

MAYOR
William C. Beecherl

MAYOR PRO TEM
Craig Penfold

TOWN ADMINISTRATOR
Bill Lindley



TOWN COUNCIL
MEMBERS

Marc Myers

Lydia Novakov

Don Snell

Leland White

November 15, 2022

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Joan Clark
Alison Hunsicker
Robert McCulloch
Nancy Rogers, Alternate Member
Jim Yoder, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, December 14, 2022, to consider a variance request from Section 8-501 to construct a generator at 3640 Maplewood Avenue in the required side yard. Section 8-501 of the Zoning Ordinance shows that the required side yard setback for properties located in zoning district "D" is 10% of lot width but not more than 10-feet. The subject property on Maplewood is 70 feet in width, therefore resulting in a 7 foot side yard setback. The property owners request to construct the generator approximately 3 feet 9 inches from the side property line.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) the application to the Board, (ii.) property survey, (iii.) the plans, (iv.) the public hearing notice map, (v.) a map of the block indicating the location of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Will Beecherl, Mayor, via e-mail
Bill Lindley, Town Administrator, via e-mail
Matthew C.G. Boyle, Town Attorney, via e-mail
Steve Alexander, Chief Financial Officer, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

RECEIVED
OCT 24 2022

APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK

BY: SP
(Please Type or Print)

3640 Maplewood Ave. Susan Beecherl Ernest Beecherl
ADDRESS _____ Owner's Name _____

13 and 12 41 Highland Park
LEGAL DESCRIPTION: Lot(s) _____ Block _____ Addition _____

3640 Maplewood Avenue
Mailing Address _____

Dallas TX 75205
City _____ State _____ Zip Code _____

1. Request:

Variance to install 48kwatt generator in required side yard. Variance to have 35" x 80" unit sit less than the required 7 feet from property line. In this case, unit will sit 3' - 9" from property line.

All manufacturer's clearance specs are satisfied in this plan.

2. Jurisdiction: [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

Additional information submitted by applicant survey, survey w/ generator location

Fee Paid \$200.- Date 10.24.22 Phone 214-403-5152

3. Signature of Owner Susan Beecherl [Signature] MB

(To be completed by Building Inspection Department)

Reason for denial: Section 8-501
Explanation:

Section 8-501 of the Zoning ordinance determines the side yard setbacks for the "D" zoning district to be 10% of the lot width, but not to exceed 10 feet. In this case the setback is 7 feet. The generator is proposed to be placed at 3 feet 9 inches from the side property line.

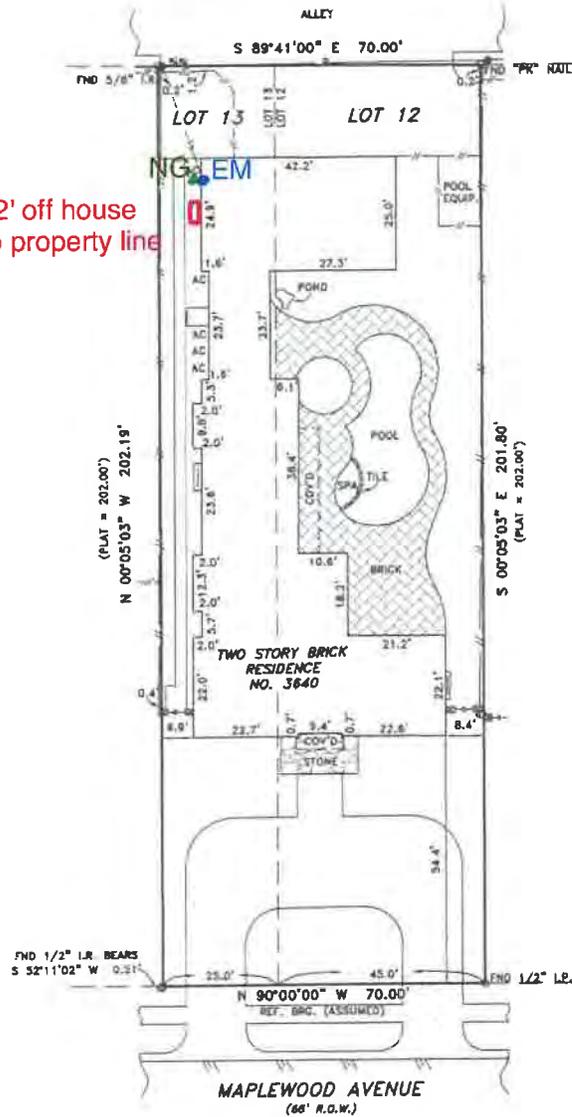
Hugh Pender November 2, 2022
Building Inspector Date

'LAND TITLE SURVEY'

BEING THE EAST 25 FEET OF LOT 13 AND THE WEST 45 FEET OF LOT 12, IN BLOCK 41, OF THIRD INSTALLMENT OF HIGHLAND PARK, AN ADDITION TO THE CITY OF HIGHLAND PARK, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1, PAGE 387, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

OCT 24 2022
BY: *S.P.*

GEN 2' off house
3'9" to property line



NOTES:
(P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.

FLOOD NOTE:
ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 48017B 0335J, DATED 08/23/01, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SYMBOL LEGEND	FND = FOUND	I.R. = IRON ROD	I.P. = IRON PIPE	ESMT. = EASEMENT	B.L. = BUILDING LINE
WOOD FENCE	I, JASON L. MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A "LAND TITLE SURVEY" AND THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY LAW ON THE DATE THIS SURVEY WAS PERFORMED. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING INDICATED BY THE PLAT, THE IMPROVEMENTS ARE WITHIN THE BOUNDARIES OF THE PROPERTY AT THE DISTANCES INDICATED AND THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS OR PROVISIONS, EXCEPT AS SHOWN ON THE ABOVE PLAT.				
CHAIN LINK FENCE					
WIRE FENCE					
VISIBLIT HIGH FENCE					
COLUMN					
POWER POLE					
WATER METER					
POWERLINE					
OVERHEAD SERVICE LINE					
TRANSFORMER AND PAD					
GAS METER					
ASPHALT SURFACE					
CONCRETE					

THIS SURVEY WAS PERFORMED FOR:
REPUBLIC TITLE
NAME: REPUBLIC TITLE
JOB NO. 07-02-148
DATE: 03/23/07
D/F#: 07906037
TECH: JMS
DWN. BY: BMS



Global Land Surveying, Inc.

704 Central Parkway East
Suite 1214
Plano, Texas 75074
Phone (972) 681-1700
Fax (972) 483-1083
email: info@glis-inc.com



MAYOR
William C. Beecherl

MAYOR PRO TEM
Craig Penfold

TOWN ADMINISTRATOR
Bill Lindley



TOWN COUNCIL
MEMBERS

Marc Myers

Lydia Novakov

Don Snell

Leland White

November 15, 2022

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Joan Clark
Alison Hunsicker
Robert McCulloch
Nancy Rogers, Alternate Member
Jim Yoder, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, December 14, 2022, to consider a variance request from Section 8-501 to construct a generator at 3701 Maplewood Avenue in the required side yard. Section 8-501 of the Zoning Ordinance shows that the required side yard setback for properties located in zoning district "D" is 10% of lot width but not more than 10-feet. The subject property on Maplewood is 75 feet in width, therefore resulting in 7 feet 6 inch side yard setback. The property owners request to construct the generator approximately 6 feet 5 inches from the side property line along Oxford Avenue.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) the application to the Board, (ii.) property survey, (iii.) the plans, (iv.) the public hearing notice map, (v.) a map of the block indicating the location of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpende@hptx.org

cc: Will Beecherl, Mayor, via e-mail
Bill Lindley, Town Administrator, via e-mail
Matthew C.G. Boyle, Town Attorney, via e-mail
Steve Alexander, Chief Financial Officer, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK

RECEIVED
OCT 05 2022

BY: S.P.

(Please Type or Print)

ADDRESS 3701 Maplewood Ave Owner's Name Will Beecherl

LEGAL DESCRIPTION: Lot(s) part 7 & 8 Block 37 Addition Third installment

Mailing Address 3701 Maplewood Ave

City Dallas State TX Zip Code 75205

1. **Request:** Place a generator for house electrical power 1'-1/2" inside east side yard setback
Generator must be 18" from side of new garage wall which is 10' from property line.
Generator will be in a noise barrier between brick wall enclosure and garage, not visible from the street. Proposed location for generator will have least noise impact for any neighbor.

2. **Jurisdiction:** [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

The location requested will substantially serve the neighboring properties whereas the generator will be walled on 4 sides and furthest distance on property from any neighbor.

Additional information submitted by applicant _____

Fee Paid \$200.00 Date 10/5/2022 Phone 214-356-8677

3. **Signature of Owner** 

(To be completed by Building Inspection Department)

Reason for denial: Section 8-501
Explanation: _____

Section 8-501 of the Zoning ordinance determines the side yard setbacks for the "D" zoning district to be 10% of the lot width, but not to exceed 10 feet. In this case the setback is 7 feet. The generator is proposed to be placed at 3 feet 9 inches from the side property line.

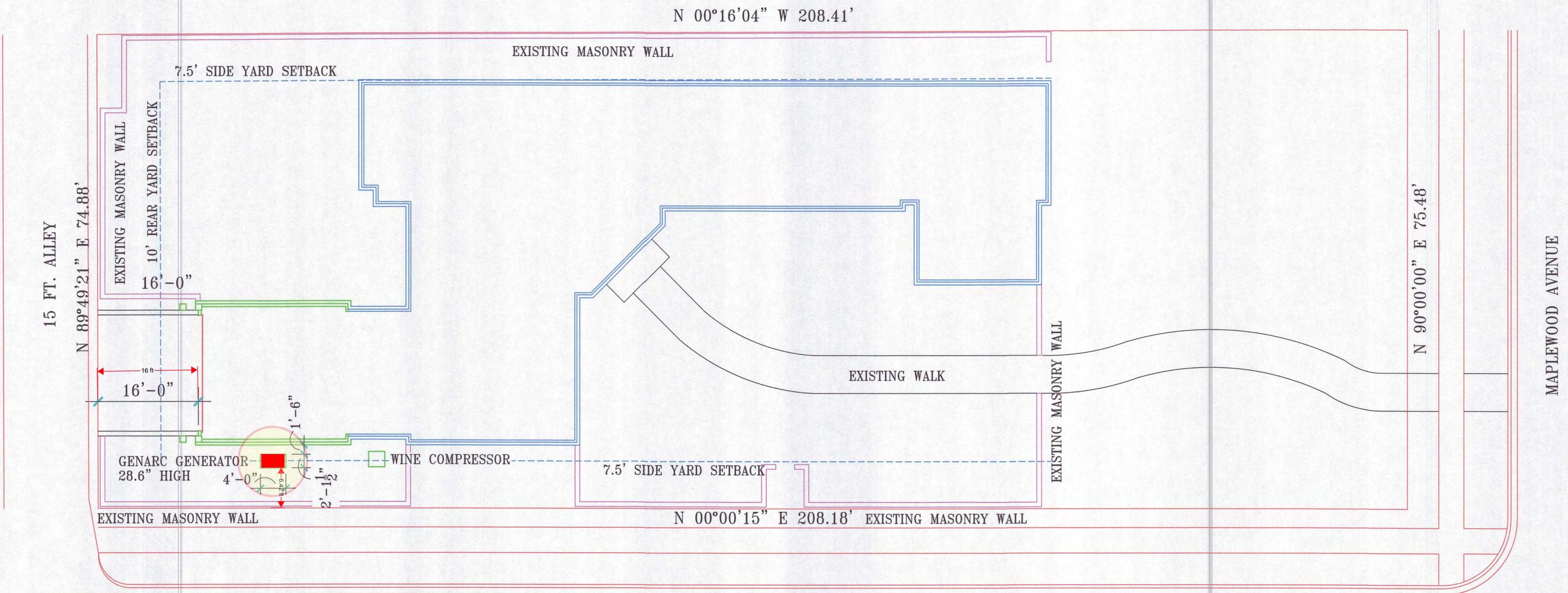
Hugh Pender
Building Inspector

October 10, 2022
Date



HUDSON LOCKETT III, ARCHITECT
 8525 FERNDALE ROAD SUITE 204
 DALLAS, TEXAS 75238
 214-559-2095 hudson@hudsonlockett.com

