



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 Tuesday, July 14, 2020 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

PUBLIC COMMENTS

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

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 March 10, 2020

AGENDA ITEMS

2. **BA-2020-05:** Receive a Report and Hold a Discussion and Public Hearing on a request from owner Mary Fleming and agent, Shawntee Fleming, for a request of an approval of a Special Exception to allow a home occupation (Hair Salon) in a detached accessory building located at 2802 N 18th Street; Legal description being Lot 3 in Block S of the Crescent Heights neighborhood to the City of Abilene, Taylor County, Texas

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 10th day of July, 2020, at 2:20 p.m.

Kaitlin Richardson, Deputy City
Secretary

BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
March 10, 2020 **8:30 a.m.**

BOARD OF ADJUSTMENT OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL

Members Present: Mr. Scott Hay, Chairman
Col. Morton Langholtz, Vice-Chairman
Mr. Roger Huber, Secretary
Mr. Robert Beermann
Mr. Mark Odle
Mr. Bob Thomas, Alternate

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Zack Rainbow, Assistant Director/Planning & Dev. Services
Ms. Cheryl Sawyers, Planning Services Manager
Mr. Stanley Smith, City Attorney
Ms. Melissa Farr, Executive Assistant

Others Present: Mr. Adam Luther

CALL TO ORDER

Mr. Hay called the meeting to order at 8:30 a.m. and Ms. Melissa Farr recorded the minutes. A quorum of members was present, and the meeting proceeded.

MINUTES

Colonel Langholtz made the motion to **approve** the minutes of the previous meeting, which was held on January 14, 2020. Mr. Huber seconded the motion. The vote to approve minutes with noted corrections was carried by five (5) with none in opposition.

AYES: Langholtz, Huber, Beermann, Odle, Hay

NAYS: None

AGENDA ITEMS

BA-2020-02: A request from Catherine Guitar for a request of an approval of a 20-foot variance from the 25-foot exterior side street setback for Residential Single Family District 12 (RS12); Legal description being Lot 9 and the South 15 feet of Lot 8 of Block 7 of the Elmwood Addition located at 1173 Hollis Drive, Abilene, TX 79605

Mr. Nick Watts presented this request. The applicant requests an approval of a 20-foot variance from the 25-foot exterior street side setback for an addition to the residence. The applicant wants to add a 13' x 8' laundry room addition to the master bathroom.

Mr. Hay opened the public hearing. Speaking in favor was Mr. Adam Luther. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. Three (3) responses were received in favor with none (0) in opposition.

STAFF RECOMMENDATION: It is the opinion of Staff that insufficient evidence was provided in the application to warrant the granting of a variance in this case.

Discussion topics included: 1) Narrow width of this lot, and 2) No change in the current house design

Mr. Beermann moved to **approve** this request in accordance with findings in the staff report. The Board found the narrow width of the lot is a special circumstance creating hardship and the current house design cannot be altered. Additionally, a previously permitted addition currently exists having the same setback as being requested.

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 variance is consistent with spirit and intent of this LDC and is in harmony herewith.

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

Mr. Huber seconded the motion. The motion to approve this Variance request prevailed by the following vote:

AYES: Langholtz, Huber, Beermann, Odle, Hay

NAYS: None

ADJOURNMENT

There being no further business, the Board of Adjustment meeting was adjourned at 8:45 a.m.

Approved: _____, Chair

BA-2020-05

STAFF REPORT



REQUEST:

The applicant is requesting a Special Exception to operate a home occupation (Hair Salon) from a detached accessory building in the rear yard of her mother's (owners) residence; Residential Single Family (RS-6) zoning.

OWNER: Mary Fleming

AGENT: Shawnte Fleming

HEARING DATE:

July 14, 2020

LOCATION:

2802 N 18th Street

LEGAL DESCRIPTION:

Lot 3 in Block S of the Crescent Heights neighborhood to the City of Abilene, Taylor County, Texas.

ZONING CLASSIFICATION:

Residential Single-Family District 6 (RS-6)

BACKGROUND:

According to the agent, Ms. Shawnte Fleming, the mandated small business restrictions put in place during the COVID-19 outbreak financially forced her to close her commercial hair salon.

PROPOSAL AND REQUESTED ACTION:

The applicant now intends to operate a small-scale hair salon in a detached accessory building located in the rear yard of her mother's (owner) property. The detached accessory building is a 168 sq. foot portable building, placed on a concrete foundation with a two car parking surface that can be accessed from the alley for patrons. If the special exception is approved, the agent intends to comply with all building standards associated with a beauty salon.

