



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 August 11, 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 July 14, 2026

AGENDA ITEMS

2. **BA-2026-09:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request by the Owner for Special Exception located at 1233 Hollywood Drive 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. **(Clarissa Ivey)**

EXECUTIVE SESSION

The Board of Adjustment of the City of Abilene reserves the right to adjourn into executive session regarding any item listed on the agenda, at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

- 551.071 Consultation with Attorney

ADJOURNMENT

Notice

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received forty-eight (48) hours prior to scheduled meetings. Please contact the City Secretary's Office at 325-676-6208. Telecommunication device for the deaf is 325-676-6360.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 4th day of August, 2026, at 2:00 p.m.

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



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

July 14, 2026

8:30 a.m.

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

Members Present: Mr. John Havard
Ms. Laura Donaway
Mr. Ken Hogan
Mr. Jon Loudermilk

Staff Present: Mr. Michael Rice, Assistant City Manager
Ms. Kelley Messer, First Assistant City Attorney
Ms. Mason Teegardin, Planning Services Manager
Ms. Clarissa Ivey, Planner II
Ms. Melissa Farr, Executive Assistant

CALL TO ORDER

The meeting was called to order at 8:32 a.m. and Ms. Melissa Farr recorded the minutes. A quorum was present, and the meeting proceeded.

MINUTES

The public hearing was opened. Seeing no one present and desiring to be heard, the public hearing was closed. Mr. Havard moved to approve the minutes of the regular meeting held on June 9, 2026. Ms. Donaway seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Havard, Donaway, Hogan, Loudermilk

NAYS: None

AGENDA ITEMS

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 presented this request. 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 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.

Chairman Loudermilk opened the public hearing. Mr. Tim Condon, owner of Angry Cactus, stepped forward. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor with none (0) in opposition.

Mr. Havard moved to **approve** this request for a variance based upon the hardship of a public school moving into the area, which could not have been anticipated when the applicant purchased the property. The motion to **approve** the variance prevailed by the following vote:

AYES: Havard, Donaway, Hogan, Loudermilk

NAYS: None

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 Street, S. 5th Street, and The Alley, Where 25-Foot Is Required. Located at 433 China Street.

Clarissa Ivey presented this request for a variance. 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.

Chairman Loudermilk opened the public hearing. The applicant, Mr. Jack Hull, stepped forward. Also stepping forward to speak was Mr. Gary Grisham.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor, nor in opposition.

Mr. Havard moved to **deny** this request for a variance based upon the following criteria:

- 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.
- The hardship is caused by the petitioner.

The motion to **deny** the variance prevailed by the following vote:

AYES: Havard, Donaway, Hogan, Loudermilk

NAYS: None

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 presented this request for variance. 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.

Chairman Loudermilk opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. There were four (4) responses received in favor with none (0) in opposition.

Mr. Loudermilk moved to **approve** this variance request based upon staff findings included in the report and the fact that it is simply an addition to the house, with setbacks in place. The hardship is actually the lot itself because of its size. Mr. Hogan seconded the motion. The motion to **approve** the variance prevailed by the following vote:

AYES: Havard, Donaway, Hogan, Loudermilk

NAYS: None

ADJOURNMENT

Chairman Loudermilk adjourned the meeting. There being no further business or discussion, the meeting was adjourned at 10:14 a.m.

Approved: _____, Chair
Jon Loudermilk

BOARD OF ADJUSTMENT

BA-2026-09

STAFF REPORT

Scheduled Hearings

Board of Adjustment: August 11, 2025

Applicant

Owner: Ismael Perez

Case Manager:

Clarissa Ivey, Planner

Request

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

1233 Hollywood Dr.

Background

A residence built in 1927 exists on the property. The residence was condemned on March 12, 2026, and has been before the Board of Building Standards which ordered the owner to repair the home.

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 the condemned residence.

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 within the floodway. Certain limitations exist when making repairs to a structure within the floodway.

Precedents/Findings

The Board of Building Standards has ordered the property owner to repair the home, which assessed value is \$9,777. The property owner believes the repairs will cost more than 50% of the replacement cost of this structure and is also asking for a special exception to exceed this 50% maximum.

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(d), 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, several nonconforming residences exist along Hollywood Drive.

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. Many of the properties along Hollywood Drive are residentially used.

