

CITY OF LAKE WORTH

BOARD OF ADJUSTMENT AGENDA

**3805 ADAM GRUBB
LAKE WORTH, TEXAS 76135
TUESDAY, APRIL 2, 2019**

REGULAR MEETING: 6:30 PM

Held in the City Council Chambers

A. CALL TO ORDER

A.1 ROLL CALL

A.2 INVOCATION AND PLEDGE OF ALLEGIANCE

B. MINUTES

B.1 [Approve minutes of the March 5, 2019 Board of Adjustment meeting.](#)

C. PUBLIC HEARINGS

C.1 [Public Hearing to consider Board of Adjustment Case #BOA-2019-02, a variance request of the Comprehensive Zoning Ordinance, Article 14.500, Sec. 14.501 \(4\) regarding the required lot width of sixty-foot \(60'\) on a 0.20-acre tract of land known as Abstract 1552, Tract 2CC, Moses Townsend Survey of the records of Tarrant County, Texas; which is generally described as 3709 Shawnee Trail, Lake Worth, Texas.](#)

D. 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.

E. ADJOURNMENT

All items on the agenda are for discussion and/or action.

Certification

I do hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, 3805 Adam Grubb, City of Lake Worth Texas in compliance with Chapter 551, Texas Government Code on **Friday, March 29, 2019 at 3:00 p.m.**

Planning & Zoning Administrator

This facility 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 Secretary's Office at (817) 237-1211 ext. 105 for further information.

Lake Worth Board of Adjustment Meeting – April 2, 2019

Agenda Item No. B.1

FROM: Suzanne Meason, Planning & Zoning Administrator

ITEM: Approve minutes of the March 5, 2019 Board of Adjustment meeting.

SUMMARY:

The minutes are approved by majority vote of the Board at the Board of Adjustment meeting.

The Planning and Development office prepares action minutes for each Board of Adjustment meeting. The minutes for the previous meeting are placed on the agenda for review and approval by the Board. Upon approval of the minutes, an electronic copy will be uploaded to the City's website.

FISCAL IMPACT:

N/A

ATTACHMENTS:

1. March 5, 2019 Board of Adjustment Meeting Minutes

RECOMMENDED MOTION OR ACTION:

Approve minutes of the March 5, 2019 Board of Adjustment meeting minutes.

**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, MARCH 5, 2019**

REGULAR MEETING: 6:30 PM

A. CALL TO ORDER.

Chair Robb Welch called the Board of Adjustment meeting to order at 6:40 p.m.

A.1 ROLL CALL.

Present:	Tana Wharton	Place 2
	Robb Welch	Place 3
	Bill Still	Place 4
	Yvonne "Bonnie" Amick	Alternate Place 6
	Vacant	Alternate Place 7
Absent:	Wilson Daggs, Jr.	Place 1
	Patricia Davis	Pace 5
Staff:	Barry Barber	Director of Building Development
	Suzanne Meason	Planning & Zoning Coordinator
	Bradley Anderle	City Attorney

A.2 INVOCATION AND PLEDGE OF ALLEGIANCE.

Chair Robb Welch gave the invocation and attendees recited the pledge of allegiance.

A.3 SPECIAL PRESENTATION(S)

**A.3.1 PRESENTATION – ADMINISTER OATHS OF OFFICE TO APPOINTED
BOARD OF ADJUSTMENT MEMBERS, PLACES 1, 2, 3 AND 5.**

Ms. Meason administered the oath of office for Bill Still, Place 4 and Yvonne "Bonnie" Amick, Alternate Place 6 prior to the meeting opening and Chair Robb Welch introduced them during this time and advised that Member Amick would be a voting member for this meeting due to regular member absences.

B. MINUTES

B.1 APPROVE MINUTES OF THE OCTOBER 30, 2018 BOARD OF ADJUSTMENT MEETING.

APPROVED

MEMBER TANA WHARTON MADE A MOTION, SECONDED BY MEMBER YVONNE “BONNIE” AMICK, TO APPROVE THE MINUTES OF THE OCTOBER 30, 2018 BOARD OF ADJUSTMENT MEETING AS PRESENTED.

MOTION TO APPROVE CARRIED 4-0.

CHAIR ROBB WELCH THEN ANNOUNCED AT 6:45 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 IN TO OPEN SESSION AT 7:11 PM.

C. PUBLIC HEARINGS

C.1 PUBLIC HEARING TO CONSIDER BOARD OF ADJUSTMENT CASE #BOA-2019-01, A VARIANCE REQUEST OF THE COMPREHENSIVE ZONING ORDINANCE, ARTICLE 14.500, SEC. 14.501 (1) AND (2) REGARDING THE REQUIRED FRONT YARD BUILDING SETBACK OF TWENTY-FIVE FOOT (25') AND SIDE YARD BUILDING SETBACK OF FIVE FOOT (5') ON A 0.4068-ACRE PARCEL OF LAND KNOWN AS BLOCK 20, LOT(S) 21 AND 22, INDIAN OAKS SUBDIVISION OF THE RECORDS OF TARRANT COUNTY, TEXAS; WHICH IS GENERALLY DESCRIBED AS 7308 NAVAJO TRAIL, LAKE WORTH, TEXAS.

