

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
APRIL 18, 2012**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, April 18, 2012 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
Chip Pratt, Member
Larry Menke, Member
Shamsul Arefin, Alternate

MEMBERS ABSENT:

John Veatch, Alternate

CITY STAFF PRESENT:

Chris Shacklett, Planner
Cindy Wilson, Administrative Secretary

Randy Roland, Chairman, introduced Chris Shacklett, Planner; 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. Roland summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Roland noted that John Veatch, Alternate is absent and all voting members are present. 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 March 21, 2012 meeting were approved as written on a motion by Walker. The motion was seconded by Pratt and passed with a unanimous vote.

- 2. CONTINUED PUBLIC HEARING ON ZBA FILE V 12-01:** A request by Susan Hiegel for the following variances to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4(h)(1), to allow a carport in lieu of an enclosed 2-car garage and 2) Article IV, Sec. 4(h)(2), for a 7-foot variance to the required 24-foot length of pavement perpendicular to the supporting member of the carport for maneuverability at 313 Meadowcrest Drive.

Shacklett stated the applicant is requesting approval of two (2) variances from the Comprehensive Zoning Ordinance to accommodate the reconstruction of an attached carport. Shacklett added the applicant states that the existing carport has deteriorated over the past several years to a point beyond repair and would rather replace the entire structure with a new carport.

Shacklett explained the first variance request is to allow a carport in lieu of a 2-car garage as required in the Comprehensive Zoning Ordinance. Shacklett continued that the applicant states that the original attached garage, which was converted into living space, and the carport were in place when she moved into the home in 1995. Shacklett noted that in January of 2004, the Comprehensive Zoning Ordinance was amended to require two (2) parking spaces to be provided in an enclosed garage, thereby creating a non-conforming situation because the residential lot does not provide for the 2-car garage. Shacklett continued that the Comprehensive Zoning Ordinance allows non-conforming structures to be repaired and would therefore not require the need for a variance; however, allowing the new carport to be constructed prolongs the non-conforming status of the structure which is contrary to the declared purpose for non-conforming uses and/or structures to be eliminated and brought into zoning compliance.

Shacklett stated as proposed, the new carport would be constructed in the same location as the existing carport except that the posts on the sides of the carport would be moved out 1-2 feet on each side. Shacklett added the proposed location of the proposed carport complies with the required side and rear yard setbacks.

Shacklett added that the second variance request is to allow a 7-foot variance to the required 24-foot depth of pavement perpendicular to the supporting member of the carport for maneuverability. Shacklett added that as proposed, and as it exists today, there will be approximately seventeen (17) feet of depth for maneuverability for the proposed new carport. Shacklett noted that the proposed seventeen (17) foot length of maneuverability includes the alley pavement, which can be used to comply with the Comprehensive Zoning Ordinance requirement.

Shacklett explained that the applicant states that an economic hardship would be created if the original garage was required to be converted back into a garage. Shacklett added the applicant's intent is to recreate a covered parking area that is in better condition than the existing carport and contends that even if the existing carport is repaired, the same non-conforming issues would still exist.

Shacklett clarified that at the March 21, 2012 meeting; the Board continued the request to this meeting date to allow the applicant additional time to work with staff to determine the nature of the repairs that would be allowed. Shacklett added that repair of the structure would allow the replacement of deteriorating posts and soffit as well as replacement of the existing flat roof. Shacklett continued that these repairs would be allowed as long as the posts were placed in the same location as the previous posts and the size of the carport does not increase. Shacklett clarified however, that the applicant would not be allowed to replace the flat roof with a pitched roof without acquiring the requested variances.

Shacklett delivered the staff technical recommendation in case V 12-01 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. Shacklett continued that repairing the non-conforming structure as allowed in the Comprehensive Zoning Ordinance will not cause the structure to lose its non-conforming rights with respect to the lack of a 2-car garage enclosure or the lack of required maneuvering space.

At this time, Shacklett asked for questions of staff.

There being no questions for staff, Chair Roland asked the applicant to come forward to present her case.

