

**CITY OF RICHARDSON
ZONING BOARD OF ADJUSTMENT MINUTES
NOVEMBER 20, 2019**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, November 20, 2019, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Jason Lemons, Chairman
Scott Rooker, Vice Chairman
Sebrena Bohnsack, Member
Nick Robison, Alternate
Jordan Everhart, Member
Shamsul Arefin, Member
Marsha Mayo, Alternate

MEMBERS ABSENT: ALL MEMBERS PRESENT

CITY STAFF PRESENT: Sam Chavez, Assistant Director of Development Services
Daniel Harper, Planner
Cidnee McCutchen, 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 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 OCTOBER 16, 2019.

Motion: Member Arefin made a motion to approve the minutes as presented; Member Bohnsack seconded the motion. Motion passed 7-0.

2. PUBLIC HEARING ON ZBA SE 19-07: (Continued from the September 18, 2019 meeting), 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 an 8-foot fence to be located between the front property line and front wall of a building along Mesa Drive. The property is located at 2413 Fairway Drive and zoned R-1800-M Residential.

Staff Comments

Daniel Harper presented on the case. He stated that the case is a continuation from the September 18, 2019 ZBA Meeting. He stated that the meeting was tabled to allow the applicant and their neighbors to discuss alternative options for the requested fence and its location. The applicant and proposed parties have met several times to come up with solutions for the proposed fence location. The applicant is willing to move the fence 5 feet from the southwest property line along Mesa Drive in lieu of the original proposed location of approximately 2 feet from the property line while still maintaining the 8-foot height material and design of the fence including the driveway gate.

Board Discussion

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

Public Comments

Nathan Ham, 2413 Fairway Drive, made a presentation stating that he desired to provide his family with safe and private use of the property. He presented a modified variance request from the September meeting which he felt would meet his neighbors' concerns. The fence facing Fairway Drive would be moved back 8 feet from the original location of being aligned with the front wall and in lieu of 2.5 feet from the sidewalk, and to erect the fence 5 feet from the sidewalk. He stated that for a more aesthetically pleasing appearance, he would be willing to increase the visibility of greenspace from where the fence would be located for neighbors.

Mr. Ham stated that from the September 18, 2019 meeting he was requesting an 8-foot board on board fence with a 20x24 feet corner clip. He stated that the compromise he is proposing has decreased their allowable lot space by 1,000 square feet. The fence will be 15 feet off the back of the curb giving plenty of space for adequate visibility and will not create safety issues.

Jeff Sloane, 2401 Mesa Drive, spoke in opposition of the case arguing that the length and proximity of the fence to Mesa Drive was a cause for concern. He stated that the neighbors are willing to compromise with a 7-foot tall fence.

Perry Prindle, 2402 Mesa Drive, spoke in opposition of the request, arguing that an 8-foot fence would visibly impact his property.

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

Board Action

Member Bohnsack asked City staff if the proposed compromise would still require a special exceptions request.

Mr. Harper replied that the compromised proposal would still require a special exception.

Chairman Lemons asked City staff if approval of a compromise is made, would it result in the applicant coming before the board again to make modifications.

Mr. Harper replied that the compromise must be stated in the motion and then voted on. If the property owner wished to modify the fence outside of the motion, a new special exception request would be necessary.

Member Arefin made a motion for the fence to be 10 feet parallel to property line and 7 feet in height.

Mr. Chavez asked board member to clarify the motion. Asking if the 7-foot fence would include the additional lattice work on top of the fence for a total of 8 feet.

Member Arefin clarified that the total height of the fence would be a maximum of 7-feet.

No member seconded the motion.

Member Rooker made a motion to approve a maximum fence height of 7-feet and to table the setback requests for another public hearing.

No member seconded the motion.

Member Bohnsack motioned to deny the item.

No second seconded the motion.

Motion: Member Arefin made a motion to continue the item to the January 15, 2020 ZBA meeting; Member Rooker seconded the motion. Motion passed 4-1.

- 3. PUBLIC HEARING ON ZBA V 19-23:** (Continued from the October 16, 2019 meeting), a request for the following variance from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article VII, Sec. 4 (h) (2) (a) to allow the pavement for maneuvering to be twenty-three (23) feet less than the required twenty-four (24) feet measured perpendicular to the entry opening of the garage before curving to meet the existing driveway width. The property is located at 714 Sherwood Drive and zoned R-1100-M Residential.

