

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
JULY 20, 2016**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, July 20, 2016, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

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

CITY STAFF PRESENT: Mohamed Bireima, Planner
Sam Chavez, Asst. Director Development Services
Dana Slechta, Administrative Secretary

Opening comments: Chairman Walker introduced City staff and explained the staff serves in an advisory capacity and does not influence any decisions the Board might make. Mr. Walker summarized the function, rules, and appeal procedure of the Zoning Board of Adjustment.

1. MINUTES: JUNE 15, 2016

Motion: Mr. Lemon made a motion to approve the minutes from June 15, 2016 as presented; second by Mr. Shuey. Motion approved 5-0.

2. PUBLIC HEARING ON ZBA FILE V 16-07: A request by Michael Homan for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: Article VII, Sec. 4(d)(2), to allow the total area for detached structures to exceed 40% of the size of the principal residential dwelling. The property is located at 639 W. Belt Line Drive.

Mr. Bireima stated Variance 16-07 was a request by Michael Homan for a variance to allow increased lot coverage for detached structures in lieu of the maximum 40% of the size of the principal residential dwelling. The subject property was located at 639 W. Belt Line Drive and zoned residential and surrounded by residential homes from the east and south property lines. As required by State Law, property owners within 200 feet of the subject property were notified of the public hearing and no correspondence has been received regarding this request.

Mr. Bireima stated the subject property was built in 1956 and reflects a single-story 1,348 square foot home with approximately 500 square foot, two-car detached garage. The current owner proposes to build a 400 square foot carport, which will be attached to the existing detached garage.

Mr. Bireima said the new carport would be attached to the existing detached structure. The applicant was requesting a variance to allow 65% lot coverage for detached structures. The

Comprehensive Zoning Ordinance limits the lot coverage of detached structures to 40% of the size of the principal structure.

The applicant stated the hardship for requesting the variance was to allow additional off-street parking spaces away from the street traffic due to the unique location of the home at the intersection of a major arterial road with a collector street.

Mr. Bireima presented site plan, rendering of the structure and site photos of the property.

Mr. Bireima concluded his presentation by stating a physical hardship does not exist.

Mr. Walker asked if parking was allowed on the concrete to the left of the driveway.

Mr. Bireima stated parking is not allowed in that area.

Mr. Walker asked if the board approves and cars are park behind the fence then there was no issue.

Mr. Bireima said that was correct.

Mr. Pratt commented if the carport was attached to the main house then it would not be over the 40% and this case would not need to come before the board.

Mr. Bireima stated in order for the carport to be attached to the main structure the driveway would have to be shift towards the main structure which would cause an issue because there was a minimum requirement for driveways from the intersection to be 175 feet. This was the best situation and takes the driveway back.

Mr. Menke asked if there was a curb right in front of the driveway and can a vehicle drive over the area to where the carport would be.

Mr. Bireima stated the area was flushed and a vehicle could drive over it.

Mr. Bireima noted that the applicant may flatten the area if this case was approved. It would be up to the applicant to work with the Building Inspections Department and to get a permit to modify the area.

There was discussion amongst the board and staff regarding the use of the concrete driveway north of the existing driveway and whether or not the driveway was considered to be on a front facing street.

Mr. Bireima explained the provision in the Comprehensive Zoning Ordinance states where parking spaces enter in from a side street; the parking space shall be no closer than 20-feet from

the side lot line adjacent to the street. Therefore, the applicant must park behind the fence because it is built at the setback line.

With no further questions of staff, Mr. Walker opened the public meeting.

Michael Homan, 639 W. Belt Line Road, stated the property is located at a very busy intersection. He has two boys that live with him and parking was problematic at times. He put in a concrete pad and installed a rolling gate to park behind. This request would allow for more off-street parking. The carport would not be seen behind the gate and provide protective coverage of his vehicles.

Mr. Menke asked what type of materials would be used to build the carport and whether the carport would be visible from the street if the gate was not there.

Mr. Homan stated the carport would be built out of 3 inch channel steal and painted to match the gate and fence and would not be visible from the street. The carport would meet all City requirements.

Mr. Walker said that the drawings appear to show possible access from the alley way.

Mr. Homan commented that there was no access from the alley due to guy wires and utilities in the area.

Mr. Walker thanked Mr. Homan for a good concise presentation.

