



**Agenda**  
**Crowley Zoning Board of Adjustment**  
**May 5, 2025**  
**Regular Session - 7:00 PM**

**Crowley City Hall**  
201 E. Main Street  
Crowley TX 76036

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Citizens may address the Zoning Board of Adjustment by filling out a blue “Citizen Participation” card to discuss any issue that is on the Agenda. Please turn in cards to the board secretary. Speakers are limited to three minutes (if using a translator, the time limit will be doubled).

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**Regular Session - May 5, 2025 - 7:00 PM**

**I. Call to Order and Roll Call**

**II. Welcome Visitors**

**III. Action Items**

- A. Discuss and consider approving the minutes from the regular meeting held on November 4, 2024.
- B. Hold a public hearing, discuss, and consider approval of a request by Braum’s. Inc for a variance from city code Sec. 106.47(C) for the General Commercial district stating that no more than 60% of parking shall be placed between the building and the primary street. The variance is requested for property located at 1180 E Main St in the John Steele Survey, Abstract 1381, TAD tract number 2A04 Crowley, Tarrant County. **CASE # ZBOA-2025-001**

**IV. Adjournment**

I, the undersigned authority, do hereby certify that this agenda of the Crowley Zoning Board of Adjustment meeting to be held on May 5, 2025 at 7:00 PM is a true and correct copy posted on Wednesday, \_\_\_\_\_, at \_\_\_\_\_ AM/PM to the city website and at Crowley City Hall, in a place convenient and readily accessible to the public at all times.

\_\_\_\_\_  
Rachel Roberts, Planning & Development Director

The Crowley City Hall is wheelchair accessible, and accessible parking spaces are available. Requests for accommodation must be made 48 hours prior to this meeting. Please contact the City Secretary’s Office at 817-297-2201 ext. 4000 for more information.



**City of Crowley, Texas**  
**Zoning Board of Adjustment Agenda Report**

<b>Presenter:</b> Rachel Roberts	<b>Meeting Date:</b> May 5, 2025
<b>Department:</b> Community Development	<b>Agenda Item:</b> III.A.
<b>Subject:</b> Discuss and consider approving the minutes from the regular meeting held on November 4, 2024.	

**Background:**

The minutes from the November 4, 2024 meeting are attached for your review and consideration for approval.

**Recommendation:**

Staff recommend approval.

**Financial Information:**

**Attachments:**

1. 2024 November 4 ZBOA minutes



**MINUTES  
ZONING BOARD OF ADJUSTMENT  
November 4, 2024  
REGULAR SESSION – 7:00 P.M.**

**Crowley City Hall  
201 E. Main Street  
Crowley TX 76028**

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**REGULAR SESSION – November 4, 2024 - 7:00 pm**

**I. CALL TO ORDER**

Chair Rene Alford called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Staff member Rachel Roberts called roll.

Board Members Present:	Mike Winterbank (Place 1) Darlene Hornback (Place 2) Lezo Foley (Place 3) Rene Alford (Place 5)
Board Members Absent:	none
Staff Members Present:	Rachel Roberts, Planning & Development Director Tejali Mangle, Planner
City Council members present:	Jesse Johnson

**III. WELCOME VISITORS**

Chair Alford welcomed visitors.

**IV. ACTION ITEMS**

**A. Consider approval of the minutes from the May 6, 2024 regular meeting**

Board member Lezo Foley made a motion to approve the minutes from May 6, 2025, seconded by Board member Darlene Hornback. The motion passed unanimously.

**B. Select a chair for the Zoning Board of Adjustment for the July 2024 - July 2025 term**

Board member Mike Winterbank nominated Rene Alford for the position of chair. The motion was seconded by Mr. Foley and passed with all in favor.

**C. Select a vice-chair for the Zoning Board of Adjustment for the July 2024 - July 2025 term**

Chair Alford nominated Darlene Hornback for the position of vice-chair. The motion was seconded by Board member Mike Winterbank and passed with all in favor.

**V. ADJOURNMENT**

There being no further business before the board, the meeting adjourned at 7:03 PM.

