



**Town of Highland Park, Texas**

**Board of Adjustment**

**AGENDA**

8:30 A.M.  
Wednesday, April 9, 2025

4700 Drexel Drive  
Town Council Chambers

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**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 a fence in the front yard on property located at 5501 Hillcrest 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.*

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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, MARCH 12, 2025.

Present at the meeting were Chair Stacey Furst, Board Members Robert McCulloch, Joan Clark, and Jim Yoder, as well as Alternate Nancy Rogers. Absent from the meeting were Board Member Alison Hunsicker and Alternate 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. She stated that Alternate Board Member Nancy Rogers would be voting in place of Board Member Alison Hunsicker in her absence.

**II. MINUTES**

On a motion by Board Member Yoder, seconded by Alternate Board Member Rogers, the Board voted unanimously to approve the minutes of the Board of Adjustment meeting held on February 12, 2025.

**III. PUBLIC HEARINGS**

*A. 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.* Section 15-101 of the Zoning Ordinance prohibits fences or walls from extending into, on, or around the required front yard. While not a traditional fence, the proposed structure qualifies as one under the ordinance and is designed to extend into and enclose much of the front yard.

Jeff Armstrong, Director of Community Development, provided an overview of the case, displaying the front yard construction plan and site photos. The applicant has begun installing concrete columns around the front yard's perimeter, intending to connect them with metal material of varying heights. Mr. Armstrong stated that staff determined the request did not meet the criteria for a variance, and therefore recommended denial.

Christie Pruitt, the project architect, was present and invited to comment. She explained that she did not interpret the proposed structure as a fence. Prior to designing it, she met with the Town's Plans Examiner at the time, approximately 14 months ago, and was informed that the design was permissible. However, that employee no longer works for the Town and Ms. Pruitt stated that she does not have written confirmation that the former employee deemed the structure permissible. She further explained that a different Town employee later informed them that only the paver flatwork required a permit, while the rest of the structure was considered landscaping and did not need approval. Based on this understanding, construction of the concrete columns began in December 2024 without a permit, as they believed one was not required. In response to a question from Chair Furst, Ms. Pruitt confirmed that she did not have a record of that correspondence with this Town employee either.

There were no letters in support of this request received by the Town.  
There were three letters and seven calls in opposition to this request received by the Town.  
There were two individuals present at the meeting who spoke in opposition to this request:

Ford Lacey, 3710 Shenandoah Street, stated that the streetscape and lawns along the street maintain a sense of uniformity and would like to preserve that.

Stephen Raggio, 3728 Shenandoah Street, emphasized the Town's unique aesthetic and expressed a desire to preserve it. He also suggested that the property owner take time to appreciate the area's character.

In response to these concerns, Noel Rigley, homeowner of 3738 Shenandoah Street, thanked everyone and clarified that he did not intend to construct a fence, as he does not consider the proposed structure to be one. He noted that communication regarding the project design was unclear and believes the design aligns with the Town's aesthetics.

#### BOARD DISCUSSION

In response to a question from Board Member McCulloch, Mr. Armstrong stated that the entire structure, including the columns and their connections, qualifies the proposed structure as a fence. When asked about changes in department staff, Mr. Armstrong noted that he could not speak on behalf of former employees but confirmed that he and his current staff interpret the proposed structure as a fence.

Chair Furst asked if there was a motion to approve the variance request. There was no motion made. As a result, she moved to deny the variance, with a second by Alternate Board Member Rogers. The Board then voted unanimously to deny the variance request for the 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.

*B. 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.* Section 8-401 of the Zoning Ordinance states that, in all zoning districts except Planned Development Districts, the minimum required front yard must be the average front setback for the entire block, determined by measuring the setbacks of main buildings on one side of the street. The applicant is requesting a variance of 3.7 feet that would place the proposed house at a setback of 29.2 feet, maintaining the same front setback as the existing house on the property.

Jeff Armstrong, Director of Community Development, provided an overview of the case, noting that the lot has a unique shape. Due to the angled side lot line along Westside Drive, the buildable depth decreases significantly as the house is moved further back, limiting its size and configuration. He stated that staff determined the request met the criteria for a variance and recommended approval.

Sue Berk, the applicant, was present and invited to comment. She stated that she is a local builder and resident of the Town at 3635 Mockingbird Lane. She explained that the variance request is intended to maximize backyard space for her family. In response to questions from Board Member Yoder, Ms. Berk stated that she was uncertain whether she would reside in the new house or if it would be sold as a spec home. She also noted that she did not yet have a rendering of the proposed house, as she was waiting for confirmation on the setbacks.