NICKEY L. OATES RESIDENCE FOR
THE BEECHERL FAMILY
 3701 MAPLEWOOD AVENUE, HIGHLAND PARK, TEXAS

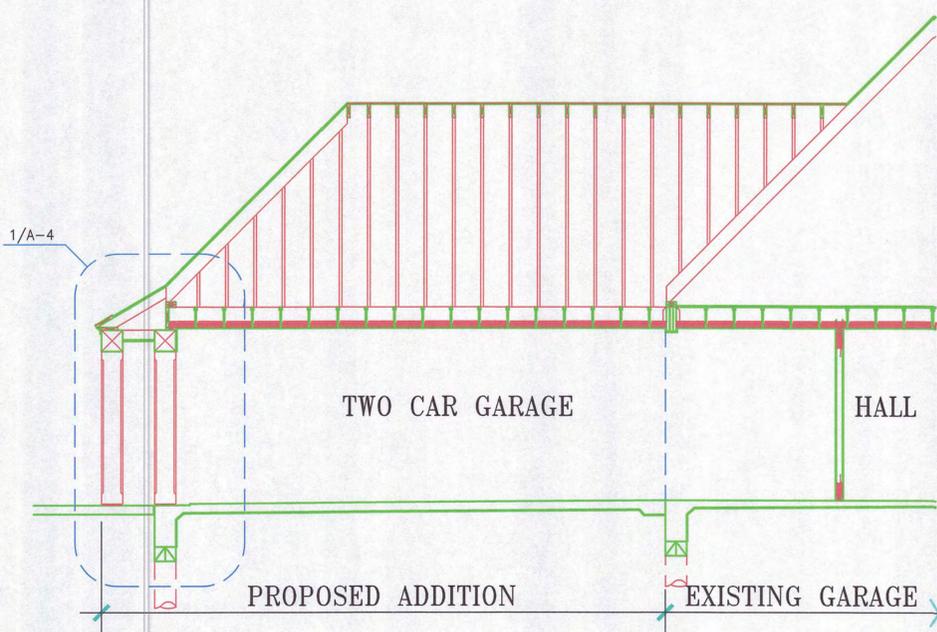


PROPOSED SITE PLAN

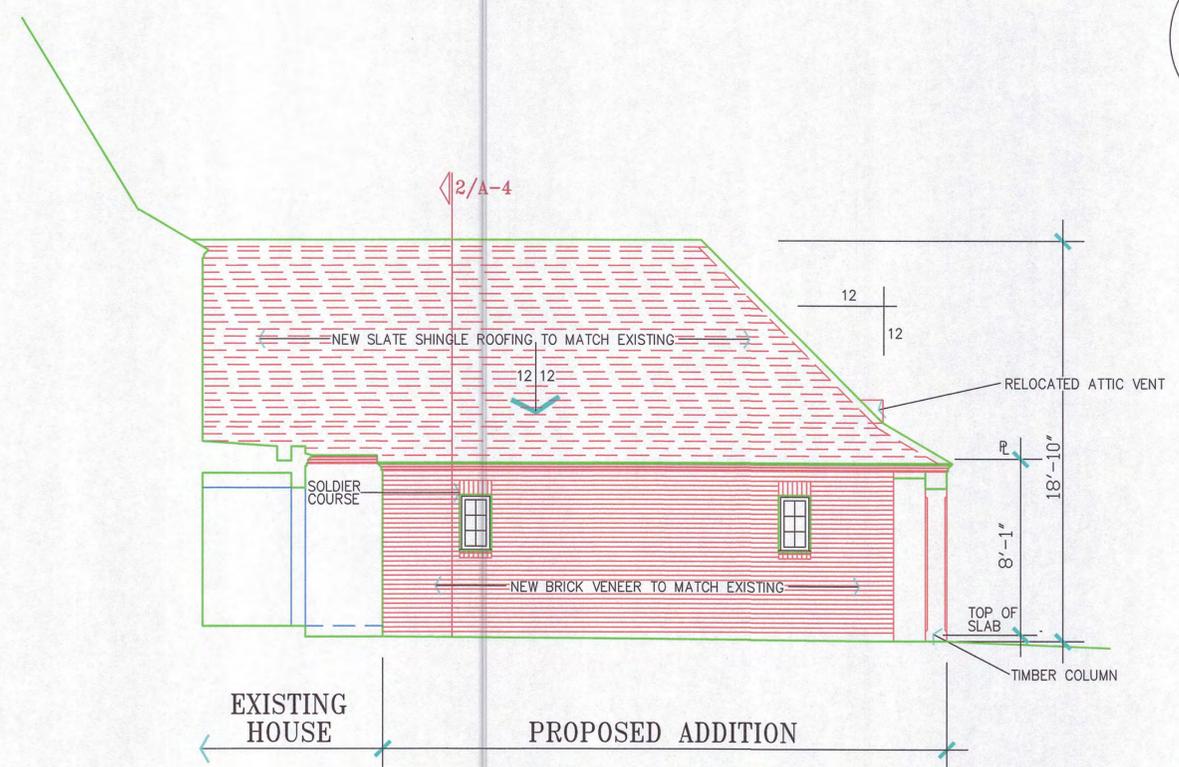
OXFORD AVENUE



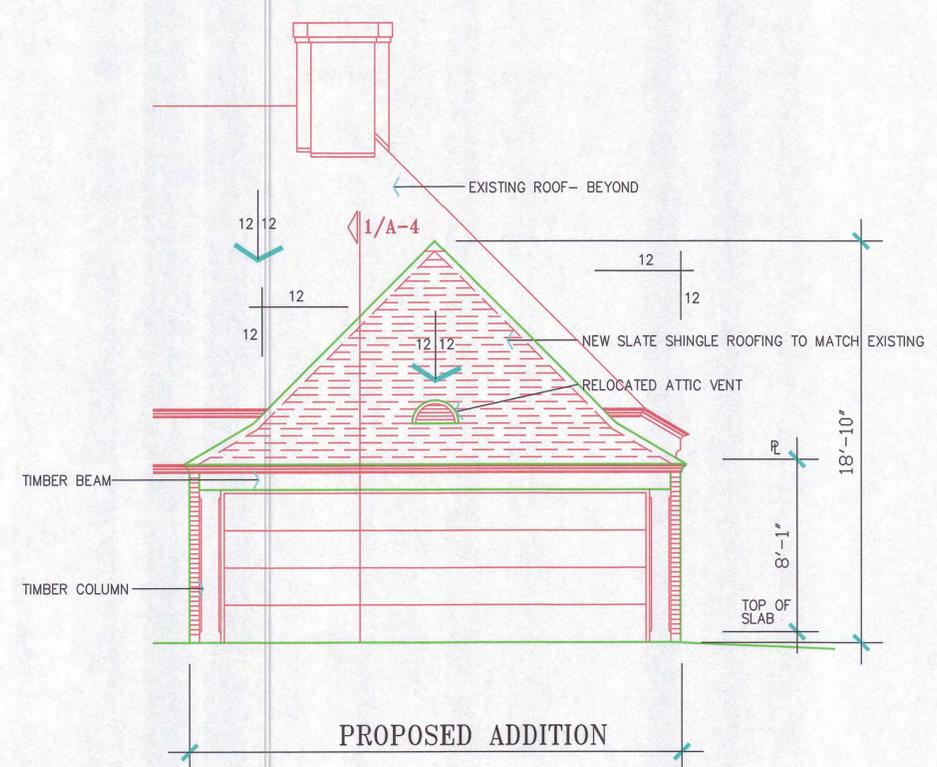
1/8" = 1'-0" NOTE: 1. SITE PLAN BASED ON OWNER PROVIDED SURVEY 2. NO CHANGE IN EXISTING SITE UTILITIES OR DRAINAGE



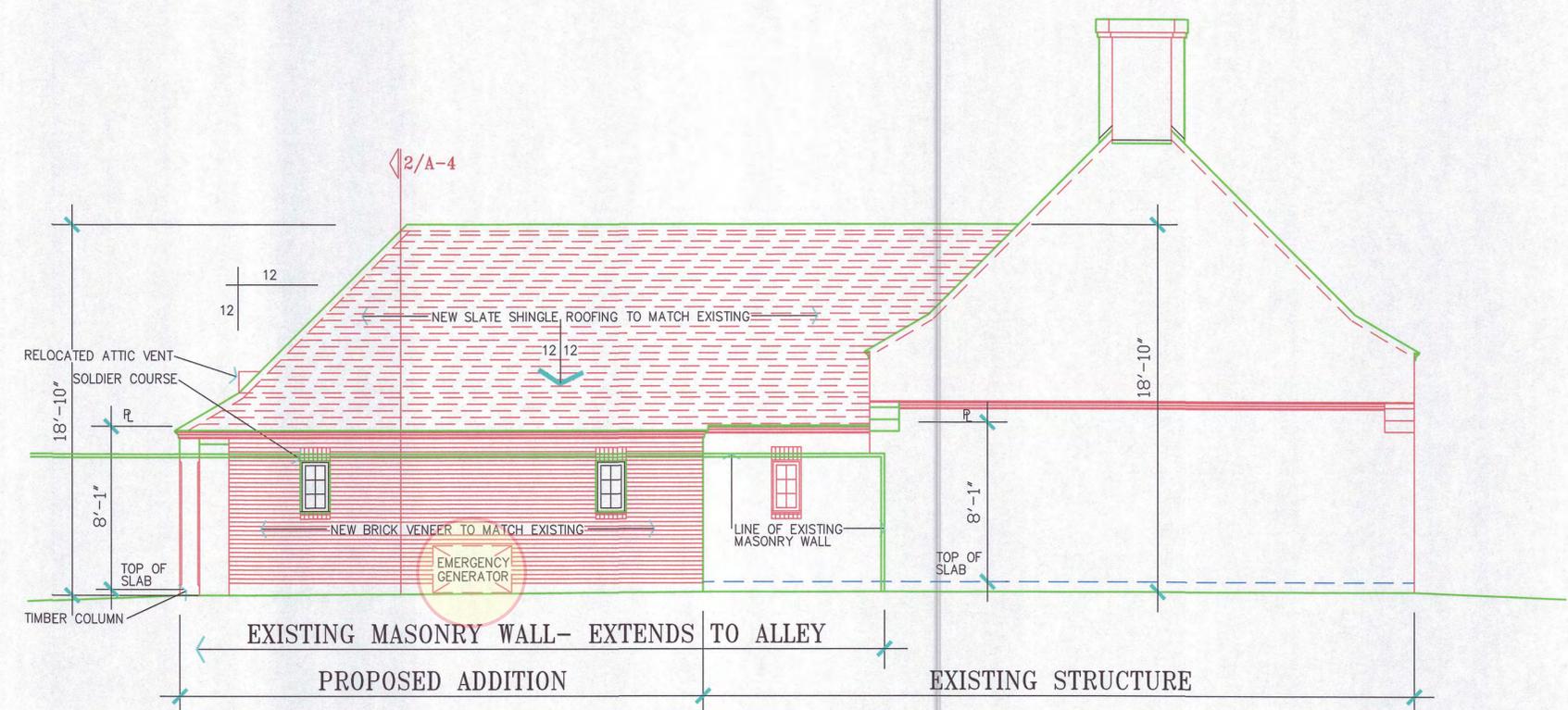
4 PROPOSED GARAGE SECTION
 $\frac{1}{4}'' = 1'-0''$



3 PARTIAL PROPOSED WEST ELEVATION
 $\frac{3}{4}'' = 1'-0''$



2 PARTIAL PROPOSED SOUTH ELEVATION
 $\frac{2}{4}'' = 1'-0''$



1 PARTIAL PROPOSED EAST ELEVATION
 $\frac{1}{4}'' = 1'-0''$

MAYOR
William C. Beecherl

MAYOR PRO TEM
Craig Penfold

TOWN ADMINISTRATOR
Bill Lindley



TOWN COUNCIL
MEMBERS

Marc Myers

Lydia Novakov

Don Snell

Leland White

November 15, 2022

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Joan Clark
Alison Hunsicker
Robert McCulloch
Nancy Rogers, Alternate Member
Jim Yoder, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, December 14, 2022, to consider an appeal of a decision of the administrative officer of the Town of Highland Park related to the setback requirements for accessory buildings on a property located at 4441 Belfort Avenue. Section 17-102 of the Zoning Ordinance allows appeals to the Board of Adjustment to be taken by any person aggrieved by any decision of the administrative officer.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) the application to the Board, (ii.) property survey, (iii) site plan, (iv.) exhibits A through C and letter (v.) the public hearing notice map, (vi.) a map of the block indicating the location of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Will Beecherl, Mayor, via e-mail
Bill Lindley, Town Administrator, via e-mail
Matthew C.G. Boyle, Town Attorney, via e-mail
Steve Alexander, Chief Financial Officer, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK

RECEIVED
OCT 20 2022

BY: S.P.

(Please Type or Print)

ADDRESS 4441 Belfort Avenue Owner's Name MJB Investments, LP

LEGAL DESCRIPTION: Lot(s) Pt of 3, 4, 15, & Block 104 Addition HP West

Mailing Address 14185 Dallas Parkway, Suite 1200

City Dallas State TX Zip Code 75254

1. Request:

The applicant requests the Board review and reverse a decision of the Administrative Officer that the planned addition of a pool house, carport and covered walkway (all as shown on the attached Exhibit A) must meet a 10-foot side yard setback and not a 3-foot side yard setback. The applicant requests the Board apply the accessory structure regulations, as set forth in Section 12 and throughout the zoning ordinance, to this property.

2. Jurisdiction: [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

The Board has jurisdiction pursuant to section 17-102 of the Highland Park Zoning Ordinance which provides in part: an appeal can be taken by any person aggrieved or affected by a decision of the Administrative Officer.

Additional information submitted by applicant None at this time. The applicant will supplement this application after review of the information the Administrative Officer proposes to provide to the Board in support of his decision.

Fee Paid \$200 Date 10/20/2022 Phone 214-620-0969

3. Signature of Owner 
Monty Bennett, authorized representative
(To be completed by Building Inspection Department)

Reason for denial: Section 17-102

Explanation:

Section 17-102:
Appeals to the Board of Adjustment can be taken by any person aggrieved or by an officer, department or board of the municipality affected by any decision of the Administrative Officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered by the Administrative Officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof.

Hugh Pender November 7, 2022
Building Inspector Date

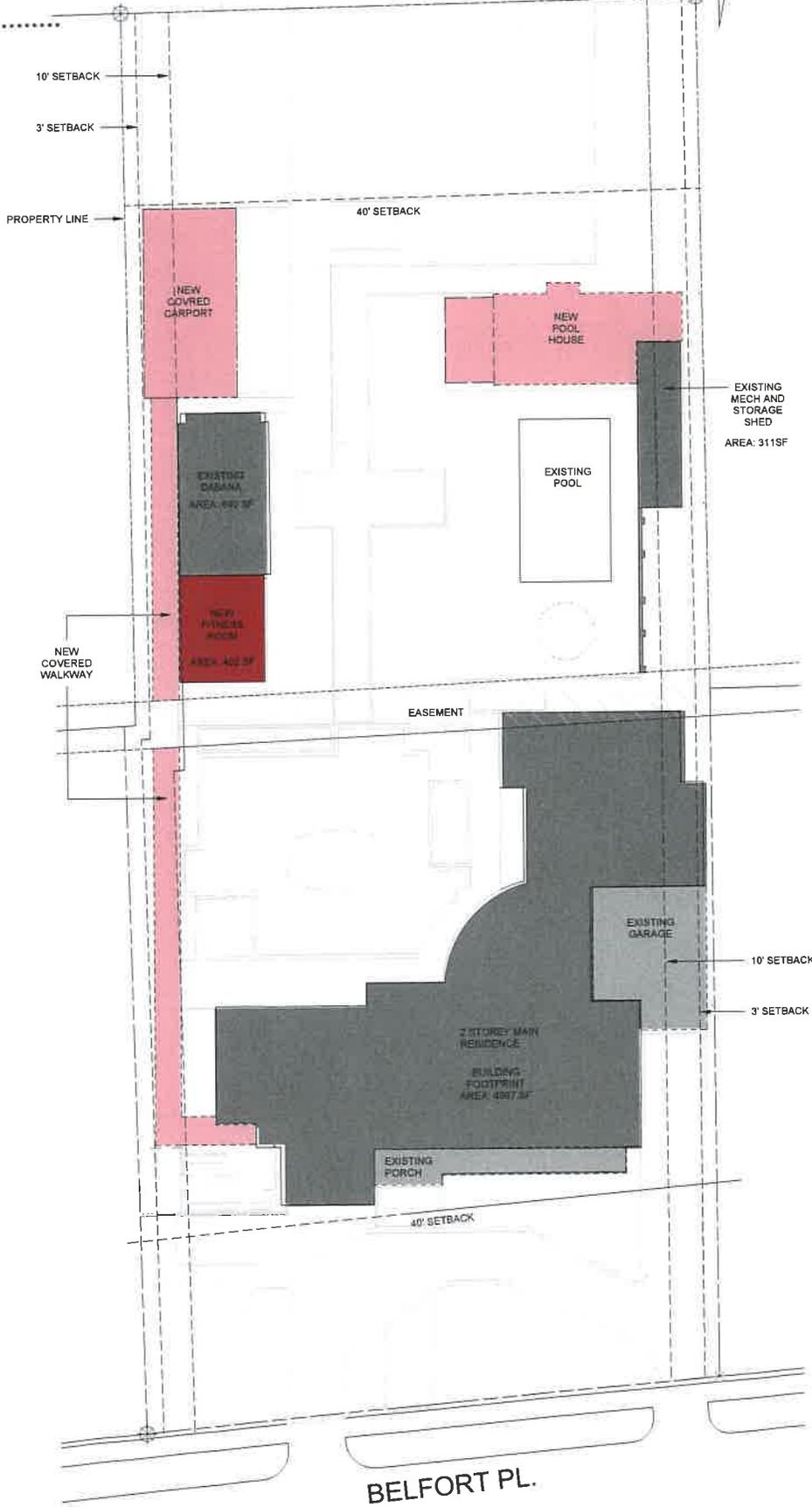
RECEIVED
OCT 20 2022

RHEIMS

BY: S.P.

