

# **City of Richardson Zoning Board of Adjustment Agenda Packet April 16, 2014**

**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, APRIL 16, 2014**  
**6:30 P.M.**  
**CIVIC CENTER/COUNCIL CHAMBERS**  
**411 W. ARAPAHO ROAD**

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**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**

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1. **APPROVAL OF MINUTES OF REGULAR MEETING OF MARCH 19, 2014.**
2. **PUBLIC HEARING ON ZBA FILE V 14-06**, a request by Gary V. Nedzinski, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance:
  - 1) Article IV-B, Sec. 4(g), for a 23-foot variance to the 25-foot rear yard setback for an existing garage;
  - 2) Article IV-B, Sec. 4(g), for a 9-foot variance to the 25-foot rear yard setback for an attached patio cover (as shown on attached map).The property is located at 2803 Tam O'Shanter Lane.
3. **PUBLIC HEARING ON ZBA FILE SE 14-02**, a request by Brian Campion, for approval of the following special exception to the City of Richardson Code of Ordinances:
  - 1) Chapter 6, Article IV, Sec. 6-205(b), to allow sheet metal, in conjunction with wood as an approved fencing material.The property is located at 1317 Chippewa Drive.
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, April 4, 2014.

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

# Agenda

## Item 1

**Approval of the minutes of the March 19, 2014  
Zoning Board of Adjustment Meeting**

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF RICHARDSON, TEXAS**  
**MARCH 19, 2014**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Thursday, March 19, 2014 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  
Brian Shuey, Member  
Shamsul Arefin, Alternate  
Jason Lemons, Alternate

**MEMBERS ABSENT:** John Veatch, Member

**CITY STAFF PRESENT:** Chris Shacklett, Senior Planner  
Jennifer Patrick, Building Inspector  
Cindy Wilson, Administrative Secretary

Mike Walker, Chairman, introduced Chris Shacklett, Senior Planner; Jennifer Patrick, Building Inspector 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 one member is absent and all those present will be voting. Member Shamsul Arefin will vote on items 1 and 3. Member Jason Lemons will vote on item 2. 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 February 19, 2014 meeting were approved as presented on a motion by Shuey; second by Arefin and a vote of 5-0.

**PUBLIC HEARING ON ZBA FILE V 14-05**, a request by Rick Kimball, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article VII, Sec. 4(g), for a 13-foot variance to the 25-foot rear yard setback for an existing garage at 722 Winchester Drive.

Shacklett stated the existing home was constructed in 1957, and the current owners purchased the property in 2010. Shacklett noted the applicant stated at the time of purchase there was no mention of a structure encroaching into the required setback. Shacklett explained that based on a review of aerial photographs, it appears the garage existed in 1995. Shacklett stated it is unclear if the garage was constructed as part of the original home or added sometime between 1957 and 1995. Shacklett continued by saying it is possible that the structure was constructed without a permit or it may have been permitted in error. Shacklett explained that when the

applicant's plans were submitted for review, the permit application was denied due to the existing encroachment; the applicant was informed he would need to either demolish the portion of the garage that was encroaching and replace it elsewhere on the property or request a variance.

Shacklett stated the applicant is requesting a 13-foot variance to the required 25-foot rear yard setback for the existing garage located at the rear of the property. Shacklett pointed out the applicant is proposing to construct an addition to the rear of the home on the east side of the lot to increase the footprint of the master suite as well as increase the size of the existing living room. Shacklett explained that although the addition conforms to the setback requirements of the Comprehensive Zoning Ordinance (CZO), the CZO does not allow non-conforming structures to be expanded. Shacklett added that without a variance to the rear setback requirement for the existing garage, no additions or expansions to the existing structure would be allowed.

Shacklett reported the applicant's stated hardship exists because the home was purchased without disclosure of the encroachment. Shacklett added furthermore, it is unclear whether the structure was originally permitted as part of the original construction of the home. Shacklett noted if the applicant were required to remove the garage, a new garage would be required to be constructed or a variance would be required to allow less than two (2) enclosed parking spaces. Lastly, the applicant stated a hardship exists because no other conforming changes can be made to the house if the variance is not granted.

Shacklett stated it is staff's opinion that a hardship exists because no additions or expansions can be permitted even if the addition or expansion conforms to all of the regulations in the Comprehensive Zoning Ordinance. Shacklett continued that without a variance, the structure will remain non-conforming until such time the portion of the home that encroaches into the rear setback is removed or the structure is demolished and reconstructed.

In response to a question from Pratt regarding the drawing of the plat and the rear setback line, Shacklett responded that the item had been drawn incorrectly.

Rick Kimball, 722 Winchester Drive, Richardson, Texas came forward to present his case. Kimball stated three (3) years ago he purchased the property with the plan to remodel by expanding the living room and the master bedroom. Kimball added when he applied for a permit to do the work he found he would need a variance to continue remodeling. Kimball noted that moving or reconstructing the garage would not be feasible.

Chairman Walker asked for any questions of the applicant. There being no questions, Chairman Walker stated he sees this request as clear cut and thanked the applicant for coming forward.

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

Menke made note that this encroachment was made years ago and there has been no issue and it does not appear what is proposed will cause problems.

Chairman Walker requested a motion.

Pratt made a motion to grant item number V 14-05 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Lemons and approved 5-0.

**PUBLIC HEARING ON ZBA FILE SE 14-01**, a request by Doug & Robin Martin, for approval of the following special exception to the City of Richardson Code of Ordinances: 1) 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 610 Copper Ridge Drive.

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 greater than three (3) feet in height to be built in the front yard. Shacklett explained the current owners purchased the property in 2013 and demolished the existing home with plans to construct a new home. Shacklett indicated when the applicant presented their proposed plan to staff, it was noted that the proposed freestanding 6-foot stone wall (which is treated as a fence per the Code) along the front building line was not allowed and a special exception would be required to allow the wall.

Shacklett expressed the applicant's intent is to move the house back ten (10) feet behind the 30-foot front yard setback line and place the 16-foot long freestanding wall along the setback line. Shacklett noted the purpose of the wall is to block public views as well as headlights from the large windows proposed on the front of the new home. Shacklett pointed out the applicant has stated the wall/courtyard concept fits the style and architecture of the proposed home. Shacklett continued the applicant also feels that although the proposed wall requires a special exception, the intent of the ordinance is met because they are not enclosing their front yard area, but rather providing an area similar to a porch or patio which would be allowed by right.

Shacklett added the applicant states the wall does not violate the intent of the ordinance and provides a level of privacy and screening and agrees that a fence enclosing the entire front yard would detract from a "neighborhood-friendly" atmosphere. Shacklett explained the applicant states the front wall of the home could be placed where the proposed wall is being located, but by moving the home back, additional green space is being provided along the street, thereby creating privacy while lessening the visual impact of the new home on the neighborhood.

Shacklett stated that although the proposed wall is considered a fence per Chapter 6 of the Code of Ordinances thus requiring a special exception for its location, the application and intent of the proposed wall is to provide an architectural screen that is compatible with the design and architecture of the proposed home. Furthermore, the proposed freestanding wall does not create an enclosed space which is typical of a fully enclosed fenced yard.

