

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF ADJUSTMENT OF THE  
CITY OF LAKE WORTH, TEXAS  
HELD IN CITY HALL, COUNCIL CHAMBERS, 3805 ADAM GRUBB  
TUESDAY, JANUARY 7, 2020**

**REGULAR MEETING: 6:30 PM**

**A. CALL TO ORDER.**

Acting Vice Chair Wilson Daggs called the Board of Adjustment meeting to order at 6:30 p.m.

**A.1 ROLL CALL.**

Present:	Wilson Daggs	Vice Chair, Place 1
	Tana Wharton	Place 2
	Robb Welch	Chair, Place 3
	Bill Still	Place 4
	Vacant	Place 5
	Yvonne "Bonnie" Amick	Alternate Place 6
	Vacant	Alternate Place 7

Staff Present:	Suzanne Meason	Planning and Zoning Administrator
	Barry Barber	Director of Building Development
	Alicia Kreh	City Attorney

Items A.3.1, B.1, C.1, C.2 and the opening of the public hearing for item D.1 were before Chair Robb Welch arrived at 6:42 pm.

**A.2 INVOCATION AND PLEDGE OF ALLEGIANCE.**

Member Bill Still gave the invocation and attendees recited the pledge of allegiance.

**A.3 CITIZENS PRESENTATION / VISITOR COMMENTS.**

**A.3.1 PRESENTATION – ADMINISTER OATHS OF OFFICE TO APPOINTED BOARD OF ADJUSTMENT MEMBERS, PLACES 1 AND 3; PLACES 5 AND ALTERNATE PLACE 7 ARE VACANT.**

Ms. Meason led member Wilson Daggs, Place 1 in the oath of office.

**B. MINUTES**

**B.1 APPROVE MINUTES OF THE APRIL 2, 2019 REGULAR BOARD OF ADJUSTMENT MEETING.**

**APPROVED**

Vice Chair Wilson Daggs made a comment that on page three of four on the minutes that he believed the time at which Mr. Welch would have closed the public hearing should be 6:40 pm, instead of 7:40 pm.

Ms. Meason advised that was correct and it would be corrected.

**MEMBER BONNIE AMICK MADE A MOTION, SECONDED BY MEMBER BILL STILL, TO APPROVE THE MINUTES OF THE APRIL 2, 2019 BOARD OF ADJUSTMENT MEETING AS PRESENTED.**

**MOTION TO APPROVE CARRIED 4-0.**

**C. GENERAL ITEMS**

**C.1 DISCUSS AND CONSIDER APPOINTMENT OF BOARD OF ADJUSTMENT CHAIR.**

**ACTING VICE CHAIR WILSON DAGGS, MADE A MOTION, SECONDED BY MEMBER BILL STILL, TO NOMINATE MEMBER ROBB WELCH AS BOARD OF ADJUSTMENT CHAIR.**

**MOTION TO APPROVE CARRIED 4-0.**

**C.2 DISCUSS AND CONSIDER APPOINTMENT OF BOARD OF ADJUSTMENT VICE CHAIR.**

**MEMBER BILL STILL, MADE A MOTION, SECONDED BY MEMBER TANA WHARTON, TO NOMINATE MEMBER WILSON DAGGS AS BOARD OF ADJUSTMENT VICE CHAIR.**

**MOTION TO APPROVE CARRIED 4-0.**

**D. PUBLIC HEARINGS**

**D.1 PUBLIC HEARING TO CONSIDER BOARD OF ADJUSTMENT CASE No. BOA-2019-03, A VARIANCE REQUEST OF THE COMPREHENSIVE ZONING ORDINANCE, ARTICLE 14.500, SEC. 14.501 (2) REGARDING THE REQUIRED**

**SIDE YARD SETBACK ON A CORNER LOT WHICH IS TWENTY (20') FOOT ON A 0.207-ACRE PARCEL OF LAND, KNOWN AS BLOCK 3, WESTERN PORTION ( 90.50') OF LOT(S) 1 AND 2, INDIAN OAKS SUBDIVISION OF THE RECORDS OF TARRANT COUNTY, TEXAS; WHICH IS GENERALLY DESCRIBED AS 2836 HIAWATHA TRAIL., LAKE WORTH, TARRANT COUNTY, TEXAS.**

**APPROVED**

Vice Chair Wilson Daggs opened the public hearing at 6:37 pm.

Vice Chair Wilson Daggs mentioned that he had driven by the property in question and it appeared to him that the house would have predated the ordinance requirement. Ms. Suzanne Meason advised that was correct.

