



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

505 W. Main Street
Azle, Texas 76020

March 17, 2025

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 January 6, 2025.

David Hawkins, Director of Planning and Development

PUBLIC HEARING

2. Conduct a public hearing to consider a variance request to Section 29 "Landscaping" of the Zoning Ordinance for a property located at 617 Profit Street, and legally described as Lot 5, Block 2, Azle Industrial Park Addition, Parker County, Texas. The purpose of the variance is to consider waiving the landscaping requirements for a proposed warehouse building. Case No. V2025-01

David Hawkins, Director of Planning and Development

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on Friday, March 14, 2025, 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.

David Hawkins, AICP

Director of Planning and Development

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

January 6, 2025

6:00 PM

Council Chambers

NOTICE IS HEREBY GIVEN THAT ONE OR MORE MEMBERS MAY PARTICIPATE IN THIS 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

Vice Chairman Leonard Wheeler called the meeting to order at 6:09 p.m.

Members Present:

- Vice Chairman Leonard Wheeler
- Board Member Jim Carlson
- Board Member Rob Schocke
- Board Member Jared Arneson
- Board Member (alt) Rick Simmons
- Board Member (alt) Damon Bethurum (present but not voting)

Members Absent:

Chairman Pennie Nichols (excused-planned to attend remotely but could not due to technical difficulties)

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 Zoning Board of Adjustment meeting held on July 29, 2024.**

Board Member Jared Arneson moved to approve the minutes of the Zoning Board of Adjustment meeting held on July 29, 2024 as presented. Board Member Rick Simmons seconded the motion. Motion carried.

Yes: (5) Leonard Wheeler, Jim Carlson, Rob Schocke, Jared Arneson, Rick Simmons
No: (0)

PUBLIC HEARING

- 2. 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 317 Commerce Street and also known as a tract of land out of the T. & P. R. Co. Survey, Abstract No. 1431, and legally described as Lot 1, Clark’s Industrial Addition, Parker County, Texas. The purpose of the variance is to allow for the construction of two (2) new awnings to encroach the minimum ten-foot (10’) side yard setbacks. Case No. V2024-04**

Director of Planning and Development David Hawkins presented this item. This variance request is for the Community Caring Center’s next phase of their expansion which includes the renovation of the original 7,500 sq. ft. building and includes the addition of two (2) awnings on the north and south sides of the building. The request is for a variance to allow these awnings to encroach within the minimum required 10’ side yard setbacks.

Vice Chairman Leonard Wheeler opened the public hearing at 6:14 p.m.

Mr. Andy Rector spoke on behalf of the Community Caring Center for this project. Kristie Cooper and Clint Beck were also present. Mr. Rector stated that the the loading dock has been relocated to the south end of the building in order to accommodate two lanes of traffic when people come to pick up food so the center is moving the awning for the loading dock to the south which will encroach that setback. Mr. Rector also stated that the awning on the north side is requested so that the center’s volunteers can have shelter from the sun, the cold, and the rain, when they load food into vehicles for people that have come to pick up. This awning will be wide enough to cover two lanes of traffic for this purpose and will encroach the setback on the north side of the property.

As there were no other speakers, Vice Chairman Leonard Wheeler closed the hearing at 6:17 p.m.

Board Member Rick Simmons moved to approve the variance request for the property located at 317 Commerce Street to allow for the construction of two (2) new awnings to encroach the minimum ten-foot (10’) side yard setbacks. Board Member Jim Carlson seconded the motion. Motion carried.

Yes: (5) Leonard Wheeler, Jim Carlson, Rob Schocke, Jared Arneson, Rick Simmons
No: (0)

ADJOURNMENT

Vice Chairman Leonard Wheeler adjourned the meeting at 6:19 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 to consider a variance request to Section 29 “Landscaping” of the Zoning Ordinance for a property located at 617 Profit Street, and legally described as Lot 5, Block 2, Azle Industrial Park Addition, Parker County, Texas. The purpose of the variance is to consider waiving the landscaping requirements for a proposed warehouse building. Case No. V2025-01

Background and Explanation:

The owner of 617 Profit St. is requesting a variance to Section 29 - Landscape Requirements of the City of Azle Zoning Ordinance for the construction of a new 12,000 sq. ft. warehouse building on this property. Per the Landscape Ordinance, industrial properties are required to plant trees at a ratio of eighteen (18) trees per acre based on 60% of the lot area. For this property, eleven (11) trees would be required to be planted on the property to comply with the City's ordinances. The request is to waive the landscape requirements and not plant any trees on the property. The applicant has provided a site plan and landscape plan exhibit that illustrates the proposed building and the landscaping that would be in compliance with city ordinances.

