

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
JULY 20, 2011**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, June 20, 2011 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT:

Randy Roland, Chair
Mike Walker, Vice Chair
Will Kidd, Member
Larry Menke, Member
Chip Pratt, Member
Eron Linn, Alternate

MEMBERS ABSENT:

John Veatch, Alternate

CITY STAFF PRESENT:

Michael Spicer, Dir., Development Services
Chris Shacklett, Planner
Jennifer Patrick, Plans Examiner, BI
Cindy Wilson, Secretary

Randy Roland, Chairman, introduced Michael Spicer, Director of Development Services; Chris Shacklett, Planner; Jennifer Patrick, Plans Examiner, Building Inspection and Cindy Wilson, Secretary explaining that the City staff serves in an advisory capacity and does not influence any decisions the Board might make. Roland summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Roland added that all 5 voting members are present. Roland noted that 4 of the 5 members present must vote in favor for a request to be approved.

1. MINUTES:

The Zoning Board of Adjustment minutes of the May 18, 2011 meeting were approved as presented on a motion by Walker. The motion was seconded by Pratt and passed with a unanimous vote.

- 2. PUBLIC HEARING ON ZBA FILE V 11-04:** A request by HJ Loveridge for the following variances to the City of Richardson Comprehensive Zoning Ordinance: 1) Appendix A, Article IV, Sec. 4, for a 5.5-foot variance to the required 7-foot side setback outside of the required rear 25-foot rear setback for a detached garage to include roof overhang; 2) Appendix A, Article IV, Sec. 4, for a 1.5-foot variance to the required 3-foot side setback in the required 25-foot rear setback for a detached garage to include roof overhang at 802 Clearwater Drive, Richardson, Texas.

Shacklett stated the applicant is requesting two (2) variances for a detached garage to replace the existing carport. Shacklett continued that the proposed garage would be in the same location as the carport, but would be slightly larger. Shacklett explained that both the existing carport and proposed garage provide area for two (2) parking spaces with a storage area located behind the parking spaces. Shacklett addressed the City's regulations that require a 7-foot side setback; however, when an accessory structure, such as a detached garage, is located in the required 25-foot rear setback, the side setback is reduced to three (3) feet. Shacklett added the variance would be limited to the area shown on the attached site plan. Shacklett clarified the point that approximately ten (10) feet of the 32-foot deep garage would be located outside of the required rear setback where a 7-foot side setback is required and the remainder of the garage, located within the required 25-foot rear setback, meets the 3-foot setback when measured to the building wall. However, the 18-inch overhang would encroach into the 3-foot side setback.

Shacklett explained that the applicant has stated his hardship is the location of an old, 33-inch Southern Red Oak, which is approximately nine (9) feet west of the proposed garage. Shacklett pointed out that the applicant met with a certified arborist, who stated moving the garage any closer to the tree would likely kill the tree. Staff and the applicant discussed the possibility of constructing a garage that was not twenty-four (24) feet in width; however, it appears that the variance to the 7-foot side setback would still be required if the width was decreased.

Shacklett delivered the staff technical recommendation in case V 11-04 by stating that based on the information presented and applicable codes and ordinances, it is staff's opinion that a property hardship does not exist.

HJ Loveridge, Arthur Norman Company, Inc., 909 Hillside Drive, Richardson, Texas representing David and Kerry Poer came forward to present the case stating that this request is an attempt to be more in line with the City requirement for enclosed parking. Loveridge added that the majority of the property owners were contacted and had no objections. Loveridge provided a copy of the statement reviewed and signed by the neighbors.

Menke asked Loveridge if the fence went behind the garage.

Loveridge stated that the fence will be all brick and will butt up to either side of the garage.

There being no one to speak in favor or in opposition to the case, Chairman Roland closed the public hearing.

Pratt made a motion to approve V 11-04, limited to those specifics the applicant presented in the case. The motion was seconded by Walker and passed with a unanimous vote.

3. **PUBLIC HEARING ON ZBA FILE V 11-05:** A request by J. Kevin Rogers for the following variances to the City of Richardson Code of Ordinances: 1) Appendix A, Article VI, Sec. 4, for a 23-foot variance to the required 25-foot rear setback for an attached garage to include roof overhang, and 2) Appendix A, Article VI, Sec. 4, for a 9-foot variance to the required 24-foot length of pavement perpendicular to the entry opening of a garage at 434 Ridge Crest Drive, Richardson, Texas.

Shacklett stated that the applicant is requesting two (2) variances for an attached garage to replace the existing carport. Shacklett explained the proposed garage would be in the same location as the carport. Shacklett stated that the existing carport was constructed when the previous attached garage was converted to an extra living space. Shacklett pointed out that City regulations require a 25-foot rear setback for the principal building. Shacklett stated that since the garage is attached, it is subject to the setback as well; however, the carport was only subject to an 18-inch rear setback. Shacklett continued the variance would be limited to the area shown on the site plan provided by the applicant.

