

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF RICHARDSON, TEXAS  
AUGUST 21, 2019**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, August 21, 2019, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** Jason Lemons, Chairman  
Scott Rooker, Vice Chairman  
Jordan Everhart, Member  
Marsha Mayo, Alternate  
Nick Robison, Alternate

**MEMBERS ABSENT:** Shamsul Arefin, Member

**CITY STAFF PRESENT:** Sam Chavez, Assistant Director of Development Services  
Daniel Harper, Planner  
Amber Hogg, Administrative Secretary I

**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 that 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 JULY 17, 2019.**

**Motion:** Alternate Mayo made a motion to approve the minutes as presented; second by Vice Chairman Rooker. Motion approved 5-0.

- 2. PUBLIC HEARING ON ZBA SE 19-04:** a request for a special exception to Chapter 6, Article IV of the City of Richardson's Code of Ordinances: Sec. 6-209 (3) to allow a fence between the front property line and the front wall of the building to exceed three feet in height. The property is located at 34 Bunker Hill and zoned R-1500-M Residential.

**Staff Comments**

Daniel Harper presented on the case. He stated that the applicant is requesting to construct a 3-foot - 4-inch decorative fence that extends along the entirety of the front yard past the front wall of the home.

The decorative fence was originally approved for permitting through the City's Building Inspection Department; however, during the construction the fence was constructed at approximately 3-foot - 4-inches above grade along the eastern property line.

Mr. Harper stated that based on final height of the eastern portion of the front yard fence being over three feet in height, the Building Inspection Department could not issue a final approval for the project.

Mr. Harper presented an image and stated that along the eastern property line a 36-inch-tall fence in the front yard is allowed, however a portion of the fence was constructed to 40 inches in height in order to achieve an even grade level. He stated that the project could not be granted final approval by the Building Inspection Department due to the eastern portion of the fence being at a height greater than the maximum allowable height.

Mr. Harper presented two correspondences both objecting to the request.

Mr. Harper stated that based on the information presented by the applicant and the applicable Code of Ordinances it is the Staff's opinion that this request does not appear to be contrary to public safety. Mr. Harper made himself available for questions.

### **Board Discussion**

With no further comments, Chairman Lemons opened the public hearing.

### **Public Comments**

Jeffery Riddle, 34 Bunker Hill, stated that he applied for a fence permit and he had some confusion on how he should measure and if measurements should be from the mean grade inside the fence or the grade adjacent to the inside of the fence. Mr. Riddle stated that he has 3 rescue dogs and two small children, and the intent is for his family to enjoy the front yard without having to readjust the fence.

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

### **Board Action**

Member Everhart and Mayo spoke in favor of the case.

**Motion:** Member Everhart made a motion to grant the requests listed in SE 19-04 as presented; second by Alternate Member Mayo. Motion approved 5-0.

- 3. PUBLIC HEARING ON ZBA SE 19-05:** a request for a special exception to Chapter 6, Article IV of the City of Richardson's Code of Ordinances: Sec. 6-209 (3) to allow a fence between the front property line and the front wall of the building to exceed three feet in height. The property is located at 323 Midway Circle and zoned R-1100-M Residential.

### **Staff Comments**

Daniel Harper presented on the case. He stated that the property owner located at 323 Midway Circle and the property owner located to the south at 321 Midway Circle are both reconstructing their backyard fences, and both are contributing to the replacement of an adjoining fence along their mutual property line. Mr. Harper presented an image of the fence showing where the property owner is requesting to extend his backyard fence by 23-feet into his front yard to create a straight line between his backyard fence and the neighbor's fence.

Mr. Harper stated that based on the information presented by the applicant and the applicable Code of Ordinances it is the Staff's opinion that this request does not appear to be contrary to public safety. Mr. Harper made himself available for questions.

### **Board Discussion**

With no further comments, Chairman Lemons opened the public hearing.

