

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
SEPTEMBER 15, 2010**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, September 15, 2010 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
John Veatch, Alternate

MEMBERS ABSENT:

Chip Pratt, Member
Eron Linn, Alternate

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 and added that 4 of the 5 members and alternate present must vote in favor for a request to be approved.

1. MINUTES:

The Zoning Board of Adjustment minutes of the August 18, 2010 meeting were approved as presented on a motion by Walker. The motion was seconded by Veatch and passed with a unanimous vote.

2. PUBLIC HEARING ON ZBA FILE SE 10-01:

Original Request (August 18, 2010 ZBA Meeting)

Shacklett stated the applicant is requesting a special exception to the City of Richardson fence regulations to allow an 8-foot fence to be located between the front property line and the front wall of a building. Shacklett added that Chapter 6 of the City of Richardson Code of Ordinances authorizes the ZBA to consider variances to the City's fence regulations. Shacklett explained the existing structure was demolished in early 2010, and the current owner purchased the property and constructed a new house on the property. Shacklett continued that

after the construction of the house, the applicant applied for a fence permit for a fence to be located between the front property line and the front wall of the house. Shacklett stated the permit was denied because a fence is not allowed to be located between the property line and front wall of a building. Shacklett indicated the property is situated in such a manner that the site has one (1) front setback that extends the length of Big Horn Lane from the northwest side of the property, counter clockwise to the northeast corner of the property, one (1) side setback, and one (1) rear setback. Shacklett displayed and discussed Exhibit B indicating the proposed fence location; the fence that would be allowed based on the City's fence regulations; and the area of encroachment.

Shacklett stated the applicant is requesting the special exception to allow for a larger, fenced yard area at the northeast side of the property. Shacklett explained that due to the configuration of the lot, this property is subject to a front setback along a large portion of its boundary. Shacklett clarified by adding in the case of a typical corner lot, the fence along the side street would be allowed to extend out past the side of the house, where the house would still be subject to a 20-foot setback. In this case, the applicant desires to fence a portion of the yard along the eastern property line that would be allowed on a typical corner lot. Shacklett reported that staff informed the applicant that the fence would need to be placed a minimum of twelve (12) feet back of curb and a 15-foot by 15-foot corner clip at the northeast corner of the property, adjacent to the alley, would be required as well. Shacklett stressed that the applicant has incorporated the setback and corner clip into their proposed plan, adding these requirements ensure adequate visibility along Big Horn Lane.

Shacklett acknowledged that the applicant has already acquired a permit and begun construction on the portion of the fence that is allowed per the ordinance. Shacklett clarified this by showing photos of the portion of the fence that has already been constructed. Shacklett noted that if the special exception is approved, the applicant will request an additional permit to finish the fence.

Shacklett stated the request was continued to allow the applicant to look at the possibility of moving the fence back from the street further to create less of an effect on visibility along Big Horn Lane.

Revised Request:

Shacklett reported that based on the comments from neighbors and Board members from the August 18, 2010 meeting, the applicant has determined that he can move the fence back to twenty-four (24) feet back of curb, which would be approximately fourteen (14) feet back of the sidewalk. Shacklett informed those present that the applicant has discussed this option with his neighbors and they are in favor of this location. Shacklett added the applicant has stated he will be providing a list of neighbors who support this new option at the meeting. Three letters in opposition to the request were

received from the neighbors located at 2512, 2516 and 2525 Big Horn Lane since the August 18th meeting.

Shacklett delivered the staff technical recommendation in case SE 10-01 by stating it had been requested the applicant provide a 15-foot by 15-foot corner clip at the northeast corner of the property, adjacent to the alley. Shacklett added that staff also requested the fence be placed a minimum twelve (12) feet back of curb along the eastern property line. Shacklett acknowledged that the applicant's plan reflects these requests, thereby addressing staff's concerns regarding public safety as it relates to visibility.

The revised request does not change staff's recommendation.

Aaron and Tracy Brandes, 2528 Big Horn Lane, Richardson, Texas came forward to present their case. Mr. Brandes reported they have moved into the house, met their neighbors and secured eleven signatures from those supporting either the original request or the revised request presented tonight.

Roland asked the Brandeses to confirm they are in agreement with the revised request presented.

The Brandeses stated they are in agreement with the revised request.

Menke asked where the fence posts will be located.

Mr. Brandes stated that fence posts will be placed inside the fence. Brandes added that there will be a fence cap and landscaping on the exterior of the fence.

Dale Dukes, 2511 Big Horn Lane, Richardson, Texas came forward to speak in favor of the case. Dukes explained that the Brandeses have responded to his concern from the first meeting. Dukes expressed his pleasure with the revised plan.

Myra Poston, 2531 Big Horn Lane, Richardson, Texas came forward to speak in favor of the case. Poston stated that she agrees with the original request and with the revision. Poston acknowledged that the Brandes have greatly enhanced the neighborhood with the addition of their new home.

Steve Moshier, 2512 Big Horn Lane, Richardson, Texas came forward to speak regarding the case. Moshier stated that Brandes answered one of his questions when he confirmed that the fence posts would be on the inside of the fence. Moshier asked why the Brandes would want a fence. Moshier continued that the Brandes have built a beautiful home and he would rather see the home than a fence.

The Brandeses stated that they want a fence for safety, security, and privacy. The Brandeses added that they have plans to add landscaping around the fence to soften the look of the fence for the neighbors once the sprinkler system has been installed.

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

Kidd explained that originally he had been opposed to the request made by the Brandeses. Kidd added that with the compromise they have presented he is now in favor of the request.

Menke agreed with Kidd, stating that the applicant has gone to great lengths to reach a generous compromise.

Veatch added that the Brandeses have done a great job as well as having gone out and talked with all their neighbors.

Walker moved to grant the request in case SE 10-01, limited to those specifics of Exhibit B of the PowerPoint presented to the Zoning Board of Adjustment. The motion was seconded by Menke and approved by a 5 to 0 vote.

There being no further business, the meeting was adjourned at 6:58 p.m.

William R. Roland, Chair