

ZONING BOARD OF ADJUSTMENT

AGENDA PACKET

OCTOBER 17, 2012

AGENDA
CITY OF RICHARDSON – ZONING BOARD OF ADJUSTMENT
OCTOBER 17, 2012
6:30 P.M.

CIVIC CENTER/COUNCIL CHAMBERS
411 W. ARAPAHO ROAD

STUDY SESSION: 6:00 P.M. Prior to the business meeting, the Zoning Board of Adjustment will conduct a Study Session in the **Large Conference Room** located on the 2nd floor, Room 206 to receive a briefing on agenda items and other topics.

1. **APPROVAL OF MINUTES OF THE REGULAR MEETING OF AUGUST 15, 2012.**

2. **PUBLIC HEARING ON ZBA FILE SE 12-03**, a request by Ben Caldwell, Shaddock Caldwell Builders & Developers, LLC for the following special exception to the City of Richardson Code of Ordinances: Chapter 6, Article IV, Sec. 6-209(3), to allow an 8-foot fence to be located between the front property line and the front wall of a building along Glen Cove Drive. The property is located at 1219 Comanche Drive.

4. **RECESS**

5. **ADJOURN**

City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours ahead of the meeting. To make arrangements, call (972) 744-4000, or (TDD) 1-800-735-2989.

I hereby certify that the above agenda was posted on the bulletin board at City Hall on or before 5:30 p.m., Friday, October 5, 2012.

Cindy Wilson, Administrative Secretary

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
AUGUST 15, 2012**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, August 15, 2012 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Mike Walker, Chair
Will Kidd, Vice Chair
Chip Pratt, Member
Larry Menke, Member
Shamsul Arefin, Alternate
John Veatch, Alternate

MEMBERS ABSENT: Paul Voelker, Member

CITY STAFF PRESENT: Michael Spicer, Director, Dev. Services
Chris Shacklett, Planner
Kathy Welp, Executive Secretary

Mike Walker, Chairman, introduced Chris Shacklett, Planner; and Kathy Welp, Executive Secretary explaining that the City staff serves in an advisory capacity and does not influence any decisions the Board might make. Walker summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Walker added that Paul Voelker, Member is absent and all Members present will vote. Alternate Veatch will vote on minutes of the July 18th ZBA meeting and Case SE 12-02. Alternate Arefin will vote on Case V 12-06. Walker noted 4 of the 5 members present must vote in favor for a request to be approved.

1. MINUTES:

The Zoning Board of Adjustment minutes of the July 18, 2012 meeting were approved with one correction on a motion by Pratt. The motion was seconded by Kidd and passed with a unanimous vote.

2. PUBLIC HEARING ON ZBA FILE V 12-06: A request by Michael Hart for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: Article IV, Sec. 4(g), for a 7-foot variance to the required 25-foot rear setback for an attached patio cover at 202 Lost Canyon Court, Richardson, Texas. Shacklett stated the applicant is requesting a variance to the rear setback requirement to construct an attached patio cover to provide a covered area for an outdoor kitchen area under construction. Shacklett added because the patio cover is attached to the principal structure, the 25-foot setback applies rather than the accessory structure setback of three (3) feet. Shacklett continued the applicant's intent is to attach the patio cover to the principal structure so as to provide a water tight covering over the outdoor kitchen area. The proposed structure would run along the side of the garage

and is approximately twenty-five (25) feet long. Shacklett explained if the structure were reduced in length by seven (7) feet, the patio cover would be allowed without the need for a variance.

Shacklett noted the applicant expressed the need for the 7-foot variance is to provide a covered area for the entire outdoor kitchen area being constructed. Shacklett explained the applicant has stated they looked at a design that would have laid the outdoor kitchen area and patio cover out in an east/west configuration rather than a north/south configuration as proposed. Shacklett indicated they state that the east/west layout would have required the removal of two (2) large trees. Shacklett continued the applicant has also stated that there are issues with the topography of the lot that limit the area where the patio cover could be constructed.

