



CITY OF LAKE WORTH

BOARD OF ADJUSTMENT AGENDA

**3805 ADAM GRUBB
LAKE WORTH, TEXAS 76135
THURSDAY, OCTOBER 8, 2020**

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 January 7, 2020 Board of Adjustment meeting.](#)

C. PUBLIC HEARINGS

C.1 [Public Hearing to consider Board of Adjustment Case #BOA-2020-01, a variance request of the Comprehensive Zoning Ordinance, Article 14.500-Zoning Districts, Section 14.502-SF 7.5, Single Family 7.5, Height and Area Regulations, 5. a.; regarding the required front yard building setback of not less than twenty-five \(25'\) feet on a 0.31-acre parcel of land known as Block 8, Southern ½ \(25'\) of Lot 12 and all of Lot 13, Indian Oaks Subdivision of the records of Tarrant County, Texas; which is generally described as 3128 Chippewa Trail, Lake Worth, Texas.](#)

D. STAFF REPORT(S) / ANNOUNCEMENT(S)

D.1 PLANNING & ZONING ADMINISTRATOR REPORTS:

[Board of Adjustment Member Applications.](#)

E. 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.1 EXECUTIVE SESSION ITEMS – BOARD OF ADJUSTMENT MAY TAKE ACTION ON ANY ITEMS DISCUSSED IN EXECUTIVE SESSION LISTED ON THE AGENDA.

F. ADJOURNMENT

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

Certification

I do hereby certify that the above notice of meeting of the Lake Worth Board of Adjustment was posted on the bulletin board of City Hall, 3805 Adam Grubb, Lake Worth Texas in compliance with Chapter 551, Texas Government Code on **Monday, October 5, 2020 at 3:30 pm.**

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 – October 8, 2020

Agenda Item No. B.1

FROM: Suzanne Meason, Planning & Zoning Administrator

ITEM: Approve minutes of the January 7, 2020 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. January 7, 2020 Board of Adjustment Meeting Minutes

RECOMMENDED MOTION OR ACTION:

Approve minutes of the January 7, 2020 Board of Adjustment meeting.

**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

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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

Lake Worth Board of Adjustment Meeting – October 8, 2020

Agenda Item No. C.1

From: Suzanne Meason, Planning & Zoning Administrator

Item: Public Hearing to consider Board of Adjustment Case #BOA-2020-01, a variance request of the Comprehensive Zoning Ordinance, Article 14.500-Zoning Districts, Section 14.502-SF 7.5, Single Family 7.5, Height and Area Regulations, 5. a.; regarding the required front yard building setback of not less than twenty-five (25') feet on a 0.31-acre parcel of land known as Block 8, Southern ½ (25') of Lot 12 and all of Lot 13, Indian Oaks Subdivision of the records of Tarrant County, Texas; which is generally described as 3128 Chippewa Trail, Lake Worth, Texas.

Property Description:

0.31-acre parcel of land known as Block 8, Southern ½ (25') of Lot 12 and all of Lot 13, Indian Oaks Subdivision

Property Owner(s):

Alexiz Nicole Ramirez & Hector Thomas Delgado, 3128 Chippewa Trail, Lake Worth, Texas 76135

Applicant/Developer:

Alexiz Nicole Ramirez, 3128 Chippewa Trail, Lake Worth, Texas 76135

Engineer/Surveyor:

C.B.G. Surveying, Inc., 12025 Shiloh Road, Ste. #230, Dallas, Texas 75228

Current Zoning:

"SF1" – Single Family Residential

Current Use(s):

Existing Single-Family Residence

Existing Road(s):

Chippewa 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 SF1-Single Family Residential.

East: The property to the east is currently zoned SF1-Single Family Residential.

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

Lake Worth Board of Adjustment Meeting – October 8, 2020

Agenda Item No. C.1

Summary:

The property owners, Alexiz Ramirez & Hector Delgado came to the City inquiring about adding on to their existing single-family residence. They provided the city with a survey, which shows that the existing structure overlaps the property line between a portion of lot 12 and lot 13 and that the existing structure only has a 20.5' front building setback distance. They were advised that they would have to replat the properties into one lot before they could submit for an addition to the structure. They were also told that a variance would have to be requested before the Board of Adjustment for the front building setback since it did not meet the twenty-five-foot (25') requirement for that zoning district. They now seek a variance before the Board of Adjustment for the front building setback so they can continue through the replatting process if approved.

