



**City of Azle
Regular Agenda
Zoning Board of Adjustment**

505 W. Main Street
Azle, Texas 76020

August 7, 2023

6:00 PM

Council Chambers

REGULAR SESSION

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

This is an opportunity for the public to address the City Council on posted agenda items or non-agenda items. In order to address the Council, please complete a Speaker's Request Form and submit to the City Secretary prior to the start of the council meeting. All comments must be directed to the Presiding Officer, rather than an individual council member or city staff. All speakers must refrain from personal attacks toward any individual. Comments are limited to three (3) minutes and must pertain to the subject matter listed on the Speaker's Request Form. Speakers requiring the assistance of a translator shall be provided four (4) minutes. Council may not comment publicly on non-agenda items, but may direct the City Manager to resolve the matter or request the matter be placed on a future agenda. Public comments regarding non-agenda items shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended. If you have a subject that may require City Council action, you may obtain a form from the City Secretary and request the item be placed on a future agenda.

CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting held May 25, 2023.
David Hawkins, Director of Planning and Development

PUBLIC HEARING

2. Conduct a public hearing to consider a variance request to Section 10.3 Development Regulations, Setback Requirements of the City of Azle Zoning Ordinance for the property located at 744 Oak Park Drive, and also known as Lot 14, Block 18, Lake Crest Park, Phase VI, an addition to the City of Azle, Tarrant County, Texas. The purpose of the variance is to allow for the construction of a new carport to encroach the minimum twenty-five-foot (25') front yard setback and the minimum six-foot (6') side yard setback.
David Hawkins, Director of Planning and Development

DISCUSSION ITEMS

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on August 4, 2023, at the City's official bulletin board and is readily accessible to the public at all times in accordance with V.T.C.A. Chapter 551, Texas Government Code.

Malinda Nowell

This facility is wheelchair accessible and handicapped parking spaces are available. Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in city functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight hours prior to the scheduled starting time by calling the City Secretary's Office at 817-444-7101. Complete Zoning Board of Adjustment agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.

CITY OF AZLE ZONING BOARD OF ADJUSTMENT
MINUTES OF REGULAR MEETING
505 W. MAIN ST. – CITY COUNCIL CHAMBERS
THURSDAY – MAY 25, 2023

BOARD MEMBERS PRESENT: Chairman Pennie Nichols, Vice-Chairman Leonard Wheeler, Jared Arneson, Jim Carlson, Robert Schocke

BOARD MEMBERS ABSENT: None

STAFF PRESENT: David Hawkins, Director of Planning and Development

CALL TO ORDER: Chairman Nichols called the meeting to order at 6:00 p.m. Attendance was taken at: 6:00 PM. A quorum of members was present to conduct a meeting by the following results:

Present: (5) Jared Arneson; Chairman Pennie Nichols; Vice-Chairman Leonard Wheeler; Jim Carlson; Robert Schocke

Absent: (0) None

INVOCATION: Vice-Chairman Wheeler gave the invocation

PLEDGE OF ALLEGIANCE: Chairman Nichols led the Pledge of Allegiance

CONSENT AGENDA ITEMS:

1. Consider approval of minutes of Regular Meeting held on November 29, 2022.

Vice-Chairman Wheeler moved to approve the minutes of the Regular Meeting held November 29, 2022 as written. Board member Arneson seconded the motion. The motion passed unanimously (5-0).

PUBLIC HEARING:

2. Conduct a public hearing to consider a variance request to Section 11.3 Development Regulations, Setback Requirements of the City of Azle Zoning Ordinance for the property located at 537 Cresthaven Court, and also known as Lot 404, Castle Hills Estates, an addition to the City of Azle, Tarrant County, Texas. The purpose of the variance is to allow for the construction of a new single-family residence to encroach the minimum twenty-five-foot (25') front yard setback.

Director of Planning and Development David Hawkins presented an overview of the variance request to the ZBA. Mr. Hawkins stated that this property was platted in the 1950s and has remained undeveloped to the present due to significant topography on the rear of the property. Owner and applicant Plutarco Meza was present.

Chairman Nichols opened the Public Hearing at 6:07 pm.

The following person spoke on this agenda item:

1. Plutarco Meza – Property owner and applicant spoke in favor of the variance request and explained the reasoning for this request. Mr. Meza stated that he intends to meet all other requirements including the remainder of the setbacks and the minimum house size.

