

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF RICHARDSON, TEXAS**  
**MARCH 19, 2014**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Thursday, March 19, 2014 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  
Jennifer Patrick, Building Inspector  
Cindy Wilson, Administrative Secretary

Mike Walker, Chairman, introduced Chris Shacklett, Senior Planner; Jennifer Patrick, Building Inspector 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 noted that one member is absent and all those present will be voting. Member Shamsul Arefin will vote on items 1 and 3. Member Jason Lemons will vote on item 2. Walker added four (4) of the five (5) members present must vote in favor for a request to be approved.

**MINUTES:**

The Zoning Board of Adjustment minutes of the February 19, 2014 meeting were approved as presented on a motion by Shuey; second by Arefin and a vote of 5-0.

**PUBLIC HEARING ON ZBA FILE V 14-05**, a request by Rick Kimball, for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance:1) Article VII, Sec. 4(g), for a 13-foot variance to the 25-foot rear yard setback for an existing garage at 722 Winchester Drive.

Shacklett stated the existing home was constructed in 1957, and the current owners purchased the property in 2010. Shacklett noted the applicant stated at the time of purchase there was no mention of a structure encroaching into the required setback. Shacklett explained that based on a review of aerial photographs, it appears the garage existed in 1995. Shacklett stated it is unclear if the garage was constructed as part of the original home or added sometime between 1957 and 1995. Shacklett continued by saying it is possible that the structure was constructed without a permit or it may have been permitted in error. Shacklett explained that when the

applicant's plans were submitted for review, the permit application was denied due to the existing encroachment; the applicant was informed he would need to either demolish the portion of the garage that was encroaching and replace it elsewhere on the property or request a variance.

Shacklett stated the applicant is requesting a 13-foot variance to the required 25-foot rear yard setback for the existing garage located at the rear of the property. Shacklett pointed out the applicant is proposing to construct an addition to the rear of the home on the east side of the lot to increase the footprint of the master suite as well as increase the size of the existing living room. Shacklett explained that although the addition conforms to the setback requirements of the Comprehensive Zoning Ordinance (CZO), the CZO does not allow non-conforming structures to be expanded. Shacklett added that without a variance to the rear setback requirement for the existing garage, no additions or expansions to the existing structure would be allowed.

Shacklett reported the applicant's stated hardship exists because the home was purchased without disclosure of the encroachment. Shacklett added furthermore, it is unclear whether the structure was originally permitted as part of the original construction of the home. Shacklett noted if the applicant were required to remove the garage, a new garage would be required to be constructed or a variance would be required to allow less than two (2) enclosed parking spaces. Lastly, the applicant stated a hardship exists because no other conforming changes can be made to the house if the variance is not granted.

Shacklett stated 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 continued that without a variance, the structure will remain non-conforming until such time the portion of the home that encroaches into the rear setback is removed or the structure is demolished and reconstructed.

In response to a question from Pratt regarding the drawing of the plat and the rear setback line, Shacklett responded that the item had been drawn incorrectly.

Rick Kimball, 722 Winchester Drive, Richardson, Texas came forward to present his case. Kimball stated three (3) years ago he purchased the property with the plan to remodel by expanding the living room and the master bedroom. Kimball added when he applied for a permit to do the work he found he would need a variance to continue remodeling. Kimball noted that moving or reconstructing the garage would not be feasible.

Chairman Walker asked for any questions of the applicant. There being no questions, Chairman Walker stated he sees this request as clear cut and thanked the applicant for coming forward.

No further comments were made in favor or in opposition and Walker closed the public hearing.

Menke made note that this encroachment was made years ago and there has been no issue and it does not appear what is proposed will cause problems.

Chairman Walker requested a motion.

Pratt made a motion to grant item number V 14-05 as presented, limited to those specifics the applicant presented in the case. The motion was seconded by Lemons and approved 5-0.

**PUBLIC HEARING ON ZBA FILE SE 14-01**, a request by Doug & Robin Martin, for approval of the following special exception to the City of Richardson Code of Ordinances: 1) Chapter 6, Article IV, Sec. 6-209(3), to allow a 6-foot fence to be located between the front property line and the front wall of a building at 610 Copper Ridge 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 greater than three (3) feet in height to be built in the front yard. Shacklett explained the current owners purchased the property in 2013 and demolished the existing home with plans to construct a new home. Shacklett indicated when the applicant presented their proposed plan to staff, it was noted that the proposed freestanding 6-foot stone wall (which is treated as a fence per the Code) along the front building line was not allowed and a special exception would be required to allow the wall.

Shacklett expressed the applicant's intent is to move the house back ten (10) feet behind the 30-foot front yard setback line and place the 16-foot long freestanding wall along the setback line. Shacklett noted the purpose of the wall is to block public views as well as headlights from the large windows proposed on the front of the new home. Shacklett pointed out the applicant has stated the wall/courtyard concept fits the style and architecture of the proposed home. Shacklett continued the applicant also feels that although the proposed wall requires a special exception, the intent of the ordinance is met because they are not enclosing their front yard area, but rather providing an area similar to a porch or patio which would be allowed by right.

