



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-018

RECEIVED
OFFICE USE ONLY
REC'D
BY: [Signature]

Data Relative to Subject Property: Approved in error Date: 12/18/23

Location address: 7217 Brookshire Drive, Dallas, Texas Zoning District: RE-14(A)

Lot No.: 1 Block No.: 6/6586 Acreage: 24419 ¹⁵⁶ Census Tract: _____

Street Frontage (in Feet): 1) 190 2) 284 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Peter Kofoed

Applicant: Peter Kofoed Telephone: _____

Mailing Address: 7217 Brookshire Drive, Dallas, Texas Zip Code: 75230

E-mail Address: p.k.kofoed@gmail.com

Represented by: Melissa A. Miles Telephone: 972.788.1400

Mailing Address: 17304 Preston Road, Ste.300, Dallas, Texas Zip Code: 75252

E-mail Address: mmiles@fflawoffice.com

Affirm that an appeal has been made for a Variance __, or Special Exception __, of NO Appeal.

see below

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

Appeal the decision of the building official that permit number 2203031044 was incorrectly issued and invalid as stated in the attached letter.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

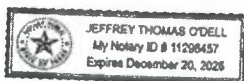
Before me the undersigned on this day personally appeared peter kofoed

(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: peter kofoed
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15 day of December, 2023



DocuSigned by
[Signature]
NOTARY PUBLIC

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that PETER KOFOED
represented by MELISSA MILES
did submit a request (1) to appeal the decision of the administrative official
at 7217 Brookshire

BDA234-018. Application of PETER KOFOED represented by MELISSA MILES (1) to appeal the decision of the administrative official at 7217 BROOKSHIRE CIR. This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(A), which no private swimming pool may be constructed in the required front yard. The applicant proposes (1) to appeal the decision of an administrative official in the denial of a building permit that was issued incorrectly by the development services department.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS PLAT BOOKS

ANNEXED MARCH 2, 1953 ORO NO. 3725
SURVEY M. J. BANCHEZ ABST. 1272

ADDITION MILLCREST HAVENS NO. 2
SCALE 100 FT. EQUALS 1 INCH

3-4-5-6
BLOCK 6586
SCHOOL DIST. DALLAS



DENOTES ANCHOR WIRE BARRIERS ALSO EXIST BETWEEN LOTS 10 TO 12 BLOCK 6588



CITY OF DALLAS

November 27, 2023

Mr. Peter & Mrs. Kristie Kofed
7217 Brookshire Dr.
Dallas, TX 75230
Certified Mail: 7013 3020 0001 1419 2187

RE: Permit # 2203031044

This letter serves as official notification that permit 2203031044, for the installation of a pool located within the required front yard setback at 7217 Brookshire Drive, Dallas, Texas 75230, was incorrectly issued by the Development Services Department (DSD) and is invalid.

Applicable Code References:

51A-4.217(b)(iii) – Accessory Uses.

(iii) No private swimming pool may be constructed in the required front yard...

51A-4.400(a)(3) & (5) – Yard, Lot, and Space Regulations.

(3) If a building line that is established by ordinance requires a greater or lesser front yard than prescribed by this section, the building line established by ordinance determines the minimum required front yard.

(5) If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets...

Next Steps:

Please reach out to Development Services to discuss any of the following options:

- **Option 1 – Board of Adjustment Requests & “Wrap-Around” Building Line thru Re-Plat** (illustration attached): The property owner can request variances for the portions of the pool along Brookshire Circle, and the house along Brookshire Drive, located within the 35’ front yard setback established by zoning. If these are granted, a re-plat can be undertaken to adjust the building lines to “wrap-around” the approved variances, ensuring future structures (beyond fences or light poles) won’t be built between the building line and the street.
- **Option 2 – Board of Adjustment Request & Build Line Removal thru Re-Plat:** (illustration attached) The owner can request a variance for the portion of the house along Brookshire Drive located within the required front yard setback per zoning. If granted, re-plat, remove all build lines, and establish a barrier easement along Brookshire Circle to allow for the pool as well as other structures to be treated as if in a rear yard as listed in 51A-4.401(a)(5).



CITY OF DALLAS

- **Option 3 – Board of Adjustment Administrative Official Appeal:** The Board of Adjustment is charged with the duty to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city as listed in 51A-3.102(d)(1) & 51A-4.703(a)(2).
- **Addition Options/Considerations:**
 - Board of Adjustment Requests for fencing – height, material, and/or opacity
 - Installation of landscape buffers (may not be located within visibility triangles if over 2' in height)
- **Option 4 – Relocation:** The owner can remove or relocate the pool so that it no longer encroaches over the 40' building line.

Please note, these options are provided as a means toward potential compliance and are not intended to constitute legal advice. Permit documentation, application details, and illustrations are attached as reference. Please do not hesitate to reach out to Jason Pool, Development Services Administrator, should you have any questions or require additional information.

Should the property owner choose not to take any of the above actions, this matter will be referred to the City's Department of Code Compliance for enforcement.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703(a)(2) of the Dallas City Code within 15 days after written notice of the above action.

Thank you for your prompt attention to this matter.

Jason Pool
Development Services Administrator
Land Development Division
214-948-4392
Jason.Pool@Dallas.gov

c: Andres Espinoza, Director/Chief Building Official
M. Samuell Eskander, Assistant Director
Vernon Young, Assistant Director
Donald Dixon, Assistant Director
Michael Herron, Zoning Inspections Supervisor
Jill Haning, Assistant City Attorney

Christopher Christian, Director
Jeremy Reed, Assistant Director
Alfred Beecham, Manager
Stormy Gonzalez, Manager
Charlotta Riley, Assistant City Attorney