

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
AUGUST 21, 2013**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, August 21, 2013 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Mike Walker, Chair
John Veatch, Member
Brian Shuey, Member
Shamsul Arefin, Alternate
Jason Lemons, Alternate

MEMBERS ABSENT: Larry Menke, Vice Chair
Chip Pratt, Member

CITY STAFF PRESENT: Chris Shacklett, Senior Planner
Patricia Guerra, Asst. Director-Community Services
Whitt L. Wyatt, City Attorney
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 noted that five members are present and will be voting in this case. Walker added four (4) of the five (5) members present must vote in favor for a request to be approved.

MINUTES:

The Zoning Board of Adjustment minutes of the July 18, 2013 meeting were approved on a motion by Veatch; second by Arefin and a vote of 5-0.

PUBLIC HEARING ON ZBA FILE V 13-09, A request by Joseph J. Scolaro, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4(e)(1), for a 5-foot variance to the platted 40-foot front setback at 110 West Shore Drive.

Shacklett stated that in 1989, the subject property received a variance from the ZBA for a 10-foot variance to the 40-foot front setback; however, it was limited to approximately ninety-six (96) square feet in area for a proposed attached garage located near the northwest corner of the property. Shacklett explained the lot is currently undeveloped due to a fire; approximately three (3) years ago, the home caught fire and was subsequently demolished since the previous owner was unable to repair the damage.

Shacklett indicated to the Board the applicant recently purchased the lot and is requesting the five (5) foot variance to the platted 40-foot front setback to allow construction of a custom built home for a prospective buyer. Shacklett noted the reduced front yard setback would allow additional buildable area as well as provide adequate rear yard area located outside of Cottonwood Creek and its flood plain which encompass approximately 50% of the lot's area.

Shacklett reported the lot is located at the south end of West Shore Drive on a cul-de-sac, just north of Belt Line Road. Shacklett mentioned the applicant is proposing to construct a 2-story home with a wraparound porch, accessed via a front-entry garage. Shacklett commented that the applicant has stated that he and the prospective buyers have explored several options, and the proposed layout is most desirable and allows for a traditional home that will maintain the character of the neighborhood.

Shacklett stated the northwest portion of the proposed home would not encroach into the 40-foot front setback; however, the encroachment would occur near the northeast corner of the property. Shacklett noted that as shown on the site plan, the wraparound porch would be located within 33'9" of the front property line which would be allowed if the variance were approved because unenclosed porches are allowed to encroach an additional five (5) feet past the approved setback. Shacklett said the applicant states that the area (square footage) of the home that would encroach into the front setback would be similar to the area granted for the previously approved variance; however, it would be located on a different portion of the lot.

Shacklett cited the applicant states the property has several constraints that constitute a property hardship. The applicant states that even though the base zoning only requires a 30-foot front setback, the property was platted with a 40-foot front setback; furthermore, due to the lot's juxtaposition with the street and cul-de-sac, the lot has two "fronts" subject to the front setback. The applicant also states that an updated survey of the property was recently completed which shows that the 100-year flood plain has moved closer to the front of the property since the last study. Shacklett noted that based on these two (2) factors, the applicant states that their buildable pad area is approximately 24% compared to standard lots in the R-1500-M Residential District which allows up to 40% lot coverage.

Shacklett delivered the staff technical recommendation in case V 13-09 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a property hardship exists. Shacklett completed his presentation and asked if there were any questions of staff.

With no questions for staff, Chairman Walker opened the public hearing.

Amy McCleary, 301 N. Waterview Drive, Richardson, Texas came forward to present the case. McCleary stated that she and her husband are prospective buyers and they had redone the property they live in now and they would like to redo this property. McCleary said they will use some creative solutions to the constraints that exist due to the flood plain and setbacks.

Veatch noted that it appeared they plan to work closer to the front of the lot than the back.

Shuey added that the flood plain could change in the future and the variance could be helpful.

No further comments were made in favor or in opposition and Walker closed the public hearing.

Lemons cited he sees the case as cut and dry because they have a decreased space to work with.

Shuey also stated his agreement.

Veatch remarked that he agreed with the presentation.

Veatch made a motion to grant item number V 13-09 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Lemons and approved 5-0.

