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**BOARD OF ADJUSTMENT**  
**May 13, 2003**  
**MINUTES**

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A regular meeting of the Board of Adjustment was held on Tuesday, May 13, 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  
Jim Salisbury  
Rick Waldraff, Secretary

MEMBERS ABSENT:

ALTERNATE MEMBERS  
PRESENT: Clint Rosenbaum

CITY ATTORNEY: Dan Santee, City Attorney

STAFF PRESENT: Dustin Luensmann, Planner I  
Jeff Armstrong, Development Services Manager  
Shannon Meinhold, Planner I  
Helen Clanahan, Senior Secretary

NEWS MEDIA:

VISITORS: R.D. McCollough  
Mrs. Beth Tiller  
Ray Young  
Joey Light  
Louisa Boyd Heiser  
Bob Bein  
Jeff Luther  
Louis R. Rosetti  
Rodney Fletcher, Building Inspection  
and others

Approval of Minutes: Morton Langholtz moved to approve the April 8, 2003, minutes. Jim Salisbury seconded the motion. The motion carried by voice vote. The April 8, 2003, minutes were approved.

AGENDA ITEMS:

Case No.: BA- BA-2303

Request: From Norman Morrison; agent, Abilene Portable Building, for a Special Exception to locate a carport in the front yard.

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Legal

Description: Lot 15, Block 6, Section 3, Northwood Addition, Abilene, Taylor County, Texas, located at 2126 Marsalis.

Discussion: Dustin Luensmann gave the staff presentation. He said proposed is a 30' x 20' carport in front. The parkway is 12' and the setback requirement is 25'. As proposed the carport will be 17' from the curb.

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

He said compatibility with surrounding land is one thing we look at. Along this block there are two other carports.

Staff

Recommendation: Staff recommends approval.

The public hearing was opened.

Ray Young, agent, said the primary reason for the carport is to protect vehicles from storms.

Mr. Salisbury asked if there was an existing garage.

Mr. Young said he does not know.

Mr. Luensmann said there is an existing two-car garage.

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. Jim Salisbury
  4. Rick Waldraff
  5. Wayne Bradshaw

Decision: Case BA-2303 was approved.

Case No.: BA-2403

Request: From Wylie Independent School District; agent, Joey Light, for (1) a 35 square foot variance from the maximum 25 square feet allowed for a pole sign; (2) a 12' variance from the maximum height of 8' for a pole sign; and (3) a variance to allow illumination and motion for a pole sign.

Legal

Description: 2.25 acres out of A. Greenwall Survey 100, Abilene, Taylor County, Texas, located at 7049 Buffalo Gap Road.

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Discussion: Dustin Luensmann gave the staff presentation. He said the maximum for a pole sign in the COR is 25 square feet in area and 8' in height and does not allow motion or illumination. Proposed would be a sign 20' in height and 60 square feet and contain motion and illumination. The COR is a gateway into the City where there are special restrictions.

Notification: Eight comment forms were mailed. One was returned in favor; none in opposition.

He said in this zoning district the height allowed in this area is 10'. In the past COR sign regulations have only been enforced during the site plan process and would not have to meet the COR requirements. The staff interprets the corridor sign regulations to any new sign that is proposed to be constructed in the area.

Staff

Recommendation: Staff recommends denial.

The public hearing was opened.

Joey Light, agent, said the State of Texas encourages us to stay in touch with our constituents and our school board encourages this also. One way is to have better communication. This is why we need this sign. It will be similar to the Civic Center and Abilene High School. As was mentioned earlier, there are several signs across the street that do not meet the restrictions.

Mr. Bradshaw asked if they could do anything smaller.

Mr. Light said in the process we talked with sign companies and were offered the sign by a donator and they came with this proposal so we do not know where all the issues lay with that. He knows the smaller the sign the more difficult it will be to read the marquee. We hope to have this one sign for all the schools at this one location.

