



## BOARD OF ADJUSTMENT

---

City Hall Council Chambers, 298 W. Washington  
Thursday, January 30, 2025 at 4:00 PM

---

### AGENDA

#### CALL TO ORDER

#### CITIZENS GENERAL DISCUSSION

#### MINUTES

1. Consider Approval of Minutes from December 12, 2024

#### REGULAR AGENDA

2. **Case No.: V2025-001**

Applicant Jason Nitschke, representing Horton Commercial Properties, is requesting a variance from Section 154.05.8.D relating to minimum lot dimensions for property located at 791 N. Clinton, being Parcel R33319 of S5700 Shapard & Collins, Block 14, Lots 12 & 13 of the City of Stephenville, Erath County, Texas.

3. **PUBLIC HEARING**

Case No.: V2025-001

4. **Case No.: V2025-001**

Consider conditional approval of reduced setbacks as presented contingent upon approved rezoning and replatting.

#### ADJOURN

*In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.*



## BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington  
Thursday, December 12, 2024 at 4:00 PM

### MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, December 12, 2024 at 4:00 PM in the-City Hall Council Chambers, 298 W. Washington, for the purpose of a Board of Adjustment Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

**COMMISSIONERS PRESENT:** Moumin Quazi, Chairperson  
JJ Conway  
Robert Nimmo  
Tina Virgin

**COMMISSIONERS ABSENT:** Mary Beach - Mcquire

**OTHERS ATTENDING:** Steve Killen, Director of Development Services  
Jan Strahan, Commission Secretary

#### CALL TO ORDER

Chairperson Moumin Quazi called the meeting to order at 4:00 p.m.

#### CITIZENS GENERAL DISCUSSION

There were no comments

#### MINUTES

1. Consider Approval of Minutes from November 14, 2024

MOTION was made by Tina Virgin, SECONDED by JJ Conaway to approve the Minutes from November 14, 2024. Motion carried unanimously.

#### REGULAR AGENDA

2. Case No.: V2024-023

Applicant Robert McGowan is Requesting a Hearing Pursuant to Section 154.21.3.C – *Variance for the Construction of a Carport* for Property Located at 1840 Overhill Dr., Parcel R29027, Being BLOCK F; LOT 8 of the Chamberlin Addition, City of Stephenville, Erath County, Texas

Director of Development Services, Steve Killen made a presentation about the variance request.

Mr. McGowan is requesting a variance to take the full 25' setback and not proceed beyond the property line for the construction of a carport for property located at 1840 Overhill Dr., Parcel R29027, Being BLOCK F; LOT 8 of the Chamberlin Addition, City of Stephenville, Erath County, Texas

### 3. PUBLIC HEARING

Case No.: V2024-023

Chairman Quazi opened the public hearing at 4:04 p.m.

Applicant Robert McGowan spoke in favor of the request and informed the Board that he is requesting the setback to complete the project.

No one came forward to speak for or against the variance request.

Chairman Quazi closed the public hearing at 4:06 p.m.

Motion by Robert Nimmo, seconded by JJ Conway, to approve Case No.: V2024-023 as presented.

Motion Carried unanimously.

4. Consider Approval of Variance for the Construction of a Carport for Property Located at 1840 Overhill Dr., Parcel R29027, Being BLOCK F; LOT 8 of the Chamberlin Addition, of the City of Stephenville, Erath County, Texas

### 5. Case No.: V2024-024

Applicant Court Cole, Representing Pendleton Enterprises, LLC., is Requesting a Variance from Section Sec.154.12-37 – Variance from Sign Regulations for Property Located at 270 W College, Parcel R29216, Being BLOCK 8; LOT F2H of the City Addition of the City of Stephenville, Erath County, Texas

Director of Development Services, Steve Killen made a presentation about the variance request.

Mr. Court Cole is requesting a variance from the sign ordinance section sec. 154.12.-37 to allow an additional sign on the property at the Southeastern Corner of the building adjacent to the City alley. The sign will protrude into the City Right of Way, extending 40" from the building. The height at the bottom of the sign will be 14'. section sec.154.12.-37 - for property located at 270 W College, Parcel R29216, Being BLOCK 8; LOT F2H of the City Addition of the City of Stephenville, Erath County, Texas

### 6. PUBLIC HEARING

Case No.: V2024-024

Chairman Quazi opened the public hearing at 4:08 p.m.

