



Town of Highland Park, Texas

Board of Adjustment

AGENDA

8:30 A.M.
Wednesday, March 12, 2025

4700 Drexel Drive
Town Council Chambers

I. CALL TO ORDER

II. MINUTES

III. PUBLIC HEARINGS

1. Conduct a public hearing and consider a variance from Section 15-101 of the Zoning Ordinance to allow construction of a fence consisting of three-foot-tall concrete columns and 10- to 24-inch-tall metal connecting the columns in the front yard of property located at 3738 Shenandoah Street.
2. Conduct a public hearing and consider a variance from Section 8-401 of the Zoning Ordinance to reduce the required front setback from 32.9 feet to 29.2 feet to construct a new house on property located at 4623 Arcady Avenue.

IV. ADJOURNMENT

NOTE: The Board of Adjustment reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including any one of the permitted exceptions to open meetings provided for in § 551.071 through § 551.076 and § 551.087. Any action taken on such matters will be conducted in Open Session following the conclusion of the Executive Session.

A member of the public may address the governing body regarding an item on the agenda either before or during the body's consideration of the item, upon being recognized by the presiding officer or the consent of the body.

SPECIAL ACCOMMODATIONS FOR TOWN COUNCIL MEETINGS: Let us know if you need special assistance of any kind. Please contact the Town of Highland Park Administrative staff at (214) 521-4161 from 7:30 a.m. to 4:30 p.m., Monday through Friday.

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, FEBRUARY 12, 2025.

Present at the meeting were Chair Stacey Furst, Board Members Robert McCulloch, Alison Hunsicker, Joan Clark, and Jim Yoder, as well as Alternates Nancy Rogers and Louis Morrison. Susan Thomas, Town Attorney, was also present.

I. CALL TO ORDER

Chair Furst called the meeting to order at 8:30 a.m.

II. MINUTES

On a motion by Board Member Hunsicker, seconded by Board Member McCulloch, the Board voted unanimously to approve the minutes of the Board of Adjustment meeting held on January 8, 2025.

III. PUBLIC HEARINGS

Conduct a public hearing and consider a variance from Section 8-601(1) of the Zoning Ordinance to exceed the 50% lot coverage allowed in the rear half of a lot by 4% to construct an attached two-car garage on property located at 4500 Bordeaux Avenue. (This item was postponed from the January 8, 2025 Board of Adjustment meeting). Section 8-601(1) of the Zoning Ordinance states that a main residential building shall not cover more than 50% of the portion of the lot lying behind a line drawn between the midpoints of the lot's opposing sides. The proposed two-story detached garage would exceed the 50% maximum lot coverage for the rear half of a lot by 3.82%.

Jeff Armstrong, Director of Community Development, provided an overview of the case, noting that the item was postponed from the January 8, 2025 meeting to allow Town staff to gather additional information regarding the drainage plan for the proposed garage. The postponement was prompted by concerns raised by the property owner to the north regarding drainage impacts. Mr. Armstrong reiterated that the Zoning Ordinance requires single-family homes to have a minimum of two covered, enclosed parking spaces. Currently, the property does not meet this requirement, and the proposed garage would bring it into compliance. He then presented a draft drainage plan submitted by the project architects.

Mark Barry, an architect with Barry Bull Ballas Architects, was present and invited to comment. In response to a question from Board Member Hunsicker, Mr. Barry confirmed that the draft drainage plan directs runoff into Lomo Alto Drive, addressing the concerns of the neighboring property owner. He also proposed incorporating a four-inch downward pipe to facilitate efficient water flow.

There were no responses to the notification sent to property owners in the area.

There were no letters in support of or in opposition to this request received by the Town.

There was no one present at the meeting who spoke in support of or in opposition to this request.

BOARD DISCUSSION

Heather Cerda, Assistant Director of Engineering, was present to address questions regarding drainage. In response to questions from the Board, Ms. Cerda stated that the property owner to the north had previously contacted the Town once regarding improper drainage near their home. However, the issue was caused by debris from a nearby construction site, which was obstructing drainage. Town staff addressed the concern by clearing the debris. She also explained that the draft drainage plan submitted by Barry Bull Ballas Architects was not approved because the Town does not permit drainpipes to run beneath a building, requiring the pipe to be rerouted. She further clarified that for approval, the drainage must be directed either into the flume near the house or into Lomo Alto Drive. Ms. Cerda also confirmed that a drainage pipe with either a two-inch or four-inch diameter would be sufficient, as both would require a standard curb casting.

