

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE ZONING BOARD OF ADJUSTMENT OF THE
CITY OF NORTH RICHLAND HILLS, TEXAS
HELD IN THE CITY HALL, (CITY COUNCIL WORKROOM) 4301 CITY POINT
DRIVE
OCTOBER 27, 2016**

WORK SESSION: 6:30 PM

CALL TO ORDER

Chairman Duer called the meeting to order at 6:31 P.M.

ROLL CALL:

Present:	Tom Duer	Place 5, Chairman
	Jim Kemp	Place 1
	Brian Crowson	Place 2, Alternate
	Fonda Kunkle	Place 4
	Bill Gibbs	Place 6
	Doris Elston	Place 7
	Robert Housewright	Place 3, Alternate

City Staff:	Clayton Comstock	Planning Manager
	Clayton Husband	Principal Planner
	Maleshia Farmer	City Attorney
	Cheryl Booth	Recording Secretary

1. ZONING BOARD OF ADJUSTMENT TRAINING PRESENTATION BY CITY ATTORNEY AND STAFF.

City Attorney Maleshia Farmer conducted training with the Board of Adjustment members. All members attended the training session.

2. DISCUSS ITEMS FROM THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING.

Principal Planner Clayton Husband presented BA 2016-02, a public hearing to consider a 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.

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Chairman Duer adjourned the work session at 7:03 P.M.

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

Chairman Duer called the October 27, 2016, meeting to order at 7:04 P.M.

ROLL CALL:

Present:	Tom Duer	Place 5, Chairman
	Jim Kemp	Place 1
	Brian Crowson	Place 2, Alternate
	Fonda Kunkle	Place 4
	Bill Gibbs	Place 6
	Doris Elston	Place 7
	Robert Housewright	Place 3, Alternate

City Staff:	Clayton Comstock	Planning Manager
	Clayton Husband	Principal Planner
	Maleshia Farmer	City Attorney
	Cheryl Booth	Recording Secretary

2. PLEDGE OF ALLEGIANCE

Chairman Duer led the Pledge of Allegiance.

3. GENERAL ITEMS

3.1. ADMINISTRATION OF OATHS OF OFFICE TO ZONING BOARD OF ADJUSTMENT MEMBERS IN PLACE 2A, PLACE 4 AND PLACE 6.

The oath of office was administered to Board members Brian Crowson, Place 2A; Fonda Kunkle, Place 4; and Bill Gibbs, Place 6.

3.2. ELECTION OF OFFICERS

Clayton Husband explained that the offices up for election are Chairman and Vice

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Chairman. Currently these positions are currently held by Dr. Tom Duer as Chairman and Bill Gibbs as Vice Chairman.

Chairman Duer opened up the floor for nominations for Chairman.

Jim Kemp moved to Nominate Dr. Tom Duer as Chairman. Brian Crowson seconded the nomination.

Nomination carried 5-0.

Chairman Duer opened up the floor for nominations for Vice Chairman.

Bill Gibbs moved to Nominate Robert Housewright as Vice Chairman. Doris Elston seconded the Nomination.

City Attorney, Maleshia Farmer brought up that as an alternate, Robert Housewright is not able to serve in an officer capacity.

Chairman Duer re-opened up the floor for nominations for Vice Chairman from the five (5) voting members.

Bill Gibbs moved to Nominate Doris Elston as Vice Chairman. Fonda Kunkle seconded the motion.

Chairman Duer asked for clarification if the alternates are allowed to vote.

Maleshia Farmer answered that the alternates are only allowed to vote if a voting member is absent, but they are always welcome to participate in the discussions.

Nomination carried 5-0.

3.3. APPROVE MINUTES OF THE MAY 26, 2016 ZONING BOARD OF ADJUSTMENT MEETING.

APPROVED

A MOTION WAS MADE BY BRIAN CROWSON, SECONDED BY DORIS ELSTON TO APPROVE MINUTES OF THE MAY 26, 2016 ZONING BOARD OF ADJUSTMENT MEETING.

MOTION TO APPROVE CARRIED 5-0.

3.4. 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.

APPROVED

Chairman Duer clarified that the Zoning Board of Adjustment requires what is classified as a super-majority vote by state statute in order for a variance or appeal to pass. This equals a seventy five percent (75%) affirmative vote of the Board members in order to pass. In other words, four (4) affirmative of the five (5) eligible Board members this evening are required in order for a motion to pass.

