

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, NOVEMBER 14, 2018
AGENDA

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

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

MISCELLANEOUS ITEMS

	Approval of the October 17, 2018 Board of Adjustment Panel B Public Hearing Minutes	M1
BDA167-119(SL)	810 N. Clinton Avenue REQUEST: To waive the two-year limitation on a final decision of Board of Adjustment Panel B on November 15, 2017 regarding an application represented by Pedro Tucker for a variance to the front yard setback regulations	M2

UNCONTESTED CASES

BDA178-107(OA)	4747 Roxbury Drive REQUEST: Application of Jonathan G. Vinson of Jackson Walker, LLP, for a variance to the front yard setback regulations	1
BDA178-125(SL)	4616 Greenville Avenue REQUEST: Application of Frank Meneghetti, represented by Kenneth Waits, for a special exception to the sign regulations	2

BDA178-127(OA) 10747 Lennox Lane 3
REQUEST: Application of Kelly Saxton, represented by Jason Osterberger, for a special exception to the fence standards regulations

REGULAR CASE

BDA178-124(OA) 4304 N. Cresthaven Road 4
REQUEST: Application of Bart Gardner of Gardner Custom Homes, for special exceptions to the fence standards regulations

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA167-119(SL)

REQUEST: To waive the two-year limitation on a final decision reached by Board of Adjustment Panel B on November 15, 2017 - a request for a variance to the front yard setback regulations that was granted subject to compliance with the submitted site plan.

LOCATION: 810 N. Clinton Avenue

APPLICANT: Pedro Tucker

STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

GENERAL FACTS/TIMELINE:

November 15, 2017: The Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations of 17' 2" imposing the submitted site plan as a condition to this request.

The case report stated that the request was made to made to construct and maintain a porch addition structure to a 1920's single family home/nonconforming structure, to be located 7' 10" from the site's front property line or 17' 2" into the 25' front yard setback. (See Attachment A for information related to this application).

October 22, 2018: The applicant submitted a letter to staff requesting that the Board waive the two-year limitation on the request for a variance to the front yard setback regulations of 17' 2" granted by Board of Adjustment Panel B in November of 2017 (see Attachment B). This miscellaneous item request to waive the two-year limitation was made in order for the applicant to file a new application for a front yard variance on the property.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.

- If the board renders a final decision of denial without prejudice, the two-year limitation is waived.
- The applicant may apply for a waiver of the two-year limitation in the following manner:
 - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
 - The board may waive the two-year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

October 22, 2018: The Board Administrator emailed the applicant information regarding his miscellaneous item request (see Attachment C).



m2
Attach A
pg 1

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-119

Date: 08/18/2017

Data Relative to Subject Property:

Location address: 810 N Clinton Ave

Zoning District: CD 1 (Suba 1)

Lot No.: C Block No.: 6/3460 Acreage: 0.1768

Census Tract: 42.02

Street Frontage (in Feet): 1) 144 2) 180.4 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kathryn Rodgers

Applicant: Kathryn Rodgers Telephone: 214-803-0035

Mailing Address: 810 N Clinton Ave Zip Code: 75208

E-mail Address: krodgers2@gmail.com

Represented by: Pedro Tucker Telephone: 214-803-0035

Mailing Address: 10437 Robindale Dr Zip Code: 75238

E-mail Address: mail@tuckercarpentry.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of _____
City of Dallas Ordinance 19910, 25' Setback.

APPROX. 4'-4" IN EXISTING 25' SETBACK FRONT YARD
17'-2"

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:

In order to relocate main entrance and build front porch.

REQUESTING VARIANCE TO IMPROVE PROPERTY BY ADDING FRONT PORCH APPROX 4'x14'. THE PROPOSED IMPROVEMENT IS NOT CONTRARY TO PUBLIC INTEREST AND IS COMPENSURATE WITH SURROUNDING USES. LOT IS TRIANGULAR SHAPED AND IS ENCUMBERED WITH TWO FRONT YARD SETBACKS.

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 Kathryn Rodgers

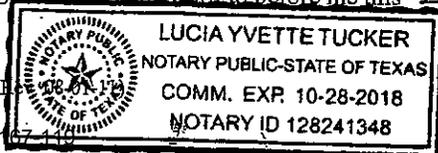
(Affiant/Applicant's name printed)

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

Respectfully submitted: _____

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20 day of August, 2017



Lucia Yvette Tucker
Notary Public in and for Dallas County, Texas

M2
Attach B

October 22, 2018

Pedro Tucker
10437 Robindale Dr
Dallas TX, 75238

Steve Long, Chief Planner/Board Administrator

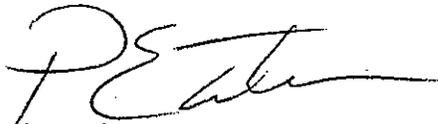
FILE NUMBER: BDA167-119(SL), attached.

REQUEST: To waive the two year limitation on final decision reached by the Board of Adjustment Panel B on November 15, 2017. A request for a variance to the front yard setback regulations to 17 feet 2 inches. The new setback request is 17 feet 7-1/2 inches.

LOCATION: 810 N Clinton Avenue

APPLICANT: Pedro Tucker

Please contact me if you have any questions.



Pedro Tucker

214-803-0035

Long, Steve

M2
Attach C

From: Long, Steve
Sent: Monday, October 22, 2018 12:47 PM
To: 'mail@tuckercarpentry.com'
Cc: Pham, Theresa Y; Aguilera, Oscar E; Trammell, Charles
Subject: RE: BDA167-119, Property at 810 N. Clinton Avenue- Two Year Limitation Waiver Miscellaneous Item Request
Attachments: Request letter.pdf; 2 year waiver.pdf; Case info.pdf; documentary evidence.pdf; Panel B hearing date and deadlines.doc

pg 1

Dear Mr. Tucker,

Here is information regarding your miscellaneous item request for a waiver of the two year limitation to the board of adjustment regarding the application referenced above that you represented for Kathryn Rogers:

1. Your letter of request of the waiver of the two-year limitation - which will be emailed to you and the board members about a week ahead of your November 14th Board of Adjustment Panel B public hearing.
2. The provisions/standard from the Dallas Development Code allowing the board to waive the two year time limitation on a final decision reached on an application on the same matter (other than a decision of denial without prejudice) (51A-4.703(e)(3)) - which in your case, is a waiver of the two year time limitation in place on a request for a variance to the front yard setback regulations (BDA167-119) granted by Board of Adjustment Panel B (with certain conditions) on November 15, 2017.
3. Materials related to BDA167-119.
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board. (Please be advised that you will not receive a written notice of this hearing in the mail - your attendance (or someone who can speak on your behalf) at your November 14th public hearing to be held at 1:00 p.m. in Dallas City Hall is strongly encouraged).
5. The board's rule pertaining to documentary evidence.

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on your request.

Thank you,

Steve



Steve Long
Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.****

M2
Attach C
P52

From: P Tucker <mail@tuckercarpentry.com>
Sent: Monday, October 22, 2018 9:59 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: mail@tuckercarpentry.com; Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: BDA167-119 Two Year Limitation Waiver

Good Morning,

My customer has requested an extension of 18 inches to the proposed covered porch addition at 810 N. Clinton Avenue. The 18-inch extension results in a new setback of 17 feet, 7-1/2 inches. The Board of Adjustments Panel B granted a 17 feet 2 inch setback on November 15, 2017.

Request to waive the two year limitation on the final decision reached by the Board of Adjustment Panel B on November 15, 2017.

Please contact me if you have any questions or require additional information.

P Tucker
10437 Robindale Drive
Dallas, TX 75238
214-803-0035
mail@tuckercarpentry.com
tucker.carpentry@gmail.com

m2
Attach A
p52

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

WEDNESDAY, NOVEMBER 15, 2017

FILE NUMBER: BDA167-119(SL)

BUILDING OFFICIAL'S REPORT: Application of Kathryn Rodgers, represented by Pedro Tucker, for a variance to the front yard setback regulations at 810 N. Clinton Avenue. This property is more fully described as Lot C, Block 6/3460, and is zoned CD 1 (Subarea 1), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 7 foot 10 inch front yard setback measured at the foundation, with a maximum 18 inch roof eave, which will require a 17 foot 2 inch variance to the front yard setback regulations.

LOCATION: 810 N. Clinton Avenue

APPLICANT: Kathryn Rodgers
Represented by Pedro Tucker

REQUEST:

A request for a variance to the front yard setback regulations of 17' 2" is made to construct and maintain a porch addition structure to a 1920's single family home/nonconforming structure, to be located 7' 10" from the site's front property line or 17' 2" into the 25' front yard setback.

STANDARD FOR A VARIANCE:

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.

M2
H.A.
P53
MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Nov. 15, 2017

Appeal was--Granted OR Denied

Remarks Granted -
Compliance with the
submitted site plan
is required.

Scott Howard
Chairman

Building Official's Report

I hereby certify that Kathryn Rodgers
represented by Pedro Tucker
did submit a request for a variance to the front yard setback regulations
at 810 N. Clinton Avenue

BDA167-119. Application of Kathryn Rodgers represented by Pedro Tucker for a variance to the front yard setback regulations at 810 N. Clinton Avenue. This property is more fully described as Lot C, Block 6/3460, and is zoned CD-1 (Subarea 1), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 7 foot 10 inch front yard setback measured at the foundation, with a maximum 18 inch roof eave, which will require a 17 foot 2 inch variance to the front yard setback regulation.

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 15 DAY OF
November, 20 17.**

[Signature]
ADMINISTRATOR

Sincerely,

Philip Sikes
Philip Sikes, Building Official



M2
Attach A
pg 4

November 20, 2017

Pedro Tucker
10437 Robindale Drive
Dallas, TX 75238

Re: BDA167-119(SL), Property at 810 N. Clinton Avenue

Dear Mr. Tucker:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, November 15, 2017 granted your request for a variance to the front yard setback regulations of 17 feet, 2 inches, subject to the following condition:

- Compliance with the submitted site plan is required.

Contact Building Inspection at 320 E. Jefferson, Room 118 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in cursive script, appearing to read 'Steve Long'.

Steve Long, Chief Planner/Board Administrator
Board of Adjustment
Sustainable Development and Construction

c: Ben Collins, Code Enforcement, 3112 Canton, Room 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105

FILE NUMBER: BDA178-107(OA)

BUILDING OFFICIAL'S REPORT: Application of Jonathan G. Vinson of Jackson Walker, LLP, for a variance to the front yard setback regulations at 4747 Roxbury Drive. This property is more fully described as 125X301 end of Roxbury Lane, Block 5533, and is zoned R-1ac (A), which requires a front yard setback of 40 feet. The applicant proposes to construct and/or maintain a structure and provide a 30 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

LOCATION: 4747 Roxbury Drive

APPLICANT: Jonathan G. Vinson of Jackson Walker, LLP

REQUEST:

A request for a variance to the front yard setback regulations of 10' is made to construct and maintain a two story single-family home structure with a total "home size" of approximately 6,900 square feet, part of which is to be located 30' from the front property line or 10' into this 40' front yard setback on a site that is developed with a single family home that the applicant intends to demolish.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the variance should be granted because of the restrictive area of the subject site. The site has approximately 6,000 square feet less area than what is typically found in the R-1ac(A) zoning district. Furthermore, the applicant had substantiated how this feature precludes the lot from being developed in a manner commensurate with the development upon other parcels of land with the same R-1 ac(A) zoning by providing a list of 50 other properties in the zoning district where the average “home” is approximately 8,500 square feet – larger than that was is proposed on the site at approximately 6,900 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family district 1 acre)
North: R-1ac(A) (Single family district 1 acre)
South: R-1ac(A) (Single family district 1 acre)
East: R-1ac(A) (Single family district 1 acre)
West: R-1ac(A) (Single family district 1 acre)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- The request for variance to the front yard setback regulations of 10’ focuses on constructing and maintaining a two story single-family home structure with a total “home size” of approximately 6,900 square feet, part of which is to be located 30’ from the front property line or 10’ into this 40’ front yard setback on a site that is developed with a single family home that the applicant intends to demolish.
- The subject site is zoned R-1ac(A) which requires a 40’ front yard setback.
- The submitted plan represents that a covered front porch and portion of the front structure are proposed to be located as close as close as 30’ from the site’s front property line (or 10’ into the 40’ front yard setback).
- The subject site is flat, unusually configured, and according to the submitted application, is 0.864 acres (or 37,636 square feet) in area. The site is zoned R-1ac (A) where lots are typically 43,560 square feet in area).

- The site plan represents that approximately 300 square feet or 4 percent of the structure is proposed to be located in the 40' Roxbury Lane front yard setback.
- DCAD records indicate the following improvements for property located at 4747 Roxbury Drive: "main improvement: a structure with 4,286 square feet of living area built in 1965", and "additional improvements; a 700 square foot detached garage, a 576 square foot storage building, and a pool".
- The applicant submitted a document indicating that the total size of the proposed home on the subject site is approximately 6,900 square feet which is smaller than that of 50 other homes he listed of properties in R-1ac(A) zoning. (The average square footage of 50 other properties listed in the applicant's document is approximately 8,500 square feet).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance to front yard setback regulations 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-1ac (A) zoning classification.
 - The variance to front yard setback regulations 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-1ac (A) zoning classification.
- If the Board were to grant this request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document which in this case is a structure that is to be located 30' from the front property line or 10' into this 40' front yard setback.

Timeline:

- July 20, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 8, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.
- October 10, 2018: The Construction Department Board of Adjustment Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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.

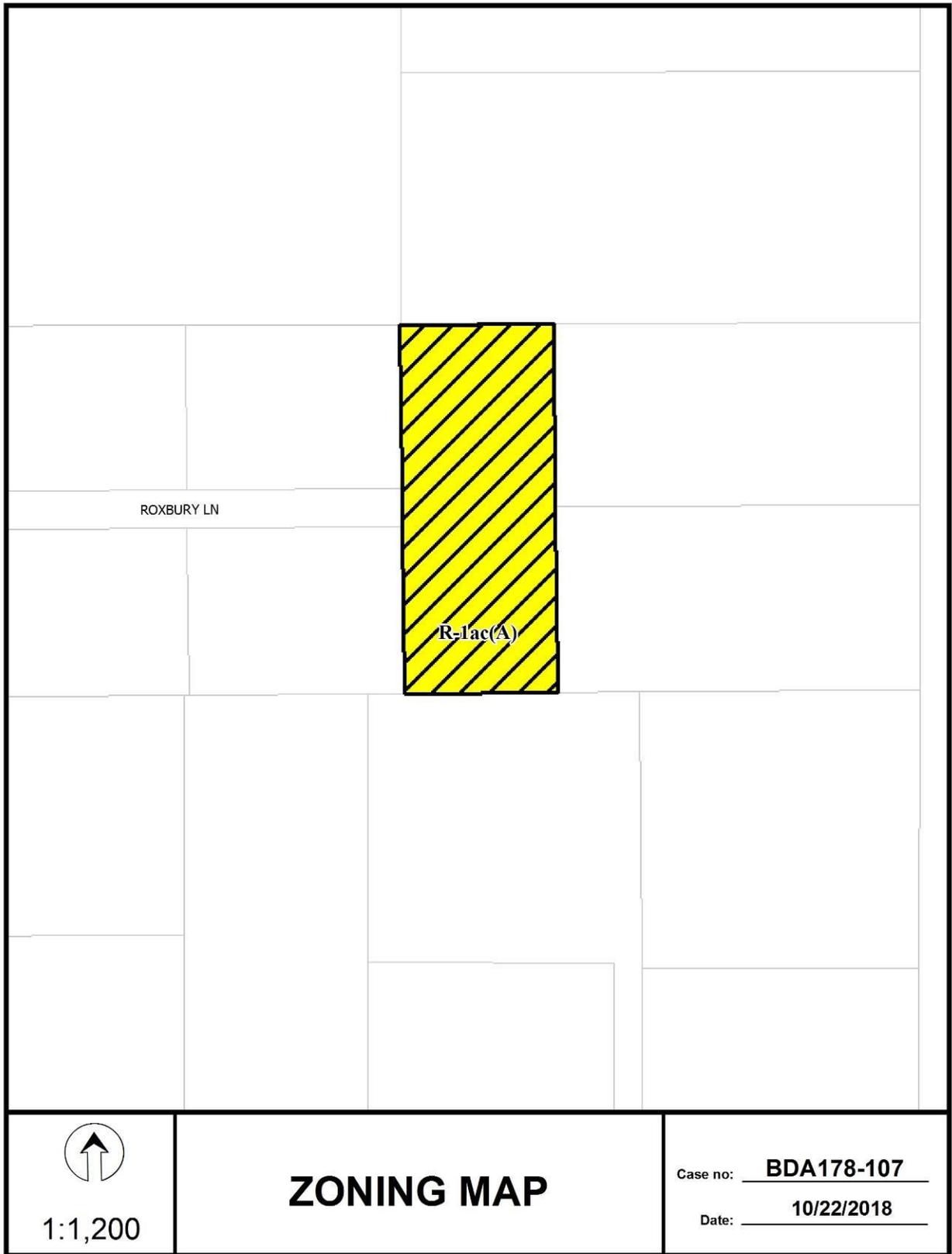
October 24, 2018: The applicant submitted additional documentation to staff beyond what was submitted with the original application (see Attachment A).

October 29, 2018: The applicant submitted additional documentation to staff beyond what was submitted with the original application (see Attachment B).

October 30, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

November 2, 2018: The applicant submitted additional documentation to staff beyond what was submitted with the original application (see Attachment C).

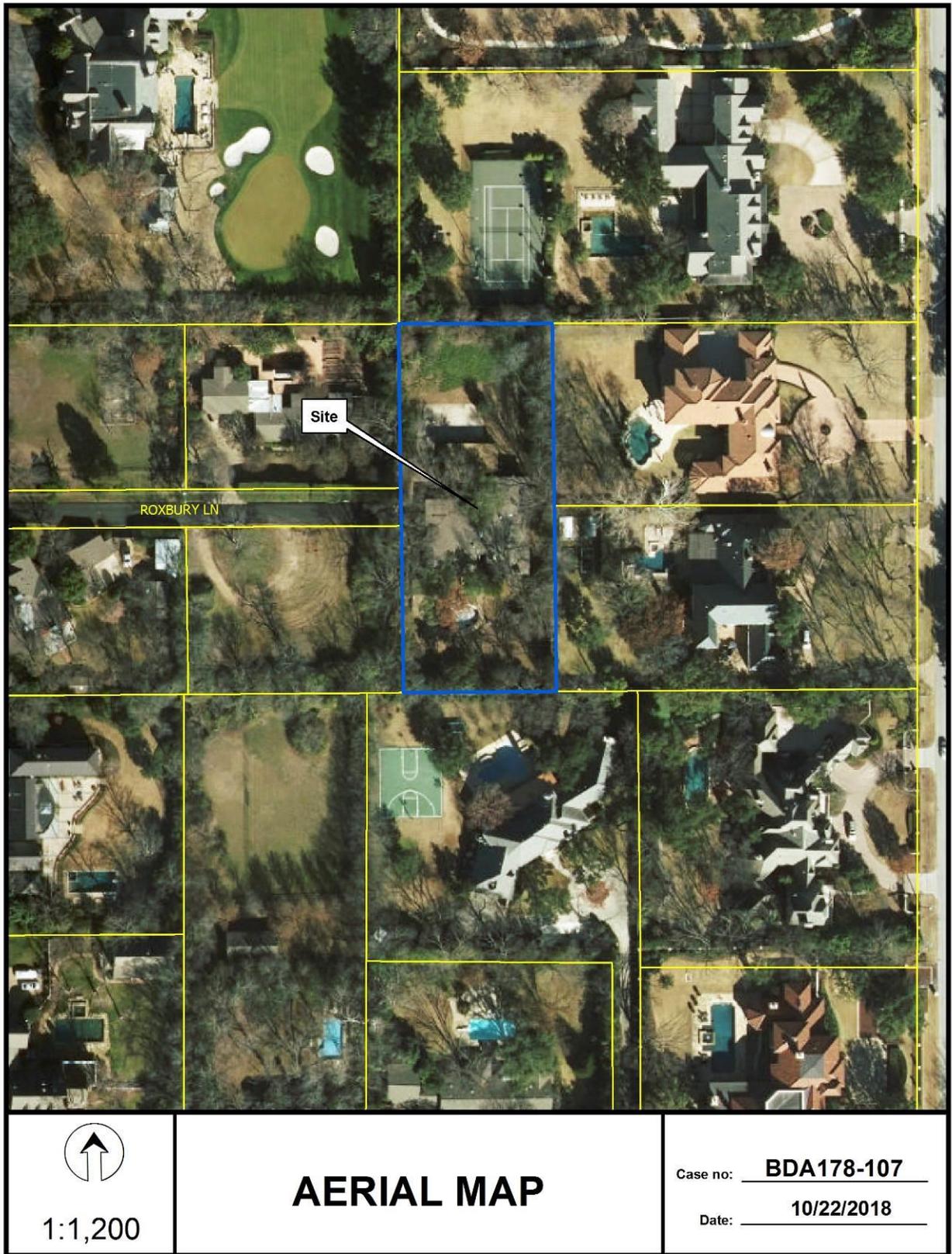


1:1,200

ZONING MAP

Case no: BDA178-107

Date: 10/22/2018



1:1,200

AERIAL MAP

Case no: BDA178-107

Date: 10/22/2018

Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

October 24, 2018

Via Email to steve.long@dallascityhall.com

Mr. Steve Long
Board Administrator, Zoning Board of Adjustment
Department of Sustainable
Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 178-107; 4747 Roxbury Lane.

Dear Mr. Long:

In preparation for the Staff team meeting on this case, I am sending you this letter to explain the rationale for our request and how it meets the required variance standard, and to respectfully ask for a Staff recommendation of approval.

I. The Site; Existing Conditions. The request site consists of 0.864 acres of land addressed as 4747 Roxbury, east of Lennox Lane and at the eastern end (a dead end) of Roxbury Lane (the "Property"). This is a very quiet and low-traffic area in Northwest Dallas. The property is already owned by The Godat Living Trust, Dr. Mark Godat and Jan Godat, Trustees, who wish to construct a new home there.

Accompanying this letter are a Zoning Map excerpt (with the aerial photo layer, and a measurement showing the extent of the existing intrusion) and several aerial photographs to orient you to the Property, as well as reduced copies of an as-built Survey and our proposed Site Plan. The Property is zoned R-1Ac(A). This site, even though smaller than the minimum 1 acre lot size for the zoning classification, currently has a structure on it, which was built in 1965 and is currently nonconforming as to the front yard setback, with an intrusion of approximately 26 feet into the front yard setback.

