



Zoning Board of Adjustment November 20, 2025

Notice is hereby given of a Regular Meeting of the Nacogdoches Zoning Board of Adjustment to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 4:00 p.m. for the purpose of considering the following agenda items. Some Board members may attend via videoconference, but a quorum of the Board and the Presiding Officer will be present at the above-stated physical location. There will be an opportunity for the public to comment on agenda items in person at the specified location. The meeting will be recorded and made available for viewing at a later date at <https://www.nactx.us/21>.

PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. Administration of Oath of Office – Zoning Board of Adjustment Members
4. **CONSENT AGENDA**
 - A. Consider approval of minutes from the Zoning Board of Adjustment meeting held on September 18, 2025.
5. **REGULAR AGENDA**
 - A. **Public Hearing:** Discuss and consider Zoning Variance Case ZBA2025-01 regarding a variance to Zoning Ordinance Section 118-427(a) *District development chart* to reduce minimum lot depth and width requirements in an R-1 Single-Family district on one (1) parcel of land approximately 0.14 acres ± in size, more particularly described by the Nacogdoches Central Appraisal District Parcel 25209; and located at 1021 Cottonwood Street, Nacogdoches Texas.
 - B. Discuss and consider action on electing a Vice Chair in accordance with the Zoning Board of Adjustment Rules of Procedure.
6. SUBCOMMITTEE REPORT. Update on the previous Zoning Ordinance Subcommittee meeting.
7. ADJOURN.

CERTIFICATION

This meeting will be conducted pursuant to Chapter 551 of the Texas Government Code. The Board reserves the right to adjourn into Executive Session at any time during the meeting to discuss any of the above posted agenda, as authorized by Texas Government Code Section 551.071 [consultation with attorney]. The City of Nacogdoches is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications may be provided upon request. Please contact the City Secretary at (936) 559-2506 for information. I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas 75961, on November 14, 2025, by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.



A handwritten signature in black ink that reads "Jasmine Flores". The signature is fluid and cursive, with the first name "Jasmine" being more prominent than the last name "Flores".

Jasmine Flores, Planning Coordinator



Zoning Board of Adjustments

Date: November 20, 2025

Case No: N/A

PRESENTER:

ITEM/SUBJECT: Consider approval of minutes from the Zoning Board of Adjustment meeting held on September 18, 2025.

TYPE OF REQUEST: N/A

BACKGROUND INFORMATION:

N/A

REVIEW CRITERIA & REQUIRED FINDINGS (STAFF COMMENTS UNDERLINED):

N/A

PUBLIC ENGAGEMENT:

N/A

ATTACHMENTS: 1. ZBA Minutes 09.18.2025



**Meeting Minutes
Nacogdoches Zoning Board of Adjustment
September 18, 2025 – 4:00 p.m.**

City Council Chambers, 202 E. Pilar Street, Nacogdoches, TX

Board Members present: MaryAnn Bentley; Margaret Forbes; John Sloane; Jack York (alt)

Staff Present: City Planner Juan Pollette; Planning Coordinator Jasmine Flores; City Attorney Jerry Baker; Executive Director of Development & Infrastructure Mike Neu

1. CALL TO ORDER.

Bentley called the meeting to order at 4:14 p.m.

2. PLEDGE OF ALLEGIANCE.

3. Administration of Oath of Office – Zoning Board of Adjustment Members.

Pollette administered the Oath of Office to alternate member Jack York.

4. Ranking of Alternate Members.

One alternate member present (in rank order): Jack York.

5. CONSENT AGENDA

- A. Consider approval of minutes from the Zoning Board of Adjustment meeting held on May 15, 2025.

Forbes moved to approve the consent agenda. York seconded. The motion passed unanimously (4-0).

6. REGULAR AGENDA

- A. Receive a presentation on Zoning Board of Adjustment procedures and powers.

Neu gave a ZBA orientation explaining that the Board is a quasi-judicial body under Texas Local Government Code Chapter 211, operating with due process, public notice, evidence, and no ex parte contact. He reviewed composition (five regular, four alternates), the four-member quorum and four affirmative votes required for variances or special exceptions, and the Chapter 118 scope. The docket includes variances judged against six findings, limited special exceptions (notably screening/fencing) with conditions tied to the request, and appeals of the City Planner. Baker outlined judicial appeals: broad standing, a 10-day filing window after the decision is filed with the City Secretary, writ of certiorari, a 10-day sworn return, and possible referee, depositions, and subpoenas; courts may affirm, reverse, modify, or remand and usually defer absent abuse of discretion. Member discussion emphasized stating reasons on the record, probing self-created hardship, asking questions post-hearing when tied to evidence, completing Open Meetings Act training, and ensuring quorum by ranking/seating alternates before meetings and using RSVPs.

Bentley stated no action is required for this item.

- B. Discuss and consider action on electing a Vice Chair in accordance with the Zoning Board of Adjustment Rules of Procedure.

