

**CITY OF RICHARDSON
ZONING BOARD OF ADJUSTMENT MINUTES
NOVEMBER 19, 2025**

The Zoning Board of Adjustment met on Wednesday, November 19, 2025, at 6:30 p.m. in the Multipurpose Room #CH157 of the Richardson City Hall, 2360 Campbell Creek Boulevard, Suite 525, Richardson, TX.

MEMBERS PRESENT: Jason Lemons, Chairman
Scott Rooker, Vice Chairman
Phil Thames, Member
Sebrena Bohnsack, Member
Mohammed Hafeez, Alternate

MEMBERS ABSENT: Brent Sturman, Member
Moosa Madha, Alternate

CITY STAFF PRESENT: Tina Firgens, Director of Development Services
Andrew Bogda, Asst. Director of Development Services – Planning
Derica Peters, Senior Planner
Christine Ross, Planner II
Joe Gorfida, City Attorney
Kaleb Smith, City Attorney
Keith Krum, Planning Projects Manager
Norma Mendoza, 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. Chairman Lemons called the briefing session to order at 6:07 p.m. Chairman Lemons then called an executive session at 6:07 p.m. The executive session was closed and the Chairman re-opened the briefing session 6:19 p.m. No action was taken. The briefing session was adjourned at 6:28 p.m.

REGULAR BUSINESS MEETING

Call to Order: Chairman Lemons called the regular business meeting to order at 6:30 p.m. A quorum was present.

Opening Comments: Chairman Lemons introduced City staff and explained that the staff serves in an advisory capacity. He also summarized the function, rules, and appeal procedures of the Zoning Board of Adjustment.

PUBLIC COMMENTS ON AGENDA ITEMS

There were no public comments.

1. Approval of minutes of the regular business meeting of October 15, 2025.

Motion: Member Thames made a motion to approve the minutes as presented. Member Hafeez seconded the motion. Motion passed 5-0.

PUBLIC HEARING

2. **V 25-05 (continued from October 15, 2025):** A request for a variance from Appendix A (Comprehensive Zoning Ordinance) of the City of Richardson's Code of Ordinances: Article IV-A, Sec. 4(f) for a 10-foot variance to the required 10-foot side yard setback to allow a carport. The property is located at 303 Fall Creek Drive and is zoned R-2000-M Residential.

Derica Peters, Senior Planner, stated that the request is for a 10-foot variance to the required 10-foot side yard setback on the property located at 303 Fall Creek Drive to allow for a carport. The applicant states they need an area to secure two (2) vehicles, trash, and essentials. They feel unsafe with on-street parking due to the curved nature of the street, and criminal activity in their neighborhood. The house backs up to a creek and is encumbered by a drainage easement, floodway easement, and utility easement. The house is not alley-served, so their trash bins are taken to the front to be served from the curb.

The applicant has researched some alternatives to provide a covered area in the front of their home. One alternative they investigated was to reconfigure the current 2-car garage to be a front facing garage or a 3-car garage to provide that needed storage. The quote came back to between \$167,000 to \$267,000.

Ms. Peters reminded the Board that this case was first heard and continued at the August 20, 2025, meeting to September 17, 2025, for staff to bring back additional information as it relates to retractable awnings, definition of temporary versus permanent, and other potential options for the applicant. However, that confirmed information the applicant already knew as far as what their options were and those alternate options were not desirable or met the needs of the applicant.

At the September 17, 2025, meeting, the applicant supplied information related to the remaining buildable area of 12 properties on their block related to total lot area encumbrances and existing improvements. There was discussion at that meeting and ZBA requested staff bring back additional information as it relates to the net buildable area square footage for all the lots on that same block that back up to the creek. The meeting was continued to October 15, 2025, to allow staff to research, compile, and analyze this information. The October 15, 2025, public hearing was continued to November 19, 2025, in response to a request from the applicant due to a medical reason.

