



CITY OF MANSFIELD

1200 E. Broad St.
Mansfield, TX 76063
mansfieldtexas.gov

Meeting Agenda - Final Zoning Board of Adjustments

Wednesday, September 7, 2022

6:00 PM

City Hall Council Chambers

1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**

[22-4875](#) Minutes - Approval of the August 3, 2022, Zoning Board of Adjustments Meeting Minutes

Attachments: [Meeting Minutes 08.07.22.pdf](#)

3. **PUBLIC HEARINGS**

[22-4876](#) ZBA#22-008: Request for a variance to Section 155.099(B)(5) of the Code of Ordinances to allow a reduction of the minimum setbacks for an accessory building at 720 Danvers Lane.; Zachary Cummings, owner

Attachments: [Maps and Supporting Documents.pdf](#)

[Site Plan and Exhibits.pdf](#)

[Photographs of the Property.pdf](#)

[Section 155.099 \(B\)\(5\).pdf](#)

4. **ADJOURNMENT OF MEETING**

I certify that the above agenda was posted on the bulletin board next to the main entrance of City Hall on September 1, 2022 in accordance with Chapter 551 of the Texas Government Code.

Jennifer Johnston, Secretary

* This building is wheelchair accessible. Disabled parking spaces are available. Request for sign interpreter services must be made 48 hours ahead of meeting to make arrangements. Call 817-473-0211 or TDD 1-800-RELAY TX, 1-800-735-2989.



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STAFF REPORT

File Number: 22-4875

Agenda Date: 9/7/2022

Version: 1

Status: Approval of Minutes

In Control: Zoning Board of Adjustments

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the August 3, 2022, Zoning Board of Adjustments Meeting Minutes

Description/History

The minutes of the August 3, 2022, Zoning Board of Adjustments meeting are in DRAFT form and will not become effective until approved by the Board at this meeting.



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Meeting Minutes - Draft

Zoning Board of Adjustments

Wednesday, August 3, 2022

6:00 PM

City Hall Council Chambers

1. CALL TO ORDER

Chairman Jones called the meeting to order at 6:00 p.m. in the Multipurpose Room of City Hall, 1200 East Broad Street, with the meeting being open to the public and notice of said meeting, giving date, place, and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code, with the following members present:

*Staff:
Art Wright, Senior Planner*

Board Members:

Present 5 - Patrick Kelly Jones; Robyn Accipiter; Eddilisa Martin; Noel Rendon and Ann Smith

2. APPROVAL OF MINUTES

[22-4755](#)

Minutes - Approval of the June 1, 2022, Zoning Board of Adjustments Meeting Minutes

Vice- Chair Accipiter made a motion to approve the minutes of the June 1, 2022 meeting. Board Member Martin seconded the motion, which carried by the following vote:

Aye: 5 - Patrick Kelly Jones; Robyn Accipiter; Eddilisa Martin; Noel Rendon and Ann Smith

Nay: 0

Abstain: 0

3. PUBLIC HEARINGS

[22-4812](#)

ZBA#22-007: Request for a Special Exception under Section 155.082(E) (7) of the Code of Ordinance to allow a detached accessory dwelling at 919 Spencer Street, Morgan and Janice McBride, owner/applicant

Chairman Jones opened the public hearing at 6:05 p.m.

Basil Devin, contractor for applicant, gave an overview of the request and was available for questions.

Seeing no one come forward to speak, Chairman Jones closed the public hearing at 6:08 p.m.

Chairman Jones read the criteria for approval.

After a brief discussion Vice- Chair Accipiter made a motion to approve the request as presented. Board Member Rendon seconded the motion, which carried by the following vote:

Aye: 5 - Patrick Kelly Jones; Robyn Accipiter; Eddilisa Martin; Noel Rendon and Ann Smith

Nay: 0

Abstain: 0

4. ADJOURNMENT OF MEETING

With no further business Chairman Jones adjourned the meeting at 6:12 p.m.

