MINUTES ZONING BOARD OF ADJUSTMENT CITY OF RICHARDSON, TEXAS JUNE 20, 2012

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, June 20, 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 Chip Pratt, Member Paul Voelker, Member John Veatch, Alternate Shamsul Arefin, Alternate

MEMBERS ABSENT:

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 all members are present and 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 May 16, 2012 meeting were approved as written on a motion by Kidd. The motion was seconded by Menke and passed with a unanimous vote.

- **2. PUBLIC HEARING ON ZBA FILE V 12-04**, a request by Michal C. Davis for the following variances to the City of Richardson Comprehensive Zoning Ordinance:
 - 1) Article IV-B, Sec. 4(f)(1), for a 6-foot variance to the required 7-foot side setback for a carport;
 - 2) Article IV-B, Sec. 4(h)(1), to allow a carport in lieu of the required 2-car garage.
 - 3) Article IV-B, Sec. 4(h)(2)(a), for a 13-foot variance to the required 24-foot length of pavement perpendicular to the supporting member of a carport at 2901 Tam O'Shanter.

Shacklett stated the applicant is requesting a variance to locate a carport on the south side of the property on the south side of the house. Shacklett added there is no enclosed or covered parking currently located on the property; it appears that the home was constructed without a garage as it was the model home for the neighborhood. Shacklett continued that the applicant states the area that would have typically been a

garage was the sales office area and was not converted to a garage when it was sold. Shacklett explained that since the lots on this side of the street back up to the Canyon Creek Country Club Golf Course, driveways are accessed from Tam O'Shanter and run to the rear portion of the properties where covered or enclosed parking is located. Shacklett added that the applicant is proposing to locate the carport approximately eleven (11) feet behind the front wall of the home to mitigate the visual impact of the structure from the street. Shacklett stated that based on the location of the proposed carport, a side setback variance and maneuverability depth variance would also be required to construct a carport.

Shacklett indicated that the applicant desires to create an area where he can park his vehicles to protect them from the elements and the proposed location would be most desirable because it would shield the view of the carport from the street, but also does not impede his neighbor's view of the golf course. Shacklett added that if the carport were moved to the rear of the property, adequate maneuverability as well as an increased side setback could be provided but would block the neighbor's view of the golf course.

Shacklett explained the applicant states his hardship is that the home was originally built without enclosed or covered parking so it would be difficult to provide enclosed parking that conforms to all regulations due to the configuration of the existing home on the lot.

Shacklett delivered the staff technical recommendation in case V 12-04 by stating that based on the information presented and applicable codes and ordinances, it is staff's opinion that the hardship does not constitute a physical property hardship.

There were no questions of staff.

Michal C. Davis, 2901 Tam O'Shanter Lane, Richardson, Texas came forward to present his case. Davis stated that the house was built in 1965. Davis added that his insurance company sees that he has a hardship based on the number of vehicle claims he has filed due to hail damage. Davis indicated his neighbors are in favor of the request and their signatures on a petition that was submitted show that. Davis explained that he will keep his carport clear of clutter so it will not be unsightly for the neighbors or traffic to view.

Menke asked the applicant about the gate that is still in place.

Davis responded that the gate will be taken down.

When asked about the extra concrete, Davis responded that he would like to take most of it out and return to grass in that area.

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

Menke made a motion to approve V 12-04, limited to those specifics the applicant presented in the case. Kidd seconded the motion that was approved unanimously.

- **PUBLIC HEARING ON ZBA FILE V 12-05**, a request by Erik Kosar for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance:
 - 1) Article VI, Sec. 4(f)(3), for a 1.5-foot variance to the required 3-foot side setback for accessory buildings located in the rear 25-foot setback at 435 Crestover Circle.

Shacklett stated the applicant is requesting a variance to the side setback requirement to locate a storage building (accessory building) in the northwest corner of the property. Shacklett explained the rear yard is split by the driveway; the northeast rear yard is fenced with a pool and patio area, and the northwest rear yard area is a small, unfenced landscape area between the driveway and adjacent property. Shacklett added the applicant proposes to design an architecturally compatible structure composed of materials and paint color to match the home. Shacklett continued that the structure will be placed in the landscape area adjacent to the driveway due to the layout of the existing rear yard where the pool is located. Additionally the applicant proposes to place a hedge row along the north side of the proposed structure to provide screening of the storage building from the alley.

Shacklett pointed out that the applicant states the storage building could be placed in the proposed area without requesting a variance, but based on the 10-foot separation required from the principal structure, the proposed accessory building could be a maximum of 5.5 feet wide which the applicant does not feel would provide adequate usable space. Shacklett noted that the requested variance would allow the building to be approximately seven (7) feet wide. Shacklett pointed out that the applicant states the hardship is that the fenced rear yard does not have an area to place the shed, and due to the placement of the home, a storage building built in the northwest corner of the property needs to encroach into the side setback to provide a usable building space. Shacklett continued that the applicant also states the wider driveway leaves very little area between the driveway and the adjacent property in which to place an accessory building.

Shacklett added there was one telephone call in favor of the case from the property owner at 441 Crestover Circle.

Shacklett delivered the staff technical recommendation in case V 12-05 by stating that based on the information presented and applicable codes and ordinances, it is staff's opinion that the hardship does not constitute a physical property hardship and is self-imposed.

Erik Kosar, 435 Crestover Circle, Richardson, Texas came forward to present his case. Kosar stated that he purchased the home in August. Kosar explained his objective is to add a storage building because there is no usable storage and there is lots of outside equipment that he would like to store. Kosar indicated there would be nowhere to put the building if he adheres to the existing setbacks.

Kosar provided Board Members with a picture showing two of the three cars that park on the concrete slab. Kosar spoke with contractors registered to do work in the city and asked them for suggestions to solve the situation, however, they had no good ideas to offer.

Arefin asked Kosar if he put in the concrete pad and driveway and if he had considered a fence.

Kosar stated he did add the concrete pad and he has considered a fence but thought shrubs would be more aesthetically pleasing.

Veatch commented that he thought the applicant would do better with shrubs.

Menke brought up the concern regarding visibility entering and exiting the area and there could be a problem whether there was a fence or shrubs.

Voelker asked the applicant if he had a plan for the storage structure when he added the concrete pad.

Kosar explained that he did not necessarily add the pad with a storage structure in mind.

Walker asked the applicant about theft in backyards and whether he planned to have windows.

Kosar stated initially they wanted windows because they want the storage unit to look similar to the house. Kosar added that theft was a risk he was prepared to take.

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

Menke made a motion to approve V 12-05, limited to those specifics the applicant presented in the case. The motion was seconded by Voelker and passed with a 4-1 vote. Kidd voted in opposition.

There being no further business, the meeting was adjourned at 7:18 p.m.

Mike Walker,	Chairman	