Mr. Langholtz asked if a lower sign would give as much exposure.

Mr. Light said there is a drop-off and we feel there would be a problem.

The public hearing was closed.

Mr. Langholtz said he does not see a need to put up a rotating and illuminated sign.

Mr. Waldraff said he feels it could be justified since it sets back, they could receive a variance.

Mr. Bradshaw said he believes the square footage is a little large.

Mr. Hay said he does not see it as much difference, however, what is there now.

Vote: Jim Salisbury moved to vote for denial of request (1). Morton Langholtz seconded the motion.

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2 approvals:           1. Jim Salisbury  
                              2. Morton Langholtz

3 denials:             1. Scott Hay  
                              2. Rick Waldruff  
                              3. Wayne Bradshaw

Scott Hay moved to vote for approval of request (2). Rick Waldruff seconded the motion.

3 approvals:           1. Scott Hay  
                              2. Rick Waldruff  
                              3. Wayne Bradshaw

2 denials:             1. Morton Langholtz  
                              2. Jim Salisbury

Scott Hay moved to vote for approval of request (3). Rick Waldruff seconded the motion.

4 approvals:           1. Scott Hay  
                              2. Rick Waldruff  
                              3. Morton Langholtz  
                              4. Wayne Bradshaw

1 denial:              1. Jim Salisbury

Decision:             Case BA-2403 was denied for requests (1) and (2) and approval of request (3).

Case No.: BA-2503

Request:              From Louis R. Rosetti for a Special Exception to locate a carport in the front yard.

Legal

Description:          Lot 7, Block 7, Section 1, Green Acres Addition, Abilene, Taylor County, Texas, located at 1301 Glenhaven.

Discussion:          Dustin Luensmann gave the staff presentation. He said the request is for an 18' x 20' carport. The parkway is 12' and the setback requirement is 20'. As proposed the carport will be 19' from the curb.

Notification:         Thirty-four comment forms were mailed. Two were returned in favor; one in opposition.

He said there are four other carports along this block and staff feels it is reasonable.

Staff

Recommendation:    Staff recommends approval.

The public hearing was opened.

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Louis Rosetti, proponent, said years ago the garage was converted into living area. For many years there was no reason for a carport. Within the last two years we have had a problem with animals and birds. We cannot continue having to wash vehicles all the time with the water restrictions. Also we cannot leave toys outside because of bird droppings. We have had to park on the public street and have had vandalism. We want to have the carport the legal way. The carport will not be an eyesore.

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. Scott Hay
4. Rick Waldraff
5. Wayne Bradshaw

Decision: Case BA-2503 was approved.

Case No.: BA-2603

Request: From Mrs. Rod Tiller; agent, R.D. McCollough, for a 400 square foot variance from the 800 square feet maximum floor area allowed for an accessory structure in an RS-8 zoning district.

Legal

Description: Lot 226, Block R, Richland Acres Addition, Abilene, Taylor County, Texas, located at 1474 Roanoak.

Discussion: Dustin Luensmann gave the staff presentation. He said proposed is a structure that will be 40' x 30' in size. The maximum square footage allowed in RS-8 is 800 square feet. As proposed, the structure will be 1200 square feet.

Notification: Nineteen comment forms were mailed. Three were returned in favor; one in opposition.

He discussed the requirements necessary for a variance. The applicant's property is over 13,000 square feet in size. The area across the alley is zoned RS-12 and can build a 1200 square foot structure. The applicant does have enough room.

Staff

Recommendation: Staff recommends approval.

The public hearing was opened.

Richard McCollough, agent, said they are in the process of building the house. The proponent presently has a 30' x 28' shop and wants to have that size at this location. They will use the shop to park a long bed pick-up. The structure will be for storage only.

The public hearing was closed.

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Vote: Jim Salisbury moved to vote for approval. Scott Hay seconded the motion.

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

Decision: Case BA-2603 was approved.

