

**ZONING BOARD OF ADJUSTMENT
MEETING AGENDA
CITY HALL, 3200 DIANA DRIVE
SEPTEMBER 5, 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 May 16, 2023, Zoning Board of Adjustment meeting.

5. Consider **ZBA 2023-0773**, a request for a variance to decrease the side yard setback requirement for the property described as Lot 5, Block 42 Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 6728 Davidson Street, Richland Hills, Texas 76118. **PUBLIC HEARING**

6. Consider **ZBA 2023-0761**, a request for a variance to increase the lot coverage maximum for the property described as Lot 16, Block 51 Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3829 Norton Drive, Richland Hills, Texas 76118. **PUBLIC HEARING**

7. ADJOURNMENT

CERTIFICATE

I hereby certify that the above agenda was posted on this the 31st day of August 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: September 5, 2023

Subject: Minutes from the May 16, 2023 Zoning Board of Adjustment Meeting

Agenda Item:

Approval of May 16, 2023 Zoning Board of Adjustment Meeting Minutes

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

May 16, 2023 Draft Minutes

Suggested Motion:

Motion to approve the minutes from the May 16, 2023 Zoning Board of Adjustment meeting

**ZONING BOARD OF ADJUSTMENT
MAY 16, 2023
MINUTES**

Roll Call:

Members present

Jorge Cisneros, Chair
Pamela Keith, Place 2
Ashly Schilling, Place 3
Athena Campbell, Place 4
Lisa Skier, Place 5
Joyce Fiaccone, Alternate 1

Members absent

Staff present

Logan Thatcher, Assistant to the City Manager
Lindsay Rawlinson, City Secretary
Alecia Kreh, City Attorney

1. CALL TO ORDER

Chairman Cisneros called the meeting to order at 6:00 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 Campbell and seconded by Member Schilling to convene into Executive Session. Time: 6:00 p.m.

Motion carried by a vote of 5-0.

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

Chairman Cisneros reconvened into open session. Time 6:14 p.m.

3. PUBLIC COMMENTS

None.

REGULAR AGENDA

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

Motion: Motion was made by Member Campbell and seconded by Member Skier to approve the December 6, 2022 Zoning Board of Adjustment meeting minutes.

Motion carried by a vote of 5-0.

5. Approved 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

Assistant to the City Manager Logan Thatcher presented ZBA 20223-0250, 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. The property is a 7,524 square foot lot with a 750 square foot single family residence in the SF-7 zoning district.

Mr. Thatcher advised that the applicant, Athena Mathew 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.

Chairman Cisneros opened the Public Hearing at 6:19 p.m. and asked to hear from any proponents followed by opponents of the case.

Roland Goveas, speaking on behalf of the applicant, advised that he and Ms. Mathew own the property and are renovating it. They are seeking the variance to move the location of the front door to the middle of the house as the current front door location has no overhang and rainwater collects at the entrance to the home causing wood rot and mess.

Mr. Goveas presented pictures of the property and other properties on the street that are set further back that would not require a setback variance.

Discussion ensued regarding if approval would set a precedence for this type of variance.

City Attorney Alicia Kreh confirmed that variances are considered on a case-by-case basis and approving this case would not create a precedent for future cases.

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

Motion: Motion was made by Member Campbell and seconded by Member Skier to approve 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.

Motion passed by a vote of 5-0.

6. ADJOURNMENT

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

Motion carried by a vote of 5-0.

There being no further business to come before the Zoning Board of Adjustment, Chairman Cisneros declared the meeting adjourned at 6:33 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: September 5, 2023
 Subject: Zoning Variance Request for 6728 Davidson Street

Agenda Item:

Consider ZBA 2023-0773, a request for a variance to decrease the side yard setback requirement for the property described as Lot 5, Block 42 Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 6728 Davidson Street, Richland Hills, Texas 76118. **PUBLIC HEARING**

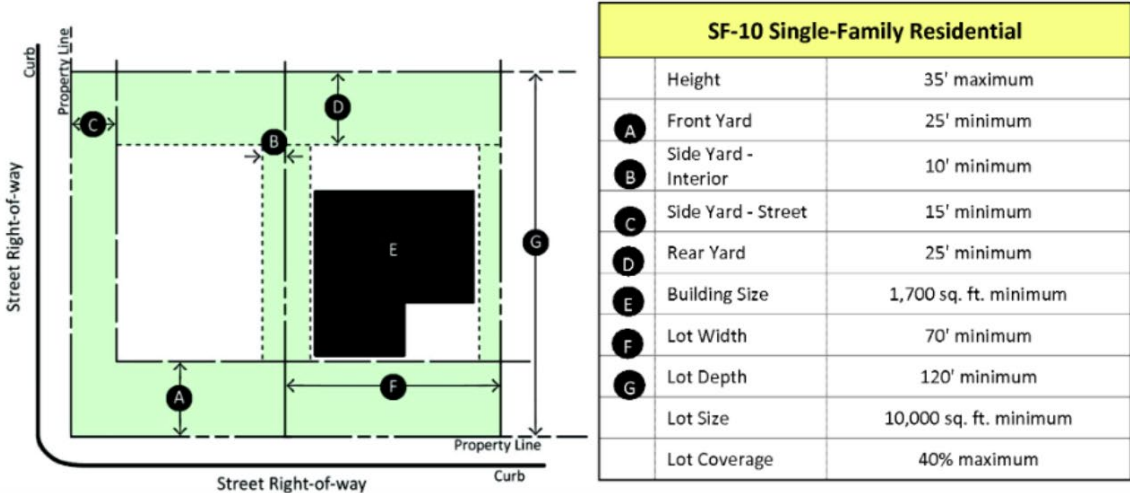
Background Information:

The property at 6728 Davidson Street is a 13,430 square foot lot with a 1,358 square foot single family residence in the SF-10 zoning district. The applicant for this property is Francisco and Suzanne Andrade.

The applicant is requesting a Variance in order to decrease the side yard setback of 10' to 9'6". The applicant is looking to build an attached covered patio (please see proposed plans). The proposed plans does not meet the 10' setback requirement.

Zoning Map:

(D) Area regulations.



Attachments:

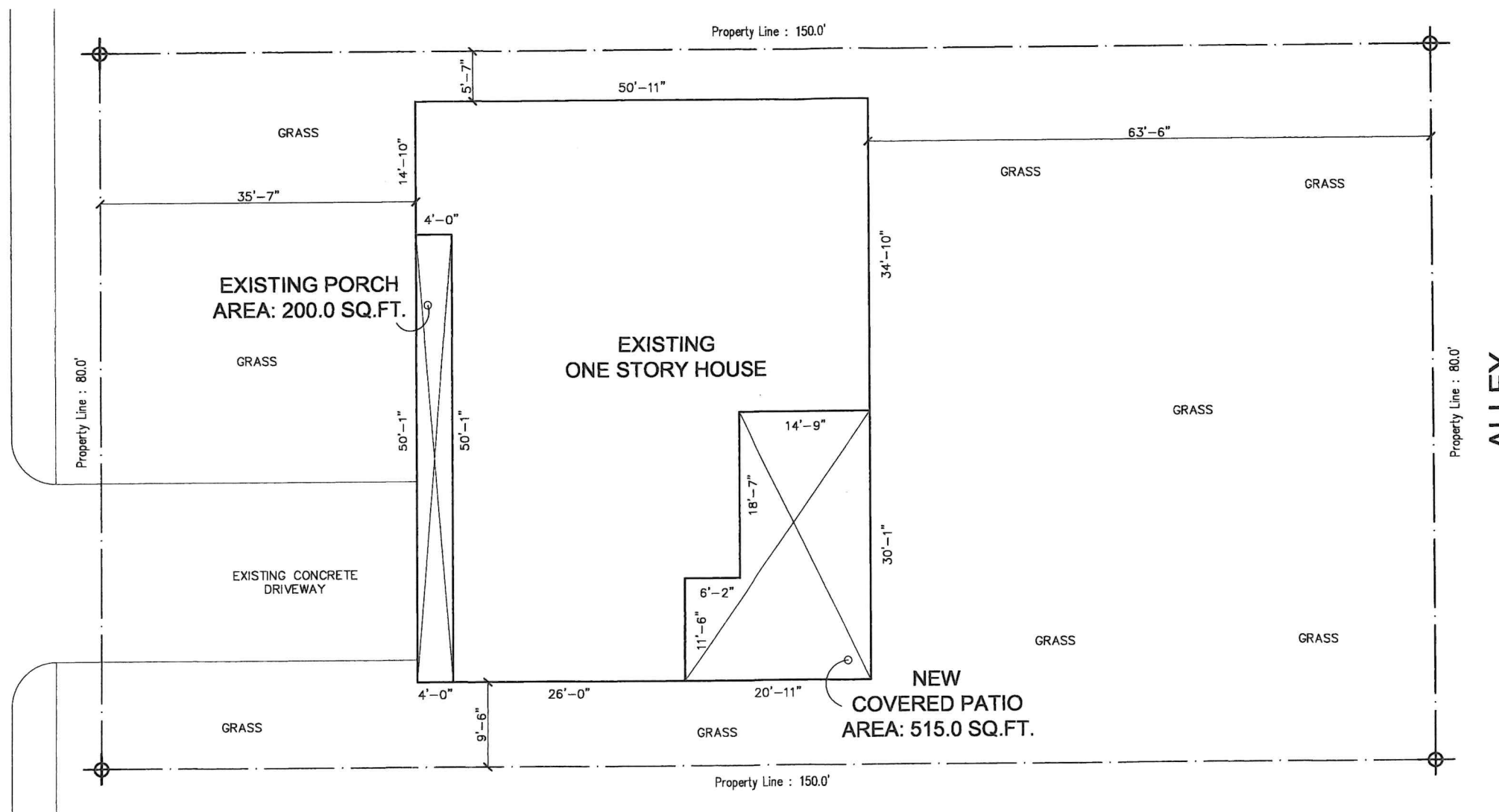
Site Plan
Property Photos
Section 6.12 – Zoning Variance

Motion:

Motion to (*approve/deny*) ZBA 2023-0773, a request for a variance to decrease the side yard setback requirement for the property described as Lot 5, Block 42 Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 6728 Davidson Street, Richland Hills, Texas 76118.



6728 DAVIDSON ST.



SITE PLAN

SCALE : 1/16" = 1'-0"

PROJECT DATA

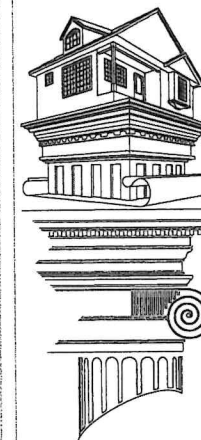
PROJECT NAME: NEW COVERED PATIO

ADDRESS: 6728 DAVIDSON ST.

AREAS IN SQUARE FEET

EXISTING PORCH AREA : 200.0 sqft.

NEW COVERED PATIO AREA : 515.0 sqft.



Martinez Design, LLC

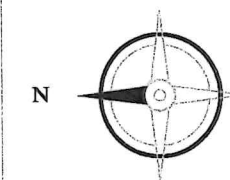
Tel. : 972-891-4180

Fax. : 972-871-2512

martinez73@hotmail.com

GENERAL NOTES

1. THE GENERAL CONTRACTOR/BUILDER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLANS/DRAWINGS. THE CONTRACTOR SHALL ALSO NOTIFY THE OWNER IF THERE ARE ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE BEGINNING OF THE CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE THE CONSTRUCTION AND SHALL BE HIS/HER RESPONSIBILITY TO SELECT, VERIFY, RESOLVE, AND INSTALL ALL EQUIPMENT AND MATERIALS AS WELL AS TO CONTROL THE QUALITY OF THE PROJECT.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODE, AND REGULATIONS.
5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURE(S) OF THE PROJECT. FURTHERMORE IT RECOMMENDS THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER AND TOPOGRAPHIC SPECIALIST.



Project Name:

NEW COVERED PATIO

Project Address:

6728 DAVIDSON ST
RICHLAND HILLS, TX 76118

Plan Name:

SITE PLAN

Project #: 080223

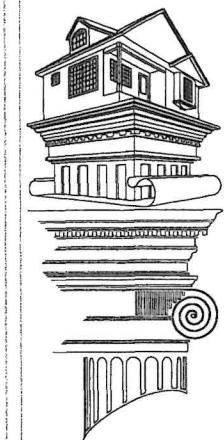
Drawn By: JAM

Date: 08-02-2023

Scale: 1/16" = 1'-0"

Sheet #: 1

Of: 9



Martinez Design, LLC

Tel. : 972-891-4160
Tel. : 972-871-2512
martinez2073@hotmail.com

ENERGY CODE COMPLIANCE OUTLINE 2018 IECC

POLY SEAL :

- 1.- WINDOWS AND DOORS MUST BE SEALED WITH FOAM OR CAULK.
- 2.- SILL PLATE MUST BE SEALED ON THE INSIDE WITH FOAM OR CAULK.
- 3.- ALL PENETRATIONS OF TOP PLATE/CEILING INTO ATTIC, MUST BE SEALED WITH FOAM OR CAULK.
- 4.- ALL WALL PENETRATIONS TO THE EXTERIOR MUST BE SEALED WITH FOAM OR CAULK.
- 5.- BLOWER DOOR TESTING IS MANDATORY. NOT TO EXCEED 3 AIR CHANGES PER HOUR AT 50 PASCALS.
- 6.- DUCT TIGHTNESS TESTING IS MANDATORY. TESTED AT 25 PASCALS , TOTAL LEAKAGE, LESS THAN OR EQUAL TO 4 CUBIC FEET PER MINUTE PER SQUARE FOOT OF CONDITIONED FLOOR AREA.
EXCEPTION : WHEN THE DUCTS AND AIR HANDLERS ARE ENTIRELY WITHIN THE BUILDING THERMAL ENVELOPE.

