



ZONING BOARD OF ADJUSTMENT MEMORANDUM

FROM: Planning & Zoning Department **DATE:** November 14, 2024
SUBJECT: ZBA24-0018 Public hearing and consideration of a request from Rachel Blair for a variance from Section 118-873 (screening wall and fence criteria) of the North Richland Hills zoning ordinance at 8341 Odell Street, being 0.156 acres described as Lot 54R1, Block 2, Stonybrooke South Addition.

PRESENTER: Clayton Husband, Principal Planner

SUMMARY

Rachel Blair is requesting approval of a variance to the front yard fencing standards on a residential lot located at 8341 Odell Street.

BACKGROUND INFORMATION

The property is located on the north side of Odell Street east of Davis Boulevard, between Eli Smith Way and Tradonna Lane. The lot is 6,746 square feet (0.155 acres) in size. The house was constructed in 1997 and has approximately 1,278 square feet of living area, per Tarrant Appraisal District records.

On July 17, 2024, City staff received a complaint that a fence was being constructed on the property, including in the front yard area. City records indicated a permit had not been issued, and an inspection of property was conducted on July 19, 2024. A stop work order was placed on the property noting that the fence was installed without a permit and that the front yard portion of the fence was not permitted at this location. A copy of the inspection report and photos are attached.

Buzz Custom Fence, the owner's contractor, applied for a fence permit on July 25, 2024, to construct a four-foot tall ornamental metal fence on the property and in the front yard area. As part of the review, the applicant was advised that a fence could not be constructed between the house and the front property line as the lot does not have at least 100 feet of street frontage. The code permits a fence to be constructed between the front corners of the house and the side property lines. The applicant was advised that the front yard portion of the fence would have to be removed.

A follow-up inspection was conducted on October 1, 2024, to determine if the fence had been removed. It was noted that the fence was still in place, and the owner advised that the front yard portion would need to be removed. Rather than remove the fence, the applicant has applied 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, a plot plan showing the proposed improvements to the property, and other related documents. An analysis of the request and relevant codes is below.

ANALYSIS

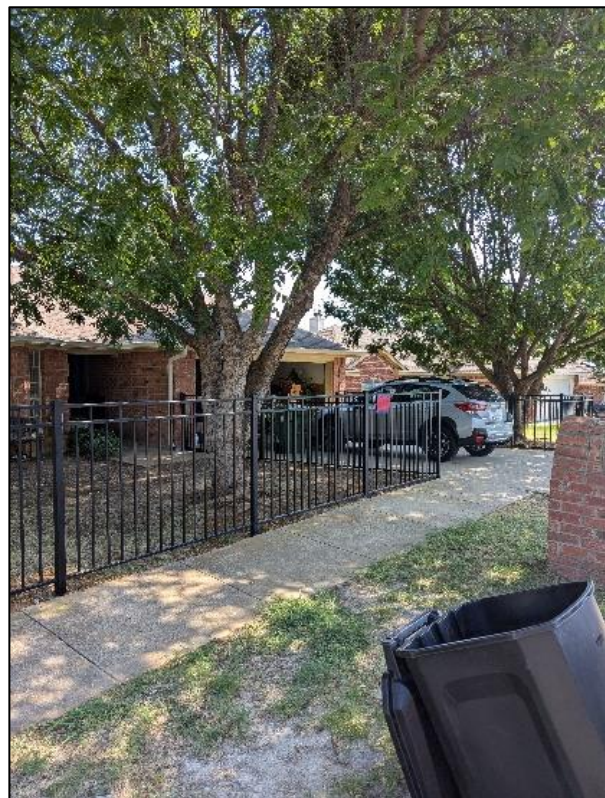
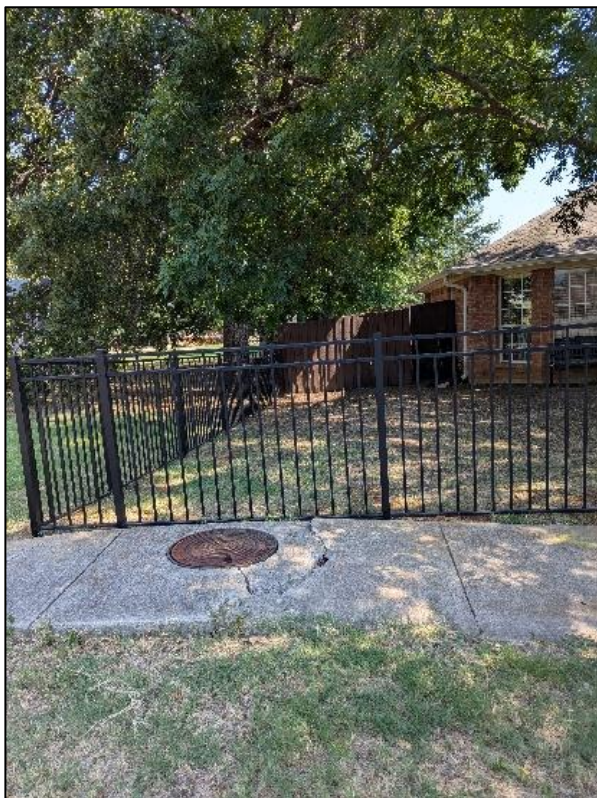
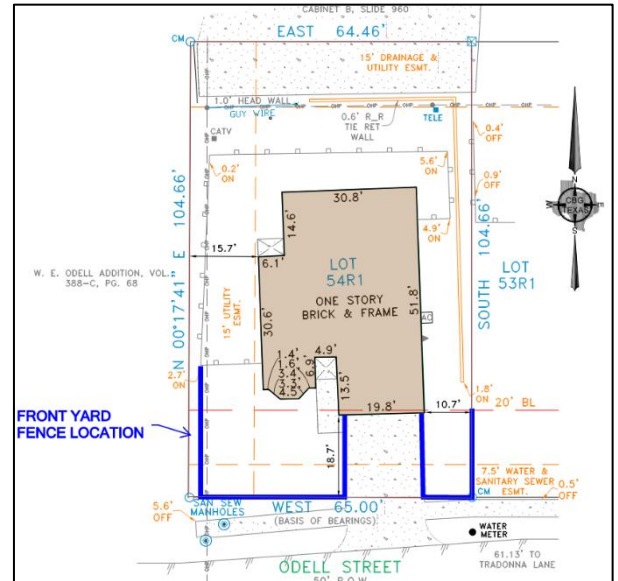
The applicant constructed a four-foot tall ornamental metal fence in the front yard of the property, extending from the front of the house to the front property line. The fence extends across the front property line and along both sides of the driveway, and it includes pedestrian gates on both sides of the driveway. The lot in question is 65 feet wide at the front property line, 104 feet deep, and has a 20-foot front building line. The property is zoned R-8 (Single-Family Detached Zero Lot Line Residential).