Mr. Lemons asked staff if driveway was just for ingress and egress

Mr. Bireima said that was correct.

Mr. Chavez stated a car may be parked in the garage and parked outside of the garage but within that apron. A car cannot be parked to the left of the driveway without being in violation of the code.

Mr. Lemon wanted to know if the fence was removed would that affect the ability to park behind where the fence was previously.

Mr. Bireima said parking was still allowed in the area but behind the 20 foot side lot line. In this case, the applicant was just requesting to add a carport which would exceeds the 40% allowed.

Mr. Veatch wanted to know if specific materials would need to be used.

Mr. Bireima said the building materials for the carport had to meet building code. This was not something that was stated in the Zoning Ordinance.

Mr. Walker asked if there was anyone in favor or opposed and there were none.

Mr. Walker closed the public hearing and asked the board if they had any comments.

Mr. Pratt stated it appears there is a very difficult parking situation and because of the guide wires and utilities along the alley there is no alley option for ingress and egress.

Mr. Arefin does not feel that adding a couple of parking spaces will be enough in the future. He suggested to the applicant to contact TXU or Oncor to see if the guy wires could be moved to possibly open up the area in the alley.

Motion: Mr. Menke made a motion to grant the request on Variance 16-07 as presented, limited to those specifics the applicant presented in the case; Second by Mr. Veatch with a vote of 5-0

3. PUBLIC HEARING ON ZBA FILE V 16-08: A request by Michael Matthews for approval of the following variance to the City of Richardson Comprehensive Zoning Ordinance: Article VII, Sec. 4(h)(1), to allow an attached carport in lieu of the required enclosed garage structure. The property is located at 608 Westwood Drive.

Mr. Bireima stated the property was zoned residential and surrounded by residential homes from all sides. As required by state law notices were sent to property owners within 200 feet of the subject property. One letter was received from the adjoining property to the west and a copy of the letter was handed out to the board.

Mr. Bireima noted the subject property was built in 1955. He explained the survey map of the subject property as it exists today showing the proposed site of the carport. An attached garage that was a part of the principal structure was converted into living space and a portion of the paved driveway has remained on the west side of the building.

Mr. Bireima state the applicant was requesting a variance to allow an attached two-car carport in lieu of the required two-car garage. The applicant states their hardship is based on lack of adequate space between the rear of the home and the rear property line to accommodate an enclosed garage with the proper maneuvering space from the alley.

Mr. Bireima explained the rendering of the carport and the type of materials that would be used and the location of the carport which would be accessed from the alley. He also noted that a garage could be built but they applicant would have to back out to the street due to the lack of maneuvering space.

Mr. Bireima commented on the letter that was received from the home located at 610 Westwood. Their concern was the location and the height of the carport if it was constructed next to their home. They would like the height to be limited to 8 feet so they would not be able to see it. He

explained to the resident that the carport would be built on the other side and would it not be visible to them. They then agreed to the carport being built.

Mr. Bireima stated no correspondence had been received from the property owners on the east, which would be 606 Westwood.

Mr. Bireima concludes his briefing stating it was the staff's opinion that a hardship does not exist since the existing garage has been converted into living space and the applicant was asking for covered parking.

Mr. Veatch confirmed the access to the carport was from the alley

Mr. Bireima stated that was correct.

Mr. Walker wanted to know if the carport was approved and later on the applicant wants to extend the driveway to go in the other direction would that be allowed.

Mr. Bireima said it would be allowed to extend the driveway through the carport.

Mr. Arefin feels the carport was the best solution. If the applicant wanted to extend the driveway would they need to be compliant with the City ratio of paved versus unpaved area of the lot.

Mr. Bireima said the impervious surface requirement would apply only to the front yard located between the front building wall and the front property line.

Mr. Veatch asked if there was a request from the applicant to extend the current driveway to the rear or are they just requesting a carport that can be accessed from the ally.

Mr. Bireima stated the request was to build a carport in lieu of a garage.

Mr. Shuey asked was there any side setback issues on the western side.

Mr. Bireima said on the eastern side but only a foot and a half. For a carport there was a shorter setback as opposed to a garage. An attached garage requires the applicant to comply with the setback for the principal building.

Mr. Menke asked if a carport would be considered an attached structure since it starts under the existing eave of the house.

Mr. Bireima said it was not attached because it was under the eave.

