



Zoning Board of Adjustment September 17, 2026

Notice is hereby given of a Regular Meeting of the Zoning Board of Adjustment to be held at 4:00 p.m., via videoconference, for the purpose of considering the following agenda items. All agenda items are subject to action.

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. The meeting will be streamed live at <https://www.nactx.us/21>. There will be an opportunity for the public to comment on agenda items in person in Council Chambers.

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

1. CALL TO ORDER.

2. PLEDGE OF ALLEGIANCE.

3. **CONSENT AGENDA**

A. Consider approval of minutes from the Zoning Board of Adjustment meeting held on November 20, 2025.

4. **REGULAR AGENDA**

A. **Public Hearing:** Discuss and consider Zoning Case ZBA2026-01 regarding a variance to the minimum front fence setback requirement, described by Zoning Ordinance Section 118-427 (b)(6), on one (1) parcel of land approximately 0.26 acres $\pm$ in size, more particularly described by the Nacogdoches Central Appraisal District Parcel 28586, and located at 407 King Street, Nacogdoches Texas.

5. 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 MONTH DAY, YEAR by TIME pursuant to Chapter 551 of the Texas Government Code.

Jasmine Flores, Planning Coordinator





Meeting Minutes
Nacogdoches Zoning Board of Adjustment
November 20, 2025 – 4:00 p.m.
City Council Chambers, 202 E. Pilar Street, Nacogdoches, TX

Board Members present: Rhonda Ward (Chair); Margaret Forbes (Vice Chair); John Sloane; John Watt; Sally Ann Swearingen (alt)

Other Members present: Barbara Gandy (alt)

1. CALL TO ORDER.

Ward called the meeting to order at 4:06 p.m.

2. PLEDGE OF ALLEGIANCE.

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

The Oath of Office was administered to members John Watt and Barbara Gandy.

5. CONSENT AGENDA

- A. Consider approval of minutes from the Zoning Board of Adjustment meeting held on September 18, 2025.

Ward stated no formal vote to approve meeting minutes was needed if no corrections were requested by members. Minutes were approved as presented.

6. 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 the minimum lot depth, lot width, and lot area requirements in an R-1, Single Family zoning district on one (1) parcel of land approximately 0.14 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 25209 and located at 1021 Cottonwood Street, Nacogdoches, Texas.

Pollette presented the request for a variance to allow construction of a single-family residence on an existing vacant lot. He explained that a previously condemned home had been removed from the property, the lot was created and developed before the current zoning standards, and the proposed residence would comply with the required front, rear, and side setbacks. The property is zoned R-1, Single Family, consistent with the surrounding neighborhood. Twenty-seven notices were mailed to property owners within 200 feet, and no responses were received.

Staff found that the request satisfied the required variance criteria and was not expected to adversely affect surrounding properties or the public health, safety, or welfare. Applicant Melissa Garcia participated remotely and stated that she requested the variance so a home could be constructed on the lot where a residence had previously existed.

Ward opened the public hearing. No members of the public spoke in support of or opposition to the request. Ward closed the public hearing.

The Board discussed the lot dimensions, the proposed residence, and the requirements applicable to nonconforming lots and structures.

Watt moved to approve the request as presented. Forbes seconded. Motion passed unanimously (5-0).

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

Forbes was nominated to serve as Vice Chair. Sloane seconded. Ward stated no formal vote to nominate was needed if no other nominations were proposed. Forbes was elected Vice Chair by acclamation.

7. Zoning Ordinance Subcommittee Report

Pollette and Forbes provided an update on the previous Zoning Ordinance Subcommittee meeting. The subcommittee continued its review of fence regulations, battery energy storage system regulations, and multifamily parking requirements. Final revisions to the fence and multifamily parking provisions were expected to return for consideration at a future meeting. The Board also discussed the City Council's recent approval of revisions consolidating the noise regulations in Chapter 34.

8. ADJOURN.

Ward adjourned the meeting at 4:24 p.m.

