

Notice of Public Meeting

Pursuant to the provisions of Chapter 551, V.T.C.A., Government Code, notice is hereby given of a meeting of the **Zoning Board of Adjustment** of the City of Arlington, Texas, to be held in the Council Briefing Room on the third floor of City Hall, 101 West Abram Street, Arlington, Texas, on the 18th day of March, 2024 at 6:00 o'clock p.m.

The subject of said meeting is contained in the agenda for said meeting that is attached hereto and made a part thereof.

This notice was posted on the 14th day of March 2024 by 12:00 p.m.

Elynn Ray



AGENDA

**ZONING BOARD OF
ADJUSTMENT**

PUBLIC MEETING

**March 18th, 2024
6:00 p.m.**

Meeting order is subject to change per the Board's Discretion

I. Call to Order

II. Approval of Minutes

a) Minutes of February 26, 2024 ZBA Meeting

III. Public Hearing

a) BA24-2. The applicant's lot is 11,197.609 square-feet and the is requesting a variance to the lot size, front setback, and minimum gross living area requirement in order to build a single-family detached home.; generally located east of Calender Road and south of Curry Road with the approximate address being 6915A Calender Road.

IV. Miscellaneous

V. Adjourn

Minutes



Zoning Board of Adjustment

**February 26, 2024
6:00 P.M.**

A regular meeting of the Zoning Board of Adjustment of the City of Arlington, Texas, was held in the Council Briefing Room on the 3rd floor of City Hall, 101 West Abram Street, Arlington, Texas, on Monday, February 26, 2024, with the following members present to wit:

Dixon Holman II	*	Chair
Jan Barry	*	Members
Carole Hoyer	*	
Teresa Rushing	*	
Charles Boyer II	*	
Randy Hendricks	*	
Hunter Brown	*	
Jennifer Viner	*	
Brent Holm	*	

Absent:

Yzalida Hiley	*
Bruce Anders	*
Paul Moss	*
Jerleigh Thompson	*

Staff:

Richard Gertson	*	Assistant Director/Planning and Development Services
Amy Lopez	*	Planner/Planning
Lisa Sudbury	*	Planning Manager/Planning
Galen Gatten	*	Assistant City Attorney

- I. Call to Order: Chair Dixon Holman II called the meeting to order at 6:01 p.m.
- II. Approval of the Minutes
 - a. Minutes of November 20,2023 ZBA Meeting

Motion for approval made by Board Member Carole Hoyer. Motion was seconded by Board Member Jan Berry. Approved - motion passed by 9-0-0.

- III. Public Hearing
 - a. **BA24-1** A variance request from UDC section 3.3.5.A.3., which states that, “the floor area of any detached accessory structure shall not exceed 50 percent of the floor area of the principal structure”. The applicant also seeks a variance from UDC section 3.3.6. Table 3.3-3: Accessory Building Design Standards; generally located north of Storie Rd and east of US 287 Bus Hwy with the approximate address being 4422 Storie Rd.

The applicant requested a continuance. Board Member Brent Holm moved to deny a request to continue case BA24-1. Motion was seconded by Board Member Jan Barry. The motion passed by a vote of 7-2-0. A vote of 7 is required for motion to pass.

Present to speak in support of this case were Richard Riddle, Arlington, TX, Rod Rogers, Arlington, TX, Rebecca Slater, Arlington, TX, Gretchen Riddle, Arlington, TX, and Kha Le, Arlington, TX. Present in support were non-speakers Mariah Castro, Arlington, TX, and Jordan Rhodes, Arlington, TX.

Present in opposition were speakers Andrew Bennett, Arlington, TX, Sherry Diehr, and Sheri Capehart, Arlington, TX. Present in opposition was non-speaker Nancy Schaefer, Arlington, TX.