Attached you will find a copy of the survey for the property at 3128 Chippewa Trail showing the existing structures and setbacks on the properties.

Public Input:

On September 25, 2020, as required by State law, the City mailed out twenty-two (22) 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 September 27, 2020. No public comment forms had been turned in as of the packet preparation date.

Fiscal Impact:

N/A

Attachments:

1. Board of Adjustment Hearing Application
2. Property Survey (2836 Hiawatha Trail)
3. Board of Adjustment Order
4. Public Hearing Notice
5. Public Hearing Notifications (within 200' of subject property)
6. 200' Notification/Vicinity Map
7. Code of Ordinance Excerpt for SF 7.5 Zoning
8. Board of Adjustment Code Excerpt

Recommended Motion or Action:

Desire of the Board.



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: BOA-2020-01
 Date Submitted: 9-15-2020

APPLICATION FOR BOARD OF ADJUSTMENT HEARING

(CHECK ALL THAT APPLY)

 WAIVER VARIANCE SPECIAL EXCEPTION APPEAL DECISION OF ZONING ADMINISTRATOR

PROPERTY ADDRESS 3128 Chippewa Trail
 PROPERTY LEGAL DESCRIPTION Block 8, Portion Lot 12 (25') + Lot 13, Indian Oaks
 CURRENT ZONING CLASSIFICATION & LAND USE SF-1 Single Family Residential
 TOTAL ACRES 0.31 # OF LOTS 2

APPLICANT/DEVELOPER INFORMATION

NAME Alexis Ramirez
 ADDRESS 3128 Chippewa Trail CITY Lake Worth
 STATE Texas ZIP 76135 EMAIL _____
 PHONE _____ FAX _____

PROPERTY OWNER INFORMATION

NAME Alexis Ramirez
 ADDRESS 3128 Chippewa Trail CITY Lake Worth
 STATE Texas ZIP 76135 EMAIL AlexisramirezCaychico.com
 PHONE 682-300-7416 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).

Alexis Ramirez
 SIGNATURE OF OWNER, AGENT, OR APPLICANT

9-15-2020
 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: 250.00

Date Paid: 9-15-2020

Receipt #: P20-0769

Ownership Verified:

YES NO

Taxes Paid:

YES NO

Liens Paid:

YES NO

Public Hearing Newspaper Notice Deadline Date: NA

Public Hearing Newspaper Publish Date: 9-27-2020

Public Hearing 200' Notification Deadline Date: _____

Public Hearing 200' Notification Mailing Date: 9-25-2020

Board of Adjustment Meeting Date: 10-8-2020

Approval Date: _____

Stipulations/Notes: _____



C.B.G. Surveying, Inc.



LEGEND

- 1/2" ROD FOUND
- 1/2" ROD SET
- 1" PIPE FOUND
- 1" PIPE SET
- ⊕ 404 GAL. FOUND
- T TRANSFORMER
- PAE
- M COLLUM
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- POWER
- OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 6" HIGH TYPICAL
- FENCE POST FOR CORNER
- CONTROLLED MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- POWER POLE
- △ OVERHEAD ELECTRIC
- IRON FENCE
- BARBED WIRE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- CONCRETE
- COVERED AREA

EXCEPTIONS:

NOTES:
 BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 FLOOD NOTE: According to the F.J.R.M. No. 48439C0170 K, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Republic Title Company. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat herein is a correct and accurate representation of the property lines and dimensions as indicated hereon and type of buildings are as shown; and EXCEPT AS SHOWN there are no visible and apparent encroachments or attachments on the ground.

