

**City of Richardson  
Zoning Board of Adjustment  
Agenda Packet  
November 20, 2013**

**To advance to the background material for each item in the agenda, click on the item title in the agenda or click on Bookmarks in the tool bar on the left side of your screen.**

**AGENDA**  
**CITY OF RICHARDSON – ZONING BOARD OF ADJUSTMENT**  
**WEDNESDAY, NOVEMBER 20, 2013**  
**6:30 P.M.**  
**CIVIC CENTER/COUNCIL CHAMBERS**  
**411 W. ARAPAHO ROAD**

---

**BRIEFING SESSION: 6:00 P.M.** Prior to the business meeting, the Zoning Board of Adjustment will meet with staff in the **Large Conference Room** located on the 2<sup>nd</sup> floor, Room 206 to receive a briefing on:

**A. Discussion of Regular Agenda Items**

---

- 1. APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 16, 2013.**
- 2. PUBLIC HEARING ON ZBA FILE V 13-15**, a request by John W. Jones for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4(f)(1) for a 10-foot variance to the 20-foot side setback for a corner lot adjacent to a side street for a carport at 529 Birch Lane.
- 3. PUBLIC HEARING ON ZBA FILE V 13-16**, a request by Fr. Boulos Mikhael, representing St. Philopateer Coptic Church, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance: 1) Article XVI-B, Sec. 3(a)(1) for a 5-foot variance to the maximum 25-foot height allowed for a one-story building, and 2) Article XVI-B, Sec 3(a)(1) for a 5-foot variance to the maximum 25-foot building height allowed for a building located within 150 feet of a residential zoning district for a gymnasium at 1450 E Campbell Road.
- 4. RECESS**
- 5. ADJOURN**

This building is wheel chair accessible. Any requests for sign interpretive services must be made 48 hours ahead of the meeting. To make arrangements, call (972) 744-4100 or 972-744-4001.

I hereby certify that the above agenda was posted on the bulletin board at City Hall on or before 5:30 p.m., Friday, November 8, 2013.

\_\_\_\_\_  
Cindy Wilson, Administrative Secretary

# Agenda

## Item 1

**Approval of the minutes of the October 16, 2013  
Zoning Board of Adjustment Meeting**

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF RICHARDSON, TEXAS**  
**OCTOBER 16, 2013**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, October 16, 2013 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** Larry Menke, Vice Chair  
Chip Pratt, Member  
Shamsul Arefin, Alternate  
Jason Lemons, Alternate

**MEMBERS ABSENT:** Mike Walker, Chair  
John Veatch, Member  
Brian Shuey, Member

**CITY STAFF PRESENT:** Chris Shacklett, Senior Planner  
Cindy Wilson, Administrative Secretary

Larry Menke, Vice 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. Menke summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Menke noted that four members are present and voting will be conducted with all members voting. Menke added four of the four (4) members present must vote in favor for a request to be approved.

**MINUTES:**

The Zoning Board of Adjustment minutes of the September 18, 2013 meeting were approved on a motion by Lemons; second by Arefin and a vote of 4-0.

**PUBLIC HEARING ON ZBA FILE V 13-13**, a request by Jerry Parks, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: Article IV-B, Sec. 4(f)(1), for a 9-foot variance to the 10-foot side setback for an existing deck.

Shacklett reported the applicant purchased the subject property earlier this year with the intention of demolishing the existing home and constructing a new one. Shacklett continued since that time, the existing home was demolished, and the new home is currently under construction. Shacklett stated as part of the applicant's preliminary plan review, staff noted several encroachments onto the adjacent property as well as into an Oncor utility easement to the south. Shacklett summarized the encroachments that included a swimming pool, concrete deck, and the existing wooden deck that is the subject of this variance request. In addition, Shacklett explained there were also two (2) accessory

buildings on the north side of the property that encroached into the side setback. Shacklett noted that all encroachments have since been removed including the portion of the wooden deck that encroached onto the adjacent property (owned by Canyon Creek Country Club). Shacklett stated currently the deck is now located within one (1) foot of the property line. Shacklett said although the deck is still located in the Oncor easement, the applicant has acquired approval from Oncor for the deck to remain in the easement.

Shacklett stated the deck is located at the rear of the property and extends out toward the edge of the creek wall. Shacklett acknowledged that the applicant states the deck has been in place for twenty (20) years. Shacklett explained the deck is located approximately forty (40) feet above the creek and is subject to the side setback requirements of the R-1800-M zoning regulations. Shacklett expressed that the applicant desires to allow the deck to remain to take advantage of the rear yard's adjacency to the creek and golf course. Shacklett noted the applicant has stated that a hardship exists because the deck has existed for twenty (20) years, and the existing encroachment onto the property to the south has been resolved. Furthermore, a significant portion of the deck has been removed, and the removal of an additional nine (9) feet of the deck would make the space less usable. Shacklett indicated there had been no correspondence in this case.

Shacklett delivered the staff technical recommendation in case V 13-13 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a property hardship does not exist.

Menke asked the applicant to come forward and present his case.

Jerry Parks, Traditional Select Homes, Inc., 2517 Custer Parkway, Richardson, Texas 75080 came forward to present the case. Parks stated that he is the owner of the property and he has recently sold it. Parks continued by saying that his plan is to make the deck as beautiful as it once was. Parks asserted that the deck has been in place for twenty-five (25) years and the more deck that can be kept in place, the greater the asset.

Lemons asked about the general condition of the deck.

Parks stated that some of the boards need to be replaced. Parks added that he has an engineer's letter on the deck and it reports the deck is structurally sound. Parks continued that the boards needing to be replaced will be and a new railing will be added around the outside.

Menke asked about the foundation of the deck.

Parks responded that the foundation is concrete piers with steel. Parks remarked that the original construction was done right and that has helped the deck stay in good condition.

No further comments were made in favor or in opposition and Menke closed the public hearing, inviting comments from the Board Members.

Pratt noted that with only four members present this evening it is important to discuss the case. Pratt added that he could see only positives to approving this request. Pratt remarked he has been on the property before and what has been done is a tremendous improvement. Pratt stated the improvements moved the property from gross non-compliance to a state of full compliance.

Arefin pointed out the improvements are very good not only for the property but also for the City.

Lemons asserted that this is the type of improvement we want to promote within the City. Lemons reported that his concern regarding the age of the deck has been addressed with the information that some boards will be replaced, a railing added and the foundation is constructed of concrete piers.

Arefin made a motion to grant item number V 13-13 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Lemons and approved 4-0.

**PUBLIC HEARING ON ZBA FILE V 13-14**, a request by John Weidenfeller, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance: 1) Article VII, Sec. 4(e)(1), for a 28-foot variance to the platted 40-foot front setback for an attached garage to include overhangs, and 2) Article VII, Sec. 4(f)(1), for a 2-foot variance to the 7-foot side setback for the existing structure at 619 Dumont Drive.

Shacklett opened his report by saying the home was constructed in the 1950's with a 1-car garage and a 1-car carport. Shacklett stated the current property owner purchased the home in 1992. Shacklett explained that the carport area was enclosed and converted into office space soon after the initial construction. Shacklett continued that prior to 1992, the 1-car garage was partially converted to create a laundry room as well as provide access to a third bedroom. Shacklett reported that the applicant stated converting the existing garage back to a 1-car garage would cut off access to the third bedroom, and a variance to allow a 1-car garage in lieu of a 2-car garage would still be required. Shacklett added the applicant's desire is to provide a 2-car garage that conforms to the City's requirement for two (2) enclosed parking spaces; however, the proposed location requires a front setback variance. Shacklett indicated that the second variance request is required because a portion of the original home along the alley encroaches two (2) feet into the side setback along the alley. Shacklett acknowledged that without this variance, the existing structure cannot be expanded.

Shacklett stated the applicant is proposing to locate the attached garage in the front setback. Shacklett reported the applicant has stated that due to the triangular shape of the lot, there is nowhere else on the lot in which to place the garage. Shacklett indicated the

applicant has stated a property hardship exists because the lot is unique in its shape, and that a large amount of the lot's area is located within the 40-foot front setback where nothing can be built. Shacklett noted the applicant has also stated the placement of the garage will block his neighbors' view of the alley, which he states many of his neighbors support. Lastly, Shacklett cited the applicant's statement that if the variance is granted, the property will be able to comply with the City's requirement for two (2) enclosed parking spaces. Shacklett reported there has been no correspondence in this case, however the applicant will be presenting the Board with a signed petition showing property owners he has spoken with that reside in key locations near his home and support his request.

Shacklett delivered the staff technical recommendation in case V 13-14 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a property hardship exists due to the unique shape and configuration of the property. Shacklett closed his presentation and asked for any questions of staff.

Pratt questioned if the modification to the building line would extend the full length of the property or if it would apply solely to the garage.

Shacklett responded by saying that the modification would apply only to the garage and making a motion that includes the words, ". . . that the request be limited to those specifics which the applicant presented as his application," would cover any question of what the modification to the building line covered.

Menke asked if this request is approved is there anything in place to keep the owner from making the garage 2-story.

Shacklett stated the structure is allowed to be a garage and a garage is an accessory building. Shacklett emphasized that accessory buildings are not allowed to be 2 stories. Shacklett added he did not believe the applicant's intent was to add a story to the garage, and encouraged questions of the applicant. However, since it is technically attached, it may have the ability to be 2 stories.

