

Zoning Board of Adjustment Agenda Packet December 11, 2025

Updated: December 9, 2025

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AGENDA

CITY OF RICHARDSON – ZONING BOARD OF ADJUSTMENT SPECIAL CALLED MEETING

**THURSDAY, DECEMBER 11, 2025, AT 6:30 P.M.
RICHARDSON CITY HALL
2360 CAMPBELL CREEK BOULEVARD, SUITE 525
RICHARDSON, TX 75082**

SPECIAL CALLED MEETING: 6:30 P.M. – MULTIPURPOSE ROOM #CH 157

PUBLIC COMMENTS ON AGENDA ITEMS

The public comment portion of the Zoning Board of Adjustment meeting is scheduled at the beginning of the meeting to allow the public to address the Zoning Board of Adjustment regarding an item listed on the agenda that is not a public hearing.

AGENDA ITEMS

1. [Presentation and discussion related to roles and responsibilities of the Zoning Board of Adjustment.](#)
2. [Consider and take action on proposed amendments to the Zoning Board of Adjustment By-Laws.](#)

ADJOURN

I HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT RICHARDSON CITY HALL ON OR BEFORE 5:30 P.M. FRIDAY, DECEMBER 5, 2025.

AJ CASTANEDA, EXECUTIVE SECRETARY
DEVELOPMENT SERVICES

ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST 48 HOURS PRIOR TO THE MEETING BY CONTACTING THE ADA COORDINATOR, LOCATED AT 2360 CAMPBELL CREEK BLVD, SUITE 550, RICHARDSON, TX 75082, VIA PHONE AT (972) 744-4168 OR VIA EMAIL AT ADACoordinator@cor.gov.

PURSUANT TO SECTION 46.03, PENAL CODE (PLACES WEAPONS PROHIBITED), A PERSON MAY NOT CARRY A FIREARM OR OTHER WEAPON ON THIS PROPERTY. *

FOR THE PURPOSE OF THIS NOTICE "PROPERTY" SHALL MEAN THE RICHARDSON ROOM AND/OR COUNCIL CHAMBERS OR ANY OTHER ROOM WHERE A MEETING SUBJECT TO AN OPEN MEETING UNDER GOVERNMENT CODE CHAPTER 551 OF THE RICHARDSON CITY PLAN COMMISSION IS HELD.

Agenda Item 1

Discussion Related to the Roles and Responsibilities
of the Zoning Board of Adjustment



DATE: December 11, 2025

TO: Zoning Board of Adjustment

FROM: Tina M. Firgens, AICP, Director of Development Services *TMF*
Andrew Bogda, AICP, Assistant Director of Development Services-Planning *AB*

SUBJECT: Presentation and discussion related to roles and responsibilities of the Zoning Board of Adjustment.

At the Zoning Board of Adjustment meeting on December 11, 2025, City Attorney Pete Smith will make a presentation and offer training for the Board related to the following topics, including but not limited to:

- Roles and responsibilities of the Board
- Statutory information related to consideration/deliberation of variances, including addressing property hardship
- Appeal of an administrative decision
- Special exceptions
- Judicial review of the Board's Decision
- Best practices for conducting meetings
- Texas Open Meetings Act
- Texas Public Information Act
- Right to Speak Act
- Social media
- Ethics
- Conflicts of interest
- Liability

It is appropriate to conduct training from time to time for the benefit of the Board. Board members are welcome to ask any questions related to the topics presented. Staff will also be present to address any questions. Lastly, presentation hard copies will be made available to the Board at the meeting.

Agenda Item 2

Proposed Amendments to the
Zoning Board of Adjustment By-Laws



DATE: December 11, 2025

TO: Zoning Board of Adjustment

FROM: Tina M. Firgens, AICP, Director of Development Services *TMF*
Andrew Bogda, AICP, Assistant Director of Development Services-Planning *AB*

SUBJECT: Consider and take action on proposed amendments to the Zoning Board of Adjustment By-Laws.

The purpose of this agenda item is to review and take action on proposed amendments to the Zoning Board of Adjustment by-laws. Starting January 1, 2026, the Board will no longer be conducting a briefing session in advance of the regular meeting in order to optimize meeting efficiency and to further affirm discussion or deliberation by the Board is conducted during the regular meeting. The current by-laws do not address the current briefing meetings; therefore, no changes to the by-laws are necessary as a result of this meeting format change.

However, based on staff's review of the by-laws, staff is recommending a few minor edits to offer clarity and consistency with administrative practices, including but not limited to the following items listed below. The proposed by-law amendments are attached to this memo.