II. Our Request; Site Analysis. Our application is for a variance to the front yard setback regulations for one very small portion of the proposed residence facing Roxbury Lane. This request is for a variance of 10 feet to the front yard setback regulations under Sec. 51A-4.401(b)(1), as it affects the 30 foot wide Roxbury Lane frontage. The normal R-1Ac(A) front yard setback is 40 feet.

Mr. Steve Long
October 24, 2018
Page 2

The small intrusion into the front yard as shown on the site plan is actually a reduced intrusion from the current condition, which is currently 26 feet from the street, a 14 foot intrusion, so this actually represents a *reduction* of that intrusion, and will be almost entirely an unenclosed, unconditioned porch. In fact, the façade of the new home itself will be approximately 40 feet back from Roxbury Lane; it is the steps (uncovered) and front porch (unenclosed and unconditioned space) which need the variance. As you can see from the site plan, this is in no way a case of an owner trying to maximize the building footprint of occupiable space by means of a variance. The lot coverage, in fact, is unobtrusive in comparison to the lot area, even with a smaller than typical lot, by definition, in the R-1Ac(A) zoning classification.

III. How We Meet the Variance Standard. This variance request meets the property hardship standard mandated by the *Dallas Development Code* in several respects. First, this is clearly a very unusual configuration of the Property, which constitutes a property hardship factor. We consulted with senior Building Inspection Staff, and it was determined that the portion of the Property immediately adjacent to the Roxbury Lane right of way, that is, the 30 foot width shown on the Site Plan, is a front yard in accordance with the *Development Code* definition, which thus creates a 40 foot setback in that location, with the adjacent (west) portions of the Property on each side being side yards, and the other three (north, east, and south) sides of the Property being rear yards. The small equipment storage building on the south side, being in a rear yard, is allowed as “accessory structure to a residential use” pursuant to Sec. 51A-4.403(b)(2).

The Property has a total depth of only 125 feet back from the Roxbury Lane adjacency. The 40 foot front yard setback renders about *one third* of that depth unbuildable where the front yard is located. This, in turn, presents a very significant detriment to the site planning and reasonable utilization of the Property. So not only the extremely unusual orientation, but also the relatively smaller size of the Property in comparison with other properties in this same zoning classification is also a property hardship factor.

This is, in context, a completely unobtrusive development, with a very low impact use, that is, single family residential. This design also helps preserve existing trees on the Property. Owing to the special conditions as described herein, a literal enforcement of the front yard setback regulations here would result in unnecessary hardship, and granting of the variance would observe the spirit of the ordinance and do substantial justice.

This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the zoning classification. This Property is only 0.864 acres in size, smaller than the R-1Ac(A) minimum lot size of 1 acre. Most of the properties in the vicinity are significantly larger, at least one acre in size, except for the four properties on Roxbury Lane itself and two across from Roxbury. In many cases, the lots are very much larger than the Property.

Mr. Steve Long
October 24, 2018
Page 3

There are also greatly varying setbacks in the neighborhood. It appears probable that these various setback provisions have been inconsistently applied, probably in part because some development in the area took place prior to annexation into the City. Further, this situation was not self-created by the owners nor is it personal to them, nor is the variance requested for financial reasons only.

IV. The Public Interest. Finally, the granting of this variance would not in any way be contrary to the public interest. Allowing this home to be constructed on the proposed footprint will have absolutely no adverse impact on anyone else anywhere in the neighborhood. In fact, the new home will be very minimally visible from Roxbury Lane itself, much less from any of the other homes on Roxbury, none of which face the Property. I also would like to refer you to the accompanying photographs of the Property and vicinity to show how the visual impact on adjacent properties of our request will be virtually nonexistent.

V. Conclusion. Thank you very much for your consideration of these points. If you have any questions, please let us know. Otherwise, we respectfully ask that the Current Planning Staff make a recommendation of approval for our setback variance request. Thank you very much.

Very truly yours,


Jonathan G. Vinson

cc: Dr. Mark Godat

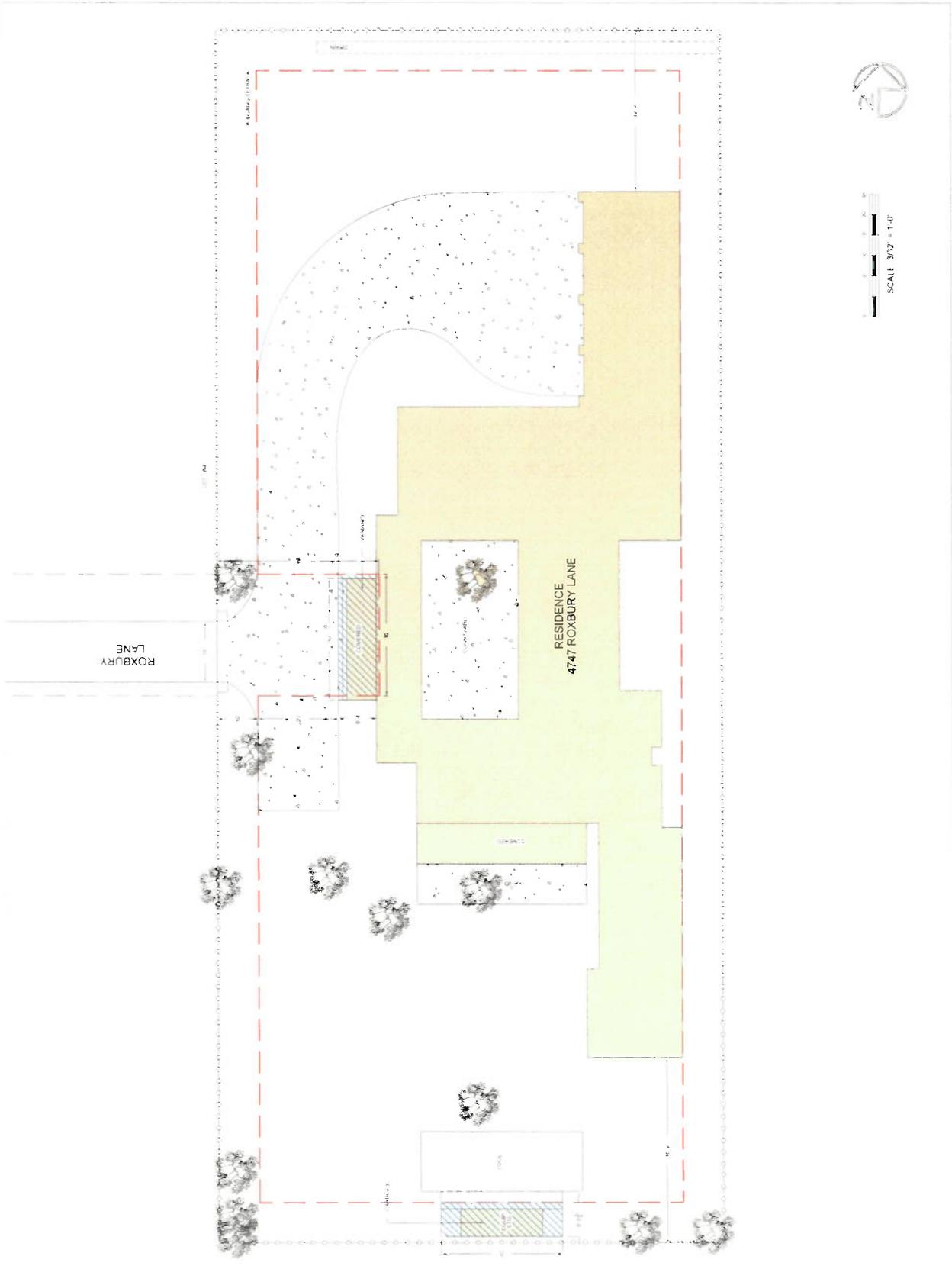








BLOCK: 5533	MARK & JAN GODAT RESIDENCE 4747 ROXBURY LANE DALLAS, TEXAS 75229	NEW SITE PLAN 6,963 SF	1 / 1
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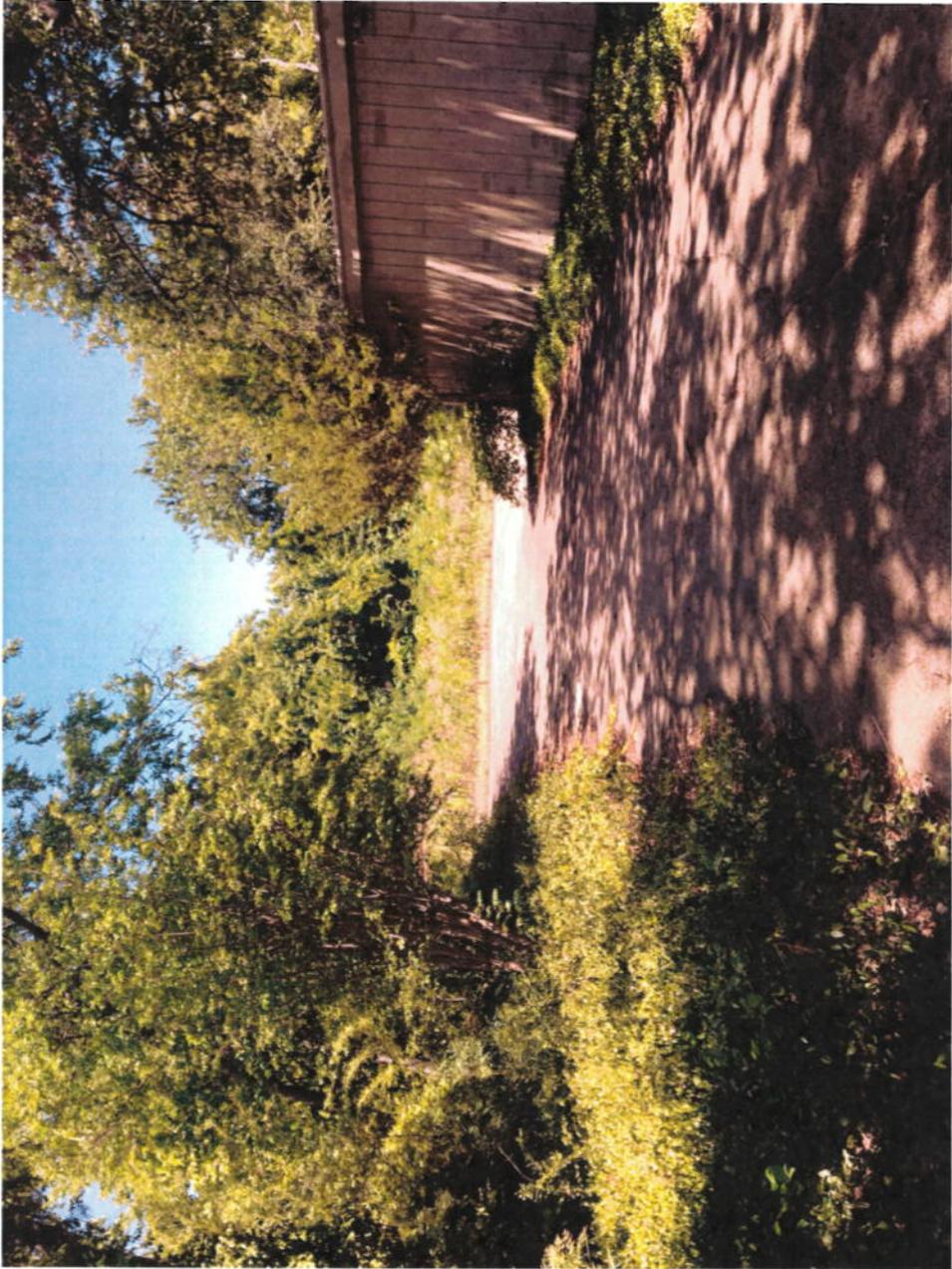




1. View of existing front façade of current structure on the Property, showing 14 foot intrusion into front yard setback.



2. View of existing front facade looking south.



3. View of existing structures looking north.



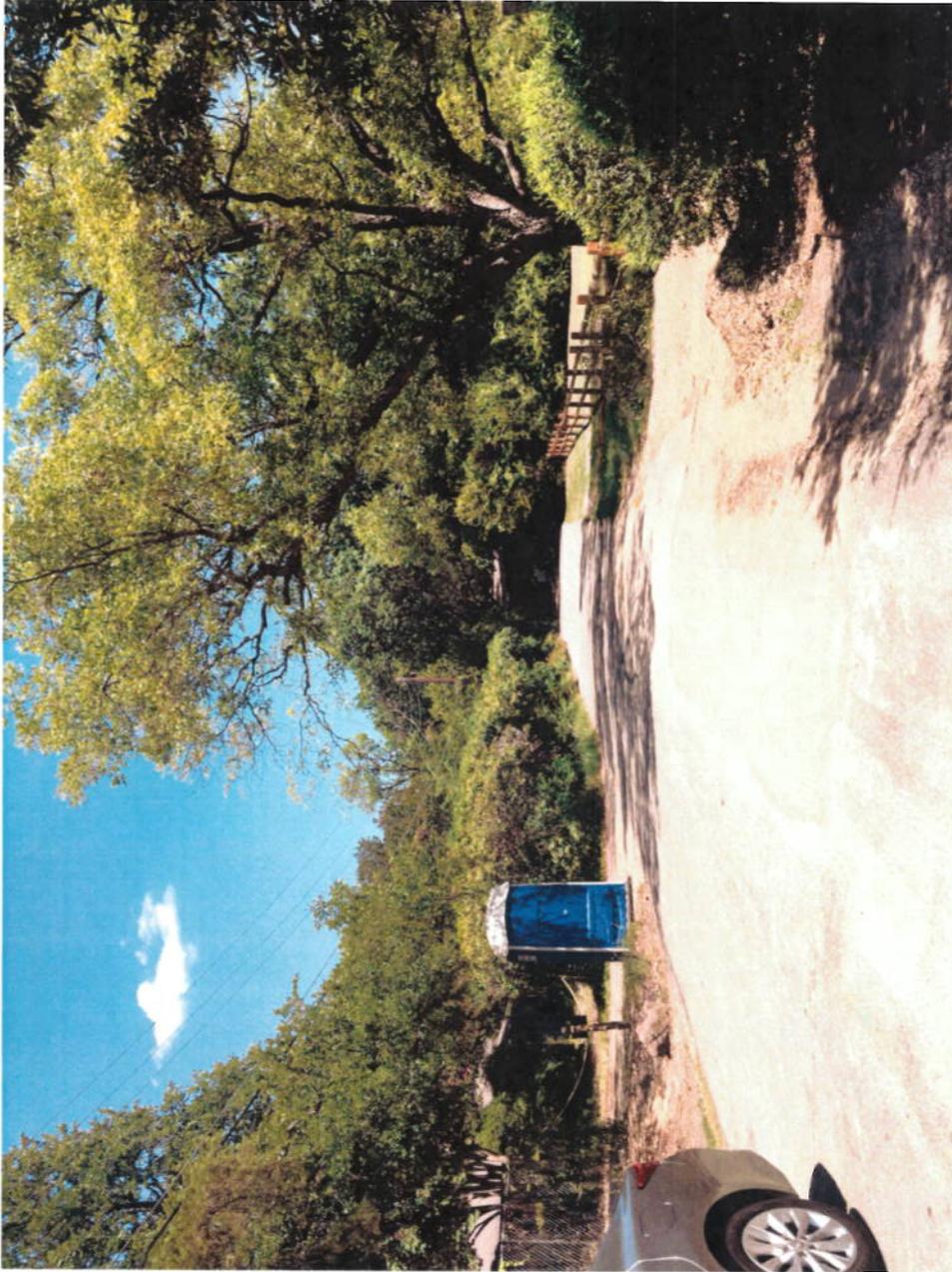
**4. View west on Roxbury Lane from front
façade of current structure.**



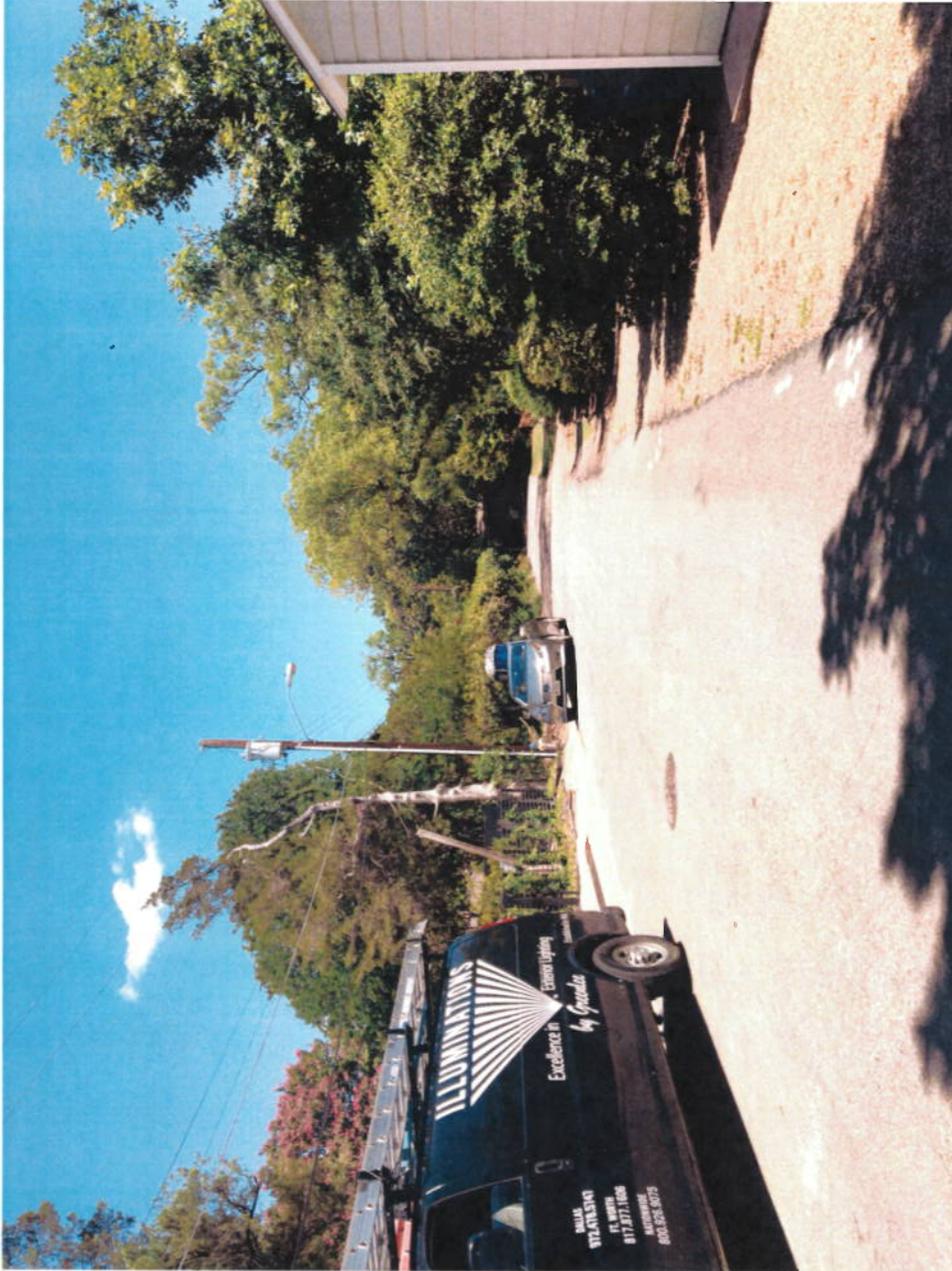
5. View west on Roxbury – note no other properties face the Property.



6. View west on Roxbury Lane, showing adjacent property to west on north side of Roxbury Lane.



7. View east on Roxbury Lane to the Property (center background).



8. View east on Roxbury Lane to the Property – note that no properties on Roxbury face the Property.



9. View east on Roxbury Lane to the Property – note that 4747 Roxbury creates no visual intrusiveness at all.



10. View east on Roxbury Lane to the Property from the intersection with Lennox Lane.

Aguilera, Oscar E

From: Vinson, Jonathan <jvinson@jw.com>
Sent: Monday, October 29, 2018 12:16 PM
To: Aguilera, Oscar E
Cc: Long, Steve; Mark J Godat
Subject: BDA 178-107;4747 Roxbury Lane
Attachments: 21758980_1_BDA 178-107_ Additional Property Information.PDF

Good afternoon, Oscar, attached is additional information regarding numerous properties, all in R-1Ac(A) zoning, in the neighborhood surrounding 4747 Roxbury Lane, the subject property of BDA 178-107.

This information is based on extensive review of these properties, including total square footage; year built; and number of stories, with calculations being done for 1.5 story properties and 2 story properties to determine the approximate first floor building footprint.

You will see that the conclusion is that the proposed development at 4747 Roxbury would constitute 1,534 square feet *less* than the average total square footage of the other properties (81.8% of that average total); and 1,578 square feet *less* than the average approximate first floor footprint of the other properties (68.8% of that average first floor footprint).

You will also see that the homes built *after 1974* (prior to that, one would suppose that the predominant style was mid-century modern/ranch-style and mostly one story) are very *predominantly two stories (all built during 2001 or after are two stories)*, with some 1.5 story homes mixed in built from 1977 to 2000.

Therefore, it is clear that the proposed home at 4747 Roxbury is well within what would be considered reasonable utilization of the site, and thus is very much proposed development commensurate with other development in the same zoning classification. Thank you very much.

