

ZONING BOARD OF ADJUSTMENT MEMORANDUM

FROM: Planning & Zoning Department **DATE:** November 14, 2023

SUBJECT: ZBA23-0010 Public hearing and consideration of a request from Kimberly Post for a variance from Section 118-313 (Lot and area requirements) of the North Richland Hills zoning ordinance at 8217 Hallmark Drive, being 0.22 acres described as Lot 4, Block 4, Thornbridge East Addition.

PRESENTER: Clayton Husband, Principal Planner

SUMMARY

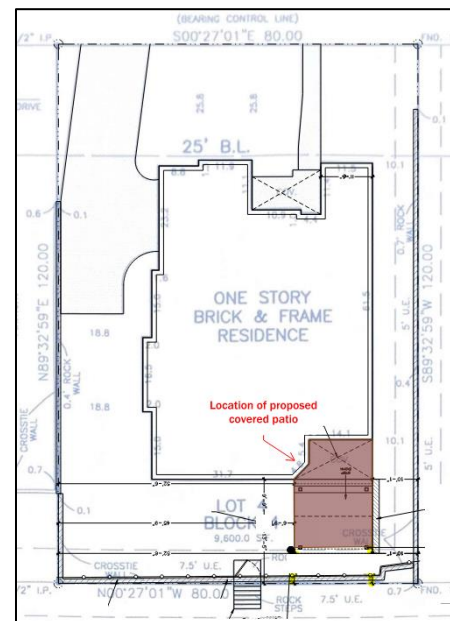
Kimberly Post is requesting approval of a variance to the lot and area requirements to allow a covered patio to encroach the 10-foot rear building line and provide less than 20% rear yard open space on a residential lot located at 8217 Hallmark Drive.

BACKGROUND INFORMATION

The property under consideration is a 9,600-square-foot property located in the Thornbridge East subdivision. The lot is on the west side of Hallmark Drive between Edgemont Drive and Thornridge Drive and abuts JB Sandlin Park and the John Barfield Trail on the rear. The house was constructed in 1999 and has approximately 2,675 square feet of living area. The owner proposes to construct a 400-square-foot covered patio addition extending from the rear of the house.

On September 13, 2023, the owner's contractor applied for a building permit to construct the covered patio. During the review of the application, it was noted that the proposed addition did not comply with two zoning standards: 1) the location of the covered patio encroached into the 10-foot rear building line, and 2) the addition reduced the rear yard open space to less than 20% as required by the zoning ordinance. The applicant was advised that the design must be adjusted to comply with these standards. 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

