AGENDA

ZONING BOARD OF ADJUSTMENT CITY OF MANSFIELD, TEXAS CITY COUNCIL CHAMBERS **WEDNESDAY, JUNE 6, 2018, 6:00 PM**

1. CALL TO ORDER

2. APPROVAL OF LAST MEETING MINUTES

3. PUBLIC HEARINGS:

- A. ZBA#18-003: Request for a Special Exception under Section 6300.E.6 of the Zoning Ordinance to allow modifications to an existing accessory building with an area of approximately 1,080 square feet and a height of approximately 19.5 feet at 1419 Waterwood Drive.
- **B.** ZBA#18-004: Request for a Special Exception under Section 6300.E.5 of the Zoning Ordinance to allow a reduction of the 80% minimum masonry construction requirement for a new single-family residence at 1595 W. Broad Street.

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 May 31, 2018, in accordance with Chapter 551 of the Texas Government Code.

Delia Jones, 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.

ZONING BOARD OF ADJUSTMENT CITY OF MANSFIELD

May 2, 2018

Chairman Jones called the meeting to order at 6:00 p.m. in the Council Chambers 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:

Present:

Kelly Jones Chairman
Robyn Accipiter Vice-Chairman
Ann Smith Board Member
Joe Glover Board Member
Michael Aguillard Board Member

Absent: None

Staff:

Art Wright Planner
Delia Jones Secretary

Approval of Last Meeting Minutes

Board Member Aguillard made a motion to approve the minutes of the February 7, 2018, meeting. Board Member Glover seconded the motion, which carried by the following vote:

Ayes: 5 – Jones, Accipiter, Smith, Glover and Aguillard

Nays: 0 Abstain: 0

ZBA#18-002: Request for a Special Exceptions under Section 6300.E.7 of the Zoning Ordinance to allow an attached accessory building with an area of approximately 650 square feet at 3 Woodbridge Court

Audrey Iverson, the applicant, stated that she purchased the home in 2016 and planned for her daughter and family to live in the main house and she will live in the attached accessory building. She noted that she is in poor health but likes her independence which is why she is requesting a full kitchen because she enjoys cooking. She also noted that she is separated from the main house by a laundry room. She was available for questions.

Chairman Jones opened the public hearing.

Sandy Null spoke in support of the request.

Steve Casio, HOA President, spoke in opposition to the request noting that everyone is required to have a 2-4 car garage according to the HOA rules and the CC&R's. He stated that the decision tonight will affect all 282 neighbors. He noted that they seem like nice neighbors, however, everyone must follow the same rules. Keith Roten stated that without a garage, cars will always be in the driveway and in the culde-sac. Richard Littell stated that the bylaws state that you when you purchase your home you automatically become a member of the HOA and you must abide by the rules which includes going before the Architectural Review Committee and obtaining the proper permits before constructing anything on your property. Amber Roten stated that she is objecting to the request because the rules were not followed and she is concerned about what will happen to the attached dwelling if and when Mrs. Iverson's daughter and family decide to move.

Don Wester (son-in-law of Mrs. Iverson) stated that he did not know you needed a permit to make changes on his home and he was never told that what he was doing was wrong. He added that he will be building a new garage behind the attached accessory building within the next six months

Rebuttal

Mrs. Iverson stated that she never intended to do something illegal. She added that she was unaware of the HOA rules.

Seeing no one else come forward to speak, Chairman Jones closed the public hearing.

Chairman Jones read the criteria for approval and stated that the Board does not enforce HOA rules or CC&R's.

Board Member Glover made a motion to approve the request. The motion died for lack of a second.

Board Member Smith made a motion to deny the requested based on Comment #11--The granting of the special exception does not change the essential character or appearance of the neighborhood or diminish or impair property values within the neighborhood. Vice-Chairman Accipiter seconded the motion, which carried by the following vote:

Ayes: 4 – Jones, Accipiter, Smith and Aguillard

Nays: 1 - Glover

Abstain: 0

Adjournment With no further business Chairman Jones adjourned the meeting at 6:42 p.m.	
ATTEST:	Kelly Jones, Chairman
Delia Jones, Secretary	