\_\_\_\_\_  
Rene Alford, Chair

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Rachel Roberts, Board Secretary/  
Planning and Development Director

\_\_\_\_\_  
Date



**City of Crowley, Texas**  
**Zoning Board of Adjustment Agenda Report**

<b>Presenter:</b>	<b>Meeting Date:</b> May 5, 2025
<b>Department:</b> Community Development	<b>Agenda Item:</b> III.B.
<p><b>Subject:</b> Hold a public hearing, discuss, and consider approval of a request by Braum’s. Inc for a variance from city code Sec. 106.47(C) for the General Commercial district stating that no more than 60% of parking shall be placed between the building and the primary street. The variance is requested for property located at 1180 E Main St in the John Steele Survey, Abstract 1381, TAD tract number 2A04 Crowley, Tarrant County. <b>CASE # ZBOA-2025-001</b></p>	

**Background:**

<b>BACKGROUND AND OVERVIEW</b>	
<b>Request</b>	Variance from the requirement to have 40% of parking at side or rear of building
<b>Applicant</b>	Braum’s
<b>Location</b>	1180 E Main (cor. Main, FM 1187, and Rendon Crowley Rd)
<b>Surrounding Uses</b>	Commercial; Single family residential; Religious (church); Vacant; Civic/Public; PD (Atwoods’)
<b>Surrounding Zoning</b>	General Commercial across Main St (Walmart shopping center); R-3 and R-2 single family residential (nearby off Main St)
<b>Staff Recommendation</b>	Approve

**Current status of property**

This property is located at the eastern city limits and has street frontage on three sides. To the east is vacant land within the City of Fort Worth city limits. The surrounding uses are a mix of commercial, religious, and residential uses, as described in more detail below (see also attached maps and images).

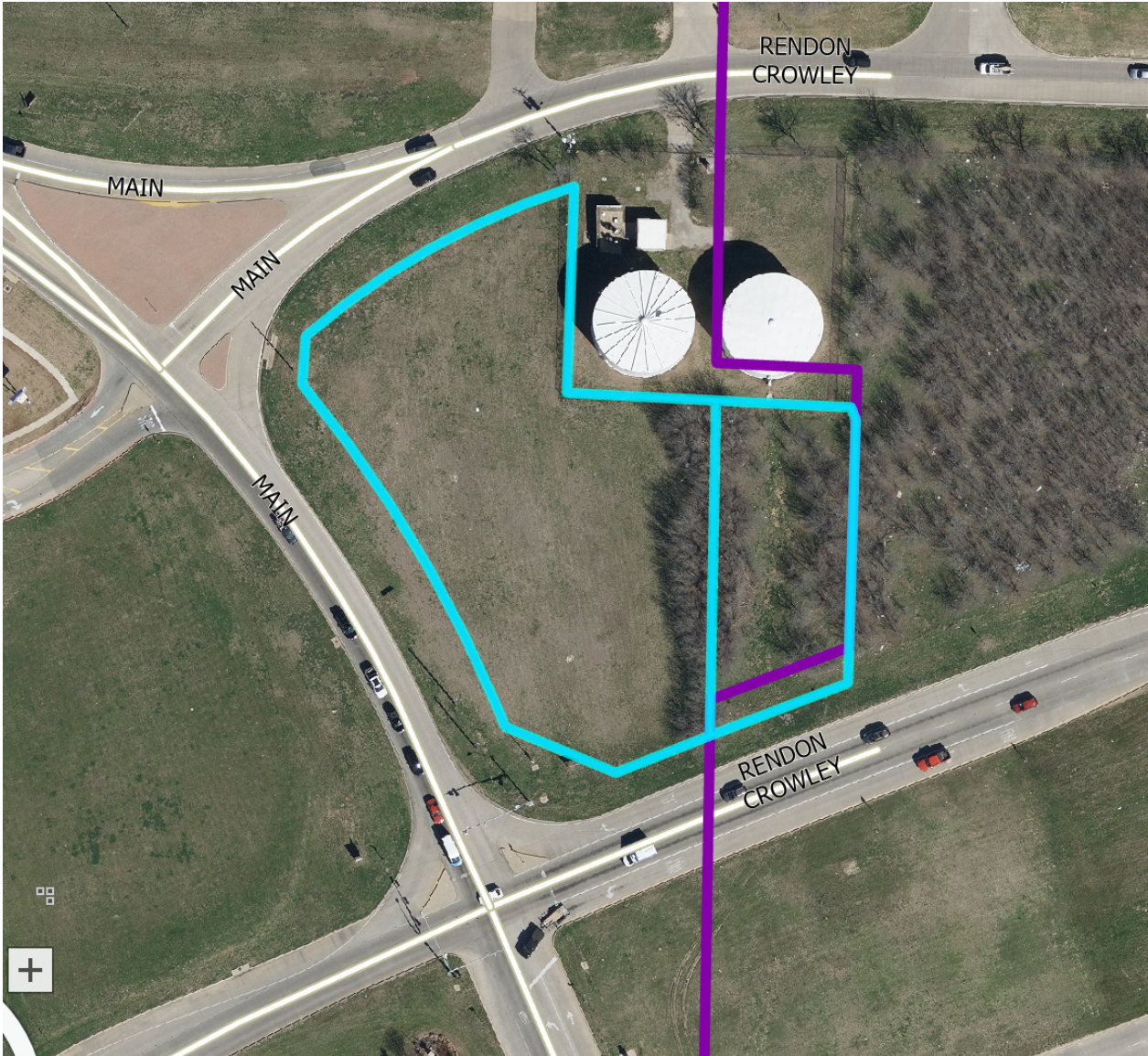
The zoning code allows commercial uses to place a maximum of 60% of the parking between the building and the primary street, which in this case is FM 1187. The remaining parking is to be placed to the side or rear of the building. Braum’s has requested a variance from this requirement. As shown on the attached site plan, the applicant exceeds the parking requirement by 9%.

