

AGENDA
BENBROOK ZONING BOARD OF ADJUSTMENTS
TUESDAY SEPTEMBER 26, 2017
911 WINSCOTT ROAD
PRE-COMMISSION WORK SESSION, 7:00 P.M.
CENTRAL CONFERENCE ROOM

1. Review and discuss items for regular meeting

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

I. CALL TO ORDER

II. CONSIDERATION OF MINUTES

1. Approve Minutes Of The Regular Meeting Held January 24, 2017

Documents:

[ZBA MINUTES-1-24-17.PDF](#)

III. REPORTS BY CITY STAFF

1. V-17-01 – A Request For A Variance To Allow A Seven-Foot (7') Setback Distance From The Front Property Line For An Existing Pylon Sign, Resulting In An 18-Foot Reduction From The Required Minimum Setback Of 25 Feet. The Property Is Generally Located Northwest Of The Intersection Of Southwest Boulevard And Bryant Irvin Road, Zoned "F" Commercial District, And Further Described As Lot 3B, Block 1, Country Day Meadows Addition (6100 Southwest Boulevard). [PUBLIC HEARING].

Documents:

[V-17-01 ZBA STAFF REPORT.PDF](#)
[SITE PLAN.PDF](#)

IV. ADJOURNMENT

THIS FACILITY IS WHEELCHAIR ACCESSIBLE. FOR ACCOMMODATIONS OR TO INFORM US OF INACCESSIBILITY TO THIS MEETING, PLEASE CONTACT ANDY WAYMAN, CITY MANAGER, AT 817-249-3000. FOR SIGN INTERPRETATIVE SERVICES, PLEASE CALL 48 HOURS IN ADVANCE.

**MINUTES
OF THE
MEETING OF THE
BENBROOK ZONING BOARD OF ADJUSTMENT
TUESDAY, JANUARY 24, 2017**

The Regular Meeting of the Zoning Board of Adjustment of the City of Benbrook was held on Tuesday, January 24, 2017 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Wes Myers
Odessa Ellis
Jennifer Mundine
Donald Pilliod
Jason Ward

Also Present:

Lizbeth Sowell, Board Alternate
Robert Wood, Board Alternate Appointee
Ethan Stinson, Board Alternate Appointee
Jim Hinderaker, Assistant City Manager
Ed Gallagher, Planning Director
Johanna Matthews, City Planner
Stephanie Stevens, Court Clerk/Notary

I. CALL TO ORDER

Chairman Myers called the meeting to order at 7:30 p.m.

II. CONSIDERATION OF MINUTES

Regular Meeting – February 23, 2016

Motion by Ms. Mundine to approve the minutes of the February 23, 2016 Board meeting as presented. Second by Mr. Pilliod. The Chair called the question.

Vote on the Motion:

Ayes: Ms. Ellis, Mr. Myers, Ms. Mundine, Mr. Ward and Mr. Pilliod

Noes: None

Abstain: None

Motion carried 5 – 0 – 0

III. OATH OF OFFICE

The oath of office was issued to Odessa Ellis – Place 2, Jennifer Mundine – Place 4, Robert Wood – Alternate B, and Ethan Stinson – Alternate D, by Stephanie Stevens, Notary Public.

IV. SELECTION OF CHAIR AND VICE-CHAIR

Nomination by Ms. Mundine to elect Wes Myers as Chair. Second by Mr. Ward. There were no additional nominations. The Chair called the question.

Vote on the nomination:

Ayes: Ms. Ellis, Ms. Mundine, Mr. Ward, and Mr. Myers

Noes: None

Abstain: Mr. Myers

Motion carried 4 – 0 – 1

Nomination by Ms. Ellis to elect Donald Pilliod as Vice-Chair. Second by Mr. Ward. There were no additional nominations. The Chair called the question.

Vote on the nomination:

Ayes: Ms. Ellis, Ms. Mundine, Mr. Ward and Mr. Myers

Noes: None

Abstain: Mr. Pilliod

Motion carried 4 – 0 – 1

V. ADJOURNMENT

There being no further business on the Board agenda, the Chair declared the regular meeting adjourned at 7:40 p.m.