The Board discussed electing a Vice Chair under the updated Rules of Procedure. Neu noted that in July 2024 the Board elected Rhonda Ward as Chair. In June 2025, the ZBA rules of procedure update added a Vice Chair position elected by the Board, and that the Acting Chair is determined by alphabetical order of regular members and does not require a vote. Members confirmed the Chair may make a motion. A suggestion to name alternate Jack York as Vice Chair was withdrawn because alternates are ineligible.

Sloane moved to table the Vice Chair election until the next meeting to allow more regular members to be present; Forbes seconded; motion carried unanimously, (4-0).

7. Zoning Ordinance Subcommittee Report

Neu provided an update on the subcommittee meeting held in August 2025, including an overview of subcommittee duties, previous meeting agenda, and other discussion topics among subcommittee members.

No action is required for this item.

8. ADJOURN.

Bentley adjourned the meeting at 5:16 p.m.

Video Archive: A video recording of the Zoning Board of Adjustment meeting held on September 18, 2025, may be viewed online at https://youtu.be/afv01trwK_Q.

ATTEST:

Rhonda Ward, Chair
Zoning Board of Adjustment
City of Nacogdoches

Jasmine Flores, Planning Coordinator
City of Nacogdoches



Zoning Board of Adjustments

Date: November 20, 2025

Case No: ZBA2025-01

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider Zoning Variance Case ZBA2025-01 regarding a variance to Zoning Ordinance Section 118-427(a) *District development chart* to reduce minimum lot depth and width requirements in an R-1 Single-Family district on one (1) parcel of land approximately 0.14 acres $\pm$ in size, more particularly described by the Nacogdoches Central Appraisal District Parcel 25209; and located at 1021 Cottonwood Street, Nacogdoches Texas.

TYPE OF REQUEST:

Variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property.

The Zoning Board of Adjustment rules and procedures state this type of variance may be requested “whenever, owing to exceptional and extraordinary conditions, the literal enforcement of the provisions of the zoning regulations will result in unnecessary hardship in the development of the property.”

The applicant, Melissa Garcia, is requesting a variance to the Zoning Ordinance Section 118-427(a) *District development chart* to reduce the minimum lot depth and width for a property with a zoning designation of R-1, Single Family.

Lot Standard for R-1	Minimum Required	Existing Tract
Lot Width	75 ft.	73.4 ft.
Lot Depth	110 ft.	81.6 ft.
Lot Area	8,250 sq. ft.	5,989.44 sq. ft.

BACKGROUND INFORMATION:

The property is approximately 0.14 $\pm$ acres and is vacant. The property was originally developed with a small single-family home that was condemned and recently torn down early this year. The applicant is proposing to reconstruct a 1,144 $\pm$ -square-foot single-family home consistent with the surrounding single-family development. Although the new proposed lot does not meet the minimum lot width or depth of the current zoning district, the construction of a single-family structure would not negatively affect the neighboring lots which are fully developed with residential uses. The proposed home will not significantly impact the overall density of the area and will meet the required building setbacks for the R-1 zoning district, which are as follows:

Minimum Setbacks	Front	Rear	Sides
R-1, Single-Family	25 ft.	20 ft.	6 ft.

Adjacent Land Use & Zoning

The subject property is zoned R-1, Single Family, and is currently vacant. The surrounding zoning and land uses are as follows:

Direction	Zoning	Existing Land Use
North	R-1, Single-Family	Residential
South	R-1, Single-Family	Residential
East	R-2, Single-Family	Residential
West (Across Cottonwood St.)	R-1, Single-Family	Residential

Physical Characteristics

1. Frontage: The property has 73.4 feet of frontage along Cottonwood Street.
2. Access: The property takes direct access from Cottonwood Street.
3. Topography and vegetation: The property is relatively flat and is cleared.
4. Floodplain: The subject property is not located within the FEMA-regulated floodplain.

REVIEW CRITERIA & REQUIRED FINDINGS (STAFF COMMENTS UNDERLINED):

Per Sec. 118-99 of the Zoning Ordinance, the applicant must demonstrate to the satisfaction of the board that the decisions of the board will be in the best interest of the community and would carry out the spirit and intent of the zoning regulations. The board of adjustment may grant variances and exceptions upon finding that the following conditions have been met:

1. Such variance is in harmony with the intent and purpose of the comprehensive plan and zoning ordinance.

The variance supports reinvestment on an existing residential lot and allows for the continuation of single-family development consistent with the surrounding neighborhood. The proposed use aligns with the Comprehensive Plan's goals of encouraging infill development where infrastructure already exists and maintaining stable, single-family residential areas. The request also upholds the intent of the zoning ordinance by allowing a reasonable use of a longstanding lot that cannot meet current dimensional standards but can still accommodate a code-compliant single-family home.

2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.

