Zoning Board of Adjustment Agenda Packet July 17, 2024

To advance to the background material for each item in the agenda, click on the item title in the agenda or click on Bookmarks in the tool bar on the side of your screen.



AGENDA

CITY OF RICHARDSON – ZONING BOARD OF ADJUSTMENT WEDNESDAY, JULY 17, 2024, AT 6:30 P.M. RICHARDSON CITY HALL 2360 CAMPBELL CREEK BOULEVARD, SUITE 525 RICHARDSON, TX 75082

BRIEFING SESSION: 6:00 P.M. Prior to the business meeting, the Zoning Board of Adjustment will meet with staff in Multipurpose Room #CH 157 to receive a briefing on:

A. Briefing of Regular Agenda Items

REGULAR BUSINESS MEETING: 6:30 P.M. - MULTIPURPOSE ROOM #CH 157

MINUTES

1. Approval of minutes of the regular business meeting of May 15, 2024.

PUBLIC HEARING

2. V 24-05 - A request for the following variance from Richardson's Code of Ordinances: Ordinance No. 2360-A Sec. 2(E)(1) to allow a 4-foot variance to the 20-foot front yard setback along E. Spring Valley Road, to accommodate the construction of a new structure on property located at 701 Rams Court, being the southeast corner of E. Spring Valley Road and Rams Court and zoned R-1100-M Residential.

ADJOURN

I HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT RICHARDSON CITY HALL ON OR BEFORE 5:30 P.M. FRIDAY, JULY 12, 2024.

NORMA MENDOZA, ADMINISTRATIVE SECRETARY DEVELOPMENT SERVICES

ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST 48 HOURS PRIOR TO THE MEETING BY CONTACTING THE ADA COORDINATOR, LOCATED AT 2360 CAMPBELL CREEK BLVD, SUITE 550, RICHARDSON, TX 75082, VIA PHONE AT (972) 744-4168 OR VIA EMAIL AT ADACOORDINATOR@COR.GOV.

PURSUANT TO SECTION 46.03, PENAL CODE (PLACES WEAPONS PROHIBITED), A PERSON MAY NOT CARRY A FIREARM OR OTHER WEAPON ON THIS PROPERTY. *

FOR THE PURPOSE OF THIS NOTICE "PROPERTY" SHALL MEAN THE RICHARDSON ROOM AND/OR COUNCIL CHAMBERS OR ANY OTHER ROOM WHERE A MEETING SUBJECT TO AN OPEN MEETING UNDER GOVERNMENT CODE CHAPTER 551 OF THE RICHARDSON CITY PLAN COMMISSION IS HELD.

Agenda Item 1

Approval of the minutes of the May 15, 2024 Zoning Board of Adjustment Meeting

CITY OF RICHARDSON ZONING BOARD OF ADJUSTMENT MINUTES MAY 15, 2024

The Zoning Board of Adjustment met on Wednesday, May 15, 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 Lisa Kupfer, Member Moosa Madha, Alternate Mohamed Hafeez, Alternate

MEMBERS ABSENT: Phil Thames, Member

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

<u>Opening comments:</u> 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 MARCH 20, 2024.

Motion: Member Madha made a motion to approve the minutes as presented. Member Kupfer seconded the motion. Motion passed 5-0.

PUBLIC HEARING

2. V 24-03 - 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(g) for a 3-foot variance to the required 25-foot rear setback to accommodate the attachment of an existing detached garage on the property located at 2023 Sandy Trail and zoned R-1100-M Residential.

Ms. Derica Peters began by stating the request is to enclose an approximately 380-square foot area, however in doing so, the garage would become part of the primary structure and therefore must meet the required setbacks for the primary structure, including the rear setback. The garage meets the current requirement for a detached structure, which is 18 inches when it backs up to an alley.

Approximately 12-square feet of the existing garage would encroach in the new setback if this structure became part of the primary structure. Ms. Peters shared that the applicant has stated her hardship is related to the presence of an alley in both the rear and side of her property, and the interior side lot line is shorter that the other side lot line, making the rear setback skewed, which creates the encroachment issue on one side of the garage. In conclusion, Ms. Peters stated that 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 advised that all properties within 200 feet were notified, and the applicant received seven (7) letters of support from her surrounding neighbors and was available for any questions.