(Please note that the enclosed site plan is provided solely for the purpose of showing how the applicant proposes to layout the building and parking on the site. Granting the variance does not formally adopt the site plan. The site plan will be reviewed formally as part of the building permit application at a future date and may be changed in order to meet other zoning or development requirements.)

**SURROUNDING PROPERTIES AND NEIGHBORHOOD**

Much of the surrounding properties are commercial – the Walmart shopping center is across the street on Main St, and Atwood’s and some small commercial uses (in Fort Worth) are across FM 1187. Behind this lot across Rendon Crowley Rd are a church, a single family residential neighborhood, and an assisted living facility.

Zoning on the surrounding lots in the city limits are GC (General Commercial), R-3 single family residential (the church property), and R-4 single family residential (the residential neighborhood closest to this site is in the Fort Worth city limits).



**REQUIREMENTS FOR A VARIANCE**

City code authorizes the Zoning Board of Adjustment to grant a variance to any numerical standard from the zoning code, where the literal enforcement of the provisions of the zoning code would result in an unnecessary hardship, and so that the spirit of the code shall be observed and substantial justice done.

- The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with the same zoning.
- A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only other than permitted by TXLGC Chapter 211 (self-created situations are not considered a hardship for purposes of a variance).
- A variance may not be granted to permit a person a privilege in developing a parcel of land not permitted by the zoning code to other parcels of land in districts with the same zoning district.
- A variance may not be granted to permit a parcel of land to be developed in a manner inconsistent with the rights of properties similarly zoned.
- A variance may not be granted if it is contrary to the public interest.

## ANALYSIS

Staff reviewed the request to determine whether the conditions for a variance have been met, as described below.

*1) Is the request owing to a special condition inherent in the property itself, and is the condition unique to the property for which a variance is requested?*

Yes. Most properties in the city limits do not have street frontage on three sides, and the few that do have this much frontage do not have such an unusual shape. Staff reviewed the other parcels in the GC zoning district and found only three other parcels that have street frontage on three sides. These properties are shown on an attached document.

*2) Will the literal interpretation of the zoning district requirements deprive the applicant of rights commonly enjoyed by other properties in the same district?*

The property could still be developed without a variance, but without a variance, it will be difficult to develop the property for the proposed use or for other similar uses due to the site constraints.

*3) Is the situation self-created?*

No. Braum's did not subdivide or develop the property or do anything to cause the property's shape or amount of street frontage.

4) *Will granting the variance requested confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district?*

No. The applicant has placed some parking behind the building and to the side, but the site's shape limits where the required fire and access lane can be placed. And as you can see on the site plan, the property appears to have more developable land than it actually does because some of what appears to be developable land is actually in the right-of-way. These factors combined with the street frontage on three sides make it more difficult to develop here than on other sites in the GC district (other lands, structures, and buildings in the same district are able to be developed under fewer constraints).