Kelly Jones, Chairman

ATTEST:

Jennifer Johnston, Development Coordinator



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STAFF REPORT

File Number: 22-4876

Agenda Date: 9/7/2022

Version: 1

Status: Public Hearing

In Control: Zoning Board of Adjustments

File Type: Zoning Board Request

Title

ZBA#22-008: Request for a variance to Section 155.099(B)(5) of the Code of Ordinances to allow a reduction of the minimum setbacks for an accessory building at 720 Danvers Lane.; Zachary Cummings, owner

Description/History

The applicant constructed an accessory structure with a height of approximately 12 feet without a building permit. The accessory building does not meet the minimum required setbacks in Section 155.099 (B)(5) of the Mansfield Code of Ordinance. The applicant is seeking a variance to allow a reduction in the required setbacks for the accessory building.

Accessory building setbacks are based on the height of the structure. The following are the setback requirements in Section 155.099 (B)(5) for an accessory building with a height of 10 to 12 feet:

- a. 11.5 feet from the rear property line. According to the plot plan, the accessory building is approximately 19 feet from the rear property line. A variance is not required for this setback.
- b. 9 feet from the side property line. The building appears to be approximately 1 foot from the side property line along Newport Drive. A variance will be required.
- c. 5 feet from the house or another accessory building. This measurement is not shown on the plot plan.
- d. 75 feet from the front property line or behind the rear facade of the main residential building that is furthest from the street. This measurement is not shown on the plot plan. The accessory building is shown to be forward of the rear façade on the plot plan.

The purpose of a variance is to relieve hardship, not to confer benefits that are not enjoyed by neighboring properties. According to Section 155.113 of the Code of Ordinances, the Board may grant a variance if the following conditions are met:

- a. That the granting of the variance will not be contrary to the public interest; and
- b. That literal enforcement of the ordinance will result in unnecessary hardship

because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and

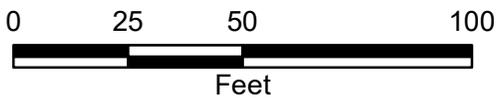
- c. That by granting the variance, the spirit of the Zoning Ordinance will be observed and substantial justice will be done

Attachments

- Maps and supporting information
- Site plan and exhibits
- Photographs of the property
- Provisions of Section 155.099(B)(5)



