



April 18, 2024

Zoning Board of Adjustment

Notice is hereby given of a Special Meeting of the Zoning Board of Adjustment to be held on April 18, 2024 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**, for the purpose of considering 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 videoconference. 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/1200/Channel-21. 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 on a listed agenda item in writing or via teleconference must contact the Planning & Zoning office by email at pz@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 teleconference must be received by 12:00 p.m. on Thursday, April 18, 2024. 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 February 15, 2024, 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 dimension requirements in an 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 ZBA2024-01.

5. ADJOURN.

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



Aimee Cloutier

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 the Attorney General of Texas at 1-800-252-8011; the City Secretary at (936) 559-2506 or visit the City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

I certify that the above notice was posted on the public notice board at City Hall, 202 East Pilar Street, on Friday, April 12, 2024 at 4:00 p.m. I further certify that the News Media were properly notified of this meeting as stated above.

Aimee Cloutier, Planning Coordinator



**MINUTES TO THE
ZONING BOARD OF ADJUSTMENT
February 15, 2024, 4:00 p.m. Hybrid Meeting**

All Present: Clay Jones; Charles Wheeler; Olivia Kiritsy; David Shofner; Larry King;

Members Absent: Rhonda Ward; Mary Ann Bentley

Staff Present: Planning Coordinator, Aimee Cloutier; Planning Consultant, Nathan Dietrich (virtual); Interim City Planner, Juan Pollette; City Attorney, Jerry Baker;

Guests: None.

Call to Order: Chairwoman Olivia Kiritsy called the meeting to order at 4:01 p.m.

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

Consent Agenda: Approval of the Minutes: January 18, 2024, Regular Meeting.

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

Regular Agenda:

A. Discussion and possible consideration of the amended Zoning Board of Adjustment Rules and Procedures as directed by Section 118-98(a), "Zoning, "Article II, "Administration", Division 3, "Board of Adjustment", "Procedures," of the City of Nacogdoches, Texas Code of Ordinances.

Planning Consultant (PC), Nathan Dietrich addressed the Board stating staff made the changes mentioned at last month's meeting and called out where those changes were made. PC Dietrich stated additional changes needed to be made under section 4.5, sections a and b, stating the word "not" needed to be removed.

Chairwoman Kiritsy stated the first sentence of Exhibit A, was incomplete and needed to be cleaned up to match Exhibit B and Exhibit C.

Chairwoman Kiritsy called for a motion to approve or deny the Zoning Board of Adjustment Rules and Procedures. Board Member King made a motion to approve the Zoning Board of Adjustment Rules and Procedures with changes as noted in the staff's presentation and discussion amongst the Board. Board Member Jones seconded the motion and the Zoning Board of Adjustment Rules and Procedures were passed unanimously (5-0).

Adjourn: Chairwoman Kiritsy adjourned the meeting at 4:25 p.m.

Chairwoman, Olivia Kiritsy

Attest: Aimee Cloutier, Planning Coordinator



Zoning Board of Adjustments

Date: April 18, 2024

Case No:

PRESENTER: Nathan Dietrich, Planning Consultant

ITEM/SUBJECT: Public Hearing: Consider a request for a variance to the Zoning Ordinance Section 118-427. (a), for a reduction in the minimum lot dimension requirements in an 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 ZBA2024-01.

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.”

The applicant is requesting a variance to the Zoning Ordinance *Sec. 118-427(a). –District development standards* to develop Lot 12, City Block 41, located at 1102 Logansport Street. This section of the ordinance outlines the property development standards for each zoning district, including lot width, depth, and lot area. The specific variance being requested is to acknowledge and allow the current existing lot depth of 88 ft vs. requiring the minimum of 100 for a property within a zoning designation of R-4, Multi-Family.

The purpose of property development standards is to create orderly, predictable, and efficient development; safeguard and enhance property values; protect public and private investment by preventing landowners from overcrowding the property of others; and allow for adequate spacing between buildings for emergency access. More specifically, minimum lot dimensions ensure that lots within each zoning district are consistent and large enough to accommodate development. Additionally, each lot within that subdivision will have direct access to a public right-of-way.

