

NOTICE OF A REGULAR MEETING DALWORTHINGTON GARDENS ZONING BOARD OF ADJUSTMENTS

JUNE 1, 2020 AT 7:00 P.M.

CITY HALL COUNCIL CHAMBERS 2600 ROOSEVELT, DALWORTHINGTON GARDENS, TEXAS

- 1. Call to Order
- 2. Minutes
 - a. May 6, 2019 minutes
 - b. March 2, 2020 minutes
- 3. Swearing in for Testimony
 - a. At this time, the ZBA Chairperson will swear in all participants who will give testimony.
- 4. ZBA 002-20: Application from Laura Bianco located at 2801 Pleasant Ridge, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.125 "Screening Devices" regarding fences or other screening devices exceeding six (6) feet in height.
 - a. Conduct a public hearing on this item.
 - b. Discussion and possible action on this item.
- 5. Adjourn

CERTIFICATION

This is to certify that a copy of the **June 1, 2020** Zoning Board of Adjustments Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, <u>www.cityofdwg.net</u>, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____ TIME OF POSTING: _____ TAKEN DOWN: _____

Lola Hazel, City Secretary

Dalworthington Gardens Zoning Board of Adjustments May 6, 2019 Meeting Minutes

1. Call to Order

Chairman Ken Kiser called the meeting to order with the following present:

Members Present:

Kenneth Kiser, Chairman Horace Riley Rhonda Schrock Paula Boehme

Members Absent:

Michael Henderson Charles Miller

Staff Present:

Sherry Roberts, City Administrator Lola Hazel, City Secretary Gary Harsley, Building Official

2. Executive Session

The Board recessed into Executive Session at 7:03 p.m. in accordance with Texas Government Code Section 551.071, attorney consultation as it relates to the application by Goodwill Automotive (Leiming Tang), item #5 on the agenda.

3. Consider approval of the minutes for the meeting held on July 2, 2018.

This item was not addressed.

4. Swearing in for Testimony

a. At this time, the ZBA Chairperson will swear in all participants who will give testimony.

Chairperson Ken Kiser administered the oath.

- 5. An application by Goodwill Automotive (Leiming Tang) located at 2720 Corzine Drive, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.221 "General Provisions" regarding setback requirements and lot coverage impervious surface; section 14.02.224 "B-3 business district" regarding restrictions on auto-related uses; section 14.02.374 "Schedule of off-street parking standards" regarding off-street parking requirements; section 14.02.376 "Loading space for emergency vehicles"; 14.02.532 "Nonconforming uses regulated" regarding nonconforming structures; and an appeal from the determination/decision by an administrative official for the denial of a permit.
 - a. Conduct a public hearing on this item.
 - b. Discussion and possible action on this item.

Chairman Ken Kiser opened the public hearing at 8:05 p.m.

Background information on this item: In approximately October 2017, a representative for 2720 Corzine approached city staff about building a "canopy" as an addition to the existing structure at that location. The 2720 Corzine representative was informed he/she could not build said "canopy". Existing structure is nonconforming; thus, city ordinances do not allow an addition to the building.

In late 2018, city staff received a complaint about construction taking place at 2720 Corzine and investigated said complaint. City staff determined the construction at 2720 Corzine was taking place without a permit and a citation was issued for building without a permit.

The owners at 2720 Corzine then applied for a permit and included the same plans as were submitted in 2017. As noted on the attached permit application, application was denied as building does not conform to city ordinances/code.

The ordinances submitted to the board showed the following:

- Impervious requirements for B-3 business district
- Minimum setback requirements for B-3 business district
- Auto-related use requirements in B-3 business district
- Parking requirements for auto repair, garage, or shop
- Loading space requirements for emergency vehicles
- Ordinance language regarding nonconforming uses

Below are needed variances to allow the structure at 2720 Corzine to remain as is.

- 2720 Corzine exceeds the maximum allowed impervious surface coverage of 80% (Sec. 14.02.221)
- 2720 Corzine exceeds the minimum setback requirements (Sec. 14.02.221)
- 2720 Corzine already occupies the required yard for repair of vehicles (Sec. 14.02.224)
- 2720 Corzine does meet the minimum parking requirement (Sec. 14.02.374), but meeting the loading space requirement for emergency vehicles (Sec. 14.02.376) would take away parking spaces.
- 2720 Corzine does not meet the loading space requirement for emergency vehicles, and conforming to this section effects parking space requirements in Sec. 14.02.374.
- The structure located at 2720 Corzine is considered nonconforming and by city ordinances, is not allowed to "be enlarged, changed, altered or repaired except in conformity with the regulations contained in this division." In accordance with Section 14.02.532.