Date: 10/16/12
 Accepted by: *[Signature]*
 Purchaser

Drawn By: DW
 Scale: 1" = 50'
 Date: 10/01/13
 CE/NO.: 1010-70748-RTT
 Job No. 1306588-1

C.B.G. Surveying, Inc.
 12025 Shiloh Road,
 Dallas, TX 75228
 P 214.349.9485
 F 214.349.2216
 www.cbgsdtx.com

BRYAN CONNALLY
 5512
 PRESS OF 500
 BRYAN CONNALLY
 S.P.L.S. NO. 5512

3128 Chippewa Trail

Being all of Lot 13 and a portion of Lot 12, Block 8, of Indian Oaks, an Addition to the Town of Lake Worth, Tarrant County, Texas, according to Addition to the Town of Lake Worth, Tarrant County, Texas, according to Volume 204-A, Page 177, Map Records, Map or Plat thereof recorded in Volume 204-A, Page 177, Map Records, Tarrant County, Texas, being all of a tract of land conveyed to Misaal Gonzalez, by deed recorded in Document File No. D213200146, Official Public Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

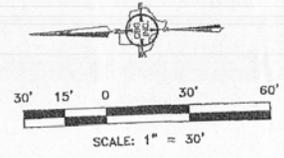
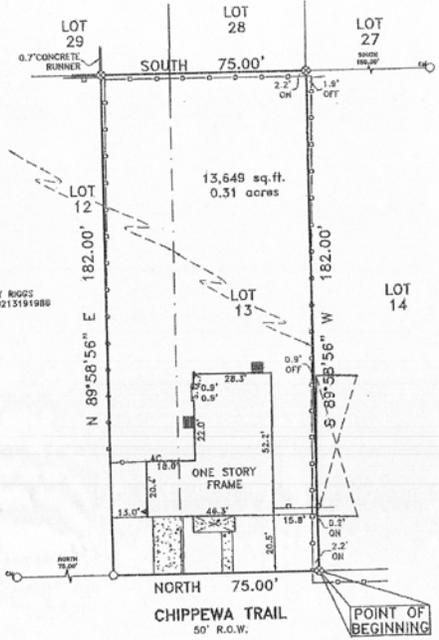
BEGINNING at a 1/2 inch iron rod set for corner, said corner being the Northwest corner of Lot 14, Block 8, of said Addition, and being a point in the East line of Chippewa Trail (50' foot right-of-way);

THENCE North, along the East line of said Chippewa Trail, a distance of 75.00 feet to a 1/2 inch iron rod found for corner, said corner being the Southwest corner of a tract of land conveyed to Beverly Riggs, by deed recorded in Document File No. D213191986, Official Public Records, Tarrant County, Texas;

THENCE North 89 degrees 58 minutes 56 seconds East, along the South line of said Riggs, Tract, a distance of 182.00 feet to a 1/2 inch iron rod set for corner, said corner being a point in the West line of Lot 29, Block 8, of said Addition;

THENCE South, departing from the Southeast corner of said Riggs tract, a distance of 75.00 feet to a 1/2 inch iron rod set for corner, said corner being the Southwest corner of Lot 28, Block 8 of said Addition, being the Northwest corner of Lot 27, Block 8, of said Addition, and being the Northeast corner of said Lot 14;

THENCE South 89 degrees 58 minutes 56 seconds West, along the North line of said Lot 14, a distance of 182.00 feet to the POINT OF BEGINNING containing 13,649 square feet or 0.31 acres of land.



BOARD OF ADJUSTMENT

CITY OF LAKE WORTH, TEXAS

IN THE MATTER OF:

Alexiz Nicole Ramirez and Hector Thomas Delgado, Property Owners request a variance from the zoning district requirements of the Comprehensive Zoning Ordinance, Article 14.500 Zoning Districts, Section 14.502 “SF 7.5” – Single Family 7.5 District, Height and Area Regulations, 5.a. regarding the required front yard building setback of not less than twenty-five (25’) feet; to allow a **20.5’ front yard building setback**, so that the property may be replatted. The property is a **0.31-acre** parcel of land which falls under the “**SF 7.5” Single Family 7.5** zoning district under the new comprehensive zoning ordinance, and is described as **Block 8, Southern ½ (25’) of Lot 12 and all of Lot 13, Indian Oaks Subdivision**, City of Lake Worth, Tarrant County, Texas, and is located at **3128 Chippewa Trail**, Lake Worth, Texas.

