



CITY OF LAKE WORTH

BOARD OF ADJUSTMENT AGENDA

**3805 ADAM GRUBB
LAKE WORTH, TEXAS 76135
TUESDAY, DECEMBER 1, 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

A.3 SPECIAL PRESENTATION(S)

A.3.1 [Presentation – Administer Oaths of Office to appointed Board of Adjustment members, Places 2, 4, and 5; Alternate Place 6 and Alternate Place 7 are vacant.](#)

B. MINUTES

B.1 [Approve minutes of the October 8, 2020 Board of Adjustment meeting.](#)

C. PUBLIC HEARINGS

C.1 [Public Hearing to consider Board of Adjustment Case #BOA-2020-02, a variance request of the Comprehensive Zoning Ordinance, Article 14.500-Zoning Districts, Section 14.508-LI, Light Industrial, Height and Area Regulations, 4. a.; Required front yard building setback of not less than twenty-five feet \(25'\); and 5. Side yard setback of not less than fifteen feet \(15'\) on properties abutting residential on a 14.924-acre tract of land known as Block 3, Part of Lot 3 and all of Lots 4-8, C. G. Wallis Subdivision; Block 4, Lots 1-8, C.G. Wallis Subdivision; Abstract 188, Tracts 2AA4, 2AA, 2AA5, 2AA6, 19, 19A, 19A2, 19C, and 19D, John Breeding Survey of the records of Tarrant County, Texas; which is generally described as 4200 White Street, 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.

D.1 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 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 **Tuesday, November 24, 2020 at 3:00 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 – December 1, 2020

Agenda Item No. A.3.1

FROM: Suzanne Meason, Planning & Zoning Administrator

ITEM: Presentation – Administer Oaths of Office to appointed Board of Adjustment members, places 2, 4, and Place 5; Alternate Place 6 and Alternate Place 7 are vacant.

SUMMARY:

At the November 10, 2020, City Council meeting, Council appointed the following individuals to serve on the Board of Adjustment.

- Yvonne “Bonnie” Amick Place 2
- Bill Still Place 4
- Tana Wharton Place 5
- Vacant Alternate Place 6
- Vacant Alternate Place 7

The Oath of Office will be administered during the December 1, 2020 regular meeting. The even place number terms will expire on December 31, 2022 and odd place number terms will expire on December 31, 2021. The forms to be completed will be made available to those members at the meeting. Please bring a picture id with you as the forms are required to be notarized.

FISCAL IMPACT:

N/A

ATTACHMENTS:

N/A

RECOMMENDED MOTION OR ACTION:

Necessary members will take the Oath of Office.

Lake Worth Board of Adjustment Meeting – December 1, 2020

Agenda Item No. B.1

FROM: Suzanne Meason, Planning & Zoning Administrator

ITEM: Approve minutes of the October 8, 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. October 8, 2020 Board of Adjustment Meeting Minutes

RECOMMENDED MOTION OR ACTION:

Approve minutes of the October 8, 2020 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
THURSDAY, OCTOBER 8, 2020**

REGULAR MEETING: 6:30 PM

A. CALL TO ORDER.

Chair Robb Welch called the Board of Adjustment meeting to order at 6:30 p.m.

A.1 ROLL CALL.

Present:	Wilson Daggs	Vice Chair, Place 1
	Robb Welch	Chair, Place 3
	Bill Still	Place 4
	Vacant	Place 5
	Yvonne "Bonnie" Amick	Alternate Place 6
	Vacant	Alternate Place 7
Absent:	Tana Wharton	Place 2
Staff Present:	Suzanne Meason	Planning and Zoning Administrator
	Alicia Kreh	City Attorney

A.2 INVOCATION AND PLEDGE OF ALLEGIANCE.

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

B. MINUTES

B.1 APPROVE MINUTES OF THE JANUARY 7, 2020 REGULAR BOARD OF ADJUSTMENT MEETING.

APPROVED

MEMBER BONNIE AMICK MADE A MOTION, SECONDED BY MEMBER BILL STILL, TO APPROVE THE MINUTES OF THE JANUARY 7, 2020 BOARD OF ADJUSTMENT MEETING AS PRESENTED.

MOTION TO APPROVE CARRIED 4-0.

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.

APPROVED

Chair Robb Welch opened the public hearing at 6:36 pm.

Chair Robb Welch asked if there was anyone in the audience that would like to speak in reference to the case.

Mrs. Alexiz Ramirez, owner of 3128 Chippewa Trail advised that they were trying to get the variance approved so that they could replat and add on to the existing house.

There being no one else in the audience wishing to speak, Chair Robb Welch closed the public hearing at 6:38 pm and called for discussion and a motion.

Vice Chair Wilson Daggs made note that he had driven the neighborhood and that the properties in that area seem to be consistent with that setback and what the applicant was requesting did not seem unreasonable.

Chair Robb Welch asked if it was not considered "grandfathered".

Ms. Meason advised that as it sits it is what is considered a legal non-conforming building, which means it does not conform to today's standard of twenty-five (25') feet. Since the property owner is wanting to add on to the existing structure which currently straddles two properties, they must replat into one lot. To do so they must get the variance to the front setback requirement.

Member Bonnie Amick asked if there were any issues with the neighbors and with the side yard setbacks.

Ms. Meason stated that she had not received any public comment forms back from any of the neighbors and as far as the side and rear setbacks they meet those, it is only the front setback being requested.

Chair Robb Welch noted that as he drove by the property and looked at the information provided in the packet that this variance would be necessary for the preservation of the property and the enjoyment of the property owner, it is consistent with other properties in the area and the issue wasn't at any of their own doing.

Member Bonnie Amick requested that the Board convene into executive session, with Bill Still concurring.

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 6:52 pm.

Chair Robb Welch asked if anyone else had any questions or would like to speak.

Chair Robb Welch made note that in examining the case he did not feel like there were any public safety concerns, no traffic impact, and encourages citizens to invest in their properties and finds it is consistent with other properties in the area.

MEMBER BONNIE AMICK MADE A MOTION, SECONDED BY WILSON DAGGS, JR., TO APPROVE THE VARIANCE REQUEST FOR BOARD OF ADJUSTMENT CASE #BOA-2020-01 AS PRESENTED.

MOTION TO APPROVE CARRIED 4-0.

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

E.1 PLANNING & ZONING ADMINISTRATOR REPORTS:

1. Board of Adjustment Member Applications.

Ms. Meason had presented those in places 2, 4, and 6 who would like to continue to serve on the Board of Adjustment a reapplication form to fill out.

Executive Session was conducted earlier in the meeting.

F. EXECUTIVE SESSION

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

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

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

No items for this category.

G. ADJOURNMENT

CHAIR WILSON DAGGS, JR. MADE A MOTION, SECONDED BY MEMBER BONNIE AMICK, TO ADJOURN THE MEETING AT 6:56 PM.

MOTION TO APPROVE CARRIED 4-0

APPROVED:

Robb Welch, Chair
Board of Adjustment

ATTEST:

Suzanne Meason
Planning & Zoning Administrator

Lake Worth Board of Adjustment Meeting – December 1, 2020

Agenda Item No. C.1

From: Suzanne Meason, Planning & Zoning Administrator

Item: Public Hearing to consider Board of Adjustment Case #BOA-2020-02, of the Comprehensive Zoning Ordinance, Article 14.500-Zoning Districts, Section 14.508-LI, Light Industrial, Height and Area Regulations, 4. a.; Required front yard building setback of not less than twenty-five feet (25'); and 5. Side yard setback of not less than fifteen feet (15') on properties abutting residential on a 14.924-acre tract of land known as Block 3, Part of Lot 3 and all of Lots 4-8, C. G. Wallis Subdivision; Block 4, Lots 1-8, C.G. Wallis Subdivision; Abstract 188, Tracts 2AA4, 2AA, 2AA5, 2AA6, 19, 19A, 19A2, 19C, and 19D, John Breeding Survey of the records of Tarrant County, Texas; which is generally described as 4200 White Street, Lake Worth, Texas.