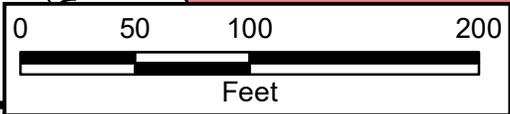
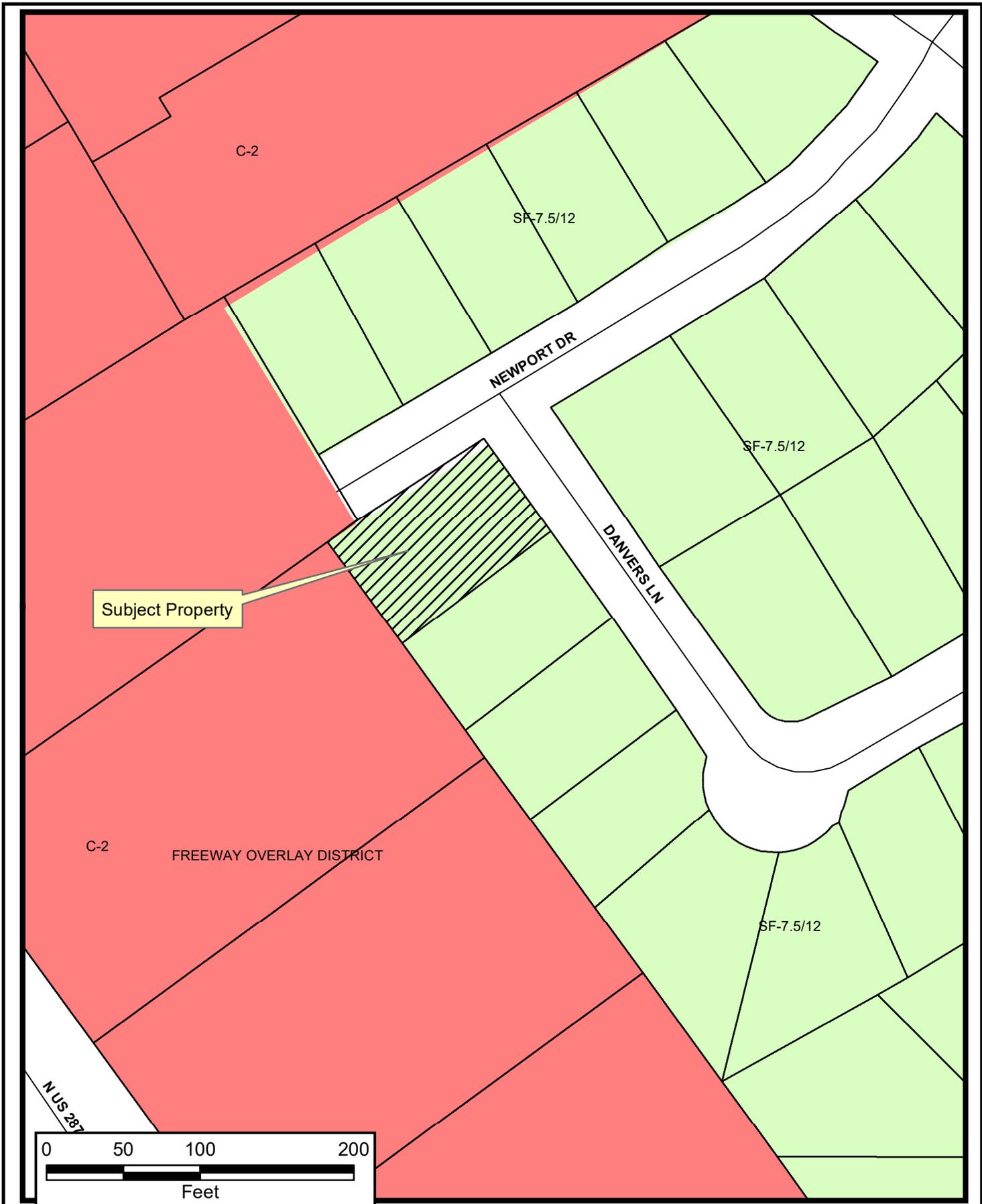
Subject Property



ZBA#22-008

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

8/24/2022



ZBA#22-008

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8/24/2022

Property Owner Notification for ZBA#22-008

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD DEBBIE LANE ADD	LOT 3R	EECU	1617 W 7TH ST	FORT WORTH, TX	76102-2503
MANSFIELD DEBBIE LANE ADD	LOT 5R2	PROPERTY TAX LENDING LP	12655 N CENTRAL EXPWY STE 1016	DALLAS, TX	75243
MANSFIELD HIGHLANDS ADDITION	LOT 1R	TORTORICE REALTY LLC	366 BERRY RD	BEAUMONT, TX	77706
MANSFIELD HIGHLANDS ADDITION	LOT 2	FCPT HOLDINGS LLC c/o FOUR CORNERS PROPERTY TRUST	591 REDWOOD HWY STE 1150	MILL VALLEY, CA	94941
MANSFIELD HIGHLANDS ADDITION	LOT 3	ORIGINAL SITES LTD ATTN: LARRY MARSHALL	PO BOX 3350	GRAPEVINE, TX	76099-3350
WALNUT CREEK VALLEY ADDITION	BLK 72	WHITTAKER, CAROL	739 NEWPORT DR	MANSFIELD, TX	76063
WALNUT CREEK VALLEY ADDITION	BLK 72	WHITTAKER, CAROL	680 SAN PASQUEL ST	HEMET, CA	92545
WALNUT CREEK VALLEY ADDITION	BLK 72	FORD, DIAMOND	737 NEWPORT DR	MANSFIELD, TX	76063
WALNUT CREEK VALLEY ADDITION	BLK 72	MCCLINTIC, COREY	735 NEWPORT DR	MANSFIELD, TX	76063
WALNUT CREEK VALLEY ADDITION	BLK 72	KAUHANE, ROSE	733 NEWPORT DR	MANSFIELD, TX	76063-2816
WALNUT CREEK VALLEY ADDITION	BLK 72	YAMASA CO LTD	PO BOX 4090	SCOTTSDALE, AZ	85261
WALNUT CREEK VALLEY ADDITION	BLK 73	OWENS, MELISSA D	736 NEWPORT DR	MANSFIELD, TX	76063-2815
WALNUT CREEK VALLEY ADDITION	BLK 73	BURK, SHAWNA L	734 NEWPORT DR	MANSFIELD, TX	76063
WALNUT CREEK VALLEY ADDITION	BLK 73	CAZZELL, BRETT	737 DANVERS LN	MANSFIELD, TX	76063-2818
WALNUT CREEK VALLEY ADDITION	BLK 73	GARCIA, RICHARD	735 DANVERS LN	MANSFIELD, TX	76063
WALNUT CREEK VALLEY ADDITION	BLK 75	CUMMINGS, ZACHARY	720 DANVERS LN	MANSFIELD, TX	76063
WALNUT CREEK VALLEY ADDITION	BLK 75	HANSON, BARBARA G	722 DANVERS LN	MANSFIELD, TX	76063-2817
WALNUT CREEK VALLEY ADDITION	BLK 75	WILSON, RHONDA	724 DANVERS LN	MANSFIELD, TX	76063
WALNUT CREEK VALLEY ADDITION	BLK 75	AGUIRRE AVILA, JOSE	726 DANVERS LN	MANSFIELD, TX	76063

