



AGENDA

ZONING BOARD OF ADJUSTMENTS

August 20, 2020

Regular Session 7:00 p.m.
Town Hall Council Chambers
1614 South Bowen Road
Pantego, Texas

REGULAR SESSION 7:00 P.M.
CALL TO ORDER AND GENERAL COMMENTS
INVOCATION
PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Approval of Zoning Board of Adjustments Minutes:
 - November 29, 2018

NEW BUSINESS

2. Discuss and consider action on the appointment of Officers to the 2020-2021 Zoning Board of Adjustments.
3. Discuss, review, and consider action on Zoning Board of Adjustment and Appeals Variance Case V-127, a request by Marwa Hamza, for a variance from the Town Code of Ordinances, Chapter 14, Sec. 14.07.010, which states smoking establishments are not permitted in C-3 Commercial Districts or on the Park Row Corridor. The proposed variance is to allow a hookah lounge (smoking lounge) in the outdoor patio of Fattoush Mediterranean Kitchen. The property is located at 2304 West Park Row Drive, Suite 24 & 25, Tracts 1A3, 1A3A, 1A3B, 1A5, 1A5B, and 1A5C of the William J Barry Survey, Pantego, Tarrant County, Texas. The property is generally located in the Lakewood Shopping Center on the South side of West Park Row Drive between South Bowen Road and Milby Road.

ADJOURNMENT

CERTIFICATION

Prepared and posted in accordance with Chapter 551 of the Texas Government Code. I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window of a display cabinet at the Town Hall of the Town of Pantego, Texas, a place of convenience and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Monday, August 17, 2020 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.


Alesha Russell-Greve, Zoning Board of Adjustments Secretary



Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in Town functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight (48) hours prior to the scheduled starting time by calling the Zoning Board of Adjustment Secretary's office at (817) 617-3702.

Complete Zoning Board of Adjustments Agenda and background information are available for review at Town Hall or on the Town website www.townofpantego.com.



AGENDA BACKGROUND

AGENDA ITEM: Approval of Zoning Board of Adjustments Minutes from November 29, 2018

DATE: August 20, 2020

PRESENTER:

Alesha Russell-Greve, Zoning Board of Adjustments Secretary

BACKGROUND:

Review and Consider action of Zoning Board of Adjustments Minutes for November 29, 2018

RECOMMENDATION:

Staff recommends approval of Zoning Board of Adjustments Minutes for November 29, 2018 as submitted.

ATTACHMENTS:

November 29, 2018 Zoning Board of Adjustment Minutes

**Zoning Board of Adjustments
Minutes November 29, 2018**

STATE OF TEXAS §

COUNTY OF TARRANT §

TOWN OF PANTEGO §

The Zoning Board of Adjustments of the Town of Pantego, Texas, met in special session at 7:00 p.m. in the Town Hall Council Chambers, 1614 South Bowen Road, Pantego, on the 29th day of November 2018 with the following members present:

Al Claros	Chairman
Bill Brown	Board Member
Janice Wood	Board Member
Robert Jordan	Board Member
Charles Jones	Board Member

Constituting a quorum. Staff present was:

Matthew Fielder	City Manager
Jessie Hanks	City Secretary
Joyce Stanton	City Engineer

SPECIAL SESSION 7:00 P.M.
CALL TO ORDER AND GENERAL COMMENTS

Chairman Claros called the Special Session to order at 7:00 pm.

INVOCATION
PLEDGE OF ALLEGIANCE

Board Member Jordan gave the invocation which was followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

- 1. Approval of Zoning Board of Adjustments Minutes:**
 - November 15, 2018**

Board Member Brown made a motion to approve the November 15th minutes as written. Board Member Jones seconded the motion.

The vote was as follows:

Ayes: Claros, Brown, Jones, Jordan, and Wood.

Nayes: None.

Abstentions: None.

Chairman Claros declared the motion passed unanimously.

NEW BUSINESS

- 2. Discuss and consider action on the appointment of Officers to the 2018-2019 Zoning Board of Adjustments.**

Chairman Claros made a motion to appoint Robert Jordan as Chairman. Board Member Jones seconded the motion.

The vote was as follows:

Ayes: Claros, Brown, Jones, Jordan, and Wood.

Nayes: None.