Menke noted that even if the current property owner is not interested in a 2-story garage, he would like to have something in place to deter any future challengers of this change to zoning.

Arefin questioned if the elevations presented would stay with this request.

Shacklett explained these elevations were not intended to stay with the request, but to show elevations that meet masonry requirements; to show what the applicant has in mind; and to address the fact that there may be revisions to ensure overall minimum masonry calculations.

Pratt asked if this request could be voted on as two separate items.

Shacklett responded that each item could be voted on separately.

Menke asked the applicant to come forward and present his case.

John Weidenfeller, 619 Dumont Drive, Richardson, Texas came forward to present his case. Weidenfeller stated that he is the property owner and has lived at this address for over 20 years. Weidenfeller added that he has spoken with many of his neighbors regarding this request and he has signatures from these property owners. Weidenfeller provided the paperwork to the Board and noted that some of those neighbors affected by the request are here tonight.

Menke stated his concern that this request is so close to the street.

Shacklett explained the garage is approximately 13.5 feet from the property line to the wall and from the property line to the street another 11.5 to 12 feet from the street.

Pratt questioned staff regarding minimum distance requirements from a garage door to the street for turning radius and entry.

Shacklett stated by adding the 21.6 feet with the alley pavement, the minimum depth requirements can be met.

Mike Doris, 626 Dumont Drive, Richardson, Texas came forward to speak in favor of the case and formed questions for Shacklett regarding the construction of the garage.

Shacklett explained that as long as Doris works with Building Inspection, a part of Community Services Department and meets minimum height and Building Code requirements, this should keep him in compliance. Shacklett explained that this variance does not address these concerns.

Menke called for anyone present that would like to speak in favor of the request.

Reid Robinson, 600 Nottingham Drive, Richardson, Texas 75080 came forward to speak in favor of the request. Robinson noted that he lives across the alley from the applicant. Robinson stated that he supports this request and believes it will be aesthetically pleasing and make a nice addition to the neighborhood. Also, Robinson pointed out that the request would lessen congestion on the street by taking cars off the street that currently park there.

No further comments were made in favor or in opposition and Menke closed the public hearing, inviting comments from the Board Members.

Lemons stated that normally an encroachment into the front setback would not be supported, but based on the orientation of the lot, this request makes sense.



Pratt agreed with Lemons that the orientation of the lot, the comments from the neighbor, as well as the line of sight down the alley already being impinged make for good reasons to grant this request.

On question, Shacklett advised the Board if they chose to vote separately on the two requests, the first vote should be on the second portion of the request, based on the fact there has been no discussion on that portion (the 2-foot variance to the 7-foot side setback). Shacklett added that if the intent is to approve that second portion, call for a vote and if there is no opposition; then proceed to vote on the first portion of the request (for a 28-foot variance to the platted 40-foot front setback for an attached garage to include overhangs) and if necessary, additional discussion can take place at that time.

Pratt made a motion to grant item number V 13-14, variance 2) (2-foot variance to the 7-foot side setback for the existing structure) as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Arefin and approved 4-0.

Menke requested that the next motion be worded to include Board approval is limited to the specifics presented this evening as well as limited to 1 story in height.

Lemons made a motion to grant item number V 13-14, first portion, (28-foot variance to the platted 40-foot front setback for an attached garage to include overhangs) as presented, limited to those specifics the applicant presented in the case and with the exception that the garage can be no taller than 1 story in height. The motion was seconded by Pratt and approved 4-0.

There being no further business, the meeting was adjourned at 7:11 p.m.

---

Larry Menke, Vice Chairman  
Zoning Board of Adjustment

# Agenda

## Item 2

**ZV 13-15:  
529 Birch Lane**

## ZONING VARIANCE FILE 13-15

### Attachments:

1. Notice of Public Hearing
2. Notification List
3. Staff Report
4. Aerial Map
5. Oblique Aerial Looking South
6. Site Plan
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:

### VARIANCE REQUEST

**File No.** V 13-15  
**Property Owner:** John W. Jones  
**Applicant:** John W. Jones  
**Location:** 529 Birch Lane  
**Current Zoning:** R-1500-M Residential  
**Request:** A request by John W. Jones, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance:  
  
1) Article IV, Sec. 4(f)(1), for a 10-foot variance to the 20-foot side setback for a corner lot adjacent to a side street for a carport.

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

**WEDNESDAY, NOVEMBER 20, 2013**  
**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.*

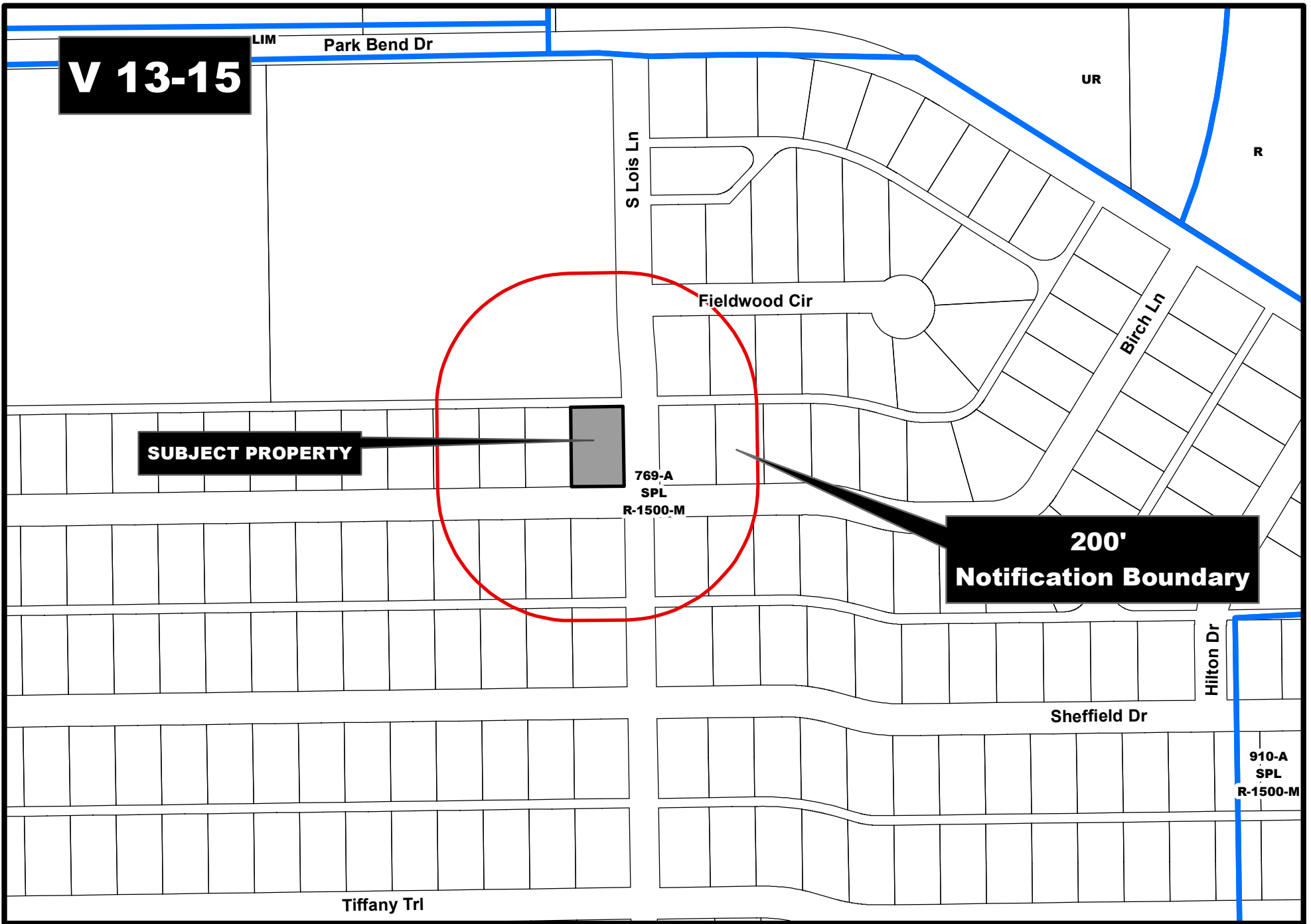
**Process for Public Input:** A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the Zoning Board of Adjustment. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions 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/index.aspx?page=1332>

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Variance number V 13-15.