Chairman Lemons asked if any of the Board members had questions for Ms. Peters, with no questions for staff, Chairman Lemons asked the applicant to come forward and present the request.

Ms. Jennie Fuller, 2023 Sandy Trail, Richardson, Texas, property owner indicated she is requesting to enclose her patio to attach it to the garage for direct entrance into her home. She indicated there are dangers, including coyotes, bobcats, and random people roaming her neighborhood, that contribute to reasons for her request to enclose her garage. Also, she thought the existing encroachment could qualify as being grandfathered in.

Ms. Peters responded that the request does not qualify because it is detached, and there are different standards for detached garages.

Member Kupfer asked to clarify that the applicant is walking through her back door to the garage and not all the way around her house.

Ms. Fuller replied she walks through the back door to the garage.

With no further questions for the applicant, Chairman Lemons invited those wanting to speak in favor or opposition to come forward.

Mr. Gary Younkin, 2030 Caprock Drive, stated he lives across the street from subject property and is in favor of the request.

Chairman Lemons commented that the applicant questioned whether the setback issue was grandfathered and wanted to confirm with staff that there is a different set of rules regarding detached garages, and once the original detached dwelling is attached, then the home becomes an integrated unit that invokes the general setback rules.

Ms. Peters confirmed yes, by making the modification the applicant is no longer allowed those grandfathered rights that may have been there, so the general setback line rule would be invoked.

Member Sturman commented that the property looks curved in the front, therefore it cannot be parallel in the back, however it does appear that the topography of the land makes a hardship.

With no further speakers, Chairman Lemons closed the public hearing and asked the Board if there were any further questions or a motion.

BOARD ACTION

Motion: Member Sturman made a motion to approve the request for the variance as presented. Member Rooker seconded the motion. Motion passes 4-1. Opposed by Member Kupfer.

3. V 24-04 - A request for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article XXIII-A, Sec. 1(a)(7) and Sec. 1(b)(7) to allow five (5) temporary accessory buildings in lieu of the maximum of three (3) temporary accessory buildings for the property located at 1301 Custer Road, on the west side of Custer Road between Malden Drive and Lowell Lane, being approximately 11.6 acres, and zoned R-1100-M Residential.

Mr. Chavez explained the use is considered a public building and is allowed by right, and the buildings will meet all development regulations for temporary accessory buildings with regards to height, setbacks, and separation. The request is for two (2) variances which will allow them to make application under two (2) sections of the same article; one (1) a temporary use permit that would allow the buildings for a maximum of one year and two (2) a temporary use permit for a maximum of two (2) years. The two (2) year use permit would require approval by City Council. It is staff's opinion that although a physical property hardship does not exist, the proposal alleviates health, safety, and welfare impacts on the Northrich Elementary community and is not contrary to the public interest and should be approved.

Chairman Lemons asked to clarify if the maximum duration of one year can be approved by the Board, and two years would require City Council approval.

Mr. Chavez answered, no. The Board is charged with recommending either approval or denial of the variance to allow 5 portable buildings in lieu of 3 portable buildings. The actual approval of those permits is either through Building Inspections for a maximum of one year, or by City Council for maximum of two years.

Chairman Lemons asked if the applicant could appeal to the Council if a longer time is needed.

Mr. Chavez responded yes.

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

James Watson, Richardson ISD, 400 S. Greenville Avenue, presented a rendering of the portables and explained these are a temporary solution in their expansion. They anticipate having a one (1) year request approved due to the entire building getting renovated with extensive phasing which will span a full school year. He concluded by saying that the District thinks this plan will provide the most safe and reliable solution for their students and staff for the 2024-2025 school year and the portable buildings will be removed before the start of the 2025-2026 school year.

Chairman Lemons asked the applicant to explain how much longer the construction will need to continue if they were limited to three (3) structures.

Richardson Zoning Board of Adjustment May 15, 2024

1

Mr. Watson replied 15 months of construction, instead of 12 months.

