

**AGENDA**  
**BENBROOK ZONING BOARD OF ADJUSTMENT**  
**AND APPEALS COMMISSION**  
**TUESDAY, JULY 23, 2019**  
**911 WINSCOTT ROAD**  
**PRE-MEETING WORKSESSION, 7:00 P.M.**  
**CENTRAL CONFERENCE ROOM**

1. Review and discuss items for the regular meeting

**REGULAR MEETING, 7:30 P.M.**  
**COUNCIL CHAMBERS**  
**ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

II. MINUTES

1. Approve Minutes Of The Regular Meeting Held June 25, 2019

Documents:

[ZBA MINUTES 06.25.19.PDF](#)

III. REPORTS BY CITY STAFF

A. ZONING BOARD OF ADJUSTMENT

1. ZBA-19-02

A request for the alteration of a non-conforming sign for the shopping center located at 7909 Camp Bowie West Boulevard, being a portion of Tract C, Boston Heights Addition. The property is zoned "F" Commercial District. [PUBLIC HEARING]

Documents:

[ZBA-19-02 STAFF REPORT2.PDF](#)

[ZBA-19-02 ATTACHMENTS2.PDF](#)

IV. ADJOURNMENT

**MINUTES  
OF THE MEETING OF THE BENBROOK  
ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION  
TUESDAY, JUNE 25, 2019**

The Regular Meeting of the Zoning Board of Adjustment and Appeals Commission, of the City of Benbrook, was held on Tuesday, June 25, 2019 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Ghias Dean  
Robert Wood  
Lizbeth Sowell  
Carol Stacy, Alternate B

Absent: Donald Pilliod, Chair  
Wes Myers, Vice Chair

Also Present: Jim Hinderaker           Assistant City Manager  
Doug Howard           City Planner  
Caroline Stewart       Assistant City Planner,  
Recording Secretary  
Ryan Studdard       Chief Building Official

**I. CALL TO ORDER**

At 7:30 p.m., Doug Howard, acting as the City Administrative Official, read the following statement:

In accordance with the rules and procedures of this body, in the absence of the Chair and Vice Chair, I must call the meeting to order for the immediate and single purpose of selecting a temporary presiding officer.

Mr. Howard then called the meeting to order and asked for nominations for the Acting Chair of the Zoning Board of Adjustment and Appeals Commission.

Motion by Ms. Stacy to nominate Mr. Wood as Acting Chair for the Zoning Board of Adjustment and Appeals Commission. Seconded by Mr. Dean. The City Administrative Official called the question.

Vote on the Motion:

Ayes: Mr. Dean, Ms. Sowell, and Ms. Stacy

Noes: None

Abstain: Mr. Wood

Motion carried: 3 – 0 – 1

## II. MINUTES

Motion by Ms. Sowell to approve the minutes of the May 28, 2019 Board/Commission meeting as presented. Seconded by Mr. Dean. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Dean, Mr. Wood, Ms. Sowell, and Ms. Stacy

Noes: None

Abstain: None

Motion carried: 4– 0 – 0

## III. REPORTS FROM CITY STAFF

### A. ZONING BOARD OF ADJUSTMENT

- 1) **ZBA-19-02** – A request for the alteration of a non-conforming sign for the shopping center located at 7909 Camp Bowie West Boulevard, being a portion of Tract C, Boston Heights Addition. The property is zoned “F” Commercial District. [PUBLIC HEARING]

The Chair called on staff for procedural guidance for this item. Caroline Stewart addressed the Board. Per the Board of Adjustment and Appeals Commission Rules of Procedure, the Board shall not act on a request unless there are at least 5 members present. The requirement for 5 members may be waived by the applicant. The applicant elected to have this request heard by 5 members; therefore, no action may be taken. This item will be considered at the Regular meeting of the Zoning Board of Adjustment on July 23, 2019.

### B. APPEALS COMMISSION

- 1) **AC-19-01** – Consideration of staff’s recommendation to demolish all structures located at 1023 Bryant Street and is legally described as Lot 8, 3-A, Block 32, Benbrook Lakeside Addition. The property is zoned “B” One-Family District. [PUBLIC HEARING]

Ryan Studdard, Chief Building Official, presented the staff report and answered questions from the Commission.

