



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

December 14, 2021

8:30 a.m.

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

Members Present: Mr. Jon Loudermilk
Col. Morton Langholtz, Vice-Chairman
Mr. Scott Hay, Chairman
Mr. Robert Beermann
Mr. Bob Thomas

Staff Present: Mr. Michael Rice, Assistant City Manager
Ms. Kelley Messer,
Mr. Brad Stone, Planner III
Ms. Melissa Farr, Executive Assistant

Others Present: Mr. Mackie Crossan Mr. Mike Powell
Mr. Cory Wood

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

Mr. Beermann noted a discrepancy in the minutes, and asked for the addition of Mr. Thomas' name and removal of Mr. Beermann's name to be made. Colonel Langholtz made the motion to table the minutes from September 14th until the next meeting. Mr. Beermann seconded the motion.

The motion to **table** the minutes prevailed by the following vote:

AYES: Langholtz, Beermann, Loudermilk, Thomas, and Hay

NAYS: None

AGENDA ITEMS

BA-2021-12: Receive a Report and Hold a Discussion and Public Hearing on a Request From Josh Stallings (Represented by Gerard Real Estate LLC) for Approval of a Special Exception to Allow Expansion of a Nonconforming Use, Specifically by Converting a Vacant Accessory Building to

an Additional Apartment Unit on the Site of Existing Apartment Buildings at 1250 Elm Street in a Heavy Commercial Zoning District

Mr. Brad Stone presented this request for a Special Exception. The applicant is seeking approval of a Special Exception to allow expansion of a nonconforming use, specifically by converting a detached accessory building to an additional apartment unit on the site of existing apartment buildings.

The property at 1250 Elm Street has been located within a Heavy Commercial (HC) zoning district since 1974, when Abilene's current zoning map was initially adopted by City Council. The same is true of this entire city block extending west to Butternut Street, except for four lots at the northeast corner of this city block. These four lots are located in a residential zoning district.

The Board discussed the building to the south of the subject property, and whether or not that sewer line is live and active. The abandonment of the alley was questioned, as members asked why it was allowed when public utilities were in the right-of-way.

Assistant City Manager, Mr. Michael Rice, addressed the Board to provide answers. Pursuant to a conversation with Water Administration, the sewer main at the subject property is very shallow. It drains from north to south. The line under the existing building is in question, as it is shown on utility maps. However, it is not known if it is live or not. Mr. Rice shared several options with the Board that had been discussed to resolve this issue.

Mr. Hay opened the public hearing. Mr. Mike Powell and Mr. Mackie Crossan spoke in favor of this request. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius of the property address were notified. There were no (0) responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Denial

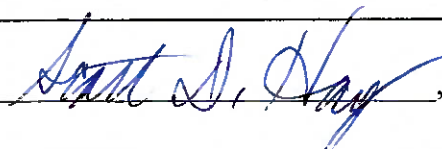
Due to the proposed accessory building being placed over a municipal sewer main, Colonel Langholtz moved to table this request until the next meeting. Mr. Loudermilk seconded the motion. The motion to table this request prevailed by the following vote:

AYES: Langholtz, Beermann, Loudermilk, Thomas, and Hay

NAYS: None

ADJOURNMENT

There being no further business, Colonel Langholtz moved to adjourn the meeting. Mr. Beermann seconded the motion. The Board of Adjustment meeting was adjourned at 9:18 a.m.

Approved:  , Chairman