

CITY OF LAKE WORTH

BOARD OF ADJUSTMENT AGENDA

**3805 ADAM GRUBB
LAKE WORTH, TEXAS 76135
TUESDAY, JANUARY 5, 2021**

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 December 1, 2020 Board of Adjustment meeting.](#)

C. PUBLIC HEARINGS

C.1 [Public Hearing to consider Board of Adjustment Case #BOA-2021-01, 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, 2.; regarding Lot Dimensions, the width of a lot shall be a minimum of sixty \(60'\) feet and 7.; Side Yard; there shall be a minimum side yard of five \(5'\) feet on side yards adjacent to interior lots on a 0.42-acre parcel of land known as Block 26, Lot 15, Indian Oaks Subdivision of the records of Tarrant County, Texas; which is generally described as 3201 Shawnee Trail, Lake Worth, Texas.](#)

D. EXECUTIVE SESSION

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

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

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 **Thursday, December 31, 2020 at 10:00 am.**

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 – January 5, 2021

Agenda Item No. B.1

FROM: Suzanne Meason, Planning & Zoning Administrator

ITEM: Approve minutes of the December 1, 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. December 1, 2020 Board of Adjustment Meeting Minutes

RECOMMENDED MOTION OR ACTION:

Approve minutes of the December 1, 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
TUESDAY, DECEMBER 8, 2020**

REGULAR MEETING: 6:30 PM

A. CALL TO ORDER.

Chair Robb Welch called the Board of Adjustment meeting to order at 6:33 p.m.

A.1 ROLL CALL.

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

Absent:

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

A.2 INVOCATION AND PLEDGE OF ALLEGIANCE.

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

A.3 SPECIAL PRESENTATION(S)

A.3.1 PRESENTATION – ADMINISTER OATHS OF OFFICE TO APPOINTED BOARD OF ADJUSTMENT MEMBERS, PLACES 2, 4, AND 5; ALTERNATE PLACE 6 AND ALTERNATE PLACE 7 ARE VACANT.

Suzanne Meason led Board Member Amick, Still, and Wharton in their oaths of office. Chair Robb Welch noted that Place 2 – Bonnie Amick and Place 4 – Bill Still's terms will expire December 31, 2022 and that Place 5 – Tana Wharton's term will expire December 31, 2021.

B. MINUTES

B.1 APPROVE MINUTES OF THE OCTOBER 8, 2020 REGULAR BOARD OF ADJUSTMENT MEETING.

APPROVED

MEMBER BONNIE AMICK MADE A MOTION, SECONDED BY MEMBER BILL STILL, TO APPROVE THE MINUTES OF THE OCTOBER 8, 2020 BOARD OF ADJUSTMENT MEETING AS PRESENTED.

MOTION TO APPROVE CARRIED 5-0.

C. PUBLIC HEARINGS

C.1 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.

APPROVED

Suzanne Meason presented the case to the Board. Ms. Meason advised that the property owner wants to add on to one of the existing structures on the property, but before that can be done the property has to be platted. However, some of the existing buildings do not meet the setbacks for the "LI" Light Industrial zoning district and a variance would have to be granted to plat. Ms. Meason noted that the variance on the front setback would be at 7.7', not on the property line and then at two (2) foot on the side setback. Staff had received one (1) public comment form back in opposition of the request and two (2) forms back in favor of the request.

Member Wilson Daggs, Jr. asked if anything new would have to meet the current regulations.

Ms. Meason advised that is correct, anything new would have to comply with the current regulations.

Member Bonnie Amick asked if it encroached into the city's public works facility.

Ms. Meason stated that it did not.

Chair Robb Welch opened the public hearing at 6:46 pm.

Ben Bishop who represents the owner of the property advised that they were trying to clean up the property and do what is necessary to plat so the owner can add an office on to one of the buildings.

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

There being no one else in the audience wishing to speak, Chair Robb Welch closed the public hearing at 6:46 pm.

Chair Robb Welch announced at 6:48 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 6:59 pm.

Vice Chair Wilson Daggs, Jr. asked if there had been any noise complaints from neighboring properties.

Ms. Meason advised that staff has not received any complaints.