Doug Martin, 2017 Flat Creek Drive, Richardson, Texas came forward to present his case. Martin thanked Shacklett for his presentation. Martin expressed that they agree with the ordinance; understand the reason it exists and believe it makes sense. Martin explained that they do not want to build a fence, but a six (6) foot high stone wall. Martin stated that they view this wall as a design aesthetic that is a very common feature in homes of contemporary architecture. Martin noted that in the neighborhood there are a number of homes with privacy walls out in front. Martin added that privacy walls are different from fences. Martin stated that the house was in grave disrepair prior to their taking it down. Martin noted that as they went through demolishing the home and the huge shrubbery, many of the neighbors thanked them for the removal of both. Martin explained that the huge shrubbery was there to block the lights from traffic turning from Nantucket Drive onto Copper Ridge Drive headlights come directly into the living room. Martin cited that his architect talked with them regarding a privacy wall and how it fits with the aesthetic and do a great job of blocking the view. Martin added that the entrance mentioned earlier is one of the main entrances into Canyon Creek. Martin stated they are right next to the school; public park; swimming pool and there is a lot of traffic. Martin displayed a picture of stone that exists at Canyon Creek Elementary as the type of grey tone stone look they are requesting to install.

Chairman Walker asked for questions or comments from the Board.

Arefin asked what material would be used for the home.

Martin responded that it will be within the 75% masonry requirement and they will use a grey, thinner longer brick for a more contemporary look. Martin added there will be some stucco and wood will overhang the front entry way.

Seeing no one come forward to speak in favor, Chairman Walker asked for those who would like to speak in opposition to come forward.

Sandy and Irene Zucker, 2103 Flat Creek Place, Richardson, Texas came forward to express their concerns. Mr. Zucker stated that his main concerns is that the description was originally of a fence between the front of the house and the street. Zucker added that a big wall in the front was going to change the look and feel of that house and affect the entire neighborhood.

Walker asked Zucker if his point of opposition was the wall.

Zucker said he would like to know how much of the house would be blocked.  
Shacklett came forward with a scale site plan.

Menke added that it looked to be about 30% of the width of the house.

Shacklett noted that the home is about a fifty-six (56) foot wide home.

Pratt explained it would be 16 feet out of 56 feet.

Zucker asked if the wall could be built out closer to the street.

Pratt stated the project would be limited specifically to the presentation made this evening.

Ms. Zucker stated her concern is that this project would tend to change the look of the neighborhood. Zucker continued that change comes and she understands remodeling but her concern is that it will tend to change the look and feel and the integrity of the neighborhood.

Walker directed Zucker back to discussion regarding the wall.

Zucker clarified that they live right across the street and that the window in her kitchen would look right out on the wall and that would concern her. Zucker stated that they experience traffic turning all the time. Zucker manages this during dinner by closing the drapes and she does not see the lights as a reason for the wall.

Eleanor Stone, 2025 Flat Creek Drive, Richardson, Texas came forward with a question regarding what was displayed on one of the slides shown.

Walker explained that her question related to the picture of the house next door.

Stone expressed that it was going to be very different in the neighborhood and totally change the look of the neighborhood.

Walker asked if this wasn't better than what was there before.

Stone responded that she wasn't sure it beat an empty lot.

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

Arefin stated this is a very interesting house similar to where he grew up. Arefin explained his appreciation for the front of the proposed wall being placed on the building line and pushing the house back from there. Arefin added that the wall will complement the building.

Menke reinforced Arefin's comments saying the house being moved back ten (10) feet to allow the wall to be located on the front building line which is in line with all the other homes. Menke added he did not see that it would make much of an impact and will tie in well with the other designs. Menke closed his remarks that it is important to remember that we are all here to deal only with the wall.

Lemons explained that a masonry wall, not wood implies permanence and ties into the property very well. Lemons added it is definitely a departure for the neighborhood and it will positively impact homes there.

Pratt noted the importance of moving the house back ten (10) feet and placing the wall where they have, leaving the lot more open. Pratt stated if the applicant had chosen to build this house with a bump at either corner of the house back to the build line; no variance would have



been required. Pratt expressed what the applicant is asking for leaves the lot more open than what could be built without a variance.

Shuey made a motion to grant item number SE 14-01 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Arefin and approved 5-0.

There being no further business, the meeting was adjourned at 7:07 p.m.

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Mike Walker, Chairman  
Zoning Board of Adjustment

DRAFT

# Agenda

## Item 2

**ZV 14-06:  
2803 Tam O'Shanter Lane**

## ZONING VARIANCE FILE 14-06

### Attachments:

1. Notice of Public Hearing
2. Notification List
3. Staff Report
4. Aerial Map
5. Site Plan
6. Patio Cover Elevation & Roof 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 14-06  
**Property Owner:** Gary V. Nedzinski  
**Applicant:** Gary V. Nedzinski  
**Location:** 2803 Tam O'Shanter Lane  
**Current Zoning:** R-1800-M Residential  
**Request:** A request by Gary V. Nedzinski, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance:

- 1) Article IV-B, Sec. 4(g), for a 23-foot variance to the 25-foot rear yard setback for an existing garage (as shown on attached map);
- 2) Article IV-B, Sec. 4(g), for a 9-foot variance to the 25-foot rear yard setback for an attached patio cover (as shown on attached map).

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

**WEDNESDAY, APRIL 16, 2014**  
**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.

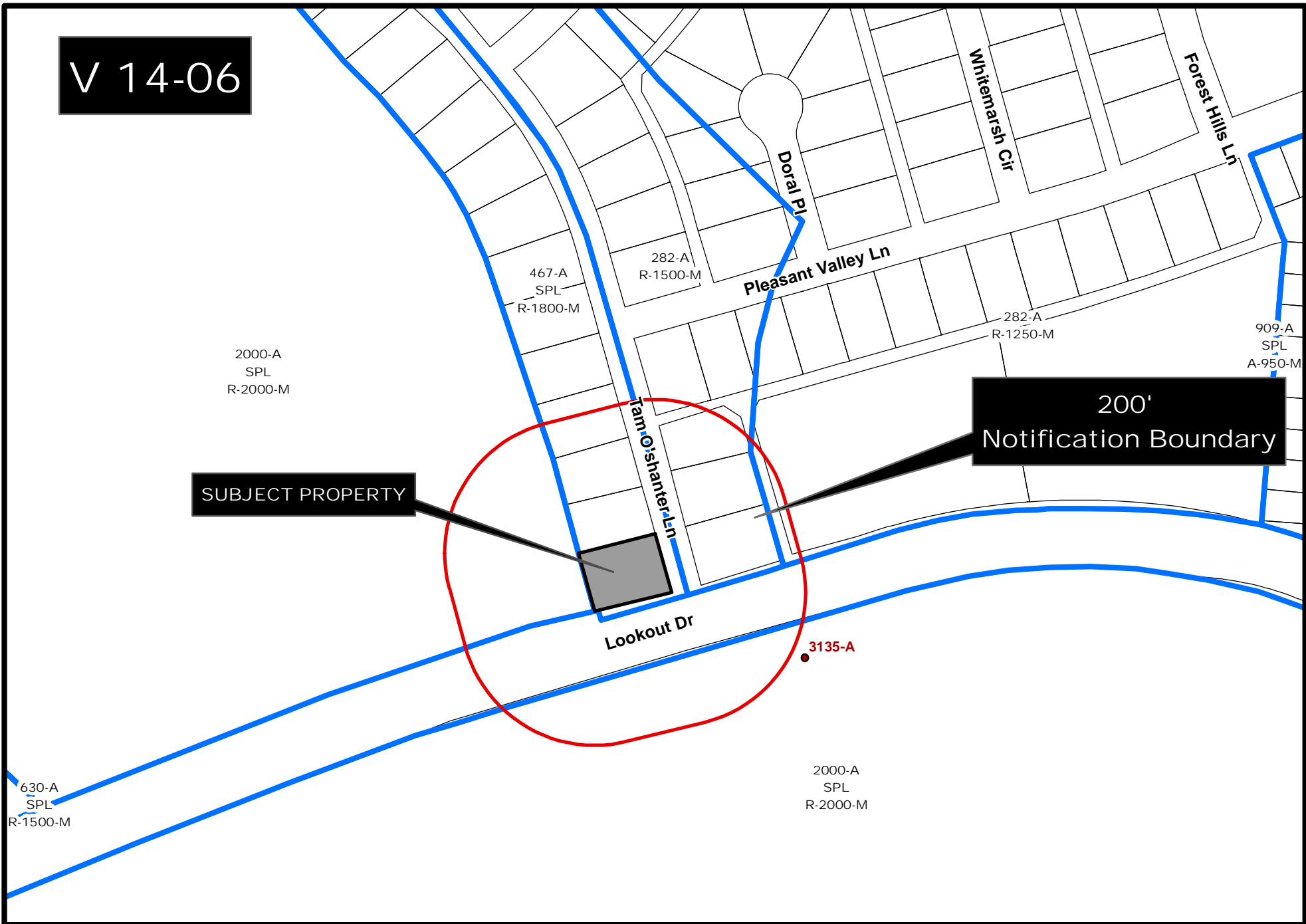
Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

