

Minutes of Meeting
April 21, 2026
4:30 pm

Attendance: Members – Brent Barnes, Chairman; Mike Aeling – Vice Chairman; ~~Billy Ray~~ Absent; Jesus Mireles Quezada; Herbert Watson; also present are Zoning Inspector Shane Howard and Engineering Clerk Holland Hite.

Meeting held in person in the second-floor conference room of the City Administration Building: The meeting was called to order by Brent Barnes at 4:30 p.m. Roll is called.

*****Barnes reads the Board of Zoning Appeals procedures including appellant recourse*****

1. **Minutes from the March 17, 2026 meeting.**
Aeling motions to approve, Mireles seconds. All in favor, motion passes.
2. **Kelsey Wartluft – 555 E. Milton St. & 555 Rear – Appeal #26-005**
Use Variance for Limited Lodging in a R-1Sec. 1122.03 Land Use Table

Shane Howard of 504 E. Main St, Zoning Official for the City of Alliance, is sworn in. This is for a short-term rental that under section 112203, the land use table, you will see that they are in an R-1 and that's not a permitted use. It would require a use variance for it to be used that way. Along with that, underneath the use regulations, for the property itself to be used as that. It states that part of the use requirements is that the owner of the property reside at that property 50% of the year. Going into this, you're going to see that this is a different situation. The house was built back in the '20s and there was a house that was built behind it later on in the 40's. They all share one property, and the utilities are from the main house to the back house. Then in 2005 to 2006 they went through replating it. They did get it replatted to where the property is separate, but the utilities are still attached. It's kind of a different situation on this one here because it's different property, same utilities. I did pull the minutes up from the meetings that dealt with the replat.

Barnes inquires, I looked on the auditor's website and there's two separate parcels. Did you look into that at all.

Howard responds yes, it was replatted in 2006. I did pull the minutes from the meetings that dealt with the replat. They put it through planning commission and then withdrew it. The second time they submitted to planning commission it was denied. Then it went through council where it was approved.

Barnes inquires if we know the reason behind the replat request.

Howard states the minutes are quite lengthy and I was only able to skim through it at this point.

Barnes asks if there is anything in it that addresses the use variance that is on appeal tonight.

Howard responds no, not at this point. It was only about the utilities and splitting the property.

Barnes calls for anyone in favor of this appeal to speak.

See no one present to speak in favor of the appeal including appellant representative.

Barnes calls for anyone in opposition of this appeal to speak.

Cheryl Barrett of 538 E. Milton St. is sworn in. I came in regard to disagreeing an Air BNB across the street in a residential area. I don't think it would profit any and it would cause more traffic. Where I live is a family-oriented neighborhood and I wouldn't like to see that change. If you allow one a variance then somebody else

is going to come along and it's going to go down the line. There are a lot of big homes down in that area and I would rather not see it happen.

Barnes inquires how long have you lived there.

Barrett responds I have lived there for two years but have been a resident of the City of Alliance for 32 years.

Barnes inquires; do you know what this homeowner is using this for now.

Barrett states I know they've been trying to sell it. But my understanding was, I don't know if this is true or not, is that the variance was wanted because she can't sell the property, and it's a burden because she can't sell the property. The price of the property is very high, and I understand it's got a lot of square footage, but it doesn't coincide with the rest of the property appraisals on the street.

Aeling inquires if your objection is just to be an Airbnb or for it being a rental property.

Barrett states well, an Airbnb is technically a rental property, if you think about it.

Aeling states that it's short term versus year lease and there are quite a few rental properties up there on it.

Howard returns to the podium by request of Barnes.

Barnes asks just so I am clear, we do provide a notice of the meeting to the appellant.

Howard responds absolutely, we sent one to both addresses. She is living in Norton right now so one was sent there and one to the address here.

Barnes states and we had no issues with that service or anything like that that we know of.

Howard confirms that there were no return services.

Barnes inquires if anyone called in and requested a continuance or anything to that effect.

Howard responds no.

Aeling inquires if it was a recent purchase or is it still for sale.

Howard states my last understanding is I heard, I can't say whether it is or not, but I heard that it is under contract.

See no one else present in favor or in opposition.

Public portion closed.

Barnes states I have spent a lot of time researching this and I am not in favor of this. If you look at section 1162-54 the definition of dwelling is the same as defined in 1190. That specifically states automobile trailers, similar portable dwellings, cabins, and tents shall not be considered dwellings. What that basically reads, is you just can't put a cabin or a small home on your property and consider that to be a dwelling. This says that the dwelling has to be a primary residence that an owner occupies and lives in 51% of the year. I just think that this, along with under our code to get a use variance, there needs to be a hardship. This property owner could rent out this cabin, month to month, every six months. I don't really see what the hardship is. I'm going to make the motion that we deny this appeal.

Watson states I think I would have a little bit more to say if somebody's here to fight for it but since no one's here to fight for it, I'm going to have to agree with you.

Barnes motions to deny this appeal. Watson seconds. All in favor, motion passes.

3. **Heather English/Burger King – 1845 W. State St. – Appeal #26-006**
Variance 4 additional Wall Signs Sec. 1134.06(c)

Howard states for everybody who's familiar with this knows that Burger King has two entrances to it, one off Sawburg, one off State Street. With that being said, we can go ahead and permit them two wall signs. Their package showed six, so two of their wall signs were permitted, this would be for the additional four. At that point of it, they're not permitted. I have nothing to go off of for size, you guys are allowing the size and the number because it goes above the code at that point.

Barnes inquires if the one on Union just went through a refurb and they didn't ask for any additional wall signs.

Howard responds that they did originally.

Barnes inquires if they just reworked the plans because I drove by them both and was comparing the differences.

Howard states yes, they just reworked the plans.

Olivia Sluga, Project Manager for Allen, industries is sworn in. I was coming here today to try to get more signage for Burger King. As I understand now, the ordinance only allows for two wall signs, but in the square footage, we would be allowed to get all of the signs that we requested. From what I understand, there's going to be a new write-up for the sign ordinance possibly coming in the next year to allow for more signage and I think maybe once that goes through, we would have gotten more. But the reason why we're trying to do a variance now is they want to go into construction in July and August. We want to try to get all the signs up in time while the construction is going on with the GC's and our electricians on site so they can give us access for electrical and make sure that they build the building correctly for all the signs and do it at one time. It'll be very similar to the other one in Alliance. Actually, I ran that one as well, and I think at that time we just went with what the code allowed, but since you guys were updating, we thought we would try for more. Burger King's, right now I'm working on many stores across the country, and they're going to keep ramping up, and they want us to start going for variances for all the cities that don't allow this signage. This is their national branding, and they are trying to rebrand their whole image.

Watson inquires how many other Burger Kings do you have to do these variances for.

Sluga responds that this is my first one but all my other ones, they have us go through permitting and then we're going to go through a variance next year. I'd say probably about 80% out of my cities I can get them, and then maybe 20% I will probably have to go for a variance. I'm going through them all right now, and I'm very busy trying to see who's going to allow me and who is not.

See no one else present in favor or in opposition.

Public portion closed.

Barnes states we've approved Cane's, we've approved Chick-fil-A, probably would have approved the one on Union. I drove by it and I don't see any issues with their request, and I think it is reasonable. National branding is obviously a big thing, and I think the remodeling is an improvement to the aesthetics of the building anyway.

Aeling motions to approve. Watson seconds. All in favor, motion passes.

Other business

The meeting was adjourned at 4:56 pm

Respectfully Submitted by:
Holland Hite, Engineering Clerk