

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, JUNE 18, 2019
AGENDA

BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Neva Dean, Assistant Director
Steve Long, Board Administrator/ Chief Planner

MISCELLANEOUS ITEM

Approval of the May 21, 2019 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA189-053(SL)	2007 Timbergrove Circle REQUEST: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations	1
BDA189-075(SL)	8154 Burroaks Drive REQUEST: Application of Martha Romagnoli for special exceptions to the fence standards and visual obstruction regulations	2

REGULAR CASES

BDA189-067(SL)	4125 Lemmon Avenue REQUEST: Application of Rob Baldwin of Baldwin and Associates for a variance to the front yard setback regulations and a special exception to the landscape regulations	3
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BDA189-068(SL)

8720 Thunderbird Lane

4

REQUEST: Application of Scott Powell for special exceptions to the fence standards and visual obstruction regulations

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]

FILE NUMBER: BDA189-053(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations at 2007 Timbergrove Circle. This property is more fully described as Lot 21, Block Y/5127, and is zoned CD 13, which requires a front yard setback of 40 feet 2 inches. The applicant proposes to construct and/or maintain a structure and provide a 0 foot front yard setback, which will require a 40 foot 2 inch variance to the front yard setback regulations.

LOCATION: 2007 Timbergrove Circle

APPLICANT: Rob Baldwin of Baldwin and Associates

REQUESTS:

The following requests have been made on a site developed with a single family home that, according to DCAD, was constructed in the early 80's:

- a variance to the front yard setback regulations of up to 40' 2" is requested to maintain step and landing "structures" located as close as on the front property line or as much as 40' 2" into the required site's 40' 2" front yard setback;
- a variance to the front yard setback regulations of approximately 3' 2" is requested to address/remedy the existing structure that is a nonconforming structure located approximately 37' from the front property line or approximately 3' 2" into the site's 40' 2" front yard setback.

STANDARD FOR A VARIANCE:

Section 51(A)-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.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the lot's slope causes a hardship on this site that warrants the variance for the step and landing "structures" located as close as on the front property line or as much as 40' 2" into the required site's 40' 2" front yard setback.
- In addition, granting the variance is not contrary to public interest given that the Sustainable Development and Construction Department Conservation District Chief Planner states that if the Board were to approve the setback encroachment through the variance process, the Conservation District staff would approve the step project.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Subarea 3) (Conservation District)
North: CD 13 (Subarea 3) (Conservation District)
South: PD 690 (Subarea 3) (Planned Development District)
East: CD 13 (Subarea 3) (Conservation District)
West: CD 13 (Subarea 3) (Conservation District)

Land Use:

The subject site is developed with a single family home that according to DCAD was constructed in 1983. The areas to the north, east, and west are developed with single family uses; and the area to the south is developed with a school (Rosemont Primary School).

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS:

- The requests for variances to the front yard setback regulations focus on maintaining step/landing "structures" and an existing nonconforming single family structure (that according to DCAD was constructed in the mid 50's) in the site's 40' 2" front yard setback.
- The subject site is zoned CD 13 (Subarea 3).
- CD 13 states that the minimum front yard must equal the average of the front yards of the houses on contiguous lots.
- The submitted plan represents certain structures that begin on the site's front property line (raised wood stairs). The Building Official has deemed the steps as

“structures” requiring variance given their location in the front yard setback, and that they are over 6” from grade. (The applicant’s representative states that the highest step is 1.4 feet from average grade).

- DCAD records indicate “main improvement” for the property at 2007 Timbergrove Circle is a structure built in 1983 with 3,021 square feet of living/total area, and with “additional improvements” that are listed as a 704 square foot attached garage and a 256 square foot outbuilding.
- While the existing single family home is located in what is now a 40’ 2” front yard setback, it is assumed that this structure is a nonconforming structure because records show that the main improvement/structures on this site were built in the 1980’s and its setback is about 37’ from the front property line.
- Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the typical lot size is 7,500 square feet and where the front yard setback was 25’.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The owner has informed staff that he has chosen to seek variance to the front yard setback regulations for the new structures (step and landing “structures” and the nonconforming aspect of the existing nonconforming structure in the front yard setback.
- The Sustainable Development and Construction Department Conservation District Chief Planner has stated the following:
 - that there are no architectural restrictions that address walkway/step materials or locations, and that the only issue with the steps is that they are encroaching into the front yard setback at heights of almost 2’ above grade.
 - If the Board were to approve the setback encroachment through the variance process, the Conservation District staff would approve the step project”.
- The subject site is sloped, rectangular in shape, and approximately 12,500 square feet in area. Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the typical lot size is 7,500 square feet and where the front yard setback was 25’. Now this site has a front yard setback of 40’ 2”.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the front yard setback 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 variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with

the development upon other parcels of land in districts with the same CD 13 (Subarea 3) zoning classification.

- The variances 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 this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 13 (Subarea 3) zoning classification.
- If the Board were to grant this request and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document – which are structures (steps and existing nonconforming single family home) located as close as on the site’s front property line or as much as 40’ 2” into the required 40’ 2” front yard setback.

Timeline:

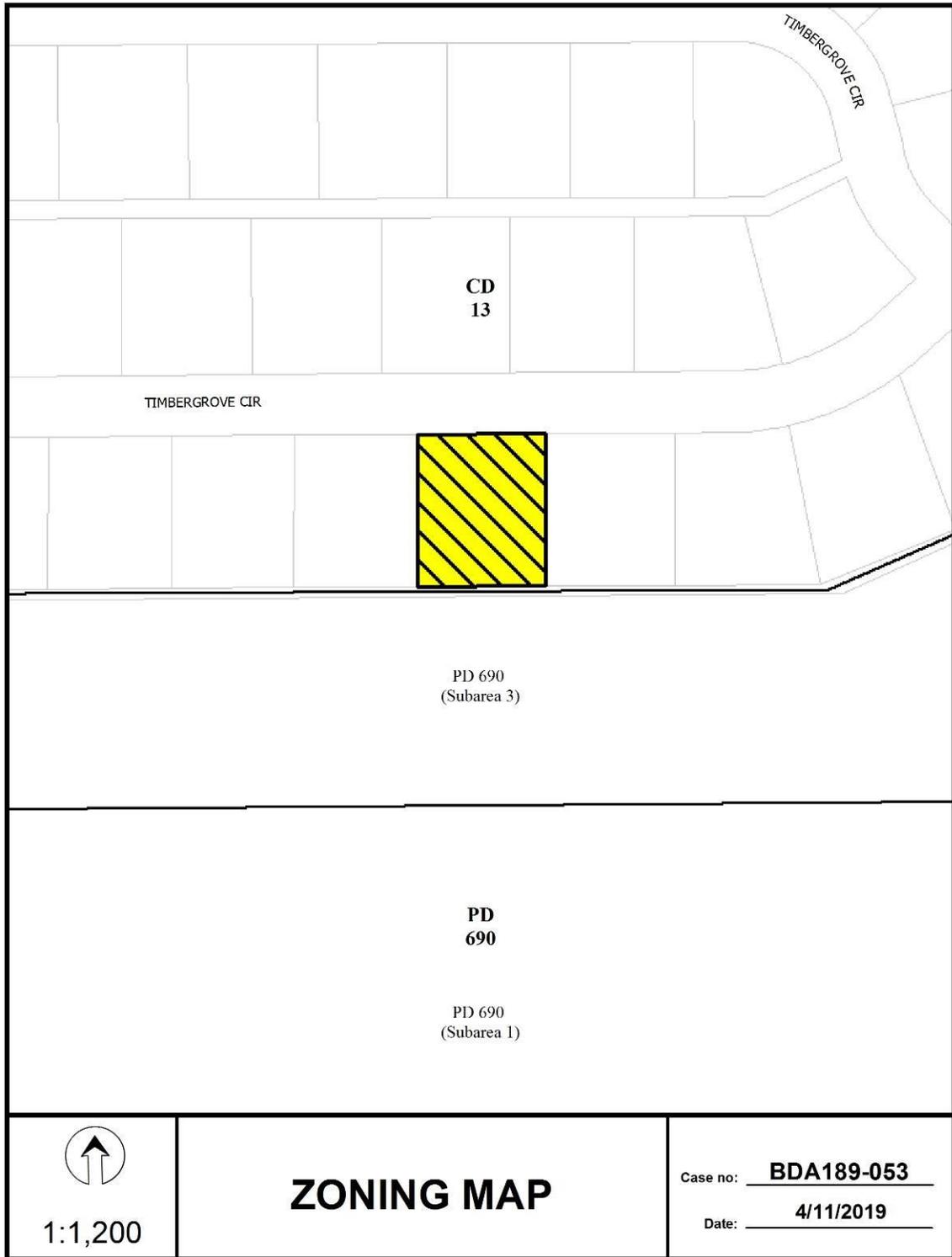
- March 4, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- May 14, 2019: The Board Administrator/Chief Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th 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 31, 2019 The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- June 4, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Department Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

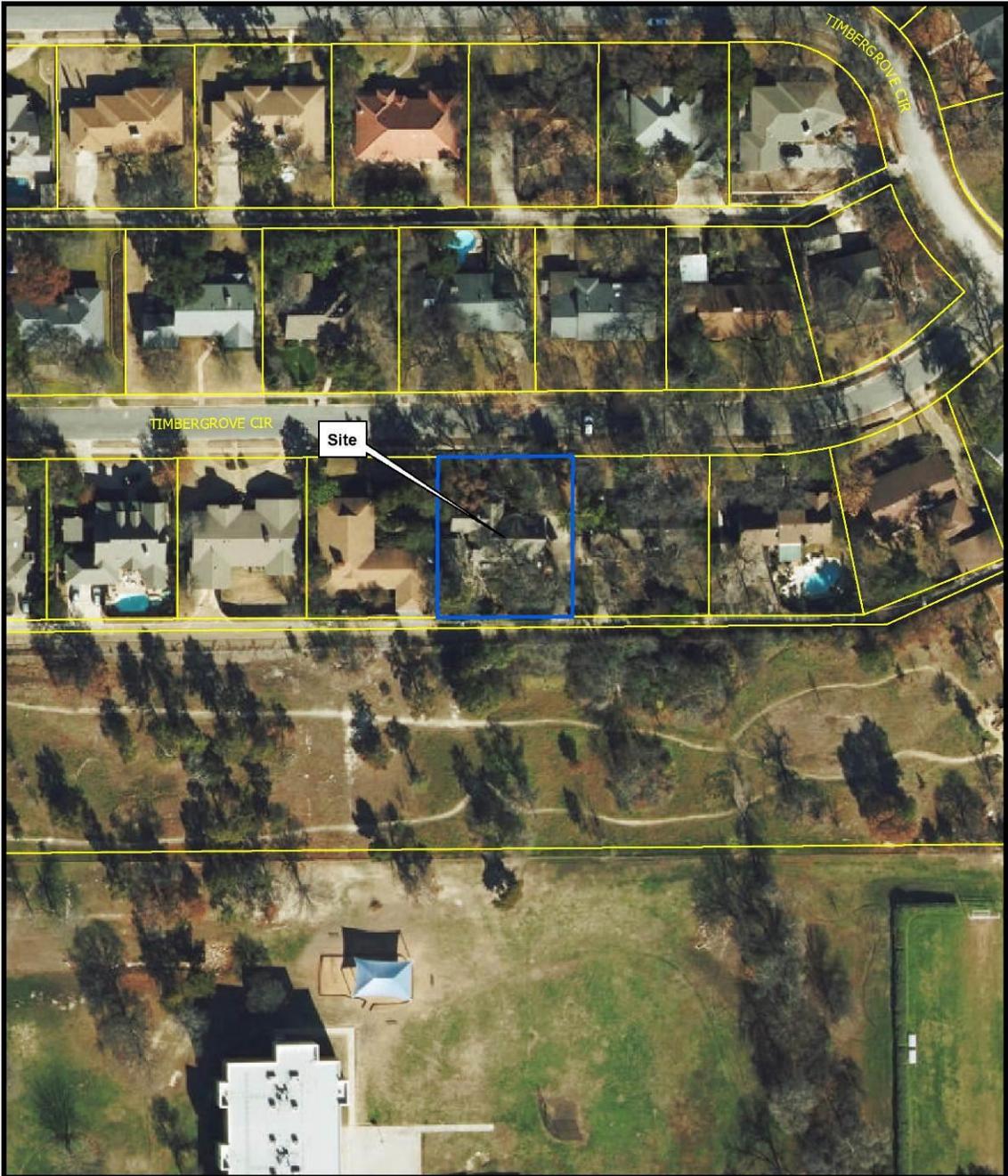
No review comment sheets were submitted in conjunction with this application.

June 6, 2019

The Sustainable Development and Construction Department Conservation District Chief Planner emailed the following comments to the Board Administrator/Chief Planner:

- “In review of the Kessler Park Conservation District Ordinance for Subarea #3, there are no architectural restrictions that address walkway/step materials or locations. The only issue with the steps is that they are encroaching into the front yard setback at heights of almost 2’ above grade. If the Board were to approve the setback encroachment through the variance process, the Conservation District staff would approve the step project”.





1:1,200

AERIAL MAP

Case no: BDA189-053

Date: 4/11/2019

Long, Steve

From: Jennifer Hiromoto <jennifer@baldwinplanning.com>
Sent: Friday, May 31, 2019 4:21 PM
To: Long, Steve
Cc: Trammell, Charles; Rob Baldwin
Subject: RE: BDA189-053, Property at 2007 Timbergrove Circle
Attachments: average grade and height of steps.xlsx; Estimate_4620_from_Holistic_Tree_Care_Inc.pdf

Dear Steve,

I apologize in the delay in responding to your email. Yes, I believe this is correct based on the CD having a more restrictive setback than what was required when the structure was built.

We have discussed this site a few times and I believe you have observed that this property has a sloped front yard. The subject steps that precipitated this case are necessary to access the front door. The previous front porch and steps were beyond the front facade, so those structures would have been non-conforming as well. From the site plan, I created the attached chart to determine the highest step. It is 1.4 feet from its average grade. The chart numbers the steps from the sidewalk to the house. The chart also shows the sidewalk is about 6.5 feet below the step closest to the house.

The steps were installed with the front landscaping, but without a permit or CD review. Steps are often considered flatwork and typically do not require a building permit. After meeting with CD staff to determine possible remedies, the attached consultation notes were obtained from a certified arborist to determine if the grade along the steps could be filled and make the steps below 6" in height. The summary is that filling the grade along the steps would be harmful to the trees. The trees are important to the owner to maintain and we do not believe this is the best solution to the step problem.

We hope you will agree that the property's slope and the intent to preserve existing trees are property hardships that support a variance to allow the steps and makes the existing single family structure conforming.

Please let us know if you have any questions or concerns.