**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 14-06.

Date Posted and Mailed: April 4, 2014

V 14-06



V 14-06 Notification Map  
2803 Tam O'Shanter Lane

Updated By: shacklett, Update Date: March 27, 2014  
File: DSI\mapping\Cases\ZV\2014\ZV 1406\ZV 1406 notification.mxd



RICHARDSON COUNTRY CLUB CORP  
PO BOX 4900  
SCOTTSDALE, AZ 85261-4900

JONES TIMOTHY W  
815 PLEASANT VALLEY LN  
RICHARDSON, TX 75080-1548

BIBLICAL COMMUNITY CHURCH INC  
810 W LOOKOUT DR  
RICHARDSON, TX 75080-2138

BROWN LOIS DEE  
2809 TAM O SHANTER LN  
RICHARDSON, TX 75080-1524

ZELINSKY SALLY A  
2806 TAM O SHANTER LN  
RICHARDSON, TX 75080-1523

ARLEDGE JIMMIE P  
2807 TAM O SHANTER LN  
RICHARDSON, TX 75080-1524

WOYEWODZIC EDWIN JOSEPH  
2804 TAM O SHANTER LN  
RICHARDSON, TX 75080-1523

SALAS CHERYL FAYE  
2805 TAM O SHANTER LN  
RICHARDSON, TX 75080-1524

GIBBONS JASON & PAIGE GASKEY  
2802 TAM O SHANTER LN  
RICHARDSON, TX 75080-1523

**NEDZINSKI GARY**  
**2803 TAM O SHANTER LN**  
**RICHARDSON, TX 75080-1524**

**V 14-06**  
**Notification List**



## Staff Report

ZBA Meeting Date: April 16, 2014

**TO:** Zoning Board of Adjustment  
**FROM:** Chris Shacklett, Senior Planner *CS*  
**DATE:** April 7, 2014  
**RE:** V 14-06  
**APPLICANT:** Gary V. Nedzinski  
**OWNER:** Gary V. Nedzinski  
**LOCATION:** 2803 Tam O'Shanter Lane

### REQUESTED VARIANCES:

- 1) 23-foot variance to the 25-foot rear yard setback for an existing garage (Article IV-B, Sec. 4(g))
- 2) 9-foot variance to the 25-foot rear yard setback for an attached patio cover (Article IV-B, Sec. 4(g))

### EXISTING ZONING:

R-1800-M Residential

### EXISTING LAND USE:

Residential

### SURROUNDING LAND USES:

Residential and a golf course

### STAFF COMMENTS:

The current owner purchased the home in 2013 and now desires to construct an attached patio cover on the rear (west side) of the home. The applicant was informed by staff that no addition could be constructed since the existing attached garage encroaches twenty-three (23) feet in the required 25-foot rear yard setback along the west property line (adjacent to Canyon Creek Country Club). The existing garage was originally constructed as a carport, and it appears it was later converted without a permit into a

garage (between 2010 and 2012). Although an attached carport is allowed to be located within three (3) feet of a rear property line, an attached garage is not.

In addition to the request for the existing garage encroachment, the applicant is requesting a variance to construct an attached patio cover that encroaches nine (9) feet into the 25-foot rear yard setback as shown on the attached site plan. If it were detached, the patio cover would only be required to meet the 3-foot rear yard setback for accessory structures. The applicant stated that he wanted to tie the patio cover into the existing home to prevent future drainage/leakage issues.

The applicant has stated that without a variance to the existing garage encroachment, it would not be possible for him to construct any additions to the home. He desires the patio cover to provide a shaded area overlooking the golf course that provides protection from the western exposure to the sun. The applicant has indicated the location of the patio cover is limited by an existing tree in the rear yard. In addition, the topography of the lot, which slopes down toward Lookout Drive, creates a hardship as to where the patio cover can be located.

The patio cover would be allowed in the proposed location, if it were detached. However, the applicant feels the granting of the rear yard setback variance justifies limiting possible drainage issues that could occur from having a detached patio cover.

#### **TECHNICAL RECOMMENDATION:**

Variance Request #1: It is staff's opinion that a hardship exists because no addition or expansion can be permitted even if it conforms to the regulations in the Comprehensive Zoning Ordinance. Without the variance to the existing garage, the structure will remain as non-conforming until such time that the encroachment into the rear setback is removed, or the structure is demolished.

Variance Request #2: Based on the information provided by the applicant, it appears a property hardship does not exist.



