

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK TEXAS HELD AT THE TOWN HALL 4700 DREXEL DRIVE ON WEDNESDAY, JANUARY 15, 2020, AT 8:30 AM TO CONSIDER A REQUEST FROM THE PROPERTY OWNER OF 4356 EDMONDSON AVENUE TO CONSTRUCT A ONE-STORY ADDITION TO THE FRONT OF AN EXISTING NONCONFORMING ACCESSORY BUILDING FOR A SIDE YARD SETBACK VARIANCE OF 1.2 FEET.

Present at the meeting were: Tom Boone, Chairman and Board Members Chuck Reeder, Sherri Baer, Stacey Furst and Alternate Board Member Don Snell. Alternate Board Member Joan Clark was present in the audience. Steve Swensen was absent from the meeting.

Chairman Tom Boone called the meeting to order and explained the procedure the Board would follow in considering the request.

Kirk Smith, Assistant Director of Town Services, described the case being considered. A nonconforming detached accessory building exists in the rear yard of 4356 Edmondson Avenue, located 1.8 feet off the side property line. The Zoning Ordinance prohibits increasing the degree of nonconformity of an accessory building. The property owners, Mr. and Mrs. Joseph Kleber Young, IV were granted a remodel permit on August 6, 2019 to construct an addition to and renovate their residence. A site plan, along with elevations and photos were shown of the existing and proposed garage. The proposed addition to the garage will increase the depth for a full-size vehicle. A front gable which would allow for a taller garage door is also proposed. The total height of the garage would not change, and the top plate height would not be increased. The Zoning Ordinance allows for replacement of the nonconforming accessory building with the same dimension and height. Since the applicant would like to add to the building, therefore increasing the degree of nonconformity, a side yard variance is required. The applicant requests a side yard setback variance of 1.2 feet on the proposed new east wall of the garage.

Mr. Smith stated that the requisite notice of the meeting was mailed to property owners located within two hundred feet (200') of the subject property on December 26, 2019, and the agenda was posted on the bulletin boards at Town Hall on January 10, 2020.

He further stated the applicant had received ten (10) letters of support from neighbors regarding the proposed addition, which have been provided for the Board's review this morning. In addition to the letters, one anonymous call was received from a resident that was concerned about the likelihood of an increase in mosquitos or rodents which could possibly result from the small side yard setback and the narrow passage between the garage and existing fence.

Chuck Reeder asked about the rear setback for the existing garage.

Kirk Smith responded that the garage is nonconforming along the rear because it is adjacent to the easement line, and a 3 feet setback is required from the easement.

Chuck Reeder asked whether this proposal increases the degree of nonconformity; to which Mr. Smith responded in the affirmative along the east side setback.

Don Snell asked about the interpretation of the Zoning Ordinance as it relates to increasing the degree of nonconformity of existing buildings.

Mr. Smith explained that the Zoning Ordinance allows for additions to the main dwelling (not accessory buildings) with a nonconforming setback provided the dimension of the setback is not reduced.

Don Snell asked if this has been kept consistent, to which Mr. Smith replied in the affirmative.

Chuck Reeder asked if the proposal calls for any other increase in nonconformity, to which Mr. Smith replied in the negative.

Chairman Boone stated the lot is no different in shape or size compared to nearby properties.

Chairman Boone asked if the applicant would like to speak.

Mr. Joseph Young presented his case by stating that the house was built in 1926 which comes with growing pains. Edmondson is a narrow street and becomes difficult to navigate with cars parked on both sides. The proposed design does not create a monstrosity backhouse as seen at other properties on this street, instead it only creates proper parking spaces. He mailed neighbors a notice and ten (10) responded in support. The neighbor directly to the east also supports the design. The rodent concern is being addressed with the neighbor; a fence modification is being considered as well as an effort to keep that area clean. A landscaper was also engaged for recommendations. This remodel has been a lifelong goal of his family along with being a part of this community.

Chuck Reeder asked why this exception should be granted.

Mr. Young replied that similar exceptions have been granted in the past. The narrow street is congested, it would only make sense to make the street more functional by increasing the garage size for vehicle parking.

Chairman Boone asked if anyone else wants to speak.

Joan Clark, as a member of the audience, asked for clarification regarding the addition encroaching towards the home.

Mr. Smith explained that the variance is for the continuation of the nonconforming side yard setback for the garage. The garage can be extended towards the main dwelling provided it maintains ten (10) feet of separation.

Chairman Boone provided gratitude for trying to remove vehicles from the street.

Chairman Boone asked Mr. Smith if any correspondence had been received in support of this request.

Mr. Smith replied that ten (10) letters of support were received from the following residents:

4349 Livingston	Michael K. Matthews
4353 Livingston	Billy and Deborah Stobaugh
4357 Livingston	Alan Moore
4361 Livingston	Anthony Maioriello
4344 Edmondson	Samuel Thomas
4349 Edmondson	Bradley and April Penman
4352 Edmondson	Carrie Hamilton
4353 Edmondson	Lollie Scheble
4357 Edmondson	Carol Ellison Stollenwerck
4361 Edmondson	Russell E. Dealey

Chairman Boone asked if anyone in the audience would like to speak in support to the proposal, to which there was no response.

Chairman Boone asked Mr. Smith if any correspondence had been received in opposition of this request, to which Mr. Smith replied in the negative.

Chairman Boone asked if anyone in the audience would like to speak in opposition to the proposal, to which there was no response.

Chairman Boone asked if there is a way the potential rodent issue could be dealt with under special conditions.

Kirk Smith asked whether recommendations should get made now or left for the applicant to decide since they have multiple options.

Matthew Boyle, Town Attorney, stated recommendations against nuisances do not need to get stated now.

Sherri Baer asked about the potential landscape options.

Kirk Smith replied that the applicant has that option if they would like to offer it.

Mr. Young claimed that he would be more than happy to provide that remedy, but confirmation with the neighbor prior would be necessary. A proper solution will be proposed in order to deal with the nuisances.

Chairman Boone asked if a new fence will be proposed.

Mr. Young explained that a new fence might be proposed, however as mentioned before, discussion with the neighbor must occur before initiating anything that will affect the neighbor.

Chairman Boone asked for additional questions and/or comments from the Board of Adjustment, to which there was no response.

Sherri Baer stated that she would appreciate if the applicant worked with the neighbor throughout the remodel process.

Chairman Boone stated that the jurisdiction to grant the application should be based on the existence of the nonconforming structure, even though the lot did not differ in shape, size or location from other lots in the area.

On a motion by Sherri Baer seconded by Stacey Furst the Board of Adjustment voted unanimously to approve a request by Joseph Young of 4356 Edmondson Avenue to amend the Town's Zoning Ordinance to allow a variance of 1.2 feet from the required side yard setback to allow for the proposed addition to the existing nonconforming accessory.

On a motion by Chairman Boone, seconded by Chuck Reeder, the Board of Adjustment voted unanimously to adjourn. There being no further business to come before the Board of Adjustment the meeting was adjourned at 8:54 a.m.

APPROVED on this 19 day of February 2020.

BY:



Tom Boone
Chairman

ATTEST:



Kirk Smith
Assistant Director of Town Services