% of lot coverage for lots zoned RS-8. Lot coverage is defined in the LDC as the percentage of lot area covered by a roof, floor or other structure which is not open to the sky and prevents the infiltration of water into the soil. Specifically roof eaves, swimming pools, and wooden decking are excluded. Any accessory structures with a roof covering or impervious surfaces are included in the calculation of coverage.

Table 2-2: Site Layout and Building Requirements for Residential Zoning Districts states that the minimum rear setback is 25' and the side yard setback is 7.5'. The applicant is proposing to reduce these setbacks for the attached pool house.

Site Constraints

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 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

- Concept Plan
- PowerPoint Presentation

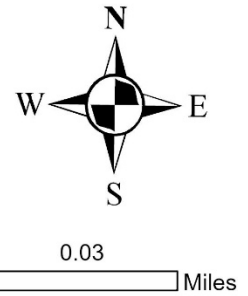
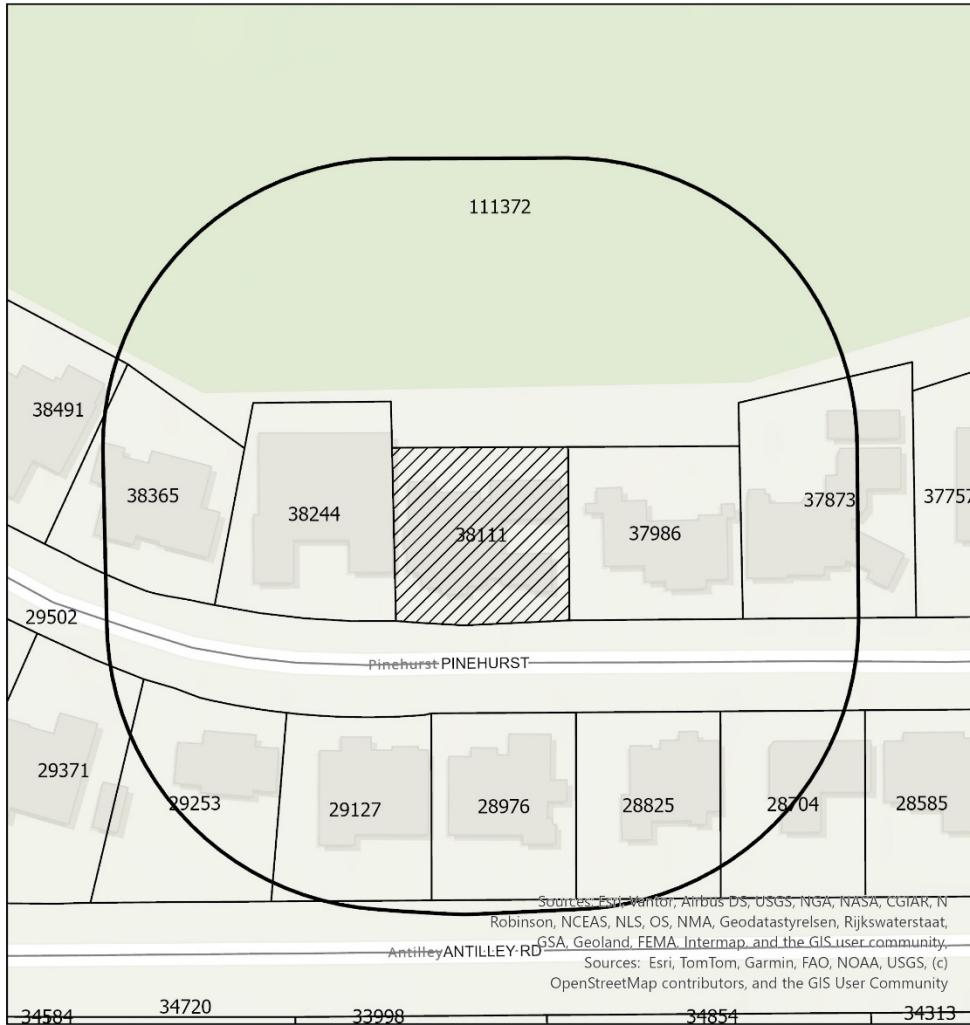
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on June 29, 2026, 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