Chair Robb Welch noted that the use of the property was not changing.

Vice Chair Wilson Daggs, Jr. noted that any new buildings would have to meet the current setback requirements.

Chair Robb Welch advised that the current layout wasn't changing, it won't affect the public health and it will not change the traffic conditions.

Member Tana Wharton asked what was done at the business.

Mr. Bishop advised that they manufactured drill bits and assemble parts.

Being no additional questions or comments a motion was entertained.

MEMBER BONNIE AMICK MADE A MOTION, SECONDED BY MEMBER BILL STILL, TO APPROVE THE VARIANCE REQUEST FOR BOARD OF ADJUSTMENT CASE #BOA-2020-02 AS PRESENTED.

MOTION TO APPROVE CARRIED 5-0.

Executive Session was conducted earlier in the meeting.

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.

No items for this category.

G. ADJOURNMENT

VICE CHAIR WILSON DAGGS, JR. MADE A MOTION, SECONDED BY MEMBER BONNIE AMICK, TO ADJOURN THE MEETING.

MOTION TO ADJOURN CARRIED 5-0. MEETING ADJOURNED AT 7:08 PM

APPROVED:

Robb Welch, Chair
Board of Adjustment

ATTEST:

Suzanne Meason
Planning & Zoning Administrator

Lake Worth Board of Adjustment Meeting – January 5, 2021

Agenda Item No. C.1

From: Suzanne Meason, Planning & Zoning Administrator

Item: Public Hearing to consider Board of Adjustment Case #BOA-2021-01, a variance request to the Comprehensive Zoning Ordinance, Article 14.500-Zoning Districts, Section 14.502-SF 7.5, Single Family 7.5, Height and Area Regulations, 2.; regarding Lot Dimensions, the width of a lot shall be a minimum of sixty (60') feet and 7.; Side Yard; there shall be a minimum side yard of five (5') feet on side yards adjacent to interior lots on a 0.42-acre parcel of land known as Block 26, Lot 15, Indian Oaks Subdivision of the records of Tarrant County, Texas; which is generally described as 3201 Shawnee Trail, Lake Worth, Texas.

Property Description:

0.42-acre parcel of land, which is generally described as 3133 and 3201 Shawnee Trail

Property Owner(s):

Brown Trust, Joel Garcia, 3125 Shawnee Trail, Lake Worth, Texas 76135

Applicant/Developer:

Brown Trust, Joel Garcia, 3125 Shawnee Trail, Lake Worth, Texas 76135

Engineer/Surveyor:

Award Surveying Company, PO Box 162024, Fort Worth, Texas 76161

Current Zoning:

"SF 7.5" – Single Family 7.5

Current Use(s):

Residence

Existing Road(s):

Shawnee Trail

Surrounding Zoning:

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

South: The property to the south is currently zoned Single Family Residential.

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

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

Summary:

The property owner applied for a building permit to add on an addition to the existing residence addressed as 3133 Shawnee Trail. He provided the city with a survey of the property for that permitting, which reveals

Lake Worth Board of Adjustment Meeting – January 5, 2021

Agenda Item No. C.1

that there are two (2) houses built on one lot (Block 26, Lot 15, Indian Oaks Subdivision). One is addressed as 3133 Shawnee Trail and the other as 3201 Shawnee Trail. Two (2) houses are not allowed to be on the same lot. A nonconforming property or a structure in this case cannot be enlarged. To remedy the situation, the property owner would need to replat the one (1) lot into two (2) lots, however the existing lot is only one hundred (100') feet wide. To evenly split the lots, it would be two (2) fifty (50') foot lots. The lot width requirement in the SF 7.5 district is sixty (60') feet wide. Mr. Garcia was advised that a variance would have to be requested before the Board of Adjustment for the lot width requirement and the side yard setback of five (5') foot, due to one of the existing structures only being 0.9' away from the side property line. He now seeks a variance before the Board of Adjustment for the lot width requirement and the side yard setback so he can continue through the replatting process if approved. If granted and the replat completed, he will then be able to add on to the existing structure(s) if desired. Any new construction will have to follow the current setback requirements for that zoning district.