Chairman Nichols closed the Public Hearing at 6:10 pm.

Discussion was held on the encroachment of the structure into the front setback line and that if the property were more recently platted, then this request would actually only be a five-foot encroachment. Discussion also included drainage.

Board member Rob Schocke made a motion to approve the variance request to Section 11.3 Development Regulations, Setback Requirements of the City of Azle Zoning Ordinance for the property located at 537 Cresthaven Court, and also known as Lot 404, Castle Hills Estates, an addition to the City of Azle, Tarrant County, Texas to allow for the construction of a new single-family residence to encroach the minimum twenty-five-foot (25') front building setback line by 10', being 15' from the front property line. Vice-Chairman Wheeler seconded the motion. The motion passed unanimously (5-0).

DISCUSSION ITEMS:

3. None

ADJOURNMENT:

Chairman Nichols adjourned the meeting at 6:12 pm.

ATTEST:

David Hawkins, AICP
Director of Planning and Development

Pennie Nichols
Chairman

Date Signed



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Conduct a public hearing to consider a variance request to Section 10.3 Development Regulations, Setback Requirements of the City of Azle Zoning Ordinance for the property located at 744 Oak Park Drive, and also known as Lot 14, Block 18, Lake Crest Park, Phase VI, an addition to the City of Azle, Tarrant County, Texas. The purpose of the variance is to allow for the construction of a new carport to encroach the minimum twenty-five-foot (25') front yard setback and the minimum six-foot (6') side yard setback.

Background and Explanation:

The owner and applicant of 744 Oak Park Drive is requesting the variance to Section 10.3 Setback Requirements of the City of Azle Zoning Ordinance. The request is to allow for the construction of a new carport structure on the front of the house which would encroach the minimum twenty-five-foot (25') front yard setback and minimum six-foot (6') side yard setback in the SF-3 zoning district. The applicant has provided a site plan exhibit that shows the existing house and the proposed carport structure location that would be within the setback lines.

Existing Condition of Property:

This property is currently zoned SF-3 and has a single-family residence that was constructed in 1997 according to Tarrant County Appraisal District records. The property was approved by the City and platted as part of the Lake Crest Park, Phase IV back in 1985.

History of Project:

The property owner is seeking to add a new carport structure in front of the existing house. The house was constructed with only a one-car garage and a driveway for one vehicle, which was a requirement at the time. City ordinance now requires a two-car garage with driveway spaces for two vehicles. The property owner has extended his existing driveway to approximately ten inches (10") from the side property line.

The applicant is proposing a 21' W x 22' L carport structure that would extend from the garage at the front of the house to cover two (2) concrete parking spaces and encroach the front and side setback lines. The front of the garage is approximately thirty feet (30') from the front property line. The proposed carport would encroach the front setback line by seventeen feet (17') and the side setback line up to almost six feet (6'). The edge of the carport will be approximately eight feet (8') from the property line. The applicant has provided exhibits of the proposed carport structure as well as letters of support from neighbors which are included in the packet.