V 14-06

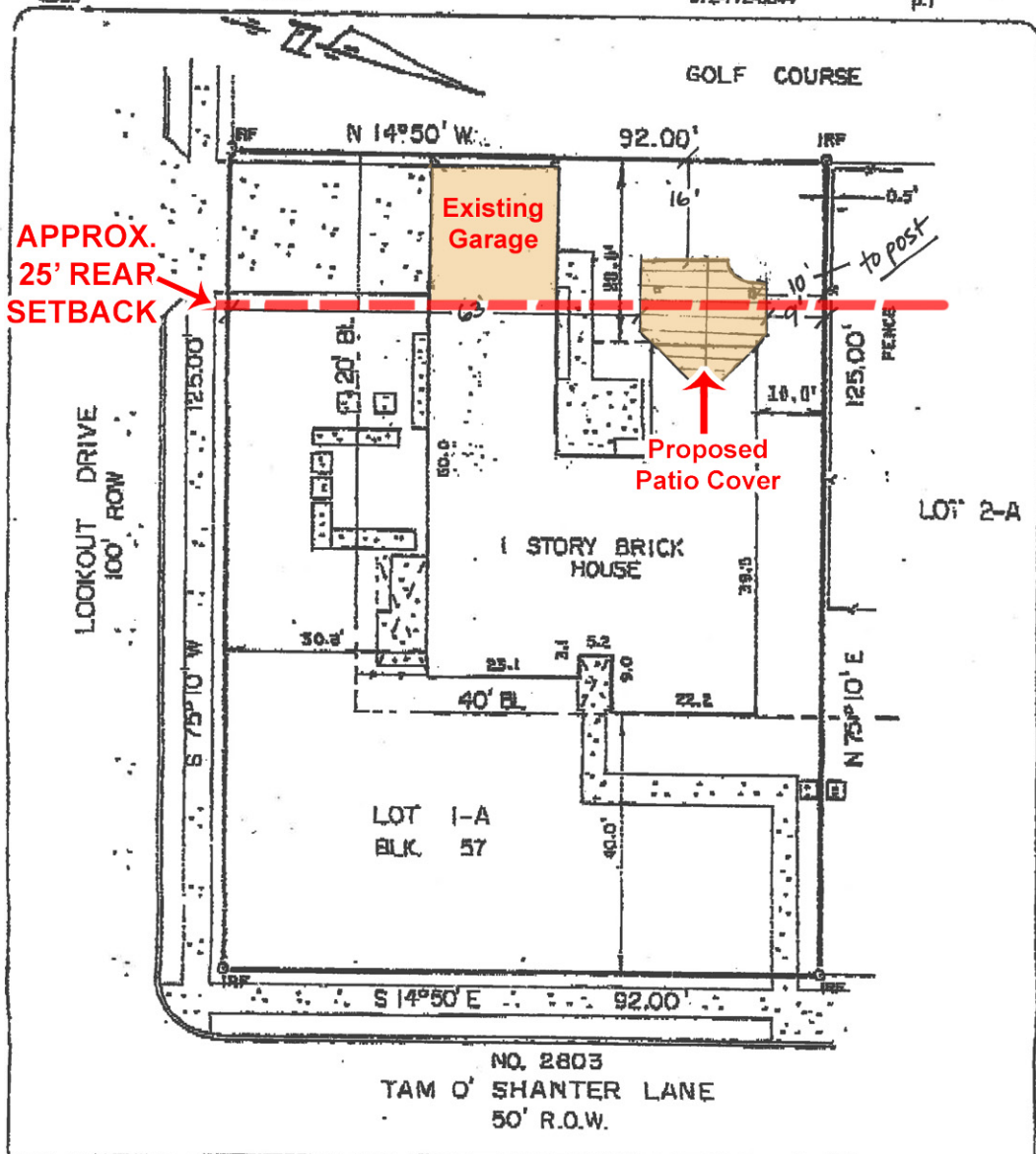
SUBJECT PROPERTY



V 14-06 Aerial Map  
2803 Tam O'Shanter Lane

Updated By: shacklett, Update Date: March 27, 2014  
File: DSI\mapping\Cases\ZV\2014\ZV 1406\ZV 1406 ortho.mxd





NO. 2803  
 TAM O' SHANTER LANE  
 50' R.O.W.

LEGAL DESCRIPTION

Being Lot 1-A, in Block 57, of REPLAT OF CANYON CREEK COUNTRY CLUB No. 8, THIRD INSTALLMENT, an Addition to the City of Richardson, Collin County, Texas, according to the Map thereof recorded in Volume C, Page 280, Map Records of Collin County, Texas.

2803 Tam O' Shanter Lane

**DJ DAVID JAMES  
 LAND SURVEYORS**

ROCKWALL, TEXAS  
 214-546-6911

\*Rev. 2-17-2010  
 Concrete Slab & Forms  
 DATE January 21, 2010

SCALE 1"=20'

DRAWN BY DJ



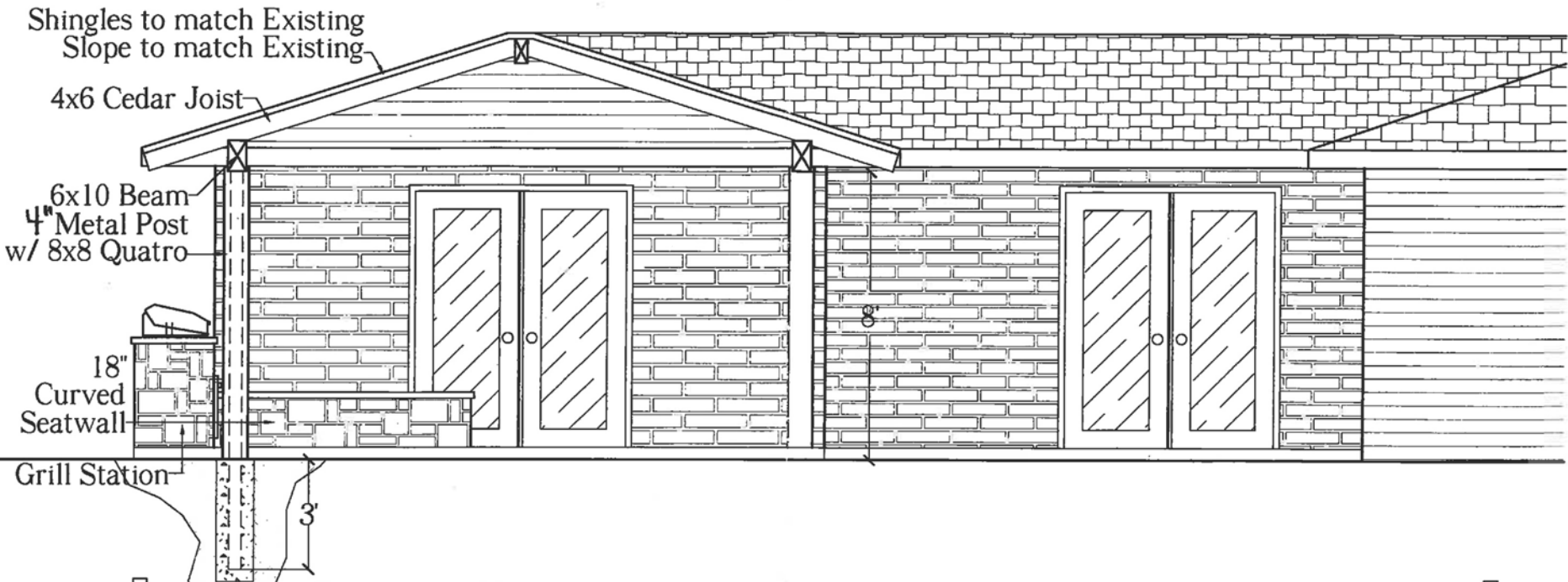
Zone K is not a flood hazard area.  
 Subject Property is located in Zone  
 X according to the Federal  
 Insurance Administration national flood  
 insurance program Flood Insurance Rate  
 Map Community - Panel Number:  
 480184 0005C  
 Effective 1-2-91  
 G.F. NO. 10881458 NGZ  
 I.D. NO. 1-11-10  
 SUBV Traditional Select  
 Homes, Inc.

The undersigned does hereby certify that the foregoing plat correctly represents an accurate survey made on the ground and there are no visible conflicts, encroachments, overlapping of improvements or easements or easements as shown. The plat correctly represents the boundaries as found or located on the ground with respect to the recorded references shown and the area, if shown, correctly represents the area enclosed by said boundaries. This property has access to and from a dedicated roadway.