ORDER

On this the 8th day of October, 2020, came on for hearing the application of **Alexiz Nicole Ramirez, Property Owner** seeking a variance to the Comprehensive Zoning Ordinance, Article 14.500 Zoning Districts, Section 14.502 “SF 7.5” – Single Family 7.5 District, Height and Area Regulations, 5.a. regarding the required front yard building setback of not less than twenty-five (25’) feet; to allow a **20.5’ front yard building setback**, so that the property may be replatted; on a parcel of land being described as **Block 8, Southern ½ (25’) of Lot 12 and all of Lot 13, Indian Oaks Subdivision**, City of Lake Worth, Tarrant County, Texas. The property to be considered for the variance is generally described as a **0.31-acre** parcel of land located at **3128 Chippewa Trail** Lake Worth, Texas (hereinafter, the “Property”); after notice and hearing in accordance with State law and local ordinance, and, after motion duly made and seconded, the Board of Adjustment for the City of Lake Worth finds that the variance requested to allow a 20.5’ front yard building setback, so the property may be replatted is based on a governmental hardship, is not contrary to the

public interest and, due to special conditions, a literal enforcement of the City's ordinance would result in unnecessary hardship, and the spirit of the ordinance is observed and substantial justice is done.

IT IS THEREFORE ORDERED that a variance from the Comprehensive Zoning Ordinance, Article 14.500 Zoning Districts, Section 14.502 "SF 7.5" – Single Family 7.5 District, Height and Area Regulations, 5.a. regarding the required front yard building setback of not less than twenty-five (25') feet; is hereby granted to the property located at **3128 Chippewa Trail**, to allow a 20.5' front yard building setback so the property may be replatted, as depicted on Exhibit "A," which is attached hereto and incorporated herein by reference, at the Property.

IT IS FURTHER ORDERED that a copy of this Order shall be filed in the Office of the Board of Adjustment maintained and administered by the City Secretary of the City of Lake Worth, Texas.

All relief not expressly granted herein is DENIED.

ENTERED this 8th day of October 2020.

Robb Welch, Chairperson
Board of Adjustment
City of Lake Worth, Texas

Filed the _____ day of October 2020.

By: _____
Suzanne Meason
Planning and Zoning Administrator
City of Lake Worth, Texas

EXHIBIT A

Block 8, Southern ½ (25') of Lot 12 and all of Lot 13, Indian Oaks Subdivision, City of Lake Worth, Tarrant County, Texas, generally described as 3128 Chippewa Trail, Lake Worth, Texas.

(See Survey Attached)

CITY OF LAKE WORTH
NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT

VARIANCE REQUEST
CASE #BOA-2020-01

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 Chapter 14 Comprehensive Zoning Ordinance, front yard building setback distance. 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 Thursday, October 8, 2020, 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-Zoning Districts, Section 14.502-SF 7.5, Single Family 7.5, Height and Area Regulations, 5. a.; regarding the required front yard building setback of not less than twenty-five feet (25') on a 0.31-acre parcel of land known as Block 8, Southern ½ (25') of Lot 12 and all of lot 13, Indian Oaks Subdivision of the records of Tarrant County, Texas; which is generally described as 3128 Chippewa Trail, Lake Worth, Texas. All interested parties are encouraged to attend.

Alexiz Nicole Ramirez
Hector Thomas Delgado
3128 Chippewa Trl.
Lake Worth, Texas 76135-3808

Benjamin C Shelton
3116 Chippewa Trl.
Lake Worth, Texas 76135

Louis Espinoza
5425 Tuxbury Pond Dr.
Fort Worth, Texas 76179

Sergio & Blanca Navarro
3213 Chippewa Trl.
Lake Worth, Texas 76135-3809

James C Crouch, Jr. Estate
2811 Norwood Ln.
Arlington, Texas 76013-1250

Loretta Kathleen Cash
3109 Huron Trl.
Lake Worth, Texas 76135

Bob Edward Holmes
3205 Chippewa Trl.
Lake Worth, Texas 76135-3809

Blue Mountain Partners, LLC
5936 W 2400 S
Salt Lake City, UT 84120

Linda J Wilkins
3201 Chippewa Trl.
Lake Worth, Texas 76135-3809

James M Lyons
3132 Chippewa Trl.
Lake Worth, Texas 76135

Boomtown Enterprises, LLC
9612 Lea Shore St.
Fort Worth, Texas 76179-3225

Robert & Judy Norman
3920 Shawnee Trl.
Lake Worth, Texas 76135-2870

James & Mary Laird
9620 Watercress Dr.
Fort Worth, Texas 76135

Mickey G & Shannon Bleau
3216 Whisperwood Ct.
Bedford, Texas 76021

Shayloopa Investors, LLC
6646 Iron Horse Blvd., Ste. C
North Richland Hills, Texas 76180