Date Posted and Mailed: November 8, 2013



## V 13-15 Notification Map

### 529 Birch Lane

Updated By: shacklett, Update Date: November 5, 2013  
File: DSI\Mapping\Cases\ZV\2013\ZV 1315\ZV 1315 notification.mxd



FUKUDA AKIRA  
601 FIELDWOOD CIR  
RICHARDSON, TX 75081-5634

FORBES PHLLIP B  
602 FIELDWOOD CIR  
RICHARDSON, TX 75081-5608

SMITH RAYMOND W  
600 FIELDWOOD CIR  
RICHARDSON, TX 75081-5608

COLWICK JOHN & GAIL  
603 BIRCH LN  
RICHARDSON, TX 75081-5627

PATCHEN CHARLIE R & MICHELLE L  
601 BIRCH LN  
RICHARDSON, TX 75081-5627

**JONES JOHN W & SANDRA**  
**529 BIRCH LN**  
**RICHARDSON, TX 75081-5625**

HOLDER BRADLEY W & MARGARET B  
527 BIRCH LN  
RICHARDSON, TX 75081-5625

MATTHEWS LOISE  
525 BIRCH LN  
RICHARDSON, TX 75081-5625

WALSH TRAVIS  
523 BIRCH LN  
RICHARDSON, TX 75081-5625

BAKER REBA  
604 BIRCH LN  
RICHARDSON, TX 75081-5626

JACK BRENDA LOUISE  
602 BIRCH LN  
RICHARDSON, TX 75081-5626

BISHOP SUSAN  
604 PARK BEND DR  
RICHARDSON, TX 75081-5630

MOSER JOHN M  
528 BIRCH LN  
RICHARDSON, TX 75081-5624

SWIM PHILIP T & WENDY A  
526 BIRCH LN  
RICHARDSON, TX 75081-5624

MANSFIELD ERNEST G  
524 BIRCH LN  
RICHARDSON, TX 75081-5624

CHRISTLEY PAUL G  
522 BIRCH LN  
RICHARDSON, TX 75081-5624

HINGORA KASSAM H & KULSOOM B  
601 SHEFFIELD DR  
RICHARDSON, TX 75081-5640

FISCHER SUSAN E  
529 SHEFFIELD DR  
RICHARDSON, TX 75081-5611

GIRARDOT TERRY & JOYCE  
527 SHEFFIELD DR  
RICHARDSON, TX 75081-5611

RAYMOND JUDITH  
525 SHEFFIELD DR  
RICHARDSON, TX 75081-5611

**V 13-15**  
**Notification List**



## Staff Report

ZBA Meeting Date: November 20, 2013

**TO:** Zoning Board of Adjustment  
**FROM:** Chris Shacklett, Senior Planner CS  
**DATE:** November 11, 2013  
**RE:** V 13-15  
**APPLICANT:** John W. Jones  
**OWNER:** John W. Jones  
**LOCATION:** 529 Birch Lane

### REQUESTED VARIANCE:

- 1) 10-foot variance to the 20-foot side setback for a corner lot adjacent to a side street for a carport (Article IV, Sec. 4(f)(1))

### EXISTING ZONING:

R-1500-M Residential

### EXISTING LAND USE:

Residential

### SURROUNDING LAND USE:

Residential & City Park

### STAFF COMMENTS:

The applicant's home is located on a corner lot at the northwest corner of Birch Lane and Lois Lane. His garage is accessed from the alley on the north side of the home. The side setback for corner lots is typically twenty (20) feet which applies to the principal structure as well as accessory structures including carports. The applicant states that fifteen (15) years ago, the driveway was widened toward the side street (Lois Lane) to include a third driveway parking space (see attached photos), after which a fence was constructed around said extension. Both the driveway expansion and fence were permitted. The applicant states that since that time various storage buildings have been placed on that third

driveway space. The applicant now desires to construct a carport over the 3-car wide driveway to provide protection from the weather for his vehicles.

The applicant has stated a hardship exists because his lot has a reduced buildable width due to the 20-foot corner lot side setback rather than a 7-foot side setback which is required for interior side setbacks; however, a carport located in the rear 25-foot setback would be allowed within three (3) feet of the side property line for an interior lot. The applicant has also stated that a 2-car carport (which would comply with the 20-foot setback) would not allow a proper turning radius for a vehicle into the third driveway space. The applicant has also stated that his neighbor across Lois Lane recently constructed a carport that extends into their 20-foot side setback, and he wishes to receive the same treatment as his neighbor. A permit was issued for that carport; however, it appears the permit was issued in error.

**TECHNICAL RECOMMENDATION:**

Based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the hardship is self-imposed.



**V 13-15**



**SUBJECT PROPERTY**

Birch Ln

S Lois Ln

Fieldwood Cir

Park Bend Dr

Sheffield Dr

**V 13-15 Aerial Map**

**529 Birch Lane**

Updated By: shacklett, Update Date: November 5, 2013  
File: DSI\mapping\Cases\ZV\2013\ZV 1315\ZV 1315 ortho.mxd



**Birch Lane**

**Lois Lane**

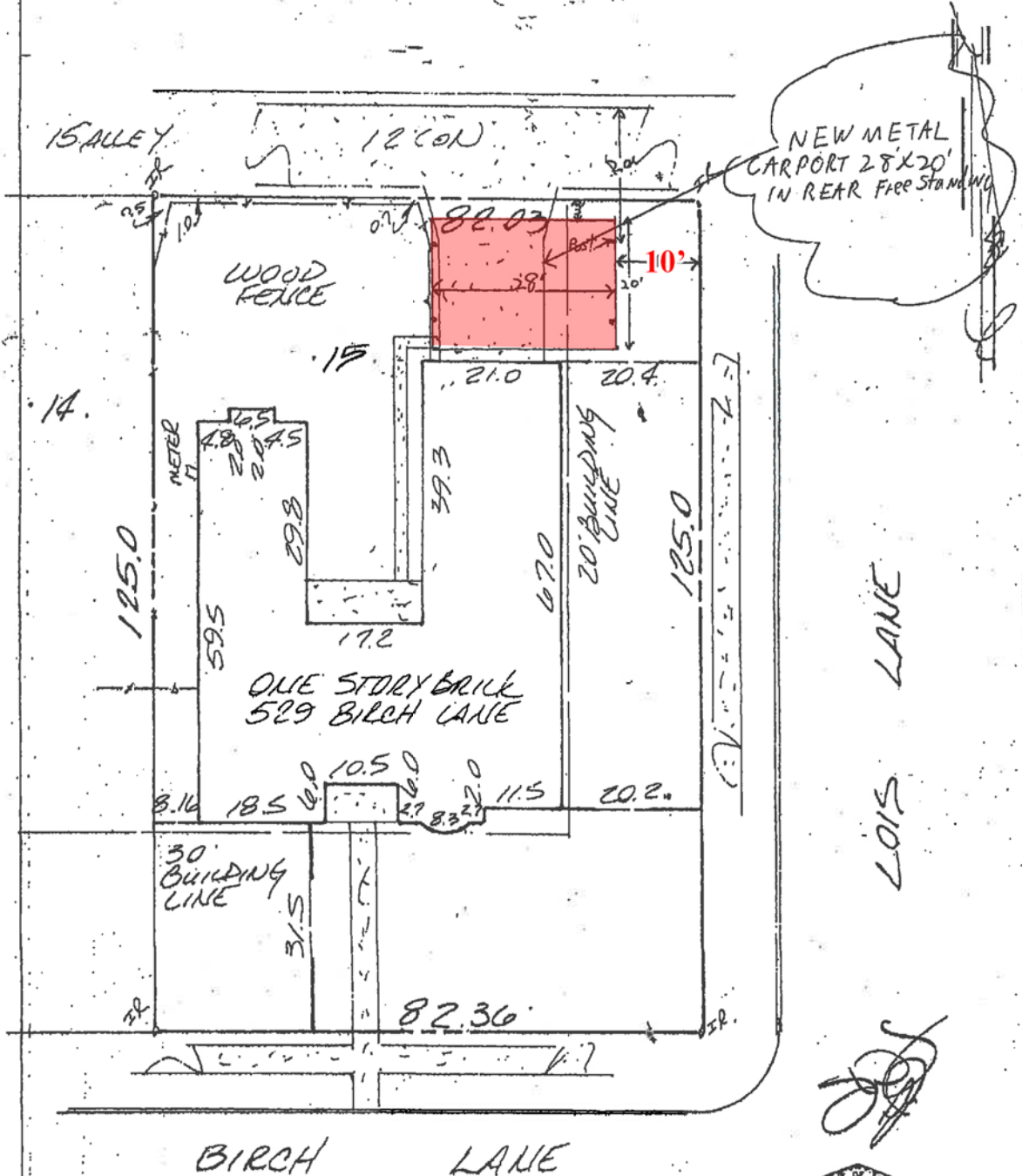


**Oblique Aerial  
Looking South**

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 529 BIRCH LANE in the city of, RICHARDSON Texas  
 Lot No. 15 Block No. E City Block No. \_\_\_\_\_  
 of SECOND SECTION OF RICHARD PARK an addition to the  
 City of RICHARDSON Texas, according to the  
 plat recorded in volume 73022 Page 883 Map Records DACUS County, Texas.



The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street, or road, is as shown on said plat  
 THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS.

Scale 1"=20'

Date 5-11-83

Job No. 30297ND Title No. G F 483 SP 430



*Jimmy W. Payne*

Registered Public Surveyor # 1722

3510 Marvin D. Love  
 Dallas, Texas 75224  
 371-0888



(1)

**Looking North along  
Side of Subject Property**



(2)

**Looking South along  
Side of Subject Property**



**Looking Southwest at  
Proposed Carport Location**

**(3)**

**For Department Use Only**

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?  Yes  No  
(If yes, six (6) month waiting period required on same variance for the property.)
2. Have you applied for a building permit (applicable to residential property only)?  Yes  No  
(If no, please speak with the Building Inspection Department prior to submitting the variance request.)