Chairman Ken Kiser closed the public hearing at 8:35 p.m.

A motion was made by Board Member Rhonda Schrock and seconded by Board Member Horace Riley to uphold the determination/decision by an administrative official for the denial of a permit, and to deny all requested variances.

Motion carried by the following vote: Ayes: Members Kiser, Riley, Schrock, and Boehme Nays: None

6. Adjourn

The meeting was adjourned at 9:35 p.m.

Dalworthington Gardens Zoning Board of Adjustments March 2, 2020 Meeting Minutes

1. Call to Order

Chairman Ken Kiser called the meeting to order with the following present:

Members Present:

Kenneth Kiser, Chairman Horace Riley Rhonda Schrock Anh Nguyen, Alternate Mike Redden

Members Absent:

Michael Henderson Charles Miller

Staff Present:

Lola Hazel, City Administrator Gary Harsley, Building Official

2. Swearing in for Testimony

a. At this time, the ZBA Chairperson will swear in all participants who will give testimony.

Chairperson Ken Kiser administered the oath.

- 3. An application from Richard Sherman located at 2805 Broadacres Lane, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.125 "Screening Devices" regarding fences or other screening devices exceeding six (6) feet in height.
 - a. Conduct a public hearing on this item.
 - b. Discussion and possible action on this item.

Chairman Ken Kiser opened the public hearing at 7:01 p.m.

Background information on this item: I Mr. Richard Sherman at 2805 Broadacres Lane is looking to build an 8 ft. plank on plank fence across his backyard. Mr. Sherman's application states the higher fence will provide nuisance light blockage for him and pool privacy for his neighbor.

In the city's ordinances, Sections 14.02.123 and 14.02.125 provide regulations for fence height. 14.02.123 is for front yard fence height and 14.02.125 is for side and rear yard height regulations. The maximum allowed height according to Section 14.02.125, without board approval, is 6 ft. Mr. Sherman's requested height of 8 ft. exceeds that. Mr. Sherman is just requesting this 8 ft. height along the back portion of the fence.

The following comments were made by citizens:

- 1. Nicholas Lewis, 2804 Oak Trail Court: Spoke in favor of the request.
- 2. Laura Bianco, 2801 W. Pleasant Ridge Road: Spoke in favor of the request

With no one else desiring to speak, Chairman Ken Kiser closed the public hearing at 7:12 p.m.

A motion was made by Board Member Mike Redden and seconded by Board Member Rhonda Schrock to approve a request from Richard Sherman for a variance to the City of Dalworthington Gardens Zoning Ordinance section 14.02.125 "Screening Devices" regarding fences or other screening devices exceeding six (6) feet in height.

Motion carried by the following vote: Ayes: Members Kiser, Riley, Schrock, Nguyen, and Redden Nays: None

4. Adjourn

A motion was made by Board Member Horace Riley and seconded by Board Member Rhonda Schrock to adjourn the meeting at 7:13 p.m.

Motion carried by the following vote: Ayes: Members Kiser, Riley, Schrock, Nguyen, and Redden Nays: None Chairman: Any person speaking or giving testimony, must swear to an oath. Those speaking or giving testimony, please stand and raise your right hand as I read the following oath:

"I swear or affirm that the testimony that I am about to give is the truth, the whole truth, and nothing but the truth so help me God."

Chairman says to audience: If you so swear, say, 'I do'.

Audience should respond with "I do".



CITY OF DALWORTHINGTON GARDENS

Notice of Public Hearing

Re: Variance Request from Laurie Bianco, 2801 W. Pleasant Ridge

To Property Owners within 200' of 2801 W. Pleasant Ridge:

Notice is hereby given that the Dalworthington Gardens Zoning Board of Adjustments will hold a public hearing on June 1, 2020 at 7:00 p.m. in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

ZBA – 002-20: Application from Laurie Bianco located at 2801 W. Pleasant Ridge, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.125 "Screening Devices" regarding fences or other screening devices exceeding six (6) feet in height.

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved city tax roll. All interested persons are encouraged to attend the public hearing and express their opinions on the amendment. If you are unable to attend but wish to have your opinions made part of the public record, please mail your opinions to the address below prior to the public hearing. Please include your name, address, and property description on all correspondence.