On a motion by Board Member Hunsicker, seconded by Board Member Yoder, the Board voted unanimously to approve the variance request subject to ensuring drainage into Lomo Alto Drive and using a four-inch pipe connected to a curb casting.

IV. CLOSED SESSION

1. In accordance with the Texas Government Code Chapter 551, Subchapter D, Section 551.071 - CONSULTATION WITH ATTORNEY, the Board of Adjustment will convene into closed session in the Executive Conference Room for consultation with and to receive legal advice from the Town Attorney regarding the roles and duties of members of the Board of Adjustment. Chair Furst recessed the meeting at 8:53 a.m. Chair Furst convened a closed session at 8:56 a.m. Chair Furst ended the closed session at 10:27 a.m. and reconvened the meeting in open session at 10:27 a.m. No final action, decision, or vote was taken during the closed session.

V. OPEN SESSION

1. Pursuant to Section 551.102 of the Texas Government Code, the final action, decision, or vote regarding Closed Session Item 1. above shall be made, if any. Chair Furst reconvened the meeting in open session at 10:27 a.m. No motion was made.

VI. ADJOURNMENT

On a motion made by Board Member Rogers, seconded by Board Member McCulloch, the Board voted unanimously to adjourn the meeting at 10:28 a.m.

APPROVED on this 12th day of March 2025.

APPROVED:

Stacey Furst
Chair

ATTEST:

Sofia Tarango
Administrative Assistant



Town of Highland Park Board of Adjustment

Staff Report

MEETING DATE: March 12, 2025

REQUEST: A variance from Section 15-101 of the Zoning Ordinance to allow a fence in the front yard, constructed of 3-foot-tall stone columns connected by 10 to 24 inch tall metal shrub planters.

LOCATION: 3738 Shenandoah St.

SUMMARY

The applicant has begun installation of concrete columns around the perimeter of the front yard with the intent of connecting the columns with a metal material ranging in height from 10 to 24 inches. The intent is to enclose a landscape area. However, the construction results in what the Zoning Ordinance defines as a fence. Fences are prohibited in front yards.

ORDINANCE

NO FENCE, WALL OR OTHER FENCE-TYPE SPACE ENCLOSURE SHALL BE ERECTED, PLACED OR ALTERED IN RESIDENTIAL DISTRICTS, A THROUGH H, AND CC DISTRICT, UNLESS SUCH FENCE, WALL OR STRUCTURE IS IN CONFORMANCE WITH THE FOLLOWING STANDARDS

15-101 "...A fence or wall may be erected, not to exceed eight (8) feet in height, along or within the front building line; provided, that said fence shall not extend into, on or around the required front yard..."

The property is zoned E and the required front yard setback along this block of Shenandoah is 44.35 feet. All fences must be located behind the front setback. Though, not a traditional looking fence, the proposed structure is a fence by ordinance and is proposed to extend into and around much of the front yard.

ANALYSIS

The Board of Adjustment is required to find all the following criteria are met to approve a variance:



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Staff Report

- **Special Conditions.** Is the request for variance owing to a special condition(s) inherent to the property itself?

Analysis: Staff can find no special conditions.

- **Unique to Property.** Is the condition unique to the property subject to the variance request?

Analysis: Not applicable since staff found no unique conditions.

- **Unnecessary Hardship.** Will literal enforcement of this chapter result in an unnecessary hardship?

Analysis: Staff is unable to find a hardship.

- **Contrary to Public Interest.** Would approval of the variance be contrary to the public interest?

Analysis: Although there is no apparent health or safety concern, staff has received seven phone calls from area residents opposed to the request. Callers stated the applicant should follow the rules, and that the proposal is not appropriate in the neighborhood.

- **Spirit of the Ordinance.** Is the request within the spirit of the ordinance and does it further substantial justice?
-

Analysis: Staff does not find that the request is within the spirit of the ordinance.

