



December 21, 2023

Notice is hereby given of a Regular Meeting of the Zoning Board of Adjustments to be held on December 21, 2023, at 4:00 p.m., via videoconference, with the opportunity to appear in person in the **Council Chambers, Room 119 of City Hall, 202 E. Pilar Street, Nacogdoches, Texas**, to consider the following agenda items. All agenda items are subject to action.

The City of Nacogdoches Zoning Board of Adjustment meeting will be deemed as being conducted via teleconference or video conference. However, some board members may attend virtually, while others may be present in the above-stated physical location. Regardless, the meeting will be streamed live at www.nactx.us. There will be an opportunity for the public to comment on agenda items either by teleconference or in person in Council Chambers.

Members of the public who wish to submit comments by telephone on a listed agenda item must contact the Planning and Zoning office by email at cloutiera@nactx.us or by calling 936-559-2574 and providing their name, telephone number, and relevant agenda item upon which they wish to speak. All requests to make comments via telephone must be received by 12:00 p.m. on December 21, 2023. For all timely requests received, staff will call the submitted phone numbers directly during the meeting when the corresponding item comes up for comment. NOTE: The incoming phone call from City staff will be an unfamiliar number.

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

1. CALL TO ORDER.

2. PLEDGE OF ALLEGIANCE.

3. **CONSENT AGENDA**

A. Approval of Minutes: Consider approval of minutes from the October 19, 2023, Zoning Board of Adjustment meeting.

4. **REGULAR AGENDA**

A. **Public Hearing:** Consider a request for a variance to the Zoning Ordinance Section 118-427. (a), for a reduction in the minimum lot depth requirements in a R-4, Multi-Family District for Lot 12, City Block 41, located at 1102 Logansport Street. This request has been submitted by Rudy Bohac, Case File ZBA2023-12.

B. **Public Hearing:** Consider the request for a variance to the Zoning Ordinance Section 118-466, to reduce the required number of off-street parking spaces for a tract of land, being Lots 13-A and 13-B, City Block 59, located at 2912 Rayburn Drive. This request has been submitted by Suzanne Paterson of Cal-Tex Lumber Company, Inc. Case File ZBA2023-13.

City of Nacogdoches Planning Department
202 E. Pilar – PO Box 635030 – Nacogdoches, TX 75963
936-559-2574 □ Fax 936-559-2912 □ www.nactx.us
Home of Stephen F. Austin State University □ www.sfasu.edu



5. ADJOURN.

Aimee Cloutier, Planning Coordinator

The City Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Planning Department at (936) 559-2574 or FAX (936) 559-2910 for further information.

This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact Attorney General of Texas at 1-800-252-8011; City Secretary at (936) 559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

I certify the notice of the meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on December 15, 2023, at 3 p.m. and remained posted until the meeting convened.

Aimee Cloutier, Planning Coordinator



**MINUTES TO THE
ZONING BOARD OF ADJUSTMENT
October 19, 2023, 4:00 p.m. Hybrid Meeting**

All Present: Rhonda Ward; Mary Ann Bentley; Olivia Kiritsy; David Shofner; Ed Pool;

Members Absent: None

Staff Present: Planning Technician, Juan Pollette; Office Assistant, Aimee Cloutier; City Engineer, Steve Bartlett;

Guests: Applicant, Filemon Gonzalez; Jennifer Perez;

Call to Order: Chairwoman Olivia Kiritsy called the meeting to order at 4:00 p.m.

Pledge of Allegiance: Chairwoman Kiritsy led the pledge of allegiance.

Consent Agenda: Approval of the Minutes: September 21, 2023, Regular Meeting.

Chairwoman Kiritsy called for a motion to approve the minutes as written. Board Member Bentley moved to approve the minutes with Board Member Shofner seconding. The minutes were approved as presented unanimously (5-0).

