

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
MARCH 20, 2013**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, March 20, 2013 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
John Veatch, Alternate
Shamsul Arefin, Alternate

MEMBERS ABSENT:

Larry Menke, Member

CITY STAFF PRESENT:

Chris Shacklett, Senior Planner
Cindy Wilson, Administrative Secretary

Mike Walker, Chairman, introduced Chris Shacklett, Senior 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 added that all Members present will vote and with 3 members and 2 alternate present at least 4 of 5 must vote in favor for a request to be approved.

MINUTES:

The Zoning Board of Adjustment minutes of the February 20, 2013 meeting were approved on a motion by Kidd; second by Arefin and a vote of 5-0.

1. **PUBLIC HEARING ON ZBA FILE V 13-05**, a request by Jeff Stegich, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4(e)(1), for a 7.5-foot variance to the platted 35-foot front setback for the existing structure at 413 Fall Creek Drive.

Shacklett advised that the applicant is requesting a 7.5-foot variance to the platted 35-foot front setback for the existing structure to allow an addition on the back of the home and expansion of the second story portion of the home. He explained that the base zoning of R-1500-M Residential District requires a minimum 30-foot front setback; however, the subdivision was platted with a 35-foot front setback. Shacklett expressed the applicant's statement that the home was constructed in 1967, and according to a property survey, the northwest corner of the home was constructed

within the 35-foot setback; the closest point being located approximately 27'9" from the front property line. Shacklett stated it appears the area of the home located within the front setback is approximately sixty-five (65) square feet. He added that the existing structure, including the garage, is approximately 4,200 square feet and the proposed additions total approximately 1,700 square feet.

Shacklett noted that proposed additions to the existing structure will conform to all setback requirements. Plans submitted for review and the permit application, were denied due to the existing encroachment. The City's Comprehensive Zoning Ordinance contains a Non-Conforming Use section that does not allow non-conforming structures to be expanded. Shacklett explained that without a variance to the front setback requirement, no additions or expansions to the existing structure would be allowed. It is unclear why the original structure was permitted and may have been due to an error in measurement because of the curvature of Fall Creek Drive and the orientation of the home on the lot.

Shacklett delivered the staff technical recommendation in case V 13-05 by stating that since the home was originally constructed with an approximately 7.5-foot encroachment into the platted front setback, it is staff's opinion that a hardship exists because no additions or expansions can be permitted even if the addition or expansion conforms to all of the regulations in the Comprehensive Zoning Ordinance. Shacklett closed his comments by adding without a variance, the structure will remain non-conforming until such time as the portion of the home that encroaches into the front setback is removed or the structure is demolished and reconstructed.

Shacklett presented graphics illustrating the current layout of the home on the property and the proposed additions.

Veatch commented that he sees no reason not to approve the request since there is no change to the original setback and proposed changes are noted to the rear and to the east of the property.

Jeff Stegich, 413 Fall Creek Drive, Richardson, Texas came forward to present his case. Stegich stated that this request is for modifying the master bedroom and bath and for balancing the look of the home. Stegich thanked Chris Shacklett and Jennifer Patrick for the good job they did helping him through this process.

No further comments were received and Walker closed the public hearing.

Walker stated that as the call to order states, this request is not self-imposed and if the variance is not approved the owner will be prevented from using the property to its fullest extent.

Kidd made a motion to grant the proposal for V 13-05 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Veatch and approved 5-0.

Walker thanked Will Kidd for his thirteen (13) years of great service to the Zoning Board of Adjustment and expressed his enjoyment having worked with Will.

There being no further business, the meeting was adjourned at 6:45 p.m.

Mike Walker, Chairman
Zoning Board of Adjustment