With no further questions for the applicant, Chairman Lemons invited those wanting to speak in favor or opposition to come forward.

Laura Keller, 528 Malden Drive, said her concern is the lack of crossing guards on Malden Drive. She said it is not safe for the children when cars are in no parking zones and people are everywhere.

Chairman Lemons asked Ms. Keller if she had any issues with the request of having five (5) portable buildings instead of three (3).

Ms. Keller returned to the podium to state she had a better understanding of the request after Mr. Watson explained that the use of the portables were a temporary solution for the renovation.

Chairman Lemons stated the safety issue goes beyond the purview of the Board.

Betty Ann Howell, 513 Lowell Lane, asked if students would be utilizing both the main building and the portables and if daily release from the portables would take them through the school and out the front or through the side door where they currently have pickup scheduled on Lowell Lane.

Mr. Watson responded yes. They will continue with the current procedures for arrival and dismissal. There will be no additional plans for egress other than from an emergency standpoint. He explained the planned renovation of the school was included with the approved 2021 Bond Program.

With no further questions for applicant, Chairman Lemons closed the public hearing and asked the Board for further dialogue or a motion.

BOARD ACTION

Motion: Member Madha made a motion to approve the request for the variance as presented. Member Kupfer seconded the motion. Motion passes 5-0.

With no further business, the meeting was adjourned at 7:04 p.m.

Jason Lemons, Chairman Zoning Board of Adjustment

Agenda Item 2

Variance 24-05: 701 Rams Court

ZBA File V 24-05

Attachments:

- 1. Staff Report
- 2. Aerial Map
- 3. Variance Exhibit
- 4. Site Photos
- 5. Application
- 6. DMN Public Hearing Notice
- 7. Notice of Public Hearing and Map
- 8. Notification List





TO: Zoning Board of Adjustment

FROM: Derica Peters, AICP, Senior Planner \mathcal{DP}

DATE: July 17, 2024

RE: V 24-05: 701 Rams Court

REQUESTED VARIANCES

A request for the following variance from Richardson's Code of Ordinances: Ordinance No. 2360-A Sec. 2(E)(1) to allow a 4-foot variance to the 20-foot front yard setback along E. Spring Valley Road, to accommodate the construction of a new structure on property located at 701 Rams Court, being the southeast corner of E. Spring Valley Road and Rams Court and zoned R-1100-M Residential.

APPLICANT/PROPERTY OWNERS

Ahmed Taha

EXISTING ZONING

R-1100-M Residential

SURROUNDING LAND USE

North: Institutional/Church East/South/West: Residential

STAFF COMMENTS

In 1983, the subject property was platted in the Greenmeadow Addition and rezoned as R-1100-M Residential District with Special Conditions per Ordinance 2360-A. Since that time the neighborhood has developed with single-family homes in a "zero-lot-line" development style and the subject property is the sole remaining undeveloped lot in the subdivision.

The ordinance allows for a building to be built on the property line on one side, or as the ordinance states, "zero side yard", provided this side of the structure contains no openings, appendages, or overhangs with a minimum separation of ten (10) feet between the walls of all buildings.

The variance request is to allow a 4-foot encroachment into the 20-foot setback along E. Spring Valley Road for a proposed 2-story home. The applicant purchased this property with the

understanding that they would be able to build a zero-lot line home. The neighboring structure's north building wall is setback ten (10) feet from the subject property.

In order to build on the property line, the builder needs access from the adjacent lot to construct the home, however, the applicant is not being provided access by the property owner. Since they do not have the option of building the home on the lot line as intended, they are proposing to shift the house approximately four (4) feet north of the south property line, thus creating an encroachment along E. Spring Valley Road. The applicant intends to meet all other required setbacks in the Ordinance, including a 20-foot rear setback and 10-foot minimum building separation.

Although the zoning appears to have been created with the intent of producing a "zero-lot-line" development, certain provisions were not included that and can therefore not be enforced, such as construction easements between lot lines, or a provision that states the structures "shall" be built on the property line.

