

JAMES BURGESS

Mayor

RITA BISHOP

Mayor Pro Tem/

Councilmember Place 1

TONY BOVINICH

Councilmember Place 2



JESSICA KUYKENDALL

Councilmember Place 3

GERONIMO HERNANDEZ

Councilmember Place 4

DREW WILSON

Councilmember Place 5

Board Of Adjustment

Venus Civic Center

210 S. Walnut Street

Venus, Texas 76084

3/27/2023 at 7:00 pm

Page

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance:

2. Citizen Public Comment Period:

Citizens may sign up before the meeting begins and will be allowed up to 3 minutes to address the Board of Adjustment. The Board of Adjustment members and staff members may not respond or converse with speakers during this time. The comments from the speaker must be in the form of a statement. By State law, no questions may be asked or answered for items not appearing on the agenda.

3. Consent Agenda:

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Administrator to implement each item in accordance with staff's recommendation.

- 3.1 Approval of meeting minutes for Board of Adjustment meeting on January 26, 2023.

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[Special called Board of Adjustment - Jan 26 2023 - Minutes - Pdf](#)

I make a motion to approve/deny the consent agenda.

4. PUBLIC HEARING & ACTION ITEM:

- 4.1 Public Hearing regarding an application for a special exception for property known as 100 E. 6th Street, located on the southeast corner of 5th Street and S. Main Street to allow












an encroachment of up to 14 feet into the 15-foot-side-yard setback for an existing metal carport measuring 18 feet by 20 feet.

Open Public Hearing:

Close Public Hearing:

- 4.2 Discuss and consider Special Exception to the City of Venus Zoning Ordinance to allow an encroachment of up to 14 feet into the 15-foot-side-yard setback for an existing metal carport measuring 18 feet by 20 feet. The Property is approximately 0.0630 acres (27,443 square feet). Lots 1 & 2, Block 1, Truelove Addition, City of Venus, Texas, 76084; (ZBOA2023-0002).

7 - 26

[1A - Staff Report.pdf](#)  [2A - Aerial Map.pdf](#)  [3A - Zoning Map.pdf](#)  [4A - Application.pdf](#)  [5A - Owner's Request.pdf](#)  [6A - Neighbor Notice.pdf](#)  [7A Property owner notification.pdf](#)  [8A - Affidavit of Posting.pdf](#)  [9A - Site Plan.pdf](#)  [10A - TxDOT ROW Acquisition.pdf](#)  [11A - Site Pictures.pdf](#) 

I make a motion to approve/deny the Special Exception Request for an existing metal carport with dimensions of 18 feet by 20 feet encroaching up to 14 feet into the 15-foot-corner-yard setback, lots 1 & 2, Block 1, Truelove Addition Subdivision.

5. Adjournment:

The Board of Adjustment reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, pursuant to authorization by the Texas Open Meetings Act TEXAS GOVERNMENT CODE, Chapter 551.071 (Private consultation with attorney for the city), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

This is to certify that a copy of this Notice of Meeting was posted on the bulletin board at City Hall, 700 W. Hwy 67, Venus, Texas and at a place readily accessible to the general public at all time and the City's website www.cityofvenus.org, 3/24/2023 by 5:00 pm.

Callie Green,
City Secretary

For more information or a copy of the Open Meetings Act, please contact the Attorney General of Texas at 1-800-252-8011. This building is wheelchair accessible. Any request for Interpretive services must be made 48 hours in advance of the scheduled meeting. To make arrangements please call 972-366-3348.



Special called Board of Adjustment -

Thursday, January 26, 2023 at 6:30 PM

Venus Civic Center

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance:

Chair, Burgess called the meeting to order at 6:34 pm, gave the Invocation and lead the Pledge of Allegiance.

Member present: James Burgess, Rita Bishop, Tony Bovinich, Jessica Kuykendall, Drew Wilson and Geronimo Hernandez at 6:40 pm.

Staff Present: Tonya Roberts, City Attorney, Callie Green, Stacey Wyman, Oscar Ortiz, Andrew Simmons, Brandon Gazaway, Chief Allen and Chief Groom.