**Applicant Information**

**Owner Information**

	Signature	
John W. Jones	Printed Name	Same
John Jones, Homeowner	Company Name	Same
529 Birch Lane	Mailing Address	Same
Richardson, Texas 75081-5625	City, State, ZIP	Same
972-231-5245	Telephone Number	Same
972-907-3775	Fax Number	Same
JWJonesCPA@SBCG1oba1.Net	E-Mail Address	Same

**Subject Site Information**

Address of Subject Property: 529 Birch Lane, Richardson

Legal Description: Lot 15, Second Section of Richland Park, Plat Vol 73022, Page 883  
Dallas Co. Records

Existing Zoning and Ordinance: Minimum side yard setback of 20' on carport.

Requested Variance: 10 foot variance for installation of carport

**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

Please Refer to Statement 1

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

Yes  No

Please Refer to Statement 1

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

Yes  No

A setback of 20 feet is required on all corner lots for the installation of  
carport covers. My home is already set back 20 plus feet from the sidewalk.  
I request only a variance of 10 feet from the full 20 feet to install the  
carport cover.

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



# Board of Adjustment Variance Checklist

## City of Richardson, Texas

### Statement 1

Does a hardship exist? Yes.

Will literal enforcement of the ordinance result in an unnecessary hardship? Yes

1<sup>st</sup> - I seek a variance from the 20 foot setback on carport covers for corner lot homes as my home's width is 84. My neighbor's home width is 74 feet. But due to the 20 foot setback I only have 64 feet available for improvements to my home.

2<sup>nd</sup> - My drive way is 3 cars wide. (A COR permit was issued for extension of driveway). The turning radius to get into the 3<sup>rd</sup> lane prohibits the use of a 2 car wide carport. The setback is 20 feet, but I only need a variance of 10 feet (Refer to Picture – Statement 2)

3<sup>rd</sup> - I wish to be treated equal to my neighbors – my cross street neighbor (corner lot) received a permit for a 3 wide carport cover. His cover goes into the 20 foot setback by over 10 feet (Refer to Picture – Statement 3)

4<sup>th</sup> - Behind my home is Richland Park. The separation between the park and my home is a concrete fence barrier (install by COR) (Refer to Picture – Statement 4). My home is on the corner and I only have 10 feet to start the turn into the 3<sup>rd</sup> lane drive way space. With the supports for a 2 wide cover at requirements of 18' my SUV would hit the first post.

5<sup>th</sup> – I am not requesting a variance on the back setback distance along the alley.

The 3<sup>rd</sup> lane was installed to allow our teenage child to park her auto off the street. I am not going to turn my garage into a room – I already have 4 bedrooms for 2 residents. The purpose of the cover is to protect my ever more costly autos from the Texas hot summer sun.

My home is on a corner lot, but with Richland Park behind me, rather than another home. Yes the cover can be seen from the park. But a fence will be installed on the Lois Lane road side. This will hide the view from the Birch and Lois Lane.

*John W. Jones  
529 Birch Lane, Richardson*

*Building Permit Application  
Driveway Carport Cover*

The attached pictures indicate the type of carport cover requested. More than 15 years ago the driveway was expanded to a third lane. A permit was requested and issued for this construction. After the driveway extension a fence was constructed around the driveway extension. Again a permit was requested and issued for this construction. After the driveway extension and fence were completed, various storage building have been on the driveway – partially covered by the fence. No period was requested on the storage building.

My neighbor at 600 Fieldwood Circle constructed a carport cover a few years ago. He did request and receive a permit for the construction. My construction will be almost identical to his carport.

Contact Information:

Telephone #s: 972-231-5245 / 214-695-1190 / 972-231-3030

Fax #: 972-907-3775

Email: [JWJonesCPA@SBCGlobal.Net](mailto:JWJonesCPA@SBCGlobal.Net)

**John W. Jones  
Driveway Carport  
Building Permit Application**

**Statement 2**



***Rear View of Driveway  
Alley Approach to Driveway***

**Statement 3**



***View of Carport @ 600 Fieldwood Circle  
Located NE of 529 Birch Lane  
Both Homes Share Side Street of Lois Lane***

**John W. Jones  
Driveway Carport  
Building Permit Application**

**Statement 4**



**Concrete Fence Separating 529 Birch from Richland Park**

# Agenda

## Item 3

**ZV 13-16:  
1450 E. Campbell Road**

## ZONING VARIANCE FILE 13-16

### **Attachments:**

1. Notice of Public Hearing
2. Notification List
3. Staff Report
4. Aerial Map
5. Oblique Aerial Looking West
6. Site Plan
7. Site Plan Aerial
8. Proposed Building Elevations
9. Site Photos
10. Application
11. 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:

### VARIANCE REQUEST

**File No.** V 13-16  
**Property Owner:** Fr. Boulos Mikhael / St. Philopateer Coptic Church  
**Applicant:** Fr. Boulos Mikhael / St. Philopateer Coptic Church  
**Location:** 1450 E. Campbell Road  
**Current Zoning:** LR-M(2) Local Retail District  
**Request:** A request by Fr. Boulos Mikhael, representing St. Philopateer Coptic Church, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance:

- 1) Article XVI-B, Sec. 3(a)(1) for a 5-foot variance to the maximum 25-foot height allowed for a one-story building, and
- 2) Article XVI-B, Sec. 3(a)(1) for a 5-foot variance to the maximum 25-foot building height allowed for a building located within 150 feet of a residential zoning district for a gymnasium.

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

**WEDNESDAY, NOVEMBER 20, 2013**  
**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.*

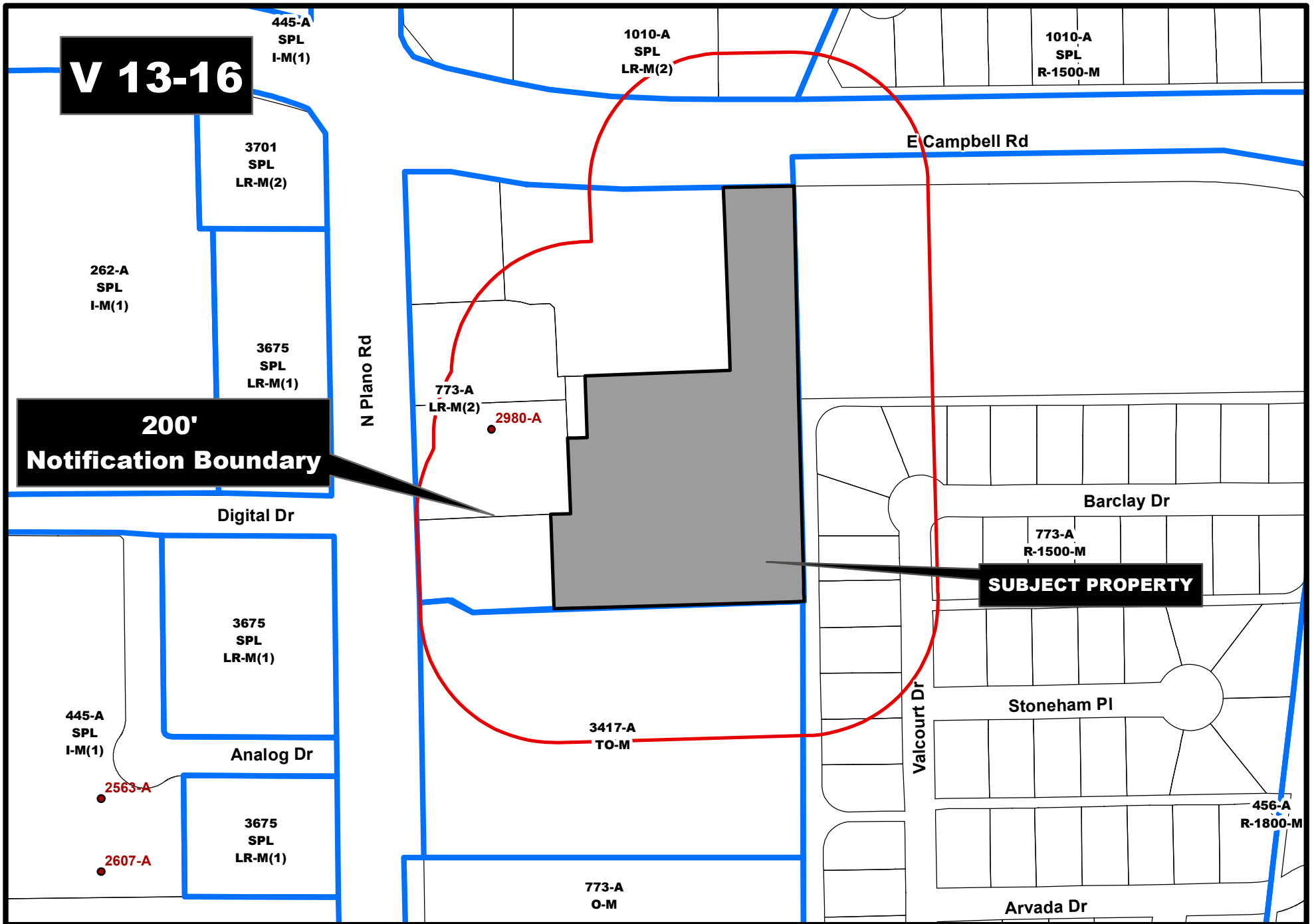
**Process for Public Input:** A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the Zoning Board of Adjustment. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions 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/index.aspx?page=1332>

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Variance number V 13-16.

