

Zoning Board of Adjustment Agenda Packet October 16, 2024

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AGENDA

**CITY OF RICHARDSON – ZONING BOARD OF ADJUSTMENT
WEDNESDAY, OCTOBER 16, 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 meetings of [August 21, 2024](#) and [September 18, 2024](#).**

PUBLIC HEARING

2. **(WITHDRAWN) V 24-05** (*continued from July 17, 2024*), a request for the following variance from Richardson’s Code of Ordinances: Ordinance No. 2360-A Sec. 2(E)(1) to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.
3. **SE 24-03**, a request for a special exception to Chapter 6, Article IV of the City of Richardson’s Code of Ordinances: Sec. 6-209 to allow 10-foot-tall wooden fences to be located along the rear and side property lines for properties located at 1109 and 1110 Glenfield Court, and 1108 and 1111 Chapel Creek Court. The properties are zoned R-1500-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, OCTOBER 11, 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 August 21, 2024
and September 18, 2024, Zoning Board of Adjustment Meetings

**CITY OF RICHARDSON
ZONING BOARD OF ADJUSTMENT MINUTES
AUGUST 21, 2024**

The Zoning Board of Adjustment met on Wednesday, August 21, 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, Member
Moosa Madha, Alternate
Mohamed Hafeez, Alternate

MEMBERS ABSENT: None

CITY STAFF PRESENT: Sam Chavez, Director of Development Services
Derica Peters, Senior Planner
Amber Pollan, 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 JULY 17, 2024.

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

PUBLIC HEARING

- 2. SE 24-02,** a request for a special exception to Chapter 6, Article IV of the City of Richardson's Code of Ordinances: Sec. 6-210 (4) to allow an 8-foot-tall tubular metal fence to be located between the front property lines and the front wall of a building along E. Renner Road and Shiloh Road. The property is located at 3000 E. Renner Road, being the southeast corner of E. Renner Road and Shiloh Road and zoned I-FP (1) Industrial.

Ms. Peters stated the applicant is Collins Aerospace seeking approval of an eight-foot-tall tubular metal fence to be located between the front property lines and the front wall of the building along East Renner Road and Shiloh Road. The property is zoned industrial floodplain one and that ordinance includes special conditions that enacted a minimum forty-foot front yard setback along Shiloh and Renner Road and allows fencing, parking, security buildings and antennas to be located within that setback, however, it does not indicate the required height of the fencing. The Richardson Code of Ordinances states when a fence is in the front yard it may not exceed four feet, so the applicant is requesting eight feet around the perimeter of the site.

Ms. Peters further stated that applicant has indicated they need additional security and fencing to meet mandatory security requirements set forth by the US government. Based on the information provided by the applicant and applicable codes and ordinances, it is staff's opinion that the applicant's request is not contrary to public safety. Ms. Peters stated that no correspondence has been received regarding the request.

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

Mike McCoy, 2906 N. Sunbeck Circle, Farmers Branch, began by stating he is the architect for Collins Aerospace and that they are making several improvements to the building, however, the primary reason for the request is called security in depth, a requirement of the federal government to produce products that are top-secret in nature at this facility.

Lesley Mullan, Facilities Manager, 3200 Renner Road, introduced themselves and was also available for questions.

Chairman Lemons asked the applicant if this a new regulation regarding the height or is it just something that they are trying to get in compliance.

Ms. Mullan responded they are trying to comply like their other locations at City Line, where they do similar type of work and have similar security infrastructure.

Member Thames stated the reference to the city ordinance, Sec. 6-210 has two components, one being the four-foot height and the other is a reference to a fifty percent minimum through vision; he asked if the eight-foot height is all they are voting on.

Mr. McCoy replied that is correct, that the fence will meet vision requirements because the iron rods are spaced approximately four to six inches.

With no further speakers, Chairman Lemons closed the public hearing and asked the Board for comments or motions.

Member Thames stated Shiloh and Renner is a significant intersection and asked if the City made the determination that there are no public safety issues, like a line-of sight issue.

Ms. Peters responded yes, the applicant must comply with the site visibility triangle requirements, so that may result in a sharper angle or chamfer there at the corners.

Member Thames confirmed that they would not need to include this information in their vote.

Ms. Peters confirmed they would not need to mention the line-of-sight requirements.

BOARD ACTION

Motion: Member Kupfer made a motion to approve **SE 24-02**, a request for a special exception to Chapter 6, Article IV of the City of Richardson's Code of Ordinances: Sec. 6-210 (4) to allow an 8-foot-tall tubular metal fence to be located between the front property lines and the front wall of a building along E. Renner Road and Shiloh Road. Member Sturman seconded the motion. Motion passed 5-0.

- 3. V 24-05 (continued from July 17, 2024)**, 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 V 24-05 is a continuation from the July 17, 2024, Zoning Board of Adjustment meeting which is a request to allow a four-foot variance to the twenty-foot front yard setback along East Spring Valley Road.

Ms. Peters refreshed the ZBA on the details of the request and explained City staff has reviewed historical buildings and fence permits to see where the masonry screening fences were constructed in the neighborhood, however staff was unable to find any consistent information on how that had been enforced. The seven-foot masonry wall will still be required at this property and Exhibit A and B show the two options the applicant will have in the location to construct the screening wall.

In conclusion, Ms. Peters stated that based on the information provided by the applicant, applicable codes and ordinances and the characteristics of the property, it is Staff's opinion a physical hardship does not exist, and the request therefore should be denied. Ms. Peters indicated this to be a continuation and public notice was not re-issued and no correspondence has ever been received as response to this request; in addition, the applicant was out of state and unable to attend this meeting.

Chairman Lemons began by reiterating the city is providing two options regarding the masonry wall and the applicant is still requesting an encroachment on the setback line to the north.

Ms. Peters responded that is correct.

With no further questions for staff or speakers in favor or against of the variance request, Chairman Lemons closed the public hearing and asked the Board for comments, questions, or motions.

Member Rooker asked if applicant could reapply if the request was denied.

Mr. Chavez responded yes, but there is a time frame.

Member Rooker commented about the issue of uniformity within the neighborhood. The Board had asked the applicant previously to go back out and survey the neighborhood to try to figure out who's in compliance, who's not, and if it had ever been enforced by the city.

Member Kupfer suggested that by the Board issuing a decision, they could be potentially overstepping and taking away a remedy that applicant would have outside of this Board like a civil suit.

