

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF RICHARDSON, TEXAS**  
**NOVEMBER 20, 2013**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, November 20, 2013 in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

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

**MEMBERS ABSENT:** John Veatch, Member

**CITY STAFF PRESENT:** Chris Shacklett, Senior Planner  
Patricia Guerra, Asst. Director-Community Services  
Jennifer Patrick, Residential Plans Reviewer  
Whitt L. Wyatt, City Attorney  
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 do not influence any decisions the Board might make. Walker summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment. Walker noted that four (4) of the five (5) voting members are present. Voting will be conducted with all members voting; Arefin will vote on Items 1 and 2; Lemons will vote on Item 3.

**MINUTES:**

The Zoning Board of Adjustment minutes of the October 16, 2013 meeting were approved on a motion by Arefin; second by Shuey and a vote of 5-0.

**PUBLIC HEARING ON ZBA FILE V 13-15**, a request by John W. Jones for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: 1) Article IV, Sec. 4(f)(1) for a 10-foot variance to the 20-foot side setback for a corner lot adjacent to a side street for a carport at 529 Birch Lane.

Shacklett opened his presentation by stating the applicant's home is located on a corner lot at the northwest corner of Birch Lane and Lois Lane. Shacklett continued that the garage on the property is accessed from the alley on the north side of the home. Shacklett reported the side setback for corner lots is typically twenty (20) feet which applies to the principal structure as well as accessory structures, including carports. Shacklett informed

the Board the applicant states that fifteen (15) years ago, the driveway was widened toward the side street (Lois Lane) to include a third driveway parking space, after which a fence was constructed around the extension. Shacklett noted that both the driveway expansion and fence were permitted. Shacklett added that the applicant states that since that time various storage buildings have been placed on that third driveway space. Shacklett stated the applicant now desires to construct a carport over the 3-car wide driveway to provide protection for his vehicles.

Shacklett reported the applicant has stated a hardship exists because his lot has a reduced buildable width due to the 20-foot corner lot side setback rather than a 7-foot side setback which is required for interior side setbacks. However, Shacklett stated the carport located in the rear 25-foot setback would be allowed within three (3) feet of the side property line for an interior lot. Shacklett added that the applicant has also stated a 2-car carport (which would comply with the 20-foot setback) would not allow a vehicle proper turning radius into the third driveway space. Shacklett mentioned the applicant has also stated that his neighbor across Lois Lane recently constructed a carport that extends into their 20-foot side setback, and he wishes to receive the same treatment as his neighbor. Shacklett noted a permit was issued for that carport; however, it appears the permit was issued in error.

Shacklett delivered the staff technical recommendation in case V 13-15 by stating that based on the information provided by the applicant; and applicable codes and ordinances, it is staff's opinion that the hardship is self-imposed.

John W. Jones, 529 Birch Lane, Richardson, Texas came forward to present his case. Jones stated he has lived in Richardson for 30 years and comes before the Board looking to build a carport because the large tree that covered the third car had to be cut down and he wants to protect that vehicle. Jones assured the Board that he takes care of his property and that the carport would be tasteful. Jones noted that he plans to add a fence with landscaping to stay in keeping with the look of the neighborhood. Jones added that his yard has been awarded "Yard of the Month" for 19 years in a row. Jones stated he would like to use the most of his property available, but with limits on corner lots, he can only use 64 feet of the 84 feet he owns. Jones expressed his desire to be treated like his neighbor and have a three-car carport permitted on his property at 529 Birch Lane.

Shuey asked the applicant how many cars he owns.

Jones responded that he owns three. Two cars are always parked in the garage and one sits in the driveway. Jones provided signatures collected from neighbors in favor of the request.

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

Walker stated he sees both sides of the issue. Walker continued the storage building has been in place for a long time but no complaints in twenty years may mean the carport may

not add any reason for complaints. Walker stated his understanding of what Jones is trying to do with his property.

Menke noted that the request made by the neighbor across the street was approved in error. Menke stated there is nothing to be gained by compounding the existing problem by granting another one.

Shuey expressed that he is not in favor of granting the request and he does not see a hardship. Shuey mentioned that he understands wanting extra cover for a vehicle. Shuey stated that the ordinance is clear. Shuey also stated when a corner lot is purchased it is important to understand the requirements involved.

Arefin questioned Shacklett regarding a time limit on the length of life for the carport.

Shacklett explained that a variance stays with the property. If this request is granted, the carport could be demolished and rebuilt over and over.

Shacklett continued that fences are addressed separately in Chapter 6 of the Code of Ordinances. Shacklett clarified that this chapter indicates where fences can be located; which is on the property line anywhere behind the front wall of the home and the maximum height for a fence is 8 feet.