Existing Condition of Property:

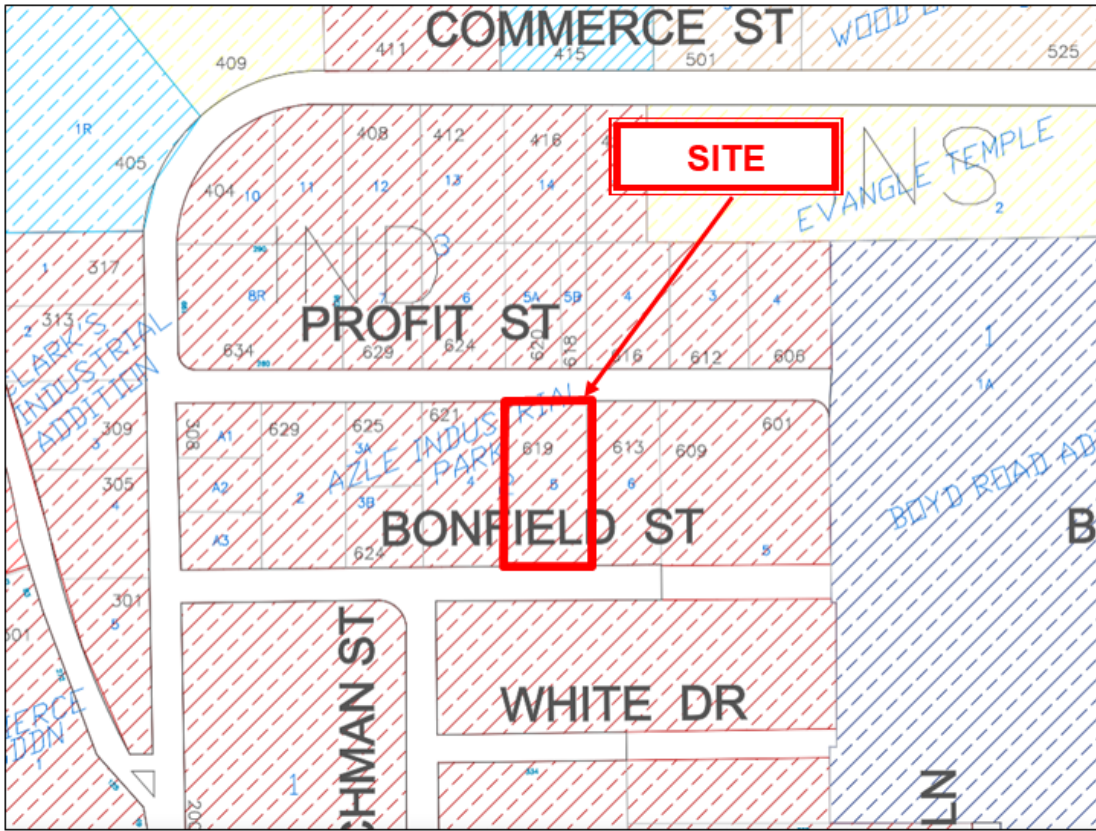
This property is currently undeveloped, zoned Industrial (IND) and was platted in December 1974 as part of the Azle Industrial Park Addition. A Site Plan and Building Permit has been submitted to the City of Azle to construct a new warehouse building along with supporting parking, utilities and street access.

Industrial Zoning District requirements:

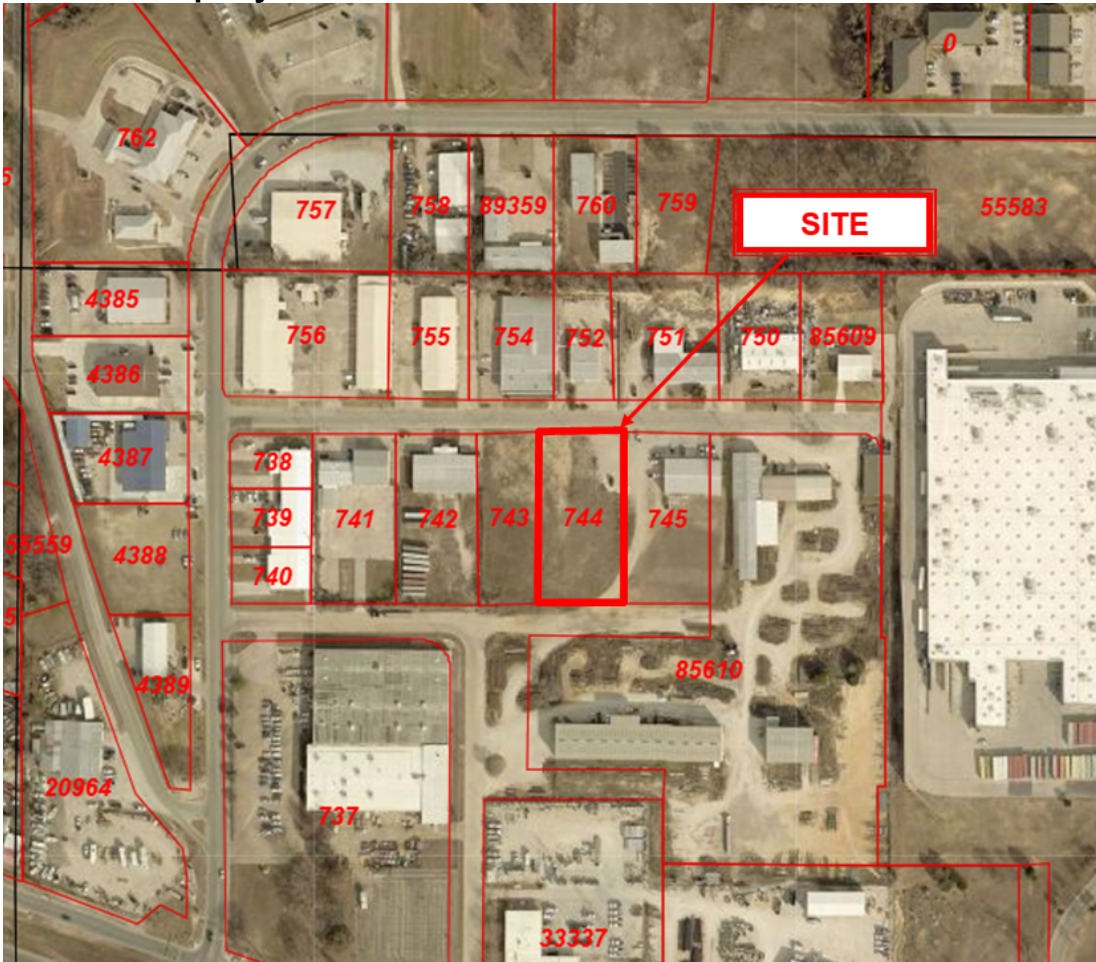
- Minimum Lot Area: None
- Minimum Lot Width: 50'
- Minimum Front Yard: 25'
- Minimum Side Yard: 10'
- Minimum Rear Yard: 20'
- Maximum Open Space: Refers to Section 29 - Landscaping which requires a min. 12% open space
- Industrial property shall provide trees at a ratio of eighteen (18) trees per acre, calculated at sixty (60) percent of the gross lot area or by exclusion of the main enclosed structure ground floor area from the gross lot area, whichever is less.

Zoning Map of Property and Adjacent Properties:

The properties on all sides of this subject property are zoned as Industrial.



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 proposed Site Plan illustrates a building and parking layout that complies with city ordinances. The majority of the new trees would be planted in the rear of the property and the applicant has expressed interest in future expansion of the area located behind the new warehouse building where the new trees would be planted.

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

The variance request to waive the landscaping requirement would not be out of character to the surrounding properties in this industrial area.

3. The variance requested is the minimum necessary.

The applicant has submitted a Site Plan and Building Permit that complies with all requirements of the City's ordinances. The only exception would be the one variance request to waive the landscaping 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 landscaping for the surrounding industrial properties in this area. A few of the surrounding properties have some trees but none of them would be in conformance with today's Landscape Ordinance requirements.

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.

Nine (9) notices were sent to surrounding owners within 200 feet of the variance request. As of March 14, 2025, staff has received two (2) responses from the public in support of this request.

Board/Commission/Committee Recommendation:

1. Motion to approve Case #V2025-01
2. Motion to approve Case #V2025-01 with modifications
3. Motion to disapprove Case #V2025-01

Staff Recommendation:

City staff forwards this variance request to waive the landscaping requirements for 617 Profit Street.

