

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, MARCH 21, 2018
AGENDA

BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:30 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 February 21, 2018 Board of Adjustment Panel B Public Hearing Minutes	M1
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UNCONTESTED CASE

BDA178-033(SL) 2016 Kessler Parkway REQUEST: Application of James Poulin, represented by Curtis Burlbaw, for variances to the front yard setback and off-street parking regulations	1
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REGULAR CASE

BDA178-31(SL) 6007 Belmont Avenue REQUEST: Application of Barry Sage to appeal the decision of the administrative official	2
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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: BDA178-033(SL)

BUILDING OFFICIAL'S REPORT: Application of James Poulin, represented by Curtis Burlbaw, for variances to the front yard setback and off-street parking regulations at 2016 Kessler Parkway. This property is more fully described as Lot D-1, Block 13/3800 and is zoned CD 13, which requires a front yard setback of 35 feet and requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain structure and provide a 16 foot front yard setback, which will require a 19 foot variance to the front yard setback regulations, and to locate and maintain parking spaces in an enclosed structure with a setback of 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

LOCATION: 2016 Kessler Parkway

APPLICANT: James Poulin
Represented by Curtis Burlbaw

REQUESTS:

The following requests have been made to construct and maintain a single family home structure on a site that is currently undeveloped:

1. a variance to the front yard setback regulations of 19' is requested to construct and maintain the aforementioned structure 16' from the front property line or 19' into the required 35' front yard setback;
2. a variance to the off-street parking regulations of 4' is requested as the proposed home would have parking spaces in an enclosed structure (an attached garage) that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to Kessler Parkway.

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 (front setback variance):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the lot's restrictive area caused by the slope of the site precludes it from being developed in a manner commensurate with the development upon other parcels of land that are flat/without slope on similarly-zoned CD 13 lots. The applicant's representative has submitted a document indicating that the total "maximum AC space" of the proposed home on the subject site is approximately 3,000 square feet which is smaller than that of 16 other homes he listed of properties in the same CD 13 zoning. (The 16 other properties listed in the applicant's document range from approximately 3,300 – 4,000 square feet in area).

STAFF RECOMMENDATION (off-street parking variance):

Approval, subject to the following conditions:

1. Compliance with the submitted site plan is required.
2. Automatic garage doors must be installed and maintained in working order at all times.

Rationale:

- Staff concluded that the lot's restrictive area caused by the slope of the site precludes it from being developed in a manner commensurate with the development upon other parcels of land that are flat/without slope on similarly-zoned CD 13 lots. The applicant's representative has submitted a document indicating that the total "maximum AC space" of the proposed home on the subject site is approximately 3,000 square feet which is smaller than that of 16 other homes he listed of properties in the same CD 13 zoning. (The 16 other properties listed in the applicant's document range from approximately 3,300 – 4,000 square feet in area).
- Granting this request is not contrary to the public interest in that the Sustainable Development and Construction Senior Engineer has no objections to the request.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Conservation District)
North: CD 13 (Conservation District)
South: CD 13 (Conservation District)
East: CD 13 (Conservation District)
West: CD 13 (Conservation District)

Land Use:

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

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 (front yard variance):

- This request for a variance to the front yard setback regulations focuses on constructing and maintaining a two-story, single family home with approximately 3,000 square feet of AC space on an undeveloped site that is proposed to be located 16' from the front property line or 19' into the site's 35' front yard setback.
- The subject site is zoned CD 13.
- 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 that the single family home structure is located 16' from the site's front property line (or 19' into the 35' front yard setback).
- The site plan shows that over half of the proposed building footprint is to be located in the site's 35' front yard setback.

- DCAD records indicate “no main improvements” for the property at 2016 Kessler Parkway.
- The applicant’s representative has submitted a document indicating that the total “maximum AC space” of the proposed home on the subject site is approximately 3,000 square feet which is smaller than that of 16 other homes he listed of properties in the same CD 13 zoning. (The 16 other properties listed in the applicant’s document range from approximately 3,300 – 4,000 square feet in area).
- The applicant has submitted a topographic representation of the site indicating a slope in approximately the southern half of the subject site – a slope beginning at 460’ up to 490’ over a length of approximately 60’.
- The subject site is sloped, slightly irregular in shape, and according to the application, is 0.28 acres (or approximately 12,000 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.
- 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 CD 13 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 CD 13 zoning classification.
- If the Board were to grant this request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a structure to be located 16’ from the site’s front property line or 19’ into the required 35’ front yard setback.

GENERAL FACTS/STAFF ANALYSIS (parking variance):

- This request for a variance to the off-street parking regulations of 4’ focuses on locating parking spaces in an enclosed structure (a garage attached/within the proposed single family home), where these parking spaces entered from the street right-of-way line would be located 16’ from the Kessler Parkway street right-of-way line or 4’ into the required 20’ distance from this right-of-way line.
- Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.

- The submitted site plan denotes the location of parking spaces in the enclosed structure 16' from the street right-of-way line or 4' into the 20' setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure are approximately 46' from the Kessler Parkway pavement line).
- DCAD records indicate "no main improvements" for the property at 2016 Kessler Parkway.
- The applicant's representative has submitted a document indicating that the total "maximum AC space" of the proposed home on the subject site is approximately 3,000 square feet which is smaller than 16 other homes he listed of properties in the same CD 13 zoning (the 16 other properties listed range from approximately 3,300 – 4,000 square feet in area).
- The subject site is sloped, slightly irregular in shape, and according to the application, is 0.28 acres (or approximately 12,000 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.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance 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 R-16(A) 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 R-16(A) zoning classification.
- If the Board were to grant the request for a variance of 4', staff recommends imposing the following conditions:
 1. Compliance with the submitted site plan is required.
 2. An automatic garage door must be installed and maintained in working order at all times.

(These conditions are imposed to help assure that the variance will not be contrary to the public interest).

Timeline:

January 24, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 12, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

February 12, 2018: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 28th deadline to submit additional evidence for staff to factor into their analysis; and the March 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 16 and
23, 2018

The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

March 1, 2018

The Building Inspection Senior Plans Examiner/Development Code Specialist a revised Building Official's report to the Chief Planner/Board Administrator (see Attachment C).

March 2, 2018

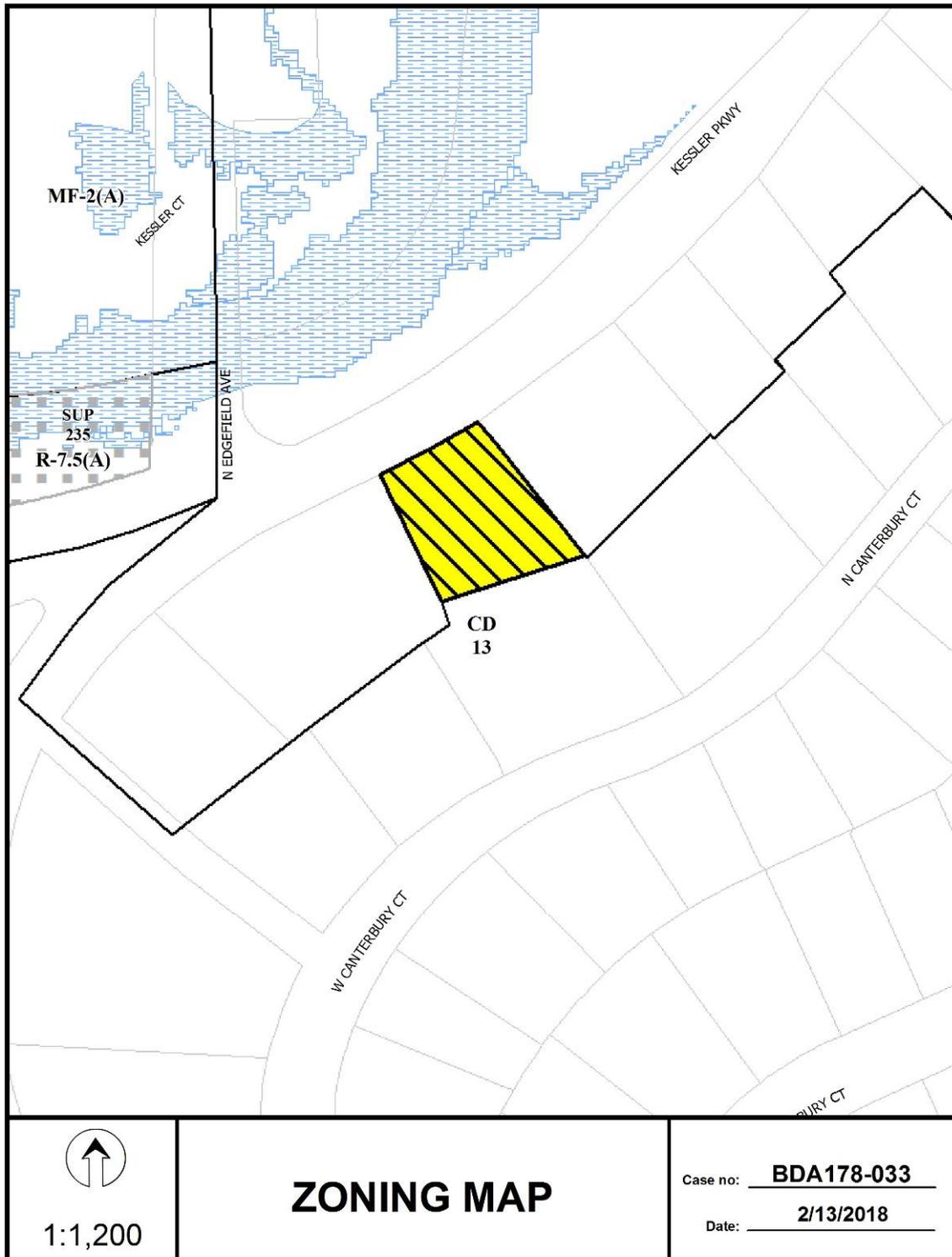
The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment D).

March 6, 2018:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March 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 Sustainable Development and Construction Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

March 8, 2018:

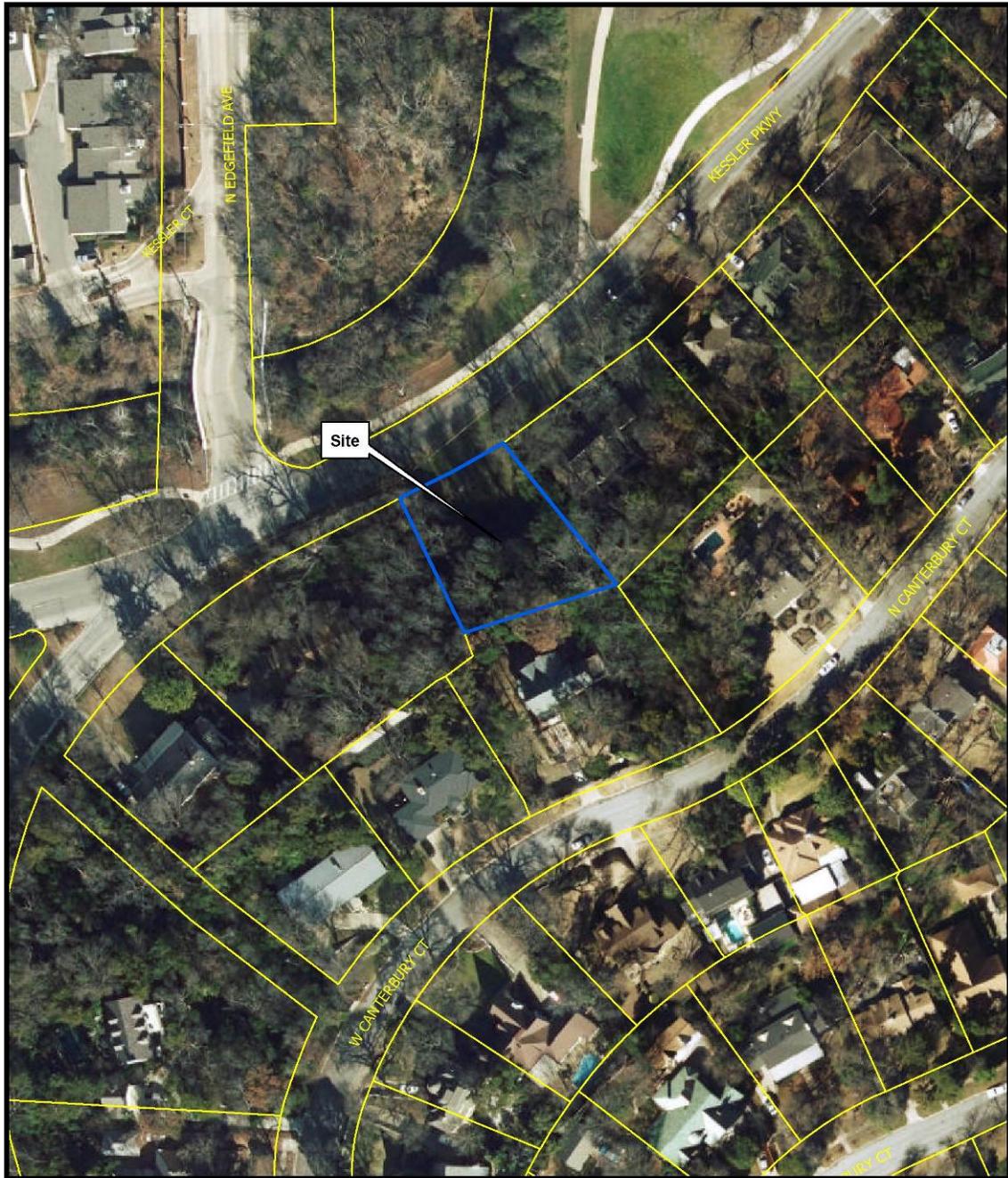
The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".




