

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF RICHARDSON, TEXAS  
JULY 18, 2012**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, July 18, 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

**MEMBERS ABSENT:** John Veatch, Alternate  
Shamsul Arefin, Alternate

**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 June 20, 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 Justin Milander, Toll Brothers Inc. for the following special exception to the City of Richardson Code of Ordinances: Chapter 6, Article IV Sec. 6-209(3), to allow an 8-foot fence to be located between the front property line and the front wall of a building at 4010 Edgewater Court.

Shacklett stated the applicant is requesting a special exception to the City's Fence Ordinance (Chapter 6 of the Code of Ordinances) to allow a fence to be built in the front yard. Shacklett added that the subject property is a corner lot in the Bridgewater Crossing subdivision that is currently under construction. Shacklett indicated the proposed house will be built with the front elevation facing north onto Edgewater Court and the side of the home along Sweetwater Drive. Shacklett pointed out that the minimum front setback in the subdivision is fifteen (15) feet, and in this case, a 15-foot building line was platted along Edgewater Court and Sweetwater Drive. Shacklett noted that the property to the south of the subject property is configured so the front of the house would front on Sweetwater Drive which is also subject to the 15-foot building line.

Shacklett explained that in a typical corner lot configuration, a fence is allowed to be placed on the property line on the side adjacent to the side street; however, if there is a platted front building line, that side of the lot is considered a front property line and a fence cannot encroach into the setback. Shacklett commented that the applicant states the fence will not be a visual encroachment on the adjacent lot to the south since the lot is approximately 3-5 feet higher than the subject property. Shacklett reported that the applicant also proposes to incorporate the required 15-foot by 25-foot clip at the rear of the property to lessen the fence's impact on the adjacent property's view along Sweetwater. Shacklett added that this fence clip is a requirement where the rear of a property is adjacent to the side of another property.

Shacklett stated the applicant/owner, Toll Brothers Inc., owns both the subject property and the adjacent property to the south. Shacklett stated they do not wish to create a situation which would make the adjacent lot more difficult to sell. Shacklett clarified also, since the adjacent lot will not be sold until after the fence has been constructed, whoever purchases the adjacent lot will be aware of the location of the fence.

Shacklett delivered the staff technical recommendation in case SE 12-01 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the request does not appear to be contrary to public convenience.

There were no questions of staff.

Justin Milander, Toll Brothers, Inc., 3933 Clear Creek Court, Richardson, Texas 75082 came forward to present his case.

Voelker asked if access to the back of the house was only through the side door.

Milander confirmed side door entry is the only access to the back of the house and added the retaining wall with the fence on top is located on the subject property.

Pratt asked if the south property is under contract.

Milander indicated the property is for sale and either the fence will be finished and a potential owner will see the fence or Milander will explain the situation. Milander explained the neighbor approves of the fence.

With several questions regarding the finishing of the fence, Milander stated that the fence will be coordinated as the properties sell.

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

Pratt made a motion to approve SE 12-01, limited to those specifics the applicant presented in the case. Kidd seconded the motion that was approved unanimously.

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

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Mike Walker, Chairman