City of Haltom City

ZONING BOARD OF ADJUSTMENT
MINUTES
September 27, 2016

CALL TO ORDER
Chairman White called the meeting to order at 5:30 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
Vice Chairman Pinkerton went over the meeting format. Applicants were sworn in.

ACTING CHAIR PINKERTON OPENED THE ZONING BOARD OF ADJUSTMENT

ZBA-019-16 Application of Ernest Botello for a special exception for a front yard carport in accordance with Zoning Ordinance O-2002-032-15, Section 35.H, on Lot 13, Block 2 of the Culberhouse Addition, locally known as 4112 Earl Street. **(Rescheduled from September 13th meeting)**

The legal notice regarding the public hearing was published in the August 31, 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 30, 2016. Staff received two (2) response(s) in favor or without objection, none (0) opposed, and one (1) returned to sender.

Staff presented the applicant's case to the Board.

Acting Chair Pinkerton opened the meeting for questions of City Staff
There were no further questions for staff.

Vice Chairman Pinkerton asked the applicant to make a presentation.
Ernest Botello residing at 4112 Earl Street stated he requests the carport to protect his car from hail storms and the sun. He stated he has old vehicles that are hard to find parts for and that he'd like to work on them in the shade.

Vice Chairman Pinkerton opened the meeting to questions for the applicant.
Mr. White noted that the plans call for the carport to be two feet from the residence and asks the applicant if the property has or is expected to have any drainage issues.

Mr. Botello replied in the negative.

Mr. White asked if the carport will be of metal construction and who will construct the carport.

Mr. Botello replied in the affirmative and stated that Adam Factory Outlet will construct the carport.

There were no further questions for the applicant.

Vice Chairman Pinkerton opened the Public Hearing.
No additional speakers were present to speak in regards to the request.

Vice Chairman Pinkerton closed the Public Hearing.

FURTHER DISCUSSION OF THE BOARD

Mr. White noted no drainage issues and stated he didn't see anything wrong with the carport.

ACTION BY THE BOARD
Mrs. Elliott-Roach, seconded by Mr. Odell, made the motion to approve ZBA-019-16 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-020-16 Application of Norma Vosberg requesting a special exception to allow a mother-in-law dwelling unit in the "SF-2" Single Family Residential District in accordance with Zoning Ordinance O-2002-032-15, Sections 9 and 35.H.10, on Lot 12, Block 5 of the Oakridge Addition, locally known as 2112 Eden Avenue.

The legal notice regarding the public hearing was published in the September 15, 2016 *Fort Worth Star Telegram.* Written notice of the variance request was mailed to fourteen (14) property owners within 200' of the site on September 15, 2016. Staff received one (1) response(s) in favor or without objection, four (4) opposed, and none (0) returned to sender.

Staff presented the applicant's case to the Board.

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

Vice Chairman Pinkerton asked the applicant to make a presentation.
Norma Vosberg residing at 2112 Eden Avenue stated the mother-in-law dwelling is intended for her daughter that has a mental illness and a history of domestic violence victimization. She said she is moving to Oklahoma and intends to rent or sale the main house to her youngest daughter. Mr. Vosberg said the house is not intended for permanent residence.

Vice Chairman Pinkerton opened the meeting to questions for the applicant.
Mr. White stated that the action of the Board will run with the property regardless of the property's ownership and the Building Official has stated that the building is unsafe in three different ways.

Mr. and Mrs. Vosberg stated that they can enlarge the windows to bring them up to code.

Vice Chairman Pinkerton opened the Public Hearing.
Earl Musik residing at 2100 Eden Avenue stated the applicant's intended use of the mother-in-law quarters so her main house is not torn up is the same reason why he is opposed to living by the problems that the mother-in-law quarters will bring. He also stated that the building does not have an adequate foundation from what he has seen of it and the electrical is running 220 without any inspection. Mr. Musik stated that there are no permits for the construction and there are many unknowns with its construction that concerns him. He stated he is concerned about property values and impact on the neighboring properties.

Janie Dorcas residing at 2108 Eden Avenue stated she'd hate to see the property become rental property because there is already rental property in the area. She stated she has concerns that the property will not be maintained.

Ruth Hartman residing at 2120 Eden Avenue stated her backyard adjoins the subject site's backyard. She stated she opposes the request for reasons that were already stated.

Vice Chairman Pinkerton called the applicant to the podium for a rebuttal.
Mr. Vosberg stated his daughter has lived we him for a year in the past and no problems were reported. He stated his daughter can't live in the main house because he intends to lease it out, while the mother-in-law quarters will be for his daughter and will not be a rental unit. He also stated that the quarters is on concrete blocks with concrete around it and that he has been in construction for 50 years and knows how to build. He says he can make the windows bigger and whatever is needed.

Mrs. Vosberg stated she wouldn't have objections to her neighbors leasing their home because everyone should be allowed to do so and there are existing duplexes and rentals that are compatible, such as the two-story, two-bedroom apartment at Ms. Dorcas' property. She also Mr. Musik has an accessory building in his backyard. Mrs. Vosberg stated that her daughter may buy the property or the property may be sold at which time the opposition will have to get use to new neighbors.

Vice Chairman Pinkerton closed the Public Hearing.

FURTHER DISCUSSION OF THE BOARD
Mrs. Elliott-Roach noted that the Building Official said the foundation is not adequate.

Mr. French stated that the foundation does not have to be a concrete slab foundation and that it just needs to be a permanent, engineered foundation.

Mrs. Elliott-Roach asked if the foundation is a permanent foundation.

Mrs. Batchelor, Building Official, stated that the foundation has not be inspected and no permit is on record.

The Board allowed the applicant to address the Board.
Mrs. Vosberg stated that the slab is pier and beam, secured, and has concrete. She stated that it has not been inspected because the City told her to stop work.

Mr. French noted that unlike other City's ordinances, the Haltom City zoning ordinance does not require the habitants of the mother-in-law dwelling unit to be family members.

Mr. White noted that the building popped up without first being issued a building permit and three neighbors have spoken in opposition and another has given notice of opposition. He stated that the building might be okay as a storage building.

ACTION BY THE BOARD
Mr. White, seconded by Ms. Eckhart, made the motion to deny ZBA-020-16 and thus initiating action to abate, remove, or terminate the nonconforming mother-in-law dwelling by stipulating the elements making the secondary dwelling unit be removed and the building's use be limited to accessory storage or hobby shop uses if the building remains, and where the property is required to come into compliance within 60 days or by November 28, 2016. Motion passed 6-0-0.

ELECTION OF OFFICERS
By acclamation, James (Jimbo) White retains Chairman.
By acclamation, Larry Pinkerton moves to Vice Chairman.
By vote of 6-0-0, Allison Elliot-Roach becomes Secretary.

ADJOURN
There being no further business, Acting Chairman Pinkerton adjourned the meeting at 6:41 p.m.

Respectfully submitted,

Justin French, Director of Planning and Community Development

James M. White Jr.

James White, Chairman