

**CITY OF RICHARDSON
ZONING BOARD OF ADJUSTMENT MINUTES
JULY 17, 2024**

The Zoning Board of Adjustment met on Wednesday, July 17, 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
Phil Thames, Member
Lisa Kupfer, Member
Moosa Madha, Alternate
Mohamed Hafeez, Alternate

MEMBERS ABSENT: Brent Sturman, 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 MAY 15, 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 24-05 -** 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.

Ms. Derica Peters stated this development was platted and rezoned in 1983 with special conditions that included a provision that allowed for structure to be built on the side property line. However, the applicant has been unable to reach an agreement with the adjacent property owner to have access to the adjacent property to construct the home. The applicant revised his plans to shift the

house four (4) feet to the north and, therefore they would be encroaching on the required twenty (20) foot setback along E. Spring Valley Road. The applicant explained the hardship is due to the inability to access the neighboring property to build on the property line.

In conclusion, Ms. Peters stated that based on the information provided by the applicant, the applicable codes, and ordinances, it is Staff's opinion that a physical property hardship does not exist on the property and the request should be denied. No correspondence has been received for this request and was available for any questions from the Board.

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

Mr. Ahmed Taha, 418 Fieldwood Dr, Richardson, TX, property owner stated that no house could be constructed on the lot due to the inability to get access from the adjacent neighbor and the Building Inspection Department informed him that a brick wall needed to be constructed along the south property line.

Chairman Lemons asked if he could give more detail on the conversations with his neighbor regarding the specific rationale for not allowing access to their property.

Mr. Taha responded that the neighbor initially agreed; however, he withdrew consent.

Member Kupfer asked the applicant if the neighbor gave a reason by declining access.

Mr. Taha responded the neighbor did not want a brick wall constructed that close to his property.

Member Thames asked if it was the brick wall or the wall of the house.

Mr. Taha responded the brick wall.

Member Thames asked if the builder was going to remove the existing fence to rebuild a new one.

Mr. Taha responded they offered to replace the entire fence however the neighbor still declined.

Member Rooker asked if he offered any monetary compensation for damages to the neighbor's property if allowed access to construct the wall.

Mr. Taha responded no because the neighbor's concern is with the brick wall.

Member Rooker asked if the wall would be constructed on his property and if would he need to access it from both sides.

Mr. Taha responded yes.

Mr. Sam Chavez read from the Ordinance which stated a building may be constructed on the property line on one side provided it contains no openings, appendages, or overhangs and there

shall be minimum separation of ten (10) feet between the walls of the building. A masonry wall, at least seven (7) feet in height, shall be constructed from the front building line of each building along the property line to a point of intersection with the six (6) foot driveway easement or to the rear property line.

Chairman Lemons asked if Lot 1 is supposed to have a wall.

Mr. Chavez confirmed a masonry brick wall must be is constructed from the rear wall of the building to the rear property line to complete that section of a brick wall. The Building Inspection Department informed the applicant that he needed to build a freestanding wall if the building is not constructed on the property line.

Member Thames asked if a wall is required if they shift the house off the property line.

Mr. Chavez responded yes. If the structure was on the zero-lot line side, the wall of the building would represent the 7-foot-tall wall.

Member Kupfer asked for clarification if the required wall is a free-standing wall.

Mr. Chavez clarified it's a free-standing, brick fence.

Member Rooker asked if there is a way to get a variance for the wall and not build it.

Mr. Taha stated he has not received clarification on this.

Chairman Lemons suggested staff provide a survey of the other properties in the subdivision just to see what they've done. It sounds like it may have been something that has not been enforced.

Member Madha said without a variance, no home could be built on this lot and be in compliance.

Chairman Lemons asked the applicant if he has had the chance to talk to any of the other neighbors.

Mr. Taha explained he doesn't know if that would help with this problem. This would not be an issue if the City had the authority to grant a temporary construction easement.

Member Hafeez asked why the Building Inspection Department was emphasizing the brick wall requirement if many of the other lots don't have a brick wall.

Mr. Chavez responded it may be because every other home in that subdivision other than the subject lot is constructed on the property line.

Member Rooker indicated he is curious to know if many of these homes do not have a seven-foot brick wall and possibly not enforced in the 1980s.

Mr. Chavez stated we don't know the uniformity of the enforcement for the brick wall and recommended they table the item to allow staff to further survey the subdivision.

Member Rooker suggested they may find the other homes have a wood fence instead. He said it may depend on when it was developed and if the City enforced the requirement for the brick wall.

Mr. Chavez described how they may still construct a brick wall from the interior on Lot 2 without the need to access Lot 1.

Mr. Chavez responded that's correct.

Member Thames asked for clarity on the section requiring 10-feet of building separation.

Mr. Chavez replied there's a minimum of 10 feet of separation between structures to meet other code requirements, and this does not serve as an easement.

Member Kupfer asked if another home in this neighborhood were damaged and would need to be accessed from the adjacent property, could the homeowner run into this same problem.

Member Thames confirmed they could.

Mr. Chavez stated staff will survey other homes to see how the requirement was applied. The Board cannot grant a variance to waive the requirement for the wall, but it doesn't have to be constructed on the property line. Also, the adjacent neighbor's fence line appears to encroach into the subject site, which is shown on the survey and in a note from the surveyor. Portions of that fence may need to come down anyway once this property is developed.

Member Rooker asked how much access the builder would need during construction.

Mr. Taha answered with thirty (30) inches.

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

BOARD ACTION

Motion: Member Thames made a motion to continue the case to the August 21, 2024, meeting. Member Hafeez seconded the motion. Motion passed 5-0.

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

Jason Lemons, Chairman
Zoning Board of Adjustment