

**CITY OF RICHARDSON
ZONING BOARD OF ADJUSTMENT MINUTES
AUGUST 19, 2020**

The Zoning Board of Adjustment met on Wednesday, August 19, 2020 at 6:30 p.m. Chairman Lemons convened the Board into Regular Session via videoconference. A quorum was present.

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

MEMBERS ABSENT: ALL MEMBERS PRESENT

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

BRIEFING SESSION

The Briefing Session was cancelled.

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 15, 2020.

Motion: Member Bohnsack made a motion to approve the minutes as presented; Member Arefin seconded the motion. Motion passed 5-0.

2. PUBLIC HEARING ON ZBA SE 20-02: a request for a special exception to Chapter 6, Article IV of the City of Richardson's Code of Ordinances: Article IV, Sec. 6-209 (2) to allow for a ten (10) foot section of a wooden fence/privacy screen to be ten (10) feet tall in lieu of the maximum eight (8) feet of allowable height in a side yard. The property is located at 2492 Cathedral Drive and zoned Palisades PD Planned Development District (Urban Neighborhood Sub-District).

Staff Comments

Daniel Harper presented on the case. Mr. Harper stated that in January 15, 2020 the applicant was granted a special exception for the subject project to allow for a 6-foot wooden screen fence in combination with a 6-foot iron fence and 90 percent see through vision in lieu of the 15 x 25 foot corner clip with a fence 4-feet in height.

Mr. Harper stated the rear of the home has a setback of the maximum of 1-foot from the alleyway providing no backyard. He stated that a fence was constructed by the applicant to adhere to the original special exception but increased the height to 10-feet for more privacy to their patio area. Mr. Harper stated that he received 2 correspondence in favor and 2 correspondence in opposition of the special exception with one opposed correspondent having 8 other signatures from other opposed neighbors.

Based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the applicant's request does not appear to be contrary to public safety.

Mr. Harper made himself available for questions.

Board Discussion

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

Public Comments

David Vanderslice, 2492 Cathedral Drive, stated that he did have a 6-foot tall wooden fence continuing through the pergola. However once he determined the height of the front door of the home east of his property would be directly next to his yard he asked if the fence could become a screen and cover the 10-foot area inside the pergola up to the height of 10-feet.

He stated that pergola is a different stain color than the fence since the HOA requires a certain stain color and the fence was built to 10-foot height for privacy within his privacy area.

He stated when the fence was being built that he didn't have comprehension of the request being contrary to what was requested, and he only thought to go through the home association for a CC approval which he obtained prior to the home's completion.

Jessica Wolf, 2448 Cathedral Drive, spoke in opposition citing that it was aesthetically displeasing to neighborhood.

Bridgette Burns- McDowell 2554 North Collins Blvd, spoke generally in favor stating that the 8-foot to 10-foot change wouldn't be a significant change.

With no further comments of staff, Chairman Lemons closed the public hearing.

Board Action

Mr. Harper clarified to the Board that the special exception request approved on January 15, 2020 was for a 6-foot high wooden fence all the way around. He stated that what had been constructed was a 10-foot portion that did not meet what was originally approved.

Member Arefin spoke in favor but expressed concern with what the applicant would construct next.

Member Bohnsack expressed concern with approving the special exception considering that the HOA has restrictions in place.

Mr. Vanderslice stated that this construction was approved by the HOA.

Member Sturman asked if the HOA approved the 10-foot fence.

Mr. Vanderslice answered that the 10-foot fence inside the pergola had been approved by HOA.

Motion: Member Arefin made a motion for approval; Member Sturman seconded the motion. Motion passed 4-1.

- 3. PUBLIC HEARING ON ZBA SE 20-03:** 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 6-foot wooden fence to be located between the front property line and front wall of a building along N. Waterview Drive. The property is located at 1001 Meadowview Circle and zoned R-1500-M Residential.

Staff Comments

Daniel Harper presented on the case. He stated that the applicant's desire is to build a fence to enclose a portion of what is considered his front yard space along the side of his property in order to utilize the area as a private side yard and continue with the already existing fence.

Mr. Harper stated that the front yard of the property is designated both along Waterview Drive and Meadowview Circle by a platted 40-foot front setback. He stated that both sides are deemed front property lines and the 40-foot front yard setback applies, therefore the fence is not allowed to be placed between the property line and the wall of the building.

He stated that if the setback was not platted on N. Waterview Drive, the building setback would be 20-feet to the corner and a fence would be allowed to extend to the property line subject to a 15' by 25' corner clip. The applicant is requesting to construct a fence that is 18-feet from the property line thus the 15' by 25' corner clip would not be necessary to provide the sight line triangle.

Mr. Harper stated that he received one correspondent in favor if the fence is well maintained.

Based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the applicant's request does not appear to be contrary to public safety. However, the developed subject condition property and surrounding neighborhood property is commonly found through residential subdivisions and does not represent a unique situation. He made himself available for questions.

Board Discussion

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

Public Comments

Jason Hiser, 1501 N Waterview Drive, generally spoke in favor of the case but expressed concerns with line of sight.

With no further comments of staff, Chairman Lemons closed the public hearing.

Board Action

Motion: Member Bohnsack made a motion for approval; Member Arefin seconded the motion. Motion passed 5-0.

- 4. PUBLIC HEARING ON ZBA V 20-08:** 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 spaces in the front yard after the conversion/relocation of the existing garage. The property is located at 604 West Shore Drive and zoned R-1500-M Residential.