Principal Planner Clayton Husband presented BA 2016-02, a public hearing to consider a 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. The history with this property is that in May 2011, the prior property owner applied for a building permit, which was never issued. In September 2014, the applicant purchased the property with the carport, which had been built. In September 2016, the applicant received a notice of violation, which led to this variance request.

According to Code of Ordinance Section 118-718(d), maximum height is fifteen (15) feet. The existing structure is fifteen (15) feet and nine (9) inches tall. The maximum size is three hundred sixty (360) square feet. The existing structure is eight hundred sixty four (864) square feet. The existing structure dimensions are twenty-four (24) feet by thirty-six (36) feet. Design criteria require brick, stone, or masonry on the supporting columns. The existing structure has metal posts. The carport complies with ten (10) of the thirteen (13) carport regulations. The carport does not comply with three (3) of the carport regulations: maximum height, maximum size, and post material. The applicant is requesting approval to allow the carport to remain as constructed.

Robert Housewright asked how this structure was identified.

Clayton Husband responded that this was an observation by a code enforcement officer.

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Tom Duer asked how the paving would have been poured for this structure without notice and if a paving permit would have been required.

Cheryl Booth responded that a paving permit would have been a requirement at that time.

Brian Crowson asked about the Board's options for action regarding this application before the Board.

Clayton Husband responded that the Board has the following options on this application.

1. Approve the variance as presented.
2. Approve the variance with conditions.
3. Deny the variance.

Chairman Duer opened the public hearing at 7:14 p.m. and asked the applicant to come forward to speak.

Brandon Treadway, applicant, 6540 Briley Drive, came forward to present. He explained that he purchased the property in September 2014. He serves as worship pastor at Birdville Baptist Church. The carport was a huge draw to his family. They saw this as a place to hold youth gatherings and social events related to his job. This was a surprise to the family when they received the letter from Code Enforcement. He expressed appreciation to Clayton Husband in guiding him through this application process. He respectfully requested approval to keep this carport on the property.

Chairman Duer asked if Mr. Treadway owned a recreational vehicle.

Mr. Treadway responded no.

Chairman Duer asked if this carport is used for events.

Mr. Treadway responded yes. He explained that a couple of times they have moved vehicles under the roof for protection from storms.

Chairman Duer expressed concern about the area being used for storage.

Mr. Treadway responded that they do not use it for storage and that a storage restriction was not an issue for their family.

Jim Kemp asked if the carport is only visible from Lariat Trail.

Mr. Treadway responded that it is visible from a small area on Lariat Trail, but mostly only visible by his neighbor.

Robert Housewright reiterated that he drove by the property. It was not visible at all from Briley Drive. It really was not visible from the back yard area.

Chairman Duer stated that public hearing was still open and invited anyone wishing to come forward to speak. Hearing none, Chairman Duer closed the public hearing at 7:22 p.m.

Chairman Duer inquired if the Chairman is allowed to make the motion.

City Attorney Maleshia Farmer suggested if the meeting was turned over to the Vice Chairman, then the Chairman could make the motion.

Jim Kemp commented that this carport has been in place for five years and no one has said anything about it. It would seem inappropriate to make the resident tear it down.

Fonda Kunkle commented that this Board has disapproved carports in the past.

City Attorney Maleshia Farmer added that she does not believe there are any denied carport applications that were near this property. She said the Board was also considering whether it would be an undue hardship on the applicant to require removal of the carport.

Chairman Duer inquired if "grandfather" is different than "setting precedent."

City Attorney Maleshia Farmer responded that "grandfather" is different in that it deals with a condition that was in existence at time of a change in the law.

Clayton Husband stated that staff recommends that the Board require a permit to be applied for from the applicant so that one is on record.

Bill Gibbs asked if we could call it something other than a carport, such as a patio cover that wasn't intended for the storage of vehicles.

City Attorney Maleshia Farmer clarified that a reasonable restriction would be to state that this structure is not to be used for storage.

A MOTION WAS MADE BY DORIS ELSTON, SECONDED BY TOM DUER, TO APPROVE BA 2016-02 WITH RESTRICTIONS INCLUDING THAT APPLICATION MUST BE MADE FOR PERMIT AND THE STRUCTURE IS NOT TO BE USED FOR STORAGE OTHER THAN VEHICLES.

MOTION TO APPROVE CARRIED 5-0.

4. ADJOURNMENT

Jim Kemp moved to adjourn. Bill Gibbs seconded the motion.

Motion to approve carried 5-0.

Chairman Duer adjourned the meeting at 7:32 p.m.

Tom Duer, Chairman

Recording Secretary