

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
AUGUST 17, 2016**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, August 17, 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
Jason Lemons, Alternate
Shamsul Arefin, Alternate

MEMBER ABSENT: John Veatch, Member

CITY STAFF PRESENT: Sam Chavez, Asst. Director Development Services - Planning
Kathy Welp, Executive Secretary
Dee Pulido, Administrative Clerk

BRIEFING SESSION

Prior to the start of the regular business meeting, members of the Zoning Board of Adjustment met with staff to receive a briefing on agenda items. No action was taken.

REGULAR BUSINESS MEETING

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 procedures of the Zoning Board of Adjustment.

1. MINUTES: JULY 20, 2016

Motion: Mr. Lemons made a motion to approve the minutes from July 20, 2016 as presented; second by Mr. Shuey. Motion approved 6-0.

- 2. PUBLIC HEARING ON ZBAFILE V 16-09:** A request by Kent Stacy for approval of the following variance to the City of Richardson's Comprehensive Zoning Ordinance: 1) Article XVII-A, Section 5(b) (1), for an 8' variance to the required 10' side setback for a carport structure and a generator along the west property line. The property is located at 720 W. Arapaho Road.

Mr. Chavez stated the applicant was requesting a variance to the side yard setback in an O-M Office district for a proposed carport structure and existing generator along the west property line. He added that when the property was developed, there was no requirement for side yard setbacks; however, the current code does require the setback and with the changes the applicant was requesting, a variance would be required.

Mr. Chavez noted the applicant was not proposing to alter the existing building, but did want to build a carport structure for his employees. In addition, the requested variance would cover an existing generator that is located within the 10-foot side yard setback.

Mr. Chavez concluded his presentation by stating it was staff's opinion that a physical hardship of the property did not exist.

Chairman Walker asked if the Board approves the requested twelve carports, would that allow the applicant to build more than twelve.

Mr. Chavez replied that if the request was granted, it would be based on what he has presented – the twelve parking spaces.

Mr. Menke asked if there was access through the existing screening wall along the rear of the property to the alley and was there an alley behind the property.

Mr. Chavez replied there was an alley behind the property, but there was not an access point through the screening wall.

Mr. Pratt asked if the applicant was a new owner of the property and did they inherit the existing problems.

Mr. Chavez said he did not have an answer to the question and felt the applicant would be better able to provide an answer.

Mr. Shuey asked if the roof line of the carport could overhang into the setback and Mr. Chavez replied that it could.

With no further questions for staff, Chairman Walker opened the public hearing and asked the applicant to step forward and present his case.

Mr. Shlomo Friman, 1810 Cheyenne Drive, Richardson, Texas, stated they had recently purchased the property in May of 2016, with the generator already in place, and as part of a promise to his employees he wanted to build a carport to protect their vehicles during inclement weather.

Mr. Pratt asked what type of carport structure would be built.

Mr. Friman replied they had a few options, but they were leaning towards metal arches with weather resistant material.

Mr. Arefin asked why the number of parking spaces was limited.

Mr. Friman said he was using the covered parking spaces as an incentive to get the employees to work early.

Chairman Walker asked if twelve covered spaces would take care of most of the employees.

Mr. Friman said they currently have fifteen employees, but had room to grow.

Mr. Arefin asked how large the building was, how many employees it would hold, how many parking spaces were currently available, and the type of business.

Mr. Friman replied his business was an internet search and analysis business, the building was 6,300 square feet, he had twelve employees with two interns coming on from the University of Texas at Dallas, and there were thirty parking spaces.

Chairman Walker called for any other comments in favor.

Mr. Kent Stacy, 209 Thompson Drive, Richardson, Texas, said he known the applicant for almost twenty years and he and the applicant had purchased the building with the generator already in place, but the City would not provide a Certificate of Occupancy (CO) until a variance had been approved.

Mr. Lemons asked what type of material would be used for the carport structure.

Mr. Stacy replied that the structure would be steel with a polypropylene material to protect vehicles from the sun and hail damage.

Mr. Arefin asked if the generator was a necessary for their business.

Mr. Stacy said the generator was necessary because their servers run 24 hours per day and they could not afford to be without electric power.

Chairman Walker called for any comments in opposition and with none, closed the public hearing.

Mr. Shuey said he thought the proposed parking structure would be well done, but asked to have the variance limited to the number of spaces listed on the application and any additional structures should be approved by the Board. He added he would be voting in favor of the application.

Mr. Pratt noted that the proposed carport structure looked to be similar to what car dealerships used and if there were any concerns over the parking structure, he suggested separating the carport from the generator because the business was an internet based business and the generator was a necessity.

Mr. Lemons concurred with Mr. Pratt and Mr. Shuey and noted that due to the narrow nature of the property it would be very difficult not to encroach on the setback area.

Mr. Menke thought the proposed carport structures will be a good addition to the property.

Mr. Arefin thanked the applicant for keeping his business in Richardson, and Chairman Walker pointed out there had been no objections made to both proposals.

Motion: Mr. Pratt made a motion to grant the requests listed in Variance 16-09 as presented and limiting the approval of those specifics presented in the case; second by Mr. Shuey. Motion approved 6-0.

There being no further business, the meeting was adjourned at 6:54 p.m.

Mike Walker, Chairman
Zoning Board of Adjustment