



ZONING BOARD OF ADJUSTMENT MEMORANDUM

FROM: Planning & Zoning Department **DATE:** September 26, 2019
SUBJECT: BA 2019-05 Public hearing and consideration of a request from Jesus Aguayo for a variance to Section 118-314 (off-street parking standards) of the North Richland Hills zoning ordinance at 6642 Jannie Street, being 0.16 acres described at Lot 7, Block 2, Richland Hills West.
PRESENTER: Clayton Husband, Principal Planner

SUMMARY

Jesus Aguayo is requesting approval of variance to the off-street parking standards to allow a garage conversion to remain without providing two covered parking spaces on the property. The property is located at 6642 Jannie Street.

BACKGROUND INFORMATION

The property is located on the south side of Jannie Street between Rufe Snow Drive and Charles Street. The lot is 59.75 feet wide, 120 feet deep, and 7,170 square feet in area. The lot is zoned R-3 Single-Family Residential. The house was constructed about 1954 and has approximately 1,059 square feet of living area.

Jesus Aguayo purchased the house in August 2019. At some time prior to the sale, the house was completely remodeled by the previous owner without issuance of building permits. The single-car garage conversion appears to have been done as part of the remodel. The garage door was not removed as part of the conversion, and the construction has not been inspected for compliance with building and life safety codes. Photos of the interior and exterior of the house are available online as part of the previous real estate listing of the property ([realtor.com: 6642 Jannie Street](https://www.realtor.com/property/6642-Jannie-Street)).

Due to the garage conversion, the house does not meet the current zoning standard that requires two covered parking spaces located behind the front building line. This standard is required by [Section 118-314\(2\)](#) of the zoning ordinance. Garage conversions are permitted if an alternative location for the required covered parking is provided. At the time the house was constructed (1954), there was not a requirement to provide a garage or covered parking, but setback standards were in place in the event a garage was constructed (Ordinance 23: NRH zoning ordinance of 1957).

The owner has applied for a variance from the parking standard to allow the garage conversion to remain without converting the space back to a garage or providing covered parking elsewhere on the property.

FINDINGS FOR VARIANCE APPROVAL

[Section 118-86\(4\)](#) of the zoning ordinance 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 must make specific 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 regarding this application.

1. Approve the variance as presented. This action would allow the garage conversion to remain and may require certain modifications to the area in order to comply with life safety and building code standards.
2. Approve the variance with conditions. This action would allow the garage conversion to remain subject to the owner making modifications to the size, location, or design as directed by the Board.
3. Deny the variance. This action would require the space be converted back to a garage or that two covered parking spaces be added to the property.