Attached you will find a copy of the survey for the property in question showing the existing structures and setbacks on the properties.

Public Input:

On December 23, 2020, as required by State law, the City mailed out twenty (20) 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 December 23, 2020. Staff had received six (6) public comment forms back in favor of the request as of the packet preparation date.

Fiscal Impact:

N/A

Attachments:

1. Board of Adjustment Hearing Application
2. Property Survey (3201 Shawnee 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. Returned Public Comment Form
8. Code of Ordinance Excerpt for "SF 7.5" Single Family Residential 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

Case #BOA-2021-01

FOR OFFICE USE ONLY
 Case No: PZ-2021-01
 Date Submitted: 12-14-2020

APPLICATION FOR BOARD OF ADJUSTMENT HEARING

(CHECK ALL THAT APPLY)

WAIVER VARIANCE SPECIAL EXCEPTION APPEAL DECISION OF ZONING ADMINISTRATOR

PROPERTY ADDRESS 3133 SHAWNEE TRAIL / 3201 SHAWNEE TRAIL
 PROPERTY LEGAL DESCRIPTION BLOCK 26 LOT 15
 CURRENT ZONING CLASSIFICATION & LAND USE RESIDENTIAL
 TOTAL ACRES 0.42 # OF LOTS 1

APPLICANT/DEVELOPER INFORMATION

NAME E-CONN ENTERPRISES - Roel Garcia
 ADDRESS 3232 SHAWNEE TRAIL CITY Fort Worth
 STATE TX ZIP 76135 EMAIL rob.g.ece@gmail.com
 PHONE 817 825 1203 FAX 817 831 2626

PROPERTY OWNER INFORMATION

NAME JOEL Garcia
 ADDRESS 3125 SHAWNEE TRAIL CITY Fort Worth
 STATE Texas ZIP 76135 EMAIL _____
 PHONE 682-351-8008 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).

[Signature]
 SIGNATURE OF OWNER, AGENT, OR APPLICANT

12-14-20
 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: 12-14-2020
Receipt #: P20-1185

Ownership Verified:
 YES NO
Taxes Paid:
 YES NO
Liens Paid:
 YES NO

Public Hearing Newspaper Notice Deadline Date: 12-26-2020
Public Hearing Newspaper Publish Date: 12-23-2020
Public Hearing 200' Notification Deadline Date: 12-26-2020
Public Hearing 200' Notification Mailing Date: 12-23-2020
Board of Adjustment Meeting Date: 1-5-2021
Approval Date: _____
Stipulations/Notes: _____

Boundary Survey
 688867
 688867

LOT 6 BLOCK 26
 INDIAN OAKS,
 VOLUME 388, PAGE 63

LOT 5 BLOCK 26
 INDIAN OAKS,
 VOLUME 388, PAGE 63

LOT 7 BLOCK 26

NORTH 100.00'