Shacklett added the applicant is also proposing a variance to the 24-foot depth of pavement required for maneuverability perpendicular to the entry opening of a garage. Shacklett explained there would be approximately fifteen (15) feet of depth for maneuverability for the proposed garage. Shacklett clarified the same fifteen (15) feet of depth is currently provided for maneuverability depth into the carport.

Shacklett explained the applicant has stated his hardship comes from the fact that there is no enclosed garage space on the property, and the former garage that was converted to living space was done so in a manner that would make a conversion back to a garage difficult due to the grade difference and retaining walls. Shacklett added the applicant has also stated the desire for the garage is to provide a secure, protected area to park vehicles as well as conform to the City of Richardson requirement for an enclosed garage structure.

Shacklett stated there was one letter in opposition to the request from the property owner at 2202 Canyon Creek Plaza, Richardson, Texas.

Shacklett delivered the staff technical recommendation in case V 11-05 by stating that based on the information presented and applicable codes and ordinances, it is staff's opinion that a property hardship does not exist.

J. Kevin Rogers, 434 Ridge Crest Drive, Richardson, Texas came forward to present his case. Rogers stated that the middle row of support beams is already a challenge when turning out of the carport. Rogers stated the carport is ugly, offers no protection from the weather and he wants to make this improvement with a single garage door.

Roland discussed the hardship of wanting to redo the carport even though a gate across the drive might add security, but no weather protection. Roland continued that he sees that the past garage cannot be recovered and the applicant wants to take care of the unsightly carport.

Menke questions the applicant about any storage that might fill the garage, leaving no enclosed parking. Menke explained the ruling the Board makes tonight with go on and on with the property.

Rogers stated that although they are a family of six (6) and do plan to store some things, they have no plans to block any of their parking.

There being no one to speak in favor or in opposition to the case, Chairman Roland closed the public hearing.

Roland stated that he approves of addressing the unsightly carport. Roland added that the drive way barely fits.

Kidd stated he agreed with Roland's remarks.

Linn stated that he sees this situation goes back to 1980 when the garage was enclosed.

Pratt made a motion to approve V 11-05, limited to those specifics the applicant presented in the case. The motion was seconded by Walker and passed with a 4 - 1 vote with Kidd in opposition.

4. **PUBLIC HEARING ON ZBA FILE V 11-06:** A request by Larry Sumrow for the following variance to the City of Richardson Code of Ordinances: 1) Article XII-B, Sec. 4, for a 15.5-foot variance to the required 20-foot rear setback for an attached patio cover to include roof overhang at 601 Laketrail Drive.

Shacklett stated the applicant is requesting a variance for an attached patio cover to be placed on the rear of the existing home. Shacklett continued that the proposed cover would be constructed adjacent to the existing rear door and window, located under a gable roof projection which faces west. Shacklett explained the City's regulations require a 20-foot rear setback in the RP-1500-M Patio Home zoning district for the principal building. Shacklett added that since the patio cover is attached, it is subject to the setback as well. Shacklett clarified

that the proposed supports for the patio cover would encroach 13.5 feet into the rear setback. Shacklett stated an additional two (2) feet is requested to accommodate the roof overhang of the proposed patio cover. Shacklett pointed out the variance would be limited to the area shown on the presented site plan.

Shacklett acknowledged the applicant has stated their hardship is the prevailing winds from the south and west, which creates driving rains against the rear of the home. Shacklett continued that the applicant states that since the lot backs up to the dead end of Park Bend Drive, a “jet stream” is created that intensifies the wind and rain causing water to leak in, around, and through the doors and windows; creating damage to both. Shacklett explained that the owner desires to counteract this issue by constructing an attached patio cover.

Shacklett stated in discussions with the applicant, staff suggested the patio cover be detached from the principal building which would not require a 20-foot rear setback, but rather a 3-foot rear setback. Shacklett clarified this would require the use of four (4) posts rather than two (2) posts to support the structure. Shacklett explained the applicant desires to attach the cover so the existing columns on either side of the door could be used as supports to increase structural integrity and to make the cover more aesthetically pleasing. Shacklett noted the applicant also states that whether the cover is attached or detached will not be noticeable from Park Bend Drive.

Shacklett delivered the staff technical recommendation in case V 11-06 by stating that based on the information presented and applicable codes and ordinances, it is staff’s opinion that a property hardship does not exist.

Menke asked Shacklett if there was any correspondence in this case.

Shacklett indicated there was no correspondence in this case.

Kidd asked if the easement takes away part of the buildable area.

Shacklett stated there is a 20-foot easement to the Town of Buckingham for a sewer line that was built and never used. Shacklett explained that nothing can be built there.