Sharon L Mitchell
3204 Chippewa Trl.
Lake Worth, Texas 76135

Eric Hernandez Najera
Graciela Montoya Cortes
3117 Chippewa Trl.
Lake Worth, Texas 76135

Raymond Jr. & Shirley Pettis
P O Box 136702
Fort Worth, Texas 76136-0702

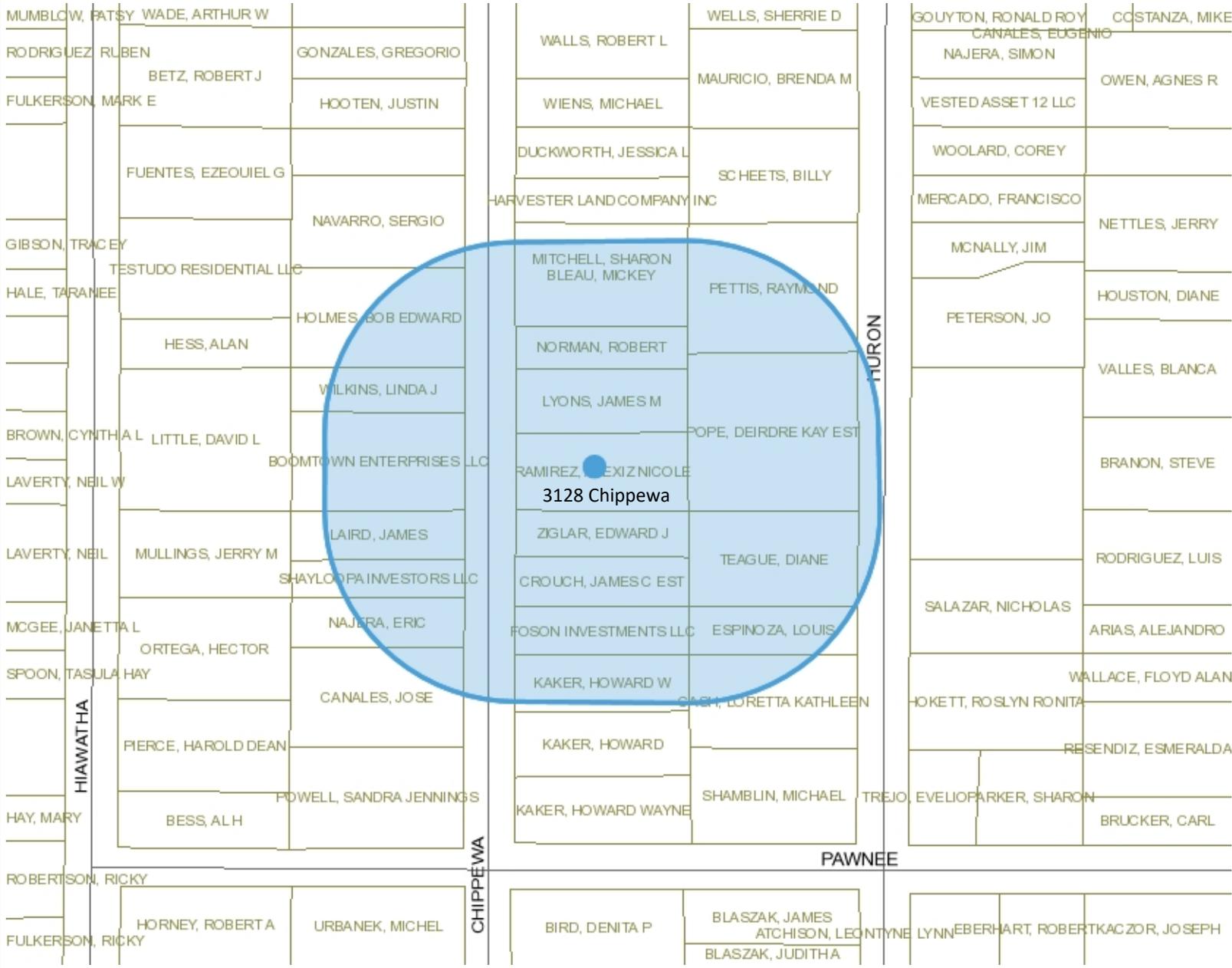
Jose Canales
4113 Shadt Ct.
Fort Worth, Texas 76106-3035

