## MINUTES ZONING BOARD OF ADJUSTMENT CITY OF RICHARDSON, TEXAS AUGUST 15, 2012

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, August 15, 2012 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** Mike Walker, Chair

Will Kidd, Vice Chair Chip Pratt, Member Larry Menke, Member Shamsul Arefin, Alternate John Veatch, Alternate

**MEMBERS ABSENT:** Paul Voelker, Member

**CITY STAFF PRESENT:** Michael Spicer, Director, Dev. Services

Chris Shacklett, Planner

Kathy Welp, Executive Secretary

Mike Walker, Chairman, introduced Chris Shacklett, Planner; and Kathy Welp, Executive 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 added that Paul Voelker, Member is absent and all Members present will vote. Alternate Veatch will vote on minutes of the July 18<sup>th</sup> ZBA meeting and Case SE 12-02. Alternate Arefin will vote on Case V 12-06. Walker noted 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 July 18, 2012 meeting were approved with one correction on a motion by Pratt. The motion was seconded by Kidd and passed with a unanimous vote.

2. PUBLIC HEARING ON ZBA FILE V 12-06: A request by Michael Hart for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: Article IV, Sec. 4(g), for a 7-foot variance to the required 25-foot rear setback for an attached patio cover at 202 Lost Canyon Court, Richardson, Texas. Shacklett stated the applicant is requesting a variance to the rear setback requirement to construct an attached patio cover to provide a covered area for an outdoor kitchen area under construction. Shacklett added because the patio cover is attached to the principal structure, the 25-foot setback applies rather than the accessory structure setback of three (3) feet. Shacklett continued the applicant's intent is to attach the patio cover to the principal structure so as to provide a water tight covering over the outdoor kitchen area. The proposed structure would run along the side of the garage

and is approximately twenty-five (25) feet long. Shacklett explained if the structure were reduced in length by seven (7) feet, the patio cover would be allowed without the need for a variance.

Shacklett noted the applicant expressed the need for the 7-foot variance is to provide a covered area for the entire outdoor kitchen area being constructed. Shacklett explained the applicant has stated they looked at a design that would have laid the outdoor kitchen area and patio cover out in an east/west configuration rather than a north/south configuration as proposed. Shacklett indicated they state that the east/west layout would have required the removal of two (2) large trees. Shacklett continued the applicant has also stated that there are issues with the topography of the lot that limit the area where the patio cover could be constructed.

Shacklett delivered the staff technical recommendation in case V 12-06 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the hardship is self-imposed and does not constitute a physical property hardship.

Menke asked if the creek was behind the property with no neighbors in back.

Shacklett explained there is an alley behind and there are neighbors on the alley. Shacklett added that the alley runs the full length of the rear property line.

Mike Hart, 202 Lost Canyon, Richardson, Texas came forward to present his case. Hart stated that when he moved in December of 2011, there was a leaky coy pond in the back. Hart added when they decided to renovate, they talked with the neighbors. Hart commented that two issues were identified; large trees they don't want to cut down and the topography of the rear; and also this would require moving the stairs. Hart explained that a number of designs were considered with the idea in mind of keeping the existing trees in place.

Hart added the overhang off the garage would cover the grill and this gave an opportunity to invest in the property without removing the trees. Hart stated the hardship would be removing the trees.

Pratt asked Hart about the construction of the cover.

Hart stated the materials used for the cover would match existing construction to create the look that the home had been built that way.

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 12-06, limited to those specifics the applicant presented in the case. The motion was seconded by Pratt and passed with a unanimous (5-0) vote.

3. PUBLIC HEARING ON ZBA FILE SE 12-02, a request by David and Maryan Schirm for the following special exception to the City of Richardson Code of Ordinances: Chapter 6, Article IV Sec. 6-209(3), to allow a 6-foot fence to be located between the front property line and the front wall of a building at 100 Shadywood Lane, Richardson, Texas.

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 reported the subject property is located at the southwest corner of Shadywood Lane and Belt Line Road. Shacklett added that the home faces Shadywood with the north side of the home adjacent to Belt Line. Shacklett explained that at the northeast corner of the property, an existing curved brick wall, maintained by the City is currently in place and there was a wood fence that ran from the brick wall west to the driveway located near the rear of the property. Shacklett pointed out that recently, the applicant hired a contractor to remove and replace the fence along Belt Line Road, but the contractor did not get a permit. Shacklett noted that the applicant states they purchased the home two (2) years ago and wanted to replace the existing fence since it was failing. Shacklett noted it appears that the original fence did not receive a permit either. Shacklett continued that the owners have received a permit for the reconstruction work on the driveways along Belt Line Road. Shacklett reported that at the time of the driveway inspections, City staff noticed the fence and informed the owner that the fence was not allowed in front of the front wall of the building.

Shacklett pointed out the applicant was not aware the contractor had not acquired a fence permit and contacted the City to acquire a special exception to allow the fence to remain. Shacklett explained that the newly constructed fence is located in the same location as the previous fence. Shacklett noted that the Traffic Department of the City of Richardson has reviewed the placement of this fence and found no visibility issues. Shacklett said the applicant states their desire for the fence is to provide a sound barrier along Belt Line Road as well as to provide additional security for the property. Shacklett added the applicant also feels the fence is visually pleasing with the corner brick wall and is an upgrade from the previous fence.

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.

David & Maryan Schirm, 320 Huffhines Street, Richardson, Texas came forward to present the case. Mr. Schirm stated that notices from Code Enforcement moved him to replace the fence. Mr. Schirm noted he hired a fence contractor who said he would get a permit, however he did not. Mr. Schirm added that he replaced the existing fence with a fence of the same height. Mr. Schirm continued that the fence adds a sound barrier even for neighborhood and safety for his daughter and her family who live there. Mr. Schirm noted that the fence fits right in with the brick wall.

Mr. Schirm pointed out that they have neighbors here tonight from across the street who will say they have no problem with the fence.

Veatch asked the applicant to confirm that granting this request would be approving what is already there.

Mr. Schirm confirmed the statement.

Ms. Schirm sees the fence as a great protection for the children, her grandchildren, who live in the home by keeping cars on Belt Line behind the fence.

Arefin asked the applicants if they had considered putting up a brick fence.

Mr. Schirm stated they had never thought about a brick fence. Schirm added that a wooden fence would fit their budget better.

Mrs. Schirm added that the new fence is a great improvement over old fence.

Chairman Walker asked for those present who would like to speak in favor of this request to come forward.

David Knepper, 101 Shadywood Lane, Richardson, Texas came forward to speak in favor of the request. Knepper stated the fence had been there over 30 years and he has never had problems getting onto Belt Line Road. Knepper added the fence is good protection for the grandchildren. Knepper pointed out that this new fence is an improvement from the past when the old fence was not maintained.

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

Arefin asked if the City has an ordinance regarding brick wall fences.

Shacklett stated the City does not have any requirements related to a brick wall fence.

Pratt asked with the fence being in place for so long, had there been any complaints.

Shacklett stated none that he is aware of.

Kidd made a motion to	approve SE	12-02, limit	ed to those	e specifics	the applicant
presented in the case.	The motion	was second	ded by Ve	atch and p	bassed with a
unanimous $(5-0)$ vote.					

There being no further business, the	meeting was adjourned at 7:06 p.m.
Mike Walker	