Adjacent properties are already developed with single-family homes, and the proposed reconstruction of a modest single-family residence is compatible with that pattern. The new home will meet all required building setbacks and will not alter traffic patterns, density, or neighborhood character. As a result, the variance will not negatively impact the use or value of nearby residential properties.

3. Such variance will not adversely affect the health, safety, or general welfare of the public.

The proposed single-family home will be constructed in full compliance with setback, building

code, and utility requirements. The variance pertains only to existing lot dimensions and does not increase intensity, introduce incompatible uses, or create safety concerns. Allowing redevelopment of the lot will not adversely impact public health, safety, or general welfare.

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance sought is located.

The variance will not authorize a use other than those permitted under the current R-1, Single-Family zoning district.

5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape, or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

The 0.14±-acre lot was established before the City adopted its zoning map and development standards, resulting in dimensions that no longer meet current R-1 requirements. These conditions are inherent to the original platting of the property and were not created by the current owner.

6. The variance itself is not a self-created hardship.

This hardship is not self-created, as the lot was platted before the adoption of the zoning ordinance and its dimensional standards. The applicant is seeking to use the property in a manner consistent with its historic residential use.

PUBLIC ENGAGEMENT:

- October 29, 2025 - Staff mailed twenty-seven (27) public meeting notice letters to property owners within the 200-foot notification area. At the time of this report, Staff has not received any responses in support or opposition to this request.
- November 2, 2025 - Legal ad published in the Daily Sentinel newspaper.

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Notification Map 200ft
4. Building/Site Plans
5. Site Photos
6. Application

