



## ZONING BOARD OF ADJUSTMENT MEMORANDUM

**From:** The Office of the City Manager **Date:** January 26, 2017

**Subject:** BA 2016-04 Public Hearing to consider the request of Jeff Jones for a variance to Section 118-313 "Lot and area requirements" of the City of North Richland Hills Code of Ordinances, for property located at 8116 Hallmark Drive.

**Presenter:** Clayton Husband, Principal Planner

### **Summary:**

On behalf of Clyde and Diana Varney, Jeff Jones is requesting approval of a variance to the lot and area requirements to allow a detached accessory building on property located at 8116 Hallmark Drive.

### **Background Information:**

Clyde and Diana Varney are the owners of a lot located at 8116 Hallmark Drive. The property is in the Thornbridge East subdivision between Edgemont Drive and Belaire Drive. They have applied for a building permit to construct a detached covered patio in the back yard. The covered patio is considered a permanent accessory building.

A survey of the lot is attached. The house was constructed in 2008 and is 27 feet from the rear property line. There are no other accessory buildings in the rear yard, but there is a stone retaining wall approximately five feet from the rear property line.

The proposed covered patio is 384 square feet in area, measuring 24 feet wide and 16 feet deep. During the review of the permit application, it was noted that the proposed location of the building encroached the required 10-foot rear building line. The building plans indicated the building being located seven (7) feet from the rear property line. The owner considered modifications to the building size, dimensions, and location in order to eliminate the encroachment. However, the owner ultimately decided to seek a variance to allow the structure to encroach the rear building line.

### **Request Details:**

The variance application and supporting materials are attached. The materials include a statement from the applicant explaining the reasoning for the variance request, building plans, and photos of the site.

The variance request is related to the standards in Zoning Ordinance Section 118-313 "lot and area requirements" as they apply to the R-2 Single Family Residential zoning district. The specific standard under consideration is the rear building line.

The R-2 zoning district requires a 10-foot rear building line for all primary structures and accessory buildings. The proposed covered patio is located seven (7) feet from the rear building line. There is also an existing 7.5-foot utility easement along the rear of the property, and the building cannot be constructed in the easement. Therefore, for the purposes of this variance request, the Board is considering a rear building line of 7.5 feet for the proposed structure.

For informational purposes, the table below compares the accessory building standards with the compliance status and characteristics of the proposed structure. The variance under consideration is only for the rear building line.

Accessory Building Regulation	Proposed 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 be located in the front yard	Complies. Building is located in the rear yard.
(4) <u>Side building line</u> : In the R-2 district, side yard setback is 6 feet for buildings 500 square feet or less in size	Complies. Side setback is 10 feet on south side and 46 feet on the north side.
(5) <u>Rear building line</u> : 10 feet	<b>Does not comply.</b> Rear setback is 7 feet.
(6) <u>Maximum height</u> : 15 feet	Complies. 11 feet 4 inches to peak of roof
(7) <u>Maximum size</u> : 500 square feet (for lots 20,000 square feet or less in area)	Complies. Building is 384 square feet in area, measuring 24 feet wide by 16 feet deep.
(8) <u>Maximum number allowed</u> : One building	Complies
(9) <u>Rear yard open space</u> : Does not affect 20% rear yard open space requirement	Complies
(10) <u>Use</u> : Must not be used for business or dwelling purposes	Complies
(11) <u>Easements</u> : Must not be located within a utility, access, or drainage easement	Complies
(12) <u>Design criteria</u> <u>Roof</u> : Pitch of roof must be same as primary structure <u>Masonry</u> : Must conform to the masonry requirement of the zoning district.	Roof: Complies. Pitch is 6:12. Masonry: Complies. Building is open structure without walls.



### **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 covered patio to be constructed with a 7.5-foot rear building line, resulting in a 2.5-foot encroachment.
2. Approve the variance with conditions. This action would allow the covered patio to be constructed subject to the owner making modifications to size, dimensions, or location as directed by the Board.
3. Deny the variance. This action would require the owner to modify the covered patio to comply with the 10-foot rear building line.