

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD REMOTELY THROUGH VIDEO/TELECONFERENCE, ON WEDNESDAY, DECEMBER 16, 2020, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE DALLAS COUNTRY CLUB TO CONSTRUCT TEN-FOOT (10') HIGH FENCE IN THE FIFTY-FOOT (50') SETBACK SURROUNDING CLAY TENNIS COURTS CURRENTLY UNDER CONSTRUCTION.

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

Chairman Chuck Reeder called the meeting to order and introduced the members of the Board, 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.

Matthew Boyle, Town Attorney, described the case being considered. He began by stating that the Dallas Country Club is currently constructing two clay tennis courts. These tennis courts will be enclosed by the proposed ten (10) feet high fence. Section 15-101 of the Town Zoning Ordinance states the maximum fence height permitted is eight (8) feet, therefore the applicant is requesting a two (2) feet variance. The Zoning Ordinance basic definition of tennis court states that a tennis court is surrounded by a fence minimum height of ten (10) feet. There is an inconsistency between the definition of tennis court, and what is permitted in the setback. The two hundred (200) linear feet portion of the tennis court fence indicated in yellow as shown on the aerial image is the section of fence in the fifty (50) feet setback that is being requested for the two (2) feet height variance. A ten (10) feet high fence could be built east of the fifty (50) feet setback line without the need for a variance. The images shown are examples of the type of fencing that may be built around the clay tennis courts by the Dallas County Club. The Town did not consider aesthetics and materiality as a means for declining the building application. The building application was declined because Section 15-101 of the Zoning Ordinance states that fences in the setback are limited to eight (8) feet high.

Mr. Boyle 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 1, 2020, published in the Daily Commercial Record on December 1, 2020, and the agenda was posted on the bulletin boards at Town Hall on December 11, 2020.

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

Chairman Reeder asked if the Board of Adjustment has jurisdiction regarding this application.

Mr. Boyle responded that the Board does have jurisdiction.

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

Paul Jusselin, Dallas Country Club Representative, explained that he is the manager overseeing projects at the club. He stated that the description by Mr. Boyle was accurate, and that the setback limitation for a fence is eight (8) feet, however the standard height for a tennis court fence is ten (10) feet, so the request is for a two (2) foot variance for the two hundred (200) linear feet portion of the fence within the fifty (50) feet setback.

Chairman Reeder asked if his presentation was concluded.

Mr. Jusselin responded in the affirmative.

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

Don Snell asked about the height of the tennis court fence.

Mr. Jusselin responded that the intent is for the fence to step down from ten (10) feet to a lesser height in the center of the court.

Don Snell asked if the fence is the setback would be less than ten (10) feet in some areas.

Mr. Jusselin responded that the fence would step down as shown in the example photographs.

Don Snell asked about the portion of the fence not in the setback.

Mr. Jusselin responded that a final design decision has not been made, however the fence could potentially be ten (10) feet high all the way around.

Chairman Reeder asked why the extra two (2) feet of fence is needed.

Mr. Jusselin explained that it is mainly to keep tennis balls within the playing field and the basic definition of tennis court proposes ten (10) feet high fence as standard.

Chairman Reeder asked if there was a set length of fence proposed at the different heights.

Mr. Jusselin said that typically the returns on the side of the courts is fifteen (15) or twenty (20) feet from the corner.

Stacey Furst asked what portion of the fence is at ten (10) feet and what portion of the fence is at eight (8) feet.

Mr. Jusselin explained that the request is for ten (10) feet height in the setback. The one hundred twenty (120) feet section on the west would be ten (10) feet to a point, then it would slop down. The fence would run ten (10) feet on the north and south side.

Joan Clark asked if there are any landscaping plans.

Mr. Jusselin said the current plan shows heavy landscaping where the clouded areas are on the site plan, however if an enhanced fence is constructed as shown in the photographs, then the landscaping will be toned down. As of right not the decision has not been fully vetted.

Chairman Reeder asked if there has been any discussion with the neighbors to the west in the office building at 5500 Preston Road.

Mr. Jusselin said the club has reached out and has had discussion.

Steve Swenson said the neighbors are unsure of the proposal.

Mr. Jusselin asked if the comment was referring to the letters received. He followed by stating that the owners to the immediate west have seen the photographs of the proposed fence.

Mr. Swenson asked if the letter was written before or after the photographs were shown.

Mr. Jusselin said he does not know.

Being no further discussion, Chairman Reeder asked if any letters of support were received to which Mr. Smith responded in the negative.

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 that two property owners had provided correspondence. The letters and correspondence that was provided to the Board in opposition of the application are as follows:

3716 McFarlin – LW McNutt (within 200-foot notification area)
5500 Preston Road – L&B DEPP/UCEPP (within 200-foot notification area)

Chairman Reeder asked Mr. Smith if anyone in the audience or on the call wanted to speak in opposition to the request.

Corinne Hoffman, Vice President, explained that she wrote the letter in opposition of the variance request. She stated that she is the asset manager and speaking on behalf of the owner of 5500 Preston Road. The Dallas Country Club reached out and informed them of the new tennis courts. The club also showed similar renderings to the images provided in the presentation, however it is not a guarantee and the finished fence could be inferior to the style displayed. The location of the tennis courts is inconsistent between the diagrams shown. The new fence is fifteen (15) feet away from the office building. All the windows at the north east corner where the tenant has office space are blocked. While proximity of the tennis courts is not up for debate, the fence height is the only issue we can protest. The height difference between a ten (10) feet fence and an eight (8) feet fence when viewing from the office space will be substantial. The fence would be intrusive to our views and potentially can cause the space to sit vacant without a tenant lease. In conclusion, there is no clarity of where the tennis courts will be located, style, height, and landscaping. Various discussion has happened but there is not enough concrete information.

Chairman Reeder asked for additional questions and/or comments from the Board of Adjustment.

Stacey Furst asked when the Dallas Country Club will determine an exact location for the tennis courts.

Mr. Jusselin explained that the tennis courts have been designed, permitted by Highland Park and are currently under construction in the approved location adjacent to the golf maintenance building.

Stacey Furst said that there is a discrepancy between the images shown and the location of the tennis courts and asked to see the most accurate image.

Ms. Hoffman said that the construction diagram is not the most accurate.

Mr. Jusselin said the edge of the building is close on all the drawings.

Stacey Furst commented that the corner of the tennis courts is different on each image.

Mr. Jusselin said that he is confident that the location is accurate in the construction drawings.

Ms. Hoffman claimed that she has been to the office after some existing trees were removed and said that it will be an interesting experience for the employees that occupy this space with these new tennis courts in view.

Joan Clark questioned whether a landscaping design would resolve this problem.

Chairman Reeder asked Mr. Jusselin if he would like to table this request until he could discuss the proposal in more detail with the property owner of 5500 Preston.

Mr. Jusselin replied in the affirmative and said that may be the best course of action.

Mr. Boyle asked the Board to set a date in January to meet again on this topic.

Steve Swenson asked to table the discussion until January 13th, 2021.

Mr. Boyle stated this meeting will continue January 13th, 2021.

On a motion by Steve Swenson, seconded by Stacey Furst, the Board voted unanimously to table discussion and resume on January 13th, 2021.

On a motion by Steve Swenson, seconded by Joan Clark, the Board voted unanimously to adjourn. The meeting was adjourned at 9:14 a.m.

APPROVED on this 23rd day of July 2022.

BY:



Chuck Reeder
Chairman

ATTEST:



~~Kamil Miskowicz~~ Chuck Reeder
Development Services ~~Coordinator~~ DIRECTOR