MAYOR
Margo Goodwin
--
MAYOR PRO TEM
David Dowler
--
COUNCIL MEMBERS
Eric Gambrell
Marc Myers
Lydia Novakov
Craig Penfold
--
TOWN ATTORNEY
Matthew C.G. Boyle
--
TOWN JUDGE
Albert D. Hammack
--
LOCAL HEALTH AUTHORITY
Michael L. McCullough, M.D.

THE TOWN OF
Highland Park
TEXAS

4700 DREXEL DRIVE, HIGHLAND PARK, TEXAS 75205
Telephone 214-521-4161

TOWN ADMINISTRATOR
Bill Lindley
--
DIRECTOR OF PUBLIC SAFETY
Paul Sandman
--
DIRECTOR OF ADMINISTRATIVE SERVICES
&
CHIEF FINANCIAL OFFICER
Steven J. Alexander, CPA
--
DIRECTOR OF DEVELOPMENT SERVICES
Hugh Pender, CBO
--
DIRECTOR OF ENGINEERING
Lori Chapin, P.E.
--
TOWN SECRETARY
Joanna Mekeal

February 18, 2022

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Don Snell
Steve Swenson
Joan Clark
Cynthia Beaird, Alternate Member
J. Burton Rhodes, Alternate Member

Dear Board Members,

The Board of Adjustment will continue a public hearing at 8:30 a.m. on Wednesday, March 9, 2022, to consider a variance request to Section 10-102(12)A of the Town's Zoning Ordinance to construct a three-story multi-family project with windows on the rear elevation of the third level facing a residentially zoned property located at 4510 Abbott Avenue. The property owner has acquired and platted three lots together to construct this new three-story multi-family development. Section 10-102(12)A of the Zoning Ordinance states in G zoning districts, windows shall not be permitted on the third story facing the rear yard adjacent to a residential zoning district.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) application to the Board, (ii.) property plat, (iii.) site plan, (iv) aerial views, (v) exterior elevations, (vi.) public hearing notice map, (vii.) location map of the of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Margo Goodwin, Mayor, via e-mail
Bill Lindley, Town Administrator, via e-mail
Steve Alexander, Chief Financial Officer, via-email
Matthew C.G. Boyle, Town Attorney, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK

(Please Type or Print)

ADDRESS 4510 Abbott Ave Owner's Name HP Abbott 2021 LP/Julian "Jay" Hawes,Vice-President & General Partner

LEGAL DESCRIPTION: Lot(s) 4R Block 4 Addition Highland Park First Installment

Mailing Address 2201 Main St, Suite 1280

City Dallas State TX Zip Code 75201

1. Request: Appeal to the Town Board to allow windows on the third story facing the rear yard adjacent to a residential zoning district.

2. Jurisdiction: [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

See attached statement.

Additional information submitted by applicant _____

Fee Paid $200.00 Date 11/01/2021 Phone 214 704 4176

3. Signature of Owner _____

(To be completed by Building Inspection Department)

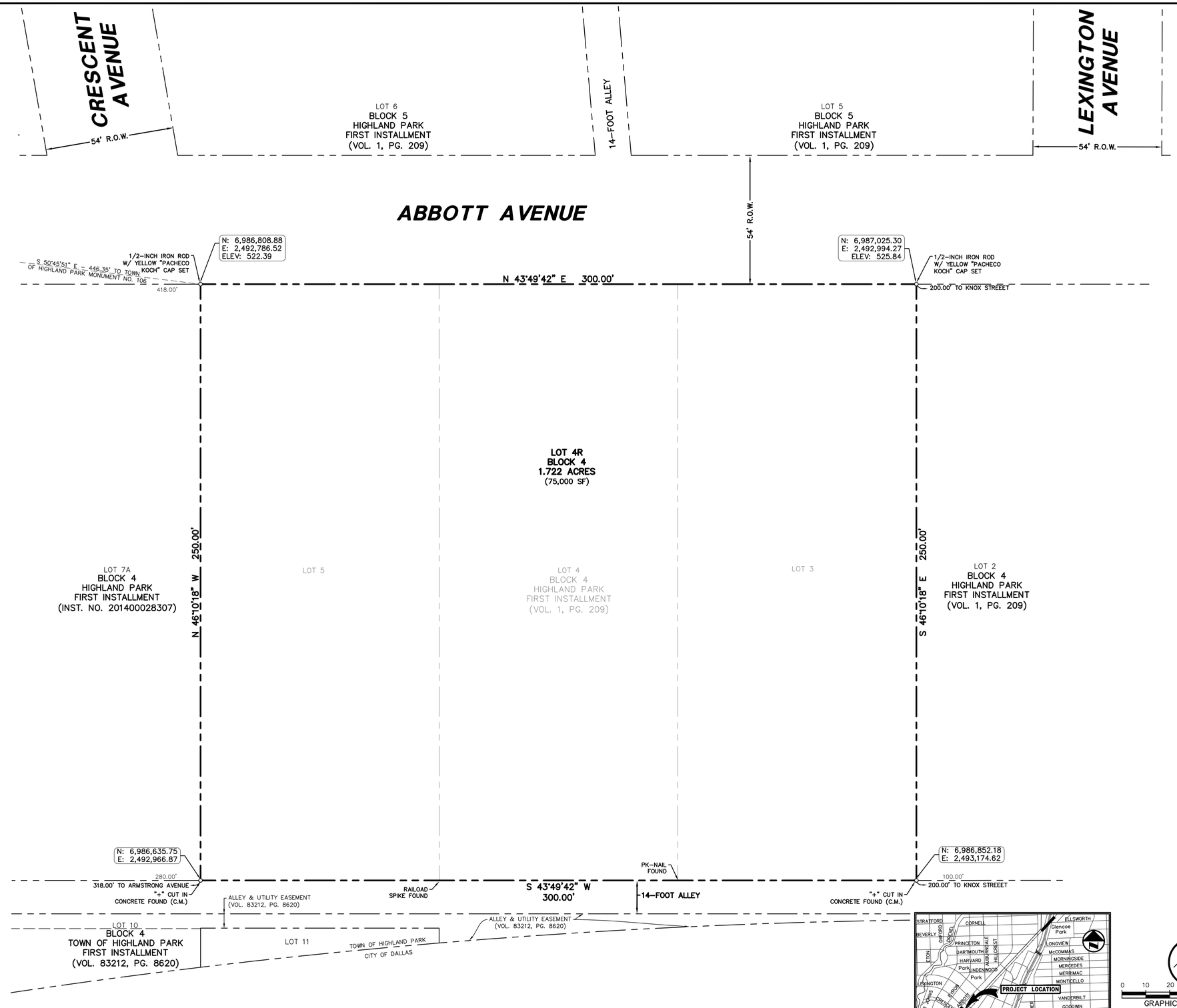
Reason for denial: Section 10-102 12(A)

Explanation:

10-102 12 (A)
In a G multifamily district:
A. Windows shall not be permitted on the third story facing the rear yard adjacent to a residential zoning district.

Hugh Pender - 1/4/2022

Building Inspector Date



OWNER'S CERTIFICATION

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, HP Abbott 2021 LP is the owner of a 1.722 acre (75,000 square foot) tract of land situated in the John Cole Survey, Abstract No. 268, Dallas County, Texas; said tract being all of Lots 3, 4 & 5, in Block 4, of Highland Park, 1st Installment, an Addition to the Town of Highland Park, Dallas County, Texas, according to the Map thereof recorded in Volume 1, Page 209 of the Map Records of Dallas County, Texas;

BEGINNING, at a 1/2-inch iron rod with yellow "PACHECO KOCH" cap set at the north corner of said Lot 3; said point also being in the southeast right-of-way line of Abbott Avenue (a 54-foot wide right-of-way);

THENCE, South 46 degrees, 10 minutes, 18 seconds East, departing the said southeast line of Abbott Avenue, a distance of 250.00 feet to a "+" cut in concrete found in the northwest line of a 14-foot alley; said point being the east corner of said Lot 3;

THENCE, South 43 degrees, 49 minutes, 42 seconds West, along the said northwest line of the 14-foot alley, a distance of 300.00 feet to a "+" cut in concrete found; said point being the south corner of said Lot 5;

THENCE, North 46 degrees, 10 minutes, 18 seconds West, departing the said northwest line of the 14-foot alley, a distance of 250.00 feet to a "1/2-inch iron rod with yellow "PACHECO KOCH" cap found in the said southeast line of Abbott Avenue; said point being the west corner of said Lot 5;

THENCE, North 43 degrees, 49 minutes, 42 seconds East, along the said southeast line of Abbott Avenue, a distance of 300.00 feet to the POINT OF BEGINNING;

CONTAINING: 75,000 square feet or 1.722 acres of land, more or less.

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF DALLAS

NOW, AND THEREFORE, know all men by these presents that, HP Abbott 2021 LP, does hereby adopt this plat as **LOT 4R, BLOCK 4, HIGHLAND PARK, FIRST INSTALLMENT**, an addition to the Town of Highland Park, Dallas County, Texas and does hereby dedicate to the public use forever the rights-of-way and easements as shown hereon.

Executed this the _____ day of _____, 2021.

HP Abbott 2021 LP

By: _____
Name: Julian Hawes, JR.
Title: Vice President

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the County and State, on this day personally appeared Julian Hawes, JR., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2021.

_____
Notary Public in and for the State of Texas

My Commission Expires: _____

SURVEYOR'S CERTIFICATE

STATE OF TEXAS
COUNTY OF TARRANT

I, Michael Larry Lewis Jr., Registered Professional Land Surveyor, do hereby certify that I prepared this replat from an actual survey on the land and that the corner monuments shown thereon were found and/or properly placed under my personal supervision in accordance with the platting rules and regulations of the Planning and Zoning Commission of the Town of Highland Park, Texas.

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.
RELEASED 11/18/21.

_____
Michael Larry Lewis, Jr.
Registered Professional Land Surveyor
No. 5773

STATE OF TEXAS REGISTERED MICHAEL LARRY LEWIS, JR. 5773 PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned, a Notary Public in and for the County and State, on this day personally appeared Michael Larry Lewis, Jr., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said Michael Larry Lewis, Jr. and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8th day of September 2021.

_____
Notary Public in and for the State of Texas

My Commission Expires: _____

CERTIFICATE OF APPROVAL BY TOWN COUNCIL

Approved this _____ day of _____, 2021, by the Town Council of the Town of Highland Park, Texas.

_____
Margo Goodwin
Mayor, Town of Highland Park

Attest:

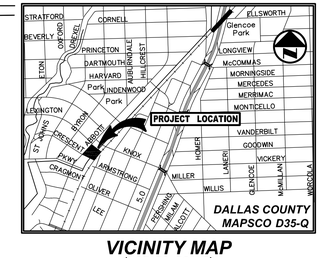
_____
Gayle Kirby
Town Secretary, Town of Highland Park

NOTES

1. Bearing system for this survey is based on the Texas Coordinate System of 1983 (2011 adjustment), North Central Zone 4202, based on observations made on July 1, 2019.
2. Notice: Selling a portion of this addition by metes and bounds is a violation of town ordinance and state law and is subject to fines and withholding of utilities and building permits.
3. No floodplain exists on site.

