



Helen Ward, Commissioner
Kristie Womack, Commissioner

Victor Molaschi, Chairman

Lewis Rice, Commissioner
Eric Heimbrecht, Commissioner

**ROANOKE ZONING BOARD OF ADJUSTMENT AGENDA
JULY 17, 2025
7:00 PM**

**ROANOKE CITY HALL
CITY COUNCIL CHAMBERS – 2ND FLOOR
500 S. OAK STREET
ROANOKE, TEXAS 76262**

A. CALL TO ORDER

B. PUBLIC INPUT

This item is available for citizens to address the Zoning Board of Adjustment on any issues that are not the subject of a public hearing. No action by law may be taken on the topic. The presiding officer reserves the right to impose a time limit on this portion of the agenda. In order to provide the highest quality audio, all speakers need to speak at the podium.

C. APPROVAL OF THE MINUTES

1. Consideration and action on approval of the minutes from the regular Zoning Board of Adjustment meeting held on April 17, 2025.

D. NEW BUSINESS

1. Consideration and action to nominate and elect a Chairman.
2. Consideration and action to nominate and elect a Vice Chairman.
3. Public hearing to consider an appeal of an administrative decision, To-Wit: Microschool Use is not an allowed use in the Oak Street Overlay Zoning District for property located at 208 N. US 377, Roanoke. (A-2025-01)
4. Consideration and action on an appeal request (A-2025-01) from Tammy Dwight-Ministero, appealing an administrative interpretation regarding microschools for property located at 208 N US Highway 377, Lot 10R-1, Block 13 Old Town of Roanoke.



AGENDA FOR THE ROANOKE
ZONING BOARD OF ADJUSTMENT

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E. ADJOURNMENT

CERTIFICATION

I certify that the above notice was posted at City Hall, 500 South Oak Street, Roanoke, Texas, on Thursday, July 10, 2025, by 5:00 pm, in accordance with Chapter 551, Texas Government Code.

April S. Hill, City Secretary

*Any person planning to attend this meeting that may require auxiliary aids or services should request accommodations two (2) days prior to the meeting by calling (817) 491-8152. **BRILLE IS NOT AVAILABLE.**

A public wireless network is now available in the Council Chambers for use during meetings. It is available from 7am to 11pm Monday thru Friday. The name of the network is: COR-Guests



AGENDA ITEM

TO: ZBA Board Members

SUBJECT: 04/17/2025 - ZBA Minutes

MEETING DATE: July 17, 2025

DEPARTMENT: City Secretary

ITEM SUMMARY:

Consideration and action on approval of the minutes from the regular Zoning Board of Adjustment meeting held on April 17, 2025.

INFORMATION:

STAFF RECOMMENDATION:

SPECIAL CONSIDERATION:

FINANCIAL CONSIDERATION:

ATTACHMENTS:

1. ZBAMin 04-17-2025



Helen Ward, Commissioner
Lauren Turner, Vice Chairman

Victor Molaschi, Chairman

Lewis Rice, Commissioner
Eric Heimbrecht, Commissioner

**ROANOKE ZONING BOARD OF
ADJUSTMENT REGULAR MEETING
MINUTES
April 17, 2025
7:00 P.M.**

**ROANOKE CITY HALL
500 S. OAK STREET
ROANOKE, TEXAS 76262**

Present: Chairman Victor Molaschi; Vice Chairman Lauren Turner; Commissioners: Helen Ward, and Lewis Rice; City Planner Kelly Carlson, and Executive Assistant Babette Welch.

Absent: Commissioner Eric Heimbrecht.

A. CALL TO ORDER

Meeting called to order at 7:00 p.m.

B. PUBLIC INPUT

No one wished to speak.

C. APPROVAL OF THE MINUTES

1. Motion made by Lewis Rice second by Helen Ward to approve the minutes from the Zoning Board of Adjustment regular meeting held on January 16, 2025.
Motion carried unanimously.

D. NEW BUSINESS

1. Public hearing to consider a variance request (V-2025-03) from Matt Schultheis, seeking relief from the City's Code of Ordinances Section 12.772(I) regarding Fences in Residential Areas – Front Yard Fencing Requirements for property located at 1111 Bentley Drive, Lot 14, Block S Briarwyck, Phase 3D.

Public hearing started at 7:01 p.m.