Thanks,
Jennifer

Jennifer Hiromoto
Baldwin Associates
3904 Elm Street Suite B
Dallas, TX 75226
Office: 214-824-7949
Cell: 469-275-2414

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, May 28, 2019 1:55 PM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Jennifer Hiromoto <jennifer@baldwinplanning.com>; Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: FW: BDA189-053, Property at 2007 Timbergrove Circle

Dear Rob,

BDA189-053

Attach A

ps 2

	Lf pt	Rt pt	Avg grade	Grade at step	Height
1	93.52	93.4	93.46		
2	93.75	93.58	93.665	94.02	0.355
3	93.96	93.71	93.835	94.54	0.705
4	94.44	94.46	94.45	95.08	0.63
5	95.38	95.08	95.23	95.63	0.4
6	95.63	95.38	95.505	96.19	0.685
7	95.88	95.6	95.74	96.71	0.97
8	96.5	96	96.25	97.25	1
9	97.17	96.1	96.635	97.79	1.155
10	98.06	97	97.53	98.35	0.82
11	98.33	97.21	97.77	98.96	1.19
12	98.58	97.48	98.03	99.48	1.45
13	99.5	98.15	98.825	100	1.175
14	100.25	98.54	99.395	100.48	1.085

BDA189-053

Attach A

PS 3

Holistic Tree Care, Inc.
9090 Skillman St. Suite 182A #309
Dallas, TX 75243 US
(214) 348-7519
www.holisticreecareinc.com

PROPOSAL

ADDRESS

Mike Munstermann
Outside Ventures
408 W. 8th St. # 103
Dallas, TX 75208

PROPOSAL # 4620
DATE 04-10-2019

JOB SITE
2007 Timbergrove Cir Dallas, TX

ARBORIST
Chuck

ACTIVITY	DATE	AMOUNT
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Consultation	03-28-2019	0.00T
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I have been retained by Mike Munstermann to inspect the site location of the new front entry approach steps and comment on the possible change in construction and the impact such a change might have on the surrounding existing urban trees.

To begin, I will lay out several know facts that relate to established urban trees and construction work in their 'critical root zone area'.

- * generally tree roots only grow about 18" to 20" deep.
- * normally 80% to 90% of the fine roots are located in the top 6" to 12" of soil.
- * on average if 25% or greater of the root mass is damaged, the tree will suffer and possible fail.
- * changing the existing grade by cutting or filling in the 'critical root zone area' does severally stress adjacent trees.

The current steps being set on piers does limit the volume of tree root damaged caused by construction activity.

In order to adhere to the current code, a large percentage of the surrounding tree roots will be severed. Which in my option will excess the 25% rule, and putting them in jeopardy of failure.

- References:
- International Society of Arboriculture -
 - (1) Avoiding Tree Damage During Construction
 - (2) Treatment of Trees Damaged By Construction

Up By Roots, 2008 by James Urban, FASLA, ISA Certified Arborist

ANSI A300

SUBTOTAL	0.00
TAX (0%)	0.00
TOTAL	\$0.00

Accepted By

Accepted Date

- TOTAL PAYMENT IS DUE AND PAYABLE THE DAY OF COMPLETION -
- WE DO NOT ACCEPT CREDIT CARDS -



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-053

Data Relative to Subject Property:

Date: March 4, 2019

Location address: 2007 Timbergrove Circle Zoning District: CD 13 Sub. 3

Lot No.: 21 Block No.: Y/5127 Acreage: 0.29 acres Census Tract: 42.02

Street Frontage (in Feet): 1) 108 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Michael L. Ramsey

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX 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 TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 35 foot to the front yard setback to allow steps and metal safety rail and provide a 0' setback ~~40'2" And provide A 0' front yard setback.~~

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 property is sloped and the home is at a grade much higher than the street. Garage access is from the alley. The steps that lead from the public sidewalk to the front door were replaced and due to the slope the front yard, the steps are greater than 6" on the east side of most steps. The previous steps and landing at the front door area were also encroaching past the 35 foot-front yard setback. The front yard cannot be graded to hide the steps due to the severity of the grade and it would harm existing trees.

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.

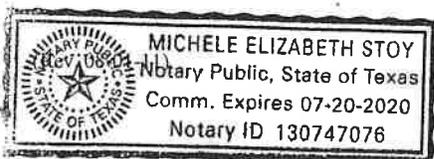
Affidavit

Before me the undersigned on this day personally appeared Robert 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: [Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 4 day of March, 2019



Michele E. 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

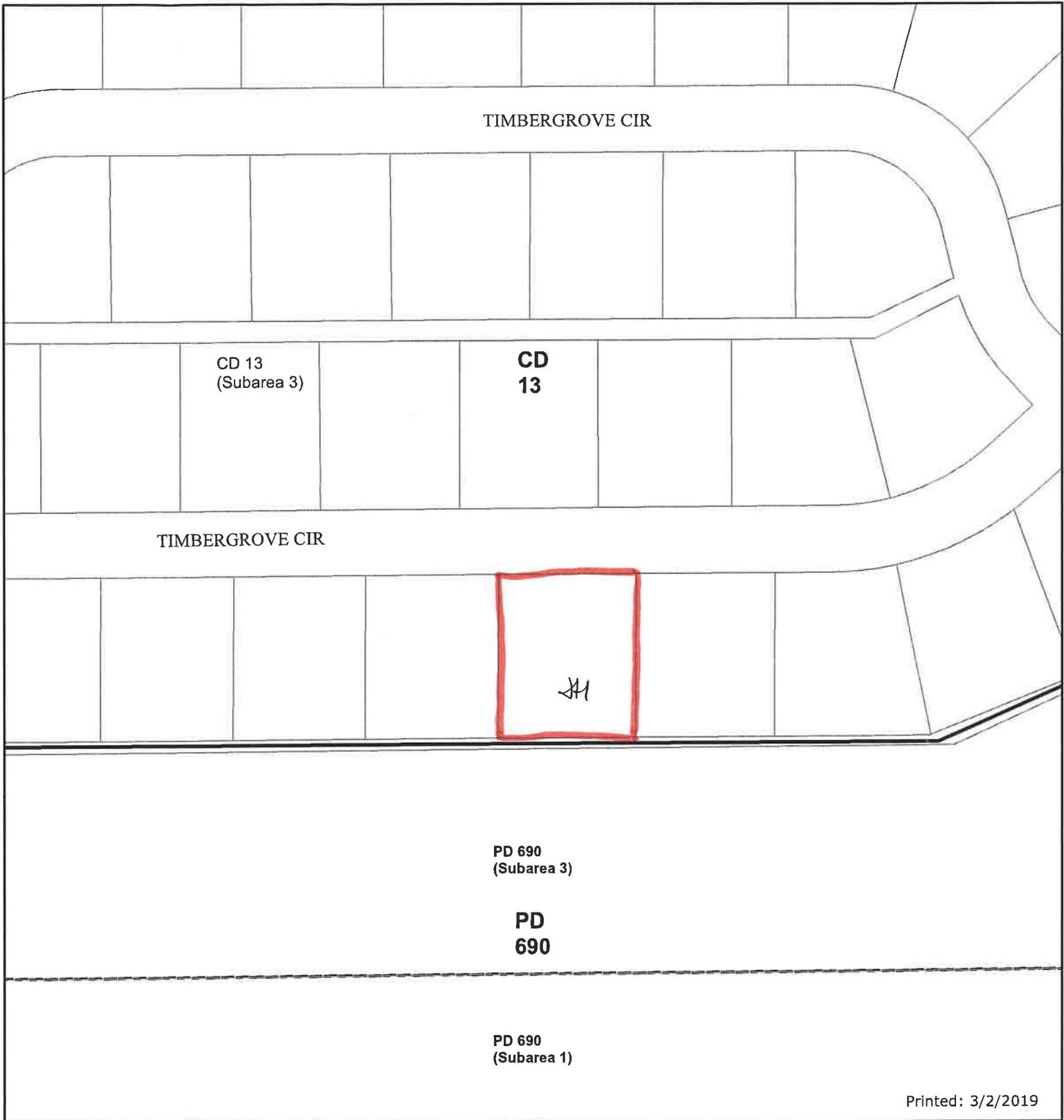
I hereby certify that ROBERT BALDWIN

did submit a request for a variance to the front yard setback regulations
at 2007 Timbergrove Circle

BDA189-053. Application of ROBERT BALDWIN for a variance to the front yard setback regulations at 2007 TIMBERGROVE CIR. This property is more fully described as Lot 21, Block Y/5127, and is zoned CD-13, which requires a front yard setback of 40 feet 2 inches. The applicant proposes to construct and maintain steps, railings and stair landings, for a residential structure and provide a 0 foot front yard setback, which will require a 40 foot 2 inch variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 3/2/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shaded Front Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



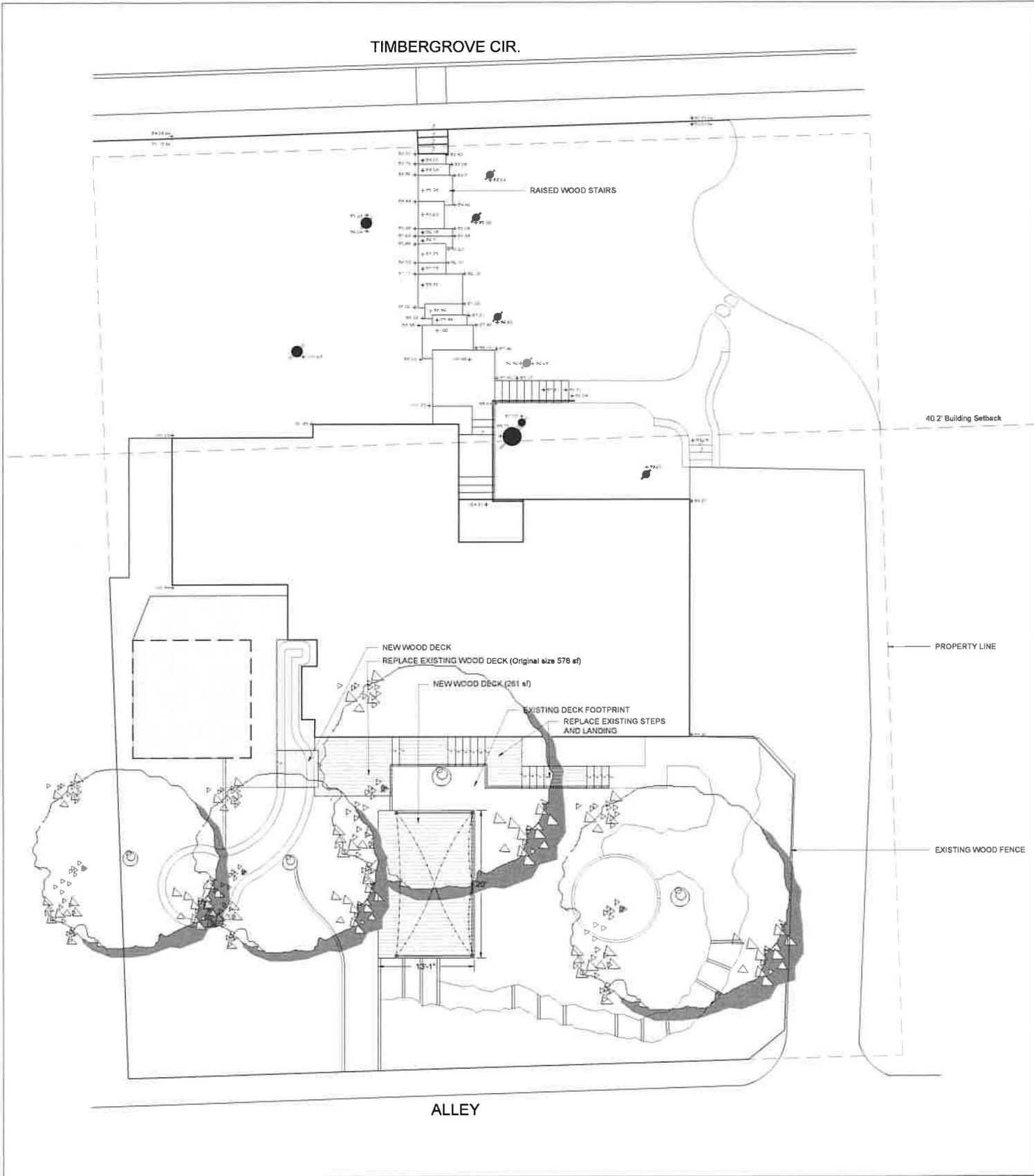
1:1,200



CUR		POWER	
CURVE NO.	Δ	69° 02'	75.00

5127

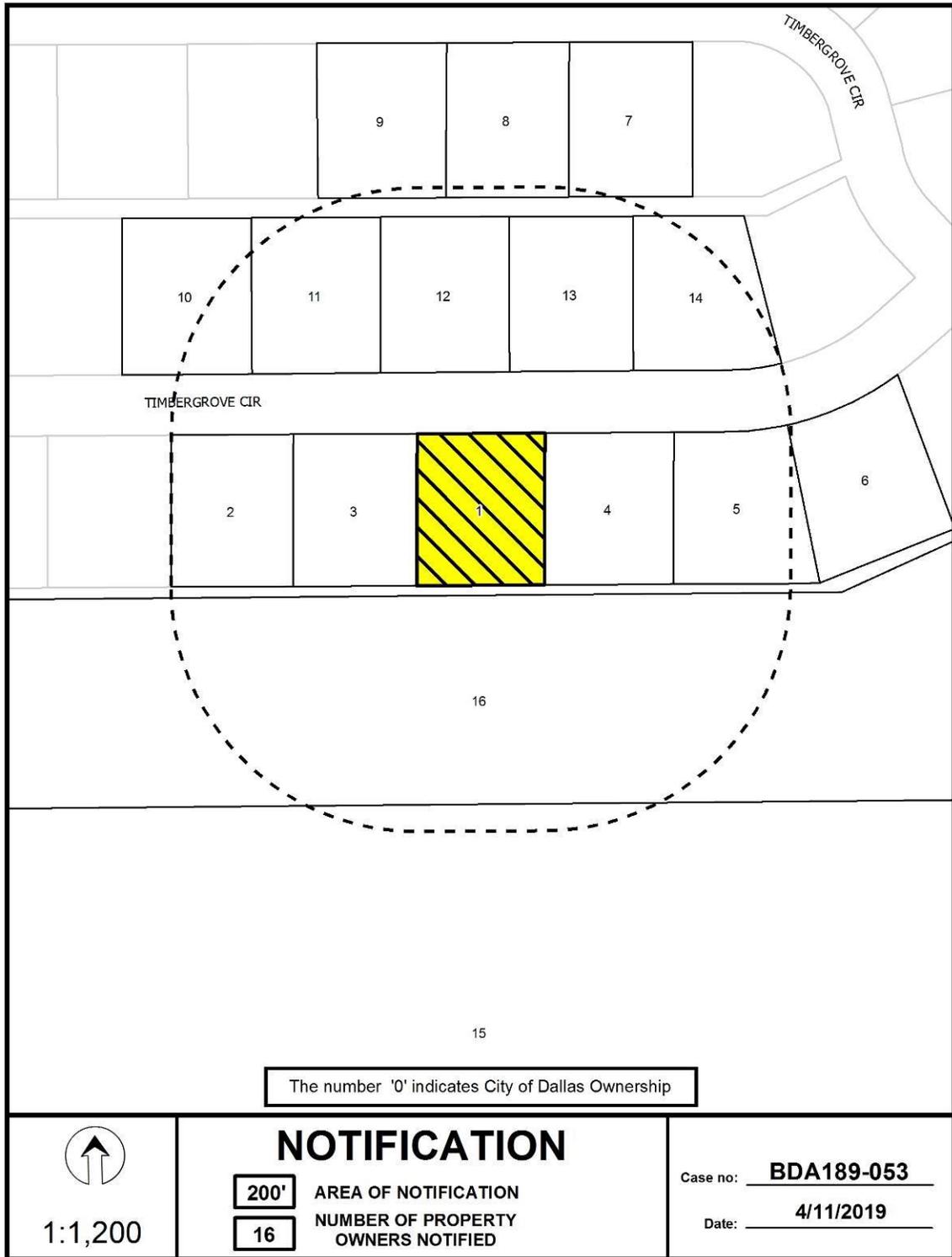
TIMBERGROVE CIR.