Date Posted and Mailed: November 8, 2013



**V 13-16 Notification Map**  
**1450 E Campbell Road**

Updated By: shacklett, Update Date: November 5, 2013  
 File: DSI\Mapping\Cases\ZV\2013\ZV 1316\ZV 1316 notification.mxd





WC CAMPBELL BUSINESS CENTER  
1122 S CAPITAL OF TEXAS HWY  
AUSTIN, TX 78746-7175

LUCKY PLAZA LP  
CORNER REAL ESTATE SERVICES  
4300 N CENTRAL EXPY  
DALLAS, TX 75206-6532

HERRERA MARINA LISETH &  
AMILCAR BLADIMIR JR  
1500 SUMMERTREE CT  
RICHARDSON, TX 75082-4722

RICHARDSON EAST CHURCH OFCHRIST  
1504 E CAMPBELL RD  
RICHARDSON, TX 75081-1941

**FR. BOULOS MIKHAEL  
ST PHILOPATEER COPTIC  
ORTHODOX CHURCH OF DALLAS  
1450 E CAMPBELL RD  
RICHARDSON, TX 75081-1939**

CORRAL GROUP LP  
7750 N MACARTHUR BLVD # 120-22  
IRVING, TX 75063-7514

PROSPER BANK  
805 E 1ST ST  
PROSPER, TX 75078

HALLETT NO I LP  
1125 GROSS RD  
MESQUITE, TX 75149-2015

ST PHILOPATEER COPTIC  
ORTHODOX CHURCH OF DALLAS  
1110 JOHN MCCAIN RD  
COLLEYVILLE, TX 76034-6315

CNL APF PARTNERS LP  
ATTN: COLLATERAL MANAGEMENT  
8377 E HARTFORD DR # 200  
SCOTTSDALE, AZ 85255-5687

JACKSON HEATHER  
1501 BARCLAY DR  
RICHARDSON, TX 75081-1925

SOLES THAD H & JAIME A CLAR  
1819 VALCOURT DR  
RICHARDSON, TX 75081-1932

WILSON ANDREA LIANE  
1817 VALCOURT DR  
RICHARDSON, TX 75081-1932

TEXAS HEALTH RESOURCES SYSTEM  
612 E LAMAR BLVD FL 6  
ARLINGTON, TX 76011-4121

WOODALL STEPHANIE M &  
TRACY W WOODALL  
1815 VALCOURT DR  
RICHARDSON, TX 75081-1932

NUGENT REBECCA L  
1813 VALCOURT DR  
RICHARDSON, TX 75081-1932

CLAY JESSICA  
1500 BARCLAY DR  
RICHARDSON, TX 75081-1924

RMB SPRING CREEK LTD  
720 E PARK BLVD STE 210  
PLANO, TX 75074-8802

WU CHENG CHIUNG &  
CHING-YUAN  
43948 ROSEMERE DR  
FREMONT, CA 94539-5966

LEE JOHNNY S  
3600 THERONDUNN CT  
PLANO, TX 75023-6012

MYERS DON  
1501 STONEHAM PL  
RICHARDSON, TX 75081-1928

VERRIERE LEON L JR &  
KIMBERLY A  
1807 VALCOURT DR  
RICHARDSON, TX 75081-1932

**FR. BOULOS MIKHAEL  
802 LIVINGSTON DRIVE  
ALLEN, TEXAS 75002**

**V 13-16  
Notification List**



## Staff Report

ZBA Meeting Date: November 20, 2013

**TO:** Zoning Board of Adjustment  
**FROM:** Chris Shacklett, Senior Planner CS  
**DATE:** November 11, 2013  
**RE:** V 13-16  
**APPLICANT:** Fr. Boulos Mikhael, representing St. Philopateer Coptic Church  
**OWNER:** Fr. Boulos Mikhael, representing St. Philopateer Coptic Church  
**LOCATION:** 1450 E. Campbell Road

### REQUESTED VARIANCE:

- 1) 5-foot variance to the maximum 25-foot height allowed for a one-story building (Article XVI-B, Sec. 3(a)(1)), and
- 2) 5-foot variance to maximum 25-foot building height allowed for a building located within 150 feet of a residential zoning district for a gymnasium (Article XVI-B, Sec. 3(a)(1))

### EXISTING ZONING:

LR-M(2) Local Retail

### EXISTING LAND USE:

Institutional

### SURROUNDING LAND USE:

Residential, Office and Retail/Commercial

### STAFF COMMENTS:

The applicant is requesting a variance to allow additional height for a one-story building to achieve adequate interior height to construct a gymnasium with a high school-sized basketball court at their church. The height to the roof deck would be thirty (30) feet which exceeds the maximum 25-foot height allowed for a one-story building. An

additional four (4) feet of height is allowed for a parapet. Additionally, since the church property is zoned LR-M(2) Local Retail, building height is limited to one-story/twenty-five (25) feet within 150 feet of a residential zoning district. If the church property were residentially zoned (many churches adjacent to single-family neighborhoods are residentially zoned), this restriction would not apply and the second variance would not be necessary.

The applicant states the location of the gymnasium was chosen to ensure safety of the kids going from the church to the gymnasium by keeping them away from the parking lot. As part of the church's master plan, other one-story buildings that comply with the height regulations are planned elsewhere throughout the site. The applicant is proposing no windows on the east side of the gymnasium to protect the single-family neighborhood's privacy.

The applicant states their hardship is that it is not possible to achieve the minimum clear heights within the gymnasium and keep the roof height, which is measured at the roof deck, below twenty-five (25) feet. Regarding the variance related to the one-story/25-foot maximum within 150 feet of a residential zoning district, the applicant has stated that moving the gymnasium outside of the 150-foot area would affect their plans for the future location of the other planned buildings shown on the attached site plan.

**TECHNICAL RECOMMENDATION:**

Based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the construction of this type of facility, which is common to church facilities, would not be able to be constructed as a 1-story building and still meet the 25-foot maximum height allowed for a 1-story building; however, there are alternate locations on the site in which the gymnasium could be placed.