ZBA2025-01 Aerial Map

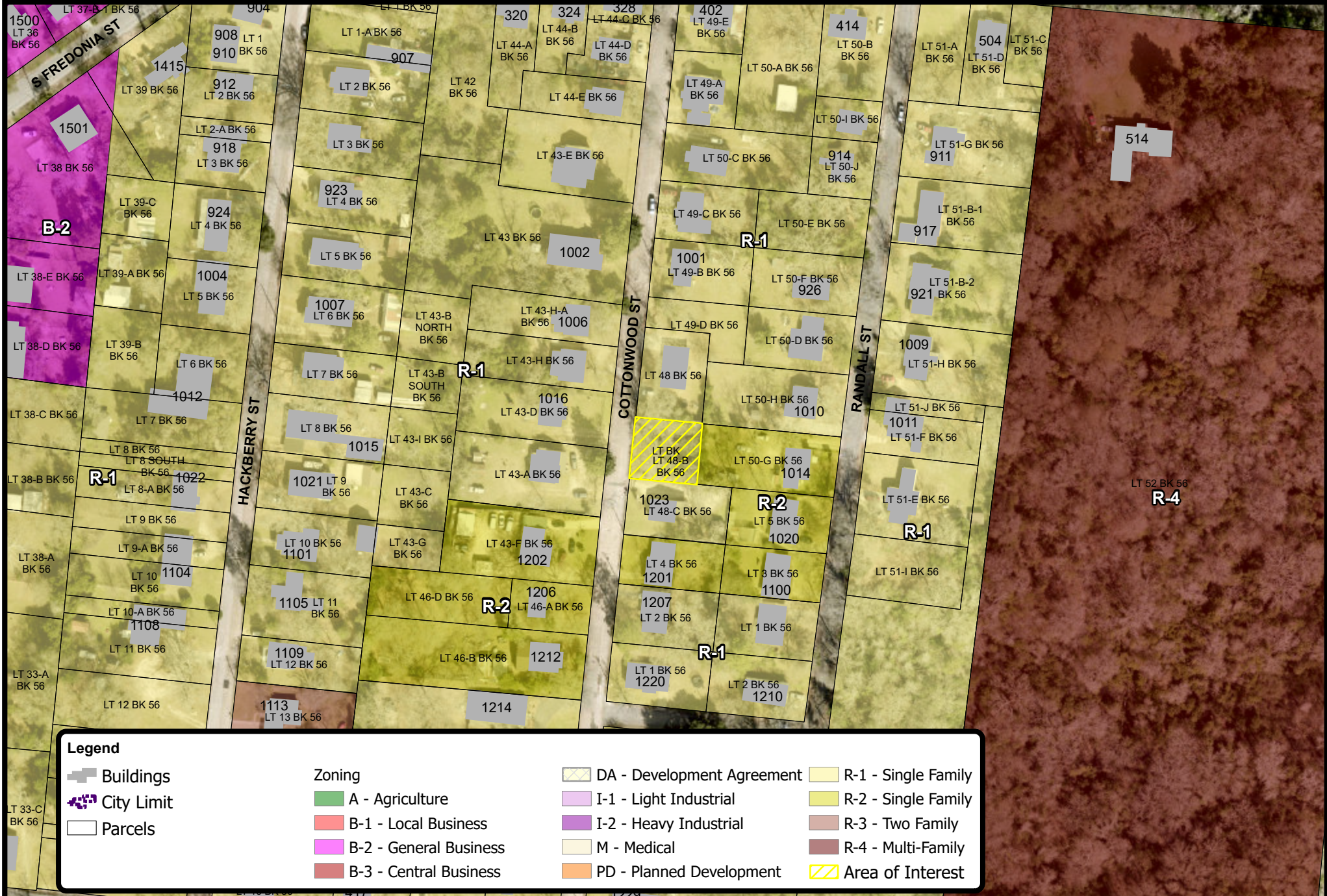


0 60 120 180 240 Feet

Date Created: 11/06/25 08:35 | ArcGIS Pro 3.2.2

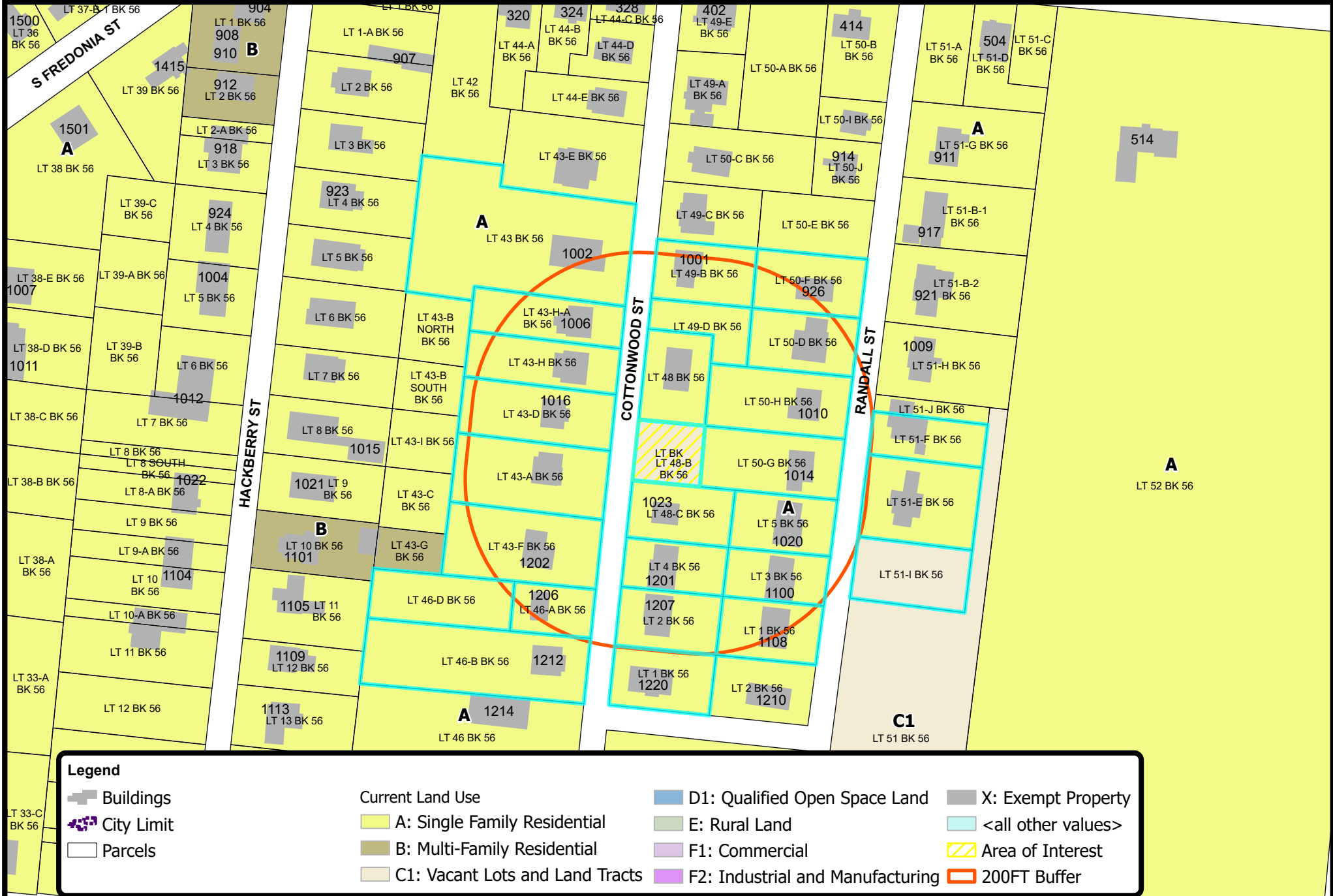
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZBA2025-01 Zoning Map