Regular Agenda:

- A. Public Hearing:** Consider a request for a variance to the Zoning Ordinance Section 118-427. (a), for a reduction in the minimum lot width requirement for R-1, Single-Family for Lot 10-S-1, City Block 55, located on the north side of Joyce Avenue, approximately 150 feet from Perry Drive. This request has been submitted by Filemon Gonzalez. Case File ZBA2023-10.

Planning Technician (PT) Juan Pollette presented the requested variance to the Board stating the applicant is requesting a variance for 15 feet. PT Pollette stated the applicant has submitted plans to build a 2,000-square-foot home that will meet the required building setbacks. PT Pollette explained to the Board that the applicant reached out to staff a year ago regarding building a home on the lot and everything was fine. It wasn't until the Zoning Board of Adjustment decision on the Logansport case that the direction of "grandfathered tracts" require a variance if they do not meet the required lot dimensions.

PT Pollette expressed staff support of the variance stating the request meets all the conditions for approval.

There was discussion regarding the original lot and how and when it was separated as well as the current fences on the property lines.

There was discussion regarding other lots in the area that currently have houses built on them that are not wide enough.

Board Member Bentley asked how wide the house would be.

PT Pollette stated the house will be 40 feet wide and will have an eight (8) foot side yard setback.

There was a discussion regarding emails from the property owners regarding the variance and what would happen if there were complaints regarding the parking.

Applicant, Filemon Gonzalez addressed the Board stating he just wanted to work with the city to be able to build his house on the lot requesting a variance.

Chairwoman Kiritsy opened the meeting for public comment. There were no comments made from the public.

Board Member Pool moved to approve the variance as presented with Board Member Shofner seconding. The variance was approved unanimously (5-0).

Adjourn: Chairwoman Kiritsy adjourned the meeting at 4:17 p.m.

Chairwoman, Olivia Kiritsy

Attest: Aimee Cloutier, Planning Department

Withdrawl of Application

2 messages

RJ Bohac <rj@selletx.com>
To: pz@nactx.us

Wed, Dec 13, 2023 at 5:19 PM

Let this serve as a notice that I am withdrawing my application for the ZBA meeting on December 21st 2023.



R.J. Bohac
Broker/Partner
ETX Realty LLC
O 936.305.3888
C 936.205.5035



Virus-free.www.avg.com

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You received this message because you are subscribed to the Google Groups "Planning & Zoning" group.
To unsubscribe from this group and stop receiving emails from it, send an email to pz+unsubscribe@nactx.us.
To view this discussion on the web visit https://groups.google.com/a/nactx.us/d/msgid/pz/CAOP-mwvuuvVq0zSDwHfCdjVNcJ%2BULTPM5bYG5BUKo7iuvF_5QA%40mail.gmail.com.

Cloutier, Aimee <cloutiera@nactx.us>
To: RJ Bohac <rj@selletx.com>
Cc: pz@nactx.us

Thu, Dec 14, 2023 at 8:04 AM

RJ,
We have received your withdrawal request and will forward this to the Zoning Board of Adjustment.

Regards,
[Quoted text hidden]

--
Aimee Cloutier
Planning Coordinator
Planning and Zoning
City of Nacogdoches
(936) 559-2574
cloutiera@nactx.us





Zoning Board of Adjustments

Date: December 21, 2023

Case No: ZBA2023-13

PRESENTER: Juan Pollette, Interim City Planner

ITEM/SUBJECT: Public Hearing: Consider the request for a variance to the Zoning Ordinance Section 118-466, to reduce the required number of off-street parking spaces for a tract of land, being Lots 13-A and 13-B, City Block 59, located at 2912 Rayburn Drive. This request has been submitted by Suzanne Paterson of Cal-Tex Lumber Company, Inc. Case File ZBA2023-13.

TYPE OF REQUEST: Variance from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of the property.

The ZBA 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.”

BACKGROUND INFORMATION:

The applicant, Suzanne Patterson of Cal-Tex Lumber Company, is requesting a variance to the required number of off-street parking spaces for the addition of two warehouse/lumber storage buildings at 2912 Rayburn Drive.

