



City of Abilene Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment to be held on Tuesday, February 14, 2017 at 8:30 AM at 555 Walnut Street, 2nd Floor Council Chambers, for the purpose of considering the following agenda items.

1. Call to Order

2. Minutes

- a. Approval of revised minutes from December 13, 2016 and minutes from the last meeting, January 10, 2017

3. Agenda Items:

a. BA-2017-02

A public hearing to consider a request from Tony Panian for a 10' variance to the required 10' front side building setback in O (Office) zoning. Legal description being BROOKHOLLOW SEC 4, BLOCK 13, LOT 6-8, Located at 2500 S. Willis St.

b. BA-2017-03

A public hearing to consider a request from Dale Roberts for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being NORTHWOOD SEC 3, BLOCK 7, LOT 23. Located at 2125 Marsalis Dr.

4. Adjournment

NOTICE

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending Board of Adjustment meetings. To better serve you requests should be received forty-eight (48) hours prior to the meetings. Please contact Planning at 676-6237. Telecommunication device for the deaf is 676-6360.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the _____ day of _____, 2017, at _____ o'clock (A.M.) (P.M.).

City Secretary

**BOARD OF ADJUSTMENT
December 13, 2016
Minutes**

Members Present: Mr. Wayne Bradshaw, Chairman
Mr. Roger Huber
Mr. Robert Beermann
Mr. Scott Hay
Ms. Dani Ramsay

Members Absent: Col. Morton Langholtz

Staff Present: Mr. Dana Schoening, Director
Mr. Taurus Freeman, Assistant Director
Mr. Zack Rainbow, Planning Services Manager
Mrs. Kelley Messer, Assistant City Attorney
Mrs. Melissa Farr, Administrative Secretary

Others Present: Mr. Evan Tindall
Mrs. Hope Sandoval
Ms. Dwana Bradshaw

Item One: Call the Meeting to Order

Chairman Bradshaw called the meeting to order at 8:31 A.M. and declared a quorum present.

Item Two: Approval of the Minutes

Mr. Beerman moved to approve the minutes from November 22, 2016. Mr. Hay seconded the motion and the vote carried by five (5) in favor (Huber, Ramsay, Hay, Beerman, and Bradshaw) with none in opposition.

Item Three: Agenda Items

a. BA-2016-44

A public hearing to consider a request from Evan Tyler Tindall for a Special Exception to locate a carport in the front yard building setback and a 2'9" variance to the required 3' interior side building setback in RS6 (Residential Single-Family) zoning. Legal description being ELMWOOD WEST SEC 7, BLOCK 13, LOT 12. Located at 941 S. Jefferson Street.

Mr. Zack Rainbow presented this request. This is a two part request being for a special exception and a variance.

(1) Special Exception: The applicant is requesting a Special Exception to allow for a 19'2" x 21'1" carport extending from the garage. The carport would be 20' from the curb on S. Jefferson St. The parkway width on S. Jefferson St. is 15'. The Board of Adjustment has the authority to grant a special exception

for a front carport up to 5' from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 20' from the curb.

(2) Variance: The proposed carport would sit over the driveway and be setback three inches from the side property line. The applicant is requesting a 2'9" variance to the 3' interior side setback in order to maintain the desired width.

The applicant states that the reason for the request to locate the carport in the location is the best option to improve the aesthetics, and blend in with the structure of the house. He also states that ~~is~~ it provides the best visibility and access to the vehicles.

Chairman Bradshaw opened the public hearing.

Mr. Evan Tindall approached to address this item. He said he is building the carport himself. He was not aware a permit was needed when he began, but recently learned it is necessary.

Mr. Sam Tindall, Evan's father, announced that Evan's neighbor has offered to assist them with the carport, and has offered to loan tools in an effort to help.

Chairman Bradshaw closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) comment form was returned in favor with none (0) in opposition.

