

RECEIVED

2024 SEP -9 AM 11: 44

CITY SECRETARY
DALLAS, TEXAS



City of Dallas

Public Notice

2 4 0 8 4 5

POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL B)

SEPTEMBER 18TH, 2024, BRIEFING AT 10:30 A.M. AND
THE PUBLIC HEARING AT 1:00 P.M.

Dallas City Hall, Room 6ES Council Briefing and Videoconference

Video Conference Link: <https://bit.ly/boa0918B>

Telephone: (408) 418-9388, Access Code: 325527

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting <https://dallastx.new.swagit.com/views/113>.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-B-Register> by the close of business Tuesday, September 17th, 2024. In Person speakers can register at the hearing.

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en <https://dallastx.new.swagit.com/views/113>.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en <https://bit.ly/BDA-B-Register> antes de cierre de oficina el Martes, 17 de Septiembre, 2024. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

AGENDA

- I. **Call to Order** Cherri Gambow, Vice-Chair
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items**
 - Approval of Panel B Minutes – May 22nd, 2024
 - Approval of Panel B Minutes – August 21st, 2024
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

UNCONTESTED CASE(S)

BDA234-103(BT)	2323 N. Carroll Avenue REQUEST: Application of Josh Lecomte represented by Nicholas Batey for (1) a special exception to the 20-foot visibility obstruction regulations, and for (2) a special exception to the 45-foot visibility obstruction regulations.	1
BDA234-107(CJ)	8510 Military Parkway REQUEST: Application of Rey Roca for (1) a special exception to the fence height regulations.	2

HOLDOVER

BDA234-096(CJ)	5325 Kelsey Road REQUEST: Application of Charles Anderson for (1) a special exception to the fence height regulations; for (2) a special exception to the visibility obstruction regulations at driveway #1; and for (3) a special exception to the visibility obstruction regulations at driveway #2.	3
BDA234-098(BT)	5322 Kelsey Road REQUEST: Application of Karlyn Herlitz for (1) a special exception to the fence height regulations.	4

INDIVIDUAL CASES

BDA234-103_FR1	2323 N. Carroll Avenue REQUEST: Application of Josh Lecomte requesting a fee reimbursement for fees paid.	5
-----------------------	---	---

BOARD OF ADJUSTMENT

Panel B Minutes

May 22nd, 2024

DRAFT



6ES Briefing Room
24974849659@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, Vice-Chair	
Michael Karnowski	
Joe Cannon	
Phil Sahuc	
Dr. Emmanuel Glover	

ABSENT: [1]

Sarah Lamb	
Derrick Nutall	

Vice-Chair Gambow called the briefing to order at **10:01 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

Liane LaBarba – 7121 Brookshire Cir., Dallas TX 75230
Jo Jagoda – 7139 Brookshire Cir., Dallas TX 75230
Jason LaBarba – 7121 Brookshire Cir., Dallas TX 75230 (Did not speak)

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B, April 17th, 2024, Meeting Minutes.

Motion was made to approve Panel B, April 17th, 2024, Public Hearing Minutes.

Maker:	Joe Cannon				
Second:	Michael Karnowski				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Cheri Gambow, Joe Cannon, Michael Karnowski, Phil Sahuc and Dr. Emmanuel Glover
		Against:	-	0	

UNCONTESTED CASES

1. 2323 N. Carroll Avenue

***This Case was moved to Individual Items**

BDA234-060(BT)

Board member Joe Cannon has a conflict on this case: Out – 1:11 pm, Back – 1:35 pm.

BUILDING OFFICIAL’S REPORT: Application of Nick Batey for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the 20-foot visibility obstruction regulations; and for **(3)** a special exception to the 45-foot visibility obstruction regulations at 2323 N. Carroll Ave. This property is more fully described as Block K/0662, Lot 20 and is zoned MF-2(A), which limits the height of a fence in the front-yard to 4-feet; requires a 20-foot visibility triangle at driveway approaches; and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations; to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at the driveway, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the 45-foot visibility triangle at the intersection of Rusk Ave. and N. Carroll Ave.

LOCATION: 2323 N. Carroll Ave.

APPLICANT: Nick Batey

REQUEST:

- (1) A request for a special exception to the fence height regulations;
- (2) A special exception to the 20-foot visibility obstruction regulations at the driveway; and
- (3) A special exception to the 45-foot visibility obstruction regulations at the intersection of Rusk Ave. and N. Carroll Ave.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	MF-2(A) (Multifamily District)
<u>North:</u>	R-7.5(A) (Single Family District)
<u>East:</u>	MF-2(A) (Multifamily District)
<u>South:</u>	PD-277 (Light assembly) and PD-305 (Maximum densities)
<u>West:</u>	MF-2(A) (Multifamily District)

Land Use:

The subject site and all surrounding properties are developed with single family uses.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Nicholas Batey for the property located at 2323 N. Carroll Ave. focuses on 3 requests relating to the fence height and visibility obstruction regulations.
- The applicant proposes to construct and maintain an 8-foot high gate and fence in a required front yard, on a vacant lot, along N. Carroll Ave. and Rusk Ave., which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Rusk Ave.. The proposed 8-foot high fence encroaches about 10-foot 6-inches into the visibility obstruction triangle on the western boundary and 5-foot into the visibility obstruction triangle on the Northwestern boundary of Rusk Ave. The

proposed 8-foot high gate encroach about 18-foot into the visibility obstruction triangle on the boundary of Rusk Ave. and the proposed 8-foot high fence encroach about 14-foot 6-inches into the visibility obstruction triangle on the boundary of Rusk Ave...

- Lastly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of N. Carroll Ave and Rusk Ave.. The proposed 8-foot high fence encroach about 20-foot into the visibility obstruction triangle on the boundary of N. Carroll Ave. and Rusk Ave.
- The subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes, multifamily and duplexes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain an 8-foot high fence and gate, on a vacant lot, around the circumference of the property at 2323 N. Carroll Ave.
- The fence proposed material is 5.25" horizontal wood planks.
- It is imperative to note that the subject site is a corner lot, and it has street frontage on N. Carroll Ave and Rusk Ave.
- Based upon staff's analysis of the surrounding properties, there was one homes along Rusk Ave. with a fence in the required front yard. There were two homes along N. Carroll Ave. with a fence and gate in the required front yard and/or some form of vegetation serving as a screening mechanism near the intersection of Capitol and N. Carroll.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The Dallas Development Code states that a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met: (a) no lot in the block face may be zoned as a single-family or duplex district; (b) no gates for vehicular traffic may be located less than 20 feet from the back of the street curb and (c) no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line. Unless all of the conditions are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to height, opacity and visibility obstruction regulations with a condition that the applicant complies with the

submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

- [BDA234-060 at 2323 N Carroll Ave](#) 200' Radius Video

Timeline:

March 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Nick Batey, 57410 Prospect Ave., Dallas TX 75206

Against: Cristina Casas, 4419 Rusk Ave., Dallas TX 75204

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-060, on application of Nick Batey, **GRANT** the request of this applicant to construct and/or maintain a 8-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Michael Karnowski				
Second:	Dr. Emmanuel Glover				
Results:	2-2				Motion to grant fails
		Ayes:	-	2	Michael Karnowski, Dr. Emmanuel Glover
		Against:	-	2	Cheri Gambow, Phil Sahuc

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-060, on application of Nick Batey, **DENY** the special exception requested by this applicant to construct and/or maintain a 8-foot high fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Phil Sahuc				
Second:	Michael Karnowski				
Results:	4-0 Unanimously				Motion to deny
		Ayes:	-	4	Michael Karnowski, Cheri Gambow, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-060, on application of Nick Batey, **GRANT** the request to maintain items in the 20-foot visibility triangle at the driveway as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code, as amended:

Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

Maker:	Michael Karnowski				
Second:	Phil Sahuc				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Michael Karnowski, Cheri Gambow, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-	0	

Motion # 4

I move that the Board of Adjustment, in Appeal No. BDA 234-060, on application of Nick Batey, **DENY** the special exception requested by this applicant to maintain items in the 45-foot visibility triangle at the intersection of Rusk Ave. and N. Carroll Ave. **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Michael Karnowski				
Second:	Dr. Emmanuel Glover				
Results:	4-0 Unanimously				Motion to deny
		Ayes:	-	4	Michael Karnowski, Cheri Gambow, Dr. Emmanuel Glover, Phil Sahuc
		Against:	-	0	

2. 10576 Shiloh Road
 BDA234-062(CJ)

BUILDING OFFICIAL’S REPORT: Application of Karina Avila for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations at 10576 SHILOH RD. This property is more fully described as Block 1/7314, Lot 12, and is zoned R-7.5(A), which limits the height of a fence in the front-yard to 4-feet; and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations; and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5- feet from the front lot-line, which will require **(2)** a special exception to the fence opacity regulations.

LOCATION: 10576 Shiloh Rd.

APPLICANT: Karina Avila

REQUEST:

- (4) A request for a special exception to the fence height regulations; and
- (5) A special exception to the fence opacity regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made for a special exception.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5 (A) (Single Family District)
North: R-7.5 (A) (Single Family District)
East: R-7.5 (A) (Single Family District)
South: R-7.5 (A) (Single Family District)
West: R-7.5 (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Karina Avila property located at 10576 Shiloh Road focuses on 2 requests relating to the fence height and fence standards regarding opacity.
- The applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 10576 Shiloh Road.
- The fence material is board on board wood.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage on Shiloh Road and Ferguson Road.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Shiloh Road and Ferguson Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.

- Granting the special exceptions to the fence standards relating to height and opacity regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-062 at 10576 Shiloh Rd.](#)

Timeline:

March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Karina Avila – 10576 Shiloh Rd., Dallas TX 75228 (Did not speak)

Against: None

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 234-062 – Application of Karina Avila, for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

BDA 234-062 – Application of Karina Avila, for a special exception to the fence opacity regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Michael Karnowski				
Second:	Joe Cannon				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Phil Sahuc & Dr. Emmanuel Glover
		Against:	-	0	

3. 6131 Churchill Way
 BDA234-064(CJ)

BUILDING OFFICIAL’S REPORT: Application of Jonathan Vinson for (1) a special exception to the fence height regulations at 6131 CHURCHILL WAY. This property is more fully described as Block A/7451 Lot 1A and is zoned R-16(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot high fence in a required front-yard, which will require (1) a 4-foot special exception to the fence height regulations.

LOCATION: 6131 Churchill Way

APPLICANT: Jonathan Vinson

REQUEST:

(6) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this or any request for a special exception.

BACKGROUND INFORMATION:

No BDA history:

No BDA History found within the last 5 years at this subject site.

Zoning:

Site: R-16 (A) (Single Family District)
North: PD 93 Zoning District
East: R-16 (A) (Single Family District)
South: PD 368 Zoning District
West: PD 123 Zoning District

Land Use:

The subject site is a synagogue and surrounding properties to the north, east and south are developed with single-family uses. The property to the west is a school.

Square Footage:

This lot contain 89,298 of square feet

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Jonathan Vinson located at 6131 Churchill Way focuses on 1 request relating to the fence height regulations.
- The applicant proposes to construct and maintain an 8-foot-high fence in a required front yard which will require a 4-foot special exception to the fence height regulations.
- The subject site is a synagogue with properties to the north, south, and east are all developed with single-family homes. The property to the west is a school.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain an 8-foot-high fence around the back and around the entire property at 6131 Churchill Way.
- The applicant has stated that the proposed 8-foot fence will be an addition for privacy and security for congregation, children and staff at Congregation Shaare Tefilla - Dallas.
- Based upon staff's analysis of the surrounding properties, the school directly across the street as well as a few of the homes along Whitley Lane has some form of vegetation serving as a screening mechanism.
- It is imperative to note that the subject site is a corner lot, and it has triple street frontage and three front yards; Churchill Way, Whitley Lane and Turner Way
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- Granting the special exception to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-064 at 6131 Churchill Way](#)

Timeline:

March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report. 11

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Jonathan Vinson, 2323 Ross Ave # 600 Dallas TX 75201(Did not speak)

Against: None

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 234-064 – Application of Jonathon Vinson, for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Michael Karnowski			
Second:	Joe Cannon			
Results:	5-0 Unanimously			Motion to grant
	Ayes:	-	5	Michael Karnowski, Joe Cannon, Phil Sahuc, Dr. Emmanuel Glover, Cheri Gambow
	Against:	-	0	

HOLDOVER CASES

4. 7217 Brookshire Drive
BDA234-018(DB)

BUILDING OFFICIAL'S REPORT: 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 prohibits a private swimming pool from being 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.

LOCATION: 7217 Brookshire

APPLICANT: Peter Kofoed

REPRESENTED BY: Melissa Miles

REQUEST:

A request is made to appeal the decision of the administrative official in the denial of building permit 2203031044 that was issued incorrectly by the development services department.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BDA History:

BDA223-053; Special Exception to the fence height regulations; Denial

BDA234-018; applicant requested case to be held over under advisement and be placed in the May docket.

Zoning:

Site: R-16(A)-Single Family Zoning District

North: R-16(A)-Single Family Zoning District

South: R-13(A)-Single Family Zoning District

East: R-16(A)-Single Family Zoning District

West: R-13(A)-Single Family Zoning District

Land Use:

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes.

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

November 27, 2023: The applicant was sent a denial letter for permit number 2203031044 which was incorrectly issued by Development Services Department and is invalid.

December 17, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 18, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel **B**.

December 22, 2023: The Senior Planner emailed the applicant's representative the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 5th, 2024 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

December 28th, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

January 5, 2024: Documentary evidence (from the Assistant City attorney) was submitted; documents include history of permits and reviews, Building official's brief

January 17, 2024: Applicant requested a postponement; Accepted; will be placed on the docket dated February 21, 2024

April 3, 2024: Applicants applied to the City Plan Commission to replat a 1.13-acre tract of land and to remove an existing 40-foot platted building line along Brookshire Circle and to extend an existing 20-foot platted building line along the northwest line of Brookshire Drive to the property line.

May 2, 2024: City Plan Commission denied the request for a replat and removal of building lines in case number S234-090.

Speakers:

For: Melissa A. Miles, 17304 Preston Rd. Ste 300, Dallas TX
 Peter Kofoed, 7217 Brookshire Dr., Dallas TX 75230
 Jennifer Hiromoto, 10233 E. N.W.Highway, Dallas TX 75238

Representing the City of Dallas: Justin Roy, 1500 Marilla St., 7DN, Dallas TX 75201
 Tenisha Lester, 320 E. Jefferson, Dallas TX 75203

Motion

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-018, on application of Peter Kofoed, and having evaluated the evidence pertaining to the property and heard all testimony and facts supporting the application, I move that the Board of Adjustment reverse the decision of the administrative official and **GRANT** the relief requested by this applicant.

Maker:	Joe Cannon			
Second:	Dr. Emmanuel Glover			
Results:	4-1			Motion to grant
		Ayes:	- 4	Cheri Gambow, Joe Cannon, Phil Sahuc, Dr. Emmanuel Glover
		Against:	- 1	Michael Karnowski

Board Vice- Chair Cheri Gambow leaves the hearing at 3:29 p.m.
 Assisting City Attorney Matthew Sapp makes a motion to nominate a new presiding officer.

It was motioned by Board Member Phil Sahuc to elect Michael Karnowski as a temporary presiding officer for hearing. It was seconded by Joe Cannon.

INDIVIDUAL CASES

5. 6919 Oriole Drive
 BDA234-068(CJ)

BUILDING OFFICIAL’S REPORT: Application of Lou Olerio for **(1)** a variance to the front-yard setback regulations, and for **(2)** a special exception to the fence height regulations at 6919 ORIOLE DR. This property is more fully described as Block 10/4922, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet, and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 14-foot 10-inch front-yard setback, which will require **(1)** a 10-foot 2-inch variance to the front-yard setback regulations; and to construct a 6-foot-high fence in a required front-yard, which will require **(2)** a 2-foot special exception to the fence height regulations.

LOCATION: 6919 Oriole Dr.

APPLICANT: Lou Olerio/Olerio Homes LLC

REPRESENTED BY: Tommy Mann and Daniel Box

REQUEST:

- (7) A request for a variance to the front-yard setback regulations; and
- (8) A request for a special exception to the fence height regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the **front-yard**, side-yard, rear-yard, lot-width, lot-depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a **restrictive area, shape, or slope**, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Variance to the front yard setback regulations

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

A. Is not contrary to the public interest as no letters of opposition have been received.

A. Is not restrictive in area, shape or slope; The minimum lot size for residential use in zoning district R-7.5(A) is 7,500 sqft. The lot area for of the subject site is approximately 9,801 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.

B. Is not a self-created or personal hardship.

Special Exceptions (2):

No staff recommendation is made.

BACKGROUND INFORMATION:

Zoning:

Site: PD 67/R-7.5 (A) (Single Family District)
North: PD 67/R-7.5 (A) (Single Family District)
East: PD 67/R-7.5 (A) (Single Family District)
South: PD 67/R-7.5 (A) (Single Family District)
West: PD 67/R-7.5 (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Olerio Homes LLC property located at 6919 Oriole Drive focuses on 2 requests relating to the front yard setback regulations and fence height regulations.
- The subject site is vacant.
- The applicant is requesting a 10-foot 2-inch variance to the front-yard setback regulations

- Zoning District PD 67/R-7.5(A) requires a 25-foot front yard setback
- As gleaned from the site plan, the proposed home is set to encroach into the 25-foot required front yard setback at 6919 Oriole Drive.
- The applicant has stated that the variance request was made so that the proposed structure can conform to the existing conditions of the neighborhood and since having two front yard restricts the subject sites buildable area.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Secondly, the applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 6919 Oriole Drive.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage and two front yards due to block face continuity on Oriole Drive and Thrush Street.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence standards relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-068 at 6919 Oriole Dr.](#)

Timeline:

March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Lou Olerio, 6301 Lemmon # 202, Dallas TX (Did not Speak)
 Daniel Box, 2728 N. Harwood # 500, Dallas TX 75201

Against: P. Walker, 5021 Wenovak, Dallas TX 75209

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-068, on application of Lou Olerio, **GRANT** the 10-foot 2-inch variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Joe Cannon			
Second:	Phil Sahuc			
Results:	1-3			Motion to grant fails

		Ayes:	-	1	Joe Cannon
		Against:	-	3	Phil Sahuc, Michael Karnowski, Dr. Emmanuel Glover

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-068, on application of Lou Olerio, **DENY** the 10-foot 2-inch variance to the front-yard setback regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Phil Sahuc				
Second:	Dr. Emmanuel Glover				
Results:	4-0 Unanimously				Motion to deny
		Ayes:	-	4	Michael Karnowski, Joe Cannon, Phil Sahuc and Dr. Emmanuel Glover
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-068, on application of Lou Olerio, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Phil Sahuc				
Second:	Joe Cannon				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Michael Karnowski, Joe Cannon, Phil Sahuc and Dr. Emmanuel Glover
		Against:	-	0	

6. 2912 Maple Avenue
 BDA234-069(CJ)

BUILDING OFFICIAL’S REPORT: Application of Craig Smith at 2912 MAPLE AVE. for **(1)** a variance to the off-street parking regulations. This property is more fully described as 7/0944, and is zoned PD-193 (LC), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for an alcoholic beverage establishment use, and provide

34 of the required 69 parking spaces, which will require **(1)** a 35-space variance (50.7%) reduction to the parking regulation.

LOCATION: 2912 Maple Ave.

APPLICANT: Craig Smith

REQUEST:

(1) A request for a variance to the off-street parking regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, **off-street parking** or off-street loading, or landscape regulations provided that the variance is:

- **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a **restrictive area, shape, or slope**, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

1. Variance to the off-street parking regulations
Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- C. Is not contrary to the public interest, indicated by having received no letters of opposition.
- D. Is not restrictive in shape or slope but is restrictive in area. The subject site is approximately 10,110.276 square feet and is in PD 193 which has no minimum lot size. With respect to other lots located in PD 193, the subject is significantly smaller in area. To elaborate further, City of Dallas Internal GIS records show that the subject site is the smallest lot in the LC zoning district of PD 193, and therefore, cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- E. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 10,110.276 of square feet.

This lot is zoned PD 193 which does not have a minimum lot size.

Zoning:

Site: PD 193 (Oak Lawn Special Purpose District)
North: PD 193 (Oak Lawn Special Purpose District)
South: PD 193 (Oak Lawn Special Purpose District)
East: PD 193 (Oak Lawn Special Purpose District)
West: PD 193 (Oak Lawn Special Purpose District)

Land Use:

The subject site is developed with a two-story nonresidential building. The areas to the north, south, east, and west are developed and being developed with nonresidential uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Craig Smith property located at 2912 Maple Avenue focuses on 1 request relating to the off-street parking regulations for a nonresidential structure to be used for an alcoholic beverage establishment use.
- A request for a variance to the off-street parking regulations of 35 spaces (50.7%) is made to construct and/or maintain a nonresidential structure for an alcoholic beverage establishment use at 2912 Maple Avenue
- The subject site is zoned PD 193 (LC) which requires a parking to be provided.
- It is imperative to note that the subject site has single street frontage on Maple Avenue.
- As gleaned from the submitted site plan, the applicant plans to utilize 34 (49.3%) of the required 69 parking spaces at 2907 Maple Avenue, a two-story parking garage immediately adjacent to the east side of the property.
- The applicant is proposing a parking agreement to maintain the proposed 34 spaces (49.3%) at 2907 Maple Avenue; the parking agreement has not been finalized/granted.

- The subject site is currently developed with a two-story nonresidential structure.
- Per the site plan, there are 7 proposed on-site parking spaces; these parking spaces are included in the total number (34 spaces) of parking spaces provided.
- There are two drive approaches on the east and west side of the subject site; these drive approaches lead past the single handicapped parking spot located at the north side of the subject side and to the rear of the property where the remaining 6 on-site parking spots (3 handicapped, 3 non-handicapped) are located.
- Based on staff review of the subject site, customers will have access to the alley from the rear of the subject site and the rear of the east adjacent parking garage that will house 27 of the 34 proposed parking spaces.

The applicant has the burden of proof in establishing the following:

- That granting the variance to parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance(s) are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance(s) would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- The applicant has the burden of proof in establishing that the special exception(s) to the visual obstruction regulations will not constitute a traffic hazard.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 35 space (50.7%) variance to the parking regulations on Maple Avenue with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video: [BDA234-069 at 2912 Maple Ave.](#)

Timeline:

March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

May 2, 2024: The applicant submitted the completed parking analysis

Speakers:

It was motioned Dr. Emmanuel Glover to suspend the rules and received 10 pages of Documentary Evidence provided by the applicant. Seconded by Phil Sahuc.

For: Craig Smith, 5220 Spring Valley, Dallas TX 75254
Carol Bradford, 14827 Preston Rd # 1510, Dallas TX 75254
Barrett Nicholson, 2912 Maple Ave, Dallas TX 75201
Mickey Black, 4026 Prescott # 3, Dallas TX 75219
Bart Wade, 3131 Maple Ave 3B, Dallas TX 75201
Chuck DeShazo, 400 S. Houston # 330, Dallas TX 75202
Marshall Hammack, 400 S. Houston # 330, Dallas TX 75202

Against: Vance Redfield, 2300Wolf St. 12MB, Dallas TX 75201
Adam Murphy, 2828 Routh St # 100, Dallas TX 75201
Suzan Kedron, 2323 Ross Ave., Dallas TX 75201
Victoria Morris, 2323 Ross Ave., Dallas TX 75201
Judy Hearst, 2512 Thomas Ave., Dallas TX 75201
Shelley Porter, 4437 Cole Ave., Dallas TX 75205
Daryl Roberts, 2300 Wolf St., Dallas TX 75201
Jenkins bender, 2650 Cedar Springs Rd., Dallas TX 75214
Joseph Pitchford, 200 Crescent Court, Dallas TX 75230

Stacy Coulter, 2401 Cedar Springs, Dallas TX 75201
 Robert Wright, (Did not speak)
 Micheal Weaver, 6850 TPC Drive, Ste 210 Dallas TX 75070
 Anthony Page, 3210 Carlisle, Dallas TX 75204
 Joyce Goss, 2300 Wolf Street # 118, Dallas TX 75201

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-069, on application of Craig Smith, **DENY** the 35-space variance to the parking regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Joe Cannon			
Second:	Phil Sahuc			
Results:	4-0			Motion to deny
		Ayes:	- 4	Michael Karnowski, Joe Cannon, Phil Sahuc and Dr. Emmanuel Glover
		Against:	- 0	

****Recess at 3:21 pm – 3:28 pm****

****Recess at 4:11 pm – 4:14 pm****

****Recess at 5:17 pm – 5:21 pm****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Presiding Officer Michael Karnowski moved to adjourn the meeting at 5:47 p.m.

 Required Signature:
 Mary Williams, Board Secretary
 Development Services Dept.

 Date

 Required Signature:
 Dr. Kameka Miller-Hoskins, Board Administrator
 Development Services Dept.

 Date

 Required Signature:
 Cheri Gambow, Vice Chair
 Board of Adjustment

 Date

BOARD OF ADJUSTMENT

Panel B Minutes

August 21, 2024

DRAFT



6ES Briefing Room
24974849659@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, Vice-Chair	
Sarah Lamb	
Joe Cannon	
Andrew Finney	

ABSENT: [1]

Michael Karnowski	
Derrick Nutall	

Vice-Chair Gambow called the briefing to order at **10:11 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:05 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

- We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B, April 17th, 2024, Meeting Minutes.

Minutes were not approved due to several errors regarding attendance.

UNCONTESTED CASES

1. 2706 Turtle Creek Circle
BDA234-094(BT)

BUILDING OFFICIAL’S REPORT: BDA234-094(BT) Application of Rob Baldwin for **(1)** a special exception to the fence opacity regulations; and for **(2)** a special exception to the visibility obstruction regulations at **2706 TURTLE CREEK CIR**. This property is more fully described as Block A/0995, Lot 1A, and is zoned PD-193 (TH-3), which requires a 20-foot visibility triangle at driveway approaches and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front-lot line. The applicant proposes to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require **(1)** a special exception to the fence opacity standards regulations; and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the drive approach, which will require **(2)** a special exception to the 20-foot visibility obstruction regulations.

LOCATION: 2706 Turtle Creek Cir.

APPLICANT: Rob Baldwin

REQUEST:

- (1) A request for a special exception to the fence opacity regulations; and
- (2) A special exception to the 20-foot visibility obstruction regulations at the driveway

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property nor constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

- Site: PD-193 (TH-3)
- North: PD-193 (O-2)
- East: PD-193 (TH-3)
- South: PD-193 (GR and HC)
- West: PD-193 (O-2)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 2706 Turtle Creek Cir. focuses on 2 requests relating to the fence opacity regulations, and to the visual obstruction regulations.
- The first request is for a special exception to the fence standard regulations. The applicant is proposing to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- Lastly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Turtle Creek Cir. The proposed 7-foot high fence encroach about 10-foot 6-inches into the visibility obstruction triangle on the western boundary and 5-foot into the visibility obstruction triangle on the Northwestern boundary of Turtle Creek Cir.
- The subject site along with surroundings properties to the north, south east and west are all developed with single-family and multi-family uses.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a combination of 7-foot high gate and fence, located near the front property line less than 5-feet.
- A portion of the proposed 7-foot high fence is existing as illustrated on the submitted site plan and elevations.
- Based upon staff’s analysis of the surrounding properties, the property is located within a gated community.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence opacity regulations and visual obstruction regulations will not adversely affect the neighboring properties nor constitute a traffic hazard.
- 200’ Radius Video: [BDA234-094 2706 Turtle Creek Circle](#)

Timeline:

- June 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and August 9, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Joseph O'Brien, 2706 Turtle Creek Circle, Dallas TX 75219
 (Did not speak)

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 234-094 – Application of Rob Baldwin for a special exception to the fence opacity regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

BDA 234-094 – Application of Rob Baldwin for a special exception to the visibility obstruction regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Sarah Lamb, Andrew Finney & Joe Cannon
		Against:	-	0	

2. 5311 Edlen Drive
BDA234-102(CJ)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for (1) a special exception to the fence height regulations at 5311 EDLEN DR. This property is more fully described as Block 1/5602, Lot 6, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 7-foot high fence in a required front-yard, which will require (1) a 3-foot special exception to the fence height regulations.

LOCATION: 5311 Edlen Dr.

APPLICANT: Jennifer Hiromoto

REQUEST:

(3) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 5311 Edlen Drive in the last 5 years.

Square Footage:

- This lot contains 43,560 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 1 acre or 43,560 square feet.

Zoning:

Site: R-1ac (A) (Single Family District)
North: R-1ac (A) (Single Family District)
East: R-1ac (A) (Single Family District)
South: R-1ac (A) (Single Family District)
West: R-1ac (A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, south, east and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for Jennifer Hiromoto property located at 5311 Edlen Drive focuses on one request relating to fence height regulations.
- The applicant proposes to construct and maintain a 6-foot fence with 7-foot high masonry columns in a required front yard, which will require a 3-foot special exception to the fence height regulations.
- The subject site along with properties to the north, south, east and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot wrought iron fence with 7-foot masonry columns along the front and side of the property at 5311 Edlen Drive.
- It is imperative to note that the subject site is a corner lot with double street frontage on Edlen Drive and Meadowbrook Drive.
- The street frontage along Edlen Drive and Meadowbrook Drive act as two front yards due to block-face continuity.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Edlen Drive with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence will replace the existing fence along Meadowbrook Drive and be placed in a similar location; the remainder of the fence will be along Edlen Drive.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video:

Timeline:

- June 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit

additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: No Speakers

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 234-102 – Application of Jennifer Hiromoto for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Sarah Lamb & Andrew Finney
		Against:	-	0	

INDIVIDUAL CASES

3. 5325 Kelsey Road
 BDA234-096(CJ)

BUILDING OFFICIAL’S REPORT: Application of Charles Anderson for (1) a special exception to the fence height regulations; for (2) a special exception to the visibility obstruction regulations at driveway #1; and for (3) a special exception to the visibility obstruction regulations at driveway #2 at 5325 Kelsey Rd. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility

triangle at the driveway approaches. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at driveway #1; The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway #2.

