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CITY SECRETARY  
DALLAS, TEXAS



Public Notice

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POSTED CITY SECRETARY  
DALLAS, TX

**BOARD OF ADJUSTMENT (PANEL C)**

**MAY 20<sup>TH</sup>, 2024, 2024, BRIEFING AT 10:00 A.M. AND  
THE PUBLIC HEARING AT 1:00 P.M.  
Dallas City Hall, Room 6ES, and Videoconference**

**Video Conference Link: <https://bit.ly/boa0520>  
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-C-Register> or call (214) 670-4127, **by the close of business Sunday, May 19<sup>th</sup>, 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-C-Register> o llamando al (214) 670-4127, **antes de cierre de oficina el Lunes, 19 de Mayo, 2024. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.**

**AGENDA**

- I. **Call to Order** Robert Agnich, Vice-Chair
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items**
  - Approval of Panel C Minutes – April 15<sup>th</sup>, 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]

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**UNCONTESTED CASE(S)**

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<b>BDA234-054(KMH)</b>	6335 Brookshire Drive <b>REQUEST:</b> Application of Thomas Grote for <b>(1)</b> a special exception to the fence standard regulations, and for <b>(2)</b> a special exception to the 20-foot visibility obstruction regulations, and for <b>(3)</b> a special exception to the 45-foot visibility obstruction regulations, and for <b>(4)</b> a special exception to the 20-foot visibility obstruction regulations.	1
<b>BDA234-059(KMH)</b>	10802 Strait Lane <b>REQUEST:</b> Application of Rob Baldwin for <b>(1)</b> a special exception to the fence height regulations, and for <b>(2)</b> a special exception to the visibility obstruction regulations.	2
<b>BDA234-063(KMH)</b>	8518 Inwood Road <b>REQUEST:</b> Application of Alisa Tugberk for <b>(1)</b> a special exception to the fence height regulations, and for <b>(2)</b> a special exception to the visibility obstruction regulations.	3
<b>BDA234-065 (BT)</b>	17805 Windpiper Drive <b>REQUEST:</b> Application of Daniel Meyerovitz for <b>(1)</b> a variance to the side-yard setback regulations, and for <b>(2)</b> a variance to the side-yard setback regulations	4

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**HOLDOVER**

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None

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**INDIVIDUAL CASES**

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None



BOARD OF ADJUSTMENT

Panel C Minutes

April 15<sup>th</sup>, 2024

**DRAFT**

6ES Briefing Room

[24957316190@dallascityhall.webex.com](mailto:24957316190@dallascityhall.webex.com)

[bex.com](https://www.dallas.gov)

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 **10:32 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:02 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, March 18<sup>th</sup>, 2024, Minutes.

**A motion was made to approve Panel C, March 18<sup>th</sup>, 2024, Public Hearing minutes.**

Maker:	Roger Sashington				
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. 1902 Lakeland Road**

**\*This case was moved to Individual Items**  
 BDA234-026(CJ)

**BUILDING OFFICIAL’S REPORT** Application of Rotem Fartook for **(1)** a special exception to the fence height regulations at 1902 LAKELAND DR. This property is more fully described as Block 16/5243 Lot 1A, 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 an 8-foot high fence in a required front-yard facing San Leandro Drive, which will require **(1)** a 4-foot special exception to the fence regulations.

**LOCATION:** 1902 Lakeland Dr.

**APPLICANT:** Rotem Fartook

**REQUEST:**

(1) 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 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:**

**Zoning:**

Site: R-5 (A) (Single Family District)  
North: R-5 (A) (Single Family District)  
East: R-5 (A) (Single Family District)  
South: R-10 (A) (Single Family District)  
West: R-5 (A) (Single Family District)

**Land Use:**

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

**Square Footage:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application Rotem Fartook, for the property located at 1902 Lakeland Drive 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 facing San Leandro Drive, which will require a 4-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 construct and maintain an 8-foot-high fence around the back and along a portion of the front yard of the property at 1902 Lakeland Drive.
- The applicant has stated that the proposed 8-foot fence will be an addition for privacy and security around the properties swimming pool area.
- Based upon staff's analysis of the surrounding properties, there are a few homes along San Leandro Drive with fences and gates in the required front yard and/or 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 double street frontage and front yards on San Leandro Drive and Lakeland Drive due to block face continuity.
- 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 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.

**Timeline:**

January 22, 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.

February 12, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

February 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 February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 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.

February 26, 2024: The applicant requested to postpone case to the April docket

April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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: Rotem Fartook, 1902 Lakeland Dr., Dallas TX 75218

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-026, on application of Rotem Fartook, **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:	3-2				Motion to grant <u>fails</u>
		Ayes:	-	3	Roger Sashington, Jared Slade, and Robert Agnich
		Against:	-	2	Judy Pollock, Rodney Milliken

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-026, on application of Rotem Fartook, **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:	Rodney Milliken				
Second:	Judy Pollock				
Results:	4-1				Motion to deny
		Ayes:	-	4	Roger Sashington, Jared Slade, Judy Pollock and Rodney Milliken
		Against:	-	1	Robert Agnich

**2. 5511 Park Lane**

BDA234-042(KMH)

**BUILDING OFFICIAL’S REPORT:** Application of Rob Baldwin for a special exception to the fence height regulations at 5511 Park Ln. This property is more fully described as Block B/5592, 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 an 8-foot high fence in a required front-yard, which will require a 4-foot special exception to the fence regulations.

**LOCATION:** 5511 Park Ln.

**APPLICANT:** Rob Baldwin

**REQUEST:**

(2) 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 Exception:

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

**BACKGROUND INFORMATION:**

**BDA History:**

No BDA history

**Square Footage:**

This lot contains 51,710.81 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)  
North: R-1ac (A)  
East: R-1ac (A)  
South: R-1ac (A)  
West: R-1ac (A)

**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 application of Rob Baldwin for the property located at 5511 Park Lane focuses on one specific request relating to the fence height regulations.
- The subject site is situated on a corner lot and is developed with a single-family home. The surrounding properties are also developed with single-family homes.
- The applicant proposes to construct and maintain an 8-foot high fence in a required front yard. The proposed fence is expected to be constructed of decorative iron with masonry columns.
- As gleaned from the submitted elevations, the fence panels measure approximately 6-feet in height and the fence columns measure roughly 6-feet and 8-inches in height.
- Additionally, the fence does include 2 entrance gates at each drive approach measuring roughly 8-feet in height.
- Although outside the scope of this request, it is important to note that there is an existing stone wall on the subject site along Holloway Road measuring at 4-feet. There is also an existing 7-foot wood screening fence located along the eastern perimeter of the subject site.
- The applicant has stated the proposed request is in keeping with other fences in the immediate area of the subject site.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Park Lane with fences and gates at the drive approaches 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 height regulations will not adversely affect the neighboring properties.
- Granting the special exception relating 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.
- [BDA234-042 at 5511 Park Lane](#) 200' Radius Video

**Timeline:**

February 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.

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

March 22, 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 March 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5, 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.

April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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: 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 234-042** – Application of Rob Baldwin, 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 Sashinton, Rodney Milliken, Jared Slade
		Against:	-	0	

**3. 6242 Walnut Hill Lane**

BDA234-043(CJ)

**BUILDING OFFICIAL’S REPORT** Application of Sachin Patel for a special exception to the fence height regulations, and for a special exception to the fence opacity regulations at **6242 Walnut Hill Ln.** This property is more fully described as Block B/5479, Lot 4, 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 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 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:** 6242 Walnut Hill Ln.

**APPLICANT:** Sachin Patel

**REQUESTS:**

- (3) A request for a special exception to the fence height regulations; and
- (4) A special exception to the fence standards regulations regarding opacity

**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(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 adversely affect neighboring property.**

**STAFF RECOMMENDATION:**

**Special Exceptions (2):**

No staff recommendation is made on this or any request for a special exception to the fence regulations regarding height and opacity since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

**BACKGROUND INFORMATION:**

**BDA History:** \_

No BDA history

**Square Footage:**

This lot contains 7,535.88 of square feet

This lot is zoned R-10(A) which has a minimum lot size of 10,000 square feet.

**Zoning:**

Site: R-10 (A) (Single Family District)  
North: R-10 (A) (Single Family District)  
East: R-10 (A) (Single Family District)  
South: R-10 (A) (Single Family District)  
West: R-10 (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 Sachin Patel property located at 6242 Walnut Hill Lane focuses on 2 requests relating to the fence height and fence standards regarding opacity.
- The applicant proposes to construct and maintain and 6-foot-high stucco 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 construct and maintain a 6-foot-high fence in the front yard of the property at 6242 Walnut Hill Ln.
- Per the applicant, the proposed fence will match the stucco fences that sit in the front yards of properties immediately East of the subject site on Walnut Hill Lane; a visualization of this can be found in the top right corner of the provided site plan.

- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Walnut Hill Lane.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Walnut Hill Lane with fences and gates in the front yard and/or some form of vegetation serving as a screening mechanism.
- The applicant has stated that the purpose of the special exception request is to provide privacy, security, and noise reduction on Walnut Hill; Walnut Hill Lane is a well-traveled thoroughfare in Dallas.
- 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 regarding height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and/or 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.

**Timeline:**

February 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.

March 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

March 20, 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 March 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5, 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.

April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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: Sachin Patel, 6242 Walnut Hill Ln., Dallas TX 75230 (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 234-043** – Application of Sachin Patel, 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 234-043** – Application of Sachin Patel, 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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashinton, Rodney Milliken, Jared Slade
		Against:	-	0	

**HOLDOVER CASES**

**4. 1426 Morrell Avenue**  
 BDA234-032(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Jonathan Martinez for **(1)** a special exception to the side-yard setback regulations, and for **(2)** a variance to the side-yard setback regulations, and for **(3)** a variance to the floor area ratio at 1426 Morrell Ave. This property is more fully described as Block 26/3587, Lot 7, and is zoned R-5(A), which requires a side-yard setback of 5-feet, and prohibits the floor area of an accessory structure from exceeding 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain a carport for a single-family residential dwelling in a required side-yard and provide **(1)** a 1-foot setback, which will require a 4-foot special exception to the side-yard setback regulations; and to construct and/or maintain a single-family residential detached accessory structure and provide a 2-foot 8-inch side-yard setback, which will require **(2)** a 2-foot 4-inch variance to the side-yard setback regulations; and to construct and/or maintain a single-family residential detached accessory structure with 362 square feet of floor area (28% of the 1282 square foot floor area of the main structure), which will require **(3)** a

41.5 square foot variance to the floor area regulations.

**LOCATION:** 1426 Morrell Ave.

**APPLICANT:** Jonathan Martinez

**REPRESENTED BY:**

**REQUEST:**

- (1) A request for a special exception to the side-yard setback regulations for a carport for single-family residential use.
- (2) A request for a variance to the side-yard setback regulations
- (3) A variance to the floor area ratio regulations to construct and/or maintain a detached accessory structure, not for rent, on a site developed with a single-family home.

**STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE SIDE YARD SETBACK REGULATIONS FOR CARPORTS:**

Section 51A-4.402(1)(c)(6)(1) of the Dallas Development Code specifies that the board may grant a special exception to the minimum side yard requirements in this section for a carport for a single family or duplex use when, in the opinion of the board, **the carport will not have a detrimental impact on surrounding properties.**

Section 51A-4.402(1)(c)(6)(2) In granting this type of special exception, the board shall consider the following:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) The suitability of the size and location of the carport.
- (D) The materials to be used in construction of the carport

**STANDARD 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:

- (A) **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.
- (B) **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
- (C) **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. **1<sup>st</sup> Request** - Special Exception to the side yard setback regulations for a carport for single-family residential use:

No staff recommendation is made.

- 2. **2<sup>nd</sup> Request** - Variance to the side-yard setback regulations:

Denial

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Not restrictive in area due to the lot size (6804.072 sqft); The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sqft therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

- 3. **3<sup>rd</sup> Request** - Variance to the floor area regulations:

Denial

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Not restrictive in area due to the lot size (6804.072 sqft); The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sqft therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-5 (A) (Single Family District)
- North: R-5 (A) (Single Family District)

South: R-5 (A) (Single Family District)  
East: R-5 (A) (Single Family District)  
West: R-5 (A) (Single Family District)

**Land Use:**

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

**Square Footage:**

This lot contains 6804.072 of square feet.

This lot is zoned R-5(A) which has a minimum lot size or 5,000 square feet.

**BDA History:**

No BDA history found within the last 5 years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Jonathan Martinez for the property located at 1426 Morrell Avenue focuses on three specific requests. The first request is a special exception to the side yard setback regulations for a carport for a single-family use. The second request focuses on a variance to the floor area ratio regulations. Lastly, the third request focuses on a variance to the side yard setback regulations.
- The applicant has stated that the requests for variances and a special exception were submitted to create enough parking space on the subject site and to protect vehicles from heavy storms.
- It is imperative to note that the subject site has single street frontage on Morrell Avenue.
- Per the applicant and provided site plan, the carport and single-family residential detached accessory structure are proposed and not existing.

**1st Request (Special Exception to Side Yard Setback Regulations)**

- A request for a special exception, to the side yard setback regulations, of 1-foot is made to construct and/or maintain a carport for single-family residential structure.
- The subject site is currently developed with a residential structure.
- Zoning District R-5(A) requires a minimum side-yard setback of 5-feet.
- As gleaned from the submitted site plan, the proposed renovations to the existing subject site encroach into the 5-foot required side yard setback.

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

- The applicant has the burden of proof in establishing that the special exception(s) to the side yard setback regulations for a carport for a single-family residential structure will not adversely affect the neighboring properties.
- Granting the special exception to the side yard setback regulations relating to carports for single-family residential structures 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.

### **2<sup>nd</sup> Request (Variance to Floor Area Ratio)**

- The applicant proposes to construct a detached accessory structure (NFR), which will require a special exception to the floor area ratio regulations.
- Secondly, the applicant proposes to construct and/or maintain a 362 square foot single-family residential accessory structure (not for rent) which exceeds 25% of the main structure. The square footage of the main structure is 1,282. Therefore, a 41.5 square foot (28%) variance is required.
- The Dallas Development Code states that an accessory structure may not exceed 25% of the floor area of the main structure.
- According to the applicant's application, the detached accessory structure unit will be utilized as a detached garage.
- The applicant has the burden of proof in establishing that the accessory structure will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- Granting this variance request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e., development on the site must meet all required code requirements).

Moreover, the applicant has the burden of proof in establishing the following:

- That granting the variance to the floor area ratio 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.

### **3<sup>rd</sup> Request (Variance to Side-Yard Setback Regulations)**

- A request for a variance to the side yard setback regulations of 2-feet 4-inches is made to construct and/or maintain a single-family residential structure.
- The subject site is currently developed with a residential structure.
- Zoning District R-5(A) requires a minimum side-yard setback of 5-feet.
- As gleaned from the submitted site plan, the proposed renovations to the existing subject site encroach into the 5-foot required side yard setback.

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

- That granting the variance to the side 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.

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 2-foot 4-inch variance to the side yard setback 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.
  - Granting the proposed 41.5 square foot variance to the floor are 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: [BDA234-032 1426 Morrell Ave.](#)

**Timeline:**

- January 12, 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.
- February 21, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- February 15, 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 February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 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.
- March 5, 2024: The Board of Adjustment staff review team meeting was held regarding this

request and other requests scheduled for the March 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

March 18, 2024: The Board of Adjustment Panel **C** moved to hold this matter under advisement until April 15, 2024.

April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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: Elias Rodriguez, 317 E. Jefferson Blvd., Dallas TX 75203  
 (Virtual)

Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-032, on application of Jonathan Martinez, **DENY** the special exception to the side-yard setback regulation for carports, requested by this applicant **without** prejudice, contained in the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that granting the request will have a detrimental impact on surrounding properties.

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

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-032, on application of Jonathan Martinez, **DENY** the variance to the side-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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to deny

		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-032, on application of Jonathan Martinez, **DENY** the variance to floor area ratio 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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to deny
		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

**INDIVIDUAL CASES**

**5. 310 Canada Drive**

BDA234-046(CJ)

**BUILDING OFFICIAL’S REPORT:** Application of Audra Buckley for **(1)** a variance to the front-yard setback regulations; for **(2)** a variance to the off-street parking regulations; and for **(3)** a special exception to the visibility obstruction regulations at 310 CANADA DR. This property is more fully described as Block 2/7089, Lot 16 and is zoned R-5(A), which requires a front-yard setback of 20-feet; and requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley; and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require **(1)** a 15-foot variance to the front-yard setback regulations; to construct and/or maintain a single-family residential structure with a setback of 5-feet, which will require **(2)** a variance of 15-feet to the off-street parking regulations; and to construct and/or maintain a single-family residential structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation.

**LOCATION:** 310 Canada Dr.

**APPLICANT:** Audra Buckley

**REQUEST:**

- (4) A request for a variance to the front yard setback regulations.
- (5) A request for a variance to the off-street parking regulations.
- (6) A request for a special exception to the visual obstruction 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:

- (D) **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.
- (E) **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
- (F) **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 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:**

1. 1<sup>st</sup> Request - Variance to the front-yard setback regulations

Denial

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

- B. Is contrary to the public interest as:**
  - A. Letters of opposition were received.**

- B. Monetary: The variance poses the possibility of increasing the property value of homes in the neighborhood. Increased property value causes increased property taxes for residents of the established neighborhood.
  - C. Aesthetics: The proposed 3-level home does not fit in with the character of the neighborhood which has mostly single and two-story homes.
  - D. Aesthetics & Safety: The proposed size of the home in comparison to the size of the lot may be a case of overdevelopment which would not be an example of developing a piece of land to its best use.
  - E. Safety: The request to obstruct both visibility triangles on the small lot may constitute traffic hazards.
- 
- B. Is restrictive in shape and area (1,742.4 sqft); The minimum lot are for residential use in the R-5(A) zoning district is 5,000 sqft, therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
  - C. Is not a self-created or personal hardship.

2. 2<sup>nd</sup> Request - Variance to the off-street parking regulations

Denial

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

- A. Is contrary to the public interest as
  - A. Letters of opposition were received.
  - B. Monetary: The variance poses the possibility of increasing the property value of homes in the neighborhood. Increased property value might also lead to increased property taxes to residents of the established neighborhood.
  - C. Aesthetics: The proposed 3-level home does not fit in with the character of the neighborhood which has mostly single and two-story homes.
  - D. Aesthetics & Safety: The proposed size of the home in comparison to the size of the lot may be a case of overdevelopment which would not be an example of developing a piece of land to its best use.
  - E. Safety: The request to obstruct both visibility triangles on the small lot may constitute traffic hazards.
  
- A. Is restrictive in shape and area (1,742.4 sqft); The minimum lot are for residential use in the R-5(A) zoning district is 5,000 sqft, therefore, the property cannot 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.

3. 3<sup>rd</sup> Request - Special Exception to the visual obstruction regulations

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 1,742.4 of square feet.

This lot is zoned R-5(A) which has a minimum lot size of 5,000 square feet.

**Zoning:**

Site: R-5(A) (Single-Family Zoning District)  
North: A(A) (Agricultural Zoning District)  
South: R-5(A) (Single-Family Zoning District)  
East: R-5(A) (Single-Family Zoning District)  
West: R-5(A) (Single-Family Zoning District)

**Land Use:**

The subject site is vacant. The areas to the south, east, and west are developed and being developed with single-family uses. Areas to the north are currently used for agricultural purposes.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application for the Audra Buckley property located at 310 Canada Drive focuses on 3 requests relating to the front yard setback regulations, the off-street parking regulations as well as the visual obstruction regulations.
- A request for a variance to the front yard setback regulations of 15-feet is made to construct and/or maintain a single-family residential structure at 310 Canada Drive.
- Zoning District R-5(A) requires a minimum front yard setback of 20-feet.
- As gleaned from the submitted site plan, the proposed home is set to encroach 15-feet into the 20-foot required front yard setback at 310 Canada Drive.
- Secondly, a request for a variance to the off-street parking regulations of 15-feet is made to construct and/or maintain a single-family residential structure at 310 Canada Drive.
- A parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from the street or alley.
- Lastly, the applicant proposed to construct and/or maintain a single-family residential structure in a required visibility obstruction triangle which will require a special exception to the visibility obstruction regulations.
- Per 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.
- It is imperative to note that the subject site has single street frontage on Canada Drive.
- Based upon staff's analysis of the surrounding properties, the subject site is restrictive in size being only 1,742.4 sqft in the R-5(A) zoning district which has a minimum lot size of 5,000 sqft. Staff has also concluded that the triangular shape of the subject site is irregular.
- The subject site is currently vacant.

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

- That granting the variance to the front yard setback and/or the variance to the off-street 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:

- (f) 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.
  - (g) 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.
  - (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
  - (j) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 15-foot variance to the front yard setback regulations and/or the proposed 15-foot variance to the off-street 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.
  - Granting the special exception to the 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: [BDA234-046\\_310 Canada Dr.](#)

**Timeline:**

- February 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.
- March 13, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- March 20, 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 March 27 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5,

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.

April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April 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: Audra Buckley, 1414 Belleview St. Suite 150, Dallas TX 75215  
 Maria Lozada Garcia, 2422 Postbridge Rd., Grand Prairie TX 75050

Against: James Tomek, 3138 Pastor Street, Dallas, TX 75212  
 Avery Tomek, 3138 Pastor Street, Dallas, TX 75212

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA 234-046, on application of Audra Buckley, **GRANT** the 15-foot 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:	Roger Sashington				
Second:	Rodney Milliken				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA 234-046, on application of Audra Buckley, **GRANT** the 15-foot variance to the off-street parking 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:	Roger Sashington				
Second:	Rodney Milliken				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 234-046, on application of Audra Buckley, **GRANT** the request to maintain items in the 20-foot visibility triangle on to Canada Drive 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:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Judy Pollock, Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

**\*\*Recess at 1:21 pm – 1:23 pm\*\***

**\*\*Recess at 2:36 pm – 2:42 pm\*\***

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **3:10 P.M.**

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

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Date

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Required Signature:  
Dr. Kameka Miller-Hoskins – Chief Administrator  
Development Services Dept.

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Date

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

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Date

**FILE NUMBER:** BDA234-054 (KMH)

**BUILDING OFFICIAL'S REPORT:** Application of Thomas Grote for (1) a special exception to the fence opacity regulations; for (2) a special exception to the 20-foot visibility obstruction regulations, (3) a special exception to the 45-foot visibility obstruction regulations; and for (4) a special exception to the 20-foot visibility obstruction at 6335 Brookshire Dr. This property is more fully described as Block H/5496, Lot 5, and is zoned R-16(A), which 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; requires a 20-foot visibility triangle at driveway approaches and alley intersections; and requires a 45-foot visibility triangle at street intersections. 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 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 regulations 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 obstruction regulation at the intersection of Brookshire Dr. and Tibbs St.; and to construct and/or maintain a residential fence structure in a required visibility obstruction triangle, which will require (4) a special exception to the 20-foot visibility obstruction regulations at the alley intersection.

**LOCATION:** 6335 Brookshire

**APPLICANT:** Thomas Grote

**REQUEST:**

- (1) A request for a special exception to the fence opacity regulations;
- (2) A request for a special exception to the visual obstruction regulations at the drive approach;
- (3) A request for a special exception to the visual obstruction regulations at Brookshire Dr. and Tibbs St.; and
- (4) A request for a special exception to the visual obstruction regulations at the alley intersection.

**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 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 (4):

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 15,826.33 of square feet.

This lot is zoned R-16(A) which requires a minimum lot size of 16,000 square feet.

**Zoning:**

Site: R-16(A) Single Family District  
North: R-16(A) Single Family District  
South: R-16(A) Single Family District  
East: R-16(A) Single Family District  
West: R-16(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 Thomas Grote for the property located at 6335 Brookshire Dr. focuses on 4 requests. It is imperative to note that the subject site is situated on a corner lot with a proposed fence having fence panels less than 50% open along both street frontages, Brookshire Dr. and Tibbs St.
- The first request is for a special exception to the fence opacity regulations along both Brookshire Dr. and Tibbs St. 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. As illustrated on the submitted site plan and elevations, the applicant is proposing a 4-foot masonry wall along both street frontages, Brookshire Dr. and Tibbs St. It is imperative to note that the proposed masonry wall is 4-feet in height at its highest point, which are the masonry columns; the remaining portion of the masonry wall is roughly 2-feet in height.

- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Tibbs St. The proposed masonry wall encroaches about 6 ½feet into the visibility triangle; which requires a special exception to the 20-foot visual obstruction regulations.
- Thirdly, the applicant is requesting a special exception to the 45-foot visibility obstruction at the intersection of Brookshire Dr and Tibbs St. The proposes masonry wall encroaches about 6-feet into the visibility triangle, which requires a special exception to the 45-foot visual obstruction regulations.
- And lastly, the applicant is also requesting a special exception to the 20-foot visibility triangle at Tibbs St and the alley. It is imperative to note that the existing board on board fence at the rear of the property encroaches roughly 8 1/2-feet into the visibility triangle at the alley; 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 and maintain a 4-foot high masonry wall along Brookshire Dr. and Tibbs St. The proposed masonry wall obstructs the visibility triangles at the intersection of Brookshire Dr and Tibbs St., at the drive approach along Tibbs St., as well as at the intersection of Tibbs St. and the alley.
- Although the proposed masonry wall obstructs the visibility triangles, the applicant has stated that the portion of the masonry obstructing the visibility triangles will be approximately 24”.
- The applicant has the burden of proof in establishing that the special exceptions to the fence opacity and visual obstructions will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exceptions (4) to the fence opacity standards 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.
- [BDA234-054 at 6335 Brookshire Dr](#) (200’ radius video)

**Timeline:**

- March 22, 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.

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.

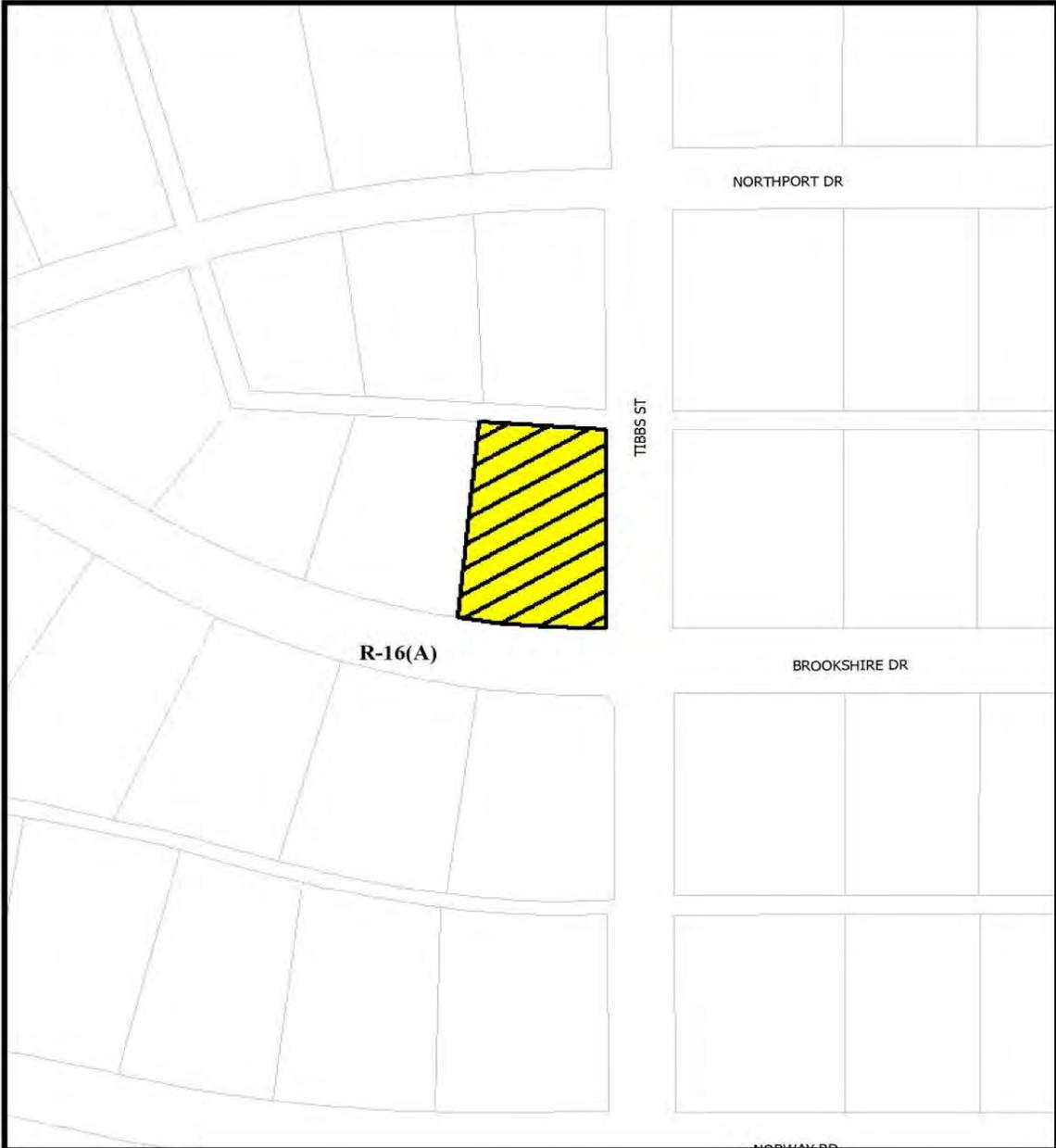


1:1,200

# AERIAL MAP

Case no: BDA234-054

Date: 4/15/2024



1:1,200

# ZONING MAP

Case no: BDA234-054  
Date: 4/15/2024

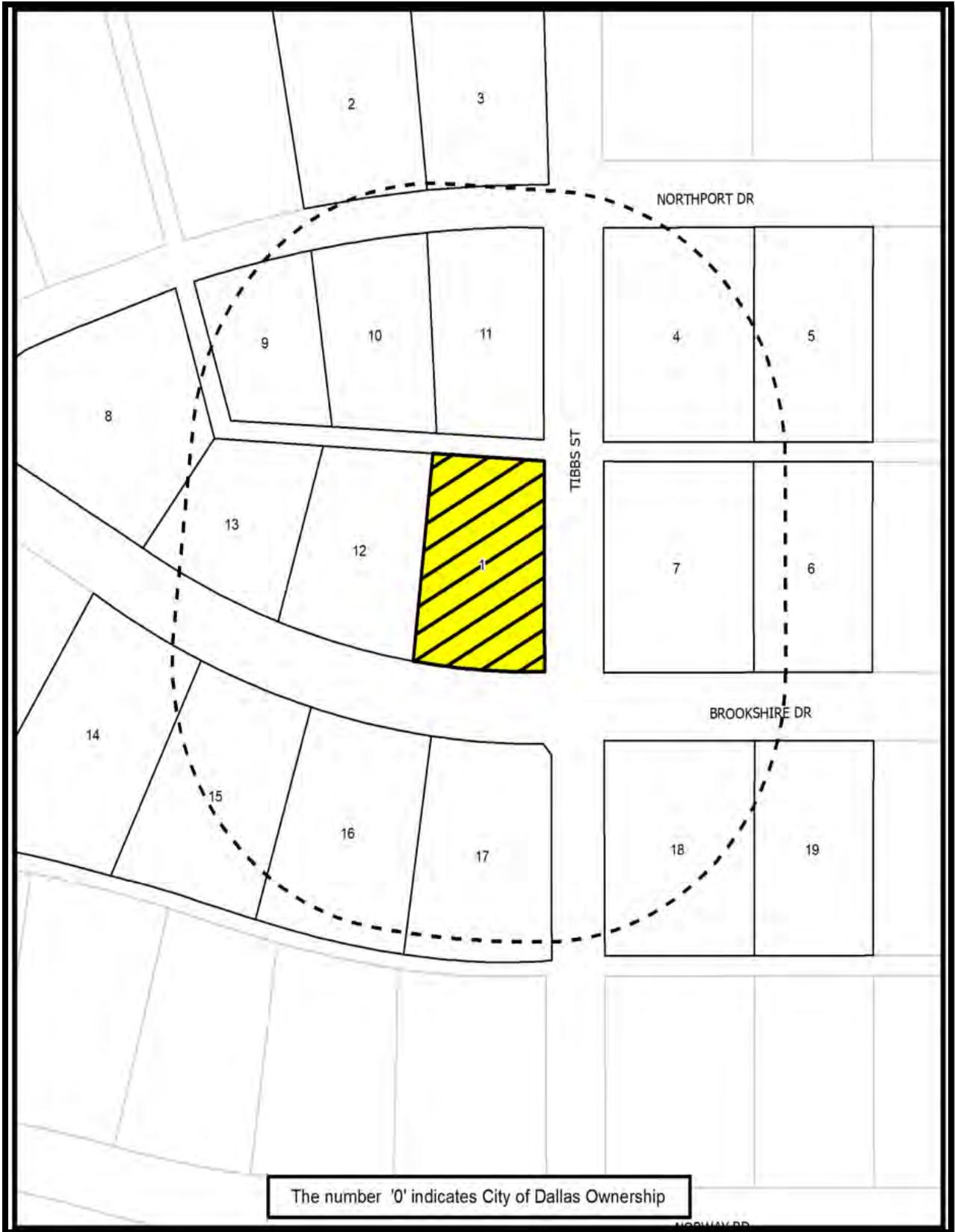
04/15/2024

## *Notification List of Property Owners*

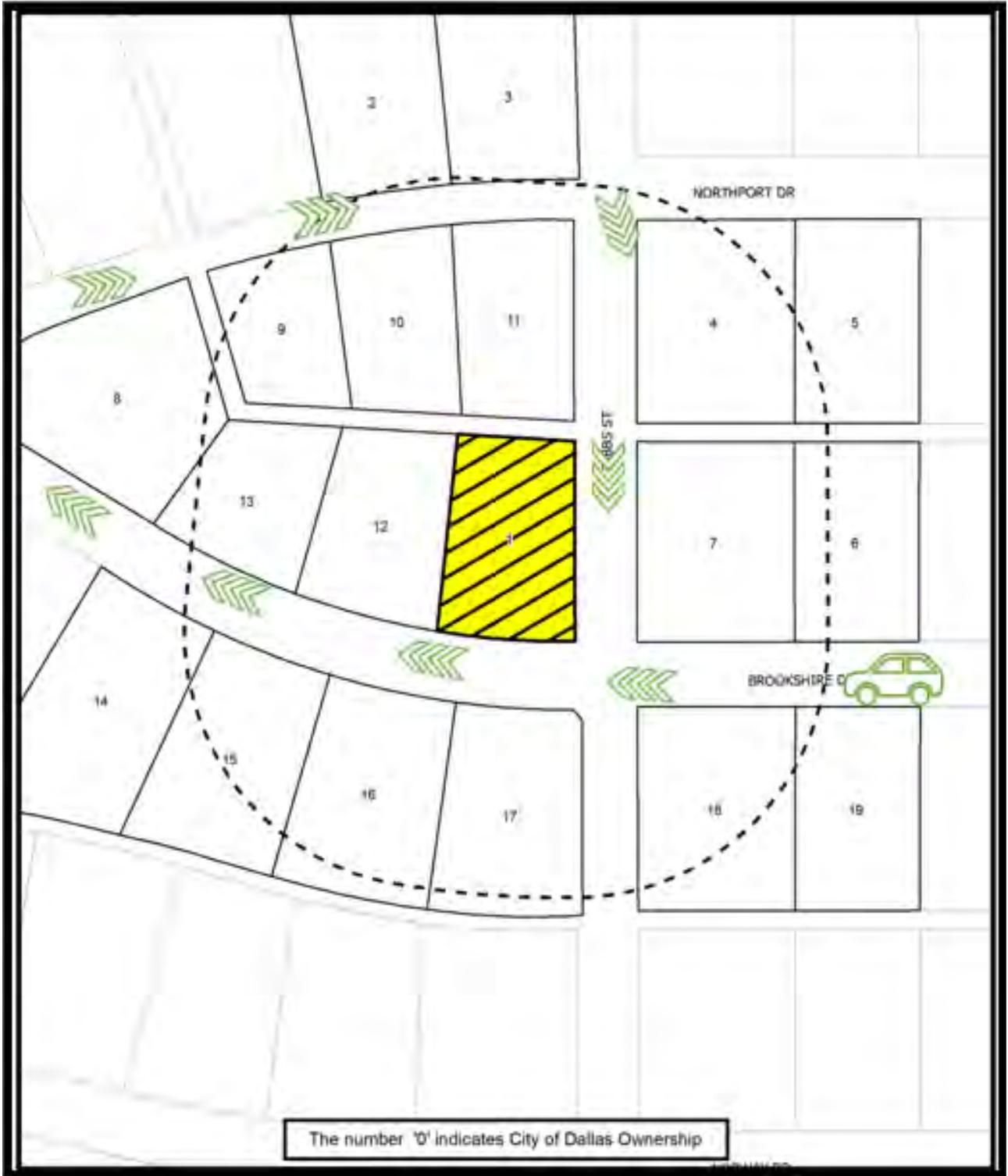
*BDA234-054*

### *19 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6335 BROOKSHIRE DR	YADLAPALLI VIVEK &
2	6345 NORTHPORT DR	ZHANG RUOJIAN & RONG TANG
3	6353 NORTHPORT DR	MCR NORTHPORT LLC
4	6408 NORTHPORT DR	DISHMAN BENJAMIN E & OMALLEY HAYES
5	6416 NORTHPORT DR	HARRIS HEATHER
6	6417 BROOKSHIRE DR	HOLLORAN NANCY J
7	6409 BROOKSHIRE DR	ANDERSON MARK W & CAROL LYNN
8	6309 BROOKSHIRE DR	BARGHOUTI NASSER TRUST
9	6316 NORTHPORT DR	GERBER BRIAN LEE
10	6322 NORTHPORT DR	KITNER DAVID N
11	6334 NORTHPORT DR	SUN YIYANG JOSEPH &
12	6323 BROOKSHIRE DR	ZAHLER WARREN & KATHERINE
13	6317 BROOKSHIRE DR	TURNER MATT T &
14	6316 BROOKSHIRE DR	WIMBERLY ROBERT LANE &
15	6324 BROOKSHIRE DR	MANNING CHRISTOPHER &
16	6332 BROOKSHIRE DR	ROYER EVA
17	6340 BROOKSHIRE DR	JARVIS JERRY &
18	6408 BROOKSHIRE DR	KNOCKE RICHARD C &
19	6416 BROOKSHIRE DR	LYNCH JOSEPH D & ALYSIA C



200' Radius (route map)



**PUBLIC HEARING**

**BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)**

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

**DATE:** **MONDAY, MAY 20<sup>th</sup>, 2024**

**BRIEFING:** **10:00 a.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0520>

**HEARING:** **1:00 p.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0520>

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

**BDA234-054(KMH)** Application of Thomas Grote for **(1)** a special exception to the fence standard regulations, and 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, and for **(4)** a special exception to the 20-foot visibility obstruction regulations at **6335 BROOKSHIRE DR.** This property is more fully described as Block H/5496, Lot 5, and is zoned R-16(A), which 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; requires a 20-foot visibility triangle at driveway approaches; requires a 45-foot visibility triangle at street intersections; and requires a 20-foot visibility triangle at the intersection of the street and alley. 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 standard regulations; to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at the drive approach facing Tibbs St., which will require **(2)** a special exception to the 20-foot visibility obstruction regulation; to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at the corner of Tibbs St. and Brookshire Dr., which will require **(3)** a special exception to the 45-foot visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the corner of Tibbs St. and the alley, which will require **(4)** a special exception to the 20-foot visibility obstruction 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](mailto: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-C-Register> or contact the Development Services Department at 214-670-4127 **by the close of business Sunday, May 19<sup>th</sup>, 2024. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall)

**PLEASE SEND REPLIES TO:**  
[BDAREPLY@dallas.gov](mailto:BDAREPLY@dallas.gov)  
**Letters will be received until 9:00 am the day of the hearing.**

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

**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 Dr. Kameka Miller-Hoskins, Chief Planner at (214) 948-4478, 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.



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

23/05/24  
**RECEIVED**  
**MAR 22 REC'D**  
BY: \_\_\_\_\_

Data Relative to Subject Property: \_\_\_\_\_ Date: \_\_\_\_\_  
Location address: 6335 Brookshire Drive Zoning District: SF - R-16 (A)  
Lot No.: 5 Block No.: H/5496 Acreage: 0.362 Census Tract: \_\_\_\_\_  
Street Frontage (in Feet): 1) 110' 2) 158' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Vivek Yadlapalli and Vineela Kolupoti

Applicant: Thomas Grote Telephone: 469-463-7760

Mailing Address: 2818 Moccasin Lane, Aubrey, TX Zip Code: 76227

E-mail Address: tom@tpgdesignbuildtx.com

Represented by: Thomas Grote Telephone: 469-463-7760

Mailing Address: 2818 Moccasin Lane Zip Code: 76227

E-mail Address: tom@tpgdesignbuildtx.com

Affirm that an appeal has been made for a Variance  or Special Exception  of \_\_\_\_\_  
SEC. 51A-4.602. FENCE, SCREENING AND VISUAL OBSTRUCTION REGULATIONS. Front yard visual obstructions and visibility clip ordinance.

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:

We would like to install a low stone wall along Brookshire Drive and Tibbs Streets. This wall is not meant to be a fence and will never exceed 30" in ht. The columns would be 30" ht. and the main portions of the wall would be 24" ht. for the portions of the wall that are within the street and drive Visibility clips. Portions that are not within the visibility clips will never be over 4'-0" in ht.

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 Thomas Grote

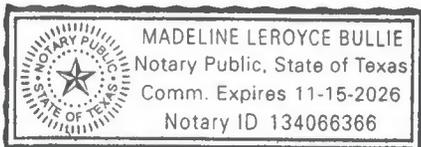
(Affiant/Applicant's name printed)

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: *Thomas Grote*  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20<sup>th</sup> day of February, 2024

*Madeline Leroyce Bullie*  
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** Thomas Grote

**did submit a request** for (1) a special exception to the fence standard regulations, and for (2) a special exception to the visibility obstruction regulations, and for (3) a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations

**at** 6335 Brookshire

BDA234-054(KMH) Application of Thomas Grote for (1) a special exception to the fence standard regulations, and 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, and for (4) a special exception to the 20-foot visibility obstruction regulations at 6335 BROOKSHIRE DR. This property is more fully described as Block H/5496, Lot 5, and is zoned R-16(A), which 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; requires a 20-foot visibility triangle at driveway approaches; requires a 45-foot visibility triangle at street intersections; and requires a 20-foot visibility triangle at the intersection of the street and alley. 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 standard regulations; to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at the drive approach facing Tibbs St., which will require (2) a special exception to the 20-foot visibility obstruction regulation; to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at the corner of Tibbs St. and Brookshire Dr., which will require (3) a special exception to the 45-foot visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle at the corner of Tibbs St. and the alley, which will require (4) a special exception to the 20-foot visibility obstruction regulation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-054

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

at: 6335 Brookshire Drive  
(Address of property as stated on application)

Authorize: Thomas Grote  
(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: SEC. 51A-4.602. FENCE, SCREENING AND VISUAL OBSTRUCTION REGULATIONS.  
Front yard visual obstructions and visibility clip ordinance.  
Fence panel less than 50% open within 5' from front lot line

VINEELA KOLUPOTI Vineela Kolupoti  
Print name of property owner or registered agent Signature of property owner or registered agent

agent Date 02/19/2024

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 19 day of February, 2024



Commission expires on 6/15/25









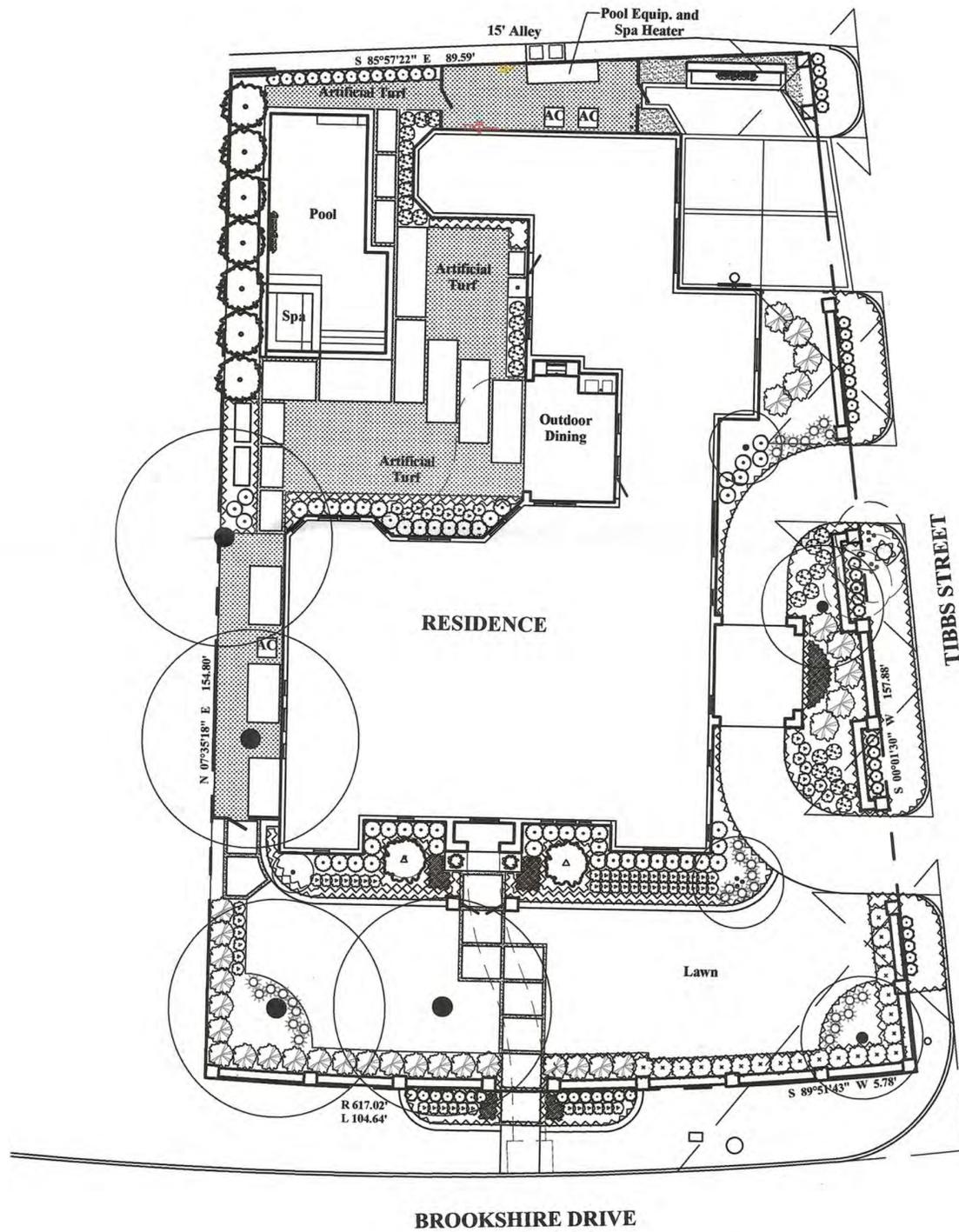




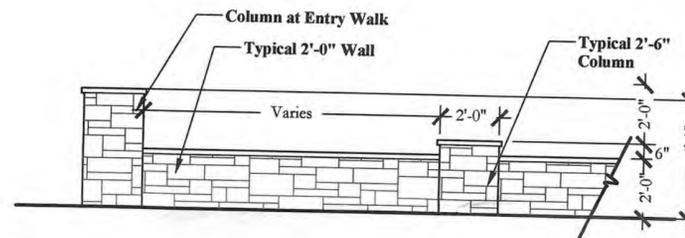




# UPDATED SITE PLAN



**1 Master Plan**  
SCALE: 1/16" = 1'-0"



**2 Typical Perimeter Wall Elevation**  
SCALE: 1/4" = 1'-0"



*Yadlapalli Residence*  
6335 Brookshire Drive  
Dallas, TX 75230

Issue Date:

Drawing Notes:

*BDA234-054*

Print Date:

© March 6, 2024

Sheet:

**L1.00**

**FILE NUMBER:** 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:**

- (1) A request for a special exception to the fence height regulations; and
- (2) 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:**