Chairman Victor Molaschi read the following statements:

Rick Myers, President - Briarwyck HOA Board of Directors

To: Roanoke Zoning Board of Adjustment

I write to you as president of the Briarwyck HOA Board of Directors. I wish I were able to attend the meeting set for April 17, 2025, on the variance request filed by the owners of 1111 Bentley, but I will be out of state. If I were able to attend, I would let you know the following:

The homeowners at 1111 Bentley submitted a request for approval of a new fence to the Briarwyck HOA in December of 2024. This submission was approved. However, the submission was inaccurate. Attached is a portion of the submission indicating that no fencing would be moved and the same type of materials would be used:

<p>While Robert Frost once wrote that good fences make good neighbors, if you install a fence that falls outside of your community's standards, you might find your relationship with your neighbors souring. We can help make sure that your chosen fence is within the community's standards when you submit an improvement request.</p> <p>Touchbase with us before making any of the following changes:</p> <ul style="list-style-type: none"> * Adding a new fence. * Changing an existing fence. * Painting, staining, or otherwise changing the look of an existing fence. * Replacing an existing fence 	
Are you moving the fencing location?	No
Will you be using the same type of material as your current fence?	Yes
What materials will be used for the	#1 GRADE 1X6X8 WESTERN RED CEDAR BOARD ON BOARD FENCE - FLAT TOP *2X4 CEDAR RAILS *1X4 CEDAR FACER *2X6 CEDAR CAP *2 3/8" X SCHEDULE 20 GALVANIZED STEEL POSTS or PostMaster

HOA discovered the non-conforming fence when it was partially completed in February, 2025. Unfortunately, the fence being constructed did not conform with what was submitted to HOA. The homeowner moved the fence closer to the sidewalk (which the homeowner indicated would not be done) and replaced a four-foot metal fence in front of the house and along the sidewalk with an eight-foot solid wood fence (which is not the same type of material as the existing fence). The homeowner was sent a cease-and-desist letter by HOA and was asked to submit an accurate request for approval of what was being constructed. The homeowner did this, and his accurate request was denied. The homeowner currently does not have authority from HOA to build the fence as it is constructed.

This is the property before the fence was altered. Note that the fence was quite a bit back off the sidewalk.



This is the property after completion of the fence.



Among the reasons the request was denied is that the eight-foot wooden fence along the front portion of the property is not be in aesthetic harmony or conformity with the rest of the neighborhood, which is a requirement for approval. I am not aware of any other home in Briarwyck that has fencing like this in front of the property. There were also concerns for safety, both for walkers along the fence and road users- It appears the fence may obstruct the neighbor's view of the street and/r walker's view of the driveway.

Examples were given of other corner lot properties, with the appropriate location of fencing, stating, "there is no fencing in the front of the house."

These examples do not support a variance in this case, where the homeowner seeks to construct a solid eight-foot fence in front of the property.

The homeowner's reasons for requesting a variance do not meet the criteria which would allow for the variance to be granted. Section 12.96 of the Roanoke City Code requires that there be an undue hardship resulting from strict compliance with the zoning rules. No undue hardship exists in this case.

1. Safety. The "Safety" described by the homeowner is really a desire to prevent trespassers. It is not alleged that people may accidentally fall, but that people who purposefully attempt to leap the fence would get hurt (although the homeowner does not describe any such instance even though the four-foot fence was there for ten years). Further, safety could be addressed with a taller iron fence, which would be more in line with the rest of the neighborhood.

2. Liability. No instance of someone getting injured or falling has been cited by the homeowner. If liability were a concern, the iron fence could have been moved further back away from the sidewalk. Or, a new, taller iron fence have been installed. Regardless, concerns over liability is not undue hardship, which Section 12.96(3) of the Roanoke City Code defines as:



**MINUTES FOR THE ZONING BOARD OF
ADJUSTMENT MEETING**

**April 17, 2025
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(3) *Findings of Undue Hardship.*

- (A) In order to grant a variance, the Board must make findings that an undue hardship exists, using the following criteria:
 - (i) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
 - (ii) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
 - (iii) That the relief sought will not injure the permitted use of adjacent conforming property; and
 - (iv) That the granting of a variance will be in harmony with the spirit and purpose of the [Section].
- (B) In order to grant a variance, the Board may make findings that an undue hardship exists, using the following criteria:
 - (i) The financial cost of compliance is greater than fifty (50) percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Section 26.01, Tax Code;
 - (ii) Compliance would result in a loss to the lot on which the structure is located of at least twenty-five (25) percent of the area on which development may physically occur;
 - (iii) Compliance would result in the structure not being in compliance with a requirement of City Code of Ordinances, building code, or other requirement;
 - (iv) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (v) The City considers the structure to be a nonconforming structure.

3. **Trespassing.** Again, trespassing is not an undue hardship under Section 12.96(3). Further, deterrence could be accomplished with a “Private Property” sign, and such a sign would alleviate confusion as to whether the property is public or private. Or perhaps a taller iron fence.

4. **Completion of the fence.** Section 12.96(4) specifically states that “A variance shall not be granted to relieve a self-created or personal hardship. The fact that the homeowner began construction of the fence without city approval (and not as described in the submissions to HOA) cuts against the request for a variance, not for it.