**V 13-16**

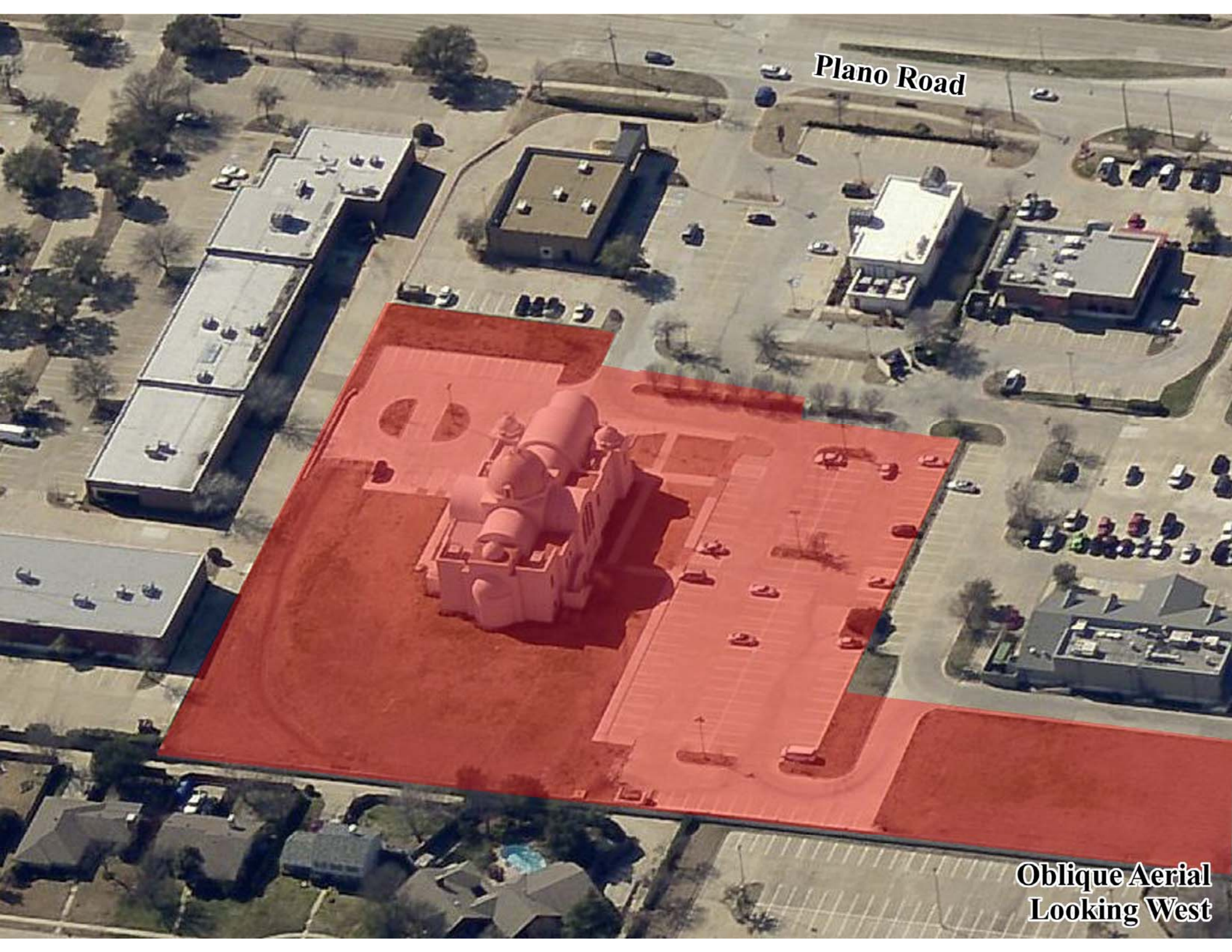


**V 13-16 Aerial Map**  
**1450 E Campbell Road**

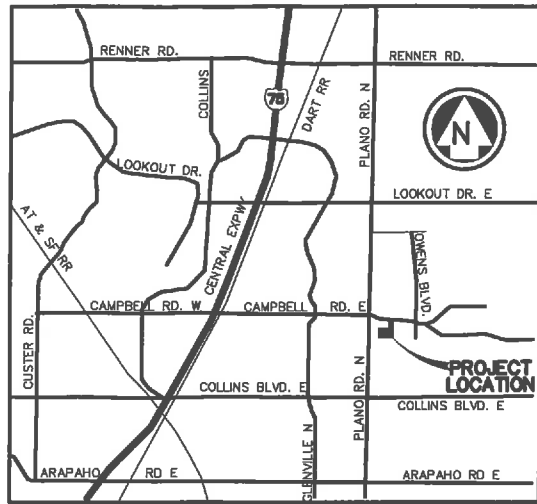
Updated By: shacklett, Update Date: November 5, 2013  
File: DSI\Mapping\Cases\ZV\2013\ZV 1316\ZV 1316 ortho.mxd



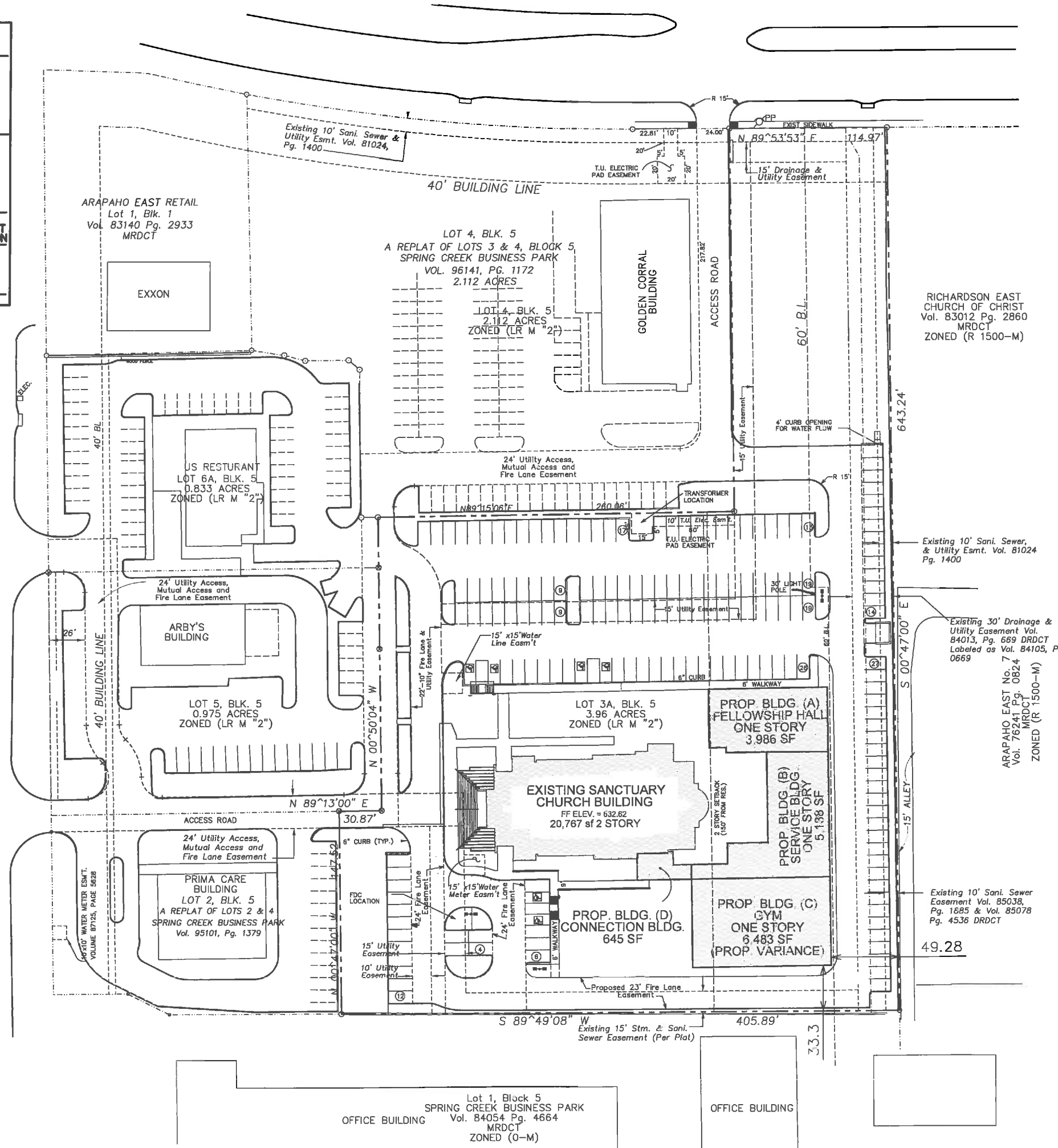
*Plano Road*



*Oblique Aerial  
Looking West*



LOCATION MAP



0 40' 80' 160'



SCALE: 1" = 80'

**BUILDING/PARKING SUMMARY**

CURRENT ZONING	LR M(2)
ORDINANCE	773-A
SPL. CONDITION	NONE
SET BACKS	ALONG CAMPBELL RD. (NORTH P.L.)
40'	BLDG. SETBACK (INCLUSIVE OF ALLEY)
60'	WHERE BLDG. BACKS UPON
0'	RESIDENTIAL ( EAST P.L.)
	(SOUTH & WEST P.L.)
LOT AREA	3.96 ACRE 172,805 SQ. FT.
EXT. SANCTUARY SQ. FT.	
FIRST FLOOR	6,991 SQ.FT.(EX.) 8,098 SQ.FT. ()
SECOND FLOOR	6,991 SQ.FT.(EX.) 7,977 SQ.FT. ()
TOTAL	30,057 SQ.FT.
PROP. BLDG (A)	
FELLOWSHIP HALL	
TOTAL	3,986 SQ.FT.
PROP. BLDG (B)	
SERVICE BLDG.	
TOTAL	5,138 SQ.FT.
PROP. BLDG (C)	
GYM	
TOTAL	6,483 SQ.FT.
PROP. BLDG (D)	
CONNECTION	
TOTAL	645 SQ.FT.
TOTAL BUILDING	46,309 SQ.FT.
PARKING RATIO	1 SPACE/3 SEATS IN THE SANCTUARY
# OF SEATS	424 SEATS
REQUIRED PARKING	141 SPACES
PARKING PROVIDED	175 SPACES

OWNER:  
**ST. PHILOPATEER COPTIC ORTHODOX CHURCH.**  
 FR. BOULOS MIKHAEL  
 1450 E. CAMPBELL RD. RICHARDSON, TX 75081  
 TEL. (972) 669-2050

**LOT 3B, BLOCK 5, SPRING CREEK BUSINESS PARK**  
 1450 E. CAMPBELL RD.

**SITE PLAN**

DESIGN	DRAWN	CHECKED	SCALE	DATE	FILE NO.	SHEET
			1"=80'-0"	10/28/13		<b>C-1</b>

Lot 1, Block 5  
 SPRING CREEK BUSINESS PARK  
 OFFICE BUILDING Vol. 84054 Pg. 4664  
 MRDCT  
 ZONED (O-M)

OFFICE BUILDING

# V 13-16

N Plano Rd

N 89°53'53" E 114.97'

60' B.L.

4" CURB OPENING FOR WATER FLOW

15' Utility Easement

150' from Residential →

22'-30" Fire Lane & Utility Easement

15' x 15' Water Meter Easement

30.87'

1" CURB (TYP.)

