



City of Abilene Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment to be held on Tuesday, May 9, 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 previous meeting on April 11, 2017

3. Agenda Items:

a. **BA-2017-10 (Tabled from 4-11-2017)**

A public hearing to consider a request from Daniel Lopez (Agent) for a Special Exception to locate a carport in the front building setback in MD (Medium-Density Residential) zoning. Legal description being LAKESIDE ADDN, BLOCK 2, LOT 1-2, located at 1817 N. 11th St.

b. **BA-2017-14**

A public hearing to consider a request from Lee Nhanh for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being PARK PLAZA SECTION 1 CONTINUATION, BLOCK G, LOT 39 CONTINUATION, located at 610 N. La Salle Drive.

c. **BA-2017-15**

A public hearing to consider a request from Mr. Miller for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being QUAIL PARK SECTION 4, BLOCK G, LOT 34, located at 15 Woodcock Circle.

d. **BA-2017-16**

A public hearing to consider a request from Howard Ware for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being SOUTHWEST PARK SECTION 3, BLOCK 17, LOT 14. Located at 1917 Ballinger Street.

e. **BA-2017-17 (Postponed by Agent)**

A public hearing to consider a request from Brandon Beck (Agent, for Creekbend Properties, LP.) for an 18' variance request to the required 30' front building setback in GC (General Commercial) zoning. Legal description being SOUTHWEST PARK SECTION 1, BLOCK NORTHEAST PART OF BLOCK 4, located at 3115 S. 14th Street.

f. **BA-2017-18**

A public hearing to consider a request from Welton Robinson for a 10' variance request to the required 10' rear building setback in NR (Neighborhood Retail) zoning. Legal description being HEDGES ADDITION SECTION 4, BLOCK 3, LOT 10 & 11, located at 3000 Southwest 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
Agenda Memo**

Board of Adjustment Meeting Date: 5/9/2017

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

FROM: Mr. Zack Rainbow, Planning Services Manager

**SUBJECT: BA-2017-10 (Tabled from 4-11-2017)
A public hearing to consider a request from Daniel Lopez (Agent) for a Special
Exception to locate a carport in the front building setback in MD (Medium-Density
Residential) zoning. Legal description being LAKESIDE ADDN, BLOCK 2, LOT 1-
2, located at 1817 N. 11th St.**

GENERAL INFORMATION

The applicant is requesting a special exception for an unpermitted carport, which is located within the 20-foot front setback and approximately 5-feet from the property line.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of this request, with the condition that the carport be setback a minimum of fifteen (15) feet from the street.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on May 9, 2017.

ATTACHMENTS:

Description	Type
▣ Staff Report	Backup Material

BA-2017-10

STAFF REPORT



REQUEST: Special Exception

APPLICANT:

Daniel Lopez

HEARING DATES:

Board of Adjustment: April 11, 2017

Tabled until May 9, 2017

LOCATION:

1817 N. 11th Street

PROPOSAL:

The applicant is requesting a special exception for an unpermitted carport, which is located within the 20-foot front setback and approximately 5-feet from the property line.



DEVELOPMENT STANDARDS:

The following sections of the City of Abilene Land Development Code apply to the special exception request:

- Chapter 2, Division 4, Sec. 2.4.4.2 Carports

APPLICATION REVIEW:

According to Section 1.4.4.1. Special Exceptions, in the City of Abilene Land Development Code, 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:

- 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.**

Zoning		Existing Land Use
North	MD	Single-Family Residence
South	MD	Single-Family Residence
East	MD	Single-Family Residence
West	MD	Trolley Car Barn

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

The request is compatible with the uses and permitted development of adjacent properties. There are several carports within the area (see Carport Area Map).

- 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.**

Staff does not foresee any undue burdens 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.**

Staff has identified three (3) other carports in the area.

STAFF COMMENTS:

The applicant had a large “carport” like structure constructed, extending from the existing garage without a building permit. The carport is approximately 19-feet (L) x 24-feet (W). The carport addition is 42-feet from the side property line. Staff measured the carport addition to be five (5) feet from the property line, which is 15-feet from curb.

According to the Land Development Code, the Board of Adjustment has the authority to grant a special exception for a front carport up to five (5) feet from the front property line. Per the applicant’s request, the criteria meets the necessary development standards to grant a special exception.

STAFF RECOMMENDATION:

Staff recommends approval of this request, with the condition that the carport be setback a minimum of fifteen (15) feet from the curb.

NOTIFICATION:

The Planning Services Division sent, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	RESPONSE
ALVARADO LETICIA ESTRADA	1125 CLINTON ST	
BLACKBURN JANE E	1117 CLINTON ST	
CHAUHAN ARUN K &	1842 N 10TH ST	
CLOUD ROY J & ARDIE JEANNETTE LF EST	1812 N 10TH ST	
CLOUD ROY J & ARDIE JEANNETTE LF EST	1810 N 10TH ST	
DEVORA FERMIN	1774 N 11TH ST	
DOMINGUEZ RAUL	1858 N 11TH ST	
FLORES RICKY V	1818 N 11TH ST	
GUERRA ARNULFO & DOROTHY	1781 N 11TH ST	
GUERRA ARNULFO & DOROTHY	1041 MERCHANT ST	
HEATON SHERI ELAINE LF EST	1834 N 11TH ST	
HERNANDEZ FELIPE	1780 N 11TH ST	
HERNANDEZ PAULA & LORENZO	1826 N 10TH ST	
HOLMES JAMES R & NANCY	1774 N 10TH ST	
JIMENEZ EDUARDO S	1810 N 11TH ST	
KENNEDY JAMES & GWEN &	1021 CLINTON ST	
KENNEDY JAMES & GWEN &	1029 CLINTON ST	
KINSFATHER VIVIAN	1826 N 11TH ST	
PEDROZA JOHN VILLA & LETICIA	1757 N 11TH ST	
PEREZ MARIO & CHRISTINA	1117 MERCHANT ST	
ROBERTS ROY J & KAY	1802 N 11TH ST	
SALAZAR LINDA	1766 N 10TH ST	
SECUNDINO PEDRO	1775 N 11TH ST	
SECUNDINO PEDRO	1773 N 11TH ST	
SHANANA ENTERPRISES LLC	1765 N 11TH ST	
SHANANA ENTERPRISES LLC	1765 N 11TH ST	
SILLER ANTONIO & JUANA	1118 MERCHANT ST	
STOVALL STEVEN B & W JUANITA	1858 N 10TH ST	
SUNSHINE 9 PROPERTIES LLC	1806 N 11TH ST	
THOMPSON & CO REAL ESTATE	1018 MERCHANT ST	
THOMPSON & CO REAL ESTATE	1022 MERCHANT ST	
THOMPSON & CO REAL ESTATE	1020 MERCHANT ST	
THOMPSON CHRISTINE &	1026 MERCHANT ST	
TORRES GREGORIO & AMANDA	1817 N 11TH ST	
TOWNSEND PROPERTIES LLC	1820 N 10TH ST	
TOWNSEND PROPERTIES LLC	1818 N 10TH ST	
WALLACE DONALD R	1782 N 10TH ST	

ATTACHMENTS:

- Application
- Carport Area Map
- Aerial Map
- Buffer Notification Map
- Parcel Photographs



For Office Use Only
Case # BA-2017-10
Hearing Date 4-11-2017
Date Received ?
Receipt # 000202651C

BOARD OF ADJUSTMENT APPLICATION
\$400 FILING FEE

Address receiving requested action: 1817 N. 11TH ST, ABILENE TX
Owner Name: DANIEL LOPEZ GREGORIO + AMANDA 79603-5019
TORRES
Owner Address (if different than above): _____
Owner Phone Number: 325 201 5883
Agent Name: DANIEL LOPEZ
Agent Address: _____
Agent Phone Number: _____

Location/Legal Description (attach metes and bounds if necessary):
LOTS 1-2, BLOCK 2, LAKESIDE ADDITION

Property is Zoned: MD

Please indicate the appropriate request below:

[] Variance [☒] Special Exception [] Appeal [] Other

Specifically: TO PERMIT AN OPEN
CARPET WITHIN AS FEW AS 5 FEET FROM
NORTH SIDE BOUNDARY OF THIS BUILDING SITE

I have read and completed this application and certify that all information provided is true and correct and I request that this item be submitted to the Board of Adjustment.

I further certify that I have been informed:

1. of the time and dates the request will be considered by the Board;
2. that three (3) copies of an acceptable site plan indicating the request has been submitted;
3. that the owner or agent needs to be present at the meeting and must be prepared to answer questions about this request;
4. that, if the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit if one is required; and
5. that I have received a copy of the Information Sheet, and I have read and understand its contents.

DANIEL LOPEZ

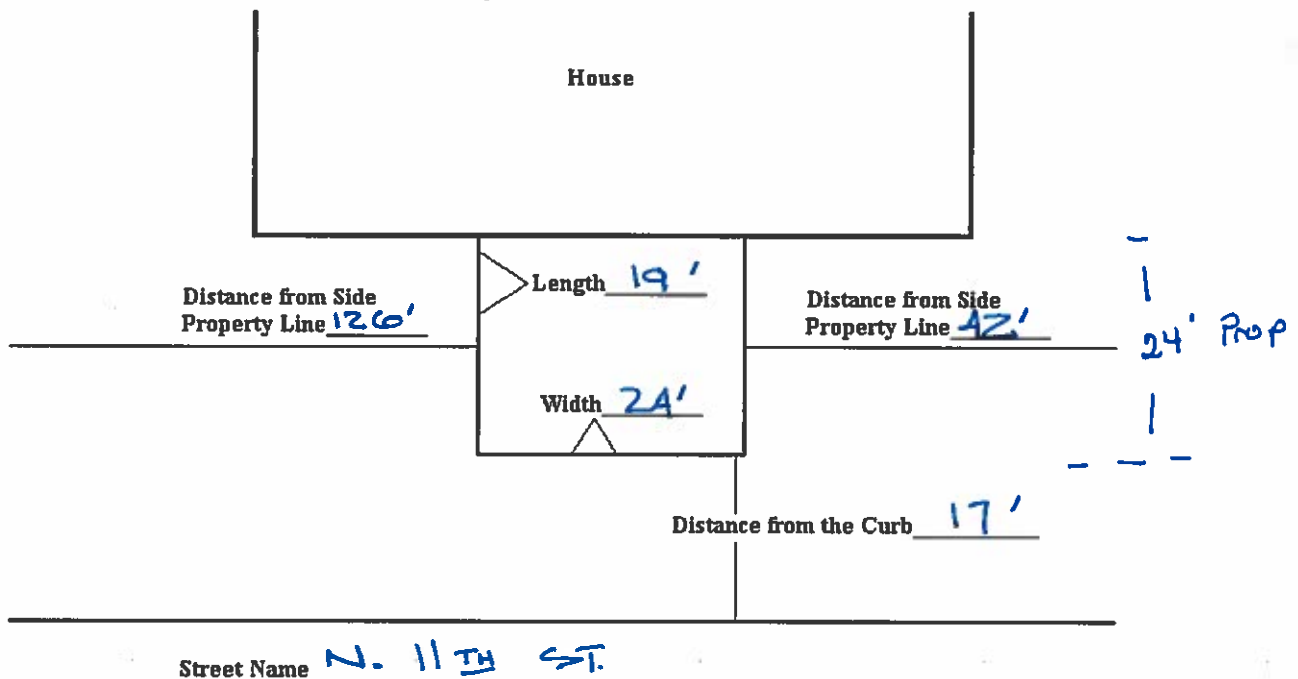
Signature of Owner or Agent with Power of Attorney

Please answer these questions in order to assist City staff with the processing of your request.

1. Describe the unique 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. _____

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location? _____

3. If this application is for a special exception to allow a carport in the front yard setback, please fill-in the diagram bellow.

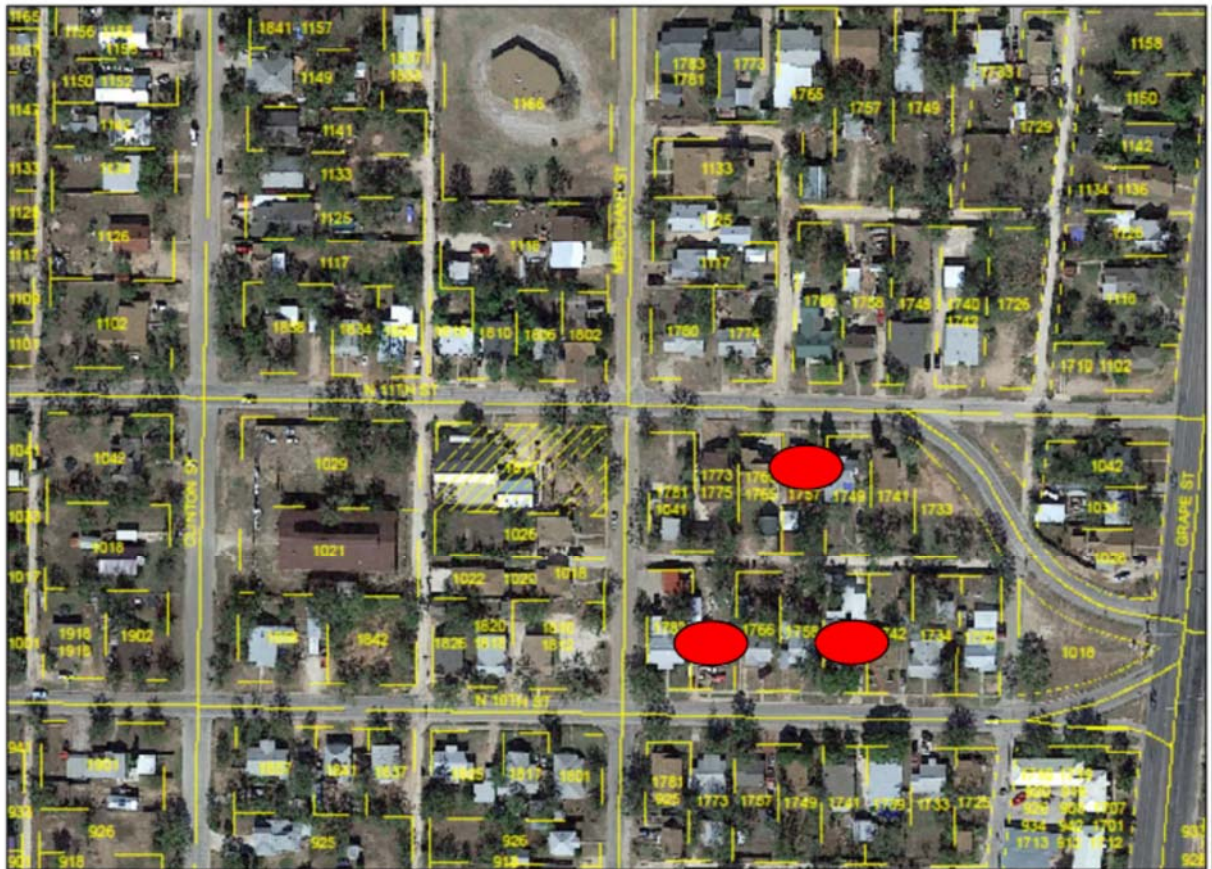


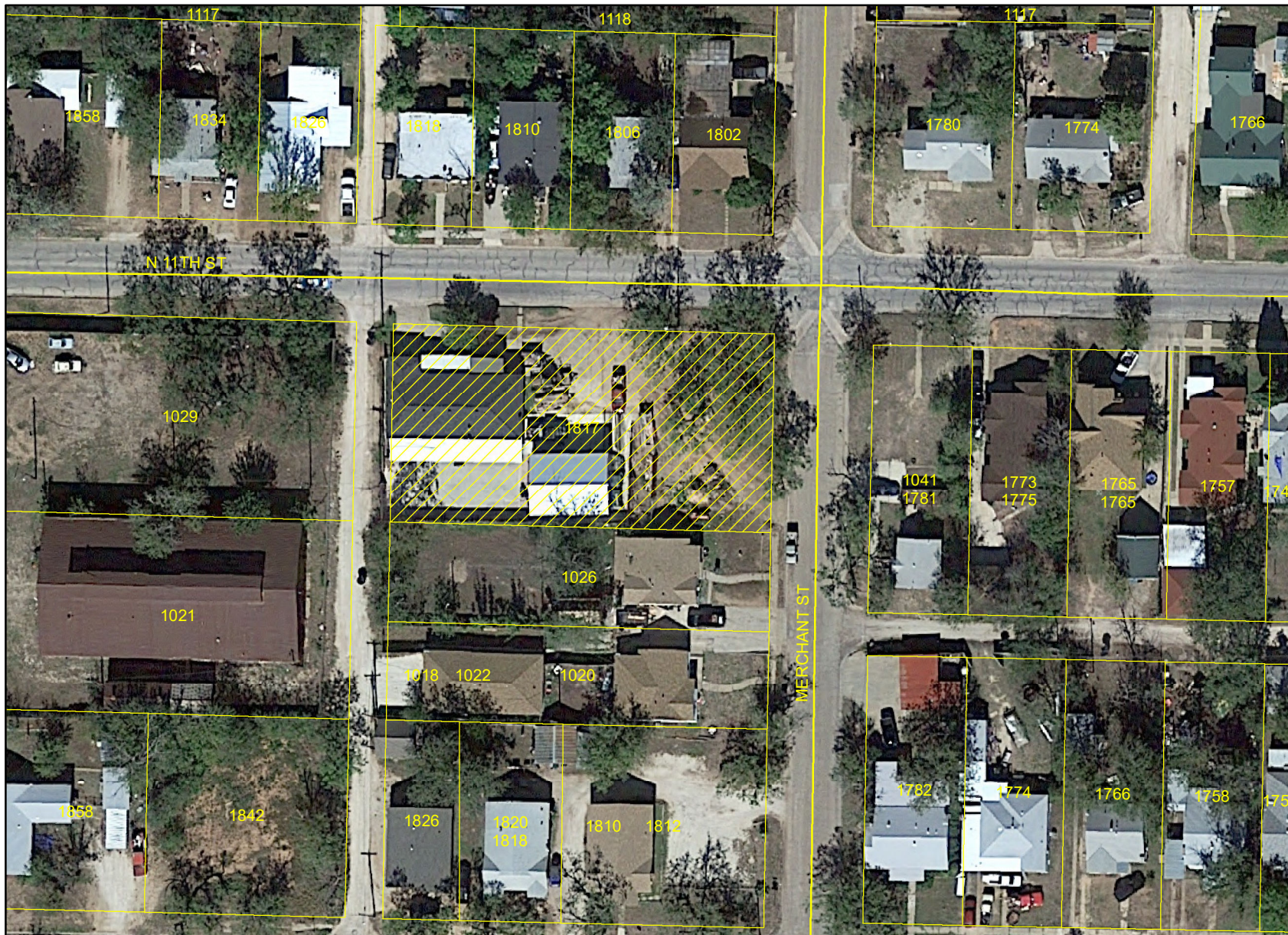


approximate scale: 1" = 40'

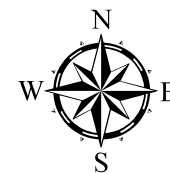


● = Houses with front carports






Aerial Map



Legend

Case

 BA-2017-10

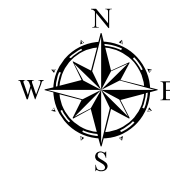


Planning & Development

S E R V I C E S




Aerial Map



Legend

Case

 BA-2017-10



Planning & Development

S E R V I C E S


Notification Map



Legend

 200 Feet Buffer

Case

 BA-2017-10



Planning & Development

S E R V I C E S

BA CASE BA-2017-10 SITE PHOTOS





**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 5/9/2017

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

FROM: Mr. Zack Rainbow, Planning Services Manager

**SUBJECT: BA-2017-14
A public hearing to consider a request from Lee Nhanh for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being PARK PLAZA SECTION 1 CONTINUATION, BLOCK G, LOT 39 CONTINUATION, located at 610 N. La Salle Drive.**

GENERAL INFORMATION

The applicant is seeking a special exception to locate a carport in the front yard of residence.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the request, with the condition that the carport be setback a minimum of five (5) feet from the property line.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on May 9, 2017.