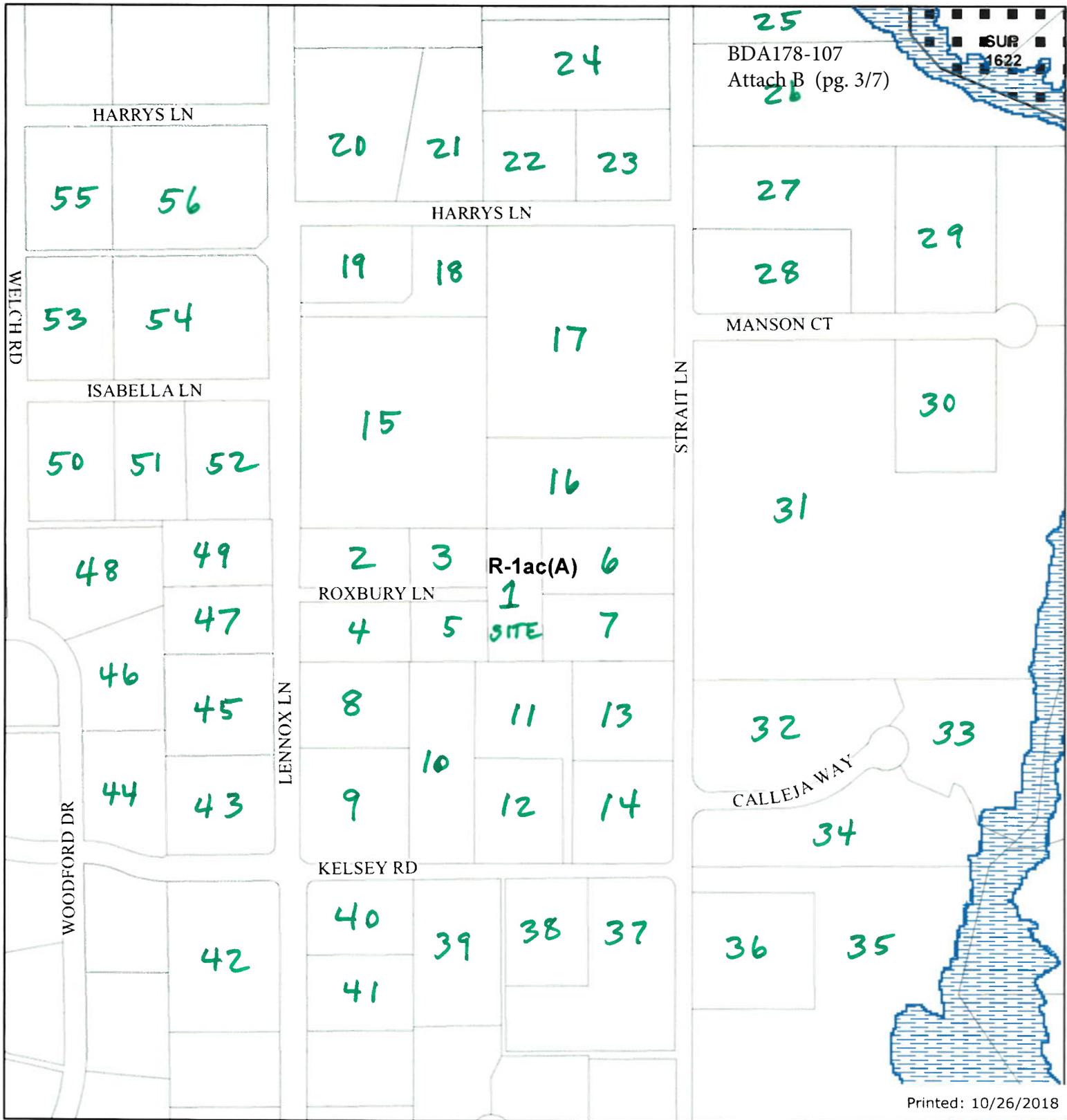
-----Original Message-----

From: Vinson, Jonathan <jvinson@jw.com>
Sent: Monday, October 29, 2018 7:18 AM
To: Long, Steve <steve.long@dallascityhall.com>
Subject: BDA 178-107

Steve, Friday and over the weekend, I have analyzed a total of 51 tax accounts surrounding 4747 Roxbury. Later this morning, I will be sending you the detailed backup information in tabular form, but in the meantime my analysis shows that the average total square footage for improvements on each of these properties is 8496 ft.². The proposed total at 4747 Roxbury is 6953 ft.², over 1500 ft.² less, about 81% of the average total. Analyzing these properties by floor, the average per floor square footage, which should equate to approximate building footprint, is 5055 ft.², while 4747 Roxbury works out to be about 3477 square feet, or 1578 ft.² less, or about 69% of the average. Therefore, I would suggest that this is definitely to allow development commensurate with other development in the R-1(Ac)A zoned area. I will be providing more detail for each individual account today. Thank you.

Sent from my iPhone
Jonathan G. Vinson
Partner, Land Use Group
Jackson Walker, L.L.P.
2323 Ross Avenue, Suite 600
Dallas, Texas 75201

(O) (214) 953-5941
(M) (214) 770-4636
Email: jvinson@jw.com



Printed: 10/26/2018

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 | 1 - 29 |

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)



TABLE 1

**Roxbury Lane Area Square Footage, Stories, and Year Built
 (all information from Dallas Central Appraisal District)**

<u>Number on Map</u>	<u>Address</u>	<u>SF of Impr.</u>	<u>Stories</u>	<u>Year Built</u>
1.	4747 Roxbury	4,286 (proposed 6,953)	1(Existing) 2 (Proposed)	1965
2.	10458 Lennox	6,881	2	2016
3.	4741 Roxbury	2,539	1	1942
4.	10446 Lennox	3,303	1	1933
5.	4740 Roxbury	None	-	-
6.	10455 Strait	8,906	2	2007
7.	10445 Strait	7,245	2	1989
8.	10434 Lennox	5,696	2	1987
9.	4701 Kelsey	4,576	2	1984
10.	4727 Kelsey	2,764	2	1942
11.	4827 Kelsey	5,182	1.5	1994
12.	4811 Kelsey	3,724	1	1952
13.	10433 Strait	7,801	1.5	1997
14.	10411 Strait	10,893	2	2008
15.	10540 Lennox	15,611	1.5	1998
16.	10513 Strait	8,198	1.5	1999
17.	10595 Strait	16,898	2	1995
18.	“(17/18/19: one tax acct.)	(Includes some detached outbuildings)		1995
19.	“(17/18/19: one tax acct.)			1995
20.	10626 Lennox	5,340	1	1991
21.	4777 Harry’s Ln.	8,870	2	1983
22.	4851 Harry’s Ln.	8,010	2	2006
23.	10611 Strait	9,349	1.5	2000
24.	10621 Strait	4,759	1	1939
25.	10660 Strait	14,670	2	2001
26.	10650 Strait	2,387 (“outbuildings”)	2	2017
27.	10620 Strait	12,984	2	2001
28.	4900 Manson Ct.	None	-	-
29.	4929 Manson Ct.	4,706	1	1965
30.	4930 Manson Ct.	6,520	1	1957
31.	10444 Strait	8,264	1.5	1944
32.	10430 Strait	20,254	3	2005
33.	4949 Calleja Way	12,234	2	1999
34.	10360 Strait	None	-	-

<u>Number on Map</u>	<u>Address</u>	<u>SF of Impr.</u>	<u>Stories</u>	<u>Year Built</u>
35.	10330 Strait	2,566 (garage only)	2	1996
36.	10340 Strait	8,960	1.5	1977
37.	10349 Strait	10,121	1.5	1993
38.	4814 Kelsey	9,745	1.5	1994
39.	4726 Kelsey	9,061	2	1980
40.	4700 Kelsey	2,866	2	1938
41.	10346 Lennox	7,114	1.5	1998
42.	4646 Kelsey	6,570	2	1989
43.	10401 Lennox	12,162	2	2005
44.	10414 Woodford	5,095	1	1971
45.	10427 Lennox	9,655	2	1983
46.	10424 Woodford	5,393	1	1985
47.	10443 Lennox	9,364	1.5	1986
48.	10434 Woodford	4,294	1	1974
49.	10453 Lennox	9,798	2	2003
50.	4610 Isabella	10,292	2	2005
51.	4612 Isabella	8,709	2	1984
52.	10515 Lennox	8,226	2	2018
53.	4611 Isabella	8,225	2	1998
54.	10545 Lennox	15,003	2	2015
55.	10580 Welch	2,579	1	1954
56.	10615 Lennox	22,608	2	1994

TABLE 2

**Roxbury Area Property Data Showing Square Footage per Floor (approx.*) and Averages
 (data on total square footage and stories from Dallas Central Appraisal District)**

	<u># On Map</u>	<u>Year Built</u>	<u>Total SF</u>	<u>Stories</u>	<u>First Floor SF (Footprint)</u>
1.	04	1933	3,303	1	3,303
2.	40	1938	2,866	2	1,433
3.	24	1939	4,759	1	4,759
4.	10	1942	2,764	2	1,382
5.	03	1942	2,539	1	2,539
6.	31	1944	8,264	1.5	5,509
7.	12	1952	3,724	1	3,724
8.	55	1954	2,579	1	2,579
9.	30	1957	6,520	1	6,520
10.	01	1965	4,286	1	4,286
11.	29	1965	4,706	1	4,706
12.	44	1971	5,095	1	5,095
13.	48	1974	4,294	1	4,294
14.	36	1977	8,960	1.5	5,973
15.	39	1980	9,061	2	4,530
16.	21	1983	8,870	2	4,435
17.	45	1983	9,655	2	4,827
18.	09	1984	4,576	2	2,288
19.	51	1984	8,709	2	4,354
20.	46	1985	5,393	1	5,393
21.	47	1986	9,364	1.5	6,243
22.	08	1987	5,696	2	2,848
23.	42	1989	6,570	2	3,285
24.	07	1989	7,245	2	3,622
25.	20	1991	5,340	1	5,340
26.	37	1993	10,121	1.5	6,747
27.	11	1994	5,182	1.5	3,455
28.	38	1994	9,745	1.5	6,497
29.	56	1994	22,608	2	11,304
30.	17/18/19	1995	16,898	2	8,449
31.	35	1996	2,566 (garage)	2	1,283
32.	13	1997	7,801	1.5	5,201
33.	53	1998	8,225	2	4,113
34.	41	1998	7,114	1.5	4,743
35.	15	1998	15,611	1.5	10,407
36.	16	1999	8,198	1.5	5,465
37.	33	1999	12,234	2	6,117

* For 1.5 story homes, calculation was made by dividing total by three, then multiplying by two for approximate first floor footprint.

	<u># On Map</u>	<u>Year Built</u>	<u>Total SF</u>	<u>Stories</u>	<u>First Floor SF (Footprint)</u>
38.	23	2000	9,349	1.5	6,233
39.	27	2001	12,984	2	6,492
40.	25	2001	14,670	2	7,335
41.	49	2003	9,798	2	4,899
42.	50	2005	10,292	2	5,146
43.	43	2005	12,162	2	6,081
44.	32	2005	20,254	3	6,751
45.	22	2006	8,010	2	4,005
46.	06	2007	8,906	2	4,453
47.	14	2008	10,893	2	5,447
48.	54	2015	15,003	2	7,502
49.	02	2016	6,881	2	3,441
50.	26	2017	2,387	2	1,194
			("outbuildings")		
51.	52	2018	8,226	2	4,113
Average:			8,496		5,055
Proposed Home at 4747 Roxbury:			6,953		3,477
Difference:			(1,543)		(1,578)
Percentage Difference:			81.8% of Average		68.8% of Average

* For 1.5 story homes, calculation was made by dividing total by three, then multiplying by two for approximate first floor footprint.

Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

November 2, 2018

Via Email to oscar.aguilera@dallascityhall.com

Hon. Chair and Members, Panel B
Zoning Board of Adjustment
c/o Mr. Oscar Aguilera, Senior Planner
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 178-107; 4747 Roxbury Lane.

Dear Members of Panel B:

We are sending you this letter to explain the rationale for our request for a variance of 10 feet to the front yard setback regulations for a very limited portion of a proposed single-family home, how we meet the required variance standards, and to respectfully ask for your approval. We also understand that the City Staff is recommending approval, which we appreciate as underlining that we meet the standards for the variance, as discussed further below.

I. The Site; Existing Conditions. The request site consists of 0.864 acres of land addressed as 4747 Roxbury Lane, east of Lennox Lane and at the eastern end (a dead end) of Roxbury Lane (the "Property"). This is a very quiet and low-traffic area in Northwest Dallas. The property is already owned by The Godat Living Trust, Dr. Mark Godat and Jan Godat, Trustees, who wish to construct a new home there.

Accompanying this letter are a Zoning Map excerpt (with another copy with the aerial photo layer turned on) [*Attachment 1*], a zoomed-in aerial photo with a measurement showing the extent of the existing intrusion [*Attachment 2*] and several aerial photographs [*Attachment 3*] to orient you to the Property, as well as reduced copies of an as-built Survey [*Attachment 4*] and our proposed Site Plan [*Attachment 5*]. The Property is zoned R-1Ac(A). This site, even though smaller than the minimum 1 acre lot size for the zoning classification, currently has a house on it which was built in 1965 and is currently nonconforming as to the front yard setback, with an intrusion of approximately 14 feet into the otherwise-required 40 foot front yard setback, as shown on the as-built Survey.

II. Our Request; Site Analysis. Our application is for a variance to the front yard setback regulations for one very small portion of the proposed residence facing Roxbury Lane.

BDA 178-107
Attachment C
Pg 2

November 2, 2018
Page 2

This request is for a variance of 10 feet to the front yard setback regulations under Sec. 51A-4.401(b)(1), as it affects the 30 foot wide Roxbury Lane frontage. The normal R-1Ac(A) front yard setback is 40 feet.

The small intrusion into the front yard as shown on the site plan is actually a reduced intrusion from the current condition, which is currently 26 feet from the street, a 14 foot intrusion, so this actually represents a *reduction* of that intrusion, and will be almost entirely an unenclosed, unconditioned porch. In fact, the façade of the new home itself will be approximately 40 feet back from Roxbury Lane; it is the steps (uncovered) and front porch (unenclosed and unconditioned space) which need the variance. As you can see from the site plan, this is in no way a case of an owner trying to maximize the building footprint of occupiable space by means of a variance. The lot coverage, in fact, is unobtrusive in comparison to the lot area, even with a smaller than typical lot, by definition, in the R-1Ac(A) zoning classification.

III. How We Meet the Variance Standard. This variance request meets the property hardship standard mandated by the *Dallas Development Code* in several respects. First, this is clearly a very unusual configuration of the Property, which constitutes a property hardship factor. We consulted with senior Building Inspection Staff, and it was determined that the portion of the Property immediately adjacent to the Roxbury Lane right of way, that is, the 30 foot width shown on the Site Plan, is a front yard in accordance with the *Development Code* definition, which thus creates a 40 foot setback in that location, with the adjacent (west) portions of the Property on each side being side yards, and the other three (north, east, and south) sides of the Property being rear yards.

The small equipment storage building on the south side, being in a rear yard, is allowed as an “accessory structure to a residential use” pursuant to Sec. 51A-4.403(b)(2): *((b) Rear yard provisions for residential districts. (2) In a residential district, a person need not provide a full rear yard setback for a structure accessory to a residential use, including a generator, if the structure does not exceed 15 feet in height. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.)*

The Property has a total depth of only 125 feet back from the Roxbury Lane adjacency. The 40 foot front yard setback renders about *one third* of that depth unbuildable where the front yard is located. This, in turn, presents a very significant detriment to the site planning and reasonable utilization of the Property. So not only the extremely unusual orientation but also the relatively smaller size of the Property in comparison with other properties in this same zoning classification is also a property hardship factor.

This is, in context, a completely unobtrusive development, with a very low impact use, that is, single family residential. This design also helps preserve existing trees on the Property. Owing to the special conditions as described herein, a literal enforcement of the front yard setback regulations here would result in unnecessary hardship, and granting of the variance would observe the spirit of the ordinance and do substantial justice.

This request also meets the other standards for the granting of a variance, that is, it is necessary for development commensurate with other development in the same zoning classification. This Property is only 0.864 acres in size, smaller than the R-1Ac(A) minimum lot size of 1 acre. Most of the properties in the vicinity are significantly larger, at least one acre in size, except for the four properties on Roxbury Lane itself and two across from Roxbury. In many cases, the lots are very much larger than the Property, as shown on an acreage map of surrounding properties [Attachment 6].

To support the position that this request is necessary to allow development commensurate with other development in the same zoning classification, I analyzed in detail data from the Dallas Central Appraisal District for 55 other properties in the several blocks surrounding the Property, all of which are in the same R-1Ac(A) zoning. This information [Attachment 7] is based on extensive review of these properties, including total square footage; year built; and number of stories, with calculations being done for 1.5 story properties and 2 story properties to determine the approximate first floor building footprint.

This information is provided with a locator map showing the 56 properties (including the Property) analyzed; Table 1 following and keyed to the map, showing total square footage, number of stories, and year built; and Table 2, this time in chronological order by year built, showing total square footage, number of stories, and approximate first floor footprint calculated per a rule of thumb described in the footnote on Table 2.

You will see that the conclusion is that the proposed development at 4747 Roxbury would constitute 1,534 square feet *less* than the average total square footage of the other properties (81.8% of that average total); and 1,578 square feet *less* than the average approximate first floor footprint of the other properties (68.8% of that average first floor footprint).

You will also see that the homes built *after 1974* (prior to that, one would suppose that the predominant style was mid-century modern/ranch-style and mostly one story) are very *predominantly two stories (all built during 2001 or after are two stories)*, with some 1.5 story homes mixed in built from 1977 to 2000.

Therefore, it is clear that the proposed home at 4747 Roxbury is well within what would be considered reasonable utilization of the site, and thus is very much proposed development commensurate with other development in the same zoning classification.

There are also greatly varying setbacks in the neighborhood. It appears probable that these various setback provisions have been inconsistently applied, probably in part because some development in the area took place prior to annexation into the City. Further, this situation was not self-created by the owners nor is it personal to them, nor is the variance requested for financial reasons only. The City Staff is recommending *approval* of our request, so it would appear that the Staff agrees that this request meets the standards for the granting of a variance.

BDA178-107
Attachment C
pg 4

November 2, 2018
Page 4

IV. The Public Interest. Finally, the granting of this variance would not in any way be contrary to the public interest. Allowing this home to be constructed on the proposed footprint will have absolutely no adverse impact on anyone else anywhere in the neighborhood. In fact, the new home will be very minimally visible from Roxbury Lane itself, much less from any of the other homes on Roxbury, none of which face the Property. I also would like to refer you to the accompanying photographs of the Property and vicinity [**Attachment 8**] to show how the visual impact on adjacent properties of our request will be virtually nonexistent.

In addition, the owner of the Property personally contacted all of the other owners on Roxbury Lane on August 15 to let them know that we would be requesting the variance and what the request would be. So far we are not aware of any opposition to our request.

V. Conclusion. Thank you very much for your consideration of our points. We will look forward to appearing before you at our November 14 hearing, where we will respectfully be asking for your approval for our setback variance request. Thank you very much.

Very truly yours,


Jonathan G. Vinson

cc: Dr. Mark Godat

BDA 178-107; 4747 Roxbury Lane

List of Attachments

- 1. Zoning Map of area (and version with aerial photo layer).**
- 2. Closer aerial photo from Zoning Map, with *existing* intrusion measured.**
- 3. Various aerial photos of site and area.**
- 4. As-built Survey of existing improvements; *existing* intrusion highlighted.**
- 5. Proposed Site Plan; proposed *reduced* intrusion highlighted.**
- 6. Area map showing acreage of surrounding properties.**
- 7. Area Map (keyed to data Tables); Table 1; Table 2.**
- 8. Site and area photos.**