 1:1,200

ZONING MAP

Case no: BDA178-033
 Date: 2/13/2018

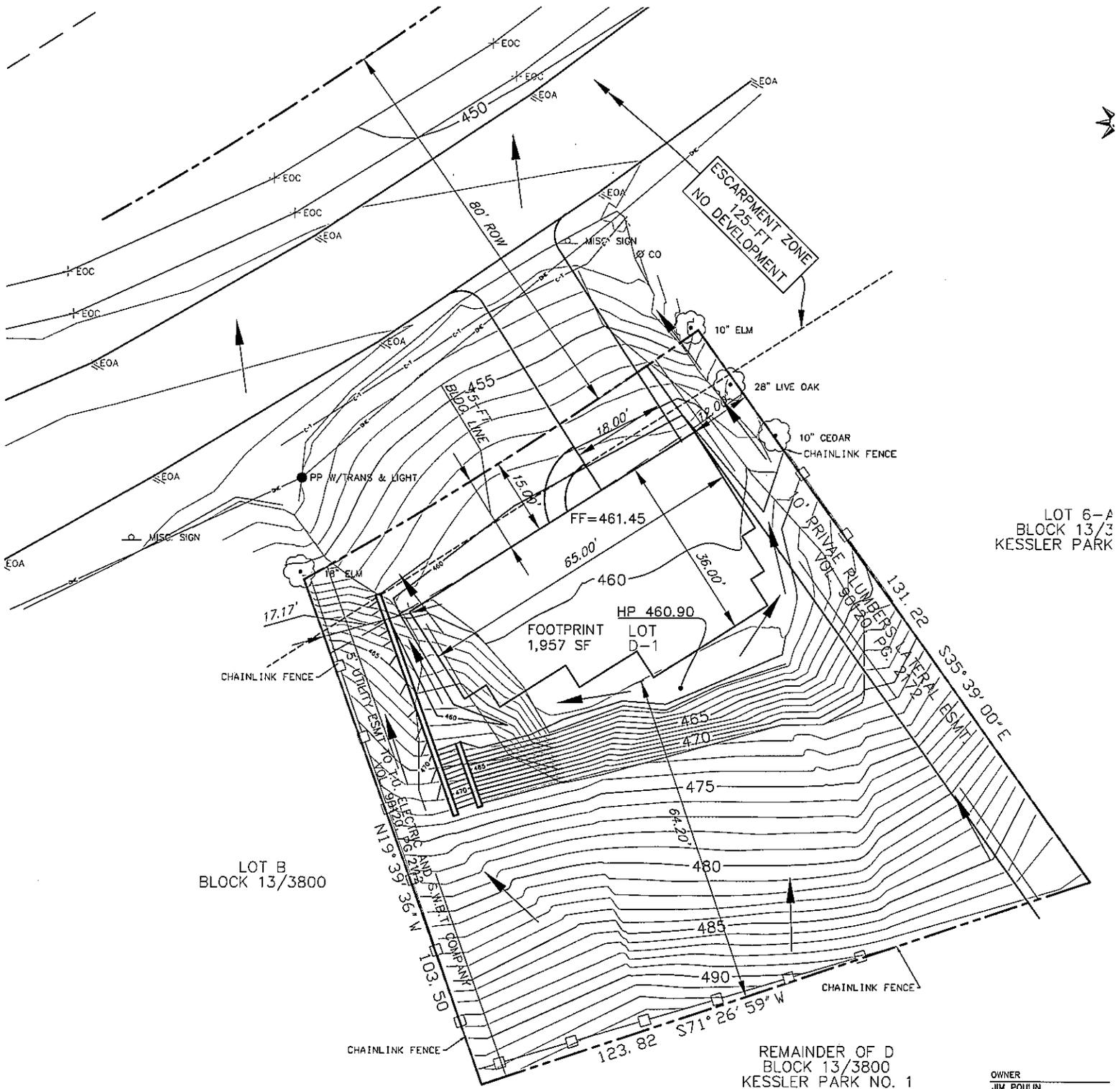


1:1,200

AERIAL MAP

Case no: BDA178-033

Date: 2/13/2018



LOT 6-A
 BLOCK 13/3
 KESSLER PARK

OWNER
 JIM POULIN
 5809 ORAM ST., UNIT 3
 DALLAS, TEXAS 75206
 PHONE: (972) 207-7748
 CONTACT PERSON: JIM POULIN

BDA178-033
Attachment B

Long, Steve

From: Curtis Burlbaw <curtisburlbaw@gmail.com>
Sent: Thursday, February 22, 2018 9:15 AM
To: Long, Steve
Subject: 2016 Kessler Parkway comparison list
Attachments: 2018.02.22 - 2016 Kessler Park - Comp Lot - Sq Ft list.pdf

PS1

Steve,

Attached is the comp list of properties within the CD-13 area that are comparable in square footage. Lot sizes vary vastly in this area, so, though I have tried to show comparable lot sizes as well. The square footage is the main focus here though I think the lot size could be beneficial as well in proving the hardship that the escarpment has placed upon the lot we are seeking variance for. Let me know if you have any questions regarding the attached or if you feel that I should revise this to better benefit our variance request.

Thanks and talk to you soon,
Curtis



Curtis Burlbaw
214.906.4883
www.blue-c-designs.com
www.houzz.com

2016 Kessler Parkway - Residential Comparison Document

Residence to be built at 2016 Kessler Parkway within CD-13 is designed for a maximum AC space of 2,985 square feet
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2016 Kessler Parkway	2,985 sf	12,225 sq ft
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Comp Address	AC Sq Ft	Lot Size
2230 Kessler Parkway	3,501 sf	8,196 sq ft
1324 W Canterbury Ct	3,861 sf	7,675 sq ft
1315 E Canterbury Ct	3,700 sf	15,810 sq ft
1651 Nob Hill Road	3,829 sf	9,850 sq ft
828 Knott Pl	3,638 sf	10,480 sq ft
1346 Rainbow Dr	3,630 sf	23,087 sq ft
1306 Rainbow Dr	3,566 sf	22,128 sq ft
923 Leatrice Dr	3,831 sf	16,100 sq ft
910 Colorado Blvd	3,910 sf	43,200 sq ft
936 Colorado Blvd	4,050 sf	16,900 sq ft
1219 Winetka Ave	3,442 sf	10,400 sq ft
1206 Winetka Ave	3,719 sf	9,880 sq ft
1225 Windmore Ave	3,653 sf	9,649 sq ft
1217 Lausanne Ave	3,790 sf	19,007 sq ft
2142 Kessler Pkwy	3,304 sf	27,552 sq ft
2230 Kessler Pkwy	3,501 sf	8,196 sq ft

Attach C

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 James Poulin represented by Curtis Burlbaw did submit a request for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations at 2016 Kessler Parkway

BDA178-033. Application of James Poulin represented by Curtis Burlbaw for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations at 2016 KESSLER PKWY. This property is more fully described as Lot D-1, Block 13/3800 and is zoned CD-13, which requires a front yard setback of 35 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 16 foot front yard setback, which will require a 19 foot variance to the front yard setback regulations, and to construct a single family residential structure with a setback of 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

Sincerely,

Philip Sikes, Building Official

Long, Steve

From: Curtis Burlbaw <curtisburlbaw@gmail.com>
Sent: Friday, March 02, 2018 9:12 AM
To: Long, Steve
Subject: Re: 2016 Kessler Parkway - Front Setback diagram
Attachments: 2018.03.02 - 2016 Kessler Parkway - Lot setback footprint diagram w-contours.pdf;
2018.03.02 - 2016 Kessler Parkway - Lot setback variance diagram w-contours.pdf

Steve,

The attached two images in addition to what you already have create as clear of a picture as I can see. One image shows the buildable site as defined by the city with the 35'-0" average setback cutting through that buildable site. It shows nothing more. The next shows the designed area of the buildable footprint based upon the 35'-0" setback. I think these two pieces in combination with the clean contour plan you sent and the clean site plan I sent this morning should do it. That's 4 diagrams building the story of what is there, what we are allowed to do, what we have designed, and why we need the variance.

Let me know if you have any other thoughts.

Cheers,

C



Curtis Burlbaw
214.906.4883
www.blue-c-designs.com
www.houzz.com

On Fri, Mar 2, 2018 at 8:51 AM, Long, Steve <steve.long@dallascityhall.com> wrote:

Great! Once again, it appears that it's just creating the picture (so to speak) as to why you can't provide that 35' front yard setback for that reasonably sized house because...

From: Curtis Burlbaw [<mailto:curtisburlbaw@gmail.com>]
Sent: Friday, March 02, 2018 8:49 AM
To: Long, Steve <steve.long@dallascityhall.com>
Subject: Re: 2016 Kessler Parkway - Front Setback diagram

Let me combine what I just sent with this. . . an overlay of sorts. That should do it. If both what I sent and what you sent are shown individually with both of them into one document, I think that should do it. Give me a few moments.

BDA 178-033

Attach D

pg 2



Curtis Burlbaw

214.906.4883

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www.houzz.com

On Fri, Mar 2, 2018 at 8:42 AM, Long, Steve <steve.long@dallascityhall.com> wrote:

Dear Mr. Burbaw,

Can you explain/show on this plan why you can't move this house further south OUT of the front yard setback? (I think it is the slope but I want you to somehow affirm this).

Steve

From: Curtis Burlbaw [mailto:curtisburlbaw@gmail.com]

Sent: Friday, March 02, 2018 8:38 AM

To: Long, Steve <steve.long@dallascityhall.com>

Subject: 2016 Kessler Parkway - Front Setback diagram

Steve,

Let me know if the attached works for what you left me a message about. I think it clearly shows the issue with the lot. I.e., it's just another burning match to include in my fire that should be able to burn.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-033

Data Relative to Subject Property:

Date: 24 January 2018

Location address: 2016 Kessler Parkway

Zoning District: R-7.5A

Lot No.: D-1 Block No.: 13-3800 Acreage: .280

Census Tract: 44.00

Street Frontage (in Feet): 1) 90' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James Poulin

Applicant: James Poulin Telephone: 972.207.7748

Mailing Address: 5160 Tennyson Pkwy, Ste 100, Plano Zip Code: 75024

E-mail Address: jpoulin@benchmark.us

Represented by: Curtis Burlkaw Telephone: 214.906.4883

Mailing Address: 16 Bishop Gate, Allen Zip Code: 75002

E-mail Address: Curtis.burlkaw@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception _____, of 22'-0" to the 25'-0" front yard setback & a variance of 4'-0" to the 20'-0" setback from R.O.W. for an enclosed parking space

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 hardships placed upon the lot are such that the properties restrictive slope make it such that in combination with the buildable footprint provided by the City that the lot is not buildable to commensurate w/ standard code

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.

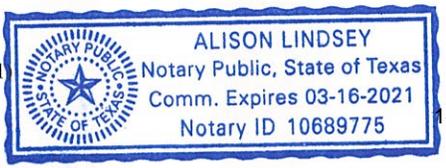
Affidavit

Before me the undersigned on this day personally appeared Curtis Burlkaw (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 24th day of January, 2018



Alison Lindsey
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

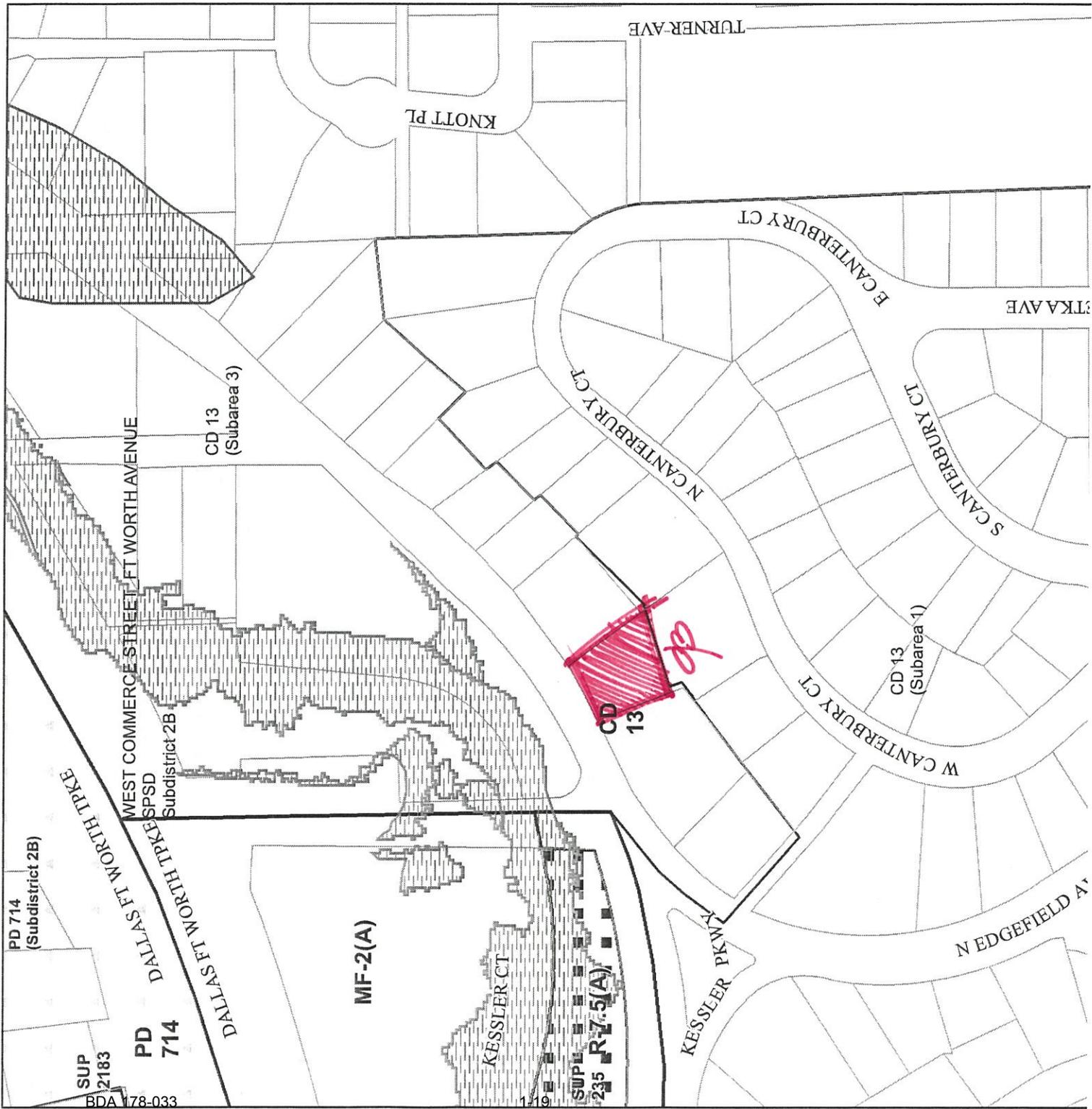
Building Official's Report

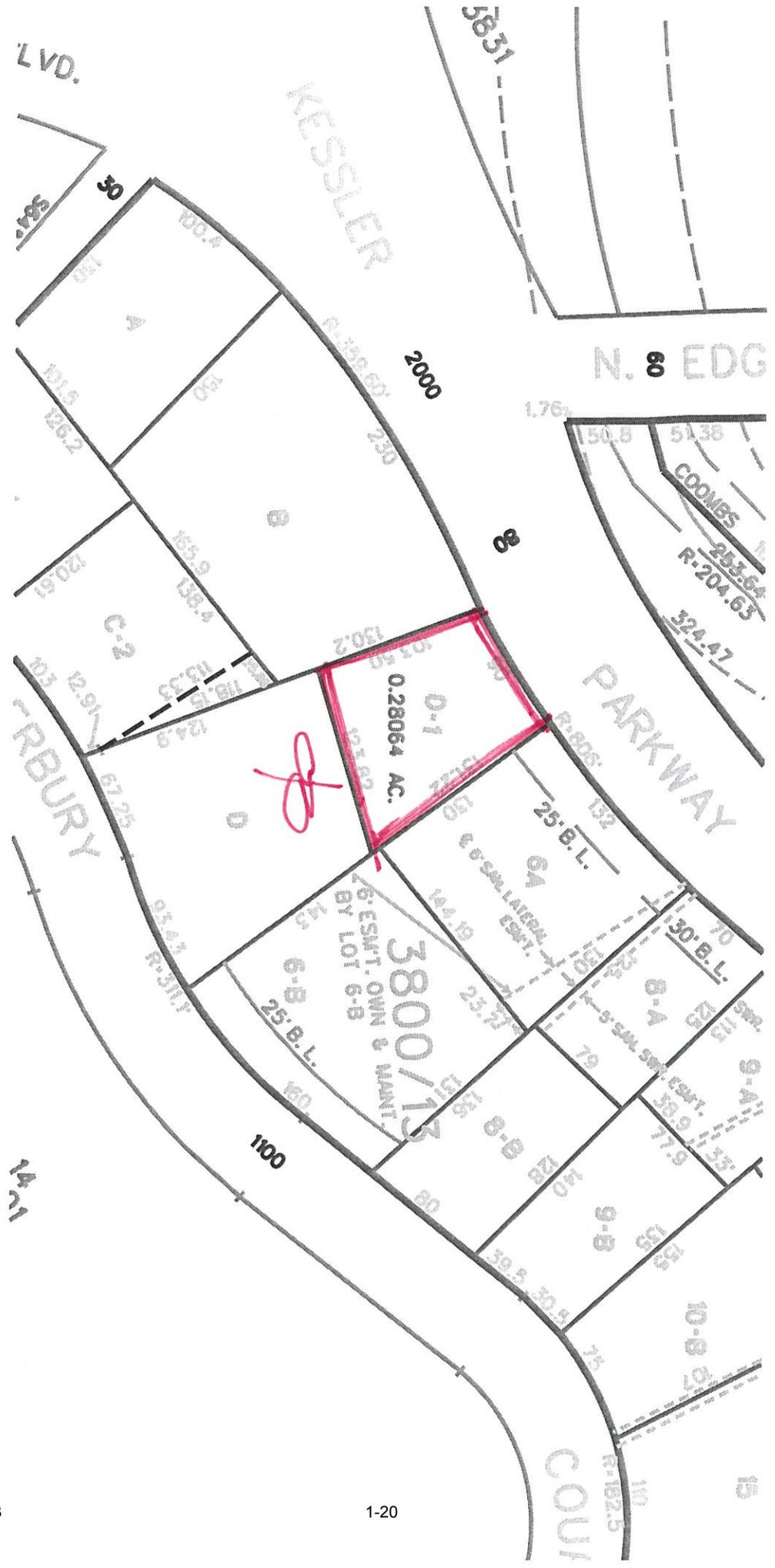
I hereby certify that James Poulin
represented by Curtis Burlbaw
did submit a request for a variance to the front yard setback regulations, and for a variance to the
off-street parking regulations
at 2016 Kessler Parkway