Mr. Pratt asked if the structure was attached then the materials would need to be consistent with the materials of the main structure.

Mr. Bireima stated only enclosed structures such as a garage are required to match the material of the main building. This was a carport which did not require the same materials.

With no further questions of staff, Mr. Walker opened the public meeting.

Mr. Michael Matthews 5931 Greenville Ave., Dallas, TX he thanked Mr. Bireima for presenting the issues. He continued to state that the garage was converted many years ago to living space and pointed out on the survey that it shows two (2) trees but actually it was one (1) big oak tree which was probably 8 foot in diameter. He looked at a variety of different ways to supply some kind of covered parking and secure area, and a carport was most practical. The materials will be light weight steal with all clad in cedar that will be stained to match the house. The house was currently clapboard siding.

Mr. Walker asked if the carport would be built under the eve of the current roof.

Mr. Matthews said cedar will be attached underneath the eve and be horizontal. Then within that it will be sloped about a half to one inch with a metal roof that will be sloped on the inside of the structure. The cedar was all that would be seen.

Mr. Menke asked whether he considered using similar roofing material for aesthetics.

Mr. Matthews said the owner was looking to change the house to have a more contemporary style. This was the first step in the process of the remodel of the exterior. It was also an economic issue. It would cost more to extend the hip out and make it a part of the carport.

Mr. Menke was concerned with the reflectivity of the sun on the aluminum roof and asked whether it would be painted.

Mr. Matthew stated there were lots of trees on both sides of the property line and the metal roof would be painted a sedate color and would not be seen from the ground. There should be no reflective issues.

Mr. Walker asked if there was anyone in attendance that would like to speak in favor of the request.

Ms. Celia Le Mestre, 1234 Cloverdale, Richardson, Texas, stated she would be the owner of the property and felt that Mr. Matthews has explained the need for the carport.

Mr. Pratt felt the rendering of the carport showed it to be an attached structure and the materials are not consistent with the existing building. He asked Ms. Le Mestre if she would be willing to change the materials and make it look like an extension of the home.

Ms. Le Mestre stated the house was made of siding and not brick. The carport would be covered in wood and painted the same color of the house. This was a new look that she wanted to establish as they remodel. There will be a door from the carport into the house.

Mr. Pratt asked if there was an option to extend the roof.

Ms. Le Mestre asked Mr. Matthews if there was a way to extend the roof to match the existing building.

Mr. Matthews stated you can do anything with money.

Mr. Arefin felt from his observation that the roof does appear to be angled on the home. The flat roof on the carport would not be visible and would look nicer.

Mr. Matthews stated if the hip roof was extended it would be visible and more massive from the alley, side and rear yards.

Mr. Walker asked if there was anyone else who would like to speak in favor or opposition; and there were none.

Mr. Walker closed the public hearing to hear remarks or motions from the board members.

Mr. Veatch, asked staff if there were requirements from the City that certain materials must be used to build the carport.

Mr. Bireima said there could be requirements for carport materials which are part of the Building Code, but the current Zoning Code does not limit the carport materials that are used.

Mr. Veatch wanted to confirm that the board could not suggest materials that should be used.

Mr. Bireima replied that was correct.

Mr. Menke asked staff if a building permit would be needed to build the structure.

Mr. Bireima confirmed a permit would be needed to build the structure.

Mr. Walker commented on the hardship factor. Due to the fact that people have converted garages into living space and cars are becoming more expensive; this limits options for safe and covered parking.

Mr. Shuey stated he did not have a problem with the carport, but in the future there may be second story homes built in the area and was concerned about the materials that would be used. He felt with the low profile roof painted a dark color, it would look nice. He also liked the idea of opening up the back to parking versus parking in the front.

Mr. Menke asked staff if the house was torn down and rebuilt would this variance stay in place and only a carport would be maintained in lieu of a garage.

Mr. Bireima stated this variance was only for this situation.

Mr. Menke wanted to make sure that a good quality carport was being built and feels this was a reasonable request.

Motion: Mr. Veatch made a motion to grant the request on V 16-08 as presented, limited to those specifics the applicant presented in the case; second by Mr. Shuey. The motion was approved 4-1, with Mr. Pratt opposed.

There being no further business, the meeting was adjourned at 7:31 p.m.

Mike Walker, Chairman
Zoning Board of Adjustment