

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
JANUARY 16, 2019**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, January 16, 2019, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Jason Lemons, Chairman
Scott Rooker, Vice Chairman
Jordan Everhart, Member
Shamsul Arefin, Member
Marsha Mayo, Alternate

MEMBERS ABSENT: Brian Shuey, Member

CITY STAFF PRESENT: Chris Shacklett, Development Review Manager
Daniel Harper, Planner
Amber Hogg, Administrative Secretary I
Connie Ellwood, Executive 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 Lemons introduced City staff and explained that the staff serves in an advisory capacity and does not influence any decisions the Board might make. Chairman Lemons summarized the function, rules, and appeal procedures of the Zoning Board of Adjustment.

1. APPROVAL OF MINUTES FROM NOVEMBER 28, 2018.

Motion: Member Mayo made a motion to approve the minutes as presented; second by Member Arefin. Motion approved 5-0.

2. PUBLIC HEARING ON ZBA FILE V 18-12: A request by Jay Board, for approval of the following variances to the City of Richardson Code of Ordinances:

- 1) Article VII, Sec. 4(h) (1) to allow a detached carport in lieu of an enclosed garage structure,
- 2) Article VII, Sec. 4(h)(2)(b) to allow a 5'-6" variance from the required 24' feet in length of adequate paved area that must be provided for maneuvering of vehicles, and

- 3) Article VII, Sec. 4 (d)(1) to allow a 1.7% variance over the maximum allowed lot coverage area of 35%.

Site location: 1920 Provincetown Lane.

Staff Comments

Mr. Harper presented regarding Variance 18-12. Mr. Harper stated the property owner wanted to convert the existing garage into living room space and to construct an addition on the rear of the house that would include the master bedroom of the residence. In lieu of the required enclosed garage there will be a carport for the shelter of two vehicles. The enclosed garage that is currently available fronts onto Provincetown Drive and this request would make the garage alley accessible.

As a result of the applicant's addition, the homeowner is requesting three variances, first to allow a detached carport in lieu of an enclosed garage, secondly to allow 18'-6" in lieu of the required 24' feet in maneuvering area from the proposed carport, and lastly to allow 36.7% lot coverage area in lieu of 35% lot coverage. Mr. Harper stated that based on the information by the applicant and the applicable code of the ordinances it was staff's opinion that a physical property hardship did not exist. Mr. Harper made himself available for questions.

Board Discussion

Member Arefin asked if carport structure would be enclosed.

Mr. Harper stated that carport does not count as an enclosed garage structure.

With no further questions for staff, Chairman Lemons opened the public hearing.

Public Comments

Jay Board, 1920 Provincetown Lane, Richardson, TX 75080, the applicant, approached to speak in favor of the case. Mr. Board stated he planned to put a master suite in the back and convert the garage into a living area and wanted to mask that there had been a garage in the front of their home. In addition, there would be an attached car port to maximize the maneuverability of cars in the back and maximize the space of the backyard. He stated that the desire was to move their cars in the back area for aesthetic and safety reasons.

Member Arefin asked if they had considered constructing an enclosed garage in lieu of the carport.

Mr. Board stated yes; but doing so would reduce the size of the rear yard.

Member Arefin asked staff if the applicant would need to come back to the Board if they decided to build an enclosed garage.

Mr. Shackett stated yes, as the enclosed garage would have to meet the rear yard setback of the main structure and thus require a variance for the encroachment.

Chairman Lemon asked what materials would be used for the carport.

Mr. Board stated the material would be similar to the existing materials of the home.

Member Everhart stated he was concerned about the maneuverability issue and asked the applicant what steps they would take to make sure the maneuverability in the back does not cause concerns in the future.

Mr. Board replied that he measured an existing 18'-6" deep driveway to determine the needed maneuverability space and found it to be adequate.

No other comments in favor or opposed were received. Chairman Lemons closed the public hearing.

Board Action

Member Mayo spoke in favor of case and appreciated that they were choosing to update and remodel rather than a tear down in the neighborhood.

Member Arefin spoke in favor of case and appreciated the aesthetics of the front of the home.

Chairman Lemons echoed Member Mayo's comments.

Motion: Member Everhart made a motion to grant the requests listed in Variance 18-05 as presented; second by Member Mayo. Motion Approved 5-0.

3. **PUBLIC HEARING ON ZBA FILE V 19-01:** A request by Reuben Ponce De Leon, for approval of the following variance to the City of Richardson Code of Ordinances:

- 1) Article VII, Sec. 4(f) to allow a 1'-9" variance from the required minimum side yard setback of seven feet for an existing detached garage located at 736 Snowden Drive.

Site location: 736 Snowden Drive.

Staff Comments

Mr. Harper presented regarding Variance 19-01. He stated that the case was a continuation of a previous variance request from November 2018 on a garage that did not meet the masonry requirements. The subject variance request was approved; however, after the notices were sent out staff was informed of the side yard variance that was needed for the subject site.