Written comments are needed by May 29, 2020 to be presented to the Zoning Board of Adjustment at their meeting. Comments received after that will be recorded and filed.

AGENDA INFORMATION SHEET

TO: ZONING BOARD OF ADJUSTMENTS

FROM: Lola Hazel, City Secretary

AGENDA DATE: June 1, 2020

AGENDA ITEM: ZBA – 002-20: Application from Laura Bianco located at 2801 Pleasant Ridge, Dalworthington Gardens, Texas for variances to the City of Dalworthington Gardens Zoning Ordinance section 14.02.125 "Screening Devices" regarding fences or other screening devices exceeding six (6) feet in height.

BACKGROUND: Mrs. Laura Bianco at 2801 W. Pleasant Ridge is looking to build a fence higher than ordinances allow.

In the city's ordinances, Sections 14.02.123 and 14.02.125 provide regulations for fence height. 14.02.123 is for front yard fence height and 14.02.125 is for side and rear yard height regulations.

14.02.123(d)(2)(C) states:

(d) <u>Permitted obstructions in required yards and open spaces</u>. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

- (2) In front yards:
- (C) Fences not exceeding four (4) feet in height which do not constitute a sight obstruction.

14.02.125(b)(3) states the following:

(b) Erection and maintenance responsibility.

(3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without prior board approval.

Staff sent notices to all property owners within 200' and has not received any notification back.

BOARD OPTIONS:

- Grant variances to the following sections:
 - 14.02.123 and 14.02.125
- Deny variances to the following sections:
 0 14.02.123 and 14.02.125

ATTACHMENTS:

- Ordinance Sections
- Applicant Request
- 200' Map
- 200' Notice Address List
- Public Hearing Notice
- Letter to Residents 200'
- Board Orders Denial/Grant Orders

Sec. 14.02.123 Yard requirements

(a) <u>Double frontage lots</u>. On double frontage lots, a minimum front yard shall be required on both streets; provided however, that when a principal structure on a double frontage lot will back on a major thoroughfare, the minimum rear yard in an "SF" district may be reduced as provided in the district regulations, when:

(1) The front and rear yards and building lines therefor are designated on a plat approved by the council and recorded in the plat records of Tarrant County, Texas; and

(2) A screening device approved by the city as to location and height is erected along the property line abutting the major thoroughfare.

When a double frontage lot is located in an SF district, the right-of-way of the major thoroughfare shall be the rear lot line and such lot shall face on the minor street.

(b) <u>Reverse corner lots</u>. On a reverse corner lot in any district, the rear line of which abuts a lot zoned for residential purposes, no structure or portion thereof shall be located within twenty-five (25) feet of any part of said rear lot line. Further, any portion of a structure which is located within thirty-five (35) feet of such rear lot line shall observe the same yard requirements on its side-street side as are specified by this article for the lot which it abuts to its rear.

(c) <u>Swimming pools and tennis courts</u>. In all districts, a swimming pool or tennis court shall be permitted in a required side or rear yard under the following conditions:

(1) The pool area shall be enclosed in compliance with <u>article 3.05</u> of this code.

(2) Pools and tennis courts shall not be located within ten (10) feet of a property line measured from the outside edge of the coping (in the case of pools) or the playing surface (in the case of tennis courts).

(3) Lighting shall be directed toward the recreation area and away from adjacent residential uses.

(d) <u>Permitted obstructions in required yards and open spaces</u>. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

(1) In all required yards:

(A) Open terraces not over four (4) feet above the average grade of the property at the nearest property line, but not including a permanently roofed terrace or porch, awning or canopy.

(B) Steps four (4) feet or less above grade which are necessary for access to a permitted building, or to a building lot, from a street or alley.

(C) Chimneys projecting twenty-four (24) or less inches into the yard.

(D) Fences, subject to subsection (2)(c) hereof.

(2) In front yards:

(A) Bay windows, balconies and overhanging eaves or gutters, none of which shall project more than four (4) feet into a required yard.

(B) Plants, hedges or other natural growth, so long as the same do not constitute a sight obstruction, as described and regulated by subsection (5) hereof.

(C) Fences not exceeding four (4) feet in height which do not constitute a sight obstruction.

(3) In side yards: Bay windows, overhanging eaves or gutters projecting two feet or less into a required yard.