Larry Sumrow, Southern Ventures Properties, 9535 Forest Lane, Suite 228, Dallas, Texas 75243, representing Joyce McReynolds, 601 Laketrail Drive, Richardson, Texas 75081 came forward to present the case. Sumrow began by stating that he lives on Lake Ridge Drive and is next door neighbor to McReynolds. Sumrow explained that McReynolds hired a contractor to add the existing patio cover that opens out to cover the area; but when there is a high west wind and that happens often, the cover automatically draws itself in as a protective mechanism. Sumrow continued that the rear of both their homes faces

west and the prevailing winds are from the west. Sumrow added that water, snow, and ice come in and damage the door jambs and floors. Sumrow continued that since the lot backs up to the dead end of Park Bend Drive, a “jet stream” is created that intensifies the wind and rain causing infiltration of water through the doors and windows and damage to the floors and door.

Roland asked if this solution presented will remedy the rain and wind problem.

Sumrow explained that this attached patio cover will be made of the same material as the home and it will remedy the situation.

Walker invited those still in attendance, especially those with small children, to leave if they liked since their cases were over and they were not required to stay.

Joyce C. McReynolds, 601 Laketrail Drive, Richardson, Texas 75081 came forward to speak in favor of the case. McReynolds stated this has been a six (6) year problem and her French doors are warped as a result. McReynolds added that the current awning does not go far enough out for any protection and then when the wind and rain are high the awning closes up to protect itself. McReynolds also stated that she wants an attached cover that matches the home and protects her property.

Patricia James, 605 Laketrail Drive, Richardson, Texas 75081 came forward to speak in favor of the case. James stated that she lives south of the subject property and McReynolds maintains a very fine home and is a pleasure to live next to.

Pratt thanked James for taking the time to come to the meeting and speak.

There being no one else to speak in favor or in opposition to the case, Chairman Roland closed the public hearing.

Walker made a motion to approve V 11-06, limited to those specifics the applicant presented in the case. The motion was seconded by Menke and passed unanimously.

Roland called for a short recess at 7:34p.m. with the meeting resuming at 7:38p.m.

PUBLIC HEARING ON ZBA FILE SE 11-02: A request by Brooke Fossey, for the following special exception to the City of Richardson Code of Ordinances: 1) Chapter 6, Article IV, Sec. 6-209(4), to allow a 6-foot fence with 0% see through vision to be located in the required corner clip measuring 15 feet along the rear property line by 25 feet along the side property line for a fence at 2306 E. Prairie Creek Drive, Richardson, Texas

Shacklett described that the applicant is requesting a special exception to the City of Richardson fence regulations to allow a fence to be located in the required 15'x25' corner clip. Shacklett explained the corner clip is required when the rear lot line is adjacent to the side lot line of an adjoining lot. Shacklett continued that the fence is proposed in this location because the applicant desires to construct a sliding gate to secure their driveway area and rear yard area. Shacklett indicated that since the adjacent lot fronts on Creekwood Circle and has a 35-foot front setback, a fence is not allowed to be built on their property line between the front property line and the front building wall (approximately 35 feet back of the property line). Shacklett stated the City's regulations require the clip to create a less obstructed view for the property that has the side lot line adjacent to the subject property. Shacklett added the special exception would be limited to the area shown on the provided site plan.

Shacklett pointed out that the applicant has stated they need the fence and gate to provide security for their side and rear yard areas. Shacklett explained the need became greater when the applicant discovered their vehicle would not fit inside the garage because the garage door opening was not tall enough. Shacklett reported the applicant states she explored the possibility of raising the opening but explains it is not structurally advisable due to the second floor located above the garage. Shacklett reported the applicant states they hired a contractor believing him to be reputable and familiar with the City of Richardson permitting process. Shacklett explained a majority of the project was complete when Building Inspection observed the construction and told the applicant to stop construction and acquire a building permit. Shacklett added the applicant was unaware the contractor had not acquired a building permit, stopped construction, and applied for a building permit. Shacklett stated that at that time, she was informed of the corner clip requirement and started the process to acquire a special exception.

Shacklett stated in discussions with the applicant, staff discussed the possibility of building the fence/gate outside of the clip area, but due to the grade of the driveway, it would not be possible. Shacklett added the driveway entrance at the property line is approximately four (4) feet higher than the bottom of the driveway. Shacklett continued that a fence is allowed in the corner clip, but it can be no taller than four (4) feet and must provide at least 50% see through vision.

Shacklett delivered the staff technical recommendation in case SE 11-02 by stating it is staff's opinion the applicant's request does not appear to be contrary to public safety. Shacklett added that a review made by the City Traffic and Transportation Department resulted in no issues.

Brooke Fossey, 2306 E. Prairie Creek Drive, Richardson, Texas 75080 came forward to present the case. Fossey stated they bought the home recently and found their cars do not fit inside because the opening is not tall enough.

There being no one else to speak in favor or in opposition to the case, Chairman Roland closed the public hearing.

Menke suggested that the gate could be moved. Menke continued that for aesthetics and safety it would be in the best interest to take the fence in at an angle.

Menke made a motion to approve SE 11-02, limited to those specifics the applicant presented in the case with the exception that the fence in question on the property line be built at an angle to terminate at the gate with Exhibit "A" to clarify the location. The motion was seconded by Pratt and passed unanimously.

There being no further business, the meeting was adjourned at 8:05 p.m.

William R. Roland, Chair