FDC LOCATION

15' Utility Easement

10' Utility Easement

8'-6" Fire Lane & Utility Easement

15' x 15' Water Meter Easement

15' x 9' Fire Lane & Utility Easement

15' WALKWAY

EXISTING SANCTUARY CHURCH BUILDING  
FF ELEV. = 632.62  
20,767 SF 2 STORY

LOT 3A, BLK. 5  
3.96 ACRES  
ZONED (LR M "2")

PROP. BLDG. (D)  
CONNECTION BLDG.  
645 SF

Proposed  
**Gymnasium**  
(subject of  
variance request)

PROP. BLDG. (A)  
FELLOWSHIP HALL  
ONE STORY  
3,986 SF

PROP. BLDG. (B)  
SERVICE BLDG.  
ONE STORY  
5,138 SF

2 STORY BR. BLK. (80' FROM FEEL)

Proposed 23' Fire Lane Easement

Barclay Dr

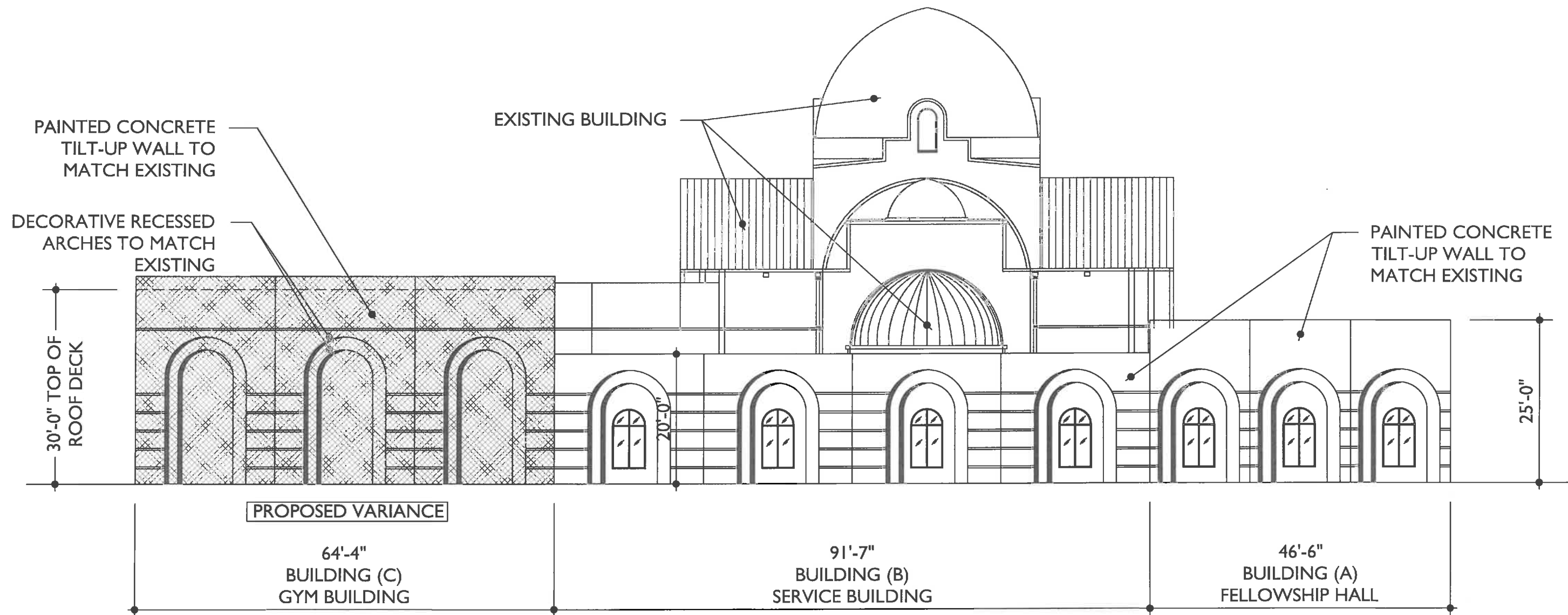
Valcourt Dr

## V 13-16 Aerial Map

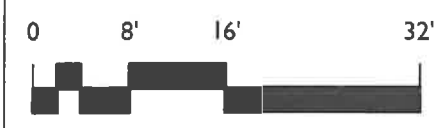
### 1450 E Campbell Road

Updated By: shacklett, Update Date: November 5, 2013  
File: D:\Mapping\Cases\ZV2013\ZV 1316\ZV 1316 ortho CU.mxd





NOTE | NO WINDOW OPENING AT THIS SIDE OF BUILDING (C)



SCALE: 1/16" = 1'-0"

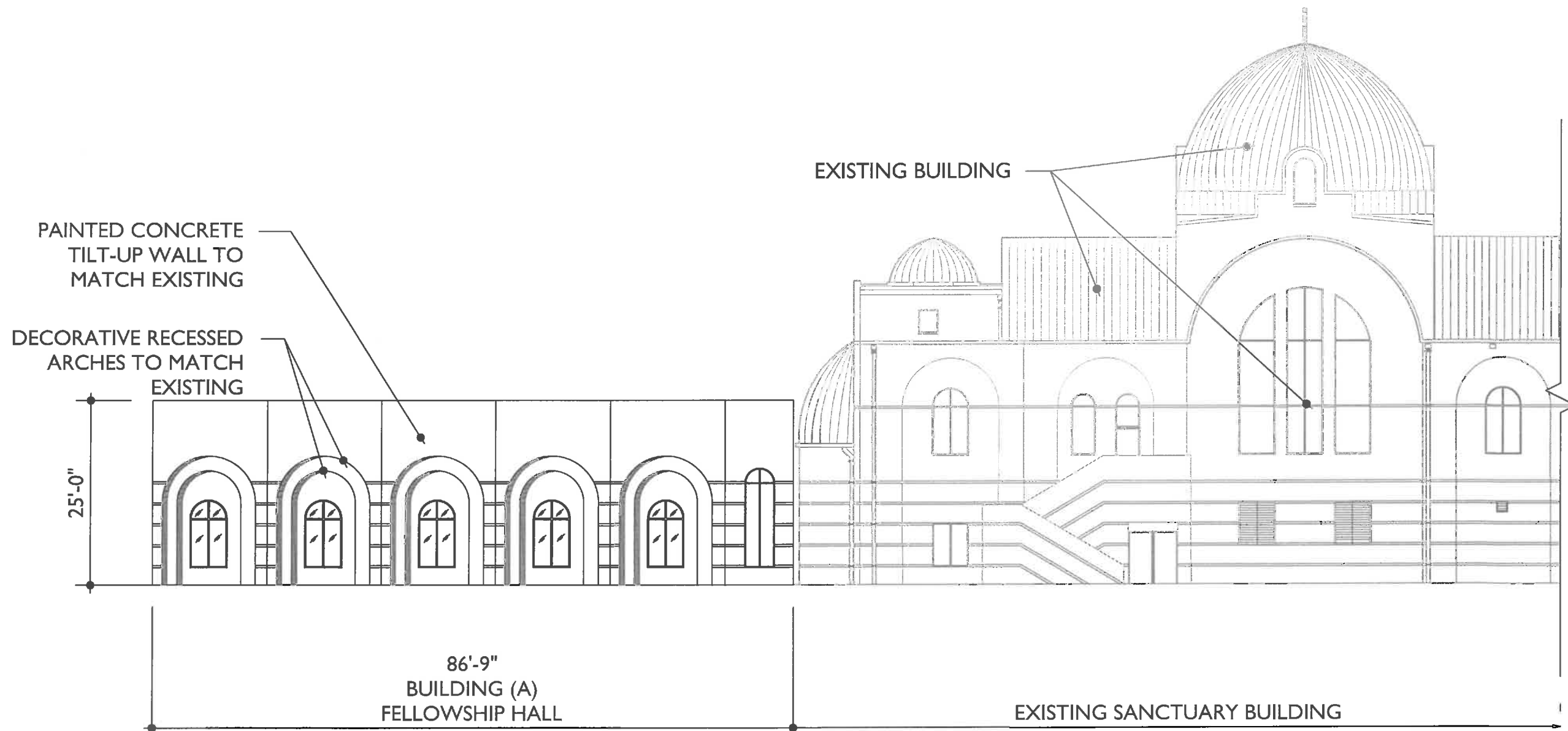
# ST. PHILOPATEER COPTIC ORTHODOX CHURCH.

# EAST ELEVATION

LOT 3B, BLOCK 5, SPRING CREEK BUSINESS PARK  
 1450 E. CAMPBELL RD. RICHARDSON, TX 75081  
 TEL. (972) 669-2050

SCALE 1/6" = 1'-0"





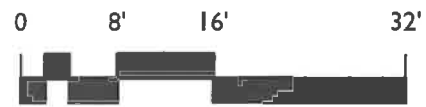
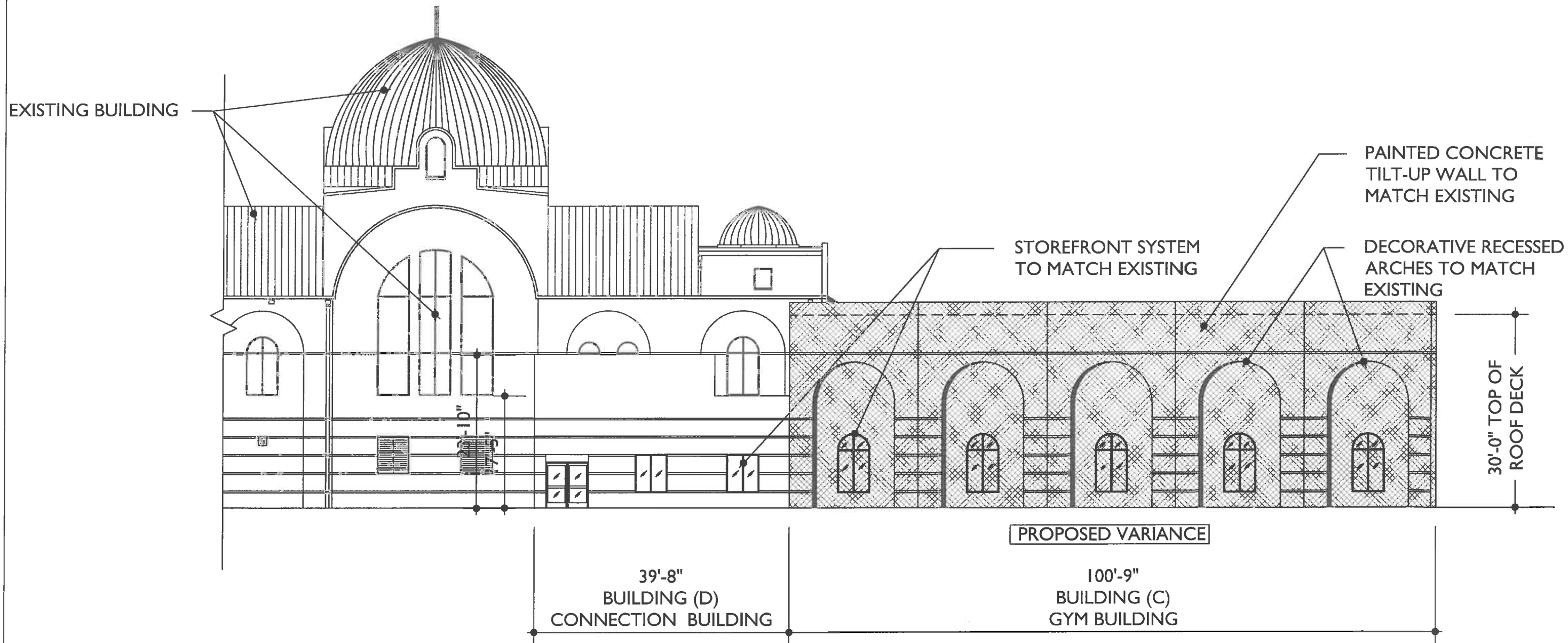
SCALE: 1/16" = 1'-0"