July 28, 2022

Hello, I, Zachary Cummings, write this letter on behalf of my family, and several members of the Mansfield community.

My wife, Amy, and I purchased our home in 2019 located at 720 Danvers Lane, Mansfield, Texas 76063. After a long search we were able to find a home in Mansfield, a city we both agreed was a great place to raise our 5 children and had a great community. Our home is an older home and needed (needs) many updates, which I have done a lot of, on my own.

At the beginning of 2022 I began drafting plans to build a shed in our backyard to offer more storage space for our family and, be my workshop. When I first came up with the layout, I did, in fact, visit City Hall to see if a permit was needed for my original plans and due to Mansfield's strict accessory building codes for the size, and permits needed for something of that nature we decided to scale it back in size to 16x12 and make it just a shed for storage so we were not in violation of building codes and also within our budget. My original plan was to use it as a workshop to build furniture pieces not just for our home, but also to sell to make extra money as a hobby.

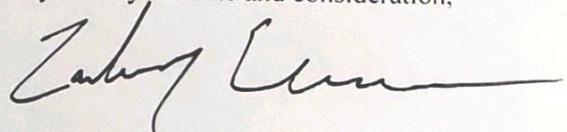
We have since built the shed, and when I say we, I mean my 5 kids, and myself. It has no electricity, and no water lines, it was built to serve as a storage space, as well as a shaded area to sit under in Texas' hot summers. My children helped with packing dirt, bringing and holding up boards as my sons and I screwed them in. We really got the whole family involved and made it something fun for all of us to do together. They even went around the frame of it writing out affirmations for our family, memories they will always have. It made me proud as a father to see my kids getting involved and getting excited to see our hard work paying off.

Recently, I was informed by Code Compliance that our shed was in violation of a setback code, something I was unaware of, and still to this day I do not completely understand. Being told to just simply tear it down, with little to no explanation, has me questioning, "why???" After doing research, it seems there are a few loopholes, but none of which are cheap or efficient. After spending close to \$10,000 on building this shed, that is a huge financial loss on a family of 7. Given the times we are in, it is not easy losing that kind of money. We are a hard-working family, we receive no government assistance, and we ask for no handouts. There must be something more that can be done than to just make us tear it down and lose not only all the money invested in it, but the time and memories.

The structure I built leaves room for all future utility needs. I can guarantee! That without a doubt, it is a solid structure. It is near a commercial concrete panel wall, and there is absolutely no possibility that it can damage that other structure, unless a tornado were to come through. That is the only possibility.

