

**ZONING BOARD OF ADJUSTMENT  
APRIL 2, 2024  
MINUTES**

Roll Call:

Members present

Jorge Cisneros, Chair  
Ashly Schilling, Place 3  
Lisa Skier, Place 5 (arrived 6:07 p.m.)  
Joyce Fiaccone, Alternate 1

Members absent

Athena Campbell, Place 4

Staff present

JP Ducay, Director of Planning and Development Services  
Lindsay Rawlinson, City Secretary  
Elizabeth Yelverton, City Attorney

**ZONING BOARD OF ADJUSTMENT WORK SESSION – 6:03 PM**

**1. Provide training regarding Zoning Board of Adjustment authority pursuant to the Code of Ordinances and Local Government Code 211.009.**

City Attorney Elizabeth Yelverton provided legal training for the Zoning Board of Adjustment and covered topics including the Board's basis for authority, the authority granted under state law, the requirements for an appeal of an administrative decision, and the conditions for granting a variance.

Chairman Cisneros adjourned the worksession at 6:36 p.m.

**REGULAR SESSION – 7:00 PM**

**2. CALL TO ORDER**

Chairman Cisneros called the meeting to order at 7:00 p.m.

**3. 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 Skier and seconded by Member Schilling to convene into Executive Session. Time: 7:00 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 7:21 p.m.

#### **4. PUBLIC COMMENTS**

None.

#### **REGULAR AGENDA**

#### **5. Approved minutes from the March 5, 2024 Zoning Board of Adjustment meeting.**

**Motion:** Motion was made by Member Skier and seconded by Member Fiaccone to approve the March 5, 2024 Zoning Board of Adjustment meeting minutes.

Motion carried by a vote of 4-0.

#### **6. Approved ZBA 2024-0116, a request for a variance to decrease the front and side yard setback requirement for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118. PUBLIC HEARING**

Director of Planning and Development Services JP Ducay presented ZBA 2024-0116, a request for a variance to decrease the front and side yard setback requirements for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118. The property is a 7,380 square-foot lot with a 1,049 square-foot single-family residence located in the SF-7 zoning district. The applicant for this property is Ivan Hernandez Ramirez.

The applicant is proposing to construct a covered front porch and expand the main living area. During preliminary building plan review, it was determined that the proposed construction would encroach into the front and side yard setback. The applicant is requesting a variance to decrease the front yard setback of 25 feet to 18 feet six inches and the side yard setback of eight feet to six feet one inch. The living area expansion is proposed to line up consistently with the existing building footprint. Subsequently, the subject residence currently encroaches into the side yard setback. This legal non-conforming status is lost, and a variance must be received when proposing to expand a non-conforming structure.

Chairman Cisneros opened the Public Hearing at 7:28 p.m. and asked to hear from any proponents followed by opponents of the case.

Applicant Ivan Hernandez, 3012 Elm Park, Richland Hills, advised that he is needing more space and protection from the rain. He is planning to keep the roof line the same.

Discussion ensued regarding legal nonconforming and property lines as well as the roof line staying the same.

Holly Russey, 3102 Elm Park, Richland Hills, agrees that the applicant needs additional space but asked if they could build a privacy fence between the two properties.

Chairman Cisneros closed the Public Hearing at 7:44 p.m.

**Motion:** Motion was made by Member Fiaccone and seconded by Member Skier to consider the variance to the front and side yard setbacks separately.

Motion passed by a vote of 4-0.

**Motion:** Motion was made by Member Skier and seconded by Member Fiaccone to approve ZBA 2024-0116, a variance to decrease the front yard setback requirements from 25 feet to 18 feet six inches for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118.

Motion passed by a vote of 4-0.

Discussion ensued regarding the need for a variance if the rear of the house was expanded as opposed to the side yard.

Mr. Ducay confirmed that a variance would not be needed if the applicant expanded the house into the back rather than the side.

**Motion:** Motion was made by Member Fiaccone to deny ZBA 2024-0116, a variance to decrease the side yard setback requirements from eight feet to six feet one inch for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118.

Motion failed due to lack of a second.

**Motion:** Motion was made by Member Schilling and seconded by Member Skier to approve ZBA 2024-0116, a variance to decrease the side yard setback requirements from eight feet to six feet one inch for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118.

Motion passed by a vote of 4-0.