HVAC / SERVICE WATER :

- 1.- ALL DUCTS IN UNCONDITIONED SPACE (ATTIC)- MUST USE R-8 DUCTING
- 2.- MECHANICAL SYSTEM PIPING CARRYING FLUID OVER 104' OR BELOW 55' MUST BE INSULATED WITH R-3 INSULATION.

INSULATION :

- 1.- ALL PIER AND BEAM / RAISED FLOORS MUST BE INSULATED WITH R-19 INSULATION OR HIGER.

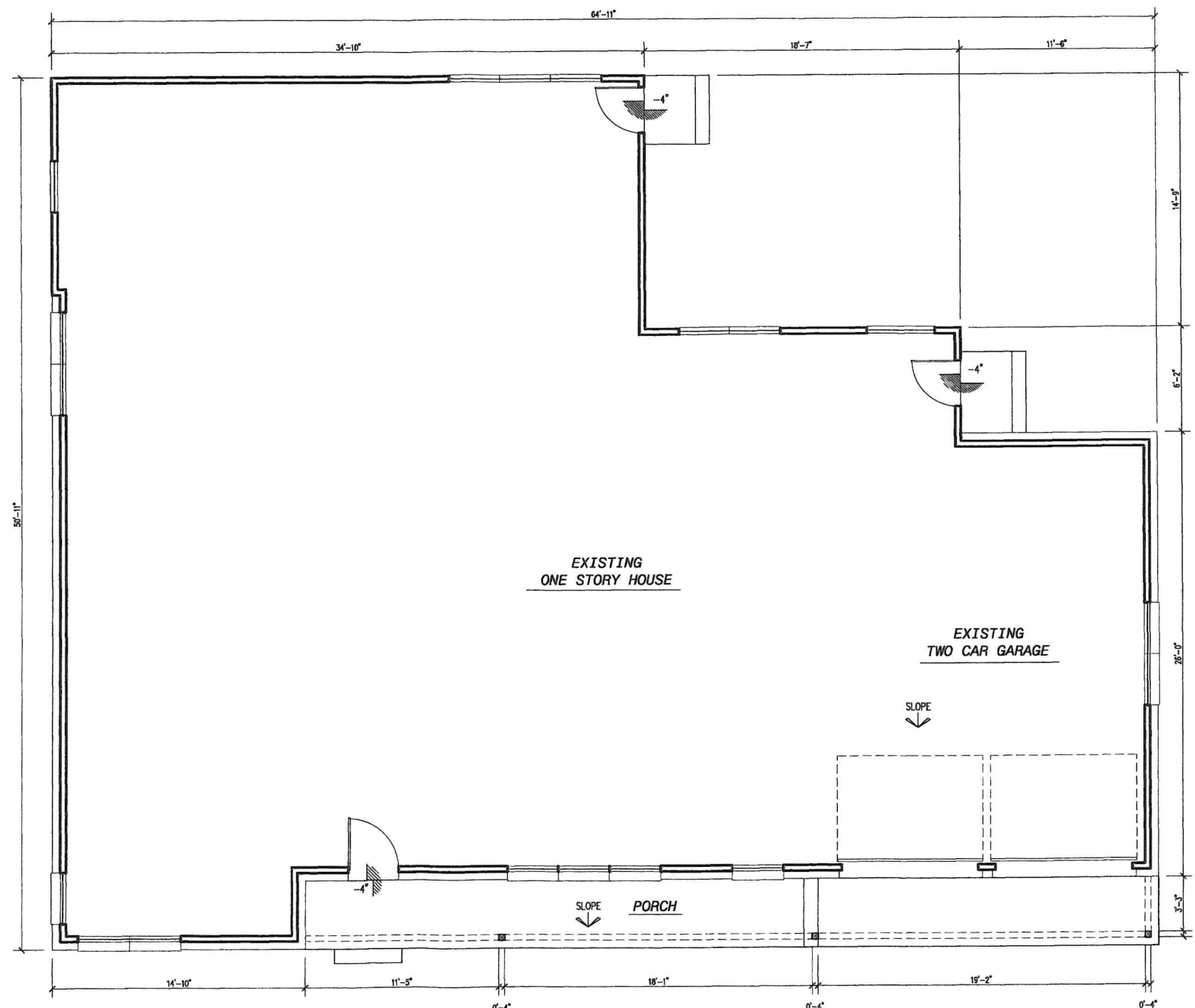
OR : UNVENTED CRAWL SPACE WALLS MUST BE INSULATED R-5 CONTINUOUS OR R-13 CAVITY INSULATION. WITH VAPOR BARRIER OVER EXPOSED EARTH.
- 2.- ALL EXTERIOR WALL MUST BE INSULATED WITH R-20 CAVITY OR WITH R-13 CAVITY WITH R-5 CONTINUOUS INSULATION,OR HIGER.
- 3.- CEILING MUST BE INSULATED WITH R-38 IF THERE IS ATTIC SPACE AND R-30 IF NO ATTIC SPACE (CATHEDRAL) AND THAT IS LIMITED TO 500 SG. FT. TOTAL PR 20% OF CEILING WHICHEVER IS LESS.
- 4.- ATTIC ACCESS LADDERS AND OR HATCHES , MUST BE INSULATED THE SAME AS THE ATTIC AND HAVE A WEATHER SEAL.

WINDOWS AND DOORS :

- 1.- MUST HAVE A U-FACTOR OF .35 OR LESS.
- 2.- MUST HAVE A SHGC OF .25 OR LESS

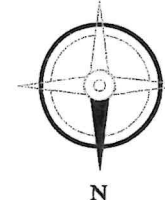
LIGHTING :

- 1.- ALL CAN LIGHTS MUST BE AIR-TIGHT TYPE.
- 2.- MINIMUM OF 75% OF LIGHTING MUST BE HIGH EFFICIENCY. (ANYTHING BUT INCANDESCENT)



GENERAL NOTES

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Project Name:

NEW COVERED PATIO

Project Address:

**6728 DAVIDSON ST
RICHLAND HILLS, TX 76118**

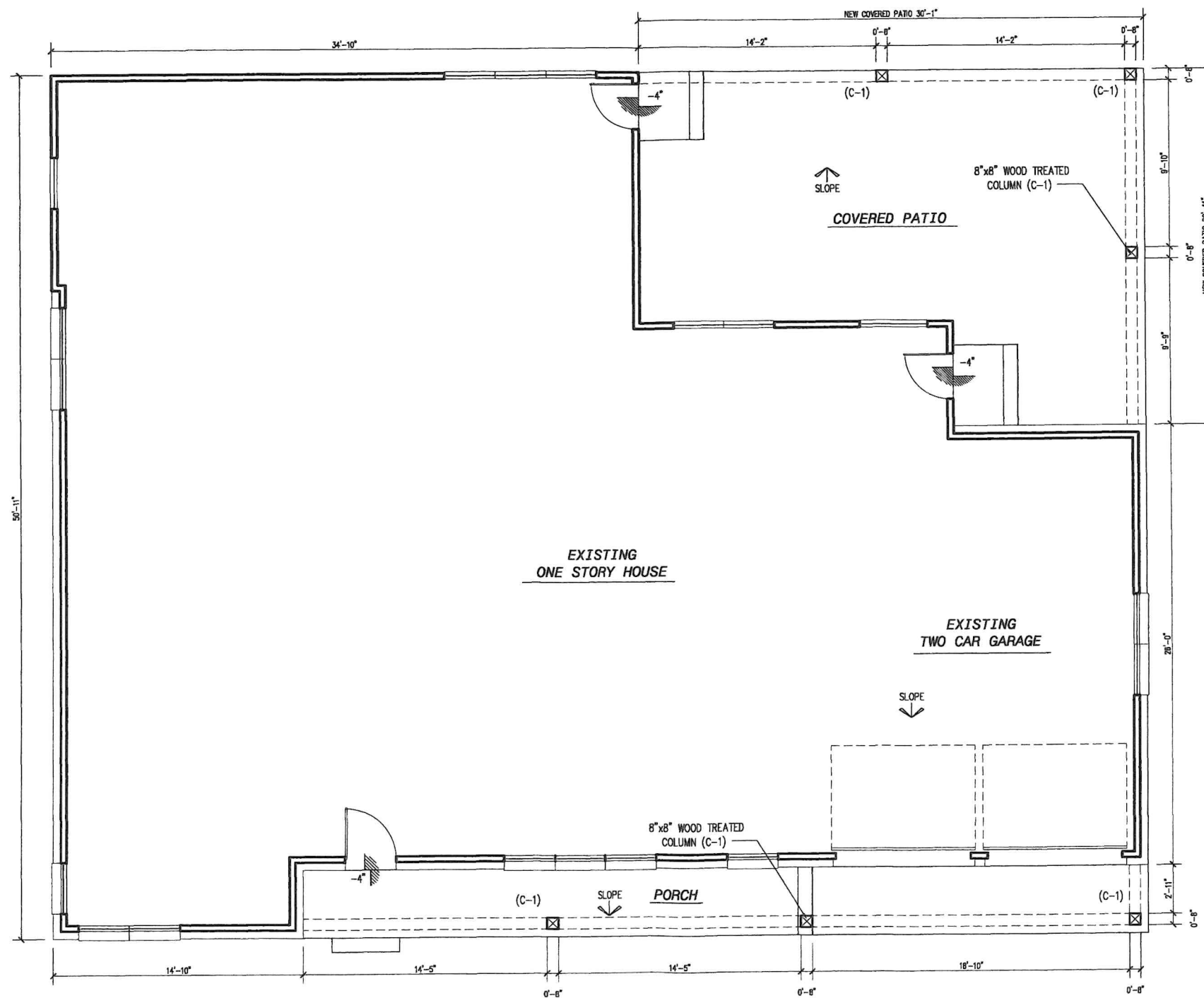
Plan Name:

EXISTING FLOOR PLAN

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|------------|------------|-----------|--------------|
| Project #: | 080223 | Drawn By: | JAM |
| Date: | 08-02-2023 | Scale: | 1/8" = 1'-0" |
| Sheet #: | 2 | Of: | 9 |

EXISTING FLOOR PLAN

SCALE : 1/8" = 1'-0"



EXISTING
ONE STORY HOUSE

EXISTING
TWO CAR GARAGE

8"x8" WOOD TREATED
COLUMN (C-1)

PORCH

NEW FLOOR PLAN

SCALE : 1/8" = 1'-0"

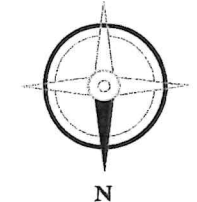


Martinez Design, LLC
Tel.: 972-891-4180
Tel.: 972-871-2512
martinez79@hotmail.com

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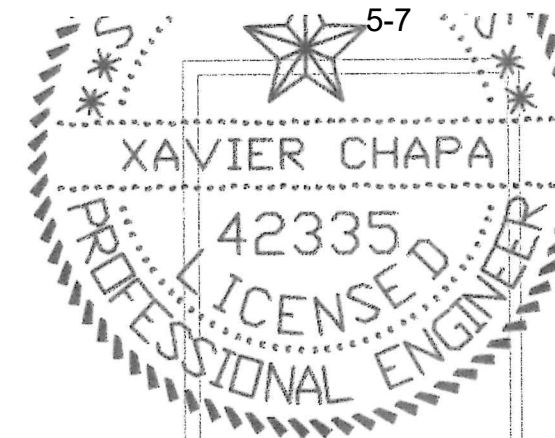
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Project Name:
NEW COVERED PATIO