Linda Kay Larned
Cindy Lea Pope
6205 Ivy Hill Rd.
Fort Worth, Texas 76135

Kathy Ann Hacker
3112 Chippewa Trl.
Lake Worth, Texas 76135

Diane Teague
3117 Huron Trl.
Lake Worth, Texas 76135-3831

3128 Chippewa Trail - BOA Variance Hearing



Legend

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

0.1 0 0.03 0.1 Miles

9/25/20 2:01 PM

1: 1,835



A. Purpose

This zoning classification should be applied in areas of the City to conserve the traditional neighborhood character typical in Lake Worth. It is not intended that this zoning district be the subject of major alterations except for a possible re-classification in minor areas for a less restrictive residential use for reasonable adjustments necessary for orderly development of vacant lots or the gradual transition from other districts.

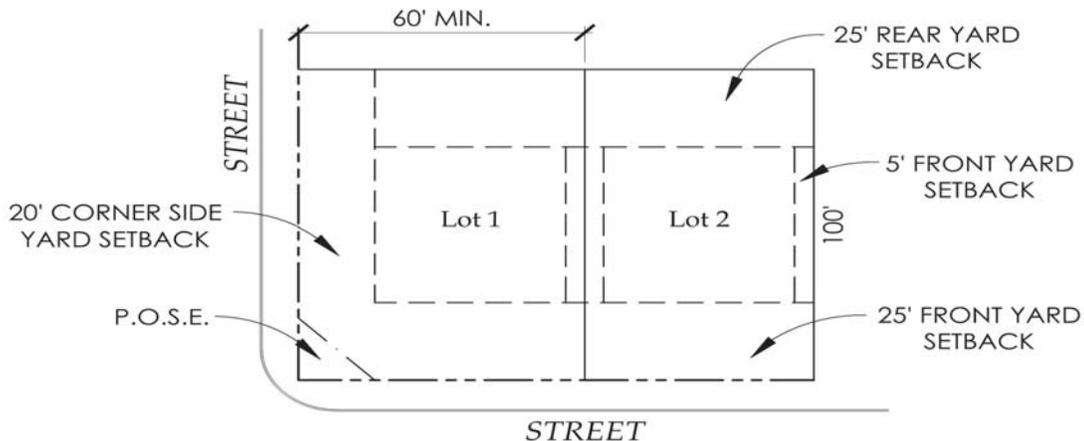
B. Use Regulations

In the SF 7.5, Single Family 7.5 District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except as specified in the [Section 14.400, Land Use Table](#).

C. Height and Area Regulations (refer to next page for regulations)

D. Additional Design Requirements

1. Site and building design shall be provided in accordance with Section 14.600, Supplemental Regulations.
2. Parking. Off-street parking shall be provided in accordance with Section 14.610, Vehicle Parking Regulations.
3. Landscaping. Provide lawn grass and one (1) 3-inch caliper tree in the front yard.
4. Architectural design. The main residential structure, including additions and attached garages, shall comply with the following:
 - a. Exterior building materials shall comply with Section 14.615, Architectural Standards.
 - b. The minimum roof pitch shall be in 6:12 for the roof of the principal and accessory structures, including attached garages.
 - c. Garage doors shall be located no closer than 25 feet from the right-of-way.
 - d. The City Manager and/or designee may authorize encroachments into the required yard of up to 20 square feet for fire places and/or bay windows that do not restrict access for public safety and/or adjacent property.
 - e. Exemptions. Prefabricated sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, and similar architectural features, unconditioned additions, and accessory buildings are exempt from the exterior material requirements, as regulated in Section 14.600, Supplemental Regulations.



Height and Area Regulations

1. Lot Area
The minimum lot area shall be 7,500 square feet.
2. Lot Dimensions
The width of a lot shall be a minimum of 60 feet and the depth shall be a minimum of 100 feet.
3. Floor Area
The main residence shall contain a minimum of 1,500 square feet of livable floor space, exclusive of garage, porches and breezeways, and incidental storage areas.
4. Height
No building hereafter erected, reconstructed, altered, or enlarged shall exceed two (2) stories nor shall it exceed 35 feet.
5. Front Yard
 - a. There shall be a front yard of not less than 25 feet, or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater.
 - b. Corner lots shall have a minimum side yard of 20 feet on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the City Manager and/or designee.
 - c. If a second front yard building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than 20 feet, then the platted building line shall be required on the second front yard.
 - d. Garage doors shall be located no closer than 25 feet from the right-of-way.
6. Rear Yard
There shall be a rear yard having a depth of not less than 10 feet. (Ordinance No. 1178 adopted Feb. 11, 2020)
7. Side Yard
There shall be a minimum side yard of five (5) feet on side yards adjacent to interior lots.
8. Maximum Lot Coverage
The maximum portion of the lot area which may be covered by the main building and all accessory buildings shall not exceed 60 percent.

