

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
NOVEMBER 17, 2010**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, November 17, 2010 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT:

Randy Roland, Chair
Mike Walker, Vice Chair
Will Kidd, Member
Larry Menke, Member
Chip Pratt, Member
Eron Linn, Alternate

MEMBERS ABSENT:

John Veatch, Alternate

CITY STAFF PRESENT:

Chris Shacklett, Planner
Cindy Wilson, Secretary

Randy Roland, Chairman, introduced Chris Shacklett, Planner, and Cindy Wilson, Secretary explaining that the City staff serves in an advisory capacity and does not influence any decisions the Board might make. Roland summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Roland added 4 of the 5 members present must vote in favor for a request to be approved.

1. MINUTES:

The Zoning Board of Adjustment minutes of the September 15, 2010 meeting were approved as presented on a motion by Walker. The motion was seconded by Pratt and passed with a unanimous vote.

2. PUBLIC HEARING ON ZBA FILE V 10-04:

A request by Scott Marek, Frank Welch & Associates, for the following variance to the City of Richardson Code of Ordinances: Appendix A, Article VII, Sec. 4, for a 10-foot variance to the 30-foot front setback.

Shacklett stated that the applicant is requesting a 10-foot variance to the 30-foot setback along Arapaho Road to accommodate the construction of an adult education building at the Arapaho United Methodist Church. Shacklett explained the 10-foot variance would be limited to the area shown on the site plan, and the variance includes the roof eave overhang of the addition, and the largest encroachment of the building wall would be approximately six (6) feet.

Shacklett introduced photos showing stakes located along the front of the existing building. Shacklett clarified that these stakes represent the approximate location of the proposed building wall which is approximately twenty-four (24) feet back of the property line, which is generally located along the back of sidewalk. Shacklett added that the applicant has stated the building will also serve as a welcoming area so the need to have the addition at the front of the building is necessary. Shacklett continued that in September 2010, the applicant submitted revised site and landscape plans for City Plan Commission approval; however, at that time it became apparent that a zoning variance would be necessary to accommodate the proposed construction. Shacklett stated that the following brief history of the improvements at the corner of Arapaho and Coit that has led to the applicant's need for the variance:

- The property was platted in 1962.
- The property owner, Arapaho United Methodist Church granted a street easement to the City of Richardson in 1986 for purpose of constructing a right turn lane and to construct and maintain sidewalks and utilities (See attached site plan). In exchange, the City of Richardson constructed a left turn lane on southbound Coit Rd for the church. Since this was an easement, the property line was not moved, thereby not affecting the location of setback line along Arapaho Road
- In 2003, the church was approached by Dallas County requesting right-of-way as part of their Congestion Mitigation and Air Quality Improvement (CMAQ) program. An appraisal of the property was conducted, and in 2004, the church sold approximately 2,617 square feet to the County. The area purchased was north of the City's street easement, thereby splitting the property into two (2) tracts.

Shacklett stated after the right-of-way was dedicated to Dallas County, the effective property line from which setbacks are measured became the northern boundary of the dedicated right-of-way rather than the southern boundary of the street easement.

Shacklett explained that the applicant has stated that a hardship exists because their setbacks have been increased since the right-of-way has been sold to the County. Since the County appraisal had stated their taking would not result in any damage to the remainder of their property, Arapaho United Methodist Church was under the impression that their setback would still be measured from the south side of the street easement as it had always been in the past. Shacklett explained they also have a unique situation where the church still owns the property to the south of the right-of-way dedication. Shacklett added the applicant has also submitted an exhibit showing the existing homes to the east of the church property. The exhibit shows the house to the east is located further south than the proposed church addition. Shacklett reported there has been no correspondence for this case.

Shacklett delivered the staff technical recommendation in case V 10-04 by stating the applicant's request appears to be based on a physical hardship that was created when right-of-way was purchased by Dallas County which moved the front setback for the property north approximately fifteen (15) feet.

Kidd asked Shacklett about the distance from the edge of the building to the curb of the road.

Shacklett stated that from the edge of the building to the curb would be approximately 28 to 29-feet back of curb. Shacklett added that the architect might give other numbers.

Scott Marek, Frank Welch & Associates, Architects, 703 McKinney Avenue, Suite 416, Dallas, Texas 75202, responded that it would be 29-feet back of curb.

Roland asked Shacklett if this case would remedy any future issues related to property lines.

Shacklett stated that this case does not affect property lines, but what it does address is an allowance just for this portion of the property.

Roland continued by asking Shacklett about the reason for this property having a 30-foot setback.

Shacklett responded that this setback is a function of zoning; the property is zoned residential and has a 30-foot front setback.

