

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, NOVEMBER 20, 2019  
AGENDA

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

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

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**PUBLIC TESTIMONY**

Minutes

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**MISCELLANEOUS ITEM**

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Approval of the October 23, 2019 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA189-121(SL)</b>	1147 Ridgewood Drive <b>REQUEST:</b> Application of Nelson Eric Milan Tovar for a special exception to the side yard setback regulations for a carport, and for special exceptions to the visual obstruction regulations	1
<b>BDA189-132(SL)</b>	4107 Moler Street <b>REQUEST:</b> Application of Maribel Gutierrez for special exceptions for the handicapped to the front and side yard setback regulations for a carport	2

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## REGULAR CASES

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- BDA189-120(SL)** 6828 Kennison Drive 3  
**REQUEST:** Application of Ruben Hernandez for a variance to the front yard setback regulations, and for special exceptions to the visual obstruction regulations
- BDA189-129(SL)** 7030 Wildgrove Avenue 4  
**REQUEST:** Application of Marion Hicks, represented by Peter Kavanagh, for a variance to the front yard setback regulations, and for special exceptions to the fence standards regulations

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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:** BDA189-121(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Nelson Eric Milan Tovar for a special exception to the side yard setback regulations for a carport, and for special exceptions to the visual obstruction regulations at 1147 Ridgewood Drive. This property is more fully described as Lot 14, Block B/6245, and is zoned R-7.5(A), which requires a side yard setback of 5 feet, and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a carport and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulations for a carport, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 1147 Ridgewood

**APPLICANT:** Nelson Eric Milan Tovar

**REQUESTS:**

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

1. A special exception to the side yard setback regulations of 5' is made to maintain a carport located on the site's northern side property line or 5' into this 5' required side yard setback.
2. Special exceptions to the visual obstruction regulations are made to maintain an existing 4' high chain link fence located in the 20' visibility triangles on the north and south sides of the driveway into the site.

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:**

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

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

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION (side yard special exception):**

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests with the staff recommended condition imposed.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item (a 4' high chain link fence) to be maintained in the drive approach visibility triangles does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**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 (special exception side yard):**

- The special exception to the side yard setback regulations of 16' focuses on maintaining an approximately 350 square foot carport located on the site's northern side property line or 5' into this 5' required side yard setback.
- The subject site is zoned R-7.5(A) which requires a 5' side yard setback.
- The submitted site plan and elevations represent the size and materials of the carport, and its location in the site's northern 5' side yard setback.
- The submitted site plan represents the following:
  - The carport is approximately 32' in length and approximately 11' in width (approximately 350 square feet in total area) of which over half is located in the northern side yard setback.
- The submitted elevations represent the following:
  - 11' in height.
  - 32' 3" in length.
  - 18' in width.
  - New fiber cement siding at gable.
  - New APA-rated roof deck
  - Metal posts.
- The Board Administrator/Chief Planner conducted a field visit of the area approximately 200 feet north and south of the subject site and noted no other carports that appeared located in a side yard setback.
- As of November 8, 2019, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing the following:
  - that granting this special exception to the side yard setback regulations of 5' will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
  1. Compliance with the submitted site plan and elevations is required.
  2. The carport structure must remain open at all times.
  3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
  4. All applicable building permits must be obtained.
  5. No item (other than a motor vehicle) may be stored in the carport.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevations would limit the structure in the side yard setback to a carport as represented on these documents
- Granting this special exception will not provide any relief to any existing or proposed noncompliance on the site related to visual obstruction regulations.

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

- The requests for special exceptions to the visual obstruction regulations focus on maintaining an existing 4' high chain link fence located in the 20' visibility triangles on the north and south sides of the driveway into the site that is developed with a single family home use/structure.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in R-7.5(A) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation has been submitted indicating portions of a 4' high chain link fence located in the 20' visibility triangles on the north and west sides of the driveway into the site.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting these requests to maintain portions of a 4' high chain link fence located in the 20' visibility triangles on the north and south sides of the driveway into the site does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items in the two 20' drive approach visibility triangles into the site to that what is shown on these documents.
- Granting these special exceptions will not provide any relief to any existing or proposed noncompliance on the site related to side yard setback regulations.

**Timeline:**

August 5, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

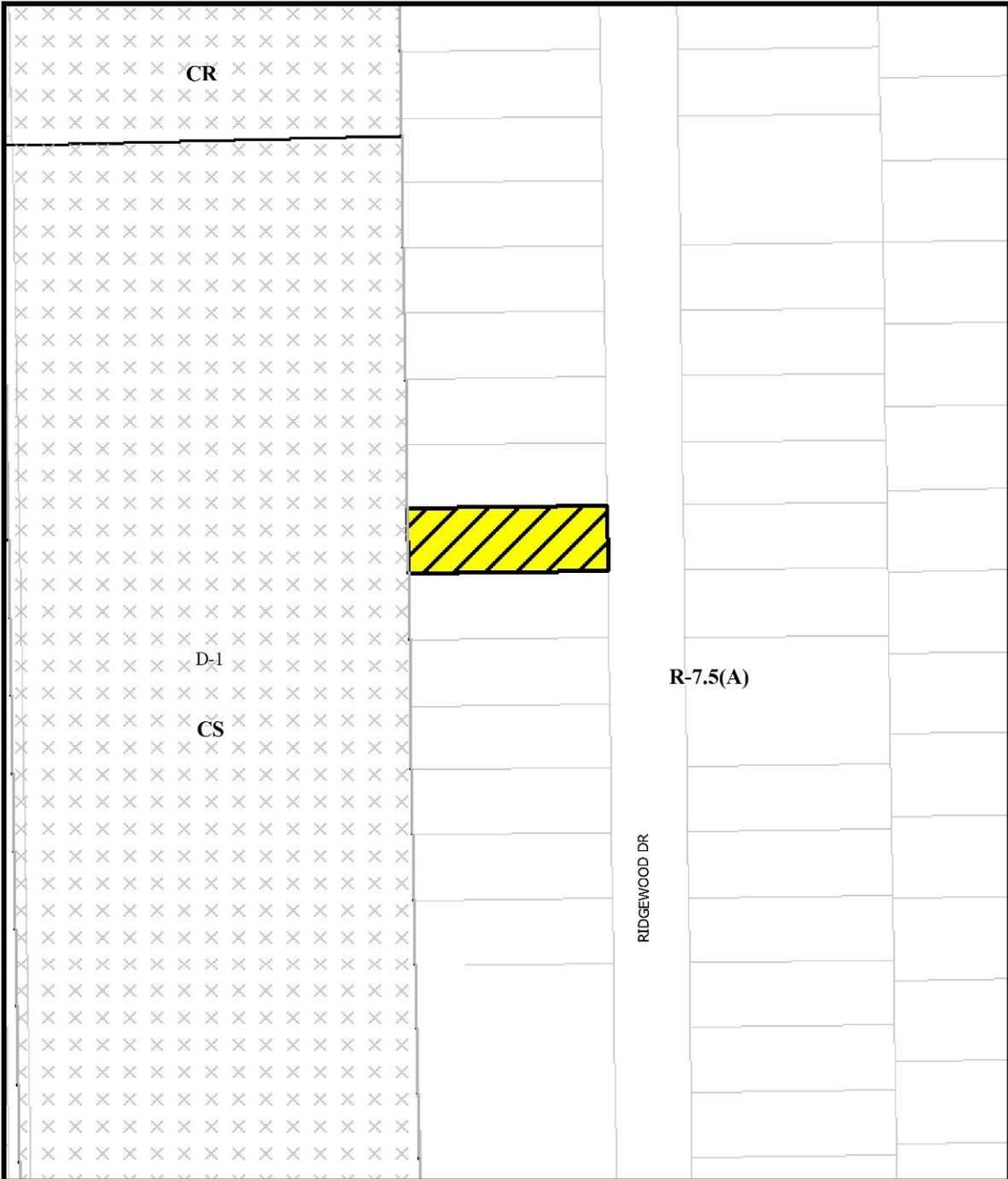
October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;

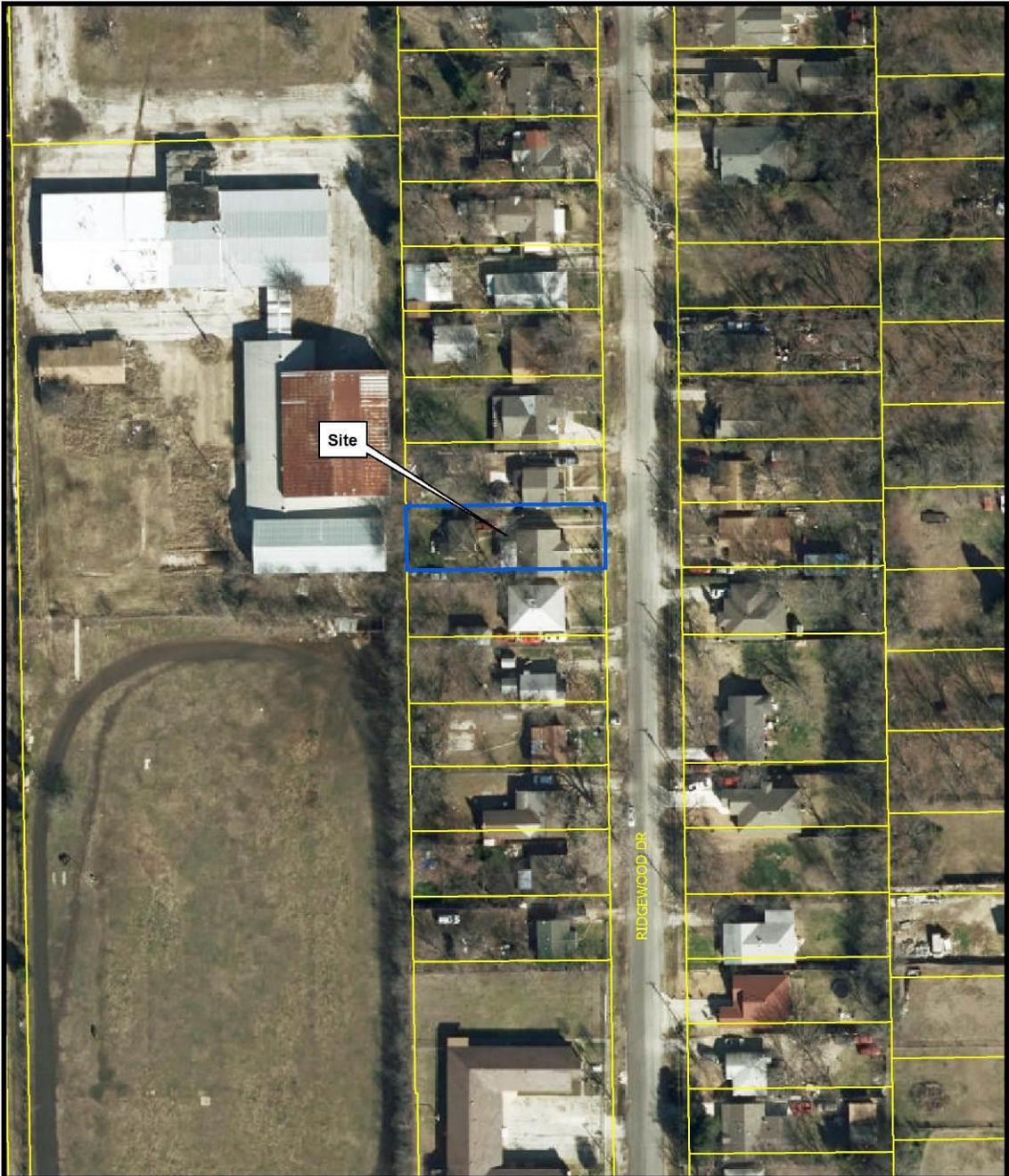
- an attachment that provided the public hearing date and panel that will consider the application; the October 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 8<sup>th</sup> deadline to submit additional evidence to be incorporated into 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."

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

November 5, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA189-121</u> Date: <u>10/15/2019</u>
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1:1,200

# AERIAL MAP

Case no: BDA189-121

Date: 10/15/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-121

Date: 8/5/19

Data Relative to Subject Property:

Location address: 1147 Ridgewood Zoning District: R-7.5(A)

Lot No.: 14 Block No.: B/6245 Acreage: 0.17 Census Tract: 93.01

Street Frontage (in Feet): 1) 49.6 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Nelson Eric Milan Tovar & Anapla Maria Reyes de Milan

Applicant: Nelson Eric Milan Tovar Telephone: 469-835-4553

Mailing Address: 1147 Ridgewood Dallas Tx Zip Code: 75217

E-mail Address: nelson.milan38@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of 5 feet to the required side yard setback to provide zero side yard obstruction regulations.

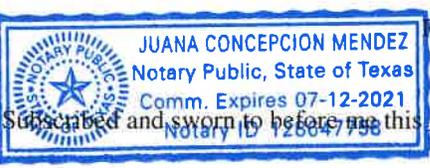
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Obtaining permit for carport - Carport was installed to park vehicles. the fence and gate were at the property when we purchased it.