Lastly, Section 12.96(2) requires a finding that a special circumstance exists such that strict compliance with zoning would deprive the applicant of reasonable use of his land. No such circumstances are set forth in the application. The applicant is not being deprived of reasonable use of his land.

In sum, it does not appear that the variance request meets the criteria for the granting of a variance. Further, the fence as modified is not in aesthetic harmony or conformity with the rest of the neighborhood, and raises concerns for safety, both for walkers along the fence and road users.

The Carnahan Family – Briarwyck resident

Roanoke Zoning Board of Adjustment,

We are writing in support of the variance regarding the fence located at 1111 Bentley Drive.

We believe the fence will add value to the property. The fence also provides much needed privacy for the family's property use.

Thank you for your consideration of this matter.

Matt Schultheis 1111 Bentley Drive - applicant

To: Roanoke Zoning Board of Adjustment

Subject: Addendum to Variance Request – Lot Uniqueness and Justification

Dear Members of the Variance Board,

As a supplement to my original variance request for the completion of the 8-foot wooden fence along the retaining wall at 1111 Bentley Drive, I would like to respectfully highlight the unique physical characteristics of my lot, which directly support the need for this variance. My backyard is located below street level, with a retaining wall separating the city sidewalk and street from the private yard. This configuration is highly uncommon in residential areas and creates specific challenges in securing the property. The drop in elevation—combined with the absence of natural barriers or visual cues—has contributed to the space being repeatedly mistaken for public land or a vacant lot. Over the past decade, people have approached from the street, crossed over the short existing fence, and descended the retaining wall into the backyard, treating the area as if it were open access. This confusion has resulted in multiple instances of unauthorized entry, raising legitimate safety concerns and potential liability for both myself and my adjacent neighbor. This variance request is not intended to create a precedent, but rather to address a very specific and rare lot condition. The 8-foot fence we are seeking approval to complete is a tailored solution that directly responds to the elevation, visibility, and security challenges that this unique parcel presents. For these reasons, I respectfully request that the Board consider the distinct nature of this property when evaluating the variance request. Thank you for your time and thoughtful consideration. See the photo below for reference. This was the view and drop off from the public sidewalk looking North into my backyard. I appreciate your additional considerations.





MINUTES FOR THE ZONING BOARD OF
ADJUSTMENT MEETING

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Ordinance- Residential Fences
From Permits Inbox <permits@roanoketexas.com>
Date Mon 2/24/2025 12:53 PM
To: Matt Schultheis

Hello,
As requested, please visit the following link to read more about our residential fence ordinances,
Residential Fence – (highlighted information from this link is listed below)

Thank you,
Jessica Mulcahy
Permit Tech
500 S. Oak St. Roanoke, TX 76262

Sec. 12.772. – Fences in Residential Areas.

(e) “Permit Requirement. It shall be unlawful for any person to construct or repair a fence that is equal to or greater than twenty-five (25) percent of the total existing linear footage of a fence on any lot without having first obtained a fence permit from the Building Inspection Department. The fence permit fee shall be as provided for in the fee schedule found in the appendix of this Code. A person may not construct or repair less than twenty-five (25) percent of the total linear footage of a fence more than once in a consecutive six-month period. Adequate plans and specifications, as determined by the Building Official, must accompany each application for a permit.”

(2)(B) “the Board of Adjustment may authorize special exceptions to the regulations provided in this article in order to permit reasonable development and improvement of property where the literal enforcement of the regulations would result in an unnecessary hardship.”

Mr. Schultheis read a letter, which he had received from the Briarwyck 114 Home Owners Association (HOA) Architectural Control Committee dated December 11, 2024, stating his submission of the fence request was approved by Briarwyck 114 HOA. Mr. Schultheis explained all of the information regarding requirements from the Briarwyck HOA and the City of Roanoke, for the fence.

Aaron Jones, resident, stated he is in support of Mr. Schultheis’ fence. Mr. Jones further stated Mr. Schultheis has made tremendous improvements to the property, his lot is unique to any other lot in the subdivision, and believes he is being treated unfairly.

Steven Wood, adjacent resident and applicant of Items D3 and D4, gave an overview of safety and liability concerns of the area between his and Mr. Schultheis’ property. Mr. Wood further stated he is in support of the fence.

Public hearing ended at 7:36 p.m.



**MINUTES FOR THE ZONING BOARD OF
ADJUSTMENT MEETING**

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2. Motion made by Lauren Turner second by Lewis Rice to approve a variance request (V 2025-03) from Matt Schultheis seeking relief from the City's Code of Ordinances Section 12.772(i), regarding Fences in Residential Areas – Front Yard Fencing requirements for property located at 1111 Bentley Drive, Lot 14, Block S Briarwyck, Phase 3D.

Motion carried unanimously.

3. Public hearing to consider a variance request (V-2025-04) from Stephen Wood, seeking relief from the City's Code of Ordinances Section 12.772(l) regarding Fences in Residential Areas – Front Yard Fencing requirements for property located at 1113 Bentley Drive, Lot 13, Block S Briarwyck, Phase 3D.

