

**CITY OF RICHARDSON  
ZONING BOARD OF ADJUSTMENT MINUTES  
JANUARY 20, 2021**

The Zoning Board of Adjustment met on Wednesday, January 20, 2021 at 6:30 p.m. Chairman Lemons convened the Board into Regular Session. A quorum was present.

**MEMBERS PRESENT:** Jason Lemons, Chairman  
Scott Rooker, Vice Chairman  
Brent Sturman, Member  
Sebrena Bohnsack, 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**

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 NOVEMBER 18, 2020.**

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

**2. PUBLIC HEARING ON ZBA V 21-01:** 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)(1)(a) to allow a side setback of five feet (5'-0") in lieu of the required side setback of seven feet (7'-0") to accommodate an accessory building. The property is located at 329 Ridgebriar Drive and zoned R-1100-M Residential.

**Staff Comments**

Daniel Harper presented on the case. He stated that the applicant is requesting a variance to allow to build a 64 square foot accessory structure located five feet from the west property line in lieu of the required seven feet. An existing 4'-3" wide decorative wing-wall located on the front of the home would screen the accessory structure from the street.

Accessory buildings are required to meet the side setback required of the principle building, except in the required rear setback adjacent to an interior side lot line where a minimum three-foot setback would be allowed.

The rear 24 feet to 42 feet of the property is in a floodway easement, which also includes a 10-foot wide drainage, floodway, and utility easement, which would prohibit placement of structures.

The applicant reported to staff that the property has a significant 33 degree slope from the rear of the home to the floodway easement line and that due topography and floodway easement a building cannot be constructed within the required setbacks in the rear yard of the property.

Based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a physical property hardship does exist and should therefore be approved.

### **Board Discussion**

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

### **Public Comments**

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

### **Board Action**

**Motion:** Chairman Lemons made a motion to approve V 21-01; Member Bohnsack seconded the motion, Motion passed 5-0.

- 3. PUBLIC HEARING ON ZBA V 21-02:** 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)(1)(a) to allow a side setback of three feet (3'-0") in lieu of the required side setback of seven feet (7'-0") to accommodate an accessory building. The property is located at 1602 Kindred Lane and zoned R-1100-M Residential.

### **Staff Comments**

Daniel Harper presented on the case. The applicant is proposing an 80 square foot accessory structure to store garden equipment for his elderly mother who lives in the home. The applicant reports that a significant garden area with large trees and a pond is in the middle of the backyard that prohibits the required location for the accessory structure.

Mr. Harper stated the property is located on the Nantucket Branch of Cottonwood Creek and presented a photo showing the location of the 16 feet by 12 feet pond. The east portion of the property has a 15 foot to 20-foot wide drainage and utility easement which prevents the applicant from utilizing the three-foot side setback for accessory buildings.

Although the east portion of the lot is not located in a floodway easement, Capitol Projects recommended that a structure not be placed between the Watershed Elevation and the east property line.

The Zoning Board of Adjustment is not permitted to grant a variance if the hardship is self-imposed or is whimsical in nature. In this case, the pond could be reduced or removed to accommodate the placement of the accessory structure or smaller accessory structure could be chosen and located in an area that is compliant with the setback requirements of the Comprehensive Zoning Ordinance.

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 from staff, Chairman Lemons opened the public hearing.

### **Public Comments**

Reza Saleh ,1602 Kindred Lane, he stated that he takes care of his elderly mother. The structure of the home is irregular. He built a plastic storage shed and later received a letter from the City stating the structure was not properly located. He stated that he discussed two options with City, one to construct on the northwest corner or to the southwest corner. He stated the pond located on site is a built-in pond and therefore cannot be moved.

He stated that he placed the structure to the southwest corner of the lot per the City's recommendation. The doors to the storage need 3 feet of clearance instead of the required 7 feet to open giving room to move things in and out.

Member Bohnsack asked Mr. Saleh if he considered removing the pond.

Mr. Saleh stated that the pond is built into the ground and to remove destroys the pond and its shape.

Member Sturman asked Mr. Saleh if the he would consider turning and moving the shed more to the north so the doors on the shed would open.

Mr. Saleh stated that option will make it more difficult to move items in and out of the shed.

Mr. Saleh stated that he was going for a more practical solution and any other options would result in a financial hardship.

Chairman Lemon asked the applicant to clarify the actual size of the shed.

Mr. Saleh stated the shed was 8x10.

Chairman Lemons asked the applicant if the south side of the lot was preferred because the north side of the property had an existing patio.

Mr. Saleh stated yes.

Member Bohnsack inquired about the City's recommendation of a smaller structure.

Mr. Saleh stated that the proposed shed would be the perfect size with all the materials that will need to be stored.

Mr. Chavez clarified that the 30-foot setback from the home established the Watershed Elevation and that the proposed shed could be placed anywhere between the Watershed Elevation and the home. He stated that the presented drawing was not the scale and City had not determined the actual dimension to assess the available area.

Chairman Lemons asked if the drainage and utility easement was not relevant to the Board's determination.

Mr. Chavez stated he was correct.

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

#### **Board Action**

Mr. Chavez recommended to the Board that they could consider continuing the case to allow the applicant to provide dimensions for the existing site elements.

Vice Chairman Rooker asked if the applicant could place the shed beyond the fence.

Mr. Chavez stated that he could not due to the existing easements and the Watershed Elevation line.

**Motion:** Chairman Lemons made a motion to continue V 21-02 to the February 17, 2021 Zoning Board of Adjustments meeting. Vice Chairman Rooker seconded the motion, Motion passed 5-0.

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

With no further business, the meeting was adjourned at 7:08 p.m.

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Jason Lemons, Chairman  
Zoning Board of Adjustment