Board Member Brent Holm moved to deny a request from UDC section 3.3.5.A.3., which states that, “the floor area of any detached accessory structure shall not exceed 50 percent of the floor area of the principal structure”. The applicant also seeks a variance from UDC section 3.3.6. Table 3.3-3: Accessory Building Design Standards; generally located north of Storie Rd and east of US 287 Bus Hwy with the approximate address being 4422 Storie Rd. Motion was seconded by Board Member Hunter Brown. The motion passed by a vote of 7-1-1. A vote of 7 is required for motion to pass.

The request for a variance was DENIED.

IV. Adjourn

Being no other business to come before the Board, Chairman Dixon Holman II adjourned the meeting at 6:58 p.m.

Chair _____

APPROVED this 18th day of March 2024

Staff Report



Zoning Board of Adjustment Case BA24-2 (6915A Calender Road)

ZBA Meeting Date: 03-18-2024

Under Consideration: Variance

OPTIONS FOR THE BOARD

After the public hearing, the Board may approve, approve with conditions, or deny the application.

PRIOR BOARD OR COUNCIL ACTION

None

ANALYSIS

Request

The applicant is requesting a variance to the lot depth, lot area, front setback, and minimum gross living area requirement to build a single-family detached home. The lot is 11,197.609 square feet.

Location: 6915A Calender Road; generally located east of Calender Road and south of Curry Road.

Current zoning: Residential Estate (RE)

Adjacent Zoning: Residential Estate (RE) to the north and east and Residential Single-Family-15 (RS-15) to the south and west.

Current Use: Vacant Land

Stated Hardship

The applicant states that because his lot does not meet RE lot size requirements, he is not able to develop the lot.

Analysis

The site fronts Calender Road, which is classified as a major collector. The site is approximately 0.257 acres and is not platted. The property is zoned RE and is undeveloped. The applicant would like to develop the subject site with a 1,500 square-foot single-family detached home. Prior to any development, the applicant must plat the property.

The proposed use of the property for a single-family detached home should have no bearing on the Board's decision. It is important to understand that granting the variance does not approve the proposed use. Any future use must be permitted by the underlying RE zoning district and must comply with all other standards for the district and the design and development standards within the UDC.

The Unified Development Code Section 2.2.2. prescribes the following minimum lot standards for the RE zoning district for a single-family home:

RE Single-Family Detached Lot Requirements		
	Required	Provided
Lot Area	1 acre	0.257 acres
Gross Living Area	2,500 sf	1,500 sf
Lot Width	100 ft	184 ft
Lot Depth	150 ft	116ft-152 ft
Street Front Setback (Collector)	40 ft	20 ft

The applicant has stated that the home will meet side and rear yard setback requirements, which are both 10 feet.

The applicant, Mr. Luis Rojo, purchased the 0.2692-acre parcel at a delinquent property tax sale in September 2017. The previous owner had acquired the property via an illegal subdivision from a much larger parcel of land. The land was not eligible for development under the current zoning regulations at the time the property was purchased by the applicant. On March 16, 2019, the City of Arlington purchased 0.0122 acres from the applicant as right-of-way to widen Calender Road. This purchase further decreased the size of the property available to the applicant.

This lot is not developable under the current lot standards for RE zoning as the lot is too small. It will stay undeveloped unless the property is sold to either or both neighbors, a variance is granted, or the zoning is changed to Residential Single-Family-7.2 (RS-7.2), Residential Single-Family-5 (RS-5), or Residential Medium-Density-12 (RM-12).

Changing the zoning would be inconsistent with the adjacent RE and RS-15 zoning districts around this property. Adjacent RE properties are approximately the same lot area size as the subject property. Each was developed with a single-family detached home between 1976 and 1984. No permits were found for the construction of those homes.

Compatibility with the block:

Most of the lots in the neighborhood are zoned RE or RS-15. and are developed with single-family detached homes. RS-15 lots require 15,000 square-feet in lot area and 2,000 square-foot homes. There are two RS-7.2 zoned subdivisions near the subject site. RS-7.2 lots are required to be at least 7,200 square-feet in lot area with 1,500 square-foot homes. All homes that front Calender Road and close to the subject site have over 50-foot front yard setbacks.

