



Prakriti Adhyapak

05/07/09

COMMERCIAL BOARD OF ADJUSTMENT

DECISIONS

Wednesday, May 6th, 2009

10:00 AM

1000 Throckmorton St.

City Council Chamber

2nd Floor – City Hall

Fort Worth, Texas 76102

BOARD MEMBERS :

Sam Buchanan	_____	P
Wendy Vann Roach	_____	P
Robert West, Chair	_____	P
Bill Miller	_____	P
Susan Witts	_____	A
Jeff Hughes	_____	P
Larry E. Dyess	_____	A
Carl Logan (Alternate)	_____	P
Johanna McCully-Bonner, Vice Chair	_____	P
Victoria Powell	_____	A
Susan De Los Santos (Alternate)	_____	P

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|------|------------|--|----------------------------|
| I. | 9:00 A.M. | WORK SESSION | Pre-Council Chamber |
| | | A. Review of Cases on Today's Agenda | |
| II. | 10:00 A.M. | PUBLIC HEARING | Council Chamber |
| | | A. Approval of Minutes of the April 01, 2009 Hearing | APPROVED |
| | | | <u>5-0-3</u> |
| | | B. Cases on Today's Agenda | |
| III. | 12:00 P.M. | LUNCH AND STAFF BRIEFING | Pre-Council Chamber |
| IV. | 1:00 P.M. | CONTINUATION OF PUBLIC HEARING | Council Chamber |



4. **BAC-09-032** **LUIS GERARDO PEREZ** **CD9**
4458 & 4472 Hemphill St. & 716 W Gambrell St.
- a. Request a **VARIANCE** in an “E” Neighborhood Commercial District and “FR” General Commercial Restricted District to permit the continued use of the auxiliary parking lot providing required parking in the projected front yard
CONTINUED TO JUNE 3, 2009 8/0
- b. Request a **VARIANCE** in an “E” Neighborhood Commercial District and “FR” General Commercial Restricted District to permit the continued use of the parking lot providing required parking in the projected front yard.
CONTINUED TO JUNE 3, 2009 8/0
- c. Request a **VARIANCE** in an “E” Neighborhood Commercial District and “FR” General Commercial Restricted District to permit the continued use of the retail center providing fifty nine (59) parking spots instead of the required eighty seven (87) parking spots, deficient by twenty eight (28) spaces.
CONTINUED TO JUNE 3, 2009 8/0
5. **BAC-09-040** **GOODWILL INDUSTRIES** **CD3**
8312 Camp Bowie Blvd. West
- a. Request a **SPECIAL EXCEPTION** in an “E” Neighborhood Commercial District to permit the placement of an attended donation center
DENIED WITHOUT PREJUDICE 8/0
- b. Request a **VARIANCE** in an “E” Neighborhood Commercial District to permit the placement of an attended donation center on a vacant lot; a secondary use without a primary use.
DENIED WITHOUT PREJUDICE 8/0
- C. New Cases:**
1. **BAC-09-010** **TO BE HEARD JUNE 3rd 2009**
2. **BAC-09-042** **CITY OF FORT WORTH** **CD8**
3616 East Lancaster Avenue
- a. Request a **VARIANCE** in a “F” General Commercial District and “E” Neighborhood Commercial District to permit the installation of an eight (8) foot tall solid wood fence in the projected twenty (20) foot front yard.
STIPULATING SIX (6) FOOT SOLID WOOD FENCE.
APPROVED 8/0
- b. Request a **VARIANCE** in a “F” General Commercial District and “E” Neighborhood Commercial District to permit the installation of an eight (8) foot tall open design steel fence in the projected twenty (20) foot front yard.
APPROVED 8/0



3. **BAC-09-049** **LENNAR HOMES TX Land & Const LTD by Metro Code Analysis** **CD8**
1551 Kings Glen Lane
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a construction trailer for a period of two (2) years. **STIPULATING SIX (6) MONTHS AND BRING IN FULL COMPLIANCE.**
- APPROVED 8/0**
- b. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a construction trailer using the required front yard for required parking. **STIPULATING SIX (6) MONTHS AND BRING IN FULL COMPLIANCE.**
- APPROVED 8/0**
4. **BAC-09-050** **TXU Electric Company by Peter Kavanagh, Zone Systems** **CD8**
7290 Wichita Street
- a. Request a **VARIANCE** in a "J" Medium Industrial District to permit the replacement of an existing equipment shelter without platting the lot.
- APPROVED 8/0**
5. **BAC-09-051** **JOSE SERNA by Louis Zapata** **CD2**
2716 Pearl Avenue
- a. Request a **VARIANCE** in an "E" Neighborhood Commercial District to permit the continued use of the commercial strip center with parking deficient by two (2) spaces.
- APPROVED 8/0**
6. **BAC-09-052** **CHOICE HOMES By Greg Goodrich** **CD4**
604 Atascosa Avenue
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a model home within three hundred (300) feet of an occupied residence for a period of one (1) year.
- APPROVED 8/0**
7. **BAC-09-053** **STANDARD PACIFIC OF TEXAS LP By Metro Code** **CD7**
664 and 668 Ash Meadow Circle
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of two (2) model homes within three hundred (300) feet of an occupied residence for a period of three (3) years.
- APPROVED 8/0**
8. **BAC-09-054** **STANDARD PACIFIC OF TEXAS LP By Metro Code Analysis** **CD2**
4813 and 4817 McBreyer Place
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of two (2) model homes within three hundred (300) feet of an occupied residence for a period of three (3) years.
- APPROVED 8/0**