Shacklett added the applicant states the wall does not violate the intent of the ordinance and provides a level of privacy and screening and agrees that a fence enclosing the entire front yard would detract from a "neighborhood-friendly" atmosphere. Shacklett explained the applicant states the front wall of the home could be placed where the proposed wall is being located, but by moving the home back, additional green space is being provided along the street, thereby creating privacy while lessening the visual impact of the new home on the neighborhood.

Shacklett stated that although the proposed wall is considered a fence per Chapter 6 of the Code of Ordinances thus requiring a special exception for its location, the application and intent of the proposed wall is to provide an architectural screen that is compatible with the design and architecture of the proposed home. Furthermore, the proposed freestanding wall does not create an enclosed space which is typical of a fully enclosed fenced yard.

Doug Martin, 2017 Flat Creek Drive, Richardson, Texas came forward to present his case. Martin thanked Shacklett for his presentation. Martin expressed that they agree with the ordinance; understand the reason it exists and believe it makes sense. Martin explained that they do not want to build a fence, but a six (6) foot high stone wall. Martin stated that they view this wall as a design aesthetic that is a very common feature in homes of contemporary architecture. Martin noted that in the neighborhood there are a number of homes with privacy walls out in front. Martin added that privacy walls are different from fences. Martin stated that the house was in grave disrepair prior to their taking it down. Martin noted that as they went through demolishing the home and the huge shrubbery, many of the neighbors thanked them for the removal of both. Martin explained that the huge shrubbery was there to block the lights from traffic turning from Nantucket Drive onto Copper Ridge Drive headlights come directly into the living room. Martin cited that his architect talked with them regarding a privacy wall and how it fits with the aesthetic and do a great job of blocking the view. Martin added that the entrance mentioned earlier is one of the main entrances into Canyon Creek. Martin stated they are right next to the school; public park; swimming pool and there is a lot of traffic. Martin displayed a picture of stone that exists at Canyon Creek Elementary as the type of grey tone stone look they are requesting to install.

Chairman Walker asked for questions or comments from the Board.

Arefin asked what material would be used for the home.

Martin responded that it will be within the 75% masonry requirement and they will use a grey, thinner longer brick for a more contemporary look. Martin added there will be some stucco and wood will overhang the front entry way.

Seeing no one come forward to speak in favor, Chairman Walker asked for those who would like to speak in opposition to come forward.

Sandy and Irene Zucker, 2103 Flat Creek Place, Richardson, Texas came forward to express their concerns. Mr. Zucker stated that his main concerns is that the description was originally of a fence between the front of the house and the street. Zucker added that a big wall in the front was going to change the look and feel of that house and affect the entire neighborhood.

Walker asked Zucker if his point of opposition was the wall.

Zucker said he would like to know how much of the house would be blocked.  
Shacklett came forward with a scale site plan.

Menke added that it looked to be about 30% of the width of the house.

Shacklett noted that the home is about a fifty-six (56) foot wide home.

Pratt explained it would be 16 feet out of 56 feet.

Zucker asked if the wall could be built out closer to the street.

Pratt stated the project would be limited specifically to the presentation made this evening.

Ms. Zucker stated her concern is that this project would tend to change the look of the neighborhood. Zucker continued that change comes and she understands remodeling but her concern is that it will tend to change the look and feel and the integrity of the neighborhood.

Walker directed Zucker back to discussion regarding the wall.

Zucker clarified that they live right across the street and that the window in her kitchen would look right out on the wall and that would concern her. Zucker stated that they experience traffic turning all the time. Zucker manages this during dinner by closing the drapes and she does not see the lights as a reason for the wall.

Eleanor Stone, 2025 Flat Creek Drive, Richardson, Texas came forward with a question regarding what was displayed on one of the slides shown.

Walker explained that her question related to the picture of the house next door.

Stone expressed that it was going to be very different in the neighborhood and totally change the look of the neighborhood.

Walker asked if this wasn't better than what was there before.

Stone responded that she wasn't sure it beat an empty lot.

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

Arefin stated this is a very interesting house similar to where he grew up. Arefin explained his appreciation for the front of the proposed wall being placed on the building line and pushing the house back from there. Arefin added that the wall will complement the building.

Menke reinforced Arefin's comments saying the house being moved back ten (10) feet to allow the wall to be located on the front building line which is in line with all the other homes. Menke added he did not see that it would make much of an impact and will tie in well with the other designs. Menke closed his remarks that it is important to remember that we are all here to deal only with the wall.

Lemons explained that a masonry wall, not wood implies permanence and ties into the property very well. Lemons added it is definitely a departure for the neighborhood and it will positively impact homes there.

Pratt noted the importance of moving the house back ten (10) feet and placing the wall where they have, leaving the lot more open. Pratt stated if the applicant had chosen to build this house with a bump at either corner of the house back to the build line; no variance would have

been required. Pratt expressed what the applicant is asking for leaves the lot more open than what could be built without a variance.

Shuey made a motion to grant item number SE 14-01 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 7:07 p.m.

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Mike Walker, Chairman  
Zoning Board of Adjustment