-  EXISTING BUILDING (CONDITIONED)
-  EXISTING COVERED (NON AC)
-  NEW BUILDING (CONDITIONED)
-  NEW EXTERIOR COVERED (NON AC)

TOTAL AREA PROPOSED
 EXISTING BUILDING AREA: 5918 SF
 NEW BUILDING AREA: 402 SF
TOTAL: 6320 SF



7509 PENNRODGE CIRCLE
 ROWLETT, TX 75088
 FIRM REGISTRATION NO. 10194366

SURVEY PLAT



BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 4441 BELFORT AVENUE, in the City of HIGHLAND PARK, Texas.

Being a portion of Lots 3, 4, 15 and 16, in Block 104, of Highland Park West Addition, an Addition to the City of Highland Park, recorded in Volume 5, Page 206, Plat Records, Dallas County, Texas (P.R.D.C.T.), and being that same tract of land described in deed to MJB Investments, L.P., recorded under Instrument No. 201800270249, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

Beginning at a 5/8 inch iron rod found for corner in the North line of Rheims Place, at the Southwest corner of a tract of land described in deed to Balkrishna Shagrithaya and Thanamagal Shagrithaya, recorded under Instrument No. 200900064727, (D.R.D.C.T.), and being the Southeast corner of that tract herein described;

Thence South 89 deg. 10 min. 43 sec. West, along said North line, a distance of 120.00 feet to a point for corner at the Southeast corner of a tract of land described in deed to Margaret Gill Clements Napier, recorded under Instrument No. 201100287490, (D.R.D.C.T.);

Thence North 00 deg. 30 min. 38 sec. West, a distance of 144.34 feet to a point for corner in the West line of that tract herein described, at the Northeast corner of said Napier tract;

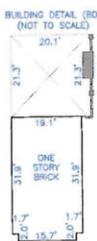
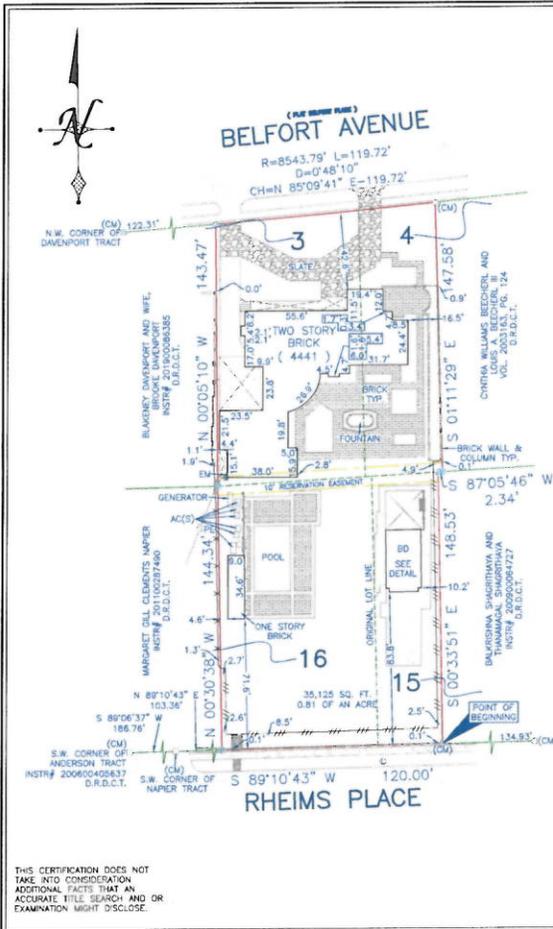
Thence North 00 deg. 05 min. 10 sec. West, a distance of 143.47 feet to a 1/2 inch yellow capped iron rod found for corner in the South line of Belfort Avenue, at the Northeast corner of a tract of land described in deed to Blakeney Davenport and Brooke Davenport, recorded under Instrument No. 201900086385, (D.R.D.C.T.), said point also being at the beginning of a curve to the right having a central angle of 00 deg. 48 min. 10 sec., a radius of 8543.79 feet, and a chord bearing a distance of North 85 deg. 09 min. 41 sec. East, 119.72 feet;

Thence Northeasterly along said curve to the right an arc distance of 119.72 feet to a 1/2 inch iron rod found for corner at the Northwest corner of a tract of land described in deed to Cynthia Williams Beecherl and Louis A. Beecherl III, recorded in Volume 2003163, Page 124, (D.R.D.C.T.);

Thence South 01 deg. 11 min. 29 sec. East, a distance of 147.58 feet to a point for corner at the most Southerly common corner of said Beecherl tract and that tract herein described;

Thence South 87 deg. 05 min. 46 sec. West, a distance of 2.34 feet to a point for corner at the inner "L" corner in the East line of that tract herein described, said point also being the Northwest corner of said Shagrithaya tract;

Thence South 00 deg. 33 min. 51 sec. East, a distance of 148.53 feet to the POINT OF BEGINNING and containing 35,125 square feet or 0.81 of an acre of land.



BEARINGS ARE BASED ON NAD 83 DATUM, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE. ACCEPTED BY: _____

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by this plat the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSTRACTING WORK FURNISHED BY N/A

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN

Scale: 1" = 30' USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSTOOD IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM.

G. F. No.: N/A THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR Premier Design Completion

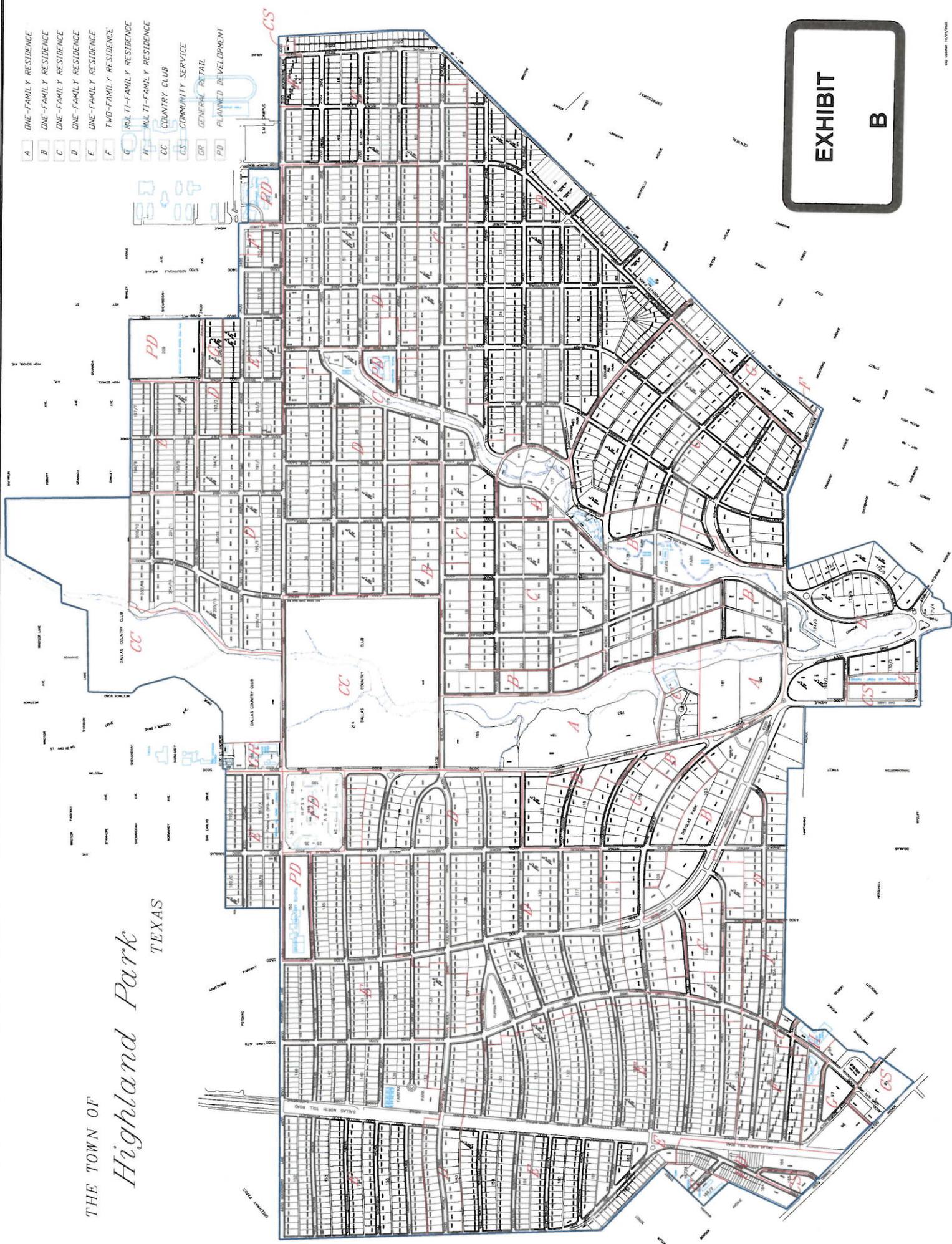
Job no.: 202109B45

Drawn by: AEG

LEGEND	
WIDE PINK LINE	1" = 30'
ORANGE LINE	1" = 30'
RED LINE	1" = 30'
BLUE LINE	1" = 30'
GREEN LINE	1" = 30'
YELLOW LINE	1" = 30'
BLACK LINE	1" = 30'
1/2" IRON ROD FOUND	1/2" IRON ROD FOUND
1/2" YELLOW-CAPPED IRON ROD FOUND	1/2" YELLOW-CAPPED IRON ROD FOUND
1/2" BRASS ROD FOUND	1/2" BRASS ROD FOUND
1/2" COPPER ROD FOUND	1/2" COPPER ROD FOUND
1/2" ALUMINUM ROD FOUND	1/2" ALUMINUM ROD FOUND
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THE TOWN OF
Highland Park
 TEXAS

- A ONE-FAMILY RESIDENCE
- B ONE-FAMILY RESIDENCE
- C ONE-FAMILY RESIDENCE
- D ONE-FAMILY RESIDENCE
- E ONE-FAMILY RESIDENCE
- F TWO-FAMILY RESIDENCE
- G MULTI-FAMILY RESIDENCE
- H MULTI-FAMILY RESIDENCE
- CC COUNTRY CLUB
- CS COMMUNITY SERVICE
- GR GENERAL RETAIL
- PD PLANNED DEVELOPMENT



**EXHIBIT
 B**

MEMORANDUM

November 13, 1970

The attached affidavit signed by Dr. and Mrs. Ralph G. Greenlee, Jr., formalizes an agreement with the Building Inspection Department to permit construction of a segment of brick wall in the easement between Lots 3 and 4 and Lots 15 and 16, Block 10 $\frac{1}{2}$, of the 8th Installment of Highland Park West. The question surrounds the right of the property owner to construct said brick wall in an easement originally platted by the developers for utilities.

The Building Inspection Department has had a policy for several years to deny applications for construction in such easements in an effort to eventually return said easements to usable space for garbage and trash disposal.

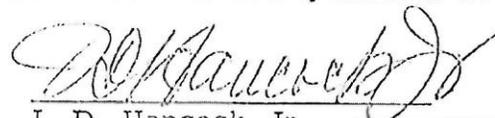
This particular construction came to the attention of the Building Inspection Department after the said wall was partially complete and it was subsequently determined that the foundation for the wall had been previously constructed at an earlier date. The Building Inspection Department was therefore faced with a fait accompli, and strict enforcement of the previous policy would have resulted in a decision to require that the construction be dismantled.

This particular piece of property constitutes, so far as the Building Inspection Department is able to determine, the only residential building site in Highland Park extending clear through a block from one side to another. The site faces both Belfort and Rheims with the single family dwelling being located on the Belfort side. It has been developed through the years with a rear ~~wall~~ extending all the way to Rheims containing therein a swimming pool and a beautified area including built-up brick planters located in the easement. In addition, it is believed that a portion of the accessory building intrudes into the easement.

The Building Inspection Department has made a decision to approve the completion of the said brick wall primarily because the building site is considered to be unique in that the easement is actually part of the rear yard and because of the fact that the construction is near completion.

In order to protect the policy which has been followed recently, inclined to a long-term effort to clear all of the easements on the west side of Preston Road, it has been decided to require of the owner a recordable affidavit recognizing the Town's right to maintain the easement free of construction and the right of the Town to require at any time that the construction be removed.

Such an affidavit has been executed and will be filed in the County Records as quickly as possible.



J. D. Hancock, Jr.
Town Administrator

JDH/mg
Attachment

EXHIBIT

C

Holland & Knight

One Arts Plaza | 1722 Routh Street, Suite 1500 | Dallas, TX 75201-2532 | T 214.969.1700 | F 214.969.1751
Holland & Knight LLP | www.hklaw.com

James B. Harris
+1 214-969-1102
Jim.Harris@hklaw.com

December 6, 2022

Via U.S. Mail and E-mail (mboyle@boyle-lowry.com)

Matthew Boyle
Town Attorney
Town of Highland Park
Boyle & Lowry L.L.P.
4201 Wingren Drive, Suite 108
Irving, Tx 75062

Re: 4441 Belfort Place - Appeal of Building Official's Decision

Dear Mr. Boyle:

I write on behalf of MJB Investments, LP the owner of a building site with a street address of 4441 Belfort Place that fronts on Belfort Place and Rheims Place. The owner has applied for one or more building permits to construct accessory structures behind the residence that faces Belfort Place. The applications were denied because the building site "has been treated as a double frontage lot with no 'rear yard' for purposes of setbacks." A hearing is currently scheduled in front of the Board of Adjustment on December 14, 2022, to consider a challenge to the building official's determination that the building site has no rear yard. As discussed below, the building site does have a rear yard. I would appreciate your bringing this letter and its attachments to the attention of the board.

Attached as Exhibit A is a survey of the 0.81 acres between Belfort Place and Rheims Place constituting the building site. The tract was created by the combination of portions of lots 3, 4, 15, and 16 found in Block 104 of the Highland Park West Addition. Under §18-100(c) of the town's zoning ordinance this combination creates a "building site," not a combined building site. Moreover, this building site is also considered a "lot" as that word is defined in §22-100(37) of the town's zoning ordinance ("Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place."). The town's zoning map, attached as Exhibit B,

Atlanta | Austin | Boston | Charlotte | Chicago | Dallas | Denver | Fort Lauderdale | Fort Worth | Houston
Jacksonville | Los Angeles | Miami | New York | Orange County | Orlando | Philadelphia | Portland
Richmond | San Francisco | Stamford | Tallahassee | Tampa | Tysons | Washington, D.C. | West Palm Beach

Algiers | Bogotá | London | Mexico City | Monterrey

confirms this understanding as it depicts a single lot at 4441 Belfort Place that runs from Belfort Place to Rheims Place, while the other lots on the block do not extend from Belfort to Rheims. Therefore, the property boundaries of the building site/lot at 4441 Belfort Place containing the 0.81 acres (the "Site") represent "lot lines" as those words are defined in the town's zoning ordinance ("The lines bounding a lot as defined herein.").