- Clearly defining the number of members that constitute quorum, due to the allowance of alternate members to serve in the absence of regular members. The current by-laws could potentially be misconstrued that quorum is based on 7 members given the regular and alternate member references, when quorum is based on the 5 regular members. As such, staff has proposed language to make it more clear to a lay person.
- Similar to above, clearly defining what constitutes the 75% affirmative vote given the allowance of alternate members to serve.
- Updating meeting agenda posting requirements to reflect the minimum three business days given the recent state statute change from the 89th Regular Legislative Session.
- Clarification related to agenda packets and submission of applications to match current practices but providing flexibility to allow for alternate submission methods following implementation of a land management software.
- Allowance for work session and similar related agenda items being posted on a regular meeting agenda, instead of limiting to a special called meeting.

(continued)

Of particular note, staff is seeking feedback from the Board regarding the following topics, which are currently reflected in the proposed by-law amendments.

1. Meeting start time.

Staff is proposing a meeting start time of 6:30PM. This start time is consistent with the Board's current regular meeting start time.

Does the proposed meeting time allow for members to consistently arrive on time for achieving meeting quorum?

2. Administer of oath to applicants and persons testifying on behalf of the applicant.

While not required by state law, it is recommended that due to the formality and seriousness of the hearings associated with consideration of variances and appeals of administrative official's decision, an oath be administered to applicants and persons testifying on behalf of applicants (also commonly referred to as "swearing in"). After consulting with the City Attorney, staff recommends the Board consider having the Chair administer the oath. A script can be provided to the Chair for administering the oath, should the Board decide it wants to implement this action.

Does the Board desire to have an oath administered to applicants and persons testifying on behalf of applicants?

Requested Action:

The proposed by-law amendments are reflected in the attached document. If the Board is ready to proceed with taking action on the proposed by-law amendments, then staff recommends the Board approve the by-law amendments as presented. Should the Board desire additional changes, staff requests direction be provided and, depending upon the nature of the requested change, if minor, the requested change could be included in a motion for approval with the requested change. If the changes requested are more substantial, staff can present an updated document for the Board's consideration at the regular meeting in January 2026.

Attachment: Proposed by-law amendments

CITY OF RICHARDSON ZONING BOARD OF ADJUSTMENTS BY-LAWS

ARTICLE I BOARD POWERS AND COMPOSITION

Section 1.1 Powers of the Board

- (a) The powers of the City of Richardson (the "City") Zoning Board of Adjustment (the "Board") are conferred upon it by Chapter 211 Texas Local Government Code, as amended ~~and, Chapter 6, Article IV of the Richardson Code of Ordinances, as amended, and Article XXV of the City's Comprehensive Zoning Ordinance (CZO), as amended, which~~ include but are not limited to:
- ~~(i)~~ (i) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any order or ordinance pertaining to zoning.
 - ~~(ii)~~ ~~To hear and decide special exceptions to the terms of the fence code in the manner provided therein.~~
 - ~~(iii)~~ (ii) To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and so that the spirit of the zoning ordinance is observed, and substantial justice done.
 - ~~(iii)~~ In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from and may make an order, requirement, decision, or determination as ought to be made, and to that end the Board shall have all the powers of the officer from whom an appeal is taken.
- (b) The Board is also charged with hearing and deciding special exceptions to the Code of Ordinances, Chapter 6, Article IV, the City Fence Ordinance, which is not a special exception to the CZO:
- (i) When in its judgement, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board may authorize special exceptions to the regulations provided in this article in order to permit reasonable development and improvement of property where the literal enforcement of the regulations would result in unnecessary hardship.

Section 1.2 Composition of the Board

- (a) The Board shall consist of five (5) regular members and two (2) alternate members appointed by the City Council for terms of two (2) years. Members and alternates may participate except that only the five (5) members shall vote. Alternate members serve in the absence of one or more regular members when requested to do so by the Chairperson. In the event of a regular member's absence, the designated alternate will fulfill the duties of the absent regular member.
- (b) The City Council will appoint a Chairperson and Vice-Chairperson from among the members of the Board at the beginning of each board term.

ARTICLE II BOARD AND STAFF DUTIES

Section 2.1 Board

- (a) The Chairperson shall preside at all meetings of the Board. In the event of the absence of the Chairperson, the Vice-Chairperson shall preside and perform the duties of the Chairperson. In the event of the absence of both Chairperson and Vice-Chairperson, a temporary Chairperson shall be selected for that meeting only, by a majority of the members present.
- (b) The Chairperson, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at the time.
- (c) The Chairperson will designate an alternate to serve as a voting member of the Board in the event a regular member is absent.
- ~~(d) The Chairperson shall report at each meeting on all official transactions that have not otherwise come to the attention of the Board.~~
- (e) The Chairperson shall, subject to these rules and further instructions from the Board, transact the official business of the Board; coordinate the work of the Board with City staff and request necessary assistance.