Susan Hiegel, 313 Meadowcrest Drive, Richardson, Texas came forward to present her case. Heigel stated the reason she wants the pitched roof is that 2 posts are higher than the others and she needs better water drainage.

Menke asked the applicant whether she wants to repair the existing carport or if she wants to build a whole new pitch roof carport.

Hiegel stated she wants the pitched roof.

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

Pratt made a motion to approve V 12-01, limited to those specifics the applicant presented in the case. Kidd seconded the motion that was approved unanimously.

3. **PUBLIC HEARING ON ZBA FILE V 12-02**, a request by Robert J. Colburn for the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4(e) (1), for a 4-foot variance to the platted 40-foot front setback for the existing structure at 505 Shadywood Lane.

Shacklett stated the applicant is requesting a 4-foot variance to the platted 40-foot front setback for the existing structure to allow for a second story addition to the home. Shacklett added that the request for the variance is not for the addition, but rather to validate the 4-foot existing encroachment. Shacklett added that the base R-1500-M Residential District requires a minimum 30-foot front setback; however, the subdivision was platted with a 40-foot front setback. Shacklett continued that the home was constructed in 1966, and according to a property survey, the front wall of the structure was constructed thirty-six (36) feet from the front property line, instead of the required forty (40) feet. Shacklett noted the

applicant has stated it is currently unknown if other properties in the neighborhood were similarly developed, but it appears the front wall of nearby homes are constructed in line with the front building wall of the subject property which would violate the platted 40-foot front setback.

Shacklett explained that the applicant is proposing to add a second story to the existing structure that will conform to all setback requirements. Shacklett added that when their plans were submitted for review, the permit application was denied due to the existing 4-foot encroachment. Shacklett indicated the City's Comprehensive Zoning Ordinance contains a Non-Conforming Uses section that does not allow a non-conforming structure to be expanded. Shacklett explained that without a variance to the front setback requirement, no additions or expansions to the existing structure would be allowed.

Shacklett delivered the staff technical recommendation in case V 12-02 by stating that since the home was originally constructed with a 4-foot encroachment into the platted front setback, 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 the all of the regulations in the Comprehensive Zoning Ordinance. Shacklett stated that without a variance, the structure will remain non-conforming until such time as the portion of the home that encroaches into the front setback is removed or the structure is demolished and reconstructed.

Shacklett stated today there had been only one letter in opposition to this case. Shacklett added that it seemed the writer was somewhat confused that the addition would extend 4 feet into the setback and was not clear that it would actually be 4 feet behind. Shacklett explained that there had been no other correspondence or phone calls.

At this time, Shacklett asked for questions of staff.

After reviewing photos, Menke pointed out that there are other properties in the neighborhood that could be more of a problem than this house.

Roland asked Shacklett to confirm that this request is to rectify the problem and not extend closer to the street than the home already is.

Shacklett did confirm Roland's statement and noted that this request meets all the setback requirements.

Chair Roland asked the applicant to come forward to present his case.

Robert Colburn, 6930 Gateridge Drive, Dallas, Texas 75254, representing Bret and Laura Owens, came forward to present the case. Colburn stated that he finds

that this request is not adverse to the public welfare and it would be contrary not to allow the request to go forward.

Pratt asked the applicant a question regarding keeping the new second-story wall 4 feet back from the existing wall and whether this had caused any hardships.

Colburn stated there was no hardship and this is actually the way the design worked out.

Menke asked if Owens, owner, would be speaking as he had a question regarding the correspondence received regarding "other neighbors were upset."

Bret Owens, 1505 Shadywood Lane, Richardson, Texas 75080 came forward to respond. Owens stated that other neighbors were not upset. Owens continued that he visited with most of the neighbors in the 200-foot radius and all were supportive. Owens added that he had spoken with the writer of the letter a couple of nights ago and explained the request.

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

Menke made a motion to approve V 12-02, limited to those specifics the applicant presented in the case. Walker seconded the motion that was approved unanimously.

There being no further business, the meeting was adjourned at 6:54 p.m.

William R. Roland, Chair