

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD REMOTELY THROUGH VIDEO/TELECONFERENCE, ON WEDNESDAY, SEPTEMBER 16, 2020, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE PROPERTY OWNER OF 4300 LORRAINE AVENUE TO CONSTRUCT A DETACHED GARAGE AND SWIMMING POOL ON A COMBINED BUILDING SITE WITH A SETBACK OF THREE FEET FROM THE SIDE PROPERTY LINES.

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

Chairman Chuck Reeder called upon Alternate Member Cynthia Beard to serve in the absence of Mr. Swenson and further introduced the members of the Board, Mr. Smith, and the Town's Assistant Attorney Samuel Hawk. The meeting was called to order and Chairman Reeder explained the procedure the Board would follow in considering the request. He explained that for any request to be approved, an affirmative vote from at least four (4) members is required. 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 Kenneth and Kamela Aboussie are the owners of 4300 Lorraine Avenue. The property owner applied for a permit to construct a new single-family residence with accessory structures on the recently combined building site. Upon review of the application, staff identified two violations with the side yards setbacks. The proposed detached garage located in the northwest corner of the rear yard is three feet from the side property line. Section 12-101 (2)(b) of the Zoning Ordinance requires for a side yard setback of ten (10) feet for accessory structures on combined building sites. Furthermore, staff identified that a proposed swimming pool located in the northeast corner of the rear yard is three (3) feet from the side property line. Section 13-103(d) of the Zoning Ordinance requires a side yard setback of ten (10) feet for a swimming pool on a combined building site. The application was denied because of these two proposed setback violations and the applicant was seeking a variance for the redevelopment of the vacant combined building site.

Mr. Smith continued with a presentation showing the proposed site plan and elevations of the detached garage, and site plan for the proposed swimming pool location. The accessory building complies with the zoning ordinance for height and massing design elements defined in the Zoning Ordinance. He also stated that the swimming pool design has not been developed, but the general location was being requested whereas the setback to the water's edge is being proposed at three (3) feet from the east side property line adjacent to Douglas Avenue.

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 September 1, 2020, and the agenda was posted on the bulletin boards at Town Hall on September 10, 2020.

Chairman Reeder asked for questions and/or comments for Mr. Smith from the Board Members to which there was no response.

Next, Chairman Reeder asked if the applicant would like to address the Board or make a presentation.

Kenneth Aboussie thanked the Board taking the time to visit today and for their consideration of his request. He continued with stating that he and his family live at 4425 Lorraine Avenue. His wife Kamela grew up on Lorraine Avenue and they have three small children. He introduced his architect, Wilson Fuqua, and his builder, John Jarrett were present to assist in answering any questions that may arise. He explained the architecture of the house is in keeping with the traditional Highland Park style brick residence. The layout of the main house on the lot is at least thirty (30) feet from the west side property line adjacent to his neighbor as compared to what he could have built, which is fifteen (15) feet, or 10% of the entire lot width. He also reiterated that the previous one-story garage that was demolished was located one (1) foot from the west side property line.

Mr. Aboussie went on to explain that in 2005 the Town created specific setback and coverage requirements for combined building sites. The side yard setback for detached accessory buildings on combined building sites was increased from three (3) feet to ten (10) feet. He also reminded the Board that the height of buildings could be a full two-stories all the way to the rear yard setback. In 2009, he explained that the Town further modified the Zoning Ordinance to reduce the building wall height on all residential zoning districts to twelve-foot, six-inches (12'-6") within forty (40) feet of the rear property line. Mr. Aboussie feels that this height restriction further penalizes combined building sites and if he were granted the variance, he would then be able to have a third parking space to get vehicles off the street.

His design originally provided for a driveway that was excavated down below the adjacent grade along the west side property line so cars could be driven onto the property level with the public walk verses up the elevated lot from the street. When he investigated the impacts this cutting of the lot would have on the neighboring tree roots, he redesigned the building to remain at natural grade.

