City of Azle
Regular Agenda
Zoning Board of Adjustment

505 W. Main Street
Azle, Texas 76020

December 8, 2025 | **6:00 PM** | **Council Chambers**

NOTICE IS HEREBY GIVEN THAT ONE OR MORE ZONING BOARD OF ADJUSTMENT MEMBERS MAY PARTICIPATE IN THIS MEETING 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.

CONSENT AGENDA

1. Consider approval of the minutes for the Zoning Board of Adjustment meeting held September 22, 2025.
   David Hawkins, Director of Planning and Development

PUBLIC HEARING

2. Conduct a public hearing to consider a variance request to Section 27.6, Screening Walls or Visual Barriers of the City of Azle Zoning Ordinance for a property located at 113 Porter Drive, and legally described as Tract 2J in the G.W. McKinsey Survey, Abstract No. 1827, City of Azle, Tarrant County, Texas. The purpose of the variance is to allow for the construction of a metal fence in lieu of the required eight-foot (8') masonry screening wall. (Case No. V2025-03)
   David Hawkins, Director of Planning and Development

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on Tuesday, December 2, 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.



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 22, 2025 **6:00 PM** **Council Chambers**

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

REGULAR SESSION

CALL TO ORDER

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

Members Present:

Chairman Pennie Nichols
Vice Chairman Leonard Wheeler
Board Member Jim Carlson
Board Member Jared Arneson
Board Member Pennie Nichols
Board Member Rick Simmons (alternate, present and voting)
Board Member Damon Bethurum (alternate, present but not needed)

Members Absent:

Board Member Rob Schocke (could not attend remotely due to technical issues on CIty side)

Staff Present:

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

INVOCATION

Board Member Jared Arneson 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 Zoning Board of Adjustment meeting held March 17, 2025.**

   Vice Chairman Leonard Wheeler moved to approve the minutes of the Zoning Board of Adjustment

meeting held March 17, 2025. Board Member Rick Simmons seconded the motion. Motion carried.

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

PUBLIC HEARING

2. Conduct a public hearing and consider a variance request to Section 8.3 Development Regulations, Setback Requirements of the City of Azle Zoning Ordinance for a property located at 4 Kona Drive, and legally described as Lot 1, Block 1, Beck Place 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 carport to encroach the minimum twenty-five-foot (25') front yard setback. (Case No. V2025-02)

Director of Planning and Development David Hawkins stated the property is at 4 Kona Drive. The property was platted and constructed in 2004. The zoning today is SF-1 with a minimum twenty-five-foot (25') front yard setback. The applicant has requested a carport that will be 25' long, 22' wide, and 10' in height. The proposed location will make the carport be approximately 5' from the property line, which will encroach the front setback line by 20'.

Chairman Nichols opened the public hearing at 6:07 p.m.

- Property owner Larry Beck, 4 Kona Drive, presented his request stating that he needs the carport because his new truck is too big to fit in the garage. He stated that Kona Drive is a dead-end street that does not have much traffic. He presented pictures of a rendering of what the carport will look like. He mentioned the required setback and presented examples along Kimbrough that are not 25 feet off of the road.
- Neighbor Gary Beck, 6 Kona Drive, spoke in favor noting that the edge of the carport will not encroach on anyone's view, it will be white with blue trim and will not be an eyesore. There are other carports in Azle.
- Cliff Wrinkle, 605 Dunaway Lane, spoke in favor noting that he has a carport and that was before a carport required permission.
- Betty Busch, 3 Kona Drive, spoke in opposition. She stated that Mr. Beck came to her 2-3 weeks ago and showed her the carport design. He told her he just bought a new truck and it wouldn't fit in his garage. Kona is a small quiet street and this carport will come close to the street and will diminish property values, there is no HOA so all they have is this board.
- Brenda Ball, 7 Kona Drive, spoke in opposition noting that the carport will not add any beautification to this neighborhood.

As there were no other speakers, Chairman Nichols closed the hearing at 6:22 p.m.

Board Member Rick Simmons moved to decline to accept the variance for the carport. Board Member Jared Arneson seconded the motion. Motion carried.

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

DISCUSSION ITEMS

None.

ADJOURNMENT

Chairman Pennie Nichols adjourned the meeting at 6:27 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 27.6, Screening Walls or Visual Barriers of the City of Azle Zoning Ordinance for a property located at 113 Porter Drive, and legally described as Tract 2J in the G.W. McKinsey Survey, Abstract No. 1827, City of Azle, Tarrant County, Texas. The purpose of the variance is to allow for the construction of a metal fence in lieu of the required eight-foot (8') masonry screening wall. (Case No. V2025-03)**