PUBLIC HEARING ON ZBA FILE V 13-10, a request by Joanna McMurray, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article VII, Sec. 4(h)(4), to allow a dead-end driveway at 516 Westwood Drive.

Shacklett stated the subject property was constructed in 1955 with a front entry, single-car garage. Shacklett pointed out that the applicant recently widened the driveway without acquiring a permit. Shacklett noted the applicant stated that she was unaware of the City's requirement for a permit for a driveway since she did not modify the drive approach.

Shacklett mentioned when this was observed by City staff, the owner was notified that a permit was required and that dead-end driveways are prohibited by the Comprehensive Zoning Ordinance. Shacklett added that the owner was informed that the expanded portion of the driveway needed to be removed or a variance for a dead-end driveway needed to be requested and obtained.

Shacklett stated Article VII, Sec. 4(h)(4) prohibits head-in or dead-end driveways in the front yard upon enclosure or conversion of a garage or carport, and although the garage has not been enclosed or converted, a dead-end driveway will be created as a result of the applicant's request to widen the existing driveway to accommodate additional off-street parking space.

Shacklett informed the board the applicant has stated the driveway was widened to provide additional off-street parking. Shacklett continued that although a paved alley exists, the homes on this block of Westwood Drive do not use the alley for access. Shacklett

commented that the existing garage is located approximately eight (8) feet from the side property line; therefore, expanding the garage to accommodate a 2-car garage would require a side setback variance and the expanded garage may likely encroach on the adjacent property. In addition, Shacklett noted the depth of the existing driveway is sufficient to accommodate two (2) vehicles outside of the garage. Shacklett mentioned the garage is setback a minimum of forty-five (45) feet from the front property line.

Shacklett said the applicant has provided the Board with photos of several homes in the area with one-car garages and expanded driveways. Shacklett noted that the applicant states that based on the desire to provide additional off-street parking and the existence of the same situation elsewhere in the neighborhood, the variance would be in the best interest of the neighborhood.

Shacklett delivered the staff technical recommendation in case V 13-10 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a property hardship does not exist.

Walker questioned Shacklett regarding parking having to take place on pavement and whether an RV could be parked in one of these spaces.

Shacklett stated parking must take place on pavement. An RV could not be parked in the front driveway because RVs must be screened.

Veatch asked about the pictures provided by the applicant of driveways in a similar arrangement.

Shacklett responded that it is likely most of these were done prior to 2004.

With no additional questions for staff, Chairman Walker opened the public hearing.

Joanna McMurray, 715 Terryland Drive, Richardson, Texas came forward to present her case. McMurray noted that she had lived at several addresses in Richardson since she moved here in 1986. McMurray mentioned that she has made several improvements including a stone patio and thermal windows.

McMurray stated that parking two vehicles in one drive is always difficult because who will be leaving first each day. McMurray added that this usually results in one car parked on the street. McMurray told the Board that she wants to take away parking on the street.

Lemons asked McMurray if the property is a rental and if so, did the tenants request the additional parking.

McMurray explained that the property is rented and the renters had asked her how far from the fire hydrant they had to park.

Arefin asked if a circular drive had been considered.

McMurray informed the Board that there would be a big cost with cutting an approach.

Andy Reineck, 514 Westwood Drive, Richardson, Texas came forward to speak in favor of the request. Reineck stated that McMurray is trying to keep vehicles off the street. Reineck added that all the cars parked on the street is not a pleasant sight.

Lemons asked if Reineck could count the number of homes that had extended driveways in the neighborhood.

Reineck noted that there are three extended driveways in a row on Westwood. Reineck also mentioned that a circular drive would definitely be an oddity in this neighborhood. Reineck closed by saying that as far as he knew, the caller that spoke with Shacklett is the only person opposed to this request.

Veatch addressed on-street parking by noting he has lived in Richardson for 35 years in the same home. Veatch noted that in his experience over time there are many more cars parked on the street. Veatch added that several issues contribute to this situation; older neighborhoods, younger drivers and older children still living at home. Veatch closed by saying that McMurray's attempt to alleviate some on-street parking makes sense.

Veatch made a motion to grant item number V 13-10 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Shuey and approved 5-0.

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

Mike Walker, Chairman
Zoning Board of Adjustment