

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
JULY 16, 2014**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, July 16, 2014, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Larry Menke, Vice Chair
Chip Pratt, Member
John Veatch, Member
Shamsul Arefin, Alternate
Jason Lemons, Alternate

MEMBERS ABSENT: Mike Walker, Chair
Brian Shuey, Member

CITY STAFF PRESENT: Chris Shacklett, Senior Planner
Mohamed Bireima, Planning Technician
Cindy Wilson, Administrative Secretary
Tim Siegel, Administrative Clerk

Larry Menke, Vice Chair, introduced: Chris Shacklett, Senior Planner; Mohamed Bireima, Planning Technician; Tim Siegel, Administrative Clerk 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. Menke summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Menke noted that two (2) members are absent this evening and all present will vote. Menke added at least 4 of 5 must vote in favor for a request to be approved.

MINUTES:

The Zoning Board of Adjustment minutes of the May 21, 2014 meeting were approved as presented on a motion by Lemons; second by Arefin and a vote of 5-0.

PUBLIC HEARING ON ZBA FILE V 14-08, a request by David A. Hernandez, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: Article VII, Sec. 4(h)(4), to allow a dead-end driveway in the front yard. The property is located at 821 Kingswood Avenue.

Bireima stated the subject house was constructed in 1962 with a front entry, single-car garage. Bireima stated the applicant recently widened the driveway without acquiring a permit. Bireima added the applicant stated that he was unaware of the City's requirement for a permit for a driveway since he did not modify the drive approach along the street.

Bireima noted that when the applicant contacted the City to inquire about installing a sprinkler system, he was notified that a permit was required and that a dead-end driveway is prohibited by the Comprehensive Zoning Ordinance. Bireima reported 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 obtained.

Bireima stated that 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. Bireima explained although the garage has not been enclosed or converted, a dead-end driveway has been created as a result of the widening of the existing driveway to accommodate an additional off-street parking space.

Bireima informed the Board that the applicant has stated the driveway was widened to provide an additional off-street parking space. Moreover, Bireima explained the applicant has indicated that the primary reason for providing an additional off-street parking space was safety. Bireima continued that although a paved alley exists, the majority of the homes of this neighborhood have front-entry garages featuring dead-end driveways. Bireima reported that the existing garage is located approximately 13.2 feet from the side property line; therefore, expanding the garage to accommodate a 2-car garage would require a side setback variance. Bireima added the existing garage is setback a minimum of forty (40) feet from the front property line, which provides enough depth for the existing driveway to accommodate two (2) vehicles outside of the garage.

Bireima stated the applicant has provided photos of several homes in the area with one-car garages and expanded driveways. Bireima explained the applicant cited concerns about the crowded street with cars parking on both sides and the narrow alley; the applicant feels that expanding the driveway to accommodate additional off-street parking will alleviate safety concerns. In addition, he states the expanded driveway will not be detrimental due to the existence of the same situation elsewhere in the neighborhood.

Bireima added there has been no correspondence in this case and that based on the information provided by the applicant, it appears that a property hardship does not exist. Bireima asked if there were any questions for staff.

Menke asked for clarification on one of the drawings. Bireima explained that the cross-hatched area represented repairs and the red areas represented the expanded area of the drive.

David Hernandez, 821 Kingswood Avenue, Richardson, Texas came forward to present his case. Hernandez stated the problem he is trying to address is a safety problem because the house is located at a corner with an alley wrapped around, leaving no other way to address the parking situation. Hernandez explained that vehicles that park near the alley intersection are at risk of being hit by garbage trucks as they enter the alley. Hernandez continued saying parking on the opposite side of the street from his house is hazardous because there is a very narrow space. Hernandez added that the home is 50 years old and parking for one car at that time was standard.

Hernandez noted there have also been changes in the neighborhood due to the growth at UTD. Hernandez added that one option he considered was widening the driveway and that did not fit because the other homes had maintained the original entry. Hernandez stated the solution he implemented was his best choice. Hernandez consulted a couple of contractors who did not mention the need for a permit. Hernandez was made aware of the need for a permit when he contacted the City regarding a sprinkler system permit. Hernandez closed by saying that the streets in this area are very crowded.

