



## BOARD OF ADJUSTMENT

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City Hall Council Chambers, 298 W. Washington  
Thursday, June 08, 2023 at 4:00 PM

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### AGENDA

#### CALL TO ORDER

#### ELECTION OF OFFICER

#### MINUTES

- [1.](#) Consider Approval of May 25, 2023 Minutes

#### PUBLIC HEARING

- [2.](#) **Case No.: V2023-005**

Applicant Dennis Brooks is requesting a Variance from Section 154.21.3.C – *Variance for the Construction of a Carport* for property located at 908 Mockingbird, Parcel R33928, being BLOCK B; LOT 24 of the S6500 TANGLEWOOD ADDITION, 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.*



## SPECIALY CALLED BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington  
Thursday, May 25, 2023 at 4:00 PM

### MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, May 25, 2023 at 4:00 PM, in the City Hall Council Chambers, 298 W. Washington, for the purpose of a Specially Called 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  
Ben Tackett  
Darrell Brown  
JJ Conway – Alternate 1

**MEMBERS ABSENT:** None

**OTHERS ATTENDING:** Steve Killen, Director of Development Services  
Tina Cox, Board Secretary

### CALL TO ORDER

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

Chairman Quazi mentioned that Darrell Brown would no longer serve on the Board of Adjustment and thanked him for his years of service.

### MINUTES

#### 1. Approval of March 9, 2023 Minutes

MOTION by Alan Nix, second by Ben Tackett, to approve the amended minutes. MOTION CARRIED by unanimous vote.

### PUBLIC HEARING

#### 2. Case No.: V2023-006

Applicant Ryan Hill, representing Shield Engineering Group, PLLC, is requesting a variance from Section 154.05.6.D.3 relating to 25' Front Setback for property at 2290 W Tarleton, Parcel R30357 being BLOCK 139; LOT 16;(117.3 x 82.5 OF, 16 TRACT 1) of the S2600 CITY ADDITION, Acres 0.222, of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, stated that Mr. Hill is requesting a variance to allow for the construction of a multifamily structure. The reduced setback will enable construction of the improvements as illustrated in the site plan. The request is to reduce the 25' front setback by 4', resulting in a 21' setback. Mr. Killen concluded in his report that staff supports the request.

Co-Applicant Craig Barnes presented his case to the board by explaining that he would like the setback in order to develop the property into a three-story apartment complex. He mentioned that the developers would be installing sidewalks and curb and gutters as required by city ordinance. When questioned by Member Alan Nix about the ownership of the property in question, Mr. Barnes stated that they had not closed escrow as of yet and the purchasing of said property would be contingent upon approval of the requested variances.

Chairman Quazi opened the public hearing.

No one came forward to speak in favor of or opposition to the variance.

Chairman Quazi closed the public hearing.

MOTION by Ben Tackett, second by Dean Parr, to approve Case No. V2023-006. MOTION CARRIED by unanimous vote.

### 3. Case No.: V2023-007

**Applicant Ryan Hill, representing Shield Engineering Group, PLLC, is requesting a variance from Section 154.05.6.D.1 relating to *Maximum Density* for properties located at 2290 W Tarleton, Parcel R30357 being BLOCK 139; LOT 16;(117.3 x 82.5 OF, 16 TRACT 1) of the S2600 CITY ADDITION, Acres 0.222, of the City of Stephenville, Erath County, Texas.**

Steve Killen, Director of Development Services, stated that Mr. Hill is requesting a density variance to allow for 23.8 units per acre, equating to 18 units for the site with the combined parcels totaling approximately 0.67 acres if acquired. Mr. Killen informed the Board that the increase would allow for 1.2 more units to be built on the property. The developers are providing more parking than is currently required. Mr. Killen concluded his report mentioning that the staff is indifferent in regard to the request, but he did not feel that the request would make a significant difference in the overall footprint of the neighborhood.

Mr. Barnes and Mr. Hill responded to Alan Nix's questions regarding height requirements and could the developers reduce the footprint of the project.

Chairman Quazi opened the public hearing.

No one came forward to speak in favor of or in opposition to the variance.

Chairman Quazi closed the public hearing.

MOTION by Ben Tackett, second by JJ Conway, to approve Case No. V2022-007. MOTION FAILED to receive a two-thirds majority vote.

Chairman Quazi voiced his concerns about the proposed apartments becoming a three-story building and Mr. Nix stated that he felt that the request did not fit the neighborhood footprint due to the increase in traffic on Tarleton Street.