ATTACHMENTS:

Description	Type
□ Staff Report	Backup Material

BA-2017-14

STAFF REPORT



REQUEST: Special Exception

APPLICANT:

Lee Nhanh

HEARING DATES:

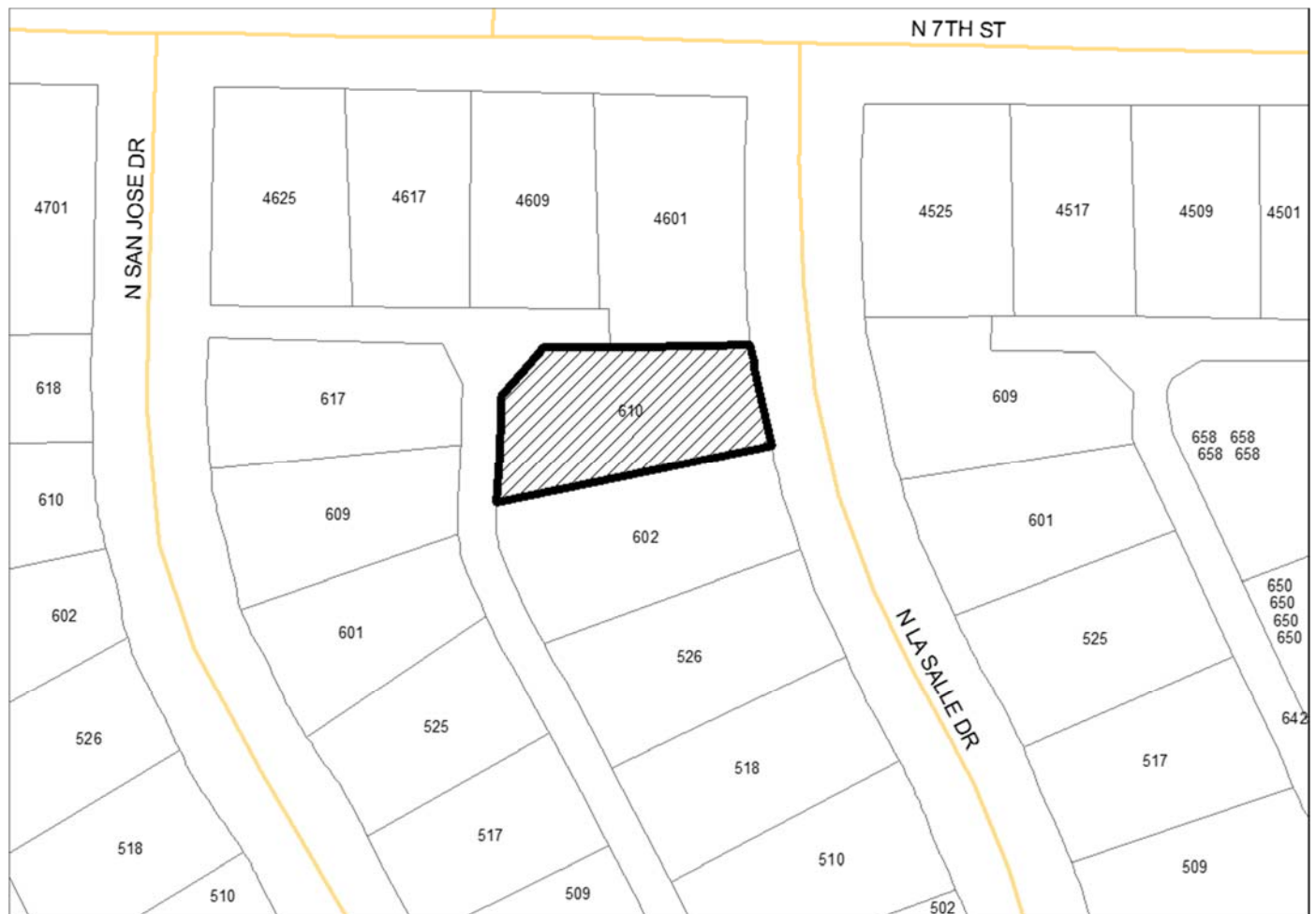
Board of Adjustment: May 9, 2017

LOCATION:

610 N. La Salle Drive

PROPOSAL:

The applicant is seeking a special exception to locate a carport in the front yard of residence.



DEVELOPMENT STANDARDS:

The following sections of the City of Abilene Land Development Code apply to the Special Exception request:

- **Chapter 2, Division 4, Sec. 2.4.4.2 Carports**

APPLICATION REVIEW:

According to Section 1.4.4.1. Special Exceptions, in the City of Abilene Land Development Code, 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:

- 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.**

	Zoning	Existing Land Use
North	RS-6	Single-Family Residences
South	RS-6	Single-Family Residences
East	RS-6	Single-Family Residences
West	RS-6	Single-Family Residences

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

The request is compatible with the uses and permitted development of adjacent properties. There are several carports within the area (see Carport Area Map).

- 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.**

Staff foresees no undue burdens.

- 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.**

Staff has identified at least ten (10) other carports in the area.

STAFF COMMENTS:

The applicant request to construct a 19' (L) x 20' (W) front carport extending from the existing garage in front of residence. Based on review, the carport is not adequate size for approval by the Board of Adjustment. The largest carport the Board can approve would be approximately 15' (L) x 20' (W). The carport would be at least three (3) feet from the side property line and 32-feet from the curb on N. La Salle Drive. The parkway width on Laurel Drive is 12-feet.

The Board of Adjustment has the authority to grant a special exception for a front carport up to five (5) feet from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 17-feet from the curb.

STAFF RECOMMENDATION:

Staff recommends approval of the request, with the condition that the carport be setback a minimum of five (5) feet from the property line.

NOTIFICATION:

The Planning Services Division sent, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	Response
WEBBS JAMES W & RHONDA K	518 N LA SALLE DR	
JOHNSON ROBERT &	601 N LA SALLE DR	
MITCHELL MARLIN DUANE	4526 N 7TH ST	
RODRIGUEZ SANTOS & JANIE	4617 N 7TH ST	
R & D WEBB REAL ESTATE LLC	4534 N 7TH ST	
TYSON LILLIE BELL ET AL	609 N LA SALLE DR	
DIAZ HERMILO M & ISABEL	525 N LA SALLE DR	
SANTIBANEZ TRISHA A &	526 N LA SALLE DR	
VASQUEZ MICHELLE	4616 N 7TH ST	
HARBIN MICHAEL L & KAYLEE R	4609 N 7TH ST	
HUDDLESTON ZENAIDA A KNECHT	509 N SAN JOSE DR	
BROWN SHIRLEY &	4601 N 7TH ST	
KNECHT THOMAS W	517 N SAN JOSE DR	
SMITH JOYCE YVONNE	4550 N 7TH ST	
KNIGHT BILLY RAY	609 N SAN JOSE DR	
CORPIAN GARY & MARILU	525 N SAN JOSE DR	
LEE NHANH	610 N LA SALLE DR	IN FAVOR
CANTU MARIA E	4625 N 7TH ST	
MIMBS JONATHAN	4517 N 7TH ST	
MONTALVO EDWARD J	602 N LA SALLE DR	
SPENCER THERESE M &	4542 N 7TH ST	
DAY EMILY L	617 N SAN JOSE DR	
CHEW BOBBIE J &	510 N LA SALLE DR	
KNIGHT BILLY RAY	602 N SAN JOSE DR	IN FAVOR
ALEXANDRE FRANCIS A	601 N SAN JOSE DR	
KELLEY KELVIN J & KIMBERLY I	4509 N 7TH ST	
SEALS CHRISTOPHER DOUGLAS	4525 N 7TH ST	

ATTACHMENTS:

- Application
- Carport Area Map
- Aerial Map
- Buffer Notification Map
- Parcel Photographs



For Office Use Only
Case # 2017-13
Hearing Date 5-9-17
Date Received 3-9-17
Receipt # 2026787

BOARD OF ADJUSTMENT APPLICATION
\$400 FILING FEE

REQUESTING
MAY
B.O.A.
Due to
Traveling

Address receiving requested action: 610 N. LA SALLE
Owner Name: NAN LEE NHANH
Owner Address (if different than above): SAME
Owner Phone Number: 325. 232. 4018
Agent Name: TORRES CONST.
Agent Address: _____
Agent Phone Number: _____

Location/Legal Description (attach metes and bounds if necessary):
PARK PLAZA SEC 1, BLOCK G, LOT 39 CONT

Property is Zoned: RS-4

Please indicate the appropriate request below:

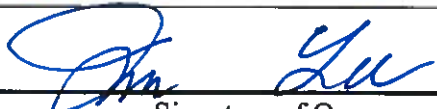
[] Variance [☒] Special Exception [] Appeal [] Other

Specifically: WEATHER + ICE

I have read and completed this application and certify that all information provided is true and correct and I request that this item be submitted to the Board of Adjustment.

I further certify that I have been informed:

- 1. of the time and dates the request will be considered by the Board;*
- 2. that three (3) copies of an acceptable site plan indicating the request has been submitted;*
- 3. that the owner or agent needs to be present at the meeting and must be prepared to answer questions about this request;*
- 4. that, if the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit if one is required; and*
- 5. that I have received a copy of the Information Sheet, and I have read and understand its contents.*



Signature of Owner or Agent with Power of Attorney

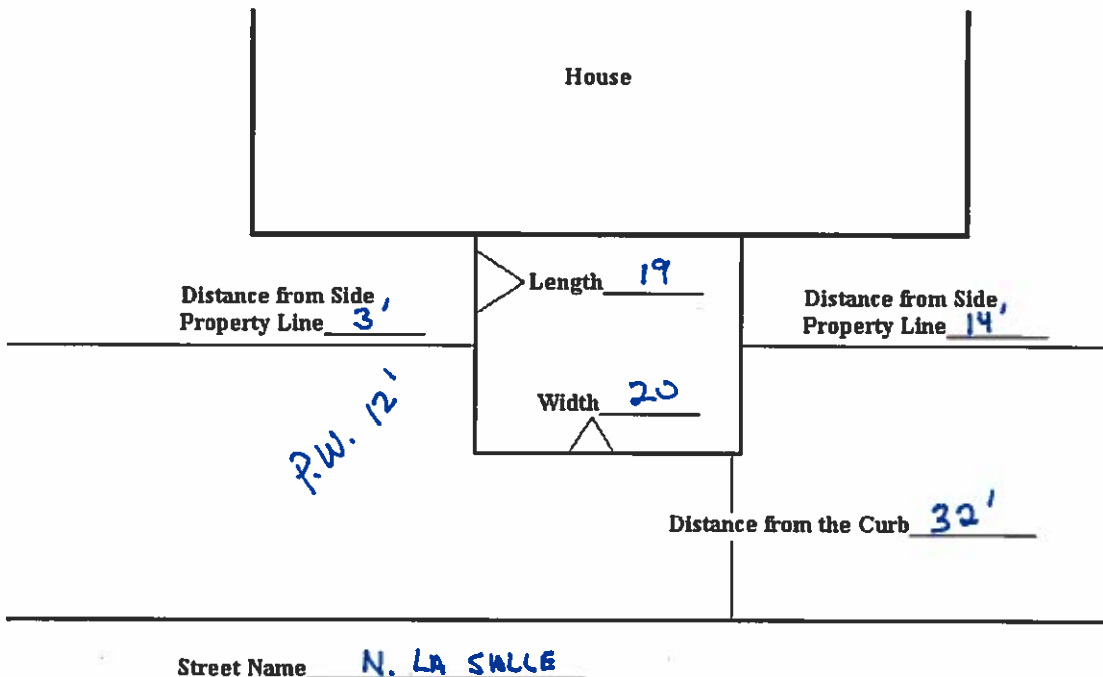
Please answer these questions in order to assist City staff with the processing of your request.

1. Describe the unique 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. Not enough room in front yard

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?

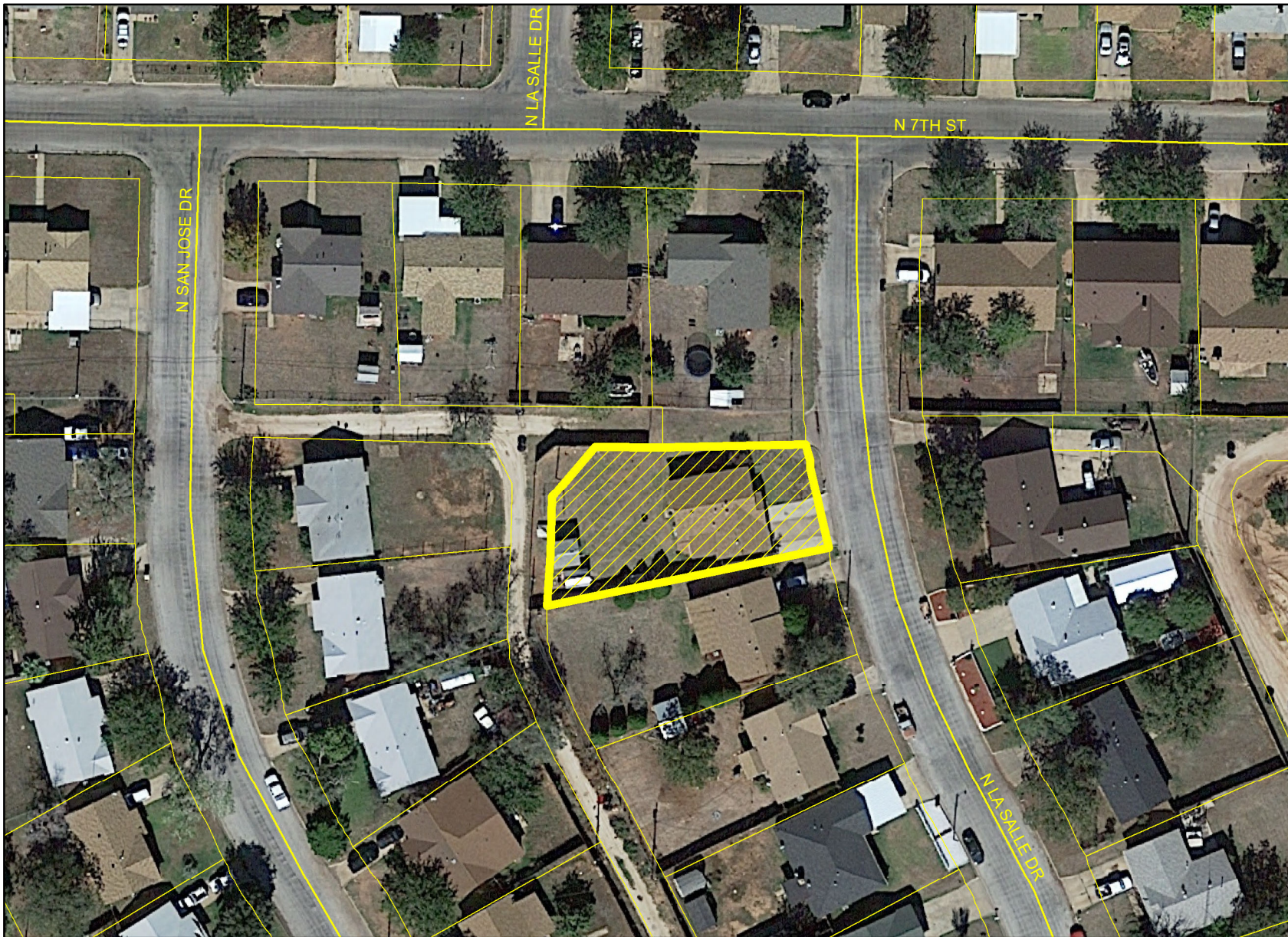
No.

