

#### **BOARD OF ADJUSTMENT MEETING AGENDA**

Municipal Complex, 516 Ranch House Rd, Willow Park, TX 76087

Monday, December 12, 2022 at 6:00 PM

**CALL MEETING TO ORDER** 

**DETERMINATION OF QUORUM** 

**APPROVAL OF MINUTES** 

1. Board of Adjustment Meeting Minutes: January 20, 2022

#### **PUBLIC HEARING**

2.

PUBLIC HEARING to consider a request for a variance to Sec.14.06.016(g)(4)(B) of the Zoning Ordinance for reduction of landscaping requirements adjacent to the IH-20 right-of-way in the Commercial/I-20 Overlay District on 1.52 acres, Isaac D Headley Survey, Abst. No. 619, City of Willow Park, Parker County, Texas.

**Open Hearing** 

**Close Hearing** 

#### **AGENDA ITEMS**

3. Consideration & Action: Request for a variance to Sec.14.06.016(g)(4)(B) of the Zoning Ordinance for reduction of landscaping requirements adjacent to the IH-20 right-of-way in the Commercial/I-20 Overlay District on 1.52 acres, Isaac D Headley Survey, Abst. No. 619, City of Willow Park, Parker County, Texas.

#### **ADJOURN**

As authorized by Section 551.127, of the Texas Government Code, one or more Council Members or employees may attend this meeting remotely using video conferencing technology.

Any member of the public has the right to appear at the Public Hearing. Please contact the Development Department at 817-441-7108 with any questions.

CERTIFICATION I, the undersigned authority, does hereby certify that this Notice of a Meeting was posted on the bulletin board at City Hall, 516 Ranch House Road, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: November 30, 2022, 5:00 p.m. and remained so posted continuously for at least 72 hours before said meeting is to convene.

\_\_\_\_\_

#### Toni Fisher

#### Planning and Development Director

The City Hall is wheelchair accessible and accessible parking spaces are available. 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 the City Secretary's Office at 817-441-7108, or by email at cdozier@willowpark.org. Requests should be made at least 48 hours prior to the meeting. This agenda is posted on the city's web site at <a href="www.willowpark.org">www.willowpark.org</a>



516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

#### **Call to Order**

Chairperson Cindi Neverdousky called the meeting to order at 6:01 PM

Present:

Chairperson Cindi Neverdousky

Michael Chandler

Mike Barron Steve Gould Mike Caldwell

Absent: Timothy Griffiths, Alt 1

I. CONSIDER for approval Minutes of July 14, 2021 meetings.

Motion made by Board Member **Mike Barron** to approve the minutes of the July 14, 2021 meeting

Second by Board Member Michael Chandler.

Motion passed by unanimous vote.

II. PUBLIC HEARING to consider a request for a variance to Sec.14.03.007 of the Zoning Ordinance for detached accessory building rebuilt on the same site as original detached accessory building to encroach within the 25' side yard setback in the R-1 Single-Family District on 3.300 acres BBB&C RR Co. Abst. No. 147, City of Willow Park, Parker County, Texas, located at 1717 Ranch House Road.

Chairperson Neverdousky opened the public hearing.

Betty Chew stated that due to Mike Barron's being the neighbor of the applicant, identified himself as having a conflict and removed himself from the vote.

Betty Chew discussed the applicant, Colter Schau's request for a variance to allow for an accessory building to remain, although it is within the encroachment on the 25' side yard setback. She explained that this building was a replacement of a previous building that was in disrepair and the new building sits on the same slab as the replaced building. Betty stated that the applicant didn't realize that he had to get a permit to replace a building and



516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

when he came to the City to comply, it was realized that the original building was encroaching within the set back.

Chairperson Neverdousky closed the public hearing.

a. Is the request for a variance owing to special conditions inherent in the property itself?

Aye votes: 4

Chairperson Cindi Neverdousky,

Michael Chandler

Steve Gould

Mike Caldwell

Nay votes: (

Abstained: Mike Barron

Vote Passed: 4

b. Is the condition unique to the property requesting the variance?

