City of Richardson
Zoning Board of Adjustment
Agenda Packet
November 16, 2016

To advance to the background material for each item in the agenda, click on the item title in the agenda or click on Bookmarks in the tool bar on the left side of your screen.

AGENDA

CITY OF RICHARDSON – ZONING BOARD OF ADJUSTMENT
WEDNESDAY, NOVEMBER 16, 2016
6:30 P.M.
CIVIC CENTER/COUNCIL CHAMBERS
411 W. ARAPAHO ROAD

BRIEFING SESSION: 6:00 P.M. Prior to the business meeting, the Zoning Board of Adjustment will meet with staff in the **Large Conference Room** located on the 2nd floor, Room 206 to receive a briefing on:

A. Discussion of Regular Agenda Items

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1. APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 19, 2016.

2. PUBLIC HEARING ON ZBA FILE V 16-13, a request by Aaron and Shayla Cobb, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance:

1) Article VI, Sec. 4(e)(3), to allow a 5-foot variance to the platted 35-foot front setback to accommodate a building addition.

The property is located at 2209 Canyon Creek Plaza.

3. PUBLIC HEARING ON ZBA FILE SE 16-03, a request by Josh Botts, for approval of the following variance to the City of Richardson Fence Ordinance:

1) Article IV, Sec. 6-209(3), to allow an 8-foot high fence to be located six (6) feet from the front property line of a corner lot.

The property is located at 1219 Comanche Drive.

4. RECESS

5. ADJOURN

ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST 48 HOURS PRIOR TO THE MEETING BY CONTACTING TAYLOR LOUGH, ADA COORDINATOR, VIA PHONE AT 972 744-4208, VIA EMAIL AT ADACOORDINATOR@COR.GOV, OR BY APPOINTMENT AT 411 W. ARAPAHO ROAD, RICHARDSON, TEXAS 75080.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

I HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT CITY HALL ON OR BEFORE 5:30 P.M., FRIDAY, NOVEMBER 7, 2016

_____
GWEN MANIGOLD, ADMINISTRATIVE SECRETARY

Agenda
Item 1

Approval of the minutes of the October 19, 2016 Zoning Board of Adjustment Meeting

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
OCTOBER 19, 2016

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, October 19, 2016, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Mike Walker, Chair
Larry Menke, Vice Chair
Chip Pratt, Member
John Veatch, Member
Shamsul Arefin, Alternate

MEMBERS ABSENT: Brian Shuey, Member
Jason Lemons, Alternate

CITY STAFF PRESENT: Mohamed Bireima, Planner
Kathy Welp, Executive Secretary
Gwen Manigold, Administrative Secretary

BRIEFING SESSION

Prior to the start of the regular business meeting, members of the Zoning Board of Adjustment met with staff to receive a briefing on agenda items. No action was taken.

REGULAR BUSINESS MEETING

Opening comments: Chairman Walker introduced City staff and explained the staff serves in an advisory capacity and does not influence any decisions the Board might make. Chairman Walker summarized the function, rules, and appeal procedures of the Zoning Board of Adjustment.

1. **MINUTES: SEPTEMBER 21,2016**

   Motion: Mr. Pratt made a motion to approve the minutes as presented; second by Mr. Veatch. Motion approved 5-0.

2. **PUBLIC HEARING ON ZBA FILE V 16-11:** A request by Jeremy M. Roehr to allow 10-foot variance to the maximum 25-foot height allowed for a single-story multi-purpose hall, gym and indoor playground (Article XVIII., Sec. 3(a)(2)). The property is located at 3400 E. Renner Road, Richardson, TX.

   Mr. Bireima advised the applicant was requesting a 10-foot height variance to the maximum allowable height for a single story to accommodate the construction of an educational building that will accommodate classrooms and a gymnasium/activity center south of the existing sanctuary. He added the church was granted a 15-foot height variance in 2005 during the first phase of their campus masterplan development.

Regarding the current phase of their master plan, Mr. Biremia said the existing code allows single-story structures for a maximum 25 feet in height and two-story structures for 40 feet in height, but the applicant was proposing to construct a single story gymnasium/activity center that exceeded 25 feet but was under the 40-foot two-story height. He explained the additional height would provide adequate interior height for the activity center's functions.

Mr. Biremia added that the property in question was zoned I-FP(1) Industrial and surrounded on two sides by industrial properties, and on the remaining two sides by residential neighborhoods.

Mr. Biremia concluded his presentation by noting a property hardship did not appear to exist in the case.

No questions were asked by the Board and Chairman Walker opened the public hearing.

Mr. Jeremy Roehr, GFF Architects, 2808 Fairmount, Suite 300, Dallas, Texas stated that the variance had been requested to allow full use of the space for athletics and other community and ministry. He confirmed the height of the structure would not exceed 40 feet allowed for two stories.

Mr. Pratt stated it looked like the playground was going to be moved and noticed that was not indicated on the renderings.

Mr. Roehr stated the playground would be moved directly south just beyond the new construction.

Mr. Tom Belter, 1804 Desoto Court, Lucas, Texas, said he was representing Woodcreek Church and since the congregation moved to the location in 2008, they had doubled in size and additional educational space was needed.

Vice Chairman Menke wanted to confirm that Woodcreek Church was previously the Richardson Bible Fellowship on Blake Drive.

Mr. Belter said that it was.

Mr. Arefin asked about the size of the gymnasium and Mr. Belter replied it was about 5,000 square feet.

Mr. Mark Muse, 3501 Harlington Lane, Richardson, Texas stated his home was directly east of the church property and he was in favor of the variance.

No other questions or comments in favor or opposed were received and Chairman Walker closed the public hearing.

Mr. Veatch said he felt the request was perfectly reasonable and noted there had been no opposition from those notified.

Vice Chairman Menke said he felt the gymnasium and classrooms would be an asset to the community and the neighborhood.

Mr. Arefin agreed with Mr. Veatch and Vice Chairman Menke.

Motion: Mr. Veatch made a motion to grant the request listed in Variance 16-11 as presented and limited to those specifics presented in the case; second by Mr, Arefin. Motion approved 5-0.

3. **PUBLIC HEARING ON ZBA FILE V16-12:** A request by Michael and Dianna Levy to amend an eight (8) foot variance to the platted 40-foot front setback to allow a second-floor addition (Article IV-B., Sec. 4(e)(3)). The property is located at 3103 Tam O'Shanter Lane, Richardson, Texas.

Mr. Bireima advised the property was a single family home surrounded by other single family homes and a golf course. The site plan showed a 2,659-square foot home built in 1968 with a 723-square foot second story that was added in 1999. In 2006 the property received an eight (8) foot variance to convert the single car garage to a two car garage; however, the proposed conversion was never completed.

Mr. Bireima explained the comprehensive zoning ordinance required a 30 foot front setback however the developer chose to develop this subdivision with a 40 foot front setback. Photos of the current home and renderings of the home with the addition were shown.

Mr. Bireima concluded his presentation by noting a property hardship did not appear exist.

No questions were asked by the Board and Chairman Walker opened the public hearing.

Mr. Levy, 3103 Tam O'Shanter Lane, Richardson, Texas, stated that when he bought the property a variance had already been granted, but he was requesting to amend the previous variance to allow a second floor above a two car garage with a slight increase to the footprint.

Mr. Levy stated he met with all immediate neighbors to sign a petition that they did not oppose his request and shared that petition with the Board.

Mr. Arefin asked how many square feet would be added. He also wanted to know about changing garage from J-style to front entrance.

Mr. Levy stated about 850 square feet would be added and that other properties that have come up on the street now have front facing garages.

Mr. Arefin asked what the depth of the garage would be.

Regarding the depth of the garage, Mr. Levy stated there will be enough depth for a car to be stored in garage.

Chairman Walker asked if the garage was 28' or less deep.