If you were to look at the layout of our property, to the right of us is Newport Drive, where that street dead ends, the commercial fence comes into our property, whereas a normal yard would be rectangular shaped, ours has a notch at the top right corner that is hindering the space needed to meet setback requirements. I ask that you please consider our request for leniency and take into consideration all the time, money, and effort it took my family to build this.

Thank you for your time and consideration,


Zachary Cummings

Dear Board of Adjustments, We are writing this letter to fight for our Shed/Swimshack.

We promise it will look great, we know it will because we helped build it.

We also use the Shed/Swimshack for family get togethers and a nice place to cool down in the shade.

We are also going to use the Shed/Swimshack to store things that we can't fit in our garage.

We really don't want you to get rid of our Shed/Swimshack because we could all call it part of our Home!

Thank you for reading our letter.

Sincerely, Gabriella Cummings +
Dominic Cummings

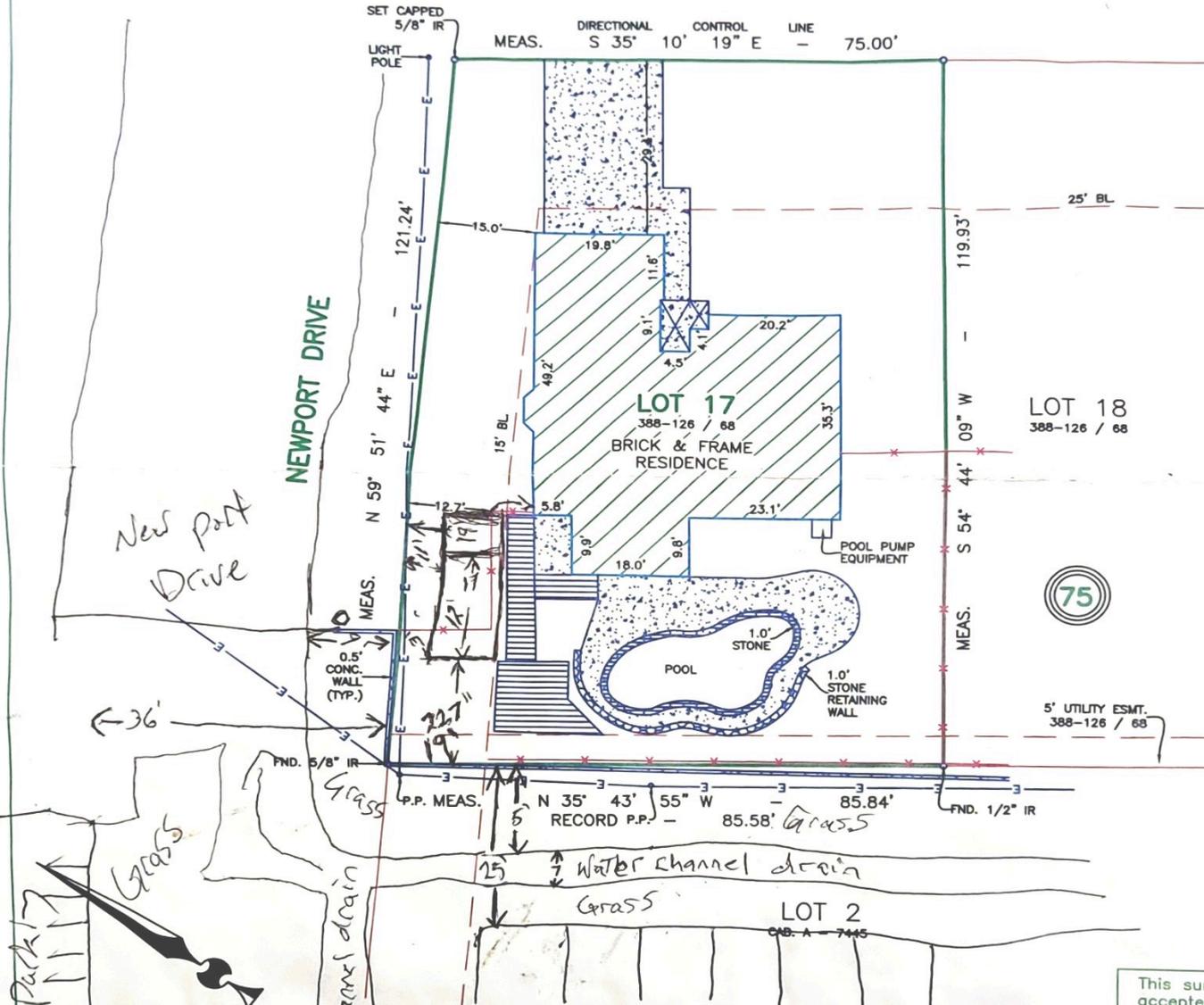
Reference No: 1910180720 G.F. No: 19-4197
 Title Co: RATTIKIN TITLE COMPANY
 Purchaser: KROMKAYASONE