Mr. Harper presented the requested plan that showed the one-story garage with a 5'-2" measurement from the northwest corner. Mr. Harper stated that based on the information by the applicant and the applicable code of the ordinances it was staff's opinion that a physical property hardship did not exist. Mr. Harper made himself available for questions.

Board Discussion

Member Arefin asked how the 5'-2" measurement was missed.

Mr. Harper stated that only the masonry requirements were discussed when the applicant initially met with staff. He stated that once the plot plan was in place, building inspections called and informed him of the non-conforming side yard setback requirement.

Member Arefin asked if the garage was constructed by the contractor.

Mr. Harper stated that the homeowner rebuilt the new structure without a permit where the previous structure had been and was told by the contractor that he did not need a permit. Upon electrical inspection it was discovered that they did not have a permit. The homeowner was now in the process of getting a permit and to make it right.

With no further questions of staff, Chairman Lemons opened the public hearing.

Public Comments

The applicant was not in attendance and no other comments in favor or opposed were received, Chairman Lemons closed the public hearing.

Board Action

Member Mayo spoke in favor of the variance as the previous masonry variance for the subject structure was approved in November of 2018.

Motion: Member Mayo made a motion to grant the request listed in Variance 19-01 as presented; second by Member Everhart. Motion Approved 5-0.

4. **PUBLIC HEARING ON ZBA FILE V 19-02:** A request by Phillip Halff, for approval of the following variance to the City of Richardson Code of Ordinances:

1) Article IV, Sec. 4(f) (1) to allow for a 3'-6" variance to the required 10-foot side yard setback for an existing residential structure located at 10 Shadywood Place.

Site location: 10 Shadywood Place.

Staff Comments

Mr. Harper presented regarding Variance 19-02. Mr. Harper stated the applicant was proposing to subdivide the property into two lots to build a home for his son.

As part of the subdivision the applicant would also sell 10 feet of additional lot area to his neighbor north of their property to make way for their garage access. By extending their lot by 10 feet, the lot would exceed the 80-foot lot width at the street frontage which increased the side yard setback from 7 feet to 10 feet putting the existing home into nonconformance and thus the variance was needed before a replat could be approved. Mr. Harper stated that based on the information by the applicant and the applicable code of the ordinances it was staff's opinion that a physical property hardship did not exist. Mr. Harper made himself available for questions.

Board Discussion

With no questions for staff, Chairman Lemons opened the public hearing.

Public Comments

Phillip Halff, 1030 W. Belt Line Road, Richardson, TX 75080, the applicant, approached to speak in favor of the case. He stated that his property was a 2.5 acres lot. He stated that when his father purchased the lot he did not realize at the time that the original owner of Lot 10 had placed their driveway 3 feet on to his property. The owner of Lot 10 sold his lot and informed the new owners of property that the property line was 3 feet into the driveway. Mr. Halff stated that he would like to sell a 10 feet strip to his neighbor.

Lisa Tavares, 10 Shadywood Place, the adjacent property owner, spoke in favor of her neighbor selling 10 feet of his property and hoped that in the future she could possibly be able to extend her drive way.

No other comments in favor or opposed were received, Chairman Lemons closed the public hearing

Board Action

Member Mayo spoke in favor of the case noting that this was a unique situation that was not often seen and probably the exact reasoning for exceptions and variances.

Member Arefin spoke in favor of case and believed this to be a great solution.

Chairman Lemons spoke in favor of case.

Motion: Member Arefin made a motion to grant the request listed in Variance 19-02 as presented; second by Member Mayo. Motion Approved 5-0.

5. **PUBLIC HEARING ON ZBA FILE V 19-03:** A request by Bryan Taylor, for approval of the following variances to the City of Richardson Code of Ordinances:
 - 1) Article IV, Sec. 4(f) (1) to allow for a 1-foot variance for an attached garage from the required 10-foot side yard setback, and

- 2) Article IV, Sec. 4(g) to allow a 6'-6" variance from an existing residential building from the required 25-foot rear yard setback located at 810 Clearwater Drive.

Site location: 810 Clearwater Drive.

Staff Comments

Mr. Harper presented regarding Variance 19-03. Mr. Harper stated that the applicant was proposing a 610 square foot enclosed attached garage addition and that he had received plans from the applicant that showed the current existing building was not in conformance with the setbacks. He stated based on the information by the applicant and the applicable code of the ordinances it was staff's opinion that a physical property hardship did not exist. Mr. Harper made himself available for questions.

Board Discussion

With no questions for staff, Chairman Lemons opened the public hearing.

Public Comments

Bryan Taylor, 7510 Westbend Drive, Dallas, TX 75231, the property owner, approached to speak in favor of the case. He stated that the space had been used by the previous owners as living space. The reason for requesting an attached garage was to use the current space for a two-car garage.

Member Arefin questioned the width of the carport.

Mr. Taylor stated he could have considered a wider carport, but wanted to limit the amount of variance needed.

