

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
JULY 18, 2013**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Thursday, July 18, 2013 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Mike Walker, Chair
Larry Menke, Vice Chair
Chip Pratt, Member
John Veatch, Member
Brian Shuey, Member
Shamsul Arefin, Alternate
Jason Lemons, Alternate

MEMBERS ABSENT:

CITY STAFF PRESENT: Chris Shacklett, Senior Planner
Don Magner, Asst. City Manager-Community Services
Patricia Guerra, Asst. Director-Community Services
Stephen Dossett, Asst. Chief-Ops./Fire Marshal
Wesley Caskey, Deputy Fire Marshall
Whitt L. Wyatt, City Attorney
Cindy Wilson, Administrative Secretary

Mike Walker, Chairman, introduced Chris Shacklett, Senior Planner; and Cindy Wilson, Administrative 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 noted that all members are present and will be voting in this case. Walker added four (4) of the five (5) members present must vote in favor for a request to be approved.

MINUTES:

The Zoning Board of Adjustment minutes of the May 15, 2013 meeting were approved on a motion by Veatch; second by Shuey and a vote of 5-0.

- 1. PUBLIC HEARING ON ZBA FILE V 13-08**, a request by Maria Harris, Bry-Jo Roofing and Remodeling, representing Joe and Mattie Neill, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article VII, Sec. 4(h)(1), for a 2-foot, 10-inch variance to the required minimum 18-foot width required for two enclosed, off-street parking spaces. The property is located at 511 Copper Ridge Drive.

Shacklett informed the Board Members that the owners purchased this home in 2013 with plans to remodel to accommodate their future needs, specifically related to

mobility as they get older. Shacklett noted that the home does not have a garage as it was previously converted to living space, utility room, and storage. Shacklett stated that the owners plan to convert all of this area except for the utility room back to an enclosed garage to provide a secure, protected location for their vehicles as well as a flat area to enter and exit their vehicles.

Shacklett explained that the City's Comprehensive Zoning Ordinance (CZO) requires two (2) off-street parking spaces be provided in an enclosed garage. Shacklett added that the CZO references a parking space dimension of nine (9) feet in width by eighteen (18) feet in length; therefore, an 18-foot by 18-foot net clear dimension is required to accommodate the two (2) enclosed parking spaces. Shacklett reported the proposed garage layout would provide the minimum 18-foot depth for a width of 15'2". Shacklett further pointed out the depth is reduced to 12'6" for the remaining width of the garage, due to the location of the utility room in the back corner of the garage.

Shacklett commented that the applicant has stated other options have been considered that would not require a variance; however this is the best option. Shacklett added the applicant stated the clear dimension could be achieved if the utility room were removed and placed in the garage but feel she feels that would be a negative for the home as well as the owners. Shacklett continued that although the utility room may be able to be reduced to slightly increase the garage width, a 2'10" reduction would likely make the utility room unusable; however, the owners do not desire to have their washer and dryer placed in the garage. Shacklett explained the garage could be extended to the east into the rear yard area to achieve the clear dimension, but the location of the pool deck makes this undesirable.

Shacklett stated that if the garage were extended toward the rear property line, the depth could be achieved, but this option would require a variance to the rear 25-foot setback. Shacklett continued the current driveway is on an incline that makes entering and exiting the vehicle dangerous for Mr. Neill who has difficulty moving around. Shacklett indicated the applicant has also stated that along this section of Copper Ridge, there is a lot of on-street parking which makes driving down the street difficult and dangerous as the on-street vehicles reduce visibility.

Shacklett pointed out the applicant has stated that although the net clear dimensions are not provided, the enclosed garage area (398 s.f.) is approximately seventy-four (74) square feet larger than the minimum 18-foot by 18-foot clear area would provide (324 s.f.). Shacklett said the applicant has also stated that a minivan and a smaller compact car can still fit in the reduced width. Shacklett pointed out that the applicant feels the property hardship is based on the location of the proposed garage on the 25-foot rear setback line and location of the pool and pool deck in the remainder of the rear yard area. Shacklett noted the owners feel there is no other place where a 2-car garage could be located without requesting a rear setback variance, moving the utility room space to the garage, or removing their pool or pool deck.

