

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD AT TOWN HALL, 4700 DREXEL DRIVE ON WEDNESDAY, OCTOBER 13, 2021, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE OWNER OF THE PROPERTY AT 4101 BEVERLY DRIVE TO ALLOW RECONSTRUCTION OF THREE ENTRANCE GATES TALLER THAN 8-FEET IN THE REQUIRED FRONT YARD SETBACK.

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

Chairman Chuck Reeder called the meeting to order and introduced the members of the Board, Mr. Pender, and explained the procedure the Board would follow in considering the request.

Hugh Pender, Director of Development Services, explained that the property owner of 4101 Beverly Drive requests to modify and reconstruct three entry gates along the existing wall in the required front yard. Two of the entry gates are existing and will be modified, and the other entry gate will be a new, temporary construction gate which will be removed after construction. Any modification to the existing wall located in the front yard requires a variance and Board approval.

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 September 29, 2021, published in the Daily Commercial Record on October 1, 2021, and the agenda was posted on the bulletin boards at Town Hall on October 8, 2021.

Chairman Reeder asked for questions and/or comments for Mr. Pender 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.

Kirk Smith, applicant representative, stated the property was purchased in June 2021 and that James W. Lewis, Jr., the trustee is present at the meeting, as well as Robbie Fusch, architect. He further explained that the request is to revise the entrance gates, as well as to build a new temporary construction entrance gate along the existing wall in the front yard. The first request is concerning the main entrance off Beverly Drive. This new entrance will be 34-feet from the sidewalk and will allow a straight-in drive approach from the street. The current existing entrance has a 10-foot-tall gate, with 14-foot-tall lighted columns. He stated that the new proposed gate will also be 10-foot-tall, but the side columns will be cast stone at 12-feet 9-inches in height. Mr. Smith continued and said the second request is concerning the temporary construction entrance off Beverly Drive. This entrance will be a temporary entrance with an 8-foot-tall gate. It will be set back 17-feet from the sidewalk and will be removed and restored back to the original location once construction at the property ceases. The last request is concerning the entrance off Preston Road. He explained the gate will 24.5-feet from the street curb, and the wall will be shortened from 10-feet to 8-feet tall. He ended the presentation by saying that the entrance setbacks will alleviate Beverly traffic.

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

Chairman Reeder asked to restate the variances being requested.

Kirk Smith said three separate portions of the wall will be reconstructed and require a variance due to the wall being in the front yard.

Joan Clark asked if the temporary wall is further towards the east.

Kirk Smith replied in the positive, stating it is essentially across from the member entrance to the Dallas Country Club.

Cynthia Beaird asked if the temporary gate is closer to Preston Road.

Mr. Smith replied in the positive.

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 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 wanted to speak in opposition to the request, to which there was no response.

Chairman Reeder asked if anyone on the Board had any further questions or comments, to which there was no response.

Joan Clark stated the motion to approve a request from the owner of the property at 4101 Beverly Drive to modify and reconstruct the existing wall in the required front yard.

The motion was seconded by Don Snell and the Board of Adjustment voted unanimously to approve the request.

APPROVED on this 13 day of October 2021.

BY:



Chuck Reeder
Chairman

ATTEST:



Hugh Pender
Director of Development Services

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD AT TOWN HALL, 4700 DREXEL DRIVE ON WEDNESDAY, OCTOBER 13, 2021, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE OWNER OF THE PROPERTY AT 4669 EDMONDSON AVENUE TO ENLARGE THE EXISTING RESIDENCE INTO THE REQUIRED SIDE YARD SETBACK.

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

Chairman Chuck Reeder called the meeting to order and introduced the members of the Board, Mr. Pender, and explained the procedure the Board would follow in considering the request.

Hugh Pender, Director of Development Services, explained that the property owner of 4669 Edmondson Avenue applied for a permit to modify the existing residence and expand the existing garage. He stated that zoning district "E" requires a side yard setback of 10% of the lot width; however, not less than 5-feet and not more than 8-feet. The required side yard setback for this property is 8-feet. The proposal shows a side yard setback of 5-feet; therefore, the building permit application was denied.

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 September 29, 2021, published in the Daily Commercial Record on October 1, 2021, and the agenda was posted on the bulletin boards at Town Hall on October 8, 2021.

Chairman Reeder asked for questions and/or comments for Mr. Pender 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.

Joseph Harwood, applicant representative, stated he is representing the Bloomingdale family because their schedules would not allow them to be present. He explained that the existing garage is significantly outdated and should be brought up to code. They are moving from California and hope for more space for their larger vehicles, as well as protection from theft and hail. There is an existing storage facility in the rear of the property that is being removed, but they would prefer to keep the integrity of the main residence without substantial changes to the existing plan.

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

Joan Clark asked the length of the property frontage and about the extension into the side yard setback.