2. Citizen Public Comment Period:

No public comments.

3. Consent Agenda:

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Administrator to implement each item in accordance with staff's recommendation.

- 3.1. Approval of meeting minutes for Board of Adjustment on November 9, 2020.

[11-09-2020.pdf](#)

I make a motion to approve the consent agenda.

Moved by: Drew Wilson

Seconded by: Rita Bishop

For: Unanimous. Motion carried 4-0-0.

4. Public Hearing and Action Item:

- 4.1. Conduct Public Hearing regarding an application for a variance for property known as 160 Sammy Fowler Ave. located on the east side of Sammy Fowler Ave. approximately seventy-five feet from the intersection with Condie Russell Ave. The request is to allow an encroachment of 0.5 ft. into the 10 ft. rear-yard setback. The property is approximately 0.1212 acres (5,280 square feet). The property is located on Patriot Estates PD Phase 8, City of Venus, Texas 76084.

Open Public Hearing: At 6:38 pm

Shelley Clower – Asked if the house was already built out.

Close Public Hearing: At 6:40 pm

[1-A Staff Report.pdf](#)  [1-B Letter from Applicant .pdf](#)  [1-C Variance Application.pdf](#)  [1-D Patriot Estates Phase 8 Plat.pdf](#)  [1-E Zoning Map.pdf](#)  [1-F Aerial View.pdf](#)  [1-G Affidavit of Posting.pdf](#)  [1-H Neighbor Notice.pdf](#)  [1-I Pictures.pdf](#)  [1-J Patriot Estates PD Regulations.pdf](#)  [1-K Owner's list within 200-foot buffer.pdf](#)  [1-L Newspaper Publication.pdf](#) 

- 4.2. Discuss and consider a variance to the City of Venus Zoning Ordinance to allow an encroachment of 0.5 Ft. into the 10 ft. rear yard setback for an existing home at lot 8, Block 27, Patriot Estates Phase 8, Johnson County; 160 Sammy Fowler. I make a motion to approve the variance to the City of Venus Zoning Ordinance to allow an encroachment of 0.5 Ft. 0.5 Ft. into the 10 ft. rear yard setback for an existing home at lot 8, Block 27, Patriot Estates Phase 8, Johnson County; 160 Sammy Fowler.

Moved by: Drew Wilson

Seconded by: Rita Bishop

For: Rita Bishop, Tony Bovinich and Drew Wilson.
Against: Jessica Kuykendall and Geronimo Hernandez.
Motion carried 3-2-0.

5. Adjournment:

Chair, Burgess adjourned the meeting at 7:24 pm.

Chair

City Secretary

Draft



*Case Report – 100 E 6th St – Special Exception
ZBOA – March 27, 2023*

To: Zoning Board of Adjustment & Appeals (ZBOA)

From: Oscar Ortiz, CNU-A

Request: Request of Wayne Wadlington for the following special exception to the City of Venus Zoning Ordinance to allow an encroachment of up to 14 feet into the 15-foot-side-yard setback for an existing metal carport measuring 18 feet by 20 feet. The property is approximately 0.0630 acres (27,443 square feet). Lots 1 & 2, Block 1, Truelove Addition, City of Venus, Texas, 76084; (ZBOA2023-0002)

Reason for Appeal: The applicant is requesting a special exception for an encroachment of up to 14 feet into the 15-foot-corner-yard setback for an existing metal carport having dimensions of 18 feet by 20 feet. The applicant states that carport location was not an issue until the Texas Department of Transportation (TxDOT) started its plans for the S FM 157 roadway expansion. The applicant states that the carport was constructed to provide protection for the family vehicle from inclement weather events.

Location and Vicinity: The subject property is located on the southeast corner of 5th St. and S Main St. The property is comprised of lot 1 & lot 2; therefore, the frontage along 6th St is 100 feet and a depth of 140 feet for a lot size of 27,443 sq. ft. (0.0630 acres). The property is zoned R-1 (Single-Family Residential) District and a single family residence is located on the property. Adjacent zoning is R-1 District in all directions. The surrounding land use is Single-Family Residential.