Applicant Court Cole spoke in favor of the request and informed the Board that he is requesting the setback to complete the project.

Mr. Brady Pendleton came forward to speak for the variance request.

Chairman Quazi closed the public hearing at 4:17 p.m.

Motion by Robert Nimmo, seconded by Tina Virgin, to approve Case No.: V2024-024 as presented.

Motion Carried unanimously.

- 7. Consider Approval of Variance from Section Sec.154.12-37 – Variance from Sign Regulations for Property Located at 270 W College, Parcel R29216, Being BLOCK 8; LOT F2H of the City Addition of the City of Stephenville, Erath County, Texas

**ADJOURN**

Chairman Dr. Moumin Quazi adjourned the Board of Adjustment meeting at 4:19 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Moumin Quazi, Chair

\_\_\_\_\_  
Jan Strahan, Commission Secretary

*In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.*

# Board of Adjustment STAFF REPORT



**SUBJECT:** Case No.: V2025-001

Applicant Jason Nitschke, representing Horton Commercial Properties, is requesting a variance from Section 154.05.8.D relating to minimum lot dimensions for property located at 791 N. Clinton, being Parcel R33319 of S5700 Shapard & Collins, Block 14, Lots 12 & 13 of the City of Stephenville, Erath County, Texas.

**MEETING:** Board of Adjustment  
**DEPARTMENT:** Development Services  
**STAFF CONTACT:** Steve Killen

## BACKGROUND:

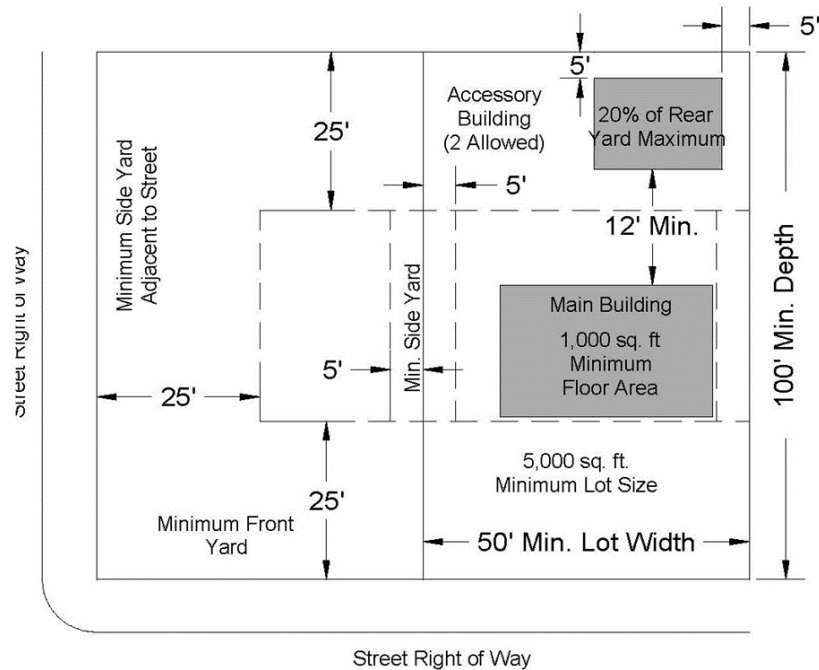
Mr. Nitschke is requesting a variance for lot dept requirements to build townhome structures. His conceptual plan will meet lot width requirements, but, because of the existing configuration of the property, will not meet the depth requirements as the structures will front Shirley Street. Should the variances be granted, Mr. Nitschke will request rezoning from (R-3), Multifamily to (R-2.5), Integrated Housing, which will actually result in lower density of units/acreage.



