



City of University Park

City Hall
3800 University Blvd.
University Park, TX 75205

Meeting Minutes Board of Adjustment

Tuesday, July 27, 2021

5:00 PM

Council Chamber

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

Acting Chairman Jackson opened the work session at 4:30 PM.

Jessica Rees, City Planner, presented case BOA 21-003 via PowerPoint. An aerial view of the 200' buffer and summary of responses was explained and displayed. This subject site was granted a fence special exception from the Board of Adjustment in 2004, which resulted into an eight and a half feet (8.5') encroachment into the public Right of Way. The current property owner officially purchased the encroachment area from the City and this issue is now resolved. Mrs. Rees displayed and explained Section 8.4.4.A of the Zoning Ordinance and the proposed plans.

Board Member Lane stated certain proposed fence columns do not abut the driveway.

Acting Chairman Jackson questioned if the current property owners have signed a deed restriction. Mrs. Rees confirmed an irrigation deed restriction was signed.

Board Member Francisco questioned where the location of the existing fence, the current property line and the proposed fence is. Mrs. Rees displayed these locations on the proposed plan.

Acting Chairman Jackson questioned if the front face of the house is on Turtle Creek Boulevard. Mrs. Rees confirmed.

Mrs. Rees displayed the proposed plans and explained why the term abutting was misinterpreted.

Board Member Lane expressed there are two (2) issues with this proposal; the columns exceeding height and their distance from the gate.

Rob Dillard, City Attorney, questioned the type of proposed gate located in the center. Mrs. Rees clarified this is a proposed pedestrian gate.

Corey Ford, applicant, questioned where the gates and columns abutting requirement is stated in the Zoning Ordinance. Mr. Dillard stated and displayed Section 8.4.4 (A).

Acting Chairman Jackson questioned if this Board can approve this case if the applicant requested eight feet (8') when the maximum height allowed is

six feet (6'). Mr. Dillard clarified they cannot apply for more than the Ordinance allows. He also stated more requirements can be added, however none can be discarded.

Mr. Dillard stated the maximum height allowed for a front yard fence is six feet (6'). Gates and columns abutting driveways in front yard areas may not exceed eight feet (8') in height.

Board Member Lane read sections 8.3.2 and 8.3.3 in regards to column heights. Mrs. Rees stated that does not apply to special exception cases. Board Member Lane stated he was being generous.

Mr. Dillard stated the main issue is the term abutting not being clearly defined.

Board Member Francisco questioned the maximum height for the pedestrian gate. Mrs. Rees replied six feet (6').

Mr. Dillard expressed that this Board has the authority to determine the definition of abutting.

Board Member Lane shared his concern regarding the four foot (4') distance from the columns to the driveway.

Discussion was held regarding the type of light fixtures for the proposed fence.

Acting Chairman Jackson asked the applicant if he had any questions.

Mr. Ford questioned if this case will result in an automatic denial or if an approval can be granted with certain modifications. Acting Chairman Jackson confirmed this Board can approve with conditions.

Acting Chairman Jackson and Board Members agreed to conduct the public hearing in the conference room.

The work session closed at 4:49 PM.

Call to Order

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

Introduction of Board Members

Present: 5 - John Jackson, Darrell Lane, Clay Snelling, Eurico Francisco and Jeff Barnes

Excused: 5 - Chairman Eddy Moore, Bobby Womble, Ann Shaw, Dan McKeithen and Duncan Fulton

Staff in Attendance

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 21-003](#)

Applicant Corey Ford, representing the Heppner Family, requesting a special exception to the zoning ordinance for a front yard fence in Single Family-1 zoning district. The address is 6700 Turtle Creek Boulevard.

Board Member Lane read case BOA 21-003. Acting Chairman Jackson opened the public hearing and swore-in those persons who wish to speak on the issue. Acting Chairman Jackson requested staff present this item.

Jessica Rees, City Planner, presented case BOA 21-003 via PowerPoint. An aerial view of the 200' buffer and summary of responses was explained and displayed. This subject site was granted a fence special exception from the Board of Adjustment in 2004, which has resulted into an eight and a half feet (8.5') encroachment into the public Right of Way. The current property owner officially purchased the encroachment area from the City and this issue is now resolved. Mrs. Rees displayed and explained Section 8.4.4.A of the Zoning Ordinance and the proposed plans. Based off this section in the Ordinance, the columns and gate abutting the driveway are allowed to be eight feet (8') in height, other than that it is allowed to be six feet (6'). It was discovered during the work session that not all of the proposed columns abut the driveway and show to be taller than six feet (6').

Board Member Francisco asked for clarification on the proposed pedestrian gate height. Mrs. Rees confirmed the code allows for six feet (6') in height.

Board Member Barnes confirmed the staff recommendation has now changed based on the findings in the work session. Mrs. Rees confirmed.

Board Member Francisco stated he believes the four (4) columns near the driveway entrance are abutting. Board Member Snelling and Board Member Barnes agreed.

Board Member Lane stated he does not agree that certain proposed columns are abutting the driveway.

Acting Chairman Jackson asked the applicant to speak on behalf of this request.

Corey Ford, applicant, stated this was an oversight as well on their part too. The Heppner's main goal is to beautify the front face of the home and create an open layout. Mr. Ford stated they are willing to make any plan modifications stated by this Board.

All Board Members, except for Board Member Lane, agreed to approve this request with the following conditions:

1. The fence and landscape shall match the attached landscape plan also known as "Exhibit A";
2. The fence will be constructed of black iron with openings of not less than 50% of the total area of the fence;
3. The gate and four columns adjacent to the driveway off of Turtle Creek Boulevard not to exceed 8 feet in height
4. All other gates and columns not to exceed 6 feet in height.
5. A recordable, written covenant, that the landscape material will be irrigated and maintained always, will be executed by the property owner and furnished to the City prior to issuance of a fence permit.

Board Member Snelling created a motion, seconded by Board Member Francisco, that this request be approved with special conditions. The motion carried by a 4:1 vote.

Consider the previous meeting minutes with or without corrections:

[21-117](#)

Minutes from the Board of Adjustment Meeting dated March 23, 2021.

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

[21-133](#)

Minutes from the Board of Adjustment meeting dated June 22, 2021.

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

ADJOURNMENT: With there being no further business before the Board, Acting Chairman Jackson adjourned the meeting at 5:12 PM.

Approved by:

Chairman Eddy Moore

Date