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZBA2025-01 Notification Map



0 60 120 180 240 Feet

Date Created: 11/06/25 08:35 | ArcGIS Pro 3.2.2

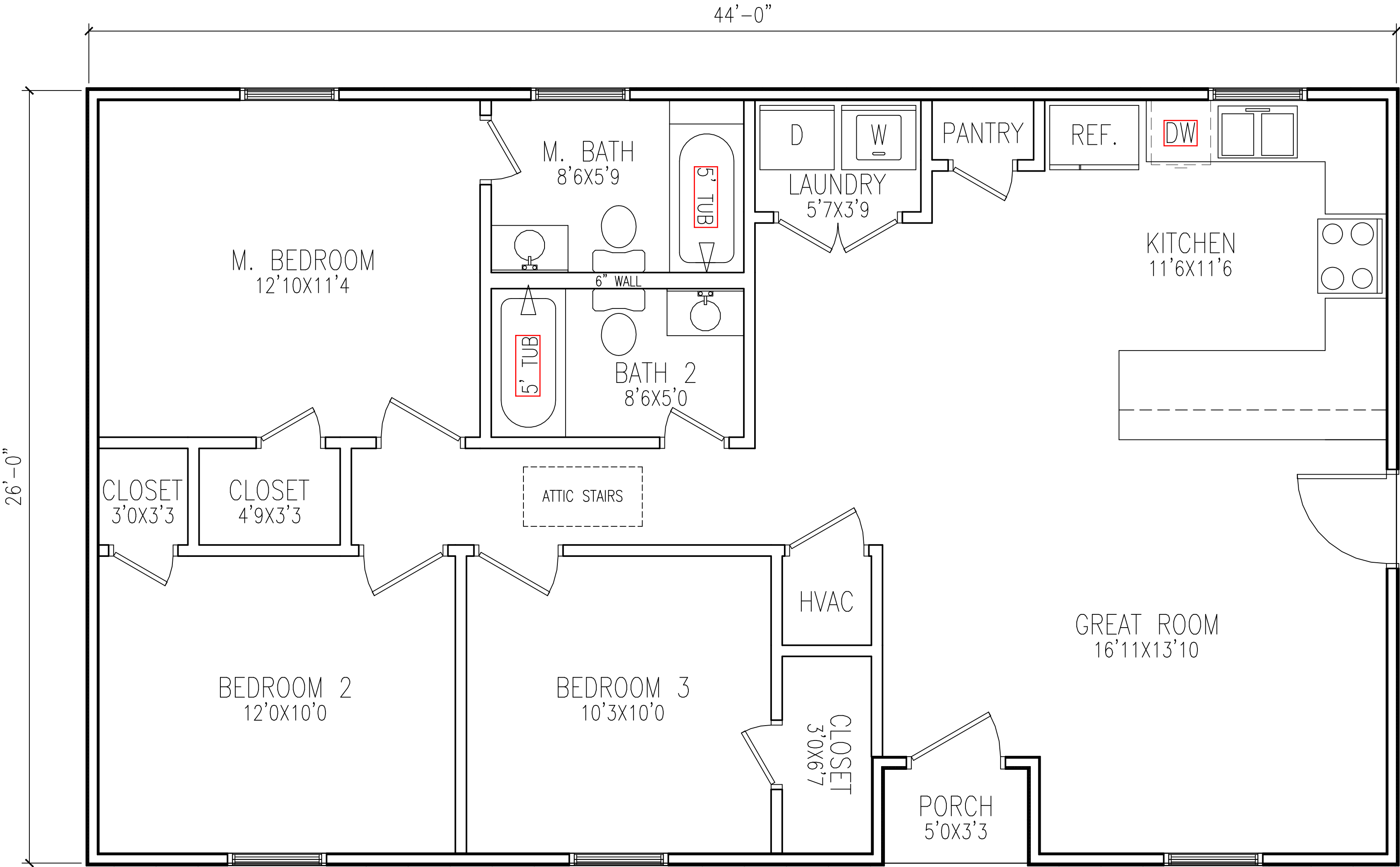
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

HEATED: 1,128 Sq. Ft.
PORCHES: 16 Sq. Ft.
TOTAL: 1,144 Sq. Ft.

1021 COTTONWOOD RESIDENCE



FRONT VIEW
NOT TO SCALE



EXTERIOR PERSPECTIVE
SCALE: N.T.S.

-- COVER SHEET
A1 FLOOR PLAN
S1 SITE PLAN

DATE:

SCALE:

N.T.S.

REVISIONS:

--

FLOOR PLAN
SCALE: $1/4" = 1'-0"$



FRONT ELEVATION
SCALE: 1/8" = 1'-0"

RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

REAR ELEVATION
SCALE: 1/8" = 1'-0"

WALL FRAMING NOTE:
ALL WALLS TO BE 2X4 @ 16" O.C
UNLESS NOTED OTHERWISE.



MECHANICAL NOTE:
WATER TO BE LOCATED
IN ATTIC SPACE BY CONTRACTOR.

