

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, JANUARY 12, 2022, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE DEVELOPER OF THE PROPERTY AT 4510 ABBOTT TO ALLOW WINDOWS ON THE THIRD FLOOR FAÇADE OF A PLANNED RESIDENTIAL COMPLEX THAT FACES A RESIDENTIAL PROPERTY.

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

Chairman Chuck Reeder called the meeting to order at 8:32 a.m., and introduced the members of the Board; from Town staff Hugh Pender, Director of Development Services; and Holly Russell, Management Assistant; and explained the procedure the Board would follow in considering the request.

Hugh Pender, Director of Development Services, explained that today is only a public hearing on the proposal by the property developer of 4510 Abbott Avenue, requesting a variance on the ordinance that prohibits windows on the third-floor level that face a residentially zoned property. The owner of the property and developer have not applied for any permits as the current ordinance, Section 10-102 12 (A), would have denied this request. Hugh explained that a small piece of occupied, residential property runs behind the property in question, and is owned by Mr. and Mrs. Snoots, of 3300 Armstrong Ave.

Hugh Pender stated that the requisite notice of the meeting was mailed to approximately 12 property owners located within 200 feet of the subject property and published in the Daily Commercial Record on December 30, 2021, and the agenda was posted on the bulletin boards at Town Hall on January 07, 2022.

Chairman Reeder ask the Board members if there were any questions for Hugh Pender.

Member Swenson asked if The Mondara 4502 Abbott Ave, located next to the property in question, has windows on the third-floor level. Bruce Mamary, HOA President of 4502 Abbott Ave responded that there are windows on the third floor, and there is no evidence or public records available detailing as to whether a variance for these windows were allowed.

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

Dallas Cothrum, of Master Plan, gave a presentation detailing the proposed design and location of the multi-resident structure to be built at 4510 Abbott Ave. His key points were (i) there are fewer units planned than are in the current structure and fewer units planned than allowed, (ii) the other side of the structure that sits in Dallas limits is allows no restriction on structures over 240 feet high, (iii) the units are income producing for HPISD, (iv) the part at which this property begins and ends runs parallel to a portion of the Snoots property that is not occupied by livable space and it is only 24 feet wide tapering down to 7 feet wide, (v) the alley would not be used for motor traffic, (vi) a landscape plan for their part of the alley property and the Snoot's property has been created and they are offering to pay for all beautification and upkeep of the alley, which would also be within Oncor's requirements, (vii) both properties that would be on either side (4514 and

4502 Abbott) both have third floor windows, (viii) and the view from the third floor from the development is in Oncor substation.

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

Chairman Reeder asked if the development would be a condominium or rental property. Dallas Snell replied that it would be a rental property, and they anticipated future tenants to be Town Residents or University Park residents that were downsizing.

Member Snell asked if the Mondara, a property that would be next to the proposed development, had third floor windows, to which Dallas Cothrum replied there was not and provided visual evidence. Tom Nelson, owner of the property at 4514 Abbott, stated that his property does have windows. He asked what the rear set back of the alley would be, to which was answered that it would be 10 feet. Nelson surmised that they were allowed windows because they are at 15 feet set back. Pat Snoots responded that the windows were required to be textured, and she had agreed to this at the time of the construction of that property. Bruce Mamary, HOA President of the Mondara, located at 4502 Abbott Avenue, also stated that his property has textured glass and no balconies on the side adjacent to the Snoot's property. Dallas Cothrum reiterated that the proposed development is not directly adjacent to the Snoots dwellings, but an unused portion of the property.

Member Furst asked what the square footage of the fifty units planned would be. Cothrum replied that it would be around 2,000 square feet and each resident would have dedicated parking underground.

Wynne Snoots addressed the Board with his concerns over a portion of the property that is associated with the train tracks. DCAD recognizes the entire property as a rectangle and not a triangle, and taxes them on this extra portion of ground, though it is seen as "no man's land". The property has two easements, one of which often floods the pond when there is heavy rainfall. He would like to have it defined as to who is responsible for the "no man's land" should improvements be made, and who will pay to clean up the mess when the easement floods. He understands that it is not part of the initial discussions of the meetings but would like these items clarified before the project moves forward.

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. Pat Snoots stated she was in opposition at this time. She was under the impression this was going to be a condominium and is concerned with her property value should this be a rental property. She also stated that she does not want anyone watching her while she is in her backyard. There is a 780-foot guest house and rooftop garden behind the home. Should there be windows allowed for the third floor, it will lower the value of her property because privacy is degraded.

Chairman Reeder asked if anyone on the Board had any further questions or comments. Member Snell asked if there was a possibility to amend the architectural design for the third floor. Dallas Cothrum affirmed that is a possibility but reiterated that the structure is well past the Snoots storage building and livable spaces. He made clear that they did not believe the request for the variance was unreasonable or inappropriate.

Hugh Pender suggested that the meeting be continued to allow the parties involved work on a plan that would benefit all interested. Since there are no permits on this project the design can still be changed and improved upon.

Stacey Furst motioned to table the case until a future meeting when both parties have reached an agreement on the design, seconded by Cynthia Beaird. All voted unanimously on this motion.

On a motion by Stacey Furst, seconded by Cynthia Beaird, 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 9:35 a.m.

APPROVED on this 23rd day of July 2022.

BY:



Chuck Reeder  
Chairman

ATTEST:



Hugh Pender  
Director of Development Services