ZBA COMMUNICATION

Agenda Date: June 6, 2018 Case Number: ZBA#18-003

Applicant: Statewide Remodeling, builder

Robertson Intellectual Pro, LLC, owner

Subject Land Use: Single-family residence

Zoning: SF-8.4/18

Request: Special Exceptions to allow modifications to an accessory building with an area of

approximately 1,080 square feet and a height of approximately 19.5 feet

Zoning Ordinance Reference: 6300.E.6

Location: 1419 Waterwood Drive

STAFF COMMENTS

On May 5, 2004, the Board granted Special Exceptions to allow the owner to construct a pool cabana with an area of approximately 1,080 square feet and a height of approximately 19.5 feet. The cabana included an exercise room and bathroom inside the building, and a covered patio with an outdoor kitchen area. The exceptions were approved by the Board as presented.

The new property owner is proposing to remodel the cabana by enclosing the covered patio with windows. The applicant is seeking the Board's approval for the proposed modifications. The Board may grant a Special Exception under these regulations if the following criteria are met:

- 1. The building or structure must be located on a lot of one-half (0.5) acre in size or larger. According to the tax roll, the lot is approximately 0.78 acres.
- 2. The applicant requesting an exception for the total building area. The proposed building will exceed 2% of the square footage of the lot or tract for accessory structures. The Board may approve an increase in building area up to 4% of the square footage of the property. The cabana has an area of approximately 1,080 square feet, or 3.17% of the property area.
- 3. The applicant is requesting an exception for the building height. The maximum height allowed for a accessory building is 12 feet. The Board may grant a Special Exception to allow accessory buildings up to 24 feet in height for properties less than two acres in size. The height of the cabana is approximately 19.5 feet.
- 4. The applicant is not requesting a reduction to the building setback requirements.
- 5. The Board must find that there will be no negative impact to abutting properties.

If approved, the Special Exceptions are for an accessory building. The structure does not meet the accessory dwelling regulations and cannot be used as a guest house.

Please note that the accessory building regulations are intended to restrict tall or large accessory buildings from being located too close to property lines. To this end, the Board may establish conditions with respect to the maximum area, height and setbacks of the accessory building. If approved, the accessory building may not be used for business purposes.

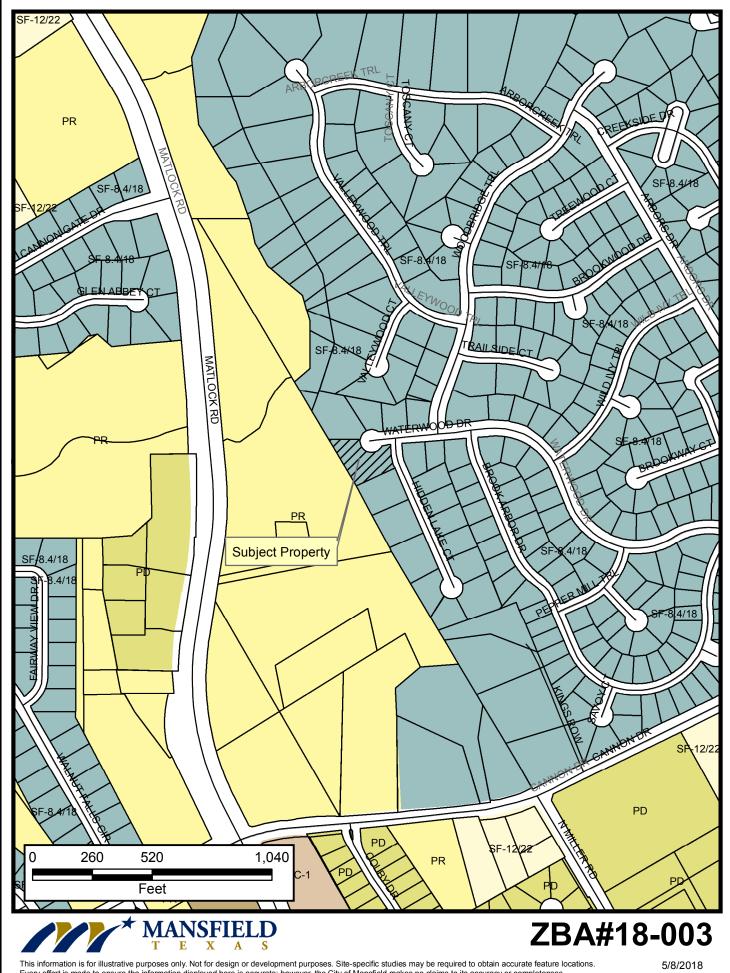
Attachments:

