

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, DECEMBER 14, 2022, AT 8:30 A.M. 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 BELFORD AVENUE.

Present at the meeting were: Chairman Chuck Reeder and Board Members, Joan Clark, Stacey Furst, Alison Hunsicker, Robert McCulloch, and Alternate Board Member Nancy Rogers. Absent and excused was Alternate Member Jim Yoder.

Chairman Reeder called the meeting to order and introduced Town staff, Hugh Pender, Director of Development Services. Chairman Reeder proceeded to explain the procedure the Board will follow in considering the requests. Also present from Town Staff were Serena Palominio, Permit Technician, and Matthew Boyle, Town Attorney.

Mr. Pender presented the case regarding 4441 Belfort Avenue via PowerPoint presentation. The application, survey, two-hundred-foot (200') buffer map, and main/detached structure setback requirements were displayed and explained.

In response to a question raised by Member McCulloch, Mr. Pender stated that fence requirements remain the same for combined and single lots, however, fences are not allowed in the front yard.

Matthew Boyle, Town Attorney, clarified that the next case for this property consists of requesting a fence variance, however this case is requesting an appeal to the side yard setback of ten (10').

Chairman Reeder requested that the applicant present their case.

Jim Harris, Holland & Knight Law firm, explained via a 1970 Memo, staff agreed this lot had a rear yard. He then went on to explain the definition of a building site and lot line via the Town Zoning Ordinance. If the Board agrees a rear yard exists, then the following variance requests are not needed. There is no other lot similar to this dual frontage lot, therefore Mr. Harris assured this Board would not be setting a precedent. If this request is approved, future interpretation for the layout of this lot would be clarified.

In response to a question raised by Member McCulloch, Mr. Harris confirmed the setback along Rheims Avenue is 41.7', which serves as both the front and rear yard setbacks.

If both properties were sold and separated, it would be a violation of the definition of a building site in the Town's Zoning Ordinance.

Member Furst questioned, due to the rear yard line being the frontage setback along Rheims Avenue, would this not constitute this lot having two (2) rear yards. Mr. Harris explained the plat consists of two (2) separate lots; however, the Town's Zoning Ordinance definition does not reference the recorded plat. Therefore, this lot is one building site. Mr. Harris explained if this lot were to be combined, not that it is necessary, it would be consistent with the Town's Zoning Ordinance definitions.

In response to a question raised by Member Clark, Mr. Pender confirmed that each lot is approximately 120' wide x 144' deep. He also further explained that this lot is a unique dual frontage lot and if combined, numerous challenges may arise, but can be done.

In response to a question raised by Chairman Reeder, Mr. Harris stated that his interpretation simplifies interpretation for all party's time and efforts.

The side and rear setbacks of a detached accessory structure is three feet (3').

Mr. Pender explained the concept of setbacks, including dual frontage lots, is to provide a look of consistency along the block.

Kirk Smith, owner representative, 981 County Rd. 4918, displayed and explained Section 8-402 of the Town Zoning Ordinance.

With no further questions to the applicant nor staff, Chairman Reeder asked if letters in favor were received. With none being received, Chairman Reeder asked if there was anyone in attendance that would like to speak in favor.

Montey Bennet, applicant and owner, explained that their goal is to renovate inwards on their property and request the same three-foot (3') side/rear setbacks as their neighbors. All neighbors are in support of all five (5) requests.

With no one else to speak, Chairman Reeder asked if letters in opposition were received. With none being received, Chairman Reeder asked if there was anyone in attendance that would like to speak in opposition. With no one to speak, Chairman Reeder allowed for any last comments.

Mr. Boyle explained that this case along with this property's previous BOA requests, face a common question as to what the proper side yard setback is. Mr. Boyle stated he located a staff memo from 2010 that referenced Section 8-501 and compared this to Section 12-101 from the Town's Zoning Ordinance. Mr. Boyle expressed that this property has been enjoying the benefits of a lot combination standard without abiding by its process. Lastly, he stated that the simplest solution would have been to add this property to the combined lot list ordinance in 2005.

Chairman Reeder clarified that if this request is granted, the homeowner would reap the lot combination requirements without abiding the lot combination process. Mr. Boyle confirmed.

