

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
OCTOBER 16, 2013

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, October 16, 2013 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Larry Menke, Vice Chair
Chip Pratt, Member
Shamsul Arefin, Alternate
Jason Lemons, Alternate

MEMBERS ABSENT: Mike Walker, Chair
John Veatch, Member
Brian Shuey, Member

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

Larry Menke, Vice 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. Menke summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Menke noted that four members are present and voting will be conducted with all members voting. Menke added four of the four (4) members present must vote in favor for a request to be approved.

MINUTES:

The Zoning Board of Adjustment minutes of the September 18, 2013 meeting were approved on a motion by Lemons; second by Arefin and a vote of 4-0.

PUBLIC HEARING ON ZBA FILE V 13-13, a request by Jerry Parks, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: Article IV-B, Sec. 4(f)(1), for a 9-foot variance to the 10-foot side setback for an existing deck.

Shacklett reported the applicant purchased the subject property earlier this year with the intention of demolishing the existing home and constructing a new one. Shacklett continued since that time, the existing home was demolished, and the new home is currently under construction. Shacklett stated as part of the applicant's preliminary plan review, staff noted several encroachments onto the adjacent property as well as into an Oncor utility easement to the south. Shacklett summarized the encroachments that included a swimming pool, concrete deck, and the existing wooden deck that is the subject of this variance request. In addition, Shacklett explained there were also two (2) accessory

buildings on the north side of the property that encroached into the side setback. Shacklett noted that all encroachments have since been removed including the portion of the wooden deck that encroached onto the adjacent property (owned by Canyon Creek Country Club). Shacklett stated currently the deck is now located within one (1) foot of the property line. Shacklett said although the deck is still located in the Oncor easement, the applicant has acquired approval from Oncor for the deck to remain in the easement.

Shacklett stated the deck is located at the rear of the property and extends out toward the edge of the creek wall. Shacklett acknowledged that the applicant states the deck has been in place for twenty (20) years. Shacklett explained the deck is located approximately forty (40) feet above the creek and is subject to the side setback requirements of the R-1800-M zoning regulations. Shacklett expressed that the applicant desires to allow the deck to remain to take advantage of the rear yard's adjacency to the creek and golf course. Shacklett noted the applicant has stated that a hardship exists because the deck has existed for twenty (20) years, and the existing encroachment onto the property to the south has been resolved. Furthermore, a significant portion of the deck has been removed, and the removal of an additional nine (9) feet of the deck would make the space less usable. Shacklett indicated there had been no correspondence in this case.

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

Menke asked the applicant to come forward and present his case.

Jerry Parks, Traditional Select Homes, Inc., 2517 Custer Parkway, Richardson, Texas 75080 came forward to present the case. Parks stated that he is the owner of the property and he has recently sold it. Parks continued by saying that his plan is to make the deck as beautiful as it once was. Parks asserted that the deck has been in place for twenty-five (25) years and the more deck that can be kept in place, the greater the asset.

Lemons asked about the general condition of the deck.

Parks stated that some of the boards need to be replaced. Parks added that he has an engineer's letter on the deck and it reports the deck is structurally sound. Parks continued that the boards needing to be replaced will be and a new railing will be added around the outside.

Menke asked about the foundation of the deck.

Parks responded that the foundation is concrete piers with steel. Parks remarked that the original construction was done right and that has helped the deck stay in good condition.

No further comments were made in favor or in opposition and Menke closed the public hearing, inviting comments from the Board Members.

Pratt noted that with only four members present this evening it is important to discuss the case. Pratt added that he could see only positives to approving this request. Pratt remarked he has been on the property before and what has been done is a tremendous improvement. Pratt stated the improvements moved the property from gross non-compliance to a state of full compliance.

Arefin pointed out the improvements are very good not only for the property but also for the City.

Lemons asserted that this is the type of improvement we want to promote within the City. Lemons reported that his concern regarding the age of the deck has been addressed with the information that some boards will be replaced, a railing added and the foundation is constructed of concrete piers.

Arefin made a motion to grant item number V 13-13 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Lemons and approved 4-0.

PUBLIC HEARING ON ZBA FILE V 13-14, a request by John Weidenfeller, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance: 1) Article VII, Sec. 4(e)(1), for a 28-foot variance to the platted 40-foot front setback for an attached garage to include overhangs, and 2) Article VII, Sec. 4(f)(1), for a 2-foot variance to the 7-foot side setback for the existing structure at 619 Dumont Drive.

Shacklett opened his report by saying the home was constructed in the 1950's with a 1-car garage and a 1-car carport. Shacklett stated the current property owner purchased the home in 1992. Shacklett explained that the carport area was enclosed and converted into office space soon after the initial construction. Shacklett continued that prior to 1992, the 1-car garage was partially converted to create a laundry room as well as provide access to a third bedroom. Shacklett reported that the applicant stated converting the existing garage back to a 1-car garage would cut off access to the third bedroom, and a variance to allow a 1-car garage in lieu of a 2-car garage would still be required. Shacklett added the applicant's desire is to provide a 2-car garage that conforms to the City's requirement for two (2) enclosed parking spaces; however, the proposed location requires a front setback variance. Shacklett indicated that the second variance request is required because a portion of the original home along the alley encroaches two (2) feet into the side setback along the alley. Shacklett acknowledged that without this variance, the existing structure cannot be expanded.