SURVEYOR:
PACHECO KOCH CONSULTING ENGINEERS, INC
4060 BRYANT IRVIN ROAD
FORT WORTH, TX 76109
817-412-7155
CONTACT: MIKE LEWIS

OWNER:
HP ABBOTT 2021 LP
10210 N. CENTRAL EXPRESSWAY, STE. 300
DALLAS, TEXAS 75231
972-385-4100
CONTACT: JULIAN HAWES, JR.



VICINITY MAP
(NOT TO SCALE)

0 10 20 40 60
GRAPHIC SCALE IN FEET
1" = 20'

LEGEND

	PROPERTY LINE
	EASEMENT LINE
	SETBACK LINE
(C.M.)	CONTROLLING MONUMENT

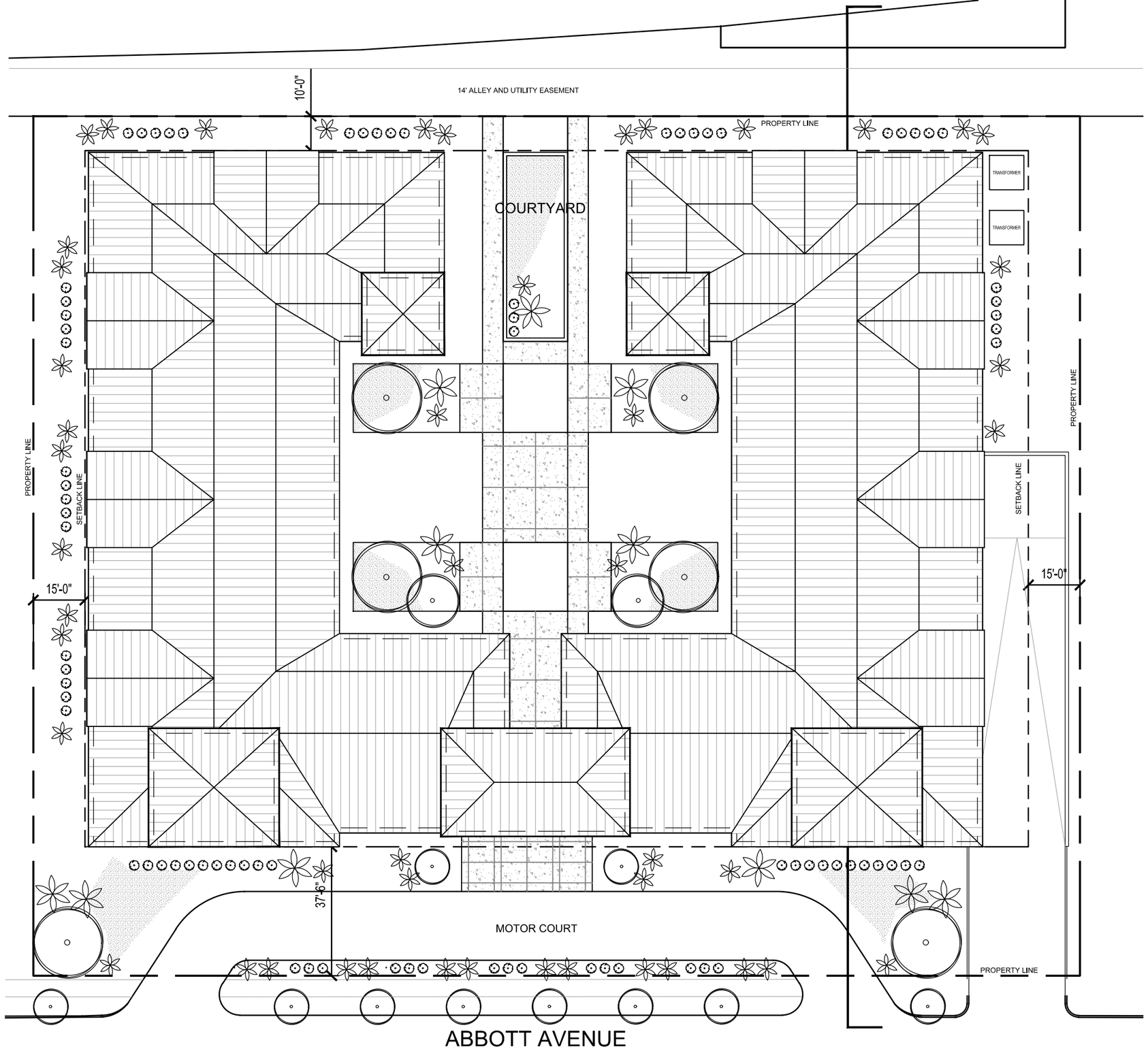
REPLAT
FOR
LOTS 3, 4 & 5, BLOCK 4
HIGHLAND PARK FIRST INSTALLMENT
TO
LOT 4R, BLOCK 4 HIGHLAND PARK FIRST INSTALLMENT
AN ADDITION TO THE TOWN OF HIGHLAND PARK
DALLAS COUNTY, TEXAS
JOHN COLE SURVEY, ABSTRACT NO. 268
ADDRESS: 4510 ABBOTT AVENUE

Pacheco Koch
4060 BRYANT IRVIN ROAD
FORT WORTH, TX 76109 817.412.7155
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008001

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
EN	PMD/RWB	1"=20'	JULY 2019	3213-19.290

REPLAT - LOT 4R, BLOCK 4, HIGHLAND PARK FIRST INSTALLMENT

RTDWELL
11/18/2021 11:05 AM
\\NASJNFTW.PKCE.COM\DWG\DWG-32\3213-19.290\DWG\SURVEY C3D



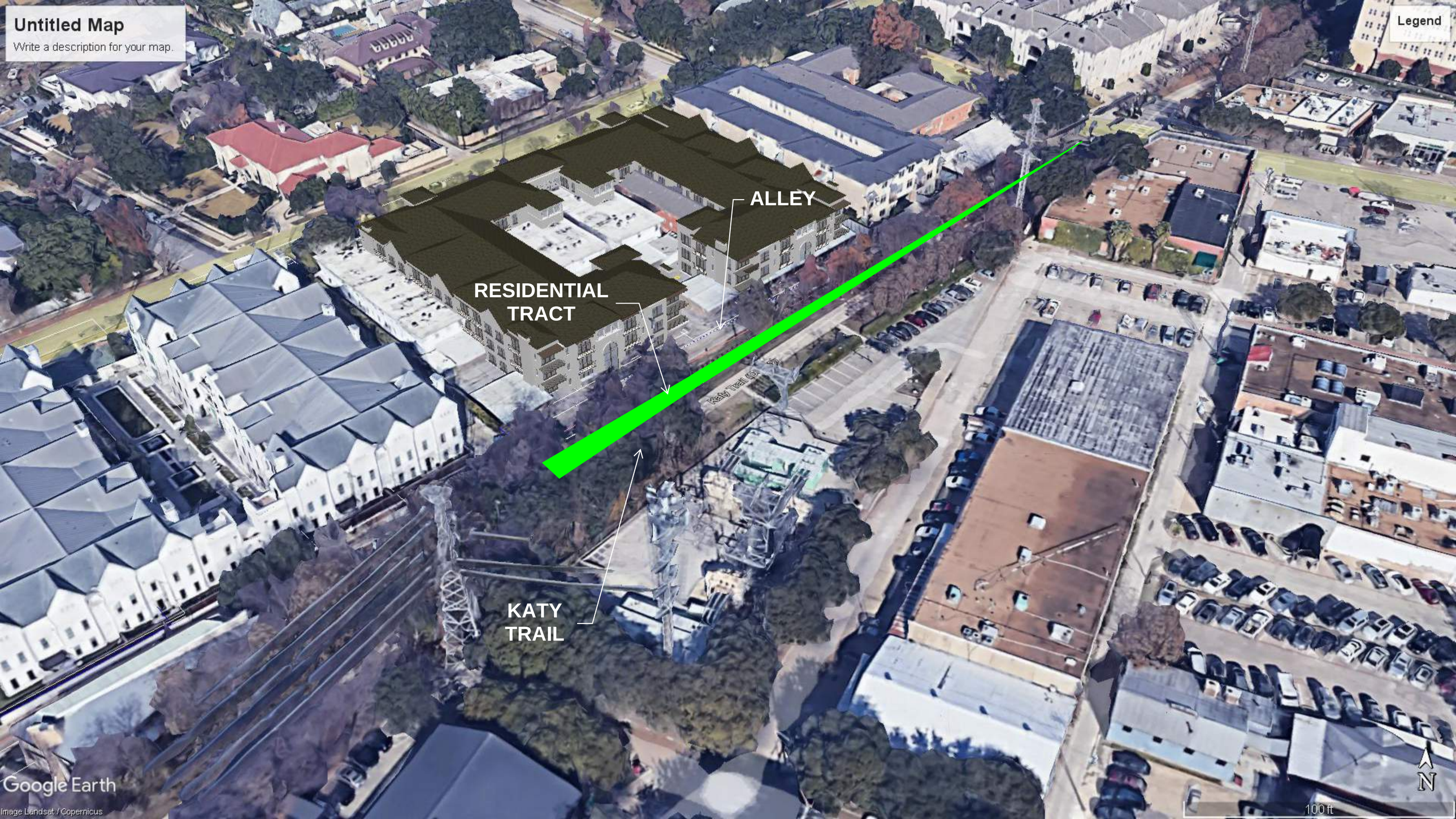
ABBOTT KNOX **HP | TX** *11.3.2021* **SITE PLAN**