The Zoning Ordinance states that “If any building, improvement, or use of land is expanded, the provisions for parking and loading shall be provided for the portion of land use and/or building that has been added.” This requirement applies to all properties located inside the City limits.

The subject property is at the site of an existing lumber and wood manufacturing yard owned and operated by the applicant since 1987. Ms. Patterson plans to place two new commercial buildings (open on two sides, non-air-conditioned space) to expand their area of outdoor storage on the southern portion of the property, to help keep lumber out of the elements. The applicant has stated that these new storage warehouses will be located behind their existing buildings and, in their opinion, they do not need any additional parking, since these new buildings will just cover existing portions of their existing outdoor storage and additionally not require new space for new employees or more area for additional retail customers. Their request should have no change in the number of employees, customers, or vehicular traffic on site.

The Zoning Ordinance requires parking calculations for lumber and wood manufacturing, which is one (1) parking space required for every 1,000 square feet of gross building area. The proposed warehouses are approximately 10,000 square feet in size, which requires ten (10) parking spaces for each building. With the addition of the new buildings, a total of twenty (20) spaces would be required. There are currently around 150 parking spaces existing for employee and customer parking. The applicant has stated there will be no parking allowed near the new buildings for safety precautions as there will be forklifts operating in the area.

ZONING AND LAND USES

Direction	Zoning	Existing Land Use
Subject Property	I-2, Heavy Industrial	Industrial
North	I-2, Heavy Industrial	Industrial
South	I-2, Heavy Industrial	Industrial
East	I-2, Heavy Industrial	Commercial
West	Outside City Limits	Outside City Limits

PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has approximately 1,511 feet of frontage on Rayburn Drive.
2. **Access:** The subject property takes access from Rayburn Drive.
3. **Topography and vegetation:** The property is relatively flat on three-fourths of the eastern side of the property with no vegetation. One-fourth of the western side of the property has a dense row of trees along the western property line and has a 10-foot drop in elevation from east to west.
4. **Floodplain:** The western property line is located within the FEMA-regulated floodplain. This area is undeveloped with heavy vegetation.

REVIEW CRITERIA & REQUIRED FINDINGS (STAFF COMMENTS UNDERLINED):

1. Such variance is in harmony with the intent and purpose of the comprehensive plan and zoning ordinance. The purpose of the comprehensive plan and zoning ordinance is to promote the health, safety, and welfare of Nacogdoches through orderly and efficient development. Furthermore, the purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses that might be located at the site over time.

The applicant has stated the warehouse building will be used for storage of dry lumber only. Therefore, no additional pedestrian or vehicular traffic will be generated by the installation of the new storage building. Approval of this variance would not provide a hazard to the citizens of the community and would not alter the use of surrounding property. Based on the proposal, Staff believes the request is in harmony with the intent and purpose of the comprehensive plan and zoning ordinance.

2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district. The new buildings will only be used to cover and keep lumber dry. The applicant has stated the installation of these buildings will not generate the need for additional employees or generate additional traffic. Granting this variance should not affect the use of the adjacent property,

3. Such variance will not adversely affect the health, safety, or general welfare of the public. Not requiring the parking spaces with the expansion of these non-conditioned buildings is only

expanding the footprint of the outdoor storage capacity of the lumberyard's product to be more easily protected from the elements. No additional capacity for the operations is being added, thus confirming that the need for additional parking is not needed.

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 uses permitted in the I-2 Heavy Industrial 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 unique circumstance is that these outdoor storage buildings will be located in the very back of their 21-acre facility and only be used to cover existing lumbar storage. Due to the nature of the business, it is plausible that no additional parking would be needed.

6. The variance itself is not a self-created hardship. This variance request is a self-created hardship. However, when a property is expanded depending on the nature of the business, it may not warrant an expansion of the current parking requirement. The heavy industry relies on heavy equipment and storage. As we can see by the setup of their yard, they heavily utilize 18-wheeler transportation and rail and, because the majority of their clientele will request their product via these two modes of export, staff can see that they would not need to have any additional parking at this time to the property and purchase large quantities of products or have the product delivered. Staff agrees that the installation of these newly covered areas will not increase their current clientele but will help protect their current onsite product.