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 Nelson Eric Milan Tovar (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: Nelson Eric Milan Tovar (Affiant/Applicant's signature)

5 day of August 2019

Juana C Mendez 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 Nelson Eric Milan Tovar

did submit a request for a special exception to the side yard setback regulations, and for a special exception to the visibility obstruction regulations

at 1147 Ridgewood Dr

BDA189-121. Application of Nelson Eric Milan Tovar for a special exception to the side yard setback regulations, and for a special exception to the visibility obstruction regulation at 1147 RIDGEWOOD DR. This property is more fully described as Lot 14, Block B/6245, and is zoned R-7.5(A), which requires a 20 foot visibility triangle at driveway approaches and requires side yard setback of 5 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 8/1/2019

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | <b>Dry Overlay</b>    | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| <b>Floodplain</b>    | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPD Overlay                    | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 10 Front Overlay           |
|                      |                                | Height Map Overlay    |                            |

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



6244

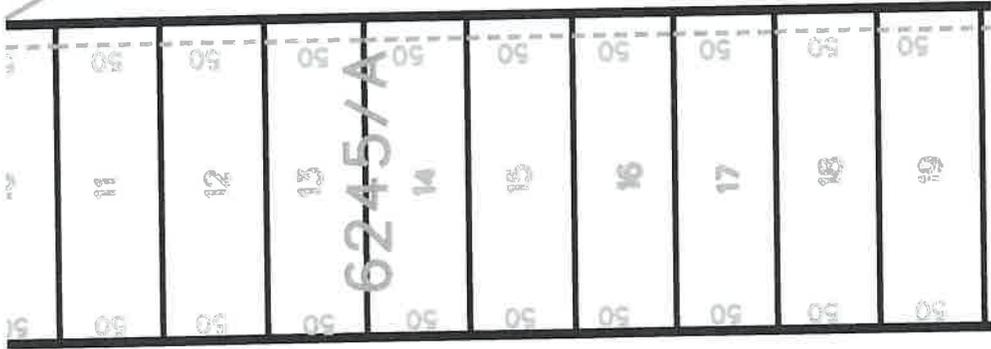
6. EASEMENT



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6. EASEMENT

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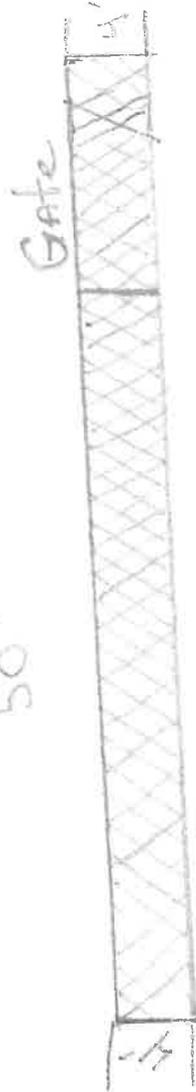


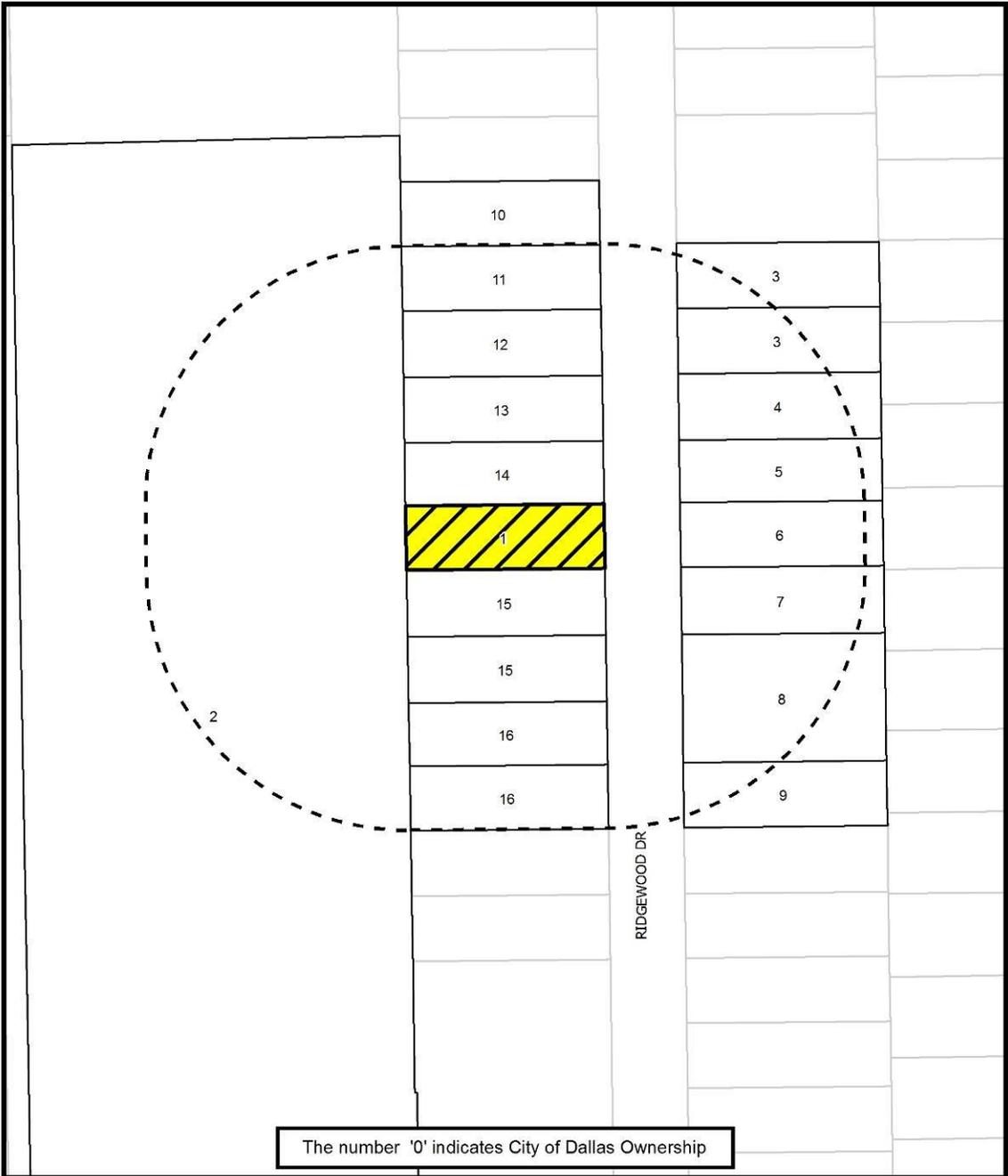


1" = 10'

4' Chain Link  
East Fence Elevation

50'





 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-121</u> Date: <u>10/15/2019</u>
200'	AREA OF NOTIFICATION					
16	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA189-121*

### *16 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1147 RIDGEWOOD DR	TOVAR NELSON ERIC MILAN &
2	6820 LAKE JUNE RD	FAITH KINGDOM CHURCH OF GOD
3	1210 RIDGEWOOD DR	DISCUA HOLLY LYNN
4	1202 RIDGEWOOD DR	SORIANO RICARDO
5	1150 RIDGEWOOD DR	SERRATOS INVESTMENTS LLC
6	1146 RIDGEWOOD DR	GONZALEZ JOEL & PATRICIA
7	1142 RIDGEWOOD DR	DIAZ MARCO
8	1134 RIDGEWOOD DR	DIAZ EFRAIN
9	1130 RIDGEWOOD DR	CARREON JOSE EDUARDO & MARTHA ALICIA
10	1215 RIDGEWOOD DR	RUIZ MIGUEL ANGEL &
11	1211 RIDGEWOOD DR	ESQUIVEL JOSE GUADALUPE BRABOZA
12	1207 RIDGEWOOD DR	BARBOSA JOSE G &
13	1203 RIDGEWOOD DR	CHACON ARNULFO ANTONIO
14	1151 RIDGEWOOD DR	SOTO ASHLEY ADILENE RENTERIA
15	1143 RIDGEWOOD DR	MECCA APRIL INC
16	1135 RIDGEWOOD DR	SPITZER MITZI MILLER

**FILE NUMBER:** BDA189-132(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Maribel Gutierrez for special exceptions for the handicapped to the front and side yard setback regulations for a carport at 4107 Moler Street. This property is more fully described as Lot 22, Block E/5107, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport structure and provide a 18 foot 8 inch front yard setback, which will require a 6 foot 4 inch special exception for the handicapped to the front yard setback regulations, and to construct and/or maintain a carport structure and provide a 0 foot side yard setback, which will require a 5 foot special exception for the handicapped to the side yard setback regulations.

**LOCATION:** 4107 Moler Street

**APPLICANT:** Maribel Gutierrez

**REQUESTS:**

The following requests have been made to maintain a carport structure on a site developed with a single family home:

1. A request for a special exception for the handicapped to the front yard setback regulations of 6' 4" is made to maintain this carport 18' 8" from the front property line or 6' 4" into the 25' front yard setback.
2. A request for a special exception for the handicapped to the side yard setback regulations of 5' is made to maintain this carport on the site's eastern side property line or 5' into the 5' side yard setback.

**STANDARD FOR A SPECIAL EXCEPTION FOR THE HANDICAPPED:** Section 51A-1.107.(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person," means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception for the handicapped since the basis for this type of appeal is when the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

**Zoning:**

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

### **Land Use:**

The subject site is developed with a single family home. The area to the north, east, west and south 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 requests for special exceptions for the handicapped to the front and side yard setback regulations focus on maintaining an approximately 460 square foot carport that is located 18' 8" from the front property line or 6' 4" into the 25' front yard setback and on the site's eastern side property line or 5' into the 5' side yard setback on a site developed with a single family home/use.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback and a 5' side yard setback.
- The submitted site plan represents that the carport is located 18' 8" from the front property line or 6' 4" into the 25' front yard setback and on the site's eastern side property line or 5' into the 5' side yard setback on a site developed with a single family home/use.
- Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person," means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.
- A copy of the "handicap" definition from this act was provided to the Board Administrator by the City Attorney's Office. Section 3602 of this act states the following:
  - “(h) “Handicap” means, with respect to a person -
    1. a physical or mental impairment which substantially limits one or more of such person's major life activities,
    2. a record of having such an impairment, or
    3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”

- Unlike most requests where the board is considering a structure that encroaches into a setback via a variance (where property hardship must be demonstrated) or a carport that encroaches into a front or side yard setback (where the applicant must show how the carport will not have a detrimental impact on surrounding properties and how there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space), the board is to consider these special exceptions for the handicapped request solely on whether they conclude that the special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- The applicant has the burden of proof in establishing the following:
  - The special exceptions (which in this case are requested to maintain a carport in the front and side yard setbacks) is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
  - there is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.
- If the Board were to grant the requests and impose conditions that compliance with the submitted site plan is required, and that the special exceptions expire when a handicapped person no longer resides on the property, the structure could be maintained in the location shown on the submitted site plan in the front and side yard setbacks for as long as the applicant or any other handicapped person resides on the site.

**Timeline:**

September 19, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

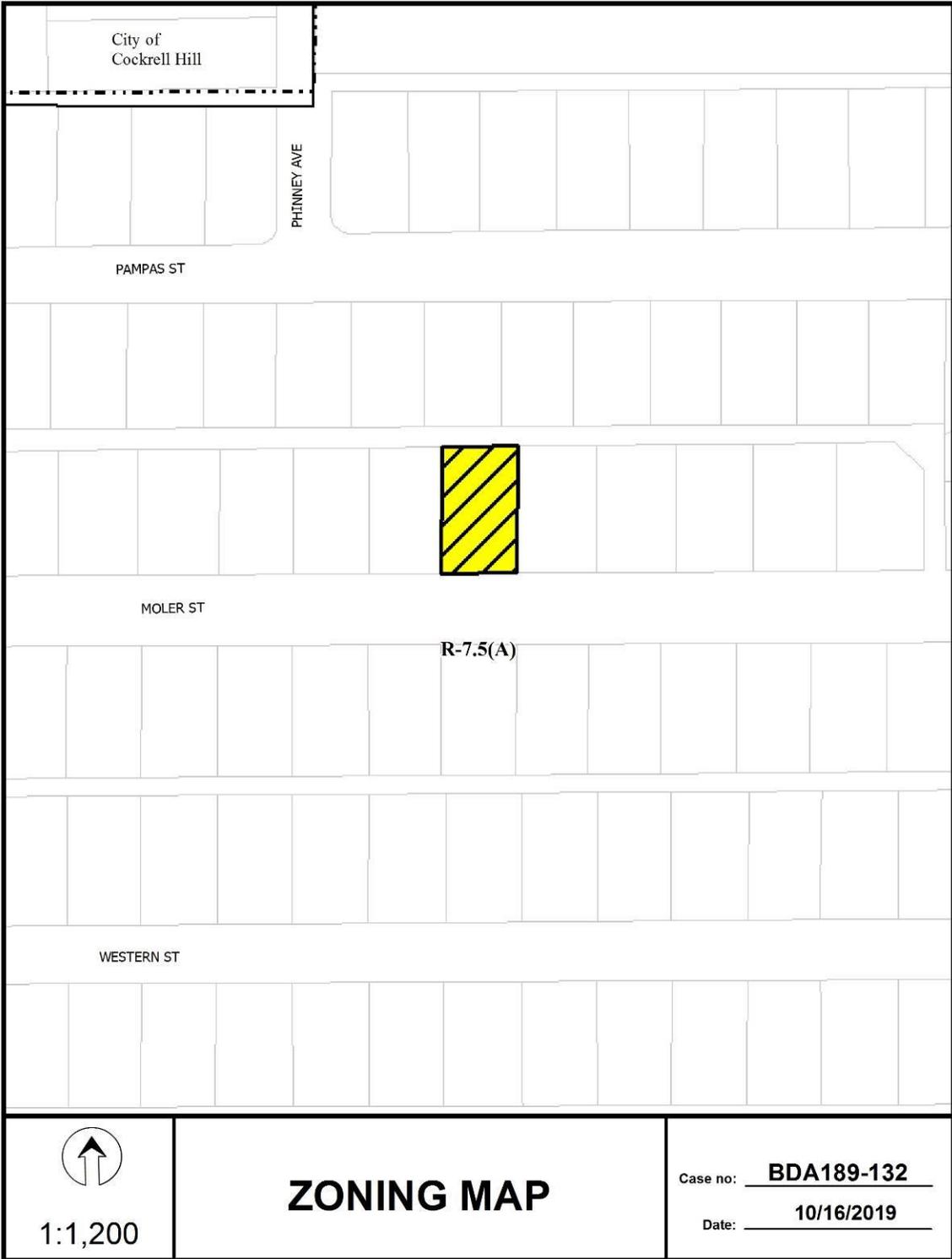
October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

