

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF RICHARDSON, TEXAS  
MAY 15, 2013**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, May 15, 2013 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** Mike Walker, Chair  
Larry Menke, Vice Chair  
Shamsul Arefin, Alternate  
Brian Shuey, Member  
Jason Lemons, Alternate

**MEMBERS ABSENT:** John Veatch, Member  
Chip Pratt, Member

**CITY STAFF PRESENT:** Chris Shacklett, Senior Planner  
Cindy Wilson, Administrative Secretary

Mike Walker, Chairman, introduced Chris Shacklett, Senior 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 present will vote and with 3 members and 2 alternates present at least 4 of 5 must vote in favor for a request to be approved.

**MINUTES:**

The Zoning Board of Adjustment minutes of the March 20, 2013 meeting were approved on a motion by Arefin; second by Lemons and a vote of 5-0.

- 1. PUBLIC HEARING ON ZBA FILE V 13-06**, a request by Randy & Rebecca Murphy, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance, for the property located at 2415 Canyon Creek Drive: Article IV-B, Sec. 4(e)(1), for a 6-inch variance to the platted 40-foot front setback for the existing structure; 2) Article IV-B, Sec. 4(f)(1), for a 4-foot variance to the 7-foot side setback for an attached garage; 3) Article IV-B, Sec. 4(g), for a 3-foot variance to the 25-foot rear setback for an attached garage.

Shacklett stated the applicant is requesting three (3) variances to accommodate the construction of an attached garage. Shacklett continued that the current owners recently purchased the home and plan to remodel to meet their needs. Shacklett commented that along with significant changes being made to the interior of the home, the owners intend to convert the existing attached garage to living area and construct a new attached garage to the east of the current garage. Shacklett commented that the attached garage would encroach into the side and rear

setbacks. Shacklett also pointed out that the home currently encroaches into the platted front setback. Shacklett explained it appears the home was originally constructed in the front setback in 1967.

Shacklett stated the base zoning of R-1800-M Residential District requires a minimum 30-foot front setback; however, the subdivision was platted with a 40-foot front setback. Shacklett noted that according to a property survey, the southeast corner of the home was constructed within the 40-foot setback; the closest point being located approximately 39-feet, 6-inches from the front property line. Shacklett added there are no proposed additions within the front setback.

Shacklett expressed that the proposed attached garage is located approximately three (3) feet from the side (north) property line at the front corner and approximately six (6) feet from the side property line at the rear corner. The proposed attached garage is approximately twenty-two (22) feet from the rear property line at the northwest corner. Shacklett stated that one letter has been received approving of this request and no other correspondence or telephone calls have been received.

Shacklett commented that the owners have stated the original layout of the home had the garage located at the backmost portion of the property, thereby effectively blocking the view of the golf course. Shacklett expressed the desire of the property owner is to create a living area in the current garage location that would provide an improved view of the golf course. Shacklett added the proposed garage is approximately twenty-nine (29) feet wide which is wider than a typical garage. The owner's desire for the wider garage is to accommodate a golf cart and yard tools. Shacklett explained they have stated they do not wish to construct accessory buildings in the rear yard which would allow a narrower garage because they feel that would not be as desirable an approach as what they are proposing. Shacklett indicated the proposed garage would be constructed to be architecturally compatible with the existing home. Shacklett added that the owners have stated the location of the tree at the northwest corner of the property creates a hardship in that they want it preserved. Shacklett stated a detached garage that meets the reduced side and rear setbacks required for accessory buildings could be constructed there, but the tree would have to be removed, and the view of the golf course would be further impeded.

Shacklett delivered the staff technical recommendation in case V 13-05 by stating that since the home was originally constructed with an approximately 6-inch 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 based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the hardship does not

constitute a physical property hardship and is self-imposed regarding the side and rear setback variances.