**7. Approved ZBA 2024-0128, a request for a variance to decrease the side yard setback requirement and allow for an oversized carport for the property described as Lot 5, Block 18, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2821 Elm Park, Richland Hills, Texas 76118. PUBLIC HEARING**

Director of Planning and Development Services JP Ducay presented ZBA 2024-0128, a request for a variance to decrease the side yard setback requirement and allow for an oversized carport for the property described as Lot 5, Block 18, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2821 Elm Park, Richland Hills, Texas 76118. The property is a 7,500 square-foot lot with a 1,050 square-foot single-family residence located in the SF-7 zoning district. The applicant for this property is Jeremie Bosques Mendez.

According to **Section 4.02(C) Accessory Structure Standards – Carports:**

- (1.b.) A carport shall be setback five feet from the side property line.
- (2.b.) The roof assembly of a carport shall not exceed 25 feet in length or 25 feet in width. The inside vertical clearance of a carport shall not be less than seven feet, nor more than nine feet.

In October 2023, the applicant constructed a carport on the subject property without proper permits. In February 2024, during a routine city assessment, the Code Compliance department recognized the newly constructed carport. After a site inspection, it was determined that the carport was not in compliance with location and size requirements. The subject carport is 10 feet tall with a roof assembly of 36 feet in length and 15 feet in width. The carport was also constructed one foot off the side yard property line. The applicant was informed that the carport would either need to be taken down or variances would need to be granted for any zoning violations.

The applicant is requesting the following variances:

1. Decrease the side yard setback of five feet (5') to one foot (1').
2. Increase the roof assembly length of 25 feet to 36 feet.
3. Increase the vertical clearance maximum of nine feet (9') to 10 feet.

Chairman Cisneros opened the Public Hearing at 8:01 p.m. and asked to hear from any proponents followed by opponents of the case.

Applicant Jeremie Bosques Mendez, 2821 Elm Park, Richland Hills, stated that he was unaware that he needed a permit to build a carport. The last time there was a hailstorm, his vehicles were damaged and he has no garage so he decided to build a 10 foot tall carport.

Discussion ensued regarding lowering the height of the carport to nine feet.

Chairman Cisneros closed the Public Hearing at 8:10 p.m.

**Motion:** Motion was made by Member Fiaccone and seconded by Member Skier to consider the three variance requests separately.

Motion passed by a vote of 4-0.

**Motion:** Motion was made by Member Fiaccone and seconded by Member Schilling to approve ZBA 2024-0128, a request for a variance to decrease the side yard setback of five feet (5') to one foot (1') described as Lot A, Block 98, Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 7600 Bridges Avenue, Richland Hills, Texas 76118.

Motion passed by a vote of 4-0.

**Motion:** Motion was made by Member Fiaccone and seconded by Member Schilling to approve ZBA 2024-0128, a request for a variance to increase the roof assembly length of 25 feet to 36 feet described as Lot A, Block 98, Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 7600 Bridges Avenue, Richland Hills, Texas 76118.

The vote was as follows:

For: Chair Cisneros, Members Skier and Fiaccone  
Against: Member Schilling

Motion failed by a vote of 3-1.

Discussion ensued regarding the length of the carport.

**Motion:** Motion was made by Member Fiaccone and seconded by Member Schilling to approve ZBA 2024-0128, a request for a variance to increase the roof assembly length of 25 feet to 36 feet described as Lot A, Block 98, Richland Hills Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 7600 Bridges Avenue, Richland Hills, Texas 76118.

Motion passed by a vote of 4-0.

Code Compliance Officer Melissa Scheuttig advised that the structure must be built according to the City's Code of Ordinances even if a permit was not applied for and approved.

Mr. Mendez advised that the person who helped construct the carport advised him that a height lower than 10 feet would be susceptible to high winds.

**Motion:** Motion was made by Member Schilling and seconded by Member Skier to deny ZBA 2024-0128, a request for a variance increase the vertical clearance maximum of nine feet (9') to 10 feet described as Lot A, Block 98,

Richland Hills Addition, City of Richland Hills, Tarrant County, Texas  
otherwise known as 7600 Bridges Avenue, Richland Hills, Texas 76118.

Motion passed by a vote of 4-0.

## **8. ADJOURNMENT**

**Motion:** Motion was made by Member Schilling and seconded by Member Skier 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 8:36 p.m.

**ATTEST:**

**APPROVED:**

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Lindsay Rawlinson, City Secretary

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Jorge Cisneros, Chairman