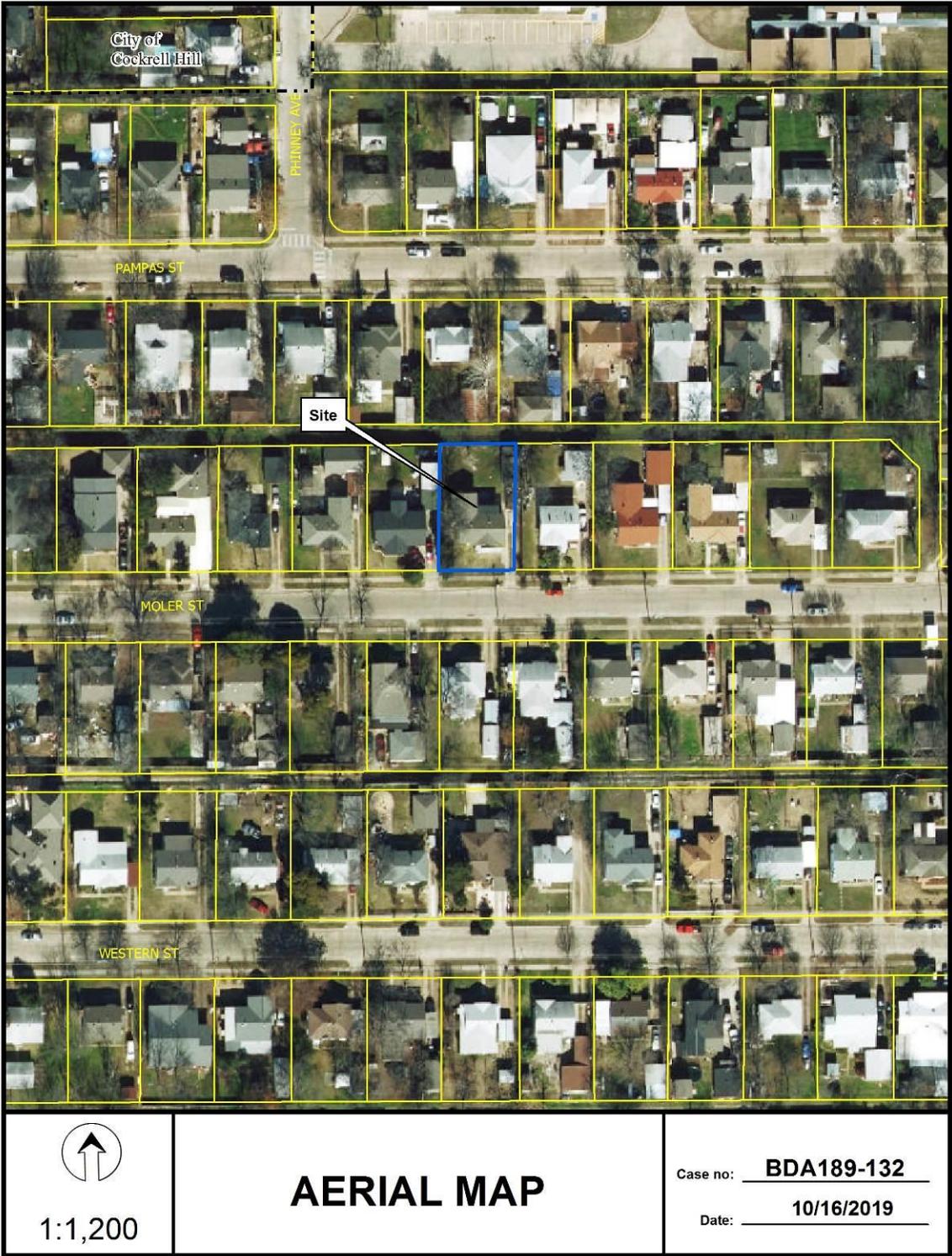
October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 8<sup>th</sup> 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 requests;
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- A copy of the “handicap” definition from the Federal Fair Housing Amendments Act of 1988.

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

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







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-132

Date: 9-19-19

Data Relative to Subject Property:

Location address: 4107 Moler St Zoning District: R-7.5

Lot No.: 22 Block No.: E/5107 Acreage: .145 Census Tract: 65.01

Street Frontage (in Feet): 1) 25 63' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Maribel Gutierrez / Pascual Gutierrez

Applicant: Maribel Gutierrez Telephone: 214 809-2703

Mailing Address: 4107 Moler St. Zip Code: 75211

E-mail Address: lucia.esquivel78@gmail.com

Represented by: Maribel Gutierrez Telephone: 214 809-2703

Mailing Address: 4107 Moler St. Zip Code: 75211

E-mail Address: lucia.esquivel78@gmail.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of to the side yard setback to afford a handicapped person equal opportunity to use and enjoy a dwelling

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:

To protect the handicapped person from the elements when entering and exiting the home and the vehicle

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.

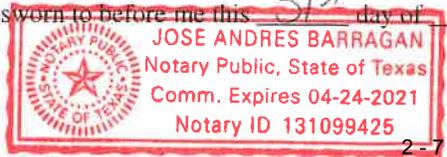
Affidavit

Before me the undersigned on this day personally appeared Maribel Gutierrez  
(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 31st day of August, 2019



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

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 Maribel Gutierrez

did submit a request for a special exception to the front yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling  
at 4107 Moler Street

BDA189-132. Application of Maribel Gutierrez for a special exception to the front yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling at 4107 MOLER ST. This property is more fully described as Lot 22, Block E/5107, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a single family residential carport structure and provide a 18 foot 8 inch front yard setback, which will require a 6 foot 4 inch special exception to the front yard setback regulation, and to construct and maintain a single family residential carport structure and provide a 0 foot side yard setback, which will require a 5 foot special exception to the side yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 9/13/2019

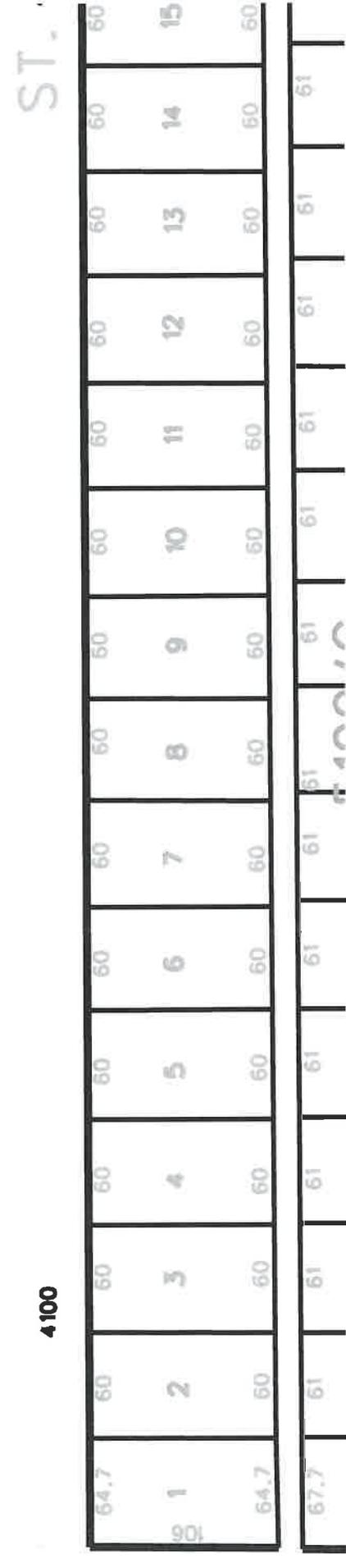
### Legend

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

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

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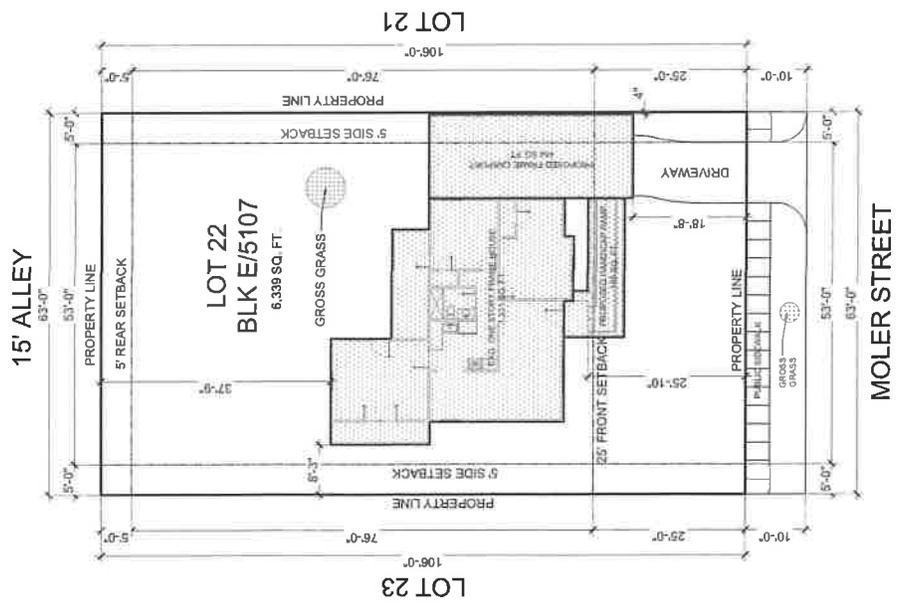
106  
106



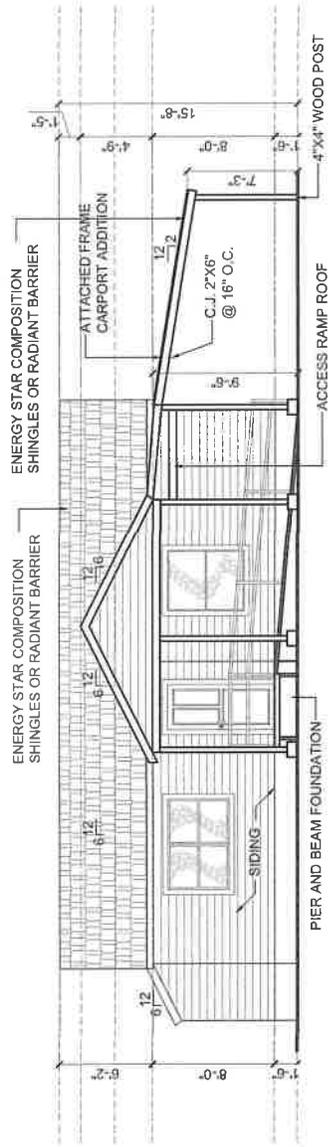
**VICINITY R-7.5(A)**

AREA DISTRIBUTION	
EXG. ONE STORY FRAME HOUSE	1,231 SQ. FT.
PROPOSED HANDICAP RAMP	165 SQ. FT.
PROPOSED FRAME CARPORT	464 SQ. FT.
LOT AREA	6,339 SQ. FT.
TOTAL COVERAGE	29.34 %
MAX COVERAGE	45 %

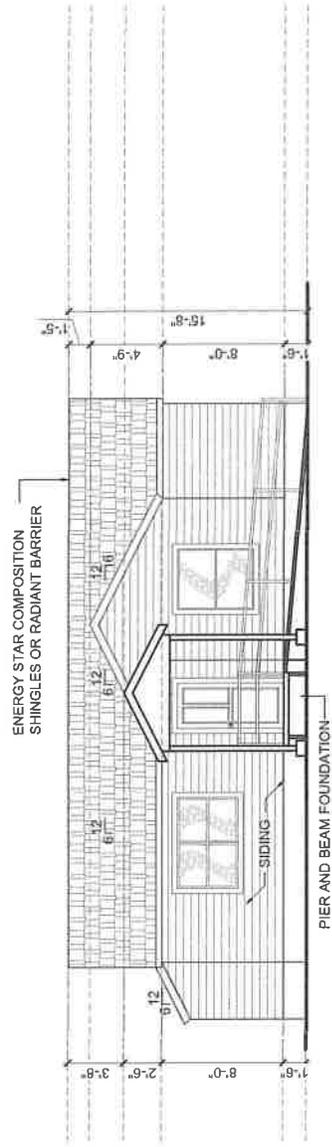
- LEGAL DESCRIPTION:**
1. WESTERN HILLS
  2. BLK E/5107 LOT 22
  - 3.
  4. DIV97-07759-R EF062691 CO-DALLAS
  5. 5107 00E 02200 2005107 00E
  6. 4107 MOLER ST. DALLAS TX. 75211



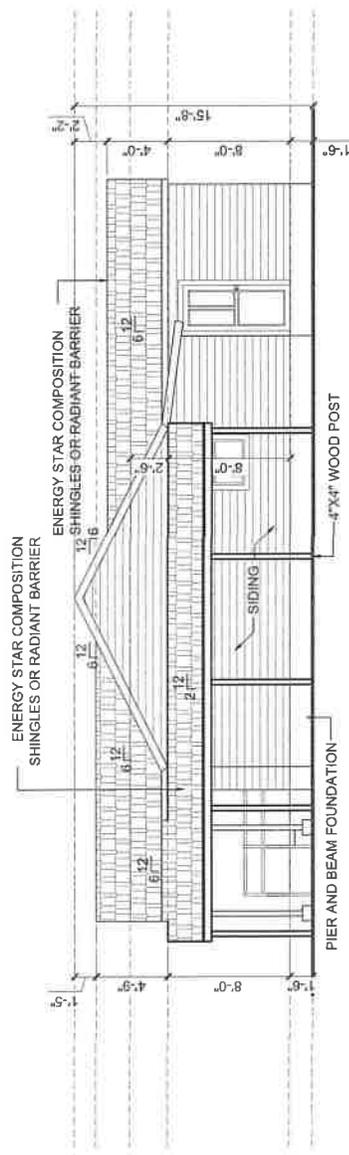
**SITE PLAN**  
 SCALE 1" = 20'



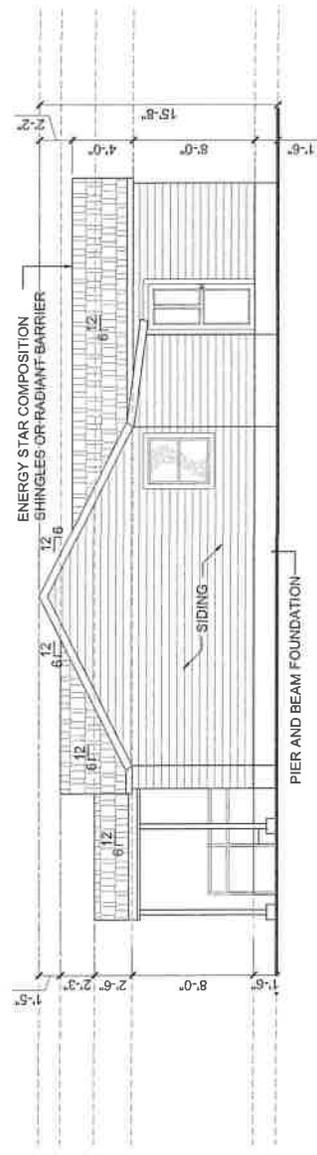
**PROPOSED FRONT ELEVATION**  
 SCALE 1/8" = 1'-0"