Mr. Harris expressed that this property is not receiving any benefits from being a combined lot nor receiving any burden from not being a combined lot. The issue at hand only applies to this particular property. Direction from the Board would clarify this case and any future changes to this lot.

Mr. Smith stated that the reason this property is not listed on the combined lot list ordinance is due to grandfathering existing double wide lots with the possibility of a future combination. The Town's record of the building location map for this property was displayed and explained. This property has been treated as a single building site, not a combined building site. Mr. Smith expressed that based on previous case records, we should acknowledge that this property consists of a rear yard.

Mr. Bennett expressed that the existing detached structures are currently at a three-foot (3') setback. The neighbors along this block also abide by the same setback distance. The proposed rendering was shared with neighbors, and all are in support.

In a response to a question raised by Member Clark, Mr. Bennett stated that since the existing detached accessory structure is being remodeled, it would need to meet current day's setback requirements. Mr. Harris also added that this request serves as closure for future purposes that a rear yard does exist. The proposed building plans will not build towards Rheims Place.

Mr. Boyle stated that the existing three-foot (3') setback structures exist due to granted variances by this body dated back to 1973. He explained that if this request is granted, all future building plans on this portion of the lot are allowed, by right, a three-foot setback.

Mr. Harris mentioned that is why two separate requests were filed, the second is conditioned based on the Board's decision of the first request.

In a response to a question raised by Chairman Reeder, Mr. Pender stated that the letters received in favor pertain to the following variance request. Furthermore, he explained that staff's interpretation has been inconsistent, and the BOA is the proper channel for such discussion and decision making for this unique lot.

Chairman Reeder closed the public hearing and opened the Board for discussion. He expressed that this Board has an obligation to the Town and neighbors along Rheims Place to maintain unobtrusive presentation of this property.

With a lack of a motion, the request is denied.

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, DECEMBER 14, 2022, AT 8:30 A.M. TO CONSIDER A VARIANCE FROM SECTION 8-501 AND SECTION 16-102(F) TO CONSTRUCT VARIOUS DETACHED ACCESSORY STRUCTURES AND TO MODIFY A NON-CONFIRMING FRONT YARD FENCE AT 4441 BELFORT AVENUE.

Mr. Pender presented the variance case regarding 4441 Belfort Place via PowerPoint presentation. Section 8-501 and section 16-102 of the Town's Zoning Ordinance and proposed building plans were displayed and explained.

Mr. Smith presented this case via PowerPoint presentation and explained the following; five (5) variance requests (new carport, new breezeway, continuation of breezeway from easement to the house, new open pool cabana, and to rebuild the existing iron fence along Rheims Place), Board of Adjustment jurisdiction definition, special front and side yard regulations, the creation of the 2010 memorandum that over-looked the 1970 memorandum, rear yard definition per the Town's Zoning Ordinance, site plan locating all of the variance requests, photos of the site from neighbor's perspective, elevation plans, existing photos, aerial view, Town records of tax cards and building location map were explained.

In response to a question raised by Chairman Reeder, Mr. Bennett stated that the purpose of the carport is to remove street parking. The existing structures versus addition portions were displayed and explained. The homeowner's goal is to maximize home security; however, he is open to preserving the aesthetic look of a wrought iron fence.

In response to a question raised by Member Furst, Mr. Smith stated that the proposed carport is 19' x 35' and can accommodate about three (3) vehicles. The proposed gate width is approximately 12' for single car access. The current design allows ease of access to carport and

allows the preservation of the existing trees. A photo of the west side neighbor's perspective was displayed and explained.

Mr. Smith continued his presentation and explained the following: address map of surrounding neighbors, map of support letters received, copy of letter sent to neighbors, BOA jurisdiction definition, and reasons/motions to consider.

Chairman Reeder asked if letters in support were received. Mr. Pender stated three support letters were provided to all members.

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

Susan Beecherl, 3640 Maplewood Avenue, stated she is in favor of all variance requests, including the wrought-iron fence, and removing street parking would be a major improvement.