Public hearing started at 8:06 p.m.

Steven Wood, adjacent resident and applicant, stated the wooden fence creates more security for his family. Mr. Wood explained that common areas have wrought iron fencing, however, the area between his property and Mr. Schultheis' property is not a common area, but is private property. The wooden fence will help alleviate the issue of people coming onto their property, thinking it is a common area.

Aaron Jones, resident, stated he is in support of Mr. Wood's fence.

Matt Schultheis, resident, stated he is in full support of Mr. Wood's request for the fence.

Public hearing ended at 8:12 p.m.

4. Motion made by Helen Ward second by Lauren Turner to approve a variance request (V 2025-04) from Stephen Wood, seeking relief from the City's Code of Ordinances Section 12.772(l) regarding Fences in Residential Areas – Front Yard Fencing requirements for property located at 1113 Bentley Drive, Lot 13, Block S Briarwyck, Phase 3D, with amendment to keep fence the same as Matt Schultheis'.

Motion carried unanimously.

E. ADJOURNMENT

Motion made by Lewis Rice second by Lauren Turner to adjourn the meeting at 8:15 p.m.

Motion carried unanimously.

Victor Molaschi, Chairman

Babette Welch, Executive Assistant



AGENDA ITEM

TO: ZBA Board Members

SUBJECT: Nominate and Elect ZBA Chairman

MEETING DATE: July 17, 2025

DEPARTMENT: City Secretary

ITEM SUMMARY:

Consideration and action to nominate and elect a Chairman.

INFORMATION:

STAFF RECOMMENDATION:

SPECIAL CONSIDERATION:

FINANCIAL CONSIDERATION:

ATTACHMENTS:

None



AGENDA ITEM

TO: ZBA Board Members

SUBJECT: Nominate and Elect ZBA Vice Chairman

MEETING DATE: July 17, 2025

DEPARTMENT: City Secretary

ITEM SUMMARY:

Consideration and action to nominate and elect a Vice Chairman.

INFORMATION:

STAFF RECOMMENDATION:

SPECIAL CONSIDERATION:

FINANCIAL CONSIDERATION:

ATTACHMENTS:

None



AGENDA ITEM

TO: ZBA Board Members

SUBJECT: PH Notice - Appeal for Microschool

MEETING DATE: July 17, 2025

DEPARTMENT: City Secretary

ITEM SUMMARY:

Public hearing to consider an appeal of an administrative decision, To-Wit: Microschool Use is not an allowed use in the Oak Street Overlay Zoning District for property located at 208 N. US 377, Roanoke. (A-2025-01)

INFORMATION:

STAFF RECOMMENDATION:

SPECIAL CONSIDERATION:

FINANCIAL CONSIDERATION:

ATTACHMENTS:

1. PH Notice - Appeal to Board of Adjustment - Admin Decision - Bold School - jlm draft - 062925 (1)



City of Roanoke Notice of Public Hearing Appeal Request

CITY OF ROANOKE NOTICE OF PUBLIC HEARING ZONING BOARD APPEAL

Roanoke Zoning Board of Adjustment


THE ROANOKE ZONING BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING ON THURSDAY, JULY 17, 2025, TO CONSIDER AN APPEAL OF AN ADMINISTRATIVE DECISION, TO-WIT: MICROSCHOOL USE IS NOT AN ALLOWED USE IN THE OAK STREET OVERLAY ZONING DISTRICT FOR PROPERTY LOCATED AT 208 N. US 377, ROANOKE, Texas. THE PUBLIC HEARING WILL BE HELD AT 7:00 P.M. AT THE ROANOKE CITY HALL LOCATED AT 500 S. OAK STREET, ROANOKE, TEXAS.

CERTIFICATION

I certify that the above notice was posted at City Hall, 500 South Oak Street, Roanoke, Texas, on Thursday, July 10, 2025, by 5:00 p.m.

April S. Hill, City Secretary

Persons with disabilities who plan to attend this meeting, who may need auxiliary aids or services are requested to contact April S. Hill, City Secretary, at City Hall, (817) 491-2411 two (2) days prior to the meeting so that appropriate arrangements can be made. **BRILLE IS NOT AVAILABLE.

 A public wireless network is now available in the Council Chambers for use during meetings. It is available from 7am to 11pm Monday thru Friday. The name of the network is: COR-Guests



AGENDA ITEM

TO: ZBA Board Members

SUBJECT: Appeal A-2025-01 regarding microschoools at 208 N US Highway 377

MEETING DATE: July 17, 2025

DEPARTMENT: Planning

ITEM SUMMARY:

Consideration and action on an appeal request (A-2025-01) from Tammy Dwight-Ministero, appealing an administrative interpretation regarding microschoools for property located at 208 N US Highway 377, Lot 10R-1, Block 13 Old Town of Roanoke.

