



City of Abilene Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment of City of Abilene to be held on October 8, 2019 at 8:30 a.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The Board of Adjustment reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

PUBLIC COMMENTS

The public may speak on any item on the agenda. There will be no votes or any formal actions taken on subjects presented during public comment.

MINUTES

1. Approval of minutes from previous meeting, September 10, 2019

AGENDA ITEMS

2. **BA-2019-16:** A request from Cathy Brown, agent Ty Willeford of 4W Welding, for a Special Exception to locate a carport in the front yard of the residence. Legal description being Lot 32, Block 9 of Northwood Section 1, City of Abilene, Taylor County, Texas and located at 1825 Yorktown Drive
3. **BA-2019-17:** A request from Austin and Callie Roeder for an approximately six (6)-foot variance to the required 10' interior side setback in Residential Single-Family (RS-12) zoning; Legal description being RIVER OAKS SEC 5, BLOCK L, LOT 18, City of Abilene, Taylor County, Texas and located at 1725 Woodridge Drive

ADJOURNMENT

Notice

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 4th day of October, 2019, at 2:18 p.m.

Erin Day, Assistant City Secretary

BA-2019-16 STAFF REPORT



REQUEST:

Special Exception for a carport

APPLICANT:

Owner: Cathy Brown
Agent: Ty Willeford of 4W Welding

HEARING DATES:

Board of Adjustment:
October 8, 2019

LOCATION:

1825 Yorktown
Lot 32, Block 9 of Northwood Section 1



PROPOSAL:

The applicant is seeking a Special Exception to locate a metal carport in the front yard of the residence.

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:

- a) **Will be wholly compatible with the use and permitted development of adjacent property, either as filed subject to such requirements as the Board finds to be necessary to protect and maintain the stability of adjacent properties.**

The intent of this regulation is to allow carports in front yard 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 a similar improvement to their properties. Since this proposed carport is in an area with at least 17 similar front carports, the proposal is consistent with the intent of the regulation. The request is compatible with the uses and permitted the development of adjacent properties. (see Carport Area Map).

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

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

Finding: Staff foresees no undue burdens on public facilities.

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

Finding: Staff has identified at least seventeen (17) carports in the area.

STAFF RECOMMENDATION:

Staff recommends approval, the applicant is seeking to locate the carport 17' from the curb. Allowing the carport as close as 5' from the front property line, this is in compliance with Section 2.4.4.2 subsection (b)(3b) stating the carport must be a minimum of five feet from the front property line. Furthermore, approving the Special Exception should not be detrimental to the visual environment or character of the area.

NOTIFICATION:

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

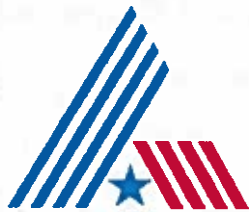
Owner	Situs	Response
BROWN CATHY	1825 YORKTOWN DR	
CHICK JIMMY BEDFORD	1918 BEL AIR DR	
COCHRAN ZACHARY M	1902 BEL AIR DR	
DE LEON PETE & EUDELIA	1818 YORKTOWN DR	
DRAPER DEAN C & DONNA E	1917 YORKTOWN DR	
DUNLOP LANCE T	1817 YORKTOWN DR	
DURRINGTON WALLS LLC	1826 YORKTOWN DR	
FIELDS BILLY J	1801 YORKTOWN DR	
FLEMING SETH & COURTNEY	1902 YORKTOWN DR	
GARZA LISA	1818 BEL AIR DR	
JACOBSON LUCILLE	1918 YORKTOWN DR	
LOW MARK E	1826 BEL AIR DR	
MACON REVOCABLE TRUST	1810 BEL AIR DR	
MARSH SHIRLEY L	1802 BEL AIR DR	

