

**ZONING BOARD OF ADJUSTMENT
AUGUST 6, 2024
MINUTES**

Roll Call:

Members present

Jorge Cisneros, Chair
Edward Lopez, Place 2
Athena Campbell, Place 4
Lisa Skier, Place 5
Joyce Fiaccone, Alternate 1 (arrived 6:09 p.m.)
Donald Acker, Alternate 2
Melissa Scheuttig, Alternate 3

Members absent

Ashly Schilling, Place 3
Mike Witt, Alternate 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 – 6:00 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.

Director of Planning and Development Services JP Ducay provided a brief overview of a zoning text amendment recently approved by the City Council. The amendment addresses legal nonconforming structures throughout the City and providing a process for these structures to pursue expansion via a special exception.

Chairman Cisneros adjourned the worksession at 7:02 p.m.

REGULAR SESSION – 7:00 PM

2. CALL TO ORDER

Chairman Cisneros called the meeting to order at 7:03 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 Campbell to convene into Executive Session. Time: 7:03 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 7:18 p.m.

4. PUBLIC COMMENTS

None.

REGULAR AGENDA

5. Approved minutes from the April 2, 2024 Zoning Board of Adjustment meeting.

Motion: Motion was made by Member Skier and seconded by Member Campbell to approve the April 2, 2024 Zoning Board of Adjustment meeting minutes.

Motion carried by a vote of 4-0.

6. Approved ZBA 2024-0607, a special exception request to decrease the side yard and front yard setback requirements for the property described as Lot 5, Block 3, Richland Park Annex, City of Richland Hills, Tarrant County, Texas otherwise known as 2916 Gumwood Park, Richland Hills, Texas 76118. PUBLIC HEARING

Director of Planning and Development Services JP Ducay presented ZBA 2024-0607, a special exception request to decrease the side yard and front yard setback requirements for the property described as Lot 5, Block 3, Richland Park Annex, City of Richland Hills, Tarrant County, Texas otherwise known as 2916 Gumwood Park, Richland Hills, Texas 76118. The property is a 6,836 square-foot lot with a 1,457 square-foot single-family residence located in the SF-7 zoning district. The applicants for this property are John and Janet Hammons.

The applicant is proposing to demo a closet wall and expand the space into an additional bedroom. During preliminary building plan review, it was determined that the proposed construction would encroach into the front and side yard setback. However, the addition is proposing to lineup with the structures existing side yard and front yard setback

encroachments. The addition will encroach approximately two and a half inches into the front yard setback to align with the front façade. When the home was originally constructed in 1956, it was setback only five feet from the side yard property line. The structure inherently encroaches into the SF-7 side yard setback requirement of eight feet as it is setback five feet from the property line. The addition will align with the existing building footprint and side yard encroachment. The applicant is also proposing to install an awning over the front door. Eaves and roof extensions such as an awning may project into the front yard setback for a distance not to exceed three feet.

The applicant is requesting a special exception to decrease the front yard setback of 25 feet to 24 feet and 9.5 inches and the side yard setback of eight feet to five feet. The proposed expansion will align with existing building footprint and will not further encroach into any setbacks.

Chairman Cisneros opened the Public Hearing at 7:24 p.m. and asked to hear from any proponents followed by opponents of the case.

Applicant Janet Hammons, 2916 Gumwood Park, Richland Hills, advised that the property belongs to her parents and they are seeking to expand the property to be more livable for her aging parents.

Chairman Cisneros closed the Public Hearing at 7:26 p.m.

Discussion ensued regarding if the applicant had attempted to apply previously.

Mr. Ducay advised that they have no previously applied but the recently approved zoning text amendments approved by City Council allowed the applicants a path forward.

Motion: Motion was made by Member Skier and seconded by Member Lopez to approve ZBA 2024-0607, a special exception request to decrease the side yard and front yard setback requirements for the property described as Lot 5, Block 3, Richland Park Annex, City of Richland Hills, Tarrant County, Texas otherwise known as 2916 Gumwood Park, Richland Hills, Texas 76118.

Motion passed by a vote of 4-0.

7. Approved ZBA 2024-0594, a special exception request to decrease the side setback requirements for the property described as Lot 7, Block 20, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2816 Fir Park, Richland Hills, Texas 76118. PUBLIC HEARING

Director of Planning and Development Services JP Ducay presented ZBA 2024-0594, a special exception request to decrease the side yard setback requirements for the property described as Lot 7, Block 20, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2816 Fir Park, Richland Hills, Texas 76118. The property at 2816 Fir Park is a 7,500 square-foot lot with an 880 square-foot single-family

residence located in the SF-7 zoning district. The applicant for this property is Brian Mathis.

According to Section 2.03.03(D) SF-7 Single-Family Residential – Area regulations:

- The side yard interior setback shall be a minimum of 8 feet.

The applicant is proposing to enclose a pre-existing carport attached to the primary residence. The carport will be converted into an internal air-conditioned master bedroom. During preliminary building plan review, it was determined that the proposed construction would encroach into the side yard setback. However, the addition is proposing to lineup with the structures existing side yard encroachments. When the home was originally constructed in 1953, it was likely setback only five feet two inches from the side yard property line. The structure inherently encroaches into the SF-7 side yard setback requirement of eight feet as it is setback only five feet and two inches from the property line. The enclosure of the carport will align with the existing building/carport footprint and side yard encroachment.

The applicant is requesting a special exception to decrease the side yard setback of eight feet to five feet two inches. The proposed expansion will align with existing building footprint and will not further encroach

Chairman Cisneros opened the Public Hearing at 7:32 p.m. and asked to hear from any proponents followed by opponents of the case.

Hearing none, Chairman Cisneros closed the Public Hearing at 8:10 p.m.

Motion: Motion was made by Member Skier and seconded by Member Campbell to approve ZBA 2024-0594, a special exception request to decrease the side setback requirements for the property described as Lot 7, Block 20, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2816 Fir Park, Richland Hills, Texas 76118.

Motion passed by a vote of 4-0.

8. ADJOURNMENT

Motion: Motion was made by Member Skier and seconded by Member Campbell 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 7:36 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Jorge Cisneros, Chairman