



---

**BOARD OF ADJUSTMENT REGULAR MEETING MINUTES**  
April 11, 2023                      8:30 a.m.

---

**BOARD OF ADJUSTMENT OF THE CITY OF ABILENE, TEXAS**  
**CITY HALL COUNCIL CHAMBERS, 555 WALNUT STREET, ABILENE**

---

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

**Staff Present:**                Mr. Michael Rice, Assistant City Manager  
   Ms. Kelley Messer, First Assistant City Attorney  
   Mr. Randy Anderson, Assistant Director  
   Ms. Clarissa Ivey, Planner I  
   Ms. Melissa Farr, Executive Assistant

**Others Present:**            Mr. Bobby Gilbreth

**CALL TO ORDER**

Mr. Hay called the meeting to order at 8:31 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 from the regular meeting held on March 14, 2023. Mr. Loudermilk seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

**AYES: Loudermilk, Langholtz, Rixey, Beermann, Hay**  
**NAYS: None**

**AGENDA ITEMS**

**BA-2023-01: (Tabled)** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from N2 Development represented by Michael Everett for a 50' variance from the maximum 50' requirement for sign height and a 555.21 square foot variance from the maximum 300 square foot requirement for sign area located at 2824 E. Overland Trail.

Colonel Langholtz made the motion to remove this item from the table. Mr. Beermann seconded the motion. All board members were in favor.

Mr. Randy Anderson presented this request. On March 14, 2023, action on this item was tabled to allow the applicant potential design options to reduce the height and/or area of the proposed sign, particularly with respect to the QT gas station on I-20.

The QT gasoline station is located at the corner of I-20 and Old Anson Road. The issue of site signage was handled by the City Council during the rezoning of that property to a Planned Development District (PDD). Conditions of that PDD limit the freestanding sign height 75-feet and an area of 450 square feet along I-20. A secondary sign is limited to a height of 6-feet and an area of 60 square feet. Staff provided these details to the applicant and informed them that the outcome of QT signs constituted a precedent and would likely have a bearing on how CEFCO request would be considered.

In response, the applicant amended the application and now proposes:

1. A primary sign height of 90-feet and a sign face area of 522.92 square feet.
2. A secondary sign 20-feet and a sign face area of approximately 133 square feet. Additionally, this sign would be designed to match the color and external materials of the proposed building.

Mr. Hay opened the public hearing. Seeing no one 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.

Mr. Hay made the motion to **approve** a 40' variance from the maximum 50' requirement for sign height, and a 225 square foot variance from the maximum 300 square foot requirement for the sign at this location, with special conditions that any secondary sign be limited in accordance with the dimensions and depiction of the proposed secondary sign introduced at this meeting. The secondary sign as depicted, is limited to 20' maximum height and 133 square foot sign size, and shall be constructed with a masonry design upgrade.

The motion is based upon such findings as: 1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the land. The secondary street at this location will be the state highway instead of a city street, and the relative elevation of the site at this location to the I-20 road base is -20.9 feet; therefore, the location of the sign at the loop interchange is a special circumstance. 2) That the granting of the variance will not be contrary to the public interest and will not be injurious to neighboring properties or otherwise detrimental to the public welfare, as variances relate to the I-20 road grade would not be contrary to the interest of the public and would be reasonable. 3) Granting the variance is consistent with the intent of Abilene's Land Development Code. Linking the sign height variance to the road grade of I-20 is consistent with the spirit and intent of the LDC. The motion prevailed by the following vote:

**AYES: Loudermilk, Langholtz, Rixey, Beermann, Hay**

**NAYS: None**

**BA-2023-02: (Tabled)** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Bobby Gilbreth for a special exception to expand a nonconforming building by 3,450 sq. ft. located at 2400 S. 14<sup>th</sup> Street.

Colonel Langholtz made the motion to remove this request from the table. Mr. Beermann seconded the motion. All board members were in favor.

Ms. Clarissa Ivey presented this request. On March 14, 2023, action on this item was tabled to allow the applicant to provide more information on the parking lot design. Staff requested the applicant submit a more detailed site plan to be present to the Board, however that request was unfulfilled. She stated that Staff would be supportive of an expansion of the building if the new construction complies with setbacks and parking requirements of the Land Development Code.

The applicant hopes to add over 3,000 square feet to the building. This would enlarge the nonconformity and create less availability for parking. The addition would require seven (7) additional parking spaces.

Mr. Hay opened the public hearing. Mr. Bobby Gilbreth, the applicant, spoke in favor and was available to answer questions. He confirmed that a 6' variance is needed to extend along the frontage. Discussion was had among the Board and the applicant to determine the action he would find most advantageous. If they approved the request to expand, he would have to return with a request for variances.

Ms. Kelley Messer reminded that the request specified on the agenda for this meeting is for a special exception allowing the expansion of a nonconforming building. 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. One (1) response was received in favor, with one (1) received in opposition.

Colonel Langholtz made the motion to **table** this request until the next meeting. The Board agreed upon this motion to allow the applicant more time to determine his course of action, and Planning Staff to mail notifications for requested variances. The motion prevailed by the following vote:

**AYES: Loudermilk, Langholtz, Rixey, Beermann, 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 10:03 a.m.

Approved: Scott Hay, Chairman  
Scott Hay