

**CITY OF NORTH RICHLAND HILLS  
ZONING BOARD OF ADJUSTMENT APPLICATION**



1. APPLICANT/AGENT:

NAME: Jeff Jones, Owner LLI Construction Inc. / Landscape Logistics, Inc.  
ADDRESS: 5466 Red Rose Trail  
CITY/STATE: Midlothian TX 76065  
HOME #: \_\_\_\_\_ WORK #: 817-894-7593 FAX #: \_\_\_\_\_  
EMAIL ADDRESS: lliconstruction@hotmail.com

2. PROPERTY OWNER(S):

NAME: Clyde & Diana Varney  
ADDRESS: 8116 Hallmark Drive  
CITY/STATE: North Richland Hills, TX ZIP: 76182 ZIP: \_\_\_\_\_  
HOME #: \_\_\_\_\_ 817-893-5187 Cell #: 713-254-4561 FAX #: \_\_\_\_\_

3. STREET ADDRESS AND LOT, BLOCK AND SUBDIVISION NAME OF THE SUBJECT PROPERTY: (IF AVAILABLE, PLEASE ATTACH SURVEY OF THE SUBJECT PROPERTY)

8116 Hallmark Drive  
Lot 15, Block 5, THORNBRIDGE EAST, PHASE II  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. LIST THE PERTINENT SECTION(S) OF THE ZONING ORDINANCE AND INDICATE THE SPECIFIC VARIANCE AMOUNTS BEING REQUESTED. IF NECESSARY USE A SEPARATE SHEET.

Request is for relief from the requirement of the 10 foot setback off the rear property line.

Specifically we request relief:

- a. To place base of new structure (posts) 7 foot from rear property line while still maintaining the portion of the zoning ordinance that allows eaves and roof extensions to overhang the side and rear building lines up to 24 inches,
- b. That all new installed stonework that is part of structure on that side be allowed to extend to and adjoin the existing retaining wall as necessary as long as it stays within/under the 24 inches eaves and roof extension.

5. STATE THE GROUNDS FOR THE REQUEST AND DETAIL ANY SPECIAL CONDITIONS WHICH CAUSE HARDSHIPS THAT IN YOUR OPINION JUSTIFY THE VARIANCE(S) OR SPECIAL EXCEPTION(S) YOU ARE REQUESTING. EXAMPLES OF SPECIAL CONDITIONS ARE: HILLS, VALLEYS, CREEKS, POWER POLES, ELEVATIONS, IRREGULAR LOT OR TRACT SHAPES, ETC. THE ZONING BOARD OF ADJUSTMENT MUST DETERMINE A SPECIAL CONDITION OR CONDITIONS EXIST(S) BEFORE MAKING A MOTION TO APPROVE A REQUEST. IF IT IS DETERMINED THAT NO SPECIAL CONDITION EXISTS, THE MOTION MUST BE TO DENY THE REQUEST.

Homeowner is requesting relief because backyard is narrow in depth; only 27' in total depth and within the setback area, the elevation drops approximately 4' between neighbor's rear yard and homeowner's rear yard. Additionally, about 5 <sup>1</sup>/<sub>2</sub>' from the rear property line, within the setback, there is a 12 inch wide 18 inch tall retaining wall to compensate for the dramatic change in elevation. The 10' setback and the 4' elevation change, reduces flat / level surface area homeowner has to work with by 37%. Encroaching within the 10' setback and up to the existing retaining wall would provide much needed flat surface and allow homeowner to have an aesthetically pleasing symmetrical detached covered patio structure rather than something longer and narrower and less functional. In Homeowner's opinion, the change in elevation, existing retaining wall and small / narrow back yard meet the "special conditions" and "hardship" parameters required for the variance request standard.