(4) In rear yards: In residential districts, none of the following shall be considered an obstruction in a rear yard, provided that it is not situated within ten (10) feet of the property line of adjacent residential property and does not exceed a height of fifteen (15) feet: detached off-street parking structures; accessory sheds, tool rooms and similar buildings or structures for domestic or agricultural storage but not designed or used for human habitation; breezeways and open, unroofed porches. In addition, in residential districts, the following shall not be considered obstructions provided that they are not situated within twenty (20) feet of the property line of adjacent residential property: balconies, bay windows and overhanging eaves or gutters. Open off-street parking spaces shall be permitted in required yards unless elsewhere herein prohibited.

(5) Sight obstructions: Nothing herein provided shall be construed as permitting any obstruction to view which may constitute a traffic hazard. On the contrary, it shall be unlawful for any person to erect or place or cause to be erected or placed, or to perpetuate or maintain, on any property under his control any hedge, tree, shrub, or other growth or any fence or other structure in such manner or at such location as to constitute an obstruction to view creating a traffic hazard. On corners or on street curves of more than sixty (60) degrees, when doubt may exist regarding sight obstructions, the approval of the city engineer shall be required.

(e) <u>Front yard storage</u>. No part of a required front yard in a residential district shall be used for any period of more than ten (10) consecutive days for the parking or storage of any vehicle, object or material not elsewhere herein permitted.

(2005 Code, sec. 17.4.03)

Sec. 14.02.125 Screening devices

(a) <u>Where required</u>. A screening device, as herein defined, shall be erected before any use other than uses permitted in the "SF" or "MF" districts is made of property in "B-1" or less restrictive districts when such property abuts residentially zoned property. Insofar as it is practical, such screening device shall be erected along the entire length of the common line between such nonresidential property and the abutting residentially zoned property.

(b) <u>Erection and maintenance responsibility</u>.

(1) When a screening device is required under the terms of subsection (a) of this section, it shall be the responsibility of the user of the commercial or industrial property to erect the required screening device, and the same shall be a condition precedent to the issuance of a certificate of occupancy for the premises on which said device is located.

(2) All screening devices required by this article or action of the board of adjustment shall be perpetually maintained by the user of the property on which said device is located.

(3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without prior board approval.

(c) <u>PD screening</u>. In residential planned developments the council may approve as part of the PD site plan masonry walls higher than provided above in required yards so long as the same do not violate visibility restrictions.

ZONING BOARD OF ADJUSTMENT A CITY OF DALWORTHINGTON G	
Laurie Bianco Applicant's Name (please print)	3/20/20 Date
2801 W Pleasant Ridge Rd. Address	<u>903 258 7354</u> Telephone Number
Property Address	
Sabatino : Laura Bianco Property Owner Address	(Same) Telephone Number
Legal Description of Property	
I hereby apply to the Zoning Board of Adjustment for the follo	owing reason:
An alleged error in an order, requirement, decision or administrative official in the enforcement of the ordina	A STATEMENT AND

A special exception to the terms of the ordinance upon which the board is required to pass as specified by ordinance.

A variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

Additional information supporting application

a variance for a 6' rec Na of or Hle

Applicant's Signature

ZBA Fee \$500 Amount

For Office Use Only 18/2020

Date

CK195629

Receipt Number

Notification Mailed

Meeting Scheduled

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City of DWG 817-274-7662

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REC#: 00195629 OPER: CARLA TERM REF#: WINDOW/CK1 PAID BY:	: 002	0 3:59 PM
TRAN: 160.0000 2801 W PLEAS LAURIE BIANC 110-00.4460	ANT RIDGE H O	RD.
Chrg For Ser	V1Ce -	500.00CR
TENDERED: APPLIED:	500.00 500.00-	CHECK
CHANGE :	0.00	

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Dear ZBA members,

My family would like to request a variance for a 6 foot fence on the front of our property located at 2801 W Pleasant Ridge Road. We are making this request in an effort to secure our property. We have lived here since 2010 and during that time we have had the police called to our residence more times than I would like to admit because of trespassers. I am including a report for the past 2 years from 6/18-3/20 and as you can see, we have 22 calls just during that period for trespassing. Thanks to our fine law enforcement folks, that number has been significantly reduced when compared to our first 5 years living here. This fence should prevent "fence jumpers" and provide greater security, as well as visibility, which is in line with the DWG's desire to promote the beauty of our community. We would sincerely appreciate your consideration of our request.