BDA178-033. Application of James Poulin represented by Curtis Burlbaw for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations : 2016 KESSLER PKWY. This property is more fully described as Lot D-1, Block 13/3800 and is zoned CD-13, which requires a front yard setback of 35 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 13-foot front yard setback, which will require a 22-foot variance to the front yard setback regulations, and to construct a single family residential structure with a setback of 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





A NEW SINGLE FAMILY RESIDENCE AT
 2016 KESSLER PARKWAY
 IN THE CITY OF DALLAS, TEXAS
 FOR JIM AND HILARY

ISSUE DATE
 21 FEB 2017 - OWNER REVIEW
 01 MAR 2017 - PERMIT/CONSTRUCT
 20 MAR 2017 - OWNER REVISIONS

SHEET TITLE
 1ST + 2ND FLOOR
 PLANS

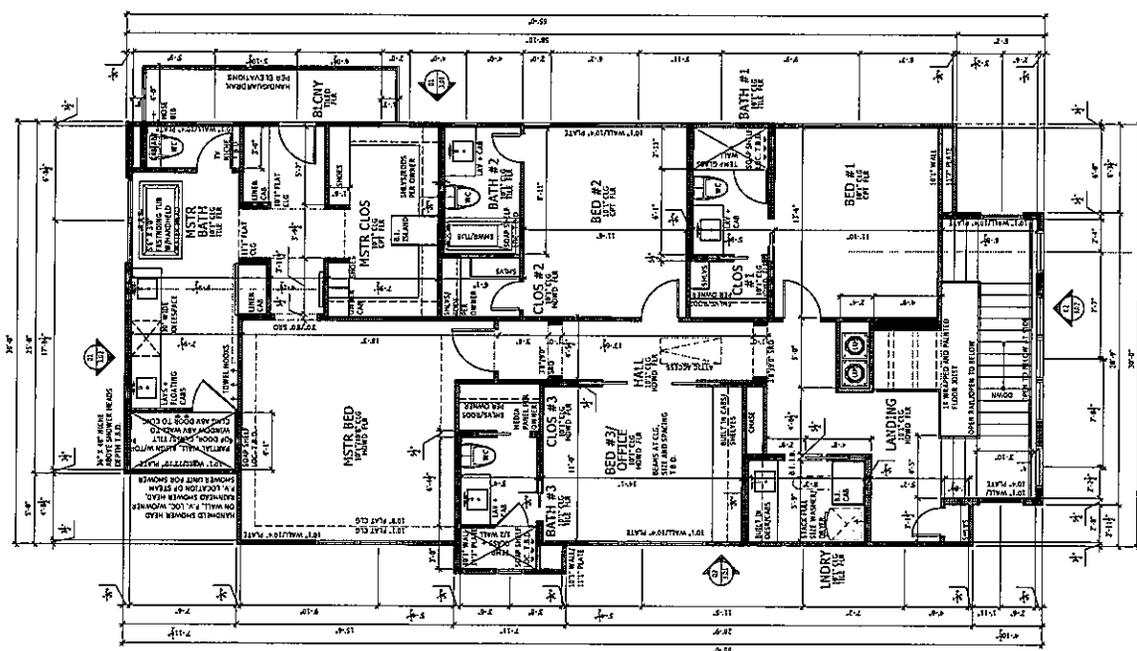
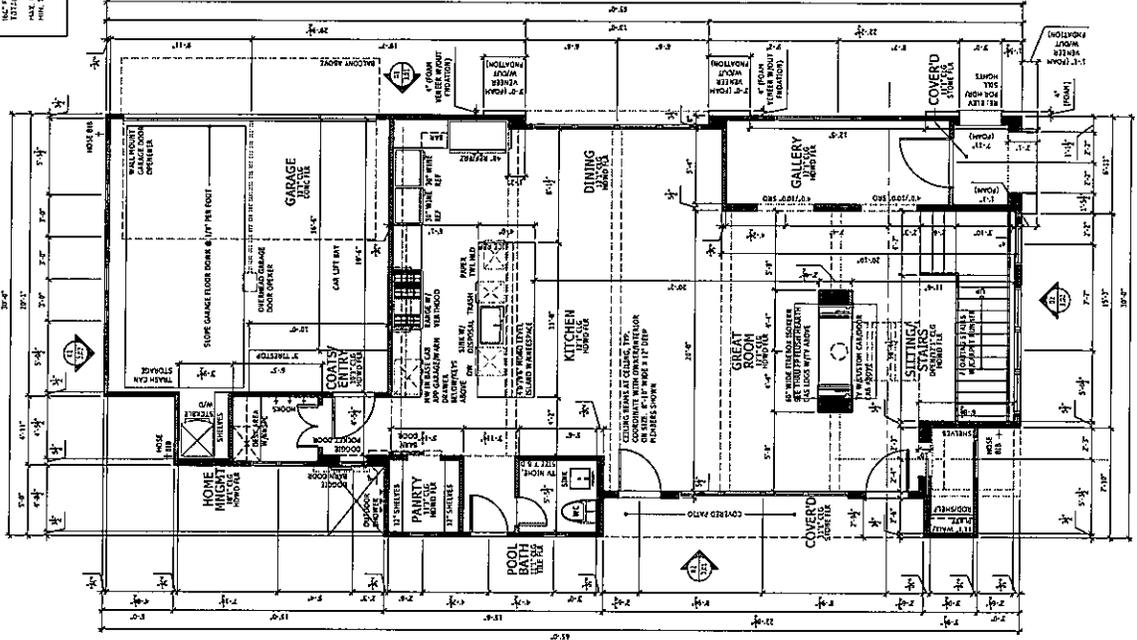
SHEET #
A2.01

PROJECT #
 1701



CONTRACTOR'S GENERAL NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS PERMITS AND ORDINANCES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC).
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPC) AND THE INTERNATIONAL ELECTRICAL CODE (IEC).

STAIR NOTES
 1. FLOOR TO FLOOR HEIGHT: 10'-0" TO 10'-6" (SEE 101)
 2. 12" TYP. STRINGERS AND TREADS
 3. 12" TYP. RISERS
 4. 12" TYP. HANDRAILS
 5. 12" TYP. BALUSTRADES
 6. 12" TYP. NEWEL POSTS
 7. 12" TYP. FINISH FLOORING
 8. 12" TYP. FINISH WALLS
 9. 12" TYP. FINISH CEILING





300 N. W. 10TH AVENUE, SUITE 100
 MIAMI, FL 33136
 (305) 571-1111
 WWW.BLUECCDESIGN.COM 21.09.18.1883

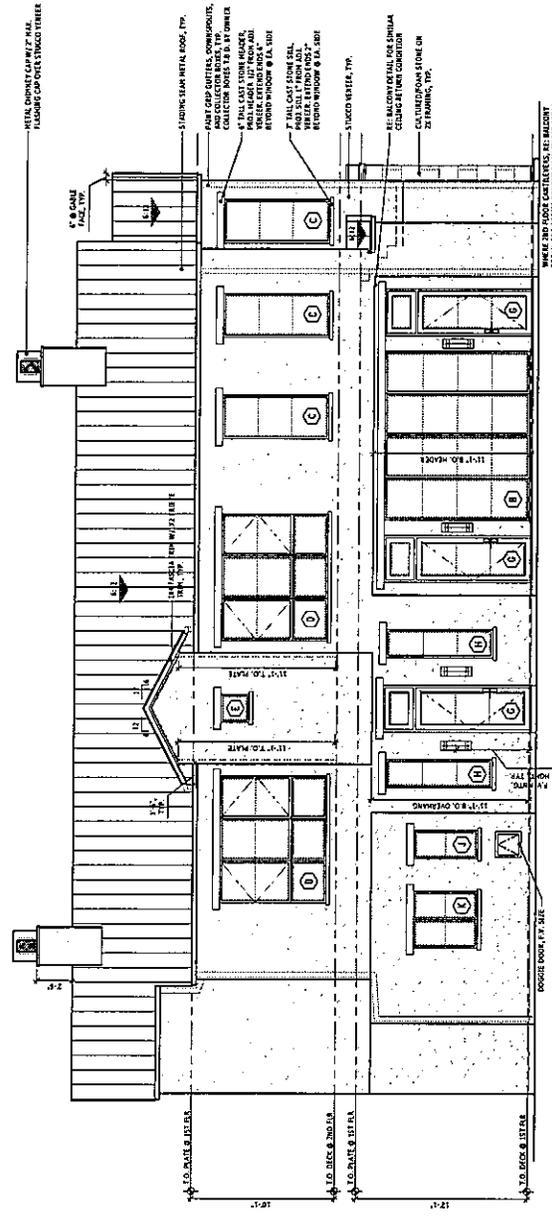
A NEW SINGLE FAMILY RESIDENCE AT
 2016 KESSLER PARKWAY
 IN THE CITY OF DALLAS, TEXAS
 FOR JIM AND HILARY

SHEET #
A3.01

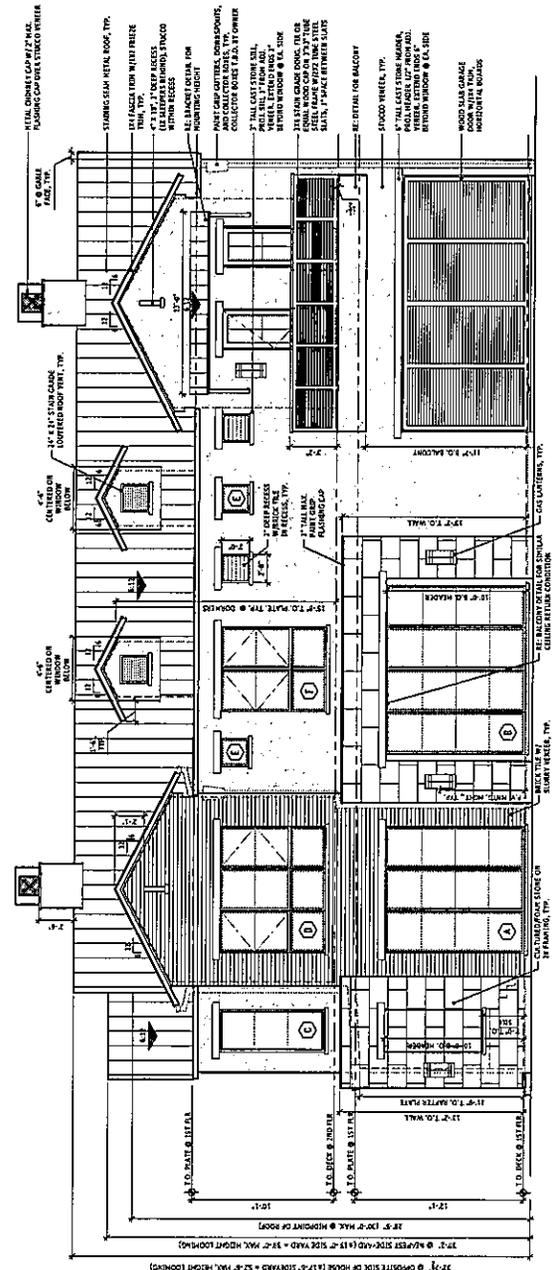
PROJECT #
 17-03

ISSUE DATE
 2/28/2017 - OWNER REVIEW
 01 MAR 2017 - PERMIT/DISTRICT
 26 MAR 2017 - OWNER REVISIONS

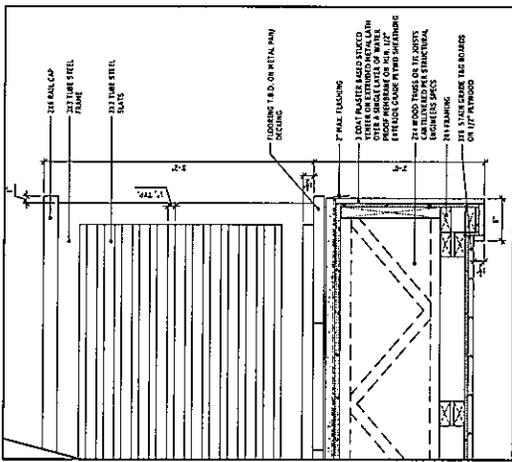
SHEET TITLE
EXTERIOR ELEVATIONS



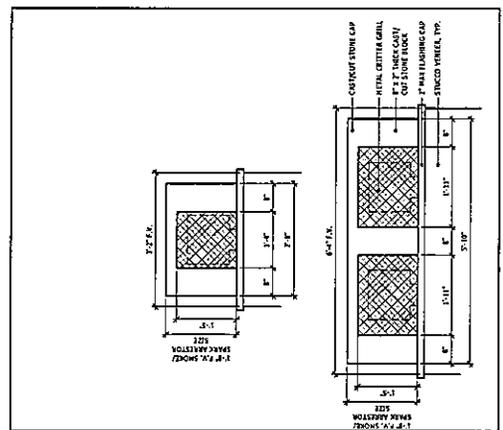
02 EAST FACE / REAR ELEVATION
 SCALE: 1/4" = 1'-0"