**EXISTING FRONT ELEVATION**  
 SCALE 1/8" = 1'-0"



**PROPOSED RIGHT ELEVATION**  
 SCALE 1/8" = 1'-0"



**EXISTING RIGHT ELEVATION**  
 SCALE 1/8" = 1'-0"



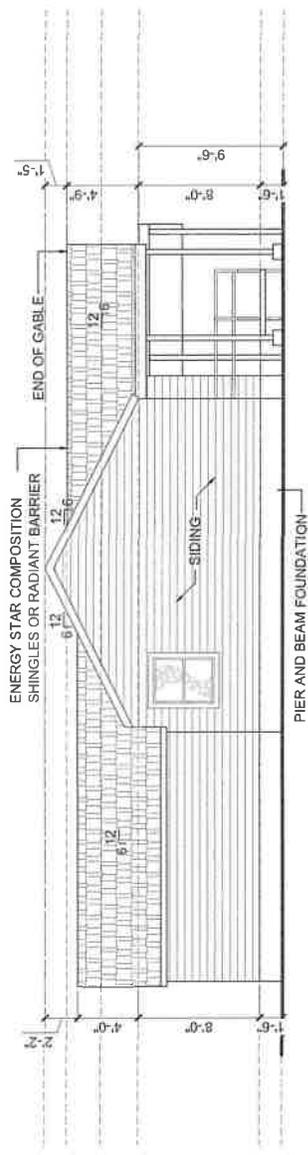
**AllAboutPermits**  
 Drafting and Design + Permit Expediting  
 Ruth Solorzano (214)970-0789

allaboutpermits@outlook.com

ADDRESS:  
 4107 MOLER ST.  
 DALLAS TX.  
 75211

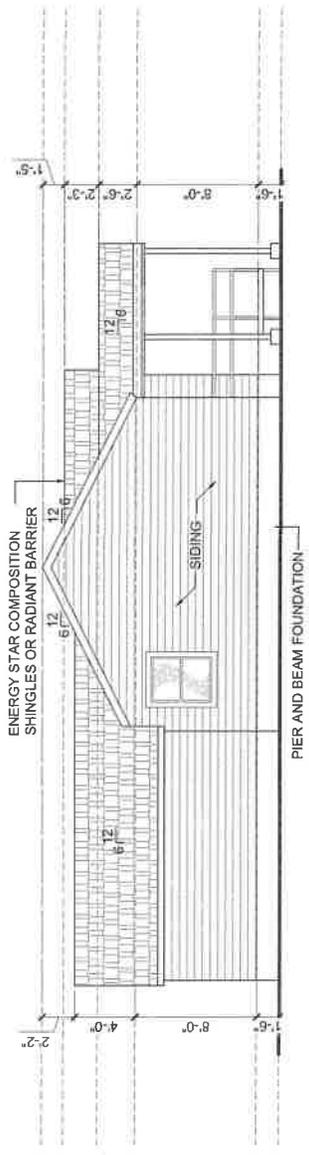
USE:	RESIDENTIAL
DRAWN BY:	ALLABOUTPERMITS
DATE:	08/02/2019
PLAN:	ELEVATIONS
SCALE:	1/8" = 1'-0"

**A06**



**PROPOSED LEFT ELEVATION**

SCALE 1/8" = 1'-0"

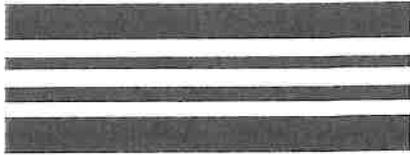


**EXISTING LEFT ELEVATION**

SCALE 1/8" = 1'-0"



PERMANENT DISABLED PLACARD RECEIPT



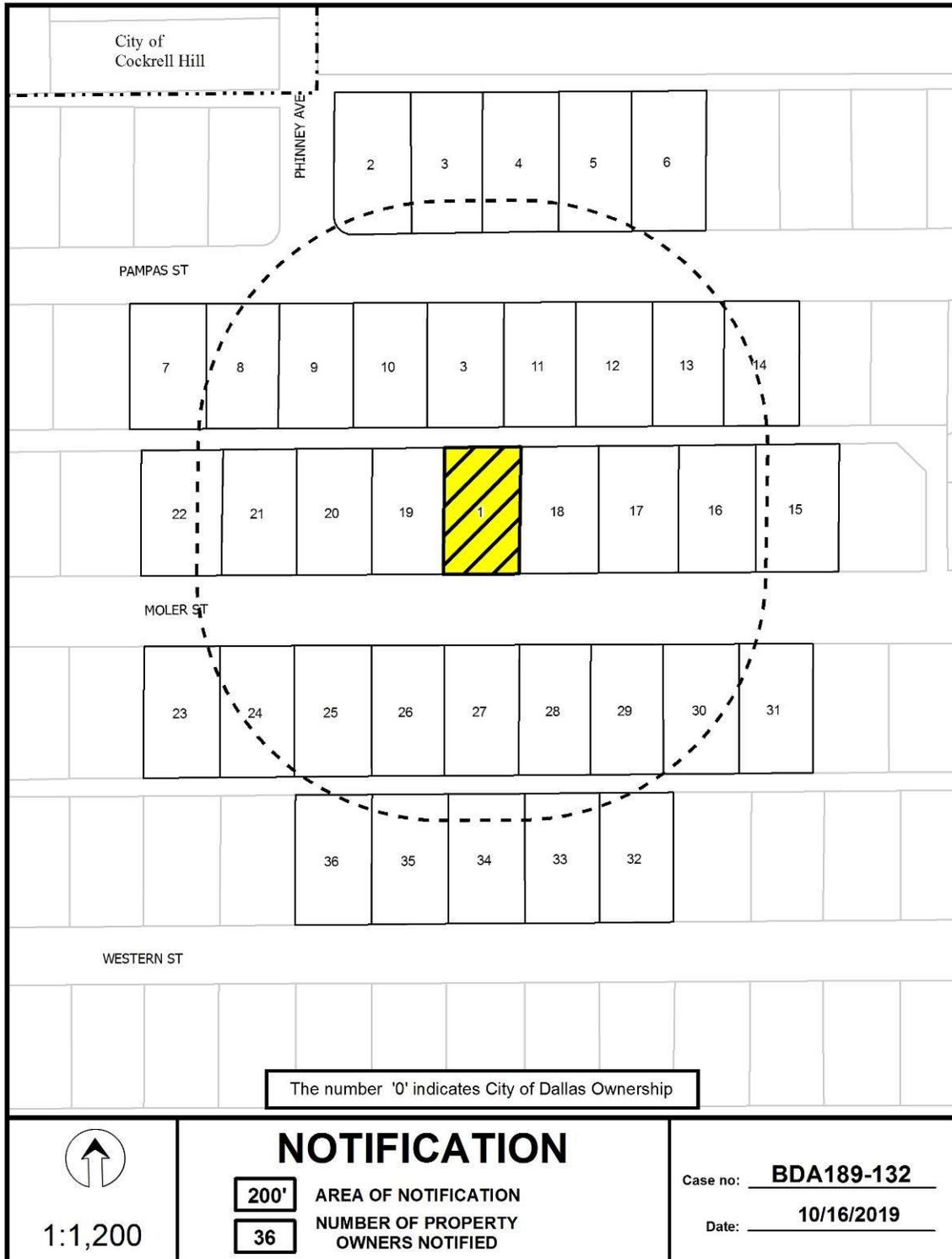
COUNTY: DALLAS  
PLACARD: B06336321P

TAC NAME: JOHN R. AMES  
DATE: 09/18/2019  
TIME: 09:55AM  
EMPLOYEE ID: 09C2791      TRANSACTION ID: 05746843724095512  
EXPIRATION DATE: 09/2023

DISABLED PERSON NAME AND ADDRESS  
ERICK J GUTIERREZ  
4107 MOLER ST  
DALLAS, TX 75211

INVENTORY ITEM(S)	YR	FEE ASSESSED	TOTAL	\$	0.00
BLUE DISABLED PLACARD					
METHOD OF PAYMENT AND PAYMENT AMOUNT					
			CASH \$		0.00

PLEASE RETAIN THIS RECEIPT FOR YOUR RECORDS.



## *Notification List of Property Owners*

### *BDA189-132*

#### *36 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4107 MOLER ST	GUTIERREZ MARIBEL
2	4049 PAMPAS ST	CASAS JESUS
3	4045 PAMPAS ST	CASAS GUADALUPE
4	4039 PAMPAS ST	HERNANDEZ DANIEL & MARIA E MARTINEZ
5	4035 PAMPAS ST	GUTIERREZ MARIE M
6	4031 PAMPAS ST	DEMENDOZA ARACELI AGUILAR
7	4106 PAMPAS ST	MARTINEZ SOLOME M
8	4102 PAMPAS ST	RANGEL JUAN P & ISABEL
9	4100 PAMPAS ST	CARPENTER DORIS EUGENIA &
10	4048 PAMPAS ST	MARTINEZ ERASMO & MARIA
11	4038 PAMPAS ST	VILLARREAL ESTELLA
12	4034 PAMPAS ST	ORTIZSANCHEZ SERAFIN &
13	4030 PAMPAS ST	PENA HERMINIA & JUAN
14	4024 PAMPAS ST	FLORES ERASMO
15	4033 MOLER ST	HARRELL AUDREY C
16	4037 MOLER ST	ROJAS RAQUEL
17	4043 MOLER ST	MALDONADO LAURENTINO M &
18	4103 MOLER ST	ESPINO ANTONIO
19	4113 MOLER ST	TORRES MARSELINO
20	4117 MOLER ST	CERDA SAN JUAN
21	4123 MOLER ST	MEDINA HUGO
22	4127 MOLER ST	MARTINEZ JOSE
23	4130 MOLER ST	LOPEZ JUAN
24	4126 MOLER ST	MUNOZ RODRIGO & MARIA
25	4120 MOLER ST	VALENZUELA GRACIELA &
26	4116 MOLER ST	COMPIAN FRANCISCO &

10/16/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4110 MOLER ST	ROLES GERARDO VILLEGAS &
28	4106 MOLER ST	HERRERA JOSE &
29	4102 MOLER ST	MALDONADO LAURENTINO M &
30	4040 MOLER ST	MONCADA RICARDO & MARIA C
31	4034 MOLER ST	ROBLES BRENDA
32	4103 WESTERN ST	LAUREANO DANIEL JR
33	4107 WESTERN ST	RAMIREZ SERGIO H &
34	4113 WESTERN ST	CUELLAR LUIS A
35	4117 WESTERN ST	ZUNIGA JUAN E
36	4123 WESTERN ST	MILLER MELISSA DAWN

**FILE NUMBER:** BDA189-120(SL)

**BUILDING OFFICIAL'S REPORT:** - Application of Ruben Hernandez for a variance to the front yard setback regulations, and for special exceptions to the visual obstruction regulations at 6828 Kennison Drive. This property is more fully described as Lot 12, Block 18/5818, and is zoned R-7.5(A), which requires a front yard setback of 25 feet, and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a structure and provide a 7 foot setback, which will require a 18 foot variance to the front yard setback regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 6828 Kennison Drive

**APPLICANT:** Ruben Hernandez

**REQUESTS:**

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

1. A request for a variance to the front yard setback regulations of 18' is made to maintain a carport structure attached to an existing one-story single family home located 7' from the front property line or 18' into the 25' front yard setback.
2. Special exceptions to the visual obstruction regulations are made to maintain an existing 4' high wrought iron fence located in the 20' visibility triangles on the east and west sides of the two driveways into the site.

**STANDARD FOR A VARIANCE:**

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

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

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION (variance):**

Denial

Rationale:

- Staff concluded that the request should be denied because the applicant had not provided documentation to address the following components of the variance standard:
  1. how granting the variance would not be contrary to public interest;
  2. how the variance was necessary to permit development of this parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope (in this case, a site that is flat, somewhat irregular in shape, and 0.231 acres or approximately 10,000 square foot lot or approximately 2,500 square feet larger in area than the standard sized lot in this R-7.5(A) zoning district) that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning where in this application, features of the site have allowed it to be developed with a single family home and a covered parking structure (carport) that appear to comply with setbacks; and
  3. how granting this request would not be to relieve a self-created or personal hardship, nor for financial reasons only.

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that the requests for special exceptions to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item (an existing 4' high wrought iron fence) to remain located in the visibility triangles at the drive approaches into the site do not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

1. BDA189-119, Property at 6827 Kennison Drive (the lot north of the subject site) On October 22, 2019, the Board of Adjustment Panel A denied a request for a variance to the front yard setback regulations of 15' with prejudice. The case report stated the request was made to maintain a carport structure attached to an existing one-story single family home located 10' from the front property line or 15' into the 25' front yard setback.

**GENERAL FACTS /STAFF ANALYSIS:**

- This request for variance to the front yard setback regulations of 18' focuses on maintaining an approximately 300 square foot carport structure attached to a one-story, approximately 1,500 square foot single family home structure located 7' from the site's front property line or 18' into the 25' front yard setback.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The submitted site plan represents a carport structure located 7' from the front property line or 18' into this 25' front yard setback.
- According to DCAD records, the "main improvement" listed for property addressed at 6828 Kennison Drive is home built in 1949 with 1,491 square feet of living area/total area, and "additional improvements" of a 480 square foot detached garage, a 400 square foot detached carport, and a 200 square foot detached carport.
- The subject site is flat, somewhat irregular in shape, and is, according to the application, 0.231 acres (or approximately 10,000 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The site plan represents that most of the carport structure is located in the front yard setback but none of the single family home is located in this setback.
- The applicant was advised by staff of two options in making a request of the Board to maintain the existing carport located in the front yard setback: a variance or a special exception. The applicant chose to make the application for a variance.

