



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-17-00107-CV**

CHRISTI SCHREIBER, ARENDIJUS  
MEJERAS, T.C. CALLENDER,  
DIANNE CALLENDER,  
ALEXANDER COTHRAN, VIRGINIA  
P. COTHRAN, STEVEN E.  
CRUDUP, LAURA L. CRUDUP,  
BENGE R. DANIEL JR., JACKIE L.  
DANIEL, MARTHA J. FRY,  
RICHARD C. GASSER, MARILYN L.  
GASSER, ROBERT R. GASSER,  
MARC M. GOLDMAN, STACIE F.  
GOLDMAN, MELVIN R. HAAS JR.,  
LAURA J. HAAS, MICHAEL J. HILL,  
SARAH R. HILL, ALAN LEACH,  
SUSAN LEACH, GREG D. MORSE,  
F. WALTER OWEN, SHEILA  
OWEN, RICHARD D. YENTIS, AND  
EDITH T. YENTIS

APPELLANTS

V.

BOARD OF ADJUSTMENT OF THE  
CITY OF FORT WORTH, SARA  
SCHUSTER, AND SCOTT  
SCHUSTER

APPELLEES

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FROM THE 153RD DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 153-284091-16

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**CONCURRING MEMORANDUM OPINION<sup>1</sup>**

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I write separately only to emphasize that but for the standard of review that ties our hands, I would conclude that the Schusters' need for a variance was a self-imposed hardship; that the dormant utility easement—on top of which the Schusters planned, after all, to construct a swimming pool even if not the house proper—did not justify a variance; and that an oddly shaped lot is an insufficient reason to grant a setback variance so that a roughly 10,000-square-foot house may be situated so close to the street.

*/s/ Elizabeth Kerr*

ELIZABETH KERR  
JUSTICE

DELIVERED: January 11, 2018

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<sup>1</sup>See Tex. R. App. P. 47.4.