RECOMMENDATION

It is staff's opinion that the request does not meet the criteria for a variance, therefore, Staff recommends denial.

ATTACHMENTS

1. Aerial Map
2. Written Notification Area Map
3. Applicant Letter
4. Construction Plan
5. Site Photos



*Town of Highland Park
Board of Adjustment*

Staff Report

ATTACHMENT 1 – AERIAL MAP

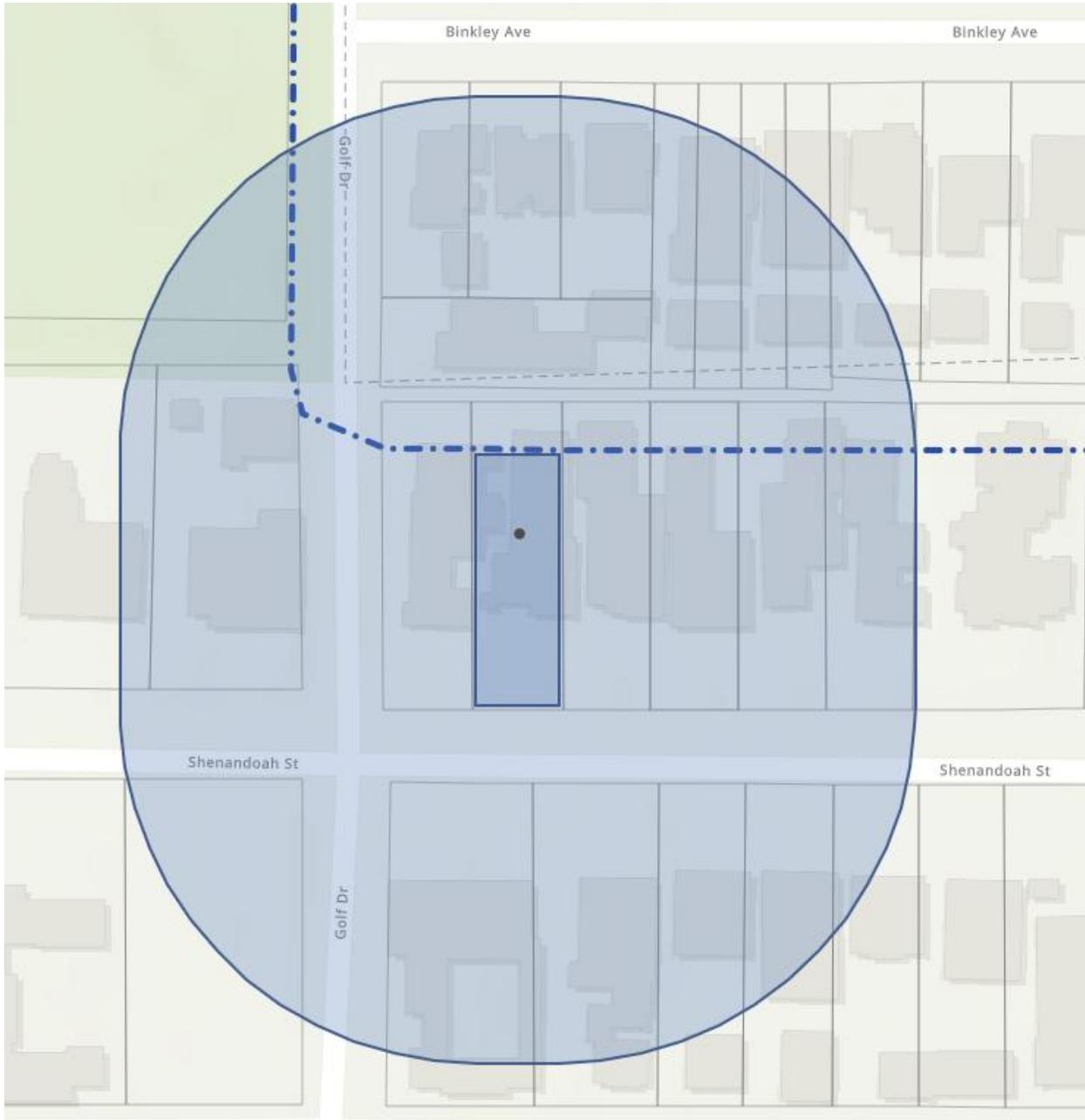




*Town of Highland Park
Board of Adjustment*

Staff Report

ATTACHMENT 2 – WRITTEN NOTIFICATION AREA MAP





Town of Highland Park Board of Adjustment

Staff Report

ATTACHMENT 3 – APPLICANT LETTER



2081 Hutton Dr. Suite 101
Carrollton, TX 75006
(469) 328 0155
info@swpoolsdfw.com

December 10, 2024

To Whom it may concern,

The goal of this project is to transform the front yard of 3738 Shenandoah St. into a paver and gravel parking area. An issue has arisen regarding the homeowner's desire to enclose the yard with stone columns connected by open-bottom metal shrub planters. When we initially began planning in late 2023, we consulted with a plans examiner (Dexter) who confirmed that the project could proceed without complications. However, when we later inquired about the