- The applicant has submitted a document indicating the following: the subject site is 11,073 square feet; the average structure size of 9 other homes in the zoning district is 1,620 square feet where the structure size on the site is 1,491 square feet; and the average of lot size of 9 other homes in the zoning district is 17,246 square feet where the lot size of the site is 11,073 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 R-7.5(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-7.5(A) zoning classification.
- If the Board were to grant the variance 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 in this case is a carport structure that is located 7' from the site's front property line (or 18' into the 25' front yard setback).

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

- The requests for special exceptions to the visual obstruction regulations focus on maintaining an existing 4' high wrought iron fence located in the 20' visibility triangles on the east and west sides of the driveways into the site that is developed with a single family home use/structure.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in R-7.5(A) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.

- A site plan has been submitted representing portions of a “4’ high wrought iron fence” located in the 20’ visibility triangles on the east and west sides of the driveways into the site.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing how granting these requests to maintain portions of a 4’ high wrought iron fence located in the 20’ visibility triangles on the east and west sides of the driveways into the site does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan would limit the item in the two 20’ drive approach visibility triangles into the site to that what is shown on this document.
- Granting these special exceptions will not provide any relief to any existing or proposed noncompliance on the site related to front yard setback regulations.

**Timeline:**

August 8, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

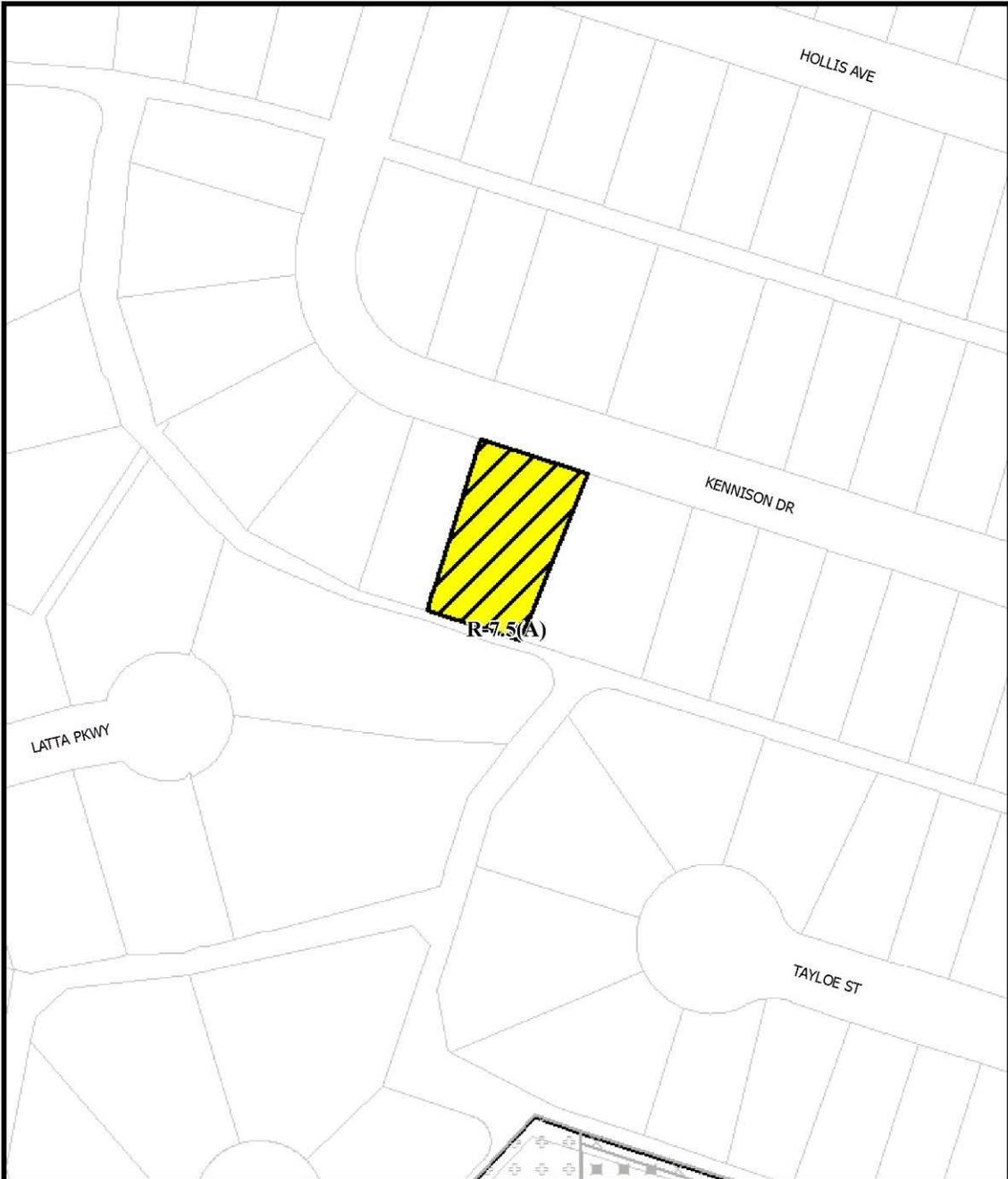
October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 8<sup>th</sup> 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.”

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the

Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

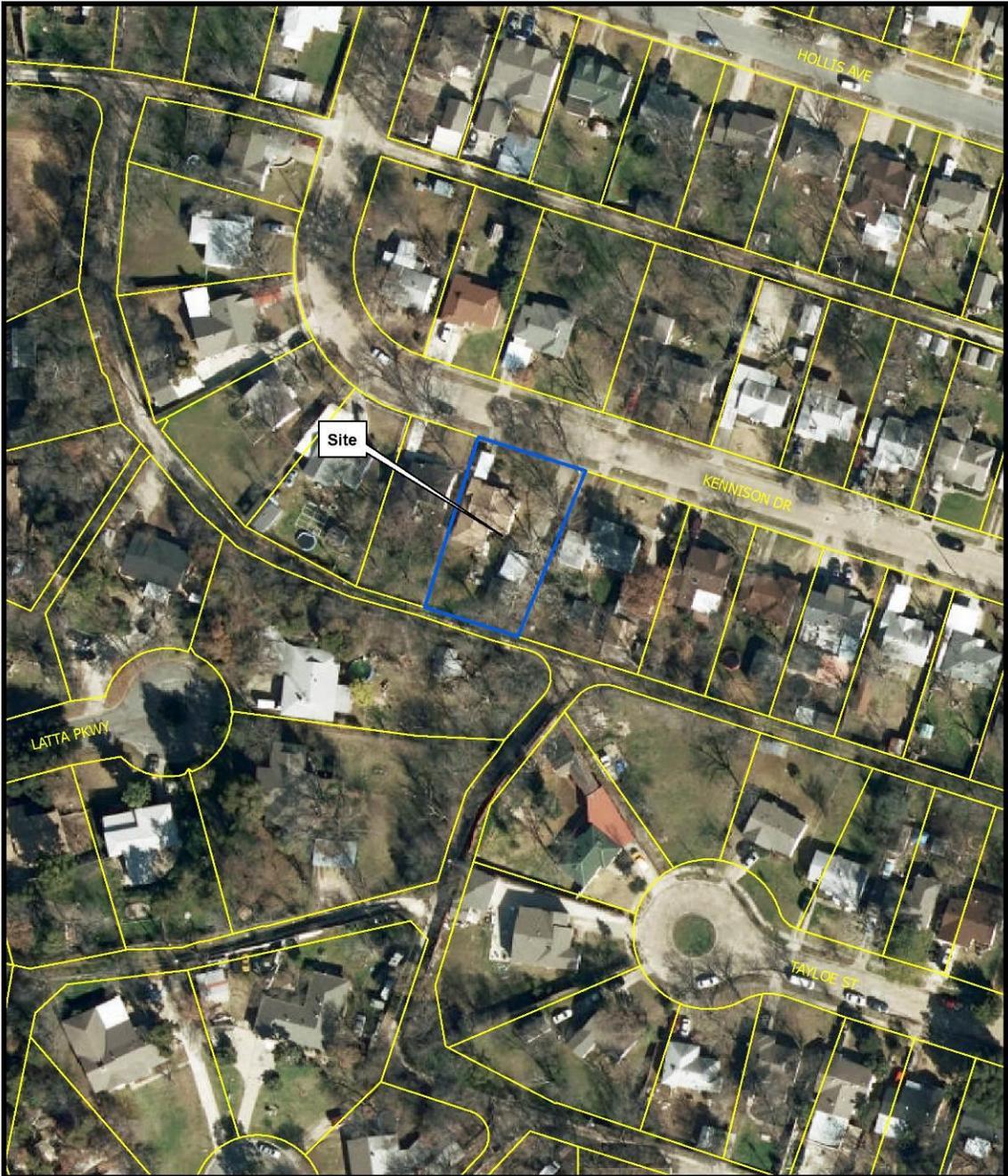
November 5, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".



1:1,200

# ZONING MAP

Case no: BDA189-120  
Date: 10/16/2019



1:1,200

# AERIAL MAP

Case no: BDA189-120

Date: 10/16/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-120

Data Relative to Subject Property:

Date: 8-8-19

Location address: 6828 Kennison Dr. Zoning District: R7.5A

Lot No.: 12 Block No.: 18/5818 Acreage: .231 Census Tract: 84.00

Street Frontage (in Feet): 1) 84' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ruben Hernandez + SAN JUANA HERNANDEZ

Applicant: Ruben Hernandez Telephone: 469-233-0753

Mailing Address: 6828 Kennison Dr Zip Code: 75227

E-mail Address: h.sanjana171@gmail.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: ~~6828 Kennison Dr~~ Zip Code: ~~75227~~

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance , or Special Exception \_\_\_\_\_, of Permisio de Carport 18' to the required 25' EYSB + provide a 7' EYSB + 20'x20' vis. triangle.

To allow carport on front yard setback (10 ft)

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:

Needed to protect vehicles from damage

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 Ruben Hernandez  
(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: Ruben Hernandez  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 3 day of July, 2019



Viviana Serrano  
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 RUBEN HERNANDEZ

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

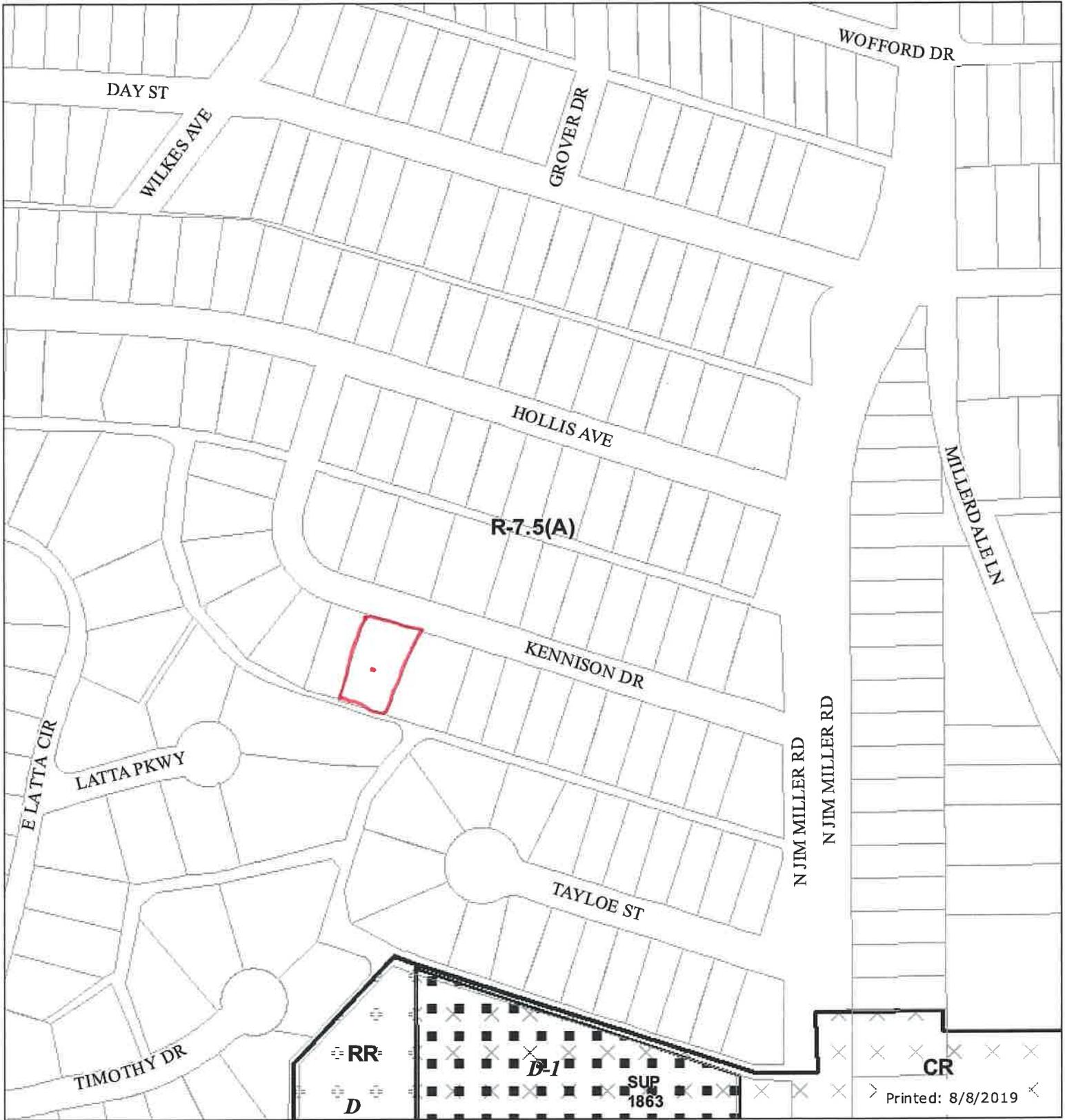
at 6828 Kennison Drive

BDA189-120. Application of RUBEN HERNANDEZ for a variance to the front yard setback regulations, and for a special exception to the visibility obstruction regulations at 6828 KENNISON DR. This property is more fully described as Lot 12, Block 18/5818, and is zoned R-7.5(A), which requires a 20 foot visibility triangle at driveway approaches and requires a front yard setback of 25 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required front yard and provide a 7 foot setback, which will require a 18 foot variance to the front yard setback regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 8/8/2019