Staff's analysis of net buildable area evaluated 27 lots that back up to the creek on the south side of Fall Creek Drive within the same block as the subject property. Staff did not analyze the existing improvements on the lots and instead evaluated the buildable area in order to provide a more apples-to-apples comparison as improvements are considered self-imposed. In conducting the analysis, staff utilized the recorded subdivision plat which acknowledged the utility easement running through the middle of all these properties. Also, beyond the utility easement, most of these

properties have a floodway easement. In addition to accounting for these easement encumbrances, staff subtracted the front, rear, and side yard setbacks as applied to each lot to determine the net buildable area for each lot.

In comparing the subject property to the other lots evaluated in this block, it was found to have the fourth-smallest net buildable area. There are three (3) lots within the same block as the subject property that have a smaller net buildable area. The subject property was found to have approximately 4,400 square feet of buildable area.

The R-2000-M zoning district requires a minimum residential floor area of 2,000 square feet and a minimum 400-square-foot garage; this property having 4,400 square feet of buildable area is more than adequate to accommodate the minimum requirements to construct a 2,400 square foot house and garage. The property does not exhibit a hardship related to its physical characteristics that would limit its reasonable use.

Staff evaluated the five (5) criteria provided under Texas Local Government Code Section 211.009, Subsection (a)(3) as it relates to an unnecessary hardship as it relates to compliance. The financial cost of compliance is not greater than the 50% of appraised value of the structure. Compliance would not result in the lot being undevelopable. Compliance would not result in the structure being non-compliant with another code. Compliance would not result in the unreasonable encroachment on an adjacent property or easement. The property was developed with a standard 2-car garage and a house that meets the minimum zoning code; the carport is not necessary to bring the structure into compliance. Based on the information provided by the applicant, the applicable codes and ordinances, it is staff's opinion that a physical property hardship does not exist, and the request should therefore be denied.

This was a public hearing, and the public notice was issued to surrounding properties. The applicant provided 93 signed letters in support of the variance.

Hearing no additional questions for staff, Chairman Lemons opened the public hearing at 6:40 p.m. and invited the applicant to speak.

Taylor and Laura Brooks, 303 Fall Creek Drive, began by sharing their property hardship-related issues. They also explained that the carport cover cannot be seen from the street, and visually, the structure does not alter the character of the property or the neighborhood.

The only other alternative suggested by the City was building a 300-square-foot single-car garage in the remaining buildable space which would cost over \$200,000, take 4 to 6 months to complete, and require a complete redesign of the front elevation of the home. He obtained estimates for this work.

Mr. Brooks stated he filed an open records request with the City that produced 12 public surveys on record for homes that back up to the creek, which informed the data table that compared buildable area and available area for improvements. The data shows the lot is about 21,000 square

feet, with a 4,500-square-foot house, with the easements taking up about 2,000 square feet, or 17%. The floodplain covers another 8,000 square feet, which is 37% of the lot. It shows the significant elevation change from easement to floodplain. After setback and build lines are applied, that leaves them with just 581 square feet of buildable area remaining. By comparison, other homes surveyed still have 900 to 3,600 square feet of remaining buildable space.

Mr. Brooks continued by saying every lot is unique and theirs is the most restricted. The City's new analysis was provided to him two (2) days before the meeting. Their method does not reflect actual built conditions. The City's calculations rely on subdivision plats from 1962, prepared before construction that show empty lots with no elevation data, no floodplain modeling, and no field measurements. These plots could not account for modern FEMA floodplain boundaries, utility reroutes, erosion impacts, retaining walls, and utility easements, or the fact that Prairie Creek has physically shifted and deepened over the last 60 years.

Mr. Brooks stated that Texas variance law requires the Board to evaluate current conditions, not a lot from 63 years ago. The City's envelope method treats a 12,000-square-foot lot the same as a 36,000-square-foot lot, ignoring proportional hardship. The City's own study contradicts the basis for their initial recommendation, which is that these lots are all the same, and therefore, no unique hardships exist. The City's analysis shows that every lot has different physical constraints, different relationships to the creek and different usable space. The City's analysis does not factor in how large each lot is or how much of that land is usable. The appropriate measure is percentage of usable area, and by that standard, the property has the least usable space of all the lots in the City's 27-lot study. Even using staff's own square footage approach, the difference between them and the most constrained property is 219 square feet, which is less square footage than the garage alternative the City suggested they build.