NOTIFICATIONS

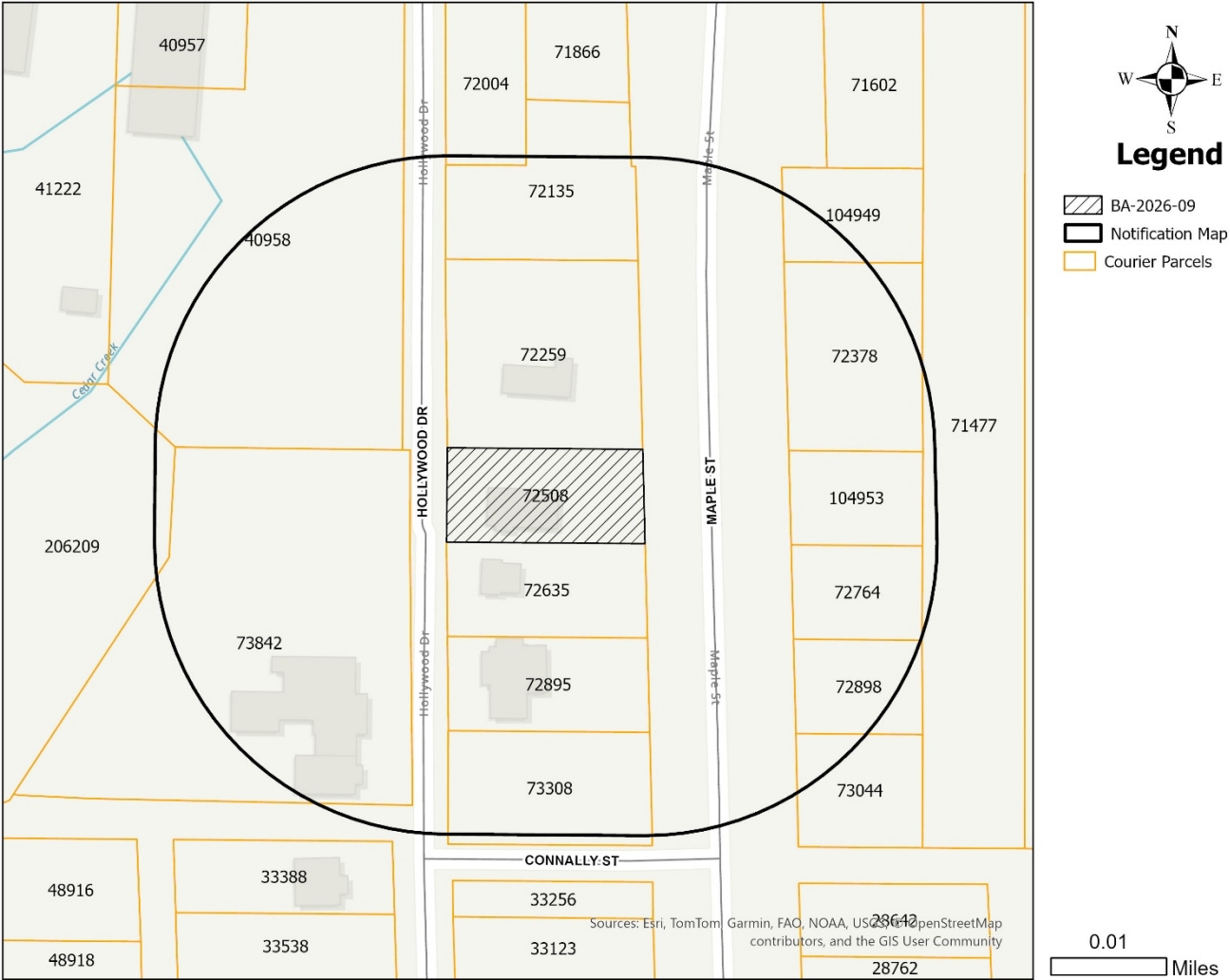
Legend:

O- Opposed

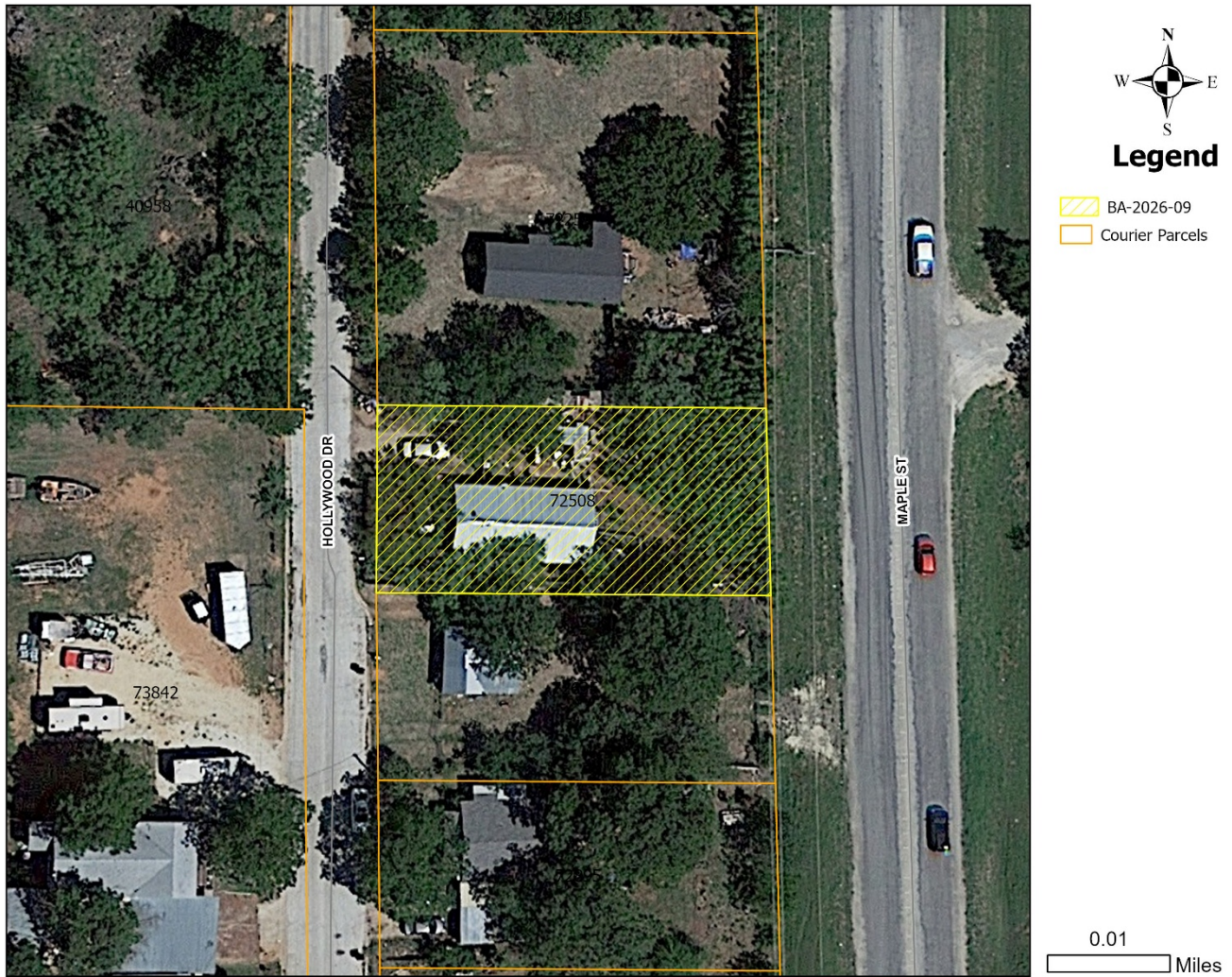
F- In Favor

OWNER	PROPERTY ID	SITUS	RESPONSE
AGUILAR JUAN TORRES &	104953	1233 MAPLE ST	
AGUILAR LUIS	72259	1209 HOLLYWOOD DR	
GUELKER CURTIS & JULIA	72764	1241 MAPLE ST	
GUELKER CURTIS & JULIA	73308	1265 HOLLYWOOD DR	
GUELKER CURTIS & JULIA	72898	1249 MAPLE ST	
GUELKER CURTIS & JULIA	72895	1249 HOLLYWOOD DR	
HILLIS HOMER H JR	72378	1209 MAPLE ST	
HILLIS HOMER H JR	73044	1265 MAPLE ST	
HILLIS HOMER H JR	71477	249 ES 11TH ST	
JACKSON WAYLAN K & SHIRLEY F	206209		
JUST WISE PROPERTIES LLC	72004	1109 HOLLYWOOD DR	
MATTHEWS MICHAEL L & DIANNA	73842	1250 HOLLYWOOD DR	
MATTHEWS MICHAEL L & DIANNA	73842	1242 HOLLYWOOD DR	
MENDEZ PAUL & BRIDGET	40958	197 S 11TH ST	
PEREZ ISMAEL M & JUANA RAMOS	72508	1233 HOLLYWOOD DR	
TRISTAN DANIEL	72635	1241 HOLLYWOOD DR	
VARNER W H	72135	1133 HOLLYWOOD DR	
VARNER W H	104949	1133 MAPLE ST	