The Chair opened the public hearing at 7:37 p.m. Frank Harber with Harber Law Group (771 E Southlake Blvd Ste. 111, Southlake, TX 76092) representing U.S. Bank National Association asked for an extension on behalf of Greenfield Law Group P.A. (611 Broken Spoke Pkwy Ste. 350, Boca Raton, FL 33487). Mr. Harber presented to the Commission a Corporate Assignment of Deed of Trust (Exhibit A, held in the record) from U.S. Bank National Association showing they are a trustee to the property owner’s mortgage company.

The Commission asked questions concerning the affiliation of the Bank to the property owner, why the Bank is now getting involved, and if there is any planned action from the bank if the extension was granted. Mr. Harber answered the questions and had no plans to present.

Lonnie Huett (7204 Tour Trail, Benbrook, TX) asked questions regarding the demolition process if it were to be approved.

Following discussion by the Commission, the Chair closed the public hearing at 7:56 p.m.

Motion by Ms. Sowell to order the attached Order of the Appeals Commission be implemented. Seconded by Ms. Stacy. The Chair called the question:

Vote on the Motion:

Ayes: Mr. Dean, Mr. Wood, and Ms. Sowell

Noes: Ms. Stacy

Abstain: None

Motion failed: 3 – 1 – 0

Following the vote, the Commission discussed the failed motion. Ms. Stacy indicated that she did not mean to vote against the staff recommendation. Motion by Ms. Sowell to approve staff recommendation. The Commission discussed the motion. Ms. Stacy indicated she did not understand the motion. Mr. Howard indicated what a yes or no vote on the current motion would mean. The motion was seconded by Mr. Dean. The Chair called the question:

Vote on the Motion:

Ayes: Mr. Dean, Mr. Wood, Ms. Sowell, and Ms. Stacy

Noes: None

Abstain: None

Motion carried: 4 – 0 – 0

#### **IV. ADJOURNMENT**

There being no further business on the agenda, the Chair adjourned the meeting at 8:01 p.m.

APPROVED: \_\_\_\_\_, 2019

\_\_\_\_\_  
Chair



# City of Benbrook

## Zoning Board of Adjustments

<b>DATE:</b>  <b>07/23/2019</b>	<b>REFERENCE NUMBER:</b>  <b>ZBA-19-02</b>	<b>SUBJECT:</b> A request for the alteration of a non-conforming sign for the shopping center located 7909 Camp Bowie West Boulevard, being a portion of Tract C, Boston Heights Addition. The property is zoned "F" Commercial District. <b>[PUBLIC HEARING]</b>	<b>PAGE:</b>  <b>1 of 3</b>
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**Project Name:** Ollie's Bargain Outlet: Multi-tenant Sign

**Request Type:** Alteration of a Non-Conforming Sign

**Site Description:** 6.17 acres or 268,765sqft  
Portion of Tract C, Boston Heights Addition

**Location:** 7909 Camp Bowie West Boulevard

**Zoning District:** "F" Commercial District

**Property Owner:** Sutherland Building Material Centers LP  
Prairie Village, Kansas

**Applicant:** Doug Steward  
Benbrook, TX

**Summary**

The shopping center located at 7909 Camp Bowie West Boulevard, previously occupied by Sutherland's, is currently being remodeled. The property owner divided the vacant tenant space into two spaces. Ollie's Bargain Outlet recently leased one of the spaces. There are now total of three tenant spaces within the center. The property owner is proposing to alter the existing non-conforming pylon sign in order for new business to identify themselves to the public and advertise their presence on the highway.

The applicant is proposing the following as sign updates:

- Reduce the size of the sign area; from 492sqft to 310sqft.
- Reduce the height of the sign; from 40ft to 39ft.
- Repair and repaint all defects in the current framework.
- Add a masonry planter to the base.

**Background**

The City does not have any historical permit information for the construction of the subject sign. It is assumed that the sign was permitted legally at the time of its construction and has been deemed legal non-conforming.

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## Staff Analysis

Non-conforming signs may not be altered, unless approved by the ZBA. The ZBA may authorize changes to a non-conforming sign if the request does not further the level of non-conformity and that the long-term goal of bringing signs into compliance is achieved. Staff finds:

1) The request does not further the level of non-conformity.