Abstentions: None.

**Zoning Board of Adjustments
Minutes November 29, 2018**

Chairman Claros declared the motion passed unanimously.

Board Member Jordan made a motion to appoint Al Claros as Vice Chairman. Board Member Jones seconded the motion.

The vote was as follows:

Ayes: Claros, Brown, Jones, Jordan, and Wood.

Nayes: None.

Abstentions: None.

Chairman Claros declared the motion passed unanimously.

Chairman Claros turned the meeting over to the newly appointed Chairman Jordan.

- 3. Discuss, review, and consider action on Zoning Board of Adjustment and Appeals Variance Case V-125, a request by Jonathan Lilley of Westra Consultants, LLC, for a variance from the Town Code of Ordinances, Chapter 14, Sec. 14.06.020, Table 14.06.020 Residential District Standards which states the minimum yard (setback) in feet for the front is 25 feet, the side is 10 feet, and a 35 feet set back from the rear. The proposed variance is to allow for 10 feet front set back on units located along the West and East boundary, 20 feet front setback on the units along the south boundary and interior portion of the sit, a 25 feet rear setback and a 5 feet side setback on all lots. The property is located at 2104 W Arkansas Lane, Pantego, Texas, Blocks 1-3, Lots 1-59 of SkyTec Vista Addition.**

Chairman Jordan read the agenda item caption and opened the floor for discussion.

Mr. Fielder gave the Board and audience a brief summary of the discussion at the last meeting. He stated the item is regarding the setbacks of the property. He explained the cause for the calling of the special meeting, He presented the preliminary plat and the Town's zoning map. He outlined the changes the developer has made to accommodate the Town's request during the plat process. He stated staff is recommending approval of the variance and highlighted the reasoning.

Jacq Duncan, SkyTec Development, presented several renderings of the proposed property. She reviewed the layout of the property, proposed use, and the plans for the units. She outlined the request for the setbacks and the need for the request. She presented the proposed elevations for the buildings.

Michael Wellbaum, Westra Consultants, informed the Board the reason for the request is to accommodate for a wider street to provide run for emergency vehicles. The Board inquired about the use of the street for parking. Ms. Duncan explained the development will have a HOA with rule regarding parking on street. The Board expressed their concerned about the drainage of the property. Mr. Wellbaum addressed the concerns by explaining the proposed drainage plans. There were discussions about the location of the proposed setback variance, the privacy of the property, and the current and proposed drainage of the property.

Board Member Claros made a motion to approve variance case V-125 as presented. Board Member Brown seconded the motion.

The vote was as follows:

Ayes: Claros, Brown, Jones, Jordan, and Wood.

Nayes: None.

Abstentions: None.

Chairman Claros declared the motion passed unanimously.

ADJOURNMENT

Chairman Claros adjourned the Special Session at 7:57 p.m.

Al Claros, Chairman

ATTEST:

**Zoning Board of Adjustments
Minutes November 29, 2018**

Alesha Russell-Greve
Zoning Board of Adjustments Secretary



AGENDA BACKGROUND

AGENDA ITEM: Discuss and consider action on the appointment of Officers to the 2020-2021 Zoning Board of Adjustments.

DATE: August 20, 2020

PRESENTER:

Alesha Russell-Greve, Zoning Board of Adjustments Secretary

BACKGROUND:

Each year in June, Council appoints the new and/or returning members to the Zoning Board of Adjustment. According to Section 1.05.072 Conduct of Business; Officers; Bylaws of the Town of Pantego Code of Ordinances, the Zoning Board of Adjustment shall elect a chairman and vice chairman from its memberships each year by July following the appointment of its new members. Due to not having a scheduled meeting, elections never occurred. Therefore, The Board Members need to elect their chairman and vice chairman for the 2020-2021 Fiscal Year. Oath of office will be performed prior to the meeting.

RECOMMENDATION:

Staff is at the discretion of the Board.

ATTACHMENTS:

None.