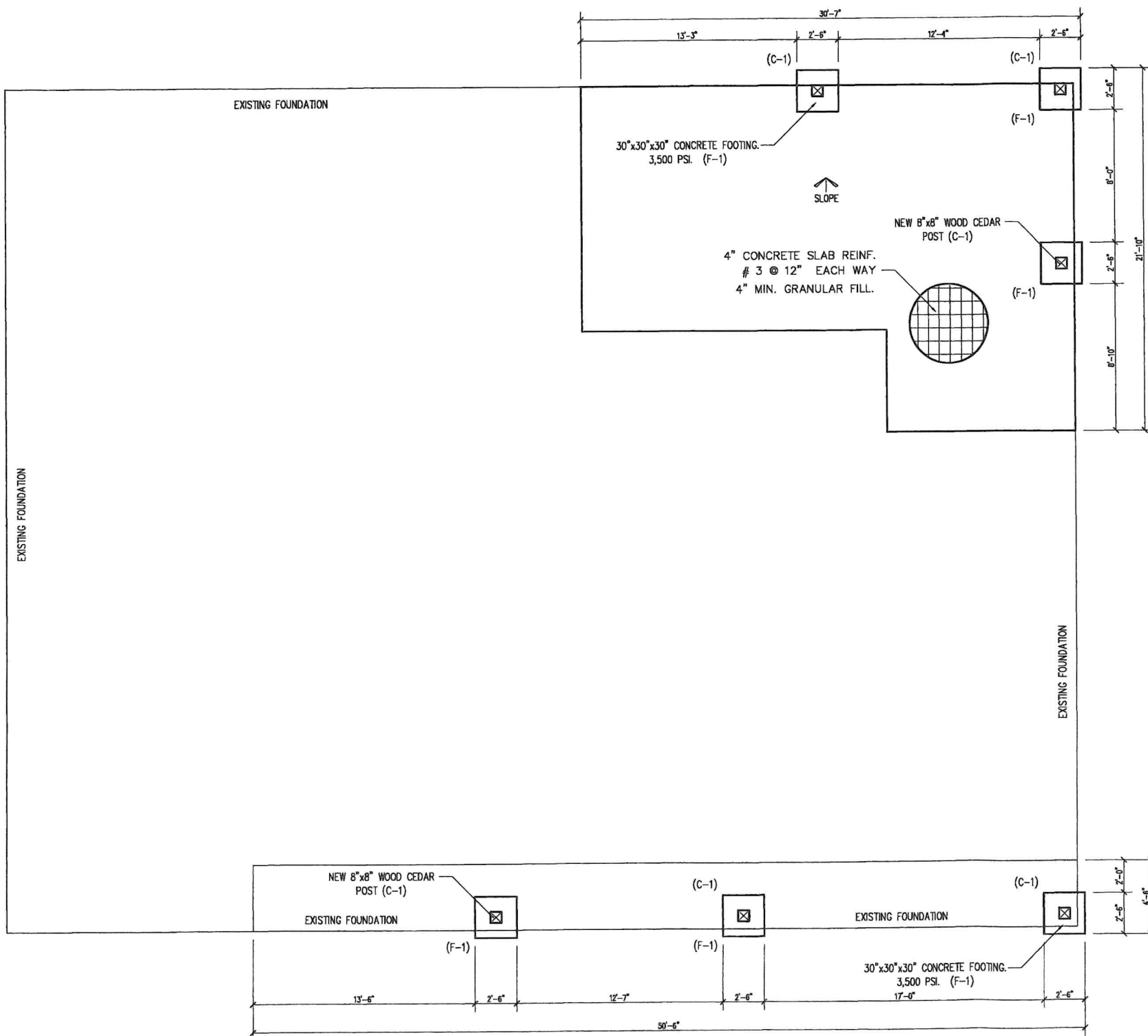
Project Address:
**6728 DAVIDSON ST
RICHLAND HILLS, TX 76118**

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| Plan Name: NEW FLOOR PLAN | |
| Project #: 080223 | Drawn By: JAM |
| Date: 08-02-2023 | Scale: 1/8" = 1'-0" |
| Sheet #: 3 | Of: 9 |



08/21/2023

Xavier Chapa
 Xavier Chapa Engineering/Survey
 Firm No. 24036



CONCRETE NOTES:

FOUNDATION SLAB SHALL BE 4" THICK OF 3,600 PSI REINFORCED CONCRETE .

CONCRETE SLAB S SHALL BE PLACED OVER 4" THICK SAND AND GRAVE CUSHION APPLY LAYER OF 4 MIL THICK VAPOR BARRIER OF POLYETHYLENE BELOW SLAB.

UNDISTURBED SOIL SHALL BE COMPACTED TO 90% PROCTOR PRIOR TO PLACEMEN OF SAND CUSHION.

SLAB REINFORCEMENT SHALL BE #3 BARS AT 12" O.C. EACH WAY IN CENTER OF SLAB.

ALL CONCRETE BEAM S SHALL BE 12" WIDE AND 24" DEEP WITH REINFORCING AS INDICATED ON DETAIL.

AT ALL BEAM INTERSECTIONS. SHALL HAVE #3 CORNER BAR REINFORCING AND SHALL LAP BEAM REINFORCING NOT LESS THAN 18"

ALL CONCRETE SHALL HAVE A MINIMUM 28 DAY, 3,600 PSI COMPRESSIVE STRENGTH.

ADMIXTURES CONTAINING CHLORIDES, SULPHITES, NITRATES AND FLY ASH ARE NOT PERMITTED.

REINFORCING STEEL SHALL BE NEW BILLET STEEL

CONFORMING TO ASTM A-65, GRADE 60, EXCEPT No. 3 BARS MAY BE GRADE 40.

REINFORCING STEEL SHALL BE SUPPORTED AT 36" ON

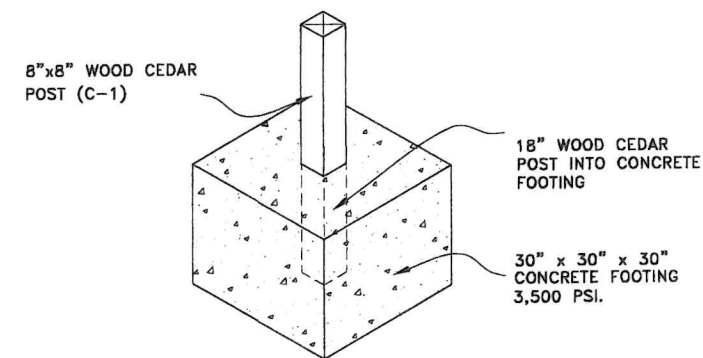
STIRRUPS, OR ALTERNATIVELY, DROP-IN STIRRUPS AS CENTERS MAXIMUM.

SHOWN SHALL BE PLACED AT NO LESS THAN 24" O.C. FOR

No. 3 CORNER REINFORCING BARS SHALL BE INSTALLED

AT ALL BEAM INTERSECTIONS. CORNER REINFORCING BARS

CORNER REINFORCING BARS SHALL LAP BEAM BARS NOT LESS THAN 18"



CONCRETE FOOTING (F-1)

NOT TO SCALE

FOUNDATION PLAN

SCALE : 1/8" = 1'-0"

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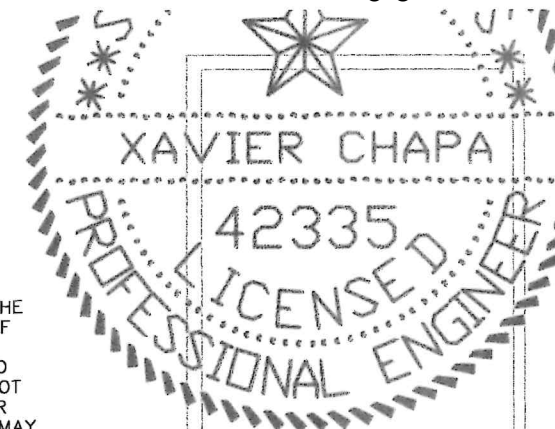
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Project Name:
NEW COVERED PATIO

Project Address:
**6728 DAVIDSON ST
 RICHLAND HILLS, TX 76118**

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|-------------------------------|------------------------|
| Plan Name: FOUNDATION PLAN | |
| Project #: 080223 | Drawn By: JAM |
| Date: 08-02-2023 | Scale: 1/8" = 1'-0" |
| Sheet #: 4 | Of: 9 |



08/21/2023

Xavier Chapa
 Xavier Chapa Engineering/Survey
 Firm No. 10000056

1. THE GENERAL CONTRACTOR/BUILDER SHALL EXAMINE AND VERIFY THE DESIGN OF ALL STRUCTURES AND CONDITIONS OF THE EXISTING STRUCTURES. THE CONTRACTOR SHALL ALSO NOTIFY THE OWNER IF THERE ARE ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE BEGINNING OF THE CONSTRUCTION.
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Project Name:

NEW COVERED PATIO

Project Address:

**6728 DAVIDSON ST
 RICHLAND HILLS, TX 76118**

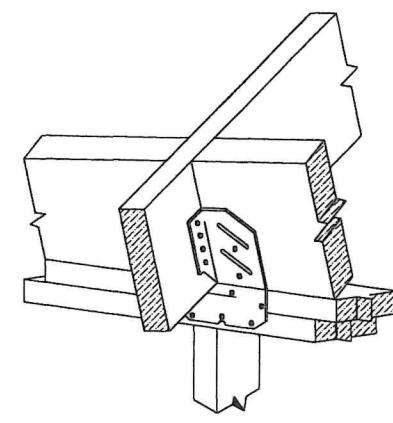
Plan Name:

CEILING JOIST PLAN

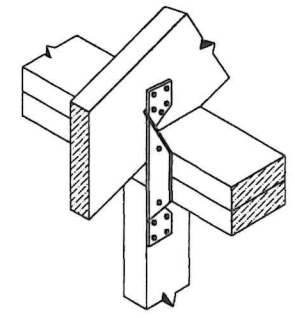
Project #: **080223** Drawn By: **JAM**

Date: **08-02-2023** Scale: **1/8" = 1'-0"**

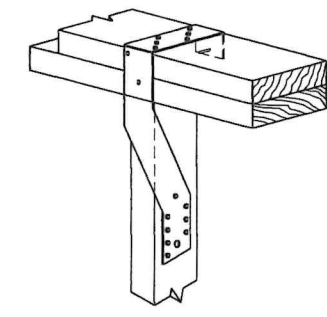
Sheet #: **5** Of: **9**



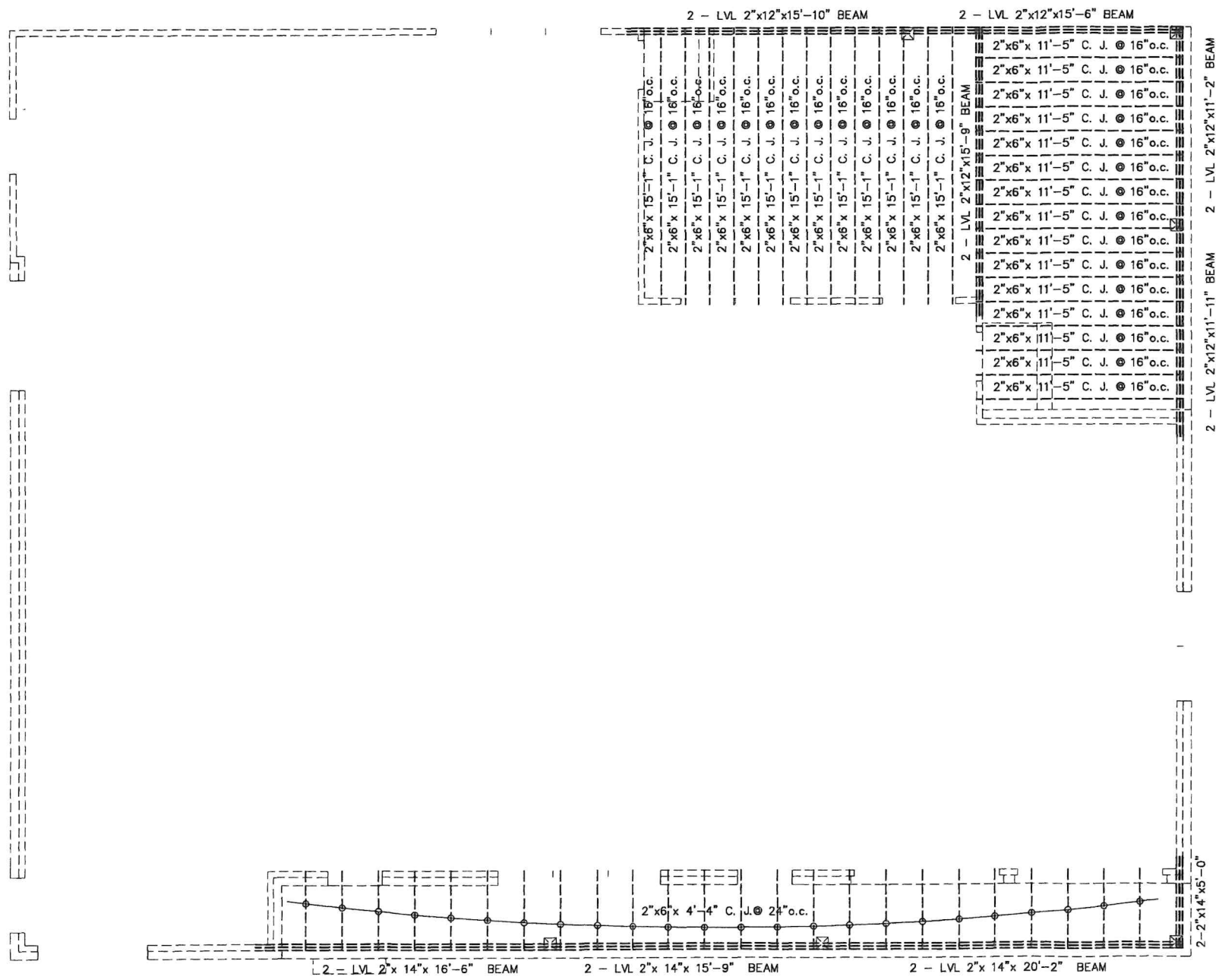
H10
 NOT TO SCALE



H2 or H2.5
 NOT TO SCALE



H6
 NOT TO SCALE



CEILING JOIST PLAN

SCALE : 1/8" = 1'-0"

| SIZE | SPACING (IN. O.C.) | 2400 f 2.0 E | 2250 f 1.9 E | 2100 f 1.8 E | 1950 f 1.7 E | 1800 f 1.6 E | 1650 f 1.5 E |
|--------|--------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 2"x4" | 12.0 | 10-07 | | 10-03 | | 9-10 | 9-08 |
| | 16.0 | 9-08 | | 9-04 | | 8-11 | 8-09 |
| | 24.0 | 8-05 | | 8-01 | | 7-10 | 7-08 |
| 2"x6" | 12.0 | 16-08 | | 16-01 | 15-09 | 15-06 | |
| | 16.0 | 15-02 | | 14-07 | 14-04 | 14-01 | |
| | 24.0 | 13-03 | | 12-06 | 12-06 | 12-03 | |
| 2"x8" | 12.0 | 21-11 | 21-07 | | 20-10 | | |
| | 16.0 | 19-11 | 19-07 | | 18-11 | | |
| | 24.0 | 17-05 | 17-02 | | 16-06 | | |
| 2"x10" | 12.0 | | 27-06 | | 26-06 | | |
| | 16.0 | | 25-00 | | 24-01 | | |
| | 24.0 | | 21-10 | | 21-01 | | |
| 2"x12" | 12.0 | | 33-06 | | 32-03 | | |
| | 16.0 | | 30-05 | | 29-04 | | |
| | 24.0 | | 26-07 | | 25-07 | | |