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

### **Land Use:**

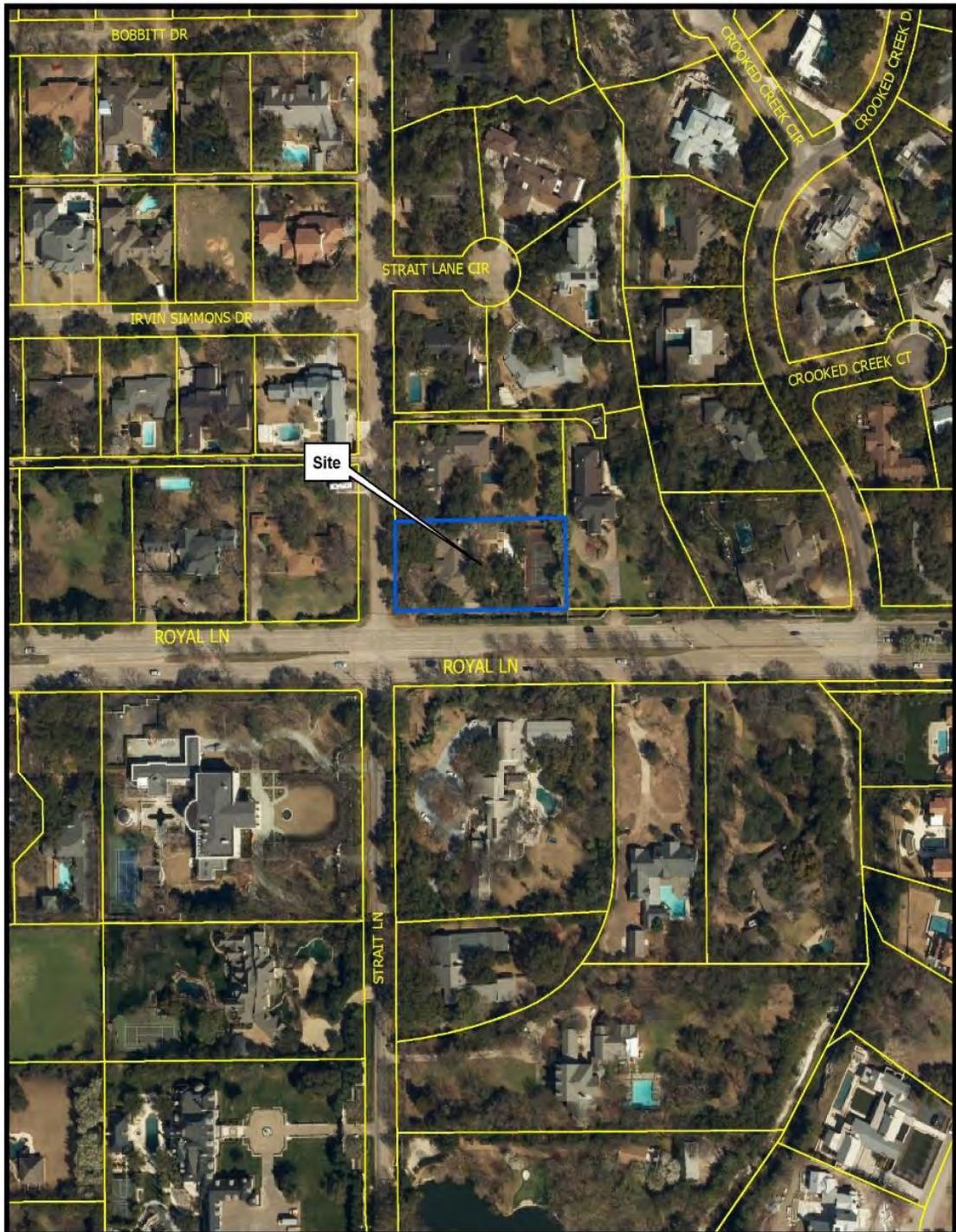
The subject site is developed with a single family home. The areas to the north, south, east and west are also developed with single family homes.

## **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.
- 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.

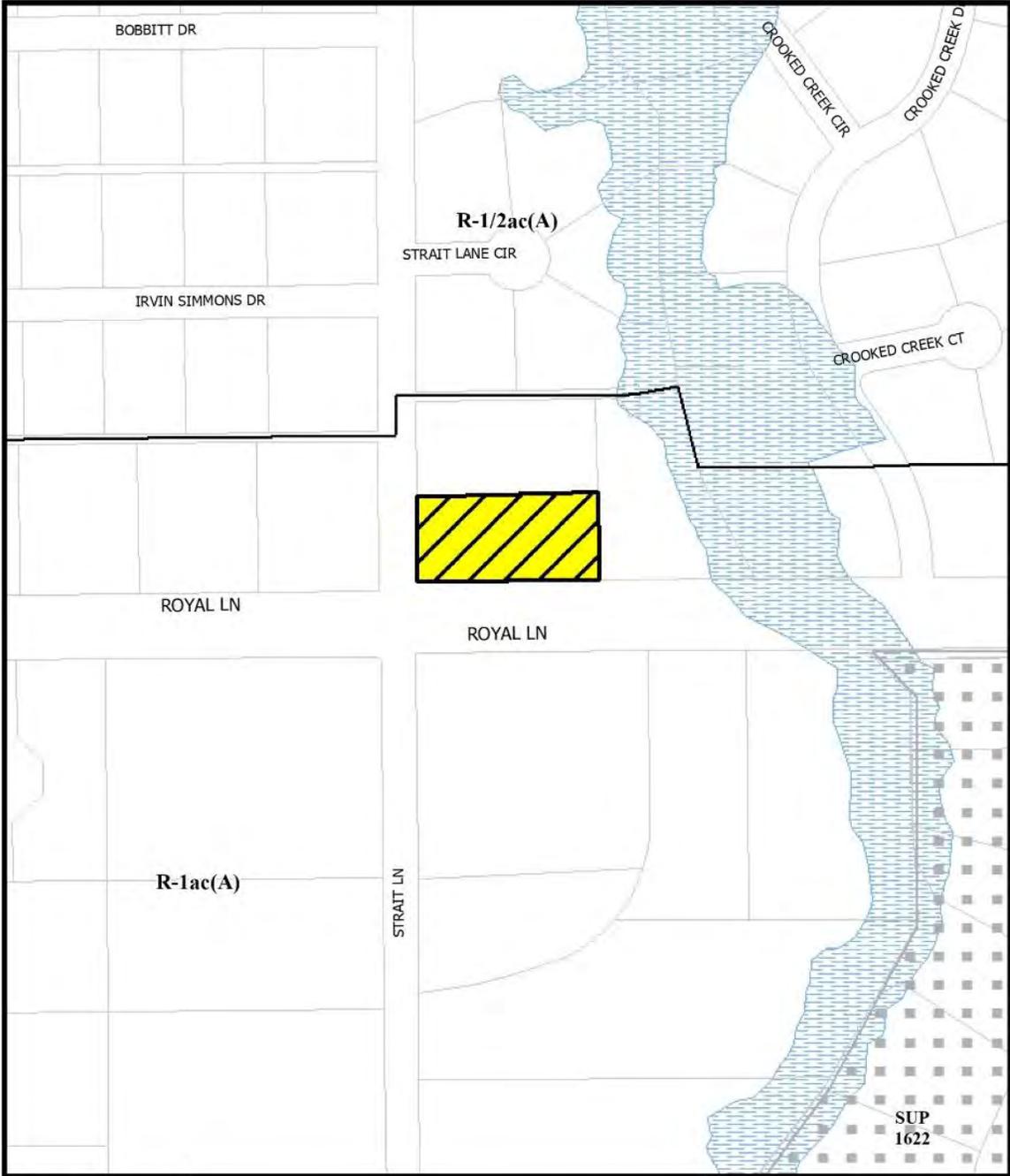


1:2,400

# AERIAL MAP

Case no: BDA234-059

Date: 4/17/2024



1:2,400

# ZONING MAP

Case no: BDA234-059

Date: 4/17/2024

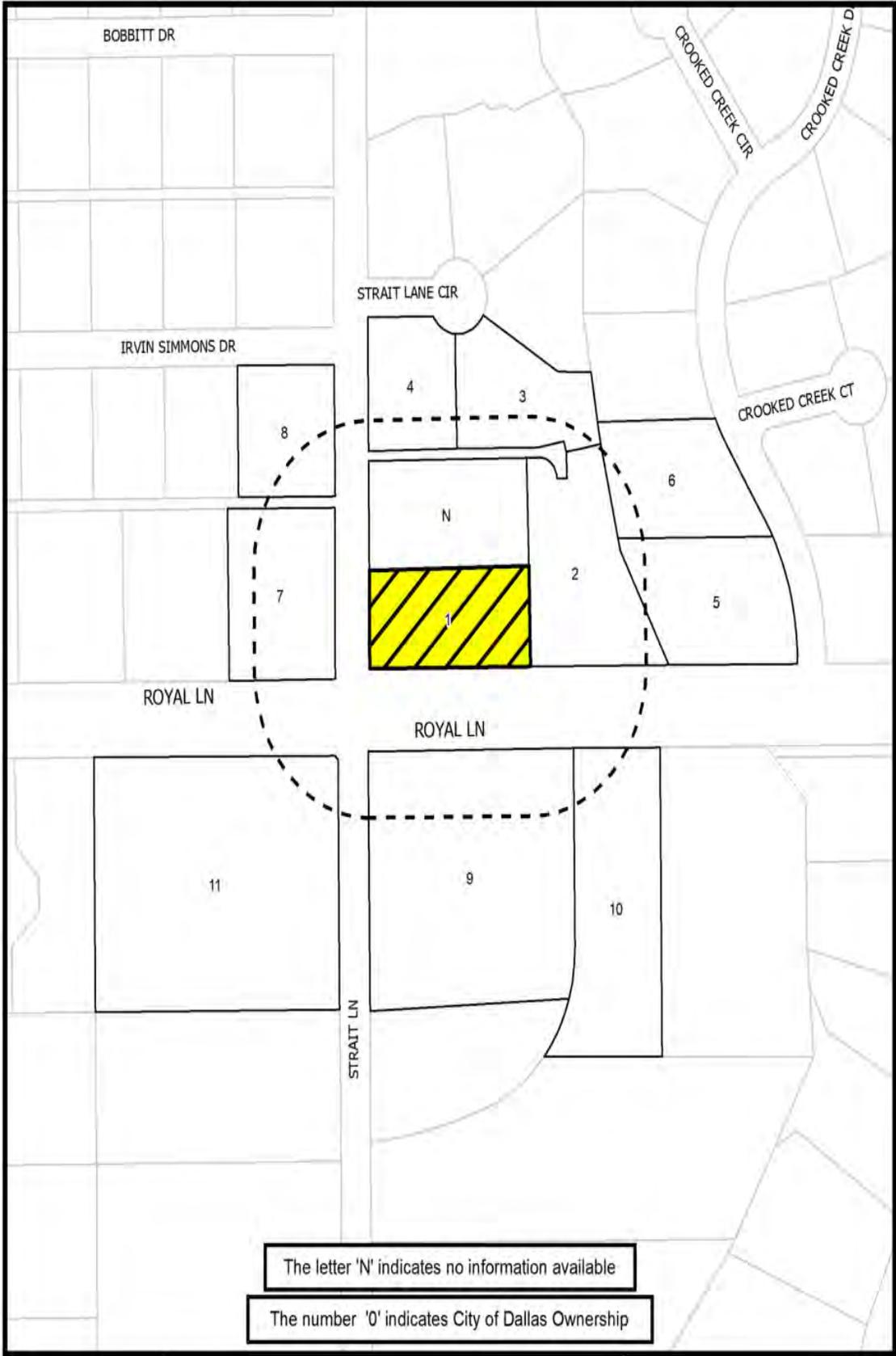
04/17/2024

## *Notification List of Property Owners*

*BDA234-059*

### *11 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10802 STRAIT LN	WERNICK EPHRAIM & LEA G
2	4929 ROYAL LN	DAUM JERRY FREDERICK
3	10848 STRAIT LN	SANDERS FAMILY 2011 IRREVOC TR
4	10840 STRAIT LN	FRENKEL MARK D & MARCI
5	10815 CROOKED CREEK DR	THOMAS NATHAN T & MIKA R TRUSTEES
6	10827 CROOKED CREEK DR	HELLSTERN CYNTHIA J LIFE ESTATE
7	4833 ROYAL LN	GILLIAM NICHOLAS B & ROBIN TRUSTEES
8	4832 IRVIN SIMMONS DR	BOWLING JEFF & DANIELA
9	10750 STRAIT LN	OYSTER TINA
10	4944 ROYAL LN	HALL CHRIS & STEPHANIE RENEE
11	10777 STRAIT LN	CBS REAL ESTATE II LLC



200' Radius (route map)



**PUBLIC HEARING**

**BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)**

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

**DATE:** **MONDAY, MAY 20<sup>th</sup>, 2024**

**BRIEFING:** **10:00 a.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0520>

**HEARING:** **1:00 p.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0520>

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

**BDA234-059(KMH)** 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 LN**. 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 **(1)** 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.

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](mailto: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-C-Register> or contact the Development Services Department at 214-670-4127 **by the close of business Sunday, May 19<sup>th</sup>, 2024. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://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 Dr. Kameka Miller-Hoskins, Chief Planner at (214) 948-4478, 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, Development Services  
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234 RECEIVED

Data Relative to Subject Property: \_\_\_\_\_

Date: \_\_\_\_\_

FOR OFFICE USE ONLY  
MAR 25 REC'D

Location address: 10802 Strait Lane

Zoning District: R-1AC

Lot No.: 1 Block No.: 5503

Acreage: 0.998

Census Tract: 48113013500

Street Frontage (in Feet): 1) 131.3 2) 278.07 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Ephraim & Lea Wernick

Applicant: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas

Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas

Zip Code: \_\_\_\_\_

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of 2' to the fence height regulations to allow a 6' tall iron fence to be located in a required front yard. and to encroach into the sight visibility triangle.

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 approval of this Special Exception request is reasonable to and will not negatively impact the surrounding properties.

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

Rob Baldwin

(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

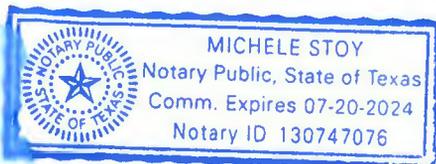
Respectfully submitted: \_\_\_\_\_

(Affiant/Applicant's signature)

Subscribed and sworn to before me this

27 day of February, 2024

Michele Stoy  
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** Rob Baldwin

**did submit a request** for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations

**at** 10802 Strait Ln

BDA234-059(KMH) 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 LN. 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.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



### Posting of Notification Sign

Address: 10802 Strait Ln

Appeal Number: BDA 234059

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: 131.3 - 278.07

Number of acres: 0.998

Number of signs received: 2

Michele Sjy  
Signature of applicant or person receiving signs

2-23-24  
Date



Appeal number: BDA 234-059

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

at: 10802 Strait Lane  
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates  
(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 fence regulations to allow a 6' fence in the required front yard.

Ephraim Wernick  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

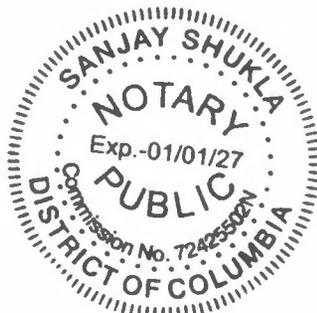
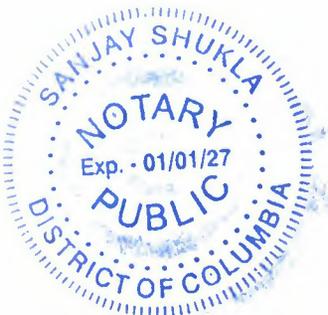
Date 3-20-24

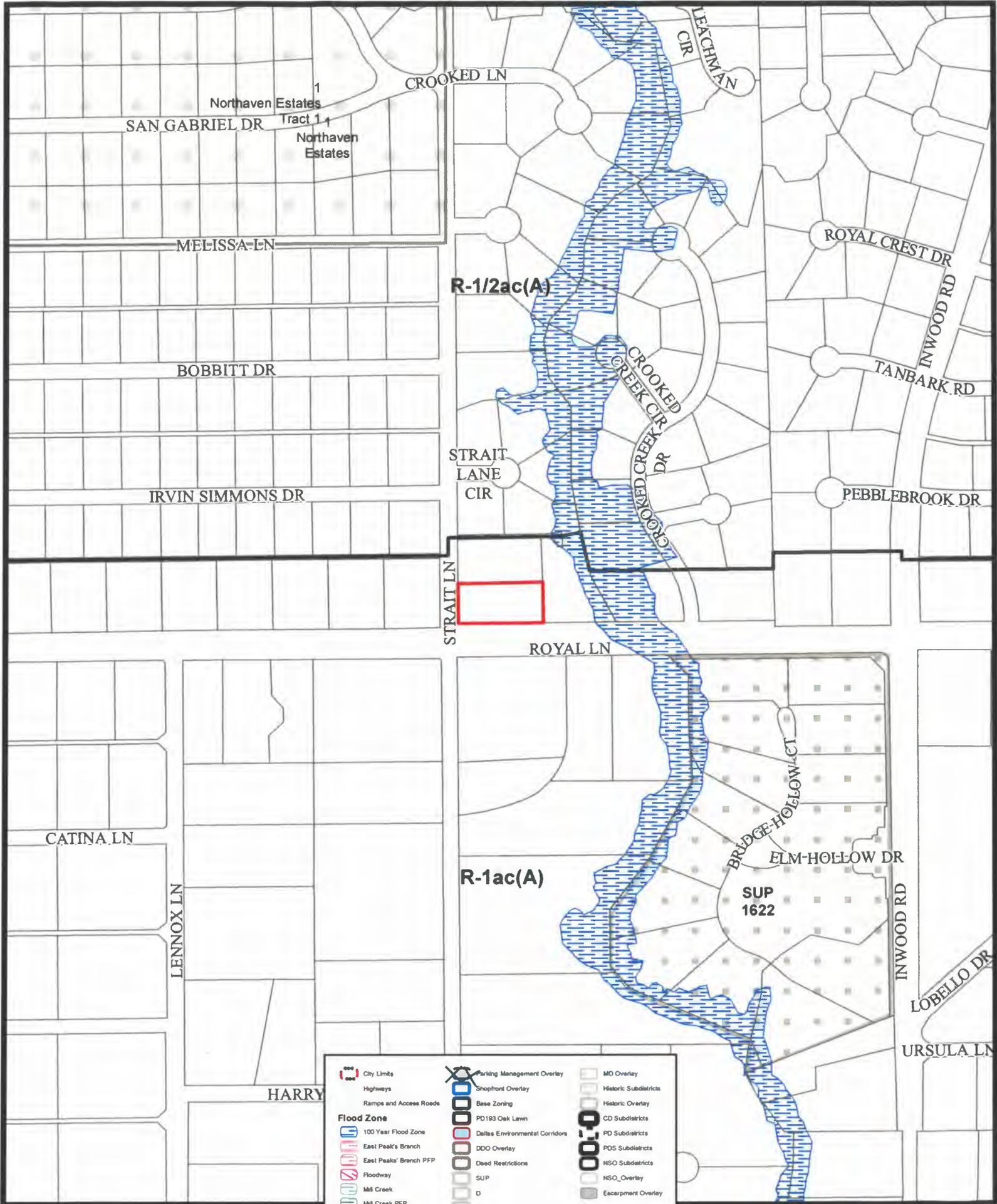
Before me, the undersigned, on this day personally appeared Ephraim Wernick

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 20<sup>th</sup> day of March, 2024

[Signature]  
Notary Public for ~~Dallas County, Texas~~  
Washington, DC  
Commission expires on January 18<sup>th</sup>, 2027





	City Limits		Parking Management Overlay		MO Overlay
	Highways		Shopfront Overlay		Historic Subdistricts
	Ramps and Access Roads		Base Zoning		Historic Overlay
	Flood Zone		PD193 Oak Lawn		CD Subdistricts
	100 Year Flood Zone		Dallas Environmental Corridors		PD Subdistricts
	East Peak's Branch		DOO Overlay		POS Subdistricts
	East Peak's Branch PFP		Deed Restrictions		NSO Subdistricts
	Floodway		SUP		NSO_Overlay
	Mill Creek		D		Escarpment Overlay
	Mill Creek PFP		D-1		
	Peak's Branch		CP		
	Peak's Branch PFP		SP		
	X Protected by Levee				
	Parks				
	Height Map Overlay				

1:4,800



FRONT YARD FENCE LAYOUT PLAN

**BJA234-059**

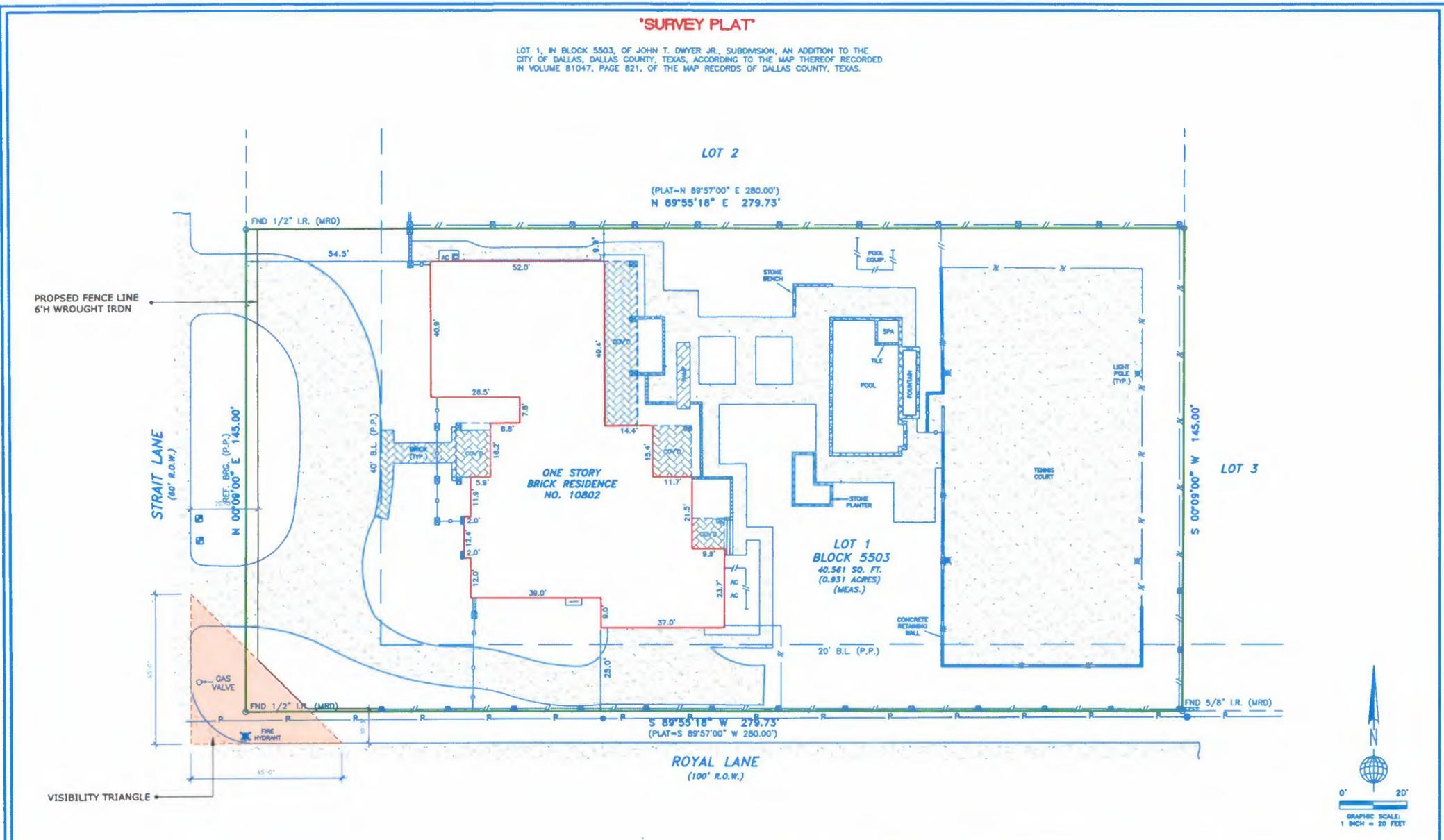


L1.0

WERNICK RESIDENCE  
 10802 ST RAITX 75220  
 DALLAS, TX 75220  
 SCALE 1/8" = 1'-0"  
 DRAWN BY: RM & JB  
 DATE: 03/11/2024  
 0  
 JASON OSTERBERGER DESIGNS  
 P.O. Box 2381 • Coppell, TX 75019 • 214.458.7668

**'SURVEY PLAT'**

LOT 1, IN BLOCK 5503, OF JOHN T. DWYER JR. SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 81047, PAGE 821, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.