LOCATION: 5325 Kelsey Rd.

APPLICANT: Charles C. Anderson

REQUEST:

- (4) A special exception to the fence height regulations;
- (5) A special exception to the 20-foot visibility obstruction regulations at the first drive approach;
- (6) A special exception to the 20-foot visibility obstruction regulations at the second drive approach.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5325 Kelsey Road in the last five years.

Square Footage:

- This lot contains 42,253.2 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 1 acre or 43,650 square feet.

Zoning:

Site: R-1ac(A) Zoning District
North: R-1ac(A) Zoning District
East: R-1ac(A) Zoning District
South: R-1ac(A) Zoning District
West: R-1ac(A) Zoning District

Land Use:

The subject site and all surrounding properties are developed with single-family residential uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Charles C. Anderson property located at 5325 Kelsey Road focuses on 3 requests relating to the fence height and visual obstruction regulations.
- The applicant is proposing to construct and maintain a 7-foot 6-inch fence with 8-foot stone columns in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #1 and drive approach #2.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 7-foot 6-inch fence with 8-foot stone columns along the front yard of the home.
- The proposed fence material is wrought iron connected by stone columns.
- It is imperative to note that the subject site is a mid-block lot with single street frontage on Kelsey Road.
- The applicant has stated that the request for special exception has been made for safety/security reasons.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Kelsey Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence will replace the existing 4-foot fence and be placed in the same location.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding fence height, will not adversely affect neighboring properties.
- The applicant also has the burden of proof in establishing that the special exceptions to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to fence height and visual obstruction regulations with a condition that the applicant complies with the submitted site

plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video:

Timeline:

June 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Peter Kavanagh, 1620 Handley St., Dallas TX 75208

Against: Julie Allen, 5337 Kelsey Rd., Dallas TX 75229
 Elizabeth Winslow, 10111 Gaywood Rd., Dallas TX 75229
 Harriane Wallestein, 10122 Gaywood Rd., Dallas TX 75229
 Teri Lajone, 5124 Meaders Lan., Dallas TX 75229
 David Elmquist, 5351 Kelsey Rd., Dallas TX 75229
 Elaine Everitt, 5106 Kelsey Rd., Dallas TX 75229

Motion

I move that the Board of Adjustment in Appeal No. BDA 234-096, **HOLD** this matter **under advisement until September 18, 2024.**

Maker:	Sarah Lamb				
Second:	Joe Cannon				

Results:	4-0 Unanimously				Motion to hold
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Sarah Lamb & Andrew Finney
		Against:	-	0	

4. 6121 E. Lovers Lane

****This Case was heard last****

BDA234-097(BT)

BUILDING OFFICIAL’S REPORT: BDA234-097(BT) Application of Joseph and Alevtina Sarno to appeal the decision of the administrative official at **6121 E. LOVERS LN**. This property is more fully described as Block 7/5411, Lot 1, and is zoned PD-1053, which allows a person who is aggrieved by the decision of an administrative official and is the owner of real property within 200 feet of the subject site related to a specific application, address, or project, may appeal to the board. The applicant proposes to appeal the decision of an administrative official in the issuance of a building permit and associated master permit.

LOCATION: 6121 E Lovers Ln.

APPLICANT: Joseph and Alevtina Sarno

REQUEST:

(7) A request is made to appeal the decision of the administrative official in building permit 2303301066 for a 4500 sq. ft. concrete outdoor basketball court.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Section Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov’t Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

- Site: PD-1053
- North: R-7.5(A)
- East: R-7.5(A)
- South: R-7.5(A)
- West: PD-916 (Subarea A) and PD-916 (Subarea B) Tract 6

Land Use:

The subject site is a place of worship and school with surrounding properties to the north, east and south developed with single-family. To the West, PD 916 developed with multi-family.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- Zion Lutheran Church applied for a 4500 sq. ft. outdoor basketball addition on March 30, 2023, permit #2303301066 was approved on May 21, 2024 and final green tag inspection completed on July 8, 2024.
- Citizen complaint created on June 24, 2024 and completed on June 27, 2024.
- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

- June 24, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and August 9, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Joseph Sarno, 6114 Town Hill Ln., Dallas TX 75214
Alevtina Sarno, 6114 Town Hill Ln., Dallas TX 75214

Representing the City of Dallas: Ryan Crocker, 1500 Marilla St., 7DN, Dallas TX 75201
Jason Pool, 320 E. Jefferson, Dallas TX 75203

****Board members went into Executive Session: 3:38 pm – 3:59 pm.****

Motion

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 234-097, on application of Joseph and Alevtina Sarno, and having evaluated the evidence pertaining to the property and heard all testimony and facts supporting the application, I move that the Board of Adjustment **AFFIRM** the decision of the administrative official.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	4-0 Unanimously				Motion to affirm the AO decision
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Sarah Lamb & Andrew Finney
		Against:	-	0	

5. 5322 Kelsey Road

BDA234-098(BT)

BUILDING OFFICIAL’S REPORT: Application of Karlyn Herlitz for **(1)** a special exception to the fence height regulations at **5322 KELSEY RD.** This property is more fully described as Block B/5517, Lot 10, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence regulation.

LOCATION: 5322 Kelsey Rd.

APPLICANT: Karlyn Herlitz

REQUEST:

(8) A request for a special exception to the fence height regulations

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A)

North: R-1ac(A)

East: R-1ac(A)
South: R-1ac(A)
West: R-1ac(A)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Karlyn Herlitz for the property located at 5322 Kelsey Rd. focuses on 1 request relating to the fence height regulations.
- The request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain a 6-foot 6-inch high iron gate and fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- The subject site along with surroundings properties to the north, south east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a combination of 6-foot high iron double gate and fence with 6-foot 6-inch high stone columns, located near the front property line.
- A majority of the proposed iron fence and gate will be 6-foot high.
- A portion of the proposed stone columns, fence and gate will be constructed on an existing retaining wall.
- Based upon staff's analysis of the surrounding properties, some properties provided a fence and gate exceeding 4-feet above grade in the required front yard and/or some provided a form of vegetation serving as a screening mechanism along Kelsey Rd.
- The applicant provided a motor vehicle theft police report from 2022.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height will not adversely affect the neighboring properties.
- 200' Radius Video: [BDA234-098 5322 Kelsey Road](#)

Timeline:

June 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and August 9, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Peter Kavanagh, 1620 Handley St., Dallas TX 75208

Against: Julie Allen, 5337 Kelsey Rd., Dallas TX 75229
Elizabeth Winslow, 10111 Gaywood Rd., Dallas TX 75229
Harriane Wallestein, 10122 Gaywood Rd., Dallas TX 75229
Teri Lajone, 5124 Meaders Lan., Dallas TX 75229
David Elmquist, 5351 Kelsey Rd., Dallas TX 75229
Elaine Everitt, 5106 Kelsey Rd., Dallas TX 75229

Motion

I move that the Board of Adjustment in Appeal No. BDA 234-098 **HOLD** this matter **under advisement until September 18, 2024.**

Maker:	Sarah Lamb			
Second:	Joe Cannon			
Results:	4-0 Unanimously			Motion to hold
		Ayes:	- 4	Cheri Gambow, Sarah Lamb, Joe Cannon & Andrew Finney
		Against:	- 0	

****Recess at 2:04 pm – 2:08 pm****

****Recess at 2:55 pm – 3:02 pm****

****Recess at 3:11 pm – 3:16 pm****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Cheri Gambow moved to adjourn the meeting at 4:28 p.m.

Required Signature:
Mary Williams, Board Secretary
Development Services Dept.

Date

Required Signature:
Dr. Kameka Miller-Hoskins, Board Administrator
Development Services Dept.

Date

Required Signature:
Cheri Gambow, Vice Chair
Board of Adjustment

Date

FILE NUMBER: BDA234-103(BT)

BUILDING OFFICIAL'S REPORT: Application of Josh LeComte represented by Nicholas Batey for (1) a special exception to the 20-foot visibility obstruction regulations; and for (2) a special exception to the 45-foot visibility obstruction regulations at **2323 N. CARROLL AVE**. This property is more fully described as Block K/662, LOT 20, and is zoned MF-2(A), which requires a 20-foot visibility triangle at driveway approaches and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (1) a special exception to the visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required 45-foot visibility obstruction triangle, which will require (2) a special exception to the visibility obstruction regulation at the intersection of N. Carroll Ave. and Rusk Ave.

LOCATION: 2323 N. Carroll Ave.

APPLICANT: Josh LeComte

REPRESENTED BY: Nicholas Batey

REQUEST:

- (1) A special exception to the 20-foot visibility obstruction regulations at the driveway; and
- (2) A special exception to the 45-foot visibility obstruction regulations at the intersection of Rusk Ave. and N. Carroll Ave.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

- Site: MF-2(A) (Multifamily District)
- North: R-7.5(A) (Single Family District)
- East: MF-2(A) (Multifamily District)
- South: PD-277 (Light assembly) and PD-305 (Maximum densities)
- West: MF-2(A) (Multifamily District)

Land Use:

The subject site and surrounding properties are developed with single-family, multi-family and duplex uses.

BDA History:

BDA history found in the last five years BDA234-060

- The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 22nd, 2024, moved to **DENY** the special exception requested by this applicant to construct and/or maintain a 8-foot high fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property
- The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 22nd, 2024, moved to **GRANT** the request to maintain items in the 20-foot visibility triangle at the driveway as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.
- The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 22nd, 2024, moved to **DENY** the special exception requested by this applicant to maintain items in the 45- foot visibility triangle at the intersection of Rusk Ave. and N. Carroll Ave. **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Josh LeComte for the property located at 2323 N. Carroll Ave. focuses on 2 requests relating to the visibility obstruction regulations.
- The applicant proposes to construct and maintain and 6-foot high gate and fence in a required front yard, on a vacant lot, along N. Carroll Ave. and Rusk Ave., which by right is allowed in MF-2(A). **SEC. 51A-4.602.(a)(4)** In multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:
 - a) No lot in the blockface may be zoned as a single family or duplex district.

- b) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.
 - c) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The fence proposed material is 5.25” horizontal wood planks.
 - First, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Rusk Ave. The proposed 6-foot high fence encroach about 10-foot 6-inches into the visibility obstruction triangle on the northeastern boundary of Rusk Ave.
 - Secondly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of N. Carroll Ave and Rusk Ave. The proposed 6-foot high fence encroach about 30-foot into the visibility obstruction triangle on the boundary of N. Carroll Ave. and Rusk Ave.
 - The subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes, multifamily and duplexes.
 - It is imperative to note that the subject site is a corner lot, and it has street frontage on N. Carroll Ave and Rusk Ave.
 - Based upon staff’s analysis of the surrounding properties, there was one homes along Rusk Ave. with a fence in the required front yard. There were two homes along N. Carroll Ave. with a fence and gate in the required front yard and/or some form of vegetation serving as a screening mechanism near the intersection of Capitol and N. Carroll.
 - Per staff’s review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed.
 - Per engineering review comment sheet, site plan must comply with visibility triangle dimensions of at least 30’ x 30’ at corner of two public streets.
 - The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
 - Granting the special exceptions to the fence standards relating to height, opacity and visibility obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
 - 200’ Radius Video: [BDA234-103 at 2323 N Carroll Ave](#)

Timeline:

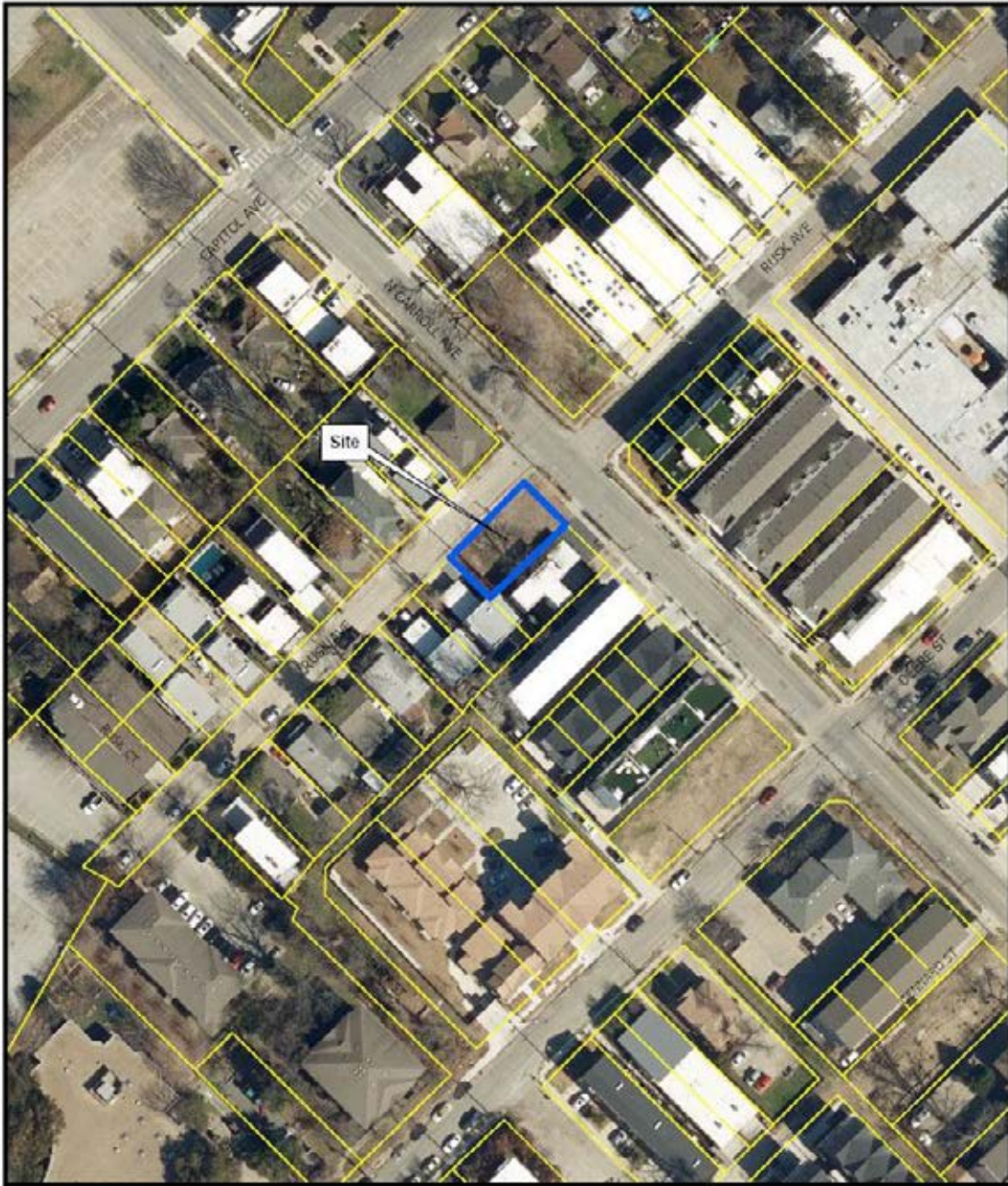
July 18, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

August 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

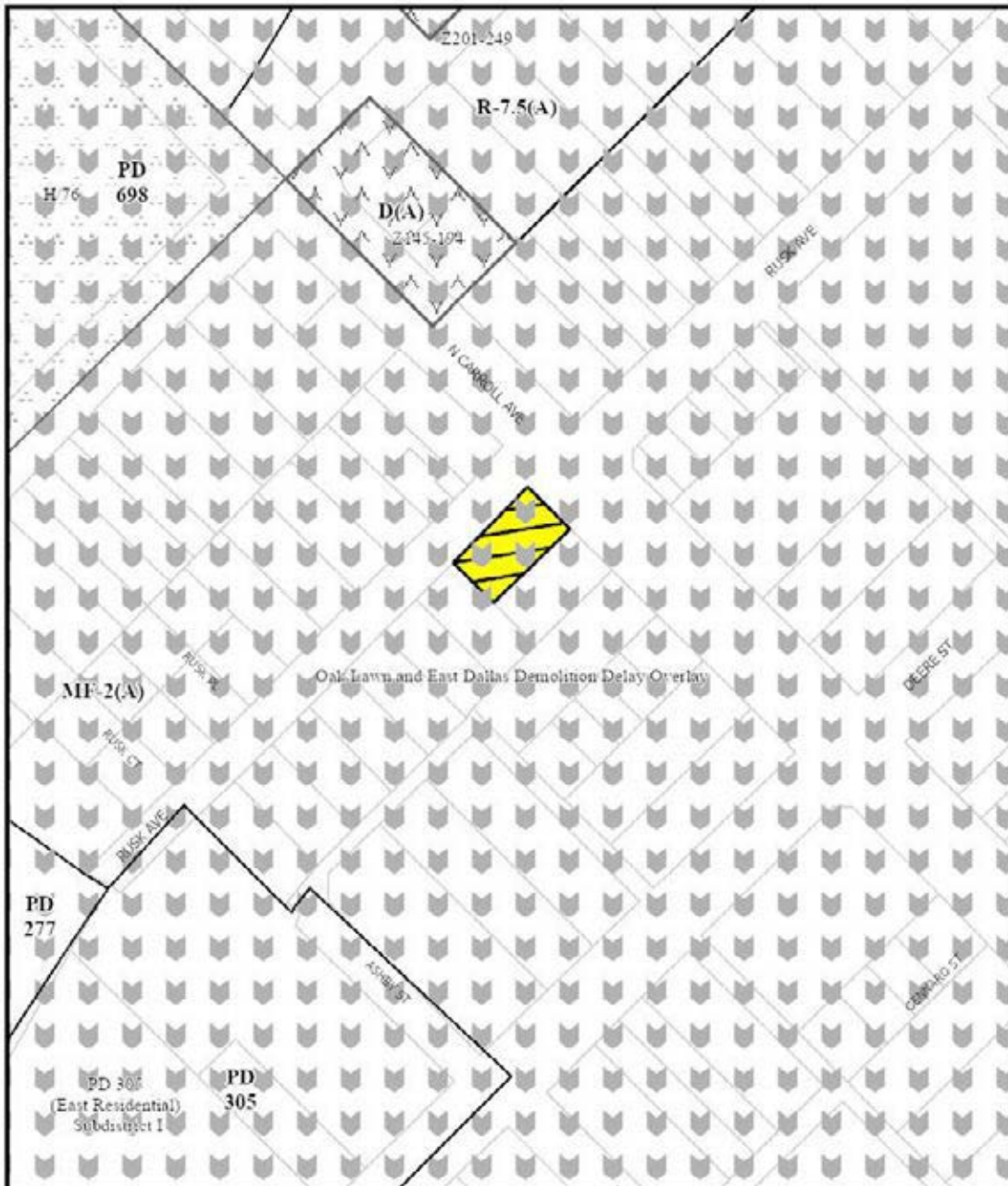


1:1,200

AERIAL MAP

Case no: BDA234-103

Date: 07/26/2024





1:1,200

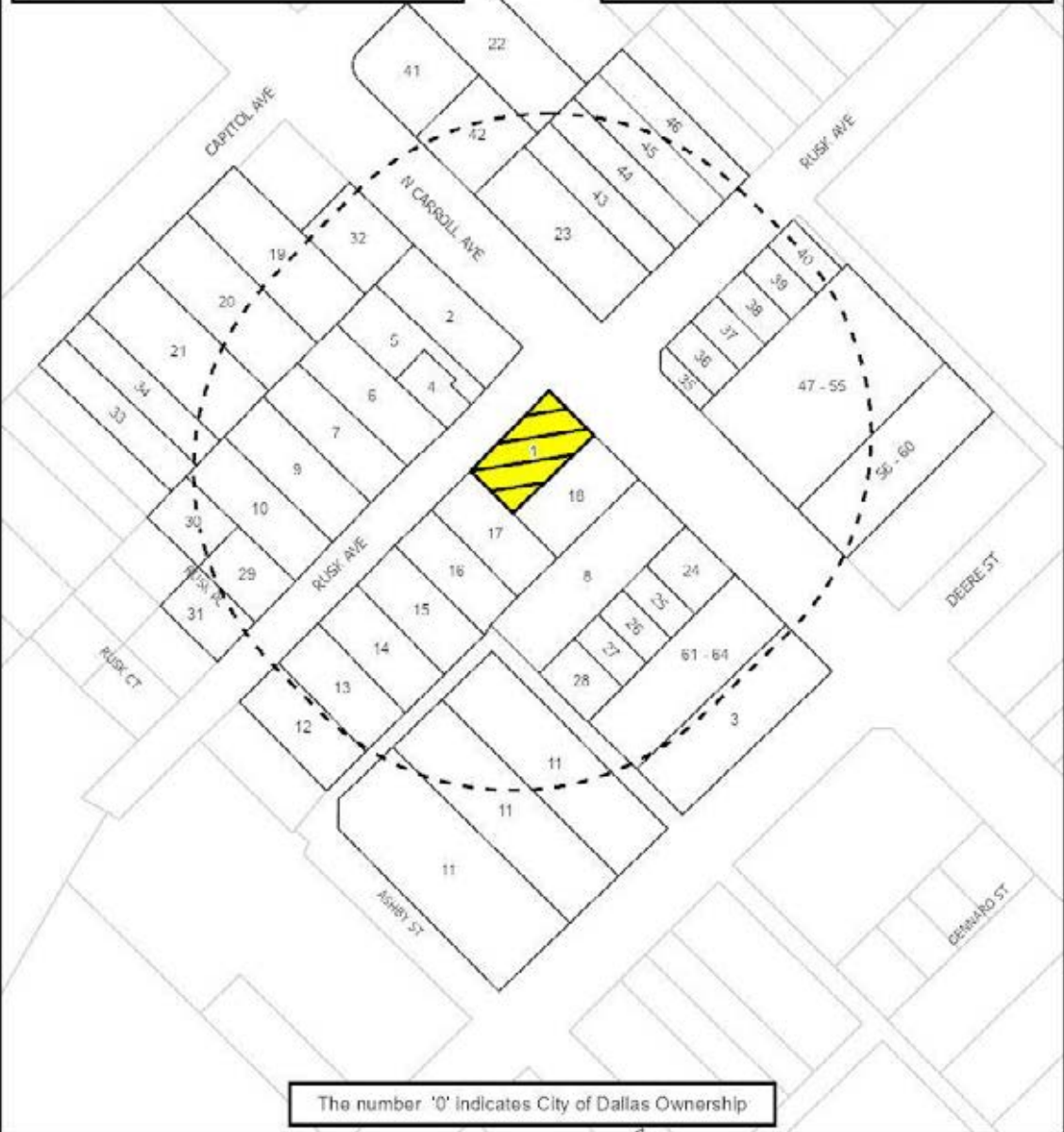
ZONING MAP

Case no: BDA234-103

Date: 07/26/2024

The area of request is hatched  Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada  La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA234-103
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">64</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 7/26/2024

Notification List of Property Owners

BDA234-103

64 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2323 N CARROLL AVE	SUBDIVISIONS REALTY LLC
2	4427 RUSK AVE	REKHAYAYA LLC
3	2303 N CARROLL AVE	LALLY MICHAEL KEVIN
4	4423 RUSK AVE	RANGANATHAN NIRANJAN
5	4425 RUSK AVE	KANG MYKYUNG N
6	4419 RUSK AVE	CASAS CHRISTINA &
7	4415 RUSK AVE	CASAS CHRISTINA OLIVO
8	2315 N CARROLL AVE	ZAAVIA DESIGNS LLC
9	4411 RUSK AVE	MORE ALEXANDER
10	4407 RUSK AVE	PHILLIPS JAMES R
11	4411 DEERE ST	HOUSING AUTHORITY OF THE CITY
12	4402 RUSK AVE	ADAME BEATRIZ
13	4404 RUSK AVE	TRAN JOSEPH &
14	4406 RUSK AVE	MENDOZA EVA
15	4410 RUSK AVE	MONCADA CEASAR ELI
16	4414 RUSK AVE	BUITRON DELILAH
17	4418 RUSK AVE	ADELE STEPHEN & LARISA
18	2319 N CARROLL AVE	YOUNG JEFFREY MORGAN
19	4418 CAPITOL AVE	BARRON EDUARDO
20	4414 CAPITOL AVE	LINDHEIMER MUHLY ENTERPRISES LLC
21	4410 CAPITOL AVE	ORTIZ MIRIAM OLMOS
22	4506 CAPITOL AVE	SANG DAVID LEE
23	4501 RUSK AVE	BELMONT BROTHERS LLC
24	2311 N CARROLL AVE	BRADLEY BLAIR
25	2311 N CARROLL AVE	COMPTON ALEXANDRA M
26	2311 N CARROLL AVE	FROST NOELLE

07/26/2024

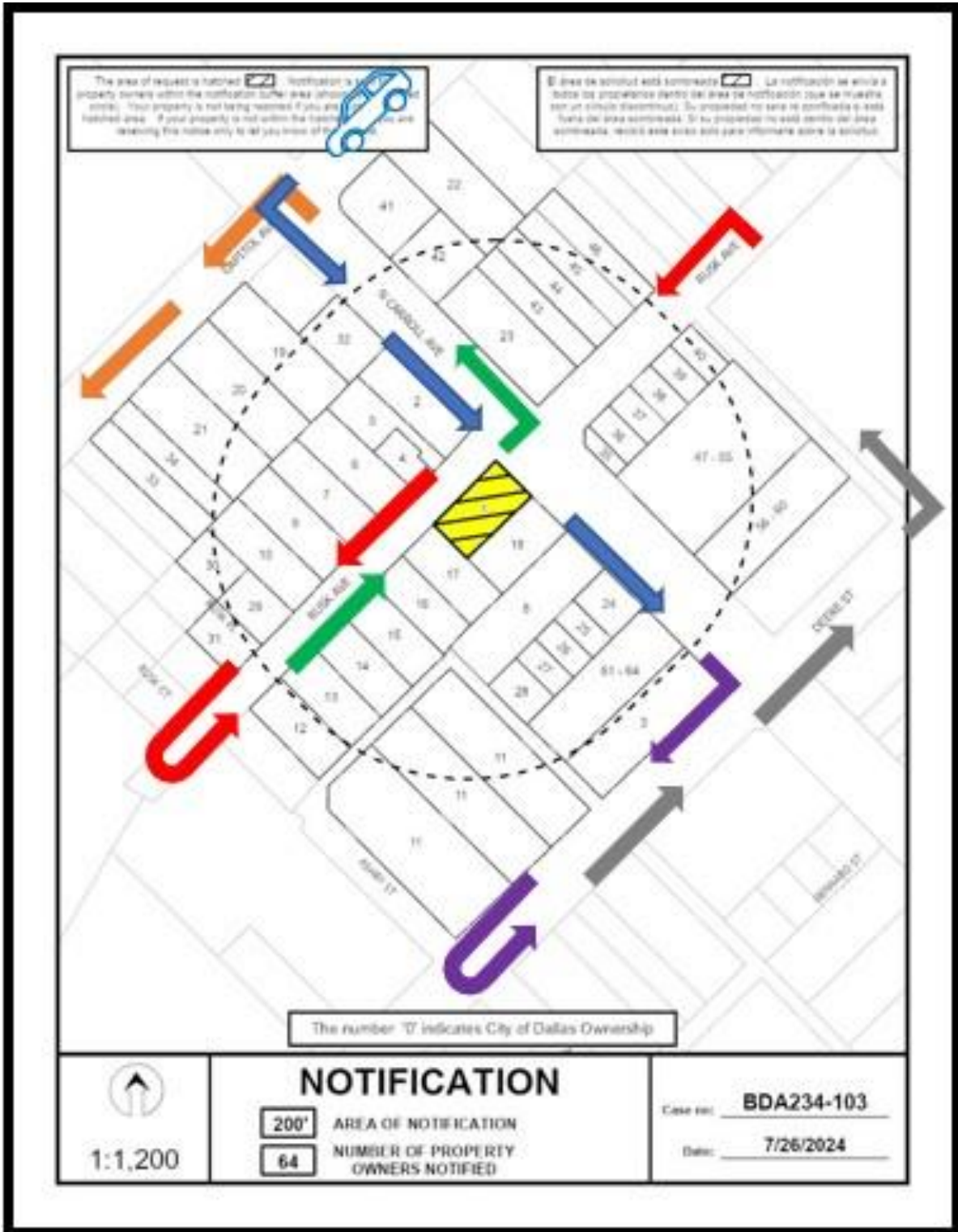
<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2311 N CARROLL AVE	GINEZ JESUS
28	2311 N CARROLL AVE	DINKMEYER ELIZABETH CAMERON
29	2324 RUSK PL	NICOLAOU CHRISTOPHER
30	2322 RUSK PL	OLIVEIRA PETERSON S
31	2325 RUSK PL	JOHNSON ANTHONY W
32	2365 N CARROLL AVE	RITCHEY DAVID & AMANDA
33	4406 CAPITOL AVE	MARTIN ROSS & MELISSA SHERRILL
34	4408 CAPITOL AVE	MARTIN VIRGINIA R
35	4500 RUSK AVE	RUSK AVENUE TOWNHOMES
36	4504 RUSK AVE	GUPTA ROHIT
37	4508 RUSK AVE	DENKER DONALD D II
38	4512 RUSK AVE	HECKMAN ALLISON P
39	4516 RUSK AVE	WEBER ROBYN KATHLEEN
40	4520 RUSK AVE	MAJLUF GERMAN CHAVEZ &
41	4502 CAPITOL AVE	EICHLER RONNIE &
42	2370 N CARROLL AVE	GROUNDS LUBIN REVOCABLE TRUST
43	4505 RUSK AVE	MCGREGOR JOHN TEEK
44	4507 RUSK AVE	GRAGSON FAMILY PROTECTION
45	4509 RUSK AVE	WILLIAMS TRACEY
46	4509 RUSK AVE	WHITE JACK AUSTIN
47	2310 N CARROLL AVE	LABELLE CATHERINE ELIZABETH &
48	2310 N CARROLL AVE	BARTOLOMEI PAUL & ANGELYN K
49	2310 N CARROLL AVE	SECOLA MARY JOE
50	2310 N CARROLL AVE	CATALINA ROBERTO F A
51	2310 N CARROLL AVE	YANG HUA MATT
52	2314 N CARROLL AVE	CANNON JOSEPH ODELL
53	2314 N CARROLL AVE	LECOMTE JOSHUA S
54	2314 N CARROLL AVE	ANTIOCO JOHN F &
55	2314 N CARROLL AVE	TATE JONATHAN D
56	2304 N CARROLL AVE	RODDY ALEX
57	2304 N CARROLL AVE	CHANG ISABEL

07/26/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2304 N CARROLL AVE	FRATANTONI JULIE MARIE
59	2304 N CARROLL AVE	KORDI DANIAL
60	2304 N CARROLL AVE	BANDYOPADHYAY SHAMIK & PRIYANKA
61	2307 N CARROLL AVE	MELLMAN CRAIG MATTHEW
62	2307 N CARROLL AVE	BRUBAKER CHRISTOPHER
63	2307 N CARROLL AVE	DALESSANDRO TEO
64	2307 N CARROLL AVE	STEVENS CADEN & LEE ANNE

 1:1,200	NOTIFICATION	Case no: BDA234-103
	200' AREA OF NOTIFICATION 64 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 7/26/2024

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B) will hold a hearing as follows:

DATE: WEDNESDAY, SEPTEMBER 18TH, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA234-103(BT) Application of Josh Lecomte represented by Nicholas Batey for (1) a special exception to the 20-foot visibility obstruction regulations, and for (2) a special exception to the 45-foot visibility obstruction regulations at 2323 N. CARROLL AVE. This property is more fully described as Block K/662, LOT 20, and is zoned MF-2(A), which requires a 20-foot visibility triangle at driveway approaches and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (1) a special exception to the visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required 45-foot visibility obstruction triangle, which will require (2) a special exception to the visibility obstruction regulation at the intersection of N. Carroll Ave. and Rusk Ave.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-B-Register> by the close of business Tuesday, September 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4205, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment,
Planning & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:

BDAREPLY@dallas.gov

Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:

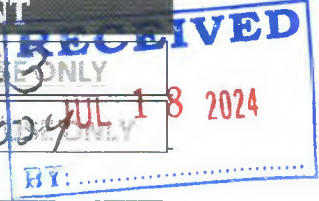
<https://bit.ly/BDA-B-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT



Case No.: BDA 234-103 Date: 7/18/2024

Data Relative to Subject Property: Fee Waiver
Location address: 2323 N. Carroll Ave. Zoning District: MF-2
Lot No.: 20 Block No.: K/662 Acreage: 0.08 Census Tract: 48113000800
Street Frontage (in Feet): 1) 45 2) 81 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Subdivisions Realty, LLC
Applicant: Josh LeComte Telephone: 214-827-1431
Mailing Address: PO Box 720549 Zip Code: 75372
E-mail Address: josh@lecomte.com
Represented by: Nicholas Batey Telephone: 214-876-2505
Mailing Address: PO Box 720549 Zip Code: 75372
E-mail Address: nick@lecomte.com

Affirm that an appeal has been made for a Variance or Special Exception of 20' driveway visibility triangle and 45' visibility triangle vs. 30' visibility proposed triangle. NS

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:
The variance will not be contrary to public interest and literal enforcement will result in unnecessary hardship.