Property Description:

14.924-acre tract(s) of land known as Block 3, Part of Lot 3 and all of Lots 4-8, C. G. Wallis Subdivision; Block 4, Lots 1-8, C.G. Wallis Subdivision; Abstract 188, Tracts 2AA4, 2AA, 2AA5, 2AA6, 19, 19A, 19A2, 19C, and 19D, John Breeding Survey of the records of Tarrant County, Texas; which is generally described as 4200 White Street

Property Owner(s):

Blaze Equipment, Craig Rosengrants, 304 W. Charlottesville Ave., Colleyville, Texas 76034

Applicant/Developer:

Blaze Equipment, Craig Rosengrants, 304 W. Charlottesville Ave., Colleyville, Texas 76034

Engineer/Surveyor:

Landmark Surveyors, LLC, Jerald Yansen, 4238 I-35 N, Denton, Texas 76207

Current Zoning:

"LI" – Light Industrial

Current Use(s):

"LI" – Light Industrial for Blaze Equipment

Existing Road(s):

White Street/Fewell Drive/Hodgkins Road

Surrounding Zoning:

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

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

East: The property to the east is currently zoned Public Facilities (City's Public Works Facility).

West: The property to the west is currently zoned Planned Industrial and Single Family Residential.

Lake Worth Board of Adjustment Meeting – December 1, 2020

Agenda Item No. C.1

Summary:

The property owner, Blaze Equipment came to the City months ago inquiring about adding on to one of their existing buildings. They provided the city with a survey of the property, which shows that some of the existing structures do not meet the front or side setback lines for the “LI” Light Industrial zoning district. They recently rezoned the property to “LI” Light Industrial and are required to plat the properties before new construction can occur. They were also told that a variance would have to be requested before the Board of Adjustment for the front building setback and the side yard setback since it did not meet the minimum requirements for that zoning district. They now seek a variance before the Board of Adjustment for the front building setback and the side yard setback so they can continue through the platting process if approved.

Attached you will find a copy of the survey for the property at 4200 White Street showing the existing structures and setbacks on the properties.

Public Input:

On November 20, 2020, as required by State law, the City mailed out forty-four (44) letters of Notification for the 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 November 20, 2020. Staff had received one public comment form back as of the packet preparation date.

Fiscal Impact:

N/A

Attachments:

1. Board of Adjustment Hearing Application
2. Property Survey (4200 White Street)
3. Board of Adjustment Order
4. Public Hearing Notice
5. Public Hearing Notifications (within 200’ of subject property)
6. 200’ Notification/Vicinity Map
7. Returned Public Comment Form
8. Code of Ordinance Excerpt for “LI” Light Industrial Zoning
9. 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-2020-02
 Date Submitted: 9-11-2020

APPLICATION FOR BOARD OF ADJUSTMENT HEARING

(CHECK ALL THAT APPLY)

 WAIVER VARIANCE SPECIAL EXCEPTION APPEAL DECISION OF ZONING ADMINISTRATOR

PROPERTY ADDRESS 4200 White Street

PROPERTY LEGAL DESCRIPTION see attached

CURRENT ZONING CLASSIFICATION & LAND USE "LI" Light Industrial

TOTAL ACRES 14.924 # OF LOTS NA

APPLICANT/DEVELOPER INFORMATION

NAME Blaze Equipment - Craig Rosengrants
 ADDRESS 304 Charlottesville Ave. CITY Colleyville
 STATE TX ZIP 76034 EMAIL craig@blaze-equip.com
 PHONE 817-832-2845 FAX

PROPERTY OWNER INFORMATION

NAME Blaze Equipment - Craig Rosengrants
 ADDRESS 304 Charlottesville Ave. CITY Colleyville
 STATE TX ZIP 76034 EMAIL craig@blaze-equip.com
 PHONE 817-832-2845 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).

Craig Rosengrants
 SIGNATURE OF OWNER, AGENT, OR APPLICANT

11-23-2020
 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 2366303@CITY.FORTWORTH.TX.ORG

OFFICE USE ONLY

Fee: 400.00
 Date Paid: 9-11-2020
 Receipt #: P20-0757

Ownership Verified:
 YES NO

Taxes Paid:
 YES NO

Liens Paid:
 YES NO

Public Hearing Newspaper Notice Deadline Date: 11-20-2020
 Public Hearing Newspaper Publish Date: 11-20-2020
 Public Hearing 200' Notification Deadline Date: 11-21-2020
 Public Hearing 200' Notification Mailing Date: 11-20-2020
 Board of Adjustment Meeting Date: 12-1-2020
 Approval Date: _____

Stipulations/Notes: _____

FIELD NOTES
14.924 ACRES

BEING all that certain lot, tract, or parcel of land situated in the John Breeding Survey Abstract Number 188 in the City of Lake Worth, Tarrant County, Texas, being all of Lots 1 through 8, Block 4 and a part of Lot 3 and all of Lots 4 through 8, Block 3 of C. C. Wallis Subdivision, an addition to the City of Lake Worth, Tarrant County, Texas and being a part of unimproved Place Street, abandoned by City Ordinance Number 1140 dated May 14, 2019 and being all that certain tract of land conveyed by deed from SPN Well Services, Inc. to Blaze Equipment, LLC recorded under Document number D219128329, Deed Records, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at an iron rod marked 5746 found for corner in the south line of Chapel Lane, a public roadway, said point being the northeast corner of that certain tract of land conveyed by deed from Lana Kay Baxter Wright to Lana Kay Baxter recorded under Document Number D211051385, Deed Records, Tarrant County, Texas;

THENCE N 83° 22' 37" E, 431.88 feet with said south line of said Chapel Lane to a railroad spike found for corner, said point being the northwest corner of that certain tract of land conveyed by deed from Sarah E. Hodgkins to J.L. Hodgkins et al recorded in Volume 2173, Page 7, Deed Records, Tarrant County, Texas;

THENCE S 00° 59' 34" E, 239.88 feet with the west line of said Hodgkins et al tract to an iron rod found for corner, said point being the southwest corner of said Hodgkins et al tract;

THENCE N 82° 38' 19" E, 410.86 feet with the south line of said Hodgkins et al tract to an iron rod found for corner, said point being the southeast corner of said Hodgkins et al tract;

THENCE N 01° 43' 01" W, 238.44 feet with the east line of said Hodgkins et al tract to an iron rod found for corner in said south line of said Chapel Lane;

THENCE N 83° 09' 30" E, 268.17 feet with said south line of said Chapel Lane to a capped iron rod marker RPLS 4561 set for corner, said point being the northwest corner of Lot 9, Block 13-R-A, Highland Lake Addition, an addition to the City of Lake Worth, Tarrant County, Texas according to the plat thereof recorded in Volume 388-16, Page 463, Plat Records, Tarrant County, Texas;

THENCE S 00° 04' 07" W, 474.51 feet with the west line of said Lot 9 and with the west line of Lot 8-R, Block 13-R-A, Highland Lake Addition, an addition to the City of Lake Worth, Tarrant County, Texas according to the plat thereof recorded in Cabinet B, Page 3595, Plat Records, Tarrant County, Texas and with the west line of Lot 4 in said Block 13-R-A to a capped iron rod marked RPLS 4561 set for corner, said point being the northeast corner of that certain tract of land conveyed by deed from Hasty Enterprises, Inc. to the City of Lake Worth recorded in Volume 5989, Page 459, Deed Records, Tarrant County, Texas;

THENCE S 89° 28' 28" W, 117.50 feet with the north line of said City of Lake Worth tract to a capped iron rod marked RPLS 4561 set for corner, said point being the northwest corner of said City of Lake Worth Tract;

THENCE S 00° 04' 28" W, 352.95 feet with the west line of said City of Lake Worth tract to a capped iron rod marked RPLS 4561 set for corner in the east line of Fewell Drive, a public roadway;