Jay Peskuski, the project architect, was also present and invited to comment. He reiterated the impact of the reduced buildable area and emphasized the goal of preserving both a spacious backyard and well-landscaped front yard.

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

There were five letters in opposition to this request received by the Town.

There were two individuals present at the meeting who spoke in opposition to this request:

A letter from John Wessman, Power of Attorney for Mable Wessman, 4630 Arcady Avenue, was read aloud by Michelle Wessman. In his letter, Mr. Wessman emphasized that new construction should adhere to existing building regulations. Michelle Wessman, 4600 Lorraine Avenue, expressed her concerns that approving this variance would set a precedent in the community and argued that it is unnecessary. She also stated that the property owners were seeking to maximize profit by increasing the home's resale value at the expense of neighboring homeowners.

Chris Crosby, 4611 Arcady Avenue, stated that the property owners should have been aware of the setbacks requirements prior to purchasing the property. Additionally, he questioned the reasonableness of the request and whether the owner intended to live in the home after construction.

In response to these concerns, Mr. Peskuski clarified that the intent is to maintain the existing setback rather than move the house closer to the street. He also emphasized that he plans to preserve the character and aesthetics of West Highland Park in the design of the new home. Ms. Berk also addressed concerns about the trees in the front yard, stating that they plan to protect and maintain as many trees as possible. She reiterated that the goal of the variance is to create a larger backyard for her family, not to increase the property's resale value.

## BOARD DISCUSSION

Board Member Clark noted that there have been previous instances where spec homes have compromised the character of a block. She also stated that individuals with real estate expertise should be familiar with zoning codes and regulations before purchasing a property. Additionally, she acknowledged the opposition from neighboring residents.

Chair Furst asked if there was a motion to approve the variance request. There was no motion made. As a result, Board Member Clark moved to deny the variance, with a second by Alternate Board Member Rogers. The Board then voted unanimously to deny the variance request 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**

On a motion made by Chair Furst, seconded by Board Member Yoder, the Board voted unanimously to adjourn the meeting at 9:24 a.m.

APPROVED on this 9th day of April 2025.

APPROVED:

Stacey Furst  
Chair

ATTEST:

Sofia Tarango  
Administrative Assistant



# *Town of Highland Park Board of Adjustment*

## *Staff Report*

**MEETING DATE:** April 9, 2025

**REQUEST:** A variance from Section 15-101 of the Zoning Ordinance to allow a fence in the front yard.

**LOCATION:** 5501 Hillcrest Ave.

### **SUMMARY**

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The applicant has constructed a decorative metal fence in the front yard of the property in question. Fences are prohibited in front yards. A remodel was completed in July 2024 and the fence was subsequently constructed without a permit. Staff received a complaint from a citizen about the fence.

The house is on a lot originally platted to front on Mockingbird. The house was constructed with the front door facing Hillcrest and it was given a Hillcrest address. However, all of the setbacks for the house are consistent with a house fronting and addressed on Mockingbird. The “front” of the house by address and the front door are only 10 feet from the property line along Hillcrest, which is consistent with the setback from a side street, but not from a front property line. Likewise, the west side of the house, the side opposite the street on which the property is addressed (which would typically be the rear yard) is setback only 4.2 feet from the property line. The rear yard setback requirement is 10 feet. For the purpose of setbacks, the home is constructed as if Mockingbird is the front of the property.

### **ORDINANCE**

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**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 Mockingbird is 37.6 feet. The front setback is determined by the average setback along the block on the same side of the street. All fences must be located behind the front setback.



# *Town of Highland Park Board of Adjustment*

## *Staff Report*

### **ANALYSIS**

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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?

**Analysis:** The addressing of the house makes the situation unusual. However, if the house were addressed according to how the lot was platted and how the house is laid out on the lot, it would be like all other lots along that portion of Mockingbird.

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

**Analysis:** Yes, to the extent that the home was addressed and faced in an unusual way.

- **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:** This would create a situation where it would be the only fence along this portion of Mockingbird in a front yard.