Video Archive: A video recording of the meeting held on November 20, 2025, may be viewed online at <https://www.youtube.com/watch?v=KYdC6zJXC5g>.

ATTEST:

Margaret Forbes, Vice Chair
Zoning Board of Adjustment
City of Nacogdoches

Julio Aguilar, Planning Coordinator
City of Nacogdoches



Zoning Board of Adjustments

Date: September 17, 2026

Case No: ZBA2026-01

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider Zoning Case ZBA2026-01 regarding a variance to the minimum front fence setback requirement, described by Zoning Ordinance Section 118-427 (b)(6), on one (1) parcel of land approximately 0.26 acres $\pm$ in size, more particularly described by the Nacogdoches Central Appraisal District Parcel 28586, and located at 407 King Street, Nacogdoches Texas.

TYPE OF REQUEST:

A variance is requested 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 applicants, David and Jennifer Rossman, are requesting a variance to the Zoning Ordinance Section 118-427(b)(6) to reduce the minimum front fence setback requirement for a property with a zoning designation of R-4, Multi-Family.

Required Minimum Front Fence Setback	Existing Front Fence Setback
12 feet from back-of-curb	2 feet from back-of-curb

BACKGROUND INFORMATION:

The subject property is approximately 0.26 acres and is developed as a single-family residence constructed in 1945. The property is zoned R-4, Multi-Family, and is identified as Parcel 28586.

The applicants, David and Jennifer Rossman, constructed a white picket fence enclosing the front yard without first obtaining a fence permit. The fence is located approximately 2 feet from the curb. Based on available property information, the front property line is approximately 4 feet from the curb, placing the existing fence approximately 2 feet within the public right-of-way.

Section 118-427(b)(6) of the Zoning Ordinance requires fences to be set back a minimum of 12 feet from the edge of the roadway. Regardless of the Board’s decision on the variance, the fence must be relocated outside the public right-of-way and onto the applicants’ property. The applicants are requesting a variance to allow the fence to be located along the front property line rather than 12 feet from the edge of the roadway.

The applicants state that placing the fence at the required setback would leave approximately 5 feet between the fence and the front of the residence, reducing the usable portion of the front yard. They also state that the placement of the residence predates the City's current development standards.

Adjacent Land Use & Zoning

The subject property is zoned R-4, Multi-Family, and is currently developed as a single-family residence. The surrounding zoning and land uses are as follows:

Direction	Zoning	Existing Land Use
North	R-4, Multi-Family	Residential
South (Across King St.)	R-4, Multi-Family	Residential
East	M, Medical	Residential
West (Across Ferguson St.)	R-4, Multi-Family	Residential

Physical Characteristics

1. Frontage: The property has approximately 130 feet of frontage along King Street and approximately 90 feet of frontage along Ferguson Street.
2. Access: The property takes direct access from Ferguson Street.

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 front fence setback is intended to maintain a consistent separation between fences and the roadway. Based on the property layout, sufficient area exists to relocate the fence onto the applicants' property and meet the required 12-foot setback. The applicants state that doing so would reduce the usable portion of their front yard. Because the property can accommodate a fence that meets the setback, granting the requested reduction would create an exception to the otherwise uniform application of this requirement.

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

Provided the fence is relocated onto the subject property, its placement along the front property line does not appear to restrict access to or interfere with the continued residential use of adjacent properties.

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

The fence is approximately 3½ feet tall and has an open picket design. Staff reviewed the fence location in relation to the visibility triangle at the intersection of King Street and Ferguson Street. The triangle was measured 25 feet along Ferguson Street and 50 feet along King Street, which is classified as a local street. Based on the measurements shown on the attached exhibit, the requested fence location does not appear to extend into the required visibility triangle or obstruct visibility at the intersection.

