

# City of Haltom City

## SIGN BOARD OF APPEALS AND ZONING BOARD OF ADJUSTMENT MINUTES August 23, 2016

### **CALL TO ORDER**

Chairman White called the meeting to order at 5:40 p.m.

### **ROLL CALL**

**PRESENT:** Cotton, Eckhart, Elliott-Roach, Odell, Pinkerton, White

**PRESENT ALTERNATES:** None

**PRESENT COUNCIL LIAISON:** Watkins

**ABSENT BOARD MEMBERS:** Hardin

**ABSENT ALTERNATES:** None

### **ADMINISTRATIVE STAFF PRESENT**

Justin French, Director of Planning and Community Development

### **APPROVAL OF MINUTES**

A motion was made for approval of the previous meeting minutes as written. Motion passed by a 6-0-0 vote.

### **MEETING FORMAT**

Chairman White went over the meeting format. Applicants were sworn in.

### **CHAIRMAN WHITE OPENED THE ZONING BOARD OF ADJUSTMENT**

**ZBA-014-16** Application of Francisco Marmolejo for variance to Zoning Ordinance O-2002-032-15, Section 33.F.1.d to allow a fence to encroach into the minimum front yard setback on Lot 6, Block 20 of the G. W. Burkitt's Subdivision, locally known as 1812 Higgins Lane.

The legal notice regarding the public hearing was published in the August 4, 2016 *Fort Worth Star Telegram*. Written notice of the variance request was mailed to eighteen (18) property owners within 200' of the site on August 4, 2016. Staff received one (1) response(s) in favor or without objection, one (1) opposed, and one (1) returned to sender.

Staff presented the applicant's case to the Board.

### **Chairman White opened the meeting for questions of City Staff**

Mr. White asked for clarification of the open metal type fence.

Mr. French projected the applicant's fence elevation on the projection screen.

**Chairman White asked the applicant to make a presentation.**

Francisco Marmolejo owning the property at 1812 Higgins Lane stated he needed the fence for security.

**Chairman White opened the meeting to questions for the applicant.**

Mr. White asked if Mr. Marmolejo's property has been vandalized.

Mr. Marmolejo replied in the affirmative.

Mrs. Elliott-Roach asked the applicant for the purpose of the 18 wheelers visiting the site.

Mr. Marmolejo stated that trucks deliver materials, like pallets of natural stone, to be stored at the site.

Mr. White asked for the hours of operation.

Mr. Marmolejo replied 7am to 5pm.

Mr. White concluded that the fence is needed for security when individuals are not at the site.

**Chairman White opened the Public Hearing.**

No one was in the audience to speak in regards to the request.

**Chairman White closed the Public Hearing.**

**FURTHER DISCUSSION OF THE BOARD**

Mr. Odell asked if the residence shown on the site plan still exists at the site.

Mr. French clarified that that residence has been demolished.

**ACTION BY THE BOARD**

Mr. Cotton, seconded by Mr. Odell, made the motion to approve ZBA-014-16 with the applicant required to procure all necessary permits and follow all instructions by the building official and permit department. Motion passed 6-0-0.

**ZBA-015-16** Application of Jose Posadas for variance to Zoning Ordinance O-2002-032-15, Section 33.E.1.e to allow a fence to encroach into the minimum street side yard setback on Lot 1, Block 7 of the Eastridge Subdivision, locally known as 2905 Eastridge Drive.

The legal notice regarding the public hearing was published in the August 4, 2016 *Fort Worth Star Telegram*. Written notice of the variance request was mailed to twenty-three (23) property owners within 200' of the site on August 4, 2016. Staff received no (0) response(s) in favor or without objection, one (1) opposed, and one (1) returned to sender.

Staff presented the applicant's case to the Board.

**Chairman White opened the meeting for questions of City Staff**

Mr. White asked for clarification of the fence's height.

Mr. French stated the fence height will be six feet as fence height is defined in the fence ordinance.

Mr. White asked if the fence will be tiered.

Mr. French clarified that the fence will be exactly as shown in the photo projected and that the fence will step down across the drive way where the drive way is lower than the grade adjacent to the driveway.

Mr. Cotton asked for clarification of the hardship statement.