*R-H*

**Legend**

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

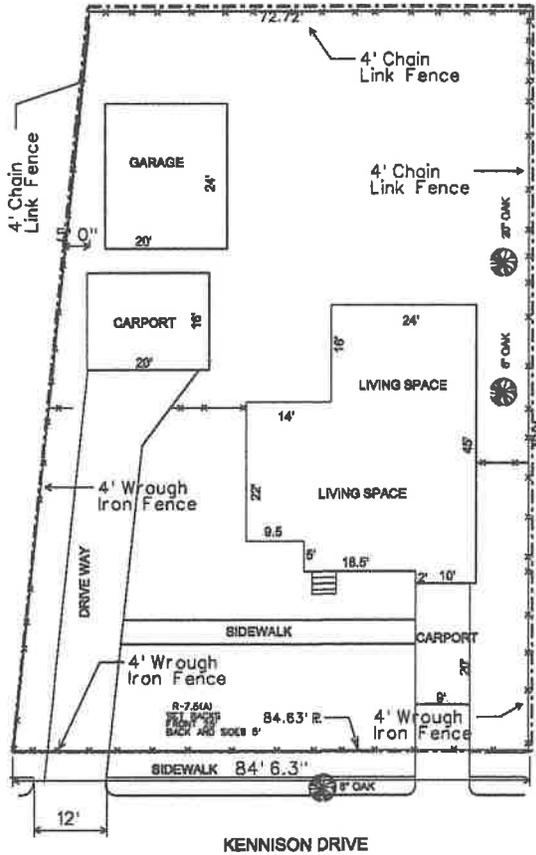
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





R-H

6828 kennison Drive  
 Dallas, Texas 75227



KENNISON DRIVE

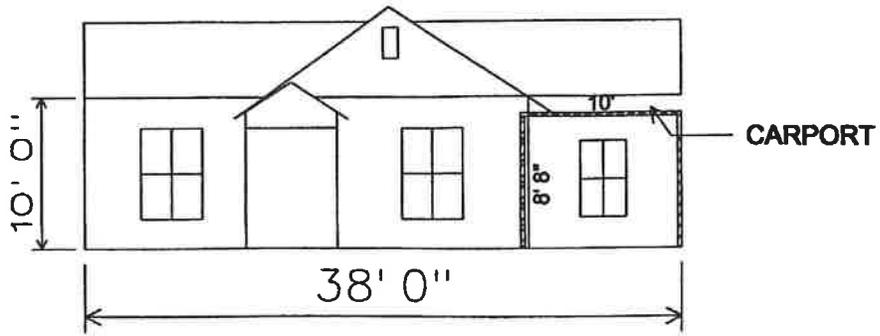
1111111



**SITE PLAN**

Lot 12, Block 18/5818

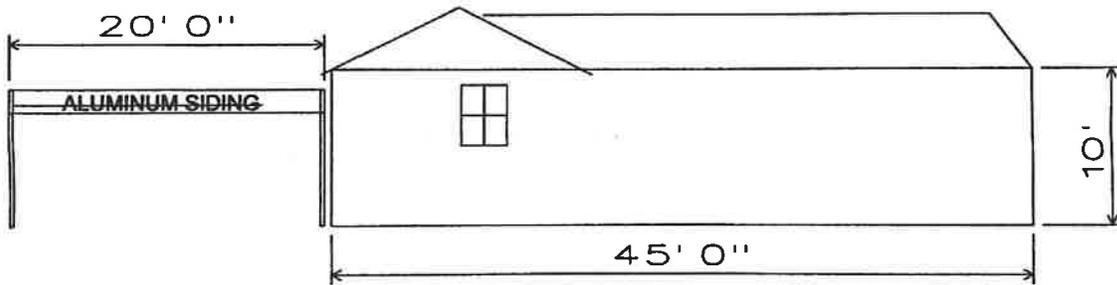
SCALE	DATE
1"=20'	JUNE 2019



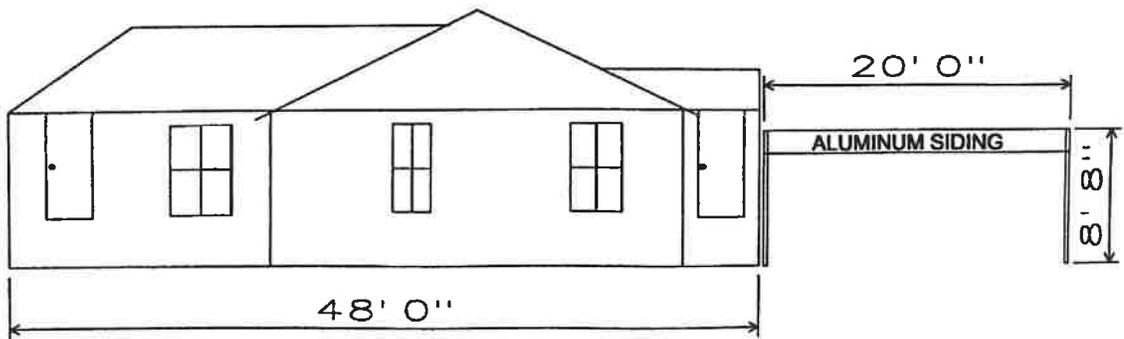
**FRONT**

**BODY OF HOUSE  
STUCCO SIDING**

**COMPOSITION ROOF**



**WEST SIDE**



**EAST SIDE**

**ELEVATIONS**

6828 kennison Drive  
Dallas, Texas 75227

Lot 12, Block 18/5818		
<b>SCALE</b>		<b>DATE</b>
1/8"=1'		JUNE 2019

6828 Kennison Dr

- 1) Zoning is R7.5A - Requires a lot to b a minimum of 7,500 sq. ft; my lot is only 11,073 sq. ft.
- 2) Average structure size is 1,620 sq. ft; my structure size is only 1,491 sq. ft.
- 3) Average lot size is 17,246 sq. ft; my lot size is only 11,073 sq. ft.

Address	Street	Lot Size (sq. ft.)	Structure Size (sq. ft.)
6821	Latta Pkwy	14234	1880
6824	Latta Pkwy	26996	1883
6827	Latta Pkwy	24697	1608
6902	Tayloe St	13579	1725
6903	Tayloe St	12419	1008
6906	Tayloe St	11683	1133
6831	Timothy Dr	14313	1450
6837	Timothy Dr	16688	1852
6841	Timothy Dr	20605	2048



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA189-120</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>10/16/2019</b>

# *Notification List of Property Owners*

## *BDA189-120*

### *27 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6828 KENNISON DR	HERNANDEZ RUBEN &
2	6821 LATTA PKWY	RAMIREZ JESUS J &
3	6827 LATTA PKWY	PLOCK ROBERT A
4	6824 LATTA PKWY	SMITH SHELLIE BAMBI
5	6806 HOLLIS AVE	MUNOZ CIRILO &
6	6810 HOLLIS AVE	PEREZ HEBER R
7	6816 HOLLIS AVE	L P DOMESTICA LTD
8	6820 HOLLIS AVE	MARTINEZ AURORA
9	6911 KENNISON DR	ZAVALA REFUGIO & HERMINIA
10	6907 KENNISON DR	SANTANA FRANCISCO
11	6903 KENNISON DR	HINTON IRMA MANRIQUEZ
12	6833 KENNISON DR	HERNANDEZ RUBEN & SANJUANA
13	6827 KENNISON DR	HERNANDEZ SANJUANA
14	6821 KENNISON DR	MARTINEZ RAMON M
15	6817 KENNISON DR	ORTA FELIX
16	6910 KENNISON DR	NUNO MONICA
17	6906 KENNISON DR	LOUNG&LI LLC
18	6902 KENNISON DR	GONZALEZ JAIME & MARIA S
19	6834 KENNISON DR	HERNANDEZ RUBEN ACOSTA &
20	6822 KENNISON DR	HERNANDEZ SANJUANA & RUBEN ACOSTA
21	6818 KENNISON DR	VASQUEZ JUAN & ELISEA
22	6814 KENNISON DR	WINDHAM CHARLES R
23	6810 KENNISON DR	GONZALEZ JAIME &
24	6806 KENNISON DR	GONZALEZ JAIME & MARIA S
25	6907 TAYLOE ST	ESCOBEDOGONZALEZ LUCAS
26	6903 TAYLOE ST	GONZALEZ MARIO ARTURO

10/16/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6902 TAYLOE ST	MARROQUIN LUGARDO

**FILE NUMBER:** BDA189-129(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Marion Hicks, represented by Peter Kavanagh, for a variance to the front yard setback regulations, and for special exceptions to the fence standards regulations at 7030 Wildgrove Avenue. This property is more fully described as Lot 7, Block G/2813, and is zoned R-7.5(A), which requires a front yard setback of 25 feet, limits the height of a fence in the front yard to 4 feet, and prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a structure and provide a 13 foot front yard setback, which will require a 12 foot variance to the front yard setback regulations, to construct and/or maintain a 9 foot 6 inch high fence in a required front yard, which will require a 5 foot 6 inch special exception to the fence standards regulations, and to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

**LOCATION:** 7030 Wildgrove Avenue

**APPLICANT:** Marion Hicks  
Represented by Peter Kavanagh

**REQUESTS:**

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

1. A request for a variance to the front yard setback regulations of up to 12' is made to construct and maintain two structures in the 25' front yard setback: a 7' high, approximately 80 square foot "planter" structure, and a stair structure (approximately 130 square feet in area and reaching 7' in height) that would be located as close as 13' from the site's front property line or as much as 12' into the 25' front yard setback.
2. A request for a special exception to the fence standards regulations related to the fence height of 5' 6" is made to construct and maintain a 9' 6" high gabion (concrete) fence with a 9' 6" high, 4' wide wrought iron pedestrian gate fence in the site's front yard setback.
3. A request for a special exception to the fence standards regulations related to fence material is made to construct and maintain a corten steel/metal fence on the property.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height,

minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:**

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

**STAFF RECOMMENDATION (variance):**

Denial

Rationale:

- Staff concluded that the request should be denied because the applicant had not provided documentation to address the following components of the variance standard:
  1. how the variance was necessary to permit development of this parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope (in this case, a site that while sloped and virtually triangular in shape, is slightly larger at approximately 7,700 square feet in area that other lots zoned R-7.5(A)), that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning (the applicant provided no information related to this) where in this application, the variance requested is made only to locate and maintain planter and stair structures (not the actual single family home) in the front yard setback; and
  2. how granting this request would not be to relieve a self-created or personal hardship, nor for financial reasons only.

**STAFF RECOMMENDATION (fence special exceptions):**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

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

### **Zoning/BDA History:**

There 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 (variance):**

- This request for variance to the front yard setback regulations of up to 12' focuses on constructing and maintaining two structures in the front yard setback on a site being developed with a 3-level single family home that, according to the applicant, is approximately 3,700 square feet in size: a 7' high, approximately 80 square foot "planter" structure, and a stair structure (approximately 130 square feet in area and reaching 7' in height) that would be located as close as 13' from the site's front property line or as much as 12' into the 25' front yard setback.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The property is located at the southwest corner of Wildgrove Avenue and White Rock Road. The site has one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The submitted site plan represents a structure located as close as 13' from the front property line or as much as 12' into this 25' front yard setback.
- According to DCAD records, the "main improvement" listed for property addressed at 7030 Wildgrove Road is home built in 2018 with 3,718 square feet of living area/total area, and "additional improvements" of a 724 square foot attached garage, a 740 square foot basement, a pool, and a 645 square foot deck.
- The subject site is sloped (according to the applicant, the site slopes 14' from back to front), virtually triangular in shape (, and is, according to the application, 0.1772 acres (or approximately 7,700 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area. (The applicant notes trees on the site that are intended to be protected).

- The site plan represents that most of all of the planter and stair structures are proposed to be located in the front yard setback, none of the single family home is located in this setback.
- 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 R-7.5(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-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document – which in this case is a structure that is located as close as 13’ from the site’s front property line (or 12’ into the 25’ front yard setback).

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

- The requests for special exceptions to the fence standards regulations related to fence height and prohibited materials on a site being developed with a single-family home focus on:
  1. constructing/maintaining a 9’ 6” high gabion (concrete) fence with a 9’ 6” high, 4’ wide wrought iron pedestrian gate fence in the site’s front yard setback;
  2. constructing/maintaining another fence of a prohibited fence material (corten steel/metal) on the property.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
  - Sheet metal;
  - Corrugated metal;
  - Fiberglass panels;
  - Plywood;
  - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;

- Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
- Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The property is located at the southwest corner of Wildgrove Avenue and White Rock Road. The site has one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The applicant has submitted a site plan and elevation of the two fence proposals. The site plan and elevation represent a fence that is over 4' in height in the front yard setback (a gabion/concrete fence with a 9' 6" high, with a 4' wide wrought iron pedestrian gate fence that is approximately 32' in length and about 21' from the front property line or about 29' from the Wildgrove Avenue pavement line), and another fence of prohibited material (corten steel/metal that is 2' 6" high, approximately 60' long, and located on the front property line or about 12' from the Wildgrove Avenue pavement line).
- The Board of Adjustment Chief Planner/Board Administrator conducted a field visit of the site and the surrounding area and noted no other visible fences that appeared to be above 4' in height and located in a front yard setback or of prohibited material.
- As of November 8, 2019, no letters had been submitted in support of or in opposition to the requests for special exceptions to the fence standards regulations.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height and prohibited materials the site will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setbacks and with prohibited materials to be constructed and maintained in the locations and of the heights and materials as shown on these documents.