APPROVED

Chair Robb Welch opened the public hearing at 7:13 pm and asked staff to provide the report for the case.

Ms. Meason explained that Mr. Fermin Cruz was the owner and resident of the property located at 7308 Navajo Trail. He came to the city to request a permit to add an addition on to his current residence. When he did so it was discovered that there were two (2) separate lots and that the house was built across property lines. He was advised that he would have to replat the property into one (1) lot in order to be able to build the addition. When Mr. Cruz hired the surveyor to do so it was revealed that the current structure only sits 21.7' from the front property line and at 4.2' on the side property line. Current ordinance requires 25' front and 5' side setbacks; he was told he would have to request a variance to the ordinance requirement before the Board of Adjustment. She advised

that notice of the public hearing was mailed to property owners within 200' of the property and was also published in the city's paper of record, the Fort Worth Star Telegram. Ms. Meason advised that Mr. Cruz and Mr. Moore were present to answer any questions.

Mr. Moore spoke on behalf of Mr. Cruz with his permission regarding the request.

City Attorney, Bradley Anderle advised Mr. Moore that the issue at hand was currently the variance request to where the current structure sits. Mr. Moore stated that he understood.

Chair Robb Welch thanked Mr. Cruz and Mr. Moore for their presence and opened discussion from the Board. He also made mention that the only item for consideration this evening was the variance request. Chair Welch advised that the Board has very specific criteria that they have to look at when considering a variance request and he read those criteria directly from the code of ordinances.

There being no one else in the audience wishing to speak, Chair Robb Welch closed the public hearing at 7:26 pm and called for a motion.

MEMBER YVONNE "BONNIE" AMICK MADE A MOTION, SECONDED BY MEMBER TANA WHARTON, THAT IT WAS FOUND THAT ALL THE CRITERIA FOR VARIANCE HAS BEEN MET AND THAT THE VARIANCE REQUESTED IN BOARD OF ADJUSTMENT CASE #BOA-2019-01 BE APPROVED AS PRESENTED.

MOTION TO APPROVE CARRIED 4-0.

THERE WERE NO OTHER EXECUTIVE SESSION ITEMS.

D. 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.

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

F. ADJOURNMENT

Chair Robb Welch adjourned the meeting at 7:28 p.m.

APPROVED:

Robb Welch, Chair
Board of Adjustment

ATTEST:

Suzanne Meason
Planning & Zoning Administrator

Lake Worth Board of Adjustment Meeting – April 2, 2019

Agenda Item No. C.1

From: Suzanne Meason, Planning & Zoning Administrator

Item: Public Hearing to consider Board of Adjustment Case #BOA-2019-02, a variance of the Comprehensive Zoning Ordinance, Article 14.500, Sec. 14.501 (4) regarding the required lot width of 60 foot (60') on a 0.20-acre tract of land known as Abstract 1552, Tract 2CC, Moses Townsend Survey of the records of Tarrant County, Texas; which is generally described as 3709 Shawnee Trail, Lake Worth, Texas.

Property Description:

0.20-acre parcel of land known as Abstract 1552, Tract 2CC, Moses Townsend Survey

Property Owner(s):

James Gilbert Drace, 3713 Shawnee Trail, Lake Worth, Texas 76135

Applicant/Developer:

Hidden Creek Construction, PO Box 871, Weatherford, Texas 76086

Engineer/Surveyor:

Trico/Delta Joint Venture, 116 Locust Street, Azle, Texas 76020

Current Zoning:

"SF1" – Single Family Residential

Current Use(s):

Vacant Lot

Existing Road(s):

Shawnee Trail

Surrounding Zoning:

North: The property to the north is currently zoned SF1-Single Family Residential.

South: The property to the south is currently zoned PC-Planned Commercial.

East: The property to the east is currently zoned PC-Planned Commercial.

West: The property to the west is currently zoned SF1-Single Family Residential.

Agenda Item No. C.1

Summary:

Mr. Drace inherited the property at 3709 Shawnee Trail from his mother who passed away. He came to the City to inquire as to what would be needed to build a new house on the property (there had previously been a home there that was demolished several years back). He was advised that he would have to plat the property as it has never been done, and that it is required in order to be able to build on the lot.

Upon hiring a surveyor Mr. Drace discovered that the property dimensions were only 50' x 175', current ordinance requires that the lot width be 60'. Mr. Drace was advised that he must request a variance before the Board of Adjustment to the lot width of the property before it could go through the platting process.

Attached you will find a copy of the survey for the property; a letter and a lot layout from Mr. Drace explaining his intent and the request for the variance.

Public Input:

On Friday, March 22, 2019 as required by State law, the City mailed out seventeen (17) letters of Notification for a Public Hearing to all property owners within two hundred (200') feet of the subject site. Notice was also published in the City's paper of record, the Fort Worth Star Telegram on March 22, 2019. We have received the following in favor/opposition to the request:

1. FOR – no comment forms received.
2. AGAINST – no comment forms received.

Fiscal Impact:

N/A

Attachments:

1. Board of Adjustment Hearing Application
2. Property Survey
3. Property Owner Letter & Supporting Documentation
4. Public Hearing Notice
5. Public Hearing Notifications (within 200' of subject property)
6. Vicinity Map
7. Code of Ordinance Excerpt for SF-1 Zoning
8. Board of Adjustment Code Excerpt

Recommended Motion or Action:

Desire of the Board of Adjustment.