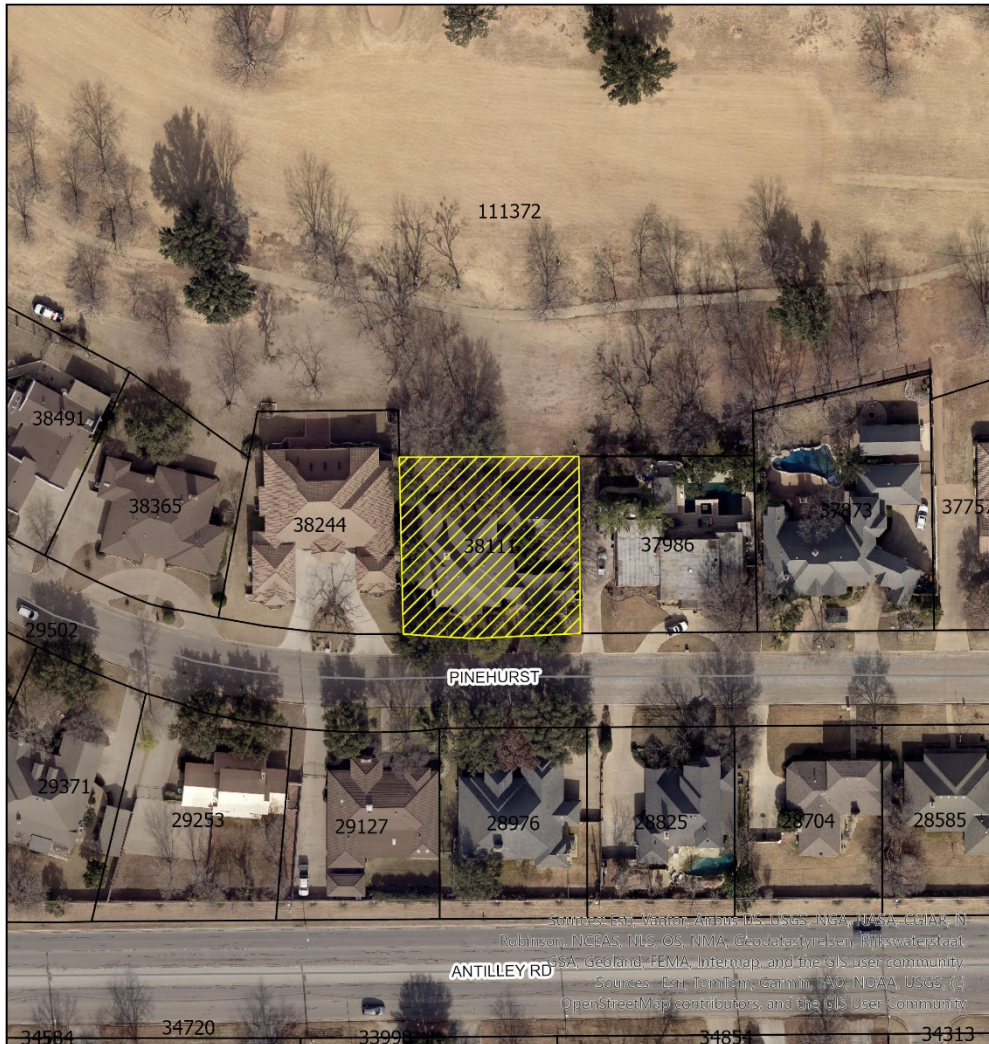
OWNER	SITUS	PROP_ID	RESPONSE
ABILENE COUNTRY CLUB INC		111372	
ARNOLD JOHN STACEY & SHANNON KELLY	48 PINEHURST	38365	
BEALE JOHN BRANDON & PAIGE	49 PINEHURST	29371	
COOLEY CODY & JANA	44 PINEHURST	38111	APPLICANT
DAVIS BRIAN K & D'ANN D	39 PINEHURST	28704	
GLENN RANDAL DAVID & MIKEA L	38 PINEHURST	37873	F
HOWARD WILLIAM T & CONNIE L	45 PINEHURST	29127	
JOHNSON CAROLYN JEAN	47 PINEHURST	29253	
LEEDY CHRISTIE M	40 PINEHURST	37986	F
MERGELE JOY JORDAN	46 PINEHURST	38244	
NOBLE JUSTIN & KRISTAL	41 PINEHURST	28825	
TILBROOK PATTI MARIE	52 PINEHURST	38491	
WHISENHUNT MICHAEL TODD & MICHELLE ANNA	43 PINEHURST	28976	

