

AGENDA  
CITY OF GRAPEVINE  
BRIEFING SESSION  
BOARD OF ZONING ADJUSTMENT  
MONDAY, MARCH 4, 2019, 6:00 P.M.  
PLANNING AND ZONING CONFERENCE ROOM  
SECOND FLOOR – CITY HALL  
200 SOUTH MAIN STREET  
GRAPEVINE, TEXAS 76051

I. CALL TO ORDER

II. BRIEFING SESSION

A. Board of Zoning Adjustment to conduct a briefing session to discuss items scheduled to be heard in the March 4, 2019 public hearing.

III. ADJOURNMENT

IF YOU PLAN TO ATTEND THIS PUBLIC MEETING AND YOU HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AT THE MEETING, PLEASE CONTACT THE OFFICE OF DEVELOPMENT SERVICES AT (817) 410-3158 AT LEAST 24 HOURS IN ADVANCE. REASONABLE ACCOMMODATIONS WILL BE MADE TO ASSIST YOUR NEEDS.

IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551.001 et seq. ACTS OF THE 1993 TEXAS LEGISLATURE, THE BOARD OF ZONING ADJUSTMENT BRIEFING SESSION AGENDA WAS PREPARED AND POSTED ON THIS THE 26TH DAY OF FEBRUARY 2019 AT 5:00 P.M.



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RON STOMBAUGH  
ASSISTANT DIRECTOR, DEVELOPMENT  
SERVICES

AGENDA  
CITY OF GRAPEVINE  
BOARD OF ZONING ADJUSTMENT MEETING  
MONDAY, MARCH 4, 2019, 6:15 P.M.  
CITY HALL COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR  
SECOND FLOOR – CITY HALL  
200 SOUTH MAIN STREET  
GRAPEVINE, TEXAS 76051

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC HEARING
  - A. Board of Zoning Adjustment to conduct a public hearing relative to Board of Zoning Adjustment Case BZA19-01 submitted by Phil Ware, for property located at 449 Holly Street and consideration of same.
- IV. Board of Zoning Adjustment to consider the minutes of the January 7, 2019 meeting and take any necessary action.
- V. ADJOURNMENT

IF YOU PLAN TO ATTEND THIS PUBLIC HEARING AND YOU HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AT THE MEETING, PLEASE CONTACT THE OFFICE OF DEVELOPMENT SERVICES AT (817) 410-3158 AT LEAST 24 HOURS IN ADVANCE. REASONABLE ACCOMMODATIONS WILL BE MADE TO ASSIST YOUR NEEDS.

IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551.001 et seq. ACTS OF THE 1993 TEXAS LEGISLATURE, THE BOARD OF ZONING ADJUSTMENT MEETING AGENDA WAS PREPARED AND POSTED ON THIS THE 26TH DAY OF FEBRUARY 2019 AT 5:00 P.M.



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RON STOMBAUGH  
ASSISTANT DIRECTOR, DEVELOPMENT  
SERVICES

**MEMORANDUM**

**DEVELOPMENT SERVICES**

MEMO TO: BOARD OF ZONING ADJUSTMENT

FROM: SCOTT WILLIAMS, DIRECTOR DEVELOPMENT SERVICES \ BUILDING OFFICIAL  
RON STOMBAUGH, ASSISTANT DIRECTOR OF DEVELOPMENT SERVICES  
ALBERT L. TRIPLETT JR, PLANNER II

SUBJECT: BOARD OF ZONING ADJUSTMENT CASE #BZA19-01  
449 HOLLY STREET

MEETING DATE: **MONDAY, MARCH 4, 2019**

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**RECOMMENDATION:**

Staff recommends the Board of Zoning Adjustment **approve** the following special exception to the Grapevine Comprehensive Zoning Ordinance 82-73 for property located at 449 Holly Street, Lot 9, Block 2, Dellwood Acres Addition as follows:

**Section 43.E.3, Nonconforming Uses and Structures allows the Board of Zoning Adjustment to approve the remodeling and/or enlargement of a nonconforming use.**

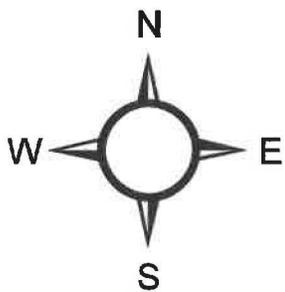
The applicant is requesting a special exception to allow the existing residential structure to remain as developed along with an expansion as shown on the plot plan.

