



City of Abilene Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment to be held on Tuesday, March 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 minutes from February 14, 2017

3. Agenda Items:

- a. **BA-2017-05** A public hearing to consider a request from Sandra Mendoza for a 6' variance to the required 15' exterior side building setback in RS-6 (Residential Single-Family) zoning. Legal description being Sears Park Avenue, Block 28, Lot 9, located at 1902 Park Avenue.
- b. **BA-2017-06** A public hearing to consider a request from Cole & Katy Oliver for a 7' variance from the 10' interior side building setback in RS-12 (Residential Single-Family) zoning. Legal description being TANGLEWOOD SECTION 1, BLOCK A, LOT 6. Located at 1411 Tanglewood Road.

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
Agenda Memo**

Board of Adjustment Meeting Date: 3/14/2017

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

FROM: Mr. Zack Rainbow, Planning Services Manager

BA-2017-05 A public hearing to consider a request from Sandra Mendoza for a 6' variance to the required 15' exterior side building setback in RS-6 (Residential Single-Family) zoning. Legal description being Sears Park Avenue, Block 28, Lot 9, located at 1902 Park Avenue.

GENERAL INFORMATION

REQUEST: 6' variance from the 15' exterior, street side building setback.

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

SECTION AND REQUIREMENT OF ZONING ORDINANCE BEING VARIED:

Table 2-2: Street Side setback for RS-6 zoning: 15' minimum.

LAND USES:

The subject parcel and the surrounding properties are developed with large single-family residences.

The applicant is requesting a 6' variance from the 15' exterior, street side building setback in order to build a single-family residence.

The applicant states the reason for the request is due to no other location on the property for an addition due to a driveway on the northern part of the lot that accesses the garage. However, Staff feels there is ample space on the subject property where an addition could be located without the need for a variance. Additionally, the Land Development Code states, "The hardship or inequity suffered by petitioner is not caused wholly or insubstantial part by the petitioner." In this case, the proposed new addition would be wholly caused by the applicant and is not a condition that could be considered a hardship.

SPECIAL CONSIDERATIONS

CONDITIONS PECULIAR TO THE LAND:

This lot at 1902 Park Av. at time of its creation was developed at only 55' wide instead of the current standard of 60'.

HARDSHIP FROM STRICT INTERPRETATION:

From a strict interpretation, staff could find could not find a non-financial hardship in this case.

EFFECTS ON PUBLIC HEALTH, SAFETY, AND WELFARE:

Staff foresees no negative effects on public health, safety, or welfare from variances at this location.

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends DENIAL for the request because it does not satisfy the conditions necessary for a variance.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on March 14, 2017.

ATTACHMENTS:

Description	Type
□ Staff Report	Backup Material

BA-2017-05

APPLICANT: Sandra Mendoza

AGENT: N/A

LOCATION: 1902 Park Av.

REQUEST: 6' variance from the 15' exterior, street side building setback.



ZONING:

Parcel:	RS-6	East:	RS-6
North:	RS-6	West:	RS-6
South:	RS-6		

SECTION AND REQUIREMENT OF ZONING ORDINANCE BEING VARIED:

Table 2-2: Street Side setback for RS-6 zoning: 15' minimum.

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EFFECTS ON PUBLIC HEALTH, SAFETY, AND WELFARE:

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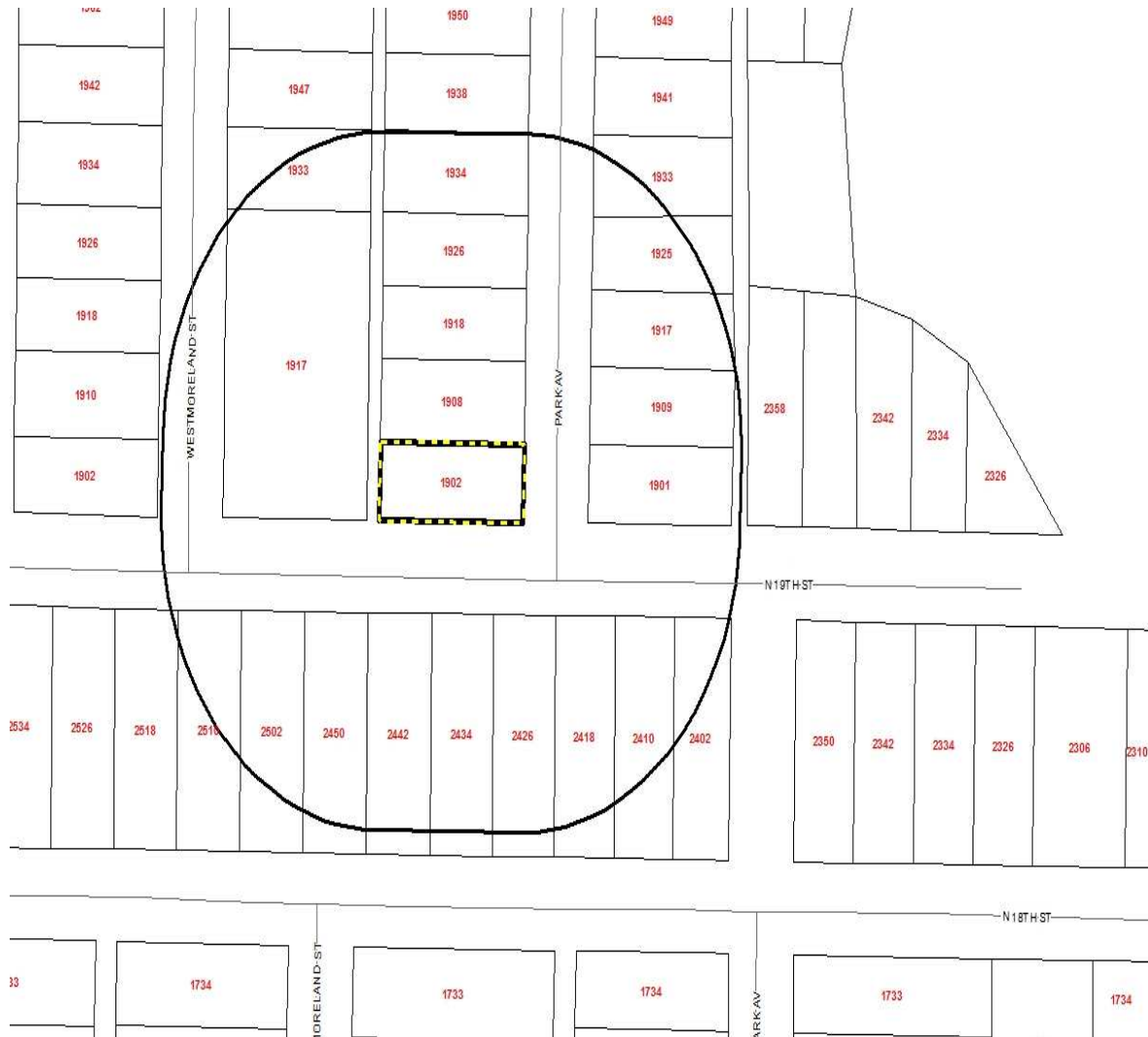
REQUEST ANALYSIS:

The applicant is requesting a 6' variance from the 15' exterior, street side building setback in order to build a Single Family Residence.

The applicants state that the reason for the request is that there is no other place on the property where a new house could go due to a proposed driveway on the northern part of the lot that would access the proposed garage. However, staff feels that there is ample space on the subject property where new house could be located on the lot without the need for a variance. Additionally, the Land Development Code states, "The hardship or inequity suffered by petitioner is not caused wholly or insubstantial part by the petitioner." In this case, the proposed new house would be wholly caused by the applicant and is not condition that could be considered a hardship.

STAFF RECOMMENDATION: Since the applicant did not satisfy the conditions necessary for a variance, staff recommends denial.