Aye votes: 4

Chairperson Cindi Neverdousky,

Michael Chandler

Steve Gould

Mike Caldwell

Nay votes: 0

Abstained: Mike Barron

Vote Passed: 4

c. Is the condition self-imposed or self-created?

Aye votes: 0



#### City of Willow Park **Board of Adjustment Regular Meeting Minutes**

### **Municipal Complex**

516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

Nay votes: 4

Chairperson Cindi Neverdousky

Michael Chandler

Steve Gould

Mike Caldwell

Abstained: Mike Barron

Vote Passed: 4

#### d. Will a literal enforcement of the Zoning Ordinance result in an unnecessary hardship?

4 Aye votes:

Chairperson Cindi Neverdousky

Michael Chandler

Steve Gould

Mike Caldwell

Nay votes: 0

Abstained: Mike Barron

Vote Passed: 4

#### e. Will the hardship prevent any reasonable use whatsoever?

Aye votes: 0

4 Nay votes:

Chairperson Cindi Neverdousky

Michael Chandler

Steve Gould

Mike Caldwell

Abstained: Mike Barron



## City of Willow Park Board of Adjustment Regular Meeting Minutes

## Municipal Complex

516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

Vote Passed: 4

f. Would the grant of the variance be contrary to the public interest?

Aye votes: 0

Nay votes: 4

Chairperson Cindi Neverdousky

Michael Chandler

Steve Gould

Mike Caldwell

Abstained: Mike Barron

Vote Passed: 4

g. Is the request within the spirit of the ordinance and does it further substantiate justice?

Aye votes: 4

Chairperson Cindi Neverdousky

Michael Chandler

Steve Gould

Mike Caldwell

Nay votes: 0

Abstained: Mike Barron

Vote Passed: 4

Variance was granted.



516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

III. PUBLIC HEARING to consider a request for a variance to Sec.14.09.001(f) of the Zoning Ordinance to allow an eight-foot board-on-board panel fence to be placed on the existing five-foot pipe fence in the front yard setback (Crown Rd.) in the R-1 Single-Family District on 12.242 acres, McKinney & Williams Survey, Abst. No. 954, City of Willow Park, Parker County, Texas, located at 6 Crown Rd.

Chairperson Neverdousky opened the public hearing.

Betty Chew discussed the applicant, Traci Swayden's request for a variance to allow an eight-foot board-on-board panel fence to be placed on the existing five-foot pipe fence in the front yard setback at said location on her property for increased privacy and safety.

Chairperson Neverdousky stated that she was concerned with vehicular safety with that tall of a fence since the subject property is on a corner. She asked why a 6' would be unacceptable to which the applicant, Ms. Swayden and her husband, stated that they had trespassers on their property from that side of their yard and the fence would act as a deterrent, and they also have sums of rainwater that collects on that portion of their yard and home during rainy times, and it would help to redirect the water.

Board member Michael Chandler suggested that the applicant build up the base of the fence with a soil berm or retaining wall of 2' and place a 6' fence on top of it; this would, in essence, create an 8' line, still keep the 6' fence as per other residents, and cause the water to deflect from the house. The applicant stated that she was concerned with the cost, but she was agreeable to this solution.

Board member Mike Barron asked if this would interfere with visibility while backing out of the driveway to which which the Applicant replied it would not.

Board member Steve Gould asked if the homeowners would be maintaining the cedar fence or if they would be allowing it to grey, to which the Applicant replied they would stain and maintain the cedar fence.

A motion was made by Michael Chandler to strike the original request of an 8' fence and request the allowance of the construction of a six-foot board-on-board fence to be placed on the existing five-foot pipe fence where specified on the application. The motion was seconded by Mike Barron to change the request.

Chairperson Neverdousky closed the public hearing.

