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7.23.20



BOA-56-2020

CITY OF UNIVERSITY PARK
BOARD OF ADJUSTMENT APPLICATION

ADDRESS: 3625 Caruth Blvd DATE: 07/21/2020
SUBDIVISION University Heights 4 Amended LOT # 13A BLOCK # 28
LOT DIMENSIONS 70 X 170 ZONING DISTRICT single family 2

PROPERTY OWNER: Jeffery McElfresh
ADDRESS: 3625 Caruth Blvd
CITY: Dallas STATE: TX ZIP: 75225
PHONE: 404-414-4422 E-MAIL: nf4u@att.net

APPLICANT (IF DIFFERENT THAN PROPERTY OWNER)** _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
PHONE: _____ E-MAIL: _____

**Must have Letter of Authority signed by Owner.

REQUEST IS FOR:

 A VARIANCE TO THE A SPECIAL EXCEPTION XX APPEAL OF DEISION
ZONING ORDINANCE TO THE ZONING ORDINANCE UNDER SECTION 9.8.1 OF THE
ZONING ORDINANCE

TO THE BOARD OF ADJUSTMENT:

AN APPLICATION HAS BEEN MADE FOR A PERMIT TO:

Install back-up generator on the Southeast portion of property

THE PERMIT APPLIED FOR HAS BEEN REVIEWED AND DENIED BY THE BUILDING INSPECTION/COMMUNITY DEVELOPMENT DEPARTMENT, AS IT WAS DEEMED CONTRARY TO THE ZONING ORDINANCE OF THE CITY OF UNIVERSITY PARK. THEREFORE, AN APPEAL, SPECIAL EXCEPTION OR VARIANCE IS NOW MADE TO THE BOARD OF ADJUSTMENT FOR (Describe relief requested and legal grounds):

PLEASE SEE ATTACHED

*Add additional sheets if necessary.

STATE OF TEXAS

AFFIDAVIT OF PROPERTY OWNER

COUNTY OF DALLAS

I, Jeffery McElfresh, THE UNDERSIGNED AFFIANT, DO HEREBY SWEAR THAT I HAVE READ THE ATTACHED INSTRUCTIONS, AND THAT THE FACTS STATED IN THIS APPLICATION TO THE BOARD OF ADJUSTMENT ARE WITHIN MY PERSONAL KNOWLEDGE AND ARE TRUE AND CORRECT.

SIGNATURE OF PROPERTY OWNER -- (Sign and Print or Type Name)

Signature:

Jeffery McElfresh

Print or Type Name:

Jeffery McElfresh

Subscribed and sworn to before me by the said

Jeffery McElfresh

on this 22nd day of

July 2020



CYNTHIA RAE BURKE
ID #8672091
My Commission Expires
December 26, 2021

Cynthia Rae Burke

Notary Public, State of Texas

From: Carlos Fransen cfransen@uptexas.org
Subject: FW: 3625 Caruth Blvd - Generac Installation
Date: Jul 23, 2020 at 9:28:42 AM
To: Pat Baugh pbaugh@uptexas.org

From: Carlos Fransen
Sent: Tuesday, July 14, 2020 1:38 PM
To: plentz@lentzlighting.com
Cc: Jessica Rees <jrees@uptexas.org>
Subject: 3625 Caruth Blvd - Generac Installation

Mr. Lentz,

I have verified the requirements of the Zoning Ordinance that pertain to the generator placement possibility discussed this morning at 3625 Caruth. Section 5.3.12 (3) of the Zoning Ordinance only allows five pieces of equipment in the side yard. The Ordinance defines the yard as the area between the house and side property line and specifically includes the required setback that was discussed. The proposed generator would be the 7th piece of equipment in this total area.

This office cannot approve the permit application as submitted. The placement of the generator violates section 5.3.12 (3) of the Zoning Ordinance.

I have attached an application if you wish to appeal the decision of this office to the Board of Adjustment (BOA). The Board meets the fourth Tuesday of every month and application must be received a minimum thirty (30) days prior.

If you have any questions about the BOA application, please contact the City Planner, Ms. Jessica Rees (copied), for any assistance.

