



BOARD OF ADJUSTMENT

City Hall Council Chambers, 298 W. Washington
Thursday, December 14, 2023 at 4:00 PM

AGENDA

CALL TO ORDER

MINUTES

- [1.](#) Consider Approval of November 9, 2023 Minutes

PUBLIC HEARING

- [2.](#) Case No. V2023-018

Applicants Tarleton State University and Thomas and Zana Gill are requesting a variance from Section 154.11.A(2) Paved Parking Spaces for property located at 1490 W McNeill, being parcel R33490 of SOUTH SIDE ADDITION; BLOCK 6; LOTS 1A;1B;2;2A;3;4&5(P.T OF 1B) of the City of Stephenville, Erath County, Texas.

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, November 9, 2023 at 4:00 PM

MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, November 9, 2023 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:

MEMBERS PRESENT: Moumin Quazi, Chairperson
Alan Nix, Vice-Chairperson
Dean Parr
Ben Tackett
JJ Conway
John Traweek – Alternate 1

MEMBERS ABSENT: None
OTHERS ATTENDING: Steve Killen, Director of Development Services
Jacey Woods, Deputy City Secretary

CALL TO ORDER

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

MINUTES

1. Consider Approval of September 14, 2023 Minutes

MOTION by Dean Parr, second by JJ Conway, to approve minutes as presented. MOTION CARRIED by unanimous vote of Board Members who were present at the September 14, 2023 meeting.

PUBLIC HEARING

2. Case No.: V2023-015

Applicant Richard Frank is requesting a variance from Section 154.05.3.D relating to setback requirements for property located at 1431 W Ash, being Parcel R34269 of Tarleton Heights Addition, Block 18, Lots 7C & 7D (PTS OF) of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, gave the following report:

Mr. Frank is requesting a setback variance to allow for the construction of a (2) unit four-bedroom duplex. The reduced setback will enable construction of the improvements as illustrated in the site plan. The request is to reduce the 25' rear lot setback by 10'1", resulting in a 14'11" setback. The property

presented is a flag shaped lot with adequate width and length and parking. Director Killen advised the Board that staff had no objections to the variance request. Mr. Killen concluded by reminding the Board that in paragraph 3 of their packet *“The Board may authorize a variance whereby reason of exceptional narrowness, shallowness, or shape of specific piece of property of record...”* Chairman Quazi confirmed with Director Killen that this variance can be either approved or denied, but conditions may not be attached.

Chairman Quazi opened the public hearing at 4:01 PM.

Applicant Richard Frank was present to answer questions and give insight into his request.

Mr. Nix had questions regarding the partial parking at the front of the property and if Mr. Frank had spoken to his neighbors. Mr. Frank replied that the space was not for parking, but the required front setback and Mr. Frank replied that he had not heard from any of his neighbors.

Dean Parr asked about parking spots to which Mr. Frank replied that there would be 12 spots.

Mr. Traweek asked about the utility pole located at the rear of the property and Mr. Frank replied that there will be an easement for Oncor to use.

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

Mr. Nix asked Mr. Frank if he was considering installing a privacy fence in the rear of the property and Mr. Frank answered in the affirmative.

Chairman Quazi closed the public hearing at 4:12 PM

MOTION by Alan Nix, second by John Traweek, to approve Case No. V2023-015 as presented.

MOTION PASSED with a unanimous vote.

3. Case No.: V2023-016

Applicant Colby Pack is requesting a variance from Section 154.05.6.D(B)(2) – Minimum Lot Width: 75’ for property located at 1136 Shirley, being Parcel R30831 being BLOCK 7; LOT 10 of the S2800 COLLEGE HEIGHTS of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, gave the following report:

Mr. Pack is requesting a variance relating to the minimum lot width and lot frontage in order to build a duplex. The current lot width is 45’ on Shirley Street that includes an already existing building. Mr. Pack is requesting a 30’ variance. Mr. Killen concluded his presentation to the Board that staff had no objections to the variance request.

Chairman Quazi opened the public hearing at 4:13 PM.

Applicant Colby Pack was present via Zoom to give an overview of his project and to answer questions.

Mr. Nix had questions regarding how many stories and if there was a way to reduce the size of the structure especially in regard to the side setback variance request. Mr. Pack replied that the proposed duplex will be a two story and after speaking to the surrounding neighbors, no one expressed concern to the close proximity of the duplex to their homes and that he had worked with his architect for the best placement for the duplex on an already narrow property.