NOTIFICATION MAP



- BA-2026-08
- Notification Area

LOCATION MAP



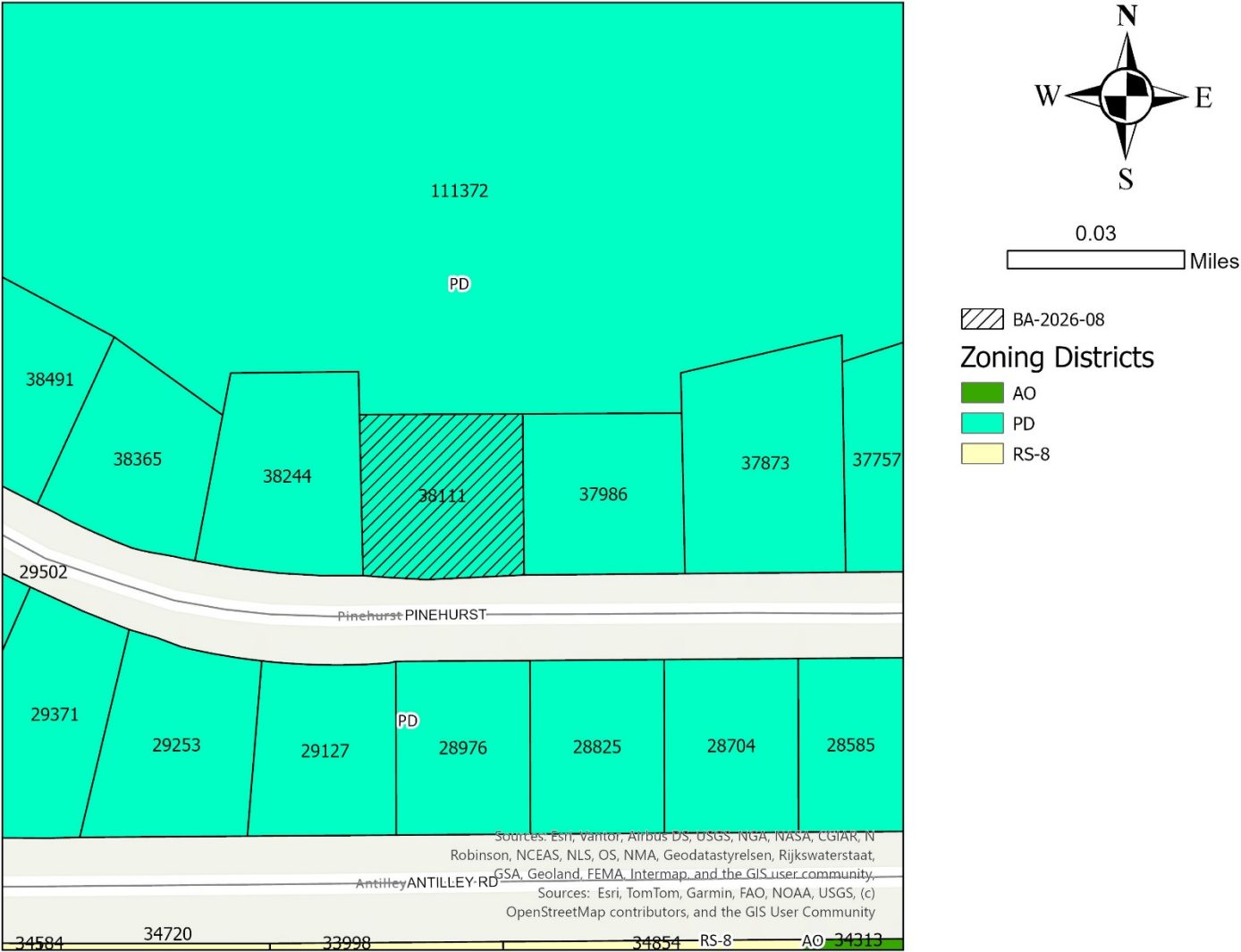
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Miles

BA-2026-08

Sources: Esri, DeLorme, Airphoto, USGS, NGA, NASA, CIGNA, N Robinson, NCEAS, NLS, OS, NMA, Geodetic, rlsn, Hjtswaterplant, SSA, Geofind, FEMA, Intermap, and the GIS user community
Sources: Esri, DeLorme, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

ZONING MAP



Pavers

Overlay Back Porch Laid Footage: 441 sf
Brand: Faber CNK
Type: Travertine
Color: Ivory

Artificial Turf

Laid Footage: 4213 sf

Pergola Tie Into Pool House

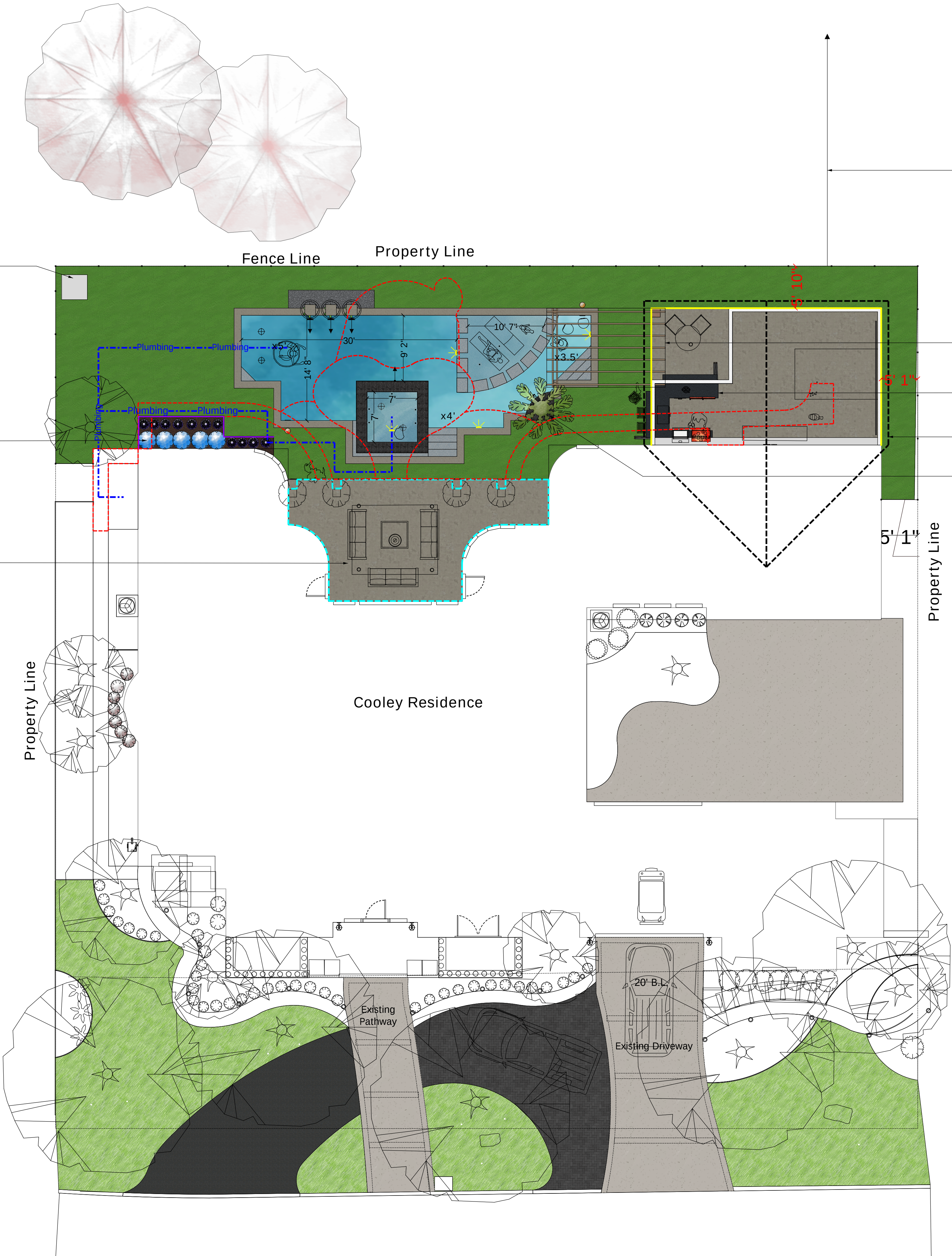
Plate Ht: 10'
Square Footage: 182 sf
6" x 6" Posts: 2
Rafter Supports: 2"x12"
Rafters w/ 2' O.C.: 2"x12"
Top Slatsg: 2"x2" w/ 2" Offset
Material: Douglas Fir
Finish: Paint
Info:

Pool House

Plate Ht: 10'
Roof Area w/ Overhang: 970 sf
Roof Pitch: 6/12
Roof Material: Composite Shingles to Match
Ceiling Type: Sloped
Ceiling Finish: Masonite
Flooring: Pavers
Exterior Material: Brick to Match Home
Interior Material: Sheetrock
Windows:
- Panoramic Window: 5'Hx7'L
- Panoramic Window: 5'Hx8'L
- Custom Gable Windows
Doors:
- (2) Panoramic Door: 9'Hx8.5'L

Line Style Legend	
Line Style	Category
---	Demo
---	Back Porch Overlay
---	Property Line Setback
---	Black Steel Edge

Existing Impermeable: 8002 sf
New Addition: 565 sf



No Neighbor Behind Fence Line
Nearest Neighbor is 400yds Across
Golf Course

New Pergola w/ Railing

New Kitchen

New Pool House

New Curved Corner Water
Feature and Faux Palm

Property Line

Cooley Residence

Some features or items are for
presentation only, please refer to
your proposal or master agreement
for your project details and specifics.
All electrical and plumbing to be
quoted separately by others.

5720 E 120 Service Rd.
Aledo, TX 76008
817.773.1283

431 Andrews Highway
Midland, TX 79701
432.695.4655

1800 Industrial Blvd.
Abilene, TX 79602
325.698.2410



Cooley Residence
44 Pinehurst
Abilene, TX 79606



Scale: 1/8" = 1' - 0"

Date: 6/16/2026

Drawn by: NGW

Revised by: JCW

Plan 2



Application #BA-2026-08 (44 Pinehurst)

From Mikea Glenn <Mikea@extremeexteriors.us>
Date Mon 6/29/2026 9:32 AM
To Planning Services <planning@abilenetx.gov>

Good Morning!

Please find attached my response to case #BA-2026-08 for the property at 44 Pinehurst. If you have any questions please let me know.

Have a great day and Thank You!
Mikea Glenn

redemption area.

This public hearing is open to any interested person. Your opinions, objections, and comments relative to this may be expressed in writing, or in person at the public hearing. The City of Abilene encourages you to participate in this process. You will find a response form at the bottom of this letter that you may complete, cut off, and mail to the City. All written responses must be signed by the respondent per State law. The City also accepts comments by email per the instructions below.

If you have any questions, please contact Kera Valois at telephone 325-676-6493 or by email address planning@abilenetx.gov

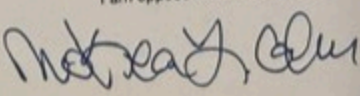
NOTIFICATION RESPONSE FORM CASE #: BA-2026-08

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. **All correspondence must be signed** and include your name and address. For your response to be placed in the agenda, all responses must be received a minimum of five (5) days prior to the meeting. Please mail the response form to:

Planning and Development Services
PO BOX 60, Abilene, TX 79604-0060.

Alternatively, you may email your response to planning@abilenetx.gov.