516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

## h. Is the request for a variance owing to special conditions inherent in the property itself?

Aye votes: 5

Chairperson Cindi Neverdousky

Michael Chandler

Steve Gould

Mike Caldwell

Nay votes: 0

Abstained: 0

Vote Passed: 5

#### i. Is the condition unique to the property requesting the variance?

Aye votes: 5

Chairperson Cindi Neverdousky

Michael Chandler

Steve Gould

Mike Caldwell

Nay votes: 0

Abstained: 0

Vote Passed: 5

#### j. Is the condition self-imposed or self-created?

Aye votes: 0

Nay votes: 5

Chairperson Cindi Neverdousky

Michael Chandler



## City of Willow Park Board of Adjustment Regular Meeting Minutes

## Municipal Complex

516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

Steve Gould

Mike Caldwell

Abstained: 0

Vote Passed: 4

## k. Will a literal enforcement of the Zoning Ordinance result in an unnecessary hardship?

Aye votes: 5

Chairperson Cindi Neverdousky,

Michael Chandler

Mike Barron

Steve Gould

Mike Caldwell

Nay votes: 0

Abstained: 0

Vote Passed: 5

#### I. Will the hardship prevent any reasonable use whatsoever?

Aye votes: 0

Nay votes: 5

Chairperson Cindi Neverdousky,

Michael Chandler

Mike Barron

Steve Gould

Mike Caldwell

Abstained: 0

Vote Passed: 5



## City of Willow Park Board of Adjustment

## Regular Meeting Minutes Municipal Complex

516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

#### m. Would the grant of the variance be contrary to the public interest?

Aye votes:

Nay votes: 5

Chairperson Cindi Neverdousky,

0

Michael Chandler

Mike Barron

Steve Gould

Mike Caldwell

Abstained: 0

Vote Passed: 5

## n. Is the request within the spirit of the ordinance and does it further substantiate justice?

Aye votes: 5

Chairperson Cindi Neverdousky

Michael Chandler

Mike Barron

Steve Gould

Mike Caldwell

Nay votes: 0

Abstained: 0

Vote Passed: 5

#### Variance was granted.

Item 1.



# City of Willow Park Board of Adjustment Regular Meeting Minutes Municipal Complex 516 Ranch House Rd Willow Park, TX 76087 Thursday, January 20, 2022 at 6:00 p.m.

Betty Chew advised the Board that the City Council will be voting to amend the Ordinance regarding the Board of Adjustment on February 8, 2022, and that these changes are housekeeping issues to clean up the Ordinance. Ms. Chew indicated that BOA meetings would be quarterly and likely be Tuesday or Thursday to be consistent, to which the Board replied either day was acceptable.

#### **ADJOURN**

With no further business, the meeting adjourned at 6:38 p.m.

APPROVED:

Cindi Neverdousky, Chairperson, Board of Adjustment



# City of Willow Park City Hall 516 Ranch House Rd Willow Park, TX 76087 (817) 441-7108

#### **MEMORANDUM**

TO: Zoning Board of Adjustment

FROM: Toni Fisher, Planning & Development Director

DATE: December 12, 2022

RE: Lot 1, Block 1, Parker County Brewing Company, 1.520 acres, Isaac D, Headley

Survey, Abstract No. 619, Willow Park BOA2022-12-01 (MyGov #22-000240)

The applicant, Ryan Stewart, and property owner, Second Empire Brewery, LLC are requesting a variance for the reduction of the minimum landscaping criteria stated in the Commercial/IH-20 Overlay:

Chapter 14, Sec. 14.06.016(g)(4)(B):

(B) The landscaped screen specified in subsection (g)(4)(A) above shall be located within a landscaped edge measuring a minimum of thirty (30) feet in width adjacent to the IH-20 right-of-way and a minimum of twenty (20) feet in width adjacent to any public street right-of-way other than that for IH-20.

Applicant is requesting a variance to reduce the 30' required landscaping to 5' due to the condition of the land: the 100-year flood plain and floodway along the rear of the subject property. With compliance at 30' landscape, the commercial design and construction of his business, Parker County Brewing Company, will suffer reduced buildable area and parking, and a significant change to the overall product, a hardship that will negatively impact his business.