The variance request is related to the front yard fence standards contained in [Section 118-873\(c\)](#) of the zoning ordinance. The zoning ordinance further defines front yard as “the area extending across the entire width of the lot and situated between the front lot line and the most extreme corners of the building.” The design of front yard fences is conditioned on the following standards:

1. The property must have at least 100 feet of street frontage.
2. The fence must not exceed four feet in height. However, a fence may be up to six feet in height if the property has at least 200 feet of street frontage.
3. The fence must be ornamental metal material and may have brick or stone columns. The columns must be spaced 20 to 50 feet apart and not exceed four feet in height.
4. Private entry driveway gates may be permitted as part of a front yard fence. The gates must be set back at least 20 feet from the property line to accommodate on-site queueing of one vehicle.

The owner is requesting a variance from the street frontage standards. The code requires that the property have at least 100 feet of street frontage. The existing lot has 65 feet of street frontage. The exhibit to the right shows the location of the four-foot tall ornamental metal fence in the front yard area.

By definition, a fence is “[a]ny construction or hedge greater than 30 inches in height and of any material, the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, mark a boundary, or provide decoration.” A front yard fence could be constructed on the lot in question provided fence is thirty (30) inches or shorter in height. As constructed, the fence is forty-eight (48) inches tall.



FRONT YARD FENCE

For reference, there are not any front yard fences on lots on Odell Street east of Davis Boulevard. There are not any lots that front this part of Odell Street that have a width greater than 100 feet. The lots are generally 60 to 65 feet wide on the north side of Odell Street and are part of the Odell Addition and Stonybrooke South Addition. Lots on the



south side are in the Villas at Smithfield subdivision and are 40 to 45 feet wide. None of the lots on the street meet the standard to allow a front yard fence.

City staff is unaware of any existing front yard fences on lots of this width anywhere within the city. There was one variance approved in last 10 years for a front yard fence on lot less than 100 feet of frontage. A variance for a four-foot tall fence on an 88-foot-wide lot was approved on May 23, 2019, for property on Bursey Road. The existence of a front yard fence in the city does not establish a hardship or precedent for the approval or denial of the proposed application.

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 allow the existing four-foot ornamental metal fence to remain as constructed on the property.
2. Approve the variance in part and/or with conditions. This action would allow all or a portion of the fence to remain, subject to the owner making modifications to its size, location, or design as directed by the Board. These modifications could include fence height, fence materials, fence location, and similar features.
3. Deny the variance. This action would require the fence to either be removed or be constructed in compliance with zoning ordinance standards, with a maximum height of thirty (30) inches.