necessary permits, we were informed by another employee (whose name I do not recall) that, since the planters were less than 18 inches in height, only the paver flatwork would require a permit. This turned out to be incorrect, as the planters and columns are now the main factors preventing us from obtaining the permit. Additionally, during several exchanges with the permit department regarding the lot coverage of the pavers, there was no mention of the planters and columns. Once the paver coverage issue was addressed, we were informed that the planters qualify as a fence, and fences are not allowed in front yards. After multiple unsuccessful attempts to resolve this matter through phone and email correspondence, the lead for this project (Christie) visited the permit office in person and was able to meet with Cherish, who suggested applying for a variance.

Thank you,

Southwest Pools
Logistics Manager
Devon Owens



Town of Highland Park Board of Adjustment

Staff Report

ATTACHMENT 4 – CONSTRUCTION PLAN

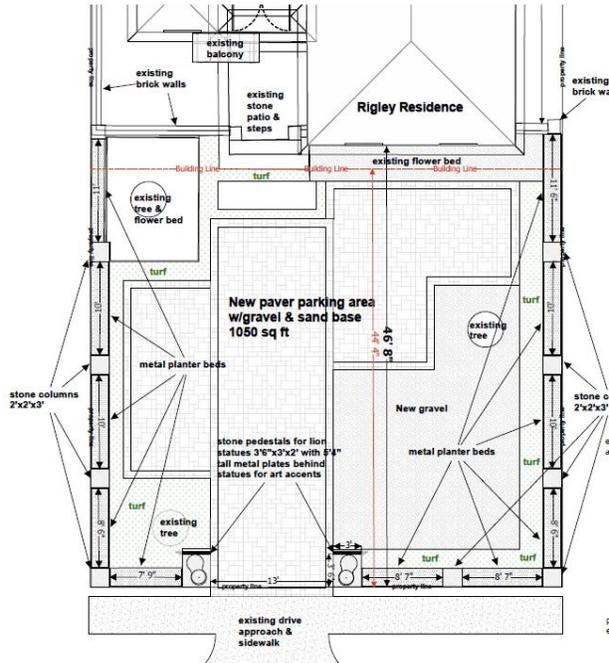
Front Yard Construction Plan

Revised: 2-8-25



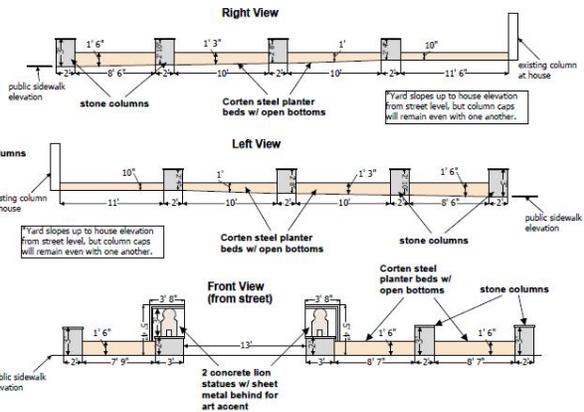
Scale: 1/8" = 1 ft.