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

**Analysis:** The request is not consistent with the intent of the ordinance to keep fences out of front yards.

### **RECOMMENDATION**

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



*Town of Highland Park  
Board of Adjustment*

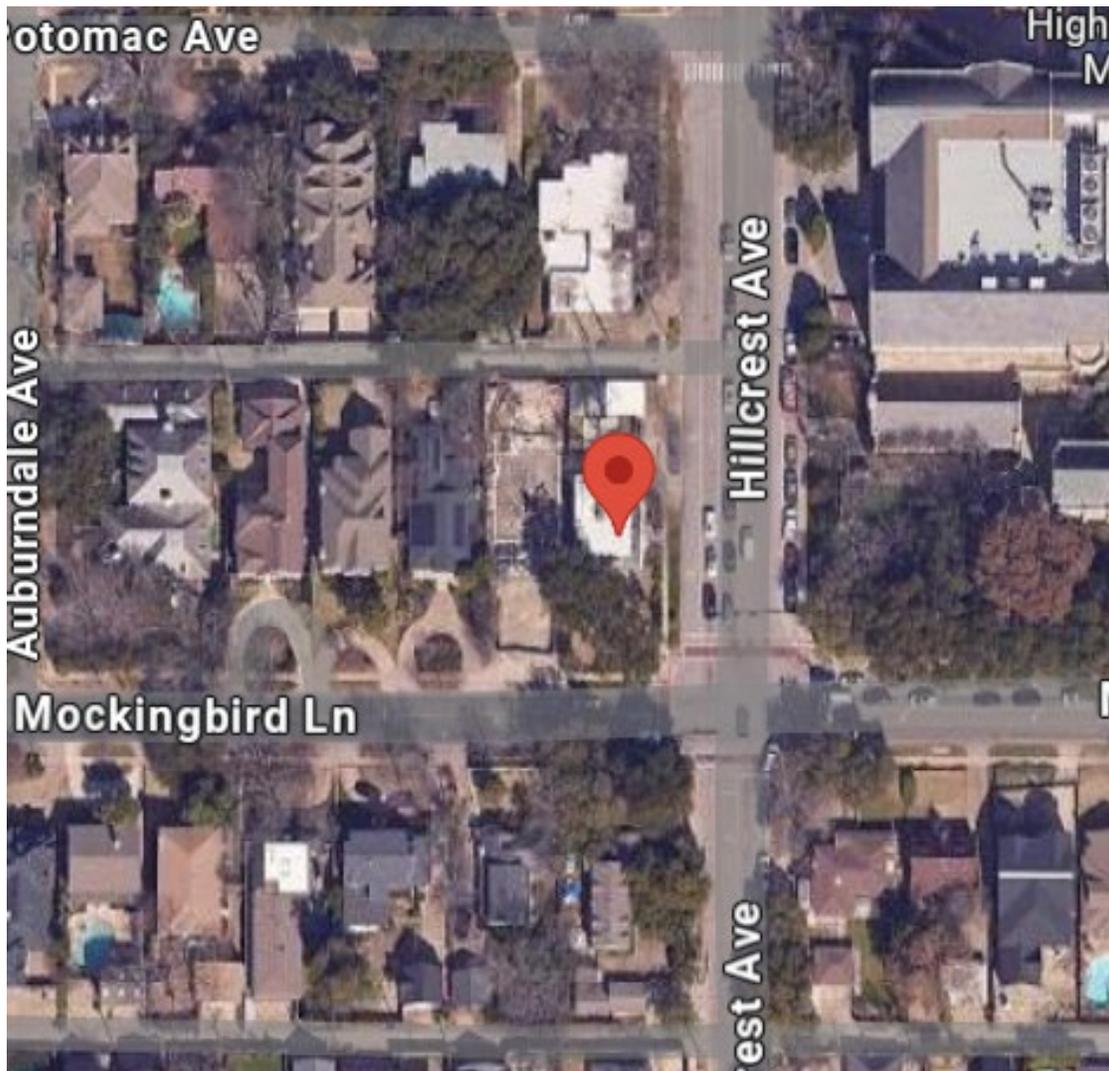
*Staff Report*

**ATTACHMENTS**

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

**ATTACHMENT 1 – AERIAL MAP**

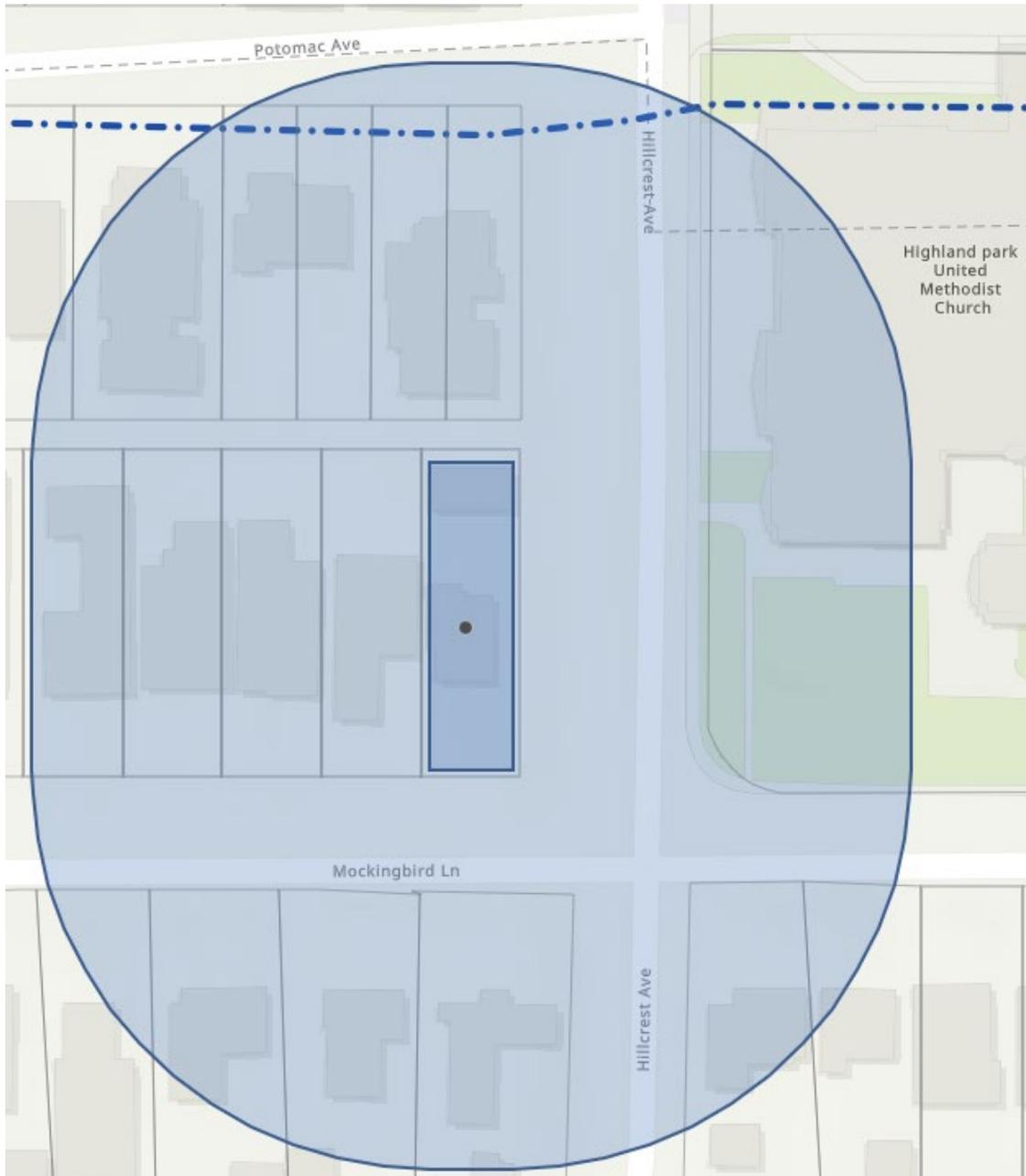




*Town of Highland Park  
Board of Adjustment*

*Staff Report*

**ATTACHMENT 2 – WRITTEN NOTIFICATION AREA MAP**





*Town of Highland Park  
Board of Adjustment*

*Staff Report*

**ATTACHMENT 3 – APPLICANT LETTER**



411 E Walnut St  
Garland TX 75040

Thursday, March 6, 2025

To whom it may concern,

At the corner of Mockingbird and Hillcrest lies our home located at 5501 Hillcrest Avenue Highland Park TX 75205. This home we recently have remodeled and have worked very close with the town of Highland Park on making sure we have a property worth of the towns name. I have worked on this home for a year and half and have put so much into the details of making her a stand out property specially since its in one of the main entry ways to the town. As I began the leasing process with the home it has become apparent via all my prospect tenants and my current tenant that this home had a vulnerable corner that at first glance can be over looked. The corner of Hillcrest and Mockingbird is a high traffic intersection that attracts many pedestrians and vehicles to it daily. The visibility of the home is one that can cause concern for anyone living in the home since it has a backyard that is open to the high transit corner which that yard also leads to the homes double french door side entries to the living room. I had mentioned to Jennifer from code compliance that we had erected a metal fence in that location to protect the tenants and their children from any possible trespassing. We have had a hard time trying to lease the home without the fence there for safety and if the fence were to be removed I don't think I would not have this home leased today. It makes such a big impact on the safety of the people living at that home, Highland Park is my home as well and I only try to do the best for my community, I hope you can see how this particular home we own has this very unique situation that makes it much more difficult for not just me as the landlord but most importantly for the residents who live in this home and their peace of mind. Thank you for your time.