9. **BAC-09-055** **PULTE HOME CORP OF TEXAS By Pat Cooke** **CD2**
15901, 15905, 15909 Avenel Way
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of three (3) model homes within three hundred (300) feet of an occupied residence for a period of three (3) years.
- APPROVED 8/0**
10. **BAC-09-058** **FIRST TEXAS HOMES By Pat Cooke** **CD7**
8205 Misty Water Drive
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a model home within three hundred (300) feet of an occupied residence for a period of two (2) years.
- APPROVED 8/0**
11. **BAC-09-059** **DJK INC By Reliable Leasing LLC** **CD5**
4000 East Loop 820 South
- a. Request a **VARIANCE** in an "I" Light Industrial District to permit the use of the property as a trucking terminal within two hundred (200) feet of a residential district. **STIPULATING NO VEHICULAR ACCESS TO EASTLAND STREET.**
- APPROVED 8/0**
12. **BAC-09-060** **CHELDAN HOMES (MCVERT LP) By North Texas Inspection Service** **CD7**
6052 Texas Shiner Drive
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a model home within three hundred (300) feet of an occupied residence for a period of two (2) years. **STIPULATING ONE (1) YEAR.**
- APPROVED 8/0**
13. **BAC-09-061** **CHARLES NAPIER** **CD9**
3461 Bluebonnet Circle
- a. Request a **VARIANCE** in an "E" Neighborhood Commercial District to permit the continued use of the property with fifteen (15) parking spaces instead of the required twenty (20) spaces, deficient by five (5) spaces.
- APPROVED 8/0**
14. **BAC-09-062** **COVENANT CLASSICAL SCHOOL By Jacobs Engineering** **CD7**
1701 WindStar Way
- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a school without providing the required thirty (30) foot grass bufferyard on the south property line.
- APPROVED 8/0**



15. **BAC-09-063** **TEXAS CHRISTIAN UNIVERSITY (Harold Leeman) By Hahnfeld Hoffer** **CD9**
Stanford (Tony Hartin)
3301 Bellaire Drive North
- a. Request a **VARIANCE** in a "PD/MU-2" Planned Development High Intensity Mixed-Use District to permit the construction of the building with front yard setback of one hundred and seventy eight feet six inches (178' 6") where only twenty (20) feet is allowed.
CONTINUED TO JUNE 3, 2009 8/0
- b. Request a **VARIANCE** in a "PD/MU-2" Planned Development High Intensity Mixed-Use District to permit the construction of the building providing approximately seven (7) foot wrought iron screening fence with masonry columns along south property line.
CONTINUED TO JUNE 3, 2009 8/0
- c. Request a **VARIANCE** in a "PD/MU-2" Planned Development High Intensity Mixed-Use District to permit the construction of the building allowing surface parking between the building and front property line.
CONTINUED TO JUNE 3, 2009 8/0
- d. Request a **VARIANCE** in a "PD/MU-2" Planned Development High Intensity Mixed-Use District to permit the construction of the building without providing the pedestrian main entrance from a public or private sidewalk.
CONTINUED TO JUNE 3, 2009 8/0
16. **BAC-09-064** **HEARTHSTONE PROPERTIES DELAWARE LLC By Goodwill Industries** **CD3**
6913 West Camp Bowie Boulevard
- a. Request a **SPECIAL EXCEPTION** in a "PD" Planned Development District to permit the placement of an attended donation center
DENIED WITHOUT PREJUDICE 8/0
- b. Request a **VARIANCE** in a "PD" Planned Development District to permit the placement of an attended donation center on a vacant lot; a secondary use without a primary use.
DENIED WITHOUT PREJUDICE 8/0