Your Name:	GLENN RANDAL DAVID & MIKEA L	I am in favor of the request ☒
Your Property Address:	38 PINEHURST	I am opposed to the request ☐
Your Parcel ID:	37873	

Signature: 

Sent from my iPad

VARIANCE REQUEST

Case: BA-2026-08

Owner: Jana & Cody Cooley

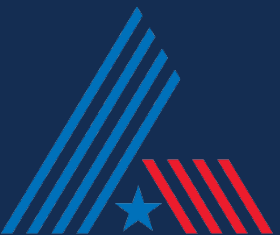
Agent: Extreme Exteriors

Request: Variance to allow 60% lot coverage where 50% is allowed, a 5' rear setback where 25' is required, and a 5' side setback where 7.5' is required.

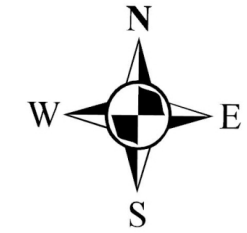
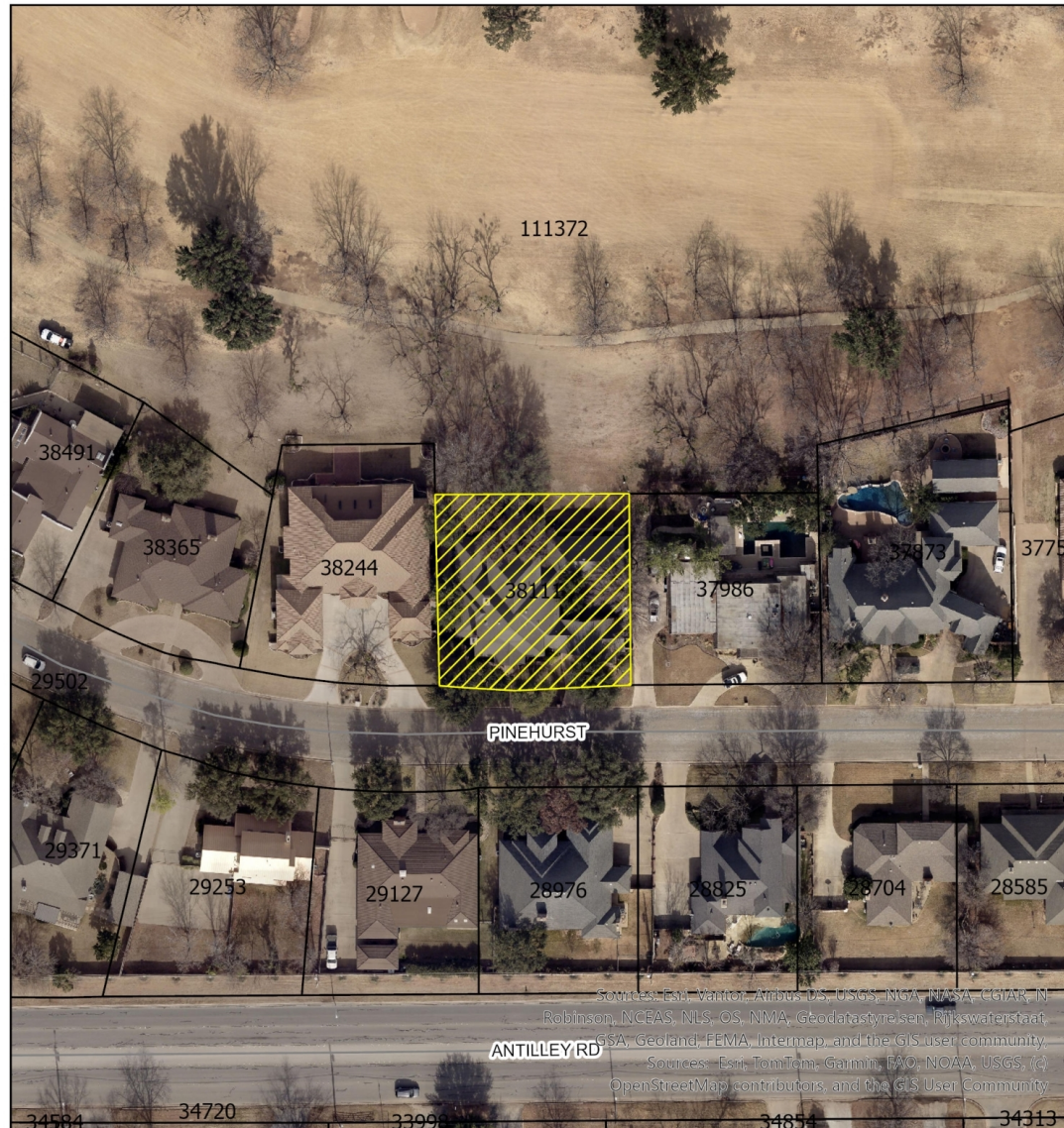
Location: 44 Pinehurst

