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| Members Present: | Wayne Bradshaw – Chairman  Bob Beermann  Scot Hay  Roger Huber  Col Langholtz |
| Staff Present: | Zack Rainbow, Planner II  Ben Bryner, Planning Services Manager  Kelley Messer, Asst. City Attorney  Donna Boarts, Secretary II (Recording) |
| Others Present: | Dale Burress |
|  | Bruce Yancy  James Nelson  James Whalen  Emilio Arredondo  Charles Zollars  Jessica Monsivaiz  Dalila Arrendondo  Glenn Weatherbee  Randy Naylor |

**Item One: Call the Meeting to Order:**

Chairman Bradshaw called the meeting to order at 8:30 A.M. and declared a quorum present.

**Item Two: Approval of the Minutes**

Col. Langholtz moved to approve minutes for May 12, 2015. Mr. Beermann seconded the motion and the motion was carried by a vote of five (5) in favor (Langholtz, Beermann, Hay, Huber & Bradshaw) and zero (0) in opposition.

Mr. Bradshaw read the opening statement for the Board of Adjustment.

**Item Three: Special Exception:**

**a.** **BA-2015-15**

A public hearing to consider a request from Wanda Loyce Yancy for a Special Exception to locate a carport in the front yard building setback in RS-6 (Residential Single Family) zoning. Legal description being BROOKHOLLOW SECTION 2, BLOCK 5, LOT 5. Located at 2209 Woodard Street.

Mr. Zack Rainbow presented the staff report for this case. The applicant wishes to construct a 20’ x 18’ front carport extending from the garage. The carport would be at least 5’ from the side property line and 17’ feet from the curb on Woodard St. The parkway width on Woodard St. is 12’. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5’ from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 17’ from the curb.

**LAND USES:**

This property and the surrounding properties are developed with single family homes.

**THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:**

**1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:**

There are other front carports located in the surrounding area that appear to be within the front building setback.

**2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:**

Staff anticipates no negative effects on public facilities from a carport at this location.

**3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:**

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

Property owners within 200 feet of the request were notified. Two (2) comment forms were returned in favor and zero (0) in opposition.

**STAFF RECOMMENDATION:**

Approval, the request meets the criteria necessary to grant a Special Exception.

Mr. Bradshaw opened the public hearing.

Mr. Bruce Yancy (son of property owner) spoke in favor of this Special Exception.

Chairman Bradshaw inquired why a carport was needed.

Mr. Yancy stated his mother uses the garage and they reside with her at the residence. The carport is needed for their two vehicles in case of any inclement weather.

Col Langholtz inquired about the material that will be used.

Mr. Yancy stated that he will construct the carport himself, the material will be 3x3 metal square tubing with 6” purlin for the framework.

Chairman Bradshaw closed the public hearing.

**Col. Langholtz moved to approve the Special Exception based on the findings in the staff report. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Langholtz, Beermann, Hay, Huber, & Bradshaw) and none (0) opposed.**

**b.** **BA-2015-16**

A public hearing to consider a request from James Nelson, agent Jessica Monsivaiz for a Special Exception to locate a carport in the front yard building setback in RS-6 (Residential Single Family) zoning. Legal description being CASTLEWOOD ESTATES SECTION 1, BLOCK B, LOT 10. Located at 2248 Brenda Lane.

Mr. Zack Rainbow presented the staff report for this case. The applicant wishes to construct a 15’ x 20’ front carport extending from the garage. The carport would be at least 5’ from the side property line and 15’ feet from the curb on Brenda Ln. The parkway width on Brenda Ln. is 10’. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5’ from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 15’ from the curb.

**LAND USES:**

This property and the surrounding properties are developed with single family homes.

**THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:**

**1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:**

There are other front carports located in the surrounding area that appear to be within the front building setback.

**2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:**

Staff anticipates no negative effects on public facilities from a carport at this location.

**3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:**

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

Property owners within 200 feet of the request were notified. Two (2) comment forms were returned in favor and zero (0) in opposition.

**STAFF RECOMMENDATION:**

Approval, the request meets the criteria necessary to grant a Special Exception.

Chairman Bradshaw opened the public hearing.

Mr. James Nelson (property owner) spoke in favor of this Special Exception.

Chairman Bradshaw inquired if the garage was occupied at this time.

Mr. Nelson stated that his wife’s vehicle was garaged and have two additional vehicles that they would like to cover in case of inclement weather.

Col Langholtz inquired what type of material will be used.

Ms. Jessica Monsivaiz (Contractor) stated that metal for the construction with 4x4 square tubing with 8” purlin with a pitch to equal the look of the roofline on the house.

Chairman Bradshaw closed the public hearing.

**Col. Langholtz moved to approve the Special Exception based on the findings in the staff report. Mr. Hay seconded the motion and the motion carried by a vote of five (5) in favor (Langholtz, Beermann, Hay, Huber, & Bradshaw) and none (0) opposed.**

**c.** **BA-2015-17**

A public hearing to consider a request from Dale Burress, agent Emilio Arredondo for a Special Exception to locate a carport in the front yard building setback in RS-6 (Residential Single Family) zoning. Legal description being NORTHWOOD SECTION 2, BLOCK 17, LOT 10. Located at 2426 Glendale Drive.

