



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

505 W. Main Street
Azle, Texas 76020

July 29, 2024

6:00 PM

Council Chambers

NOTICE IS HEREBY GIVEN THAT ONE OR MORE ZONING BOARD OF ADJUSTMENT MEMBERS MAY PARTICIPATE IN THE MONDAY, JULY 29, 2024 MEETING OF THE CITY OF AZLE ZONING BOARD OF ADJUSTMENT VIA VIDEOCONFERENCE. A QUORUM OF THE GOVERNING BODY AND THE PRESIDING OFFICER WILL BE PRESENT AT THE ABOVE-NAMED LOCATION.

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.

PRESENTATION

1. Training regarding Legal Rules and Responsibilities of the Board.

**Andrea Russell
City Attorney**

CONSENT AGENDA

2. Consider approval of the minutes of the Zoning Board of Adjustment meeting held January 29, 2024.

David Hawkins, Director of Planning and Development

PUBLIC HEARING

3. Conduct a public hearing to consider a variance request to Section 19 (3) Setback Requirements of the City of Azle Zoning Ordinance for the property located at 1605 Southeast Parkway, and also known as Lot 1, Block 1, JA-JLP 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 building addition to encroach the minimum twenty-five foot (25') front yard setback.

David Hawkins, Director of Planning and Development

4. Conduct a public hearing to consider a variance request to Section 22 (3) Setback Requirements of the City of Azle Zoning Ordinance for the property located at 128 Richardson Street, and also known as a tract of land out of the James Hardgrove Survey, Abstract No. 1768, Parker County, Texas. The purpose of the variance is to allow for the construction of a new building addition to encroach the minimum twenty-foot (20') rear yard setback.

David Hawkins, Director of Planning and Development

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on July 26, 2024, 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.



Presenter: Andrea Russell
 City Attorney

Agenda Item: Training regarding Legal Rules and Responsibilities of the Board.

Background and Explanation:

Board/Commission/Committee Recommendation:

Staff Recommendation:

Attachments:

None



**MINUTES
Regular
Azle Zoning Board of Adjustment**

505 W. Main Street
Azle, Texas 76020

January 29, 2024

6:00 PM

Council Chambers

REGULAR SESSION

CALL TO ORDER

Both Chairman and Vice Chairman were absent from this meeting. Board member Jim Carlson served as meeting "Chairman" and called the meeting to order at 6:00 p.m.

Members Present:

Board Member Jim Carlson
Board Member Alternate Rick Simmons
Board Member Jared Arneson
Board Member Rob Schocke participated remotely

Members Absent:

Chairman Pennie Nichols
Vice Chairman Leonard Wheeler

Staff Present:

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

INVOCATION

Board member Jim Carlson gave the invocation.

PLEDGE OF ALLEGIANCE

Board member Jared Arneson led the pledge.

PUBLIC PARTICIPATION

None.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting held on November 14, 2023.

Board member Jared Arneson motioned to **approve** the minutes of the regular meeting held on November 14, 2023 as presented. Board member Rick Simmons seconded the motion. Motion carried.

Yes: (4) Jim Carlson, Jared Arneson, Rick Simmons, Rob Schocke
No: (0)

Absent: (2) Pennie Nichols, Leonard Wheeler

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 544 Cresthaven Court, and also known as Lot 396, 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 this item. The owner and applicant of 544 Cresthaven Court is requesting this variance to allow for the construction of a new single-family residence which would encroach the minimum twenty-five-foot (25') front yard setback in the SF-4 (Legacy District). The applicant has provided a site plan exhibit that shows the proposed house location that would be within the 25' front yard setback line.

Jim Carlson opened the public hearing at 6:07 p.m.

Owners and applicants Mark and Melodie Schneberger, 544 Cresthaven Court, spoke about their project and plans including their house design, that they have calculated the corner of the house to still be 34 feet from the edge of the cul-de-sac asphalt, and that they are trying to save as many trees as possible.

As there were no other speakers, Mr. Carlson closed the hearing at 6:11 p.m.

Board member Rick Simmons motioned 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 544 Cresthaven Court, and also known as Lot 396, Castle Hills Estates as presented with a 10-foot (10') front yard setback instead of a twenty-five-foot (25') front yard setback. Board member Rob Schocke seconded the motion. Motion carried.

Yes: (4) Jim Carlson, Jared Arneson, Rick Simmons, Rob Schocke

No: (0)

Absent: (2) Pennie Nichols, Leonard Wheeler

3. **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 342 Northwest Parkway, legally described as a tract of land out of the Wilson & Scruggs Survey, Abstract No. 1948, Tract 1L05A. The purpose of the variance is to allow for a reduction to the minimum parking ratio for the proposed spa and salon building.**

Director of Planning and Development David Hawkins presented this item. Mr. Hawkins stated that Ron Sturgeon Real Estate L.P., owner and Garrett Davis, applicant are requesting a variance to Section 28.6 "Use Parking Space Schedule" of the City of Azle Zoning Ordinance to allow for a reduction in the required parking for the proposed spa and salon building which would allow for the redevelopment of a non-conforming structure on this property. The applicant has provided a variance letter and site plan exhibit that shows the existing property, buildings, and the proposed parking lot.