As a concession to reduced landscaped area in the front (I-20 service road frontage) of the parcel, applicant/owner/developer has committed to use of the flood plain area for additional open amenity space, and they are favorable to increasing the quantity and maturity of landscaping to be placed within the 5' edge.

Applicant's overall site plan may change based on TxDOT's response to Applicant's request for the addition of an entrance from the service road, but this variance requested for the landscape edge should remain unaffected.

The applicant/owner is requesting a variance for the allowable construction of the business' parking lot to begin at 5' from the I-20 Service Road North frontage of his 1.52 acre property.



# City of Willow Park

516 Ranch House Road Willow Park, Texas 76087 Phone: (817) 441-7108 · Fax: (817) 441-6900

# CITY OF WILLOW PARK - BOARD OF ADJUSTMENTS REQUEST FOR A VARIANCE Request No. \_\_\_\_\_\_

Name of Applicant: Ryan Stewart	Telephone: (817) 235-8047		
Email address: ryan@parkercountybrewing.com			
Address of Applicant: 108 Sablewood Court	Azle	TX	76020
Street	City	State	Zip
Owner of Property: Second Empire Brewery, LLC	Telephone: ( <u>817</u> ) 757-7777		
Email address: ryan@parkercountybrewing.com			
Address of Owner: 225 Shops Blvd. Suite 105 Street	Willow Park	TX	76020
	City	State	Zip
Property location for variance: Along I-20 Service Road, Just	t Northwest of King	s Gate Road	d
Briefly explain why this variance is being requested: Due to sit		dplain), we're	e requesting
a variance from the 30' landscape buffer from the I-20 serv	ice road.		
as possible):  (a) Is the request for a variance owing to special condition inh  (b) Is the condition one unique to the property requesting the variance of the condition self-imposed or self-created?  (d) Will a literal enforcement of the zoning ordinance result in Signature of Applicant  Date of	variance?		Fee
City Use			
Ordinance involved:			
Why Referred to BOA:			•
Resolution:	Date:		



November 17, 2022

Toni Fisher
Planning & Development Director – City of Willow Park
516 Ranch House Road
Willow Park, Texas 76087

Re: Parker County Brewing Company – Landscape Buffer Variance Request Site Location: Along I-20 Service Road, Just Northwest of Kings Gate Road

Dear Ms. Fisher,

This letter is to notify you we are requesting a variance from the 30' landscape buffer along the I-20 service road. The list of questions below is from the Board of Adjustments / Request for a Variance form, provided on 11/16/2022.

- 1. Is this request a variance owing to special condition inherent in the property itself?

  Response: Yes, the buildable area is controlled by the floodplain in the rear of the property, which pushes the building and parking area closer to I-20. Note, the developer (Parker County Brewing Company) plans to compensate for the lack of landscaping in the front by providing an amenity area in the back, utilizing the floodplain area.
- 2. Is the condition one unique to the property requesting the variance? Response: Yes, see the response to Item #1.
- 3. Is the condition self-imposed or self-created?

  Response: Self-imposed. The developer and consultant team would like to use the floodplain area in the rear of the property as an amenity area. This pushes the building and parking area closer to the I-20 service road.
- 4. Will a literal enforcement of the zoning ordinance result in an unnecessary hardship?

  Response: Due to the floodplain area, it would significantly change the overall product. The size of the building and desired parking count would be nearly impossible to construct if the 30' landscape buffer is enforced.