XAVIER CHAPA

42335

PROFESSIONAL ENGINEER

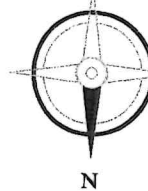
08/21/2023

Xavier Chapa

Xavier Chapa Engineering/Survey

Firm Number: 3556

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE BEGINNING OF THE CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE THE CONSTRUCTION AND SHALL BE HIS/HER RESPONSIBILITY TO SELECT, VERIFY, RESERVE, AND INSTALL ALL EQUIPMENT AND MATERIALS AS WELL AS TO CONTROL THE QUALITY OF THE PROJECT.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODE, AND REGULATIONS.
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Project Name:

NEW COVERED PATIO

Project Address:

6728 DAVIDSON ST
RICHLAND HILLS, TX 76118

Plan Name:

ROOF FRAME PLAN

Project #:

080223

Drawn By:

JAM

Date:

08-02-2023

Scale:

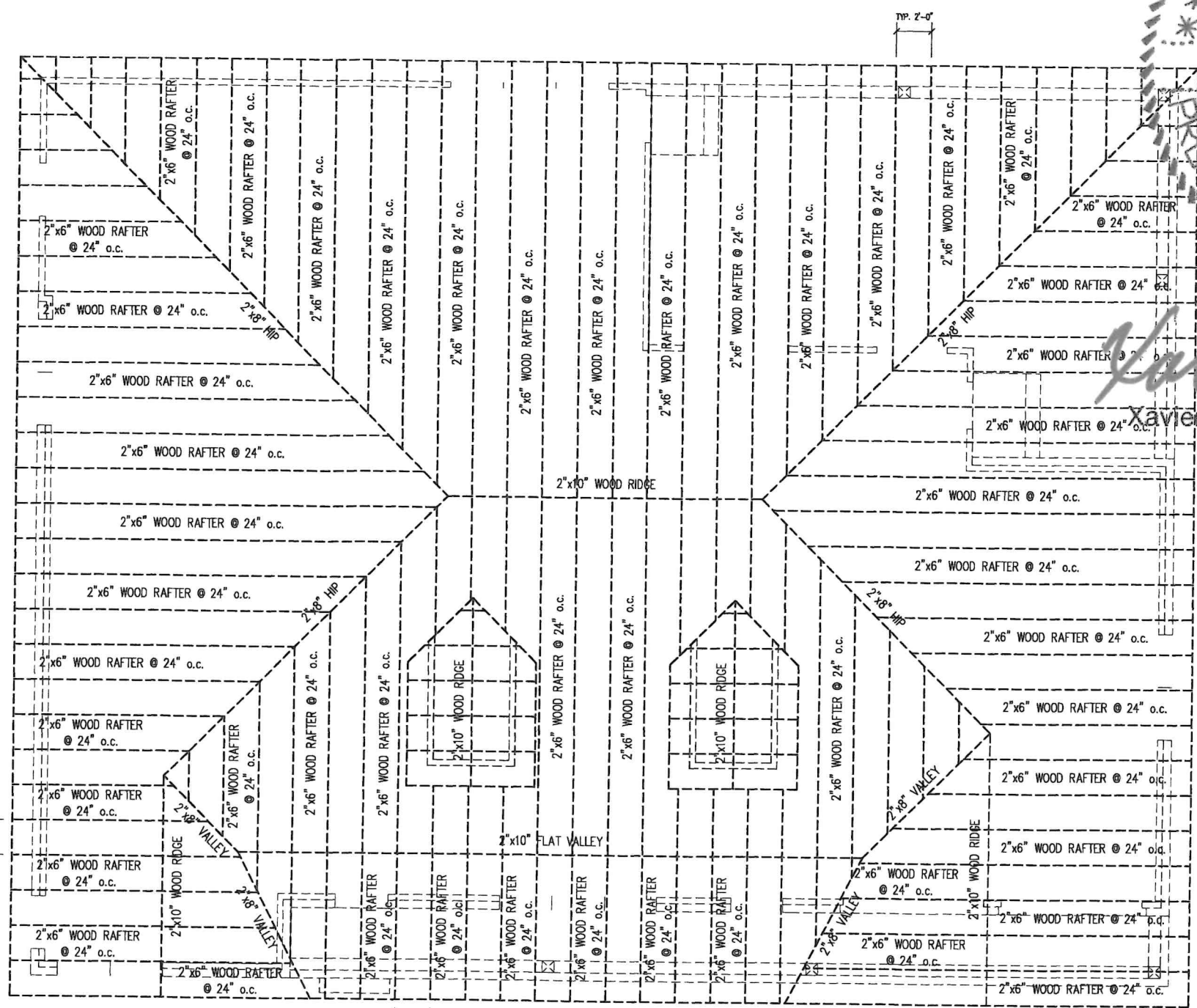
1/8" = 1'-0"

Sheet #:

7

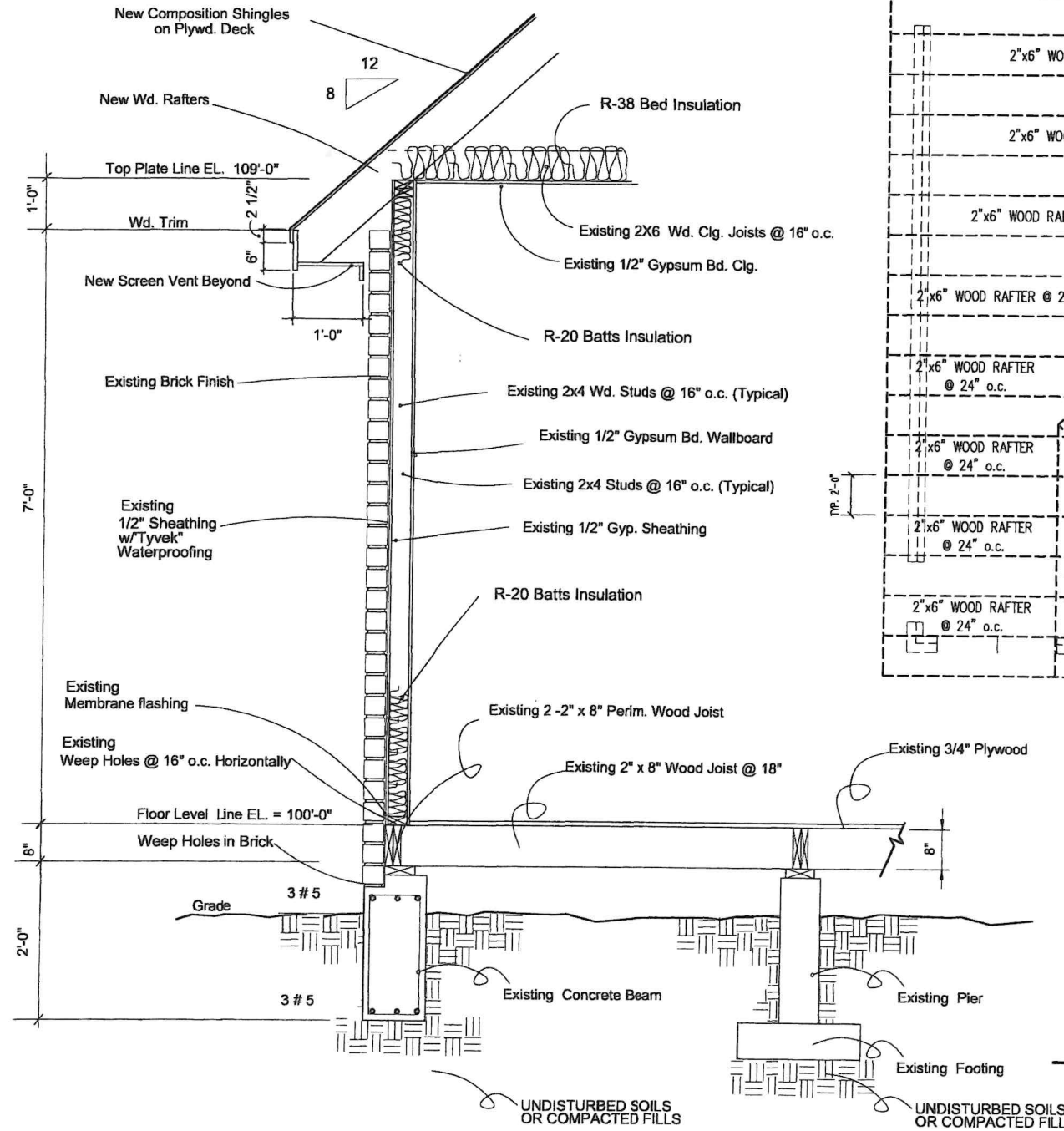
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9



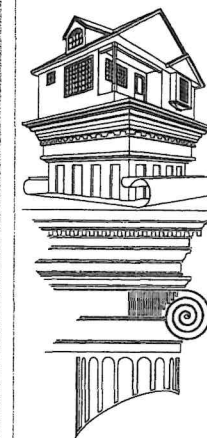
ROOF FRAME PLAN

SCALE : 1/8" = 1'-0"



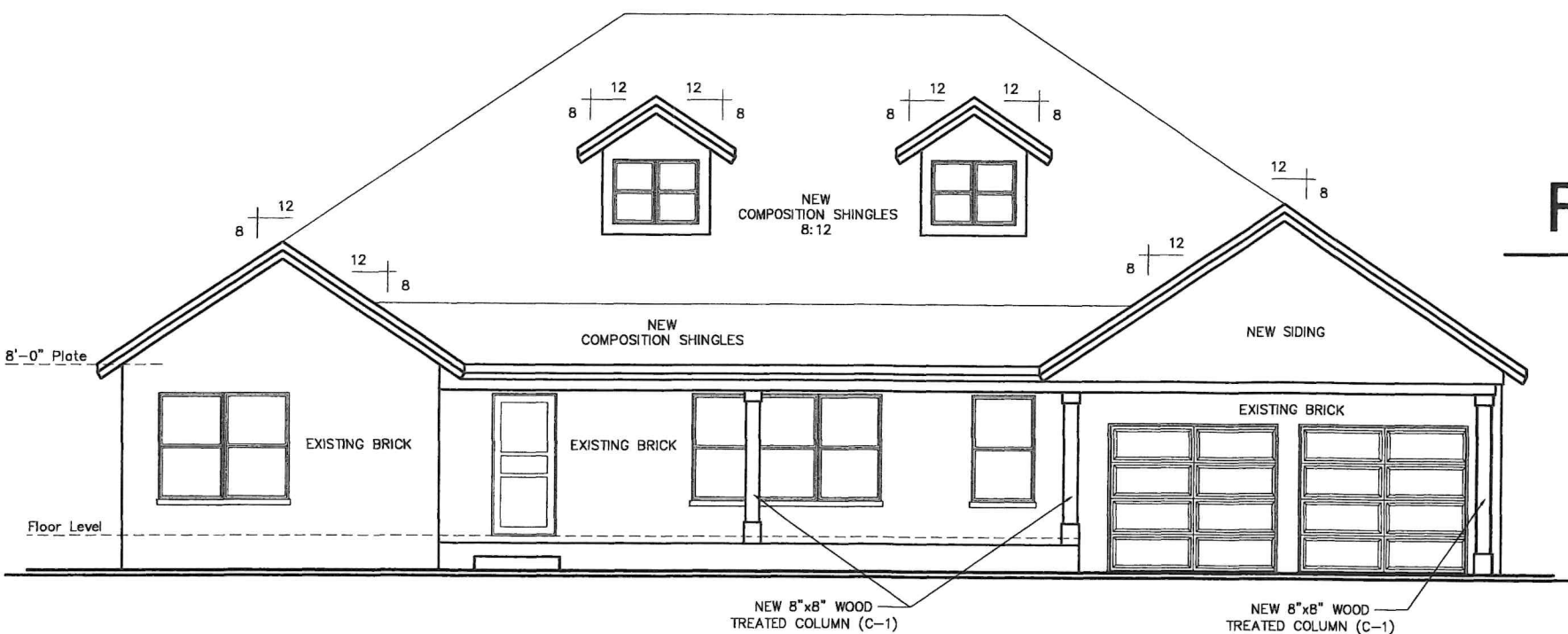
WALL SECTION

NOT TO SCALE



Martinez Design, LLC

Tel. : 972-891-4160
Tel. : 972-871-2512
martinezbd73@hotmail.com



FRONT ELEVATION

SCALE : 1/8" = 1'-0"