COMMUNITY SERVICES

MAR 06 2014

CITY OF RICHARDSON



**CLIENT:**  
 Nedsinski Residence  
 2803 Tam O Shanter Ln.  
 Richardson, Tx 75080

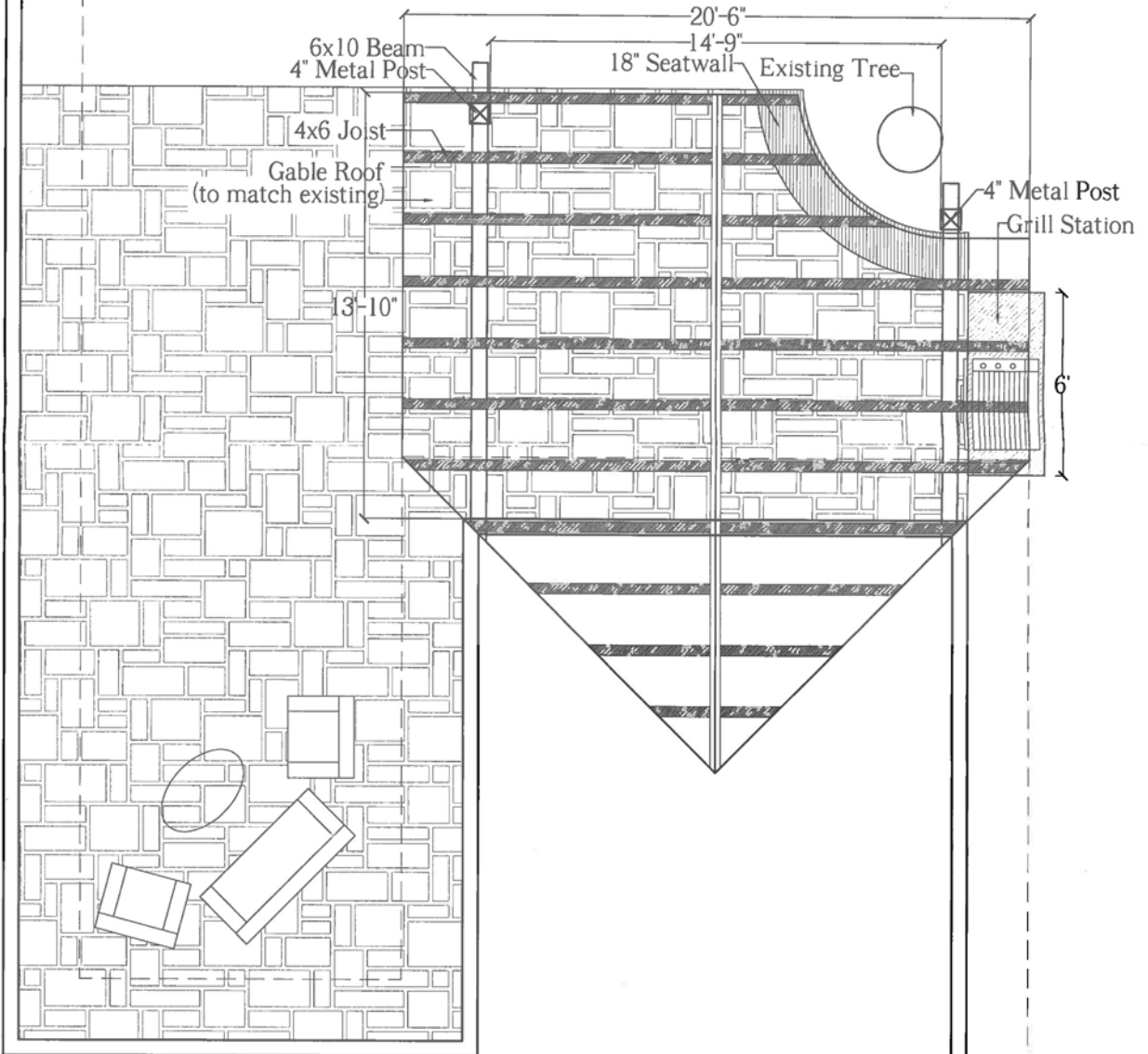
**DATE** 01.27.14  
 Revised 02.25.14

**SCALE** 1/4"=1'



NOT FOR CONSTRUCTION WITHOUT  
 WRITTEN PERMISSION OF  
 SOUTHWEST FENCE & DECK

© COPYRIGHT 2014  
 SOUTHWEST FENCE & DECK  
 ALL RIGHTS RESERVED



CLIENT:

Nedsinski Residence  
 2803 Tam O Shanter Ln.  
 Richardson, Tx 75080

DATE 01.27.14  
 Revised 02.25.14  
 03.04.14

SCALE  $\frac{1}{4}"=1'$



6823 Dwyer Rd.  
 Carrollton, Texas 75010  
 (972) 492-1370  
 P.O. 2394-2014 Ft. W.  
 www.SouthWestFence.com

NOT FOR CONSTRUCTION WITHOUT  
 WRITTEN PERMISSION OF  
 SOUTHWEST FENCE & DECK

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(1)

Looking North at Existing Garage



Looking Northeast at  
Side of Existing Garage



**Looking East at Proposed  
Patio Cover Location**



**Looking Southeast at Proposed  
Patio Cover Location**

**(4)**



For Department Use Only

Date Received: 03/21/14 Fee Paid: 250.00 Accepted by: Chris Shacklett / C. Gevitsen



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.)
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.)

Applicant Information Owner Information

Signature, Printed Name, Company Name, Mailing Address, City, State, ZIP, Telephone Number, Fax Number, E-Mail Address

Subject Site Information

Address of Subject Property: 2803 TAM O'SHANTER
Legal Description:
Existing Zoning and Ordinance: R-1800-M
Requested Variance: 1) 23' VAR. TO 25' REAR SETBACK FOR EXISTING GARAGE 2) 9' VAR. TO 25' REAR SETBACK FOR PATIO COVER

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

Garage has existed for a number of years.  
Patio cover - western sun exposure, ideal view

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

Yes  No  
drainage issues if detached.

Detached will cause serious drainage issues.

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 topography of the lot creates unique issues to this particular property.

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

Like many other Richardson residents and homeowners I desire to improve both the interior and exterior of my house at 2803 Tam O Shanter Lane. I moved in May of 2013 from Plano and love Richardson and the Canyon Creek area.

I have a wonderful view of Canyon Creek Country Club golf course from my back yard and wanted to further appreciate that view by adding an attached patio roof. I was notified that the permit could not be granted due to a non compliant garage that was built years ago and grandfathered in.

The patio roof serves many purposes. It has western exposure, meaning that the sun hits it in the late afternoon and early evening. I was recently treated for a rather severe form of skin cancer (squamous cell carcinoma) and desire to enjoy the outdoors with maximum sun protection. The patio cover is located perfectly for this because it is also right next to a large tree that affords additional shade. Also, a patio roof separate from the house will cause significant drainage problems with my master bedroom and it's large French doors. If there is a gap between the patio roof and the house water will run directly at these doors. I have already encountered water problems with this property.

Also, the topography of the lot limits where the patio cover can be installed. There is a rather severe drop off in elevation from my backyard to Lookout Drive.

Based on the above I would like to request a variance to allow me to proceed to obtain a permit. I want to continue to make improvements and add value and beauty to my property. Every home that makes improvements to their property enhances the overall beauty of the community.

Thank you very much for your consideration.

Regards,

Gary V. Nedzinski

# Agenda

## Item 3

**SE 14-02:  
1317 Chippewa Drive**

## **SPECIAL EXCEPTION FILE 14-02**

### **Attachments:**

1. Notice of Public Hearing
2. Notification List
3. Staff Report
4. Aerial Map
5. Site Plan
6. Site Photos
7. Application
8. 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 REQUEST**

**File No.** SE 14-02  
**Property Owner:** Brian Campion  
**Applicant:** Brian Campion  
**Location:** 1317 Chippewa Drive  
**Current Zoning:** R-1100-M Residential  
**Request:** A request by Brian Campion, for approval of the following special exception to the City of Richardson Code of Ordinances:  
  
1) Chapter 6, Article IV, Sec. 6-205(b), to allow corrugated steel, in conjunction with wood as an approved fencing material.