RAMSEY SITE PLAN - 2007 Timbergrove Circle

scale: 3/8" = 1'-0"
Date: 04/17/2019





Notification List of Property Owners

BDA189-053

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2007 TIMBERGROVE CIR	RAMSEY MICHAEL L
2	1923 TIMBERGROVE CIR	SPEARS HELEN FAMILY TRUST
3	1931 TIMBERGROVE CIR	GEARY JOY M
4	2011 TIMBERGROVE CIR	HEROLD CYNTHIA D
5	2017 TIMBERGROVE CIR	BROUSSARD JERROLD &
6	2023 TIMBERGROVE CIR	BARROW ROBERT &
7	1730 TIMBERGROVE CIR	KAVANAUGH MARGARET JEAN GOLDEN
8	1738 TIMBERGROVE CIR	DYE CHARLOTTE
9	1744 TIMBERGROVE CIR	AERTKER MARK J
10	1922 TIMBERGROVE CIR	SCHNEIDER MARGARET M TR
11	1930 TIMBERGROVE CIR	DEFRANK JOHN PAUL & JOSEPHINE
12	2006 TIMBERGROVE CIR	WEBER PETER B
13	2010 TIMBERGROVE CIR	WEEMPE S G
14	2016 TIMBERGROVE CIR	BRUTON CHESTER V LIFE ESTATE
15	1919 STEVENS FOREST DR	Dallas ISD
16	817 MARY CLIFF RD	TWELVE HILLS NATURE

FILE NUMBER: BDA189-075(SL)

BUILDING OFFICIAL'S REPORT: Application of Martha Romagnoli for special exceptions to the fence standards and visual obstruction regulations at 8154 Burroaks Drive. This property is more fully described as Lot 15, Block 3/6359, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line, and requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to construct and/or maintain an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence standards regulations, 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 a special exception to the fence standards regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 8154 Burroaks Drive

APPLICANT: Martha Romagnoli

REQUESTS:

The following requests have been made on a site that is developed with a single family home:

1. Requests for a special exception to the fence standards regulations related to the fence height of 5' is made to:
 - maintain a 9' high wrought iron fence in the site's Burroaks Drive front yard setback, and
 - construct and maintain a 9' high solid cement block fence in the site's Realoaks Drive front yard setback.
2. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open less than 5' from the front lot line is made to construct and maintain the aforementioned 9' high solid cement block fence less than 5' from the Realoaks Drive front lot line.
3. Requests for special exceptions to the visual obstruction regulations are made to locate and maintain:
 - an existing 9' high open wrought iron fence in the two 20' visibility triangles at the drive approach into the site from Burroaks Drive; and
 - a proposed 9' high solid cement block fence in the 20' visibility triangle at where the alley intersects with Realoaks Drive.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STANDARD 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 (fence standards regulations):

No staff recommendation is made on this or any request for a special exception to the fence standards regulations 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.

STAFF RECOMMENDATION (visual obstruction regulations):

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be located and maintained in the visibility triangles do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet))

Land Use:

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

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS (fence standards special exceptions):

- The requests for special exceptions to the fence standards regulations on a site developed with a single family home focus:
 - maintaining a 9' high wrought iron fence in the site's Burroaks Drive front yard setback,
 - constructing and maintaining a 9' high solid cement block fence in the site's Realoaks Drive front yard setback, and
 - constructing and maintaining a 9' solid cement block fence less than 5' from the Realoaks Drive front lot line.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The Dallas Development Code states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback.
- The site is located at the southwest corner of Burroaks Drive and Realoaks Drive. The site has two 25' front yard setbacks.
- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the two front yard setbacks. The site plan and elevation represent that one of the fences will be a solid fence on the Realoaks Drive front lot line.
- The following additional information was gleaned from the submitted site plan:
 1. Along Burroaks Drive: a 9' high open wrought iron fence is represented as being approximately 68' in length parallel to the street, a 9' high solid cement block fence is located perpendicular to this street on the side in this front yard setback, with the fence parallel located about 3' from the front property line or approximately 13' from the pavement line.
 2. Along Realoaks Drive: the proposal is represented as being approximately 107' in length parallel to the street (of which about 25' in length will be open wrought iron and the remainder to be solid cement), and approximately 25' perpendicular to this street on the side in this required front yard, with the fence parallel located on the front property line or approximately 11' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and the surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback – an approximately 7' high solid metal fence immediately south of the site with no recorded BDA history.
- As of June 7, 2019, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height and related to a fence with panels

with surface areas less than 50 percent open less than 5' from a front lot line will not adversely affect neighboring property.

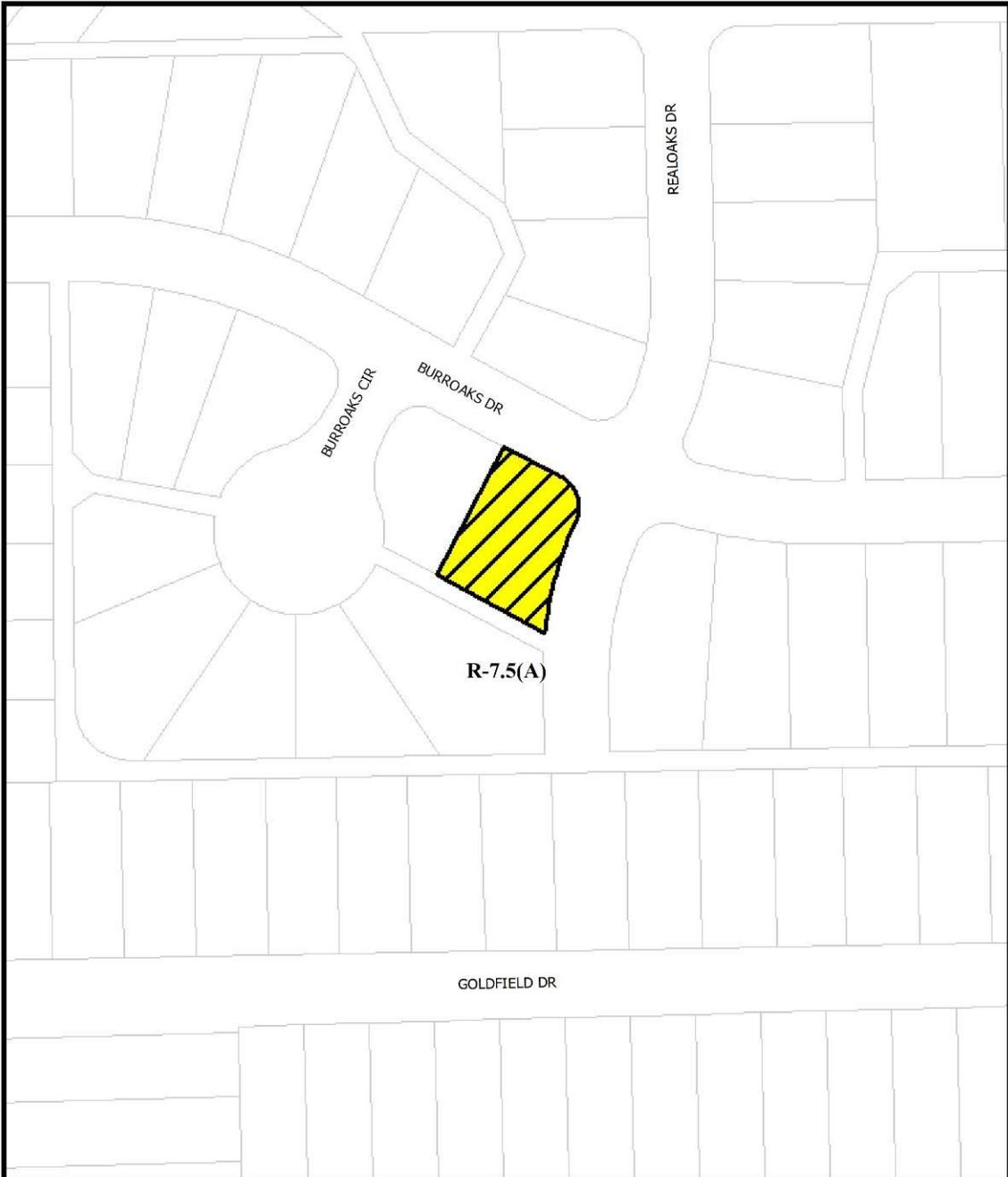
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setbacks and with fence panels with surface areas less than 50 percent open located less than 5' from a front lot line to be constructed and/or maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on locating and maintaining a existing 9' high open wrought iron fence in the two 20' visibility triangles at the drive approach into the site from Burroaks Drive; and locating and maintaining a proposed 9' high solid cement block fence in the 20' visibility triangle at where the alley intersects with Realoaks Drive
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property located in an R-7.5(A) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of the 9' high open wrought iron fence in the two 20' visibility triangles at the drive approach into the site from Burroaks Drive; and the 9' high solid cement block fence in the 20' visibility triangle at where the alley intersects with Realoaks Drive.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections.
- The applicant has the burden of proof in establishing how granting these requests does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be located and/or maintained in the visibility triangles to that what is shown on these documents.

Timeline:

- April 19, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- May 13, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- May 14, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- June 4, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Department Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.
- June 5, 2019: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Has no objections".



1:1,200

ZONING MAP

Case no: BDA189-075

Date: 5/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-075

Date: 5/15/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-075

Data Relative to Subject Property:

Date: 4-19-19

Location address: 8154 Burroaks Dr. Dallas, TX 75217 Zoning District: R7.5(A)

Lot No.: 15 Block No.: 3/6359 Acreage: .202 Census Tract: 116.02

Street Frontage (in Feet): 1) 107 2) 68 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Deivy Romagnoli + Martha Romagnoli

Applicant: Martha Romagnoli Telephone:

Mailing Address: 8154 Burroaks Dr. Dallas, TX Zip Code: 75217

E-mail Address: Romagnoli.1982@icloud.com

Represented by: N/A Telephone: 386-515-2128

Mailing Address: N/A Zip Code:

E-mail Address: N/A

Affirm that an appeal has been made for a Variance, or Special Exception of 5' to the required front yard fence height and provide a 9' fence and 20x20 visibility triangle @ Alley + Driveway, less than 50% open panel.

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:

Our Fence is like height and similar placement as other fence found in my neighborhood. And it will not adversely affect neighboring property.

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 Martha Romagnoli

(Affiant/Applicant's name printed)

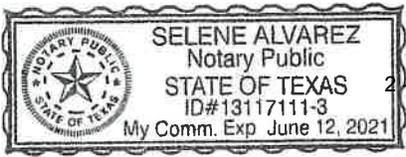
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of April, 2019

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

(Rev. 08-01-11)



**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 **MARTHA ROMAGNOLI**

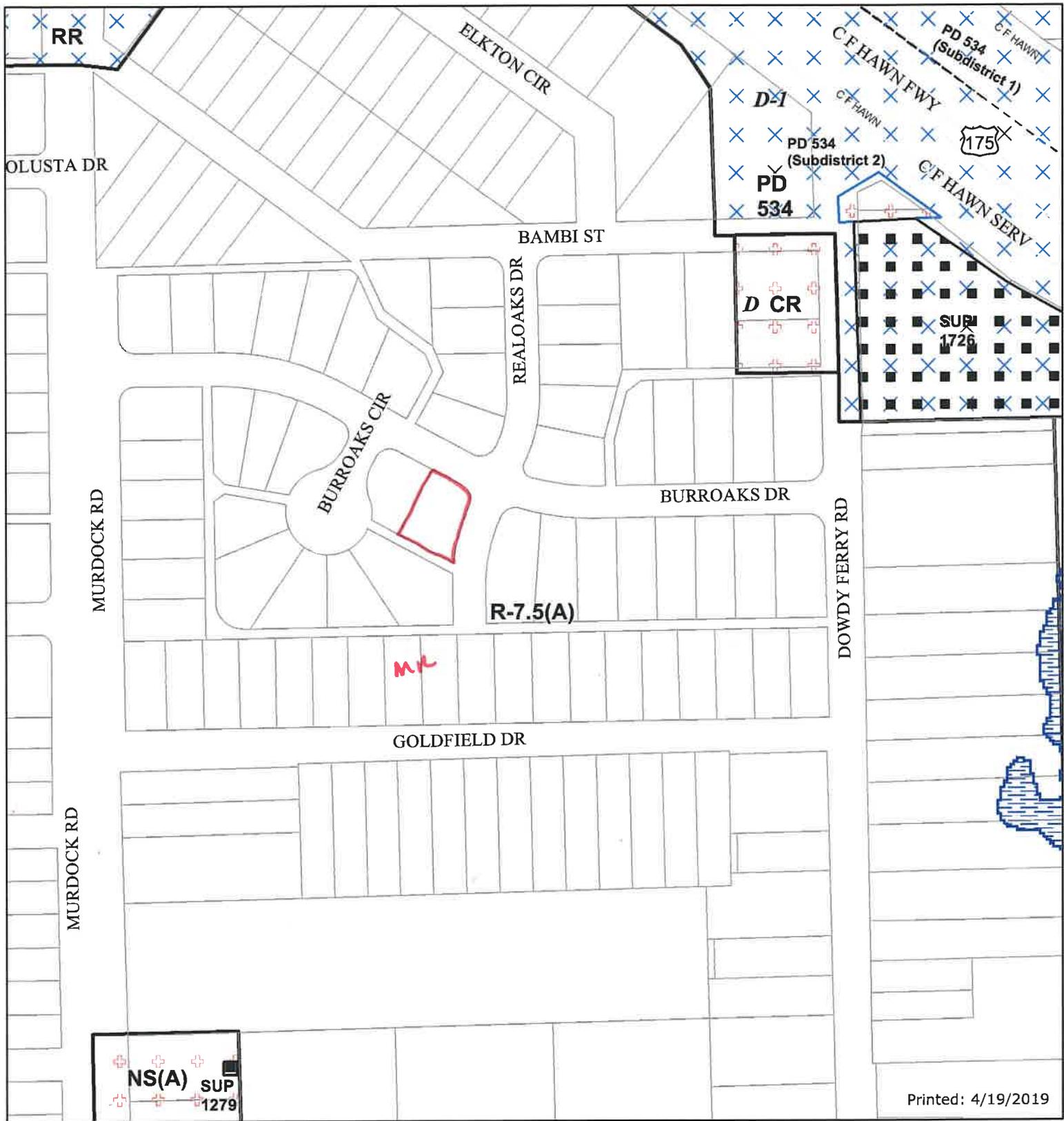
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations

at 8154 Burroaks Drive

BDA189-075. Application of MARTHA ROMAGNOLI for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for special exception to the visibility obstruction regulations at 8154 BURROAKS DR. This property is more fully described as Lot 15, Block 3/6359, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway and alley approaches and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



