

AGENDA
BENBROOK ZONING BOARD OF ADJUSTMENT
AND APPEALS COMMISSION
TUESDAY, OCTOBER 25, 2022
911 WINSCOTT ROAD

A quorum of the Benbrook City Council may be in attendance at this meeting
PRE-MEETING WORKSESSION, 7:00 P.M.
CENTRAL CONFERENCE ROOM

1. Review and Discuss Agenda 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. CITIZEN COMMENTS ON ANY AGENDA ITEM
- III. SELECTION OF CHAIR AND VICE CHAIR OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION
- IV. MINUTES OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION
 - A. Approve Minutes Of The Regular Meeting Held November 23, 2021
Documents:

[ZBA MINUTES 11232021.PDF](#)
- V. REPORTS BY CITY STAFF - ZONING BOARD OF ADJUSTMENT
 - A. No Items
- VI. REPORTS BY CITY STAFF - APPEALS COMMISSION
 - A. No Items
- VII. ADJOURNMENT

**MINUTES
OF THE MEETING OF THE BENBROOK
ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 23, 2021**

The regular meeting of the Zoning Board of Adjustment and Appeals Commission of the City of Benbrook was held on Tuesday, November 23, 2021 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Wes Myers, Chair
Ghias Dean
Donald Pilliod
Lizbeth Sowell

Also Present:

Doug Howard	City Planner
Jim Hinderaker	Assistant City Manager
Jared DeVries	Acting Recording Secretary

I. CALL TO ORDER

The presiding officer, Wes Myers, called the meeting to order at 7:30 p.m.

II. CITIZEN COMMENT ON ANY AGENDA ITEM

The presiding officer asked for any citizen comments on any agenda item. No one in attendance spoke.

III. MINUTES OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION

A. Approve Minutes of the Regular Meeting Held on September 28, 2021.

Motion by Ms. Sowell to approve the minutes of the September 28th meeting. Seconded by Mr. Pilliod. The presiding officer called the question.

Vote on the Motion:

Ayes: Mr. Myers, Mr. Dean, Mr. Pilliod, and Ms. Sowell

Noes: None

Abstain: None

Motion carried: 4 – 0 – 0

IV. REPORTS FROM CITY STAFF – ZONING BOARD OF ADJUSTMENT

1. ZBA-21-01 - A request for a variance to reduce the required rear yard setback, being the minimum distance between the primary structure and the rear property line, from 20 feet to 15 feet. The property is currently vacant, zoned "A" One-Family District, legally described as Lot 1, Block 1, Legend Manor Addition, and addressed as 8 Legend Road, Benbrook Texas. [PUBLIC HEARING]

Doug Howard, City Planner, presented the staff report and was available for questions.

Wes Myers asked staff to verify whether or not the staff report indicates the criteria is undue hardship but not pecuniary hardship, if staff has any objections to the applicants claims as stated, and went through the following items to determine if staff has any objections:

1. The variance is not contrary to the public interest;
2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship;
3. The spirit of the ordinance must be observed; and
4. Substantial justice must be done.

Staff raised no objections.

The applicant's representative, Brad Naeher with Schwarz Hanson Architects (2570 River Park Plaza #100, Fort Worth TX 76116), presented the request and asked for 45 additional days for the issuance of a building permit.

Mr. Myers asked Mr. Naeher if his client intended to move into the proposed home, and if he agreed with the following criteria:

1. That there were special circumstances or conditions affecting the land involved such that the strict application of the provision of this title deprive the applicant of reasonable use of his land; and
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
4. The granting of a variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this title.

He also asked Mr. Naeher why the applicant would like extra time for issuance of the building permit. The applicant outlined their proposed timeline.

Mr. Pilliod asked what type of house is planned to be built. The applicant described the plans for the single-family house.

The presiding officer asked for public comment. There were no public comments.

The presiding officer opened the discussion from the commission. Ms. Sowell made a motion to approve the variance request. After Board discussion on the motion, there was no second.

Mr. Myers discussed the following approval criteria with the Board:

1. The variance is not contrary to the public interest;
2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship;
3. The spirit of the ordinance must be observed; and
4. Substantial justice must be done.

Motion by Mr. Myers that the Board approve the variance application including the additional time that has been requested and that the board finds:

1. That there were special circumstances or conditions affecting the land involved such that the strict application of the provision of this title deprive the applicant of reasonable use of his land; and
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
4. The granting of a variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this title.

Seconded by Mr. Dean. The presiding officer called the question.

Vote on the Motion:

Ayes: Mr. Myers, Mr. Dean, Mr. Pilliod, and Ms. Sowell

Noes: None

Abstain: None

Motion carried: 4 – 0 – 0

V. REPORTS BY CITY STAFF - APPEALS COMMISSION

No Items

VI. ADJOURNMENT

There being no further business on the agenda, the presiding officer adjourned the meeting at 8:07 p.m.

APPROVED: _____, 2022

Chair/Presiding Officer