City of Haltom City

ZONING BOARD OF ADJUSTMENT
MINUTES
November 8, 2016

CALL TO ORDER
Chairman White called the meeting to order at 5:30 p.m.

ROLL CALL
PRESENT: Cotton, Eckhart, Elliott-Roach, Hardin, Odell, Pinkerton, White
PRESENT ALTERNATES: Sanders
PRESENT COUNCIL LIAISON: Watkins
ABSENT BOARD MEMBERS: None
ABSENT ALTERNATES: None

ADMINISTRATIVE STAFF PRESENT
Glenna Batchelor, Building Official/Assistant Director of Planning & Community Development

APPROVAL OF MINUTES
Mr. Pinkerton, seconded by Mrs. Eckhart, made the motion to approve the minutes of the Zoning Board of Adjustment meeting held on September 27, 2016 as presented. Motion passed by a 8-0-0 vote.

MEETING FORMAT
Chairman White went over the meeting format. Participants were sworn in.

CHAIRMAN WHITE THE ZONING BOARD OF ADJUSTMENT

ZBA-022-16 Application of Jessica Kay Hudson requesting variance to Zoning Ordinance O-2002-032-15, Section 33.E.2.b regarding the maximum decorative fence height at Lot 21, Block 17 of the Meadow Oaks Addition-Haltom, locally known as 3417 Meadow Oaks Drive.

The legal notice regarding the public hearing was published in the October 26, 2016 *Fort Worth Star Telegram.* Written notice of the variance request was mailed to fourteen (14) property owners within 200' of the site on October 25, 2016. Staff received five (5) responses in favor/without objection, none (0) opposed/with objection and none (0) returned to sender.

Staff presented the applicant's case to the Board.

Chairman White opened the meeting for questions of City Staff
There were no further questions for staff.

Chairman White asked the applicant to make a presentation.
Jessica Hudson residing at 3417 Meadow Oaks stated she requests the fence not for decoration, but for security since she has a restraining order against her husband. She is also

concerned about the safety of her four (4) year old son being able to play in the front yard. The fence would be the same as the one next door to the south of her property.

Chairman White opened the meeting to questions for the applicant.
There were no further questions for the applicant.

Chairman White opened the Public Hearing.
Karen Hudson residing at 3413 Meadow Oaks advised that fence would be continuous like the fence at her property. Her concern is grandson's safety since this street is a raceway from Broadway to Webster.

Denise Ford residing at 3410 Meadow Oaks confirmed that the street is a raceway and neighbors agree with request for fence.

There were was no one present in opposition.

Chairman White closed the Public Hearing.

FURTHER DISCUSSION OF THE BOARD

Mrs. Elliott-Roach stated it would be odd if the fence was not the same level as the adjoining fence to the south.

Chairman White stated the gates are nice and confirmed that street is a raceway.

ACTION BY THE BOARD
Mrs. Elliott-Roach, seconded by Mr. Odell, made the motion to approve ZBA-022-16 with the applicant required to procure all necessary permits and follow all instructions by the Building Official and permit department. Motion passed 8-0-0.

ZBA-023-16 Application of Alfons Kyle Knapp requesting variance to Zoning Ordinance O-2002-032-15, Section 33.E.1.d regarding the extension past the front façade and Sections 33.E.2.a, 33.E.2.b and 33.E.2.c regarding decorative fences shall not be walls, shall not exceed four feet (4') and shall not exceed fifty percent (50%) of the total surface area at Lot 14, Block 5 of the Diamond Oaks North Addition, locally known as 4612 Ridgemont Road.

The legal notice regarding the public hearing was published in the October 26,2016 *Fort Worth Star Telegram*. Written notice of the variance request was mailed to number twenty-nine (29)

property owners within 200' of the site on October 25, 2016. Staff received five (5) responses in favor/without objection, three (3) opposed/with objection and none (0) returned to sender.

Staff presented the applicant's case to the Board.

Chairman White opened the meeting for questions of City Staff
There were no further questions for staff.

Chairman White asked the applicant to make a presentation.
Kyle Knapp residing at 4612 Ridgemont stated the fence is intended for privacy from neighbor to the south. Opposition from neighbors is probably due to them not being familiar with the situation. Owners are requesting 12' from curb line. Wife has epilepsy seizures that are triggered by noise issues and they have submitted medical documentation. Neighbor from across the street has witnessed seizure. Wife goes outside to smoke on the front porch. Some of the police reports have been submitted to Board, but there are dozens of reports not documented/written. There was an instance in the past of someone making a phone call at street then vehicle crashed into neighbor's house.