BACKGROUND INFORMATION:

This current lot is developed with a single-family home and an R-4, Multi-Family. The owner is proposing to develop the property but has not finalized the plans. The reason for this is that they want to be sure if the variance would be approved before spending large sums of money on the design before there is any approval. The applicant's request is to construct two additional single-family residences on either side of the existing home at the current location. The existing lot has ample room to accommodate this proposal and will be able to meet all other development standards including setbacks and, of course, density. The only major hurdle for this property is the ability to meet lot depth. This property was subdivided before the current regulations were ever in place. The table below shows current residential development requirements:

	R-4 Minimum Required	R-3	R-2	R-1	Current Lot	Proposed subdivide to 3 SFR Lots

	for detached SFR					(approx)
Lot Width	50 ft.	50 ft.	60 ft.	75 ft	495 ft.	166 ft
Lot Depth	100 ft.	100 ft.	100 ft.	110ft	88 ft	88 ft
Lot Area	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	8,250 sq ft	Approx. 38,487 sq. ft.	12,800 sq ft

Any future development will not meet the minimum lot depth of the property development standards for this current zoning district, or any other residential district. However, any future development will still need to meet the required setbacks along with building coverage, density, parking, and height for the type of structure that is built.

Minimum Setbacks	Front	Rear	Side
R-4, Multi-Family	20 ft.	10 ft.	6 ft.

Adjacent Land Use & Zoning

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

Direction	Comprehensive Plan	Zoning	Land Use
North	Parks & Recreation	R-2 Single Family	Pecan Acres Park
South	Single Family Residential	R-2 Single Family	Single-Family
East	Single Family Residential	R-2 Single Family	Undeveloped
West (Across Logansport Street)	Single Family Residential	R-3 Two Family & R-4 Multi-Family	Undeveloped& Single Family

Physical Characteristics

1. Frontage: The property has approximately 496 feet of street frontage on Logansport Street.
2. Access: The lot will take direct access from Logansport Street.
3. Topography and vegetation: The property has mature trees and the parcel elevation drops, moving south to north.
4. Floodplain: The subject property is not located within the FEMA-regulated floodplain.
5. Logansport Street: is considered a two-lane local street currently having an approx. 20 ft paving section and roadside ditches.

REVIEW CRITERIA & REQUIRED FINDINGS (STAFF COMMENTS UNDERLINED):

Per Section 118.99 of the Nacogdoches 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 general purpose of the comprehensive plan and zoning ordinance is to promote the health, safety, and welfare of Nacogdoches through orderly and efficient development. More specifically, the purpose of minimum lot dimensioning is to: create orderly, predictable, and efficient development, safeguard and enhance property values; protect public and private investment by preventing landowners from overcrowding the property of others; and, allow for adequate spacing between buildings for emergency access.

Staff believes that while the existing tract does not meet full compliance with the depth of the minimum lot dimensions of the current zoning district, any future development will have to meet the required building setbacks, height, density, and building coverage for the R-4 zoning district to not adversely impact the adjacent properties that are already developed and to be in line with the rest of the area's character. In addition, variances do not create a precedent and should be reviewed on how this property will interact with its adjacent properties if the variance is approved. The reduction in the property depth will be the only thing not in conformance.

2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district. Surrounding land uses include single-family, undeveloped land and Pecan Acres Park to the north. There is R-3 Two Family and R-4 Multi Family located to the west and a mix of R-2 Single Family and R-4 Multi-Family zoning to the south. The development of the lot should not impact the adjacent land uses. Even if the large acreage to the rear were to be constructed, this dimensional variance of 12 ft would not even be noticed by those homeowners.

3. Such variance will not adversely affect the health, safety, or general welfare of the public. The purpose of minimum lot dimensions is to protect public and private investment by preventing landowners from overcrowding the property and allowing for adequate spacing between buildings for emergency access. The minimum building setbacks and density for the R-4 zoning district will be maintained.

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-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 unique circumstance is that the lot was in this configuration before the adoption of the zoning ordinance in 1970. The lot was subdivided and created under a different set of rules and regulations, placing a hardship on this current owner.

6. The variance itself is not a self-created hardship. A self-created hardship is one that is created by the owner or his or her predecessor in interest, rather than the nature of the property itself, and thus

implies an intent to create a hardship. This lot was created before 1963, per the Nacogdoches Central Appraisal District; which means it was created in its current configuration prior to any adopted City zoning ordinances (ordinance dated 9/8/1970), therefore the requested dimensioning variance itself was not a self-created hardship.