Pylon Sign Requirements:

- **Maximum Height:** 35ft.
  - The existing sign is 40ft in height. The proposal will reduce the height to 39ft, bringing the sign closer to conformance.
- **Minimum Front Yard Setback:** 25ft, plus 1 foot for every foot over 25ft in height.
  - The existing sign exceeds the minimum street setback requirement.
  - No proposed changes.
- **Minimum Side Yard Setback:** 25ft.
  - The existing sign exceeds the minimum side yard setback requirement.
  - No proposed changes.
- **Maximum Sign Area:** 120sqft, plus an additional 10% increase for each additional tenant; maximum of 240sqft.
  - The existing sign has 492sqft of signage area. Under the current regulations, a sign with 3 tenants would be allowed a maximum of 144sqft = 120sqft (1<sup>st</sup> tenant) + 12sqft (2<sup>nd</sup> tenant) + 12sqft (3<sup>rd</sup> tenant).
  - By reducing the sign area from 492sqft to 310sqft, the sign is coming closer to conformance.
  - This alteration does not increase the level of non-conformity.
- **Frontage Requirements:** 200ft.
  - The property exceeds the minimum frontage required. The property has approximately 312ft of frontage.
- **Design:** Requires the sign faces to be located entirely within two posts or columns. The sign face may not be located lower than 8ft from the ground.
  - The existing sign does not conform to the all design requirements. The sign cabinets are not located entirely between the two posts. The lowest cabinet, however, is more than 8ft feet above the ground.
  - The lowest cabinet is being reduced in size to fit entirely within the two posts, bringing the sign closer to conformance.
  - This alteration does not increase the level of non-conformity.

2) The request meets the long-term goal of bringing signs into compliance.

- In 2007, the ZBA authorized the alteration of this sign, which allowed a reduction of the sign area from approximately 660sqft to 500sqft. If approved, the

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applicant's proposal would, once again, reduce the size of the sign, bringing it even closer to conformance.

- By authorizing incremental sign alterations, which require the applicant to bring the sign closer to conformance, the ZBA is achieving the long-term goal of bringing signs into compliance.

### **Staff Recommendation**

Move to authorize the alteration of the subject pylon sign, as presented in Exhibit A, with the following conditions:

- 1) Sign permit applications must be approved and issued prior to any sign alteration, including business sign face changes; and
- 2) For each cabinet, after the initial sign face installation, no sign alterations may occur unless the entire sign conforms to the zoning ordinance.

### Attachments:

1. Applicants Project Narrative
2. Applicant Drawings:
  - a. Existing Sign
  - b. Proposed Sign (Exhibit A)
  - c. Site plan
  - d. Line of Site Survey
  - e. Aerial View
3. Aerial Map
4. Applicable Ordinances

# Request for Variance

We currently have a legal non-conforming sign located at 7909 Camp Bowie West. In an effort to bring new business to the shopping center we would like to change the copy on the sign panels to match the new tenants. As required by Benbrook Code we are requesting a variance to leave our pylon sign as it currently exists and allow us to make the necessary copy changes. It is 5 ft taller than current code permits and is approximately 10 ft closer to Camp Bowie. This sign still allows for good visibility and has been at its current location since 1969.

As part of the copy change, we would renovate the sign by repairing and repainting all defects in the current framework. We would also like to add a masonry planter to the base to improve the appeal of the sign and the shopping center. (See attached image)

Included with this packet is a "Line of Site" survey showing the need for the pylon sign. Our building sits well below the grade of Camp Bowie and is blocked by several obstacles as you travel Camp Bowie from either direction, making the property significantly less visible to vehicular traffic approaching the property from either direction. Keeping the pylon sign in its current configuration will continue to allow motorists to safely locate the building, will help us fill the vacant space, and bring new business to the City of Benbrook.

