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

**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. Bob Thomas, Alternate
- Members Absent:** Mr. Jon Loudermilk
- Staff Present:** Ms. Kelley Messer, First Assistant City Attorney  
Mr. Tim Littlejohn, Director  
Mr. Randy Anderson, Assistant Director  
Ms. Clarissa Ivey, Planner I  
Ms. Mason Teegardin
- Others Present:** Mr. Brian Hovey Mr. Donmark Nickson

**CALL TO ORDER**

Mr. Hay called the meeting to order at 8:31 a.m. and Mr. Randy Anderson 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 May 9, 2023. Mr. Beermann seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

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

**AGENDA ITEMS**

**BA-2023-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Brian Hovey for a Variance to allow for a 1.5-foot setback (5 feet required) for a carport.

Ms. Mason Teegardin presented this request. The lot has historically been undeveloped until recent construction of a medical office building. The owner is finishing out a building permit for the new medical office. The subject property is zoned Heavy Commercial (HC). The owner proposes a double car carport along the northern property line to cover the two parking spaces for the doctors.

Mr. Hay opened the public hearing. Mr. Brian Hovey explained the applicant's proposal, saying that separating the parking spaces would detract from the overall design of the building. They are asking for a variance of 3-1/2 feet.

Property owners within a 200-foot radius of the property address were notified. There were no (0) responses received in favor, nor in opposition. Discussion was had to clarify that 22 feet was the correct distance from the back of curb, as shown on the site plan.

Chairman Hay asked Staff to clarify the discrepancy of the measurements. Ms. Teegardin explained that Staff used the measurements of the City GIS map, as opposed to the official field survey.

Mr. Beermann made the motion to approve this request as presented based upon the hardship being the actual zoning location and the difficulty of developing the property. Colonel Langholtz seconded the motion.

Mr. Beermann withdrew his motion to clarify in the motion.

Mr. Beermann made the motion to table the item until the next meeting to clarify the dimension measurements.

Mr. Hay reopened the public hearing. Mr. Hovey expressed his confusion by the discrepancies of measurements.

Mr. Anderson stated that Staff was in error by using a computer generated, rather than the sealed survey of the property by a registered land surveyor, which is the most accurate word on measurements. He recommended the vote be based upon the measurements provided on the survey and to take action on the item as presented. The posted request on the agenda is correct and the only variance to consider is for the 1-1/2' variance.

Mr. Beermann made the motion to **approve** a variance to allow the 1-1/2' setback from the 5' requirement and the previous comments regarding the hardship are included. The motion to approve prevailed by the following vote:

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

**NAYS: None**

**BA-2023-06:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Rick and Angela Willis for a 4-foot 10-inch variance from the minimum 7.5-foot side setback on a residential property.

Mr. Adam Holland presented this request. The subject property is currently zoned PDD-4 with a base zoning of RS-8. The owner intends to enclose the existing carport on the east side of the house to create a garage. By enclosing the existing open-sided carport, the carport becomes part of the principal building, and is subject to the 7.5-foot side yard setback requirement.

Mr. Hay opened the public hearing. Mr. Donmark Nickson with Luther Construction spoke to represent Rick and Angelo Willis. He was able to respond to the questions asked by the Board. 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. Four (4) responses were received in favor with none (0) received in opposition.


Colonel Langholtz made the motion to **approve** this request as based upon the staff report and discussions. Mr. Thomas seconded the motion. The motion to approve prevailed by the following vote:

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

**NAYS: None**

#### ADJOURNMENT

There being no further business, the Board of Adjustment meeting was adjourned at 9:31 a.m.

Approved:  ~~Chairman~~  
Scott Hay