STANDARDS FOR MANAGING HOME OCCUPATIONS:

Land Development Code Section 2.4.5.2 (a)(3)(iii) Criteria for Home Occupations

The applicant has met all other criteria for a home occupation with the exception of section (iii) which states "a special exception is required for any home occupation when conducted in a detached accessory building."

APPLICATION REVIEW:

Land Development Code Section 1.4.4.1 (e) Special Exception Criteria for Approval

The purpose of a special exception is to authorize a modification of zoning standards applicable to particular types of development within any zoning district, which is consistent with the overall intent of the zoning regulations and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed. 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, shall determine that the requested special exception complies with each of the following:

- a. 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.**

Finding: It is the opinion of staff that operating a hair salon in a 168 square-foot detached accessory building is similar in occupancy size when compared to most other home-based businesses. The occupancy load will be no more than two (2) patrons present at one time, therefore, limiting the volume of traffic present during normal home occupation operating hours.

- b. 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**

Finding: It is the opinion of staff that this business will place no undue burden on public facilities.

- c. 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.**

Finding: It is the opinion of staff that this request will have minimal impact on the surrounding residential properties and is therefore consistent with the intent of the regulation.

STAFF RECOMMENDATION: Staff recommends approval.

NOTIFICATION: The Planning Services Division sent a notice of this requested variance to the applicant and to owners of all property within a 200-foot radius of this subject property:

Owner	Situs	Response
ABILENE IND SCHOOL DIST	2726 N 18TH ST	
ABILENE SUNRISE PROPERTIES	1902 BURGER ST	
BUTLER CHARLES J	2834 N 18TH ST	
CARVAJAL PETRA	1726 BURGER ST	
CASTILLO LINA R	1734 BURGER ST	
CHAVARRIA RICARDO & SABRINA	2826 N 18TH ST	
CITY OF ABILENE		
COUCH ROBERT TRAVIS	1918 BURGER ST	
DE GONZALEZ SANTOS LOPEZ CARRASCO	1733 BURGER ST	
FLEMING MARY H	2802 N 18TH ST	
GILLESPIE ELAINE SAEGER	1901 FANNIN ST	
GREENWOOD ALAN W & DONNA C	2810 N 18TH ST	
HERNANDEZ ARTEMIO JR	1910 BURGER ST	
JACKSON LISA D	1725 FANNIN ST	
JOHNSON SHAWNACY & LASHANDRA	1717 BURGER ST	
LEGACY DWELLING LLC	2818 N 18TH ST	
MEDINA JESSIE C	1909 FANNIN ST	
MEEK RICHARD F	1718 BURGER ST	
OLIVO RAMIRO	1725 BURGER ST	
SALAZAR KRISelda	1733 FANNIN ST	

ATTACHMENTS:

- Application
- Presentation

OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Mary Fleming

Address: 2802 N. 18th Street

City, State, Zip: Abilene TX 79603 Fax: _____

Phone: 325-333-9157 Email: _____

Agent Name: Shawnte Fleming

Address: 2802 N. 18th Street

City, State, Zip: Abilene TX 79603 Fax: _____

Phone: 325-267-1794 Email: tauflem@yahoo.com

"I am the property owner, and I certify that the information included in this application is true to the best of my knowledge.
(Name) Shawnte Fleming will act as my agent before the Board of Adjustment."

Witness my hand this day, of June 16th 2020

☐ Special Exceptions ☐ Variance ☐ Appeal

What is the specific nature of the request?

A mini salon for beauty services like scalp treatments, cutting hair, perms, haircolor, relaxers. This business will not create a parking issue or loud noises or smells.

Project Address: 2802 North 18th Street No. of lots: _____ Acreage: _____

Legal Description (Use attachment if necessary): _____

Current Zoning: _____

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. 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 application.

Signature Owner: [Signature] Date: 06/16/20

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____

Case No.: _____ Reviewed By: _____

Variance

Please answer these questions in order to assist Staff with the processing of your Special Exception or Variance request. Please use additional sheet(s), if necessary. (Or provide site plan/plot plan)

1. Fully describe the unique, special 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 the intent. (This CANNOT be solely caused by the applicant.)