Section 2.2 Staff

- (a) The City staff shall keep the minutes and records of the Board, prepare agendas, provide notice of meetings and copies of minutes to Board members, arrange proper and legal notice of all hearings, prepare and distribute study materials, determine attendance in advance of the meeting to confirm a quorum will be present, and attend to the correspondence of the Board. It will be the duty of the City staff to submit to the Board the minutes of the previous meeting to be amended or corrected, as necessary, to fairly and accurately reflect the proceedings of such meeting. In addition, the City staff shall maintain all files and correspondence of the Board in accordance with City policies and ordinances and State Law. The Director of Development Services shall designate an employee of the City ~~of Richardson~~ to serve function as the secretary to the Board to perform the duties set forth herein. ~~Such person shall not be a member of the Board.~~
- (b) The ~~Department of~~ Development Services Department shall, prior to placing any item on the agenda make timely and proper notifications as required by law. Upon placing any

application or request on the agenda, the designated representative of the ~~Department of~~ Development Services Department, may make a personal inspection of the premises; shall ensure that all documents and graphic exhibits are properly prepared, and shall be prepared to advise the Board on the physical conditions of the property in question. The designated representative of the ~~Department of~~ Development Services Department shall request from the applicant such additional information and data as may be pertinent to fully advise the Board with reference to the application or request, regardless of whether such information and data is required by the official forms. The designated representative of the ~~Department of~~ Development Services Department shall attend all meetings of the Board and be prepared to furnish data, information and recommendations as the Board may request.

ARTICLE III MEETINGS

Section 3.1 Meetings

- (a) Regular meetings of the Board shall be held at 6:30 p.m. on the third Wednesday of each month at the Council Chambers of Richardson City Hall or on such dates, times, and locations when necessary ~~at another location determined by the Board.~~
- (b) Special meetings may be called by the Chairperson, at the request of at least two (2) members or by the Director of Development Services. ~~Special meetings shall be limited in purpose to study sessions, consideration of procedural matters or other matters not involving a specific case, or activity not on the agenda before the Board, unless proper notification to the public and interested parties have been given. This section shall not preclude study sessions, consideration of procedural matters, other matters not involving a specific case, or other activity of the Board from being posted on a regular meeting agenda.~~
- (c) All meetings of the Board shall be open to the public except for closed executive sessions unless otherwise authorized by State law. All meetings of the Board shall be held in accordance with the Texas Open Meetings Act, as amended. No regular or special called meeting may be held unless seventy-five percent (75%) of the members, either regular or alternate members, are in attendance.
- ~~(d) Only public notification required by the Texas Open Meetings Act, as amended and member notification is required for meetings where no specific appeals or cases are scheduled on the agenda.~~
- (e) At meetings at which appeals are scheduled to be heard, official public notice of the case hearings and the meeting shall be given in accordance with Section 211.010 of the Texas Local Government Code, as amended. ~~Official public notice is defined as posting the meeting agenda in accordance with the Texas Open Meetings Act, as amended, the City's website and publication in the official newspaper.~~
- (f) Meeting agenda packets, which shall include the meeting agenda, draft minutes of the previous meeting, and staff reports and attachments for each case to be considered (including a copy of each application). ~~A copy of each application along with the staff~~

~~report~~ shall be ~~mailed, e-mailed, or~~ electronically delivered to the Board members and alternate members via e-mail or other available electronic methods no later than ~~seventy-two (72) hours~~ three (3) business days prior to the ~~hearing~~ date of the scheduled meeting.

Section 3.2 Quorum. A quorum of the Board to transact business shall consist of a minimum of seventy-five (75%) of the members (minimum of four (4) out of five (5) members), ~~regular or alternate members~~. The ~~Department of~~ Development Services Department shall contact the members and alternates prior to the meeting to assure a quorum will be present.

Section 3.3 Right to Speak. Members of the public may speak at a regular or special called meeting of the Board regarding an item listed on the agenda for action. Such persons shall be allowed to speak prior to the Board taking action on an item listed on the agenda for action. This right to speak does not apply to work or study sessions of the Board or to matters listed on the Board agenda for discussion. Each speaker will have three (3) minutes to speak unless the time is shortened or extended by a majority vote of the Board.