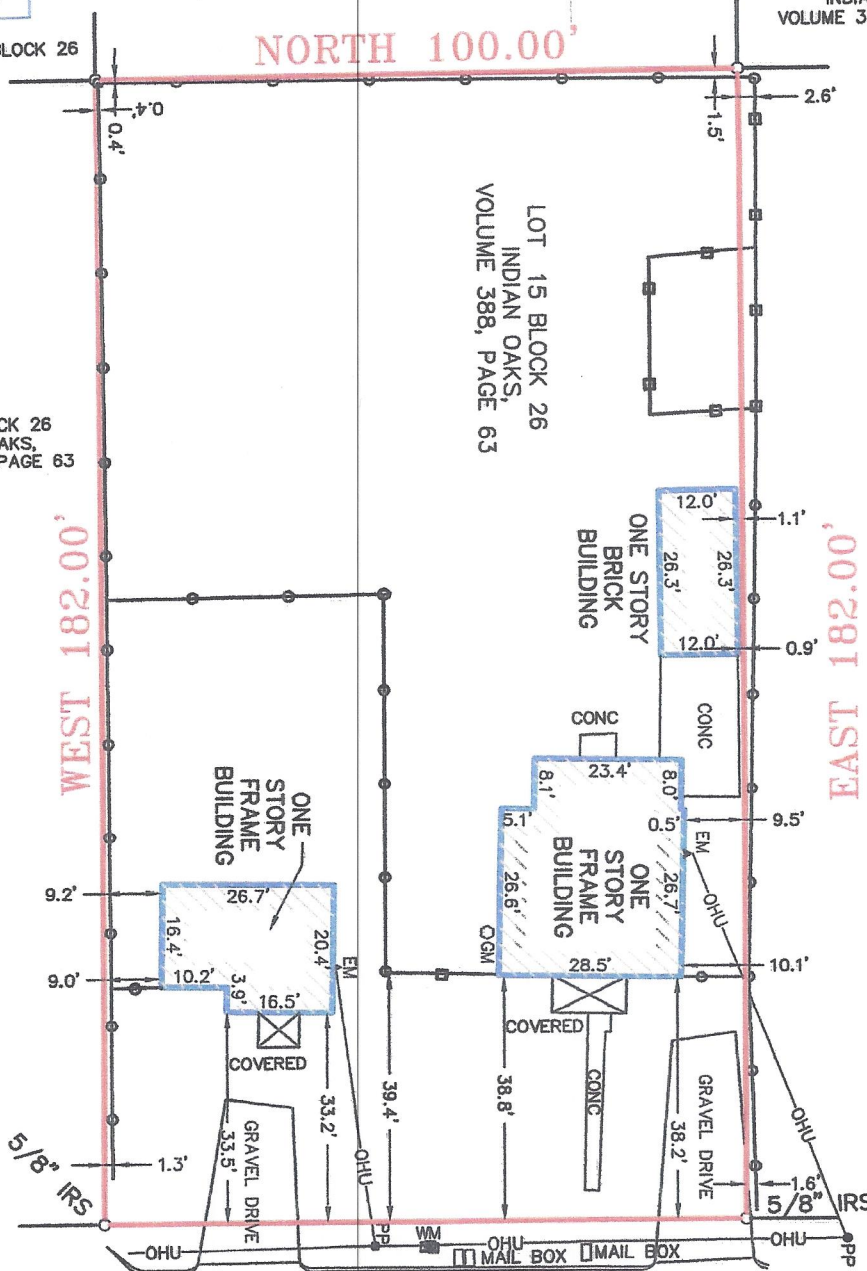
LOT 14 BLOCK 26
 INDIAN OAKS,
 VOLUME 388, PAGE 63

LOT 15 BLOCK 26
 INDIAN OAKS,
 VOLUME 388, PAGE 63

LOT 16 BLOCK 26
 INDIAN OAKS,
 VOLUME 388, PAGE 63

WEST 182.00'

EAST 182.00'



SOUTH 100.00'
 SHAWNEE TRAIL

50' RIGHT OF WAY
 37.0' BACK TO BACK
 CONCRETE PAVEMENT

ADDRESS

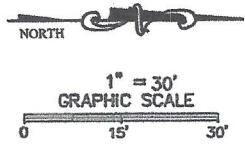
3201 SHAWNEE TRAIL
 LAKE WORTH, TX 76135

LEGAL DESCRIPTION: (AS FURNISHED)

Lot 15, Block 26, INDIAN OAKS, an addition to the City of Lake Worth, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388, Page 63, Plat Records of Tarrant County, Texas.

BASIS OF BEARINGS: PLAT CALL ALONG THE EAST LINE OF LOT 15

LIST OF POSSIBLE ENCROACHMENTS: FENCES DO NOT FOLLOW PROPERTY LINES.



RLS #: R:06-06-0864
CLIENT #: 688867-AL10
FIELD DATE: 6/12/2006
DRAFTER: CMW
APPROVED: JPW
SCALE: 1" = 30'

SURVEYOR INFORMATION:

COORDINATED BY:

WARD SURVEYING COMPANY
 PO Box 162024, FORT WORTH, TX 76161
 817-35A-WARD (332-9273)
 FAX 817-624-9273
 survey@a-wardsurveying.com

RESIDENTIAL
 LAND SERVICES, INC.
 423 MAIN AVENUE, SUITE 200
 FORT WORTH, TEXAS 76102
 PHONE (817) 731-0000
 FAX (817) 731-0000
 WWW.LANDSERVICES.COM



SURVEYOR FILE NUMBER: 2006.1748

LEGEND

SURVEYOR'S CERTIFICATE

The Certified Registered Professional Land Surveyor signing this survey alone certifies the accuracy and sufficiency of the survey provided hereon.