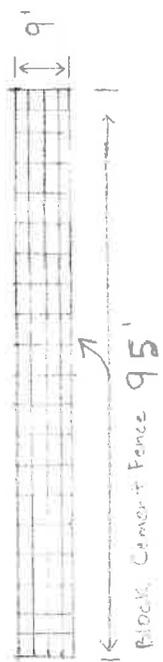
Printed: 4/19/2019

Legend

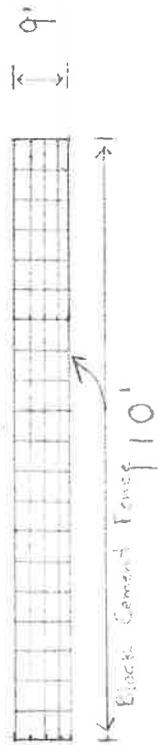
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Sho Front Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)

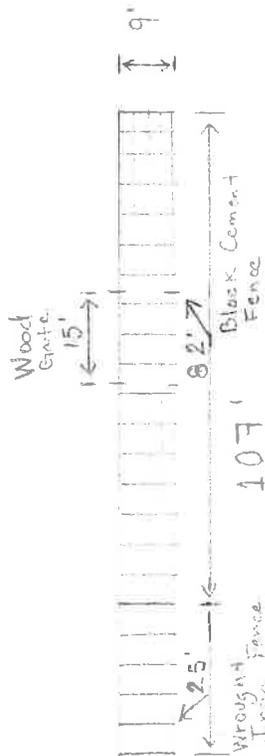




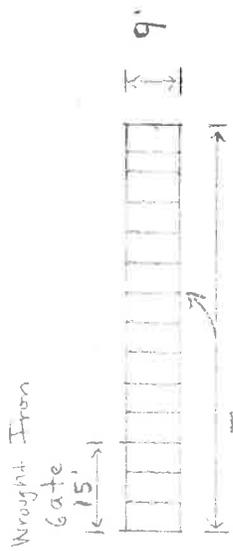
South Fence Line Facing Alley



Fence Line Adjacent to Lot 16



East Fence Line Facing Real Oaks



North Fence Line Facing Burmanis Dr.

1" = 20'



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">27</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	27	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-075</u> Date: <u>5/15/2019</u>
200'	AREA OF NOTIFICATION					
27	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-075

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8154 BURROAKS DR	ROMAGNOLI DEIVY & MARTHA
2	312 REALOAKS DR	RUEDA ELOY &
3	318 REALOAKS DR	VILLEDA JOSEFINO &
4	322 REALOAKS DR	DELGADILLO GERARDO &
5	8204 BURROAKS DR	FIELDS LIGE JR
6	8208 BURROAKS DR	DELGADILLO ERNESTO
7	8212 BURROAKS DR	QUINTERO ESTHER BANDA
8	8124 BURROAKS DR	PARKS JOE THOMAS
9	8130 BURROAKS CIR	DELAGARZA MARIA
10	8134 BURROAKS CIR	MORALES JESSE & AIDA
11	8138 BURROAKS CIR	SANCHEZ MIRIAM & JOSE MODESTO
12	8142 BURROAKS CIR	CERVANTES ALICIA &
13	8146 BURROAKS CIR	MONTALVO MAURICIO
14	8150 BURROAKS DR	CASTILLO AGUSTINA
15	8127 BURROAKS DR	SERRATOS INVESTMENTS LLC
16	8133 BURROAKS DR	C&C RESIDENTIAL PPT INC
17	321 REALOAKS DR	COLE JOHN CLAYTON & SHERE
18	315 REALOAKS DR	VAZQUEZ LUIS
19	309 REALOAKS DR	CRUZ BERTIN
20	8140 BAMBI ST	MORALES ANTONIO A L &
21	8131 GOLDFIELD DR	MARTINEZ ANGEL &
22	8135 GOLDFIELD DR	OROCIO RAUL
23	8141 GOLDFIELD DR	RODRIGUEZ JOSE LUIS MUNOZ
24	8145 GOLDFIELD DR	TORRES RAMON &
25	8151 GOLDFIELD DR	STEWARDSHIP PROPERTIES LLC
26	8203 GOLDFIELD DR	ORTIZ SILVIA MENDEZ

05/15/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	8207 GOLDFIELD DR	LOERA PEDRO & MARIA

FILE NUMBER: BDA189-067(SL)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin and Associates for a variance to the front yard setback regulations and a special exception to the landscape regulations at 4125 Lemmon Avenue. This property is more fully described as Lots 8-10, Block1/500, and is zoned PD 193 (GR), which requires a front yard setback of 10 feet and requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, and to provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4125 Lemmon Avenue

APPLICANT: Rob Baldwin of Baldwin and Associates

REQUESTS:

The following requests have been made on a site that is developed with restaurant structure/use (Uncle Julio's):

1. A request for a variance to the front yard setback regulations of 10' is made to maintain a recently added patio/deck and raised planter "structures" in one of the site's two 10' front yard setbacks (Douglas Avenue) – a structure that is located as close as (and over) the site's property line or 10' into the required 10' front yard setback; and
2. a request for a special exception to the landscape regulations is made to maintain the aforementioned structures (i.e. increased nonpermeable coverage of the lot) and to not fully meet the landscape regulations, more specifically, to not fully meet the screening, landscape site area, and sidewalk requirements.

STANDARD FOR A VARIANCE:

Section 51(A)-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.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:

Section 51P-193-126(a) (4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION (variance):

Denial

Rationale:

- Staff concluded that the applicant had not substantiated how the variance is necessary to permit development of this rectangular-shaped, flat, and approximately 6,500 square foot subject site in order for it to be developed in a manner commensurate with the development upon other parcels of land with the same PD 193 (GR) zoning district.
- The physical features of the subject site have allowed it to be developed with a structure that appears to be in compliance with the setback regulations. The submitted site plan represents that the variance in this case is requested to maintain recently added patio/deck and raised planter “structures” in one of the site’s two front yard setbacks.
- Staff concluded that the applicant had not substantiated how if the Board were to grant this request, it would not be to relieve a self-created or personal hardship, nor for financial reasons only.

STAFF RECOMMENDATION (special exception to the landscape regulations):

Denial

Rationale:

- The City of Dallas Chief Arborist recommends denial of the request because the features represented on the submitted alternate landscape plan compromises the spirit and intent of the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards.

BACKGROUND INFORMATION:

Site: PD 193 (GR) (Planned Development, General Retail)
North: PD 193 (GR) (Planned Development, General Retail)

South: PD 193 (MF-2) (Planned Development, Multifamily)
East: PD 193 (GR) (Planned Development, General Retail)
West: PD 193 (GR) (Planned Development, General Retail)

Land Use:

The site that is developed with a restaurant structure/use (Uncle Julio's). The areas to the north, east, and west are developed with retail uses, and the area to the south is developed with multifamily use.

Zoning/BDA History:

1. BDA93-177 Property at 4125 Lemmon Avenue (the subject site) On November 9, 1993, the Board of Adjustment granted a variance to the front yard setback regulations, and special exceptions to the visual obstruction and landscape regulations. The only condition imposed was that that the property comply with a landscape plan as a condition to granting this special exception to further the purpose and intent of the Dallas Development Code, and that landscape plan reflect a total of 6 street trees on Lemmon Avenue and 5 street trees on Douglas Avenue and a 3 1/2 foot parking lot screen on Lemmon and Douglas Avenue.

GENERAL FACTS/STAFF ANALYSIS (variance):

- This request focuses on maintaining a recently added patio/deck and raised planter "structures" in one of the site's two 10' front yard setbacks (Douglas Avenue) – a structure that is located as close as (and over) the site's property line or 10' into the required 10' front yard setback. (Note that while the Board of Adjustment can consider a variance for the portion of the structure in the setback, any structure in public right-of- way cannot be considered and must go through the license process with City Council if it is to remain in the public right-of-way).
- Structures on lots zoned PD 193 GR) are required to provide a minimum front yard setback of 10'.
- A site plan has been submitted denoting "proposed patio deck" and "raised planters" structures located in the site's 10 front yard setback on Douglas Avenue.
- DCAD records indicate the "main improvement" for property located at 4125 Lemmon Avenue is a 6,541 square foot restaurant built in 1967.
- The subject site is rectangular in shape, flat, and according to the application, is 33,000 square feet in area.

- The site is located on the corner of Lemmon Avenue and Douglas Avenue. The site has two 10' front yard setbacks as any property would in this zoning district with two street frontages.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback 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 is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD193 (GR) zoning classification.
 - 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 this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD193 (GR) zoning classification.
- If the Board were to grant this variance request and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document which are patio/deck and raised planter structures located as close as on the Douglas Avenue front property line or structures located 10' into the required 10' front yard setback. (If the board grants this variance, no relief will be provided to any structure that is located in public right-of-way).

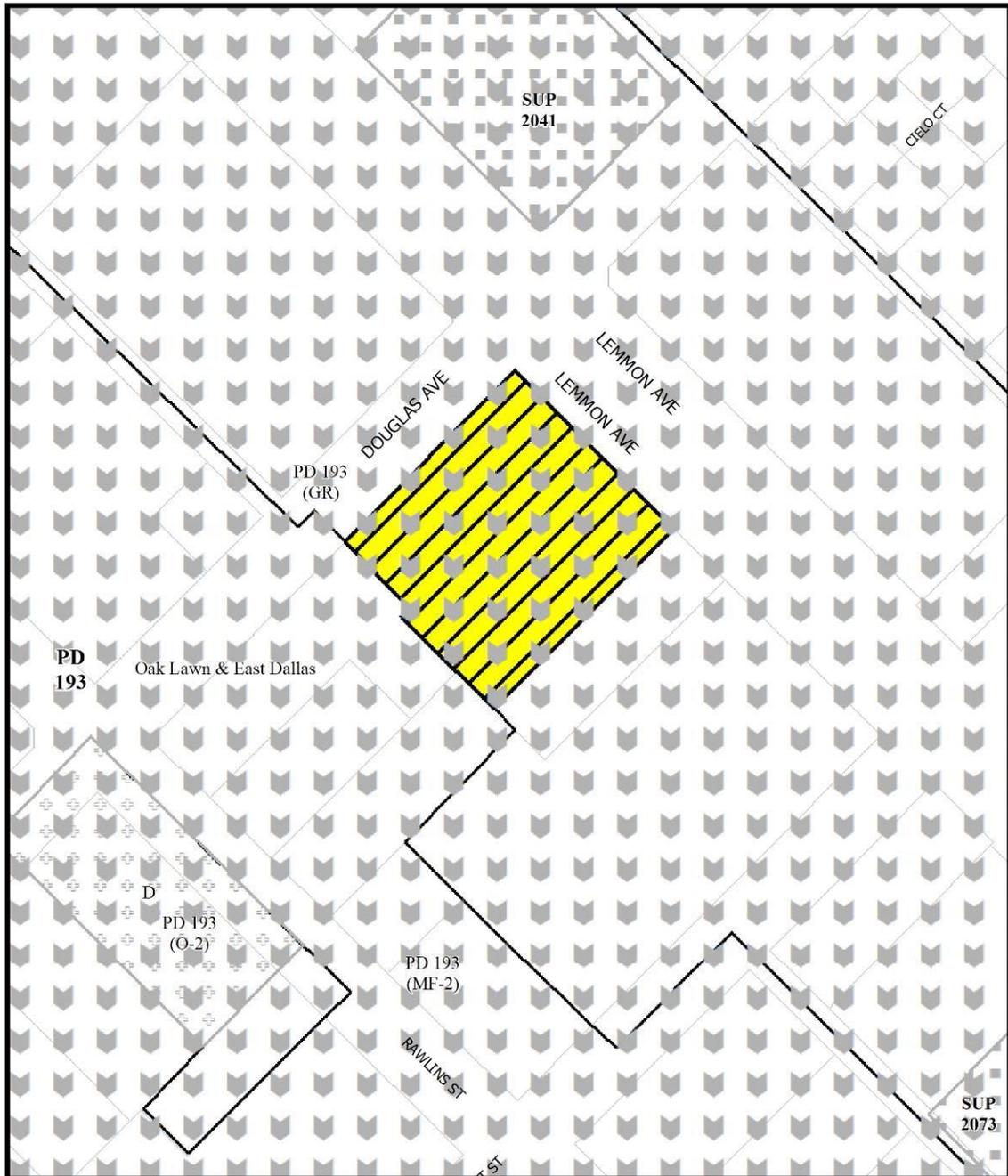
GENERAL FACTS/ STAFF ANALYSIS (special exception to the landscape regulations):

- This request for a special exception to the landscape regulations focuses on maintaining the recently added patio/deck and raised planter “structures” (i.e. increasing the nonpermeable coverage of the lot) and not fully meeting the landscape regulations, more specifically, not fully meeting the screening, landscape site area, and sidewalk requirements.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- An alternate landscape plan has been submitted that does not fully meet landscape requirements of PD 193.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A).
- The Chief Arborist's memo states the following with regard to “request”:

- “The applicant is requesting a special exception to the landscaping regulations of PD 193 (GR) as provided in Section 51P-193.126 and is a revision to the Board of Adjustment approved landscape plan (BDA 93-177) of November 9, 1993”.
- The Chief Arborist’s memo states the following with regard to “provision”:
 - “The original BDA plan was approved with the provision of 6 street trees along Lemmon Avenue, 5 street trees along Douglas Avenue, and a 3.5 feet parking lot screen on Lemmon and Douglas Avenue. The revised plan identifies 6 trees along Lemmon Avenue in the same location, 4 existing trees along Douglas Avenue in the right-of-way, and one tree on the northwest corner of the lot”.
- The Chief Arborist’s memo states the following with regard to “deficiency”:
 - “A 36” tall masonry screening wall is proposed along Lemmon Avenue between tree wells with flowering evergreen vines. The landscape area along Douglas does not exceed 24” in height as this is to also address visibility triangle clearances. Screening is not complete for the western perimeter diagonal parking spaces.
 - The landscape site area does not calculate to 10% of the lot as I calculate the identified landscape site areas on the landscape plan. The plan indicates the landscape site area for the required front yard is also deficient. The parkway landscape area is not required in GR districts and would not be applied in the LSA.
 - The sidewalk along Douglas Avenue shows to be 4 feet in width to the property line. Under the current conditions, widening the sidewalk would possibly be injurious to the existing trees. Historical street view images indicate the previous sidewalk was also 4 feet wide adjacent to a landscaped bed with a tree, shrubs, groundcover and other vegetation, created after the previous Board action. Steps leading directly from the sidewalk to the door entry was also present. The Lemmon Avenue sidewalk is shown from back of curb to the property boundary with six tree wells outside of the tree planting zone (authorized under the original BDA plan). The sidewalks do not conform to PD 193 requirements on either street front”.
- The Chief Arborist’s memo states the following with regard to “recommendation”:
 - “The chief arborist recommends denial of the special exception request because it does appear the exception to allow the removal of the front yard landscape site area from its initial landscape design would compromise the spirit and intent of the PD 193 (GR) landscape regulations. The replacement of landscape site area with elevated paved patio in a district where 60% of the required front yard for the entire lot is expected to be landscape site area would seem to compromise the intent of the design concept for the district”.
- The applicant has the burden of proof in establishing the following:
 - The special exception will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted an exception from full compliance to the requirements of the PD 193 landscape ordinance.