6. EXPLAIN ANY UNIQUE CIRCUMSTANCES, IF APPLICABLE, NOT CONSIDERED BY THE ZONING ORDINANCE. EXAMPLES: (1) IF THE NORTH RICHLAND HILLS CITY COUNCIL APPROVED A PLAT PRIOR TO PRESENT ZONING ORDINANCE REQUIREMENTS; OR (2) THE ORDINANCE WAS AMENDED OR A POLICY CHANGE WAS ADOPTED AFTER INITIATION OF THE PLANS CHECK PROCESS FOR A BUILDING PERMIT OR OTHER PHASE OF THE DEVELOPMENT PROCESS.

Not aware of any unique circumstances.

7. ATTACH A DETAILED DIAGRAM OF THE SITE DRAWN TO SCALE, AND ANY OTHER DRAWINGS OR PICTURES NECESSARY TO HELP EXPLAIN THE CASE TO THE BOARD. SHOW ON THE DIAGRAM ALL EASEMENTS, BUILDING LINES, ENCROACHMENTS, AND THE VARIANCE(S) REQUESTED. THE REQUESTED VARIANCE(S) SHOULD BE QUANTIFIED BY AN APPROPRIATE MEASUREMENT (DISTANCE, PERCENTAGE, ETC.)

**IMPORTANT NOTE: ALL APPLICANTS OR THEIR REPRESENTATIVE MUST BE PRESENT AT THE SCHEDULED PUBLIC HEARING TO PRESENT THEIR CASE.**

APPLICANT NAME (PRINT OR TYPE): Jeff Jones

APPLICANT SIGNATURE: [Signature]

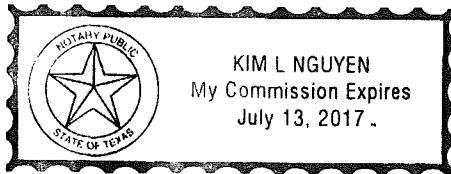
OWNER NAME (PRINT OR TYPE):

OWNER SIGNATURE:

CLYDE H. VARNEY  
Clyde H. Varney

DIANA D VARNEY  
Diana D Varney

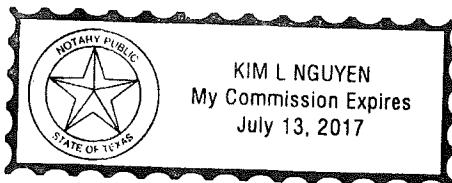
SUBSCRIBED AND SWORN TO THIS 20<sup>th</sup> DAY OF December, 2016



[Signature]  
NOTARY PUBLIC FOR THE STATE OF TEXAS

7/13/17  
DATE OF LICENSE EXPIRATION

SUBSCRIBED AND SWORN TO THIS 20<sup>th</sup> DAY OF December, 2016



[Signature]  
NOTARY PUBLIC FOR THE STATE OF TEXAS

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## VARIANCE REQUEST DOCUMENT SUBMITTAL CHECKLIST

This checklist describes the minimum documents required for a variance request submittal. The application packet will be considered incomplete until all of the following items are submitted.

| <u>ITEM</u>   | <u>CHECK</u>             |
|---|--------------------------|
| 1. <u>Building permit application</u><br><br>Applicants NEEDS to complete a building permit application prior to submitting this application.   | <input type="checkbox"/> |
| 2. <u>Completed application for a variance</u><br><br>The Application for a Variance is furnished in this packet of information. All necessary documents shall be submitted to the Planning and Zoning Office no later than the application deadline which can be found on the meeting schedule also included in this packet.<br>Written authorization from the owner shall be furnished when the applicant is not the owner of record. | <input type="checkbox"/> |
| 3. <u>Filing Fee</u><br><br>Residential--\$192<br>Non-Residential--\$227  | <input type="checkbox"/> |
| 4. <u>Property Map</u><br><br>The applicant shall furnish a copy of a map or recent survey of the property showing the property under consideration. A copy of a subdivision plat, or a copy of a property survey less than two years old, will satisfy this requirement.   | <input type="checkbox"/> |