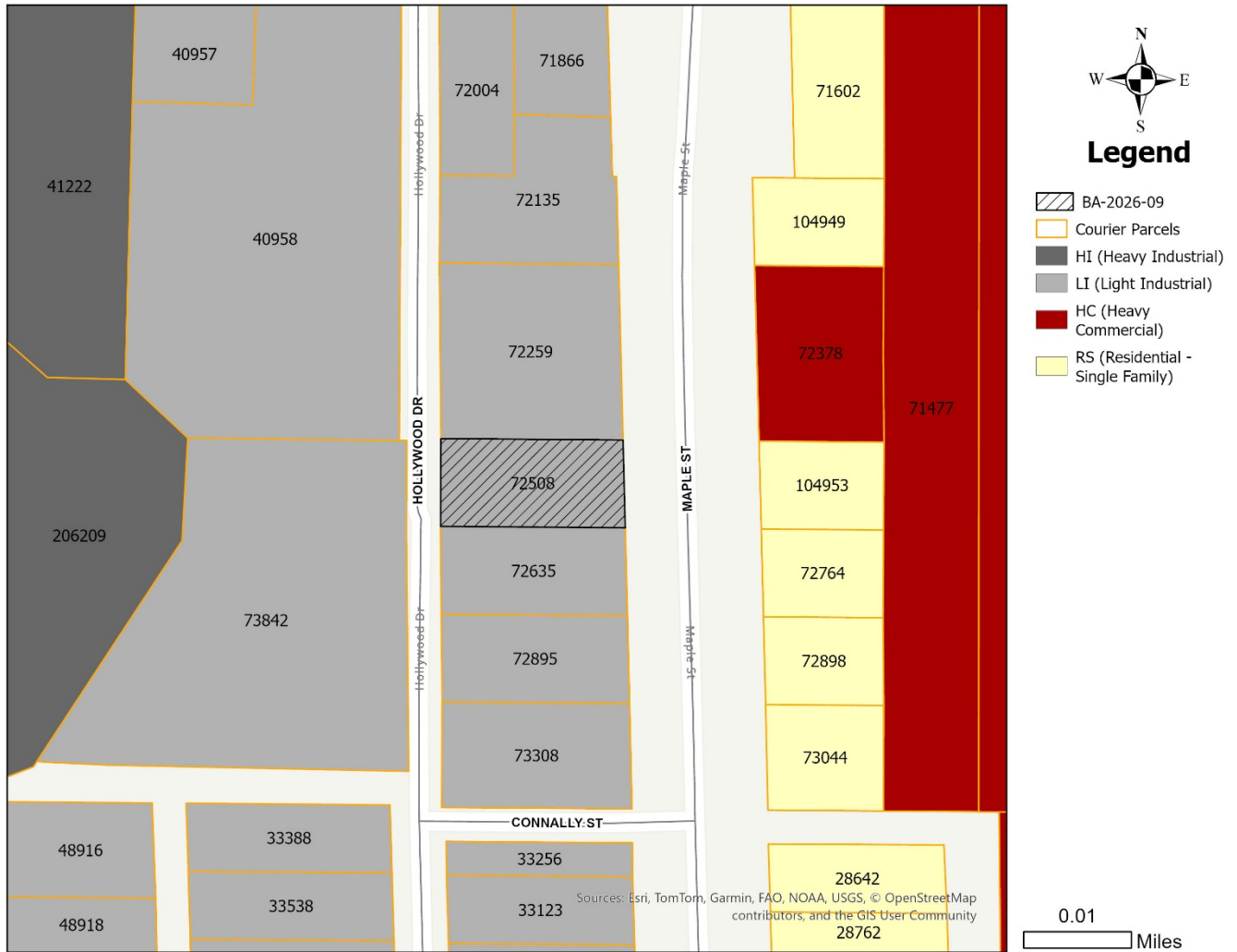
NOTIFICATION MAP



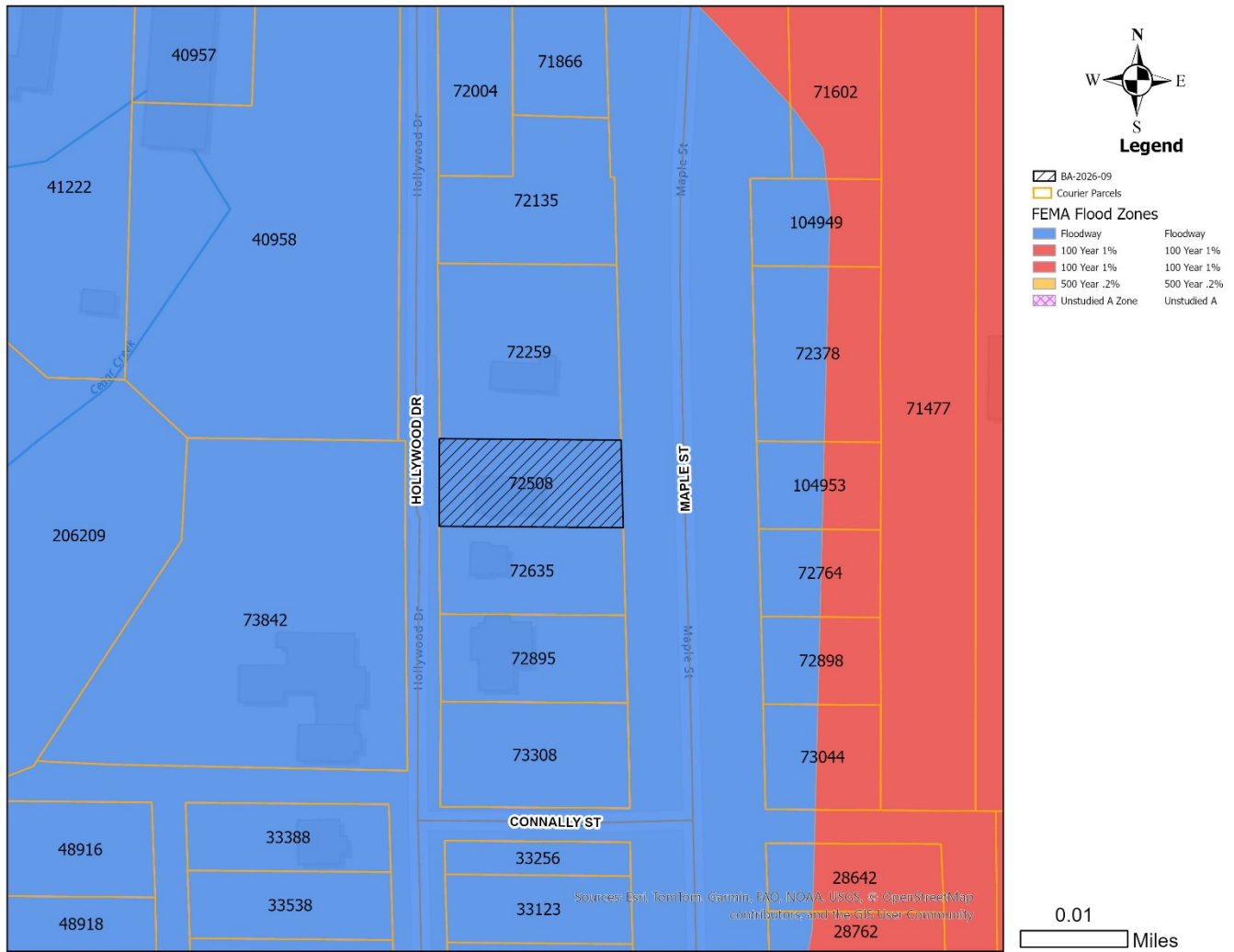
LOCATION MAP



ZONING MAP



Flood Map



Welcome

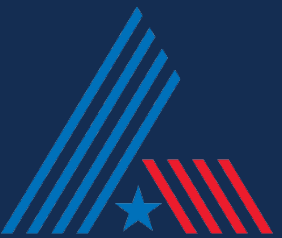
to the

Board of Adjustments Meeting