Granting a variance for the lot area, lot depth, front setback, and home square-footage would allow this lot to be developed instead of remaining vacant. This lot is too small to meet RE lot standards. This lot fronts the curved portion of Calender Road and is an irregular triangle shape, which makes it difficult to build a 2,500 square-foot home that is setback 40-feet from the street.

Conclusion

Under Section 10.4.7 of the Unified Development Code, the Zoning Board of Adjustment "may grant a variance to any provision of this Code, unless the variance does not involve a zoning requirement and is assigned to another agency."

When considering a variance, the Board must find that the request meets the following criteria:

1. The literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and so that the spirit of the code shall be observed and substantial justice done.
2. The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with the same zoning.

3. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit a person a privilege in developing a parcel of land not permitted by this Code to other parcels of land in districts with the same zoning district.

NOTICES SENT

Property Owner Notices Mailed: 10
Letters of Support Received: 0
Letters of Opposition Received: 0

ADDITIONAL INFORMATION

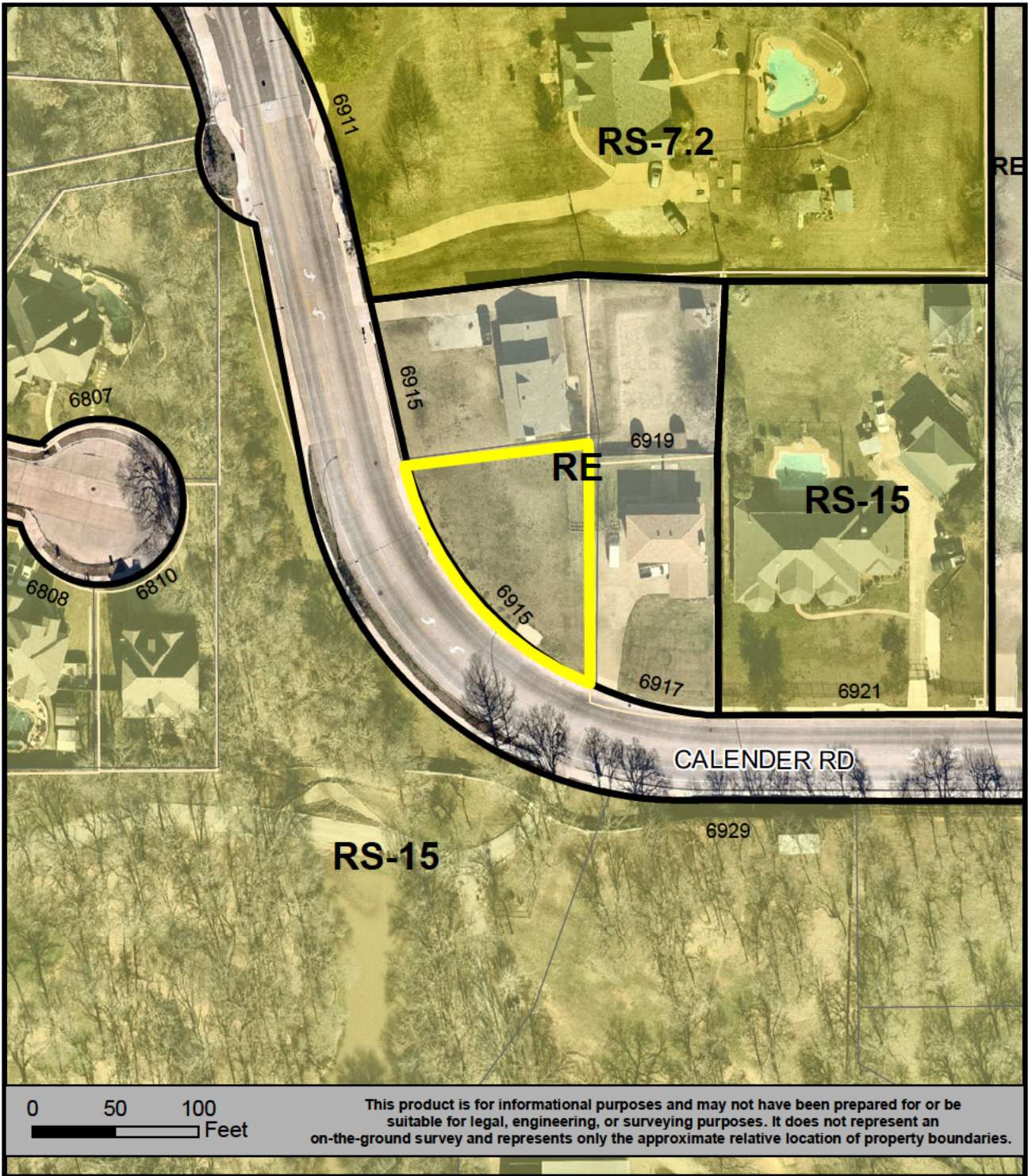
Attached:

- i. Location Map
- ii. Photos
- iii. ZBA Application
- iv. Statement of Hardship
- v. Site Plan

STAFF CONTACTS



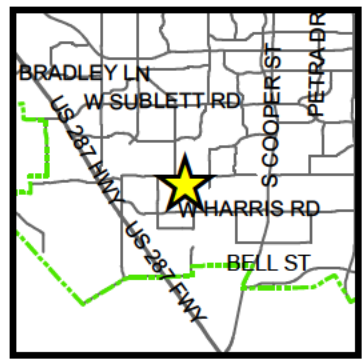
Lisa Sudbury, AICP
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Lisa.Sudbury@arlingtontx.gov

Amy Lopez
Planner
Planning and Development Services
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**LOCATION MAP
BA24-2**

**REQUEST FOR VARIANCE TO THE
MINIMUM LOT SIZE, FRONT SETBACK,
AND GROSS LIVING AREA
ON 0.257 ACRES**





APPLICATION

ZONING BOARD OF ADJUSTMENT

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Select Request Type:

- Variance** - select one:
 - Encroachment into a required setback
 - Lot depth or width
- Appeal of Administrative Official's Decision** - describe:
Administrative Decision in Question: _____

Note that a variance is permitted only where the literal enforcement of the provision of the Unified Development Code would result in an unnecessary hardship and where such variance is necessary to permit a specific lot which differs from other lots in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other lots in the same district. (Hardships cannot be self-created or for financial reasons alone.)

Request Information

LOCATION: 6915 Calender Rd. SUBDIVISION: _____ LOT(S)/BLOCK: _____

Owner Information

Firm Name (authorized representing agent, if applicable): _____

Owner Name: Luis Rojo

Address: 1609 W. 2nd St. City: Arlington State: TX

ZIP Code: 76013 Telephone: 682-438-2290 Email: _____

Applicant

Firm Name: Luis Rojo Name: Luis Rojo

Address: 1609 W. 2nd St. City: Arlington State: TX

ZIP Code: 76013 Telephone: 682-438-2290 Email: _____

Documents Required

- Dimensioned site plan with location of request (maximum of 11x17 in size or available electronically)
- Hardship Statement describing the variance requested and non-financial or non-personal hardship it will resolve
- Permit Review Comments Report

Once submitted, applications will be evaluated by a Staff committee to determine whether the ZBA has jurisdiction and can hear the request. Applicants will be notified after review, either:

- Their case has been scheduled with the ZBA, at which time the **\$200 application fee** will be due; or
- The ZBA does not have jurisdiction and the case cannot be heard.

