



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

505 W. Main Street
Azle, Texas 76020

November 14, 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 Zoning Board of Adjustment on posted agenda items or non-agenda items. In order to address the Board, please complete a Speaker's Request Form and submit to the Secretary prior to the start of the meeting. All comments must be directed to the Presiding Officer, rather than an individual board 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. The Board may not comment publicly on non-agenda items, but may direct the staff 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 Board action, you may obtain a form from the Secretary and request the item be placed on a future agenda.

CONSENT AGENDA

1. Consider approval of the Minutes of the Zoning Board of Adjustment meeting held September 12, 2023.

David Hawkins, Director of Planning and Development

PUBLIC HEARING

2. Conduct a public hearing and consider a variance request to Section 28.6 "Use Parking Space Schedule" of the Zoning Ordinance for property located at 601 Northwest Parkway, legally known as Lot 2, Diamond Food Markets Addition. The purpose of the variance is to allow for a reduction to the minimum parking ratio for the shopping center.

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 11/10/2023, 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.



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.



MINUTES
Regular
Azle Zoning Board of Adjustment

505 W. Main Street
Azle, Texas 76020

September 12, 2023

6:00 PM

Council Chambers

REGULAR SESSION

CALL TO ORDER

Chairman Pennie Nichols called the meeting to order at 6:02 p.m.

Members Present:

Vice Chairman Leonard Wheeler
Board Member Jared Arneson
Board Member Rob Schocke
Board Member Jim Carlson

Alternate Member Rick Simmons was present but not voting.

Members Absent:

None

Staff Present:

David Hawkins Director of Planning and Development
Malinda Nowell Sr. Administrative Assistant

INVOCATION

Chairman Pennie Nichols gave the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Leonard Wheeler led the pledge.

PUBLIC PARTICIPATION

None

CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting held on August 7, 2023.

Vice Chairman Leonard Wheeler moved to approve the minutes of the Regular Meeting held on August 7, 2023 as presented. Board member Rob Schocke seconded the motion. Motion carried.

Yes: (5) Pennie Nichols, Leonard Wheeler, Jared Arneson, Rob Schocke, Jim Carlson
No: (0)
Absent: (0)

PUBLIC HEARING

2. Conduct a public hearing and consider a variance request to Section 5.3, Development Regulations, Setback Requirements of the City of Azle Zoning Ordinance for the property located at 309 N. Broadway Road, and also known as Lot 8, Westlake Point Addition, an addition to the City of Azle, Tarrant County, Texas. The purpose of the variance is to allow for the construction of a new outdoor kitchen patio cover to encroach the minimum fifteen-foot (15') side yard setback.

Director of Planning and Development David Hawkins presented this item. He stated that this is a variance request for a patio cover to encroach into the side yard setback. This property is zoned E-1 which requires a minimum lot size of one acre. The side yard setback is 15 feet and the applicant is requesting to allow the patio cover to be constructed within the 15 feet side setback line up to seven feet and eight inches (7'-8"). The applicant already has an approved swimming pool permit for a pool that is under construction. Their second permit has not been issued due to the encroachment of the patio cover into the side yard setback.

Chairman Pennie Nichols opened the public hearing at 6:13 p.m.

- Owner/applicant Julie Lamb, 309 N. Broadway Road, spoke about the project, prior approvals from the HOA, the permitting process, property surveys regarding the HOA's boat ramp and boat slips, that a portion of the Boysen's driveway is on Lamb's property, and that she is only requesting seven (7) feet leniency, or less, for her outdoor kitchen and patio cover.
- Tiara and Jim Boysen, 317 N. Broadway Road, spoke in opposition, citing concerns about the blocked view of the lake, the decreased ability of passersby to be able to see the lake while walking, decreased property values, that the HOA already has a pool for HOA members' use, and that landscaping could be used.
- Owner/applicant Vernon Lamb, 309 N. Broadway Road, spoke in favor of the project and provided additional details about the request in order to address some of Ms. Boysen's concerns.

As there were no other speakers, Chairman Nichols closed the public hearing at 6:32 p.m.

