

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, MAY 14, 2025.

Present at the meeting were Chair Stacey Furst, Board Members, Joan Clark, Jim Yoder, and Allison Hunsicker, as well as Alternate Louis Morrison. Absent from the meeting was Board Member Robert McCulloch and Alternate Nancy Rogers. 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 Clark, the Board voted unanimously to approve the minutes of the Board of Adjustment meeting held on April 9, 2025.

III. PUBLIC HEARINGS

A. Conduct a public hearing and consider a variance from Section 15-101 of the Zoning Ordinance to construct a 10-foot-tall fence/wall along the West side property line (Armstrong) at 4331 Arcady Avenue.

Jeff Armstrong, Director of Community Development, provided an overview of the case, displaying the site plan, photos, and the 200' notification buffer. Mr. Armstrong stated that staff supports this request.

There were 6 letters in support of this request received by the Town.
There were no letters in opposition of this request received by the Town.

In response to a question raised by Board Member Morrison, Mr. Armstrong answered that the green line on the plan represents the elevation of the ground inside the fence once constructed.

Mr. Armstrong reassured the Board that this will not cause a precedent. There are at least five (5) other properties who have been granted a variance similar to this case; these are mentioned in the staff report.

Chair Furst requested that the applicant present their case.

Kirk Smith, 981 County Road 4918, stated he will be representing Mr. Brooks and Mrs. Brooks. An existing/proposed site plan and topographic survey were displayed. Upon filing an open

records request, there were a total of 53 fence variances records; 11 of them are similar to this case. The intent of this request is to have more privacy in the backyard.

In response to a question raised by Board Member Hunsicker, Mr. Smith answered that the issue was not remedied by the previous excavation work performed.

Mr. Smith confirmed that if the fence complied by Ordinance, the residents would have a fence height of 5'2" from within private property.

In response to a question raised by Board Member Yoder, Mr. Smith stated that about 50% of the fence is being proposed to be 10' tall. The proposed fence height is 8' tall as it approaches the street intersection.

In response to a question raised by Board Member Morrison, Mr. Smith answered that no modifications can be made to the pool due to the significant grading difference. Mr. Smith noted that the architect is in attendance to speak on design specifics.

In response to a question raised by Board Member Morrison, Mr. Smith answered that this is not a request for convenience, but to restore the property to the existing elevation.

The similarities between this case as well as the previous case were discussed.

Mr. Smith displayed a site plan/rendering and explained the proposed fence, excavation area, and pool location.

In response to a question raised by Board Member Morrison, Mr. Smith answered that the excavation of the current pool does interfere with the steps exiting from the terrace.

In response to a question raised by Board Member Yoder, Mr. Smith confirmed that the purpose of the portion of the 10' tall fence is to allow privacy for the pool.

In response to a question raised by Board Member Morrison, Mr. Smith stated that he is not sure if the alley neighbor has the same grading issue. The alley neighbor has an 8' tall fence.

Chair Furst requested that the architect speak on this case.

Robbie Fush, Fush Architects, stated that the pool will be constructed as close as possible to the original pool. The fence height of the main home's finished floor is 4.5' tall. There are currently two risers that go down from the main home finished floor to the pool deck.

In response to Board Member Yoder, Mr. Fush answered that the rear entry steps were designed, as well as lowering the slope of the garage driveway, due to the steep incline.

In response to a question raised by Board Member Clark, Mr. Fush replied that he does not believe this will cause any drainage issues. Mr. Smith stated that this would cause drainage issues,

however, the collected water would need to be pumped to the natural grade level and captured into area basins and/or runoff capabilities.

In response to a question raised by Board Member Morrison, Mr. Smith replied that rain water in the elevated areas would run off from the surface to the street. He further explained rain water may be collected in a collection pit where gravity drains it to the curb or if it were below the curb, a pump system would direct it towards the street.

Chair Furst opened the public hearing for those who would like to speak in favor of the request at 8:58 A.M.

With no one to speak in favor, Chair Furst opened the public hearing for those who would like to speak in opposition.

With no one to speak, Chair Furst closed the public hearing at 8:58 A.M.

BOARD DISCUSSION

Board Member Hunsicker stated that she has initial concerns that the issue was self-imposed by the applicant, however, the restoration of the initial grade level as well as the drainage suggestions are reasonable. She suggested that a stipulation be added regarding the fence height be limited to the proposed area only, not the full side length of the fence.

Board Member Yoder stated that given staff's recommendation as well as the number of previous cases, this request is reasonable.

Board Member Morrison suggested that a south side view elevation would have been more helpful to get a better feel about this proposal.

Board Member Clark expressed that this proposed fence height serves as a noise diffuser due to the pool.

MOTION

Board Member Hunsicker created a motion, seconded by Board Member Morrison, to approve this request as proposed. The motion passed by unanimous vote.

B. Conduct a public hearing and consider a variance from Section 15-101 of the Zoning Ordinance to construct a 9-foot-tall cedar wood fence at 4404 Lorraine Avenue.

Jeff Armstrong, Director of Community Development, provided an overview of the case, displaying the site plan, photos, and the 200' notification buffer. Mr. Armstrong stated that staff is not in support of this request.

In response to a question raised by Board Member Yoder, Mr. Armstrong answered that he is unsure what the protrusion area is. The current columns are over 8' tall, as well as other portions of the wall.

In response to a question raised by Board Member Yoder, Mr. Armstrong confirmed that the resident has the right to build an 8' tall fence.

