



**Meeting Minutes
Board of Adjustment**

Tuesday, April 22, 2025

5:00 PM

Council Chamber

4:30 - 5:00 PM - Work Session for Agenda Review

Chairman Lane opened the work session at 4:30 pm.

Updates on previous BOA cases were discussed.

City Planner, Jessica Rees, presented case BOA 25-002 via PowerPoint. Applicant Kelsey Dawson with Allied Outdoor Solutions, representing property owner Reed Preston, requesting a variance regarding Section 2.4.4 of the Zoning Ordinance for the side yard setback of a proposed patio cover. The property is zoned Single Family-4 and the address is 2824 Daniel Court. An image was shown of the two hundred (200) feet buffer around the property. Property owners within this buffer received notice of the public hearing by mail. Of twenty-four (24) notices mailed out, two (2) responses were received back, both in favor of the variance request.

Mrs. Rees displayed the site plan indicating where the proposed setback line would be.

Jessica Rees presented case BOA 25-003 via PowerPoint. Applicant Park Cities Baptist Church requesting a Special Exception to section 5.4 of the zoning ordinance to allow for the installation of a temporary construction fence for material storage while the church undergoes a renovation project for the sanctuary. The address is 3929 Villanova Street and is zoned Single Family-2. An image was shown of the two hundred (200) feet buffer around the property. Property owners within this buffer received notice of the public hearing by mail. Of fifteen (15) notices mailed out, there were no responses received back.

Mrs. Rees displayed a site plan indicating where the proposed temporary construction fence would be.

5:00 PM - Public Hearing

Call to Order

Chairman Darrell Lane called the meeting to order at 5:00 pm.

Introduction of Board Members

Present: (8) Chairman Darrell Lane, Clay Snelling, Ann Shaw, Eurico Francisco, Bobby Womble, Bruce Collins and Randy Biddle

Seated: (5) Chairman Darrell Lane, Clay Snelling, Ann Shaw, Eurico Francisco and Bobby Womble

Excused: (1) Sarah Toraason

Council Liaison: (1) Phillip Philbin

Staff in Attendance

Jessica Rees, City Planner
Mary Oates, Community Development Technician
Rob Dillard, City Attorney

The Board of Adjustment of the City of University Park will conduct a public hearing in the Council Chamber. Consideration will be given to the following item(s):

[BOA 25-002](#)

BOA 25-002: Applicant Kelsey Dawson with Allied Outdoor Solutions, representing property owner Reed Preston, requesting a variance regarding Section 2.4.4 of the Zoning Ordinance for the side yard setback of a proposed patio cover. The property is zoned Single Family-4 and the address is 2824 Daniel Court.

Board Member Womble read Case BOA 25-002.

City Planner, Jessica Rees, presented case BOA 25-002 via PowerPoint. Applicant Kelsey Dawson with Allied Outdoor Solutions, representing property owner Reed Preston, requesting a variance regarding Section 2.4.4 of the Zoning Ordinance for the side yard setback of a proposed patio cover. The property is zoned Single Family-4 and the address is 2824 Daniel Court. An image was shown of the two hundred (200) feet buffer around the property. Property owners within this buffer received notice of the public hearing by mail. Of twenty-four (24) notices mailed out, two (2) responses were received back, both in favor of the variance request.

The section of the zoning ordinance, 2.4, was shown regarding the minimum interior side setback. Based on the lot width, this one would have a twenty-four (24) percent side yard setback combined for both of those side yard setbacks and then one (1) of those sides cannot go less than ten (10) percent of the lot. This lot in particular is a bit of an irregular shape in how it was constructed. The original house was built in 1977, staff did have record of that in the historic brown books in the library. At that point in time when the structure was finished, it did have a garage on the property towards the back section. A visual was shown of where the original garage area was along with the driveway and the back alley. Staff does not know when, but at some point in time, that garage was converted into living space for this property. So there is no longer any access to a garage on this property and there is a wood deck. There is still an operable electric gate at the back so the portion of the driveway is still usable, but it is not used for a garage entrance. There is a circle drive in the front.

Based on staff's interpretation of the zoning ordinance for side yard setback, even though this lot is a little bit harder to figure out, staff still takes a stab at figuring out what that side yard setback is. A plan is shown of how staff broke up the lot and showed where the mid point of the lot is and that is where staff would take the twenty-four (24) percent of. Then you would have ten (10) percent on one side. The mid point would be ninety-nine (99) feet in length. The required side yard setback that staff has decided for this property is nine (9) feet nine (9) inches. The proposed structure is roughly four (4) feet eleven (11) inches to that side property line.

Based on the existing structure and how it is setback, staff is holding firm that nine (9) feet nine (9) inches is where the side yard setback is for that side of the property.