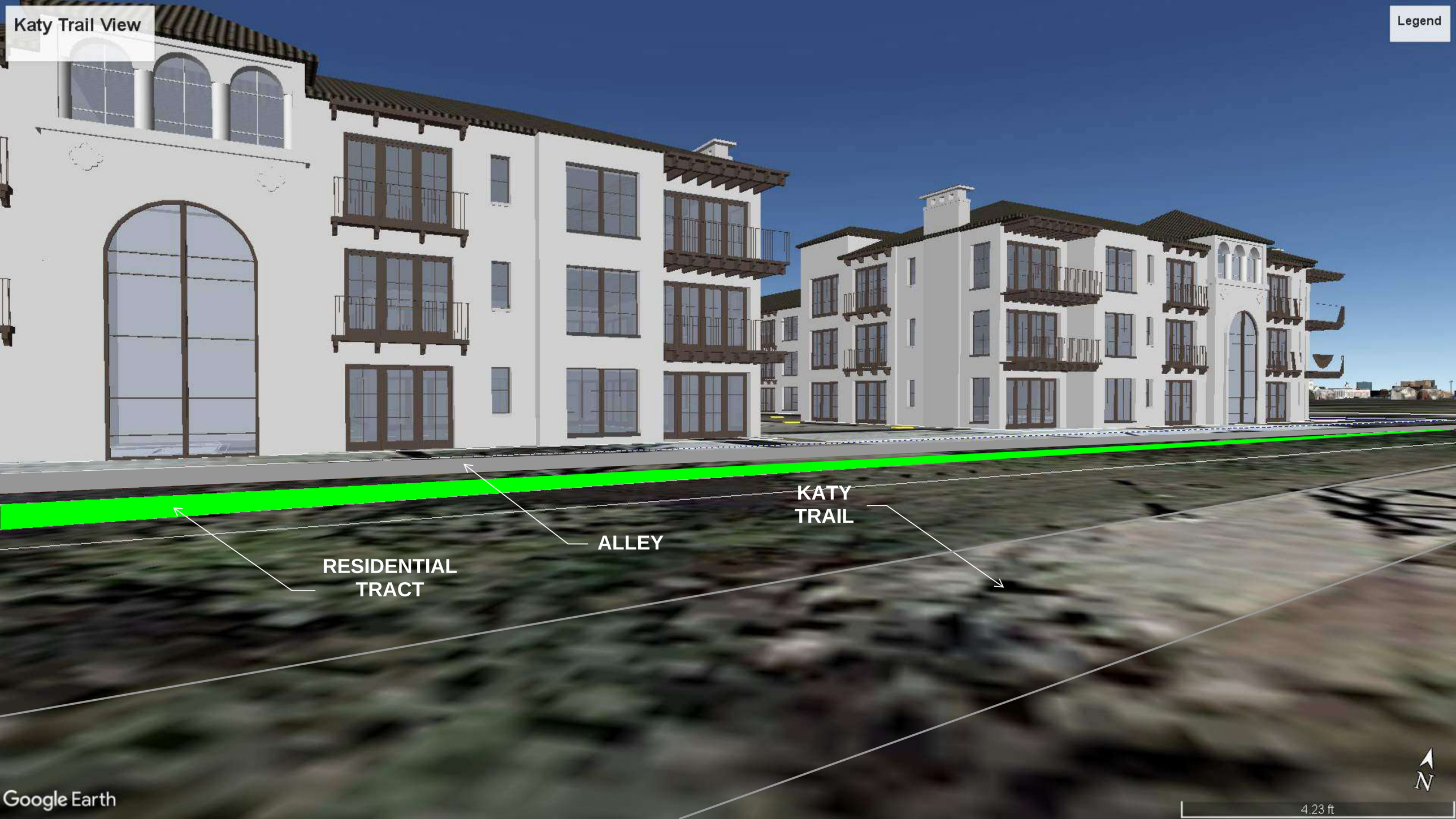
0 15' 30' 60'

N

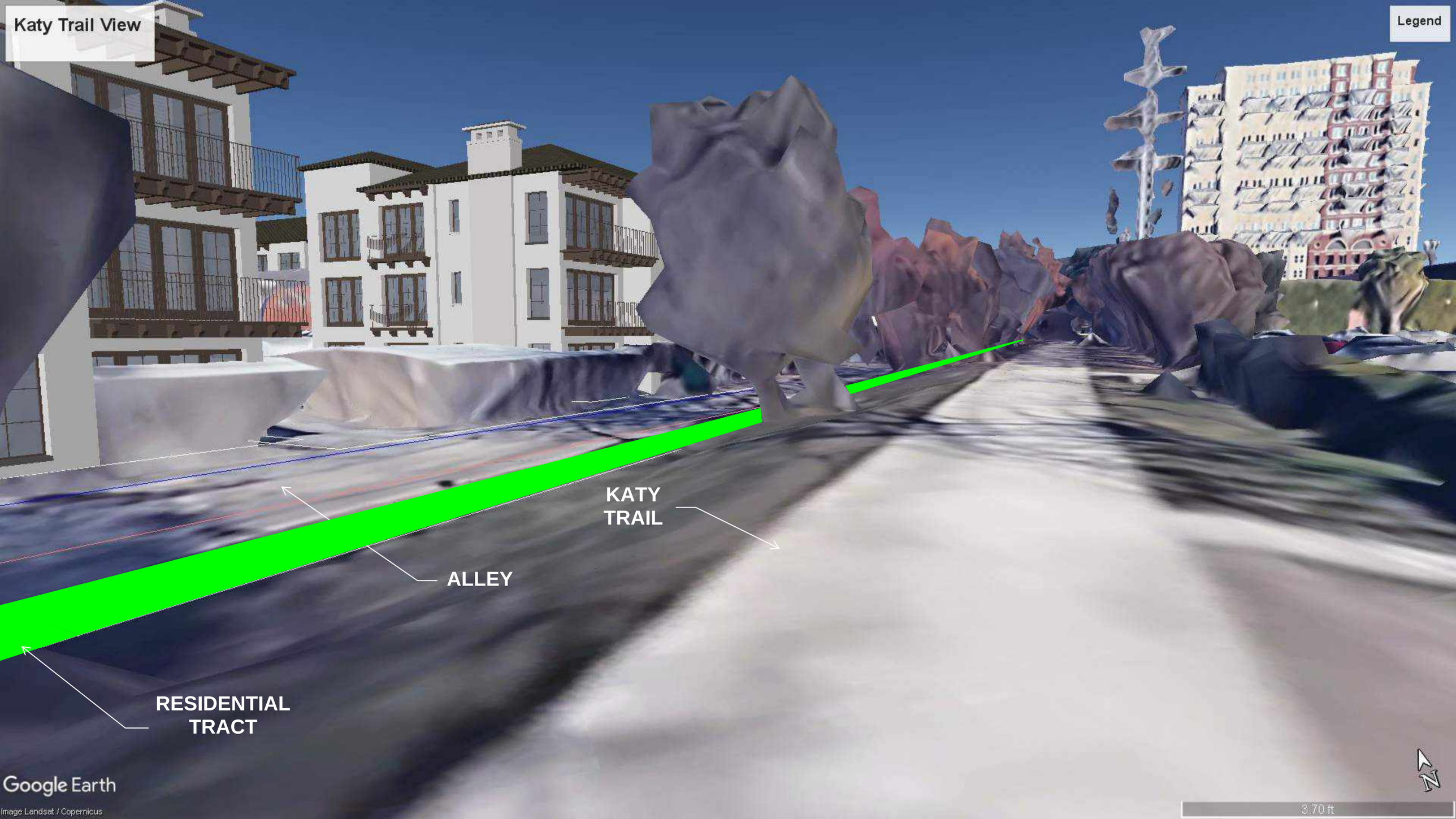
GDA

Overhead
Legend
KATY TRAIL
RESIDENTIAL TRACT
ALLEY
Cole Ave
Knox St
Knox St
Knox St
Abbott Ave
Abbott Ave
Crescent Ave
Google Earth
Image Landsat / Copernicus
200 ft
N

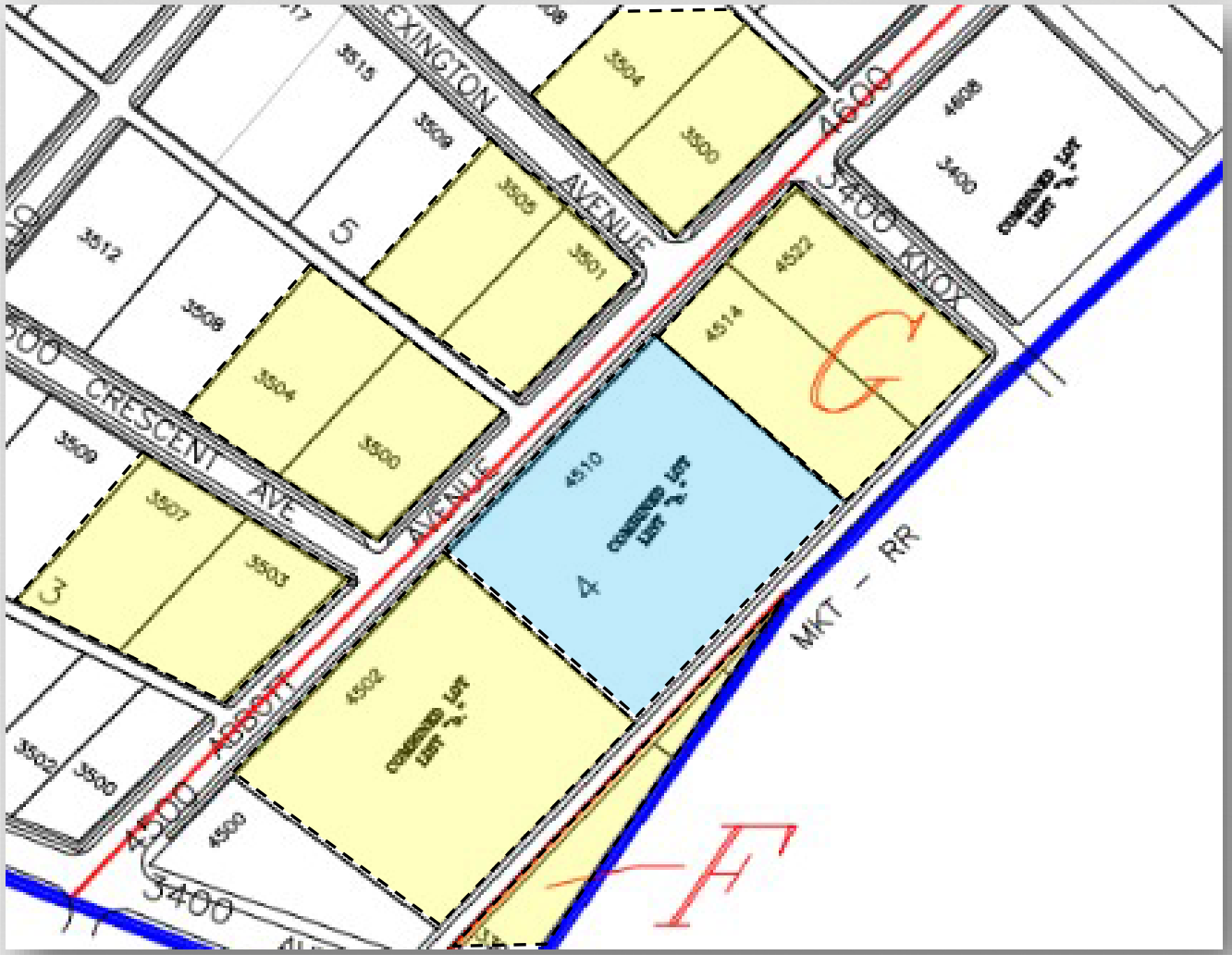

Untitled Map
Write a description for your map.
Legend
ALLEY
RESIDENTIAL TRACT
KATY TRAIL
Google Earth
Image Landsat / Copernicus
N
100 ft


Katy Trail View
Legend
KATY
TRAIL
ALLEY
RESIDENTIAL
TRACT
Google Earth
N
4.23 ft

Alley Ground View
Legend
KATY TRAIL
RESIDENTIAL TRACT
ALLEY
Google Earth
Image Landsat / Copernicus
6.38 ft


Katy Trail View
Legend
KATY
TRAIL
ALLEY
RESIDENTIAL
TRACT
Google Earth
Image Landsat / Copernicus
3.70 ft

Katy Trail View
Legend
RESIDENTIAL TRACT
ALLEY
KATY TRAIL
Google Earth
Image Landsat / Copernicus
6.92 ft



THE TOWN OF Highland Park

12 Properties and 60 Owners

Requisite 200-ft Public Notification Area

THE TOWN OF
Highland Park

MAYOR
Margo Goodwin
--
MAYOR PRO TEM
David Dowler
--
COUNCIL MEMBERS
Eric Gambrell
Marc Myers
Lydia Novakov
Craig Penfold
--
TOWN ATTORNEY
Matthew C.G. Boyle
--
TOWN JUDGE
Albert D. Hammack
--
LOCAL HEALTH AUTHORITY
Michael L. McCullough, M.D.