ADDRESS: 10802 STRAIT LANE

**NOTES:**

- (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.
- (MRD) INDICATES MONUMENTS OF RECORD DIGNITY THAT REPRESENT ORIGINAL CORNERS SET BY THE SURVEYOR OR A SURVEYOR FOLLOWING IN THE FOOTSTEPS OF THE ORIGINAL SURVEYOR OF THE SUBDIVISION OR TRACT REFERENCED IN LEGAL DESCRIPTION ABOVE UNLESS OTHERWISE NOTED.
- THE PROPERTY SHOWN HEREON APPEARS TO BE SUBJECT TO THE TERMS, PROVISIONS, CONDITIONS AND EASEMENTS DESCRIBED IN RESTRICTIVE COVENANTS RECORDED IN VOLUME 3778, PAGE 207 AND VOLUME 88122, PAGE 1888, OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS.
- TO THE BEST OF MY KNOWLEDGE AND BELIEF THE EASEMENTS RECORDED IN VOLUME 81002, PAGE 2086, REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, DO NOT APPEAR TO CROSS SUBJECT PROPERTY.

**FLOOD STATEMENT:**

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480171 0100K, DATED 07/07/2014, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO BE WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SURVEY EXAMINED AND ACCEPTED BY PURCHASERS: \_\_\_\_\_ DATE: \_\_\_\_\_

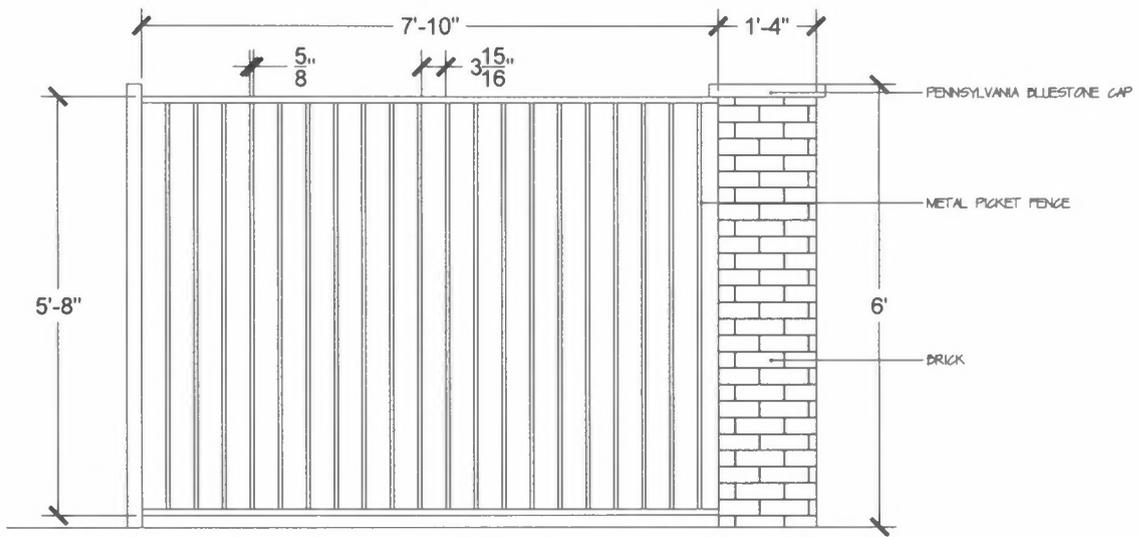
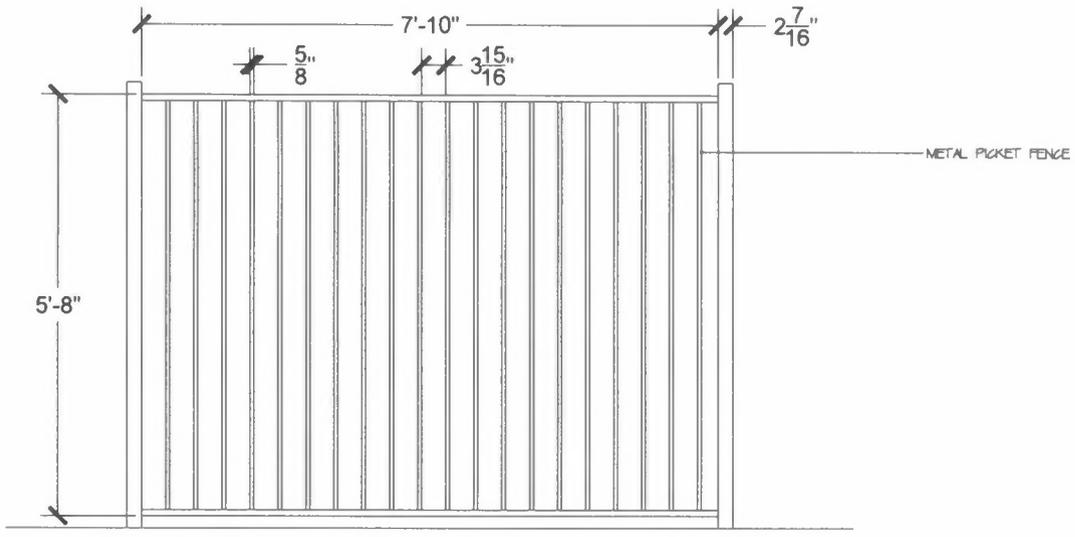
CERTIFIED TO: LAWYERS TITLE AND EPHRAIM WERNICK AND LEA WERNICK GF:1901372200013 DATE: 01/18/2022 JOB NO.:22-01-032

SYMBOL	LEGEND
---	WOOD FENCE
---	CHAIN LINK FENCE
---	WIRE FENCE
---	WROUGHT IRON FENCE
□	COLUMN
○	POWER POLE
○	WATER METER
---	FOURM LINE
---	OVERHEAD SERVICE LINE
---	TRANSFORMER AND GAS
○	GAS METER
---	ASPHALT SURFACE
---	CONCRETE

**Global Land Surveying, Inc.**  
SERVING COLLIN, DALLAS AND DENTON COUNTIES SINCE 2002

GLOBAL LAND SURVEYING, INC.  
P.O. BOX 280268  
PLANO, TEXAS 75028  
PHONE (972) 881-1700  
JMORGAN@GLS-INC.COM  
TSPSLS FIRM NO. 10016300

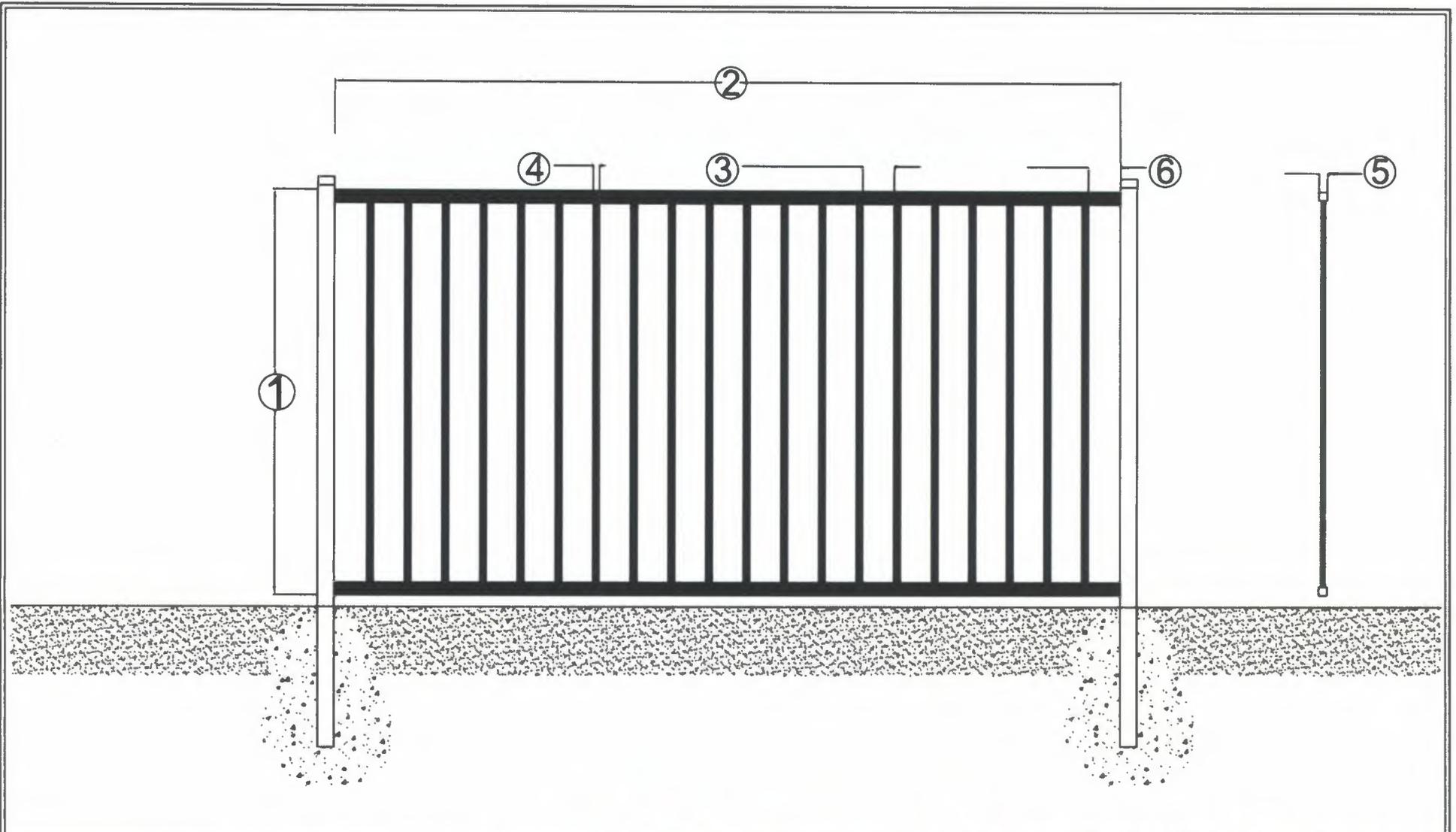
BD0234-059



0  
**JASON OSTERBERGER DESIGNS**  
 P O Box 2381 • Coppell, TX 75019 • 214-458-7668  
 SCALE 1-1/2" = 1'-0"  
 DRAWN BY: RM & JB  
 DATE: 03/11/2024  
**WERNICK RESIDENCE**  
 10802 ST R A I T L A N E  
 D A L L A S , T X 7 5 2 2 0

BDA23A-059





① 70"	⑤ 1"x 16 Ga
② 7'-10"	⑥ 2 7/16"
③ 3 15/16"	⑦
④ 5/8" 18 Ga	⑧

*Strength*  
 ISAIAH 40:29-31

PRODUCT: FLAT TOP PANEL  
 PRODUCT NUMBER: FT70X8-58  
 DRAWING REVISION DATE:  
 MISC NOTES:

206 East Hwy 80 Phone: (972)564-3388  
 Forney Texas, 75126 Fax: (972)564-3001  
 WWW.IAM-METALS.COM



*Ornamental Fencing*



**I** NTERNATIONAL  
**A** RCHITECTURAL  
**M** ETALS

BDABA-059

# **Applicant's Documentary Evidence**



April 26, 2024

Kameka Miller-Hoskins  
Dallas Board of Adjustment  
Planning & Urban Design  
1500 Marilla Street  
Dallas, TX 75201

Re: BDA234-059 –10802 Strait Lane

Dear Kameka,

I am writing to you on behalf of Ephraim and Lea Wernick, the property owners of 10802 Strait Lane, concerning their request for a special exception to the fence requirements and slight encroachment into the sight visibility triangles. This request is to facilitate the construction of a fence taller than four feet in the required front yard. We trust that upon reviewing the pertinent details of this case, you will find merit in supporting our request.

The property is situated at 10802 Strait Lane, at the northeast corner of Strait Lane and Royal Lane. The subject property encompasses approximately 0.998 acres of land and is improved with a single-family residence.

The request is to construct a new fence along both the Strait Lane and Royal Lane street frontages with a maximum height of six-feet (6'). The fence will be constructed of open, decorative iron panels and solid masonry columns. The fence panels themselves will be 5' 8" tall and the columns will be six-feet in height. The proposed fence will be new on Strait Lane and will tie into the existing wooden fence along Royal Lane. There are two slight encroachments into the sight visibility triangles where the driveway meets the fence on Strait Lane. The columns at the gate will encroach approximately 1' 4" into the sight visibility triangles. Please note that the fence along Strait Lane is set back approximately 20 feet from the edge of the pavement. These encroachments are slight and are set back 20 feet from the edge of pavement and I trust they will not constitute a traffic hazard as vehicles entering the property will be pulled off of the travel lanes of Strait Lane before they encounter the obstruction and vehicles exiting the property have 20-feet of driveway clear before the driveway intersections with Strait Lane.

3904 Elm Street Suite B · Dallas, TX 75226 · 214-824-7949

This section of Strait Lane is developed with homes on large lots. Given the land use pattern in the area, fences taller than four feet in height in required front yards are not uncommon. In addition, given the way the area is platted, all the lots on the west side of Strait Lane and many of the homes on the east side of Strait Lane in the immediate vicinity side to Strait Lane and their Strait Lane frontages are treated as side yards and fences up to 8-feet in height are allowed in side yards by right. Therefore, the proposed fence is consistent with other fences in the immediate area.

The Dallas Development Code allows the Board of Adjustment to grant a special exception to the fence height when it's determined that the exception will not adversely affect neighboring properties. In this case, the proposed fence will not negatively impact neighboring properties as many of the homes in the area have fences and gates taller than four feet in the immediate vicinity. In addition, the proposed fence will be set back 20-feet from the edge of the pavement and will constructed of open, decorative iron panels, so the fence will not have the appearance of a wall along the street. Therefore, we urge you to consider this request favorably.

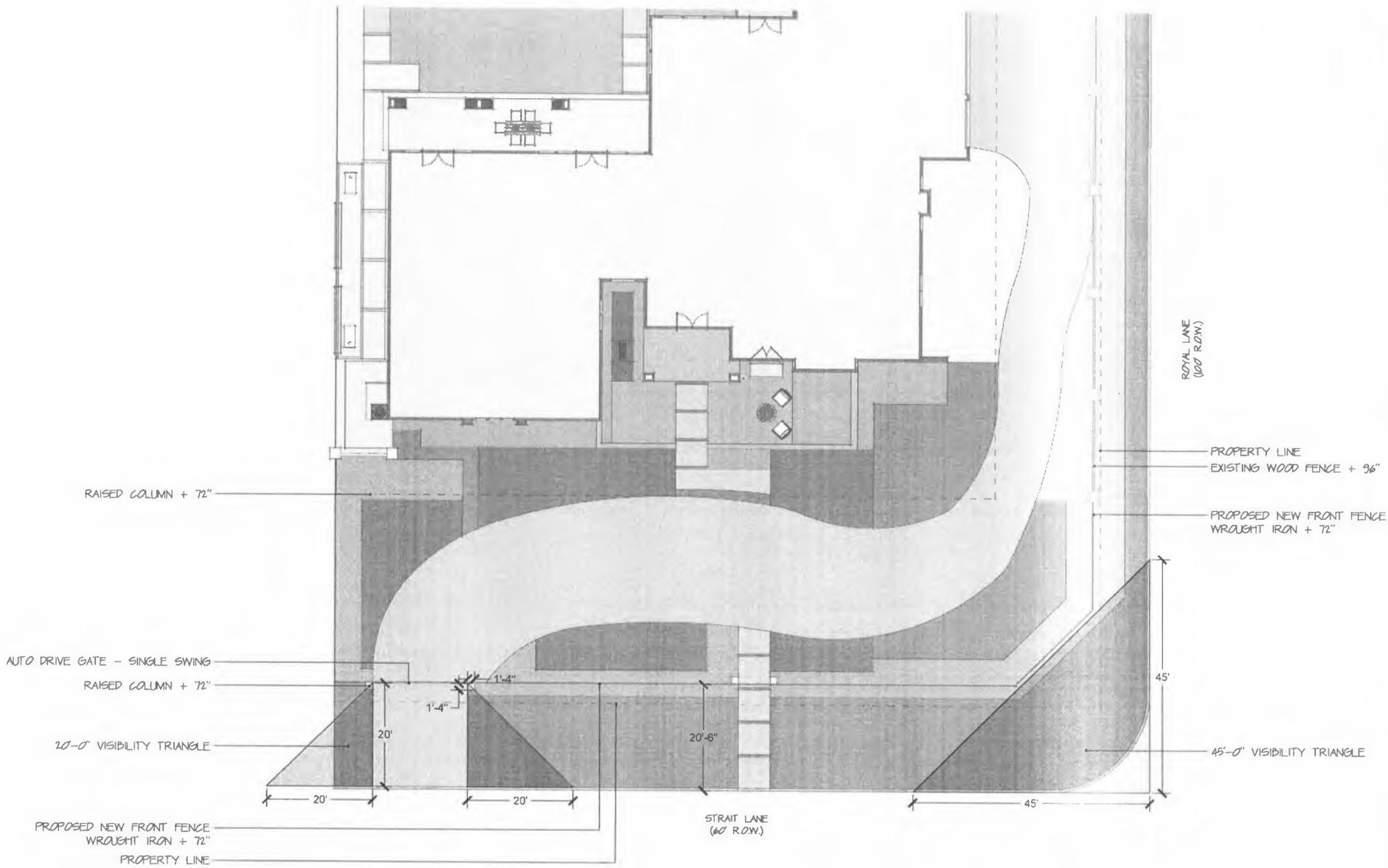
I hope that you can support this request.

With kind regards,



Robert Baldwin

# UPDATED SITE PLAN

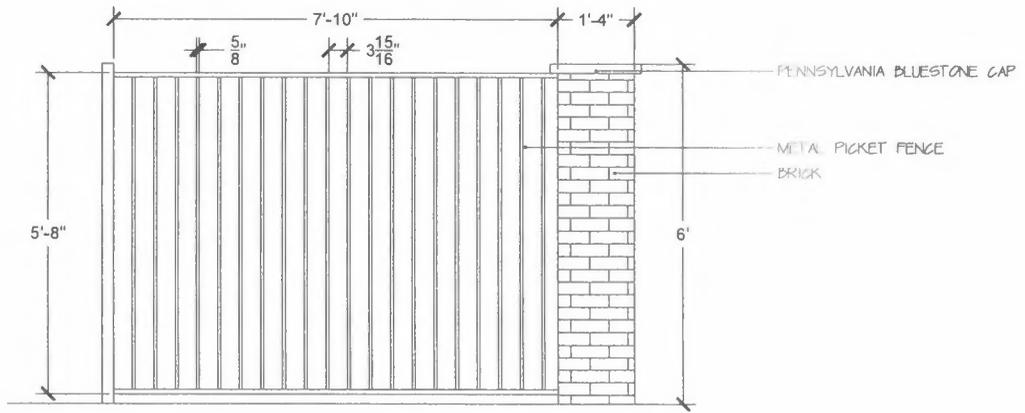
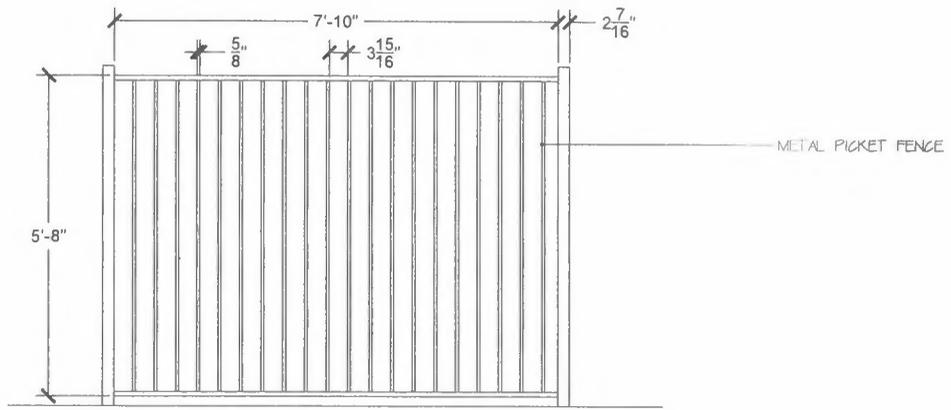


N  
FRONT YARD FENCE LAYOUT PLAN



L1.0

WERNICK RESIDENCE  
 10802 STRAIT LANE  
 DALLAS, TX 75220  
 SCALE: 1/8" = 1'-0"  
 DRAWN BY: RM&JB  
 DATE: 07/17/2024  
 JASON OSTERBERGER DESIGNS  
 P.O. Box 2381, Coppell, TX 75019, 214 458 7668



**BDA234-059**

FENCING DETAILS



**L2.0**

WERNICK RESIDENCE  
 10802 ST RAIL T 75220  
 DALLAS, TX  
 SCALE: 1"=1'-0"  
 DRAWN BY: RM & JB  
 DATE: 03/11/2024  
 JASON OSTERBERGER DESIGNS  
 P.O. Box 2381 • Coppell, TX 75019 • 214.458.7668

**FILE NUMBER:** BDA234-063 (KMH)

**BUILDING OFFICIAL'S REPORT:** Application of Alisa Tugberk for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations at 8518 Inwood Rd. This property is more fully described as Block 5674, Lot 31, and is zoned R-16(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 an 8-foot 6-inch high fence in a required front-yard, which will require (1) a 4-foot 6-inch 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:** 8518 Inwood Rd.

**APPLICANT:** Alisa Tugberk

**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) 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 32,661.09 of square feet.

This lot is zoned R-16(A) which requires a minimum lot size of 16,000 square feet.

**Zoning:**

- Site: R-16 (A) Single Family District
- North: R-16 (A) Single Family District
- South: R-16 (A) Single Family District
- East: R-7.5 (A) Single Family District
- West: R-16 (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 Alisa Tugberk for the property located at 8518 Inwood Rd. focuses on 2 requests.
- The first request is for a special exception to the fence height regulations along Inwood Rd. The applicant is proposing an 8-foot 6-inch wood fence with masonry columns.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Inwood Rd. The proposed fence encroaches roughly **5 ½-6-feet** 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 an 8-foot 6-inch high wood fence with masonry columns along Inwood Rd.
- The applicant has stated the need for the requested fence height is for privacy and security; the applicant also believes that the request is in keeping with of neighboring properties.
- 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.
- [BDA234-063 at 8518 Inwood Rd](#) (200' radius video)

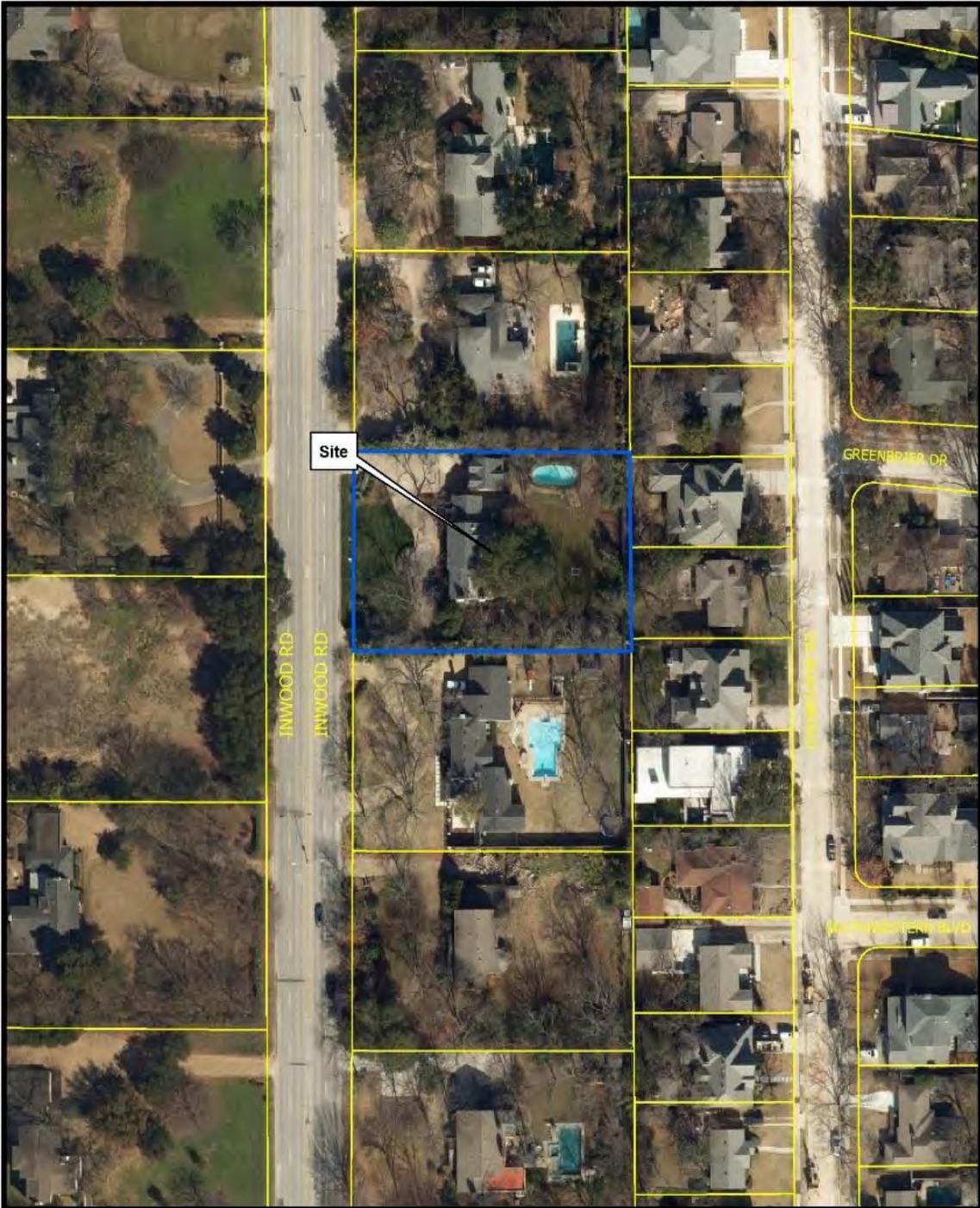
**Timeline:**

- March 27, 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.