Setbacks: Setbacks are established and noted on Chapter 34 “Zoning”, Section 34-62 Schedule of District Regulations.

Front Setback: 25 feet	Minimum Lot Width: 70 feet
Side Setback: 8 feet	Minimum Lot Depth: 100 feet
Rear Setback: 25 feet	Maximum Building Area (Percent) 50
Corner Setback: 15 feet	

Zoning: R-1 (Single-Family residential) District

Background and History: Truelove Addition Subdivision was recorded on February 14, 1914. The required corner-yard setback is 15 feet. An application for a Special Exception was submitted to the Planning Department on February 23, 2023. If granted this Special Exception, a building permit for construction of the carport will have to be submitted to the Building Department.

Analysis:

The request is for a special exception to allow an encroachment of 14 feet into the 15-foot-yard setback for an existing metal carport. The applicant states that the carport would protect the family vehicles from the weather element events.

There have been no calls or emails received in opposition of the Special Exception request.

Special Exceptions are issued to a property owner; however, a change of ownership requires the new owner to apply for their own Special Exception.

Recommendation:

Staff recommends disapproval of the Special Exception request since the home has access through 5th St. to park cars on the back yard. Approval of the carport may encourage other property owners to build similar structures around the city. If the Board chooses to approve the request, it should be limited to the encroachment shown on the submitted site plan.

Sample

Motion:

I move to approve/deny the Special Exception Request for an existing metal carport with dimensions of 18 feet by 20 feet encroaching up to 14 feet into the 15-foot-corner-yard setback, lots 1 &2, Block 1, Truelove Addition Subdivision.

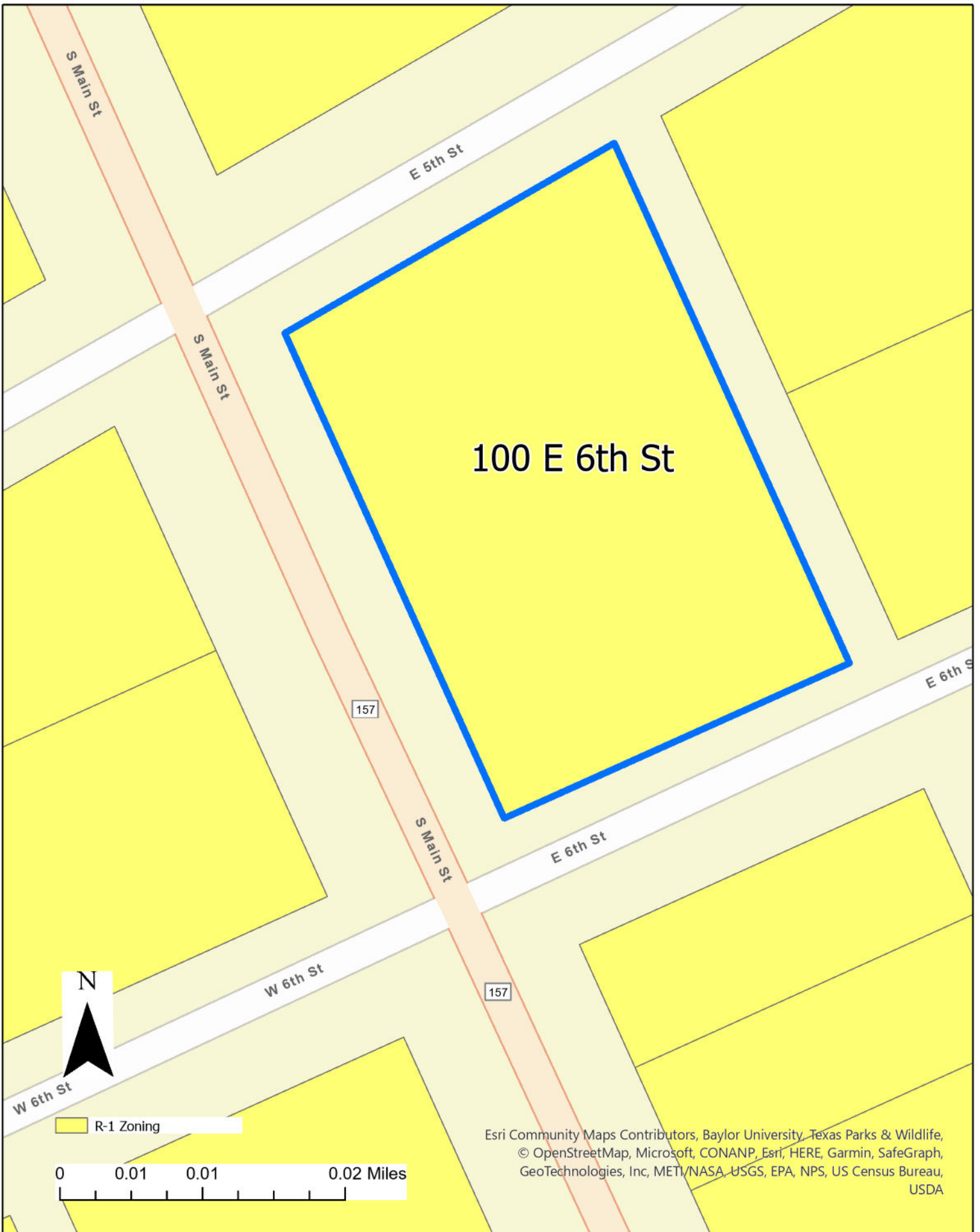
Attachments:

- Aerial Map
- Zoning Map
- Application
- Owner's request
- Neighbor Notice
- Affidavit of posting
- Site Plan
- TxDOT ROW acquisition area
- Site Pictures

30.00320

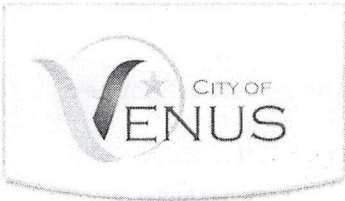
126.4420.00030

126.4420.00010



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GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,
USDA

Zoning Map



Planning Department
 700 W US Highway 67
 Venus, Texas 76084
 972-366-3348 extension 206
www.cityofvenus.org

Variance Application

APPLICANT INFORMATION

Property Owner: WAYNE & Coleen WADLINGTON Signature: Wayne Wadlington
 Street: 100 E 6th St City: Venus State: TX Zip Code: 76084
 Phone: 972-948-3075 Email Address: WCW19baseball@yahoo.com
 Authorized Agent: Wayne & Coleen WADLINGTON Signature: Wayne Wadlington
 Street: 100 E 6th St City: Venus TX Zip Code: 76084
 Phone: 972-948-3075 E-mail Address: WCW19baseball@yahoo.com

PROPERTY INFORMATION:

Legal Description: AP 126, 4420, 00010 CALLED Lots 1 & 2, Block 1 ORIGINAL TOWN OF VENUS
 Subdivision Name: TRULove's
 Street: 100 E 6th St City: Venus State: TX Zip Code 76084
 Parcel ID #: 33 Approximate Acreage: 0.0826
 Present Property Zoning: Single family Existing Land Use: Residential

REASON FOR APPEAL:

A variance will not be granted to relieve a self-created or personal hardship, nor shall be based solely on economic gain or loss. Information provided here by the applicant does not guarantee the variance will be granted. Answer these questions in regards to satisfying the variance criteria set forth by state law:

- a) Explain how the enforcement of the zoning ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property.
- b) Explain how the situation causing the hardship or difficulty is or is not self-imposed
- c) Explain how the relief sought will or will not injure any permitted use of adjacent conforming property
- d) Explain how the granting of a variance be in harmony with the purpose of these regulations

Variance Application Requirements

Please submit the following items along the completed application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete.