Staff Comments

Daniel Harper presented on this case. He stated that the request is a continuation from the October 16th ZBA meeting, and it was to allow the applicant to address the neighborhood's primary concern for an unenclosed carport in lieu of an enclosed garage with amendments.

Mr. Harper stated that because the revised request for an enclosed garage was located in the rear setback, it did not have to comply with setback issues that were concern in the October 16th meeting and instead needs to be 3 feet from the side and 18 inches from the rear.

He stated that the revised request allowed for 14 feet by 8 inches of distance between the garage and the covered patio. The applicant's variance request was to allow for 1-foot perpendicular back up space in lieu of the 24-foot driveway maneuverability requirements.

Mr. Harper stated that he received no correspondence and made himself available for questions.

Board Discussion

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

Public Comments

Allison Box, 714 Sherwood Drive, stated that the covered patio is not ideal for the site but that they did not want to remove it. Ms. Box stated that the revised site plan met the intention of the enclosed garage requirement while still allowing for the existing patio cover to remain.

Member Rooker asked the applicant about entrance to the rear end of the garage with access to the alley.

Ms. Box stated that the neighbors didn't like the idea of a rear entrance.

Chairman Lemons asked the applicant had she received any feedback from neighbors.

Ms. Box stated that she had not.

Cheryl Blackwell, 702 Sherwood Drive, spoke in opposition on the case. She stated that she had a concern with her neighbors not parking in their garage.

Debbie Ford, 207 S Weatherwood, spoke in opposition on the case. She questioned the maneuverability into the garage and that she was not opposed to back entry with access into the alley.

Doctor Marilyn Rice, 712 Sherwood Drive, spoke in opposition of the case. She expressed safety concerns.

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 variance; Member Arefin seconded the motion. Motion passed 4-1.

- 4. PUBLIC HEARING ON ZBA V 19-24:** a request for the following variance from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article VII, Sec. 4 (f) (3) to allow for an accessory building to be located three (3) feet from the side lot line in lieu of the required twenty (20) foot side setback required for corner lots adjacent to a side street. The property is located at 801 Melrose Drive and zoned R-1100-M Residential.

Staff Comments

Daniel Harper presented on the case. He stated the proposed storage shed would be located near the southeast corner of the residential lot and would be located to the north of the existing concrete parking pad located in the backyard.

Mr. Harper stated the proposed structure will be located at a minimum of 20 feet from the rear property line with 3 feet from the eastern property line. He stated the proposed shed would be 10 feet by 20 feet in size and 9 feet 3 inches tall at its highest point. He stated that although there appears to already be a storage located at the property, that is longer the case and the shed has been removed.

Mr. Harper stated that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a physical property hardship does not exist and should therefore be denied.

Board Discussion

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

Public Comments

Cathy Threadgill, 801 Melrose Drive, expressed her desired to build a tough shed on her property. She stated that there is a parking slab that is about 3 feet from the fence line and that the tough shed will be located adjacent to that.

Member Everhart asked Ms. Threadgill about the size of the shed that was torn down.

Ms. Threadgill stated that the shed was approximately the same size as the one being proposed.

Chairman Lemons asked Ms. Threadgill if she had received any feedback from neighbors.

Ms. Threadgill stated she spoke with one neighbor that was in favor of the case.

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

Board Action

Motion: Member Arefin made a motion to grant the variance; Member Everhart seconded the motion. Motion passed 4-1.

- 5. PUBLIC HEARING ON ZBA V 19-25:** a request for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article VII, Sec. 4 (d) (1) to allow for lot coverage to be approximately 37.8% of the lot and exceed the required maximum of 35% of lot coverage and Article VII, Sec. 4 (g) to allow for a rear setback of twenty feet and one inch (20'-1") in lieu of the required rear setback of twenty-five feet (25'). The property is located at 1313 N. Floyd Road and zoned R-1100-M Residential.

Staff Comments

Daniel Harper presented on the case. He stated that the applicant is currently in the process of rebuilding a new home on the property and that the proposed footprint requires two variances. He stated that the first variance is to allow the home to exceed the maximum lot coverage by 2.8% or approximately 228 square feet and the second variance is a rear yard setback variance that requires the rear portion of the home that would serve as the master bedroom to be located at approximately 20 feet 1 inch from the rear property line in lieu of 25 feet.