Notification: 2 in Favor, 0 Opposed

Board of Adjustment: July 14, 2025



AERIAL LOCATION MAP



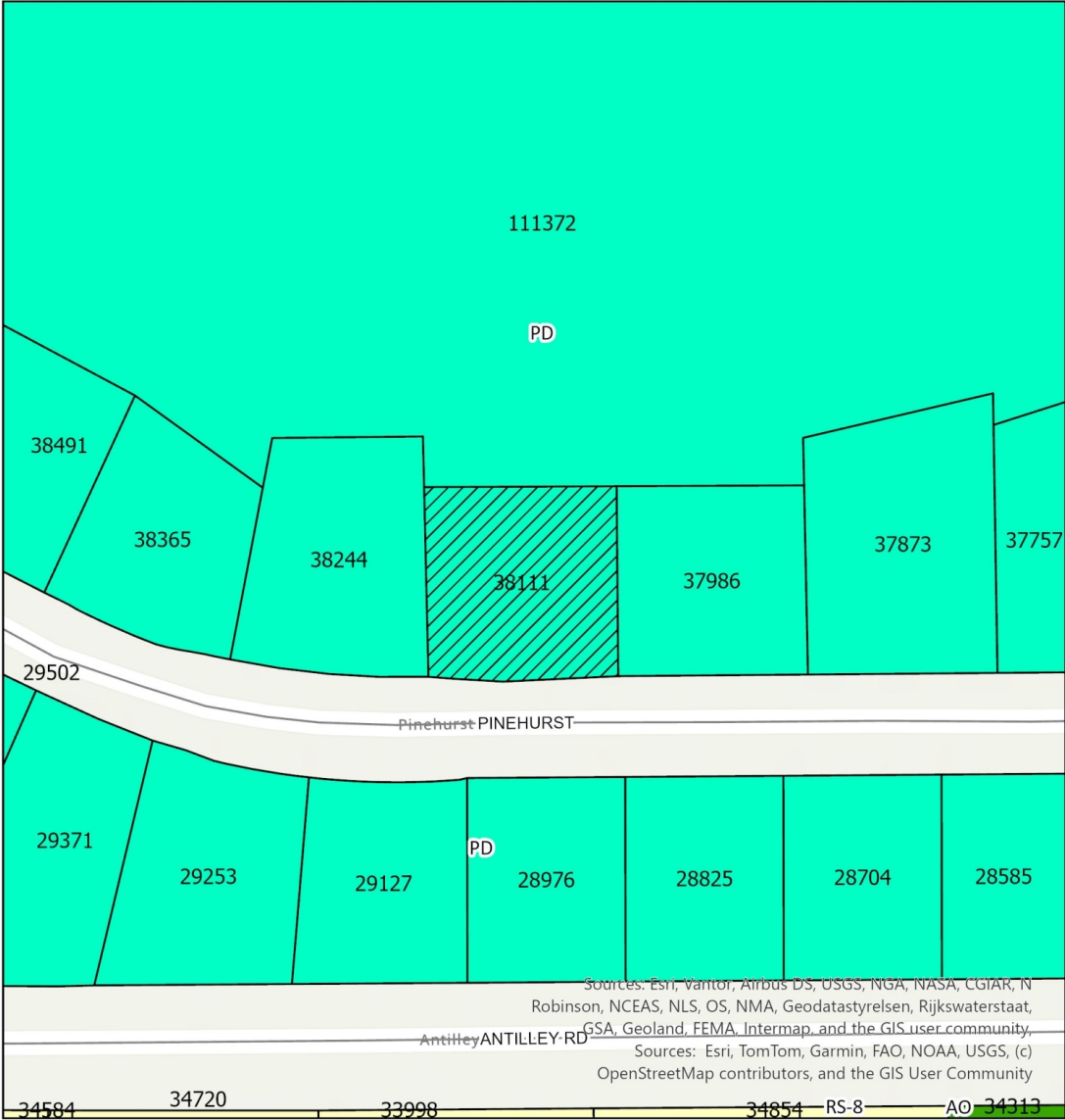
0.03

Miles

BA-2026-08

Sources: Esri, DeLorme, Airbus DS, USGS, NOAA, NASA, CGIAR, N
Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat,
USA, Geoland, FEMA, Intermap, and the GIS user community.
Sources: Esri, DeLorme, Garmin, FAO, NOAA, USGS, (C)
OpenStreetMap contributors, and the GIS User Community