Jim Carlson opened the public hearing at 6:17 p.m.

Property owner Ron Sturgeon of Ron Sturgeon Real Estate L.P. presented his request for variance. He provided proposed renderings for the remodel of the 63-year-old former skating rink. Mr. Sturgeon stated he prefers to purchase old buildings and remodel them. He talked to the church and felt they would be a good neighbor and stated they were excited to see the property be redeveloped. He has

completed the platting process and has submitted plans for a permit. Mr. Sturgeon introduced his construction superintendent Garret Davis who was also available for questions. Mr. Sturgeon also stated he is hopeful that the dog groomer currently located in the small building on the parking lot will occupy one of the additional retail spaces.

Discussion included the limited parking; number of employees; location of A/C units; possible change of uses to reduce required parking; that the church does not use all of their parking, even on Sundays and that the salon will not be open on Sundays; that the church does not want to sign a shared parking agreement in perpetuity on the city's form; that Sturgeon will place the property back on the market if the variance does not get approved; that even at only 50 percent capacity, there are not enough parking spaces; that many of the elements on the property are already non-compliant and the circumstances beyond the owner's control which caused the hardships that will prevent this parcel from ever coming into full compliance.

As there were no other speakers, Mr. Carlson closed the hearing at 6:35 p.m.

Board member Rob Schocke motioned to **deny** the request for a variance to reduce the minimum parking ratio for the proposed spa and salon building on property located at 342 Northwest Parkway. Board member Jared Arneson seconded the motion. Motion carried.

Yes: (4) Jim Carlson, Jared Arneson, Rick Simmons, Rob Schocke

No: (0)

Absent: (2) Pennie Nichols, Leonard Wheeler

DISCUSSION ITEMS

None.

ADJOURNMENT

Board member Jim Carlson adjourned the meeting at 6:40 p.m.

Presented and approved on _____

Pennie Nichols, Chairman

Attest:

David Hawkins, AICP
Director of Planning and Development



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Conduct a public hearing to consider a variance request to Section 19 (3) Setback Requirements of the City of Azle Zoning Ordinance for the property located at 1605 Southeast Parkway, and also known as Lot 1, Block 1, JA-JLP 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 building addition to encroach the minimum twenty-five foot (25') front yard setback.

Background and Explanation:

The owner and applicant of 1605 Southeast Parkway is requesting the variance to Section 19.3 Setback Requirements of the City of Azle Zoning Ordinance. The request is to allow for the construction of a new building expansion on the west side of the existing building which would encroach the minimum twenty-five-foot (25') front yard setback in the Commercial (C) zoning district. The applicant has provided a site plan exhibit that shows the existing building and the proposed building addition location that would be within the setback line.

Existing Condition of Property:

This property is currently zoned Commercial (C) and was platted in July 2019. The 4,200 sq. ft. building was constructed and completed in November 2021 and now houses an existing business called Lake Country Avionics which received a Certificate of Occupancy on December 22, 2022.

History of Project:

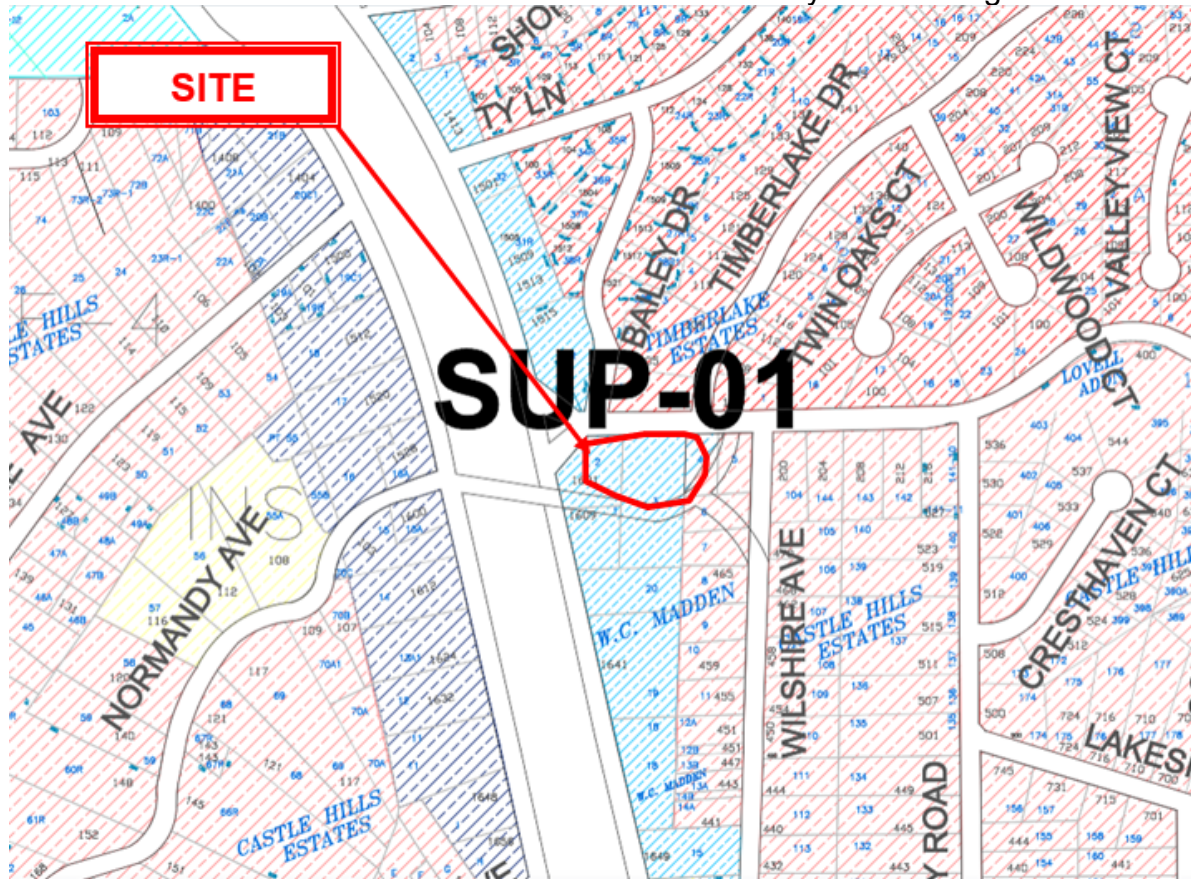
The property owner took ownership of the property and building after it was constructed and has occupied this building since December 2022. They are seeking to add a new building addition that would extend from the west side of the building to add additional warehouse space and expand their current business operations. The new addition can be extended to the west and southwest property lines in accordance with C zoning but is required to be a minimum 25' from the property line. A portion of the existing building (southwest corner) appears to already be within the 25' setback line with no record of a variance granted by the City. Per Section 27.3 of the Azle Zoning Ordinance, all yards between the main building and a street shall be regulated as a front yard unless established by the plat. No setback lines were shown on the recorded plat and TxDOT and City of Azle street R.O.W are located on all sides of this property, prompting the 25' setback in lieu of the 15' side setback along the west property line and 20' rear setback along the south property line.

The Commercial Zoning District requirements:

- Minimum Lot Area: None
- Minimum Lot Width: None
- Minimum Front Yard: 25'
- Minimum Side Yard: 15'
- Minimum Rear Yard: 20'
- Maximum Lot Coverage: 75%

Zoning Map of Property and Adjacent Properties:

The properties to the east are zoned as SF-4 residential. The properties to the north of Wells Burnett Road are zoned C and SF-2 residential. To the south across Normandy Ave, the properties are zoned C and SF-4 residential. To the west is TxDOT Hwy. 199 frontage road.



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.

A portion of the existing building is currently encroaching the 25' setback line without any record of a variance granted by the City of Azle. The property is unique in that it is completely surrounded by street R.O.W. on all sides, which triggers a more restrictive setback requirement. The new building addition would be adjacent to TxDOT property along the Hwy. 199 frontage road and Normandy Ave. bridge. There is also an existing City of Azle sewer main that runs through the middle of the property within an easement on the east side of the building that was existing prior to the development of the property.

2. The special conditions are not the result of the applicant's actions, but are peculiar to the land, structure or building involved.

The property is completely surrounded by street R.O.W. (TxDOT and City of Azle R.O.W.) which triggers a more restrictive front yard setback versus the side or rear setback lines typical of other commercial developments within the C zoning district.

3. The variance requested is the minimum necessary.

The applicant is requesting to allow the new building addition to encroach the 25' building setback up to approximately 7' from the southwest property line. The dumpster in the rear would be relocated to the northwest side of the property. Granting this variance would not create any other violations of the zoning ordinance requirements and would make the existing structure comply with the setback requirements for this property.

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 buildings and setbacks. This case appears to be unique in that the property is surrounded by street R.O.W. on all sides, which triggers a more restrictive setback requirement.

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:

Twelve (12) notices were sent to surrounding owners within 200 feet of the variance request. As of July 26, 2024, staff has not received any responses from the public.

Board/Commission/Committee Recommendation:

1. Motion to approve Case #V2024-02
2. Motion to approve Case #V2024-02 with modifications
3. Motion to disapprove Case #V2024-02

Staff Recommendation:

City staff forwards this variance request to allow the setback encroachment for the new building addition.

Attachments:

1. ZBA Variance Exhibits - 1605 SE Parkway
2. Site Plan Exhibit

**CITY OF AZLE
APPLICATION FOR PLANNING AND DEVELOPMENT**

PLEASE PRINT AND COMPLETE EACH ITEM ON THIS FORM. FAILURE TO COMPLETE THE APPLICATION WILL DELAY THE PROCESS.