BUILDING DEVELOPMENT SERVICES
PLANNING & ZONING DIVISION
3805 ADAM GRUBB, LAKE WORTH, TEXAS 76135
817-255-7922 OR SMEASON@LAKEWORTHTX.ORG

FOR OFFICE USE ONLY
Case No: _____
Date Submitted: _____

APPLICATION FOR BOARD OF ADJUSTMENT HEARING

(CHECK ALL THAT APPLY)

☐ WAIVER ☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ APPEAL DECISION OF ZONING ADMINISTRATOR

PROPERTY ADDRESS 3709 SHAWNEE TRL
PROPERTY LEGAL DESCRIPTION C1 VACANT Land Residential ^{Abstract} 1552-2CC
CURRENT ZONING CLASSIFICATION & LAND USE SF-1 Single Family District
TOTAL ACRES 0.2000 # OF LOTS 1

APPLICANT/DEVELOPER INFORMATION

NAME Hidden Creek Construction
ADDRESS PO Box 871 CITY Weatherford
STATE TX ZIP 76086 EMAIL mike@hccconstruction.com
PHONE 817 688 8437 FAX (855) 257-6106

PROPERTY OWNER INFORMATION

NAME JAMES G. DRACE
ADDRESS 3713 SHAWNEE TRL CITY LAKE WORTH
STATE TEXAS ZIP 76135 EMAIL _____
PHONE _____ FAX _____

I hereby certify that I am the owner of the property described above and further certify that the information provided on this development application is true and correct. I further understand that the public hearing for this request will not be scheduled until the application fee(s) have been paid and the application has been reviewed and accepted by City staff. (IF APPLICATION IS SIGNED BY SOMEONE OTHER THAN THE OWNER, THEN AN OWNER AUTHORIZATION FORM MUST BE COMPLETED AND TURNED IN WITH APPLICATION).

James G. Drace
SIGNATURE OF OWNER, AGENT, OR APPLICANT

3-14-19
DATE

GENERAL INFORMATION

Application must be filled out completely and returned with the appropriate fee, a detailed letter describing the specific request and reasoning for the request, a survey of the property, and any supporting documentation for the request.

The applicant must be prepared to present their case at the specifically appointed meeting date/time.

Please note that for cases requiring public hearing; the notice of public hearing will be sent to the City's paper of record (Fort Worth Star Telegram) no less than ten (10) days before the scheduled public hearing date and notices will be mailed to all property owners within two hundred foot (200') of the subject property.

SUBMITTAL CHECKLIST

The following items must be turned in for the subdivision plat application to be accepted and processed by this department:

- ☒ BOARD OF ADJUSTMENT APPLICATION
- ☐ OWNER AUTHORIZATION FORM (IF APPLICABLE)
- ☒ APPLICATION FEE (VERIFY WITH P&Z ADMINISTRATOR)
- ☒ LETTER, SURVEY, AND ANY SUPPORTING DOCUMENTATION
- ☐ ELECTRONIC VERSION (.pdf) OF THE PLANS EMAILED TO SMEASON@LAKEWORTHTX.ORG

OFFICE USE ONLY

Fee: _____

Date Paid: _____

Receipt #: _____

Ownership Verified:

☐ YES ☐ NO

Taxes Paid:

☐ YES ☐ NO

Liens Paid:

☐ YES ☐ NO

Public Hearing Newspaper Notice Deadline Date: _____

Public Hearing Newspaper Publish Date: _____

Public Hearing 200' Notification Deadline Date: _____

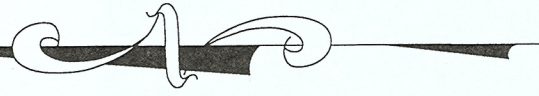
Public Hearing 200' Notification Mailing Date: _____

Board of Adjustment Meeting Date: _____

Approval Date: _____

Stipulations/Notes: _____

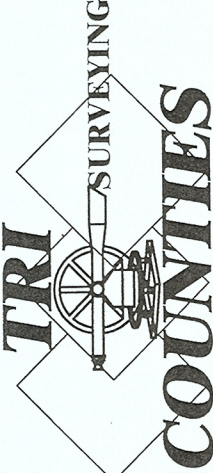
SCALE 1" = 30'



Moses Townsend Survey,
Abstract # 1552,
Tarrant County, Texas

**Lot 10-R
Block 6**
Lake Worth
Heights Addition
V.388-17, P.373,
P.R.T.C.T.

William L. Cowden
Real Estate, LLC
Inst# D208425278,
D.R.T.C.T.



d/b/a TRICO/DELTA JOINT VENTURE
116 LOCUST STREET, AZLE TX 76020
OFFICE: 817-444-2355 FAX: 817-444-4387
surveying@tricountiessurveying.com
FIRM REGISTRATION: 10194462

JOB# 19030064

James Gilbert Drace
Inst# D219035232,
D.R.T.C.T.,
"Tract 2"