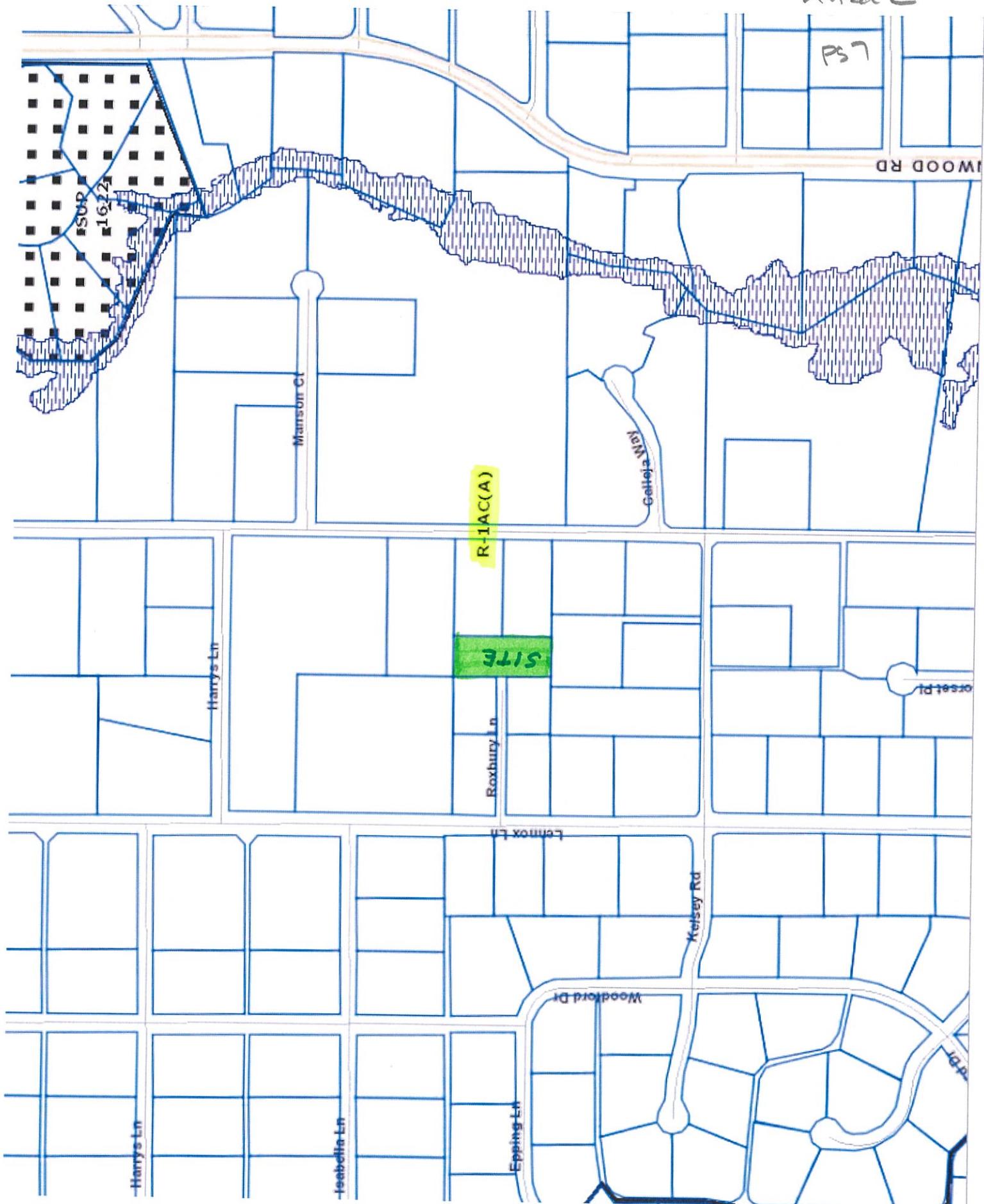
BDA178-107

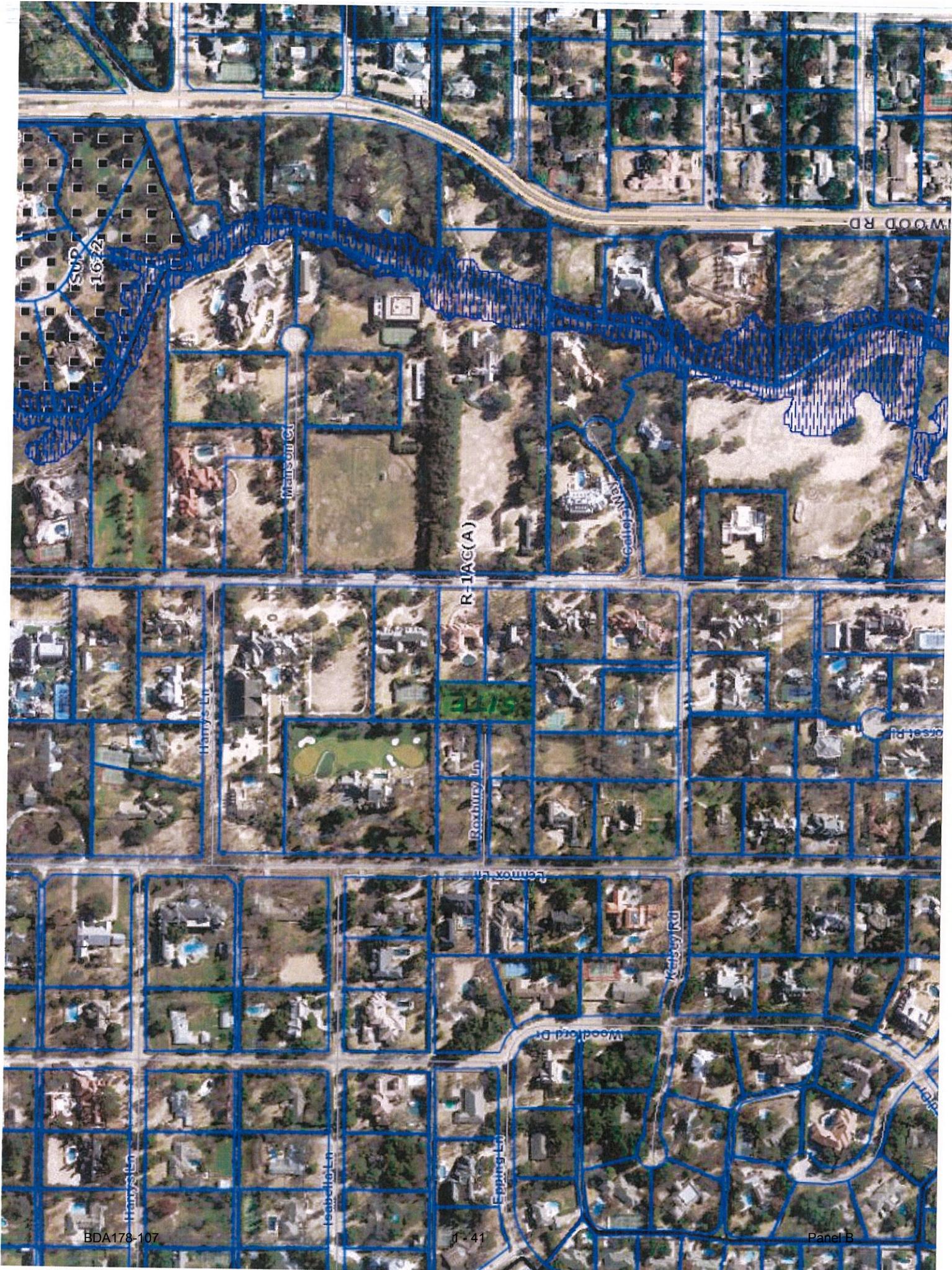
Attach C
PS 6

Attachment 1

Zoning Map of area (and version with aerial photo layer)

BDA178-107
Area C





BDA178-107

Attch C
PS 9

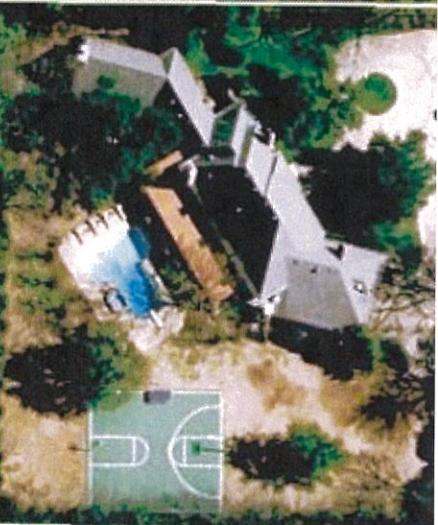
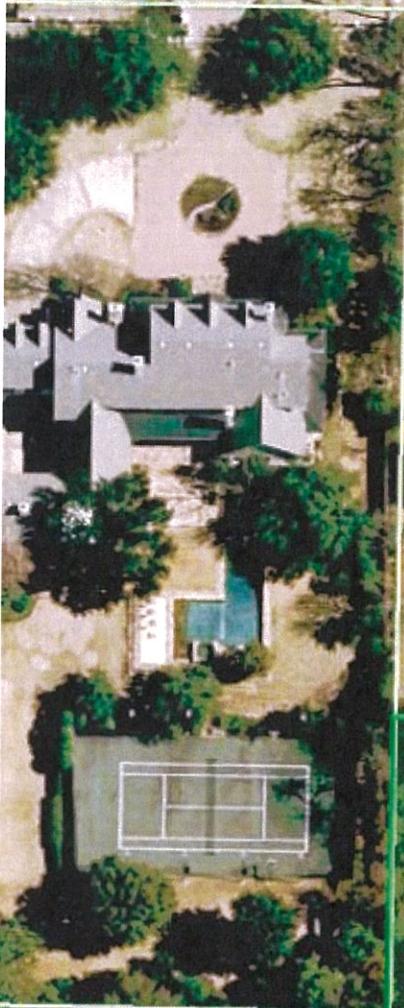
Attachment 2

**Closer aerial photo from Zoning Map,
with *existing* intrusion measured.**



Attachment 3

Various aerial photos of site and area.





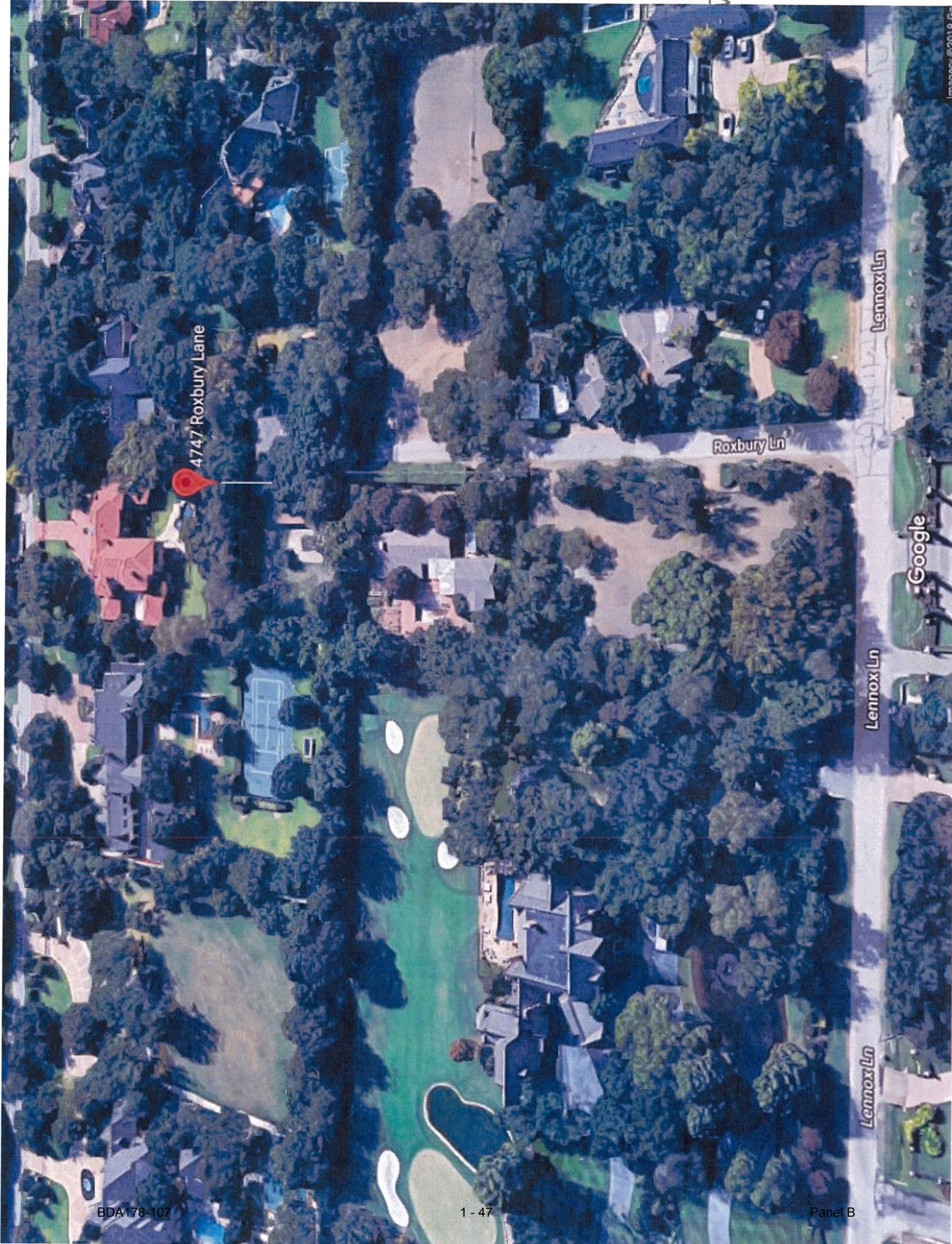
Imagery ©2018 Google, Map data ©2018 Google

BDA
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BDA178-107

1 - 46

Panel B
Lennox Ln



BDA178-107

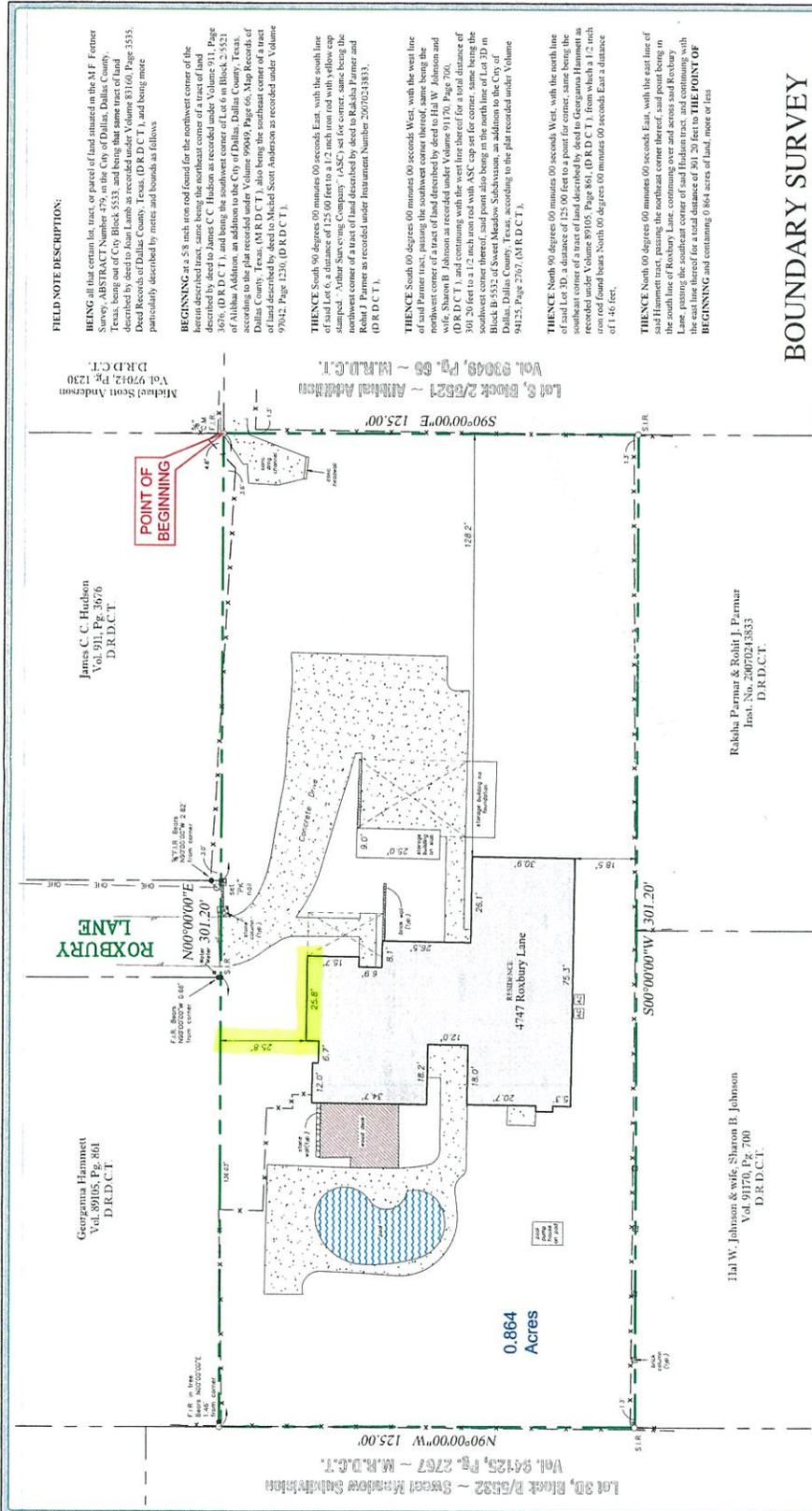
Attch C

PS 15

Attachment 4

**As-built Survey of existing improvements;
existing intrusion highlighted.**

BDA-178-107
 Attach C
 P 9/16



FIELD NOTE DESCRIPTION:

BEING a 1/2 acre parcel of land situated in the M.F. Fortner Survey, Abstract No. 479, City of Dallas, Texas, being out of City Block 5533, and being that same tract of land described by deed to Joan Lamb as recorded under Volume 83160, Page 3333, Deed Records of Dallas County, Texas, (D.R.D.C.T.), and being more particularly described by metes and bounds as follows

BEGINNING at a 5/8 inch iron rod found for the northwest corner of the herein described tract, same being the northeast corner of a tract of land described by deed to James C. Hudson as recorded under Volume 9111, Page 3676, (D.R.D.C.T.), and being more particularly described by metes and bounds as follows

of Althiba Address, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded under Volume 99699, Page 66, Map Records of Dallas County, Texas, (M.R.D.C.T.), also being the southeast corner of a tract of land described by deed to Michael Scott Anderson as recorded under Volume 99699, Page 1230, (D.R.D.C.T.).

THENCE South 90 degrees 00 minutes 00 seconds East, with the south line of said parcel, to the 1/2 inch iron rod with yellow cap and brass top, marked "A.M.S.C." and "A.S.C." at the northwest corner of a tract of land described by deed to Raksha Parmar and Rohit J. Parmar as recorded under Instrument Number 20070243833, (D.R.D.C.T.).

THENCE South 00 degrees 00 minutes 00 seconds West, with the west line of said parcel tract, passing the southwest corner thereof, same being the northwest corner of a tract of land described by deed to Hal W. Johnson and Raksha Parmar and Rohit J. Parmar as recorded under Instrument Number 20070243833, (D.R.D.C.T.), and continuing with the west line thereof for a total distance of 300.20 feet to a 1/2 inch iron rod with ASC cap set for corner, same being the southwest corner thereof, said point also being in the north line of Lot 3D in Block B 5532 of Sweet Meadow Subdivision, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded under Volume 94225, Page 2591, (M.R.D.C.T.).

THENCE North 00 degrees 00 minutes 00 seconds West, with the north line of Lot 3D in Block B 5532 of Sweet Meadow Subdivision, an addition to the City of Dallas, Dallas County, Texas, for a distance of 125.00 feet to the southeast corner of a tract of land described by deed to Georganna Hammitt as recorded under Volume 89105, Page 861, (D.R.D.C.T.), from which a 1/2 inch iron rod found bears North 00 degrees 00 minutes 00 seconds East a distance of 1.46 feet.

THENCE North 00 degrees 00 minutes 00 seconds East, with the east line of said Hammitt tract, passing the northeast corner thereof, said point being in the southeast corner of said Hammitt tract, and across said Roxbury Lane, passing the southeast corner of said Hammitt tract, to the 1/2 inch iron rod found for the east line thereof for a total distance of 301.20 feet to **THE POINT OF BEGINNING** and containing 0.864 acres of land, more or less

BOUNDARY SURVEY

0.864 Acres out of the
M.F. Fortner Survey, Abstract No. 479
 City of Dallas
 Dallas County, Texas

P.C. TECH AB / G.C. DATE 09-30-2017 SCALE 1"=20' A.S.C. NO. 170827

ARTHUR
 LAND SURVEYING

2500 WEST LOOP SOUTH, SUITE 1007
 DALLAS, TEXAS 75220
 arthursonline.com Established 1986



ARTHUR
 LAND SURVEYING

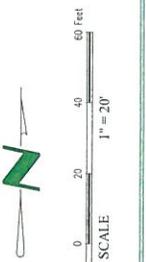
2500 WEST LOOP SOUTH, SUITE 1007
 DALLAS, TEXAS 75220
 arthursonline.com Established 1986

NOTES

- Bearings are based on deed to Joan Lamb as recorded under Vol. 83160, Page 3333, D.R.D.C.T.
- This survey was prepared without the benefit of a site search, therefore no search of recorded documents was performed on subject property.

CLAIMS OF INTERESTS: This survey shows the boundaries of the subject property as shown on the ground of the property, high, described herein and to correct and to the best of our knowledge, there are no unrecorded claims of interest in any part of the land herein surveyed, except as shown hereon.

FLOOD NOTE: This is an opinion that the property described herein is not within the 100-year flood zone, according to the Federal Emergency Management Agency Flood Insurance Rate Map Community Panel No. 480171 0100, present effective date of map, July 7, 2014, herein proposed, situated within Zone "X" (Unshaded).



LEGEND

SYMBOL	DESCRIPTION
(Symbol)	1/4" IRON ROD
(Symbol)	1/2" IRON ROD
(Symbol)	3/4" IRON ROD
(Symbol)	1" IRON ROD
(Symbol)	2" IRON ROD
(Symbol)	3" IRON ROD
(Symbol)	4" IRON ROD
(Symbol)	5" IRON ROD
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(Symbol)	35" IRON ROD
(Symbol)	36" IRON ROD
(Symbol)	37" IRON ROD
(Symbol)	38" IRON ROD
(Symbol)	39" IRON ROD
(Symbol)	40" IRON ROD
(Symbol)	41" IRON ROD
(Symbol)	42" IRON ROD
(Symbol)	43" IRON ROD
(Symbol)	44" IRON ROD
(Symbol)	45" IRON ROD
(Symbol)	46" IRON ROD
(Symbol)	47" IRON ROD
(Symbol)	48" IRON ROD
(Symbol)	49" IRON ROD
(Symbol)	50" IRON ROD



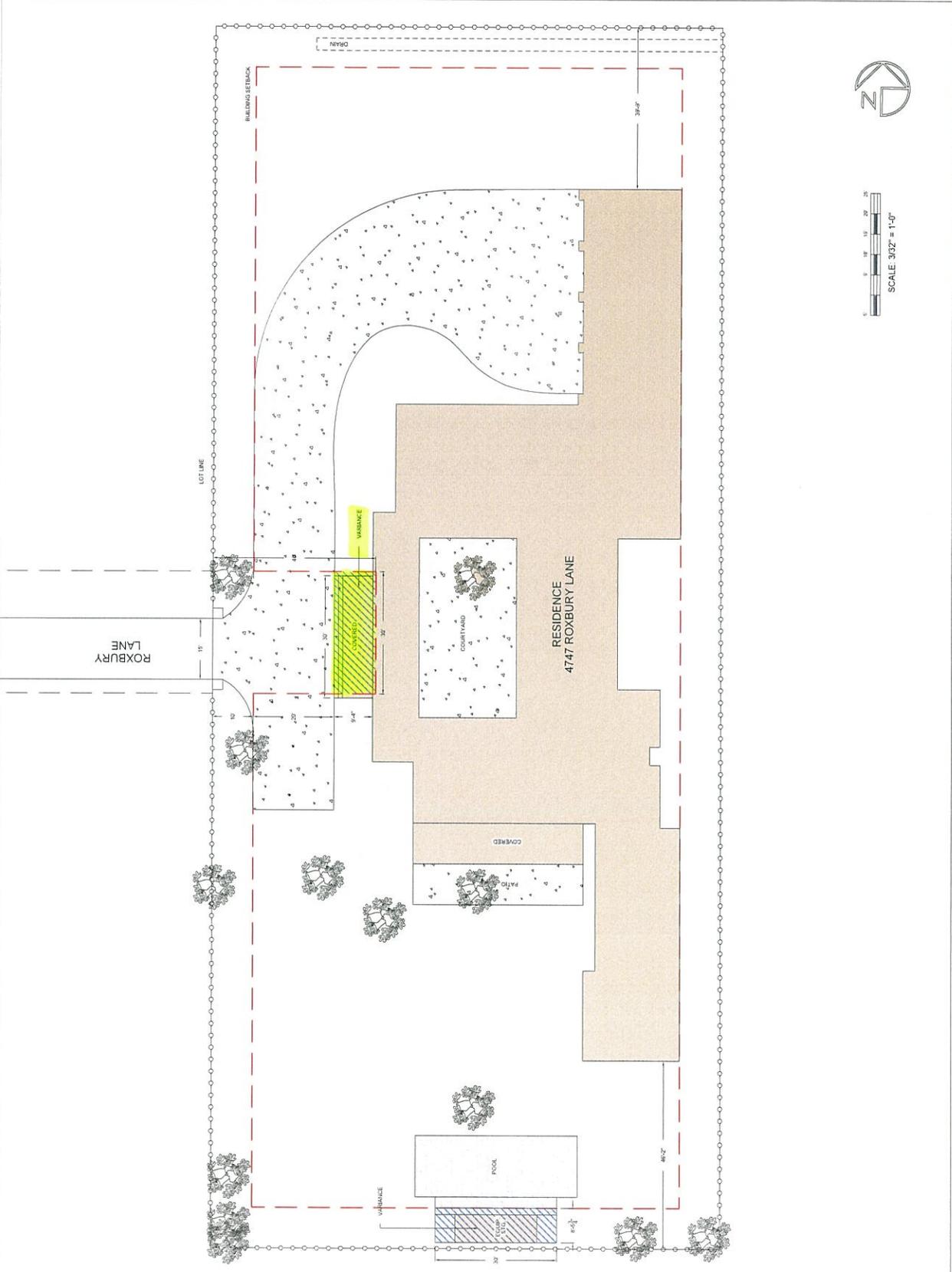
BDA178-107
Attachment C
PS17

Attachment 5

**Proposed Site Plan;
proposed *reduced* intrusion highlighted.**

BDA178-107
 Attk C
 1/1
 1/1

BLOCK: 5533	MARK & JAN GODAT RESIDENCE 4747 ROXBURY LANE DALLAS, TEXAS 75229	NEW SITE PLAN 6,953 SF	1/1
-------------	--	------------------------------	-----