**Timeline:**

- August 5, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant's representative the following information:
- a copy of the application materials including the Building Official's report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the October 30<sup>th</sup> deadline to

submit additional evidence for staff to factor into their analysis; and the November 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

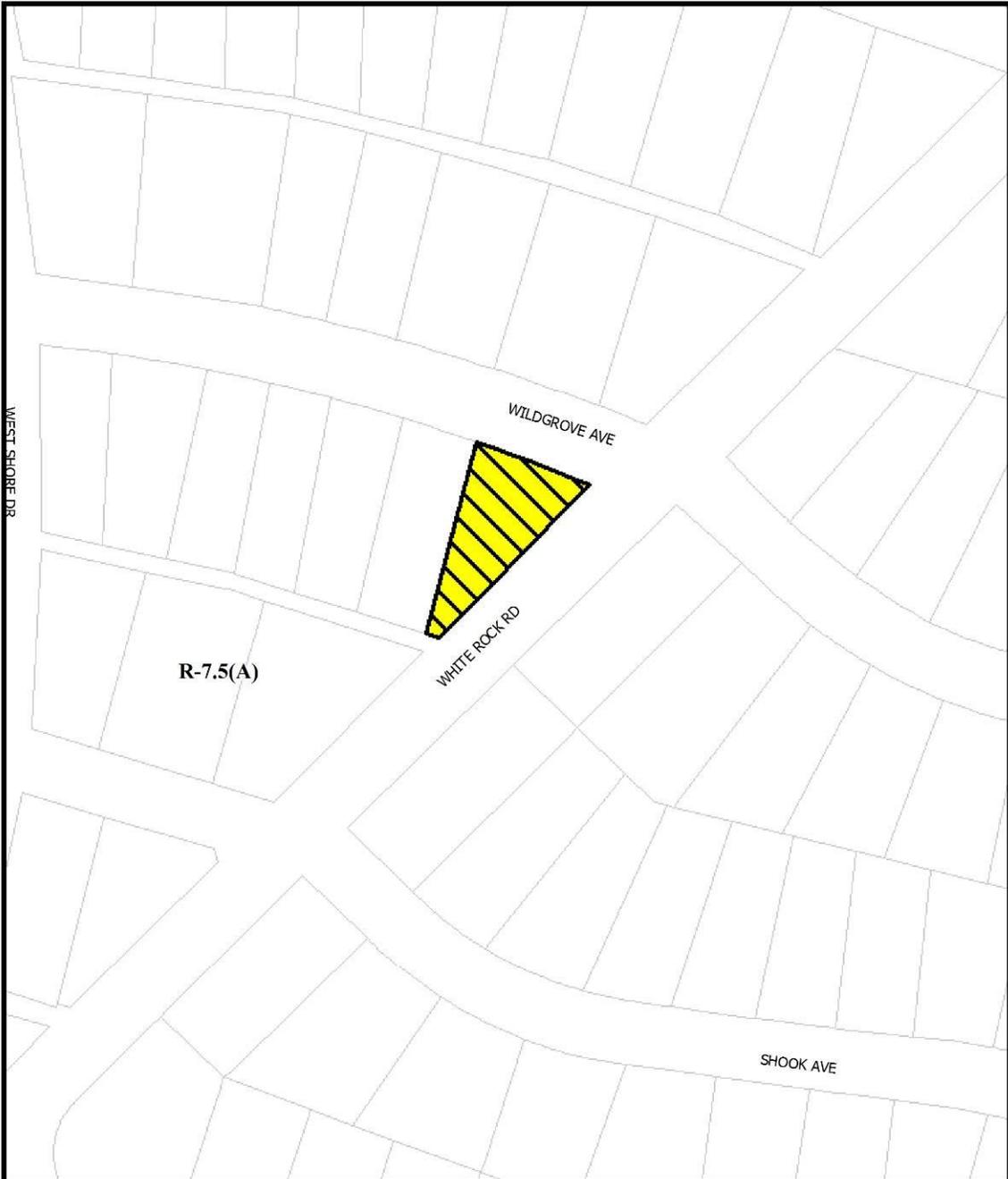
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 25 &  
30, 2019:

The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A and B).

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

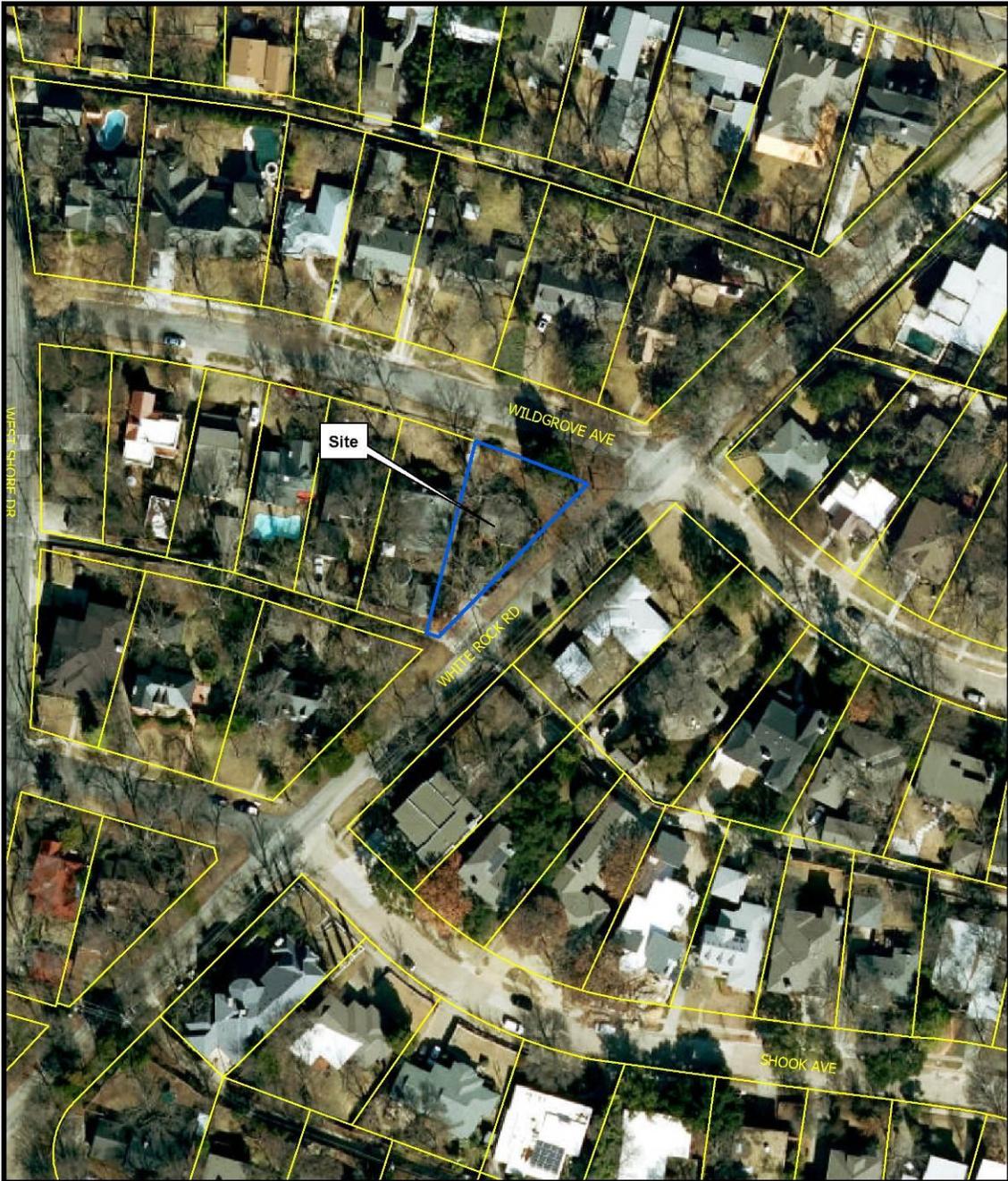
No review comment sheets were submitted in conjunction with this application.



1:1,200

# ZONING MAP

Case no: BDA189-129  
Date: 10/24/2019



1:1,200

# AERIAL MAP

Case no: BDA189-129

Date: 10/24/2019



ZONE SYSTEMS, INC.

October 30, 2019

Mr. Steve Long  
City of Dallas

RE: BDA 189-129  
7030 Wildgrove

Dear Mr. Long:

We have filed three requests with the Board of Adjustment. They are:

1. Special Exception for fence height in the front yard (51A-4.602(a)(2))
2. Special Exception for a CORTEN Steel retaining wall on the Wildgrove frontage only 51A-4.602(a)(9)(A).
3. Variance for entrance steps and planter in the front yard setback (51A-4.112(f)(4)(A)).

The proposed fence will be nine (9) feet six (6) inches in height. The reason for the height of the fence is that it will provide a façade for the entry steps and be architecturally appropriate for the home due to the severe slope of the property.

The Corten Steel retaining wall will be on Wildgrove only and is used because of its earth-tone color that will match the design of the home.

The entrance steps are located in the area of the front door and are located as far west as possible in the front of the home in order to keep them away from the existing mature trees that are on the east side of the front yard. The location of the steps at this location was chosen by the landscape architect in order to limit the concrete covering of the property to a minimum near the trees. Section 51A-4.401(d) does provide for a Special Exception to preserve a tree. The variance request must, however, be approved only if there is a hardship and this lot has an unusual shape and severe slope that individually and combined are clearly hardships as provided in section 51A—3.102(d)(10)(B).

Attached are modified drawings to more clearly show graphically the above notes.

Thank you for the professional time you have given to this project.

Sincerely,



Peter Kavanagh

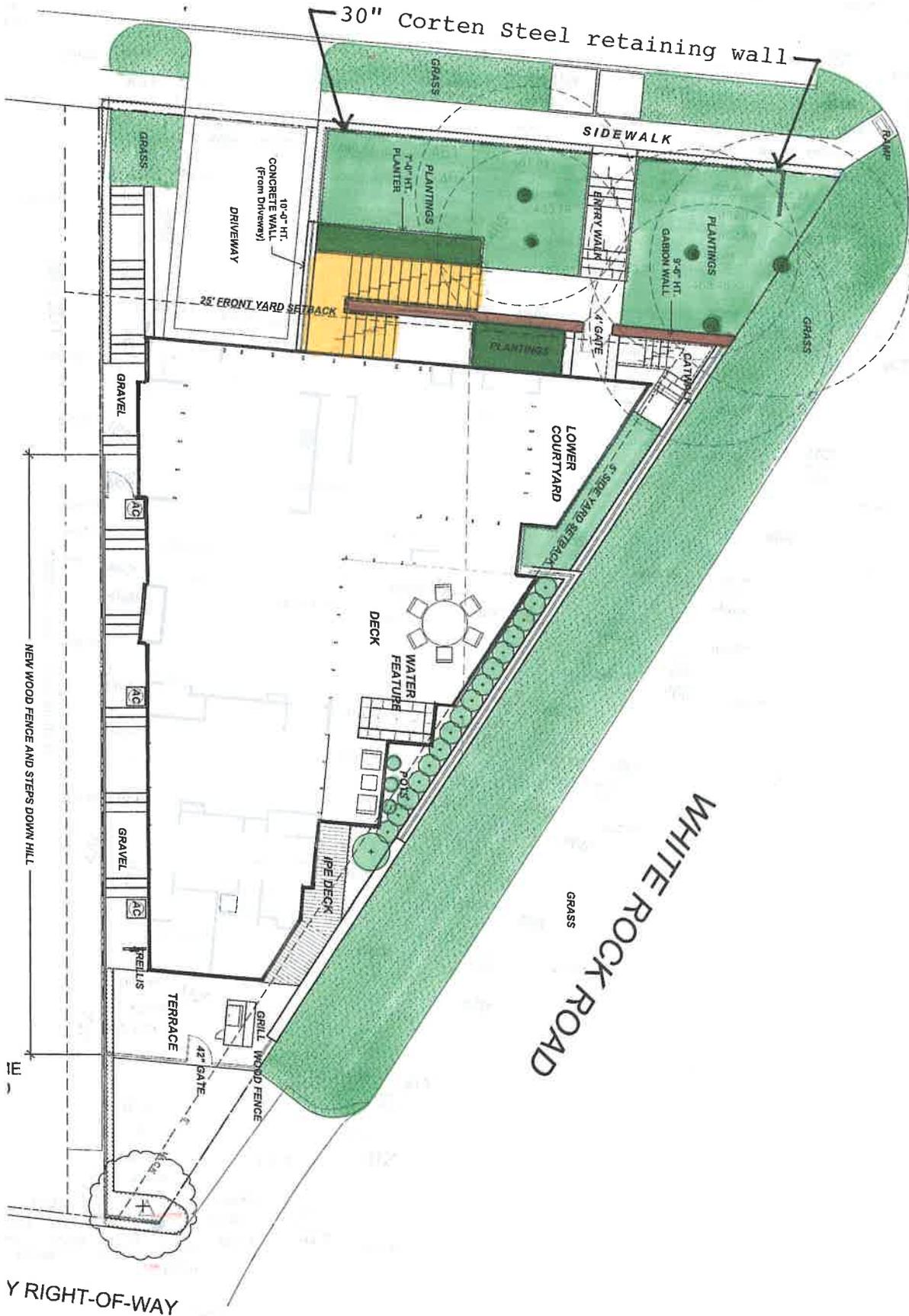
Enc.

