



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES
May 11, 2021 8:30 a.m.

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

Members Present: Mr. Scott Hay, Chairman
Mr. Robert Beermann
Mr. Mark Odle
Col. Morton Langholtz, Vice-Chairman
Mr. Jon Loudermilk, Alternate

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Mike Warrix, Director of Planning and Development Services
Tim Littlejohn, Assistant Director
Ms. Kelley Messer, First Assistant City Attorney
Haley Napier, Attorney I
Ms. Cheryl Sawyers, Planning Services Manager
Mr. Brad Stone, Planner III
Ms. Melissa Farr, Executive Assistant

Others Present: Mr. Stephen Moody Mr. Chris Proctor
Ms. Sarah Proctor

CALL TO ORDER

Mr. Hay called the meeting to order at 8:30 a.m. and Ms. Melissa 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, which was held on March 9, 2021. Mr. Loudermilk seconded the motion. The vote to approve minutes was carried by five (5) with none in opposition.

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

AGENDA ITEMS

BA-2021-05: A request from owners BR Forest Enterprises, LLC agent Stephen Moody for a request of an approval of a Special Exception to alter the front garage setback of a residence in a Medium Density (MD) District by less than 10 percent. Legal description being Lot 15 in Section 2 of Cordova Place, neighborhood to the City of Abilene, Taylor County, Texas.

Ms. Cheryl Sawyers presented this request. According to information provided within the application, this lot is situated at the edge of a cul-de-sac which creates a “notch” at the front, northwest corner, which “pushes” the 25-foot front garage setback deeper into the north side of the lot than it would normally be. Additionally, there is a 40-foot easement in the rear of the property, which reduces the buildable area. The minimum rear setback within a MD district is 20-feet.

Mr. Hay opened the public hearing. Mr. Stephen Moody spoke in favor of this request. He also spoke in a similar issue at the meeting in November for a lot across the cul-de-sac. The responses received in favor were from BR Forest Enterprises, LLC, other than one neighbor. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. Twelve (12) responses were received in favor with none (0) in opposition.

Colonel Langholtz moved to **approve** this request based upon the findings in the staff report and the nature of the lot in the cul-de-sac. Mr. Loudermilk seconded the motion. The motion to **approve** this Special Exception prevailed by the following vote:

AYES: Beermann, Odle, Langholtz, Loudermilk, Hay

NAYS: None

BA-2021-06: A request from owners Chris & Sarah Proctor for a request of an approval of a 2 foot variance from the minimum 5 foot accessory building side setback for a proposed 12 foot in height building to be located in the rear of the property. Legal description being Lot 13 in Block R of the Fairways Subdivision.

Mr. Brad Stone presented this request. The applicants are seeking relief in the form of a variance from Section 2.4.4.1(b)(3)(b) of the Land Development Ordinance to allow a three (3) foot side setback from the property’s western boundary in lieu of the five (5) foot side setback required. The request is for a two (2) foot side setback variance that would result in a three (3) foot side setback for a proposed detached garage. A site plan is included in the application.

Mr. Hay opened the public hearing. Mr. and Mrs. Proctor, the applicants, spoke in favor of this request. They are asking for the additional two feet in height simply for aesthetics and consistency within the neighborhood. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within 200 feet of the request were notified. Two (2) responses were received in favor with one (1) in opposition.

Discussing among the Commission included: Homeowner's Association would be more restrictive than the City, Uniqueness to the golf course, Concern for the neighbor in opposition, and the tree as a special circumstance.

Colonel Langholtz moved to approve this request based upon the uniqueness of the location and the fact that it backs against the golf course. Mr. Loudermilk seconded the motion. The motion to approve this Variance request prevailed by the following vote:

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

ADJOURNMENT

There being no further business, Colonel Langholtz moved to adjourn the meeting. Mr. Loudermilk seconded the motion. The Board of Adjustment meeting was adjourned at 9:17 a.m.

Approved: , Chair