5) *Do the reasons set forth in the application justify the granting of the variance, and is the variance the minimum variance that will make possible the reasonable use of the land, building or structure?*

The site plan exceeds the parking requirement by 9%. The applicant considers this to be the minimum variance necessary to use the site as proposed. The proposed site plan has 69% of the parking located between the front of the building and the primary street. The remaining 31% is to the side and rear.

6) *Would granting the variance be contrary to the public interest? Would it be in harmony with the general purpose and intent of the zoning code?*

The variance would not be contrary to the public interest and would be in harmony with the purpose and intent of the zoning code. The applicant has placed parking to the side and rear of the building to the extent possible in an attempt to meet the purpose of the code. Staff does not anticipate the variance being detrimental to the public welfare. If granted, the variance would be due to a condition inherent to the property itself rather than a financial or similar concern of the applicant.

#### **ACTION BY THE ZONING BOARD OF ADJUSTMENT**

*The board may grant or deny the request or postpone its vote until a later date. Sample motions are provided for your reference below. You are not required to use either of the motions provided, but your motion should state why you are granting or denying the request.*

Approve: Based on the evidence and testimony provided, I find that the proposed request meets the standards for a variance and make a motion to approve the requested variance.

Deny: Based on the evidence and testimony provided, I find that the proposed request does not meet the standards for a variance and make a motion to deny the request.

#### **Recommendation:**

As mentioned above, the intent of the 60% parking requirement is to avoid large expanses of parking lots. In addition to being unsightly, these larger parking lots also require customers to walk farther to get to the building. Further, allowing large parking areas in front of the building

encourages businesses to overpark (to provide more parking than is actually necessary for their business operations). This is not ideal from a stormwater perspective. If a business has to take extra care in designing the site in order to accommodate putting parking to the side and rear of the building, then the business will have less incentive to overpark (it's usually easier to design a site and to overpark when all parking is placed in front of the building).