James Gilbert Drace
Inst# D219035232,
D.R.T.C.T.,
"Tract 1"
(0.20 OF AN ACRE OF
LAND MORE OR LESS)

E. Phillip Morrison
and wife,
Leota L. Morrison
V.9382, P.757,
D.R.T.C.T.

Legal Description:
Description for a tract of land situated in the Moses Townsend Survey, Abstract Number 1552, Tarrant County, Texas, and being that same tract of land described in a deed as "Tract 1" to James Gilbert Drace, recorded in Instrument Number D219035232, Deed Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

Beginning at a 1/2" capped "T.C.S. RPLS 4277" rebar rod set in the west line of Shawnee Trail, an existing 60 feet wide right of way, for the southeast corner of the Drace Tract, same being the northeast corner of a tract of land described in a deed to E. Phillip Morrison and wife, Leota L. Morrison, recorded in Volume 9382, Page 757, Deed Records, Tarrant County, Texas;

Thence S83°25'17"W. (DEED=S84°W), 175.00 feet along the common line of the Drace Tract and the Morrison Tract to a 2" metal fence corner post for the southwest corner of the Drace Tract, same being the northwest corner of the Morrison Tract, same being the northeast corner of a tract of land described in a deed to William L. Cowden Real Estate, LLC, recorded in Instrument Number D208425278, Deed Records, Tarrant County, Texas, and being the southeast corner of Lot 10-R, Block 6, Lake Worth Heights Addition, recorded in Volume 388-17, Page 373, Plat Records, Tarrant County, Texas;

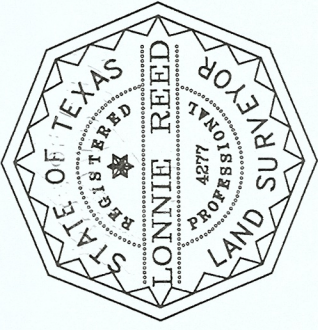
Thence N00°30'00"W. (BASIS FOR DIRECTIONAL CONTROL), 50.00 feet along the common line of the Drace Tract and Lot 10-R to a 1/2" rebar rod found for the northwest corner of the Drace Tract, same being the southwest corner of a tract of land described in a deed as "Tract 2" to James Gilbert Drace, recorded in Instrument Number D219035232, Deed Records, Tarrant County, Texas;

Thence N83°25'17"E. (DEED=N84°E), 175.00 feet along the common line of the Drace Tracts to a "x" cut found (Control Monument) in a concrete flume for the common corner of the Drace Tracts, being in the west line of Shawnee Trail, and from which a 5/8" rebar rod found (Control Monument) bears N00°30'00"W., 150.00 feet;

Thence S00°30'00"E., 50.00 feet along the west line of Shawnee Tract to the point of beginning and containing 0.20 of an acre of land more or less.

Note:
According to the Flood Insurance Rate Map for Tarrant County, Texas, and Incorporated Areas, Community Panel Number 48439C 0165 K, Dated September 25, 2009, this tract is in Zone X, which is not in the 1% annual chance flood.

