MINUTES ZONING BOARD OF ADJUSTMENT CITY OF RICHARDSON, TEXAS MAY 16, 2012

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, May 16, 2012 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Mike Walker, Chairman

Will Kidd, Vice Chairman Larry Menke, Member Paul Voelker, Member John Veatch, Alternate Shamsul Arefin, Alternate

MEMBERS ABSENT: Chip Pratt, Member

CITY STAFF PRESENT: Chris Shacklett, Planner

Cindy Wilson, Administrative Secretary

Mike Walker, Chairman, introduced Chris Shacklett, Planner; and Cindy Wilson, Administrative Secretary explaining that the City staff serves in an advisory capacity and does not influence any decisions the Board might make. Walker summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Walker noted that Chip Pratt, Member is absent and Arefin will be voting in this case. Walker added 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 April 18, 2012 meeting were approved as written on a motion by Kidd. The motion was seconded by Menke and passed with a unanimous vote.

2. A request by John W. Lysen for the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4(f)(1), for an 18.5-foot variance to the required 20-foot side setback on a corner lot adjacent to a side street at 1900 Drake Drive.

Shacklett stated the applicant is requesting an 18.5-foot variance to the required 20-foot side setback on a corner lot adjacent to a side street for a proposed shade structure located along the west property line. Shacklett added that the base R-1500-M Residential District requires a minimum 20-foot side setback for corner lots on the side adjacent to the street. Shacklett explained that the applicant began construction earlier this year without a permit. Shacklett noted the applicant stated he was not aware a permit was required for the structure. Shacklett

continued that during a city inspection for a gas line, the inspector noticed the construction and advised the owner a building permit was required for the structure. Shacklett stated at that time, the owner ceased construction and filed for a building permit which was denied because the structure encroached into the 20-foot setback.

Shacklett commented that the applicant is proposing to build the shade structure to provide a shaded outdoor seating area. Shacklett indicated the applicant states that due to the location of the driveway at the southeast corner of the property and the pool in the center of the rear yard, the only location for the structure is on the west side of the backyard which is located in the 20-foot setback. The lot is approximately twenty (20) feet wider at the front lot line compared to the rear lot line, which the applicant has stated is unique to his property. Shacklett mentioned that the applicant states that only a small percentage of lots in the neighborhood are configured in this manner. Shacklett added the applicant also desires to provide an outdoor shaded area to address family health concerns related to sunlight and heat. Staff discussed the possibility of creating a covered area over the patio located off the rear of the house. Shacklett added the applicant stated the patio area is fairly small and would not provide an adequate seating area for him and his family.

Shacklett delivered the staff technical recommendation in case V 12-03 by stating that based on the information presented and applicable codes and ordinances, it is staff's opinion that the hardship is self-imposed and does not constitute a physical property hardship.

Arefin asked staff about the typical lot size in this neighborhood.

Shacklett responded that lots in this neighborhood are typically 72-feet x 125-feet.

Menke asked Shacklett if any correspondence had been received.

Shacklett responded that no correspondence has been received.

Arefin had a question for Shacklett regarding the tree that was cut down.

Shacklett suggested that Arefin ask the applicant this question.

John W. Lysen, 1900 Drake Drive, Richardson, Texas 75081 came forward to present his case.

Arefin asked the applicant about the tree that had been cut down.

Lysen stated that the tree was cut down because it had caused \$4,000.00 to \$6,000.00 damage to the pool. Lysen continued that there are (15) fifteen like

corner lots in the neighborhood and (8) eight of those are an identical configuration to his lot. Lysen also stated that this structure is to aid his family to avoid migraines and skin cancer caused by the sun.

Arefin asked the applicant is there would be any lighting.

Lysen responded that there would be no electricity to the structure.

Walker asked the applicant if the swimming pool was there when he purchased the home.

Lysen noted that the pool was built in 1974 and he purchased the home in 1997.

Patrick Langinias, 1903 Drake Drive, Richardson, Texas came forward to state that he is a neighbor of Lysen and he is in favor of the request.

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

Menke asked Shacklett if the lot conforms to city requirements.

Shacklett indicated that it does.

Menke made a motion to approve V 12-03, limited to those specifics the applicant presented in the case. Arefin seconded the motion that was approved unanimously.

There being no further business, the meeting was adjourned at 6:50 p.m.

Mike Walker, Chairman