



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
August 4, 2015

**Council District** 9

<b>Zoning Commission Recommendation:</b> Approval by a vote of 7-0  <b>Opposition:</b> One letter submitted <b>Support:</b> Fairmount Historic District, Petition and several letters submitted	Continued	Yes ___ No <u>X</u>
	Case Manager	<u>Lynn Jordan</u>
	Surplus	Yes ___ No <u>X</u>
	Council Initiated	Yes ___ No <u>X</u>

**Owner / Applicant:** **Leona Gail Carswell**

**Site Location:** 2200 6<sup>th</sup> Avenue Mapsco: 76R

**Proposed Use:** **Tri-Plex**

**Request:** From: "B/HC" Two-Family/Historic & Cultural Overlay  
To: "PD/B/HC" Planned Development for all uses in "B" Two-Family plus triplex Historic & Cultural Overlay; site plan waiver recommended

**Land Use Compatibility:** Requested change **is compatible.**

**Comprehensive Plan Consistency:** Requested change **is not consistent (Significant Deviation).**

**Background:**

The proposed site is located south of Mitchell and west of 6<sup>th</sup>. The applicant is requesting to rezone to "PD/B/HC" Planned Development for B uses plus triplex. In September 2010 (BAR-10-0190), an interpretation was made making the property legal nonconforming; however the applicant let the time lapse and lost legal nonconforming.

Section 7.102.C.2 provides that a legal non-conforming use, when discontinued, or abandoned, shall not be resumed. Discontinuance or abandonment shall be defined as follows: When a building designed or arranged for a nonconforming use shall cease to be used in a bona fide manner as a nonconforming use for a continuous period of 24 consecutive calendar months.

At the Zoning Commission meeting the applicant explained the history of the triplex and said there are only three units, an upstairs and downstairs unit and the garage apartment.

**Site Information:**

Owner:	Leona Gail Carswell 2418 6 <sup>th</sup> Avenue Fort Worth, TX 76110
Acresage:	0.17 ac
Comprehensive Plan Sector:	Southside

Surrounding Zoning and Land Uses:

- North "B/HC" Two-Family/Historic / single-family
- East "B/HC" Two-Family/Historic / single-family
- South "B/HC" Two-Family/Historic / single-family
- West "B/HC" Two-Family/Historic / single-family

**Recent Relevant Zoning and Platting History:**

Zoning History: None

Platting History: None

**Transportation/Access**

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
6 <sup>th</sup> Ave	Residential	Residential	No
Mitchell	Residential	Residential	No

**Public Notification:**

The following Organizations were notified:

Organizations Notified	
Near Southside Neighborhood Alliance	Berkeley Place NA
Fairmount NA*	Ryan Place Improvement Assoc.
Fort Worth South, Inc.	Streams & Valleys Inc.
Trinity Habitat for Humanity	Fort Worth ISD

*Located within the Fairmount NA\**

**Development Impact Analysis:**

**1. Land Use Compatibility**

The applicant is requesting to rezone to "PD/B" plus triplex, to make an illegal structure legal conforming. Surrounding land uses are predominantly single-family with a few duplexes throughout the neighborhood. The proposed "PD/B/HC plus triplex zoning **is compatible** at this location.

**2. Comprehensive Plan Consistency**

The 2015 Comprehensive Plan designates the subject property as Single-Family residential. The proposed zoning is not consistent with the following Comprehensive Plan policies.