Case No.: BA-2703

Request: From Louisa Boyd Heiser for (1) a 2' variance from the 3' interior side setback requirement; and (2) a Special Exception to locate a carport in the front yard.

Legal

Description: Lot 2, Block 3, Norman S. Lawler Subdivision, Abilene, Taylor County, Texas, located at 2010 Palm.

Discussion: Dustin Luensmann gave the staff presentation. He said the parkway is 15' and the setback requirement is 20'. As proposed the carport will be 20' from the curb. The interior side setback requirement is 3' and they propose to be 1'.

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

He said as to compatibility, there are four other carports along this street.

Staff

Recommendation: Staff recommends approval of the carport but denial of the interior setback variance request.

The public hearing was opened.

Louisa Heiser, proponent, said we would like to have this carport to protect our vehicles. The garage was made into a room before we bought the house.

Mr. Bradshaw said the City stated they had a problem with the variance request.

Mrs. Heiser said we could not protect the two vehicles without the 2'.

Mr. Luensmann said the driveway extends to within a foot of the property line and that is the reason they are requesting the variance.

The public hearing was closed.

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

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

Morton Langholtz moved to vote for approval of the variance request. Rick Waldruff seconded the motion.

- 4 approvals:
1. Morton Langholtz
  2. Rick Waldruff
  3. Scott Hay
  4. Wayne Bradshaw

- 1 denial:
1. Jim Salisbury

Decision: Case BA-2703 was approved

Case No.: BA-2803

Request: From Lee Moore; agent, Robert Bein II, for a 14' variance from the 25' exterior side setback requirement for an addition to a residence.

Legal

Description: The south ½ of Lot 3 and all of Lots 4, 5 & 6, Block 5, Highlands Addition, Abilene, Taylor County, Texas, located at 865 Sayles Blvd.

Discussion: Dustin Luensmann gave the staff presentation. He said the addition will be 11' from the property line. The exterior side setback requirement is 25' with a parkway of 8'. As proposed the addition will be 19' from the curb.

Notification: Fourteen comment forms were mailed. One was returned in favor; none in opposition.

He said anything that is done on the exterior has to be approved by the Landmarks Commission. There is a 10' wall. The addition will be almost invisible to nearby residences.

Staff

Recommendation: Staff recommends denial.

The public hearing was opened.

Bob Bein, agent, said the proponent decided to move his master bedroom downstairs. He wants to modify the pool house to make a master bedroom. There is no room for a closet. It will look like the area around it. One cannot see it from the street. There is no other place to build the structure.

Mr. Bradshaw asked the reason for moving the bedroom downstairs.

Mr. Bein said he was not sure.

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The public hearing was closed.

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

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

Decision: Case BA-2803 was approved.

Case No.: BA-2903

Request: From Travis O. Mazy for a Special Exception to locate a carport and porch in the front yard.

Legal Description: Lot 5, and the west 24' of Lot 6, Block J, W.B. Hale Subdivision, Abilene, Taylor County, Texas, located at 1733 South 23<sup>rd</sup> Street.

Discussion: Dustin Luensmann gave the staff presentation. He said the proposed carport is 12' x 25'. The parkway is 15' and the setback requirement is 20'. As proposed the carport will be 20' from the curb.

Notification: Twenty-five comment forms were mailed. Four were returned in favor; none in opposition.

He said there are thirteen carports in this area.

Staff

Recommendation: Staff recommends approval.

Travis Mazy, proponent, said the reason they need the carport is to protect their vehicles. The neighbors have a large tree and it overhangs his driveway. His neighbors have carports and he would like to be in line with theirs.

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. Jim Salisbury
  4. Rick Waldraff
  5. Wayne Bradshaw

Decision: Case BA-2903 was approved.



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Case No.: BA-3003

Request: From Mr. & Mrs. Kent Strain; agent, Jeff Luther, for a 20' variance from the 25' exterior side setback requirement for an addition to a residence.