Mr. Aboussie described to the Board that he will be relocating a mature tree in the front yard of the lot to avoid impacting the look of trees on the street.

He referred to a letter that was provided to the Board from Mr. Tilden at 4329 Lorraine Avenue. He said that it was very well written and explained the sentiments of what he was trying to accomplish with respect to minimizing impacts on the block.

Chairman Reeder asked if anyone on the Board had questions or comments for Mr. Aboussie.

Sheri Baer asked if he had spoken to the neighbor on the west side at 4308 Lorraine Avenue. Mr. Aboussie responded that he has tried on numerous occasions to meet with the neighbor, even leaving his plans and a letter at his house. He further explained that he knows and attends church

the neighbor's son-in-law. He explained to Mr. Aboussie that his father-in-law is very busy with his business. He also explained that he will not respond, nor oppose the design being considered.

Don Snell, having some technical difficulty being heard, asked about the appearance of the northwest side of the building, and if any landscaping was being designed along the west side yard. Mr. Aboussie asked Mr. Smith to change the presentation slide to show the accessory building elevation which indicated the landscaping. He explained that plans were to fully landscape the west side property line fence with evergreen hedges which would provide a vertical living screen between the accessory building and the neighbor.

Joan Clark, as a member of the audience, thanked Mr. Aboussie for saving the tree and asked about any drainage concerns around the accessory building being addressed. Mr. Jarrett responded that the garage will be setback three (3) feet and as addressed on all other redevelopments, this will accommodate adequate room for proper drainage to be taken to the street and away from the neighboring properties. Mr. Aboussie reminded everyone that the original building only provided a one-foot side yard setback.

Being no further discussion, Chairman Reeder asked if any letters of support were received to which Mr. Smith responded that seven property owners had provided correspondence. The letters and correspondence that was provided to the Board in support of the application are as follows:

- 4301 Belclaire – Scott Miller (within 200-foot notification area)
- 4231 Belclaire – Pete Schenkel (within 200-foot notification area)
- 4312 Lorraine – Stephen Lipscomb (within 200-foot notification area)
- 4236 Lorraine – Allen Meyer (within 200-foot notification area)
- 4305 Lorraine – John Harper (within 200-foot notification area)
- 4329 Lorraine – Roland & Jacqueline Tilden
- 4331 Lorraine – Ryan Reid

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

Wilson Fuqua, 3601 Shenandoah Avenue, pointed out that all building sites prior to 2005 could be three (3) feet. Mr. Aboussie asked Mr. Smith if other combined lots have observed the ten (10) foot setback for accessory buildings. Mr. Smith responded that research has not been done on the forty-two combined building sites that have been created since 2005. Mr. Smith explained to the Board the history of combined building site regulations with respect to the larger side yard setbacks. The purpose was to provide more open space between the larger combined building site as compared to neighboring properties.

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 Mr. Smith if anyone in the audience or on the call wanted to speak in opposition to the request, to which there was no response.

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

Chairman Reeder asked for a motion on the request to construct the swimming pool three (3) feet from the east side property line, to which there was no response. He asked once again if any member of the Board wished to motion for approval, to which there was no response. Mr. Reeder announced that due to a lack of motion the variance request on the swimming pool side yard setback was denied.

Chairman Reeder asked for a motion on the request to construct the detached garage three (3) feet from the west side property line, to which there was no response. He asked once again if any member of the Board wished to motion for approval, to which there was no response. Mr. Reeder announced that due to a lack of motion the variance request on the garage side yard setback was denied.

Chairman Reeder stated that with no further business to come before the Board, he requested a motion for adjournment.

On a motion by Sherri Baer seconded by Cynthia Beaird the Board of Adjustment voted unanimously to adjourn. The meeting was adjourned at 9:11 a.m.

APPROVED on this 28th day of September 2020.

BY:



Chuck Reeder
Chairman

ATTEST:



Kirk Smith
Assistant Director of Town Services