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

**WEDNESDAY, APRIL 16, 2014**  
**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.*

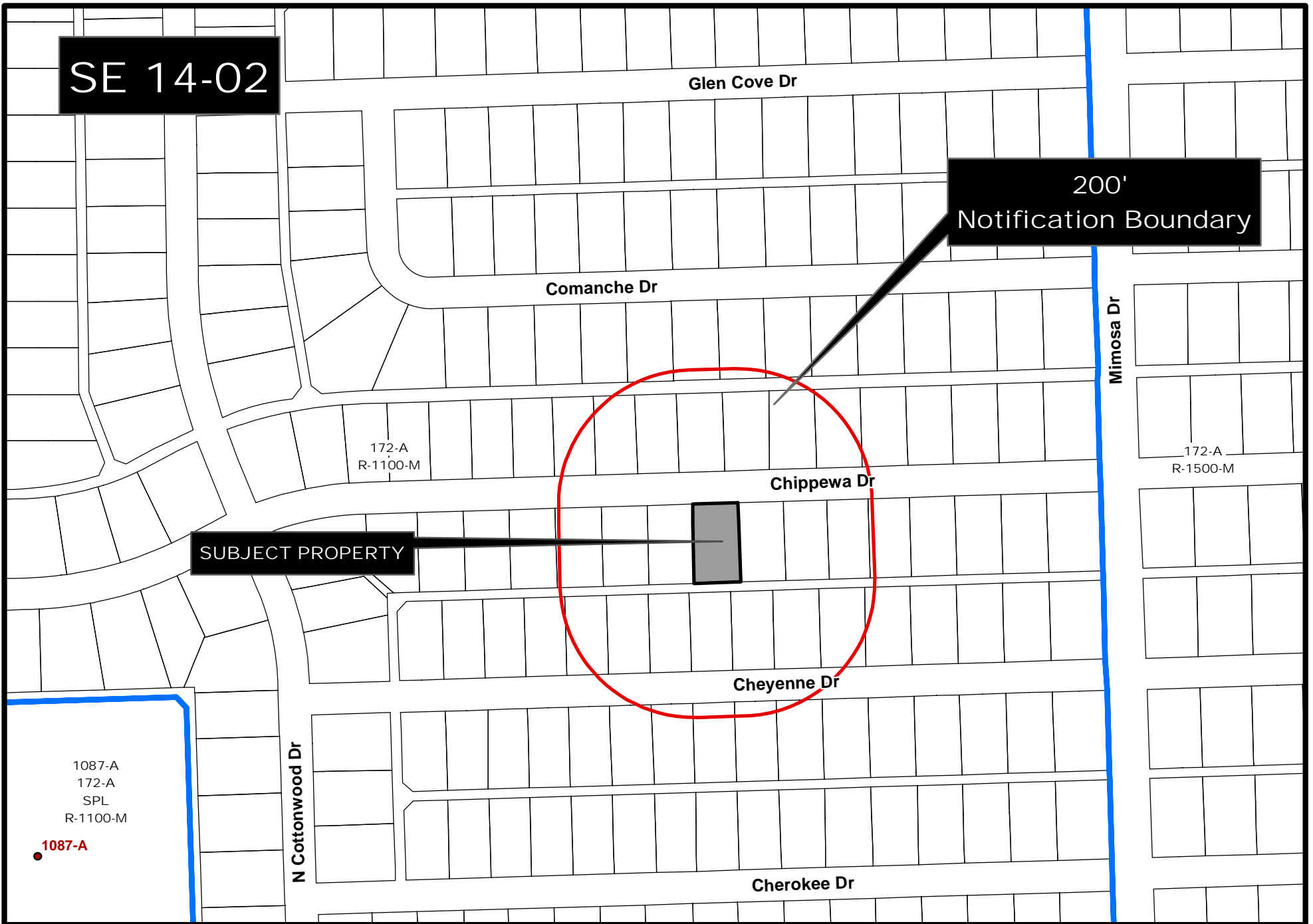
**Process for Public Input:** A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the Zoning Board of Adjustment. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions 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 SE 14-02.

Date Posted and Mailed: April 4, 2014



## SE 14-02 Notification Map

1317 Chippewa Drive

Updated By: shacklett, Update Date: March 27, 2014  
File: D:\Mapping\Cases\SE\SE 1402\SE 1402 notification.mxd



DICKINSON LARRY D  
1313 COMANCHE DR  
RICHARDSON, TX 75080-3712

WARNER PHILIP ALAN & BECKY  
1315 COMANCHE DR  
RICHARDSON, TX 75080-3712

BETTS JOSEPH H & SHERI W  
1317 COMANCHE DR  
RICHARDSON, TX 75080-3712

LECLAIR DAVID C & NICOLE  
1319 COMANCHE DR  
RICHARDSON, TX 75080-3712

COURTNEY THOMAS A JR  
1308 CHIPPEWA DR  
RICHARDSON, TX 75080-3707

HALL BETTY LOU  
1310 CHIPPEWA DR  
RICHARDSON, TX 75080-3707

PETERS VICKI LEANN  
1312 CHIPPEWA DR  
RICHARDSON, TX 75080-3707

GAFFORD TERESA C  
1314 CHIPPEWA DR  
RICHARDSON, TX 75080-3707

HUMPHRIES RUTH E  
1316 CHIPPEWA DR  
RICHARDSON, TX 75080-3707

LARCH JAMES EDWIN & MELINDA KAY  
1318 CHIPPEWA DR  
RICHARDSON, TX 75080-3707

MOULTON AMANDA & BRADLEY  
1320 CHIPPEWA DR  
RICHARDSON, TX 75080-3707

PICKERING BRIAN  
1322 CHIPPEWA DR  
RICHARDSON, TX 75080-3707

REDFEARN JOHN MICHAEL  
1309 CHIPPEWA DR  
RICHARDSON, TX 75080-3708

KING THOMAS ALEXANDER  
1311 CHIPPEWA DR  
RICHARDSON, TX 75080-3708

MCMILLIAN BOBBY S & TRACEY  
1313 CHIPPEWA DR  
RICHARDSON, TX 75080-3708

CHU THOMAS S  
1315 CHIPPEWA DR  
RICHARDSON, TX 75080-3708

**CAMPION BRIAN W & CYNTHIA K  
1317 CHIPPEWA DR  
RICHARDSON, TX 75080-3708**

COWLEY LUIS  
1319 CHIPPEWA DR  
RICHARDSON, TX 75080-3708

HAMITER DAN IVEN JR & DEE  
1321 CHIPPEWA DR  
RICHARDSON, TX 75080-3708

HEFLIN RON & CAROL SUE ANGIN  
1323 CHIPPEWA DR  
RICHARDSON, TX 75080-3708

HILL MARILOU  
1308 CHEYENNE DR  
RICHARDSON, TX 75080-3705

SOHNER MICHAEL DENNIS  
1310 CHEYENNE DR  
RICHARDSON, TX 75080-3705

BROAD EDWARD R & EMILY BROAD  
1312 CHEYENNE DR  
RICHARDSON, TX 75080-3705

CUMMINGS FOREST M & SUE F  
714 W ARAPAHO RD APT 211  
RICHARDSON, TX 75080-4165

STEWART ADAM & ALEKSANDRA  
1316 CHEYENNE DR  
RICHARDSON, TX 75080-3705

KEDERSHA SCOTT G & KRISTEN L  
1318 CHEYENNE DR  
RICHARDSON, TX 75080-3705

STATHAKOS PHILLIP E & CYNTHIA D  
9815 LIMERICK DR  
DALLAS, TX 75218-2832

WINTERS ELAINE A  
1322 CHEYENNE DR  
RICHARDSON, TX 75080-3705

SCOTT DAVID A & STACY R  
1324 CHEYENNE DR  
RICHARDSON, TX 75080-3705

ASHMORE RICHARD D ESTATE  
% INEZ B ASHMORE  
1313 CHEYENNE DR  
RICHARDSON, TX 75080-3706



SCHRIMSHER SHERRY LEA  
1315 CHEYENNE DR  
RICHARDSON, TX 75080-3706

PEASLEE GARY D & SANDRA A  
1317 CHEYENNE DR  
RICHARDSON, TX 75080-3706

FLICKINGER BARBARA C  
1319 CHEYENNE DR  
RICHARDSON, TX 75080-3706

BROWN ROBYN  
1321 CHEYENNE DR  
RICHARDSON, TX 75080-3706

**SE 14-02**  
**Notification List**



# Staff Report

ZBA Meeting Date: April 16, 2014

**TO:** Zoning Board of Adjustment  
**FROM:** Chris Shacklett, Senior Planner CS  
**DATE:** April 7, 2014  
**RE:** SE 14-02  
**APPLICANT:** Brian Campion  
**OWNER:** Brian Campion  
**LOCATION:** 1317 Chippewa Drive

## REQUESTED SPECIAL EXCEPTION:

(1) Allow corrugated steel, in conjunction with wood, as an approved fencing material (Chapter 6, Article IV, Sec. 6-205(b))

## EXISTING ZONING:

R-1100-M Residential

## EXISTING LAND USE:

Residential

## SURROUNDING LAND USES:

Residential

## STAFF COMMENTS:

The applicant is requesting a special exception to the Fence Ordinance (Chapter 6 of the Richardson Code of Ordinances) to allow corrugated steel as a fencing material along the south property line and a portion of the east property line as shown on the attached site plan.