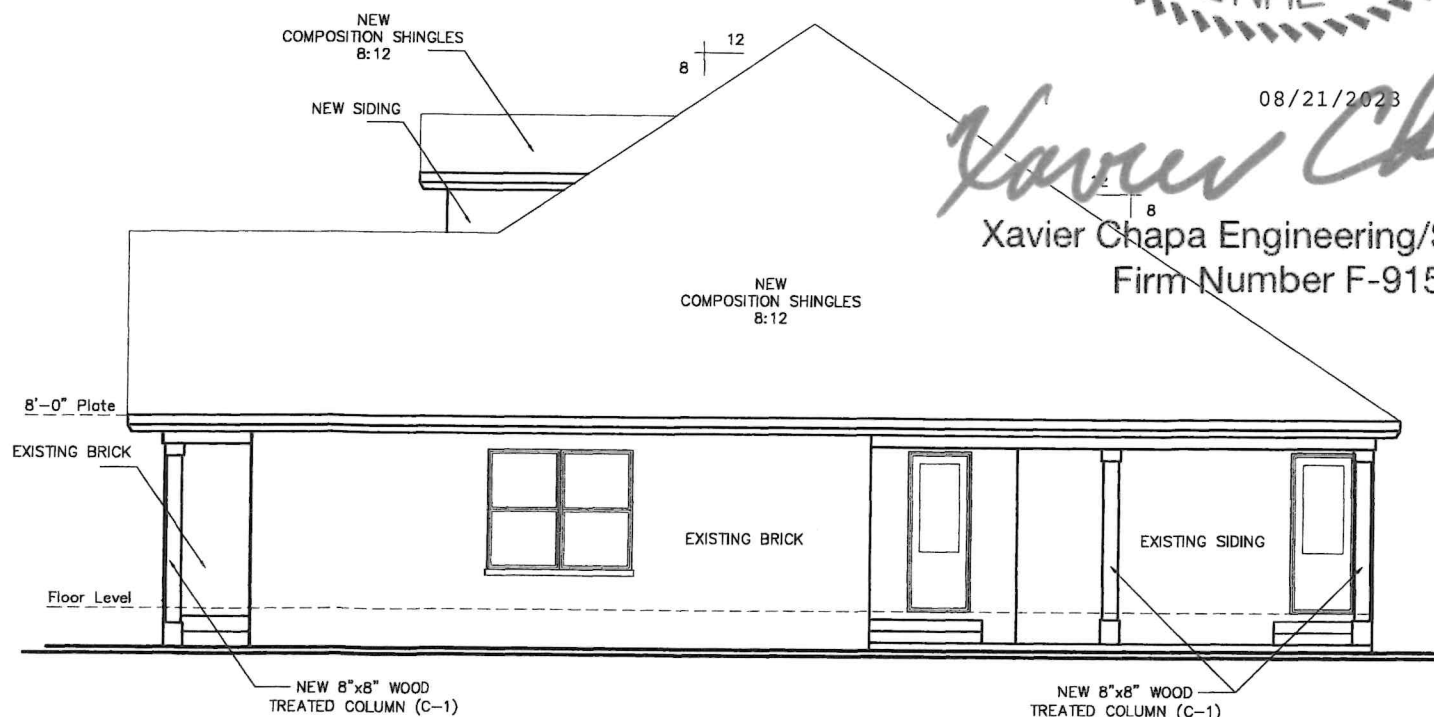


GENERAL NOTES

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RIGHT ELEVATION

SCALE : 1/8" = 1'-0"



08/21/2023
Xavier Chapa
 Xavier Chapa Engineering/Surveying
 Firm Number F-9156



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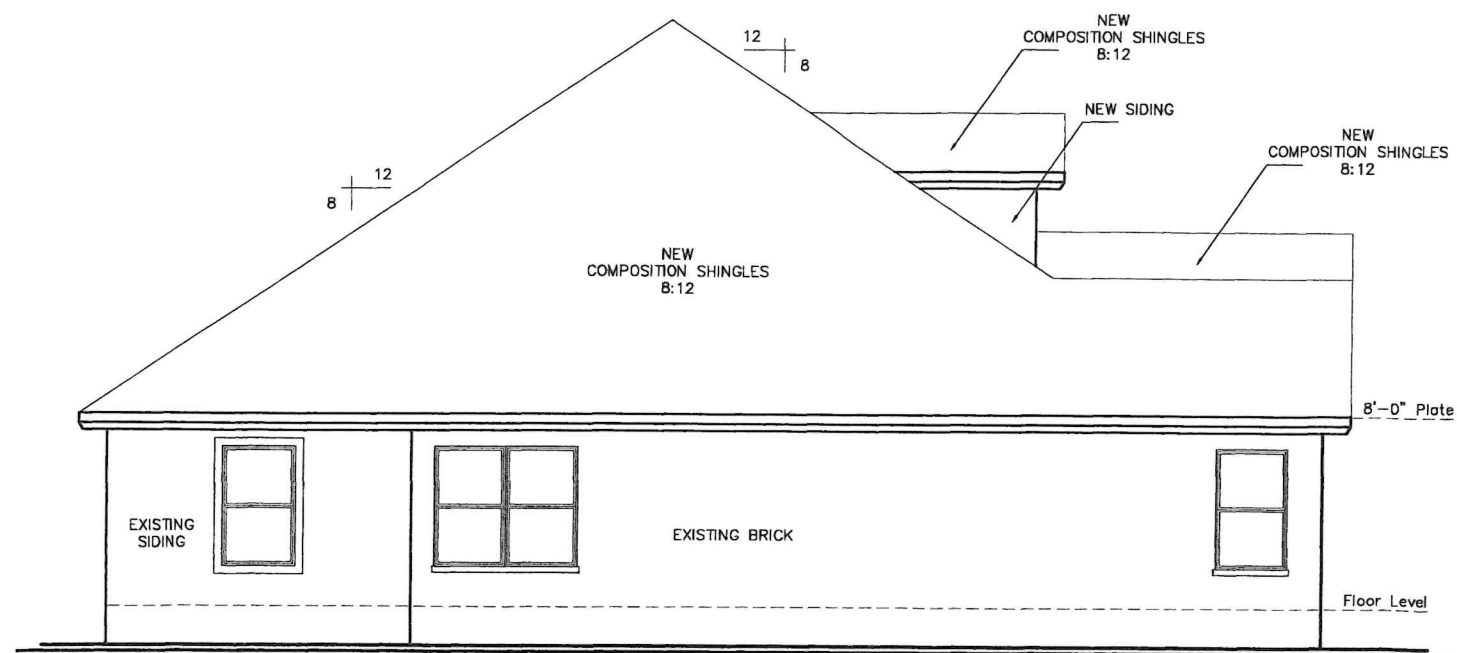
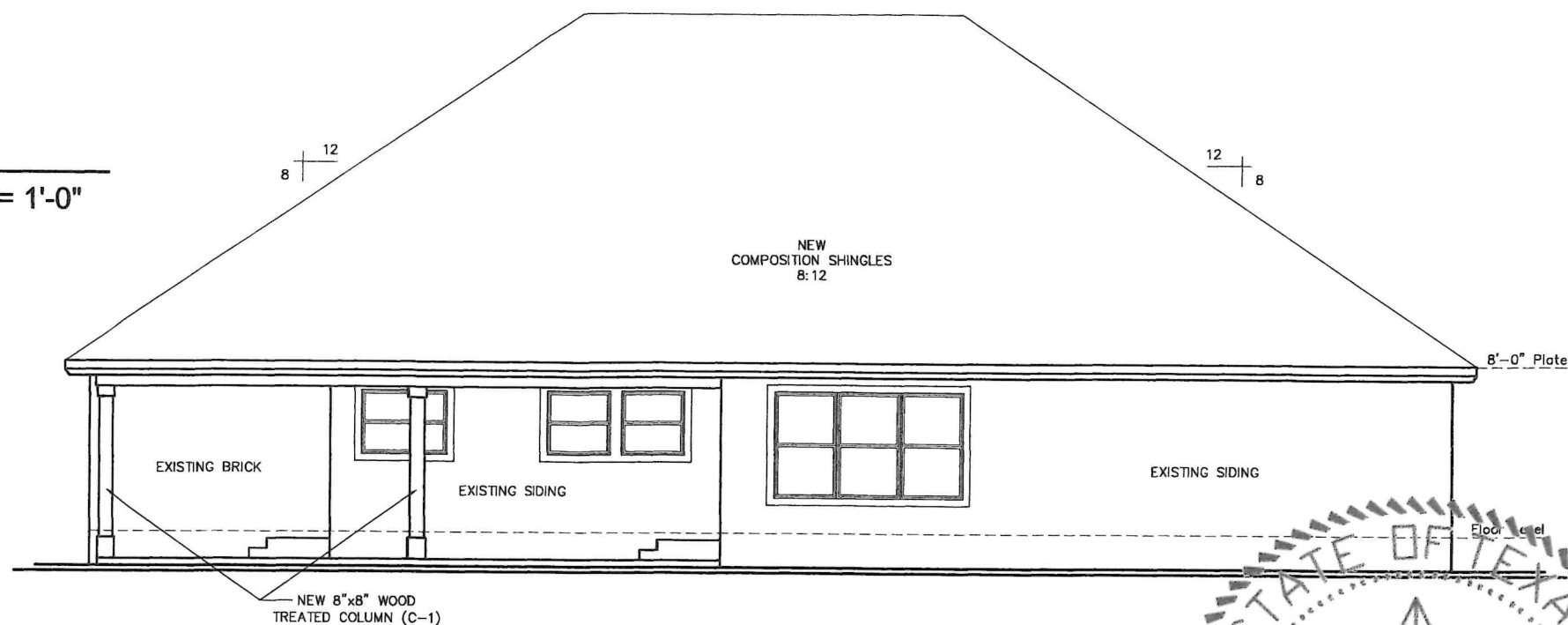
Plan Name:

ELEVATIONS

| | | | |
|------------|------------|-----------|--------------|
| Project #: | 080223 | Drawn By: | JAM |
| Date: | 08-02-2023 | Scale: | 1/8" = 1'-0" |
| Sheet #: | 8 | Of: | 9 |

REAR ELEVATION

SCALE : 1/8" = 1'-0"

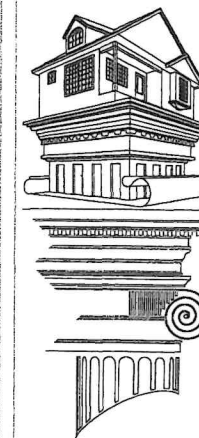


08/21/2023

Xavier Chapa
 Xavier Chapa Engineering/Surveying
 Firm Number F-9156

LEFT ELEVATION

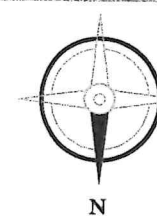
SCALE : 1/8" = 1'-0"



Martinez Design, LLC
 Tel.: 972-891-4160
 Tel.: 972-871-2512
 martinez73@hotmail.com

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| Sheet #: | 9 | Of: | 9 |

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)

Memorandum

To: Richland Hills Zoning Board of Adjustment
From: Logan Thatcher, Assistant to the City Manager
Date: September 5, 2023
Subject: Zoning Variance Request for 3829 Norton Drive

Agenda Item:

Consider ZBA 2023-0761, a request for a variance to increase the lot coverage maximum for the property described as Lot 16, Block 51 Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3829 Norton Drive, Richland Hills, Texas 76118. **PUBLIC HEARING**

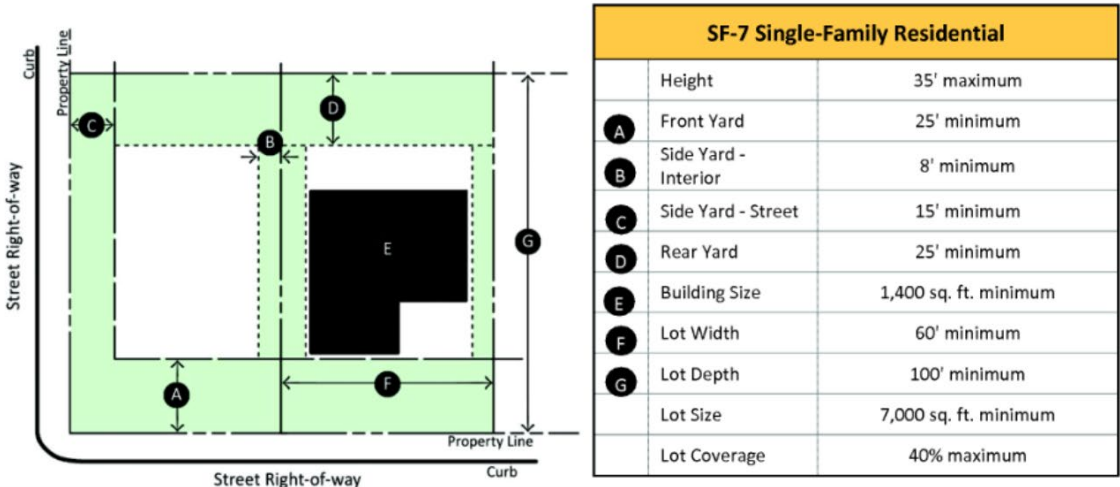
Background Information:

The property at 3829 Norton Drive is a 14,000 square foot lot with a 2,861 square foot single family residence in the SF-7 zoning district. The applicant for this property is Grayson Anderson.

The applicant is requesting a Variance in order to increase the lot coverage maximum of 5,600 square feet by 1,286 square feet making the lot coverage maximum 6,886 square feet. The applicant is looking to replace their detached garage and place it further back on the property due to flooding issues (please see attached slides from the applicant).

Zoning Map:

(D) Area regulations.