It is undisputed that the principal frontage for the Site is Belfort Place as the main and only residence found on the Site faces that street. Therefore, the rear lot line for the Site should be the lot line on Rheims Place as it is the lot line to the rear of the residence. However, because the Site has frontage on two streets, the town's zoning ordinance in §8-402(4) directs that it also has two front yards. The town's zoning ordinance in §8-401 provides that the depth of each front yard is the average front setback for the block. As a result, there is a front yard off Rheims Place even though there is no main building fronting Rheims Place. All parties agree that the depth of that front yard is 41.7 feet. So the line establishing the depth of the Rheims Place front yard is also the rear lot line.

The town's zoning ordinance defines a "rear yard" as "An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated." §22-100(57). Importantly, the depth specified is a minimum. In other words, the rear yard cannot be smaller than what is specified but can be larger.

It is undisputed that the area behind the residence facing Belfort Place is open and unoccupied, except for accessory buildings. Moreover, the distance from the residence facing Belfort Place to the rear lot line (the line established by the front yard setback off Rheims Place) is greater than the depth required by the town's zoning ordinance, which is a minimum of 10 feet and could be as much as 40 feet. And the fact it is greater does not make mean that it is not a rear yard. Again, the distances specified for a rear yard are a minimum. Contrary to the building official's determination, the Site has a rear yard.

This conclusion also follows from the fact that under the town's zoning ordinance every lot has to have a front yard, a side yard, and a rear yard. The structure of the ordinance does not provide for areas that do fall in one of those three categories. And requiring every area on a lot be one of the three yards insures there are area restrictions on every portion of a lot. And yet if the Site has no rear yard, the area behind the residence at the Site would not be subject to area regulations. For instance, in the absence of a rear yard there can be no side yard because the side yard is defined by a "side line" extending from the front yard to the rear yard. §22-100(58). In short, the Site must have a rear yard.

The town has previously recognized that the Site has a rear yard. In November 1970, the then town administrator authored a memo (a copy of which is attached as Exhibit C) discussing a request to encroach on a utility easement cutting across the center of that noted the Site had a rear yard:

The Building Inspection Department has made a decision to approve the completion of the said brick wall [encroaching on the easement] primarily because the *building site* is considered to be unique in that *the easement is actually part of the rear yard* and because of the fact that the construction is near completion.

(emphasis supplied).

And on April 20, 2004, the town issued a building permit for a multi-purpose game court on the Site that could only be located in a rear yard. According to the town's zoning ordinance a multi-purpose game court cannot be located in a front or side yard. §13-103(b). The only other location is a rear yard. In other words, because a multi-purpose game court could only be constructed in a rear yard, the town must have treated the area behind the residence at the Site as a rear yard.

In January 2010, the town chose to deny a request to issue a building permit for accessory structures on the Site not because there was no rear yard but because a side yard setback was not being met. In the memo explaining the reason for the denial based on non-compliance with the side yard setback, the building inspector, Kirk Smith, justified that action as follows:

If we use Section 12-101(1)(a) that refers to detached accessory building [sic] having to be located in the area defined as the rear year [to deny the application], then that will create confusion on our recent policy for Double Frontage lots and create inconsistency with the issuance of the game court permit in 2004.

Inconsistency would not exist unless in 2004 the town understood the Site had a rear yard.

The Site was the subject of variance requests in 1973, 1998, and 2004 that mention in passing and in a purely conclusory fashion that it has no rear yard. Interestingly, in the letters received in connection with the requests and the oral presentations made, reference is repeatedly made to the Site's back yard or rear yard even though it was not supposed to exist. Similarly, the current decision being appealed does not explain why

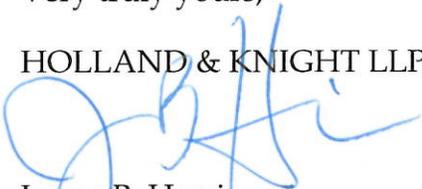
Matthew Boyle
December 6, 2022
Page 4

the Site has no rear yard. It simply notes that conclusion is consistent with Kirk Smith's January 2010 memo. As discussed above, that was not Mr. Smith's conclusion. Moreover, you will hear from Mr. Smith that after reviewing the November 1970 memo (Exhibit C), which he did not have access to when preparing the January 2010 memo, and the analysis in this letter he is now of the opinion that the Site does have a rear yard.

On behalf of the owner, I respectfully request that the board reverse the decision of the building official that the Site does not have rear yard and find that a rear yard does exist. Reaching that conclusion will affect only the Site and would reduce the need for variances by making clear that the rules for rear yards apply. And this decision would not set a precedent for any other lot because as far as Kirk Smith is aware, no other lots in town have been combined in the same manner as the Site.

Very truly yours,

HOLLAND & KNIGHT LLP



James B. Harris

JH:tkl

STATE OF TEXAS

NOV-24-70 174576

VD-B

450

COUNTY OF DALLAS

DEED RECORD

WHEREAS, the undersigned property owners are the owners of portions of Lots 3, 4, 15, and 16, Block 104, of Highland Park West, 8th Installment of the Town of Highland Park, Texas, also known as 4441 Belfort Avenue; and

WHEREAS, the Town of Highland Park has granted permission to the undersigned property owners to construct brick walls and brick planters in the utility easement lying between Lots 3 and 4, and Lots 15 and 16, Block 104, of Highland Park West, 8th Installment of the Town of Highland Park, Texas, for the purpose of protecting our property and for our benefit and enjoyment, which said easement is reserved for the use of the Town of Highland Park for the maintenance of water and sanitary sewer lines, as well as collection of garbage; and

WHEREAS, the undersigned property owners acknowledge the right of the Town of Highland Park, Texas to prevent said brick walls and brick planters from being constructed in the utility easement and recognizes the right of the Town of Highland Park to require said brick walls and brick planters to be removed at any time should it conclude for any reason that such removal is necessary; now, therefore,

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the benefits to be derived by us, the undersigned property owners, by the Town of Highland Park, Texas permitting us to construct brick walls and brick planters in the utility easement lying between Lots 3 and 4, and Lots 15 and 16, Block 104, of Highland Park West, 8th Installment, Highland Park, Texas, the undersigned agree as follows, to-wit:

- (1) That the said brick walls and brick planters shall conform to the plan attached hereto and designated Exhibit A.
- (2) That the said brick walls and brick planters will be located on a utility easement lying between Lots 3 and 4, and Lots 15 and 16, Block 104, Highland Park West, 8th Installment, Highland Park, Texas.
- (3) That said easement is reserved for utilities, both Town owned and privately owned, and for the collection of garbage.

VOL PAGE
70226 1012

(4) That the Town of Highland Park has the right to prohibit construction in said easement.

(5) That the Town of Highland Park shall have the right at any time, and without notice, to enter the utility easement herein described for the purpose of maintaining and/or repairing Town owned utilities, and in such event shall have the right to remove or alter said brick walls and/or brick planters in order to effect such maintenance and/or repairs, all without liability to the undersigned for damages of any nature.

(6) That additional walls, fences, planters, or construction of any nature whatsoever will not be placed in said easement after the date of this agreement without prior approval from the Town of Highland Park, Texas.

(7) That any or all of said brick walls or brick planters will be removed by the undersigned property owners, or their heirs, successors or assigns within a reasonable time, not to exceed sixty (60) days, after the date the Town of Highland Park notifies in writing the undersigned property owners, their heirs, successors or assigns at their last known address, that said brick walls and/or brick planters shall be removed at the sole cost of the undersigned property owners and without cost or liability to the Town of Highland Park.

(8) That in the event the undersigned property owners or their heirs, successors or assigns fail to remove the brick walls or brick planters, in accordance with (7) above, the Town of Highland Park shall have the right to remove the brick walls or brick planters and thereafter shall have the express right to charge all costs incurred to the owners and if necessary, to file a statement of charges in the County Records and create a lien against the property.

(9) That the undersigned property owners agree to hold the Town of Highland Park harmless for any and all claims for damages which may be made against the Town of Highland Park by reason of said brick walls and/or brick planters being constructed and maintained as provided for herein.

(10) That this document may be filed in the Deed Records of Dallas County, Texas, to evidence the fact that said brick walls and brick planters are placed on an easement reserved against construction and are subject to being removed upon the request of the Town of Highland Park, Texas.

Executed this the 13th day of November, 1970.

Town of Highland Park, Texas
By [Signature]
Town Administrator

[Signature]
[Signature]

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, on this day personally appeared Ralph H. Guebler, Jr., and Melba D. Guebler, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Melba D. Guebler, wife of the said Ralph H. Guebler, Jr., having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Melba D. Guebler, declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

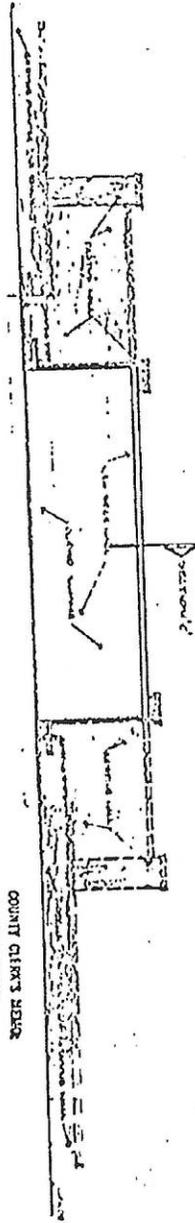
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 13th day of November, A.D. 1970.



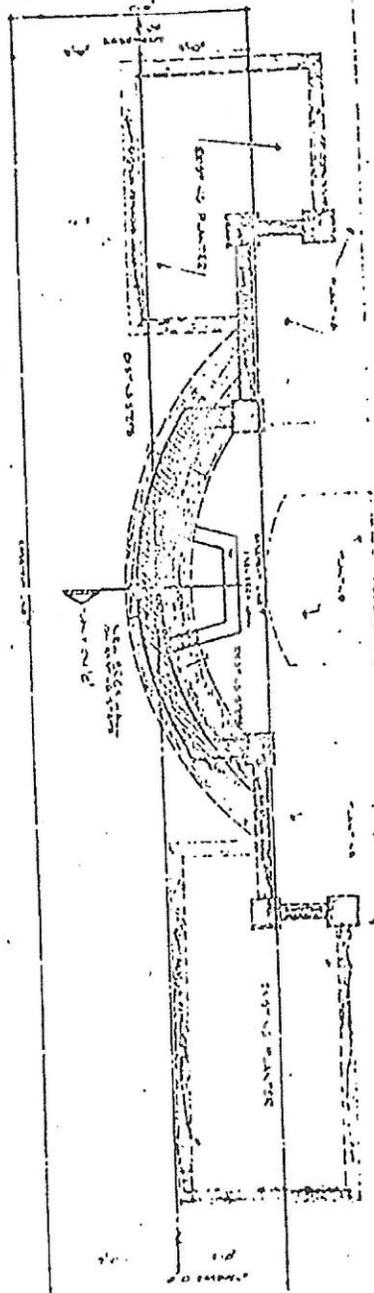
[Signature]
Notary Public, Dallas County, Texas

SECTION A
EAST

3

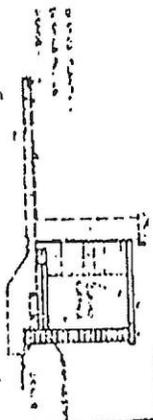


SECTION B
WEST



COUNTY CLERK'S OFFICE
PORTIONS OF THIS
DOCUMENT NOT LEGIBLE
WHEN RECEIVED

SECTION C
EAST



MAYOR
William C. Beecherl

MAYOR PRO TEM
Craig Penfold

TOWN ADMINISTRATOR
Bill Lindley



TOWN COUNCIL
MEMBERS

Marc Myers

Lydia Novakov

Don Snell

Leland White

November 15, 2022

BOARD OF ADJUSTMENT MEMBERS

Chuck Reeder, Chairman
Stacey Furst
Joan Clark
Alison Hunsicker
Robert McCulloch
Nancy Rogers, Alternate Member
Jim Yoder, Alternate Member

Dear Board Members,

The Board of Adjustment will conduct a public hearing at 8:30 a.m. on Wednesday, December 14, 2022, to consider a variance from Section 8-501 and Section 16-102(f) to construct various detached accessory structures and to modify a non-conforming front yard fence at 4441 Belfort Avenue. Section 8-501 of the Zoning Ordinance shows that the required side yard setback for properties located in zoning district "C" is 10% of lot width but not more than 10-feet. Section 16-102(f) of the Zoning Ordinance states any voluntary, exterior reconstruction of any portion of a nonconforming structure shall not be permitted, unless the reconstruction conforms to the regulations established in this ordinance. The property owners request to construct the detached accessory structures at 3 feet from the side property line and to add a vehicle entrance gate to the front yard fence.

The agenda, application, and meeting details are available on the Town's website www.hptx.org by clicking on the "Board of Adjustment" webpage.

Enclosed is a copy of: (i.) the application to the Board, (ii.) property survey, (iii.) the plans, (iv.) the public hearing notice map, (v.) a map of the block indicating the location of the property.

Feel free to contact me at your convenience if you have any questions.

Sincerely,
Hugh Pender
Director of Development Services
hpender@hptx.org

cc: Will Beecherl, Mayor, via e-mail
Bill Lindley, Town Administrator, via e-mail
Matthew C.G. Boyle, Town Attorney, via e-mail
Steve Alexander, Chief Financial Officer, via e-mail
Joanna Mekeal, Town Secretary, via e-mail

**APPEAL TO THE BOARD OF ADJUSTMENT
TOWN OF HIGHLAND PARK**

(Please Type or Print)

ADDRESS _____ Owner's Name _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Addition _____

Mailing Address _____

City _____ State _____ Zip Code _____

1. Request:

To construct accessory improvements on this double frontage property consisting of:

1. a new covered carport with a 3-ft side yard setback,
2. a new breezeway from the carport to the utility easement with a 3-ft side yard setback,
3. a continuation of the same breezeway with a 3-ft side yard setback from the easement to the house proper,
4. a new pool cabana w/restroom connected to the existing mechanical/storage shed with a 4.1-ft SY setback, and
5. reconstruction of the existing iron fence in the Rheims front yard with an iron and masonry fence w-gate(s).

2. Jurisdiction: [Applicant has reviewed Section 17-200 a,b, and c of the Highland Park Zoning Ordinance (copy attached) and is of the opinion that the Board of Adjustment has jurisdiction for the following reason(s)]

The Board has jurisdiction pursuant to section 17-200(b) of the Highland Park Zoning Ordinance which provides in part: the board can provide modification to the yard and fence location regulations as may be necessary to develop a parcel of land that differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification. This property is the only double frontage building site in the district and as such cannot be appropriately developed without this (these) variance(s) from the Board.