Shacklett delivered the staff technical recommendation in case V 12-06 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the hardship is self-imposed and does not constitute a physical property hardship.

Menke asked if the creek was behind the property with no neighbors in back.

Shacklett explained there is an alley behind and there are neighbors on the alley. Shacklett added that the alley runs the full length of the rear property line.

Mike Hart, 202 Lost Canyon, Richardson, Texas came forward to present his case. Hart stated that when he moved in December of 2011, there was a leaky coy pond in the back. Hart added when they decided to renovate, they talked with the neighbors. Hart commented that two issues were identified; large trees they don't want to cut down and the topography of the rear; and also this would require moving the stairs. Hart explained that a number of designs were considered with the idea in mind of keeping the existing trees in place.

Hart added the overhang off the garage would cover the grill and this gave an opportunity to invest in the property without removing the trees. Hart stated the hardship would be removing the trees.

Pratt asked Hart about the construction of the cover.

Hart stated the materials used for the cover would match existing construction to create the look that the home had been built that way.

There being no one else to speak in favor or in opposition to the case, Chairman Walker closed the public hearing.

Menke made a motion to approve V 12-06, limited to those specifics the applicant presented in the case. The motion was seconded by Pratt and passed with a unanimous (5 – 0) vote.

3. **PUBLIC HEARING ON ZBA FILE SE 12-02**, a request by David and Maryan Schirm for the following special exception to the City of Richardson Code of Ordinances: Chapter 6, Article IV Sec. 6-209(3), to allow a 6-foot fence to be located between the front property line and the front wall of a building at 100 Shadywood Lane, Richardson, Texas.

Shacklett stated the applicant is requesting a special exception to the City's Fence Ordinance (Chapter 6 of the Code of Ordinances) to allow a fence to be built in the front yard. Shacklett reported the subject property is located at the southwest corner of Shadywood Lane and Belt Line Road. Shacklett added that the home faces Shadywood with the north side of the home adjacent to Belt Line. Shacklett explained that at the northeast corner of the property, an existing curved brick wall, maintained by the City is currently in place and there was a wood fence that ran from the brick wall west to the driveway located near the rear of the property. Shacklett pointed out that recently, the applicant hired a contractor to remove and replace the fence along Belt Line Road, but the contractor did not get a permit. Shacklett noted that the applicant states they purchased the home two (2) years ago and wanted to replace the existing fence since it was failing. Shacklett noted it appears that the original fence did not receive a permit either. Shacklett continued that the owners have received a permit for the reconstruction work on the driveways along Belt Line Road. Shacklett reported that at the time of the driveway inspections, City staff noticed the fence and informed the owner that the fence was not allowed in front of the front wall of the building.

Shacklett pointed out the applicant was not aware the contractor had not acquired a fence permit and contacted the City to acquire a special exception to allow the fence to remain. Shacklett explained that the newly constructed fence is located in the same location as the previous fence. Shacklett noted that the Traffic Department of the City of Richardson has reviewed the placement of this fence and found no visibility issues. Shacklett said the applicant states their desire for the fence is to provide a sound barrier along Belt Line Road as well as to provide additional security for the property. Shacklett added the applicant also feels the fence is visually pleasing with the corner brick wall and is an upgrade from the previous fence.

Based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the request does not appear to be contrary to public convenience.

David & Maryan Schirm, 320 Huffhines Street, Richardson, Texas came forward to present the case. Mr. Schirm stated that notices from Code Enforcement moved him to replace the fence. Mr. Schirm noted he hired a fence contractor who said he would

get a permit, however he did not. Mr. Schirm added that he replaced the existing fence with a fence of the same height. Mr. Schirm continued that the fence adds a sound barrier even for neighborhood and safety for his daughter and her family who live there. Mr. Schirm noted that the fence fits right in with the brick wall. Mr. Schirm pointed out that they have neighbors here tonight from across the street who will say they have no problem with the fence.

