MINUTES ZONING BOARD OF ADJUSTMENT CITY OF RICHARDSON, TEXAS FEBRUARY 20, 2013

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, February 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 Larry Menke, Member Paul Voelker, Member Shamsul Arefin, Alternate

MEMBERS ABSENT: Chip Pratt, Member

John Veatch, Alternate

CITY STAFF PRESENT: Chris Shacklett, Senior 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 all Members present will vote and with 4 members and 1 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 January 16, 2013 meeting were approved on a motion by Arefin; second by Kidd and a vote of 5-0.

1. **PUBLIC HEARING ON ZBA FILE V 13-03,** a request by Ken M. Tse, representing KMT Architects for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article VII, Sec. 3(a), for a 5-foot variance to the 25-foot maximum height allowed for a 1-story building at 801 W. Campbell Road.

Shacklett advised that the applicant was requesting a 5-foot variance from the 25-foot, 1-story requirement to allow construction of a gymnasium that would be 30 feet in height at the mid-point. He added that because the church is in a residential zone, two stories are allowed by right, which would be 40 feet at the mid-point, but the gymnasium only requires 30 feet in one story for internal clearances.

Shacklett presented graphics illustrating the current layout of buildings on the property and a rendering of the proposed new construction.

With no further comments or questions, Walker opened the public hearing.

Mr. David Mah, 1112 Mill Springs Road, Richardson, Texas, representing the Asian American Baptist Church, introduced his pastor and the architects who were available for any questions. In addition, he gave a brief history of the church and the expansion efforts to meet the current and future needs of the congregation.

Recess: At 6:42 p.m. staff requested a five minute recess to consult with Assistant City Manager Don Magner regarding Member Voelker.

Reconvened: At 6:47 p.m. Walker reconvened the meeting and, on the advice of staff, Voelker resigned his position on the Board, effective immediately, due to his candidacy for a position on the City Council.

Mr. Mah returned to the podium commenting that the church had made a decision to remain at the current location and invest in improvements to the site. He added that the church had also formed a partnership with the local elementary school to volunteer as needed.

Mr. Richard Oliveri, 803 Vinecrest, Richardson, Texas, stated that the church had always taken care of its property and was in favor of the request.

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

Arefin made a motion to grant the proposal for V 13-03 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Kidd and approved 4-0.

2. **PUBLIC HEARING ON ZBA FILE V 13-04**, a request by Edward A. Putoni for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4(h)(1), to allow a 1-car garage in lieu of the required 2-car garage at 2525 Big Horn Lane.

Shacklett noted that the applicant was requesting to reconvert a section of the home in question back to a one-car garage as original, and to have front entry access as opposed to rear entry. He added that the hardship involved was that the applicant could not expand the reconverted garage to a two-car garage as required by ordinance because it would encroach in the side setback.

In closing his comments, Shacklett stated that the applicant had submitted a petition signed by seven neighbors from the surrounding homes and staff had received one letter in opposition.

Menke asked if the Board were to request a rear entry as opposed to a front entry garage would the applicant have to start over with their variance request.

Shacklett replied there was nothing in the ordinance that mandated either a front or rear entry garage.

Kidd asked if a one-car garage in lieu of a two-car garage was the request to variance, and to confirm the variance did not cover the front entry.

Shacklett replied the applicant did not need a variance for a front entry because it was allowed by right.

Arefin asked if there were any subdivision regulations that would affect a front entry garage.

Shacklett pointed out that the homeowners association in the area was voluntary and he did not believe there would be a problem.

Menke asked if the request was approved and at a future date someone wanted to convert the 1-car garage back to living space, would the front drive have to be removed.

Shacklett replied that if at a future time the garage was changed to a rear entry, the front driveway would fall under the section of the ordinance that does not allow dead-end driveways in the front yard.

With no further questions, Walker opened the public hearing.

Mr. and Mrs. Edward (Dorette) Putoni, 1107 Wilderness Trail, Richardson, Texas, stated they have been long time residents of Richardson and were looking to remain in the City, but wanted to downsize from their current home. After working with an architect to remodel and upgrade the house, they determined to reconvert the living space back into a 1-car garage.

Mr. Putoni pointed out that the houses directly adjacent and southeast of his home all had front entry garages, as well as the home across the street that had a circular drive at the front of their property.

Kidd asked the applicant about his objections to a rear entry garage.

Mr. Putoni replied that the aesthetics of the remodel were best suited with a front entry garage, and with the wood accents and carriage style doors, the garage would blend in with the remodeled elevation.

Walker asked if the driveway would be concrete and Mr. Putoni replied that it would be concrete and most likely stained to match the color scheme of the home.

No other comments in favor or opposed were received and Walker closed the public hearing.

Menke complimented the applicant and the architects on their design, but expressed concern about not being able to have a 2-car garage and having a front entry, but he did not think the Board was in a position to mandate a rear entry garage as opposed to a front entry garage.

Kidd said he concurred with Menke about front entry garages and said the property across the street with the circular drive should not be used as a comparable because it was a corner house. He added that he was inclined to vote against the request.

Walker noted that the neighborhood was changing and there are more homes being built and remodeled with front entry garages. In addition, the property was at the end of a culde-sac so it should not have as much impact on the aesthetics of the neighborhood.

Arefin made a motion to grant the proposal for V 13-04 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Menke and approved 4-0.

There being no further business, the meeting was adjourned at 7:15 p.m.

Mike Walker, Chairman Zoning Board of Adjustment