### **Public Comments**

Gary Norris, 323 Midway Circle, stated that the fence extends out and connects with the property at 321 Midway Circle. He stated that the fence itself is about 42-feet from the building line, so it does extend pass the established 30-foot building line.

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

### **Board Action**

Alternate Member Mayo spoke in favor of the case.

**Motion:** Alternate Member Mayo made a motion to grant the request listed in SE 19-05 as presented; second by Alternate Member Robison. Motion approved 5-0.

- 4. PUBLIC HEARING ON ZBA SE 19-06:** a request for a special exception to Chapter 6, Article IV of the City of Richardson's Code of Ordinances: Sec. 6-209 (1), to allow a fence to be constructed at a height exceeding eight feet along the rear property line. The property is located at 203 High Canyon Court and zoned R-1250-M Residential.

### **Staff Comments**

Daniel Harper presented on the case. He stated that the applicant is requesting a special exception for approval of a 10-foot tall board on board wooden screening fence located on the rear property line. He stated that the applicant's intent was to have the fence built on top of a concrete retaining wall in order to meet height restriction of the Code of Ordinances, however, a portion of the fence that was 10-feet in height was not affixed to the retaining wall and was in violation of the maximum allowable height.

Mr. Harper stated that the Building Inspection's Department determined that the fence did not meet the intent of the Ordinance; therefore, a final approval could not be permitted. He stated that the applicant wishes to build a fence that would provide a privacy screen for their backyard.

Mr. Harper stated that applicant was told by Building Inspection's Department that if the fence was on top of the retaining wall the fence would be measured from the top of the retaining wall and not from the base of the retaining wall

Mr. Harper presented to the board for consideration a similar case from 2016 that was denied.

Mr. Harper stated that he received one correspondence opposed to the request.

Mr. Harper stated that based on the information presented by the applicant and the applicable Code of Ordinances it is the Staff's opinion that this request does not appear to be contrary to public safety. However, the developed condition of the subject property and the surrounding neighboring property is commonly found through the residential subdivisions and does not present a unique situation.

### **Board Discussion**

With no further comments, Chairman Lemons opened the public hearing.

### **Public Comments**

Randy Montgomery, 203 High Canyon Court, stated that the fence that sets on top of the retaining wall is 8-feet, but it measures out at 10- feet from the ground level. He stated his concern for building a privacy screen was solely for the purpose of the neighbor located to the rear of his property as they do not have a fence and that their property is elevated to where they have a view into his backyard. He made himself available for questions.

Eric Lara, 200 Long Canyon, spoke in favor of the case.

Vice Chairman Rooker asked for clarification from Mr. Montgomery on the difference between the request for 10- feet as opposed to 8- feet regarding privacy.

Mr. Montgomery stated that the difference in feet is to prevent his neighbor from looking into his backyard.

Robert B. Summers, 202 High Canyon Court, spoke in favor of the request.

Chairman Lemons asked Mr. Summers from an elevation stand point did he have any reservations.

Mr. Summers replied that he did not have any reservations on the height of the applicant's fence.

Blair Matthews, 200 High Canyon Court, spoke in favor of the case.

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

### **Board Action**

Alternate Member Robison and Chairman Lemons spoke in favor of the case.

**Motion:** Alternate Member Robison made a motion to grant the requests listed in SE 19-06 as presented; second by Member Everhart. Motion approved 5-0.

- 5. PUBLIC HEARING ON ZBA VAR 19-16:** a request for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article IX Sec. 4 (d)(1) to allow a lot coverage of 42% in lieu of the maximum allowable coverage of 30% and Article IX, Sec. 4 (h)(1) to allow an unenclosed carport in lieu of an enclosed garage. The property is located at 1215 W. Beltline Road and zoned R-950-M.

### **Staff Comments**

Daniel Harper presented on the case. He stated that the applicant is proposing to add an approximate 736 square feet carport located in the front driveway of the property. Mr. Harper stated that the proposed carport will be located within the front yard setbacks and will act as shelter for the homeowner's vehicles. He stated that the proposed carport will increase the lot coverage of the property to 3,125 square feet or approximately 41% of 7,688 square foot lot, while the allowed lot coverage of the zoned R-950- M Residential District is 30%.