STAFF RECOMMENDATION:

Based on the above-referenced responses, staff is confident that the proposed lot dimensioning variance will be in harmony and meet the spirit and intent of the zoning ordinance and staff recommends approval.

NOTICES:

Staff sent out 15 notices to property owners within the 200-foot notification area. At the time of this report, Staff has not received any written responses.

- ATTACHMENTS:**
1. Variance Application
 2. Applicant's Statement
 3. Survey with Proposed Structures
 4. Exhibit A
 5. Aerial Map
 6. Location Map
 7. Zoning Map
 8. Notification Map
 9. Site Photos

APPLICATION FOR INTERPRETATION, VARIANCE, OR SPECIAL EXCEPTION

PROPERTY INFORMATION:

Physical Address: 1102 Logansport
Legal Description: Lot(s) 12 in Block 41 of the N/A Subdivision in City Block N/A

OWNER INFORMATION:

Owner(s) Name: Rody Bonac Daytime Phone: 936 305-3888
Mailing Address: 800 North St. Nacogdoches TX 75961
Street or PO BOX City State Zip
Email Address: rj@selletx.com Signature(s): [Signature]

APPLICANT INFORMATION:

Applicant Name: Rody Bonac Daytime Phone: 936 305-3888 Email: rj@selletx.com
Mailing Address: 800 North St. Nacogdoches TX 75961
Street or PO BOX City State Zip
Signature: [Signature] Date 3/19/24

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 the use or development of the 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 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 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 in 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 in 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.

City of Nacogdoches Planning Department
202 E. Pilar St. Room 239 – P.O. Box 635030, Nacogdoches, TX 75963
Office: (936)559-2574 Email: pz@nactx.us

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

TRUE

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

New construction on this vacant tract of land will help to increase the value of the adjacent properties

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

This variance will not adversely affect the general 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 is sought is located:

The property is zoned R-4

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;

The lot depth is not 100' foot deep

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

The original subdivision plat did not have this requirement for a 100ft lot depth.

NOTE: This application **WILL NOT** be processed **UNLESS** it is filled out in its entirety and accompanied by the 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:

3/19/2024

Accepted By:

A. Clutter

Case Number:

ZPA2024-01

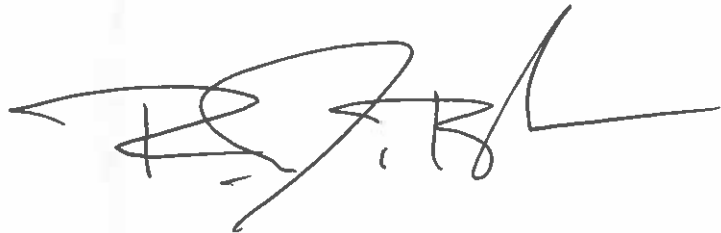
Tentative ZBA Hearing Date:

4-18-2024

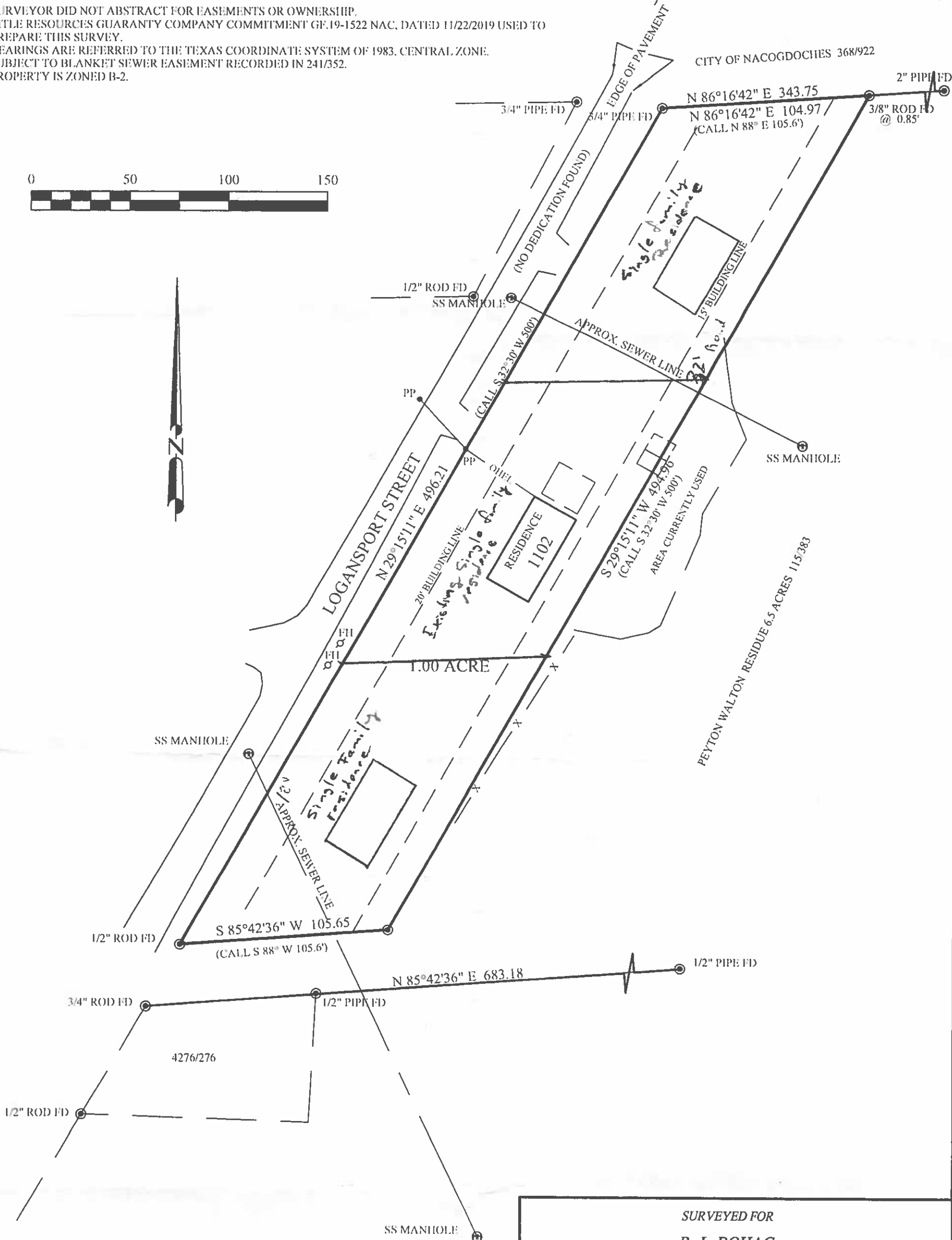
City of Nacogdoches Planning Department
202 E. Pilar St. Room 239 – P.O. Box 635030, Nacogdoches, TX 75963
Office: (936)559-2574 Email: pz@nactx.us

1102 Logansport

My name is R.J. Bohac and I am the owner of 1102 Logansport. I am writing this letter to give an idea of what my intentions are with the adjacent land to the home that is located there currently. Our intention is to have two homes of the approximate same size and construction to have cohesiveness of the neighborhood. This application is to get a variance of the lot depth, there is more than enough width and lot square footage.

A handwritten signature in black ink, appearing to read 'R.J. Bohac', with a long horizontal line extending to the right.

SURVEYOR DID NOT ABSTRACT FOR EASEMENTS OR OWNERSHIP.
TITLE RESOURCES GUARANTY COMPANY COMMITMENT GF-19-1522 NAC, DATED 11/22/2019 USED TO
PREPARE THIS SURVEY.
BEARINGS ARE REFERRED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE.
SUBJECT TO BLANKET SEWER EASEMENT RECORDED IN 241/352.
PROPERTY IS ZONED B-2.



PRELIMINARY

FOR REVIEW THIS DOCUMENT MAY NOT BE RECORDED
FOR ANY PURPOSE AND SHOULD NOT BE USED
OR VIEWED AS A FINAL SURVEY DOCUMENT

SURVEYED FOR R. J. BOHAC	
N. T. SAMSON & ASSOCIATES FIRM NUMBER 1008 1200	
1001 PARK STREET NACOGDOCHES, TEXAS 75961 PHONE (936) 564-6402 FAX (936) 564-7992	
LOT 12, BLOCK 41 NACOGDOCHES, TEXAS	
REVISIONS	DATE: 1/28/2020
NO. DATE REMARKS	SCALE: 1" = 50'
	JOB NO: 509/118
	SHEET NO. 1 OF 1