Mr. Harper stated that both variance requests are a product of the proposed size of residential structure in relation the lot size and dimensions.

Mr. Harper stated that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a physical property hardship does not exist and should therefore be denied.

Board Discussion

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

Public Comments

Jacob Pead, 1313 N Floyd Road, stated that the home improvement was for his growing family. He stated that the back portion of his home is one-story and that the 20-foot setback would allow them to add a master bedroom addition that makes the most sense for the property. He stated that it is a 5' x 19'-8" section of the addition that would encroach into the rear build line and that this additional square footage would require a lot coverage of 37.8% in lieu of the allowable maximum of 35%.

Chairman Lemons asked applicant had he spoken with neighbors about his request.

Mr. Pead answered no.

Member Rooker asked the applicant if reducing the rear of the home by 5-feet would alleviate the need for the maximum lot coverage.

Mr. Pead clarified that it would not.

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

Board Action

Motion: Member Arefin made a motion to grant the variance; Member Rooker seconded the motion. Motion passed 5-0.

- 6. PUBLIC HEARING ON ZBA 19-26:** a request for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article IV-A, (h) (1) to allow for one parking space in an enclosed garage in lieu of providing the required two parking spaces in an enclosed garage and Article IV-A, Sec. 4 (f) to allow for a garage to be located six feet and five inches (6'-5") from the side property line in lieu of the seven (7) foot side yard setback. The property is located at 2448 Fairway Drive and zoned R-2000-M Residential.

Staff Comments

Daniel Harper presented on the case. Mr. Harper presented a revised drawing from the one provided in the original application that demonstrated the new garage to be located 7 feet by 7 inches from the side property line and that the side yard setback variance request would not need to be addressed.

Mr. Harper stated that the applicant is proposing to construct a 410 square foot enclosed garage addition on the eastern side of the home that would be located at approximately 7 feet 7 inches from the eastern property line. He stated the proposed garage addition would accommodate only one car.

Mr. Harper stated that he received 4 pieces of correspondence in support of this variance.

Mr. Harper stated that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a physical property hardship does not exist and should therefore be denied.

Board Discussion

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

Public Comments

Valerie Kirkpatrick, (Inaudible), spoke on behalf of the applicant and made herself available for questions.

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

Board Action

Member Arefin spoke in favor of the case.

Motion: Member Arefin made a motion to grant the variance; Member Rooker seconded the motion. Motion passed 5-0.

- 7. PUBLIC HEARING ON V 19-27:** a request for the following variance from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article IV, Sec. 4 (h)(4) to allow head-in or dead-end parking space in the front yard. The property is located at 2204 Custer Parkway and zoned R-1500-M Residential.

Staff Comments

Daniel Harper presented on the case. He stated that a front yard drive is allowed however it shall not be a dead-end design and the requested design must be approved by variance. He stated that although the home includes a two- car garage with access through the rear alley, the applicant's desire is to provide an additional drive in the front yard to provide off-street parking for guests. The proposed front drive incorporates a dead-end parking design which allows for one car parking storage with entry from Custer Parkway. The drive would be providing 9-foot by 18-foot parking space located in the front yard.

Mr. Harper stated that a vehicle would be required to perform a 2-point turn to exit onto Custer Parkway from the proposed drive. He stated that the applicant is proposing the dead-end parking in lieu of a circular drive in order to reduce the number of trees that would need to be removed. He stated that the applicant has agreed to the continuous concrete slab of approximately 42 feet in width and according to the provided exhibit a car of 18 feet in length will have approximately 24 feet of back up space.

Mr. Harper stated that he received one piece of correspondence in favor of the case.

Mr. Harper stated that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a physical property hardship does not exist and should therefore be denied.

Board Discussion

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

Public Comments

Ashley Wynne, 2204 Custer Parkway, expressed her desire for this dead-end parking and how it will be a benefit for her family and their safety.

Kathy Britton, 2206 Custer Parkway, spoke in favor of the case.

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

Board Action

Motion: Chairman Lemons made a motion to grant the variance; Member Rooker seconded the motion. Motion passed 5-0.

8. Adjournment

Motion: Chairman Lemons called for a motion to adjourn the regular business meeting. Member Everhart made a motion to adjourn the regular business meeting; Member Arefin seconded the motion. Motion passed 5-0.

There being no further business, the meeting was adjourned at 8:48 p.m.

Jason Lemons, Chairman
Zoning Board of Adjustment

APPROVED