Attachments:

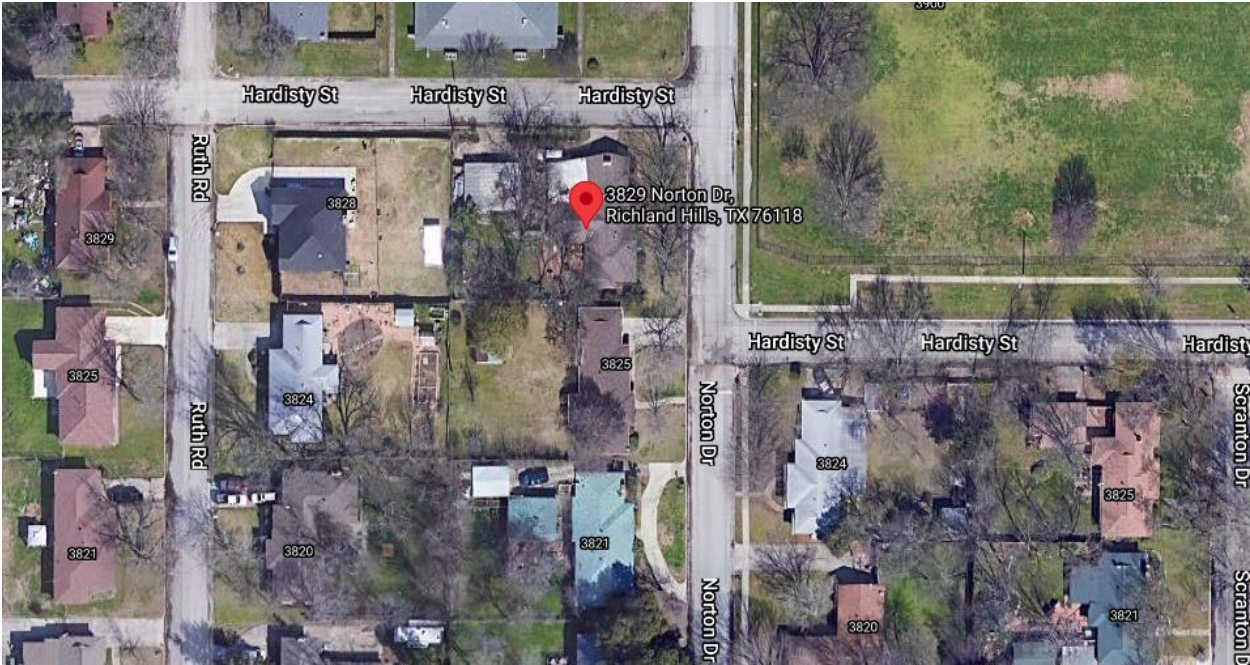
Proposed Plans

Property Photos

Section 6.12 – Zoning Variance

Motion:

Motion to (*approve/deny*) ZBA 2023-0761, a request for a variance to increase the lot coverage maximum for the property described as Lot 16, Block 51 Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3829 Norton Drive, Richland Hills, Texas 76118.



Request for Variance due to hardship to ZBA

Property Address:

3829 Norton Drive

Richland Hills, TX 76118

Owner: Grayson Anderson

Background:

My name is Grayson Anderson and my wife's name is Leah Anderson. We have two teenage boys, both active in sports. Our family has lived in Richland Hills at this address since 2006. When we bought our home, it needed a lot of repairs. One of the biggest issues was drainage. As you'll see below in the original survey, I removed yards and yards of concrete since originally purchased. Through lots of hard work I have made many improvements to our home and take pride in our home's appearance.

The current garage was built around 1956 and this is my only garage. I have no garage attached to our home. I live on a corner lot on the SW corner of Norton Drive and Hardisty Street, directly across the street from Jack Binion Elementary. Details of the current garage and its placement include no reinforcement steel was used in the monolithic slab; the slab and building are not in the greatest shape. The building is below grade in some areas as seen in the pictures. Movement of the slab and proximity of 60 yr. old Pecan trees make garage door repair and adjustment a regular occurrence. By moving the garage back, I will be able to save the current trees that add/ keep value to the property. I Currently have a sump pump in garage to keep flood water levels manageable during a large rain event. This however does not stop the flooding; it only allows it to dry out quicker. Also, with the current setback of only 15' from Hardisty, both of our vehicles when parked in front of the garage hang out into the right of way onto the driveway approach.

Background (continued):

Flooding of current garage (see pics), is the reason for the variance request to move it back away from flood waters coming from Hardisty Street that jumps the curb and enters the driveway approach. Flood waters also cross over from Hardisty Street and into my neighbor's yard, then into mine on the west side where current garage resides and enters through the wall. This request to move the garage will minimize cost to myself and allow me to utilize my property without the worry of flooding, as well as open the property up with larger contiguous spaces that will be more useful to our family for sports, hobbies, etc.

In addition, Binion Elementary school traffic blocks easy entry access to the current garage and property, especially when pulling a trailer, which I do often. A longer drive would alleviate this issue and allow me to pull directly off of the street.

The extra driveway length will allow for us to turn around our vehicles on my property, then pull forward into heavy traffic versus backing out during daily school traffic and during school events. This has been a safety issue with school children walking along Hardisty in and out of parked cars. It would also allow us to park our cars further onto our property out of the right of way. We will have 2 new drivers in the family in the next year and will need the extra parking in the driveway since street parking next to our property is not an option during school days.

"No Parking" signs are in place on both sides of property, both on Norton and Hardisty, as an effort to mitigate Binion Elementary school traffic issues, to keep streets surrounding the school passable and the traffic flowing.

Lastly, there is no feasible place currently for me to load a camping trailer, RV, or boat for weekend or weekday trips at our house, due to the aforementioned "no parking" signs in place.

Overview of Lot Coverage Calculation:

- Lot size 14,000 SF @ 40% coverage is 5600 SF allowable coverage.
- Current coverage is 5967 SF, with 908 SF is existing garage to be torn down and an additional 255 SF of concrete to be removed making up that total number. I would add that I applied and received a permit to replace my driveway in December 2020 and no mention was made by prior administration of being over lot coverage at the time.
- Main Dwelling is 2861 SF @ 50% = 1430 SF allowable for accessory structures. Proposed garage replacement is 30'x35' Garage with additional front porch) = 1050 SF enclosed (1430-1050= 380SF remaining for accessory structure if needed)
- Proposed driveway to new garage = 30SF x 20SF parking pad in front of garage, plus 18'w x 24'L drive connecting to existing drive from Hardisty Street.
- 1050 SF (Garage) + 600 SF Parking pad in front with 432 SF driveway connecting existing driveway to new pad (24' x18') = 2082 SF Total (1032 SF of drive)
- 2082 SF – 908 SF – 255 SF (side paved alley) = 919 SF of new additional lot coverage vs current state (to help visualize that's only an additional 30' x 30' area, or a small sports court worth of extra coverage)

I will also add that since 2006 I have removed approximately 1619 SF of concrete as shown from the 2006 survey until now. Original lot coverage when house was purchased was 7,586 SF. With the new structure lot coverage will be a net negative from 2006 purchase to after construction of -700 SF.

September 5, 2023

6-8



3829 Norton Drive



3829 Norton Drive viewed from Hardisty St

September 5, 2023
6-10

Hardship Due
to flooding







**Water flows
across curb, into
neighbors yard,
into my yard,
down driveway
and into west
side of garage.**

September 5, 2023
6-13





Flooding (Continued)

- Pictures are taken looking west on Hardisty and on West side of property near garage.



Rear (South side) of
existing Garage

Foundation
approximately 6 -8 "
below surrounding
grade. A gravel trench
installed to try and
mitigate flooding.

“Fixes”
performed
to try and
help with
Flooding

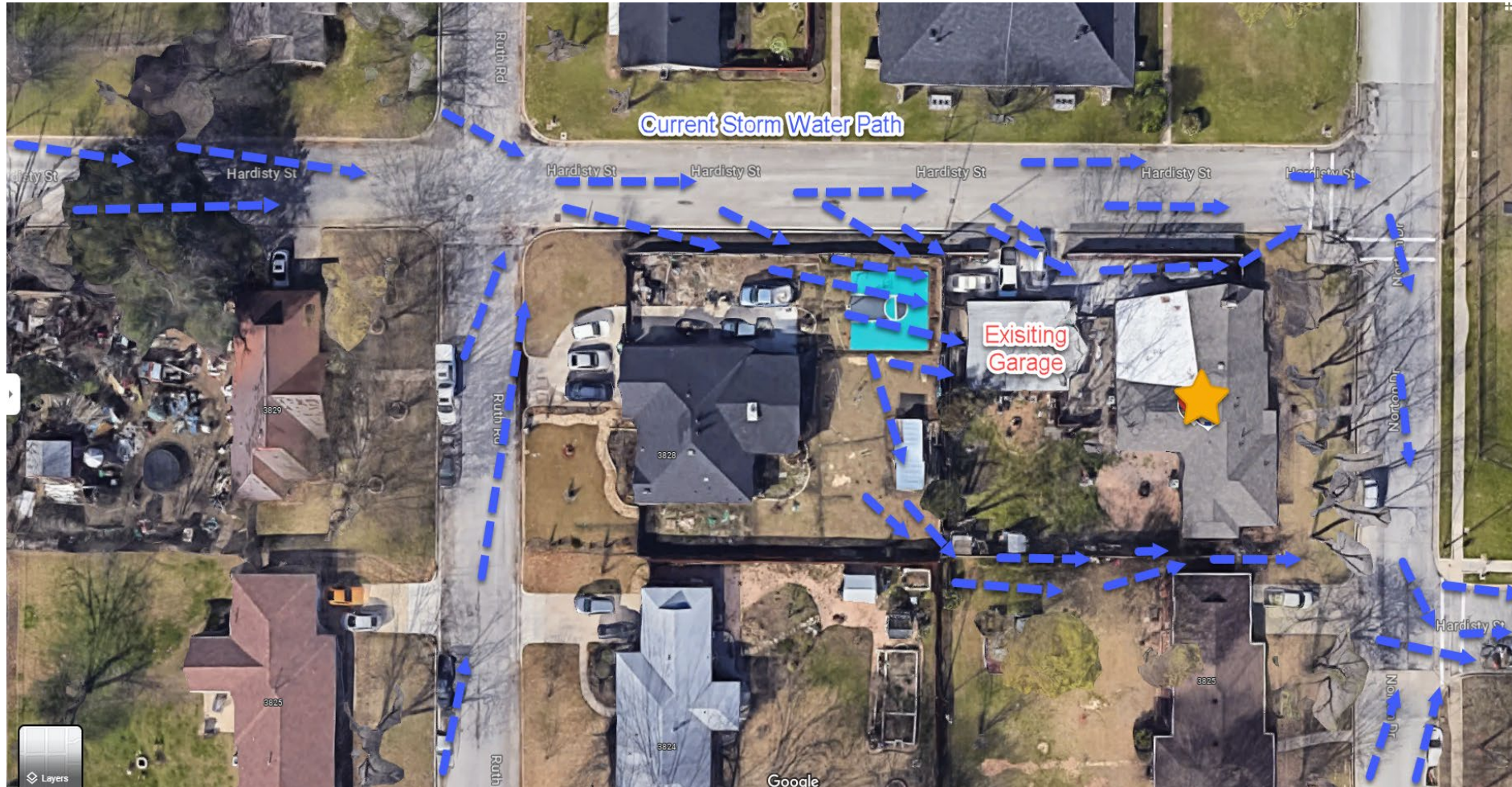
Where water enters garage currently

- Water rises 4+ inches on the west wall in large rain events, then it enters a sump pump and is pumped out.
- Issues with this are garage is still getting flooded and because of the grade there is no where to pump the water to.
- It's an endless cycle the pump trying to keep up and added stress of constantly checking the pump for failure and clogging.



Diagram to show flow of flood waters:

September 5, 2023
6-17





Hardship due to traffic and street parking, No parking on South Side of Hardisty Street:





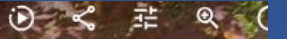


Hardship due to traffic and street parking, No Parking on both sides of Norton Drive (continued)