NOTES:

1. ALL OUTLETS IN THE KITCHEN TO BE G.F.C.I. TYPE AS PER LOCAL CODES.
2. ALL OUTLETS ARE LOCATED 42 INCHES A.F.F. UNLESS OTHERWISE NOTED.
3. ALL SWITCHES ARE LOCATED 42 INCHES A.F.F. UNLESS OTHERWISE NOTED.
4. THIS IS A SCHEMATIC PLAN, EXACT LOCATIONS ARE TO BE DETERMINED BY ELECTRICAL CONTRACTOR/OWNER OR AS CODE REQUIRES, UNLESS SPECIFIC LOCATION IS NOTED.
5. MECHANICAL/ELECTRICAL CONTRACTOR TO VERIFY ELECTRICAL REQUIREMENTS FOR ALL MECHANICAL EQUIPMENT, ELECTRICAL APPLIANCES ETC.
6. COORDINATE ALL WORK WITH BUILDING CONTRACTOR.

SYMBOL	DESCRIPTION
	110v DUPLEX OUTLET
	110v DUPLEX OUTLET FLOOR MOUNTED
	110v DUPLEX OUTLET GFCI INTERRUPTER
	110v DUPLEX OUTLET GFCI INTERRUPTER/ WEATHER PROOF
	220v APPLIANCE OUTLET
	FLOOD LIGHT
	WALL MOUNTED LIGHT
	SMOKE DETECTOR
	CEILING LIGHT
	RECESSED CEILING LIGHT
	HEAT/LIGHT BATH FAN
	CHANDELIER
	CEILING FAN
	SINGLE POLE SWITCH
	THREE-WAY SWITCH
	FOUR-WAY SWITCH
	12X48 FLUORESCENT LIGHT
	TELEPHONE JACK
	TELEVISION CONNECTION

REVISIONS:

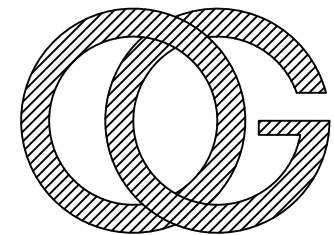
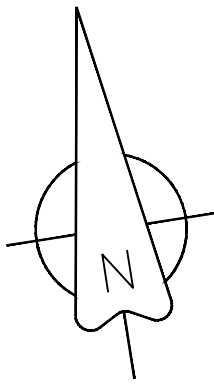
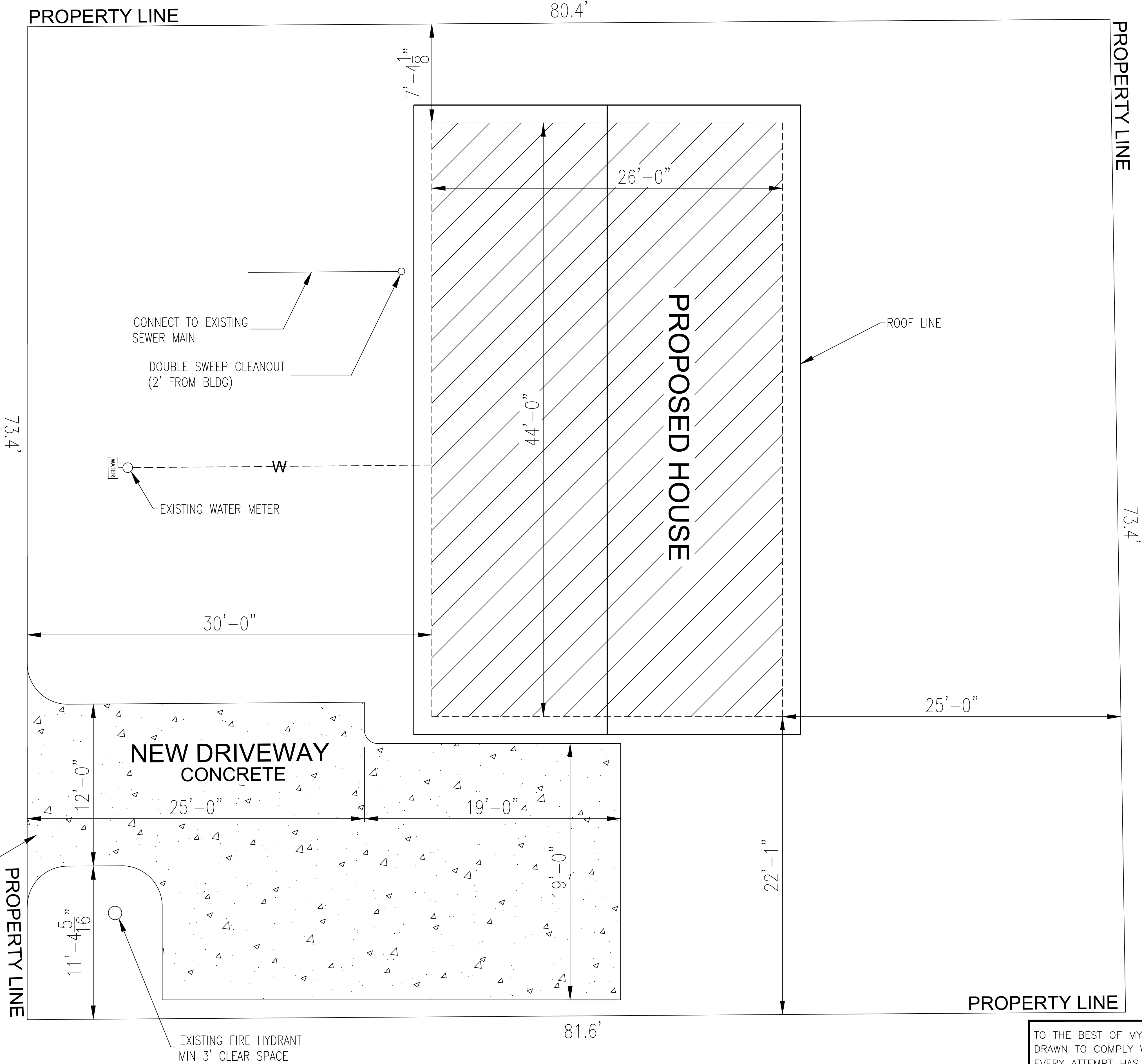
A1

