

**CITY OF RICHARDSON  
ZONING BOARD OF ADJUSTMENT MINUTES  
OCTOBER 21, 2020**

The Zoning Board of Adjustment met on Wednesday, October 21, 2020 at 6:30 p.m. Chairman Lemons convened the Board into Regular Session. A quorum was present.

**MEMBERS PRESENT:** Jason Lemons, Chairman  
Brent Sturman, Member  
Sebrena Bohnsack, Member  
Shamsul Arefin, Member  
Nick Robison, Alternate

**MEMBERS ABSENT:** Scott Rooker, Vice Chairman  
Marsha Mayo, Alternate

**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 held at the Charles. W. Eisemann, Bank of America Theatre at 5:45 p.m. 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 SEPTEMBER 16, 2020.**

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

*Prior to the start of the public hearing items, Board Member Arefin recused himself from any discussion and consideration of V 20-09 due to a conflict of interest.*

**2. PUBLIC HEARING ON ZBA V 20-09:** 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 (f) to allow for a side yard setback of eight (8') feet in lieu of the required side yard setback of twenty (20') feet and Article VII, Sec. 4 (g) to allow a rear yard setback of twenty (20') feet in lieu of the required rear yard setback of twenty-five (25') feet. The property is located at 402 Maple Street and zoned R-1100-M Residential.

### **Staff Comments**

Daniel Harper presented on the case. He stated that the applicant is requesting the following variance from the Richardson Code of Ordinances: Article VII, Section 4 (f) to allow a side yard setback of eight feet (8') in lieu of the required twenty-foot (20') side yard setback. A twenty-foot (20') side yard setback is required for corner lots adjacent to a side street in the R-1100-M Residential District and a variance to Article VII, Sec. 4 (g) to allow a rear yard setback of twenty (20') feet in lieu of the required rear yard setback of twenty-five (25') feet.

The applicant requested these setbacks to accommodate the construction of a new 5,946 square foot home on the property. The property in question is typical of other lots in the neighborhood with seventy feet (7') of width and one-hundred and forty feet (140') of depth.

The proposed footprint of the home does not meet the required zoning setbacks resulting in the requested variances, and therefore does not constitute physical property hardship.

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 of staff, Chairman Lemons opened the public hearing.

### **Public Comments**

The applicant, Farid Wahabzada, 407 Grace Drive, stated the side setback should be 4-feet and not 8-feet. He stated the requested 20-foot rear setback for the rear bedroom was needed to meet the proposed home square footage and accommodate his family and aesthetic view to the area. He stated that the lot was purchased as is and he had no knowledge of requirements that needed to be approved when he presented the proposed building plans to the City. He stated that the distance of the property lot from Abrams Road is approximately 18-feet with a distance required at 20-feet and his variance request is 4-feet from the 20-foot side setback required. He stated that the rear setback request is 5-feet from the City's required 25-foot setback.

Member Sturman asked applicant to clarify his variance request for 8-feet or 18- feet setback.

Mr. Wahabzada stated that he was asking for 18 feet.

Mr. Harper stated that there was a misunderstanding and clarified that the 20-foot setback is required from the property line and not from Abrams Road and applicant had been made aware of that. He stated that the lot was approximately 19 to 20 feet away from Abrams Road but that was not the established property line by the plat.

Chairman Lemons asked the applicant if he had any alternatives if the variance was denied.

Mr. Wahabzada stated that if the variance was denied there were no other alternatives.

Beverly Racer, 402 Grace Drive, spoke in opposition of the case and stated the aesthetic view of the construction would diminish the neighborhood.

Mohammad Jetpuri, 404 Grace Drive, he stated that he was neutral in the case but agreed with Mrs. Racer's objections.

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

### **Board Action**

Member Bohnsack asked staff if there was an HOA.

Mr. Harper stated that there was, but it was a voluntary HOA.

Member Sturman asked staff are there any safety concerns for traffic from Maple Street

Mr. Harper stated that there would be approximately 20-feet from the street to the home and there would not be any conflict; however, the setback measurement is from the property line and not from the street curb.

Chairman Lemons asked staff to clarify if the Board deemed one variance acceptable to grant could the variances be split in the case.

Mr. Chavez stated that was possible; however, property hardships must be considered.

**Motion:** Member Bohnsack made a motion to deny V 20-09; Member Sturman seconded the motion. Motion passed 4-0.

*Following the conclusion of V 20-09, Board Member Arefin rejoined the Board for consideration of V 20-13.*

- 3. PUBLIC HEARING ON ZBA V 20-13:** a request for the following variance from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article VI, Sec. 4 (g) to allow a rear yard setback of twenty-three feet and four inches (23'-4") in lieu of the required rear yard setback of twenty-five feet (25'). The property is located at 2518 Little Creek Drive and zoned R-1250-M Residential.

### **Staff Comments**

Daniel Harper presented on the case. He stated that the applicant's request is to construct a second story addition above the existing garage of the home. He stated that the existing wall of the home was originally constructed at 23 feet and 4 inches from the rear property line and that a building permit cannot be issued by the Building Inspections Department until the non-conformity is corrected.

Mr. Harper stated that the proposed exterior wall would not encroach over the existing wall structure and thus would not increase the non-conformity.

Mr. Harper stated that the applicant had an option to not construct the addition, demolish the existing portion of the home until it no longer encroaches onto the 25-foot rear yard setback or seek the variance process.

Mr. Harper stated that based on the information provided by the applicant, and the applicable codes and ordinances, it is staff's opinion that a physical hardship does not exist; however the request represents an existing condition which was not created by the current property owner and should therefore be approved.

### **Board Discussion**

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

### **Public Comments**

Tim Wilton, 2518 Little Creek Drive, stated that he viewed all options presented to him by City staff and concluded that in order to maintain and limit the structural impact of the home, his best option was to request the variance. He stated that the existing walls were important to the structural integrity for the second story and displacement of the load bearing wall inside the home would create an undue hardship. Mr. Wilton stated that he received positive correspondence from his neighbors.

John Zipco, 2520 Little Creek Drive, spoke in favor of the case and commended the applicant on the improvements to their home.

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

### **Board Action**

Member Bohnsack asked Staff if this variance request would bring the applicant's home into conformance.

Mr. Harper stated that it generally would bring the home to conformance and clarified that the Building Inspection Department cannot issue a permit for an existing non-conforming structure.

**Motion:** Member Arefin made a motion to approve V 20-13; Member Robison seconded the motion. Motion passed 5-0.

#### **4. Adjournment:**

There being no further business, the meeting was adjourned at 7:24 p.m.

---

Jason Lemons, Chairman  
Zoning Board of Adjustment