

**MINUTES
OF THE MEETING OF THE BENBROOK
ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION
TUESDAY, JUNE 25, 2019**

The Regular Meeting of the Zoning Board of Adjustment and Appeals Commission, of the City of Benbrook, was held on Tuesday, June 25, 2019 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Ghias Dean
Robert Wood
Lizbeth Sowell
Carol Stacy, Alternate B

Absent: Donald Pilliod, Chair
Wes Myers, Vice Chair

Also Present: Jim Hinderaker Assistant City Manager
Doug Howard City Planner
Caroline Stewart Assistant City Planner,
Recording Secretary
Ryan Studdard Chief Building Official

I. CALL TO ORDER

At 7:30 p.m., Doug Howard, acting as the City Administrative Official, read the following statement:

In accordance with the rules and procedures of this body, in the absence of the Chair and Vice Chair, I must call the meeting to order for the immediate and single purpose of selecting a temporary presiding officer.

Mr. Howard then called the meeting to order and asked for nominations for the Acting Chair of the Zoning Board of Adjustment and Appeals Commission.

Motion by Ms. Stacy to nominate Mr. Wood as Acting Chair for the Zoning Board of Adjustment and Appeals Commission. Seconded by Mr. Dean. The City Administrative Official called the question.

Vote on the Motion:

Ayes: Mr. Dean, Ms. Sowell, and Ms. Stacy

Noes: None

Abstain: Mr. Wood

Motion carried: 3 – 0 – 1

II. MINUTES

Motion by Ms. Sowell to approve the minutes of the May 28, 2019 Board/Commission meeting as presented. Seconded by Mr. Dean. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Dean, Mr. Wood, Ms. Sowell, and Ms. Stacy

Noes: None

Abstain: None

Motion carried: 4– 0 – 0

III. REPORTS FROM CITY STAFF

A. ZONING BOARD OF ADJUSTMENT

- 1) **ZBA-19-02** – A request for the alteration of a non-conforming sign for the shopping center located at 7909 Camp Bowie West Boulevard, being a portion of Tract C, Boston Heights Addition. The property is zoned “F” Commercial District. [PUBLIC HEARING]

The Chair called on staff for procedural guidance for this item. Caroline Stewart addressed the Board. Per the Board of Adjustment and Appeals Commission Rules of Procedure, the Board shall not act on a request unless there are at least 5 members present. The requirement for 5 members may be waived by the applicant. The applicant elected to have this request heard by 5 members; therefore, no action may be taken. This item will be considered at the Regular meeting of the Zoning Board of Adjustment on July 23, 2019.

B. APPEALS COMMISSION

- 1) **AC-19-01** – Consideration of staff’s recommendation to demolish all structures located at 1023 Bryant Street and is legally described as Lot 8, 3-A, Block 32, Benbrook Lakeside Addition. The property is zoned “B” One-Family District. [PUBLIC HEARING]

Ryan Studdard, Chief Building Official, presented the staff report and answered questions from the Commission.

The Chair opened the public hearing at 7:37 p.m. Frank Harber with Harber Law Group (771 E Southlake Blvd Ste. 111, Southlake, TX 76092) representing U.S. Bank National Association asked for an extension on behalf of Greenfield Law Group P.A. (611 Broken Spoke Pkwy Ste. 350, Boca Raton, FL 33487). Mr. Harber presented to the Commission a Corporate Assignment of Deed of Trust (Exhibit A, held in the record) from U.S. Bank National Association showing they are a trustee to the property owner’s mortgage company.

The Commission asked questions concerning the affiliation of the Bank to the property owner, why the Bank is now getting involved, and if there is any planned action from the bank if the extension was granted. Mr. Harber answered the questions and had no plans to present.

Lonnie Huett (7204 Tour Trail, Benbrook, TX) asked questions regarding the demolition process if it were to be approved.

Following discussion by the Commission, the Chair closed the public hearing at 7:56 p.m.

Motion by Ms. Sowell to order the attached Order of the Appeals Commission be implemented. Seconded by Ms. Stacy. The Chair called the question:

Vote on the Motion:

Ayes: Mr. Dean, Mr. Wood, and Ms. Sowell

Noes: Ms. Stacy

Abstain: None

Motion failed: 3 – 1 – 0

Following the vote, the Commission discussed the failed motion. Ms. Stacy indicated that she did not mean to vote against the staff recommendation. Motion by Ms. Sowell to approve staff recommendation. The Commission discussed the motion. Ms. Stacy indicated she did not understand the motion. Mr. Howard indicated what a yes or no vote on the current motion would mean. The motion was seconded by Mr. Dean. The Chair called the question:

Vote on the Motion:

Ayes: Mr. Dean, Mr. Wood, Ms. Sowell, and Ms. Stacy

Noes: None

Abstain: None

Motion carried: 4 – 0 – 0

IV. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 8:01 p.m.

APPROVED: July 23, 2019
Donald Pilliod
Chair