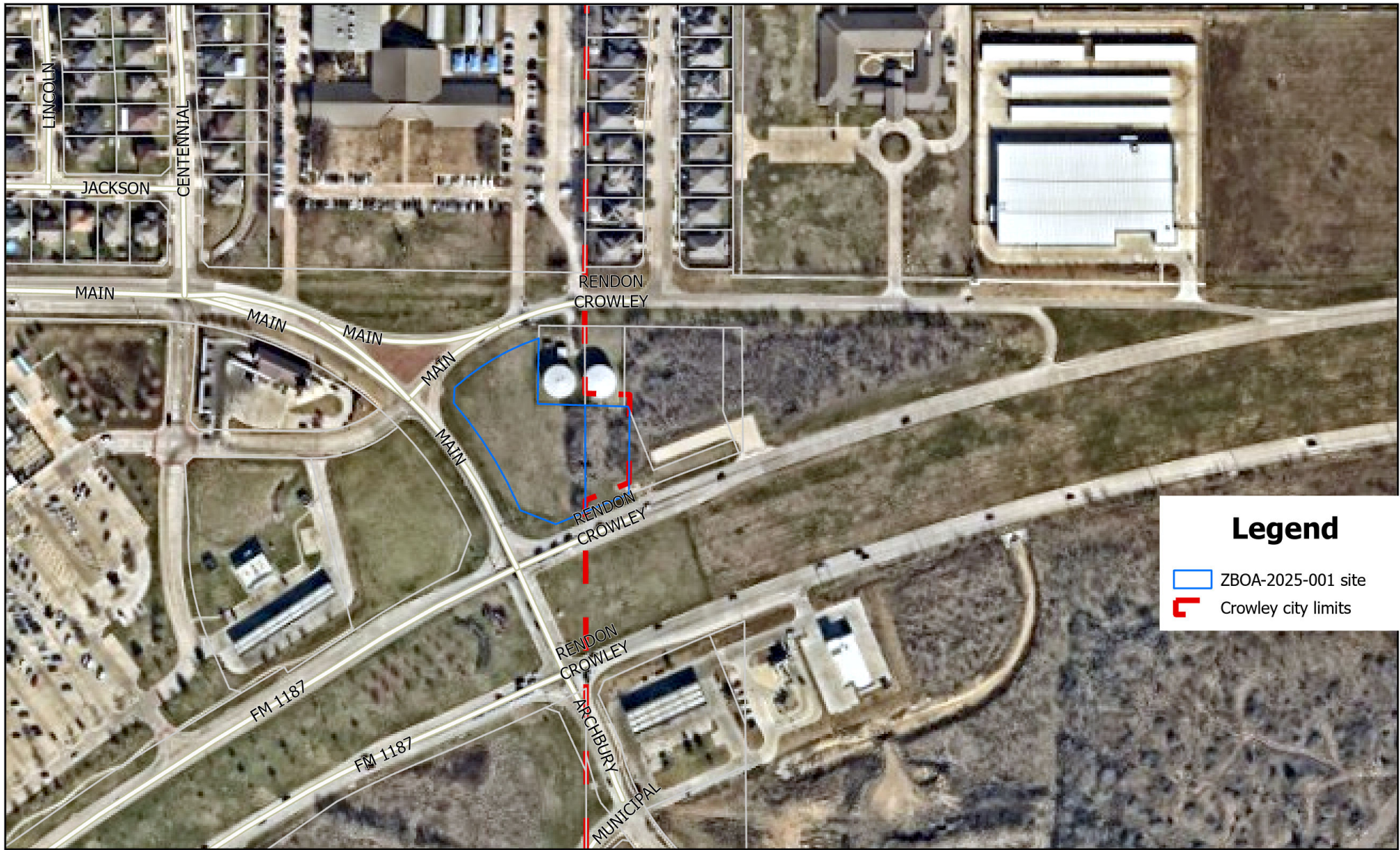
This parking regulation – like the rest of the zoning code – is intended to be feasible for the vast majority of properties to follow, but for properties with unusual conditions, the zoning code provides a variance process. Staff's perspective is that this is an unusual situation. The property has street frontage on three sides, so it is difficult to orient the building in a way that does not have parking between the building and the primary street. The property also has an unusual shape, which adds to the difficulty of designing the site. And in addition, the zoning code has restrictions on where the drive-through can be placed. Placing the parking behind the building means the drive-through would be on a street-facing side, which is not allowed, or that customers would have to cross the drive-through to get to the building (which is permitted but not ideal).

Based on the above analysis, staff recommend approval of the variance request. The request will not be detrimental to the public health, the condition is inherent to the property itself, and the situation is not self-created.

**Financial Information:**

**Attachments:**

1. ZBOA-2025-001\_aerial
2. ZBOA-2025-001\_zoning
3. ZBOA-2025-001 site images
4. ZBOA-2025-001 comp sites
5. ZBOA-2025-001 application\_Redacted



