



## BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington  
Thursday, January 11, 2024 at 4:00 PM

### AGENDA

#### CALL TO ORDER

#### ELECTION OF OFFICERS

#### MINUTES

- [1.](#) Consider Approval of December 14, 2023 Minutes

#### PUBLIC HEARING

- [2.](#) Case No.: V2024-001

Applicant Joel Allen, representing Brad Allen, is requesting a variance from Section 154.05.6.D(B)(5) Minimum Depth of Rear Setback for property located at 749 Neblett, being Parcel R30821 being BLOCK 7; LOT 1A of the S2800 COLLEGE HEIGHTS of the City of Stephenville, Erath County, Texas.

- [3.](#) Case No.: V2024-002

Applicant Joel Allen, representing Brad Allen, is requesting a variance from Section 154.05.6.D(B)(6)(b) Minimum Width of Side Setback for a Corner Lot for property located at 749 Neblett, being Parcel R30821 being BLOCK 7; LOT 1A of the S2800 COLLEGE HEIGHTS 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, December 14, 2023 at 4:00 PM

### MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, December 14, 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  
Robert Nimmo  
JJ Conway

**MEMBERS ABSENT:** None  
**OTHERS ATTENDING:** Steve Killen, Director of Development Services, via Zoom  
Tina Cox, Board Secretary

### CALL TO ORDER

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

### MINUTES

#### 1. Consider Approval of November 9, 2023 Minutes

MOTION by Alan Nix, second by Dean Parr, to approve minutes as presented. MOTION CARRIED by unanimous vote of Board Members who were present at the November 9, 2023 meeting.

Chairman Quazi removed himself from the public hearing due to a conflict of interest at 4:03 PM and Vice-Chair Alan Nix assumed the duties of Chair.

### 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.

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

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.

Mr. Killen concluded his brief 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 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..."* Mr. Nix confirmed with Mr. Killen that the requirement is in place in order to protect the city street from any residue that could run off into the City drainage system.

Vice-Chairman Nix opened the public hearing at 4:08 PM.

Applicant Thomas Gill as well as Tarleton State University representative David Martin spoke in favor of the request and answered questions and give insight into the request.

Mr. Martin stated that the request will be temporary in nature because Tarleton is leasing the property from Mr. Gill for a total of 5 years in order to provide additional parking while Tarleton's parking garage was being built.

Mr. Nix inquired into whether TSU would be responsible for the maintenance of said parking lot. Mr. Martin answered in the affirmative.

Dean Parr asked Mr. Martin what was to happen to the parking lot at the end of the 5-year lease term. Mr. Martin responded by stating that the property would return to Mr. Gill.

Member Nimmo had a question about the number of parking spots and how they would be placed. Mr. Martin concluded with whatever was to be done to the property would be removed and the property would be returned to Mr. Gill in its original condition.

The final question came from Mr. Nix with regards to entrances and exits to which Mr. Martin said that TSU would be willing to work with the City on those layouts and a formal plan has been drawn out showing the entrance and exit would be at McNeill.

Mr. Thomas Gill, 1085 County Road 275, Stephenville gave insight into the request with background information on the proposed development of the property itself. Future plans include developing the property when it is more financially feasible. Mr. Gill confirmed that the variance would be for a 5-year period, which will be stated on the executed lease, and he felt that this variance request would benefit the university as well as the city of Stephenville.

Mr. Nix asked Mr. Gill if he had any plans to remedy any possible overflow drainage issues that could arise from the unsealed parking lot. Mr. Gill answered that he would need to defer to Tarleton State to resolve those types of issues. Mr. Nix voiced his concerns regarding the temporary nature of the

request and the impact that this variance might have on the long-term maintenance of the infrastructure.

No one came forward to speak against the variance request.