WORK SESSION FOLLOWING REGULAR MEETING

Board Training

APPROVED: _____, 2017

Chair



City of Benbrook

Zoning Board of Adjustments

DATE: 09/26/2017	REFERENCE NUMBER: V-17-01	SUBJECT: Lot 3B, Block 1 Country Day Meadows Addition (6100 Southwest Boulevard): A variance to reduce the required 25-foot setback for an existing pylon sign to 7 feet.	PAGE: 1 of 3
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SUMMARY

Consider approval of a request for a variance to allow a seven-foot (7') setback distance from the front property line for an existing pylon sign, resulting in an 18-foot reduction from the required minimum setback of 25 feet. The property is generally located northwest of the intersection of Southwest Boulevard and Bryant Irvin Road, zoned "F" Commercial District, and further described as Lot 3B, Block 1, Country Day Meadows Addition (6100 Southwest Boulevard).

In June of 2017, planning staff met with the applicant concerning his intentions on applying for a sign permit to update the face of the above referenced sign. In the process of trying to identify what would be required for the permit it was discovered the sign did not conform to the current sign ordinance, and would be regulated by the non-conforming sign section of the zoning ordinance; section 17.100.100, which states that any sign in any zoning district that is altered other than regular maintenance would need to conform to the current zoning regulations.

The sign was legally constructed with a 7-foot setback. An amendment to the sign ordinance increased the minimum setback for pylon signs to 25 feet, which caused this sign to be legal non-conforming. The applicant is applying for a variance so that the existing pylon sign would receive conforming status.

SITE DETAILS

- Mira Vista Commons, 6100 Southwest Boulevard, generally located northwest of the intersection of Southwest Boulevard and Bryant Irvin Road.
- 8.1879 acres
- "F" Commercial District
- Total Street frontage: 429 feet

APPLICABLE ORDINANCES

17.16.060.A – Variances

No variance shall be granted unless the board finds:

1. That there were special circumstances or conditions affecting the land involved such that the strict application of the provisions 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. That 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.

DATE: 09/26/2017	REFERENCE NUMBER: V-17-01	SUBJECT: Lot 3B, Block 1 Country Day Meadows Addition (6100 Southwest Boulevard): A variance to reduce the required 25-foot setback for an existing pylon sign to 7 feet.	PAGE: 2 of 3
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17.92.030.K – Administrative procedures (Sign Ordinance)

4. A hardship is intended to include a change in elevation or curve in a roadway which obstructs visibility.
5. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The board is not authorized to grant a variance of the zone in which a sign is permitted.
6. In order to make a finding of hardship and to grant a variance, the board shall find:
 - a. The requested variance does not eliminate any requirement of this title and does not allow any prohibited signs;
 - b. The hardship is not in any way the result of the applicant's own action; and
 - c. The hardship is peculiar to the property of the applicant and not due to the general conditions of the neighborhood. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.

17.08.020 – Definitions

- "Sign, pylon." A freestanding sign other than a pole sign, permanently affixed to the ground by two columns or supports with the sign face contained entirely between the two columns and the bottom edge of the sign cabinet is a minimum of eight feet above grade.
- "Sign alteration" means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

17.92.050 - Requirements for pylon sign

- Maximum Height: 35 feet
- Minimum Setback: 25 - 35 feet. (For every 1foot in height over 25ft, and additional 1 foot in the setback is added)
- Maximum Sign Area: 160 square feet
- Frontage Requirements: 200 feet

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 a the time of enactment of this Ordinance shall be regulated by this Ordinance.

STAFF ANALYSIS

- The existing pylon sign, with a 7-foot setback, is "Legal Non-Conforming". The current minimum setback for a pylon sign is 25 feet.
- This site has a frontage of 429 feet which allows them 2 signs and this site has 2 signs.
- This sign has a height of 24 feet and the maximum height allowed is 35 feet.
- The sign area is 150 square feet and the maximum sign area is 160 square feet.

