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BOARD OF ADJUSTMENT

April 11, 2017

Minutes

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**Members Present:** Mr. Scott Hay  
Col. Morton Langholtz  
Mr. Robert Beermann  
Mr. Roger Huber

**New Member:** Mr. Mark Odle

**Staff Present:** Mr. Taurus Freeman, Assistant Director  
Mr. Zack Rainbow, Planning Services Manager  
Mr. James Prescott, Planner  
Mrs. Kelley Messer, Assistant City Attorney

**Others Present:**

Mr. Bruce Kreitler	Mrs. Gretchen Herman
Mr. William Thornton	Mr. Paul Engel
Ms. Marilyn Shedd	Mr. Gary Milliorn
Ms. Pam McLeod	Ms. Shannon Wilkins
Ms. Sandra Mendoza	Mr. Sonny Jones
Mr. Doug Kreitler	Ms. Cynthia Jones
Mr. Leland Nelson	Mr. Mike Dixon

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

Mr. Hay called the meeting to order at 8:34 a.m. and declared a quorum present. He announced the new procedure to swear in witnesses who plan to speak during the public hearings.

**Item Two: Approval of the Minutes**

Mr. Huber moved to approve the minutes of previous meeting, March 14, 2017, and Col. Langholtz seconded that motion. The vote to approve minutes was carried by five (Huber, Langholtz, Hay, Beerman, and Odle,) with none in opposition.

**Item Three: Agenda Items**

**a. BA-2017-05**

A public hearing to consider a request from Sandra Mendoza for a six (6) foot variance to the required 15-foot exterior side building setback in RS-6 (Residential Single-Family) zoning. Legal description being SEARS PARK AVENUE, BLOCK 28, LOT 9, located at 1902 Park Avenue.

**This item was tabled at the March meeting. Mr. Huber moved to remove the item from the table for consideration, and Colonel Langholtz seconded that motion.**

Mr. Hay opened the public hearing.

Ms. Sandra Mendoza, who owns the lot, retrieved notification forms from her neighbors. The house will be approximately 1,600 square feet, and is a single-family residence. She will move an existing home onto the lot to be closer to her father.

Mr. Bruce Kreitler stated he was surprised to learn Staff recommended denial. He announced his recommendation to allow the variance, so Ms. Mendoza would be encouraged to move forward.

Mr. Hay closed the public hearing.

Property owners within 200-feet of the request were notified. There were no (0) responses received in favor and zero (0) in opposition of the request. However, Staff did receive a one phone call from a resident that wanted clarification for this request.

**STAFF RECOMMENDATION:**

Staff recommends denial due to the applicant did not satisfy the conditions necessary for a variance.

**Colonel Langholtz made a motion to approve this request, and Mr. Huber seconded the motion. The vote to approve carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.**

**b. BA-2017-07**

A public hearing to consider a request from William M. Thornton for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being LYTLE SHORES SOUTH SEC 4, BLOCK J, LOT 38, located at 3618 Radcliff Road.

Mr. Hay opened the public hearing.

Mr. and Mrs. William Thornton stated they would like to add a carport to protect their vehicles. They have a single car garage, but will add this dual carport with metal construction.

Mr. Hay closed the public hearing.

Property owners within 200-feet of the request were notified. Staff received two (2) responses in favor and two (2) in opposition of the request.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request.

**Colonel Langholtz made a motion to approve this request, and Mr. Beerman seconded the motion. The vote to approve carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.**

**c. BA-2017-08**

A public hearing to consider a request from Jimmy and Gretchen Herman for a 5' variance to the required 10' interior side-building setback in RS-12 (Residential Single-Family) zoning. Legal description being ELMWOOD WEST SEC 5, BLOCK Q, LOT 170, REP OF 17, located at 1362 S. Leggett Road.

Mr. Hay opened the public hearing.

Mrs. Gretchen Herman shared that her husband is recently disabled, and they need to add a master bathroom to accommodate his wheelchair. They have lived at the residence since 1982, and would rather make this addition to the home than move to another house.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. Staff received four (4) responses in favor, with zero (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested variance.

**Mr. Beerman moved to approve this request, and Mr. Huber seconded the motion. The vote to approve carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.**

**d. BA-2017-09**

A public hearing to consider a request from Gary Milliorn/ First Financial Bank for a 10' variance to the required 10' front building set back in GR/ COR (General Retail/ Buffalo Gap Overlay) zoning. Legal description being HUNTERS CREEK ADDN SEC 1, BLOCK A, LOT 203, REPLAT, ACRES 3.0325, located at 5257 Buffalo Gap Road.

