

**ZONING BOARD OF ADJUSTMENT
MEETING AGENDA
CITY HALL, 3200 DIANA DRIVE
MAY 2, 2023 at 6:00 PM**

1. CALL TO ORDER

2. EXECUTIVE SESSION

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071. **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.**

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

3. PUBLIC COMMENTS

This is the public's opportunity to address the Zoning Board of Adjustment on any matter not posted on the agenda. Citizen comments emailed to Lindsay Rawlinson (lrawlinson@richlandhills.com) on an item either listed on this agenda or not listed on this agenda will be heard at this time.

REGULAR AGENDA

4. Approve minutes from the December 6, 2022, Zoning Board of Adjustment meeting.

5. Consider **ZBA 2023-0250**, a request for a variance to decrease the front yard setback for the property described as Lot 8, Block 1, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3109 Ash Park, Richland Hills, Texas 76118. **PUBLIC HEARING**

6. ADJOURNMENT

CERTIFICATE

I hereby certify that the above agenda was posted on this the 27th day of April 2023, by 5:30 p.m., on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas.

Lindsay Rawlinson
Lindsay Rawlinson
City Secretary



ACCESSIBILITY STATEMENT

The Facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements at the meeting, please notify the City Secretary 48 hours in advance of the meeting so that reasonable accommodations can be made. City of Richland Hills (817) 616-3810.

Memorandum

To: Richland Hills Zoning Board of Adjustment

From: Lindsay Rawlinson, City Secretary

Date: December 6, 2022

Subject: Minutes from the December 6, 2022 Zoning Board of Adjustment Meeting

Agenda Item:

Approval of December 6, 2022 Zoning Board of Adjustment Meeting Minutes

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

December 6, 2022 Draft Minutes

Suggested Motion:

Motion to approve the minutes from the December 6, 2022 Zoning Board of Adjustment meeting

**ZONING BOARD OF ADJUSTMENT
DECEMBER 6, 2022
MINUTES**

Roll Call:

Members present

Jorge Cisneros, Chair
Ashly Schilling, Place 3
Athena Campbell, Place 4
Joyce Fiaccone, Alternate 1

Members absent

Pamela Keith, Place 2
Lisa Skier, Place 5

Staff present

Logan Thatcher, Assistant to the City Manager
Lindsay Wells, City Secretary
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. 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 Campbell to convene into Executive Session. Time: 6:01 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 6:10 p.m.

3. PUBLIC COMMENTS

None.

REGULAR AGENDA

4. Administer Oath of Office

City Secretary Lindsay Wells administered the Oath of Office to Jorge Cisneros, Place 1, Ashly Schilling, Place 3, Athena Campbell, Place 4, and Joyce Fiaccone, Alternate 1.

5. Approve minutes from the July 12, 2022 Zoning Board of Adjustment meeting.

Motion: Motion was made by Member Campbell and seconded by Member Schilling to approve the July 12, 2022 Zoning Board of Adjustment meeting minutes.

Motion carried by a vote of 4-0.

6. Approved ZBA 2022-0755, a request for a variance to increase the lot coverage maximum for the property described as Lot 27, Block 84, Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3545 Granada Drive, Richland Hills, Texas 76118. PUBLIC HEARING

Assistant to the City Manager Logan Thatcher presented ZBA 2022-0755 a variance to increase the lot coverage maximum for the property described as Lot 27, Block 84, Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3545 Granada Drive, Richland Hills, Texas 76118. The property is a 13,142 square foot lot with a 1,975 square foot single family residence in the SF-7 zoning district.

Mr. Thatcher advised that the applicant, Arthur Jones, is requesting a Variance to add 300 square feet to his lot coverage to complete a room addition. The room addition is 1,050 square feet. When the applicant came to pull a permit for the addition, staff reviewed the plans and found that the addition would not meet lot coverage requirements. The addition is 300 square feet past the requirement. For SF-7 Zoning district the Lot Coverage is 40 percent maximum.

Chairman Cisneros opened the Public Hearing at 6:22 p.m. and asked to hear from any proponents followed by opponents of the case.

