



**Meeting Minutes  
Board of Adjustment**

---

**Tuesday, March 23, 2021**

**5:00 PM**

**Via Video Conference**

---

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

Chairman Moore opened the work session at 4:32 PM.

Jessica Rees, City Planner, presented case BOA 21-001 via PowerPoint. The two hundred foot (200') buffer, summary of responses, current code for side yard setbacks, the proposed side yard setback, and photos of the exiting/proposed plans were displayed and explained.

Board Member Lane asked for clarification on the required setbacks with this being a corner lot. Mrs. Rees stated there is a Zoning Ordinance exception, which allows them to have a corner lot side yard setback of 10% of the lot width instead of the minimum 10 foot setback.

Board Member Francisco asked what will the proposed addition consist of. Mrs. Rees stated the applicant is proposing a covered outdoor area and second floor addition. A photo of the proposed project was shown.

Board Member Fulton questioned where the dimensions are located on the proposed plans. Mrs. Rees answered that the plans are difficult to read, but after discussion with the architect, the requested setback is 5' 1 11/16". Board Member Lane clarified where this information can be calculated on the submitted building plans.

Board Member Fulton and Board Member Francisco questioned if the proposed chimney encroaches into the proposed side yard. Mrs. Rees confirmed and stated the Zoning Ordinance allows for these encroachments, therefore the side yard setback will vary in width.

Board Member Jackson questioned if there are windows on the second floor that face to the East or to the adjacent property owner's home. Board Member Lane confirmed there are windows on either side based on the submitted building plans. Mrs. Rees confirmed this is allowed per the Zoning Ordinance.

Board Member Lane stated his concern on page A-100 on the proposed building plans and how they are inconsistent.

Board Member Fulton asked for clarification on the setbacks from the chimney and wall to the fence. Board Member Lane confirmed the chimney edge to the fence will be three feet (3') and the wall edge to the fence will be five feet (5').

Board Member Lane questioned in order to comply to current code the proposed covered sitting area and wall would need to be moved in by three feet (3'). Mrs. Rees confirmed any new additions will need to comply to the 8'4" setback.

Chairman Moore asked if there were any further questions.

The work session closed at 4:55 PM.

#### *Call to Order*

Chairman Moore called the meeting to order at 5:00 PM.

#### *Introduction of Board Members*

**Present:** 5 - Chairman Eddy Moore, John Jackson, Darrell Lane, Eurico Francisco and Duncan Fulton  
**Excused:** 4 - Clay Snelling, Bobby Womble, Ann Shaw and Dan McKeithen  
**Seated:** 1 - Jeff Barnes

#### *Staff in Attendance*

Jessica Rees, City Planner  
Serena Palomino, Planning Technician  
Bob Hager, Acting City Attorney

*The Board of Adjustment of the City of University Park will conduct a virtual public hearing via GoToMeeting. Consideration will be given to the following item(s):*

#### [BOA 21-001](#)

Property owner Robert and Mary Ann Chapel requesting a variance with regards to Section 2.4.4 of the zoning ordinance for side yard setbacks. The subject property is located at 4145 Shenandoah and currently zoned Single Family 3.

Chairman Moore asked Board Member Jackson to read case BOA 21-001, then Chairman Moore opened the public hearing and swore-in those persons wishing to speak on the issue. Chairman Moore requested that the applicant speak on behalf of BOA 21-001.

Mary Ann Chapel, applicant, stated the ultimate goal is to add interior space, meet current resident expectations and restore the character of the home. She understands this Board's purpose and feels they should consider this request for the following reasons; conserving the value of the building, allowing a range of home options and design hardships. Mrs. Chapel stated the proposed building plans will seamlessly match with the existing home. She mentioned the current lot depth is one hundred nineteen feet (119') and the code states a minimum of one hundred twenty feet (120'). Neighbors have reviewed the proposed plans and have no issues. Mrs. Chapel stated there are future plans to design a pool and repair the existing fence. Mr. and Mrs.

Chapel clarified the questions and concerns mentioned in the work session in regards to the chimney. The current Survey of the lot, photos of the existing home and the proposed building plans were displayed.

Chairman Moore asked Board Members if they have any questions for the applicant.

Board Member Lane questioned if the proposed addition goes over the existing first floor foundation. Mrs. Chapel stated foundation work will be needed at the South and East side of the addition. The new second story addition will extend over the existing foundation and ten feet (10') beyond that.

Mrs. Chapel confirmed that underneath the standing seam roof will consist of interior air conditioned space. She also stated the proposed covered patio will match the existing home.

With no further questions to the applicant, Chairman Moore requested staff present case BOA 21-001.

Jessica Rees, City Planner, presented case BOA 21-001 via PowerPoint. The two hundred foot (200') buffer, summary of responses, current code for side yard setbacks, the proposed side yard setback, and photos of the exiting/proposed plans were displayed and explained.

Chairman Moore clarified that the applicant's request is to not encroach further into the side yard, but to extend further down the lot. Mrs. Rees confirmed.

Board Member Lane expressed his concern on the extension going over the existing foundation and changing the extension further South.

Chairman Moore asked the applicant to state any final comments or questions to the Board.

Mrs. Chapel asked if Board Member Lane can expand on his concerns. Board Member Lane stated he views this as a self imposed hardship.

Mrs. Chapel questioned what is Board Member Lane's thoughts on older homes attempting to be more in line with modern day. Board Member Lane stated the Zoning Ordinance is designed to only build what is only allowed, rather than what is wanted. He is concerned on the massiveness of the proposed addition being that close to the neighbors on the East side, even though this neighbor did not submit a response. He also stated this neighbor might like to build on their home, which creates a mass looming concern.

Mrs. Chapel expressed her concern on the allowed maximum heights and setbacks for new builds per code. She stated the current height of the home is much less than what is allowed. Mrs. Chapel stated she wants to add value to the home by conserving the existing structure.

Board Member Fulton asked if the applicant can discuss more of the studies

on the proposed plans. Mrs. Chapel stated the different type of floor plans her and the designer discussed. They both agreed the simplest way would be to maintain the East side wall within the same plane. She stated she understands the Board's concerns and is willing to compromise.

With no further questions from the Board Members, Chairman Moore closed the public hearing at 5:47 PM. Chairman Moore asked the Board Members if they had any final comments.

Board Member Lane expressed his concern on the setback of the proposed fireplace.

Mrs. Chapel stated she is open to discuss any changes to the proposed plans. Chairman Moore stated they can only review what is presented and she has the right to take action based on the knowledge learned from the Board's discussion.

Board Member Fulton explained Zoning Ordinances cause one to think differently about a project, variances are limited, examples of a property hardship, and he respects the constraints of the current Zoning Ordinance.

Board Member Francisco stated he appreciates the applicants reasoning for this request, but does not have any questions.

Chairman Moore expressed his appreciation to the applicant.

**A motion was made by Board Member Fulton, seconded by Board Member Lane, that this variance be denied. The motion carried by a unanimous vote.**

*Consider the previous meeting minutes with or without corrections:*

[21-043](#)

Minutes from the Board of Adjustment Meeting dated December 3, 2020.

**A motion was made by Board Member Lane, seconded by Board Member Francisco, that the Minutes be approved. The motion carried by unanimous vote.**

*ADJOURNMENT: With there being no further business before the Board, Chairman Moore adjourned the meeting at 5:56 PM.*

*Approved by:*

---

*Chairman Eddy Moore*

---

*Date*