COPIES ARE NOT OFFICIAL
UNLESS SEAL IS EMBOSSED

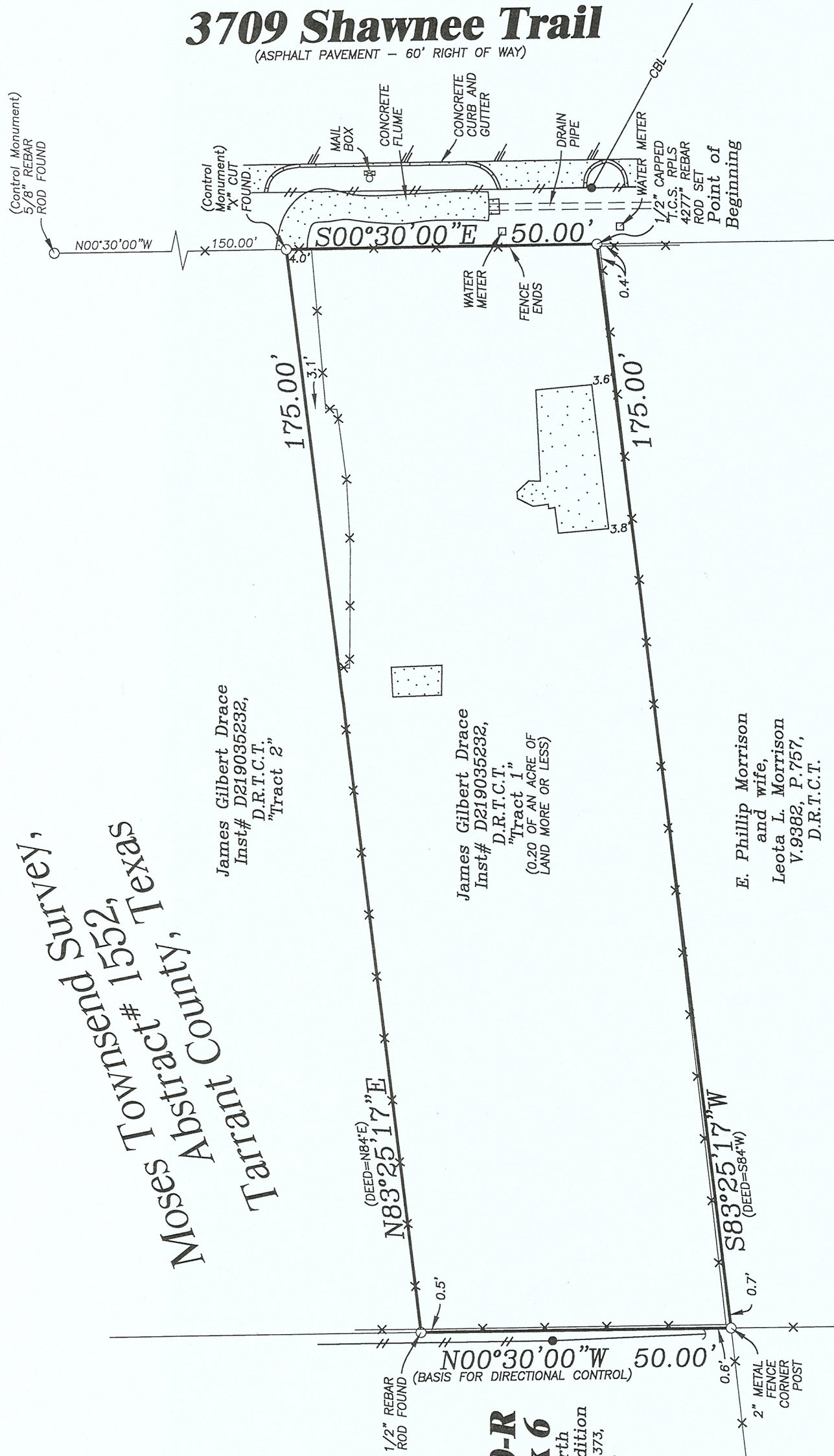


This sketch accurately represents an on the ground survey performed under my direction and supervision, and shows all property corners, and visible improvements; encroachments, and easements that have been provided to me. This survey has been performed strictly for this transaction only, as indicated by the General File Number as stated on this drawing, and is not to be used for any other transaction.

Lonnie Reed

03-14-2019

3709 Shawnee Trail
(ASPHALT PAVEMENT - 60' RIGHT OF WAY)



NOTE:
THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT.



- LEGEND
- METER POLE
 - UTILITY POLE
 - DOWN GUY
 - OVERHEAD UTILITY LINE
 - ASPHALT
 - CONCRETE
 - FENCE

To: The Board of Adjustment

From: James G. Drace

Ladies and Gentlemen of the Board;

I am here tonight to seek a variance approval for the lot listed, it is narrower than the code requires now.

3709 Shawnee Trail
Lake Worth, TX 76135

It is part of the original Moses Townsend Survey #1552-Lot-2CC and is currently in the process of being platted.

My Parents purchased this lot in the late 70's when it had an existing house, they rented the house for a few years and then I moved into it in 1986 and continued to live in it until I tore it down in 2008. It has always been my plan to rebuild the house but had to put that on hold to become the fulltime caretaker for my Mom when she had her first stroke that next year. She passed in May of 2018 and willed me this property and I am ready to build this home now.

I appreciate your consideration of my project and hope you help me will see it through.

Thank you again for your time and attention

James G Drace

A hand-drawn site plan on grid paper showing a property layout. The overall dimensions are 175' on the left and 175' on the right. The front boundary is 50' wide. The layout includes a driveway on the left, a house (25' x 30'), a garage (24' x 24'), and a patio (4' x 5'). The house is 25' wide and 30' deep. The garage is 24' wide and 24' deep. The patio is 4' wide and 5' deep. The driveway is 8' wide. The property is 5' wide at the bottom. The front boundary is 50' wide. The overall dimensions are 175' on the left and 175' on the right.

Moses Townsend
Survey # 1552-2CC

JAMES G. Drace

CITY OF LAKE WORTH
NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT

VARIANCE REQUEST
CASE #BOA-2019-02

You may own property within two hundred feet (200') of the property described in the notice below. The owner of the lot has made application for a variance to the Lake Worth Code of Ordinances lot width requirement. Attached you will find a map of the general location of the request. You are invited to attend and participate in the following public hearing regarding this application:

The Board of Adjustment of the City of Lake Worth, Texas, will conduct a public hearing at 6:30 p.m. on Tuesday, April 2, 2019, at the Lake Worth City Council Chambers, 3805 Adam Grubb, Lake Worth, Texas 76135 to hear public comment and consider a variance of the Comprehensive Zoning Ordinance, Article 14.500, Sec. 14.501 (4) regarding the required lot width of 60 foot (60') on a 0.20-acre tract of land known as Abstract 1552, Tract 2CC, Moses Townsend Survey of the records of Tarrant County, Texas; which is generally described as 3709 Shawnee Trail, Lake Worth, Texas. All interested parties are encouraged to attend.

Please contact Suzanne Meason, Planning & Zoning Administrator at 817-255-7922 or smeason@lakeworthtx.org with any questions or for further information.

