



ZONING BOARD OF ADJUSTMENT MEMORANDUM

From: The Office of the City Manager **Date:** September 28, 2017

Subject: BA 2017-02 Public hearing and consideration of a request from Our Lady of Mount Carmel Roman Catholic Church for a variance to Section 118-373 "Lot and area requirements" of the City of North Richland Hills Code of Ordinances at 3900 Scruggs Drive.

Presenter: Clayton Husband, Principal Planner

Summary:

On behalf of Our Lady of Mount Carmel Roman Catholic Church, Paul Brezina is requesting approval of a variance to the lot and area requirements to allow an addition to the building to encroach the front building line on property located at 3900 Scruggs Drive.

Background Information:

Society of Saint Pius X of Texas is the owner of Our Lady of Mount Carmel Roman Catholic Church, located at 3900 Scruggs Drive. The property is generally located on the east side of Scruggs Drive between Boulevard 26 and Glenview Drive and near the intersection of Harmonson Road. Based on historical aerial photos, it appears the building was constructed in its current configuration in the late 1960's. The current owner acquired the property in 1992.

The owners will be applying for a building permit to construct an addition to the front of the building to add a foyer with stair access to a choir loft. As designed, the proposed addition would encroach the front building line. The owner considered modifications to the building size, dimensions, and design of the stairway in order to eliminate the encroachment. However, the owner ultimately decided to seek a variance to allow the structure to encroach the front building line.

The variance application and supporting materials are attached. The materials include a statement from the applicant explaining the reasoning for the variance request, building plans and elevations, and a survey of the lot.

Request Details:

The variance request is related to the standards in Zoning Ordinance Section 118-373 "lot and area requirements" as they apply to the R-7-MF Multifamily zoning district. The specific standard under consideration is the front building line.

The R-7-MF zoning district requires a 25-foot front building line for all structures. The existing building is 34 feet from the front property line. There is sufficient room on the property to add nine (9) feet to the front of the building without resulting in an encroachment of the front building line.



As proposed, the addition would extend the front of the building 16 feet closer to the front property line. This results in an encroachment of seven (7) feet into the required front yard setback. It is possible that the construction would also result in the loss of two trees in front of the building. Since these are located in the required front yard setback, the trees would be required to be replaced on an inch-to-inch basis as part of the new construction.

The proposed addition is 20 feet wide and 16 feet deep (320 square feet) and includes a foyer with a choir loft on the second story. The choir loft would be accessed by a stairway constructed with the addition. The owner states in the application that the purpose for the request is to accommodate the construction of a stairway to the choir loft that complies with current building code standards.

Findings for Variance Approval:

Zoning Ordinance Section 118-86(4) 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 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 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 building addition to be constructed with an 18-foot front building line, resulting in a 7-foot encroachment.
2. Approve the variance with conditions. This action would allow the building addition to be constructed subject to the owner making modifications to its size, dimensions, or location as directed by the Board.
3. Deny the variance. This action would require the owner to modify the building design to comply with the 25-foot front building line.