ARTICLE IV CASES BEFORE THE BOARD

Section 4.1 Cases

- (a) Each application to the Board, whether an appeal from an order, decision, or determination of the Chief Building Official or a determination of an administrative official in the enforcement of the Comprehensive Zoning Ordinance, a request for special exception, or a variance, shall be made ~~in writing~~ on an application form provided by the ~~Department of~~ Development Services Department.
- (b) Applications will only be accepted by the City when fully completed and the associated application fee has been paid.
- (c) Any communication purporting to be an application shall be regarded as mere notice to seek relief and will not be heard before the Board, until it is made ~~in writing~~ on the form required by the ~~Department of~~ Development Services Department and the associated application fee is paid.
- (d) An applicant may withdraw a request and application for a variance, special exception, or appeal in writing at any time prior to the applicable scheduled board hearing meeting for the appeal or may orally withdraw the request and application during ~~a properly constituted the~~ Board meeting scheduled to hear the matter. The City is not obligated to reimburse the applicant for the application fees paid.

ARTICLE V HEARINGS AND PUBLIC TESTIMONY

Section 5.1 Hearings

- (a) Cases may be heard at a ~~ny properly constituted~~ meeting in which the case has been set on the agenda and proper notification has been provided. Applications shall be heard in the order, in which they appear on the agenda, except that an application may be advanced for hearing at the discretion of the Chairperson or by majority vote of the Board.
- (b) Each application and case must be heard by at least seventy-five (75%) percent of the members (minimum of four (4) out of five (5) members) (see Section 3.2 Quorum); ~~regular or alternate members.~~
- (c) The concurring vote of at least seventy-five (75%) percent of the regular members (minimum of four (4) out of five (5) members) (see Section 3.2 Quorum); ~~regular or alternate members~~ is required for granting a variance or a special exception, or to modify or reverse the decision of ~~the-an~~ administrative Official. If an application does not receive concurring vote of at least seventy-five (75%) percent of the members, ~~regular or alternate members~~ the case and application is deemed denied, unless the case and application is continued to another meeting. If the Chairperson calls for a motion, but does not receive a motion, or if a motion is made but not seconded by a member, the case and application shall be deemed denied.
- (d) A motion to authorize a variance shall set forth the specific variance granted and any conditions to the variance.
- (e) No action of the Board shall establish a precedent. Each case shall be decided on a case-by-case basis, upon its merits and upon the circumstance attendant thereto.

Section 5.2 Public Testimony

- (a) The applicant may appear in person or by representative at hearings. In the absence of any personal appearance by the applicant or representative, the Board will proceed to dispose of take action on the matter on record before it.
- (b) The applicant and any and all persons representing or speaking on behalf of the applicant shall be sworn in by the Chairperson prior to providing testimony.
- (c) The applicant shall be provided sufficient time to present the case and the application. However, the Chairperson may, unless disapproved by the majority vote of the Board, limit the time for the applicant's presentation, limit time for any public comments in favor and against the case and application, including any rebuttal by applicant.

Section 5.3 Continuation by ~~Chairperson the Board~~. The ~~Chairperson-Board~~ may, with an affirmative majority vote of the Board, unless disapproved by the majority vote of the Board, continue a case and application until the next regular scheduled meeting or to a specific meeting at a time and date stated. In the event of a continuance of a case and application no re-notification is required.

Section 5.4 Reconsideration. No motion to reconsider a decision of the Board may be considered except at the same meeting at which the decision was made. The Board may not reconsider any decision of the Board to grant or deny a variance, special exception or relating to an appeal where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the

enforcement of any order or ordinance pertaining to zoning after such decision has been filed in the office of the Board.

**ARTICLE VI
MISCELLANEOUS**

Section 6.1 Guidance. The Board may seek the advice and recommendations from City staff in the form of written or oral reports. The Board may also seek the advice from the City Attorney regarding any legal matters regarding the Board or an application.

Section 6.2 Conflicts. If any article or section of these Bylaws conflict with Chapter 211 of the Texas Local Government Code, as amended, Chapter 211 of the Texas Local Government Code, as amended shall ~~govern control~~.

Section 6.3 Severability. In case any one or more of the provisions contained in the Bylaws are for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision hereof, and the Bylaws will be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Section 6.4 Amending the Bylaws. These Bylaws may be amended or modified by an affirmative vote of not less than seventy-five (75%) percent of the members ~~(minimum of four (4) out of five (5) members) (see Section 3.2 Quorum), regular or alternate members of the Board,~~ provided that such amendments are presented in writing at a meeting for such purpose.

Amended by the Richardson Zoning Board of Adjustment on ~~September 15, 2021~~ December 11, 2025.

Jason Lemons, Chair~~person~~
Zoning Board of Adjustments