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

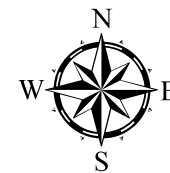


● = Houses with front carports






Aerial Map



Legend

Case

 BA-2017-14

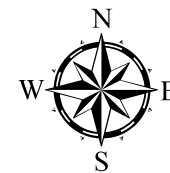


Planning & Development

S E R V I C E S




Aerial Map



Legend

Case

 BA-2017-14



Planning & Development

S E R V I C E S


Notification Map



Legend

 200 Feet Buffer

Case

 BA-2017-14



Planning & Development

S E R V I C E S

BA CASE BA-2017-14 SITE PHOTOS





**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 5/9/2017

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

FROM: Mr. Zack Rainbow, Planning Services Manager

BA-2017-15

SUBJECT: A public hearing to consider a request from Mr. Miller for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being QUAIL PARK SECTION 4, BLOCK G, LOT 34, located at 15 Woodcock Circle.

GENERAL INFORMATION

The applicant is requesting a special exception for an unpermitted carport, which is located within the 15-foot front setback and approximately five (5) feet from the property line.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends denial.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on May 9, 2017.

ATTACHMENTS:

Description	Type
▣ Staff Report	Backup Material

BA-2017-15

STAFF REPORT



REQUEST: Special Exception

APPLICANT:

Mr. Miller

HEARING DATES:

Board of Adjustment: May 9, 2017

LOCATION:

15 Woodcock Circle

PROPOSAL:

The applicant is requesting a special exception for an unpermitted carport, which is located within the 15-foot front setback and approximately five (5) feet from the property line.



DEVELOPMENT STANDARDS:

The following sections of the City of Abilene Land Development Code apply to the special exception request:

- Chapter 2, Division 4, Sec. 2.4.4.2 Carports

APPLICATION REVIEW:

According to Section 1.4.4.1. Special Exceptions, in the City of Abilene Land Development Code, 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:

- 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.**

	Zoning	Existing Land Use
North	RS-6	Vacant Lot
South	RS-6	Single-Family Residence
East	AO	Vacant Lot
West	RS-6	Single-Family Residence

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. Since this proposed carport is in an area with no similar front carports, the proposal is not consistent with the intent of the regulation.

The request is not compatible with the uses and permitted development of adjacent properties. There are no other carports located within the surrounding area.

- 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.**

Staff does not foresee any undue burdens 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.**

Staff has identified no other carports in the area.

STAFF COMMENTS:

The applicant is requesting a special exception for an unpermitted carport, which is located within the 15-foot front setback and approximately five (5) feet from the property line. The structure is approximately 22' (W) x 26' (L), which is not attached or abutting to the front of the house. In order to be considered a carport, the structure must meet certain construction standards, such as a maximum height of 12-feet, and open on two-and-three quarter ($2\frac{3}{4}$) sides. The current structure does not meet those standards; therefore, a special exception is needed.

The Board of Adjustment has the authority to grant a special exception for a front carport up to five (5) feet from the front property line. The special exception, would only allow the carport to be approximately 22' (W) x 19' (L), which is 34-feet from the house, and 15-feet from the curb.

Staff measured the carport addition at three (3) feet from the side property line and four (4) feet from the property line. According to the Land Development Code, the Board of Adjustment only has the authority to grant a special exception for a front carport up to five (5) feet from the front property line.

Due to the lack of a survey plat, the applicant would have to provide all the required documentation during the Building Plan Review process that the carport meet all the development standards. If the special exception is granted, the carport must be reduced to achieve setback requirements.

STAFF RECOMMENDATION:

Staff recommends denial of this request.

NOTIFICATION:

The Planning Services Division sent, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	Response
ELLIS JOSHUA S & CHERYNE P	21 WOODCOCK CR	
WARD MISSY ANN	19 WOODCOCK CR	
HERNDON ELDON	1449 CORSICANA AV	
JAMISON RICHARD D & SONDRRA F	17 WOODCOCK CR	
BLOMQUIST AUSTIN J	23 WOODCOCK CR	
MEYER JOHN F	11 WOODCOCK CR	
CALLAHAN ROBERT L JR	8 WOODCOCK CR	
OLVERA YESICA LERMA &	7 WOODCOCK CR	
MILLER VAN L & FRANCINE R	15 WOODCOCK CR	IN FAVOR
ANDERSON ANDREA K	9 WOODCOCK CR	
MC ELYEA PEARLINE ET AL	10 WOODCOCK CR	
BEVILL BRYCE	12 WOODCOCK CR	
BUMGUARDNER CLINT TR FOR		
SEE MARY KATHRYN	13 WOODCOCK CR	
HILL JOBY W & LONETTA B	16 WOODCOCK CR	
TOWNZEN DAVID A	14 WOODCOCK CR	

ATTACHMENTS:

- Application
- Aerial Map
- Notification Map
- Parcel Photographs



For Office Use Only
Case # 2017-15
Hearing Date 5-9-2017
Date Received 3-21-2017
Receipt # 2026951

BOARD OF ADJUSTMENT APPLICATION
\$400 FILING FEE

MAR 20 PM 2:27

Address receiving requested action: 15 WOODCOCK CR.

Owner Name: MILLER

Owner Address (if different than above): SAME

Owner Phone Number: 325. 695. 0533

Agent Name: _____

Agent Address: _____

Agent Phone Number: _____

Location/Legal Description (attach metes and bounds if necessary): _____

QUAIL PARK SEC 4, BLOCK 6, LOT 34

Property is Zoned: RS-4

Please indicate the appropriate request below:

☐ Variance

☒ Special Exception

☐ Appeal

☐ Other

Specifically: CARPORT WITHIN 5' OF FRONT PROPERTY
LINE.

I have read and completed this application and certify that all information provided is true and correct and I request that this item be submitted to the Board of Adjustment.

I further certify that I have been informed:

- 1. of the time and dates the request will be considered by the Board;*
- 2. that three (3) copies of an acceptable site plan indicating the request has been submitted;*
- 3. that the owner or agent needs to be present at the meeting and must be prepared to answer questions about this request;*
- 4. that, if the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit if one is required; and*
- 5. that I have received a copy of the Information Sheet, and I have read and understand its contents.*



Signature of Owner or Agent with Power of Attorney

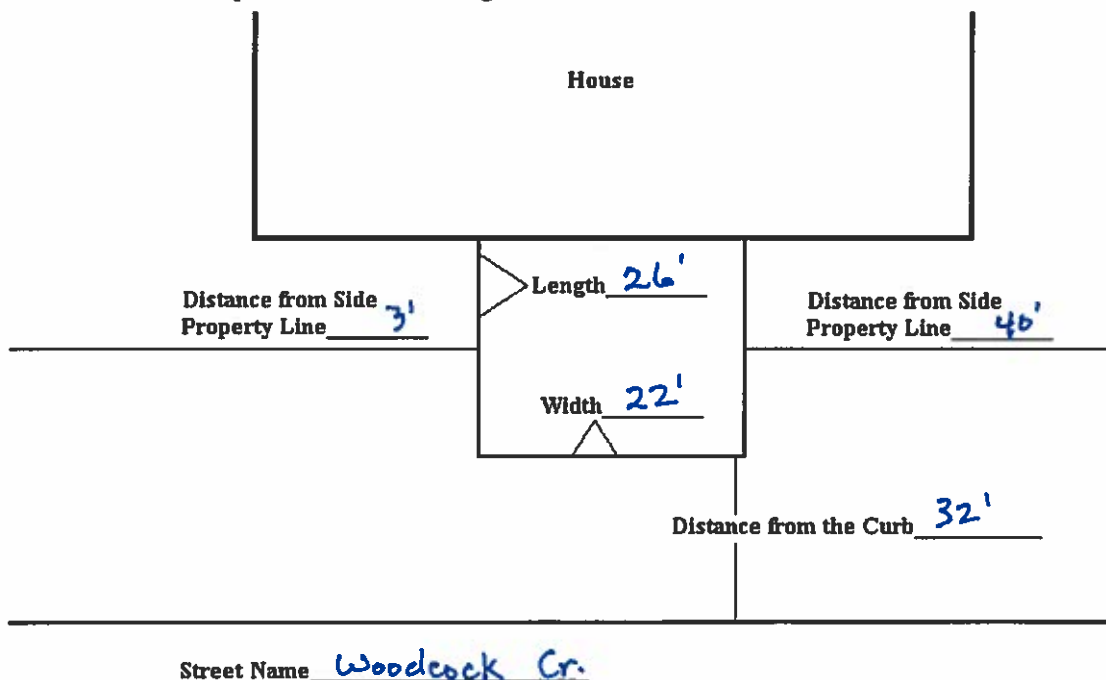
Please answer these questions in order to assist City staff with the processing of your request.

1. Describe the unique 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. No Alleyway in Rear

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?

No Alleyway in Rear

3. If this application is for a special exception to allow a carport in the front yard setback, please fill-in the diagram bellow.





CITY OF ABILENE

BUILDING INSPECTION

Carport / Patio Cover / Storage Building - Permit Application

Permit Fee (By Staff): \$ 68.64 Infill Area Applicable? Y N
Date: 20 MAR 2017 Cost of Work being performed \$ 1,898.31
Job Address: 15 WOODCOCK CIRCLE
Home Owner Name: VAN L. MILLER Phone: (325) 695-0533
Building Contractor Name of Business: AMERICAN STEEL CARPORTS, INC.

What are you going to build? Carport Patio Cover Storage Building

**** Note: the carport/patio cover must be located over an improved surface.**

Are you wanting your structure in the front yard or along a side street? Y N

****If yes ask to speak with a planning staff member for further direction.**

If a Carport or Patio Cover: turn page over and show us how you will construct it. → → →

26L 22W
572

If a Storage Building: size _____ x _____ = sq. ft. _____
height _____ (measured from ground to ridge of roof)

Built on? Slab foundation or Pier and beam or Skids

Utilities? Electric Water Sewer **"TIE DOWNS REQUIRED"**
Heating/Cooling? Y N **IF yes: (Walls - R-13, Floor - R-19, Ceiling - R-30 or RES check.)**

How far is your new structure from property lines?

Front: _____ Back: _____ Side: N S E W _____ Side: N S E W _____

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Applicant printed name VAN L. MILLER

Signature [Signature]

Phone (325) 695-0533

*****Office Use*****

Building Inspection: Reviewed by: _____ Time Received _____

Site Plan: _____ Construction Plan: _____

Notes: _____

Zoning: Reviewed by: _____

Variance required Y N Variance application submitted Y N

"Minimum

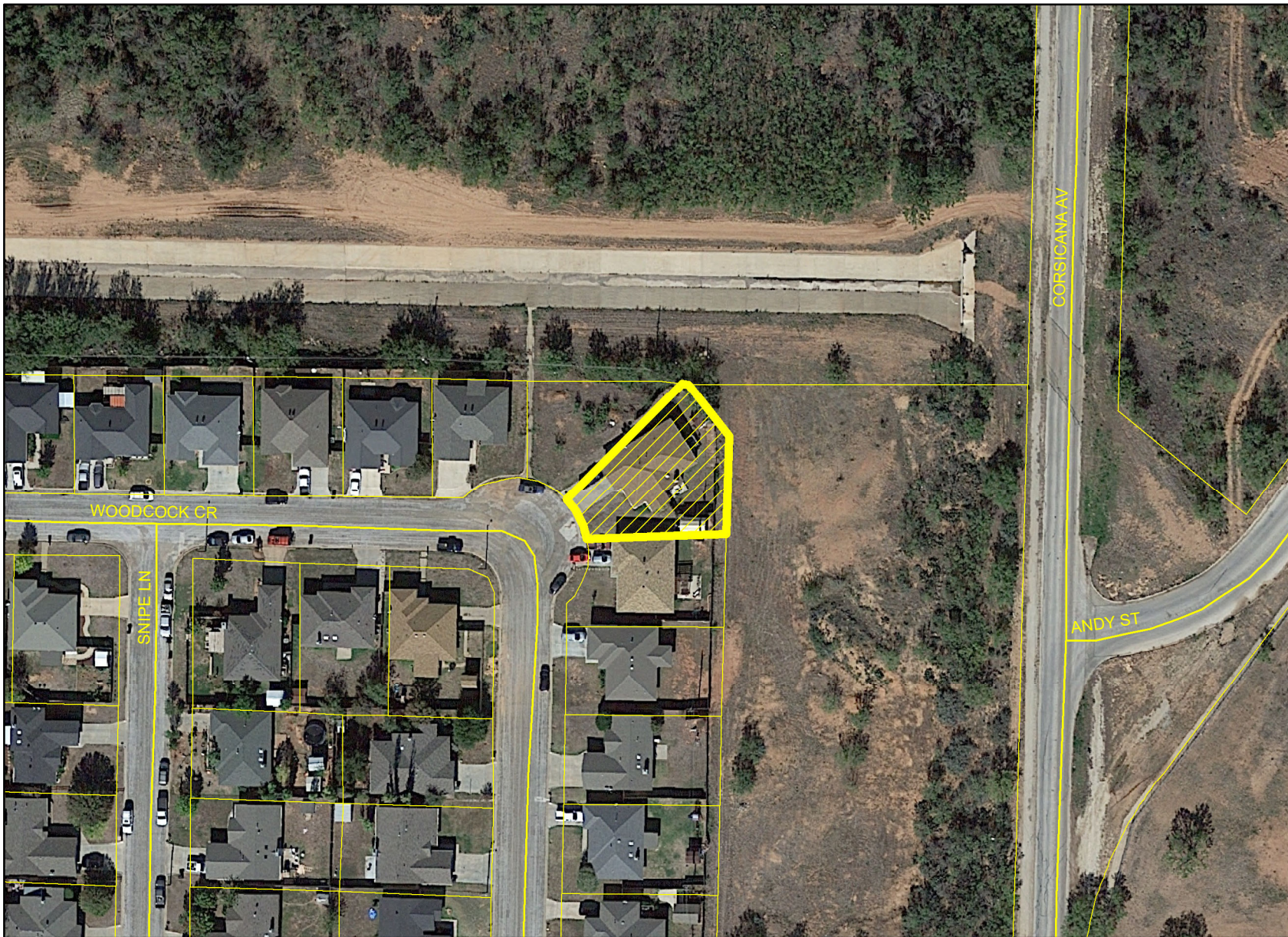
Set backs": Front: _____ Back: _____ Side: N S E W _____ Side: N S E W _____

Zoning: _____ Parkway width: _____ Flood Plain: Y N

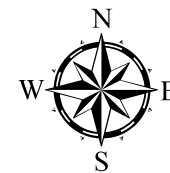
Minimum floor elevation: _____ or 18" above gutter, grade _____