Menke clarified that the carport and fence are two separate issues.

Shacklett reminded the Board that a vote of four out of five is required to grant the variance. Shacklett added that a simple majority in a motion to deny will also pass.

Shuey made a motion to deny item number V 13-15 as presented; limited to those specifics the applicant presented in the case. The motion was seconded by Menke and approved 3-2 with Walker and Arefin opposed.

**PUBLIC HEARING ON ZBA FILE V 13-16**, a request by Fr. Boulos Mikhael, representing St. Philopateer Coptic Church, for approval of the following variances to the City of Richardson Comprehensive Zoning Ordinance: 1) Article XVI-B, Sec. 3(a)(1) for a 5-foot variance to the maximum 25-foot height allowed for a one-story building, and 2) Article XVI-B, Sec 3(a)(1) for a 5-foot variance to the maximum 25-foot building height allowed for a building located within 150 feet of a residential zoning district for a gymnasium at 1450 E Campbell Road.

Shacklett acknowledged the applicant is requesting a variance to allow additional height for a one-story building to achieve adequate interior height to construct a gymnasium with a high school-sized basketball court at their church. Shacklett explained the height to the roof deck would be thirty (30) feet which exceeds the maximum 25-foot height allowed for a one-story building. Shacklett noted an additional four (4) feet of height is allowed for a

parapet. Shacklett informed the Board that additionally, since the church property is zoned LR-M(2) Local Retail, building height is limited to one-story/twenty-five (25) feet within 150 feet of a residential zoning district. If the church property were residentially zoned, this restriction would not apply and the second variance would not be necessary.

Shacklett clarified the applicant states the location of the gymnasium was chosen to ensure safety of the kids going from the church to the gymnasium by keeping them away from the parking lot. Shacklett noted that as part of the church's master plan, other one-story buildings that comply with the height regulations are planned elsewhere throughout the site. Shacklett added the applicant is proposing no windows on the east side of the gymnasium to protect the single-family neighborhood's privacy.

Shacklett reports the applicant states their hardship is that it is not possible to achieve the minimum clear heights within the gymnasium and keep the roof height, which is measured at the roof deck, below twenty-five (25) feet. Shacklett noted that the applicant states regarding the variance related to the one-story/25-foot maximum within 150 feet of a residential zoning district, the applicant has stated that moving the gymnasium outside of the 150-foot area would affect their plans for the future location of other planned development.

Shacklett delivered the staff technical recommendation in case V 13-16 by stating that based on the information provided by the applicant; and applicable codes and ordinances, it is staff's opinion that the hardship is self-imposed and construction of this type which is common to church facilities, could not be able to be constructed as a 1-story building and still meet the 25-foot maximum height allowed for a 1-story building. There are, however, alternate locations on the site in which the gymnasium could be placed.

Sami N. Ebrahim, Member, Engineering Committee, St. Philopateer Coptic Church, 1450 E. Campbell Road, Richardson, Texas came forward to present the case. Ebrahim stated the request is for additional height clearance in the gym. Ebrahim expressed thanks to the City of Richardson for the 15 years the City has worked with the church. Ebrahim provided elevations indicating their request. Ebrahim indicated they hired a consultant and considered alternatives for their youth. Ebrahim stated they found the solution in clearance for the gymnasium. Ebrahim pointed out that the church will remove the parapet and an alternative has been taken to move air conditioning units so the top of the roof, minus the parapet will be 31-feet in height.

Lemons questioned Ebrahim about the two other buildings shown on the site plan and the timeframe regarding their development.

Ebrahim responded they are hoping to have the work complete maybe in 5 years, depending on the economy and the height will not exceed 15 feet.

Menke suggested that compliance might be achieved by flip flopping the gymnasium and Building B.

Ebrahim replied that their consideration for the safety and circulations of their people steered them away from this alternative.

Pratt brought up the letter of opposition received by staff and requested the location of that property.

Shacklett responded that this is the only property notified on Stoneham Place, it is located on the other side of the street, and does not back up to the church where the variance is being requested.

Pratt noted the letter indicated the existing church is only one story.

Ebrahim explained that the church is a finished out 2-story building.

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

Pratt pointed out that the letter of opposition was from a property minimally affected by this request.

Menke said this is a common request since there are numerous churches that have gyms.

Arefin stated that the church could do a plain wall in the rear, but they are doing more. Arefin added that since the building is already in existence there should be no new impact on the neighborhood.

Lemons cited his support for this request.

Shuey made a motion to grant item number V 13-16, as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Pratt and approved 5-0.

There being no further business, the meeting was adjourned at 7:15 p.m.

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Mike Walker, Chairman  
Zoning Board of Adjustment