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 requested variance relates only to the location of the fence and will not authorize a change in the use of the property or any use not permitted within the R-4, Multi-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 residence was constructed in 1945 and is set back approximately 14 feet from the front property line. This placement predates the City's current 20-foot front building setback requirement. However, the approximately 0.26-acre lot does not appear to have an unusual area, shape, or slope that prevents the fence from meeting the required setback. A compliant fence could be installed, although the applicants state that it would leave approximately 5 feet between the fence and the front of the residence and reduce the enclosed portion of the front yard.

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

Although the placement of the residence predates the applicants' ownership, the need for the variance arose after the fence was installed without obtaining the required permit. The applicants state that they made several attempts to contact the permit office and later researched the fence requirements online; however, construction proceeded without a permit or confirmation of the required setback. Review of a permit application before installation would have identified the 12-foot fence setback requirement. The Board should consider these circumstances in determining whether the hardship is self-created.

PUBLIC ENGAGEMENT:

- August 25, 2026 - Staff mailed twenty-six (26) public meeting notice letters to property owners within the 200-foot notification area. At the time of this report, Staff had not

received any responses in support or opposition to this request.

- August 30, 2026 - Legal ad published in the Daily Sentinel newspaper.

ATTACHMENTS:

1. Application
2. Maps
3. Site Photos

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	David E. Jennifer Rossman	Name	
Mailing Address	407 King Street	Mailing Address	
City/State	Nacogdoches, Texas	City/State	
Zip	75961	Zip	
Phone		Phone	
Email		Email	

David E. Jennifer Rossman
Signature of Applicant

Signature of Owner

Legal Description of Property

Subdivision: _____ Lot(s) _____ Subdivision BK _____ City BK _____

Physical Address 407 King Street Parcel ID # 28586

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)

1. 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).

2. 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.

3. 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

We are requesting a variance for Section 118-427 District Development Standards Section 85 to allow us to retain our decorative white picket fence at its current location. The decorative white picket fence is in harmony with all of the city standards (height, aesthetics and corner lot visibility) with the only

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

Granting this variance would not injure the appropriate use of adjacent property in anyway.

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

Granting this variance will not adversely affect the health, safety or general welfare of 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:

Granting this variance will not authorize the operation of a use other than those specifically authorized for the 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, 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;

A unique circumstance was created when our home, built in 1945, was not set back 20 feet as is required today. Our home is set back approximately 14 feet. It would be impractical and unfair to apply today's rules to a property that was built decades before these rules were implemented.

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

Prior to us constructing the decorative white picket fence, we made multiple attempts (via calling) to contact the permit office to obtain information on guidelines/rules and to apply for a permit if needed.

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	05/18/2024
Proof of Ownership	☒	Application Rcvd By:	JA
Filing Fee	☒	Application Accepted By & Date	JA & 05/18/24
Adequate Information to locate the site	☒	Tentative ZBA Hearing Date	
Owner Consent Form (if you are not the owner)	☐	Case File #	01

Required Findings from application page 2

1. We are requesting a variance for section 118-427 District Development Standards subsection B5 to allow us to retain our decorative white picket fence at the front property line. The decorative white picket fence is in harmony with all of the city's standards (height, aesthetics and corner visibility) with the only exception being the distance from the street due to our unique lot layout and limited space.
2. Granting this variance would not injure the appropriate use of adjacent property in any way.
3. Granting this variance will not adversely affect the health, safety of general welfare of the public.
4. Granting this variance will not authorize the operation of a use other than those specifically authorized for the district.
5. A unique circumstance was created when our home, built in 1945, was not set back 20 as is required today. Our home is setback approximately 14 feet. It would be impractical and unfair to apply today's rules to a property that was built decades before those rules were implemented without first considering the property's unique and established qualities. Installing a decorative white picket fence under the current rule of 12 feet from the street would place it 5 feet from the front of our home making the yard unusable and impractical.
6. Prior to us constructing the decorative white picket fence we made multiple attempts(via phone) to contact the permit office to obtain the information on guidelines/rules and to apply for the permit. Several messages were left which included our name, address, phone number and our intentions to build a decorative white picket fence. After several weeks without a response we began to research online for fence requirements for the City of Nacogdoches. Unfortunately we did not see the requirement rule for the 12 foot setback. All other requirements were met. Had the permit office told us of the setback rule when we contacted them, a variance would still have been applied for back then due to the unique hardship of our small setback, therefore we do not believe that this is a self created hardship. We do apologize for not being more persistent(going in person) in obtaining the information and permit. Being new residents to Nacogdoches, we are still learning the laws and ordinances.