Member Thames responded the Board is being asked to make a variance based on the setback and on inability to access the property to construct the house and the wall is just a collateral thing that they found in the ordinance for that plot of land. This is a private matter between two property owners and if it is denied it will at least force the two property owners to reach some kind of agreement, rather than bringing it to the Board to sort it out.

Member Kupfer stated that if the request is granted, then what could be a broader issue is not being resolved and will keep coming back before them. She suggested this case may fall outside the Board's scope and it's not necessarily their responsibility to remedy since it has not been enforced in the past.

Chairman Lemons stated the applicant could defer to a title attorney and seek a declaratory judgment that could give him latitude regarding his rights to make improvements on his own land with temporary access to the land of another.

Member Madha stated the applicant had already spoken to his neighbor and they were not willing to give him access to their property for construction because it would impose on their view. If they were to grant a variance, could the Board condition the approval to build in line with the neighborhood.

Mr. Chavez stated it would not make any difference because this variance grants them the ability to encroach into that front yard setback but wouldn't preclude them from building it back to the original required location. There is one option outside of a variance, and that is for the applicant to petition the City Plan Commission and ultimately City Council to amend the zoning on the property to relieve them of that setback.

Chairman Lemon asked if that amendment would only be attached to this lot.

Mr. Chavez responded yes, if the variance is denied he has that option and the process takes anywhere from sixty to ninety days, however the application alone is \$2,500 and a Planned Development District would need to be created or this Planned Development District would need amending.

Member Sturman asked if he could just build it three feet smaller.

Mr. Chavez stated that is the other option and explained that all the perimeter lots have that seven-foot-tall masonry wall, but this is the last lot to be constructed and the adjoining neighbor is not cooperative.

Member Thames reported that they determined at the last meeting that the ordinance allows the wall of the home to serve as a part of that masonry wall.

Mr. Chavez responded yes, that was the original intent.

Member Rooker asked about the neighboring property that has a fence that does not comply with that same setback and the fence is substantially further than the building.

Mr. Chavez stated the twenty-foot setback only applies to the structure not the fence.

Member Rooker responded that if they're worried about public safety, there would be a visibility issue with that fence that appears to be further than what this variance structure would allow.

Chairman Lemons stated with him not being present at the meetings, they cannot discuss options and asked if a continuance would be a better avenue.

Mr. Chavez responded a continuance is an option to give more time to look at reducing the structure, however he has to have a two-car garage.

Member Thames asked if he could add a third story.

Mr. Chavez responded no.

Chairman Lemons asked how much extra time a denial would add compared to just a continuance.

Mr. Chavez responded a continuance gives him another thirty days and Ms. Peters could have a conversation with the applicant about reducing the width of the structure, but it would not make sense because reducing the structure to meet the setback along Spring Valley when he still cannot get to the property line on the south end. Mr. Chavez stated he received an e-mail from the applicant saying that his contractor reached out to the adjacent property owner about constructing the prefab screening wall and the seven-foot masonry wall, but the neighbor said no.

Member Madha asked the applicant could withdraw from the application and go through the CPC.

Mr. Chavez replied that the applicant can withdraw the application at any time.

Member Madha asked if the applicant withdrew his application would it start a ninety-day period with the CPC.

Mr. Chavez responded that is correct.

Chairman Lemons asked if the request is denied would his only recourse be to appeal to District Court but then closes the door to CPC review.

Mr. Chavez responded if you recommend a denial, yes. If the action taken by the board is to deny the case and he appeals, he won't be able to follow pursue a zoning case for this piece of property because litigation with the City is underway.

Member Thames stated the subdivision has completely been built out as intended except for this last piece that did not get built. He asked if there is anything in the original zoning definitions or legally, that says the next-door neighbor should have known that there could be a home built there and could only be built with access provided to his property.

Mr. Chavez replied there is no language in the ordinance requiring a three-foot-wide maintenance easement be on the opposing lot; the plat does not have easements on it, and it is unfortunate there is an uncooperative neighbor knowing what the impact will be.

Mr. Chavez recommended to continue the case because it gives the applicant the option to attempt to meet the required setback and come back to the September 18th meeting to explain his rationale

for not being able to reduce the width of the structure, or to withdraw and seek a zoning amendment.

Member Kupfer asked if there anything they can do to get the neighbor to attend the meeting.

Mr. Chavez replied that the Building and Standards Commission can subpoena and call witnesses; however, the Board is not acting in that role.

Member Madha asked if someone else in this neighborhood had roof damage and wanted to do repairs but needed access to the neighbor's yard, would they have any recourse?

Mr. Chavez responded they may be in the same situation unless they developed a neighborhood friendship among themselves.

Member Madha stated the neighborhood seems to have more issues that just this one house.

Member Rooker asked if this neighborhood is in an HOA.

Mr. Chavez responded that he was not aware of a HOA.

Member Thames made a motion to deny the variance V 24-05. There was no second to this motion, so the motion failed.

Chairman Lemons stated we would entertain a different motion, or it could be discussed further.

Member Kupfer stated she would like to submit a motion to continue this until September 18th so the applicant can be present to answer some additional questions.

BOARD ACTION

Motion: Member Kupfer made a motion to continue the case to the September 18, 2024, meeting. Member Sturman seconded the motion. Motion passed 4-1. Member Thames opposed.

With no further business, the meeting was adjourned at 7:18 p.m.

Jason Lemons, Chairman
Zoning Board of Adjustment

**CITY OF RICHARDSON
ZONING BOARD OF ADJUSTMENT MINUTES
SEPTEMBER 18, 2024**

The Zoning Board of Adjustment met on Wednesday, September 18, 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
Mohamed Hafeez, Alternate

MEMBERS ABSENT: Brent Sturman, Member
Moosa Madha, Alternate

CITY STAFF PRESENT: Charles Goff, Assistant City Manager
Dan Tracy, Assistant Director of Development
Services – Engineering and Development
Amber Pollan, 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 AUGUST 21, 2024.

Chairman Lemons noted an incomplete sentence on page 5 of the minutes. Staff will review and bring back with correction at next meeting.

Motion: Member Thames made a motion to continue approval of the August 21, 2024, minutes until October 16, 2024. Member Kupfer seconded the motion. Motion passed 5-0.

PUBLIC HEARING

2. V 24-05 (continued from July 17, 2024), 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. Pollan indicated the applicant, Ahmed Taha, is out of the country and unable to attend the September meeting. Mr. Ahmed is requesting that his variance request be continued to the October 16, 2024, meeting. He is working on some designs and options that may include information for the Board's consideration.

BOARD ACTION

Motion: Member Rooker made a motion to continue **V 24-05** to the October 16, 2024, Zoning Board of Adjustment meeting. Member Kupfer seconded the motion. Motion passed 5-0.