Ms. Ramer, owner of 2836 Hiawatha Trail advised that records show the house was built in 1939 and she would like it "grand fathered" in as she does not intend to move the structure of course.

Member Bonnie Amick stated that it appeared that the house had been there for a long time.

Vice Chair Wilson Daggs also made note that the neighbors on Navajo Trail appeared to sit very close to the street as well, so her situation is not unique in that respect.

Ms. Ramer advised that what brought the issue about was that the property next to hers sold and the new owner was trying to obtain building permits and was in the process of platting when the issue came about.

Vice Chair Wilson Daggs asked if the city attorney had been advised of the case.

Ms. Meason advised that they had and that Mr. Ramer was correct in that the property sold and that the new property owner was wanting to construct a new house and was in the process of platting when the issue was discovered. The lots were sold off at some point by metes and bounds and were in essence illegally subdivided. Ms. Meason did state that the house did predate the original zoning ordinance which was twenty-foot (20') side yard setback on a corner lot as well.

Vice Chair Wilson Daggs noted that Robb Welch had arrived and would take over the meeting at 6:42 pm.

Chair Robb Welch announced at 6:44 pm that the Board of Adjustment would adjourn into Executive Session as authorized by Chapter 551.071, Texas Government Code, to seek advice from the City Attorney.

Chair Robb Welch reconvened back into open session at 6:57 pm and paused the public hearing at 6:57 pm in order to take care of an administrative item from A.3.1 to administer the oath of office for Place 3, Robb Welch. Ms. Meason administered the oath of office for member Robb Welch and the public hearing was reconvened at 6:59 pm.

Chair Robb Welch asked if anyone in the audience wished to speak regarding the public hearing item.

Michael Lampley, 2832 Hiawatha Trail addressed the Board. Mr. Lampley is the next-door neighbor and now that he understands the structure in relationship to the road and the facts presented, he is ok with it.

There being no one else in the audience wishing to speak, Chair Robb Welch closed the public hearing at 7:00 pm and called for discussion and a motion.

Member Bonnie Amick noted that she did not think that there were any health/safety issues, or traffic issues as the use of the property was not changing.

Vice Chair Wilson Daggs noted that he had gone by the property that morning and that the house appeared to be in conformity with the other houses on Navajo Trail and Hiawatha Trail and that it didn't sit any closer to the road than other houses in the neighborhood and that the property's variance wasn't asking for anything that wasn't already well established around it.

Chair Robb Welch stated that he did not feel like the variance request was going to prevent the development or use of adjacent properties, and that it might benefit the area. Mr. Welch advised that he felt that all the criteria that must be met in order to grant a variance had been.

**MEMBER BONNIE AMICK MADE A MOTION, SECONDED BY MEMBER BILL STILL, TO APPROVE THE VARIANCE REQUEST FOR BOARD OF ADJUSTMENT CASE #BOA-2019-03 AS PRESENTED.**

**MOTION TO APPROVE CARRIED 5-0.**

## **E. STAFF REPORT(S)/ ANNOUNCEMENT(S)**

### **E.1 PLANNING & ZONING ADMINISTRATOR REPORTS:**

1. Completed Forms & Training Requirements.

Ms. Meason advised that she needed the following training forms or certificates from the following members: Member Tana Wharton, the Open Meetings Act training certificate, and the Public Information Act training certificate. Member Bonnie Amick, the Conflicts Disclosure Form, and the Public Access Form.

Executive Session was conducted earlier in the meeting.

**F. EXECUTIVE SESSION**

The Board of Adjustment may enter into closed Executive Session as authorized by Chapter 551, Texas Government Code. Executive Session may be held at the end of the Regular Session or at any time during the meeting that a need arises for the Board of Adjustment to seek advice from the city attorney (551.071) as to the posted subject matter of this Board of Adjustment meeting.

The Board of Adjustment may confer privately with its attorney to seek legal advice on any matter listed on the agenda or on any matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Texas Government Code.

**EXECUTIVE SESSION ITEMS – BOARD OF ADJUSTMENT MAY TAKE ACTION ON ANY ITEMS DISCUSSED IN EXECUTIVE SESSION LISTED ON THE AGENDA.**

No items for this category.

**G. ADJOURNMENT**

Chair Robb Welch adjourned the meeting at 7:05 p.m.

**APPROVED:**



Robb Welch, Chair  
Board of Adjustment

**ATTEST:**



Suzanne Meason  
Planning & Zoning Administrator