Zoning Approval: _____ Engineering Approval: _____ Other Approval: _____

Notes: _____




Aerial Map



Legend

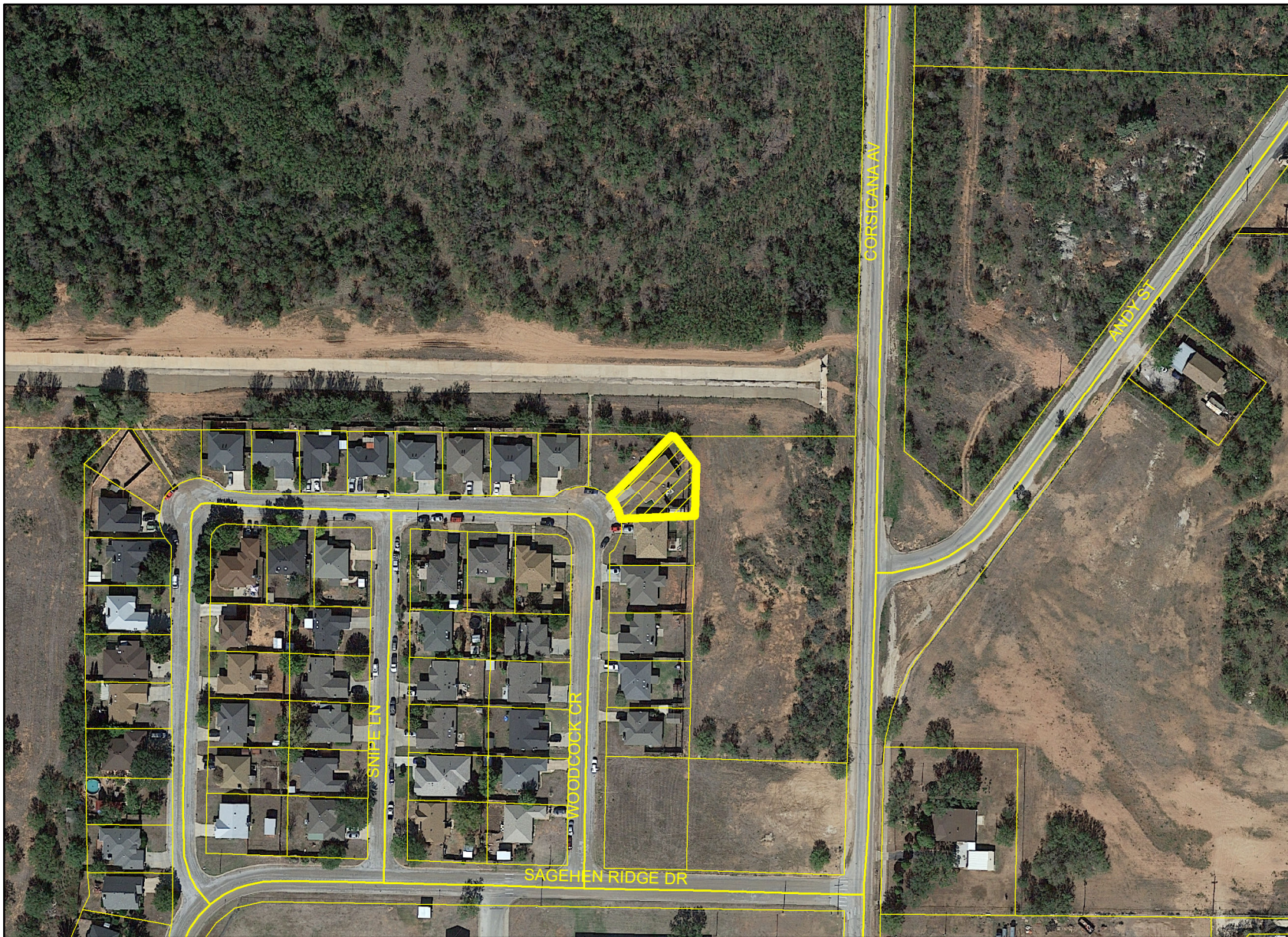
Case

 BA-2017-15

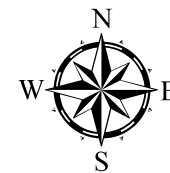


Planning & Development

S E R V I C E S




Aerial Map



Legend

Case

 BA-2017-15



Planning & Development

S E R V I C E S

Notification Map

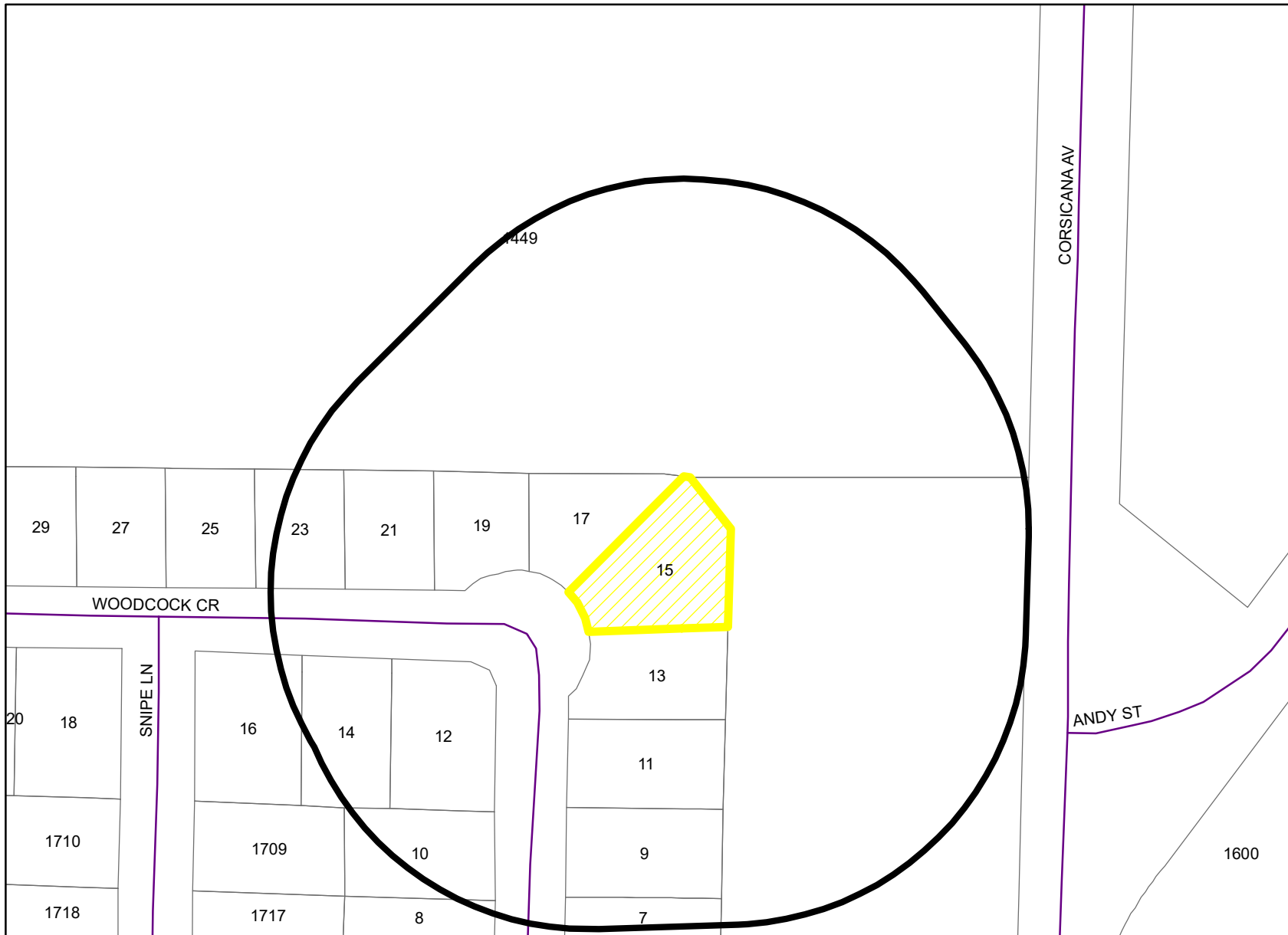


Legend

200 Feet Buffer

Case

BA-2017-15



Planning & Development

S E R V I C E S

BA CASE BA-2017-15 SITE PHOTOS







**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 5/9/2017

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

FROM: Mr. Zack Rainbow, Planning Services Manager

**SUBJECT: BA-2017-16
A public hearing to consider a request from Howard Ware for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being SOUTHWEST PARK SECTION 3, BLOCK 17, LOT 14. Located at 1917 Ballinger Street.**

GENERAL INFORMATION

The applicant is seeking a special exception to locate a carport in the front yard of his residence.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the request, with the condition that the carport be setback a minimum of five (5) feet from the property line.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on May 9, 2017.

ATTACHMENTS:

Description	Type
▣ Staff Report	Backup Material

BA-2017-16

STAFF REPORT



REQUEST: Special Exception

APPLICANT:

Howard Ware

HEARING DATES:

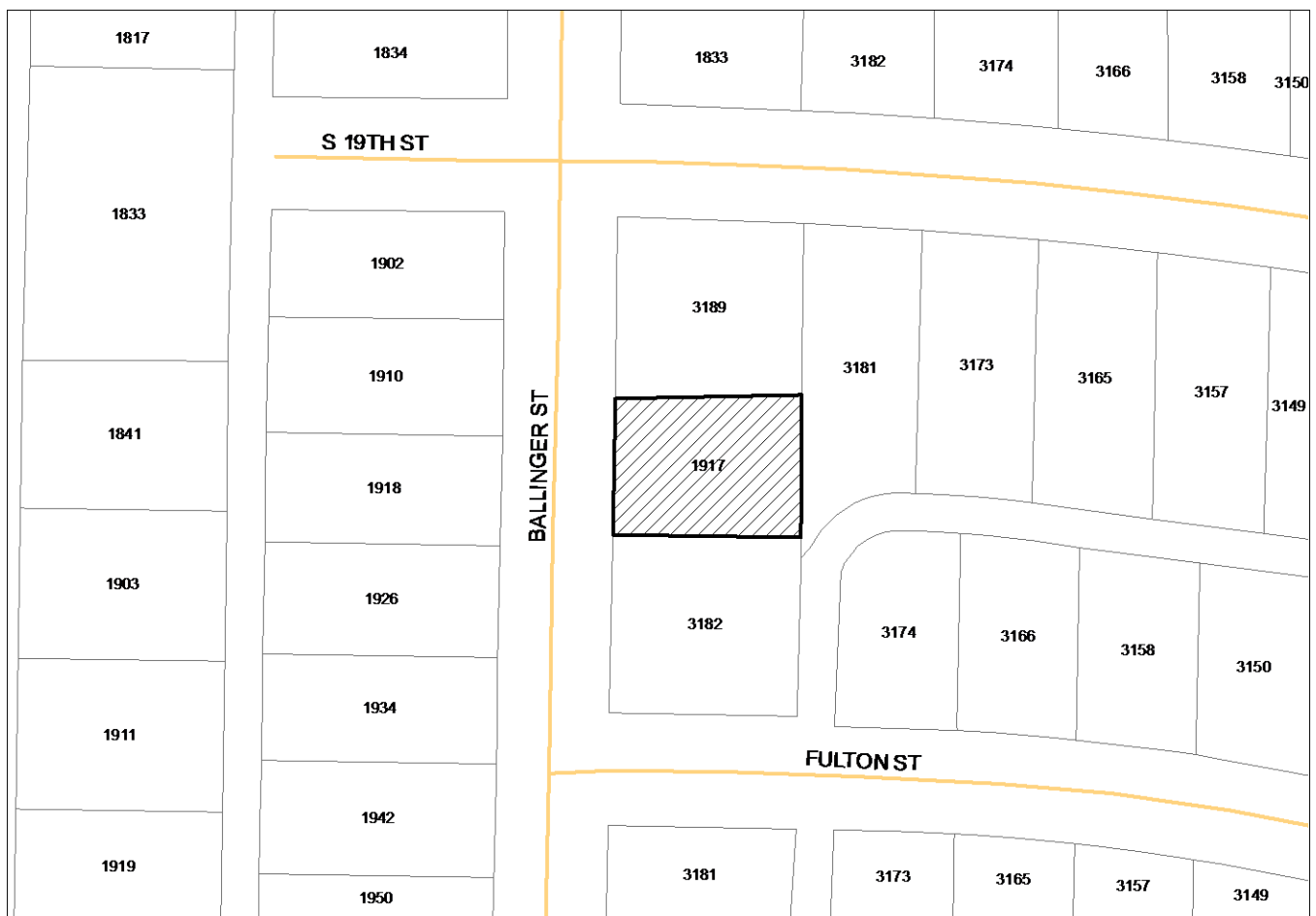
Board of Adjustment: May 9, 2017

LOCATION:

1917 Ballinger Street

PROPOSAL:

The applicant is seeking a special exception to locate a carport in the front yard of his residence.



DEVELOPMENT STANDARDS:

The following sections of the City of Abilene Land Development Code apply to the Special Exception request:

- **Chapter 2, Division 4, Sec. 2.4.4.2 Carports**

APPLICATION REVIEW:

According to Section 1.4.4.1. Special Exceptions, in the City of Abilene Land Development Code, 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:

- 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.**

Zoning		Existing Land Use
North	RS-6	Single-Family Residence
South	RS-6	Single-Family Residence
East	RS-6	Single-Family Residence
West	RS-6	Single-Family Residence

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

The request is compatible with the uses and permitted development of adjacent properties. There are several carports within the area (see Carport Area Map).

- 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.**

Staff foresees no undue burdens.

- 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.**

Staff has identified at least twenty- two (22) other carports in the area.

STAFF COMMENTS:

The applicant request to construct a 21' (L) x 12' (W) front carport extending from the garage. The carport would be at least 15-feet from the side property line and 27-feet from the curb on Ballinger Street. The parkway width on Ballinger Street is 15-feet.

The Board of Adjustment has the authority to grant a special exception for a front carport up to five (5) feet from the front property line. Per the applicant's request, the special exception is granted the carport must be a minimum of 27-feet from the curb.

STAFF RECOMMENDATION:

Staff recommends approval of the request, with the condition that the carport be setback a minimum of five (5) feet from the property line.

NOTIFICATION:

The Planning Services Division sent, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	Response
HIRSCH EMIL LEROY	3166 FULTON ST	
MC LEOD JULIE	1910 BALLINGER ST	
BIGGS DAVID E & PATSY	3182 FULTON ST	
LOVELL MARVIN LOYD JR	3165 S 19TH ST	
JONES JAMES V & BRENDA L	1833 BALLINGER ST	
MANSKER DAVID L & PATRICIA	1918 BALLINGER ST	
BUNCH MICHELLE L	3181 S 19TH ST	
FREEMAN GLENN ELLIS LIFE EST	1902 BALLINGER ST	
FREEMAN MICHAEL	1834 BALLINGER ST	
JACQUEZ MANUEL JR	3182 S 19TH ST	
BOWEN DEBORAH KAY	1926 BALLINGER ST	
BAKER DOUGLAS S	3174 FULTON ST	
TALLEY DOROTHY E	3158 FULTON ST	
ROBERTS DOYLE G	3189 S 19TH ST	
HERSHAW TINA	3174 S 19TH ST	
BOYD TAYLOR B	3157 S 19TH ST	
DENNIS ROGERS L	3181 FULTON ST	
MC COOL ROBERT E	1942 BALLINGER ST	
DICK MICHAEL D	1950 BALLINGER ST	
CRESPO LUIS A	3165 FULTON ST	
LENAMON JAMES & LORI MICHELLE	1934 BALLINGER ST	
GILBRETH JAMES V & CONNIE	3173 FULTON ST	
CRIM WILLIAM D & PEGGY C	3173 S 19TH ST	
WARE HOWARD	1917 BALLINGER ST	
KENNEDY DARRELL L	3166 S 19TH ST	

ATTACHMENTS:

- Application
- Carport Area Map
- Aerial Map
- Buffer Notification Map
- Parcel Photographs



For Office Use Only
Case # BA-2017-16
Hearing Date 5-9-17
Date Received 4-11-2017
Receipt # 0002027127

email: iamaware@att.net

BOARD OF ADJUSTMENT APPLICATION
\$400 FILING FEE

Address receiving requested action: 1927 Ballinger St

Owner Name: Howard Ware

Owner Address (if different than above): _____

Owner Phone Number: 325 5184964

Agent Name: _____

Agent Address: _____

Agent Phone Number: _____

Location/Legal Description (attach metes and bounds if necessary): _____

Property is Zoned: RS6

Please indicate the appropriate request below:

☐ Variance

☒ Special Exception

☐ Appeal

☐ Other

Specifically: a car port in front yard

I have read and completed this application and certify that all information provided is true and correct and I request that this item be submitted to the Board of Adjustment.

I further certify that I have been informed:

- 1. of the time and dates the request will be considered by the Board;*
- 2. that three (3) copies of an acceptable site plan indicating the request has been submitted;*
- 3. that the owner or agent needs to be present at the meeting and must be prepared to answer questions about this request;*
- 4. that, if the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit if one is required; and*
- 5. that I have received a copy of the Information Sheet, and I have read and understand its contents.*

Howard D. Ware

Signature of Owner or Agent with Power of Attorney

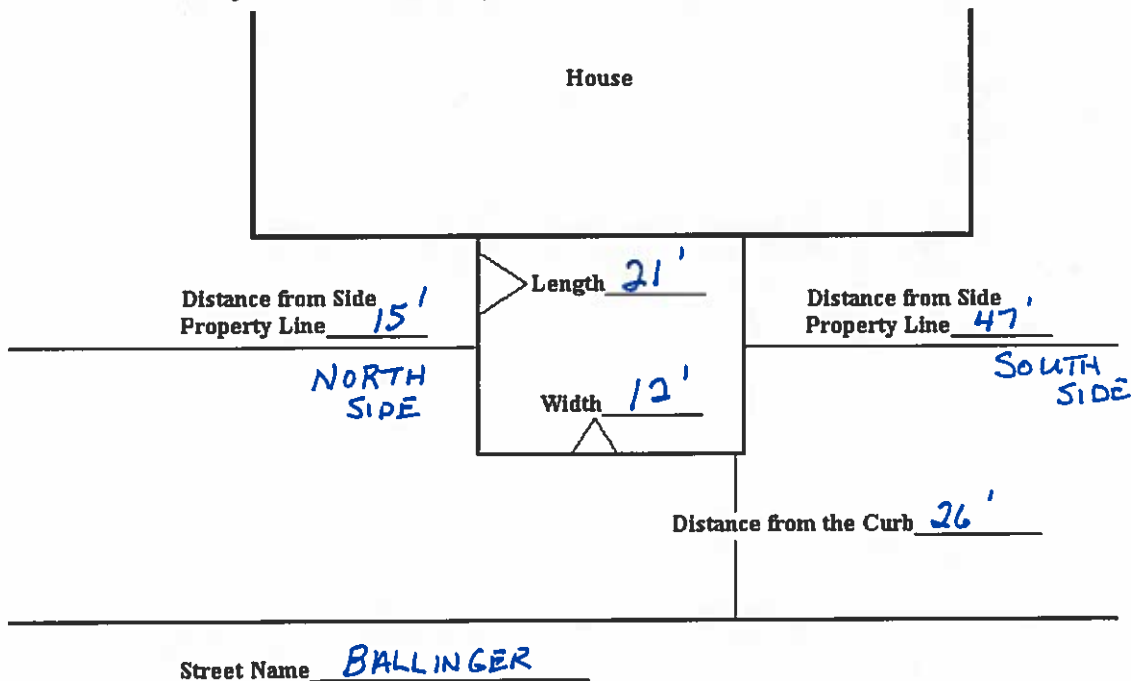
Please answer these questions in order to assist City staff with the processing of your request.

1. Describe the unique 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. not enough room to curb

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?

no real access to alley

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





CITY OF ABILENE

BUILDING INSPECTION

Carport / Patio Cover / Storage Building - Permit Application

Permit Fee (By Staff): \$ _____ Infill Area Applicable? ☒ Y ☐ N
Date: 4-11-17 Cost of Work being performed \$ 1,800⁰⁰
Job Address: 1917 Ballinger
Home Owner Name: Howard Ware Phone: 325.518.4964
Building Contractor Name of Business _____

What are you going to build? ☒ Carport ☐ Patio Cover ☐ Storage Building

** Note: the carport/patio cover must be located over an improved surface.

Are you wanting your structure in the front yard or along a side street? ☒ Y ☐ N

** If yes ask to speak with a planning staff member for further direction.

21' L X
12' W

If a Carport or Patio Cover: turn page over and show us how you will construct it. → → →

If a Storage Building: size _____ x _____ = sq. ft. _____
height _____ (measured from ground to ridge of roof)

Built on? Slab foundation or Pier and beam or Skids

Utilities? Electric Water Sewer "TIE DOWNS REQUIRED"

Heating/Cooling? Y N IF yes: (Walls - R-13, Floor - R-19, Ceiling - R-30 or RES check.)

How far is your new structure from property lines?

