

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD REMOTELY THROUGH VIDEO/TELECONFERENCE, ON WEDNESDAY, MAY 26, 2021, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE PROPERTY OWNER OF 4619 WESTSIDE DRIVE TO CONSTRUCT A ONE-STORY ADDITION TO THE EXISTING RESIDENCE EXTENDING INTO THE REAR YARD BEHIND THE FACE OF AN EXISTING ACCESSORY BUILDING AND TO EXCEED THE MAXIMUM AMOUNT OF BUILDING LOT COVERAGE.

Present at the meeting were: Chuck Reeder, Chairman and Board Members Stacey Furst, Steve Swenson, Don Snell, and Alternate Board Member Cynthia Beard. Alternate Board Member Burton Rhodes was present in the audience. 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. Pender, 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.

Hugh Pender, Director of Development Services, described the case being considered. The property owner applied for a permit to construct a one-story addition to the existing residence which also exceeds the maximum allowable building lot coverage. The new addition would extend into the area defined as the rear yard, behind the face of an existing detached garage. The Town Zoning Ordinance requires accessory buildings to be in the area defined as the rear yard. Granting this permit would create a non-conforming detached accessory building, and would exceed the 40% maximum allowable lot coverage, therefore the building application was denied.

Mr. Pender continued the presentation showing the existing survey, proposed site plan, proposed plans and elevations which highlighted the portion of the main residence that extends into the rear yard. This portion of the structure is a covered pergola and extends roughly twenty feet and three inches (20'-3") into the rear yard, creating a non-conforming detached garage on the property. Section 12-101 (1) of the Town's Zoning Ordinance states that detached accessory buildings shall be located in the area defined as the rear yard. This new proposal exceeds the maximum lot coverage of structures on the property. The coverage will be 2953 square feet, 42% of the lot, which exceeds the maximum allowable of 2811 square feet by 142 square feet. Section 8-701 of the Town's Zoning Ordinance shows the maximum building coverage for this property, located in the "E" One-Family zoning district, to be 40%. The applicant is seeking a variance to construct a one-story addition to the residence which would extend past the existing detached garage into the rear yard and to exceed the lot coverage on the property by 142 square feet.

Mr. Pender 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 12, 2021, published in the Daily Commercial Record on May 14, 2021, and the agenda was posted on the bulletin boards at Town Hall on May 21, 2021.

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

Chairman Reeder asked how the water drains on the property.

Hugh Pender said he believes the water drains towards the easement and the street.

Benjamin Farnia, 4619 Westside, said the property has good drainage, although he is a new property owner.

Steve Swenson asked if it would be a violation if the pergola was detached.

Hugh Pender said the pergola would need to be in the rear yard if detached.

Steve Swenson asked what the distance required would be.

Kamil Miskowiec, Development Services Coordinator, answered 10 feet (10') is required.

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

Mr. Farnia thanked the Board of their time. He explained that the rationale for the proposal is because a conglomerate of townhomes have appeared on the Dallas side of the easement with direct view of his backyard. He would like to enjoy his property in peace and quiet and is navigating how to best construct this addition. The pergola helps with privacy and allows peaceful enjoyment of his property he recently purchased. His goal is fully utilizing the pergola and to have greenery overhanging the pergola roof to block views from the townhomes. He said felt comfortable making this house remodel plan and variance request because of his unique position on Westside compared to other properties in Town. He ended by stating that he was unaware of the townhome construction prior to purchasing his property.

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

Steve Swenson asked if trees were considered.

Mr. Farnia responded that there is a large tree that provides coverage, however trees will not provide the level of privacy that he is hoping to attain. The master bedroom will have large sliding glass doors and trees would not provide the necessary coverage.

Burton Rhodes asked if the pergola would be compliant if detached by 1 inch (1").

Hugh Pender said it would need 10' (feet) separation.

Burton Rhodes asked if the pergola could be built smaller in order to fall into compliance with lot coverage.

Mr. Farnia responded in the positive.

Burton Rhodes asked if that would give enough privacy.

Mr. Farnia explained that it would give him enough privacy if the pergola remained attached to the house. He said he is going to great lengths trying to preserve the character and architecture of

the house, and the charm of the neighborhood. Drastic modification to the layout of the house were avoided for this reason. He said he could shorten the pergola but does not see dramatic effects if kept at the current length. He stated that Westside Drive is uniquely positioned since it is on the border with Dallas.

