

**ZONING BOARD OF ADJUSTMENT
JUNE 15, 2021
MINUTES**

Roll Call:

Members present

Jorge Cisneros, Chair
Sanjay Mathew, Place 2
Ashly Schilling, Place 3
Chris Utchell, Place 4

Members absent

Staff present

Candice Edmondson, City Manager
Karen Evans, Human Resource Specialist
Alecia Kreh, City Attorney

1. CALL TO ORDER

Chairman Cisneros called the meeting to order at 6:01 p.m.

2. EXECUTIVE SESSION

A. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071. Refer to posted list attached hereto and incorporated herein. Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the Zoning Board of Adjustment to seek advice from the City Attorney as to the posted subject matter of this Zoning Board of Adjustment meeting.

Motion: Motion was made by Member Schilling and seconded by Member Utchell to convene into Executive Session. Time: 6:02 p.m.

Motion carried by a vote of 4-0.

B. Reconvene: Action necessary on items discussed in Executive Session

Chairman Cisneros reconvened into open session. Time 6:20 p.m.

3. PUBLIC COMMENTS

Stacy Reddy, 7012 Hardisty Street requested adding the board member names to the agenda.

REGULAR AGENDA

4. Approve minutes from the April 6, 2021 Zoning Board of Adjustment meeting.

Motion: Motion was made by Member Utchell and seconded by Member Schilling to approve the April 6, 2021 Zoning Board of Adjustment meeting minutes.

Motion carried by a vote of 4-0.

5. Consider ZBA 2021-0424 a request for an Appeal of an Administrative Decision that the property described as Lot 3, Block 3 Willman Addition, City of Fort Worth, Tarrant County, Texas otherwise known as 7285 Glenview Drive, Richland Hills, Texas 76180 had lost its legal non-conforming use rights PUBLIC HEARING

Candice Edmondson, City Manager presented ZBA 2021-0424 a request for an Appeal of an Administrative Decision that the property described as Lot 3, Block 3 Willman Addition, City of Fort Worth, Tarrant County, Texas otherwise known as 7285 Glenview Drive, Richland Hills, Texas 76180 had lost its legal non-conforming use rights.

The property at 7285 Glenview Drive is a 1,211 square foot single-family residence on 0.38 acres owned by Sherry and Robert Leavitt. The Leavitts have owned the property since 2019. The property was previously owned by Mrs. Leavitt's parents, Percy and Gloria Taylor. The Taylor's purchased the home in 1950 and used it as their primary residence until their passing.

Mrs. Leavitt recently came to the city inquiring about using the property as a single-family rental home. Based on utility records for the property, it appeared that the property had been vacant for almost two years. As a result, it was determined that the property had lost its "legal nonconforming" use as a single-family residence.

Because the property had been a single-family residence prior to the adoption of the Comprehensive Zoning Plan in May 2014, the property was classified as a "legal nonconforming" use since it had been an approved use at one time (Richland Hills Code of Ordinances Section 1.06.02). Per Section 1.06.04 of the Richland Hills Code of Ordinances, "if a nonconforming use shall cease operations for a period of more than six months, then such nonconforming use shall be deemed to be permanently discontinued."

Prior to adoption of the City's current Comprehensive Zoning Plan, the property at 7285 Glenview Drive was zoned Commercial - General (Ord. 848-98 adopted October 27, 1998). The property is currently zoned Mixed Use and requires an approved Specific Use Permit (SUP) for a single-family residence.

Mrs. Leavitt went through the SUP process in April 2021. The Planning & Zoning Commission approved the SUP request 5-0 at their April 15, 2021 meeting. However, the City Council denied the SUP request 5-0 at their April 26, 2021 meeting and the Specific Use Permit was not granted.

Mrs. Leavitt is seeking an Appeal of an Administrative Decision that the property was vacant for more the six months and subsequently lost its “legal nonconforming” use rights.

Chairman Cisneros opened the Public Hearing – Time: 6:26 p.m.

Mrs. Sherry Leavitt, the applicant answered questions from the board members.

Fred Butz, 2712 Willow Park spoke in favor of the appeal.

Travis Malone, 2641 Mimosa Park spoke in favor of the appeal.

Stacy Reddy, 7012 Hardisty Street spoke in favor of the appeal.

Chairman Cisneros closed the Public Hearing – Time: 6:50 p.m.

Motion: Motion was made by Member Utchell and seconded by Member Schilling to Reverse the Administrative Decision.

Motion passed by a vote of 4-0.

6. ADJOURNMENT

Motion: Motion was made by Member Schilling and seconded by Member Mathew to adjourn.

Motion carried by a vote of 4-0.

There being no further business to come before the Zoning Board of Adjustment, Chairman Cisneros declared the meeting adjourned at 7:00 p.m.

ATTEST

APPROVED

Lindsay Wells, City Secretary

Jorge Cisneros, Chairman