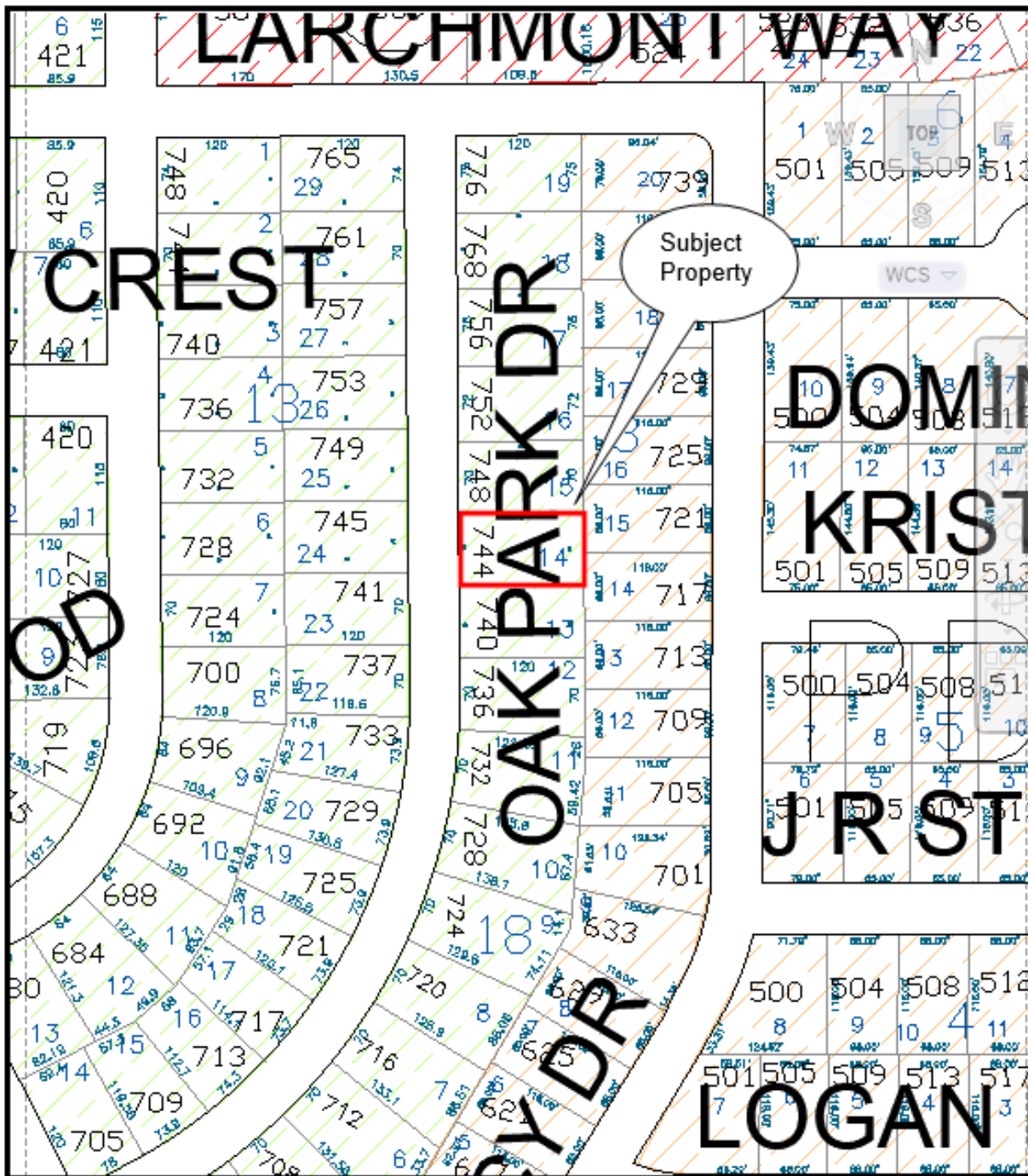
The SF-3 requirements:

- Minimum Lot Area: 14,520 sq. ft.
- Minimum Lot Width: 65 ft.

- Minimum Front Yard: 25'
- Minimum Side Yard: 6'
- Minimum Rear Yard: 20'

Zoning Map of Property and Adjacent Properties:

The properties to the north, south and west are all located within the Lake Crest Park subdivision and zoned as SF-3, same as the subject property. The properties to the rear are located within the Stribling Square development and zoned as Planned Development No. 11.



Aerial of Property:



Criteria for Approving Variance:

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, take the following action:

1. The literal enforcement of the provisions of this ordinance would result in an unnecessary and/or unreasonable hardship. ***The existing house was constructed with a one-car garage and one-car driveway, which was an ordinance requirement at the time. City ordinances now require a minimum of a 2-car garage with a driveway width to accommodate 2 vehicles. The property owner did pave a new concrete driveway to allow the parking of a 2nd vehicle. To construct a carport that would comply with the minimum 6' side setback, the support columns would be located within the extended driveway pavement.***
2. The special conditions are not the result of the applicant's actions, but are peculiar to the land, structure or building involved. ***The house is built up to the front and side building setback lines and was constructed with only a one-car garage and one-vehicle driveway, prior to the ordinance requirement of a min. 2-car garage and driveway.***
3. The variance requested is the minimum necessary. ***The applicant is requesting to allow the***

carport structure support columns to be constructed within the min. 25' front setback line up to 17' and within the 6' side setback line which would allow the two (2) parking spaces to be covered.