Veatch asked the applicant to confirm that granting this request would be approving what is already there.

Mr. Schirm confirmed the statement.

Ms. Schirm sees the fence as a great protection for the children, her grandchildren, who live in the home by keeping cars on Belt Line behind the fence.

Arefin asked the applicants if they had considered putting up a brick fence.

Mr. Schirm stated they had never thought about a brick fence. Schirm added that a wooden fence would fit their budget better.

Mrs. Schirm added that the new fence is a great improvement over old fence.

Chairman Walker asked for those present who would like to speak in favor of this request to come forward.

David Knepper, 101 Shadywood Lane, Richardson, Texas came forward to speak in favor of the request. Knepper stated the fence had been there over 30 years and he has never had problems getting onto Belt Line Road. Knepper added the fence is good protection for the grandchildren. Knepper pointed out that this new fence is an improvement from the past when the old fence was not maintained.

There being no one else to speak in favor or in opposition to the case, Chairman Walker closed the public hearing.

Arefin asked if the City has an ordinance regarding brick wall fences.

Shacklett stated the City does not have any requirements related to a brick wall fence.

Pratt asked with the fence being in place for so long, had there been any complaints.

Shacklett stated none that he is aware of.

Kidd made a motion to approve SE 12-02, limited to those specifics the applicant presented in the case. The motion was seconded by Veatch and passed with a unanimous (5 – 0) vote.

There being no further business, the meeting was adjourned at 7:06 p.m.

Mike Walker

SPECIAL EXCEPTION FILE 12-03

Attachments:

1. Notice of Public Hearing
2. Notification List
3. Staff Report
4. Aerial Map
5. Proposed Site Plan
6. Survey of Current Property
7. Site Photos
8. Application
9. Applicant's Statement



Notice of Public Hearing

Zoning Board of Adjustment • Richardson, Texas

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

SPECIAL EXCEPTION

File No. SE 12-03
Property Owner: Ben Caldwell, Shaddock Caldwell Builders & Developers, LLC
Applicant: Ben Caldwell, Shaddock Caldwell Builders & Developers, LLC
Location: 1219 Comanche Drive
Current Zoning: R-1500-M Residential
Request: A request by Ben Caldwell, Shaddock Caldwell Builders & Developers, LLC for the following special exception to the City of Richardson Code of Ordinances:

- 1) Chapter 6, Article IV, Sec. 6-209(3), to allow an 8-foot fence to be located between the front property line and front wall of a building along Glen Cove Drive.

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

WEDNESDAY, OCTOBER 17, 2012
6:30 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

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: A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the Zoning Board of Adjustment. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the Zoning Board of Adjustment is excluded from each 15 minute period.

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: <http://www.cor.net/DevelopmentServices.aspx?id=13687>

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Variance number SE 12-03.

Date Posted and Mailed: October 5, 2012

SE 12-03



SE 12-03 Notification Map
1219 Comanche Drive

Updated By: shacklett, Update Date: September 24, 2012
File: DSI\mapping\Cases\SE\SE1203\SE1203 notification.mxd