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.

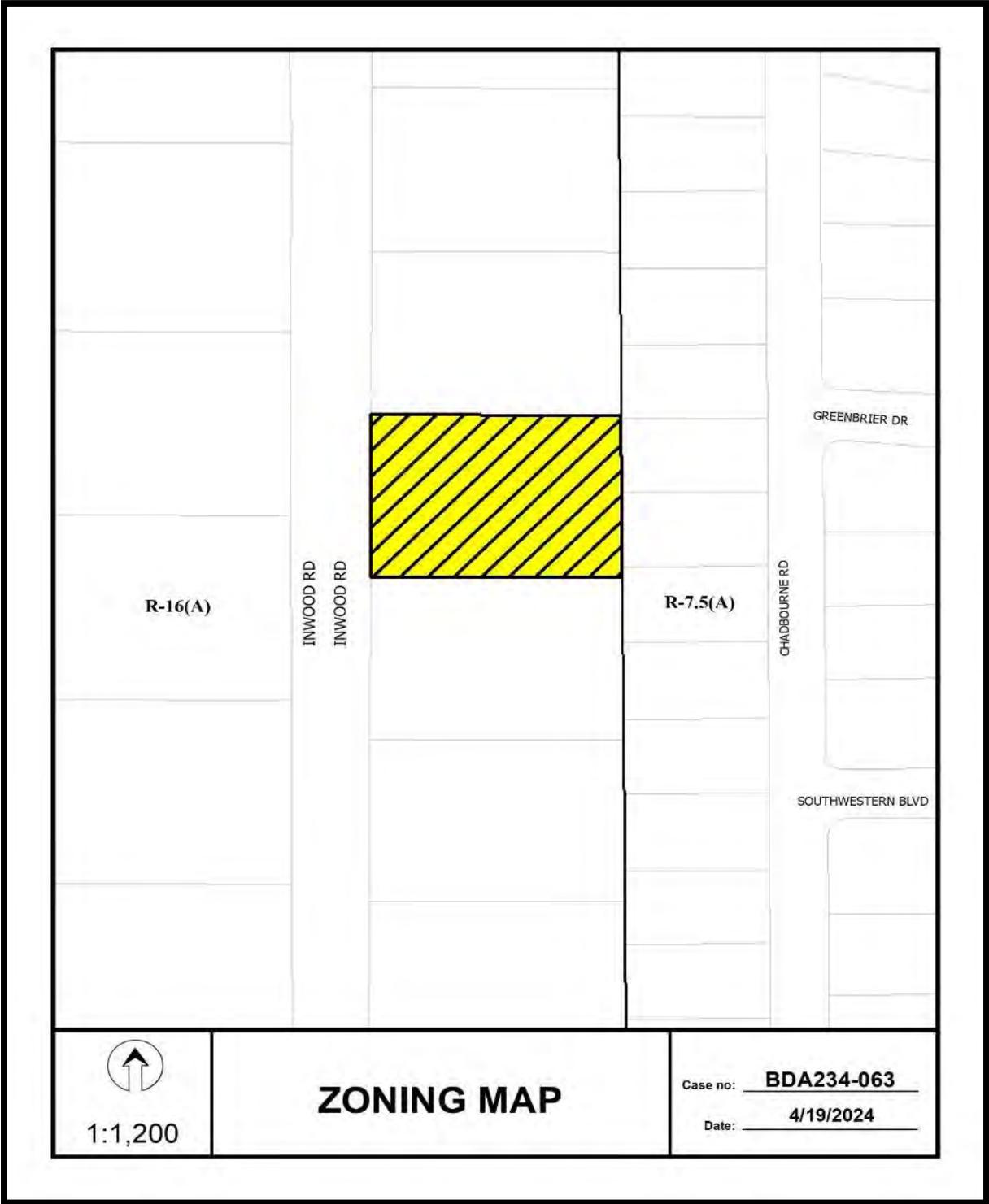


1:1,200

# AERIAL MAP

Case no: BDA234-063

Date: 4/19/2024



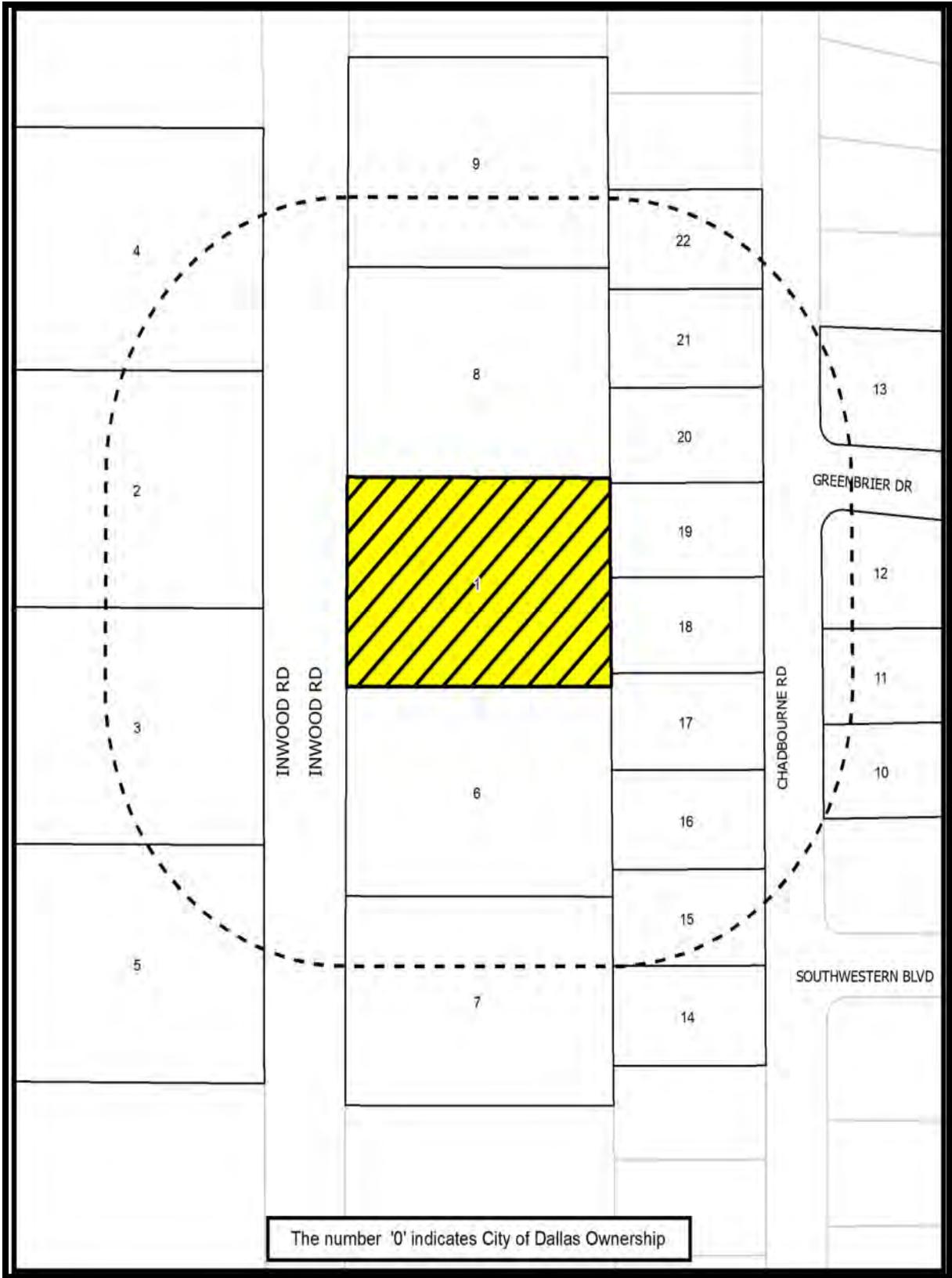
04/19/2024/

## *Notification List of Property Owners*

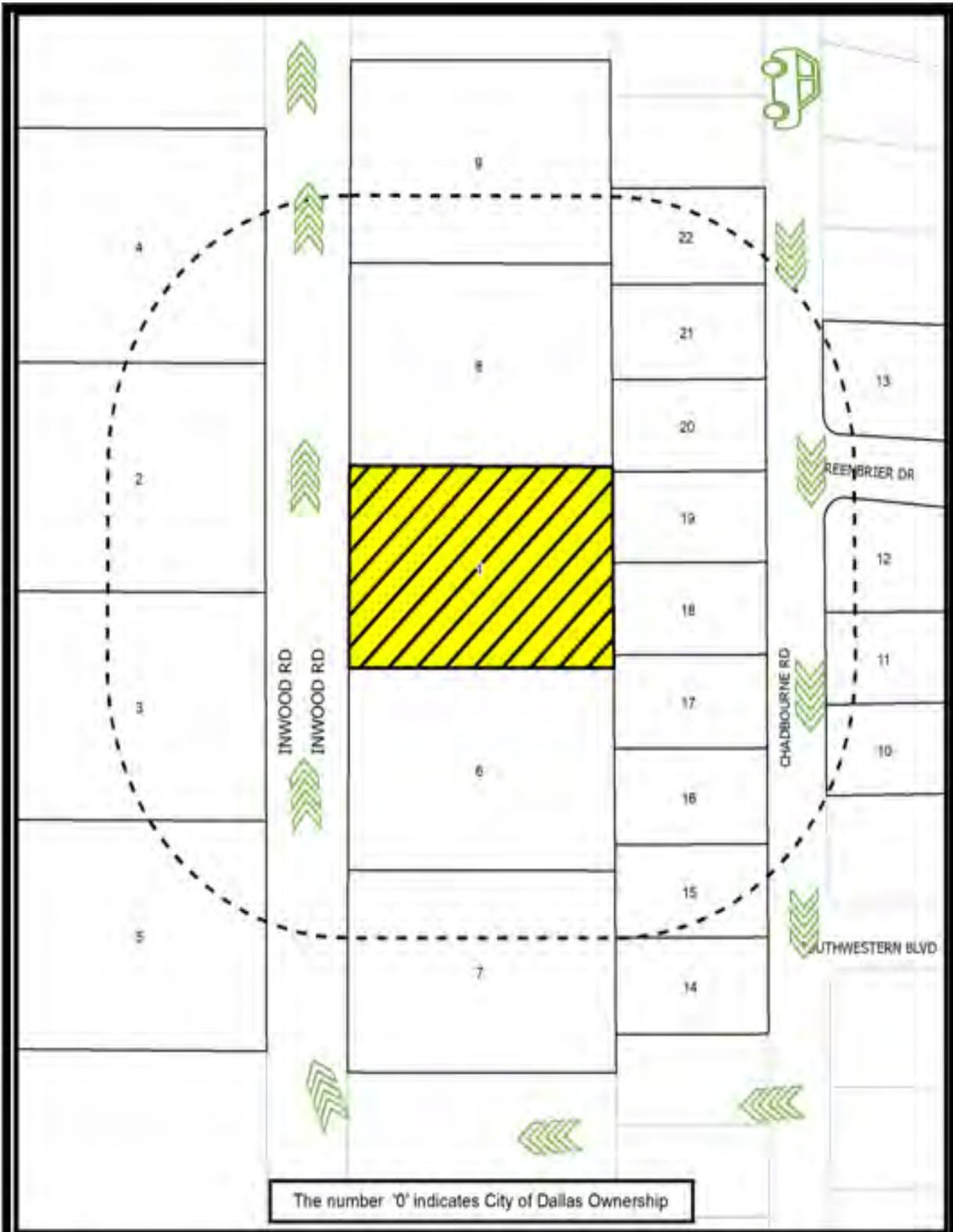
*BDA234-063*

*22 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8518 INWOOD RD	MACEDO ADRIAN &
2	8603 INWOOD RD	MATHES JOHN CURTIS &
3	8511 INWOOD RD	DAAAAV LLC
4	8615 INWOOD RD	CROWN STERLING LAND
5	8427 INWOOD RD	SHACKELFORD LES E JR
6	8506 INWOOD RD	HARVEY JEFFREY MICHAEL & LISA MORRIS
7	8422 INWOOD RD	FAULCONER GERALD L &
8	8600 INWOOD RD	SABOORIAN MOHAMMAD H &
9	8618 INWOOD RD	JOSEPH WAYNE & DEBORAH L
10	8510 CHADBOURNE RD	ABBOUD SAMI A &
11	8514 CHADBOURNE RD	WYATT MICHAEL S & PIPER
12	8522 CHADBOURNE RD	BENSING LORI S
13	8604 CHADBOURNE RD	STAMPS L DALE
14	8421 CHADBOURNE RD	PRATHER LISA M
15	8505 CHADBOURNE RD	OATES NORMAN L &
16	8511 CHADBOURNE RD	TYLER HENDRY J III & ASHLEY C
17	8515 CHADBOURNE RD	GARCIA ALFREDO & MARIA CARMEN FERNANDEZ
18	8521 CHADBOURNE RD	ARRIETA ANN ELISE
19	8527 CHADBOURNE RD	PHILLIPS RICHARD L &
20	8605 CHADBOURNE RD	JEWELL ANDREW & KRISTA
21	8611 CHADBOURNE RD	POINDEXTER HANNAH
22	8615 CHADBOURNE RD	CAHAL MATTHEW



200' Radius (route map)



**PUBLIC HEARING**

**BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)**

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

**DATE:** **MONDAY, MAY 20<sup>TH</sup>, 2024**

**BRIEFING:** **10:00 a.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0520>

**HEARING:** **1:00 p.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0520>

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

**BDA234-063(KMH)** Application of Alisa Tugberk for **(1)** a special exception to the fence-height regulations, and for **(2)** a special exception to the visibility obstruction regulations at **8518 INWOOD RD**. This property is more fully described as Block 5674, Lot 31, and is zoned R-16(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 an 8-foot 6-inch-high fence in a required front-yard, which will require **(1)** a 4-foot 6-inch 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.

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](mailto: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-C-Register> or contact the Development Services Department at 214-670-4127 **by the close of business Sunday, May 19<sup>th</sup>, 2024. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://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 Dr. Kameka Miller-Hoskins, Chief Planner at (214) 948-4478, 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, Development Services  
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234-813

RECEIVED

Data Relative to Subject Property: \_\_\_\_\_

Date: \_\_\_\_\_

MAR 27 REC'D

Location address: 8518 Inwood Rd.

Zoning District: \_\_\_\_\_

BY: \_\_\_\_\_

Lot No.: 31

Block No.: 5674

Acreage: 0.75

Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 150.06 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Adrian Macedo and Alisa Tugberk

Applicant: Alisa Tugberk

Telephone: (917) 254-7354

Mailing Address: 8518 Inwood Road

Zip Code: 75209

E-mail Address: ALISA.TUGBERK@gmail.com

Represented by: Matthew Murrey

Telephone: (214) 893-7577

Mailing Address: 4918 Linnet Lane, Dallas, TX

Zip Code: 75209

E-mail Address: matt@matthewmurrey.com

Affirm that an appeal has been made for a Variance  or Special Exception  of \_\_\_\_\_

increased fence height in the required front yard, VISIBILITY TRIANGLE

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:

continuity with neighboring properties, privacy and 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 \_\_\_\_\_

ADRIAN MACEDO

(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 27<sup>th</sup> day of MARCH, 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**

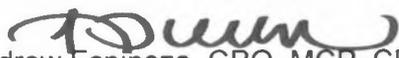
**I hereby certify that** Alisa Tugberk

**did submit a request** for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations

**at** 8518 Inwood Rd

BDA234-063(KMH) Application of Alisa Tugberk for (1) a special exception to the fence-height regulations, and for (2) a special exception to the visibility obstruction regulations at 8518 INWOOD RD. This property is more fully described as Block 5674, Lot 31, and is zoned R-16(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 an 8-foot 6-inch-high fence in a required front-yard, which will require (1) a 4-foot 6-inch 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.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



## Posting of Notification Sign

Address: 8518 Wnwood Rd.

Appeal Number: BDA 234-063

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: 150'

Number of acres: 0.75

Number of signs received: 1

[Handwritten Signature]

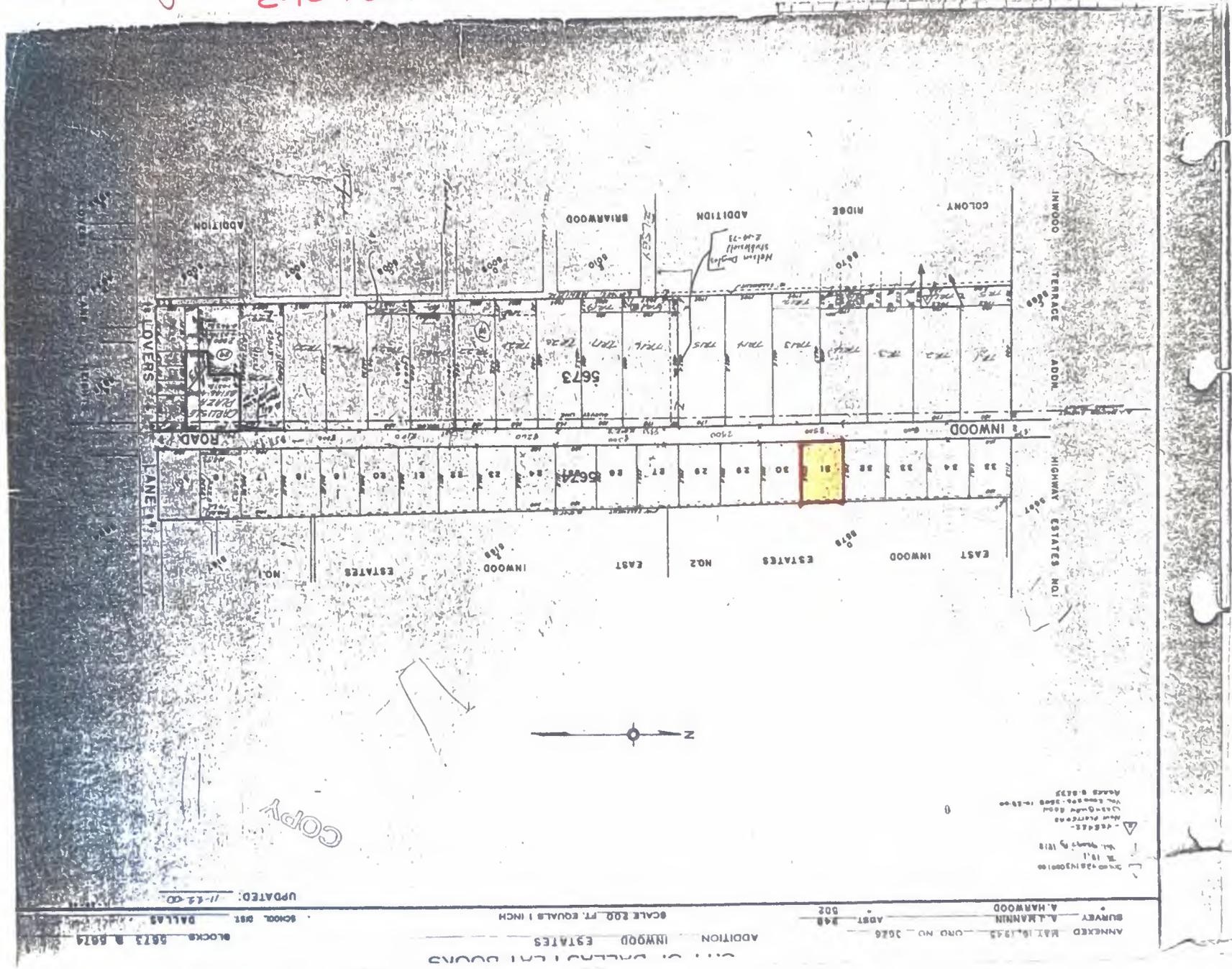
Signature of applicant or person receiving signs

3-27-24

Date

*map*

ED 234-003



COPY

UPDATED: 11-22-00

BLOCKS 5873 & 5874 DALLAS SCHOOL DIST

CHIT OF PRESENT EXT BOUNDS INWOOD ESTATES

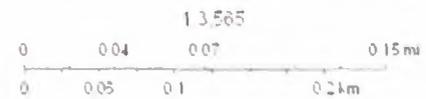
ANNEXED MAP 15, 1943 ORD NO. 3026 SURVEY A. J. MANNING A. HANWOOD ADPT. 502

SCALE 200 FT. EQUALS 1 INCH

### ArcGIS Web Map - 8518 Inwood



3/19/2024, 10:12:24 AM



*BDA234-063* *mjm*



**REFERRAL FORM FOR BOARD OF ADJUSTMENT**

APPLICANT: <u>Josue Diaz</u>		OWNER: <u>Tugberk Macedo</u>	
ADDRESS: <u>8518 Inwood</u>	STATE: <u>Tx</u>	ZIP:	
LOT: <u>31</u>	BLOCK: <u>5674</u>	ZONING: <u>R-16 CA</u>	

<input type="checkbox"/> <b>Variance</b>	<input type="checkbox"/> <b>Special Exception</b>
<input type="checkbox"/> Yard setback	<input checked="" type="checkbox"/> Fence height and standards
<input type="checkbox"/> Lot width	<input type="checkbox"/> Visibility triangle obstructions
<input type="checkbox"/> Lot Depth	<input type="checkbox"/> Parking demand
<input type="checkbox"/> Lot Coverage	<input type="checkbox"/> Landscaping
<input type="checkbox"/> Floor area for accessory structures for single family uses	<input type="checkbox"/> Additional dwelling unit for a single-family
<input type="checkbox"/> Height	<input type="checkbox"/> Carport
<input type="checkbox"/> Minimum width of sidewalk	<input type="checkbox"/> Non-conforming use
<input type="checkbox"/> Off-street parking	<input type="checkbox"/> Other
<input type="checkbox"/> Off-street loading	
<input type="checkbox"/> Landscape regulations	
<input type="checkbox"/> Other	