Mr. Levy said he did not know the exact measurements, but thought he could park two vehicles in a front entrance garage.

Mr. Pratt asked Mr. Levy to be respectful of window placement with the addition. He also stated most of the neighborhood was covered with a deed restriction that prevented front facing garages. He wanted Mr. Levy to be aware there may be that restriction for the property. Mr. Pratt stated there was no alley way to the property and there may be some exceptions for that street because of no alley.

Mr. Levy said he was not aware of the deed restriction and that the two properties facing his property have front entry garages and there were two properties on either side, not immediate, that also have garages facing the street.

Mr. Veatch asked if the homes with front entry garages were that way when Mr. Levy first moved in or had they changed over time, and if properties on either side had a side entrance before redevelopment.

Mr. Levy said that the two across the street were originally there, but the two on either side were additions and he could not recall if they had side entrances or not.

Vice Chairman Menke stated that houses across the street from the property actually faced the side street were not actually on Tam O'Shanter.

No other questions or comments in favor or opposed were received and Chairman Walker closed the public hearing.

Vice Chairman Menke said he did not see a reason to oppose the variance since it was improving the property.

Motion: Mr. Arefin made a motion to grant the request listed in Variance 16-12 as presented and limited to those specifics presented in this case; second by Vice Chairman Menke. Motion approved 5-0.

There being no further business, the meeting was adjourned at 7:08.

_____

Mike Walker, Chairman
Zoning Board of Adjustment

Agenda
Item 2

Zoning Variance 16-13:
2209 Canyon Creek Plaza

ZBA FILE V 16-13

Attachments:

1. Notice of Public Hearing
2. Notification List
3. Staff Report
4. Aerial Map
5. Survey Plat
6. Site Plan
7. Rendering
8. Application
9. Applicant's Statement

Notice of Public Hearing

Zoning Board of Adjustment ▪ Richardson, Texas

An application has been received by the City of Richardson for a:

VARIANCE REQUEST

File No.	**V 16-13**
Property Owner:	Aaron & Shayla Cobb
Applicant:	Aaron & Shayla Cobb
Location:	2209 Canyon Creek Plaza
Current Zoning:	R-1250-M Residential District

A request by Aaron & Shayla Cobb, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance:

1) Article VI, Sec. 4(e)(3), to allow a 5-foot variance to the platted 35-foot front setback to accommodate a building addition.

The Zoning Board of Adjustment will consider this request at a public hearing on:

WEDNESDAY, NOVEMBER 16, 2016
6:30 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

This notice has been sent to all owners of real property within 200 feet of the request; as such ownership appears on the last approved city tax roll.

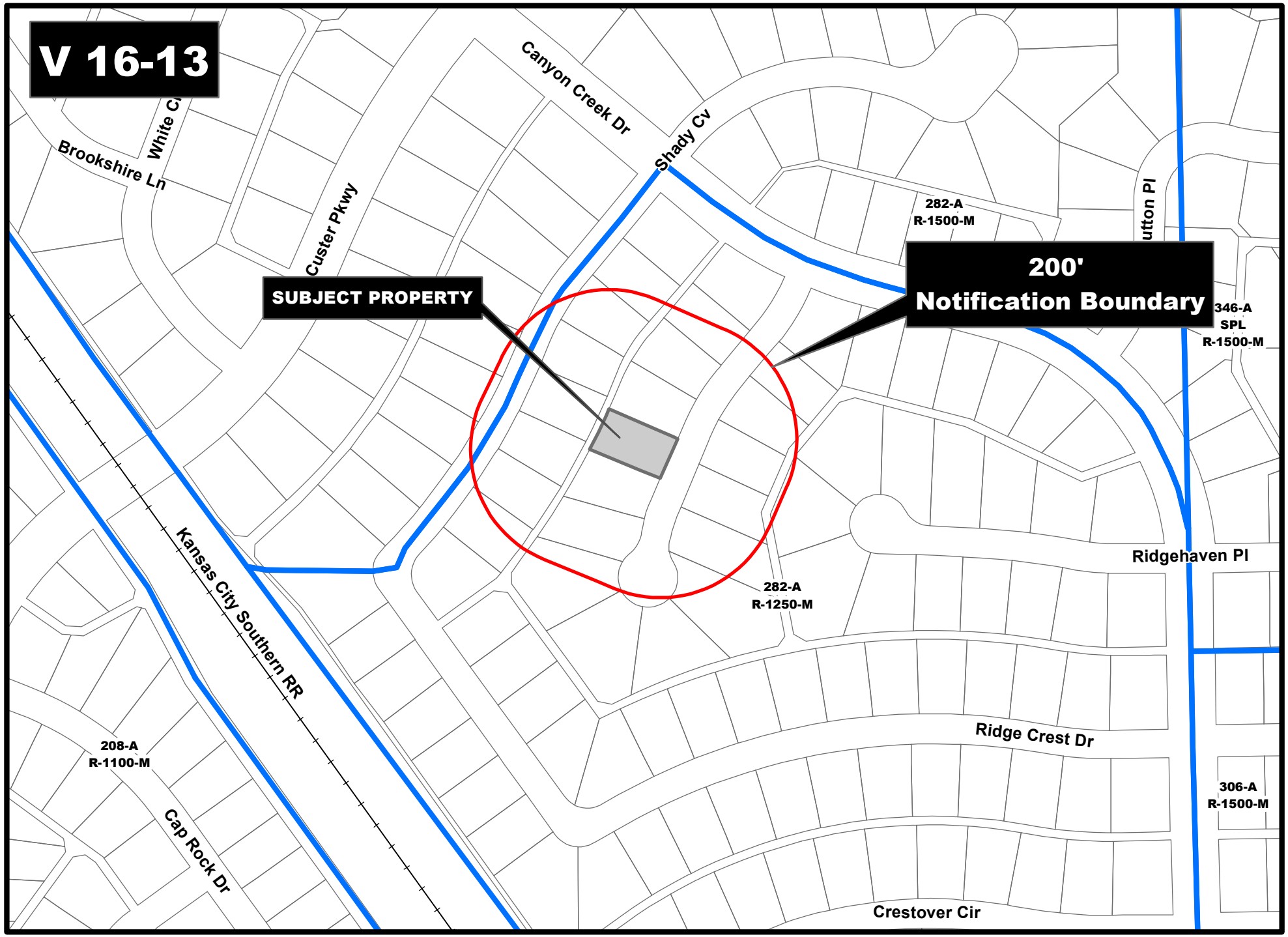
Process for Public Input: A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the Zoning Board of Adjustment. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the Zoning Board of Adjustment is excluded from each 15 minute period.

Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

Agenda: The Zoning Board of Adjustment agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: http://www.cor.net/index.aspx?page=1332

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Variance number V 16-13.