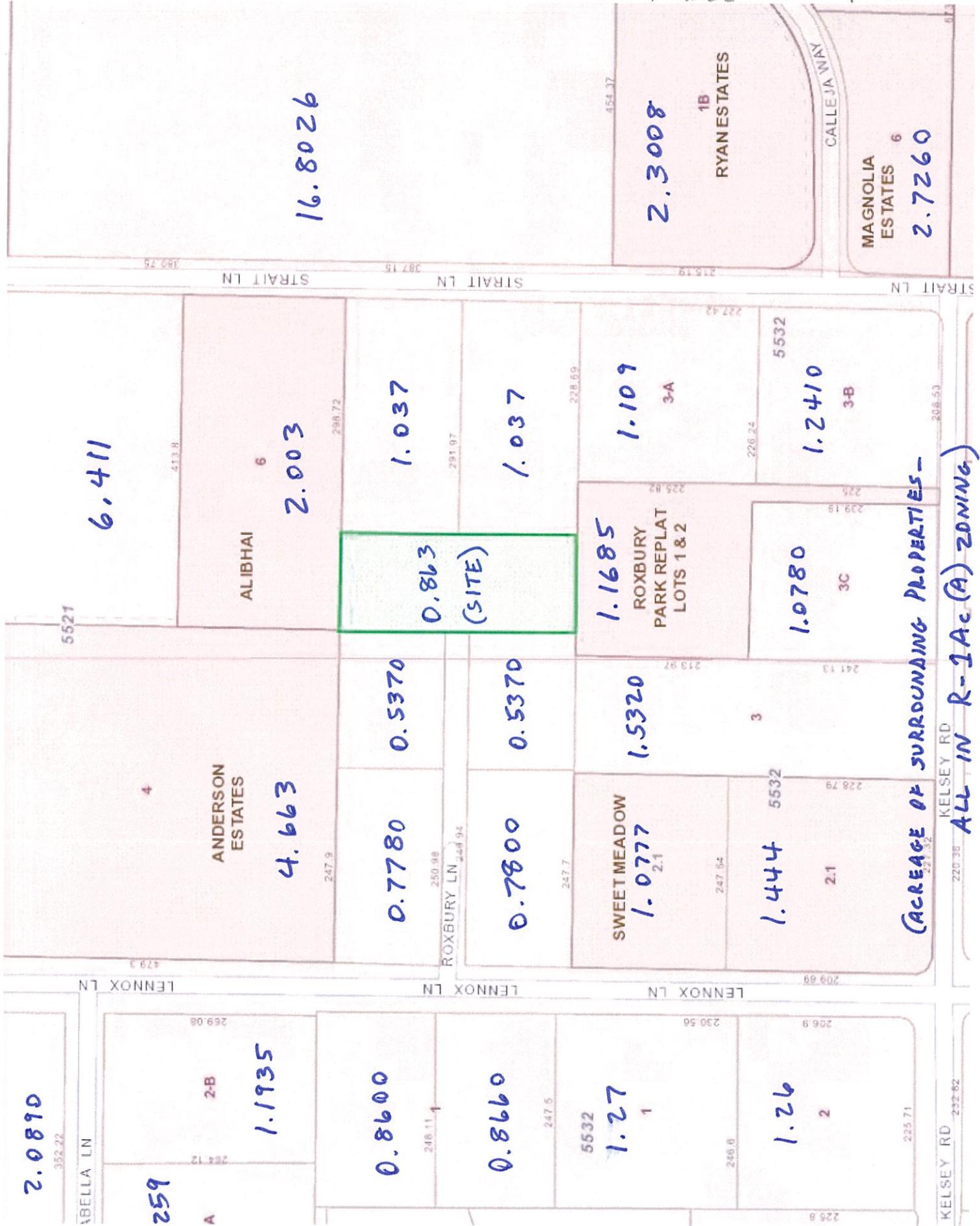


BDA178-107

Attachment C
PS 19

Attachment 6

Area map showing acreage of surrounding properties.

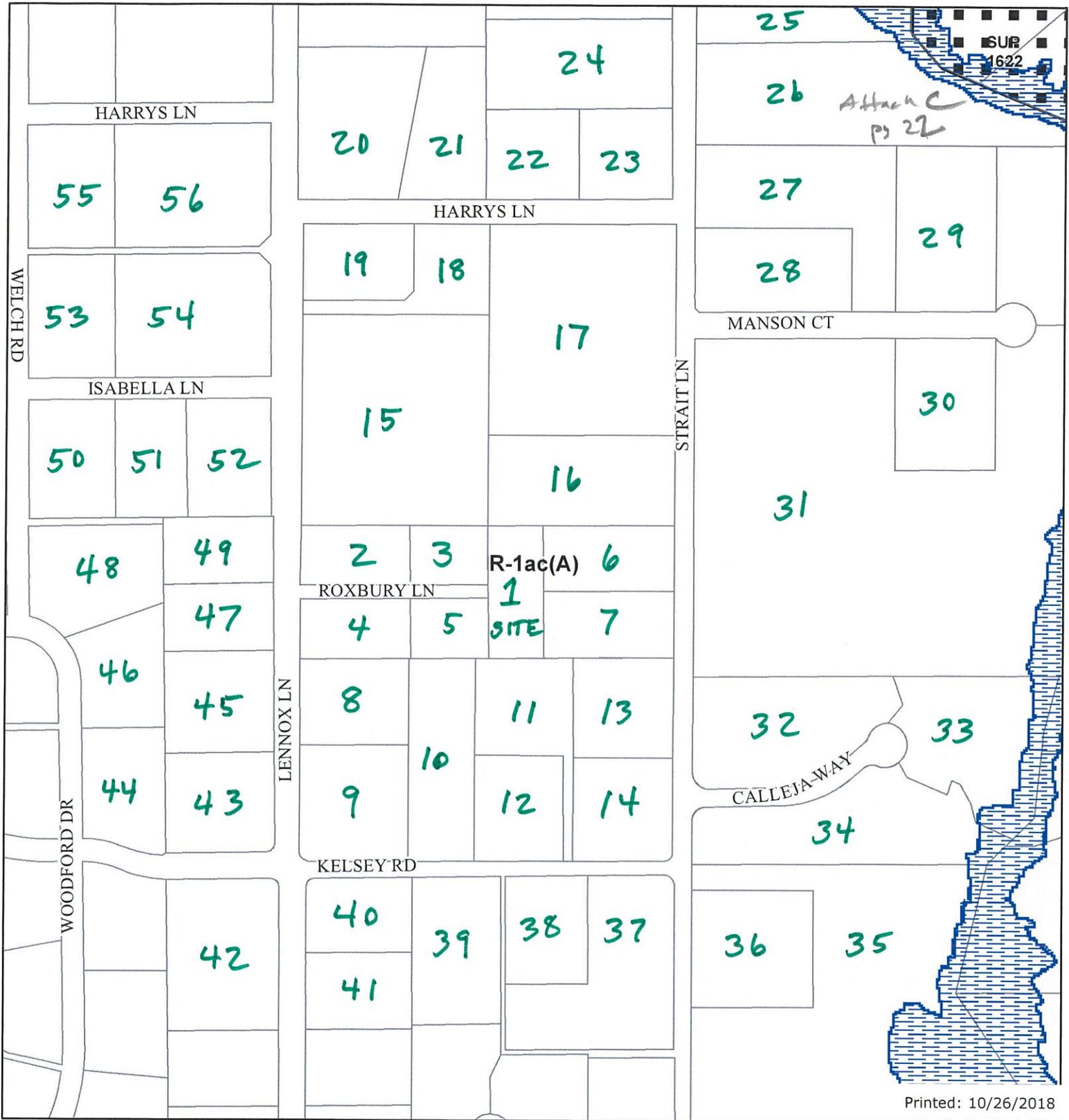


(ACREAGE OF SURROUNDING PROPERTIES - ALL IN R-1Ac(A) ZONING)

BDA178-107
ATTACH
P 526

Attachment 7

Area Map (keyed to data Tables); Table 1; Table 2.



Printed: 10/26/2018

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 | Slope Overlay |
| | | Height Map Overlay | |

BDA178-107

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)



Panel B

1:3,600

BDA778-107
 ATTACH C
 PS 23

TABLE 1

**Roxbury Lane Area Square Footage, Stories, and Year Built
 (all information from Dallas Central Appraisal District)**

<u>Number on Map</u>	<u>Address</u>	<u>SF of Impr.</u>	<u>Stories</u>	<u>Year Built</u>
1.	4747 Roxbury	4,286 (proposed 6,953)	1(Existing) 2 (Proposed)	1965
2.	10458 Lennox	6,881	2	2016
3.	4741 Roxbury	2,539	1	1942
4.	10446 Lennox	3,303	1	1933
5.	4740 Roxbury	None	-	-
6.	10455 Strait	8,906	2	2007
7.	10445 Strait	7,245	2	1989
8.	10434 Lennox	5,696	2	1987
9.	4701 Kelsey	4,576	2	1984
10.	4727 Kelsey	2,764	2	1942
11.	4827 Kelsey	5,182	1.5	1994
12.	4811 Kelsey	3,724	1	1952
13.	10433 Strait	7,801	1.5	1997
14.	10411 Strait	10,893	2	2008
15.	10540 Lennox	15,611	1.5	1998
16.	10513 Strait	8,198	1.5	1999
17.	10595 Strait	16,898	2	1995
18.	“(17/18/19; one tax acct.)	(Includes some detached outbuildings)		1995
19.	“(17/18/19; one tax acct.)			1995
20.	10626 Lennox	5,340	1	1991
21.	4777 Harry’s Ln.	8,870	2	1983
22.	4851 Harry’s Ln.	8,010	2	2006
23.	10611 Strait	9,349	1.5	2000
24.	10621 Strait	4,759	1	1939
25.	10660 Strait	14,670	2	2001
26.	10650 Strait	2,387 (“outbuildings”)	2	2017
27.	10620 Strait	12,984	2	2001
28.	4900 Manson Ct.	None	-	-
29.	4929 Manson Ct.	4,706	1	1965
30.	4930 Manson Ct.	6,520	1	1957
31.	10444 Strait	8,264	1.5	1944
32.	10430 Strait	20,254	3	2005
33.	4949 Calleja Way	12,234	2	1999
34.	10360 Strait	None	-	-

<u>Number on Map</u>	<u>Address</u>	<u>SF of Impr.</u>	<u>Stories</u>	<u>Year Built</u>
35.	10330 Strait	2,566 (garage only)	2	1996
36.	10340 Strait	8,960	1.5	1977
37.	10349 Strait	10,121	1.5	1993
38.	4814 Kelsey	9,745	1.5	1994
39.	4726 Kelsey	9,061	2	1980
40.	4700 Kelsey	2,866	2	1938
41.	10346 Lennox	7,114	1.5	1998
42.	4646 Kelsey	6,570	2	1989
43.	10401 Lennox	12,162	2	2005
44.	10414 Woodford	5,095	1	1971
45.	10427 Lennox	9,655	2	1983
46.	10424 Woodford	5,393	1	1985
47.	10443 Lennox	9,364	1.5	1986
48.	10434 Woodford	4,294	1	1974
49.	10453 Lennox	9,798	2	2003
50.	4610 Isabella	10,292	2	2005
51.	4612 Isabella	8,709	2	1984
52.	10515 Lennox	8,226	2	2018
53.	4611 Isabella	8,225	2	1998
54.	10545 Lennox	15,003	2	2015
55.	10580 Welch	2,579	1	1954
56.	10615 Lennox	22,608	2	1994

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TABLE 2

**Roxbury Area Property Data Showing Square Footage per Floor (approx.*) and Averages
 (data on total square footage and stories from Dallas Central Appraisal District)**

	<u># On Map</u>	<u>Year Built</u>	<u>Total SF</u>	<u>Stories</u>	<u>First Floor SF (Footprint)</u>
1.	04	1933	3,303	1	3,303
2.	40	1938	2,866	2	1,433
3.	24	1939	4,759	1	4,759
4.	10	1942	2,764	2	1,382
5.	03	1942	2,539	1	2,539
6.	31	1944	8,264	1.5	5,509
7.	12	1952	3,724	1	3,724
8.	55	1954	2,579	1	2,579
9.	30	1957	6,520	1	6,520
10.	01	1965	4,286	1	4,286
11.	29	1965	4,706	1	4,706
12.	44	1971	5,095	1	5,095
13.	48	1974	4,294	1	4,294
14.	36	1977	8,960	1.5	5,973
15.	39	1980	9,061	2	4,530
16.	21	1983	8,870	2	4,435
17.	45	1983	9,655	2	4,827
18.	09	1984	4,576	2	2,288
19.	51	1984	8,709	2	4,354
20.	46	1985	5,393	1	5,393
21.	47	1986	9,364	1.5	6,243
22.	08	1987	5,696	2	2,848
23.	42	1989	6,570	2	3,285
24.	07	1989	7,245	2	3,622
25.	20	1991	5,340	1	5,340
26.	37	1993	10,121	1.5	6,747
27.	11	1994	5,182	1.5	3,455
28.	38	1994	9,745	1.5	6,497
29.	56	1994	22,608	2	11,304
30.	17/18/19	1995	16,898	2	8,449
31.	35	1996	2,566 (garage)	2	1,283
32.	13	1997	7,801	1.5	5,201
33.	53	1998	8,225	2	4,113
34.	41	1998	7,114	1.5	4,743
35.	15	1998	15,611	1.5	10,407
36.	16	1999	8,198	1.5	5,465
37.	33	1999	12,234	2	6,117

* For 1.5 story homes, calculation was made by dividing total by three, then multiplying by two for approximate first floor footprint.

	<u># On Map</u>	<u>Year Built</u>	<u>Total SF</u>	<u>Stories</u>	<u>First Floor SF (Footprint)</u>
38.	23	2000	9,349	1.5	6,233
39.	27	2001	12,984	2	6,492
40.	25	2001	14,670	2	7,335
41.	49	2003	9,798	2	4,899
42.	50	2005	10,292	2	5,146
43.	43	2005	12,162	2	6,081
44.	32	2005	20,254	3	6,751
45.	22	2006	8,010	2	4,005
46.	06	2007	8,906	2	4,453
47.	14	2008	10,893	2	5,447
48.	54	2015	15,003	2	7,502
49.	02	2016	6,881	2	3,441
50.	26	2017	2,387	2	1,194
51.	52	2018	8,226 ("outbuildings")	2	4,113
Average:			8,496		5,055
Proposed Home at 4747 Roxbury:			6,953		3,477
Difference:			(1,543)		(1,578)
Percentage Difference:			81.8% of Average		68.8% of Average

* For 1.5 story homes, calculation was made by dividing total by three, then multiplying by two for approximate first floor footprint.

BDA178-107
Attachment C
PS 27

Attachment 8
Site and area photos.



1. View of existing front façade of current structure on the Property, showing 14 foot intrusion into front yard setback.



2. View of existing front façade looking south.

BDA178-107
ATTN C
PS 30



3. View of existing structures looking north.

BDA178-107

Att'n C

15 30



4. View west on Roxbury Lane from front
façade of current structure.

BDA178-107
Attachment C
PS 32



5. View west on Roxbury – note no other properties face the Property.

BDA178-107
Attch C
Ps 33



6. View west on Roxbury Lane, showing adjacent property to west on north side of Roxbury Lane.



7. View east on Roxbury Lane to the Property (center background).



8. View east on Roxbury Lane to the Property – note that no properties on Roxbury face the Property.

BDA178-107
Attch C
PS 36



9. View east on Roxbury Lane to the Property – note that 4747 Roxbury creates no visual intrusiveness at all.

BDA178-107
ATTACH C
PS 37



10. View east on Roxbury Lane to the Property from the intersection with Lennox Lane.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-107

Data Relative to Subject Property:

Date: 7-20-18

Location address: 4747 Roxbury Lane Zoning District: R-1Ac(A)

Lot No.: N/A Block No.: 5533 Acreage: 0.864 acres Census Tract: 0076.01

Street Frontage (in Feet): 1) 30.0 FT 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Godat Living Trust / Mark and Jan Godat, Trustees

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

E-mail Address: jvinson@jw.com

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

Affirm that an appeal has been made for a Variance X, or Special Exception _____, _____, _____
Of 10 feet to the front yard setback regulations under Sec. 51A-4.401(b)(1), specifically as to the Roxbury Lane
frontage, as depicted on the submitted site plan.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the
Dallas Development Code, to grant the described request for the following reason:

The property is very unusually configured, and Roxbury Lane dead-ends into the center of the property, which is also smaller than other properties in the same zoning classification. The variance should be granted because it is not contrary to the public interest; owing to special conditions, literal enforcement of Chapter 51A would result in unnecessary hardship; and the variance is necessary to permit development commensurate with development upon other parcels with the same zoning, all of which will be documented further in additional materials to be provided to the City Staff.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

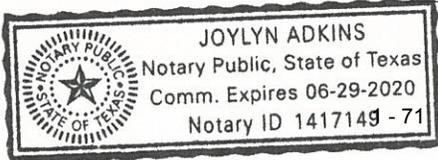
Respectfully submitted: Jackson Walker L.L.P.
By: Jonathan G. Vinson Applicant's name printed Jonathan G. Vinson Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Subscribed and sworn to before me this 20th day of July, 2018
Jonathan G. Vinson Affiant (Applicant's signature)

Joylyn Adkins
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

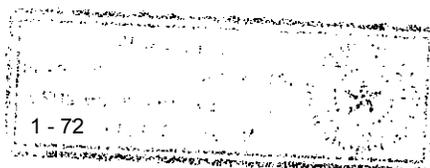
I hereby certify that JONATHAN VINSON

did submit a request for a variance to the front yard setback regulations
at 4747 Roxbury Lane

BDA178-107. Application of JONATHAN VINSON for a variance to the front yard setback regulations at 4747 ROXBURY DR. This property is more fully described as 125X301 End of Roxbury Lane, Block 5533, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct and or maintain a single family residential structure and provide a 30 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 7/20/2018

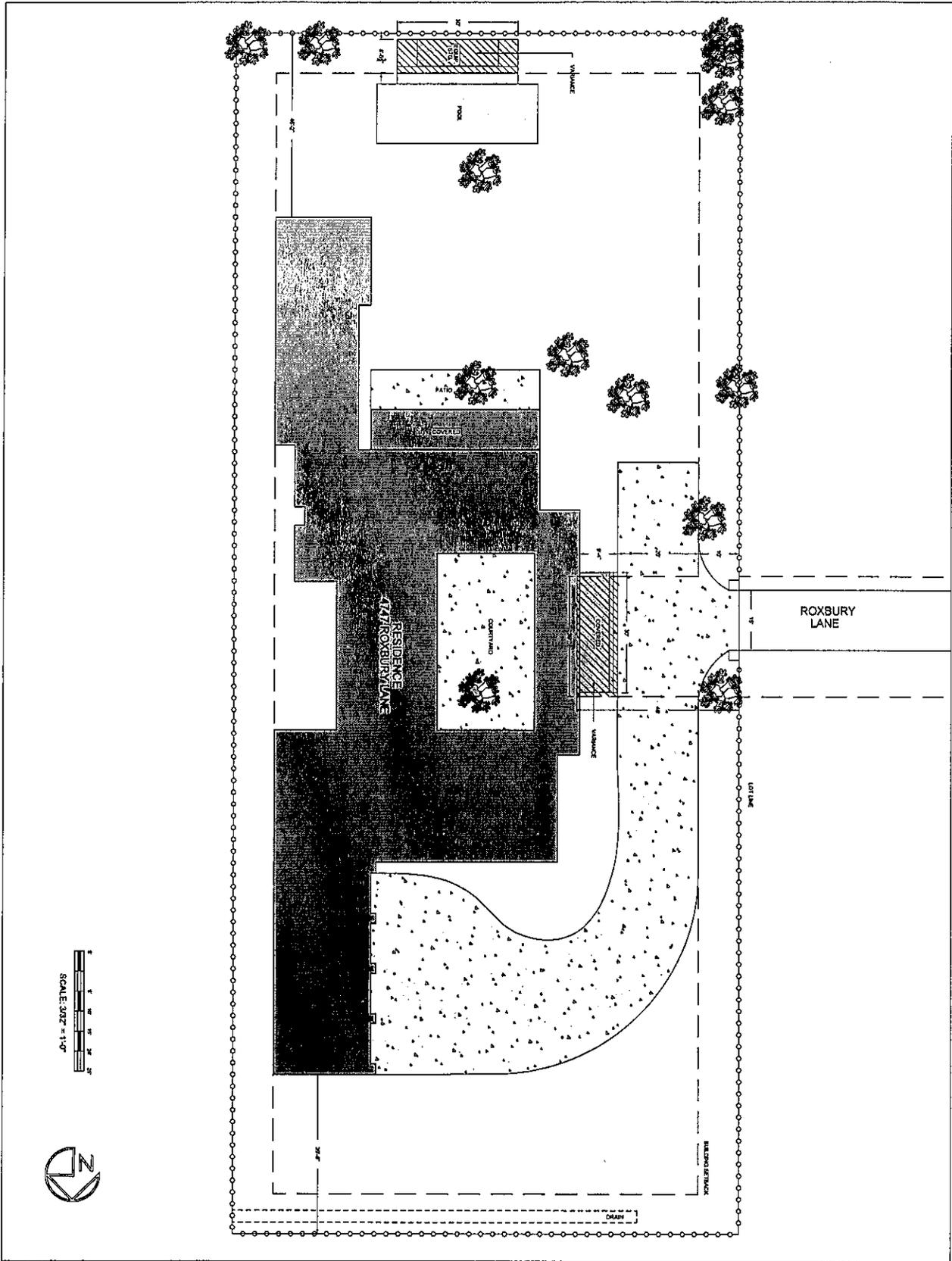
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | BDA178-107 SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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Panel B