Maps and supporting information Previously approved accessory building Letter from property owner Site plan and exhibits Provisions of Section 6300.E.6

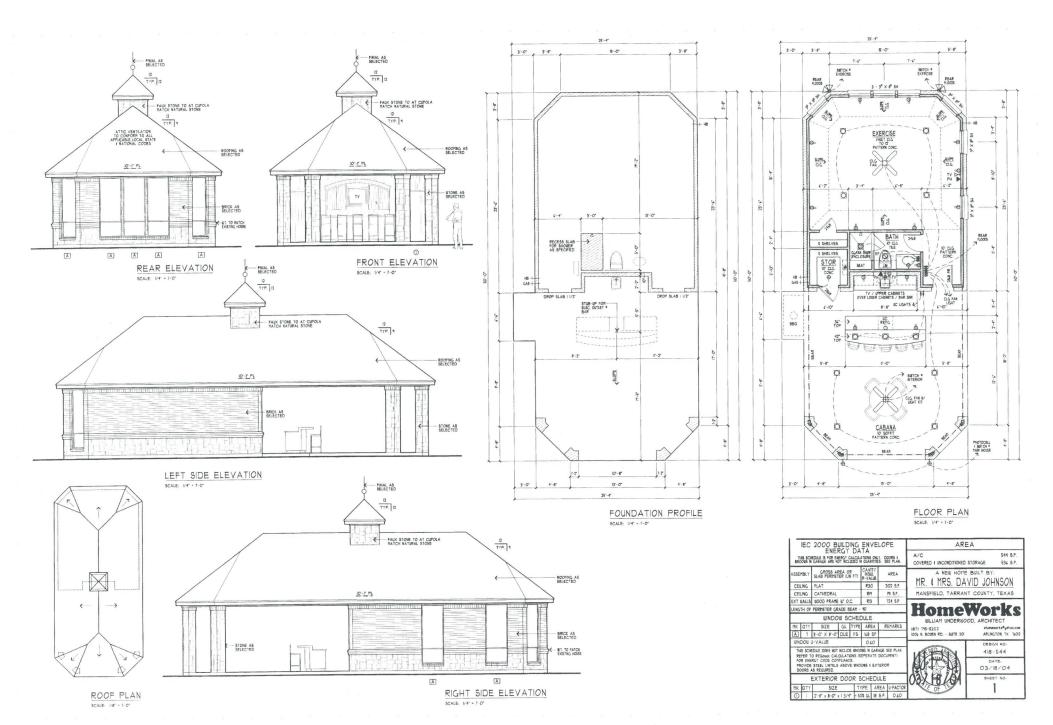




ZBA#18-003



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.



PREVIOUSLY APPROVED ACCESSORY BUILDING

To Whom It May Concern,

Statewide Remodeling is requesting special permission to enclose a portion of an existing cabana structure which is not attached to the house structure located in the backyard of the main dwelling at 1419 Waterwood Drive in the City of Mansfield.

The existing cabana structure was previously approved by the Zoning Board of Adjustment in 2004 and this request is to enclose a portion of that structure that was previously not enclosed.

- 1. Will not be used as a guest house.
- 2. See attached drawings

Thank you in advance for your consideration. Should you need further information, I may be reached at 817-637-5579.

Sincerely,

Andy Johns Statewide Remodeling Inc. ajohns@statewideremodeling.com Reference No. Tile Co: Purchaser