AYES: JJ Conway, Ben Tackett, Moumin Quazi

NOES: Dean Parr, Alan Nix

4. Case No.: V2023-008

**Applicant Larry Stone is requesting a variance from Section 154.05.6 (D) relating to 25' Corner Lot Side Setback for property at 1101 McCart, being Parcel R28824 of S2300 Butler Addition, Block 6, Lot 3C, (W109) of the City of Stephenville, Erath County, Texas.**

Steve Killen, Director of Development Services, stated that Mr. Stone is requesting a variance to allow for the construction of a single-family home. The request is to reduce the 25' corner lot side setback by 10', resulting in a 15' setback which in turn will enable construction of the improvements as illustrated in the site plan. Mr. Killen concluded his report by sharing that the staff supports the request.

Larry Stone, applicant, shared that he is requesting the variance in order to build his daughter a house while she is a student at Tarleton University.

Chairman Quazi opened the public hearing.

No one came forward to speak in favor of or in opposition to the variance.

Chairman Quazi closed the public hearing.

MOTION by Alan Nix, second by Dean Parr, to approve Case No. V2022-008. MOTION CARRIED by a unanimous vote.

**ADJOURN**

The meeting was adjourned at 4:18 p.m.

APPROVED:

ATTEST:

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

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

# Board of Adjustment STAFF REPORT



**SUBJECT:** Case No.: V2023-005  
 Applicant Dennis Brooks is requesting a variance from Section 154.21.3.C – *Variance for the Construction of a Carport* for property at 908 Mockingbird, being Parcel R33928 of Tanglewood Addition, Block B; Lot 24 of the City of Stephenville, Erath County, Texas.

**MEETING:** Board of Adjustment – June 8, 2023

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## BACKGROUND:

Mr. Brooks is requesting a variance for the construction of a carport that will extend 11.5 feet into the required front setback for R-1 zoning districts, Single Family Residential. If approved, the 25 ft. setback requirement will be reduced to 13.5 feet.



### ZONING REQUIREMENTS:

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

- (1) Maximum density: one dwelling unit per lot.
- (2) Minimum lot area: 7,500 ft<sup>2</sup>.
- (3) Minimum lot width and lot frontage: 75 feet.
- (4) Minimum lot depth: 100 feet.
- (5) Minimum depth of front setback: 25 feet.

- (6) Minimum depth of rear setback: 25 feet.
- (7) Minimum width of side setback:
  - (a) Internal lot: seven feet.
  - (b) Corner lot: 25 feet from intersecting side street.

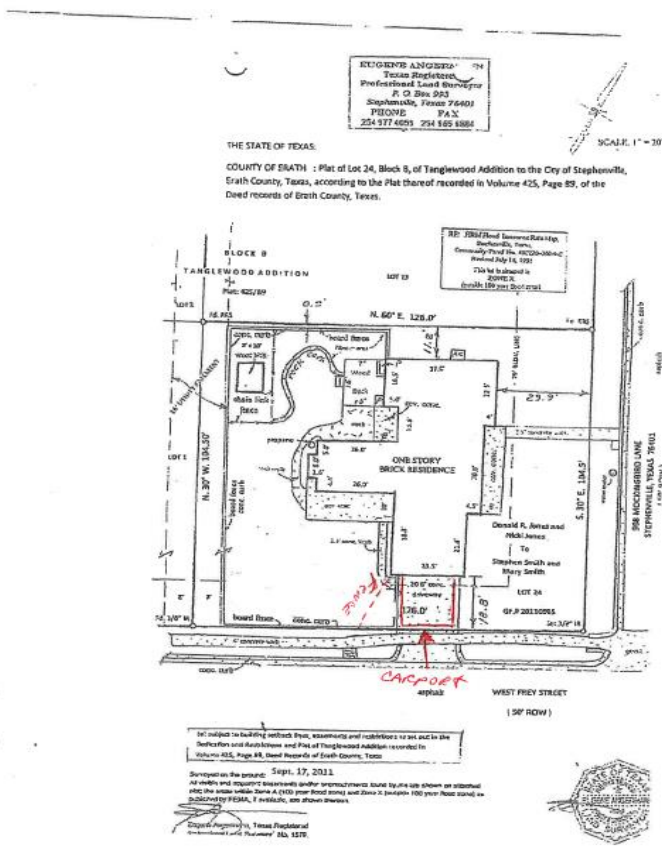
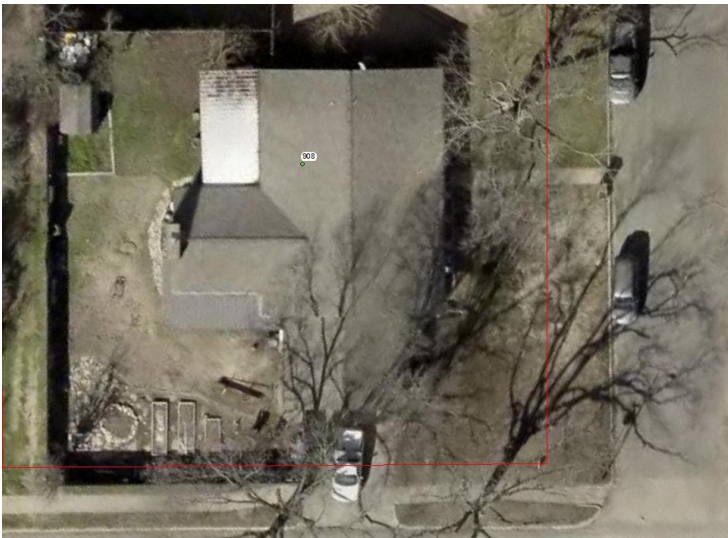
### Section 154.21.3.C