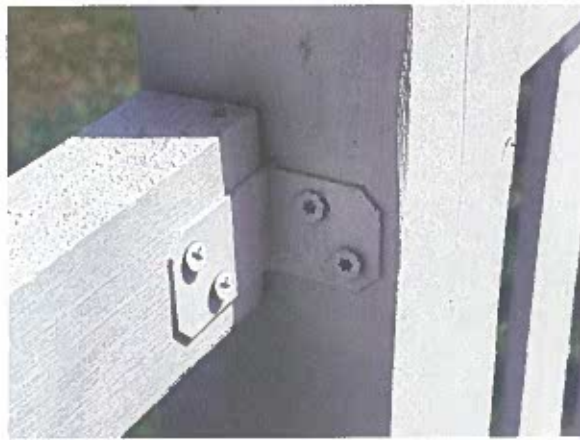
Applicant's Photos.



Corner post placed as close to walkway as possible



Just enough room for mower



Simple L brackets for easy construction/removal



If placed at 12ft

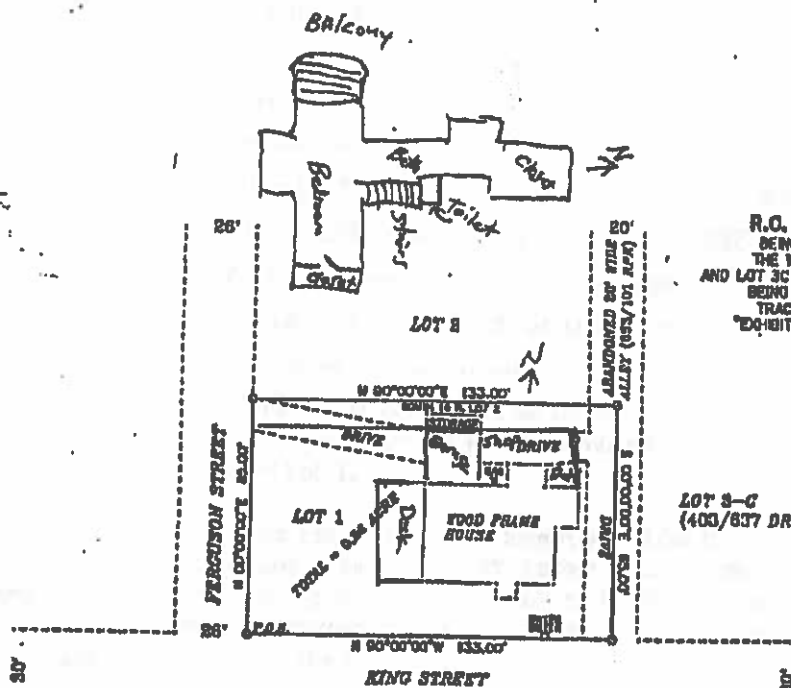


Exhibit B



1" = 40 ft.

Survey of property



"SURVEY PLAT"

TO A
0.26 ACRE TRACT OF LAND

IN THE
R.O. FERGUSON SUBDIVISION (114/276 DR)
BEING ALL OF LOT 1, THE SOUTH 10 ft. OF LOT 2 AND
THE WEST 10 ft. OF A 20 ft. ALLEY BETWEEN LOT 1 & 2
AND LOT 3C & 3 OF THE R.O. FERGUSON SUBDIVISION (114/27
BEING IN CITY BLOCK 40 AND BEING ALL OF AND THE S&P
TRACT ONE, TRACT TWO & TRACT THREE DESCRIBED IN
"EXHIBIT A" CONVEYED TO WELDON E. GASTON (1575-18 ft