Timeline:

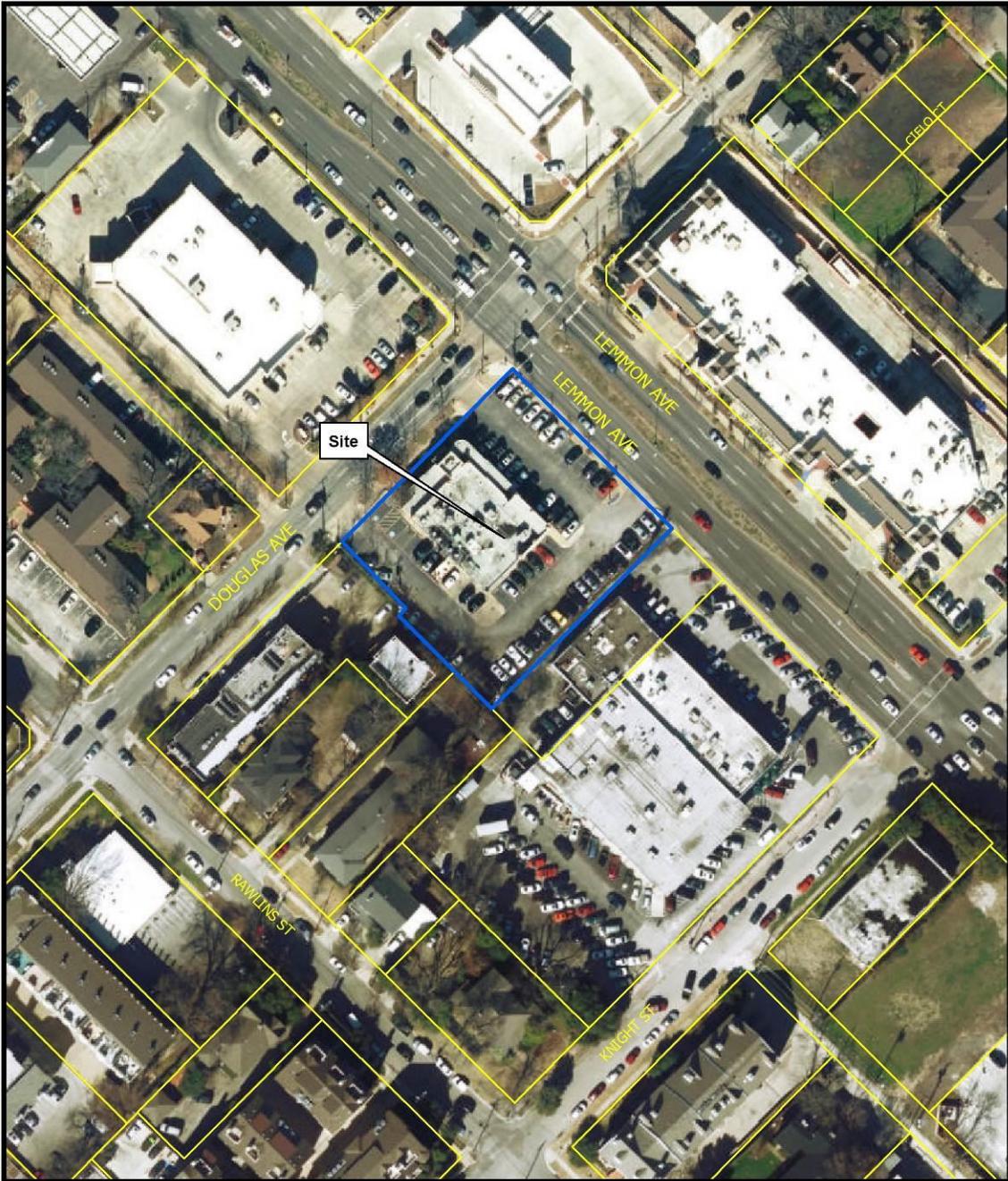
- April 11, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- May 13, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- May 14, 2019: The Board of Adjustment Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 4, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Department Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- June 6, 2019: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).




 1:1,200

ZONING MAP

Case no: BDA189-067
 Date: 5/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-067

Date: 5/15/2019

Memorandum



CITY OF DALLAS

Date June 6, 2019
 To Steve Long, Chief Planner
 Subject BDA #189-067 4125 Lemmon Avenue arborist report

Request

The applicant is requesting a special exception to the landscaping regulations of PD 193 (GR) as provided in Section 51P-193.126 and is a revision to the Board of Adjustment approved landscape plan (BDA 93-177) of November 9, 1993.

Provision

The original BDA plan was approved with the provision of 6 street trees along Lemmon Avenue, 5 street trees along Douglas Avenue, and a 3.5 feet parking lot screen on Lemmon and Douglas Avenue. The revised plan identifies 6 trees along Lemmon Avenue in the same location, 4 existing trees along Douglas Avenue in the right-of-way, and one tree on the northwest corner of the lot.

Deficiency

A 36" tall masonry screening wall is proposed along Lemmon Avenue between tree wells with flowering evergreen vines. The landscape area along Douglas does not exceed 24" in height as this is to also address visibility triangle clearances. Screening is not complete for the western perimeter diagonal parking spaces.

The landscape site area does not calculate to 10% of the lot as I calculate the identified landscape site areas on the landscape plan. The plan indicates the landscape site area for the required front yard is also deficient. The parkway landscape area is not required in GR districts and would not be applied in the LSA.

LSA, GPA, and SPA as stated on the plan:

GR and LG subdistricts: front yard setback = 10'

Area %'s in sq. ft.	Landscape Site Area		General Planting Area		Special Planting Area	
Lot Area	10%		n/a		n/a	
Required Front Yard	60% of RFY		12% of RFY		6% of RFY w/ 1 Plant / 6 s.f.	
	Required	Provided	Required	Provided	Required Sq. ft. / Plants	Provided Sq. ft. / Plants
Lot Area	3,450. sf	3,450. sf	n/a	n/a	n/a	n/a
Required Front Yard	2,070. sf	1,730. sf	414. sf	435. sf	414. / 414	207. / 122

The sidewalk along Douglas Avenue shows to be 4 feet in width to the property line. Under the current conditions, widening the sidewalk would possibly be injurious to the existing trees. Historical street view images indicate the previous sidewalk was also 4 feet wide adjacent to a

landscaped bed with a tree, shrubs, groundcover and other vegetation, created after the previous Board action. Steps leading directly from the sidewalk to the door entry was also present. The Lemmon Avenue sidewalk is shown from back of curb to the property boundary with six tree wells outside of the tree planting zone (authorized under the original BDA plan). The sidewalks do not conform to PD 193 requirements on either street front.

Recommendation

The chief arborist recommends denial of the special exception request because it does appear the exception to allow the removal of the front yard landscape site area from its initial landscape design would compromise the spirit and intent of the PD 193 (GR) landscape regulations. The replacement of landscape site area with elevated paved patio in a district where 60% of the required front yard for the entire lot is expected to be landscape site area would seem to compromise the intent of the design concept for the district.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-067

Date: February 12, 2019 4-11-19

Data Relative to Subject Property:

Location address: 4125 Lemmon Ave Zoning District: PD 193 GR

Lot No.: 8-10 Block No.: 1/500 Acreage: 33,000sf Census Tract: 6.05

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): JHS Partners, LP

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX 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 TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception X, of 1-front yard variance for Douglas Avenue frontage for raised patio and ADA ramp 10' variance to 10' FYS 2-landscape special exception (JTB)

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 property was developed in 1967 with a restaurant use. A raised patio seating area and ADA ramp are requested to be maintained within the front yard setback and in an area that was landscaping on a 1993 Board-approved landscape plan. The location of the raised patio is the only place on the property it can be located without impacting required parking. The proposed landscaping is providing less impervious coverage than the site had before the raised patio and ramp were installed.

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 Robert 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: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of February, 2019



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BALDWIN AND ASSOCIATES

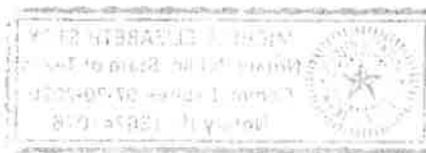
did submit a request for a special exception to the landscaping regulations, and for a variance to the front yard setback regulations

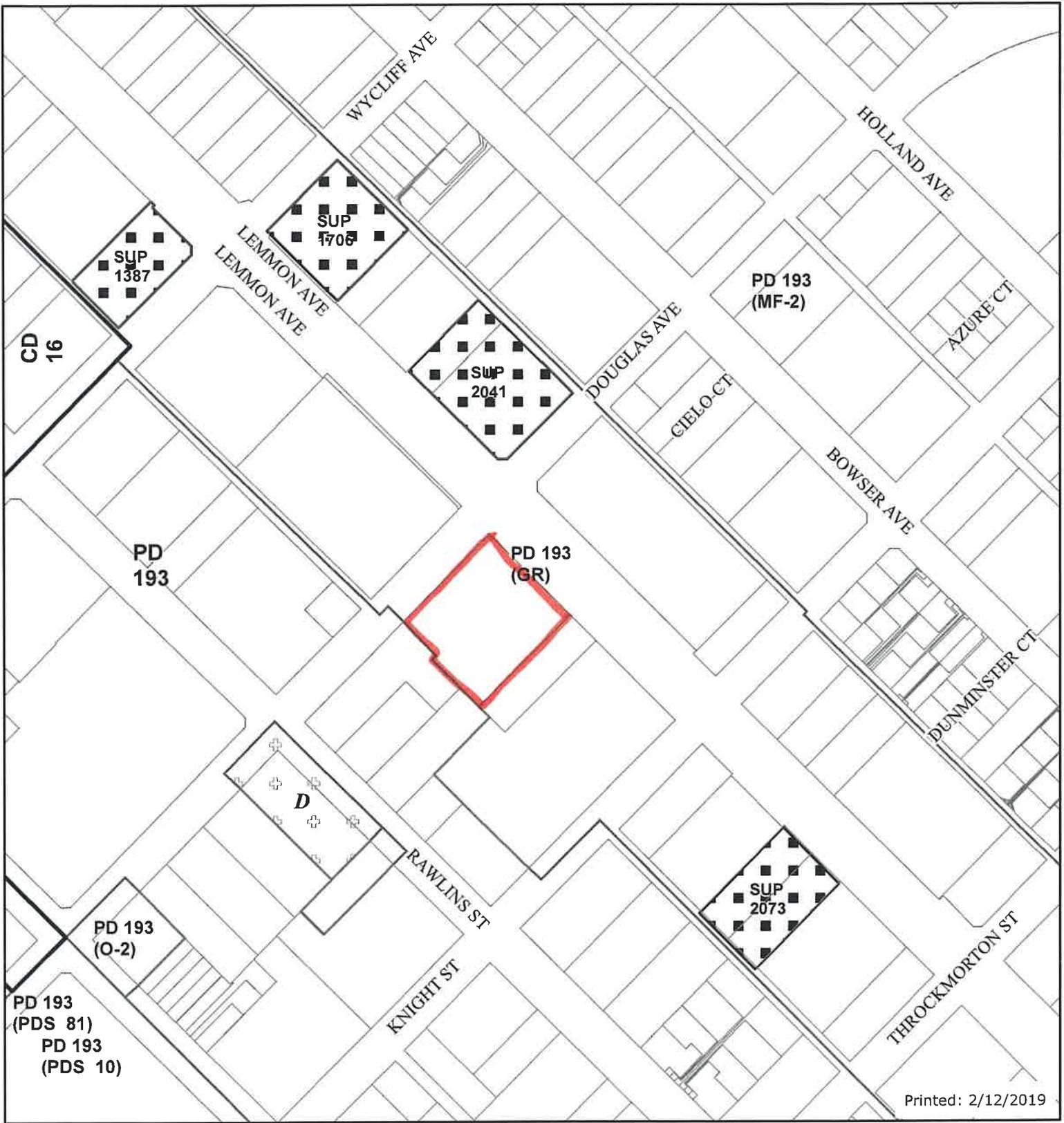
at 4125 Lemmon Avenue

BDA189-067. Application of BALDWIN AND ASSOCIATES for a special exception to the landscaping regulations, and for a variance to the front yard setback regulations at 4125 LEMMON AVE. This property is more fully described as Lots 8-10, Block1/500, and is zoned PD-193 (GR), which requires a front yard setback of 10 feet and requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct and maintain a non-residential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 2/12/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shaded Front Overlay |
| | | Height Map Overlay | |

