

**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

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 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 than 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.

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