STAFF RECOMMENDATION:

- (1) Approval of the carport, the request meets the criteria necessary to approve a Special Exception. With the condition that the carport must be over an improved surface.
- (2) Staff recommends denial on the variance for the interior side setback. Staff was unable to determine the peculiarity or a non-financial hardship in this case. However, if the Board is inclined to approve the variance that the condition be made that the applicant mitigates any potential drainage issues from the neighboring property.

Mr. Hay moved to approve the Special Exception request, and Mr. Huber seconded the motion. The votes carried by five (5) in favor (Huber, Ramsay, Hay, Beerman, and Bradshaw) with none in opposition.

Mr. Hay moved to approve the side yard setback Variance Request with the condition to place a gutter on the carport to contain water on the subject property. Mr. Beerman seconded the motion. The votes carried by five (5) in favor (Huber, Ramsay, Hay, Beerman, and Bradshaw) with none in opposition.

b. BA-2016-45

A public hearing to consider a request from Robert and Hope Sandoval for a Special Exception to locate a carport in the front yard building setback in MD (Medium Density Residential) zoning. Legal description being O T ABILENE, BLOCK 83, LOT WEST 70 FEET OF LOTS 7 AND 8. Located at 1342 S. 5th Street.

Mr. Zack Rainbow presented this request. The applicant wishes to construct a 21' x 18' front carport extending from the garage. The carport would be 3' from the side property line and 27' from the curb on S. 5th Street. The parkway width on S. 5th Street is 22'. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5' from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 27' from the face of the curb.

Chairman Bradshaw opened the public hearing.

Mrs. Hope Sandoval addressed this item. She will hire someone to build the carport, which will be a metal surface, double carport.

Mr. Huber shared the hesitancy of the Board as there are no existing carports in her neighborhood. He asked if she might be willing to survey her neighbors to inquire if they favor the idea or not. Mrs. Sandoval replied she would conduct a survey within the requested two blocks radius surrounding her home.

Chairman Bradshaw closed the public hearing.

Property owners within 200 feet of the request were notified. Zero (0) comment forms were returned in favor with none (0) in opposition.

STAFF RECOMMENDATION:

Denial. From a strict interpretation, the request does not meet the criteria necessary to approve a special exception.

Mr. Huber moved to table this item until the meeting next month. Mr. Beerman seconded the motion and the vote carried by five (5) in favor (Huber, Ramsay, Hay, Beerman, and Bradshaw) with none in opposition.

Item Five: Adjourn

Mr. Beerman moved to adjourn. Mr. Hay seconded that motion. The meeting was adjourned at 9:00 a.m.

Approved: _____, Chairman

BOARD OF ADJUSTMENT
January 10, 2017
Minutes

Members Present: Mr. Wayne Bradshaw, Chairman
Mr. Roger Huber
Mr. Robert Beermann
Mr. Scott Hay
Ms. Dani Ramsay

Members Absent: Col. Morton Langholtz

Staff Present: Mr. Dana Schoening, Director
Mr. Taurus Freeman, Assistant Director
Mr. Zack Rainbow, Planning Services Manager
Mr. James Prescott, Planner
Mrs. Kelley Messer, Assistant City Attorney
Mrs. Melissa Farr, Administrative Secretary

Others Present: Mrs. Hope Sandoval
Mr. Bruce Kreitler

Item One: Call the Meeting to Order

Chairman Bradshaw called the meeting to order at 8:30 A.M. and declared a quorum present.

Item Two: Approval of the Minutes

Mr. Beerman announced the revisions to be made to the minutes from December 13, 2016, and everyone agreed to approve at the next meeting.

Item Three: Agenda Items

Before the first item was read, Mr. Zack Rainbow introduced Mr. James Prescott as a new planner to the planning services team. Mr. Prescott will be the planner responsible to oversee the Board of Adjustment meetings and homeowner requests.

a. BA-2016-45 (tabled from 12-13-2016)

A public hearing to consider a request from Robert and Hope Sandoval for a Special Exception to locate a carport in the front yard building setback in MD (Medium Density Residential) zoning. Legal description being O T ABILENE, BLOCK 83, LOT WEST 70 FEET OF LOTS 7 AND 8. Located at 1342 S. 5th Street.