THENCE S 89° 41' 20" W, 443.42 feet crossing said Fewell Drive and with the north line of that certain tract of land conveyed by deed from James H. Fewell and wife, Aquilla Fewell to John E. Smith et al recorded in Volume 6746, Page 468, deed records, Tarrant County, Texas and with the north line of that certain tract of land conveyed by deed from Marion Murline Oswald Stephens to Wilson & Walker, Ltd. Company recorded in Volume 12576, Page 720, Deed Records, Tarrant County, Texas and with the north line of that certain tract of land conveyed by deed from the First National Bank of Bridgeport Texas to Larry L. Blackmon recorded under Document Number D205118551, Deed Records, Tarrant County, Texas and with the north line of that certain tract of land conveyed by deed from Craig A. O'Mary and Angela D. O'Mary to Anthony T. Springfield recorded in Volume 12299, Page 1164, Deed Records, Tarrant County, Texas to an iron rod found for corner, said point being the northeast corner of Tract 7 of Vivian White Estate, an addition to the City of Lake Worth, Tarrant County, Texas according to the plat thereof recorded in Volume 388-210, Page 15, Plat Records, Tarrant County, Texas;

THENCE S 89° 59' 27" W, 48.43 feet with the north line of said Tract 7 to an iron rod found for corner;

THENCE S 89° 40' 36" W, 365.15 feet with said north line of said Tract 7 and with the north line of Edgemere Place, a public roadway to a capped iron rod marked RPLS 4561 set for corner, said point being the southeast corner of that certain tract of land conveyed by deed from Bud Starnes & Associates, Inc. to Tony M. Braxton recorded under Document Number D2160119969, Deed Records, Tarrant County, Texas to an iron rod found for corner;

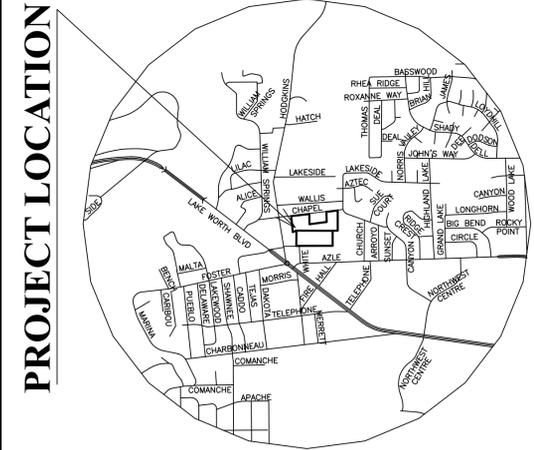
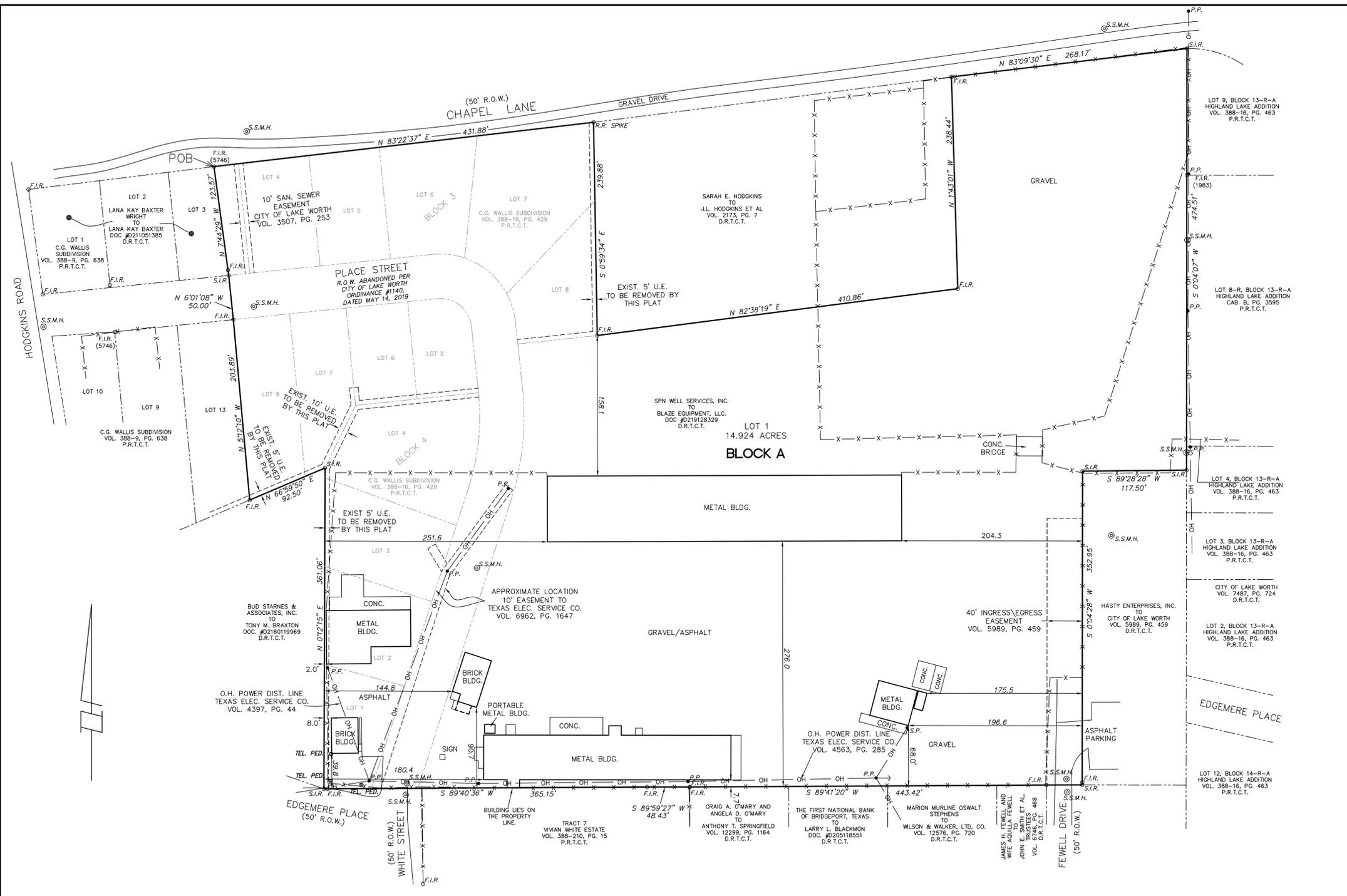
THENCE N 00° 12' 15" E, 361.06 feet with the east line of said Braxton tract to a capped iron rod marked RPLS 4561 set for corner, said point being the northeast corner of said Braxton tract;

THENCE S 66° 59' 50" W, 92.50 feet with the north line of said Braxton tract to an iron rod found for corner, said point being the southeast corner of Lot 13 in said Block 4 of said C. C. Wallis Subdivision;

THENCE N 05° 12' 10" W, 203.89 feet with the east line of said Lot 13 to an iron rod found for corner, said point being the northeast corner of said Lot 13;

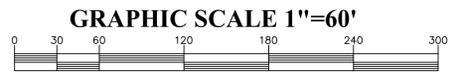
THENCE N 06° 01' 08" W, 50.00 feet to a capped iron rod marked RPLS 4561 set for corner in the north line of said Place Street, said point being the southeast corner of said Baxter tract;

THENCE N 07° 44' 29" W, 123.57 feet with the east line of said Baxter tract to the PLACE OF BEGINNING and containing 14.924 acres of land.