Anthony Jones, 3545 Granada Drive, Richland Hills, advised that he is the applicant's son and he and his family moved in with his father shortly after his mother passed away. He explained that he and his wife work from home and the proposed addition would help provide a work area and separate living space. If the variance is not approved, they may need to move out of the city for more space.

Discussion ensued regarding if there is a precedence for this type of variance in the city.

Mr. Thatcher advised that he was unsure if an issue similar to this had previously been considered.

Nancy Kearney, 105 Heneretta Drive, Hurst, expressed that she is in favor of granting the variance.

Cecil Kearney, 105 Heneretta Drive, Hurst, advised that he owns property behind the applicant and does not want a business operating out of the home.

Woody Hatcher, resident, expressed his opinion that the variance should be approved. The applicant lost his wife and he should get to stay in his home with family.

Chairman Cisneros closed the Public Hearing at 6:32 p.m.

Discussion ensued regarding allowable approved variances and citizens petitioning for changes to zoning requirements.

The Board asked additional questions of Anthony Jones including building materials and building a second story on the property versus expanding the current floorplan.

Mr. Jones advised that a professional builder would be employed and using professional materials. Additionally, he stated that a second floor had been considered but would look obtrusive and out of place on the street.

Motion: Motion was made by Member Campbell and seconded by Member Schilling to deny ZBA 2022-0755, a request for a variance to increase the lot coverage maximum for the property described as Lot 27, Block 84, Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3545 Granada Drive, Richland Hills, Texas 76118.

Motion passed by a vote of 4-0.

7. ADJOURNMENT

Motion: Motion was made by Member Campbell and seconded by Member Schilling 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 6:46 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Jorge Cisneros, Chairman

Memorandum

To: Richland Hills Zoning Board of Adjustment
 From: Logan Thatcher, Assistant to the City Manager
 Date: May 2, 2023
 Subject: Zoning Variance Request for 3109 Ash Park Drive

Agenda Item:

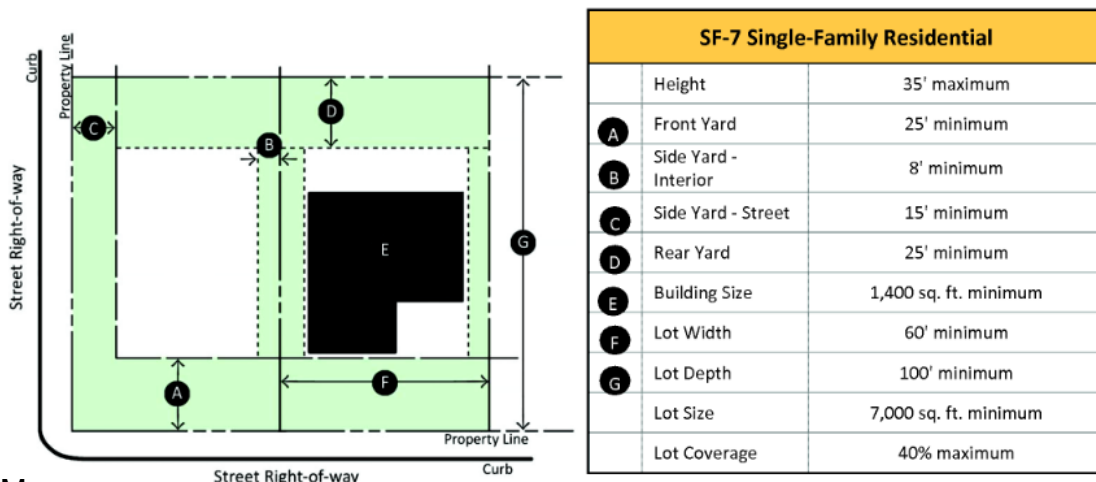
Consider ZBA 2023-0250, a request for a variance to decrease the front yard setback for the property described as Lot 8, Block 1, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3109 Ash Park, Richland Hills, Texas 76118.
PUBLIC HEARING

Background Information:

The property at 3109 Ash Park Drive Granada Drive is a 7,524 square foot lot with a 750 square foot single family residence in the SF-7 zoning district. The applicant for this property is Athena Mathew.