01 NORTH FACE / FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

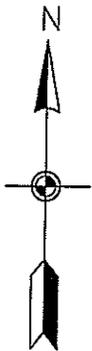
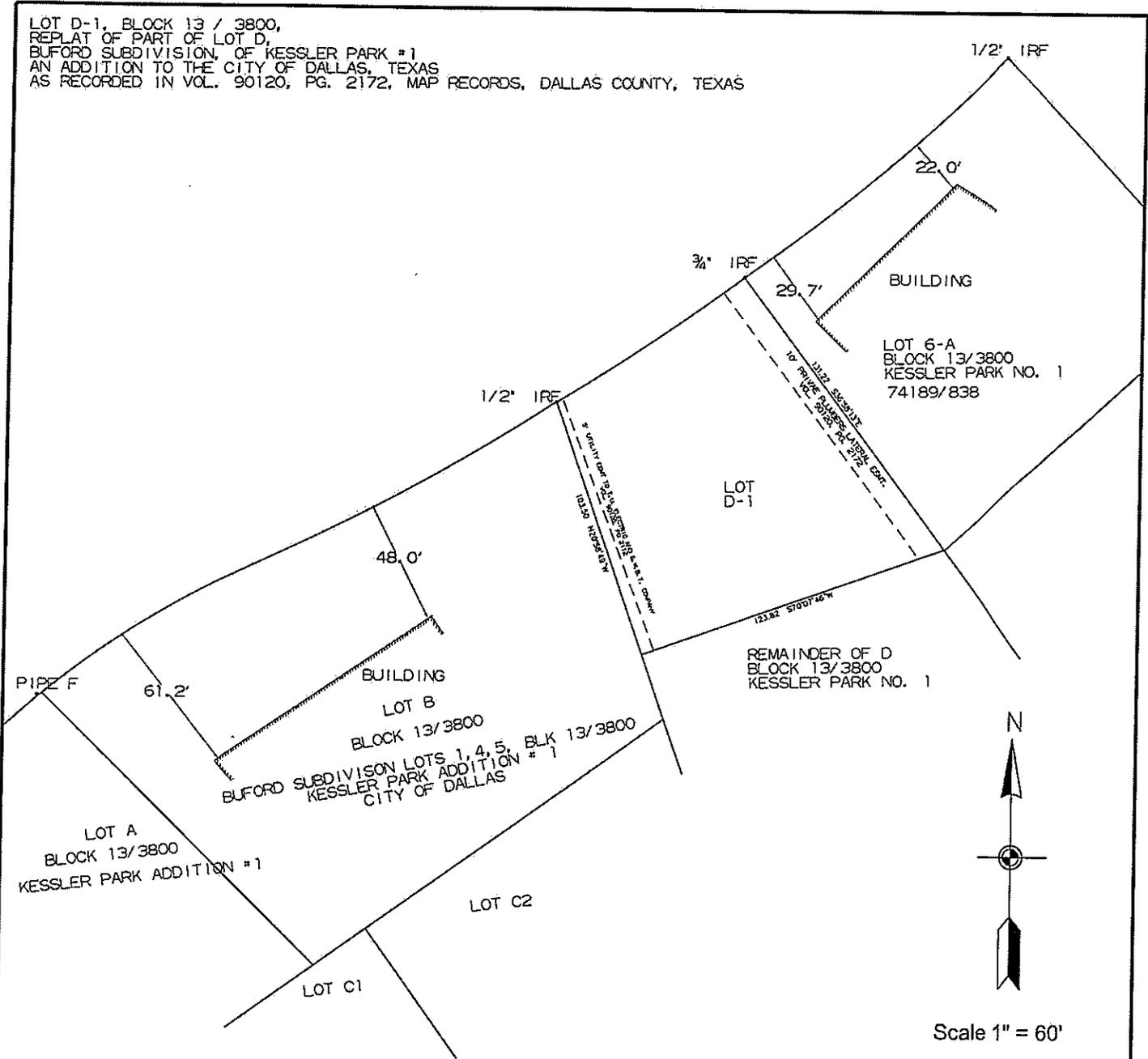


04 BALCONY DETAIL
 SCALE: 3/16" = 1'-0"



03 CHIMNEY DETAIL
 SCALE: 3/16" = 1'-0"

LOT D-1, BLOCK 13 / 3800,
 REPLAT OF PART OF LOT D,
 BUFORD SUBDIVISION, OF KESSLER PARK #1
 AN ADDITION TO THE CITY OF DALLAS, TEXAS
 AS RECORDED IN VOL. 90120, PG. 2172, MAP RECORDS, DALLAS COUNTY, TEXAS



Scale 1" = 60'



Signed: *[Signature]*
 Date: 1-22-18

EXHIBIT
 SHOWING
 FRONT BUILDING'S CORNERS
 LOCATION IN REGARD TO
 FRONT PROPERTY LINE
 IN LOT 6-A, AND LOT B,
 BLOCK 13 / 3800
 CITY OF DALLAS

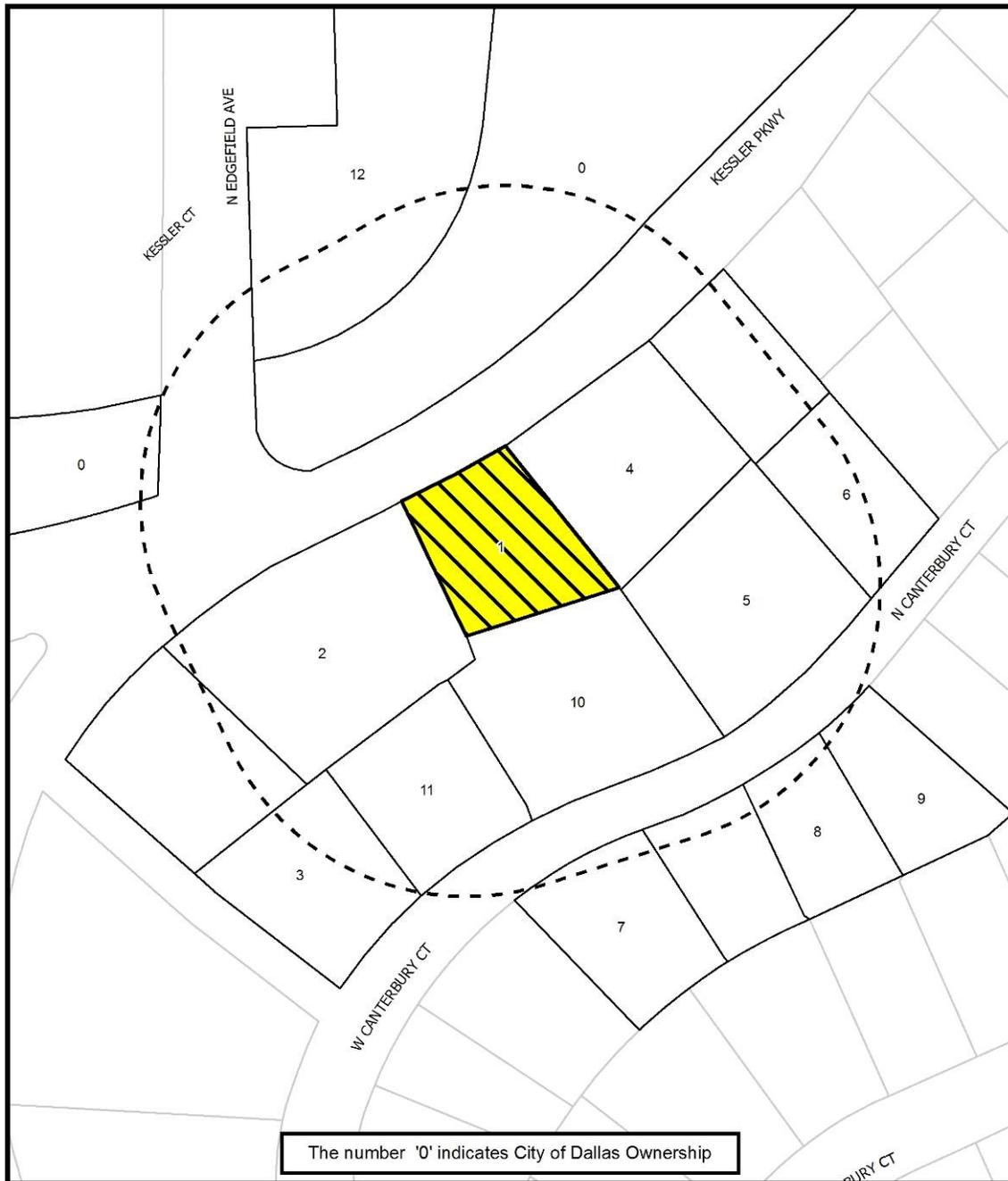
DRAWN BY: EK
DATE: 01-22-18
DGN. NO.: 160430
APPROVED BY: EK
REVISED:



A.N.A. CONSULTANTS, L.L.C.
 5000 Thompson Terrace
 Colleyville, Texas 76034
 Office: (817) 335-9900
 Fax: (817) 335-9955
 F.R.NO. 10090800

SHT. NO. : 1 OF 1

\$ DATE\$
 \$ FILE\$



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-033**
 Date: **2/13/2018**

Notification List of Property Owners

BDA178-033

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2016 KESSLER PKWY	POULIN JAMES D
2	2022 KESSLER PKWY	BOLEY ROBERT G
3	1169 N CANTERBURY CT	ABERLE KAREN
4	2010 KESSLER PKWY	BROWN LINDA S &
5	1139 N CANTERBURY CT	AVERY HEATHER M
6	1133 N CANTERBURY CT	TORRES PATRICIO JR & VENNESSA VILLARREAL
7	1138 N CANTERBURY CT	MANKIN GARY DON & ROXANNE
8	1128 N CANTERBURY CT	FOWLER CHARLES A
9	1122 N CANTERBURY CT	WARD JOHN F
10	1153 N CANTERBURY CT	DUFF TYLER J
11	1161 N CANTERBURY CT	NOBLES TIMOTHY L
12	1500 N EDGEFIELD AVE	EVE CAPITAL LLC

FILE NUMBER: BDA178-031(SL)

BUILDING OFFICIAL'S REPORT: Application of Barry Sage to appeal the decision of the administrative official at 6007 Belmont Avenue. This property is more fully described as Lot 23, Block 13/1899, and is zoned CD 12, which requires compliance with conservation district fence standards. The applicant proposes to appeal the decision of an administrative official.

LOCATION: 6007 Belmont Avenue

APPLICANT: Barry Sage

REQUEST:

A request is made to appeal the decision of the administrative official, in this particular application, the Building Official's "Conservation District Denial" of January 24, 2018 stating "Work is denied. 1. Fence in side yard was originally 8' in height, but was removed and replaced with a fence of the same height. Per Ord. 25530(19)(D), fences in a side yard may not exceed 6' in height. Fence has lost its previous degree of nonconformity and all rights to its previous degree of nonconformity are lost per Ord. 25530(C)(2). Fence replacement of fence with the same height as original is denied." on a site that is developed with a single family home.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

BACKGROUND INFORMATION:

Zoning:

Site: CD 12 (Conservation District)
North: CD 12 (Conservation District)
South: CD 12 (Conservation District)
East: CD 12 (Conservation District)
West: CD 12 (Conservation District)

Land Use:

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

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

Timeline:

January 18, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 12, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

February 12, 2018: The Board Administrator emailed the applicant the following information:

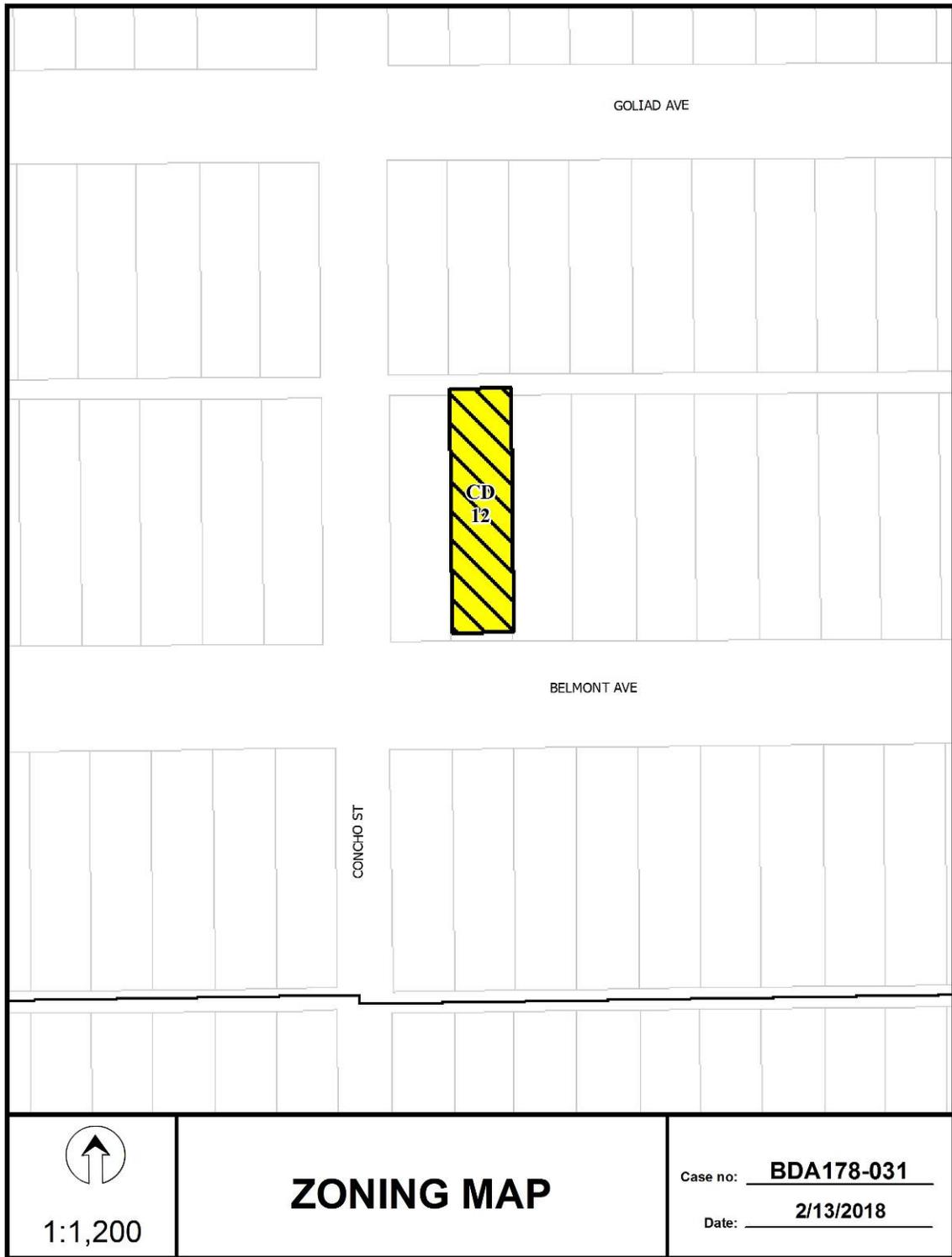
- an attachment that provided the appeal date and panel that will consider the appeal; the February 28th deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of appeal); and the March 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

March 6, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March 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 Sustainable Development and Construction Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

March 9, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).

March 9, 2018: The assistant city attorney assisting the administrative official submitted documentation on this appeal to the Board Administrator (see Attachment B).





1:1,200

AERIAL MAP

Case no: BDA178-031

Date: 2/13/2018

From: <barry@glasstechdallas.com>
Date: Tue, May 3, 2016 at 9:41 PM
Subject: RE: 6003 Belmont
To: Linton Ward <Linton.Ward@wnco.com>
Cc: Geyden Sage <geyden@gmail.com>

Hi Linton,

I regret that I could not stay to discuss the issues that you expected me to last Thursday.

