

**ZONING BOARD OF ADJUSTMENT**

**AGENDA PACKET**

**AUGUST 18, 2010**

**AGENDA**  
**CITY OF RICHARDSON – ZONING BOARD OF ADJUSTMENT**  
**AUGUST 18, 2010**  
**6:30 P.M.**

**CIVIC CENTER/COUNCIL CHAMBERS**  
**411 W. ARAPAHO ROAD**

---


**STUDY SESSION: 6:00 P.M.** Prior to the business meeting, the Zoning Board of Adjustment will conduct a Study Session in the **Large Conference Room** located on the 2<sup>nd</sup> floor, Room 206 to receive a briefing on agenda items and other topics.

---

- 1. APPROVAL OF MINUTES OF THE REGULAR MEETING OF JUNE 16, 2010.**
- 2. PUBLIC HEARING ON ZBA FILE SE 10-01:** A request by Jeff Sorensen for the following special exception to the City of Richardson Code of Ordinances:
  - 1) 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. The site is located at 2528 Big Horn Lane.
- 3. RECESS**
- 4. ADJOURN**

City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours ahead of the meeting. To make arrangements, call (972) 744-4000, or (TDD) 1-800-735-2989.

I hereby certify that the above agenda was posted on the bulletin board at City Hall on or before 5:30 p.m., Friday, August 6, 2010.

  
Cynthia G. Wilson, Administrative Secretary

Cynthia G. Wilson, Administrative Secretary

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF RICHARDSON, TEXAS  
JUNE 16, 2010**

The Zoning Board of Adjustment met in session at 6:31 p.m. on Wednesday, June 16, 2010 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:**

Randy Roland, Chair  
Mike Walker, Vice Chair  
Will Kidd, Member  
Larry Menke, Member  
Chip Pratt, Member  
Eron Linn, Alternate  
John Veatch, Alternate

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:**

Chris Shacklett, Planner  
Joseph J. Gorfida, Jr., Partner, Nichols, Jackson,  
Dillard, Hager & Smith LLP  
Cindy Wilson, Secretary

Randy Roland, Chairman, introduced Chris Shacklett, Planner, and Cindy Wilson, Secretary explaining that the City staff serves in an advisory capacity and does not influence any decisions the Board might make. Roland summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment and added that 4 of the 5 members present must vote in favor for a request to be approved. The alternates present may participate in any discussion but will not be voting during this meeting.

**1. MINUTES:**

The Zoning Board of Adjustment minutes of the February 17, 2010 meeting were approved as presented on a motion by Walker. The motion was seconded by Menke and passed with a unanimous vote.

**2. PUBLIC HEARING ON ZBA FILE V10-03:** A request by William C. Wallace for the following variance to the City of Richardson Comprehensive Zoning Ordinance:

1) Article VII, Sec. 4, for an 8-foot variance to the required 20-foot side setback. The property is located at 301 Northview Drive.

Shacklett stated the applicant is requesting a variance to allow the location of an 8-foot arbor within the required 20-foot side setback (along W. Prairie Creek Drive) for a corner lot. Shacklett stated the arbor has already been constructed upon an existing deck. Shacklett displayed exhibits indicating the site and the arbor in question.

Shacklett continued that the deck was constructed several years ago and did not require a building permit. Shacklett added the side yard adjacent to W. Prairie Creek Drive is fenced with a 4-foot fence. Shacklett noted the deck is located on the outside of the fence and has a gate that accesses the rear yard. Shacklett stated earlier this year, the applicant hired a contractor to construct the arbor on the existing deck. Shacklett added the applicant stated he assumed the contractor he had hired was familiar with the City of Richardson permitting procedures. Shacklett continued stating after the arbor was constructed, the applicant was notified by the City that no permit had been obtained for the arbor. Shacklett stated the applicant immediately filed an application for a building permit, and it was denied because the structure encroached into the 20-foot side setback required for a corner lot. Shacklett added the applicant also stated their property has a hardship due to a narrowing of the lot in the rear yard area.