ITEM	DESCRIPTION	MARK	INITIALS
1	Variance Application	<input checked="" type="checkbox"/>	ww
2	Application Fee	<input type="checkbox"/>	
3	Property Survey	<input checked="" type="checkbox"/>	ww
4	Metes & Bounds Description	<input checked="" type="checkbox"/>	oscar
5	Warranty Deed	<input checked="" type="checkbox"/>	
6	Site Plan/ landscape/fencing plans, etc.	<input checked="" type="checkbox"/>	ww
7	If not owner, Authorization Letter from Owner	<input checked="" type="checkbox"/>	
8	Written statement describing variance(s) request	<input checked="" type="checkbox"/>	ww
9	Any other information (elevations, pictures, etc.).	<input checked="" type="checkbox"/>	

I understand that in accordance with State Law and Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:

A notice will be published in the Midlothian Mirror describing the request and the date, time, and location of the public hearing; and

Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.

I understand that while all requirements for the submittal or a variance request may be complete, the Planning Commission and City Council are the only authorities for the consideration and approval or denial of the request.

OFFICE USE ONLY

Staff Recommendation	<input type="checkbox"/>	Approved	<input type="checkbox"/>	Denied
Planning & Zoning	<input type="checkbox"/>	Approved	<input type="checkbox"/>	Denied
City Council	<input type="checkbox"/>	Approved	<input type="checkbox"/>	Denied

Case #

Comments:

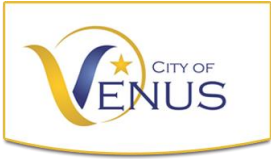
PRINT

CLEAR

SAVE

Wayne and Coleen Wadlington residing at 100 east 6th street, Venus Texas are requesting a variance from the city of Venus. The state of Texas (Tx-Dot) is acquiring 18'-21' of our property changing the easement. This will effect our parking located on Main Street (FM-157). The acquisition will leave 1.3'-1.6' between our carport and the new easement. This will put the carport within the 15' setback ordinance of the city of Venus. Therefore we are asking for a variance to have this covered parking. The leaving of the carport and parking will not affect any other adjacent properties as seen on picture marked 4.1. This has been our main parking and vehicle protection since June of 1998.

Coleen Wadlington
Wayne Wadlington



March 13, 2023

Dear Property Owner:

I am writing this letter to inform you of an upcoming public hearing, which you may be inclined to attend. The hearing provides residents, especially neighboring landowners such as yourself, the opportunity to voice their opinion on the proposed project to the Zoning Board of Adjustment (ZBOA). The input and opinions of residents and neighboring property owners provide valuable feedback to the ZBOA, City staff, and the applicant. The following is some basic information that pertains to the project.

Application Type: **Special Exception:** The ZBOA will hear and decide special exception to the terms of City of Venus Zoning Ordinance.

Summary: **Request:** Request of Wayne Wadlington for the following special exception to the City of Venus Zoning Ordinance to allow an encroachment of up to 14 feet into the 15-foot-side-yard setback for an existing metal carport measuring 18 feet by 20 feet. The property is approximately 0.0.630 acres (27,443 square feet). Lots 1 & 2, Block 1, Truelove Addition, City of Venus, Texas, 76084; (ZBOA2023-0002)

Location/Site Plan: Generally located on the southeast corner of 5th St and S Main St. – *See the reverse side for vicinity map.*

Reviewing Body: The ZBOA will decide on the Special Exception request.

Public Hearing: **March 27, 2023 at 7:00 p.m.**
The hearing will take place at Civic Center, 210 S Walnut St, Venus, TX 76084.

Official Notice Publication: March 13, 2023, on the Cleburne Times newspaper.

City Staff Project Manager: Oscar Ortiz, *City Planner*
(972) 366-3348 extension 206
oortiz@cityofvenus.org

Applicant: Wayne Wadlington, *Property Owner*
100 E 6th St.
Venus, TX, 76084
(972) 948-3075
wcw11baseball@yahoo.com