Mr. French clarified that there may have been some miscommunication initially and that the inspectors did not have access behind the fence when denying the fence, so the fence was denied based on the information available. He then stated that the applicant has since clarified that the grade is higher behind the fence so no variance to the maximum 6-foot fence height is requested. He also stated that staff will verify the grade behind the fence with the inspection of the fence.

Ms. Eckhart asked how far the gate is setback from the street.

Mr. French stated that the gate is approximately five feet from the edge of street pavement.

Ms. Eckhart asked how the gates open.

Mr. French stated that the gates open inward to the backyard.

Ms. Eckhart asked if the gates were automatic.

Mr. French replied in the negative.

Mr. Pinkerton asked if the fence will provide a visibility obstruction at the corner.

Mr. French projected the site plan and stated that the fence ties back to the house and is setback approximately 60 to 65 feet from the property corner.

**Chairman White asked the applicant to make a presentation.**

Ricardo Posadas residing at 2905 Eastridge Drive stated he is representing his father Jesus Posadas. He stated he wants the fence to deter future break ins.

**Chairman White opened the meeting to questions for the applicant.**

Mr. White asked if the applicant wants the fence for security and privacy.

Mr. Posadas replied in the affirmative.

Ms. Eckhart asked if the applicant is frequently parking behind the gate and driving in and out of the gate because she is concerned that vehicles may park in front of the gate and block traffic before opening the gate to enter the property.

Mr. Posadas stated that access the gate is infrequent and will be just himself and his father.

Ms. Batchelor clarified the requirements for a drive approach at the gate.

**Chairman White opened the Public Hearing.**

No one was in the audience to speak in support or opposition of the request.

**Chairman White closed the Public Hearing.**

**FURTHER DISCUSSION OF THE BOARD**

Mr. White stated that he has no problems with the request because Lorraine has little traffic.

**ACTION BY THE BOARD**

Chairman White, seconded by Mr. Cotton, made the motion to approve ZBA-015-16 with the applicant required to procure all necessary permits and follow all instructions by the building official and permit department. Motion passed 6-0-0.

**ZBA-018-16** Application of Esteban Martinez requesting a special exception to allow a private stables in accordance with Zoning Ordinance O-2002-032-15, Sections 9 and 35.H, on Lot 7, Block 14 of the Meadow Oaks Addition, locally known as 3124 Haltom Road.

The legal notice regarding the public hearing was published in the August 4, 2016 *Fort Worth Star Telegram*. Written notice of the variance request was mailed to fourteen (14) property owners within 200' of the site on August 4, 2016. Staff received one (1) response(s) in favor or without objection, one (1) opposed, 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**

Mr. White asked how many head of livestock the property is good for.

Mr. French stated that up to four are allowed.

**Chairman White asked the applicant to make a presentation.**

Ricardo Nava represented the owners, Estaban and Betty Martinez residing at 3124 Haltom Road, and was available to answer any questions of the Board.

**Chairman White opened the meeting to questions for the applicant.**

Mr. White asked if the owners understood all requirements for the maintenance of keeping horses.

Mr. Nava and the owner's replied in the affirmative.

Mrs. Elliott-Roach asked how many horses will the owners have.

Mr. and Mrs. Martinez explained that they have two horses and they may get another two for a total of four horses at the property.

Mr. Odell asked for the address of the opposition.

Mr. French provided the address of 5205 Patterson Drive.

**Chairman White opened the Public Hearing.**

No one was in the audience to speak in regards to the request.

**Chairman White closed the Public Hearing.**

**FURTHER DISCUSSION OF THE BOARD**

Mr. White noted that the applicant has made improvements to the property and the Board has gone over the maintenance requirements with the applicant.

**ACTION BY THE BOARD**

Mr. Pinkerton, seconded by Mrs. Elliott-Roach, made the motion to approve ZBA-018-16 with the applicant required to procure all necessary permits and follow all instructions by the building official and permit department. Motion passed 6-0-0.

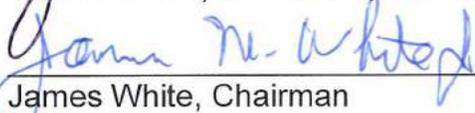
**ADJOURN**

There being no further business, Chairman White adjourned the meeting at 6:23 p.m.

Respectfully submitted,



Justin French, Director of Planning and Community Development



James White, Chairman