This sign was erected by Gibson's Department Stores back in the late 60's. It remains one of those few iconic signs from days gone by, much like the old Montgomery Ward sign in the Ft Worth 7<sup>th</sup> Street complex. Gibson's opened their first store in Abilene, Texas in 1960. Records show that our sign on Camp Bowie was installed in 1969. We would like to retain this iconic sign in its current shape and size with that famous red arrow on the side. Gibson's has a deep history in Texas and only has two remaining stores in operation. One in Weatherford, Tx and the other in Kerrville. We would ask you to help us keep this little bit of history here in Benbrook.

As an option to bring the sign more into conformity we would be willing to remove the arrow on the side, remove the bottom electronic LED reader sign, and install a replacement sign canister for the LED can that would fit within the two supporting poles. That change would reduce the sign faces by almost 40%, bringing it much closer to meeting the current allowable size. Currently the sign is calculated at 492 sq ft. The new calculation would be 310 sq ft. If we made this change we would like to have permission to continue using the sign in it's new reduced size and change copy as needed for new or changing tenants indefinitely as long as the sign is in good repair. We would also like to be able to maintain the sign by repainting or refreshing any copy that may already be on the sign.



Jack  
In the box

(La Familia)  
AUTO INSURANCE

La Familia  
AUTO INSURANCE  
(682) 224-7759

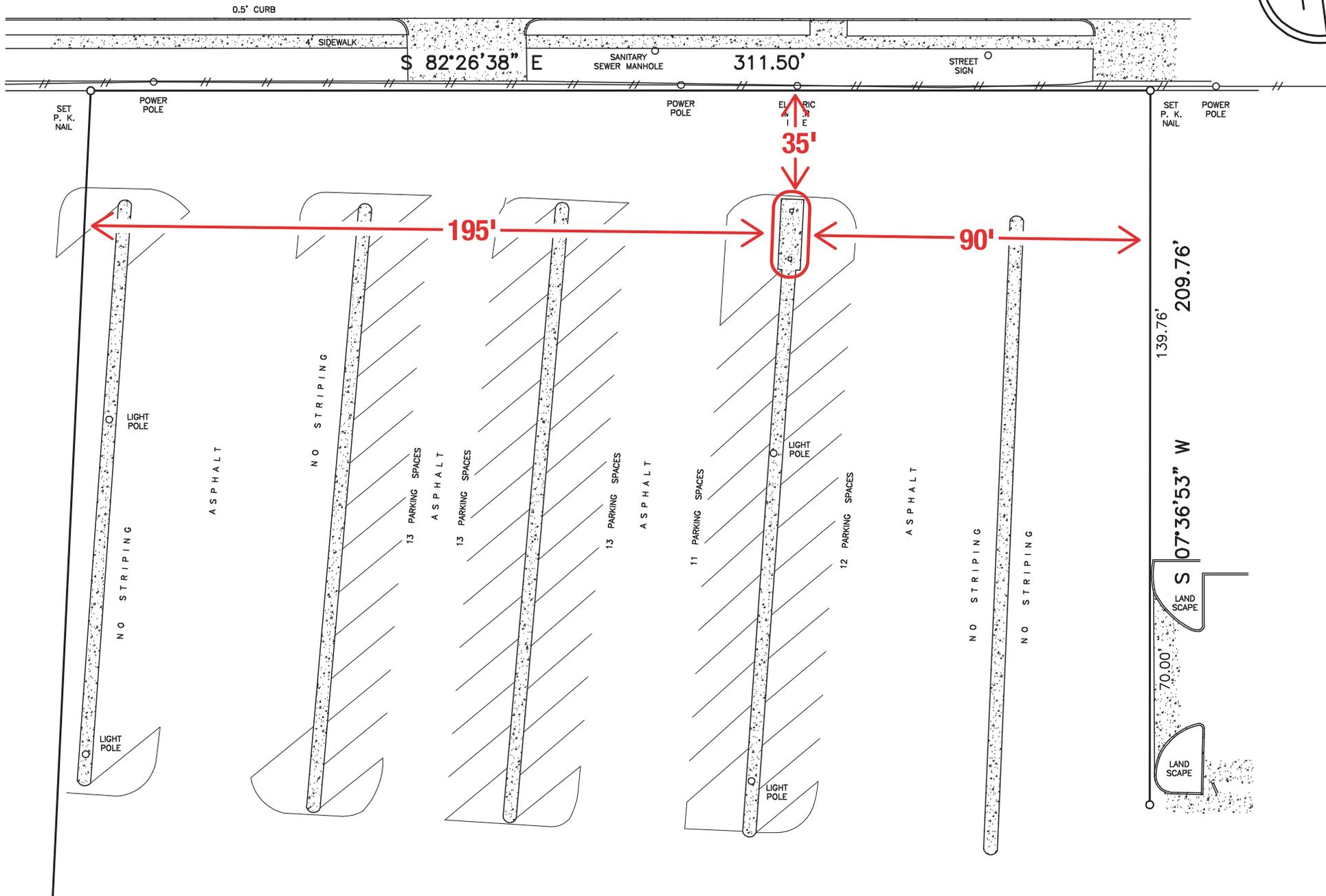


