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**BOARD OF ADJUSTMENT**  
**March 11, 2003**  
**MINUTES**

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A regular meeting of the Board of Adjustment was held on Tuesday, March 11, 2003, at 8:45 a.m., in the City Council Room, Second Floor, City Hall, Abilene, Texas.

**MEMBERS PRESENT:** Wayne Bradshaw, Chairperson  
Morton Langholtz  
Scott Hay, Acting Secretary  
Jim Salisbury  
David Hejl

**MEMBERS ABSENT:** Rick Waldraff

**ALTERNATE MEMBERS  
PRESENT:**

**CITY ATTORNEY:** Dan Santee, City Attorney

**STAFF PRESENT:** Dustin Luensmann, Planner I  
Shannon Meinhold, Planner I  
Helen Clanahan, Senior Secretary

**NEWS MEDIA:**

**VISITORS:** Gary Pullin  
Gene Duchamp  
Cheryl Harding  
Joseph W. Pittman  
Shirley Olson  
Claude Burton  
Bill Mikkeloen  
Ray Young  
Zennear Smith  
Rodney Fletcher, Building Inspection  
and others

**Approval of Minutes:** Morton Langholtz moved to approve the February 11, 2003, minutes. Jim Salisbury seconded the motion. The motion carried by voice vote and the February 11, 2003, minutes were approved.

**AGENDA ITEMS:**

Case No.: BA-1003

**Request:** From Sears Methodist Retirement System, Inc.; agent, The Tittle Luther Partnership, for a Special Exception to allow a nursing home in an RM-3 (Residential Multi-Family) zoning district.

Legal

Description: 50.743 acres out of Subdivision No. 2 of Survey 12 of the Alfred and Mary Fasshauer Subdivision, Abilene, Taylor County, Texas, located at 2617 Antilley Road.

Discussion: Dustin Luensmann gave the staff presentation. He said this request is to allow a nursing home in an RM-3 district.

Notification: Fifteen comment forms were mailed. Three were returned in favor; none in opposition.

The development will be comprised of independent living apartments, assisted living units, a community center and health care services.

Staff

Recommendation: Staff recommends approval.

The public hearing was opened.

Gary Pullin, agent, said this is a permitted use with a special exception. We believe this is an appropriate location. It is a 50 acre development. There will be 30 individual type homes and 80 assisted living homes.

The public hearing was closed.

Vote: Morton Langholtz moved to vote for approval. Scott Hay seconded the motion.

- 5 approvals:
1. Morton Langholtz
  2. Scott Hay
  3. David Hejl
  4. Jim Salisbury
  5. Wayne Bradshaw

Decision: Case BA-1003 was approved.

Case No.: BA-1403

Request: From Joseph W. Pittman for a Special Exception to locate a carport in the front yard.

Legal

Description: Lot 29, Block 26, Section 2, Green Acres Addition, Abilene, Taylor County, Texas, located at 2018 Bridge.

Discussion: Dustin Luensmann gave the staff presentation. He said this is a 12' x 21' carport to be located in the front.

Notification: Twenty-four comment forms were mailed. Three were returned in favor; none in opposition.

He said along this block there are five front carports as well as several side carports. One requirement is compatibility.

Staff

Recommendation: Staff recommends approval.

The public hearing was opened.

Joseph Pittman, proponent, said we need the carport to protect the pick-up. We have a one car garage only.

The public hearing was closed.

Vote: Morton Langholtz moved to vote for approval. Jim Salisbury seconded the motion.

5 approvals:           1. Morton Langholtz  
                              2. Jim Salisbury  
                              3. David Hejl  
                              4. Scott Hay  
                              5. Wayne Bradshaw

Decision: Case BA-1403 was approved.

Case No.: BA-1503

Request: From Hollis Deats; agent, Abilene Portable Buildings, for a Special Exception to locate a carport in the front yard.

Legal

Description: Lot 7, Block D, Wychwood Plaza Addition, Abilene, Taylor County, Texas, located at 2810 Ivanhoe.

Discussion: Dustin Luensmann gave the staff presentation. He said proposed is a 20' x 24' carport in the front. There are two alleys that surround the property.

Notification: Twenty-two comment forms were mailed. Two were returned in favor; five in opposition. The comments in opposition stated the proponent has a two car garage. Also if granted, other property owners will want one.

He said there are no other carports along Ivanhoe.

Staff

Recommendation: Staff recommends denial.

Mr. Santee asked when a person gets a side carport, are they required to come before this Board.