NUNES CAMERON & KAYLEE	1901 YORKTOWN DR	
PALMA AMBROCIO MENDOZA & CHRISTINA	1810 YORKTOWN DR	
PERKINS RICHARD F	1802 YORKTOWN DR	
R & B HOLDINGS LLC	1809 YORKTOWN DR	
SPENCE JANICE	1926 YORKTOWN DR	
STERLING JASON	1909 YORKTOWN DR	
SUTHERLIN CAROLYN M	1910 YORKTOWN DR	
THOMPSON JANIS S	1910 BEL AIR DR	
WADSWORTH ROBIN LEIGH	1925 YORKTOWN DR	

ATTACHMENTS:

- Application
- Presentation

44020



CITY OF ABILENE

BUILDING INSPECTION

Carport / Patio Cover / Storage Building - Permit Application

Permit Fee (By Staff): \$ _____ Infill Area Applicable? Y N

Date: 9-8-19 Cost of Work being performed \$ 204383

Job Address: 1825 Yorktown

Home Owner Name: Cathy Brown Phone: 325-513-7566

Building Contractor Name of Business 4W Welding - Ty Willeford

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. → → →

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: 17' from curb Back: _____ Side: NS E W 6'6" 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 Cathy Brown

Signature Cathy Brown

Phone 325-513-7566

*****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: _____

OWNER AND/OR AGENT AUTHORIZATION

Owner Name: Cathy Brown
 Address: 1825 Yorktown Dr
 City, State, Zip: Abilene, TX 79603 Fax: _____
 Phone: 325-513-7566 Email: hsassy46@gmail.com
 Agent Name: _____
 Address: _____
 City, State, Zip: _____ Fax: _____
 Phone: _____ Email: _____

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

Witness my hand this day, of Sept 9 2019

☐ Special Exceptions ☒ Variance ☐ Appeal

What is the specific nature of the request?

I would like a carport, located within the front yard setback.

Project Address: 1825 Yorktown Dr No. of lots: _____ Acreage: _____
 Legal Description (Use attachment if necessary): _____

Current Zoning: _____

I hereby certify that I am the owner of the property and further certify that the information provided on this development is correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and development application. The designated agent shall be the principal contact person for responding to all requests for information on all issues of concern relative to this application.

Signature Owner: Cathy Brown Date: 9

FOR OFFICE USE ONLY

Received: BA-2019-16 Fee: \$ 400
 Case No.: BA-2019-16

Receipt No.: _____
 Reviewed By: J

Abilene
 Reg Dept
 004
 11:25 AM
 Cashier 002
 0002088051 Reg 0002 Tran No 802
 Report: 190909-01 for 09/09/2019
 City of Abilene
 BOARD OF ADJUSTMENT
 2503010-44020
 CATHY BROWN
 Number: 100328 \$400.00
 \$400.00
 (\$400.00)
 you for Your Payment