EM	ELECTRIC METER	SSCO	SANITARY SEWER CLEANOUT
WM	WATER VALVE	MH	MANHOLE
WM	WATER METER	FL	FLOW LINE
GV	GAS VALVE	STSMH	STORM SEWER MANHOLE
GM	GAS METER	RCP	REINFORCED CONCRETE PIPE
OSMH	SANITARY SEWER MANHOLE	CMP	CORRUGATED METAL PIPE
OMH	MANHOLE	BLDG	BUILDING W/ PERMANENT FOUNDATION
PP	POWER POLE	SHED	STRUCTURE W/ NO PERMANENT FOUNDATION
LS	LIGHT STANDARD	ASPH	ASPHALT
TR	TELEPHONE RISER	RW	RETAINING WALL
WF	WIRE FENCE	CONC	CONCRETE
WF	WOOD FENCE	IPF	IRON PIPE FOUND
CL	CHAIN LINK FENCE	IRF	IRON ROD FOUND
U	UTILITY	IRS	5/8" IRON ROD SET MARKED "A-WARD"
A/C	A/C UNIT	IRR	5/8" IRON ROD RECOVERED MARKED "A-WARD"
UC	UNDERGROUND UTILITY		
OH	OVERHEAD UTILITY		
FT	FIRE HYDRANT		
ET	ELECTRIC TRANSFORMER		
SS	SANITARY SEWER		

I, James Paul Ward, Texas Registered Professional Land Surveyor No. 5606, do hereby certify that the survey plat hereon is a true and accurate representation of the property hereon described, and do further state that this survey accurately depicts the substantial improvements to said property as located on the ground, and that there are no visible encroachments onto said property by any such improvements except as shown hereon.

James Paul Ward



FOR THE FIRM

James Paul Ward DATED: 6/12/2006

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

DATE	REVISION	DATE	REVISION

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

FLOOD ZONE
 (FOR INFORMATIONAL PURPOSES ONLY)
 SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "X" AREA OF MINIMAL FLOODING, PER F.I.R.M. PANEL NUMBER 480905 0265H. LAST REVISION DATE 8-3-1995
 THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
 FOR ALL INQUIRIES CONTACT RESIDENTIAL LAND SERVICES, INC. AT (409) 701-1100 Form 3.07H

Reviewed & Accepted by: _____ Date _____ / _____ / _____ Date _____

BOARD OF ADJUSTMENT

CITY OF LAKE WORTH, TEXAS

IN THE MATTER OF:

Brown Trust, Joel Garcia, Property Owner requests a variance from the zoning district requirements of the Comprehensive Zoning Ordinance, Article 14.500 Zoning Districts, Section 14.502, Single Family 7.5, Height and Area Regulations, 2.; regarding Lot Dimensions, the width of a lot shall be a minimum of sixty (60') feet and 7.; Side Yard; there shall be a minimum side yard of five (5') feet on side yards adjacent to interior lots; **to allow two (2) fifty foot (50') lots and a side yard setback of 0.9 foot on the east side of the property where the existing garage is located**, so that the property may be replatted into two (2) separate lots. The property is a **0.42-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 26, Lot 15, Indian Oaks Subdivision**, City of Lake Worth, Tarrant County, Texas, and is located at **3133 and 3201 Shawnee Trail**, Lake Worth, Texas.