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

Mr. Nix asked Director Killen about fire access to the property. Mr. Killen replied that there is a 400' hose lay practice that the Fire Marshal requires and that there are different options that would be available to Mr. Pack if the property is installed with fire sprinklers. Mr. Killen also stated that there were not any concerns at the moment from the Fire Marshal's office about the proposed development.

Chairman Quazi closed the public hearing at 4:22 PM

MOTION by Alan Nix, second by JJ Conway, to approve Case No. V2023-016 as presented.

MOTION PASSED with a unanimous vote.

4. Case No.: V2023-017

Applicant Colby Pack is requesting a variance from Section 154.05.6.D(A)(6)(a) Minimum Width of Side Setback for an Internal Lot for property located at 1136 Shirley, being Parcel R30831 being BLOCK 7; LOT 10 of the S2800 COLLEGE HEIGHTS of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, gave the following report:

Mr. Pack is requesting a variance relating to the internal lot width side setback of 6' in order to build a duplex. Mr. Killen had discussed in the previous case that the current side setbacks are 3.5' which do not meet the current requirements, but in order for Mr. Pack to build a duplex he will need to keep the setbacks in place. Before Mr. Killen concluded his report, he once again reminded the Board that in paragraph 3 of their packet gives the Board the authority to make variances for properties that are a very narrow in size as described in the statement "The Board may authorize a variance whereby reason of exceptional narrowness, shallowness, or shape of specific piece of property of record..." Mr. Killen concluded his presentation to the Board that staff had no objections to the variance request.

Chairman Quazi opened the public hearing at 4:26 PM.

Mr. Pack was present via Zoom to answer questions.

Thomas Gill, 1085 CR 175, spoke in favor of the variance request.

No one came forward to speak against the variance request.

Chairman Quazi closed the public hearing at 4:28 PM.

Mr. Nix asked for dimension clarification for the setback variance and Director Killen replied that Mr. Pack is asking for a setback reduction of 2.5' on each side.

MOTION by John Traweek, second by Dean Parr, to approve Case No. V2023-015 as presented.

MOTION PASSED with a unanimous vote.

ADJOURN

The meeting was adjourned at 4:32 p.m.

APPROVED:

ATTEST:

Moumin Quazi, Chair

Jacey Woods, Deputy City Secretary



Board of Adjustment STAFF REPORT

SUBJECT: Case No.: V2023-018
Applicants Tarleton State University and Thomas and Zana Gill are requesting a variance from Section 154.11.A(2) Paved Parking Spaces for property located at 1490 W McNeill, being parcel R33490 of SOUTH SIDE ADDITION; BLOCK 6; LOTS 1A;1B;2;2A;3;4&5(P.T OF 1B) of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – December 14, 2023

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

On October 9, 2023 the Planning and Zoning Commission was presented with a request for a Conditional Use Permit for this address for parking by Texas A&M Systems/Tarleton State University under a temporary lease agreement during the completion of TSU parking garage construction, while retaining the R-3 Multi-Family zoning for the owner's future development. The commission voted unanimously to recommend to the City Council to approve the request. Subsequently on October 10, 2023, the City Council granted a Conditional Use Permit for this address.

The applicants are now requesting a variance from Section 154.11.A(2) in order to construct the parking lot using gravel instead of concrete or asphalt as per the ordinance.

Sec. 154.11. Parking spaces for vehicles.

11.A General Intent and Application.

- (1) These parking regulations set minimum standards for off street parking for all districts. Each land use activity creates specific needs for safe and adequate parking areas. The basis of the regulations reflects these parking demands. The parking regulations apply to all zoning districts unless otherwise specified.
- (2) No parking is allowed on any yard area. Parking spaces and driveways will be paved with a sealed surface (concrete/asphalt) pavement and maintained so that no dust will be produced.

VARIANCE:

Section 154.21.1.1

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.