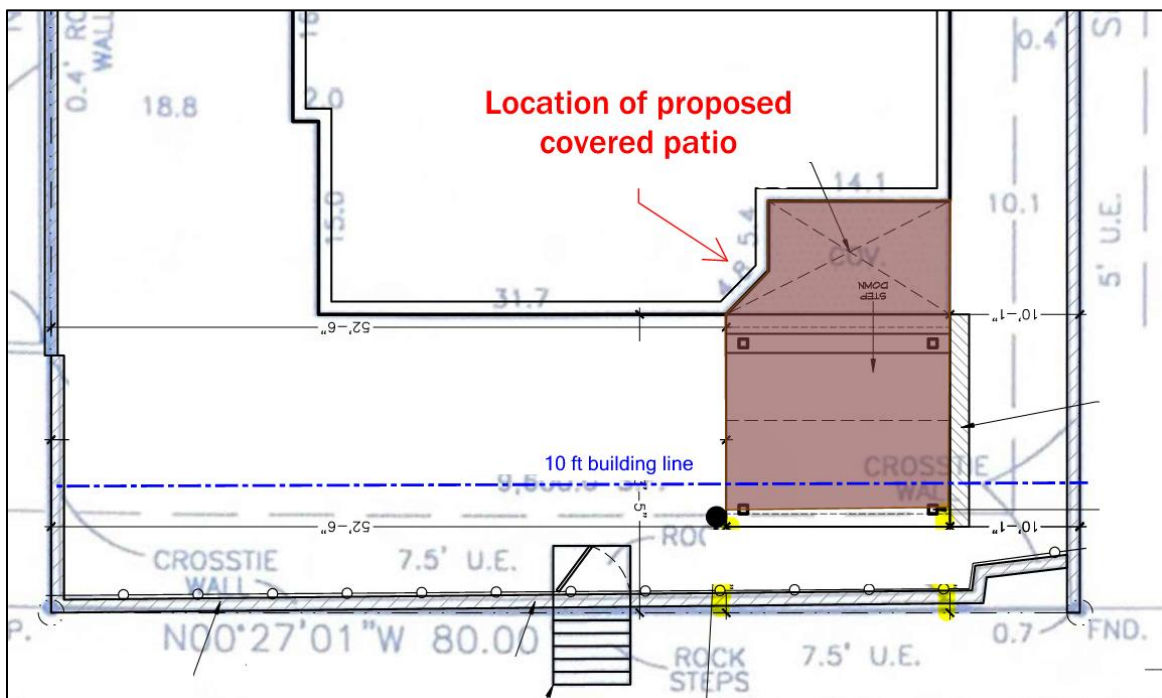
The applicant proposes to construct a 400-square-foot attached covered patio on the rear of the house. The property is zoned R-2 (Single-Family Residential). The lot in question complies with the dimensional standards for the district, and is 80 feet wide, 120 feet deep, and 9,600 square feet in area.

The variance request is related to two standards contained in [Section 118-313](#) of the zoning ordinance as it applies to the R-2 (Single-Family Residential) district: the rear building line and the rear yard open space requirement. Each standard is discussed below.

Rear building line

The rear building line establishes a minimum distance from the rear lot line over which a building or structure is not permitted to extend. All single-family residential zoning districts require a rear building line of 10 feet.

The proposed patio cover is 17 feet wide and 24 feet deep. Due to its depth, the proposed covered patio encroaches the 10-foot rear building line by two feet. If constructed at this location, the effective rear building line would be eight (8) feet. The exhibit below shows the proposed location of the covered patio and the required 10-foot building rear line.



Rear yard open space

The rear yard open space standards require 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.

To assist in the interpretation and application of the 20% rear yard open space standard, Article IX of the zoning ordinance (illustrations) provides the following exhibits:

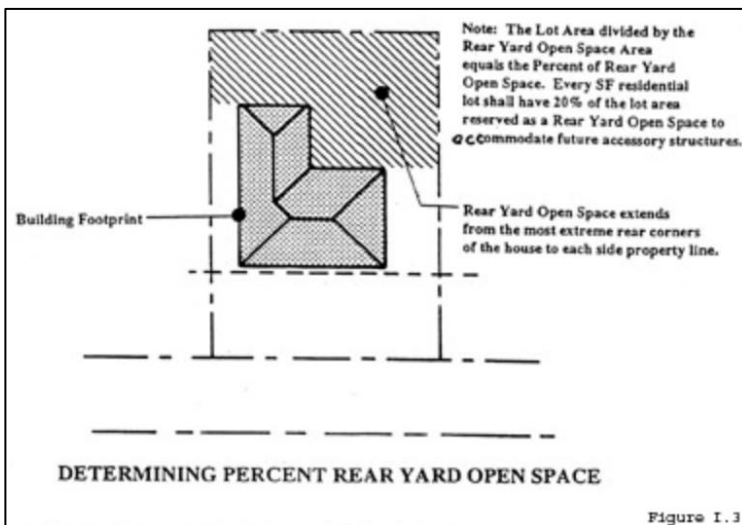


Figure I.3

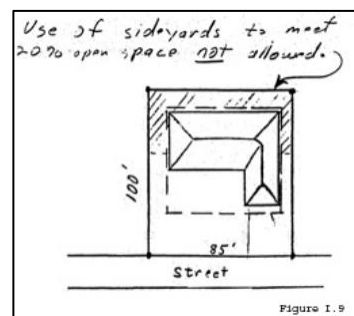
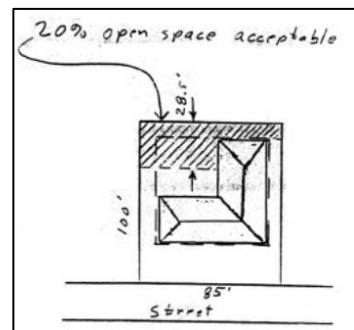
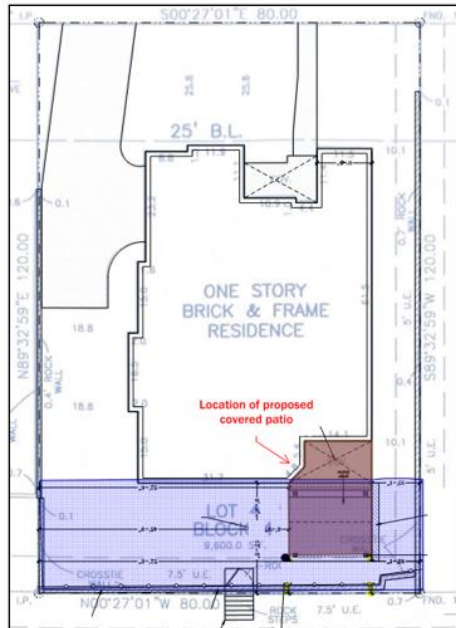


Figure I.9

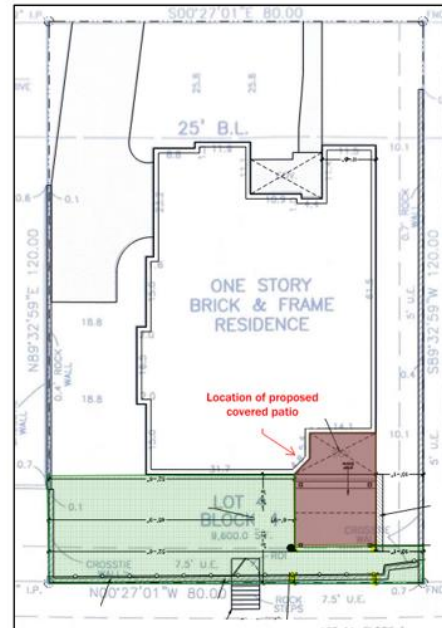
The purpose of the rear yard open space is to provide areas for other improvements on the property, such as swimming pools, accessory buildings, play equipment, and similar features. Construction of these features do not count against the required open space. However, since the 400-square-foot unenclosed patio is attached to the house, it is considered an addition to the main structure and affects the rear yard open space requirement.

Based on the lot size of 9,600 square feet, at least 1,920 square feet of open space must be provided in the rear yard. As originally developed, the lot provides 1,882 square feet (19.6% of the lot area). The owner is requesting a variance to reduce the rear yard open space to 1,456 square feet (15.2% of the lot area). The exhibits below compare the existing and proposed rear yard open space percentage.



LOT AREA
9,600 SF

REAR YARD OPEN SPACE
Required: 1,920 SF
Existing: 1,882 SF (19.6%)



LOT AREA
9,600 SF

REAR YARD OPEN SPACE
Required: 1,920 SF
Proposed: 1,456 SF (15.2%)

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:

- Literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
- The situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
- The relief sought will not injure the permitted use of adjacent conforming property.
- 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 covered patio to be constructed in the proposed location.
2. Approve the variance with conditions. This action would allow the property to provide less than 20% rear yard open space and/or the covered patio to encroach the rear building line, 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 covered patio to comply with the rear building line and require the property to provide the required 20% rear yard open space.