Mr. Zack Rainbow presented the staff report for this case. The applicant wishes to construct approximately a 20’ x 20’ front carport extending from the garage. The carport would be at least 3’ from the side property line and 17’ feet from the curb on Glendale Dr. The parkway width on Glendale Dr. is 12’. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5’ from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 17’ from the curb.

**LAND USES:**

This property and the surrounding properties are developed with single family homes.

**THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:**

**1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:**

There are other front carports located in the surrounding area that appear to be within the front building setback.

**2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:**

Staff anticipates no negative effects on public facilities from a carport at this location.

**3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:**

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

Property owners within 200 feet of the request were notified. Two (2) comment forms were returned in favor and zero (0) in opposition.

Chairman Bradshaw opened the public hearing.

Mr. Dale Burress (property owner) spoke in favor of this Special Exception.

Chairman Bradshaw inquired if the garage was altered.

Mr. Burress stated he enclosed one side of the garage. The carport will serve as protection for their vehicles due to any inclement weather. Metal kit will be used with 6” purlin to look appropriate.

Mr. Charles Zollars (property owner) spoke in favor of his neighbor’s carport request. Stated the inclement weather is reason to grant this request.

Chairman Bradshaw closed the public hearing.

**Col. Langholtz moved to approve the Special Exception based on the findings in the staff report. Mr. Beermann seconded the motion and the motion carried by a vote of five (5) in favor (Langholtz, Beermann, Hay, Huber, & Bradshaw) and none (0) opposed.**

**d.** **BA-2015-18**

A public hearing to consider a request from Randy and Margaret Naylor for a Special Exception to locate a carport in the front yard building setback in RS-8 (Residential Single Family) zoning. Legal description being RICHLAND ACRES, BLOCK H, LOT 21. Located at 1538 Yorktown Drive.

Mr. Zack Rainbow presented the staff report for this case. The applicant wishes to construct a 20’ x 20’ front carport extending from the garage. The carport would be at least 6’ from the side property line and 17’ feet from the curb on Yorktown Dr. The parkway width on Yorktown Dr. is 12’. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5’ from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 17’ from the curb.

**LAND USES:**

This property and the surrounding properties are developed with single family homes.

**THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:**

**1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:**

There are other front carports located in the surrounding area that appear to be within the front building setback.

**2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:**

Staff anticipates no negative effects on public facilities from a carport at this location.

**3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:**

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. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

Property owners within 200 feet of the request were notified. Two (2) comment forms were returned in favor and zero (0) in opposition.

**STAFF RECOMMENDATION:**

Approval, the request meets the criteria necessary to grant a Special Exception.

Chairman Bradshaw opened the public hearing.

Mr. Randy Naylor (property owner) spoke in favor of this Special Exception. Mr. Naylor stated at this time the garage space is at capacity, therefore requesting a carport for inclement weather. Will use a contractor for the construction.

Chairman Bradshaw closed the public hearing.

**Col. Langholtz moved to approve the Special Exception based on the findings in the staff report. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Langholtz, Beermann, Hay, Huber, & Bradshaw) and none (0) opposed.**

**e.** **BA-2015-19**

A public hearing to consider a request from Floyd James & Sara Jane Whalen for a Special Exception to locate a carport in the front yard building setback in RS-6 (Residential Single Family) zoning. Legal description being THORNTON HEIGHTS, BLOCK 5, LOT 8. Located at 2401 S. 39th Street.

Mr. Zack Rainbow presented the staff report for this case. The applicant wishes to construct a 20’ x 22’ front carport extending from the garage. The carport would be at least 5’from the side property line and 17’ feet from the curb on S. 39th St. The parkway width on S. 39th St. is 12’. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5’ from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 17’ from the curb.

**LAND USES:**

This property and the surrounding properties are developed with single family homes.

**THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:**

**1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:**

There were no other front carports built extending into the front building setback located on S 40th St, S 39th St, or S 38st St.

**2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:**

Staff anticipates no negative effects on public facilities from a carport at this location.

**3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:**

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. Since this proposed carport is in an area without any front carports, the proposal is not consistent with the intent of the regulation.

Property owners within 200 feet of the request were notified. Three (3) comment form was returned in favor and zero (0) in opposition.

**STAFF RECOMMENDATION:**

Denial, the request does not meet the criteria necessary to approve a special exception.

Chairman Bradshaw opened the public hearing.

Mr. James Whalen spoke in favor of the Special Exception. Mr. Whalen stated with only a single car garage it provides limited space for another vehicle. Having a carport would also provide protection from any inclement weather. The construction will be done himself with supplies from Mueller Buildings.

Mr. Randy Naylor spoke in favor of approving Mr. Whalen’s request.

Chairman Bradshaw closed the public hearing.

Mr. Hay stated space is limited having a single car garage. He expressed reluctance to approve without more consensus or petition from the neighborhood.