PROJECT LOCATION

VICINITY MAP
SCALE 1" = 2000'



- BL = BUILDING LINE
- CC/P = COVERED PATIO/PORCH
- C/D = SANITARY SEWER CLEANOUT
- C/S = CONCRETE SIDEWALK
- E.B. = ELECTRIC BOX
- F.I.R. = FOUND IRON ROD
- G.L.M. = GAS LINE MARKER
- P.P. = POWER POLE
- S.P. = SERVICE POLE
- STM = STORM SEWER MANHOLE
- W/D = WATER DECK
- W/V = WATER VALVE
- FENCE = X-X-X
- CATV = CABLE TV BOX
- C/D = CONCRETE DRIVE
- C/P = CONCRETE PATIO/PORCH
- D.E. = DRAINAGE EASEMENT
- F.H. = FIRE HYDRANT
- F.C.C. = FIBER OPTIC CABLE
- L.P. = LIGHT POLE
- S.S.M.H. = SANITARY SEWER MANHOLE
- TEL. PED. = TELEPHONE BOX
- W/M = WATER METER
- U.E. = UTILITY EASEMENT
- OVERHEAD POWER LINE = OH

PRELIMINARY PLAT
LOT 1, BLOCK A OF
KODA-BLAZE ADDITION
14.924 ACRES IN THE
JOHN BREEDING SURVEY A-188
CITY OF LAKE WORTH
TARRANT COUNTY, TEXAS

4238 T-35 NORTH
DENTON, TEXAS 76207
(940) 382-4016
FAX (940) 387-9784

LANDMARK SURVEYORS, L.L.C.
TX FIRM REGISTRATION NO. 10098600
REVISED: 07 AUGUST, 2020

DRAWN BY: BTH SCALE: 1"=60' DATE: 20 MARCH, 2020 JOB NO: 194962

OWNER/DEVELOPER
BLAZE EQUIPMENT, LLC.
4200 WHITE STREET
LAKE WORTH, TX 76135
817-832-2485

SURVEYOR
LANDMARK SURVEYORS
4238 T-35 N
DENTON, TEXAS 76207
(940) 382-4016

BOARD OF ADJUSTMENT
CITY OF LAKE WORTH, TEXAS

IN THE MATTER OF:

Blaze Equipment, LLC – Craig Rosengrants, Property Owner requests a variance from the zoning district requirements of the Comprehensive Zoning Ordinance, Article 14.500-Zoning Districts, Section 14.508-LI, Light Industrial, Height and Area Regulations, 4. a.; Required front yard building setback of not less than twenty-five feet (25’); to allow a **zero (0) front setback**; and 5. Side yard setback of not less than fifteen feet (15’) on properties abutting residential; to allow a **two foot (2’) side yard setback**, so that the property may be platted. The property is a **14.924-acre** tract of land which falls under the **“LI” Light Industrial** zoning district under the new comprehensive zoning ordinance, and is described as **Block 3, Part of Lot 3 and all of Lots 4-8, C. G. Wallis Subdivision; Block 4, Lots 1-8, C.G. Wallis Subdivision; Abstract 188, Tracts 2AA4, 2AA, 2AA5, 2AA6, 19, 19A, 19A2, 19C, and 19D, John Breeding Survey** of the records of Tarrant County, Texas; and is located at **4200 White Street**, Lake Worth, Texas.

ORDER

On this the 1st day of December, 2020, came on for hearing the application of **Blaze Equipment, LLC – Craig Rosengrants, Property Owner** seeking a variance to the Comprehensive Zoning Ordinance, Article 14.500-Zoning Districts, Section 14.508-LI, Light Industrial, Height and Area Regulations, 4. a.; Required front yard building setback of not less than twenty-five feet (25’); to allow a **zero foot (0’) front setback**; and 5. Side yard setback of not less than fifteen feet (15’) on properties abutting residential; to allow a **two foot (2’) side yard setback**, so that the property may be platted. The property is a **14.924-acre** tract of land which falls under the **“LI” Light Industrial** zoning district under the new comprehensive zoning ordinance, and is described as **Block 3, Part of Lot 3 and all of Lots 4-8, C. G. Wallis Subdivision; Block 4, Lots 1-8, C.G. Wallis Subdivision; Abstract 188, Tracts 2AA4, 2AA, 2AA5, 2AA6, 19, 19A, 19A2, 19C, and 19D, John Breeding Survey** of the records of Tarrant County, Texas; The property to be considered for the variance is generally described as a **14.924-acre** tract of land located at **4200 White Street** 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 zero (0) front yard building setback and a two foot (2’) side yard setback, so the property may be platted is based on a governmental hardship, is not Board of Adjustment Case #BOA-2020-02 Order – 4200 White Street

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 14.508-LI, Light Industrial, Height and Area Regulations, 4. a.; to allow a **zero (0) front setback**; and 5. to allow a **two foot (2') side yard setback**; is hereby granted to the property located at **4200 White Street**, so the property may be platted, 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 1st day of December 2020.

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

Filed the 1st day of December, 2020.

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

EXHIBIT A

Block 3, Part of Lot 3 and all of Lots 4-8, C. G. Wallis Subdivision; Block 4, Lots 1-8, C.G. Wallis Subdivision; Abstract 188, Tracts 2AA4, 2AA, 2AA5, 2AA6, 19, 19A, 19A2, 19C, and 19D, John Breeding Survey of the records of Tarrant County, Texas; and is located at **4200 White Street**, Lake Worth, Texas

(See Survey Attached)

CITY OF LAKE WORTH
NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT

VARIANCE REQUEST
CASE #BOA-2020-02

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 building setbacks on the property. Attached you will find a copy of the property survey. 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, December 1, 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 14.508-LI, Light Industrial, Height and Area Regulations, 4. a.; Required front yard building setback of not less than twenty-five feet (25'); and 5. Side yard setback of not less than fifteen feet (15') on properties abutting residential on a 14.924-acre tract of land known as Block 3, Part of Lot 3 and all of Lots 4-8, C. G. Wallis Subdivision; Block 4, Lots 1-8, C.G. Wallis Subdivision; Abstract 188, Tracts 2AA4, 2AA, 2AA5, 2AA6, 19, 19A, 19A2, 19C, and 19D, John Breeding Survey of the records of Tarrant County, Texas; which is generally described as 4200 White Street, Lake Worth, Texas.

****NOTE****

You are receiving this notice because your property is within 200' of the property boundaries for the address above. It does not directly affect your property, only that of the property mentioned above (4200 White St.). The owner of the property is requesting a variance to the building setback line requirements because the existing buildings on the property do not meet current regulations.

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

Blaze Equipment LLC
304 W Charlottesville Ave
Colleyville, Texas 76034

J L Hodgkins Cemetery Etal
3924 Lakewood Drive
Lake Worth, Texas 76135-2830

Isaac Lee Lawrence
Christy Colleen Lawrence
6709 Wallis Rd
Fort Worth, Texas 76135

Janis Campbell
Amy Robinson Campbell
560 Boling Rand Rd
Azle, Texas 76020-1578

Lake Worth, Masonic Lodge #1410
4104 Fewell Dr
Lake Worth, Texas 76135-2207

Rick Chronister
Carol Chronister
2021 Walter Smith Rd
Azle, Texas 76020-4327

Larry L Blackmon
7813 Charter Oak Ct
Fort Worth, Texas 76179-20702

Eagle Mountain Investments LLC
264 Shoreline Dr
Azle, Texas 76020-4036

C E Underwood Jr.
Susie G Underwood
4309 Lakeview Dr
Lake Worth, Texas 76135-2236

Anthony Springfield
P O Box 195
Azle, Texas 76098-0195

Robert Franklin Riley
7024 Clarke Dr
Lake Worth, Texas 76135

Constructiones Del Sur
3408 Azle Ave
Fort Worth, Texas 76104

Geoffrey H White
6724 Azle Ave
Lake Worth, Texas 76135-2206

Robert F Riley
Frank R Riley Jr.
6704 Azle Avenue
Lake Worth, Texas 76135-2223

Kamy Trust
P O Box 50593
Denton, Texas 76206-5815

Geoffrey H White
Cessa L White
6724 Azle Ave
Lake Worth, Texas 76135-2206

Patton Group, LLC
1773 Staree Ln
Fort Worth, Texas 76179

Jack Allen Burks Jr
6116 N Hill Ln
Fort Worth, Texas 76135

Nhon Nguyen
3900 San Ramon Dr
Arlington, Texas 76013-5719

Gregory Fox
6725 Wallis Rd
Lake Worth, Texas 76135-2215

Mauro Cisneros
6733 Wallis Rd
Lake Worth, Texas 76135-2215

Thornhill Motor Company LLC
4116 Hodgkins Rd
Lake Worth, Texas 76135

James F Barnard
Elke E Barnard
6721 Wallis Rd
Lake Worth, Texas 76135-2215

Emily Anne Trice
Isaac Miguel Cadena
6801 Wallis Rd
Lake Worth, Texas 76135

Richard Thornhill
Jamie Thornhill
4116-A Hodgkins Rd
Lake Worth, Texas 76135

Sergio E Lopez
Maria Lopez
6717 Wallis Rd
Lake Worth, Texas 76135-2215

Hester Legacy Investments LLC
8101 Boat Club Road, Suite #240 #357
Fort Worth, Texas 76179

