

---

**BOARD OF ADJUSTMENT**  
**September 12, 2006**  
**Minutes**

---

Members Present: Wayne Bradshaw  
Rick Waldraff  
David Hejl  
Morton Langholtz

Members Absent: Scott Hay

Alternates Present: Tim Cook

Staff Present: Justin Fortney, Planner I  
Gloria Brownell, Planner I  
Rodney Fletcher, Permit Specialist  
Dan Santee, Assistant City Attorney

Mr. Bradshaw, Chair, called the meeting to order at 8:35 AM and declared a quorum present.

The minutes from the meeting on August 8, 2006 were unanimously approved.

**Agenda Item BA-2006-49, Request for a Special Exception to locate a carport on the front setback on property located at 633 S. LaSalle Drive.**

Mr. Fortney presented the staff report. 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. The applicant wishes to construct a 12' by 20' carport up to their home over an existing driveway. The proposed carport would be 15' feet from the front property line and 27 feet from S. La Salle Drive. There are several other carports in the area. The request is compatible with the area and consistent with the intent of the regulation. Staff foresees no negative effects on public facilities from the request.

Staff recommended approval of the request. One comment form was received in favor and none in opposition.

Mr. Bradshaw opened the public hearing. Ray Young of Abilene Portable Buildings, agent, spoke in favor of the request. He said that the applicants own several cars and the existing garage cannot accommodate all of them. He stated that there are several other carports in the area.

Mr. Bradshaw closed the public hearing. Mr. Langholtz made a motion to approve the request based on the following findings:

Compatibility With Surrounding Land Uses: There are other front carports in the area surrounding the request.

Effect on Public Facilities: There are no negative effects on public facilities.

Relationship to the Intent of the Regulation: The proposal is consistent due to other similar improvements in the area.

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

**Agenda Item BA-2006-50, Request for a Special Exception to locate a carport on the front setback on property located at 1018 S. 14<sup>th</sup> Street.**

Mr. Fortney presented the staff report. The applicant wishes to construct a 13' by 10' carport up to their home. The applicant would have to install an improved parking surface under the carport prior to having the building permit finalized. The proposed carport would be 6' feet from the front property line and only 12 feet from South 14<sup>th</sup> Street. There are no carports in the notification area except for an existing carport on the applicant's property. The only carports in the area are south of South 14<sup>th</sup> Street. For this reason, staff believes this request is compatible with the area and consistent with the intent of the regulation. Staff foresees no negative effects on public facilities from the request.

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

Mr. Hejl asked how the applicant proposed to access the carport and Mr. Fortney said that he suspected it would be from the adjacent alley. Mr. Waldruff asked if that would make it a side carport instead of a front carport. Mr. Fortney explained that the structure would be in the front yard setback so it would officially be considered a front carport.

Mr. Bradshaw opened the public hearing. Gilbert Gentry, applicant, spoke in favor of the request. Mr. Bradshaw asked him if the carport would cover the silver car shown parked on the front yard in several of the photographs in the staff presentation. Mr. Gentry stated that he planned to sell the car and that he did not plan to park any other vehicles in the front yard. Mr. Waldruff asked if he would access the carport from the alley. Mr. Gentry said that he originally planned to come in through the existing driveway on S. 14<sup>th</sup> Street and drive across the yard, but that he could come in either way.

Mr. Bradshaw closed the public hearing. Mr. Santee mentioned that the Board could require access from the alley. Mr. Waldruff asked to see the map showing other carports in the area and noted that there were no others along S. 14<sup>th</sup> Street. Mr. Langholtz commented that the other nearby carports were in a completely different neighborhood further south than the request. Mr. Bradshaw stated that there was already another carport on this property. Mr. Waldruff and Mr. Langholtz stated their opinions that the other carport on the same property did not constitute compatibility with the surrounding area.

Mr. Waldruff made a motion to deny the request based on the following findings:

Compatibility With Surrounding Land Uses: The use is not compatible because it would be the second carport on the same property in an area with no other front carports.