Sincerely,

Sabatino, Laurie, and Emily Bianco

The Bianco Family

2801 W. PLEASANT RIDGE		
2/4/2020	SUSPICIOUS PERSON	
1/4/2020	TRESSPASS IN PROGRESS	
12/17/2019	INVESTIGATION	
11/14/2019	SUSPICIOUS PERSON	
	SUSPICIOUS PERSON	
10/18/2019	SUSPICIOUS VEHICLE	
10/4/2019	SUSPICIOUS PERSON	
9/22/2019	SUSPICIOUS VEHICLE	
9/19/2019	INVESTIGATION	
9/12/2019	SUSPICIOUS VEHICLE	
6/6/2019	MEET COMPLAINANT	
3/3/2019	INVESTIGATION	
2/3/2019	MEET COMPLAINANT	
1/20/2019	MEET COMPLAINANT	
1/17/2019	SUSP VEHICLE	
10/9/2018	MEET COMPLAINANT	
9/13/2018	INVESTIGATION	
8/14/2018	SUSP VEHICLE	
6/20/2018	INVESTIGATION	

2701 W. PLEASANT RIDGE	
	INVESTIGATION
	INVESTIGATION
10/24/2018	CRIMINAL MISCHIEF
: 	

Bianco 200' Notices



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SABATINO BIANCO 2801 W PLEASANT RDG RD ARLINGTON, TX 76016-4938

SABATINO BIANCO LAURA SABATINO 2801 W PLEASANT RDG RD ARLINGTON, TX 76016-4938

STANSFIELD BRIGHTON LLC PO BOX 661 MANSFIELD, TX 76063-0661

PLEASANT RIDGE PARTNERS LLC 4000 N MACARTHUR BLVD STE A 132 IRVING, TX 75038

PAUL V STORM JOHANNA STORM 10 TWIN LAKES CT ARLINGTON, TX 76016-4026

CHRIS TRUONG CHAU TROUNG 10 TWIN LAKES CT UNIT A ARLINGTON, TX 76016

MOHAMMAD AL-ASSI REEM AL-ASSI 10 TWIN LAKES CT UNIT B ARLINGTON, TX 76016-4043

TITANIUM INVESTMENTS LLC 23 FRIEND ST GLOUCESTER, MA 01930

JOHN HOLMBERG CAROLYN M HOLMBERG 10 HEMINGSFORD CT DALWORTHINGTON GARDENS, TX 76016

C LARRY PHILLIPS 4004 FAIRMONT CT BEDFORD, TX 76021 UNITED REI GROUP LLC 10004 BROILES LN FORT WORTH, TX 76244

JONATHAN F CRABB 4203 ANNIES LN ARLINGTON, TX 76016-4904

KARIN RIVAS 4201 ANNIES LN ARLINGTON, TX 76016-4904

VERNICKI JOHNSON 4200 ANNIES LN ARLINGTON, TX 76016

MICHAEL WARREN ROSWITHA WARREN 4204 ANNIES LN ARLINGTON, TX 76016-4903

PETER VAN ANTWERP SARAH VAN ANTWERP 4201 GLEN HOLLOW CIR ARLINGTON, TX 76016-4914

CHERYL L DASH 4203 GLEN HOLLOW CIR ARLINGTON, TX 76016

JACQUELINE LEE 4200 GLEN HOLLOW CIR ARLINGTON, TX 76016-4912

4204 GLEN HOLLOW CIR ARLINGTON, TX 76016

AMIR KAMMAZ ANH K HUA 3 GARDEN LN ARLINGTON, TX 76016 JUDY LEE 4206 GLEN HOLLOW CIR ARLINGTON, TX 76016-4912

ADOLFO GUEVARA 2803 GLEN RIDGE CT ARLINGTON, TX 76016-4916

DIMITARE STOYANOV RUSKOV 2805 GLEN RIDGE CT ARLINGTON, TX 76016-4916

JAMES NORMAN 2807 GLEN RIDGE CT ARLINGTON, TX 76016-4916

JANICE FRAZIER 2809 GLEN RIDGE CT ARLINGTON, TX 76016

RONALD SCHUMAN 2811 GLEN RIDGE CT ARLINGTON, TX 76016-4916

JEFFREY DACUS SHANNON DACUS 2815 GLEN RIDGE CT ARLINGTON, TX 76016

WILLIAM M JR FLOYD JENNIFER L FLOYD 4201 GLEN RIDGE DR ARLINGTON, TX 76016 Notice is hereby given that the Dalworthington Gardens Zoning Board of Adjustments will hold a public hearing on June 1, 2020 at 7:00 p.m. in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

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