MINUTES ZONING BOARD OF ADJUSTMENT CITY OF RICHARDSON, TEXAS JANUARY 20, 2010

The Zoning Board of Adjustment met in session at 6:38 p.m. on Wednesday, January 20, 2010 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Robert D. Conkel, Chair

Randy Roland, Vice Chair

Will Kidd, Member Mike Walker, Member Larry Menke, Member Chip Pratt, Alternate

MEMBERS ABSENT: Eron Linn, Alternate

CITY STAFF PRESENT: Samuel Chavez, Asst. Director, Planning

Chris Shacklett, Planner Cindy Wilson, Secretary

Bob Conkel, Chairman, introduced Chris Shacklett, Planner Cindy Wilson, Secretary explaining that the City staff serves in an advisory capacity and does not influence any decisions the Board might make. Conkel summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Conkel added that 4 of the 5 members present must vote in favor for a request to be approved. The alternate present may participate in any discussion but not vote during this meeting.

1. MINUTES:

The Zoning Board of Adjustment minutes of the July 15, 2009 meeting were approved as presented on a motion by Roland. The motion was seconded by Walker and passed with a unanimous vote.

2. PUBLIC HEARING ON ZBA FILE V10-01: A request by Norman Patten, representing Jacob Bhatti, 1st International Bible Church located at 1233 E. Belt Line Road as follows: 1). 30-foot variance to the required 40-foot front setback in a C-M Commercial District (Article XVII, Sec. 4) and 2) Allow parking in the front setback in an O-M Office District (Article XVII-A, Sec. 5).

Shacklett stated that the applicant is proposing to construct an 11,335-square foot church at the northwest corner of Belt Line Road and Plano Road. Shacklett added that the subject property is located to the west of the Albertsons shopping center and south of Mark Twain Park. Shacklett continued that the applicant intends to replat portions of two (2) existing, platted lots into one (1) lot. Shacklett clarified that the

two portions to be replatted have been illegally subdivided, meaning they were not properly replatted when the lots were split. Shacklett continued that the proposed lot will not have street frontage and will be accessed from an existing access easement to Belt Line Road. Shacklett stated the applicant will be required to obtain a variance from the City Plan Commission and City Council to allow the platting of a lot that would not front upon a dedicated public or private street.

Shacklett addressed the applicant's first request for a 30-foot variance to the 40-foot front setback in a C-M Commercial District. Shacklett stated the property's front yard is along the southern property line since this is the side of the property facing Belt Line Road. Shacklett added the property is also subject to a 60-foot rear open space requirement along the northern property line since it is adjacent to residentially zoned property. Shacklett continued saying the northern portion of the property is also located in the 100-year floodplain which makes it undevelopable. Shacklett stated the purpose of front setbacks is to create a uniform building line along a street and to ensure buildings are not placed too close to the street. Shacklett explained that in non-residential districts, side and rear setbacks are not required for buildings adjacent to properties in non-residential zoning districts. Shacklett continued that in this case, the front of the subject property is adjacent to the rear of another non-residential property, not a public or private street.

Shacklett indicated that the applicant is also requesting a variance to allow parking in the front setback for the western portion of the subject property which is zoned O-M Office. Shacklett explained that the O-M Office District does not allow parking to be located in the front setback (refer to attached zoning map for C-M/O-M zoning boundary). Shacklett explained the applicant cannot place any parking to the north of the building since that area is located in the 100-year floodplain. Shacklett explained the applicant will be requesting a shared parking agreement with the property to the southeast as part of the development plan process since there will be a 24-space deficit. Shacklett continued that the proposed parking would be adjacent to a parking lot located on the property to the south. Shacklett explained that in the O-M Office district, parking is prohibited in the front setback to create a landscaped area along the street frontage that is aesthetically pleasing. Shacklett continued that in this case, the parking will not be facing onto a street, but the parking will be adjacent to the parking lots in the rear of the properties to the south.

Shacklett delivered the staff technical recommendation in case V 10-01. Shacklett noted that based on the information provided by the applicant, and applicable codes and ordinances, the proposed structure could not be constructed if it is subject to the required 60-foot rear open space requirement/floodplain along with the required 40-foot front setback. Shacklett concluded that based on these factors, it is staff's opinion that the applicant has demonstrated a hardship for both variances.

Roland reviewed the facts that this case comes before the Zoning Board of Adjustment first and then other things happen such as a shared parking agreement and an appearance before the City Plan Commission and the City Council regarding a needed variance will happen. This must take place first.

Kidd asked if this request is approved will the project be only a one-story, 25-foot building.

Shacklett explained that the project will only be a one-story, 25-foot building based on zoning requirements.

Norman Patten, 413 Cedar Street, Cedar Hill, Texas 75104, representative of Jacob Bhatti and the 1st International Bible Church came forward to present the case. Patten stated that Shacklett has outlined their request. Patten explained that they see this project enhancing the neighborhood. Patten noted they have talked with their neighbor regarding a shared parking agreement and have come to an agreement. Patten stated they are limited in what they can do with the property and they need the help of the Zoning Board of Adjustment to move on.

Pratt asked who owns the property.

Patten stated that the church owns the property.

Pratt commented that the shared parking agreement is only verbal at this time.

Patten responded that it is, but they are now on the way to making it written.

Jacob Bhatti, 1st International Bible Church, 2522 Big Oaks Drive, Garland, Texas 75044 came forward to speak in favor of the request. Bhatti stated that he purchased the land two years ago and has had many problems. Bhatti explained that he wants to build a church.

Roland asked Bhatti how many members the church has.

Bhatti stated there are 40 family members.

Dr. Fred Pietsch, 11115 Ridgemeadow Drive, #5490, Dallas, Texas 75218, came forward to speak in favor of the case. Pietsch stated that he owns the dental building in front of the property and he is in favor of the request. Pietsch added that the request would enhance the area and help cut down on the garbage problem in the area.

Moti Bhatti, 2417 Greenfield Circle, Garland, Texas 75040 came forward to speak in favor of the request. Bhatti stated they want to glorify God and build a building.

Kashmir Masih, 2937 Oak Point, Garland, Texas 75044 came forward to speak in favor of the case. Masih stated that he is the pastor of this community bible church.

There being no one else to speak in favor, or in opposition, Chair Conkel closed the public hearing.

Roland asked that the public hearing be reopened to hear one additional speaker.

Ching Yu, 132 N. Glenville Drive, Richardson, Texas 75081 came forward uncertain of speaking in favor or opposition. Yu stated that he is an adjoining property owner and he is in favor of a church. Yu added that there is much foot traffic through the property and there have been two thefts recently.

Roland asked Yu what is his business.

Yu stated he had Ching Law Firm and they deal exclusively with immigration.

There being no one else to speak in favor, or in opposition, Chair Conkel closed the public hearing.

Roland stated he is in favor of the request and that he thinks this is the best use of the property considering the confines of the flood plain. Roland added that this project will enhance the vacant lot.

Roland suggested that the two parts of the request be voted on separately and made the following motion.

Roland moved to grant the 30-foot variance to the required 40-foot front setback in a C-M Commercial District in case V 10-01, limited to those specifics the applicant presented as the case. The motion was seconded by Menke and passed with a unanimous vote.

Roland made a motion to grant the request to allow parking in the front setback in an O-M Office District in case V 10-01, limited to those specifics the applicant presented as the case. The motion was seconded by Menke and passed with a unanimous vote.

There being no further business, the meeting was adjourned at 7:10 p.m.

Robert D. Conkel, Chair	