Date Posted and Mailed**: November 4, 2016**



V 16-13 Notification Map

2209 Canyon Creek Plaza

Updated By: MBireima, Update Date: Oct. 31, 2016
File: DS\Mapping\Cases\ZV\2016\ZV 1613\ZV 1613 notification.mxd

MCKELVIE MATT A
2216 RIDGE CREST DR
RICHARDSON, TX 750802534

SAMUELSON SAM M & JUDITH
2213 RIDGE CREST DR
RICHARDSON, TX 750802535

MCILROY KENNETH & DONNA
2215 CANYON CREEK PLZ
RICHARDSON, TX 750802526

SILVERTHORN CYNTHIA & FREDE
2214 RIDGE CREST DR
RICHARDSON, TX 750802534

LA PRELLE ROBERT H
2213 CANYON CREEK PLZ
RICHARDSON, TX 750802526

POLLACK GORDON PAUL &
NORMA C FAMILY LIVING TRUST
2211 RIDGE CREST DR
RICHARDSON, TX 750802535

LEE MILDRED EULENE
2212 RIDGE CREST DR
RICHARDSON, TX 750802534

KNOLL HUGH R
2209 RIDGE CREST DR
RICHARDSON, TX 750802535

MCGEE THOMAS J & SHIRLEY
2211 CANYON CREEK PLZ
RICHARDSON, TX 750802526

BROWN SAMUEL S &
JENNIFER H
2214 CANYON CREEK PLZ
RICHARDSON, TX 750802526

GOLMON JEFFREY C &
NANCY E
2210 RIDGE CREST DR
RICHARDSON, TX 750802534

KENNEDY SHARON L
2207 RIDGE CREST DR
RICHARDSON, TX 750802535

WEEGE NICHOLAS W &
CHRISTINE S HWANG
2212 CANYON CREEK PLZ
RICHARDSON, TX 750802526

COBB AARON J & SHAYLA L
2209 CANYON CREEK PLZ
RICHARDSON, TX 750802526

VAUGHN ELISABETH L
2208 RIDGE CREST DR
RICHARDSON, TX 750802534

HART MARK A &
AMY U HART
2210 CANYON CREEK PLZ
RICHARDSON, TX 750802526

DAY KEVIN B & LYNN SHERRILL
2021 SANDY TRL
RICHARDSON, TX 750803426

RUNDSTEIN RICHARD L &
KATHERINE M
2207 CANYON CREEK PLZ
RICHARDSON, TX 750802526

PETERSON CLAIBORN & CATHERI
2206 RIDGE CREST DR
RICHARDSON, TX 750802534

ESTLE SUZANNE
2208 CANYON CREEK PLZ
RICHARDSON, TX 750802526

NICHOLS PAUL M
412 RIDGEHAVEN PL
RICHARDSON, TX 750802538

WATSON C DAN LIFE EST &
SHIRLEY M WATSON LF EST
2205 CANYON CREEK PLZ
RICHARDSON, TX 750802526

BRICKHOUSE JOHN CHARLES & A
2204 RIDGE CREST DR
RICHARDSON, TX 750802534

MCQUEEN SEAN P & MELANIE L
2206 CANYON CREEK PLZ
RICHARDSON, TX 750802526

JAMISON SHARI J
2203 CANYON CREEK PLZ
RICHARDSON, TX 750802526

GRAVES CLAUDE III
2204 CANYON CREEK PLZ
RICHARDSON, TX 750802526

GEHRIG NEIL E
2201 CANYON CREEK PLZ
RICHARDSON, TX 750802526

V 16-13

Staff Report

ZBA Meeting Date: November 16, 2016

TO: Zoning Board of Adjustment

FROM: Mohamed A. Bireima, Planner MB

DATE: November 4, 2016

RE: V 16-13

APPLICANT: Aaron & Shayla Cobb

OWNER: Aaron & Shayla Cobb

LOCATION: 2209 Canyon Creek Plaza

REQUESTED VARIANCES:

1) Allow a 5-foot variance to the platted 35-foot front setback to accommodate a building addition (Article VI, Sec. 4(e)(3)).

EXISTING ZONING:

R-1250-M Residential District

EXISTING LAND USE:

Residential

SURROUNDING LAND USES:

Residential

STAFF COMMENTS:

The 2,220-square foot, single story home was constructed in 1966. The applicant proposes to increase the size of the current home by constructing additional living space (ground floor and 2nd story) and an unenclosed front porch to the front of the home.

The subject element of this request is the proposed 17' x 7' **ground floor addition** that encroaches approximately five (5) feet into the platted 35-foot front setback.

The Comprehensive Zoning Ordinance allows **unenclosed** porches, fireplaces, and other architectural appendages to project into the required front setback for a distance not to exceed five (5) feet; however, the proposed 17'×7' ground floor addition is **enclosed**; therefore, the applicant is requesting to 5-foot variance to the platted 35-foot front setback to accommodate the addition.

Although the Comprehensive Zoning Ordinance requires a 30-foot front setback, new structures must conform to the existing building line between intersecting streets established by the subdivision plat. In this case, the developer of the subdivision chose to plat a 35-foot front setback for this portion of the subdivision. If the applicant's request is approved, a 30-foot front setback will be provided.

The applicant has indicated the hardship for requesting the variance is the small size of the lot and the limited space to accommodate an addition in the rear of the home. The applicant has stated that they are planning to add a pool in the rear yard.

TECHNICAL RECOMMENDATION:

Variance Request: Based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a physical property hardship does not exist.

V 16-13 Aerial Map

2209 Canyon Creek Plaza

Updated By: MBireima, Update Date: Nov. 4, 2016
File: DS\Mapping\Cases\ZV\2016\ZV 1613\ZV 1613 ortho.mxd

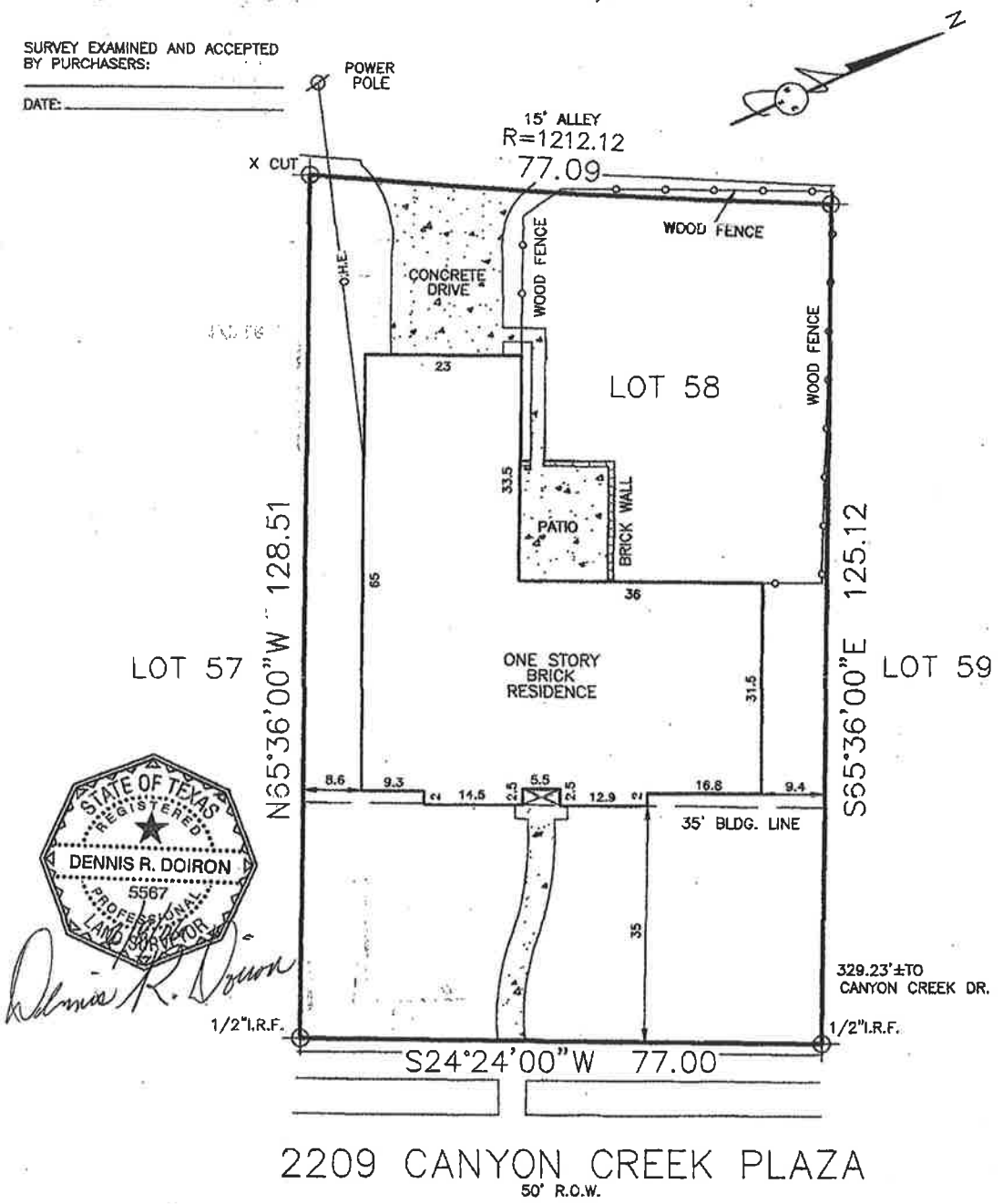
SURVEY PLAT

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE PROPERTY LOCATED AT 2209 CANYON CREEK PLAZA IN THE CITY OF RICHARDSON, TEXAS. DESCRIBED AS FOLLOWS:

Lot 58, in Block 34, of CANYON CREEK COUNTRY CLUB NO. 6, an Addition to the City of Richardson, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 137, Page 2363, of the Map Records of Dallas County, Texas.