Sincerely,

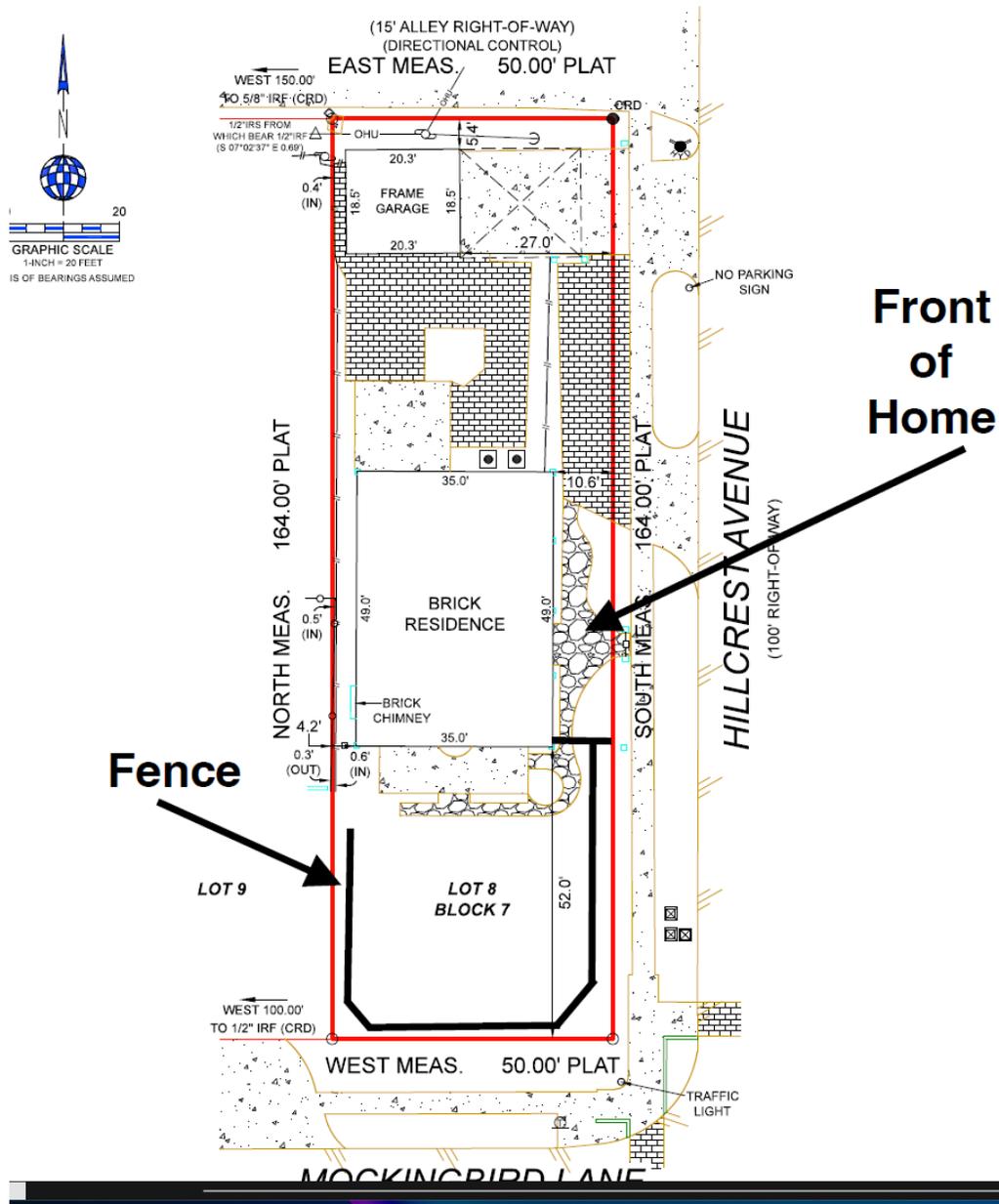
Robin Tumax



# Town of Highland Park Board of Adjustment

## Staff Report

### ATTACHMENT 4 – CONSTRUCTION PLAN





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**ATTACHMENT 5 – SITE PHOTO**