Board member Arneson moved to deny the request. Board member Carlson seconded the motion. The motion failed by a 2-3 vote.

Yes: (2) Jared Arneson, Jim Carlson
No: (3) Pennie Nichols, Leonard Wheeler, Rob Schocke
Absent: (0)

The motion to deny failed because the minimum required number of votes to approve or deny a variance request is four. Board members continued the discussion of this item.

Anthony Quagbush of Selah Pools, the Lambs' contractor, answered questions from the Board members regarding materials and the ability to change or alter plans and layout.

Chairman Nichols called for a recess at 6:58 p.m. to allow Mr. and Mrs. Lamb the opportunity to speak with their contractor regarding options. Chairman Nichols called the meeting back to order at 7:05 p.m.

Board member Rob Schocke moved to approve the variance request as presented with aluminum slat screening on the east wall. Vice Chairman Wheeler seconded the motion. Motion carried.

Yes: (4) Pennie Nichols, Leonard Wheeler, Rob Schocke, Jim Carlson
No: (1) Jared Arneson
Absent: (0)

DISCUSSION ITEMS

None

ADJOURNMENT

Chairman Pennie Nichols adjourned the meeting at 7:08 p.m.

Presented and approved on _____

Pennie Nichols, Chairman

Attest:

David Hawkins
Director of Planning and Development



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Conduct a public hearing and consider a variance request to Section 28.6 “Use Parking Space Schedule” of the Zoning Ordinance for property located at 601 Northwest Parkway, legally known as Lot 2, Diamond Food Markets Addition. The purpose of the variance is to allow for a reduction to the minimum parking ratio for the shopping center.

Background and Explanation:

Tri-Rich Investments LP, the owner and applicant of 601 Northwest Parkway is requesting the variance to Section 28.6 “Use Parking Space Schedule” of the City of Azle Zoning Ordinance to allow for the reduction in the required parking for an existing shopping center which would allow for a portion of the parking lot be redeveloped for a future drive-thru restaurant. The applicant has provided a variance letter and site plan exhibit that shows the existing property and the proposed drive-thru restaurant location that would be located within the parking lot.

Existing Condition of Property:

This property is currently zoned Central Business District (CBD) and has an existing 18,594 square-foot shopping center that was constructed in 1973 on this lot. The property was platted as part of the Diamond Foods Market Addition.

History of Project:

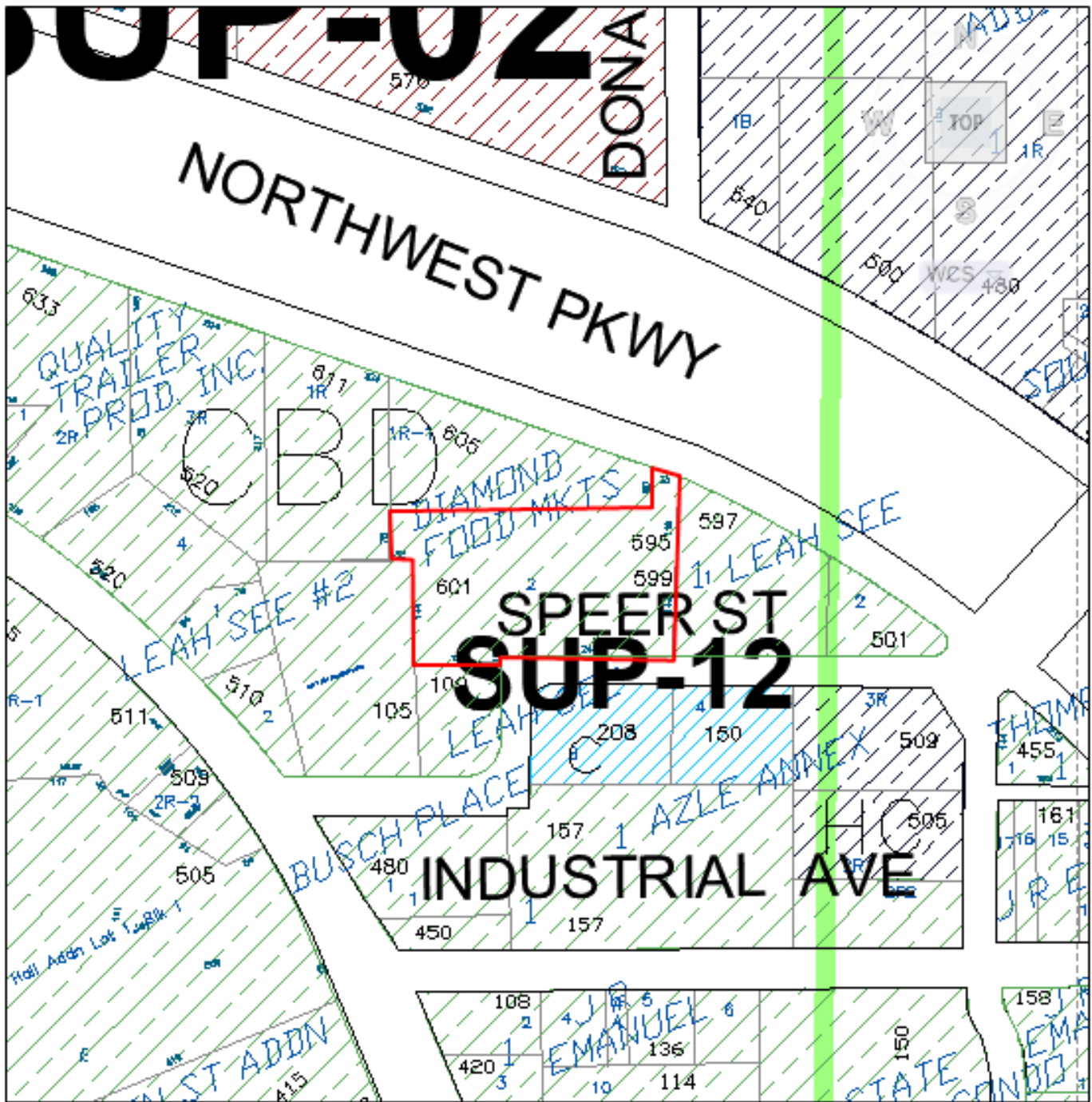
The shopping center was constructed in 1973 according to Parker County Appraisal District records, which has a total of 107 parking spaces on Lot 2. According to Section 28.6 of the Zoning Ordinance, the parking ratio for a retail use is set at 1 space for every 200 sq. ft. The property owner is seeking a variance to allow this property and retail use to have a reduced parking ratio of 1 space for every 250 sq. ft. This would reduce the minimum required number of parking spaces from 93 to 75 spaces, a reduction of 18 spaces.

The reduction of parking spaces would allow for a new drive-thru restaurant to be built within the parking lot area of this property. The property owner does not intend to sell off a portion of the parking lot area as a retail pad site for the new drive-thru restaurant but intends to provide the minimum required parking of 12 spaces for it. The variance, if approved, would only apply to the shopping center on this property.

The applicant has indicated in the attached variance request letter that there are other cities in the DFW area that have a lower parking ratio for retail users in larger commercial buildings versus the same parking ratio for all retail users.

Zoning Map of Property and Adjacent Properties:

The properties to the north, east and west are zoned as Central Business District (CBD). Properties to the south are zoned as Commercial (C) and CBD.



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 minimum parking ratio of 1 space for every 200 sq. ft. is standard for all retail users, regardless of type or size of retail business and would prevent the property owner from utilizing a portion of the property for another retail user. Many other cities have a lower parking ratio for large commercial developments or buildings, which this variance would be similar to.*
2. *The special conditions are not the result of the applicant's actions, but are peculiar to the land, structure or building involved. The shopping center has a large parking lot that is sometimes*

under-utilized. Approval of the variance would permit the property owner to use a portion of the parking lot that is under-utilized for a future drive-thru restaurant to occupy the same area.

3. The variance requested is the minimum necessary. The applicant is requesting to reduce the minimum required parking for the shopping center from 93 to 75 spaces using the 1 per 250 sq. ft. ratio. This variance would not apply to any other retail users in the area.