EXHIBIT A



# CAMP BOWIE WEST BOULEVARD

( 126' R/W )



# Sutherlands

7909 Camp Bowie W. Blvd.



# Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Sutherlands Pylon Sign

Outparcel strip center blocking Sutherlands

PLANET FITNESS  
West end of center

Broadmoor Dr



## Traveling East on Camp Bowie Blvd



- \* Building set back approximately 310' from Camp Bowie
- \* Building elevation is approximately 15' downhill from road

# Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Sutherlands Pylon Sign

Sutherlands building

Outparcel strip center

Boston Ave



## Traveling East on Camp Bowie Blvd



- \* Building set back approximately 310' from Camp Bowie
- \* Building elevation is approximately 15' downhill from road

# Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Sutherlands Pylon Sign

Sutherlands building

Karen St



## Traveling East on Camp Bowie Blvd



- \* Building set back approximately 310' from Camp Bowie
- \* Building elevation is approximately 15' downhill from road

# Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Sutherlands Pylon Sign

Sutherlands building  
out of peripheral view



Karen St

## Traveling East on Camp Bowie Blvd



- \* Building set back approximately 310' from Camp Bowie
- \* Building elevation is approximately 15' downhill from road

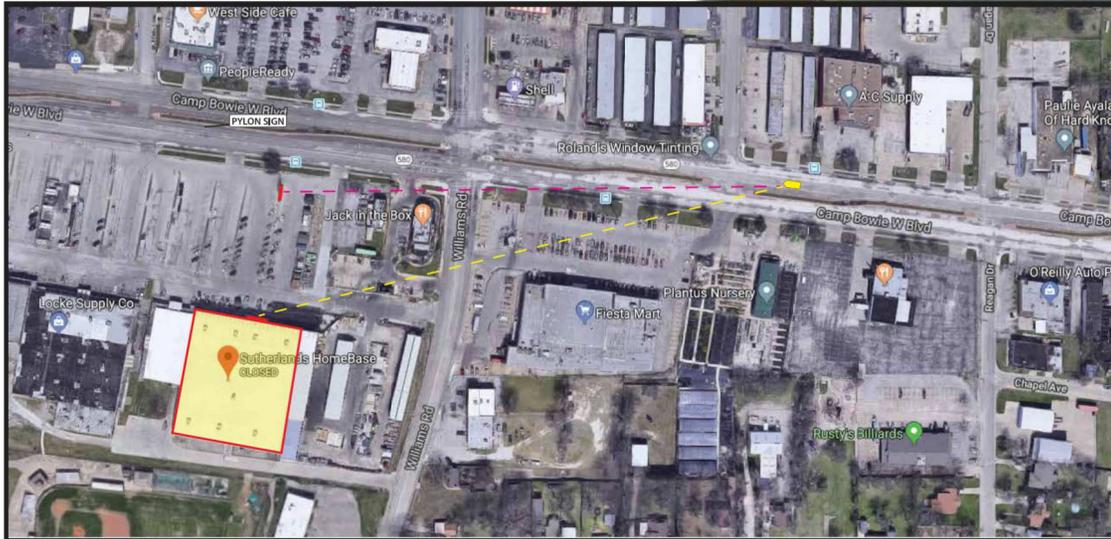
# Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Curtis Dr



Traveling West on Camp Bowie Blvd



- \* Building set back approximately 310' from Camp Bowie
- \* Building elevation is approximately 15' downhill from road