The applicant is requesting a Variance in order to decrease the front setback of 25 feet to 19 feet. There is a preexisting patio covering that is being remodeled for the house that is currently past the front setback of 25 feet for the SF-7 zoning district.

(D) Area regulations



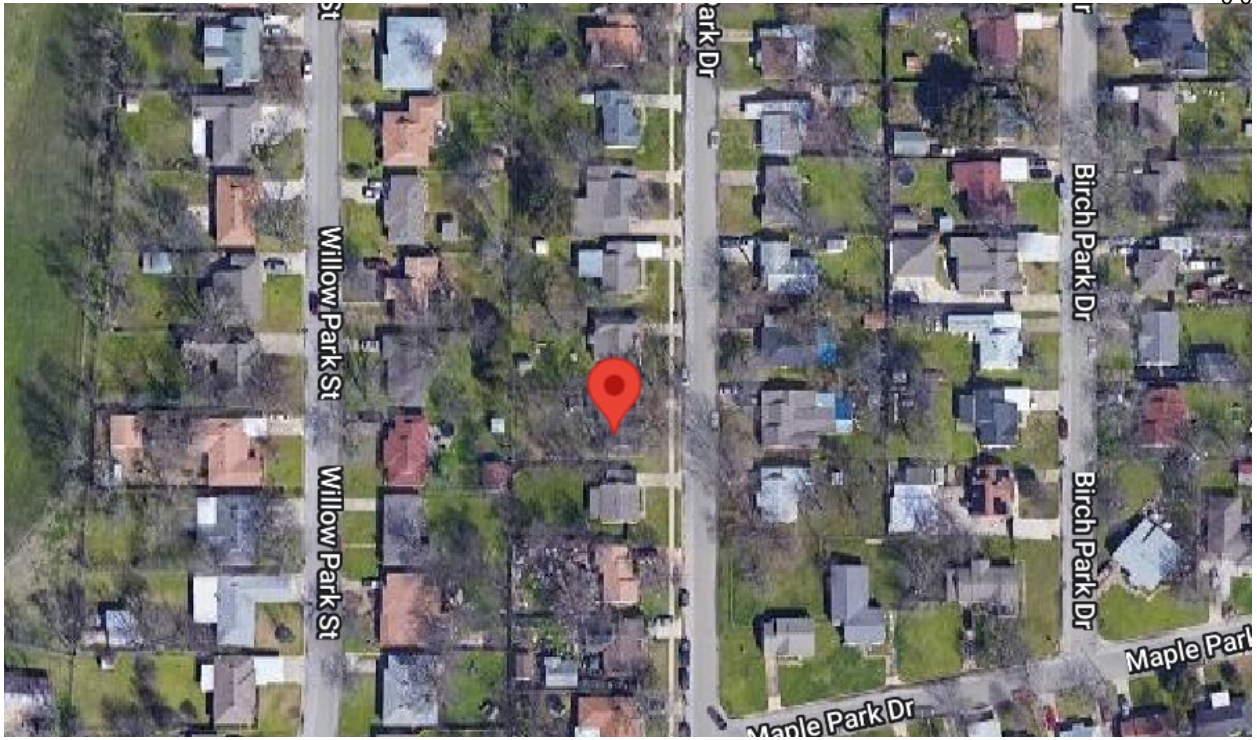
Zoning Map:

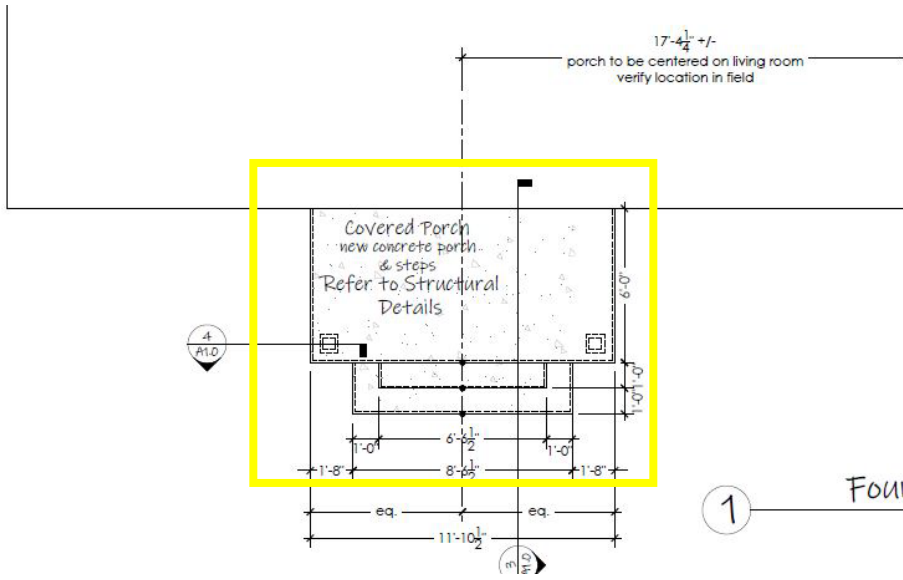
Attachments:

Site Plan
Property Photos
Section 6.12 – Zoning Variance

Motion:

Motion to (*approve/deny*) ZBA 2023-0250, a request for a variance to decrease the front yard setback for the property described as Lot 8, Block 1, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3109 Ash Park, Richland Hills, Texas 76118.





Notes:

1. Structural Sheets this page.
2. Foundation, Roof, &

Special Note:
Refer to Engineer
Master Suite Ac
Floor & Roof Frc

1 Foundation Plan

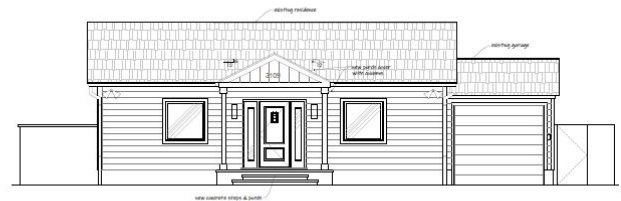
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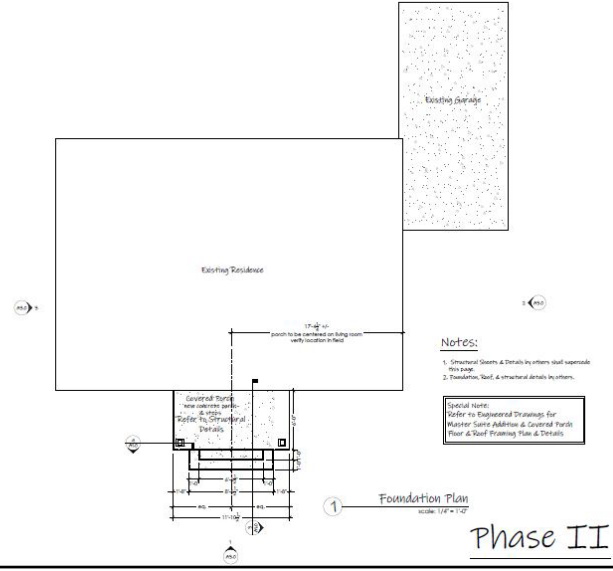
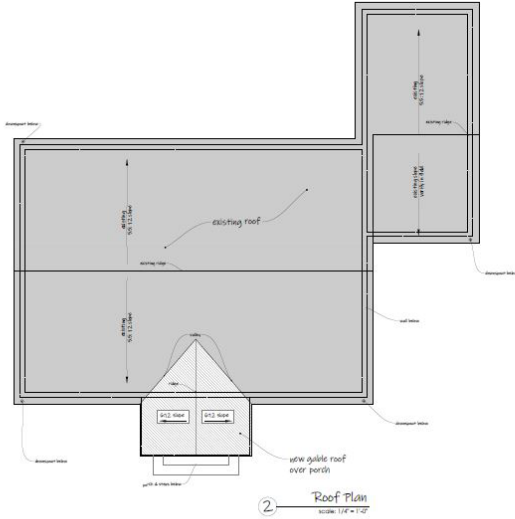
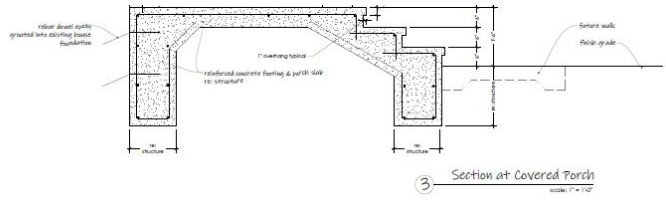
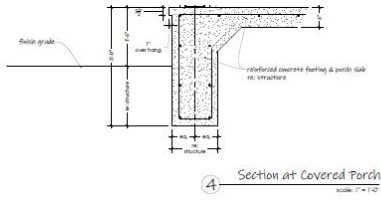
3 west elevation
scale: 1/4" = 1'-0"



