



City of University Park

City Hall
3800 University Blvd.
University Park, TX 75205

Meeting Minutes Board of Adjustment

Tuesday, July 25, 2017

5:00 PM

Council Chamber

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

Chairman Moore opened the work session at 4:35pm.

Chairman Moore introduced cases BOA 17-008 for a variance request to place a fence in the required front yard and BOA 17-009 for an appeal of the Building Officials decision to allow a structure to remain during demolition. A brief discussion was held regarding the variance request and modifications to a non-conforming use.

The work session was closed at 5:00pm and no action was taken.

Call to Order

Chairman Moore called the meeting to order at 5:03pm.

Introduction of Board Members

Present: 5 - Chairman Eddy Moore, John Jackson, Darrell Lane, Clay Snelling and Ann Shaw

Excused: 5 - Bobby Womble, Eurico Francisco, Kevin Maguire, Jeff Barnes and Jim Hitzelberger

Staff in Attendance

Patrick Baugh, Community Development Director,
Carlos Fransen, Building Official,
Cecilia Mena, Planning 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 17-008](#)

Southern Methodist University requesting a variance to section 28-107 of the comprehensive zoning ordinance which states that a fence cannot be located past the front wall of the main building and cannot exceed eight feet (8') in height. The subject property is located at 3000 Daniel Avenue and is zoned University Campus "UC-2" zoning district classification.

Chairman Moore asked Boardmember Jackson to read each case then swore-in those persons wishing to speak to the items and opened the public hearing. Chairman Moore requested that the applicant approach the podium to speak on behalf of BOA 17-008.

Mary Pennington, Senior Project Manager with SMU, approached the podium and introduced herself. Ms. Pennington explained why there was a need to have a fence in the front yard and the property hardship for this lot.

John Brown, with Selzer Associates, approached the podium and added that the main concern was for the security of the children. Mr. Brown also explained the building requirements for exits of each room and the layout of the daycare. A discussion was held regarding the building and playground setbacks.

Steven Metzger, with Metzger and McDonald PLLC, approached the podium and requested that the fence be limited to an ornamental fence with visibility and also that the fence be limited to the design that is presented.

Greg Healy, resident at 3000 Rosedale Avenue, approached the podium and stated that although he was not in opposition, he did have general comments. Mr. Healy questioned why a playground would be located in the front yard and the hours of operation. A discussion was held on the existing trees, facility parking, and ongoing planning issues at this location. Mr. Healy commented that SMU needed to better maintain these lots. Mr. Brown offered information on the fence; landscape plans; and alley and delivery traffic.

David Hunt, resident at 3005 Rosedale Avenue, approached the podium and requested that the delivery trucks not park and block the alleyway.

Rob Dillard, City Attorney, stated that the Board of Adjustments could grant cases based on building regulations, but not state regulations. Mr. Dillard also explained that this case should have been presented as a Planning and Zoning case rather than a Board of Adjustments case. A discussion was held on this variance request and questionable hardship.

Chairman Moore asked if there was anyone else to speak either in favor or in opposition of the request, with no one else to speak, Chairman Moore closed the public hearing for this item.

A motion was made by Chairman Moore, seconded by Boardmember Lane, that this Variance Request be denied. The motion carried by a unanimous vote.

[BOA 17-009](#)

Property owners Mark and Randee Hefflefinger, requesting an appeal of a determination made by the Building Official with regards to section 115.9 of the residential building code which requires the entire lot to be cleared if a primary structure is demolished on the lot. The subject property is located at 3553/3555 Rosedale Avenue and 6620 Thackery Street and zoned Duplex "D-2" zoning district classification.

Randee Hefflefinger, owner at 3553 Rosedale Avenue, approached the podium and offered a history of the property and existing structures.

Mark Hefflefinger, owner at 3553 Rosedale Avenue, approached the podium and explained that this project had a long history of permitting application and plan submissions to multiple past and current employees of the Community Development Department. Mr. Hefflefinger clarified that his request was for the reinterpretation of a demolition for an existing non-conforming lot. Mr. Hefflefinger also explained that this request would greatly benefit and improve the neighborhood and add tax value.

Chairman Moore requested for anyone to speak in favor of the request to approach the podium.

Paul Turney, Architect, approached the podium. He stated that this project meets many of the requirements like setbacks and parking. He also mentioned that the layout of the proposed structure improves the lot although the location does not meet the requirements.

Tony Dona, resident at 3916 Wentwood Drive, approached the podium and expressed his support of the proposed project. Mr. Dona explained that the Hefflefinger's project was delayed because of the construction of his own home. Mr. Dona also mentioned that the existing structures that are currently on the lot are not terribly attractive, but could be improved.

The Presley's, residents at 3548 Rosedale Avenue, approached the podium and explained that this addition would be a great improvement and would be nice.

Kristen Roberts, beneficiary of 3600 Rosedale Avenue, approached the podium and expressed that this project would decrease the density of the area and would be aesthetically pleasing.

A discussion was held amongst the Boardmembers regarding the coverage calculations, setbacks, and proposed new structure.

Chairman Moore asked if there was anyone else to speak either in favor or in opposition of the request, with no one else to speak, Chairman Moore closed the public hearing.

A motion was made by Boardmember Jackson, seconded by Boardmember Shaw, that this Appeal be approved. The motion carried by a unanimous vote.

[BOA 17-010](#)

The Board of Adjustment, acting in their capacity as the Building and Standards Commission, shall conduct a public hearing and consider action concerning the failure to maintain the minimum standards for Use and Occupancy at 3525 Southwestern Boulevard and abatement of dangerous buildings in accordance with the Code of Ordinances Articles 3.03 and 3.04.

This item was resolved prior to the public hearing therefore staff withdrew the item. No action was taken from the Board.

Consider the previous meeting minutes with or without corrections:

[17-138](#)

Board of Adjustment Meeting Minutes dated May 23, 2017.

A motion was made by Boardmember Jackson, seconded by Boardmember Lane, that the Minutes be approved. The motion carried by a unanimous vote.

ADJOURNMENT: With their being no further business before the Board, Chairman Moore adjourned the meeting at 6:16pm.

Approved by:

Chairman Eddy Moore

Date