# Sutherlands shopping center

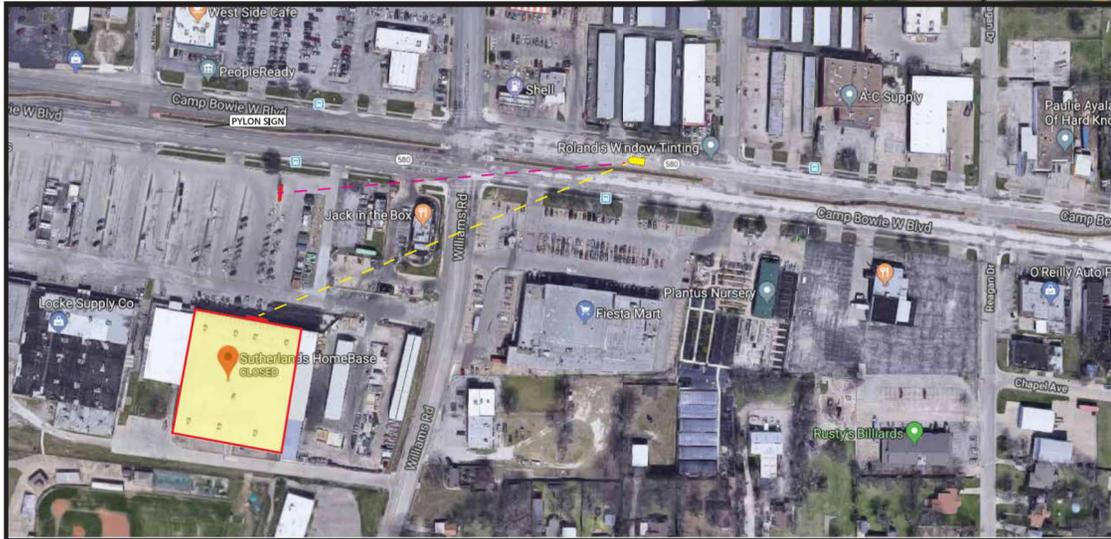
7909 Camp Bowie W. Blvd.

Sutherlands building set back 310' off road and blocked by Jack In The Box

Sutherlands Pylon Sign



## Traveling West on Camp Bowie Blvd



- \* Building set back approximately 310' from Camp Bowie
- \* Building elevation is approximately 15' downhill from road