Board Member Clark shared her personal and positive experience of painting her masonry fence/wall, rather than re-plastering.

Chair Furst asked the applicant to present their case.

Colby Craig, 7423 Greenbrier, purchased the subject property in January of 2024. Mr. Craig explained that after purchasing the property, the neighbor obtained a fence permit and built it over the allowed height. While he intended to build an 8' tall cedar fence, the neighbor has created this hardship due to the unsightly and non-compliant fence. Mr. Craig stated he takes full financial responsibility for this newly proposed fence.

In response to a question raised by Chair Furst, Mr. Craig confirmed that the current fence/wall is not on his property.

Board Member Clark confirmed that the neighbor has the right to construct a fence/wall, however, not at the above maximum height. She also noted that the neighbor is not required to apply finish touches on the neighbor's side of the wall.

Mr. Craig explained that this issue has surpassed the amount of time it would have taken to restore the fence/wall to compliance.

In response to a question raised by Board Member Morrison, Mr. Craig confirmed that a permit was issued by Town Staff, which states a compliant height.

Chair Furst opened the public hearing for those who wish to speak in favor at 9:12 A.M.

With no one to speak, Chair Furst opened the public hearing for those who wish to speak in opposition.

Rosanne May, 4400 Lorraine Ave., stated that she and the builder agreed to share a concrete footer so Mr. Craig could build a masonry wall, and she can re-build her masonry wall. This shared footer could not be possible, therefore, Ms. May suggested building a shared masonry wall and splitting the cost to which Mr. Craig did not agree and only agreed to pay for half of the footing area. Ms.

May and Mr. Craig agreed that she would rebuild her masonry wall, and he would build a cedar fence. She expressed that this meeting seems pre-mature as there is no current final grading to determine if her fence/wall is above the maximum allowed height. Ms. May noted that she was unaware that the sealant on the back of her wall was a blue color. She also noted that the existing metal belonged to the water fountain that was on the original fence from 1935, which she plans to keep. Ms. May confirmed that once a final grade is established, any areas of the fence over the allowed maximum height will be trimmed down to compliance.

With no one else to speak in opposition, the public hearing closed at 9:17 A.M.

BOARD DISCUSSION

In response to a question raised by Board Member Yoder, Mr. Armstrong answered that the fence height is measured from the non-owner's property grade, which is still under construction, thus, no final grade is established.

Board Member Clark expressed that this case is confusing and premature.

In response to a question raised by Board Member Yoder, Mr. Armstrong confirmed that the Board can table this case indefinitely.

Board Member Hunsicker stated that once the final grade is established, the current wall will comply or need to be made compliant, therefore, this request handles itself and does not need to be tabled.

Chair Furst stated that both owners have the right to construct an 8' tall fence.

MOTION

Board Member Hunsicker created a motion, seconded by Board Member Clark, to deny this request. The motion passed by unanimous vote.

C. Conduct a public hearing and consider a variance from Section 13-103 (D) of the Zoning Ordinance to construct a pool with a 57-foot setback instead of the required 65-foot setback from the front property line at 4636 Belclaire Avenue.

Jeff Armstrong, Director of Community Development, provided an overview of the case, displaying the site plan, photos, and the 200' notification buffer. Mr. Armstrong noted that this is a combined lot, therefore the requirement for a pool is a 65' setback from the front property line. Mr. Armstrong stated that staff supports this request.

Chair Furst asked the applicant to present their case.

Jennifer, 10465 San Claire, clarified that 5 letters in support were received. The homeowners invited the neighbors to their front lawn to explain their proposed plan and it went well. She was not aware nor provided a copy of the one letter in opposition. However, she believes this request is reasonable as it is a unique property size. The proposed pool will be fenced per current fence regulations. The homeowners are in attendance.

In response to a question raised by Board Member Yoder, Ms. Claire answered that the proposed fence will consist of a 4' tall wrought iron fence with professional landscaping.

In response to a question raised by Board Member Clark, Ms. Claire confirmed the fence is not of solid material and consists of the minimum safety openings per the current fence regulations.

In response to a question raised by Board Member Yoder, Mr. Armstrong confirmed that the maximum height allowed is 8' tall, however, 4' tall is sufficient for pools.

Chair Furst opened the public hearing for those who wish to speak in favor at 9:31 A.M.

With no one to speak, Chair Furst opened the public hearing for those who wish to speak in opposition.

With no one to speak, Chair Furst closed the public hearing at 9:31 A.M.

BOARD DISCUSSION

In response to a question raised by Board Member Yoder, Mr. Brian Murphy, applicant, answered yes. He also noted that landscaping and trees will be planted along the entire fence line.

Board Member Hunsicker expressed that the homeowner bought a known situation that a combined lot can impact the ability to construct a pool.

Board Member Clark expressed her concerns regarding the noise level due to an open material fence. Board Member Yoder agreed.

Board Member Clark also expressed that she agrees with Board Member Hunsicker's previous comment.

In response to a question raised by Board Member Yoder, Mr Armstrong confirmed that the lot was combined prior to the current homeowner purchasing this property.

MOTION

Board Member Hunsicker created a motion, seconded by Board Member Clark, to deny this request. The motion passed by unanimous vote.

IV. ADJOURNMENT

Chair Furst adjourned the meeting at 9:36 A.M.

Approved on this 10th day of September 2025.

APPROVED:



Robert McCulloch
Acting Chair

ATTEST:



Serena Palomino
Permit Technician