Variance

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

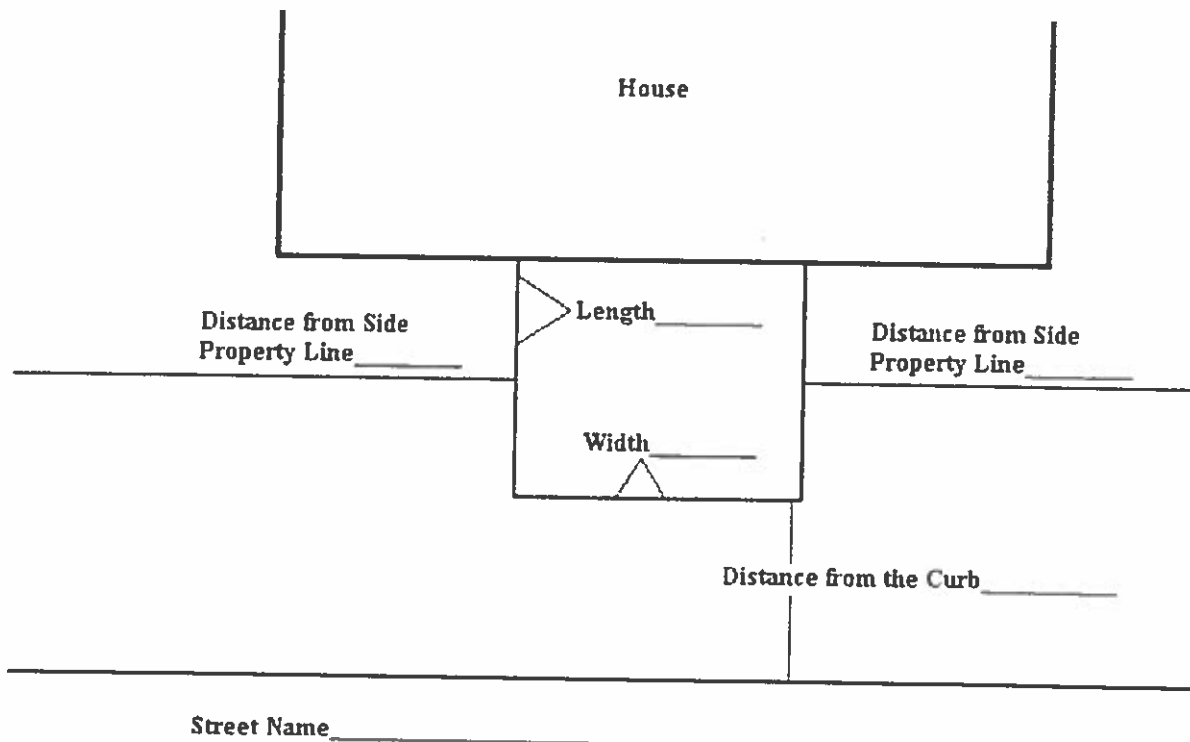
1. Fully describe the unique, special circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and the intent. (This CANNOT be solely caused by the applicant.)

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

House building material: ☒ Brick ☐ Stone ☒ Wood ☐ Other: _____

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

☐ Other _____



BA-2019-17 STAFF REPORT



REQUEST:

The applicant is requesting a 5-foot variance from minimum 10-foot interior side building setback, and a 12-foot variance from minimum 30-foot rear building setback; to permit construction of an addition to the residence which as a result will be set back 5 feet from north side boundary and 18 feet from rear boundary of the property.



APPLICANTS:

Owner: Austin and Callie Roeder

HEARING DATE:

Board of Adjustment:
October 8, 2019

LOCATION AND LEGAL DESCRIPTION:

1725 Woodridge Drive, on Lot 18 in Block L of River Oaks Addition, Section 5

ZONING CLASSIFICATION:

Since 1974, this property and the entire River Oaks Addition have been in a Residential Single-Family (RS-12) zoning district. In RS-12 Districts, the minimum required lot size (12,000 square feet) and building setbacks (for principal buildings) are substantially larger than that required in RS-8 and RS-6 zoning districts of Abilene.

BACKGROUND:

Based on building permit records and historic aerial photos, City staff has compiled the following timeline of building construction on this property:

1. In 1955, the principal residence (with garage attached to northwest corner of residence) was initially constructed.
2. In 1963, a 22' x 30' (660-square-foot) addition was made to residence, directly behind (east of) the attached garage.
3. In 1980, the original attached garage was converted to living space within the residence.
4. In 1982, a 720-square-foot detached accessory building was constructed in the northeast (rear) corner of this lot, separated from the principal residence by approximately 30 feet.

Case # BA-2019-17
September 30, 2019

- a. This accessory building is believed to be set back 5'–7' from the north side boundary of this site, in compliance with zoning regulations in effect (for detached accessory buildings) at the time of its construction. This site is within an RS-12 zoning district where principal buildings are required to be set back at least 10 feet from interior side boundaries. However, detached accessory buildings may be closer than 10 feet from lot boundaries in RS-12 Districts.
 - b. This same accessory building is also believed to be set back 18' from the rear boundary of this site, also in compliance with zoning regulations in effect at the time of its construction. RS-12 zoning generally requires the principal residence to be set back 30 feet from rear lot boundaries; however, detached accessory buildings may be built closer.
 - c. This accessory building is believed to now be occupied as an accessory residence. So long as it comprises no more than 50% of floor area in a principal building on the same lot, then one such accessory residence may be allowed at each home site in any Single-Family Residential zoning district.
5. Sometime during the 1980's, a flat-roofed structure was built to connect the northeast corner of the principal residence with the otherwise detached accessory building (now a residence) in the northeast corner of this lot. Some portions of this connective structure appear to be open-sided, while other portions appear fully-enclosed. No building permit is on file for construction of this connective structure.