James Gilbert Drace
3713 Shawnee Trail
Lake Worth, Texas 76135

Stephen R & Cindy Landers
PO Box 136070
Fort Worth, Texas 76136

Carol Ware
3913 Lakewood Drive
Lake Worth, Texas 76135

Leigh Court Investments, LLC
3816 Lakewood Drive
Lake Worth, Texas 76135

Gary M & Cynthia A Stum
12605 Foster Circle
Azle, Texas 76020

Eden S Barrera
3812 Lakewood Drive
Lake Worth, Texas 76135

Michael Souders
3720 Shawnee Trail
Lake Worth, Texas 76135

Tina A Green
PO Box 136031
Fort Worth, Texas 76136

Ernest A Cole
3800 Shawnee Trail
Lake Worth, Texas 76135

Joe D Rhodes
3804 Lakewood Drive
Lake Worth, Texas 76135

Shirley Manor Inc.
9237 Watercress Drive
Fort Worth, Texas 76135

Burton G Howard
7220 Charbonneau
Lake Worth, Texas 76135

Carl W & Schwana Wallace
7208 Charbonneau Road
Lake Worth, Texas 76135

Ronald M Clements, Ronnie G &
Rebecca S Farquhar
4232 Lakewood Drive
Lake Worth, Texas 76135

Phillip E & Leota Morrison
3705 Shawnee Trail
Lake Worth, Texas 76135

Rebecca Arterbury
3717 Shawnee Trail
Lake Worth, Texas 76135

Terri L Drain & Linda S Wills
2651 Reese Lane
Azle, Texas 76020



Legend

- PARCELS
- Lots
- Arterials
- Freeways
- Streets
- Tarrant County Streets
- Parks
- Lakes
- City Limit
- Extraterritorial Jurisdiction (ETJ)

31012913
29013201
32493001
32852951
3191



3/22/19 2:24 PM

1: 3,226



0.1 0 0.05 0.1 Miles



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. The City of Fort Worth assumes no responsibility for the accuracy of said data.

NCTCOG ORTHOPHOTOGRAPHY

ARTICLE 14.500 DISTRICT REGULATIONS

Sec. 14.501 “SF-1” - Single-Family District

(a) Purpose. The purpose of the “SF-1” – Single-Family District is to allow single-family detached dwellings on lots of not less than five thousand (5,000) square feet, together with the allowed accessory uses, in order to promote low population densities within integral neighborhood units.

(b) Uses Generally. In the “SF-1,” no building or land shall be used and no building shall be hereafter erected, reconstructed, altered, enlarged, or maintained unless otherwise provided in these regulations, except for one (1) or more of the following uses:

- (1) Single-family dwellings.
- (2) Churches.
- (3) Public schools, elementary and high.
- (4) Museums, libraries, parks, playgrounds or community centers owned and operated by the city.
- (5) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
- (6) Uses customarily incident to any of the above uses when situated in the same dwelling, when not involving the conduct of a business or industry, but including home occupation. The furnishing of board or lodging for not more than four (4) persons in a dwelling occupied as a private residence shall be considered an accessory use, provided no window or other display or sign is used to advertise such use.
- (7) Hobby shops, as an accessory use.
- (8) An unilluminated nameplate for each family not exceeding one (1) square foot in area, containing the name and occupation of the occupant of the premises, provided the nameplate is attached flatwise to the building; and unilluminated signs not exceeding twelve (12) square feet in area pertaining to the sale or rental of property on which they are located, provided, however, that no advertising sign of any other character shall be permitted in any Single-Family District.

(c) Accessory Uses. Detached accessory buildings, not exceeding one (1) story in height, including private garage, private stable or servants' quarters, when located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line; provided that if the accessory building is located within the “required” rear yard, a five (5) foot setback from all lot lines is required. A garage shall provide space for not more than one (1) motor vehicle for each two thousand, five hundred (2,500) square feet of lot area. A stable shall provide for not more than one (1) horse or mule for each twenty thousand (20,000) square feet of lot area. A servants' quarters shall be occupied only by servants employed on the premises. The utility services to servants' quarters shall be metered through the same meters as those serving the main building on the premises. No detached accessory building shall exceed the height of the main building. The board of adjustment may approve as a special exception an accessory building which exceeds the height limitation herein for accessory buildings which inherently require a greater height, such as detached garages for motor homes; provided that no such accessory structure shall exceed the maximum height allowed in this zoning district. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

(d) Height Regulations. No building shall exceed thirty-five (35) feet or two (2) stories in height.

(e) Area Regulations.

(1) Front Yard Not less than twenty-five (25) feet.

(1987 Code of Ordinances, Chapter 11, Section 5A)

(2) Side Yard:

Interior Lot Not less than five (5) feet.

Corner Lot Not less than five (5) feet.

Not less than twenty (20) feet on the side of the lot adjacent to a side street, measured from the nearest edge of the curb or pavement on the side street, or when there is no curb or pavement, the side lot line.

(Ordinance 762 adopted 10/19/04)

(3) Lot Area per Family At least five thousand (5,000) square feet per family.

(4) Width of Lot Not less than sixty (60) feet.

(f) Landscaping. No requirements.