Shacklett stated the applicant is requesting an 8-foot variance to the required 20-foot setback. Shacklett added a preliminary inspection by the City of Richardson revealed the arbor posts are encroaching into the side setback approximately six (6) feet, and the arbor overhang is no more than two (2) feet. Shacklett added since an up-to-date survey of the property has not been prepared, the request for an 8-foot variance is to ensure the arbor posts and overhang would be included within the requested variance.

Shacklett stated that based on the information provided by the applicant, and applicable codes and ordinances, the applicant's understanding that the arbor had been constructed with the necessary permits does not constitute a physical hardship, and it is staff's opinion that a physical property hardship does not exist.

Shacklett concluded that there has been one letter regarding this case from the property owner at 300 Canyon Ridge Drive. Shacklett added the correspondence indicated the property owner's approval unless the home was to be extended toward the park.

William C. Wallace, 301 Northview Drive, Richardson, Texas came forward to present the case. Wallace indicated his family has lived at this address for ten (10) years. Wallace stated he had the arbor built for shade, making the back yard more useful for the family. Wallace continued that his hardship is that his property is a corner lot of irregular shape and portions have a steep incline.

Roland asked Wallace how he located a contractor to do the work for him.

Wallace stated he went to Google and quickly found someone who could do the job.

Roland asked Wallace if he made sure the contractor was a legitimate businessman.

Wallace stated that following discussions with the contractor in which he was assured the contractor could do the job, Wallace did no further checking and thought the contractor understood processes in Richardson.

Kidd stated he felt the main hardship would be that the contractor did not conduct business as the City of Richardson requires. Kidd added he could find other places on the property to build the arbor.

Linn asked Wallace how easy it would be to take down the arbor.

Wallace stated that he will not take down the arbor, but rather convert it to a playground with a slide and swing which will pass code.

Shacklett stated that play ground sets are not regulated by Building Inspection. Shacklett added that the play ground set could be built within the 20-foot setback without being denied.

Dave Hawkins, 300 Ridgewood, Richardson, Texas came forward to speak in favor of the case. Hawkins stated he looks out on the arbor that was added and he has no objection to the arbor added to the deck. Hawkins added the arbor makes the area more attractive than before.

William Manton, 300 Ridgewood Drive, Richardson, Texas came forward to speak in favor of the case. Manton stated he is a 20 year resident and has no objection to the arbor. Manton added he sees the arbor as an enhancement to the existing deck.

Leslie Williams, 301 Northview Drive, Richardson, Texas came forward to speak in favor of the case. Williams stated it is a hardship having small, fair skinned children and this limits what can be done for the children outside. Williams added this project was undertaken, not to detract from, but to blend with the park and be attractive.

There being no one else to speak in favor, or in opposition, Chair Roland closed the public hearing.

Pratt moved to grant the request in case V 10-03, limited to those specifics the applicant presented in the case. The motion was seconded by Walker and approved unanimously.

There being no further business, the meeting was adjourned at 6:58 p.m.

---

William R. Roland, Chair

## **SPECIAL EXCEPTION FILE 10-01**

### **Attachments:**

1. Notice of Public Hearing
2. Notification List
3. Staff Report
4. Aerial Map
5. Site Plan (Exhibit B)
6. Oblique Aerial Looking North (Exhibit C)
7. Site Photos (Exhibits D-1 – D-3)
8. Application
9. Applicant's Statement



**NOTICE OF PUBLIC HEARING  
RICHARDSON ZONING BOARD OF ADJUSTMENT**

An application has been received by the City of Richardson for a:

**SPECIAL EXCEPTION REQUEST**

**File No.** SE 10-01  
**Property Owner:** Aaron Brandes  
**Applicant:** Jeff Sorensen, Titan Fence  
**Location:** 2528 Big Horn Lane (See map on reverse side.)  
**Current Zoning:** R-1500-M Residential  
**Request:** A request by Jeff Sorensen for the following special exception to the City of Richardson Code of Ordinances:  
1) 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.