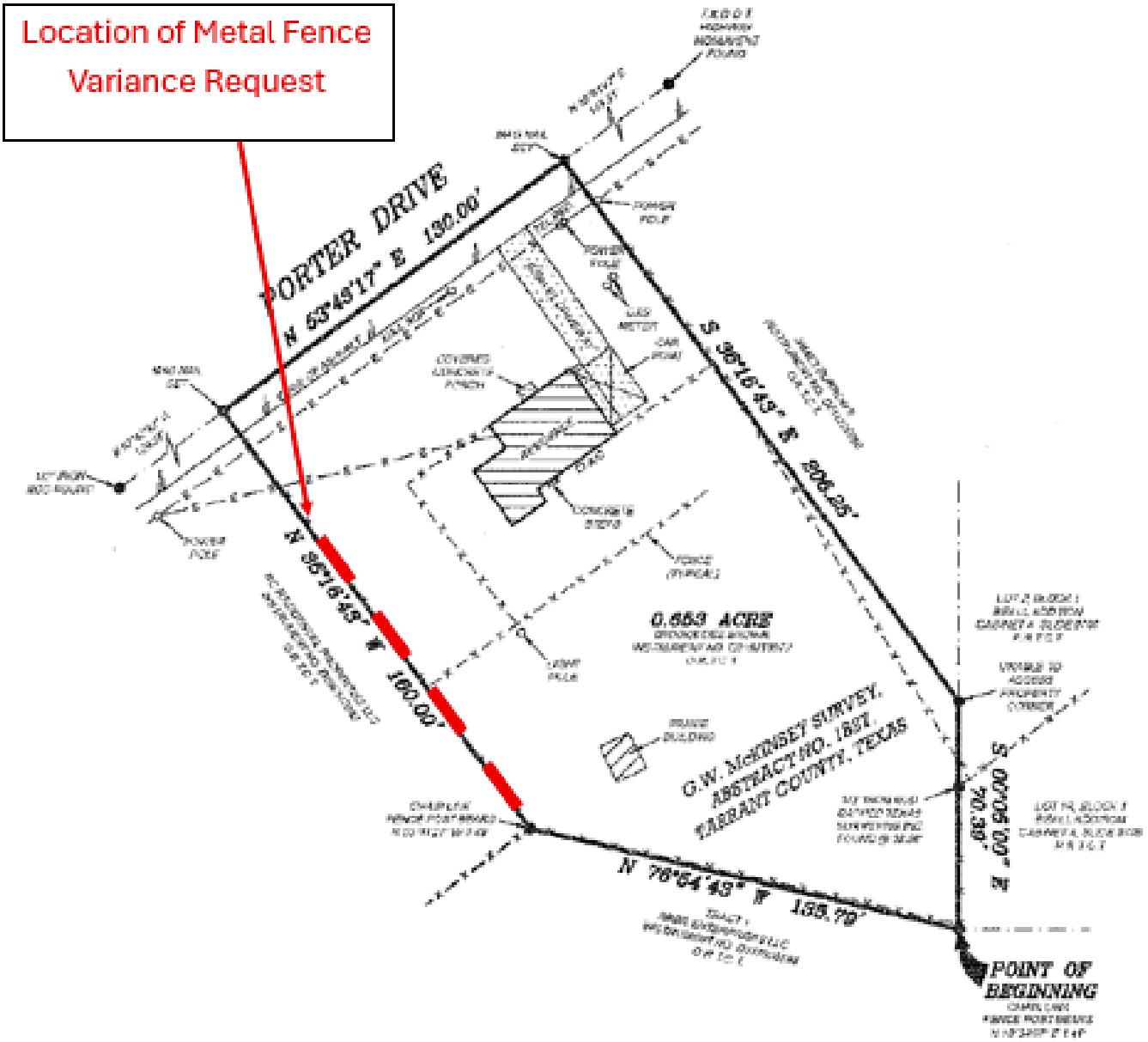
Background and Explanation:

The owner of 113 Porter Drive is requesting a variance to Section 27.6, Screening Walls or Visual Barriers of the City of Azle Zoning Ordinance for the construction of an 8' metal fence in lieu of the required 8' masonry screening wall along the west property line adjacent to 121 Porter Dr.

The property owner received approval of a zoning change request from SF-5 to Heavy Commercial (HC) by City Council on October 21, 2025 by Ordinance No. 2025-16. With this change of use to commercial, the property owner is required to install an 8' masonry screening wall along the west property line adjacent to a single family residential-zoned property addressed as 121 Porter Drive as required by Section 27.6 of the City of Azle Code of Ordinances. The applicant intends to relocate the existing 8' metal fencing between 109 and 113 Porter Drive around the wrecker service property and place it along this west property line between 113 and 121 Porter Dr. in lieu of a masonry wall. The adjacent property owner of 121 Porter Drive submitted a letter of support to this fence variance request which is included in this packet.