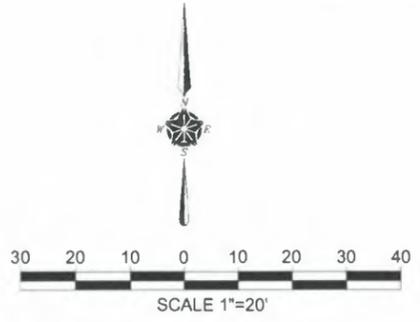
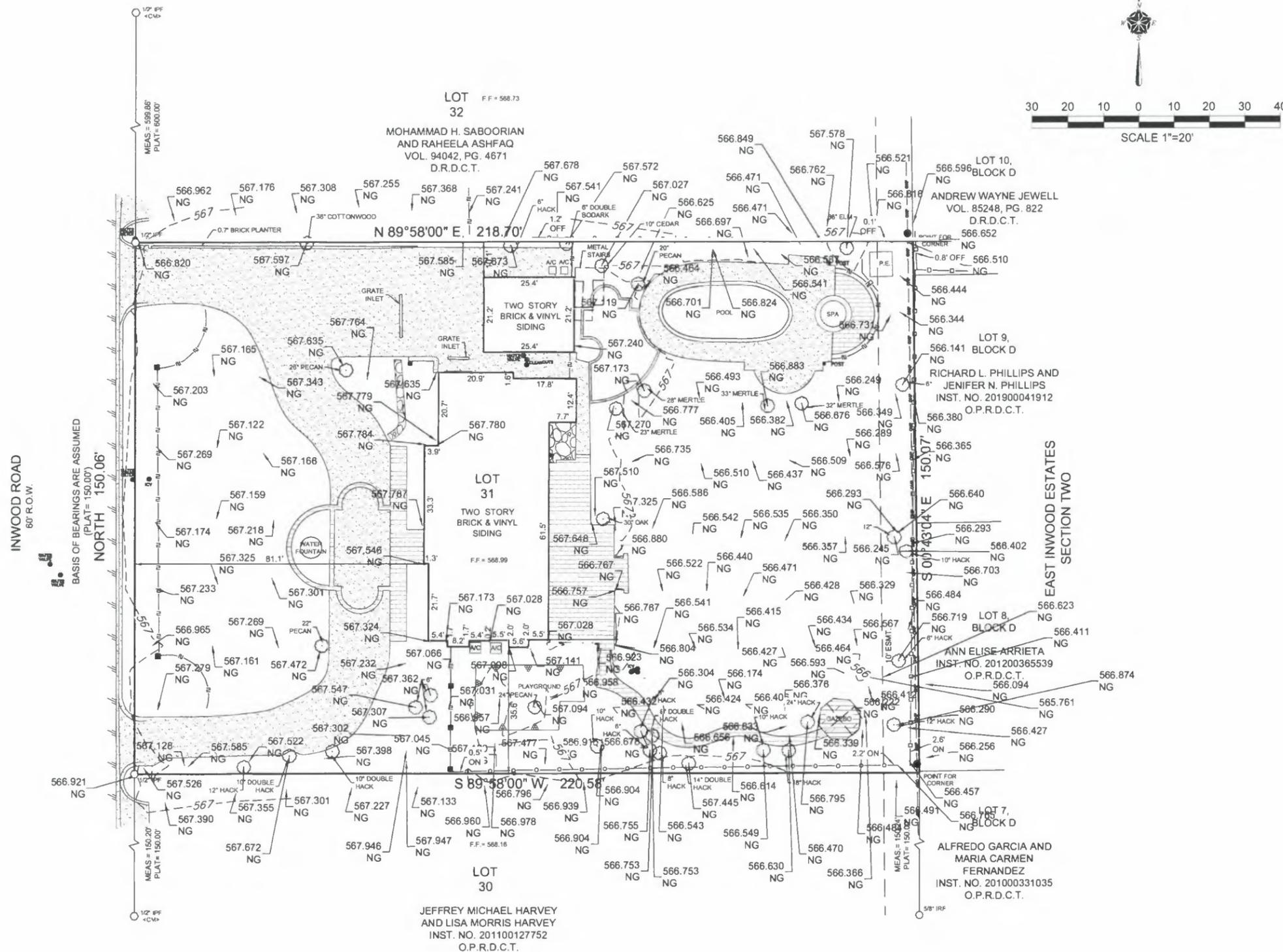
Please list the City of Dallas Development Code(s) this project is non-compliant with:  
51A-4.602 Fence Regulations

Description: would like to build a 7.8 fence in front yard setback (35 ft). Maximum iron materials w/in standards would like to appeal to neighbor standards.

Alternative resolutions discussed/offered:  
4ft fence in front yard; 35ft setback

Referred by Makayla Jackson Contact (214) 498-4072 Date: 3/8/24

**BDA 234-063**



REVISIONS		
No.	Revision/Issue	Date

LEGEND	
	HANDICAPPED SPACE
	PARKING SPACE
	IRON ROD FOUND
	IRON ROD SET 'TXHS'
	IRON POLE FOUND
	FENCE POST CORNER
	'X' FOUND / SET
	CONTROL MONUMENT
	SANITARY SEWER MANHOLE COVER
	LIGHT POLE
	POWER POLE
	BRICK COLUMN
	AC AIR CONDITIONING
	FIRE HYDRANT
	ELECTRIC METER
	GAS METER
	ASPHALT PAVING
	CHAIN LINK FENCE
	WOOD FENCE (CENTER POST)
	WIRE FENCE
	IRON FENCE
	PIPE FENCE
	COVERED PORCH, DECK OR CARPORT
	CONCRETE PAVING
	GRAVEL/ROCK ROAD OR DRIVE
	OVER-HEAD ELECTRIC SERVICE
	OVER-HEAD POWER LINE
	SANITARY SEWER LINE

**GENERAL NOTES**

- 1) According to the F.I.R.M. No. 48113C0330J, the subject property lies in Zone X and does not lie within a Flood Prime Hazard Area.
- 2) Bearings based on assumed bearing along the east right-of-way of Inwood Road (60 foot right-of-way)
- 3) This survey plat has been prepared without benefit of abstract title. Additional matters may be disclosed in the course of a thorough examination of the recorded title.



**TEXAS HERITAGE**  
SURVEYING, LLC

10610 Metric Drive, Suite 124, Dallas, TX 75243  
Office 214-340-9700 Fax 214-340-9710  
txheritage.com  
Firm No. 10169300

TOPOGRAPHICAL SURVEY	
8518 INWOOD ROAD LOT 31, BLOCK D INWOOD ESTATES (UNRECORDED) DALLAS, DALLAS COUNTY, TEXAS	
Task No. 1901121-1	PRELIMINARY
Drawn By JACOB	
Date 7/29/19	
Scale 1"=20'	

**BENCHMARKS:**

462. 24-Z-2S Inwood Road - Stonegate Drive  
Elevation= 563.250

465. 24-Z-6S Inwood Road - Farquhar Lane  
Elevation= 559.850

BDA234-063

**FENCE AND GATE TAKEOFF**

ID	OBJECT TYPE	DESCRIPTION	FINISH	QUANTITY
B001	FENCE WALL	16IN FENCE WALL	UNDEFINED	224.3
B002	FENCE WALL	16IN WALL W/INSERT	UNDEFINED	112.2
B003	FENCE WALL	16IN WALL W/INSERT	UNDEFINED	8.0
B004	FENCE	7.5FT WOOD FENCE	UNDEFINED	180.8
B101	COLUMN	8FT COLUMN	UNDEFINED	0.0
B102	COLUMN	7.5FT COLUMN	UNDEFINED	0.0
G01	GATE	MOTORIZED GATE	UNDEFINED	2
G02	MOTORIZED GATE	MOTORIZED GATE	UNDEFINED	1

**BARRIERS REFERENCE NOTES**

ID	OBJECT	DETAIL
B001	---	1601.000
B002	16IN FENCE WALL	1601.000
B003	16IN WALL W/INSERT	1601.000
B004	7.5FT WOOD FENCE	1601.000
B101	8FT COLUMN	1601.000
B102	7.5FT COLUMN	1601.000

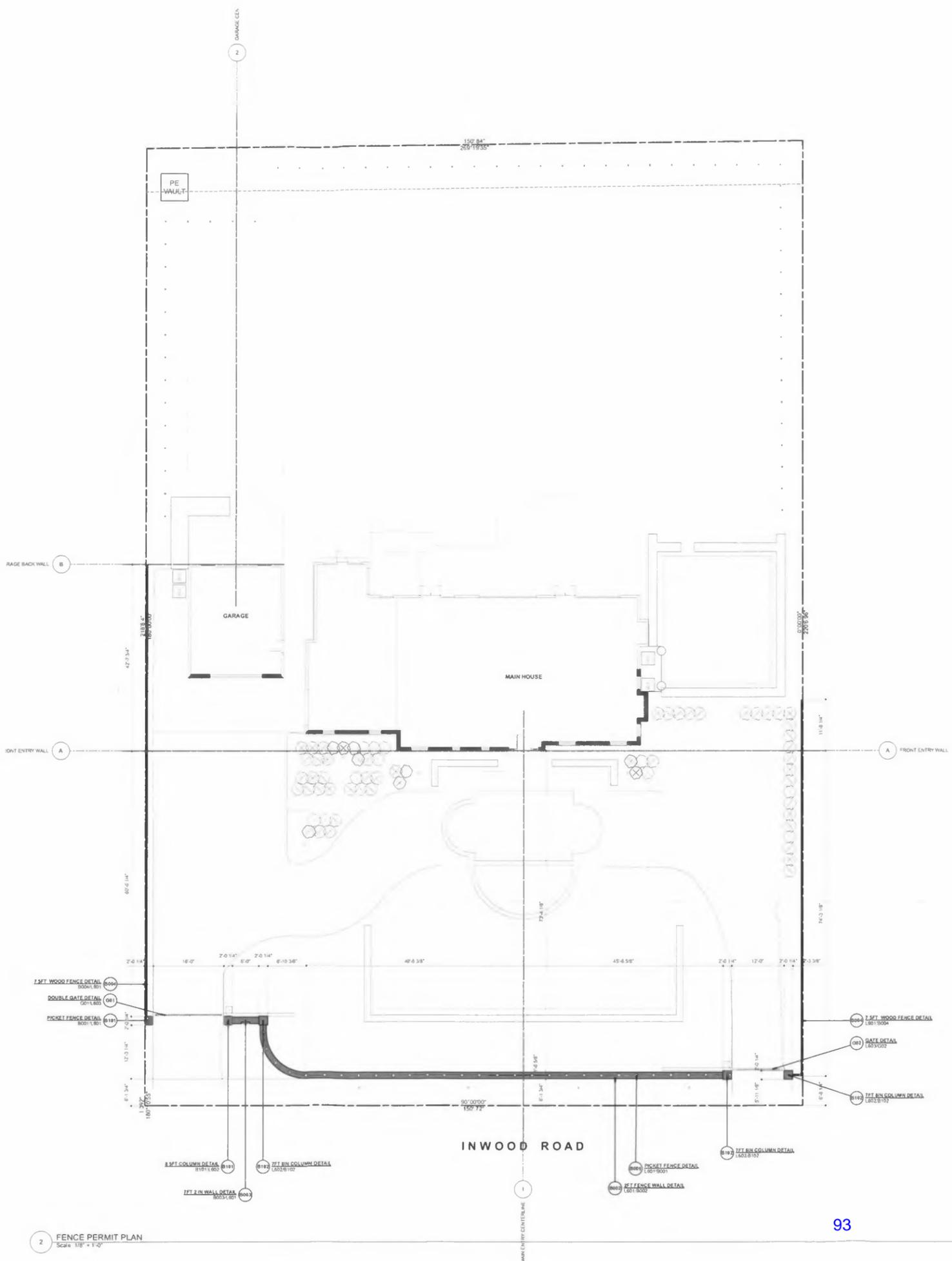
**GATES REFERENCE NOTES**

ID	OBJECT	DETAIL
G01	MOTORIZED GATE	1601.000
G02	MOTORIZED GATE	1601.000

**LAYOUT NOTES**

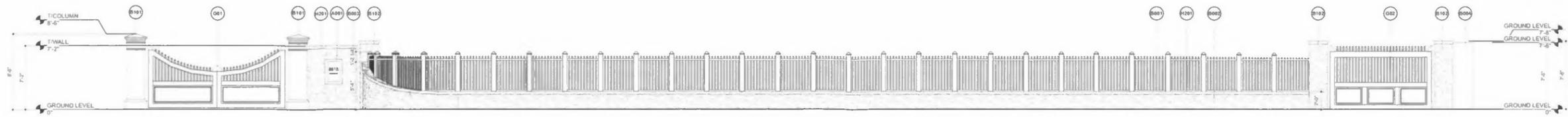
- IF PLAN DIMENSIONS EXIST PLAN TAKES PRECEDENCE OVER SCHEDULE. DETAILS TAKE PRECEDENCE OVER NOTES. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- PAVING AND STRUCTURE DIMENSIONS ARE TO FINISHED FACE AND DO NOT INCLUDE TYPICAL OVERLAPS OR SUB-SURFACE FOOTINGS.
- THE CONTRACTOR SHALL PROVIDE STAKED LAYOUT OF ALL SITE IMPROVEMENTS FOR INSPECTION BY THE OWNER'S REPRESENTATIVE, OWNER AND DESIGNER. RESERVE AUTHORITY FOR FIELD ADJUSTMENTS.
- LAYOUT, SCORE, JOINTS AND FINISH PATTERNS SHOULD ADHERE AS CLOSELY AS POSSIBLE TO PLANS, DETAILS AND SPECIFICATIONS. DO NOT DEVIATE FROM PLANS UNLESS SPECIFIC APPROVAL IS OBTAINED FROM THE OWNER'S REPRESENTATIVE.
- IF SITE CONDITIONS ARE DIFFERENT THAN WHAT IS INDICATED ON THE DRAWINGS, CONTACT DESIGNER IMMEDIATELY FOR CLARIFICATION.
- THE CONTRACTOR SHALL INSTALL REQUIRED SLEEVING PRIOR TO INSTALLING FLATWORK AND PAVING. REFER TO REQUIREMENTS, VENTING AND LIGHTING PLAN FOR REQUIREMENTS. VERIFY WITH CONTRACTOR.
- CURVED WALKS AND CURB EDGES ARE INTENDED TO BE CONSTRUCTED WITH SMOOTH-FLOWING CURVES. ANYTHING OTHER THAN SMOOTH-FLOWING CURVES WILL BE REJECTED.

UTILITIES (WATER, ELECTRIC, STORM, SEWER, ETC.) ARE SHOWN FOR REFERENCE ONLY. REFER TO SURVEY AND APPROPRIATE DISCIPLINE DRAWINGS FOR APPROXIMATE LOCATIONS. CONTRACTOR TO VERIFY EXACT UTILITY LOCATION AND PRESENCE OF UTILITIES PRIOR TO DIGGING OPERATIONS.



**FENCE PERMIT PLAN**  
Scale: 1/8" = 1'-0"

BDA234-003



1 FENCE ELEVATION  
Scale: 1/4" = 1'-0"

**TUGBERK/MACEDO RESIDENCE**  
 8518 INWOOD RD  
 DALLAS, TX 75209

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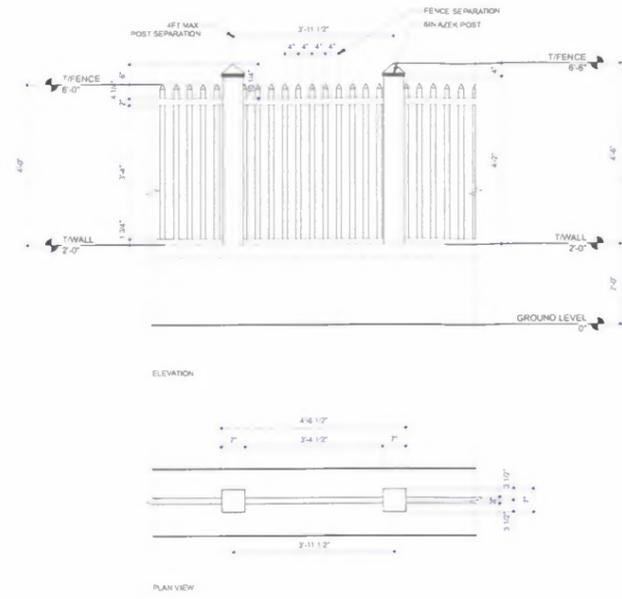
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No.	Date	Revision Notes

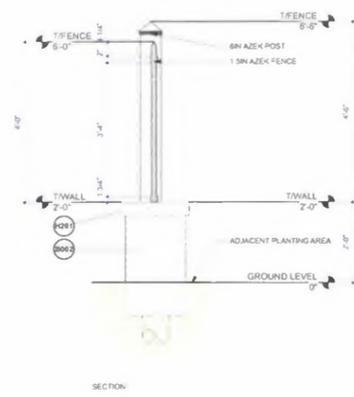
PERMIT SET  
 03/19/24  
**L301**  
 SITE ELEVATIONS

SCALE: 1/4" = 1'-0"  
 DATE: 03/19/24

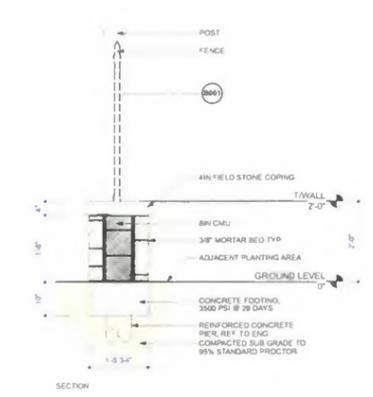
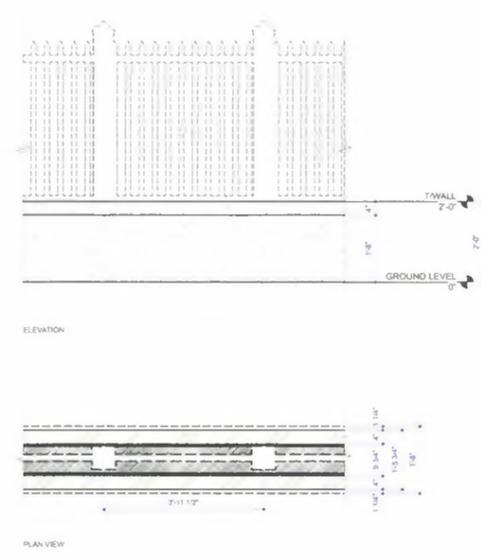
BDA 234-003



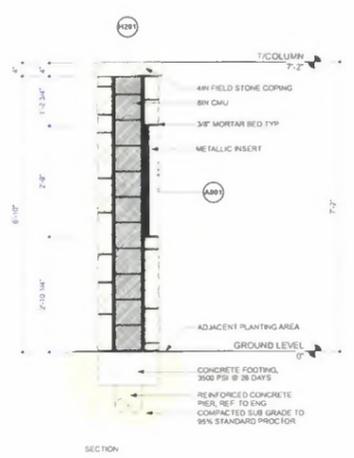
8001 PICKET FENCE DETAIL  
Scale: 3/4" = 1'-0"



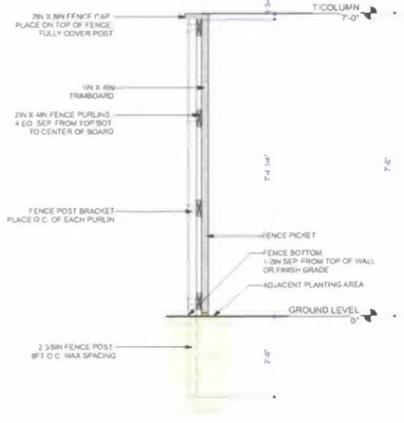
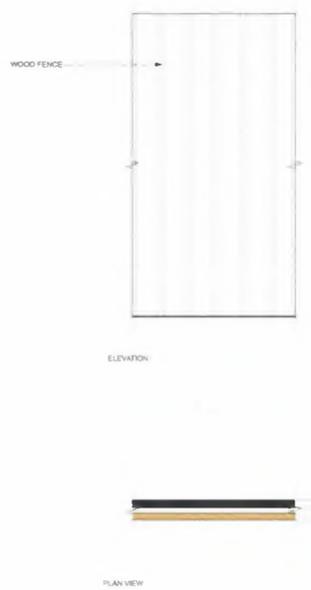
8002 2FT FENCE WALL DETAIL  
Scale: 3/4" = 1'-0"



8003 7FT 2 IN WALL DETAIL  
Scale: 3/4" = 1'-0"



8004 7.5FT WOOD FENCE DETAIL  
Scale: 3/4" = 1'-0"



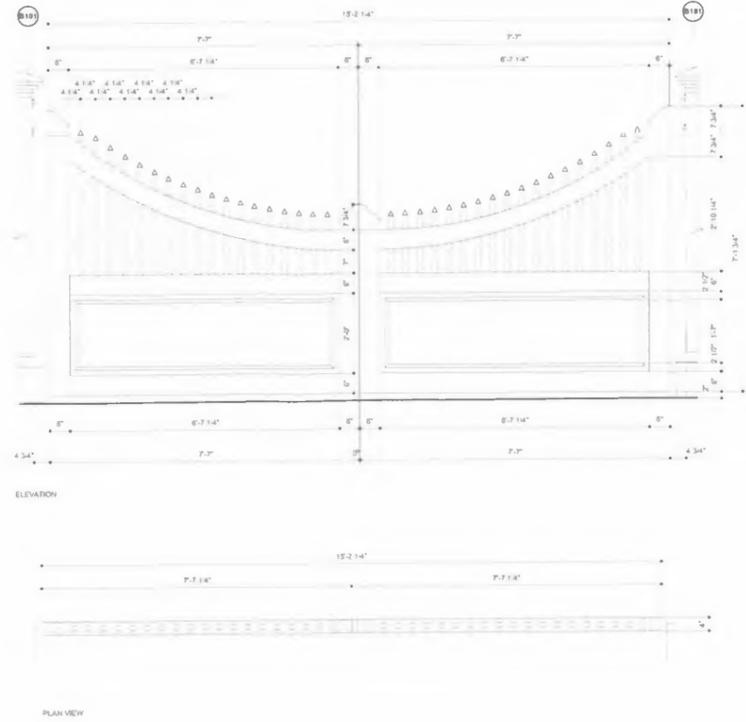
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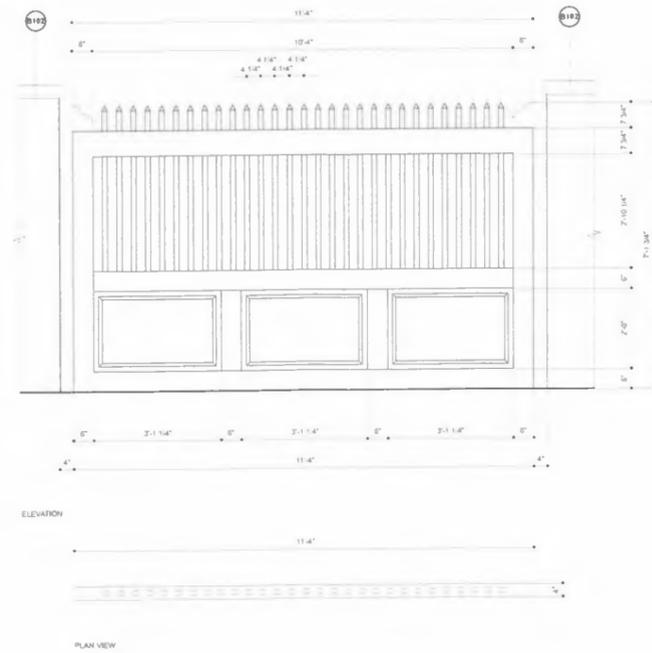
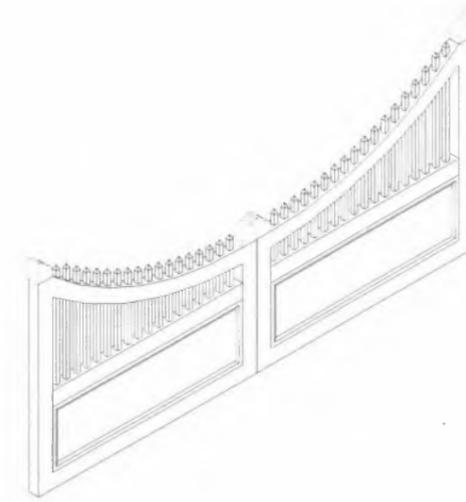
No.	Date	Revision Notes

PERMIT SET  
630124  
**L601**  
BARRIERS AND WALLS DETAILS

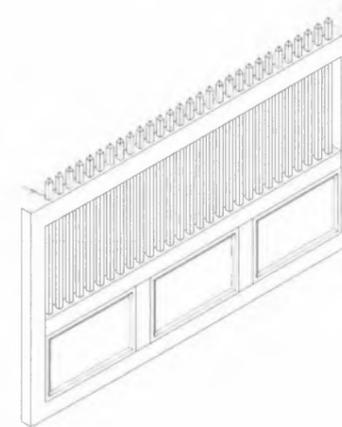
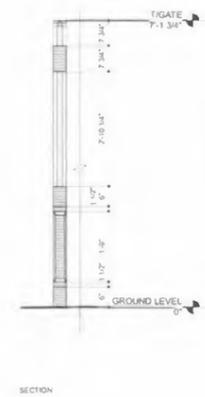
BA 234-063



G01 DOUBLE GATE DETAIL  
Scale: 3/4" = 1'-0"



G02 GATE DETAIL  
Scale: 3/4" = 1'-0"



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THESE DOCUMENTS SHALL BE USED FOR THE EXACT AND SPECIFIC PURPOSES AND CONDITIONS OF THE PROJECT AND SHALL NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT AND CONTRACT WITH THE ARCHITECT, DESIGN, LLC.