The applicant has identified the property hardship is related to the inability to access the neighboring property to build on the property line. The applicant has reported they have tried to resolve this with their neighbor but cannot reached an agreement.

TECHNICAL RECOMMENDATION

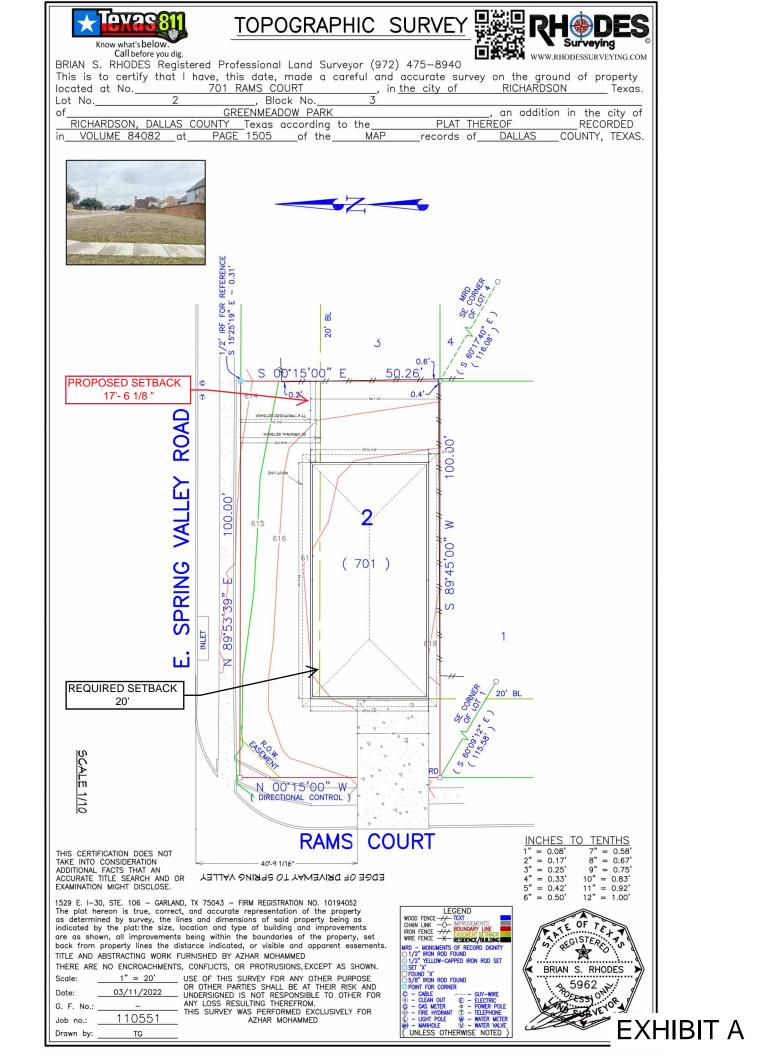
<u>Variance Request</u>: Based on the information provided by the applicant, applicable codes, and ordinances, it is staff's opinion that a physical property hardship <u>does not exist</u>, and the request should therefore be denied.



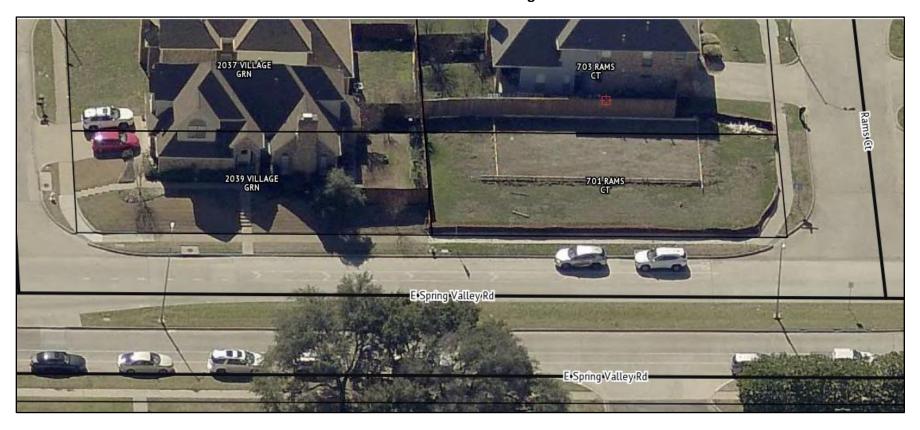
V 24-05 Aerial Map Variance 701 Rams Ct.