IN THE
CITY OF NACOGDOCHES
NACOGDOCHES COUNTY, TEXAS

"NOTE"

ALL IMPROVEMENTS SHOWN ON ABOVE
SURVEY PLAT ARE ABOVE ANY FLOOD
PLAIN ETTES OR FLOOD ELEVATIONS
IN ITS AREA, UNLESS OTHERWISE
NOTED AS SHOWN

LOT 3-C
(400/837 DR)



THE STATE OF TEXAS
COUNTY OF NACOGDOCHES

I, Carl G. Birdwell, a Registered Professional Land Surveyor
of the State of Texas, do hereby certify
that the above survey plat truly and accurately
represents a survey made by me or under my direct supervision.

Carl G. Birdwell
R.P.L.S. 42543
AUGUST 6, 2008
REFERENCE IS MADE TO LEGAL DESCRIPTION
OF EVEN DATE

BIRDWELL SURVEYING

EARL G. BIRDWELL R.P.L.S. # 4343
P.O. BOX 664
SAN AUGUSTINE, TEXAS 78072
PHONE 409-271-3114
FAX NO. 409-271-3114

JOB NO. GASTON
DRAWING NO. GASTON
FIELD BOOK 121/30

"PROPERTY ADDRESS"
407 KING STREET
NACOGDOCHES, TEXAS 75961

Exhibit A

CARL O. BIRDWELL SURVEYING

RT. 1, BOX 244, SAN AUGUSTINE, TEXAS 75073

Phone: (504) 375-3548

Fax: (504) 375-3584

R. O. FERGUSON SUBD.
CITY OF NACOGDOCHES

STATE OF TEXAS
COUNTY OF NACOGDOCHES

"LEGAL DESCRIPTION" TO A 0.26 ACRE TRACT OF LAND

Being a description to a 0.26 acre tract of land in the R. O. FERGUSON SUBDIVISION (recorded in Vol. 114, pg. 276 DR) in the City of Nacogdoches, Texas of Nacogdoches County, Texas and being all of Lot 1, the South 10 ft. of Lot 2 and the West 10 ft. of a 20 ft. wide alley between Lot 1 & 2 and Lot 3C & 3 of said Subdivision (653/101 DR), being in City Block 40 and being all of and the same TRACT ONE, TRACT TWO and TRACT THREE described in "Exhibit A" of a Deed conveyed to Waldon K. Gaston recorded in Vol. 1575, pg. 18 of the Real Property Records of said county and being described by metes and bounds as follows, to-wit:

BEGINNING: At an "X" marked in conc. curb at the R.O.W. intersection of King Street and Ferguson Street for the S.W. corner of this 0.26 acre tract and said Lot 1.

THENCE: North, along the EBL of Ferguson Street at 75.00 ft. passing the N.W. corner of Lot 1, being the S.W. corner of Lot 2 continuing along the same bearing at a total distance of 85.00 ft. to a iron rod set for the N.W. corner of this 0.26 acre tract in the EBL of Ferguson Street, being the WBL of Lot 2.

THENCE: East, 133.00 ft. through Lot 2 and into said 20 ft. wide alley to an iron rod set for the N.E. corner of this 0.26 acre tract in the center-line of said 20 ft. wide alley.

THENCE: South, 85.00 ft. along the center of said alley to an iron rod set for the S.E. corner of this 0.26 acre tract in the NBL of King Street.

THENCE: West, along the NBL of King Street at 10.00 ft. passing the S.E. corner of Lot 1 and continuing along the same bearing at a total distance of 133.00 ft. to the point of beginning containing 0.26 acre of land with a wood frame house and improvements located thereon.