- V 24-06**, 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)(c) to allow a 5-foot variance to the 15-foot side yard setback to accommodate the replat of a nonconforming property located at 406 S. Cottonwood Drive and zoned R-1100-M Residential.

Ms. Pollan oriented the Board to the site, history, and request. The request for a variance from Appendix A of the Comprehensive Zoning Ordinance to allow for a variance to the 15-foot side yard setback.

The applicant is remodeling the first floor of the home and proposing an addition of a second floor over a portion of the residence. The applicant's request is to extend that second story addition into the required 15-foot side yard setback. The home was originally constructed in 1980 across two lots, Lot 11 and Lot 12. The 15 foot setback requirement is based on the combined lot width. The applicants have indicated that they don't see negative impact to the public health, safety, and welfare. Ms. Pollan agrees that there's not necessarily a safety or health impact with the variance but based on the requirements for a physical property hardship, staff doesn't find that a hardship exists in this case. They would be able to do a second story addition that met the setback of 15 feet of this property line by adjusting the addition's layout. Staff's technical recommendation is that the request be denied. Ms. Pollan indicated she was available to answer any questions.

Chairman Lemons stated the original setback line was compliant and it changed at some point. Nothing that is being done affects the existing dwelling as it is – it is relative to the upper-level proposed addition. Chairman Lemons asked Ms. Pollan for confirmation.

Ms. Pollan responded that's correct.

Chairman Lemons requested clarification that if the north side wall of the addition were moved back by 3 feet, then it would be in conformance, is that right?

Ms. Pollan responded that's correct.

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

Mark Spradling, 406 S Cottonwood Drive, Richardson, TX, 75080. Mr. Spradling began by saying the hardship comes because of the financial investment they made for the drawings, the plans, and the engineering of the foundation to support the second floor. He stated that they have already paid to install the beams based on the proposed layout of the second floor, and so they

would have to scrap that and it would create a big financial loss to start over. The applicant believes it's necessary to have the variance and that the proposed design fits harmoniously with the neighborhood.

Member Kupfer asked the applicant if they understand the Board can consider some financial element to the hardship but can't approve if it's solely financial.

Mr. Spradling responded yes.

Chairman Lemons asked the applicant if they considered moving the upper level back by three (3) feet to bring it in conformance?

Mr. Spradling responded that he considered it, but he can't afford it.

Ms. Kupfer asked if they had spoken to anyone from like Building Services prior to drawing up the plans?

Mr. Spradling responded the architect drew and submitted for the permit and that's when they found out the code changed. This was compliant in 1980 and it changed at some point in time. He purchased the home in 2013.

Chairman Lemons asked if there was anyone else who wished to speak in favor or in opposition of this request.

Mr. Bruce Stahl, lives at 1419 Stagecoach. He asked for clarification on the setback requirements.

Ms. Pollan responded the side yard setback for a residential property in the zone is 15 feet and the home currently sits at 12 feet.

Chairman Lemons stated it's 3-foot difference.

Mr. Stahl stated he does not see any reason why this should not be approved. He is speaking in favor of the request.

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

Member Rooker asked staff if they knew when the code changed?

Ms. Pollan responded no. Based on the building permit records from 1980, it seemed to indicate that it was built at a setback that was compliant with the code at the time.

Member Rooker asked if it was a smaller lot, then the setback requirement would be less?

Amber Pollan responded that's correct. If the lot was less than 80 feet in width, then the minimum side yard setback would be 7 feet. Where lots are 80 feet up to 120 feet in width, then the minimum side set back is 10 feet. Where the lots are greater than 120 feet in width, then the minimum set back is 15 feet. This property's width exceeds 120 feet. That is what puts it into the category of requiring 15 feet. There is variation on side setbacks in the neighborhood based on the lot's width.

Member Rooker asked the for clarification on the Code regarding lots being combined.

Ms. Pollan responded the Code says “where lots are created or combined” to determine the resulting lot width.

Member Rooker asked if the 15’ side yard setback would apply if the lots were not combined yet?

Ms. Pollan responded it would. Both lots are considered in determining the lot width for setbacks.

Member Rooker stated there is a Lot 11 and Lot 12 on the legal description. Shouldn't the review consider Lot 12 only?

Member Thames stated they built on two separate lots since the lots were never combined, but they built one house across the lots.

Ms. Pollan responded that's correct.

Chairman Lemons stated as he was reading through the case, he was looking at the replat as a secondary issue; however, discussing it here, it seems to be to their disadvantage to replat the lot to combine them just because that changes the calculus for the setback line.

Ms. Pollan responded it is a requirement of getting a building permit.

Member Rooker asked for clarification that the City is requiring a lot combination as part of the building permit, but this case is just in reference to a setback variance?

Member Hafeez stated that if Lots 11 and 12 are combined, the foundation slab that went on that property is already combined, correct?

Chairman Lemons stated right now you have two lots, but there's a foundation slab that is on both of those lots.

Member Hafeez stated that since it is already laid out, then would they consider 11 and 12 separately?

Member Thames stated if they are separate, then there is a setback for lot 11 and a setback for lot 12. The combined lots are 144 feet, which is greater than 120 feet, which is where the 15-foot requirement comes in. Taking the lots’ width individually, the side setback is 10 feet for both lots.

Ms. Pollan responded 10 feet is the side setback requirement for a lot less than 120’.

Member Rooker asked City staff about the property being legally non-conforming. If the first floor is modified, does it have to be legally conforming? Does the first floor also need to conform to the setback?

Ms. Pollan responded if they're not modifying the footprint of the building, then the building is considered legally existing, non-conforming. It can be modified internally.

Member Rooker asked if the trigger was modifying an exterior wall?

Ms. Pollan stated yes, it's the addition. Proposing an addition would be expanding a non-conforming building.

Mr. Thames stated that considering just lot 12 there would be no variance required because it has

a 12-foot site setback. Its width is less than 120 feet, in the 80 to 120' range, so a 10-foot setback is required.

Member Rooker stated you would then go to towards the reasoning to approve the variance because the consideration of just lot 12.

Ms. Kupfer asked if is it feasible within the plans to move the second story addition 3 feet and it still be functional?

Chairman Lemons responded it would be functional, but the applicant indicated that creates economic hardship for him. The Board is considering the lot itself - issues with topography or the shape of the lot. However, there is the matter of the replat being considered. There's still a question as to what is truly the setback line because as Mr. Hafeez said, there is a situation where a slab unifies these two lots that have not been unified by a replat. Under the strictest analysis, a 15-foot setback applies. The hardship may be that there is a question as to what the proper setback distance is.