(1987 Code of Ordinances, Chapter 11, Section 5A)

(g) Parking Regulations. The following parking regulations shall apply:

(1) A minimum of two off-street parking spaces per dwelling unit located behind the front building line; provided, however, that at least one parking space shall be located within a private garage.

(2) Parking spaces and any adjoining private driveways shall be constructed of an improved monolithic surface of concrete or asphalt or other paved surface approved by the building official. The paved surface shall be two inches (2") or more in thickness and shall not exceed one-half inch (1/2") in height above the adjacent unpaved surface. On nonconforming lots without paved parking spaces and driveways, the parking spaces and driveways shall only be located perpendicular to the curb cut or drive approach or in the rear yard as authorized by Subsection (g)(4), and may not encroach into any portion of the remaining front yard. (See Diagram 1-A)

Editor's note—Diagram 1—A has not been printed and is attached to Ordinance 776 on file in the office of the city secretary.

(3) All vehicles shall be driven and parked so as to completely rest upon a paved surface. On nonconforming lots without paved parking spaces and driveways, all vehicles shall be driven and parked so as to completely rest upon the unpaved parking spaces or driveway as provided in this section, or in the side yard adjacent thereto. (See Diagram 1—B)

Editor's note—Diagram 1—B has not been printed and is attached to Ordinance 776 on file in the office of the city secretary.

(4) All vehicles parked or stored in the required rear yard of a structure must be placed behind a screening partition of fencing materials or dense vegetation so as to obscure the vehicle from view from a public street or public right-of-way. In addition, the parking or storage area and driveway (from the curb cut or drive approach to the parking or storage area) must be constructed of paved monolithic concrete or asphalt or other paved surface approved by the building official.

(Ordinance 776, sec. 1, adopted 4/12/05)

ARTICLE 14.700 ADMINISTRATION AND ENFORCEMENT

Sec. 14.702 Board of Adjustment

(a) Appointment. There is hereby created a board of adjustment consisting of five (5) members who shall be appointed by the city council. In addition, the city council shall appoint two (2) alternate members who shall serve in the absence of one (1) or more regular members. It is the declared policy of the city council that it will consider and appoint only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, understanding of zoning and planning and availability to prepare for and attend meetings. In addition, all appointees shall have resided in the city for at least two (2) years prior to appointment. A member of the board of adjustment shall not serve simultaneously as a member of the planning and zoning commission. Regular members shall be appointed to places numbered one (1) through five (5) and alternate members shall be appointed to places numbered six (6) and seven (7). The terms of office of said members shall be two (2) years beginning on October 1st of the year of appointment. The odd-numbered places shall expire in the odd-numbered years and the even-numbered places shall expire in the even-numbered years. Board members may be appointed to succeed themselves. (Ordinance 953, sec. 2, adopted 12/14/10)

(b) Removal and Vacancies. Members and alternates of the board of adjustment may be removed from office by the city council for cause upon written charges and after public hearing. After initial appointment of the regular members and alternates, all vacancies occurring on the board shall be filled by the city council for the unexpired term.

(c) Proceedings of the Board.

(1) The board of adjustment shall hold an organizational meeting in October of each year. The members of the board of adjustment, including alternative members, shall elect a chairperson and vice-chairperson from among its members. The board of adjustment shall adopt rules of procedure to govern its proceedings; provided, however, that such rules are not inconsistent with this article or state statute. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson may administer oaths and compel the attendance of witnesses.

(2) All cases before the board of adjustment shall be heard by a minimum of four (4) members. All meetings of the board of adjustment shall be open to the public and shall be held in compliance with the Texas Open Meetings Act. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of its decisions and other official actions, all of which shall be filed in the office of the city manager or his/her designee and kept as a public record.

(3) The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to grant any variance or special exception to this article or to decide in favor of the applicant on any other matter upon which the board is required to pass under this article.

(d) Notice and Hearing.

(1) The board of adjustment shall fix a reasonable time for the hearing of any appeal, variance, special exception, or other matter which the board of adjustment is authorized to review hereunder, give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by attorney or agent. The notice provided in this article shall be given by publication in the official city newspaper stating the time and place of such hearing, which shall not be earlier than ten (10) days from the day of the publication, and in addition thereto, the board of adjustment shall mail notices of the hearing to the petitioner and, the owners of the property lying within two hundred feet (200') of any point of the lot or portion thereof for which a variance, exception or other action relating only to a specific property is proposed, and to all other persons deemed by the board of adjustment to be affected by the appeal. Such owners and persons shall be determined according to the current tax rolls of the city and substantial compliance therewith shall be deemed sufficient; provided, however, that the deposition of such written notice in the mail by the board of adjustment shall be deemed sufficient compliance with this requirement.

(2) Any special exceptions approved by the board of adjustment, under the provisions of this section shall authorize the issuance of a building permit for a period of ninety (90) days from the date of the favorable action of the board, unless the board in its minutes shall at the time grant a longer period or unless an extension is granted by the board. If a building permit shall not have been issued within the ninety (90) days or any other period as the board of adjustment may specifically grant, the special exception shall be deemed waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to the board of adjustment in accordance with the rules and regulations regarding appeals.