Front: _____ Back: _____ Side: N S E W _____ Side: N S E W _____

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Applicant printed name Howard D. Ware

Signature Howard D. Ware

Phone 325 518 4964

***** Office Use *****

Building Inspection: Reviewed by: _____ Time Received _____

Site Plan: _____ Construction Plan: _____

Notes: _____

Zoning: Reviewed by: _____

Variance required ☒ Y ☐ N Variance application submitted ☐ Y ☐ N

"Minimum

Set backs": Front: _____

Back: _____

Side: N S E W _____

Side: N S E W _____

Zoning: _____

Parkway width: 15'

Flood Plain: ☐ Y ☐ N

Minimum floor elevation: _____

or 18" above gutter grade

Zoning Approval: _____

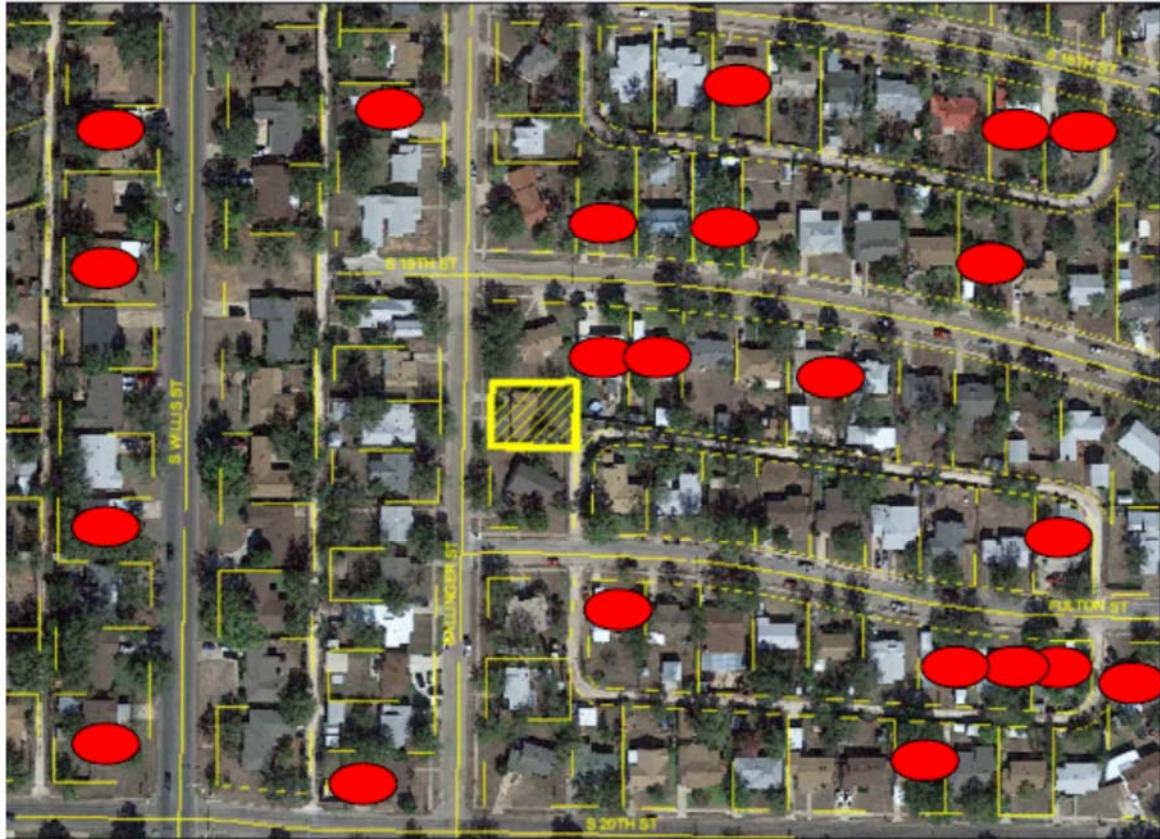
Engineering Approval: _____

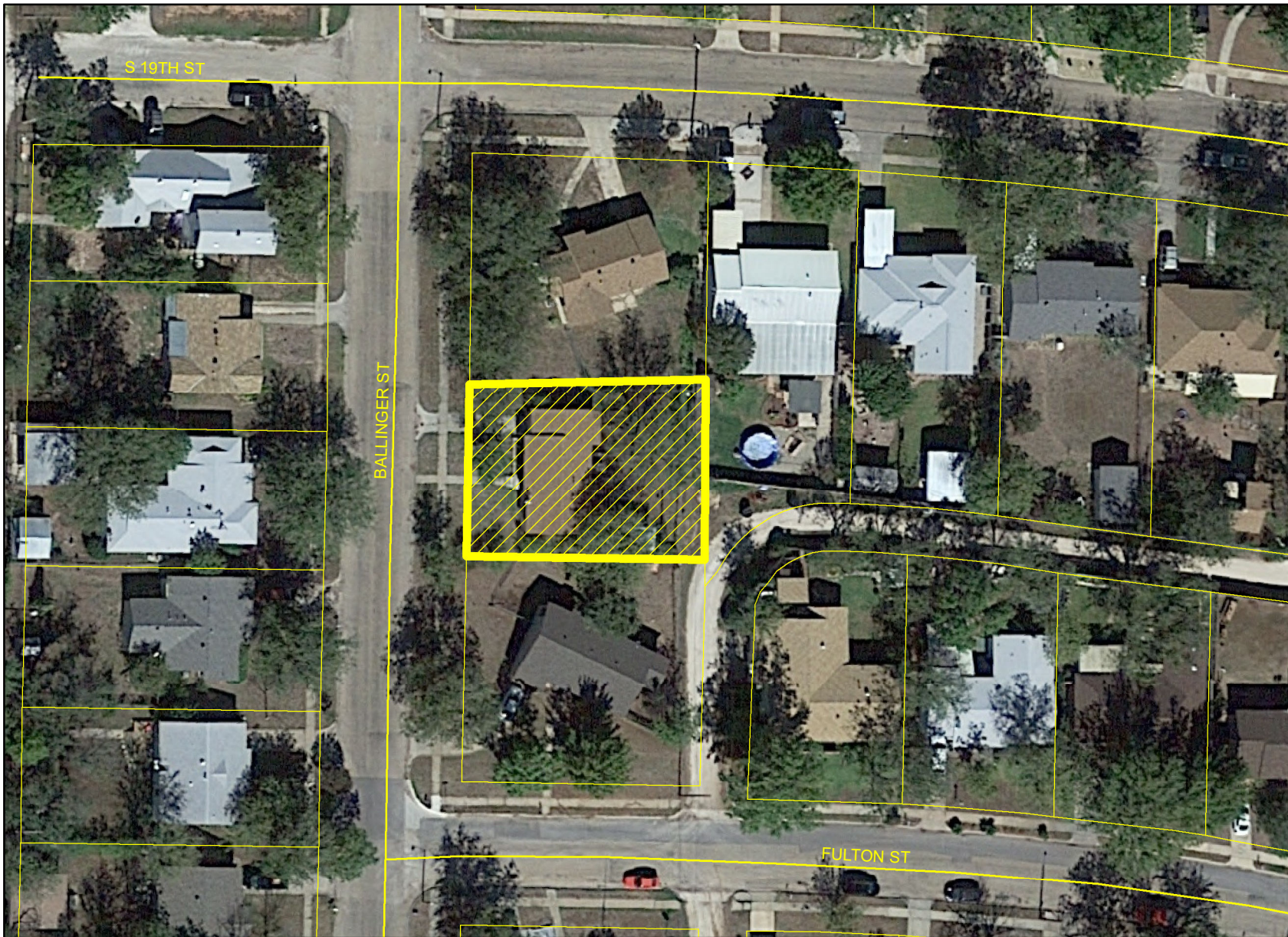
Other Approval: _____

Notes

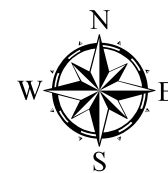
21
15
36

● = Houses with front carports






Aerial Map



Legend

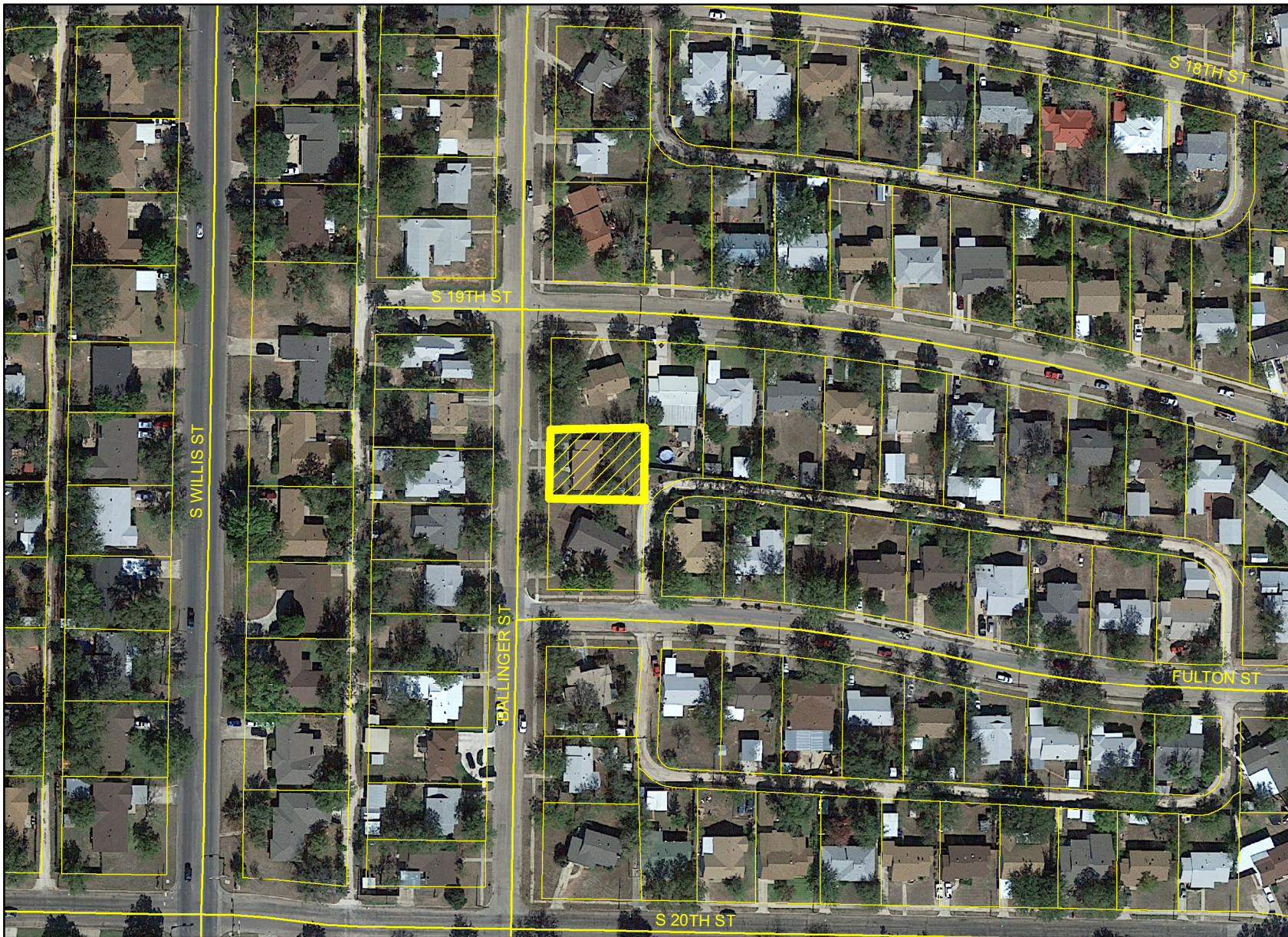
Case

 BA-2017-16

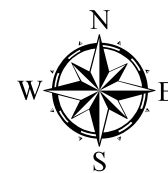


Planning & Development

S E R V I C E S




Aerial Map



Legend

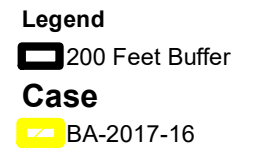
Case

 BA-2017-16

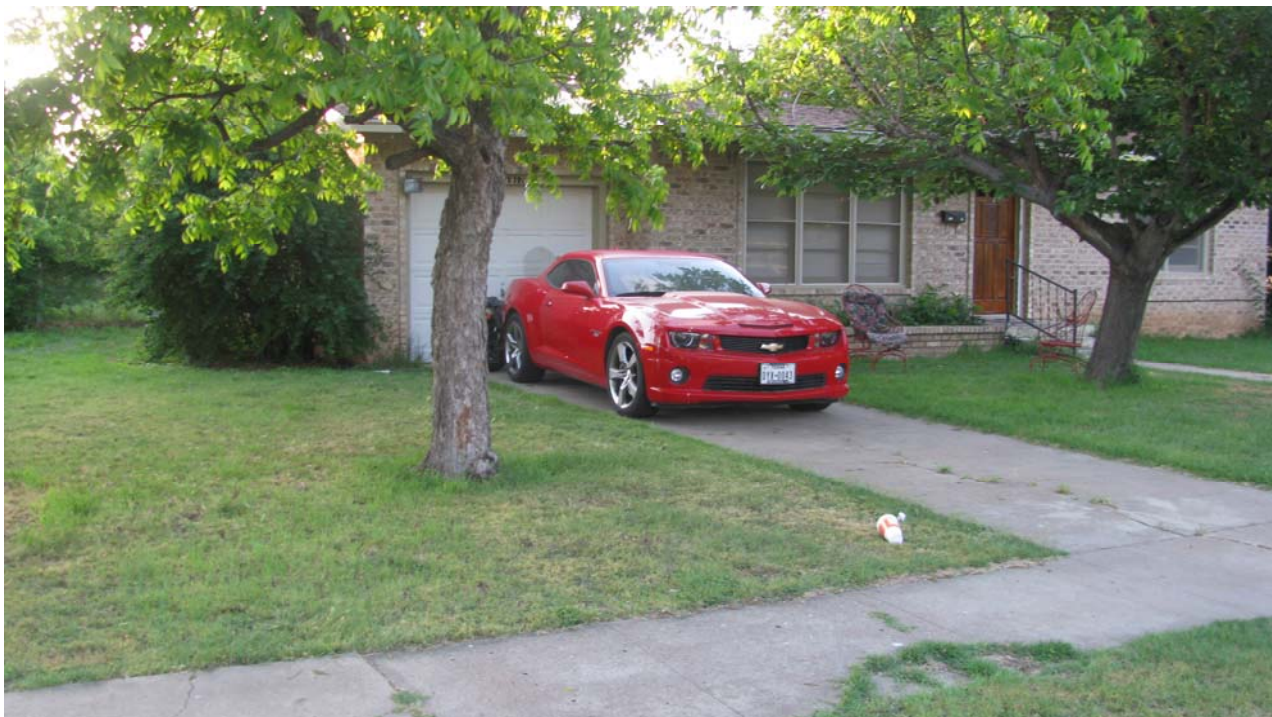


Planning & Development

S E R V I C E S



BA CASE BA-2017-16 SITE PHOTOS





**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 5/9/2017

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

FROM: Mr. Zack Rainbow, Planning Services Manager

BA-2017-17 (Postponed by Agent)

A public hearing to consider a request from Brandon Beck (Agent, for Creekbend Properties, LP.) for an 18' variance request to the required 30' front building setback in

SUBJECT: GC (General Commercial) zoning. Legal description being SOUTHWEST PARK SECTION 1, BLOCK NORTHEAST PART OF BLOCK 4, located at 3115 S. 14th Street.

GENERAL INFORMATION

The applicant is requesting a reduction of the 30-foot front building setback to 12-feet to maintain proposed parking, traffic and pedestrian flow, with no compromise to public safety.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on May 9, 2017.

ATTACHMENTS:

Description	Type
☐ Staff Report	Backup Material

BA-2017-17

STAFF REPORT



REQUEST: Variance

APPLICANT:

Brandon Beck (Agent, for Creekbend Properties, LP.)

HEARING DATES:

Board of Adjustment: May 9, 2017

LOCATION:

3115 S. 14th Street

PROPOSAL:

The applicant is requesting a reduction of the 30-foot front building setback to 12-feet to maintain proposed parking, traffic and pedestrian flow, with no compromise to public safety.



DEVELOPMENT STANDARDS:

The following sections of the City of Abilene Land Development Code apply to the variance request:

- Table 2-4, Site Layout and Building Requirements, GC: 30-foot Setback

APPLICATION REVIEW:

Criteria for Approval. A variance is used to modify the application of this Ordinance 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 feature affecting the land such that the strict application of the provisions of this Code to the proposed use would create an undue hardship or inequity (other than financial) upon or for the applicant in developing the land or deprive the applicant of the reasonable and beneficial use of the land;**

Staff had previously reviewed a concept site plan that reflected a non-compliant setback with Land Development Code. Applicant approached alternatives to rectify the setback issue by looking at building location modifications and building interior design modifications. Building location modifications had impact on parking space reductions, as well as traffic and pedestrian flow. The variance request presents the best available alternative to not compromise site plan functions.

- (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;**

Zoning		Existing Land Use
North	GC	La Popular Burritos
South	GC	Teddy & Jaren's Barber Shop
East	GC	Walgreen's
West	GC	Rent-A- Center

Staff could find no conflict that would be injurious to neighboring properties or otherwise detrimental to the public welfare.

- (3) **Granting the variance is consistent with spirit and intent of this LDC and is in harmony herewith.**

Staff believes the variance request as an option to rectify the setback issue is consistent with the spirit and intent of the Land Development Code. It is Staff's opinion, that a variance request is the best available option that would not compromise safety considerations related to parking and pedestrian flow.

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

Staff feels there may be room to move the building back and reconfigure the parking on the property site but with concern for how it would affect ultimate traffic and pedestrian flow. Due to the property site configuration and proposed development, the best alternative to rectify the setback issue is the variance request which would not compromise public safety.

STAFF COMMENTS:

The applicant is requesting an 18-foot variance request to the required 30-foot front building setback to maintain proposed parking, traffic and pedestrian flow, with no compromise to public safety. Staff believes the current property configuration and development proposal necessitates a variance to remove the setback.