I would like you to know that the builder that stopped by to look over the lot drainage with me is good friend of mine and we are both very comfortable on a job site. Geyden shared that you were upset with me for reaching out to the City. She told me that you have requested that we do not visit your job site. I would like to point out that you and Grace both had given me your consent to visit the site when I expressed interest in keeping up with the build to enhance my construction knowledge. Therefore, I did not think it was a problem. I understand that seems to have changed. We will honor your request. Please call us next time you or Grace plan to stop by.

After validating my drainage concerns with an experienced builder friend, I shared them with you. I felt it was necessary to further investigate the issue with the City, because you did not seem to share the same concerns. I am not quite sure what else I could have done.

We appreciate your effort to address our concerns regarding the tall weeds, the dirt against the fence and the builder sign as well as improving the silt fence. We can still see daylight under the erosion barrier as of today and the builders sign is still on City property but they are of no further concern to us. They do however show that our standards differ.

We are glad you made an effort to mark the property line. We think this is important. It seems that we all may have misinterpreted the boundaries. Due to this, the condition that we had perceived as a problem shouldn't be an issue unless the mud slides under the fence and onto our property.

I have looked at the string line that you ran in order to more clearly mark the boundary line. I noticed that the cypress trees are directly on the property line so it was difficult to properly mark said line. I have placed a string line 3.5 inches east of the property line so that we can work off of it without the trees touching the string. I have done my best to more clearly mark the area and we would like to look at it with you at your convenience one day this week. *When would be a good time for you?*

Geyden and I are going to relocate the sandstone blocks so as to have them 100% on our property in order to have a point for future reference. I would like to agree with you that I have correctly marked the line.

BDA 178-031
Attach A
pg 2

The other issue we spoke of last week was about the encroachment of the second floor into the required minimum 5' setback. I don't know that the City will consider this an "architectural feature" because contrasting wood trim is one thing and the entire second floor being cantilevered into the setback is something else completely. Thank you for sharing information regarding City Ordinance Sec. 51-4.402(a)(1). We will review it and conduct additional research regarding this issue. We will discuss our findings with you.

Linton, I know how important it is to have friendly neighbors. I hope we can get back to the point that we were before, when we could always ask the other for help and we could talk to each other and be confident that we took each other's best interest to heart while still protecting our own best interests.

Best Regards

Barry

From: **Geyden Sage** <geyden@gmail.com>
Date: Fri, May 6, 2016 at 10:46 AM
Subject: Property Line
To: Linton Ward <linton.ward@wnco.com>
Cc: Barry Sage <barry@champagne-glass.net>

Hello Linton,

Since we have not heard from you regarding our request to meet and agree on the property line, we have contacted a Surveying company to come and mark the line at our expense.

They will be here Monday. We will have them clearly mark the line and will be glad to share any reports they provide us if you care to have them.

We are hoping this helps.

Geyden

BDA 178-031

Attach A

PS 3

From: **Linton Ward** <Linton.Ward@wnco.com>
Date: Tue, May 24, 2016 at 9:06 AM
Subject: Belmont Property Line
To: "barry@glasstechdallas.com" <barry@glasstechdallas.com>
Cc: "geyden@gmail.com" <geyden@gmail.com>

Barry,

Our recently completed property line survey notes that the fence along the east side encroaches onto our property by 0.8 feet. You will need to relocate the fence as soon as possible to match the survey. Before this work can start, however, any objects that currently encroach onto our property line (such as your shrubs, landscaping, flower beds, pool equipment, etc.) and anything attached to the fence will need to be removed and relocated. The cedar trees, however, are not to be removed as they are on our property.

Let us know what your plans and timeline are for removing and relocating your property.

Linton

From: **Linton Ward** <Linton.Ward@wnco.com>
Date: Thu, Jun 16, 2016 at 8:49 AM
Subject: Property line layout.
To: "geyden@gmail.com" <geyden@gmail.com>, "barry@glasstechdallas.com" <barry@glasstechdallas.com>

Geyden & Barry,

Some time has passed since we last communicated about the property line and I'd like to come by the house to review the property line layout with both of you and discuss next steps. I can be there at 5:00 pm any day except on Wednesdays; the earliest I can make it is 6:00 pm. Let me know what day and time works best for both of you. Also, please send me your survey results. I'd like to review that before coming over.

Thanks

Linton

BDA178-031

ATTACH A

P54

From: **Linton Ward** <Linton.Ward@wnco.com>
Date: Mon, Jun 20, 2016 at 8:03 AM
Subject: Property Line.
To: "barry@glasstechdallas.com" <barry@glasstechdallas.com>
Cc: "geyden@gmail.com" <geyden@gmail.com>

Barry,

I'll be at Belmont this afternoon @ 5:00 pm. I'd like to discuss with you and Geyden a proposed solution for the property line/fence issue.

So you'll know ahead of time, here's my proposal. The entire fence needs to be relocated to line up with the property line. On the north end by the alley, the fence encroaches onto your property by a few inches. It's clear since you can easily see the property line pin with the red cap. It's located west of the fence but should be in line with it. On the south end, the opposite is true. The fence encroaches onto our property by 0.8 feet.

When the fence is reinstalled, I suggest we put the finished side of the fence on your side and have the metal posts on our side. This will look much better from your backyard and will match the fence on the other side of your property.

We can discuss the timing for this work this afternoon. I don't see this as anything that needs to be done immediately, so we both have time to plan this work to fit our individual schedules.

If you cannot meet today at 5, let me know, otherwise I'll see you at 5.

From: **Geyden Sage** <geyden@gmail.com>
Date: Mon, Jun 20, 2016 at 8:57 AM
Subject: Re: Property Line.
To: Linton Ward <Linton.Ward@wnco.com>
Cc: "barry@glasstechdallas.com" <barry@glasstechdallas.com>

Linton,

We are available at 6pm today and must be free by 7pm. We prefer that Grace be included.
Geyden & Barry

BDA 178-031

Attach A

ps 5

From: **Linton Ward** <Linton.Ward@wnco.com>
Date: Mon, Jun 20, 2016 at 9:17 AM
Subject: RE: Property Line.
To: Geyden Sage <geyden@gmail.com>
Cc: "barry@glasstechdallas.com" <barry@glasstechdallas.com>

Let me see if she's available.

Can you send me your survey? I'd like to take a look at it.

From: **Linton Ward** <Linton.Ward@wnco.com>
Date: Mon, Jun 20, 2016 at 11:31 AM
Subject: RE: Property Line.
To: Geyden Sage <geyden@gmail.com>
Cc: "barry@glasstechdallas.com" <barry@glasstechdallas.com>

Geyden,

Grace won't be able to make it, but I will.

Please send me your survey results.

See you and Barry at 6 this evening.

Linton

From: **Linton Ward** <Linton.Ward@wnco.com>
Date: Mon, Jun 20, 2016 at 4:17 PM
Subject: This afternoon's discussion.
To: "geyden@gmail.com" <geyden@gmail.com>, "barry@glasstechdallas.com" <barry@glasstechdallas.com>

Geyden,

In order for us to have a meaningful discussion this afternoon, I need to see your survey results before coming over. If you cannot send that to me, then I don't see any point in me coming over. I've asked several times today for the survey, but you haven't provided me with anything. If you are interested in discussing the fence/property line layout with me and letting me know your concerns, then great but I need to see your survey first.

Linton

BDA 178-031

Attach A

PS 6

From: **Geyden Sage** <geyden@gmail.com>
Date: Mon, Jun 20, 2016 at 5:45 PM
Subject: Re: This afternoon's discussion.
To: Linton Ward <Linton.Ward@wnco.com>
Cc: "barry@glasstechdallas.com" <barry@glasstechdallas.com>

Linton,

After checking my personal email a few minutes ago, I am aware that you have canceled our 6PM meeting. All of our correspondence is routed through my personal email only. I rarely check this email during business hours. We are of the impression that you want to discuss the property line and the placement of the fence for whatever reason. We were willing to accommodate. Currently, we do not share your interest. If the situation changes and we believe that a meeting is needed we will get in touch with you. Feel free to contact us If you do decide that a meeting is necessary. Please find a time when both you and Grace are available.

Geyden and Barry

BDA 178-031
Alham A



FENCE & GATE
928 S. PEAK ST
DALLAS, TEXAS 75223
214-823-3623
FAX# 214-823-1066
ESTIMATE & PROPOSAL

Name BARRY SAGE
Address 6007 BELMONT AVE. PO 7
City DALLAS State TX. Zip _____
Job Name _____
Phone (Hm.) 2-563-1609 (FAX) _____

WOOD MATERIAL

This contract is subject to the terms and conditions stated below, and is not binding upon L & C fence, Inc. until accepted.

Style _____
Footage _____
Height _____
Point _____
Horizontal Rails _____
Posts _____
Gates _____

*TEAR DOWN AND STACK EXISTING FENCE
*MOVE LINE AND SET NEW POST
*INSTALL EXISTING FENCE ON NEW POST
TOTAL-\$4861.00

CHAIN LINK MATERIAL

Height _____
Footage _____
Fabric Gauge _____
Top Rail _____ O.D. _____
Terminal Post _____ O.D. _____
Line Post _____ O.D. _____
Gate Post _____ O.D. _____
Gates _____

*TEAR DOWN AND HAUL OFF EXISTING FENCE
*SET POST 24" DEEP IN CONCRETE ON 8' CENTERS
*2X6 TREATED PINE GROUND BOARD
*115' - 1X4X6 CEDAR SIDE X SIDE
TOTAL-\$3570.00

ORNAMENTAL IRON MATERIAL

Height _____
Footage _____
Horizontal Rails _____ Gauge _____
Pickets _____ Gauge _____
Line Posts _____ Gauge _____
Gates _____
Mapsco No. _____

L & C Fence, Inc. (herein referred to as L & C), reserve the right to accept or reject any order. When accepted by L & C this order becomes a contract. It is understood that L & C has the right to repossess without recourse or trespass all materials not paid for according to the term of the contract. It is agreed that more or less materials and labor than contracted for shall be debited or credited at current rates. For example more footage will be added, less footage will be deducted. The customer is solely responsible for locating, staking, and clearing fence lines. If the customer desires L & C to clear its lines, we can do so at a predesignated charge. Also there will be an additional charge if rock incurred while digging. The salesman will assist the customer in determining where the fence is to be erected, but in no circumstance does L & C assume any responsibility regarding property lines or in any way guarantee their accuracy. If the property pins cannot be located, it is best for the customer to get the property surveyed. L & C is not responsible for repairing any underground sewer lines-sprinkler lines-water lines-electric lines etc. unless L & C is informed of their location prior to fence construction. (By plat or stakes). Initial Here _____ All wood used in fences allows knots, small splits, and weather checks. L & C does not know and cannot state how long the fence will last. L & C does propose to furnish all labor and materials so specified to do said work in a good workmanship like manner in accordance with the standard practice for this area. The company does also agree to have all workers covered by insurance. L & C further guarantees all material to be paid for by the company. L & C welcomes its customers to visit our plant for inspection of our material and facilities. It is understood that after three (3) days the purchaser cannot revise or cancel this contract without the consent of the contractor, also that only written agreements in this contract are binding, that conditions beyond contractors control that may delay construction will not justify cancellation of this contract. Two (2) year warranty against faulty material and/or workmanship. One (1) year warranty on all electrical devices. PURCHASER AGREES TO PAY 40% OF THE TOTAL CONTRACT UPON SIGNING AND THE BALANCE ON COMPLETION unless other arrangements are made at the time of signing this contract. (Prices good for 30 days) Price listed includes 3% cash/check discount. Credit Card payments please add back the 3% discount.

CREDIT CARD PAYMENT ADD 3%

DATE August 03, 2016
REPRESENTATIVE STEVE CROWLEY
OFFICE CONTACT _____
ACCEPTED L & C FENCE, INC.
BY _____

Total Cost SEE ABOVE

PURCHASER _____

Note Type: General Notes

BDA 178-031

Attach A

pg 8

10/13/17 Complaint rcvd via email with the following comments "The weekend of Sept. 16-17 of this year, the residents at 6007 Belmont Ave. demolished and then rebuilt an 8' gate on the west side of their property"

Sent: Sunday, October 15, 2017 6:56 PM
From: Grace . [mailto:gracegg56@gmail.com]
To: Hersch, William <william.hersch@dallascityhall.com>
Cc: Linton Ward <Linton.Ward@wnco.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Ipina, Ana <ana.ipina@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>; Ruiz, Jose <Jose.Ruiz@dallascityhall.com>; Allgaier, Jenniffer <jennifer.allgaier@dallascityhall.com>; Brown, Kirk <kirk.brown@dallascityhall.com>
Subject: Follow up on 6007 Belmont 311 complaint

Good morning Bill,

Again, many thanks for your attention to the matter of the 8' high fence / gate code violation on the west side of 6007 Belmont Ave. Per your direction, I have re-filed a 311 complaint, ensuring that the Service Type reads "Historic / Conservation District Violation". It is my understanding that the complaint will then be addressed by you and your colleagues and the appropriate action taken. The SR# is 17-00511650. Also, our security camera captured the Sage's demolition and reconstruction of the 8' fence / gate during the weekend of Sept. 16-17, 2017 so there can be no question of this being constructed within the last month. If need be we can make this footage available to you or the inspector.

On a different, but related subject, it appears that Inspector Brown may have been given false or misleading information regarding the original fence we once shared with the Sages. Saying "someone took it down with a chainsaw" is completely untrue. We lowered the height of the fence to meet code requirements during the construction of our new house. One of our subcontractors actually lowered the fence using a hand saw. I have 2 attached photos of this in an effort to correct the false or misleading information Inspector Brown was given, presumably by the Sages during his recent site visit.

Please let me know if I can provide any additional documentation or answer further questions about this matter. I look forward to your comments and feedback.

Most sincerely,
Grace

between the rear lot line and a main building and a line parallel to and extending outward from the interior side corner of the rear facade.

- (W) REMODEL means improvements or repairs that change the exterior materials or appearance of the front facade or wrap-around of the main structure.
 - (X) RETAINING WALL means a wall used to prevent the erosion of land.
 - (Y) SIDE STREET means Greenville Avenue, Matilda Street, Delmar Avenue, Concho Street, and Skillman Street.
 - (Z) SIDE YARD means any portion of a lot not occupied by a main building that is not a front yard or rear yard. "Side yard" includes "cornerside yard."
 - (AA) TUDOR means tudor architectural style as shown in Exhibit B.
 - (BB) WRAP-AROUND means the area to the midpoint of each side facade.
- (b) Conceptual plan. The Belmont Addition Conservation District Conceptual Plan is attached to and made a part of this ordinance as Exhibit B. In the event of a conflict between Exhibit A, the district regulations, and Exhibit B, the conceptual plan, Exhibit A controls.
- (c) Nonconforming structures. Section 51A-4.704(c), "Nonconforming Structures," applies, except:
- (1) as otherwise provided in these regulations, or
 - (2) if the degree of nonconformity is voluntarily reduced, all rights to the previous degree of nonconformity are lost.
- (d) Development standards. Except as otherwise provided, the development standards of the R-7.5(A) Single Family District apply. Except as provided in the architectural standards for specific styles, the following development standards apply to the entire lot.
- (1) Use.



Sign In Sign Up

BOA 178-031
Attachment A
PS 10

- Dallas
 - Code of Ordinances
 - Volume Iii
 - Chapter 51A. Part Ii Of The Dallas Development Code: Ordinance No. 19455, As Amended
 - Article IV. Zoning Regulations.
 - Division 51A-4.700. Zoning Procedures.