Rebecca Murphy, 2415 Canyon Creek Drive, Richardson, Texas came forward to present the case. Murphy explained they would like to preserve the native Cedar Oak tree in the back portion of their property. It shades their property, the neighbor's property and a portion of the 15<sup>th</sup> hole on the golf course. Murphy explained they considered adding a detached garage to avoid requesting a variance, but even getting close to the tree would have endangered it. Murphy continued that they have previously lived in Canyon Creek and are returning because they like the area. Murphy added that there are no windows that face to the back of the house or the golf course and this lead to taking the garage into the house as well as having a place to store their golf cart.

Walker asked if the garage would be somewhat larger to contain a golf cart, lawn mower and some tools.

Murphy responded yes.

Walker asked that anyone wishing to speak in favor of the request come forward. There being no one, Walker asked that anyone wishing to speak in opposition of the request come forward.

Paul Drake, 2417 Canyon Creek Drive, Richardson, Texas came forward to speak in this case. Drake stated he and his wife are probably the most affected by this request. Drake pointed out that he does not know what impact the approval of this request would have on him and his family. Drake indicated they had spoken with the applicant but this is the first time he has seen details. Drake commented that he expected some noise issues and some limit of their view of the golf course. Drake continued that currently they have about a 120° view of the golf course and after the changes their view would possibly be only 30°. Drake added he liked the fact that the tree will remain because removing the tree would limit their view even more. Drake noted that at this point it seems to be a trade-off between the noise and the view.

Drake expressed that the main issue they have is that their bedroom and their bed are probably going to be about 15 feet from the applicant's car. Drake explained they have a huge noise problem and most likely they will have to build a fence. Drake told the Board they are not for or against the request; but are looking to learn how they might respond, if needed.

Shacklett asked what the primary source of the noise problem is currently.

Drake pointed out that currently whenever the garage door opens and closes, he can hear it. Drake noted that he works in his garage with power tools and if the applicant does the same; that would add to the noise problem.

Walker stated that Drake could build a 6-foot or 8-foot fence and not be required to come before this Board. Walker requested confirmation of this statement from Shacklett.

Shacklett stated that is correct and typically a fence can be built up to 8-foot in height from the front building line down the sides and along the rear. Shacklett clarified that he did not know if there were any deed restrictions as far as a rear property line fence with the golf course there.

Some discussion regarding fences ensued and the Chair moved things back to business.

Murphy added the current orientation of the garage probably causes lights to shine on the next door neighbor's house. Murphy explained that a front entry to the garage could mean less bother from lights. Murphy addressed the noise concern by stating they plan to install a state of the art garage doors. Murphy pointed out that whether or not this request is approved, they will have to find a workable plan to accommodate vehicles and there will be some view obstruction is unavoidable. Murphy stated they plan to do everything they can to be good neighbors.

No further comments were received and Walker closed the public hearing.

Shacklett introduced Brian Shuey, new member to the Zoning Board of Adjustment. As Chairman Walker described earlier, the vote will be four members out of five voting.

Walker stated that this request is a result of an irregular lot and is much like other cases heard by the Board this year.

Menke stated he had a concern about approving this request because it brought out issues from an upset homeowner that could create a problem in the neighborhood.

Shacklett suggested the Board consider voting on each variance separately.

Menke made a motion to grant item number V 13-06 1) regarding the front setback of the proposal as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Lemons and approved 4-1 with Arefin opposing.

Menke made a motion to grant item number V 13-06 2) regarding the 4-foot variance to the 7-foot side setback for an attached garage as presented and limited to the specifics the applicant presented in the case. The motion was seconded by Lemons and approved 4-1 with Arefin opposing.

Menke made a motion to grant item number V 13-06 3) regarding the 3-foot variance to the 25-foot rear setback for an attached garage as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Shuey and approved 4-1 with Arefin opposing.

2. **PUBLIC HEARING ON ZBA FILE V 13-07**, a request by Harry Purdom, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance, for the property located at 105 Thompson Drive: 1) Article VII, Sec. 4(h)(2)(a), to allow the pavement for maneuverability to be non-perpendicular to the entry opening of the garage.