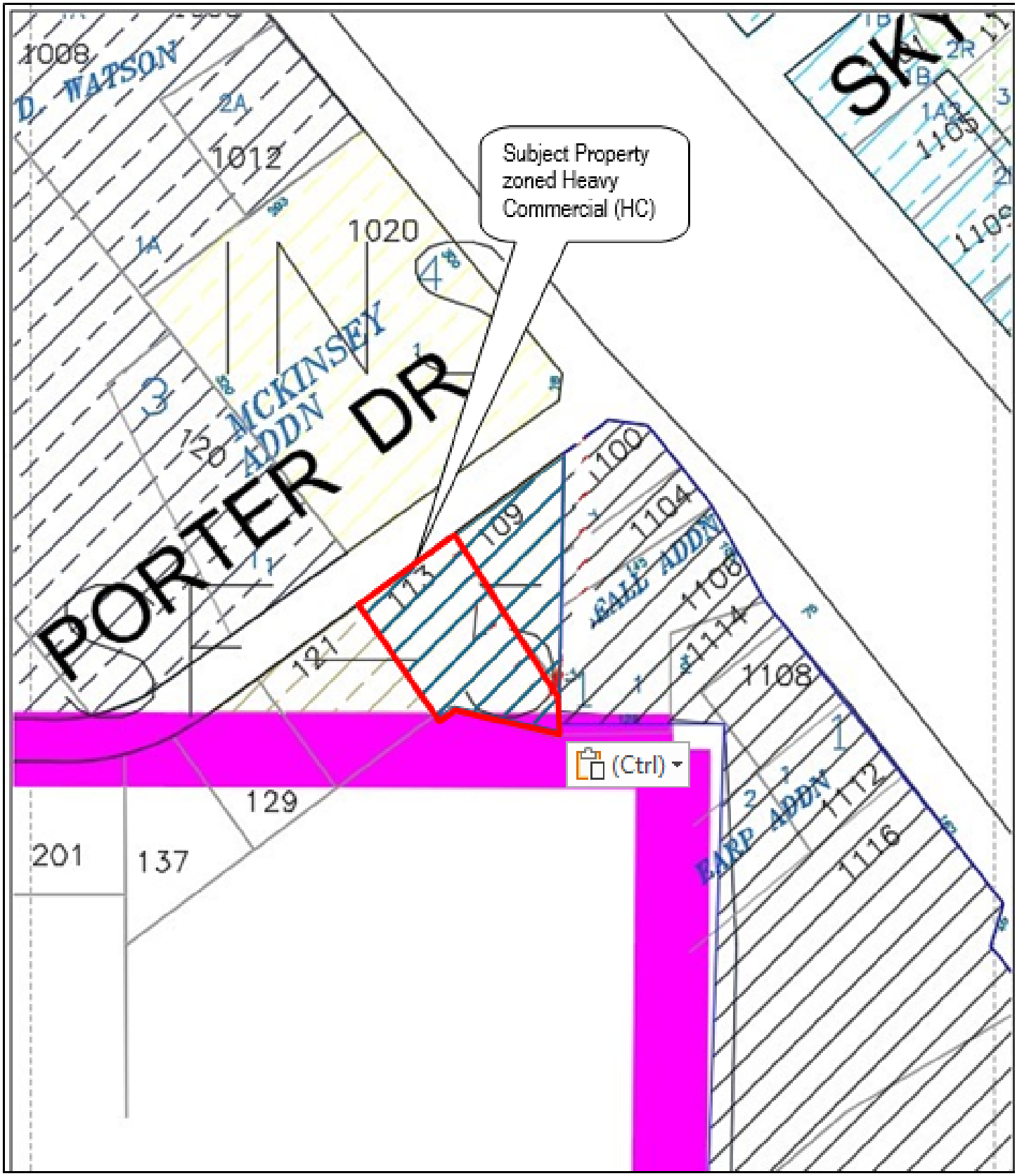
The property survey exhibit below indicates the location of the fence variance request for 113 Porter Drive. This is the only property line that is subject to the screening wall requirement. The property owner does intend to install an 8' metal fence around the south property line as well.

A similar fence variance was approved by City Council on March 21, 2023 for the metal fence between 109 and 113 Porter Dr.



Existing Condition of Property:
The property was never platted and currently has an existing single-family residence located on the south side of Porter Drive.

Zoning Map of Property and Adjacent Properties:
North: Institutional (INS) - (First Assembly of God Church)
South: Outside of City of Azle limits - (Mr. Braz Industrial Refridgeration)
East: Heavy Commercial (HC) - (Wells Wrecker)
West: Single Family Five (SF-5) - (121 Porter Dr. house)



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 property was originally zoned and developed as a single-family residence, so no

screening wall was required to be installed between 113 and 121 Porter Dr. The south property line is adjacent to an industrial business located outside the city limits, so no screening wall is required.

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 was rezoned from SF-5 to Heavy Commercial (HC) which triggered a new screening wall requirement. The Wells Wrecker business already utilizes a metal fence around its property and was granted a variance to continue the metal fence around 109 Porter Dr. when this parcel was added to its overall business.

3. The variance requested is the minimum necessary.
Only the west property line is required to have a masonry screening wall as it is adjacent to SF-5 zoned property. The other property lines are adjacent to non-residentially-zoned properties and county property to the south so no fence or screening wall is required. The requested variance would comply with the minimum 8' height requirement but not the required material.

4. No special privilege is granted which is denied to other similarly situated uses.
The property owner did receive a similar variance to allow a metal fence in lieu of a masonry wall for 109 Porter Dr. by the City Council on March 21, 2025. This variance request is similar in nature but for the adjacent property at 113 Porter Dr.

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.

Public Hearing Notification:

A newspaper advertisement for this public hearing was posted in the Azle News on November 20, 2025. On November 26, 2025, a public hearing sign was posted on the subject property and eight (8) letters were sent out to surrounding property owners in accordance with State statute. As of December 2, 2025, staff has received two (2) formal responses from the public on this variance request.

Board/Commission/Committee Recommendation:

The ZBA has the following options when considering this variance request:

1. Motion to approve Case #V2025-03
2. Motion to approve Case #V2025-03 with modifications
3. Motion to disapprove Case #V2025-03

Staff Recommendation:

City staff forwards this metal fence variance request at 113 Porter Drive for ZBA consideration.