§ 51A-4.704. Nonconforming Uses And Structures.

Latest version.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

- (i) The character of the surrounding neighborhood.
- (ii) The degree of incompatibility of the use with the zoning district in which it is located.
- (iii) The manner in which the use is being conducted.



- (iv) The hours of operation of the use.
- (v) The extent to which continued operation of the use may threaten public health or safety.
- (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
- (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- (ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

BDA 178-
031
Attachment
Pg 11

(C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(D) Determination of amortization period.

- (i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- (ii) The following factors must be considered by the board in determining a reasonable amortization period:
 - (aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
 - (bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
 - (cc) Any return on investment since inception of the use, including net income and depreciation.



(dd) The anticipated annual recovery of investment, including net income and depreciation.

BDA 178
031
Attachment A
Pg 12

(E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

(F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

(3) Reserved.

(4) The right to operate a nonconforming use ceases when the use becomes a conforming use. The issuance of an SUP does not confer any nonconforming rights. No use authorized by the issuance of an SUP may operate after the SUP expires.

(5) The right to operate a nonconforming use ceases when the structure housing the use is destroyed by the intentional act of the owner or his agent. If a structure housing a nonconforming use is damaged or destroyed other than by the intentional act of the owner or his agent, a person may restore or reconstruct the structure without board approval. The structure must be restored or reconstructed so as to have the same approximate height, floor area, and location that it had immediately prior to the damage or destruction. A restoration or reconstruction in violation of this paragraph immediately terminates the right to operate the nonconforming use.

(6) The nonconformity of a use as to parking, loading, or an "additional provision" (except for a requirement that a use be located a minimum distance from a structure, use, or zoning district) in Division 51A-4.200 does not render that use subject to the regulations in this subsection.

(b) Changes to nonconforming uses.

(1) Changing from one nonconforming use to another. The board may allow a change from one nonconforming use to another nonconforming use when, in the opinion of the board, the change is to a new use that:

(A) does not prolong the life of the nonconforming use;

(B) would have been permitted under the zoning regulations that existed when the current use was originally established by right;



- (C) is similar in nature to the current use; and
- (D) will not have an adverse effect on the surrounding area.

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 Attach A
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(2) Remodeling a structure housing a nonconforming use. A person may renovate, remodel, or repair a structure housing a nonconforming use if the work does not enlarge the nonconforming use.

(3) Accessory structure for a nonconforming residential use. An accessory structure for a nonconforming residential use may be constructed, enlarged, or remodeled in accordance with the requirements of Sections 51A-4.209 (b)(6)(E)(vii) and 51A-4.217 (a) without board approval.

(4) Nonconformity as to parking or loading.

(A) Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional required off-street parking and loading spaces are provided.

(B) Delta theory. In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces for a use may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner:

Required parking or loading for existing use

- Number of existing parking or loading spaces for existing use

Nonconforming rights as to parking or loading.

(C) Decreased requirements. When a use is converted to a new use having a lesser parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) does not prolong the life of the nonconforming use;



(ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and

(iii) will not have an adverse effect on the surrounding area.

(C) Structures housing a nonconforming single family or duplex use may be enlarged without board approval.

(c) Nonconforming structures.

(1) Except as provided in Subsection (c)(2), 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.

(2) 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.

(3) A person may, without board approval, cause a structure to become nonconforming as to the yard, lot, and space regulations by converting the use of the structure, except that no person may convert its use to a residential use or to one of the nonresidential uses listed below:

- Airport or landing field.
- Animal production.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Country club with private membership.
- Crop production.
- Drive-in theater.
- Dry cleaning or laundry store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Helicopter base.
- Heliport.
- Helistop.

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- Nursery, garden shop, or plant sales.
- Personal service use.
- Private recreation center, club, or area.
- Public park, playground, or golf course.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service.
- Sand, gravel, or earth sales and storage.
- Sanitary landfill.
- STOL (short takeoff or landing) port.
- Stone, sand, or gravel mining.
- Temporary construction or sales office.
- Theater.
- Transit passenger shelter.

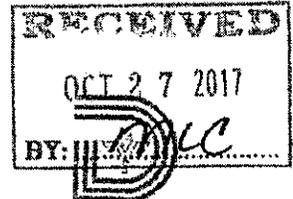
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031
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The board may grant a special exception to this provision if the board finds that the conversion would not adversely affect the surrounding properties. (Ord. Nos. 19455; 19786; 20307; 20412; 21553; 22412; 25092; 26511)

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CD17102702



DEPARTMENT OF SUSTAINABLE DEVELOPMENT & CONSTRUCTION CONSERVATION DISTRICT WORK REVIEW FORM

City of Dallas

NOTE TO APPLICANT: Please complete this form and print out. Information typed on this form can be saved. If you have any questions or need additional information, please contact Building Inspection at 214-948-4173.

Submit this form and two (2) copies of each applicable site plan, elevations and specification sheets to Technical Services, Room 105; 320 E. Jefferson Blvd.; Dallas, TX 75203.

DATE:	CONSERVATION DISTRICT: BELMONT		
PROPERTY ADDRESS:	6007 BELMONT AVE		
APPLICANT NAME:	BARRY & GEDEN SAGE	PHONE NO:	214 563-1609
APPLICANT ADDRESS:	6007 BELMONT AVE	FAX NO:	214 563 1608
EMAIL ADDRESS:	GEDEN@GMAIL.COM		
ARCHITECTURE STYLE (if applicable):	Craftsman		
DESCRIPTION OF PROPOSED WORK:			
REPLACED SIDE YARD FENCE SAME HEIGHT SAME LOCATION			

The proposed work was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

The proposed work is:

- Approved as submitted - meets development and design standards.
- Approved with the following conditions/comments: 1) fence inside yard and was originally an S fence, but was removed and replaced with a fence of same height per Ord. 25570(C)(1)(D) The fence inside yard is not visible to the street. Fence has lost its degree of nonconformity and all with the previous design and nonconformity and is per Ord. 25570(C)(2). Fence replacement with fence of same height as.
- Denied. Application does not meet the following requirements: original is denied.

REVIEWED BY: [Signature]

DATE RECEIVED: 1/23/18

DATE REVIEWED: 1/23/18

BUILDING PERMIT REQUIRED: (YES) NO

Copy to: Applicant and File

Thank you for your time and detailed description. We are familiar with our CD guidelines Ord. 25530(c)(2) and realize that that if we voluntarily tear the fence down, we would need to seek DC approval and conform with the guidelines. However, we merely repaired the existing fence in the areas where it was compromised by the new fence next door.

The fence that Barry discussed with Jennifer was from this fence back towards the alley.

Geyden Sage

On Tue, Oct 17, 2017 at 1:24 PM, Hersch, William <william.hersch@dallascityhall.com> wrote:

Geyden

If you have a fence that was nonconforming in its height or location, once it is removed for replacement (even sections), all nonconforming rights are lost and the fence must now abide by the ordinance requirements. Per Ord. 25530(c)(2), "if the degree of nonconformity is voluntarily reduced, all rights to the previous degree of nonconformity are lost." By removing the panel for replacement, the degree of nonconformity was voluntarily lost. The fence work that was approved in March and inspected in July passed that inspection; however, after that inspection, the remainder of the fence was replaced, using the same height as the original. The fence return at the west side of the property was replaced without CD work approval or permits. When the inspector provided a green tag for the fence on July 11, 2017, she noted the following in her write-up:

"Garden trellis/fence ok; chicken coop ok. (Note: homeowner, Barry Sage, inquired about putting up a similar fence/garden trellis in the side yard. I advised homeowner that no fences over 6' are allowed in side yard per CD. Homeowner believes that, since he will be replacing an existing fence in the same location, the code allows the current non-conforming fence to be replaced with a new non-conforming fence. I advised him that once a non-conforming fence is removed, the new fence would be required to comply with the current ordinance. He will contact CD Planners to follow up. Also, pool in back yard may not have had CDWR. Homeowner will check his records and will follow up w CD.)/ja"

So it appears that this address was informed before the work took place that the fence could not be removed and replaced with the same height. It is unfortunate that this situation occurred and I do hate to be the bearer of bad news, but we did not approve the fence to be replaced in the side yard, and we did not approve the replacement to be over 6'. This portion of the fence will have to be reduced to the 6' requirement listed in the ordinance.

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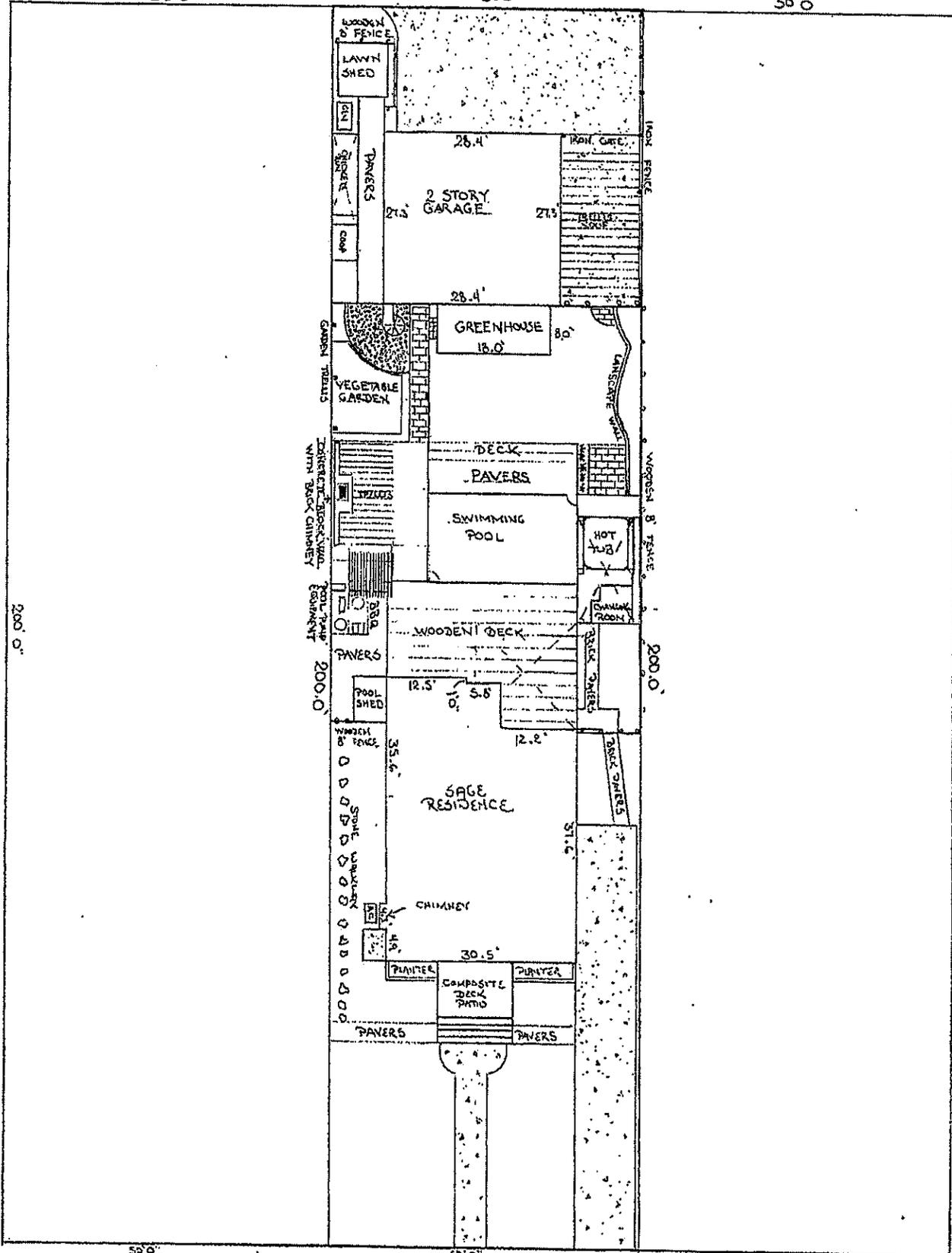
Attache A
PS18

15' ALLEY

50'0"

50'0"

50'0"



CONCHO ST. (50 FT R.O.W.)

200' 0"

200' 0"

50'0"
6003

50'0"
6007

50'0"
6011

BELMONT AVE. (90 FT R.O.W.)
2-23

3/32 = 1'0"

In order make the best decision possible, could you help me understand what other options we may have and consequences?

On Fri, Nov 10, 2017 at 4:29 PM, Hersch, William <william.hersch@dallascityhall.com> wrote:

Hey Geyden and Barry,

I had a chance to speak with all of the inspectors and managers who have been out to the site to see if they could attest to the removal of the fence by your neighbors. Unfortunately, none physically saw the neighbors removing this fence. In order to prove a violation took place on our end, we would need to have an employee physically witness this removal, which did not occur. I have spoken with my supervisor about this again, and because we did not see the fence being removed by the neighbors, we would consider this to be a removal by the owner or the owner's agent. Unfortunately, the City would consider this to be a civil matter between the two neighbors as we have no proof of who actually removed the fence, only that it has been removed. Because the old fence that was removed did not conform to the height requirements for the side yard (from the front to the back of the house only), it was considered to be nonconforming. Because the nonconforming structure is assumed to have been removed by the owner or the owner's agent (again, we would need to have an employee actually see the removal by the neighbors to be called otherwise), the new fence must now abide by the fence height requirements in the ordinance, which would be 6' maximum height. I know this is bad news for you guys, and I hate to be the bearer of it, but we have to enforce this regulation since we have no way of proving that it was removed by the neighbors. Please let me know how you guys would like to proceed.

Thanks,

Bill



Bill Hersch, LEED AP
Chief Planner
City of Dallas | DallasCityNews.net
Sustainable Development and

Construction
320 E Jefferson Blvd, Rm 105
Dallas, TX 75203
O: (214) 948-4458

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Maintenance Standards
Dallas City Code Ch. 27. - Article III

A property owner shall maintain any fence on a property in compliance with the following standards:

- **Maintain** a fence so that it is not out of vertical alignment:
 - Fence more than 4 feet tall - more than one foot from the vertical
 - Fence less than 4 feet tall - more than 6 inches from the vertical
- This provision does not apply to a masonry wall unless the wall encloses:
 - (i) A multi-tenant property; or
 - (ii) A single-family or duplex property where the wall is not shared with another property;
- **Repair** or replace rotted, fire damaged, or broken wooden slats and support posts;
- **Repair** or replace broken or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and
- **Repair** or replace loose bricks, stones, rocks, mortar, and similar materials on any masonry wall that encloses:
 - (i) A multi-tenant property; or
 - (ii) A single-family or duplex property where the wall is not shared with another property

BDA178-031
Attach B
PS1



CITY OF DALLAS

March 9, 2018

Via Email to BDA Secretary

Board of Adjustment, Panel B
1500 Marilla St., 5BN
Dallas, Texas 75201

Re: City Staff's Letter Brief in the Appeal of Building Official's Determination of a Nonconforming 8' fence in side yard at 6007 Belmont Avenue – BDA 178-031

Dear Board Members:

Below is a summary of the key points that will be addressed by City staff in response to Barry Sage ("Sage")'s appeal of the Building Official's determination that the side yard fence at 6007 Belmont Avenue (the "Property") is nonconforming because it was rebuilt to 8 feet in height.