FLOOR PLAN

1021 COTTONWOOD ST,
NACOGDOCHES, TX 75964

COTTONWOOD STREET

BUILD DRIVEWAY APRON
ACCORDING TO CITY STANDARDS



DESIGNED BY:
OCTAVIO GARCIA

1021 COTTONWOOD ST, NACOGDOCHES, TX 75964
SITE PLAN

DATE:

SCALE:
1/4"=1'-0"

REVISIONS:

S1

TO THE BEST OF MY KNOWLEDGE, THIS PLANS ARE
DRAWN TO COMPLY WITH THE OWNERS SPECIFICATIONS.
EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION
OF DRAWINGS AND SPEC'S TO AVOID MISTAKES.
CONTRACTOR AND OR OWNERS SHALL VERIFY ALL
DIMENSIONS, DETAILS AND SPEC'S.
DESIGNER WILL NOT BE LIABLE FOR HUMAN ERROR
AFTER CONSTRUCTION IS STARTED.

SITE PLAN
SCALE: 1/4"=1'-0"

ZBA2025-01 Site Photos

Subject property



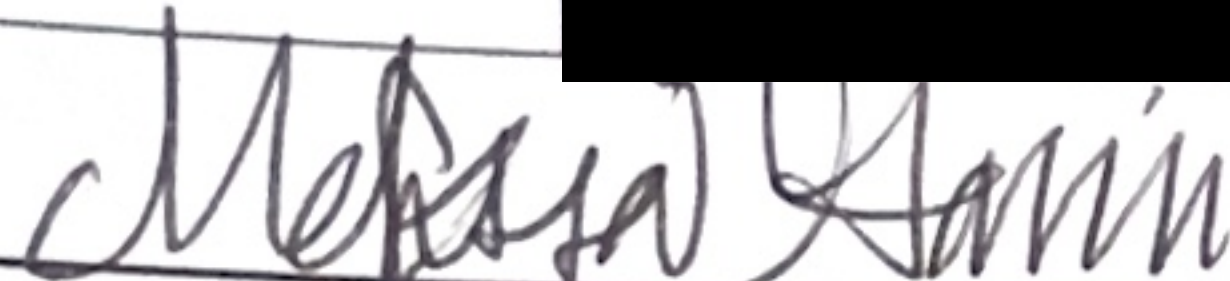
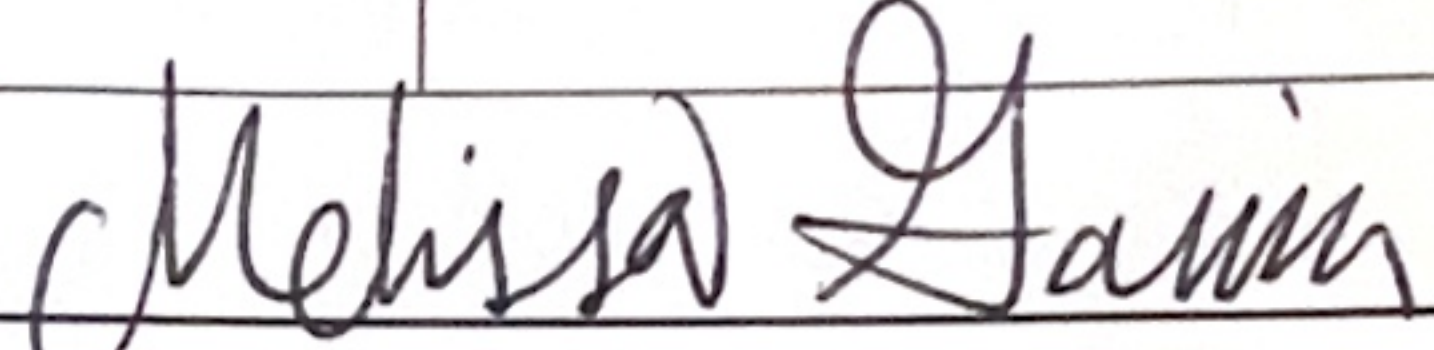
Original house