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





V 24-05 Site Aerial Image



For Department Use Only			
Date Received:	Fee Paid:	Accepted by:	



Board of Adjustment Variance or Appeal Application

City of Richardson, Texas

Development Services Department 411 W. Arapaho Road, Suite 204 Richardson, Texas 75080 Phone: 972-744-4240

Fax: 972-744-5804

Note: Pre-submittal meeting required with staff before application can be submitted.

Please answer the following pre-qualifying questions:

- 1. Have you filed an appeal or variance on this property within the last six (6) months? (If yes, six (6) month waiting period required on same variance for the property.)
- 2. Have you applied for a building permit (applicable to residential property only)? (If no, please speak with the Building Inspection Department prior to submitting the variance request.)

Applicant	4 (1)	Property Owner
	Signature	Alla III
	Printed Name	Ahmed Taha
	Company Name	Marawarti LLC
	Mailing Address	418 Fieldwood Dr.
	City, State, ZIP	Richardson, TX 75081
	Telephone Number	214 437 3012
	Email Address	ahmedtaha07@gmail.com
Property Information	Way to Kar	

Property Information	
Address of Subject Property	701 Rams Ct. Richardson, TX 75081
Legal Description	GREENMEADOW PARK REP, BLK 3 LOT 2
Existing Zoning and Ordinance	https://www.cor.net/Home/ShowDocument?id=894
Requested Variance	request the city's permission to construct the house with a 3-foot setbacks

Submittal Requirements

- Completed Application Form
- Completed Board of Adjustment Variance Checklist
- Building Permit Denial Letter
- Applicant's Statement (Completely describe the variance you are requesting and give the reason for the hardship and justification for the variance.)
- Twelve (12) copies of reproducible plans to support the application (fold if 24" x 36").
- Filing fee: Residential = \$250.00, Non-residential = \$325.00

Board of Adjustment Variance Checklist		
Does a hardship exist? If so, explain below.	Yes	No
Will literal enforcement of the ordinance result in an unnecessary hardhip? If so, explain below.	Yes	No
plans in terms of size, which is compliant with zoning requirements, it would lead to units the condition unique to the property requesting the variance and not common to other properties in the area? If so, explain below.	necessary har	dship No
Is the need for the variance created by the applicant? If so, explain below.	Yes	No
Is the hardship only financial? If so, explain below.	Yes	No
the current plans. Will granting of the variance be contrary to the public's interests and will it impact the public health, safety, and welfare? If so, explain below.	Yes	No

Applicant Narrative:

Does a hardship exist? If so, explain below.

Brief Background:

Several weeks ago, after the issuance of the building permit, we embarked on a construction project at the 701 Rams Court lot. Despite our diligent efforts to comply with the city's zoning regulations and our substantial investment of time and financial resources, we have encountered an unforeseen and considerable hardship.

In 2021, engineering plans for a house on this lot were submitted to the City of Richardson. After more than 24 months of meticulous revisions, a building permit was finally issued in January 2024. Throughout this period, we invested over \$20,000 to ensure our architectural drawings met all specified requirements, undergoing multiple review cycles to refine our building plans in strict adherence to the code.

The lot is zoned for zero-lot-line construction, and our plans were developed in compliance with this regulation. However, during the long review process, we were not informed that zero-lot-line zoning is conditional and subject to the approval of adjacent property owners.

