

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD AT THE TOWN HALL, 4700 DREXEL DRIVE, HIGHLAND PARK, TEXAS, 75205, AT 8:30 A.M. ON WEDNESDAY, JUNE 28, 2023.

Present at the meeting were Chuck Reeder, Chair; Board Members Joan Clark, Stacey Furst, Alison Hunsicker, and Robert McCulloch. Sam Hawk, Town Attorney, was also present. Absent from the meeting were Alternates Jim Yoder and Nancy Rogers.

Chuck Reeder introduced himself, and called the meeting to order at 8:30 a.m. Hugh Pender, Director of Development Services, introduced himself and any Town staff present for the meeting.

CONSENT AGENDA

On a motion by Stacey Furst, seconded by Joan Clark, the Board voted unanimously to approve Items A and B. Prior to the vote, Mr. Reeder explained that the Board reviewed the item prior to the meeting.

- A. *Consider approval of the minutes of the Board of Adjustment meeting held on February 08, 2023.*
- B. *Consider approval of the minutes of the Board of Adjustment meeting held on March 08, 2023.*

PUBLIC HEARING - 4321 Lakeside Drive

A public hearing was conducted to consider a variance request from Section 7-201 (4) the definition of Accessory Building or Structure on a lot located at 4321 Lakeside Drive. Section 7-201 (4) of the Zoning Ordinance states, “in a residence district, a subordinate building or structure, attached or detached and used for a purpose customarily incidental to the main structure”. Accessory Buildings or Structures are not considered incidental without a Main Building or Structure. The property owner and builder are requesting to place various accessory structures on the lot without constructing a main structure. Hugh Pender, Director of Development Services, explained that four lots were combined down to two to make up the property. Ordinances prevent the combining of the remaining, two new lots. The lot at 4321 Lakeside Drive is where the owners would like to keep accessory uses on this lot since they no longer wish to build a guest house. If the owners were to construct the guest house, this would not be an issue requiring a variance request. David Stocker, architect, answered the question from the Board that the lot would have landscaping, a sculpture garden, and a driveway, all enclosed by fencing.

No letters were received in support or opposition of this request by the Town.

No one present at the meeting spoke in support or opposition of this request.

Alison Hunsicker made the motion to approve the request, Robert McCulloch seconded. Alison Hunsicker amended her motion to “approve the request as described in the site plan provided to the Town”, and Robert McCulloch seconded.

BOARD DISCUSSION - 4321 Lakeside Drive

To address Mr. Reeder’s concern of the lot having a structure, Hugh Pender advised that the Board may decide if the issue in this case is a hardship or not. Such matters are a case-by-case decision by the Board of Adjustment. Alison Hunsicker stated that she believed this to be a hardship since there is no other property in town with this situation. Joan Clark agreed, and added that the owners are making a concerted effort to screen the space for privacy. Mr. Reeder asked Hugh Pender if there were any possible issues in the future with granting the request, to which Mr. Pender responded that an issue could arise should the property go on the market and the two lots are sold separately. Sam Hawk mentioned that it may set a precedent for other homeowners with vacant lots to also request variances for accessory structures. Ms. Clark responded that it is understood that such requests are always a case-by-case decision by the Board, and did not require approval of future requests. Chuck Reeder asked if there were any further questions from the Board members, to which there were none.

Alison Hunsicker made a second amendment to the original motion of “So long as the property is owned by the current property owners, Ian and Jamie Charles”, and seconded by Robert McCulloch. The Board voted unanimously to approve the variance request from Section 7-201 (4) the definition of Accessory Building or Structure on a lot located at 4321 Lakeside Drive.

PUBLIC HEARING - 4501 Highland Drive

A public hearing was conducted to consider a variance request from Sections 10-101 and 8-601 (1) to construct a new home that will exceed the maximum height for the C zoning district as well as within 40 feet of the rear property line on a lot located at 4501 Highland Drive. Hugh Pender, Director of Development Services, explained that Section 10-101 of the Zoning Ordinance states the maximum height for the C zoning district is two (2) stories not to exceed 35 feet measured to the roof ridge. Section 8-601 (1) states that structures in the rear 40 feet of the lot shall be limited to 25 feet measured to the roof ridge. Height, in the C, D, E and F zoning districts, is the vertical distance of a building as measured from the average established grade at the street line or the natural front yard ground level at the building setback whichever is higher to the roof ridge. The existing topography drops in elevation approximately 7 feet from the northwest corner to the southeast corner of the property. The property owner and builder are requesting an additional 4 feet, 6 inches of allowable height due to the topography of the property to construct a new single-family home. Hugh Pender explained, so as not to penalize the builder because of the topography, measurements were taken at the front building line because it is higher.

No letters were received in support or opposition of this request by the Town.

No one present at the meeting spoke in support or opposition of this request.

BOARD DISCUSSION - 4501 Highland Drive

In response to a question by Board Member Furst, Rusty Goff, builder, said the highest point of the structure is the plate height at 11 feet, which is 18 inches below the height limit; and the ridge height is about 33 feet, which is two feet below the Town's allowed 35 feet height. To answer Mr. Reeder, Hugh Pender explained that the area of the structure impacted is the garage at the back of the property because the topography slopes upward as it goes back. Mr. Reeder expressed that the information received led him to believe the request was to allow a height change to the garage structure. Hugh Pender responded that the request is to add an extra four and a half feet to the datum line, not the structure, so that the build remains in compliance as it establishes a flat foundation line rather than building on a sloping property line. Ms. Furst asked that since the variance only effects the rear 40 feet, can a motion be made that only effects that portion? Mr. Pender responded that such a motion would still push the structure out of compliance. Both Mr. Pender and Rusty Goff, builder, assured the Board that, if approved, the structure would not be higher than the neighboring property. Due to concerns over the measurement and that it effects only the back 40 feet, Chuck Reeder asked for more information as to how the change to the datum line would affect the property with and without approval, and asked for a clearer proposal of the request.

Stacey Furst motioned to continue the public hearing until more information was provided. Alison Hunsicker seconded the motion. The Board voted unanimously to table the discussion to a future meeting.

ADJOURNMENT

Alison Hunsicker motioned to adjourn the meeting, and Stacey Furst seconded the motion. The Board voted unanimously to end the meeting, and adjourned at 9:52 a.m.

Approved on this the 27th day of September 2023.

APPROVED:



Chuck Reeder
Chair

ATTEST:



Holly Russell
Management Assistant