AGENDA BACKGROUND

AGENDA ITEM:

Discuss, review, and consider action on Zoning Board of Adjustment and Appeals Variance Case V-127, a request by Marwa Hamza, for a variance from the Town Code of Ordinances, Chapter 14, Sec. 14.07.010, which states smoking establishments are not permitted in C-3 Commercial Districts or on the Park Row Corridor. The proposed variance is to allow a hookah lounge (smoking lounge) in the outdoor patio of Fattoush Mediterranean Kitchen. The property is located at 2304 West Park Row Drive, Suite 24 & 25, Tracts 1A3, 1A3A, 1A3B, 1A5, 1A5B, and 1A5C of the William J Barry Survey, Pantego, Tarrant County, Texas. The property is generally located in the Lakewood Shopping Center on the South side of West Park Row Drive between South Bowen Road and Milby Road.

DATE:

August 20, 2020

PRESENTER:

Kyle Sugg, Public Works Director

BACKGROUND:

The Notice of Public Hearing was published on August 5, 2020 in the Fort Worth Commercial Recorder, the Town's official newspaper. This notice was also posted on the Town's bulletin board and the Town's website. Owners of property within two hundred (200) feet of the applicant property were given notice via U.S. mail.

RECOMMENDATION:

Based on the Town's Code staff cannot recommend approval.

ATTACHMENTS:

Community Development Staff Report
Application, Variance Case V-127
Site Plan
Notification Map
Notification List



COMMUNITY DEVELOPMENT STAFF REPORT

PROPERTY INFORMATION

PROPERTY DESCRIPTION:

2304 West Park Row Drive, Suite 24 & 25, Tracts 1A3, 1A3A, 1A3B, 1A5, 1A5B, and 1A5C of the William J Barry Survey, Pantego, Tarrant County, Texas.

PROPERTY OWNER:

Farrell Property CO LTD

APPLICANT:

Marwa Hamza

CURRENT ZONING:

C-3 Commercial District & Park Row Corridor

SURROUNDING ZONING/LAND USE:

North-C-2 Commercial District

West- C-3 Commercial District

East- C-2 Commercial District

South- R-1 Residential One Family District (Arlington)

TOWN CODE REQUIREMENTS:

Sec. 14.07.010 Nonresidential use regulations

Land and buildings in nonresidential districts shall be used only for the purposes indicated in table 14.07.010.

P = Permitted use.

SU = May be approved as a specific use permit.

(#) = Conditional use.

Table 14.07.010 Nonresidential District Uses

Type of Use	C-1 (Office)	C-2 (Light)	C-3 (Retail)	C-4 (Heavy)	Light Industrial	PRC
Nonresidential Uses						
Smoking establishments	--	--	--	(20)	(20)	--

(Ordinance 17-804 adopted 5/8/17; Ordinance 18-826, sec. 2, adopted 9/24/18)

Sec. 14.07.015 Conditional development standards

- (a) A use is permitted in the zoning district as indicated in the table 14.07.010, if the following conditional development standards or limitations are met.

(20) Smoking establishment.

(A) Any smoking establishment seeking a certificate of occupancy after July 30th, 2012 must be located at least one thousand feet (1,000') from any other smoking establishment.

(B) The distance of one thousand feet (1,000') stated in subsection (A) above, shall be measured in a direct line as the crow flies from the main customer entrance of each smoking establishment, without regard to property lines, streets, walkways, walls or any other obstruction.

VARIANCE REQUEST INFORMATION

REQUESTED VARIANCE:

Consider a variance from the Town Code of Ordinances, Section 14.07.010, which would allow the business to sell tobacco for on-site use.

ANALYSIS:

- (1) The applicant of the property at 2304 W Park Row Dr Suite 24 & 25 is appealing the Building Officials decision to not allow the sale of tobacco for onsite use.
- (2) This does not change the present Zoning or the use of the land. Approval by the Board will be the final decision.

VARIANCE CONSIDERATIONS

A variance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall a variance be granted to permit any person a privilege in the use of a building or land not permitted hereunder for other buildings or land in the same district. Variances shall be determined on the basis of the following standards:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) Whether the variance is substantial;
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage);
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.