Staff Comments

Daniel Harper presented on the case. He stated that the applicant recently remodeled his home in the remodel. They removed the previous existing garage and converted one of the two previous existing one car garages into new garage space that accommodates 2 cars served by a new driveway.

He stated that the other garage was converted into living space and the request was to keep the old existing driveway to serve as a dead-end driveway for additional parking in the front yard.

Mr. Harper stated that although front yard drives are allowed in residential districts, front yard drives must not be head in. He stated that the proposed request constitutes a dead-end driveway since it no longer serves a garage.

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. He made himself available for questions.

Board Discussion

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

Public Comments

Jason McCord, 604 West Shore Drive, stated that the request to keep the old existing driveway is to accommodate additional drivers in his home. He stated having the additional parking in the front yard would satisfy safety concerns with entering and exiting their vehicles. He made himself available for questions.

Vice Chairman Rooker asked the applicant if he considered widening the entry way of the new driveway to accommodate additional parking.

Mr. McCord stated that it would cost more for additional concrete for parking. He stated that in his opinion that option would diminish the curb appeal of the property.

Daniel Harper stated that in terms of the City Code there were two things items that would need to be considered; driveway spacing from the adjacent neighbor's driveway and the 50% impervious lot coverage restriction. If the applicant were to add additional paving to the new driveway, the original driveway would need to be removed to meet 50 percent restriction.

Vice Chairman Rooker asked city staff is the applicant was under the 50% lot coverage as it pertains to the dead-end parking.

Mr. Harper stated that the applicant is under the 50% allowance, but he did not have the exact percentage as it was not discussed with him during his meeting with the Building Inspection Department.

With no further comments of staff, Chairman Lemons closed the public hearing.

Board Action

Motion: Member Arefin made a motion for approval; Member Bohnsack seconded the motion. Motion passed 5-0.

- 5. PUBLIC HEARING ON ZBA V 20-10:** a request for the following variance from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article IX, Sec 4 (h)(1) to allow for the conversion of an existing one car garage to living space and not provide an enclosed garage structure that accommodates two motor vehicles and Article IX, Sec. 4 (h)(4) to allow head-in or dead-end parking spaces in the front yard. The property is located at 306 Dover Drive and zoned R-950-M Residential.

Staff Comments

Daniel Harper presented on the case. He stated that the applicant is requesting to convert his garage into a 225 square feet of additional living space. He stated that the proposed remodel will not replace the one car garage with a two-car garage as required by the Comprehensive Zoning Ordinance thus creating a nonconforming condition for the property due to the lack of an enclosed garage.

Mr. Harper stated the applicant desires to maintain the existing dead-end driveway location, although front yard drives are allowed in residential zoning districts, front drives must not be dead end in design.

Mr. Harper stated that he had received 7 correspondence all in favor of this case.

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.

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

Public Comments

James Anderson, 306 Dover Drive, the applicant/owner, stated that his request to convert his 1-car garage is based on the need for extra living space and this condition is not new and quite common in his neighborhood. At least 20 conversions have occurred on Dover Drive, with 5 to 6 conversions near his home. Mr. Anderson stated that he has a large truck that can be driven into the garage, but has trouble getting out of the vehicle once inside the garage. He canvassed the neighborhood and received support from 18 of the 20 property owners that were notified of the variance request.

Jason Lemons asked staff if research was conducted that would show how many variances had been granted along Dover Drive since the 2004 Zoning Ordinance amendment requiring the garage requirement when a conversion occurred and removal of the lead-in driveway.

Mr. Harper stated that he did not have that information, but based on the character of the neighbor, many of the conversion may have occurred before the 2004 Zoning Ordinance amendment.

Mr. Lemons asked Mr. Anderson if he had explored the option to construct a detached garage since he had access from the alley and Dalhart Drive.

Mr. Anderson stated that it is a possibility for the future but not something he was considering.

Mr. Lemons asked Mr. Anderson what the approximate square footage of his house would be with the conversion of the garage.

Mr. Anderson stated approximately 1,515 square feet.

If there are no other questions for the applicant, I will entertain additional public input.

Jacqueline Branson, 300 Dover Drive, spoke in favor of the case. The request does not change the character of the neighborhood and confirmed that multiple homes in the neighborhood had garages that were converted. Many of the garages in the neighborhood are used for storage and the garages are not used for vehicle storage.

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

Board Discussion

Chairman Lemons stated he was apprehensive about the request. He stated his understanding of the adoption of the Zoning Ordinance amendment of 2004 was to address and limit these types specific conversions, but at the same time was sympathetic to what the applicant was dealing with on the property.

Members Bohnsack state she was also apprehensive about the request; but based on the existing character of the neighborhood, she could support the request.

Member Arefin stated he supported requiring the need for a garage; however, would echo Member Bohnsack's comments and if a motion was made for approval, he would not oppose the motion.

Vice Chairman Rooker stated he concurred with the Board member's comments. He stated considering the size of the house with a small garage, the character of the neighbor, support from his neighborhood and that with the conversion of the garage square footage for a better use for the property than storage, he could support the request.

Motion: Vice Chairman Rooker made a motion for approval of Variance 20-10, as presented; Bohnsack seconded the motion. Motion passed 5-0.

6. Adjournment:

There being no further business, the meeting was adjourned at 8:00 p.m.

Jason Lemons, Chairman
Zoning Board of Adjustment