Mr. Thames stated the hardship is that it wasn't replated in 1980 and the lots were not combined. They were allowed to be sold and built on as 2 separate lots.

Chairman Lemons stated one of the jobs of the ZBA is to protect the integrity of the Zoning Ordinance and to be careful about granting variances, especially when there's not specific circumstances with a lot that calls for it.

Member Rooker stated the legislature allowed the Board to entertain economic hardship.

Chairman Lemons indicated there's a formula for it.

Member Rooker stated the legislature allows consideration of economic hardship if it's over 50% of the value.

Mr. Thames asked about the replat process.

Ms. Pollan responded a replat going from two lots to one lot is an administrative process with the Development Services Department. That hasn't taken place yet.

Mr. Thames asked is that an ordinance or what is the legal basis for that?

Ms. Pollan replied it is the requirement of the building permit. Property lines trigger certain building codes for construction. There are certain requirements like fire codes that come into play such as fire separations for separate lots. Ms. Pollan gave the example of a townhome built on a lot line having to have firewalls and separations between units.

Member Thames indicated he is getting specific to homes built on multiple lots. There are dozens of cases throughout Richardson. If someone pulls a building permit and they are on two lots, then they must go through this replatting process even if they were previously unaware of the property's issue?

Mr. Tracy responded correct. Usually, it is caught at the building inspection level when permits are applied for. Like the case here, if they were just doing an interior remodel within the confines of the first story, that would be permitted. Because they're making improvements adding a second

story, that's what establishes the requirement to bring the lot into conformance.

Member Thames then asked when that process happens?

Mr. Tracy responded it has not happened yet, but it should happen prior to their building permit being issued.

Member Thames asked if the Board's determination on this case would impact how this is replatted?

Mr. Tracy responded yes, if they leave the property as it is without an addition, then we don't have to replat. It would stay two lots and still be legally existing nonconforming. If the applicant goes forward with a second story, it would be a requirement of the building permit to replat to one lot.

Member Thames clarified that is an administrative issue handled by the City staff, not another Zoning board or ZBA?

Mr. Tracy responded yes. The applicant would hire a surveyor to do the plat and then the City would review, sign, and file the plat.

Member Kupfer stated to clarify Mr. Thames's point, in this case replatting would not change the variance in their favor, correct? The replatted lot width requires the variance.

Member Thames responded yes. After replatting, Lot 11 and Lot 12 combined require a 15-foot variance. If Lot 12 is considered as it is right now, there is not a need for a variance. If this was two (2) houses, the Board wouldn't be having this meeting because the existing side setback is 12 feet and 10 would be needed. His concern is the replatting requirement, it seems to impact how the Board votes and what the City then does. If it had already been replatted then asked for a variance, that seems to be a different conversation versus if it hadn't been replatted yet.

Chairman Lemons stated this is a tough case. On the surface, it seems relatively simple. A lot of the time, the Board is looking at lot shape, topography, other issues and factors that do create a hardship. And there's not a qualified economic hardship here. He considers one of the charges of the Zoning Board is to protect the integrity of the zoning ordinances and not grant variances where there is not a strict hardship. This is one of those unusual cases where this is a reasonable request.

Member Rooker stated there are three (3) issues are in front of the Board: the lots are not combined so the Board may not have a variance in front of it, the encroachment is vertical, and an economic hardship analysis.

Chairman Lemons stated per statute, economic hardship can be considered in making a decision.

Member Kupfer followed up on her question regarding shifting the second story addition plans. She expressed concerns that a hardship is being invoked by enforcing the current ordinance when the logical thing would seem to be to build straight up on the existing building line. There needs to be considerations beyond a financial hardship.

BOARD ACTION

Motion: Member Thames made a motion to approve the 5-foot variance to the required 15-

foot side yard setback as presented. Member Rooker seconded the motion. Motion passed 5-0.

4. **V 24-07**, a request for a variance from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article I, Sec. 5 to allow a swimming pool, spa and related equipment to be located between the front property line along West Shore Drive and the front wall of a building. The property is located at 98 West Shore Drive and is zoned R-1500-M Residential.

Ms. Pollan introduced the request for V 24-07, a variance at 98 West Shore Drive to allow a swimming pool. The property is located at the end of West Shore Drive and the road comes down into cul-de-sac and loops to create an island of property where this home is located. All the sides of the home are considered a front yard, which is a unique feature of the property.

Ms. Pollan described the limited area where a pool could go on the property and the hardship of existing natural features. The variance would not be contrary to the public's interest.

Chairman Lemons thanked Ms. Pollan for the presentation and asked the Board if they had any questions for staff. As there were no questions for staff, he asked the applicant to present.

Bryce Richardson, 98 West Shore Place, stated he agrees with staff's presentation. In a normal backyard, the proposed pool location would be just fine. They have a unique situation with the frontage around their property and their goal is to keep the 16 trees they have on the lot.

With there being no one else speaking either in favor or in opposition to this request, Chairman Lemons closed the public hearing and asked the Board for further dialogue or a motion.

BOARD ACTION

Motion: Member Kupfer made a motion to approve **V 24-07** as presented. Member Thames seconded the motion. Motion passed 5-0.

With no further business, the meeting was adjourned at 7:23 p.m.

Jason Lemons, Chairman
Zoning Board of Adjustment

Agenda Item 2

Variance 24-05:
701 Rams Court



RICHARDSON, TX
DEVELOPMENT SERVICES

MEMO

TO: Zoning Board of Adjustment

FROM: Derica Peters, AICP *DP*
Senior Planner – Planning

DATE: October 10, 2024

SUBJECT: V 24-05 701 Rams Court

REQUEST TO WITHDRAW V 24-05

This case was continued by the Zoning Board of Adjustment at their September 18, 2024, meeting to the October 16, 2024, meeting. The applicant, Ahmed Taha, has withdrawn their case. They are not able to attend the meeting and will assess their project and may reapply in the future.

Agenda Item 3

Special Exception 24-03:
City of Richardson Fence

ZBA FILE SE 24-03

Attachments:

1. Staff Report
2. Exhibit "A"
3. Aerial Map
4. Composite Plan – Pump Station with Lots
5. Photometric Images
6. DMN Public Hearing Notice
7. Notice of Public Hearing and Map
8. Notification List



TO: Zoning Board of Adjustment
FROM: Derica Peters, AICP, Planner – Development Services *DP*
DATE: October 16, 2024
RE: **SE 24-03 Canyon Creek/Northside Pump Station**

REQUEST

A request for a special exception to Chapter 6, Article IV of the City of Richardson’s Code of Ordinances: Sec. 6-209 to allow 10-foot-tall wooden fences to be located along the rear and side property lines for properties located at 1109 and 1110 Glenfield Court, and 1108 and 1111 Chapel Creek Court. The properties are zoned R-1500-M Residential.