Attachments:

1. Variance Request Letter
2. Variance Request Property Survey Exhibit - 113 Porter Dr.
3. Fence Variance Request Exhibits - 113 Porter Dr.
4. Fence Variance Request Color Photos - 113 Porter Dr.
5. Response Letter - 317 Shady Ln. 12.2.2025
6. Email Response- 121 Porter Dr. 11.17.2025

November 7 ,2025

Council Planning and zoning,

RE: City if Azle code of ordinance, Sec 27.6 Screening Walls or Visual Barriers

P&Z members

As per the last city council meeting Wells was approved for property 113 Porter Dr. deemed commercial. We are now ready to finish cleaning and work on the fence.

I ask to continue with the same style fence R-panel that we have in place so it will be uniformed.

We work hard to keep everything clean and maintained in and outside of our business.

I have spoke to the owner next door and she was good with our expansion.

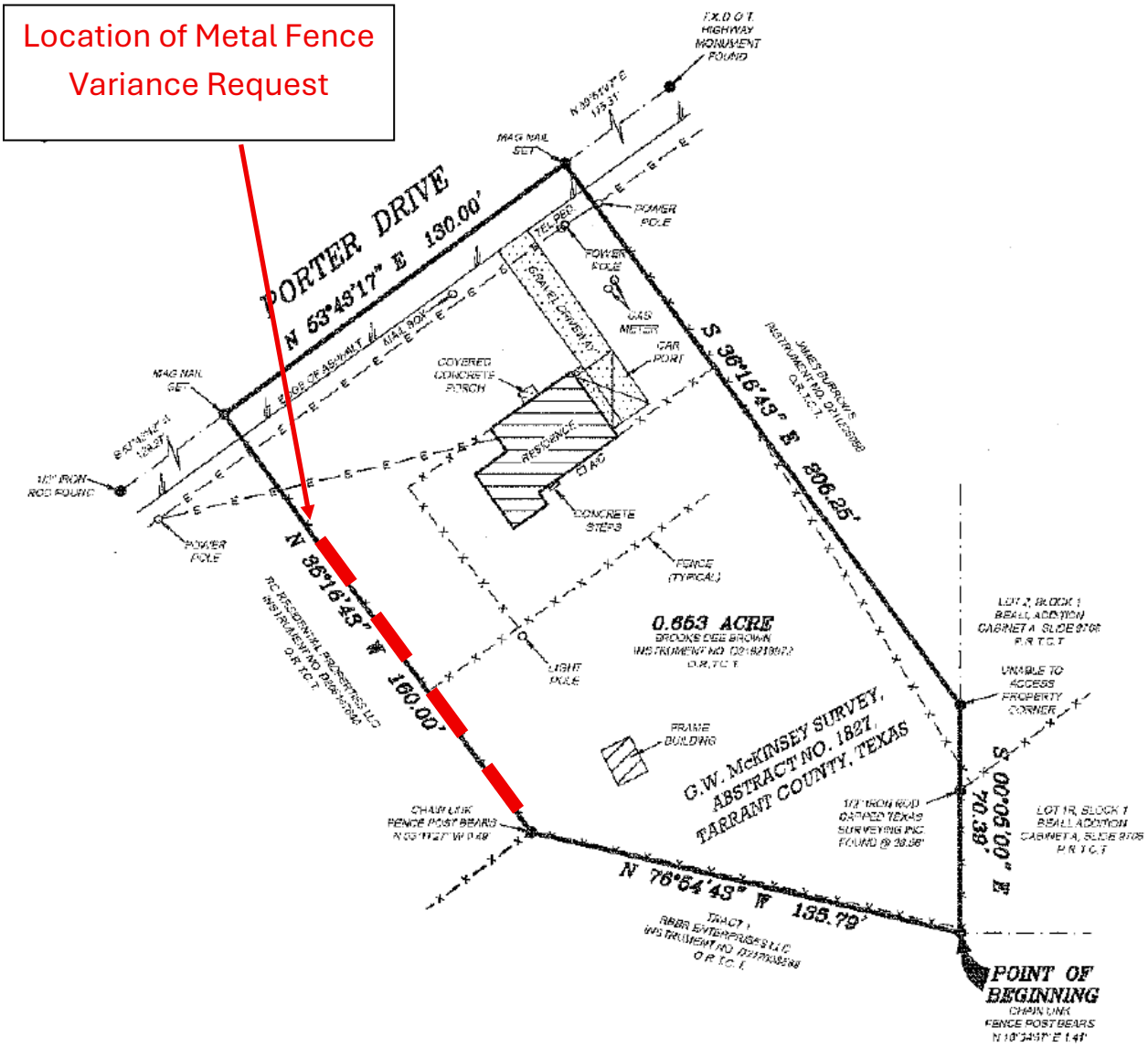
If you can see in the pictures of the very back of the yard that meets the other business, it's only a chain link fence in between. We will be replacing all of that as well.

