MINUTES ZONING BOARD OF ADJUSTMENT CITY OF RICHARDSON, TEXAS APRIL 20, 2011

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, April 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 Larry Menke, Member Chip Pratt, Member Eron Linn, Alternate John Veatch, Alternate

MEMBERS LATE: Will Kidd, Member

CITY STAFF PRESENT: Chris Shacklett, Planner

Cindy Wilson, Secretary

Randy Roland, Chairman, introduced Chris Shacklett, Planner, 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 Will Kidd is not present and Eron Linn, Alternate will vote on Item #1 and John Veatch, Alternate will vote on Item #2. 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 February 16, 2010 meeting were approved as presented on a motion by Walker. The motion was seconded by Linn and passed with a unanimous vote.

2. PUBLIC HEARING ON ZBA FILE V 11-02:

A request by James N. Garner for the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4, for a 5-foot, 3-inch variance to include a 2-foot roof overhang to the 25-foot required rear setback. The site is located at 606 Shadywood Lane.

Shacklett stated that the applicant is requesting a 5-foot, 3-inch variance to the 25-foot required rear setback for the purpose of reconstructing both the master and guest bathrooms. Shacklett added that the proposed wall extends approximately 3-feet, 3-inches into the rear setback and the roof overhang of an additional two (2) feet into the setback makes up the reason for the 5-foot, 3-inch variance request. Shacklett stated the City's regulations typically allow a maximum 2-foot roof overhang into the required rear setback. Shacklett continued that the variance would be limited to the area shown on the attached site plan. Shacklett added the applicant states that the current bathrooms and master bedroom closets would be used to enlarge the guest bathroom, while the new master bathroom would be constructed on the southwest side of the house where the proposed addition to the building footprint is shown. Shacklett stated the addition will be in keeping with the existing house aesthetically including brick, design style and roofline. Shacklett explained the applicant has placed stones in the yard to depict where the proposed wall would extend to as seen in photos #3 and #4.

Shacklett stated the applicant has shown his understanding that the situation does not exemplify a typical property hardship. Shacklett continued that the applicant feels his hardship is based on the fact that the existing living room area and attached patio cover are built into the required rear setback. Shacklett added that the applicant stated the original owner confirmed the living room and attached patio cover, which encroach into the required rear setback, were part of the original construction of the home in 1963. Shacklett continued that the applicant feels that the original construction being allowed to be built in the required rear setback sets a precedent to allow future construction to encroach to the same extent as the original construction. Shacklett stated the City does not have any records showing that a variance was ever granted which would have allowed the encroachment.

Shacklett delivered the staff technical recommendation in case V 11-02 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.

Roland asked Shacklett to confirm that the alley behind the subject property is only for service and there is no vehicular access to the alley.

At this time Will Kidd, Member joined the meeting.

Chairman Roland informed Kidd of the voting arrangements made earlier for the evening.

James N. Garner, 606 Shadywood Lane, Richardson, Texas came forward to present the case. Garner stated he likes the aesthetics of his neighborhood and tries to do his part to maintain and improve it. Garner added that the two bathrooms he wants to remodel are both forty (40) years old and awkwardly

designed. Garner continued that the work to be done will match the 1963 time period of the home; bricks, flooring, roof. Garner stated they will also update the kitchen and add a pool, which should be the completion of projects for the home.

Roland stated that a portion of the home is existing non-conforming. Roland added that although the first owner gets credit for some of the design, there are lots of improvements that the applicant has implemented and is responsible for.

Jeff Stegich, 6 Round Rock Circle, Richardson, Texas came forward to speak in favor of the case. Stegich stated that he can confirm that the house was built as it stands today. Stegich added that all of the remodeling done has been excellent work.

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

Walker made a motion to approve V 11-02, limited to those specifics the applicant presented in the case. The motion was seconded by Linn and passed with a unanimous vote.

There being no fur	mer business, the i	meenng was adjour	neu at 6:47 p.m.

William R. Roland, Chair