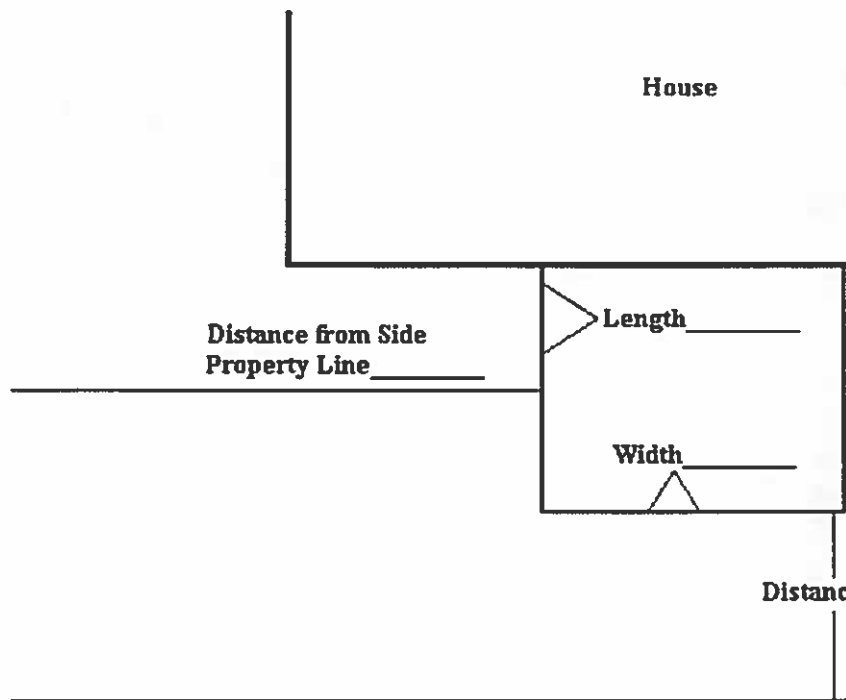
Due to Covid-19 my Salon was shut down for over 2 months. With no income I came up with a plan to lower my overhead to stay in business. I would like to operate a mini salon from my accessory building that has been mounted it's a 12x14 building and already equipped.

2. If this application is for a special Exception to allow a carport in the front yard setback, please fill-in the diagram below.

House building material: ☐ Brick ☐ Stone ☐ Wood ☐ Other: Hawk portable building

Carport Building Material: ☐ Similar to principal structure ☐ Metal ☐ Brick ☐ Stone ☐ Wood

☐ Other _____



Street Name 2802 North 18th Street

City of Abilene
Accounting Dept

555 Walnut Street
Abilene, TX 79604
(325) 676-6262

Reprint

06/23/2020 10:11 AM Cashier 0034
T/Ref 0001053719 Reg 0001 Tran No 3692
Cash Report: 200623-01 for 06/23/2020

01 - City of Abilene
ZONING FEES, SITE PLANS, VARIANCE REQUEST
NAME SHAWNTE FLEMING
DESCRIPTION 2802 N FIRST STREET
Validation Number: 065110 \$400.00

=====
Total \$400.00
Check (\$400.00)
Check No. 5001419

Thank You for Your Payment.

SPECIAL EXCEPTION REQUEST

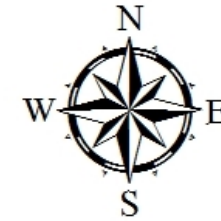
Case: BA-2020-05
Owner: Mary Fleming
Agent: Shawnte Fleming
Request: Special Exception to operate a Hair Salon as a Home Occupation in a detached accessory building
Location: 2802 N. 18th St
Notification: 0 in Favor, 0 Opposed
Board of Adjustment: July 14, 2020



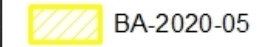
BA-2020-05 AERIAL LOCATION MAP



Location Map

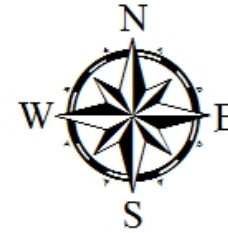


Legend





Zoning Map



Legend

-  BA-2020-05
-  RS-6: Residential Single-Family
-  Collector

BA-2020-05 VIEWS OF SUBJECT PROPERTY

NORTH VIEW OF
RESIDENCE



VACATED SCHOOL TO THE
EAST



PROPOSED BUILDING
LOCATION



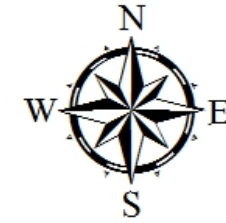
SOUTH VIEW OF PROPERTY



BA-2020-05 NOTIFICATION AREA MAP



Notification Map



Legend

- BA-2020-05
- 200' Notification Area

- 0- In Favor-
- 0- Opposed-



- Reviewed Pursuant to Section 2.4.5.2 Criteria for Home Occupations
- Reviewed Pursuant to Section 1.4.4.1 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval



Questions?



ArcGIS Web Map



July 10, 2020

Streets

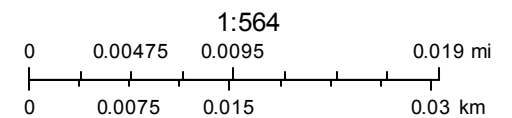
LocalGovernment.DBO.SiteAddressPoint

ZONING

Annex_ETJ

Parcel Labels

Parcels



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri