



City of University Park

City Hall
3800 University Blvd.
University Park, TX 75205

Meeting Minutes Board of Adjustment

Tuesday, June 25, 2019

5:00 PM

Council Chamber

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

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

Jessica Rees introduced case BOA 19-001 and provided a Power Point presentation. A two-hundred feet (200) buffer of where the owner notices were mailed was shown. Staff received two (2) notices from within the buffer in return. Information from within the zoning ordinance and duplex building coverage was provided within the Power Point. The City approved plans were displayed showing that the plan reviewer acknowledged the calculations provided for the maximum 50% (fifty percent) rear lot coverage. Mrs. Rees explained the timeline of application submittal, permit issuance, inspections completed, when staff was alerted of structure area overage, issuance of the stop work order, the staff and builder meeting, and receipt of Board of Adjustment appeal submittal. A staff email was shown explaining the lot coverage calculations that totaled to the structure overage. Pictures of the property were shown. Commissioner Snelling clarified with staff that the plan reviewer was not at fault. Discussion was held on the specific location of the structure overage. The builder and plan designer were present at the work session. Additional pictures of the structure were given to the board.

The work session was closed at 4:55 PM and no action was taken.

Call to Order

Chairman Moore called the meeting to order at 5:06 PM.

Introduction of Board Members

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

Staff in Attendance

Patrick Baugh, Community Development Director
Jessica Rees, City Planner
Serena Palomino, 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 19-001](#)

Greg Yates, property owner, requests an appeal of the decision of the Community Development Director under Section 9 of the Zoning Ordinance related to rear lot coverage at 4325-27 Glenwick Lane, City of University Park. The subject property is zoned Duplex, D-2 zoning district classification in accordance with the comprehensive Zoning Ordinance.

Chairman Moore read case BOA 19-001, then opened the public hearing and swore-in those persons wishing to speak on the issue. Chairman Moore requested that the applicant address the board.

Greg Yates, JGH Residential Properties and resident at 3229 Centenary, introduced himself and stated that he has built many similar homes along Glenwick and Emerson that add value to the City. Mr. Yates admitted that when re-visiting the approved plans with the plan designer, there was a miscalculation on the cantilever limit. Mr. Yates stated that City staff was notified that construction for this project would continue, since driveways are ready to be poured, water meters are installed, gas lines are installed and ready to go for this project. Mr. Yates expressed that current permits in process, as well as future permits, will not exceed allowable area. Chairman Moore requested that the plan designer approach the board.

Don Henderson, Henderson Design & Associates, introduced himself and stated that out of the fifteen (15) projects he has completed in the City, eleven (11) have this same structure style. He stated that he assumed that his interpretation of calculating lot coverage, with the help of approval from City staff, was correct. Mr. Henderson asked the board for forgiveness of this error and to please not apply a financial hardship for this project. Mr. Henderson stated that all future projects will be corrected and in compliance with City code. Mr. Henderson expressed that all liability falls on the builder, plan designer, and City staff to do the right job. Mr. Henderson provided examples from the City Ordinance and stated that these examples influenced such projects.

Chairman Moore mentioned that Mr. Yates provided additional pictures at the work session. Chairman Moore requested that Mrs. Rees provide a briefing on the item.

Mrs. Rees explained that notices regarding this case were sent to the property owners within the two hundred feet (200') and offered a summary of the responses. Verbiage from the zoning ordinance and structure coverage were shown. Renderings of the approved City plans were displayed. Mrs. Rees explained the timeline history of this project and staff's recommendation to deny this appeal.

Mr. Dillard clarified with Mrs. Rees that there has been no change in the ordinance made by City staff or City Council from the time of applying to issuing this permit. Mr. Dillard questioned if there has been any requests for variance, in which Mrs. Rees replied no. Mr. Dillard asked if there are other projects with this same error. Mrs. Rees stated that there was a similar issue on another project by Mr. Yates that has been addressed and corrected. Mrs.

Rees added that the plan review process has been modified to make sure a thorough review is being conducted.

Chairman Moore thanked Mrs. Rees and asked if the applicants would like to respond.

Mr. Henderson re-stated that he has done many projects similar to this structure that have been approved by City staff. Mr. Yates explained how a recent approval on a different project has been caught and corrected, but could have gone the same route as this current item.

Chairman Moore asked if there was anyone else to speak in favor or in opposition of the request.

Brad Bunnett, 4329 Glenwick, stated how he initially contacted the builder to consider not repeating the same facade for this block. Mr. Bunnett expressed his experiences with this builder such as: the cyclone fence being attached to his, the gate causing damage to his vehicle, and suggesting a circular driveway to help with traffic flow. Mr. Bunnett expressed that this builder has not been a "good neighbor" throughout construction.

Michael Tipton, 4335 Glenwick, asked the board what it will take to fix this issue and if there is a possibility for compromise to fix the repeated facade. Chairman Moore explained that the Board of Adjustment authority does not provide the power to judge the appearance of a property. Discussion was held on the legal zoning description and what the structure is being marketed as, duplex or attached single family.

Chairman Moore allowed Mr. Yates to approach the board. Mr. Yates explained in great detail how each structure built is custom designed without any repetitions. He agreed to the benefit of incorporating circular driveways, if they were allowed under this zoned area. Mr. Yates disclosed that a check for one thousand, seven hundred fifty dollars (\$1,750) was issued for the truck damage to the neighbor. Mr. Yates voiced that the builder can only do their best to comply with neighbors during construction.

Lesly Kibby, 4334 Glenwick, mentioned that this builder appeared to construct the same structure last year at 4336 and 4338 Glenwick. Ms. Kibby has realized that her property value has lowered since the completion of JGH's projects on this block. She compared her different experiences from JGH and other contractors. Ms. Kibby explained the details that create the same facade for these houses built by this company and suggested that this situation does not happen again.

Chairman Moore closed the public hearing at 5:47 PM.

A motion was made by Board Member McKenney, seconded by Board Member Shaw, that this Appeal Request be approved. The motion carried by a unanimous vote.

Consider the previous meeting minutes with or without corrections:

[19-086](#)

Minutes from the Board of Adjustment meeting dated November 27, 2018.

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

ADJOURNMENT: With there being no further business before the Board, Chairman Moore adjourned the meeting at 5:50 PM.

Approved by:

Chairman Eddy Moore

Date