#### Variance for the Construction of a Carport

- (1) Granting a Variance without a Public Hearing:
  - a. Upon receipt of an application to construct a carport, the city manager or his designee shall determine the following:
    - i. The carport is compatible with the existing home and other homes in the neighborhood.
    - ii. The carport is within the minimum setbacks.
    - iii. The carport is no larger than 25 feet in width by 30 feet in length.
  - b. If the above criteria are met, the city manager or his designee will mail notice of the proposed carport to every property owner within 200 feet of the property. The letter must include the procedure and time limits for protest.
  - c. Within 14 days from the date of the notification letter, a petition with signatures from 35% of the property owners within the notification area must be returned to the city manager or his designee or the special exception is considered granted without a hearing before the board of adjustment.
- (2) Granting a Variance with a Public Hearing:
  - a. If the criteria listed above are not met, or if a petition is filed with the city manager or his designee as described above, a public hearing will be scheduled by the board of adjustment to determine if a variance will be granted.
  - b. Notice of a public hearing to allow the construction of a carport shall be mailed to every property owner within 200 feet of the property for which the special exception is requested at least ten days prior to the meeting date.
  - c. Notice of the public hearing shall be published in the newspaper of record at least ten days prior to the meeting date.
  - d. The concurring vote of 75% of the members of the board will be required to grant the special exception.
- (3) The city manager or his designee shall issue to the applicant appropriate documentation showing the grant of the special exception. Such documentation and grant may contain restrictions, use limitations, building requirements, and other matters determined to be appropriate and/or necessary to meet the terms of this section.

**STAFF COMMENTS** – House is approximately 12' from Property line and 18' from Sidewalk. Current parking encroaches sidewalk.





**ADDITIONAL INFORMATION PROVIDED BY APPLICANT:**

- Edge of sidewalk to privacy fence-32 inches
- Length of privacy fence-18 ft. 9 inches
- Rear Bumper of pickup to end of privacy fence-24 inches
- Curb to privacy fence-11 feet



