

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE ZONING BOARD OF ADJUSTMENT OF THE
CITY OF NORTH RICHLAND HILLS, TEXAS
JANUARY 26, 2017**

WORK SESSION

The Zoning Board of Adjustment of the City of North Richland Hills, Texas, met in work session on the 26 day of January 2017 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
	Robert Housewright	Place 3, Alternate
	Doris Elston	Place 7
	Brian Crowson	Place 2, Alternate
	Fonda Kunkle	Place 4
	Bill Gibbs	Place 6
City Staff:	Clayton Husband	Principal Planner
	Chad VanSteenberg	Planner
	John Chapman	Planning Technician

Call to Order

Chairman Duer called the meeting to order at 6:37 p.m.

1. Announcements – Upcoming City Events

Principal Planner Clayton Husband presented upcoming City events and introduced John Chapman, Planning Technician.

2. Discuss items from the regular Zoning Board of Adjustment meeting.

Principal Planner Clayton Husband presented case BA 2016-04, a request from Jeff Jones for a variance to Section 118-313 “Lot and area requirements” of the City of North Richland Hills Code or Ordinances for property located at 8116 Hallmark Drive.

Board member Housewright asked about the structures position to other structures in the area, specifically to the home opposite of the detached building.

Mr. Husband stated he was not sure what the dimension is.

Chairman Duer asked if the building being considered in the variance is an accessory building.

Mr. Husband stated the building is considered detached because the structure is not attached to the house.

Chairman Duer asked if most building lines are ten feet.

Mr. Husband confirmed most homes are required to have a ten-foot setback.

Chairman Duer asked for the difference between a variance request for a detached structure exceeding the required setback and an in-ground pool.

Mr. Husband replied in-ground pools are covered under different standards and can be located with the rear yard area but cannot be located in a utility easement.

Board member Crowson asked if the property is part of a homeowners association and deed restrictions allowing the proposed detached structure.

Mr. Husband stated this particular question would be an appropriate one for the applicant, but that the City cannot enforce deed restrictions.

Chairman Duer asked if the applicant factored in water or electricity.

Mr. Husband responded that those utilities would be included with the plans, and the buildings includes an outdoor fireplace.

Board member Kemp asked how far the retaining wall is from the fence.

Mr. Husband stated the distance is about five-and-one-half feet.

Board member Kemp confirmed the structure would only be a few feet from the retaining wall.

Board member Housewright asked what a specific roofline was in an exhibit. Mr. Husband stated the roofline was either a room or garage of the home opposite of the property.

Mr. Husband continued to explain multiple options the board has when taking action during the regular meeting.

Chairman Duer asked if the property owner has the opportunity to enclose the structure. Mr. Husband stated the board could include a condition to the proposal that the building could not be an enclosed structure.

Board member Crowson requested clarification on the status of the building if a connection was made between the house and the detached structure. Mr. Husband stated that would make the structure an addition to the house and raise more issues

with code, specifically a portion of the code stating twenty percent of the yard should be open space, which allows for detached structures. Mr. Crowson stated the insurance deduction aspect of having the structure be an attached structure to the house.

Mr. Husband showed an aerial of the homes to the board to help visualize the distance between homes.

Chairman Duer asked if electricity and water will be brought to the detached structure. Mr. Husband stated the structure could have utilities, but that the utilities would run off the meters for the house.

Board member Gibbs asked about the two fence lines between the properties. Mr. Husband stated the area's characteristic of having two fence lines back-to-back is likely due to elevation differences at this location.

There being no other business, Chairman Duer adjourned the meeting at 7:00 p.m.

REGULAR MEETING

1. CALL TO ORDER

Chairman Duer called the January 26, 2017 meeting to order at 7:01 p.m.

2. ROLL CALL

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

City Staff:	Clayton Husband	Principal Planner
	Chad VanSteenberg	Planner
	John Chapman	Planning Technician

3. PLEDGE OF ALLEGIANCE

Chairman Tom Duer led the Pledge of Allegiance.

4. CONSIDERATION OF MINUTES FROM THE OCTOBER 27, 2016 ZONING BOARD OF ADJUSTMENT MEETING

APPROVED

Board member Crowson requested clarification on alternatives being able to second approval of meeting minutes.