The Fence Ordinance provides a list of permitted materials, including wood, masonry, chain link, and wrought iron, and a list of prohibited materials, including barbed wire, razor ribbon, sheet metal, and corrugated steel.

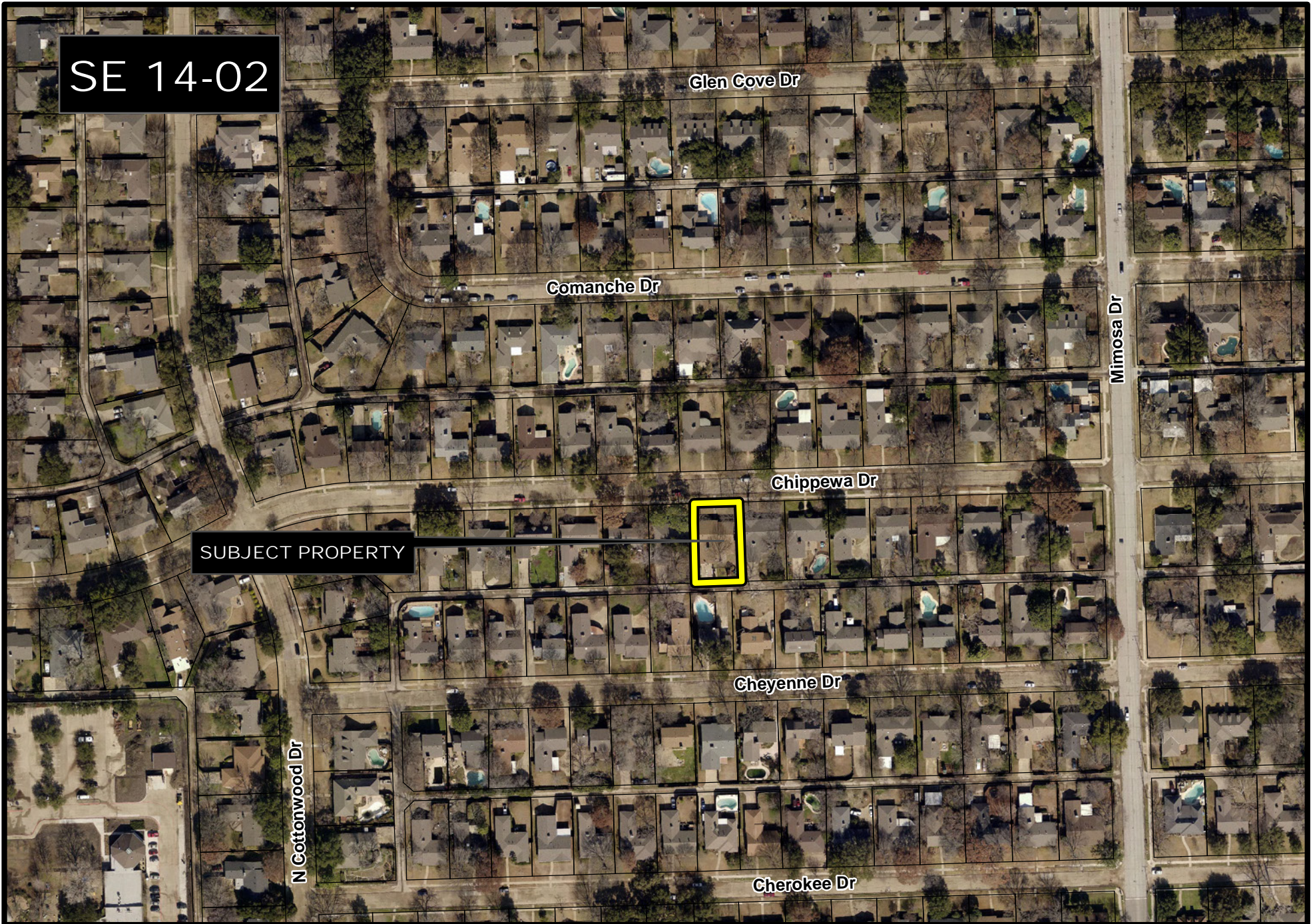
The previous fence along the south property line and a portion of the east property line had been in a state of disrepair; therefore, the applicant reconstructed the fence in 2013 using a combination of galvanized steel and cedar. However, the applicant did not apply for a permit stating he was not aware a fence permit was required for fences not visible from the street.

The applicant chose to use the corrugated steel for the following reasons:

- More cost effective and durable compared to a standard wood fence.
- Requires less maintenance than a wood fence.
- Aesthetically pleasing and more desirable than a chain link fence or vinyl fencing, which are allowable materials.

The applicant has also stated other cities allow corrugated steel as an approved fencing material (attached in Applicant's Statement). He feels the durability and low maintenance requirements for corrugated steel make it a desirable fence material.