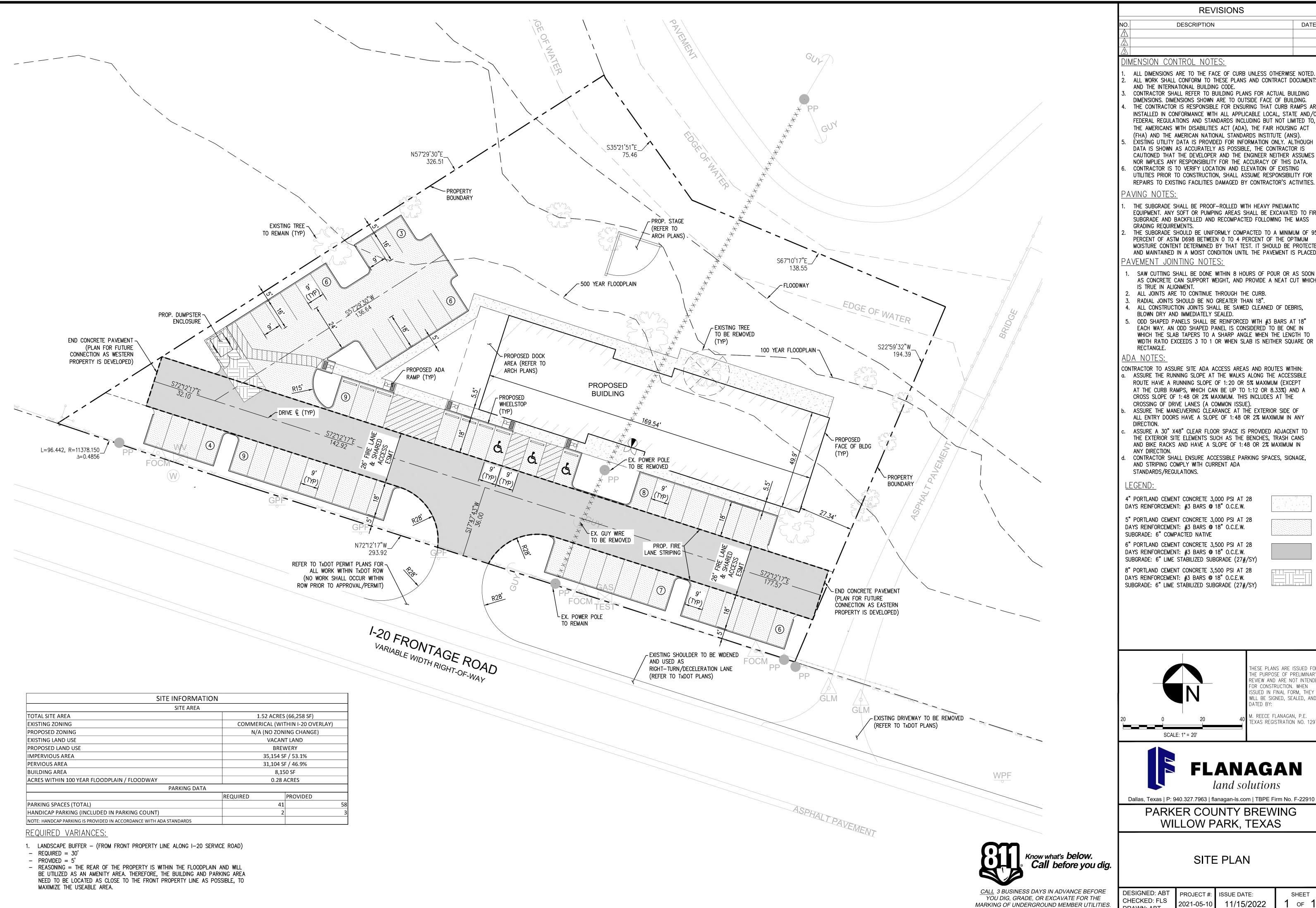
A preliminary site plan has been attached for reference. Please feel free to contact us if you have any questions.