Total Front Yard Area - 2217.5 sq ft
Existing impermeable coverage - 0 sq ft
Proposed additional impermeable coverage - 1107 sq ft
(stone columns=57 sq ft & pavers=1050 sq ft)
Total final coverage will be 49.9% of front yard.



Designer: Christie Pruitt
Address: 2031 Humon Dr. Ste 101
City: Carrollton
State/Zip: TX, 75006
Phone: 469-528-0158
Cell: 469-412-6997
Email: christie@southwestpools.com

Project Name: Rigley
Client Name: Noel Rigley
Client Email: _____
Client Phone: _____
Address: 2738 Shanandoah St.
City: Highland Park
State/Province: TX
Zip/Postal Code: 75005





*Town of Highland Park
Board of Adjustment*

Staff Report

ATTACHMENT 5 – SITE PHOTOS





***Town of Highland Park
Board of Adjustment***

Staff Report





Town of Highland Park Board of Adjustment

Staff Report

MEETING DATE: March 12, 2025

REQUEST: A variance from Section 8-401 of the Zoning Ordinance to reduce the required front setback from 32.9 feet to 29.1 feet to construct a new house.

LOCATION: 4623 Arcady Ave.

SUMMARY

The applicant proposes the demolition of the existing house on the property and to build a new house at the same front setback (29.2 feet) as the existing house. The required front setback is 32.9 feet, so the existing house already does not meet the front setback. The applicant has provided a site layout (Attachment 3) for the proposed house. However, the exact footprint of the proposed house has not been determined.

ORDINANCE

8-401 MINIMUM REQUIRED FRONT YARD:

“In all zoning districts except Planned Development Districts the minimum required front yard shall be the average front setback for the entire block as determined by measuring the setbacks of the main buildings on one side of the street.”

The required front yard setback for this property is 32.9 feet. The applicant is proposing to construct a new house on the property at a setback of 29.2 feet, which is the setback of the existing house on the property. The variance would be 3.7 feet.

ANALYSIS

The Board of Adjustment is required to find all the following criteria are met to approve a variance:

- **Special Conditions.** Is the request for variance owing to a special condition(s) inherent to the property itself?



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Analysis: The lot is an unusual shape with the front property line being 174.8 feet in length, while the rear property line is only 29.4 feet long. The lot is at the corner where Arcady Ave. and Westside Dr. intersect at a sharp angle.

- **Unique to Property.** Is the condition unique to the property subject to the variance request?

Analysis: Other properties along Arcady Ave. are more typical, rectangular lots. The lot located one block north at 4665 Lorraine Ave., which also borders Westside Dr., is a similar shape and has a front setback of 31.0 feet, 2.7 feet less than the required 33.7 feet along that side of Lorraine Ave.

- **Unnecessary Hardship.** Will literal enforcement of this chapter result in an unnecessary hardship?

Analysis: Due to the angle of the side lot line that runs along Westside Dr. the buildable depth of the lot decreases rapidly as the house is moved back from the front property line, limiting the size and configuration of a house on the property.

- **Contrary to Public Interest.** Would approval of the variance be contrary to the public interest?

Analysis: Staff received three letters of opposition (see Attachment 4) from property owners in the notification area. However, the proposed house would be located at the same front setback as the existing house. Staff has no record of complaints, or any problems caused by the setback of the existing house.

- **Spirit of the Ordinance.** Is the request within the spirit of the ordinance and does it further substantial justice?

Analysis: Staff suggests that the proposed variance is within the spirit of the ordinance and allows for reasonable use of the property given the unique conditions.

RECOMMENDATION

It is staff's opinion that the request meets the criteria for a variance. Staff recommends approval.