Date of Application:					
Property Location:	1605 SE Parkway Azle, Texas 76020				
Subdivision:		Block:		Lot:	
Current Zoning/Use:	Commercial	Requested Zoning/Use:			
Please check the appropriate box below. A metes and bounds description must be attached if the request is for a portion of a platted lot or the property is not platted.					
☐ Preliminary Plat	☐ Minor Plat	☐ Vacating a Plat			
☐ Final Plat	☐ Zoning Change	☒ Variance			
☐ Re-plat	☐ Specific Use Permit	☐ Zoning Board of Adjustment			
☐ Amending Plat					

If owner or applicant is a corporation or business, please list a contact name.

PROPERTY OWNER INFORMATION

Name:	Lake Country Avionics	Cell Phone:	
Address:	1605 SE Parkway	Work Phone:	
City/State/Zip:	Azle, Texas 76020	FAX Number:	
Phone:	817-703-7066	Email:	brent@lakecountryavionics.com
Contact Name:	Brent Williams	Owner Signature:	

APPLICANT/DEVELOPER INFORMATION

Name:	Brent Williams	Cell Phone:	817-703-7066
Address:	1605 SE Parkway	Work Phone:	
City/State/Zip:	Azle, Texas 76020	FAX Number:	
Phone:		Email:	brent@lakecountryavionics.com
Contact Name:	Brent Williams	Applicant Signature:	

Submittal Requirements:

An application is considered complete if all required documents are submitted. Failure to submit the required documents will delay the approval process.

PRELIMINARY PLAT	MINOR AND AMENDING PLATS
1. A completed application.	1. A completed application.
2. An approved drainage plan.	2. Minor or Amending plat checklist.
3. Nine (9) copies of the plat + 1 digital plat	3. 3 (3) copies of the plat for staff review.
Note: Upon staff approval, an additional ten (10) copies will be required for the Planning and Zoning Commission meeting.	4. An original Tax Certificate.
	Note: Upon staff approval, one (1) signed plat to be filed with the appropriate county office. Parker Co. requires a mylar.
Re-plat and Final Plat	Zoning Changes or Variance
1. A completed application.	1. A completed application.
2. An original Tax Certificate.	2. Metes and bounds description of the property. (Zoning Change Only)
3. Nine (9) copies of the plat + 1 digital plat	3. Lot boundary survey. (Zoning Change Only)
Note: Upon staff approval, an additional ten (10) copies will be required for the Planning and Zoning Commission meeting.	4. Justification letter (optional).
Note: Upon approval, one (1) signed plat to be filed with the appropriate county office. Parker Co. requires a mylar.	Note: Additional documentation may be needed once staff has reviewed the application

FOR OFFICE USE ONLY

Case Number: _____	Fee Amount: _____	Receipt Number: _____
DRC Date: _____	P & Z Date: _____	Application Date: _____
Employee: _____		

STADIA LAND SURVEYING INC.