APPLICANT

City of Richardson

EXISTING ZONING

R-1500-M Residential

SURROUNDING LAND USE

North, South and East: Residential

West: Northside Pump Station

STAFF COMMENTS

Background

The City is undergoing the expansion of the Northside Pump Station to increase its capacity and efficiency by constructing an additional 19-foot-tall, single-story pump station, approximately forty-five (45) feet from the east property line and an additional 5.0-million-gallon ground storage tank located approximately sixty (60) feet from the east property line, southeast of an existing ground storage tank. Although the existing landscape screen along the pump station’s east property line is expected to be removed with addition of these structures, new landscaping will be installed upon its completion.

Attached for your reference is an aerial and a composite site/subdivision plan showing the extent of the pump station improvements adjacent to the subject residential lots. City staff and the adjacent property owners have had numerous discussions on how to best achieve an effective opaque screen of the existing and proposed pump station facility due to site constraints which render the installation of an opaque screening fence on the pump station facility site ineffective. As a result of those discussions, the City of Richardson, on behalf of the residential lot owners most affected by the pump station facility, is initiating the Special Exception request to the Fence Ordinance to accomplish this task in a comprehensive manner.

On February 15, 2023, the ZBA voted to approve the same special exception request for nine (9) residential lots located to the north of the four (4) lots that are the subject of this request. The original nine (9) lots are closer to the new equipment, and it was apparent there would be a line of sight at those properties. However, now that the tank is constructed, there are additional line of sight concerns on these four (4) properties. Approval of this request would provide approval for a total of thirteen (13) properties.

The subject residential lots, west of Canyon Creek Drive, south of Point North Parkway, are in the Canyon Creek Country Club No. 21 Addition and are more specifically adjacent to the Northside Pump Station, which is located along the west side and adjacent to the residential lots (see attached Exhibit "A" for property locations and addresses).

Request

The City's special exception request would allow 10-foot-tall private wooden fences on the affected lots since Chapter 6, Article IV, Sec. 6-209 (the Fence Ordinance) of the Richardson Code of Ordinances prohibits fences to exceed eight (8) feet in height along rear and side property lines. Due to physical and topographical constraints, which are further explained in the staff report, the City of Richardson agrees that as proposed, the increase in the allowable fence height provides the appropriate visual screen from the existing and expanded pump station facility.

From a physical constraint standpoint, the proposed location of the pump station and ground storage tank are fixed to minimize impacts to the existing recreational facility which positions the new pump station elements closer to the adjacent residential lots than the existing pump station elements. The fixed location shifts the height of the structures (pump station and ground storage tank) closer to the adjacent residential lots and thus reduces the effectiveness of a screen. In addition, the east property line is encumbered with a 35-foot-wide easement for drainage, sewer, and electric infrastructure. As a result, the physical constraints impact the ability to construct an effective screen for the adjacent residential lots.

From a topographical consideration, the pump station site and residential lots vary in elevation. This elevation is more prevalent when standing in the backyard of an adjacent residential lot (See attached Photometric Images). As depicted, increasing the allowable fence height on the residential lots provides the desired screening of the pump station elements.

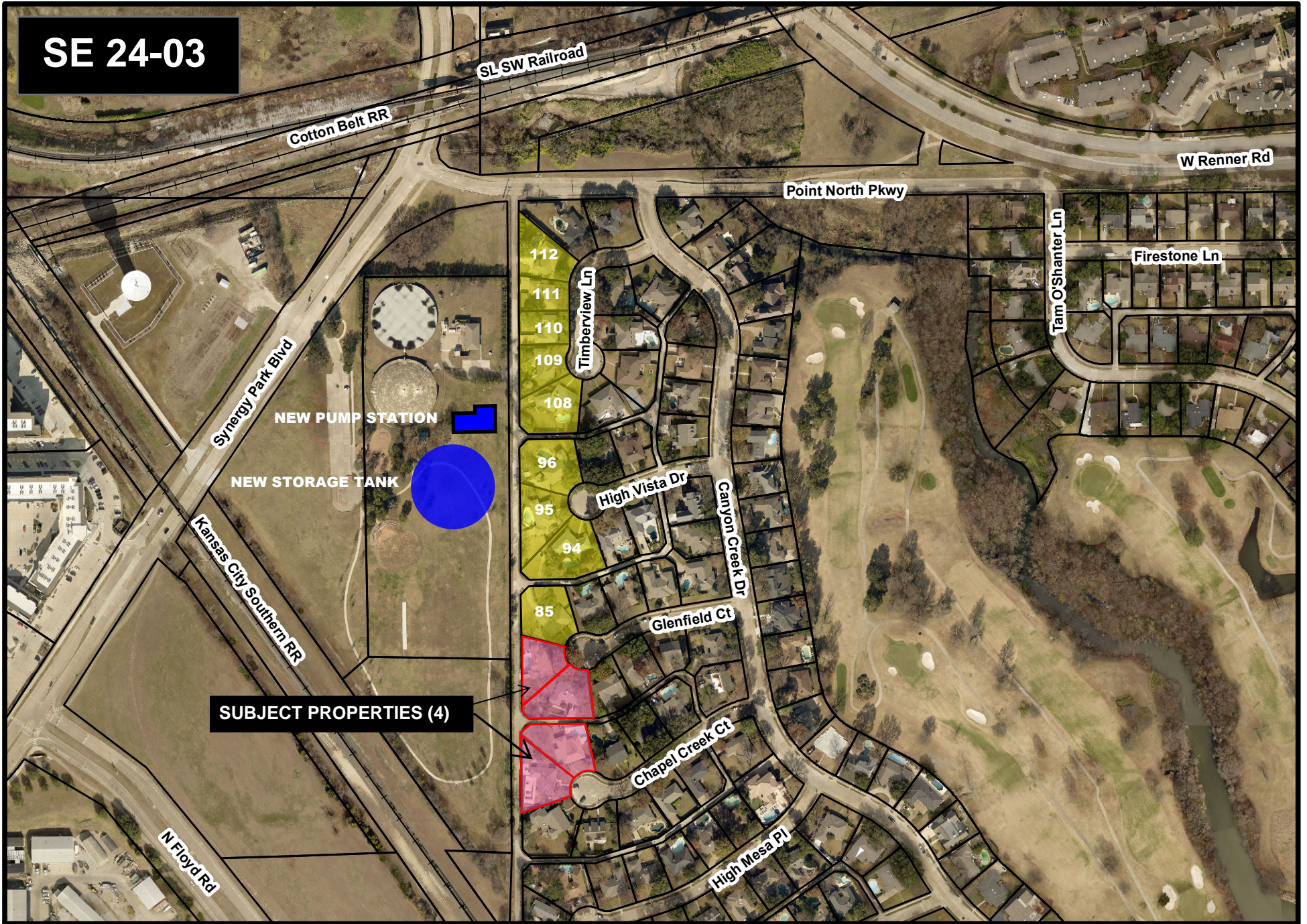
To mitigate the visual impact of the pump station site from the adjacent residential lots, as discussed above, the City of Richardson and homeowners desire to further mitigate views of the pump station site from the residential lots by increasing the allowable fence height from eight (8) feet to a maximum of ten (10) feet where appropriate.