N. T. SAMSON & ASSOCIATES

FIRM # 1008 1200

1001 Park Street

Nacogdoches, Texas 75961

(936) 564-6402

FAX (936) 564-7992

Registered Professional Land Surveyor

December 1, 2023

R. J. Bohac
P.O. Box 630084
Nacogdoches, Texas 76963-0084

Re: Lot depth of Lot 12, City Block 41

Dear Mr. Bohac,

I reviewed my survey drawings dated January of 2020 and have determined the lot depth (at right angles to Logansport Street) to be 88 feet.

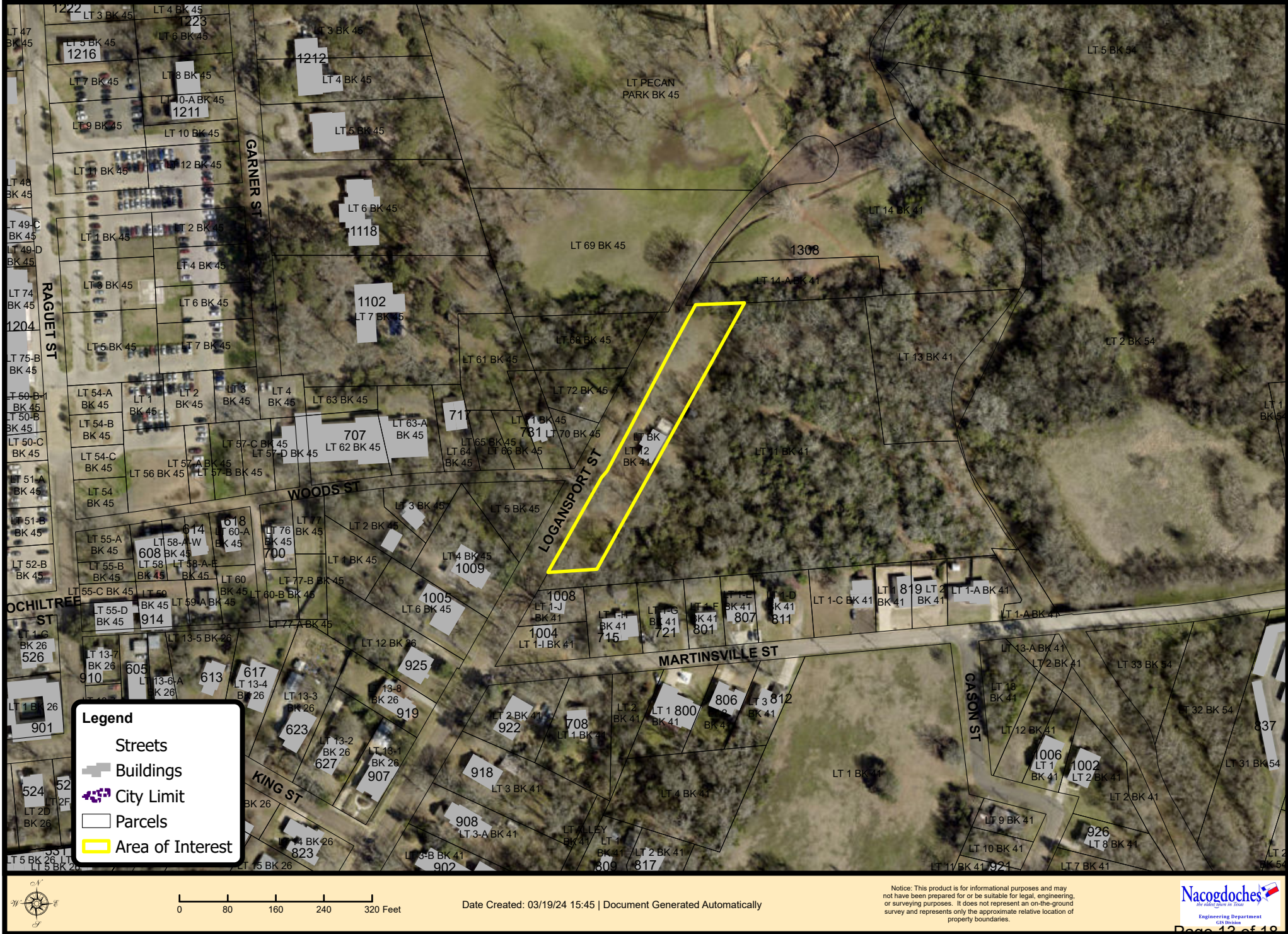
I hope this answers your questions. If you have additional questions, please do not hesitate to call.