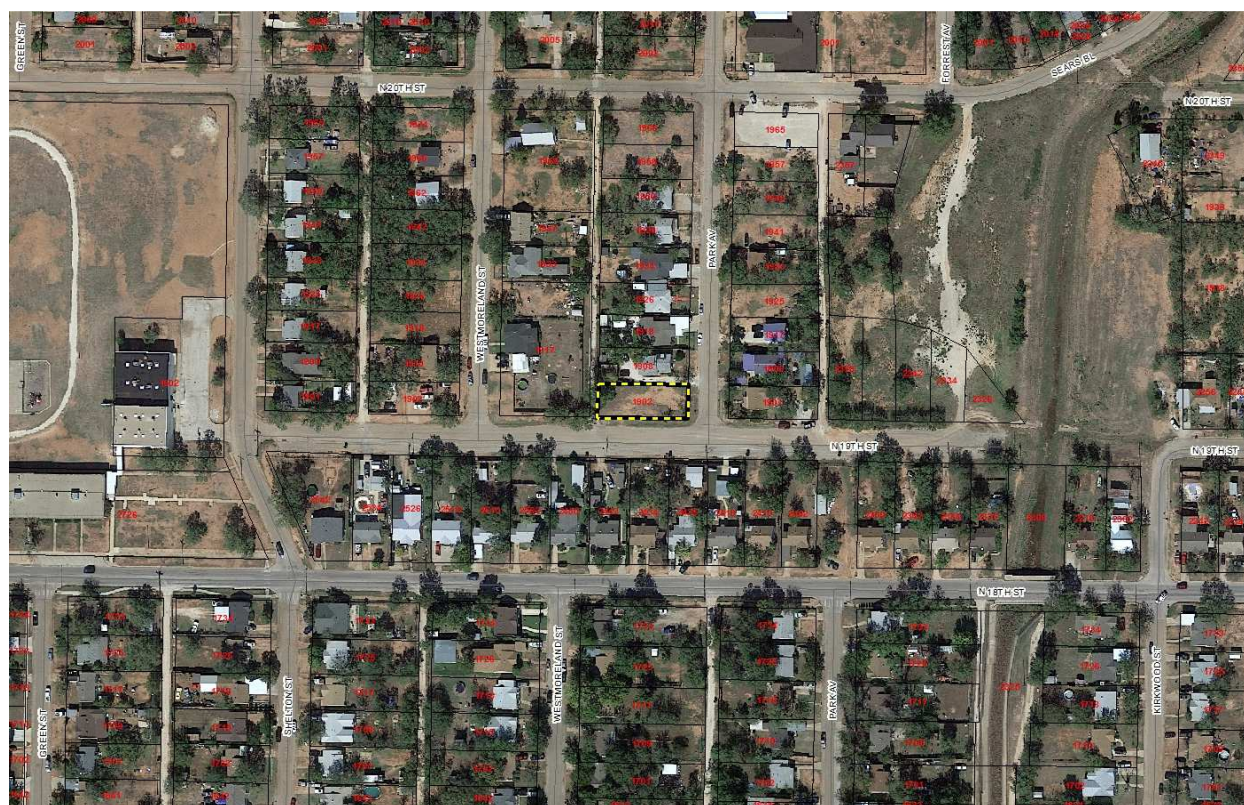
BA-2017-05



OWNER	SITUS	RESPONSE
GONZALES JESSE & DELORES	1925 PARK AV	
HERNANDEZ FERNANDO	2426 N 18TH ST	
LOPEZ MELISSA ET AL	1938 PARK AV	
HARPEL WILLIAM P & ERMALINDA	2418 N 18TH ST	
RIVERA SERGIO	2502 N 18TH ST	
RAMIREZ EDWARD	1933 PARK AV	
GONZALES JESSE & DELORES	1917 PARK AV	
REYES FREDRICK	1947 WESTMORELAND ST	
WILLIAMS DELORES L	2402 N 18TH ST	
MENDOZA ALBERT	1934 PARK AV	
LEAL SAMMY	1908 PARK AV	

GONZALES JESSE G	1909 PARK AV	
MC FADDEN DALE	2510 N 18TH ST	
GARCIA MARIA &	1933 WESTMORELAND ST	
GARCIA ANTONIO C	2518 N 18TH ST	
RIOS VITERBO & ROSANA	1902 WESTMORELAND ST	
SOTO ALICIA RENEE SOLIZ	1917 WESTMORELAND ST	
RODRIGUEZ AUGUSTINE SYLVESTER	2434 N 18TH ST	
GONZALES ESTHER VILLAREAL	1901 PARK AV	
GUTIERREZ JUAN R &	2410 N 18TH ST	
VILLALOBOS MADGALENO	2450 N 18TH ST	
MENDOZA BERNABI	1918 PARK AV	
MENDOZA SANDRA	1902 PARK AV	
HERNANDEZ GENARO G JR & LYDIA	2442 N 18TH ST	Favor
MENDOZA WILLIE	1926 PARK AV	