Upon the Board's approval, each individual property owner as depicted and as listed on Exhibit "A", will have the opportunity to apply for a fence permit, if desired, to allow maximum 10-foot tall wooden fences to be constructed upon the identified properties.

TECHNICAL RECOMMENDATION

Special Exception Request: Based on the information provided, and applicable codes and ordinances, it is staff's opinion that the request is not contrary to public safety and provides an effective screen from the existing and future expansion of the Northside Pump Station and should therefore be approved.

SE 24-03



SE 24-03 Aerial Map

-  Subject Properties
-  Properties approved for a special exception per SE 23-01.

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.



Lotus 10/27/2022 9:39 AM Saved By: 02960

Plot Date: 10/27/2022 4:18 PM Plot Rv: (R)R94 Filename: N:\UTL\Drawings\RH21716-NORTHSIDE PS NO. 2\CV-GST-PL-SITE.dwg

CAUTION!!!
EXISTING UNDERGROUND AND OVERHEAD UTILITIES IN THE AREA. 48 HOURS PRIOR TO CONSTRUCTION CONTACT 1-800-DIG-TESS

- NOTES**
- CONTRACTOR SHALL VERIFY LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION.
 - THE EXISTENCE AND LOCATIONS OF ALL KNOWN UNDERGROUND UTILITIES SHOWN ON THE DRAWINGS WERE OBTAINED FROM AVAILABLE RECORDS AND LIMITED SURVEY DATA. THE CONTRACTOR SHALL DETERMINE THE DEPTH AND LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO TRENCHING AND SHALL BE REQUIRED TO ANY PRECAUTIONARY MEASURES TO PROTECT ALL UTILITIES SHOWN OR NOT SHOWN IN THE PLANS.
 - GEOTECHNICAL REPORT AND BORING LOGS ARE PROVIDED IN APPENDIX B OF THE SPECIFICATIONS.

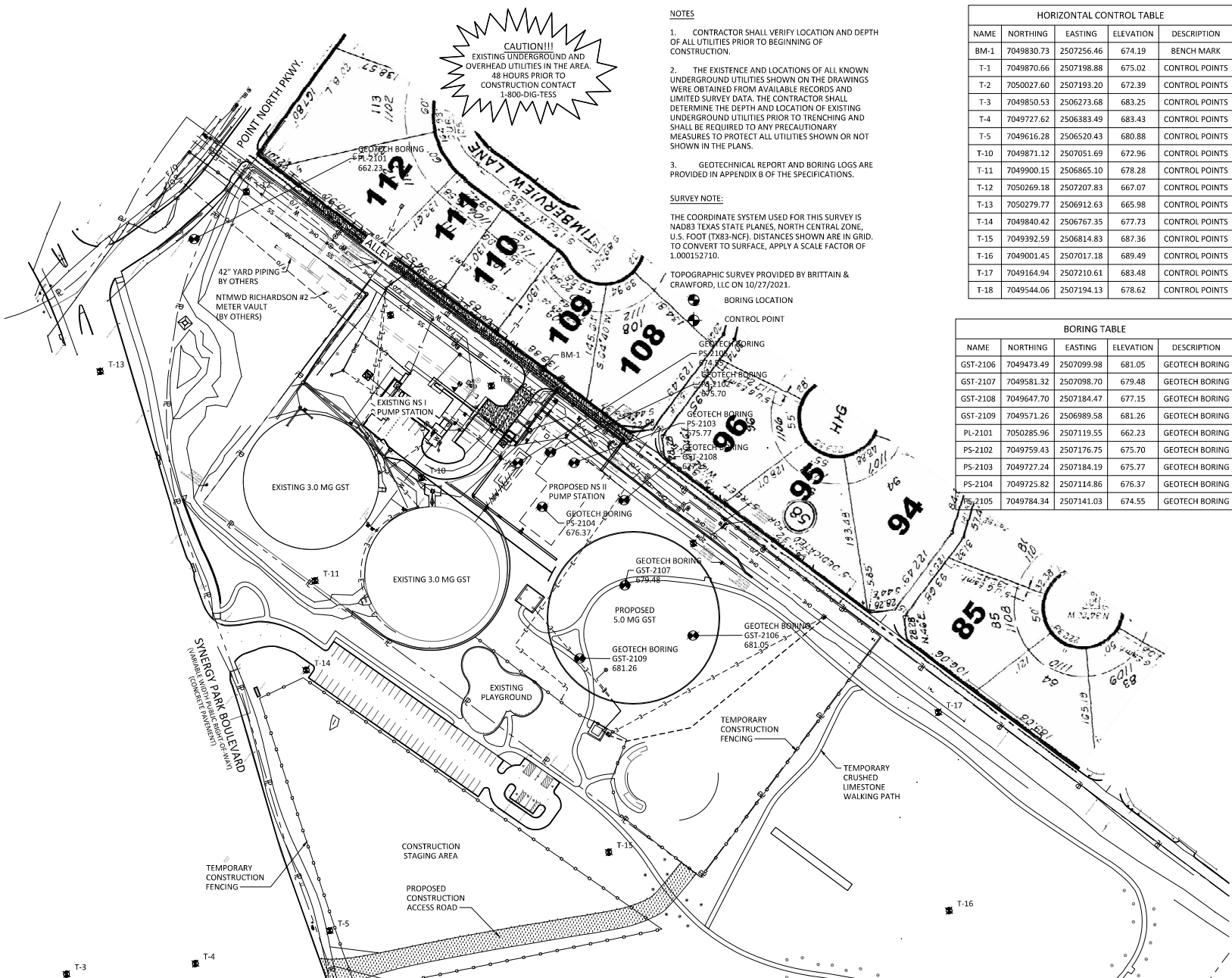
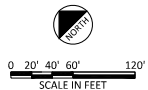
SURVEY NOTE:
THE COORDINATE SYSTEM USED FOR THIS SURVEY IS NAD83 TEXAS STATE PLANES, NORTH CENTRAL ZONE, U.S. FOOT (TX83-NCF), DISTANCES SHOWN ARE IN GRID. TO CONVERT TO SURFACE, APPLY A SCALE FACTOR OF 1.000152710.