INFORMATION:

History

On March 18, 2025, Mrs. Dwight-Ministero reached out to then-City Planner Kelly Carlson about finding a location for a "...microschool/homeschool co-op..." and suggested two locations in the City. Mrs. Carlson returned, stating, "neither of the locations you're considering is suitable for a school." Mrs. Dwight-Ministero replied, stating that they are not technically a school. She then provided a state statute which she argues - and staff agrees - applies to her business, defining it as a learning pod.

Mrs. Dwight-Ministero then reached out to Mrs. Carlson on April 15, suggesting the property at 208 N. Hwy 377 as a location for her learning pod. Mrs. Carlson did not respond because she had left the City. Mrs. Dwight-Ministero followed up on May 16, after now-City Planner Matthew Ellis had started with the City. Mr. Ellis found that the use of learning pods, microschoools, nor homeschool co-ops were listed in Sec. 12.492 Schedule of Uses, and forwarded the question to City Attorney Jeff Moore on May 19. On May 29, Mr. Moore agreed with staff's interpretation that the use was not listed in the code, meaning it was not allowed. Mr. Ellis informed Mrs. Dwight-Ministero of staff's interpretation and Mr. Moore's concurring opinion. Mrs. Dwight-Ministero filled out and returned the appeal application on May 31.

Staff Report

With her submission, Mrs. Dwight-Ministero submitted an explanation of her request. Subsequently, she submitted an email to the City with additional information. Reading these two documents together really highlights the issue that is at the core of this request. In her first document, she implores that "BOLD School's educational institution



AGENDA ITEM

is legally recognized in Texas as a “learning pod,” which exempts us from many of the zoning and operational regulations designed for large-scale public or private schools.” However, in her supplemental memo to the board, she highlights, “This memorandum outlines why BOLD School clearly qualifies as an allowable use (school) and should be permitted in the [Hwy] 377 Zone.” The entire application lacks internal cohesion, trying to convince City staff and the Zoning Board of Adjustments to believe two opposite things to be true, and to override the City Attorney to boot.

While Mrs. Dwight-Ministero tries to argue that something both is and is not a school, she also makes several factual errors in her Supplemental Memo. First, she argues that they are a school because they comply with the generally accepted definitions of school. No one disputes that she intends to operate a building where education happens. However, there is a more appropriate definition, supplied by Mrs. Dwight-Ministero in her initial discussions with the City. A learning pod is defined as, “a group of children who, based on the voluntary association of the children's parents, meet together at various times and places to participate in or enhance the children's primary or secondary academic studies, including participation in an activity or service provided to the children in exchange for payment.” Based on what Mrs. Dwight-Ministero has submitted to the City and by her own assertion, staff determined that she is in fact intending to operate a learning pod.

Additionally, Mrs. Dwight-Ministero contends that learning pods are schools. The question the Board should ask is if it is a school, why would the state separately define it? She also contends that “Refusing to recognize BOLD School under local zoning on the basis that we are not a conventional public or private school contradicts these state-level acknowledgments and undermines both the intent and protections granted under Texas law.” However, the law does not state that learning pods must be allowed across all cities. In fact, during a previous conversation, staff presented to Mrs. Dwight-Ministero that she could apply for a zoning text amendment to allow microschoools in the Hwy 377 Zone with staff support. But because that didn't meet the timeline that Mrs. Dwight-Ministero has for opening this fall, she chose the administrative appeal instead. The appropriate application to make in this case would have been to modify the code, not to try to convince this board that she is something that she is not.

She also lists several inaccurate code references. Our definitions are provided in [Section 12.6](#) of the Comprehensive Zoning Ordinance and Section 12.492 does not permit “Private primary and secondary educational facilities (public and private schools),” while it does allow “Schools, libraries, and community halls.”

Finally, she contends that, “Denying zoning under these criteria appears to contradict



AGENDA ITEM

Roanoke's existing zoning definitions and could unintentionally set a precedent that excludes innovative, non-traditional schools operating well within legal and ethical bounds." This could not be further from the truth. Denying this administrative appeal does not exclude innovative, non-traditional schools as staff were and still are willing to support an amendment to the Comprehensive Zoning Ordinance. However, permitting this use to go into effect would set a precedent that any similar application would be able to go into any zone with a Special Use Permit in any zoning district across the City, including all residential zones.

Summary

City staff do not contend that this use is bad, nor that it would not serve the residents of Roanoke and surrounding cities well. However, it is the duty of City staff to enforce the adopted laws fairly to each applicant who presents a submission to the City. There is an appropriate path forward, and in City staff's opinion, the administrative appeal is not it.

STAFF RECOMMENDATION:

It is staff's recommendation that the appeal be denied, and the administrative interpretation be reaffirmed.

