

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES JUNE 17, 2015**

APPROVED

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Zoning Board of Adjustment of the City of Bedford, Texas, met in work session at 6:30 PM and regular session at 7:00 PM to discuss items on the agenda in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 17th of June, 2015, with the following members present:

Vice Chairman: Absent

Members: Keith Quigley (Acting Chairman)
 John Thompson
 Dorothy McWhorter

Vice Chairman Levy and Board Member Sutton were absent from the meeting.

Constituting a quorum.

Staff present included:

Bill Syblon	Development Director
Emilio Sanchez	Planning Manager
Alexandra Aggor	Planning and Zoning Coordinator

(The following items were considered in accordance with the official agenda posted on the 3rd day of June, 2015.)

CALL TO ORDER

Acting Chairman Quigley called the Work Session to order at 6:30 PM.

WORK SESSION

The Board and Staff reviewed and discussed items on the regular agenda.

Acting Chairman Quigley adjourned the work session at 6:55 PM.

REGULAR SESSION

The Zoning Board of Adjustment convened in the Council Chamber at 6:55 PM and the Regular Session began.

CALL TO ORDER

Acting Chairman Quigley called the meeting to order at 7:00 PM and read the Zoning Board of Adjustment meeting format aloud.

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Good Evening, my name is Keith Quigley. I am Acting Chairman for 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.

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 three 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.

APPROVAL OF MINUTES

- 1. Consider approval of the following Zoning Board of Adjustment meetings minutes:
 - a) June 18, 2014 regular meeting****

Motion: Board Member McWhorter made a motion to approve the meeting minutes of June 18, 2014.

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

Motion approved 3-0-0. Acting Chairman Quigley declared the motion approved.

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PUBLIC HEARING

- 2. Public hearing and action upon Special Exception Case X-065, a request by AT&T for a Special Exception for the addition of a generator at the base of the cellular antenna that is attached to the City Water Tower. The grounds for the Special Exception are due to power loss that affects service coverage during times of power loss. The property is known as Lot A, Block 9, Oakridge Estates Addition, located at 3300 Cummings Drive, Bedford Texas, and the zoning district is zoned Residential. The property is generally located south of Cummings Drive and west of Mill Ridge Street. (X-065)**

Acting Chairman Quigley recognized Emilio Sanchez, Planning Manager, who gave an overview of Variance Case X-065.

Acting Chairman Quigley opened the public hearing at 7:11 p.m.

Mike Marr, a representative of the applicant, AT&T, explained the details of the Variance application.

Mr. Marr addressed the issue of sounds from the generator.

David Lorantz spoke in opposition of the case, citing negative impacts on the alleyway to support the vehicles needed to install the generator, noise, safety and engine fumes.

Craig David spoke in opposition of the case citing, wildlife being scared away from the area, and noise.

William Meyer, spoke in opposition of the case citing noise as an issue.

Mike Sexton, expressed concern regarding truck traffic passing through his property.

Marlene Smith expressed concern regarding the existing noise of the water tower and the thickness of the proposed barrier wall.

John Turner spoke in opposition of the case citing possible noise, the wildlife and children at risk due to the visibility of the driveways in the neighborhood.

Ana O'Rutiner spoke in opposition of the case citing that AT&T does not have a good reputation with properly fixing problems and the safety of animal and children in the area.

Emilio Sanchez responded to the Board's question by stating that after internal review of the case by staff, it was communicated that AT&T in fact loses power at their water tower location often.

There are two other communication providers on the antennae. The city will hold multiple inspections on the site.

Mike Marr stated that AT&T is mandated by the FCC and FAA to operate 24 hours a day because they are a 911 authorized carrier.

Mr. Marr said that the installation would typically last for 2-3 days. AT&T has an agreement, particularly with cities, that any property damages will be fixed by the company.

David Lorantz offered a noise study performed in another city to use as an example.

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Craig David asked that the sound study include what the noise will be including the water tower above it, since the proposed screening wall is not covered, he is concerned that the sound will carry out of the top.

John Turner asked questions regarding the reasons behind the power outages.

Mike Marr reiterated the requirement of the FCC.

Acting Chairman Quigley closed the public hearing at 7:56 PM.

Motion: Board Member McWhorter made a motion to table Variance Case X-065 until the August 19, 2015 meeting, at which time AT&T shall bring a sound study that would include the type of masonry wall required, take into account the distance to the back of the nearest property and the effect of the 65 foot water tower on the sound.

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

Ayes: Acting Chairman Quigley, Board Members Thompson and McWhorter

Nays: None

Abstention: None

Motion was 3-0-0. Acting Chairman Quigley declared that they table Variance Case X-065.

- 3. Public hearing and action upon Variance Case V-072, a request from Section 5.5.A to the City of Bedford Zoning Ordinance for Lori Rentfrow to install a six (6) feet in height, solid wood fence instead of the allowed two feet six inch (2'6") decorative fence in the required front yard. The property is known as Lot 18 Block 4, Loma Verde Addition, located at 2007 Serrano Street, Bedford Texas, and the zoning district is zoned Planned Unit Development. The property is generally located northwest of Bedford Road and west of Serrano Street. (V-072)**

Acting Chairman Quigley recognized Emilio Sanchez, Planning Manager, who gave an overview of Variance Case V-072.

Acting Chairman Quigley opened the public hearing at 8:24 PM.

Laurie Renfrow spoke in favor of the case. She expressed issues regarding tenants in the area jumping over the fence and destroying parts of her property and the property in the neighborhood.

Julianne Brock spoke in opposition of the case. She stated she did not feel that the additional fence would improve the trespassing and debris problems.

Marshall Perlstein spoke in favor of the case. He stated that he experiences the same issues with trespassing and debris on his property.

Hiep Dao spoke in opposition of the case citing that it would block visibility on the street

Penny Rackley spoke in favor of the case, citing a dangerous situation from possible neighboring tenants and debris.

The board members discussed the case.

Acting Chairman Quigley closed the public hearing at 8:37 PM.

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Motion: Board Member Thompson made a motion to approve Variance Case V-072, determining that the subject area where the proposed fence would be located is a side yard.

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

Ayes: Acting Chairman Quigley, Board Members Thompson and McWhorter

Nays: None

Abstention: None

Motion was 3-0-0. Acting Chairman Quigley approved Variance Case V-072.

ADJOURNMENT

Acting Chairman Quigley adjourned the Zoning Board of Adjustment meeting at 8:58 PM.

Janet Levy, Vice Chairman
Zoning Board of Adjustment

ATTEST:

Emilio Sanchez, Planning Manager
Zoning Board of Adjustment