Attachments:

1. ZBA Variance Letter - 617 Profit St. Landscape Variance
2. 617 Profit Street Warehouse - Site Plan
3. 617 Profit Street Warehouse - Landscape Plan
4. Public Response Letters

Robert Schocke

Ya-Mon LLC

1853 Spinnaker Ln

Azle, TX 76020

January 13, 2025

Azle Zoning Board of Adjustment

Project:

Champion Fitness

617 Profit Street

Azle, TX 76020

RE: Permit for Development Variance Request – Landscape Requirements

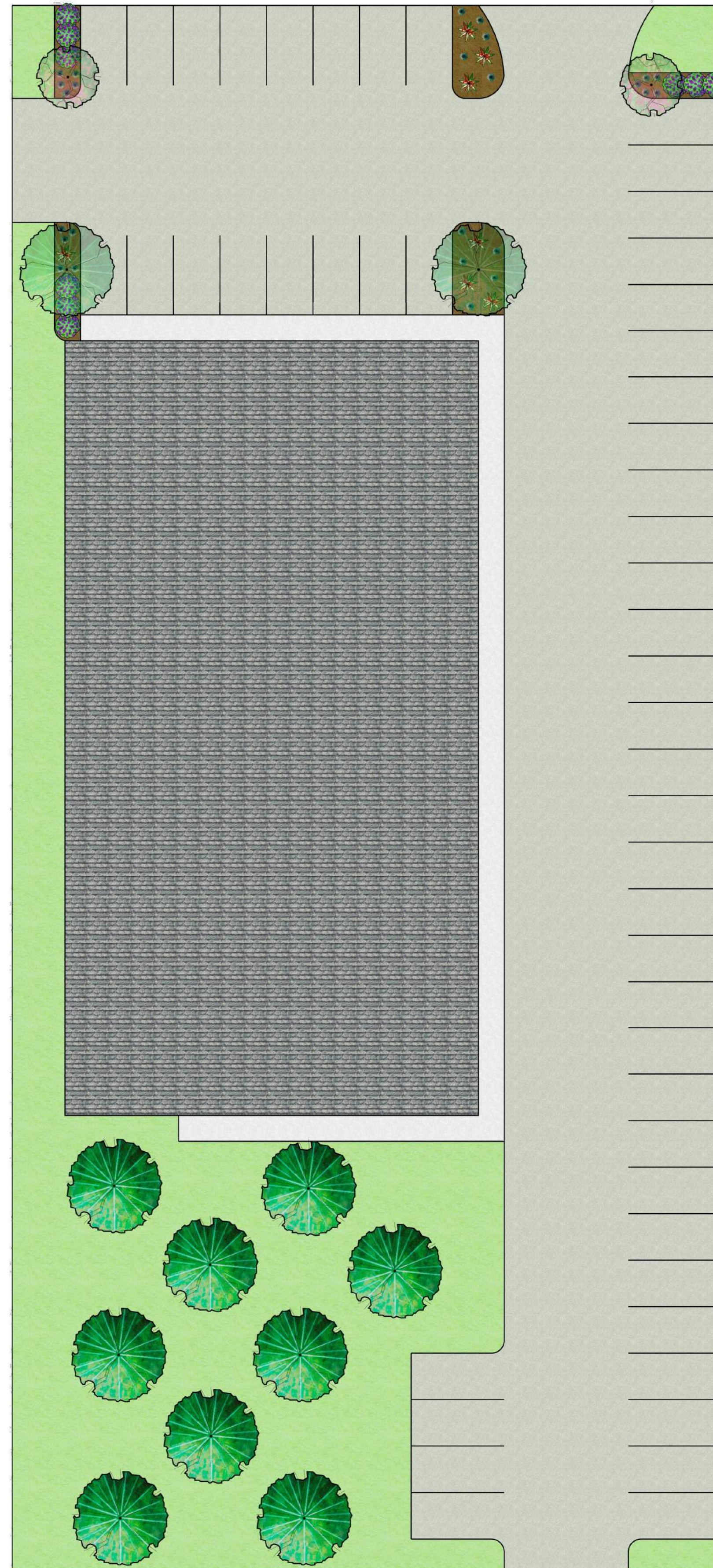
The variance is being requested to allow for not putting in the required trees and bushes on the property. The property is located in an industrial park that has very few trees, with most lots not having any. I also would like to have artificial turf in lieu of "sod". The deletion of the trees/bushes/sod and sprinkler system would make it possible for future expansion for a pickleball court or other outdoor community activities and would help save the community's water supply.

Thank you for your consideration.

