

## ZONING BOARD OF ADJUSTMENT MEMORANDUM

**FROM:** Planning & Zoning Department **DATE:** April 24, 2025  
**SUBJECT:** ZBA25-0020 Public hearing and consideration of a request from Larry Fortney for a variance from Section 118-718 (Accessory buildings and structures) of the North Richland Hills zoning ordinance at 8013 Mickey Street, being 0.15 acres described as Lot 13R2, Block 2, W.E. Odell Addition.  
**PRESENTER:** Cori Reaume, Director of Planning

### **SUMMARY**

Larry Fortney is requesting approval of a variance from Section 118-718 (d) to allow a carport to encroach the six-foot side building line on the east side of the lot. The property is located at 8013 Mickey Street.

### **BACKGROUND INFORMATION**

The property is located on the north side of Mickey Street east of Smithfield Road. The property is zoned R-3 (Single-Family Residential) and is developed with a single-family residence constructed in 1962. The property is part of the original Lot 13, Block 2, W.E. Odell Addition in Smithfield, which was platted in 1947, and the original lot extended between Odell Street and Mickey Street. The lot was subdivided into two lots in 2006, and Lot 13R2 is currently a 6,600-square-foot lot fronting Mickey Street. The lot is rectangular in shape, being 60 feet wide and 110 feet deep. The property is owned by the applicant as a rental house, and the applicant lives across the street.

In February 2025, the owner applied for a building permit to construct a carport over the driveway on the east side of the house. As part of the plan review, it was noted that the carport would encroach the side building line. The owner considered modifications to the carport location and dimensions in order to comply with the standards. However, the owner ultimately decided to seek a variance to allow the structure to be constructed at the proposed location.

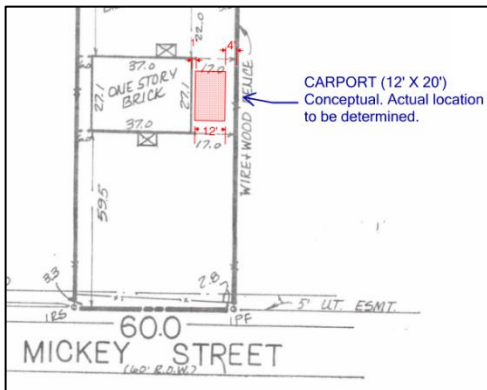
The variance application and supporting materials are attached. The materials include a copy of the application explaining the reasoning for the variance request and other relevant documents. An analysis of the request and relevant codes is below.



## **ANALYSIS**

The variance request is related to standards for carports, which are contained in [Section 118-718\(d\)](#) of the zoning ordinance.

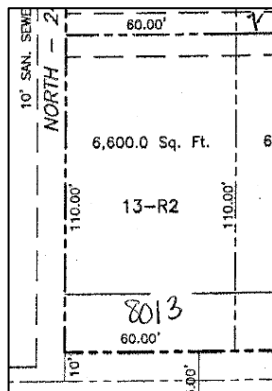
The carport would be constructed on the east side of the house. The house is located 17 feet from the east property line. The carport is 240 square feet in area, measuring 12 feet wide and 20 feet deep. The applicant has not indicated the exact location where the carport would be constructed. However, the location is variable based on the available space between the house and property line and the carport dimensions. If the carport were located one foot from the house, it would encroach the side building line by two feet, leaving a four-foot setback. The exhibits below show this possible location of the carport and the proposed design.



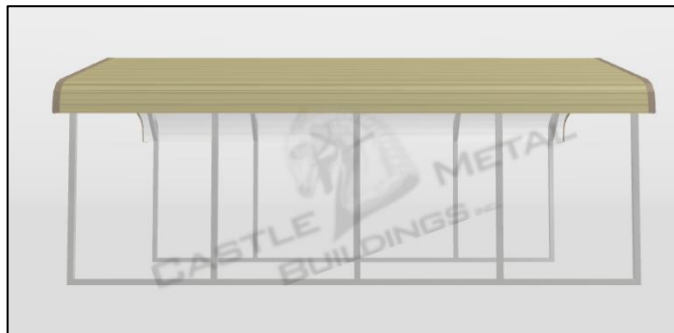
**CARPORT LOCATION**



**CARPORT DESIGN (PERSPECTIVE)**



**EXCERPT FROM PLAT**



**CARPORT DESIGN (SIDE)**

## **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 approve a variance to the building line setbacks for the structure and allow the carport to be constructed as presented.
2. Approve the variance with conditions. This action would approve a variance to the building line setbacks for the structure, 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 structure to be built in compliance with building line setbacks.