According to the applicant, the placement of the proposed building must meet various requirements of the City of Abilene, such as, but not limited to: minimum of five (5) vehicles in the drive-thru land, located in the stack ending with and including the vehicle situated at the ordering point; two (2) existing approaches to Barrow Street will not be allowed to remain; and a minimum number of parking spaces and dumpsters with access.

The use of easements for access and parking can be obtained from the adjacent property owner, as shown on the conceptual site plan. Along with the encroachment into the setback line, the drive-thru configuration can conform to the LDC requirements and those of the tenant, as stated by the applicant.

STAFF RECOMMENDATION:

Staff recommends approval of this setback variance request.

NOTIFICATION:

The Planning Services Division sent, with certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	Response
FINERMAN BRIAN & FINERMAN LINDA	3141 S 14TH ST	
PATTERSON PAUL F JR	3132 S 14TH ST	
PATTERSON PAUL F JR	3136 S 14TH ST	
PATTERSON PAUL F JR	3134 S 14TH ST	
PATTERSON PAUL F JR	3130 S 14TH ST	
GREEN MORGAN	3102 S 14TH ST	OPPOSED
BUTT H E GROCERY COMPANY	2990 S 14TH ST	
BUTT H E GROCERY COMPANY	1365 BARROW ST	
BUTT H E GROCERY COMPANY	1373 BARROW ST	
BUTT H E GROCERY COMPANY	1389 BARROW ST	
BUTT H E GROCERY COMPANY	3098 S 14TH ST	
BUTT H E GROCERY COMPANY	2998 S 14TH ST	
BUTT H E GROCERY COMPANY	1345 BARROW ST	
GALLION ROBERT	1373 SAMMONS ST	
WIL-MOR	3126 S 14TH ST	
WOMACK FRANCES	1374 BARROW ST	
MAR WALL ABILENE LLC	3033 S 14TH ST	
CREEKBEND PROPERTIES LP	3115 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	3105 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	1434 BARROW ST	
SOUTHWEST PARK SHOPPING CTR LP	3103 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	3101 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	3109 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	3117 S 14TH ST	

SOUTHWEST PARK SHOPPING CTR LP	3111 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	3119 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	3113 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	3107 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	3121 S 14TH ST	
SOUTHWEST PARK SHOPPING CTR LP	1426 BARROW ST	

ATTACHMENTS:

- Application
- Conceptual Site Plan
- Aerial Map
- Buffer Notification Map
- Parcel Photographs



For Office Use Only
Case # BA-2017-17
Hearing Date 5-9-2017
Date Received 4-17-17
Receipt # 1021928

BOARD OF ADJUSTMENT APPLICATION
\$400 FILING FEE

Address receiving requested action: 3115 S. 14th Street
Owner Name: Creekbend Properties, LP
Owner Address (if different than above): 1112 Serenade Lane; Richardson TX 75081
Owner Phone Number: 972-523-7888
Agent Name: Brandon Beck
Agent Address: 512 Main Street; Suite 1006; Fort Worth TX 76102
Agent Phone Number: 817-332-4555

Location/Legal Description (attach metes and bounds if necessary):
0.373 acres of land out of the Northwest corner of Block 4, Section 1
Southwest Park Addition; Volume 2, Page 241 of Plat Records/Taylor Co.

Property is Zoned: Commercial

Please indicate the appropriate request below:

☒ Variance ☐ Special Exception ☐ Appeal ☐ Other

Specifically: Encroachment into 30 (thirty) foot building setback on S. 14th
Street side by 18 (eighteen) feet, placing north face of proposed building
12 (twelve) feet from north property line as shown on attached diagram.

I have read and completed this application and certify that all information provided is true and correct and I request that this item be submitted to the Board of Adjustment.

I further certify that I have been informed:

- 1. of the time and dates the request will be considered by the Board;*
- 2. that three (3) copies of an acceptable site plan indicating the request has been submitted;*
- 3. that the owner or agent needs to be present at the meeting and must be prepared to answer questions about this request;*
- 4. that, if the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit if one is required; and*
- 5. that I have received a copy of the Information Sheet, and I have read and understand its contents.*

Brandon Beck

Signature of Owner or Agent with Power of Attorney

Please answer these questions in order to assist City staff with the processing of your request.

1. Describe the unique 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.

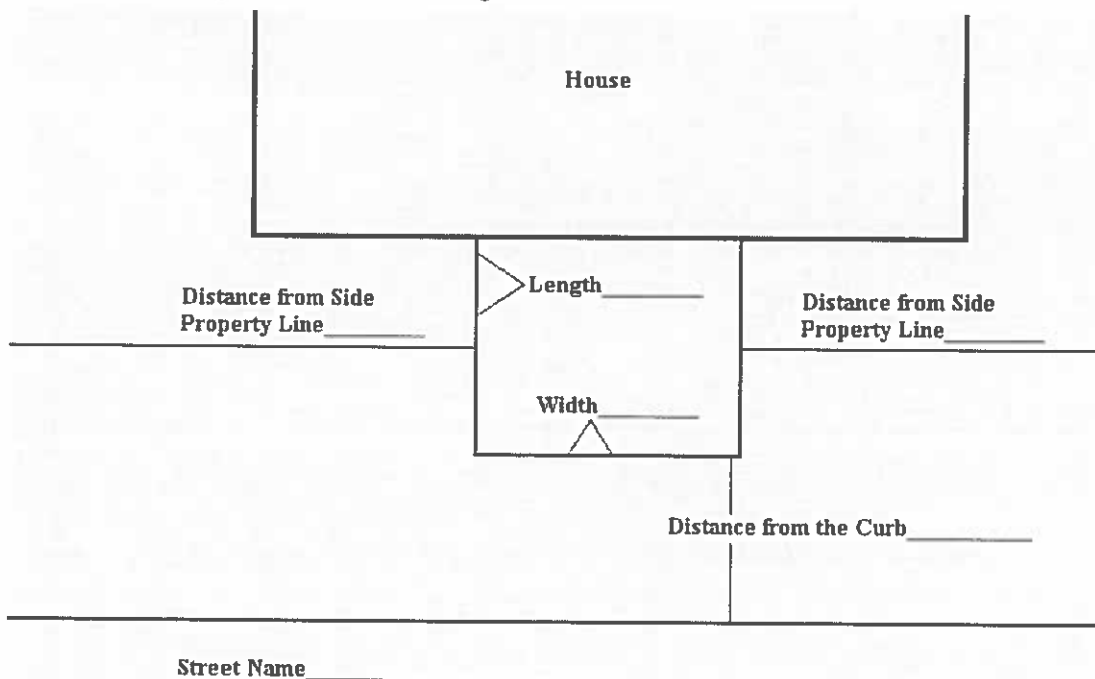
The tenant of the proposed building will be Starbucks Coffee. The placement of the building must meet the various requirements of the City of Abilene and the Tenant as follows.

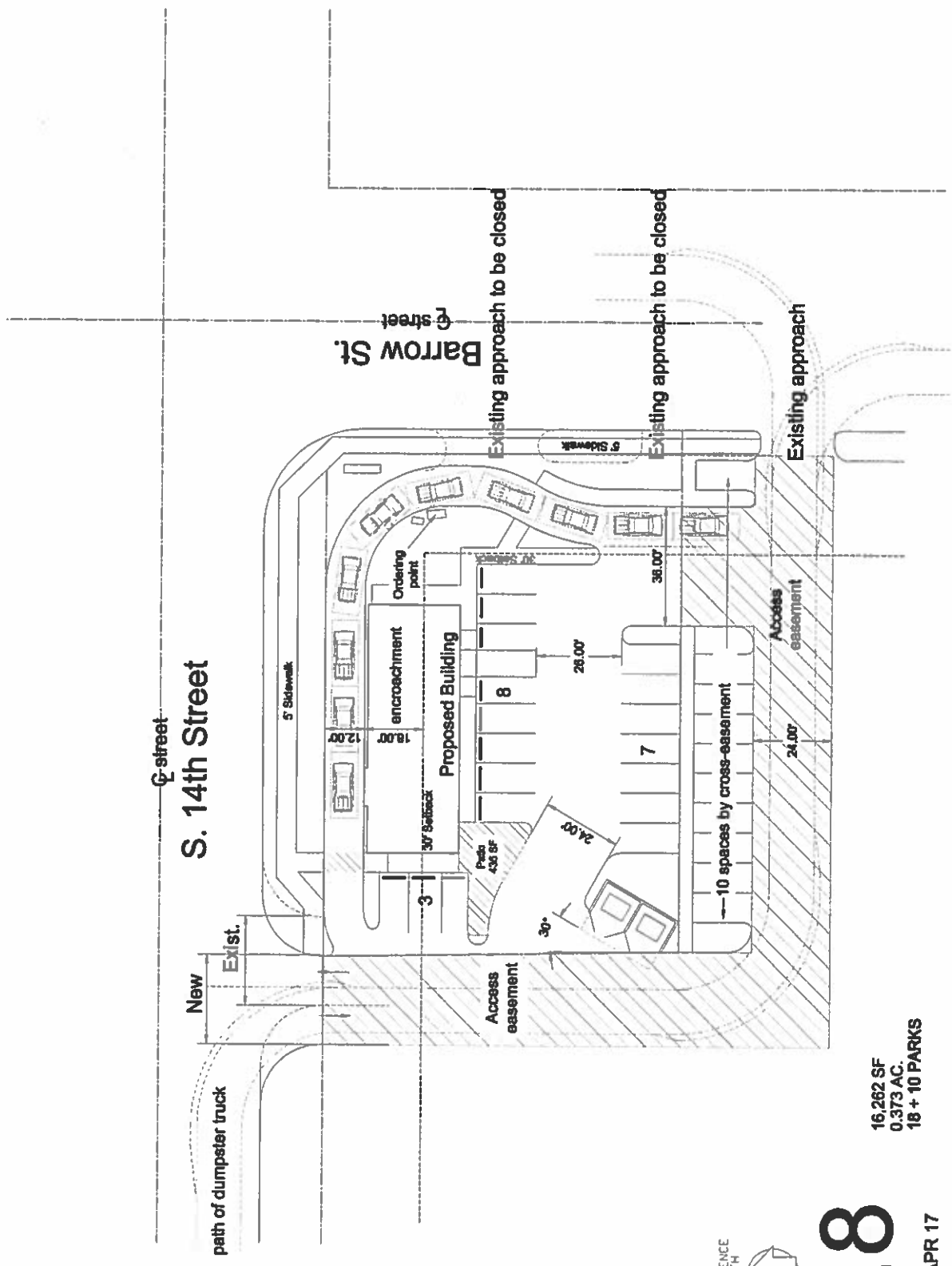
- 1) A minimum of 5 (five) vehicles in the drive-thru lane located in a stack ending with and including the vehicle situated at the ordering point as required by ordinance.
- 2) A minimum of 5 (five) vehicles in the drive-thru lane located in the stack between the ordering point and the pickup window as required by the Tenant (Starbucks).
- 3) Preliminary indications from staff are that the two existing approaches to Barrow Street will not be allowed to remain in the new development.
- 4) Minimum number of parking spaces and dumpsters with access meeting City of Abilene standards

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?

Exhaustive iterations of the proposed redevelopment plan have failed to satisfy the combined requirements of the City of Abilene and of the proposed Tenant while keeping the building footprint inside the setbacks. The use of easements for access and parking can be obtained from the adjacent property owner as shown. Along with the encroachment into the setback line, the drive-thru configuration can conform to both the City of Abilene requirements and those of the Tenant.

3. If this application is for a special exception to allow a carport in the front yard setback, please fill-in the diagram bellow.





S. 14th Street

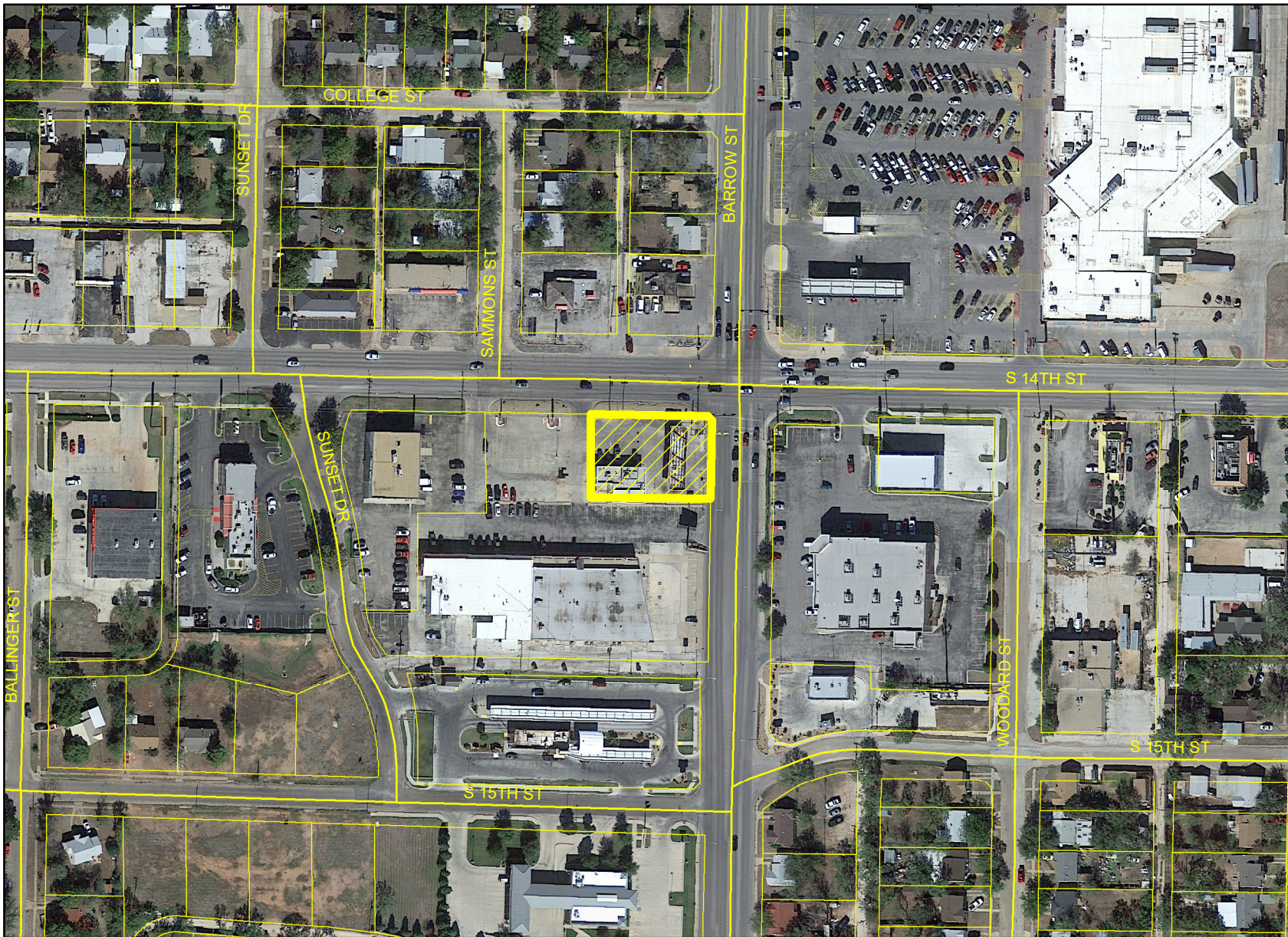
Barrow St.