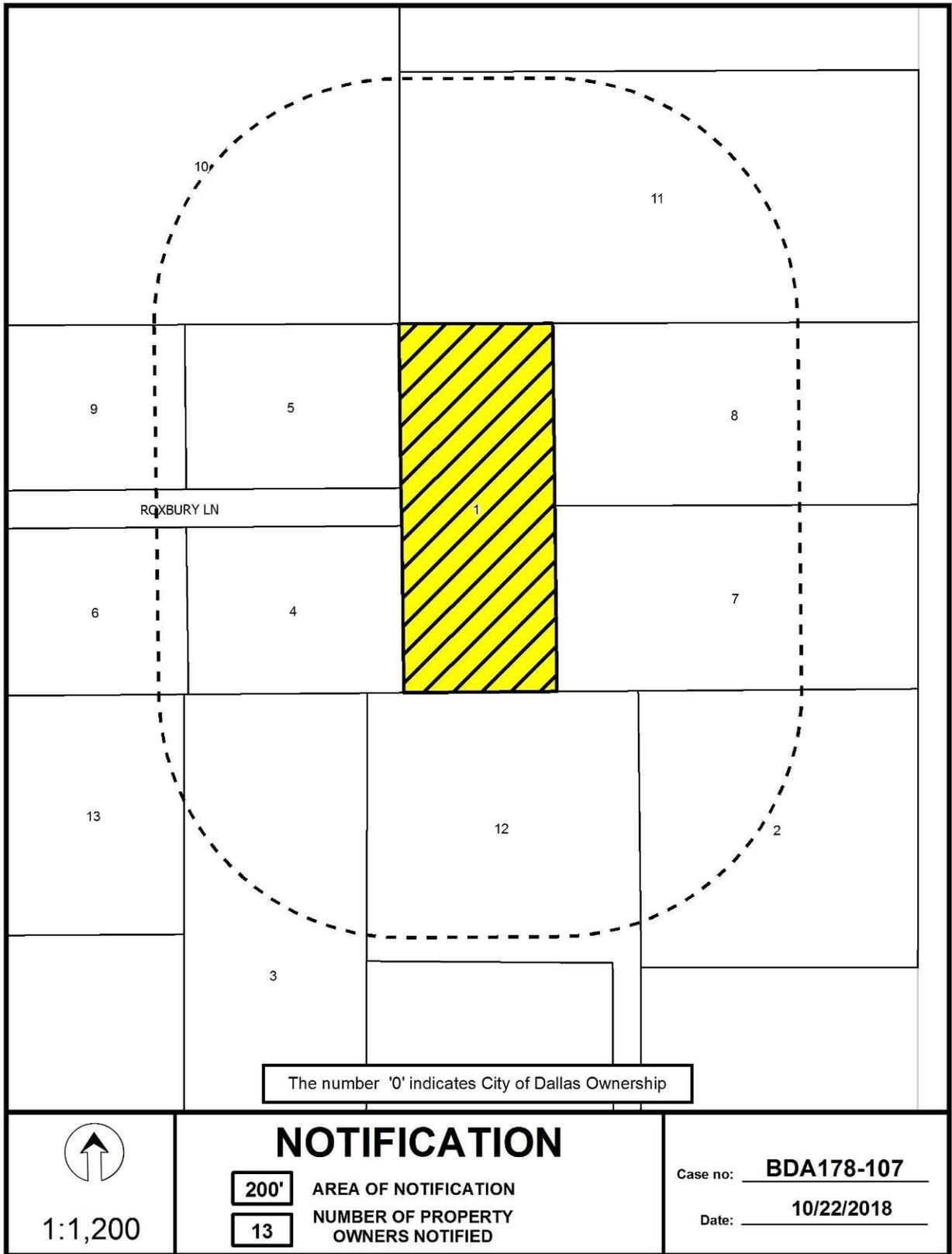




MARK & JAN GODAT RESIDENCE
 4747 ROXBURY LANE
 DALLAS, TEXAS 75229

BLOCK: 5633

NEW
 SITE PLAN
 6,953 SF
 1/1



Notification List of Property Owners

BDA178-107

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4747 ROXBURY DR	GODAT LIVING TRUST
2	10433 STRAIT LN	ROBILLARD DONALD F &
3	4727 KELSEY RD	SPARKS CHERYL
4	4740 ROXBURY DR	HAMMETT GEORGANNA E
5	4741 ROXBURY DR	HUDSON JAMES C C
6	10446 LENNOX LN	TAFF THOMAS D TR &
7	10445 STRAIT LN	JOHNSON HAL W & SHARON B
8	10455 STRAIT LN	PARMAR RAKSHA & ROHIT J
9	10458 LENNOX LN	EMMONS DAVID L &
10	10540 LENNOX LN	ANDERSON MICHAEL SCOTT
11	10513 STRAIT LN	GARRETT RANDY R & CAROLYN
12	4827 KELSEY RD	DOUGLAS DAVID
13	10434 LENNOX LN	RAWLINGS MICHAEL S

FILE NUMBER: BDA178-125

BUILDING OFFICIAL'S REPORT: Application of Frank Meneghetti, represented by Kenneth Waits, for a special exception to the sign regulations at 4616 Greenville Avenue. This property is more fully described as Lot 3, Block A/5402, and is zoned MU-3, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to locate and/or maintain a detached premises non-monument sign on a nonresidential premise within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulations.

LOCATION: 4616 Greenville Avenue

APPLICANT: Frank Meneghetti
Represented by Kenneth Waits

REQUEST:

A request for a special exception to the sign regulations is made to replace and maintain a non-monument sign within the 250' distance requirement from a residential property on a site developed with a car wash use (Wave Wash Car Wash).

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:

Section 51A-7.304(b)(3) states that the Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the sign regulations to allow a non-monument sign within 250 feet of private property in a non-business zoning district 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:

Site: MU-3 (Mixed Use)
North: MU-3 (Mixed Use)
South: MU-3 (Mixed Use)
East: MF-1(A) (Multifamily)
West: MU-3 (Mixed Use)

Land Use:

The site is currently developed with a car wash use (Wave Wash Car Wash). The areas to the north and west are developed with retail uses; the area to the east is developed with multifamily use; and the area to the south is developed with office use.

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:

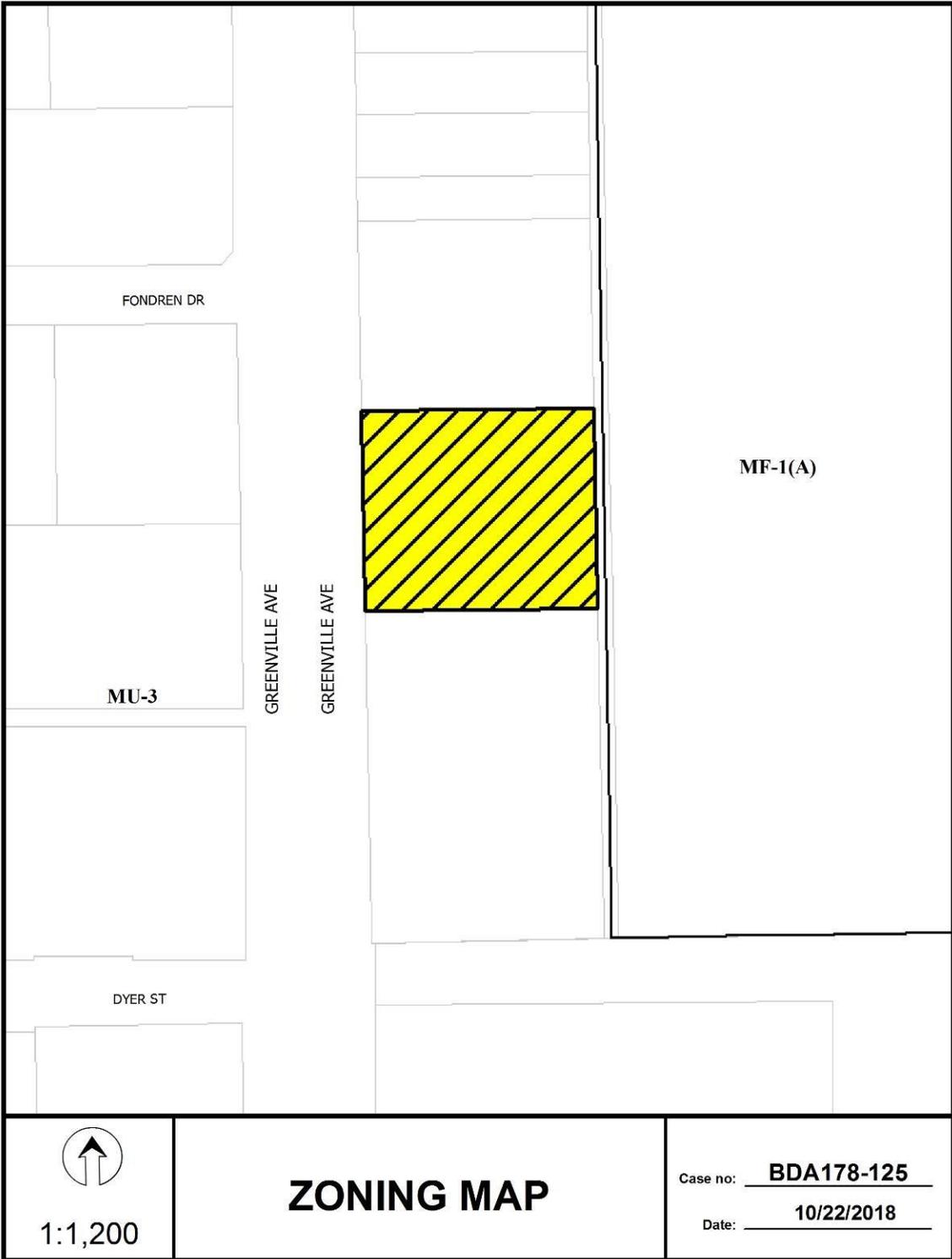
- The request focuses on replacing and maintaining a non-monument sign within the 250' distance requirement from a residential property on a site being developed with a car wash use (Wave Wash Car Wash).
- The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.
- The applicant has submitted a site plan and sign elevation. The site plan notes that the sign board of the proposed replacement sign would be oriented to face north and south, and not to the non-business zoning district immediately east of the subject site.
- The subject site is 190' in depth therefore the entire site is within 250' of residential zoning to the east.
- The application states that "we are replacing an existing pole sign with a shorter and smaller sign".
- In October of 2004, the sign regulations were amended in ways that added the provision the applicant is seeking exception from – non-monument signs are not allowed within 250 of either private property in a non-business zoning district or a public park more than one acre.
- The applicant's representative has submitted a document stating among other things that the proposed sign will be 6' shorter and 25 square feet less in overall size than the existing sign, and that the proposed sign is not any taller than the structure on the site that is located between the proposed replacement sign and the multifamily use to the east.
- The applicant has the burden of proof in establishing the following:
 - That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

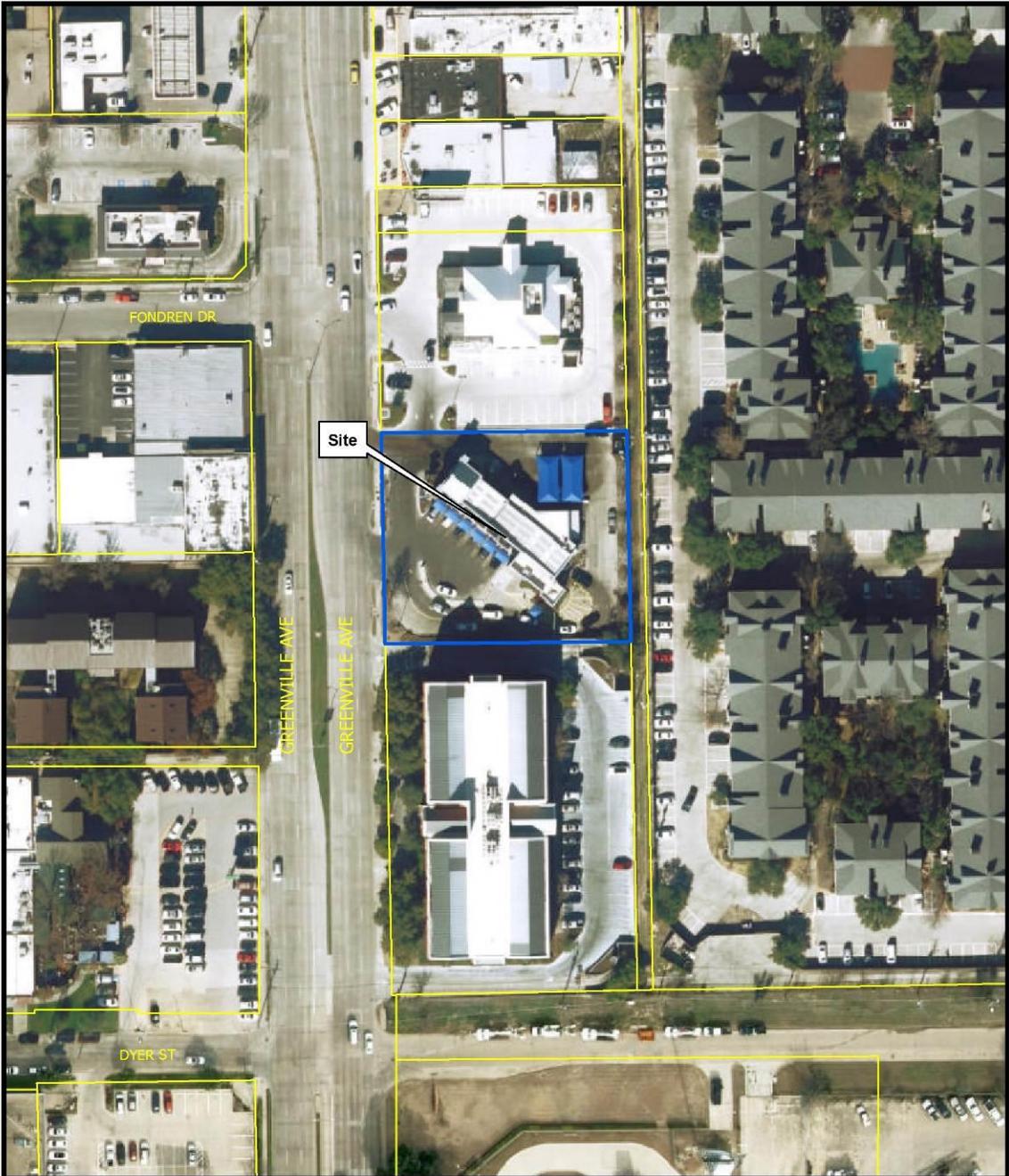
- If the Board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan – a site plan that notes that the sign board of the proposed replacement sign would be oriented to face north and south, and not to the non-business zoning district immediately east of the subject site.
- Staff does not feel it is necessary to additionally impose any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e. height, effective area, or setback requirements) other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.

Timeline:

- August 30, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 9, 2018: The Sustainable Development and Construction Interim Assistant Director randomly assigned this case to Board of Adjustment Panel B.
- October 9, 2018: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 30th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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 12, 2018: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- October 30, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA178-125

Date: 10/22/2018

BDA178-125
Attach A

Long, Steve

From: css1956@aol.com
Sent: Friday, October 12, 2018 8:27 AM
To: Long, Steve
Subject: Re: BDA178-125, Property at 4616 Greenville Avenue

I would like to point out that we are replacing an existing non-monument sign with this new non-monument sign. The new sign will be 6' shorter in overall height and 25 square feet less in overall size than the existing sign. The sign will be located in the same area as the existing one, just a few feet south. The new sign, like the existing one will be aligned perpendicular to Greenville Ave for viewing from the north and south, the sign faces themselves are not viewable directly from the east or west only the ends of the sign can be seen from those directions. The sign will be located on the west side of the carwash building, so the building is between the sign and the property to the east, the sign is not any taller than the carwash building.

Thank you, Kenneth Waits



CITY SIGN SERVICES, INC.

3914 ELM ST. - DALLAS, TX 75226

OFFICE: 214-826-4475 FAX: 214-826-4722

TSCL#1B156

CITYSIGNSERVICES.COM

In a message dated 10/11/2018 7:00:47 AM Central Standard Time, steve.long@dallascityhall.com writes:

Dear Mr. Waits,

Please contact Charles Trammell at 214/948-4618 or charles.trammell@dallascityhall.com no later than noon, **Wednesday, October 24th** with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his Building Official's report stating that the applicant proposes to construct/maintain a detached premise non-monument sign on a nonresidential premise within 250 feet of either private property in a non-business zoning district or a public park of more than one acre which will require a special exception to the sign regulations, or any other part of this report is incorrect.

Thank you,

Steve



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-125

Data Relative to Subject Property:

Date: 8/30/18

Location address: 4616 GREENVILLE AVE. Zoning District: MU-3

Lot No.: 3 Block No.: A/5402 Acreage: .707 Census Tract: 79.14

Street Frontage (in Feet): 1) 162.10' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MENEGHETTI ENTERPRISES, LLC.

Applicant: FRANK MENEGHETTI Telephone: 214-244-0096

Mailing Address: 4616 GREENVILLE AVE. Zip Code: 75208

E-mail Address: Frankm@wavewash.com

Represented by: Kenneth Waits Telephone: 214-293-2670

Mailing Address: 3914 ELM ST Zip Code: 75224

E-mail Address: CSS1956@aol.com

Affirm that an appeal has been made for a Variance __, or Special Exception , of ARTICLE VII SIGN REGULATIONS SEC. 51A-7.304 (b) (3) NON-MONUMENT SIGNS ARE NOT ALLOWED WITHIN 250' OF EITHER PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT OR A PUBLIC PARK OF MORE THAN ONE ACRE.

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: EXCEPTION TO THE PROVISION

AS PER SEC. 51A-7.304 (b) (3) THE BOA MAY GRANT A SPECIAL EXCEPTION TO THIS PROVISION WHEN, IN THE OPINION OF THE BOARD, THE SE WILL NOT ADVERSELY AFFECT NEIGHBORING PROPERTY. THE NON-BUSINESS PROPERTY IS TO THE EAST OF THIS PROPERTY, THE SIGN IS ON THE WEST AND IS PERPENDICULAR TO THE NON-BUSINESS PROPERTY SO IT WILL NOT BE SEEN EASILY FROM THAT

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.

side. Also we are replacing an existing pole sign with a shorter and smaller sign.

Affidavit

Before me the undersigned on this day personally appeared FRANK MENEGHETTI

(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 29th day of AUGUST 2018, 2018.



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

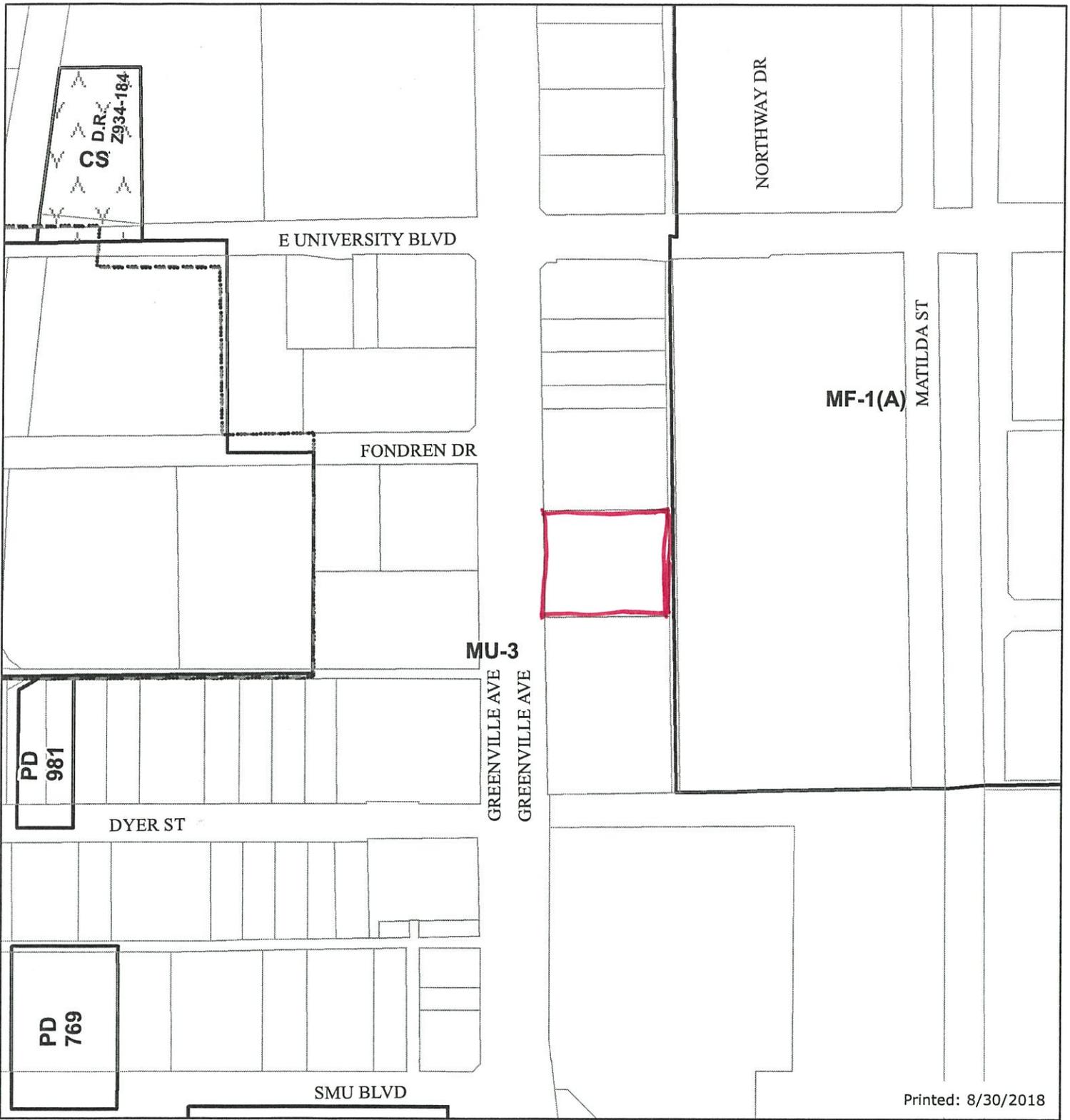
Building Official's Report

I hereby certify that FRANK MENEGHETTI
represented by KENNETH WAITS
did submit a request for a special exception to the sign regulations
at 4616 Greenville Ave

BDA178-125. Application of FRANK MENEGHETTI represented by KENNETH WAITS for special exception to the sign regulations at 4616 GREENVILLE AVE. This property is more fully described as Lot 3, Block A/5402, and is zoned MU-3, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premises within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 8/30/2018

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)



5188

5402

5402

TO THE PUBLIC 2-17-47 2786-545

UNIVERSITY

BLVD.