**SPECIAL CONDITION:**

Staff finds that a special condition exists for the requested special exception. Specifically, the subject site is an existing developed lot, and the existing structure was built in 1962 prior to the rezoning of the site from "R-1" Single Family Dwelling District to "R-7.5" Single Family District in the 1984 City Rezoning. The proposed expansion does not exacerbate the existing front yard setback adjacent to Holly Street of approximately twenty-five feet.

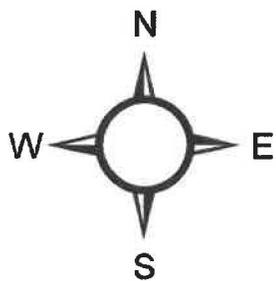
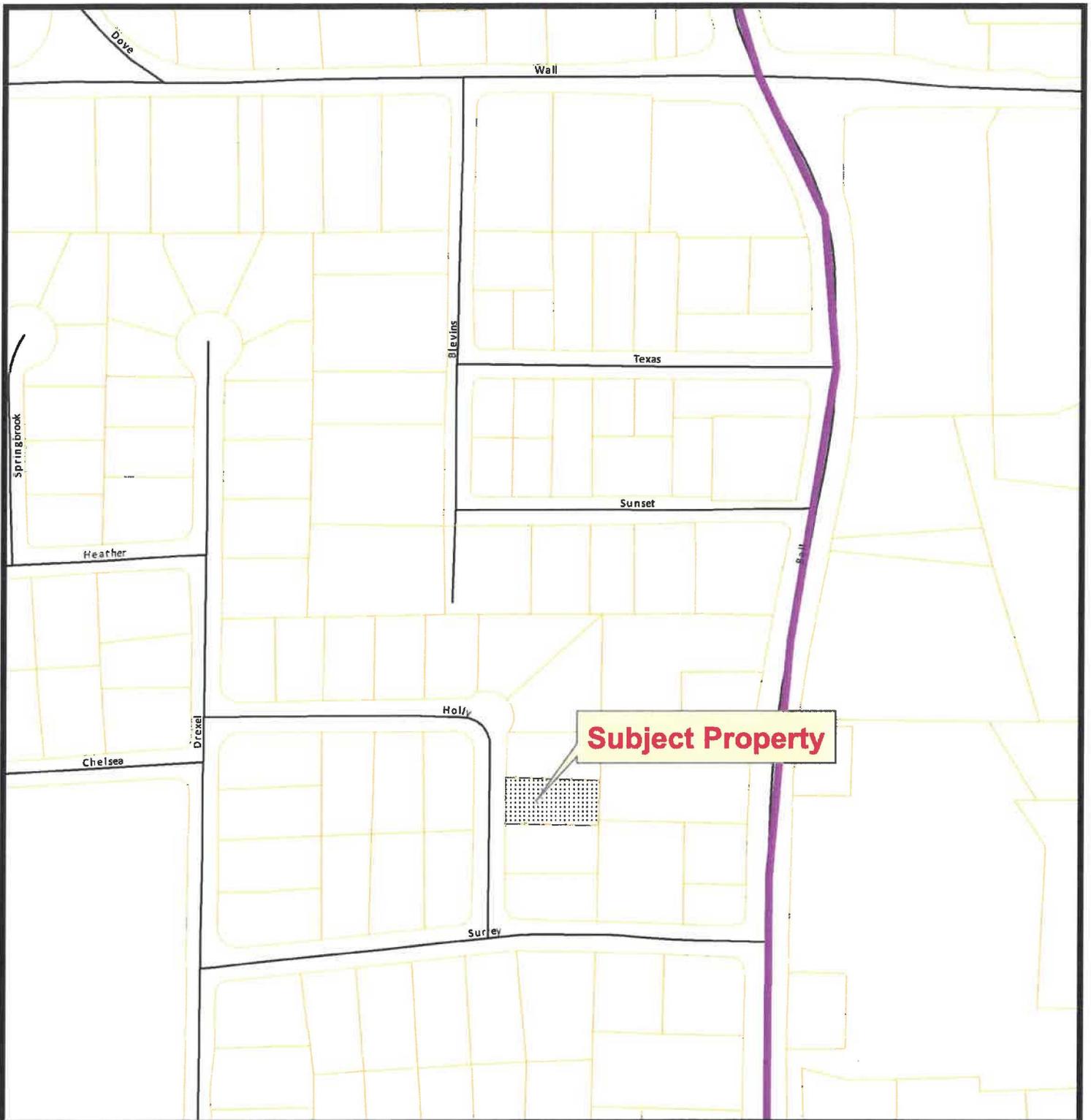
**BACKGROUND INFORMATION:**

