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**BOARD OF ADJUSTMENT REGULAR MEETING MINUTES**  
**May 9, 2023** **8:30 a.m.**

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

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**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. Tim Littlejohn, Director  
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 April 11, 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-2023-02: (Tabled)** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request for Special Exception to Allow a 3,450 Square Foot Expansion of a Nonconforming Building, a Variance of 6.0 Feet From The Required Front Yard Setback Requirement, And Variance Of Two Parking Spaces.

Colonel Langholtz made the motion to remove this item from the table. Mr. Loudermilk seconded the motion. All members were in agreement.

Ms. Clarissa Ivey presented this request. The existing building currently does not meet the street setback of 30' from an arterial and 25' from a local street. Additionally, the number of parking spaces is not sufficient and maneuvering area is not located entirely upon private property.

Per LDC Section 2.6.2.2 the existing building is considered to be a nonconforming (grandfathered) structure. The LDC does not allow for expansion of a conforming building, but does allow the Board of Adjustment to consider a Special Exception to allow the expansion of the nonconformity.

The public hearing was opened and the applicant spoke to the Board. Mr. Bobby Gilbreth stated he would like glass at the front of the building to cover the products. The issue at hand is the placement of doors. Mr. Gilbreth shared that the business has existed since 1984, and parking has never been an issue.

Seeing no one else present and desiring to be heard, the public hearing was closed. Motions were made separately to address each request.

Mr. Beermann moved to approve Request for Special Exception to allow a 3,450 sq. ft. expansion of a nonconforming building, stating it is compatible with the findings of the staff report and current land use. He also referred to more available parking as a result of the expansion. Mr. Loudermilk seconded the motion. The motion to approve prevailed by the following vote:

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

**NAYS: Langholtz**

Mr. Loudermilk moved to approved the Request for a Variance of 6 ft. from the required front yard setback requirement based upon the discussions with the Board proving that improvements will increase the space for parking. He also noted it will not encroach upon the existing footprint. Ms. Rixey seconded the motion. The motion to approve prevailed by the following vote:

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

**NAYS: Langholtz**

Mr. Beermann moved to approve the variance of two parking spaces, saying it is an unacceptable number of parking spots due the nature of the business. He also remarked that the location of the building is a special circumstance. Mr. Loudermilk seconded the motion. The motion to approve prevailed by the following vote:

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

**NAYS: Langholtz**

## 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: , Chairman  
Scott Hay