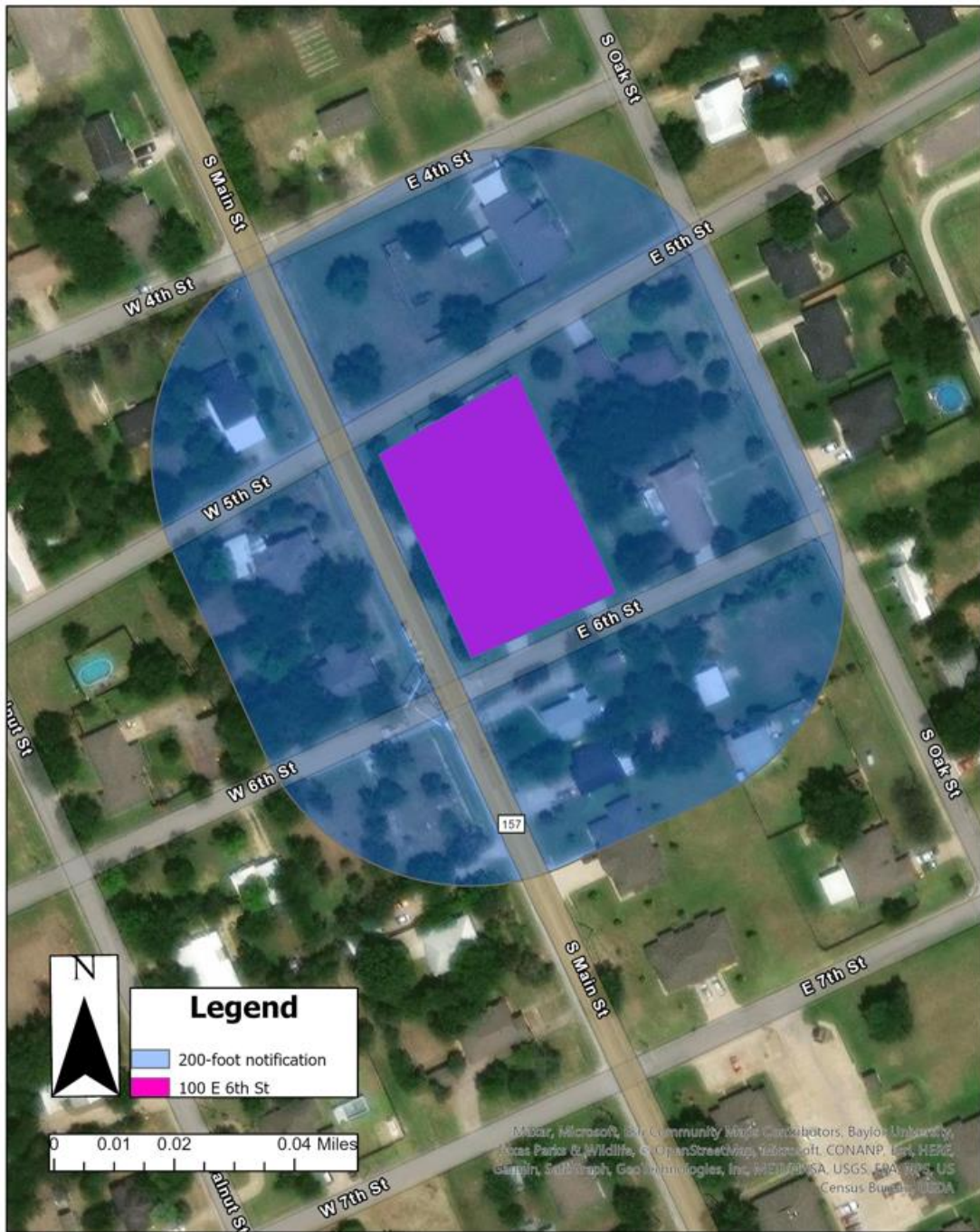
Property Owner: Same as above

Additional Info: This review process allows the Planning Department to determine the completeness of the application, and its adherence to City Codes and policies. The request and application will be reviewed by the ZBOA.

Please do not hesitate to contact me if you have any questions on this project or if you are unable to attend this hearing but would like to submit comment into the record. Thank you for your time.