SF 7.5 - SINGLE FAMILY 7.5	
Site Development	
Lot Density	6 dwelling units/acre
Lot Coverage	60 percent
Lot Dimensions	
Lot size (min)	7,500 square feet
Lot width (min)	60 feet
Lot depth (min)	100 feet
Building Placement	
Minimum Setbacks	
Front Yard	25 feet
Side Yard (Interior)	5 feet
Side Yard (Corner)	20 feet
Rear Yard	10 feet
Building Standards	
Floor area (min)	1,500 square feet
Height (max)	35 ft, 2 stories max.
Roof pitch (min)	6:12
Masonry	75 percent all sides

Article 14.200

Section 14.203 Board of Adjustment

A. Creation

A Board of Adjustment (Board or BOA) shall be established and have all the powers and authority in accordance with the Charter of the City of Lake Worth and Section 211.008, Local Government Code, as amended.

B. Statutory Authority

The Board of Adjustment shall have all powers granted by and be organized and controlled by the provisions of Section 211.009, Local Government Code. The Board of Adjustment is hereby vested with power and authority, and in appropriate cases and subject to appropriate conditions and safeguards, to make such exemptions and exceptions to the terms of this Ordinance in harmony with its general purposes and intent in accordance with general or special rules herein contained for the purpose of rendering full justice and equity to the general public.

C. Members and Terms of Office

The Board of Adjustment shall be composed of five (5) members and two (2) alternate members who shall be residents and qualified voters of the City of Lake Worth and shall serve without compensation.

D. Organization

Board members shall be appointed and organized in accordance with the following:

1. All members will be appointed by a majority vote of the City Council. Members may be removed by a majority vote of the members of the City Council, for cause on a written charge after a public hearing. Board members may be appointed to succeed themselves.
2. A member of the Board shall not serve simultaneously as a member of the Planning and Zoning Commission.
3. The members shall serve for a period of two (2) years and until their successors are duly appointed and qualified.
4. The regular members of the Board shall be identified by place numbers 1 through 5.
 - a. Places 1, 3 and 5 and the second alternate member shall be appointed to serve for two-year terms beginning on January 1 of odd numbered years.
 - b. Places 2, 4 and the first alternate member shall be appointed to serve for two-year terms beginning on January 1 of even numbered years.
5. The Board shall elect a chairperson and vice-chairperson from its members.
6. Vacancies shall be filled by an alternate member for the unexpired term of a member whose term becomes vacant.
 - a. Any member absent for two (2) regular consecutive meetings shall be deemed to have vacated such office unless such absences were:
 - i. Due to sickness of the member or the member's family; or
 - ii. With leave being first obtained from the Chairman.

- b. Vacancies of an alternate member shall be filled by appointment of the City Council by majority vote.

E. Authority of the Board

The Board of Adjustment shall have the authority, subject to the standards established in Section 211.009 of the Texas Local Government Code, as amended, and those established herein, to exercise the following powers and perform the following duties:

1. Variance

- a. The Board of Adjustment may authorize a variance from the regulations herein when, in its opinion, undue hardship will result from requiring strict compliance.
- b. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done.
- c. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.
- d. In granting a variance, the Board shall prescribe only conditions that it deems necessary or desirable to protect the public interest and shall take into account the following:
 - i. The nature of the proposed use of the land involved,
 - ii. Existing uses of land in the vicinity, and
 - iii. The probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- e. Findings. No variance shall be granted unless the Board finds:
 - i. That there were special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance deprive the applicant of reasonable use of his land; and
 - ii. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - iii. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - iv. That the granting of a variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this Ordinance.
- f. Official Minutes
Such findings of the Board, together with the specific facts upon which it is based, shall be incorporated into the official minutes of the Board of Adjustment meeting at which such variance is granted.