Mr. Beerman made a motion to remove this request from the table. Mr. Huber seconded that motion. The vote carried by five (5) in favor (Ramsay, Huber, Hay, Beerman, and Bradshaw) with none (0) in opposition.

Mr. James Prescott presented this request. The applicant wishes to construct a 21' x 18' front carport extending from the garage. The carport would be 3' from the side property line and 27' from the curb on S. 5th Street. The parkway width on S. 5th Street is 22'. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5' from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 27' from the face of the curb.

Chairman Bradshaw opened the public hearing.

Mrs. Hope Sandoval presented the signatures from the survey she was requested to conduct after the last meeting. None of her neighbors expressed opposition.

When asked by Mr. Huber, Mrs. Sandoval confirmed the carport will be freestanding with a metal roof on an improved surface. She added that some of her neighbors expressed interest in adding their own carports. They want to know the outcome of this request, and would like to use her notes.

Chairman Bradshaw closed the public hearing.

Property owners within 200 feet of the request were notified. Zero (0) comment forms were returned in favor with none (0) in opposition. Mrs. Sandoval was able to provide signatures from a survey of neighbors that she personally conducted.

STAFF RECOMMENDATION:

Denial. From a strict interpretation, the request does not meet the criteria necessary to approve a special exception.

Mr. Hay moved to approve this special exception request, and Mr. Beerman seconded the motion. The vote carried by five (5) in favor (Ramsay, Huber, Hay, Beerman, and Bradshaw) with none (0) in opposition.

b. BA-2017-01

A public hearing to consider a request from Robert P. Coffman for a 10' variance to the required 10' interior side building setback in RS12 (Residential Single-Family) zoning. Legal description being ELMWOOD WEST SOUTH EXTENSION, BLOCK 2, LOT 10. Located at 1385 S. Pioneer Drive.

Mr. James Prescott presented this request. The current house was built in 1955, setback 10' from the interior property line. The applicant built a carport on to the existing attached garage without a building permit. The carport was later enclosed without a building permit. Therefore, making the structure a building addition. This is enclosed, and is not a carport.

The addition is approximately 11'x 32' and extends towards the south side of the property towards the neighboring property, and might extend over the property line. The existing house was built at a 10' setback on the south side property line. The unpermitted "addition" sits approximately 0' from the interior property line. Therefore, the reason for the request.

The applicant states he did not know he needed a permit to construct the "addition." He is currently trying to sell the house and is seeking the variance in order to keep the structure. The applicant wants to cut the roof overhang from his neighbor's property and replace with guttering to address the main issue of water runoff.

Ms. Messer reminded this is a variance request. This is not the carport standard, as it is an actual variance.

Mr. Prescott said the variance is for the structure, and he would still have to gain compliance. Board members said they would not be in favor, if they were the applicant's neighbor.

Chairman Bradshaw opened the public hearing.

The homeowners were not in attendance.

Chairman Bradshaw closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) comment form was returned in favor, which was the applicant, with two (2) in opposition. One response in opposition was dropped off at Council Chambers before the meeting began by one of the neighbors.

STAFF RECOMMENDATION:

Denial, the request does not meet the criteria necessary to approve a variance. If the Board of Adjustment is inclined to grant the variance request, staff feels that a survey needs to be required showing the exact location of the structure, and mitigation of any drainage of water onto the adjacent property.

Mr. Huber moved to deny this request, and Mr. Hay seconded the motion. The vote carried by five (5) in favor (Ramsay, Huber, Hay, Beerman, and Bradshaw) with none (0) in opposition.

Item Five: Adjourn

Mr. Huber moved to adjourn. The meeting was adjourned at 8:50 a.m.