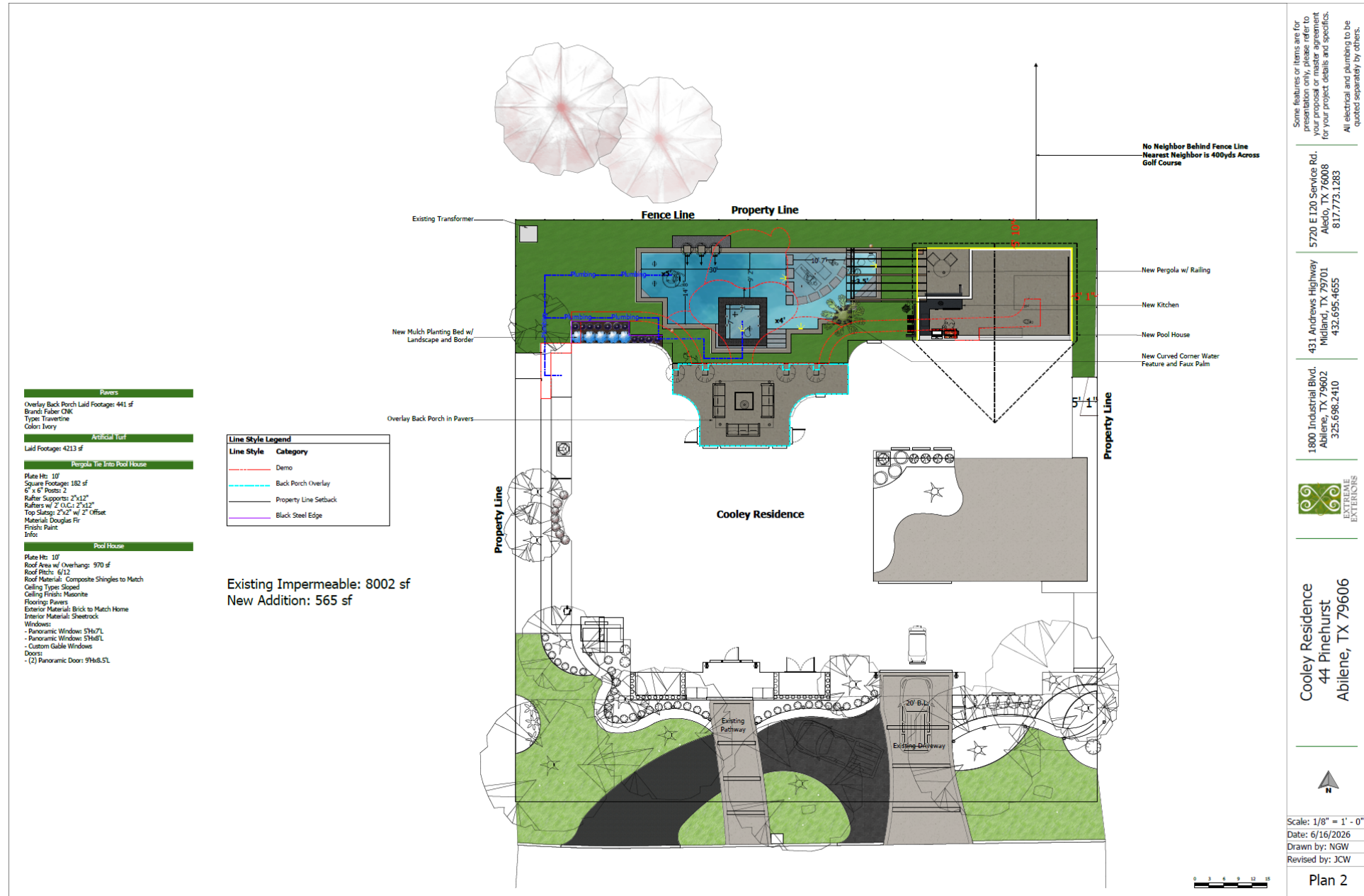
ZONING MAP



0.03
Miles

- BA-2026-08
- Zoning Districts**
- AO
 - PD
 - RS-8

CONCEPT PLAN



Views of Subject Property

Subject Property



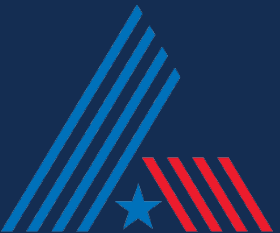
West Neighboring Property



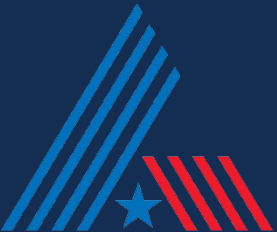
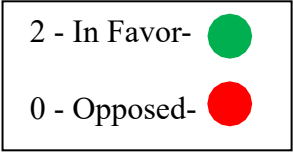
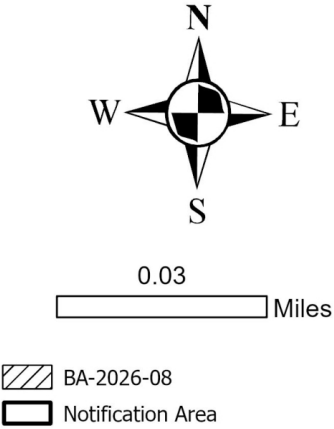
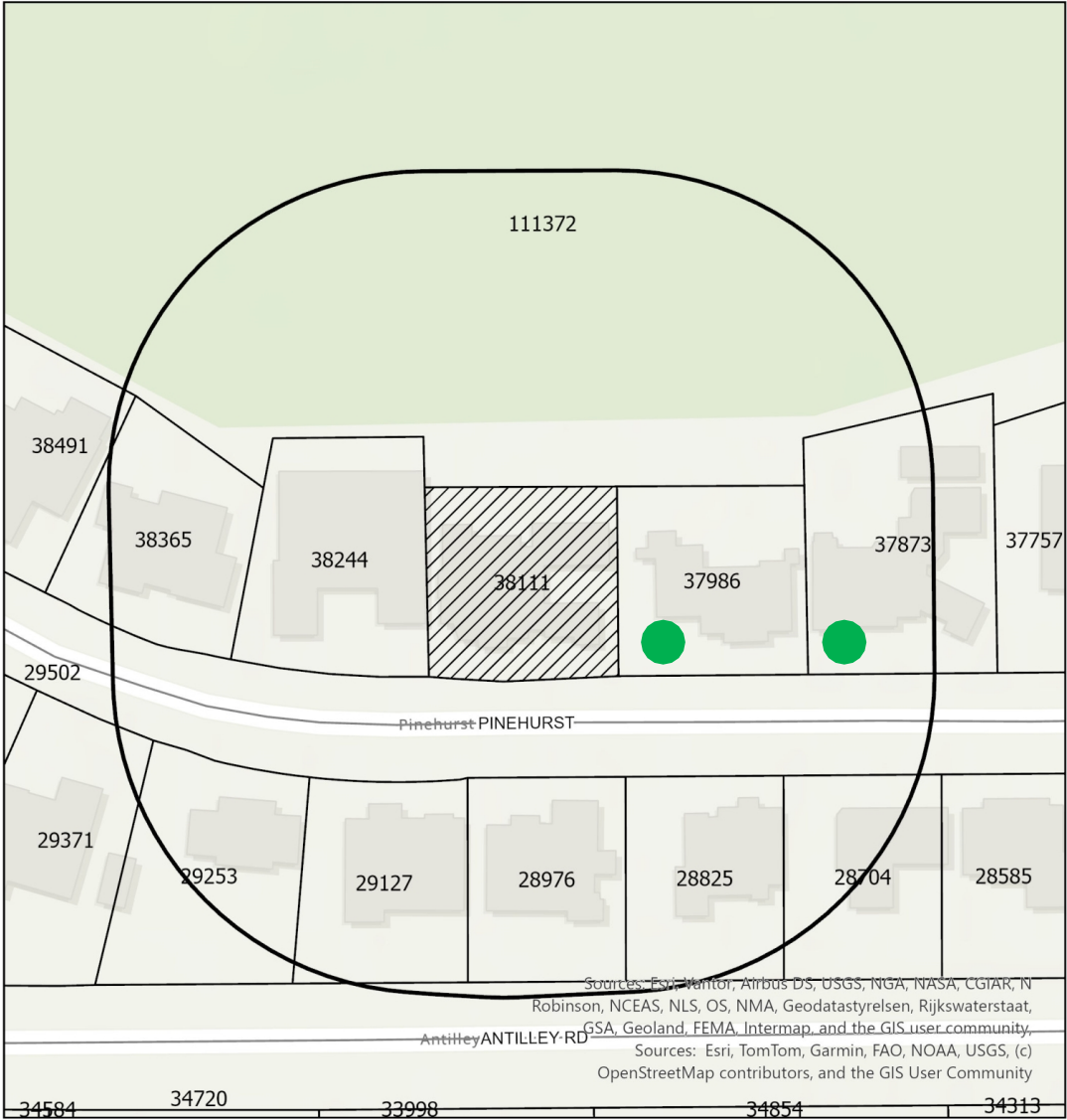
East Neighboring Property



South Neighboring Property



NOTIFICATION AREA MAP



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.**

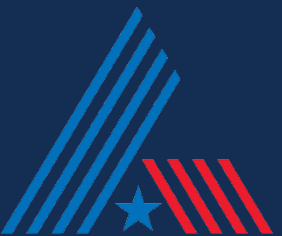
The request is not consistent with the intent of the Land Development Code.

- **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?





LEEDY CHRISTIE M
40 PINEHURST ST
ABILENE, TX 79606-5121

NOTICE OF PUBLIC HEARING

Board of Adjustment Application Number: BA-2026-08

June 29, 2026

The Board of Adjustment will hold a public hearing on **July 14, 2026, at 8:30 AM** in the Council Chambers. The Council Chambers are located on the second floor of City Hall at 555 Walnut Street in Abilene, Texas. The variance is requested by the owners. The subject property is located at 44 Pinehurst, Abilene, Texas. **This request is for a variance to allow a maximum of 60% lot coverage where a maximum of 50% is allowed and reduce the rear setback from the required 25 feet to 5 feet as well as the side setback from the required 7.5 feet to 5 feet.**