Vice-Chairman Nix closed the public hearing at 4:15 PM

Mr. Parr asked Development Services Director, Steve Killen, what were the City’s biggest concerns regarding an unsealed gravel surface. Mr. Killen replied that the city does require a sealed surface and with the number of cars that would be entering and exiting on any given day with the turn radius, that parking lot would need a well-sealed surface to guard against potholes, etcetera and that he has observed that the gravel that is currently there is already eroding into the surrounding city streets. Mr. Killen also reminded that Board that a variance cannot be approved with any type of condition; the variance must be approved or denied as presented. Mr. Nix confirmed with Director Killen that even though the lease may expire in 5 years, the variance in this case would be for an indefinite period of time. Mr. Killen added that the city attorney preemptively confirmed that statement as well.

MOTION by Dean Parr, second by Robert Nemo, to deny Case No. V2023-015 as presented.

Members Parr, Nimmo, and Nix expressed their concerns regarding potential damage to the roads, while Board Member Conway voiced her concern about the permanency of the variance request.

MOTION PASSED with a unanimous vote.

**Chairman Quazi resumed the duties of the Chair from Vice-Chairman Alan Nix at 4:23 PM.**

**ADJOURN**

The meeting was adjourned at 4:24 p.m.

APPROVED:

ATTEST:

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Moumin Quazi, Chair

\_\_\_\_\_  
Tina Cox, Board Secretary

# Board of Adjustment STAFF REPORT



Item 2.

**SUBJECT:** Case No.: V2024-001  
Applicant Joel Allen, representing Brad Allen, is requesting a variance from Section 154.05.6.D(B)(5) Minimum Depth of Rear Setback for property located at 749 Neblett, being Parcel R30821 being BLOCK 7; LOT 1A of the S2800 COLLEGE HEIGHTS of the City of Stephenville, Erath County, Texas.