City of Lake Worth
3805 Adam Grubb
Lake Worth, Texas 73135-3509

Shekhinah Ent Inc
6713 Wallis Rd
Lake Worth, Texas 76135

Debra K Haggard
Randy Lee Haggard
6809 Wallis Road
Lake Worth, Texas 76135

Pefector Sanchez Jr
E S Sanchez
6813 Wallis Rd
Lake Worth, Texas 76135-2217

Leonel Garcia
4913 Woodmeadow Dr
Fort Worth, Texas 76135-1824

Stacia Louise Scott
6821 Wallis Rd
Lake Worth, Texas 76135-2217

Wanda J Watts
6825 Wallis Rd
Lake Worth, Texas 76135-2217

Longhorn Real Estate Inv Inc
P O Box 136459
Fort Worth, Texas 76136-0459

Jose A B Rodriguez
Yolanda Barrientos
6833 Wallis Rd
Lake Worth, Texas 76135

Pam McLean
6837 Wallis Rd
Lake Worth, Texas 76135

Tina M Morren
4304 Hodgkins Rd
Lake Worth, Texas 76135-2135

Gustavo Flores
Alba Flores
4300 Hodgkins Rd
Lake Worth, Texas 76135

Lana Kay Baxter
4228 Hodgkins Rd
Lake Worth, Texas 76135-2133

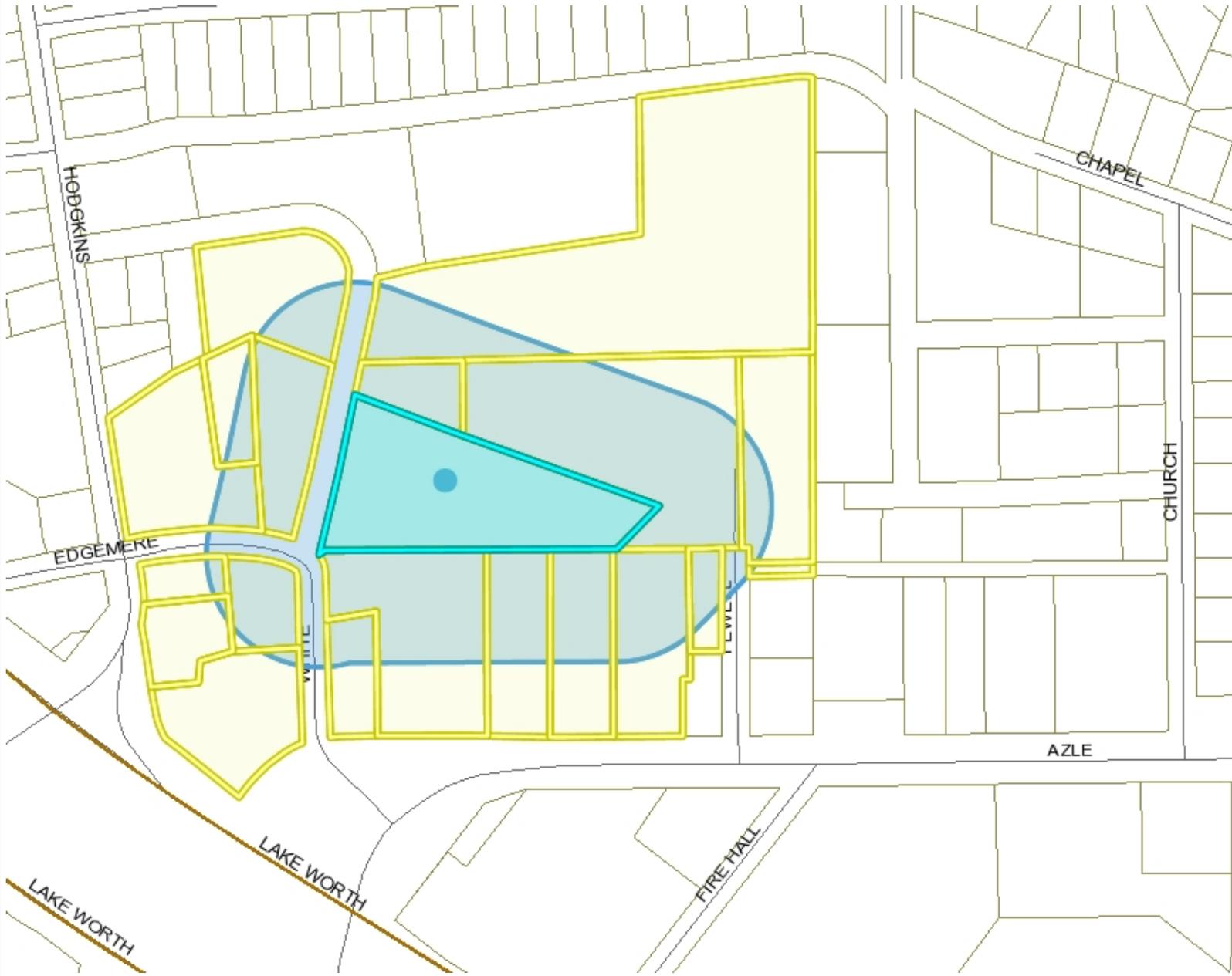
Bridget Grnwalt
4220 Hodgkins Rd
Lake Worth, Texas 76135-2133

Irie Grnwalt
Bridget Grnwalt
4220 Hodgkins Rd
Lake Worth, Texas 76135-2133

Wayne L Allen
Claudia K Allen
3009 NW Loraine St
Fort Worth, Texas 76106-4932

Michael D McNally
509 High View Ct
Weatherford, Texas 76085-8224

200' Notification - 4200 Fewell Dr



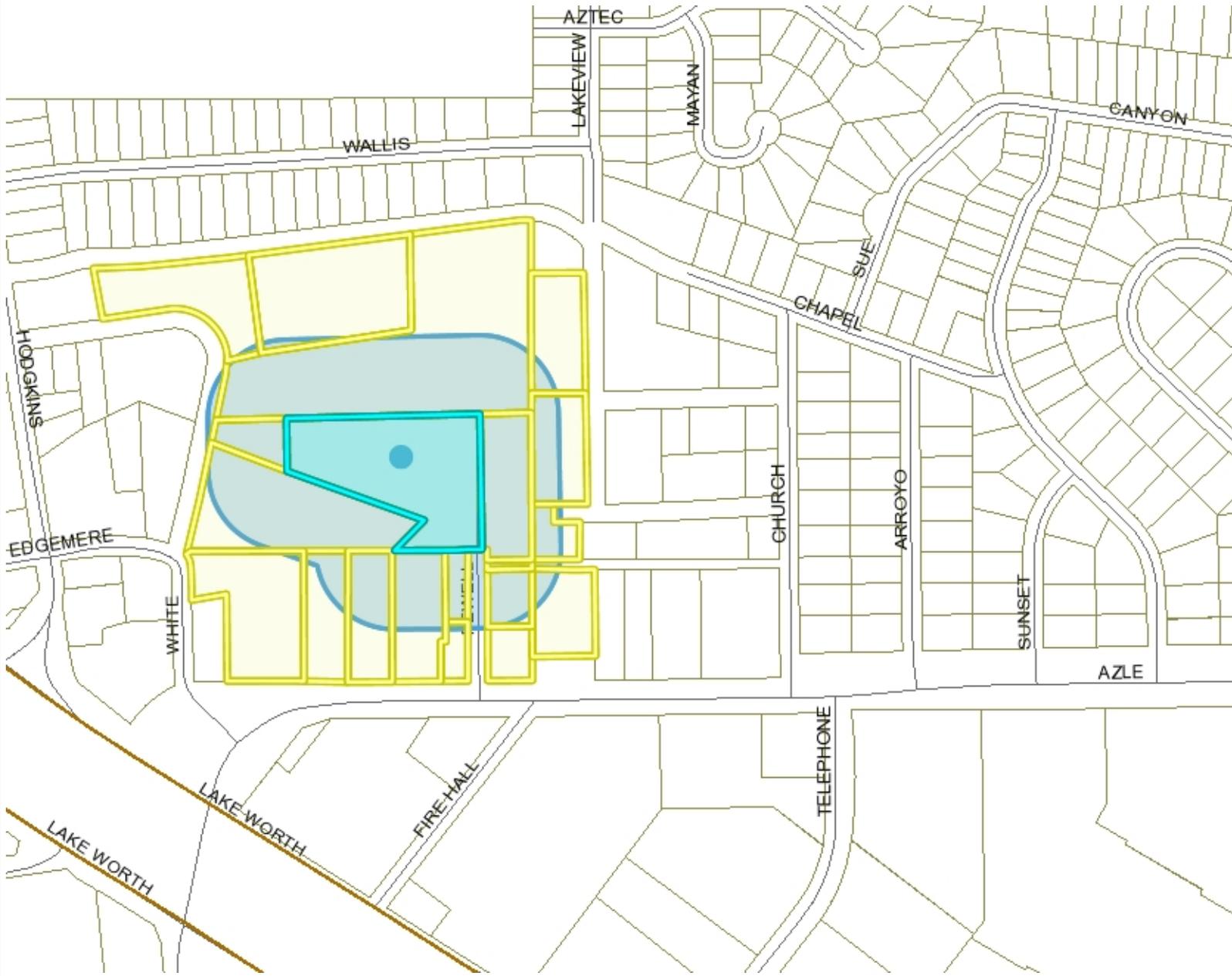
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200' Notification - 4200 Fewell Dr