Legal

Description: Lot 9, and the south 15' of Lot 8, Block 9, Elmwood Addition, Abilene, Taylor County, Texas, located at 1173 Hollis.

Discussion: Dustin Luensmann gave the staff presentation. He said proposed is to construct an addition to the residence. The parkway is 15' and the exterior side setback is 25'. As proposed the addition will be 20' from the curb.

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

He discussed the conditions for a variance. The applicant's property is 69' in width. The setback requirement is rather large with the size of the lot. Typically the middle lots are smaller than the corner lots. This lot is 69' and other lots are 75'.

Staff

Recommendation: Staff recommends approval.

The public hearing was opened.

Jeff Luther, agent, said he will answer any questions.

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. Scott Hay
  4. Rick Waldraff
  5. Wayne Bradshaw

Decision: Case BA-3003 was approved.

Case No.: BA-3103

Request: From Anicaio Gonzales, agent, Battles Home Improvement for a Special Exception to locate a carport in the front yard.

Legal

Description: Lot 23, Block 4, Arthel Henson Subdivision, Abilene, Taylor County, Texas, located at 1309 Park.

Discussion: Dustin Luensmann gave the staff presentation. He said proposed is a 10' x 20' carport. It would be 30' from the curb. The requirement would be 35' from the curb.

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Notification: Twenty-two comment forms were mailed. None were returned.

He said as to compatibility, there are four other carports on the block.

Staff

Recommendation: Mr. Waldraff asked if the other carports were attached.

Mr. Luensmann said most carports in front are attached in some way.

The public hearing was opened.

The proponent was not present.

Vote: Morton Langholtz moved to table the request. Scott Hay seconded the motion.

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

Decision: Case BA-3103 was tabled.

There was discussion about the school sign.

Mr. Waldraff asked if the Board can allow Wylie School to come back because of confusion by the Board.

Mr. Santee said that would be the Planning staff's decision.

Mr. Langholtz asked about clarification in the interpretation of substantial change.

Mr. Bradshaw asked if the Board can go back during this meeting and make a decision on the square footage.

Mr. Hay said that was where the confusion was when he made the motion to approve the request. He thought that was it and he could not make a motion.

There was discussion concerning the sign request.

Mr. Waldraff asked if they can table the request now.

Mr. Bradshaw said he will reopen BA-2403.

Mr. Waldraff said he would like to at least allow the proponent to come back to request a smaller sign.

Mr. Salisbury said the confusion was brought up. That was not answered.

Mr. Hay said he agreed with what the proponent discussed and feel it will be a benefit to the public and help them.

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Mr. Langholtz said he believes that large a sign will be ugly.

Mr. Salisbury said they could put the sign at another location.

Mr. Luensmann said the largest pole sign is 10' in the COR. This is at the corner of two arterials and if they wanted to have a place to have it, this would be the place.

Mr. Hay said this location would be the place instead of one of the other campuses. He said existing signs are already there.

Mr. Salisbury said he believes there is some place where the line has to be drawn.

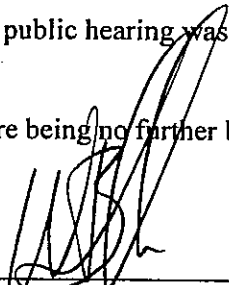
Mr. Bradshaw said a 5' x 5' sign could not be seen from the car.

Mr. Luensmann said he was asked about the COR Overlay in residential and office districts. He discussed those requirements.

Mr. Santee discussed how variances are a different issue. He talked with Mr. Armstrong about other options. If they bring back the pole sign request that is a different process.

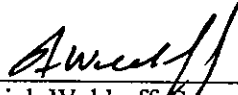
The public hearing was closed.

There being no further business, the Board of Adjustment meeting was adjourned at 10:05 a.m.



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Wayne Bradshaw, Chairperson



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Rick Waldruff, Secretary