### 5.8.D Height, Area, Yard and Lot Coverage Requirements.

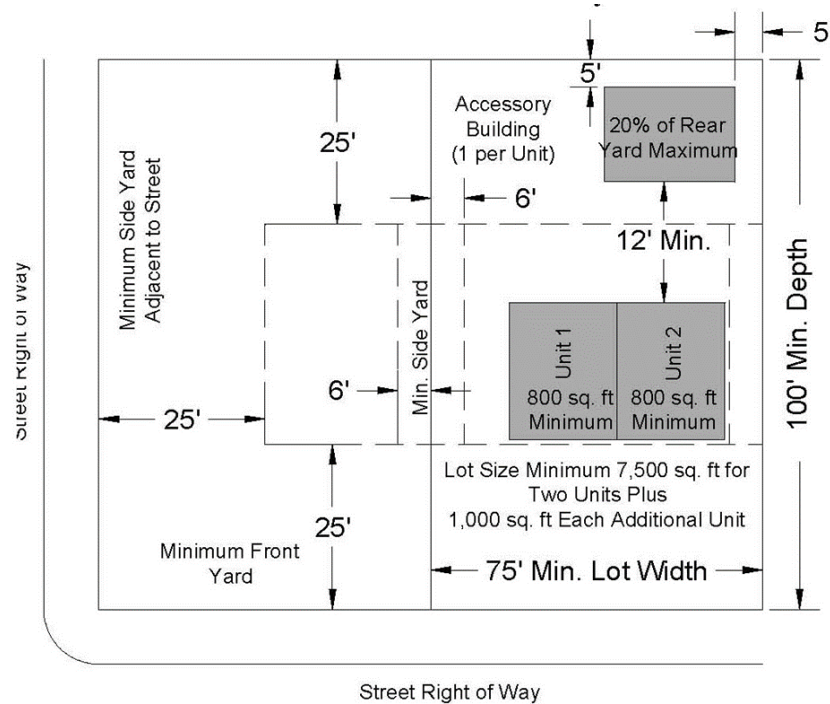
- A. Single family dwelling.
  1. Minimum lot area: 3,000 ft<sup>2</sup>.
  2. Minimum lot width and lot frontage: 50 feet.
  3. Minimum lot depth: 60 feet.
  4. Minimum depth of front setback: 15 feet.
  5. Minimum depth of rear setback: 15 feet.
  6. Minimum width of side setback:

- a. Internal lot: five feet.
- b. Corner lot: 15 feet from intersecting side street.
7. Building size:
  - a. Maximum coverage as a percentage of lot area: 40%.
  - b. Single family dwelling: 1,000 ft<sup>2</sup>.
8. Accessory buildings:
  - a. Maximum accessory buildings coverage of rear yard: 20%.
  - b. Maximum number of accessory buildings: one.
  - c. Minimum depth of side setback: five feet.
  - d. Minimum depth of rear setback: five feet.
  - e. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



- B. Two-to-four family.
  1. Minimum lot area: 7,500 ft<sup>2</sup> for two dwelling units, plus 1,000 ft<sup>2</sup> for each additional dwelling unit.
  2. Minimum lot width and lot frontage: 75 feet.
  3. Minimum lot depth: 100 feet.
  4. Minimum depth of front setback: 15 feet.
  5. Minimum depth of rear setback: 15 feet.
  6. Minimum width of side setback:
    - a. Internal lot: six feet.
    - b. Corner lot: 15 feet from intersecting side street.
  7. Building size:
    - a. Maximum coverage as a percentage of lot area: 40%.
    - b. Minimum area of each dwelling unit: 800 ft<sup>2</sup>.
  8. Accessory buildings:

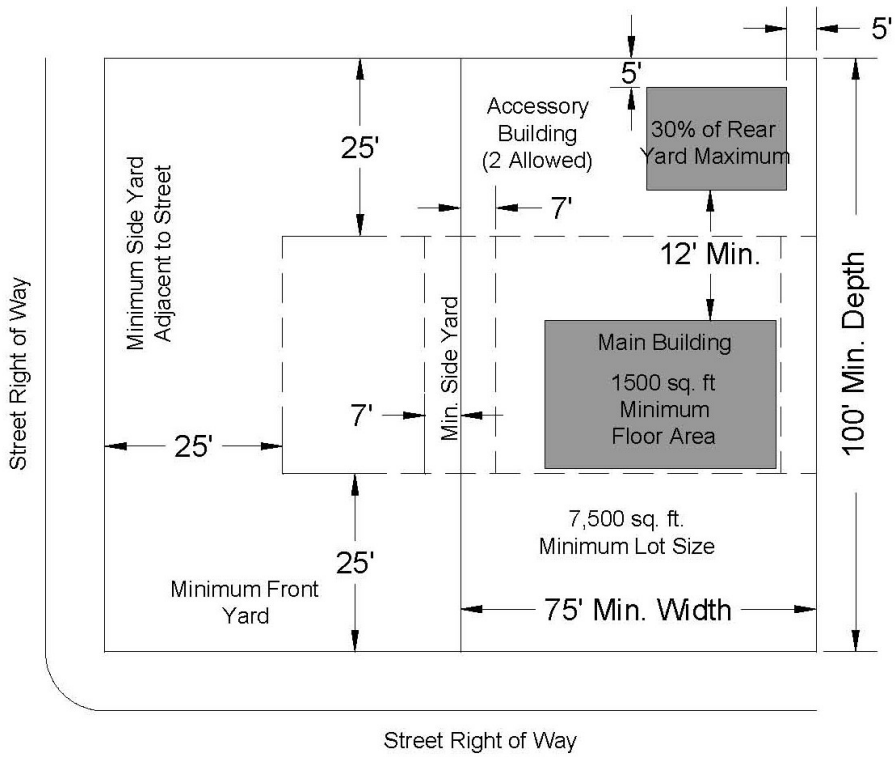
- a. Maximum accessory building coverage of rear yard: 20%.
  - b. Maximum area of each accessory building: 200 ft<sup>2</sup>.
  - c. Maximum number of accessory buildings: one per unit.
  - d. Minimum depth of side setback: five feet.
  - e. Minimum depth of rear setback: five feet.
  - f. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
  10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