# WILDGROVE AVENUE

DDA 189-129

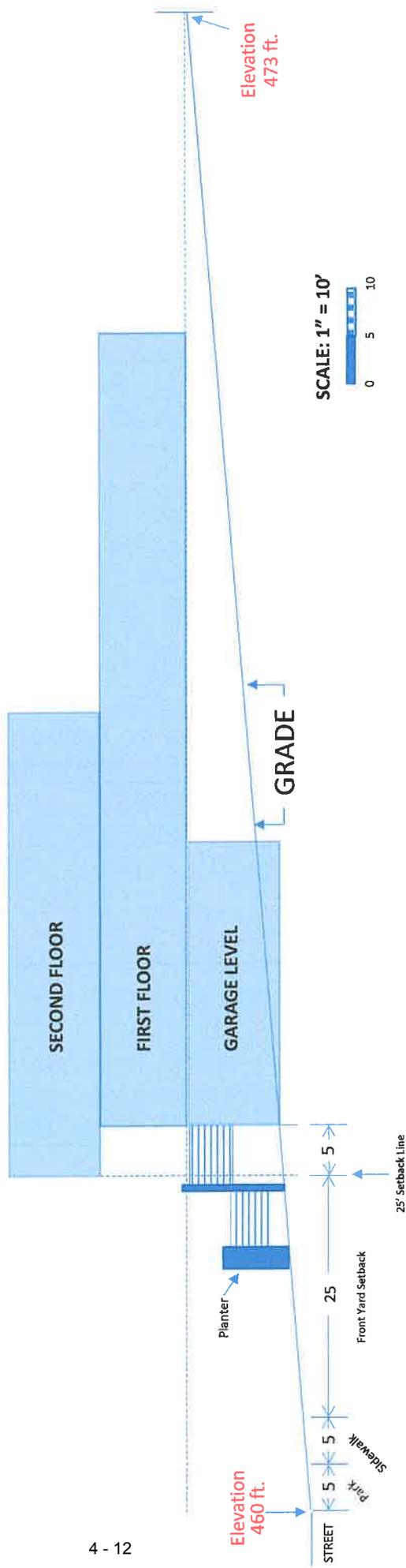
Attach B

PS 2

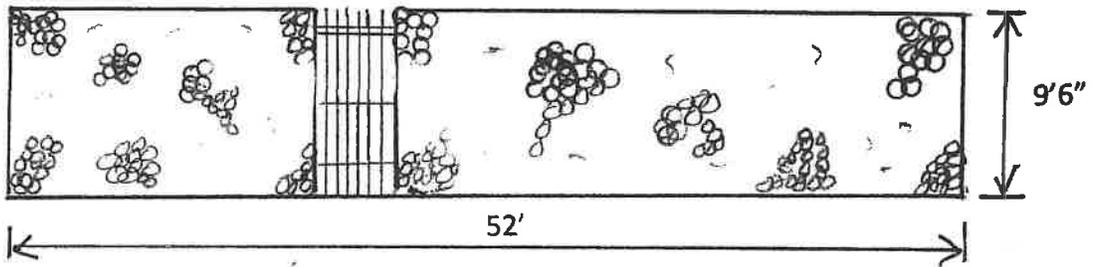


**ELEVATION**  
**HICKS RESIDENCE**  
**7030 Wildgrove**

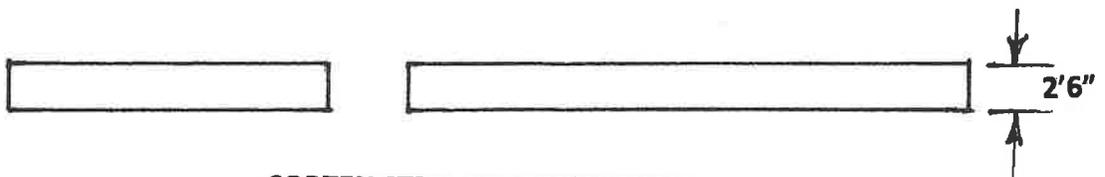
BDA189-129  
 Attachment B  
 PS 3



1" = 10'



9'6" GABION WALL/FENCE WITH 4' WIDE WROUGHT IRON GATE



CORTEN STEEL RETAINING WALL





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-129

Data Relative to Subject Property:

Date: August 5, 2019

Location address: 7030 Wildgrove Ave. Zoning District: R-7.5 (A)

Lot No.: Part of Lot 7 and a track of land Block No.: G/2813 Acreage: 0.1772 Census Tract: 1.00

Street Frontage (in Feet): 1) 92.02' 2) 163.62' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Marion Hicks + SUSAN HICKS

Applicant: Marion Hicks Telephone:

Mailing Address: 4719 Cole, Apt. 502, Dallas TX Zip Code: 75205-3691

E-mail Address:

Represented by: Peter Kavanagh Telephone: 214-941-4440

Mailing Address: 1620 Handley Drive, Dallas TX Zip Code: 75208

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance and Special Exception , of See Attached

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: See Attached

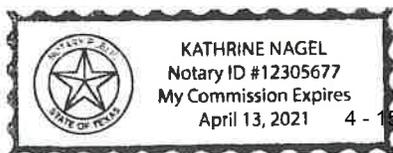
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Marion Hicks (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 28th day of August, 2019



(Rev. 08-01-11)

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

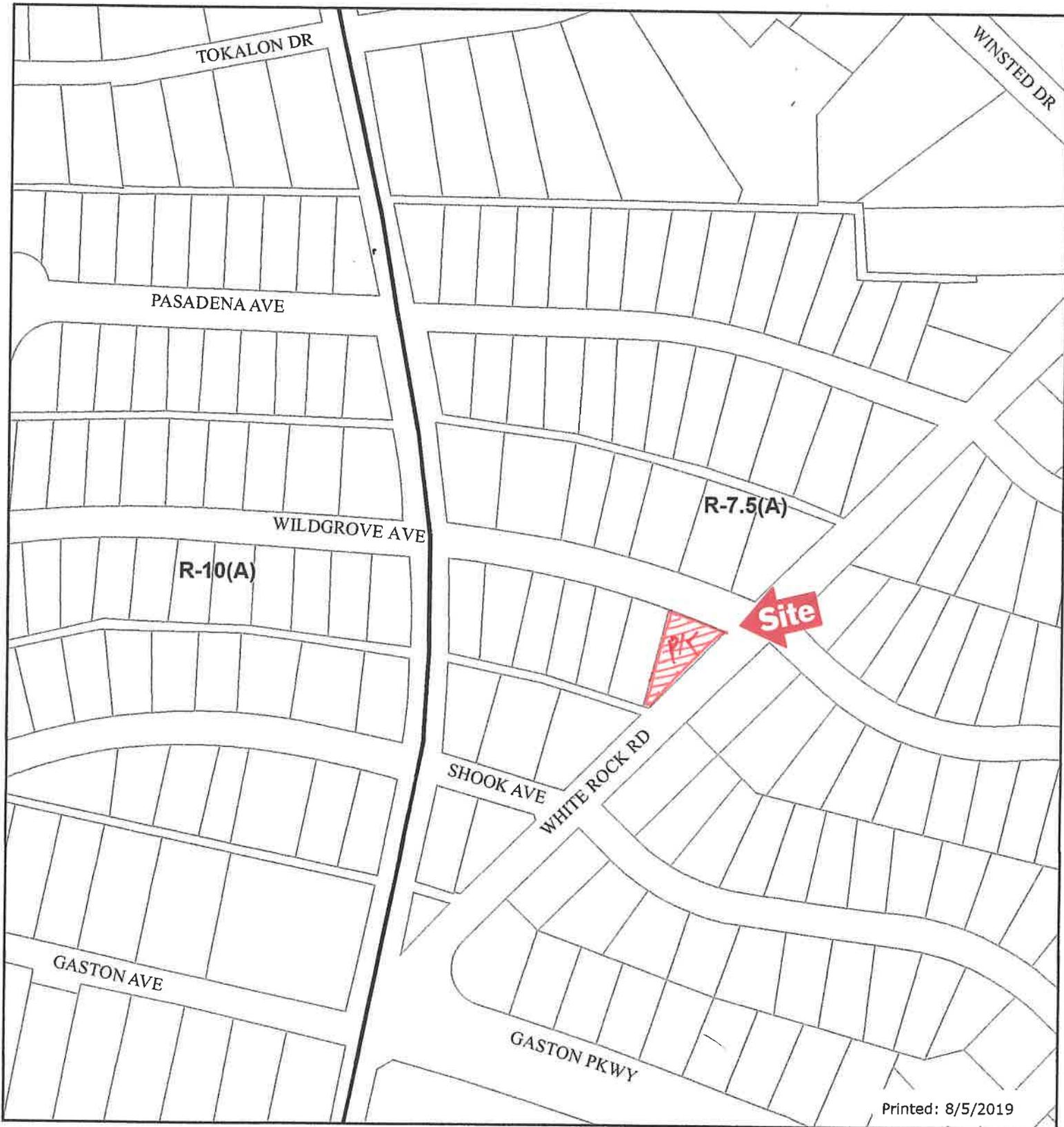
**Building Official's Report**

I hereby certify that Marion Hicks  
represented by PETER KAVANAGH  
did submit a request for a variance to the front yard setback regulations, and for a special  
exception to the fence height regulations, and for a special exception to the  
fence standards regulations  
at 7030 Wildgrove Avenue

BDA189-129. Application of Marion Hicks represented by PETER KAVANAGH for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 7030 WILDGROVE AVE. This property is more fully described as Lot 7, Block G/2813, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and prohibits the use of certain materials for a fence and requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 13 foot front yard setback, which will require a 12 foot variance to the front yard setback regulations, and to construct an 9 foot 6 inch high fence in a required front yard, which will require a 5 foot 6 inch special exception to the fence regulations, and to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 8/5/2019

### Legend

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

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



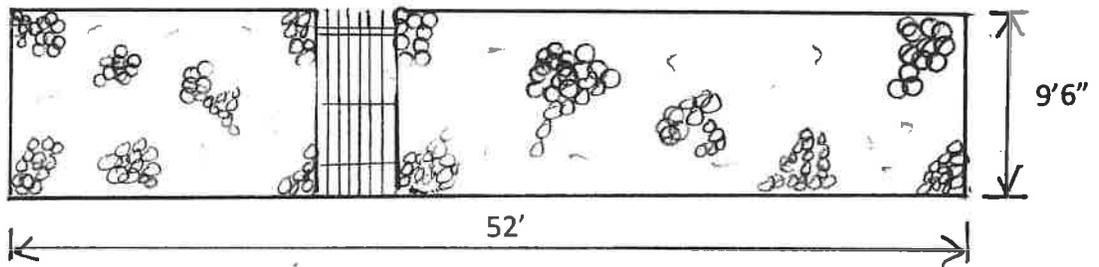






ARTISTS CONCEPTUAL RENDERING  
**HICKS RESIDENCE**  
7030 WILDGROVE DALLAS, TX.

**1" = 10'**



**9'6" GABION WALL/FENCE WITH 4' WIDE WROUGHT IRON GATE**

## 7030 WILDGROVE AVENUE

The property is zoned R-7.5(A). This zoning provides for a minimum lot area of 7,500 square feet. The property is 7,978 square feet in size. The property is a near triangular shaped property. The frontage on Wildgrove Avenue is 100 feet. The property has a depth of 151 feet. The rear property width is seven and three tenths (7.3) feet. The property slopes from back to front, a total slope of approximately fourteen (14) feet.

The shape and slope of the lot provide a challenge to development that is not shared by most other lots in the area. The new home has been designed to fit the lot within the required setbacks. The home is approximately 3700 square feet in size. The floor of the home is at grade in the rear of the home and provides for a height of the first floor of about ten (10) feet at the front of the home.

The landscape architect proposes a combination of stairs and retaining wall in the front to provide a reasonable access that is pleasant and a proper scale for the front entrance. There are large trees on the corner of the property and the design is done to provide for protection of the trees. A Free-standing planter is proposed in front of the steps leading to the front door to further provide a softening of the large retaining wall and steps in front of the home.

Providing a good scale and design requires special exceptions for front fences and a variance for the free-standing planter and steps in the front yard.

The front fence is approximately two feet beyond the front setback line of twenty-five (25) feet. A request for a special exception for the front yard fence height is requested. Section 51A-4.602(a)(2) provides for a fence height limit in the front yard of four (4) feet. We propose nine (9) feet six (6) inches.

The design of the front retaining wall along the sidewalk includes the use of Corten Steel. Corten Steel is the steel that appears to be rusted. The rust becomes a coating that protects the steel from weather and is a sustainable product as it needs no maintenance. The color of the Corten Steel is a pleasant brown color that fits the natural colors in a living landscape, as well as materials on the home.

The second Special Exception request is a special exception to Section 51A-4.602(a)(9)(A) that provides that "sheet metal" is not permitted for fencing. The Corten Steel is considered to be sheet metal by the Dallas Development Code. Our request is to use Corten Steel for the small retaining wall along the front of the property.

The free-standing planter and stair will be seven (7) feet in height and it will be in the required front yard. While a planter would be expected to be in a front yard, the Dallas Development Code provides that there shall be no structures in the required front yard. The planter is

considered a structure. A variance to the front yard requirement of the 25-foot setback from the front property line is requested for a location of the permanent planter and stair. The proposed setback for the planter is 13 feet. This is a variance of 12 feet to the required front yard setback. The variance is only for the planter and stair connected to the planter shown on the attached site plan. No other variances are requested. The variance request is a variance to Section 51A-4.112(f)(4)(A) of the Dallas Development Code that provides for a minimum setback of 25 feet. This setback is from the front property line that is 11 feet behind the front street curb. The total distance from the paved street to the planter is 25 feet. The hardship for this request is the slope of the property along with the shape of the property. These two hardships are very clear. The trees on the corner of the property will be maintained. The design of the stairs, planter and wall are done by the landscape architect to protect these trees. Section 51A-4.401(d) provides for a special exception for the minimum front yard requirements to preserve an existing tree. The request for the front yard variance and special exception meet the requirements for the special exception and variance due to the slope and shape of the lot while also meeting the requirements of the code that provides for the Board to permit structure in the front yard to preserve trees. All trees shown on the plan are to be preserved.



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>19</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>19</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA189-129</b></u> Date: <u><b>10/24/2019</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>19</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## ***Notification List of Property Owners***

### ***BDA189-129***

#### ***19 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7030 WILDGROVE AVE	HICKS MARION & SUSAN
2	7103 SHOOK AVE	BYRD BRUCE R
3	7111 SHOOK AVE	SHAPLEIGH COLBERT
4	7115 SHOOK AVE	RILEY DANIEL & MAUREEN
5	7108 WILDGROVE AVE	FOUR T LAND LLC
6	7102 WILDGROVE AVE	OTTINGER C THOMAS
7	7103 WILDGROVE AVE	MILNER STEVEN L
8	7109 WILDGROVE AVE	WOODWORTH ANDREA
9	7010 WILDGROVE AVE	CHAMBERS RUTH S LIVING TRUST THE
10	7018 WILDGROVE AVE	DUNN MIRIAM E & WESLEY W
11	7022 WILDGROVE AVE	LITTLE BIG WINGS LLC
12	7011 SHOOK AVE	MARSHALL ALBERT P &
13	7007 SHOOK AVE	BROWNE MATTHEW PRICE 2010
14	7035 WILDGROVE AVE	BROWN ARTHUR
15	7031 WILDGROVE AVE	BEATY CHRISTOPHER WADE
16	7023 WILDGROVE AVE	MUELLER HERMAN A
17	7019 WILDGROVE AVE	CASSERLY ALAN BRIX
18	7015 WILDGROVE AVE	BUTLER RONALD W
19	7011 WILDGROVE AVE	EDMONDS MARCUS R