The Zoning Board of Adjustment will consider this request at a public hearing on:

**WEDNESDAY, AUGUST 18, 2010, 6:30 p.m.**  
**City Council Chambers**  
**Richardson City Hall, 411 W. Arapaho Road**  
**Richardson, Texas**

This notice has been sent to all owners of real property located within 200 feet of the request, as such ownership appears on the last approved city tax roll.

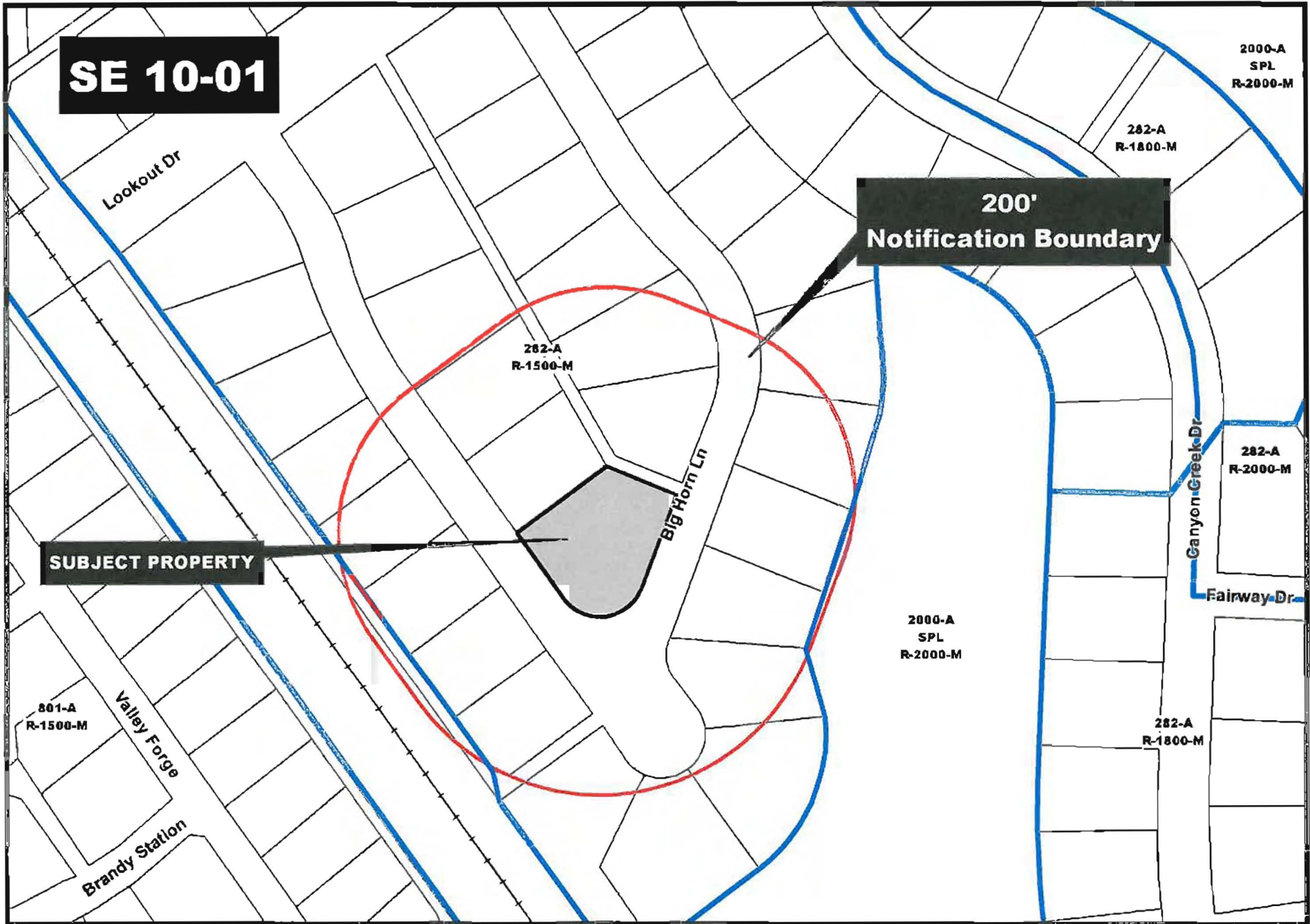
**PROCESS FOR PUBLIC INPUT:** A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the City Zoning Board of Adjustment. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the City Zoning Board of Adjustment is excluded from each 15 minute period.

Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, P.O. Box 830309, Richardson, TX 75083.

**AGENDA:** The Zoning Board of Adjustment agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: [http://www.cor.net/PublicNotices/Notices/CPC/Current\\_Agenda-Action.html](http://www.cor.net/PublicNotices/Notices/CPC/Current_Agenda-Action.html).

For additional information, please contact the Department of Development Services at 972-744-4240 and reference Variance number SE 10-01.

Date Posted and Mailed: 08/06/10



**SE 10-01 Notification Map**

**2528 Big Horn Ln**

Updated By: shacklett, Update Date: July 28, 2010  
 File: O:\Mapping\Cases\SE\SE1001\SE1001 notification.mxd





RICHARDSON COUNTRY CLUB  
CORPORATION  
PO BOX 4900  
SCOTTSDALE, AZ 85261-4900

YAN GLENDA & TERRY DEAN  
2507 BIG HORN LN  
RICHARDSON, TX 75080-2103

SHANI ROOZBEH  
2536 BIG HORN LN  
RICHARDSON, TX 75080-2100

KANSAS CITY SOUTHERN  
RAILROAD LINES  
PO BOX 219335  
KANSAS CITY, MO 64121-9335

CLINTON DAVID M & HEATHER  
2509 BIG HORN LN  
RICHARDSON, TX 75080-2103

RUSSELL W CLARKE & LYNDA  
2510 BIG HORN LN  
RICHARDSON, TX 75080-2102

CLARKE MARTIN B  
2532 BIG HORN LN  
RICHARDSON, TX 75080-2100

DUKES DALE N  
2511 BIG HORN LN  
RICHARDSON, TX 75080-2103

MOSHIER STEPHEN  
2512 BIG HORN LN  
RICHARDSON, TX 75080-2102

RICCIO THOMAS  
2530 BIG HORN LN  
RICHARDSON, TX 75080-2100

CROCKETT JERRY & MARY  
REVOC LIVING TRUST  
2533 BIG HORN LN  
RICHARDSON, TX 75080-2165

POSTON MYRA  
2531 BIG HORN LN  
RICHARDSON, TX 75080-2165

DAWSON DAVID C &  
CATHLEEN ANN  
2514 BIG HORN LN  
RICHARDSON, TX 75080-2102

**BRANDES AARON J & TRACY**  
**542 CEDARBIRD TRL**  
**PLANO, TX 75094-3868**

FRAZIER JAMES R ETUX RUTH  
2529 BIG HORN LN  
RICHARDSON, TX 75080-2165

ARCHBOLD RICHARD ETUX  
JUDITH  
2516 BIG HORN LN  
RICHARDSON, TX 75080-2102

NEWELL JAMES W  
2527 BIG HORN LN  
RICHARDSON, TX 75080-2165

FRYSINGER CHRISTOPHER &  
ASHLEY  
2518 BIG HORN LN  
RICHARDSON, TX 75080-2102

BISHOP RHODA RAE  
2525 BIG HORN LN  
RICHARDSON, TX 75080-2165

WADDELL JOHN BRUCE  
2520 BIG HORN LN  
RICHARDSON, TX 75080-2102

SMITH DONALD B  
2523 BIG HORN LN  
RICHARDSON, TX 75080-2165

STILES JERRY & WANDA  
2521 BIG HORN LN  
RICHARDSON, TX 75080-2165

**BRANDES AARON J & TRACY**  
**542 CEDARBIRD TRL**  
**MURPHY, TX 75094-3868**

**SE 10-01**  
**Notification List**

**BRANDES AARON J & TRACY**  
**2528 BIG HORN LANE**  
**RICHARDSON, TX 75080-2165**

**JEFF SORENSEN**  
**TITAN FENCE**  
**301 S. HWY 377**  
**CROSSROADS, TX 76227-2511**



# Staff Report

ZBA Meeting Date: August 18, 2010

**TO:** Zoning Board of Adjustment  
**FROM:** Chris Shacklett, Planner CS  
**DATE:** August 9, 2010  
**RE:** SE 10-01  
**APPLICANT:** Jeff Sorensen, Titan Fence, representing Aaron Brandes  
**LOCATION:** 2528 Big Horn Lane

**REQUESTED VARIANCE:**

(1) Allow an 8-foot fence to be located between the front property line and the front wall of a building.

**EXISTING ZONING:**

R-1500-M Residential

**EXISTING LAND USE:**

Residential

