

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF RICHARDSON, TEXAS  
JULY 17, 2019**

The Zoning Board of Adjustment met in session at 6:30 p.m. on Wednesday, July 17, 2019, in the Council Chambers, at the City Hall, 411 West Arapaho Road, Richardson, Texas.

**MEMBERS PRESENT:** Jason Lemons, Chairman  
Scott Rooker, Vice Chairman  
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  
Cidnee McCutchen, 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 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 APRIL 17, 2019.**

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

**2. PUBLIC HEARING ON ZBA SE 19-03:** A request by Steven and Andrea Hills of a special exception from Chapter 6 (Buildings and Building Regulations), Article IV (Fences), Sec 6-209(3) of the City of Richardson's Code of Ordinances to allow an 8-foot board-on-board 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. The property is located at 1200 Richland Park Drive and zoned R-1500-M Residential.

Alternate Member Mayo recused herself from discussion on the item due to a conflict of interest and exited the City Council Chambers.

### **Staff Comments**

Daniel Harper presented on the case. He stated the property located at 1200 Richland Park Drive is in the Richland Park subdivision and was originally constructed in 1980. He stated the applicant is requesting a special exception for the construction of an 8-foot-tall board on board wooden screening fence that extends along the western property line for 49-feet past the front wall of the home.

He stated that the applicant would like to prevent trespassing from the alleyway with motor vehicles across her property.

He stated that the applicant is requesting to create a physical barrier between their property and the rear alleyway that runs along the entirety of the western property line.

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 the applicant request does not appear to be contrary to the public safety.

Mr. Harper made himself available for questions.

### **Board Discussion**

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

### **Public Comments**

The applicant, Andrea Hills, presented photos of the property and expressed concern on property trespassing.

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

### **Board Action**

Members Everhart and Arefin spoke in favor of the case.

**Motion:** Member Everhart made a motion to grant the requests listed in SE 19-03 as presented; second by Member Arefin. Motion approved 5-0.

- 3. PUBLIC HEARING ON ZBA VAR 19-11:** A request by Waterview Church of Christ for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article IV, Sec. 4 (b) to allow a 68-foot lot width in lieu of the required 72-foot lot width required for a residential lot and Article IV, Sec. 4 (f) to allow a 6-foot side yard setback in lieu of the required minimum 7-foot side yard setback. The property is located at 1409 N. Waterview Drive and zoned R-1500-M Residential.

Alternate Member Mayo rejoined the Board for discussion and consideration of Agenda Item No. 3.

### **Staff Comments**

Daniel Harper presented on the case. He stated that Waterview Church of Christ intends to sell the residential home that is located on the southern portion of their property. He stated that in order to sell the residential lot they would need to replat the property to create its own separate lot. He stated that the design of the existing lot prevents the lot from meeting the minimum required 72-foot lot width while also maintaining the screening requirements for the 8-foot landscape buffer that is required from the subdivision and development code.

Mr. Harper stated that the property owner is wanting to replat the lot to create a 70-foot width and to meet all other zoning requirements with providing an 8-foot landscape buffer requirement.

He stated that the second variance is to allow a 1-foot variance to the required 7-foot side yard setback as the current home is approximately 6.75 feet from the side yard setback.

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. However, the request represents an existing condition that was not created but the current property owner and therefore should be approved. Mr. Harper made himself available for questions.

### **Board Discussion**

Member Arefin asked had property lot been replated before.

Mr. Harper stated the original subdivision had residential lots and that the property owner bought all the lots and replated them as a single lot for the church campus.

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

### **Public Comments**

Bob Reid, 2605 Stoneleigh Circle, made himself available for questions.

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

### **Board Action**

Member Arefin spoke in favor of the case.

**Motion:** Vice Chairman Rooker made a motion to grant the requests listed in V 19-11 as presented; second by Member Arefin. Motion approved 5-0.

- 4. PUBLIC HEARING ON ZBA VAR 19-12:** A request by Martha Canuteson for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article VII, Sec. 4 (f) to allow an 11-foot side yard setback in lieu of the required 20-foot side yard setback on a corner lot adjacent to a side street and Article VII, Sec. 4 (f) to allow a 5-foot setback from the required minimum 10-foot side yard setback. The property is located at 502 Highland Boulevard and zoned R-1100-M Residential.