Additional information submitted by applicant Variance Site Plan Legend, plans& elevations of proposed improvements, Snapshot of Survey,Letter from Kirk Smith (pending receipt from HP of responsive materials to ORR)

Fee Paid _____ Date _____ Phone 214-620-0969

3. Signature of Owner _____

Monty Bennett, (To be completed by Building Inspection Department) authorized representative

Reason for denial: _____ Section Sections 8-501 and 16-102(f)
Explanation: _____

Section 8-501:
The minimum side yard required for a main building located within a C district shall be 10% of the lot width, with a maximum side yard of 10 feet.
Section 16-102(f):
Any voluntary, exterior reconstruction of any portion of a nonconforming structure shall not be permitted, unless the reconstruction conforms to the regulations established in this ordinance.

Hugh Pender _____ November 7, 2022
Building Inspector Date



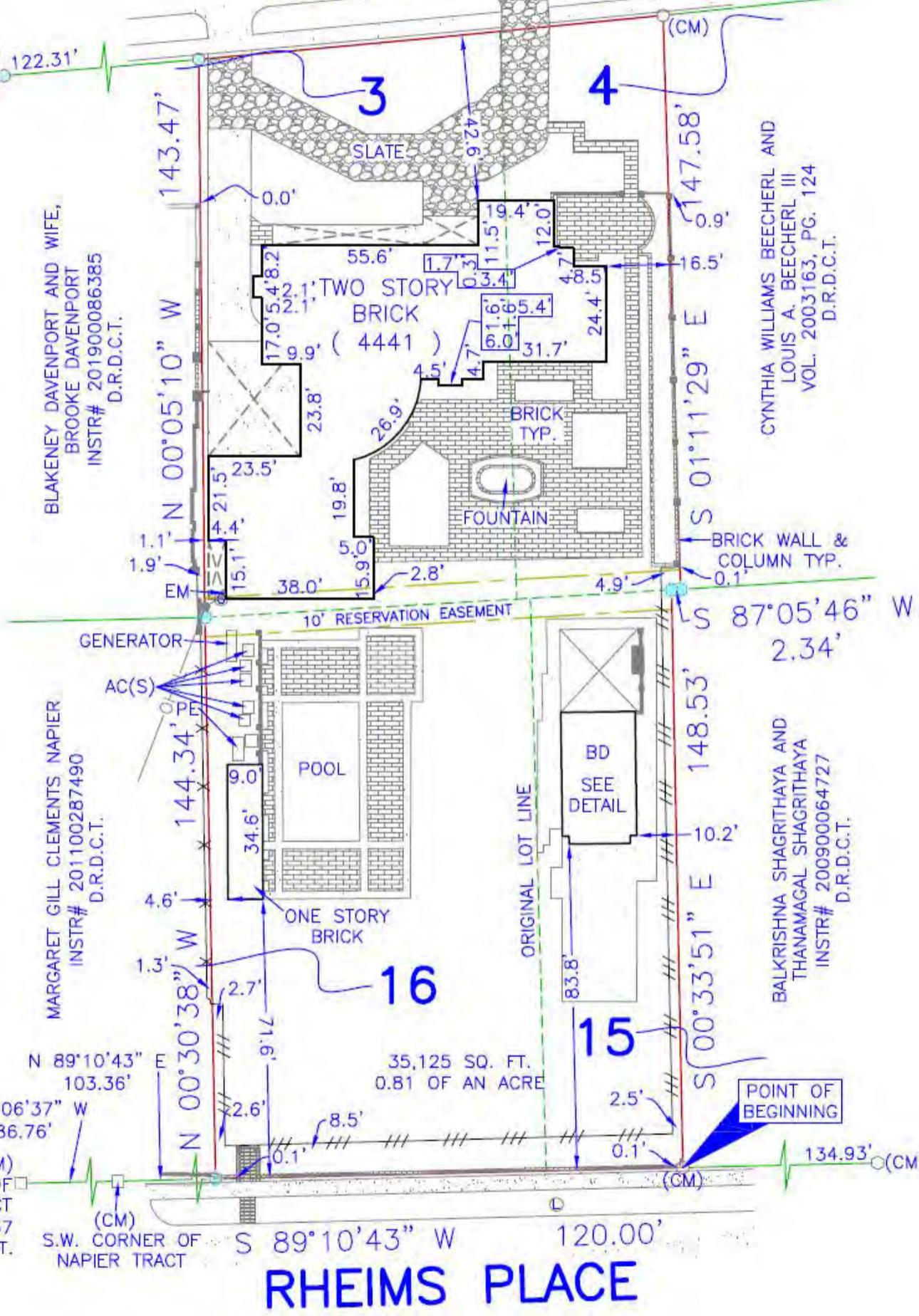
BELFORT AVENUE

(PLAT BEFORE PAGE)
R=8543.79' L=119.72'
D=0°48'10"
CH=N 85°09'41" E-119.72'

(CM) 122.31'
N.W. CORNER OF
DAVENPORT TRACT

BLAKENEY DAVENPORT AND WIFE,
BROOKE DAVENPORT
INSTR# 201900086385
D.R.D.C.T.

CYNTHIA WILLIAMS BEECHERL AND
LOUIS A. BEECHERL III
VOL. 2003163, PG. 124
D.R.D.C.T.



N 00°05'10" W

S 01°11'29" E

MARGARET GILL CLEMENTS NAPIER
INSTR# 201100287490
D.R.D.C.T.

BALKRISHNA SHAGRITHAYA AND
THANAMAGAL SHAGRITHAYA
INSTR# 200900064727
D.R.D.C.T.

N 89°10'43" E
103.36'

S 89°06'37" W
186.76'

S 89°10'43" W

120.00'

RHEIMS PLACE

(CM)
S.W. CORNER OF
ANDERSON TRACT
INSTR# 200600405637
D.R.D.C.T.

(CM)
S.W. CORNER OF
NAPIER TRACT

POINT OF BEGINNING

THIS CERTIFICATION DOES NOT
TAKE INTO CONSIDERATION
ADDITIONAL FACTS THAT AN
ACCURATE TITLE SEARCH AND OR
EXAMINATION MIGHT DISCLOSE.

GENERAL NOTES:

- CONSTRUCTION: COMPLY WITH APPLICABLE BUILDING CODES AND RELATED AMENDMENTS.
- BRING ERRORS, OMISSIONS AND INCONSISTENCIES IN DRAWINGS OR AMBIGUITIES BETWEEN DRAWINGS AND SITE CONSTRUCTION CONDITIONS TO ATTENTION OF THE DESIGNER.
- NOTIFY DESIGNER IN EVENT OF DISCREPANCIES IN CONTRACT DOCUMENTS.
- MECHANICAL AND LANDSCAPE DRAWINGS BY OTHERS.
- VERIFY LOCATION OF UTILITIES SERVING SITE.
- FINAL GRADING FOR DRAINAGE OF WATER AWAY FROM THE BUILDING AND OFF OF THE SITE SHALL BE THE RESPONSIBILITY OF THE OWNER. OWNER'S GENERAL CONTRACTOR AND OWNER'S LANDSCAPE INSTALLER.
- VERIFY WINDOW GLAZING OPTIONS WITH DESIGNER AND OWNER. ALL WINDOWS TO BE OPERABLE UNLESS NOTED OTHERWISE BY THE FOLLOWING NOTATION: (S) STATIONARY OR (O) OPERABLE. WINDOWS REQUIRING SAFETY GLASS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND THE WINDOW DISTRIBUTOR. SPECIAL HARDWARE MAY BE REQUIRED ON NARROW EGRESS WINDOWS.
- LOCATION OF HVAC UNITS AND WATER HEATERS, DETERMINED BY OTHERS.
- VENT CLOTHES DRYERS TO OUTSIDE.
- RUN ALL ROOF VENTS BEHIND FRONT RIDGE.
- IF MANUFACTURED, PREHUNG DOORS ARE USED, THEY ARE TO BE SENT TO SITE WITHOUT THRESHOLDS OR WEATHERSTRIPPING.
- CONTRACTOR TO LOCATE AND COORDINATE PLACEMENT OF ELECTRICAL FIXTURES AND PLUMBING PENETRATIONS PRIOR TO LAYING FLOOR AND CEILING JOISTS, NOTIFY DESIGNER IF CONFLICTS OCCUR.
- ALL SHOP DRAWINGS TO BE SUBMITTED TO SCALE.
- LANDSCAPE ARCHITECT TO SUBMIT DESIGN PLANS TO ARCHITECT FOR REVIEW BEFORE PROCEEDING WITH INSTALLATION DRAWINGS OR INSTALLATION OF PLANT MATERIAL. LANDSCAPE ARCHITECT SHALL NOT PLANT NEW TREES THAT WILL OBSCURE FROM VIEW THE MAIN ARCHITECTURE FEATURES OF THE HOUSE.
- FOR DRIVEWAYS, SIDEWALKS, EXTERIOR STEPS, PATIOS, ETC., SEE LANDSCAPE DRAWINGS.
- PROVIDE SOUND BATT INSULATION AROUND MECHANICAL ROOMS AND BATHROOMS.

TOTAL AREA PROPOSED FOR ACCESSORY STRUCTURES

NEW BUILDING AREA (CONDITIONED): 1133 SF
 NEW BUILDING AREA (NON AC): 2979 SF
TOTAL: 3712 SF

PROPERTY ADDRESS

4441 BELFORT PLACE
 DALLAS, TX 75205

LEGAL DESCRIPTION

BEING A PART OF LOTS 3, 4, 15, AND 16, IN BLOCK 104, OF HIGHLAND PARK WEST ADDITION, AN ADDITION TO THE TOWN OF HIGHLAND PARK, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 206, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

Sheet List	
Sheet Number	Sheet Name
A0,0	COVER PAGE
A1,1	SITE PLAN
A1,2	ROOF PLAN
A2,0	CABANA FLOOR PLAN & ELEV
A2,2	POOL HOUSE FLOOR PLAN
A2,3	POOL HOUSE ELEVATIONS
A2,4	CARPORT FLOOR PLAN & ELEV
A2,6	FENCE ELEVATION
A3,1	WALKWAY & FENCE SECTION

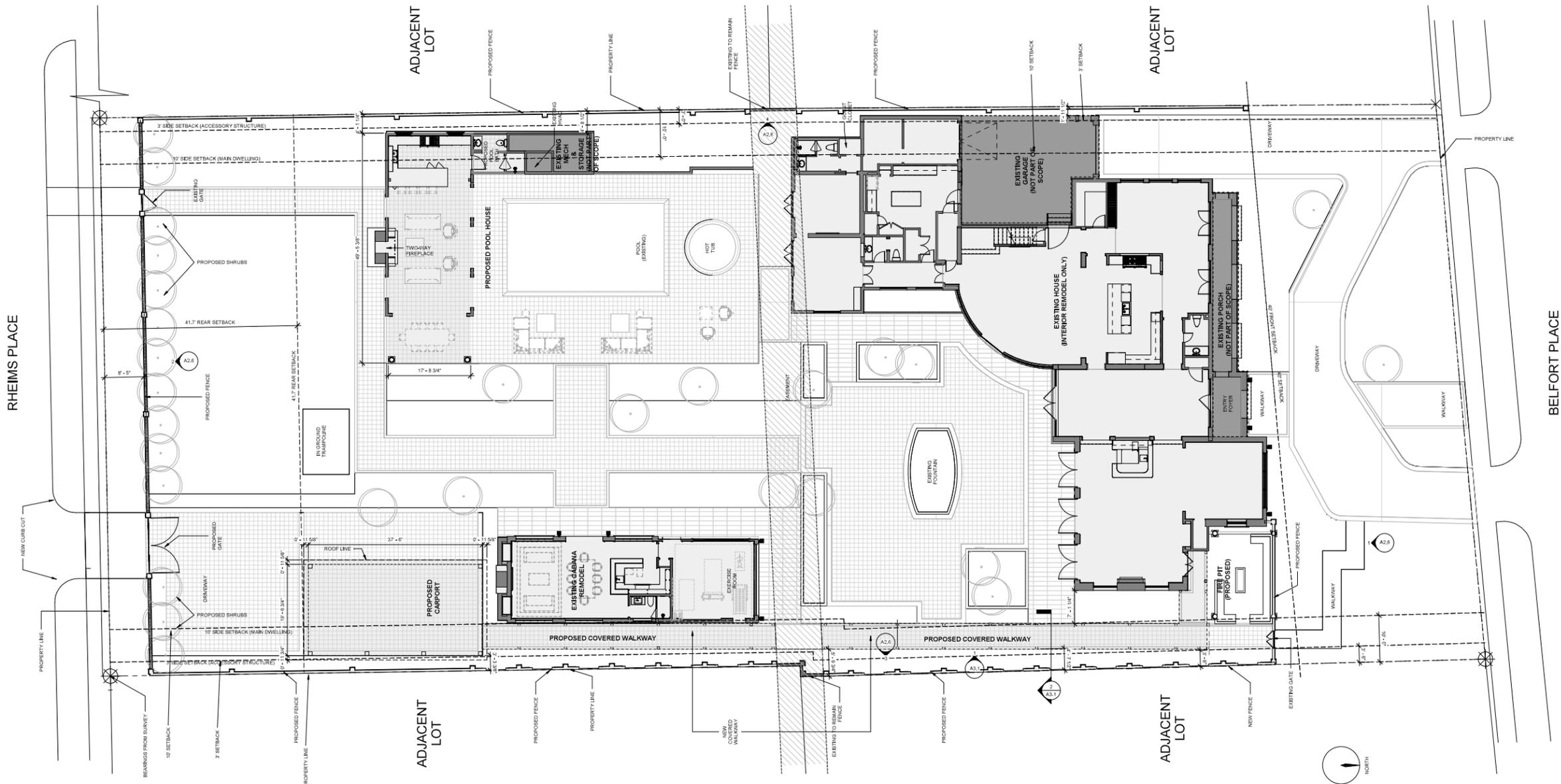
SEE PLAN NOTES:

- ARCHITECT FOR REVIEW BEFORE PROCEEDING WITH INSTALLATION DRAWINGS OR INSTALLATION OF PLANT MATERIAL. LANDSCAPE ARCHITECT SHALL NOT PLANT NEW TREES THAT WILL OBSCURE FROM VIEW THE MAIN ARCHITECTURE FEATURES OF THE HOUSE.
- ALL NEW CURB/GUTTER AND PUBLIC WALKS PER TOWN SPECIFICATIONS [ORD. 1277 SEC.2]
- FENCE HEIGHT NOT TO EXCEED 6' HIGH AS MEASURED FROM NON-OWNER'S SIDE.

