

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, NOVEMBER 8, 2023.

Present at the meeting were Chuck Reeder, Chair; Board Members Stacey Furst, Joan Clark, Alison Hunsicker, Robert McCulloch, and Alternates Nancy Rogers and Jim Yoder. Nancy Rogers and Jim Yoder were not voting members and only observed the meeting. Matthew Boyle, Town Attorney, was also present.

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 Alison Hunsicker, seconded by Stacey Furst, the Board voted unanimously to approve Item A. Prior to the vote, it was 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 October 11, 2023.*

***PUBLIC HEARING – 4009 Armstrong Avenue***

A public hearing was conducted to consider a variance from Section 15-101 of the Zoning Ordinance to construct a replacement masonry wall on a lot located on 4009 Armstrong Avenue. Section 15-101 of the Zoning Ordinance states no fence or wall may be erected or placed in the front of the required front yard line. The property owners John and Yuko Curtice were present. They were requesting to reconstruct the masonry wall in the front of the property which is positioned in the front of the required front yard line on a lot. The current wall is nonconforming and structurally unstable due to deterioration. The owners are concerned with the health, safety, and welfare of pedestrians walking along the sidewalk and vehicles along the street. This is the second attempt at requesting a variance concerning the exterior property wall. The initial request to replace the wall at its current location was denied. This new request places the wall fifteen feet back from the rear of the sidewalk and includes additional greenery in the area between the sidewalk and the property line.

In response to a question raised by Board Member Joan Clark about the original construction of the wall, Mr. Pender explained that it was most likely built concurrently with the house prior to the establishment of the current ordinance. It was also clarified that the existing ordinance prohibits any form of barrier, including half walls, allowing only greenery without any obstructive structures. Mary Ellen Cowan, Landscape Architect from MESA, was present and explained that structural engineers had been consulted for the project and had assessed the current condition of the wall. She stated that the decision to set the proposed wall 15 feet back was influenced by the existing trees in the area near the current wall. The plans include enough greenery to conceal the

new wall and have plants blooming in every season. Ms. Cowen clarified that the current wall stands at a height of 5 feet 8 inches, while the proposed wall would have a height of 5 feet. There were questions from the Board concerning the height of the proposed wall, to which Mr. Pender suggested placing a limit of 5 feet and 6 inches. He also explained that the plans could be accepted prior to establishing specifications and proposed exceptions. Property owner Mr. Curtice reiterated that the proposed wall is intended to enhance the safety of his young children and to improve the visual appeal of the property for the community.

There were no letters in support of this request received by the town.

There were no letters in opposition to this request received by the Town. However, an email expressing concern was received regarding the approval of the variance, suggesting it might set precedence for allowing front yard fences.

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

### ***BOARD DISCUSSION***

To address the email received expressing concern regarding the variance, Mr. Pender clarified that such requests are evaluated on a case-by-case decision and do not constitute a new rule for the town. In response to a question raised by another Board Member, Mr. Pender responded, stating that this request met all the requirements for board consideration whereas many rectangular lots would not. He noted that while other lots might face the same issue, they have alternative options for their properties. Joan Clark added that the plan at 4009 Armstrong Avenue aligns with the Town's commitment to greenery and parks. Stacey Furst emphasized that the wall is hazardous and requires significant repair from the foundation up. She also mentioned that the proposed plan ideally considers both the owner's needs, the Town's interest, and addresses their concerns.

This variance was approved with four board members in favor and one in opposition. Stacey Furst motioned to approve the variance request, seconded by Joan Clark, with the following conditions: adherence to applicant's plans, a maximum wall height of 5'6", and a requirement for ongoing landscape maintenance.

### ***PUBLIC HEARING – 3409 Mockingbird Lane***

A public hearing was conducted to consider a variance request from Section 8-601 (1) to construct a new detached garage that will exceed the maximum height for the area within the 40 feet of the rear property line on a lot located at 3409 Mockingbird Lane. 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 southern end (rear) to the northern end (front) of the property. Property owner Robert Joyner was present. The property owner and builder were requesting an additional 2 feet 6 inches of allowable height due to the topography of the property to construct a new detached garage. Board member Chuck Reeder inquired whether the request would comply under the old interpretation of the ordinance, to which the response was yes. Additionally, questions were raised about the potential impact on drainage due to the significant slope of the area. It was clarified that the request would not affect drainage.

There were no letters in support of or opposition of this request received by the town. No one present at the meeting spoke in support or opposition of this request.

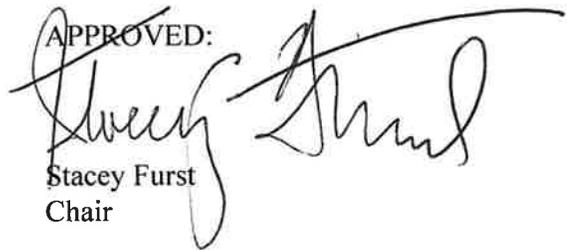
### ***BOARD DISCUSSION***

On a motion made by Alison Hunsicker, and seconded by Robert McCulloch, the Board voted unanimously to approve the variance request from Section 8-601 (1) to construct a new detached garage at 3409 Mockingbird Lane.

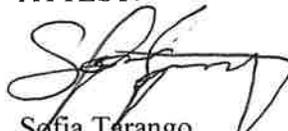
### ***ADJOURNMENT***

Alison Hunsicker motioned to adjourn the meeting, and Stacey Furst seconded the motion. The Board voted unanimously to end the meeting.

Approved on this the 14th day of August 2024.

APPROVED:  
  
Stacey Furst  
Chair

ATTEST:

  
Sofia Tarango  
Administrative Assistant