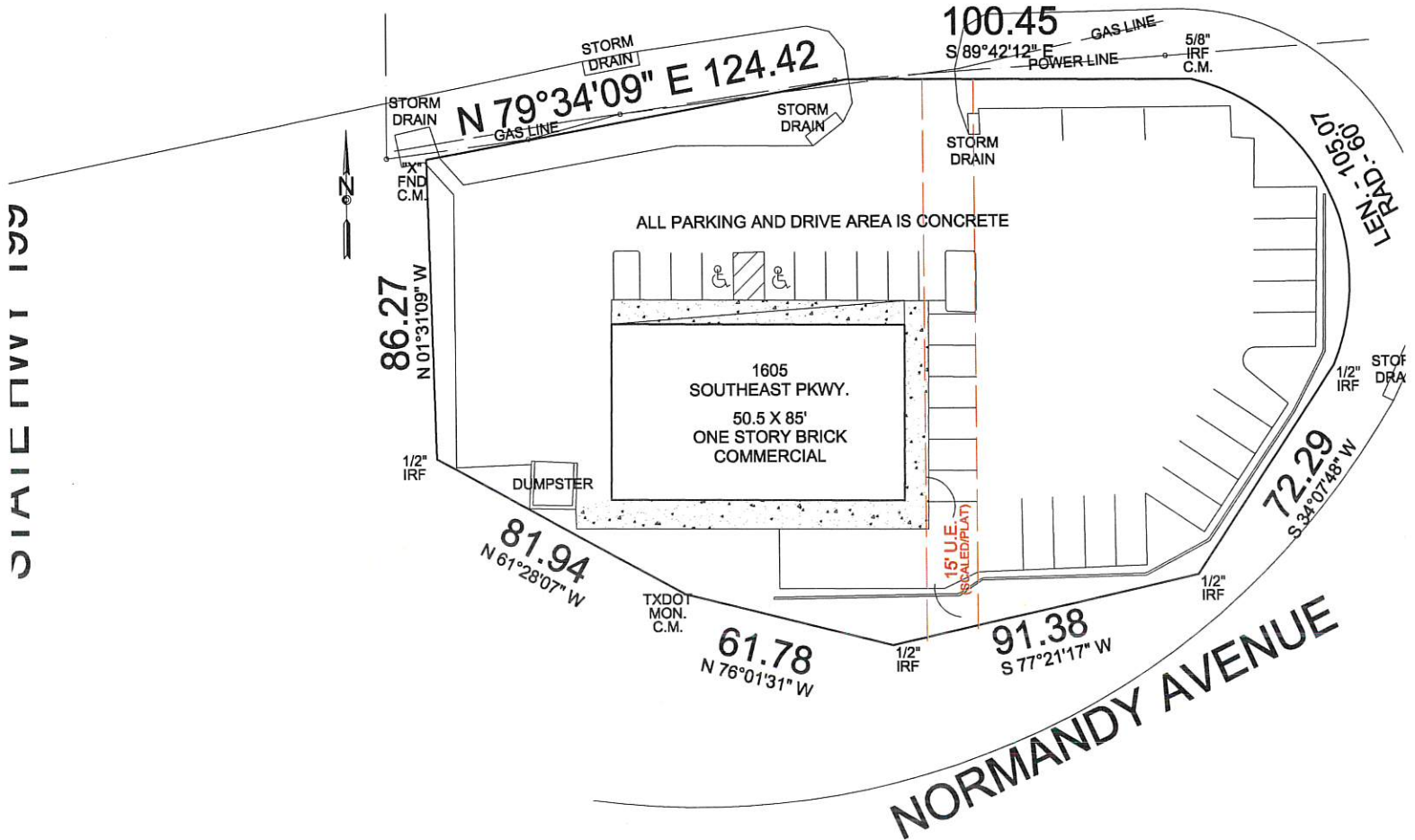
COPYRIGHT DATE
12 / 16 / 2021

PROPERTY ADDRESS / 1605 SOUTHEAST PARKWAY
AZLE, TARRANT COUNTY, TEXAS

LEGAL DESCRIPTION OF LAND:

BEING LOT 1, BLOCK 1, JA-JLP ADDITION, AN ADDITION TO THE CITY OF AZLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED UNDER CLERK'S FILE NO. D219188274, OF THE MAP RECORDS OF TARRANT COUNTY, TEXAS.

WELLS BURNETT ROAD



LEGEND		
CONCRETE	FENCING	C.M. - CONTROL MONUMENT
COVERED	AC PAD	B.L. - BUILDING LINE
BRICK	ASPHALT	U.E. - UTILITY EASEMENT
WOOD DECK	IRON ROD FOUND	IRF - IRON ROD SET
STONE	IRON ROD SET	R.O.W. - RIGHT OF WAY

SURVEY ONLY VALID WITH ORIGINAL SEAL AND SIGNATURE

THE PLAT HEREON IS A REPRESENTATION OF THE PROPERTY, AS DETERMINED BY ON THE GROUND SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF ABOVE GROUND BUILDINGS AND ABOVE GROUND IMPROVEMENTS ARE AS SHOWN, ALL ABOVE GROUND IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY AS SHOWN.

EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCROACHMENTS OR ABOVE GROUND PROTRUSIONS.

Scale 1" = 20'

Date 12 / 16 / 2021

JOB No: 6713 - 21

This survey was performed EXCLUSIVELY for and in connection with the transaction described in G/F, No. ATD-17-8000172100617-JS

of ALAMO

Title Company: Use of this survey for any other purpose or by any other parties shall be strictly prohibited as this survey is a copyright owned by STADIA LAND SURVEYING, Inc., and all other uses are forbidden, without prior written consent of STADIA LAND SURVEYING, Inc. C

STADIA LAND SURVEYING, INC.
P.O. BOX 1886
RED OAK, TEXAS 75154
PHONE (972) 617 - 9988
FAX: (972) 617 - 6809
stadiasurveying@sbcglobal.net
JIMMY E. POGUE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5592
FIRM #100193-0



Jimmy E. Pogue

To: Zoning Board of Adjustment- City of Azle

From: Brent Williams- Lake Country Avionics.

Subject: Lake Country Avionics request of building setback variance.

Address: 1605 SE Parkway Azle, Texas 76020

On behalf of Lake Country Avionics I wanted to thank the committee for their time reviewing this request for variance for the properties southwest corner of the building setback line. The existing building currently sits approximately 18' over the 25' building setback in the southwest corner. This structure was purchased with these special conditions already approved and in place, making this a nonconforming structure from when the building was built.

Lake Country Avionics would like to extend their building another 24' on the west side to avoid the existing utility easement on the east side of the property. We can move the addition north approximately 7' from the back of the existing building to create space between the property line and the "new" building corner. At this point the new addition would encroach 19' into the 25' building setback in the southwest corner of the property. The same side of the existing building that was previously allowed to encroach at 18'.