TOPOGRAPHIC SURVEY PROVIDED BY BRITAIN & CRAWFORD, LLC ON 10/27/2021.

BORING LOCATION CONTROL POINT

HORIZONTAL CONTROL TABLE				
NAME	NORTHING	EASTING	ELEVATION	DESCRIPTION
BM-1	7049830.73	2507256.46	674.19	BENCH MARK
T-1	7049870.66	2507198.88	675.02	CONTROL POINTS
T-2	7050027.60	2507193.20	672.39	CONTROL POINTS
T-3	7049850.53	2506273.68	683.25	CONTROL POINTS
T-4	7049727.62	2506383.49	683.43	CONTROL POINTS
T-5	7049616.28	2506520.43	680.88	CONTROL POINTS
T-10	7049871.12	2507051.69	672.96	CONTROL POINTS
T-11	7049900.15	2506865.10	678.28	CONTROL POINTS
T-12	7050269.18	2507207.83	667.07	CONTROL POINTS
T-13	7050279.77	2506912.63	665.98	CONTROL POINTS
T-14	7049840.42	2506767.35	677.73	CONTROL POINTS
T-15	7049392.59	2506814.83	687.36	CONTROL POINTS
T-16	7049001.45	2507017.18	689.49	CONTROL POINTS
T-17	7049164.94	2507210.61	683.48	CONTROL POINTS
T-18	7049544.06	2507194.13	678.62	CONTROL POINTS

BORING TABLE				
NAME	NORTHING	EASTING	ELEVATION	DESCRIPTION
GST-2106	7049473.49	2507099.98	681.05	GEOTECH BORING
GST-2107	7049581.32	2507098.70	679.48	GEOTECH BORING
GST-2108	7049647.70	2507184.47	677.15	GEOTECH BORING
GST-2109	7049571.26	2506989.58	681.26	GEOTECH BORING
PL-2101	7050285.96	2507119.55	662.23	GEOTECH BORING
PS-2102	7049759.43	2507176.75	675.70	GEOTECH BORING
PS-2103	7049727.24	2507184.19	675.77	GEOTECH BORING
PS-2104	7049725.82	2507114.86	676.37	GEOTECH BORING
PS-2105	7049784.34	2507141.03	674.55	GEOTECH BORING



NOT FOR CONSTRUCTION
THIS DOCUMENT IS RELEASED FOR THE CITY OF RICHARDSON, TEXAS. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER OF RECORD.

Freeze
801 Cherry Street, Suite 2000
Richardson, TX 75081
Phone: (972) 735-7300
Web: www.freeze.com

CITY OF RICHARDSON, TEXAS
NORTHSIDE II PUMP STATION NO. II
CIVIL
SURVEY CONTROL AND GEOTECHNICAL BORINGS

NO.	ISSUE	DATE	BY	CHKD BY	FILE NAME

60% SUBMITTAL
SHEET C-1
SEQ.

SE 24-03 SITE PHOTO EXAMPLES





Order Number 2266
 Today's Date 2 Oct 2024
 P.O. Number
 Sales Rep(s) David Ferster

Bill-to

CITY OF RICHARDSON
 PO BOX 830309
 ACCOUNTS PAYABLE
 RICHARDSON, TX 750830309
 Tel: 972 238-4150
 Account No: 100270

Advertiser

CITY OF RICHARDSON
 PO BOX 830309
 ACCOUNTS PAYABLE
 RICHARDSON, TX 750830309
 Tel: 972 238-4150
 Account No: 100270

Campaign Summary

Description NOTICE OF PUBLIC HEARING

Cost Summary

Net Amount \$148.67
 Estimated Tax \$0.00
Total \$148.67

Products

Line No.	Product	Description	First Issue Date	Number of Issues	Size / Lines	Amount
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7699	The Dallas Morning News	Legal Special Rate - Legal Notices Legal Notices --> Legal Notices	10/4/2024	1	3x1.281	\$--
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NOTICE OF PUBLIC HEARING
 The Richardson Zoning Board of Adjustment will hold a public hearing on Wednesday, October 16, 2024, at 6:30 p.m. This Zoning Board of Adjustment Meeting will be held in City Council Chambers, Richardson City Hall, 2360 Campbell Creek Boulevard, Suite 525, Richardson TX to consider:
 SE 24-03, a request a special exception to Chapter 6, Article IV of the City of Richardson's Code of Ordinances: Sec. 6-209 to allow 10-foot-tall wooden fences to be located along the rear and side property lines for properties located at 1109 and 1110 Glenfield Court, and 1108 and 1111 Chapel Creek Court. The properties are zoned R-1500-M Residential.
 For more information, call 972-744-4240.



Notice of Public Hearing

Zoning Board of Adjustment – Richardson, TX

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

SPECIAL EXCEPTION REQUEST

File No. SE 24-03
Applicant: City of Richardson
Location: (See map on reverse side)
Request: A request a special exception to Chapter 6, Article IV of the City of Richardson’s Code of Ordinances: Sec. 6-209 to allow 10-foot-tall wooden fences to be located along the rear and side property lines for properties located at 1109 and 1110 Glenfield Court, and 1108 and 1111 Chapel Creek Court. The properties are zoned R-1500-M Residential.

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

WEDNESDAY, OCTOBER 16, 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 75083.