16,262 SF
0.373 AC.
18 + 10 PARKS

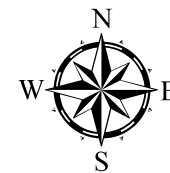


C.8

REV: 11 APR 17




Aerial Map



Legend

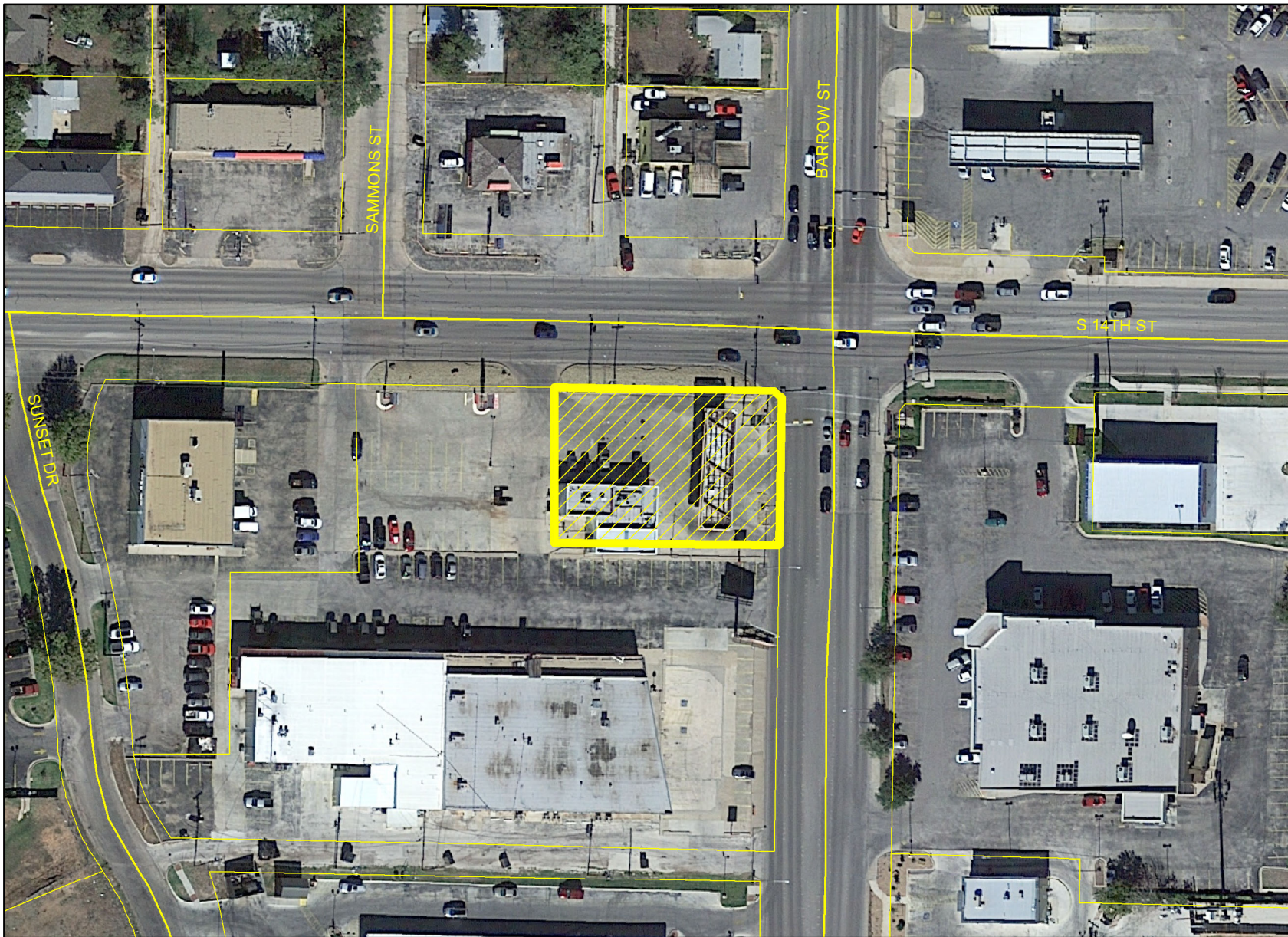
Case

 BA-2017-17

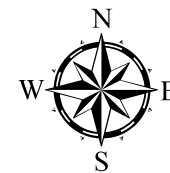


Planning & Development

S E R V I C E S




Aerial Map



Legend

Case

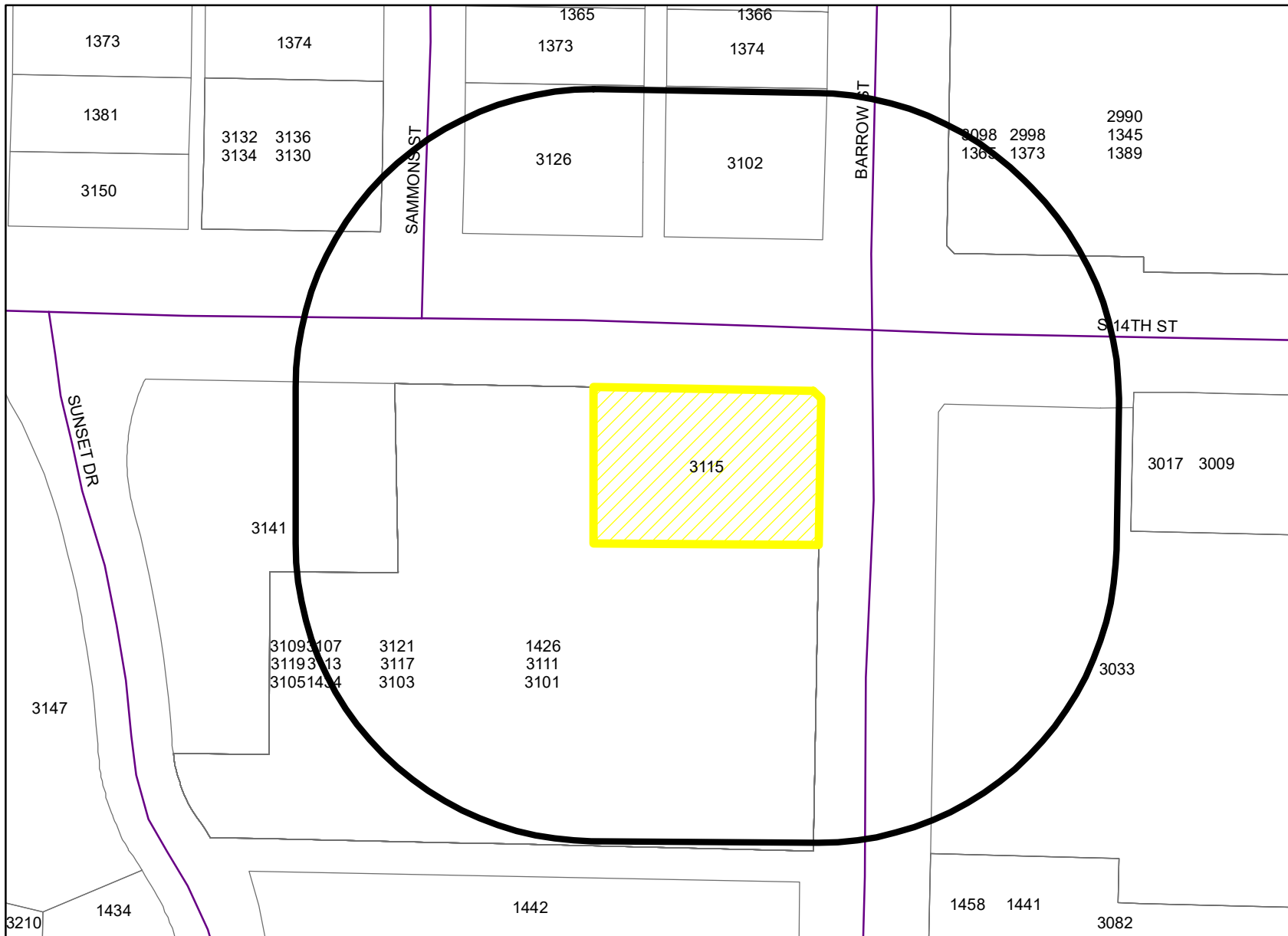
 BA-2017-17



Planning & Development

S E R V I C E S


Notification Map



Legend

 200 Feet Buffer

Case

 BA-2017-17



Planning & Development

S E R V I C E S

BA CASE BA-2017-17 SITE PHOTOS



View to southeast along South 14th Street



View to east along South 14th Street



View to northwest along Barrow Street



View to north along Barrow Street



View to west along Barrow Street



**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 5/9/2017

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

FROM: Mr. Zack Rainbow, Planning Services Manager

**SUBJECT: BA-2017-18
A public hearing to consider a request from Welton Robinson for a 10' variance request to the required 10' rear building setback in NR (Neighborhood Retail) zoning. Legal description being HEDGES ADDITION SECTION 4, BLOCK 3, LOT 10 & 11, located at 3000 Southwest Dr.**

GENERAL INFORMATION

The applicant is requesting a variance request to the required 10' rear building setback to maintain proposed parking, traffic and pedestrian flow, with no compromise to public safety.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Board will hear this request on May 9, 2017.

ATTACHMENTS:

Description	Type
▣ Staff Report	Backup Material

BA-2017-18 STAFF REPORT



REQUEST: Variance

APPLICANT:

Welton Robinson

HEARING DATES:

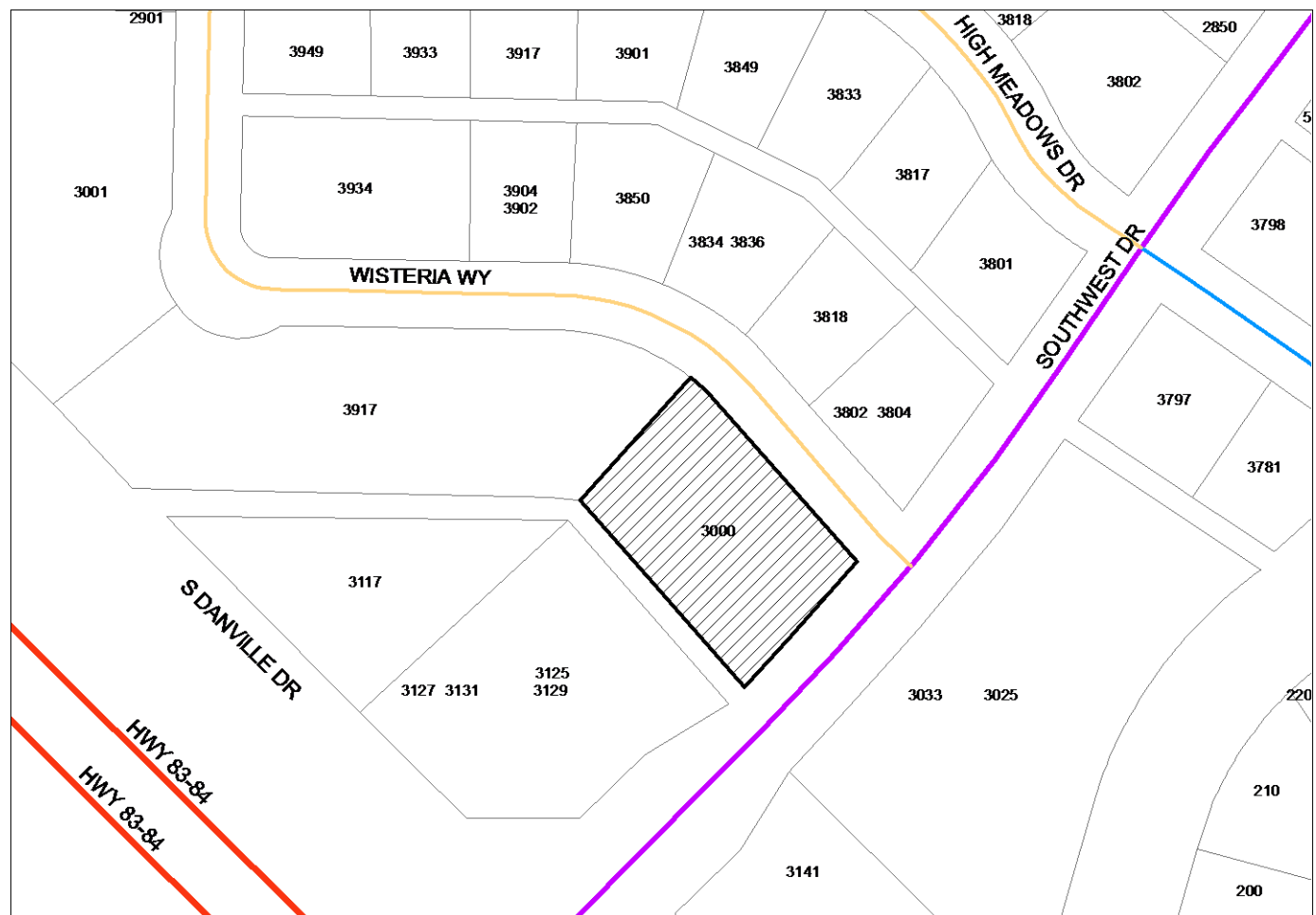
Board of Adjustment: May 9, 2017

LOCATION:

3000 Southwest Drive

PROPOSAL:

The applicant is requesting a variance request to the required 10' rear building setback to maintain proposed parking, traffic and pedestrian flow, with no compromise to public safety.



DEVELOPMENT STANDARDS:

The following sections of the City of Abilene Land Development Code apply to the variance request:

- Table 2-4, Site Layout and Building Requirements, NR: 10' Setback

APPLICATION REVIEW:

Criteria for Approval. A variance is used to modify the application of this Ordinance 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 feature affecting the land such that the strict application of the provisions of this Code to the proposed use would create an undue hardship or inequity (other than financial) upon or for the applicant in developing the land or deprive the applicant of the reasonable and beneficial use of the land;**

Staff would point out that this is the second time this application has been heard and the Board granted this request previously in October of 2015.

- (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;**

Zoning		Existing Land Use
North	MD	Multi-Family Residence
South	GC	7-11 Convenient Store
East	O	Fairmont United Methodist Church
West	PD	Hendrick Wisteria Place

Staff could find no conflict that would be injurious to neighboring properties or otherwise detrimental to the public welfare.

- (3) **Granting the variance is consistent with spirit and intent of this LDC and is in harmony herewith.**

Staff believes the variance request as an option to rectify the setback issue is consistent with the spirit and intent of the Land Development Code. It is Staff's opinion, that a variance request is the best available option that would not compromise safety considerations related to parking and pedestrian flow.

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

Staff would point out that this is the second time this application has been heard and the Board granted this request previously in October of 2015.

STAFF COMMENTS:

The applicant is requesting the 10' variance to the required 10' rear building setback in order to enclose an approximately 21'x 23' existing, fenced playground. The proposed addition would extend south from the existing building towards Southwest Drive. The proposed addition would not extend any closer to the rear property than the existing building already sits.

The existing building was built in 1992, with site plan approval. The Zoning Regulations at the time did not require any rear-building setback. In 2010, the City Council adopted the new Land Development Code with the recommendation of the Planning and Zoning Commission, which also included the 10-foot rear-building

setback within in the NR (Neighborhood Retail), O (Office), NO (Neighborhood Office) zoning districts. When the Zoning Regulations and again when the Land Development Code were adopted, it was with the intent that when a building was expanded or a site was redeveloped, it must be done in compliance with the regulations of the Land Development Code. Staff feels that there are other areas that an addition of this size could be constructed and still meet the required building setbacks.

The previous request was approved by the Board of Adjustments on October 13, 2015 (see attachment Board of Adjustments Minutes – October 2015).

STAFF RECOMMENDATION:

Based on the previous action of the Board of Adjustment to approve the variance previously, Staff recommends approval.

NOTIFICATION:

The Planning Services Division sent, with certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	Response
JONES JEAN	3904 WISTERIA WY	
JONES JEAN	3902 WISTERIA WY	
SKINNYS INC	3125 S DANVILLE DR	
SKINNYS INC	3127 S DANVILLE DR	
SKINNYS INC	3131 S DANVILLE DR	
SKINNYS INC	3129 S DANVILLE DR	
BRYSON ELIZABETH M	3801 HIGH MEADOWS DR	
SUTHERLIN CAROLYN M	3817 HIGH MEADOWS DR	
WISTERIA HEALTH HOLDINGS LLC	3917 WISTERIA WY	
BRYSON ELIZABETH M HESTER	3818 WISTERIA WY	
TEXAS TIERRA III LTD	3141 S DANVILLE DR	
RAKE GREG O & VADA JO	3850 WISTERIA WY	
ROBINSON WELTON	3000 SOUTHWEST DR	
PCKC LLC	3117 S DANVILLE DR	
BRYSON ELIZABETH MARIE	3802 WISTERIA WY	
BRYSON ELIZABETH MARIE	3804 WISTERIA WY	
FAIRMONT UNITED METHODIST CHURCH IN TR	3025 SOUTHWEST DR	
FAIRMONT UNITED METHODIST CHURCH IN TR	3033 SOUTHWEST DR	
RAKE GREG O & VADA JO	3834 WISTERIA WY	
RAKE GREG O & VADA JO	3836 WISTERIA WY	

ATTACHMENTS:

- Application
- Conceptual Site Plan
- Aerial Map
- Buffer Notification Map
- Parcel Photographs
- Board of Adjustments Minutes – October 2015

000 15



CITY OF
ABILENE

For Office Use Only	
Case #	<u>3142015-31</u>
Hearing Date	<u>10-13-15</u>
Date Received	<u>9-15-15</u>
Receipt #	<u>1016285</u>

BOARD OF ADJUSTMENT APPLICATION
\$400 FILING FEE

Address receiving requested action: 3000 So. West Drive
Owner Name: WELTON ROBINSON
Owner Address (if different than above): 1749 Hillview Abilene, TX 79601
Owner Phone Number: 325 668 5439
Agent Name: _____
Agent Address: _____
Agent Phone Number: _____

Location/Legal Description (attach metes and bounds if necessary): _____

Property is Zoned: Limited Commercial

Please indicate the appropriate request below:

☐ Variance ☒ Special Exception ☐ Appeal ☐ Other

Specifically: Put roof & finish walls over concrete foundations that were removed May 1992
10' variance

I have read and completed this application and certify that all information provided is true and correct and I request that this item be submitted to the Board of Adjustment.

I further certify that I have been informed:

1. of the time and dates the request will be considered by the Board;
2. that three (3) copies of an acceptable site plan indicating the request has been submitted;
3. that the owner or agent needs to be present at the meeting and must be prepared to answer questions about this request;
4. that, if the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit if one is required; and
5. that I have received a copy of the Information Sheet, and I have read and understand its contents.

Welton Robinson
Signature of Owner or Agent with Power of Attorney

Please answer these questions in order to assist City staff with the processing of your request.