Approved: _____, Chairman



**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 2/14/2017

TO: Mr. Dana L. Schoening, Director/Planning and Development Services

FROM: Mr. James Prescott, Planner I

BA-2017-02

SUBJECT: A public hearing to consider a request from Tony Panian for a 10' variance to the required 10' front side building setback in O (Office) zoning. Legal description being BROOKHOLLOW SEC 4, BLOCK 13, LOT 6-8, Located at 2500 S. Willis St.

GENERAL INFORMATION

Section and Requirement of Zoning Ordinance being varied:

Section 23-161: Minimum required 10' front setback from property line.

Land Uses:

This property and many of the surrounding properties are developed with office building spaces. The properties to the east are developed with general retail uses located in an area dominated by residential and multifamily use. The PD Zoning is currently used as a Donut shop previously rezoned to accommodate car sales.

Conditions peculiar to the land:

Setting sign back would also require the removal of large mature trees, which staff feels, could be a peculiarity.

Hardship from a strict interpretation:

Staff feels that the peculiarities listed could be considered hardship.

Effects on the health, safety and welfare:

Staff anticipates no effect on the public from this request.

Request Analysis:

The applicant would be removing the existing sign and relocating it to the front of the building. A wall sign permit would be required. A new pole sign approx. 3'6" x 6'8" on a 4'6" pole for a total height of 8' would require a separate pole sign permit.

The applicant would be removing the existing sign and relocating it to the front of the building. A sign wall sign permit would be required. A new pole sign approx. 3'6" x 6'8" on a 4'6" pole for a total height of 8' would require a separate pole sign permit.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on Tuesday, February 14, 2017.

ATTACHMENTS:

Description	Type
☐ Staff Report	Backup Material

BA-2017-02

Applicant: Coldwell Banker- Tony Panian

Agent: Day Sign Co.- Jerry Mitchell

Location: 2500 S. Willis St.

Request: A variance from the 18' front setback for a pole sign.

Zoning: Parcel: O (Office) East: PD, GR
North: O, RS-6 West: RS-6, MF
South: MD



Section and Requirement of Zoning Ordinance being varied:

Section 23-161: Minimum required 10' front setback from property line.

Land Uses:

This property and many of the surrounding properties are developed with office building spaces. The properties to the east are developed with general retail uses located in an area dominated by residential and multifamily use. The PD Zoning is currently used as a Donut shop previously rezoned to accommodate car sales.

Conditions peculiar to the land:

Setting sign back would also require the removal of large mature trees, which staff feels, could be a peculiarity.

Hardship from a strict interpretation:

Staff feels that the peculiarities listed could be considered hardship.

Effects on the health, safety and welfare:

Staff anticipates no effect on the public from this request.

Request Analysis:

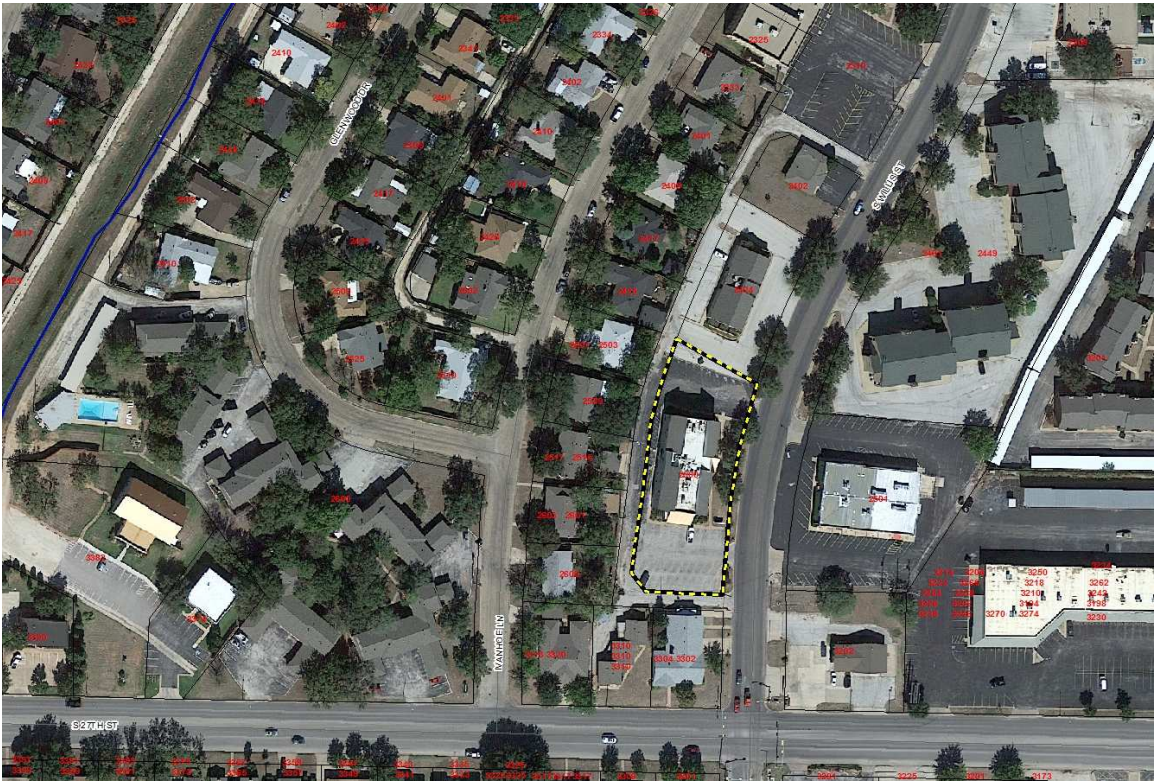
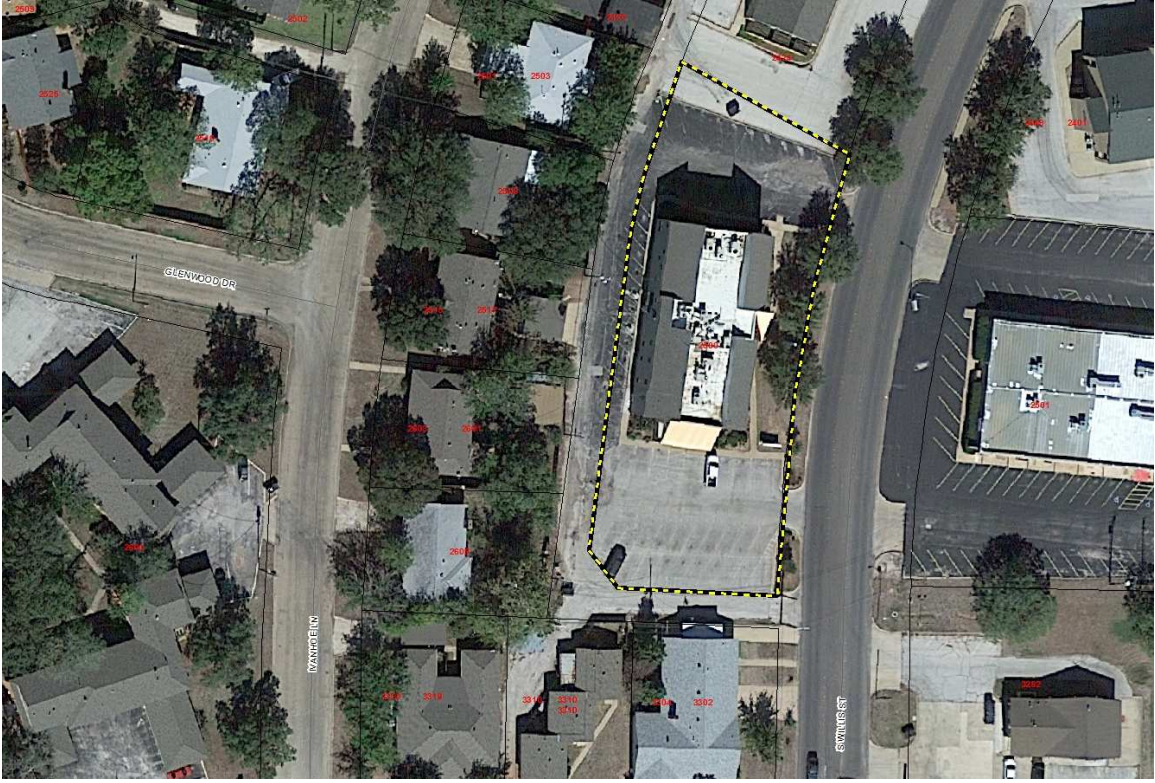
The applicant would be removing the existing sign and relocating it to the front of the building. A wall sign permit would be required. A new pole sign approx. 3'6" x 6'8" on a 4'6" pole for a total height of 8' would require a separate pole sign permit.

