

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
OCTOBER 17, 2012**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, October 17, 2012 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT:

Mike Walker, Chair
Will Kidd, Vice Chair
Chip Pratt, Member
Larry Menke, Member
Paul Voelker, Member
Shamsul Arefin, Alternate
John Veatch, Alternate

MEMBERS ABSENT:

CITY STAFF PRESENT:

Samuel D. Chavez, Asst. Director, Dev. Services
Chris Shacklett, Planner
Cindy Wilson, Administrative Secretary

Mike Walker, Chairman, introduced Samuel D. Chaves, Asst. Director, Dev. Services, 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. Walker summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Walker added that all Members are present and will vote. Walker noted 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 August 15, 2012 meeting were approved. The motion was seconded by Kidd and passed with a unanimous vote.

- 2. PUBLIC HEARING ON ZBA FILE SE 12-03:** A request by Ben Caldwell, Shaddock Caldwell Builders & Developers, LLC for the following special exception to the City of Richardson Code of Ordinances: Chapter 6, Article IV, Sec. 6-209(3), to allow an 8-foot fence to be located between the front property line and the front wall of a building located at 1219 Comanche Drive, along Glen Cove Drive.

Shacklett stated the applicant is requesting a special exception to the City's Fence Ordinance (Chapter 6 of the Code of Ordinances) to allow a fence to be built in the platted 40-foot front yard along Glen Cove Drive. Shacklett added the owner is a builder/developer and purchased the foreclosed property in 2011 with the intention of demolishing the home and constructing a new custom home. Shacklett reported the property is subject to 40-foot front setbacks along both Comanche Drive and Glen

Cove Drive. Shacklett noted the existing home faces Comanche Drive; the proposed home would also face Comanche Drive. Shacklett added the home will be located generally in the same location as the existing home, but the owner desires to extend the fence out to the property line along Glen Cove Drive to increase the fenced side and rear yard area. Shacklett explained that the major difference is the current home has driveway access to Glen Cove Drive. Shacklett indicated the proposed layout does not have access to Glen Cove Drive, but rather would access the rear of the home via the alley.

Since the setbacks are platted along both streets, both sides are deemed front property lines; therefore a fence is not allowed to be placed between the property line and wall of the building. If the setback were not platted along Glen Cove Drive, the building setback would be twenty (20) feet for a corner lot and a fence would be allowed to extend out to the property line as long as the 15-foot by 25-foot corner clip shown on the site plan is provided.

Shacklett acknowledged the applicant has stated the home is in disrepair, and their plan is to demolish and construct a custom home for a potential buyer. Shacklett explained that the buyers desire to extend the fenced back/side yard area to provide a larger protected outdoor space. Shacklett indicated the applicant states the fenced rear yard area would be reduced to twenty-nine (29) feet if the fence were subject to a 40-foot setback along Glen Cove Drive. Shacklett stated currently, the existing house and fence encroach into the 40-foot setback along Glen Cove Drive. Shacklett explained the house encroaches approximately 7.5 feet and the fence encroaches between ten (10) and fifteen (15) feet. Shacklett expressed the proposed house would respect the 40-foot setback. Shacklett stated City staff has reviewed the proposed fence location and determined it would not create visibility issues along Glen Cove Drive.

Shacklett delivered the staff technical recommendation in case SE 12-03 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the request does not appear to be contrary to public safety.

Ben Caldwell, Shaddock Caldwell Builders, 111 N. Weatherred Drive, Richardson, Texas 75080 came forward to present the case. Caldwell stated that his company had made an investment in the Richardson community by bringing a new, quality product to the City. Caldwell stated that meetings had been held with the neighbors and on Monday, October 15, 2012 five to seven people attended and in an earlier meeting three had attended. Caldwell continued that 50% of the neighbors were notified face to face. Caldwell said that the pool will be removed and the new fence will be constructed with the smooth side out.

Caldwell presented a compromise worked out with the neighbors so they were able to support the request. The compromise included allowing the fence to be only 6-feet tall

in the setback area and limiting the location to no closer than thirteen feet from the property line along Glen Cove Drive.

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

Menke commended Caldwell for the good communication between the builder, the owner and the residents.

Veatch voiced his approval of the compromise and stated it was good that so many were contacted.

Menke made a motion to approve the revised proposal for SE 12-03 as presented, limited to those specifics the applicant presented in the case. Pratt seconded the motion and the motion passed on a 4 – 1 vote with Kidd opposed.

There being no further business, the meeting was adjourned at 7:05 p.m.

Mike Walker, Chairman