1615913

G.F. No. 1800045-HXF50

HEXTERIFAIRIFIEST AMERICAN TITLE COMPANY ROBERTSON INTELLECTUAL PROCESSES LLC

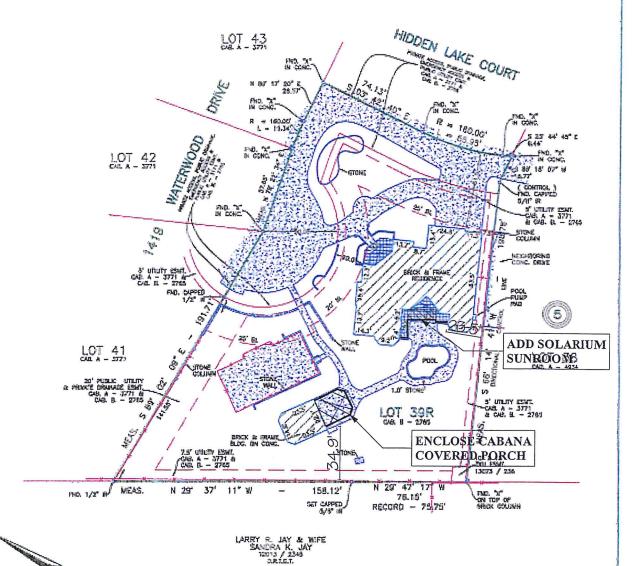
SITE PLAN

PROPERTY DESCRIPTION

Let 35R, Block S. AMENDING FLAT OF THE ARIGINS OF CREEKWOOD, PHASE E.GHT, an Address to the City of Manufield, Terrain County, Terrain to the Map of Plut frence recorded in Cabinet B. Side 2708, of the Map and/or Plut Records of Terrain County, Texas.

There is no visible, on the ground insidence of the ensement recorded in 1320/345, CRTCT.

Property subject to remai and assessment recorded in 13073/238, ERTCT.





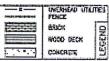


SURVEYING LTD. www.prolinesurveyors.com

Ph.t 817-275-1148 Info@profnesurveyora.com

Profine Surveying, LTD, 2013





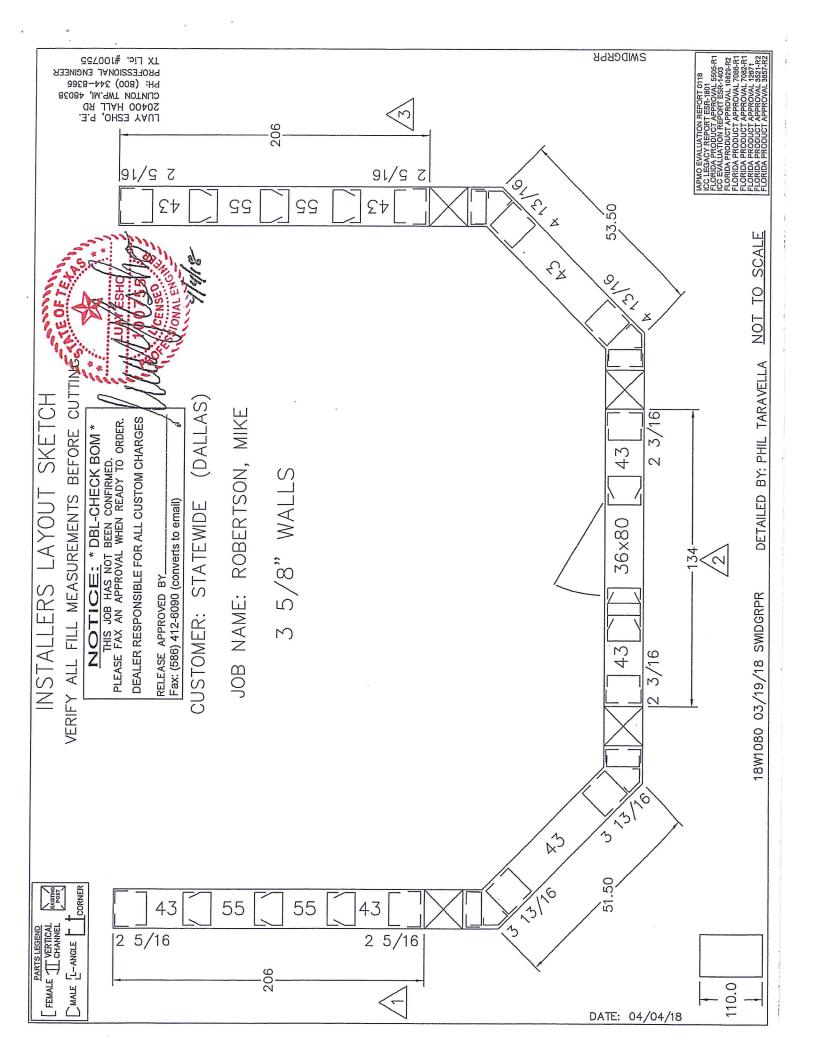
This survey is hereby accepted and approximate.