Mr. Harwood said the frontage is 120-feet and it would be invasive to propose the garage where the existing kitchen is located; therefore, the proposal is to expand in the other direction towards the side yard setback.

Burton Rhodes asked how wide the garage would be if the required 8-foot setback is met.

Hugh Pender stated 3-feet can be added to the existing garage and be compliant with the zoning ordinance.

Mr. Harwood claimed that the Bloomingdale family has spoken to the adjacent next-door neighbor and the neighbor has no issues with the proposal.

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 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 wanted to speak in opposition to the request.

Harold Montgomery, 4675 Edmondson, stated his wife and himself have not decided whether they are for or against this proposal but had questions about the variance. He asked if the variance would grant permission for a potential second story to be constructed later.

Hugh Pender explained that it would depend on the motion for the variance.

Mr. Montgomery asked if the variance would grant the vertical plane and if more of the house could be expanded to that area in the future.

Mr. Pender replied in the positive and said the setback variance would run along the entire length of the side property line.

Burton Rhodes asked if the variance could be approved with certain conditions.

Hugh Pender said a motion could be crafted to state specific conditions and those conditions, along with the variance itself would run with the land indefinitely.

Mr. Montgomery reiterated that he approves the plan as shown, however he is against any potential second floor extension into the side yard. He also said that the concrete footprint of the driveway will now be wider due to the garage width which is a drainage concern.

Chairman Reeder asked his opinion about the bathroom extension behind the garage.

Mr. Montgomery replied it is of no concern because an 8-foot fence blocks views.

Don Snell asked if Mr. Montgomery would approve the proposal as shown.

Mr. Montgomery replied in the affirmative.

Mr. Pender asked if approved, could the variance condition be revoked if the existing house was demolished sometime in the future.

Matthew Boyle, Town Attorney confirmed that it could be removed.

Chairman Reeder asked if anyone in the audience wanted to speak in opposition to the request.

An unidentified Highland Park Resident, stated that Highland Park has always been conscious of setback lines. He also said the property is a double lot, much wider than other nearby properties, and said this proposed construction can be done without encroaching into the setback. He finished by stating that this request should be cautioned since this variance may run with the property indefinitely.

Burton Rhodes asked if the garage could be modified to conform and be adequate for parking.

Mr. Pender replied that the garage could be modified to conform, and it would provide adequate vehicle space per typical garage parking dimensions at about a 19-foot 8-inch garage width.

Burton Rhodes stated a width between 18-foot to 20-foot seems standard for a garage and the project could meet these requirements without the need for the variance. He also said he does not believe there is a hardship due to the long width of the property.

Cynthia Beaird agreed with Mr. Rhodes.

Chairman Reeder agreed and said Highland Park lots are typically narrow.

Joan Clark agreed with Mr. Rhodes.

Don Snell agreed with Mr. Rhodes.

Chairman Reeder asked if anyone on the Board had any further questions or comments, to which there was no response.

Chairman Reeder asked for a motion on the request to enlarge the existing residence into the required side yard setback per the plans attached, to which there was no response. Mr. Reeder announced that due to a lack of motion the variance request on the enlargement of the existing residence into the required side yard setback was denied.

APPROVED on this 13 day of October 2021.

BY:



Chuck Reeder
Chairman

ATTEST:



Hugh Pender
Director of Development Services

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD AT TOWN HALL, 4700 DREXEL DRIVE ON WEDNESDAY, OCTOBER 13, 2021, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE OWNER OF THE PROPERTY AT 3712 ALICE CIRCLE TO REBUILD THE RESIDENCE INTO THE REQUIRED FRONT YARD AND SIDE YARD SETBACKS.

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

Chairman Chuck Reeder called the meeting to order and introduced the members of the Board, Mr. Pender, and explained the procedure the Board would follow in considering the request.

Hugh Pender, Director of Development Services, explained that the property owner of 3712 Alice Circle requested and was granted a variance in June 2021 to modify the existing nonconforming structure per the submitted construction plans. Between June and today, the house has been demolished due to termite damage, structural concerns with the existing piers and water damage associated with the winter storm in February, and now the applicant is requesting to rebuild the house exactly how it was prior to demolition, including a new underground basement addition. The proposed structure would encroach into the required front and side yard setbacks, just as the previous structure did, therefore; a setback variance is needed.

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 September 29, 2021, published in the Daily Commercial Record on October 1, 2021, and the agenda was posted on the bulletin boards at Town Hall on October 8, 2021.

Chairman Reeder asked for questions and/or comments for Mr. Pender 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.