STAFF RECOMMENDATION:

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 will carry out the spirit and intent of the zoning regulations.

Staff recommends approval of the variance to not add additional parking due to the special condition that the storage buildings will be used only to further protect their outdoor lumber and not need any additional employees hired for the installation of these new structures.

CONDITIONS THAT MUST BE MET FOR APPROVAL:

Staff recommends that there be no additional conditions associated with this variance approval.

NOTICES:

Staff sent out five (5) notices to property owners within the 200-foot notification area. At the time of this report, Staff has not received any written responses in opposition or in favor of the request.

- ATTACHMENTS:**
1. Application & Statement of Facts
 2. Aerial Map
 3. Zoning Map
 4. Location Map
 5. Preliminary Site Plan

6. Site Photos

APPLICATION FOR VARIANCE OR SPECIAL EXCEPTION

PROPERTY INFORMATION:

Address: 2912 Rayburn Dr.

Legal Description: Lot(s) _____ in Block _____ of the _____ Subdivision in City Block _____

OWNER INFORMATION:

Owner Name Cal-Tex Lumber Co Daytime Phone 936-564-6426 Signature Suzanne Patterson
Mailing Address P.O. Box 631010 City Nac State TX Zip Code 75963

APPLICANT INFORMATION:

Applicant Name Cal-Tex Suzanne Patterson Daytime Phone 936-564-6426 Email Address _____ Signature Suzanne Patterson
Mailing Address P.O. Box 631010 City Nac State TX Zip Code 75963

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

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

REQUIRED ATTACHMENTS (Per ZBA Rules & Procedures 602, 702 & 802)

1. For an appeal requesting **interpretation** of the meaning or intent of the zoning ordinance, attach:

- ☐ A statement by the applicant describing the way it is alleged the regulation should be interpreted,
- ☐ Diagrams and charts illustrating the erroneous and the proper application of the map or text provisions.

2. For an appeal requesting a **special exception** for use or development of property, attach:

- ☐ A site plan, drawn to scale, showing all lot dimensions, and the location and dimensions of all existing and proposed lot improvements
- ☐ A statement by the applicant describing the way in which all conditions prescribed by zoning regulations will be or have been met.

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 site plan, drawn to scale, showing the location and dimension of the lot and all existing and proposed improvements;
- ☐ Statement of facts and reasons why the zoning regulations should not be applied to the property in question and how standards governing the board's actions would be satisfied

NECESSARY FINDINGS (per City of Nacogdoches Code of Ordinances § 118-99):

The 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

N/A

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

NO

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

NO

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 is sought is located;

NO

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 building(s) will be used for lumber storage only and will not increase the number of employees.

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

~~MAJOR~~

NOTE: This application **will not** be processed **unless** it is filled out in its entirety and accompanied by required attachments and filing fee of \$350.00.

☒ Completed Application Form

☐ Required Attachments

☒ Application Fee

☐ Copy of current deed

FOR OFFICE USE ONLY

Date Filed:

11/28/2023

Case Number:

ZBA 2023-13

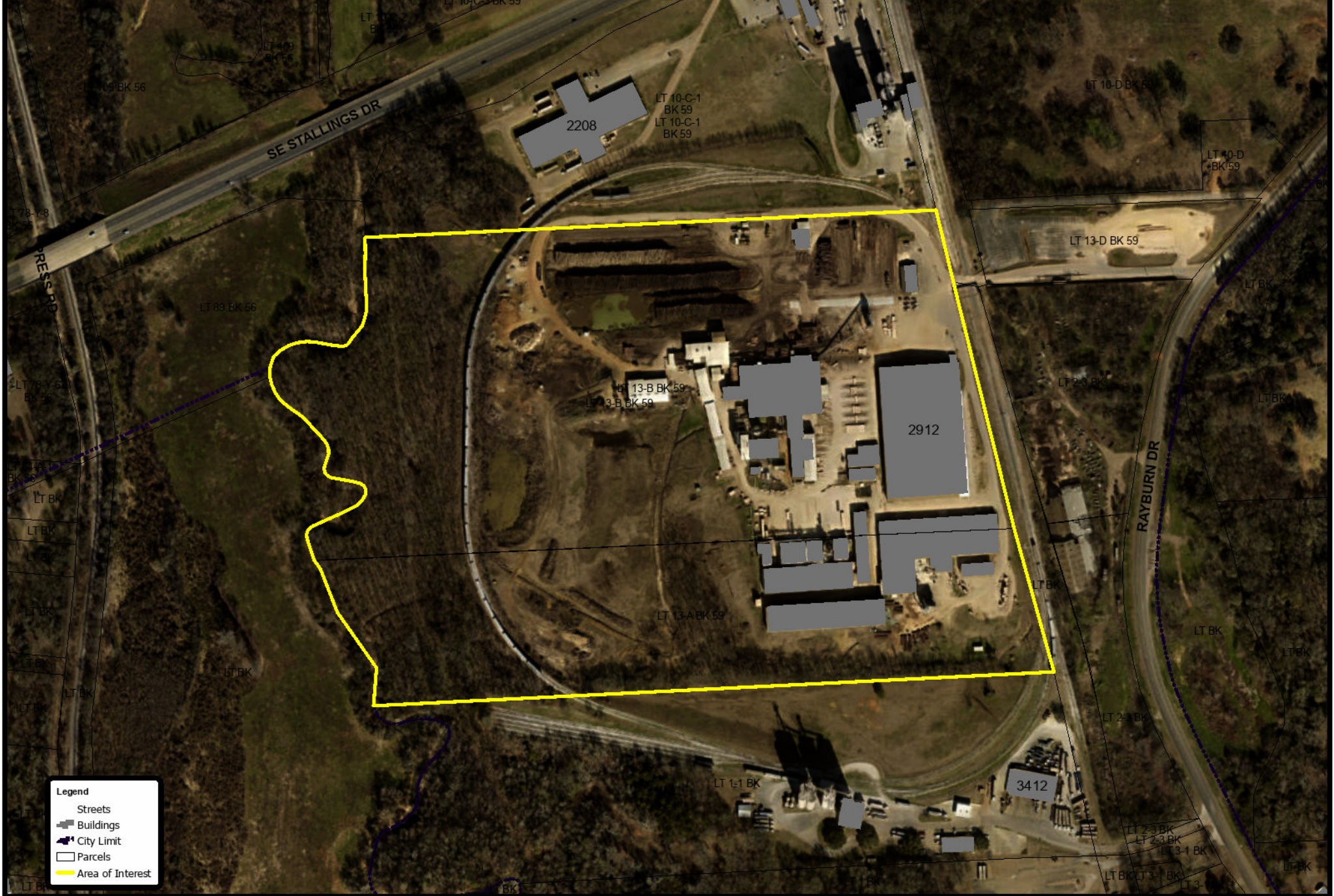
Accepted By:

A. Clement

Tentative ZBA Date:

12-21-2023

ZBA2023-13 Aerial Map

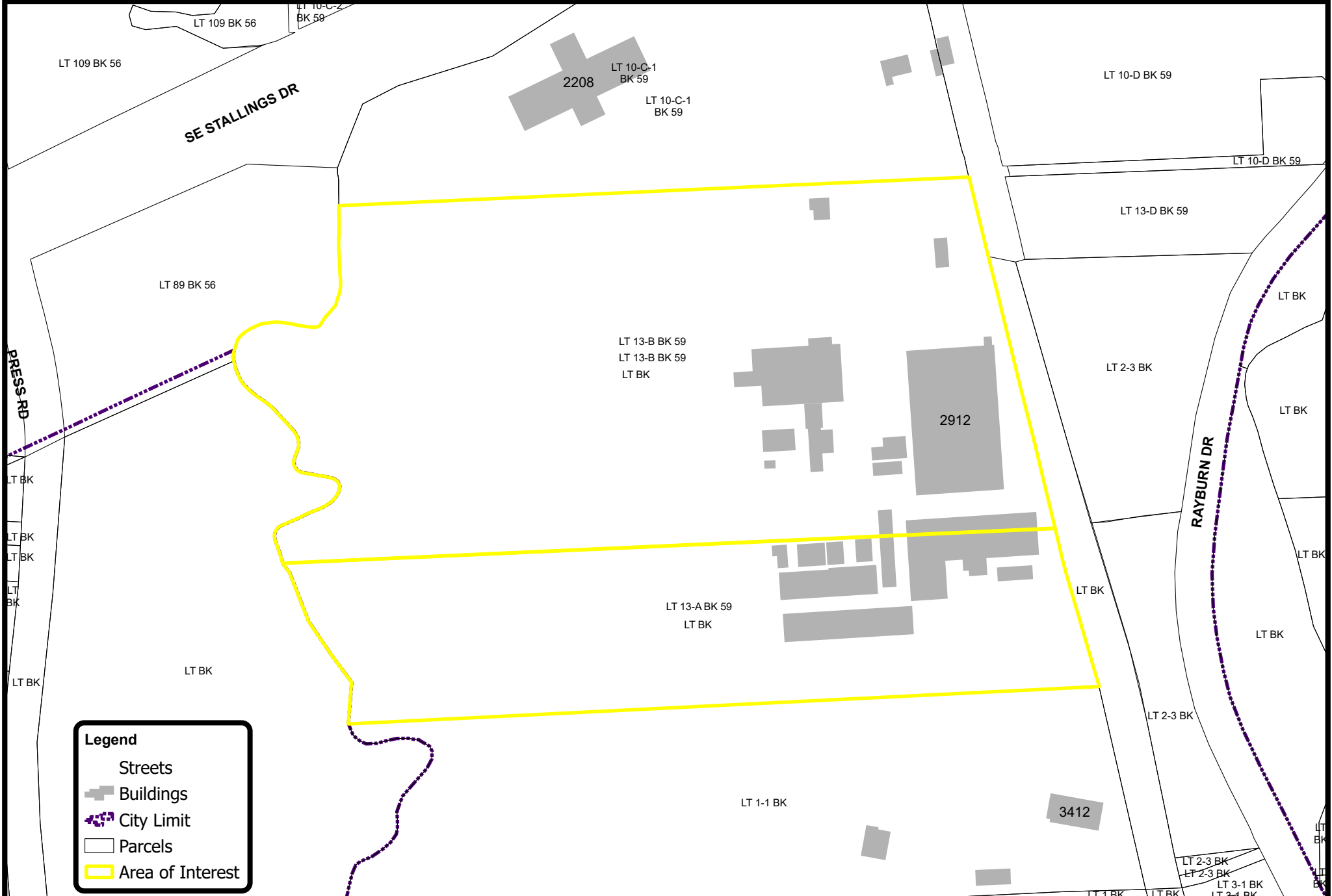


[illegible]