## City of North Richland Hills Zoning Board of Adjustment 2015 Meeting Schedule

| <b>Application Deadline</b> | <b>Zoning Board of Adjustment Meeting</b> |
|-----------------------------|---|
| <b>December 29 (2014)</b>   | <b>January 22</b>                         |
| <b>January 26</b>           | <b>February 26</b>                        |
| <b>February 23</b>          | <b>March 26</b>                           |
| <b>March 30</b>             | <b>April 23</b>                           |
| <b>April 27</b>             | <b>May 28</b>                             |
| <b>May 25</b>               | <b>June 25</b>                            |
| <b>June 29</b>              | <b>July 23</b>                            |
| <b>July 27</b>              | <b>August 27</b>                          |
| <b>August 31</b>            | <b>September 24</b>                       |
| <b>September 28</b>         | <b>October 22</b>                         |
| <b>October 26</b>           | <b>To Be Determined</b>                   |
| <b>November 30</b>          | <b>To Be Determined</b>                   |



# **ZONING BOARD OF ADJUSTMENT APPLICATION**

## **APPLICATION REQUIREMENTS AND GENERAL INFORMATION**



**PLANNING AND DEVELOPMENT DEPARTMENT**  
City of North Richland Hills, Texas  
7301 NE Loop 820  
817-427-6300 fax: 817-427-6303  
[www.nrhtx.com](http://www.nrhtx.com)  
[NRHPI@nrhtx.com](mailto:NRHPI@nrhtx.com)

ROVD  
12/21/16

## 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:** To 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:** To 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:** To require 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 this 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 the 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 shall, 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:** To authorize upon appeal, in specific cases, such variance from the terms of this Ordinance as will not be 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 this Ordinance or to grant a variance 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 these regulations.

## **SUMMARY OF THE ZONING BOARD OF ADJUSTMENT APPLICATION REQUIREMENTS**

### **APPLICATION REVIEW REQUIREMENTS:**

1. AFTER DENIAL OF A BUILDING PERMIT, MEET WITH A REPRESENTATIVE OF THE PLANNING DEPARTMENT TO REVIEW APPLICATION REQUIREMENTS FOR YOUR SPECIFIC REQUEST
2. COMPLETED APPLICATION WITH NOTARIZED SIGNATURES OF OWNERS AND/OR APPLICANT AND FILING FEE OF **\$192 FOR RESIDENTIAL** AND **\$227 FOR NON-RESIDENTIAL** PROPERTIES.
3. ADDRESS AND LOT, BLOCK AND SUBDIVISION OF SUBJECT PROPERTY
4. DETAILED DIAGRAM OF SITE/PLOT PLAN DRAWN TO SCALE WITH OTHER RENDERINGS AS DESIRED. THE SCALE SHOULD BE NO LESS THAN 1" = 50'
  - a. Single Family or Simple Request: 1 SITE/PLOT PLAN 8.5" X 11"OR 8.5" X 14"
  - b. Commercial, Industrial, or Multi-Family: 1 FOLDED SITE PLAN 24" X 36"
5. SUBMIT A COPY OF THE ORIGINAL TAX RECEIPT SHOWING ALL PROPERTY TAXES ARE PAID AND/OR ARE NOT PAST DUE.

**THE APPLICATION MUST BE COMPLETED AND MEET ALL NORTH RICHLAND HILLS ORDINANCE REQUIREMENTS BEFORE A VARIANCE REQUEST CAN BE SCHEDULED FOR A PUBLIC HEARING**

**DELIVERY ADDRESS:**  
PLANNING DEPARTMENT  
CITY OF NORTH RICHLAND HILLS  
7301 N.E. LOOP 820  
NORTH RICHLAND HILLS, TX 76180

**DIRECT QUESTIONS TO PLANNING DEPARTMENT STAFF  
AT (817) 427-6300**