Best regards,
Oscar Ortiz, City Planner

Vicinity Map



Property owner notification (200-foot buffer)

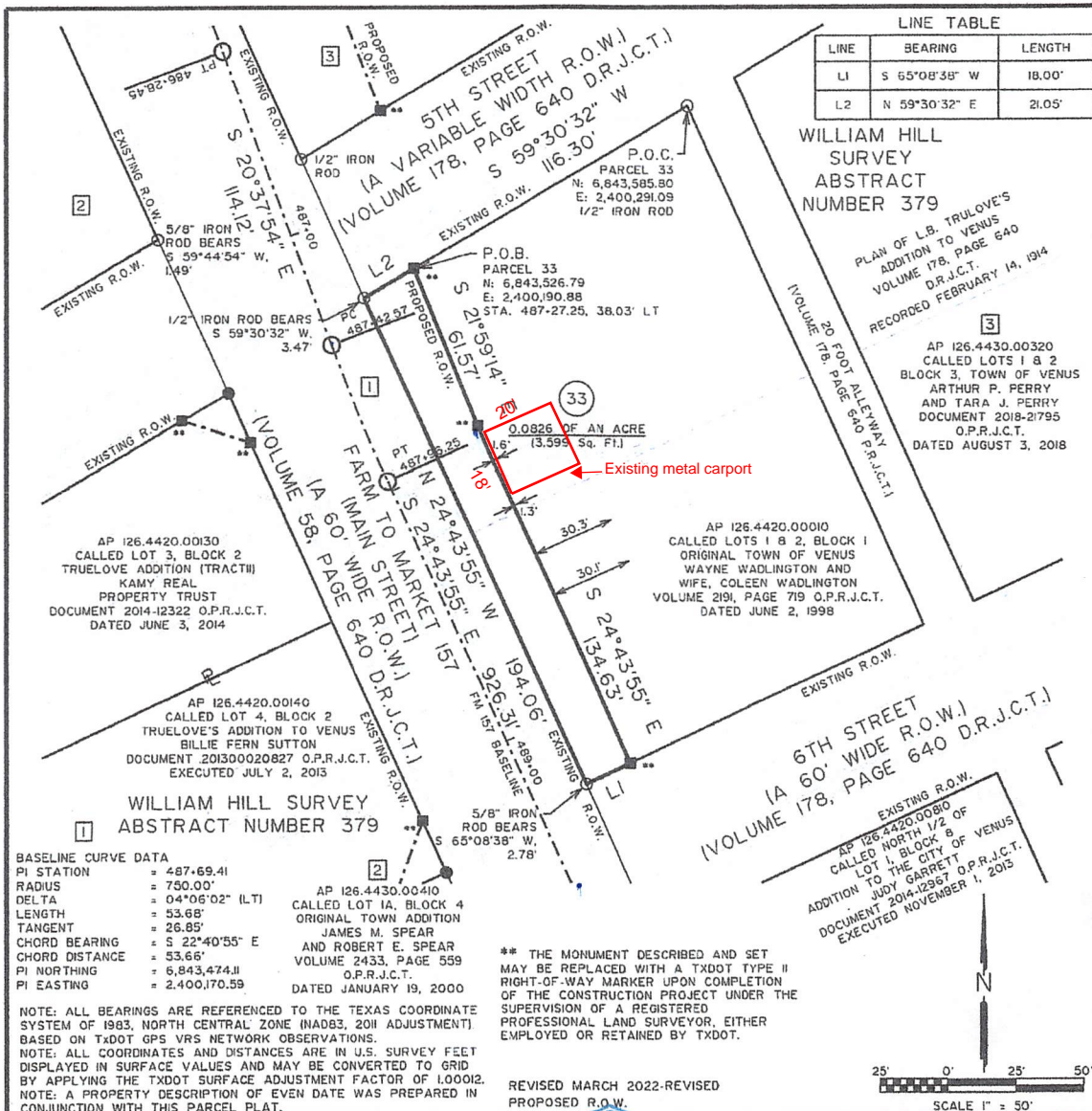
Property Owner	Address	Legal Description	Parcel ID number
Arthur Perry P Etux Tara J.	401 Oak St Venus, TX 76084	Lot 2, Block 3, Truelove Addition	126.4430.0320
		Lot 1, Block 3, Truelove Addition	126.4430.0310
James Spear M. & Georgia Spear	405 S Main St Venus, TX 76084	Lot 1A, Block 4, Truelove Addition	126.4430.00410
Kacy Ward L.	103 W 4 th St Venus, TX 76084	Lot 1B, Block 4, Truelove Addition	126.4430.00405
Kamy Real Property Trust	501 S Main St P O Box 50593 Denton, TX 76026	Lot 3, Block 2, Truelove Addition	126.4420.00130
Billie Sutton Fern	503 S Main St Venus, TX 76084	Lot 4, Block 2, Truelove Addition	126.4420. 00140
Wayne Wadlington Etux Coleen Wadlington	100 E 6 th St. Venus, TX 76084	Lot 1 & 2, Block 1, Truelove Addition	126.4420.00010
Frederick R L & Nelda	105 E 5 th St Venus, TX 76084	Lot 3, Block 1, Truelove Addition	126.4420.00030
Herrera Israel Etux Martha Joanna	503 Oak St Venus, TX 76084	Lot 4, Block 1, Truelove Addition	126.4420.00040
David Bell C. Etux Tarah A	P O Box 154 Venus, TX 76084	Lot 4, Block 7, Truelove Addition	126.4420.00740