Reverend John Soper, Arapaho United Methodist Church, 1400 W. Arapaho Road, Richardson, Texas came forward to speak in favor of the case. Rev. Soper spoke regarding the hardships for the church. Rev Soper stated that their congregation has enjoyed steady growth over the last eighteen years. Rev. Soper added that when an alternative to move the congregation was considered; it was quickly set aside. As a community church that has served its community since 1968; their plan is to continue serving the community for the next fifty years. Rev. Soper also stated that two demographic studies done over the past six years indicate that the unique characteristics of the congregation appeal to many people living in the community. Rev. Soper added that the church's emphasis on adult religious education has drawn many young families.

Rev. Soper stated that children's classrooms currently being used for adult classes are now needed for the children. Rev. Soper explained that their growth has caused the need for more space in every area of their congregation; however, their land is limited and must be made wise use of with an eye to building needs of the future as well.

Rev. Soper stated that building adult classrooms and nursery rooms on the north side of the property would impose a significant design change. Rev. Soper added that a northern addition would make for a longer walk from classes to worship that would impact senior members' participation and nursery classes would be far from where their parents would be located. Positively, Rev. Soper stated the current plan places adults and nurseries at a short distance from the sanctuary.

Rev. Soper sited that construction on the south side of their property will evidence their growth and a planned art gallery (behind a glass wall) that can be seen from Arapaho Road will respond to a call for beautification of the City of Richardson.

Linn asked Rev. Soper if there was any concern regarding the church being closer to the intersection of Coit and Arapaho and potential accidents.

Rev. Soper responded that in his eighteen years of experience at the church there has never been any incident of concern because of the distance to the intersection.

Kidd asked Rev. Soper if any line of sight issues with having the edge of the building closer to the road had been identified.

Rev. Soper explained that is not an issue because there is quite a bit of property to the east to allow for a turn without restrictions.

Marek stated there is not an issue at this location, but there is more of an issue at the signal light at the corner due to signage. Marek asked to address the fact that in front of the glassed in art gallery there will be an eighteen (18) inch wall to further protect the gallery and the building.

Marek continued the discrepancy in the property line came up when they were submitting and there was no record of the sale. Marek continued that in a meeting with the Development Services Department an aerial map was brought out that indicated a line that resulted in due diligence and research that identified R-O-W information.

Menke asked Marek if the building is being designed so that future expansion can be 2-story.

Marek responded there is no plan for a 2-story structure.

Roland questioned Rev. Soper about their project and if they entered into it in all good faith or if they knew there was a problem and decided to go ahead anyway.

Rev. Soper explained they had no idea about the discrepancy and entered into the project in good faith.

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

Menke moved to grant the case in V 10-04, limited to those specifics the applicant presented in the case. The motion was seconded by Walker and approved unanimously.

PUBLIC HEARING ON ZBA FILE SE 10-02:

A request by Brad Casey for the following special exception to the City of Richardson Code of Ordinances: 1) Chapter 6, Article IV, Sec. 6-209 (2), to allow a 10-foot fence to be located in the side yard.

Shacklett stated the applicant is requesting a special exception to the City of Richardson fence regulations to allow a 10-foot fence to be located in the side yard on the north side of the property. Chapter 6 of the City of Richardson Code of Ordinances authorizes the ZBA to consider variances to the City's fence regulations. Shacklett explained that earlier in 2010, the applicant received a permit to build an 8-foot fence on his property, a portion of which is located on the north side of the house as noted on the attached site plan. Shacklett added that the applicant stated he was not aware the City had an ordinance limiting the fence height to eight (8) feet. Shacklett continued that when the fence was being constructed, the applicant constructed the fence so it would be the same height as his neighbor's adjoining fence to the north. The neighbor's fence; however, was located atop a 2-foot retaining wall, therefore, the fence on the subject property was built at a height of ten (10) feet to align with the height of the neighbor's fence. Shacklett explained the reason for the 2-foot difference is because the height of the fence, measured from the inside of the fence, is at a height of ten (10) feet on the subject property, but the fence on the property to the north (4404 Taylor Lane) is at a height of eight (8) feet.

Shacklett stated the applicant is requesting the special exception for approximately ten (10) linear feet of fencing. Shacklett added that the applicant also states that the 10-foot fence would provide for greater security and privacy as well as being more aesthetically pleasing.

Shacklett delivered the staff technical recommendation in case SE 10-02 by stating the applicant's request does not appear to be contrary to public convenience and welfare.

Brad Casey, 4402 Taylor Lane, Richardson, Texas came forward to speak in favor of the case. Casey stated the staff did a thorough job of explaining his case. Casey continued that he thought it would be more aesthetically pleasing for the two (2) fences to be level at the top. Casey added that his neighbor, Steve Reed is here tonight in support.

Steve Reed, 4404 Taylor Lane, Richardson, Texas came forward to speak in favor of the case. Reed explained that he supports Casey's request and the fence is more visually pleasing, provides for continuity and for more safety.

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

Pratt moved to grant the case in SE 10-02, limited to those specifics the applicant presented in the case. The motion was seconded by Kidd and approved unanimously.

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

William R. Roland, Chair