**SURROUNDING LAND USE:**

Residential

**STAFF COMMENTS:**

The applicant is requesting a special exception to the City of Richardson fence regulations to allow an 8-foot fence to be located between the front property line and the front wall of a building. Chapter 6 of the City of Richardson Code of Ordinances authorizes the ZBA to consider variances to the City's fence regulations. The existing structure was demolished in early 2010, and the current owner purchased the property

and constructed a new house on the property (See Exhibits D-1 – D-3). After the construction of the house, the applicant applied for a fence permit for a fence to be located between the front property line and the front wall of the house. The permit was denied because a fence is not allowed to be located between the property line and front wall of a building. The property is situated in a manner in which the site has one (1) front setback that extends the length of Big Horn Lane from the northwest side of the property, counter clockwise to the northeast corner of the property, one (1) side setback, and one (1) rear setback. On Exhibit B, the proposed fence location is depicted with a yellow line. The fence that would be allowed per the City’s fence regulations is shown with a green line. The area shaded in red depicts the area of encroachment.

The applicant is requesting the special exception to allow for a larger, fenced yard area at the northeast side of the property. Due to the configuration of the lot, this property is subject to a front setback along a large portion of its boundary. In the case of a typical corner lot, the fence along the side street would be allowed to extend out past the side of the house, where the house would still be subject to a 20-foot setback. In this case, the applicant desires to fence a portion of the yard along the eastern property line that would be allowed on a typical corner lot. Staff informed the applicant that the fence would need to be placed a minimum twelve (12) feet back of curb and a 15-foot by 15-foot corner clip at the northeast corner of the property, adjacent to the alley, would be required as well. The applicant has incorporated the setback and corner clip into their proposed plan. These requirements ensure adequate visibility along Big Horn Lane.

The applicant has already acquired a permit and begun construction on the portion of the fence that is allowed per the ordinance. Exhibit D-3 shows photos of the portion of the fence that has already been constructed. If the special exception is approved, the applicant will request an additional permit to finish the fence per Exhibit B.

**TECHNICAL RECOMMENDATION:**

Staff requested the applicant provide a 15-foot by 15-foot corner clip at the northeast corner of the property, adjacent to the alley. Staff also requested the fence be placed a minimum twelve (12) feet back of curb along the eastern property line. The applicant’s plan reflects these requests, thereby addressing staff’s concerns regarding public safety as it relates to visibility.