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.

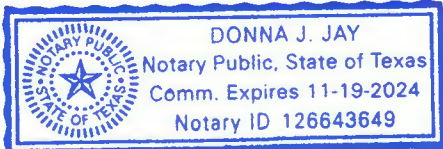
Affidavit

Before me the undersigned on this day personally appeared Josh LeComte
(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: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 1st day of July, 2024

[Signature]
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

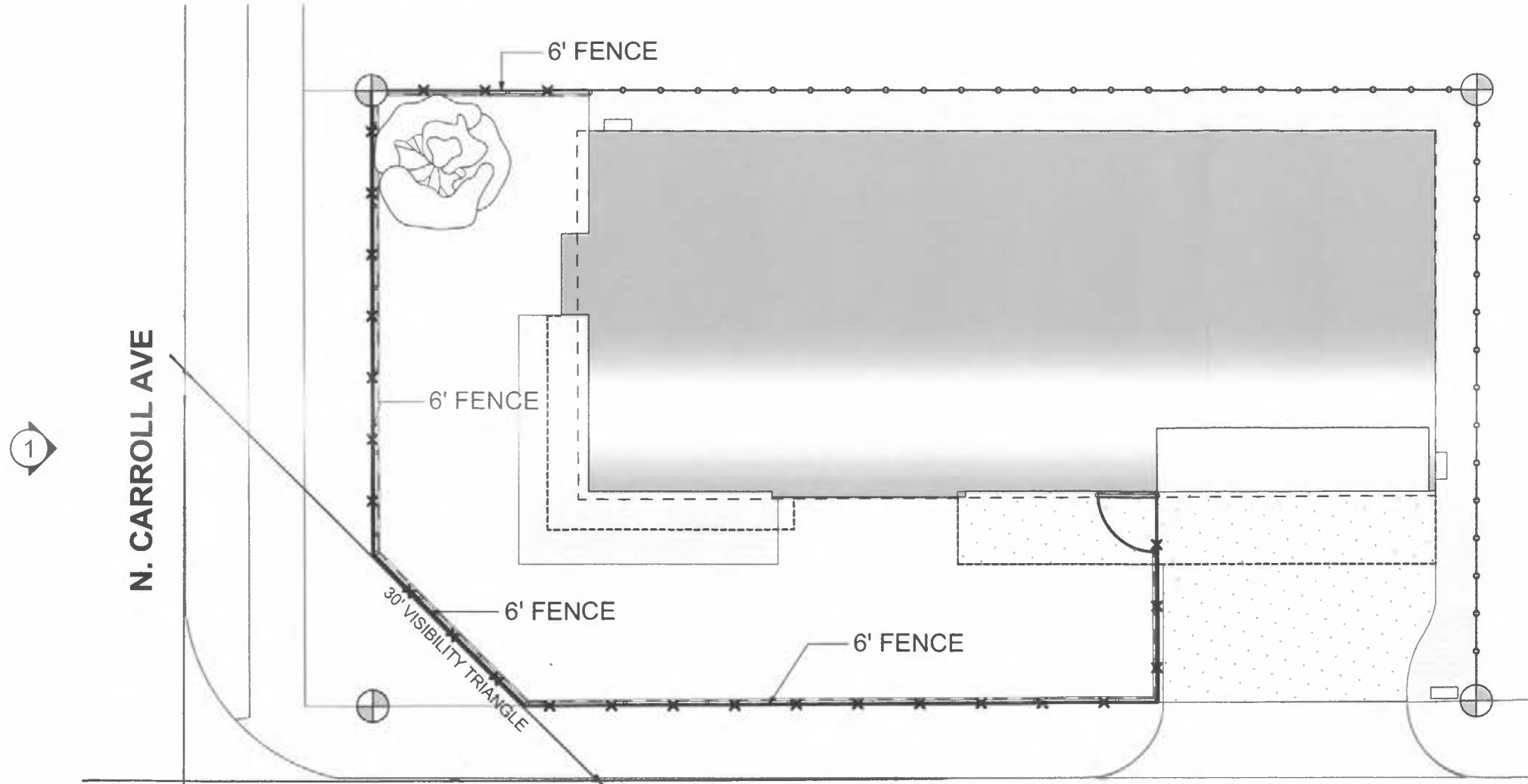
I hereby certify that JOSH LECOMTE
represented by NICHOLAS BATEY
did submit a request for (1) a special exception to the visibility obstruction regulations, and for
(2) a special exception to the 45-foot visibility obstruction regulations
at 2323 N Carroll Ave.

BDA234-103(BT) Application of Josh Lecomte represented by Nicholas Batey for (1) a special exception to the 20-foot visibility obstruction regulations, and for (2) a special exception to the 45-foot visibility obstruction regulations at 2323 N. CARROLL AVE. This property is more fully described as Block K/662, LOT 20, and is zoned MF-2(A), which requires a 20-foot visibility triangle at driveway approaches and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (1) a special exception to the visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required 45-foot visibility obstruction triangle, which will require (2) a special exception to the visibility obstruction regulation at the intersection of N. Carroll Ave. and Rusk Ave.

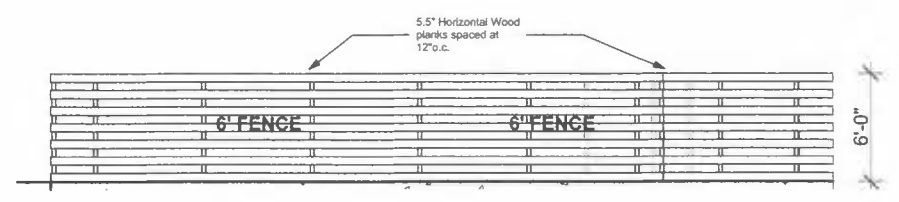
*This application is attached to a fee waiver request; case report and docket will address this request.

Sincerely,

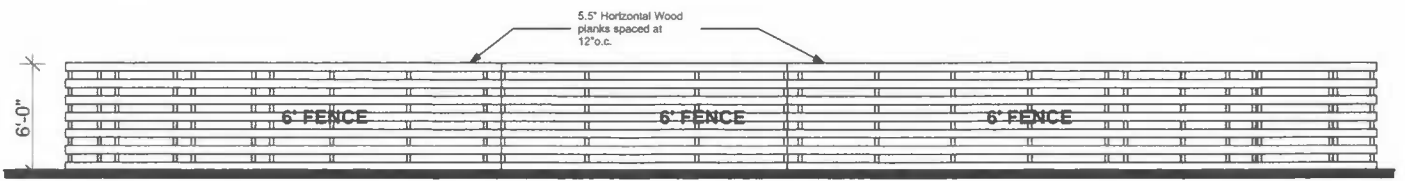

Andrew Espinoza, CBO, MCP, CFM, CCEA



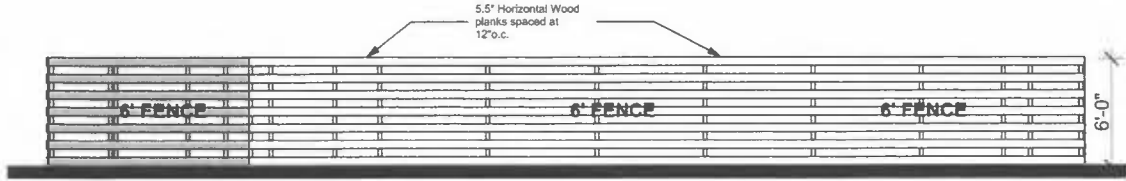
4 FENCE LAYOUT PLAN
SCALE : 3/32" = 1'-0"



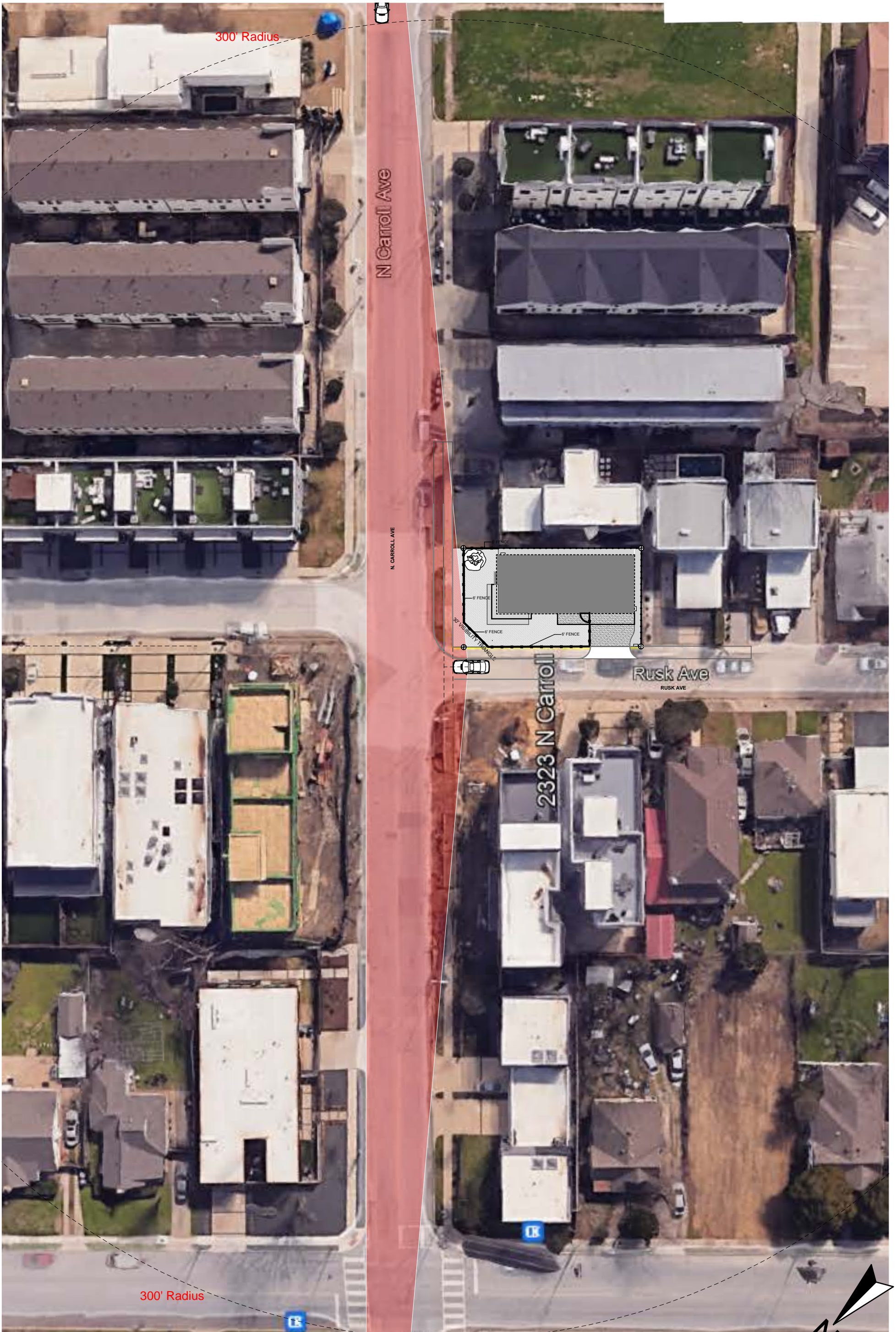
1 FENCE ELEVATION CARROLL
SCALE : 3/32" = 1'-0"



2 FENCE ELEVATION CORNER
SCALE : 3/32" = 1'-0"



3 FENCE ELEVATION RUSK
SCALE : 3/32" = 1'-0"



2 4.3.3 Visibility and Sight Distance Exhibit A

SCALE: 1" = 40'

Project 2323 carroll	Date 8/23/2024
Location 2323 Carroll Ave Dallas Texas 75206 Site Country	Reference / Sheet
Title Eye of the Driver From Behind Crosswalk	Field Notice No. Dwg. No. A-101A



2 4.3.3 Visibility and Sight Distance Study Exhibit B

SCALE : 1" = 40'

Project 2323 carroll	Date 8/23/2024
Location 2323 Carroll Ave Dallas Texas 75206 Site Country	Reference / Sheet
Title Eye of the Driver From Behind Curb Line	Field Notice No. Dwg. No. A-101B

4.3.3 Visibility and Sight Distances

4.3.3.1 General Requirements

The Dallas Development Code (Section 51A, 4.602) identifies sight lines as “visibility triangles” measuring 45 feet at all street intersections and 20 feet at drive and alley intersections with streets, except where modified in certain Planned Development Districts. Figure 3.9 in Section 3.5, Off-Street Parking and Driveways, shows typical visibility triangles, defined as projections along curb lines or pavement edges. Parking is not permitted in visibility triangles. Landscaping in medians, pedestrian zones, and at intersections shall not obstruct the visibility of pedestrians and approaching motorists.

Also, site topography and street geometrics must be considered in design of streets, alleys and driveways. Also, the design of City streets and thoroughfares must account for a vehicle attempting to enter or cross the street or thoroughfare from a side street, alley or drive. The operator of the vehicle attempting to enter or cross should have an unobstructed view of the whole intersection and a sufficient length of the street to be crossed to permit control of the vehicle to avoid collisions. The minimum sight distance considered safe under various assumptions of physical conditions and driver behavior is related directly to vehicle speeds and to the resultant distance traversed during perception and reaction time and during braking. This sight distance, which is termed intersection sight distance, can be calculated for different street or thoroughfare widths and for various grades both upwards and downwards. Figure 4.13 shows the method for measuring the intersection sight distance. The eye of the driver is assumed to be 3.5 feet above the road surface and the oncoming vehicle is assumed to be at least 4.25 feet above the pavement surface.

Recommended intersection sight distances are shown in Table 4.6 and were developed using formulation from the AASHTO Green Book.

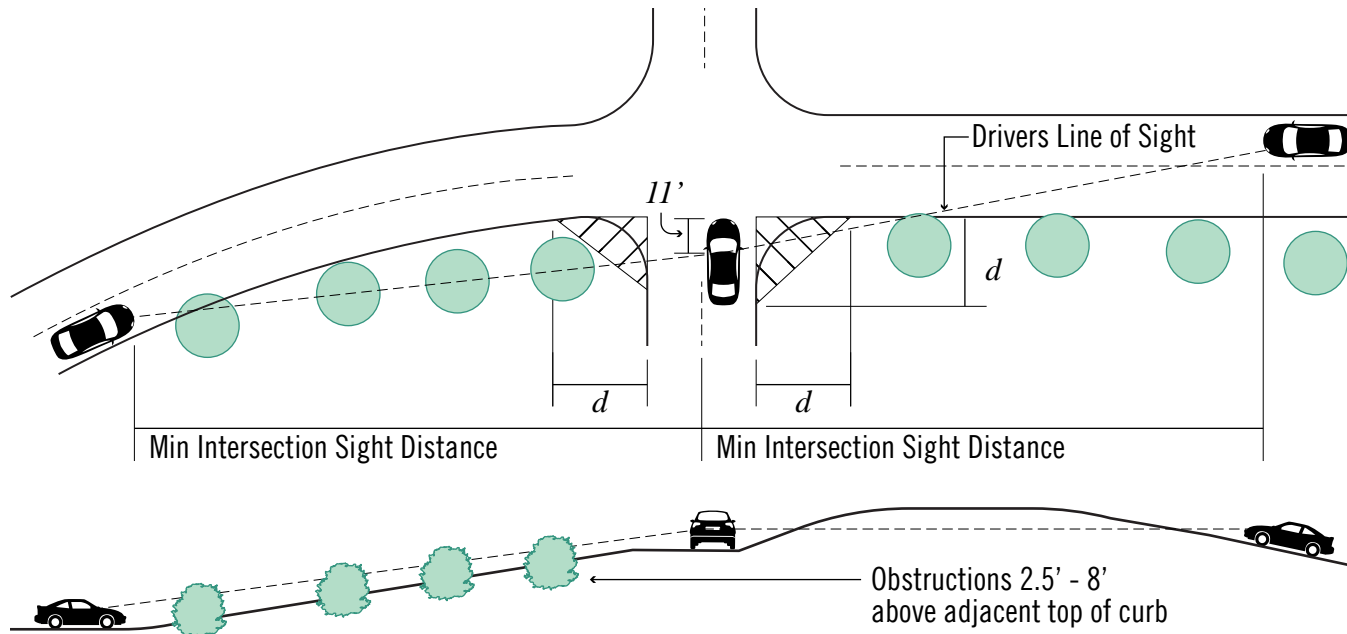
To insure safety at intersections, the intersection sight distance must not be less than the minimum intersection sight distances shown in Table 4.6. The minimum intersection sight distances were determined from AASHTO minimum stopping distance requirements adjusting for the degree of driver recognition complexity present to provide an absolute minimum intersection sight distance.

The desirable intersection sight distances, given in Table 4.6, were determined using the standard AASHTO passenger car for all cases, and shall be used in design. These desirable sight distances will provide the minimum required for urban areas for the design vehicle crossing or entering the specified cross street. Desirable sight distances assume the oncoming cross traffic is traveling the target speed. A tailgate distance equivalent to a 2 second following distance between vehicles is also assumed.

Undeveloped or rural areas usually require larger intersection sight distances than urban areas due to higher vehicular speeds. In these areas, the desirable sight distance requirements shall be increased by using a speed of 100% of the target speed.

Depending on the grade of the thoroughfare, appropriate intersection sight distance shall be provided. Vehicles approaching an intersection on an upgrade need less distance to stop, and vehicles approaching an intersection on a downgrade need more distance to stop. See Table 4.6 for intersection sight distances requirements due to horizontal curve sizes and target speeds on cross streets.

Figure 4.13 Sight Distance at Intersections



Project 2323 carroll	Date 8/23/2024
Location 2323 Carroll Ave Dallas Texas 75206 Site Country	Reference / Sheet
Title 4.3.3 Visibility and Sight Distance Study	Field Notice No. Dwg. No. A-101C

FILE NUMBER: BDA234-107(CJ)

BUILDING OFFICIAL'S REPORT: Application of Rey Roca for **(1)** a special exception to the fence height regulations at 8510 Military Parkway. This property is more fully described as Block 6218, Lot 1, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations.

LOCATION: 8510 Military Parkway

APPLICANT: Rey Roca

REQUEST:

(1) A request for a special exception to the fence height regulations.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT
STANDARD REGULATIONS:**

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

- No BDA history found at 8510 Military Parkway in the last 5 years.

Square Footage:

- This lot contains 571,942.8 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

Zoning:

Site: R-7.5 (A) (Single Family District)

North: R-7.5 (A) (Single Family District)

East: R-7.5 (A) (Single Family District)
South: R-7.5 (A) (Single Family District)
West: R-7.5 (A) (Single Family District)

Land Use:

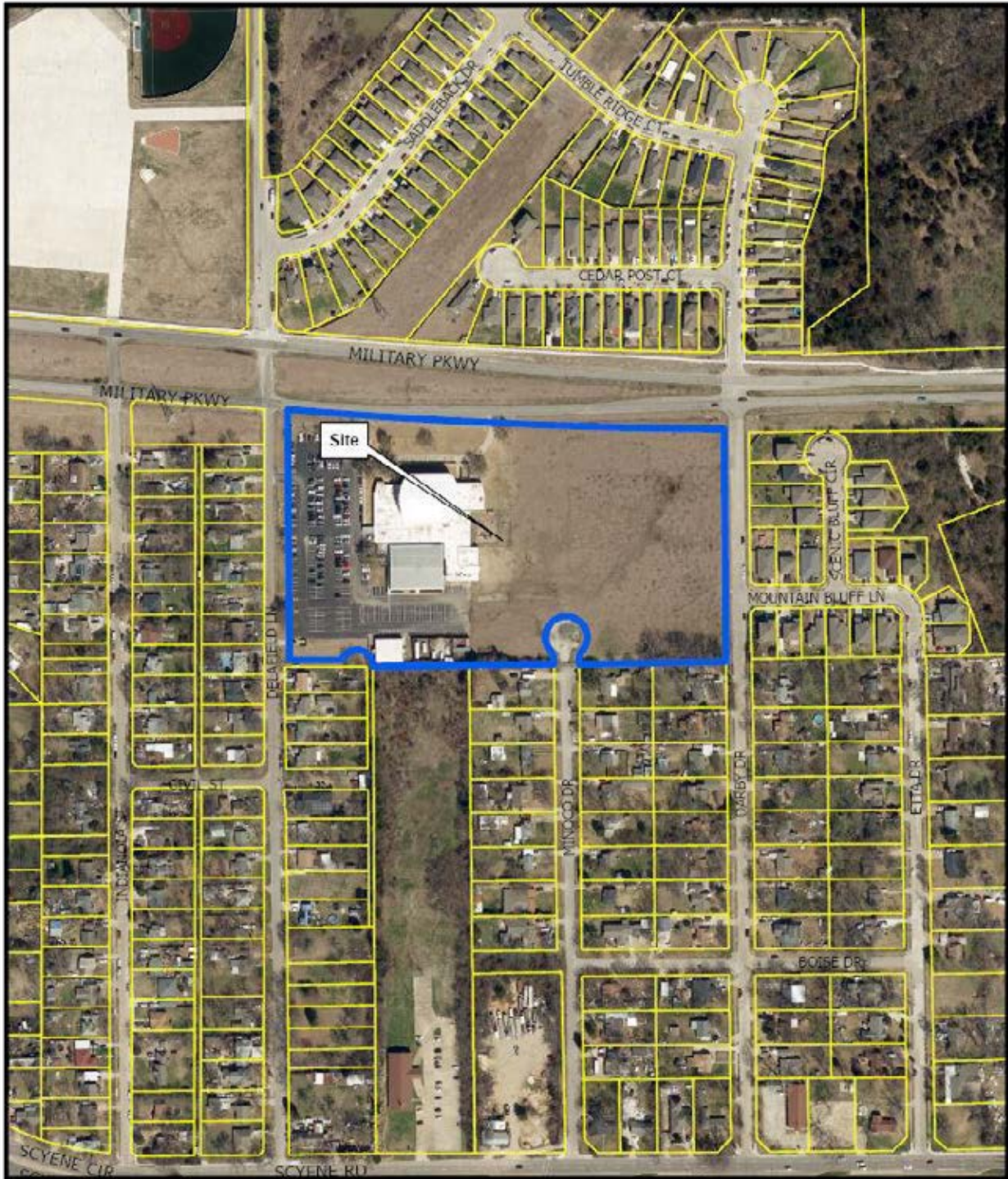
The subject site and surrounding properties to the north, south, east and west are developed with uses permissible in the R-7.5(A) zoning district.

GENERAL FACTS/STAFF ANALYSIS:

- The application for Rey Roca property located at 8510 Military Parkway focuses on one request relating to fence height regulations.
- The applicant proposes to construct and maintain a 6-foot fence in required front yards, which will require a 2-foot special exception to the fence height regulations.
- The subject site is developed with a school. Properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site has triple street frontage on Darby Drive, Military Parkway and Delafield Lane.
- The street frontage along Darby Drive, Military Parkway, and Delafield Lane all act as front yards due to block-face continuity.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot wrought iron fence in the required front yards on Delafield Lane and Military Parkway; no parts of the fence will extend to Darby Drive.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Delafield Lane with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-107 at 8510 Military Pkwy](#)

Timeline:

- July 24, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- August 12, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

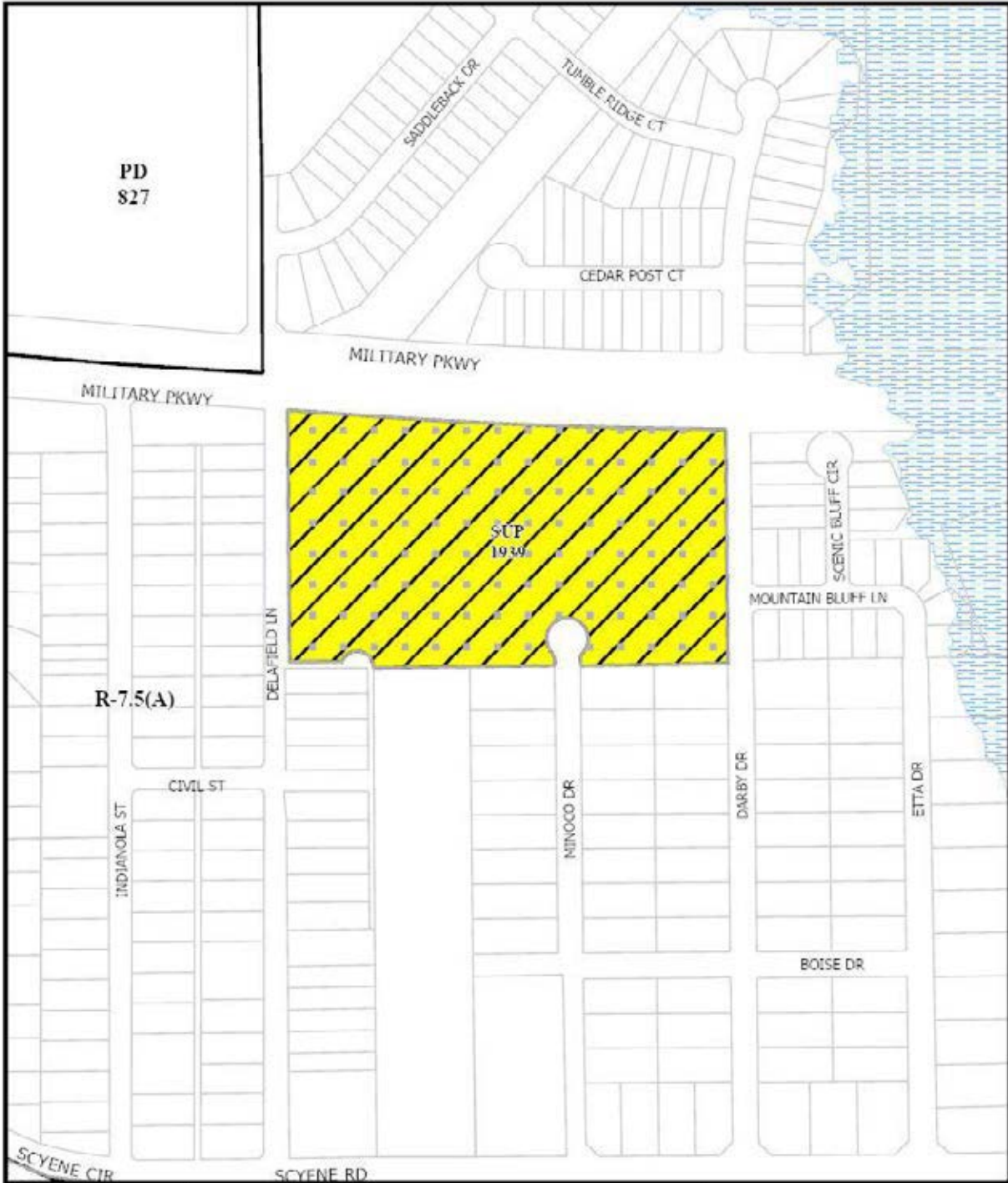


1:3,600

AERIAL MAP

Case no: **BDA234-107**

Date: **08/07/2024**





1:3,600

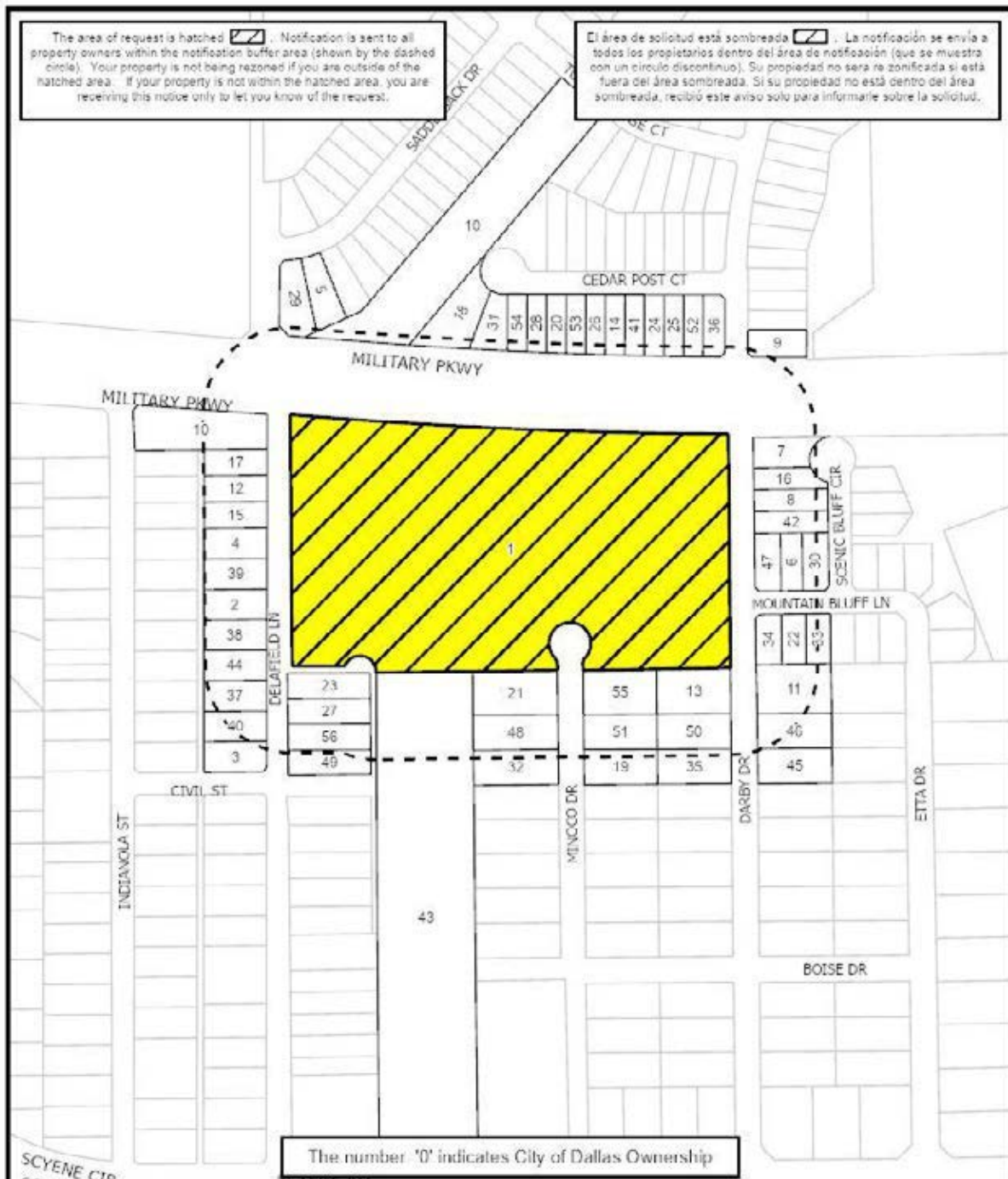
ZONING MAP

Case no: **BDA234-107**

Date: **08/07/2024**

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership

 1:3,600	<h1>NOTIFICATION</h1>		Case no: BDA234-107
	200' AREA OF NOTIFICATION 56 NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 8/7/2024

The area of request is hatched [diagonal lines symbol]. Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada [diagonal lines symbol]. La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership

 1:3,600	<h1>NOTIFICATION</h1>		Case no: BDA234-107
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">56</div> NUMBER OF PROPERTY OWNERS NOTIFIED		

Notification List of Property Owners

BDA234-107

56 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8510 MILITARY PKWY	CITYSCAPE SCHOOLS INC
2	3511 DELAFIELD LN	RIVERA RAFAEL ISIDRO
3	3405 DELAFIELD LN	Taxpayer at
4	3521 DELAFIELD LN	CAZARES AGUSTIN &
5	3706 SADDLEBACK DR	BROADWAY AUDREY B
6	8607 MOUNTAIN BLUFF LN	DA MAY THAN &
7	3523 SCENIC BLUFF CIR	CRUZ JOSE & NORMA
8	3515 SCENIC BLUFF CIR	MENDEZ VERONICA & RAUL
9	3602 DARBY DR	LYDIA RUTH D
10	8502 MILITARY PKWY	ONCOR ELECRCIC DELIVERY COMPANY
11	3412 DARBY DR	REYNA JOSE ANGEL TRISTAN
12	3531 DELAFIELD LN	CAZARES MIGUEL G & SANTA
13	3411 DARBY DR	TREJO FRANCISCO RAMIREZ
14	8630 CEDAR POST CT	RAMOS MARIA LEONILA
15	3527 DELAFIELD LN	ESPINOZA ROSA ELENE
16	3519 SCENIC BLUFF CIR	GUTIERREZ CRUZ CARLOS E &
17	3535 DELAFIELD LN	CAZARES AGUSTIN &
18	8602 CEDAR POST CT	ROUSE RESHAR &
19	3316 MINOCO DR	SANCHEZ RODRIGO
20	8618 CEDAR POST CT	RAMIREZ ISMAEL R &
21	3411 MINOCO DR	MENDEZ MAXIMINO &
22	8606 MOUNTAIN BLUFF LN	CASTRO CARLOS
23	3416 DELAFIELD LN	HERNANDEZ DAVID C
24	8638 CEDAR POST CT	HOUSESIMMONS WANELL
25	8642 CEDAR POST CT	MENDOZA MANUEL
26	8626 CEDAR POST CT	LOPEZ EXTOR E

08/07/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3410 DELAFIELD LN	RICHARDSON BRIAN P SR
28	8614 CEDAR POST CT	REDMON MARY E
29	3702 SADDLEBACK DR	NUNEZ AARON
30	8611 MOUNTAIN BLUFF LN	HERNANDEZ JAHEL N &
31	8606 CEDAR POST CT	HERNANDEZ OCTAVIO &
32	3317 MINOCO DR	REED LARRY MARK
33	8610 MOUNTAIN BLUFF LN	WILLIAMS LAMENSIA
34	8602 MOUNTAIN BLUFF LN	RIVERA RAFAEL
35	3317 DARBY DR	HERRERA ANGEL MARIO
36	8650 CEDAR POST CT	WHEELER TREBALLA T
37	3415 DELAFIELD LN	CEDILLO PHYLLIS G
38	3505 DELAFIELD LN	LOPEZ J JESUS ARRIAGA &
39	3515 DELAFIELD LN	BRISTOW SHARON &
40	3411 DELAFIELD LN	STONE VALLEY REAL ESTATE LLC
41	8634 CEDAR POST CT	RAMIREZ ALFONSO R & MARIA C
42	3511 SCENIC BLUFF CIR	OCHOA MANUELA
43	8517 SCYENE RD	TEXAS INDEPENDENT HOLINESS
44	3421 DELAFIELD LN	BRAVO JORGE M &
45	3316 DARBY DR	HERNANDEZ ROLANDO
46	3404 DARBY DR	HUTCHINS AUBREY
47	8603 MOUNTAIN BLUFF LN	SPEED RITA R
48	3405 MINOCO DR	Taxpayer at
49	3402 DELAFIELD LN	VALDEZ JOSE L
50	3405 DARBY DR	TOVAR GABRIELA D PUENTE
51	3404 MINOCO DR	GONZALEZ IVAN &
52	8646 CEDAR POST CT	TAVERA ANTONIO
53	8622 CEDAR POST CT	MCCULLEY MELISSA
54	8610 CEDAR POST CT	BENNETT BURT EST OF
55	3412 MINOCO DR	ENGLISH LARRY
56	3406 DELAFIELD LN	GUZMAN CECILIO



1:3,600

NOTIFICATION

200' AREA OF NOTIFICATION
56 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-107**

Date: **8/7/2024**

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B) will hold a hearing as follows:

DATE: WEDNESDAY, SEPTEMBER 18TH, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA234-107(CJ) Application of Rey Roca for (1) a special exception to the fence height regulations at 8510 MILITARY PKWY. This property is more fully described as Block 6218, Lot 1, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing, if you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-B-Register> by the close of business Tuesday, September 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall)

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning & Development department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
**Letters will be received until 9:00
am the day of the hearing.**

PLEASE REGISTER AT:
<https://bit.ly/BDA-B-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

Data Relative to Subject Property: _____ Date:

Location address: 8510 Military Pkwy Zoning District: R - 7.5

Lot No. 1 Block No. 6218 Acreage 13.13 Census Tract _____

Street Frontage (in Feet): 1) 575.72 2) 1010.40 3) 523.20 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Cityscape Schools

Applicant: Cityscape Schools - Rey Roca Telephone: 214-545-6554

Mailing Address: 630 Texas Street Zip Code: 75204

E-mail Address: Leo@Cityscapeschools.org

Represented by: MPO Solutions - Rey Roca Telephone: 817-691-1668

Mailing Address: 6021 Connection Dr. Ste 210 - Irving, TX Zip Code: 75039

E-mail Address: rey@mposolutions.net

Affirm that an appeal has been made for a Variance or Special Exception of Owner seeks to install 6ft high perimeter iron fence to enhance security under TAC 61.1031, School Safety Requirements. The school is located located in a residential zoning district (R-7.5a) which limits fences over 4 ft. We seek a special exception of 2 feet to fence height.

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:

Owner seeks to install perimeter iron fence to enhance campus security under Texas Administrative Code (TAC) 61.1031, School Safety Requirements. Project involves installation of fence, pedestrian gates, and vehicular gates to secure property and occupants.

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 Rey E. Roca

(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: 
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 25th day of July, 2024




Notary Public in and for Dallas County, Texas

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 Rey Roca

did submit a request for (1) a special exception to the fence height regulations
at 8510 Military Pkwy

BDA234-107(CJ) Application of Rey Roca for (1) a special exception to the fence height regulations at 8510 MILITARY PKWY. This property is more fully described as Block 6218 Lot 1, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA _____

I, CityScape Schools - Leonard Brannon, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 8510 Military Pkwy Dallas, TX 75227
(Address of property as stated on application)

Authorize: *Ray E. Poca*
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Owner seeks to install a 6ft high perimeter iron fence to enhance campus security under TAC 61.1031. The school is located in a residential zoning district (R-7.5a) which limits fences over 4 ft. We seek a special exception of 2 feet to fence height.

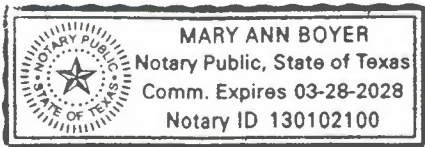
Leonard Brannon - CityScape Schools *[Signature]*
 Print name of property owner or registered agent Signature of property owner or registered agent

agent Date July 03, 2024

Before me, the undersigned, on this day personally appeared _____

Who on his/her oath certifies that the above statements are true and correct to his/her best

knowledge. Subscribed and sworn to before me this 9th day of July, 2024



M Boyer
Notary Public for Dallas County, Texas

Commission expires on 3/28/28



Posting of Notification Sign

8510 Military Pkwy

Appeal Number BDA 234-107

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.

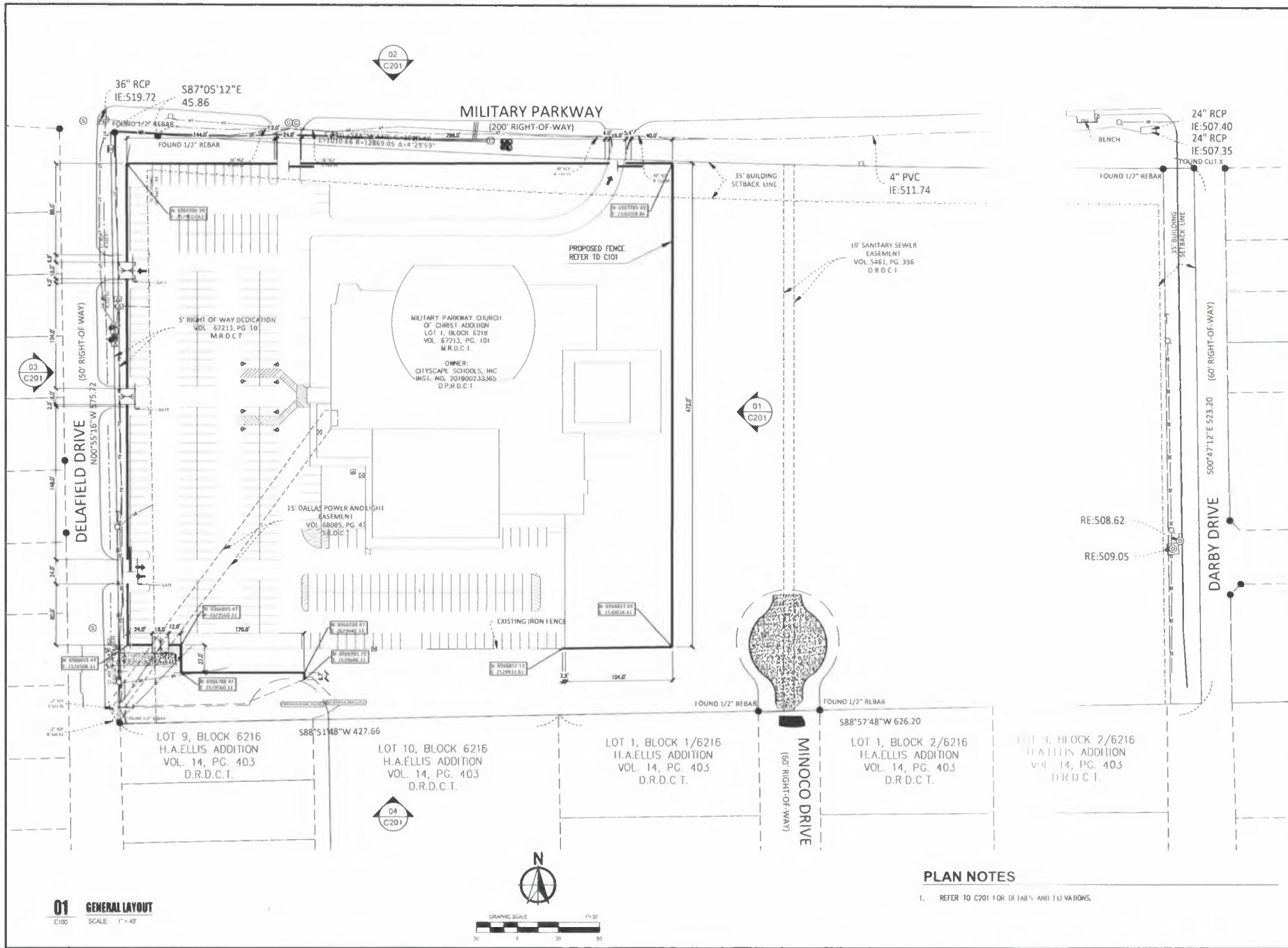
Footage of each street frontage: 575', 1010', 523'

Number of acres: 13.13

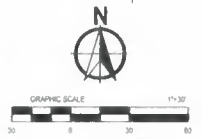
Number of signs received: 5

[Signature]
Signature of applicant or person receiving signs

7/24/24
Date



01 GENERAL LAYOUT
C100 SCALE 1" = 40'



PLAN NOTES

1. REFER TO C201 FOR DETAILS AND ELEVATIONS.

CONSULTANT

MPO SOLUTIONS
MPO CONSULTANTS
10000 GREENWAY DRIVE, SUITE 504
DALLAS, TEXAS 75241
TEL: 469-307-1100

PROJECT
**CITYSCAPE SCHOOL
BUCKNER PREPARATORY**
8510 MILITARY PKWY - DALLAS, TX 75227

REVISIONS

PROJECT NO. 24200-001
DRAWN BY
DATE: 08/14/2024
CHECKED BY
ISSUED FOR PERM1

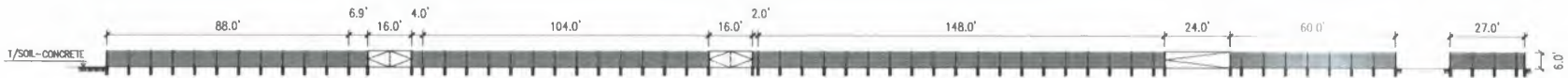
SHEET
C100
GENERAL SITE PLAN
2 OF 3 SHEETS



01 EAST ELEVATION
C201 SCALE 1" = 20'



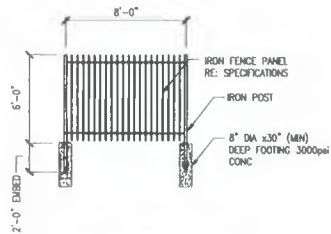
02 NORTH ELEVATION
C201 SCALE 1" = 20'



03 WEST ELEVATION
C201 SCALE 1" = 20'



04 SOUTH ELEVATION
C201 SCALE 1" = 20'



05 TYPICAL FENCE PANEL
C201 SCALE NTS

PLAN NOTES

1. REFER TO C100 FOR GENERAL LOCATION
2. FENCE PANELS SHALL BE ADJUSTED ALONG ALIGNMENT TO ACCOMMODATE CHANGES IN ELEVATION. PANEL DISTANCE TO 1/4 GRADE SHALL NOT EXCEED 10'



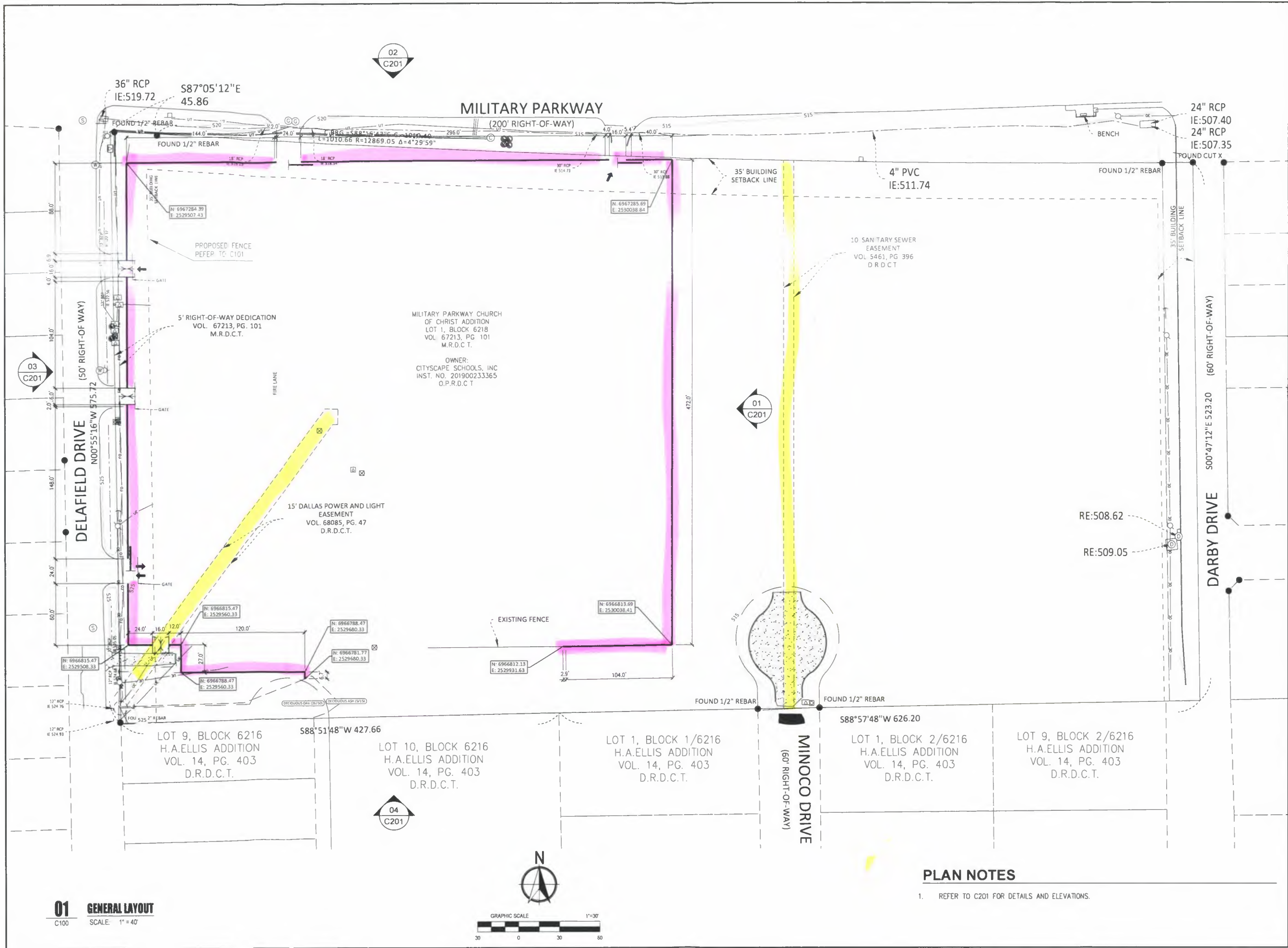
CONSULTANT
MPO SOLUTIONS
REGISTERED PROFESSIONAL ENGINEER
STATE OF TEXAS
LICENSE NO. 10000
TELEPHONE: 972.462.1100
FAX: 972.462.1101
WWW.MPO-SOLUTIONS.COM

PROJECT
**CITYSCAPE SCHOOL
BUCKNER PREPARATORY**
8510 MILITARY PKWY - DALLAS, TX 75227

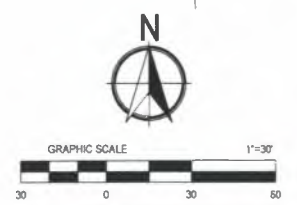
REVISIONS

PROJECT NO
24200001
DRAWN BY
DATE
07/26/2024
CHECKED BY
ISSUED FOR
CONSTRUCTION

SHEET
C201
ELEVATIONS
3 OF 3 SHEETS



01 GENERAL LAYOUT
C100 SCALE: 1" = 40'



PLAN NOTES

- REFER TO C201 FOR DETAILS AND ELEVATIONS.



CONSULTANT:
MPO SOLUTIONS
 6021 CONNECTION DR. STE. 210
 IRVING, TX 75039
 TEXAS ENGINEERING FIRM # 24454

PROJECT
**CITYSCAPE SCHOOL
 BUCKNER PREPARATORY**
 8510 MILITARY PKWY - DALLAS, TX 75227

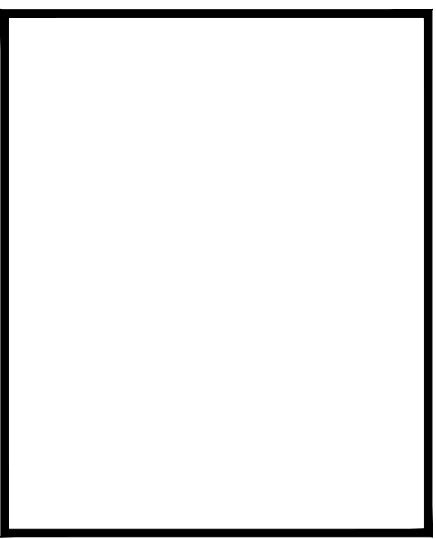
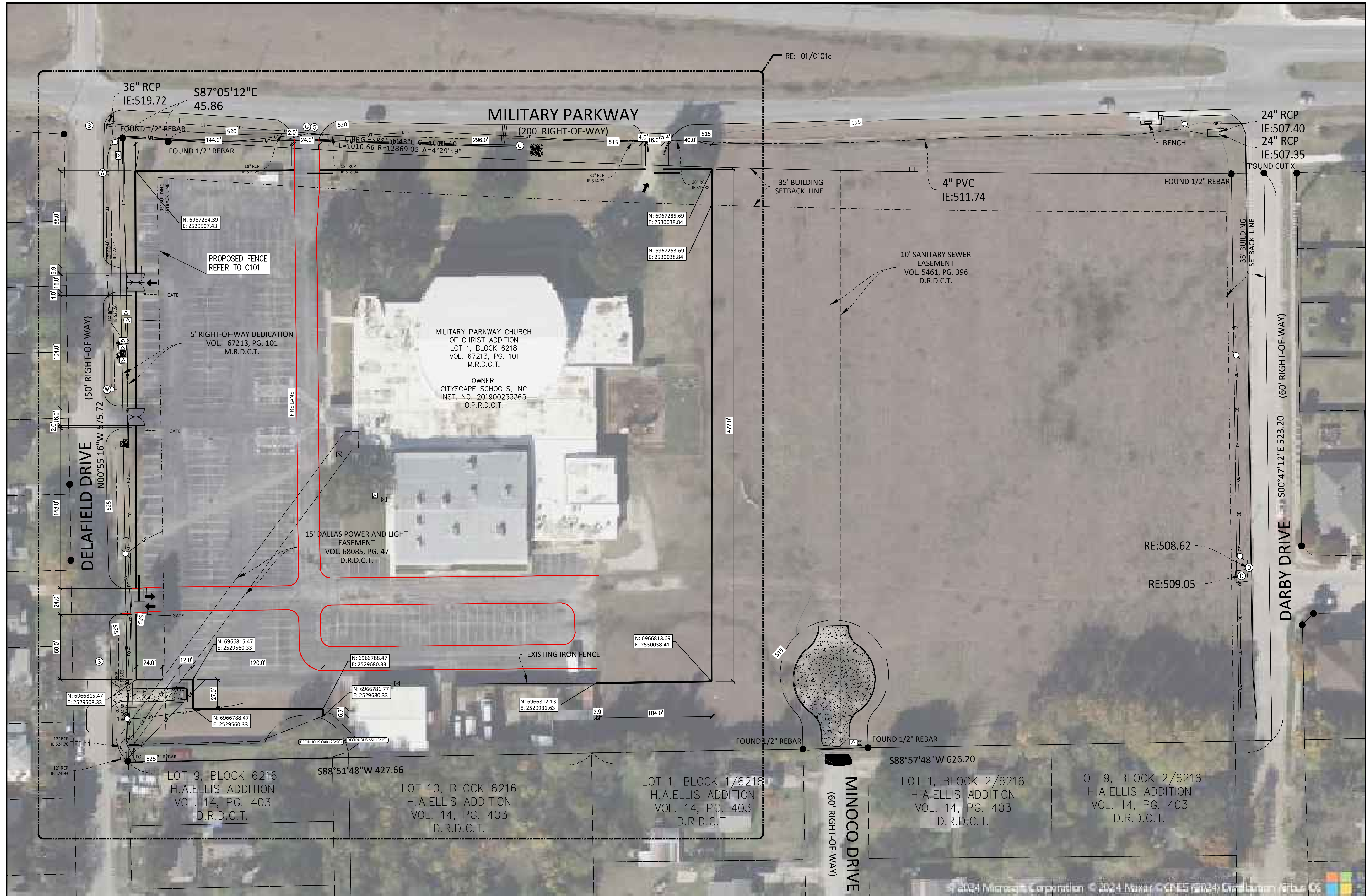
REVISIONS:

PROJECT NO
24.200.001
DRAWN BY

DATE
06/14/2024
CHECKED BY

ISSUED FOR
PERMIT

SHEET
C100
 GENERAL SITE PLAN
 2 OF 3 SHEETS



CONSULTANT:
MPO SOLUTIONS
 6021 CONNECTION DR. STE. 210
 IRVING, TX 75039
 TEXAS ENGINEERING FIRM F-24454

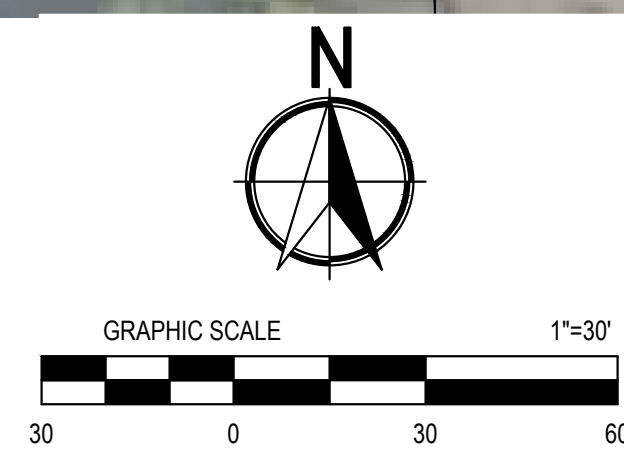
PROJECT
**CITYSCAPE SCHOOL
 BUCKNER PREPARATORY**
 8510 MILITARY PKWY - DALLAS, TX 75227

REVISIONS:

PROJECT NO:
 24.200.001
 DRAWN BY:
 DATE:
 07/05/2024
 CHECKED BY:
 ISSUED FOR:
 CONSTRUCTION

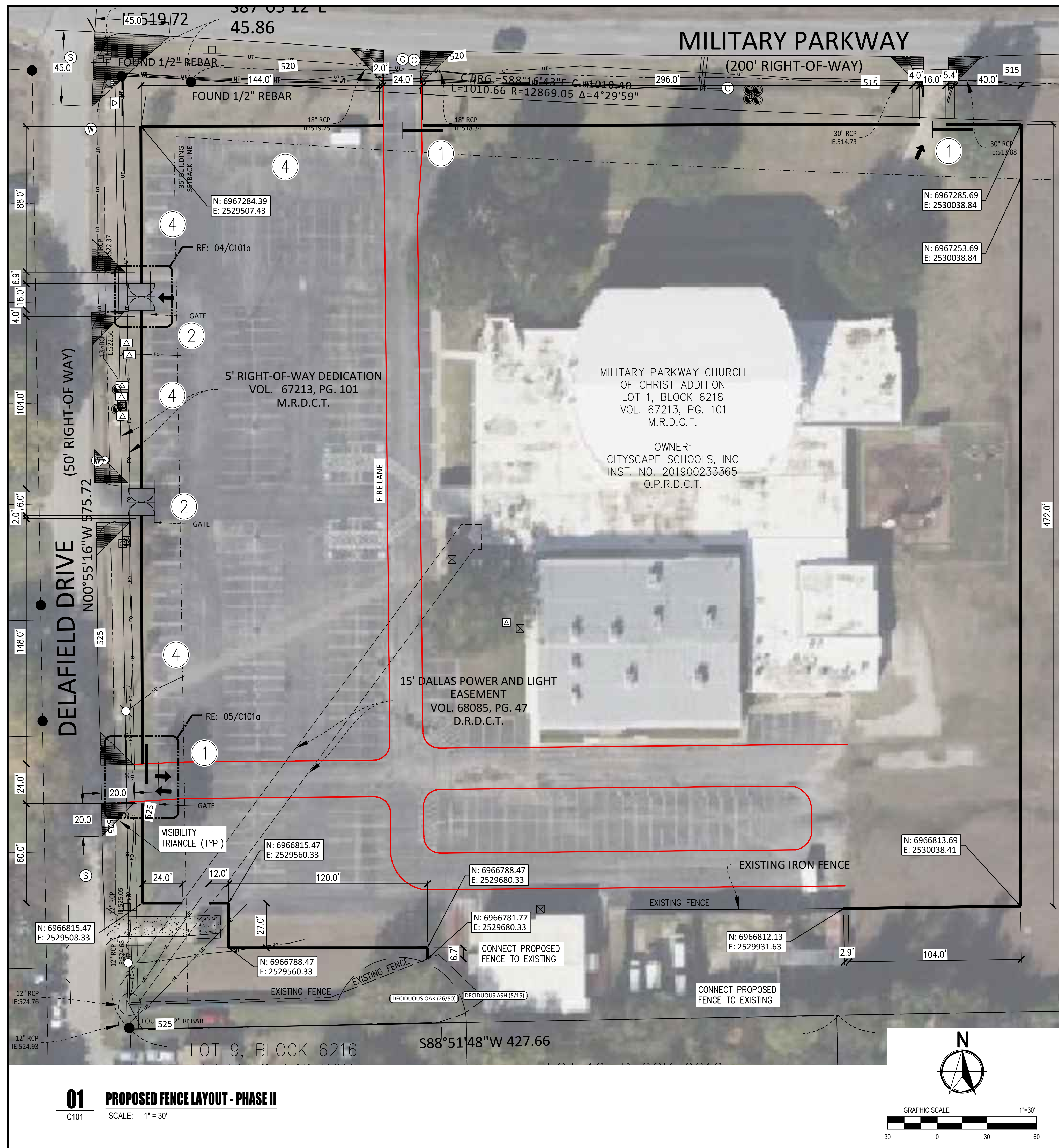
SHEET
C100a
 GENERAL SITE PLAN
 - OF - SHEETS

01 GENERAL SITE PLAN - PHASE II
 C100 SCALE: 1" = 40'



PLAN NOTES

- REFER TO C001 FOR GENERAL NOTES AND SPECIFICATIONS.

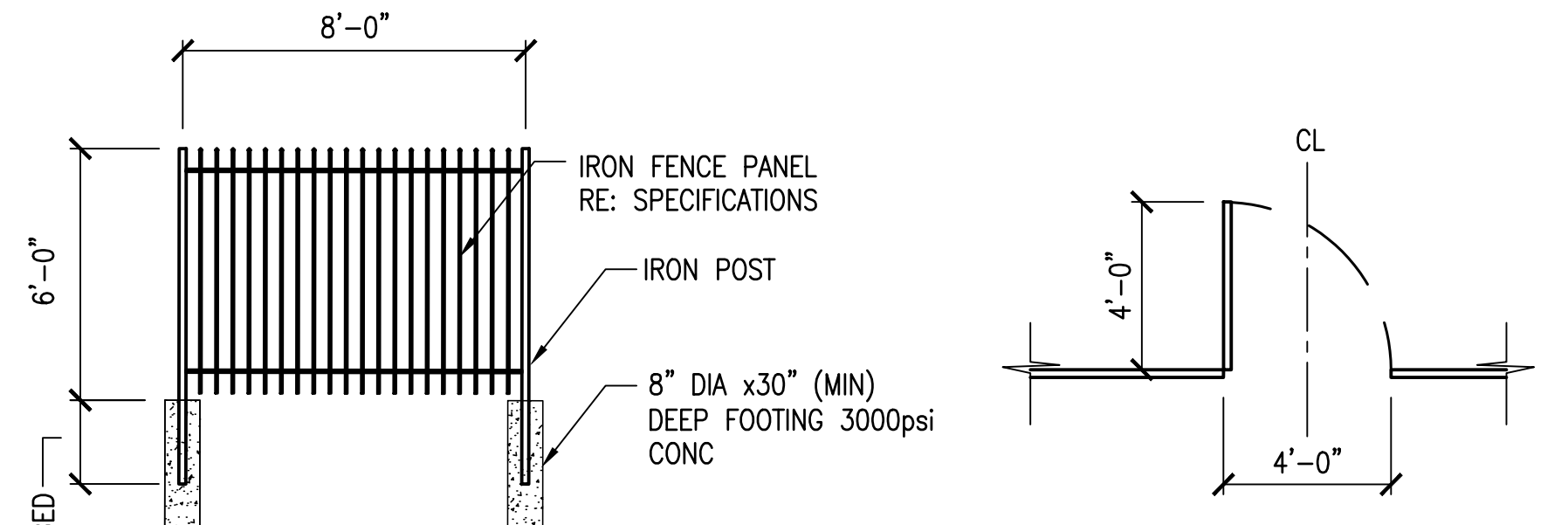


PLAN NOTES

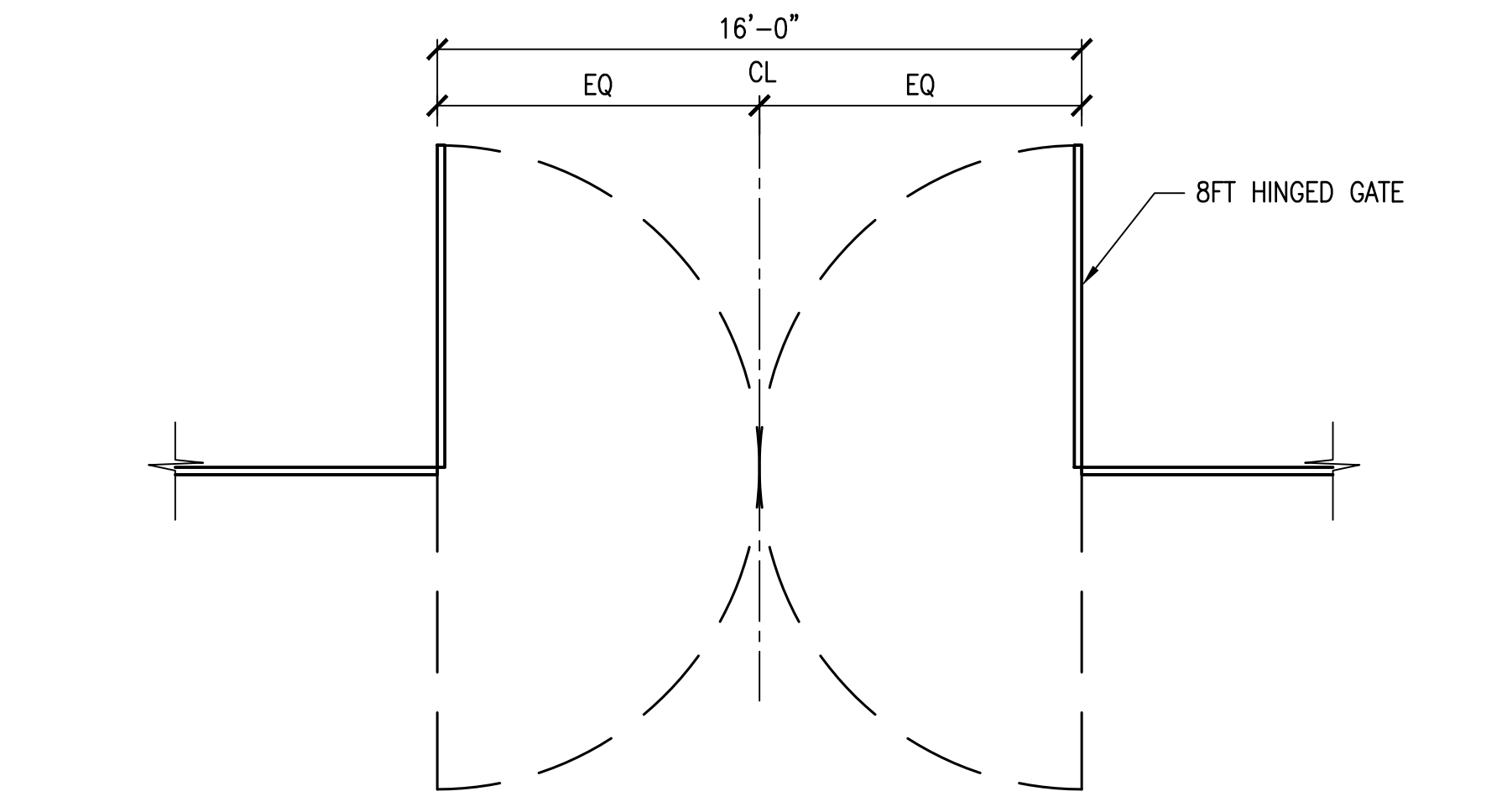
1. REFER TO C001 FOR GENERAL NOTES AND SPECIFICATIONS.
2. FENCE PANELS SHALL BE ADJUSTED ALONG ALIGNMENT TO ACCOMMODATE CHANGES IN ELEVATION. PANEL DISTANCE TO T/GRADE SHALL NOT EXCEED 8".
3. ALL GATE OPERATORS AND KNOX BOX SECURITY ITEMS SHALL BE; OWNER FURNISHED / CONTRACTOR INSTALLED. PLEASE PROVIDE LABOR AND MATERIALS FOR INSTALLATION. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
4. ——— DESIGNATES FIRE LANE

NOTES BY SYMBOL "O"

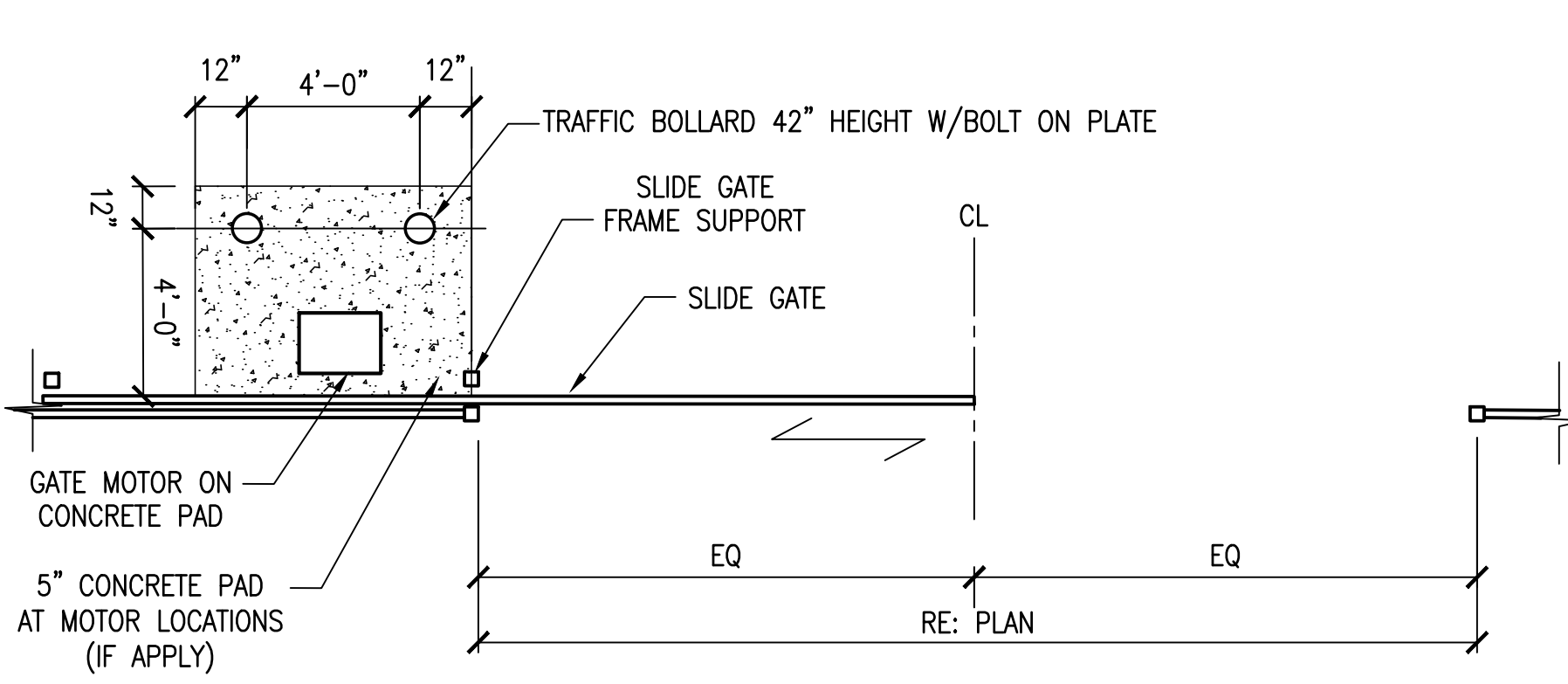
1. MOTORIZED VEHICLE GATE. PROVIDE KNOX BOX ACCESS MODEL 3261 SURFACE MOUNT WITH TAMPER SWITCH PART#3262 (BLACK) FOR GATE AND KEY CONTROL PER DALLAS FIRE AND RESCUE REQUIREMENTS.
2. MANUAL ACCESS GATE. PROVIDE KNOX PADLOCK MODEL 3770 PER DALLAS FIRE AND RESCUE REQUIREMENTS.
3. PEDESTRIAN GATE ACCESS. PROVIDE PANIC HARDWARE FOR EGRESS.
4. CONTRACTOR TO PROVIDE WHEEL STOPS (BY OWNER'S APPROVAL). ADJACENT TO THIS FENCED AREA, WHERE SHOWN.



02 TYPICAL FENCE PANEL SCALE: NTS
03 TYPICAL PEDESTRIAN GATE ACCESS SCALE: NTS



04 TYPICAL MANUAL GATE ACCESS SCALE: NTS



05 TYPICAL MOTORIZED VEHICLE GATE ACCESS SCALE: NTS

CONSULTANT:

MPO SOLUTIONS
 6021 CONNECTION DR. STE. 210
 IRVING, TX 75039
 TEXAS ENGINEERING FIRM F-24454

PROJECT
CITYSCAPE SCHOOL BUCKNER PREPARATORY
 8510 MILITARY PKWY - DALLAS, TX 75227

REVISIONS:
 REVIEW COMMENTS 5/31/24

PROJECT NO:
 24.200.001
 DRAWN BY:
 DATE:
 07/05/2024
 CHECKED BY:
 ISSUED FOR:
 CONSTRUCTION

SHEET
C101a
 SITE PLAN
 OF SHEETS

FILE NUMBER: BDA234-096(CJ)

BUILDING OFFICIAL'S REPORT: Application of Charles Anderson for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the visibility obstruction regulations at driveway #1; and for **(3)** a special exception to the visibility obstruction regulations at driveway #2 at 5325 Kelsey Rd. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at the driveway approaches. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at driveway #1; The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation at driveway #2.

LOCATION: 5325 Kelsey Rd.

APPLICANT: Charles C. Anderson

REQUEST:

- (1) A special exception to the fence height regulations; and
- (2) A special exception to the 20-foot visibility obstruction regulations at the first drive approach; and
- (3) A special exception to the 20-foot visibility obstruction regulations at the second drive approach.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, **the special exception will not constitute a traffic hazard.**

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5325 Kelsey Road in the last five years.

Square Footage:

- This lot contains 42,253.2 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 1 acre or 43,650 square feet.

Zoning:

Site: R-1ac(A) Zoning District
North: R-1ac(A) Zoning District
East: R-1ac(A) Zoning District
South: R-1ac(A) Zoning District
West: R-1ac(A) Zoning District

Land Use:

The subject site and all surrounding properties are developed with single-family residential uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Charles C. Anderson property located at 5325 Kelsey Road focuses on 3 requests relating to the fence height and visual obstruction regulations.
- The applicant is proposing to construct and maintain a 7-foot 6-inch fence with 8-foot stone columns in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #1 (west).

- Lastly, the applicant is proposing to maintain a single-family residential fence structure in required 20-foot visibility obstruction triangles, which will require a special exception to the 20-foot visibility obstruction regulations at drive approach #2 (east).
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 7-foot 6-inch fence with 8-foot stone columns along the front yard of the home.
- The proposed fence is material is wrought iron connected by stone columns.
- It is imperative to note that the subject site is a mid-block lot with single street frontage on Kelsey Road.
- The applicant has stated that the request for special exception has been made for safety/security reasons.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Kelsey Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It has been confirmed that the proposed fence will replace the existing 4-foot fence and be placed in a similar location.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding fence height, will not adversely affect neighboring properties.
- The applicant also has the burden of proof in establishing that the special exceptions to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to fence height and visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200’ Radius Video:

Timeline:

June 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.
- August 21, 2024: Panel B, at its regular scheduled hearing on August 21, 2024 voted to hold this matter under advisement until September hearings.
- August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

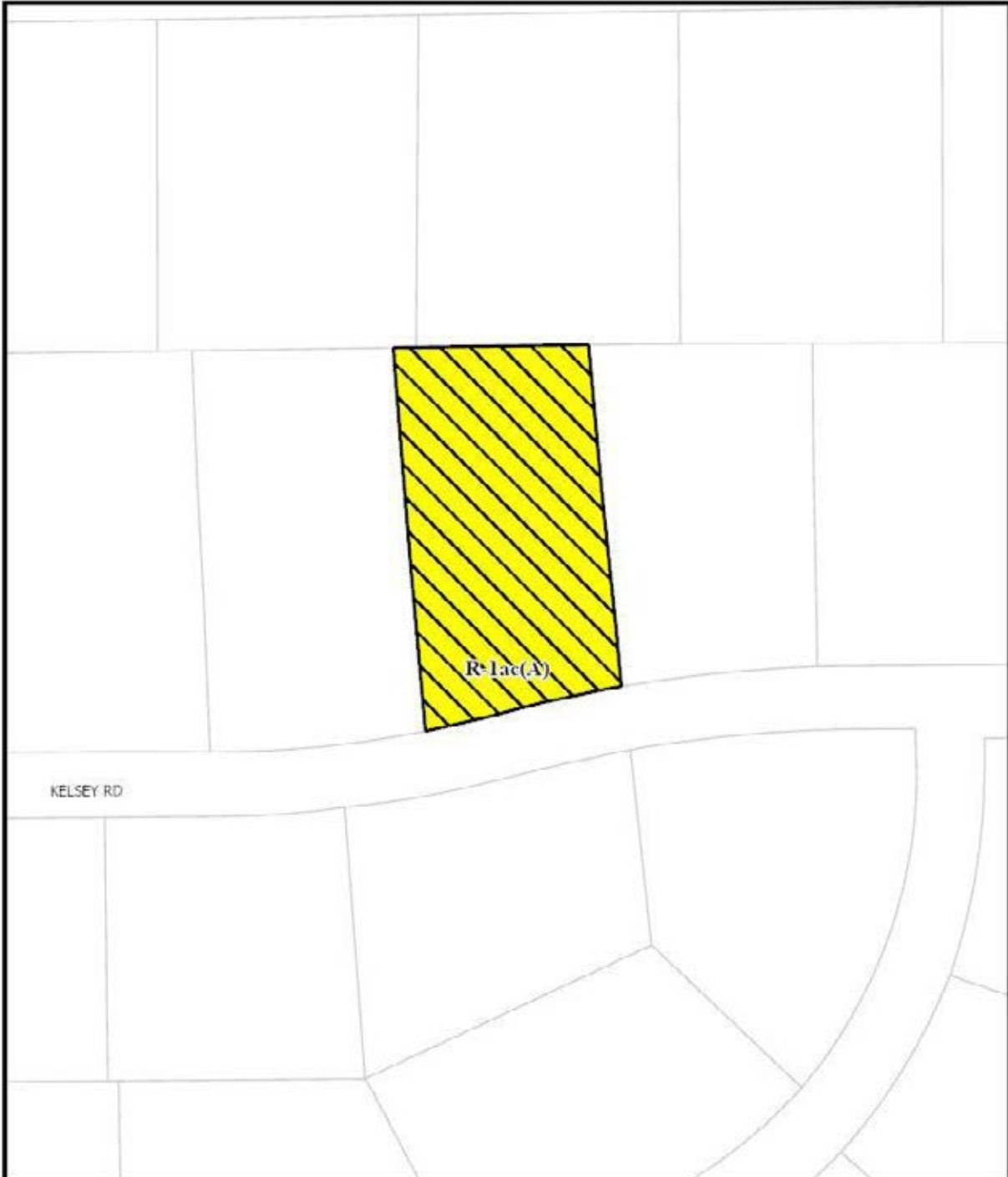


1:1,200

AERIAL MAP

Case no: BDA234-096

Date: 07/23/2024





1:1,200

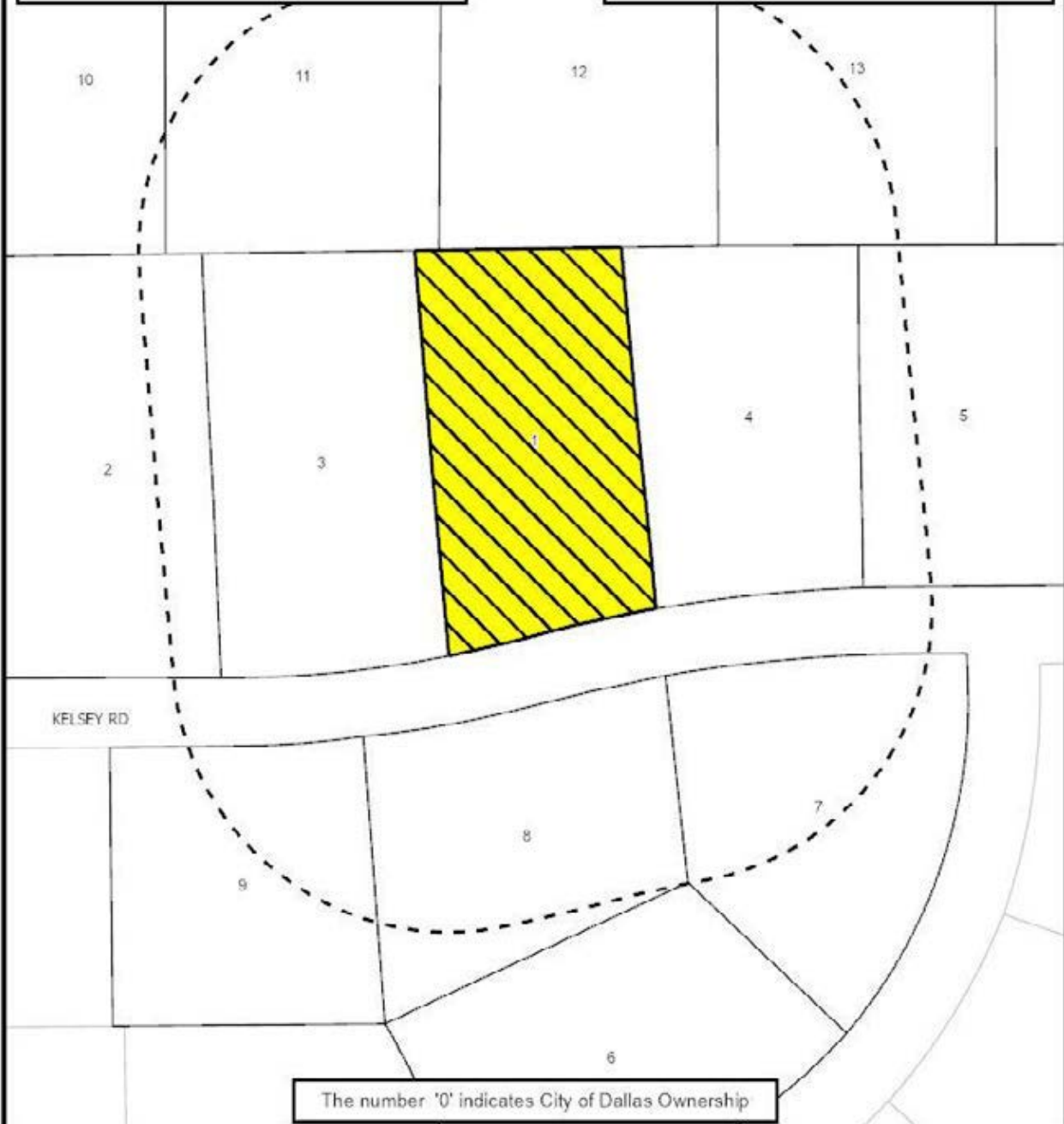
ZONING MAP

Case no: BDA234-096

Date: 07/23/2024



The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.




1:1,200


NOTIFICATION

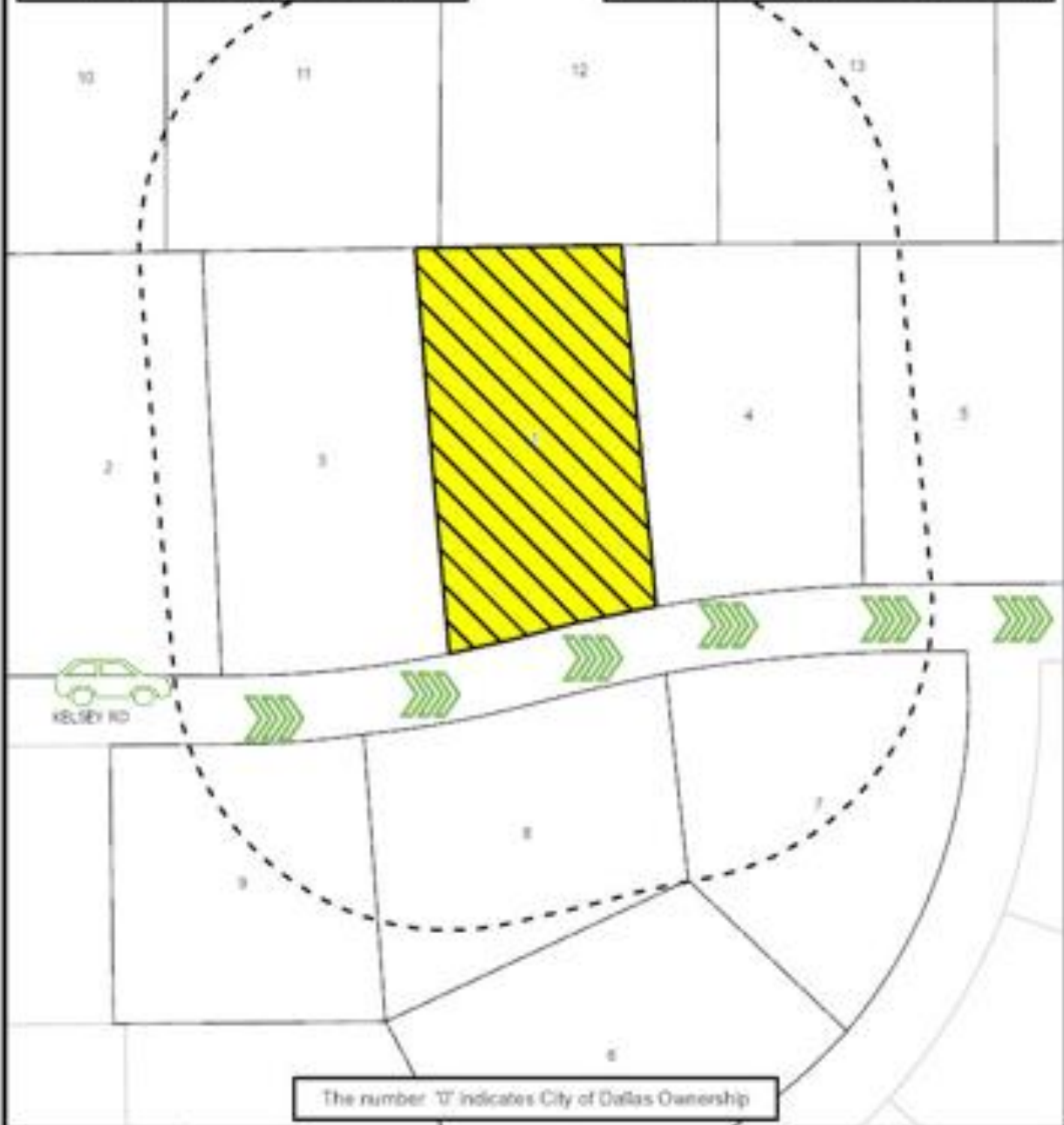
-  200' AREA OF NOTIFICATION
-  13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-096

Date: 7/23/2024

The area of request is hatched  Notification is sent to all property owners within the notification buffer area (shown by the dashed lines). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada  La notificación se envía a todos los propietarios dentro del área de notificación que se muestra con un círculo discontinuo. Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibirá este aviso solo para informarle sobre la solicitud.




1:1,200

NOTIFICATION
 AREA OF NOTIFICATION
 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-096**
 Date: **7/23/2024**

1
07/23/2024

Notification List of Property Owners

BDA234-096

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5325 KELSEY RD	ANDERSON CHARLES C & MOLLY R
2	5233 KELSEY RD	LERER RICHARD
3	5311 KELSEY RD	TRUMPOWER IAN N &
4	5337 KELSEY RD	ALLEN MICHAEL M &
5	5351 KELSEY RD	ELMQUIST DAVID W & ALISON M
6	5335 MEADERS LN	BILLINGSLEY JOHN & HARRIET
7	5353 MEADERS LN	SCHLIEM THOMAS R & JANICE L R CO-TRUSTEES
8	5322 KELSEY RD	HERLITZ GRANT & KARLYN
9	5306 KELSEY RD	BROWN AARON D & AMANDA Z
10	5214 YOLANDA LN	SACHS WILLIAM R &
11	5230 YOLANDA LN	RABENHORST JOHN & NATALIE
12	5314 YOLANDA LN	VANDER LINDEN LANCE & SHARI
13	5330 YOLANDA LN	BYRNE TIMOTHY W &



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

13

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-096**

Date: **7/23/2024**

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B) will hold a hearing as follows:

DATE: WEDNESDAY, SEPTEMBER 18TH, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment. This case was held under advisement on August 21st, 2024.

BDA234-096(CJ) Application of Charles Anderson for (1) a special exception to the fence height regulations; for (2) a special exception to the visibility obstruction regulations at driveway #1; and for (3) a special exception to the visibility obstruction regulations at driveway #2 at 5325 KELSEY RD. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and requires a 20-foot visibility triangle at the driveway approaches. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require (1) a 4-foot special exception to the fence height regulations; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway #1; the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the visibility obstruction regulation at driveway #2.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing, if you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-B-Register> by the close of business Tuesday, September 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning & Development department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

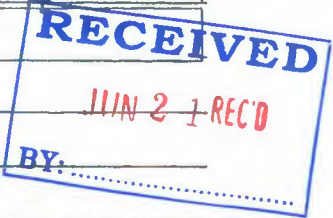
PLEASE REGISTER AT:
<https://bit.ly/BDA-B-Register>



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-096

Data Relative to Subject Property: _____ Date: _____
 Location address: 5325 Kelsey Road Zoning District: R-1ac.
 Lot No.: 9 Block No.: A/5517 Acreage: .97 Census Tract: _____
 Street Frontage (in Feet): 1) 154.2 2) _____ 3) _____ 4) _____ 5) _____



To the Honorable Board of Adjustment:
 Owner of Property (per Warranty Deed): Charles and Molly Anderson
 Applicant: Charles C. Anderson, Jr Telephone: 865-474-8504
 Mailing Address: 5325 Kelsey Road Zip Code: 75229

E-mail Address: _____
 Represented by: Zone Systems, Inc.; Peter Kavonag Telephone: 214 941 4440
 Mailing Address: 1620 Handley, Suite A, Dallas TX Zip Code: 75208
 E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance or Special Exception of Sec. 51A-4.602(a)(2)
to provide for a fence height of 7'6" with 8' stone columns; for visibility to lane's special exception on two driveways.

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:
Security is the reason for our request. Our fence design matches the scale of existing landscaping and will discreetly provide security.

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.

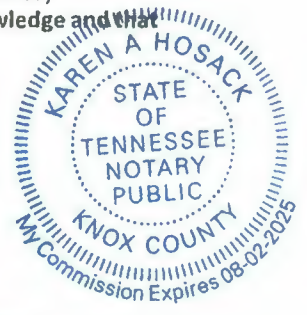
Affidavit

Before me the undersigned on this day personally appeared Charles C. Anderson, Jr.
 (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: [Signature]
 (Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of May, 2024

Karen A Hosack
 Notary Public In and for ~~Dallas County, Texas~~
 Knox County, Tennessee



**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 Charles C Anderson
represented by Zone Systems
did submit a request for a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at driveway #1, and for (3) a special exception to the visibility obstruction regulations at driveway #2
at 5325 Kelsey Rd

BDA234-096. Application of Charles C. Anderson for (1) a special exception to the fence height regulations; for (2) a special exception to the visibility obstruction regulations at driveway #1; for (3) a special exception to the visibility obstruction regulations at driveway #2 at 5325 KELSEY RD. This property is more fully described as Block A/5517, Lot 9, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4- feet and requires a 20-foot visibility triangle at the driveway approaches. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require (1) a 4-foot special exception to the fence height regulations; The applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway #1; The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle which will require (3) a special exception to the visibility obstruction regulation at driveway #2

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 234-096

I, Molly Anderson, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5325 Kelsey
(Address of property as stated on application)

Authorize: Charles C. Anderson
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Special Exception to Sec. 51A-4.602(a)(2) to allow for
7'6" fence with 8' stone columns per Sec. 51A-4.602(11)
and visibility triangles at both driveways.

Molly B. Anderson
Print name of property owner or registered agent

Molly B. Anderson
Signature of property owner or registered agent

agent Date 6/19/24

Before me, the undersigned, on this day personally appeared
Molly R. Anderson

Who on his/her oath certifies that the above statements are true and correct to his/her best
knowledge. Subscribed and sworn to before me this 19 day of
June, 2024

see Attached
Jurat

Commission expires on
10/19/2025

Affidavit

BDA234-096

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 19th
day of June, 2024, by Molly R.
Anderson

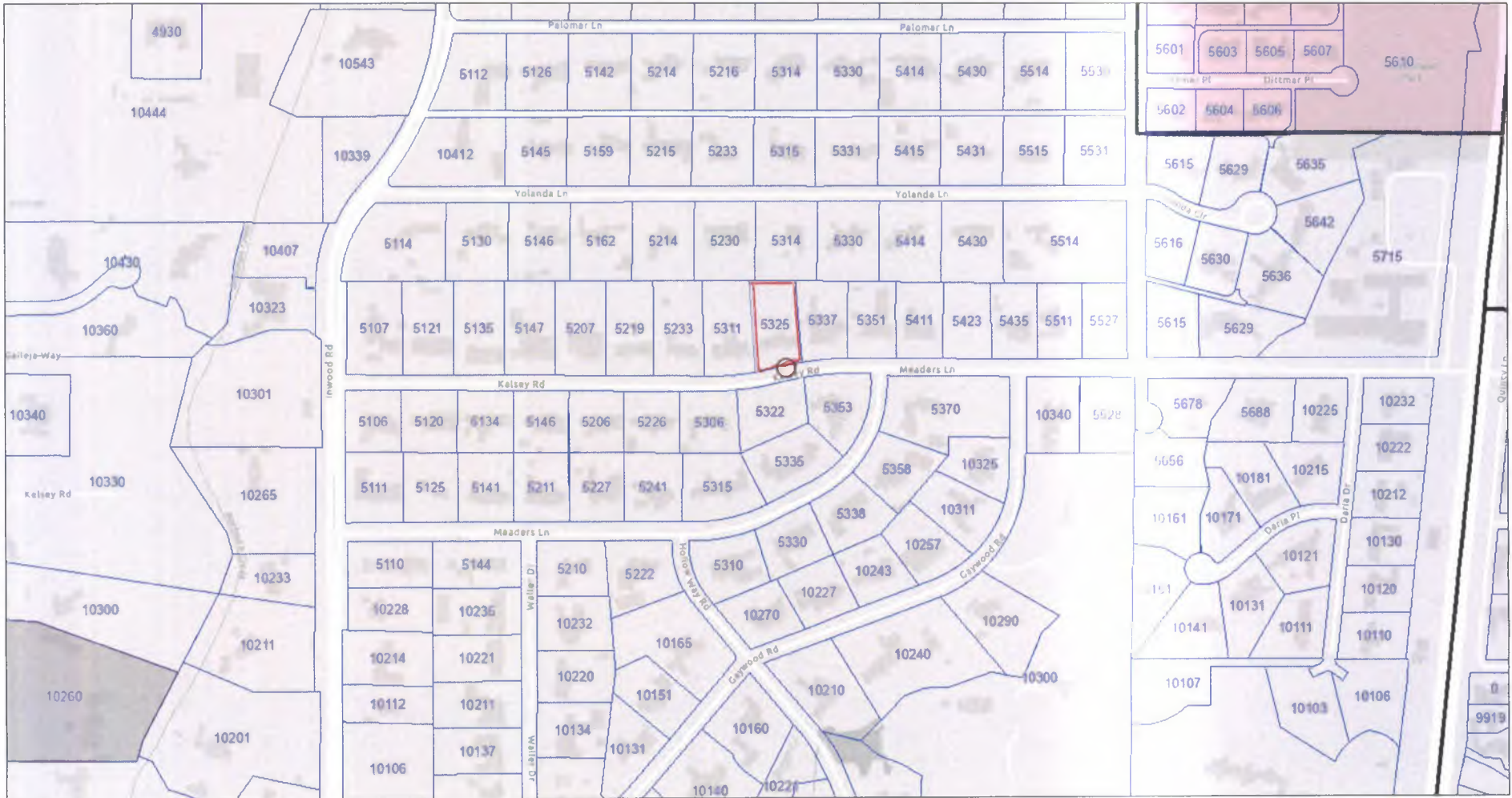
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature

ArcGIS Web Map



6/21/2024, 1:38:50 PM

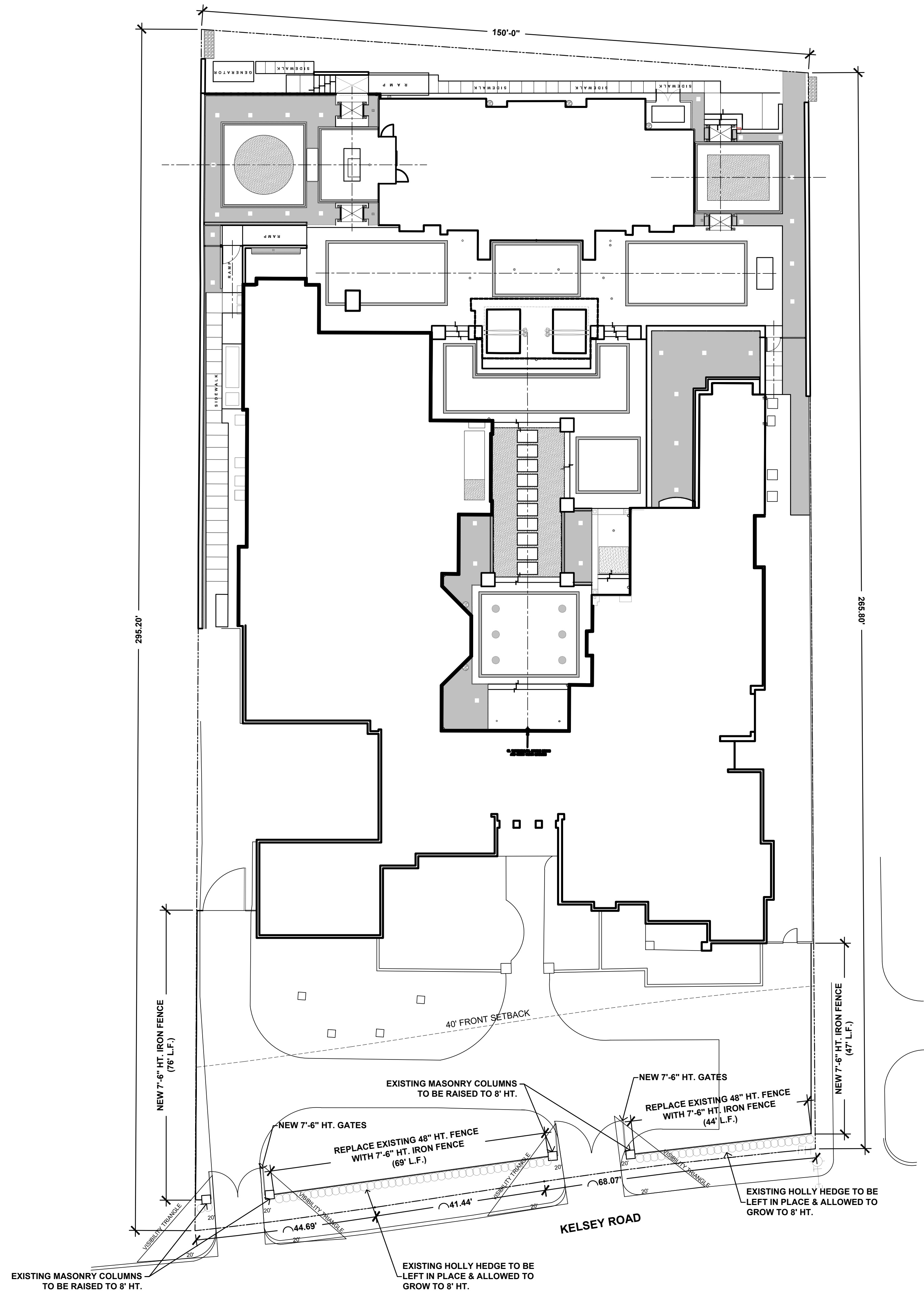
1:4,434



Source: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

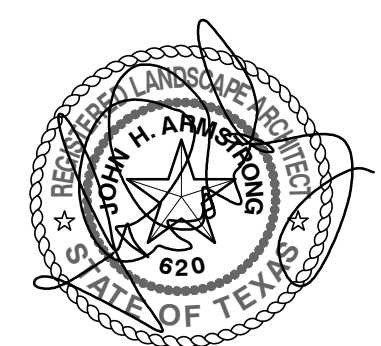
BDA234-096

FRONT YARD	LF
EXISTING PROPERTY LINE	154'-2" LF
SOLID COLUMNS AT GATES	10' LF
% OF SOLID STRUCTURE	6%
% OF FENCE & GATES (OPEN-NESS)	94%



CONSTRUCTION SET

SEAL



JOHN H. ARMSTRONG, ASLA

REVISIONS

- July 26, 2024 Fence coverage %
- June 13, 2024 Layout-Dim Control Fence Plan Update
- March 19, 2024 Layout-Dim Control Fence Plan Update
- Sept. 19, 2023 Layout-Dim Control Fence Plan Update



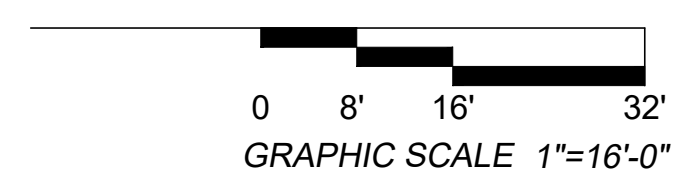
Landscape Architecture • Planning • Construction Management
 2811 State Street Dallas, Texas 75204 214-471-0893 Phone armberg@armberg.com P.O. Box 19425 Dallas, Texas 75219

ANDERSON RESIDENCE

5325 Kelsey Road
 Dallas, Texas

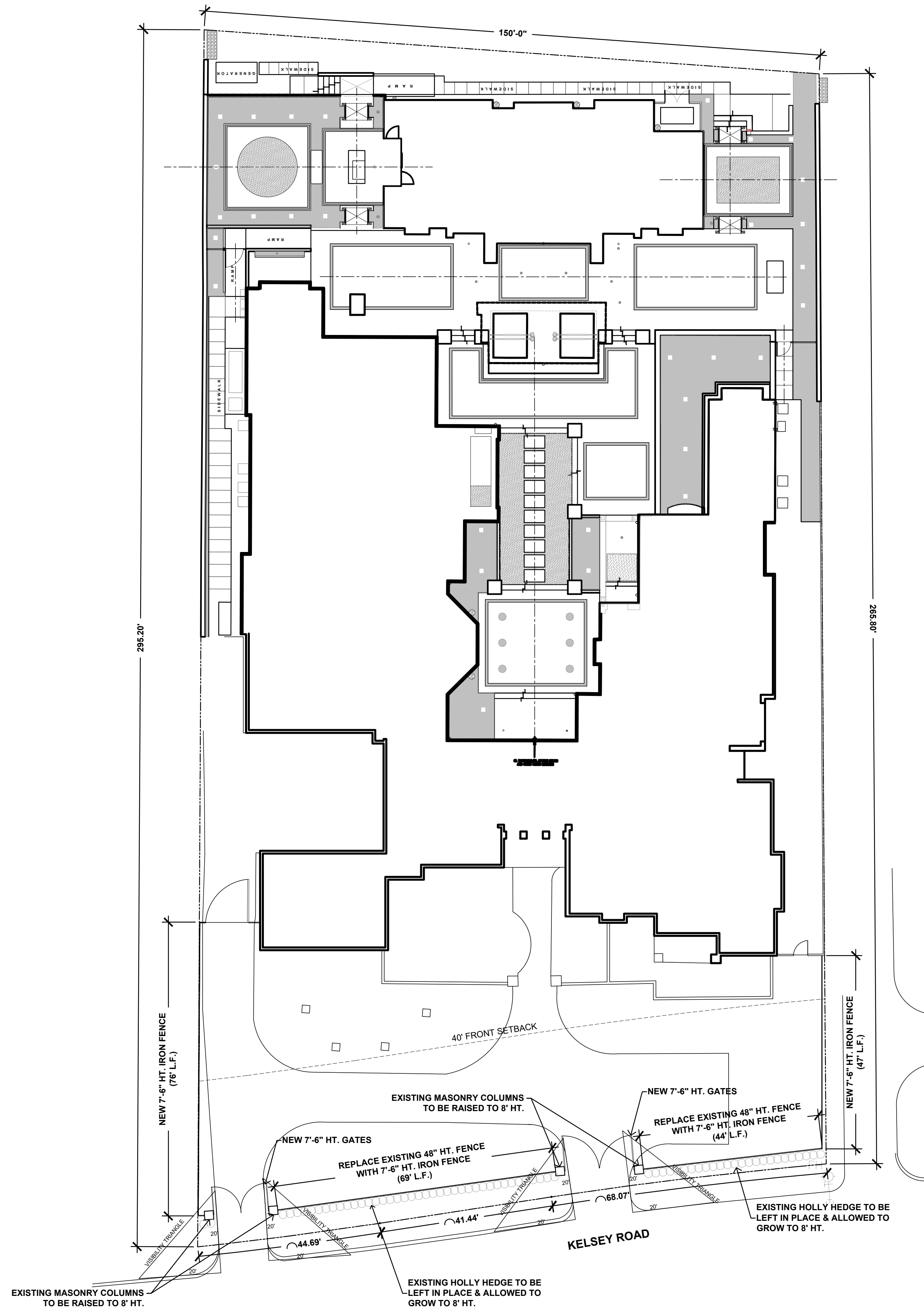
**DRAWING TITLE
 SITE FENCE PLAN
 LAYOUT / DIM
 CONTROL PLAN**

ISSUE DATE: March 2021
 DRAWING SCALE: 1/16"=1'-0"
 PROJECT NUMBER 21024
 DRAWN BY: PK
 REVIEWED BY: JHA
 APPROVED BY: JHA
 DRAWING NUMBER



ALL 12"X18" PRINTED DRAWINGS ARE 1/2 THE NOTED WRITTEN SCALE

L6.00



FRONT YARD	LF
EXISTING PROPERTY LINE	154'-2" LF
SOLID COLUMNS AT GATES	10' LF
% OF SOLID STRUCTURE	6%
% OF FENCE & GATES (OPEN-NESS)	94%

CONSTRUCTION SET

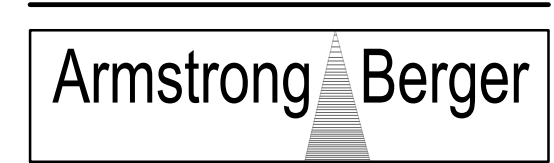
SEAL



JOHN H. ARMSTRONG, ASLA

REVISIONS

- July 26, 2024 Fence coverage %
- June 13, 2024 Layout-Dim Control Fence Plan Update
- March 19, 2024 Layout-Dim Control Fence Plan Update
- Sept. 19, 2023 Layout-Dim Control Fence Plan Update



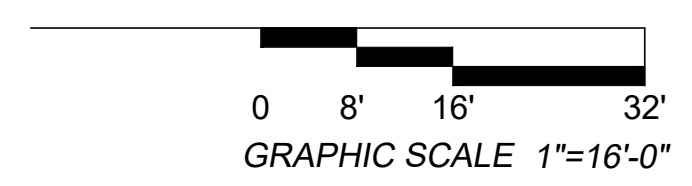
Landscape Architecture • Planning • Construction Management
 2411 State Street Dallas, Texas 75204 214-471-0893 Phone armberg@armberg.com P.O. Box 19425 Dallas, Texas 75219

ANDERSON RESIDENCE

5325 Kelsey Road
 Dallas, Texas

**DRAWING TITLE
 SITE FENCE PLAN
 LAYOUT / DIM
 CONTROL PLAN**

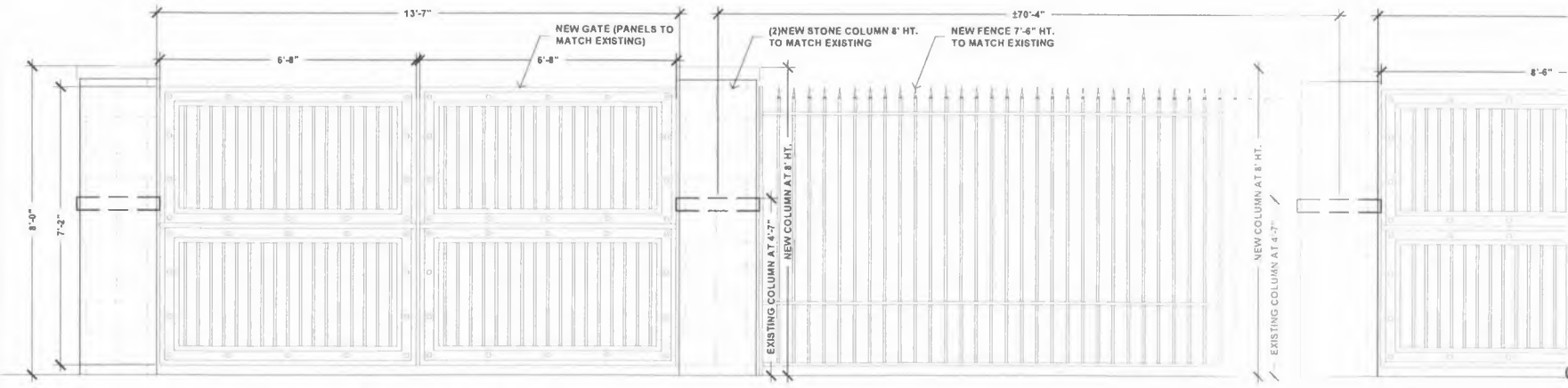
ISSUE DATE: March 2021
 DRAWING SCALE: 1/16"=1'-0"
 PROJECT NUMBER: 21024
 DRAWN BY: PK
 REVIEWED BY: JHA
 APPROVED BY: JHA
 DRAWING NUMBER



ALL 12"X18" PRINTED DRAWINGS ARE 1/2 THE NOTED WRITTEN SCALE

L6.00

ARMSTRONG BERGER
 LANDSCAPE ARCHITECTS PLANNERS
 CONSTRUCTION MANAGER



PROPOSED FRONT ELEVATION- FENCE & GATE AT WEST END

SCALE:

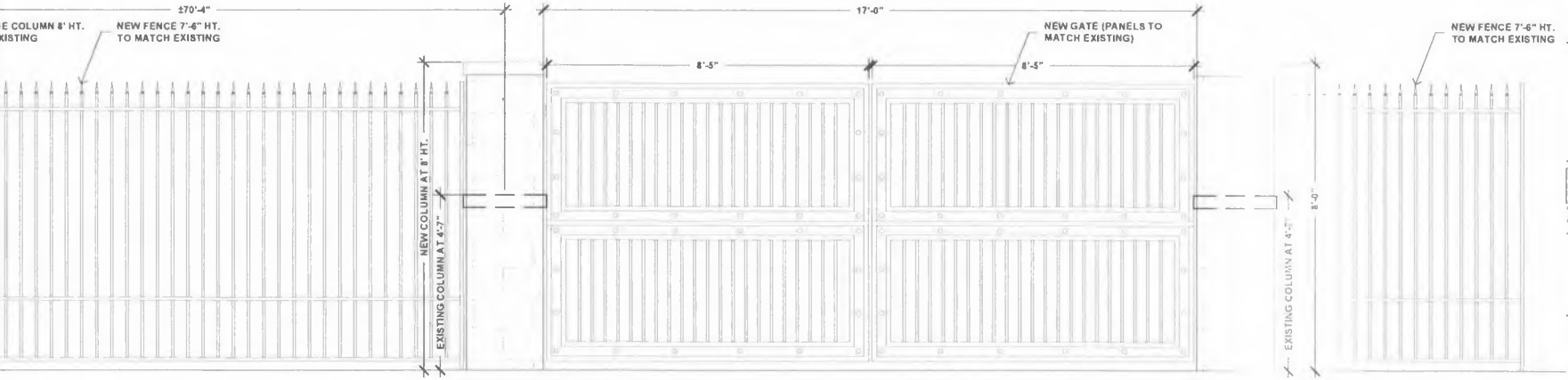
3/4"=1'-0"

CONSTRUCTION SET

SEAL



JOHN H. ARMSTRONG, ASLA
 REVISIONS
 September 18, 2025 Site Details Front Panels Updated
 September 08, 2023 Site Details Front Panels



PROPOSED FRONT ELEVATION- FENCE & GATE AT EAST END

SCALE:

3/4"=1'-0"

Armstrong Berger

ANDERSON
 RESIDENCE

5325 Kelsey Road
 Dallas, Texas

DRAWING TITLE
 SITE DETAILS

FRONT FENCE

ISSUE DATE: March 2021
 DRAWING SCALE: 3/4"=1'-0"
 PROJECT NUMBER: 21024
 DRAWN BY: PK
 REVIEWED BY: JHA
 APPROVED BY: JHA
 DRAWING NUMBER

L2.04

ALL 1/2" X 1/8" PRINTED DRAWINGS ARE 1/2 THE NOTED WRITTEN SCALE

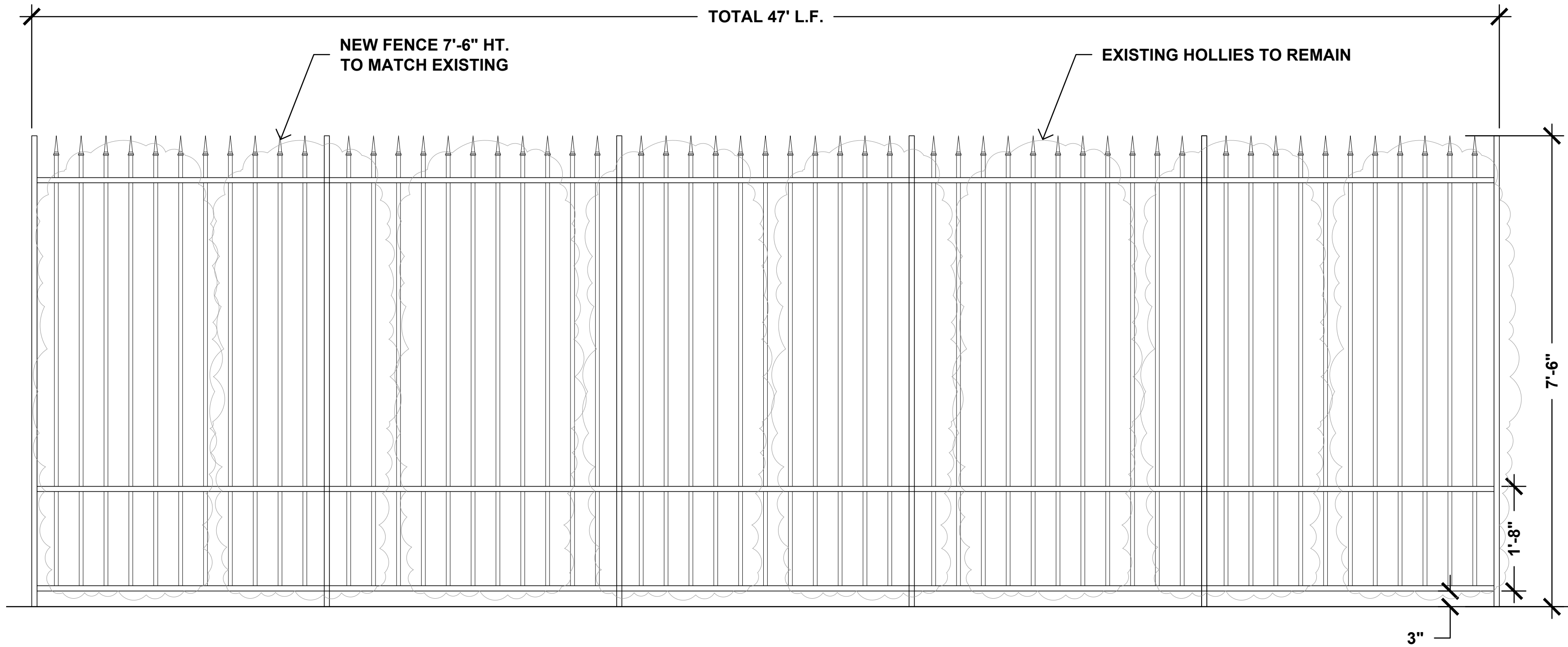
BDA234-096



EXISTING WEST SIDE PROPERTY LINE

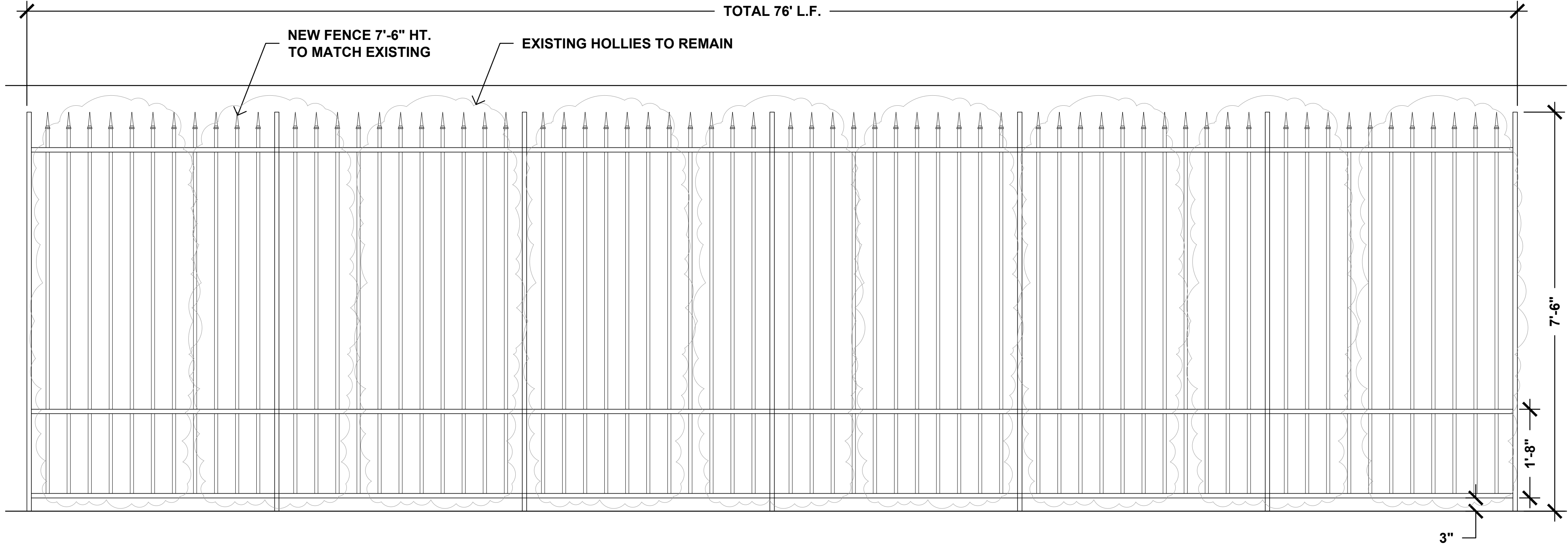


EXISTING EAST SIDE PROPERTY LINE



PROPOSED FRONT ELEVATION- FENCE AT SIDE YARD (EAST)

SCALE: 3/4"=1'-0"



PROPOSED FRONT ELEVATION- FENCE AT SIDE YARD (WEST)

SCALE: 3/4"=1'-0"

CONSTRUCTION SET

SEAL



JOHN H. ARMSTRONG, ASLA
 REVISIONS
 July 25, 2024 Site Details- Side Yard Fence



ANDERSON RESIDENCE
 5325 Kelsey Road
 Dallas, Texas
 DRAWING TITLE
SITE DETAILS FENCE SIDE YARD

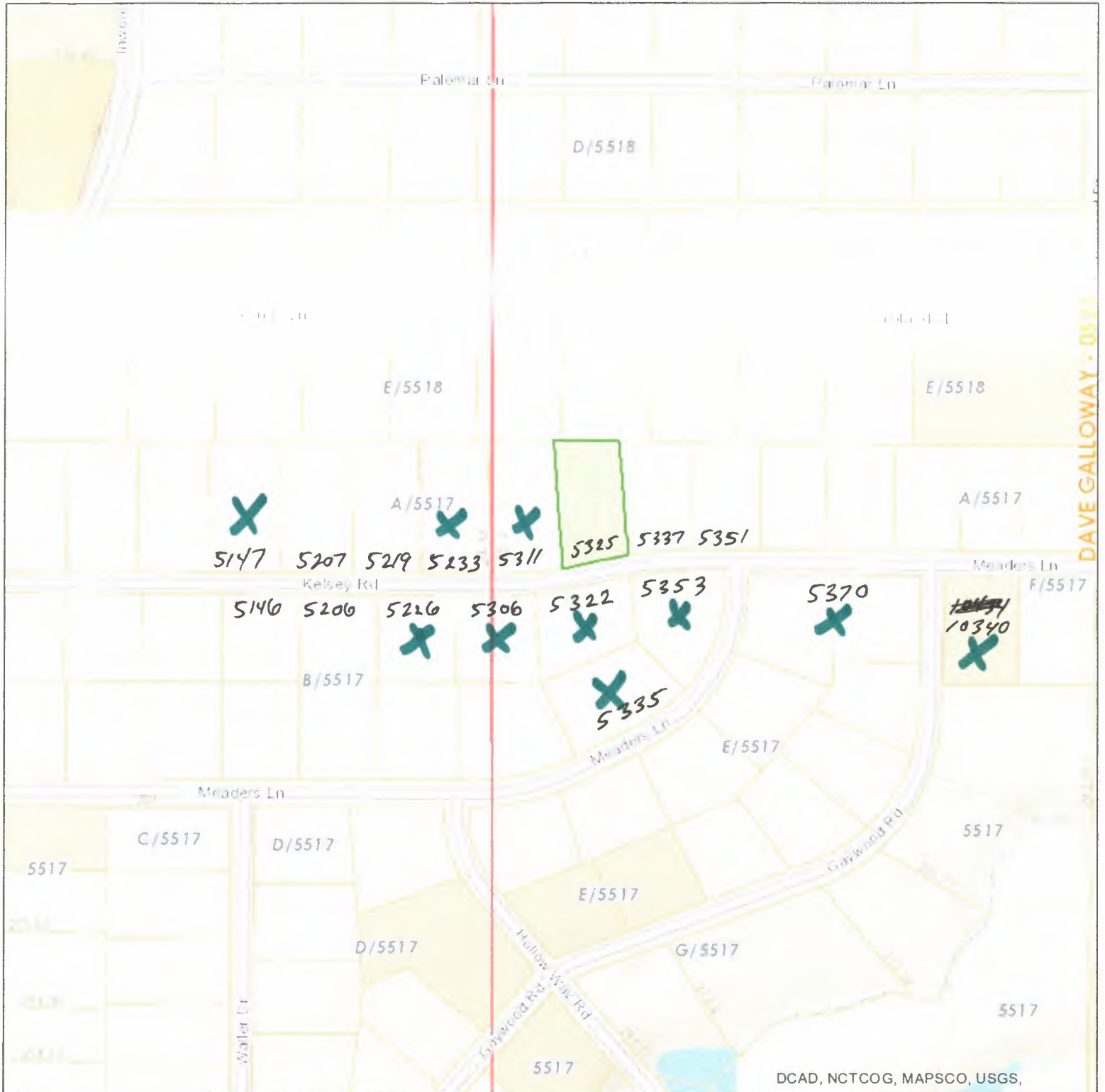
ISSUE DATE: **March 2021**
 DRAWING SCALE: **3/4"=1'-0"**
 PROJECT NUMBER: **21024**
 DRAWN BY: **PK**
 REVIEWED BY: **JHA**
 APPROVED BY: **JHA**
 DRAWING NUMBER

L6.03

5325 Kelsey

Date of copy: 5/24/2024

DCAD Tax Account: 0000041545000000



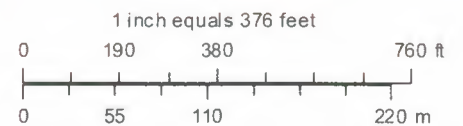
This product is for INFORMATIONAL purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Dallas Central Appraisal District
2949 N Stemmons Freeway
Dallas, TX 75247-6195
(214) 631-1342
www.dallascad.org

BDA234-0916

101



DCAD, NCTCOG, USGS, Esri, Inc

April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at 5311 Kelsey Rd. and support the Anderson's fence plan.

Amiee Simpson

April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at 5370 meadows LN and support the Anderson's fence plan.

X Jennifer Karl

April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at Jack Anderson 5147 Kelsey Rd. and support the Anderson's fence plan.

April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at 5226 Kelsey Rd and support the Anderson's fence plan.

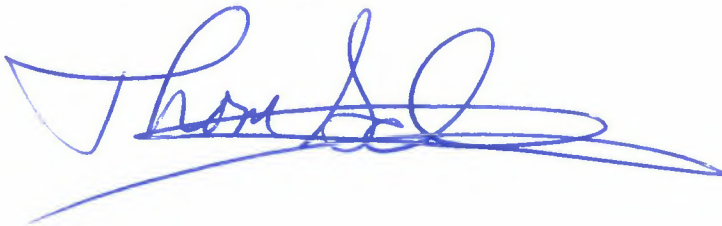
Kim Hodge

April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at 5353 Meaders Lane and support the Anderson's fence plan.

A handwritten signature in blue ink, appearing to read "Thomas Anderson", with a long horizontal flourish underneath.

April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at 5306 Kelsey Rd 75229 and support the Anderson's fence plan.

Amanda and Aaron Brown

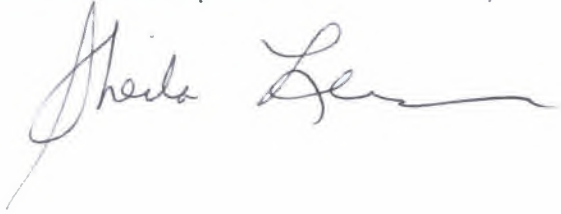
A handwritten signature in black ink, appearing to be 'Amanda and Aaron Brown', written in a cursive style.

April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at 5233 Kelsey Rd and support the Anderson's fence plan.



April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at 5322 Kelsey Road and support the Anderson's fence plan.

Harlyn & Grant Harlitz

April 25, 2024

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

The Anderson Family plans to construct a six-foot wrought iron fence across the front of their property . The fence will be at the front and sides of the home.

We live at 5335 Meaders and support the Anderson's fence plan.

John B Bellinger
Harriet Bellinger

April 17, 2024

The Anderson family currently have a 4' FT high iron fence and 4'- 7" FT high stone columns with a Holly Hedge in place across the front of the house along the property line. We are asking the City to approve a variance that would allow us to increase the column height to 8' FT high and the iron fence to 7'-6' FT high. We will allow the hedge to grow to 8' FT high to cover the fence. We ask for your support.

Our home is near Charles and Molly Anderson's home at 5325 Kelsey Road.

We live at 10340 Gaywood Rd and support the Anderson's fence plan.

Tracy Aaron
Jr

FILE NUMBER: BDA234-098 (BT)

BUILDING OFFICIAL'S REPORT: Application of Karlyn Herlitz for **(1)** a special exception to the fence height regulations at **5322 KELSEY RD.** This property is more fully described as Block B/5517, Lot 10, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence regulation.

LOCATION: 5322 Kelsey Rd.

APPLICANT: Karlyn Herlitz

REQUEST:

(1) A request for a special exception to the fence height regulations

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT, FENCE OPACITY AND FENCE MATERIAL STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A)
North: R-1ac(A)
East: R-1ac(A)
South: R-1ac(A)
West: R-1ac(A)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Karlyn Herlitz for the property located at 5322 Kelsey Rd. focuses on 1 request relating to the fence height regulations.
- The request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain a 6-foot 6-inch high iron gate and fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- The subject site along with surroundings properties to the north, south east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a combination of 6-foot high iron double gate and fence with 6-foot 6-inch high stone columns, located near the front property line.
- A majority of the proposed iron fence and gate will be 6-foot high.
- A portion of the proposed stone columns, fence and gate will be constructed on an existing retaining wall.
- Based upon staff's analysis of the surrounding properties, some properties provided a fence and gate exceeding 4-feet above grade in the required front yard and/or some provided a form of vegetation serving as a screening mechanism along Kelsey Rd.
- The applicant provided a motor vehicle theft police report from 2022.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height will not adversely affect the neighboring properties.
- 200' Radius Video: [BDA234-098 at 5322 Kelsey Rd](#)

Timeline:

- June 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 26, 2024, deadline to submit additional evidence for staff to factor into their analysis;

and August 9, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

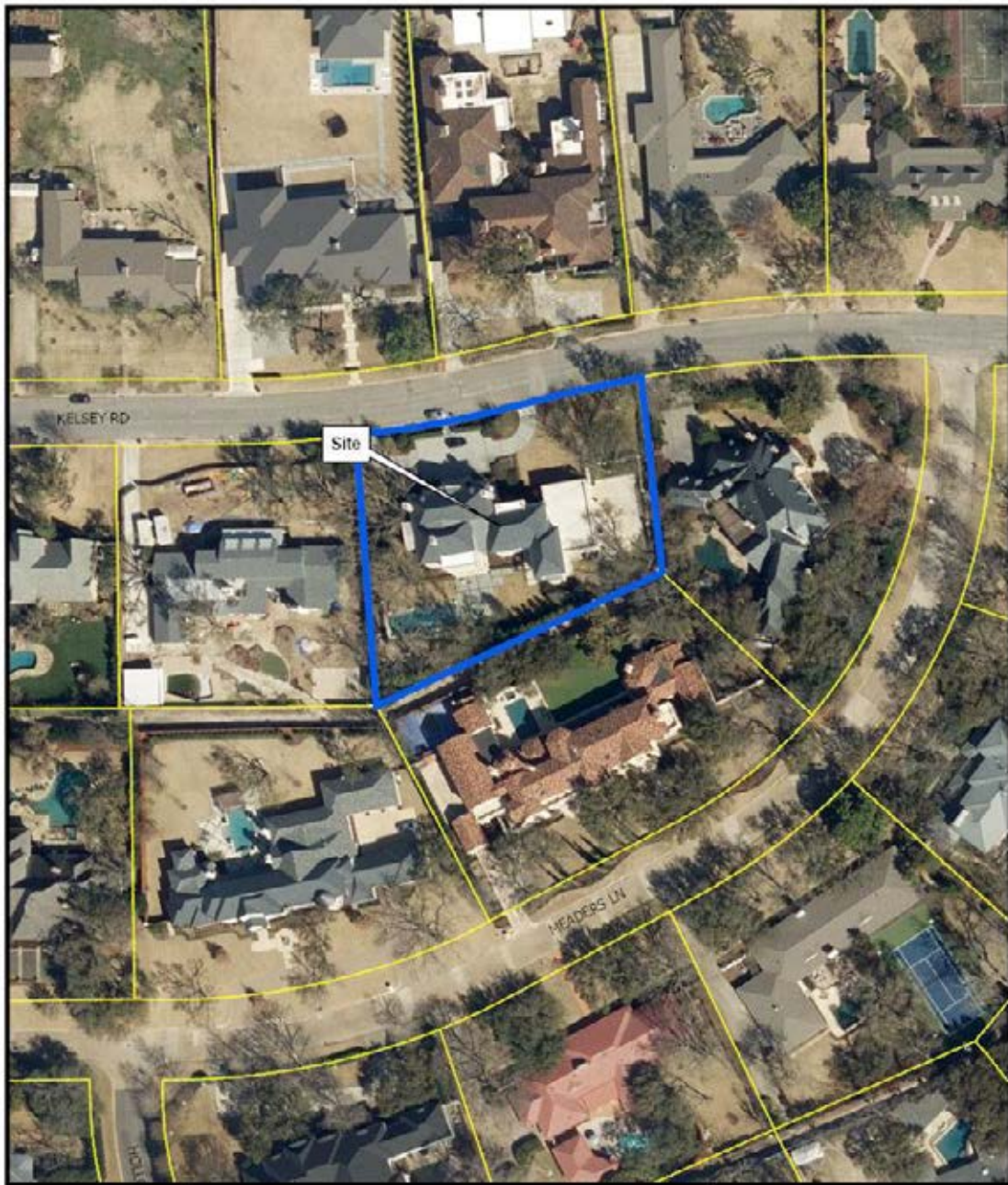
July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

August 21, 2024: The Board of Adjustment Panel **B**, at its public hearing held on Wednesday, August 21, 2024, moved to **HOLD** this matter under advisement until **September 18, 2024**.

August 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

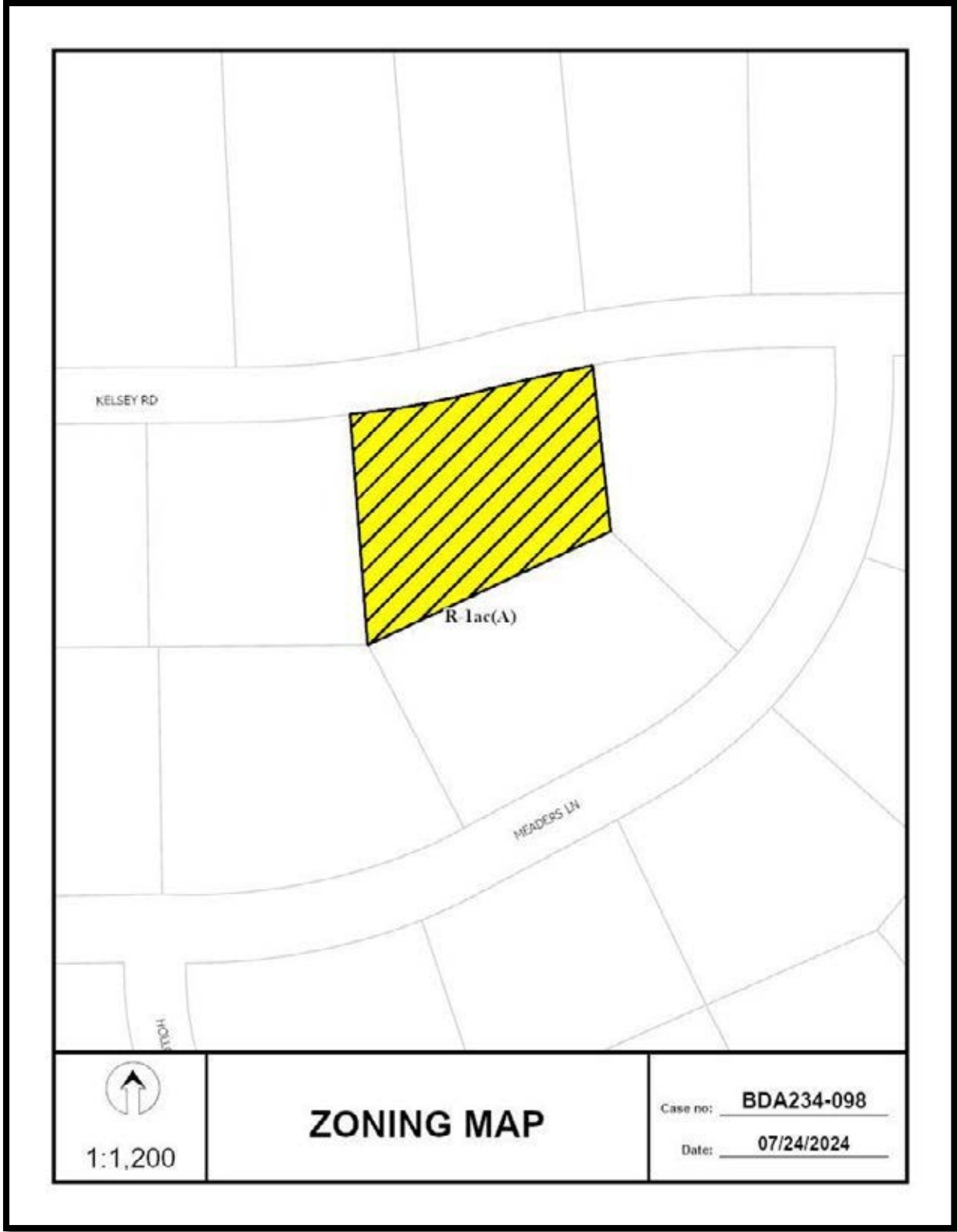



1:1,200


AERIAL MAP

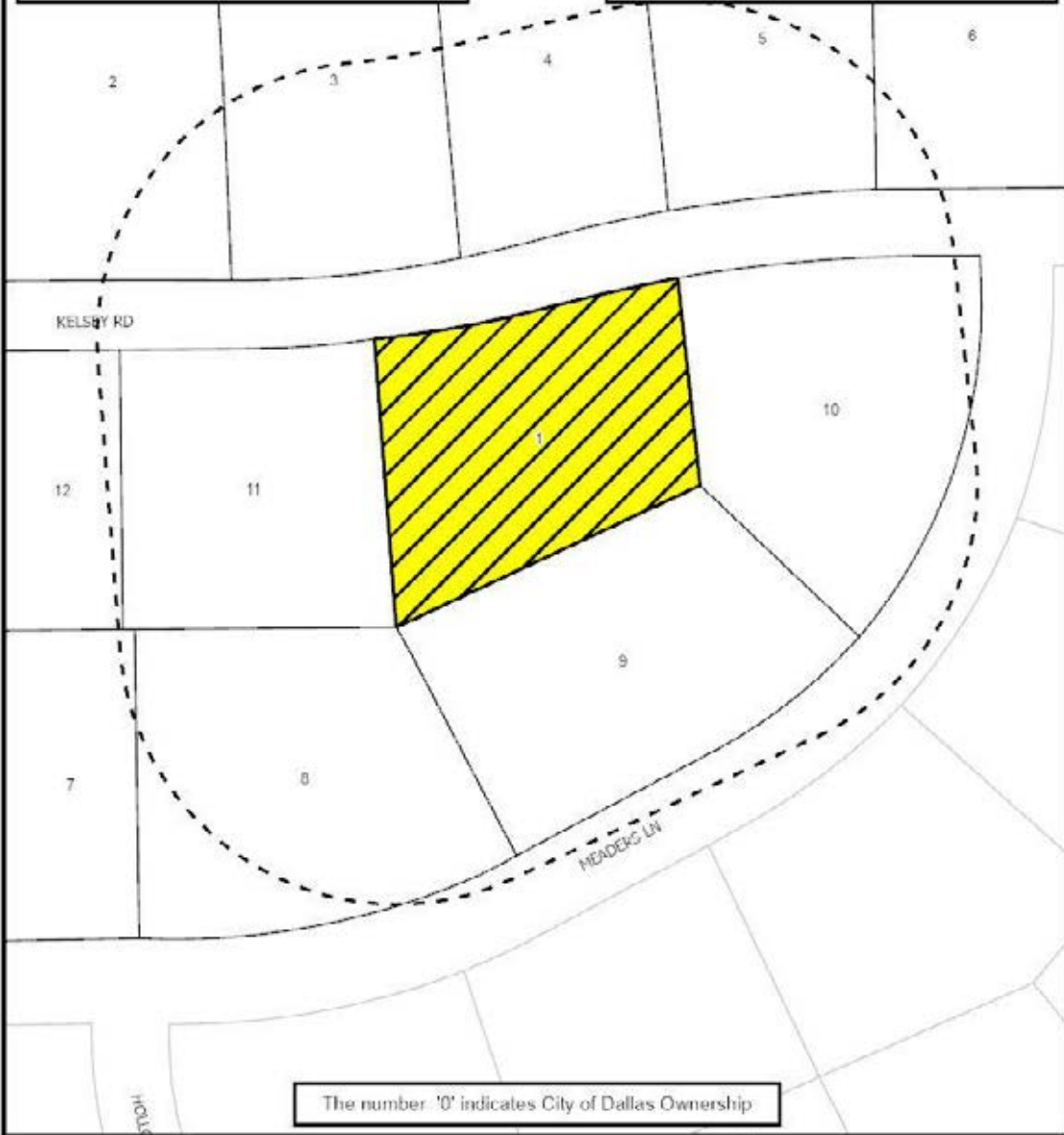
Case no: BDA234-098

Date: 07/24/2024



The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-098**
 Date: **7/24/2024**

07/24/2024

Notification List of Property Owners

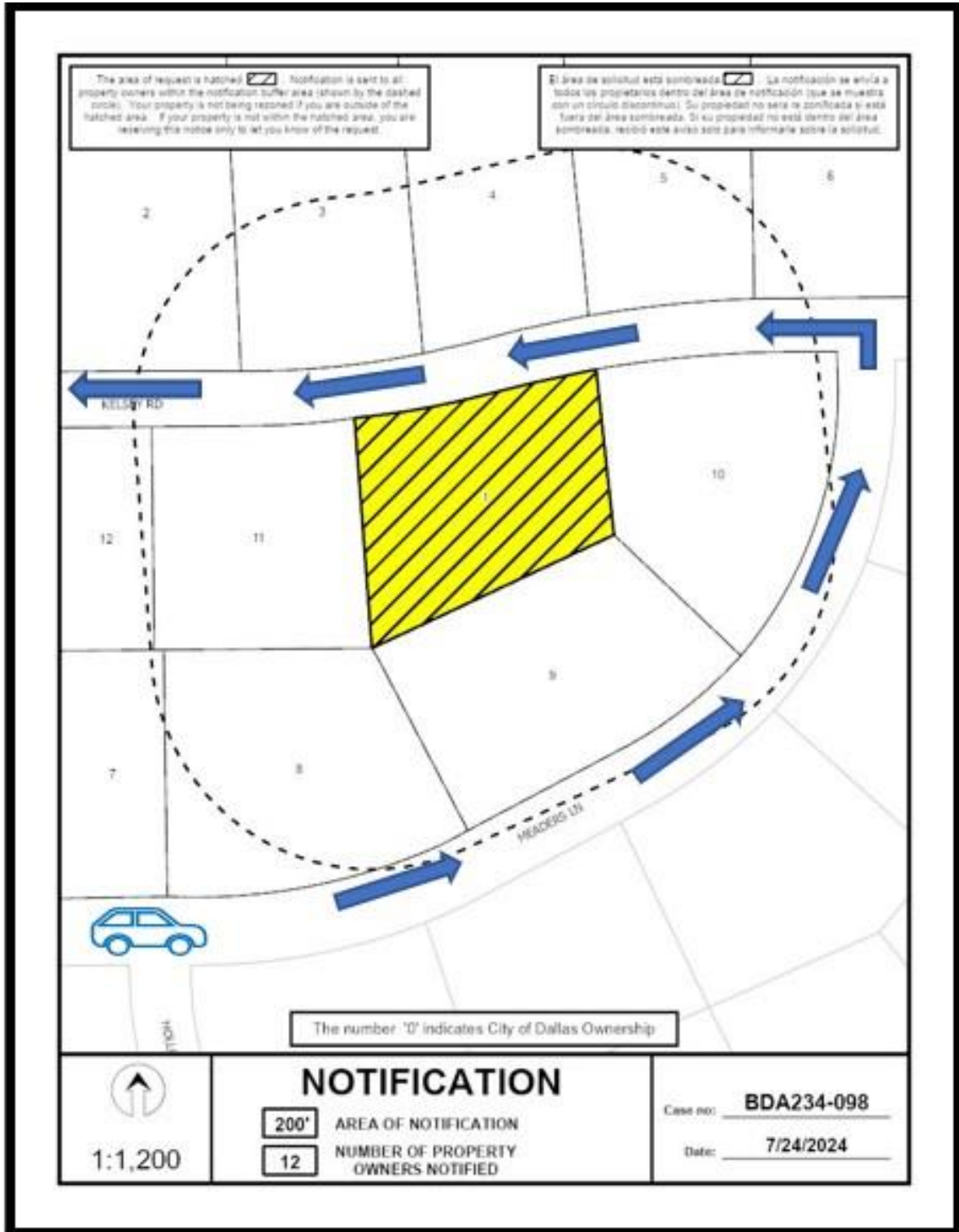
BDA234-098

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5322 KELSEY RD	HERLITZ GRANT & KARLYN
2	5233 KELSEY RD	LERER RICHARD
3	5311 KELSEY RD	TRUMPOWER IAN N &
4	5325 KELSEY RD	ANDERSON CHARLES C & MOLLY R
5	5337 KELSEY RD	ALLEN MICHAEL M &
6	5351 KELSEY RD	ELMQUIST DAVID W & ALISON M
7	5241 MEADERS LN	BALDRIDGE JOHN L III
8	5315 MEADERS LN	MEADERS TRUST THE
9	5335 MEADERS LN	BILLINGSLEY JOHN & HARRIET
10	5353 MEADERS LN	SCHLIEM THOMAS R & JANICE L R CO-TRUSTEES
11	5306 KELSEY RD	BROWN AARON D & AMANDA Z
12	5226 KELSEY RD	HODGE SANFORD JOHN III

 1:1,200	NOTIFICATION	Case no: <u>BDA234-098</u>
	200' AREA OF NOTIFICATION 12 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>7/24/2024</u>

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B) will hold a hearing as follows:

DATE: WEDNESDAY, SEPTEMBER 18TH, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street.

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment. This case was held under advisement on August 21st, 2024.

BDA234-098(BT) Application of Karlyn Herlitz for (1) a special exception to the fence height regulations at 5322 KELSEY RD. This property is more fully described as Block B/5517, Lot 10, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front-yard, which will require (1) a 2-foot 6-inch special exception to the fence regulation.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-B-Register> by the close of business Tuesday, September 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-B-Register>

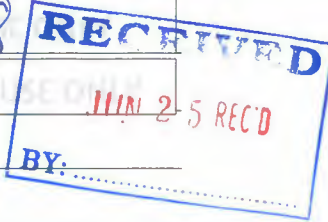


Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-098



Data Relative to Subject Property: _____ Date: _____

Location address: 5322 Kelsey Road Zoning District: R-1ac

Lot No.: 10 Block No.: B/5517 Acreage: 1.0 Census Tract: _____

Street Frontage (in Feet): 1) 220' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Grant and Karlyn Herlitz

Applicant: Karlyn Herlitz Telephone: 214-405-5580

Mailing Address: 5322 Kelsey Road, Dallas TX Zip Code: 75229

E-mail Address: Kherlitz@me.com

Represented by: Zone Systems (Peter Kavanagh) Telephone: 214 957 6108

Mailing Address: 1620 Handley, Suite A, Dallas Zip Code: 75208

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance or Special Exception of Front Yard Fence Height (Sec. 51A-4.602 (2) through Sec. 51A-4.602 (11)) to provide a fence in front yard of 6'6" that is 2'6" above maximum of 4 feet

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:

Security is the reason for the fence and gates. Fence will provide security in a well scaled design to match home

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.

