

**CITY OF RICHARDSON  
ZONING BOARD OF ADJUSTMENT MINUTES  
MARCH 20, 2024**

The Zoning Board of Adjustment met on Wednesday, March 20, 2024, 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  
Phil Thames, Member  
Lisa Kupfer, Alternate  
Moosa Madha, Alternate

**MEMBERS ABSENT:** None

**CITY STAFF PRESENT:** Sam Chavez, Director of Development Services  
Derica Peters, Senior Planner  
Norma Mendoza, Administrative Secretary

**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 FEBRUARY 21, 2024.**

**Motion:** Vice Chairman Rooker made a motion to approve the minutes as presented. Member Kupfer seconded the motion. Motion passed 5-0.

**PUBLIC HEARING**

2. **V 24-02 (continued from February 21, 2024)**, 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(f)(1)(c) to allow a 5-foot variance to the required 15-foot side setback, and 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(g) for a 10-foot variance to the required 25-foot rear setback to accommodate the construction of a new structure on the property located at 421 E. Spring Valley Road and zoned R-1500-M Residential.

Ms. Derica Peters provided background on the case and said this meeting is a continuation of the February 21, 2024, Board meeting. To summarize that meeting, staff and the applicant introduced the project, one neighbor spoke in opposition, and after further questions and discussion by the Board, they voted unanimously 4-0 to continue the public hearing to March 20, 2024.

Ms. Peters presented the subject site as a 0.58-acre lot at 421 E. Spring Valley Road and zoned R-1500-M Residential. The applicant intends to subdivide the lot into two lots to construct a new home on each lot. During the February meeting, limitations and conditions of the lot were discussed and the decision was made to re-examine the plans. The applicant his request to by reducing the home for proposed Lot 11B to 1,800 square-feet for a 2-story home, which would meet the front and side setbacks, but will encroach into the rear 25-foot setback by 5 feet.

Ms. Peters shared that the applicant has stated his hardship is related to the triangular shape of the lot and the required setback would not provide adequate space to build the desired home. In conclusion, based on the information provided by the applicant, and applicable codes and ordinances, staff's opinion is that a physical hardship does not exist, and the applicants' request should be denied.

Ms. Peters stated that no correspondence has been received and was available to answer any questions.

With no questions for staff, Chairman Lemons asked the applicant to come forward and present the request.

Mr. Jamal Gharbieh, 423 E. Spring Valley, Richardson, Texas stated he owns the property, and he purchased the property with the intent of subdividing it. He is not encroaching on neighbors with this proposal, and they have downsized the proposed footprint of the new house which could make it difficult to sell in the future.

Member Kupfer asked the applicant if he planned on living there for long, because he said the lot may be difficult to resell in the future.

Mr. Gharbieh confirmed that they are planning on living there for a long time.

Member Sturman suggested that they should be able to find a solution that would comply if the applicant were working with an architect.

Mr. Gharbieh replied that the architect has indicated the house would be odd shaped in order to the comply with the required rear setback.

Member Rooker asked about the size and location of the garage.

Mr. Gharbieh highlighted the proposed location of the garage on the exhibit.

Mr. Chavez responded that a typical garage would be approximately 400 square feet in size.

Member Kupfer asked the applicant to explain how this is not considered self-imposed since he bought the property knowing it was a triangular shaped lot.

Mr. Gharbieh responded that he did not know there would be issues until they started the planning process.

Member Thames asked staff to explain the purpose of the rear setback requirements.

Mr. Chavez responded the 25-foot rear setback is to allow vehicles to maneuver in and out of the garage if rear entry and it also provides separation between structures.

Member Thames asked if there would be an additional 15-feet of separation if there was an alley in the rear of this property, and asked to confirm there was vehicular access needed for the properties abutting the drainage channel.

Mr. Chavez responded yes there would be additional separation provided and the lots abutting the drainage did not have alley access because they were front loaded.

Seeing no one else to speak in favor or opposition of the request, Chairman Lemons closed the public hearing and opened the floor for discussion between the Board.

Member Sturman asked City staff to elaborate on the criteria of the Board's decision.

Mr. Chavez explained that this situation is self-created, but the Board can also take public health, safety, and welfare into consideration.

Member Sturman asked for clarity on how these setbacks differ from those with an alley.

Mr. Chavez responded that this is an unusual situation. Although it does not have an alley, it still has a 30-foot-wide drainage easement that provides separation between structures.

Member Sturman stated this hardship might have been created by the City since the application of the Code may not apply to every situation.

Chairman Lemons commented that there could have been a justification for hardship if they had requested a variance before subdividing the property.

Member Thames suggested that a modification to Lot 11B's east property line would create a problem for the neighbor to the east, but the encroachment to the rear should not impact the neighbors.

Member Rooker asked City staff about other options the applicant may have, such as building two (2) homes on one lot.

Mr. Chavez responded two homes could not be constructed on one lot because the Code only allowed one principal building or structure on a lot.

Mr. Chavez explained that the Board also has the option to grant a side yard variance instead of a rear yard variance if the applicant shifted the house to the east.

Member Madha asked if the applicant could replat the lot into 3 lots.

Mr. Chavez responded no, because the third lot would not meet the minimum lot area dimensions.

Chairman Lemons asked the applicant if he was open to other options.

Mr. Gharbieh confirmed he was.

Member Rooker suggested shifting the interior lot line 5 feet to the east.

Mr. Chavez replied that this would not work because the required interior side yard setbacks would increase as the lot got wider. Lot 11A meets the maximum lot width for the subject zoning district.

Vice Chairman Rooker asked if the applicant could subdivide the property into 2 residential lots and 1 open space lot that could be used as a garden, for example.

Mr. Chavez stated the open space lot would not meet the minimum area dimensions of the zoning district so a variance would still be required.

Vice Chairman Rooker asked for clarity on determining hardship.

Mr. Chavez stated the Board has the authority to decide based on the circumstances, including financial consideration, health, safety, and welfare of the public.

Member Madha asked if the back part of Lot 11B could be carved out to allow lot 11A to expand.

Mr. Chavez answered no, as it would create three (3) side yard setbacks in addition to making it more difficult for the structure to comply with the rear yard setback.

Mr. Thames commented that the Board should consider the rights of homeowners to utilize their property as they needed if it did not compromise public health and safety.

### **BOARD ACTION**

**Motion:** Member Madha made a motion to approve the 5-foot variance to the required 25-foot rear setback as presented and deny the second request of the side yard setback. Member Thames seconded the motion. Motion passed 5-0.

With no further business, the meeting was adjourned at 7:31 p.m.

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Jason Lemons, Chairman  
Zoning Board of Adjustment