STAFF RECOMMENDATION: Based on conditions peculiar to the land, potential hardship and no effect to the public from the request staff feels the request may be approved.

BA-2017-02



OWNER	SITUS	RESPONSE
ABILENE SUNRISE PROPERTIES LP	2402 S WILLIS ST	
CATHER ENTERPRISES LTD	2501 S WILLIS ST	
DMP INVESTMENTS	2500 S WILLIS ST	In Favor
DOBY CHARLES A &	2449 S WILLIS ST	
DOBY CHARLES A &	2401 S WILLIS ST	
DORSETT GRADY A &	3318 S 27TH ST	
DORSETT GRADY A &	3320 S 27TH ST	
	3310 S 27TH ST APT APT	
DORSETT GRADY A & EVELYN	2	
	3310 S 27TH ST APT APT	
DORSETT GRADY A & EVELYN	1	
	3310 S 27TH ST APT APT	
DORSETT GRADY A & EVELYN	3	
FERNANDEZ MYRTLE MAE TR	3302 S 27TH ST	
FERNANDEZ MYRTLE MAE TR	3304 S 27TH ST	
GILBREATH VIOLA M	2409 IVANHOE LN	
HACK DAVID M	2425 IVANHOE LN	
HANZLIK JOYCE	2609 IVANHOE LN	
HERNDON ELDON F SR & MARY	2601 IVANHOE LN	
HERNDON ELDON F SR & MARY	2603 IVANHOE LN	
HPA BROOKHOLLOW LLC	2600 IVANHOE LN	
KELLY BARBARA CRAIG	2502 IVANHOE LN	
KENNER FLOY A	2503 IVANHOE LN	
KENNER FLOY A	2501 IVANHOE LN	
MERGELE JACK E	2424 S WILLIS ST	
TALMADGE KEVIN M & CHENOA		
K	2509 IVANHOE LN	
VAN STEENBURG DIANE	2417 IVANHOE LN	
VONG JESSICA &	3282 S 27TH ST	
WEATHERL REAL ESTATE LP	2510 IVANHOE LN	In Favor*
WILLIAMS LIVING TRUST	2515 IVANHOE LN	
WILLIAMS LIVING TRUST	2517 IVANHOE LN	
WOOLF WILMA C AS TRUSTEE	2426 IVANHOE LN	





**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 2/14/2017

TO: Mr. Dana L. Schoening, Director/Planning and Development Services

FROM: Mr. James Prescott, Planner I

**SUBJECT: BA-2017-03
A public hearing to consider a request from Dale Roberts for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being NORTHWOOD SEC 3, BLOCK 7, LOT 23. Located at 2125 Marsalis Dr.**

GENERAL INFORMATION

LAND USES:

This property and many of the surrounding properties are developed with single family homes.

THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:

1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:

There are three front carports built extending into the front building setback located within the surrounding area.

2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:

Staff anticipates no negative effects on public facilities from a carport at this location.

3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:

The intent of this regulation is to allow carports in front yards only in areas where such structures already exist. This provides for uniform and consistent development in areas with no front carports while providing an opportunity for property owners in areas with carports to make similar improvement to their properties.