Preparer's Signature: [Signature]

Printed Name: Luis Rojo Date: 2-16-24

FOR OFFICE USE ONLY

AMANDA Sequence Number: _____

ZONING BOARD OF ADJUSTMENT

Owner Certification and Disclosure of Interest

Article XII, Code of Ethics, of the "Administration" Chapter of the Code of the City of Arlington, Section 12.06, requires all persons seeking City Council, Planning and Zoning Commission, or Zoning Board of Adjustment consideration or action concerning any application for rezoning, plat approval, special exception, variance or similar application requiring action by the Planning and Zoning Commission or Zoning Board of Adjustment, to provide the following information. The applicant and the owner shall both file statements in those cases where the applicant does not own the property which is the subject of consideration or action.

Do you believe that a City official or City employee may have a conflict of interest in the aforementioned property or application?

YES NO

If YES, state the name of each person and the department they represent known by you that may have a conflict of interest in the property of the application referenced.

Name: _____ Council, Board, Commission, or City Department: _____

Name: _____ Council, Board, Commission, or City Department: _____

This is to certify that (owner name) _____, the stated undersigned, is/are the sole owner(s) of the property described in this application, and that I/we have read and understand the "Disclosure of Interest".

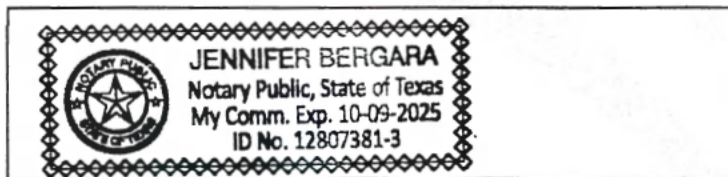
[Signature] 2-16-24 Luis Rojo
Owner Signature Date Owner Name (print)

Agent Signature Date Agent Name (print)

Notary Statement - All Signatures Must Be Notarized

Before me, the undersigned authority, on this day, personally appeared (owner) _____ known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.

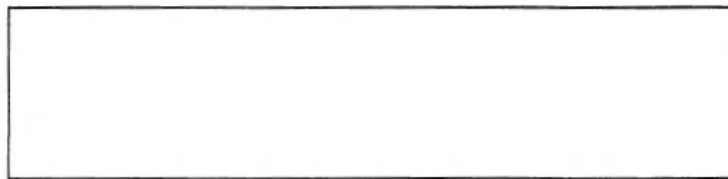
Given under my hand and seal of office on this _____ day of February, 2024.
[Signature]
Notary Public in and for the State of Texas