LEGEND:

- EXISTING TO REMAIN
- EXISTING REMOVAL
- NEW/PROPOSED

TOTAL EXISTING AREA: 5115 SF



PURVA DESIGN STUDIO
 5227 HORTHAMCOOR DRIVE
 DALLAS, TX 75251
 Phone: 214-764-4255
 Email: info@purvadesign.com
 Website: www.purvadesign.com

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4441 BELFORT PLACE
 REMODEL & ADDITION FOR: MONTY AND SARAH BENNETT
 4441 BELFORT PLACE, DALLAS TX 75205

DATE	DESCRIPTION

PROJECT NO: 1278
 SHEET TITLE: SITE PLAN
 SHEET NO: A1.1



PURVA
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STUDIO

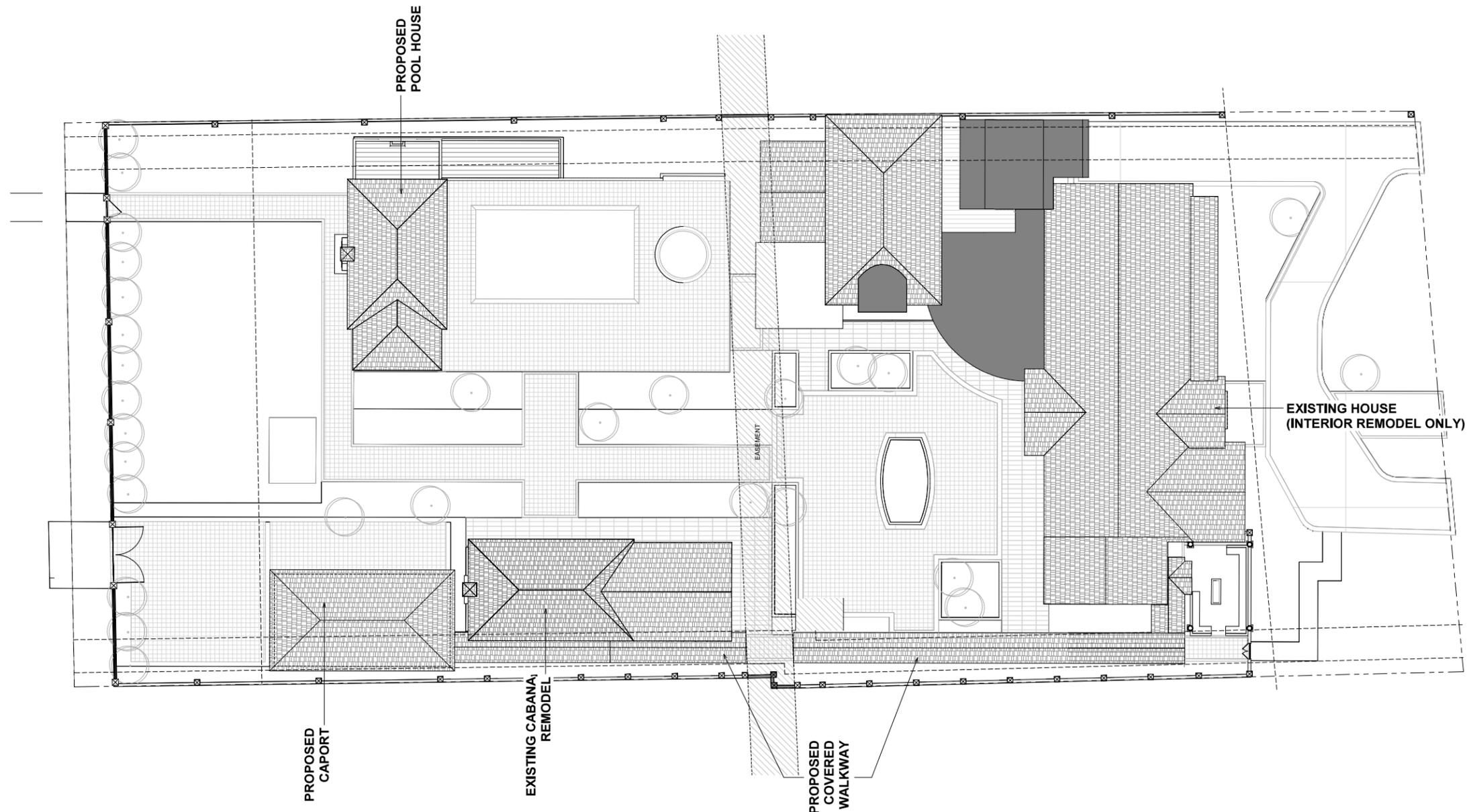
PURVA DESIGN STUDIO
5227 NORTHMOOR DRIVE
DALLAS, TX 75205

Phone 214-754-4555

Email info@purvadesign.com

Website www.purvadesign.com

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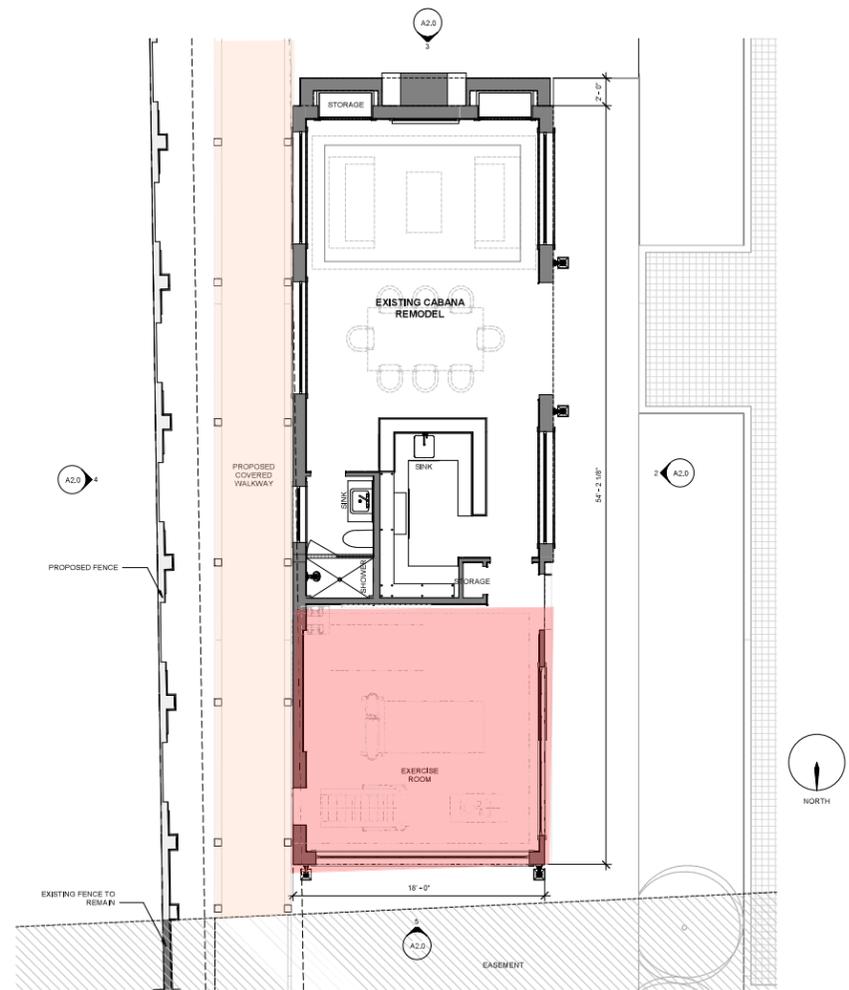
4441 BELFORT PLACE
REMODEL & ADDITION FOR MONTY AND SARAH BENNETT
4441 BELFORT PLACE, DALLAS TX 75205

REVISION	DATE	BY

PROJECT NO:
1278

SHEET TITLE:
ROOF PLAN

SHEET NO:
A.1.2

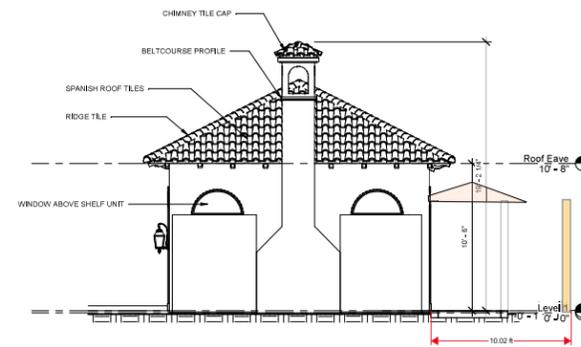


**EXISTING CABANA WITH CONVERSION OF COVERED VERANDA INTO EXERCISE ROOM
(WITH PROPOSED COVERED WALKWAY SHOWN BESIDE)**

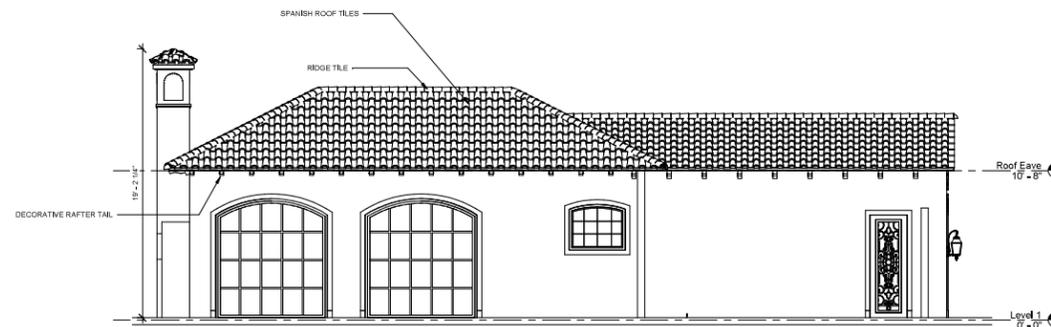
1 CABANA FLOOR PLAN
18.11.20



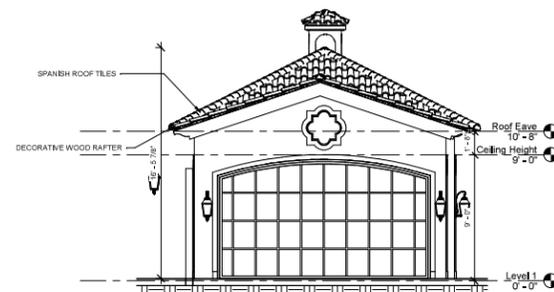
2 CABANA - WEST ELEVATION
18.11.20



3 CABANA - SOUTH ELEVATION
18.11.20



4 CABANA - EAST ELEVATION
18.11.20



5 CABANA - NORTH ELEVATION
18.11.20

REVISION	DATE	BY	DESCRIPTION

PROJECT NO:
1278

SHEET TITLE:
CABANA
FLOOR PLAN
& ELEV

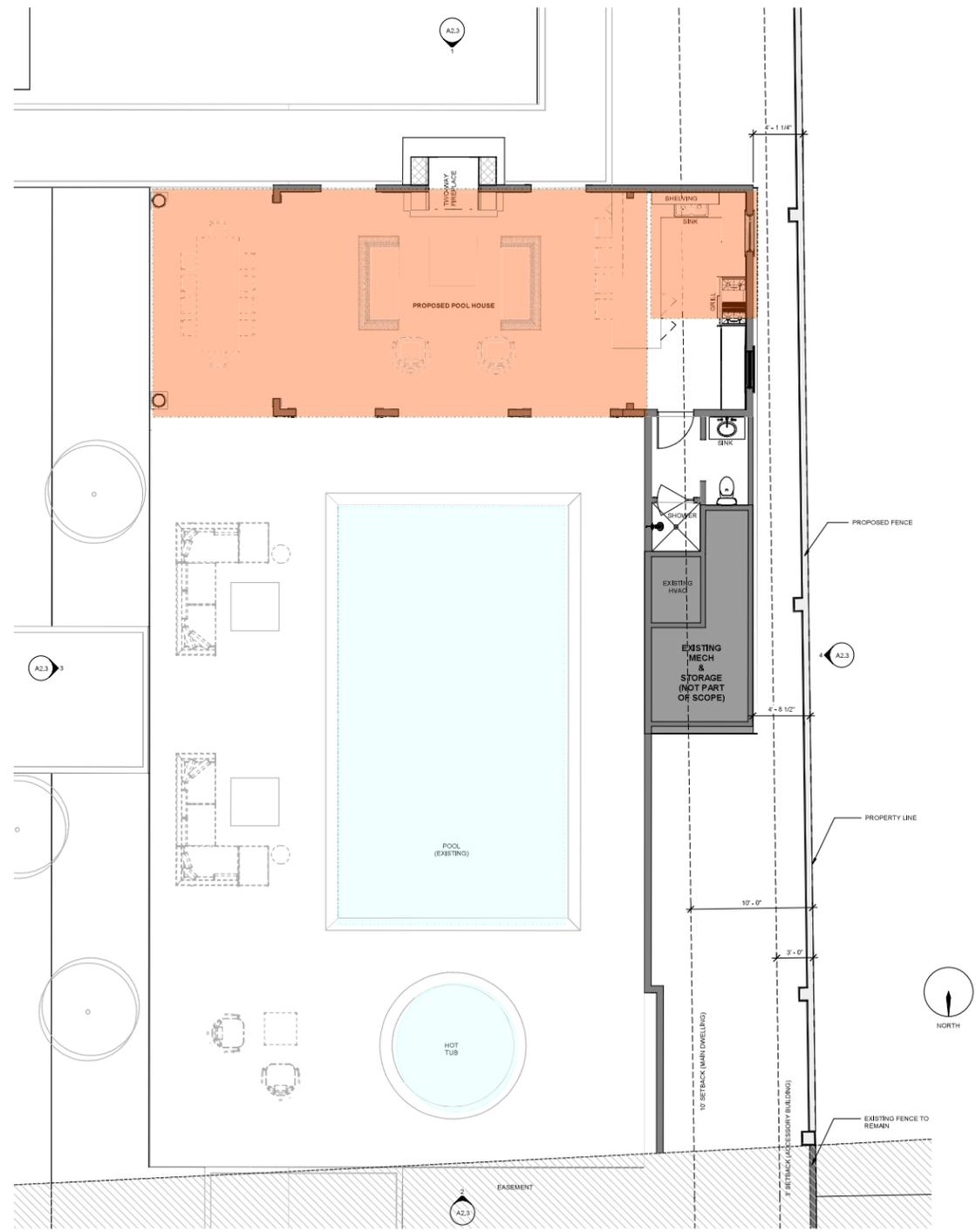
SHEET NO:
A2.0



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1 POOL HOUSE FLOOR PLAN

4441 BELFORT PLACE
REMODEL & ADDITION FOR MONTY AND SARAH BENNETT
4441 BELFORT PLACE, DALLAS TX 75205

REVISION	DATE	BY

PROJECT NO:
1278

SHEET TITLE:
POOL HOUSE
FLOOR PLAN

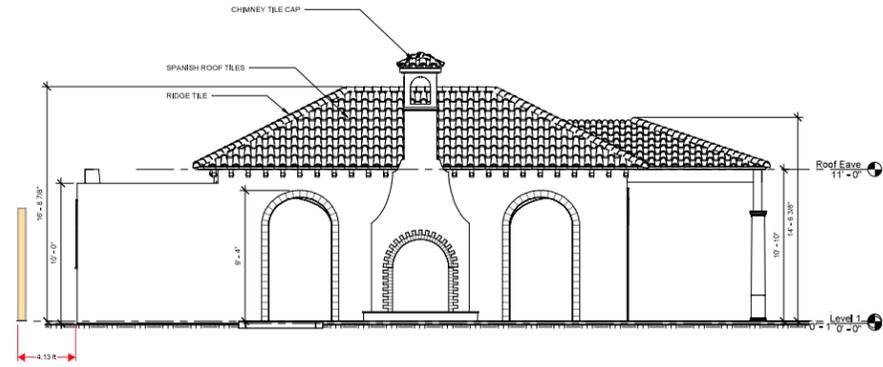
SHEET NO:
A2.2



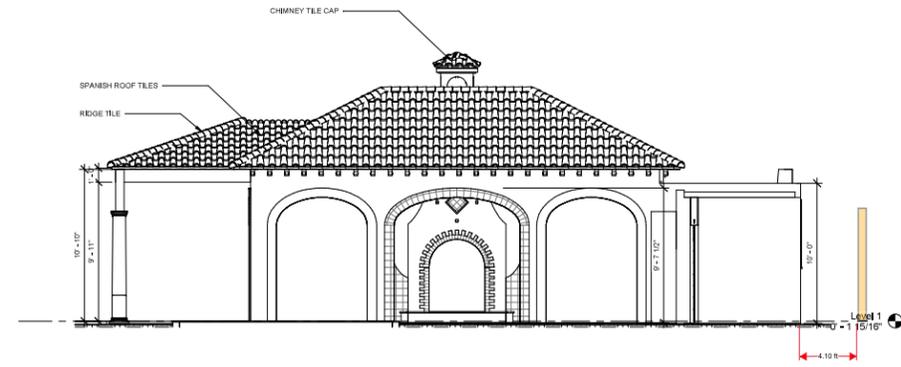
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STUDIO

