

**RICHLAND HILLS ZONING BOARD OF ADJUSTMENT  
FEBRUARY 28, 2019  
MINUTES**

Members present:

Jorge Cisneros, Chairman  
Sanjay Mathews, Place 2  
Ashly Schilling, Place 3  
Chris Utchell, Place 4

Members Absent:

Corrie Hayward, Place 5

Staff

Kay Duffy, Development Manager  
Candice Edmondson, Assistant City Manager  
James Donovan, City Attorney

**1. CALL TO ORDER**

Chairman Cisneros called the meeting to order at 6:30 p.m.

**2. APPROVAL OF THE FEBRUARY 20, 2019 MEETING MINUTES**

Chris Utchell motioned to approve the minutes, Ashly Schilling made a second and all approved.

**3. EXECUTIVE SESSION**

Mr. Cisneros asked for a motion to move to executive session. Mr. Matthews made the motion, Ms. Shilling made a second, all approved and the commissioners moved to executive session at 6:32. The meeting reconvened at 6:40 p.m.

**4. CONTINUATION OF PUBLIC HEARING AND CONSIDERATION OF A REQUEST FOR A SPECIAL EXCEPTION UNDER SEC. 6.13(D) OF CHAPTER 90 OF THE CODE OF ORDINANCES, CITY OF RICHLAND HILLS, TEXAS, TO ALLOW FOR AN ENCROACHMENT OF THE BUILDING INTO THE REQUIRED SIDE YARD SETBACK ON THE EAST SIDE OF THE PROPERTY LOCATED AT 6723 BROOKS AVENUE. (Case# ZBA 2019-0047)**

Staff introduced the case, a 1000 square foot addition to a home in the SF-10 zoning district. The plans for the addition were submitted in December and after going through the plan review process the building permit was issued in early January. The first inspection of the property, a forms inspection, was passed on January 24<sup>th</sup> and the contractor proceeded with pouring the foundation. Shortly thereafter, it was discovered that the back corner of the property was encroaching on the required 10-foot side yard setback. The contractor stopped work on the project after being notified of the problem and has applied for a special exception for the setback.

Mr. Utchell asked about the setback note on plans and the norms surrounding how plans usually come back. Mr. Utchell also asked whether the front of the addition conforms with the setback. Mr. Matthews asked who notified the city that the setbacks weren't being met and who is responsible for measuring the setbacks as the building is in process. Mr. Utchell asked if a 7.5-foot setback is more of a public safety hazard than a 10-foot setback.

Mr. Cisneros opened the public hearing at 6:48pm and invited the applicant, Sawyer Hudson, to speak. Mr. Hudson stated that he mistakenly thought the setback was 5 feet.

Mr. Hudson told the commission that the first 16 feet of the addition are meeting the setback, but only the last 10 feet are encroaching on the setback.

The next speaker was Martin Ott of 6731 Brooks Ave. Mr. Ott questioned code enforcement's measurement of 7.5 feet – he says he measured 6 feet and we should have an engineer measure it. Mr. Ott stated that we have code for a reason.

The neighbor at 6740 Brooks Ave stated that he has done multiple things to his house and the City made him pull down a roof down that was 2 inches too high and been “around and around” with the City over the 60% brick rule. He also is concerned about what the exterior finish of the building will be.

Mr. Cantu, the general contractor, spoke next. He stated that he and Sawyer tried to comply with everything the City asked them to do.

The public hearing was closed at 7:04 pm.

Commissioners proceeded to discuss the case. Mr. Utchell asked Ashley Shilling asked if it's common for plans to come back that don't require further action. She also confirmed that this plan had been approved by the plan reviewer. Mr. Cisneros asked why setbacks are important and Mr. Matthews stated he felt it was for safety reasons.

Sanjay Matthews made a motion to deny the special exception and Chris Utchell made a second. The exception was denied by a vote of 4-0.

## 5. ADJOURNMENT

Mr. Utchell motioned to adjourn. With a second from Ms. Schilling and approval by all Chairman Cisneros adjourned the meeting at 7:12 p.m.

**ATTEST**

**APPROVED**

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Kay Duffy, Development Manager

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Jorge Cisneros, Chairman