Mr. Luensmann said, no, they would be required to meet the setback requirements. Putting it in the front will set a precedence in the area. Having a carport in the front will significantly alter the look of the house.

The public hearing was opened.

Ray Young, agent, said the primary reason for the carport is the proponent has a restored old pick-up. He wants to keep it in the garage so the other vehicles will have to be kept outside. The other carport is on Ivanhoe. There are other carports in the area. He believes the special exception is in order.

Mr. Langholtz said the house presently has a two car garage.

Mr. Young said, yes.

Mr. Santee said a special exception request is on a case by case basis. No other special exceptions have been granted in the area.

The public hearing was closed.

**Vote:** Jim Salisbury moved to vote for denial. Morton Langholtz seconded the motion.

- 5 approvals:
1. Jim Salisbury
  2. Morton Langholtz
  3. David Hejl
  4. Scott Hay
  5. Wayne Bradshaw

**Decision:** Case BA-1503 was denied.

**Case No.:** BA-1603.

**Request:** From Claude A. Burton for a Special Exception to locate a carport in the front yard.

**Legal**

**Description:** Lot 2, Block M, Section 2, Bel Air Addition, Abilene, Taylor County, Texas, located at 3672 North 10<sup>th</sup> Street.

**Discussion:** Dustin Luensmann gave the staff presentation. He said proposed is a 10' x 20' carport in the front.

**Notification:** Twenty-three comment forms were mailed. Two were returned in favor; none in opposition.

He said one of the things to be considered is compatibility. There are four other carports in the front as well as numerous side carports.

**Staff**

**Recommendation:** Staff recommends approval.

The public hearing was opened.

Claude Burton, proponent, said years ago when their children were home, they had to enclose the garage. He just recently bought a new car and wants to protect it. We tried to keep it as far back as could.

Mr. Langholtz asked who will build the carport.

Mr. Burton said he will have someone to help him. It will be a metal carport.

The public hearing was closed.

**Vote:** Morton Langholtz moved to vote for approval. Jim Salisbury seconded the motion.

5 approvals:

1. Morton Langholtz
2. Jim Salisbury
3. David Hejl
4. Scott Hay
5. Wayne Bradshaw

**Decision:** Case BA-1603 was approved.

**Case No.:** BA-1703

**Request:** From Robert D. Wheat for a 10' variance from the 20' exterior side setback requirement for an accessory structure.

**Legal**

**Description:** Lot 616, a replat of Lot 515 and the remainder of Lot 416, Block B, Lytle Place Addition, Abilene, Taylor County, Texas, located at 1105 Lytle Creek Drive.

**Discussion:** Dustin Luensmann gave the staff presentation. He said proposed is to construct a 25' x 16' structure in the rear. There is a 20' setback requirement. It is proposed to be 8' from the house and 10' from the property line.

**Notification:** Eleven comment forms were mailed. One was returned in favor; none in opposition. There were several phone calls with the main concern being the type of building material to be used.

He said typically bypassed lots have a harder time putting a structure on them. Staff did not find a hardship.

**Staff**

**Recommendation:** Staff recommends denial.

The public hearing was opened.

Robert Wheat, proponent, said that Mike Waters returned his comment and is in favor. He just wants an accessory building. He needs a variance to be able to build the building. The material will match the house. He feels it will improve the quality of the neighborhood. It will mainly be storage and workshop. It will be a wood frame. If required, he will brick it.

Mr. Hay asked if he has visited with any of the people returning comment forms.

Mr. Wheat said he talked with some and they said no problem. The next door neighbor had no problem with the request. He does not want to build anything that will detract from the neighborhood.

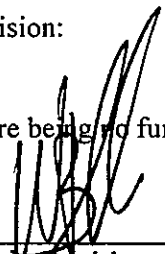
The public hearing was closed.

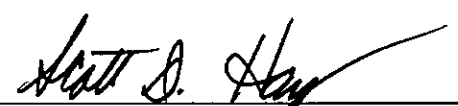
Vote: Morton Langholtz moved to vote for approval. David Hejl seconded the motion.

- 5 approvals:
1. Morton Langholtz
  2. David Hejl
  3. Jim Salisbury
  4. Scott Hay
  5. Wayne Bradshaw

Decision: Case BA-1703 was approved.

There being no further business, the Board of Adjustment meeting adjourned at 9:10 a.m.

  
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Wayne Bradshaw, Chairperson

  
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Scott Hay, Acting Secretary