

**REGULAR MEETING OF THE BOARD OF ADJUSTMENT  
516 RANCH HOUSE RD, WILLOW PARK, TEXAS 76087  
THURSDAY, JULY 10, 2014 AT 7:00 PM**

**MINUTES**

**I.** Call Meeting to Order @ 7:01 pm

**II.** Quorum Determination

**Present:** Chairperson Lea Young, Vice Chair James Doss, Members Jay Atwood, Cindi Neverdousky and Mike Barron

**III.** Approval of Special Meeting Minutes from Thursday March 20, 2014

*Member Atwood made a motion to approve the Minutes of March 20, 2014, seconded by member Doss.*

*Yea Votes: Chair Lea Young, Vice Chair Doss, Members Atwood, Neverdousky and Barron*

*Nay Votes: None*

**IV. Old Business** – Final action on an application from Joe and Susie Brooks, 1513 Creek Bed Road, Kernersville NC, 27284, to consider a variance from Ordinance # 335-93, Sections 2.02 and 3.24. The request is to allow two single family residences to be constructed on one lot that will result from the replat of two lots located on Sam Bass Road, Willow Park Texas, 76087. This was presented to the The Board of Adjustment in a Public Hearing on March 20, 2014 and approved at that time.

*Member Atwood made a motion to recommend that the sighting for the variance on March 20, 2014, be changed to the reference 414.97 Ordinance sighting Chapter 12.329 as the specific definition that they granted the variance on, seconded by member Neverdousky.*

*Yea Votes: Chair Lea Young, Vice Chair Doss, Members Atwood, Neverdousky and Barron*

*Nay Votes: None*

**IV. Public Hearing**

- A. Discussion/Action:** Advantage Signs, 3100-B Handley-Ederville Rd, Richland Hills, TX, 76118 – Request to consider a variance from Chapter 12.600 Sign Regulations; Section 12.607 Area Regulations – Paragraph (2). The request is to construct a sign larger than the 40 square feet allowed by Chapter 12.607.
- o Alexander Isaac for Texas Retina

*Chairperson Young made a motion to close the discussion, seconded by member Atwood*

*Yea Votes: Chair Lea Young, Vice Chair Doss, Members Atwood, Neverdousky and Barron*

*Nay Votes: None*

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Neverdousky, Barron and Atwood

**Nay votes:** None

**Vote: 5-0**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Neverdousky, Barron and Atwood

**Nay votes:** None

**Vote: 5-0**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Neverdousky, Barron and Atwood

**Nay votes:** None

**Vote: 0-5**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Nay votes:** None

**Vote: 5-0**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Nay votes:** None

**Vote: 5-0**

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

**Aye votes:** None

**Nay votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Vote: 0-5**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Nay votes:** None

**Vote: 5-0**

**The variance was granted**

- B. Discussion/Action:** Keith Lybrand, 403 E. Front Street, Tyler, Texas 75702 - Request to consider a variance from Chapter 12.1100 Off Street Parking and Requirements; Section 12.1101 – Parking Requirements Based on Use – Paragraphs (12) and (18). The request is to allow fewer parking spaces than required by the referenced paragraphs.

- Keith Lybrand for Brookshire's

*Member Neverdousky made a motion to close the discussion, seconded by member Barron*

*Yea Votes: Chair Lea Young, Vice Chair Doss, Members Atwood, Neverdousky and Barron*

*Nay Votes: None*

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron  
**Nay votes:** None  
**Vote: 5-0**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron  
**Nay votes:** None  
**Vote: 5-0**

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

**Aye votes:** None  
**Nay votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron  
**Vote: 0-5**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron  
**Nay votes:** None  
**Vote: 5-0**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron  
**Nay votes:** None  
**Vote: 5-0**

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

**Aye votes:** None  
**Nay votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron  
**Vote: 0-5**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron  
**Nay votes:** None  
**Vote: 5-0**

**The variance was granted**

- C. Discussion/Action:** Keith Lybrand, 403 E. Front Street, Tyler, Texas 75702 - Request to consider a variance from Chapter 12.600 Sign Regulations; Section 12.607 Area Regulations – Paragraph (2). The request is to add pricing displays to an existing pole sign.
- o Steven Morris – Accent Graphics

*Member Neverdousky made a motion to close the discussion, seconded by member Barron*

*Yea Votes: Chair Lea Young, Vice Chair Doss, Members Atwood, Neverdousky and Barron*

*Nay Votes: None*

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Nay votes:** None

**Vote: 5-0**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Nay votes:** None

**Vote: 5-0**

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

**Aye votes:** None

**Nay votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Vote: 0-5**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Nay votes:** None

**Vote: 5-0**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Nay votes:** None

**Vote: 5-0**

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

**Aye votes:** None

**Nay votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Vote: 0-5**

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

**Aye votes:** Chairperson Young, Vice Chair Doss, Members Atwood Neverdousky and Barron

**Nay votes:** None

**Vote: 5-0**

**The variance was granted**

**V. ADJOURN @ 7:33 p.m.**

*With no further business, Member Atwood moved to adjourn, seconded by Member Neverdousky. Motion passed unanimously.*

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*Chairperson*

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*City Secretary*