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FINDINGS

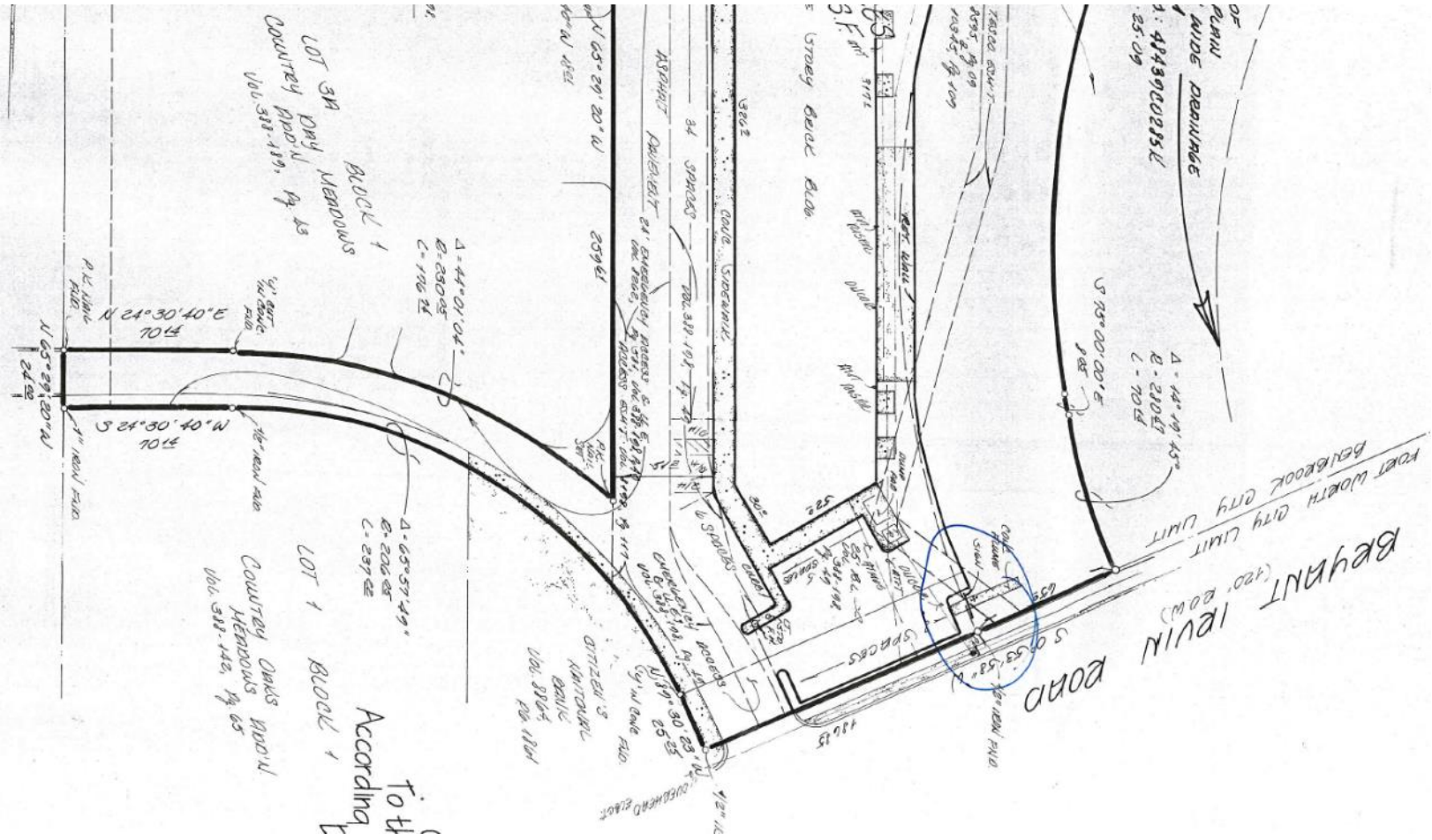
- A creek, with a high number of trees, lies to the north of the subject site. These trees are within the typical 25-foot front yard setback area. If a new free standing sign, meeting the 25-foot requirement were constructed, these trees would obstruct visibility the visibility of the sign for vehicles traveling south bound on Bryant Irving.
- Visible signage is necessary for the preservation and enjoyment of the property owner’s rights.
- Visible signage is a benefit to members of the community and to motorists. It is not detrimental to the public health, safety, or welfare of the community. This is an existing sign and has not been, nor will it be injurious to other property in the area.
- Granting a variance to an existing sign will not prevent the orderly development of other land in the area.
- Pylon signs are permitted.
- The visibility hardship was not created by the owner of the subject property. The owner of the subject property does not own the property to the north of the site.
- The property’s location to the creek is unique to the area.
- No requirement of the sign ordinance has been eliminated. This variance is a reduction of the requirement.

STAFF RECOMMENDATION

Staff finds that the applicant’s proposal meets the criteria required in order for the Board to grant a variance. Staff recommends the Zoning Board of Adjustments grant a variance to reduce the required 25-foot setback from the front property line, for the existing pylon sign, to 7 feet, as presented by staff.

Exhibits:
Site Plan

Bryant Irving Sign



- Surface = 150sqft
- Total Frontage = 429ft
- Set-back = 7ft
- Total height = 24ft
- Grade to bottom = 9ft