4. No special privilege is granted which is denied to other similarly situated uses. ***There does not appear to be any record of variances granted or applied in this area pertaining to carport structures located on the front or side of residences.***

New State Statute on ZBA Variance Criteria:

The State Legislation passed a new bill, H.B. 1475 which went into effect on September 1, 2021 that changes the Zoning Board of Adjustment authority related to variances and gives additional objective grounds for which a variance may be granted. Prior to this new State law, a ZBA is authorized to grant a variance if, among other things, enforcing the ordinance as written would result in “unnecessary hardship.” An “unnecessary hardship” would be one that was not self-imposed, personal in nature, related to the property for which the variance is sought, and not a solely financial hardship. The hardship would need to be a condition unique, oppressive, and not common to other property.

Under the new State law, it adds more objective criteria which a ZBA can consider to determine whether compliance with a city’s zoning ordinance as applied to a structure would result in an “unnecessary hardship”. For the first time, purely financial considerations can qualify an applicant for a variance. Additionally, if the proposed structure would be considered a nonconforming structure, that could be grounds to grant a variance. Under the new law, there might be an unnecessary hardship if:

1. the cost of compliance with the zoning ordinance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; or
2. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; or
3. compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement; or
4. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
5. the city considers the structure to be a nonconforming structure.

Variance Change Request Notification Process:

Twenty-nine (29) notices were sent to surrounding owners within 200 feet of the variance request. As of August 4, 2023, staff has received two (2) responses from the public.

Board/Commission/Committee Recommendation:

1. Motion to approve Case #V2023-02
2. Motion to approve Case #V2023-02 with modifications
3. Motion to disapprove Case #V2023-02

Staff Recommendation:

City staff forwards this variance request to allow the front and side setback encroachment for the proposed carport structure.

Attachments:

1. New Carport - Letter from Applicant
2. Lake Crest Park Ph. IV Plat
3. Letters of Support

4. 744 Oak Park Drive aerial
5. Carport Site Plan - 744 Oak Park Drive
6. Driveway View Exhibit - 744 Oak Park Drive
7. Carport Example - 744 Oak Park Drive
8. Public Responses - ZBA Case V2023-02

Steve Prine

07/19/2023

744 Oak Park Drive

Azle, TX 76020

(817) 360-6873

To whom it may concern,

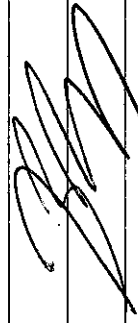
I am asking permission to build a welded frame metal carport with R-Panel metal roofing (21' wide X 22' long X 8' tall if this will be tall enough to slope for water to run off). I had my driveway widened 10" from the side property line so the carport will be over concrete only. My neighbors also wrote a letter saying they approve of this carport. David Hawkins had me measure from the break in my driveway to my house. From the break in my driveway concrete to the brick beside my garage is 35'.

My house was built in 1997 when there wasn't a ordinance for a two car garage. I have a one car garage and with vehicles being bigger now days, it isn't wide enough to pull my vehicle in unless I fold my mirrors in, then once my vehicle is in the garage it isn't wide enough for me to open my door to get out of my vehicle. If I get approved for this carport it will be built good quality and look nice.

Thank You

Steve Prine

I, Blake Reynolds, the owner of 740 Oak Park Dr, support my neighbor, Steve, the owner of 744 Oak Park Dr, request to add a carport to his property. I believe the carport will be a great addition to his home. Once again, I fully support him building the carport.



7-10-23

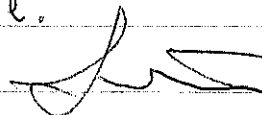
Eddie Morphis Jr.
748 Oak Park Dr.
Azle TX. 76020

To whom it may concern,
I do approve my neighbor Steve, who lives at
744 Oak Park Dr. Azle, to have a CarPort built
at his residence.

Eddie Morphis Jr.

July 4 2023

To Whom it may concern, I
approve of Mr. Prine building a
carport on Oak Park Drive.