Town of Pantego
1614 S. Bowen Rd, Pantego, TX 76013
(817) 617-3700
(817) 617-3726 Fax
info@townofpantego.com Email

ZONING BOARD OF ADJUSTMENTS APPLICATION

APPLICATION TYPE

☒ Variance Request

☐ Special Exception

☐ Interpretation Appeal

APPLICANT INFORMATION

Name: Margie Hamza Date: 1.31.2020

Address: 2701 Castle garden dr #233
Street Address

Arlington
City

TX
State

76013
Zip

Phone: [REDACTED]

Applicant Status:

☒ Owner

☐ Tenant

☐ Purchaser

☐ Other

PROPERTY INFORMATION

Address: 2304 W Parks Row dr #25, Pantego, TX, 76013

Legal Description:

☐ Property is subdivided:

Addition: _____

Lot: _____ Block: _____

☐ Property is not subdivided:

Survey: _____

Abstract#: _____ Tract: _____

Existing Classification: _____

Proposed Classification: _____

STATUS OF PROJECT:

☐ Proposed

☐ Under Construction

☒ Existing

APPLIED FOR BUILDING PERMIT:

☐ Yes

☒ No

OFFICE USE ONLY

Case Number: V-127 Hearing Date: 3/19/20 Attest: _____

Action: ☐ Approved

☐ Approved with Conditions

☐ Denied

Conditions:

Receipt # 114982



Zoning Board of Adjustments Application

GENERAL REQUIREMENTS & APPLICATION INFORMATION

REQUEST INFORMATION

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

1. Completely describe the variance you are requesting: _____

out door hookah lounge

2. Do similar conditions exist in the area? Explain: _____

yes on 303 there are hookah lounges

3. Describe how unique conditions or circumstances don't result from your actions: _____

Introduce hookah as a culture to new customers and increase business profitability

4. Is there any way to do what you want without this request?: NO

ACKNOWLEDGMENTS

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the Community Development Department, and such withdrawal shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the Town before any work is started on the property, and that the Zoning Board of Adjustment action does not constitute the approval of a building permit.

Applicant's Signature: _____ Date: 2-3-2020



Agent Authorization Form – to be used if Owner is not Applicant

Date: 2.3.2020

This letter shall serve as authorization for _____ to file this application for the property described herein.

Owner: FARZEL Property

Address: 2410 W PACE BLVD

City / State / Zip: 76013

Phone / Fax: _____

Recorded in Volume _____, Page _____, Tarrant County Deed Records

[Signature]
Owner's Signature

State of Texas)

County of Tarrant

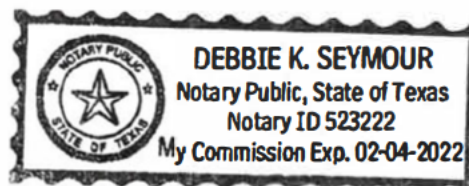
Sworn and subscribed before me the undersigned notary public this the 3rd day of February 2020

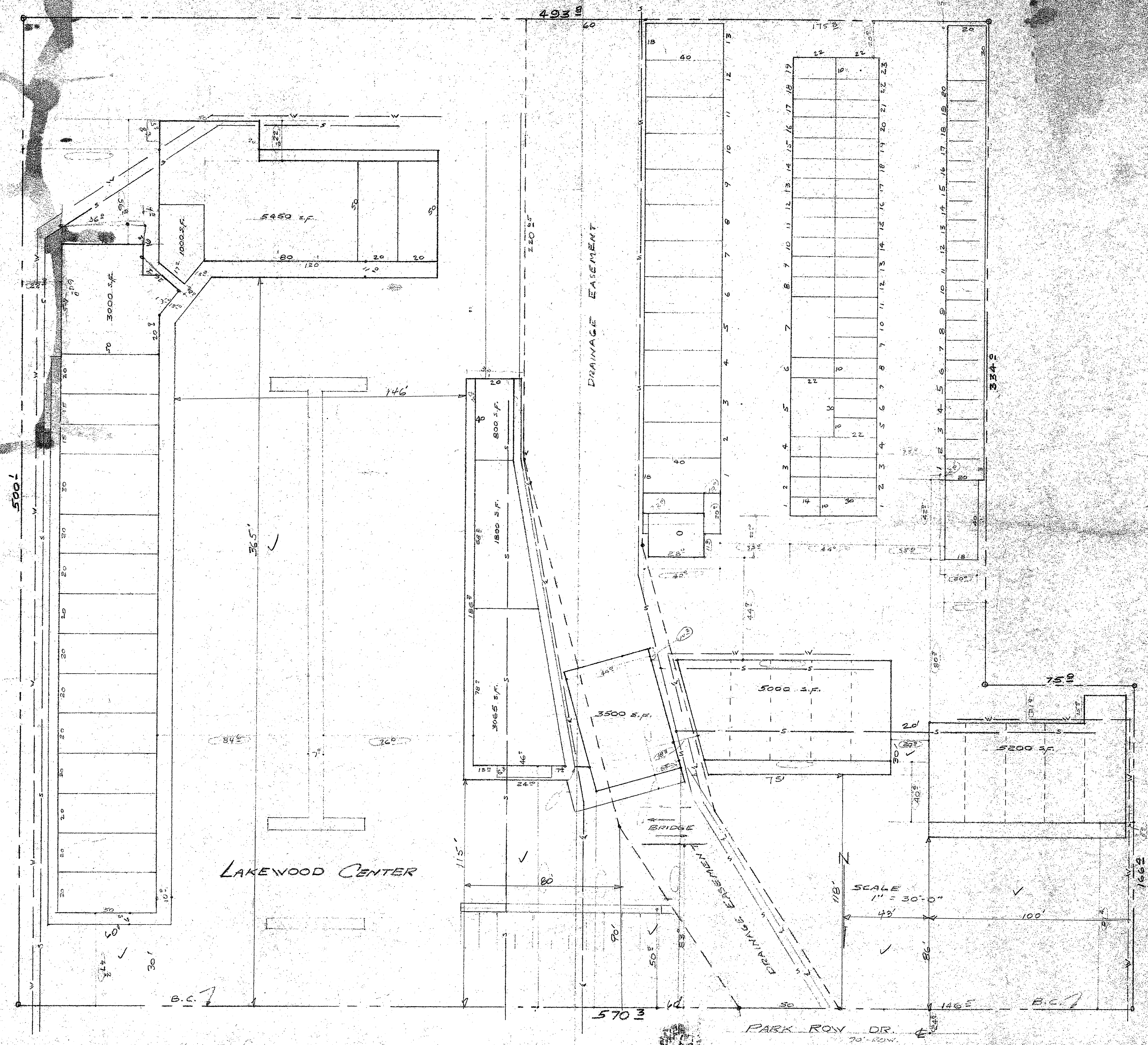
[Signature]