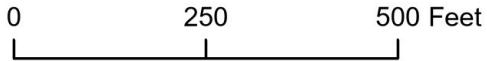
### Legend

- ZBOA-2025-001 site
- Crowley city limits

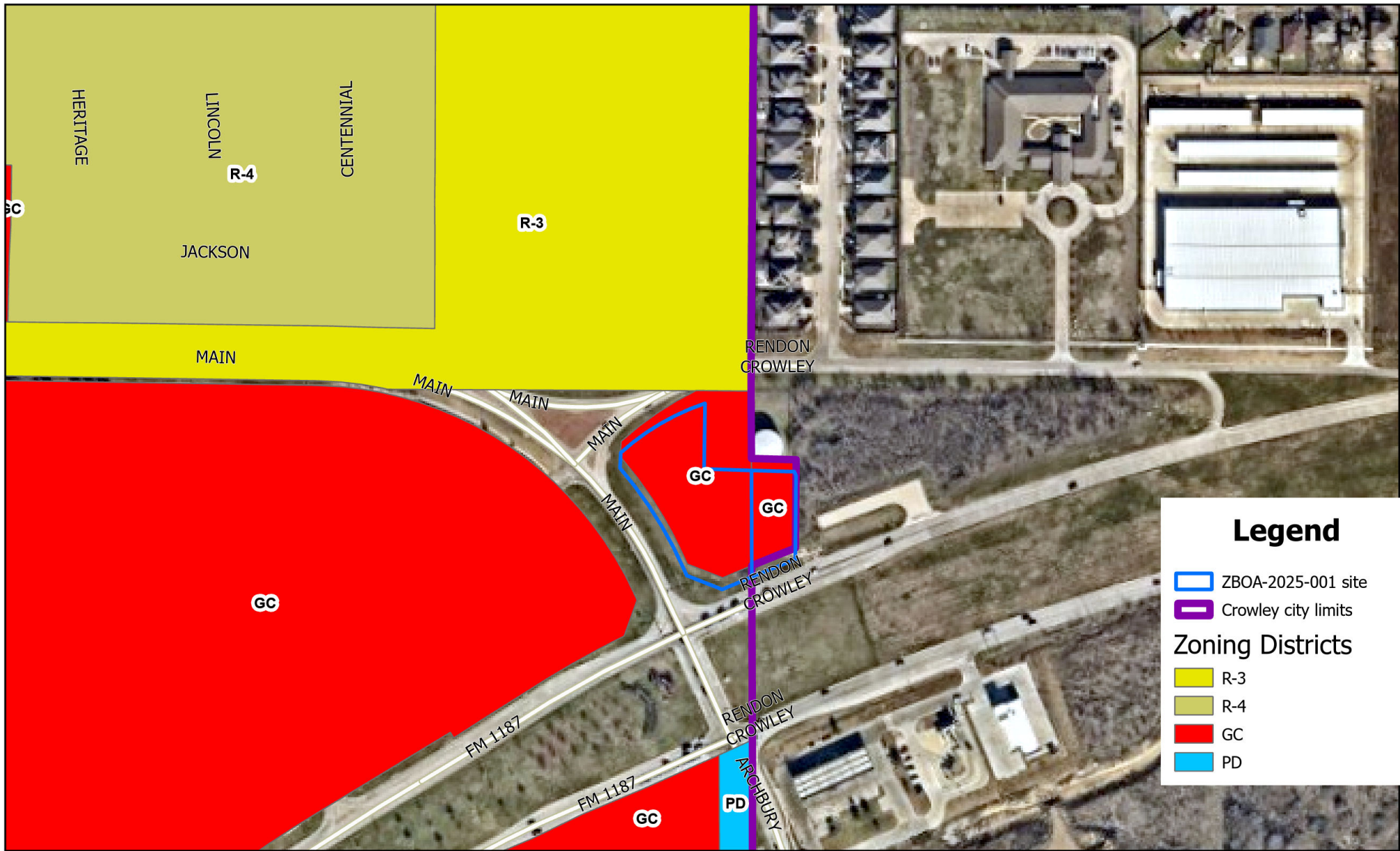
ZBOA-2025-001  
Aerial View



4/25/2025



**DISCLAIMER**  
 This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information, should review or consult the primary data and information sources to ascertain the usability of the information.



**Legend**

- ZBOA-2025-001 site
- Crowley city limits

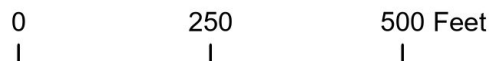
**Zoning Districts**

- R-3
- R-4
- GC
- PD



4/27/2025

ZBOA-2025-001  
Zoning



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## Site pictures



Heading west on FM 1187, showing intersection with FM 1187 and Main St (foreground) and intersection of Main St and Rendon Crowley Rd (background)



Going west on Rendon Crowley Rd, showing intersection Main St (on the right);  
the intersection with FM 1187 is shown in the background



Facing east on Main St, showing Main St and Rendon Crowley Rd running along two sides of the property;  
FM 1187 is shown in the background