LEHMANN JOHN P
1218 GLEN COVE DR
RICHARDSON, TX 75080-3964

COLLINS CARL B JR
1216 GLEN COVE DR
RICHARDSON, TX 75080-3964

WILSON RANDY B &
ELIZABETH ANDERSON
7635 MULLRANY DR
DALLAS, TX 75248-1601

WILLIAMS ROBERT S & CAROL J
WILLIAMS FAMILY LIVING
1223 GLEN COVE DR
RICHARDSON, TX 75080-3965

FLIPPO NORMAN JR
1212 GLEN COVE DR
RICHARDSON, TX 75080-3964

WINSLOW RONALD B & GRACE E
1235 CHEYENNE DR
RICHARDSON, TX 75080-3957

WARD KELLY M & CRISTEN L
1226 COMANCHE DR
RICHARDSON, TX 75080-3914

MARTIN RICHARD F
1210 OSAGE DR
RICHARDSON, TX 75080-3920

MARTIN RYAN & NATALIE
1222 COMANCHE DR
RICHARDSON, TX 75080-3914

BOGART LARRY LEWIS & DONNA
1221 COMANCHE DR
RICHARDSON, TX 75080-3915

HARRISON LEORA L TR
1223 COMANCHE DR
RICHARDSON, TX 75080-3915

NOWAK JEFFREY & ANGELA
1225 COMANCHE DR
RICHARDSON, TX 75080-3915

SHADDOCK CALDWELL BUILDERS
DEVELOPERS LLC
1224 ASHLAND DR
RICHARDSON, TX 75080-4815

CARTER CHARLES L JR
1211 GLEN COVE DR
RICHARDSON, TX 75080-3917

ROSENFELDT FAMILY TRUST
6930 MIDDLE COVE DR
DALLAS, TX 75248-2912

HADEMENOS GEORGE J & KELLY E
1224 CHIPPEWA DR
RICHARDSON, TX 75080-3912

RAKOFKY PAUL D & BRENDA
1209 GLEN COVE DR
RICHARDSON, TX 75080-3917

FREEMAN MATTHEW C
1220 CHIPPEWA DR
RICHARDSON, TX 75080-3912

WESTERBECK DONALD E
1208 GLEN COVE DR
RICHARDSON, TX 75080-3916

FRANZ STEPHEN M
1207 GLEN COVE DR
RICHARDSON, TX 75080-3917

REAVIS LYNNETTE PARK
1218 CHIPPEWA DR
RICHARDSON, TX 75080-3912

**Ben Caldwell, Shaddock Caldwell
Builders & Developers, LLC
1224 Ashland Drive
Richardson, TX 75080**

**SE 12-03
Notification List**



Staff Report

ZBA Meeting Date: October 17, 2012

TO: Zoning Board of Adjustment
FROM: Chris Shacklett, Planner *CS*
DATE: October 8, 2012
RE: SE 12-03
APPLICANT: Ben Caldwell, Shaddock Caldwell Builders & Developers, LLC
OWNER: Ben Caldwell, Shaddock Caldwell Builders & Developers, LLC
LOCATION: 1219 Comanche Drive

REQUESTED SPECIAL EXCEPTION:

(1) Allow an 8-foot fence to be located between the front property line and the front wall of a building along Glen Cove Drive (Chapter 6, Article IV, Sec. 6-209(3))

EXISTING ZONING:

R-1500-M Residential

EXISTING LAND USE:

Residential

SURROUNDING LAND USE:

Residential

STAFF COMMENTS:

The applicant is requesting a special exception to the City's Fence Ordinance (Chapter 6 of the Code of Ordinances) to allow a fence to be built in the platted front yard along Glen Cove Drive. The owner is a builder/developer and purchased the foreclosed property in 2011 with the intention of demolishing the home and constructing a new custom home. The property is subject to 40-foot front setbacks along both Comanche Drive and Glen Cove Drive. The existing home faces Comanche Drive; the proposed

home would also face Comanche Drive. The home will be located generally in the same location as the existing home, but the owner desires to extend the fence out to the property line along Glen Cove Drive to increase the fenced yard area. The major difference is the current home has driveway access to Glen Cove Drive. The proposed layout does not have access to Glen Cove Drive, but rather would access the rear of the home via the alley.

Since the setbacks are platted along both streets, both sides are deemed front property lines; therefore a fence is not allowed to be placed between the property line and wall of the building. If the setback were not platted along Glen Cove Drive, the building setback would be twenty (20) feet for a corner lot and a fence would be allowed to extend out to the property line as long as the 15-foot by 25-foot corner clip shown on the site plan is provided.

