

**MINUTES
OF THE MEETING OF THE BENBROOK
ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION
REGULAR MEETING
TUESDAY, JANUARY 28, 2025**

The regular meeting of the Zoning Board of Adjustment and Appeals Commission of the City of Benbrook was held on Tuesday, January 28, 2025, at 7:30 p.m., in the Council Chambers at 911 Winscott Road with the following members present:

Wes Myers, Chair (New Vice Chair)
Ghias Dean
Janette Cole, (New Chair)
Lizbeth Sowell
Carol Stacy, Alternate B

Absent Thomas Fitzsimmons

Also Present:	Stephen Hickey	Alternate D
	Ethan Cox	Assistant City Manager
	Doug Howard	City Planner
	Brooke Teal	Planning Technician, 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

Mr. Myers asked for any citizen comments on any agenda item. No one in attendance spoke.

III. SELECTION OF THE COMMISSION/BOARD CHAIRPERSON

Motion by Ms. Sowell to nominate Ms. Cole as Chair of the Zoning Board of Adjustment and Appeals Commission. Seconded by Mr. Dean. The presiding officer called the question.

Vote on the motion:

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

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

IV. SELECTION OF THE COMMISSION/BOARD VICE CHAIRPERSON

Ms. Cole called for nominations for Vice Chair. Motion by Ms. Sowell to nominate Mr. Myers as Vice Chair. Seconded by Ms. Stacy. The presiding officer called the question.

Vote on the motion:

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

Noes: None

Abstain: Mr. Myers

Motion carried: 4 – 0 – 1

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

A. Approve Minutes of the Regular Meeting Held on October 22nd, 2024.

Motion by Mr. Myers to adopt the minutes of the October 22nd meeting. The motion was seconded by Ms. Sowell. The presiding officer called the question.

Vote on the Motion:

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

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

VI. REPORTS FROM CITY STAFF – APPEALS COMMISSION

A. No Items

No Agenda items were presented to the Appeals Commission.

VII. REPORTS BY CITY STAFF – ZONING BOARD OF ADJUSTMENT

- A. ZBA-25-01 – 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 10 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]

The Chair introduced item ZBA-25-01 and asked for the applicant to present their request.

Applicant Kevin Terry (600 Harrold St, Apt 461, Fort Worth, TX) requested a variance to reduce the required rear yard setback from 20 feet to 10 feet for a single-family residential lot. The applicant explained that the lot’s unusual configuration, wide but shallow, combined with required front and rear setbacks significantly limited the buildable area, creating difficulty in constructing a home consistent with the surrounding neighborhood.

The applicant noted that the property is bordered by commercial uses to the rear and one side, has no residential neighbors directly behind it, and is located at the end of a street with no through traffic. The applicant stated that a previously platted rear utility easement had been abandoned by the utility provider and that the requested setback reduction would allow for necessary grading and a retaining wall to address drainage and elevation changes. The applicant further stated that the proposed home design would be compatible with surrounding residences.

The applicant also requested an extension of time beyond the standard 90-day variance period to obtain a building permit, requesting an additional 60 days due to permitting timelines.

Mr. Myers asked questions related to the variance request and applicable approval criteria, including:

- Whether the variance would be contrary to the public interest or adversely affect surrounding properties;
- Whether special circumstances unique to the property resulted in unnecessary hardship if the ordinance were strictly applied;
- Whether the spirit and intent of the zoning ordinance would be observed; and
- Whether granting the variance would achieve substantial justice.

Additional discussion addressed the lot's configuration, compatibility with adjacent land uses, drainage conditions at the rear of the property, the intended use of the reduced setback area, and whether adjacent property owners had been contacted.

The applicant responded that the variance would not negatively impact neighboring properties or the public interest due to the adjacent commercial uses and lack of residential neighbors to the rear. The applicant stated that strict application of the setback requirements would effectively prevent reasonable residential use of the lot and that the variance was necessary due to the property's unique physical constraints rather than economic considerations alone.

During the presentation of the staff report, Staff presented the applicant's site plan and explained that variances are granted only to the minimum extent necessary to overcome a hardship. Staff clarified that any approval would be tied specifically to the submitted site plan and would not constitute a blanket reduction of the rear yard setback.

Staff reviewed the applicable statutory and ordinance-based variance criteria and advised that the Board must determine whether the evidence presented during the public hearing, staff report, and any public comment satisfied those requirements. Staff stated that they did not object to the applicant's hardship claims as presented and advised that, if the Board found the criteria satisfied, staff would recommend approval of the variance as requested did not object to granting the applicant an additional 60 days beyond the standard variance timeframe.

The Chair opened and closed the public hearing portion of the meeting, as no members in the audience spoke.

The Zoning Board of Adjustment discussed the variance request in relation to the applicable statutory and ordinance-based criteria. Discussion focused on special circumstances affecting the property, including its unusual configuration, limited depth, adjacent commercial uses, and end-of-street location. The Board considered whether strict application of the rear yard setback would deprive the applicant of reasonable residential use of the property and whether the variance was necessary for the preservation and enjoyment of a substantial property right. The Board also discussed the compatibility of the proposed development with surrounding land uses, the absence of residential properties to the rear, and whether granting the variance would be detrimental to public health, safety, or welfare, injurious to nearby property, or interfere with the orderly development of other land in the area. Staff reviewed the applicable variance criteria and advised the Board that approval may be granted only upon finding that the evidence satisfies state and local requirements.

Motion by Mr. Myers to move to approve the requested variance, allowing the single-family dwelling to encroach, but no more than 10 feet, into the rear yard as depicted in the applicant's site plan, Attachment 1, Page 9 of the staff report. The motion was seconded by Mr. Dean. Mr. Myers questioned adding the request of an additional

90 days to the motion. Staff explained that if the motion failed, the Board could consider a new motion. The presiding officer called the question.

Vote on the Motion:

Ayes: None

Noes: None

Abstain: Mr. Myers, Mr. Dean, Ms. Cole, Ms. Sowell, and Ms. Stacy

Motion failed: 0 – 0 – 5

Motion by Mr. Myers to move to approve the requested variance, allowing the single-family dwelling to encroach, but no more than 10 feet, into the rear yard as depicted in the applicant's site plan, Attachment 1, Page 9 of the staff report. In addition, the Board would grant an additional 60 days as requested during the applicant's presentation. The motion was seconded by Ms. Stacy. The presiding officer called the question.

Vote on the Motion:

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

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

VIII. ADJOURNMENT

There being no further business on the agenda, the presiding officer adjourned the meeting at 8:15 p.m.

APPROVED _____, 2026

Chair/Presiding Officer