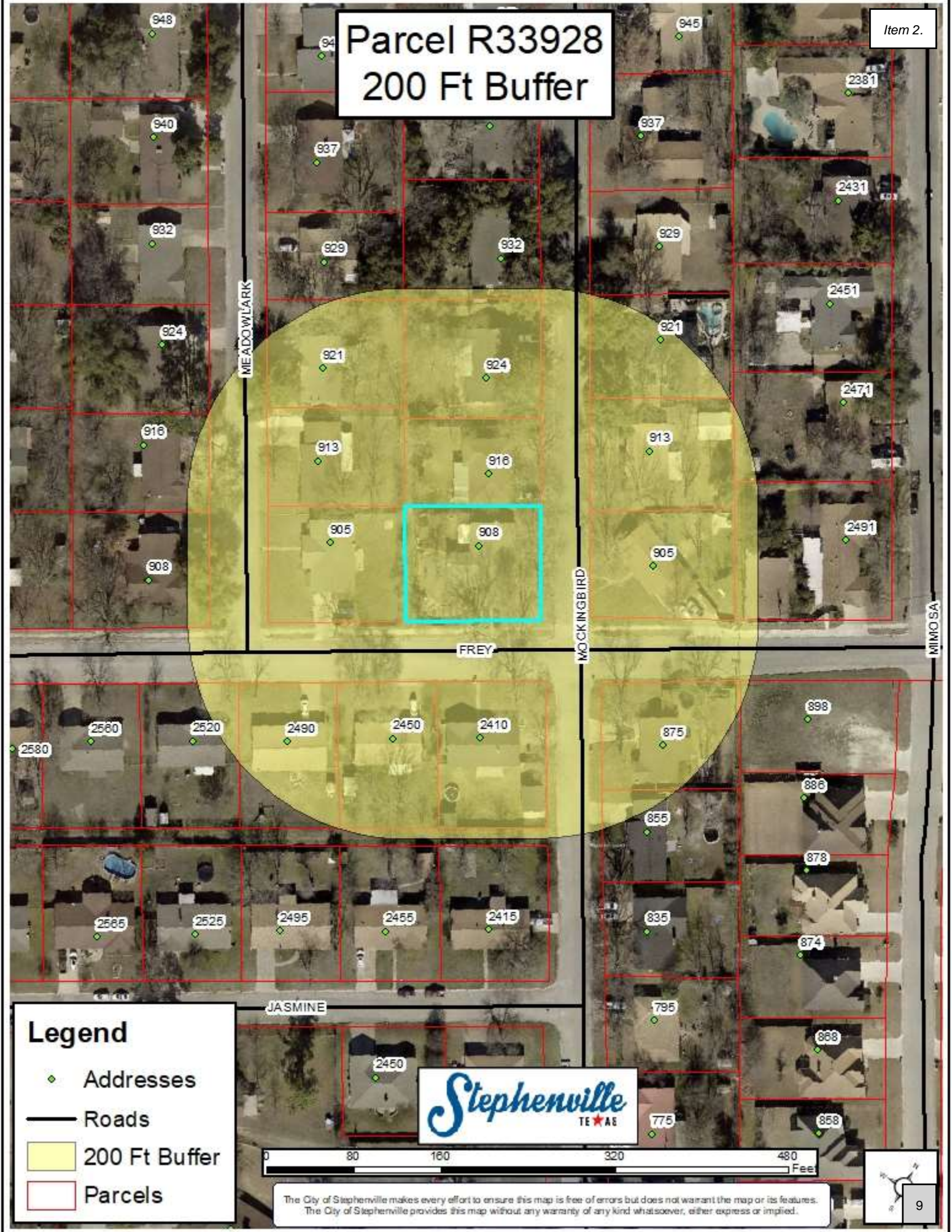
**ALTERNATIVES:**

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



# Parcel R33928 200 Ft Buffer

Item 2.



### 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 R33928

## Current Zoning - R1 Single Family

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, Tareton, 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 R33928

## Future Land Use - Single Family

Item 2.



- Legend**
- ◆ Addresses
  - Roads
  - ▭ Parcels
- Future Use**
- Ag/Open Space
  - Office/Neighbor\_Bus
  - Commercial
  - Cent 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 R33928 Water & Sewer Utilities

Item 2.



- Legend**
- ◆ Addresses
  - Roads
  - ▭ Parcels
  - Sewer Lines
  - Water Lines

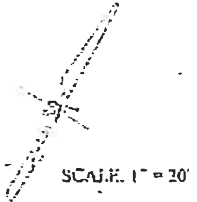


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## Parcel R33928 200 ft Buffer Addresses