SURVEY EXAMINED AND ACCEPTED BY PURCHASERS:

DATE:



2209 CANYON CREEK PLAZA

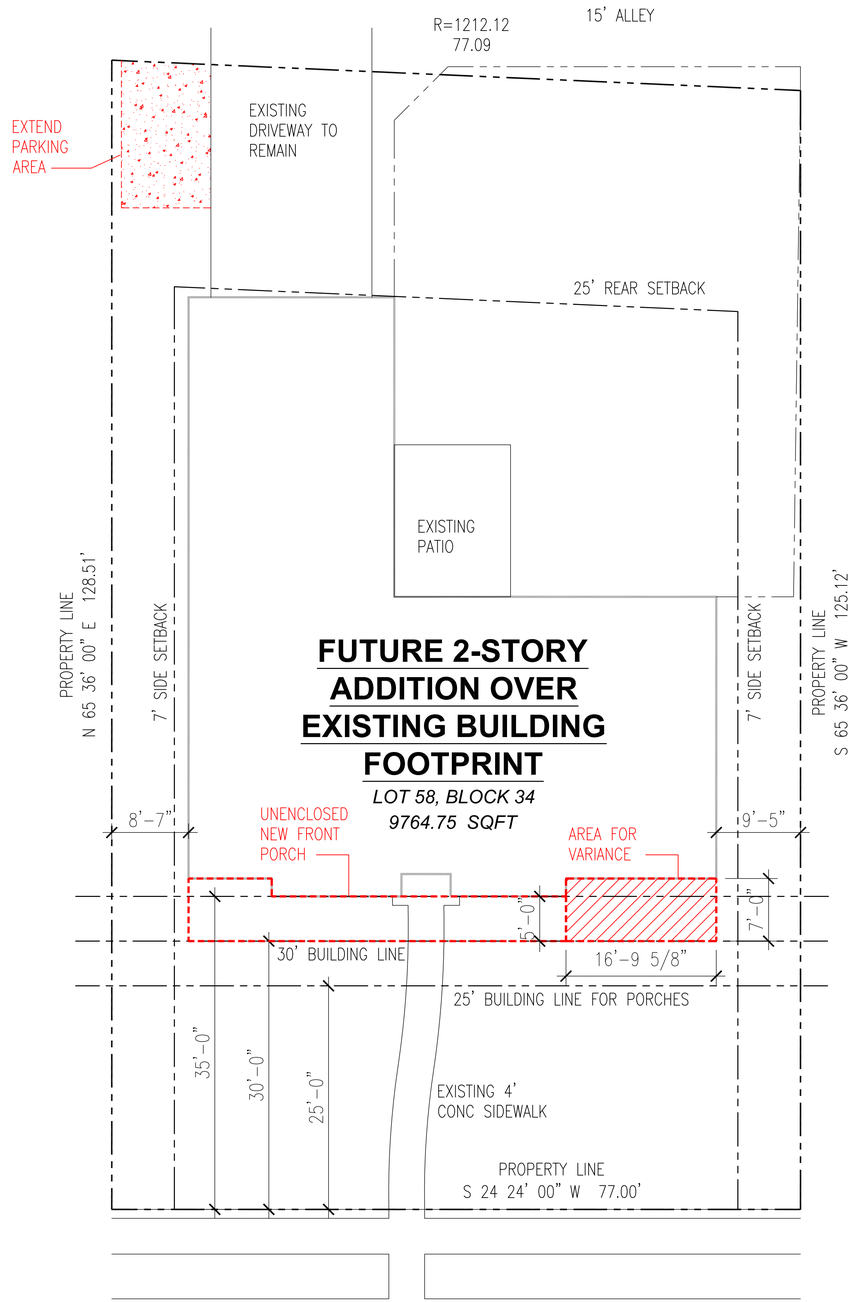
50' R.O.W.

TO: STEWART TITLE CO. AND CRAIG E. SIMS AND LYNN R. SIMS

THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER AND TITLE COMPANY ONLY AND IS MADE RELYING ON THE INFORMATION PROVIDED BY SAID TITLE COMPANY IN CONNECTION WITH THE TRANSACTION DESCRIBED IN G.F.06300451. USE OF THIS SURVEY BY ANY OTHER PARTIES AND/OR FOR OTHER PURPOSES SHALL BE AT USER'S OWN RISK AND ANY LOSS RESULTING FROM OTHER USE SHALL NOT BE THE RESPONSIBILITY OF THE UNDERSIGNED. THE PLAT HEREON IS A CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY LINES AND DIMENSIONS ARE AS INDICATED; LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN; AND EXCEPT AS SHOWN, ALL IMPROVEMENTS ARE LOCATED WITHIN THE BOUNDARIES AND THE DISTANCES INDICATED, AND THERE ARE NO VISIBLE AND APPARENT ENCROACHMENTS OR PROTRUSIONS ON THE GROUND. THIS SURVEY IS ONLY VALID WITH ORIGINAL SIGNATURE AND DATE. UNAUTHORIZED USE IS NOT PERMITTED WITHOUT WRITTEN PERMISSION OF THE SURVEYOR. SURVEY IS PROTECTED BY UNITED STATES COPYRIGHT LAW. ALL RIGHTS RESERVED.

VEACH LAND SURVEYING CO.

THIS PROPERTY APPEARS TO LIE WITHIN ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP FOR DALLAS COUNTY, TEXAS, COMMUNITY PANEL NO. 48113C0205 J, DATED AUGUST 23, 2001	SCALE: 1"=20' DATE: 2/8/2006 JOB NO: 21506 DRAWN BY: T.R.	(972) 790-5581 FAX (972) 254-4268 109 N. MacARTHUR BLVD. IRVING, TX. 75061



1 SITE PLAN
1/8" = 1'-0"

KM DC

KENDRA MCDOUGAL
DESIGN CONSULTING

17 SHADY COVE
RICHARDSON, TEXAS
(214)417-9933

architecture · planning · design

Designer:
Kendra S. McDougal
17 Shady Cove
Richardson, TX 75080
kendra.mcdougal@sbcglobal.net
(214)417-9933

Contractor:
–

COBB RESIDENCE
ADDITION AND REMODEL

2209 CANYON CREEK PLAZA
RICHARDSON, TEXAS 75080

Sheet Information	
Date	10/24/16
Job Number	
Scale	
Drawn	KM
Checked	TM
Approved	TM

Title

SITE PLAN

Sheet

G1

Print Form

For Department Use Only
Date Received: _____ Fee Paid: _____ Accepted by: _____

Board of Adjustment Variance or Appeal Application

City of Richardson, Texas

Development Services Department
411 W. Arapaho Road
Richardson, Texas 75080
Phone 972-744-4260
Fax 972-744-5804
cor.net/ds

Note: Pre-submittal meeting required with staff before application can be submitted.