ORDER

On this the 5th day of January, 2021, came on for hearing the application of **Brown Trust, Joel Garcia, 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, 2.; regarding Lot Dimensions, the width of a lot shall be a minimum of sixty (60') feet and 7.; Side Yard; there shall be a minimum side yard of five (5') feet on side yards adjacent to interior lots; **to allow two (2) fifty foot (50') lots and a side yard setback of 0.9 foot on the east side of the property where the existing garage is located**, so that the property may be replatted into two (2) separate lots; on a parcel of land being described as **Block 26, Lot 15, Indian Oaks Subdivision**, City of Lake Worth, Tarrant County, Texas. The property to be considered for the variance is generally described as a **0.42-acre** parcel of land located at **3133 and 3201 Shawnee 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 two (2) fifty foot (50') lots and a side yard setback on the east side of the property of 0.9' where the existing garage is located, 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, 2.; regarding Lot Dimensions, the width of a lot shall be a minimum of sixty (60') feet and 7.; Side Yard; there shall be a minimum side yard of five (5') feet on side yards adjacent to interior lots; is hereby granted to the property located at **3133 and 3201 Shawnee Trail**, to allow two (2) fifty foot (50') lots and a side yard setback on the east side of the property of 0.9' where the existing garage is located 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 5th day of January, 2021.

Robb Welch, Chairperson

Board of Adjustment
City of Lake Worth, Texas

Filed the 5th day of January, 2021.

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

EXHIBIT A

Block 26, Lot 15, Indian Oaks Subdivision, City of Lake Worth, Tarrant County, Texas, generally described as **3133 and 3201 Shawnee Trail**, Lake Worth, Texas.

(See Survey Attached)

CITY OF LAKE WORTH
NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT

VARIANCE REQUEST
CASE #BOA-2021-01

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 lot width requirement and side yard setback on the property. On the reverse you will find a copy of a vicinity map showing the property location (indicated by the blue dot). 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, January 5, 2021, 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, 2.; regarding Lot Dimensions, the width of a lot shall be a minimum of sixty (60') feet and 7.; Side Yard; there shall be a minimum side yard of five (5') feet on side yards adjacent to interior lots on a 0.42-acre parcel of land known as Block 26, Lot 15, Indian Oaks Subdivision of the records of Tarrant County, Texas; which is generally described as 3201 Shawnee Trail, Lake Worth, Texas. All interested parties are encouraged to attend.

****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 (3201 Shawnee Trail). The owner of the property is requesting a variance to the lot width requirement and side yard 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.