Chairman White opened the meeting to questions for the applicant.
Chairman White told Mr. Knapp that it is the Board's responsibility of safety in neighborhood. Police and Fire departments are not usually supportive of visual blockage in front yards. Fully understands the situation but doesn't believe fence panels will stop the noise.

Mr. Knapp said Board was not first step in trying to resolve this issued, they have gone to the neighbors personally. Mr. Knapp said wife is vulnerable to them and can't control response. Mr. Knapp stated panels are not so much to eliminate the noise but to block visibility from neighbor to their front porch. They have even replaced windows for soundproofing to minimize bass sound. When neighbors see her they intentionally set her off. Try to avoid contact/visual.

Chairman White said never in eighteen (18) years has he been presented with a case like this. Mr. Knapp said they tried to well document the history and reason for request. Mr. Knapp also stated they had talked to surrounding neighbors.

Mr. Knapp said that a kid pulled a knife once and Police was notified.

Mrs. Eckhart asked if Police was pursuing the noise violations. Mr. Knapp said the noise has to be heard while Police is at property and once they leave noise resumes. Police has to witness violation to be able to work it on their part.

Mrs. Eckhart asked if owner has pursued help from advocacy group and could refer after

meeting. Mrs. Eckhart then asked if neighbor was owner or renter and Mr. Knapp responded that they are owners.

Mrs. Hardin said she understands wanting to block visibility from front door. Mr. Knapp said first two parking spaces by house usually have inoperable vehicles parked there so their request is to go farther into front yard to also block view from vehicles that they drive regularly.

Chairman White stated there is a 25' building line and asked how many fence panels are being requested. Mr. Knapp said he had measured with extended truck and thinks twelve feet (12') from curb is sufficient for visibility to get out of driveway. Mr. Knapp wants to block as much as possible so they are not able to see until out of driveway.

Mrs. Hardin asked about possibility of angle down closer to street. Mr. Knapp said sight from their drivable vehicles is also part of the problem.

Mrs. Knapp told the Board that Mr. Knapp left out bid important part. When she has a seizure she tends to flop like a fish so they turn up the noise to try and get her to had a seizure attack. Children take clothes off outside. There is constant verbal abuse, kids cuss and was overheard by mother but cops weren't called. She has been called names and they have threatened to hurt her animals. Bass noise and stress trigger her seizures. Children and parents are equally to blame. The Knapps bought camera with night vision to document situations. Her medication is as high as can be dispensed. She wears earplugs when she drives to help minimize noise.

Chairman White opened the Public Hearing.
Susann Ora residing at 4605 Ridgemont (previously 4609) stated she use to live with son and daughter-in-law. Has been here for 3.5 years and not working for the last 1.5 years. Don't have to put up with. Gone on the whole time lived here. She has list of license plates from traffic at this residence. Been with Mrs. Knapp during seizures. Spoke with neighbors and they don't have problem with fencing request.

Mrs. Batchelor stated distance from back of curb to building line is 34.5' (9.5' to property line and 25' building line). If granted 12' request from back of curb, distance into front yard setback would be 22.5'. Wooden privacy fence panels are 6'tall and 8'wide so one would be 8', two would be 16' and three would be 24'.

No one else in favor or opposition.

Chairman White closed the Public Hearing.

FURTHER DISCUSSION OF THE BOARD

Chairman White said no doubt there are problems but there are also safety concerns to be considered. Six foot (6') fence nearly to the street, there is a uniqueness to this. Complimented the owners on fine work on documentation.

Mr. Cotton said he had the same through, too vague on how far into front yard, need solid numbers. Can't do twelve feet (12') from curb, more like twenty-two feet (22') from curb could be considered.

The Board allowed the applicant to address the Board.
Mr. Knapp told the Board that he could get measurements.

Mrs. Batchelor mentioned to the Board that the fence regulations for corner-to-corner lots requires ten feet (10') off property line (19.5' from back of curb) and corner-to-interior lots requires fifteen feet (15') off property line (24.5' from back of curb).

ACTION BY THE BOARD

Continued/tabled until December 13, 2016. Mr. Knapp is to provide dimensions/measurement from porch to curb and existing fence to curb.

Chairman White, seconded by Mr. Pinkerton, made the motion to table the case until December 13, 2016 to allow Mr. Knapp to provide dimensions/measurements from porch to curb and existing fence at south side to curb. Motion passed 8-0-0.

ADJOURN

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

Respectfully submitted,

Glenna Batchelor, Building Official/Assistant Director of Planning & Community Development

James White, Chairman