

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, MARCH 9, 2022, AT 8:30 A.M. TO CONSIDER A VARIANCE REQUEST TO SECTION 10-102(12)A OF THE TOWN'S ZONING ORDINANCE TO CONSTRUCT A THREE-STORY MULTI-FAMILY PROJECT WITH WINDOWS ON THE THIRD STORY FACING A RESIDENTIALLY ZONED PROPERTY LOCATED AT 4510 ABBOTT AVENUE.

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

Chairman Chuck Reeder called the meeting to order and introduced the members of the Board, Hugh Pender, Director of Development Services, and explained the procedure the Board would follow in considering the request. Also present from Town Staff were Serena Palomino, Permit Technician, Chelsey Gordon, Assistant Director of Development Services, Randy Meadows, Building Inspector, Jennifer Deaver, Building Inspector and Matthew Boyle, Town Attorney.

Mr. Pender explained that Zoning District G does not allow windows to be permitted on the third story in the rear yard facing the adjacent lot. A copy of the BOA application and Zoning Map were displayed. He explained that three lots were purchased and combined into one lot, now known as 4510 Abbott Avenue. Renderings and photos were provided of the proposed three-story, multi-family building. A variance would be required as Section 10-102(12)A of the Zoning Ordinance does not allow so. Mr. Pender stated that the applicant is also present.

Chairman Reeder questioned if there has been a design change since the January meeting. Mr. Pender answered no, not to his knowledge.

Chairman Reeder requested that the applicant present this case.

Dallas H., 6700 Golf, re-iterated that the only request is for third-floor windows. He stated that proposing a 25' side setback and adding more landscaping will allow for less residential impact. The goal for this building is not to create smaller, dense units, but to provide larger size units with a view. Underground parking will be proposed for this project. Elevation plans, site plans, renderings and photos were presented. He mentioned the City of Dallas (opposite side of the Katy Trail) limits a building to a max height of 240' and predicts such construction will trend. He confirmed that the inset balconies are a design change from the last meeting.

Board Member Clark questioned if there were windows on the third floor of the existing building. Dallas confirmed, however there are not facing the rear of the lot.

Board Member Rhodes questioned the what the neighborhood feedback consisted of. Dallas stated there was not much communication, despite them visiting the neighbor's home.

Chairman Reeder asked what the required setback is. Dallas confirmed 5'.

Chairman Reeder asked if letters in support have been received. Mr. Pender confirmed 7 support letters were received.

Chairman Reeder asked if there was anyone in attendance wishing to speak in favor of this item.

Alex Perry, 3503 Crescent, stated having the highest value in rent and most attractive product makes sense. He stated that limiting windows is important elevation factor from a developer's perspective. He agrees with the applicant's efforts to work with this Board on creating an attractive product.

Chairman Reeder asked if any letters in opposition were received. Mr. Pender confirmed 1 letter was received from the property behind the subject lot.

Chairman Reeder asked if there was anyone in attendance who would like to speak in opposition of this item.

Pat Snoots, 3300 Armstrong, does not support this item and agrees with the Town Zoning Ordinance.

With no one else to speak, Chairman Reeder closed the public hearing. Board Member Snell created a motion, Seconded by Board Member Furst, that this case be approved with stipulations to the setbacks and landscaping. The motion passed by 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, MARCH 9, 2022, AT 8:30 A.M. TO CONSIDER A VARIANCE REQUEST TO SECTION 15-101 OF THE TOWN'S ZONING ORDINANCE TO REPLACE AN EXISTING FENCE LOCATED IN THE FRONT YARD AND CONSTRUCT A NEW FENCE ON A RETAINING WALL WITH THE HEIGHT THAT EXCEEDS 8 FEET IN THE SIDE YARD AT 3637 MIRAMAR AVENUE.

Chairman Reeder asked staff to present the next item on the agenda.

Mr. Pender explained the Town Zoning ordinance does not allow a front yard fence installation nor for the fence to exceed 8', therefore, the subject lot consists of 2 requests. An aerial view of the lot, photos and site plans were displayed.

Board Member Clark asked for clarification that the property owner wants to replace the existing front yard fence. Mr. Pender confirmed.

Board Member Rhodes questioned the height of the existing front yard fence. Mr. Pender confirmed about 4'.

Board Member Rhodes questioned that the variety in height of the side yard fence is due to topography. Mr. Pender stated that a "fill" permit was undergone prior to his employment with the Town. The lot was filled and 4' retaining walls were built, which the proposal of an 8' fence above the walls would violate the maximum allowed height.