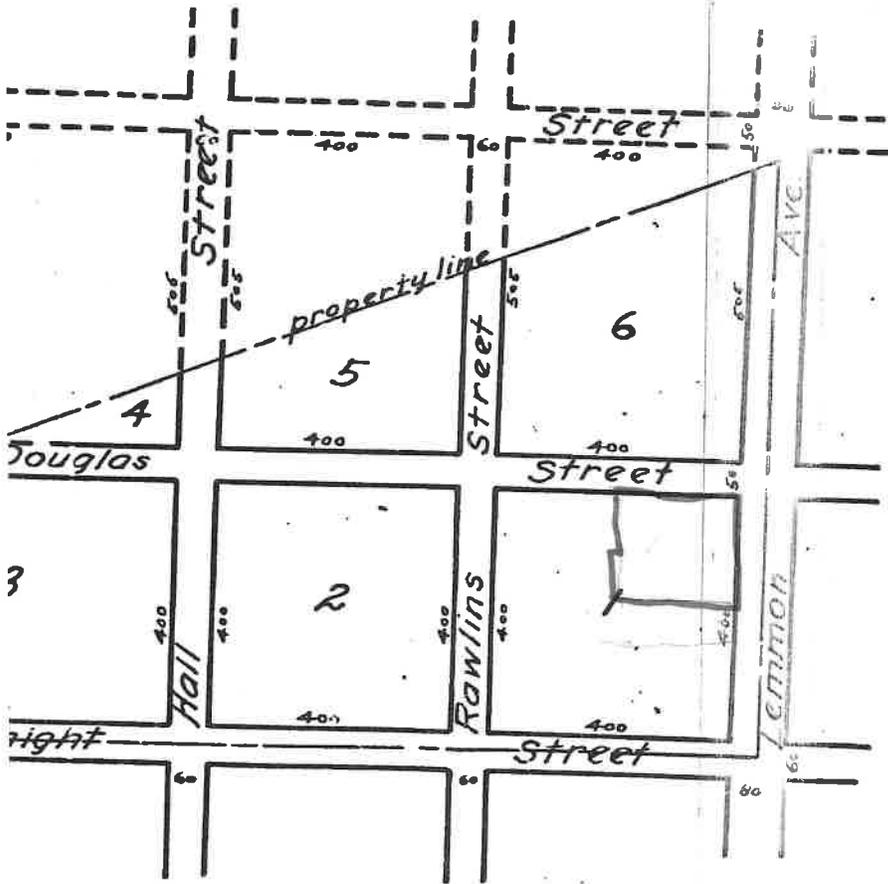
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



MAP OF
G. A. KNIGHT'S OAK LAWN

an addition to the city of Dallas, Texas.

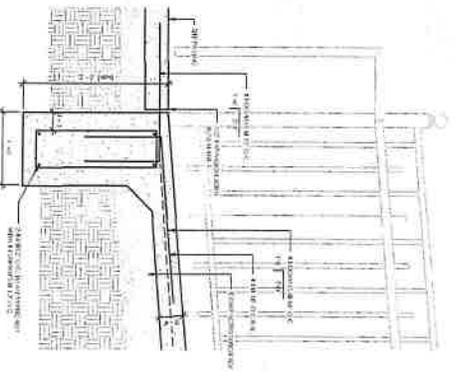
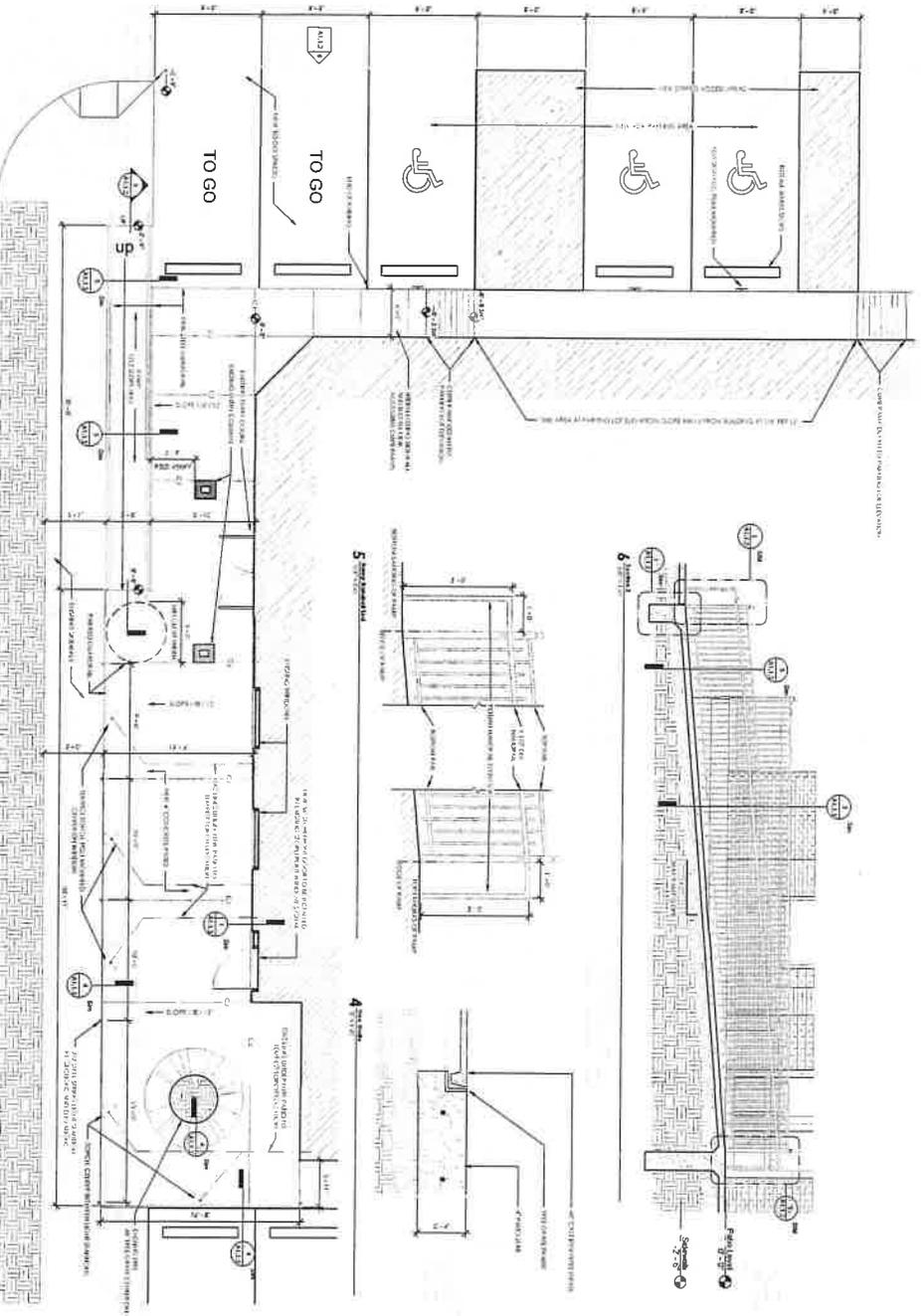
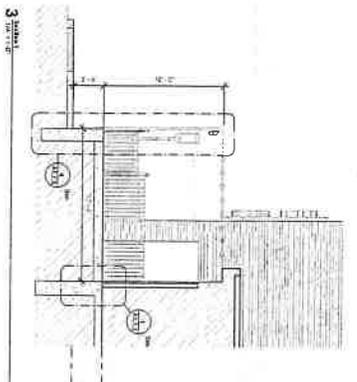
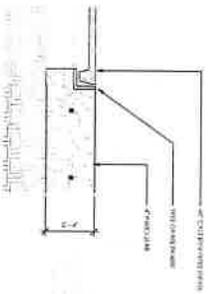
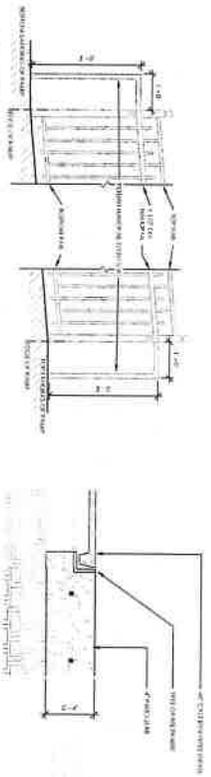
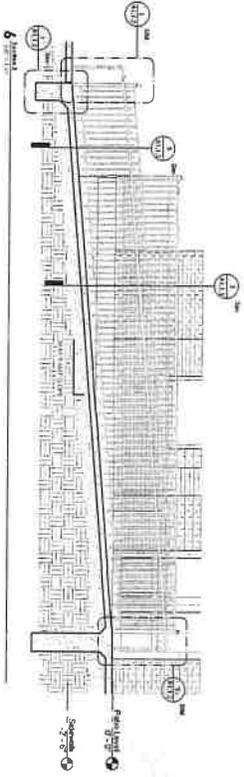
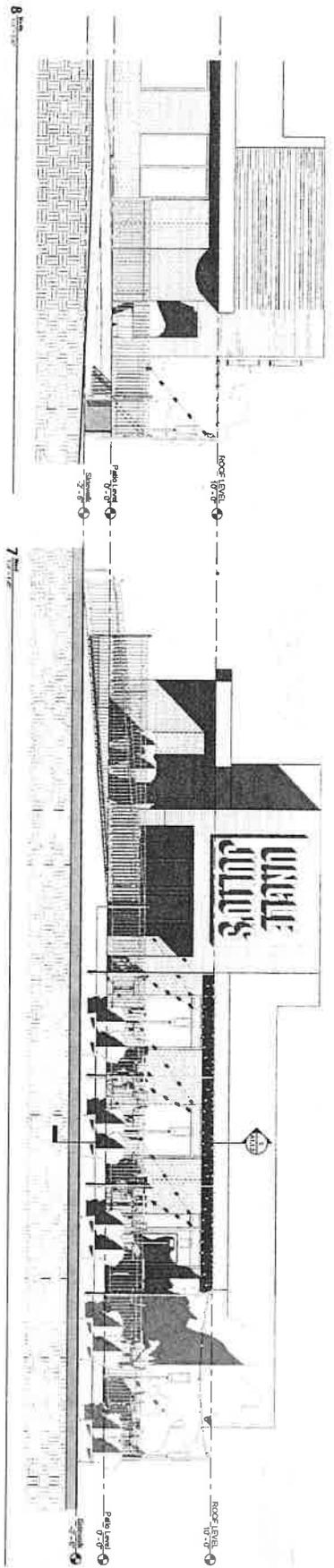
Scale-300'-1"



W. A. ROSS, Notary Public in and for Dallas County, in the State of Texas, on this day
do hereby certify that I, G. A. Knight of said County and State aforesaid do hereby
represent and give the best and truest representation of the G. A. Knight's Oak Lawn (being an Addition to the City of Dallas)
and for the use and benefit of the public forever the Streets shown therein.
Witness my hand and seal this 21st day of May, 1906.

G. A. Knight

W. A. ROSS, a Notary Public in and for Dallas County, in the State of Texas, on this day
do hereby certify that I, G. A. Knight of said County and State aforesaid do hereby
represent and give the best and truest representation of the G. A. Knight's Oak Lawn (being an Addition to the City of Dallas)
and for the use and benefit of the public forever the Streets shown therein.
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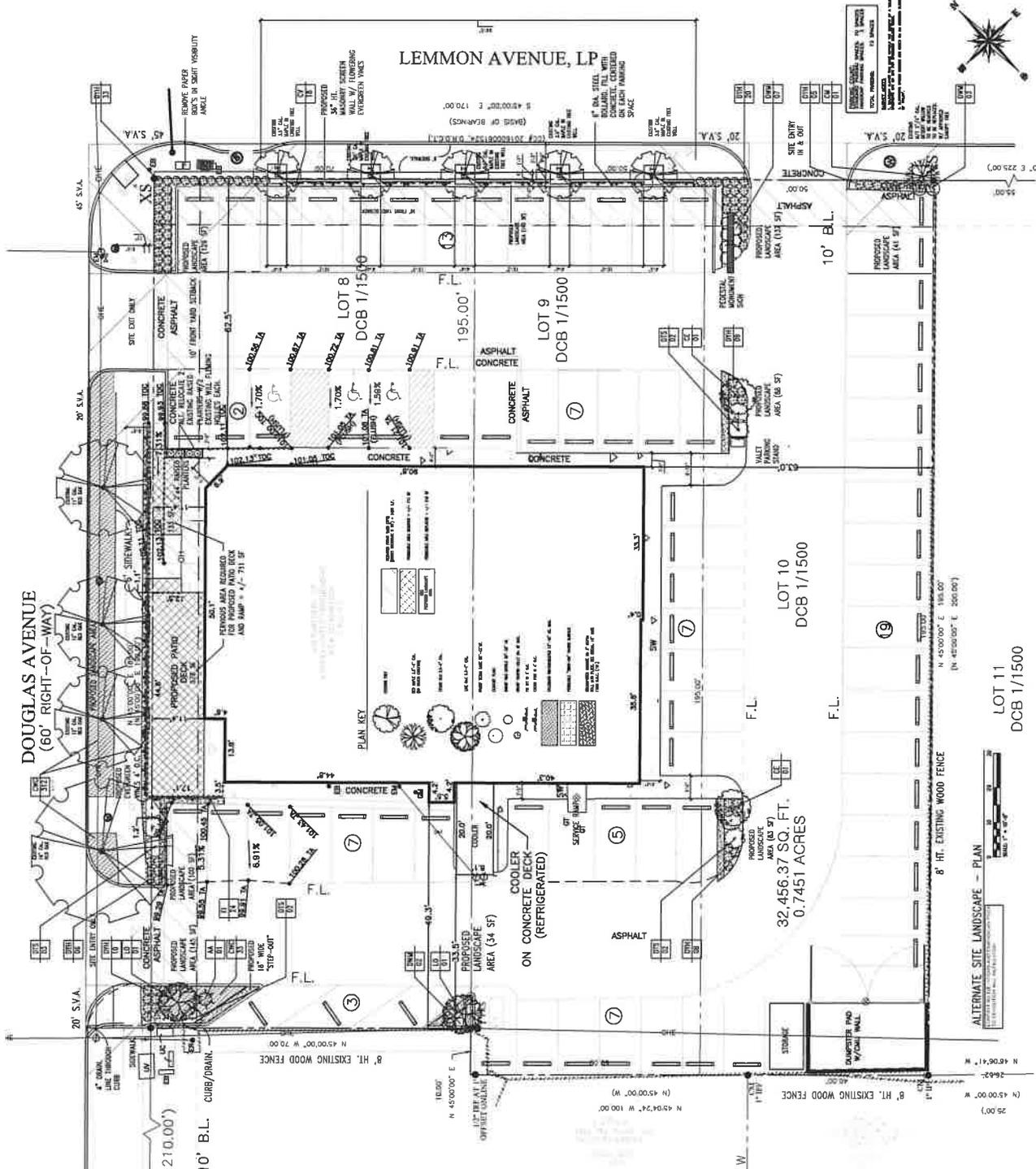
For Review