**MEETING:** Board of Adjustment – January 11, 2024

**DEPARTMENT:** Development Services

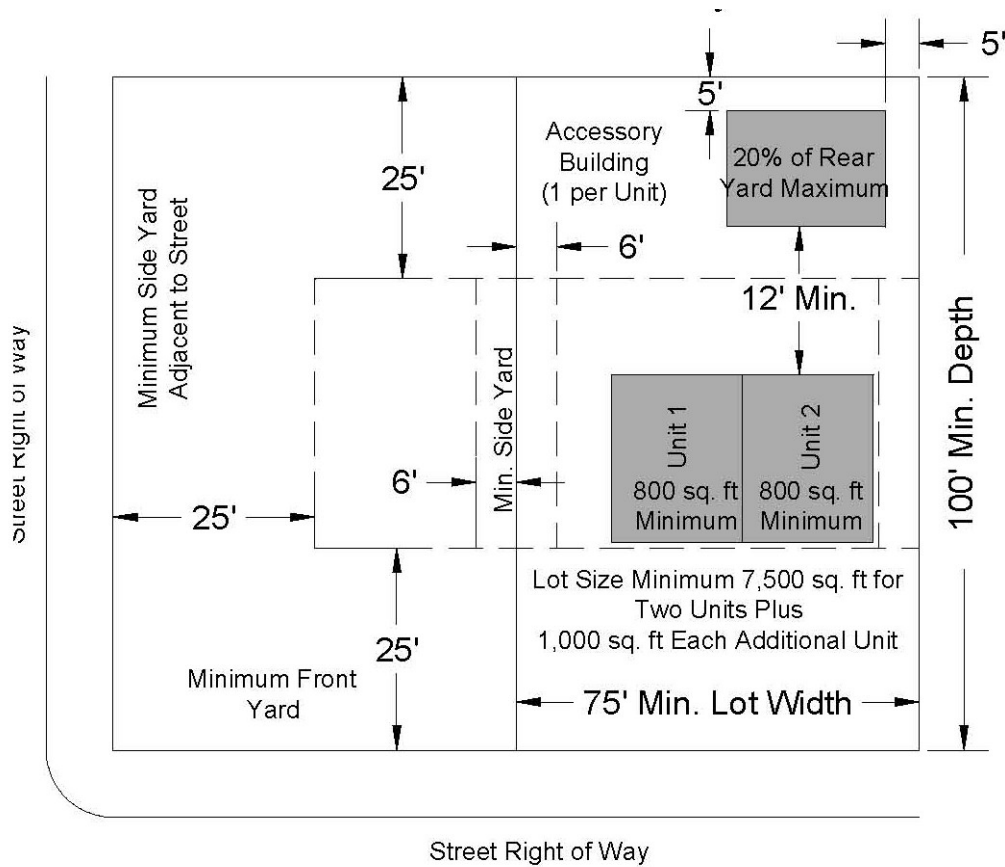
**STAFF CONTACT:** Steve Killen

## BACKGROUND:

Mr. Allen is requesting a 5' variance relating to the rear setback of 25' in order to build a four-unit residential structure.

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

- (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: 25 feet.
  - (5) **Minimum depth of rear setback: 25 feet.**
  - (6) Minimum width of side setback:
    - (a) Internal lot: six feet.
    - (b) Corner lot: 25 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.



### 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 aside 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.

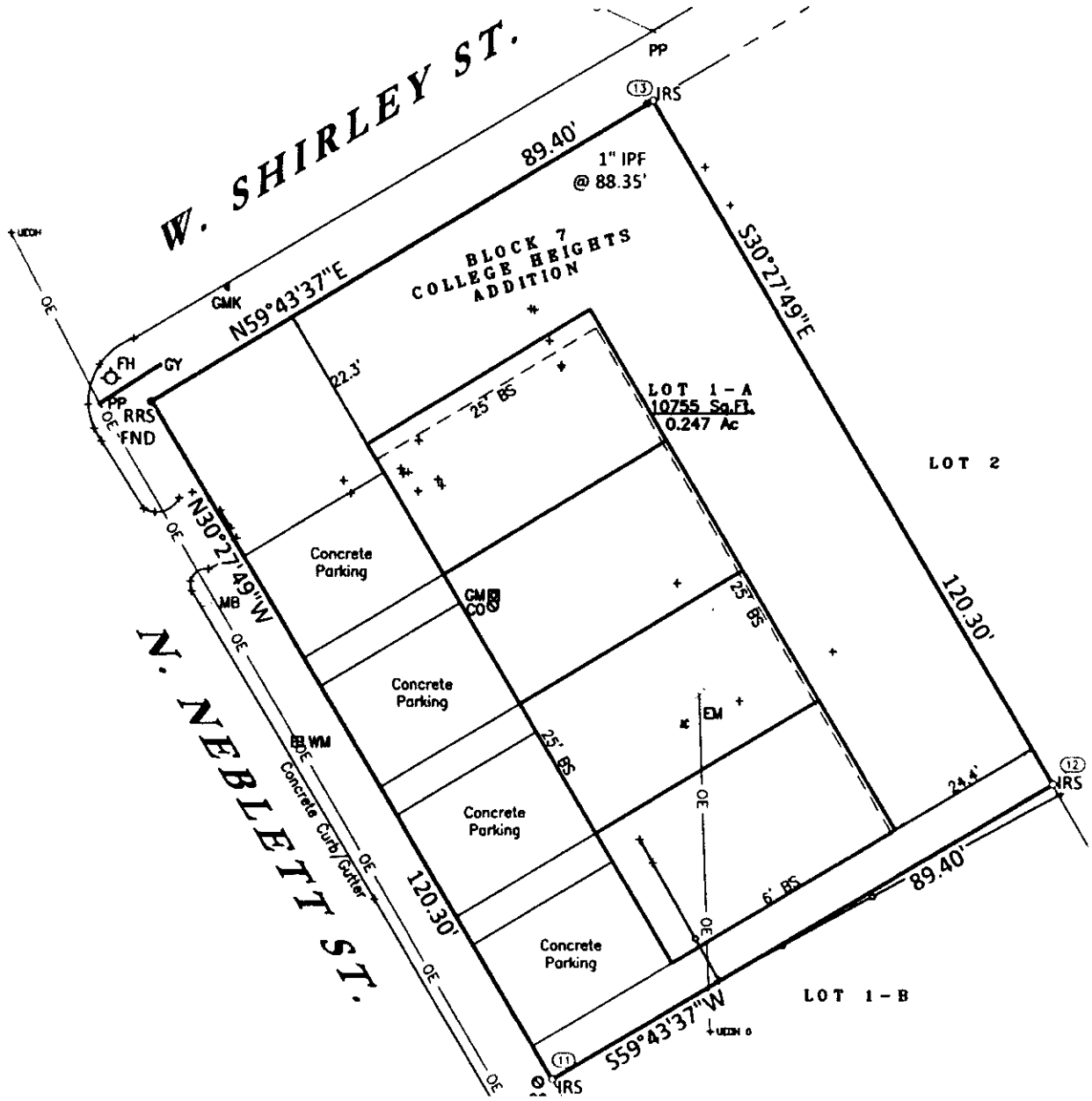
(1) Before acting on an appeal for variance the Board shall consider:

- 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







# Board of Adjustment STAFF REPORT



Item 3.

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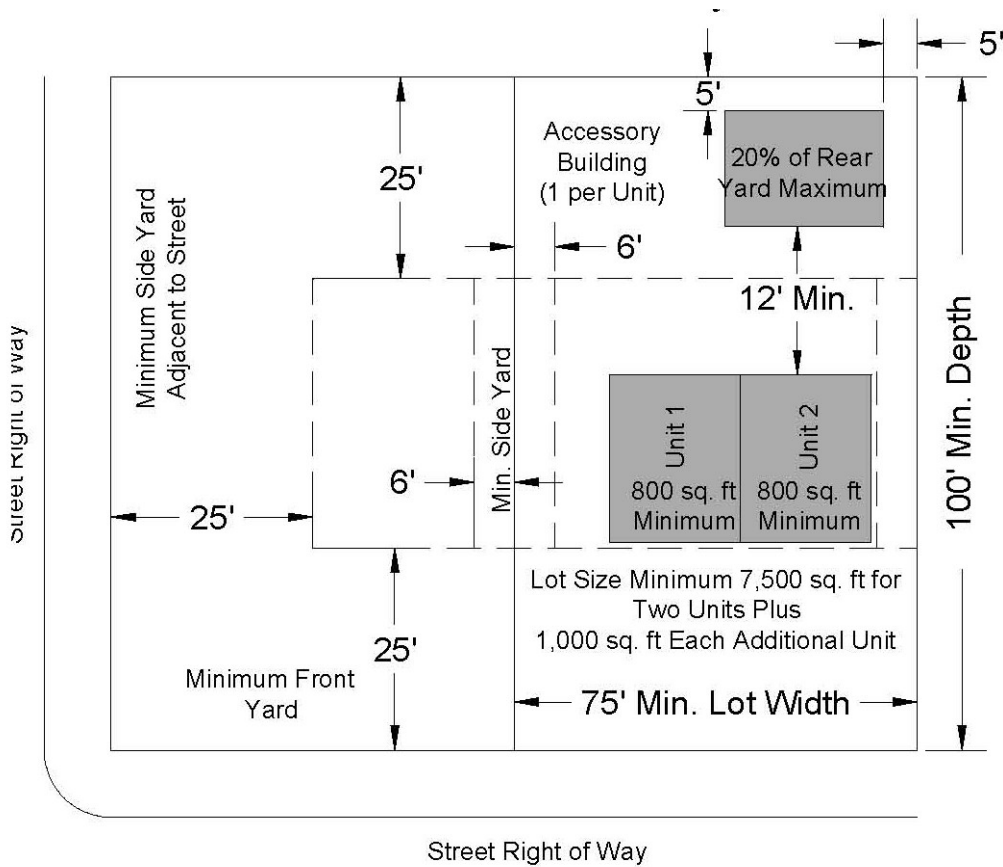
## BACKGROUND:

Mr. Allen is requesting a 5' variance relating to the corner lot width side setback of 25' in order to build a four-unit residential structure.

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