No.	Date	Revision/Notes

PERMIT SET  
03/01/24  
**L603**  
GATE DETAILS

**FILE NUMBER:** BDA234-065(BT)

**BUILDING OFFICIAL'S REPORT** Application of Daniel Meyelovitz for (1) a variance to the side-yard setback regulations, and for (2) a variance to the side-yard setback regulations, at 17805 Windpiper Dr. This property is more fully described as Block Q/8727, Lot 15 and is zoned PD-106 (R-10), which requires a side-yard setback of 6-feet. The applicant proposes to construct and/or maintain a single-family dwelling and provide a 5-foot side-yard setback at north side of the property, which will require (1) a 1-foot variance to the side-yard setback regulations, and to construct and/or maintain a single-family dwelling and provide a 5-foot side-yard setback at south side of the property, which will require (2) a 1-foot variance to the side-yard setback regulations.

**LOCATION:** 17805 Windpiper Dr.

**APPLICANT:** Daniel Meyelovitz

**REQUEST:**

- (1) A request for a variance to the side-yard setback regulations north side of the lot.
- (2) A request for a variance to the side-yard setback regulations south side of the lot.

**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:

- (A) **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.
- (B) **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
- (C) **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:**

**Variance:**

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in shape as it is an irregularly shaped lot, it is also a corner lot which requires two front yard setback requirements; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD-106 (Single Family District)
- North: R-7.5(A) (Single Family District)
- East: PD-106 (Single Family District)
- South: PD-106 (Single Family District) and one TH-2(A) (Townhouse District)
- West: R-7.5(A) (Single Family District) and CR (Community retail)

**Land Use:**

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

**Square Footage:**

This lot contains of 15,000 square feet (0.344 of an acre)  
 This lot is zoned PD-106 (R-10) which requires a minimum lot size of 10,000 square feet  
 Proposed 2-story single family structure is 6,293 sq. ft. under roof with 33% lot coverage

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Daniel Meyelovitz for the property located at 17805 Windpiper Dr. focuses on 2 requests relating to a variance to the side-yard setback regulations.
- The applicant is requesting a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 5-foot side yard setback at north side of the property, which will require a 1-foot variance to the side-yard setback regulations.
- Secondly, applicant is requesting a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 5-foot side yard setback at north side of the property, which will require a 1-foot variance to the side-yard setback regulations.
- The subject site along with surroundings properties to the north, south, east and west are all developed with majority single-family homes. Additionally, to the south some properties are developed with Townhouse and to the west, some community retail.
- Per staff’s review of the subject site, it has been confirmed that the single family structure of the property is under construction.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variance to the side 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.
  - 2) 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
  - 3) 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.
- Granting the variance to the side yard setback 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.
- [BDA234-065 at 17805 Windpiper Dr](#) 200’ Radius Video

**Timeline:**

- April 2, 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 **A**.

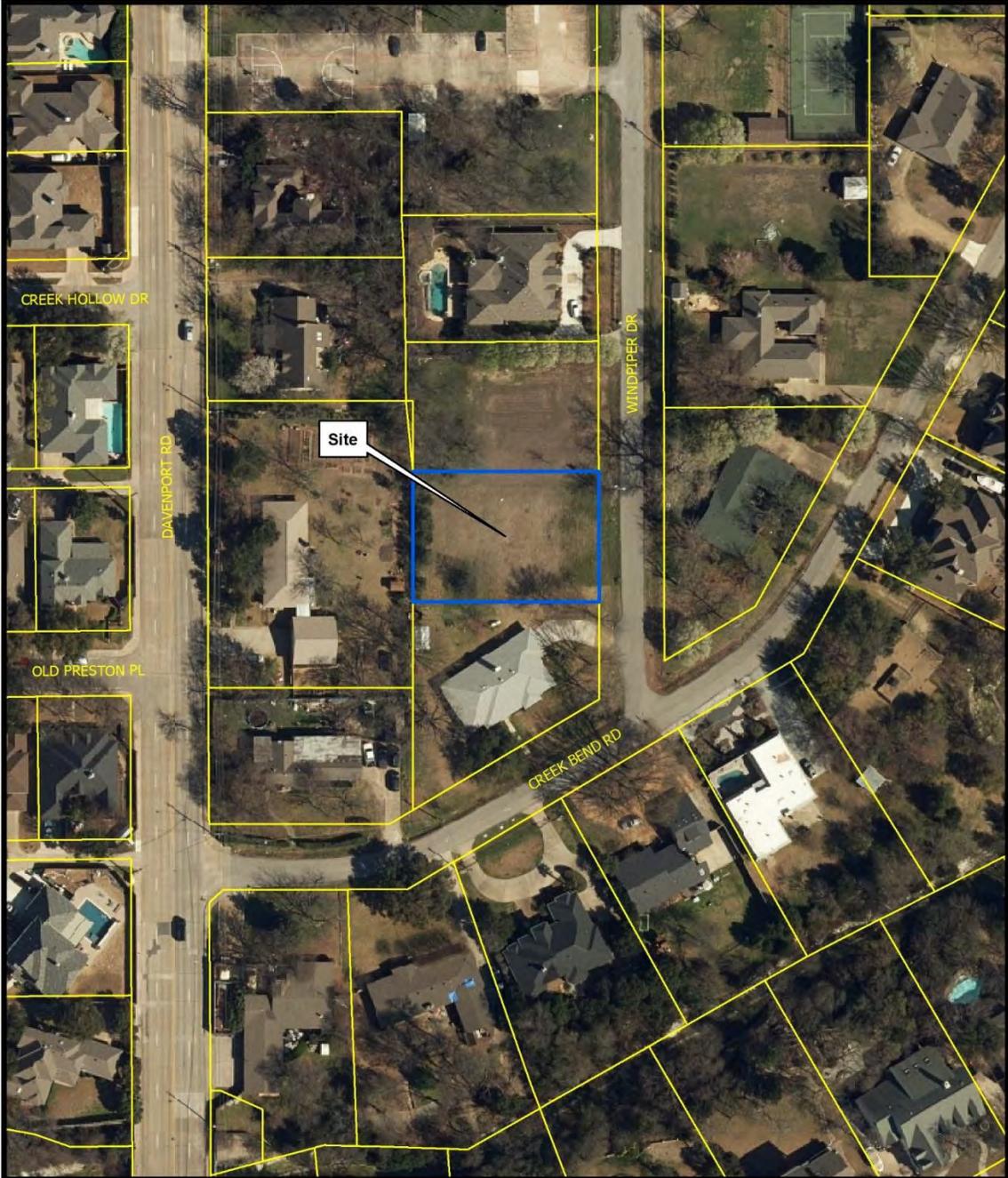
April 24, 2024:

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:

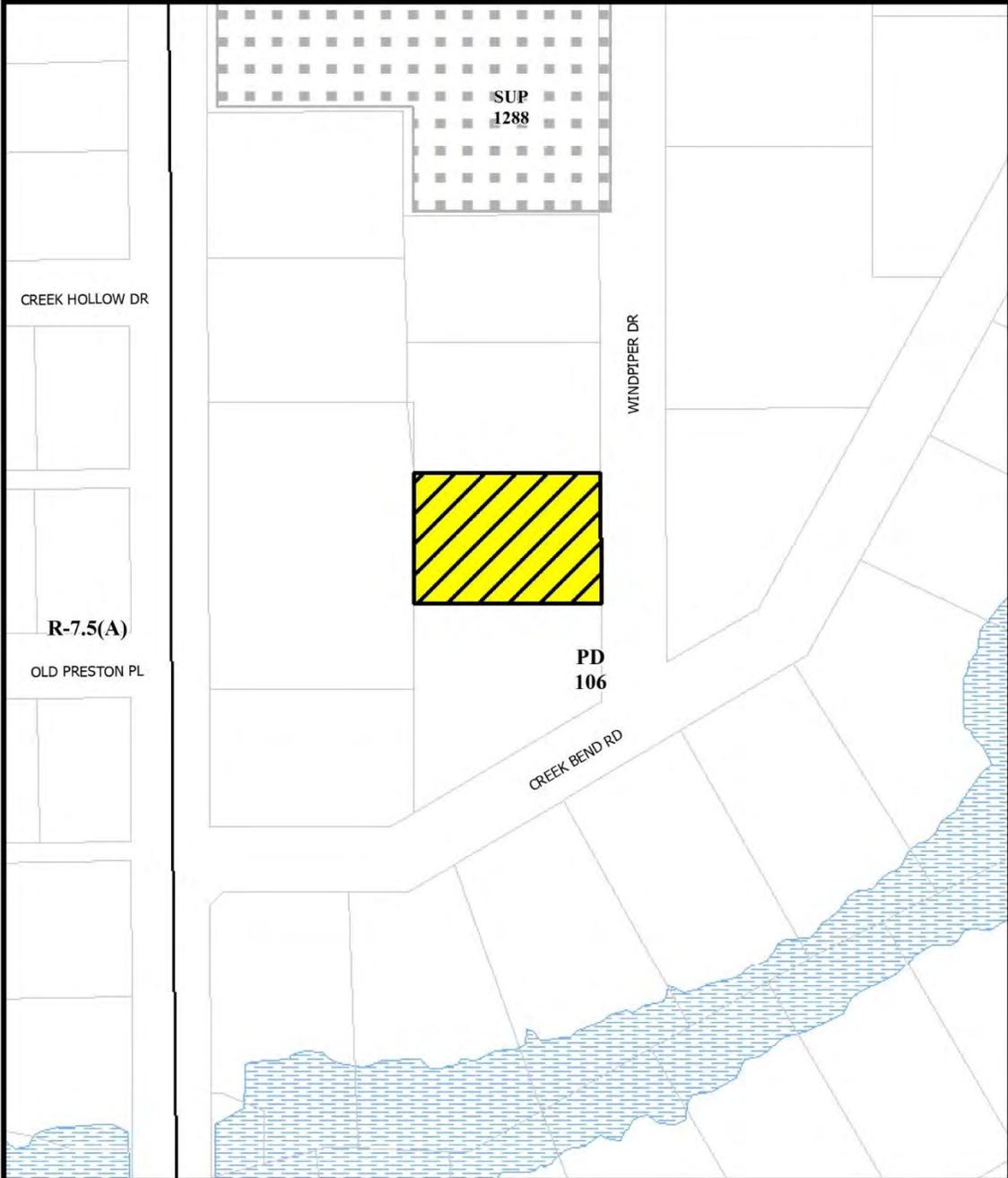
The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator,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



1:1,200

# AERIAL MAP

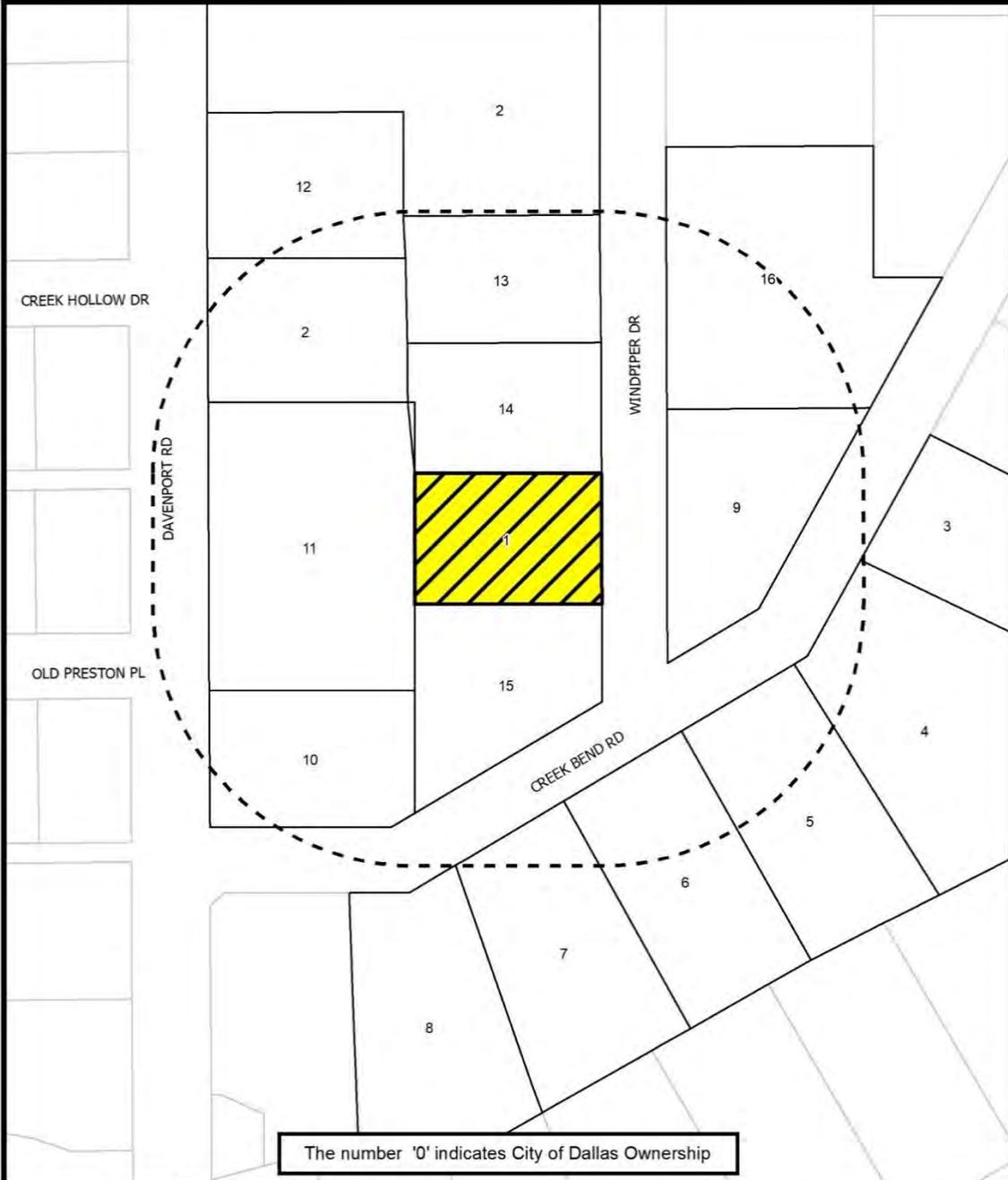
Case no: BDA234-065  
Date: 4/23/2024



  
1:1,200

# ZONING MAP

Case no: BDA234-065  
Date: 4/23/2024



The number '0' indicates City of Dallas Ownership

 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA234-065</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
16	NUMBER OF PROPERTY OWNERS NOTIFIED				



 1:1,200	<b>NOTIFICATION</b>		Case No: <b>BDA234-065</b>
	<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;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>4/23/2024</b>	

04/23/2024

## Notification List of Property Owners

**BDA234-065**

*16 Property Owners Notified*

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	17805 WINDPIPER DR	MEYEROVITZ D AND A REVOCABLE TRUST THE
2	6506 FRANKFORD RD	TEXAS TORAH INSTITUTE
3	7024 CREEK BEND RD	BARNETT JAMES M & TONI S
4	7020 CREEK BEND RD	WILLIAMS H L JR
5	7016 CREEK BEND RD	OSIF KAREN MICHELLE &
6	7012 CREEK BEND RD	SIU ERIC Y & RACHEL E
7	7008 CREEK BEND RD	SEALMAN EFRAIM & VERED
8	7004 CREEK BEND RD	KENNEDY LILLIAN L
9	7021 CREEK BEND RD	CRANE NEIL & KARA
10	18000 DAVENPORT RD	LOWE SHANNON M
11	18004 DAVENPORT RD	DODS PAUL E W
12	18016 DAVENPORT RD	LEE YOON K & KIANG KWEE S
13	17815 WINDPIPER DR	ROM MARTIN N & YINGJIE MAI
14	17809 WINDPIPER DR	Taxpayer at
15	7001 CREEK BEND RD	HAND JIMMIE R
16	7025 CREEK BEND RD	THIBODEAUX BONNIE YOUNG

 <b>1:1,200</b>	<b>NOTIFICATION</b>	Case No: <b>BDA234-065</b>
	<b>200'</b> AREA OF NOTIFICATION <b>16</b> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>4/23/2024</b>

**PUBLIC HEARING**

**BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)**

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

**DATE:** **MONDAY, MAY 20<sup>TH</sup>, 2024**

**BRIEFING:** **10:00 a.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0520>

**HEARING:** **1:00 p.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0520>

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

**BDA234-065(BT)** Application of Daniel Meyerovitz for **(1)** a variance to the side-yard setback regulations on the North side of the lot, and for **(2)** a variance to the side-yard setback regulations on the South side of the lot at **17805 WINDPIPER DR.** This property is more fully described as Block Q/8727 and is zoned PD-106 (R-10), which requires side-yard setback of 6-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback at the North side of the property, which will require **(1)** a 1-foot variance to the side-yard setback regulations; and to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback at the South side of the property, which will require **(2)** a 1-foot variance to the side-yard setback 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](mailto: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-C-Register> or contact the Development Services Department at 214-670-4127 **by the close of business Sunday, May 19<sup>th</sup>, 2024. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://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, Development Services  
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

23 RECEIVED

Data Relative to Subject Property:

Date:

FOR OFF APR 02 REC'D

Location address: 17805 Windpiper Drive

Zoning District:

R-10

Lot No.: 15 Block No.: Q18727 Acreage: 0.3275

Census Tract:

Street Frontage (in Feet): 1) 100'

2)

3)

4)

5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Daniel + Adriana Meyerovitz, TRUSTEES of D and A Meyerovitz Rev Trust

Applicant: Daniel Meyerovitz

Telephone: 214-636-6951

Mailing Address: 5001 Spring Valley Rd, Suite 1120

Zip Code: 75244

E-mail Address: meyerovitz@gmail.com

Represented by:

Telephone:

Mailing Address:

Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance  or Special Exception  of a decrease of the setback on both the North and South sides of the house from 6 feet to 5 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(s)

- ① Financial cost of compliance is greater than 50% of the appraised value of the structure on the most recent official roll of the assessor for the municipality.
- ② Variance is not contrary to the public interest when literal enforcement of his chapter would result in unnecessary hardship so that substantial justice is done.

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 Daniel Meyerovitz

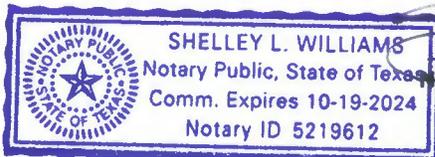
(Affiant/Applicant's name printed)

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 28 day of March, 2024



Shelley L Williams

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 01.16.2023

**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** Daniel Meyerovitz

**did submit a request** for (1) a variance to the side-yard setback regulations, and for (2) a variance to the side-yard setback regulations

**at** 17805 Windpiper Dr

BDA234-065(BT) Application of Daniel Meyerovitz for (1) a variance to the side-yard setback regulations on the North side of the lot, and for (2) a variance to the side-yard setback regulations on the South side of the lot at 17805 WINDPIPER DR. This property is more fully described as Block Q/8727 and is zoned PD-106 (R-10(A)), which requires side-yard setback of 6-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback at the North side of the property, which will require (1) a 1-foot variance to the side-yard setback regulations and to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback at the South side of the property, which will require (2) a 1-foot variance to the side-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 234-065

I, Daniel & Adriana Meyerovitz, Trustees of the Daniel A Meyerovitz Rev. Trst., Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 17805 Windpiper Drive, Dallas, TX 75252  
(Address of property as stated on application)

Authorize: Daniel Meyerovitz  
(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: A decrease of the set back on both the North and South sides of the house from 6 feet to 5 feet.

Adriana Meyerovitz \_\_\_\_\_  
Print name of property owner or registered agent      Signature of property owner or registered agent

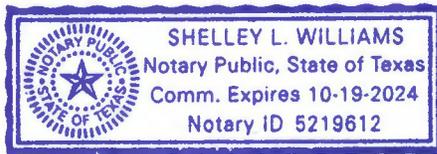
agent Date March 28, 2024

Before me, the undersigned, on this day personally appeared  
Adriana Meyerovitz

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 28<sup>th</sup> day of

March, 2024



Shelley Williams  
Commission expires on 10/19/24



AFFIDAVIT

Appeal number: BDA 234-065

I, Daniel + Adriana Meyerovitz, TRUSTEES of the Daniel Meyerovitz Rev. Trust, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 17805 Windpiper Drive, Dallas, Tx 75252  
(Address of property as stated on application)

Authorize: Daniel Meyerovitz  
(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)

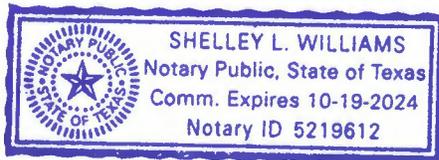
Specify: A decrease of the set back on both the North and South sides of the house from 6 feet to 5 feet.

