

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, FEBRUARY 9, 2022, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE PROPERTY OWNER OF 3606 ST. JOHNS AVE. TO CONSTRUCT A DETACHED ACCESSORY POOL HOUSE LOCATED IN THE REAR YARD.

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

Chairman Chuck Reeder introduced the members of the Board, Matthew Boyle, Town Attorney, and Director of Development Services, Hugh Pender. Also present was Serena Palomino, Permit Technician, Jennifer Deaver, Building Inspector, and Randy Meadows, Building Inspector. The meeting was called to order and Chairman Reeder explained the procedure the Board would follow in considering the request and called the meeting to Order at 8:30 AM.

Mr. Pender stated this item consists of three (3) requests regarding the detached accessory pool house; First, to allow a plate height greater than 12 feet 6 inches located in the rear 40 feet of the lot. Second, to allow a porch area greater than 30 inches above grade located in the rear 40 feet of the lot. Last, to allow a fence to be constructed in front of the front building line. The Public Notice was posted on the Daily Commercial Record on January 28, 2022, and the agenda was posted on February 2, 2022. An aerial view of the two-hundred-foot (200') buffer was displayed. Mr. Pender noted this is a combined building site. The three requests violate the following Ordinances: Section 8-601(1), Sections 8-601(9), and Section 15-101. The front yard setbacks are 20' along Byron Avenue and 22' along St. Johns Avenue.

Chairman Reeder asked if the proposed fence is intended for the required pool enclosure. Mr. Pender confirmed this would be considered a pool barrier, however it is common that homeowners fence the perimeter of the obtained land.

Mr. Pender continued with the presentation showing the proposed site plan. 3600 & 3606 St. Johns Avenue combined lots in 2020, therefore Mr. Pender displayed the new rear yard determined by staff at that time. Renderings of the proposed plans were displayed and explained.

Chairman Reeder asked if staff knows where the proposed fence will be located. Mr. Pender confirmed that the applicant will present the location during their presentation.

Board Member Snell asked if the obtained lot slopes down to the creek. Mr. Pender confirmed both lots do and displayed the site plan.

Chairman Reeder asked if the Town's tennis court is located behind this property. Mr. Pender confirmed.

With no further questions for staff, Chairman Reeder requested that the applicant present their case.

Dallas H., 6700 Golf Dr., stated this lot faces the following hardships: two front yards, slope, existing non-confirming structure, irregular shape lot, preserve the landscaping, non-standard

block face and no alley. The following was displayed and explained via PowerPoint: an aerial view of the lot with the existing structures, the lot slope, the grade comparison along Byron Avenue versus St. Johns Drive, proposed patio plans, photos, proposed fence plan, proposed landscaping plan, and the surrounding neighbor's properties/community features. Dallas expressed he does not understand the purpose of the "rear forty-foot" ordinance.

Mr. Pender explained the intent of this regulation at that time was to not have a second-story structure with windows invading the neighbor's privacy. In this case, there is no adjacent neighbors.

Board Member Clark question if the structure at 3606 St. Johns Dr. will remain? Mr. Dallas confirmed. The existing structure at 3600 St. Johns was demolished and will now be used as green space.

Board Member Clark stated her concern regarding the proposed fence. Jasmine landscaping and nellie hedges (10'-12') will be planted along St. Johns along with a 6' wrought iron fence installation to accommodate owner and teacher staff parking on this street. The proposed site plan was displayed.

Jacquelin Sewell, owner, stated the purpose and intent of this request is for more yard and green space for their daughter. She believes green space, historical trees and historical homes is what makes this Town special.

Dallas expressed the importance requesting for more green space, rather than a plan to build a new home is a major positive for the Town. Two offer to build a new home were received.

Board Member Furst questioned the proposed pool house rear setback. Dallas confirmed 20' and the minimum per Ordinance is 10'. A letter of approval was also obtained from the immediate neighbor for this setback.

Board Member Swenson questioned if the proposed landscaping would match the existing. Mrs. Sewell stated more screening type of landscaping will be planted due to the noise from the community tennis court.