4. No special privilege is granted which is denied to other similarly situated uses. There are several other cities that have a similar lower parking ratio for large-scale commercial buildings. If approved, this variance would only apply to this shopping center on this property and no other retail users.

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:

Eleven (11) notices were sent to surrounding owners within 200 feet of the variance request. As of November 9, 2023, staff has not received any responses from the public.

Board/Commission/Committee Recommendation:

Suggested Motions:

1. I move to approve Case #V2023-04
2. I move to approve Case #V2023-04 with modifications
3. I move to disapprove Case #V2023-04

Staff Recommendation:

City staff would support the variance request to allow the reduction to the minimum parking ratio to 1 space for every 250 sq. ft. as this is for a large commercial user and is compatible with other

municipalities' parking ratio requirements for large scale commercial buildings. Any future retail user on this property would still have to comply with the current parking ratio for a retail user.

Attachments:

1. Variance Letter Request - 601 NW Parkway
2. Marketing Site Plan Exhibit
3. Proposed Architectural Site Plan

TRI-RICH INVESTMENTS, LP

2800 South Hulen Street, Suite 200 Fort Worth, TX 76109

October 11, 2023

Mr. David Hawkins
City of Azle
Planning Development
505 W. Main Street
Azle, Texas 76020

RE: Lot 2, Diamond Food Markets Addition to the City of Azle

Dear Mr. Hawkins,

The purpose of this letter to make request for a Variance to the City's Zoning Code:

City of Azle Zoning Code Section 28.6 Use Parking Space Schedule

1 Parking space shall be provided for a Retail Use at the ratio of 1 space per 200 square feet of gross building square footage.

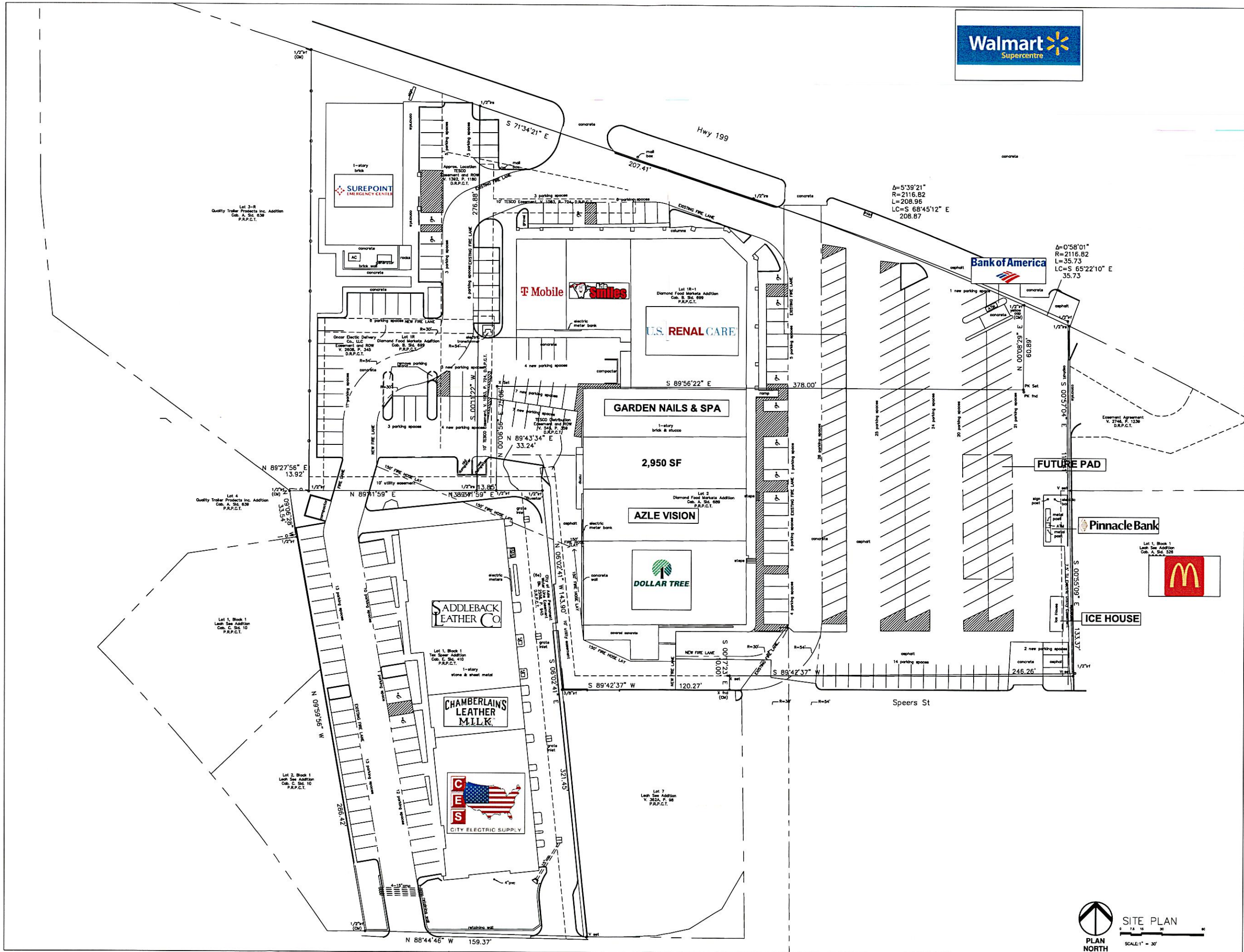
It is requested to allow a variance to Section 28.6 to require a parking ration be provided at a ratio of 1 parking space per 250 square feet.