Nacogdoches
the oldest town in Texas

Engineering Department
CBE Division

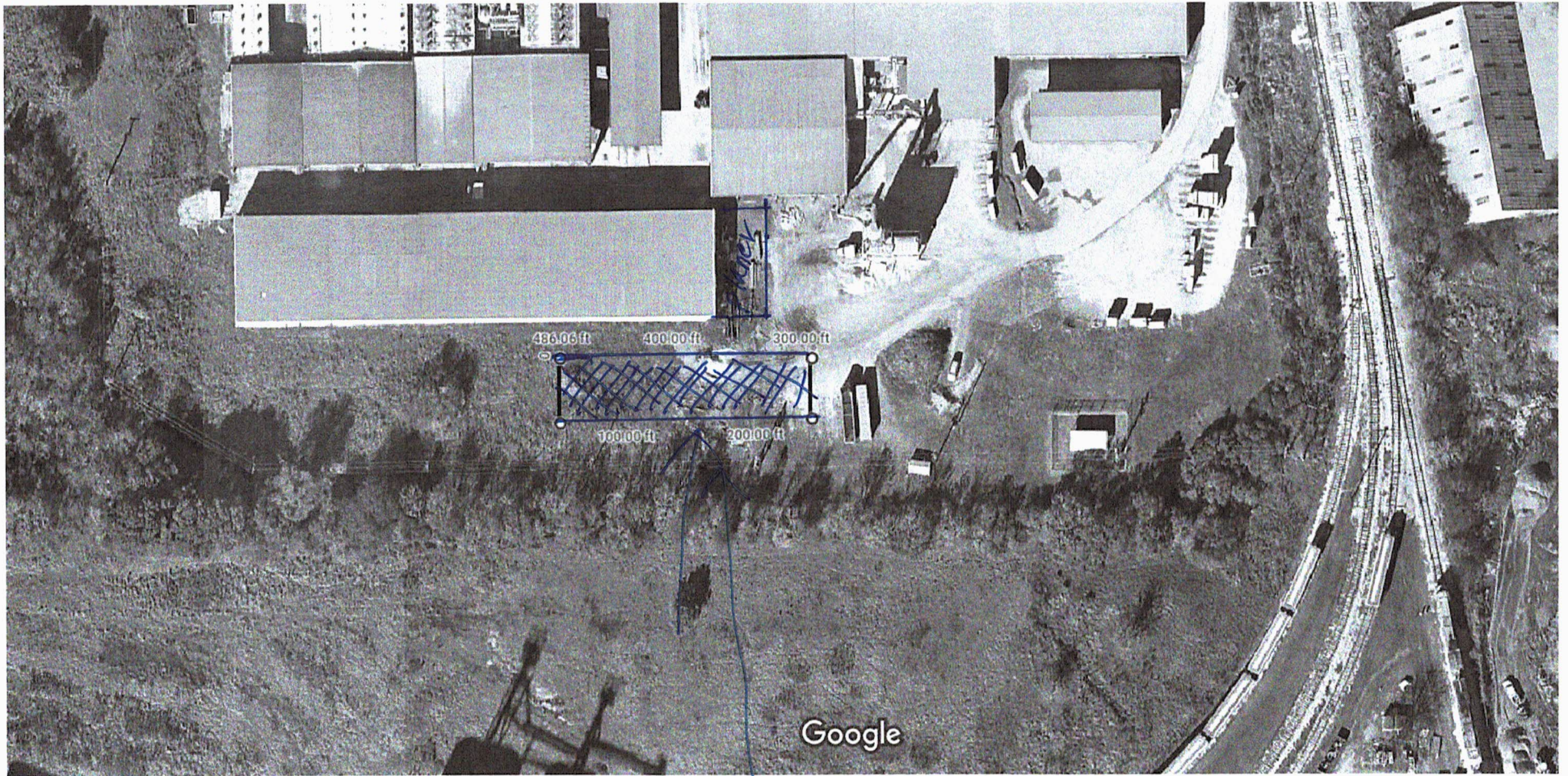
ZBA2023-13 Location Map



A horizontal number line representing distance in feet. It starts at 0 on the left and ends at 600 on the right. There are major tick marks at intervals of 150 feet, labeled 0, 150, 300, 450, and 600. The word "Feet" is written at the end of the line.

Date Created: 12/01/23 08:13 | Document Generated Automatically

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.



