MINUTES OF THE MEETING OF THE
ZONING BOARD OF ADJUSTMENT
CITY OF NORTH RICHLAND HILLS, TEXAS
JANUARY 26, 2012

1.
CALL TO ORDER

The meeting was called to order by Chairman Tom Duer at 7:00 p.m.

2.
ROLL CALL

PRESENT	Chairman	Tom Duer
		Jim Kemp
		Fonda Kunkle
		Jerry Henry
		Bill Gibbs
		Robert Housewright
		Brian Crowson

CITY STAFF	Director of Planning & Dev.	John Pitstick
	Senior Planner	Clayton Comstock
	Greg VanNieuwenhuize	City Engineer
	Teresa Koontz	Recording Secretary

3.
PLEDGE OF ALLEGIANCE

Tom Duer led the Pledge of Allegiance.

4.
CONSIDERATION OF MINUTES FROM THE MARCH 24, 2011 MEETING

Jim Kemp motioned to approve the minutes from the March 24, 2012 meeting. The motion was seconded by Jerry Henry and approved (5-0).

Chairman Duer stated that the Zoning Board of Adjustment is a little bit different type of

board. By state statute to get any variance approved or motion approved it takes a super majority which is 75 % or ¾ motion to approve. With us being a 5 voting member board it requires 4 affirmative votes. So if a motion carries 3-2 vote that does not pass based on the state statute of meeting the 75% majority. Chairman Duer opened the Public Hearing and asked staff to present the case.

5.
BA 2012-01
A PUBLIC HEARING TO CONSIDER A REQUEST FROM MICHAEL MORROW FOR A VARIANCE TO THE REAR YARD OPEN SPACE AREA REQUIREMENT AS SPECIFIED IN SECTION 118-333 OF THE CITY OF NORTH RICHLAND HILLS CODE OF ORDINANCES.

Clayton Comstock came forward saying the applicants, Brundrett Development Strategies on behalf of Michael and Charlene Morrow, is requesting a variance to the 20% Rear Yard Open Space requirement in R-1-S Single Family Residential Zoning District, as pursuant to the "Lot and Area Requirements" provided in Section 118-333 of the Zoning Ordinance of North Richland Hills. The location of the property is at 8801 Kirk Lane. There is Single Family Residential neighborhood just west of the property; to the east is Precinct Line Road. This is a Final Plat going before the Planning and Zoning Commission on February 2, 2012 and subsequently to City Council on February 13, 2012. They will also be considering a Zoning Change Request to the R-1-S zoning district for the 7.45 acres on Kirk Lane. This plat also shows the location of the proposed building for the applicant's future house on the far northeast corner of the lot. It is within the 20 % area for a back yard. The reason for the request is mainly tree preservation for the large post oaks and live oaks on the property.

Clayton Comstock read the Findings for a Variance Approval from Section 118-86(4) from the Zoning Ordinance.

The R-1-S Zoning District was really intended for one acre lot sizes, we never really envisioned 7.5 acre or greater lot, so the larger you get in area, the larger the 20% becomes. It reaches a point to where any act of uses in the back yards might have too much room. In this case it would be 1.14 acres would be the backyard. So that is a consideration since the intent of the ordinance would be more for the smaller lot sizes.

There was a general discussion about the requirements of a regular R-1-S lot.

The applicant came forward and was sworn in by Chairman Duer.

Thad Brundrett, Brundrett Development Strategies, applicant on behalf of Mike and Charlene Morrow came forward. He said the Staff has made a good representation of the issues at hand. The real purpose of this application is tied to the fact that the R-1-S category allows for an estate type lot. The reality is this is more than estate type lot. Mike and Charlene Morrow own the 7.5 acre parcel, but Mike and Steve Morrow own everything around it. The purpose of the plat is to be able to build the house and secure permits. The goal of the Morrow's is to build their dream house, they currently live in Virginia. Mr. Morrow is a retired army officer but currently working at the Pentagon for a non-profit. They want to move back to this property which has been in the family for over 100 years and desire to maintain the character of the property while still building

their home there. The trees were mature over 60 years ago so they intend on maintaining the trees. They want to take advantage of the trees on the site as well as the tree line to the northeast at the edge of the flood plain. They have nestled this house onto the site that will take advantage of all those aesthetic characteristics.
The ordinance was made to provide a backyard that could accommodate swimming pool, open space, storage facilities, etc. Even though by ordinance it would require 1.49 acre open space (185 feet south of the north line shown on map) , the bigger you get the lot, the more impact it has in relation to ordinance. We feel that is anomaly within the ordinance as it relates to this particular case and that is our argument for requesting the variance.

Chairman Duer asked if anyone else wished to speak in favor of or against the case. Seeing none he closed the Public Hearing asked for a motion by the board.

Bill Gibbs asked if they did want to build a pool would there be room behind the house.

Clayton Comstock said yes there would be.

Chairman Duer asked what provisions, if any, in the ordinance would prohibit them from putting a pool elsewhere? There was a general discussion about the flood zone at the end of the property.

Greg Van Niewenhuize said it would not have an effect and there are no majors issues building an in ground pool within a flood zone.

APPROVED

Jerry Henry motioned to approve BA 2012-12 as proposed. The motion was seconded by Jim Kemp and passed unanimously (5-0).

6.
ADJOOURMENT

There being no other business, the meeting adjourned at 7:15 pm.

Chairman

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Tom Duer