BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
March 12, 2019 8:30 a.m.

BOARD OF ADJUSTMENT OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL

Members Present:	Mr. Scott Hay, Chairman Col. Morton Langholtz, Vice-Chairman Mr. Roger Huber, Secretary Mr. Robert Beermann Mr. Mark Odle	
Staff Present:	Mr. Michael Rice, Assistant City Manager Mr. Mike Warrix, Director of Planning and Development Services Mr. Zack Rainbow, Assistant Director Mr. Hayden Brodowsky, Planning Services Manager Mr. James Prescott, Planner II Ms. Kelley Messer, First Assistant City Attorney Ms. Melissa Farr, Executive Assistant	
Others Present:	Mr. Jon Loudermilk, Alternate Mr. Sam Moore Ms. Corteney Armstrong Mr. Anthony Ortega Mr. Andrew Bradley	Mr. Bob Thomas, Alternate Mr. Matthew Armstrong Mr. Wes Hawks Ms. Julia Ortega Ms. Amanda Bradley

CALL TO ORDER

Mr. Hay called the meeting to order at 8:30 a.m. and Ms. Farr recorded the minutes. A quorum of members was present, and the meeting proceeded.

MINUTES

Colonel Langholtz made the motion to approve the minutes of the previous meeting as presented, there being no deletions, no additions, and no corrections. Mr. Huber seconded the motion. The vote to approve minutes was carried by five (5) with none in opposition.

AYES: Langholtz, Huber, Beermann, Odle, Hay
NAYS: None

AGENDA ITEMS

a. **BA-2019-03** A request from Agent, Lee Maldonado, on behalf of the Homeowner, Lance Davenport, for a **Special Exception** to locate a carport in the front building setback in Residential Single-Family (RS-6) zoning. Legal descriptions being LOT 7, BLOCK 11, out of I S GATHRIGHT, in City of Abilene, Taylor County, Texas and located at 3125 Meander Street

Mr. James Prescott presented the staff report for this request. The applicant is seeking a Special Exception to locate a metal carport in the front yard of the residence.

Mr. Hay opened the public hearing. There being no one present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. Five (5) responses were received in favor with one (1) in opposition.

STAFF RECOMMENDATION: Staff recommends approval.

Colonel Langholtz made the motion to TABLE this request. Mr. Huber seconded the motion. The vote to table this item was carried by five (5) with none in opposition.

AYES: Langholtz, Huber, Beermann, Odle, Hay
NAYS: None

b. **BA-2019-04** A request from Agent, Sam Moore (CD DG Abilene 10th, LLC), for the Applicant, Dollar General; A 20-foot **variance** from the minimum 30-foot building setback required by Neighborhood Retail zoning from the property line adjacent to the right-of-way of North Pioneer Drive, which approved would allow the building to sit as close as 10' to the property line. Legal descriptions being LOT 2, 3, and 4, BLOCK A, out of ELMCREST CLUB ADD SEC 1, in City of Abilene, Taylor County, Texas and located at 4325 North 10th Street and 901 North Pioneer Drive; and intervening abandoned alley (A replat will be required).

Mr. James Prescott presented the staff report for this request. The applicant is requesting a Variance to construct a retail store per site plan of 130' (L) x 70' (W) at this location.

Mr. Hay opened the public hearing. Speaking in favor of this request was Mr. Sam Moore. There being no one else present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. There were no responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Staff recommends approval.

Board discussion included: 1) City Staff was commended, 2) Improvement for the area

Colonel Langholtz made the motion to approve this request based upon Staff findings. Mr. Odle seconded the motion. The vote to approve this item was carried by five (5) with none in opposition.

AYES: Langholtz, Huber, Beermann, Odle, Hay
NAYS: None

c. **BA-2019-05** A request from the Homeowner, Matthew Armstrong, for a one (1) foot **Variance** to the required seven (7) foot maximum fence height in Patio Home (PH) zoning. Legal descriptions being LOT 24, BLOCK D, out of TUSCANY TRAILS SUBDIVISION, in City of Abilene, Taylor County, Texas and located at 7709 Venice Drive

Mr. James Prescott presented the staff report for this request.

Mr. Hay opened the public hearing.

Those who spoke in favor of this request were Matthew and Corteney Armstrong. There being no one else present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. There were no responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Staff recommends denial of this request.

Board discussion included: 1) Justification of slope of land and location of the school in rear of property, and 2) Concern of precedence for tall fences in neighborhood

Colonel Langholtz made the motion to approve this request based upon the topography of the land. Mr. Huber seconded the motion. The vote to approve this item FAILED by three (3) in favor with two (2) in opposition.

AYES: Langholtz, Huber, Hay
NAYS: Odle and Beermann

Mr. Beermann made the motion to approve this request in part, to allow an eight foot (8') fence between 7709 Venice Drive and the property on the south side only. Mr. Huber seconded the motion. The vote to approve this item carried by four (4) in favor with one (1) in opposition.

AYES: Langholtz, Huber, Beermann, Hay
NAYS: Odle

d. **BA-2019-06** A request from Wesley Hawks for a 5' **Variance** to the required 20' rear building setback in Patio Home (PH) zoning. Legal descriptions being LOT 103 REP, BLOCK B, out of TUSCANY TRAILS SUB SEC 2, in City of Abilene, Taylor County, Texas and located at 7666 Florence Drive

Mr. James Prescott presented the staff report for this request. The applicant is requesting to reduce the required rear building setback from 20 feet to 15 feet.

Mr. Hay opened the public hearing. Those who spoke in favor were Mr. Wes Hawks. There being no one else present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. One (1) response was received in favor with none (0) in opposition.

STAFF RECOMMENDATION: Staff recommends denial of this request.

Board discussion included: 1) Not allowing would be worse aesthetically

Mr. Beermann made the motion to approve this request with the exceptions to the staff report being there are special circumstances. Colonel Langholtz seconded the motion. The vote to approve this item was carried by five (5) with none in opposition.

AYES: Langholtz, Huber, Beermann, Odle, Hay
NAYS: None

e. **BA-2019-07** A request from the Homeowner, Julia Ortega, for a one (1) foot Variance to the required seven (7) foot maximum fence height in Residential Single-Family (RS-8) zoning. Legal descriptions being LOT 33, BLOCK 12, out of GREEN ACRES SEC 1, in City of Abilene, Taylor County, Texas and located at 1383 North Willis Street

Mr. James Prescott presented the staff report for this request. The applicant is seeking a one (1) foot variance from the seven (7) foot maximum fence height.

Mr. Hay opened the public hearing. Those who spoke in favor were Julia and Anthony Ortega, and Amanda Bradley. There being no one else present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. There were no responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Staff recommends denial of this request.

Board discussion included: 1) Fence is built well, but tall for area.

Colonel Langholtz made the motion to disapprove this request based on the findings in the staff report. Mr. Odle seconded the motion. The vote to disapprove this item was carried by five (5) with none in opposition.

AYES: Langholtz, Huber, Beermann, Odle, Hay
NAYS: None

ADJOURNMENT

Colonel Langholtz moved to adjourn. Mr. Huber seconded the motion. There being no further business the Board of Adjustment meeting was adjourned at 10:08 a.m.

Approved: _____, Chairman