SPECIAL CONSIDERATION:

FINANCIAL CONSIDERATION:

ATTACHMENTS:

1. Application
2. Explanation of Request
3. Applicant Supplemental Memo
4. NMC BOLD School Letter
5. Bold Roanoke LPPA Letter



CITY OF ROANOKE
 500 S. OAK STREET
 ROANOKE, TEXAS 76262
 (817) 491-2411

Zoning Board of Adjustment Application

Variance Special Exception Zoning Board Appeal

Name of Applicant	Address of Applicant	E-Mail
		Phone
		Mobile Phone
Name of Business		Type of Business
Property Address		Lot / Block / Subdivision

Explanation of request: _____

For Variance please state hardship: _____

Fees: Variance-\$200.00, Special Exception-\$200.00, Zoning Board Appeal-\$100.00. Fees are non-refundable. The Zoning Board of Adjustment meets on the 3rd Thursday of the month, at 7:00 p.m. in the City Hall Council Chamber located at 500 S. Oak Street. You will be notified by e-mail of the date the request will be presented before the ZBA. For a Variance or Special Exception, property owners located within 200 feet will be notified by mail. Electronic drawings and any additional information that needs to be reviewed prior to the meeting must be received with the application.

FOR OFFICE USE ONLY

Date Payment Received 07/09/2025 REF#770583 Received by: J Mulcahy	Date of Meeting 07/17/2025	Date Notified 07/10/2025	Item No. A-2025-01
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Explanation of Request:

At BOLD School, we exist to serve families who are looking for something different—something deeply personal, faith-driven, and community-centered. Many of our students come to us after struggling in traditional school settings—whether due to anxiety, bullying, learning differences, or a simple need for a more meaningful, purpose-filled approach to education. These are bright, capable kids who just need a smaller environment, more individualized support, and a place where they can feel known, seen, and loved.

We also serve families with strong values and a desire to be more involved in their children's education. These families are actively seeking local, innovative alternatives—but there are very few options available in our area. BOLD School fills that gap.

Our model emphasizes not just academic excellence, but innovation and efficiency. We are implementing a nationally recognized 2-Hour Learning curriculum from Alpha Schools—where students across the country are performing in the top 2% nationwide. This mastery-based, personalized program allows students to cover core academic subjects in two focused hours per day using adaptive technology. The rest of the day is spent developing leadership, life skills, and spiritual formation through hands-on projects and service. We're not just educating students—we are helping them grow into compassionate, capable young adults who contribute to their communities.

With only 18–40 students onsite during regular school hours (9 AM–3 PM), no buses, and a short drop-off/pick-up window, we create very little traffic or neighborhood impact. Our model more closely resembles a weekday church program or private tutoring center than a traditional school. The space at 208 N. US 377, previously used as a quiet medical office, is a perfect fit for our small, low-impact needs.

BOLD School's educational institution is legally recognized in Texas as a "learning pod," which exempts us from many of the zoning and operational regulations designed for large-scale public or private schools. These exemptions exist because applying those requirements to small, community-based learning models would create an undue burden that our infrastructure cannot support.

We respectfully ask the Board to consider the value BOLD School brings to Roanoke—not only to the families we serve, but to the many others who are searching for this kind of solution and may consider relocating to be part of our innovative, Christ-centered community. This is a growing movement in education, and Roanoke has the opportunity to lead the way by embracing new models that work for today's families.

Thank you for your thoughtful consideration.

With gratitude,

Tammy Dwight-Ministero
Founder, BOLD School
<https://boldschool.org>



Matthew Ellis <mellis@roanoketexas.com>

Request for Zoning Recognition of BOLD School as a School

Tammy Dwight-Ministero <tammy@boldschool.org>

Mon, Jun 23, 2025 at 3:45 PM

To: Matthew Ellis <mellis@roanoketexas.com>, "J.R. Hames" <jhames@roanoketexas.com>

Cc: jmiller@roanoketexas.com, cpetree@roanoketexas.com

Zoning Board Appeal for BOLD School

Thank you for taking the time to consider our zoning appeal for [208 N. US 377](#).

Before diving into legal definitions and ordinances, let's acknowledge the strange path that brought us here. We're appealing a decision that concludes BOLD School is not an "allowed use"—despite the fact that *schools are already a permitted use in the Hwy 377 zoning district*. The question has become whether *BOLD School*—a non-traditional microschool model with "school" in the name, where K-12 students attend to learn, follow a TEA-aligned curriculum, and are taught by qualified educators—qualifies as a school under current zoning interpretation- despite its clear educational function.