Anthony J. Lucia
8-20-46

Michael Stanisci
8-20-46
By Will To
Mrs Stanisci
Vol. 34-338
Prob. Min.

T.O. Liberto
5-15-47

R.B. Gilmore Tr.
7-11-56
To
DeGouler & MacNaughton
11-10-77

R.B. Gilmore Tr. 5402
7-11-56
To
DeGouler & MacNaughton
11-10-77

R.B. Gilmore Tr.
1-3-57
To
DeGouler & MacNaughton
11-10-77

Cornell Oil Co.
6-12-57
To
MacLain's Coop.
6-30-77

Centers for
Nurses
Filed
The Visiting Nurses Assn.
9-20-67
0.76 Ac.

Lynne E. Barrens
51173-31

AVENUE

GREENVILLE

REN DR

5188

5187

DYER ST.

S.W. COR. OF TRACT TO MILTON F. BROWN ET AL 5-6-46



225
123.1
378

A
5402

ER ST.

BDA178-125

APPROVED: _____

- AS SUBMITTED
- AS NOTED
- NOT APPROVED RESUBMIT

DATE: _____

WAVE WASH
4616 GREENVILLE AVE
DALLAS, TX 75208



01 EXTERIOR ELEVATION: POLE SIGN
SCALE: 1/4" = 1' 0"

2 - 13



CITY SIGN SERVICES, INC.

3914 ELM ST. - DALLAS, TX 75226

214-826-4475 citysignservices.com

CONTACT: KENNETH WAITS EMAIL: CSS1956@AOL.COM

Panel B

Google Maps Greenville Ave

BDA178-125

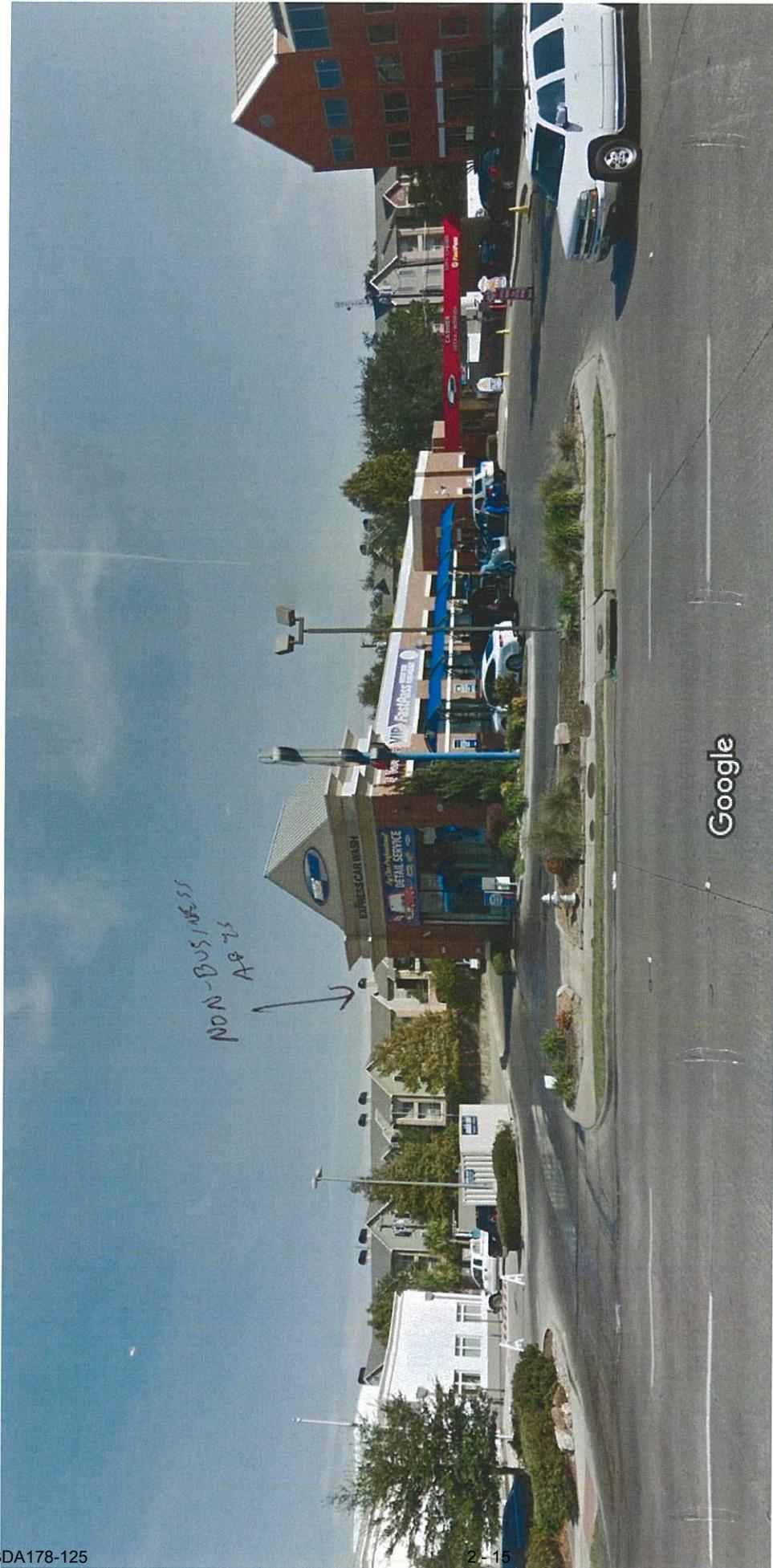


Image capture: Oct 2017 © 2018 Google

Dallas, Texas



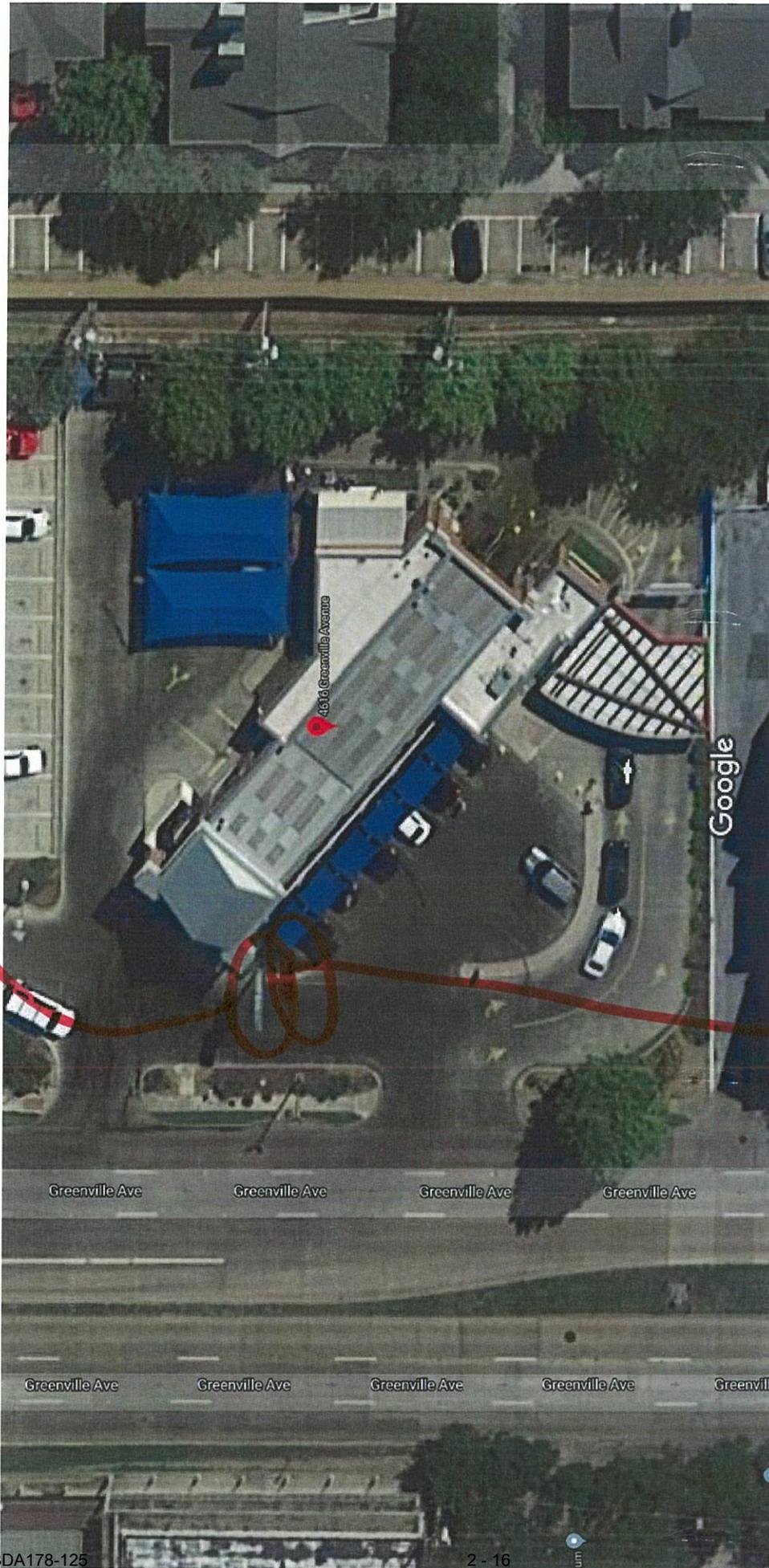
Street View - Oct 2017

Panel B

VIEW
FROM
GREENVILLE

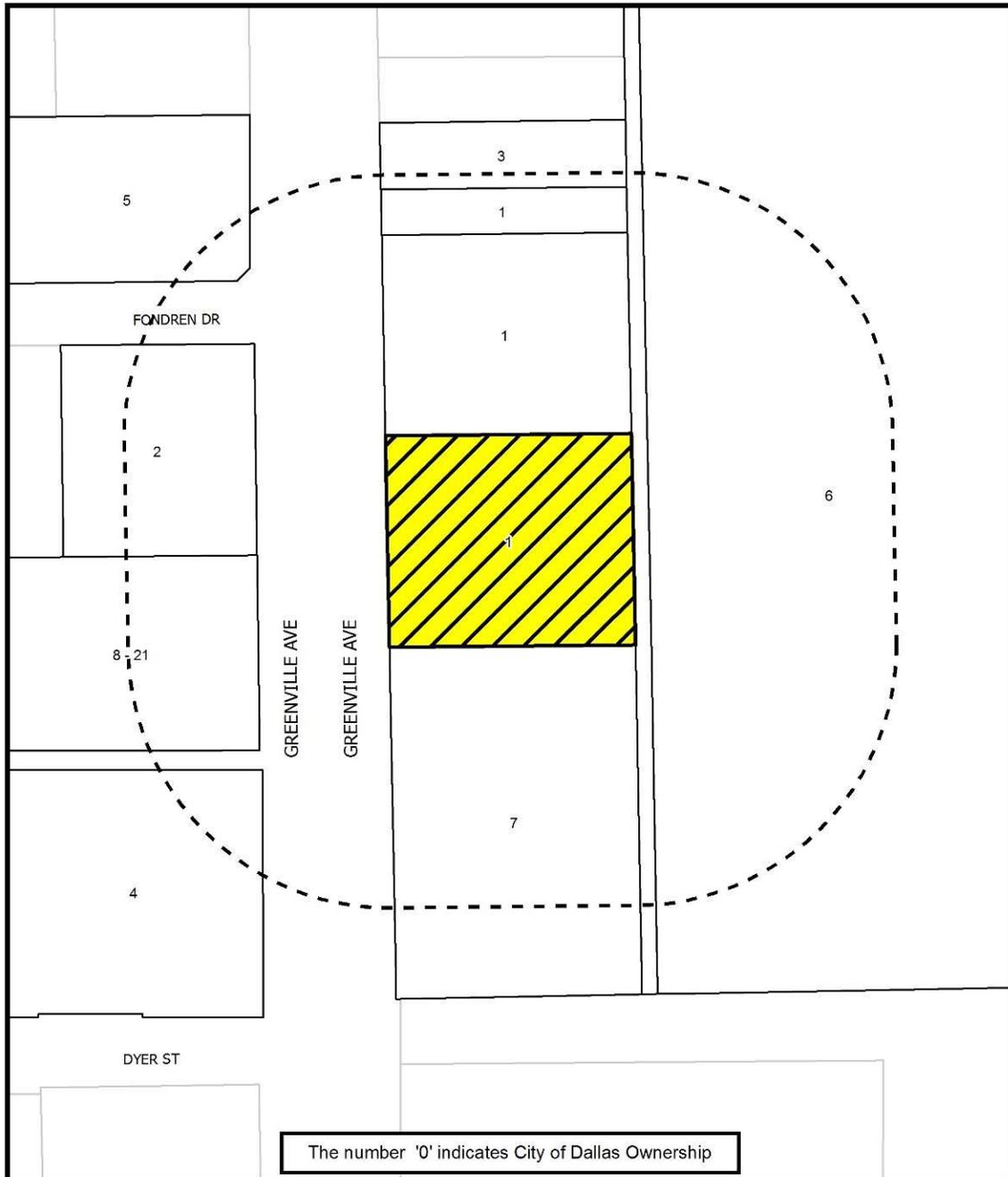
Google Maps 4616 Greenville Ave

EXISTING SIGN



fields

PROPOSED SIGN



 1:1,200	NOTIFICATION		Case no: BDA178-125
	<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;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 10/22/2018

Notification List of Property Owners

BDA178-125

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4616 GREENVILLE AVE	MENEGHETTI ENTERPRISES
2	4645 GREENVILLE AVE	SAYAH INVESTMENTS LP
3	4714 GREENVILLE AVE	LIBERTO SALVATORE
4	4615 GREENVILLE AVE	MOONDANCE INVESTMENTS LTD
5	4703 GREENVILLE AVE	WELLSPRING FONDREN LLC
6	5750 E UNIVERSITY BLVD	FPACP3 GREENVILLE LLC
7	4600 GREENVILLE AVE	CP BLDG CO LLC
8	4625 GREENVILLE AVE	G R PARTNERS INC
9	4625 GREENVILLE AVE	STONECOURT INC
10	4625 GREENVILLE AVE	ROUND HILL ROYALTY LP
11	4625 GREENVILLE AVE	STONECOURT FAMILY LP
12	4625 GREENVILLE AVE	OLIVER FRED L
13	4625 GREENVILLE AVE	BT FAMILY PARTNERSHIP
14	4625 GREENVILLE AVE	MARTINEAU DAVID T
15	4625 GREENVILLE AVE	BRYAN WOODBINE PURCHASING LLC
16	4625 GREENVILLE AVE	ROUND HILL PPTY LLC
17	4625 GREENVILLE AVE	HALPIN MARILYN K
18	4625 GREENVILLE AVE	E & M WATERS LTD
19	4625 GREENVILLE AVE	ROLLIN COBBS C LP
20	4625 GREENVILLE AVE	EUBANK RAY H &
21	4625 GREENVILLE AVE	COBBS ROLLIN C LP

FILE NUMBER: BDA178-127(OA)

BUILDING OFFICIAL'S REPORT: Application of Kelly Saxton, represented by Jason Osterberger Designs, for a special exception to the fence standards regulations at 10747 Lennox Lane. This property is more fully described as Lot 3B, Block B/5534, and is zoned R-1(AC), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence standards regulations.

LOCATION: 10747 Lennox Lane

APPLICANT: Kelly Saxton
Represented by Jason Osterberger Designs

REQUESTS:

Requests for special exceptions to the fence standards regulations related to fence height of 2' are made to construct and maintain 6' high cast stone fences higher than 4' in height in the site's Lennox Lane and Catina Lane front yard setbacks on a site being developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

Site: R-1ac(A) (Single family district 1 acre)
North: R-1ac(A) (Single family district 1 acre)
South: R-1ac(A) (Single family district 1 acre)
East: R-1ac(A) (Single family district 1 acre)
West: R-1ac(A) (Single family district 1 acre)

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:

1. BDA112-039, Property located at 10757 Lennox Lane (the lot directly to the north of the site)
On May 14, 2012, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 3' and imposed the submitted site plan and elevation as a condition. The case report stated that the request was made in conjunction with constructing and maintaining a solid stucco wall ranging in height from 6' 4" – 6' 8" (given grade changes on the property) with 7' high stucco columns in the site's Royal Lane 40' front yard setback on a site that is developed with a single family home.
2. BDA112-039, Property located at 10757 Lennox Lane (the lot directly to the north of the site)
On October 19, 1998, the Board of Adjustment Panel C denied requests for special exceptions to the fence height and visual obstruction regulations without prejudice. The case report stated that the requests were made to construct and maintain an 8' high solid masonry wall in the front yard setback and in the 45' visibility triangle at Royal Lane and Lennox Lane.
3. BDA 045-172, Property at 4610 Royal Lane (two lots west of the subject site)
On May 18, 2005, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 7' imposing the following condition: Compliance with the newly submitted "Preliminary Concept Plan/Site Plan and Elevation" dated May 18, 2005, is required. The case report stated that the request was made in conjunction with constructing a wall in the 40' Royal Lane front yard setback on a site developed with a single family home.

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards focus on constructing and maintaining 6' high cast stone fences higher than 4' in height in the site's

Lennox Lane and Catina Lane front yards setbacks on a site being developed with a single family home.

- The property is located in an R-1ac(A) zoning district which requires a minimum front yard setback of 40 feet.
- Given the single family zoning and location of the corner lot subject site, it has two required front yards. The site has a 40' required front yard along Lennox Lane and along Catina Lane.
- Section 51A-4.602(a) (2) of 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 submitted site plan and elevation denotes a 6' high cast stone fence with pedestrian gate in the Lennox Lane front yard setback, and a 6' high cast stone fence in the Catina Lane front yard setback.
- The following additional information was gleaned from the submitted site plan:
 - Along Lennox Lane: the proposal is represented as being approximately 130' in length parallel to the street and approximately 14' perpendicular to the street on the north and south side of the site on this required front yard; located approximately 26' from the front property line or approximately 46' from the pavement line.
 - Along Catina Lane: the proposal is represented as being approximately 56' in length parallel to the street and approximately 6' perpendicular to the street on the east and west side of the site on this required front yard; located approximately 35 from the front property line or approximately 47' from the pavement line.
- The Sustainable Development and Construction Department Board of Adjustment Senior Planneconducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Lennox Lane located in front yard setback, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).
- As of November 2, 2018, no letters have been submitted in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height of 2' on Lennox Lane and Catina Lane 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 Lennox Lane and Catina Lane front yard setbacks to be constructed/maintained in the location and heights as shown on these documents.

Timeline:

September 12, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

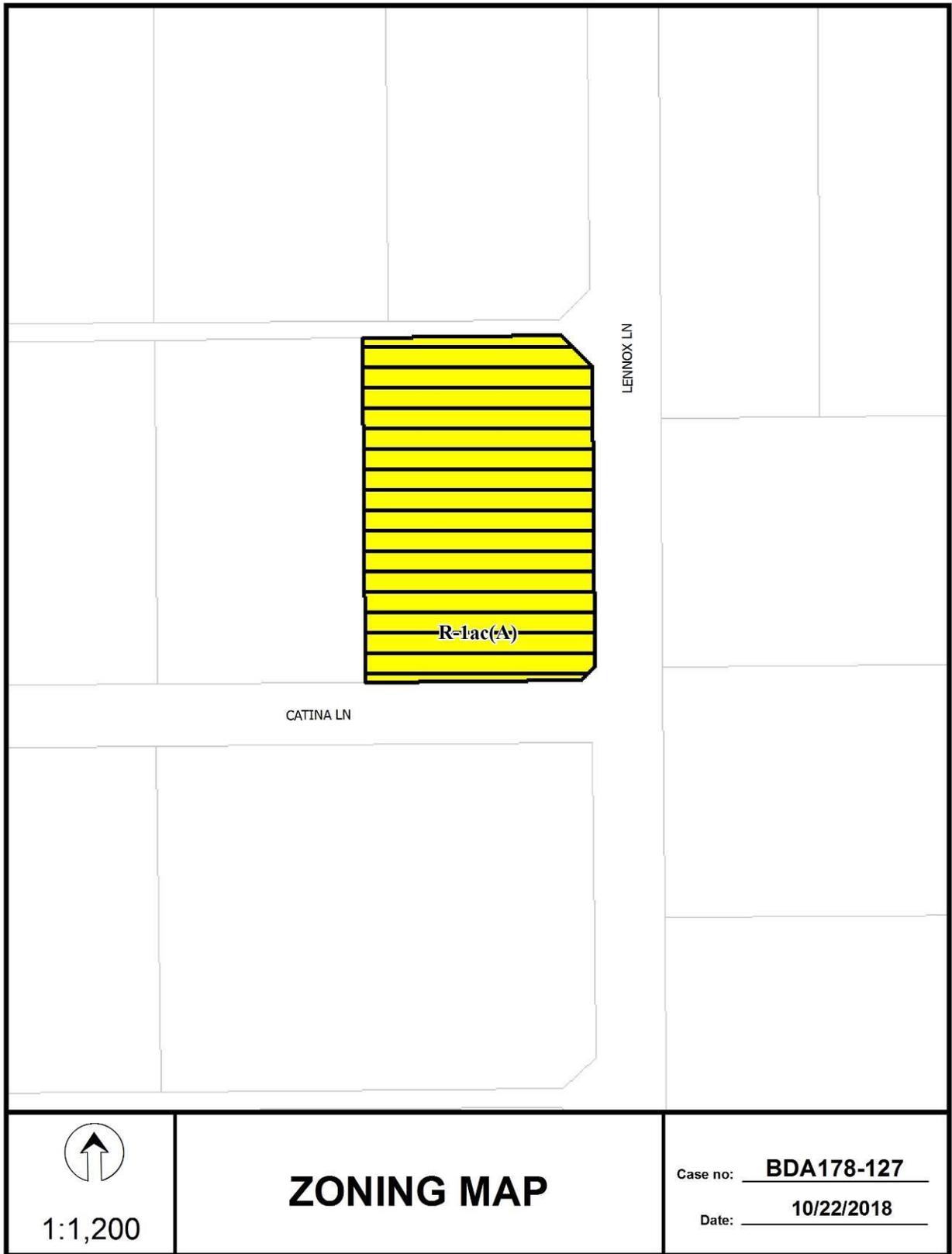
October 8, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