ATTACHMENTS

1. Aerial Map



Town of Highland Park Board of Adjustment

Staff Report

2. Written Notification Area Map
3. Site Drawing
4. Written Responses to Notice
5. Letter From Applicant
6. Site Photos

ATTACHMENT 1 – AERIAL MAP





*Town of Highland Park
Board of Adjustment*

Staff Report

ATTACHMENT 2 – WRITTEN NOTIFICATION AREA MAP/AERIAL MAP

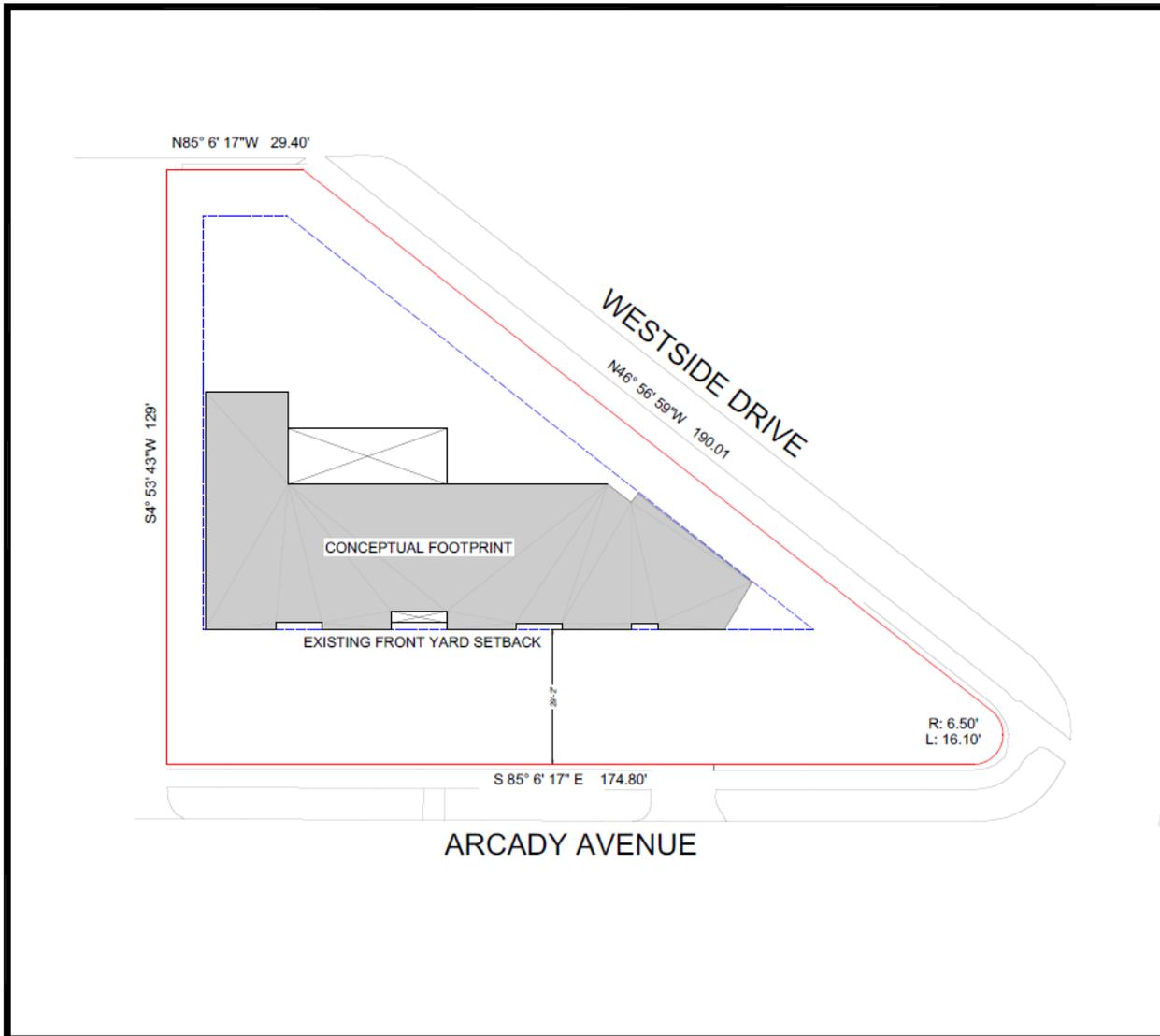




*Town of Highland Park
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Staff Report

ATTACHMENT 3 – SITE DRAWING





*Town of Highland Park
Board of Adjustment*

Staff Report

ATTACHMENT 4 – WRITTEN RESPONSES TO NOTICE

From: Sadie Wertheimer
Sent: Wednesday, February 26, 2025 4:19 PM
To: Jeff Armstrong
Subject: 4623 Arcady

I'm writing regarding the property at 4623 Arcady. I have lived at 4605 for 43 years this month and am very protective of our area.