Shacklett stated the applicant is proposing to locate the attached garage in the front setback. Shacklett reported the applicant has stated that due to the triangular shape of the lot, there is nowhere else on the lot in which to place the garage. Shacklett indicated the

applicant has stated a property hardship exists because the lot is unique in its shape, and that a large amount of the lot's area is located within the 40-foot front setback where nothing can be built. Shacklett noted the applicant has also stated the placement of the garage will block his neighbors' view of the alley, which he states many of his neighbors support. Lastly, Shacklett cited the applicant's statement that if the variance is granted, the property will be able to comply with the City's requirement for two (2) enclosed parking spaces. Shacklett reported there has been no correspondence in this case, however the applicant will be presenting the Board with a signed petition showing property owners he has spoken with that reside in key locations near his home and support his request.

Shacklett delivered the staff technical recommendation in case V 13-14 by stating that based on the information provided by the applicant, and applicable codes and ordinances, it is staff's opinion that a property hardship exists due to the unique shape and configuration of the property. Shacklett closed his presentation and asked for any questions of staff.

Pratt questioned if the modification to the building line would extend the full length of the property or if it would apply solely to the garage.

Shacklett responded by saying that the modification would apply only to the garage and making a motion that includes the words, ". . . that the request be limited to those specifics which the applicant presented as his application," would cover any question of what the modification to the building line covered.

Menke asked if this request is approved is there anything in place to keep the owner from making the garage 2-story.

Shacklett stated the structure is allowed to be a garage and a garage is an accessory building. Shacklett emphasized that accessory buildings are not allowed to be 2 stories. Shacklett added he did not believe the applicant's intent was to add a story to the garage, and encouraged questions of the applicant. However, since it is technically attached, it may have the ability to be 2 stories.

Menke noted that even if the current property owner is not interested in a 2-story garage, he would like to have something in place to deter any future challengers of this change to zoning.

Arefin questioned if the elevations presented would stay with this request.

Shacklett explained these elevations were not intended to stay with the request, but to show elevations that meet masonry requirements; to show what the applicant has in mind; and to address the fact that there may be revisions to ensure overall minimum masonry calculations.

Pratt asked if this request could be voted on as two separate items. Shacklett responded that each item could be voted on separately.

Menke asked the applicant to come forward and present his case.

John Weidenfeller, 619 Dumont Drive, Richardson, Texas came forward to present his case. Weidenfeller stated that he is the property owner and has lived at this address for over 20 years. Weidenfeller added that he has spoken with many of his neighbors regarding this request and he has signatures from these property owners. Weidenfeller provided the paperwork to the Board and noted that some of those neighbors affected by the request are here tonight.

Menke stated his concern that this request is so close to the street.

Shacklett explained the garage is approximately 13.5 feet from the property line to the wall and from the property line to the street another 11.5 to 12 feet from the street.

Pratt questioned staff regarding minimum distance requirements from a garage door to the street for turning radius and entry.

Shacklett stated by adding the 21.6 feet with the alley pavement, the minimum depth requirements can be met.

Mike Doris, 626 Dumont Drive, Richardson, Texas came forward to speak in favor of the case and formed questions for Shacklett regarding the construction of the garage.

Shacklett explained that as long as Doris works with Building Inspection, a part of Community Services Department and meets minimum height and Building Code requirements, this should keep him in compliance. Shacklett explained that this variance does not address these concerns.

Menke called for anyone present that would like to speak in favor of the request.

Reid Robinson, 600 Nottingham Drive, Richardson, Texas 75080 came forward to speak in favor of the request. Robinson noted that he lives across the alley from the applicant. Robinson stated that he supports this request and believes it will be aesthetically pleasing and make a nice addition to the neighborhood. Also, Robinson pointed out that the request would lessen congestion on the street by taking cars off the street that currently park there.

No further comments were made in favor or in opposition and Menke closed the public hearing, inviting comments from the Board Members.

Lemons stated that normally an encroachment into the front setback would not be supported, but based on the orientation of the lot, this request makes sense.

Pratt agreed with Lemons that the orientation of the lot, the comments from the neighbor, as well as the line of sight down the alley already being impinged make for good reasons to grant this request.

On question, Shacklett advised the Board if they chose to vote separately on the two requests, the first vote should be on the second portion of the request, based on the fact there has been no discussion on that portion (the 2-foot variance to the 7-foot side setback). Shacklett added that if the intent is to approve that second portion, call for a vote and if there is no opposition; then proceed to vote on the first portion of the request (for a 28-foot variance to the platted 40-foot front setback for an attached garage to include overhangs) and if necessary, additional discussion can take place at that time.

Pratt made a motion to grant item number V 13-14, variance 2) (2-foot variance to the 7-foot side setback for the existing structure) as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Arefin and approved 4-0.

Menke requested that the next motion be worded to include Board approval is limited to the specifics presented this evening as well as limited to 1 story in height.

Lemons made a motion to grant item number V 13-14, first portion, (28-foot variance to the platted 40-foot front setback for an attached garage to include overhangs) as presented, limited to those specifics the applicant presented in the case and with the exception that the garage can be no taller than 1 story in height. The motion was seconded by Pratt and approved 4-0.

There being no further business, the meeting was adjourned at 7:11 p.m.

Larry Menke, Vice Chairman
Zoning Board of Adjustment