Rob Schocke


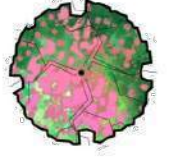
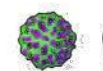


Ya-Mon. LLC

SCALE: NOT TO SCALE



AZLE PROJECT
 SCALE: 1"=10'
 PAGE SIZE: 24"X36"
 GENERAL SITE DATA

TOTAL LOT AREA: 41,208 SQFT
 MIN. 12% OF TOTAL AREA SHALL BE LANDSCAPED
 REQUIRED: 4,945 SQFT
 PROVIDED: 10,239 SQFT
 TREES PROVIDED: (11)
 SHRUBS PROVIDED: (40)
 BEDS: 608 SQFT
 TURF: 9,632 SQFT

-  (11) CEDAR ELM (ULMUS CRASSIFLOA)
-  (2) Crape Myrtle (LAGERSTROEMIA INDICA)
-  (9) SILVERADO SAGE (LEUCOPHYLLUM FRUTESCENS)
-  (6) RED YUCCA (HERSPERALOE PARVIFLORA)
-  (25) MEXICAN FEATHER GRASS (NASSELLA TENUSSIMA)

BENCHMARK

BM-1000: 60D NAIL SET
 FROM PP AT NE PROPERTY CORNER TRAVEL 5'-5" NORTH
 ELEVATION=754.612
 N: 7013095.68
 E: 2260523.35

BM-1001: 60D NAIL SET
 FROM SW PROPERTY CORNER TRAVEL 27'-8" SOUTH AND 1'-4" WEST
 ELEVATION=747.642
 N: 7013055.24
 E: 2260376.40

PRELIMINARY -FOR REVIEW ONLY-

THESE DOCUMENTS ARE FOR DESIGN REVIEW ONLY AND NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSE. THEY ARE PREPARED BY, OR UNDER THE SUPERVISION OF:

CHANDLER DAVIS	149398
TYPE OR PRINT NAME	PE #
1/13/25	
DATE	

NO.	DATE	REVISION
-	-	-
-	-	-
-	-	-
-	-	-

617 PROFIT STREET
 BLOCK 2, LOT 5
 CITY OF AZLE, PARKER COUNTY, TEXAS

LANDSCAPE PLAN



2570 RIVER PARK PLAZA
 SUITE 100
 FORT WORTH, TEXAS 76116
 PHONE #: (817) 529-2700
 FIRM NO. 12452

DESIGNED: MC	DATE	PROJECT #	SHEET
DRAWN: MC	DECEMBER 2024	2024168	12
REVIEWER: CSD			

W:\Projects\2024\02\04\0024168 - Profit Street Warehouse (Toronto Construction Services)\X-Design Drawings\DWG\2024168 - C-CDP.DWG
 1/13/2025 8:22 AM
 User: J...
 Title: 25 - 0737
 Date: 1/13/2025 8:22 AM
 Plot: 25 - 0737
 Plot Date: 1/13/2025 8:22 AM
 Plot Path: W:\Projects\2024\02\04\0024168 - Profit Street Warehouse (Toronto Construction Services)\X-Design Drawings\DWG\2024168 - C-CDP.DWG
 Plot Size: 24" x 36"

NOTICE OF PUBLIC HEARING

V2025-01

The Zoning Board of Adjustment for the City of Azle will conduct a public hearing on Monday, March 17, 2025, to consider a variance request to Section 29 "Landscaping" of the Zoning Ordinance for a property located at 617 Profit Street, and legally described as Lot 5, Block 2, Azle Industrial Park Addition, Parker County, Texas. The purpose of the variance is to consider waiving the landscaping requirements for a proposed warehouse building.

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

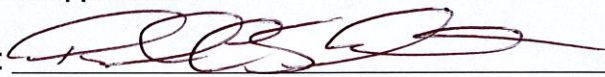
Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

Signature: 

Printed Name: Robert Schöcke

Mailing Address: 1853 SPINNAKELD

City, State Zip: Azle TX 76020

Telephone Number: 817-8089313

Physical Address of Property within 200 feet: 613 PROFIT

Rec'd 3/11/25 mn
 SCANNED

NOTICE OF PUBLIC HEARING

V2025-01

The Zoning Board of Adjustment for the City of Azle will conduct a public hearing on Monday, March 17, 2025, to consider a variance request to Section 29 "Landscaping" of the Zoning Ordinance for a property located at 617 Profit Street, and legally described as Lot 5, Block 2, Azle Industrial Park Addition, Parker County, Texas. The purpose of the variance is to consider waiving the landscaping requirements for a proposed warehouse building.

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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: _____

Printed Name: _____

Mailing Address: _____

City, State Zip: _____

Telephone Number: _____

Physical Address of Property within 200 feet: _____

Rec'd 3/11/25 MN