REQUEST ANALYSIS:

The applicant constructed a 22' x 24' front carport extending from the garage. The carport would be 4' from the side property line and 20' from the curb on Marsalis Dr. The parkway width on Marsalis Dr. is 12'. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5' from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 15' from the face of the curb.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval. From a strict interpretation, the request does meet the criteria necessary to approve a special exception.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on Tuesday, February 14, 2017.

ATTACHMENTS:

Description	Type
▣ Staff Report With Maps	Exhibit

BA-2017-03

OWNER: Dale and Linda Roberts

AGENT: none

LOCATION: 2125 Marsalis Dr.

REQUEST: Special Exception to locate a carport in the front yard setback.

ZONING: Parcel: RS-6
North: RS-6
South: RS-6

East: RS-6
West: RS-6



LAND USES:

This property and many of the surrounding properties are developed with single family homes.

THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:

1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:

There are three front carports built extending into the front building setback located within the surrounding area.

2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:

Staff anticipates no negative effects on public facilities from a carport at this location.

3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:

The intent of this regulation is to allow carports in front yards only in areas where such structures already exist. This provides for uniform and consistent development in areas with no front carports while providing an opportunity for property owners in areas with carports to make similar improvement to their properties.

REQUEST ANALYSIS:

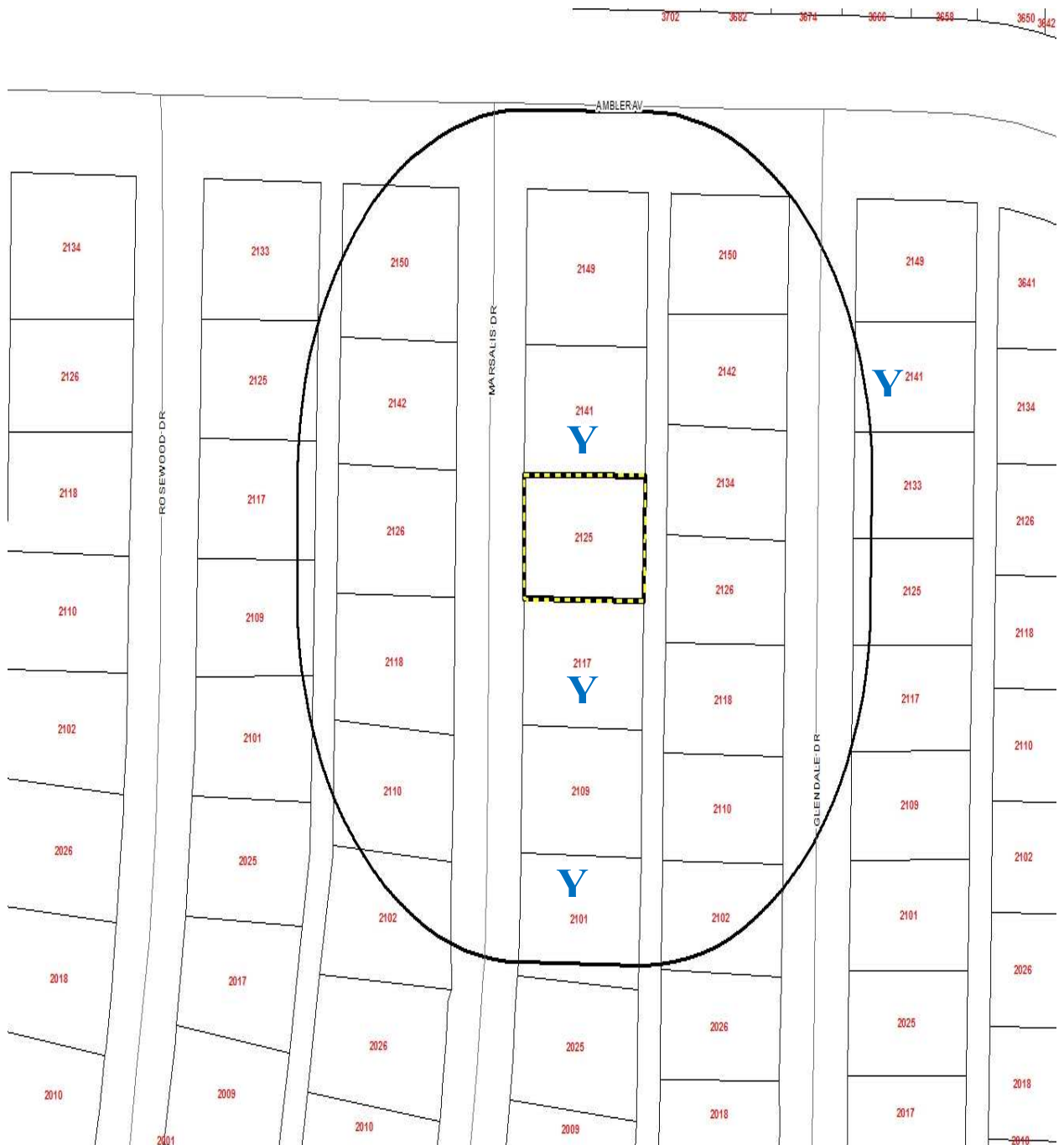
The applicant proposes to construct a 22' x 24' front carport extending from the garage. The carport would be 4' from the side property line and 20' from the curb on Marsalis Dr. The parkway width on Marsalis Dr. is 12'. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5' from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 15' from the face of the curb.