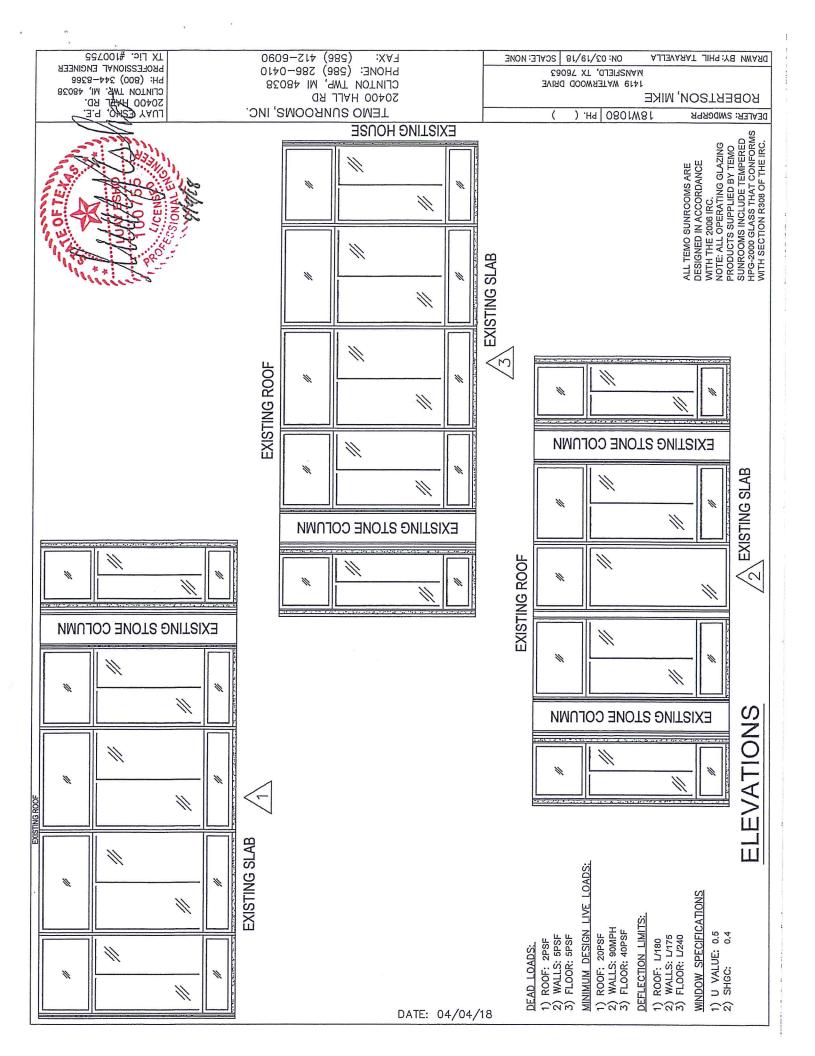
Purchaser

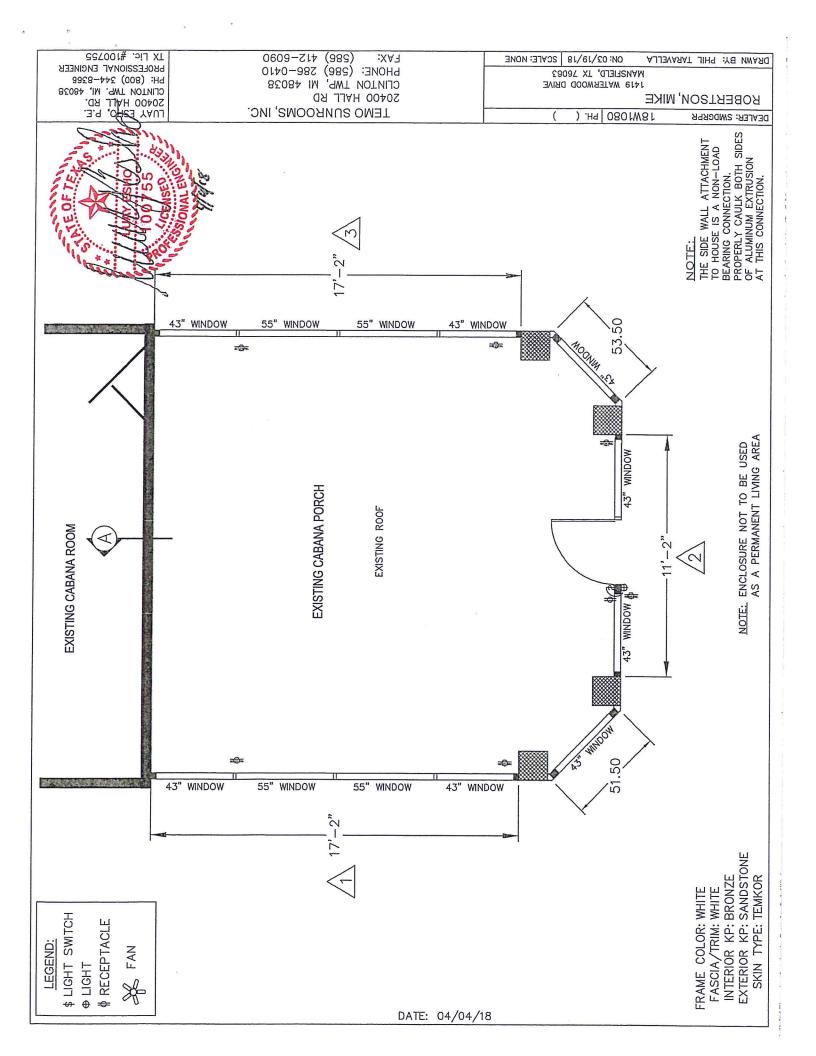
Purshaser Date











SECTION 6300.E

- 6. An increase in the maximum allowable area or height, or a reduction of the minimum setback requirements for accessory buildings or structures.
 - a. Conditions of Approval:
 - 1. No special exception may be granted by the Board of Adjustment unless the building or structure is to be located on a lot of one-half (0.5) acre in size or larger.
 - 2. The Board may grant an increase in building area provided that the total building area resulting from the approval of the special exception shall not exceed four (4) percent of the square footage of the lot.
 - 3. The Board may grant an increase in height not to exceed twenty-four (24) feet for buildings or structures located on lots of one-half (0.5) acre to two (2) acres in size, and not to exceed thirty-five (35) feet for buildings or structures located on lots of two (2) acres in size or larger.
 - 4. The Board may grant a reduction in the minimum required setbacks to allow an accessory building to be located no closer than five (5) feet from the side property line and seven and one-half (7.5) feet from the rear property line, unless the accessory building or structure is intended to house or contain livestock, in which case the setbacks established in Section 7800.B.13 shall apply.
 - 5. To grant a special exception, the Board must find that there will be no negative impact to the abutting properties.

ZBA COMMUNICATION

Agenda Date: June 6, 2018 Case Number: ZBA#18-004

Applicant: Guadalupe L. Martinez

Subject Land Use: Single-family residence

Zoning: SF-7.5/12

Request: Special Exception to allow a reduction of the 80% minimum masonry construction

requirement for a new single family residence

Zoning Ordinance Reference: 6300.E.5

Location: 1595 W. Broad St.

STAFF COMMENTS

The applicant is proposing a new, craftsman style home. The Zoning Ordinance requires that the house be constructed of at least 80% masonry materials (brick, stone, or split-face or textured concrete masonry units, laid course by course and mortared together). The elevation drawings indicate the exterior of the proposed house will use fiber-cement lap siding. The Zoning Ordinance does not classify fiber-cement siding as a masonry material. No documentation was provided to show that fiber-cement siding is as durable as masonry.

The Board may grant a Special Exception to allow a reduction in the minimum masonry requirement if the following criteria are met:

- 1. The proposed construction must accommodate architectural features which are integral to the building design;
- 2. All alternate construction materials must have the same durability as masonry; and
- 3. The granting of the special exception must not diminish or impair property values within the neighborhood.