The attached map shows the area of this variance request. Only the area highlighted on the map by striped lines is being considered for this request. The solid boundary line surrounding the highlighted area is a state mandated 200' notification area. You are receiving this letter because your address is located within this notification area.

This public hearing is open to any interested person. Your opinions, objections, and comments relative to this may be expressed in writing, or in person at the public hearing. The City of Abilene encourages you to participate in this process. You will find a response form at the bottom of this letter that you may complete, cut off, and mail to the City. All written responses must be signed by the respondent per State law. The City also accepts comments by email per the instructions below.

If you have any questions, please contact Kera Valois at telephone 325-676-6493 or by email address planning@abilenetx.gov

NOTIFICATION RESPONSE FORM CASE #: BA-2026-08

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. **All correspondence must be signed** and include your name and address. For your response to be placed in the agenda, all responses must be received a minimum of five (5) days prior to the meeting. Please mail the response form to:

**Planning and Development Services
PO BOX 60, Abilene, TX 79604-0060.**

Alternatively, you may email your response to planning@abilenetx.gov.

Your Name: LEEDY CHRISTIE M

I am in favor of the request ☒

Your Property Address: 40 PINEHURST

Your Parcel ID: 37986

I am opposed to the request ☐

Signature:

A handwritten signature in blue ink, appearing to read "Leedy Christie M", is written over a blue line.