MINUTES ZONING BOARD OF ADJUSTMENT CITY OF RICHARDSON, TEXAS SEPTEMBER 21, 2011

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, September 21, 2011 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 John Veatch, Alternate Shamsul Arefin, Alternate

MEMBERS ABSENT: Chip Pratt, Member

CITY STAFF PRESENT: Michael Spicer, Dir., Development Services

Chris Shacklett, Planner

Kathy Welp, Executive Secretary

Randy Roland, Chairman, introduced Michael Spicer, Director of Development Services; Chris Shacklett, Planner; and Kathy Welp, Executive 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 that Chip Pratt, Member is absent and John Veatch, Alternate will vote in his absence. Roland noted that 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 July 20, 2011 meeting were approved as presented on a motion by Walker. The motion was seconded by Kidd and passed with a unanimous vote.

- 2. **PUBLIC HEARING ON ZBA FILE V 11-07:** A request by Dallas Cothrum for the following variance to the City of Richardson Comprehensive Zoning Ordinance:
 - 1) Article XVII-A, Sec. 5, for a 20-foot variance to the required 20-foot rear setback for a carport structure along the rear property line at 2083 N. Collins Boulevard.

Shacklett stated the applicant is requesting a variance for a carport structure to be located along the rear property line. Shacklett added that the property is zoned O-M Office which requires a 20-foot rear setback. Shacklett stated a screening wall

is located along the northern property line, and an alley is located on the other side of the wall. Shacklett continued that Prairie Creek Elementary School is located on the north side of the alley and an existing 10-foot wide T.P.L. easement is located along the north property line. Shacklett stated the proposed carports, which encroach into the T.P.L. and electric easement, cover eighteen (18) parking spaces along the north property line. Shacklett noted the applicant desires to provide covered parking for employees.

Shacklett pointed out that the applicant has stated their hardship is that carports cannot be placed over existing parking spaces located along the east or west sides of the building due to the grade. Shacklett indicated that there is approximately five (5) feet of decrease in elevation from the south side of the building along Collins Blvd. to the northern side of the building where the property flattens out. Shacklett continued that the applicant also states the carports could be placed along the northern side of the building, but by doing so, the natural light and visibility currently provided to that side of the building would be impacted. Shacklett indicated the applicant also states the location of the easements listed above prevents the ability to move the parking spaces out of the rear setback. Shacklett stated that however, there would not be an ability to move the spaces out of the setback due to the location of the driving aisle and parking spaces to the south of the easements.

Shacklett explained that in discussions with the applicant, staff discussed the need for a physical property hardship for a variance to be granted. Shacklett stated the applicant feels the grade changes and location of other parking spaces in relation to the building on the property create a hardship that prevents the carports from being located anywhere but along the rear property line. Shacklett noted that the applicant also feels the visual impact on the neighborhood will be lessened by placing the carports at the rear of the property where they will not be visible from Collins Blvd.

Shacklett delivered the staff technical recommendation in case V 11-07 by stating that based on the information presented and applicable codes and ordinances, it is staff's opinion that a property hardship does not exist.

Roland asked for the basic reason for a 20-foot rear setback in this type zoning.

Shacklett stated that a 20-foot rear setback provides a buffer around all sides of the property and a landscape buffer in the rear.

Roland stated this property backs up to a school and has an 8-foot brick fence. Roland added there are apartments that have carports. Roland ended his comments by asking if there are any prohibitions on carports.

Shacklett stated that there are apartments with carports in Richardson and there are no prohibitions against carports. Shacklett added that in this particular case, carports could be added by right along the rear of the building.

Dallas Cothrum, 900 Jackson Street, Dallas, Texas 75202, representing the property owner, came forward to present the case. Cothrum stated the owner is a large developer who purchased the building with plans to remodel, add new signage, paint, landscaping and add energy efficient materials to the roof of the building and the proposed carports and occupy the building themselves. Cothrum continued that the addition of energy efficient materials on the building and the carport addition will create less of a heat effect for the site. Although the building was 15% occupied when purchased, Cothrum added that when the remodeling is complete, the projected occupancy is 100%. Cothrum explained that due to grade changes, parking is not available in the front or on the sides of the building. Cothrum stated that the back of the building is actually used as the front door. Cothrum noted that the owner wants to improve the building and add to the tax base of the City of Richardson. Cothrum added that this is an unusual site for an office and the owner is concerned what the streetscape, the area used for the front will look like. Cothrum commented that the best place for the carports would be next to the 8-foot masonry wall which is actually 10-feet on the school side of the property. Cothrum explained that the wall will actually hide the carports from the school. Cothrum noted that putting the carports up against the back of the building which is used as a front entrance would close out light to the work stations located at the windows and it would result in the loss of landscaping.

Cothrum made note that City staff did a very fair job of presenting the information relative to the case and he was thankful. Cothrum added that they plan to take care of any runoff so that it does not affect any of the surrounding buildings.

Menke asked if there would be any chance of glare to hit other buildings.

Cothrum responded that the surfaces of the building and the carport are designed to reflect light up and not into other buildings; it is not like glass and these products are part of what has been adopted by LEED as standards and best practices.

Menke asked the applicant if the carport roof would be of a typical design.

Cothrum noted that the carports would be an amenity for the building, nothing fancy, with the idea to make the parking area a little less hot.

Veatch asked Cothrum if there was any feedback from other building owners who were notified.

Cothrum stated the other building owners are not local or they had no response.

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

Roland stated the carports will not be right up to a residential area and will be an improvement. Roland noted this is not a structure or building that will be occupied all the time so they could be removed easier should the Oncor easement require.

Menke stated he visited the site and this request would not be obtrusive to the school and it would be a benefit to the surrounding property owners.

Kidd made a motion to approve V 11-07, limited to those specifics the applicant presented in the case. The motion was seconded by Menke and passed with a unanimous vote.

There being no further business, the meeting was adjourned at 6:57 p.m.

William R. Roland, Chair