PROPOSAL AND REQUESTED ACTION:

During 2018, the subject property was acquired by its present owners. They now desire to remove much if not all of the (unpermitted) connective structure built during the 1980's, replacing it with a garage addition approximately 27 feet wide. **This addition would effectively combine (with solid building mass) the principal and accessory residences into a single building on this lot.** This enlarged building will lie only five feet from the lot's north side boundary and 18 feet from its rear boundary.

In RS-12 zoning districts, the principal building must ordinarily be set back a minimum 10 feet from any interior side lot boundary, and at least 30 feet from the lot's rear boundary.

To obtain a permit for construction of this planned addition, the proponents seek approval of the following two variances from Zoning Regulations:

- a 5-foot variance from the minimum 10-foot building setback required from the north side boundary of this site; and
- a 12-foot variance from the minimum 30-foot building setback required from the rear boundary of this site.

DEVELOPMENT STANDARDS:

Land Development Code Section 2.3.2.3: Residential Single-Family (RS-12) District

- (1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate.
- (2) Preserve open space and avoid overcrowding by requiring certain minimum yards, open spaces, and lot areas.

Land Development Code Table 2-2: Site Layout and Building Requirements for Residential Zoning

This table stipulates that, in RS-12 zoning districts, a minimum 10-foot building setback is required from interior side lot boundaries, and a minimum 30-foot building setback is required from rear lot boundaries.

APPLICATION REVIEW:

Land Development Code Section 1.4.4.2: Variances

(d) Criteria for Approval. A variance is used to modify the application of the Land Development Code [Chapters 2 and 4] as it applies to a specific piece of property. 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 features affecting the land, such that strict application of the provisions of this Code will create an undue hardship or inequity (other than financial) upon or for the applicant in developing the land, or deprive the applicant of reasonable and beneficial use of the land.**

Finding: City staff can discern no special conditions about the subject property or its surroundings that might distinguish this property from others in the same zoning district and subject to the same building setback standards. This building site encompasses 22,000 square feet. It is similar in size and shape to others in the River Oaks Addition.

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	RS-12	single-family residence
South	RS-12	single-family residence
East	RS-12	single-family residence
West	RS-12	single-family residence

Finding: This zoning classification requires substantially lower densities of single-family residential development set back and separated more substantially than in other Single-Family Residential Districts of Abilene. Approving the requested variances will permit the north side and rear setbacks required (of the principal residence) on this particular lot to be less than that required in RS-6 zoning districts of Abilene.

3. **Granting the variance is consistent with the intent of Abilene’s Land Development Code.**

Finding: The RS-12 zoning classification requires the lowest densities of residential development, particularly around the margins of each single-family home site. These lower densities and extensive building setbacks are intended to ensure a substantially open environment that homeowners generally expect and desire in RS-12 zoning districts.

Given the absence of any inherently special conditions about this particular property or its surroundings, approving the requested variances will permit building construction around the margins of this site, inconsistent with the intent of RS-12 Districts in Abilene.

