



# ZONING BOARD OF ADJUSTMENT

1. List the pertinent section(s) of the zoning ordinance and indicate the specific variances being requested. If necessary, use a separate sheet.

Sec. 118-873 Screening wall and fence criteria. (c) Front Yards, (1) Four foot fence height..Max Change to (2) Larger than 1 acre with min. 200 feet street frontage, ornamental metal six foot fence height..

2. State the grounds for the request and describe any special conditions that cause hardships that, in your opinion, justify the variance(s) being requested. Examples of special conditions are: topography, creeks, utility lines, irregular lot or tract shapes, etc. The Zoning Board of Adjustment must determine that special conditions exist before making a motion to approve a request. If it is determined that special conditions do not exist, the motion must be to deny the request. If necessary, use a separate sheet.

A1.92 acre lot, 184 feet street frontage according to plat, street curves in front of lot measuring 205 feet of street frontage. Property pin for east boundary is 50 feet from street curb and west property pin is 75 feet from street curb. The sides and front of lot are to be designed with 6 feet ornamental metal fence and gates with an existing wooden fence at back property line. Fence will be set back from street in trees.

3. Explain any special circumstances, if applicable, not considered by the zoning ordinance. Examples: (1) if the subdivision plat was approved prior to the current zoning ordinance requirements; or (2) the zoning ordinance was amended or a policy change was adopted after submitting an application for a building permit or other phase of the development process. If necessary, use a separate sheet.

Burse Rd is a heavily traveled road, the extra 2 ft of fence would allow a safer play area for my children and grand children. It also provides greater security for my family and property. The extra 2 ft will also serve as an extra layer of protection for our pets from the wild animals in the area. I have spoken to my neighbors and they have no issues with us installing a 6 foot fence across the front of the property. A 6 foot ornamental metal fence with gates would procure an aesthetically proper addition if not an enhancement to my neighborhood. This will also raise the current property values for the surrounding neighbors which will produce more revenue for the City of North Richland Hills.

PD	As required by the approved site plan
"R" denotes masonry screening wall requirement.	
<sup>1</sup> Wall required when the planned development is for residential use.	
<sup>2</sup> Wall required when the AG-zoned district is planned for low density residential or medium density residential use on the Comprehensive Land Use Plan.	

(Ord. No. 1874, art. X, § 1020(D), 3-22-1993; Ord. No. 2086, § 3, 11-13-1995; Ord. No. 2184, § 2, 3-24-1997; Ord. No. 2209, § 1, 7-14-1997; Ord. No. 2274, § 8, 3-23-1998 Ord. No. 2444, § 1, 1-10-2000; Ord. No. 2599, Ex. B, 2-11-2002; Ord. No. 3244, § 5, 4-22-2013; Ord. No. 3247, § 14, 6-10-2013)

~~\*~~ Sec. 118-873. - Screening wall and fence criteria generally.

(a) *Height.* Walls and fences shall be no greater than eight feet in height. The height of a wall or fence shall be the vertical distance between the ground and the top of the wall or fence. In terrain where the ground slopes at a grade of ten percent or more, the wall or fence may be built in eight-foot horizontal stair step sections. The average height of each fence section shall be no greater than eight feet in height. Masonry columns may exceed the maximum height by no more than eight inches and shall not exceed the average height of the adjacent fence sections by more than eight inches.

(b) *Maintenance.*

- (1) All screening and fences shall be adequately maintained, kept in good repair and in sound structural condition by the property owner and shall not create urban blight. Dilapidated fences shall be repaired or replaced in accordance with provisions of this article.
- (2) The property owner shall maintain fences, including those existing prior to the adoption of this section, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frames and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
- (3) Property owners shall paint, stain and/or seal fence supports, gates, structural members and exterior surfaces as necessary to prevent rusting, peeling or blistering surfaces. Board-on-board and similar wood privacy fences may be painted or stained with natural wood colors. The use of high intensity, primary, metallic, or fluorescent colors shall be prohibited on any fence surface.

~~50~~ (c) *Front yards.* Fences may only be allowed in front yards of property zoned for single-family residential and agricultural uses which have at least 100 feet of frontage on a street. Such fences shall be open air or nonsight-barring fences and shall meet the following standards:

~~(1)~~ (1) Fences shall be wrought iron or ornamental metal, may have brick or stone columns spaced 20 to 50 feet on center, and shall be no greater than four feet in height.

~~(2)~~ (2) Front yard fences greater than four feet and no higher than six feet in height may be permitted on residential lots greater than one acre in size with 200 feet or more of street frontage. Said fence shall be wrought iron or ornamental metal and shall have brick or stone columns spaced 20 to 50 feet on center. Such properties, if zoned AG or R-1-S, may also be permitted a rural fence type as provided herein.

~~\*~~ (3) A Rural Fence may be permitted in the front yard of any property zoned AG or R-1-S, with a minimum of one acre, and with at least 150 feet of frontage on a street. Said rural fence may not exceed five feet in height and may be one of the following fence types: mortised split rail, wrought iron or ornamental metal, tubular steel pipe, post-and-rail, or post-and-board. The use of cable may be permitted in conjunction with tubular steel pipe fencing. The use of continuous square mesh fencing, or "non-climb" fencing, and/or masonry columns spaced 20 to 50 feet on center may be used in conjunction with any of the aforementioned rural fence types. The use of barbed wire or electric fencing for the purpose of livestock containment shall only be permitted in conjunction with any of the aforementioned rural fence types.

# 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.

# ZONING BOARD OF ADJUSTMENT

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## APPLICATION REQUIREMENTS CHECKLIST

The following items are required with all applications.

- Zoning Board of Adjustment application form
- Application filing fee as required by the NRH Fee Schedule
- Building permit application
  - If the request is related to new construction or an addition to a building, a copy of the denied building permit application and plan review comments must be included.
- Property map or survey
  - One paper copy and one digital (PDF) copy of an exhibit that includes the following information. Exhibit should not be larger than 11" x 17".
    - Boundaries, dimensions, and square footage of the property
    - Location and dimensions of all existing and proposed buildings and structures
- Additional information
  - Drawings, photographs, written narratives, and other relevant information may be submitted with the application.