

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD REMOTELY THROUGH VIDEO/TELECONFERENCE, ON WEDNESDAY, JUNE 17, 2020, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE PROPERTY OWNER OF 4500 PRESTON ROAD TO REBUILD AN EXISTING FENCE LOCATED ALONG THE PRESTON ROAD PROPERTY LINE, INCREASING THE HEIGHT AT THE MAIN ENTRANCE TO A MAXIMUM OF 12 FEET 9 INCHES.

Present at the meeting were: Chuck Reeder, Chairman and Board Members Sherri Baer, Stacey Furst, Don Snell, Steve Swenson, and Alternate Board Members Joan Clark and Cynthia Beaird.

Chairman Chuck Reeder called the meeting to order and explained the procedure the Board would follow in considering the request. He stated because of the COVID-19 pandemic, and social distancing orders, and in accordance with an order from the Office of the Governor issued on March 16, 2020, this meeting is being conducted and heard through a remote video/teleconference call.

Kirk Smith, Assistant Director of Town Services, described the case being considered. He began by stating that James Lewis is the trustee for the 4500 Trust, owner of 4500 Preston Road and is currently present at the meeting. The Zoning Ordinance prohibits fences in the required front yard and limits the height of fences in approved locations to a maximum of 8 feet. The application was denied because it proposes to rebuild the fence in the required front yard and portions will be over 8 feet in height. Jurisdiction was justified by the applicant by stating the wall is similar to other neighboring properties along Preston Road. New house plans are being created and will be submitted for permit in the next six months. The fence in question being requested prior to the new home permit would provide security and privacy to the home while under construction. A survey dated February 2017 was presented and showed the existing wall along the west, north and south sides of the property. The wall in question extends along Preston Road and the south alley for the Willow Wood residences. A colored plan of the site was shown and identified entrance points through the wall. One entrance would be located on the north side of the property along the alley, and the other would be at its present location on the south side of the property adjacent to Preston Road. A detail of both entrances was presented. The south entrance indicated wall elements at 12 feet 9 inches tall with 10-foot tall gates. More illustrations were presented that showcased the wall in its entirety along Preston Road. A map of the Town was displayed which presented this lot in Zoning District "A", however walls and fences are prohibited in the required front yard throughout the Town of Highland Park. The applicant requests a fence location variance of 107 feet in the front yard and a wall height variance of 4 feet 9 inches.

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 May 28, 2020, and the agenda was posted on the bulletin boards at Town Hall on June 11, 2020.

Chairman Reeder asked for questions and/or comments from the Board Members.

Stacey Furst asked how the new wall will connect to the south neighboring wall along Preston Road.

Mr. Smith responded that the existing wall averages 5 feet 6 inches tall with columns measuring 6 feet 5 inches. The neighboring wall at 4400 Preston Road measures 6 feet 4 inches while the columns measure 7 feet 3 inches. The proposed wall height of 8 feet would be taller than the existing wall at 4400 Preston Road. However, the connection would be essentially seamless between the two walls.

Chairman Reeder asked about the front yard setback.

Kirk Smith displayed the site plan and said that the required front yard for this particular property is 107 feet and that the Zoning Ordinance prohibits walls and fences in that area.

Don Snell asked if the proposed wall will be in the same location as the existing wall?

Kirk Smith responded in the affirmative except that the wall location along the Willow Wood alley will be offset to allow for a gate entrance.

Chairman Reeder asked for comments from the applicant.

James Lewis, 4500 Preston Road, said that architect Robbie Fusch is in the meeting and will answer any questions.

Robbie Fusch explained that the proposed wall is like what other properties have along Preston Road. The wall will be set back further from the street in any areas where it extends taller than 8 feet in height.

Chairman Reeder asked if anyone in the audience would like to speak in support to the proposal.

James Huff, 4 Willow Wood, asked if the new wall stops after the gate entrance at the alley and attaches to the existing old wall, or if it continues down the length of the property alongside the alley.

Mr. Smith stated that the public hearing was only for the fence in the front yard.

Robbie Fusch explained that all other walls besides the wall in the front yard will remain.

Mr. Huff claimed that the wall along the alley is deteriorating and the bricks are falling off. He questioned spending money to update the front wall but leaving the other walls in their existing conditions without any modification.

Chairman Reeder asked whether Mr. Huff was speaking for or against the variance.

Mr. Huff responded he was against the variance.

Chairman Reeder asked if anyone in the audience would like to speak in support to the proposal. Being no response.

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

Chairman Reeder asked if anyone in the audience would like to speak in opposition to the proposal.

Mr. Huff said that he has made his case clear and restated that he thinks it is improper to stop the beautiful new wall in the front yard instead of extending it down the alley.

Samuel Hawk, Assistant Town Attorney, stated that the Board can approve this case with conditions, approve as presented, or deny the variance request.

Steve Swenson asked Mr. Huff about his opinion of the remainder of the project.

Mr. Huff said that he has no resistance to the rest of the project and his only concern is that the deteriorating brick wall is not being updated like the front wall. He also responded that he likes the project, but he would like the old wall fixed along the alley.

Steve Swenson said that he had driven by the alley and confirmed the wall is in rough shape.

Robbie Fusch said that he cannot disagree that the wall needs repair, and it was their intention to consider replacing the wall, but at this time they are only focused on the front wall.

Mr. Huff said that he is requesting the wall along the alley be replaced to which Mr. Fusch said he would agree to replace wall.

Sherri Baer asked if there are any plans for the wall on the south of the property.

Robbie Fusch said the south wall will remain and there are no plans for it at this time.

Stacey Furst stated she will motion to approve the proposal under condition that the north wall be repaired to an acceptable aesthetic and engineered condition.

Chairman Reeder asked if the wall should be repaired or replaced?

Sherri Baer said replaced with proper standards and input from Mr. Huff.

Chairman Reeder explained that he was content with the wall being replaced to meet the Town's code standards.

Steve Swenson agreed with Chairman Reeder.

Mr. Huff stated that there is a personnel passage gate halfway down the alley and he would like to see it removed.

Robbie Fusch said the passage gate can be eliminated.

Stacey Furst commented that she would support a motion under the condition that the north wall be replaced according to Town ordinance and building code, and the passage be eliminated.

Chairman Reeder asked if anyone else in the audience would like to speak in opposition to the request, to which there was no response.

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

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

On a motion by Stacey Furst seconded by Sherri Baer the Board of Adjustment voted unanimously to approve a request by James Lewis of 4500 Preston Road to amend the Town's Zoning Ordinance to allow a variance to rebuild a wall in the required front yard, and a variance of 4 feet 9 inches in height for the new wall, conditioned on the wall be replaced, according to Town ordinance and building code, along the north side property line adjacent to the Willow Wood alley, and the personnel passage gate be eliminated.

On a motion by Sherri Baer, seconded by Steve Swenson, 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 9:18 a.m.

APPROVED on this 6th day of July 2020.

BY:



Chuck Reeder
Chairman

ATTEST:



Kirk Smith
Assistant Director of Town Services