PROPERTY DESCRIPTION

Lot 17, Block 75, SECTION X, PHASE ONE, WALNUT CREEK VALLEY, an Addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Volume 388-126, Page 68, Deed Records of Tarrant County, Texas.

Tesco easement recorded in 6854/65, DRTCT, provides undefined service to residence.

720 DANVERS LANE



SURVEYORS CERTIFICATION

I, WILLIAM H. MOSS, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE BOUNDARY LINE, AND DIMENSIONS OF THE LAND INDICATED THEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, SAID PROPERTY BEING SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS AND RESTRICTIONS THAT MAY BE OF RECORD, AND THAT ONLY THE EASEMENTS SHOWN ON THE REFERENCED PLAT OF RECORD, VISIBLE EASEMENTS AND THOSE OF WHICH THE SURVEYOR HAS BEEN GIVEN WRITTEN NOTICE FROM TITLE COMPANY ARE SHOWN ON THIS PLAT. SURVEYOR DID NOT ABSTRACT THIS PROPERTY. THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR THE TITLE COMPANY AND PURCHASER SHOWN AND IS LICENSED FOR ONE SINGLE USE. THIS SURVEY WILL BE VOID IF USED BY ANY OTHER PERSON OR FOR ANY OTHER PURPOSE. SURVEYOR BEARS NO RESPONSIBILITY FOR SAID USE.

This survey is hereby accepted and approved.

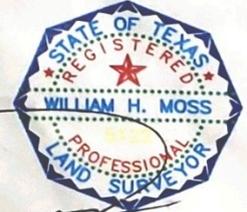
Purchaser _____

Purchaser _____

Date _____

STATE FIRM REGISTRATION NUMBER 10193797

	BOUNDARY LINE
	BUILDING
	OVERHEAD UTILITIES
	FENCE
	BRICK
	WOOD DECK
	CONCRETE



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SURVEY CAN BE UPDATED FOR DISCOUNTED PRICE

DRAWN BY: MS

DATE: 10-21-19

SURVEY ONLY VALID WITH ORIGINAL SIGNATURE













BEFORE



CURRENT



The red lines indicate approximately where the property lines are located

Approximate location of the new building

§ 155.099 SPECIAL CONDITIONS.

(B) *Special conditions by use.*

(5) *Residential accessory buildings.*

(k) Accessory buildings or structures shall comply with the minimum setback from the property line as depicted in the table below in conjunction with the height of the accessory building or structure. Accessory buildings or structures shall be limited to one story, and may have a loft or attic, provided that such loft or attic is not used as habitable space. The height of accessory buildings or structures shall be measured from the ground to the highest point of the building or structure.

Max. Accessory Building Height	Minimum Setbacks	
	Min. Rear Yard	Min. Side Yard
8'	7.5'	5'
10'	9.5'	7'
12'	11.5'	9'

(l) Accessory buildings or structures may be located in the side yard provided that they meet the minimum height requirements described in division (B)(5)(k) of this section and that they are at least 75 feet from the front property line or behind the rear facade of the main residential building that is furthest from the street.

(o) A minimum distance of five feet from accessory buildings or structures to the house and to other accessory buildings or structures shall be required. No minimum separation shall be required for accessory buildings or structures with an area of 120 square feet or less.