The building has a 15' utility easement that runs parallel with the East side of the building which prohibits the expansion on the east side where there are no issues with the building setback lines. Compliance with the building setback line would encroach on this existing utility easement that runs the length of the property.

Lake Country Avionics purchased this existing shell building with exterior and site work completed. After purchasing they finished the interior of the shell to suit their needs, they are a growing business that currently deals in the aviation industry supplying various pieces of equipment for local, national and international aviation enthusiasts. This addition will serve as additional warehouse space for their business. If the variance is denied this will cause unnecessary hardship by reducing their ability to better serve their customers by being unable to keep a larger variety of products in their warehouse and having to seek out other means of warehouse space off of their current property.

This business is not customer facing, 100% of all their business is done electronically with parts packaged and shipped nationally and internationally to their customers. With this in mind, the removal of the parking spaces on the east side of the property would not affect this business or their occupancy.

These special conditions are not the direct result of the actions of LCA but are all peculiar to the land, structure and easements involved because the existing structure was originally allowed to encroach the building setback line, and there is an existing easement on the east side of the

building prohibiting expansion. This property is also surrounded by TxDot property, there will most likely never be another structure built in its immediate surrounding area to make this same request and the new addition will remain on the property that LCA owns. We respectfully ask for the city of Azle to approve this variance for the expansion of our warehouse.

I have attached a site plan with a sketch and dimensions locating where the existing building is, existing setbacks and proposed new addition with dimensions. I have also attached the most recent survey with the legal description of the land. Thank you again for your time considering this variance request.

Brent Williams

Lake Country Avionics
1605 Southeast Pkwy
Azle, TX. 76020
817-887-9960

15x13 masonry dumpster enclosure.
Exterior to be covered with brick to
match exterior of building..

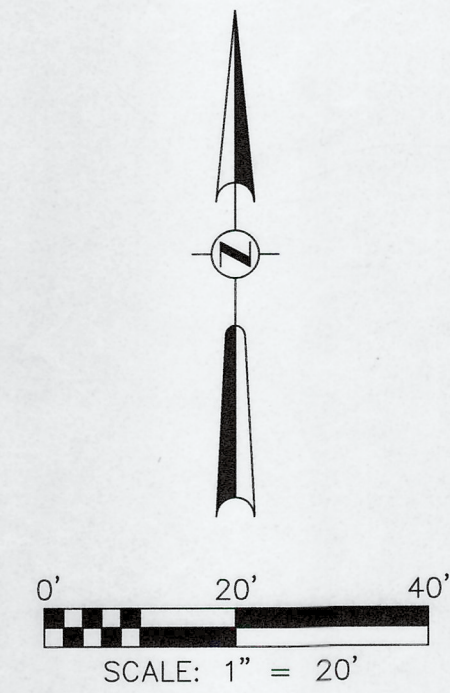
TXDOT
Property

Building corner
approximately 7' from
property line

TXDOT property

Existing 15' Utility Easement

B1 - Curve (Right)
Radius - 60.00'
Arc - 105.07'
Ch. - S26°31'02"E 92.15'



LEGEND	
	PROPERTY LINE
	EX. CONTOURS
	PROP. CONTOURS
	FLOWLINE
	EASEMENT
	BUILDING SETBACK
	PROP. PAVING VALLEY
	PROPOSED STRUCTURE
	FLOW ARROW
	SILT FENCE
	TOP OF WALL
	BOTTOM OF WALL
	FINISH GRADE
	FLOW LINE

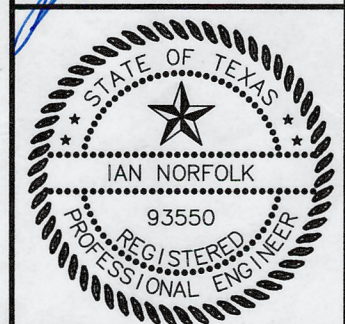
REVISIONS		
#	REVISION	DATE
IAJPL CORPORATION 7419 STRABERRY CREEK LANE FORT WORTH, TX 76155 mike@iajpl.com Mike McKelvin (817)320-2092		

SITE SUMMARY - LOT 1	
PROPOSED USE	RESTAURANT AND FOOD SERVICE
LOT AREA	0.807 ACRES (35,167 SF)
EXISTING ZONING	SUP-01, SF-4
PROPOSED ZONING	COMMERCIAL
BUILDING AREA	4,200 SF FIRST FLOOR
BUILDING HEIGHT	1 STORY
PARKING	
REQUIRED TOTAL	1 PER 100 SF = 42 REQUIRED
TOTAL REQUIRED	= 42 PARKING
PROVIDED TOTAL	40 SPACES + 2 ADA SPACES
	42 SPACES TOTAL
IMPERVIOUS COVER	0.643 ACRES (28,000 SF) 79.6%
BUILDING LOT COVERAGE	16.49%
SETBACKS	WELLS BURNETT (FRONT) 25' BUILDING SETBACK NORMANDY AVE (SIDE/REAR) 10' BUILDING SETBACK WELLS BURNETT 10' LANDSCAPE SETBACK NORMANDY AVE 5' LANDSCAPE SETBACK