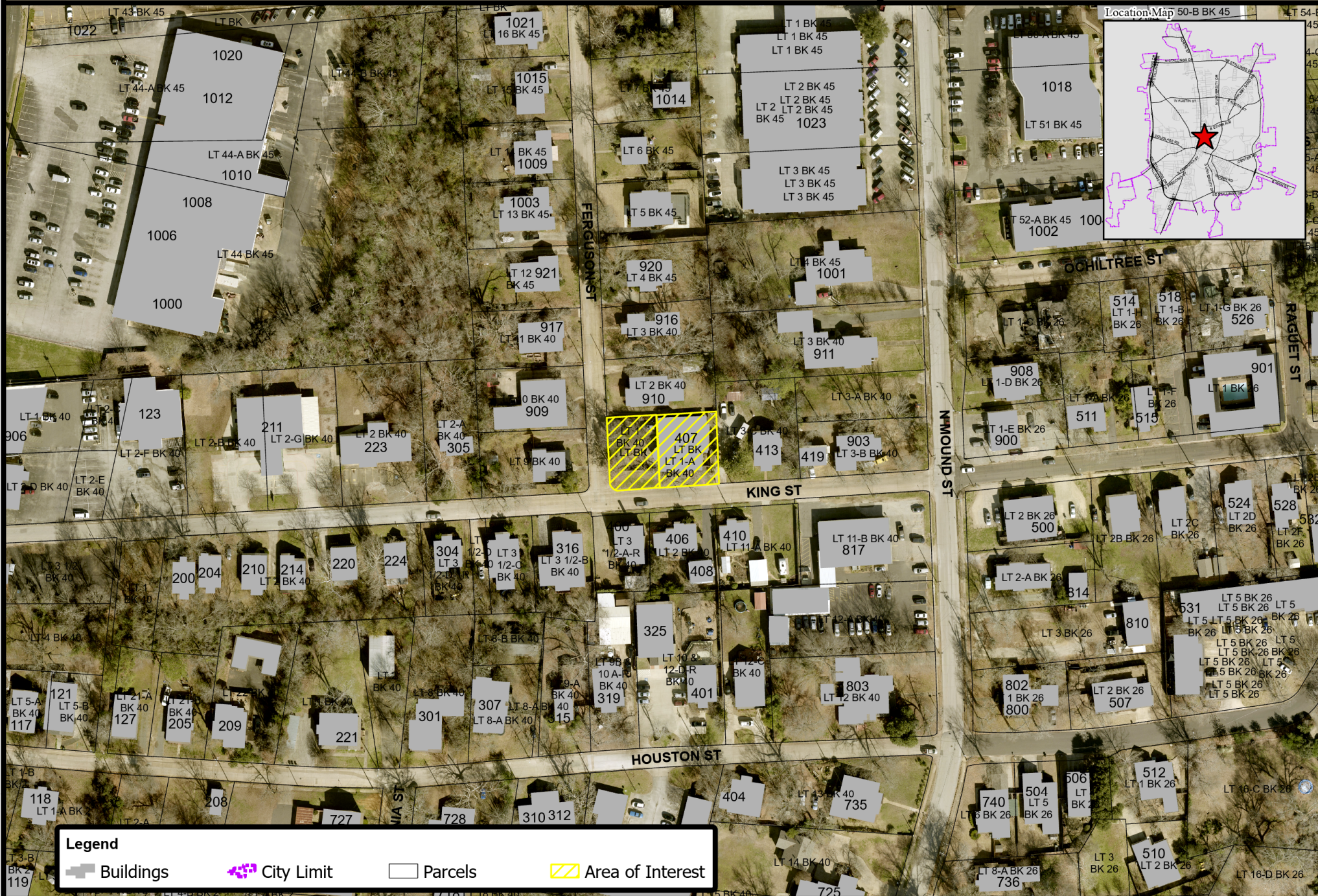


SURVEYED BY:

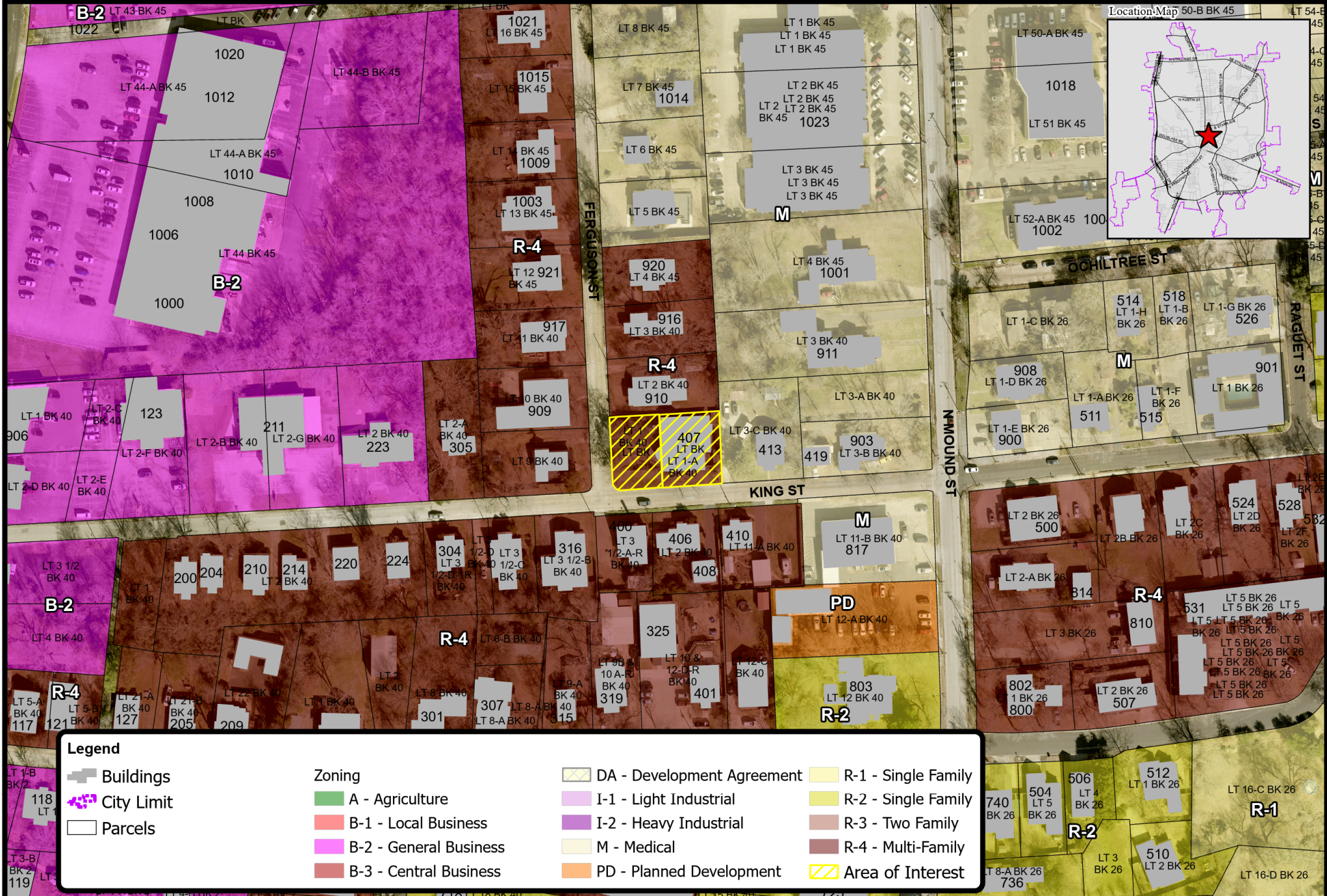
Carl O. Birdwell

CARL O. BIRDWELL
REGISTERED PROFESSIONAL LAND SURVEYOR
REG. NO. 4343

ZBA2026-01 Aerial Map



ZBA2026-01 Zoning Map



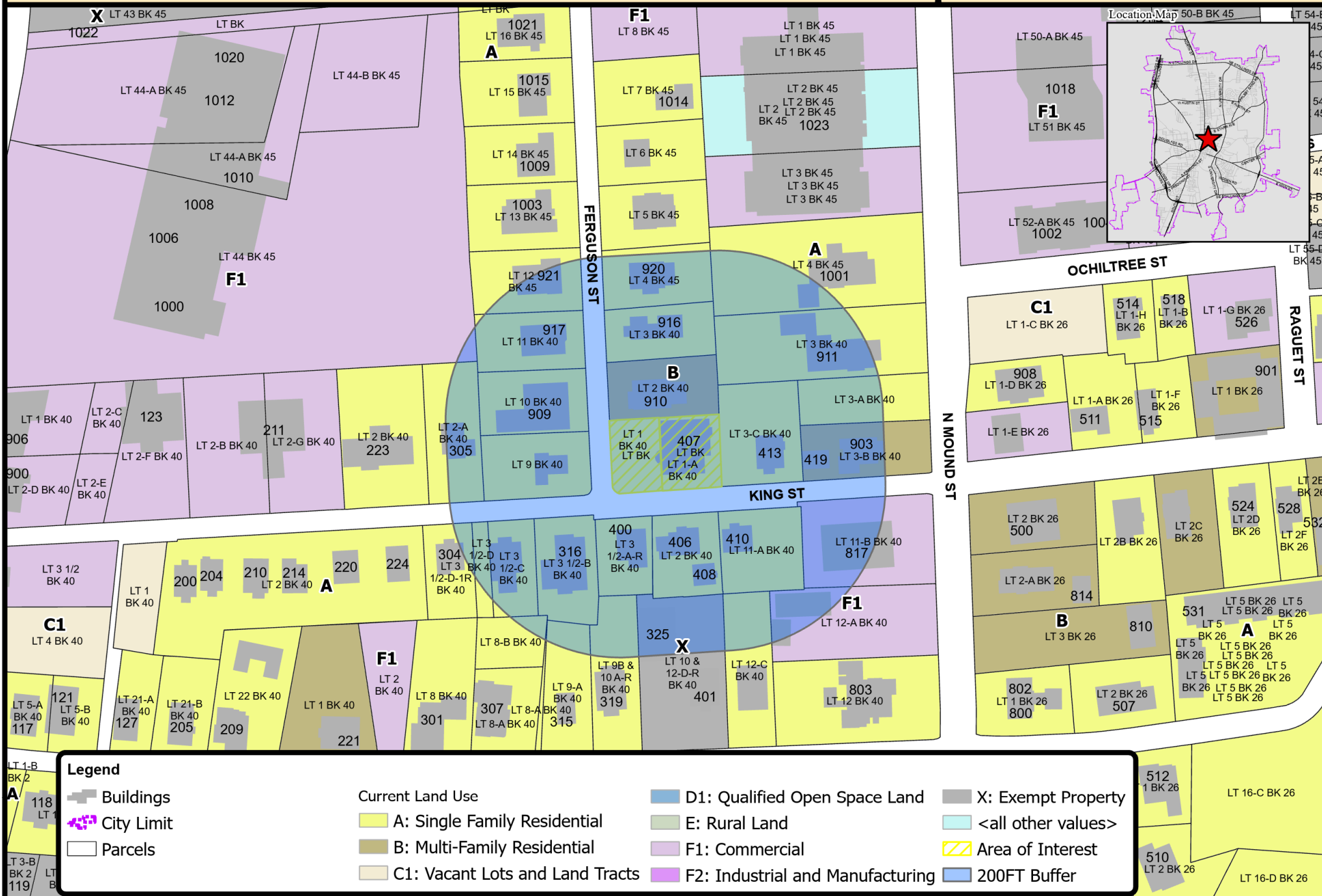
0 60 120 180 240 Feet

Date Created: 08/18/26 15:05 | 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.

Nacogdoches
Engineering Department
City of Nacogdoches

ZBA2026-01 Notification Map



ZBA2026-01 Site Photos

Subject Property



Fence/Property Line Distances



Looking west along King Street



Looking east from Ferguson Street



Fence location if place
12-feet from curb



