

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF RICHARDSON, TEXAS
MARCH 20, 2019**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, March 20, 2019, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

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

MEMBERS ABSENT: ALL MEMBERS PRESENT

CITY STAFF PRESENT: Sam Chavez, Assistant Director of Development Services
Daniel Harper, Planner
Amber Hogg, Administrative Secretary I

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 FEBRUARY 6, 2019.

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

2. APPROVAL OF MINUTES FROM FEBRUARY 20, 2019.

Motion: Member Shuey made a motion to approve the minutes as presented; second by Vice Chairman Rooker. Motion approved 5-0.

3. **PUBLIC HEARING ON ZBA FILE SE 19-01:** A request by Dorothy Irene Dumas for approval of a special exception from Chapter 6, Article IV, Sec 6-209(3) of the City of Richardson Code of Ordinances to allow a 6-foot tall wooden fence in lieu of the maximum height of three (3) feet allowed for a fence located between the front property line and the front wall of a residential structure located at 303 Wista Vista Drive.

Staff Comments

Daniel Harper presented on the case. He stated the request was to construct an additional 20-foot length of fencing in front of the building line. Mr. Harper stated that the applicant's request is to create a physical barrier between their home and the eastern vacant property for the protection of themselves and their property.

Mr. Harper stated that based on the information presented by the applicant and the applicable Code of Ordinances it is the staff's opinion that a physical property hardship does not exist. Mr. Harper made himself available for questions.

Board Discussion

Member Mayo asked City staff if there would be any issues if the owner of the vacant lot was to build a fence along their rear property line.

Mr. Harper clarified that there would not be any issues.

With no further comments, Chairman Lemons opened the public hearing.

Public Comments

Dorothy Irene Dumas (Inaudible) stated the allowance will help secure the property and aid in security.

Annette Dumas asked that the Board allow the fence.

Chairman Lemons asked the applicant if she had any contact with the property owner of the vacant lot or any of her neighbors.

Dorothy Irene Dumas (Inaudible) stated no and had no issues with the neighbors.

Mr. Harper stated that he did not receive any correspondence regarding the case.

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

Board Action

Members Everhart, Shamsul and Shuey spoke in favor of the case.

Motion: Member Shuey made a motion to grant the requests listed in SE 19-01 as presented; second by Vice Chairman Rooker. Motion Approved 5-0.

- 4. PUBLIC HEARING ON ZBA FILE SE 19-02:** A request by Osman Hussain, Building Element, for approval of a special exception from Chapter 6, Article IV, Sec 6-209(3) of the City of Richardson Code of Ordinances to allow an 8-foot to 4-foot tall iron fence in lieu of the maximum height of three (3) feet allowed for a fence located between the front property line and the front wall of a residential structure located at 3800 Cantera Lane.

Staff Comments

Daniel Harper presented on the case. He stated the applicant is requesting the special exception to create a physical barrier between their home and the 6-foot-deep drainage feature which runs along their northern property line. He presented a drawing provided by the applicant that showed the location of the proposed fence and varying fence heights.

Mr. Harper presented correspondence from the Homeowner Association's president and a neighbor, both opposed to the request. Mr. Harper stated that based on the information by the applicant and the applicable Code of 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 further comments, Chairman Lemons opened the public hearing.

Public Comments

Abdul Ali, 3800 Cantera Lane, the property owner stated that the driveway is significantly higher than the top of the existing retaining wall of the drainage channel, so a 3-foot fence is not visible to the driver. The proposed additional fence height would provide a visual buffer for the drive to address the safety concern.

Osman Hussain, Building Element, 1360 Starcourt, Plano, Texas, stated his request was for an 8-foot tall fence. He stated that from the top of creek wall to the finish floor elevations it's about another 6 feet. He stated that the area has been graded down but there is still a 3-foot gap where there needs to be another retaining wall in front of the creek retaining wall. He stated that from the top of a retaining wall a 3-foot fence will not be visible to the driver.

Susan Davis, Treasurer of the HOA, 3809 Ledgestone Court spoke in opposition of the special exception request. She stated that HOA by-laws did not allow a fence over 6-feet.

Frank Casell, abutting property owner, spoke in opposition of the case. He stated that he personally feels that there is no need for an 8-foot perimeter fence that is extending out to the sidewalk.

Osman Hussain stated that a new retaining wall is constructed between the existing drainage channel retaining wall and the driveway; however, due to construction constraints with respect to the drainage channel wall, it still left a 3-foot grade difference between the new retaining wall and the top elevation of the driveway.

Chairman Lemons read into record a corresponding letter from Lisa and Peter W. 3813 Ledgestone Court speaking in opposition of the application and goes against the HOA's standards and guidelines.

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

Board Action

Chairman Lemons, Vice-Chairman Rooker, Members Arefin and Everhart, spoke in favor of the case to address safety concerns due to the unusual topography of the lot and its physical constraints with the existing drainage channel.

Motion: Member Arefin made a motion to grant the request listed in SE 19-02 as presented; second by Member Everhart. Motion Approved 4-1. Member Shuey being the opposition vote.

- 5. PUBLIC HEARING ON ZBA FILE V 19-08:** a request by Laura Spradley for approval of a variance from Article VI, Sec. 4 (f) of the City of Richardson Code of Ordinances to allow a 2-foot variance from the required 7-foot side setback for a residential building addition. The property is located at 403 Canyon Creek Drive.

Staff Comments

Daniel Harper presented the case. He stated that the lot width has a 32-foot difference between the front lot line and the rear lot line width creating a tapered effect which reduces the amount of usable property on the side property line. He presented a survey provided by the applicant. He presented a 7-foot setback, 237 square foot addition of the home and a proposed 5-foot setback that the applicant is requesting that results in an 11.3 square foot encroachment into the required side yard setback.

Mr. Harper states that based on the information by the applicant and the applicable Code of Ordinances it is the staff's opinion that physical property hardship does exist therefore should be approved. Mr. Harper made himself available for questions.

Board Discussion

With no further comments, Chairman Lemons opened the public hearing.

Public Comments

Laura Spradley, 403 Canyon Creek, explained her request to construct an addition bedroom to her family's home and the need for the variance.

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

Board Action

Members Arefin and Member Shuey spoke in favor of the case.

Motion: Vice Chairman Rooker made a motion to grant the requests listed in V 19-08 as presented; second by Member Arefin. Motion Approved 5-0.

Adjournment

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

There being no further business, the meeting was adjourned at 7:48 p.m.

Jason Lemons, Chairman
Zoning Board of Adjustment