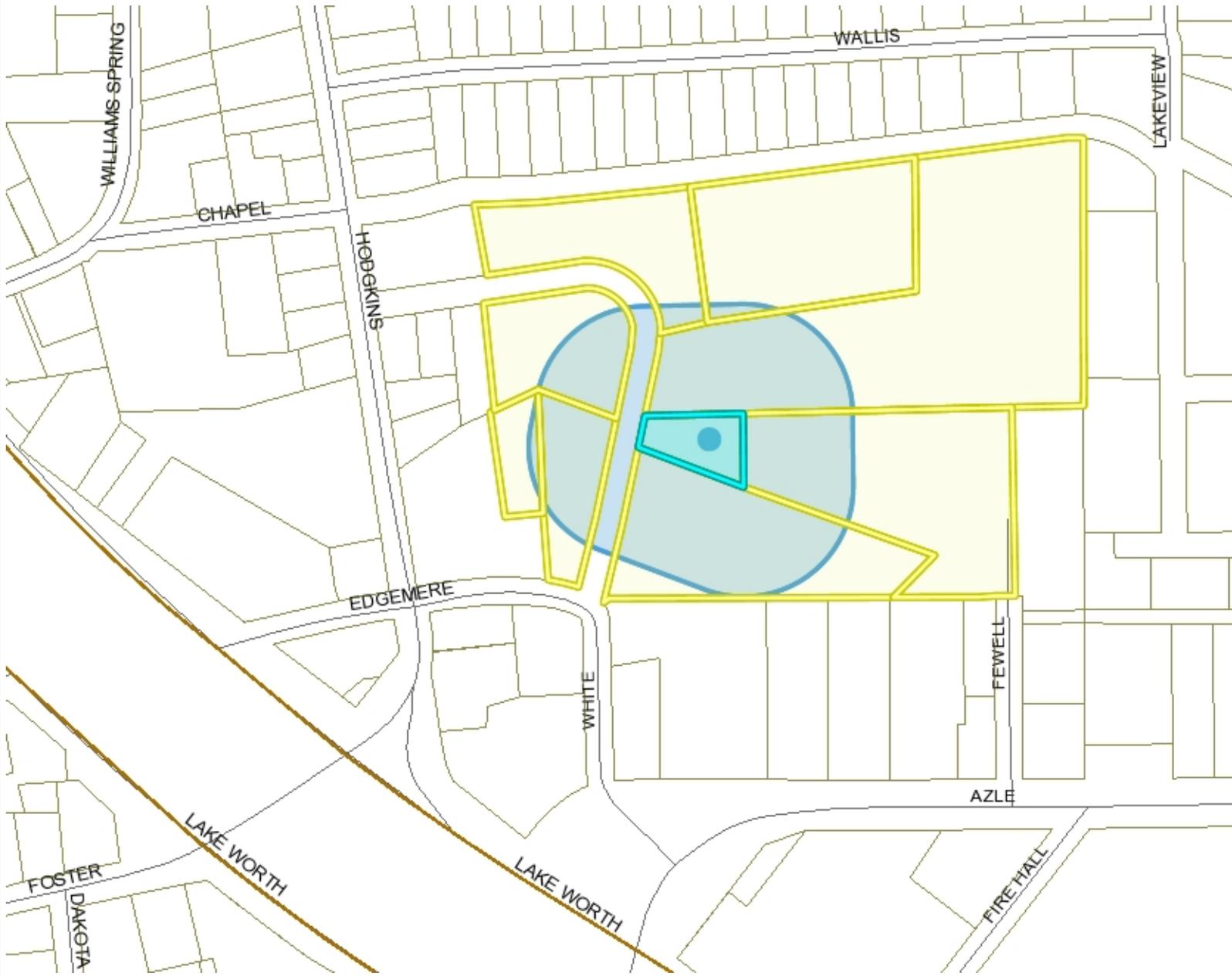
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200' Notification - 4200 Fewell Dr



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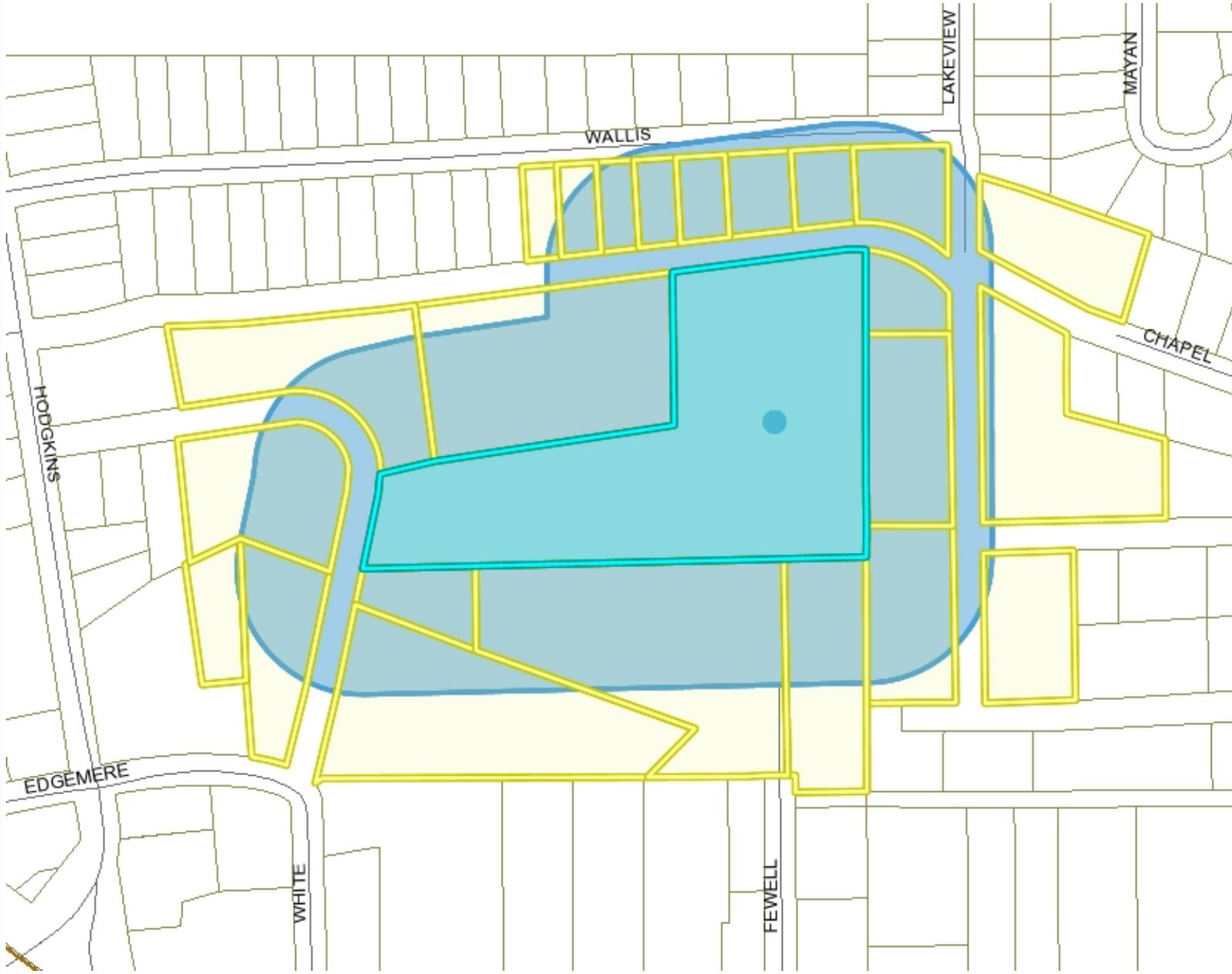


