

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
SEPTEMBER 20, 2017**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, September 20, 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
Brian Shuey, Member
Shamsul Arefin, Member
Marsha Mayo, Alternate

MEMBERS ABSENT: Jason Lemons, Alternate

CITY STAFF PRESENT: Sam Chavez, Assistant Director of Development Services
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 AUGUST 16, 2017.

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

2. PUBLIC HEARING ON ZBA FILE V 17-09: A request by Jay Peskuski, Peskuski Home Design for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance:

- 1) Article VII, Sec. 4(h)(1), to allow an attached carport in lieu of a required enclosed garage structure.
- 2) Article VII, Sec. 4(h)(2) a., to allow an eight (8) foot width variance from the required eighteen (18) foot width requirement for a driveway.

Site location: 719 Downing Drive, Richardson, Texas

Mr. Chavez presented two variance requests regarding case V 17-09 – 719 Downing Drive, the first to allow an attached carport in lieu of the required enclosed garage structure and the second request is to allow for an eight foot (8) width variance from the required 18-foot width requirement for a driveway. The subject property is zoned for the R-1100-M Residential zoning district as well as the surrounding properties. The owner proposes to build a new attached carport to replace a previously converted garage. In addition, the proposed driveway will be reduced to ten feet in width to avoid an existing AT&T box.

Mr. Chavez concluded his presentation stating that based on staff's review, the property did not have a property hardship.

Chairman Menke asked if the applicant had any concerns regarding hitting the AT&T box because of the close proximity to the driveway.

Mr. Chavez responded there was some separation from the AT&T box which was approximately 18" above ground.

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

Mr. Jay Peskuski, 719 Downing Drive, the architect for the project and a representative for the homeowner, stated the goal was to install a carport since the attached garage had been converted to living space and add a driveway while preserving the current backyard.

Chairman Menke asked if there was any concern regarding the location of the AT&T box based on the way the proposed driveway was designed.

Mr. Peskuski said he had no concerns because of the proposed entry to the rear of the property as well as the turning radius.

Mr. Steve Baxter, 719 Downing Drive, owner of the property clarified that he purchased the property with the intent to update, install a carport, a driveway, and a fence with controlled access from the alley. He said he met with AT&T to discuss the box located behind the property and confirmed that the box services approximately five (5) streets in the surrounding neighborhood and AT&T could install concrete bollards around the box for protection. In addition AT&T advised the above ground box structure was a cover and the actual equipment was located underground.

Ms. Mayo and Mr. Shuey inquired about other alternatives to provide more room to maneuver within the driveway space, as well as the option to add more concrete to the east side of the proposed driveway for a wider approach.

Mr. Peskuski responded that the owner would be open to additional concrete to the east side of the driveway and the goal was to preserve as much of the backyard as possible.

Mr. Shuey noted his concern about the location of the AT&T box in close proximity to the narrow driveway. He proposed having the driveway swing further east with a wider approach.

Chairman Menke asked a question about the proposed materials being used for the carport.

Mr. Peskuski stated the carport would be a wood frame structure with cedar posts and a composition shingle roof with the same pitch as the subject home. It will appear to be part of the original structure.

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

Mr. Chavez explained that if the board was going in the direction of approving the applicant's request, approving part of it and denying the other – as a single motion, they could recommend approval of one variance and denial of the other under a single motion.

In addition he reviewed some of the options discussed during the briefing session: reorienting the opening to the carport so that it is now a 'J' swing but it takes much of the backyard and widening the entry portion of the driveway to provide the 18' of width required. He added that if this was the direction of the board choose to go into, then that should be part of the motion; approve the variance to allow the attached carport, but deny the request for the reduction in the width of the driveway. In order for the applicant to get a permit, the driveway would have to be at least 18' feet wide in the entry area.

Mr. Shuey posed a question to staff regarding the carport and how it would tie into the roof line of the house.

Mr. Peskuski responded that the carport would tie into the second story which would make the second story addition stand out less and look more like part of the original structure.

Mr. Shuey stated that he would like to see a more comprehensive plan for the carport. He further explained that he would be more in favor of the driveway being over eight (8) feet in width for the approach.

Mr. Arefin said he felt installing a carport in the rear of the home inside the fenced area would not be a nuisance and would be safer for the residents as well as increase the value of the property.

Mr. Shuey concurred with Mr. Arefin's comments and stated the request was a text-book example of a case being handled and managed properly by engaging the neighborhood.

Motion: Mr. Arefin made motion to grant the request listed in Variance 17-09 Variance (1) as presented, and deny Variance (2); motion second by Ms. Mayo. Motion Approved 5-0.

3. **PUBLIC HEARING ON ZBA FILE V 17-10:** A request by Faye Willis for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance:

- 1) Article IV, Sec 4(e)(3), for a 5.5' variance to the required 35' platted front setback to allow for an expansion of an existing residential home, including its roof eave.

The property is located at 425 Fall Creek Drive

Mr. Chavez presented regarding case V 17-10 – 425 Fall Creek Drive, to allow for a 5-½-foot variance to the platted 35-foot front setback to accommodate an expansion of an existing residential home to include the roof eaves. The applicant was proposing to increase the size of the current home by constructing an additional 120 square feet of living space and an enclosed front porch on the north side of the home. The applicants stated the hardship was unique in that the lot was encumbered with either flood plain or utility easements. A 7-½-foot utility easement was located along the entire length of the east property line and a 42 foot wide floodway utility easement was located on the southern portion of the lot. He added that based on the circumstances the only side of the lot that could support an addition to the structure would be along the west side, which encroached into the side yard setback.

Mr. Chavez stated that it was staff's opinion that a hardship did exist on the property.

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

Ms. Faye Willis, 425 Fall Creek Drive, owner of property explained that the intent was to expand the home to build a larger dining area for the family and they were asking for a variance of 5'5", which included the overhang of the roof. She added the drainage of the roof had been problematic over the years and the goal was to have all drainage go onto the driveway by extending the roof eave with the proposed addition.

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

Mr. Shuey made note that the city staff did find hardship for this property.

Mr. Arefin felt that this was a genuine request allowing additional room for the homeowner and should be approved.

Mr. Veatch stated that these types of requests are ones that the board enjoys receiving.

Motion: Mr. Shuey made motion to grant the request listed in Variance 17-10; Second by Mr. Veatch. Motion Approved 5-0.

Motion: Mr. Veatch made motion to adjourn the regular business meeting; second by Mr. Shuey. Motion Approved 5-0

There being no further business, the meeting was adjourned at 6:43 p.m.

James L. Menke, Chairman
Zoning Board of Adjustment