Scott Parrish
752 Oak Park Drive
Azle, TX 76020
817-444-8504

OAKRIDGE

A-1142

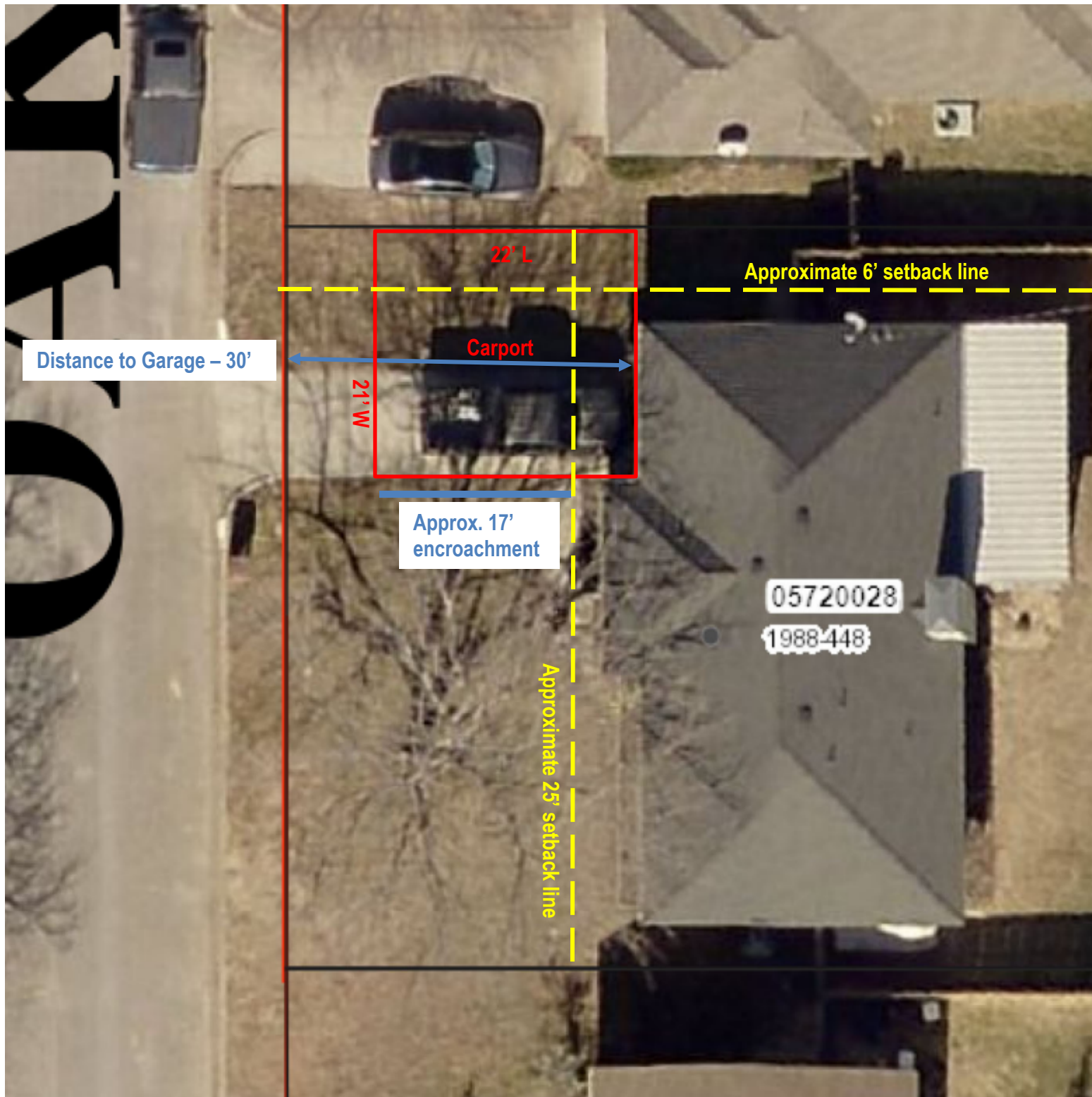
05720036

05720028
1988-448

05720001

409

409



View from Street at 744 Oak Park Drive



Example of Proposed Carport



NOTICE OF PUBLIC HEARING

V2023-02

The Zoning Board of Adjustment for the City of Azle will conduct a public hearing on Monday, August 7, 2023, to consider a variance request to Section 10.3 Development Regulations, Setback Requirements of the City of Azle Zoning Ordinance for the property located at 744 Oak Park Drive, and also known as Lot 14, Block 18, Lake Crest Park, Phase VI, an addition to the City of Azle, Tarrant County, Texas. The purpose of the variance is to allow for the construction of a new carport to encroach the minimum twenty-five-foot (25') front yard setback and the minimum six-foot (6') side yard setback.