SITE PLAN

A PORTION OF LOTS 3, 4, 5 & 6
W.C. MADDEN ADDITION
1605 SE PARKWAY
AZLE, TEXAS

**WHITWORTH
ENGINEERING
INC**
4200 NORTH MAIN, SUITE 150
FORT WORTH, TX 76106
(817)236-6106 / (817)236-6184 FAX
ENGINEERING FIRM NUMBER - 3873



ISSUE DATE:
AUGUST 15, 2019

PROJECT NO.
CV19-0032

SHEET NUMBER

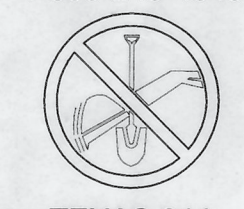
C-1.0

3 OF 14

FLOOD PLAIN NOTE:
ACCORDING TO THE INFORMATION SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) "FLOOD INSURANCE RATE MAP" (FIRM), COMMUNITY PANEL NO. 484390C0135K, REVISED SEPTEMBER 25, 2009, NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE "SPECIAL FLOOD HAZARD AREA (SFHA)" - AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

NOTE:
CONTRACTOR TO VERIFY HORIZONTAL & VERTICAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO BEGINNING ANY CONSTRUCTION/EXCAVATION AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES EXISTING UTILITIES SHOWN ON THESE PLANS ARE BASED ON COMBINATION OF FIELD SURVEY & CITY RECORD DRAWINGS

BEFORE YOU DIG CALL:
1-800-245-4545



TEXAS 811
TEXAS ONE CALL SYSTEM
800.245.4545



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Conduct a public hearing to consider a variance request to Section 22 (3) Setback Requirements of the City of Azle Zoning Ordinance for the property located at 128 Richardson Street, and also known as a tract of land out of the James Hardgrove Survey, Abstract No. 1768, Parker County, Texas. The purpose of the variance is to allow for the construction of a new building addition to encroach the minimum twenty-foot (20') rear yard setback.

Background and Explanation:

The owner and applicant of 128 Richardson Street is requesting the variance to Section 22.3 Setback Requirements of the City of Azle Zoning Ordinance. The request is to allow for the construction of a new shade structure on the side of the existing metal building which would encroach the minimum twenty-foot (20') rear yard setback in the Industrial (IND) zoning district. The applicant has provided a site plan exhibit that shows the existing building and the proposed shade structure location that would be within the setback line.

History of Project:

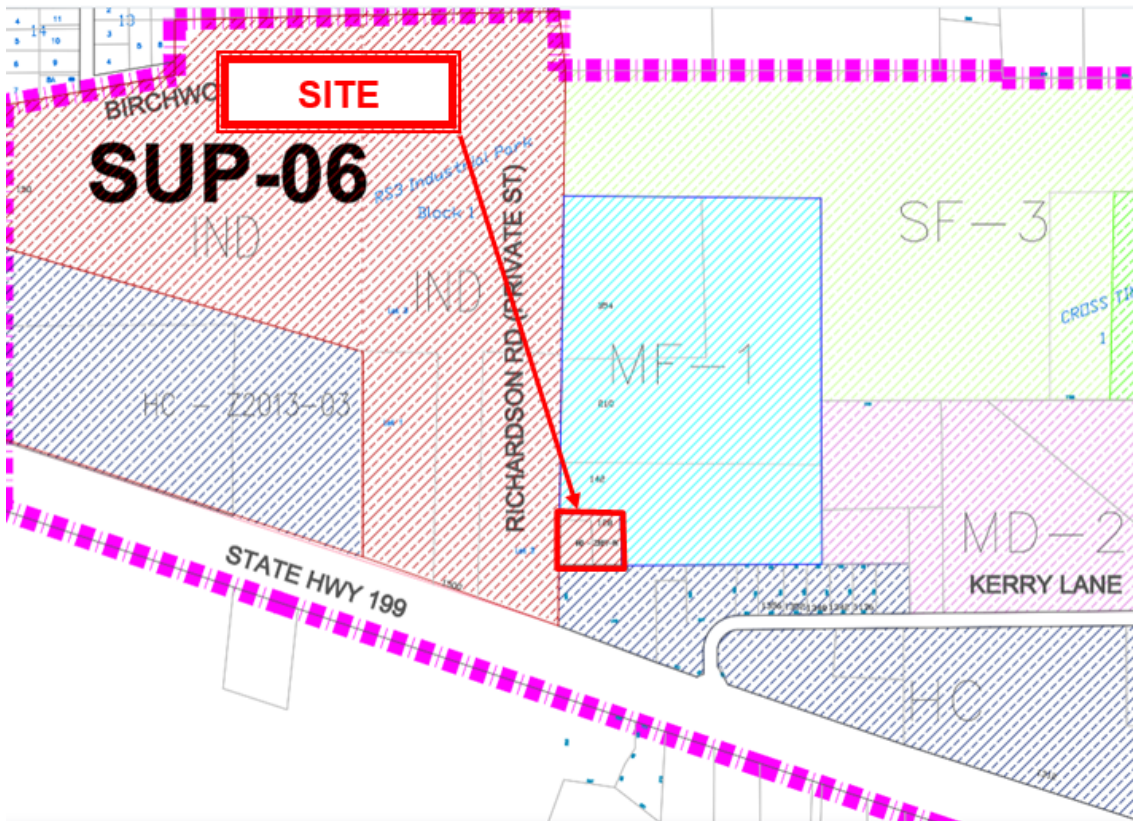
On March 21, 2017, a zoning change was approved for this property from the MF-1 district to the Industrial (IND) district. The City of Azle does not have any building permit record for the back building but older aerials show that this building was constructed after the 2017 zoning change and was constructed within the 20' rear setback line of the Industrial (IND) zoning district (approximately 12' from the east property line). There is no record of a variance granted by the City for this setback encroachment. The property owner is seeking to add a new shade structure on the side of the existing building, approximately 12' from the east property line. Per Section 35.4 of the Azle Zoning Ordinance, no expansion of a nonconforming structure is allowed unless a variance is granted by the ZBA for the encroachment into the 20-foot rear setback. The applicant has provided a letter and exhibit of the proposed structure which are included in the packet.