1. Background

On October 15, 2017, Chief Planner William Hersch ("Hersch") received a citizen complaint, attached as Exhibit A, that the owners of the Property had torn down and rebuilt their side yard fence to 8 feet in height. A Zoning Inspector, Ana Ipena ("Ipena"), visited the Property and noted that the side yard fence had new panels with a new coat of stain. Attached as Exhibit B is a true and correct copy of a photo taken on October 16, 2017 by Ipena depicting the fence after it was rebuilt.

Zoning Inspector notes from Jenniffer Allgiaer ("Allgiaer") from July 10, 2017 contained in the City's POSSE system memorialize a conversation between Allgiaer and Sage where the inspector advised Sage that if he were to remove the fence in question, he would lose his nonconforming rights to have the fence be 8 feet in height. A true and correct copy of the inspector notes is attached as Exhibit C. Sage responded to Allgiaer that he believed he could replace the existing fence at the same location and retain his nonconforming rights. *See* Exhibit C. Allgiaer then referred Sage to the City planners. *Id.*

On October 17, 2018, Hersch emailed Sage and informed him that nonconforming rights to an 8-foot fence were lost once the previously nonconforming fence was removed. *See* Exhibit D. Hersch issued a Conservation District Work Review Form in which he notes that the side yard fence was torn down and rebuilt to 8 feet in height, and that the tearing down resulted in loss of any nonconforming rights to the 8-foot height. *See* Exhibit E. Based on this information, on January 24, 2018 the Building Official determined that the replaced fence was in violation of Ordinance No. 25530 and must not exceed 6 feet in height. *See* Exhibit F.

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Attach B
p 2

2. Argument

The Property is in the Belmont Addition Conservation District, established by Ordinance No. 25530, that was passed on March 23, 2004. Sage's previous 8-foot side yard fence was built pursuant to a valid 2003 permit (#020731110) prior to the passing of Ordinance No. 25530.

Ordinance No. 25530 prescribes a 6-foot height restriction for side yard fences. Ordinance No. 25530, Exhibit A, section (d)(19). While Ordinance No. 25530 incorporates Dallas City Code Chapter 51A-4.704(c), which establishes nonconforming rights, Ordinance No. 25530 also states that nonconforming rights are lost if "the degree of nonconformity is voluntarily reduced . . ." Ordinance No. 25530, Exhibit A, section (c)(2).

Since Sage's side yard fence was built in 2003 and Ordinance No. 25530 was passed in 2004, Sage had nonconforming rights to his 8 foot fence height as long as he did not "reduce" the fence in any way. However, Sage reduced his fence sometime in September 2017 and then rebuilt it. Thus, his nonconforming rights were lost and he must bring his fence into compliance with Ordinance No. 25530 and alter the height of the side yard fence to be no more than 6 feet high.

3. Relief Requested

The Building Official's determination that Sage had lost his nonconforming rights to an 8-foot fence and that Sage must alter his fence to be no more than 6 feet high was proper. Accordingly, the City requests that the Board of Adjustment affirm the Building Official's decision.

Very truly yours,

/s/ Kristen Monkhouse

Assistant City Attorney

kristen.monkhouse@dallascityhall.com

(214) 670-3519

cc: *Via e-mail*
Barry Sage
barry@champagne-glass.net

Note Type: General Notes

10/13/17 Complaint rcvd via email with the following comments "The weekend of Sept. 16-17 of this year, the residents at 6007 Belmont Ave. demolished and then rebuilt an 8' gate on the west side of their property"

Sent: Sunday, October 15, 2017 6:56 AM
From: [REDACTED]
To: Hirsch, William <william.hirsch@dallascityhall.com>;
Cc: Landon Ward <landonward@texas.com>; Dinkowski, Todd <todd.dinkowski@dallascityhall.com>; Jirist, Anna <anna.jirist@dallascityhall.com>; Wimer, William <william.wimer@dallascityhall.com>; Dine, Lisa <lisa.dine@dallascityhall.com>; Allgaier, Jennifer <jennifer.allgaier@dallascityhall.com>; Brown, Kirk <kirk.brown@dallascityhall.com>
Subject: Follow up on 6007 Belmont .111 complaint

Good morning Bill,
Again, many thanks for your attention to the matter of the 18' high fence / gate each violation on the west side of 6007 Belmont Ave. For your direction, I have re-looked at J11 complaint, ensuring that the Source Type reads "Historic / Conservation District Violation". It is my understanding that this complaint will then be addressed by you and your colleagues and the appropriate action taken. The SR# is 17-00311650. Also, [REDACTED] no Subject: demolition and reconstruction of the 18' fence / gate during the weekend of Sept. 16-17, 2017 so there can be no [REDACTED] this being constructed within the last month.

Please let me know if I can provide any additional information or answer further questions about the matter. I look forward to your comments and feedback.

Best sincerely,
[REDACTED]

Note Type: General Notes

10/13/17 Complaint rcvd via email with the following comments "The weekend of Sept. 16-17 of this year, the residents at 6007 Belmont Ave. demolished and then rebuilt an 8' gate on the west side of their property"

Sent: Tuesday, October 17, 2017 10:03 AM
From: Jirist, Anna <anna.jirist@dallascityhall.com>
To: Clayton, Scott <scott.clayton@dallascityhall.com>; Brown, Kirk <kirk.brown@dallascityhall.com>; Hirsch, William <william.hirsch@dallascityhall.com>; Wimer, William <william.wimer@dallascityhall.com>; Dine, Lisa <lisa.dine@dallascityhall.com>; Allgaier, Jennifer <jennifer.allgaier@dallascityhall.com>; Brown, Kirk <kirk.brown@dallascityhall.com>
Subject: RE: 6007 Belmont Ave
Good morning Clayton,

We have visited the site and the fence return at the side of the building is now in compliance with the ordinance. This work to the fence (previously permitted in 2017) was completed within the last couple of months. Since the original installed fence was not the iron containment rails per Section 51A-1.704(c)(2) the right to rebuild the structure is destroyed by the intentional act of the owner or the owner's agent.

The installed fence must now meet the Belmont Addition Conservation District Ordinance in 6007 Belmont Ave. The fence must be six feet in height. Currently the new installed fence is not six feet in height. We must address this issue with complainants in this area, however, we must address it as soon as a violation is found.

BDA 178-031
Attach B
p 3



BDA 178-031
Attach B
pg 4



EXHIBIT
B

BDA178-031

Attachment B

Note Type: General Notes

10/13/17 Complaint rcvd via email with the following comments "The weekend of Sept. 16-17 of this year, the residents at 6007 Belmont Ave. demolished and then rebuilt an 8' gate on the west side of their property"

pg 6

From: Hersch, William
Sent: Tuesday, October 17, 2017 1:25 PM
To: Geyden Sage [redacted]; Iпина, Ana <ana.ipina@dallascityhall.com>
Cc: Brown, Kirk <kirk.brown@dallascityhall.com>; Wimer, Megan <megan.wimer@dallascityhall.com>; Kay, Kiesha <kiesha.kay@dallascityhall.com>; Allgaier, Jenniffer <jenniffer.allgaier@dallascityhall.com>
Subject: RE: 6007 Belmont Ave

Geyden

If you have a fence that was nonconforming in its height or location, once it is removed for replacement (even sections), all nonconforming rights are lost and the fence must now abide by the ordinance requirements. Per Ord. 25530(c)(2), if the degree of nonconformity is voluntarily reduced, all rights to the previous degree of nonconformity are lost. By removing the panel for replacement, the degree of nonconformity was voluntarily lost. The fence work that was approved in March and inspected in July passed that inspection; however, after that inspection, the remainder of the fence was replaced, using the same height as the original. The fence return at the west side of the property was replaced without CD work approval or permits. When the inspector provided a green tag for the fence on July 11, 2017, she noted the following in her write-up:

?Garden trellis/fence ok; chicken coop ok. (Note: homeowner, Barry Sage, inquired about putting up a similar fence/garden trellis in the side yard. I advised homeowner that no fences over 6' are allowed in side yard per CD. Homeowner believes that, since he will be replacing an existing fence in the same location, the code allows the current non-conforming fence to be replaced with a new non-conforming fence. I advised him that once a non-conforming fence is removed, the new fence would be required to comply with the current ordinance. He will contact CD Planners to follow up. Also, pool in back yard may not have had CDWR. Homeowner will check his records and will follow up w CD.)/ja?

So it appears that this address was informed before the work took place that the fence could not be removed and replaced with the same height. It is unfortunate that this situation occurred and I do hate to be the bearer of bad news, but we did not approve the fence to be replaced in the side yard, and we did not approve the replacement to be over 6'. This portion of the fence will have to be reduced to the 6' requirement listed in the ordinance.

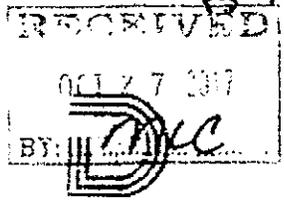
Please let me know if you have any questions.

Thanks,
Bill



CD17102702

B.H.



DEPARTMENT OF SUSTAINABLE DEVELOPMENT & CONSTRUCTION CONSERVATION DISTRICT WORK REVIEW FORM

City of Dallas

NOTE TO APPLICANT: Please complete this form and print out. Information typed on this form can be saved. If you have any questions or need additional information, please contact Building Inspection at 214-948-4173.

Submit this form and two (2) copies of each applicable site plan, elevations and specification sheets to Technical Services, Room 105, 320 E. Jefferson Blvd., Dallas, TX 75203.

DATE:	CONSERVATION DISTRICT: BELMONT	
PROPERTY ADDRESS:	6007 BELMONT AVE	
APPLICANT NAME:	BARRY & GYDEN SAGE	PHONE NO: 214 563-1609
APPLICANT ADDRESS:	6007 BELMONT AVE	FAX NO: 214 563 1608
EMAIL ADDRESS:	[REDACTED]	
ARCHITECTURE STYLE (if applicable):	Craftsman	
DESCRIPTION OF PROPOSED WORK:		
REPLACED SIDE YARD FENCE SAME HEIGHT SAME LOCATION		

The proposed work was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

The proposed work is:

- Approved as submitted - meets development and design standards.
- Approved with the following conditions/comments: if fence inside yard is irregularly on site fence, it was removed and replaced with a fence of same height per Ord. 25570(14)(D). Fences inside yards are not required to be uniform. Fence has lost its degree of nonconformity and all with the previous design not nonconformity unless per Ord. 25570(1)(2). Fence is in agreement with fence of same height as
- Denied. Application does not meet the following requirements: original is denied

REVIEWED BY: [Signature]

DATE RECEIVED: 1/23/18

DATE REVIEWED: 1/23/18

BUILDING PERMIT REQUIRED: (YES) NO

Copy to: Applicant and File



BDA178-031

Attach B

Ag B

Conservation District Denial



Belmont Addition Conservation District

City of Dallas

Date Applied: 10/27/17

Date Reviewed: 01/24/18

Address: 6007 BELMONT AVE

Applicant: SAGE, BARRY
6007 BELMONT AV
DALLAS, TX 75206
(214) 563-1609

Architectural Style: Craftsman

Proposed Work: Other - requires permit

REPLACED SIDE YARD FENCE
SAME HEIGHT SAME LOCATION

Permit is required: YES

Work is Denied

1. Fence in side yard was originally 8' in height, but was removed and replaced with a fence of the same height. Per Ord. 25530(19)(D), fences in a side yard may not exceed 6' in height. Fence has lost its previous degree of nonconformity and all rights to its previous degree of nonconformity are lost per Ord. 25530(C)(2). Fence replacement of fence with the same height as the original is denied.

Philip Sikes, Building Official

The application was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

DENIED

Page 1 of 1





City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-031

Data Relative to Subject Property:

Date: JANUARY 18, 2018

Location address: 6007 BELMONT AVE 75206 Zoning District: BELMONT

Lot No.: 23 Block No.: 13/1899 Acreage: > 1/4 ACRE Census Tract: 11.01

Street Frontage (in Feet): 1) 50 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BARRY SAGE AND GEDEN BARAT

Applicant: BARRY SAGE Telephone: (214) 563-1609

Mailing Address: 6007 BELMONT AVE, DALLAS, TEXAS Zip Code: 75206

E-mail Address: BARRY@CHAMPAGNE-GLASS.NET

Represented by: SAME Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception __, of APPEAL DECISION OF ADMINISTRATIVE OFFICIAL

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:

- 1) THIS PORTION OF MY 8 FT TALL FENCE WAS CONSIDERED "CONFORMING" WHEN IT WAS ORIGINALLY CONSTRUCTED.
- 2) THIS PORTION OF MY 8 FT TALL FENCE WAS PERMITTED (#020731110) AND INSPECTED.
- 3) THIS PORTION OF MY 8 FT TALL FENCE WAS CUT VERTICALLY, SUBSTANTIALLY EAST OF MY PROPERTY LINE BY MY NEIGHBOR OR THEIR AGENT WITHOUT PRIOR KNOWLEDGE & WITHOUT MY CONSENT OR AUTHORIZATION.
- 4) THIS PORTION OF MY 8 FT TALL FENCE WAS MADE UNSAFE THROUGH NO ACTION OF MY OWN.
- 5) IT IS MY RESPONSIBILITY AS THE PROPERTY OWNER TO MAINTAIN THIS FENCE.
- 6) THE PORTION OF MY FENCE THAT IS ON THE EAST SIDE OF THE HOUSE & ON THE SAME PLANE IS 8 FT TALL.