Respectfully,

Reece Flanagan, PE, MBA reece@flanagan-ls.com

P:940.327.7963

Flanagan Land Solutions



REVISIONS DESCRIPTION DATE

#### <u> DIMENSION</u> CONTROL NOTES:

- ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. ALL WORK SHALL CONFORM TO THESE PLANS AND CONTRACT DOCUMENTS AND THE INTERNATIONAL BUILDING CODE.
- CONTRACTOR SHALL REFER TO BUILDING PLANS FOR ACTUAL BUILDING DIMENSIONS. DIMENSIONS SHOWN ARE TO OUTSIDE FACE OF BUILDING. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT CURB RAMPS ARE INSTALLED IN CONFORMANCE WITH ALL APPLICABLE LOCAL, STATE AND/OR FEDERAL REGULATIONS AND STANDARDS INCLUDING BUT NOT LIMITED TO, THE AMERICANS WITH DISABILITIES ACT (ADA), THE FAIR HOUSING ACT (FHA) AND THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI).
- EXISTING UTILITY DATA IS PROVIDED FOR INFORMATION ONLY. ALTHOUGH DATA IS SHOWN AS ACCURATELY AS POSSIBLE, THE CONTRACTOR IS CAUTIONED THAT THE DEVELOPER AND THE ENGINEER NEITHER ASSUMES NOR IMPLIES ANY RESPONSIBILITY FOR THE ACCURACY OF THIS DATA. CONTRACTOR IS TO VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION, SHALL ASSUME RESPONSIBILITY FOR

#### PAVING NOTES:

- THE SUBGRADE SHALL BE PROOF-ROLLED WITH HEAVY PNEUMATIC EQUIPMENT. ANY SOFT OR PUMPING AREAS SHALL BE EXCAVATED TO FIRM SUBGRADE AND BACKFILLED AND RECOMPACTED FOLLOWING THE MASS GRADING REQUIREMENTS.
- THE SUBGRADE SHOULD BE UNIFORMLY COMPACTED TO A MINIMUM OF 95 PERCENT OF ASTM D698 BETWEEN 0 TO 4 PERCENT OF THE OPTIMUM MOISTURE CONTENT DETERMINED BY THAT TEST. IT SHOULD BE PROTECTED AND MAINTAINED IN A MOIST CONDITION UNTIL THE PAVEMENT IS PLACED.

#### PAVEMENT JOINTING NOTES:

- SAW CUTTING SHALL BE DONE WITHIN 8 HOURS OF POUR OR AS SOON AS CONCRETE CAN SUPPORT WEIGHT, AND PROVIDE A NEAT CUT WHICH IS TRUE IN ALIGNMENT.
- ALL JOINTS ARE TO CONTINUE THROUGH THE CURB.
- RADIAL JOINTS SHOULD BE NO GREATER THAN 18". . ALL CONSTRUCTION JOINTS SHALL BE SAWED CLEANED OF DEBRIS, BLOWN DRY AND IMMEDIATELY SEALED.
- ODD SHAPED PANELS SHALL BE REINFORCED WITH #3 BARS AT 18" EACH WAY. AN ODD SHAPED PANEL IS CONSIDERED TO BE ONE IN WHICH THE SLAB TAPERS TO A SHARP ANGLE WHEN THE LENGTH TO WIDTH RATIO EXCEEDS 3 TO 1 OR WHEN SLAB IS NEITHER SQUARE OR RECTANGLE.

- CONTRACTOR TO ASSURE SITE ADA ACCESS AREAS AND ROUTES WITHIN: ASSURE THE RUNNING SLOPE AT THE WALKS ALONG THE ACCESSIBLE ROUTE HAVE A RUNNING SLOPE OF 1:20 OR 5% MAXIMUM (EXCEPT AT THE CURB RAMPS, WHICH CAN BE UP TO 1:12 OR 8.33%) AND A CROSS SLOPE OF 1:48 OR 2% MAXIMUM. THIS INCLUDES AT THE CROSSING OF DRIVE LANES (A COMMON ISSUE).
- ASSURE THE MANEUVERING CLEARANCE AT THE EXTERIOR SIDE OF ALL ENTRY DOORS HAVE A SLOPE OF 1:48 OR 2% MAXIMUM IN ANY
- ASSURE A 30" X48" CLEAR FLOOR SPACE IS PROVIDED ADJACENT TO THE EXTERIOR SITE ELEMENTS SUCH AS THE BENCHES, TRASH CANS AND BIKE RACKS AND HAVE A SLOPE OF 1:48 OR 2% MAXIMUM IN
- CONTRACTOR SHALL ENSURE ACCESSIBLE PARKING SPACES, SIGNAGE, AND STRIPING COMPLY WITH CURRENT ADA STANDARDS/REGULATIONS.

