



ZONING BOARD OF ADJUSTMENT MEMORANDUM

FROM: Planning & Zoning Department **DATE:** January 26, 2023
SUBJECT: ZBA22-0007 Public hearing and consideration of a request from Trent Properties, LLC for a variance from Section 118-313 (Lot and Area Requirements) of the North Richland Hills zoning ordinance at 7305 Smithfield Road, being 0.287 acres described as Lot 6, Block 1, Lee's Crossing.
PRESENTER: Clayton Husband, Principal Planner

SUMMARY

John Trent is requesting approval of a variance to the lot and area requirements to provide less than 20% rear yard open space on a residential lot located at 7305 Smithfield Road.

BACKGROUND INFORMATION

The property is located on the west side of Smithfield Road between Starnes Road and Old Hickory Drive. The lot is 12,496 square feet (0.287 acres) in size. The owner proposes to construct a new 5,225-square-foot residence on the property.

On November 1, 2022, the applicant's contractor applied for a building permit to construct a new residence on the property. During the review of the application, it was determined that the design did not satisfy the standard for rear yard open space as required by the zoning ordinance. The zoning ordinance requires that at least 20% of the lot area be maintained as rear yard open space. The applicant was advised that the design must be adjusted to provide the required open space. Rather than adjust the design, the applicant has submitted an application for variance.

The variance application and supporting materials are attached. The materials include a copy of the application explaining the reasoning for the variance request, a survey of the lot, and plans showing the proposed improvements to the property. An analysis of the request and relevant codes is below.

ANALYSIS

The applicant proposes to construct a new residence on the property. The lot is part of the Lee's Crossing subdivision, which includes seven (7) lots located on a slip street adjacent to Smithfield Road. While all the lots front Smithfield Road, access to the property is provided from a private drive parallel to the street. The property is zoned RI-PD Residential Infill Planned Development, which was approved by City Council on January 11, 2016 (Ordinance 3385). The RI-PD standards state the lots must generally conform to the R-2 Single-Family Residential standards.

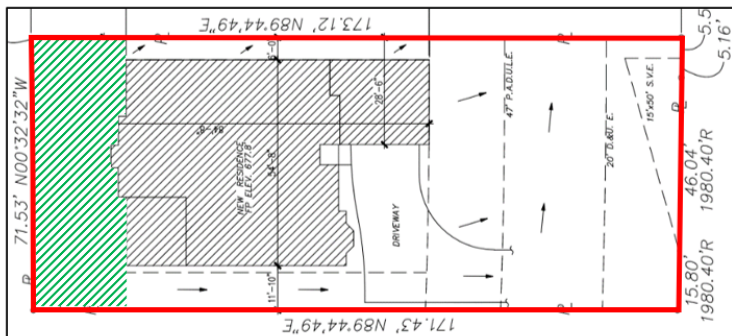
The lot in question is 72.52 feet wide at the front property line, 172 feet deep, and has a 67-foot front building line. The front of the lot is encumbered by a 47-foot wide private access, drainage, utility, and landscape easement, which takes up 3,408 square feet (27%) of the lot area. The improvements in the easement include a common private drive, parking areas, landscaping, fencing, and public utilities. A copy of the lot survey and the subdivision plat is attached for reference.

The variance request is related to the rear yard open space standards contained in [Section 118-313](#) of the zoning ordinance. This section requires that every lot provide open space in the rear yard area. The rear yard open space area is defined as:

...an area reserved as an open space in the rear portion of a yard which extends from one side property line to another side property line and abutting the rear property line. The rear yard open space shall not protrude beyond the two most extreme corners of the main structure and no part of a residential dwelling unit may be constructed so as to occupy any portion of the rear yard open space.

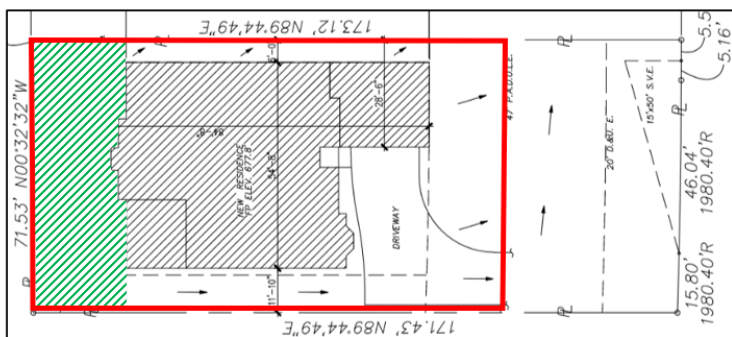
The owner is requesting a variance from the 20% rear yard open space standard to exclude the private access, drainage, and utility easement in the calculation of the percentage. Excluding the easement, the property would provide 22% open space in the rear yard. Including the easement would result in 16% open space.

The exhibits below show the rear yard open space percentage as applied to the entire lot and as applied excluding the easement.



LOT AREA
12,496 SF

REAR YARD OPEN SPACE
Required: 2,500 SF (20%)
Provided: 2,000 SF (16%)



LOT AREA EXCLUDING EASEMENT
9,088 SF

REAR YARD OPEN SPACE
Required: 1,817 SF (20%)
Provided: 2,000 SF (22%)

FINDINGS FOR VARIANCE APPROVAL

[Section 118-86\(4\)](#) of the zoning ordinance authorizes the Zoning Board of Adjustment "...to authorize upon appeal, in specific cases, such variance from the terms of [the Zoning Ordinance] as will not be contrary to the public interest and where, because of special conditions, the enforcement of the [Zoning Ordinance] would result in an unnecessary hardship."

In exercising its powers to grant a variance, the board of adjustment must make specific findings and show in its minutes that:

- a. Literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
- b. The situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
- c. The relief sought will not injure the permitted use of adjacent conforming property.
- d. The granting of the variance will be in harmony with the spirit and purposes of these regulations.

OPTIONS FOR BOARD CONSIDERATION

The Zoning Board of Adjustment has the following options on this application.

1. Approve the variance as presented. This action would allow the property to provide the rear yard open space as proposed.
2. Approve the variance with conditions. This action would allow the property to provide less than 20% rear yard open space subject to the owner making modifications to its size, location, or design as directed by the Board.
3. Deny the variance. This action would require the property to provide the required 20% rear yard open space as calculated on the entire lot area.