1. Describe the unique 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.

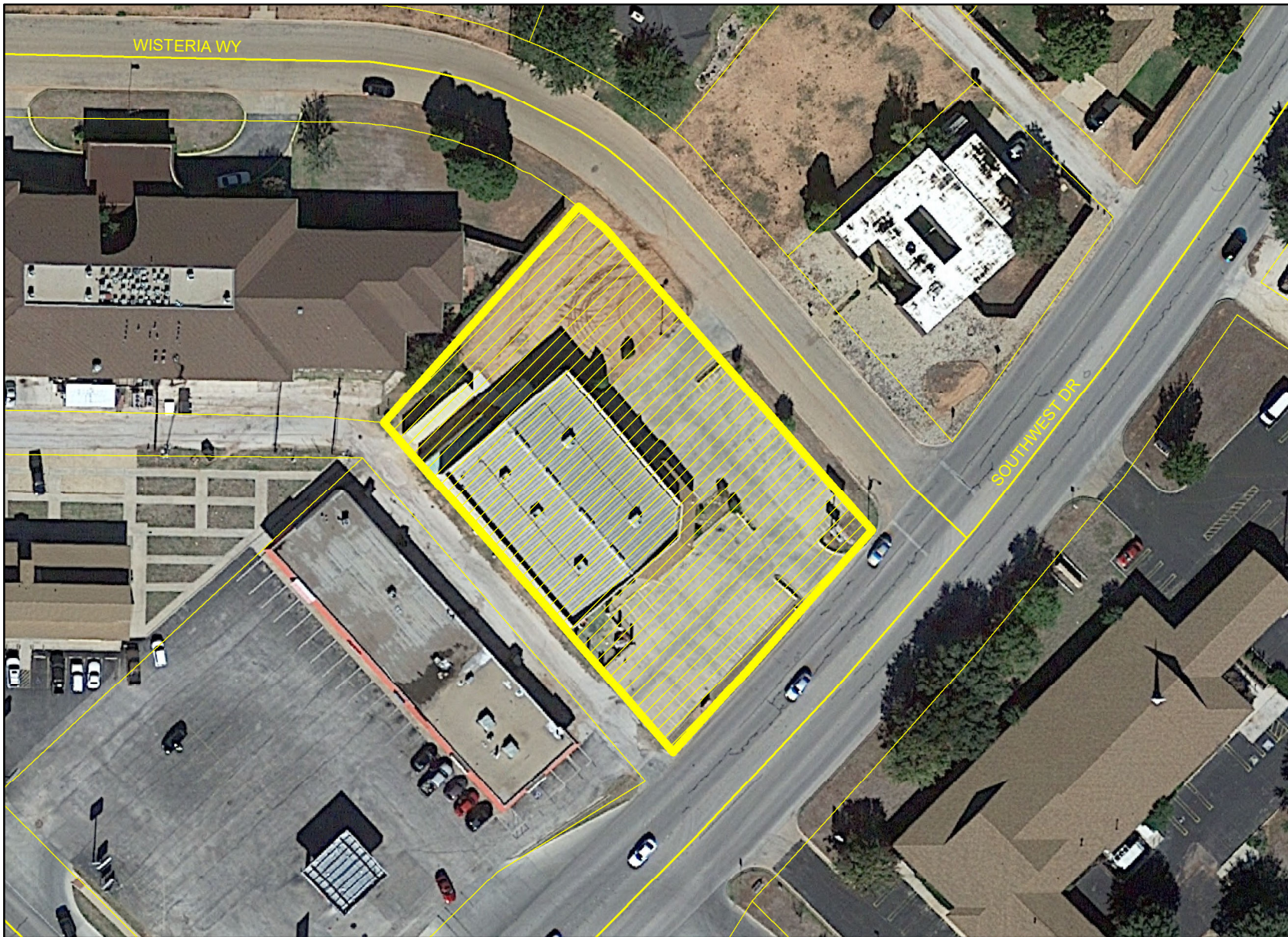
The foundation was poured in 1992 with foundation at the front of the building which is on the property line & the Ordinance has been changed since then. I want to finish enclosing building & put a roof on it

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?

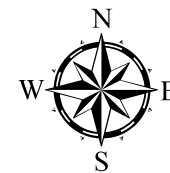
Because all it needs is part of the walls & roof

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

The diagram illustrates the layout of a carport relative to a house and a street. At the top is a large rectangle labeled "House". Below it is a smaller rectangle representing the carport. To the left of the carport is a horizontal line labeled "Distance from Side Property Line". To the right is another horizontal line labeled "Distance from Side Property Line". Below the carport is a vertical line labeled "Distance from the Curb". The carport rectangle has a horizontal line labeled "Length" and a vertical line labeled "Width". At the bottom of the diagram is a horizontal line labeled "Street Name".




Aerial Map



Legend

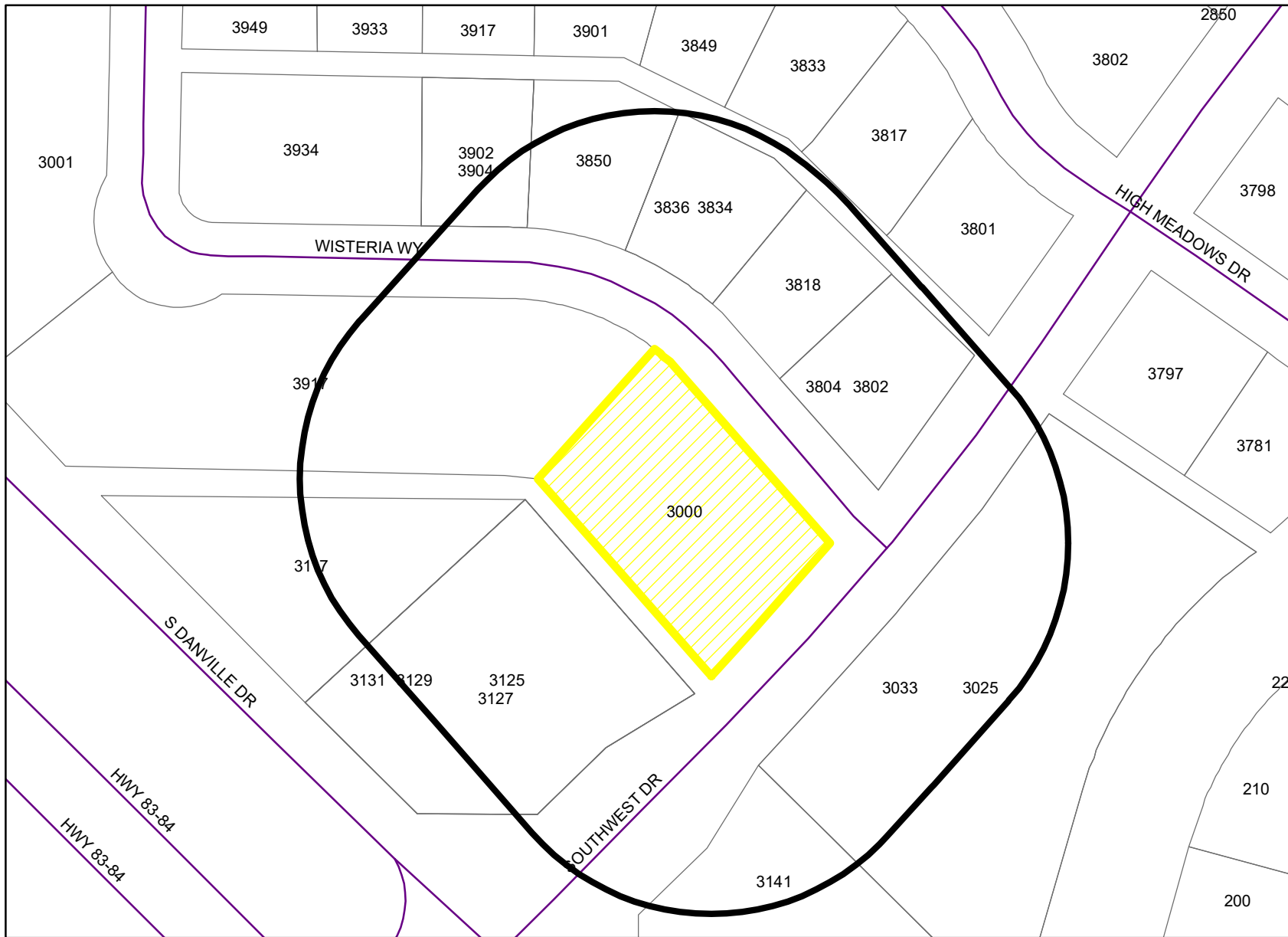
Case

 BA-2017-18



Planning & Development

S E R V I C E S




Notification Map



Legend

 200 Feet Buffer

Case

 BA-2017-18



Planning & Development

S E R V I C E S

BA CASE BA-2017-18 SITE PHOTOS



View to the Southwest along Wisteria Way



View to the West along Southwest Drive



View to northwest along Southwest Drive

BOARD OF ADJUSTMENT
November 10th, 2015
Minutes

Members Present: Mr. Wayne Bradshaw- Chairman
Mr. Scott Hay
Mr. Huber
Mr. Mosley
Ms. Ramsay

Staff Present: Zack Rainbow, Planner II
Ben Bryner, Planning Service Manager
Kelley Messer, Asst.City Attorney

Others Present: Cody & Charity Sylvest
Yosencio Ramirez
Constance Price
Louis Badillo
Jimmy Campbell
Zane Sitzes

Item One: Call the Meeting to Order:

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

Item Two: Approval of the Minutes

Mr. Beermann moved to approve the minutes for October 13th, 2015. Col. Langholtz seconded the motion and the motion was carried by a vote of five (5) in favor (Beermann, Ramsay, Langholtz, Huber, Hay) and zero (0) in opposition.

Item Three: Special Exception:

a. BA-2015-22 (Tabled from 7-14-2015)

A public hearing to consider a request from Ronnie Brown for a Special Exception to locate a carport in the front yard building setback in RS-8 (Residential Single Family) zoning. Legal description being WYCHWOOD PLAZA, BLOCK H, LOT 9. Located at 2809 San Miguel Drive.

Mr. Huber made the motion to REMOVE Item BA-2015-22 from the table. Mr. Bradshaw seconded the motion. The motion was carried unanimously.

Mr. Zack Rainbow presented the staff report for this case. The applicant constructed a 20'5" x 21'2" front carport extending from the garage. The carport is 9'10" from the side property line and 16'3" feet from the curb on San Miguel Dr. The applicant was issued a "stop work" order in response to a complaint on 4-27-2015. Therefore, the reason for the Special Exception request. The parkway width on San Miguel 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 17' from the curb.

LAND USES:

This property and 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 no other 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. Since this proposed carport is in an area without any front carports, the proposal is not consistent with the intent of the regulation.

Property owners within 200 feet of the request were notified. Two (2) comment forms were returned in favor and zero (0) in opposition.

STAFF RECOMMENDATION:

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

Mr. Bradshaw opened the public hearing.

Mr. Ronnie Brown (property owner) explained why signatures were not attained as requested by the Board within the neighborhood.

Mr. Hay stated that even if approved it would need to be reduced 9" in length. The Board is not able to grant anything within 17 ft. of the curb.

Mr. Bradshaw closed the public hearing.

Mr. Huber moved to deny the Special Exception based on the findings of the staff report. Mr. Hay seconded the motion and the motion carried by a vote of five (5) in favor (Huber, Mosley, Ramsay, Hay & Bradshaw) and none (0) opposed.

b. BA-2015-27

A public hearing to consider a request from Raul Rios, agent James Hauner Jr., for a Special Exception to locate a carport in the front yard building setback in RS-6

(Residential Single Family) zoning. Legal description being NORTHWOOD SECTION 4, BLOCK 19, LOT 9. Located at 2350 Westwood Drive.

Mr. Zack Rainbow presented the staff report for this case. The applicant wishes to construct a 27' x 20' front carport extending from the garage. The carport would be at least 7' from the side property line and 17' feet from the curb on Westwood Dr. The parkway width on Westwood 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 17' from the curb.

LAND USES:

This property and 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 other front carports located in the surrounding area that appear to be within the front building setback.

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

Property owners within 200 feet of the request were notified. Three (3) comment forms were returned in favor and one (1) in opposition.

STAFF RECOMMENDATION:

Approval, the request meets the criteria necessary to grant a Special Exception.

Chairman Bradshaw opened the public hearing. No one came forward and the public hearing was closed.

Mr. Hay moved to approve the Special Exception based on the findings in the staff report. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Huber, Mosley, Ramsay, Hay, & Bradshaw) and none (0) opposed.

c. BA-2015-28

A public hearing to consider a request from Sandra and Robert Thompson for a Special Exception to locate a carport in the front yard building setback in RS-6 (Residential

Single Family) zoning. Legal description being NORTHWOOD SECTION 6, BLOCK 2, LOT 125, REPLAT. Located at 1841 Richland Drive.

Mr. Zack Rainbow presented the staff report for this case. The applicant wishes to construct a 24' x 24' front carport extending from the garage. The carport would be at least 5'7" from the side property line and 23' feet from the curb on Richland Dr. The parkway width on Richland 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 17' from the curb.

LAND USES:

This property and most 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 other front carports located in the surrounding area that appear to be within the front building setback.

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

Property owners within 200 feet of the request were notified. Two (2) comment forms were returned in favor and zero (0) in opposition.

STAFF RECOMMENDATION:

Approval, the request meets the criteria necessary to grant a Special Exception.

Chairman Bradshaw opened the public hearing.

Mr. Robert Thompson (property owner) brought in plans of the proposed carport. Mr. Thompson states the free standing carport will follow the identical roofline as the home.

Chairman Bradshaw closed the public hearing.

Mr. Hay moved to approve the Special Exception based on the findings in the staff report. Mrs. Ramsay seconded the motion and the motion carried by a vote of five (5) in favor (Hay, Huber, Mosley, Ramsay, & Bradshaw) and none (0) opposed.

BOARD OF ADJUSTMENT
November 10th, 2015

d. BA-2015-29 (REMOVED FROM THE AGENDA~ VARIANCE NOT NEEDED)

A public hearing to consider a request from Terry and Becky Sergeant, agent Gary House for a 10' - 6" variance from the minimum 25' required rear setback in RS-8 (Residential Single Family) zoning. Legal description being NORTHWOOD SECTION 6, BLOCK 2, LOT 125, REPLAT. Located at 710 Diamond Lake Drive.

e. BA-2015-30

A public hearing to consider a request from Jimmy and Gretchen Herman for a 5' variance from the minimum 10' required interior side setback in RS-12 (Residential Single Family) zoning. Legal description being ELMWOOD WEST SECTION 5, BLOCK Q, LOT 170, REPLAT OF 17. Located at 1362 S. Leggett Drive.

Mr. Zack Rainbow presented the staff report for this case. The original house was built in 1972 at 5'6" from the northern, interior side property line. An additional two separate variances for additions were approved at this address for similar requests, one in 1980 and the other in 1987. The one granted in 1987 was for a 30'x19' master bedroom addition. The applicants wish to add a 30'x19' ADA accessible master bath onto the existing master bedroom. The minimum interior side building setback for a primary structure in RS-12 zoning is 10'. The proposed addition would be approximately 5' from the side property line and no closer than the existing house currently sits.

The applicants state that there would be no other site on the property for a master bath addition other than the proposed location and they will be incorporating the additional master bath with the proposed addition in order to make it ADA accessible. They also state that there are no other ADA accessible bathrooms in the existing house.

LAND USES:

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

CONDITIONS PECULIAR TO THE LAND:

There have been two separate variances approved at this address for similar requests, one in 1980 and the other in 1987. This request would be in line with the others that were previously approved by the Board of Adjustment.

HARDSHIP FROM STRICT INTERPRETATION:

Staff feels that the request is in line with similar requests previously approved by the Board of Adjustment on 2 separate occasions. The applicant is also seeking the variance to allow for an expansion to the master bathroom to make it ADA accessible. Staff feels that these could be considered hardships 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.

Property owners within 200 feet of the request were notified. One (1) comment form was returned in favor and zero (0) in opposition.

STAFF RECOMMENDATION: Staff recommends approval. Staff feels that precedence set by the approval of the prior two, similar variance requests and the need to make the bathroom ADA accessible are both justifications to grant a variance to the subject property.

Chairman Bradshaw opened the public hearing.

Mr. Jimmy Herman (property owner) spoke that due to his disabilities he is looking to make his master bathroom handicap accessible.

Chairman Bradshaw closed the public hearing.

Mr. Huber moved to approve the Variance based on the findings in the staff report. Mr. Hay seconded the motion and the motion carried by a vote of five (5) in favor (Huber, Mosley, Ramsay, Hay, & Bradshaw) and none (0) opposed.

f. BA-2015-31

A public hearing to consider a request from Welton Robinson for a 10' variance from the minimum 10' required interior side setback in NR (Neighborhood Retail) zoning. Legal description being HEDGES ADDITION SECTION 4, BLOCK 3, LOT 10 & 11. Located at 3000 Southwest Drive.

Mr. Zack Rainbow presented the staff report for this case. The applicant is requesting the 10' variance to the required 10' interior side building setback in order to enclose an approximately 21'x23' existing fenced playground. The proposed addition would extend south from the existing building towards Southwest Drive. The proposed addition would not extend any closer to the side property than the existing building already sits.

The existing building was built in 1992 with Site Plan approval. The Zoning Ordinance at the time did not require any interior side building setback. In 2010 the City Council adopted the Land Development Code (with the recommendation of the Planning and Zoning Commission) which included the 10' interior side building setback within the NR, O, & NO zoning districts. With both the Zoning Ordinance and the Land Development Code, when a building is expanded or a site is redeveloped, it must be done in compliance with the regulations in place at that time.

Staff feels that there are other areas where an addition of this size could be constructed and still meet the required building setbacks.

LAND USES:

This property is developed as a retail store and the many of the surrounding properties are developed as retail and office uses. The properties to the north are developed with houses.

CONDITIONS PECULIAR TO THE LAND:

The existing building was built in 1992, 0' from the interior side property line. The proposed addition would not extend any closer to the side property line than the existing building.

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 a variance at this location.

Property owners within 200 feet of the request were notified. Zero (0) comment forms were returned in favor and zero (0) in opposition.

STAFF RECOMMENDATION:

Staff recommends denial on the variance for the rear setback. Although staff was able to determine a peculiarity, staff was unable to determine a non-financial hardship in this case.

Chairman Bradshaw opened the public hearing.

Mr. Welton Robinson (property owner) stated that the original addition was built 23 years ago and was used as a play area. He stated that he needs more storage space and wants to use the area as part of the store. Indicated that at the time this was built the zoning was LC (Limited Commercial). In 2010 the district was changed to NR (Neighborhood Retail).

Mr. Johnny Jennings (building designer) stated that he was an original designer on this building and spoke in favor of this variance.

Chairman Bradshaw closed the public hearing.

Mr. Hay moved to approve the Variance based on the findings in the staff report with the addition of a hardship being that anything different than what is requested would be inconsistent with the existing building architecture and floor plan. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Hay, Huber, Mosley, Ramsay, & Bradshaw) and none (0) opposed.

Item Four: Adjourn

Mr. Bradshaw moved to adjourn the meeting at 9:06 a.m.

Mrs. Kelly Messer inquired why Item Z-2015-29 was removed from the agenda. Chairman Bradshaw opened the public hearing.

Mr. Bryner stated that for item Z-2015-29 a regulation in the LDC (Land Development Code) authorizes the Planning Director to reduce a set-back up to 50% when adjacent to an unbuildable area, i.e. due to an overhead power line easement.

Approved: _____, Chairman