SE 14-02



SUBJECT PROPERTY

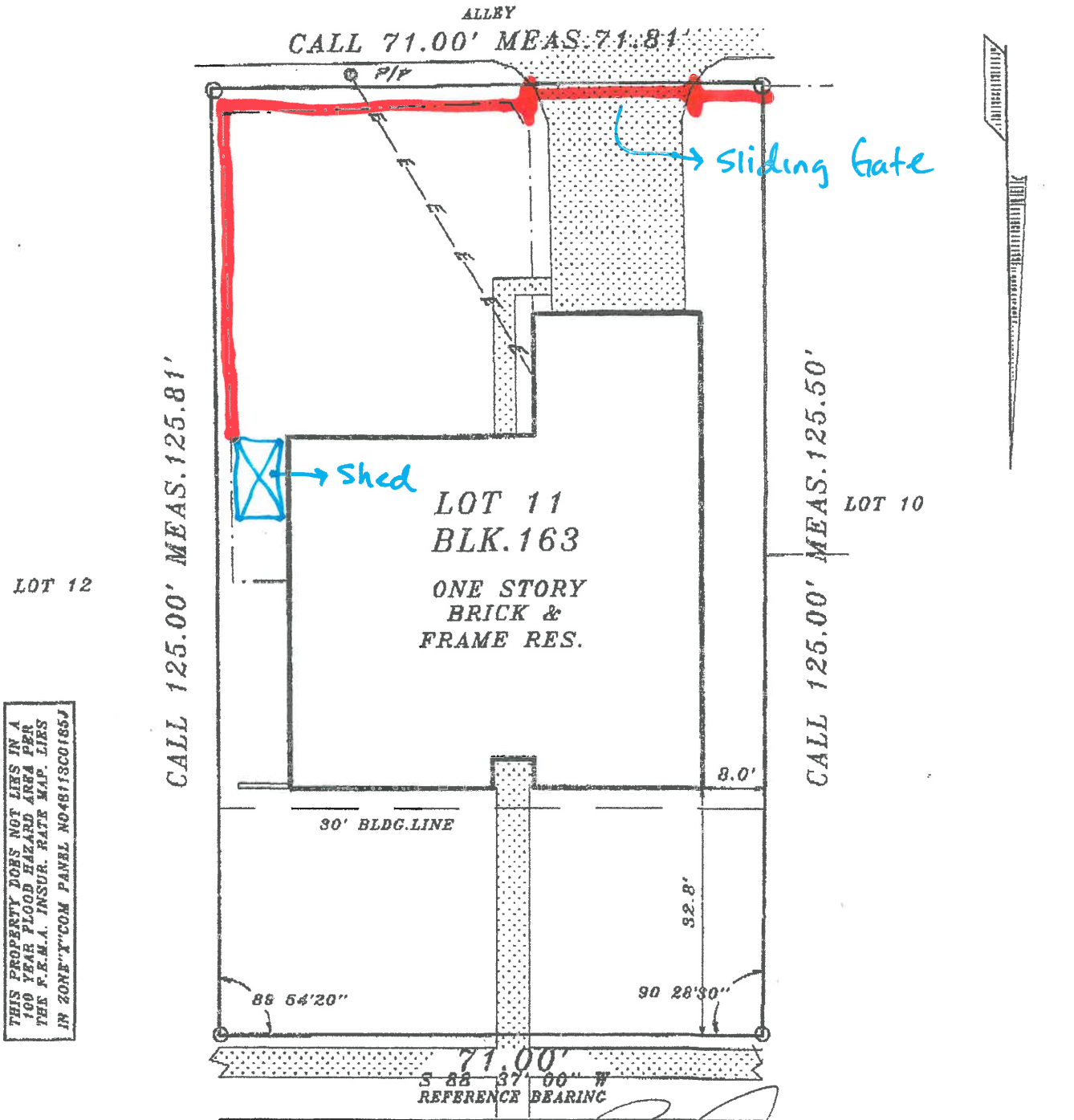
SE 14-02 Aerial Map  
1317 Chippewa Drive

Updated By: shacklett, Update Date: March 27, 2014  
File: DSI\Mapping\Cases\SE\SE 1402\SE 1402 ortho.mxd



FOR USE ONLY IN THE ORIGINAL TRANSACTION IDENTIFIED BY THE G.F. NO. SHOWN HEREON AND TO THE LIENHOLDERS AND/OR THE OWNERS AND THE PURCHASERS OF THE PREMISES SURVEYED AND TO DALLAS FIDELITY NATIONAL TITLE:

This is to certify that I have made a careful and accurate survey of the property located at 1317 CHIPPEWA DRIVE in the City of RICHARDSON, DALLAS County, Texas, described as follows: Being Lot 11, in Block 163 of RICHARDSON HEIGHTS ADDITION, FIFTEENTH INSTALLMENT, FIRST SECTION, an Addition to the City of Richardson, Dallas County, Texas according to the Replat thereof recorded in Volume 169, Page 2780 of the Map Records of Dallas County, Texas.



THIS PROPERTY DOES NOT LIE IN A 100 YEAR FLOOD HAZARD AREA PER THE F.E.M.A. INSUR. RATE MAP. LIES IN ZONE "I" COM PANEL NO. 48113C0165J

*[Handwritten Signature]*

I hereby certify that on the 10<sup>th</sup> day of OCT, 2003 this survey was made on the ground and this survey plat has been prepared as per the field notes thereby produced, and it properly represents the facts as found on the ground. This survey plat has been prepared in accordance with, and in substantial compliance with, all rules and regulations promulgated by the Texas Board of Professional Land Surveying. Unless otherwise noted, the surveyor has relied solely on the record data provided in the title commitment for the determination of the boundaries of the land parcel surveyed and for any easements of record which may be shown or addressed on the survey. The survey shows visible easements, encroachments, conflicts, or protrusions apparent on the ground.

Date : OCTOBER 10, 2003



JOB # : 03 - 3446



Looking East along  
Rear Property Line Fence



(2)

Looking West along  
Rear Property Line Fence



(3)

Looking North along  
Side Property Line Fence



**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?  
(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**

*[Handwritten Signature]*

Signature

*[Handwritten Signature]*

Brian Campion

Printed Name

Brian Campion

Company Name

1317 Chippewa Drive

Mailing Address

1317 Chippewa Drive

Richardson, TX 75080

City, State, ZIP

Richardson, TX 75080

214-500-6244

Telephone Number

214-500-6244

Fax Number

cindycampion5@gmail.com

E-Mail Address

cindycampion5@gmail.com

**Subject Site Information**

Address of Subject Property: 1317 Chippewa Drive

Legal Description: RICHARDSON HEIGHTS 15 1ST SEC BLK 163 LOT 11

Existing Zoning and Ordinance:

Requested Variance: Metal Fence

**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").

# Board of Adjustment Variance Checklist

## City of Richardson, Texas

Does a hardship exist? If so, explain below.

Yes  No

Replacement of existing fence.

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

Yes  No

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

Some of the fence material is unique in its manner.

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

Yes  No

Was unaware a permit was needed for fences that are not visible from the street. Went through the other channels correct

Is the hardship only financial? If so, explain below.

Yes  No

Time, aesthetics and financial.

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

City of Richardson

## Zoning Board Variance Request

Brian Campion  
1317 Chippewa Drive  
Richardson, TX 75080  
214.500.6244

### Applicant's Statement:

My Family and I have lived at the above property for 10+ years. Upon arrival, the fence that runs along the east side and alley side was in poor condition and leaning 20-30 degrees at times. I received several letters from the City of Richardson Code Compliance about the condition of my fence. Each time I received a letter I temporarily corrected the problem, but over time the fence would eventually lean again. I had the opportunity to replace the fence as I had help over Thanksgiving 2013. With a limited budget, I decided to use a combination of galvanized metal and cedar. I called 811 to mark/identify the utilities and removed and replaced the fence over a couple of days. I had no idea there are restricted materials (though metal is allowed in other capacities by the City) nor was I aware that a fence permit is required for fences that are not visible from the street (obviously got bad information in the past). Upon completion, I got nothing but compliments on the design and aesthetics of the fence. The design is not original, as I have seen it in other cities adjacent to Richardson. Concerning the design and materials used:

- Is approximately 30% cheaper than a traditional wood fence
- Is lighter and environmentally friendly
- Less maintenance
- Will last longer than wood
- Aesthetically pleasing and unique
- Alternative to chain link or vinyl fencing which are considered less desirable.

Requesting a variance to allow galvanized metal, in conjunction with wood, as an approved fencing material.

### Requirements/Options from surrounding Cities:

- Frisco: *Approved fence materials - materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, metal tubing, wood planks, chain link and vinyl composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use that are weather and decay-resistant. The provisions of this Ordinance are not intended to prevent the installation of any*

*material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the Chief Building Official, or his designee. An alternative material, design or method of construction shall be approved where the Chief Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Ordinance in quality, strength, effectiveness, fire resistance, durability and safety.*

- Allen – *“All other materials will need to be approved by the Building Official”*
- McKinney – *“Alternate equivalent screening, upon approval by the planning and zoning commission and/or city council”*
- Dallas - *Barbed wire may not be used for fencing unless it is located six (6) feet or more above grade AND does not project beyond the property line. Chapter 51A-4.602 (a)(8) – this is the only limitation/restriction on fencing material.*
- Carrollton – *Difficult to find exact information, but Galvanized Metal is an option on their fence application form. See Attached*
- Every surrounding city seems to stress the aspects of longevity, maintenance, durability, etc. of fencing products that are to be used. Galvanized metal is a perfect material to achieve all of these.