STAFF RECOMMENDATION:

Approval. From a strict interpretation, the request does meet the criteria necessary to approve a special exception.

BA-2017-03

4 In Favor- 0 In Opposition



OWNER	SITUS	RESPONSE
AIN ROBERT A JR	2118 MARSALIS DR	
ALEXANDER JIMMY	2141 GLENDALE DR	In Favor
BOLTON BENNIE L & EMILY P	2110 GLENDALE DR	
BURSON ELOUISE BAGLEY LF EST	2101 MARSALIS DR	In Favor
COOPER PEGGY JEAN	2149 MARSALIS DR	
DELAGARZA DEANNA RODRIGUEZ	2142 GLENDALE DR	
	2125 ROSEWOOD	
ELLIOTT STEPHEN LEE &	DR	
EVANS BRENTON MICHAEL	2142 MARSALIS DR	
FLORES SAMMY A	2141 MARSALIS DR	In Favor
GLENEWINKEL JOHN H	2125 GLENDALE DR	
	2117 ROSEWOOD	
GRIFFIN BILLY CHARLES	DR	
HUBBARD MITCHELL E &	2102 MARSALIS DR	
JIMENEZ MELINDA RODRIGUEZ	2109 GLENDALE DR	
KEESEE DAVID W & JAYNE B	2117 MARSALIS DR	In Favor
LANHAM STEPHEN W & PATRICIA KAY	2118 GLENDALE DR	
MABRY GARY W & DIXIE L	2110 MARSALIS DR	
	2101 ROSEWOOD	
MC CORMICK TERRY R	DR	
MORRISON AURORA	2126 MARSALIS DR	
MYERS ROGER KEITH	2134 GLENDALE DR	
PAYNTER JENNABETH	2150 GLENDALE DR	
ROBERTS JR ARCHIE D &	2125 MARSALIS DR	
RODRIGUEZ ANTONIO &	2133 GLENDALE DR	
RODRIQUEZ ESTHER	2126 GLENDALE DR	
	2109 ROSEWOOD	
SANTIAGO ZULEMA	DR	
SEALS BETH A &	2150 MARSALIS DR	
	2133 ROSEWOOD	
TANNER CORTNEY	DR	
TURNER HENRY & BONNIE	2109 MARSALIS DR	
WESTMORELAND DANIEL	2117 GLENDALE DR	
WRIGHT ROGER DALE & KATHY NELL	2102 GLENDALE DR	