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

Kirk Smith, 981 County Road 4918 and applicant presented a site plan and photos of the existing fence. He mentioned a storm inlet grade and 5' fall exists behind the front yard fence. The lot does not allow for public sidewalks; therefore, the back of the curb is the property line.

With no one else to speak, Chairman Reeder closed the public hearing. Board Member Snell created a motion, Seconded by Board Member Furst, that this case be approved with stipulations to the setbacks and landscaping. The motion passed by unanimous vote. He mentioned that the proposed landscaping will cover the fence. Mr. Smith provided examples on the same block where the purpose of such fences is to protect from someone from the creek. Mr. Smith proceeded to present the second request regarding the side yard fence. A site plan, photos and letters of support were explained.

With no questions to the applicant, Chairman Reeder asked staff if letters in favor were received. Mr. Pender confirmed 2 letters were received.

Chairman Reeder asked if there was anyone in attendance who would like to speak in favor.

Chris S., owner, stated their goal is to keep the historical look of the neighborhood and the purpose of the safety fence is important to the community.

With no one else to speak, Chairman Reeder asked if there were any letters received in opposition. Mr. Pender confirmed none were received.

Board Member Clark created a motion, seconded by Board Member Snell, that both requests be approved with the existing structure. The motion carried 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, MARCH 9, 2022, AT 8:30 A.M. TO CONSIDER A VARIANCE REQUEST TO SECTION 12-101(2)B OF THE TOWN'S ZONING ORDINANCE TO CONSTRUCT A DETACHED 3 CAR GARAGE WITH A SIDE SETBACK OF 5 FEET IN THE REAR YARD OF A PROPERTY LOCATED AT 4300 LORRAINE AVENUE.

Chairman Reeder asked staff to present the final item on the agenda.

Mr. Pender explained that the proposed 5' setback violates Section 12-101(2)B, which states a combined building site must have a 10' setback from the side and alley property lines. Renderings of the proposed garage were displayed. Mr. Pender stated a due to the subject lot being a combined building site, it requires a 10' setback.

Board Member Rhodes questioned if this was not a combined building site, the required setback is 3' for a detached garage. Mr. Pender confirmed.

Kirk Smith, applicant, mentioned the that the subject lot was denied a 3' setback request back in 2020. The current request has been amended to a 5' setback. He explained a timeline history to the Town Zoning Ordinance regarding accessory side yard setbacks. He suggested that this issue be brought to the attention of the Zoning Commission to relax this regulation. A map of similar lots with 3' accessory structures was displayed. A green living wall remains as requested from the previous proposal. A total of 14 neighbors approved of the rendering with a 3' setback. Regarding environmental impacts, the proposed garage will consist of 3 electric car charging stations and an existing live oak tree has been relocated on the property.

Kenneth Aboussie, 4300 Lorraine, thanked the Board and stated the importance of keeping the historical value of their new home. He believes that the future purpose of garages will be for electronic car charging. He feels that the 5' setback is a generous request, and the only side neighbor is in favor of this.

Board Member Snell asked for confirmation that his direct neighbor is in favor. Mr. Aboussie confirmed and stated his neighbor also provided a letter in favor.

Board Member Furst requested to display the map view of neighbors in favor. Mr. Aboussie confirmed that 4308, 4305 and 4301 Lorraine are all in favor. He noted that the previous and current owners at 4301 Lorraine are in favor.

Chairman Reeder questioned the letters are in favor for the 3' setback. Mr. Aboussie confirmed.

Chairman Reeder asked if any letters in favor have been received. Mr. Pender confirmed no new letters from the previous meeting have been received.

Chairman Reeder asked if there were anyone in attendance who would like to speak in favor.

With no one to speak, he asked if any letters in opposition have been received. Mr. Pender confirmed none were received.

Chairman Reeder asked if there were anyone in attendance who would like to speak in opposition. With no one to speak, Chairman Reeder closed the public hearing.

Board Member Beaird created a motion, seconded by Board Member Snell, that the request be approved. The motion carried by a unanimous vote.

A motion was made by Board Member Clark, seconded by Board Member Beaird, that the meeting adjourn. The meeting adjourned at 9:53 AM.

APPROVED on this 23rd day of July 2022.

BY:



Chuck Reeder
Chairman

ATTEST:



Hugh Pender
Director of
Development Services