



## ZONING BOARD OF ADJUSTMENT MEMORANDUM

**From:** The Office of the City Manager **Date:** October 27, 2016

**Subject:** BA 2016-02 Public Hearing to consider the request of Brandon Treadway for a variance to Section 118-718(d) "Carport Regulations" of the City of North Richland Hills Code of Ordinances, for an existing structure on property located at 6540 Briley Drive.

**Presenter:** Clayton Husband, Principal Planner

### **Summary:**

Brandon Treadway is requesting approval of a variance to the carport standards to allow an existing carport to remain on the property as constructed.

### **Background Information:**

Mr. Treadway is the owner of a lot located at the southwest corner of Briley Drive and Lariat Trail. He purchased the property in 2014. In May 2011, the previous owner, Donald Colley, applied for a permit to construct a carport, but the permit was never issued. However, the carport was constructed without a permit at an indeterminate date. The carport is located in the southwest rear corner of the lot. The lot has driveway access on Lariat Trail.

Mr. Treadway received a notice of violation from a code compliance officer that the carport was constructed without a permit. The letter directed him to bring the carport into compliance with standards or remove the structure. The owner is seeking a variance to allow the structure to remain on the property as constructed.

### **Request Details:**

The variance application and supporting materials are attached. The variance request is specific to the standards in Zoning Ordinance Section 118-718(d) Carport Regulations. The table below compares the carport regulations with the compliance status and characteristics of the existing structure.

Carport Regulation	Existing Structure
(1) <u>Location</u> : Must be located on same lot as primary structure	Complies.
(2) <u>Use</u> : Allowed in any zoning district	Complies. Property is zoned R-2 Single Family Residential.

(3) <u>Front building line</u> : Must not extend beyond front building line	Complies. Carport is not located in front yard.
(4) <u>Side building line</u> : Corner lots - 6 feet on interior side and same as primary structure on street side (15 feet)	Complies. Side setback is 16 feet. Street side setback is 39 feet.
(5) <u>Rear building line</u> : 10 feet	Complies
(6) <u>Maximum height</u> : 15 feet	<b>Does not comply.</b> 15 feet 9 inches to peak of roof
(7) <u>Maximum size</u> : 360 square feet	<b>Does not comply.</b> Carport is 864 square feet in area, measuring 24 feet wide by 36 feet deep.
(8) <u>Maximum number allowed</u> : One carport	Complies
(9) <u>Vehicle parking surface</u> : Must be on concrete and have access to a public street	Complies
(10) <u>Rear yard open space</u> : Does not affect 20% rear yard open space requirement	Complies
(11) <u>Use</u> : Must not be used for business or dwelling purposes	Complies
(12) <u>Entry distance</u> : Minimum distance between side or rear property line and carport entrance must be 22 feet	Complies. Entrance is 25 feet from edge of driveway.
(13) <u>Design criteria</u> <u>Roof</u> : Pitch of roof must be at least 4:12 <u>Posts</u> : Metal posts not permitted. Posts must be clad in masonry or an alternative architecturally enhanced material.	Roof: Complies. Pitch is 4:12. Posts: <b>Does not comply.</b> Posts are common metal posts.

Based on the analysis of the standards, the existing carport does not comply with three standards: maximum height, maximum size, and post material. The applicant is requesting approval to allow the existing carport to remain as constructed.

#### **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 carport to remain on the property as constructed.
2. Approve the variance with conditions. This action would allow the carport to remain on the property subject to the owner making modifications to size, height, or design as directed by the Board.
3. Deny the variance. This action would require the owner to modify the carport to comply with the standards or remove the structure from the property.