# Sutherlands shopping center

7909 Camp Bowie W. Blvd.

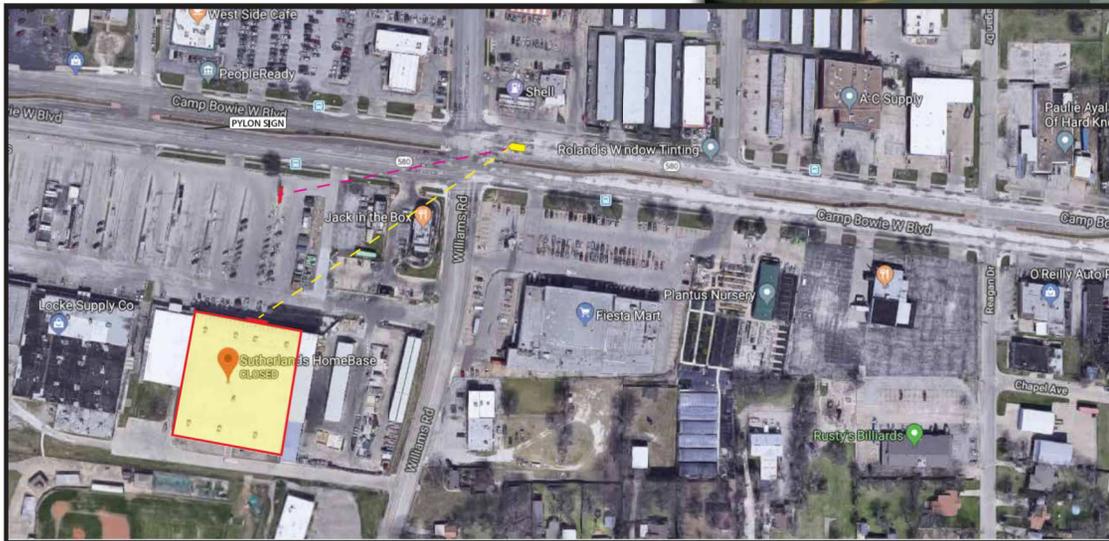
Sutherlands building

Sutherlands Pylon Sign

Williams Rd



## Traveling West on Camp Bowie Blvd



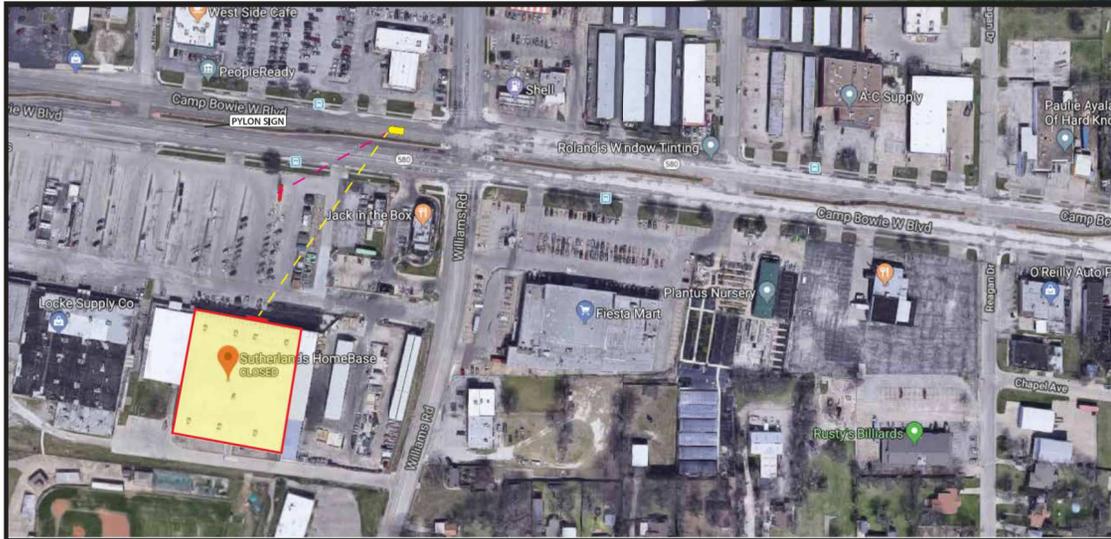
- \* Building set back approximately 310' from Camp Bowie
- \* Building elevation is approximately 15' downhill from road