The applicant has stated the home is in disrepair, and their plan is to demolish and construct a custom home for a potential buyer. The buyers desire to extend the fenced back/side yard area to provide a larger protected outdoor space. The applicant states the fenced rear yard area would be reduced to twenty-nine (29) feet if the fence were subject to a 40-foot setback along Glen Cove Drive. Currently, the existing house and fence encroach into the 40-foot setback along Glen Cove Drive. The house encroaches approximately 7.5 feet and the fence encroaches between ten (10) and fifteen (15) feet. The proposed house would respect the 40-foot setback. City staff has reviewed the proposed fence location and determined it would not create visibility issues along Glen Cove Drive.

TECHNICAL RECOMMENDATION:

Based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the request does not appear to be contrary to public safety.

SE 12-03

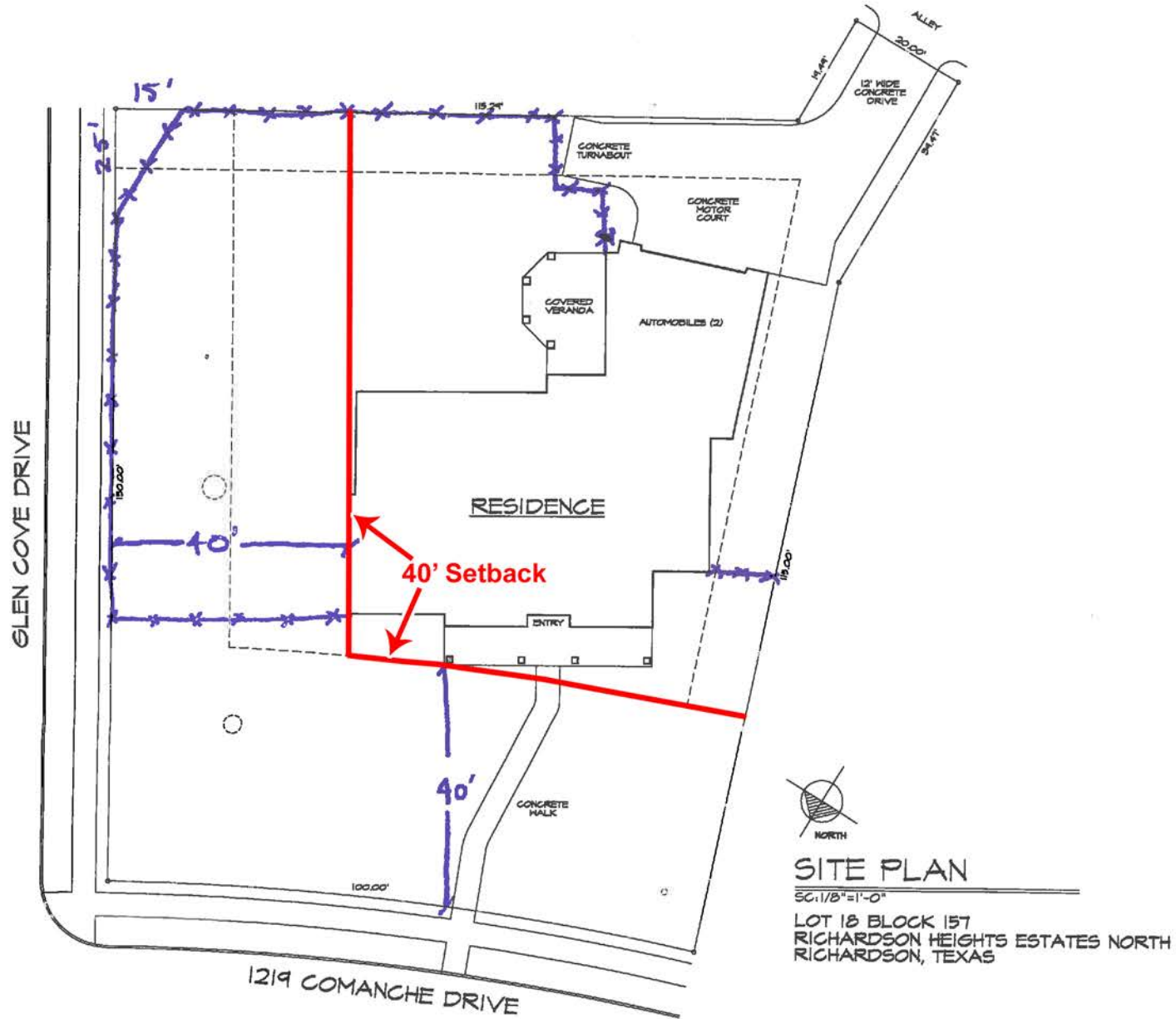


SUBJECT PROPERTY

SE 12-03 Aerial Map
1219 Comanche Drive

Updated By: shacklett, Update Date: September 24, 2012
File: DSI\mapping\Cases\SE\SE1203\SE1203 ortho.mxd





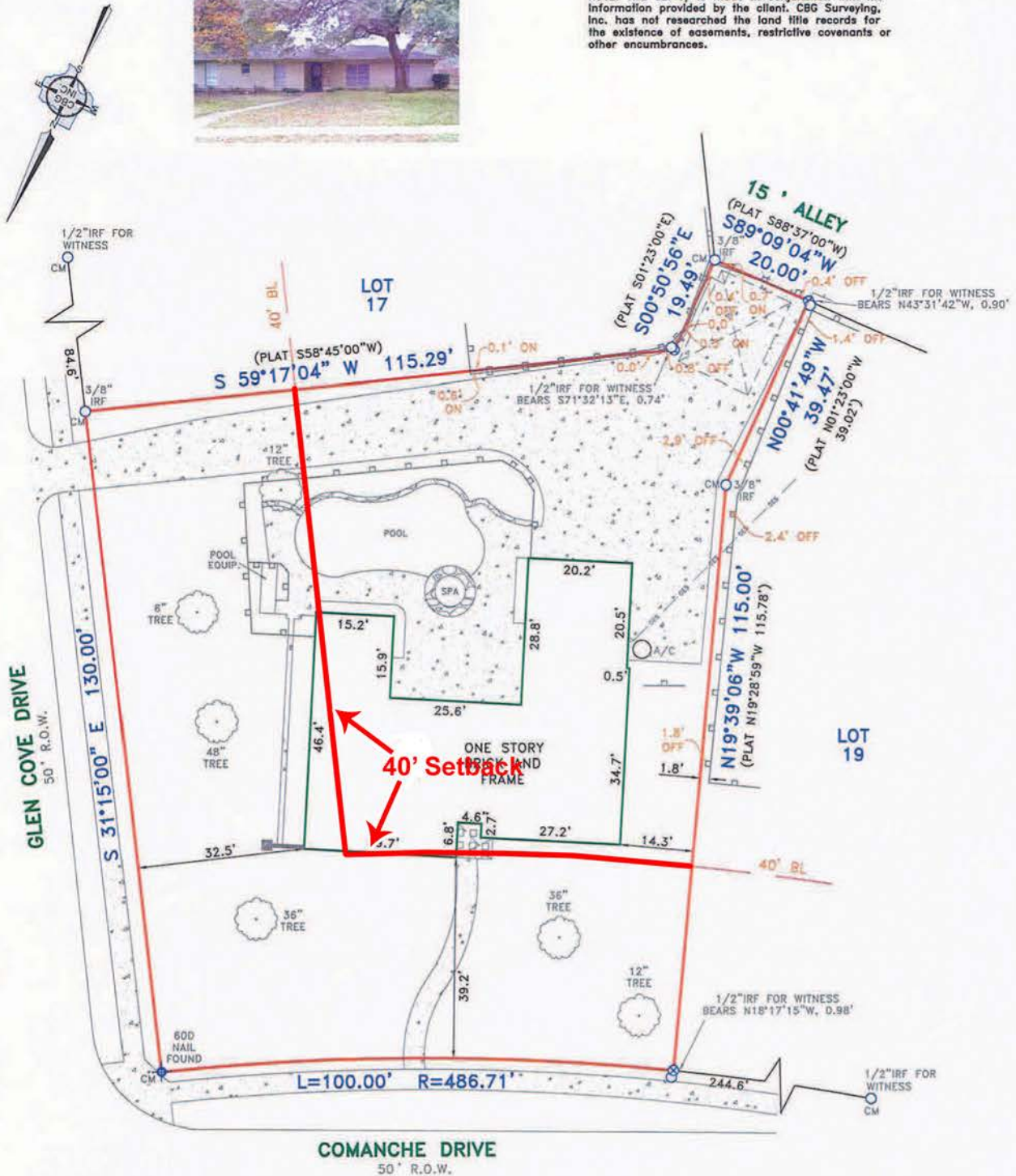
1 9 6
12084
DATE
COVERT + ASSOCIATES 972-783-4660 17810 DAVENPORT, SUITE 111, DALLAS, TX. 75252
THE BOTTS RESIDENCE SHADDOCK/CALDWELL BUILDERS RICHARDSON, TEXAS
DRAWN BY: TJ

SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1219 COMANCHE DRIVE, in the city of RICHARDSON, Texas, Lot No. 18 Block No. 157 of RICHARDSON HEIGHTS ESTATES NORTH an addition to the City of RICHARDSON, DALLAS COUNTY, Texas, according to the MAP OR PLAT THEREOF recorded in VOLUME 47 at PAGE 53 of the MAP Records of DALLAS County, Texas.



NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying, Inc. has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.



NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 NOTE: According to the F.I.R.M. No. 48113C0185J, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.
 This survey is made in conjunction with the information provided by the client. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.
 This survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown. SIGNATURE _____ DATE _____

Drawn By: CHRIS
 Scale: 1" = 20'
 Date: 12-14-11
 Borrower: _____
 Job No. 1103937-1

LEGEND	
CM	CONTROLLING MONUMENT
○	1/2" IRON ROD FOUND
⊗	1/2" IRON ROD SET
○	1" IRON PIPE FOUND
□	FENCE POST CORNER
⊗	"X" FOUND/SET
▲	UNDERGROUND ELECTRIC
△	UNDERGROUND ELECTRIC
///	ASPHALT PAVING
▲▲▲	GRAVEL/ROCK ROAD OR DRIVE
●	POWER POLE
■	BRICK COLUMN
AC	AIR CONDITIONING
PE	POOL EQUIPMENT
—○—○—	CHAIN LINK FENCE
—□—□—	WOOD FENCE
—	0.5" WIDE TYPICAL
—	BARBED WIRE
—	IRON FENCE
—	PIPE FENCE
—	COVERED PORCH, DECK OR CARPORT
—	OES - OES OVERHEAD ELECTRIC SERVICE
—	OHP - OHP OVERHEAD POWER LINE
—	CONCRETE PAVING

C.B.G. Surveying, Inc.
 12025 Shiloh Rd. Suite 230
 Dallas, Texas 75228
 P 214-349-9485 F 214-349-2216
 www.cbgsurvey.com

Bryan Connally



(1)

**Looking Southeast
at Existing Home**

1219 Comanche Drive - October 2012



(2)

**Looking West along
Existing Driveway**



**Looking North along
Glen Cove Drive from
Neighbor's Porch
(Existing Fence)**

(3)

1219 Comanche Drive - October 2012



**Looking North along
Glen Cove Drive from
Neighbor's Porch
(Showing Extended Fence)**

(4)



(5)

**Looking South along
Glen Cove Drive**

1219 Comanche Drive - October 2012



(6)