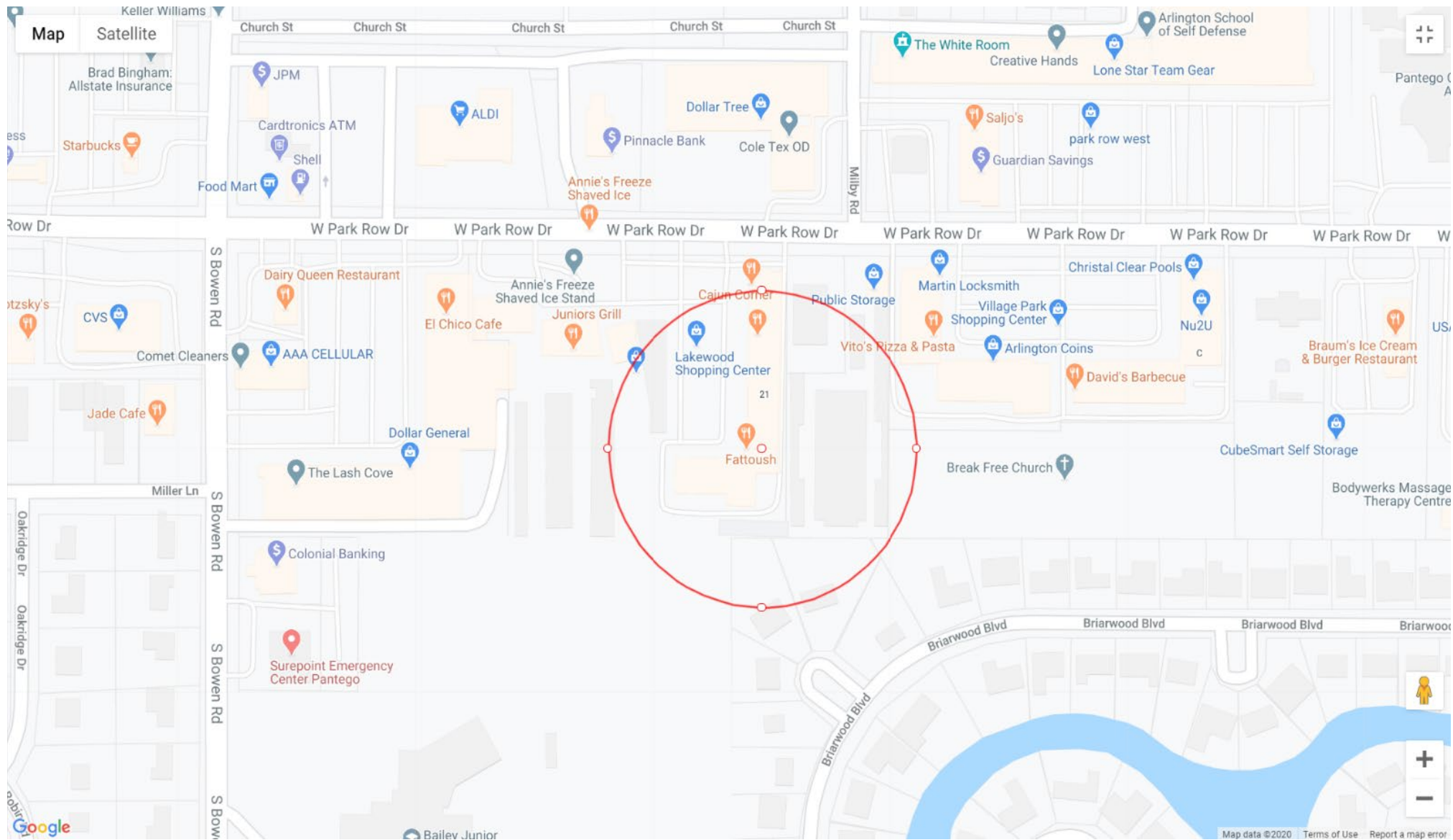
Notary Public

Commission Expires:

Seal:







Notification List V-127					
Name	Address	City	State	Zip Code	Adtl. Address
Pantego Self Storage LLC	6651 Longhorn Dr	Irving	TX	75063	2216 W Park Row
RJ Village Park LP	3113 S University Dr Ste 600	Ft. Worth	TX	76109	2220 W Park Row
PS Texas Holdings LTD	PO Box 25025	Glendale	CA	91221	2300 W Park Row
Kindred Glass Co	2302 W Park Row	Pantego	TX	76013	
Houma Seafood House Corporation	5404 Parliament Dr	Arlington	TX	76017	2304 W Park Row
Currie Medical Specialties	1870 General George Patton Dr	Franklin	TN	37067	2304 W Park Row
JWatkins LLC	2304 W Park Row Ste 5	Pantego	TX	76013	
Hoang, Thanh Tamt	2411 Laguna Ln	Arlington	TX	76012	2304 W Park Row Ste 14
Rivera Jose S Jr	2304 W Park Row Ste 15	Pantego	TX	76013	
Mad Mikes Ice Cream LLC	2304 W Park Row Ste 16 & 17	Pantego	TX	76013	
Wigsplitters Barber Shop	2304 W Park Row Ste 18	Pantego	TX	76013	
Rustic Craft Supply LLC	PO Box 122264	Arlington	TX	76012	2304 W Park Row Ste 20
Patino Ivan	2304 W Park Row Ste 21	Pantego	TX	76013	
Thomas Sawyer James	1825 Alan A Dale Rd	Arlington	Tx	76013	2304 Park Row Ste 22
Cake Bliss LLC	2316 Calmont Dr	Arlington	TX	76001	2304 Park Row Ste 23
Meister Angela	2304 W Park Row Ste 27	Pantego	TX	76013	
Arlington ISD	1203 W Pioneer Pkwy	Arlington	TX	76013	2411 Winewood Ln
Slusser Judith B	2215 Briarwood Blvd	Arlington	TX	76013	
Onley, Todd & Rhonda	2301 Briarwood Blvd	Arlington	TX	76013	
Carter, Andre & Camilla	2303 Briarwood Blvd	Arlington	TX	76013	
Ball Wanda F	2305 Briarwood Blvd	Arlington	TX	76013	