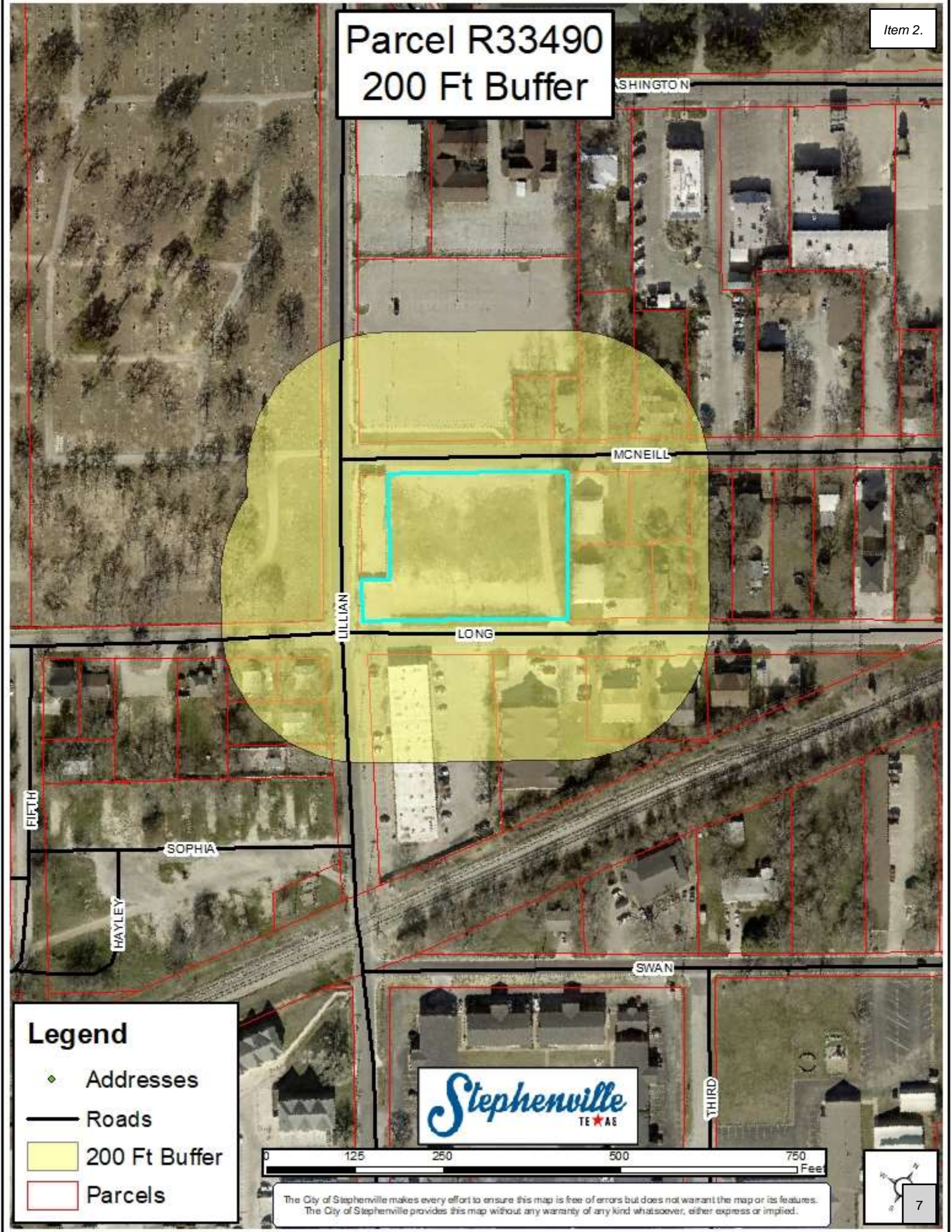
(b) Basis for action.

- (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

Parcel R33490 200 Ft Buffer



Legend

- ◆ Addresses
- Roads
- 200 Ft Buffer
- Parcels



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.



Parcel R33490

Current Zoning - R3 Multifamily

Item 2.

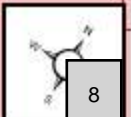


Legend

- ◆ Addresses
- Roads
- ▭ Parcels
- ZONING**
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- ▨ CTS - City, Tarleton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-2.5 - Integrated Housing
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



