

**MINUTES OF THE WORK SESSION AND REGULAR MEETING  
OF THE ZONING BOARD OF ADJUSTMENT OF THE  
CITY OF NORTH RICHLAND HILLS, TEXAS  
MAY 26, 2016**

**WORK SESSION**

The Zoning Board of Adjustment of the City of North Richland Hills, Texas, met in work session on the 26<sup>th</sup> day of May 2016 at 6:30 p.m. in the City Council Workroom prior to the 7:00 p.m. regular session.

Present:	Tom Duer	Place 5, Chairman
	Jim Kemp	Place 1
	Fonda Kunkle	Place 4
	Bill Gibbs	Place 6
	Doris Elston	Place 7
	Robert Housewright	Place 3, Alternate
Absent:	Brian Crowson	Place 2, Alternate
City Staff:	Clayton Husband	Principal Planner
	Dave Pendley	Building Official
	Cheryl Booth	Recording Secretary

**Call to Order**

Chairman Duer called the meeting to order at 6:31p.m.

**1.0 Administration of Oath of Office to Board Members Kemp, Housewright, Duer, and Elston.**

Principal Planner Clayton Husband verified that the City Secretary's office previously administered the oath of office to Board members Jim Kemp and Doris Elston.

Recording Secretary Cheryl Booth administered the oath of office to Board members Tom Duer and Robert Housewright.

**2.0 Discussion of items on the May 26, 2016, Zoning Board of Adjustment Regular Session Agenda**

Principal Planner Clayton Husband presented BA 2016-01, a request from K. Hovnanian Homes for a variance to Section 118-873 "Screening wall and fence criteria generally" of the City of North Richland Hills Code of Ordinances for property located at 7221 Everglade Drive.

Principal Planner Husband outlined the zoning standards related to fences. He stated the applicant will be presenting two options for consideration. One option proposes the entire length of fence at the street side property line, and the second option proposes the fence at the setback line for a portion of the length.

Chairman Duer commented that if the fence set back at 15-foot building line, the property owner would lose about 30% of his back yard.

Principal Planner Husband stated that the platted lot configuration is unusual in that it is a corner lot located on a cul-de-sac bubble and drainage culvert. There is not a street connection between the Harmon Farms subdivision and Stoneybrook to the west. The lot configuration is affected by the lack of a street connection.

### **3.0 Adjournment**

There being no other business, Chairman Duer adjourned the work session at 6:53 p.m.

## **REGULAR ZONING BOARD OF ADJUSTMENT MEETING**

### **1.0 CALL TO ORDER**

Chairman Duer called the May 26, 2016 meeting to order at 7:00 p.m.

### **2.0 ROLL CALL**

Present:	Tom Duer	Place 5, Chairman
	Jim Kemp	Place 1
	Fonda Kunkle	Place 4
	Bill Gibbs	Place 6
	Doris Elston	Place 7
	Robert Housewright	Place 3, Alternate
Absent:	Brian Crowson	Place 2, Alternate
City Staff:	Clayton Husband	Principal Planner
	Dave Pendley	Building Official
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### **3.0 PLEDGE OF ALLEGIANCE**

Chairman Duer led the Pledge of Allegiance.

#### **4.0 CONSIDERATION OF MINUTES FROM THE JULY 30, 2015, ZONING BOARD OF ADJUSTMENT MEETING**

Robert Housewright motioned to the minutes from the July 30, 2015, meeting. The motion was seconded by Jim Kemp and approved (6-0).

Chairman Duer stated that, as required by state statute, the Zoning Board of Adjustment requires a super-majority vote in order for a variance or appeal to pass. This equates to a seventy five percent (75%) affirmative vote of the Board members in order to approve a variance. Four (4) affirmative votes of the five (5) eligible Board members are required in order for a variance to pass.

#### **5.0 BA 2016-01 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM K. HOVNANIAN HOMES FOR A VARIANCE TO SECTION 118-873 "SCREENING WALL AND FENCE CRITERIA GENERALLY" OF THE CITY OF NORTH RICHLAND HILLS CODE OF ORDINANCES FOR PROPERTY LOCATED AT 7221 EVERGLADE DRIVE.**

#### **APPROVED**

Principal Planner Clayton Husband presented BA 2016-01.

Gramon Gunn, applicant, with K. Hovnanian Homes, presented the request and was available to answer questions from the Board.

Mr. Gunn stated the following in support of the request.

1. This is not a normal lot. The back yard faces a dead-end cul-de-sac and a rear yard.
2. A fence built on this lot at the prescribed 15-foot building line would reduce the back yard space by approximately thirty percent. This would also affect future home value.
3. Such reduction in usable space limits the family's ability to conduct family activities, including construction of a swimming pool.
4. A review of all Harmon Farm lots indicates that no lot has less than 72 feet of back yard.
5. The placement of the fence at the building line would create the smallest yard in the development. Although this is a corner lot, it would still have significantly less usable yard space.
6. Smaller lots cause children to leave the back yard and play along the yard area adjacent to the street. If the objective of keeping a fence at a 15-foot building line is for safety, moving children out to play on the street creates a less safe situation.
7. Several residents in the neighborhood are willing to write letters of support.

Chairman Duer opened the public hearing at 7:22 p.m. and asked if anyone wished to come forward to speak.

Pamela Cruz, 7300 Everglade Drive, filled out a speaker card in favor of the application but chose not to speak.

Scott Cruz, 7300 Everglade Drive, filled out a speaker card in favor of the application but chose not to speak.

Maxene Shields, 7300 Stonecrest Drive, came forward with a neutral opinion on the application. She stated she lives in a home at the corner of Brookridge Drive. There is a drainage ditch that was installed in Harmon Farms and she asked for clarification that the property that would not affect the drainage.

Chairman Duer suggested that Ms. Shields' question might need to be addressed with the Public Works department.

Chairman Duer closed the Public Hearing at 7:25 p.m.

**ROBERT HOUSEWRIGHT MOVED TO APPROVE BA 2016-01 WITH PROPOSAL "A", WHICH ALLOWS THE FENCE TO BE CONSTRUCTED AT THE PROPERTY LINE. JIM KEMP SECONDED THE MOTION.**

**CHAIRMAN DUER STATED THAT IF THE APPLICANT TO UTILIZE PROPOSAL "B", THERE WOULD NO CONCERN ABOUT THE LINE OF SIGHT CONCERN THAT IS BEING CALLED INTO QUESTION WITH THIS APPLICATION.**

**MOTION TO APPROVE CARRIED 5-0.**

## **6.0 ADJOURNMENT**

Chairman Duer adjourned the meeting at 7:27 p.m.

Chairman

Secretary

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Tom Duer