THE TOWN OF
Highland Park
TEXAS

4700 DREXEL DRIVE, HIGHLAND PARK, TEXAS 75205
Telephone 214-521-4161

TOWN ADMINISTRATOR
Bill Lindley
--
DIRECTOR OF PUBLIC SAFETY
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--
DIRECTOR OF ADMINISTRATIVE SERVICES
&
CHIEF FINANCIAL OFFICER
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DIRECTOR OF DEVELOPMENT SERVICES
Hugh Pender, CBO
--
DIRECTOR OF ENGINEERING
Lori Chapin, P.E.
--
TOWN SECRETARY
Joanna Mekeal

February 18, 2022

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Don Snell
Steve Swenson
Joan Clark
Cynthia Beaird, Alternate Member
J. Burton Rhodes, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, March 9, 2022, to consider a variance request to Section 15-101 of the Town's Zoning Ordinance to replace an existing fence located in the front yard and construct a new fence on a retaining wall with height that exceeds 8 feet in the side yard at 3637 Miramar Avenue. Section 15-101 of the Zoning Ordinance states no fence or wall may be erected or placed in front of the required front yard line and fences or walls may be erected to a maximum height of eight (8) feet above the grade as measured from the nonowner's side when located in the required rear and side yards and along either the required side or rear lot line.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) application to the Board, (ii.) site plan, (iii.) fence site plan, (iv) street views, (v) topo survey, (vi) subdivision map, (vii.) public hearing notice map, (viii.) location map of the of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Margo Goodwin, Mayor, via e-mail
Bill Lindley, Town Administrator, via e-mail
Steve Alexander, Chief Financial Officer, via-email
Matthew C.G. Boyle, Town Attorney, via e-mail

Joanna Mekeal, Town Secretary, via e-mail

APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK

(Please Type or Print)

ADDRESS 3637 Miramar Avenue Owner's Name 3637 Miramar LLC

LEGAL DESCRIPTION: Lot(s) 5A Block 177 Addition HP 2nd Installment

Mailing Address 3637 Miramar Avenue

City Highland Park State TEXAS Zip Code 75205

1. Request: Replace existing iron and wire fence with new 4-ft tall metal safety fence within the required front yard adjacent to the west (Drexel) and north (Miramar) property lines. The fence will be located behind and screened within evergreen hedges and plantings.

2. Jurisdiction: [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

This property is located on Hackberry Creek tributary along w/six (6) other properties to the south. An existing fence is located on the high embankment to the creek and along the Miramar frontage. A new residence is being constructed here and installation of the fence is necessary to provide fall protection down the embankments. Therefore, it is our opinion that 17-200(b) is applicable to provide appropriate development of this lot due to slope of land.

Additional information submitted by applicant Letter from Kirk Smith, plans, and elevations of the property & proposed fence.

Fee Paid $200.00 Date 1-21-2022 Phone 214-277-1154

3. Signature of Owner [signature] MEMBER, 3637 MIRAMAR LLC

(To be completed by Building Inspection Department)

Reason for denial: Section 15-101

Explanation:

Section 15-101 of the Zoning Ordinance prohibits any fence or wall being erected or placed in front of the required front yard line. The front yard setback (line) for the 3600 block of Miramar is 29 feet.

Hugh Pender 02/04/2022

Building Inspector Date

ARCHIVERDE
LANDSCAPE ARCHITECTURE

6115 Owens St. #228, Dallas, Texas 75235
T: 214.920.9950 F: 214.920.9754
www.archiverde-us.com

PROJECT NAME

LANDSCAPE ARCHITECTURAL DRAWINGS FOR:
THE ZUGARO RESIDENCE
3637 Miramar Dr., Highland Park, TX

ISSUE TITLE

CONSTRUCTION

DATES

START DATE:	19 FEB. 2020
ISSUE DATE:	9 NOV. 2020
1	11 JUN. 2020
2	14 OCT. 2020
3	1 MAY 2021
4	19 JULY 2021
5	30 AUG 2021
6	22 SEPT 2021
7	8 NOV 2021

SEAL

DRAWING TITLE

DIMENSION PLAN

DRAWN BY

DESIGNED BY: BM
DRAWN BY: EC
CHECKED BY: BM

3.99 ft

SCALE: 1/8"=1'-0"
0' 4' 8' 16'

SHEET NUMBER

LC-2

Drawing: C:\Users\ErinCourtroul\OneDrive - Archiverde\Desktop\Zugaro_CD REV 7-(11.8.2021).dwg
Saved By: Erin Courtroul Save Time: 11/8/2021 6:56 AM Plotted by: Erin Courtroul Plot Date: 11/9/2021 6:57 AM

ARCHIVERDE
LANDSCAPE ARCHITECTURE
6115 Owens St. #228, Dallas, Texas 75235
T: 214.920.9950 F: 214.920.9754
www.archiverde-us.com

PROJECT NAME

LANDSCAPE ARCHITECTURAL DRAWINGS FOR:
THE ZUGARO RESIDENCE
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1	11 JUN. 2020
2	14 OCT. 2020
3	1 MAY 2021
4	19 JULY 2021
5	30 AUG 2021
6	22 SEPT 2021
7	8 NOV 2021

SEAL

REGISTERED LANDSCAPE ARCHITECT
WILL W. WOOD
STATE OF TEXAS

DRAWING TITLE

DIMENSION PLAN

3.99 ft

SCALE: 1/8"=1'-0"
0' 4' 8' 16'

DRAWN BY

DESIGNED BY: BM
DRAWN BY: EC
CHECKED BY: BM

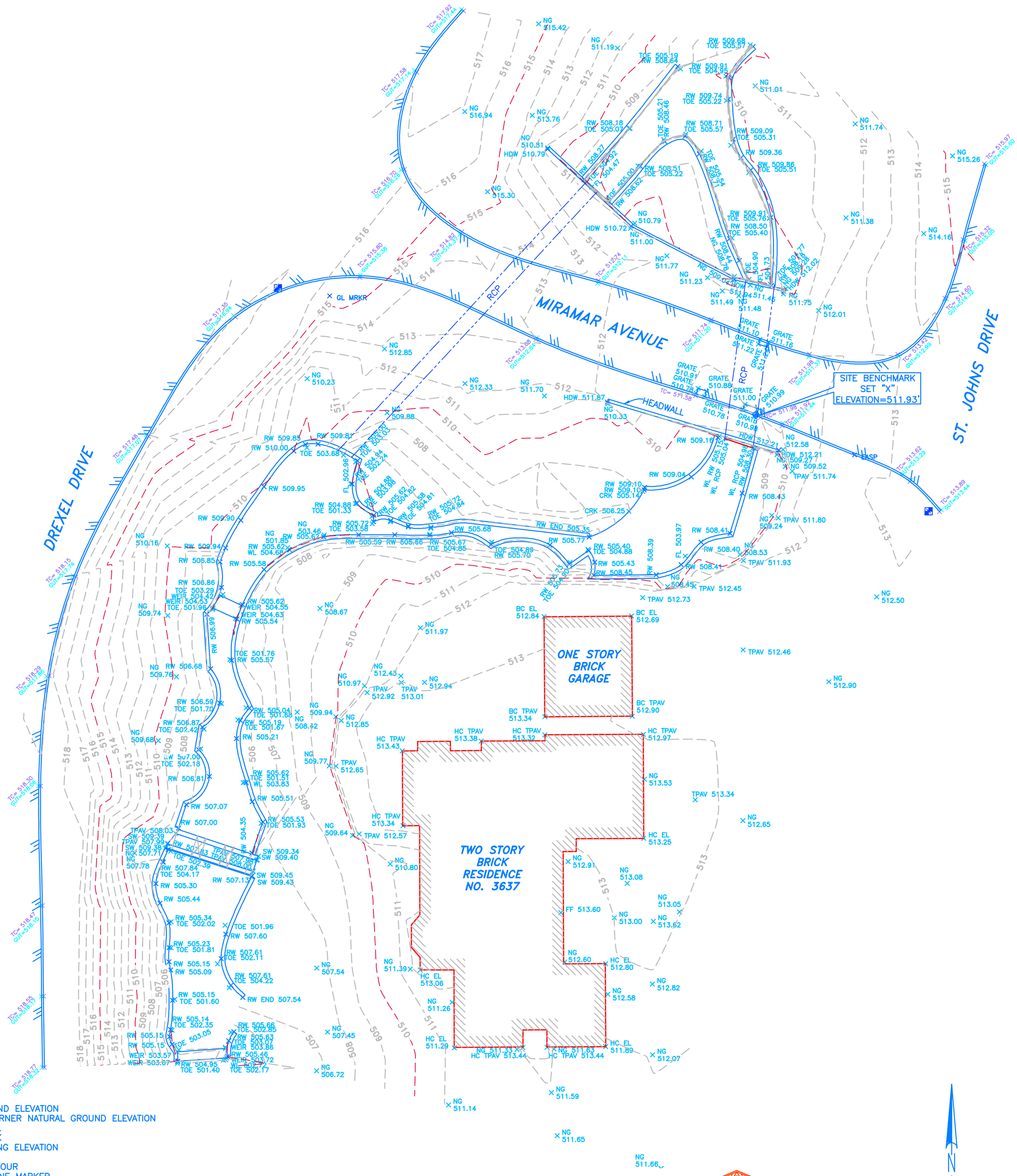
SHEET NUMBER

LC-2

Drawing: C:\Users\EricCourtnoy\OneDrive - Archiverde\Desktop\Zugaro_CD REV 7-(11.8.2021).dwg
Saved By: Eric Courtnoy Save Time: 11/8/2021 6:56 AM Plotted by: Eric Courtnoy Plot Date: 11/9/2021 6:57 AM