In response to a question raised by member Clark, Mr. Smith stated that the proposed driveway will be straight and remove one less parking space for this block.

Chairman Reeder asked if letters in opposition were received. With none being received, Chairman Reeder asked if there was anyone in attendance who would like to speak in opposition. With no one to speak, Chairman Reeder closed the public hearing and opened the Board for discussion.

Member Furst expressed her concern that the proposed changes along the Rheims frontage will not remain the same for the surrounding neighbors.

Member Hunsicker mentioned that stipulations can be granted regarding the fence material and height.

Discussion regarding the fence height concerns and aesthetic appearance along Rheims Place was held.

Member Frust would not like to disappoint neighbors by not preserving the existing aesthetic appearance along the Rheims Place frontage.

Chairman Reeder suggested the Board can re-visit this case once a rendering is drafted. Mr. Smith provided a rendering drafted by the architect. This rendering was designed due to the same concerns from a surrounding neighbor.

Member Hunsicker created a motion, seconded by Member Furst, to approve all variance requests with the following conditions: the fence consists of wrought iron along Rheims Place to the 41.7' front yard setback along each side, not to exceed a height of 6'3", screened with evergreen shrubbery along the Rheims frontage, and limited to one single curb cut. The motion passed unanimously.

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, DECEMBER 14, 2022, AT 8:30 A.M. TO CONSIDER A VARIANCE REQUEST FROM SECTION 8-501 TO CONSTRUCT A GENERATOR AT 3640 MAPLEWOOD AVENUE IN THE REQUIRED SIDE YARD.

Mr. Pender presented the case regarding 3640 Maplewood via PowerPoint presentation. The application, section 8-501 of the Town's Zoning Ordinance, survey, site plan and two-hundred-foot (200') buffer map was displayed and explained.

In response to a question raised by Member Clark, Mr. Pender stated this generator will be used for emergency purposes and will create some noise, but not much.

Chairman Reeder requested that the owner speak on behalf of their case.

Susan Beecherl, owner and applicant of 3640 Maplewood stated the generator will create the same noise similar to a small diesel engine and are required to perform a 15-minute test run once a week. She is open to performing the test run at the same time as her neighbor's generator. The surrounding neighbors are in support of the proposed location.

Member Hunsicker asked if the generator noise is more than an AC unit, but less than a leaf blower. Members and Ms. Beecherl confirmed.

Chairman Reeder stated that two (2) letters in favor were received. Mr. Pender confirmed.

Chairman Reeder questioned if letters in opposition were received. With none being received, Chairman Reeder questioned if there was anyone in attendance who would like to speak in opposition. With no one to speak, Chairman Reeder closed the public hearing.

Member Furst created a motion, seconded by Member Hunsicker, to approve this request. The motion passed unanimously.

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, DECEMBER 14, 2022, AT 8:30 A.M. TO CONSIDER A VARIANCE REQUEST FROM SECTION 8-501 TO CONSTRUCT A GENERATOR AT 3701 MAPLEWOOD AVENUE IN THE REQUIRED SIDE YARD.

Mr. Pender presented the case regarding 3701 Maplewood Avenue via PowerPoint presentation. The application, section 8-501 of the Town's Zoning Ordinance, survey, site plan, elevation plan, and the two-hundred-foot (200') buffer map was displayed and explained.

Chairman Reeder questioned if letters in support were received. Mr. Pender stated two (2) letters were provided to all members.

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

Jordan Wallace, owner representative, stated generators have recently become a necessity. The surrounding neighbors are in favor and will be screened.

Chairman Reeder questioned if letters in opposition were received. With none being received, Chairman Reeder questioned if there was anyone in attendance who would like to speak in opposition. With no one to speak, Chairman Reeder closed the public hearing.

Member Hunsicker created a motion, seconded by Member Clark, to approve this request. The motion passed unanimously.

On a motion by Member Hunsicker, seconded by Member Furst, the Board of Adjustment voted unanimously to adjourn. There being no further business to come before the Board the meeting was adjourned at 11:16 AM.

APPROVED on this 10th day of April 2023.

BY:



Chuck Reeder
Chairman

ATTEST:



Hugh Pender
Director of Development Services