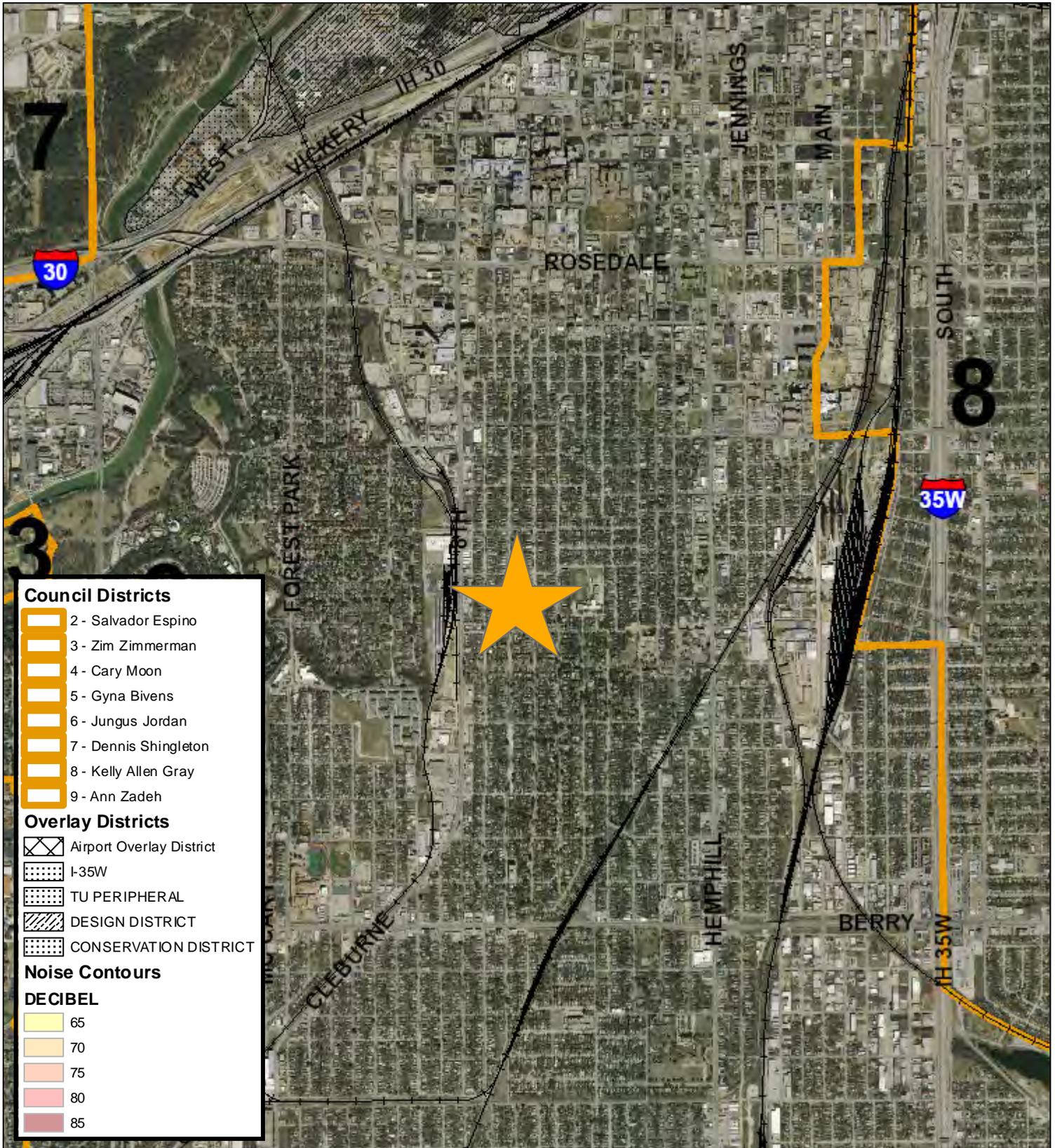
- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces. (pg. 39)

Based on the lack of conformance with the future land use map and policies stated above, the proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan. However staff encourages infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods. The existing triplex looks like a single-family home.

**Attachments:**

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Minutes from the Zoning Commission meeting