3637 Miramar Ave
Dallas, Texas
Google
Street View - Jan 2020
Princeton Ave
Dartmouth Ave
Harvard
Fairfield A
Expand
Google
Image capture: Jan 2020
© 2021 Google
United States
Terms
Privacy
Report a problem

"TOPOGRAPHIC SURVEY"



NG=NATURAL GROUND ELEVATION
HC EL= HOUSE CORNER NATURAL GROUND ELEVATION
RW=RETAINING WALL
TOE=TOE OF CREEK
TPAV=TOP OF PAVING ELEVATION
FL=FLOW LINE
BK=BREAK IN CONTOUR
GL MARKER=GAS LINE MARKER

BENCHMARK NOTE:

TOWN OF HIGHLAND PARK GEODETIC CONTROL MONUMENT NO. 104 BEING DESCRIBED AS 3-1/2" ALUMINUM DISC SET IN CONCRETE CURB ON NORTH SIDE OF BEVERLY DRIVE BRIDGE OVER CREEK, WEST OF LAKESIDE DRIVE AT DALLAS COUNTRY CLUB. NAVD88 ELEVATION OF 502.61 FEET

ADDRESS: 3637 MIRAMAR DIVE

FLOOD STATEMENT:

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480178 0335K, DATED 07/07/2014, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" & ZONE "AE" AND A PORTION IS SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

STATE OF TEXAS REGISTERED JASON L. MORGAN 5587 PROFESSIONAL LAND SURVEYOR

JASON L. MORGAN TXRPLS 5587

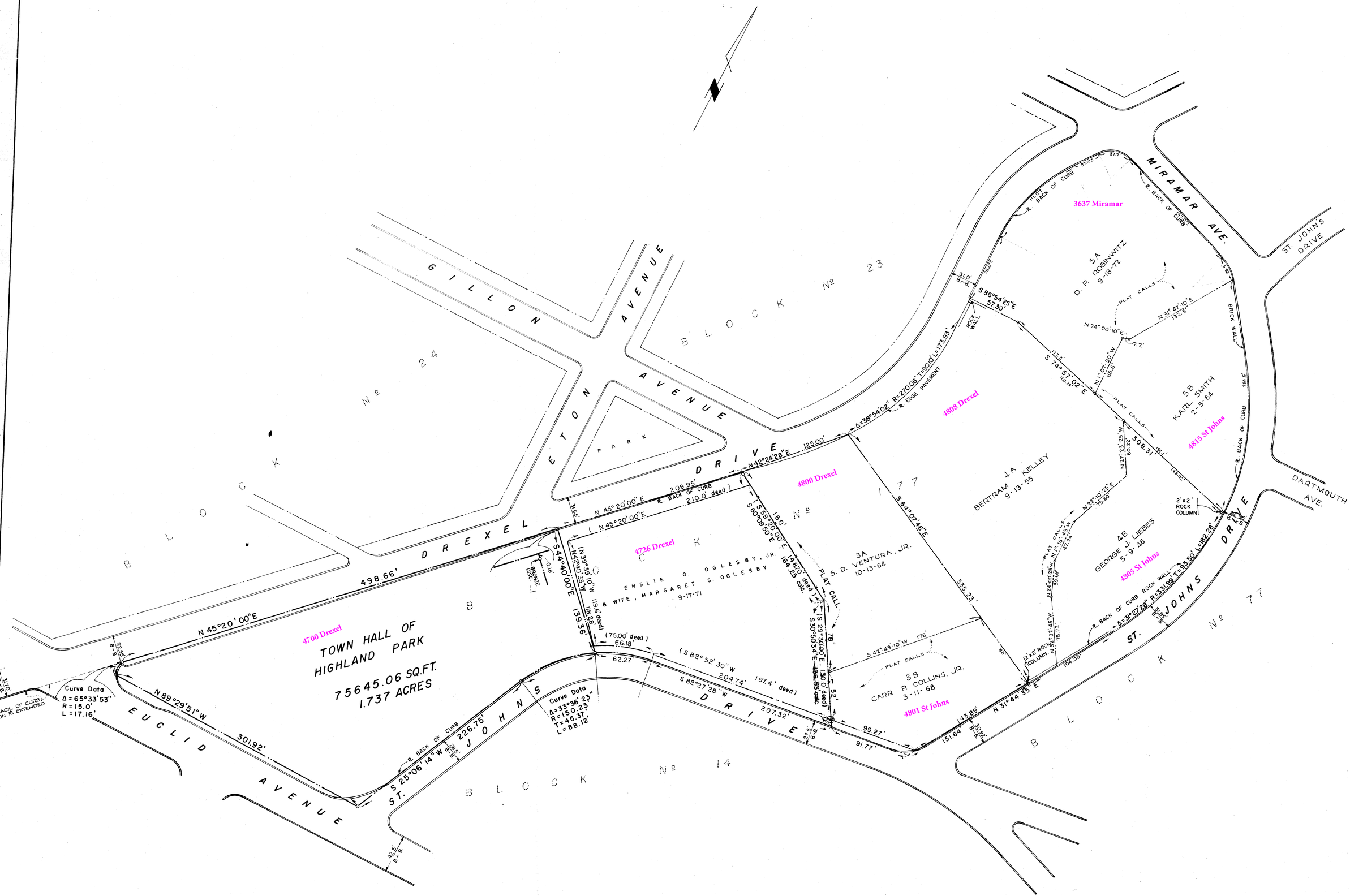
N

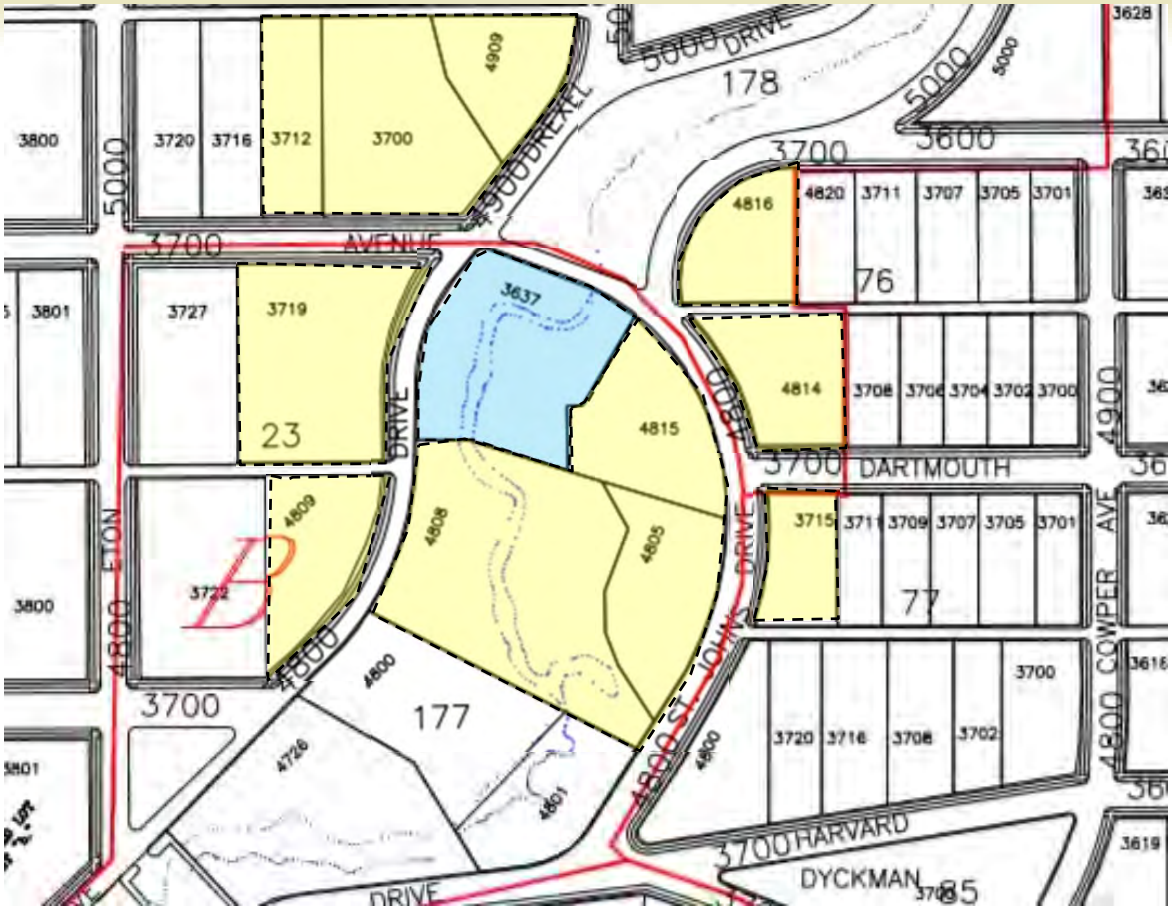
0' 20'
GRAPHIC SCALE:
1 INCH = 20 FEET

CERTIFIED TO: COATS HOMES | DATE: 04/01/2019 | JOB NO.:19-03-094

Global Land Surveying, Inc.
SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002

GLOBAL LAND SURVEYING, INC.
1705 TAWAKONI LANE
PLANO, TEXAS 75075
PHONE (972) 881-1700
JMORGAN@GLS-INC.COM
FIRM NO. 10016300