### C. Townhouse/Condominium.

1. Minimum lot area: 3,000 ft<sup>2</sup> per unit.
2. Minimum average lot width and lot frontage: 30 feet.
3. Minimum lot depth: 100 feet.
4. Minimum depth of front setback: 15 feet.
5. Minimum depth of rear setback: 15 feet.
6. Minimum width of side setback:
  - a. Internal lot: five feet.
  - b. Corner lot: 15 feet from intersecting side street.
7. Building size:
  - a. Maximum building coverage as a percentage of lot area: 40%
  - b. Minimum area of each Townhouse dwelling unit: 800 ft<sup>2</sup>.
  - c. Minimum area of each Condominium of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less, plus 125 ft<sup>2</sup> of floor area for each additional bedroom.
8. Accessory buildings:
  - a. Maximum accessory building coverage of rear yard: 20%.
  - b. Maximum area of each accessory building: 200 ft<sup>2</sup>.
  - c. Maximum number of accessory buildings: one per unit.

- d. Minimum depth of side setback: five feet.
  - e. Minimum depth of rear setback: five feet.
  - f. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.



### **VARIANCE:**

#### Section 154.21.1.I

1. A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property. Whenever owing to exceptional and extraordinary conditions, the literal enforcement of the zoning regulations will result in unnecessary hardship in the development of the property, an appeal for a variance may be filed with the Board of Adjustment.

2. When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him or her practical difficulties or particular hardship, the Board may consider and allow variations of the strict application of the terms of this ordinance if the variation are in harmony with the general purpose and intent of this ordinance, and the Board is satisfied, under the evidence heard by it, that a granting of the variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the Zoning Regulations.

3. The Board may authorize a variance where by reason of exceptional narrowness, shallowness, or shape of specific piece of property of record at the time of the adoption of this ordinance, or by reason of exceptional situation or condition of a specific piece of property, the strict application of a provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good, and without substantially impairing the general purpose and intent of the comprehensive plan as established by the



regulations and provisions contained in this ordinance.

(a) Papers required. An appeal for a variance shall include:

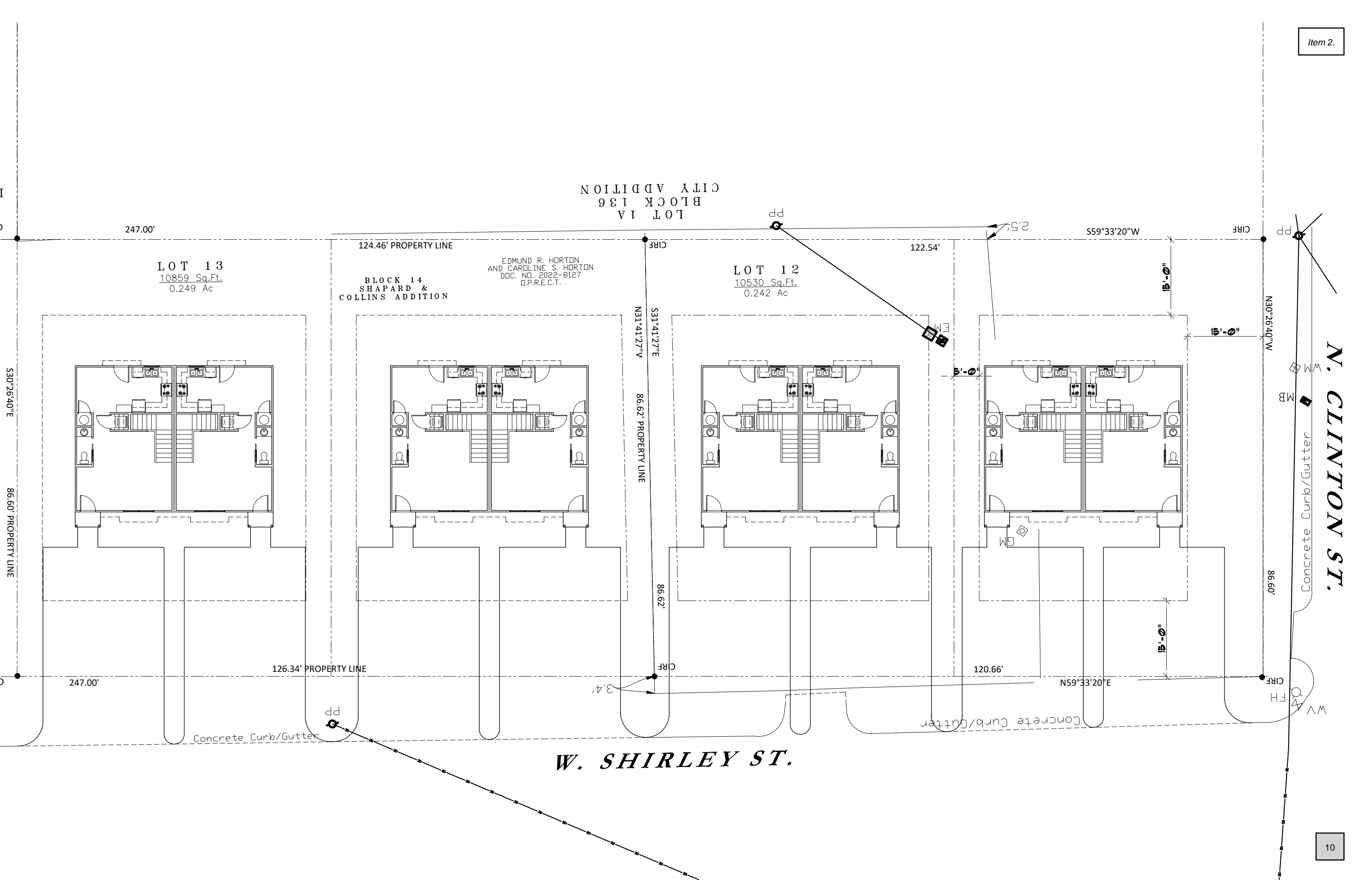
1. A site plan, drawn to scale, showing the location and dimension of the lot and of all existing and proposed improvements:
  - a. When an appeal is based upon hardship resulting from sharp changes in topography or unusual terrain features, the site plan shall include topographic information related to known base points of surveys, and profiles of the particular problem involved, including relationship to topographic features of adjoining properties.
  - b. When an appeal is submitted for variance of side yard or rear yard requirements, the applicant shall provide the same information for the properties adjoining the common lot line as may be applicable to the appealed requirements.
  - c. When an appeal is submitted for a variance from front yard setback, or for side yard setback on a side street, the applicant shall furnish a strip map showing the setback of main walls of all buildings on the same side of the street within a distance of 200 feet of the applicant's property.
2. A statement of facts and reasons why the Zoning Regulations should not be applied to the property in question and how the standards governing the Board's action would be satisfied; and
3. A statement by the Enforcing Officer citing the reasons for refusing to issue a permit under the plans submitted.

(b) Basis for action.

- (1) Before acting on an appeal for variance the Board shall consider:
  - a. The facts filed with the application;
  - b. The testimony presented at the public hearing on the appeal;
  - c. The City Staff's technical report on the appeal; and
  - d. The Board's findings in its field inspection of the property.
- (2) The Board may grant an appeal, subject to such terms and conditions as it may fix, provided

#### ALTERNATIVES:

1. Approve the Variance Request
2. Deny the Variance Request



**W. SHIRLEY ST.**

**N. CLINTON ST.**