Of course, no ordinance can list every possible variation of something that fits into a broader category. If it walks like a duck and quacks like a duck—it's probably a duck. Just like an electric vehicle is still a vehicle without gas and is permitted to drive on the street, or a Labradoodle is still a dog, even if it's a fluffier version, and still is allowed in dog parks. Similarly, educational models, like microschools, evolve, but their essence remains. Our school may be smaller, more flexible, and faith-based, but it fulfills the same core function of every other type of school: educating children.

This memorandum outlines why BOLD School clearly qualifies as an allowable use (school) and should be permitted as a school in the 377 Zone.

We respectfully submit these appeal resources in response to the recent decision denying BOLD School zoning recognition as a school. Based on the following points, we believe BOLD School qualifies under both state and city definitions, and we ask the board to reconsider: and respectfully appeal that decision based on the following key points:

- BOLD School meets the standard definitions of a school.
- We are recognized as a school by the Texas Education Code and TEA-affiliated resources.
- Roanoke's zoning ordinance lists "private schools" as a permitted use. Roanoke's own definition of "educational facilities" and "private school" applies to our model.
- BOLD School Meets the City's Broader Educational Facility Standards. Our program teaches all core subjects required by the Texas Education Agency.
- The zoning code defaults to Webster's Dictionary when not otherwise defined—where "school" applies to us.
- Denying zoning approval contradicts both local and state intent and sets an unfair precedent.

What Is BOLD School?

BOLD School is a K–12 faith-based microschool committed to delivering academic excellence and spiritual formation through a mastery-based learning model. Our approach combines core curriculum instruction (currently scoring in the top 2% in the nation) with Bible-based discipleship to prepare students academically, spiritually, and socially for life and leadership.

While we operate on a smaller scale than traditional schools (under 45 students in this facility) with a more flexible model, we provide a full academic program with qualified learning coaches, dedicated classroom space, and structured support. While BOLD School uses a non-traditional schedule and flexible instructional model tailored to each learner's pace and needs, we offer the same educational function as a traditional school with increased personalization and innovation.

BOLD School Meets Every Accepted Definition of a School

According to respected references:

- Merriam-Webster: “An organization that provides instruction... such as an institution for the teaching of children.”
- Wikipedia: “A school is the educational institution... designed to provide learning environments for the teaching of students, usually under the direction of teachers.”
- Britannica: “A place where children go to learn.”

BOLD School provides instruction, maintains academic standards, employs qualified educators, and operates in a dedicated learning environment. By every commonly accepted definition, we are a school.

Texas Law Recognizes Microschools and Learning Pods as "Schools"

Under [Texas Education Code §27.002](#), learning pods and microschoools are exempt from certain local fire code, and building regulations—not because they are *not* schools, but because the state acknowledged that imposing traditional infrastructure requirements on small, innovative models would create an undue burden. (This exemption is, in fact, what originally prompted this zoning debate.)

Despite these exemptions, the Texas Education Agency and associated resources—such as the Texas School Choice Roadmap—formally recognize microschoools as valid educational options for Texas families. In 2021, the Texas Legislature further solidified this by passing legal protections affirming the right of these school models to operate flexibly.

Refusing to recognize BOLD School under local zoning on the basis that we are not a conventional public or private school contradicts these state-level acknowledgments and undermines both the intent and protections granted under Texas law.

BOLD School Fits Roanoke’s Zoning Definitions and Permitted Use

Roanoke’s Section 12.492(a) zoning ordinance lists as a permitted use:

“Private primary and secondary educational facilities (public and private schools).”

We were told that we didn’t qualify as a microschoool—but under Roanoke’s own zoning code definitions, we absolutely do.

In Section 12.2, a "private school" is defined as:

“A school that offers a curriculum that is generally equivalent to public elementary or secondary schools, but that is privately owned and operated.”

That is exactly what BOLD School is. We provide a full K–12 curriculum, independently run, and equivalent (higher actually) in rigor and scope to public education.

BOLD School Meets the City's Broader Educational Facility Standards

Per Section 12.4, Roanoke defines educational facilities as:

“Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency.”

BOLD School covers all of these core TEA subjects: math, reading, writing, science, social studies, and more.

Additionally, per Section 12.6(a), any undefined term in the zoning ordinance is to be interpreted using the latest edition of Webster’s Dictionary, which also confirms BOLD qualifies as a school.

Denying zoning under these criteria appears to contradict Roanoke’s existing zoning definitions and could unintentionally set a precedent that excludes innovative, non-traditional schools operating well within legal and ethical bounds.

Our Request

We respectfully ask the board to:

- Classify BOLD School as a school under the zoning code and in accordance with Roanoke's permitted use definitions for private educational facilities and accept our permit request.
- Acknowledge that BOLD School meets the city's definition of a private school, offering a curriculum equivalent to public schools while being independently operated.
- Recognize the flexibility granted by the Texas Education Agency: While TEA exempts learning pods and microschools from certain regulatory burdens (e.g., building codes and operational rules for larger institutions), that exemption is designed to promote educational innovation—not to disqualify these alternative programs smaller institutions from being considered legitimate schools.
- Affirm Roanoke's commitment to educational innovation and family choice by including BOLD School in the broader landscape of schools permitted in this zone.