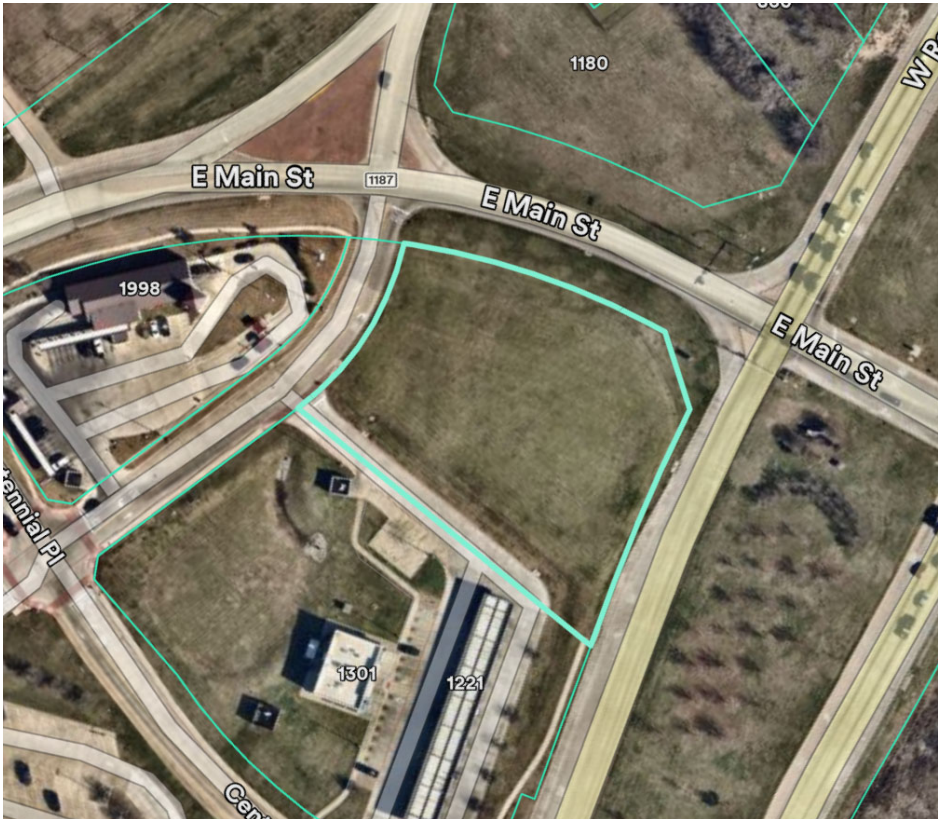
Facing south, showing how parcel with city water towers juts into the Braum's parcel, creating an unusual shape

Staff have identified three other parcels in the General Commercial zoning district that have street frontage on three sides. Those parcels are described below.



- Located at Bus FM 1187 / Crowley Plover Rd and FM 1187, next to the Tarrytown neighborhood

While the property has frontage on three sides, this is a large tract with a standard shape. The developer should be able to meet the parking placement requirement.



- Across Main St from the Braum's site

While this tract also has road frontage on three sides, so it may have some similar difficulty with parking placement, unlike the Braum's site, it doesn't have an unusual shape that compounds the issue.

- Located across FM 1187 from the Braum's site

This is a large site that has plenty of room to arrange the site to meet the parking placement requirement.





**CITY OF CROWLEY**  
 Variance Application  
 Community Development Department

Case # ZBOA-2025-001  
 (to be assigned by City Staff)

**Application Requirements:** The applicant is required to submit sufficient information that describes and justifies the proposal. **The applicant has the burden of proof for establishing whether the conditions for a variance are met.** There is a \$250 non-refundable filing fee for any variance request. Incomplete applications will not be processed.

**Property Information**

Please attach a map showing your property location.

Project Name: Braum's Ice Cream & Dairy Store  
 Project Address: 1180 East Main Street, Crowley, TX 76036  
 Legal Description: Steele, John Sur, AB 1381, TR 2A04 Gross Acreage: 1.678 acres

**Applicant & Owner Information**

Applicant Name: Marcus "Koty" Foran Company: Braum's Inc.  
 Applicant Address: 3000 NE 63rd street City: Oklahoma City State: Oklahoma  
 ZIP Code: 73121 Telephone No: 405-620-7223 Email: \_\_\_\_\_

**Application Status (check one)**       **Owner**       **Representative**       **Tenant**       **Prospective Buyer**

*(If applicant is not property owner, please provide property owner information below)*

Property Owner: \_\_\_\_\_  
 Applicant Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
 ZIP Code: \_\_\_\_\_ Telephone No: \_\_\_\_\_ Email: \_\_\_\_\_

**Information Required for Variance Requests**

Zoning District: General Commercial (GC)  
 Requirement for which a variance is requested (include section of city code): Crowley, Texas - Code of Ordinances, Chapter 106, Article 3, Section 106.47(C), "Parking Placement" "No more than 60% of the provided parking shall be placed between the building and Primary Street.