STAFF RECOMMENDATION: Denial, due to the inconsistencies between the request and the criteria for approval in the Land Development Code.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, a notice of requested variance(s) to the applicant and to owners of property within a 200-foot radius of this subject property:

Owner	Situs	Response
BERRY GREGORY P & CARRIE H	1801 WOODRIDGE DR	
BOWLIN CHRISTOPHER &	1726 WOODRIDGE DR	
CANNON VICKIE ANN	1717 WOODRIDGE DR	X
CHAMBERS DONNIE E & MARTHA S	1818 ELMWOOD DR	
COCKERELL JANELL	1810 ELMWOOD DR	
CURNUTT CASEY D & MINDI S	1726 ELMWOOD DR	
GALBRAITH GERALD A	1802 ELMWOOD DR	
HINES LAURA LEE PAGE	1718 WOODRIDGE DR	
PITTMAN JAMES CORY & PENNY L	1709 WOODRIDGE DR	
RANDOLPH STACEY	1802 WOODRIDGE DR	
ROEDER AUSTIN & CALLIE	1725 WOODRIDGE DR	
SMITH STEPHEN L & DANA	1809 WOODRIDGE DR	
SUMMERLIN JEFFREY & KRISTIN	1710 WOODRIDGE DR	
TILBROOK PATTI M	1718 ELMWOOD DR	

ATTACHMENTS:

- Application
- Presentation

OWNER AND/OR AGENT AUTHORIZATION

Owner Name: AUSTIN & GALLIE ROEDER

Address: 1725 WOODBRIDGE DRIVE

City, State, Zip: ABILENE, TEXAS 79605

Fax: _____

Phone: 325-668-3707 Email: AUSTINLROEDER@GMAIL.COM

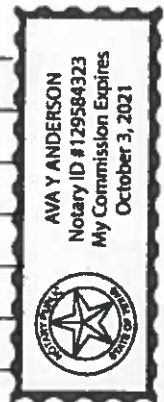
Agent Name: SAME AS OWNER ABOVE

Address: _____

City, State, Zip: _____

Fax: _____

Phone: _____ Email: _____



Ava Y. Anderson

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

Witness my hand this day, of September 9th 2019

☐ Special Exceptions

☒ Variance

☐ Appeal

What is the specific nature of the request?

6' = 4' to neighboring P.L.

WE REQUEST TO EXTEND OVER THE 10' SIDEYARD SETBACK
LINE APPROX. 6' TO ACCOMMODATE THE CONSTRUCTION OF A
2-CAR GARAGE AND NEW DRIVEWAY TO ALLEVIATE A SEVERE
DRAINAGE PROBLEM.

Project Address: 1725 WOODBRIDGE DR.

No. of lots: 1 Acreage: 1/2

Legal Description (Use attachment if necessary): SECTION 5, BLOCK L, LOT 18,
RIVER OAKS ADDITION

Current Zoning: RS 12

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: *A & L Roed*

Date: 9-9-19

FOR OFFICE USE ONLY

Received: 9/9/19 Fee: \$ 400

Receipt No.: 000208805A

Case No.: BA-2019-17

Reviewed By: Jared Smith

Variance

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

1. Fully describe the unique, special circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and the intent. (This CANNOT be solely caused by the applicant.)

THE EXISTING OPEN GARPORT AND INVERTED SLOPE OF THE EXISTING DRIVEWAY CREATES A DRAINAGE PROBLEM WITH WATER ROLLING UP AGAINST THE HOUSE FOUNDATION. REPLACING THE GARPORT WITH AN ENCLOSED GARAGE AND A NEW DRIVEWAY SLOPING AWAY WILL CORRECT THE DEFICIENCY. THE EXISTING SPACE BETWEEN THE HOUSE AND SIDE SETBACK LINE IS NOT SUFFICIENT TO BUILD A GARAGE.

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

House building material: ☐ Brick ☐ Stone ☐ Wood ☐ Other: _____

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

☐ Other _____

The diagram illustrates the layout of a house and a proposed carport relative to property lines and the street. A large rectangle at the top is labeled "House". Below it, a smaller rectangle represents the carport. To the left of the carport, a horizontal line is labeled "Distance from Side Property Line". To the right, another horizontal line is labeled "Distance from Side Property Line". The carport's dimensions are indicated: "Length" for the horizontal side and "Width" for the vertical side. Below the carport, a vertical line is labeled "Distance from the Curb". At the bottom, a horizontal line is labeled "Street Name".