BOLD School clearly operates within the intent of Texas law and the standards set forth by Roanoke's zoning ordinance. We respectfully request zoning recognition that aligns with this reality.

BOLD School is currently coordinating with our legal team at the [National Microschooling Center \(NMC\)](#), who are drafting a formal letter of legal support to reinforce the case presented here. If the board finds this additional documentation is helpful and needed to reach a final decision, we are more than willing to provide it. We remain hopeful this can be resolved collaboratively, as the arguments outlined in this appeal clearly align with both the letter and intent of Roanoke's zoning ordinances and Texas education law.

We look forward to serving your community and hope to bring innovative school options to your families.

Thank you for your time and consideration.

Tammy Dwight-Ministero

BOLD School, Founder

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817.523.1272

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BOLD SCHOOL
Lions



July 8, 2025

Ms. Tammy Dwight-Ministero
Founder
BOLD School
Roanoke, Texas

Dear Tammy:

Congratulations on your important educational leadership as an exemplary Texas nonpublic school. BOLD School has served as an essential member of the community of private school options, and also an exemplary model of an educational entity falling within Texas Learning Pod Protection Act as defined within Title II, Chapter 27 of the Texas Education Code, in the greater DFW area for several years.

It has been the National Microschooling Center's honor to have included you as a member for the past two years.

I look forward to visiting your new facility in the coming months, and to working together for the years to come. Please do not hesitate to reach out if there is any way I or the Center can prove helpful to your work.

Sincerely,


Don Soifer
CEO

July 10, 2025

Zoning Appeals Board
City of Roanoke
500 S. Oak Street
Roanoke, Texas 76262

Dear Board,

My name is Daniel Suhr. I am senior legal fellow at the National Microschooling Center, a resource hub for education entrepreneurs and innovative schools. I write alongside my Texas cocounsel, Chad Flores of Flores Law in Houston.

I write in support of The BOLD School, a private school serving students from Fort Worth and the surrounding areas. I am writing to draw your attention to the important rights afforded to The BOLD School and similar educators under the Texas Learning Pod Protection Act, Education Code Title 2, Subtitle E, Ch. 27.

As the Texas Home School Coalition, one of the primary outside supporters of the bill, has explained, the LPPA “was drafted to protect learning pods from being regulated by local governments not only during a pandemic but also on an everyday basis. . . . These protections help ensure the freedom of families to educate their children as they see fit.” THSC, *How the Texas Legislature Addressed Pods and Homeschool Co-ops* (June 7, 2021).

The bill’s title makes clear its purpose: to protect these new, innovative, voluntary private organizations of parents and students banding together outside the traditional school system. *See In the Interest of M.R.*, 975 S.W.2d 51, 54 (4th Ct. of App. 1998) (statute title is “instructive” to its interpretation). That reading is reinforced by the bill’s self-description: “exempting learning pods from certain local government regulations.” S.B. No. 1955. *See Texas House Research Org.*, Bill Digest, SB 1955 (2nd reading), May 21, 2021 (same).

The LPPA applies to a “learning pod,” which it defines as “a group of children who, based on the voluntary association of the children’s parents, meet together at various times and places to participate in or enhance the children’s primary or secondary academic studies, including participation in an activity or service provided to the children in exchange for payment.” Educ. Code 27.001(2). That describes The BOLD School, which is a voluntary association of families that serves children (students) for their academic studies in an intimate, microschool environment.

As such, The BOLD School enjoys certain rights under the Act, including:

- An exemption from “any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that applies to a school district campus or child-care facility, including any requirements regarding . . . physical accommodations, or building or fire codes.” Educ. Code 27.002(a)(1).
- An exemption “from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that would not apply to the group, building, or facility if it was not associated with or used by a learning pod.” *Id.* at (a)(2).

In this case, The BOLD School fits a “both/and” definition. It is a school: it provides a regular course of instruction substantially equivalent to that of other Texas schools. Indeed, pursuant to the Roanoke zoning ordinance that is at issue here, The BOLD School is a school as it is under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools. That it is a microschool serving a small number of students does not render it something other than a school. Yet it is also a “learning pod” as that term is used in the Act: a voluntary association of families coming together for education in an innovative and intimate setting.

As the Appeals Board considers this appeal, I would encourage you to be mindful of the City’s obligations under the Learning Pod Protection Act. We would welcome further conversation with the Board or City Attorney’s office to clarify our understand and the City’s understanding of the LPPA and its application to this appeal if that would be helpful to you. Thank you for your attention to this matter.

Respectfully yours,



Daniel R. Suhr, Senior Legal Fellow
National Microschooling Center
Licensed in Wisconsin

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