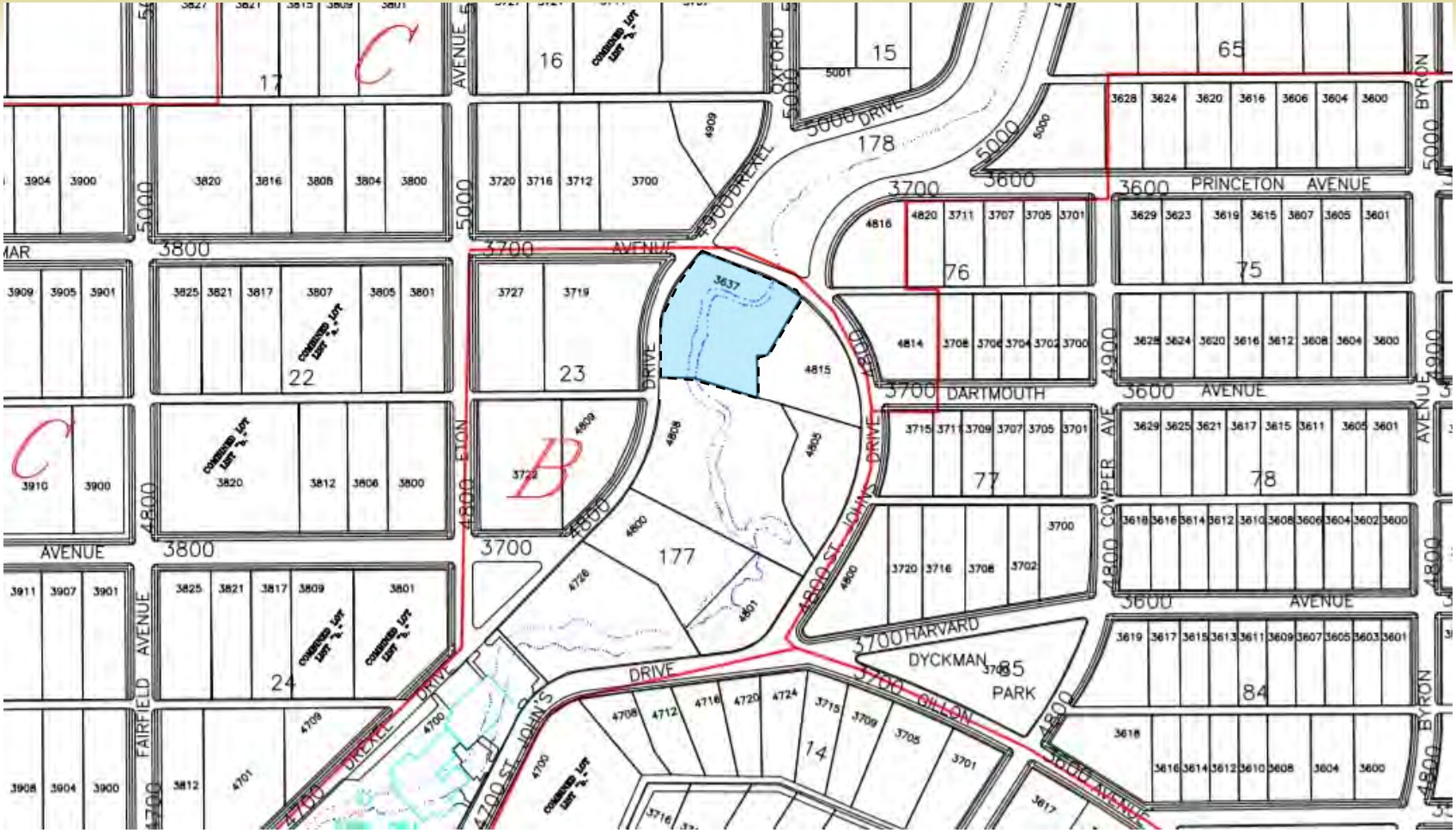

GILLON AVENUE
BLOCK № 23
BLOCK № 24
BLOCK № 77
BLOCK № 14
PARK
ETON AVENUE
DREXEL DRIVE
EUCLID AVENUE
ST. JOHNS DRIVE
MIRAMAR AVE.
ST. JOHNS DRIVE
DARTMOUTH AVE.
TOWN HALL OF HIGHLAND PARK
75645.06 SQ.FT.
1.737 ACRES
4700 Drexel
4726 Drexel
4800 Drexel
4808 Drexel
3637 Miramar
4815 St Johns
4805 St Johns
4801 St Johns
ENSLIE O. OGLESBY, JR. & WIFE, MARGARET S. OGLESBY 9-17-71
5A D. P. ROBINWITZ 9-18-72
5B KARL SMITH 2-3-64
4A BERTRAM KELLEY 9-13-55
4B GEORGE J. LIEBES 5-9-46
3A S. D. VENTURA, JR. 10-13-64
3B CARR P. COLLINS, JR. 3-11-68
Curve Data Δ = 65°33'53" R = 15.0' L = 17.16'
Curve Data Δ = 33°36'23" R = 150.23' T = 45.37' L = 88.12'
N 45°20'00"E 498.66'
N 89°29'51"W 301.92'
S 25°06'14"W 226.75'
S 44°40'00"E 139.36'
N 42°24'28"E 125.00'
Δ = 36°54'02" R = 270.06' T = 90.10' L = 173.93'
S 86°54'05"E 57.30'
S 74°57'02"E 168.29'
S 64°07'46"E 335.23'
S 82°27'28"W 207.32'
N 31°44'33"E 143.89'
Δ = 3°27'28" R = 331.99' T = 9.30' L = 18.28'
PLAT CALLS
BACK OF CURB
EDGE PAVEMENT
ROCK WALL
BRICK WALL
2'x2' ROCK COLUMN
BRONZE DISC



THE TOWN OF Highland Park

11 Properties

Requisite 200-ft Public Notification Area



THE TOWN OF Highland Park

Kirk L. Smith
981 CR 4918
Trenton, TX 75490

January 21, 2022
3637 Miramar Avenue
Highland Park, TX 75205

Board of Adjustment
Town of Highland Park
4700 Drexel Drive
Highland Park, TX 75205

Honorable Chuck Reeder, Chairman & Board Members,

My clients, Chris & Lauren Zugaro, are requesting: 1) a front yard setback variance to allow for replacement of their existing safety fences along the street frontages with a 4-foot-tall iron safety fence, and 2) a fence height variance to allow construction of a wood fence on a concrete retaining wall that measures 8-feet up to 13-feet tall on the non-owner's side of the fence. The Zugaro's have resided at 3308 Beverly Drive since 2015. They purchased the property at 3637 Miramar in 2019 and razed the property in February 2020 to prepare for construction of their new residence in July 2020.

This property exists within a "B" zoning district with two front yard setbacks along Drexel Drive and Miramar Avenue. It is also bisected by Hackberry Creek, therefore creating a rather difficult property to improve upon due to flood plain elevations and sloped embankments to the creek. The Town's zoning ordinance was revised in 1965 to preclude fences being installed in the front yards of residences. Six (6) other lots in the neighborhood share similarities along the creek just north of Town Hall, many of which contain safety fences and rock walls along the street curb, within the front yards, and predate the 1965 fence regulation.

The Zugaro's have successfully preserved and restored the many terraced retaining walls along the creek while planning on a very extensive landscape and planting plan to enhance the curb appeal of the property. Currently, a wire mesh fence exists on the high bank of this property along Drexel Drive with an iron safety fence being present along Miramar Avenue. Both fences provide a deterrence to keep pedestrians along the street safe from an unexpected fall down the embankment on Drexel or off the headwall of the drainage abutment on Miramar. My client's desire is to replace these existing fence features by installing a 4-foot-tall iron safety fence to be completely hidden with plantings and hedges along Drexel and Miramar as detailed on the drawings which accompany the variance application.

Other properties within the Town maintain similar fence barriers in the front yards for safety reasons, such as 4726 Drexel (along the St Johns frontage), 3707 Crescent (along St Johns

frontage), and 4100 St Johns (along the Fitzhugh frontage - per BOA approval 2017). The fence at 4726 Drexel is also grandfathered and closely resembles what the Zugaro's are requesting, except that theirs will be 4-feet-tall and completely hidden within the planned Nellie R. Stevens evergreen hollies.

Additionally, the property has many challenging slopes along the east and south property lines adjacent to the neighbors. A solution to preserve the grades and establish a positive drainage field away from each property owner's home involved the installation of concrete retaining walls. As a result, the retaining walls varied in height from 1-foot to 6-feet in some locations with the grade being lower on the outside of these walls. The Town's zoning ordinance allows a fence to be built a maximum of 8-feet tall as measured above the grade on the non-owner's side of the fence. Because this property has challenging slopes and grade differences, the fence heights would be limited to 7-feet down to 2-feet in most cases. It is our opinion that this grade difference is a hardship that many other properties do not experience and requires a fence height variance to allow a fence of appropriate height to be built so this property (and neighbors) can appreciate some privacy and security.

In final thoughts, we would sincerely appreciate the Board's consideration of a fence variance from Section 15-101 to allow replacement of their existing wire mesh and metal safety fences with a new 4-foot-tall metal safety fence within their two front yards and allow us to construct a wood fence from 8-feet up to 13-feet tall, as measured on the non-owner's side, along the east and south property lines. Plus, recognizing that the metal safety fence will be embedded in the plantings and hedges along the west and north perimeters of the property, as indicated on the plans. If approved, the landscape installation and fence construction would begin immediately.

I look forward to presenting this case to you in the coming weeks and providing additional supporting information that will be assembled by that time.

Very truly yours,

Kirk Smith
972-951-9106

cc: Chris and Lauren Zugaro

(Revised: February 14, 2022)

MAYOR
Margo Goodwin
--
MAYOR PRO TEM
David Dowler
--
COUNCIL MEMBERS
Eric Gambrell
Marc Myers
Lydia Novakov
Craig Penfold
--
TOWN ATTORNEY
Matthew C.G. Boyle
--
TOWN JUDGE
Albert D. Hammack
--
LOCAL HEALTH AUTHORITY
Michael L. McCullough, M.D.

THE TOWN OF
Highland Park
TEXAS

4700 DREXEL DRIVE, HIGHLAND PARK, TEXAS 75205
Telephone 214-521-4161

TOWN ADMINISTRATOR
Bill Lindley
--
DIRECTOR OF PUBLIC SAFETY
Paul Sandman
--
DIRECTOR OF ADMINISTRATIVE SERVICES
&
CHIEF FINANCIAL OFFICER
Steven J. Alexander, CPA
--
DIRECTOR OF DEVELOPMENT SERVICES
Hugh Pender, CBO
--
DIRECTOR OF ENGINEERING
Lori Chapin, P.E.
--
TOWN SECRETARY
Joanna Mekeal

February 18, 2022

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Don Snell
Steve Swenson
Joan Clark
Cynthia Beaird, Alternate Member
J. Burton Rhodes, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, March 9, 2022, to consider a variance request to Section 12-101(2)b of the Town's Zoning Ordinance to construct a detached 3 car garage with a side setback of 5 feet in the rear yard of a property located at 4300 Lorraine Avenue. Section 12-101(2)b of the Zoning Ordinance states that any detached accessory building to be located on a combined building site shall have a side yard that is not less than ten feet from any side lot line, alley line, or easement line.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) application to the Board, (ii.) site plan, (iii.) simulated elevations, (iv) previous BOA minutes on this property, (v) combined lot map (vi.) public hearing notice map, (vii.) location map of the of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Margo Goodwin, Mayor, via e-mail
Bill Lindley, Town Administrator, via e-mail
Steve Alexander, Chief Financial Officer, via-email
Matthew C.G. Boyle, Town Attorney, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK

(Please Type or Print)

ADDRESS 4300 Lorraine Avenue Owner's Name Kenneth & Kamela Aboussie

LEGAL DESCRIPTION: Lot(s) 11R Block 120 Addition HP West, 1st Installment

Mailing Address 4425 Lorraine Avenue

City Highland Park State TEXAS Zip Code 75205

1. Request: We are requesting permission to construct a detached 3-car garage on our combined building site with a 5-foot side yard setback in lieu of the required 10-foot setback. Therefore, we are requesting a 5-foot side yard variance.