The public hearing will start at **6:00 p.m.** in the City Council Chambers located at 505 W. Main, Azle, Texas. *Because you own property within two hundred (200) feet of the subject property, the Zoning Board of Adjustment would like to hear how you feel about this request and invites you to attend the public hearing.* Please, in order for your opinion to be taken into account, return this form with your comments prior to the date of the public hearing. *(This in no way prohibits you from attending and participating in the public hearing.)* You may mail it to the address below or drop it off in person:

Planning Department
505 W. Main, Azle, Texas
Attn: David Hawkins, AICP

Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

Signature: _____

Pam George

Printed Name: _____

Pam George

Mailing Address: _____

736 High Crest Dr.

City, State Zip: _____

Azle, TX 76020

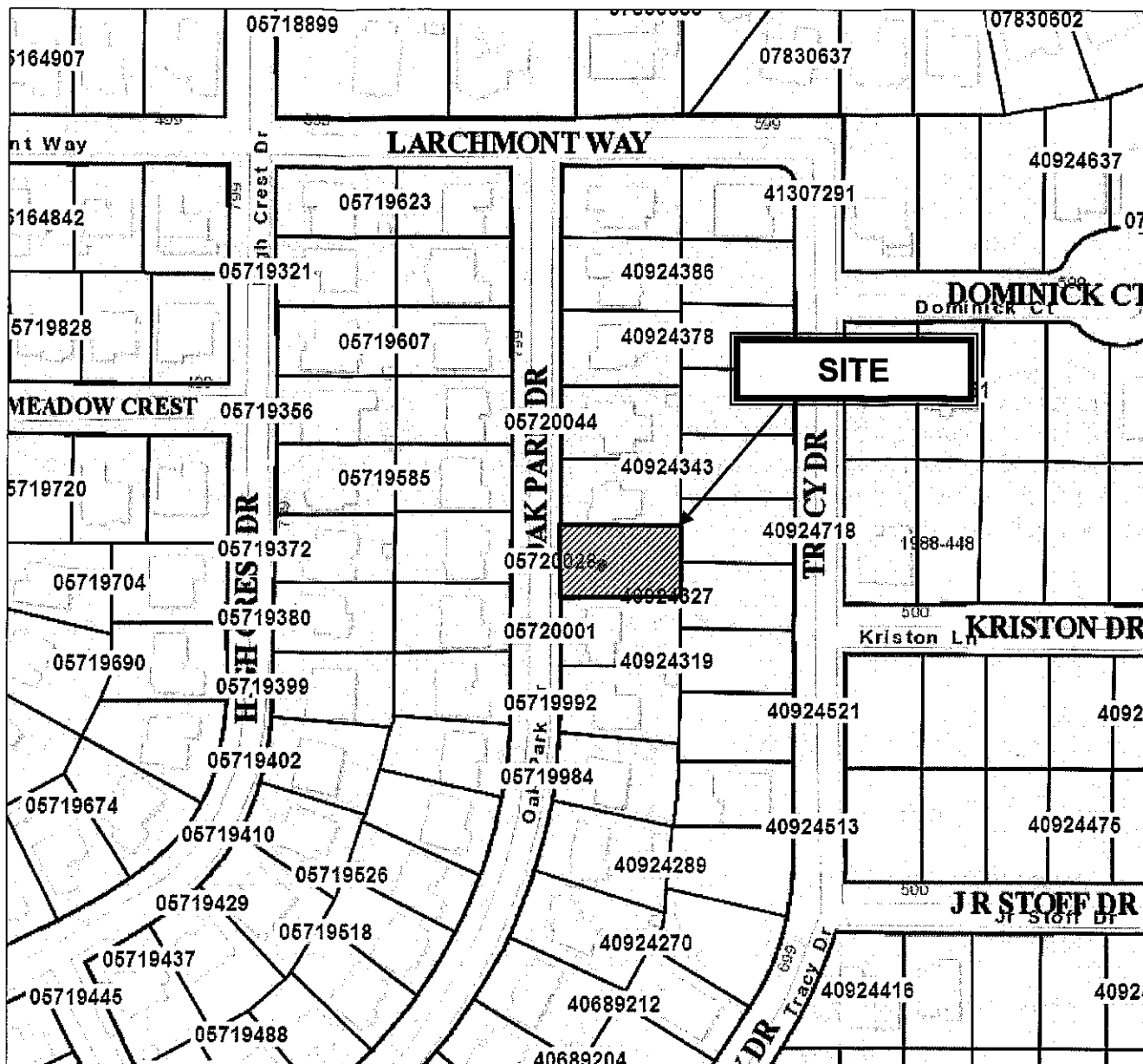
Telephone Number: _____

817-675-1342

Physical Address of Property within 200 feet: _____

736 High Crest Dr.

People will start using carports to store stuff in. Mowers, Tubs, tools, ^{unoperable} old cars.



