



## **Board of Adjustment Staff Report**

**DATE:** August 25, 2015

**TO:** Board of Adjustment

**FROM:** Harry N. Persaud, MRTPI, AICP, Chief Planning Official

**RE:** B.O.A. 15-008: Larry White representing Legal Fund I, Ltd appealing the determination of the Director of Community Development with regard to Section 25-100 (6) of the comprehensive zoning ordinance which requires that air conditioning compressors be located a minimum of 5 feet from an adjacent side property line. The subject property is located at 3604 Asbury and zoned Planned Development District, PD-6 in accordance with the comprehensive zoning ordinance.

### **GENERAL INFORMATION**

**APPLICANT:** Larry White, representing property owner at 3604 Asbury, City of University Park

**LOCATION:** 3604 Asbury, City of University Park

**REQUEST:** Appealing a determination of the Director of Community Development with regard to Section 25-100 (6) of the comprehensive zoning ordinance which requires that air conditioning compressors be located a minimum of 5 feet from an adjacent side property line.

**ZONING:** **Planned Development District, PD-6**

**SURROUNDING  
LAND USE:**

North – Residential, PD-6  
South – Residential, PD-6  
East – Residential, PD-6  
West – Residential, PD-6

**STAFF COMMENTS:**

The property owner contacted Pat Baugh, Community Development Director on July 10, 2015 requesting approval to install 3 HVAC units in

the rear yard adjacent to and providing a 2 feet setback to a side lot line on the subject property located at 3604 Asbury. On July 13, 2015 Mr. Baugh denied the request by email (copy attached) In an earlier email to the applicant dated July 6, 2015, Mr. Baugh referenced Section 25-100 (6) which provides as follows:

“ Air-conditioning compressors, cooling towers, pool equipment and similar accessory equipment shall be located behind the required front building line, and be a minimum of five feet (5') from an adjacent side property line, and a minimum of three feet (3') from the rear property line and installed at grade level. When such equipment is located in a side yard of a corner lot, adjacent to a side street, or in the front half of any lot, such equipment shall be screened from view by a fence, wall, or shrubbery”.

The property owner filed an appeal of under Section 9-101 of the comprehensive zoning ordinance on July 24, 2015.

The appeal referenced Section 21-100 applicable to the SF-A zoning district which provides specific conditions for the location of air conditioning condensing units in the required side yard and in the required rear yard as follows:

Air-conditioning condensing units may be located in the required side yard under the following conditions:

- a. Air-conditioning condensing units adjacent to residential buildings or building sites will be screened from the adjacent property by a solid wood fence or wall. Units abutting a street, alley or easement may be screened there from by landscaping;
- b. Air-conditioning condensing units may not vent exhaust toward the nearest property line;
- c. Air-conditioning condensing units may not exceed a maximum height of fifty-four inches (54") above the ground; and,
- d. No more than four (4) air-conditioning condensing units may be located in a side yard. If four (4) units are located in a side yard, one unit must be located a minimum of ten feet (10') from the other three (3) units.

(Ordinance 09/15, sec. 4, adopted 4/7/09)

In practice, staff has consistently applied and interpreted the setback requirements in Section 25-100 (6) for the location of air conditioning compressors since its adoption on January 7, 1992. (See attached) The property owner will present his appeal and respond to questions at the meeting.

**NOTIFICATION:** Notices were mailed to all property owners within 200 feet of the subject tract and a public hearing notice was published in the Park Cities News on August 13, 2015. Staff will provide an update with regard to property owner responses at the meeting.

**ATTACHMENTS:**

1. BOA application and supporting information