

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF RICHARDSON, TEXAS  
JULY 19, 2017**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, July 19, 2017, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** James L. Menke, Chairman  
John Veatch, Vice Chair  
Chip Pratt, Member  
Shamsul Arefin, Member  
Marsha Mayo, Alternate

**MEMBERS ABSENT:** Brian Shuey, Member  
Jason Lemons, Alternate

**CITY STAFF PRESENT:** Sam Chavez, Assistant Director of Development Services  
Kathy Welp, Executive Secretary  
Connie Ellwood, Administrative Secretary

**BRIEFING SESSION**

Prior to the start of the regular business meeting, members of the Zoning Board of Adjustment met with staff to receive a briefing on agenda items. No action was taken.

**REGULAR BUSINESS MEETING**

Opening comments: Chairman Menke introduced City staff and explained the staff serves in an advisory capacity and does not influence any decisions the Board might make. Chairman Menke summarized the function, rules, and appeal procedures of the Zoning Board of Adjustment.

**1. APPROVAL OF MINUTES FROM MAY 17, 2017.**

**Motion:** Vice Chair Veatch made a motion to approve the minutes as presented; second by Mr. Arefin. Motion approved 5-0.

**2. PUBLIC HEARING ON ZBA FILE V 17-07:** A request by Cody Curry, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance:

- 1) Article XII-B, Sec. 4(f)(1), to allow a 1.5-foot variance to the required 10-foot side setback for an attached covered patio.
- 2) Article XII-B, Sec. 4(f)(1), to allow the roof eave of an attached covered patio to extend 4.5 feet into the required 10-foot side setback in lieu of the maximum allowable two feet.

Site location: 3236 Heatherbrook Lane, Richardson, Texas

Mr. Chavez presented regarding case V 17-07 – 3236 Heatherbrook Lane and request for a variance to two portions of the zoning ordinance. He explained the applicant installed a canopy patio cover and it was discovered during inspection, that the canopy was built incorrectly and encroached on the side setback; therefore the applicant was requesting the following:

1. 1.5 foot variance to the 10 foot setback for an attached canopy. The canopy cover is located 8.5 feet from the side property, while 10 feet is required.
2. Allow the roof eave of the attached canopy to extend 4.5 feet into the required 10 foot setback. The actual roof eave is 5.5 feet from the side property line.

Mr. Chavez concluded his presentation by stating he had not received any opposition from the adjacent property owners and based on physical aspects of property, it was staff's opinion that a physical property hardship did not exist on the site.

Mr. Pratt referenced the building permit and asked if the structure was built to the drawings submitted as part of the permit.

Mr. Chavez responded no that it was not.

No other questions were asked of the staff and Chairman Menke opened public hearing.

Mr. Cody Curry, Contractor with Lawn Master, 127 Country Drive Waxahachie, Texas acknowledged that measurement mistakes were made and the canopy was built on the existing slab and encroached into the side yard setback.

Chairman Menke and Vice Chair Veatch both raised a question regarding the overhang and how it was extended.

Mr. Curry said the entire structure was symmetrical and the overhang was identical on both sides.

Mr. Arefin raised a question regarding the location of the structure and why it was not built closer to the property line.

Mr. Chavez replied that the subject property was located in a patio home district and the setbacks are different in that type of community.

Vice Chair Veatch asked if there were any changes to the drawing during any part of the process.

Mr. Curry reported there were no changes and, there was just a total misunderstanding about how much room there was on property; how the structure would fit on the property; and how close the canopy would be to the adjacent home.

Mr. Arefin asked if the canopy was an original design or a predesign. He also wanted to know if there were changes to the existing concrete pad.

Mr. Curry responded that all canopies were original and not predesigned and after a site visit, photos and measurements were taken and lumber was precut to specifications. He responded that the existing pad site had no alterations and the structure was worth approximately \$8,000.00

Mr. Pratt stated that structurally the beams and posts appear to be sturdy, but asked if it would be possible to move a post back 1.5 feet and still maintain the structure's integrity.

Mr. Curry said that modifying where the beam was located would require a total redesign.

No other questions or comments in favor or opposed were received and Chairman Menke closed the public hearing.

Mr. Arefin commented he was in support and acknowledged the contractor's honesty.

Vice Chairman Veatch said he concurred with Mr. Arefin and supported the variance.

**Motion:** Mr. Arefin made motion to grant the request listed in Variance 17-07 as presented; Second by Ms. Mayo. Motion Approved 5-0.

**Motion:** Chairman Menke called for an action to adjourn the regular business meeting. Mr. Arefin made motion to adjourn the regular business meeting; Second by Mr. Pratt. Motion Approved 5-0.

There being no further business, the meeting was adjourned at 6:53 p.m.

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Brian E. Shuey, Member  
Zoning Board of Adjustment