City of Nacogdoches Planning and Zoning Department

202 East Pilar | P.O. Box 635030 | Nacogdoches, Texas 75963-5030 | Phone: 936.559.2571 | Email: pz@nactx.us

APPLICATION FOR INTERPRETATION, VARIANCE OR SPECIAL EXCEPTION

Applicant		Owner (If different from Applicant)	
☒ Owner ☐ Tenant ☐ Agent ☐ Other		☐ Individual ☐ Trust ☐ Corporation	
Business Name		Business Name	
Name	Melissa Jennifer Baranick	Name	
Mailing Address	[REDACTED]	Mailing Address	
City/State		City/State	
Zip		Zip	
Phone		Phone	
Email		Email	
 Signature of Applicant		 Signature of Owner	

Legal Description of Property

Subdivision: _____ Lot(s) 48-b Subdivision BK Block 56 City BK _____
 Physical Address 1021 Cottonwood Nacogdoches TX Parcel ID # 25209

PLEASE SELECT ONE TYPE OF APPEAL (per Texas Local Government Code § 211)

- ☐ Interpretation of the meaning or intent of the zoning ordinance
- ☐ Special Exception for the use or development of the property
- ☒ Variance from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of property

REQUIRED ATTACHMENTS (Per ZBA Rules & Procedures Section 4.4)

- For an appeal requesting an **interpretation** of the meaning or intent of the zoning ordinance, attach:
 - ☐ A statement/letter by the applicant describing staff's interpretation of the meaning or intent of the code, and then the way you as the applicant believe the regulation should be interpreted.
 - ☐ Site plan or other graphics, and illustrations explaining the applicant's interpretation (diagrams and charts illustrating the applicant's interpretation of the map or text provisions).
- For an appeal requesting a **special exception** for the use or development of the property, attach:
 - ☐ A letter/statement of facts by the applicant as to why the special exception is being requested. This will be a summary of the request including the current requirement (Section of the Ordinance) and the context (reasoning) for the request. The request will include the required findings from the ordinance shown on the next page. **Each question shall be answered in sentence form or the application will be viewed as incomplete.**
 - ☐ A site plan or other graphics and illustrations, drawn to scale (is preferred but not required), showing all lot dimensions, and the location and dimensions of all existing and proposed exceptions that are being requested.
- For an appeal requesting a **variance** from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of property, attach:
 - ☐ A letter/ statement of facts by the applicant as to why the variance is being requested. This will be a summary of the request including the current requirement (Section of the Ordinance) and the context (reasoning) for the request. The request will include the required findings from the ordinance shown on the next page. **Each question shall be answered in sentence form or the application will be viewed as incomplete.**
 - ☐ A site plan or other graphics and illustrations, drawn to scale (is preferred but not required), showing all lot dimensions, and the location and dimensions of all existing and proposed lot improvements.

REQUIRED FINDINGS

(per City of Nacogdoches Code of Ordinances § 118-99):
The Zoning Board of Adjustment, pursuant to the powers conferred upon it by state law, the city ordinances, and this article, may grant variances and exceptions to the sections of this chapter upon the findings listed below. Please explain in your own words, how the request meets each of the findings listed below:

1. Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter

I would like if possible to build a home on the existing lot due to the fact there was a house before.

2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;

There wouldn't be.

3. Such variance will not adversely affect the health, safety, or general welfare of the public

I do not believe there would be a health affect to the public.

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variances are sought is located:

Residential area. There was an existing home before therefore I would like to build a home on the lot.

5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape, and slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located;

I was said the property lot is smaller than it should this why if I have a chance to try I'll do it, There was a home before.

6. The variance is not a self-created hardship *not needed for a special exception*:

The Planning Department will only accept complete applications. This includes; a completed application form, proof of ownership (property deed), required attachments, property owner consent form if the applicant is not the owner, and a non-refundable filing fee of \$350.00 payable to the City of Nacogdoches. The Planning Department will consider the completed application as a request to be added to the next

Shaded areas to be completed by staff during application intake

ZBA	Additional Information
Completed Application Form ☐	Filing Date <u>October 9, 2025</u>
Proof of Ownership ☐	Application Rcvd By: ☐
Filing Fee ☐	Application Accepted By & Date ☐
Adequate Information to locate the site ☐	Tentative ZBA Hearing Date ☐
Owner Consent Form (if you are not the owner) ☐	Case File # ☐