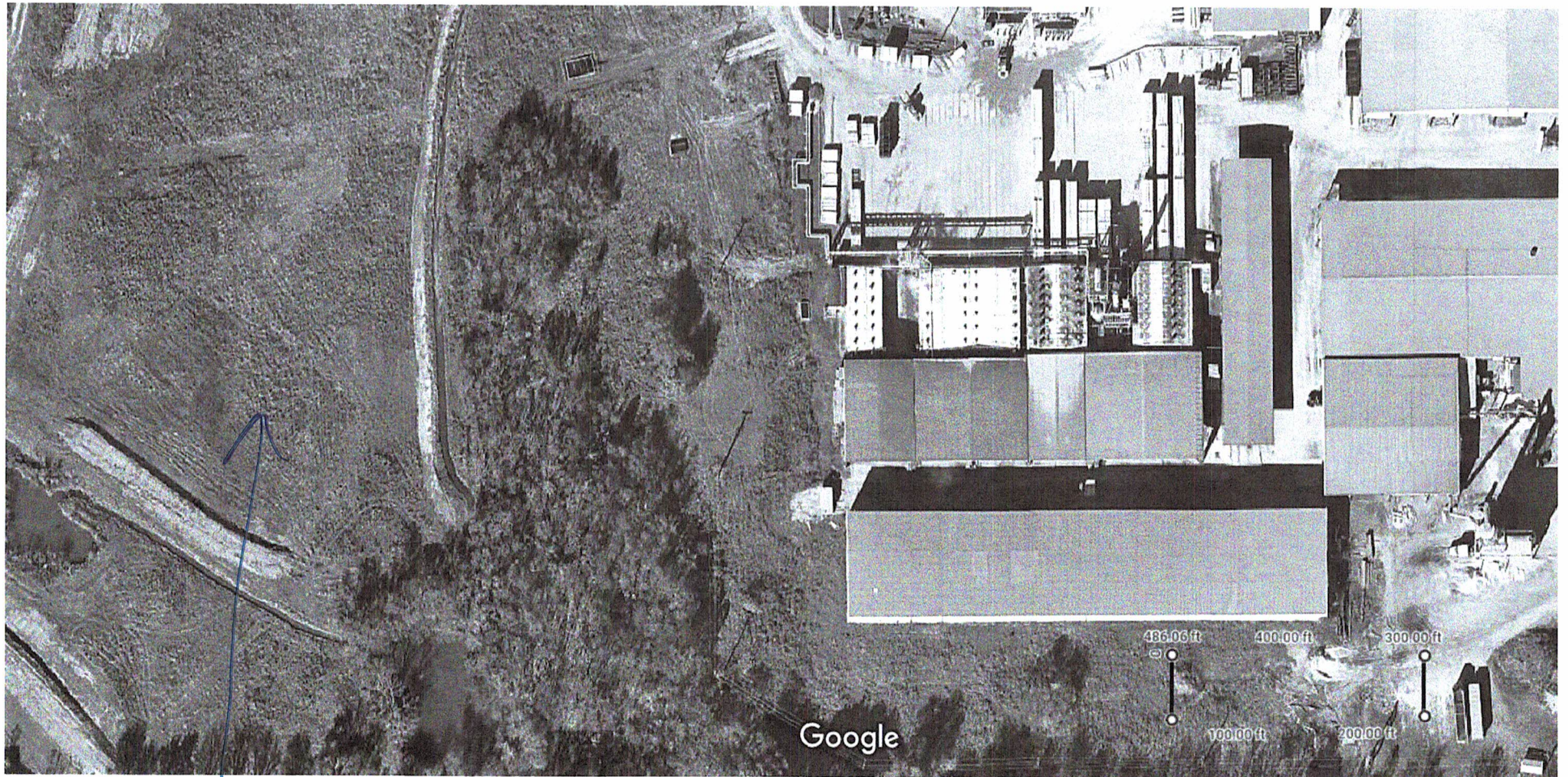
Imagery ©2023 CNES / Airbus, Maxar Technologies, Map data ©2023 50 ft

Measure distance

Total area: 9,350.19 ft² (868.66 m²)

Total distance: 486.06 ft (148.15 m)

50 X 200' 3 sided lumber storage



Imagery ©2023 CNES / Airbus, Maxar Technologies, Map data ©2023 50 ft

pond
location
if needed

Measure distance

Total area: 9,350.19 ft² (868.66 m²)

Total distance: 486.06 ft (148.15 m)

ZBA 2023-13 Site Photos

Subject Property





Site location
looking west.

Site location
looking east.





Site location
Parking Lot.

Site location
Parking Lot.