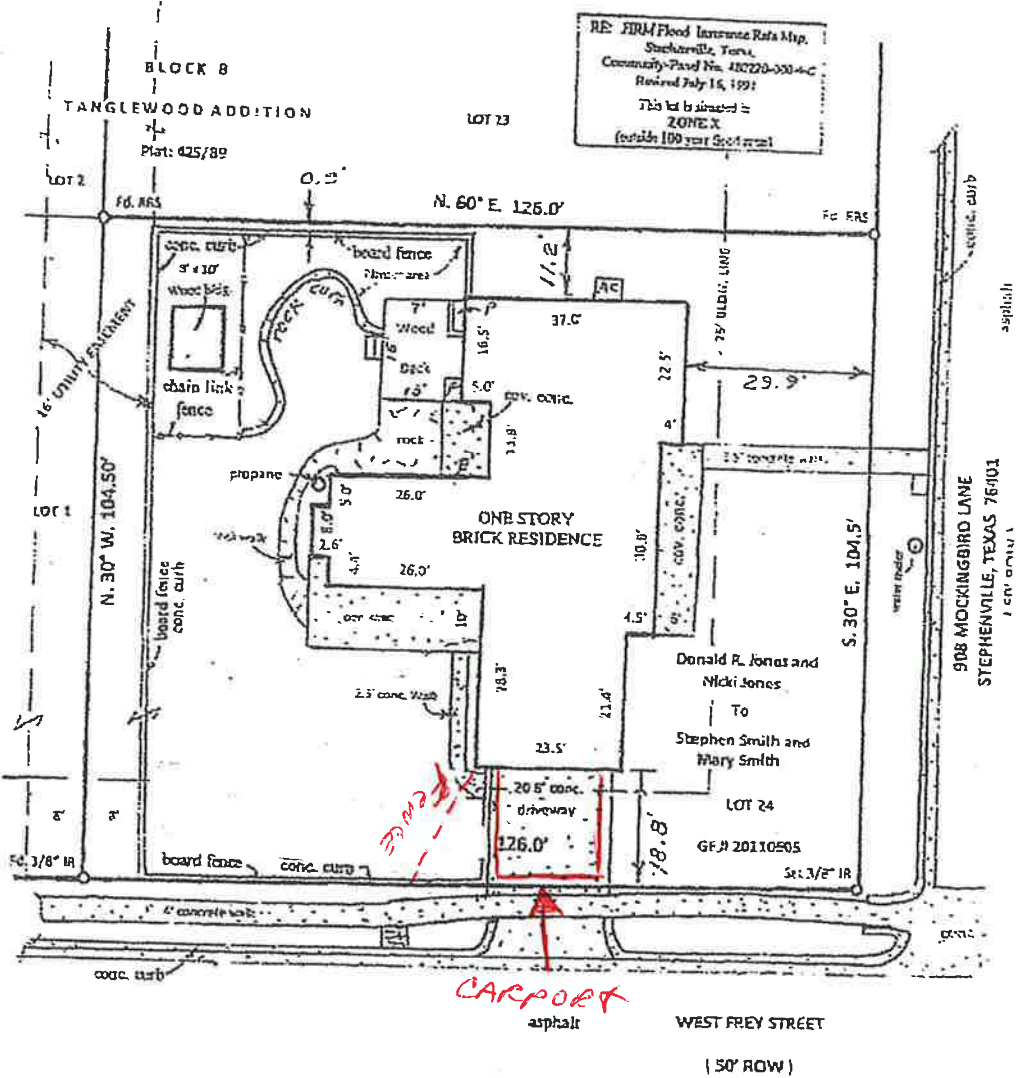
| Parcel ID  | Parcel Address  | Parcel Owner                              | Owner Address            | City         | State | Zip Code   |
|------------|-----------------|---|--------------------------|--------------|-------|------------|
| R000033821 | 855 MOCKINGBIRD | 1999 DIERS FAMILY TRUST                   | 7717 CR175               | STEPHENVILLE | TX    | 76401      |
| R000074936 | 898 MIMOSA CT   | AMBER HOMES                               | 886 MIMOSA CT            | STEPHENVILLE | TX    | 76401      |
| R000033813 | 2410 FREY       | ASHMORE KURT & KAROLINE                   | 100 W 19TH ST            | WELLINGTON   | TX    | 79095      |
| R000033928 | 908 MOCKINGBIRD | BROOKS WILLIAM D                          | 908 MOCKINGBIRD LN       | STEPHENVILLE | TX    | 76401      |
| R000033926 | 924 MOCKINGBIRD | COKER JESSIE MADISON , JAMES WESLEY COKER | 924 MOCKINGBIRD ST       | STEPHENVILLE | TX    | 76401      |
| R000033820 | 875 MOCKINGBIRD | COLBY STEPHEN M & KRISTA D                | 875 MOCKINGBIRD          | STEPHENVILLE | TX    | 76401      |
| R000033907 | 921 MEADOWLARK  | CONBOY BROWN SHELLY S                     | 921 MEADOWLARK LANE      | STEPHENVILLE | TX    | 76401      |
| R000033905 | 905 MEADOWLARK  | DUSTIN DEKE WILLARD TRUST                 | PO BOX 27                | STEPHENVILLE | TX    | 76401      |
| R000034605 | 2491 MIMOSA     | FINNEY JIMMY KEITH & KAREN DENISE FINNEY  | 2491 MIMOSA              | STEPHENVILLE | TX    | 76401      |
| R000033908 | 929 MEADOWLARK  | FOSTER MARGARET NELL                      | 929 MEADOWLARK           | STEPHENVILLE | TX    | 76401-0000 |
| R000033906 | 913 MEADOWLARK  | GILLILAND CONAN                           | 913 MEADOWLARK LN        | STEPHENVILLE | TX    | 76401      |
| R000034604 | 2471 MIMOSA     | HALL FALLON P & JOHN W HALL               | 2471 W MIMOSA            | STEPHENVILLE | TX    | 76401      |
| R000033950 | 924 MEADOWLARK  | HILL DONNY R & BRIGIT N                   | 924 MEADOWLARK           | STEPHENVILLE | TX    | 76401      |
| R000033927 | 916 MOCKINGBIRD | HOUGH BILLIE & GARRETT HOUGH              | 916 MOCKINGBIRD ST       | STEPHENVILLE | TX    | 76401      |
| R000033925 | 932 MOCKINGBIRD | ISHAM RONNIE(ESTATE) & GAYTHA             | 932 MOCKINGBIRD LANE     | STEPHENVILLE | TX    | 76401-0000 |
