



BOARD OF ADJUSTMENT

Panel C Minutes

June 17th, 2024

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CITY SECRETARY
DALLAS, TEXAS

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Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Rodney Milliken	
Jared Slade	
Judy Pollock	
Roger Sashington	

ABSENT: [0]

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

Vice-Chair Agnich called the hearing to order at **1:04 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 C, May 20th, 2024, Minutes.

A motion was made to approve Panel C, May 20th, 2024, Public Hearing minutes.

Maker:	Judy pollock				
Second:	Robert Agnich				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

UNCONTESTED ITEMS

1. 4337 Park Lane

***This case was moved to Individual Items**
BDA234-072(BT)

BUILDING OFFICIAL’S REPORT: Application of Rob Baldwin for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at 4337 Park Ln. This property is more fully described as Block D/5547, Lot 1, and is zoned R-10(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 an 7-foot high fence in a required front-yard, which will require (1) a 3-foot special exception to the fence regulations;, and to construct 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: 4337 Park Ln.

APPLICANT: Rob Baldwin

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A request for 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 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 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 (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 will it constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

- Site: R-10(A)
- North: R-10(A) and R-1ac(A)
- East: R-10(A) and R-1ac(A)
- South: R-10(A)
- West: R-10(A)

Land Use:

The subject site is developed with new single family structures. The surrounding properties are developed with single family structures.

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 4337 Park Ln. focuses on 2 requests relating to the fence height and fence opacity regulations.
- The applicant proposes to construct and maintain a 7-foot high fence and gate in a required front yard along Park Ln. and Crestline Ave., which will require a 3-foot special exception to the fence height regulations.
- Secondly, 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.
- The subject site is developed with new single-family structure. The surrounding properties are developed with single-family structures.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 7-foot high iron fence and gate with brick veneer masonry columns at the property line.

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- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than nine feet above grade. In all residential districts except multifamily districts, a fence 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 Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. This paragraph does not apply to retaining walls.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity 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: [BDA234-072 4337 Park Ln](#)

Timeline:

- April 19, 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.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- May 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 May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 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.
- June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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: Rob Baldwin, 3904 Elm St., # B, Dallas TX 75229

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-072, on application of Rob Baldwin, **GRANT** the request of this applicant to construct and/or maintain a 7-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:	Jared Slade				
Second:	Roger Sashington				
Results:	5-0				Motion to grant
		Ayes:	-	5	Roger Sashington, Jared Slade, and Robert Agnich, Judy Pollock and Rodney Milliken
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-072, on application of Rob Baldwin, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, 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 opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	5-0				Motion to grant
		Ayes:	-	5	Roger Sashington, Jared Slade, Judy Pollock and Rodney Milliken and Robert Agnich
		Against:	-	0	

2. 5404 Falls Road
BDA234-074(CJ)

BUILDING OFFICIAL’S REPORT: Application of Jennifer Hiromoto for **(1)** a special exception to the fence height regulations at 5404 FALLS RD. This property is more fully described as Block 3/5604, Lot 2A 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 5-foot 6-inch high fence in a required front-yard, which will require **(1)** a 1-foot 6-inch special exception to the fence height regulations.

LOCATION: 5404 Falls 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 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.**

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, nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

No BDA history

Square Footage:

- This lot contains 103,237.2 of square feet.
- This lot is zoned R-1ac(A) which has a minimum lot size of 43,560 or 1ac.

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 all surrounding properties are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Jennifer Hiromoto property located at 5404 Falls Drive focuses on 1 request relating to the fence height regulations.
- The applicant proposes to maintain and 5-foot-6-inch high fence in a required front yard, which will require a 1-foot 6-inch 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 5-foot 6-inch high fence in the required front yard of the property at 5404 Falls Drive.
- The proposed fence is material is as follows; 4-foot 6-inch wrought iron fence with 5-foot 6-inch masonry columns.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Falls Drive.
- Per the site plan and site visits performed by staff, there is an existing entry feature that consists of wing wall and columns that go up to 8-feet in height on the subject site
- There are existing columns to the east and west of the existing entry feature that vary in height currently. Some of these columns will be repaired and all are proposed to measure 5-feet and 6-inches in height.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Falls Drive 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 along the front 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 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: [234-074 at 5404 Falls Rd.](#)

Timeline:

- April 23, 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.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

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May 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 May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 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.

June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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 234-074 – 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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, Jared Slade
		Against:	-	0	

3. 6802 Forest Lane

***This case was moved to Individual Items**
BDA234-075(BT)

BUILDING OFFICIAL’S REPORT: Application of Kennan Young for (1) a special exception to the fence height regulations; and for (2) a special exception to the fence opacity regulations at 6802 Forest Ln. This property is more fully described as Block C/7488, Lot 8 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; 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 an 8-foot-high fence in a required front-yard, which will require (1) a 4-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: 6802 Forest Ln.

APPLICANT: Kennan Young

REQUEST:

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

Site: R-1ac(A)
North: R-16(A) & PD-115

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East: R-1ac(A)
South: R-1ac(A)
West: R-1ac(A) & PD-117

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 Kennan Young for the property located at 6802 Forest Ln. focuses on 2 requests relating to the fence height and fence opacity regulations.
- The first request is for a special exception to the fence height regulations. The applicant proposes to construct and maintain an 8-foot high gate and fence in a required front yard, along Forest Ln., which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to fence opacity regulations 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.
- As illustrated on the submitted site plan and elevations, the applicant is proposing some board on board and masonry wall along Forest Ln. located on the property line.
- The subject site along with surrounding 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 an 8-foot high fence and gate, on a lot with a single-family structure, permitted and under construction, around the circumference of the property at 6802 Forest Ln..
- Based upon staff's analysis of the surrounding properties, some properties provided a fence and gate in the required front yard and/or some provided a form of vegetation serving as a screening mechanism along Forest Ln.
- 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 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

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

- 200' Radius Video: [BDA234-075 6802 Forest Ln](#)

Timeline:

April 19, 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.

May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

May 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 May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 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.

June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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: Brett Davis, 1224 Cypress drive, Richardson, TX 75080

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-075, on application of Kennan Young, **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:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashinton, Rodney Milliken, Jared Slade
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-075, on application of Kennan Young, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, 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 opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashinton, Rodney Milliken, Jared Slade
		Against:	-	0	

4. 9334 E. R.L.Thornton Freeway

***This case was moved to Individual Items**
BDA234-079(CJ)

BUILDING OFFICIAL'S REPORT: Application of Jordan Corbitt for (1) a special exception to the parking regulations at 9334 E. R.L. THORNTON FWY. This property is more fully described as Block A/8039, TR A and Block A/8475, TR 1, and is zoned RR, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a Home Improvement Center, and provide 422 of the required 512 parking spaces, which will require (1) a 90-space special exception (18% reduction) to the parking regulation.

LOCATION: 9334 E. R.L. Thornton Freeway

APPLICANT: Jordan Corbitt

REQUEST:

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

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO OFF-STREET PARKING:

SEC.51A-4.311(a) of the Dallas Development Code states that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.** Except as otherwise provided in this paragraph, the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A).

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 nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 9334 E. R.L. Thornton Freeway within the last 5 years.

Square Footage:

This lot contains 517,492.8 of square feet.

This lot is zoned Regional Retail (RR) which does not have a minimum lot size.

Zoning:

<u>Site:</u>	Regional Retail (RR) Zoning District
<u>North:</u>	Regional Retail (RR) Zoning District
<u>South:</u>	Regional Retail (RR) Zoning District
<u>East:</u>	Regional Retail (RR) Zoning District
<u>West:</u>	Regional Retail (RR) Zoning District

Land Use:

The subject site is developed with a retail building. The areas to the north, south, east, and west are developed and being developed with regional retail uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Jordan Corbit property located at 9334 E. R.L. Freeway focuses on one request relating to the off-street parking regulations for a nonresidential structure to be used for a home improvement center.
- A request for a special exception to the off-street parking regulations of 90 spaces (18%) is made to construct and/or maintain a nonresidential structure for a home improvement center use at 9334 E. R.L. Thornton Freeway

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- The subject site is zoned Regional Retail (RR) which requires parking to be provided.
- It is imperative to note that the subject site has double street frontage on East R.L. Thornton Freeway and Buckner Boulevard service street.
- As gleaned from the submitted site plan, the applicant plans to provide 422 (82%) of the required 512 parking spaces at 9334 E. R.L. Thornton Freeway.
- The subject site is currently developed with a nonresidential structure.
- Per the site plan, there are three proposed entries on the subject site; these entries all lead to the parking lot, where the proposed 422 parking spots will be.
- The applicant has the burden of proof in establishing that the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.
- Granting the proposed 90 space (18%) special exception to the parking regulations 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: BDA234-079 at 9334 E. R.L. Thorton Fwy

Timeline:

- May 1, 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.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- May 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 May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 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.
- June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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: Jordan Corbitt, 1565 Parkside Drive, Alpharetta, GA 30004

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-079, on application of Jordan Corbitt, **GRANT** the request of this applicant to provide 422 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 512 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a home improvement center.

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

The special exception of 90 spaces shall automatically and immediately terminate if and when the use is changed or discontinued.

Maker:	Jared Slade				
Second:	Judy Pollock				
Results:	3-2				Motion to grant - fails
		Ayes:	-	3	Judy Pollock, Roger Sashington, Jared Slade
		Against:	-	2	Robert Agnich and Rodney Milliken

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-079, **hold this matter under advisement until July 18th, 2024.**

Maker:	Robert Agnich				
Second:	Roger Sashington				
Results:	5-0 Unanimously				Motion to hold over advisement
		Ayes:	-	5	Judy Pollock, Roger Sashington, Jared Slade Robert Agnich and Rodney Milliken
		Against:	-	0	

HOLDOVER CASES

5. 10802 Strait Lane
BDA234-059(KMH)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at 10802 Strait Lane. This property is more fully described as Block 5503, Lot 1, 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 driveway approaches. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require a 2-foot special exception to the fence regulations, and to construct and/or maintain a single-family residential fence structure in a required 20-foot

visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation.

LOCATION: 10802 Strait Lane

APPLICANT: Rob Baldwin

REQUEST:

- (2) A request for a special exception to the fence height regulations; and
- (3) A request for a special exception to the visual obstruction regulations at the drive approach.

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 THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exception:

Special Exceptions (2):

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

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 36,900.44 of square feet.

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

Zoning:

Site: R-1ac (A) Single Family District
North: R-1/2ac and R-1ac (A) Single Family District
South: R-1ac (A) Single Family District
East: R-1ac(A) Single Family District
West: R-1ac (A) Single Family District

Land Use:

The subject site is developed with a single family home. The areas to the north, south, east and west are also developed with single family homes.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 10802 Strait Lane focuses on 2 requests. It is imperative to note that the subject site is situated on a corner lot which means that property is bound with 2 street frontages, Strait Lane and Royal Lane.
- The first request is for a special exception to the fence height regulations along both street frontages. The applicant is proposing a 6-foot wrought iron fence along Strait Lane and Royal Lane.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Strait Lane. The proposed fence columns slightly encroach about 1-foot 4-inches into the visibility triangle, which requires a special exception to the 20-foot visual obstruction regulations.
- As gleaned from the submitted site plan and elevations and as mentioned previously, the applicant is proposing to construct a 6-foot high wrought iron fence along Strait Lane. The fence will be constructed of open, decorative iron panels and solid masonry columns. It is imperative to note that the masonry columns will be a maximum of 6-feet in height while the fence panels will be roughly 5-feet 8-inches in height.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height and visual obstruction will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exceptions (2) to the fence height regulations and the visual obstruction regulations with a condition that the applicant complies with the submitted elevations, would require the proposal to be constructed as shown on the submitted documents.
- [BDA234-059 at 10802 Strait Ln \(200' radius video\)](#)

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 C.
- 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.

BOARD OF ADJUSTMENT
June 17th, 2024

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, Board Attorney, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

May 20, 2024: The Board of Adjustment Panel C, at its public hearing held on May 20, 2024, moved to hold this matter under advisement until June 17, 2024.

June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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, Board Attorney, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Rob Baldwin, 3904 Elm Street, # B, Dallas TX 75229
Ephaim Wernick, 10802 Strait Ln., Dallas TX 75229
Lea Wernick, 10802 Strait Ln., Dallas TX 75229

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-059, on application of Rob Baldwin, **GRANT** the request to maintain items in the 20-foot visibility triangle on the private 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 are required.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0				Motion to grant
		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

BOARD OF ADJUSTMENT
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Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-059, on application of Rob Baldwin, **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:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0				Motion to grant
		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

****Recess at 3:17 pm – 3:31 pm****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **3:40 P.M.**



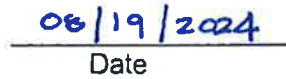
Required Signature:
Mary Williams, Board Secretary
Development Services Dept.



Date



Required Signature:
Bryant Thompson – Acting Chief Administrator
Development Services Dept.



Date



Required Signature:
Robert Agnich, Vice-Chair
Board of Adjustment



Date