744 Oak Park Drive

NOTICE OF PUBLIC HEARING

V2023-02

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505 W. Main, Azle, Texas
Attn: David Hawkins, AICP

Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

Signature: _____

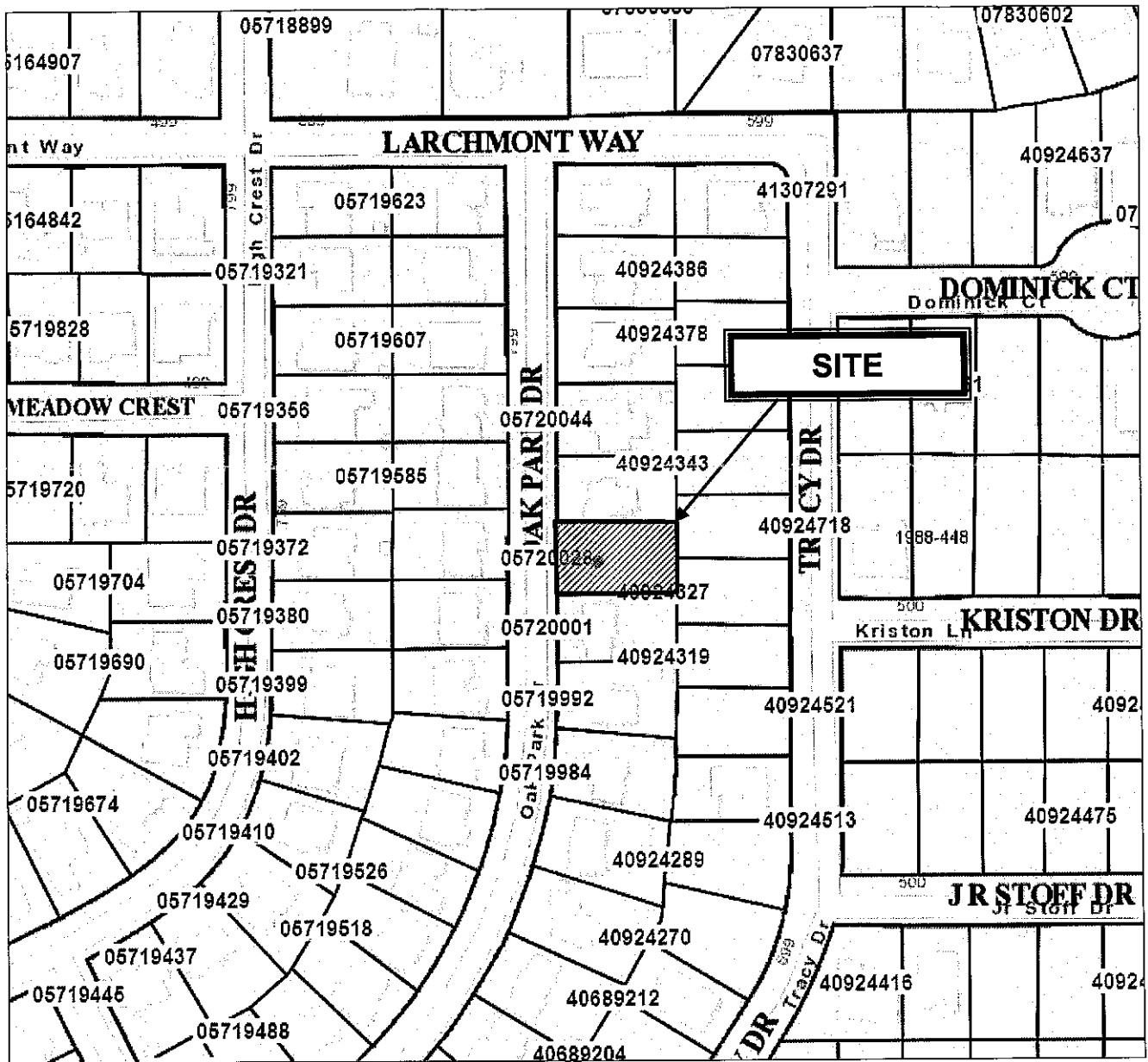
Printed Name: _____

Mailing Address: _____

City, State Zip: _____

Telephone Number: _____

Physical Address of Property within 200 feet: _____



744 Oak Park Drive

NOTICE OF PUBLIC HEARING

V2023-02

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Planning Department
505 W. Main, Azle, Texas
Attn: David Hawkins, AICP

Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

Signature:

Selene Rubio

Printed Name:

Selene Rubio

Mailing Address:

732 Oak Park Drive

City, State Zip:

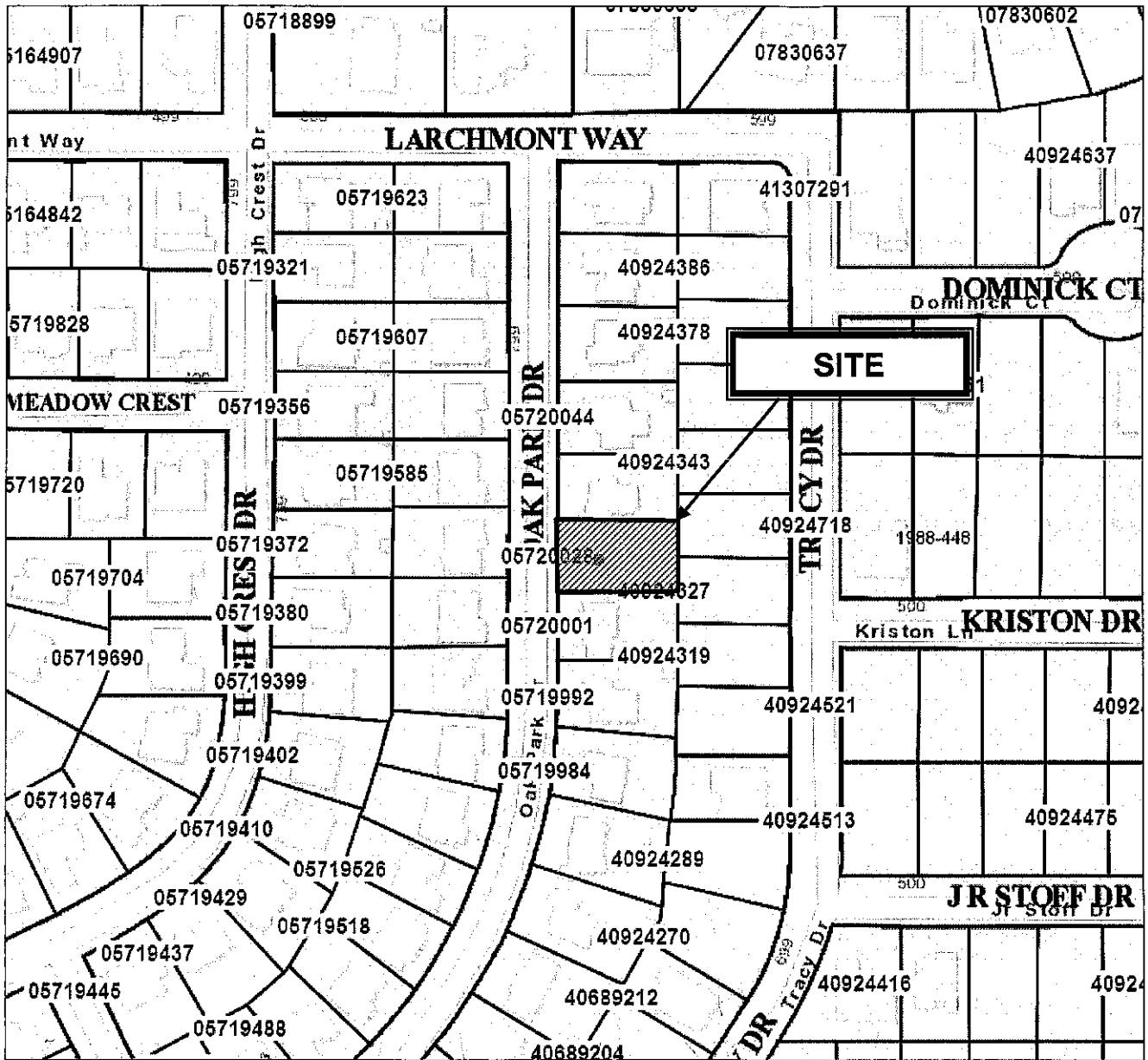
Azle TX. 76020

Telephone Number:

817-689-9056

Physical Address of Property within 200 feet:

744 Oak Park Drive



744 Oak Park Drive