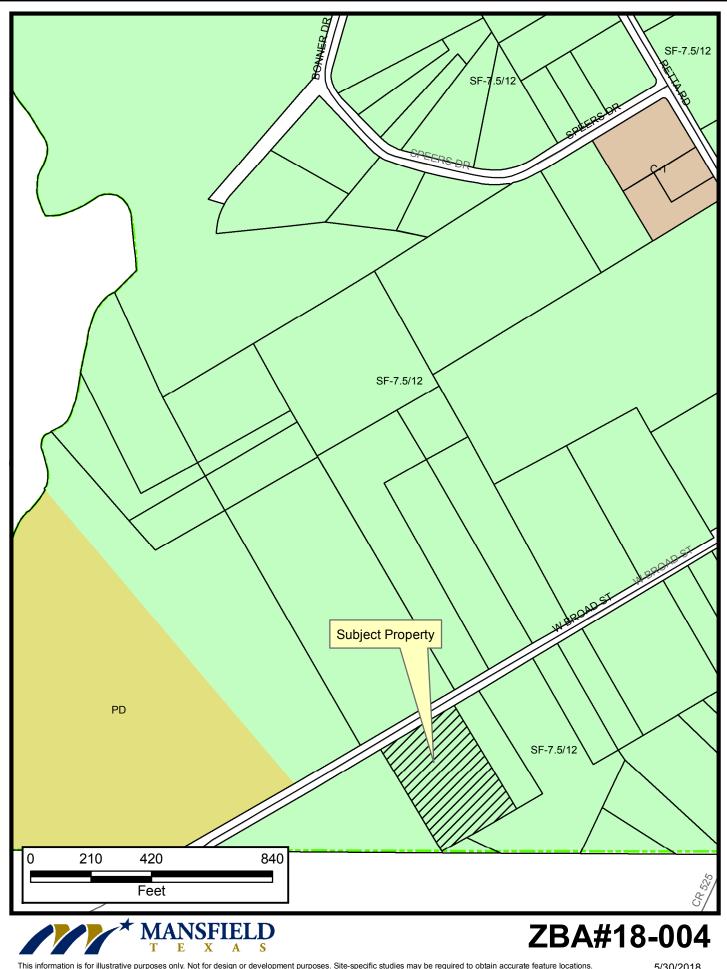
Attachments:

Maps and supporting information Letter from applicant Site plan and exhibits Provisions of Section 6300.E.5





ZBA#18-004



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5/30/2018



05/01/2018

In reference to address: 1595 W. Broad Mansfield Texas 76063

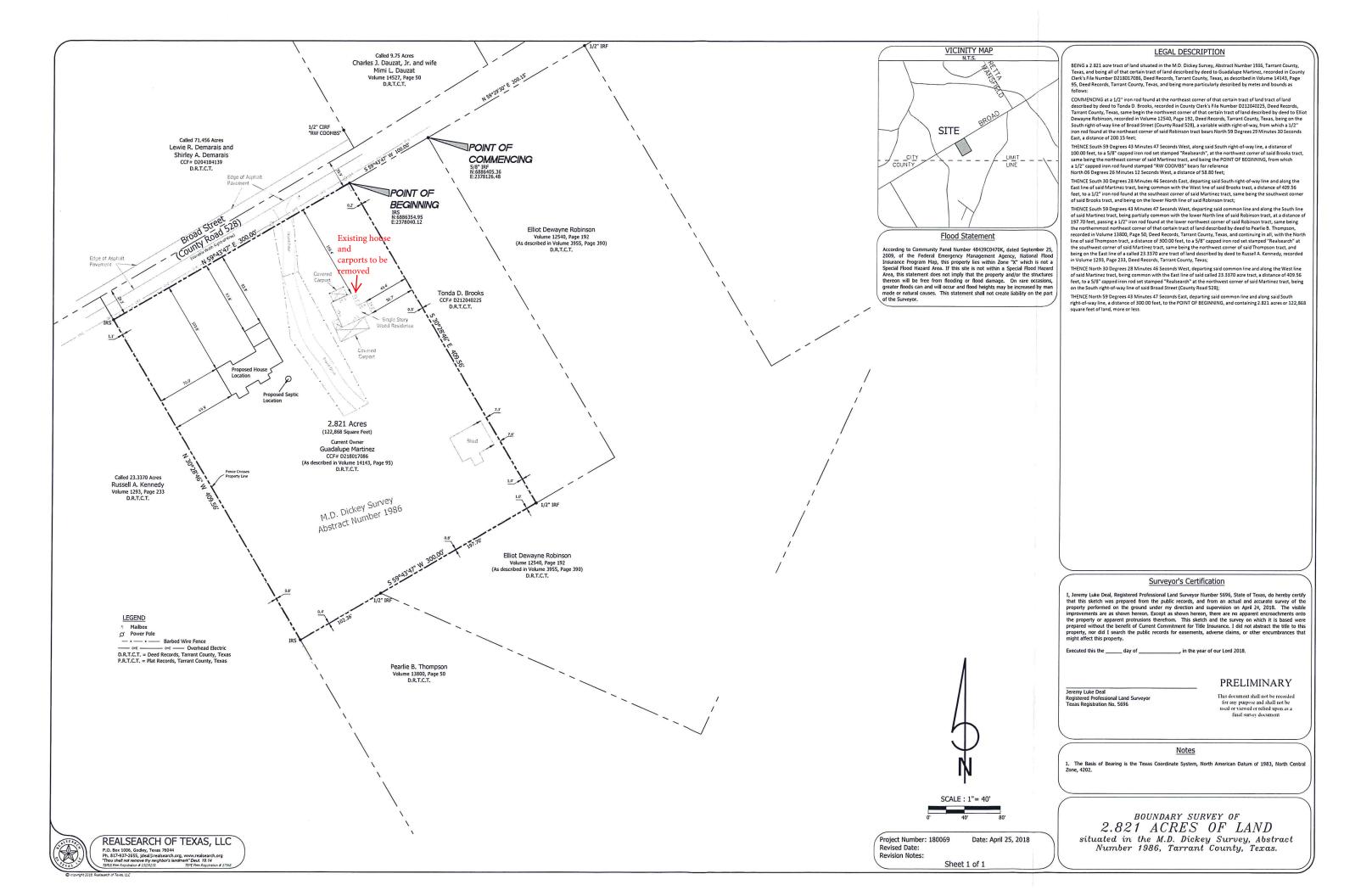
To Whom it may concern:

We are requesting a variance on the 80% masonry requirement. This would enable us to be consistent with the craftsman style homes nearby. I am submitting several photographs of craftsman style homes from two other builders that are in the same zoning jurisdiction.

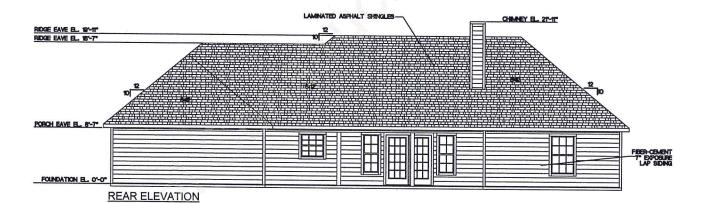
Thank you for your favorable consideration in this matter.

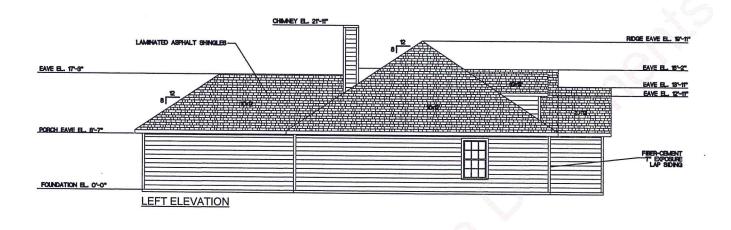
On behalf of Mr. & Mrs. Martinez, property owners,

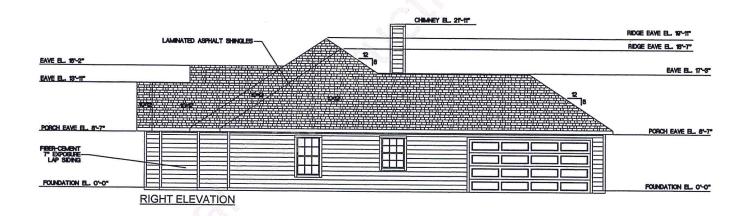
United Built Homes 10305 S. Frwy Ft. Worth, Texas 76140 817-293-8950











FLOOR PLAN SCALE: 1/8"-1'-0"



















SECTION 6300.E.5

- 5. A reduction of the 80% minimum masonry construction requirement or deviation from the masonry material construction requirement imposed on all dwelling units within any SF, Single-Family Residential or 2F, Two-Family Residential Districts.
 - a. Conditions of Approval:
 - 1. The proposed construction must accommodate architectural features which are integral to the building design;
 - 2. All alternate construction materials must have the same durability as masonry; and
 - 3. The granting of the special exception must not diminish or impair property values within the neighborhood.