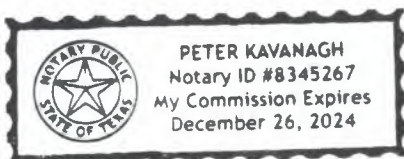
Affidavit

Before me the undersigned on this day personally appeared Karlyn Herlitz
(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: Karlyn Herlitz
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 25th day of June, 2024



Peter Kavanagh
Notary Public in and for Dallas County, Texas

**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 Karlyn Herlitz

did submit a request for a special exception to the fence height regulations
at 5322 Kelsey Rd.

BDA234-098. Application of Karlyn Herlitz for (1) a special exception to the fence height regulations at 5322 KELSEY RD. This property is more fully described as Block B/5517, Lot 10, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front-yard, which will require a 2-foot 6-inch special exception to the fence regulation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-098

I, Grant Herlitz, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5322 Kelsey Road, Dallas, TX 75229
(Address of property as stated on application)

Authorize: Karlyn Herlitz
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

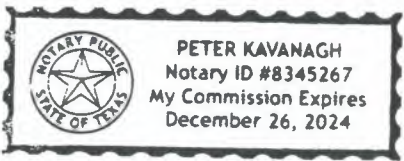
Specify: Front Yard Fence Height of 6'6" per
Sec. 51A-4.602 (11)

Grant Herlitz
Print name of property owner or registered agent
agent Date Karlyn Herlitz 6-25-24

[Signature]
Signature of property owner or registered agent

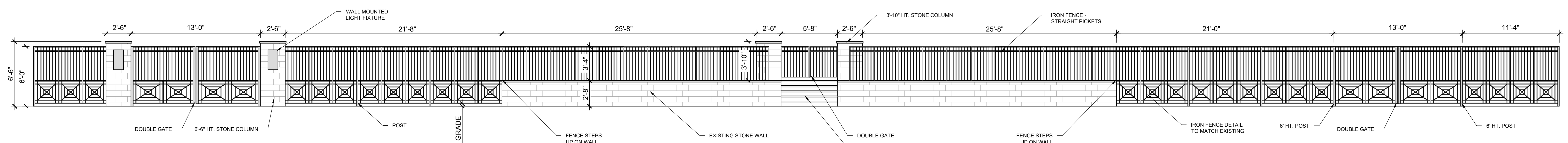
Before me, the undersigned, on this day personally appeared Grant Herlitz

Who on his/her oath certifies that the above statements are true and correct to his/her best
knowledge. Subscribed and sworn to before me this 25th day of
June, 2024

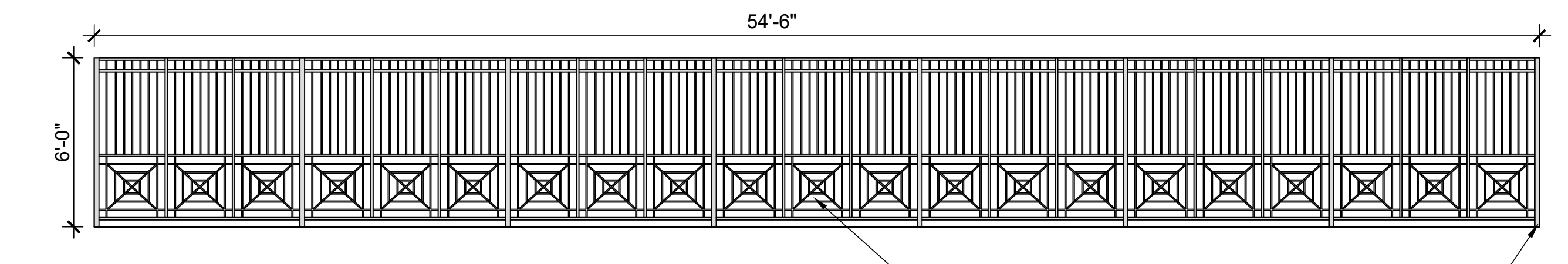


[Signature]
Notary Public for Dallas County,
Texas

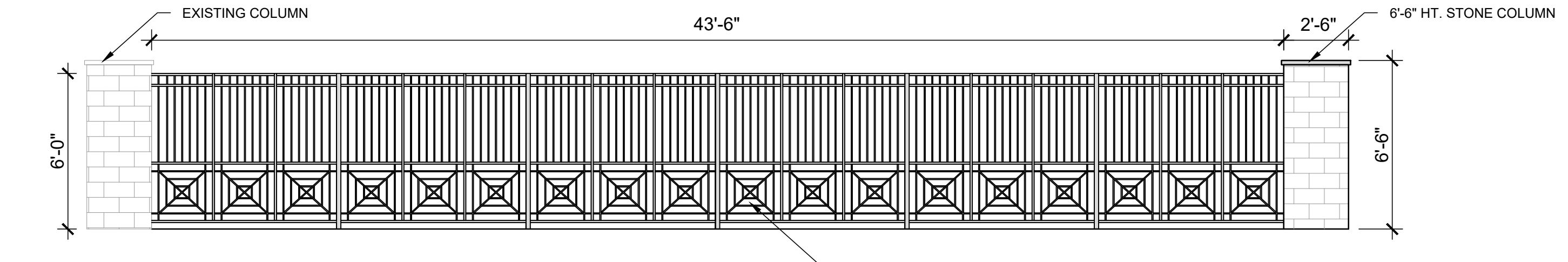
Commission expires on
12-26-24



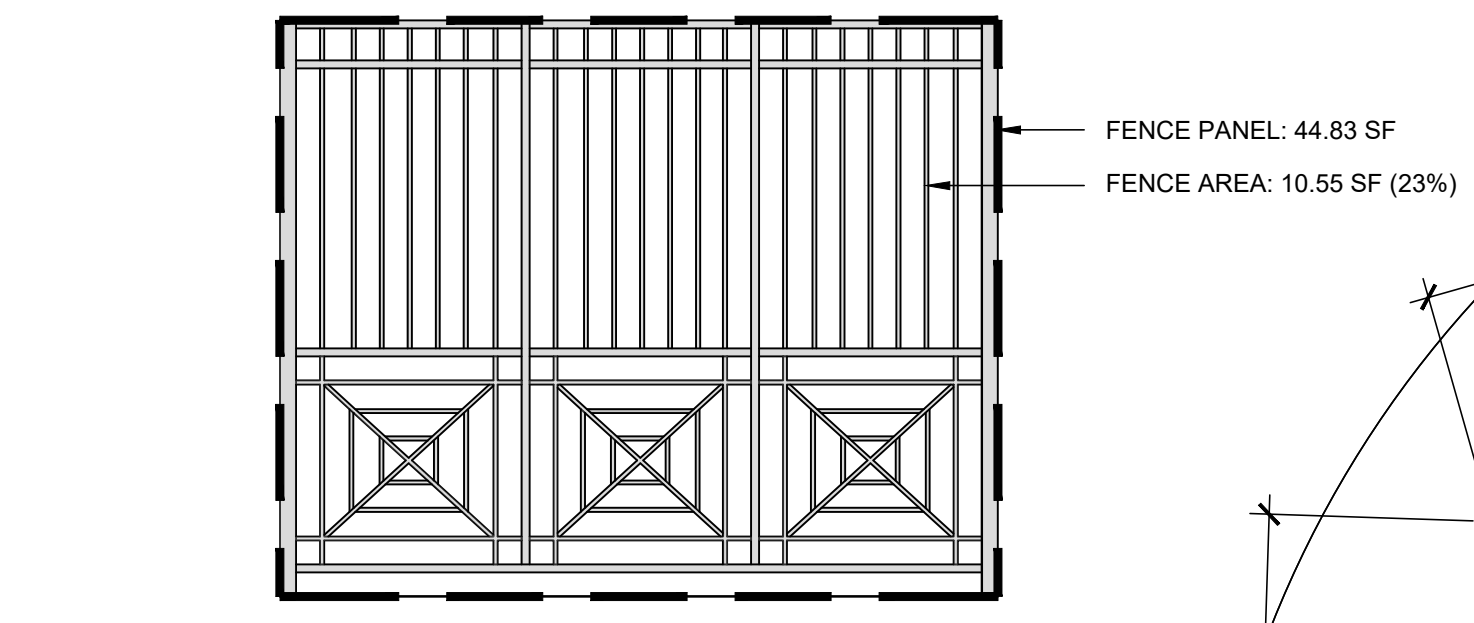
04 FENCE AND GATE ELEVATION - NORTH
SCALE: 1/4"=1'-0"



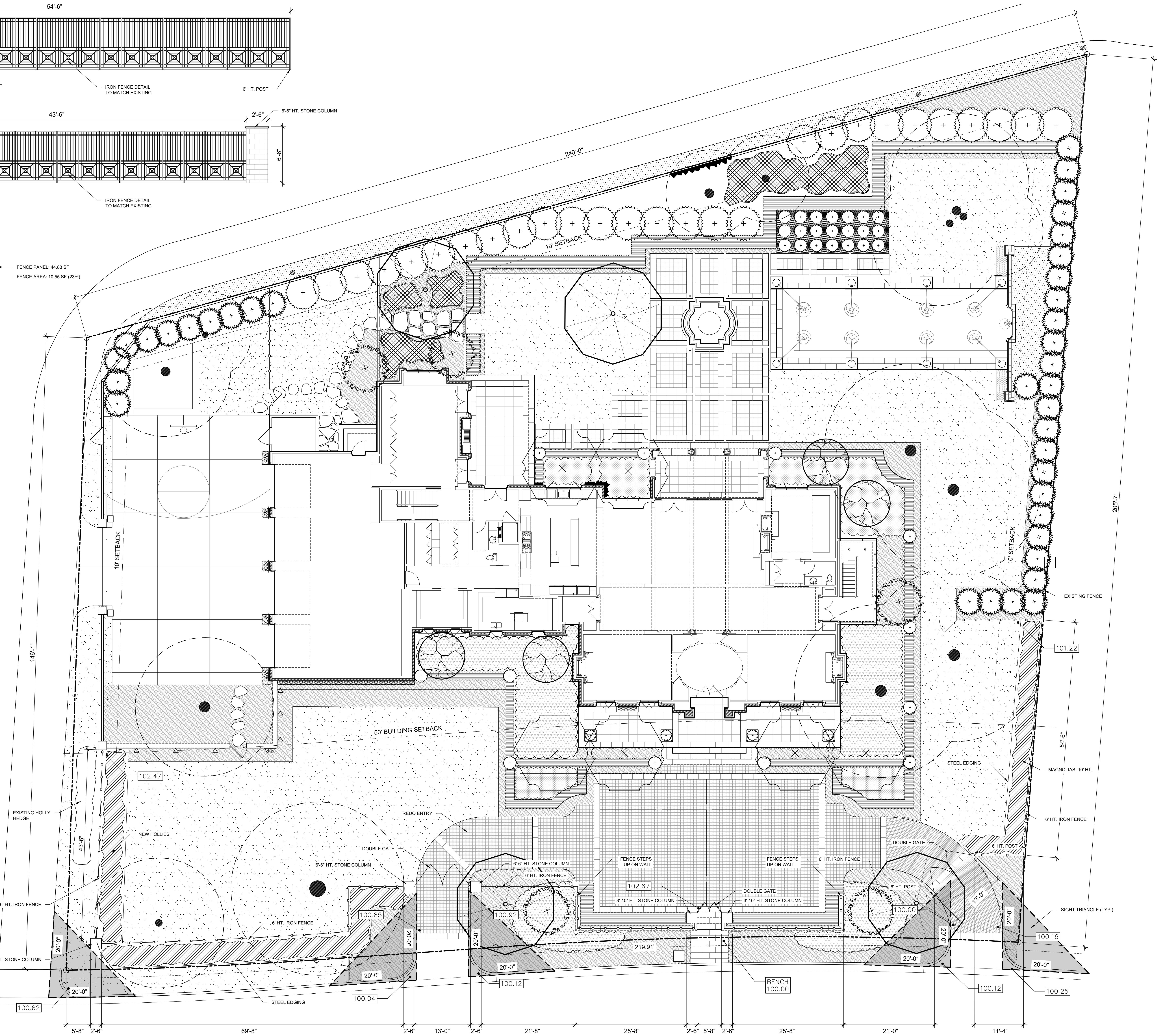
03 FENCE ELEVATION - WEST
SCALE: 1/4"=1'-0"



02 FENCE ELEVATION - EAST
SCALE: 1/4"=1'-0"



01 FENCE CALCULATION
SCALE: 1/2"=1'-0"



CONSTRUCTION
REVIEW SET

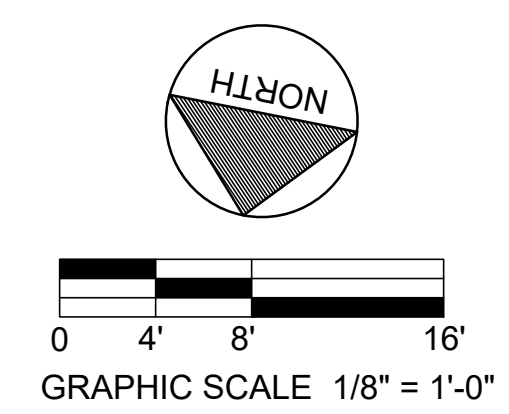
SEAL

BRUCE F. BERGER, ASLA
REVISIONS

Armstrong Berger
Landscape Architecture • Planning • Construction Management

**HERLITZ
RESIDENCE**
5322 Kelsey Road
Dallas, Texas
DRAWING TITLE
SITE PLAN

ISSUE DATE: 7/18/24
DRAWING SCALE: 1/8"=1'-0"
PROJECT NUMBER: 15043
DRAWN BY: AJJ
REVIEWED BY: BFB
APPROVED BY: BFB
DRAWING NUMBER



L0.01

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: 192808-2022

Incident Data Sheet Report

ORI Number:

Page: 1

Printed On: 12/18/2023 13:21 (Mon)

Incident ID: 192808-2022	Offense Code: UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE (PC 31.07) <small>(FS-24110003-G13)</small>		
Occurred Address: 5322 KELSEY RD DALLAS, TX 75229			
District: 652	Post: 652	Source:	
Log#:	File#:	Case#:	
Situation Found:		Disposition: SUSPENDED	
Date Reported: 10/23/2022 11:47		Disp Date: 10/23/2022 00:00	
Date Occurred: 10/22/2022 18:00 TO 10/23/2022 11:30		Case Status: SUSPENDED	
		Status Date: 10/23/2022 00:00	
Shooting: <input type="checkbox"/>	Domestic Violence: <input type="checkbox"/>	Hate Crime: <input type="checkbox"/>	Follow-Up: <input type="checkbox"/> Reclassify: <input type="checkbox"/>
Date Approved By Supervisor: 10/23/2022 13:19		Supervising Officer: CLARK, SHELIA # 15356	
Division:		Reporting Officer: TURPIN, MARK # 10877	
Date Assigned To Investigator: 10/24/2022 00:00		Investigator Assigned: NARVAEZ, MARIVEL # 113456	
Synopsis 7219 KENNY LN			

Calls For Service

CFS#: 22-2083763	Call Codes: 09V - UUMV 09V - UUMV
Disp Recd: 10/23/2022 11:47	
Dispatched: 10/23/2022 12:00	
Arrived: 10/23/2022 12:15	
Cleared: 10/23/2022 13:36	
Dispatcher: MOBILE1	

Clearance Information

Clearance Date	Incident Reference	Cleared By	Clearance Type
	192808-2022		NOT APPLICABLE
	192808-2022		NOT APPLICABLE

BDA23A-0913

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: 192808-2022

Incident Data Sheet Report

ORI Number:

Page: 2

Printed On: 12/18/2023 13:21 (Mon)

Associated Names

VICTIM		Vict/Susp Rel:			Name: OKON, LOUIS EUGENE		
DOB 4/30/1974 Age/Time: 48		Juv:	Sex: M	SSN:	Race: WHITE		
Home Phone:		Work Phone:		Other Phone:			
Arrest#		FBI:		SBI:		State	
Appr		Appr By:		Charges:			
Circumstance:							
Visitor: <input type="checkbox"/>	Military: <input type="checkbox"/>	Police Dept Associate: <input type="checkbox"/>		Justif. Homicide:			
Follow-Up:				Weap:			
Injured: <input type="checkbox"/>	Reasons for Treatment:					Treated: <input type="checkbox"/>	Voluntary: <input type="checkbox"/>
Hospital:			Physician:				
Transported By:				Confined: <input type="checkbox"/>	Refused Admission: <input type="checkbox"/>	Sent Home: <input type="checkbox"/>	
Condition:				Other Action:			
Injuries							
Breath Test: <input type="checkbox"/>	Blood Test: <input type="checkbox"/>	Refused Test: <input type="checkbox"/>	Test Results:				
Drivers License State: TX		Expiration:		Number: 04960616			
Clothing:							
Primary Address: 7219 KENNY LN DAL, TX 75230							
Primary Mailing:							
Second Address:							
Second Mailing:							
Advice of Victims Rights Provided <input type="checkbox"/> How Notified							

Comment:

Offense 1 : UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE (PC 31.07)

Employer	Occupation	Phone Number	Employed From	Employed To

BDA23A-098

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: 192808-2022

Incident Data Sheet Report

ORI Number:

Page: 3

Printed On: 12/18/2023 13:21 (Mon)

Associated Names

REPORTING PERSON		Vict/Susp Rel:			Name: OKON, HANNAH		
DOB	Age/Time: 17	Juv: Y	Sex: F	SSN:	Race: WHITE		
Home Phone:		Work Phone:		Other Phone:			
Arrest#	FBI:			SBI:		State	
Appr	Appr By:		Charges:				
Circumstance:							
Visitor: <input type="checkbox"/>	Military: <input type="checkbox"/>	Police Dept Associate: <input type="checkbox"/>		Justif. Homicide:			
Follow-Up:				Weap:			
Injured: <input type="checkbox"/>	Reasons for Treatment:					Treated: <input type="checkbox"/>	Voluntary: <input type="checkbox"/>
Hospital:			Physician:				
Transported By:				Confined: <input type="checkbox"/>	Refused Admission: <input type="checkbox"/>	Sent Home: <input type="checkbox"/>	
Condition:				Other Action:			
Injuries							
Breath Test: <input type="checkbox"/>	Blood Test: <input type="checkbox"/>	Refused Test: <input type="checkbox"/>	Test Results:				
Drivers License State:		Expiration:		Number:			
Clothing:							
Primary Address: 7219 KENNY LN DAL, TX 75230							
Primary Mailing:							
Second Address:							
Second Mailing:							
Advice of Victims Rights Provided <input type="checkbox"/> How Notified							

Comment:

Employer	Occupation	Phone Number	Employed From	Employed To
----------	------------	--------------	---------------	-------------

Arrests

BDA234-0918

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: 192808-2022

Incident Data Sheet Report

ORI Number:

Page: 4

Printed On: 12/18/2023 13:21 (Mon)

Vehicles

Plate: LCD6961	State: TX	Make: ACUR	Model:	Color: 21	Year: 2018
Involvement: STOLEN		VIN 5J8YD4H53JL016452			
Owner Notified By:			Owner Notified On:		
Person Notified:					
Returned By:			Returned On:		
Safety Sticker Expiration:			Weight Tax Paid Through:		
Insurance Co:		Policy #		Expiration:	
Comment :					

Stolen Vehicles

Plate: LCD6961	State: TX	Make: ACUR	Model:	Color: SILVER	
Year: 2018		VIN 5J8YD4H53JL016452			
Reported On: 10/23/2022 11:47		Found On: 10/24/2022 04:12			
Stolen Value:	\$35,000.00	Found Value:	\$29,000.00		

Property

Victim to Suspect Relationships

Victim #	Victim Name	Suspect #	Suspect Name	Relationship

CITY OF DALLAS POLICE DEPARTMENT

Incident ID: 192808-2022

Incident Data Sheet Report

ORI Number:

Page: 5

Printed On: 12/18/2023 13:21 (Mon)

Narratives

Narrative Title

Locked

Narrative

*****THERE IS VIDEO CAPTURED BY THE BODY CAMERA OF RO M. TURPIN #10877*****

ON 10/23/2022 AT APPROXIMATELY 12:00PM POLICE OFFICER M. TURPIN #10877 RESPONDED TO A CALL FROM THE POLICE DISPATCHER REGARDING A STOLEN VEHICLE AT 7219 KENNY LANE, DALLAS, DALLAS COUNTY, TX.

NARRATIVE OF OFFICER M. TURPIN #10877;

UPON ARRIVAL I READ THE STOLEN VEHICLE WARNING TO THE COMP WHILE RECORDING WITH MY BODY CAMERA, THE COMP SAID HE UNDERSTOOD THE WARNING.

THE COMP SAID THAT THE RP DROVE THE LISTED VEHICLE, A SILVER 2018 ACURA MDX SUV, TEXAS TAGS LCD6961, TO A FRIENDS HOUSE LOCATED AT 5322 KELSEY RD, DALLAS, DALLAS COUNTY, TX; WHERE THE VEHICLE WAS LAST SEEN ON 10/22/2022 AT APPROXIMATELY 6:00PM. ON 10/23/2022 AT APPROXIMATELY 11:00 AM THE RP CALLED THE COMP AND TOLD HIM THAT THE VEHICLE WAS NO LONGER AT THE LOCATION.

THE VEHICLE WAS TAKEN BY AN UNKNOWN SUSPECT WITHOUT CONSENT.

NO FURTHER INFO AT THIS TIME.

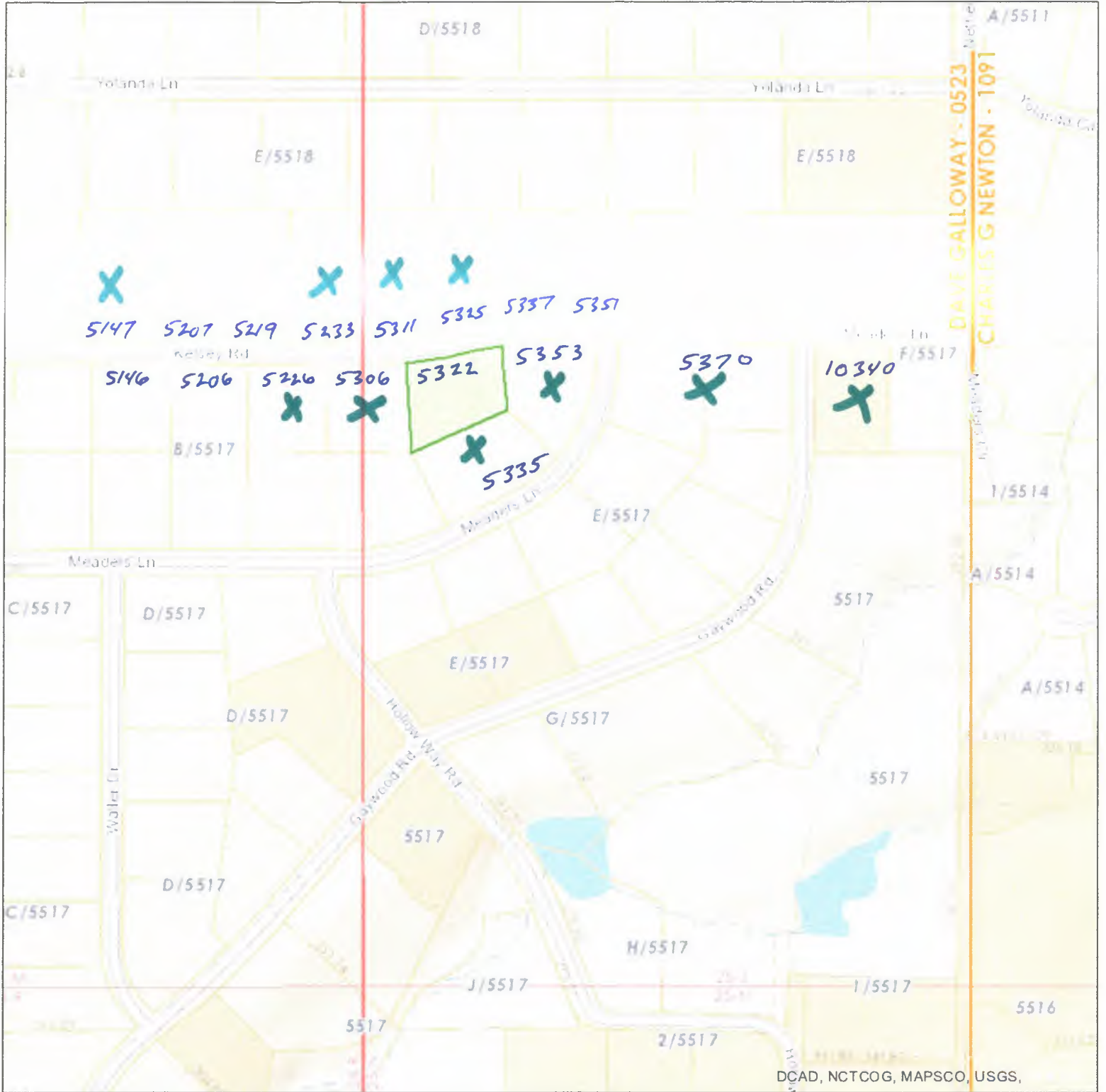
Created On **Created By**
10/23/2022 13:20 MARK.TURPIN

Updated On **Updated By**
10/23/2022 13:20 MARK.TURPIN

Herlitz DCAD Map

Date of copy: 5/23/2024

DCAD Tax Account: 00000415501000000

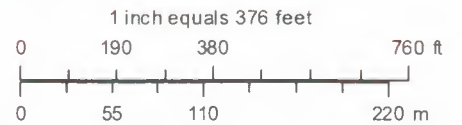


This product is for INFORMATIONAL purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Dallas Central Appraisal District
 2949 N Stemmons Freeway
 Dallas, TX 75247-6195
 (214) 631-1342
 www.dallascad.org

BDA234-098
 131



DCAD, NCTCOG, USGS, Esri, Inc

March 29, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 5147 Kelsey Road and support the Herlitz's fence plan.



BDA234-098

March 29, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 5335 Meaders and support the Herlitz's fence plan.

John B. Billingsley
Barrett A. Billingsley

BDA23A-098

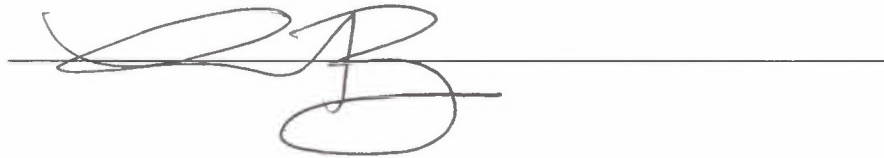
March 28, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 5306 Kelsey Rd 75229 and support the Herlitz's fence plan.

Amanda and Aaron Brown

A handwritten signature in black ink, appearing to be 'AB', written over a horizontal line.

BDA234-098

March 28th, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 10340 Gaywood Rd and support the Herlitz's fence plan.

Tracy Aaron

Tracy Q

BDA234-098

March 29, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 5353 MEADERS LANE and support the Herlitz's fence plan.

Thom Schliein
Jan Schliein

BDA234-098

March____, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 5273 Kelsey and support the Herlitz's fence plan.

Shirley Green

BDA 23A-098

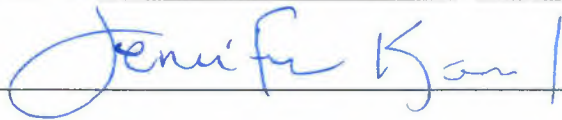
March 29, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 3370 meadows Lane and support the Herlitz's fence plan.





March 29, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 5322 Kelsey Rd. and support the Herlitz's fence plan.

Jim Hodge

March____, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 5325 Kelsey Road and support the Herlitz's fence plan.

Neil Anderson
CA Anderson

March 29, 2024

Our home is near Karlyn and Grant Herlitz' home at 5322 Kelsey Road.

The Herlitz Family plans to construct a six-foot wrought iron fence with stone columns at the entrance gates. The fence will be at the front and sides of the home.

We live at 5311 Kelsey Rd. and support the Herlitz's fence plan.

Anna Brumby

FILE NUMBER: BDA234-103_FR1(BT)

BUILDING OFFICIAL'S REPORT: Application of **Josh LeComte** represented by **Nicholas Batey** for **(1)** a special exception to the 20-foot visibility obstruction regulations, and for **(2)** a special exception to the 45-foot visibility obstruction regulations at **2323 N. CARROLL AVE**. This property is more fully described as Block K/662, LOT 20, and is zoned MF-2(A), which requires a 20-foot visibility triangle at driveway approaches and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(1)** a special exception to the visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required 45-foot visibility obstruction triangle, which will require **(2)** a special exception to the visibility obstruction regulation at the intersection of N. Carroll Ave. and Rusk Ave.

LOCATION: 2323 N. Carroll Ave.

APPLICANT: Josh LeComte

REPRESENTED BY: Nicholas Batey

REQUEST:

The applicant is requesting a fee reimbursement in reference to the previously approved request for the 20-foot visibility obstruction triangle application submitted at 2323 N. Carroll Ave. which will appear before Panel B on September 18, 2024.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that **payment of the fee would result in substantial financial hardship to the applicant**. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.