Mr. Hay opened the public hearing.

Mr. Gary Milliorn said the property was purchased with the existing pole sign. Trees and landscaping are located to the south, so the sign is hidden from that direction. He requested the new monument sign be located directly in front of the front door beginning at the property line.

Property owners within 200 feet of the request were notified. Two (2) responses were received in favor with zero (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends denial of the request due to the applicant did not satisfy the requirements necessary to grant a variance in this case.

**Mr. Beerman moved to approve this request, and Mr. Huber seconded the motion. The vote to approve carried by four (Huber, Hay, Beerman, and Odle) with one in opposition (Langholtz.)**

**e. BA-2017-10**

A public hearing to consider a request from Daniel Lopez (Agent) for a Special Exception to locate a carport in the front building setback in MD (Residential Single-Family) zoning. Legal description being LAKESIDE ADDN, BLOCK 2, LOT 1-2, located at 1817 N. 11<sup>th</sup> Street.

This carport was constructed without a permit, and is currently located 17-feet from the curb of street at N. 11<sup>th</sup>. The “grandfather” clause or legal non-conforming status does not apply due to no permit being issued.

Mr. Hay opened the public hearing.

No one was present to speak in favor or opposition.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. Staff received two (2) responses in favor, with zero (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval of this request, with the condition that the carport be setback a minimum of 20-feet from the curb of the street.

**Mr. Huber moved to table this item. Mr. Odle seconded the motion. The vote to table this request until May was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.**

**f. BA-2017-11**

A public hearing to consider a request from Pamela McLeod for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being THORNTON HEIGHTS, BLOCK 3, LOT 19, located at 2418 S. 39<sup>th</sup> Street.

Mr. Hay opened the public hearing.

The proponent, Ms. Pamela McLeod, stated she would like a carport in front of the house, and her contractor was present to answer any questions. The carport will be steel construction.

Mr. Douglas Kreitler, contractor, confirmed the new carport will be constructed of 4 X 4 steel, a gable style roof, painted and trimmed.

Property owners within 200 feet of the request were notified. Ten (10) responses were received in favor with zero (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request, with the condition that the carport be setback a minimum of five (5) feet from the property line.

**Colonel Langholtz moved to approve this request, and Mr. Huber seconded the motion. The vote to approve carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.**

**g. BA-2017-12**

A public hearing to consider a request from Sandra Haynes (Agent) for a 15' variance to the required 25' rear building setback in HC/COR (Heavy Commercial/ Ambler Overlay) zoning. Legal description being MORNINGSIDE ADDN, BLOCK A, LOT 7-8, located at 742 Ambler Avenue.

Mr. Hay opened the public hearing.

Mr. Paul Engel, Vice President and Principal Engineer for Anderson Engineering, acknowledged Staff provided an excellent summary, and was in attendance to answer any questions.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) response was received in favor with zero (0) in opposition of the request.

**STAFF RECOMMENDATION:**

Staff recommends approval of the variance requested.

**Colonel Langholtz made a motion to approve this request, and Mr. Huber seconded the motion. The vote to approve carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.**

**h. BA-2017-13**

A public hearing to consider a request from Michael Dixson (Agent) for a 10' variance to the required 30' rear building setback in GC (General Commercial) zoning. Legal description being SANTA FE VILLAGE, BLOCK A, LOT 104, located at 3502 Curry Lane.

Mr. Hay opened the public hearing.

Mr. Michael Dixon, agent for Abilene Village LLC, asked for a variance to redevelop the property for a 200,000 square foot facility to locate large anchor tenants and big box retail.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. Nine (9) responses were received in favor with one (1) in opposition, and one (1) returned unsigned.

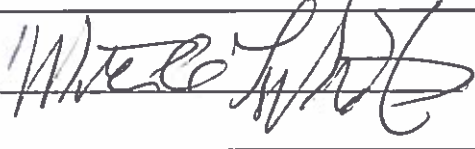
**STAFF RECOMMENDATION:**

Staff recommends approval of this setback variance request.

**Colonel Langholtz made a motion to approve this request, and Mr. Odle seconded the motion. The vote to approve carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.**

**Item Five: Adjourn**

Mr. Hay requested a motion to end the meeting. Mr. Huber moved to adjourn, and Colonel Langholtz seconded that motion. The meeting was adjourned at 9:54 a.m.

Approved:  Chairman