

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF SEPTEMBER 20, 2010**

APPROVED

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Zoning Board of Adjustment of City of Bedford, Texas, met in work session at 5:30 p.m. to discuss items on the agenda for the and regular session at 6:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 20th day of September 2010 with the following members present:

David Cook	Chairperson
John Novelli	Vice Chairperson
Jeff Corbet	
Terence Sean Bajuk	
Richard Smyer, Alternate	
John Delorme, Alternate (attended work session)	

Constituting a quorum.

Board Member Delorme did not participate in meeting but was present in the audience.

Staff present included:

Russell Hines	Chief Building Official
Dan Boutwell	Planning Consultant
Yolanda Diaz	Zoning Board of Adjustment Secretary

(The following items were considered in accordance with the official agenda posted on the 15th day of September 2010.)

WORK SESSION

The Zoning Board of Adjustment met at 5:30 p.m. in the conference room to review and discuss items on the Agenda.

Meeting Minutes: The October 19, 2009 meeting minutes were reviewed and there was one correction made to the minutes.

Variance Case V-064: A variance to allow the property owner to build a garage on the side yard of property (Sec. 4.1B (1) and 4.1B (4) a.(iii).

Applicant: Mark Vozar

Description: The applicant proposes to erect a 48 sq.ft. storage shed (6 ft x 8 ft) at his residence. He proposes to place it in the side yard behind a six foot security fence. The shed is temporary in nature in that it does not have a foundation but is constructed on steel floor joists. The applicant's lot is an irregular shaped lot, having a shortened rear yard. Nevertheless, the applicant has managed to place a swimming pool and concrete patio in the rear yard. In addition, a utility easement runs along the rear and west property lines of this lot. The applicant wishes to place the shed in the west property line

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utility easement. The shed is also proposed to be located in a side yard, which is prohibited by the zoning ordinance.

The Zoning Board of Adjustment reconvened in the Council Chamber at 6:00 p.m.

REGULAR SESSION

CALL TO ORDER

Chairperson Cook called the meeting to order at 6:00 p.m., and read the Zoning Board of Adjustment Meeting Format Outline aloud.

Good Evening, my name is David Cook. I am Chairperson of the Bedford Zoning Board of Adjustment. I now call this regularly noticed meeting to order.

A quorum is present, so the Board may proceed with its scheduled agenda.

Prior to commencing our hearing, I would like to review our meeting format for the benefit of those in the audience.

Each case will be called in its regularly scheduled order as shown on the agenda.

The City Staff will make a staff presentation to the Board.

The applicant will be given an opportunity to make a presentation in person or by a representative.

Those individuals in the audience in support of or opposition to the proposed request will be given an opportunity to make a presentation to the Board.

The Board asks that all individuals and parties presenting information on each request please direct their comments to factual information, and not to speculation or subjective comments.

The applicant will be given an opportunity for a brief rebuttal as the applicant has the burden of providing the necessity and the justification for his or her request.

The Board will close its public hearing to discuss and consider the facts presented. In order for a request to be granted, there must be a minimum of four votes in favor of the request.

Please remember that the Zoning Board of Adjustment is a quasi-judicial body. A formal record is made of each hearing and each case. The Board is permitted to act only upon factual information or evidence that is presented by the staff and by parties making presentations at the public hearing on each case. Any party or individual who disagrees with a decision of the Board of Adjustment must appeal such decision to a State District Court as the City Council of the City of Bedford has no review authority over the decisions of this Board.

APPROVAL OF MINUTES

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1. Consider approval of the Zoning Board of Adjustment minutes of October 19, 2009 regular meeting.

Motion: Board Member Corbet made a motion to approve the meeting minutes of October 19, 2009 with the noted correction made at the work session.

Board Member Smyer seconded the motion and the vote was as follows:

Motion approved 5-0-0. Chairman Cook declared the motion approved.

PUBLIC HEARING

2. **Public hearing, consider and act upon Variance Case V-067, request of Mark Vozar. The property address is 1220 Oakgrove Lane, Bedford, Texas. The property zoning district is "R-15,000" Single-Family Residential Detached District; and is known as Lot 6, Austin Oaks Addition. The variance request is from the City of Bedford Zoning Ordinance, Chapter 4. Zoning District Regulations, Section 4.1.B (1); and 4.1.B (4) a. (iii).**

The applicant requests a variance to allow him to place an accessory structure (6'x8' storage shed) on the side yard of his property. Section 4.1B (1) prohibits accessory structures to be in the required side yard or beside any principle structure so it may appear to be in the front or side yard. Section 4.1B (4) a. (iii), accessory buildings shall be setback from the side lot line not less than three feet (3 ft.) and shall be setback from the rear lot line not less than three feet (3 ft.). The property is generally located north of Harwood Road and west of Forest Ridge Drive.

Chairperson Cook recognized Consultant City Planner, Dan Boutwell who reviewed Variance Case V-067.

Pertinent Issues and Considerations

1. The property had severe limitations due to the irregular shape of the lot. However, some of those limitations were self-imposed since there appeared to be adequate space in the rear yard if the swimming pool and patio were not present. The lack of available space was due to placement of improvements in the rear yard by the applicant.
2. Regardless of the availability of space in the rear yard, exhibits provided by the applicant indicated space, which met the legal requirements for accessory structures. There may be available space in the rear yard. Exhibit 1 (site plan) and Exhibit 7 (photo) showed a vacant area behind the residence which may be used for this purpose.
3. The zoning ordinance prohibits accessory buildings with permanent foundations from being located in any easement. The storage structure has a temporary foundation. However, the placement of a temporary storage shed in any easement must be conditional to the utility company providing the applicant and City with a letter permitting such placement.

Revised material: The applicant submitted an "Encroachment Into Easement" agreement signed by the utility companies.

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4. The survey exhibit did not provide dimensions of the rear yard from the house to the property line and existing improvements (pool and patio) to determine whether or not sufficient area is available according to the existing improvements.

Revised material: The applicant submitted a revised survey with the rear yard of the house dimensioned.

Staff Conclusion

- a. The irregular shape of the lot certainly places a hardship on the development of improvements in the rear yard. It was not clear this hardship prevented the proposed shed from being constructed in a location that met the requirements of the zoning ordinance.

Chairperson Cook recognized Mark Vozar, 1220 Oakgrove Lane, Bedford, Texas who was there to represent this application.

Chairperson Cook opened the public hearing and recognized Jim Griffin, 216 Oakgrove Lane, Bedford, TX who spoke in favor of this application.

Chairperson Cook closed the public hearing.

The Board discussed the application.

Mr. Vozar explained he could not place the accessory structure on southwest corner of the lot because it would cause a drainage problem. He stated he was going to modify the fence to allow easu accessability to his back yard.

Mr. Vozar stated the area requested was the best location because it would be out of site, and it would be accessible from both sides.

The Board discussed the application. The Board stated this variance had reasonable grounds and was justifiable. It fit the spirit of the ordinance.

There were no further questions asked of the applicant.

Motion: Vice Chairman Novelli made a motion to approve Variance Case V-067 because the it met the spirit of the ordinance.

Board Member Corbet seconded the motion and the vote was as follows:

Motion approved 5-0-0.

Chairperson Cook declared the motion approved.

ADJOURNMENT

Chairperson Cook adjourned the Zoning Board of Adjustment meeting at 6:44 p.m.

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David Cook, Chairperson
Zoning Board of Adjustment

ATTEST:

Yolanda Diaz, Secretary,
Zoning Board of Adjustment