Thank you

Deborah Burrows

Deborah Burrows

Location of Metal Fence Variance Request



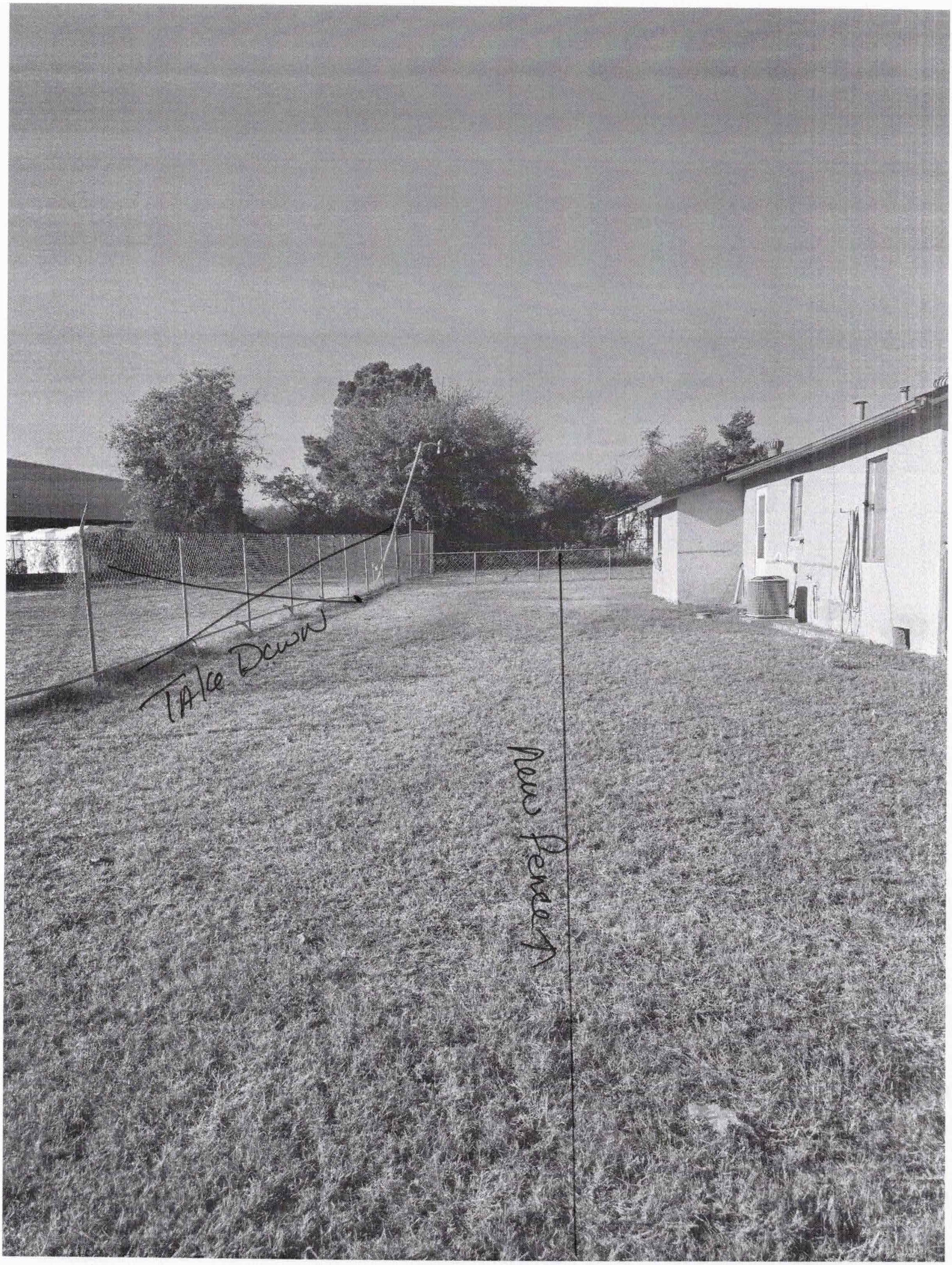

Wells Fierce
Front View

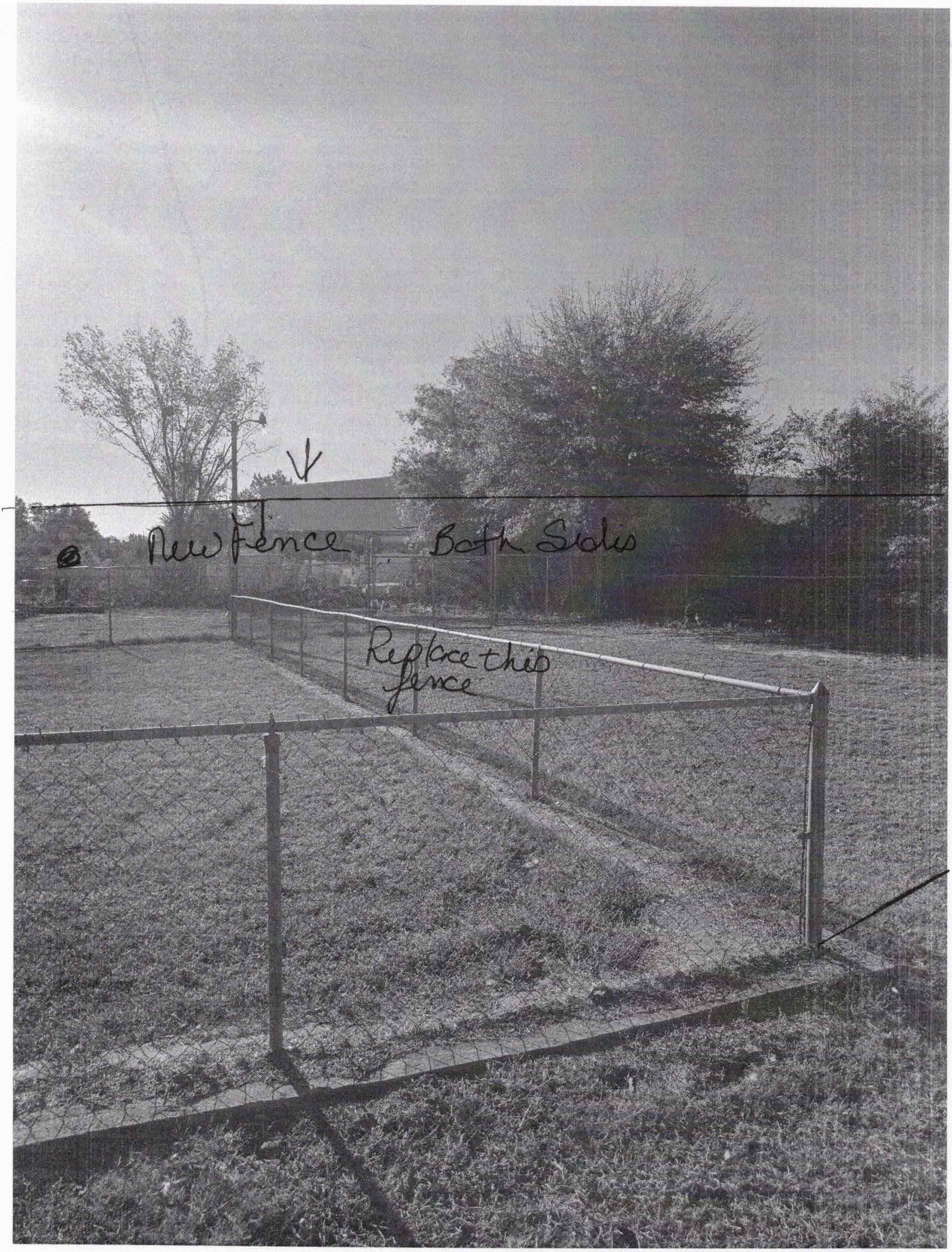

Dispose of Chain Link

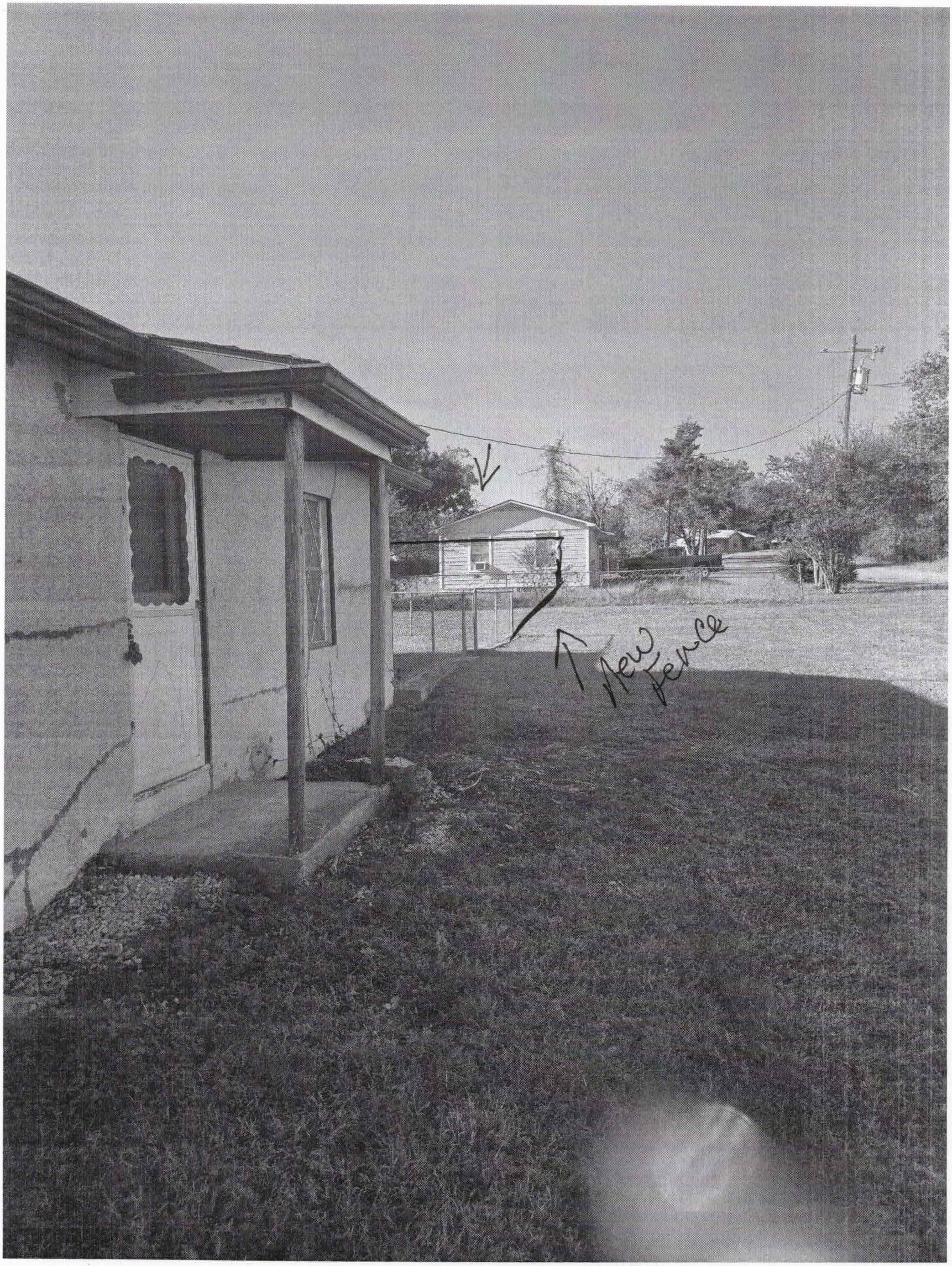

Replace Chain link
Between Business
w/ Metal


Replace
all Chain links
Between the
Business
Behind

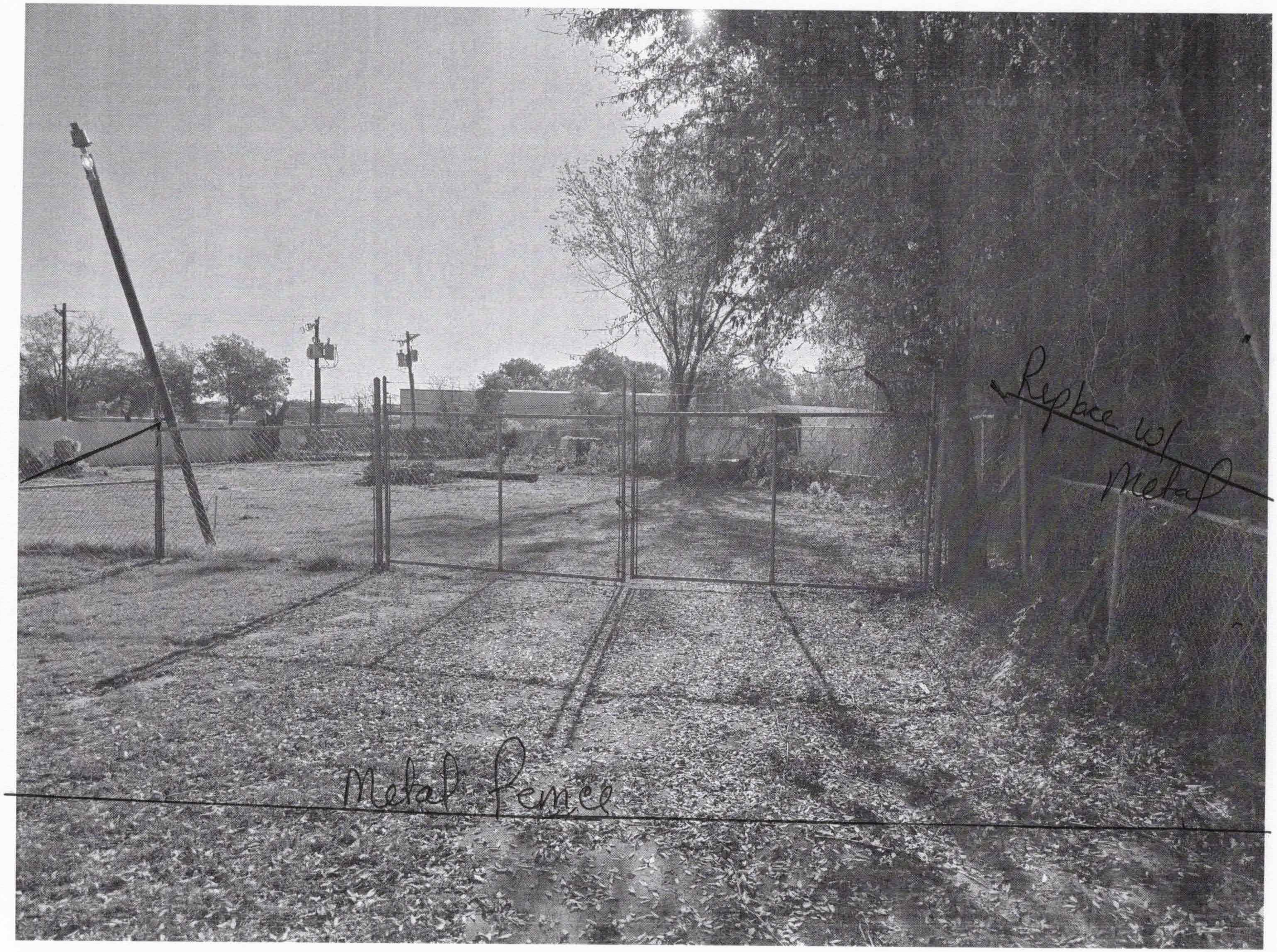

New Fence

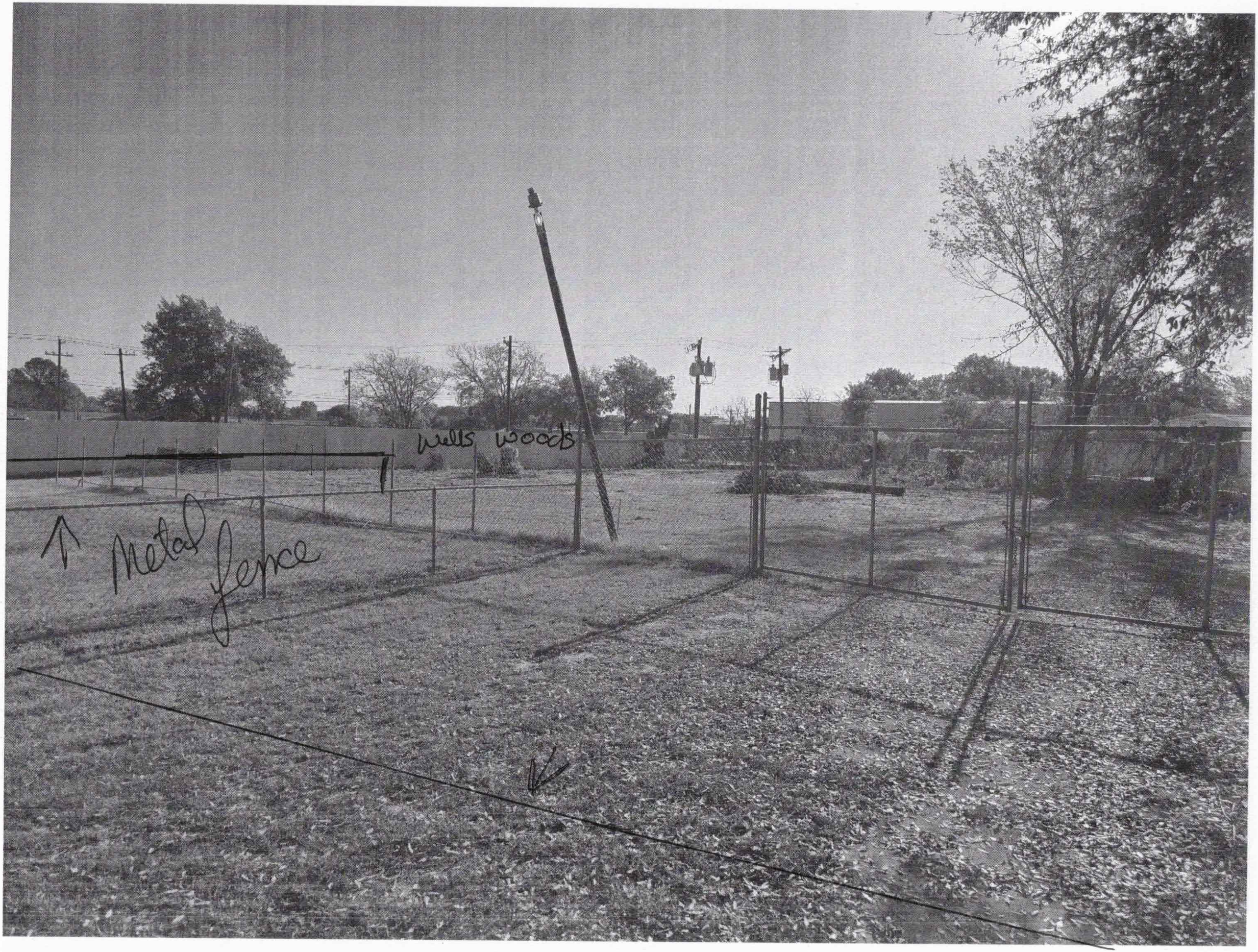

Face Down
New Penalty


New Fence Both Sides
Replace this fence


New Fence


Metal Fence
Replace fence
Fence


Replace w/ Metal
Metal fence


Wells Woods
↑ Metal fence


CWD


CWD



















Leta Archer

317 Shady Ln

Azle, Texas 76020

December 1, 2025