The Industrial (IND) Zoning District requirements:

- Minimum Lot Area: None
- Minimum Lot Width: 50 ft.
- Minimum Front Yard: 25'
- Minimum Side Yard: 10'
- Minimum Rear Yard: 20'

Zoning Map of Property and Adjacent Properties:

The properties to the north and east are zoned as Multi-Family One (MF-1). To the west, properties are zoned as IND, the same as the subject property. The properties to the south are zoned as Heavy Commercial (HC).



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 building was constructed within the 20' rear building setback line, approximately 12' from the east property line. There is an existing concrete slab where the new structure would be constructed, located 12' from the property line and is not subject to the setback requirements.***
2. The special conditions are not the result of the applicant's actions, but are peculiar to the land, structure or building involved. ***The existing building was constructed within the 20' rear setback line of the IND zoning district and there is no record of a variance granted by the City of Azle.***
3. The variance requested is the minimum necessary. ***The applicant is requesting to allow the shade structure to extend in line with the existing building footprint within the min. 20' rear setback line up to 12' from the property line and match the existing concrete slab. Granting this variance would not create any other violations of the zoning ordinance requirements and would make the existing structure comply with the setback requirements for this property.***
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 pertaining to shade structures located on the side of commercial buildings in this area.***

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:

Four (4) notices were sent to surrounding owners within 200 feet of the variance request. As of July 26, 2024, staff has received no responses from the public.

Board/Commission/Committee Recommendation:

1. Motion to approve Case #V2024-03
2. Motion to approve Case #V2024-03 with modifications
3. Motion to disapprove Case #V2024-03

Staff Recommendation:

City staff forwards this variance request to allow the rear setback encroachment for the proposed shade structure.

Attachments:

1. Revised Letter ZBA 7.23.2024
2. ZBA Exhibit



128 Richardson Rd.

Azle, TX 76020

817-752-2112

July 22, 2024

City of Azle

Zoning Board of Adjustments

Re: Application for Waiver of Minimum Rear Setback Footage

Dear Board Members,

My name is Ivan Zamarripa, owner of Eagle One Diesel Services, LLC, located at 128 Richardson Rd. in Azle, TX 76020. I am writing this letter requesting a waiver to the new/current rear setback footage requirement.

Approximately 8 years ago, we were fortunate to acquire the property located on Richardson Rd. and in 2017 the City of Azle Zoning Board unanimously approved a zoning change to light industrial and the building that was constructed met the setback requirements for the zoning. The setback on the existing building is 12' from a cattle pasture, and the added covered shade area will continue to follow the line of this existing structure for a 12' rear setback to this same cattle pasture.

Since our start in the growing city of Azle, our business has continued to grow steadily; in such a way, we now need to expand by adding a covered shade area to our existing shop building. This expansion will offer us the opportunity to work comfortably and increase the number of local employees, increasing tax revenue and quality of life.

We would like to take the opportunity to thank you for your time and consideration in this matter. Eagle One Diesel Services, LLC looks forward to a long and successful future in the city of Azle.

Sincerely,

Ivan Zamarripa
Eagle One Diesel Services, LLC



Private rd
Richardson rd

This equipment
will go
under roof

Anchor
Plates already
in the ground
concreted

Thank
you
for considering