Sincerely,

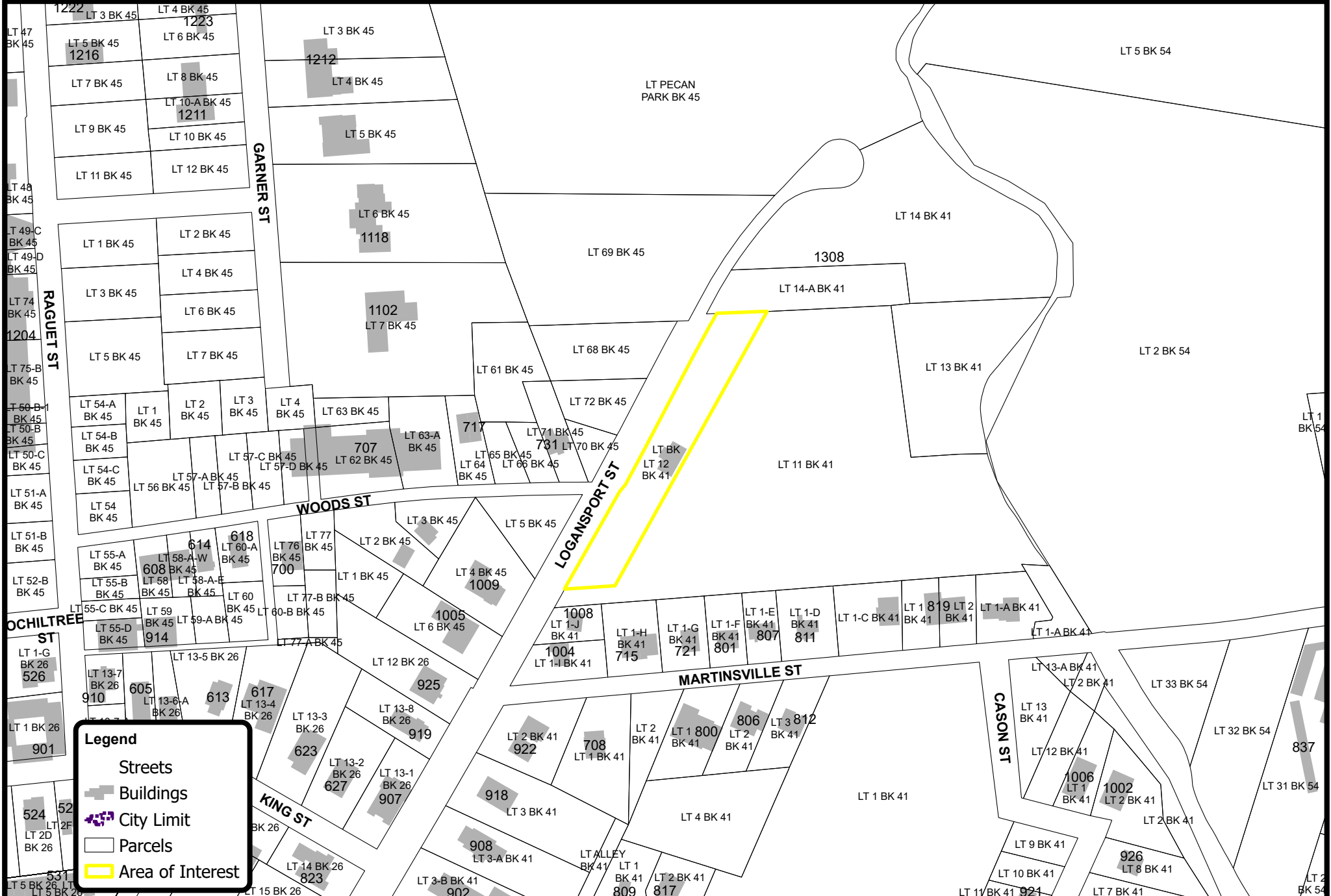


Tommy Findeisen
RPLS No. 1915

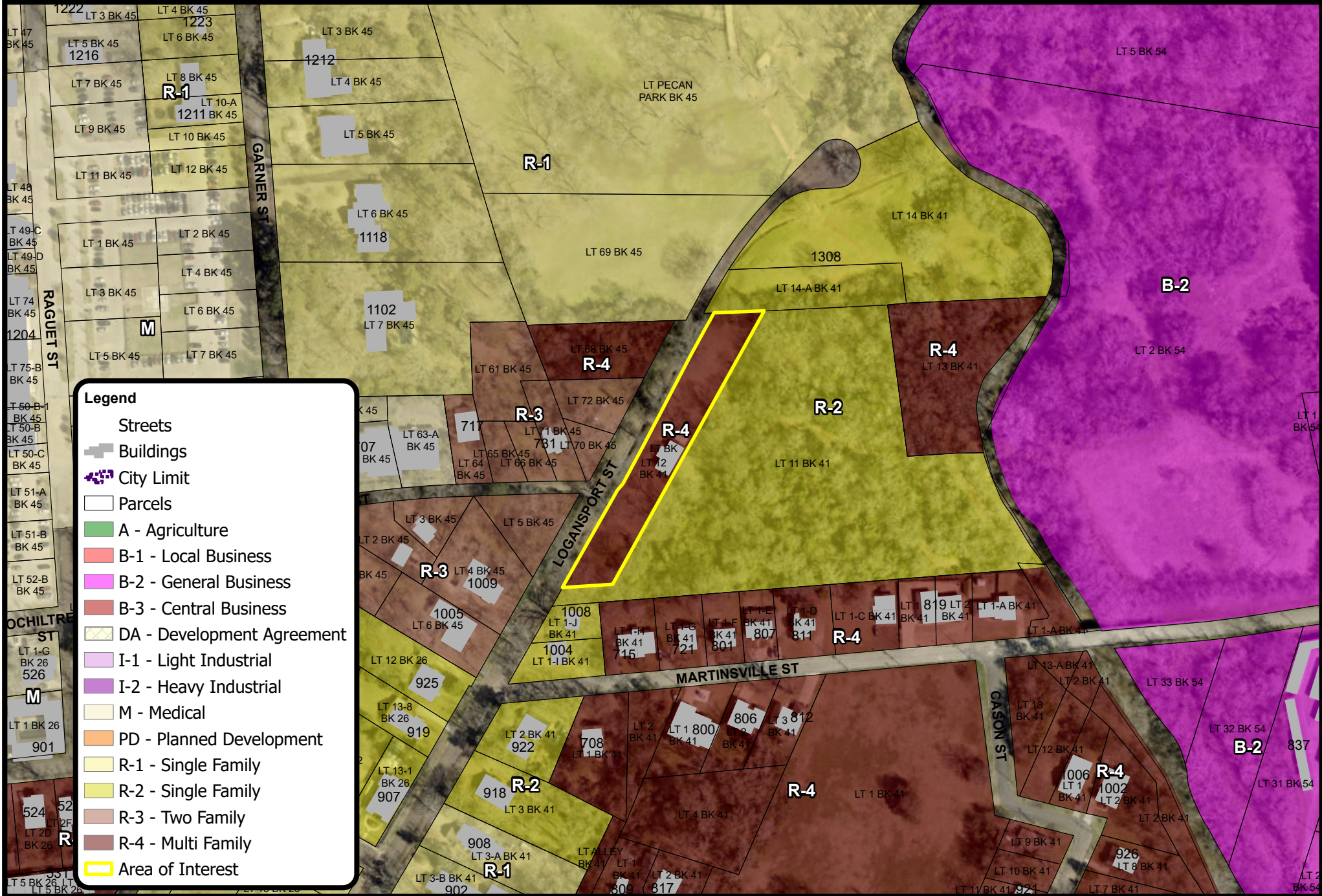
ZBA2024-01 Aerial Map



ZBA2024-01 Location Map



ZBA2024-01 Zoning Map



Legend

- Streets
- Buildings
- City Limit
- Parcels
- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business
- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development
- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi Family
- Area of Interest

