

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF RICHARDSON, TEXAS  
NOVEMBER 16, 2016**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, November 16, 2016, 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  
John Veatch, Member  
Brian Shuey, Member  
Jason Lemons, Alternate

**MEMBERS ABSENT:** Shamsul Arefin, Alternate

**CITY STAFF PRESENT:** Sam Chavez, Assistant Director of Development Services  
Mohamed Bireima, Planner  
Gwen Manigold, Administrative Secretary

**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. Chairman Walker summarized the function, rules, and appeal procedures of the Zoning Board of Adjustment.

**1. MINUTES: OCTOBER 19, 2016**

**Motion:** Mr. Veatch made a motion to approve the minutes as presented; second by Mr. Pratt. Motion approved 5-0.

- 2. PUBLIC HEARING ON ZBA FILE V 16-13:** A request by Aaron & Shayla Cobb to allow a 5-foot variance to the platted 35-foot front setback to accommodate a building addition (Article VI, Sec. 4(e)(3)). The property is located at 2209 Canyon Creek Plaza, Richardson, TX.

Mr. Bireima advised the applicant was proposing to increase the size of the 2,220-square foot, single-story home that was constructed in 1966 by constructing additional ground floor and second floor living space, as well as an unenclosed front porch. Mr. Bireima added that the subject element of the request is a proposed 17'x7' ground floor addition that projects five (5) feet into the platted 35-foot front setback.

Mr. Bireima concluded his presentation by noting a property hardship did not appear to exist in the case.

No questions were asked of the staff and Chairman Walker opened the public hearing.

Mr. Aaron Cobb and Mrs. Shayla Cobb, 2209 Canyon Creek Plaza, Richardson, TX, stated they moved to the home 3 years ago and were requesting the variance to add space for their family. They

indicated the house was one of the smallest on the street and planned to add second story addition and a front porch with a small portion that would be enclosed.

Mr. Walker asked if the lot size was a reason for not building a bigger house.

Mrs. Cobb replied that they were not tearing the home down, and Mr. Cobb added that they are trying to keep with the character of the rest of the homes in the area and liked the look of the house when they bought it.

Mr. Pratt asked if with the 5-foot variance would be part of adding the second story or would it be done in two phases. He also wanted the applicant to be mindful of window placements.

Mrs. Cobb stated it could all be done at one time.

No other questions or comments in favor or opposed were received and Chairman Walker closed the public hearing.

**Motion:** Mr. Veatch made a motion to grant the request listed in Variance 16-13 as presented and limited to those specifics presented in the case; second by Mr. Shuey. Motion approved 5-0.

3. **PUBLIC HEARING ON ZBA FILE SE 16-03:** A request by Josh Botts to allow an 8 foot fence to be located 6 feet from the property line of a corner lot. The property is located at 1219 Comanche Dr., Richardson, TX.

Mr. Bireima advised that in 2012, the Board granted the previous owner a variance to allow a 6-foot fence to be located 13 feet from the property line along Glen Cove Drive with a 15-foot by 25-foot corner clip. In September 2016, the current homeowner was granted a variance for an 8-foot fence, but was denied a request to relocate the fence at the property line.

Mr. Bireima noted the homeowner was back once again to amend the variance, but this time he was requesting to have the fence set back 6 feet from the property line. He also noted that neighbors who had spoken in opposition at the previous meeting were now in favor of the proposal.

Mr. Bireima concluded his presentation by noting a property hardship did not appear to exist.

Chairman Walker asked, due to a discussion in the Briefing Session, for the definition of a retaining wall.

Mr. Bireima explained that a retaining wall was a wall built in order to grade an area where a steep slope existed.

Vice Chairman Menke asked if the city required a building permit to put in a retaining wall.

Mr. Bireima replied that a permit was required for anything 3 feet high or above.

Mr. Pratt asked for clarification if the height of a retaining wall was or was not counted against the height of the fence.

Mr. Chavez advised that it depended on whether the fence was measured from the inside or outside.

Chairman Walker asked if a retaining wall was built could it be built higher than the existing grade.

Mr. Chavez replied that it could be built higher than the existing grade.

No further questions were asked of staff and Chairman Walker opened the public hearing.

Mr. Josh Botts, 1219 Comanche Dr., Richardson, Texas, stated that he did not realize that there would be opposition at the previous hearing and after that hearing he spoke with both neighbors who were in opposition and worked through their concerns and they were no longer in opposition.

Mr. Botts said he would like to get more use of his yard and would like to eventually install a pool.

Mr. Pratt asked if applicant would have any objection if it was stated the height would be 8 foot from the existing grade as a condition of granting request.

Mr. Botts said that he would need more explanation about how the height was measured because there was a bit of a slope.

Mr. Chavez stated that if the Board was going to put a condition on the matter of the retaining wall, that instead of stating existing grade it should state the fence should be measured from the outside.

No other questions or comments in favor or opposed were received and Chairman Walker closed the public hearing.

Vice Chairman Menke stated that based on the comments and agreements that had been made with the applicant he saw no reason to object to this request.

**Motion:** Mr. Pratt made a motion to grant the request listed in SE 16-03 limited to those specifics which the applicant has presented as his case with the amendment to state that the 8 foot height would be measured from the outside of the fence, including any potential future retaining wall height; second by Vice Chairman Menke. Motion approved 5-0.

There being no further business, Chairman Walker adjourned the meeting at 7:05.

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Mike Walker, Chairman  
Zoning Board of Adjustment