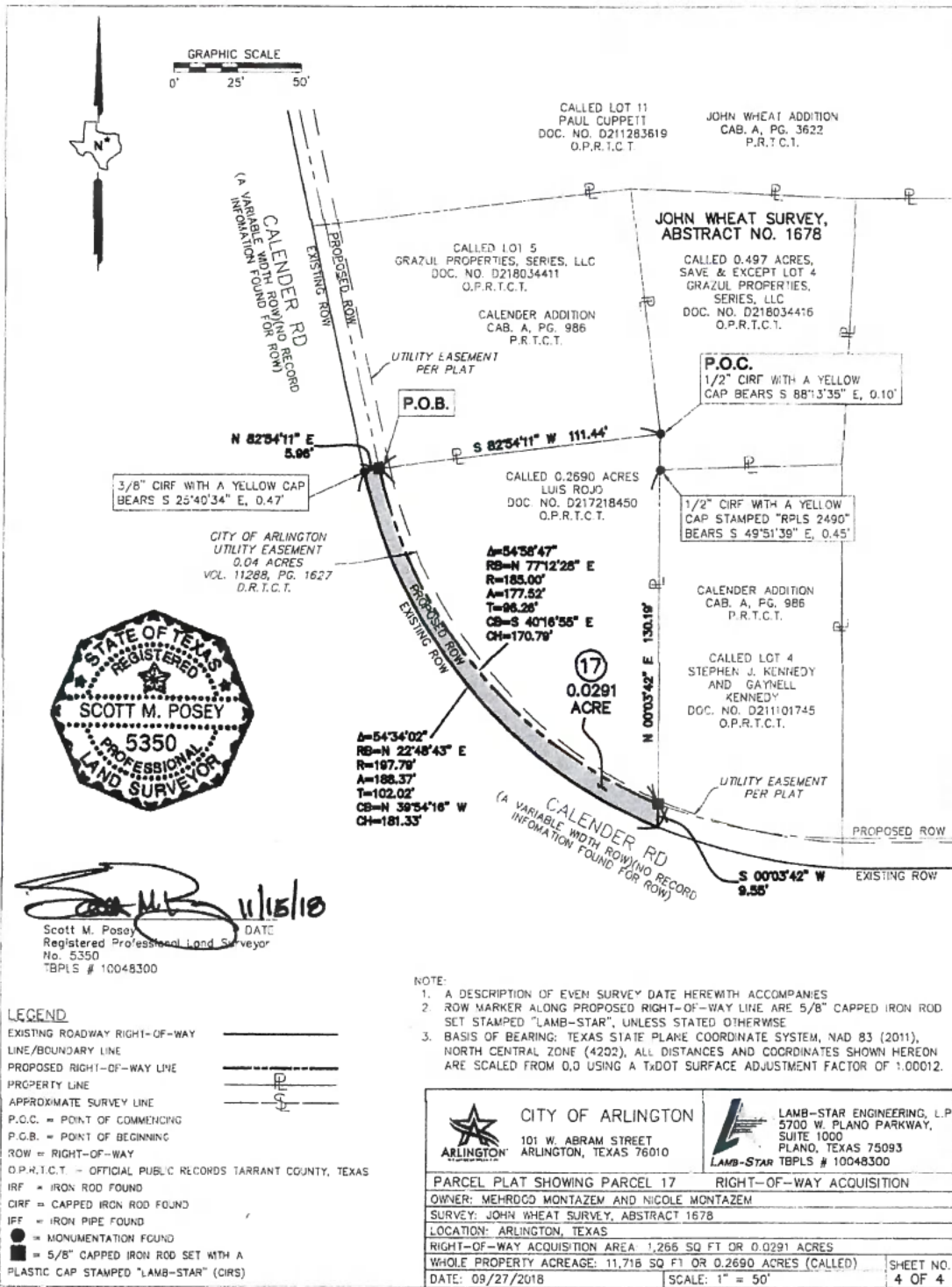
Before me, the undersigned authority, on this day, personally appeared (agent) _____ known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.

Given under my hand and seal of office on this _____ day of _____, 20 ____.

Notary Public in and for the State of Texas



Survey of the Part to Be Acquired Right-of-Way



REVISION 1 DATE: 11/15/2018

Dear Zoning Board,

I, Luis Rojo Would like to build a house on 6915 Calender Road. Due to the Residential Estate (RE) requirements, I would like to ask for a variance for the following reasons.

1. My lot size does not meet the Residential Estate (RE) requirements.
2. I would like to build a house that is under the 2,500 square feet required for the RE zoning type.

Thank you,



Luis Rojo

Dear Zoning Board,

I, Luis Rojo Would like to build a house on 6915 Calender Road. Due to the Residential Estate (RE) requirements, I would like to ask for a variance for the following reasons.

1. My lot size does not meet the Residential Estate (RE) requirements.
2. I would like to build a house that is under the 2,500 square feet required for the RE zoning type. I know this is a nice neighborhood and even though I am asking to build something smaller than the required square footage, I plan on building something that adds value to the neighborhood.
3. I would also like to see if we change the 40-foot setback required in the front. That really narrows down my building space towards the back corner of the property. After the city purchased part of the front of my property for the expansion of the road and new sidewalk, it pushed the right-of-way further back.

Thank you,

Luis Rojo