Date Created: 03/19/24 15:46 | Document Generated Automatically

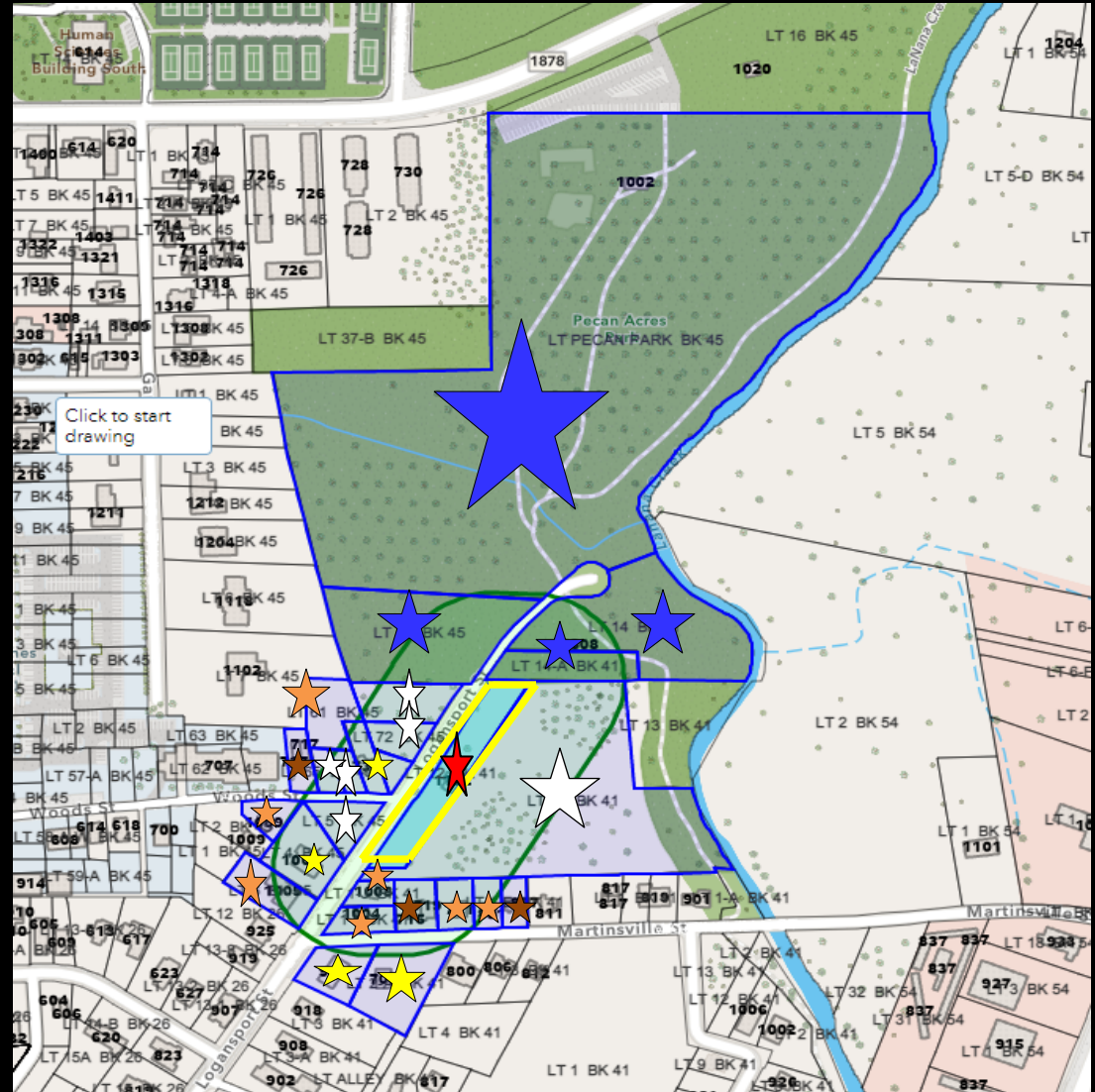
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

200 Foot Notification Map

ZBA2024-01: 1102 Logansport

Legend

-  200 Foot Buffer
-  Proposed Interpretation
-  Single Family- Rental
-  Single Family- Owner Occupied
-  Undeveloped/ Vacant
-  Duplex Rental
-  Park- City Owned



Site Photos: ZBA2024-01

Street view looking north at
subject property.



Street view looking south
(subject property on left)