Adriana Meyerovitz [Signature]  
 Print name of property owner or registered agent Signature of property owner or registered agent  
 agent Date March 28, 2024

Before me, the undersigned, on this day personally appeared Adriana Meyerovitz

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 28<sup>th</sup> day of March, 2024



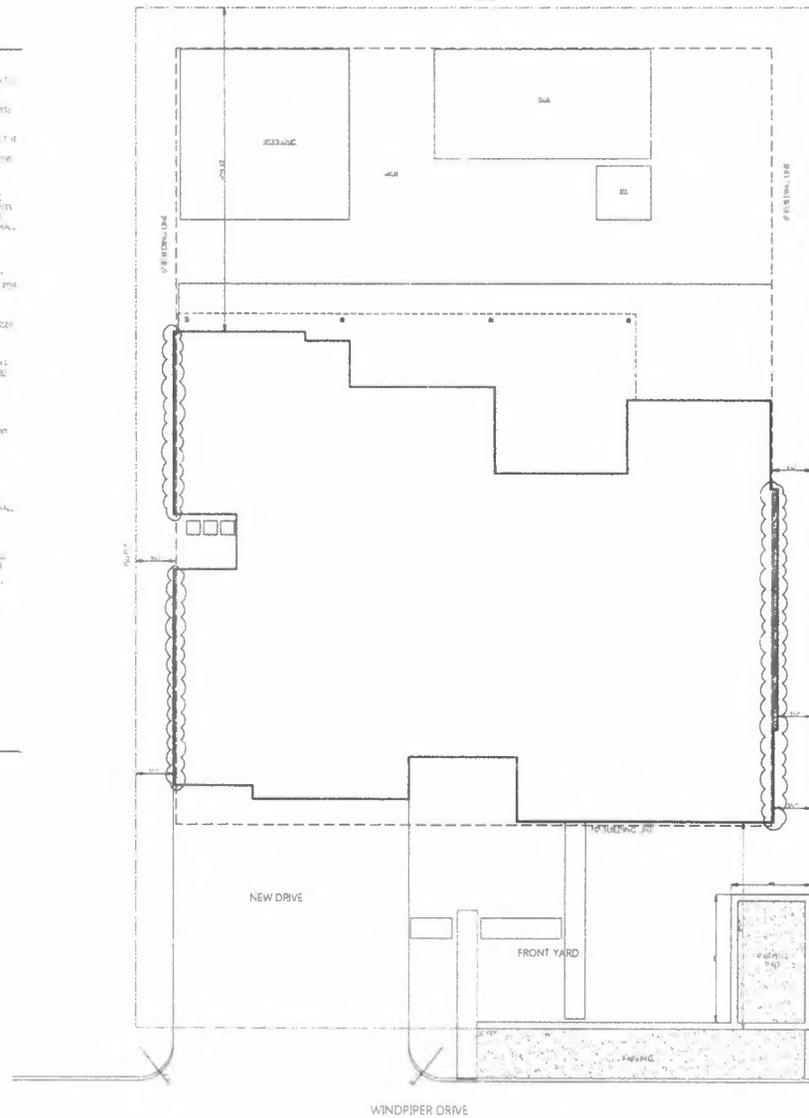
[Signature]  
Commission expires on 10/19/24

## GENERAL NOTES

1. THESE DRAWINGS AND SPECIFICATIONS OF ALL LEGAL INSTRUMENTS BY BANKING INSTITUTIONS ARE TO BE USED FOR THE CONSTRUCTION OF THIS PROJECT ON THE DESIGNATED PROPERTY ONLY.
2. EACH TRADE SHALL READ CAREFULLY THE SPECIFICATIONS OF RELATIVE TRADES WHICH APPEAR IN THESE DOCUMENTS AND THE CONDITIONS UNDER WHICH WORK IS EXPECTED TO BE PERFORMED.
3. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL REVIEW AND THOROUGHLY EXAMINE THE PROJECT SET BEFORE ANY COMMENCEMENT OF WORK. THEY SHALL BE RESPONSIBLE FOR THE VARIATION OF THE PROJECT SITE AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. ANY DISCREPANCIES OR CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT.
4. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL REVIEW AND THOROUGHLY EXAMINE THE PROJECT SET BEFORE ANY COMMENCEMENT OF WORK. THEY SHALL BE RESPONSIBLE FOR THE VARIATION OF THE PROJECT SITE AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. ANY DISCREPANCIES OR CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT.
5. ALL CONSTRUCTION, FABRICATION AND METALLURGY SHALL CONFORM TO THE LATEST ADOPTED EDITIONS OF THE AISC, AIA, ASME, ASTM, AIA, FEDERAL, STATE AND LOCAL CODES, REGULATIONS AND ORDINANCES OF THE GOVERNING AGENCY HAVING JURISDICTION OVER THE PROJECT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT AS REQUIRED.
6. EACH SUBCONTRACTOR IS CONSIDERED A JOINTLY RESPONSIBLE PARTY AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
7. DUE TO PERFORMING PRINCIPLES, THESE PLANS MAY NOT BE SUITABLE TO SCALE. ALL DIMENSIONS SHALL TAKE THE LARGEST DIMENSION UNLESS OTHERWISE SPECIFIED. DIMENSIONS SHALL BE TAKEN FROM PLANS UNLESS OTHERWISE SPECIFIED.
8. THE MECHANICAL, ELECTRICAL AND PLUMBING CONTRACTORS SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
9. THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ANY EQUIPMENT NOT SHOWN ON THESE DRAWINGS.
10. WHERE CONSTRUCTION DETAILS ARE NOT SHOWN OR NOT FULLY DETAILED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
11. THE CONTRACTOR SHALL TAKE SPECIAL PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
12. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
13. MECHANICAL, ELECTRICAL AND PLUMBING CONTRACTORS SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
14. CONTRACTORS SHALL PROVIDE A GAS-TIGHTNESS TEST WATER HEATER LOCATION TEST.

## SITE: GREEN PHASE II NOTES

1. 80% OF THE NON-ROOF AREA OF THE LOT IS COVERED WITH VEGETATIVE LANDSCAPE (GRASS, TREES, ETC) OR PERMEABLE MATERIAL.
2. CONTRACTOR TO INSTALL DRIP EMITTER IRRIGATION SYSTEM AS PART OF THE INITIAL PROJECT CONSTRUCTION.



01  
SITE PLAN

## PROJECT DESCRIPTION

SINGLE FAMILY RESIDENCE

## LEGAL DESCRIPTION

LOT 15  
BLOCK Q / 8727  
PRESTON ROAD HIGHLANDS  
CITY OF DALLAS  
Collin County, Texas

## ZONING

R-10

## AREAS

LOWER FLOOR: 3,850 SF  
UPPER FLOOR: 1,448 SF

TOTAL RESIDENCE: 5,408 SF

GARAGE: 887 SF

## LOT COVERAGE

LOT AREA = 15,729 SF  
ALLOWABLE LOT COVERAGE (45%) = 7,078 SF  
PROPOSED LOT COVERAGE (INCLUDING GARAGE AND ALL COVERED PATIO) = 5,408 SF

## SHEET LEGEND

NO.	DESCRIPTION / GENERAL NOTE
A10	FOUNDATION PLAN
A20	LOWER FLOOR PLAN
A21	UPPER FLOOR PLAN
A22	ROOF PLAN / WALL SECTION
A40	EXTERIOR ELEVATIONS
A41	EXTERIOR ELEVATIONS
A50	WIRING SCHEDULE
E10	LOWER ELECTRICAL PLAN
E11	UPPER ELECTRICAL PLAN



SCALE: 1/8" = 1'-0"

RISSEY DESIGN DEVELOPMENT  
6627 OVER STREET  
DALLAS, TX 75208  
214.462.1838

PROJECT

17805 WINDPIPER DRIVE  
DALLAS, TX

ISSUE  
CONSTRUCTION

ISSUE DATE  
08/22/22

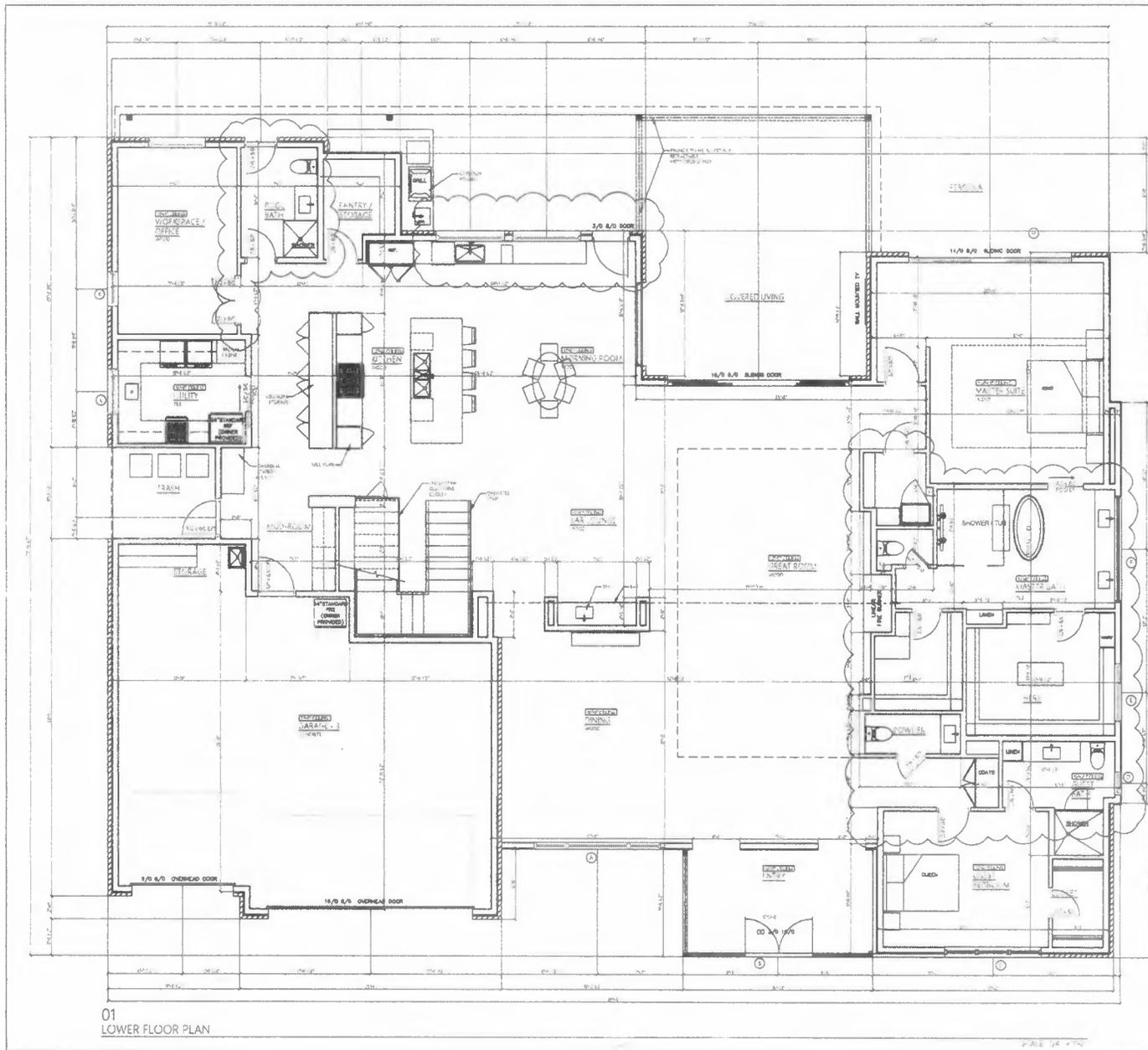
REVISIONS:  
No. DATE ITEM  
△

SHEET NAME:

SITE PLAN

SHEET NUMBER

COVER



- GENERAL PROJECT NOTES**
1. EXTERIOR WINDOWS ON ALL SIDES AND PERIMETER SHALL BE ENERGY EFFICIENT / DOUBLE GLAZED / LOW E / INSULATED GLAZED UNITS.
  2. ALL EXTERIOR WALLS / GARAGE AREA WALLS TO BE INSULATED.
  3. ALL EXTERIOR DOORS SHALL HAVE WEATHER STRIPPING INSTALLED.
  4. REFERENCE TO HAVE CEILING - FLOOR - FLOOR - CEILING INSULATION POSITIONED.
  5. ALL JOINTS SHALL BE SEALED WITH GUN APPLIED INSULATION WALLS WITH PROTECT FORM TO BE IN CONTACT WITH JOINT TO BE USED ON ALL WALLS AT GROUND LEVEL 4 (INCH).
  6. TO BE ANALYZED TO BE FULFILLED WITH THE REFERENCED INSULATION FOR APPROVAL PRIOR TO PROCEED WITH INSULATION.
  7. CONTRACTOR SUB-CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ITEMS FOR MATERIALS AND FINISHES THAT ARE NOT NOTED ON THE DRAWINGS, OR HAVE NOT BEEN PROVIDED BY THE OWNER OR ARCHITECT DESIGN-DEVELOPMENT.
  8. REFER OWNER FOR AREAS OF INTERIOR WALL INSULATION AND BETWEEN FLOOR INSULATION.

- FIGURE PLAN NOTES**
1. INDICATE RISER DESIGN DEVELOPMENT OF ONLY DIMENSIONAL PLAN (CONSTRUCTION) FOR ROOM TO CONSTITUTE OF ROOM.
  2. WORKING DRAWING DIMENSIONS ARE TO BE PROVIDED BY ARCHITECTURAL FIRM.
  3. ANY MATERIALS / FINISHES / WINDOW ARE TO BE PROVIDED BY ARCHITECTURAL FIRM AND NOT BE RESPONSIBLE TO OWNER DESIGN-DEVELOPMENT PRIOR TO PROCEED WITH.
  4. MATERIALS / FINISHES / WINDOW ARE TO BE PROVIDED BY ARCHITECTURAL FIRM.

01 LOWER FLOOR PLAN

RISER DESIGN DEVELOPMENT  
 1807 OYER STREET  
 DALLAS TX 75208  
 214-480-1938

PROJECT

17805 WINDPIPER DRIVE  
 DALLAS, TX

ISSUE  
 CONSTRUCTION

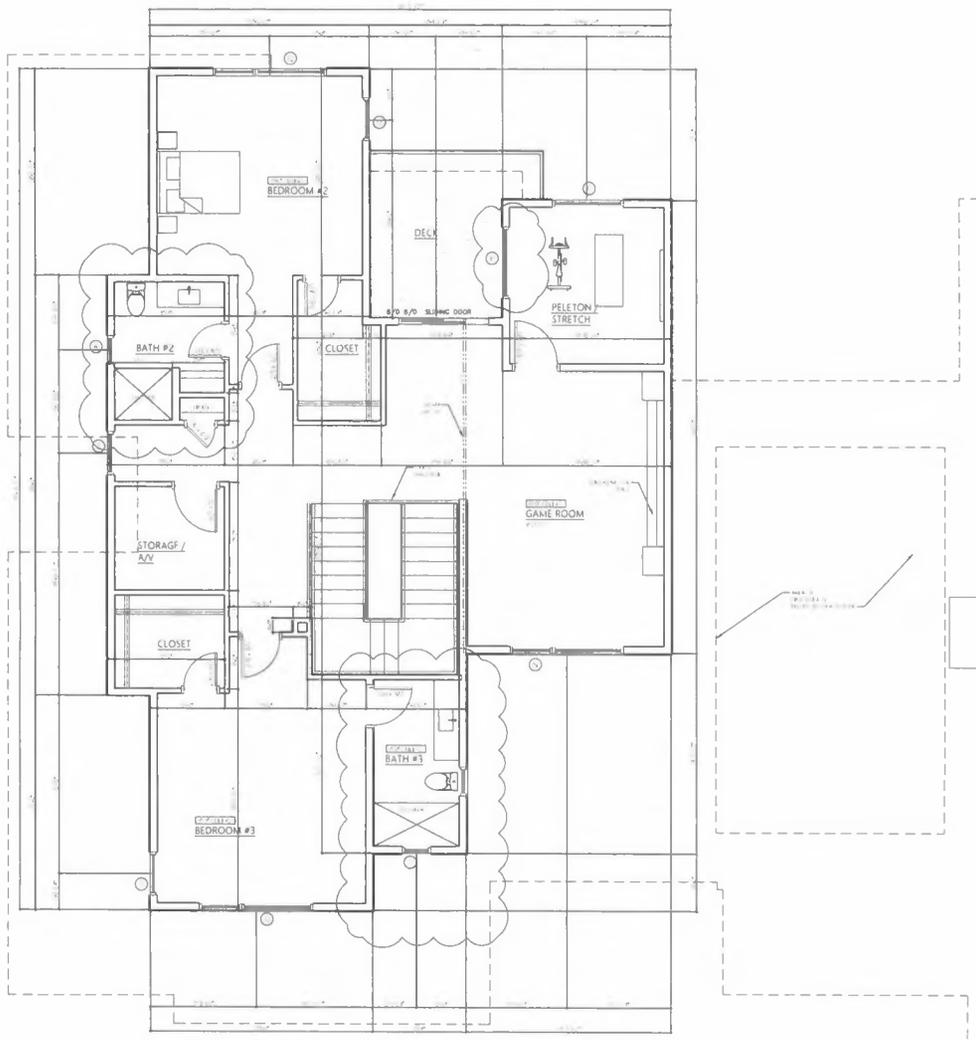
ISSUE DATE  
 01/02/2023

REVISIONS  
 No DATE ITEM  
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SHEET NAME  
 LOWER FLOOR PLAN

SHEET NUMBER

A2.0



**GENERAL PROJECT NOTES**

1. EGRESS WINDOW IN ALL BEDROOMS PER LOCAL CODE
2. ALL TERRAZZOS / CHAIRS / SLIP PLATES / ISL @ EXTERIOR WALLS / GARAGE AREA MUST BE W/ D
3. ALL EXTERIOR DOORS SHALL HAVE WEATHER STRIPPING INSTALLED
4. RESISTANCE TO WATER PENETRATION THROUGH INSULATION
5. ALL PLUMBING WALLS TO BE 2" CORE CONSTRUCTION
6. WALLS WITH POCKET DOORS TO BE 2" CORE CONSTRUCTION
7. 1/2" GYPSUM TO BE USED ON ALL WALLS WITH CHANGES - LEVEL 4 TRUSS
8. TRUSS MANUFACTURER TO PROVIDE TRUSS LAYOUT TO DESIGNER FOR APPROVAL PRIOR TO TRUSS FABRICATION
9. CONTRACTOR / SUB-CONTRACTOR SHALL QUALIFY ANY / ALL PRICING FOR MATERIALS AND/OR FINISHES THAT ARE NOT NOTED ON THE DRAWINGS, OR HAVE NOT BEEN PROVIDED BY THE OWNER OR RINCP DESIGN-DEVELOPMENT
10. REFER OWNER FOR AREAS OF EXTERIOR WALL INSULATION AND BETWEEN FLOOR INSULATION

**FLOOR PLAN NOTES**

1. NOTIFY PRINCE BLANKS-BULLERMAN IN ANY UNUSUAL SITUATION BEFORE SETTING FOR FOUNDATION (IF W/ D)
2. VERIFY POCKET DOOR TRIM PROFILES ARE TO BE PROVIDED BY WINDOW MANUFACTURER
3. ANY STAIRS / POCKET DOOR WINDOWS ARE TO BE SET TO MEASURED AND TO BE PROVIDED BY WINDOW MANUFACTURER
4. MATERIALS - VERIFY ALL DOORS ARE TO BE PROVIDED BY THE

01  
UPPER FLOOR PLAN

SCALE 1/4" = 1'-0"

RINCP DESIGN DEVELOPMENT  
5601 OVER STREET  
DALLAS, TX 75206  
214.400.1836

PROJECT:

17805 WINDPIPER DRIVE  
DALLAS, TX

ISSUE:  
CONSTRUCTION

ISSUE DATE:  
08/02/2024

REVISIONS:

No.	DATE	ITEM
△		

SHEET NAME:  
UPPER FLOOR  
PLAN

SHEET NUMBER:

A2.1

PROJECT:

17805 WINDPIPER DRIVE  
 DALLAS, TX

ISSUE:  
 CONSTRUCTION

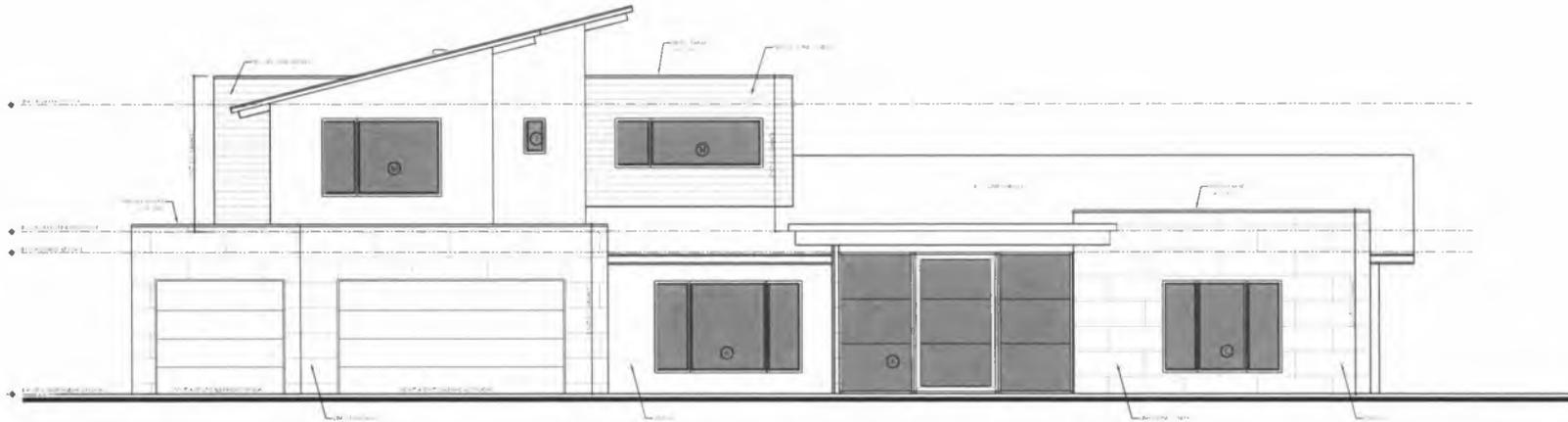
ISSUE DATE:  
 08/27/2012

REVISIONS:  
 No DATE ITEM  
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SHEET NAME:  
 ELEVATIONS

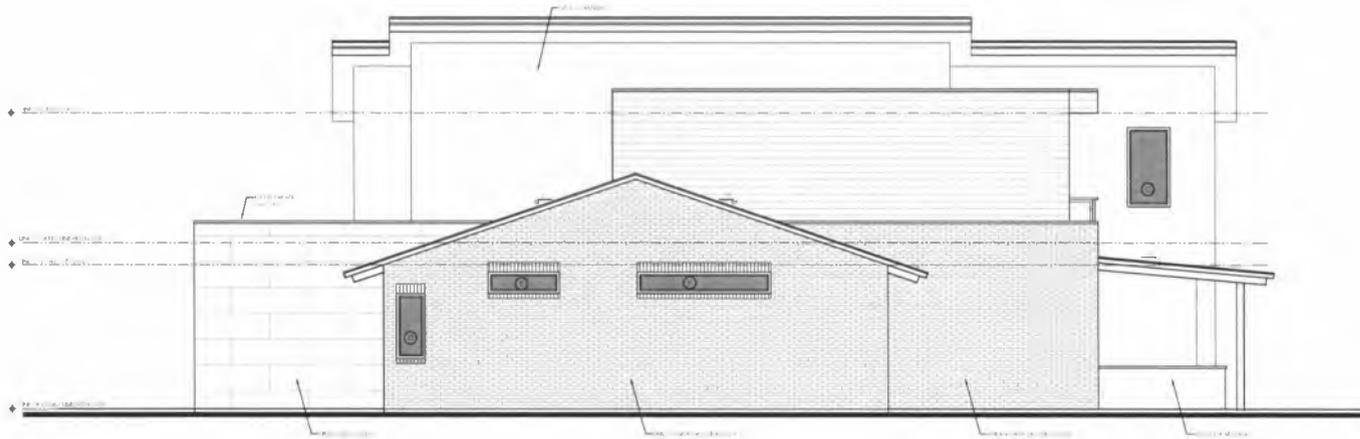
SHEET NUMBER:

A4.0



01  
 FRONT ELEVATION

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



02  
 RIGHT SIDE ELEVATION

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

PROJECT:

ELMORE HOMES  
 17805 WINDPIPER DRIVE  
 DALLAS, TX

ISSUE:  
 CONSTRUCTION

ISSUE DATE:  
 08/07/2022

REVISIONS:  
 No. DATE ITEM  
 △

SHEET NAME:  
 ELEVATIONS

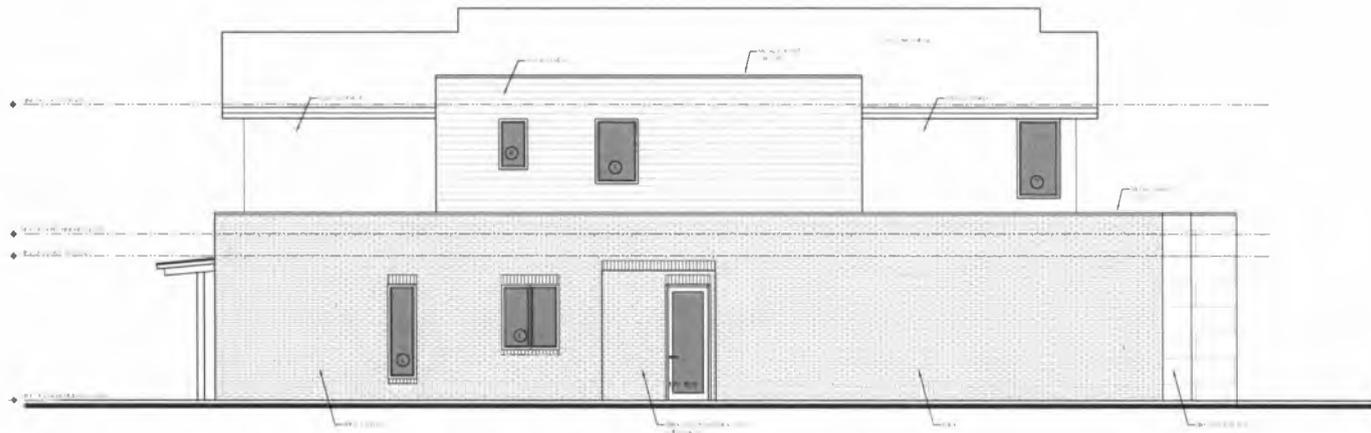
SHEET NUMBER:

A4.1



01  
 REAR ELEVATION

SCALE 1/4" = 1'-0"



02  
 LEFT SIDE ELEVATION

SCALE 1/4" = 1'-0"