City of Azle

Zoning Board of Adjustment

Re: Case No. V2025-03

I own residential property adjacent to a property, undeveloped at this time, which is zoned commercial. Your decisions for any resident may affect me in the future At any time, I have expected to see a substantial masonry screening wall bring erected next to my west property line. I have planned for it and look forward to it. I do not wish to sit on my patio and stare at a metal fence for the rest of my life. Short cuts now could bring this about in the future.
An application has been submitted for a Variance to substitute a metal structure in the place of the currently required 8 foot masonry screening wall. I do understand the economical advantage to the builder. However, such a variance may create difficulties in the future.

Many overriding factors are, a metal barrier does not have the same efficiency that a concrete barrier has, such as; wind stabilizing, noise defusing, structural stability, life expectancy, very little required maintenance, insurability. The fencing surrounding residential property does affect homeowner insurance, regardless of ownership.

Allowing a builder at this time, a short cut in the builder's costs, is not justifiable for the future residents of Azle. It is taking a variable line to our Building Codes, setting a precedent for any and all variances in the future.

As an Azle City resident of only 10 years, I am amazed at the growth of residential habitations in that period of time. Now, the business section is becoming established. At this rate, in another 10 years, Azle will be a metropolis. You city planners are doing a superb job.

Thank you for considering my position.

Leta Archer

Leta Archer

From: Toni Cowden
To: Hawkins, David
Subject: Wells Wrecker Service on Porter
Date: Monday, November 17, 2025 11:33:51 AM

Hello David,
We own the property at 121 Porter, next door to the property just purchased by Wells Wrecker Service.
My husband and I met with Gigi and James this morning so they could show us their plans for the new fence they plan to build.
We are good to go with their plans.
Toni Cowden
817-994-6299