

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD REMOTELY THROUGH VIDEO/TELECONFERENCE, ON WEDNESDAY, OCTOBER 7, 2020, AT 8:30 A.M. TO RECONSIDER 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 EACH FROM THE SIDE PROPERTY LINES.

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

Chairman Chuck Reeder called the meeting to order and introduced the members of the Board, Mr. Smith, and the Town's Attorney Matthew Boyle. 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 this meeting was reviewed by the Board last month and due to some audio difficulties with the virtual meeting software, was being reconsidered at the request of the Board. 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 new elevations which provided evergreen landscaping hedges along the west side of the accessory building and west side property line of the lot. The site plan for the proposed swimming pool location remained unchanged. 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 18, 2020, published in the Daily Commercial Record on September 18, 2020, and the agenda was posted on the bulletin boards at Town Hall on October 1, 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 second consideration of his request. He continued with stating that at the last meeting he was asked if he had visited with the neighbor on the west at 4308 Lorraine Avenue. He provided a narrative of how his meeting had gone with the neighbor and how he had received written support. He addressed the Board further with stating that he had also received support from the neighbor behind his accessory building at 4305 Belclaire Avenue, and from across the street at 4301 Lorraine Avenue. He summarized that all neighbors contiguous to his property have supported his request. Mr. Aboussie reiterated the same as at the last meeting that his house could have been built 7.5 feet from the side property line if he had not combined the lots, but he chose to set the main building at least thirty (30) feet from the west side property line adjacent to his neighbor, as compared to what he could have built on the combined building site, which is fifteen (15) feet, or 10% of the entire lot width. He also reiterated that had the lots not been combined, then the 3-foot side yard setback for the garage would be allowed.

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

Cynthia Beaird raised a question if he had met with the new property owners at 4236 Lorraine Avenue. Mr. Aboussie responded in the negative. He had met with Mr. Meyer when the original case was considered but had not seen anyone in the now vacant house with which to meet.

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

4308 Lorraine – Tom Craddock (within 200-foot notification area)
4305 Belclaire – Adam & Lillian Richey (within 200-foot notification area)
4301 Lorraine – Brad & Jacqueline Hubbard (within 200-foot notification area)
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, 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 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 the members to raise their hand to indicate if they wished to speak. He called 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 Mr. Smith for assistance in seeing if any member raised their hand, to which Mr. Smith indicated that it appeared Mr. Snell's connection was paused. Mr. Smith called Mr. Snell and placed him on speaker so his voice could be heard by all in attendance to the virtual meeting. Mr. Snell moved to accept the request for the proposed pool location. Mr. Swenson provided a second to the motion. Again Mr. Reeder asked for all voting members to raise their hand to indicate their affirmation to the vote for approval, to which Mr. Snell, Mr. Swenson, and Chairman Reeder affirmed. Ms. Furst and Ms. Baer did not raise their hand and verbally indicated that they had heard the motion. Chairman Reeder announced that due to a vote of only three (3) of the five (5) voting members in support of the request for the swimming pool location, the request was denied.

Chairman Reeder repeated the process for a motion on the request to construct the detached garage three (3) feet from the west side property line, to which Mr. Snell moved to accept. Mr. Swenson seconded the motion. He asked once again if any member of the Board wished to vote in support of the request to raise their hand. Mr. Snell, Mr. Swenson, and Chairman Reeder voted in support for the request to construct the garage three (3) feet from the side property line, while Ms. Furst and Ms. Baer indicated they had heard the motion. Chairman Reeder announced that due to a vote of only three (3) of the five (5) voting members in support of the request for the garage location, the request was denied.

Board Member Snell asked if it was appropriate for the Board to provide some feedback for the applicant so he would have a clear direction for making any adjustments to his request. Mr. Boyle responded that the Board has no obligation to make such comments.

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

On a motion by Stacy Furst seconded by Sherri Baer the Board of Adjustment voted unanimously to adjourn. The meeting was adjourned at 9:06 a.m.

APPROVED on this 26 day of October 2020.

BY:



Chuck Reeder
Chairman

ATTEST:



Kirk Smith
Assistant Director of Town Services