*Please add your name to the sign-in
sheet by the door and have a seat*



INVOCATION



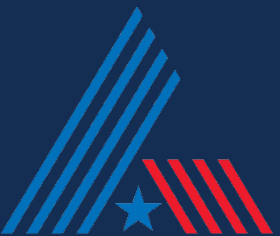
Item 1

MINUTES

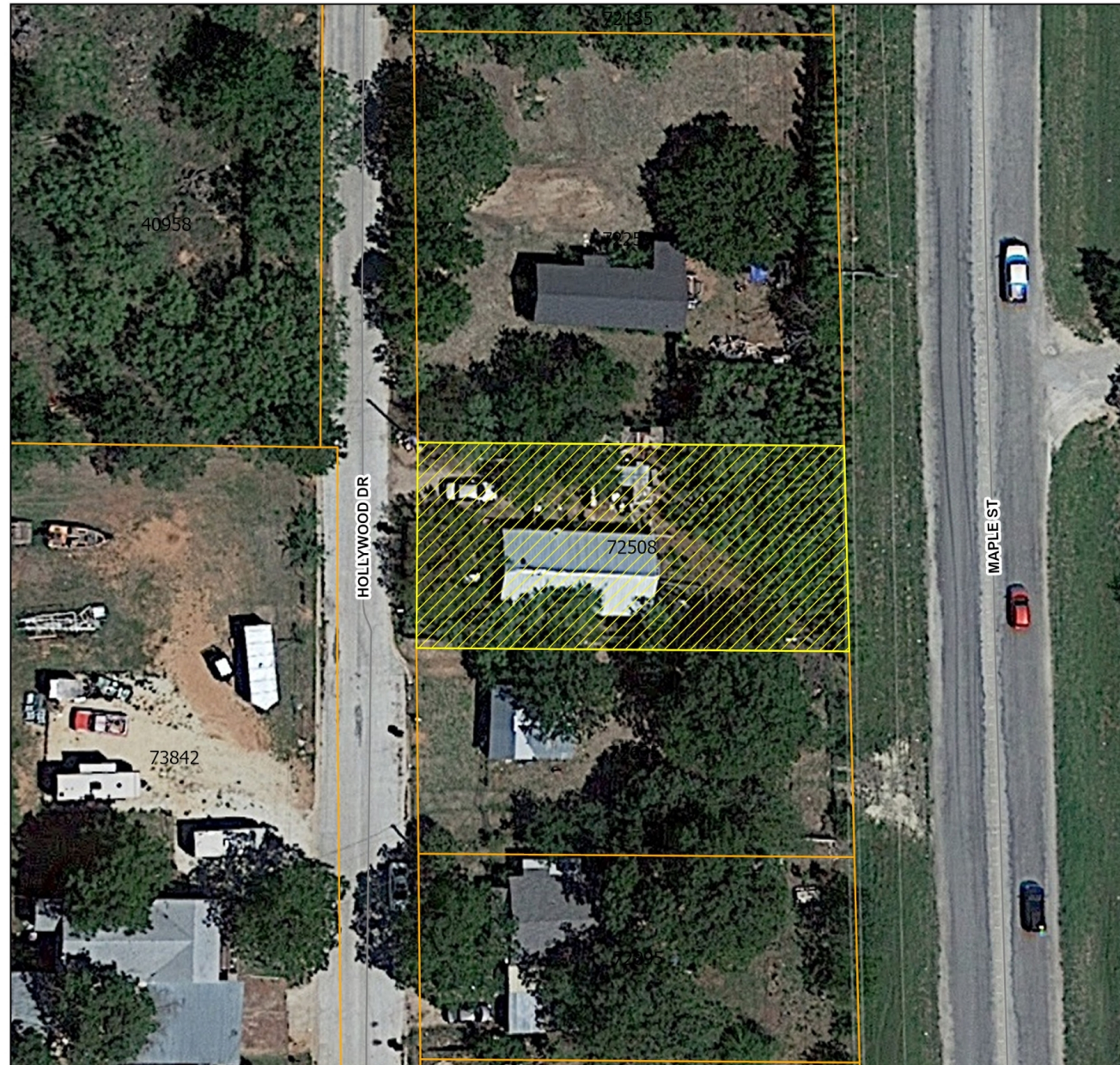
Approval of the Minutes from the Regular
Meeting Held on July 14, 2026



Case:	BA-2026-09
Owner:	Ismael Perez
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:	1233 Hollywood Dr
Notification:	0 in Favor, 0 Opposed
Board of Adjustment:	August 11, 2026