#### **Staff Comments**

Daniel Harper presented on the case. He stated the property owner is proposing to enclose a small portion of the existing home and add a covered porch to the rear of the home. He stated the existing structure does not meet the required setbacks; therefore, no new building permits can be issued by the Building Inspection Department for a property that is not in conformance.

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. However, the request represents an existing condition that was not created by the applicant and 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**

Quan Smith, 6341 Salisbury Drive, stated that she was the architect for the project and that the property owners hired her to design a space that will be more functional for their home. Ms. Smith made herself available for questions.

Julian Wilson, 2801 David Drive, stated she is the contractor and made herself available for questions.

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

#### **Board Action**

**Motion:** Vice Chairman Rooker made a motion to grant the requests listed in V 19-12 as presented; second by Member Everhart. Motion approved 5-0.

- 5. PUBLIC HEARING ON ZBA VAR 19-13:** A request by Steven Sykora for a variance from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson Code of Ordinances: Article IV, Section 4 (b) to allow a 68-foot lot width in lieu of the required 72-foot lot width for a residential lot and Article IV, Section 4 (e) to allow a 34' -9" front setback in lieu of the required 35-foot setback for the northwest corner of the existing home. The property is located 1001 Cedar Lane and zoned R-1500-M Residential.

### **Staff Comments**

Daniel Harper presented on the case. He stated that the property owner is proposing to construct an enclosed garage addition to the home because the original garage was converted into living space before the current property owners bought the property. He stated that the proposed new garage addition will be in front of the home, conforming to the front side yard setback requirements with additional square foot added to the second story of the home. He stated that a portion of the home's rear is in the plated floodway easement and a portion of this existing home's front encroaches into the front yard setback.

He stated that a building permit from the Building Inspections Department cannot be issued and in order to resolve this issue the homeowner is proposing to replat the property to adjust the floodway easement based on an updated study of the floodplain. He stated that the plated floodway easement would be modified to adhere to the revised 100-year flood plain, and this will eliminate the rear floodplain easement encroachment.

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. However, the request represents an existing condition that was not created by the current property owner and 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**

Steven Sykora, 1001 Cedar Lane, addressed his request to adjust the as-built conditions on property to move forward with final improvements to the property. He made himself available for questions.

Member Arefin asked applicant had there been any flooding issues with the proximity of the storm inlet in front of the home.

Mr. Sykora stated that there had been substantial water running down his drive due to the recent storms, but there was no flooding in the back of the house where he is proposing to adjust the floodway line. He stated water did not encroach into the front of the home.

Mr. Edward Bennet, 1003 Cedar Lane, spoke in opposition of the case. He stated that the applicant's request to build further into the front yard and thus adding additional obstacles on his property that will cause additional flooding in the neighborhood.

Ron Wood, 1006 Cedar Lane, spoke in opposition of the case. He stated his concern with flooding problems.

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

## **Board Action**

Member Mayo asked City staff if the water drainage issue that had been discussed was within the scope of action of the Board

Mr. Chavez stated it was outside the Board's scope of authority. The request before the Board was to consider a variance from the required lot width and front setback requirements in the zoning ordinance and that future action regarding water drainage would be reviewed through the City's Development Engineer and Building Inspection staff.

Member Mayo addressed confusion with how the garage would be constructed.

Mr. Harper clarified that square footage will be added to the property.

Member Everhart asked when in the development process would a drainage study happen.

Mr. Chavez stated that city staff would address the drainage study during the replating process, and that the replat application will go before the City Planning Commission for action.

Vice Chairman Rooker clarified that the Board's scope is to consider a 68-foot lot width and front setback variance.

**Motion:** Member Arefin made a motion to grant the requests listed in V 19-13 as presented; second by Vice Chairman Rooker. Motion approved 5-0.

- 6. PUBLIC HEARING ON ZBA VAR 19-14:** A request by Chad and Zhuoxian Ross for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article VII, Sec. 4 (d) to allow a 36.1% lot coverage in lieu of the required maximum lot coverage of 35%; Article VII, Sec. 4 (f) to allow a 2-foot side yard setback in lieu of the required 3-foot side yard setback for a detached garage, Article VII, Sec. 4 (e) to allow a front setback of 26-feet for the existing front wall of the building in lieu of the platted 40-foot front setback and Article VII, Sec. 4 (h) to allow a driveway that does not provide the required minimum paved area of 24' depth and 18' width measured perpendicular to the entry of the garage. The property is located at 1204 Northlake Drive and zoned R-1100-M Residential.

