

**ZONING BOARD OF ADJUSTMENT
MAY 6, 2025
MINUTES**

Roll Call:

Members present

Jorge Cisneros, Place 1
Edward Lopez, Place 2
Ashly Schilling, Place 3
Melissa Scheuttig, Alternate 2
Mike Witt, Alternate 4

Members absent

Donald Acker, Chair
Joyce Fiaccone, Alternate 1
Rachel Konopka, Alternate 3

Staff present

JP Ducay, Director of Planning and Development Services
Lindsay Rawlinson, City Secretary
Annabelle Ackling, City Attorney

1. CALL TO ORDER

Motion: Motion was made by Member Lopez and seconded by Member Scheuttig to nominate Mike Witt to serve as Chair during the meeting in Chair Acker's absence.

Motion carried by a vote of 5-0.

Chair Witt called the meeting to order at 6:05 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 Lopez and seconded by Member Schilling to convene into Executive Session. Time: 6:07 p.m.

Motion carried by a vote of 5-0.

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

Chair Witt reconvened into open session. Time 6:41 p.m.

3. PUBLIC COMMENTS

None.

REGULAR AGENDA

4. **Approved minutes from the January 7, 2025 Zoning Board of Adjustment meeting.**

Motion: Motion was made by Member Lopez and seconded by Member Cisneros to approve the January 7, 2025 Zoning Board of Adjustment meeting minutes.

Motion carried by a vote of 5-0.

5. **Approved ZBA 2024-0366, a request for a zoning variance to decrease the side yard setback requirements for the property described as Lot 9, Block 7, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 7138 Maple Park Dr, Richland Hills, Texas 76118. PUBLIC HEARING**

Director of Planning and Development Services JP Ducay presented ZBA 2024-0366, a request for a zoning variance to decrease the side yard setback requirements for the property described as Lot 9, Block 7, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 7138 Maple Park Dr, Richland Hills, Texas 76118. The property is a 6,729 square-foot lot with a 1,226 square-foot foundation for a future single-family residence and a 460 square-foot foundation for a future detached garage located in the SF-7 zoning district. The applicant for this property is Philip Lao.

Mr. Lao previously came before the Zoning Board of Adjustment on January 7, 2025 to request a special exception to decrease the western side yard setback of eight feet to five feet. The City's Nonconforming and Special Exception ordinances allowed for the owner to request a special exception to decrease the side yard setback of eight feet to five feet if the proposed expansion aligned with the existing footprint and not further encroach into any setbacks.

The request was approved by the Zoning Board of Adjustment. Following this approval by the ZBA, residential remodel permits were submitted to the City and approved for the residential remodel and new garage on February 24, 2025. On March 26, 2025, the new garage foundation was poured and passed inspection. On March 31, 2025, City staff was made aware that the existing residential structure had been demolished (without notice). The only thing remaining was the original foundation.

The existing foundation still encroached three feet into the western side yard setback and one foot and four inches into the eastern side-yard setback. However, now that the structure has been demolished/totally destroyed, it has lost its legal-nonconforming designation and may not be rebuilt except to conform to current development standards.

City staff informed Mr. Lao of the options moving forward:

- Option 1 – Demolish remaining foundation and construct new foundation and home in compliance with current standards.
- Option 2 – Build upon the existing foundation, however, the new residences vertical walls shall not encroach into any setbacks. In this case, there should be unused or excess foundation remaining on both side yards as the new vertical construction cannot encroach into the side yard setbacks. Ultimately, the new home would need to be thinner to comply.
- Option 3 – Request a Zoning Variance to allow for the new home to be built upon the existing foundation encroaching into both side yard setbacks.

The applicant is proposing to build a new single-family home upon an existing foundation that encroaches into both side yard setbacks. Mr. Lao is requesting a zoning variance to decrease the western side yard setback of eight feet to five feet and the eastern side yard setback of 15 feet to 13 feet. The proposed building footprint will be completely consistent with the original residence prior to its demolition.

Chair Witt opened the Public Hearing at 6:55 p.m. and asked to hear from any proponents followed by opponents of the case.

Philip Lao, 7138 Maple Park Drive, Richland Hills, informed the Board that he purchased the property 10 years ago with the intention to live in the property in retirement and has been renting the property. He is not a house flipper. After the home was destroyed in a fire, he wanted to rebuild the home and make it nice for the surrounding neighborhood.

The Board asked if the foundation has been inspected following the fire damage.

Mr. Lao confirmed that the foundation will be inspected and will be reinforced if the inspection deems that necessary.

Does the City have minimum residential size requirements.

Mr. Ducay advised that homes must be at 1,400 square feet with certain exceptions.

Discussion ensued regarding the timeline of the demolition, rebuilding the property, and the fire in January 2024. The Board expressed concern that the contractor did not know the local laws concerning permitting and demolition.

Chair Witt closed the Public Hearing at 7:10 p.m.

Further discussion ensued regarding the loss of the nonconforming use.

The Board agreed that the applicant needs to bring forward a different plan for consideration.

Motion: Motion was made by Member Lopez and seconded by Member Scheuttig to deny ZBA 2024-0366, a request for a zoning variance to decrease the side yard setback requirements for the property described as Lot 9, Block 7, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 7138 Maple Park Dr, Richland Hills, Texas 76118.

Motion passed by a vote of 5-0.

6. ADJOURNMENT

Motion: Motion was made by Member Lopez and seconded by Member Scheuttig to adjourn.

Motion carried by a vote of 5-0.

There being no further business to come before the Zoning Board of Adjustment, Chair Acker declared the meeting adjourned at 7:15 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Donald Acker, Chair