Shacklett delivered the staff technical recommendation in case V 13-08 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the hardship does not constitute a physical property hardship and is self-imposed. Shacklett completed his presentation and asked if there were any questions of staff.

With no questions for staff, Chairman Walker opened the public hearing.

Maria Harris, Bry-Jo Roofing & Remodeling, 681 N. Plano Road, Suite 119, Richardson, Texas 75081 came forward to present the case. Harris stated there are some unique issues with these clients. Harris noted that the property owners are relocating from Abilene, Texas and this property is a few houses away from their daughter. Harris stated that her clients are members of Richardson's older population and changes made to this property will stay with this property long term. Harris continued that Bry-Jo's work will include addressing a number of previous mistakes in framing, electrical, and other issues. Harris added that Mr. Neill has recently been diagnosed with a neurological disorder and has begun using a walker and it is expected that his mobility will continue to decline. Harris stated that the Neills are making a substantial investment in the community with the purchase of this property. Harris commented the improvements would benefit not only the Neill family, but also the neighborhood.

Harris pointed out that if this request is approved, the remodeling to meet the Neill's requirements will be undertaken with an emphasis on space saving devices like pocket doors, zero barrier showers for the bathroom, and a full open floor plan. Harris stated a Universal Design Concept will be used and that means lowering some appliances, however there will not be grab bars everywhere to avoid the feel of a rehabilitation facility. Harris informed the Board that the modifications will extend into the garage.

Harris stated that Mr. Neill needs room to exit a vehicle in the garage, move himself into his walker and then be able to move around using the walker. Work will be done to level the floor. Harris continued by discussing the space for parking cars in the garage. One parking space will house a full-size vehicle; however, the second space will only accommodate a compact car. Harris reported that by her calculations, there are three (3) vehicles that could park in this space: Fiat is 11.6' in length; Volkswagen Beetle is 14' in length; and Toyota Camry is 14.9' in length.

Menke requested details from Harris regarding rotating the utility room longer and narrower to make more room for two vehicles.

Harris explained that the 2'10" block that comes out of that space is approximately where the doorway clearance turns. Normal use of a utility room or a kitchen occurs when one walks up to and stands in front of the appliance to be used and then opening that appliance without having to take up a particular position to be able to do so. Harris continued that the space could be reduced to a 6-foot, 9-inch room, but it would

mean moving an entire wall and a piece of a wall for one-foot of space and that doesn't seem very cost effective.

Menke stated it appeared to him that the Neills would have a very hard time maneuvering as they need to with two (2) vehicles in the garage and basically the garage would function as a one car garage by parking one vehicle inside and one in the driveway.

Harris responded that this is how the Neills plan to use the space, but it does not preclude a future owner from using both spaces in the garage. Harris emphasized that Mr. Neill has to be on flat land and parking one car inside the garage meets that need with plenty of room for him to maneuver in and out of a vehicle.

Arefin questioned Harris regarding the dimensions shown in the submitted drawing of the garage. Arefin explained the key to achieving a workable plan is to look at the overall picture. Arefin also added that this request is an improvement for the property and the neighborhood.

No further comments were made in favor or in opposition and Walker closed the public hearing.

Veatch stated his support for the request.

Menke reminded members that "financial hardship" is not a consideration for approving a request and he would like to encourage others to be sure that other issues meet the criteria of the Board's charge.

Veatch made a motion to grant item number V 13-08 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Pratt and approved 5-0.

There being no further business, the meeting was adjourned at 7:05 p.m.

Mike Walker, Chairman
Zoning Board of Adjustment