Brown Trust
3125 Shawnee Trl
Lake Worth, Texas 76135

Joel Garcia
3125 Shawnee Trl
Lake Worth, Texas 76135-3930

Terry Grantham
3220 Mohawk Trl
Lake Worth, Texas 76135-3920

Klitana F Wharton
3225 Shawnee Trl
Lake Worth, Texas 76135-3932

Steve G & Debra A Bourne
3212 Mohawk Trl
Lake Worth, Texas 76135-3920

H P Harmon
3120 Shawnee Trl
Lake Worth, Texas 76135-3931

Heriberto Fernandez
3208 Mohawk Trl
Lake Worth, Texas 76135

Mary K Mosley
3128 Shawnee Trl
Lake Worth, Texas 76135-3931

Betty J Gray Sanders
3209 Shawnee Trl
Lake Worth, Texas 76135

Noemi & Jose Angel Perez
3200 Shawnee Trl
Lake Worth, Texas 76135

Janet M & David Wyatt Hoover
3200 Mohawk Trl
Lake Worth, Texas 76135

Cynthia A Stewart
1535 Nightingale Cir
Roanoke, Texas 76262

Joel Garcia Trust
3125 Shawnee Trl
Lake Worth, Texas 76135-3930

Sandra Claunch
3216 Shawnee Trl
Lake Worth, Texas 76135

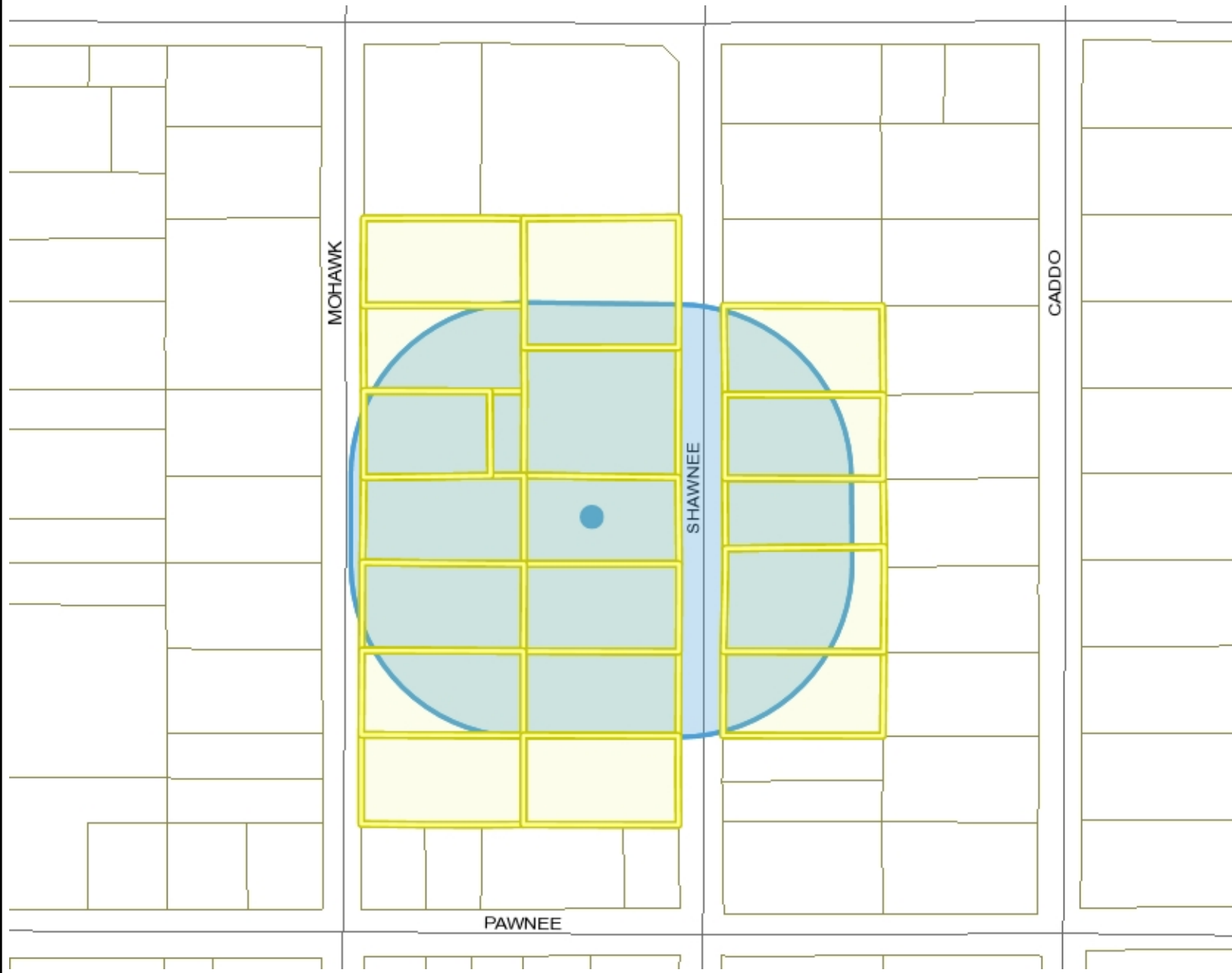
Jessica & Eric Roel Garcia
3125 Shawnee Trl
Lake Worth, Texas 76135-3930

Jose E Veliz
3109 Shawnee Trl
Lake Worth, Texas 76135-3930

James & Charlotte West
3112 Mohawk Trl
Lake Worth, Texas 76135-3918

Gregorio & Blanca Melendez
3121 Shawnee Trl
Lake Worth, Texas 76135-3930

200' Notification-3201 Shawnee Trl



- Dot indicates subject property
- Property that is within 200' of subject property

0.1 0 0.03 0.1 Miles

12/22/20 10:10 AM

1: 2,035





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 and turn in 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 Board of Adjustment Case as explained on the attached public notice for Case #BOA-2021-01.
- I am **AGAINST** the proposed Board of Adjustment Case as explained on the attached public notice for Case #BOA-2021-01.