## **Staff Comments**

Daniel Harper presented on the case. He stated the property owner is requesting to construct a two-story rear addition to the home that is approximately 2,951 square feet of living space in addition to constructing a 576 square foot detached garage space at northeast corner of the property. He stated that the additional structure will cause the lot coverage to exceed the maximum allowed coverage of 35% to 36%. He stated that the proposed structure is two (2) feet from the eastern property line, while the allowed setback is 3 feet. He stated the purpose of this request is to save a tree in the middle of the backyard. He stated the existing structure encroaches into the required zoning front yard setback by 4 feet.

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 except for the front yard encroachment a 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**

Chad Ross, 1204 Northlake Drive, stated that to meet the City's parking requirements converting from a living space required a detached garage to be built. He stated that the main concern with the 18' by 24' requirement is the maneuverability and that this project design will allow for entrance through the back out through the front of garage.

Member Mayo asked about the maneuverability from the alleyway into the garage.

Mr. Ross stated that there is a 15-foot alleyway that will provide maneuverability.

Vice Chairman Rooker asked about the request for the 2-foot side yard setback.

Mr. Ross stated that he wants to position the garage as far to the right as possible to save the tree and to eliminate the parking issue.

Pradeep Shenoy, 1202 Northlake drive, he stated that he would like to see an effective water drainage system between the lots.

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

## **Board Action**

Member Arefin spoke in favor of the case.

**Motion:** Member Arefin made a motion to grant the requests listed in V 19-14 as presented; second by Member Everhart. Motion approved 5-0.

- 7. PUBLIC HEARING ON ZBA VAR 19-15:** A request by Amy Loehr for the following variances from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article VI, Sec. 4 (d) to allow a lot coverage of 35.2% in lieu of allowable maximum of 32% and Article VI, Sec. 4 (g) to allow an 8-foot setback from the required minimum 25-foot side yard setback for an attached patio cover. The property is located at 200 Long Canyon Court and zoned R-1250-M Residential.

## **Staff Comments**

Daniel Harper presented on the case. He stated that the lot coverage of 35% complied due to further deliberation with the Building Inspection Department and that further discussion on that item is not needed in meeting.

He stated that the applicant was in the process of building a 24-foot rear covered patio without a permit. He stated applicant will need an 8-foot rear set back variance.

He stated that applicant ceased construction of the rear covered patio once it was realized that a permit was required from the Building Inspection Department.

Mr. Harper stated that the effected setback is the rear setback although the required rear yard for the attached patio structure is 25 feet there is a great difference along the common rear lot lines and the subject lot is approximately 6 feet above the northern neighbor's lot with a rear yard surrounded with a 6-foot 8-inch-tall wooden fence.

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 and therefore request should be denied. Mr. Harper made himself available for questions.

### **Board Discussion**

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

### **Public Comments**

Eric Loeh Lo, 200 Long Canyon Creek Drive, stated that his home was built on a hill and he wanted to make his backyard more usable from a noise and sun prospective.

Chairman Lemons asked how long before the stop work order was issued was the project underway.

Eric Loeh stated about 2-3 months.

Vice Chairman Rooker if the 25-foot rear setback was shown of the survey.

Eric Loeh stated he didn't see any rear setbacks on survey.

Member Everhart asked if a signature of approval was received from the northern neighbors.

Eric Loeh stated that he received feedback from his neighbor about not having lights shining directly onto their property. He stated that he is in contact with his northern neighbor as well.

Randy Montgomery, 203 High Canyon Court, spoke in favor of the case.

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

### **Board Action**

Member Everhart spoke in favor of the case.

**Motion:** Member Everhart made a motion to grant the requests listed in V 19-15 as presented; second by Member Arefin. Motion approved 5-0.

**8. 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 Vice Chairman Rooker. Motion Approved 5-0.

There being no further business, the meeting was adjourned at 8:13 p.m.

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Jason Lemons, Chairman  
Zoning Board of Adjustment

APPROVED