Shacklett stated the current owner recently purchased the home with the plan to demolish the existing home and construct a new home. Shacklett noted the current garage is accessed from Thompson Drive, but the garage door opening is located on the back side of the home (J-drive configuration). There is no alley access since the lot is located on a creek. Shacklett indicated the proposed layout of the new home would utilize the same driveway opening, but the garage entry opening would be moved to the front of the home. Shacklett explained that due to the applicant's desire to preserve a large pecan tree in the front yard, the new driveway would not be perpendicular to the entry opening of the garage, therefore requiring the need for the variance.

Shacklett stated the City's Comprehensive Zoning Ordinance (CZO) requires that a paved area for maneuverability of a vehicle in and out of the garage is required. Shacklett pointed out that the typical dimensions required are eighteen (18) feet in width by twenty-four (24) feet in depth. Shacklett continued that the maneuverability area is required to be perpendicular to the entry opening of the garage.

Shacklett mentioned the owners have stated they believe the intent of the ordinance is being met since there is still an 18-foot by 24-foot area being provided. Shacklett commented that to construct a driveway that would be perpendicular to the garage opening would require the removal of the pecan tree which the applicants desire to preserve. Shacklett continued that the applicant has also stated that rotating the home to accommodate perpendicular maneuverability could create side yard encroachments and flipping the home would require removing other trees and conflicts with water meters.

Shacklett reported there had been no correspondence or telephone calls related to this case.

Shacklett delivered the staff technical recommendation in case V 13-07 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that the hardship does not constitute a physical property hardship and is self-imposed.

Walker noted that trees have power and influence over the cases heard by the Board.

Harry Purdom, 309 Meadowcrest Drive, Richardson, Texas 75080 came forward to present the case. Purdom identified himself as the builder representing Kevin and Lori Lowderman who are citizens of Richardson. Purdom stated the Lowderman's purchased the property at 105 Thompson Drive about a year and a half ago and since October 2012 plans have been worked on together. Purdom told the Board that his clients want to orient the house on the lot as pictured in their request. Purdom indicated they looked into rotating the house, but because of another tree in the rear property line the structure cannot be rotated enough to meet the perpendicular requirement of the maneuverability area without taking the tree down. Purdom noted that his clients purchased the lot specifically because of the trees and the creek. Additionally, Purdom mentioned that 18-inch rotation off of 90° to accommodate maneuverability can be made tighter, but the idea is to keep the concrete off the root structure of the tree. Purdom pointed out there are several situations in the neighborhood where encroachments are involved and provided pictures for the Board to review.

Walker questioned Purdom regarding how far the tree is from the garage.

Purdom stated the tree is 15 feet and 6 inches from the garage.

Walker stated there is a good amount of room to miss the tree when you back out.

Purdom added that the tree is not right at the garage door and the owners have 2 parking spaces in the garage and an additional space in the back. Purdom stated there is ample space for access in and out of the garage.

Arefin stated his concern about the plan is not getting into the garage, but getting out.

Purdom noted the owners have been studying these plans for about a year and have known about the tree's location. That is why they have requested an 18-foot garage door instead of a standard door that is 16-feet wide. This means when backing out they are less restricted. Purdom continued that the radius of turning

into that area would be no different than on a standard parking area with a 20-foot radius turning into a swing in garage.

Walker asked Purdom to confirm there is lots of new development on that street.

Purdom confirmed there is much new development on the street.

No further comments were received and Walker closed the public hearing.

Lemons pointed out that the previous development in the neighborhood sets a certain amount of precedence in that neighborhood already.

Menke added that this project will be an improvement and is the kind of redevelopment we want to encourage.

Lemons made a motion to grant the proposal for V 13-07 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Arefin and approved 5-0.

There being no further business, the meeting was adjourned at 7:23 p.m.

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Mike Walker, Chairman  
Zoning Board of Adjustment