2 east elevation
scale: 1/4" = 1'-0"



1 north elevation
scale: 1/4" = 1'-0"



Phase II

Section 6.12 - Zoning Variance

6.12.01. Purpose and Applicability

- (A) *Cases for which a zoning variance may be granted.* The zoning board of adjustment may authorize a variance from the development regulations in this Zoning Ordinance such as the height (including number of stories), yard (including setbacks), lot area, lot coverage, structures (including size, density and location), parking requirements, performance standards and other development regulations contained herein.
- (B) *Variance criteria.* No zoning variance shall be granted without first having given public notice and having held a public hearing on the zoning variance request in accordance with section 6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications, and unless the board of adjustment finds all the following criteria are met:
- (1) *Unique circumstances.* That there are special circumstances or conditions affecting the land involved such that the application of the Zoning Ordinance's provisions would deprive the applicant of the reasonable use of his/her land.
 - (2) *Minimum necessary relief required to alleviate the undue hardship.* The zoning variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.
 - (3) *Preservation of property rights.* That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - (4) *No substantial detriment to the public good.* That the granting of the zoning variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of this Zoning Ordinance and the comprehensive plan or be injurious to other property within the area.
 - (5) *Orderly use of land.* That the granting of the zoning variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Zoning Ordinance.
 - (6) *Precedent.* The granting of an individual zoning variance will not set a precedent.
 - (7) *Finding of undue hardship.* In order to grant a zoning variance, the board of adjustment must make findings that an undue hardship exists, using the following criteria:
 - (a) That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and
 - (b) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

- (c) That the relief sought will not injure the permitted use of adjacent conforming property; and
- (d) That the granting of a zoning variance will be in harmony with the spirit and purpose of these regulations.
- (e) Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.

(C) *Variance limitations*

- (1) *Completed action required before a variance.* An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat, when required by the Zoning Ordinance or the subdivision ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the planning and zoning commission and, where required, by the city council.
- (2) *Exhausted all other options.* The administrative procedures and requirements of the Zoning Ordinance, and any amendments thereto, with regard to both the planning and zoning commission and city council consideration and action on site plans, preliminary plats, and final plats, must be exhausted prior to requesting a variance.

(D) *Public hearing required*

- (1) The board of adjustment shall hold a public hearing for each variance applicant and shall provide the notice and public hearing required by this Ordinance.
- (2) At the public hearing, the board of adjustment shall consider public comments, the zoning administrator's recommendation, and other applicable information and shall approve, approve with conditions, or deny the variance application.

(E) *Concurring vote of 75 percent required.* Pursuant to V.T.C.A., Local Government Code § 211.009(c), the concurring vote of 75 percent of the members of the board of adjustment is necessary to grant a zoning variance.

(Ord. No. 1273-14, § 1(Exh. A), 5-6-2014; Ord. No. 1296-15, § 2(Exh. A), 8-18-2015)