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VIEW FROM RHEIMS PLACE



VIEW FROM INSIDE YARD LOOKING TOWARDS RHEIMS PLACE

1 POOL HOUSE - SOUTH ELEVATION

2 POOL HOUSE - NORTH ELEVATION

NEW FENCE IN BACKGROUND



VIEW FROM INSIDE YARD TOWARDS 4448 RHEIMS PLACE

3 POOL HOUSE - EAST ELEVATION



VIEW FROM 4448 RHEIMS PLACE

4 POOL HOUSE - WEST ELEVATION

4441 BELFORT PLACE
REMODEL & ADDITION FOR MONTY AND SARAH BENNETT
4441 BELFORT PLACE, DALLAS TX 75205

REVISION	DATE	BY	CHKD

PROJECT NO:
1278

SHEET TITLE:
POOL HOUSE
ELEVATIONS

SHEET NO:
A2.3



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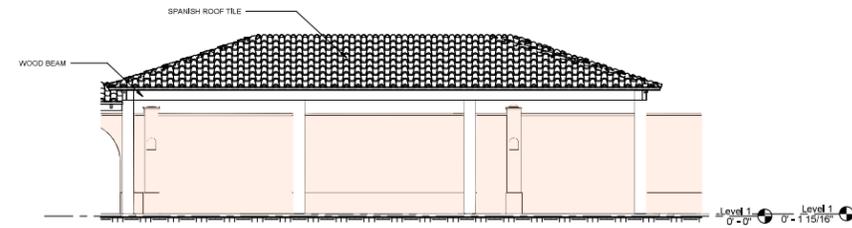
4441 BELFORT PLACE
REMODEL & ADDITION FOR MONTY AND SARAH BENNETT
4441 BELFORT PLACE, DALLAS TX 75205

REVISION	DATE	BY	CHKD

PROJECT NO:
1278

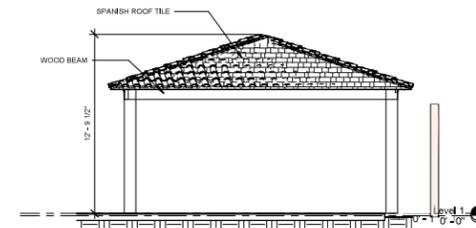
SHEET TITLE:
CARPORT
FLOOR PLAN
& ELEV

SHEET NO:
A2.4

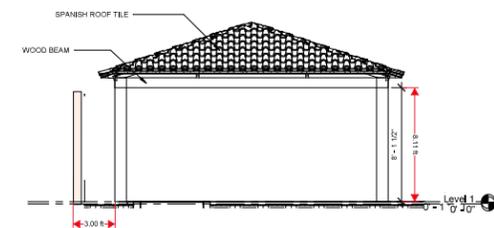


VIEW FROM ISIDE YARD TOWARDS 4420 RHEIMS PLACE W-FENCE IN BACKGROUND

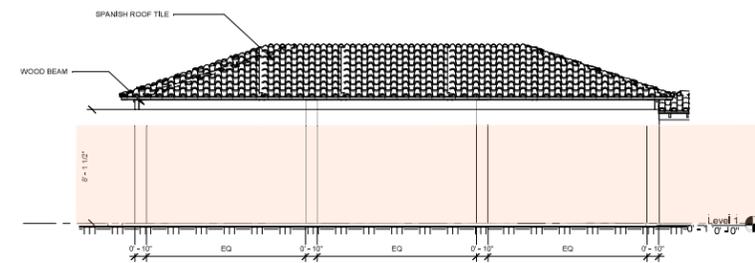
2 Carport - East Elevation



3 Carport - North Elevation

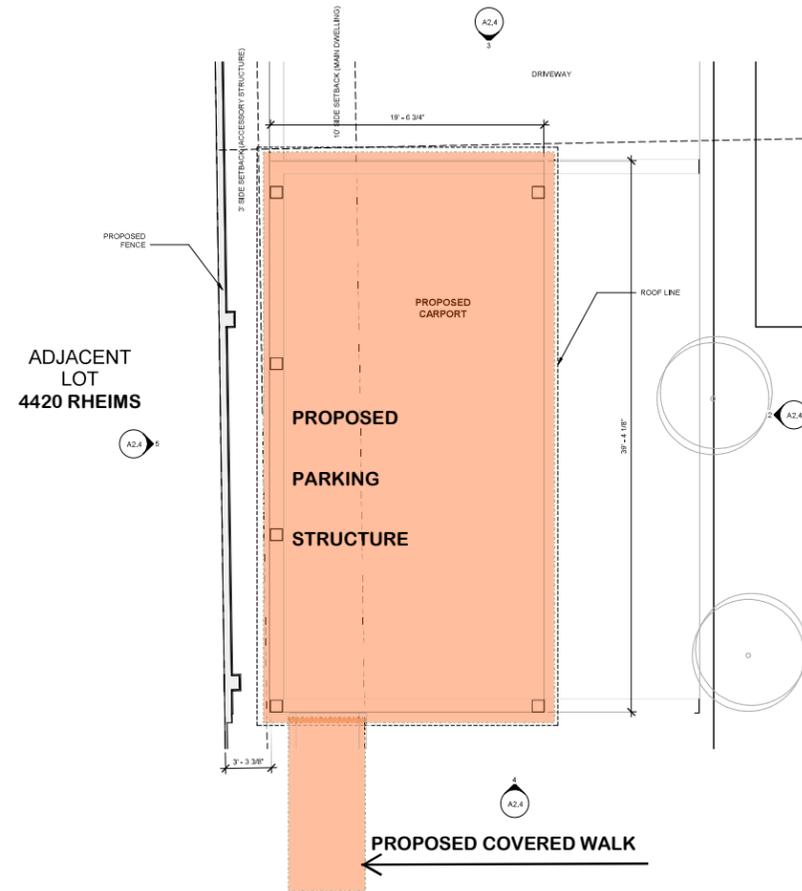


4 Carport - South Elevation



5 Carport - West Elevation

VIEW FROM 4420 RHEIMS PLACE W-FENCE IN FOREGROUND



PLAN VIEW OF PARKING STRUCTURE

1 CARPORT FLOOR PLAN

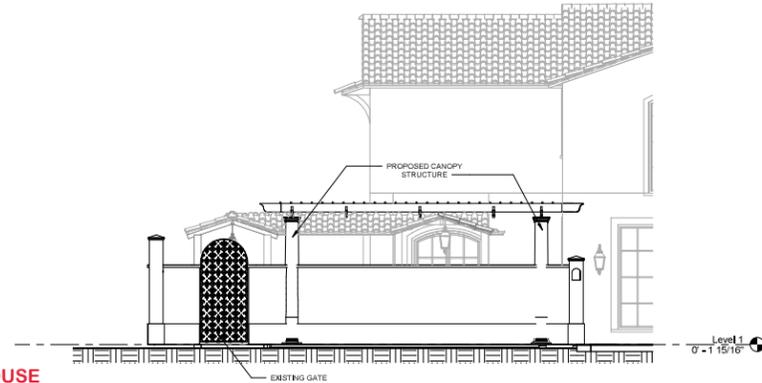


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5227 HICKORY DRIVE
DALLAS, TX 75205

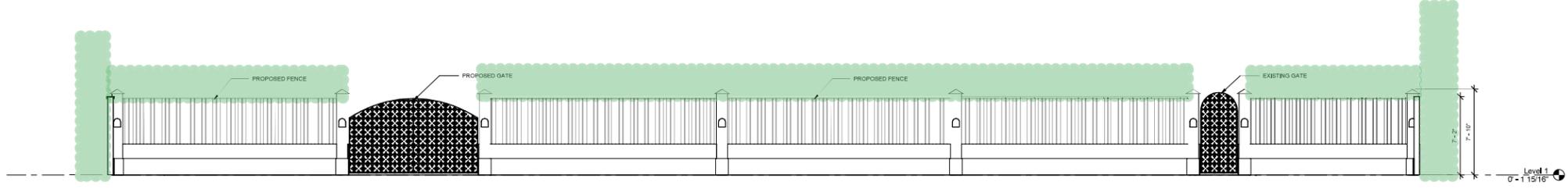
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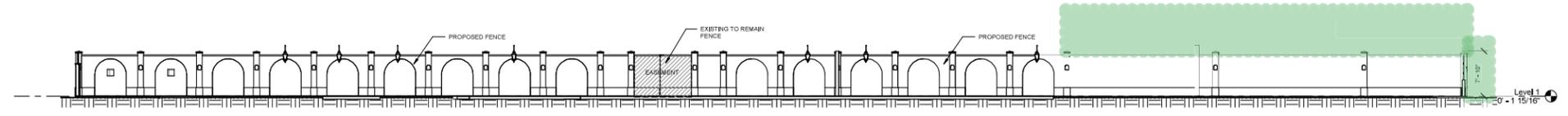
VIEW FROM BELFORT OF FRONT NORTHEAST CORNER OF HOUSE

1 FENCE - NORTH ELEVATION



VIEW FROM INSIDE YARD TOWARDS RHEIMS PLACE

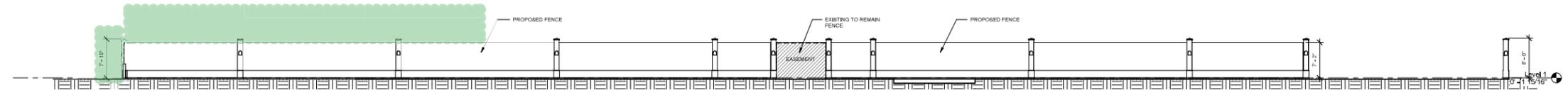
2 FENCE - SOUTH ELEVATION



VIEW FROM INSIDE YARD OF NEW FENCE (BREEZEWAY, EXERCISE ROOM, AND PARKING STRUCTURE NOT SHOWN FOR CLARITY)

RHEIMS (STREET)

3 FENCE - EAST ELEVATION



VIEW FROM INSIDE YARD (POOL CABANA AND MAIN HOUSE NOT SHOWN FOR CLARITY)

4 FENCE - WEST ELEVATION

4441 BELFORT PLACE
REMODEL & ADDITION FOR MONTY AND SARAH BENNETT
4441 BELFORT PLACE, DALLAS TX 75205

DATE	DESCRIPTION

PROJECT NO:
1278

SHEET TITLE:
FENCE
ELEVATION

SHEET NO:
A2.6

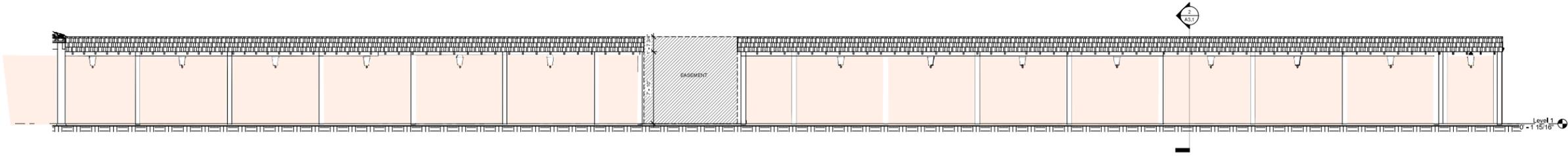
RHEIMS (STREET)



PURVA
DESIGN
STUDIO

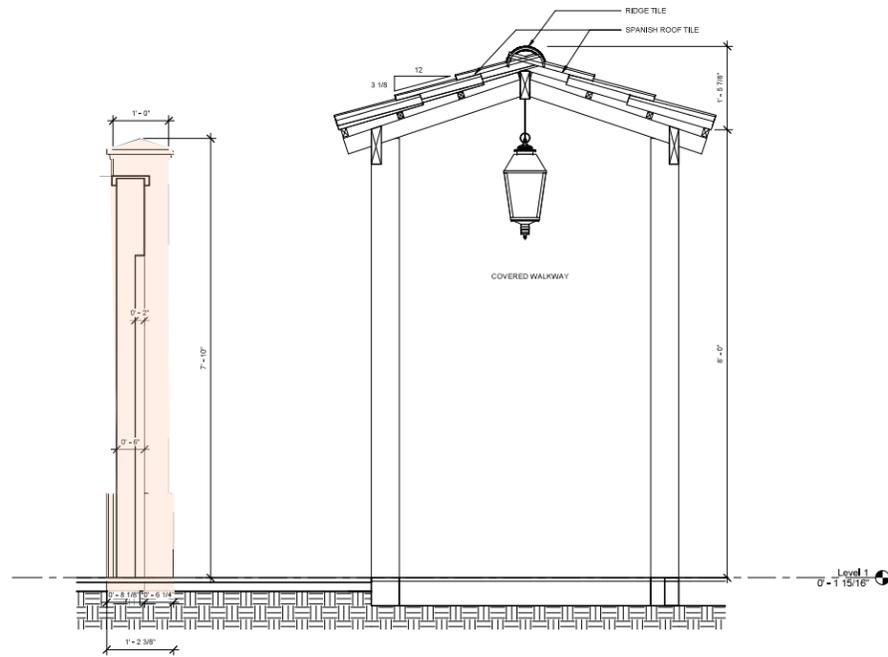
PURVA DESIGN STUDIO
5227 HIGHTWOOD DRIVE
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VIEW FROM INSIDE YARD OF BREEZEWAY (WITH NEW FENCE IN BACKGROUND)

1 COVERED WALKWAY ELEVATION
1/8" = 1'-0"



SECTION OF PROPOSED COVERED WALK W- NEW FENCE ON PROPERTY LINE

2 WALKWAY & FENCE SECTION - b
1/8" = 1'-0"

4441 BELFORT PLACE
REMODEL & ADDITION FOR MONTY AND SARAH BENNETT
4441 BELFORT PLACE, DALLAS TX 75205

DATE	DESCRIPTION

PROJECT NO:
1278

SHEET TITLE:
WALKWAY &
FENCE
SECTION

SHEET NO:
A3.1

Kirk L. Smith
981 CR 4918
Trenton, TX 75490

November 15, 2022
4441 Belfort Place
Highland Park, TX 75205

Honorable Chuck Reeder, Chairman & Board Members,

My clients, Monty & Sarah Bennett, have filed an application to add and modify some accessory structures on their property at 4441 Belfort Place. This property is very unique in that it is one of very few properties within the Town classified in the Zoning Ordinance as a double frontage property. The property has existed as a double frontage property since at least 1945 according to the original Tax record on file with the Town of Highland Park. The property consists of a lot on 4441 Belfort Place ("Belfort Lot") and a lot on 4440 Rheims Place ("Rheims Lot"), being adjoined in the middle by the Town's 10-foot-wide utility easement. The Belfort Lot has housed the main residence since 1939, while the Rheims Lot has supported accessory structures, such as detached accessory buildings, a pool and a fence over the years. Since they purchased the property in 2018, the Bennetts have updated the interior of the residence with plans to renovate their rear yard on the Rheims Lot and provide additional off-street parking.