Property Owner Name: Gregorio + Blanca Melendez
(Please print)

Mailing Address: 3121 Shawnee Trl. Lake Worth Tx 76135

Phone: 682-597-6256 Email: _____

Signature: Blanca Melendez Date: 12/28/2020

Property Address(s) (within 200' of subject property): _____

COMMENTS:



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



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Property Owner Name: Eric R. Garcia
 (Please print)

Mailing Address: 3120 Mohawk Trl

Phone: 682-351-0055 Email: egarcia@econllc.com

Signature: [Signature] Date: 12-29-20

Property Address(s) (within 200' of subject property): 3120 Mohawk

COMMENTS:



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



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Property Owner Name: Rob E. Garcia / Partner of Brownstone

Mailing Address: 3125 Shawnee Trl FW, TX 76135

Phone: 817-831-2600 Email: rob.g.eco@gmail.com

Signature: [Handwritten Signature] Date: 12-26-20

Property Address(s) (within 200' of subject property): 22374 3125 Shawnee Trl & 3128 Meadow Trl. LW TX

COMMENTS:



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



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Property Owner Name: Joel Garcia / Trustee For Brown Trust

(Please print)

Mailing Address: 3125 Shawnee Trl Lake Worth, TX

Phone: 682-351-8008 817-825-1203 Email: e-convince@sbglobal.net

Signature: [Signature] Date: 12-26-2020

Property Address(s) (within 200' of subject property): 3125 Shawnee & 3128 Mohawk

COMMENTS:



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



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Property Owner Name: JANET • DAVID HOOVER
 (Please print)

Mailing Address: 3200 MOHAWK TRAIL

Phone: 682-999-4600 Email: HOOVERMANUEVERS@GMAIL.COM

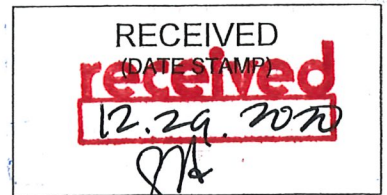
Signature: Janet Hoover Date: 12/29/20

Property Address(s) (within 200' of subject property): 3200 MOHAWK TRAIL

COMMENTS:



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



PUBLIC COMMENT FORM

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I am **AGAINST** the proposed Board of Adjustment Case as explained on the attached public notice for Case #BOA-2021-01.

Property Owner Name: Mary R Mosley
 (Please print)

Mailing Address: 3128 Shawnee # 3124 Skane

Phone: 817-237-3579 Email: _____

Signature: Mary R Mosley Date: 12-29-20

Property Address(s) (within 200' of subject property): _____

COMMENTS:

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.

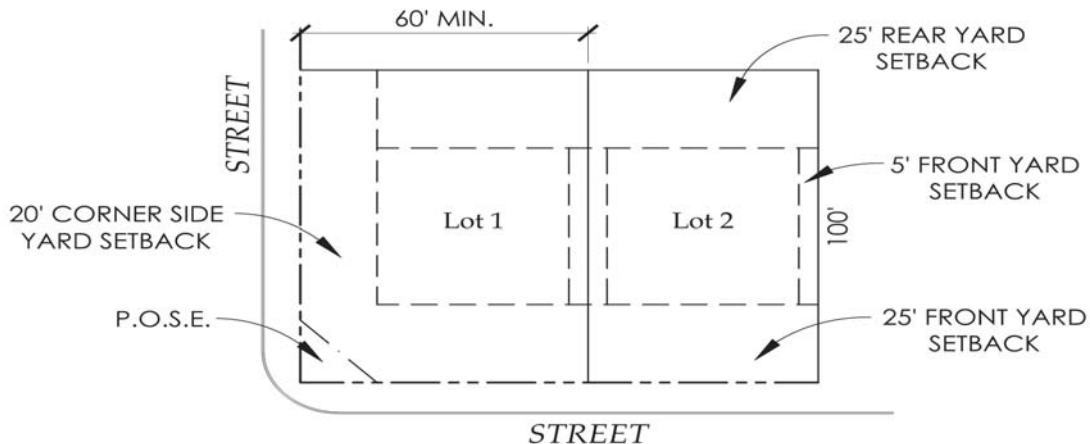
B. Use Regulations

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.