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200' Notification - 4200 Fewell Dr



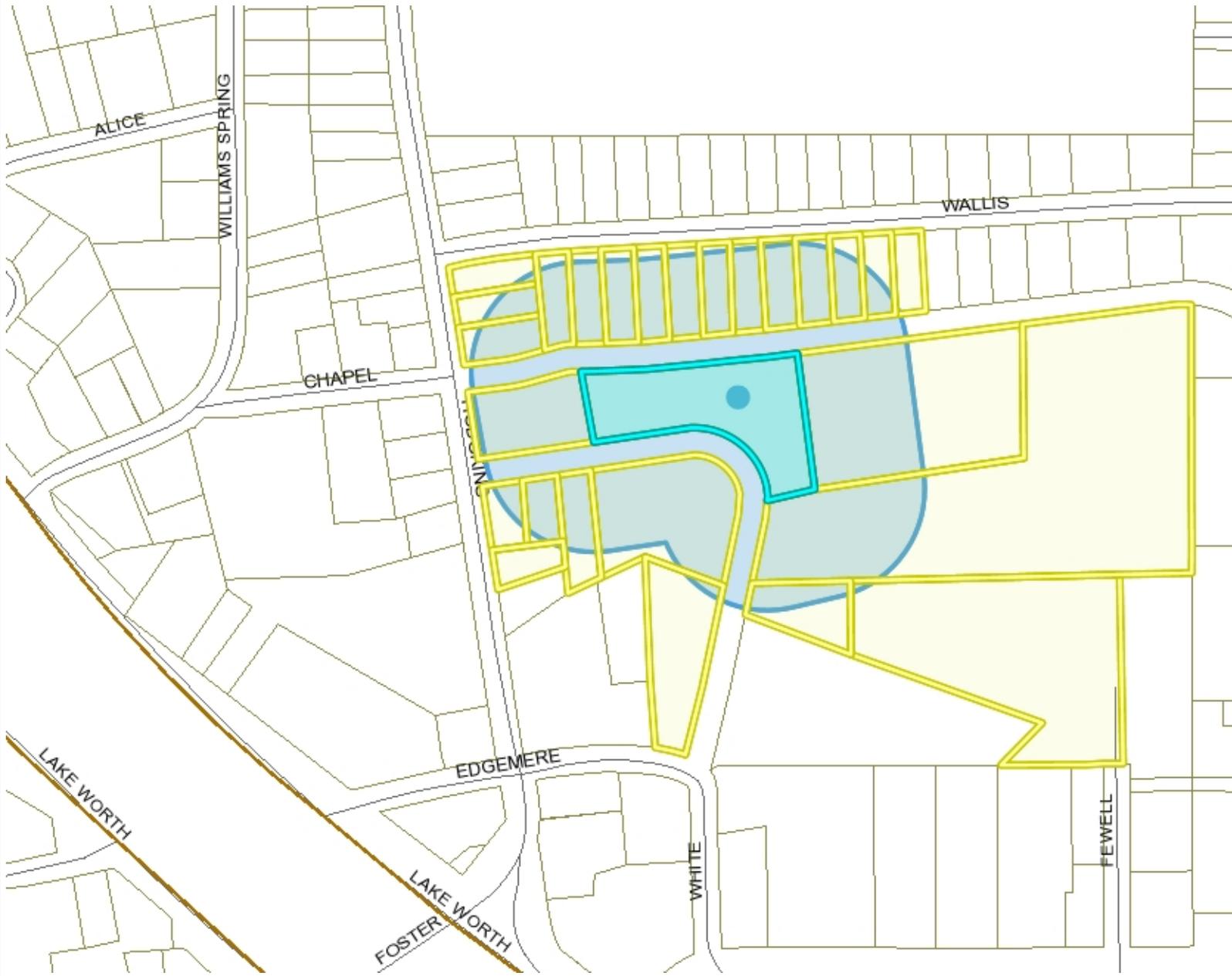
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11/19/20 2:00 PM

1:2,811



200' Notification - 4200 Fewell Dr



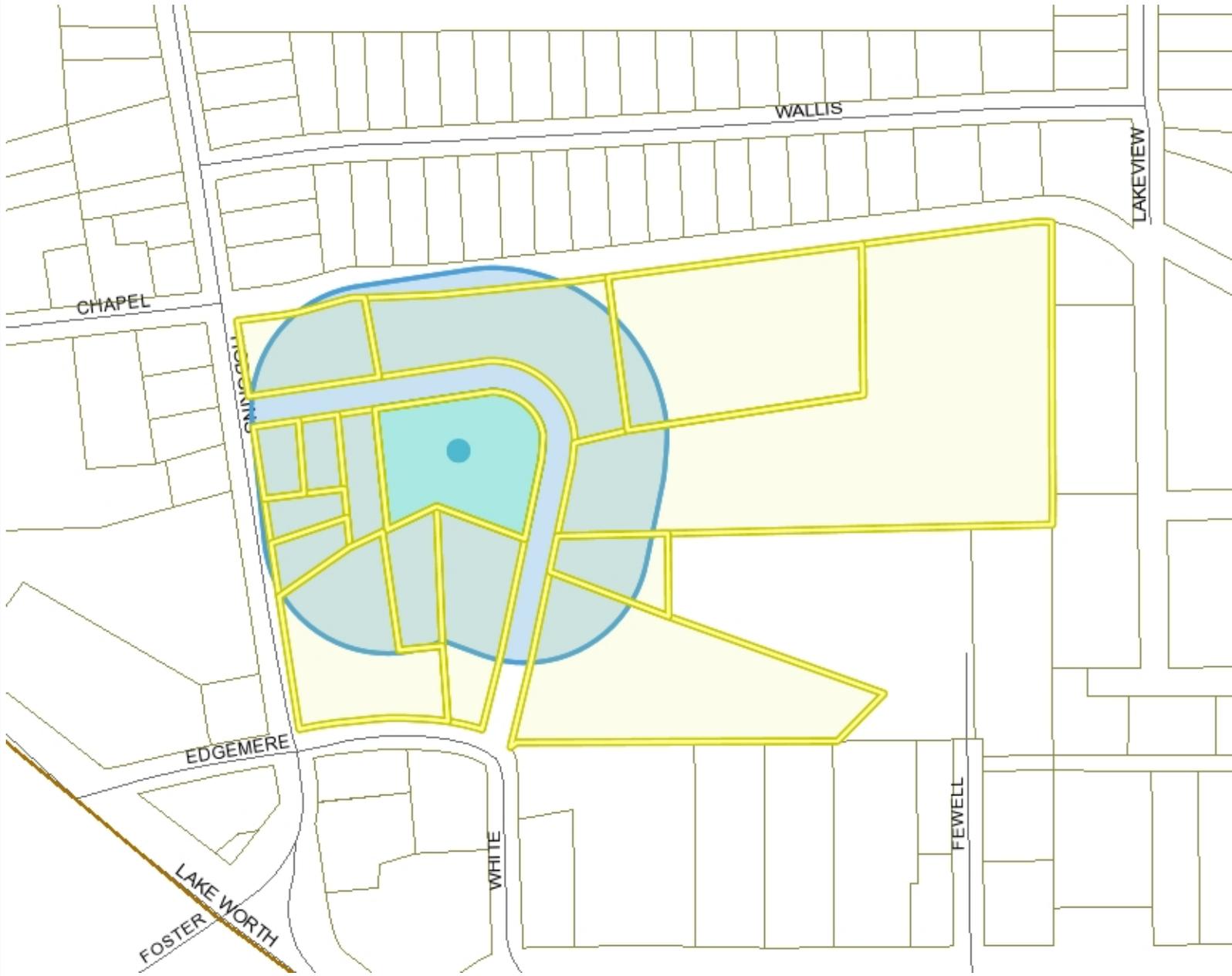
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11/19/20 2:22 PM