# ST. PHILOPATEER COPTIC ORTHODOX CHURCH.

# NORTH ELEVATION

LOT 3B, BLOCK 5, SPRING CREEK BUSINESS PARK  
 1450 E. CAMPBELL RD. RICHARDSON, TX 75081  
 TEL. (972) 669-2050

SCALE 1/8" = 1'-0"



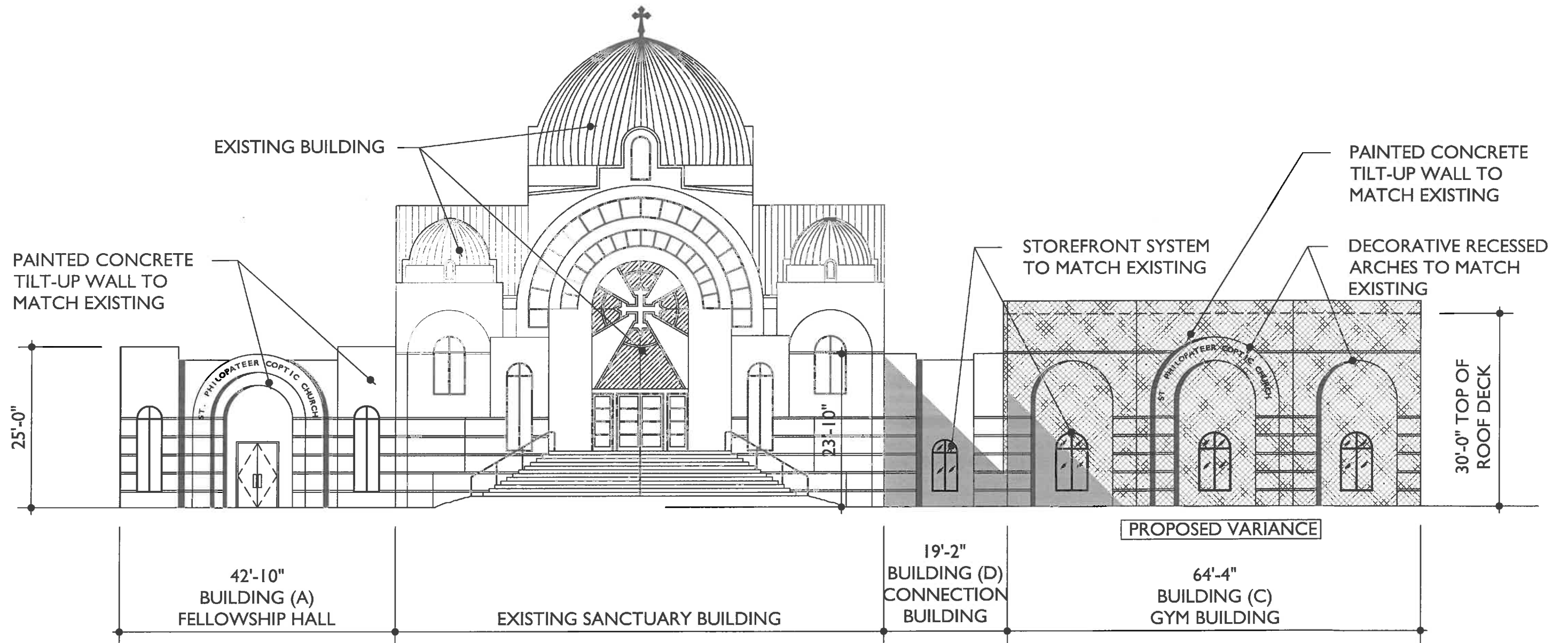
SCALE: 1/16" = 1'-0"

# ST. PHILOPATEER COPTIC ORTHODOX CHURCH.

# SOUTH ELEVATION

LOT 3B, BLOCK 5, SPRING CREEK BUSINESS PARK  
 1450 E. CAMPBELL RD. RICHARDSON, TX 75081  
 TEL. (972) 669-2050

SCALE 1/16" = 1'-0"



0 8' 16' 32'

SCALE: 1/16" = 1'-0"

# ST. PHILOPATEER COPTIC ORTHODOX CHURCH.

LOT 3B, BLOCK 5, SPRING CREEK BUSINESS PARK  
 1450 E. CAMPBELL RD. RICHARDSON, TX 75081  
 TEL. (972) 669-2050

# WEST ELEVATION

SCALE 1/8" = 1'-0"



**Looking Northeast at  
Subject Property**



**Looking North at  
Proposed Gym Location**

**(2)**



**Looking South at  
Proposed Gym Location**



(4)

**Looking South  
along East Property Line**

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

<i>Fr. Boulos Mikhael</i>	Signature	<i>Fr. Boulos Mikhael</i>
<i>St. Philopateer Coptic Church</i>	Printed Name	<i>Fr. Boulos Mikhael</i>
	Company Name	
<i>1450 E. Campbell Rd.</i>	Mailing Address	<i>802 Livingston Dr.</i>
<i>Richardson, TX 75081</i>	City, State, ZIP	<i>Allen, TX 75002</i>
<i>972 669 2050</i>	Telephone Number	<i>214 476 2115</i>
	Fax Number	
<i>frboulos_f@msn.com</i>	E-Mail Address	<i>frboulos_f@msn.com</i>

### Subject Site Information

Address of Subject Property: *1450 E. Campbell Rd. Richardson, TX 75081*

Legal Description: *Spring Creek business Park Lot 3B, Block 5*

Existing Zoning and Ordinance: \_\_\_\_\_

Requested Variance: *1-STORY BLDG GTR THAN 25' / BLDG GTR THAN 25' W/IN 150' OF RES*

### 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"). *+ SITE PLAN (DIMENSIONS BLDG TO RES. PROP.) + BLDG ELEV.*
- ▶ Filing fee = \$250.00



# Board of Adjustment Variance Checklist

City of Richardson, Texas

Does a hardship exist? If so, explain below.

Yes  No

The church is planning to build a basketball court (high school size) for serving the youth, the hardship comes because of the height limitation which will make the interior of the court low and this will affect the use of the facility

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

Yes  No

We want to have the Gym building and use it properly and the height limitation of the building is a crucial factor to make the building usable efficiently

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

Yes  No

The problem comes because it is a church building near to residential area and our future building is an important part of our service to the people

Is the need for the variance created by the applicant? If so, explain below.

Yes  No

We need to have other facilities rather than the sanctuary... This is to serve better a very important age group (youth & young adults) as the sports activities became very important part in the ministry directed to this age group.

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



COPTIC ORTHODOX DIOCESE OF THE SOUTHERN UNITED STATES

## ST. PHILOPATEER COPTIC ORTHODOX CHURCH

To the zoning board of adjustment, City of Richardson

St. Philopateer Coptic Orthodox Church of Richardson is requesting variance from the city current height limitation near to a residential area (within 150 feet) to build a basketball court of high school size.

We need to get extra height to make the building efficiently used for its purpose..

The church will guarantee to keep the privacy of the residents near to the building and also maintain the beauty of the building so it will add to the whole church building currently existing.

We did a lot of study to find the perfect place for the activity building (Gym) and the proposed drawings show the best place to have it so it will fulfill the following:

- 1- Safety of the kids and people using the building (away from the traffic of the parking lot of the church and the nearby buildings).
- 2- Efficient and smooth circulation (leaving the sanctuary building and getting there through the side door upstairs and downstairs) which again confirm the safety of the kids while going to the building.
- 3- The privacy of our neighbors because the Gym building west wall will be a solid one with no windows versus the Sunday school building that will have windows all over.
- 4- Keeping the nice look of all the buildings together. The study done by the architect showed that this is the best way to have additional building without affecting the look of the all buildings together, and this will look better from all directions which is a major concern to us (not to have the Gym building misplaced and not matching with the existing one).

We appreciate your help with this matter.

Priest of the Church

Fr. Boulos Mikhael.

*Fr. Boulos Mikhael*  
10/28/2013