When the plan first came in, staff did not do a full review on this project. The first thing is to look at setbacks and if it's not in those setbacks, then things are going to have to change so there is no need for a full review. In this case, staff did not look at lot coverage calculations, structure coverage calculations or anything like that in regards to this project. Staff has not complete the review, so staff is not sure that the project complies with any of the other ordinances.

A Google image from the alley is shown of the existing structure.

A rendering is shown of the side elevation of the proposed structure.

Based on the way the existing structure is on the lot and the zoning ordinance and how staff interprets is, staff is pretty confident that the side yard setback is nine (9) feet (9) inches that would be required for this, so staff recommends that the Board of Adjustment denies the variance request.

Chairman Lane asked Mrs. Rees how does this meet section 6.2 for covered parking in single family district.

Mrs. Rees stated that currently the property doesn't meet it at the time of construction. The ordinance today is that all properties are required to have two (2) enclosed parking spaces. The lot currently sits as nonconforming today in regards to that section.

Chairman Lane states that his concern is that the Board does not have jurisdiction to create a nonconforming use and he is concerned about doing that. This would be putting a burden on the public in the area of parking. Board Member Snelling stated that in other towns and cities that this would not have gotten this far because it is a nonconforming structure. The enclosed parking obviously is a problem.

A motion was made by Board Member Francisco, seconded by Board Member Snelling, that the variance request be denied. The motion was carried by a unanimous vote.

[BOA 25-003](#)

BOA 25-003: Applicant Park Cities Baptist Church requesting a Special Exception to section 5.4 of the zoning ordinance to allow for the installation of

a temporary construction fence for material storage while the church undergoes a renovation project for the sanctuary. The address is 3929 Villanova Street and is zoned Single Family-2

Board Member Womble read Case BOA 25-003.

Jessica Rees presented case BOA 25-003 via PowerPoint. Applicant Park Cities Baptist Church requesting a Special Exception to section 5.4 of the zoning ordinance to allow for the installation of a temporary construction fence for material storage while the church undergoes a renovation project for the sanctuary. The address is 3929 Villanova Street and is zoned Single Family-2. An image was shown of the two hundred (200) feet buffer around the property. Property owners within this buffer received notice of the public hearing by mail. Of fifteen (15) notices mailed out, there were no responses received back.

Normally staff allows temporary areas, containers or sometimes structures on properties that have building permits during the duration of that project. The Community Development Director or Building Official look at a proposed site plan and the duration of the project and they get approved in house. With this piece of property, being one that is going to be used but it is not going to have the permit on that property, staff took a look at that ordinance and it says that The community development director is also authorized to refer temporary use approval requests to the Board of Adjustment through the special exception procedures of Section 9.6.

A aerial shot of Park Cities Baptist Church was shown as it sits today. The next slide showed the lot where the proposed area. The church does own the piece of property and they are wanting to use the area as a lay down area for the materials they will need for the fire suppression project in the sanctuary for the church. The proposed fence is going to meet all of staff's requirements that are in the ordinance for construction fencing of being at least six (6) feet tall, being all on private property, not encroaching into the right of way and it will be screened. An example was shown of the proposed screening for the fence.

Staff recommends that the special exception be granted as long as it meets all the safety requirements.

Lysa Holland with Rogers O'Brien Construction, the general contractor for the project. To add some context to the Jessica's presentation, this is a request to mitigate the disruption to the church. The church does use the surrounding properties for their summer activities with the children and they do not want to disturb that. That is why they chose the least used spot for the lay down area. There will not be any deliveries moving of materials while there are children are present on the surrounding sites. They are aware of the look of all the materials and that is why they are proposing the wind screen to conceal it all. The gate will swing into the property and will not disturb the path, sidewalk or driveway. Once it is removed, any property damage to the yard will be fixed.

Chairman Lane asked if the residence on the lot is used as habitation. Ms. Holland stated that, no, there is no one currently using that residence.

Board Member Womble asked what the current construction time is. Ms. Holland stated that, right now they are set to start at the end of May and finish probably the last week of September or maybe the first week of October and by that point they should have the construction fence down. Six (6) months would be appreciated considering how some construction goes even though right now the construction duration is five (5) months.

Board Member Snelling stated that this should be treated just like any construction site with having gravel down and erosion control so that the moving of pipes does not bring mud across the street.

A motion was made by Board Member Snelling, seconded by Board Member Womble, that the Board of Adjustment grant the special exception request along with a six (6) month construction duration and the typical construction site rules be applied. The motion was carried by a unanimous vote.

Consider the previous meeting minutes with or without corrections:

[25-085](#)

BOA Meeting Minutes - 02.25.25

A motion was made by Board Member Francisco, seconded by Board Member Shaw, that the minutes be approved. The motion was carried by a unanimous vote.

ADJOURNMENT: With there being no further business before the Board, Chairman Lane adjourned the meeting at 5:19 pm.

Approved by:

Chairman, Darrell B. Lane

Date