Arefin, Lemons and Pratt discussed other options with the applicant but no consensus was reached.

Veatch asked the applicant if he had spoken with his neighbors.

Hernandez stated he had spoken with his neighbors along and across the street. Hernandez reported that one neighbor offered his driveway for parking after 6:00PM because he doesn't go out at night. Hernandez added he had no problems regarding his addition; and the look is not unusual because it matches that of a large portion of the neighborhood.

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

Veatch, Pratt and Menke agreed that the request is straight forward and the request makes this property conform to the neighborhood. They also applauded the applicant for working to provide more off-street parking.

Veatch made a motion to grant item number V 14-08 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Arefin and approved 5-0.

PUBLIC HEARING ON ZBA FILE V 14-09, a request by Gay D. Patrick, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance: 1) Article VII, Sec. 4(e)(3), for a 7-foot variance to the platted 40-foot front yard setback for an existing residential structure and associated unenclosed porch and 2) Article VII, Sec. 4(g), for a 12-foot variance to the 25-foot rear yard setback for an attached garage. The property is located at 1217 Spruce Drive.

Bireima explained that the house is a single-story structure; constructed in 1959. Bireima continued saying the existing residential structure encroaches approximately seven (7) feet into the platted 40-foot front yard setback. Further, Bireima noted the applicant stated that the previous owner had converted the existing attached garage into livable space and had constructed a carport.

Bireima stated the applicant proposes to construct a new attached garage with access to the alley on the rear side of the house. Bireima emphasized the proposed attached garage encroaches approximately twelve (12) feet into the required 25-foot rear yard setback. Bireima noted the applicant was informed by staff that the proposed attached garage could not be constructed since

the existing structure encroaches into the front yard setback and the proposed attached garage encroaches into the rear yard setback.

Bireima informed the Board that in the first variance, the applicant is seeking relief to maintain the existing structure with the current encroachment into the front yard to be able to add onto the non-conforming structure. Bireima continued that in the second request, the applicant is requesting a variance to construct an attached garage that extends twelve (12) feet into the 25-foot rear yard setback. Bireima clarified that although a detached garage is allowed to be located within three (3) feet of a rear property line, an attached garage is required to meet the 25-foot rear yard setback that applies to the principal structure.

Bireima reported the applicant has stated that without a variance to the existing encroachment into the front yard, it would not be possible for her to construct any additions to the home. Bireima added it appears that other homes along the street also encroach into the platted 40-foot front yard setback. Bireima also noted that the subject house is located approximately the same distance from the front property line as the other homes adjacent to it.

Bireima stated the applicant indicated the proposed attached garage will be ideal for future ADA needs due to the existing topography and drainage of the lot. Bireima noted the applicant stated the attached garage provides a safe shelter and direct access to the inside of the home. Bireima indicated adequate maneuverability will be maintained for the attached garage as well. Bireima noted there was one email in opposition to this request

Bireima stated staff's opinion below for each Variance Request.

Variance Request #1: It is staff's opinion that a hardship exists because no addition or expansion can be permitted even if it conforms to the regulations in the Comprehensive Zoning Ordinance. Without the variance to the existing structure, the structure will remain as non-conforming until such time that the encroachment into the front setback is removed, or the structure is demolished.

Variance Request #2: Based on the information provided by the applicant, it appears a property hardship does not exist.

Bob Keslinke, 290 Milford Avenue, Garland, Texas, friend and representative for the applicant, came forward to present the case. Keslinke submitted a petition signed by some of the neighbors. Keslinke reported that the applicant has increased the property value at 1217 Spruce Drive \$60,000.00 over that of the adjoining properties. Keslinke noted that a covered entrance with ADA access and a wheelchair ramp are being added.

Pratt asked Keslinke about the correspondence in opposition to the request from 1214 Spruce Drive that was received by staff.

Keslinke stated an attempt was made to speak with the resident at 1214 Spruce Drive; however, there was no answer at the home. Keslinke noted there is no plan to expand the home, especially

since the owner has no family in town. Keslinke added that some trees have been cleared, but this was only done because the trees encroached into the power lines.

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

The Board voted separately on each Variance Request.

Veatch made a motion to grant Variance Request #1 in case number V 14-09 as presented, limited to those specifics the applicant's representative presented in the case. The motion was seconded by Lemons and approved 5-0.