The Bennetts plan for their rear yard include the following:

1. Construct a new covered carport with a 3-ft side yard setback on the Rheims Lot;
2. construct a new breezeway from the carport to the utility easement with a 3-ft side yard setback;
3. construct a continuation of the same breezeway from the easement to the house proper with a 3-ft side yard setback;
4. construct a new pool cabana w/restroom connected to the existing mechanical/storage shed with a 4.1-ft side yard setback; and
5. rebuild the existing iron fence in the Rheims front yard with an iron and masonry fence w-gates.

The Town staff informed the Bennetts that their proposed work would be denied because they failed to meet the required 10-foot side yard setbacks for the property. When they received this news, the Bennetts contacted me to assist with understanding why the Town would deny their permit. Additionally, they asked if I could assist in appealing to the Board of Adjustment for a variance on this unique property which may allow them to proceed with their renovation plans in the rear yard.

Section 8-402 (4) SPECIAL FRONT YARD REGULATIONS of the Town's Zoning Ordinance states "*Where lots have double frontage, running through from one street to another, a minimum required front yard shall be provided on both streets...(See Appendix Illustration 5).*" The Bennett's recognize and accept the 41.7-ft setback rear setback from the street on the Rheims Lot. This setback is what we felt should be recognized as the rear setback. We understand the intent of the Zoning Ordinance regulations in this situation is to prevent a property owner from building in the front yard(s) on the Rheims Place block where the other neighbors share their frontage on the street.

Section 8-502 (1) SPECIAL SIDE YARD REGULATIONS states “*Every part of a minimum required side yard shall be open and unobstructed **except for accessory buildings, fences and other appurtenances as permitted herein** and the ordinary projections of window sills, belt courses, cornices, chimneys and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed thirty-six (36) inches into the minimum required side yard.*” Furthermore, “as permitted herein” would go to state that elsewhere in the Zoning Ordinance, noted specifically to be in Section 12-101 AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTIFAMILY DISTRICTS, that the front and side yards are explained in detail for a residential lot:

1. Front Yard.
 - a. Attached accessory buildings shall have a front yard not less than that required for the main building. Detached accessory buildings shall be located in the area defined as the rear yard...
2. Side Yard.
 - a. Except as provided in Subsection (b), there shall be a side yard for any detached accessory building of not less than three (3) feet from any side lot line, alley line or easement line, except that adjacent to a side street the side yard requirement shall be the same as that required for the main building...

Staff is basing their requirement for a 10-foot side yard setback on a memorandum that I created in 1998 for a previous BOA case on this same property, wherein I stated that the rear yard cannot be defined on this double frontage property and therefore a side yard that is required for the main residence should apply (i.e. a 10-foot minimum setback per 8-501). At the time I wrote the memorandum in 1998, electronic research methodology that the Town currently uses today was not around. As such, the staff recently discovered a memorandum dated November 13, 1970 from Mr. J.D. Hancock, Jr., Town Administrator describing the improvements within the utility easement on this property and recognizing the property as having a rear yard. Should I have known about this prior rear yard acknowledgement by the Town at the time I created the 1998 Memorandum for the property, I feel that any proposed accessory improvements on the property could have been treated differently.

Moving forward, since the Town staff has denied the application for these accessory improvements in the rear of the property, we must appeal for a variance from the side yard setback regulations found in Section 8-501 of the Zoning Ordinance. We are asking that you review and consider individually each of the five (5) proposed construction requests, as outlined above. You will find within the materials attached to this variance application, the fact that what we are requesting is all limited to one-story construction and therefore will not be of any intrusion to the neighbors. We are also proposing to replace the existing fences adjacent to all side property lines with a solid stucco wall measuring seven-to-eight-feet (7'-8') tall, therefore concealing from neighboring view the proposed additions to the property. And finally, we will be requesting that you approve the replacement of the existing six-foot (6') foot tall iron fence in the Rheims Place required front yard (circa 1959) with a seven-foot to seven-foot-ten-inch (7.0'-7.83') tall iron and masonry fence with gates in the same location. The proposed fence will remain being screened by landscape shrubbery, as it exists today.

I look forward to presenting our case to you at the upcoming public hearing on December 14, 2022. Please feel free to visit the site and formulate your own opinion that the property is definitely unique and warrants these variances to allow for appropriate development of this parcel of land which differs from other properties in the district being of such a restricted shape.

Very truly yours,

Kirk Smith

Kirk Smith
972-951-9106
klsmith5252@gmail.com

cc: Monty and Sarah Bennett, Property Owners
Hugh Pender, Town of Highland Park, Director of Development Services

Enclosures: BOA Application, Tax Card, 1998 Memo (Kirk), 1970 Memo (JD Hancock), Site Plans



Memorandum

To: James Fisher, Director of Public Works and Town Secretary
Al Hammack, Town Attorney

From: Kirk Smith, Building Inspector 

Date: January 20, 2010

Subject: 4441 Belfort – Denial of Permit Application

We have received an application for 4441 Belfort to: 1. construct an addition to the existing detached cabana for use as an Open Air Arbor w/ fireplace; and 2. enlarge the existing pool storage building for use as an Exercise Room w/Powder Bath & Storage Room. Both of these requests will encroach within the minimum 10 ft required side yard setbacks. Our department would like to discuss the reason we are denying the application with you before we send it to Barry Knight, the Emanuelson's attorney.

Background/Time-Line:

- Greenhouse, Dr. Greenlee granted variance from "accessory buildings required to be located in area defined as rear yard" - February 13, 1973 at 4440 Rheims Place.
- Building permit was granted for a solid brick cabana and greenhouse – August 9, 1974 at 4441 Belfort Place (double frontage lot) *I cannot find where Brick Cabana received variance. - KS*
- Existing Cabana, Emanuelsons granted variance to enclose the Cabana – October 6, 1998 at 4441 Belfort Place (double frontage lot).
- Multi-Purpose Game Court, Emanuelsons denied variance, due to lack of motion, to construct "Game Court" violating side yard and front yard setback requirements AND not being located in area defined as rear yard. – April 7, 2004 at 4441 Belfort Place (double frontage lot).
- Building permit was granted for multi-purpose game court on April 20, 2004 after location was modified to comply with 42 ft Front Yard and 10 ft Side Yard setback requirements, but nothing was addressed on the permit concerning the "area defined as the rear yard."

Summation:

Recent staff discussions revealed that since this property was a "Double Frontage" and no rear yard exists, we could apply the yard setbacks that are required for a main house to the entire building site and proceed with future permit requests that comply with this policy. This would lend itself to reason with the issuance of the multi-purpose game court permit in 2004. Therefore, should we deny the permit application on hand, **FOR THIS DOUBLE FRONTAGE PROPERTY**, only because it does not comply with Section 8-501 the side yard setback requirements? If we use Section 12-101(1)(a) that refers to detached accessory building having to be located in the area defined as the rear yard, then that will create confusion on our recent policy for Double Frontage lots and create inconsistency with the issuance of the game court permit in 2004.

MEMORANDUM

November 13, 1970

The attached affidavit signed by Dr. and Mrs. Ralph G. Greenlee, Jr., formalizes an agreement with the Building Inspection Department to permit construction of a segment of brick wall in the easement between Lots 3 and 4 and Lots 15 and 16, Block 10 $\frac{1}{2}$, of the 8th Installment of Highland Park West. The question surrounds the right of the property owner to construct said brick wall in an easement originally platted by the developers for utilities.

The Building Inspection Department has had a policy for several years to deny applications for construction in such easements in an effort to eventually return said easements to usable space for garbage and trash disposal.

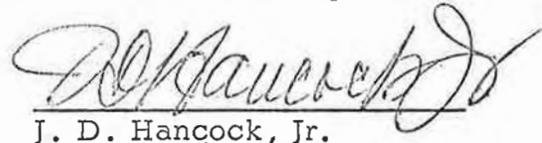
This particular construction came to the attention of the Building Inspection Department after the said wall was partially complete and it was subsequently determined that the foundation for the wall had been previously constructed at an earlier date. The Building Inspection Department was therefore faced with a fait accompli, and strict enforcement of the previous policy would have resulted in a decision to require that the construction be dismantled.

This particular piece of property constitutes, so far as the Building Inspection Department is able to determine, the only residential building site in Highland Park extending clear through a block from one side to another. The site faces both Belfort and Rheims with the single family dwelling being located on the Belfort side. It has been developed through the years with a rear ~~wall~~ ^{yard} extending all the way to Rheims containing therein a swimming pool and a beautified area including built-up brick planters located in the easement. In addition, it is believed that a portion of the accessory building intrudes into the easement.

The Building Inspection Department has made a decision to approve the completion of the said brick wall primarily because the building site is considered to be unique in that the easement is actually part of the rear yard and because of the fact that the construction is near completion.

In order to protect the policy which has been followed recently, inclined to a long-term effort to clear all of the easements on the west side of Preston Road, it has been decided to require of the owner a recordable affidavit recognizing the Town's right to maintain the easement free of construction and the right of the Town to require at any time that the construction be removed.

Such an affidavit has been executed and will be filed in the County Records as quickly as possible.



J. D. Hancock, Jr.
Town Administrator



SITE PLAN 2022

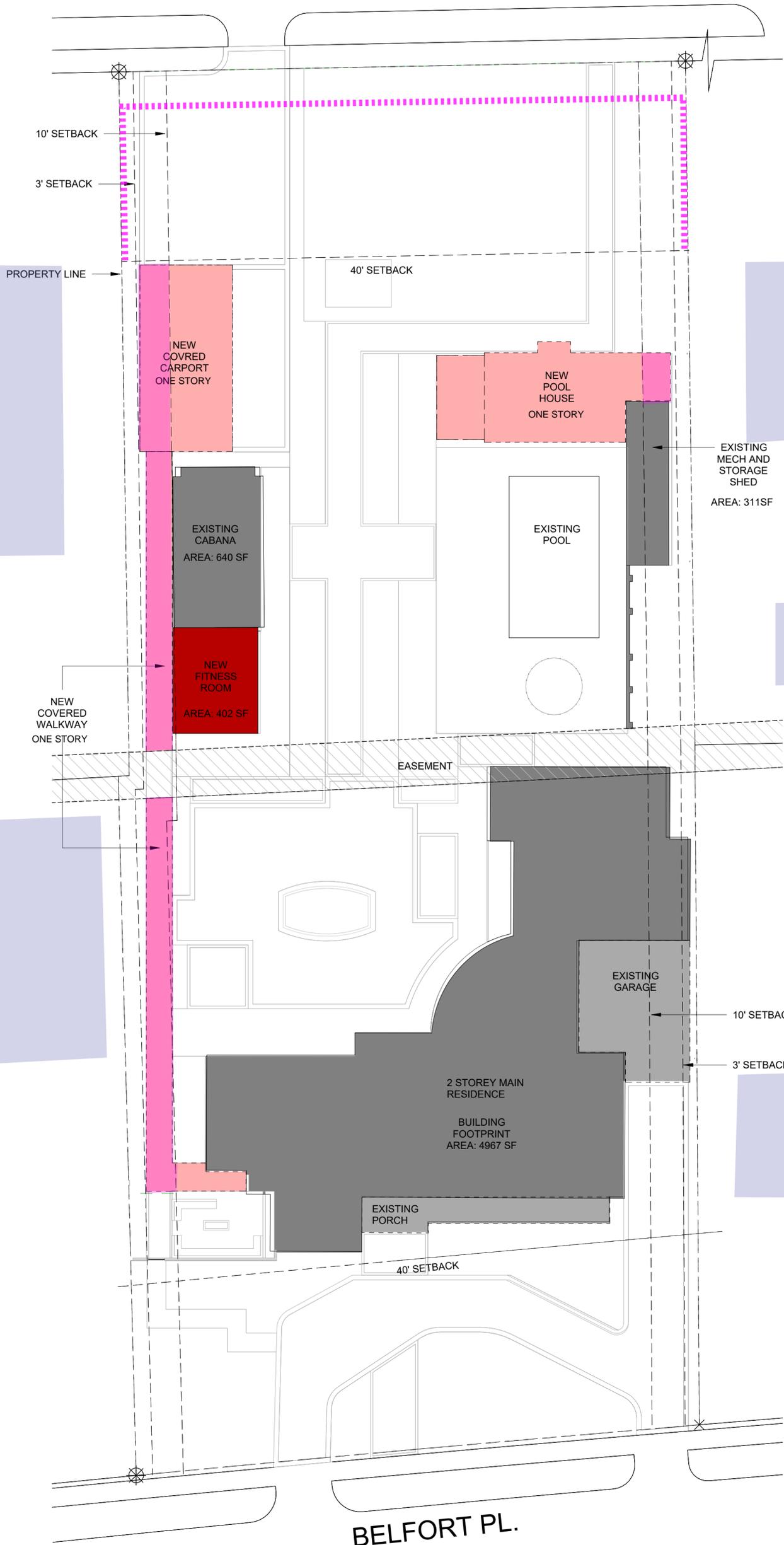
EXISTING IMPROVEMENTS

① Existing Site Plan
1/16" = 1'-0"

RHEIMS

- EXISTING BUILDING (CONDITIONED)
- EXISTING COVERED (NON AC)
- NEW BUILDING (CONDITIONED)
- NEW EXTERIOR COVERED (NON AC)
- VARIANCE REQUEST

TOTAL AREA PROPOSED
 EXISTING BUILDING AREA: 5918 SF
 NEW BUILDING AREA: 402 SF
TOTAL: 6320 SF



BELFORT PL.

SITE PLAN 2022
PROPOSED IMPROVEMENTS