17. **BAC-09-065** **MARGAUX WESTOVER PARTNERS LTD (Don Silverman) By Aecom** **CD7**
(Richard Husek)
All of Sherry Lane (401,415,425,435,455,465,503,517,545,603, 617, 625,
633,635,637,639,645,653,667,677,701)
- a. Request a **VARIANCE** in a “G” Intensive Commercial District to permit the continued construction of the property lot 2B providing eleven (11) trees instead of the required nineteen (19), deficient by eight (8) trees.
CONTINUED TO JUNE 3, 2009 8/0
 - b. Request a **VARIANCE** in a “G” Intensive Commercial District to permit the continued construction of the property lot 2B providing five (5) shrubs instead of the required one hundred and eighty six (186), deficient by one hundred and eighty one (181) shrubs.
CONTINUED TO JUNE 3, 2009 8/0
 - c. Request a **VARIANCE** in a “G” Intensive Commercial District to permit the continued construction of the property lot 2C providing thirty one (31) shrubs instead of the required forty three (43), deficient by twelve (12) shrubs.
CONTINUED TO JUNE 3, 2009 8/0
 - d. Request a **VARIANCE** in a “G” Intensive Commercial District to permit the continued construction of the property lot 2D providing forty eight (48) shrubs instead of the required eighty three (83), deficient by thirty five (35) shrubs.
CONTINUED TO JUNE 3, 2009 8/0
 - e. Request a **VARIANCE** in a “G” Intensive Commercial District to permit the continued construction of the property lot 2E providing twenty (20) shrubs instead of the required seventy six (76), deficient by fifty six (56) shrubs.
CONTINUED TO JUNE 3, 2009 8/0
 - f. Request a **VARIANCE** in a “G” Intensive Commercial District to permit the continued construction of the property lot 2F providing twenty four (24) trees instead of the required twenty five (25), deficient by one (1) tree.
CONTINUED TO JUNE 3, 2009 8/0
 - g. Request a **VARIANCE** in a “G” Intensive Commercial District to permit the continued construction of the property lot 2F providing twenty five (25) shrubs instead of the required two hundred and forty seven (247), deficient by two hundred and twenty two (222) shrubs.
CONTINUED TO JUNE 3, 2009 8/0
 - h. Request a **VARIANCE** in a “G” Intensive Commercial District to permit the continued construction of the property lot 2G providing fifteen (15) shrubs instead of the required eight four (84), deficient by sixty nine (69) shrubs.
CONTINUED TO JUNE 3, 2009 8/0
18. **BAC-09-066** **UNITED STATES LIME AND MINERALS By Bureau Veritas North America** **CD2**
Inc.
1750 Brennan Avenue
- a. Request a **VARIANCE** in a “K” Heavy Industrial District to permit the continued use of the property without providing the required bufferyard at the west property line.
APPROVED 7/1
 - b. Request a **VARIANCE** in a “K” Heavy Industrial District to permit the continued use of the property without providing the required landscaping and irrigation in the required bufferyard at the west property line.
APPROVED 7/1



19. BAC-09-067

NORMA I GARCIA By Rosa I Garcia
809 Hudgins Avenue

CD4

- a. Request a **SPECIAL EXCEPTION** in an "A-7.5" One-Family District to permit the continued use of the auxiliary parking lot.

APPROVED 8/0

- b. Request a **VARIANCE** in an "A-7.5" One-Family District to permit the continued use of the auxiliary parking lot with parking in the required twenty (20) foot front yard.

APPROVED 8/0

- c. Request a **VARIANCE** in an "A-7.5" One-Family District to permit the continued use of the auxiliary parking lot with parking in the required five (5) foot side yard.

APPROVED 8/0

- d. Request a **VARIANCE** in an "A-7.5" One-Family District to permit the continued use of the auxiliary parking lot with parking in the required five (5) foot rear yard.

APPROVED 8/0

- e. Request a **VARIANCE** in an "A-7.5" One-Family District to permit the continued use of the auxiliary parking lot without providing the required five (5) foot landscaped bufferyard. **STIPULATING SIX (6) MONTHS AND SEAL-OFF ACCESS TO HUDGINS AVENUE PERMANENTLY.**

APPROVED 8/0

- f. Request a **VARIANCE** in an "A-7.5" One-Family District to permit the continued use of the auxiliary parking lot providing an open design chain-link fence instead of the required solid wood screening fence. **STIPULATING SIX (6) MONTHS AND SEAL-OFF ACCESS TO HUDGINS AVENUE PERMANENTLY.**

APPROVED 8/0

V. ADJOURNMENT:

4:59 P.M.

ASSISTANCE AT THE PUBLIC MEETINGS:

The Fort Worth City Hall and Council Chambers are wheelchair accessible. Access to the building and special parking are available on the south side of the city hall building off of Texas Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact Al Godwin at (817) 392-7825, FAX (817) 392-7985, or call TDD 1-800-RELAY-TX at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

Executive Session

A closed executive session may be held with respect to any posted agenda item to enable the Commission to receive advice from legal counsel, pursuant to Texas Government Code, Section 551.071.