Lemons made a motion to grant Variance Request #2 in case number V 14-09 as presented, limited to those specifics the applicant's representative presented in the case. The motion was seconded by Pratt and approved 5-0.

PUBLIC HEARING ON ZBA FILE V 14-10, a request by Boyd Powell, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance: 1) Article VI, Sec. 4(f)(1)(a), for a 3.5-foot variance to the 7-foot side yard setbacks for an existing residential structure; 2) Article XXII-F, Sec. 1(b), to allow the use of 100% non-masonry materials for an addition to an existing residential structure. The property is located at 319 E. Spring Valley Road.

Bireima stated the subject house was originally built in 1946. Bireima continued that the structure currently encroaches into the seven (7) foot side yard setbacks; (3 feet on the east side and 3.5 feet on the west side). Bireima added that the exterior facades of the house are constructed of 100% siding. Bireima explained in 1988, a variance was granted to allow the use of siding for a building addition at the rear side of the home. Bireima informed the Board at that time, the owner was not required to obtain a variance for the existing non-conforming structure related to the side setback encroachments.

Bireima reported the applicant proposes to demolish the rear portion of the existing structure, including the old garage, a storage building, a concrete patio, and a wood deck to construct a 475-square foot addition with a new wood deck along the rear of the existing structure. Bireima stated the applicant's preference is to construct the new addition using vinyl siding that matches the existing building.

Bireima acknowledged that staff informed the applicant that the proposed changes to the existing structure could not be made since the structure is non-conforming due to the encroachment into the side yard setbacks. Bireima indicated the applicant is seeking relief to the encroachment of the existing structure into the side yard setbacks to be able to modify the non-conforming structure.

Bireima indicated the applicant is also requesting a variance to allow the use of non-masonry materials on the proposed addition. Bireima stated the applicant's desire is to use similar siding

to be consistent with the existing architectural character of the home. Bireima explained the applicant also states the proposed addition is located at the rear of the house and will not be visible to the public. Bireima continued the applicant's objective is to build an addition to the home that is consistent with the design and architecture of the existing home. Bireima explained the applicant feels the variance is appropriate given the previous variance approval. Bireima noted there has been no correspondence in this case.

Bireima stated staff's opinion below for each Variance Request.

Variance Request #1: It appears that a hardship exists because no addition or expansion can be permitted even if it conforms to the regulations in the Comprehensive Zoning Ordinance. Without the variance to the existing structure, the structure will remain as non-conforming until such time that the encroachment into the side setback is removed, or the structure is demolished.

Variance Request #2: Based on the information provided by the applicant, and applicable codes and ordinances, it appears that a physical property hardship does not exist; however a previous variance was granted allowing an addition to be constructed of non-masonry materials to match the existing architectural character. Furthermore, the City updated its masonry construction definition to require recladding of existing residential structures to be architecturally compatible with the principal structure. Although the proposed addition is non-masonry, the applicant's proposal meets the intent of constructing an architecturally compatible addition.

Veatch noted that Variance Request #1 is for an existing hardship structure and in 1988 the exception was made for an addition that fit the character of the neighborhood.

Menke questioned staff regarding the 1988 exception asking if there would be no issue if this request had not been made.

Bireima responded that it is these requests that require they be addressed before this Board.

Boyd Powell, 319 E. Spring Valley Road, Richardson, Texas came forward to present his case. Powell continued that his home was built in 1946 and originally was 700 square feet. Powell added that previous owners remodeled in 1988 adding one-thousand (1,000) square feet of living space. Powell noted that he and his wife have lived here for twenty (20) years and they plan to stay.

The Board voted separately on each Variance Request.

Arefin made a motion to grant Variance Request #1 in case number V 14-10 as presented, limited to those specifics the applicant's representative presented in the case. The motion was seconded by Veatch and approved 5-0.

Pratt made a motion to grant Variance Request #2 in case number V 14-10 as presented, limited to those specifics the applicant's representative presented in the case. The motion was seconded by Arefin and approved 5-0.

There being no further business, the meeting was adjourned at 7:27 p.m.



Larry Menke, Vice Chairman
Zoning Board of Adjustment