



ZONING BOARD OF ADJUSTMENT MEMORANDUM

FROM: Planning & Zoning Department **DATE:** September 26, 2019
SUBJECT: BA 2019-06 Public hearing and consideration of a request from Bob Wilburn for a variance to Section 118-313 (lot and area requirements) of the North Richland Hills zoning ordinance at 6766 Mike Drive, being 0.30 acres described as Lot 19, Block 5, Hillview Addition.
PRESENTER: Clayton Husband, Principal Planner

SUMMARY

Bob Wilburn is requesting approval of a variance to the minimum dwelling unit size for a new house. The property is located at 6766 Mike Drive.

BACKGROUND INFORMATION

The property is located on the south side Mike Drive, between Rufe Snow Drive and Steven Street. The lot is 80 feet wide, 153.7 feet deep, and 12,296 square feet in area. The lot is zoned R-2 Single-Family Residential.

Earlier this year, the existing house on the property was damaged by fire. The owner received a demolition permit in June 2019 to remove the debris and foundation on the site. The property is currently vacant.

On August 29, 2019, the owner applied for a building permit to construct a new house on the lot. The permit application indicates the proposed house design includes 1,350 square feet of living area. The R-2 Single-Family Residential zoning district requires a minimum dwelling unit size of 1,800 square feet if platted prior to 1998. The applicant was notified that the permit could not be approved, as the house design did not meet the required minimum dwelling unit size. Rather than revise the size of the structure, the applicant has submitted an application for variance.

The variance application and supporting materials are attached. The materials include a plot plan showing the proposed improvements to the property, a copy of the house plans, and the building permit application. An analysis of the request and relevant codes is below.

ANALYSIS

The variance request is related to the minimum dwelling unit size requirement contained in [Section 118-313](#) of the zoning ordinance. The applicant proposes to construct a new house on the property. The proposed house design provides a living area of 1,350 square feet. However, the zoning of the property (R-2 Single-Family Residential) requires a



minimum living area of 1,800 square feet. This is the minimum square footage required for properties platted prior to January 1, 1998. The lot was platted as part of the Hillview Addition in 1955.

Size of previous house

The variance application indicates the owner is proposing to construct a house of similar size as the previous house. The original house was built in 1956. The Tarrant County deed history cards for this lot indicate the original size of the house was 1,473 square feet and included a 420-square-foot garage. Photos of the interior and exterior of the previous house are available online as part of previous real estate listings of the property.

Size of other houses

The owner states in the variance application that they want the new structure to match the size and style of the existing houses in the neighborhood. While house style is subject to interpretation, the sizes of existing houses is measurable. At the time of platting for the original Hillview Addition in 1955, the minimum square footage requirement was 1,200 square feet. Data from Tarrant Appraisal District for houses on the same section of Mike Drive are shown in the table below.

MIKE DRIVE HOUSE SIZE ANALYSIS					
ADDRESS			ADDRESS		
SIZE (sf)			SIZE (sf)		
6700	Mike Dr	1,560	6736	Mike Dr	1,341
6701	Mike Dr	1,630	6741	Mike Dr	1,431
6705	Mike Dr	1,316	6742	Mike Dr	1,291
6706	Mike Dr	1,941	6746	Mike Dr	1,350
6711	Mike Dr	1,358	6747	Mike Dr	1,298
6712	Mike Dr	1,292	6753	Mike Dr	1,908
6718	Mike Dr	1,301	6754	Mike Dr	1,225
6719	Mike Dr	1,513	6759	Mike Dr	1,534
6723	Mike Dr	1,324	6760	Mike Dr	1,705
6724	Mike Dr	1,813	6765	Mike Dr	1,862
6729	Mike Dr	2,294	6771	Mike Dr	1,743
6730	Mike Dr	1,286	6772	Mike Dr	2,064
Minimum		1,225	Average		1,558
Maximum		2,294	Median		1,472

Source: Tarrant Appraisal District

The proposed house size of 1,350 square feet is less than the average house size and median house size for the lots on the same block on Mike Drive. It is also less than the size of the original house constructed in 1956.

Financial hardship

The owner states in the variance application that they cannot afford a house any larger than 1,350 square feet. According to State statute and City ordinances, financial or economic considerations may not be the sole justification in defining a hardship for the purposes of a variance to the zoning ordinance. The determination of hardship must relate



to the special or unusual physical characteristics of the property as outlined in the "Findings for Variance Approval" section below.

Property Not in a Dwelling Unit Size Overlay District

[Section 118-531 of the Zoning Ordinance](#), created in 1993, establishes exceptions to the minimum habitable square footage of dwelling units in certain single-family residential districts. Homes within those overlay districts are permitted to be smaller in area than the minimum area established by the base zoning district. These overlays can be identified by a bold blue border on the [City's Official Zoning Map](#) found online at the link provided. The subject property is not in one of the dwelling unit size overlay districts.

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. Each variance request should be considered independently and voted on separately, as they apply to separate structures proposed on the lot.

1. Approve the variance as presented. This action would allow the house design to provide a living area of 1,350 square feet.
2. Approve the variance with conditions. This action would allow the house design to provide a living area smaller than 1,800 square feet subject to the owner making modifications to the minimum size or design as directed by the Board.
3. Deny the variance. This action would require the house design to provide a minimum living area of 1,800 square feet.