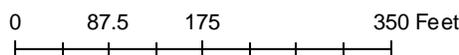
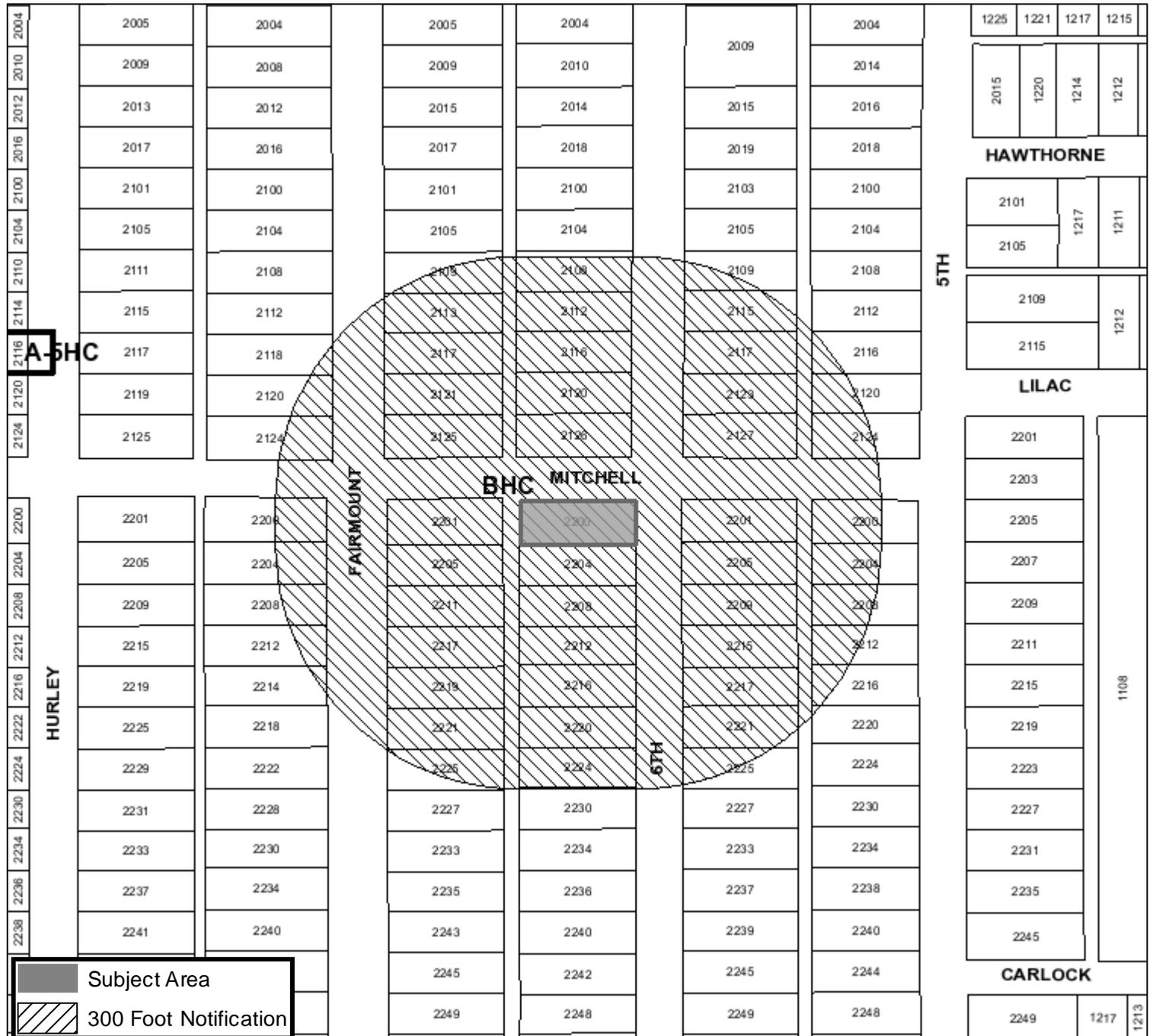
### Area Map