2. Waiver of Mandatory Yard and Setback Requirements.

- a. The Board of Adjustment may approve a waiver of up to 15 percent of any required yard area or setback without following the notice and hearing requirements specified herein.

Article 14.200

- b. 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 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.
 - c. 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.
- 3. Appeals of Decisions of Administrative Officers
 - a. The Board may hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the development regulations herein.
 - b. In exercising its power, the Board may, in conformity with the provisions of Chapter 211, Local Government Code, as amended:
 - i. Reverse, or
 - ii. Affirm, wholly or partly, or
 - iii. Modify the order, requirement, decision or determination as sought to be made.
 - c. In exercising its power, the Board 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 the regulations herein.
- 4. Nonconformity
 - a. The Board of Adjustment may permit the reconstruction, extension or enlargement of a building occupied by a pre-existing non-conforming use on the lot occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use.
 - b. The Board of Adjustment may require the discontinuance of non-conforming 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 Ordinance.
- F. Limitations on Authority of the Board
 - 1. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought.
 - 2. Although action may be effected by the Board, a variance for any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat, Final Plat, or Zoning Amendment, where required, has not been finally acted upon by both the Planning and Zoning Commission and, where required, by the City Council, will not be deemed to be granted until said final action has been completed. All administrative remedies available to the applicant shall have been exhausted prior to a hearing by the Board of Adjustment. The Board shall have no power to grant a zoning amendment.

3. 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.

G. General Procedures

1. Variance

a. Application and Fee

An application for granting a variance, other than an appeal, shall be in writing using forms provided by the City and shall be accompanied by a fee. The application for shall be the same as for a zoning variance.

b. Public Hearing

The Board of Adjustment shall hold a public hearing no later than 45 days after the date the completed application for action is filed.

c. Notice of Public Hearing

i. Publication of the notice of a public hearing shall be published not less than ten (10) days prior to the public hearing in the official newspaper of general circulation.

ii. Notice of a public hearing shall be mailed not less than ten (10) days prior to the public hearing to the petitioner and the owners of the property lying within 200 feet of any point of the lot or portion thereof, on an appeal, variance, exception or other action is proposed, and to all persons deemed by the Board of Adjustment to be affected. 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 depositing of such written notice in the mail by the Board of Adjustment shall be deemed sufficient compliance with the purpose of this matter.

d. Termination of Approval

Any variance shall terminate automatically when the specified period of the variance has expired, or the use has been abandoned.

2. Appeals

a. Application and Fee

i. An appeal may be taken from the decision of an administrative officer by a person who filed the application that is the subject of the decision, a person who is the owner or representative of the owner of the property that is the subject of the decision, a person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision, or by any officer, department, board or bureau of the municipality affected by the decision.

ii. The appeal must be in writing and shall be submitted within 20 days after the decision has been rendered by the adminis-

Article 14.200

trative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

b. Notice and Public Hearing

The Board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

c. Stay of Action

An appeal shall stay all proceeding of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate 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 officer from whom the appeal is taken on due case shown.

d. Limitation

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 ruling of the Board of Adjustment on any appeal to such body 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 allowance of an appeal but shall in no way have force in law to compel the Board of Adjustment after a hearing to grant such subsequent appeal, but such appeal shall be considered on its merits as in all other cases.

3. 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.

4. Hearing

a. The Board of Adjustment may adopt rules to govern its proceedings with the approval of the City Council, providing, however, that such rules are not inconsistent with the terms of this Ordinance.

b. All meetings of the Board of Adjustment shall be open to the public.

- c. Meetings of the Board of Adjustment shall be held at the call of the Chairman, who may compel the attendance of witnesses.
 - d. 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, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the offices of the Board of Adjustment and kept as public record.
 - e. Any party may appear in person or by attorney or agent.
5. Concurring Vote
- The concurring vote of four (4) members of the Board is necessary to:
- a. Reverse an order, requirement, decision, or determination of an administrative official;
 - b. Decide in favor of an applicant on a matter on which the Board is required to pass under a zoning ordinance; or
 - c. Authorize a variation from the terms of this ordinance.

6. Judicial Review

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Adjustment or any taxpayer or any 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 district court, county court, or county court at law 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 Local Government Code, as amended.