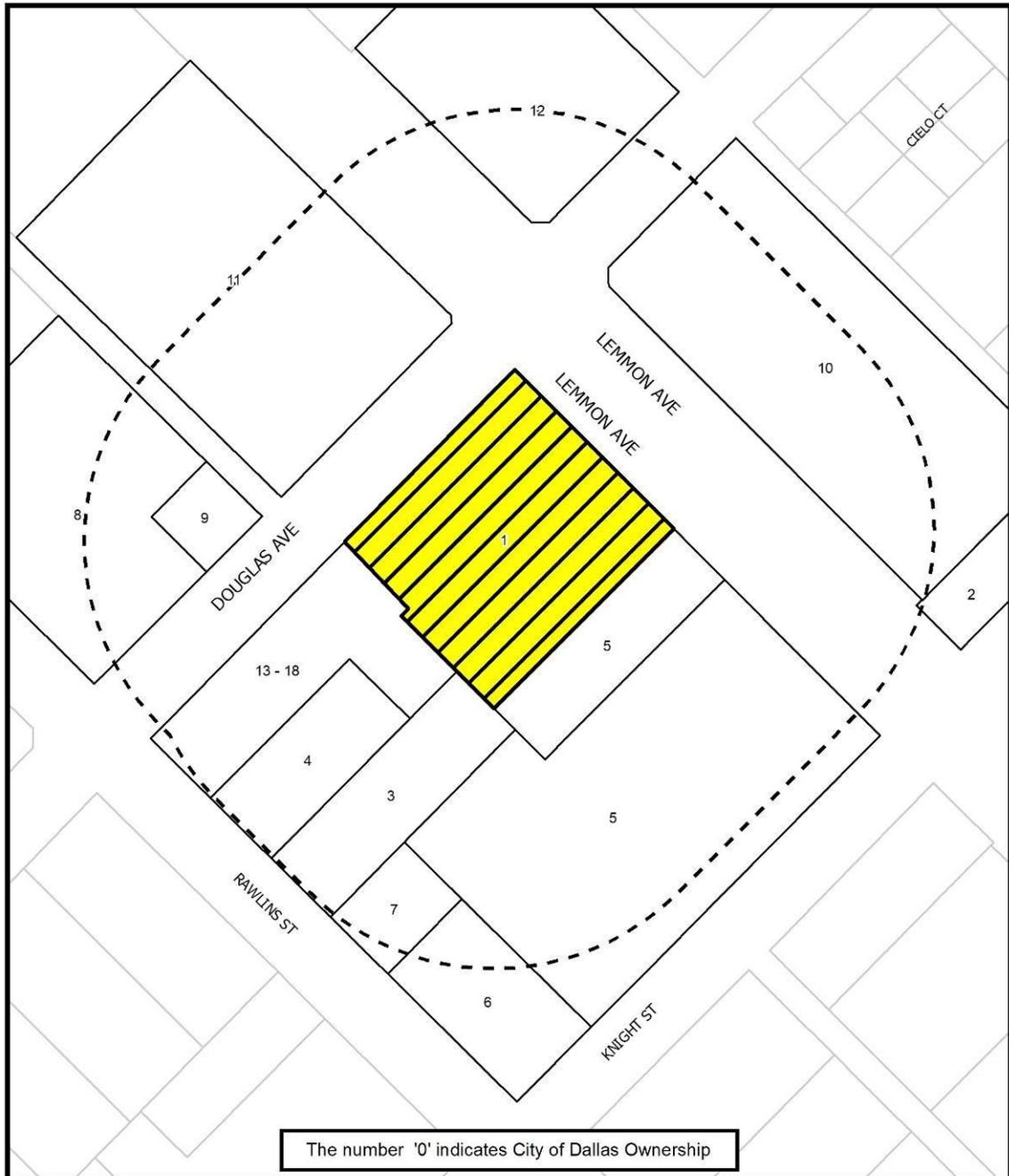
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A112

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 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-067</u> Date: <u>5/15/2019</u>
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-067

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4125 LEMMON AVE	JHS PARTNERS LP
2	4102 LEMMON AVE	ALDERI CORP
3	4116 RAWLINS ST	RAWLINS STREET HOLDINGS LP
4	4122 RAWLINS ST	RAWLINS STREET HOLDINGS LP
5	4117 LEMMON AVE	LEMMON AVE RETAIL LP
6	3403 KNIGHT ST	WATTERSON RONALD E &
7	4110 RAWLINS ST	LEE BENJAMIN &
8	4214 RAWLINS ST	MILLENNIAL APTS LLC
9	3411 DOUGLAS AVE	ROSE STERLING &
10	4140 LEMMON AVE	ROSEBRIAR DOUGLAS CT
11	4207 LEMMON AVE	JOHNSON FOUR CORNERS LTD
12	4208 LEMMON AVE	WEST BAY INVESTMENTS LP
13	3400 DOUGLAS AVE	MINDER DAVID M &
14	3404 DOUGLAS AVE	COX MATTHEW L
15	3408 DOUGLAS AVE	BAINES DONNA D
16	3412 DOUGLAS AVE	YELVINGTON RICHARD GLENN
17	3416 DOUGLAS AVE	HALL WENDELL E & KAREN O
18	3420 DOUGLAS AVE	BACK JUSTIN CHARLES & COURTNEY

FILE NUMBER: BDA189-068(SL)

BUILDING OFFICIAL'S REPORT: Application of Scott Powell for special exceptions to the fence standards and visual obstruction regulations at 8720 Thunderbird Lane. This property is more fully described as Lot 1, Block F/5446, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line, requires a 45 foot visibility triangle at street intersections, and requires a 20 foot visibility triangle at driveway and alley approaches. 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 standards regulations, 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 a special exception to the fence standards regulations, and to locate and maintain items in visibility triangles at a street intersection, and at a driveway and/or alley approach, which will require special exceptions to the visual obstruction regulations.

LOCATION: 8720 Thunderbird Lane

APPLICANT: Scott Powell

REQUESTS:

The following requests have been made on a site that is being developed with a single-family home:

1. A request for a special exception to the fence standards regulations related to the fence height of 4' is made to construct and maintain an 8' high solid wood fence in two of the site's three front yards (Nimrod Trail and Bargiames Lane).
2. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open less than 5' from the front lot line is made to construct and maintain the aforementioned 8' high solid wood fence less than 5' from the Nimrod Trail and Bargiames Lane front lot lines.
3. Requests for special exceptions to the visual obstruction regulations are made to locate and maintain the aforementioned 8' high solid wood fence:
 - a) in the 45' visibility triangle at the intersection of Nimrod Trail and Bargiames Lane, and
 - b) in the two 20' visibility triangles at the drive approach into the site from Bargiames Lane. (Note that the one of these triangles would include a sliding gate if/when opened).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STANDARD 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 (fence standards regulations):

No staff recommendation is made on this or any request for a special exception to the fence standards regulations 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.

STAFF RECOMMENDATION (visual obstruction regulations):

Approval, subject to the following conditions:

1. Compliance with the submitted site plan and elevation is required.
2. The site must comply with City driveway width standards.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests if the aforementioned conditions are imposed as part of the requests.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be located and maintained in the visibility triangles do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet))

Land Use:

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

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS (fence standards special exceptions):

- The requests for special exceptions to the fence standards regulations on a site being developed with a single-family home focus on:
 1. constructing/maintaining an 8' solid wood fence in two of the site's three front yards (Nimrod Trail and Bargiames Lane);
 2. constructing/maintaining the aforementioned 8' solid wood fence less than 5' from the Nimrod Trail and Bargiames Lane front lot lines.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The Dallas Development Code states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback.
- The site has three required front yards: Thunderbird Lane, Nimrod Trail, and Bargiames Lane.
- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height (an 8' solid wood fence) in the Nimrod Trail and Bargiames Lane required front yards and on these front lot lines.
- The following additional information was gleaned from the submitted site plan:
 - Along Nimrod Trail: the proposal is represented as being approximately 95' in length parallel to the street and approximately 25' perpendicular to this street on the sides in this required front yard, located on the front property line or approximately 7' from the pavement line.
 - Along Bargiames Lane: the proposal is represented as being approximately 70' in length parallel to the street and approximately 20' perpendicular to this street on the sides in this required front yard, located on the front property line or approximately 11' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and the surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback – an approximately 6' high solid wood fence immediately northwest of the site with no recorded BDA history.
- As of June 7, 2019, no letters have been submitted in support of the request, and two letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height (an 8' solid wood fence in the Nimrod Trail and Bargiames Lane required front yards) and related to a fence with panels with surface areas less than 50 percent open less than 5' from these front lot lines will not adversely affect neighboring property.

- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setbacks and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot lines to be constructed and maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the visual obstruction regulations on a site being developed with a single-family home focus on locating and maintaining an 8' high solid wood fence in the 45' visibility triangle at the intersection of Nimrod Trail and Bargiames Lane, and in the two 20' visibility triangles at the drive approach into the site from Bargiames Lane. (Note that the one of these triangles would include a sliding gate if/when opened).
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in CD 11 zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of an 8' high solid wood fence in the 45' visibility triangle at the intersection of Nimrod Trail and Bargiames Lane, and in the two 20' visibility triangles at the drive approach into the site from Bargiames Lane.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting:
 1. "Compliance with the proposed 25 x 25 visibility triangle at the corner of Nimrod Tail and Bargiames Lane.
 2. Site must comply with City driveway width standards".
- The applicant has the burden of proof in establishing how granting these requests to maintain portions of an 8' high solid wood fence in the 45' visibility triangle at the intersection of Nimrod Trail and Bargiames Lane, and in the two 20' visibility triangles at the drive approach into the site from Bargiames Lane does not constitute a traffic hazard.

- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be located and maintained in the 45' visibility triangle at the intersection of Nimrod Trail and Bargiames Lane, and in the two 20' visibility triangles at the drive approach into the site from Bargiames Lane, to that what is shown on these documents – portions of an 8' high solid wood fence.

Timeline:

- Undated: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 13, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- May 14, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the May 29th deadline to submit additional evidence for staff to factor into their analysis; and the June 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- June 4, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Department Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.
- June 5, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting:
1. “Compliance with the proposed 25 x 25 visibility triangle at the corner of Nimrod Tail and Bargiames Lane.
 2. Site must comply with City driveway width standards”.

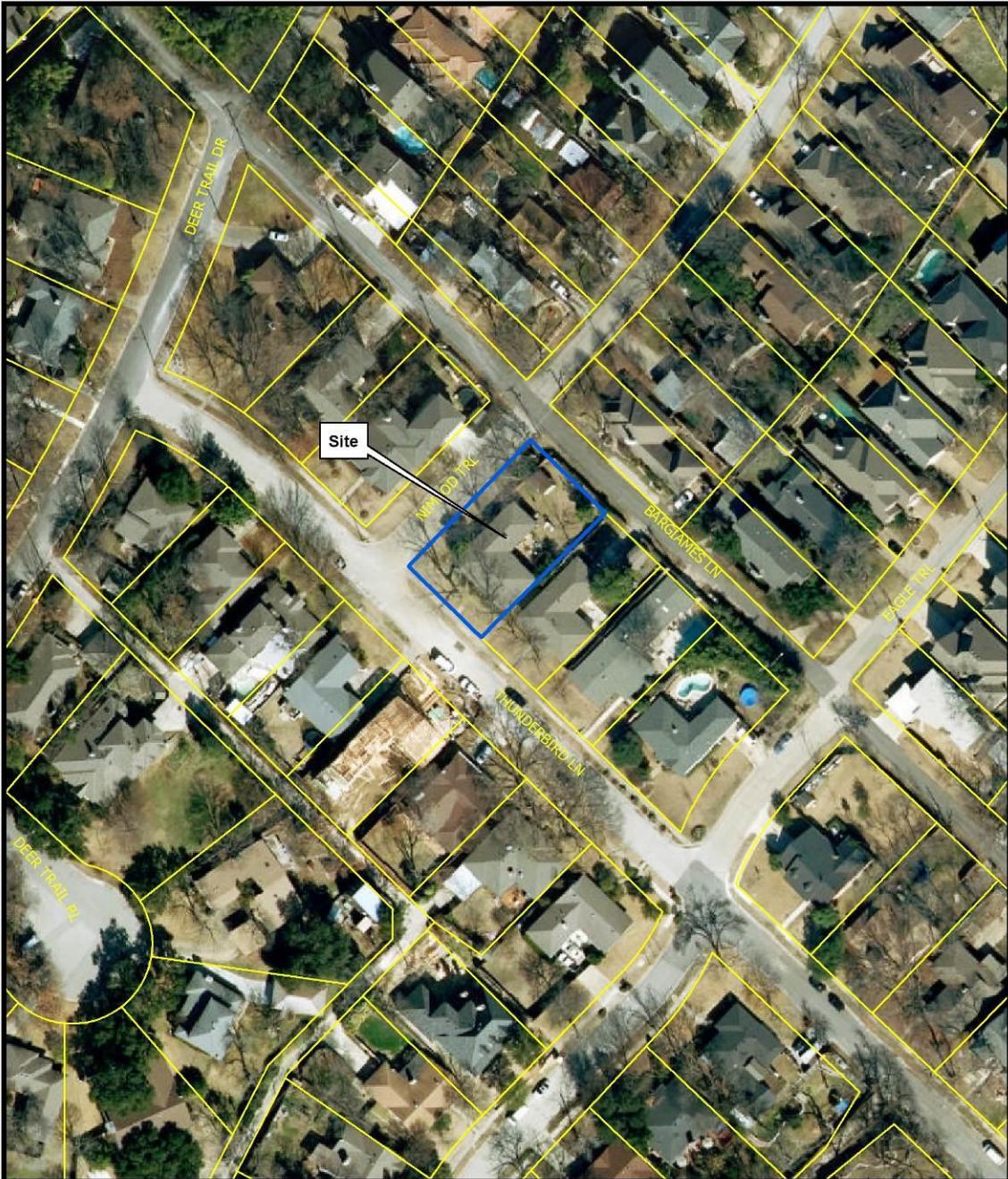


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ZONING MAP

Case no: BDA189-068

Date: 5/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-068

Date: 5/15/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-068

Data Relative to Subject Property:

Date: _____

Location address: 8720 Thunderbird Ln. Zoning District: R 7.5(A)

Lot No.: 1 Block No.: F/5446 Acreage: .257 Census Tract: 130.04

Street Frontage (in Feet): 1) 80 2) 140 3) 80 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Powell and Moon Investments, LLC

Applicant: Scott Powell Telephone: 214-642-4621

Mailing Address: 718 N. Buckner Blvd. #324 Zip Code: 75218

E-mail Address: scott@newleafcustom.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance, or Special Exception X, of 45'x45' triangle to allow 25'x25' triangle which is more conservative than adjacent properties which have 20'x20' triangle and 20'x20' driveway, less than 50% open, Fence Height of 8'

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:

Fence to be similar to adjacent properties & neighborhood fence position is similar to other properties & neighborhood

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.