(3) The same appeal to the board of adjustment shall not be allowed on the same piece of property prior to the expiration of one (1) year from a denial by the board of adjustment of any appeal unless the denial was made without prejudice or unless other property in the same zoned areas shall have, within such one (1) year period, been altered or changed by ruling of the board of adjustment, in which case such change of circumstance shall permit the filing of a subsequent appeal, but such appeal shall be considered on its own merits as in all other cases.

(e) Powers. The board of adjustment shall have the following powers:

(1) **Variances.** The board of adjustment may authorize a variance from the height and area regulations and other development regulations in this article when, in its opinion, undue hardship or practical difficulty will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary or desirable to protect the public interest and property in the vicinity. No variance shall be granted unless the board finds:

- (A) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article deprive the applicant of reasonable use of his land;
- (B) The special circumstances or conditions do not result from the actions of the applicant;
- (C) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- (D) The granting of the variance will not be detrimental to the public health, safety, or injurious to other property in the vicinity; and
- (E) The granting of the variance will not have the effect of preventing the orderly development of other land in the vicinity in accordance with the provisions of this article.

Such findings of the board, together with the specific facts upon which they are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship. In making its findings, the board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(2) **Special Exception.** The board of adjustment may permit a special exception when such use or development is specifically authorized by this article in reaching its decision, the board of adjustment shall not approve a special exception unless it shall determine that the requested exception will establish only those uses permitted under this article; that the location of the proposed activities and improvements are clearly defined on a site plan filed by the applicant, and that the exception will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements and conditions as the board of adjustment finds to be necessary to protect and maintain the stability of adjacent properties.

(3) **Appeals of Decisions of Zoning Administrator.**

(A) All questions of interpretation, enforcement or applicability of this article shall first be presented to the zoning administrator and such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator. Appeals to the board of adjustment may be taken by any person aggrieved by any decision or action of the zoning administrator regarding the interpretation, enforcement or applicability of this article. Such appeal shall be taken within sixty (60) days after the decision has been rendered, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment with the papers constituting the record upon which action appealed from was taken.

(B) An appeal shall stay all preceding of the action appealed from unless the zoning administrator certifies to the board of adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the board of adjustment or by a court of record on application, after notice to the zoning administrator, for due cause shown.

(C) In exercising its power under this provision, the board of adjustment may in conformity with the provisions of Chapter 211, Texas Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decision or determination as sought to be made and shall have all the powers of the officer from whom the appeal is taken, and may require such conditions and safeguards as the board finds necessary to preserve the spirit and intent of this article.

(4) **Nonconforming Uses.** After a public hearing, the board of adjustment may require the discontinuance of nonconforming uses under any plan whereby the full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this article.

(f) **Classification of New and Unlisted Uses.**

(1) It is recognized that new types of land may develop and forms of land uses not anticipated herein or clearly covered herein may be the basis of a request for zoning in the city.

(2) In order to provide for such changes and contingencies, an interpretation of the article as to which zoning district such uses are permitted in and under what conditions shall first be made by the zoning administrator. In rendering his interpretation, the zoning administrator shall consider the nature and characteristics of the proposed use and its compatibility with the uses permitted in the various zoning districts, and determine in his opinion which zoning district or districts such use should be listed in.

- (3) The decision of the zoning administrator may be appealed to the board of adjustment under the provisions of subsection (e) (3) above.

(g) Waiver of Mandatory Yard and Setback Requirements. The board of adjustment may approve a waiver of up to fifteen (15) percent of any required yard area or setback without following the notice and hearing requirements of subsection (d) above. The board of adjustment may in its discretion delegate to the zoning administrator its authority under this provision for all or a portion of the fifteen (15) percent area or setback waiver when such a waiver is necessary due to a surveying or construction error in the placement of the original foundation or site improvement. The zoning administrator shall not be authorized to approve a waiver under this section until the board of adjustment shall have issued a written decision outlining the terms and conditions under which these waivers may be granted.

(h) Termination of Approval. Any variance or special exception shall terminate automatically when the specified period of the variance or special exception has expired or the use has been abandoned. In addition where any condition under which a variance or special exception has been granted appears to have been violated, the board of adjustment may hold a public hearing to determine whether or not the approval previously granted should be terminated.

(1987 Code of Ordinances, Chapter 11, Section 7B; Ordinance 707 adopted 6/10/03)

(i) [Reserved for Future Use.] (Ordinance 860, sec. 1, adopted 5/8/07)

(j) Limitations on Power. The listed conditions required to exist on any matter on which the board of adjustment is authorized to consider under this article shall be construed as limitations on the powers of the board to act. Nothing herein shall be construed to empower the board of adjustment to effect changes in the zoning districts established by this article or the uses permitted therein.

(k) Grievances. Any person or persons jointly or separately, aggrieved by any decision of the board of adjustment, or any taxpayer or any of officer, department or board of the city may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten (10) days of the questioned decision of the board of adjustment, and not thereafter, and shall comply in all respects with the requirements set forth in Section 211.011 of the Texas Local Government Code.

(1987 Code of Ordinances, Chapter 11, Section 7B; Ordinance 707 adopted 6/10/03)