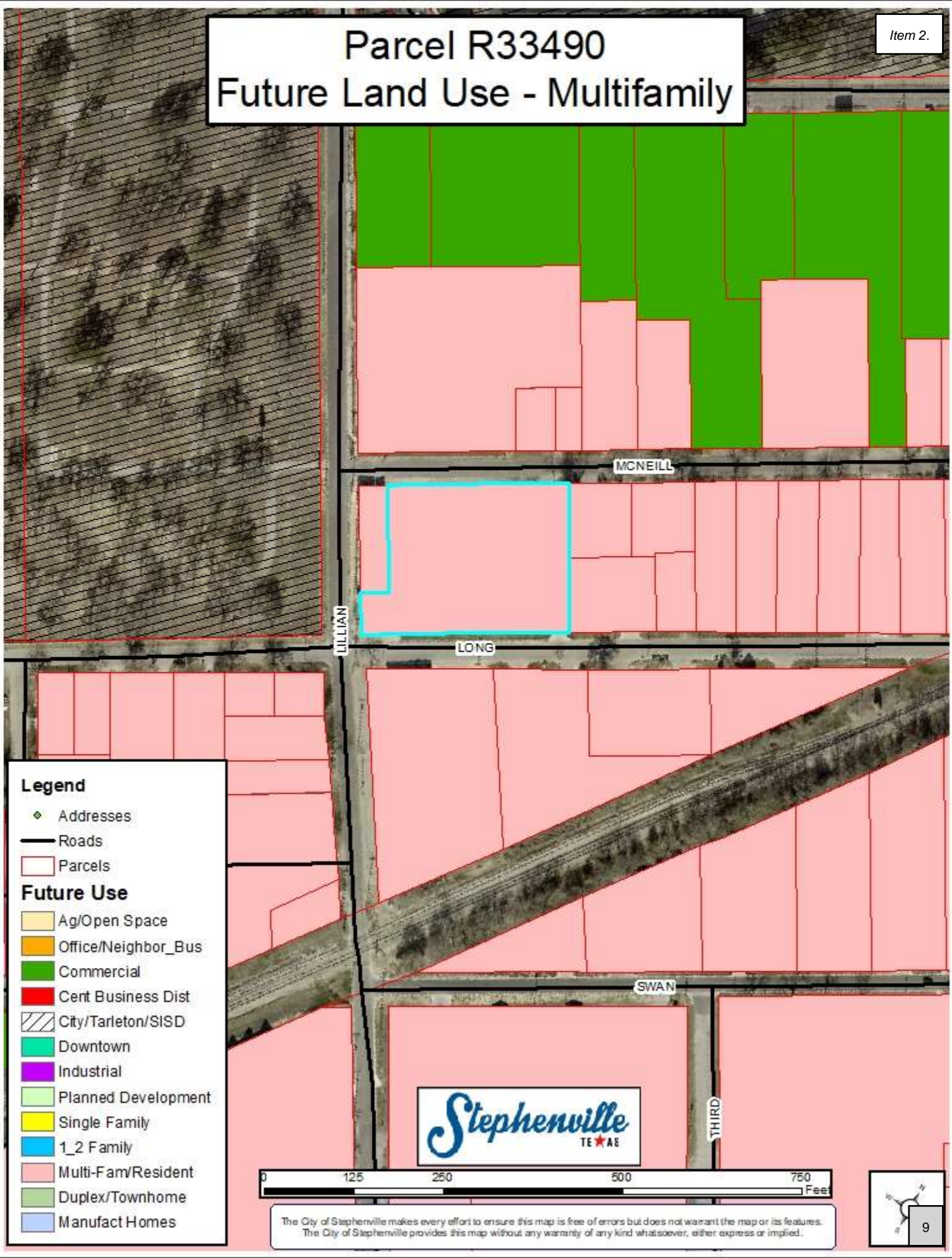
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Parcel R33490

Future Land Use - Multifamily

Item 2.



Legend

- ◆ Addresses
 - Roads
 - ▭ Parcels
- ### Future Use
- ▭ Ag/Open Space
 - ▭ Office/Neighbor_Bus
 - ▭ Commercial
 - ▭ Cert Business Dist
 - ▭ City/Tarleton/SISD
 - ▭ Downtown
 - ▭ Industrial
 - ▭ Planned Development
 - ▭ Single Family
 - ▭ 1_2 Family
 - ▭ Multi-Fam/Resident
 - ▭ Duplex/Townhome
 - ▭ Manufact Homes



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Parcel R33490 Water & Sewer Utilities

Item 2.