Effect on Public Facilities: There are no negative effects on public facilities.

Relationship to the Intent of the Regulation: The proposal is not consistent with the intent of the regulation.

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

**Agenda Item BA-2006-51, Request for a Special Exception to locate a carport on the front setback on property located at 1417 Woodridge Drive.**

Ms. Brownell presented the staff report. The applicant intends to construct a 20' x 22' porte-cochere extending over the existing circle drive in front of the home. The proposed structure would be 21 feet from the front property line and 33 feet from the curb on Woodridge Drive. Staff feels that the use could be considered compatible if conditions were made to ensure that the design and building materials of the proposed structure were consistent with the existing home. Furthermore, the existence of a similar improvement on the adjacent street makes the use compatible with the overall character of the neighborhood.

Staff recommended approval with the condition that the building materials, roof design, and columns are consistent with the existing home. Three comment forms were received in favor of the request and none in opposition. Mr. Langholtz asked why this structure would be considered differently than a normal addition to the home and Ms. Brownell explained that it would be classified as a carport under the Building Code because it would not be enclosed.

Mr. Bradshaw opened the public hearing. L. Matthews of Battles Home Improvement, agent, spoke in favor of the request. Mr. Langholtz asked him what materials would be used for the structure and he stated that the bricks and shingles would be the same as the existing home.

Mr. Bradshaw closed the public hearing. Mr. Waldruff asked if this request would make it easier for other property owners to justify carports in the future. Mr. Santee explained that it would not necessarily make another carport compatible, especially if the materials created a very different appearance. Mr. Langholtz asked if it would still need a Special Exception if it was an addition instead of a carport. Ms. Brownell explained that it would have been a variance request instead and that the structure is considered a carport because it would be open on more than two and three-quarters sides. Mr. Waldruff asked what other factors could be considered for compatibility. Mr. Santee suggested the character of the neighborhood and the support from the neighboring properties. Mr. Waldruff asked how staff addressed the three criteria to approve the Special Exception. Ms. Brownell explained that conditions requiring similar building materials and design made the use more compatible, and that there was a similar structure on the street directly west of the subject parcel.

Mr. Langholtz made a motion to approve the request with the condition that the building materials, roof design, and columns are consistent with the existing structure, based on the following findings:

Compatibility With Surrounding Land Uses: There are no front carports along Woodridge Drive, but there is one porte-cochere at the southern end of River Oaks Road, the next street to the west.

Effect on Public Facilities: There are no negative effects on public facilities.

Relationship to the Intent of the Regulation: Since this proposed porte-cochere is in an area with one other porte-cochere, the proposal is considered consistent with the intent of the regulation only if the appearance of the structure is designed to blend with the appearance of the existing home. The conditions ensure that the structure will meet this standard.

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

**Agenda Item BA-2006-52, Request for (1) a Temporary Permit for a Construction Office (temporary) and (2) a Temporary Permit for a Subdivision Sales Office (temporary) on property located at 202 Sugarberry Avenue.**

Ms. Brownell presented the staff report. The applicant developed the subdivision and is currently selling numerous lots to various homebuilders for development. The agent intends to build several homes and is requesting to locate a Construction Office and Subdivision Sales Office in the neighborhood to oversee construction and facilitate sales of finished homes. They propose to place a travel trailer on the property where they will be constructing a model home as it is being built. Once complete, the model home would be used as a Subdivision Sales Office for the duration of the one year limit. The Temporary Construction Office will be clearly visible as vehicles enter the subdivision and will not be appropriate once people begin to occupy the finished homes. Furthermore, the travel trailer is not equipped to comply with accessibility and building standards, so the model home must be complete prior to any sales occurring on site. If approved the ordinance states that the approval is good for one year. The applicant may ask for up to two 6-month extensions if active construction by the agent continues within the subdivision, until the subdivision is 90% complete.