# Sutherlands shopping center

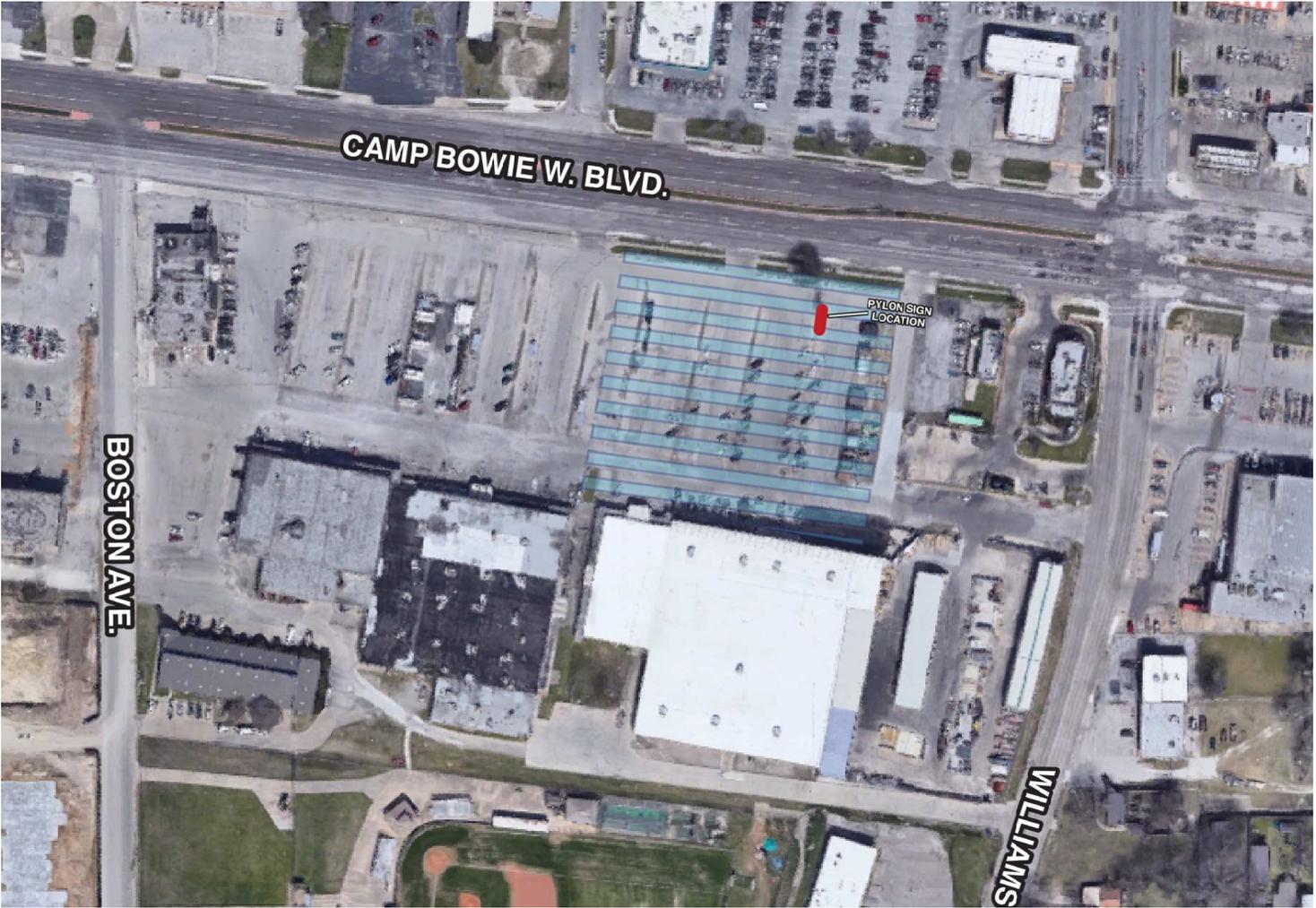
7909 Camp Bowie W. Blvd.



## Traveling West on Camp Bowie Blvd



- \* Building set back approximately 310' from Camp Bowie
- \* Building elevation is approximately 15' downhill from road



# AERIAL MAP



CITY OF  
FORT WORTH

FORT WORTH  
BENBROOK  
CAMP BOWIE W BLVD

ADDY TRL  
BOSTON AVE  
LIGHT LN  
RUSH ST  
BOSTON AVE

CITY OF  
BENBROOK

BANGOR DR  
CARRICK ST

FORT WORTH  
SWILMS RD  
BENBROOK

ZBA-19-02 - Request to Alter a Non-Conforming Sign

Location:  
7909 Camp Bowie W Blvd

## **Applicable Ordinances**

### 17.100.100 [Non-conforming] Signs

The lawful location and maintenance of commercial signboards and billboards existing at the time of passage of this Ordinance may be continued, although such use does not conform with the provision hereof, provided, however, that no alterations are made thereto and provided, however, any sign installed and in use prior to the enactment of this Ordinance will not be restricted by the Ordinance so long as its location, height, basic construction, message and other significant characteristics remain unchanged. Any sign in any zoning district which is rebuilt, relocated, modified, enlarged, extended, altered other than by normal maintenance to the configuration existing at the time of enactment of this Ordinance shall be regulated by this Ordinance.

### 17.08.020 - Definitions

“Sign, non-conforming” means any sign that was lawfully constructed and maintained prior to the effective date of [Title 17 – Zoning of the City of Benbrook] and which does not conform to the requirements of [Title 17].

“Sign alteration” means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

### 17.92.030. K.2 – Administrative procedures [Sign Ordinance]

The [Zoning Board of Adjustment] shall have the following powers:

2. To authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the board, increase the degree of nonconformity of the sign and that the long-term goal of bringing signs into compliance is achieved.