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: cor.net/zba

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Variance Number SE 24-03

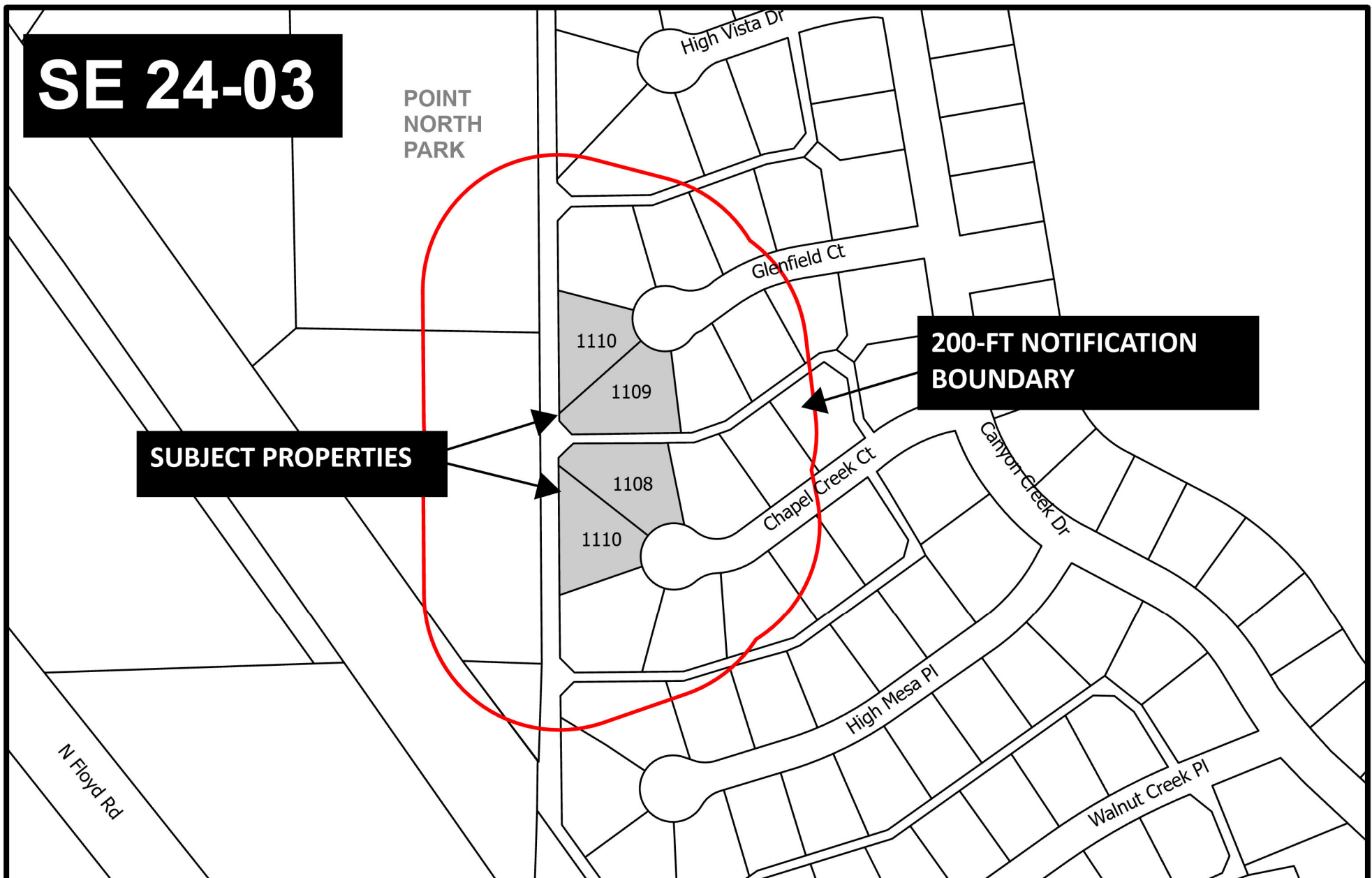
Date Posted and Mailed: October 4, 2024

SE 24-03

POINT
NORTH
PARK

SUBJECT PROPERTIES

**200-FT NOTIFICATION
BOUNDARY**



**SE 24-03 SPECIAL EXCEPTION - FENCE HEIGHT
1109 & 1110 GLENFIELD COURT
1108 & 1111 CHAPEL CREEK COURT**

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.



TSAI SHWUYU JEANNETTE
8 HIGH MESA PL
RICHARDSON, TX 75080-1519

QUILLIN CHRISTOPHER S &
NOEMI V QUILLIN
7 HIGH MESA PL
RICHARDSON, TX 75080-1519

LIN JAMES F
10650 BIG HORN TRL
FRISCO, TX 75035-6628

POYNTER RONALD J & REBECCA NOAH
5 HIGH MESA PL
RICHARDSON, TX 75080-1519

SILVERMAN DUSTIN S
1103 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

LEMBURG FAMILY TRUST
1105 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

LOPEZ BENNIE R & ELSA M
1107 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

UNIV OF TEX AT DALLAS
2601 N FLOYD RD
RICHARDSON, TX 75080-1407

LIU YAN
421 HUNT DR
ALLEN, TX 75002-7767

KANSAS CITY SOUTHERN RAILROAD
CO0257
KANSAS CITY SOUTHERN LINES
PO BOX 219335
KANSAS CITY, MO 64121-9335

BARKER CHAS M
1108 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

CHRISTMAN CHAD N & SUSAN E
1106 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

SCOTT FAMILY HONEY TRUST THE
1104 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

GONZALEZ NELLY C & DAVID LILLI
1102 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

WILSON ROBERT C & CHRIS
1103 GLENFIELD CT
RICHARDSON, TX 75080-1518

CASTALDO RONALD
1105 GLENFIELD CT
RICHARDSON, TX 75080-1518

PICKETT WILLIAM S & JERRI L
1107 GLENFIELD CT
RICHARDSON, TX 75080-1518

WOLFE DARIN & STEPHANIE
1109 GLENFIELD CT
RICHARDSON, TX 75080-1518

FITZHERBERT SCOTT RYAN &
STEPHANIE LYNN
RICHARDSON, TX 75080-1518

RICHARDSON CITY OF
2360 CAMPBELL CRK BLVD STE 525
RICHARDSON, TX 75082-4424

TREYBIG SANDRA JOY
1106 GLENFIELD CT
RICHARDSON, TX 75080-1518

KINARD JERRETT S &
HERRIN-KINARD KATHLEEN
1104 GLENFIELD CT
RICHARDSON, TX 75080-1518

HUFF DAVID R
1107 HIGH VISTA LN
RICHARDSON, TX 75080-1520

GALLMAN FAMILY LIVING TRUST
1108 GLENFIELD CT
RICHARDSON, TX 75080-1518

KRAFT ROBERT J & CHRISTINA F
1110 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

SANDERSON KYLE S & ASHLEY P
1109 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513

DEICHERT MICHAEL L & MELISSA M
1111 CHAPEL CREEK CT
RICHARDSON, TX 75080-1513