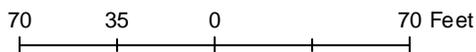
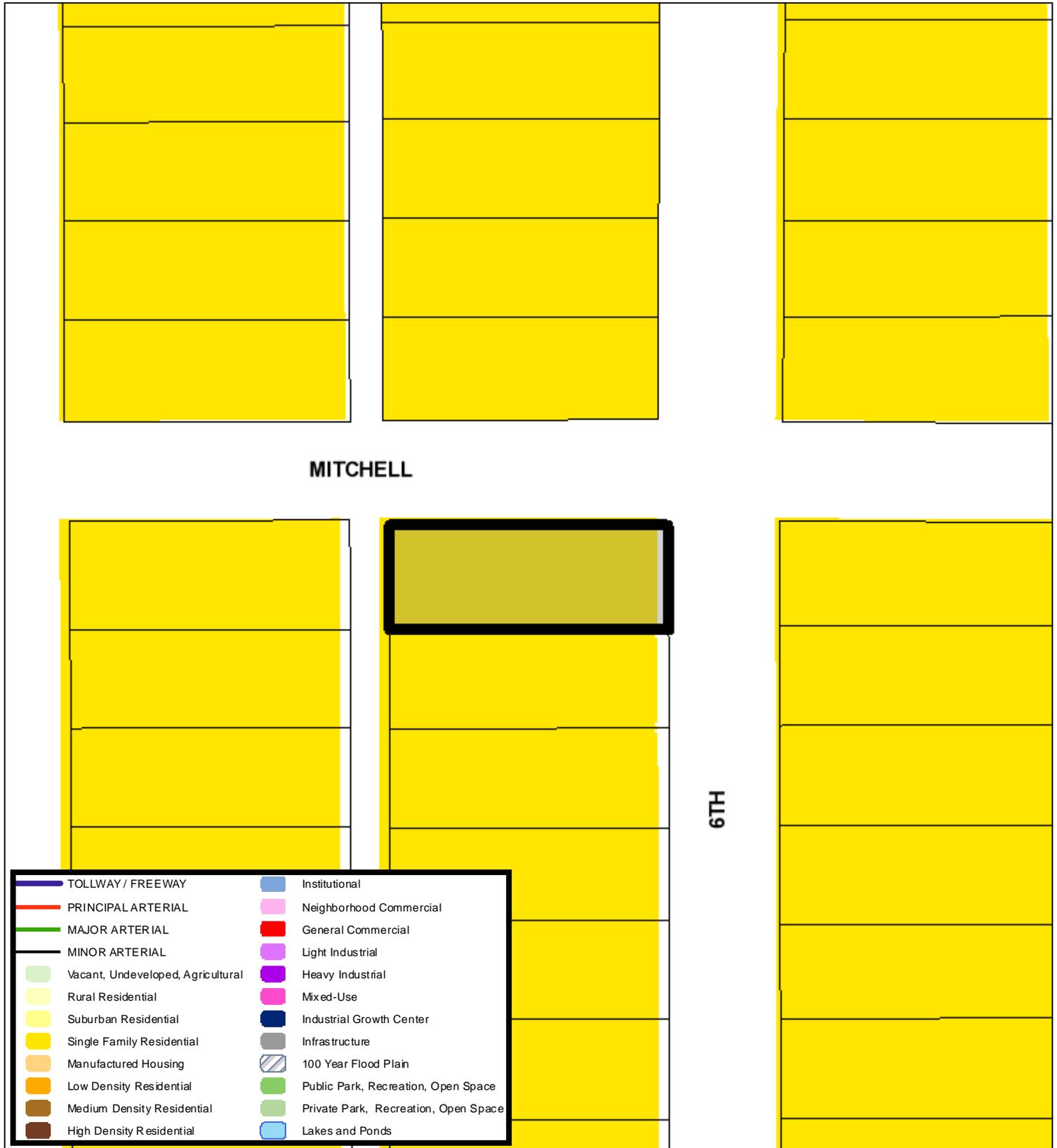


# Area Zoning Map

Applicant: Leona Gail Carswell  
 Address: 2200 6th Avenue  
 Zoning From: B/HC  
 Zoning To: PD/B/HC for all B uses plus triplex  
 Acres: 0.17326727  
 Mapsco: 76R  
 Sector/District: Southside  
 Commission Date: 7/8/2015  
 Contact: 817-392-2495



### Future Land Use



Aerial Photo Map



0 40 80 160 Feet



**22. ZC-15-100 Kensington Realty Inc. (CD 9) 116 & 200 Wimberly Street (Linwood Addition, Block 3, Lots 23 & 24, 0.34 Acres): from PD528 “PD/SU” Planned Development/Specific Use for parking lot with 20 ft. setback, 5 ft. screening fence, chained and locked at night to “B” Two-Family**

Jeff Davis, 550 Bailey Avenue, Suite 400, Fort Worth, Texas representing Village Homes explained to the Commissioners this zoning fits with the product their building in the Linwood neighborhood. He did reach out to Linwood NA and a letter was submitted in support.

Motion: Following brief discussion, Ms. Reed recommended Approval of the request, seconded by Mr. Flores. The motion carried unanimously 7-0.