A ratio of 1 to 250 is consistent with many other cities in the DFW metroplex. I would like to construct an 1,100 to 1,200 SF drive thru restaurant building as shown on the attached site plan. This is also constructed in an area of the shopping center not used for overflow parking. This will be a kiosk similar building to Pinnacle Bank and Bank of America and will not be a separately plated tract of land. With the proposed building in place there are 96 parking spots on Lot 2; total square footage of tenants is 18,594 SF, at a ratio of 1 to 250 the required parking will be 75 spaces and with a 1,200 SF freestanding restaurant will require another 12 spaces. This also adds to the city's economic development, both in providing additional restaurant options and sales tax revenue. Should you have any questions or concerns, please contact me at 817-996-0072.

Sincerely,



Richard C. Bates
President
Tri-Rich Investments, Inc.
General Partner
Tri-Rich Investments, Inc.



WARD ARCHITECTURE PLLC
5004 THOMPSON TERRACE SUITE 107
COLLEGEVILLE, TEXAS 76034
817.281.5600
GERALD@WARDARCHITECTUREPLLC.COM



12/19/2022

OWNER CONTACT INFORMATION:

BELLAIRE NORTH INVESTMENTS
2800 SOUTH HULEN STREET, SUITE 200
FORT WORTH, TEXAS 76019
ATTN: TYLER BATES
818-538-0511
TYLER@BELLAINORTH.COM

RANCHVIEW
VILLAGE / SHOPPING CENTER
REFACADE
601/605 NW PKWY ST
AZLE, TEXAS 76020

Drawn By	MV	
Checked By	GAW	
Project No:	22-47	
Issue Date:	12/19/2022	
Revisions		
No.	Date	Description

Issued: PERMIT SET
Sheet Title
**MARKETING
SITE PLAN**

Sheet Number

TOTAL				NEW TOTAL	
LOT	TOTAL PK	SOFT	RATIO	TOTAL PK	NEW RATIO
601 (lot2)	110	1.908 ACRE	58/ACRE	94	49/ACRE
605 (lot 1R-1)	61	1.238 ACRE	49/ACRE	69	57/ACRE
611 (lot 1R)	33	0.818 ACRE	40/ACRE	35	48/ACRE
105 (lot 1R)	51	1.238 ACRE	41/ACRE	51	41/ACRE
TOTAL	255	5.202 ACRES	49/ACRE	249	54/ACRE

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12/19/2022

OWNER CONTACT INFORMATION:

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TYLER@BELLAINORTH.COM

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Issued: PERMIT SET
Sheet Title
ARCHITECTURAL
SITE PLAN

A1.00
Sheet Number