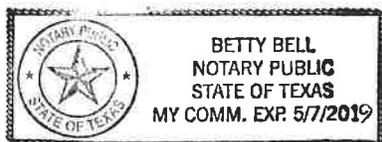
Affidavit

Before me the undersigned on this day personally appeared Scott Powell (Affiant/Applicant's name printed)

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

Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 20th day of March, 2019



(Rev. 08-01-11)

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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that SCOTT POWELL

did submit a request for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 8720 Thunderbird Lane

BDA189-068. Application of SCOTT POWELL for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations at 8720 Thunderbird Ln. This property is more fully described as Lot 1, Block F/5446, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet, and requires a 45 foot visibility triangle at street intersections, and requires a 20 foot visibility triangle at driveway and alley approaches and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

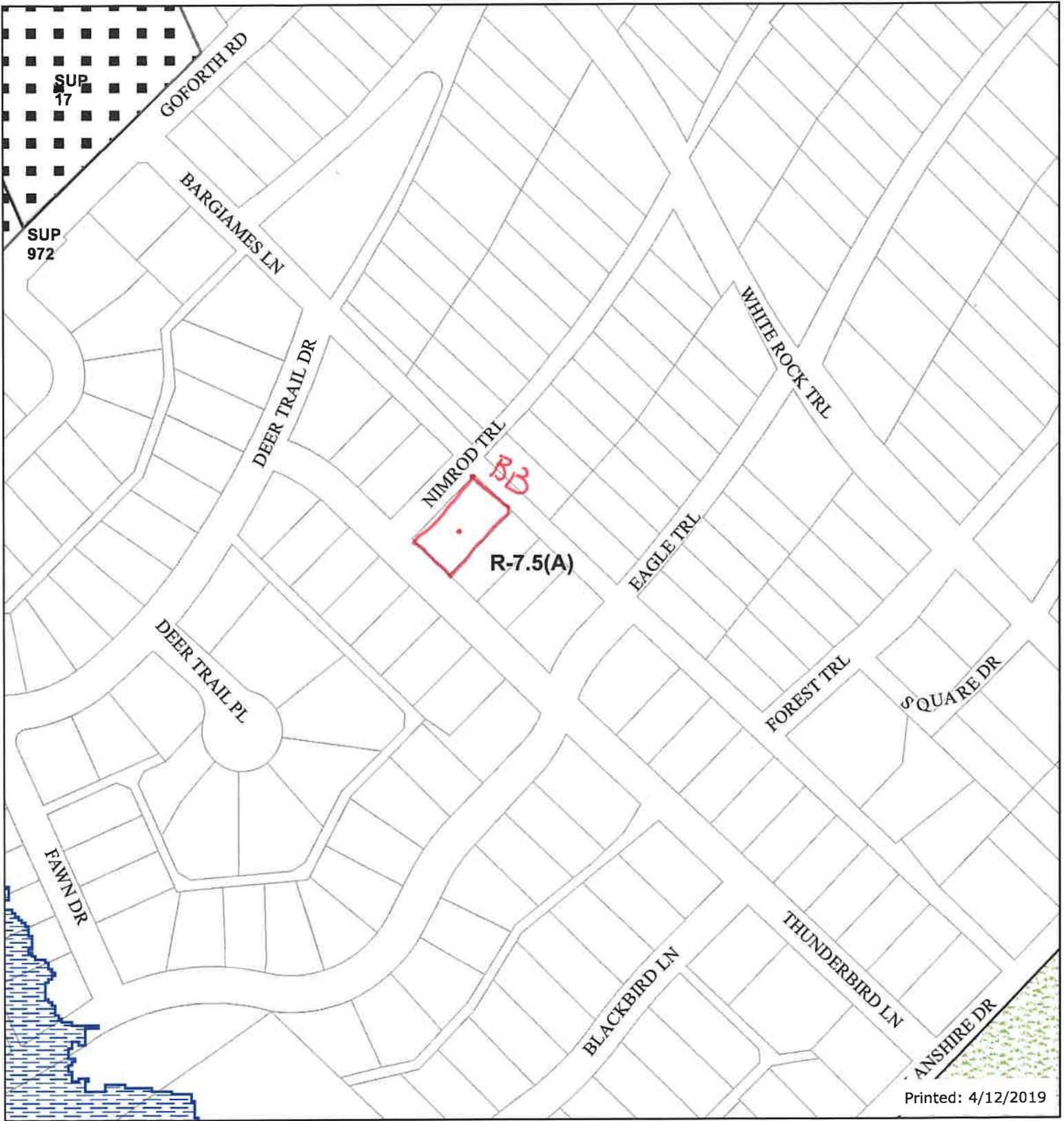
Philip Sikes
Philip Sikes, Building Official

Y OF DALLAS PLAT BOOKS
WHITE ROCK FORREST (NO. 1)

SCALE 100 FT. EQUALS 1 INCH

REVISED--12-18-98--HAR
SEE 5446_AF.DGN--LAKEHIGH





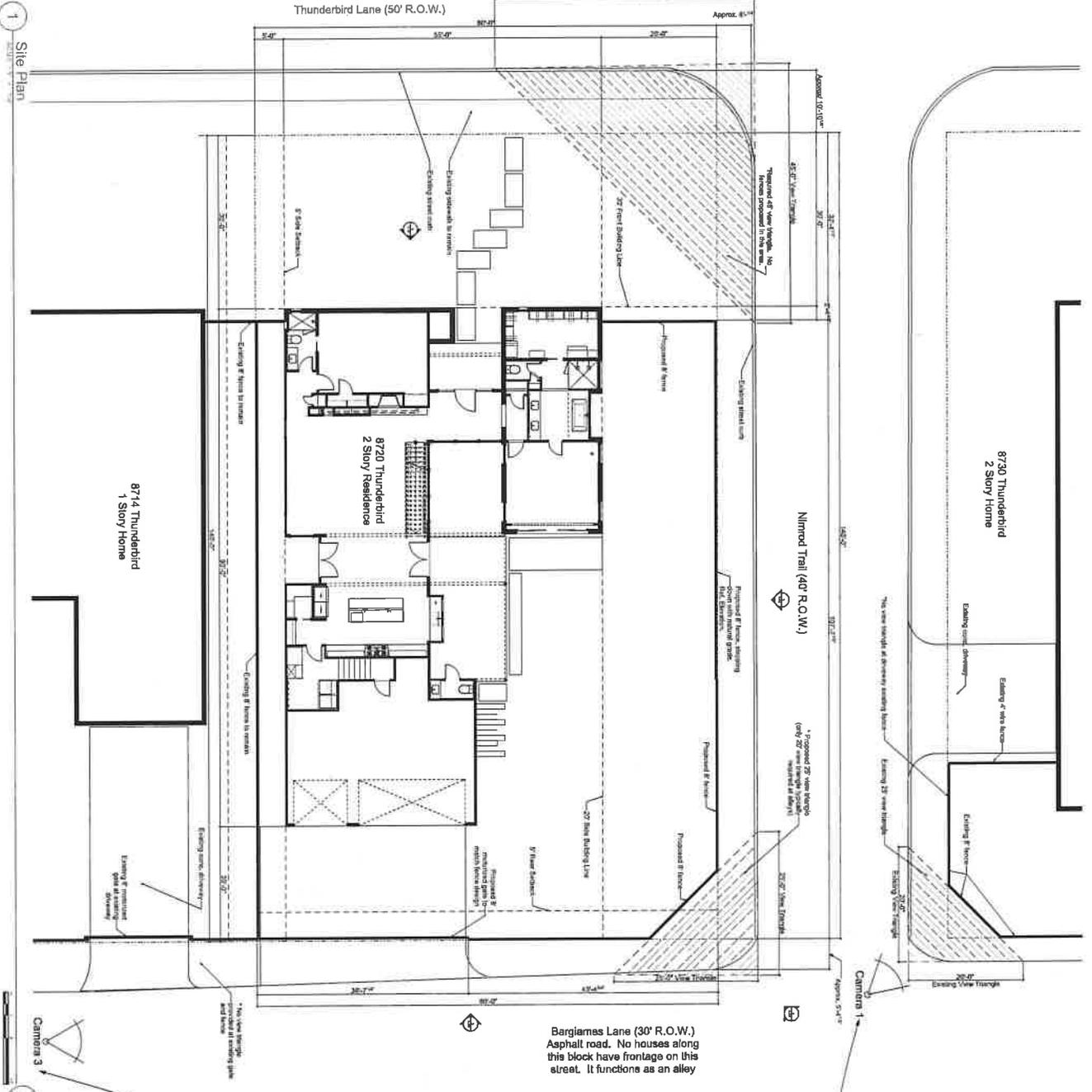
Printed: 4/12/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Strip Front Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)





Bargiames Lane (30' R.O.W.)
Asphalt road. No houses along
this block have frontage on this
street. It functions as an alley



Camera 1 : Looking NW at Nimrod and Bargiames



Camera 3 : Looking North on Bargiames behind 8714 Thunderbird



1 Site Plan

newleaf
CUSTOM HOMES
inspired design & construction

Spec Residence
8720 Thunderbird Drive
Dallas TX 75238

New Leaf Construction
718 N. Buckner Blvd,
Suite 324
Dallas, TX 75218

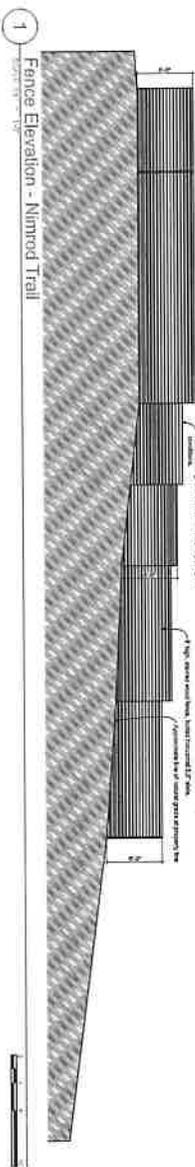
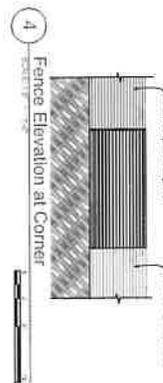
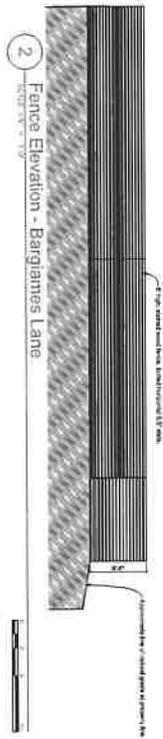
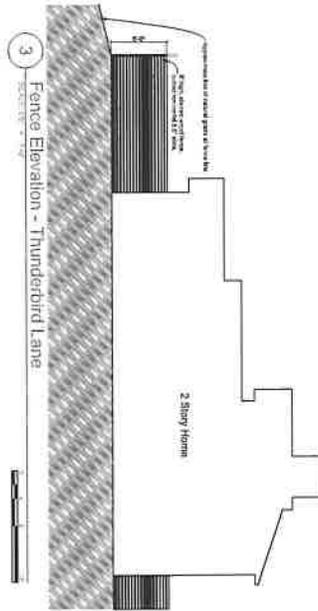
Variance Application
4/9/2019

PROJECT: 13728 Thunderbird Drive
DATE: 4/9/2019
DRAWN BY: BWO
COPYRIGHT:

SHEET TITLE:
Proposed Fence Site Plan

A-17
SHEET 17 OF 119

4 - 12



newleaf 
CUSTOM HOMES
inspired design & construction

New Leaf Construction
718 N. Buckner Blvd.,
Suite 324
Dallas, TX 75218

Spec Residence
8720 Thunderbird Drive
Dallas TX 75238

Variance Application
4/9/2019

PROJECT: 8720 Thunderbird Drive
DATE: 4/9/19
DRAWN BY: BMO
CHECKED BY:
SHEET TITLE
Proposed Fence Elevations
A-18
SHEET 18 OF 118



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">31</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	31	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-068 Date: 5/15/2019
200'	AREA OF NOTIFICATION					
31	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-068

31 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8720 THUNDERBIRD LN	POWELL & MOON INVESTMENTS LLC
2	7902 NIMROD TRL	THORPE RICHARD G & DEBORA
3	7906 NIMROD TRL	BURCHELL JOHN E & VIRGINIA
4	7910 NIMROD TRL	SCHUCK GREGORY C
5	7912 NIMROD TRL	ANDERSON BRENT & NATALIE
6	7915 EAGLE TRL	DENBLEYKER MATTHEW P & SABRINA WU
7	7911 EAGLE TRL	MCGOWAN PATRICK F &
8	7905 EAGLE TRL	MAZA REVOCABLE LIVING TRUST
9	7901 EAGLE TRL	ILIYA SAMI A & JOYCE W
10	7904 DEER TRAIL DR	HERBERT LISA M
11	7908 DEER TRAIL DR	KONRAD TOBIAS RAINER & MELISSA K
12	7915 NIMROD TRL	KLEIN STEPHEN A &
13	7909 NIMROD TRL	POWELL AND MOON INVESTMENTS LLC
14	7905 NIMROD TRL	POWELL AND MOON INVESTMENTS LLC
15	7901 NIMROD TRL	WHITSON BRIAN C
16	8703 THUNDERBIRD LN	ZIDERMANIS AUDRIS
17	8707 THUNDERBIRD LN	ESKRIDGE CHERYL & LYNN
18	8711 THUNDERBIRD LN	OSBORNEFISCHER ELIZABETH ANN & JERRY W OSBORNE
19	8715 THUNDERBIRD LN	BRYAN STEPHAN M & LARISSA
20	8721 THUNDERBIRD LN	JOHNSON MATTHEW S & JENNIFER L
21	8727 THUNDERBIRD LN	WHISNANT J CLIFTON
22	8731 THUNDERBIRD LN	HAARDE JOHN FRANCIS II &
23	8737 THUNDERBIRD LN	HOUSFIELD TIMOTHY RYAN
24	7766 DEER TRAIL PL	AUSTIN BRIAN K & LINDY LOU
25	7758 DEER TRAIL PL	CROSS NOBLE C
26	8740 THUNDERBIRD LN	DWORACZYK WM J & ROSANNE

05/15/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	8734 THUNDERBIRD LN	JONES JOSHUA & KIMBERLY
28	8730 THUNDERBIRD LN	PATTERSON LAWRENCE W
29	8714 THUNDERBIRD LN	GIDDENS JEFFREY & LINDE B
30	8710 THUNDERBIRD LN	RHODES KYLE
31	8704 THUNDERBIRD LN	SIMON MIKE