Thank you,



Carlos Fransen

City of University Park

Building Official

Office: 214.987.5413 | Fax: 214.987.5429

cfransen@uptexas.org | web: uptexas.org

City of University Park
Board Of Adjustment
Community Development Department

July 21, 2020

RE: Property Of: Jeffery McElfresh
3625 Caruth Blvd
University Park, TX 75225

I had requested information for the installation of a back-up generator. I contacted Lentz Services who sent their Master Electrician, Jerry Norton, to assess the situation. Jerry contacted the City of University Park for an inspector to meet him on-site. Keith Myers met Jerry June 2, 2020, to evaluate the approved location of the generator. Mr. Myers showed Jerry where the acceptable location would be. Lentz Services provided me an estimate to install the generator per the City's location. I approved the proposal June 4, 2020. The generator was ordered and arrived July 2, 2020.

The City of University Park contacted Lentz Services stating that Mr. Myers had made a mistake and the generator could not be located in the previously-approved location. After several phone calls, a meeting was set up with Carlos Fransen and representatives from Lentz Services July 14, 2020 at 8:30am. During the meeting, Mr. Fransen approved the original location and stated that Lentz could pick up the permit that afternoon. Once again, the City of University Park denied the permit stating the number of HVAC units and pool equipment on the East side of the house. A meeting was set up with Robbie Corder, City Manager, July 16, 2020 at 8:00am. Mr. Corder discussed the situation, expressed his embarrassment for the two approvals, and subsequent denials. He said he would meet with the city Attorney to try and work around the issues. I received an email July 17, 2020 from Mr. Corder that the City would not approve the installation and suggested I pursue the Board of Adjustment appeal.

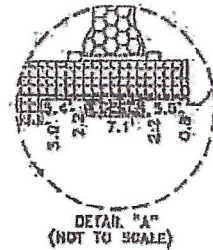
As a Citizen of University Park, I have followed the proper guidelines and procedures to install a back-up generator. Careful thought was given to not intrude on my neighbor to the East, Marshall Hunt's (3621 Caruth Blvd) privacy. The proposed generator location was in line with both my garage and my neighbors', which would be the least intrusive from a noise factor.

After receiving the initial approval from the City, and my acceptance with Lentz, the generator arrived for installation. I have made a significant downpayment for the installation. Lentz cannot return the generator for credit. I am requesting a reasonable solution to this problem.

Sincerely,

Jeffery McElfresh

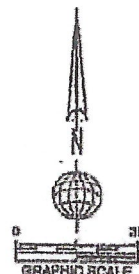
BEING LOT 13A, BLOCK 28, OF UNIVERSITY HEIGHTS NO. 4, AN ADDITION TO THE CITY OF UNIVERSITY PARK, DALLAS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN INSTRUMENT NUMBER 2007037045 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.



~~X [Signature] 10/15/10~~
~~X [Signature] 10/15/10~~

[illegible]

LEGEND			
Q	POWER POLE	1	CONCRETE AREA
M	GAS METER	2	BUILDING LINE
R	WATER METER	3	EVACUATION CONTROL VALVE
P	POWERLINE	4	BRICK COLUMN
U	OVERHEAD SERVICE LINE	5	TRANSFORMER AND PAD
W	WOOD FENCE	6	ASPHALT SURFACE
Y	CHAIN LINK FENCE	7	CONCRETE
Z	VARIABLE IRON FENCE	8	STONE
1	VINE FENCE	9	AIR CONDITIONERS
2	FLUE PLACE	10	BRICK
3	TELEPHONE BOX	11	LIGHT POLE
4	PAVEMENT	12	PAVEMENT

[illegible]

I, John M. Timmon, designated Professional Land Surveyor of the State of Texas, do hereby certify that this Survey finds a man, Robert and Minnie Robinson of the county of Winn herein as indicated by survey on the ground under my jurisdiction. The name and description of said property being returned by the plot. The improvement and within boundaries of property here and there shown within and thereunto applicable and apparent boundaries, unimproved lands, tracts of prairie lands, except as shown. This survey meets and conforms to the statute and standards required by the Texas Board of Professional Land Surveyors.

John S. Turner
John S. Turner P.L.S. #3310



Analytical Surveys, Inc.

Registered Professional Land Surveyors
 For Easy Work (713) 272-2247 Voice
 Contact, Texas 75042 (713) 272-6437 Fax
 John S. Turner P.L.S. 6310
 www.jsturner.com

Job Number: F-051F1-00

[Date: 08-28-08

Certified to: **STEVE HUGHES**

Drawn by: BT

"A professional company operating in your best interest"