2. Jurisdiction: [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

Section 17-200 (b) is applicable here since there are several other comparable lots (24) in our zoning district that allow a 3-foot SY setback for garages. See attached letter for additional explanation concerning this application.

Additional information submitted by applicant Letter from Kirk Smith, attached. Also, site plan, elevations previous BOA minutes for this property, and a Zoning Map with comparable lots identified within our "D" single-family zoning district.

Fee Paid $200.00 Date 1-27-2022 Phone 214-533-6239

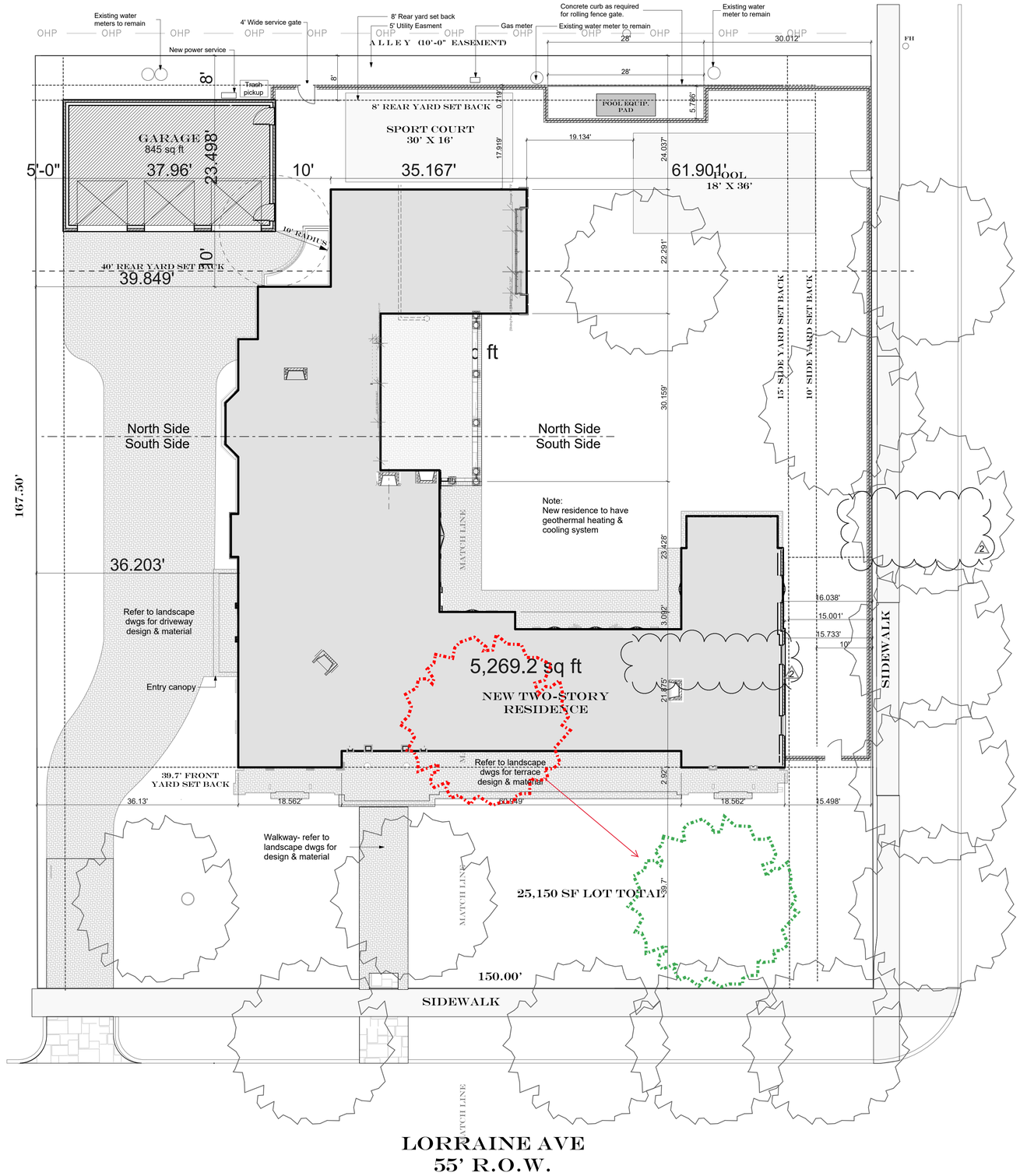
3. Signature of Owner Kenneth S. Aboussie Jr
Kamela Holly Aboussie

(To be completed by Building Inspection Department)

Reason for denial: Section 12-101 (2) b
Explanation:

Detached accessory structures located on combined building sites shall observe a minimum 10 foot side yard setback.

Hugh Pender 02/04/2022
Building Inspector Date



1 Site Plan

SCALE: 1" = 10' 5' 10' 20'

N

ISSUE	DATE	ISSUE	DATE
Permit Set	02/03/2021	Revision 11	11/09/2021
Const Docs 1	05/15/2021		
Revision 2	07/07/2021		
Revision 3	08/08/2021		
Revision 4	08/20/2021		
Revision 5	08/26/2021		
Revision 6	09/09/2021		
Revision 7	09/14/2021		
Revision 8	09/20/2021		
Revision 9	09/28/2021		
Revision 10	10/13/2021		

Site Plan

Architectural Services for:

Kenneth & Kamela Aboussie

4300 Lorraine Dallas Texas 75205

ESKENASY FERGUSON
ARCHITECTURE
3340 Miro Pl. Dallas, TX 75204
214-789-8715
alex@eskenasyferguson.com

A1.04

12/1/2021

C:\Users\Alex\Desktop\4300 Lorraine Master 5 ft.pln

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 Beaird. 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

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 Beaird. Board Member Steve Swenson was absent from the meeting.

Chairman Chuck Reeder called upon Alternate Member Cynthia Beaird 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.

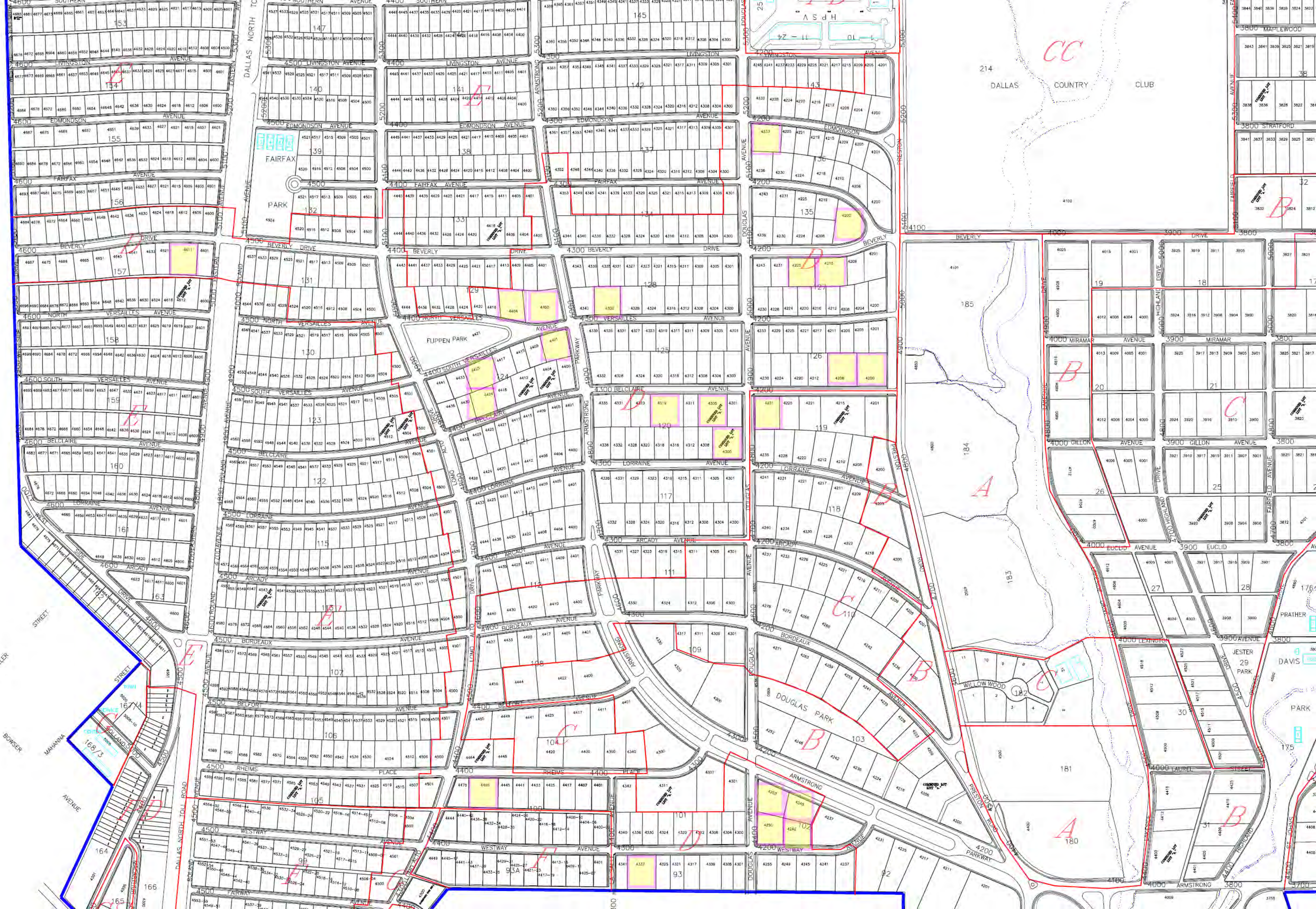
APPROVED on this 28th day of September 2020.