Legend

- ◆ Addresses
- Roads
- Parcels
- Sewer Lines
- Water Lines



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Parcel R33490 200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Codes
R000033488	280 S LILLIAN	ATMOS ENERGY CORPORATION	PO BOX 650205	DALLAS	TX	75265-0205
R000030267	1435 W MCNEILL	BALLOW MICHAEL T	404 HERITAGE WAY	STEPHENVILLE	TX	76401
R000030259	1447 W MCNEILL	BOARD OF REGENTS OF THE TX A&M UNIVERSITY SYSTEM	301 TARROW STREET 6TH FLOOR	COLLEGE STATION	TX	77840-7896
R000030255	200 S LILLIAN	BOARD OF REGENTS OF THE TX A&M UNIVERSITY SYSTEM	301 TARROW STREET 6TH FLOOR	COLLEGE STATION	TX	77840-7896
R000033492	1403 LONG ST	BRAMLETT ERNEST C & JOYCE	1708 PR1113	STEPHENVILLE	TX	76401-9706
R000033493	1430 W MCNEILL	BRAMLETT ERNIE & JOYCE	1708 PR1113	STEPHENVILLE	TX	76401
R000033491	1450 W MCNEILL	BRAMLETT ERNIE & JOYCE & CLIFF E	1708 PR1113	STEPHENVILLE	TX	76401
R000030265	1441 MCNEILL	CATHOLIC DIOCESE OF FORT WORTH	3262 CR223	STEPHENVILLE	TX	76401
R000033490	1490 W MCNEILL	GILL THOMAS AND ZANA GILL	PO BOX 43	STEPHENVILLE	TX	76401
R000030257	1416 W WASHINGTON	MCDONALDS REAL ESTATE COMPANY	ONE MCDONALDS PLAZA	OAK BROOK	IL	60523
R000033527	1410 W LONG	MCGEHEE CLARK JOSEPH	133 DANCING LEAF DR	MARTINSBURG	WV	25403
R000030260	1445 MCNEILL	MCLEAN SETH	127 PARK DR	STEPHENVILLE	TX	76401
R000033519	1520 LONG	MULBARGER TODD & KIM	153 VALLEY OAK PLACE	WOODBIDGE	CA	95258
R000033495	1418 MCNEILL	PATTON SHARON RUTH	1418 W MCNEILL	STEPHENVILLE	TX	76401
R000033520	410 LILLIAN	PHILLIPS RENTALS LLC	279 CR707	COTTER	AR	72626
R000033521	420 LILLIAN	PHILLIPS RENTALS LLC	279 CR707	COTTER	AR	72626
R000033494	1431 LONG	SMITH DONNIE R	1431 W LONG ST	STEPHENVILLE	TX	76401-0000
R000033518	1530 LONG	SWECKER COLBY & VIANNEY SANCHEZ	1530 W LONG	STEPHENVILLE	TX	76401
R000040818	428 S LILLIAN	TEXAS COMMUNICATIONS OF BROWNWOOD LP	PO BOX 290	DE LEON	TX	76444
R000073705	1404 W LONG	TRAFALGAR HOMES OF TEXAS LLC	PO BOX 65	STEPHENVILLE	TX	76401
R000033487	1500 W WASHINGTON	WEST END CEMETERY	298 W WASHINGTON	STEPHENVILLE	TX	76401-0000
R000033524	301 S LILLIAN	WINDMASS VILLIAGE III PORTFOLIO OWNER LLC	100 CRESCENT CT, SUITE 270	DALLAS	TX	75201



November 14, 2023

Stephenville Board of Adjustment
298 W. Washington Street
Stephenville, Texas 76401

Re: Variance Request for 1490 McNeil Street

To Whom It May Concern:

Texas A&M Real Estate Office and Tarleton State University, in an effort to reduce parking issues for the University and City of Stephenville, have been in conversation with Woody and Zana Gill, the owners of the property at 1490 McNeil St., since June 2023.

Mr. and Mrs. Gill have sought and obtained a 'conditional-use zoning permit' from the Stephenville Planning and Zoning Board and City Council, which allows the property to be used for student parking by Tarleton State University in conjunction with an executed lease contract. The property will accommodate approximately one hundred fifty (150) parking spaces.

Texas A&M Real Estate Office and Tarleton State University, through Mr. and Mrs. Gill, are seeking a variance from the Stephenville Board of Adjustment to allow a parking lot to be constructed on the property with gravel and appropriately place parking stops.

We are submitting this letter in support of the variance being requested through Mr. and Mrs. Gill and seek the support of the Stephenville Board of Adjustment in approving this variance request.

Sincerely,



Lori Beaty
Executive Vice President, Chief Financial Officer
Tarleton State University

FINANCE AND ADMINISTRATION

Box T-0110, Stephenville, TX 76402 | Office (254) 968-9877 | www.tarleton.edu/finance-administration