After officially starting the construction phase and completing the laying of the foundation piers, we were preparing to pour the foundation slab when we encountered an unexpected challenge. We notified our neighbor of the impending construction. Initially, they consented to the proximity of the new structure. Regrettably, they later rescinded their permission, expressing concerns about the wall's closeness to their property. We endeavored to explain the neighborhood's zoning and construction norms, citing similar structures nearby, but our efforts did not persuade them. If we had been advised early on by the city inspection department that erecting the wall so close to the property line was conditional and dependent on the approval of the adjacent neighbor's consent, we would have taken precautions at the beginning of the project to protect ourselves and avoid such a situation. Please also keep in mind that the concept of zero lot is applied throughout the entire neighborhood, and this type of construction is common in the area.

Subsequently, we approached the city's building department to request permission to shift our construction by three feet from the neighbor's wall. We were informed that such a change would require us to seek a variance through the city council or we need to restart the entire planning process for a smaller home.

This unexpected stipulation poses a significant burden on our project, threatening substantial losses in both time and cost. At this advanced stage, the prospect of revising the already approved plans is not only daunting but will also undoubtedly incur significant additional costs and delays. Such changes would be very challenging to accommodate and would certainly result in the project failing to meet its expected objectives.

In conclusion, given our strict adherence to zoning regulations and the substantial efforts made to comply with city codes, we believe this situation constitutes a hardship.



Order Confirmation / Invoice

Customer: CITY OF RICHARDSON **Customer Account:** 100010162 **CPN 9404** 0001873475 Ad Order #: PO Number:

David Ferster David Ferster Order Taker: Sales Rep:

\$537.42 **Tax Amount:** \$0.00 **Total Amount:** \$537.42 **Net Amount:**

\$537.42 **Payment Method:** Check/Money Order **Payment Amount:** \$0.00 **Amount Due:**

0001873475 Ad Order #:

0001873475-01 Ad Number:

Ad Size: 3 X 53.00 Li Color:

Ad Content

City of Richardson Public Hearing Notice

An application has been received by the City of Richardson for a: VARIANCE REQUEST

File No. V 24-05
Property Owner/Applicant: Ahmed Taha
Location: (See map on reverse side)
Request: V 24-05, a request for the following variance from
Richardson's Code of Ordinances: Ordinance No. 2360-A
Sec. 2(E)(1) to allow a 4-foot variance to the 20-foot front
yard setback along E. Spring Valley Road, to
accommodate the construction of a new structure on
property located at 701 Rams Court, being the southeast
corner of E. Spring Valley Road and Rams Court and
zoned R-1100-M Residential.

The Zoning Board of Adjustment will consider this request at a public hearing on:

WEDNESDAY, JULY 17, 2024 6:30 p.m. Richardson City Hall 2360 Campbell Creek Boulevard, Suite 525 Richardson, TX 75082

This notice has been sent to all owners of real property within 200 feet of the request; as such ownership appears on the last approved city tax roll.

Process for Public Input: Individuals attending the meeting will be allocated a maximum of 3 minutes each to address the Board to express whether they are in favor or opposed to the request.

Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75092

Agenda: The Zoning Board of Adjustment agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: http://www.cor.net/index.aspx?page=1332

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Variance Number V 24-05.

Date Posted and Mailed: July 5, 2024

Run Dates Product

Publish Date: 07/09/2024 Stop Date: 07/09/2024 Dallas Morning News Publish Date: 07/09/2024 Stop Date: 07/15/2024 DallasNews.com

