

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

The Zoning Board of Adjustment met in session at 6:31 p.m. on Wednesday, February 17, 2010 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:**

Chris Shacklett, Planner  
Cindy Wilson, Secretary

Bob Conkel, Chairman, introduced Chris Shacklett, Planner Cindy Wilson, Secretary explaining that the City staff serves in an advisory capacity and does not influence any decisions the Board might make. Conkel summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Conkel 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 January 20, 2010 meeting were approved as presented on a motion by Roland. The motion was seconded by Walker and passed with a unanimous vote.

- 2. PUBLIC HEARING ON ZBA FILE V10-02:** A request by Richard D. Ross located at 3611 Cypress Grove Court for the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4, for a 24-foot variance to the platted 30-foot setback along Oakleaf Lane.

Shacklett stated the applicant is proposing to construct a 364-square foot (14'x26') patio cover at the southeast corner of the side/rear yard area. Shacklett added the proposed cover is adjacent to the southern property line along Oakleaf Lane. Shacklett continued that the subject property is located at the northwest corner of Cypress Grove Court (cul-de-sac) and Oakleaf Lane and is subject to a 30-foot setback along Cypress Grove Court and Oakleaf Lane. Shacklett noted that the properties to

the west face Oakleaf Lane, which is the reason this property is subject to a 30-foot setback along Oakleaf Lane as well as Cypress Grove Court. Shacklett stated that in 1996, the subject property received a variance from the Fence Board of Adjustment granting a 2-foot variance to the maximum 4-foot height allowed for a fence in the 30-foot front setback along Oakleaf Lane. Shacklett stated that ultimately, a variance was granted that allowed a 6-foot wrought iron fence on brick columns. Shacklett continues that the Board also stated their support of placing a hedge row along the outside of the fence to increase the privacy for the owner.

Shacklett stated the applicant is requesting to construct the patio cover in this portion of their side/rear yard because this is where their outdoor seating area is located. Shacklett added that the applicant states there are no other suitable areas on the property to place this outdoor living area. Shacklett continued that the applicant has also stated that his wife has a heart condition that requires her to participate in outdoor activities, and the proposed cover would provide a cool, shaded area to do so. Shacklett also pointed out that along the southern property line, there is a 6-foot wrought iron fence with a row of red-tip photinia planted along the outside of the fence.

Shacklett stated the proposed cover is 12-feet tall and is proposed to be situated on the pool deck which is located approximately 26-30 inches below grade. Shacklett added the applicant states that the hedge row that runs along the fence will screen view of the proposed patio cover from the view of Oakleaf Lane since the top hedge row is approximately thirteen (13) feet above the pool deck.

Shacklett delivered the staff technical recommendation in case V 10-02. Shacklett stated that based on the information provided by the applicant, and applicable codes and ordinances, the placement of the outdoor living area, in itself, does not constitute a physical hardship, and it is staff's opinion that the hardship is self-imposed.

Richard D. Ross, 3611 Cypress Grove Court, Richardson, Texas came forward to present his case. Ross stated he has lived at this address for the last seven (7) years. Ross continued they have chosen an open design of smooth cedar painted white with shingles to match the house for an outdoor living area to provide full and partial shade. Ross stated the structure will be hidden from the street view. Ross added that he has spoken with all neighbor except one, and all have signed his petition indicating their approval. Ross indicated that he encountered no opposition from his neighbors.

Roland asked the applicant to describe the construction of the project; any walls, any screening; other than the roof.

Ross stated there are 6" x 6" pillars supporting the structure. Some of them are built on the retaining wall. Ross continued there will be a small wall probably 5-foot wide and 6-foot long, that would run up to the top of the roofline to provide sound

attenuation from the pool equipment. Ross added that this wall is not structural; it supports no weight. Ross stated everything else is open and see through.

Conkel asked the applicant to expand on his hardship.

Ross stated there is no other place to build this type structure in his backyard and he sees this as his hardship.

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

Roland referred to the preamble of the Board and noted that the 30' side yard setback was not created by the petitioner. Roland added that the hardship is that the lot is odd shaped with a larger than typical setback.

Linn stated that the hardship is the lot. Linn added that the applicant is trying to enhance his home and his quality of life and has a large amount of support from his neighbors. Linn closed by voicing his support for the request.

Pratt stated that the owner has alternatives to his planned project. Pratt added that the quality of the alternatives is so far inferior that this project would be much better for the neighborhood and the city.

Walker moved to grant the request in case V 10-02, limited to those specifics the applicant presented in the case. The motion was seconded by Roland and approved on a 4 to 1 vote with Kidd opposed.

There being no further business, the meeting was adjourned at 7:00 p.m.

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William R. Roland, Chair