AERIAL LOCATION MAP

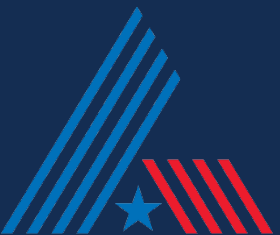


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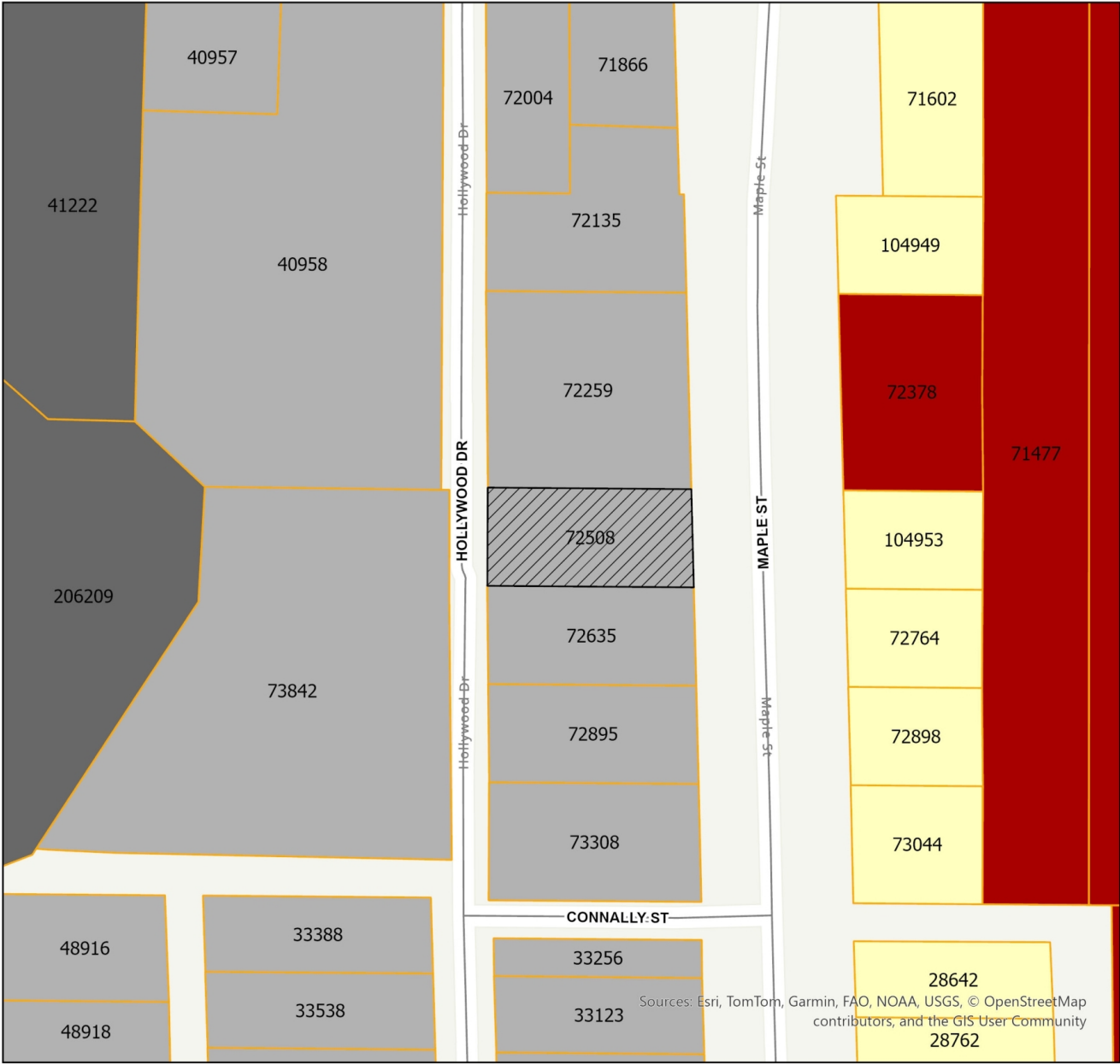
- BA-2026-09
- Courier Parcels

0.01

Miles



ZONING MAP



Legend

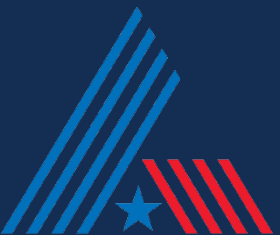
- BA-2026-09
- Courier Parcels
- HI (Heavy Industrial)
- LI (Light Industrial)
- HC (Heavy Commercial)
- RS (Residential - Single Family)

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

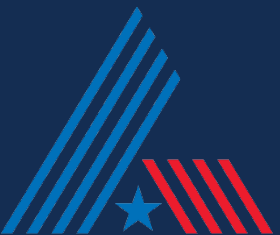
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Miles

VIEWS OF SUBJECT PROPERTY



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)