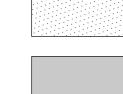
## LEGEND:

4" PORTLAND CEMENT CONCRETE 3,000 PSI AT 28 DAYS REINFORCEMENT: #3 BARS @ 18" O.C.E.W.

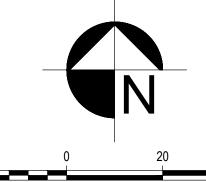
5" PORTLAND CEMENT CONCRETE 3,000 PSI AT 28 DAYS REINFORCEMENT: #3 BARS @ 18" O.C.E.W. SUBGRADE: 6" COMPACTED NATIVE

6" PORTLAND CEMENT CONCRETE 3,500 PSI AT 28 DAYS REINFORCEMENT: #3 BARS @ 18" O.C.E.W. SUBGRADE: 6" LIME STABILIZED SUBGRADE (27#/SY)

8" PORTLAND CEMENT CONCRETE 3,500 PSI AT 28 DAYS REINFORCEMENT: #3 BARS @ 18" O.C.E.W. SUBGRADE: 6" LIME STABILIZED SUBGRADE (27#/SY)







SCALE: 1" = 20'

THESE PLANS ARE ISSUED FOR THE PURPOSE OF PRELIMINARY REVIEW AND ARE NOT INTENDED FOR CONSTRUCTION. WHEN ISSUED IN FINAL FORM, THEY WILL BE SIGNED, SEALED, AND DATED BY:

M. REECE FLANAGAN, P.E. TEXAS REGISTRATION NO. 12978



## FLANAGAN

land solutions

PARKER COUNTY BREWING WILLOW PARK, TEXAS

SITE PLAN

**DESIGNED: ABT** CHECKED: FLS DRAWN: ABT

PROJECT# SSUE DATE: 11/15/2022 2021-05-10

SHEET of **1** 

# City of Willow Park Notice of Public Hearing

The City of Willow Park Board of Adjustment will hold public hearing on the matters listed below:

- PUBLIC HEARING to consider a request for a variance to Sec.14.03.007 of the Zoning Ordinance for detached accessory building rebuilt on the same site as original detached accessory building to encroach within the 25' side yard setback in the R-1 Single-Family District on 3.300 acres BBB&C RR Co. Abst. No. 147, City of Willow Park, Parker County, Texas, located at 1717 Ranch House Road.
- PUBLIC HEARING to consider a request for a variance to Sec.14.09.001(f) of the Zoning Ordinance to allow an eight-foot board-on-board panel fence to be attached to the existing five-foot pipe fence in the front yard setback (Crown Rd.) in the R-1 Single-Family District on 12.242 acres, McKinney & Williams Survey, Abst. No. 954, City of Willow Park, Parker County, Texas, located at 6 Crown Rd.

Board of Adjustment Thursday, January 20, 2022

Time: 6:00 P.M.

Location: Willow Park City Hall, 516 Ranch House Rd,

Willow Park, Texas 76087

Any member of the public has the right to appear at the Public Hearing. Please contact the Development Department at 817-441-7108 or <a href="mailto:tfisher@willowpark.org">tfisher@willowpark.org</a> with any questions.

Posted: December 14, 2021

#### **Landscaping Variance**

BOA 2022-12-01

Variance Request:

Applicant: Ryan Stewart 108 Sablewood Ct Azle TX 76020

Property Owner:
Second Empire Brewery LLC
225 Shops Blvd, Ste 105
Willow Park TX 76020

#### Notice of Public Hearing mailed to:

RTSB Enterprises Inc 4801 E I-20 N Service Rd Willow Park TX 76087

Willow Park North LLC 17018 I-20 Cisco TX 76437-6471

Larry Lawley 113 Dennis Junction Rd Weatherford TX 76088

Date mailed: November 29, 2022

By: Toni Fisher, Planning & Development Director

City of Willow Park