

SELECT APPLICATION TYPE

☐ Interpretation ☐ Permit for Nonconformity ☐ Discontinuance of Nonconformity ☒ Variance



DEVELOPMENT INFORMATION

Property Address 7905 Irish Drive
 Legal Description Lot 2, Block 1 - Phase 1 - Irish Meadows
 Current Zoning Single Family Residential
 Current Use Single Family Home

Approx. .24

OWNER INFORMATION

Name James Fentress
 Address 6001 Avalon Street
 City North Richland Hills State TX ZIP 76180
 Phone 972-965-6243 Email jimfentress@att.net

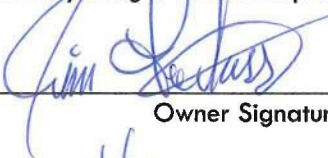
For additional owners, please include additional copies of this page. The property owner must sign the application or submit a notarized letter of authorization.

REPRESENTATIVE/AGENT INFORMATION

Name NO AGENT
 Address _____
 City _____ State _____ ZIP _____
 Phone _____ Email _____

CERTIFICATION

I certify that the above information is correct and complete to the best of my knowledge and ability, and that I will be fully prepared to present the proposal at a Zoning Board of Adjustment meeting. I reserve the right to withdraw this proposal at any time by filing a written request with the Planning & Zoning Department.

	<u>05/16/2021</u>	<u>James (Jim) Fentress</u>
Owner Signature	Date	Owner Name (print)
<u>N/A</u>		
Agent Signature	Date	Agent Name (print)

ZONING BOARD OF ADJUSTMENT

1. List the pertinent section(s) of the zoning ordinance and indicate the specific variances being requested. If necessary, use a separate sheet.

R3 Zoning:

- a. "Structure does not comply with min. 6' side yard setback..."
- b. "Structure does not comply with min. 10' rear yard setback..."
- c. "Structure must comply with minimum 4:12 pitch..."
- d. "Structure is located on property line. Must comply with 2018 IRC R302 Fire-Resistant construction table R302.1 minimum 1 Hr rated wall with no openings."
- e. "Need to provide site plan or survey with dimensions in order to verify compliance with 20% rear open yard space required per R3 Zoning."

2. State the grounds for the request and describe any special conditions that cause hardships that, in your opinion, justify the variance(s) being requested. Examples of special conditions are: topography, creeks, utility lines, irregular lot or tract shapes, etc. The Zoning Board of Adjustment must determine that special conditions exist before making a motion to approve a request. If it is determined that special conditions do not exist, the motion must be to deny the request. If necessary, use a separate sheet.

R3 Zoning violations identified:

- a. The original plat shows no easement restrictions on west side of property
Carports and/or garages have been built in this & nearby additions against property lines.
- b. The original plat shows 5' easement on rear property line
Rear section of carport can be removed if required, however its not visible (back of bldg.)
- c. The roof pitch was designed to be at 4:12 pitch... confirmation of this pitch is being verified.
The intent of this carport was 4:12 by design... if granted it would be brought into compliance.
- d. Stop work order issued prior to completion of the work.
If a fire rated wall is required it will be added if variance is granted.
- e. A survey (from a registered Surveyor Firm) has been acquired showing dimensions for the property and structures.
Currently the side yard carport (measured from corner of house to back of carport) does not exceed compliance.

3. Explain any special circumstances, if applicable, not considered by the zoning ordinance. Examples: (1) if the subdivision plat was approved prior to the current zoning ordinance requirements; or (2) the zoning ordinance was amended or a policy change was adopted after submitting an application for a building permit or other phase of the development process. If necessary, use a separate sheet.

None of the examples listed in item 3. apply here.

This carport build was contracted to an individual (Juan Sanchez) that claimed he had the design, was a registered contractor in NRH, and would file for and acquire a permit for this project. I was to supply materials and he would furnish the labor, the design, and permit. Upon approximately 90% completion of structure his crew was questioned by a City of NRH building inspector and notified the project was not permitted with the city, and not under construction in compliance of the zoning and building codes in place for NRH. (I thought the design and plan was reasonable since the carport would be constructed behind the fence, and there are several other carports and/or bldgs. similar to this in the area.) A stop work order was issued from the city two or three days later, however I had stopped the contractor the day of the inquiry from the inspector and upon requesting the design/drawings and permitting for the project, I was told he would send them to me and now he is not returning calls, and cannot be found. - I am now requesting a review with the Zoning Board of Adjustment to see if I can bring this structure within code & zoning requirements. With the possibility of some variances of some of the zoning requirements to save having to perform a complete demolition of the structure.

ZONING BOARD OF ADJUSTMENT

APPLICATION SUBMITTAL REQUIREMENTS

Applications submitted without original signatures and all required documents and information will not be reviewed, and will be returned to the applicant for revision. Please be sure that all required items are included for the type of application requested.

The Zoning Board of Adjustment meets on the fourth Thursday of each month, as needed. The application submittal deadline is 5:00 PM on the last Friday of each month. Applications are scheduled for public hearing at the regularly scheduled meeting in the following month.

Zoning Board of Adjustment information is available online in [Chapter 118 of the North Richland Hills Code of Ordinances](#). If you have questions about the application process or any submittal requirements, please call the Planning and Zoning Department at 817-427-6300.

SUMMARY OF THE ZONING BOARD OF ADJUSTMENT

The Board of Adjustment shall have the powers and exercise the duties of a Board in accordance with [Section 211.009](#) of the Texas Local Government Code. Board members are representatives of the City and shall have the right to inspect premises where required in the discharge of their responsibilities under the laws of the State of Texas and the ordinances of the City of North Richland Hills. The Board's jurisdiction shall extend to and include the hearing and deciding of the following topics of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Board of Adjustment, in specific cases, may authorize or order the following:

- **Interpretation.** Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or interpretation of the zoning regulations by the Building Official in the enforcement of this ordinance or a zoning district boundary. In reaching its decision, the Board shall establish firm guidelines for future administrative actions on like matters.
- **Permits for nonconformity.** Authorize a building permit for the reconstruction, extension, or enlargement of a building occupied by non-conforming uses, on the lot or tract occupied by such building, provided such reconstruction does not prevent the potential return of such property to a conforming use.
- **Discontinuance of nonconformity.** Require the discontinuance of non-conforming uses of land or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of the zoning ordinance. All actions to discontinue a non-conforming use of land or structure shall be taken with due regard to the property rights of the persons affected when considered in light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of the property. The Board may, from time to time on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation, or maintenance of any non-conforming use within the city.
- **Variances.** Authorize upon appeal, in specific cases, such variance from the terms of the zoning ordinance that are not contrary to the public interest, and where, because of special conditions, the enforcement of the ordinance would result in an unnecessary hardship. However, the Board shall not have the power to grant variances from the terms of the zoning ordinance for a change in use not allowed in a district. 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 the zoning regulations.

ZONING BOARD OF ADJUSTMENT

APPLICATION REQUIREMENTS CHECKLIST

The following items are required with all applications.

- Zoning Board of Adjustment application form
- Application filing fee as required by the NRH Fee Schedule
- Building permit application
 - If the request is related to new construction or an addition to a building, a copy of the denied building permit application and plan review comments must be included.
- Property map or survey
 - One paper copy and one digital (PDF) copy of an exhibit that includes the following information. Exhibit should not be larger than 11" x 17".
 - Boundaries, dimensions, and square footage of the property
 - Location and dimensions of all existing and proposed buildings and structures
- Additional information
 - Drawings, photographs, written narratives, and other relevant information may be submitted with the application.