
BOARD OF ADJUSTMENT

October 11, 2005

Minutes

Members Present: Wayne Bradshaw
Scott Hay
Morton Langholtz
Jim Salisbury

Members Absent: Rick Waldruff

Alternates Present: David Hejl
Tim Cook

Staff Present: Justin Fortney, Planner I
Gloria Brownell, Planner I
Dan Santee, City Attorney
Rodney Fletcher, Permit Specialist
Jeff Armstrong, Development Services Manager

Mr. Bradshaw, Chair, called the meeting to order at 8:30 AM and declared a quorum present.

The minutes of the September 13, 2005 meeting were unanimously approved.

Agenda Item BA-2005-63, Request for a Special Exception to locate a carport in the front yard setback at 1150 Lillius Street.

Mr. Fortney presented the staff report. The applicant proposes constructing a carport in the front yard over a surface that must be improved prior to receiving a building permit. The applicant does have room to build a carport on the south side of the house. The special exception to build carports in front yard setbacks was created under the assumption that there was no other location to construct a carport on the property. However, this is not one of the criteria that must be met before a special exception can be granted, but the Board can take it into consideration. The proposed carport would be 15 feet from the front property line and 30 feet from the curb on Lillius Street. There are 3 front carports in the general area.

Staff recommended approval of the Special Exception. Three comment forms were returned in favor of the request and none in opposition.

Mr. Bradshaw opened the public hearing. Olivia Cruz, applicant, spoke in favor of the request. She stated that she and her husband had also applied for a driveway permit but the rain was holding up construction. Mr. Bradshaw stated that it would fulfill the requirement for an improved surface under the proposed carport. He asked why the applicant did not use the garage. Ms. Cruz stated that the garage was used mostly for storage and laundry facilities. Mr. Langholtz asked why they did not want to place the carport on the side of the house where there was sufficient space to comply with current regulations. Ms. Cruz said that they needed room to park two vehicles and that would only provide space for one.

Mr. Bradshaw closed the public hearing.

Mr. Hay made a motion to approve the request based on the following findings:

Compatibility With Surrounding Land Uses: There are several front carports in the vicinity of the request.

Effect on Public Facilities: There are no negative effects on public facilities from a front carport at this location.

Relationship to the Intent of the Regulation: This request is in an area with several other front carports and is, therefore, consistent with the intent of the regulation.

Mr. Langholtz seconded the motion, which passed by a vote of 4 in favor and 1 opposed.

Agenda Item BA-2005-64, Request for a Special Exception to locate a carport in the front yard setback at 2341 South 27th Street.

Mr. Fortney presented the staff report. The applicant proposes constructing a carport in the front yard over an existing driveway. This property and some of the nearby properties are developed with single-family homes with commercial businesses to the north and east. The proposed carport would be 8.5 feet from the front property line and 19 feet from the curb on S 27th Street.

Staff recommended approval of the Special Exception. No comment forms were returned in favor of or in opposition to the request.

Mr. Santee asked if the carport on the neighboring property had similar dimensions to the one being requested. Mr. Fortney stated that the proposed carport would be 19' from the curb and that the neighboring carport appeared to be closer than that in the picture.

Mr. Bradshaw opened the public hearing. No one spoke in favor or opposition.

Mr. Bradshaw closed the public hearing.

Mr. Bradshaw asked if the property owner had been notified about the meeting. Mr. Fortney confirmed that he had and said that Abilene Portable Buildings was listed as the agent for the request. Mr. Santee stated that they usually provide a representative in place of the applicant. Mr. Bradshaw asked the age of the property owner and Mr. Fortney stated that he was not sure because he had never spoken directly with him.

Mr. Langholtz made a motion to approve the request based on the following findings:

Compatibility With Surrounding Land Uses: There is one front carport in the immediate vicinity of the request and many in the general area.

Effect on Public Facilities: There are no negative effects on public facilities from a front carport in this location.

Relationship to the Intent of the Regulation: This request is in an area with several other front carports and is, therefore, consistent with the intent of the regulation.

Mr. Hejl seconded the motion, which passed by a vote of 5 in favor and 0 opposed.

Agenda Item BA-2005-65, Request for a Special Exception to locate a carport in the front yard setback at 2142 Woodard Street.

Mr. Fortney presented the staff report. The applicant proposes constructing a carport in the front yard over an existing driveway. The proposed carport would be 5 feet from the front property line and 17 feet from the curb on Woodard Street. Staff recommended approval of the Special Exception. Two comment forms were returned in favor of the request and one in opposition.

Mr. Bradshaw opened the public hearing. Timothy Falkner, agent, spoke in favor of the request. He stated that he was representing Mrs. Huffman and asked if the Board had any questions.

Mr. Bradshaw closed the public hearing. Mr. Hay stated that the request met the terms of compatibility even if one neighboring property owner was opposed.

Mr. Langholtz made a motion to approve the request based on the following findings:

Compatibility With Surrounding Land Uses: There are four front carports in the immediate vicinity of the request.

Effect on Public Facilities: There are no negative effects on public facilities from a front carport in this location.

Relationship to the Intent of the Regulation: This request is in an area with several other front carports and is, therefore, consistent with the intent of the regulation.

Ms. Hay seconded the motion, which passed by a vote of 5 in favor and 0 opposed.

Agenda Item BA-2005-66, Request for a Special Exception to locate a carport in the front yard setback at 2541 South 25th Street.

Mr. Fortney presented the staff report. The applicant proposes constructing a carport in the front yard over an existing driveway. The proposed carport would be 7 feet from the front property line and 19.5 feet from the curb on Lillius Street. Staff recommended approval of the Special Exception. Five comment forms were returned in favor of the request and one in opposition.

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Mr. Bradshaw opened the public hearing. Milton Tischler, agent, spoke in favor of the request. He stated the building specifications for the structure and explained that it would be painted to match the trim on the existing home. Mr. Langholtz asked if he constructed carports for a living. Mr. Tischler stated that he owned some rental property in Buffalo Gap and had constructed carports in the past. Mr. Santee asked if he had already begun constructing the carport. Mr. Tischler stated that he had temporarily placed some poles in the ground so the applicant could see if she liked the size and placement. He added that the steel frame would be attached to the house for insurance purposes.

Mr. Bradshaw closed the public hearing.

Mr. Hejl made a motion to approve the request based on the following findings:

Compatibility With Surrounding Land Uses: There are several front carports in the immediate vicinity of the request.

Effect on Public Facilities: There are no negative effects on public facilities from a front carport in this location.

Relationship to the Intent of the Regulation: This request is in an area with several other front carports and is, therefore, consistent with the intent of the regulation.

Mr. Langholtz seconded the motion, which passed by a vote of 5 in favor and 0 opposed.

There being no further business, the meeting was adjourned at 8:50 A.M.

Approved: _____, Chairman