Mr. Harper stated that the current property has a 2,347 square feet home with an additional 42 square foot overhead patio structure and a 168 square feet storage building located in the backyard of the property for 33% in lot coverage. He stated the purpose for the size coverage of the carport is to allow for 23 feet in width to cover the existing concrete drive as well as 32 feet in length to attach the existing home structure and maintain the front line of the building.

Mr. Harper stated that based on the information presented by the applicant and the applicable Code of Ordinances it is the staff's opinion that a physical property hardship does not exist and should therefore be denied. He made himself available for questions.

### **Board Discussion**

Chairman Lemons asked City Staff was there any history of permitting for the existing shed located on property.

Mr. Harper stated that there may be history showing the permitting, but he did not have any documentation to support.

With no further comments, Chairman Lemons opened the public hearing.

### **Public Comments**

Barbara Bodecker, 1215 West Beltline, stated that her request for a carport is to protect herself as well as her vehicles from weather conditions.

Walt Lyndell, 1217 West Beltline, spoke in favor of the case.

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

### **Board Action**

**Motion:** Member Everhart made a motion to grant the requests listed in VAR 19-16 as presented; second by Alternate Member Mayo. Motion approved 5-0

6. **PUBLIC HEARING ON ZBA VAR 19-17:** a request for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article IV, Sec. 4 (h)(1) to allow to allow an alternative parking surface from the standard definition of an approved parking surface and Article IV, Sec. 4 (h)(4) to allow a head-in or dead-end parking spaces in the front yard. The property is located at 2204 Custer Parkway and zoned R-1500-M.

### **Staff Comments**

Daniel Harper presented on the case. Mr. Harper stated that the applicant is proposing to add a front yard parking area to their property that is currently being remodeled. He stated that front yard driveways are allowed; however, front yard driveways must not be dead end in design and that the design must be made from an approved parking surface.

Mr. Harper stated that adequate pavement must be provided for the maneuverability of vehicles and he presented a design showing the parking driveway.

Mr. Harper stated that based on the information presented by the applicant and the applicable Code of Ordinances it is the staff's opinion that a physical property hardship does not exist and should therefore be denied. He made himself available for questions.

### **Board Discussion**

With no further comments, Chairman Lemons opened the public hearing.

### **Public Comments**

Robin Wynne, 2204 Custer Parkway, stated that the purpose for the request is to construct a driveway that will provide additional parking and create a safer way to enter in and out of their vehicles. He stated that concrete material would be used for the driveway and that maneuverability to and from the driveway will be a focus.

Chairman Lemons asked Mr. Winn if he had spoken with any of the other neighbors about the construction that he is proposing.

Mr. Winn stated that he spoke with a few neighbors and they were in favor.

Member Everhart asked Mr. Wynne if there will be a barrier for headlights shining into the neighboring properties.

Mr. Wynne replied there is a brick wall that will act as a barrier for headlights.

Member Everhart asked what kind of visibility there will be from the road into the drive.

Mr. Wynne stated that the retaining wall will have their address and there will be lights to visualize the wall into the driveway.

Blair Matthews, 200 High Canyon, spoke in favor of the case.

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

### **Board Action**

Alternate Mayo spoke in opposition of the case based on dead end parking is not allowed.

**Motion:** Vice Chairman Rooker made a motion to grant the requests listed in VAR 19-17 as presented; second by Member Everhart. Motion to approve Failed 3-2 with Member Mayo and Robison in opposition.

## **7. Adjournment**

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

**Motion:** Alternate Member Mayo made a motion to adjourn the regular business meeting; second by Alternate Member Robison. Motion Approved 5-0.

There being no further business, the meeting was adjourned at 7:44 p.m.

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Jason Lemons, Chairman  
Zoning Board of Adjustment