1:3,219



200' Notification - 4200 Fewell Dr



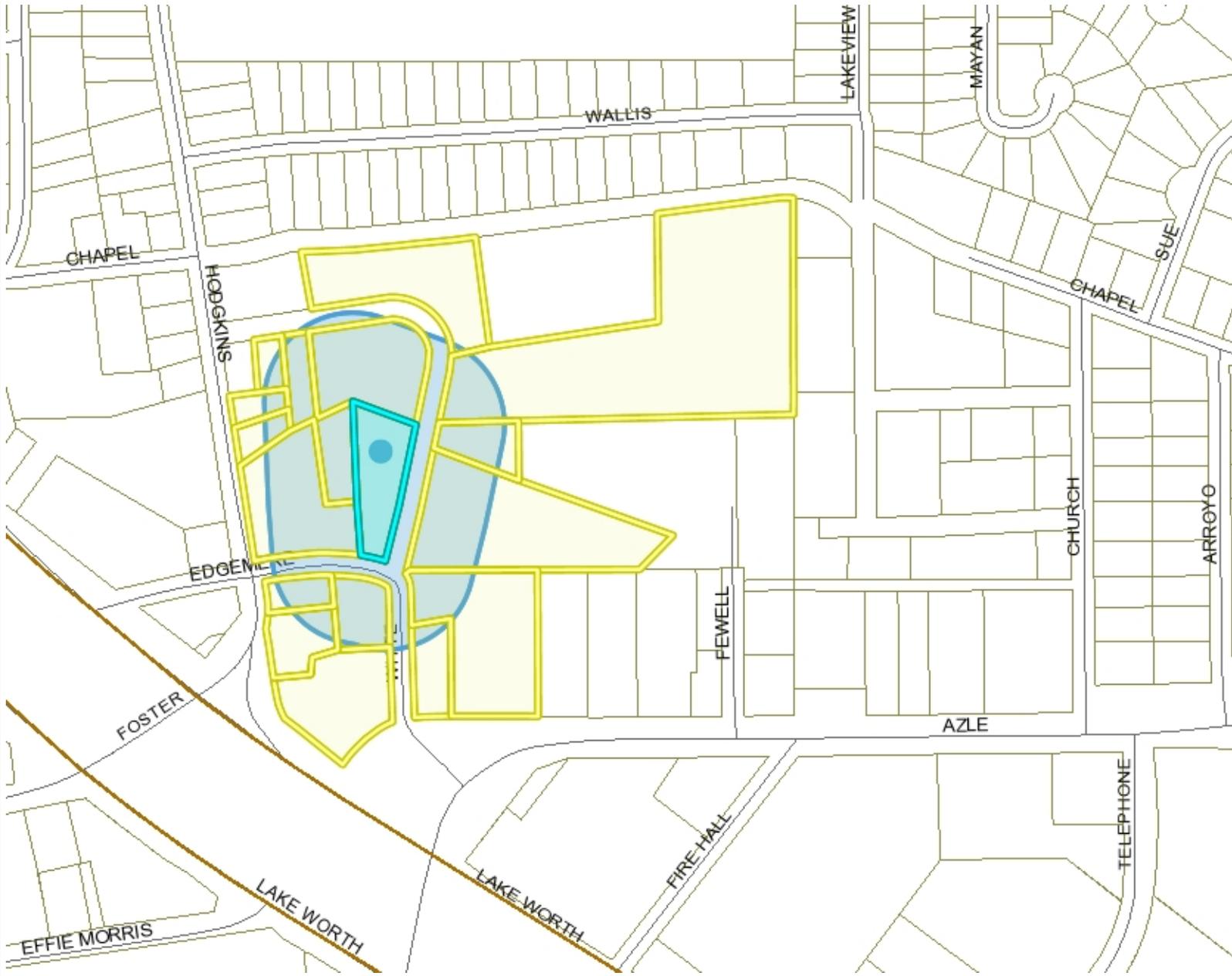
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11/19/20 2:30 PM

1:2,858



200' Notification - 4200 Fewell Dr



0.1 0 0.06 0.1 Miles

11/19/20 2:39 PM

1:3,991





Building Development Services
 Planning & Zoning Department
 3805 Adam Grubb
 Lake Worth, Texas 76135
 817-255-7922 or smeason@lakeworthtx.org



PUBLIC COMMENT FORM

Please type or fill in information requested below if you would like to have your support and/or opposition of this item made part of the public record for the case.

- I am **FOR** the proposed Planning & Zoning Case as explained on the attached public notice for Case #BOA-2020-02 (4200 White Street (Blaze Equipment) – Building Setback Variance
- I am **AGAINST** the proposed Planning & Zoning Case as explained on the attached public notice for Case #BOA-2020-02 (4200 White Street (Blaze Equipment) – Building Setback Variance

Property Owner Name: Charles Underwood
 (Please print)

Mailing Address: 4309 Lakeview Dr.

Phone: 817-781-9720 Email: woody-su@hotmail.com

Signature: Charles Underwood Date: 11/24/2020

Property Address(s) (within 200' of subject property): 4309 Lakeview Dr.,
Lake Worth, TX

COMMENTS:

Please do not allow any building permits
for new buildings closer to the houses
along Wallis road.

Please restrict business activities to close
down from (at least) 9pm - 7am.

Height and Area Regulations

1. Lot Area
Minimum lot area shall be 7,500 square feet.
2. Lot Width
 - a. Lot width shall be a minimum of 60 feet at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width than herein required, this Ordinance shall not prohibit its use for commercial purposes.
 - b. The width of a lot with highway frontage shall be a minimum of 150 feet at the building line; however, the minimum separation of drive approaches shall be in accordance with the Subdivision Regulations.
 - c. Refer to D. Additional Design Requirements for additional regulations.
3. Height
No building hereafter erected, reconstructed, altered, or enlarged shall exceed three (3) stories or 45 feet.
4. 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 15 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. Frontage on third streets shall be considered as second front yards.
 - d. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than 25 feet, then the platted building line shall be also required on the second front yard.
5. Side and Rear Yards
There shall be a side and rear yard of not less than ten (10) feet, except where abuts a residential district, the yard shall be not less than 15 feet.
6. Maximum Lot Coverage
The maximum portion of the lot area that may be covered by the main building, all accessory buildings, and parking areas shall not exceed 80 percent.

LI, LIGHT INDUSTRIAL	
Lot Dimensions	
Lot size (min)	7,500 square feet
Lot width (min)	60 feet
	150 feet with highway frontage
Lot depth (min)	100 feet
Building Placement	
Minimum Setbacks	
Front Yard	25 feet
Side Yard (Interior)	10 feet
Side Yard (Adjacent to residential)	15 feet
Side Yard (Corner)	15 feet
Rear Yard	10 feet
Rear Yard (Adjacent to residential)	15 feet
Lot Coverage	80 percent
Building Standards	
Floor area (min)	NA
Height (max)	45 ft, 3 stories
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.