Gumaro Bobadilla E Etux	P O Box 561 Venus, TX 76084	Lot 5, Block 7, Truelove Addition	126.4420.00750
Judy Garrett	600 S Main St Venus, TX 76084	Lot 1, Block 8, Truelove Addition	126.4420.00810
Manuel Rocha D Jr. Etux Crystal A Ortega	602 S Main St Venus, TX 76084	Lot 1A, Block 8, Truelove Addition	126.4420.00811
Chad Starks Construction LLC	604 S Main St 111 Marion Rd. Venus, TX 76084	Lot 2 & 3, Block 8, Truelove Addition	126.4420.00820
Sheridan Milliman Elayne	601 Oak St 3032 Nob Hill Dr. Burleson, TX 76028	Lot 4, Block 8, Truelove Addition	126.4420.00840
Randall Buck Etux Kimberley	605 Oak St Venus, TX 76084	Lot 5, Block 8, Truelove Addition	126.4420.00850

Exhibit A



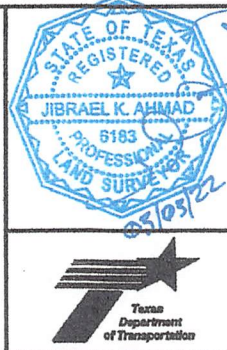
SURVEY



LEGEND:

AP APPRAISAL DISTRICT
D.R.J.C.T. DEED RECORDS OF JOHNSON COUNTY TEXAS
P.R.J.C.T. PLAT RECORDS OF JOHNSON COUNTY TEXAS
O.P.R.J.C.T. OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY TEXAS
O.P.R.R.P.J.C.T. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF JOHNSON COUNTY TEXAS
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCING
R.O.W. RIGHT-OF-WAY
P PROPERTY LINE

■ : 5/8 INCH IRON ROD WITH TXDOT PLASTIC ROW CAP SET (UNLESS NOTED OTHERWISE)
□ : 5/8 INCH IRON ROD WITH TXDOT ALUMINUM CAP SET (UNLESS NOTED OTHERWISE)
● : 5/8 INCH IRON ROD WITH JONES CARTER CAP SET (UNLESS NOTED OTHERWISE)
○ : FOUND PROPERTY CORNER (AS INDICATED)
△ : CALCULATED POINT



PARCEL 33
WAYNE WADLINGTON AND WIFE, COLEEN WADLINGTON
0.0826 OF AN ACRE

DATE: OCTOBER 2021 Page 4 of 4

STATE	DIST.	COUNTY	
TEXAS	FTW	JOHNSON	
CONT.	SECT.	JOB	HIGHWAY NO.
CC5J	0747	05	042
RCSJ	0747	05	045

FM 157



Source: Google Earth (Imagery Date: January 2022)
*LOCATIONS OF BOUNDARY AND ACQUISITION ARE APPROXIMATE



TEXAS
NXP-8781

TEXAS
PBL-8023





VENUS
CEMETERY
→

Grey Wolf





TEXAS
PBL-8023