

**SELECT APPLICATION TYPE**

☐ Interpretation      ☐ Permit for Nonconformity      ☐ Discontinuance of Nonconformity      ☒ Variance

**DEVELOPMENT INFORMATION**

Property Address 7301 SMITHFIELD RD NRH, TX 76182  
Legal Description LOT 7, BLK 1 LEE'S CROSSING  
Current Zoning R1 PD Acreage .31  
Current Use VACANT LOT

**OWNER INFORMATION**

Name CHRIS TRENT  
Address 6348 SKYLARK CIR  
City NRH State TX ZIP 76180  
Phone 817-845-0535 Email CHRIS.TRENT@SBCGLOBAL.NET

For additional owners, please include additional copies of this page. The property owner must sign the application or submit a notarized letter of authorization.

**REPRESENTATIVE/AGENT INFORMATION**

Name JOHN TRENT  
Address P.O. Box 48881  
City WATAUGA State TX ZIP 76148  
Phone 972-896-9097 Email CTREN9@AOL.COM

**CERTIFICATION**

I certify that the above information is correct and complete to the best of my knowledge and ability, and that I will be fully prepared to present the proposal at a Zoning Board of Adjustment meeting. I reserve the right to withdraw this proposal at any time by filing a written request with the Planning & Zoning Department.



Owner Signature

10/18/19

Date

CHRIS TRENT

Owner Name (print)



Agent Signature

10/18/19

Date

JOHN TRENT

Agent Name (print)

# ZONING BOARD OF ADJUSTMENT

## APPLICATION SUBMITTAL REQUIREMENTS

Applications submitted without original signatures and all required documents and information will not be reviewed, and will be returned to the applicant for revision. Please be sure that all required items are included for the type of application requested.

The Zoning Board of Adjustment meets on the fourth Thursday of each month, as needed. The application submittal deadline is 5:00 PM on the last Friday of each month. Applications are scheduled for public hearing at the regularly scheduled meeting in the following month.

Zoning Board of Adjustment information is available online in [Chapter 118 of the North Richland Hills Code of Ordinances](#). If you have questions about the application process or any submittal requirements, please call the Planning and Zoning Department at 817-427-6300.

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## SUMMARY OF THE ZONING BOARD OF ADJUSTMENT

The Board of Adjustment shall have the powers and exercise the duties of a Board in accordance with [Section 211.009](#) of the Texas Local Government Code. Board members are representatives of the City and shall have the right to inspect premises where required in the discharge of their responsibilities under the laws of the State of Texas and the ordinances of the City of North Richland Hills. The Board's jurisdiction shall extend to and include the hearing and deciding of the following topics of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Board of Adjustment, in specific cases, may authorize or order the following:

- **Interpretation.** Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or interpretation of the zoning regulations by the Building Official in the enforcement of this ordinance or a zoning district boundary. In reaching its decision, the Board shall establish firm guidelines for future administrative actions on like matters.
- **Permits for nonconformity.** Authorize a building permit for the reconstruction, extension, or enlargement of a building occupied by non-conforming uses, on the lot or tract occupied by such building, provided such reconstruction does not prevent the potential return of such property to a conforming use.
- **Discontinuance of nonconformity.** Require the discontinuance of non-conforming uses of land or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of the zoning ordinance. All actions to discontinue a non-conforming use of land or structure shall be taken with due regard to the property rights of the persons affected when considered in light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of the property. The Board may, from time to time on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation, or maintenance of any non-conforming use within the city.
- **Variances.** Authorize upon appeal, in specific cases, such variance from the terms of the zoning ordinance that are not contrary to the public interest, and where, because of special conditions, the enforcement of the ordinance would result in an unnecessary hardship. However, the Board shall not have the power to grant variances from the terms of the zoning ordinance for a change in use not allowed in a district. In exercising its powers to grant a variance, the Board of Adjustment shall make 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 the zoning regulations.

### **Question 1**

We are asking for consideration of the method by which the Rear Yard Open Space (RYOS) percentage is calculated for 7301 Smithfield Road. We request that the 47' of private access, drainage and utility easement (PADULE) not be included in the RYOS percentage calculation. The current RYOS percentage is 16% and without the PADULE included, it would be 22% and meet the code requirement.

### **Question 2**

There are three hardships to be considered:

- 1) The front building line is on a radius which limits the total amount of area that can be used by the homeowner. Using this added footage (approximately 3.5') would give the homeowner a higher RYOS percentage (an additional 7' would meet the RYOS requirement). The other lots in the development have a building line parallel to the street which allows for greater utilization of that property.
- 2) This lot gives up a greater percentage of total square footage to the PADULE than the other lots in the development which creates a greater challenge to achieve the 20% RYOS requirement. As an example, the PADULE covers approximately 24% of Lot 1 while the PADULE covers approximately 28% of Lot 7.
- 3) There is a 20' D&UE that runs the length of the south side of this lot which also reduces the building envelope of this property. Because the easement and sideyard BL significantly narrow the building envelope, the challenge to meet the 20% RYOS requirement is increased.