The applicant intends to expand the existing dwelling from 1,102-square feet to 1,256-square feet by adding an approximate 154-square foot addition to the east elevation of the dwelling by adding an unenclosed covered patio in the rear yard adjacent to the east property line. The application was submitted by Phil Ware on behalf of property owner Victoria Hecko.



**BZA19-01**  
**449 HOLLY STREET**

1 inch = 60 feet



**BZA19-01**  
**449 HOLLY STREET**

1 inch = 200 feet

FEB 04 2019

B2A19-01

19-0467

# CITY OF GRAPEVINE BOARD OF ZONING ADJUSTMENT APPLICATION

**1. APPLICANT:**

NAME: Phil Ware - Ware Brothers Construction  
 ADDRESS: 443 Holly St  
 CITY/STATE: Grapevine TX ZIP: 76051  
 HOME: — WORK: — MOBILE: (817) 456-8448  
 FAX: — E-MAIL: PhilWare11@yahoo.com

**2. PROPERTY OWNER(S):**

NAME: Victoria J. Hecka  
 ADDRESS: 449 Holly Street  
 CITY/STATE: Grapevine, Texas ZIP: 76051  
 HOME: 817-421-4791 WORK: 817-410-3166 FAX: —

**3. LEGAL DESCRIPTION (SUBJECT PROPERTY):**

STREET ADDRESS, LOT, BLOCK AND SUBDIVISION NAME OF THE SUBJECT PROPERTY:  
(Please attach Survey of the Subject Property)

ADDRESS: 449 Holly Street  
 LOT: 9 BLOCK: 2 SUB-DIVISION: Dellwood Acres Addn.

**4. LIST THE PERTINENT SECTION(S) OF THE ZONING ORDINANCE AND INDICATE THE SPECIFIC VARIANCE AMOUNTS BEING REQUESTED. IF NECESSARY USE A SEPARATE SHEET:**

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5. STATE THE GROUNDS FOR THE REQUEST AND DETAIL ANY SPECIAL CONDITIONS WHICH CAUSE HARDSHIPS THAT IN YOUR OPINION JUSTIFY THE VARIANCE(S) OR SPECIAL EXCEPTION(S) YOU ARE REQUESTING. EXAMPLES OF SPECIAL CONDITIONS ARE: HILLS, VALLEYS, CREEKS, POWER POLES, ELEVATIONS, IRREGULAR LOT OR TRACT SHAPES, ETC. THE BOARD OF ZONING ADJUSTMENT MUST DETERMINE A SPECIAL CONDITION OR CONDITIONS EXIST(S) BEFORE MAKING A MOTION TO APPROVE A REQUEST. IF IT IS DETERMINED THAT NO SPECIAL CONDITION EXISTS, THE MOTION MUST BE TO DENY THE REQUEST.

The home does encroach 5' over the front build line but all exterior alterations are to be done to the back (east) side of the house which has adequate depth to not disturb the utility easement or property line.

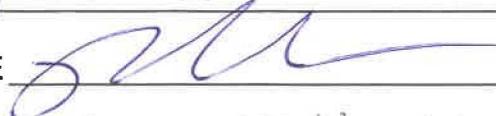
6. EXPLAIN ANY UNIQUE CIRCUMSTANCES, IF APPLICABLE, NOT CONSIDERED BY THE ZONING ORDINANCE. EXAMPLES: (1) IF THE GRAPEVINE CITY COUNCIL APPROVED A PLAT PRIOR TO PRESENT ZONING ORDINANCE REQUIREMENTS; OR (2) THE ORDINANCE WAS AMENDED OR A POLICY CHANGE WAS ADOPTED AFTER INITIATION OF THE PLANS CHECK PROCESS FOR A BUILDING PERMIT OR OTHER PHASE OF THE DEVELOPMENT PROCESS.

original Plat was approved for construction of home, and has since been used for minor alterations. Homeowner should not be liable for the set back issue