Chairman Reeder asked how much square feet would be lost if the pergola was brought into the coverage requirements.

Burton Rhodes stated essentially half of the pergola would need to be removed.

Hugh Pender stated the difference is 142 square feet. The removal of square footage does not have to come from the pergola, it can be taken from any portion of the addition or existing structure in order to come into compliance. He reiterated that there are two variance requests that the Board must consider today with this property.

Burton Rhodes said the nice thing about the pergola is that it is open space and not enclosed.

Steve Swenson said that the townhomes are an eyesore, and that he is sympathetic of that.

Mr. Farnia said the water tower is also an eyesore.

Hugh Pender mentioned that it is always challenging when a property is on the border of another city. As these townhomes get built, there may be other similar requests along Westside Drive. In fact, he is aware that Airline Drive on the other side of Town have special fence height rules because the houses share a border with Dallas.

Chairman Reeder explained that typically screening issues have always been solved by plant material as opposed to structures and asked if the pergola were reduced in size, would views from the townhomes still be blocked.

Mr. Farnia said the views would be blocked but it would hinder his full enjoyment.

Chairman Reeder asked if any letters of support were received to which Mr. Pender responded there were not.

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. Pender if any correspondence had been received in opposition of this request, to which Mr. Pender replied there were not.

Chairman Reeder asked 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 said that he is bothered by the requested 2% coverage variance.

Hugh Pender stated that 2% does not sound like a lot, but if you did it on all the properties, it would be a lot. He also reiterated that the Board is not obligated to grant both variances. The Board can

grant one, two, or none of the variances. Property hardship should exist to grant a variance on either condition.

Cynthia Beaird asked if detaching the pergola accomplishes anything.

Hugh Pender said that the pergola would need to be 10 feet away which would make it compliant, but the coverage variance request would still need to be requested.

Steve Swenson asked if the pergola would satisfy the drainage and privacy issues.

Hugh Pender explained that the property will have about 50% pervious coverage, which is considered good by development standards. The proposed pergola is not a fully enclosed structure. The rainwater would come pass through and go into the ground. He does not know if detaching the structure would provide any additional benefit to drainage.

Chairman Reeder asked if the flooring will be decomposed granite and not concrete.

Mr. Farnia responded in the affirmative.

Chairman Reeder asked if the roof is an open lattice.

Mr. Farnia responded in the affirmative.

Hugh Pender stated that a pergola is one of the most open-air structures that could be proposed, but by Town standards it still must be counted in lot coverage.

Chairman Reeder claimed that this changes his mind about the proposal.

Hugh Pender said that the motion could condition the pergola to never be enclosed.

Chairman Reeder asked if they could motion the request subject to keeping the pergola open and having a pervious floor.

Hugh Pender responded in the affirmative.

Don Snell asked if the proposal would be compliant if the pergola was detached and the size was reduced.

Hugh Pender responded in the affirmative.

Don Snell asked if the proposal is complaint with the rear half property lot coverage limitation. Kamil Miskowiec responded in the affirmative.

Chairman Reeder stated that he is okay with the proposal if the pergola roof is open, and the flooring is pervious.

Stacey Furst said she is okay with the proposal and asked to move forward with the request.

Cynthia Beaird said she is okay with the request.

Steve Swenson said he is okay with the request.

Cynthia Beard said she would like to require the pergola to remain open.

Burton Rhodes said that if any roofing gets installed it will defeat the purpose.

Stacey Furst said that a pergola is an open-air structure by definition, but they can specify for clarity.

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

Stacey Furst stated the motion to approve the construction of the one-story addition of the existing residence at 4619 Westside Drive extending off the rear of the house past the existing detached garage with an uncovered pergola not to be permanently enclosed on top or on the sides and with pervious flooring material also allowing the lot coverage to exceed the maximum allowable on the property by 142 square feet.

The motion was seconded by Steve Swenson and the Board of Adjustment voted unanimously to approve two requests by Benjamin Farnia of 4619 Westside Drive.

On a motion by Stacey Furst, seconded by Cynthia Beard, 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 9:38 a.m.

APPROVED on this 23rd day of July 2022.

BY:



Chuck Reeder
Chairman

ATTEST:



Hugh Pender
Director of Development Services