| R000033893 | 905 MOCKINGBIRD | LLOYD ROBERT & SALLY                      | 2380 W MIMOSA LANE       | STEPHENVILLE | TX    | 76401      |
| R000033952 | 908 MEADOWLARK  | MCDANEL RUSSELL E                         | PO BOX 974               | STEPHENVILLE | TX    | 76401      |
| R000033894 | 913 MOCKINGBIRD | MCQUEARY ROGER E                          | 913 MOCKINGBIRD LN       | STEPHENVILLE | TX    | 76401-0000 |
| R000033810 | 2520 FREY       | NELSON DANIEL R & KANDY K                 | 2520 W FREY              | STEPHENVILLE | TX    | 76401-0000 |
| R000033811 | 2490 FREY       | OAKDALE UNITED METHODIST NON-PROFIT       | 2675 OVERHILL DR         | STEPHENVILLE | TX    | 76401      |
| R000033896 | 929 MOCKINGBIRD | SMITH SIMON D & SONCEE HEARD              | 929 MOCKINGBIRD          | STEPHENVILLE | TX    | 76401      |
| R000033895 | 921 MOCKINGBIRD | STEARNES ELIZABETH                        | 921 MOCKINGBIRD          | STEPHENVILLE | TX    | 76401      |
| R000033812 | 2450 FREY       | SWANSON DIANNE K                          | 2450 W FREY              | STEPHENVILLE | TX    | 76401      |
| R000033951 | 916 MEADOWLARK  | WALTON CHARLES E & SHERRY J               | 1413 HIGHLAND VIEW DRIVE | STEPHENVILLE | TX    | 76401      |

EUGENE ANGERA  
Texas Registered  
Professional Land Surveyor  
P. O. Box 993  
Stephenville, Texas 76401  
PHONE FAX  
254 977 4055 254 965 6884



THE STATE OF TEXAS:

COUNTY OF ERATH : Plat of Lot 24, Block B, of Tanglewood Addition to the City of Stephenville, Erath County, Texas, according to the Plat thereof recorded in Volume 425, Page 89, of the Deed records of Erath County, Texas.



RE: FEMA Flood Insurance Rate Map,  
Stephenville, Texas,  
Community-Plan No. 480220-000-4-C  
Revised July 16, 1991  
This lot is situated in  
**ZONE X**  
(outside 100 year flood zone)

to: subject to building setback lines, easements and restrictions as set out in the Dedication and Restrictions and Plat of Tanglewood Addition recorded in Volume 425, Page 89, Deed Records of Erath County, Texas

Surveyed on the ground: Sept. 17, 2011  
All visible and apparent easements and/or encroachments found by me are shown on attached plat; the areas within Zone A (100 year flood zone) and Zone X (outside 100 year flood zone) as published by FEMA, if available, are shown thereon.

Eugene Angera, Texas Registered  
Professional Land Surveyor No. 1578