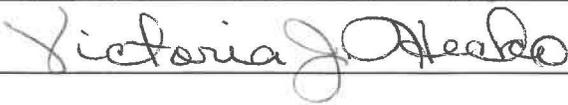
7. ATTACH A DETAILED DIAGRAM OF THE SITE DRAWN TO SCALE, AND ANY OTHER DRAWINGS OR PHOTOGRAPHS NECESSARY TO HELP EXPLAIN THE CASE TO THE BOARD. SHOW ON THE DIAGRAM ALL EASEMENTS, BUILDING LINES, ENCROACHMENTS, AND THE VARIANCE(S) REQUESTED. THE REQUESTED VARIANCE(S) SHOULD BE QUANTIFIED BY AN APPROPRIATE MEASUREMENT (DISTANCE, PERCENTAGE, ETC.)

**THE DEVELOPMENT SERVICES STAFF WILL DETERMINE THE AGENDA FOR EACH OF THE PUBLIC HEARING DATES. BASED ON THE SIZE OF THE AGENDA, YOUR APPLICATION MAY BE RESCHEDULED TO A LATER DATE.**

APPLICANT (PRINT) Phil Ware

APPLICANT SIGNATURE 

OWNER (PRINT) Victoria J. Hecko

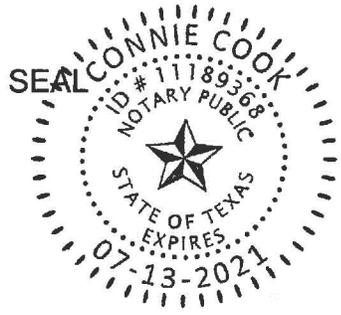
OWNER SIGNATURE 

The State of TEXAS

County of TARRANT

Before me Connie Cook on this day personally appeared Victoria Hecko known to me (or proved to me on the oath of DL (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 7<sup>th</sup> day of February, A.D. 2019.



Connie Cook  
Notary Signature

The State of \_\_\_\_\_

County of \_\_\_\_\_

Before me \_\_\_\_\_ on this day personally appeared \_\_\_\_\_ known to me (or proved to me on the oath of \_\_\_\_\_ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Signature

replacement cost of the structure, on the date of the damage, the right to operate such nonconforming use shall terminate.

- f. The right to maintain or operate a nonconforming use may be terminated by the Board of Adjustment in accordance with provisions of Section 67A of this Ordinance.

E. CHANGING NONCONFORMING USES:

1. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
2. The Board of Adjustment may grant a change of use from one nonconforming use to another nonconforming use provided such change is to a use permitted in a zoning district where the original nonconforming use would be permitted, or provided that such change is to a use permitted in a more restrictive classification. However, such change of use and occupancy shall not tend to prolong the life of a nonconforming use. Upon review of the facts in accordance with Section 67A, the Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use.
3. The Board of Adjustment may approve the remodeling or enlargement of a nonconforming use when such an enlargement would not tend to prolong the life of the nonconforming use. Upon review of the facts, the Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use.

- F. LIMITATIONS ON CHANGING NONCONFORMING USES: No nonconforming use shall be changed to another nonconforming use, which requires more off-street parking spaces or off-street loading space than the original nonconforming use, unless additional off-street parking and loading space is provided so as to comply with the requirements of Sections 55 and 56.

The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing on the effective date of this Ordinance.

No nonconforming use may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance except to provide off-street loading or off-street parking space upon approval of the Board of Adjustment.

FEB 26 2019

CITY OF GRAPEVINE  
NOTICE OF PUBLIC HEARING  
BOARD OF ZONING ADJUSTMENT

CASE BZA19-01  
449 Holly Street

WRITTEN COMMENTS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 5 PM ON MONDAY, MARCH 4, 2019

Procedure to Respond:

As (a Property Owner within 200 feet of the subject tract) or (an interested citizen), **(approve)** (protest) and/or (have the following comments)



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Printed Property Owner Name and Address, or Lot, Block and Subdivision:

ALICE POLLARD

4496 HOLLY ST GV, TX

Signature: Alice Pollard (Phone No.) 817 416 3660

Printed Name of Signee: ALICE POLLARD Title: \_\_\_\_\_

Telephone: (817) 410-3158

Direct questions and mail responses to:  
Board of Zoning Adjustment  
Department of Development Services  
City of Grapevine  
P.O. Box 95104  
Grapevine, Texas 76099