Please answer the following pre-qualifying questions:

1. Have you filed an appeal or variance on this property within the last six (6) months? (If yes, six (6) month waiting period required on same variance for the property.) ○ Yes ◉ No

2. Have you applied for a building permit (applicable to residential property only)? (If no, please speak with the Building Inspection Department prior to submitting the variance request.) ○ Yes ◉ No

Applicant Information		Owner Information
	Signature	
Aaron & Shayla Cobb	Printed Name	Aaron & Shayla Cobb
	Company Name	
2209 Canyon Creek Plaza	Mailing Address	2209 Canyon Creek Plaza
Richardson, TX 75080	City, State, ZIP	Richardson, TX 75080
972-480-8550	Telephone Number	972-480-8550
	Fax Number	
ajcobb@gamestop.com	E-Mail Address	ajcobb@gamestop.com

Subject Site Information

Address of Subject Property: 2209 Canyon Creek Plaza

Legal Description: Lot 58, Block 34, Canyon Creek CC No. 6

Existing Zoning and Ordinance: R-1250-M, Ord. 282

Requested Variance: A 5' Variance to the Plated 35' Front Setback

Submittal Requirements

- Completed Application Form
- Completed Board of Adjustment Variance Checklist
- Building Permit Denial Letter
- Applicant's Statement (Completely describe the variance you are requesting and give the reason for the hardship and justification for the variance.)
- Twelve (12) copies of reproducible plans to support the application (fold if 24" x 36").
- Filing fee: Residential = $250.00, Non-residential = $325.00

Board of Adjustment Variance Checklist

City of Richardson, Texas

Does a hardship exist? If so, explain below. ◉ Yes ○ No

We have the smallest lot on the street at 9,500 square feet and are very limited in lot space. Since we are planning on adding a pool to the backyard, there is no room to extend the house backwards.

Will literal enforcement of the ordinance result in an unnecessary hardship? If so, explain below. ○ Yes ◉ No

Is the condition unique to the property requesting the variance and not common to other properties in the area? If so, explain below. ○ Yes ◉ No

Is the need for the variance created by the applicant? If so, explain below. ◉ Yes ○ No

We are in the process of renovating our house in the Canyon Creek/ Prairie Creek neighborhood. We are a family of 5. We would like for our 3 daughters to have the necessary space needed for them while also creating space for my wife's parents. There is no option of moving into a bigger house because we absolutely love our neighborhood, our street and neighbors, our school, and the Richardson city services. Since we have the smallest lot on the street, we have very limited lot space and have to add a second floor. In addition, we plan on adding an outdoor patio and pool.

Is the hardship only financial? If so, explain below. ○ Yes ◉ No

Will granting of the variance be contrary to the public's interests and will it impact the public health, safety, and welfare? If so, explain below. ○ Yes ◉ No

Variance Request Statement
2209 Canyon Creek Plaza

Request:

To move the current building line from 35' to 30' in order to bring forward a 17' portion of the house. This would bring this portion of the house flush with the 5' porch and would meet the requirement of the 30' front setback as stated in the City ordinances.

Overview:

We are in the process of renovating our house in the Canyon Creek/ Prairie Creek neighborhood. We are a family of 5. We would like for our 3 daughters to have the necessary space needed for them while also creating space for my wife's parents. There is no option of moving into a bigger house because we absolutely love our neighborhood, our street and neighbors, our school, and the Richardson city services. Since we have the smallest lot on the street, we have very limited lot space and have to add a second floor. In addition, we plan on adding an outdoor patio and pool.

Reasons for variance:

1) The ordinance states that "there shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet." Since we are requesting our setback (including the porch) to be set at 30', we should be in compliance with the City ordinances.

2) After measuring each house on the street, there is no uniform front setback.

3) The enclosed portion of the house will not extend any further than the porch at the 30' line. It doesn't make sense that we are allowed to extend the entire front porch (which would expand across the entire front of our house) to the 30' line and not be able to enclose a 17' portion of the porch.

4) We have the smallest lot on the street at 9,500 square feet and are very limited in lot space. Since we are planning on adding a pool to the backyard, there is no room to extend the house backwards.

5) The granting of the variance will not be contrary to the public's interest and will have no impact on the public health, safety, or welfare.

Agenda
Item 3

Special Exception 16-03:
1219 Comanche Drive

ZBA FILE SE 16-03

Attachments:

1. Notice of Public Hearing
2. Notification List
3. Staff Report
4. Aerial Map
5. Site Plan
6. Site Photos
7. Application
8. Applicant's Statement
9. Correspondence

Notice of Public Hearing

Zoning Board of Adjustment ▪ Richardson, Texas

An application has been received by the City of Richardson for a:

SPECIAL EXCEPTION REQUEST

File No.	**SE 16-03**
Property Owner:	Josh Botts
Applicant:	Josh Botts
Location:	1219 Comanche Drive
Current Zoning:	R-1500-M Residential District
Request:	A request by Josh Botts for approval of the following special exception to the City of Richardson Fence Ordinance: 1) Chapter 6, Article IV, Sec. 6-209(3), to allow an 8-foot high fence to be located six (6) foot from the front property line of a corner lot.

The Zoning Board of Adjustment will consider this request at a public hearing on:

WEDNESDAY, NOVEMBER 19, 2016
6:30 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

This notice has been sent to all owners of real property within 200 feet of the request; as such ownership appears on the last approved city tax roll.

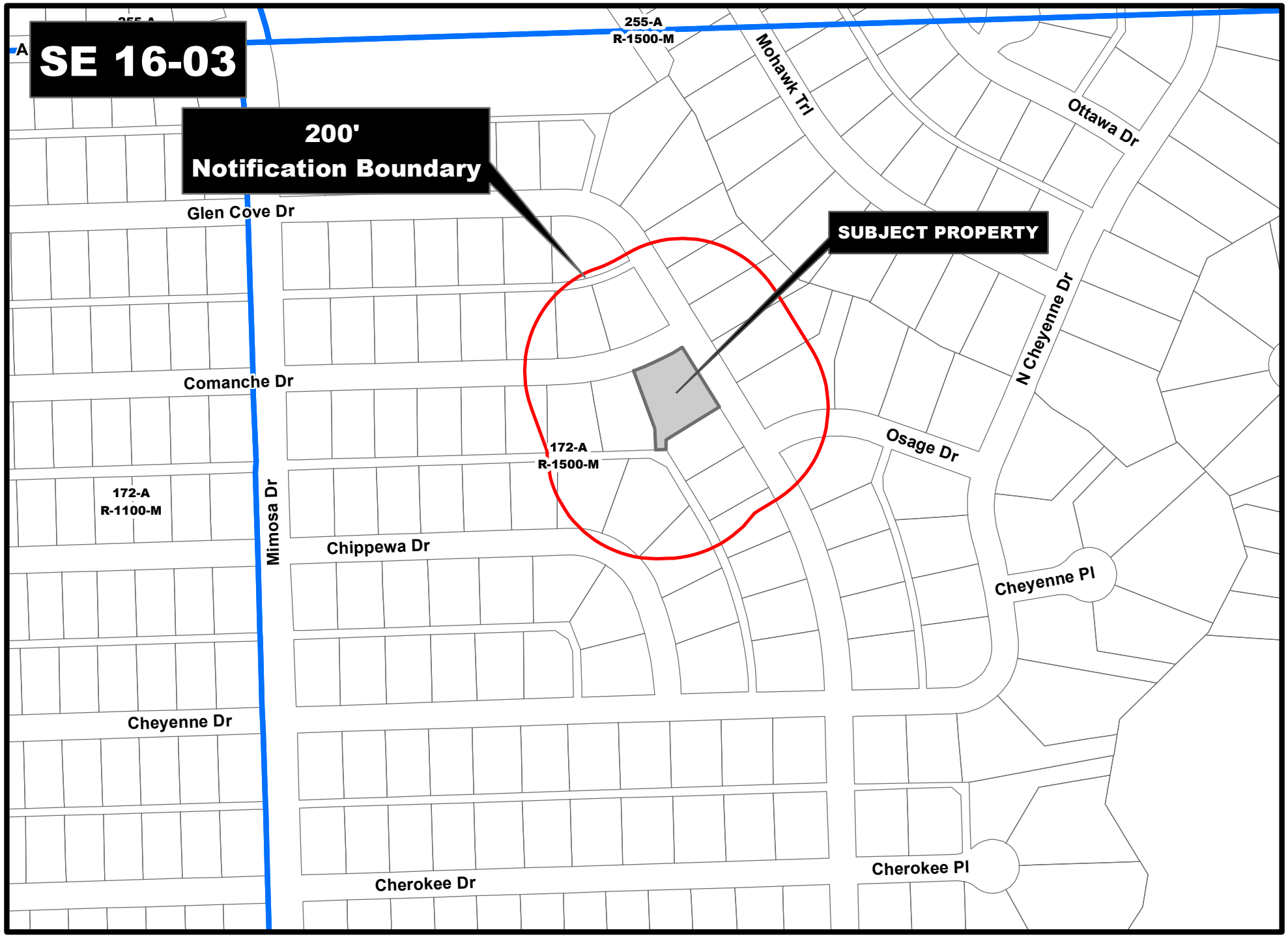
Process for Public Input: A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the Zoning Board of Adjustment. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the Zoning Board of Adjustment is excluded from each 15 minute period.

Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

Agenda: The Zoning Board of Adjustment agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: http://www.cor.net/index.aspx?page=1332

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Variance number SE 16-03.

Date Posted and Mailed: **November 4, 2016**



SE 16-03 Notification Map

1219 Comanche Drive

Updated By: MBireima, Update Date: October 31, 2016
File: DS\Mapping\Cases\SE\2016\SE 1603\SE 1603 notification.mxd

LEHMANN JOHN P
1218 GLEN COVE DR
RICHARDSON, TX 750803964

COLLINS CARL B JR
1216 GLEN COVE DR
RICHARDSON, TX 750803964

WILSON ELIZABETH ANDERSON
1214 GLEN COVE DR
RICHARDSON, TX 750803964

WILLIAMS ROBERT S & CAROL J
THE WILLIAMS FAMILY LIVING
1223 GLEN COVE DR
RICHARDSON, TX 750803965

FLIPPO NORMAN JR
1212 GLEN COVE DR
RICHARDSON, TX 750803964

WILLE BRENT M & KAYLEY D
1224 COMANCHE DR
RICHARDSON, TX 750803914

WARD KELLY M & CRISTEN L
1226 COMANCHE DR
RICHARDSON, TX 750803914

MARTIN RICHARD F
1210 OSAGE DR
RICHARDSON, TX 750803920

MARTIN RYAN & NATALIE
1222 COMANCHE DR
RICHARDSON, TX 750803914

BOGART LARRY LEWIS
1221 COMANCHE DR
RICHARDSON, TX 750803915

HARRISON LEORA L TR
1223 COMANCHE DR
RICHARDSON, TX 750803915

NOWAK JEFFREY & ANGELA
1225 COMANCHE DR
RICHARDSON, TX 750803915

BOTTS JOSH & KRISTEN
1219 COMANCHE DR
RICHARDSON, TX 750803915

CARTER FAMILY TRUST THE
2317 W TWIN OAKS
BROKEN ARROW, OK 74011

ROSENFELDT FAMILY TRUST
1222 CHIPPEWA DR
RICHARDSON, TX 750803912

HADEMENOS GEORGE J &
KELLY E
1224 CHIPPEWA DR
RICHARDSON, TX 750803912

RAKOFSKY PAUL D & BRENDA
1209 GLEN COVE DR
RICHARDSON, TX 750803917

ROSS JOHN R & KARA
1220 CHIPPEWA DR
RICHARDSON, TX 750803912

WESTERBECK DONALD E
1208 GLEN COVE DR
RICHARDSON, TX 750803916

FRANZ STEPHEN M
1207 GLEN COVE DR
RICHARDSON, TX 750803917

REAVIS LYNNETTE PARK
1218 CHIPPEWA DR
RICHARDSON, TX 750803912

SE 16-03

Staff Report

ZBA Meeting Date: November 16, 2016

TO: Zoning Board of Adjustment

FROM: Mohamed A. Bireima, Planner MB

DATE: November 4, 2016

RE: SE 16-03

APPLICANT: Josh Botts

OWNER: Josh Botts

LOCATION: 1219 Comanche Drive

REQUESTED VARIANCES:

1) Allow an 8-foot high fence to be located six (6) foot from the front property line of a corner lot (Chapter 6, Article IV, Sec. 6-209(3)).

EXISTING ZONING:

R-1500-M Residential District

EXISTING LAND USE:

Residential

SURROUNDING LAND USES:

Residential

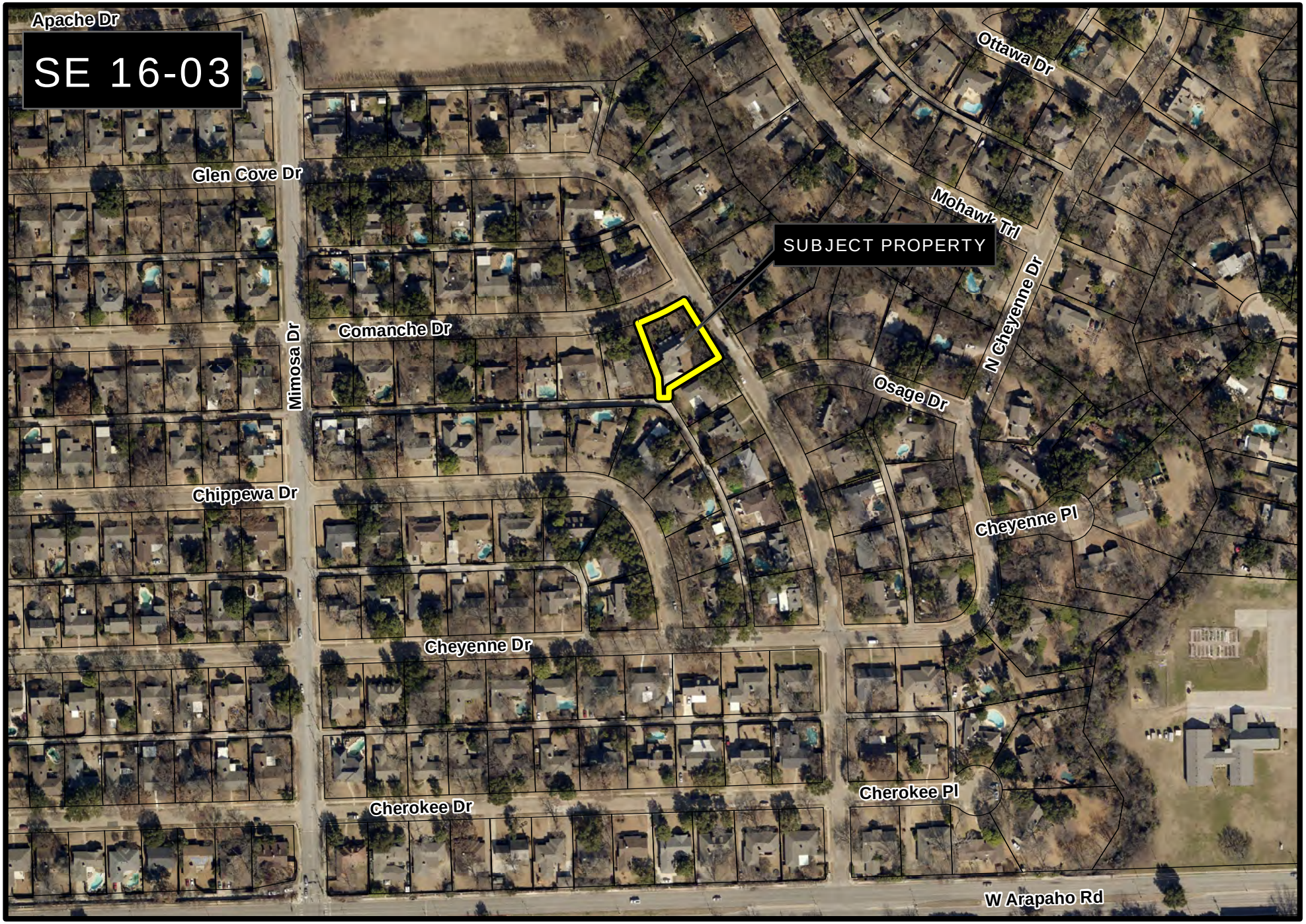
STAFF COMMENTS:

The subject property was granted a Special Exception in 2012 to allow a maximum six (6) foot high fence to be located 13 feet from the property line along Glen Cove Drive with a 15-foot x 25-foot corner clip.

On September 21, 2016, the Zoning Board of Adjustment amended the previously granted Special Exception by allowing an eight (8) foot high fence in lieu of a six (6) high fence to be located 13 feet from the property line along Glen Cove Drive. However, the Board denied the request to allow the fence to be built along the property line along Glen Cove Drive.

The applicant is now seeking a Special Exception to allow the 8-foot high fence to be constructed six (6) feet from the front property line along Glen Cove Drive in lieu of thirteen (13) feet from the property line.

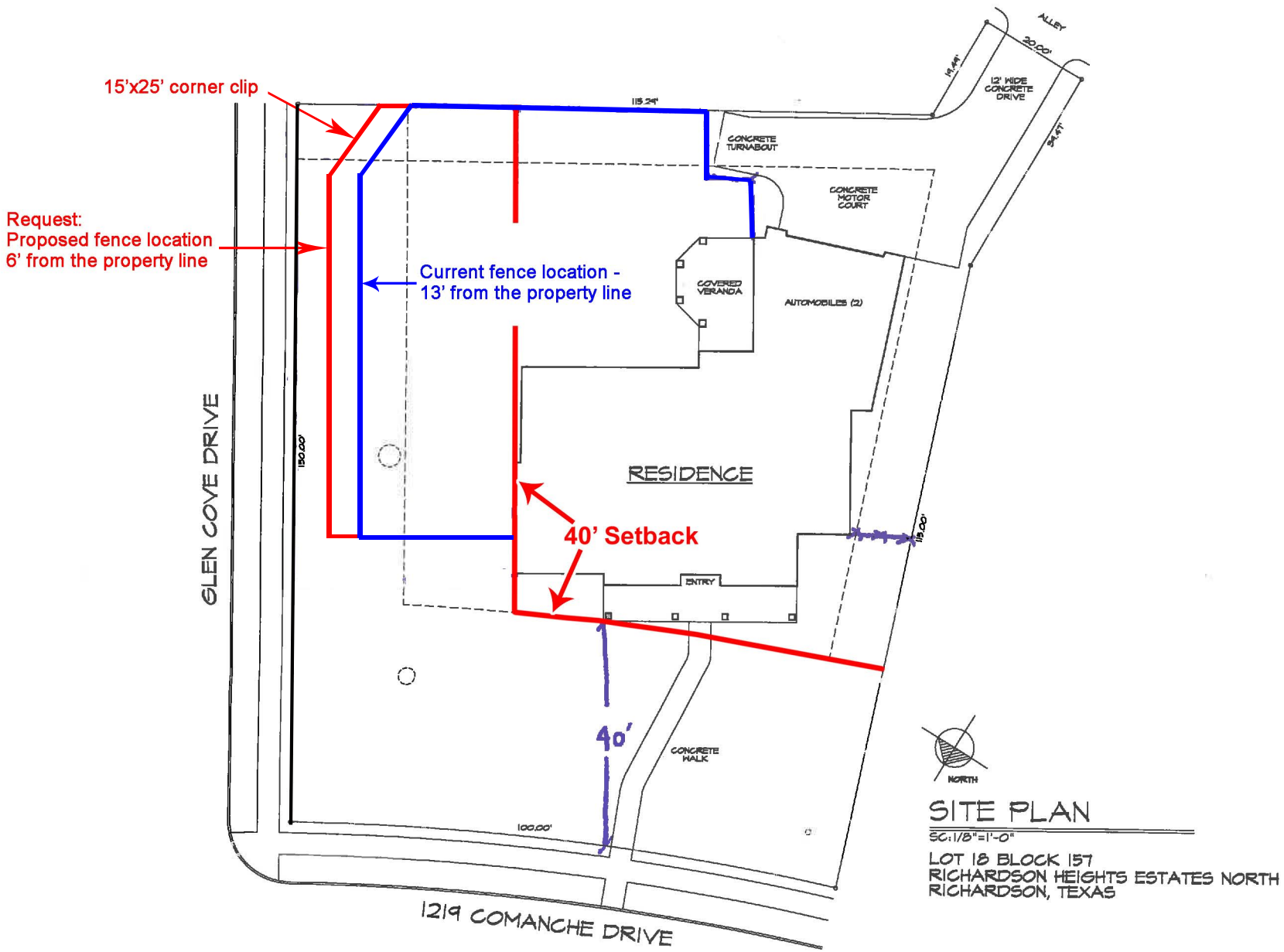
The applicant indicated that he has spoken to the neighbors and they are supportive of the new fence location (ref.-attached emails).



SE 16-03 Aerial Map

1219 Comanche Drive

Updated By: MBireima, Update Date: Oct. 31 2016
File: DS\Mapping\Cases\SE\2016\SE 1603\SE 1603 ortho.mxd



SITE PLAN

SC:1/8"=1'-0"

LOT 18 BLOCK 157
RICHARDSON HEIGHTS ESTATES NORTH
RICHARDSON, TEXAS

09-10-12

COVERT + ASSOCIATES
972-783-4660 17810 DAVENPORT, SUITE 111, DALLAS, TX. 75252

THE BOTTS RESIDENCE
SHADDOCK/CALDWELL BUILDERS
RICHARDSON, TEXAS

DRAWN BY: T.L.

1 OF 6

12084

DATE

(1)

Looking south along the sight line of the existing side yard fence


(2)
Looking southwest toward
the existing fenced yard


(3)
Looking south toward the
new fence location

(4)

Looking west toward the existing fenced side yard

(5)

Looking northwest toward
the fenced side yard


(6)
Looking north toward the
proposed location of the fence

Print Form

For Department Use Only
Date Received: _____ Fee Paid: _____ Accepted by: _____

Board of Adjustment Variance or Appeal Application

City of Richardson, Texas

Development Services Department
411 W. Arapaho Road
Richardson, Texas 75080
Phone 972-744-4260
Fax 972-744-5804
cor.net/ds

Note: Pre-submittal meeting required with staff before application can be submitted.