Staff recommended approval of the Temporary Permit for the Construction Office with the condition that it expires at the end of 6 months or whenever the model home passes its final inspection, whichever occurs first. Staff recommended approval of the Temporary Permit for the Subdivision Sales Office with the condition that the use can only take place in the model home after it has passed its final inspection. The applicant owns all the property in the city limits within a 200-foot radius of the request, so no comment forms were returned in favor or opposition.

Mr. Bradshaw opened the public hearing. Jesse Evans of R.J. Legends Homes, agent, spoke in favor of the request. Mr. Bradshaw asked if he could live without the Subdivision Sales Office until the model home was complete and Mr. Evans confirmed that he could. Mr. Langholtz

asked why the requests were being brought at the same time and Ms. Brownell explained that it would avoid the agent needing to come back before the Board to request the Subdivision Sales Office at a later date. Mr. Bradshaw asked why he would need the Construction Office and Mr. Evans explained that his company would use it as a central location for operations as the constructed several homes in the neighborhood. Mr. Waldruff asked how many homes they would be building and Mr. Evans said 76.

Mr. Bradshaw closed the public hearing. Mr. Hejl made a motion to approve both requests with the following conditions:

- (1) The Temporary Permit for the Construction Office shall expire in 6 months or when the final inspection of the model home has been approved, whichever occurs first.
- (2) The Subdivision Sales Office shall occupy only the model home after the final inspection has been approved and shall be permitted to remain for the remainder of the one year period allowed under the Temporary Permit.

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

**Agenda Item BA-2006-53, Request for a 6' variance from the 15' exterior side setback requirement on property located at 2865 Beech Street.**

Ms. Brownell presented the staff report. The applicant proposes to construct a modestly sized home on a substantially narrow parcel with only 44 feet in width. The lots were subdivided in 1923 under very different regulations than are in effect today. Current standards would require a minimum width of 60 feet, 16 feet wider than the subject parcel. The lot would be difficult to develop without a variance and the applicant's request for only a 6-foot variance is reasonable. The lot is peculiar because of its substandard width, which creates a hardship due to the severe reduction in buildable area. Staff foresees no negative effects on public health, safety, or welfare since the structure would still allow sufficient visibility at the nearby intersection.

Staff recommended approval of the variance. One comment form was returned in favor and none in opposition. Mr. Langholtz asked if the adjacent street would ever need to be widened, which would reduce the size of the lot even further. Ms. Brownell explained that it already had 50 feet of dedication, which is a standard width for a residential street under current standards.

Mr. Bradshaw opened the public hearing. Kevin Coleman of Habitat for Humanity, applicant, spoke in favor of the request. He stated that the home was being built for one of three local single-parent families. Without the variance, a home could not be built on the lot so they would probably add the property to the adjacent lot, which is occupied by another Habitat for Humanity home that was recently completed. Mr. Waldruff asked if they sell the homes once they are complete, and Mr. Coleman explained that the families provide either money or labor as their down payment.

Mr. Bradshaw closed the public hearing.

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

Unique Conditions of the Property: The area was originally subdivided in 1923 as part of the T.R. Rhodes Subdivision. All the lots were 50 feet in width except the ones adjacent to McMahan, which are only 44 feet wide. They are all substandard when compared with current requirement of 60 feet, but the subject parcel is particularly narrow.

Hardship From Strict Interpretation: Current standards require more substantial setbacks on the side of corner lots where they are adjacent to the right-of-way. The subject parcel has a 15' setback on the north side and a 5' setback on the south side, leaving an insufficient building area of only 24 feet.

Effect on Public Health, Safety, and Welfare: There are no negative effects on public health, safety, or welfare.

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

**Agenda Item BA-2006-54, Request for a 10' variance from the 10' setback requirement for fences from streets on property located at 5 Woodhaven Circle.**

Mr. Fortney explained to the Board that the applicant had requested the case to be withdrawn prior to the meeting. Mr. Santee stated that the applicants wanted more time to research their request and would likely ask for their case to be heard at the next meeting.

There being no further business, the meeting was adjourned at 9:25 A.M.

Approved: _____, Chairman
---------------------------