STATE OF TEXAS  
COUNTY OF TARRANT  
CITY OF GRAPEVINE

The Board of Zoning Adjustment for the City of Grapevine, Texas, met on Monday evening, January 7, 2019, at 6:00 P.M. in the Planning and Zoning Conference Room, 2<sup>nd</sup> Floor, 200 South Main Street, Grapevine, Texas, for a Briefing Session with the following members present to wit:

George Dalton	Chairman
John Sheppard	Secretary
Ben Johnson	Member
Doug Anderson	Member
D. Todd Parrish	Alternate

constituting a quorum, with City Council Representative Sharron Rogers absent, with the following City Staff:

Ron Stombaugh	Development Services Assistant Director
Albert Triplett	Planner II
Connie Cook	Development Services Assistant

CALL TO ORDER

Chairman George Dalton called the Briefing Session of the Board of Zoning Adjustment to order at approximately 6:00 P.M.

NEW BUSINESS

Albert Triplett briefed the Board of Zoning Adjustment regarding the items scheduled to be heard in the regular public hearing.

ADJOURNMENT

With no further discussion, John Sheppard made a motion to adjourn. Doug Anderson seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

The Briefing Session was adjourned at approximately 6:12 P.M.

PASSED AND APPROVED BY THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF GRAPEVINE, TEXAS, ON THE 4TH DAY OF MARCH 2019.

APPROVED:

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

STATE OF TEXAS  
COUNTY OF TARRANT  
CITY OF GRAPEVINE

The Board of Zoning Adjustment for the City of Grapevine, Texas, met in regular session, Monday evening, January 7, 2019, at 6:15 P.M., in the Council Chambers, 2<sup>nd</sup> Floor, 200 South Main Street, Grapevine, Texas with the following members present:

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|-----------------|-----------|
| George Dalton   | Chairman  |
| John Sheppard   | Secretary |
| Ben Johnson     | Member    |
| Doug Anderson   | Member    |
| D. Todd Parrish | Alternate |

constituting a quorum, with City Council Representative Sharron Rogers absent, with the following City Staff:

- |                 |                                         |
|-----------------|-----------------------------------------|
| Ron Stombaugh   | Development Services Assistant Director |
| Albert Triplett | Planner II                              |
| Connie Cook     | Development Services Assistant          |

CALL TO ORDER

Chairman George Dalton called the Public Hearing Session of the Board of Zoning Adjustment to order at approximately 6:15 P.M.

PUBLIC HEARING

**BOARD OF ZONING ADJUSTMENT CASE BZA18-09, KEITH BARNES, 426 EAST TEXAS STREET**

The first item for the Board of Zoning Adjustment to consider was BZA18-09 submitted by Keith Barnes for property located at 426 E. Texas Street, platted as Lot C, Rawls & Dalton Subdivision.

**Section 43.E.3, Nonconforming Uses and Structures allows the Board of Zoning Adjustment to approve the remodeling and/or enlargement of a nonconforming use.** The applicant requested a special exception allowing the existing residential structure to remain as developed along with an expansion as shown on the plot plan.

Mr. Triplett explained that Staff found a special condition existed for the requested special exception. Specifically, the subject site was an existing developed lot, and the existing structure was built in 1947 predating the City’s first zoning ordinance adopted in 1955. Currently and as proposed the site was noncompliant with the current Zoning Ordinance (82-73) relative to the required 15-foot side yard setback adjacent to the east property line. The proposed expansion did not exacerbate the existing side yard setback adjacent to South Dooley Street of approximately thirteen-feet (13’).

Mr. Triplett stated that the property owner intended to expand the existing dwelling by adding 1,693 square feet to the west and south elevations which included an attached garage and living space in the rear yard adjacent to the south property line, and living space in the side yard adjacent to the west property line. A detached two car garage was proposed in the rear yard.

Mr. Triplett further explained that on July 25, 2018 and November 21, 2018 the Historic Preservation Commission approved CA18-72 and CA18-72(b) allowing for improvements on the subject site for a proposed expansion and detached garage.

With no questions for Mr. Triplett, Keith Barnes of Briarpath Construction, 820 Ridgewood Drive, Trophy Club, Texas, representing property owner Dan Bock, took the Oath of Truth: he gave a brief presentation to the Board and requested favorable consideration of his request and offered to answer any questions of the Board.