No other comments in favor or opposed were received, Chairman Lemons closed the public hearing

Board Action

Member Arefin asked staff if the Board could grant a greater variance than what was requested.

Mr. Harper stated no, the public notice was specific to the requested variance and could not be increased without re-applying for a different request.

Member Mayo spoke in favor of case and agreed with all the comments made.

Chairman Lemons spoke in favor of case and appreciated a request that would improve maneuverability in the driveway.

Motion: Member Arefin made a motion to grant the request listed in Variance 19-03 as presented; second by Member Mayo. Motion Approved 5-0.

6. PUBLIC HEARING ON ZBA FILE V 19-04: A request by Rob Fulkerson, for approval of the following variance to the City of Richardson Code of Ordinances:

1) Article IV, Sec. 4(f) (1) to allow for a 6-foot variance to the required 7-foot side yard setback for a 156 square foot gazebo that includes an overhang located at 1903 Normandy Drive.

Site location: 1903 Normandy Drive.

Staff Comments

Mr. Harper presented regarding Variance 19-04. Mr. Harper stated the applicant was requesting to allow an overhang of the roof structure extending over the foundation of the gazebo building. He stated the applicant informed him that he would not need any less than 12 inches from the side property line. He stated based on the information by the applicant and the applicable code of the ordinances it is the staff's opinion that physical property hardship does not exist. Mr. Harper made himself available for questions.

Board Discussion

With no questions for staff, Chairman Lemons opened the public hearing.

Public Comments

David Rice, 1903 Normandy Drive, Richardson, TX 75082, the property owner, approached to speak in favor of the case. He stated the existing gazebo was built in 1984 and that the Homeowners Association's stipulation did not indicate that the construction on the property would be a problem. The applicant also stated that the owner at 1905 Normandy Drive was in support of the improvement.

Rob Fulkerson, Brennan Enterprises, 2102 E. Randal Road, Arlington, TX 76011, the contractor, stated the desire to come up with a substantial addition to the yard with concrete stone and a real roof-like structure that would complement the house and neighborhood visually and enhance the value of the property.

Vice Chairman Rooker asked Mr. Fulkerson if he had an existing survey of property.

Mr. Rice replied that the survey showed a 3-foot building line.

Mr. Harper stated that he reviewed the original plat and the 3-foot line was not on the original plat.

Vice Chairman Rooker asked for the date of the survey.

Mr. Fulkerson stated the 1984 survey showed the existence of the current gazebo.

No other comments in favor or opposed were received, Chairman Lemons closed the public hearing

Board Action

Member Everhart spoke in favor of the case and appreciated that the construction would be consistent with the home.

Member Arefin spoke in favor of the case.

Motion: Member Everhart made a motion to grant the request listed in Variance 19-04 as presented; second by Member Mayo. Motion Approved 5-0.

7. PUBLIC HEARING ON ZBA FILE V 19-05: A request by Victor Tulloch, for approval of the following variance to the City of Richardson Code of Ordinances:

1) Article IV, Sec. 4(f) (1) to allow for a 6-foot variance to the required 7-foot side yard setback for an accessory building (shed) located at 1809 Morningstar Trail.

Site location: 1809 Morningstar Trail.

Staff Comments

Mr. Harper presented regarding Variance 19-05. Mr. Harper stated that the applicant had a 96 square foot shed located on the side yard approximately 1 foot from the side property line. He stated that he received correspondence from the neighbor in support of the variance. Mr. Harper stated based on the information by the applicant and the applicable code of the ordinances it was staff's opinion that a physical property hardship did not exist. Mr. Harper made himself available for questions.

Member Everhart asked if the shed was pre-existing.

Mr. Harper stated that the shed was a relatively new build and that the applicant did not have a permit, therefore during the inspection process he was ticketed.

Board Discussion

With no further questions for staff, Chairman Lemons opened the public hearing.

Public Comments

Victor Tulloch, 1809 Morningstar Trail, Richardson, TX 75082, the property owner, approached to speak in favor of the case. He stated that there was a shed previously on the property. He stated that with the existing shed he did not realize that he would need a permit. He stated that the shed is used for keeping items organized on his property.

Member Arefin asked about the height of the existing fence and if the shed would be visible.

Mr. Tullock stated the height of the fence was 7 feet tall and the shed would not be visible.

No other comments in favor or opposed were received, Chairman Lemons closed the public hearing

Board Action

Member Mayo spoke in favor of the case.

Member Arefin spoke in favor of the case. He stated that he did not see visibility issues.

Motion: Member Mayo made a motion to grant the requests listed in Variance 19-05 as presented; second by Member Everhart. Motion Approved 5-0.

Adjournment

Motion: Chairman Lemons called for a motion to adjourn the regular business meeting. Member Arefin made a motion to adjourn the regular business meeting; second by Member Mayo. Motion Approved 5-0.

There being no further business, the meeting was adjourned at 7:49 p.m.

Jason Lemons, Chairman
Zoning Board of Adjustment