<i>Document received for written correspondence</i>				<b>ZC-15-100</b>	
<b>Name</b>	<b>Address</b>	<b>In/Out 300 ft notification area</b>	<b>Position on case</b>		<b>Summary</b>
Eva Bonilla/ Linwood NA	NA	In		Support	Sent letter in

**23. ZC-15-101 Leona Gail Carswell (CD 9) 2200 6<sup>th</sup> Avenue (Fairmount Addition, Block 26, Lots 63 & 64, 0.17 Acres): from “B/HC” Two-Family/Historic & Cultural to “PD/B/HC” Planned Development for all uses in “B” Two-Family plus triplex/Historic & Cultural; site plan waiver requested**

Gail Carswell, 2418 6<sup>th</sup> Avenue, Fort Worth, Texas property owner explained to the Commissioners she does have support from the Fairmount NA and surrounding property owners. She purchased the property back in 1994, listed as a duplex with garage apartment. She has had three tenants in the three units up until 2010 when a fire broke out in one of the units. During the time they were submitting for a building permit it was discovered the zoning was incorrect. Ms. Carswell went before the Board of Adjustment to finish the re-construction of the duplex; the contractor did not finish the job within the required time frame set by the BOA. Subsequently she lost her legal non-conforming and is her today to request the continued use of a triplex.

Ms. Reed asked how many units are there. Ms. Carswell said it is a two story unit, upstairs, downstairs, with the top floor being addressed 1400 Mitchell and the garage apartment is addressed 1407 Mitchell a total of three units.

Mr. Edmonds asked about the three entry doors on 6<sup>th</sup> Avenue side and the stairwell to the garage. Ms. Carswell explained the entrances with an exit door on the downstairs floor.

Motion: Following brief discussion, Ms. Reed recommended Approval of the request, seconded by Ms. Moore. The motion carried unanimously 7-0.

<i>Document received for written correspondence</i>				<b>ZC-15-101</b>	
<b>Name</b>	<b>Address</b>	<b>In/Out 300 ft notification area</b>	<b>Position on case</b>		<b>Summary</b>

Randy McMillan	1905 5 <sup>th</sup> Ave			Support	Signed petition
Tom Mitzar	2204 6 <sup>th</sup> Ave			Support	Signed petition
Mark Egglebousth	2208 6 <sup>th</sup> Ave			Support	Signed petition
Jim Warrack	2220 6 <sup>th</sup> Ave			Support	Signed petition
Amanda Beacuchamp	2214 6 <sup>th</sup> Ave			Support	Signed petition
Jeanne Murphy	2126 6 <sup>th</sup> Ave			Support	Signed petition
Thomas Shores	2113 Fairmount			Support	Signed petition
Mark Rodney	2201 & 2203 6 <sup>th</sup> Ave			Support	Signed petition
Glenda Thompson	1407 Mitchell			Support	Signed petition
William Murphy	2120 6 <sup>th</sup> Ave			Support	Signed petition
Christina Carney	1605 5 <sup>th</sup> Ave			Support	Signed petition
Cameson Smith	2019 Lipscomb	Out		Support	Signed petition
Dave Phillips	1260 W Morphy	Out		Support	Signed petition
Nick Jackson	1824 Alston	Out		Support	Signed petition
Noah Chancy	1717 S. Henderson	Out		Support	Signed petition
Erik Mikolaschak	1305 W. Drew	Out		Support	Signed petition
Alena Springer	1324 w. 7 <sup>th</sup> Ave	Out		Support	Signed petition
Torry Finley	2215 W. Rosedale	Out		Support	Signed petition
Steve Steward	1612 6 <sup>th</sup> Ave			Support	Signed petition
Pam Hill	2505 6 <sup>th</sup> Ave			Support	Signed petition
Ellisa Rausch	2116 6 <sup>th</sup> Ave			Support	Signed petition
Martha Kennedy	2109 6 <sup>th</sup> Ave			Support	Signed petition
Tom Eckell	2115 6 <sup>th</sup> Ave			Support	Signed petition
Colleen Dulaney	2216 6 <sup>th</sup> Ave			Support	Sent letter in
Bruce Edwards	2225 6 <sup>th</sup> Ave		Opposition		Sent letter in