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 BARRY SAGE (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 22nd day of January, 2018

KRISTIN SPRINKLE
 Notary Public
 State of Texas
 ID # 11495615
 Comm. Expires 8/4/2019



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks

Chairman

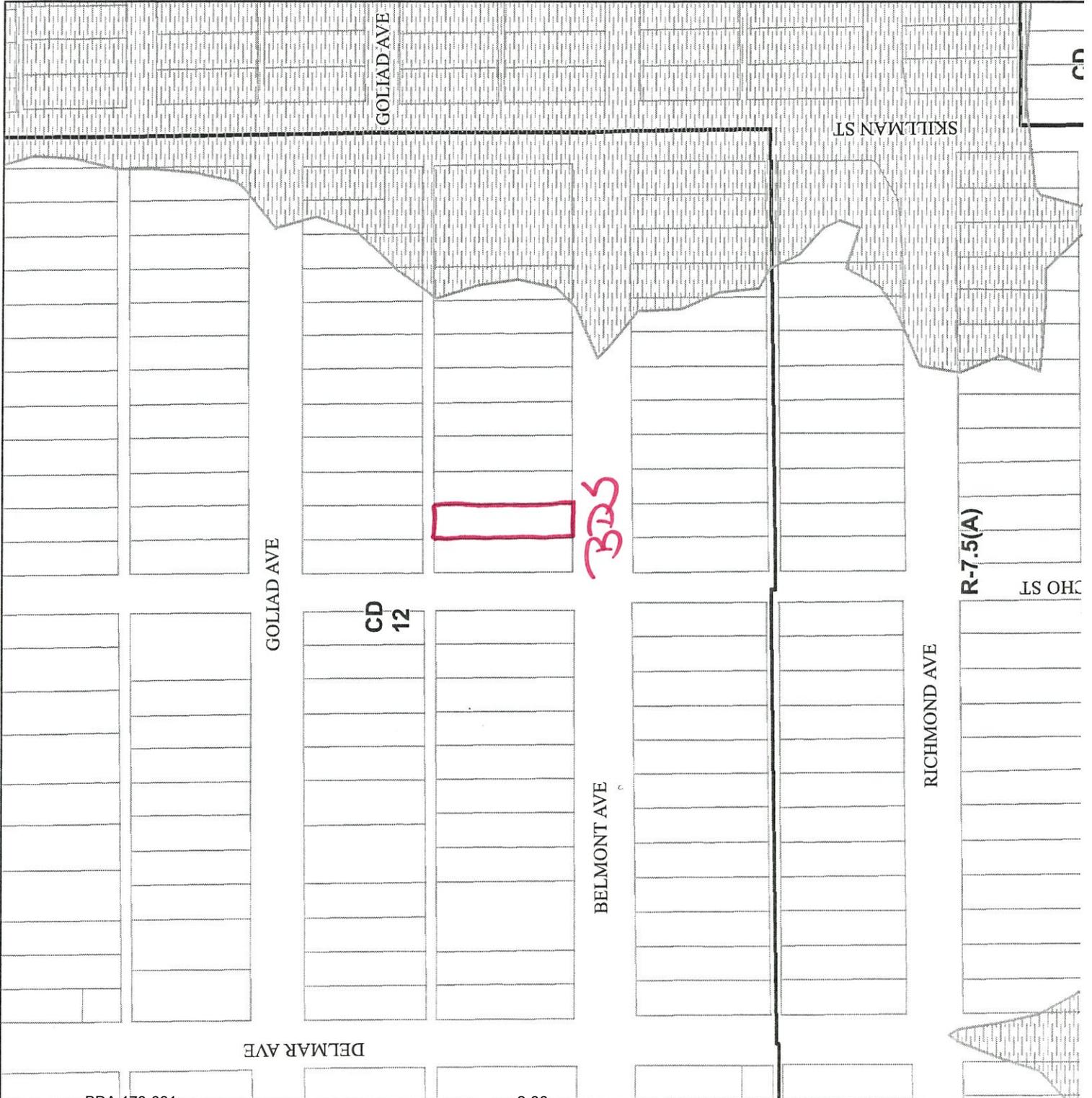
Building Official's Report

I hereby certify that Barry Sage
did submit a request to appeal the decision of the administrative official
at 6007 Belmont Avenue

BDA178-031. Application of Barry Sage to appeal the decision of the administrative official at 6007 BELMONT AVE. This property is more fully described as Lot 23, Block 13/1899, and is zoned CD-12, which requires compliance with conservation district fence standards. The applicant proposes to appeal the decision of an administrative official.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



2092

2091

ST. 3

2300

75
AVE.

AVE.

6000

6000

1899/13

FIRE STATION

ST. 50

2300

5600

5600

1900/14

BDS

Conservation District Denial



Belmont Addition Conservation District

City of Dallas

Date Applied: 10/27/17

Date Reviewed: 01/24/18

Address: 6007 BELMONT AVE

Applicant: SAGE, BARRY
6007 BELMONT AV
DALLAS, TX 75206
(214) 563-1609

Architectural Style: Craftsman

Proposed Work: Other - requires permit

REPLACED SIDE YARD FENCE
SAME HEIGHT SAME LOCATION

Permit is required: YES

Work is Denied

1. Fence in side yard was originally 8' in height, but was removed and replaced with a fence of the same height. Per Ord. 25530(19)(D), fences in a side yard may not exceed 6' in height. Fence has lost its previous degree of nonconformity and all rights to its previous degree of nonconformity are lost per Ord. 25530(C)(2). Fence replacement of fence with the same height as the original is denied.

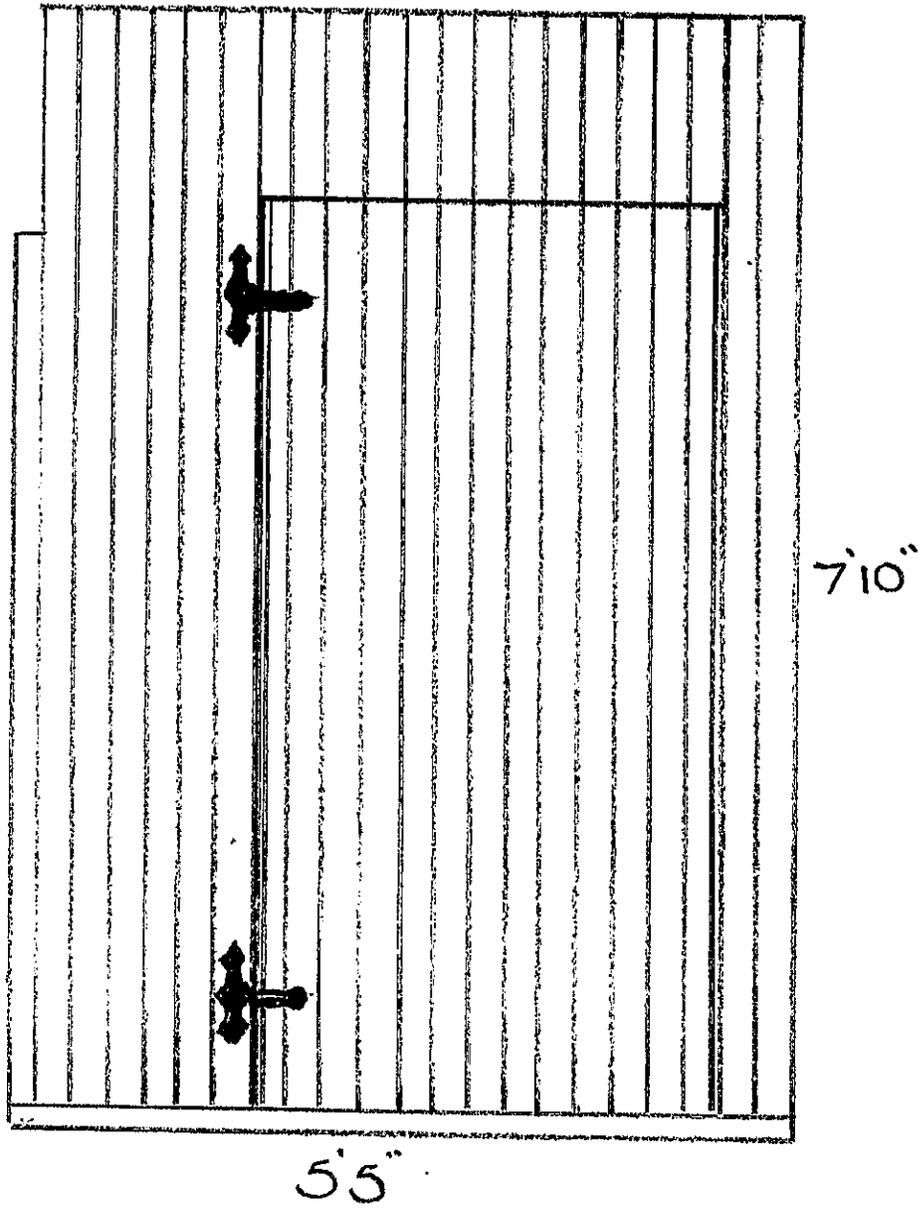
Philip Sikes, Building Official

The application was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

DENIED

ELEVATION $\frac{3}{4}'' = 1'0''$





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 178-031

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

at: 6007 BELMONT AVE DALLAS TX 75206
(Address of property as stated on application)

Authorize: BARRY SAGE
(Applicant's name as stated on application)

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

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

Specify: APPEAL THE DECISION OF AN ADMINISTRATIVE OFFICIAL

GEYDEN SAGE
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date JANUARY 22, 2018

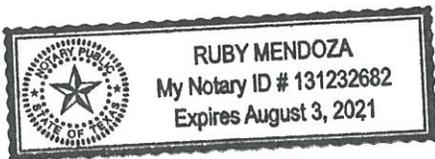
Before me, the undersigned, on this day personally appeared GEYDEN SAGE

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

Subscribed and sworn to before me this 24 day of January, 2018

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 08/03/2021





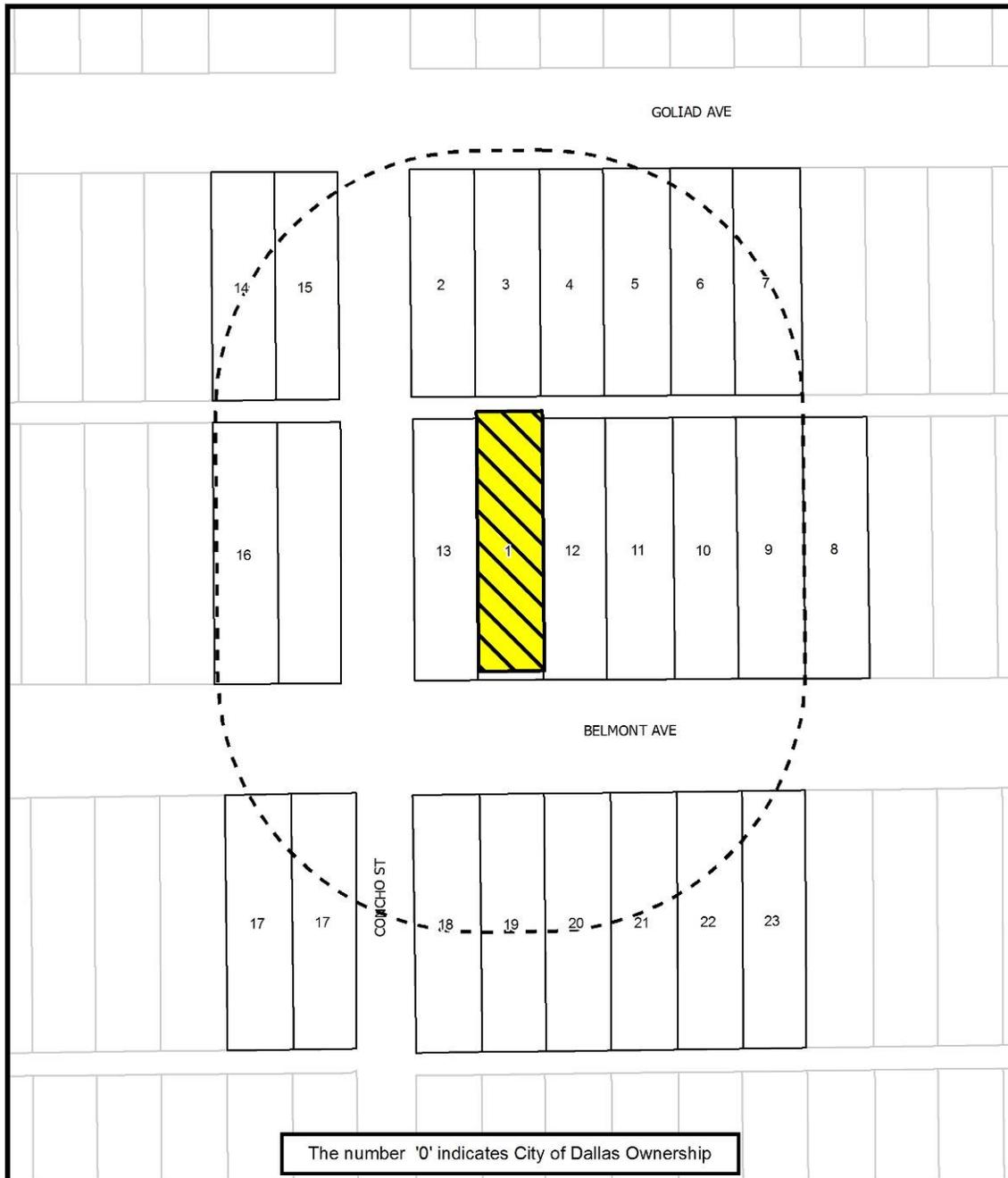
CITY OF DALLAS

Outline of Procedure for Appeals from Decisions of an Administrative Official

An appeal of an administrative official's decision may have very structured procedures that resemble a court hearing, or it may have more informal procedures that resemble a typical case brought before the Board of Adjustment. The parties can decide how they want to present their case. This document accounts for both scenarios. Please note that although there are time limits listed in this outline, the presiding officer reserves the right to alter these time limitations to promote fairness and efficiency.

- I. Explanation of the procedures by the presiding officer
- II. Swearing in of all persons who will testify in the case
- III. Applicant's case: 20 minute limit
 - a. This may resemble a typical Board case where the applicant merely presents his argument to the Board. It may also resemble a court hearing where the applicant gives an opening statement, calls witnesses, and offers evidence.
 - b. If the applicant calls a witness, the administrative official is able to cross examine the witness.
 - c. The applicant may conduct a redirect of his witness.
 - d. The applicant may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
 - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- IV. The Administrative Official's case: 20 minute limit
 - a. This may resemble a typical Board case where the administrative official presents his argument to the Board. It may also resemble a court hearing where the administrative official gives an opening statement, calls witnesses, and offers evidence.

- b. If the administrative official calls a witness, the applicant is able to cross examine the witness.
 - c. The administrative official may conduct a redirect of his witness.
 - d. The administrative official may submit documents to the Board Secretary as long as they comply with the documentary evidence rules set forth in the Board's Rules of Procedures.
 - e. The Board may ask questions at any time. Board member questions will not count towards the time limitation.
- V. Rebuttal by the applicant (optional): 3 minutes
- VI. Closing Statements
- a. Applicant's closing statement (optional): 3 minutes
 - b. The administrative official's closing statement (optional): 3 minutes
- VII. Move and second to either affirm, reverse, or amend the administrative official's decision.
- VIII. Open discussion of the case by Board members
- IX. Voting: Four concurring votes are required to reverse or amend the administrative official's decision.



1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
23	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-031**

Date: **2/13/2018**

Notification List of Property Owners

BDA178-031

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6007 BELMONT AVE	SAGE BARY & GEYDEN
2	6000 GOLIAD AVE	HALE BRUCE E & VALLI J
3	6006 GOLIAD AVE	SPARKS ANNE
4	6008 GOLIAD AVE	SMITH CASEY R
5	6012 GOLIAD AVE	KANE JEFFREY
6	6018 GOLIAD AVE	CORCORAN CAROL
7	6022 GOLIAD AVE	LEON CHRISTIAN &
8	6027 BELMONT AVE	MARTIN NOAH G
9	6021 BELMONT AVE	COULTER PETER STEPHEN & JAMIE STARR
10	6019 BELMONT AVE	MORAS ANGELA &
11	6015 BELMONT AVE	KEITH E &
12	6011 BELMONT AVE	ALLEN JAMES WILLIAM BONSIGNORE
13	6003 BELMONT AVE	GLOVER GRACE PETERSON
14	5940 GOLIAD AVE	LAHRMAN TERRA R
15	5946 GOLIAD AVE	LEWIS D W
16	5941 BELMONT AVE	NERI MICHAEL J JR &
17	5942 BELMONT AVE	ATWELL KRISTIN PAYNE
18	6002 BELMONT AVE	RAINEY DIONNE C & WILLIAM L JR
19	6006 BELMONT AVE	GRIMSLEY DANIEL M & TRISHA E
20	6010 BELMONT AVE	KENNEALLY ANNE MARIA &
21	6014 BELMONT AVE	ORLANDO JOSEPH &
22	6016 BELMONT AVE	BARNETT DANIEL S
23	6022 BELMONT AVE	GUTIERREZ ROMAN Z &