- A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons other than as permitted by Texas Local Government Code Chapter 211, nor may a variance be granted to permit a person a privilege in developing a parcel of land not permitted by Chapter 106 (zoning code) to other parcels of land in districts with the same zoning district or to be developed in a manner inconsistent with the rights of properties similarly zoned.
- The variance must be necessary to permit the development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it must be developed with special conditions as compared to the other developments with same zoning districts.
- A variance can only be granted for cases where the variance is not contrary to the public interest, where a literal enforcement of the ordinance would result in an unnecessary hardship, and so that the spirit of the zoning ordinance is observed and substantial justice is done.

## Variance Application (cont.)

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Your application should include a description of how your land meets these requirements. Use additional pages as needed.

- A. What special conditions or circumstances exist that are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

[See attachment](#)

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- B. How would a literal interpretation of the ordinance result in an unnecessary hardship?

[See attachment](#)

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- C. Would granting the variance grant you any special privilege that is denied to other lands, structures, or buildings in this same district?

[See attachment](#)

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- D. How would granting the variance observe the spirit of the zoning ordinance?

[See attachment](#)

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- E. Please describe any additional reasons not described above that would justify the variance.

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Variance Application (cont.)

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE YOUR NAME)	
PRINTED NAME: <u>Marcus "Koty" Foran</u>	
SIGNATURE: <u><i>Marcus D. Foran</i></u>	DATE: <u>4-1-2025</u>
SIGNATURE OF PROPERTY OWNER IF NOT APPLICANT:	
PRINTED NAME: _____	
SIGNATURE _____ DATE: _____	
(Letter of authorization required if signature is other than property owner)	
**The property owner must sign the application or submit a notarized letter of authorization.	
<b>For Office Use Only</b>	
MyGov Project # <u>25-000004</u>	
Date Submitted: _____	
Total Fee: \$ <u>250.00</u>	
Date of Payment: _____	
Accepted By: <u>RR</u>	

**A. *What special conditions or circumstances exist that are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?***

The property is bound by 3 streets and bordered by 2 large water storage tanks, creating a unique property line boundary. The Code of Ordinances requires the building to face towards a main thoroughfare, while also maintaining that 60% of the parking must not be between the building and the street. Braum's business model is separated into 3 main components: Sit-down Dining, Drive Through, and a Retail Grocery/Fresh Market. The sit-down dining and the fresh market areas generate an increased amount of foot traffic than a typical quick service restaurant. The drive-through lane has been strategically placed on the back side of the building to keep vehicular circulation towards the outer edges of the parking lot and site, allowing pedestrians to enter and exit the building on the interior of the lot in a much safer manner.

**B. *How would a literal interpretation of the ordinance result in an unnecessary hardship?***

A literal interpretation of this ordinance would result in hardship due to the forced combination of pedestrian traffic and vehicular traffic, creating hazards that this layout has been carefully and purposefully designed to prevent. Placing the majority of the parking behind the building would make all pedestrians cross the drive through lane as they enter the building and as they leave the building. With the majority of parking up front, the drive through traffic can enter and exit the site in a smooth manner that allows pedestrians to navigate to and from the front of building with a limited exposure to cross traffic.

**C. *Would granting the variance grant you any special privilege that is denied to other lands, structures, or buildings in this same district?***

No, in fact this variance will allow the business to operate in optimal conditions like most quick service restaurants of this same nature and maintain the standards of the other 318+ Braum's locations throughout a 5-state region.

**D. *How would granting the variance observe the spirit of the zoning ordinance?***

Granting the variance does not impact the spirit of the zoning ordinance because it simply allows for optimal parking placement and efficient circulation of drive through traffic. It is assumed that the spirit of the Zoning Ordinance is to keep buildings at the

front of sites in order to push architectural cleanliness, free of vehicle grouping and parking lots. This is why Braum's buildings are built with a high parapet wall using various material types and features that create a dynamic look that can be seen for miles. While aesthetics are an important aspect of design, the safety of customer's ingress and egress of the building are the most crucial aspects to a successful operation.