**Looking Northwest along
Glen Cove Drive**

For Department Use Only

Print Form

Date Received: _____ Fee Paid: _____ Accepted by: _____



Board of Adjustment Variance or Appeal Application City of Richardson, Texas

Development Services Department
411 W. Arapaho Road
Richardson, Texas 75080
Phone 972-744-4260
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.) Yes No
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.) Yes No

Applicant Information

Owner Information

Applicant Information	Signature	Owner Information
		
Ben Caldwell	Printed Name	Ben Caldwell
Shaddock Caldwell Builders & Developers, LLC	Company Name	Shaddock Caldwell Builders & Developers, LLC
1224 Ashland Drive	Mailing Address	1224 Ashland Drive
Richardson, TX 75080	City, State, ZIP	Richardson, TX 75080
214-497-5858	Telephone Number	214-497-5858
972-235-7320	Fax Number	972-235-7320
ben@shaddockcaldwell.com	E-Mail Address	ben@shaddockcaldwell.com

Subject Site Information

Address of Subject Property: 1219 Comanche Drive

Legal Description: Lot 18 Block 157 of Richardson Heights Estates North an addition of the City of Richardson, Dallas County, Texas

Existing Zoning and Ordinance: R-1500-M

Requested Variance: Allow an 8' board on board fence to be located within the 40' setback along Glen Cove Drive

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 = \$250.00

Board of Adjustment Variance Checklist

City of Richardson, Texas

Does a hardship exist? If so, explain below.

Yes No

The subject property is a corner lot that has been unduly burdened by a side setback of 40 feet. The existing home on the property was approved to encroach substantially into this side setback as was the fence when built. To restrict the fence location of the planned new home on the property to the 40' side build line would substantially restrict the enclosed yard space to be safely enjoyed by the children and pets of the future home owners.

Will literal enforcement of the ordinance result in an unnecessary hardship?
If so, explain below.

Yes No

Literal enforcement of the ordinance will reduce the back yard width of the property from 69' to only 29', a reduction of 58% substantially limiting the owners enjoyment and use of an otherwise well sized lot. Enforcement of the the ordinance would also substantially limit the homeowners ability to match the previous home's rear yard amenity of a pool.

Is the condition unique to the property requesting the variance nad not common to other properties in the area? If so, explain below.

Yes No

The subject property is uniquely burdened by both front and side 40' setbacks, substantially restricting the buildable area of the lot. As an example the corner lot directly across the street is only subject to a 20' side setback and has an existing fence along its common side property line shared with the Glen Cove Drive R.O.W.

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

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 Statement

1219 Comanche Drive
Fence Variance Request

The subject property includes an existing home that has fallen into disrepair and was foreclosed upon by Wells Fargo. The property is a corner lot located at the "T" intersection of Comanche Drive and Glen Cove Drive. The property is unique in that it is burdened by a side setback along Glen Cove Drive of 40 feet in addition to its front setback along Comanche Drive of 40 feet. The existing home was built encroaching approximately 8 feet into the side setback and a pool was constructed that also encroaches into the side setback. The existing fence also encroaches into the platted side setback and encloses the pool and back yard.

Shaddock Caldwell Builders & Developers, LLC recently purchased the property from Wells Fargo and has developed plans to raze the existing home and construct a new custom home on the property. The project is for a young couple with two children who are excited to be a part of the Richardson community and take advantage of the excellent schools.

In keeping with other corner lots, such as the home directly across the street, the new home owners would like to take full advantage of their backyard by setting their fence to run along their property line shared with the Glen Cove right-of-way. Their request has been denied based upon a literal enforcement of the zoning ordinance. If enforced literally, the Botts family's rear yard will be reduced from 69 feet in width to an exceptionally small 29 feet in width. This would substantially impact their use and enjoyment of their property and is not consistent with neighboring properties. The Botts would like to match the corner lot fence treatment of their neighbors across the street and make full use of the new property.