

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES OF FEBRUARY 20, 2012**

**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 20<sup>th</sup> day of February 2012 with the following members present:**

John Novelli	Chairman
Richard Smyer	Vice Chairman
John DeLorme	
Janet Levy	
Rachel Moore	

Constituting a quorum.

Staff present included:

Dan Boutwell	Planning Consultant
Yolanda Alonso	Zoning Board of Adjustment Secretary

(The following items were considered in accordance with the official agenda posted on the 17<sup>th</sup> day of February 2012.)

**WORK SESSION**

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

Acting Chairman Novelli adjourned the Work Session at 6:00 p.m.

The Zoning Board of Adjustment reconvened in the Council Chamber and the Regular Session began.

**REGULAR SESSION**

**CALL TO ORDER**

Chairman Novelli 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 John Novelli. I am Chairman 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.*

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*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**

1. Consider approval of the Zoning Board of Adjustment minutes of September 19, 2011 regular meeting.

Motion: Board Member Moore made a motion to approve the meeting minutes of September 19, 2011, correct as written.

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

Motion approved 5-0-0. Acting Chairman Novelli declared the motion approved.

**OFFICER ELECTIONS**

2. Consider and act upon appointment of chairman and vice chairman to the Zoning Board of Adjustment.

Acting Chairman Novelli asked the Board to nominate and elect the Zoning Board of Adjustment Chairman and Vice Chairman.

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The Board discussed the elections and made an acclamation to elect John Novelli as Chairman and Richard Smyer as the Vice Chairman to the Zoning Board of Adjustment.

Motion: Board Member Moore made a motion nominating and electing John Novelli as Chairman and Richard Smyer as Vice Chairman to the Zoning Board of Adjustment.

Board Member Delorme seconded the motion, and the vote was as follows:

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

**PUBLIC HEARING**

- 2. Public hearing and act upon Variance Case V-067, requested by Robert Pruett for Shops Dunhill RateL, LLC. The variance request is to allow for a 12 ft. Front Yard Setback. The variance request refers to the City of Bedford Zoning Ordinance, Section 5.1. Height and Area Regulations, 5.1.A. Height and Area Schedule. The property is zoned Heavy Commercial, its known as Lot 1D, Block 1; The Shops at Central Park Addition; it is located at 2400 Airport Freeway. The property is generally located south of State Highway 183 and east of Central Drive.**

Chairman Novelli recognized Consultant City Planner, Dan Boutwell who reviewed Variance Case V-067.

Mr. Boutwell stated the applicant was requesting a variance from the 20 foot front set-back requirement adjacent to the State Highway 183 right-of-way. The structure originally met the set-back requirement when it was initially constructed. However, through its eminent domain, the State of Texas has acquired additional land area from the front of this property for improvements to State Highway 183.

This action had caused a significant portion of the parking lot and a portion of the structure to be demolished. In order to utilize the existing structure in accordance to its intended use, new construction was proposed which would extend into the new 20 ft front set-back area. Due to structural limitations presented in the modification to the original building, the new construction is proposed to extend within 15.8 ft to 12.9 ft from the property line.

Chairman Novelli recognized Robert Pruett, 5310 Harvest Hill #100, Dallas, Texas, and Bill Lewis, 2400 Airport Freeway, Bedford, Texas who were there to represent this application.

Chairman Novelli opened the public hearing at 6:19 p.m., and there being no one to speak closed the public hearing at 6:20 p.m.

The Board discussed the application. The Board agreed the applicant had demonstrated and met the definition of "unnecessary hardship". The variance met the spirit of the ordinance; and it was not contrary to the public interest. The property had severe limitations due to the involuntary acquisition of land area by the State.

There were no further questions asked of the applicant.

Motion: Board Member Delorme made a motion to approve Variance Case V-067 with the condition: If the applicant expands this building further to the east in the future, a new variance would be required.

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

Motion approved 5-0-0.

Chairman Novelli declared the motion approved.

**ADJOURNMENT**

Chairman Novelli adjourned the Zoning Board of Adjustment meeting at 6:23 p.m.

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John Novelli, Chairman  
Zoning Board of Adjustment

ATTEST:

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Yolanda Alonso, Secretary,  
Zoning Board of Adjustment