Mr. Brooks continued by saying that an open records request shows that, in the last 30 years, only one (1) variance has been requested on this block, which was for 419 Fall Creek and approved unanimously by the Board. 419 Fall Creek is also the largest lot among those referenced. That demonstrates a consistent legal precedent for recognizing hardships on the street. Ninety-six (96) households in and around Fall Creek have signed letters supporting their request.

Mr. Brooks stated that on the evening of October 29, there was an extremely serious incident at the intersection of Prairie Creek West and Fall Creek with first responders and police present. Officers urged residents to stay inside as a search helicopter was looking for an active shooter moving in their neighborhood, who was an individual who lives in this neighborhood and has had multiple prior incidents. This event made it clear that someone fleeing law enforcement could easily have used the unfenced, exposed top of their property as a place to hide if they did not have a secured and covered space. He submitted an open records request for the police report, and he'd be happy to provide that report when it becomes available. There have also been incidents involving mental health patients from the nearby hospital on Campbell Road.

Chairman Lemons asked if there were any questions for the applicant.

Member Bohnsack asked if the garage is a normal size, or if their cars are just oversized.

Mr. Brooks responded they have two (2) standard SUVs. The garage was built to the smallest area the code would allow, and when both cars are in the garage, there is not room to open the car doors.

Chairman Lemons asked Mr. Brooks if he had any additional new information besides the serious incident that occurred since the last meeting.

Mr. Brooks responded no, but he had not had a conversation with City staff about their analysis, so he did not know if those numbers were accurate.

Vice Chairman Rooker asked the height of the fence.

Mr. Brooks responded he was unsure of the height.

Andrew Bogda, Assistant Director of Development Services – Planning, replied that the maximum fence height is eight (8) feet.

Chairman Lemons asked City staff if there was a difference in the numbers and results in the applicant's analysis and the City's analysis.

Mr. Bogda replied yes, the applicant has provided what they have determined to be the usable buildable area after setbacks and encumbrances were applied, as well as the built improvements, including houses, swimming pools, and accessory buildings. Staff's analysis focused purely on the lots, the easement encumbrances, setbacks, and what the net buildable area was for every lot. City staff provided the best apples-to-apples comparison for each lot, and the built improvements were not included as they are self-imposed by the property owner, which transfers to subsequent property owners.

Ms. Firgens reminded the Board the reason why they use the 1962 plat is because it was the plat of the subdivision when it was laid out. All of the lots are laid out in accordance with the minimum zoning requirements in effect at that time and is considered to be a constant factor. Staff tried to normalize the constant factors that exist in the neighborhood, but they do not have control over all the improvements on the properties other than to comply with the building setback requirements and not to exceed maximum lot coverage. The analysis provides how this property compares to others on the same side of the street and backed up to the creek. Hence, the analysis was performed to see if their lot had a unique consideration associated with it that was different from the remaining lots.

Mr. Brooks added the only reason the pool is present is because it was grandfathered in. They would still not be able to build any sort of structures or additions in the backyard because the easement and floodplain takes up the entire backyard.

Member Thames asked for clarification on how the net buildable area was calculated as it relates to sheds and other accessory buildings.

Ms. Firgens replied we did not include the sheds in the analysis. Staff's analysis focused on how the property and subdivision were platted. Our analysis did not factor existing building footprints, swimming pools, or sheds or structures that might be on the property. When someone purchases a property or even owns their property and makes the improvements, they're allowed to be able to do as long as they're within that net buildable area. If somebody buys a home, they inherit all those improvements. They could remove those improvements if they wanted to put something else there. We focused on trying to compare apples-to-apples to see if this lot has any sort of unique hardship that is denying them the ability to be able to develop their property as compared to their neighbors.


With no further questions for the applicant, Chairman Lemons asked if anyone would like to speak in favor or opposition to the request.

Seeing no speakers, Chairman Lemons closed the public hearing at 7:04 p.m.

BOARD ACTION

Motion: Member Bohnsack made a motion to deny the request for a 10-foot variance to the required 10-foot side yard setback to allow a carport. Member Thames seconded the motion. Motion passed 5-0.

With no further business, the meeting was adjourned at 7:07 p.m.



Jason Lemons, Chairman
Zoning Board of Adjustment