**SE 10-01**

**200'  
Notification Boundary**

**SUBJECT PROPERTY**

**SE 10-01 Aerial Map**

**2528 Big Horn Ln**

Updated By: shacklett, Update Date: July 28, 2010  
File: DSI\mapping\Cases\SE\SE1001\SE1001 ortho.mxd







**Subject  
Property**



**2528 Big Horn Lane - August 2010**



**Exhibit D-1**



**2528 Big Horn Lane - August 2010**







(5)

Looking South at  
Rear Yard

2528 Big Horn Lane - August 2010



(6)

Proposed Fence

Exhibit D-3

FROM :>

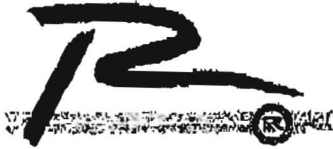
FAX NO. :

Jul. 23 2010 07:51AM P1

Plan Form

For Department Use Only

Date Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Accepted by: \_\_\_\_\_



### Board of Adjustment Variance or Appeal Application City of Richardson, Texas

Development Services Department  
411 W. Anapaho Road  
Richardson, Texas 75080  
Phone 972-744-4260  
Fax 972-744-6804

**Note: Pre-submittal meeting required with staff before application can be submitted.**

Please answer the following pre-qualifying questions:

- 1. Have you filed an appeal or variance on this property within the last six (6) months?  Yes  No  
(If yes, six (6) month waiting period required on same variance for the property.)
- 2. Have you applied for a building permit (applicable to residential property only)?  Yes  No  
(If no, please speak with the Building Inspection Department prior to submitting the variance request.)

#### Applicant Information

#### Owner Information

	Signature	
Jeff Sorenson	Printed Name	Aaron Brandes
Titan Fence	Company Name	Chase
3015 HWY 377	Mailing Address	2528 Big Horn Ln
Crossroads, Texas 76227-2511	City, State, ZIP	Richardson, TX 75080
940-365-9999	Telephone Number	972-742-6256
940-365-9952	Fax Number	214-988-5758
jsorenson@titanfence.com cell: 214-727-1075	E-Mail Address	ajbrandes@yandex.com

#### Subject Site Information

Address of Subject Property: 2528 Big Horn Ln

Legal Description: Lot 7 Block 38 Canyon Creek Country Club NO'S

Existing Zoning and Ordinance: Fence / Buildline front yard

#### Submittal Requirements

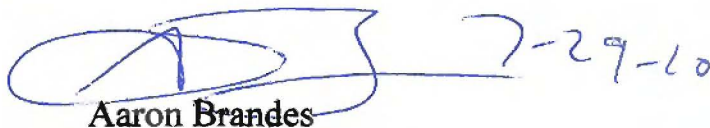
- ▶ Completed Application Form
- ▶ ~~Completed Statement of Adjustment Variance Checklist~~
- ▶ Building Permit Denial Letter
- ▶ Applicant's Statement (Completely describe the variance you are requesting and give the reason for the hardship and justification for the variance.) WORD
- ▶ Twelve (12) copies of reproducible plans to support the application (~~paid at 2010.00~~)
- ▶ Filing fee = \$250.00

To: City of Richardson  
From: Aaron and Tracy Brandes  
Attn: Cindy Wilson  
Re: 2528 Big Horn Lane Fence Variance

To whom it may concern:

We are writing to request a change to our building line for purposes of adding additional fence. The original house that was built on this lot almost 40 years ago faced to the southeast. The south and east side of the lot was considered their front yard and the north and west side was their back yard. We purchased this lot without a house on it (the individual that purchased the house tore it down before placing the lot on the market). With the way we had to build our house on the building line, our house faces straight south and forces an extremely small back yard if the fence has to be kept within the old building line. We are requesting the ability to extend the fence to the east on the north side of our property to have some privacy in the back yard. This should not interfere with any sightlines. Thank you for your consideration and we are really looking forward to living in Richardson!

Sincerely,

 7-29-10  
Aaron Brandes