Placement/Classification - Position

Legals Bids Notices - LN Legal Notices Legals Bids Notices - LN Legal Notices

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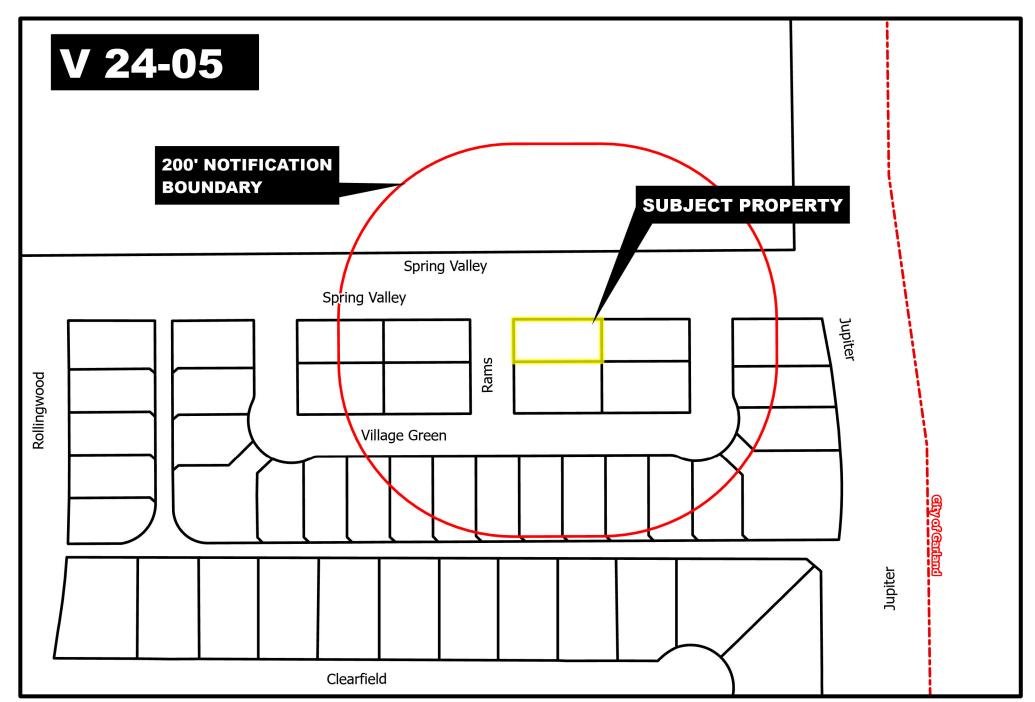
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Date Posted and Mailed: July 5, 2024



V 24-05 Notification Map Variance 701 Rams Ct.

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



SJCPR RC KOHLER ROBERT P III &LYDIA **NGUYEN TRONG 600 S JUPITER RD** 2039 VILLAGE GRN 2037 VILLAGE GREEN RICHARDSON, TX 75081 RICHARDSON, TX 75081 RICHARDSON, TX 75081 MARAWARTI LLC HAQUE MD Z & **GULILAT MERON G** 418 FIELDWOOD DR **CHOWDHURY SHAHANAJ** 702 RAMS CT **RICHARDSON, TX 750815532** 703 RAMS CT RICHARDSON, TX 75081 RICHARDSON, TX 75081 **ROLLERSON CARLA M** NGUYEN PHUC &THUY THANH LE **AYALEW YOHANNES** 2017 VILLAGE GRN 2001 VILLAGE GRN 2003 VILLAGE GRN RICHARDSON, TX 75081 RICHARDSON, TX 75081 RICHARDSON, TX 75081 GIBSON ELIZABETH A PIERCE ALBERT & COLLETA DO TINA HONG 1809 EDGEWATER DR 4801 E PARKER RD 2038 VILLAGE GRN PLANO, TX 75075 RICHARDSON, TX 75081 ALLEN, TX 75002 MUNDO DE MILAGRO Y FE **BELLONE LAURA E** CHIU WEN I & MEI YU 2032 VILLAGE GRN 2026 VILLAGE GRN 11660 PLANO RD **RICHARDSON, TX 750815478** RICHARDSON, TX 75081 DALLAS, TX 752435216 PHAM ROBERT & LINDA **GORMAN RICHARD J** JOINER JEAN C 2022 VILLAGE GREEN 2020 VILLAGE GRN 2018 VILLAGE GREEN RICHARDSON, TX 75081 RICHARDSON, TX 75081 RICHARDSON, TX 75081 ALI MUHSEN T & ABBOOD ZAYNA LE TUYET ADEGBUYI BIOLA A 2016 VILLAGE GRN PO BOX 850142 2028 VILLAGE GRN RICHARDSON, TX 75081 **RICHARDSON, TX 750850142** RICHARDSON, TX 75081

MEZA TERESA ESPINOSA 2030 VILLAGE GRN **RICHARDSON, TX 750815478**

Ahmed Taha 418 Fieldwood Dr Richardson, TX 75081 V 24-05