Mr. Rainbow stated that a letter is sent to all property owners within the 200 feet. Property owners are also advised ahead of time that the request might not be granted due to no other carports being in the area.

Mr. Hay inquired what could be done to alleviate this issue for the residents.

Mr. Rainbow stated if multiple adjacent property owners express an interest for a carport, it could possibly be granted.

Mrs. Messer advised that the Board could ask for more information, but it is not a requirement.

Mr. Bryner stated that having this item tableduntil next month to give the applicant time to petition the other neighbors and bring the responses back may be an option to help in making a decision.

Mrs. Messer stated that there was talk about expanding the mailing area but feel the 200 ft. is sufficient.

Chairman Bradshaw opened the public hearing.

Mr. Whalen indicated that he will attain a consensus of his neighborhood for the next meeting.

Chairman Bradshaw closed the public meeting.

**Col. Langholtz moved to TABLE item BA-2015-19 based on the discussion of the panel until the next meeting. Mr. Huber seconded the motion and the motion was carried by a vote of four (4) in favor (Langholtz, Beermann, Hay, & Huber), none in opposition, and one (1) abstained (Bradshaw).**

**f. BA-2015-20**

A public hearing to consider a request from Glenn Weatherbee for a Special Exception to locate an off-site advertising sign in AO (Agricultural Open Space) zoning. Legal Description being A0241 SURVEY 46 WILLIAM SCALLORN, ACRES 152.24. Located at 4550 Peppergrass Lane.

Mr. Zack Rainbow presented the staff report for this case. The applicant is requesting a Special Exception to construct a three sided, off-site advertising sign approximately in the middle of their property. Located across from where Southwest Drive intersects Rebecca Lane. The applicants stated that they are wishing to build a 35’ tall, 3-sided, T shaped sign. The front facing side would be digital and measure 12’x24’ and the other 2 sides would be static and measure 10’x23’. The applicant wishes to use this location in order to get the maximum amount of exposure to both Rebecca Lane and Southwest Drive.

However, the Thoroughfare Plan adopted by the City of Abilene shows the extension of Southwest Drive south through this large property, it the approximate location of the proposed sign. As stated, Southwest Drive is a designated arterial street, with a required right-of-way dedication of 120’ whenever the property is subdivided. Staff feels that the proposed location is not appropriate based on the adopted Thoroughfare Plan. If the sign is moved in either direction to provide for adequate space for future right-of-way dedication, staff has no objection.

**LAND USES:**

This property as well as the surrounding properties are primarily used for agricultural purposes.

**COMPATABILITY WITH SURROUNDING LAND USES:**

The applicant is requesting a Special Exception to construct a three-sided, off-site advertising sign approximately in the middle of their property. Located across from where Southwest Drive intersects Rebecca Lane. The sign would be located on Rebecca Lane and oriented to both Southwest Drive and Rebecca Lane with the purpose of advertising to those drivers. Staff feels that this use is compatible because it is located along 2 thoroughfares that are designated as arterials and off-site advertising signs are allowed along and oriented to both Rebecca Lane and Southwest Drive. The ordinance also states, “In determining the suitability of a site within the AO district, the Board shall consider the proximity of the proposed location to existing…residential uses…” The request meets this criteria as well as the closest residential uses are approximately 1200 feet away from the proposed sign location.

**EFFECTS ON PUBLIC FACILITIES:**

Staff anticipates no negative effects on public facilities from the proposed use.

**RELATIONSHIP TO THE INTENT OF THE REGULATION:**

The intent of the regulation is to assure that off-site advertising signs in AO zoning districts are located in areas that are deemed compatible with the surrounding land uses and also to assure that they are located an appropriate distance from residential uses. In this situation, staff feels that the proposed use is located far enough away from residential uses and the request is compatible with the area.

Property owners within 200 feet of the request were notified. Zero (0) comment forms were returned in favor and zero (0) in opposition.

**STAFF RECOMENDATION:**

Staff recommends approval with the condition that the sign is moved in either direction to provide for adequate space for future right-of-way dedication.

Mr. Beermann inquired if there was a timeframe on the Master Plan for when the road would be built?

Mr. Rainbow stated that there is not. When the property owner decides to develop the property, platting would trigger the requirement for the ROW (right-of-way) dedication. Stated that if approved, the applicant would need to provide documentation showing the sign would be outside of the 120 feet and located on either side.

Chairman Bradshaw opened the public hearing.

Mr. Weatherbee spoke in favor of this zoning.

Col Langholtz inquired to Mr. Weatherbee if there was a dispute with the 120 ft. restriction.

Mr. Weatherbee stated the main concern is that the digital portion of the sign was viewable from Southwest Drive. Mr. Weatherbee is in agreement with the sign restriction.

Chairman Bradshaw closed the public hearing.

**Col. Langholtz moved to approve the Special Exception based on the findings in the staff report with the conditions as stated. Mr. Hay seconded the motion and the motion was carried by a vote of five (5) in favor (Langholtz, Beermann, Hay, Huber, & Bradshaw) and none (0) opposed.**

**Item Four: Adjourn**

Mr. Bradshaw moved to adjourn the meeting at 9:16 a.m.

Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Chairman