Board Member Swenson asked for clarification on the proposed fence material. A 6' wrought iron fence is proposed with no openings greater than 4" per pool fence regulations. A wrought iron fence exists along the creek and a brick wall exists on the rear side of the pool house. An accessible easement will be maintained for Town access (15').

Board Member Swenson stated he is a nearby neighbor and is supportive of this plan.

The two existing lots (3600 & 3606 St. Johns) have completed the replat process.

Chairman ~~Reeds~~ ^{Reeder} asked if there is anyone in attendance that would like to speak in favor. With no one to speak, Chairman Reeder questioned if there is anyone in attendance that would like to speak in opposition? With no one to speak, Chairman ~~Reeds~~ ^{Reeder} closed the public hearing.

Board Member Snell created a motion, seconded by Board Member Clark, that this case be approved with the following condition: permit a 6-foot fence to be constructed in the yard setbacks along St. John's and Byron Avenue to be screened by a solid, live evergreen screening wall. The motion passed by a unanimous vote.

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, FEBRUARY 9, 2022, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE OWNER OF THE PROPERTY AT 4508 EDMONDSON AVENUE TO CONSTRUCT A TWO-STORY SINGLE-FAMILY PROJECT WITH A FRONT SETBACK OF 26 FEET TO THE BACK OF THE SIDEWALK.

Chairman Reeder requested that staff present the second item.

Mr. Pender presented a PowerPoint presentation and displayed/explained the following: 200' buffer of the subject lot, legal notice publication dates, front yard setback ordinance, allowed setback of 30.5', current state of construction, the approved form board survey, and rendering of the proposed new structure.

Board Member Snell questioned if the foundation of the home complete. Mr. Pender answered is has not been poured at this time.

The following inspections take place prior to pouring the foundation: plumbing rough-in, grading excavation and form board survey.

Chairman Reeder questioned the width of the lot. Mr. Pender answered 60'.

Mr. Pender stated he has received thirteen (13) letters in opposition and none in favor.

Tommy M., attorney representing Olerio Homes, stated this lot faces many challenges such as a smaller lot and no alley access. He also mentioned that a neighbor across also has a smaller setback.

Board Member Snell questioned if the setback can be corrected to meet code and still comply with the current design plan. Tommy stated that the entire structure would need to be re-designed.

Mr. Pender also stated that this compliance would interfere with the required 10' rear setback.

Board Member Beard questioned the front yard setback at 4520 Edmondson Avenue. Mr. Pender confirmed 25'4".

Board Member Swenson questioned when the home was built. Tommy confirmed this was the original, historic home built in 1927. A detached garage exists on the west side of the lot.

Chairman Reeder questioned if letters in support were received. Mr. Pender stated no.

Chairman Reeder asked if there was anyone present who would like to speak in favor. With no one to speak, Chairman Reeder questioned if letters in opposition were received. Mr. Pender confirmed two (2) letters were received.

Chairman Reeder asked if there was anyone present who would like to speak in opposition.

Tim Ryan, 4517 Edmondson, stated that this would change the character of the block, create more harm, and has no benefit for the Town to this traffic-congested block. He suggests denying this request.

Edward Dale, 4516 Edmondson, stated this would obstruct his view along this block and Lomo Alto Drive.

Stephanie Ryan, 4517 Edmondson, stated the proposed front face garage does not match the consistency with the rest of the block.

Mr. Pender read aloud all addresses in opposition via letters received.

With no one else to speak, Chairman Reeder closed the public hearing.

Board Member Bearid expressed she understands this was a staff during the plan review, however, there is a process in place during inspection in which this was caught. If approved, this would set a precedent for future requests.

Chairman Reeder created a motion to approve this request. With no one to second, the request was denied.

Board Member Swenson created a motion, seconded by Board Member Bearid, to adjourn the meeting at 9:32 AM.

APPROVED on this 23rd day of July 2022.

BY:



Chuck Reeder
Chairman

ATTEST:



Hugh Pender
Director of Development Services