

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
MARCH 21, 2018**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, March 21, 2018, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Jason Lemons, Chair
Shamsul Arefin, Member
Jordan Everhart, Member
Brian Shuey, Member
Scott Rooker, Alternate

MEMBERS ABSENT: Marsha Mayo, Alternate
John Veatch, Member

CITY STAFF PRESENT: Sam Chavez, Assistant Director of Development Services
Connie Ellwood, Administrative Secretary
Tiffany Herron, Administrative Clerk

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

1. APPROVAL OF MINUTES FROM JANUARY 17, 2018.

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

2. PUBLIC HEARING ON ZBA FILE V 18-01: a request by Linda Karnavas, for approval of the following variance to the City of Richardson Code of Ordinances:

- 1) Chapter 6, Article VII, Sec. 4-(f)(1)(A), to allow a metal stairway with deck and railings to be located in the minimum seven (7) foot side yard setback. The proposed stairway and balcony is located 3'-8" from the property line at 111 S. Gentle Drive.

Site location: 111 S Gentle Drive.

Mr. Chavez presented regarding Variance 18-01. Mr. Chavez stated the existing stairway was in need of repair or replacement, which was currently located between the detached garage and the main structure. In order to construct the stairway in the same location, the construction would not meet the building code with regards to the rise in steps.

Mr. Chavez stated the applicant was proposing to construct a new stairway and landing on the north side of the existing detached garage to meet code. In doing so, a variance was required. As proposed, once constructed the side setback would be 3-foot, 8-inches in lieu of the required 7 feet. Mr. Chavez concluded his presentation stating it was staff's opinion that a physical property hardship did not exist.

Member Arefin asked for clarification if the proposal was kept inside 7-feet, there would be no variance needed.

Mr. Chavez stated the beam support for the stairwell and landing would be tied to the proposed new fence post. Additionally Mr. Chavez confirmed if the proposal was kept inside the 7-feet there would be no need for the variance.

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

Ms. Linda Karnavas, 111 S. Gentle Drive stated that for the ease of usability and visual appeal, she wanted to change location of the stairs.

Chairman Mr. Lemons asked the applicant to expand on the request due to the rise.

Ms. Karnavas replied she had injuries on her knees, and the current rise on the staircase is quite high; therefore, she desired to replace these stairs for ease of mobility.

Member Arefin asked if the applicant planned to place a covering, walls or enclose the stairs.

Mr. Chavez stated if desired, they would require another variance and repeat the process as it was proposed as an open stairway.

Ms. Karnavas stated her neighbors all had a good rapport, with no objections on either side or across from her property, and had submitted a statement of approval from the neighbors.

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

Member Shuey stated generally setbacks were for the purpose of maintaining uniformity in the neighborhood and exceptions made to these standards affected the neighborhood in residential real estate. He advised he was wary of allowing the encroachment and was not in favor of the request.

Member Arefin stated he did not believe the structure would cause an issue and would rather have open stairs instead of an enclosed stairwell and would support the request.

Chairman Lemons stated he agreed this was more of an encroachment on the setback than normally seen. He noted that the neighborhood was in favor of this, and the materials seemed high quality for this project, but overall he supported the project.

Member Everhart stated this was a difficult case and while there was not a physical hardship on the property, he noted the fact there was support from the neighbors and wanted to vote in favor.

Member Rooker advised he was not sure where else the staircase could go and noted the staircase was currently dilapidated causing health issues, so it was more than a structural issue. He stated given all the circumstances for this particular case he wanted to vote in favor.

Motion: Mr. Arefin made a motion to grant the request listed in Special Exception 18-01 as presented; second by member Everhart. Motion Approved 4-1.

Chairman Lemons called for a motion to adjourn the regular business meeting.

Motion: Member Shuey made a motion to adjourn the regular business meeting; second by Member Arefin. Motion Approved 5-0.

There being no further business, the meeting was adjourned at 6:55 p.m.

Jason P. Lemons, Chair
Zoning Board of Adjustment