

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF RICHARDSON, TEXAS  
JUNE 16, 2010**

The Zoning Board of Adjustment met in session at 6:31 p.m. on Wednesday, June 16, 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  
John Veatch, Alternate

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:** Chris Shacklett, Planner  
Joseph J. Gorfida, Jr., Partner, Nichols, Jackson,  
Dillard, Hager & Smith LLP  
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 and added that 4 of the 5 members present must vote in favor for a request to be approved. The alternates present may participate in any discussion but will not be voting during this meeting.

**1. MINUTES:**

The Zoning Board of Adjustment minutes of the February 17, 2010 meeting were approved as presented on a motion by Walker. The motion was seconded by Menke and passed with a unanimous vote.

- 2. PUBLIC HEARING ON ZBA FILE V10-03:** A request by William C. Wallace for the following variance to the City of Richardson Comprehensive Zoning Ordinance:
- 1) Article VII, Sec. 4, for an 8-foot variance to the required 20-foot side setback. The property is located at 301 Northview Drive.

Shacklett stated the applicant is requesting a variance to allow the location of an 8-foot arbor within the required 20-foot side setback (along W. Prairie Creek Drive) for a corner lot. Shacklett stated the arbor has already been constructed upon an existing deck. Shacklett displayed exhibits indicating the site and the arbor in question.

Shacklett continued that the deck was constructed several years ago and did not require a building permit. Shacklett added the side yard adjacent to W. Prairie Creek Drive is fenced with a 4-foot fence. Shacklett noted the deck is located on the outside of the fence and has a gate that accesses the rear yard. Shacklett stated earlier this year, the applicant hired a contractor to construct the arbor on the existing deck. Shacklett added the applicant stated he assumed the contractor he had hired was familiar with the City of Richardson permitting procedures. Shacklett continued stating after the arbor was constructed, the applicant was notified by the City that no permit had been obtained for the arbor. Shacklett stated the applicant immediately filed an application for a building permit, and it was denied because the structure encroached into the 20-foot side setback required for a corner lot. Shacklett added the applicant also stated their property has a hardship due to a narrowing of the lot in the rear yard area.

Shacklett stated the applicant is requesting an 8-foot variance to the required 20-foot setback. Shacklett added a preliminary inspection by the City of Richardson revealed the arbor posts are encroaching into the side setback approximately six (6) feet, and the arbor overhang is no more than two (2) feet. Shacklett added since an up-to-date survey of the property has not been prepared, the request for an 8-foot variance is to ensure the arbor posts and overhang would be included within the requested variance.

Shacklett stated that based on the information provided by the applicant, and applicable codes and ordinances, the applicant's understanding that the arbor had been constructed with the necessary permits does not constitute a physical hardship, and it is staff's opinion that a physical property hardship does not exist.

Shacklett concluded that there has been one letter regarding this case from the property owner at 300 Canyon Ridge Drive. Shacklett added the correspondence indicated the property owner's approval unless the home was to be extended toward the park.

William C. Wallace, 301 Northview Drive, Richardson, Texas came forward to present the case. Wallace indicated his family has lived at this address for ten (10) years. Wallace stated he had the arbor built for shade, making the back yard more useful for the family. Wallace continued that his hardship is that his property is a corner lot of irregular shape and portions have a steep incline.

Roland asked Wallace how he located a contractor to do the work for him.

Wallace stated he went to Google and quickly found someone who could do the job.

Roland asked Wallace if he made sure the contractor was a legitimate businessman.

Wallace stated that following discussions with the contractor in which he was assured the contractor could do the job, Wallace did no further checking and thought the contractor understood processes in Richardson.

Kidd stated he felt the main hardship would be that the contractor did not conduct business as the City of Richardson requires. Kidd added he could find other places on the property to build the arbor.

Linn asked Wallace how easy it would be to take down the arbor.

Wallace stated that he will not take down the arbor, but rather convert it to a playground with a slide and swing which will pass code.

Shacklett stated that play ground sets are not regulated by Building Inspection. Shacklett added that the play ground set could be built within the 20-foot setback without being denied.

Dave Hawkins, 300 Ridgewood, Richardson, Texas came forward to speak in favor of the case. Hawkins stated he looks out on the arbor that was added and he has no objection to the arbor added to the deck. Hawkins added the arbor makes the area more attractive than before.

William Manton, 300 Ridgewood Drive, Richardson, Texas came forward to speak in favor of the case. Manton stated he is a 20 year resident and has no objection to the arbor. Manton added he sees the arbor as an enhancement to the existing deck.

Leslie Williams, 301 Northview Drive, Richardson, Texas came forward to speak in favor of the case. Williams stated it is a hardship having small, fair skinned children and this limits what can be done for the children outside. Williams added this project was undertaken, not to detract from, but to blend with the park and be attractive.

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

Pratt moved to grant the request in case V 10-03, limited to those specifics the applicant presented in the case. The motion was seconded by Walker and approved unanimously.

There being no further business, the meeting was adjourned at 6:58 p.m.

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William R. Roland, Chair