With no questions for Mr. Barnes and no additional speakers, John Sheppard made a motion to close the public hearing. Ben Johnson seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

John Sheppard made a motion that a special condition existed for the requested special exception. Specifically, the subject site was an existing developed lot, and the existing structure was built in 1947 predating the City's first zoning ordinance adopted in 1955. Currently and as proposed the site was noncompliant with the current Zoning Ordinance (82-73) relative to the required 15-foot side yard setback adjacent to the east property line. The proposed expansion did not exacerbate the existing side yard setback adjacent to South Dooley Street of approximately thirteen-feet (13'). Ben Johnson seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

John Sheppard then made a motion to grant the following special exception with regard to Section 43.E.3, Nonconforming Uses and Structures allowing the existing non-residential structure to remain as developed along with an expansion as shown on the plot plan. Todd Parrish seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

**BOARD OF ZONING ADJUSTMENT CASE BZA18-10, NEAL COOPER, 620 ESTILL STREET**

The first item for the Board of Zoning Adjustment to consider was BZA18-10 submitted by Neal Cooper for property located at 620 Estill Street platted as Lot 4, Block 103, College Heights Addition.

**Section 15.F.2., “R-7.5” Single Family District, Density Requirements, requires a minimum lot area of 7,500 square feet.** The applicant requested a variance of 500 square feet allowing a lot area of 7,000 square feet for an existing lot.

**Section 15.G.4., “R-7.5” Single Family District, Area Regulations requires a minimum lot width of 65-feet.** The applicant requested a variance of fifteen (15’) feet, allowing a lot width of eighty (50’) feet for an existing lot.

Mr. Triplett explained that Staff found a special condition existed for the variances requested. Specifically, the lot was originally platted in 1921 predating the City’s first zoning ordinance adopted in 1955. Developed property and right-of-way existed to the east, west and north respectively, eliminating the possibility to expand the site to meet the area and width requirements.

Mr. Triplett stated that the property owner intended to expand the existing dwelling by adding 2,714 square feet within the side and rear yards adjacent to the east, west and south property lines respectively. The proposed expansion included a covered patio and attached garage south of the existing dwelling in the rear yard. Access to the garage will be from an alley adjacent to the rear yard and south property line.

With no questions for Mr. Triplett, Neal Cooper, of 404 East Wall Street, Grapevine, Texas, took the Oath of Truth: he gave a brief presentation to the Board and requested favorable consideration of his request and offered to answer any questions of the Board.

Chairman Dalton announced that one (1) letter of approval had been received.

With no questions for Mr. Cooper and no additional speakers, John Sheppard made a motion to close the public hearing. Ben Johnson seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

Ben Johnson made a motion that a special condition existed for the requested variances. Specifically, the lot was originally platted in 1921 predating the City’s first zoning ordinance adopted in 1955. Developed property and right-of-way existed to the east, west and north respectively, eliminating the possibility to expand the site to meet the area and width requirements. Doug Anderson seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

Ben Johnson then made a motion to grant the following variances to “R-7.5” Single Family District, Density Requirements: Section 15.F.2., allowing a lot area of 7,000 square feet for an existing lot; and a motion with regard to R-7.5” Single Family District, Area Regulations: Section 15.G.4., allowing a lot width of fifty (50’) feet for an existing lot. Doug Anderson seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

NEW BUSINESS

Next the Board of Zoning Adjustment considered the approval of the 2019 Meeting Agenda Schedule.

Doug Anderson made a motion to accept the 2019 Meeting Agenda Schedule. Todd Parrish seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

MINUTES

Next the Board of Zoning Adjustment considered the minutes of the October 1, 2018, Briefing Session and Public Hearing.

John Sheppard made a motion to accept the minutes of the October 1, 2018, Briefing Session. Todd Parrish seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

Todd Parrish made a motion to accept the minutes of the October 1, 2018, Public Hearing. John Sheppard seconded the motion which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

ADJOURNMENT

With no further discussion, Ben Johnson made a motion to adjourn. Doug Anderson seconded the motion, which prevailed by the following vote:

Ayes: Dalton, Sheppard, Johnson, Anderson, Parrish  
Nays: None  
Absent: Dierolf, Gaspard

The meeting was adjourned at approximately 6:30 P.M.

PASSED AND APPROVED BY THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF GRAPEVINE, TEXAS, ON THE 4TH DAY OF MARCH 2019.

APPROVED:

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CHAIRMAN

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SECRETARY