Planner Chad VanSteenberg explained that although an alternate made the motion or a second during the previous Zoning Board of Adjustment meeting, that the City Attorney advised the board that alternates should not make a motion for a vote.

A MOTION WAS MADE BY BOARD MEMMBER KEMP, SECONDED BY CHAIRMAN DUER TO APPROVE THE MINUTES OF THE OCTOBER 26, 2016 ZONING BOARD OF ADJUSTMENT MEETING. MOTION TO APPROVE CARRIED 5-0.

Chairman Duer clarified that the Zoning Board of Adjustment, by state statute and in order for a variance or appeal to pass, requires a super-majority approval. This equates to 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.

5. BA 2016-04 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM 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.

APPROVED

Chairman Tom Duer opened the public hearing and called on Principal Planner Clayton Husband to present the item.

Mr. Husband presented case BA 2016-04 located at 8116 Hallmark Drive.

Chairman Duer asked if speaker cards were made available.

Mr. Husband stated speaker cards are available.

Chairman Duer asked the applicant to come forward to be sworn in.

After being sworn in, the applicant, Clyde Varney, 8116 Hallmark Drive North Richland Hills, Texas 76182, presented his request for a variance to section 118-313 "Lot and Area Requirements."

Board member Crowson asked if the retaining wall could be moved away from the home.

Jeff Jones, 5466 Red Rose Trail, Midlothian, Texas 76065, stated building's posts are not encroaching into the utility easement.

Chairman Duer asked if the retaining wall is in the seven-foot six-inch utility easement.

Mr. Jones stated yes, stating that the accessory building's posts are not encroaching into the utility easement, but that the roof will overhang into the easement.

Board member Gibbs asked if the roofing material will be the same as the primary structure.

Mr. Jones stated yes.

Chairman Duer asked for the first speaker to come forward and state their position.

John Cerami, 8120 Belmont Court North Richland Hills, Texas 76182, stated he and his wife, Lynn Cerami, were against the proposed structure due to the homeowner association (HOA) requirements.

Mr. Husband stated the Texas State law requires the City to notify all property owners within 200 feet of the variance.

Mr. Cerami stated the HOA has a broad range of subdivision codes.

Chairman Duer stated the City has no authority to enforce HOA codes.

Mr. Cerami asked why the public notice did not explain what the variance was for.

Mr. Husband clarified the purpose of a public hearing notice.

Mr. Cerami asked for a list of who was notified.

Mr. Husband provided the list of property owners who were notified.

Planner Chad Vansteenberg explained that staff takes an extra step by using information from Tarrant County Appraisal District's website.

Mr. Cerami asked what the height of the proposed structure is planned to be.

Mr. Husband stated the height of the roof is planned to be eleven feet four inches.

Mr. Cerami asked if what the height of the roof would be in relation to the surrounding properties.

Mr. Jones stated the applicant wanted approval from the City prior to seeking approval from the HOA. Mr. Jones added the fence line to the east of the structure is approximately fourteen feet high, one foot above the chimney, and about two feet above the roof peak. The fence line to the south is six feet.

Mr. Varney stated he has spoken to the HOA and understands that the HOA requires City approval for a variance first, and that the HOA has the same complete site plan as what the City has.

Chairman Duer asked for anyone wishing to speak for or against the request to come forward, see no one, he closed the public hearing.

Board member Gibbs asked if the hardship is the retaining wall and elevation.

Mr. Husband stated that the hardship needs to be determined by the Board and gave examples of types of hardships.

Chairman Duer stated that structure would need to always remain an accessory structure with no additional construction that was is being voted on at this meeting.

Board member Housewright agreed to Chairman Duer's statement.

Mr. Jones made clarification that the structure does meet the height requirement for an accessory building.

A MOTION WAS MADE BY BOARD MEMBER GIBBS, SECONDED BY BOARD MEMBER KEMP TO APPROVE BA 2016-04 WITH THE STIPULATION THAT THE STRUCTURE NEVER HAVE WALLS, WINDOWS, OR DOORS. MOTION TO APPROVE CARRIED 5-0.

6. ADJOURNMENT

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

Tom Duer, Chairman

Attest:

John Chapman, Secretary