BY:

Chuck Reeder
Chairman

ATTEST:

Kirk Smith
Assistant Director of Town Services


CC
214
DALLAS COUNTRY CLUB
4100
DALLAS NORTH TOLL ROAD
SOUTHERN AVENUE
LIVINGSTON AVENUE
EDMONDSON AVENUE
FAIRFAX AVENUE
BEVERLY DRIVE
NORTH VERSAILLES AVENUE
SOUTH VERSAILLES AVENUE
BELCLAIRE AVENUE
LORRAINE AVENUE
ARCADY AVENUE
BORDEAUX AVENUE
BELPORT AVENUE
RHEIMS PLACE
WESTWAY AVENUE
FAIRWAY AVENUE
FUPPEN PARK
FAIRFAX PARK
DOUGLAS PARK
WILLOW WOOD
ARMSTRONG PARKWAY
PRESTON ROAD
DOUGLAS AVENUE
ROLAND AVENUE
HILLCREST AVENUE
WHEELER STREET
BOWSER AVENUE
MAHANNA
MIRAMAR AVENUE
GILLON AVENUE
EUCLID AVENUE
LEXINGTON AVENUE
TAUREL STREET
MAPLEWOOD
STRATFORD
FAIRFIELD AVENUE
HIGHLAND
JESTER PARK
PRATHER
DAVIS
ST JOHNS
185
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183
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180
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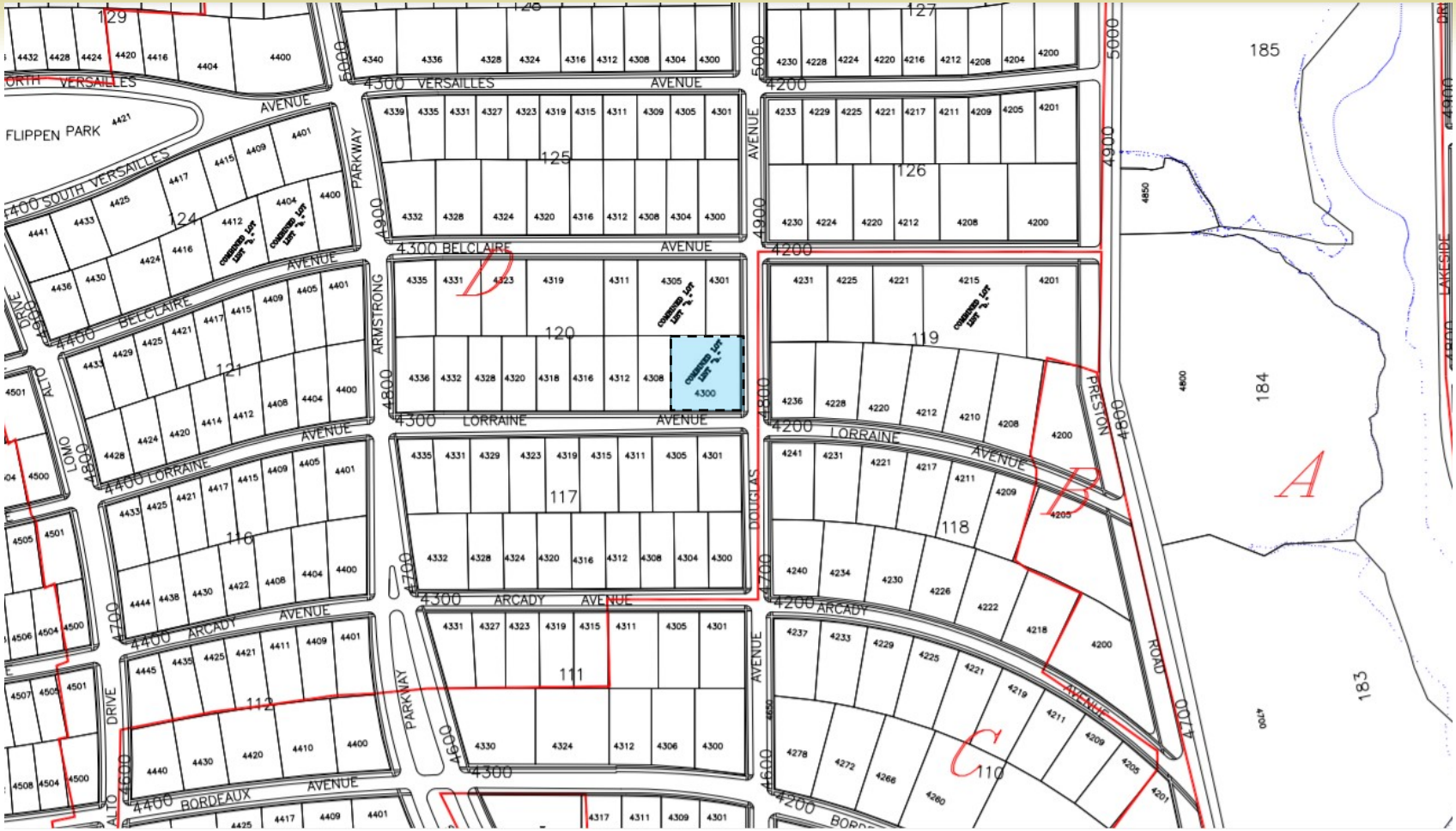
THE TOWN OF Highland Park

16 Properties

Requisite 200-ft Public Notification Area



THE TOWN OF
Highland Park

Kirk L. Smith
981 CR 4918
Trenton, TX 75490

January 27, 2022
4300 Lorraine Avenue
Highland Park, TX 75205

Board of Adjustment
Town of Highland Park
4700 Drexel Drive
Highland Park, TX 75205

Honorable Chuck Reeder, Chairman & Board Members,

My clients, Kenneth and Kamela Aboussie, are requesting a side yard setback variance for a new garage at 4300 Lorraine Avenue. The Aboussies have resided at 4425 Lorraine for the past eight (8) years, while Mrs. Aboussie had resided at 4428 Lorraine for some of her childhood. They have three small children and were looking to buy a larger property on Lorraine where their family could continue to grow. In November 2019, they purchased the properties of 4300 and 4304 Lorraine and pursued the legal process with the Town combining them into a single building site. A local architect was engaged to design their dream home on the property.

In early 2020, Kenneth visited the Town's Building Department to review his preliminary plans for the new home design. The property presented a challenge on three fronts: (1) trying to position the home on the property (under the maximum lot coverage of 30% for a combined building site) in a way that was complimentary to the other houses on the block, (2) save mature trees, and (3) provide additional off-street parking for his growing family. His design included providing a 30-plus-foot side yard setback for the main residence from the neighbor on the west side, relocating a mature live oak tree from within the building footprint and into the front yard parallel with the other trees on the property and block, and giving their three small children a backyard that they could safely enjoy on the busy property corner of Lorraine and Douglas Avenues.

The zoning ordinance requires three parking spots on the property, with two enclosed and a third off of the street. This property only provides front access due to no alley being present, therefore allowing for a third usable space in the front yard. The mature trees located in the front yard will hinder the location of such a driveway. Additionally, you may recall that gasoline powered vehicles are being phased out in the near future to provide for electric vehicles. With this transition, my clients will be including charging stations within the garage for their family and guests. Not only will this help the environment, but it will benefit the neighborhood in removing their family and guests' cars from the curb on this busy street corner.

The Town's zoning regulations are very specific for a combined building site. In 2004, following a rash of zoning requests for combining properties with adjacent lots, the Town Council charged the staff with developing new zoning standards that would deal with combined building sites and

prevent a property from being created that would be out of character with the block. In doing so, the ordinance would need to protect both property values and property owner rights while preventing the possibility of acquiring multiple houses on a block to create a single, large building site ("McMansion").

The result of the study was the development of a new combined lot ordinance that was approved by the Town Council in August 2005. This ordinance created a process to amend the Zoning Ordinance and provided unique limitations on setbacks and coverages for combined lots. To start, combining building sites would be considered an amendment to the Zoning Ordinance by adding the property to a list of combined lots within the Zoning Ordinance for tracking purposes, and amending the Official Zoning Map to show the new dimensions of the lot. Once combined, the property would not be allowed to be subdivided in the future, and the following attributes would be recognized:

1. A maximum of two properties could be combined,
2. the lot coverage would be 30% maximum allowed with a building footprint (verses 40% in all other 2-story districts),
3. the side yard setback regulations would be modified to eliminate a maximum required setback in the Zoning District Side Yard Matrix (verses 10-feet), and
4. detached accessory structures would require a 10-foot minimum side yard setback on a combined building site (verses 3-feet in all other Districts).

Furthermore in 2009, the Town Council requested a zoning study to deal with massing standards in the rear yards of single-family residential zoning districts, in addition to many other development concerns throughout the Town. The Town engaged a zoning consultant who worked with the Building Department staff in reviewing the Town's Zoning Ordinance and making suggestions for the Zoning Commission and Town Council's consideration. Preceding this review, all structures were allowed to be built with a full 26-foot-tall, two-story wall, including a roof gable up to 35-feet tall, adjacent to the required side yard and/or rear yard setback line. This included detached accessory buildings (garage/quarters) which were allowed a three-foot side yard setback. The conclusion of the study resulted in a reduction of roof and wall mass for all structures within 40-feet of the rear property line. New massing design standards were approved in March 2009 for all single-family residential districts, except the for estates along Preston Road. This means that any building (main building and accessory buildings) within 40-feet of the rear property line could not possess a wall plate height in excess of 12-feet 6-inches above the ground. It did not modify the setbacks for the main or accessory structures, meaning that houses could continue to use the 10% side yard setback and accessory buildings continue the three-foot setback. Additionally the roof of any structure located in the rear forty-feet of a lot, and within 20 feet of the side property line must be sloped to the side property line, but not exceed a maximum of 12:12 pitch (45 degrees) to a maximum roof peak of 25-feet.

I am sorry for the complicated technical detail stated above, but I will summarize it as follows: in 2005, setback standards were created on combined building sites to push accessory buildings (then 2-story with a 3-foot setback) an additional 7-feet from the side property line for a total required setback of 10-feet from neighboring properties. This larger setback on combined

building sites was to provide an open buffer and not over-bear with their structure's heights on the neighboring properties. Furthermore, in 2009, height limitations and rear yard mass reduction standards were applied to all residential districts resulting in reduced wall heights of all structures in the rear 40-foot-yard to a maximum height of 12-feet 6-inches, and roofs to be sloped (no adjacent gable) to a maximum 12:12 pitch (45 degrees) with a maximum roof peak of 25-feet (verses 35-feet before). I can, with no hesitation, assure the Board that in 2009 neither staff nor the zoning consultant considered the application of this rear yard mass reduction on combined building sites. This unintended consequence is impacting Mr. Aboussie on his combined building site. In my opinion, this double restriction/limitation on height and accessory building setback on combined building sites should be something that the Town considers changing in a future zoning ordinance amendment.

This variance request was previously heard by the Board in September/October 2020 with copies of the minutes attached hereto for your reference. The previous request for a 3-foot side yard setback on the 3-car garage failed by a 3-2 vote to approve. The Aboussie's then modified their construction plans to keep the design/construction schedule moving forward. The building permit was issued for the new residence and 2-car garage in March 2021. Now that rough framing on the main house has been completed, the garage framing has been delayed with hopes the Board will reconsider and affirm the request for a new 5-foot side yard setback (verses the original variance request of 3-feet) to allow for a 3-car garage with vehicle charging stations. The builder will be installing some temporary framing to represent an outline of the proposed structure at a 5-foot setback for the Board to visit the site and evaluate in February 2022.

In final thoughts, we would sincerely appreciate the Board's consideration of a 5-foot side yard setback variance for a 3-car garage which fully complies with all zoning requirements for a reduced height structure within 40-feet of the rear property line. If approved, the current 2-car garage foundation will be modified or reconstructed to meet the new design.

I look forward to presenting this case to you in the coming weeks and providing additional supporting information that will be assembled by that time. Feel free to contact me should you have any additional questions or concerns.

Very truly yours,

Kirk Smith
972-951-9106

cc: Kenneth and Kamela Aboussie, 4425 Lorraine