**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 3/14/2017

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

FROM: Mr. Zack Rainbow, Planning Services Manager

BA-2017-06 A public hearing to consider a request from Cole & Katy Oliver for a 7' variance from the 10' interior side building setback in RS-12 (Residential Single-Family)

SUBJECT: zoning. Legal description being TANGLEWOOD SECTION 1, BLOCK A, LOT 6. Located at 1411 Tanglewood Road.

GENERAL INFORMATION

The existing house is approximately 3,681 sq. ft. The applicant wishes to construct an approximately 1,100 sq. ft. detached garage extending towards the north side of the property. The proposed addition would be approximately 6' from the interior side property line.

The applicant states there is an alternate but it would greatly reduce the usage of their backyard and the removal of a tree.

SPECIAL CONSIDERATIONS

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

CONDITIONS PECULIAR TO THE LAND:

Staff was unable to determine a peculiarity to the subject property.

HARDSHIP FROM STRICT INTERPRETATION:

Staff could not find a non-financial hardship in this case.

EFFECTS ON PUBLIC HEALTH, SAFETY, AND WELFARE:

Staff foresees no negative effects on public health, safety, or welfare from variances at this location.

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends denial since the applicant did not satisfy all of the conditions necessary for a variance. However, if the Board approves the request, Staff recommends the variance applies only to the proposed addition.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on March 14, 2017.

ATTACHMENTS:

Description	Type
▣ Staff Report With Maps	Cover Memo



BA-2017-06

APPLICANT: Cole & Katy Oliver

AGENT: N/A

LOCATION: 1411 Tanglewood Rd.

REQUEST: 7' variance from the 13' interior side building setback

ZONING:

Parcel:	RS-12	East:	RS-12
North:	RS-12	West:	RS-12
South:	RS-12		

SECTION AND REQUIREMENT OF ZONING ORDINANCE BEING VARIED:

Table 2-2: Side setback for RS-12 zoning: 10' minimum

LAND USES:

The subject parcel and the surrounding properties are developed with large single-family residences.

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

CONDITIONS PECULIAR TO THE LAND:

Staff was unable to determine a peculiarity to the subject property.

HARDSHIP FROM STRICT INTERPRETATION:

Staff could not find a non-financial hardship in this case.

EFFECTS ON PUBLIC HEALTH, SAFETY, AND WELFARE:

Staff foresees no negative effects on public health, safety, or welfare from variances at this location.

REQUEST ANALYSIS:

The existing house is approximately 3,681 sq. ft. The applicant wishes to construct an approximately 1,100 sq. ft. detached garage extending towards the north side of the property. The proposed addition would be approximately 6' from the interior side property line.

The applicant states that there is an alternate but it would greatly reduce the usage of their backyard and the removal of a tree.

STAFF RECOMMENDATION: Since the applicant did not satisfy all of the conditions necessary for a variance, staff recommends denial. However, if the Board approves the request, staff recommends that the variance applies only to the proposed addition.

BA-2017- 06



OWNER	SITUS	Response
ARMSTRONG NATALEE QUINN	1407 TANGLEWOOD RD	
CANNAN PARKER S & SUSAN J	1414 TANGLEWOOD RD	Favor
FLETCHER SMITH R	1408 TANGLEWOOD RD	
JAMESON DEAN G & LOIS B	1410 TANGLEWOOD RD	
MC LEOD JOHN H & BARBARA E	1502 RIVER OAKS RD	Favor
OLIVER COLE & KATY A	1411 TANGLEWOOD RD	Favor
PATTON ROBERT & SUE	1510 RIVER OAKS RD	
STEPHENSON BRYAN WEST &	1413 TANGLEWOOD RD	
WILLIAMS CHARLES R & LAVERNE B	1412 TANGLEWOOD RD	
WRIGHT WILLIAM P JR &	1415 TANGLEWOOD RD	
YUNGBLUT GARY S & PAMELA C	1409 TANGLEWOOD RD	Favor