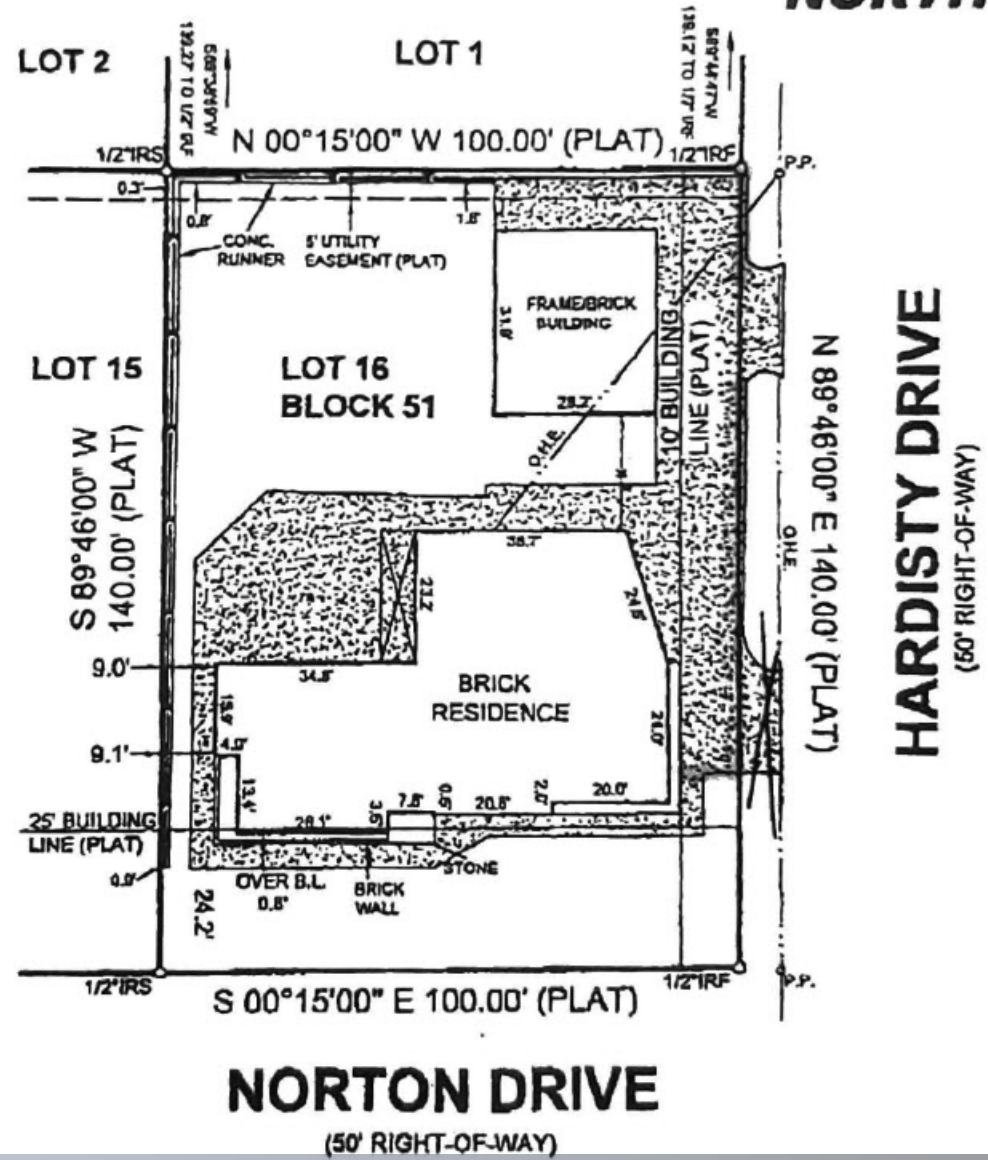
September 5, 2023

6-22





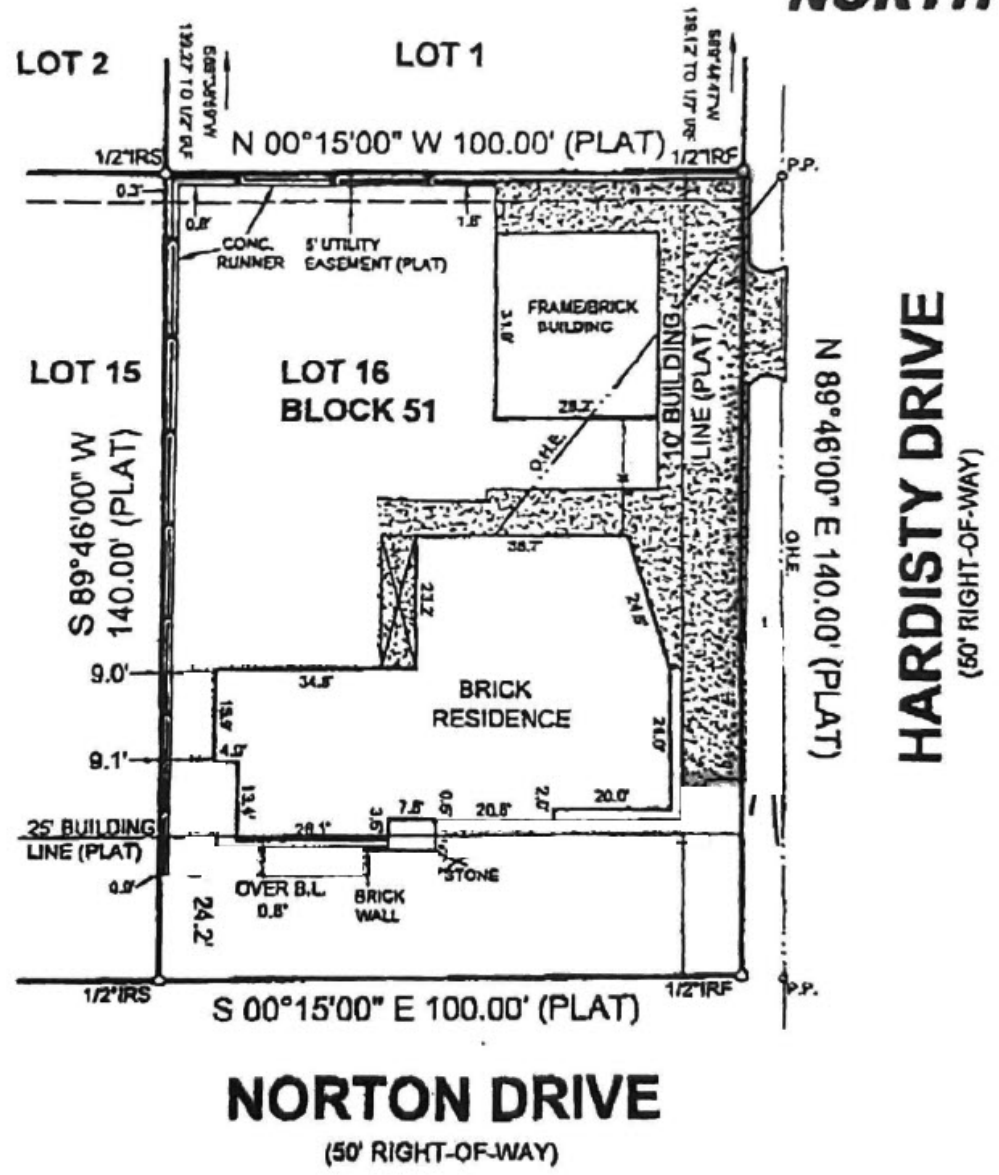
Surveys. When purchased in 2006, Now, and Proposed.



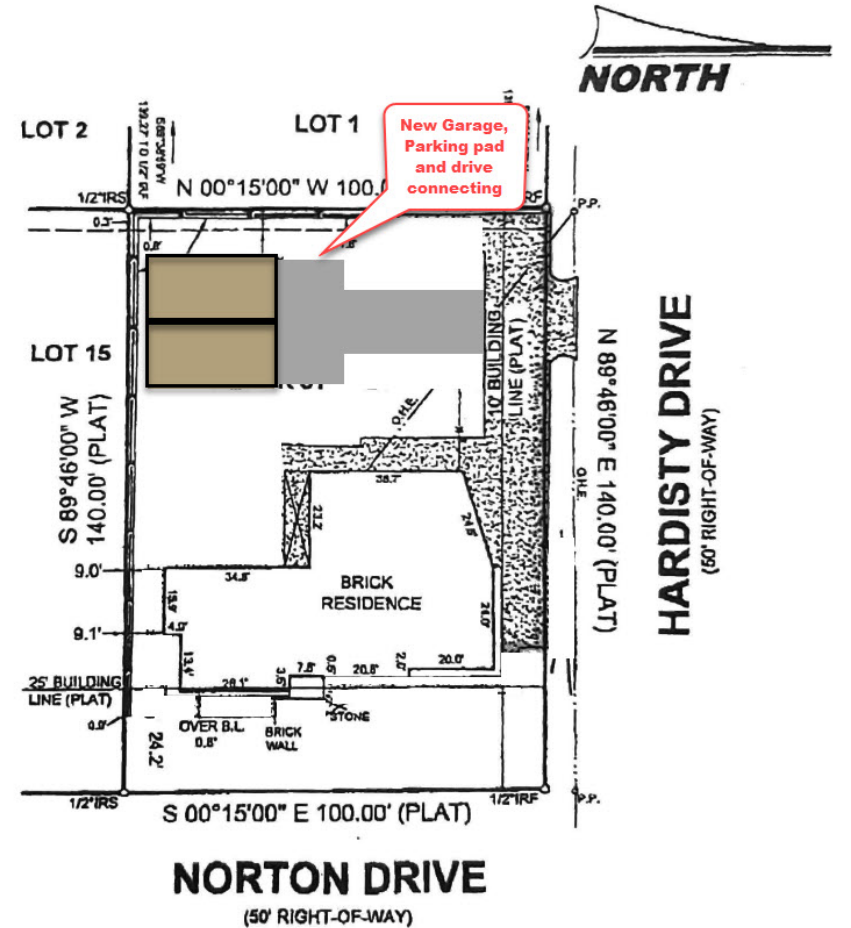
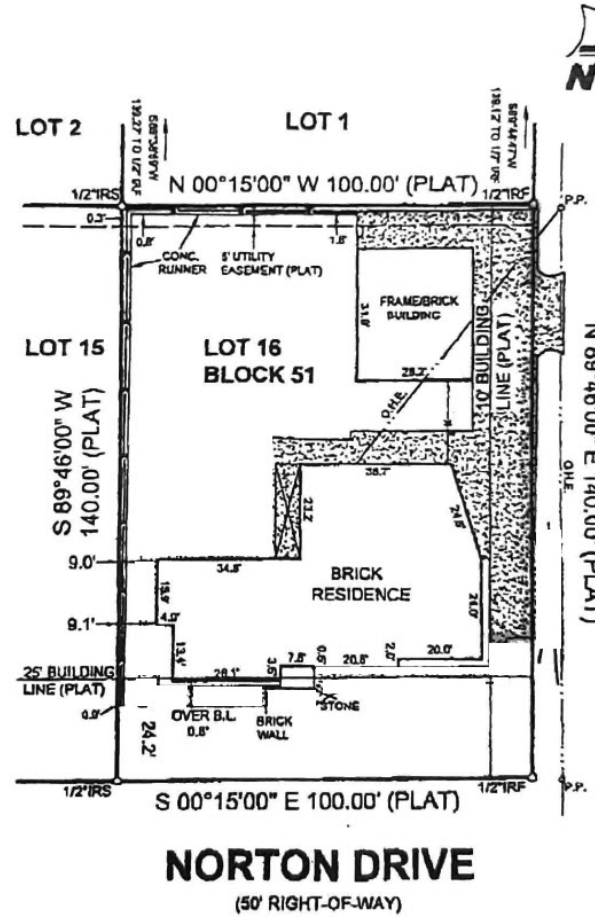
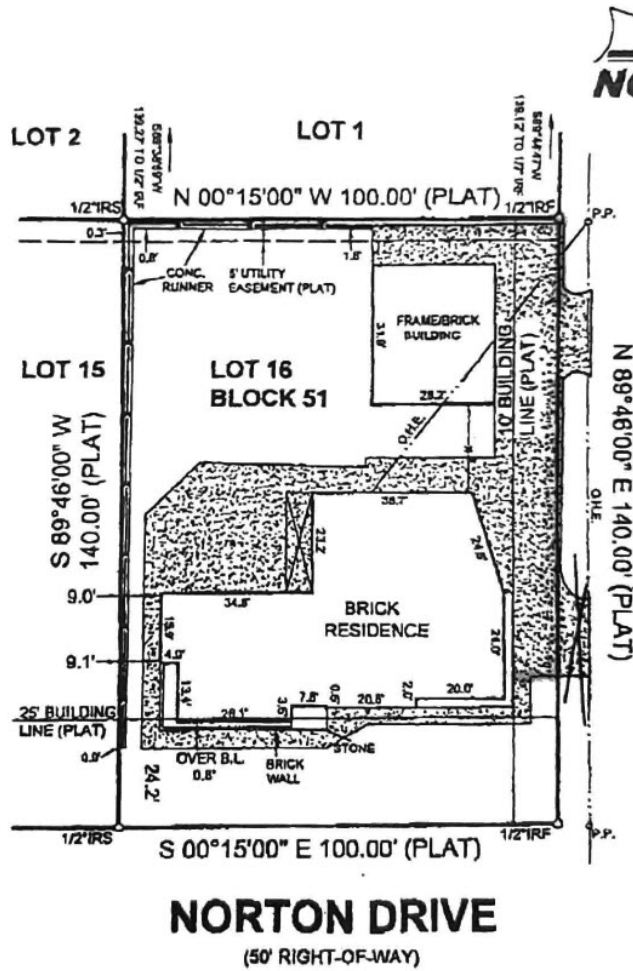
Survey 2006



Survey edited
to show as of
Aug 2023



All three surveys displayed for comparison



Current satellite view of property layout and proposed demo plan of removal of existing concrete and garage





**Existing trees to
save by moving
gargae back**

Trees to be saved by moving garage back:



New Site plan and 3D renderings:

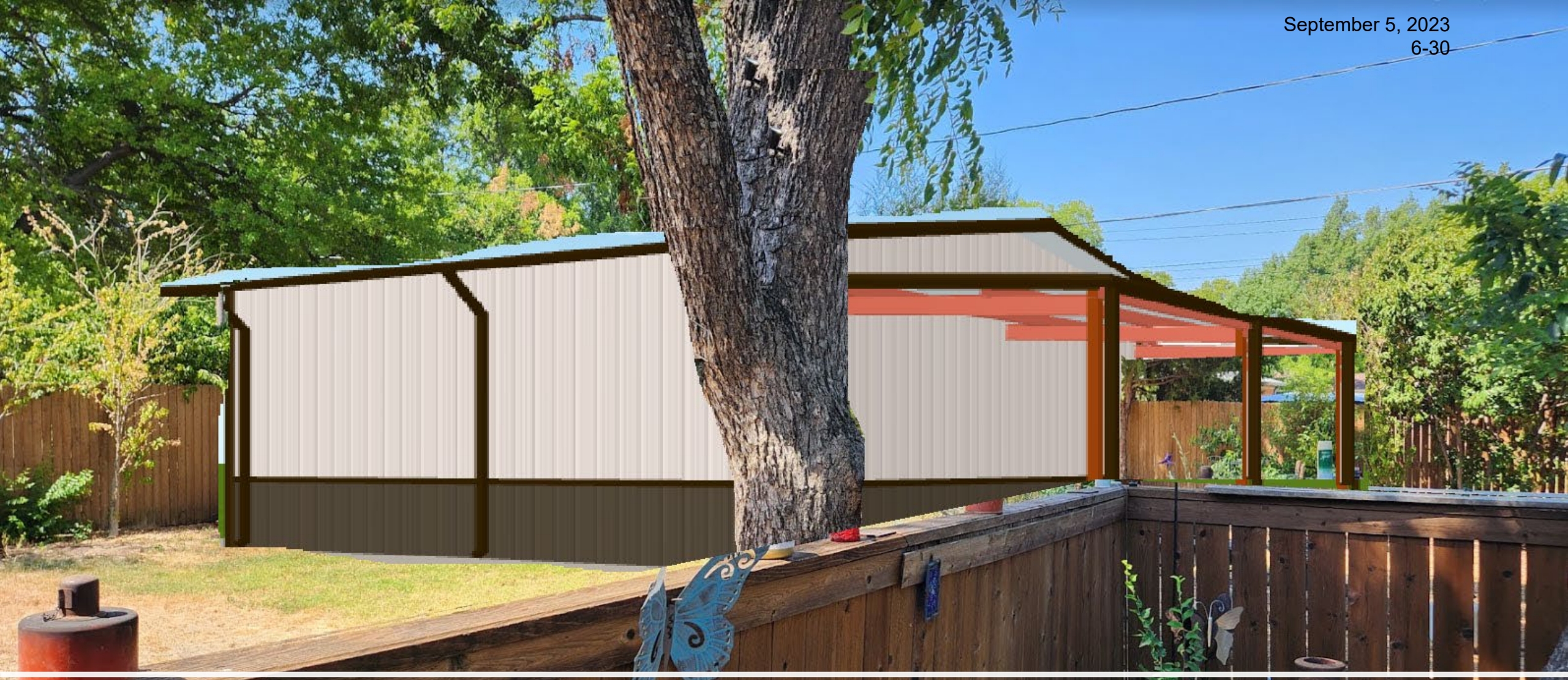
Overhead view



Drive leading
to Garage

Parking Pad in
front of garage

New 30'x35'
garage



From backyard looking SW

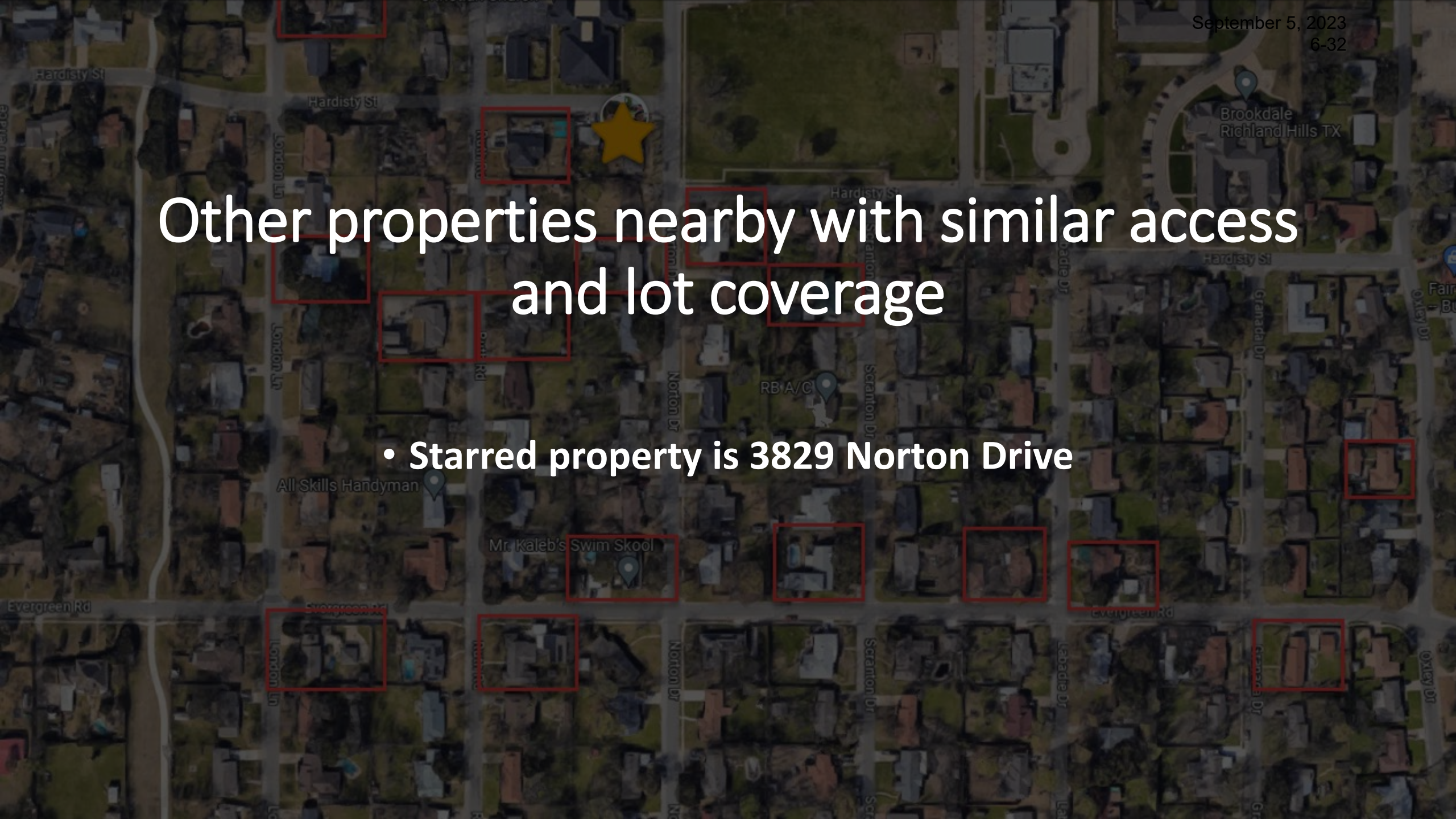


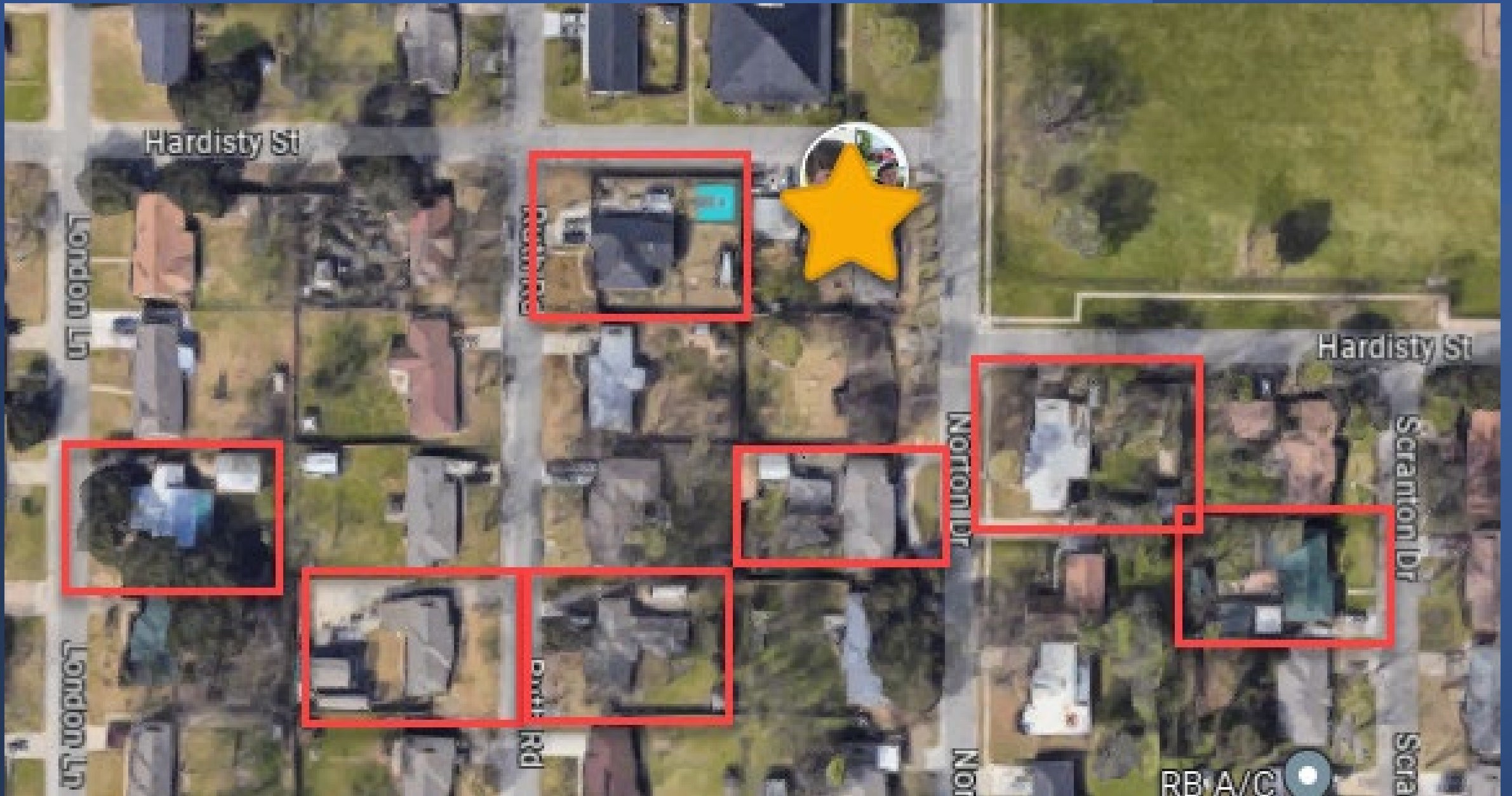


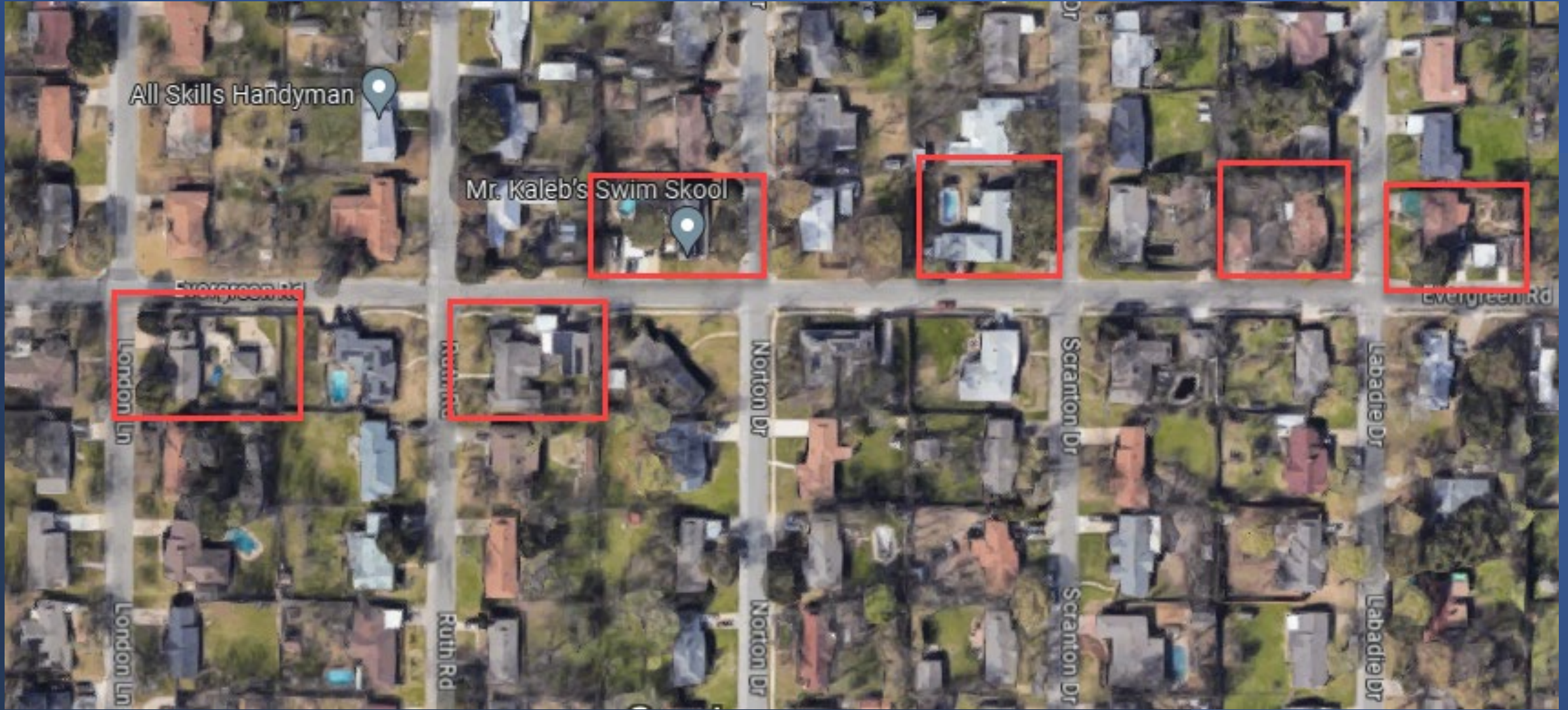
Looking South from Hardisty onto property

Other properties nearby with similar access and lot coverage

- Starred property is 3829 Norton Drive









Questions?

Section 6.12 - Zoning Variance

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