There should have been more effort made on the City's part to receive community input and feedback regarding this variance.

I believe giving the variance it will cause a negative impact on our short block of 4600 Arcady and to our community. Once a variance of this type is given others will be requested.

Therefore I feel that going forward with granting the variance will not be in the best interest of our community.

Thank you for considering my thoughts on the matter.

Sadie Wertheimer
4605 Arcady Avenue

Sent from my iPhone



*Town of Highland Park
Board of Adjustment*

Staff Report

Frank Gaudet
4641 Lorraine Ave.
Dallas, TX 75209

Mr. Jeff Armstrong
Board of Adjustment
Town of Highland Park
4700 Drexel Dr, Dallas, TX, 75205

March 3, 2025

Subject: Variance Request for 4623 Arcady

Dear Mr. Armstrong,

I am opposing the request for a variance on the set back rule for the lot at 4623 Arcady. The Town established the rules for set back for the benefit and beauty of the neighborhood. I understand that the existing home will be demolished for a rebuilt house. Is there any reason why the new home cannot adhere to the set back rule? This rule should not be changed without a compelling reason such as safety or an alteration of the lot size.

I, as well as many of my neighbors, am concerned that rebuilt houses do not fit-in with the historical architecture of the neighborhood. I wish that there was an ordinance rule that addressed this issue.

Thank you for allowing comments from neighbors.

Sincerely,

Frank Gaudet, PE

Attachment: Legal Notice



***Town of Highland Park
Board of Adjustment***

Staff Report

Ray and Nina Russo
4636 Lorraine Avenue
Highland Park, TX 75209
rnrusso@sbcglobal.net
(214) 406-4988

Date: March 4, 2025
Board of Adjustment / Jeff Armstrong
4700 Drexel Dr, Dallas, TX, 75205

Subject: Statement of Disapproval for Variance of 4623 Arcady

Dear Board Members,

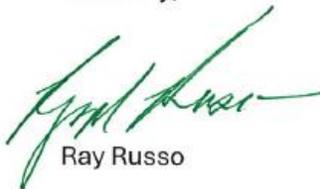
I am writing to formally express my strong disapproval of the request for variance from Section 8-401 of the Zoning Ordinance at 4623 Arcady outlined in the letter dated February 20, 2025. I believe this request is not in the best interest of our community for the following reasons:

1. Reason One: The change in the setback will impact the character of the neighborhood which will impact property values and overall neighborhood harmony.
2. Reason Two: This proposal was put forth without sufficient consultation with all residents. Our collective opinion is essential for decisions that affect our shared space.

This requested variance has no clear benefits, leaving neighbors under the impression that it will come to the detriment of our community. I urge the Board to not approve this variance request in the best interest of our current community and for future generations to come.

Thank you for your prompt attention to this matter.

Sincerely,


Ray Russo


Nina Russo



*Town of Highland Park
Board of Adjustment*

Staff Report

ATTACHMENT 5 – LETTER FROM APPLICANT



Letter detailing hardship regarding the front build line for 4623 Arcady Avenue

To Whom it May concern:

Due to the unique shape of 4623 Arcady, and the large, required front yard setback we lose a lot of buildable area on this property. We are requesting to maintain the existing front yard setback of 29.2' (from front property line to front of existing residence). This corner lot is comprised of some unique angles that create a situation where the property is unusually wide at the front of the lot (174.8') and unusually narrow at the back of the lot (29.4'). Due to these angles and lengths, we lose a lot of buildable area for each foot that we have to set back the house (we lose about 132 SQFT of buildable area for each foot of setback beyond the 29.2' that the existing residence is setback/built from the front property line. Because of this hardship, we are asking that we maintain the existing front setback for 29.2'. Thank you for your time and consideration.

Sue Berk
Principal
Berk Walters Homes
3635 Mockingbird Lane
Highland Park, TX 75205
(214) 212-7839



*Town of Highland Park
Board of Adjustment*

Staff Report

ATTACHMENT 6 – SITE PHOTOS



Existing House