Please answer the following pre-qualifying questions:

1. Have you filed an appeal or variance on this property within the last six (6) months? (If yes, six (6) month waiting period required on same variance for the property.) ◉ Yes ○ No
2. Have you applied for a building permit (applicable to residential property only)? (If no, please speak with the Building Inspection Department prior to submitting the variance request.) ○ Yes ◉ No

Applicant Information		Owner Information
Josh Botts	Signature	Josh Botts
Josh Botts	Printed Name	Josh Botts
	Company Name	
1219 Comanche Drive	Mailing Address	1219 Comanche Drive
Richardson, Texas 75080	City, State, ZIP	Richardson, Texas 75080
817-715-5148	Telephone Number	817-715-5148
214-978-4331	Fax Number	214-978-4331
jbotts@munsch.com	E-Mail Address	jbotts@munsch.com

Subject Site Information

Address of Subject Property: 1219 Comanche Drive, Richardson, Texas 75080

Legal Description: Lot 18, Block 157, Richardson Heights Estates North

Existing Zoning and Ordinance: R-1500-M

Requested Variance: New Location of fence line on east side of the property to six feet from the property line

Submittal Requirements

- Completed Application Form
- Completed Board of Adjustment Variance Checklist
- Building Permit Denial Letter
- Applicant's Statement (Completely describe the variance you are requesting and give the reason for the hardship and justification for the variance.)
- Twelve (12) copies of reproducible plans to support the application (fold if 24" x 36").
- Filing fee: Residential = $250.00, Non-residential = $325.00

Board of Adjustment Variance Checklist

City of Richardson, Texas

Does a hardship exist? If so, explain below. ◉ Yes ○ No

I believe a hardship does exist because we are not allowed full use of our property unlike any other property in the Neighborhood.

Will literal enforcement of the ordinance result in an unnecessary hardship? If so, explain below. ◉ Yes ○ No

I believe a hardship does exist because we are not allowed full use of our property unlike any other property in the Neighborhood.

Is the condition unique to the property requesting the variance nad not common to other properties in the area? If so, explain below. ◉ Yes ○ No

Our home is the only home in the entire neighborhood with this kind of restriction. Most fence lines go to the street or sidewalk.

Is the need for the variance created by the applicant? If so, explain below. ○ Yes ◉ No

Is the hardship only financial? If so, explain below. ○ Yes ◉ No

Will granting of the variance be contrary to the public's interests and will it impact the public health, safety, and welfare? If so, explain below. ○ Yes ◉ No

October 24, 2016

City of Richardson
Zoning Board of Adjustment
P.O. Box 830309
Richardson, Texas 75083

Re: 1219 Comanche, Richardson, Texas 75080 (the "**Property**")

Ladies and Gentlemen:

Thank you for the opportunity to discuss the fence line at our home. The purpose of this letter is to explain the reasons for my family's requested variance to current restrictions. A previous exception was granted to the Property for the fence line in 2012; however, the fence height was restricted with the exception. This was granted pursuant to and based on a previously negotiated compromise among some of the other property owners around our home and the builder/developer of our home. The fence height portion of the restriction was adjusted recently after a meeting with the Richardson Zoning Board of Adjustment. Our proposal for a new fence line all the way to the street was rejected at the same meeting, which I believe can be attributed to the two neighbors who voiced concerns about the fence line location at the meeting. At the meeting, there was an opinion from the Board that the decision on the fence line location should be tabled until myself and the neighbors had a chance to meet to reach a possible compromise. Since the meeting I have met with the neighbors and we have reached a compromise. To be clear, this request is not the same request as before. Both neighbors, who were the only people who spoke against the new fence line, have agreed to allow our fence line to be pushed out so that the set back is 6 feet from the property line rather than the 13 feet we are now. We would respectfully ask again for your consideration in setting a new fence line for the reasons sets forth herein.

The first and most obvious issue is that we do not get full use of the Property and we are penalized for it. Because it is out-of-sight, people walk across the side of the yard that is not enclosed, domesticated animals on leashes relieve themselves on our yard (which kills the grass), children ride their bikes over the yard and worse, is that for some reason, it has become somewhat of a dumping area. I cannot explain how much trash I pick up on that side of the Property. I believe that because of the location of this part of the Property and because of the fence line, not only do we not get full use of the Property, but others take advantage of our lack of presence. Further, whether it is a culmination of the above or because of the shade, but either way grass does not grow in this area. It unfortunately has become somewhat of an eye sore for the neighborhood and the Property. If more of the Property were enclosed, we could better utilize and maintain that portion, and simultaneously prevent others from destroying our Property.

Secondly, it appears as if our home is the only home in the neighborhood with such a restriction. The fence line for our neighbor directly across the street goes all the way to the street (which seems to be the norm throughout the neighborhood). There are homes on the West side of the neighborhood that outwardly should have two front setback lines (one in the front and one on the side), but they are either in violation of those setback lines or do not have such setbacks. We are handcuffed by a Plat that was recorded in 1961. We respectfully request for an exception to the 2012 compromise. Our request is that that the fence line be pushed to 6 feet from the sidewalk, but still within the Property line, which would be

in line with the rest of the neighborhood and which has been agreed to by our neighbors.

Lastly, at some point in the future, we would like to install a pool. As a safety measure, we would like to install the pool as far away from the house as possible. If we could move the fence line back, we could put the pool far from the home. A larger property area would help ensure the safety of our children and others, with and without a pool.

We look forward to working with you.

Thank you

FW: Botts: Comanche Fence

Botts, Josh to: Mohamed.bireima@cor.gov

From: "Botts, Josh" <jbotts@munsch.com>

To: "Mohamed.bireima@cor.gov" <Mohamed.bireima@cor.gov>

Mohamed,

Please see below and attached. This is our direct neighbor to the South that we share a fence with who will be most impacted by the fence change.

Thank you

Josh

From: Page, Susan [mailto:s-page1@ti.com]
Sent: Thursday, October 27, 2016 1:49 PM
To: Botts, Josh
Subject: RE: Botts: Comanche Fence

I'm in agreement with this.

Thanks and Regards,
Susan

From: Botts, Josh [mailto:jbotts@munsch.com]
Sent: Thursday, October 27, 2016 7:28 AM
To: Page, Susan
Subject: Botts: Comanche Fence

Susan,

Thank you again for your assistance with the new fence line. Attached is a Site Plan of our home. You will see the current fence line and the desired fence line, which is set back 6 feet instead of the 13 feet we are now.

If you could please reply back that you are in agreement with this new fence line, I would much appreciate it.

Please let me know if you have any questions or need anything else.

Thank you

Josh

Josh Botts
Munsch Hardt Kopf & Harr, P.C.

500 N. Akard Street, Suite 3800 / Dallas, Texas 75201-6659

Direct: +1.214.855.7571 / jbotts@munsch.com / munsch.com

Document.pdf

Approval for fence

Paul Rakofsky to: jbotts, Mohamed.bireima

From: "Paul Rakofsky" <paul@teamfocusedcpa.com>

To: <jbotts@munsch.com>, <Mohamed.bireima@cor.gov>

History: This message has been replied to.

Mr. Botts/ Mr. Bireima:

Please allow this email to be my approval for the movement of the fence at 1219 Comanche Drive. The fence currently sits 13 feet off of the property line; Mr. Botts desires that the fence be 6 feet from the property line and be 8 feet high. It is my understanding that the property line is approximately a foot inside side walk….thus the fence would approximately 7 feet inside of the side walk.

The final approval of this change needs to be obtained from Susan Page, as daughter and guardian of Gladys Carter, of 1211 Glen Cove as this change directly affects their property.

If there are any question or concerns regarding this issue, please do not hesitate to call and/or email.

Sincerely,

1209 Glen Cove
Cell: 214-460-9442

Paul Rakofsky

http://www.the3day.org/site/TR/2015/DallasFortWorthEvent2016?px=1649912&pg=personal&fr_id=1953

www.teamfocusedcpa.com

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Office: (972) 231 1361 | Fax: 1 (888) 772 7459 | Skype: paul_rakofsky
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https://www.linkedin.com/company/rakofsky-&-associates?trk=nav_account_sub_nav_company_admin