Michael Coker, applicant representative, claimed it was their intention to retain the residence, but between when receiving the remodel permit in December 2020, and working through May 2021, many issues were found in the near 100-year-old residence, including termite damage, foundation issues, and to top it off, the February 2021 winter storm added to the list of problems. As of a result, the structural engineer said the residence was not fit to remodel, so they demolished the structure. He said that at the Board of Adjustment meeting in June, they did not increase the footprint of the house, only the third floor, and that it was their intention to rebuild on the existing footprint. He claimed that during that meeting, it was already known that the structure was going to be demolished and rebuilt on the same footprint, only slightly expanding the attic, and changing the roof in the southeast corner of the structure. He ended his presentation by stating that the remaining portion of the residence which was not demolished was built in the 1980s and is structurally sound, and that the proposed residence will be a beautiful addition to the neighborhood.

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

Chairman Reeder asked to clarify what has been demolished and what remains. Mr. Coker responded everything from the dining hall forward was removed.

Chairman Reeder stated the previous variance was not intended for that reason.

Hugh Pender stated the previous variance approval was for a modification to the existing residence, not a demolition and rebuild. He said that the request today from the applicant is to approve a setback variance, not to reaffirm the last variance that was granted in the June hearing.

Chairman Reeder asked about the term grandfathering.

Mr. Pender replied that grandfathering is a term used when improvements do meet current standards and were constructed prior to a rule being in place.

Joan Clark asked about the size of the property.

Mr. Pender replied it is just under one acre.

Chairman Reeder asked if the newer portion of the residence was added in the 1980's.

Mr. Pender replied in the affirmative.

Burton Rhodes stated that his recollection of the previous variance case request was due in part to leaking caused by the February winter storm and asked why the demolition was not initiated sooner.

Mr. Coker explained the house was to be remodeled from the start, but experts suggested to tear down the structure after examination.

Joan Clark stated that the previous variance approval was for the roof located in the southeast portion of the residence and asked how many days after the meeting was the house demolished.

Aaron Ipour, owner of 3712 Alice Circle, stated two weeks later the structure was demolished.

Joan Clark stated she drove by the following week and the house was already demolished.

Burton Rhodes asked if the demolition was scheduled before or after the variance meeting, and if it demolishing the structure was intended from the start.

Mr. Coker explained that they planned on remodeling the residence when the original remodel permit was obtained, however investigation of the structural components caused experts to advise to demolition the structure.

Stacey Furst asked if the decision to demolish the structure was known during the last variance meeting.

Mr. Coker replied in the affirmative and stated that it was known that the residence would need to be demolished prior to the Board approving the previous variance request.

Joan Clark stated the only variance obtained last meeting was for the roof redesign. Mr. Coker stated that the variances they are asking for today are for the front and side yard setbacks.

Burton Rhodes stated the last variance meeting was about saving the roof because of the homeowners love for old, historic homes. He said the information being presented today clearly indicates during the last meeting the house was planned to be torn down and said the timing does not align with what was said at the last meeting, and what is being said today.

Stacey Furst said there was a miscommunication since no one on the Board knew the house was to be demolished during the last meeting.

Mr. Coker said that their request is to rebuild the residence as it once stood.

Joan Clark asked about the hardship.

Mr. Coker explained that there is nothing that would prevent them from designing the residence with appropriate setbacks, however it would affect the aesthetics of the home.

Chairman Reeder asked if the homeowner would like to make a comment.

Aaron Ipour replied in the negative.

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

Chairman Reeder asked Mr. Pender if any correspondence had been received in opposition of this request, to which Mr. Pender replied there were not, however he had received several phone calls.

Chairman Reeder asked if anyone in the audience wanted to speak in opposition to the request.

Stewart Hoge, attorney, stated that he is representing Edward and Nancy Coppola of 3708 Alice Circle. He said that his clients object to the variance request because it would impact their property, privacy, and aesthetics. He continued by saying that there is an opportunity to build a new conforming portion of the home and to save the existing magnolia trees that are the property line. His clients understood a change to the roof with the last variance request, but then came back from their travels to find a demolition site next door. He ended his presentation by stating that his clients are against the reconstruction of the house into the setbacks and are requesting to deny the variance.

Chairman Reeder said he is shocked and appalled of what has transpired and does not believe they can approve the request due to the circumstances but will ask the town attorney his thoughts.

Matthew Boyle stated that Chairman Reeder has the authority to exercise his ruling to the full parameters that the zoning ordinance allows.

Chairman Reeder asked when nonconforming grandfather protection goes away.

Matthew Boyle responded it goes away once it is demolished.

Joan Clark said she agrees with the Chairman and believes the presentation in June was misleading and not complete.

Chairman Reeder asked if anyone on the Board had any further questions or comments, to which there was no response.

Chairman Reeder asked for a motion on the request to rebuild the residence into the required front and side yard setbacks, to which there was no response. Mr. Reeder announced that due to a lack of motion the variance request to rebuild the residence into the required front and side yard setbacks was denied.

On a motion by Stacey Furst, seconded by Burton Rhodes, 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 10:10 a.m.

APPROVED on this 13 day of October 2021.

BY:



Chuck Reeder
Chairman

ATTEST:



Hugh Pender
Director of Development Services