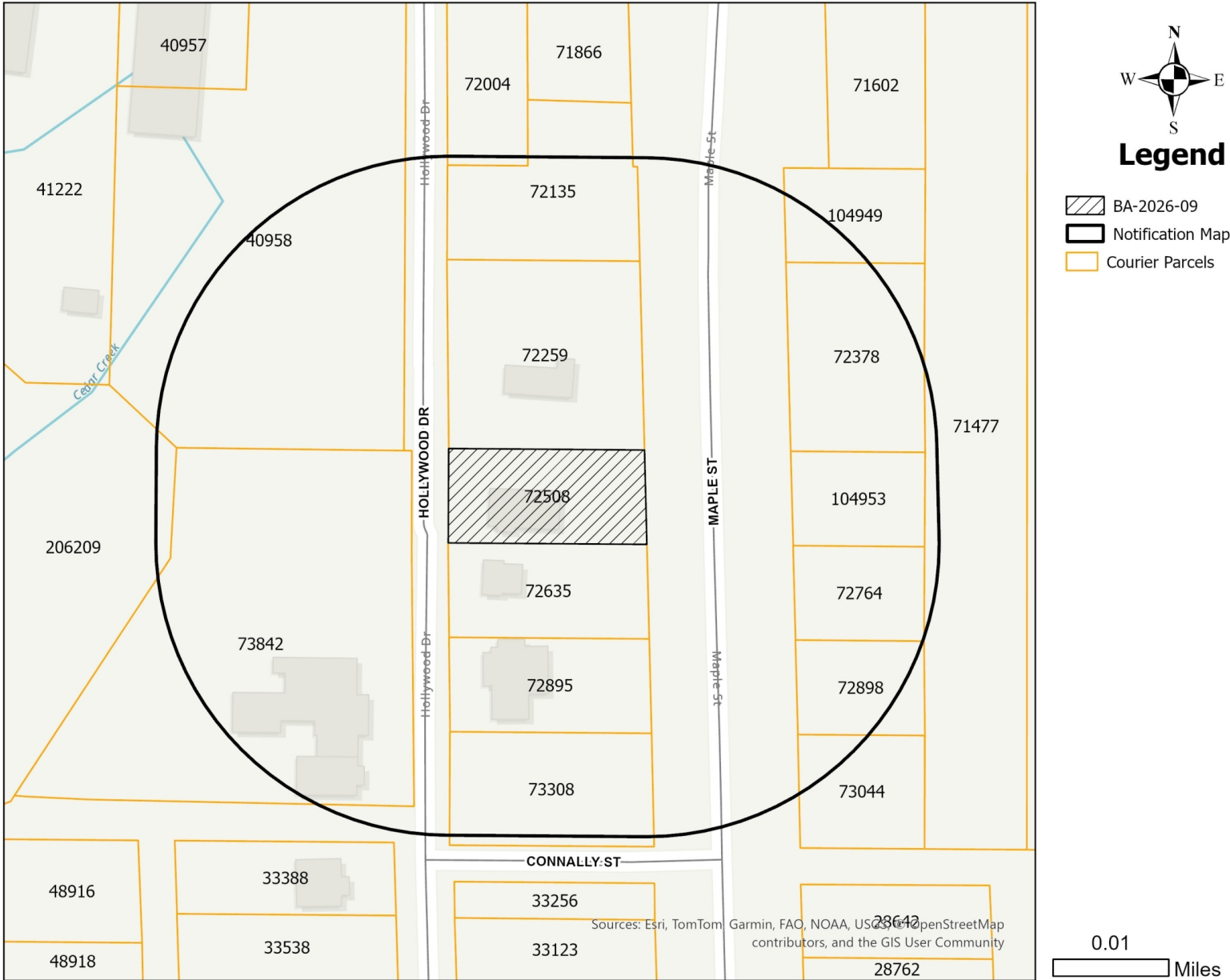
TRANSPORTATION, COMMUNICATION AND UTILITIES:

- 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-2026-09
- Notification Map
- Courier Parcels

0- In Favor-

0- Opposed-

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

0.01 Miles



Reviewed Pursuant to Section 1.4.4.1(e) of the 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, several nonconforming residences exist along Hollywood Dr.

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

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

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

The intention of the Land Development Code is to protect residential uses from manufacturing, wholesale and medium intensity activities. Many of the properties along Hollywood Drive are residentially used.

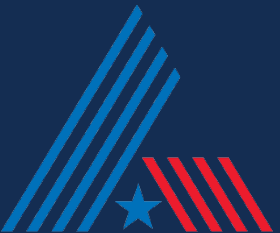


If approved by the Board, these are the next steps:

1. Owner meets with the Floodplain Administrator to discuss development in the floodway.
2. Owner submits a Plan of Action to the Property Maintenance Inspector for the condemnation case.
3. Owner submits for a Building Permit.

The owner has **180 days** from the date of approval by the Board to obtain a building permit. If a building permit is not obtained, the special exception shall expire.

The Board of Building Standards approved a **30/60**, if the owner complies with this timeline, no additional meeting is required.



Questions?