October 10, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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 31, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

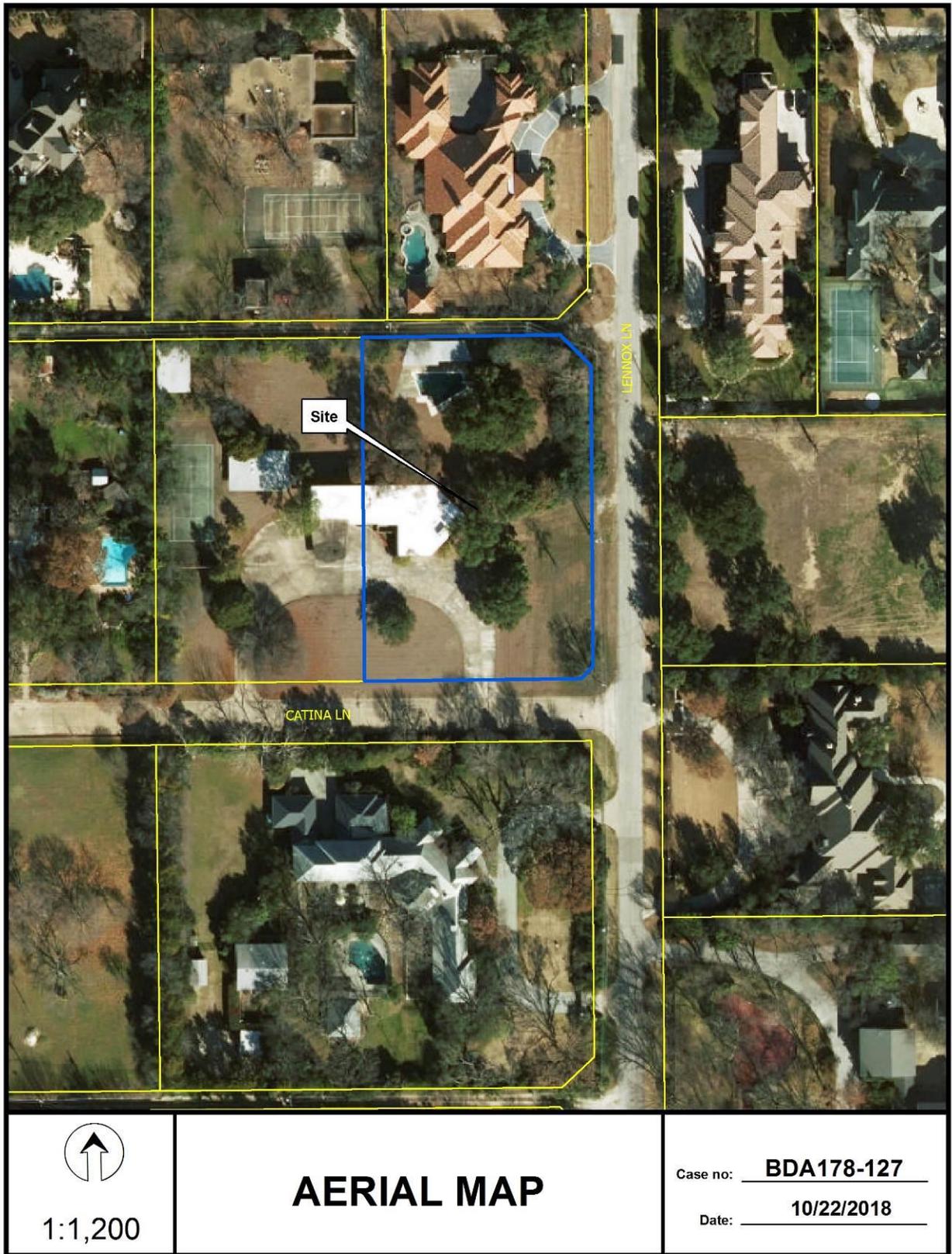


1:1,200

ZONING MAP

Case no: **BDA178-127**

Date: **10/22/2018**





APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-127

Data Relative to Subject Property:

Date: 9-12-18

Location address: 10747 Lennox LN Zoning District: R-2 AC

Lot No.: 3B Block No.: B/5534 Acreage: 1.196 Census Tract: 76.01

Street Frontage (in Feet): 1) 245.50 177 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kelly Saxton + Vicki Saxton

Applicant: KELLY SAXTON Telephone: 214-293-4696

Mailing Address: 4447 Alta Vista Ln Dallas Tx Zip Code: 75229

E-mail Address: Kellys@thesaxtongroup.com

Represented by: Jason Osterberger Designs Telephone: 972-304-8700

Mailing Address: P.O. Box 2381 Zip Code: 75019

E-mail Address: Jasonosterbergerdesigns.com

Affirm that an appeal has been made for a Variance _____, or Special Exception , of 2 feet
to the required 4' High and provide a 6' total
high fence.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

We are staying with the character of the
neighborhood with like height and like materials.
We are matching materials to the house. The fence
will provide security and privacy for the homeowner.

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 _____

(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: Kelly Saxton
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 29 day of August, 2018

Karen Cook
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 Kelly Saxton
represented by JASON OSTERBERGER
did submit a request for a special exception to the fence height regulations
at 10747-Lennox Lane

BDA178-127. Application of Kelly Saxton represented by JASON OSTERBERGER for a special exception to the fence height regulations at 10747 Lennox Lane. This property is more fully described as Lot 3B, Block B/5534, and is zoned R-1(AC), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



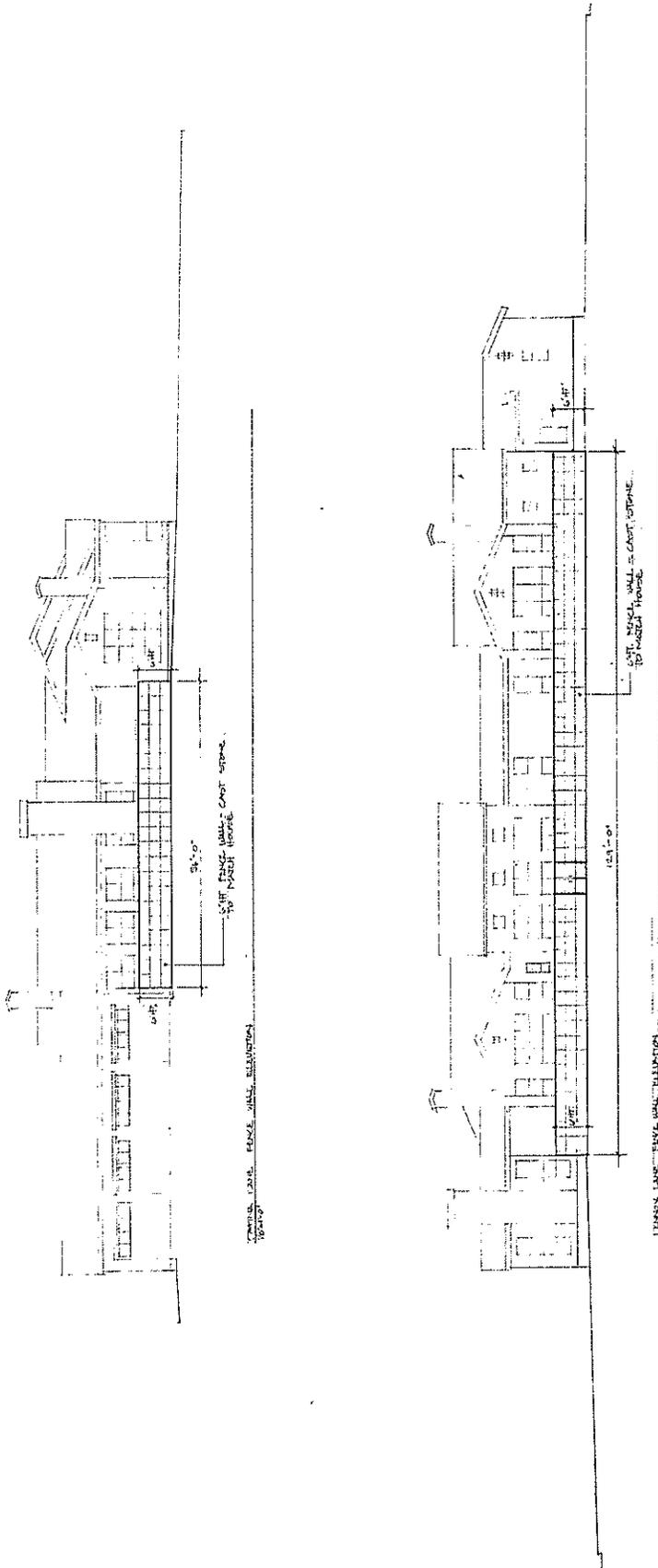
Printed: 9/12/2018

Legend

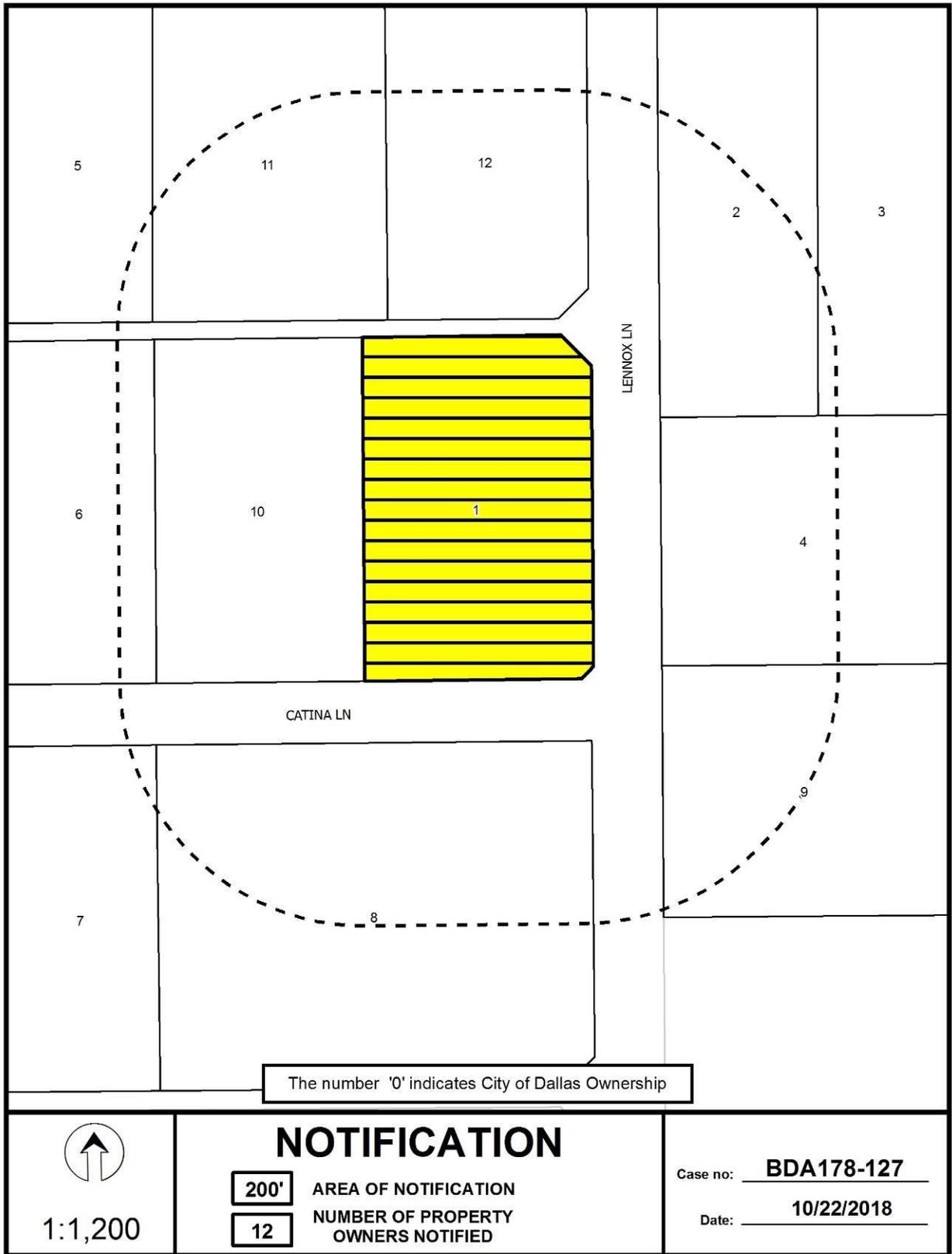
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | BDA178-107 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) Panel B





ELEVATION: PLAN 0747 LENNOX LANE DALLAS, TX 75229
 8/1/18



Notification List of Property Owners

BDA178-127

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10747 LENNOX LN	SAXTON KELLY & VICKY
2	10770 LENNOX LN	KROTTINGER KERRY
3	4720 ROYAL LN	LEE OLDEN C & CAROL S
4	10742 LENNOX LN	HERSH KENNETH A
5	4610 ROYAL LN	BANOWSKY BAXTER W & TANYA
6	4609 CATINA LN	LAM SAMUEL M
7	4610 CATINA LN	COLMAT 4610 CATINA LLC
8	10645 LENNOX LN	MILLER PATRICIA DEASON
9	10714 LENNOX LN	HERSH KENNETH A
10	4645 CATINA LN	THOMSON NEIL HAMILTON &
11	4620 ROYAL LN	BENAVIDES ANTONIO & CECILIA ARMAS
12	10757 LENNOX LN	NUTH PITHOU &

FILE NUMBER: BDA178-124(OA)

BUILDING OFFICIAL'S REPORT: Application of Bart Gardner of Gardner Custom Homes, for special exceptions to the fence standards regulations at 4304 N Cresthaven Road. This property is more fully described as Pt of Lot 2, Block B/4972, and is zoned R-10 (A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards regulations, and to construct and/or maintain a fence with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

LOCATION: 4304 N Cresthaven Road

APPLICANT: Bart Gardner of Gardner Custom Homes

REQUEST:

The following requests for special exceptions to the fence standards regulations have been made on a site that is being developed with a single-family home:

1. Related to fence height: a request of 4' is made to construct and maintain a fence higher than 4' in height in the site's Cresthaven Road front yard setback and the site's Bluffview Boulevard front yard setback – an 8' high solid stucco fence.
2. Related to a fence panels with a surface area that is less than 50 percent open less than 5' from the front lot line: a request is made to construct and maintain the aforementioned 8' high solid stucco fence along Bluffview Boulevard located less than 5' from this front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION (fence standards):

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

Site: R-10(A) (Single-family district 10,000 sq. ft.)
North: R-10(A) (Single-family district 10,000 sq. ft.)
South: R-10(A) (Single-family district 10,000 sq. ft.)
East: R-10(A) (Single-family district 10,000 sq. ft.)
West: R-10(A) (Single-family district 10,000 sq. ft.)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The requests for special exceptions to the fence standards focus on:
 1. constructing and maintaining a fence higher than 4’ in height in the site’s front yards along Cresthaven Road and Bluffview Boulevard – an 8’ high solid stucco fence.
 2. constructing and maintaining a fence with panels with surface areas less than 50 percent open along Bluffview Boulevard less than 5’ from this front lot line – the aforementioned 8’ high solid stucco fence.
- The subject site is zoned R-10 (A) which requires a 30’ front yard setback.
- Given the single family zoning and location of the corner lot subject site, it has two required front yards. The site has a 30’ required front yard along Cresthaven Road and along Bluffview Boulevard.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The Dallas Development Code states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The submitted site plan/elevation denotes an 8’ high solid stucco fence in the Cresthaven Road and Bluffview Boulevard front yard setbacks.
- The following additional information was gleaned from the submitted site plan/elevation:
 - Along Cresthaven Road: the proposal is represented as being approximately 42’ in length parallel to the street and approximately 9’ perpendicular to the street on the northwest side of the site in this required front yard; located approximately 20’ from the front property line or approximately 37’ from the pavement line.
 - Along Bluffview Boulevard: the proposal is represented as being approximately 80’ in length parallel to the street and approximately 30’ perpendicular to the

street on the west and east side of the site in this required front yard; located approximately on the front property line or approximately 8' from the pavement line.

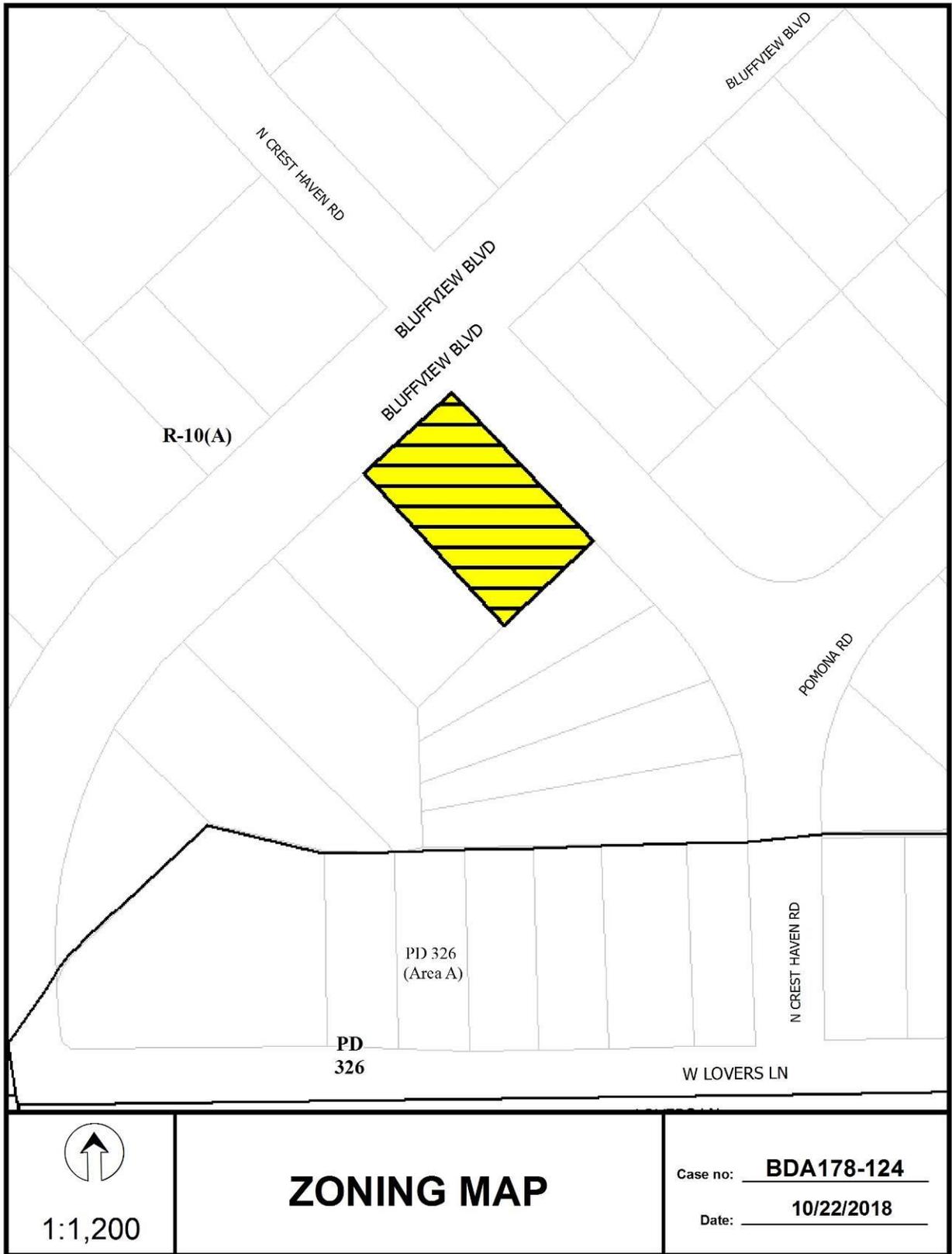
- The site plan/elevation of the proposal along Bluffview Boulevard with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line – a 8' high stucco fence approximately 80' in length parallel to Bluffview Boulevard of the site in the front yard setbacks in length located on this front lot line.
- The Sustainable Development and Construction Department Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of November 2nd, no letters had been submitted in support of the request, and two letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height above 4' and to location and fence panels with surface areas that are less than 50 percent open will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be maintained in the location and of the heights and materials as shown on this document.

Timeline:

- August 16, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 8, 2018: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel B.
- October 10, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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 30, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October

public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-124

Data Relative to Subject Property:

Date: 8/30/18

Location address: 4304 N. CRESTHAVEN Zoning District: R-10(A)

NE 1/2 LOT 2 Lot No.: 2 Block No.: B-4972 Acreage: .388 Census Tract: 73.02

Street Frontage (in Feet): 1) 8590 2) 160 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 4304 N CRESTHAVEN LLC

Applicant: GARDNER CUSTOM HOMES / BART GARDNER Telephone: 214-675-4435

Mailing Address: 4213 DICKSON AVE # 23 DALLAS TX Zip Code: 75219

E-mail Address: MILESTER24@GMAIL.COM

Represented by: GARDNER CUSTOM HOMES / BART GARDNER Telephone: 214-675-4435

Mailing Address: 2740 HWY 276 # 100-04 ROCKWALL TX Zip Code: 75032

E-mail Address: BART@GARDNERCUSTOMHOMES.COM

Affirm that an appeal has been made for a Variance, or Special Exception, of 4' to the required 4' front yard fence height. And provide a total fence height of 8' in the required front yard; and for less than 50% openness.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

OUR PROPOSED FENCE WILL BE OF LIKE HEIGHT OR SLIGHTLY LOWER THAN OTHER SIMILAR FENCES SIMILAR TO OUR PROPOSED FENCE. OUR FENCE WILL ALSO BE OF SIMILAR MASONARY MATERIAL OF OTHER FENCES IN THE NEIGHBORHOOD

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

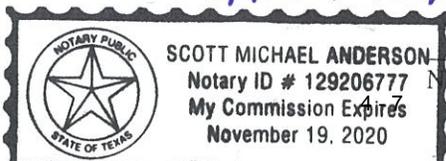
Affidavit

Before me the undersigned on this day personally appeared BART GARDNER (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 16 day of Aug, 2018



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

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

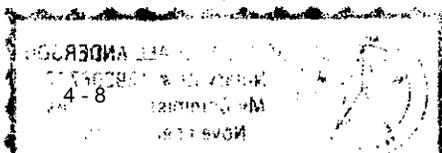
I hereby certify that 4304 N Cresthaven LLC
 represented by Gardner Costume Homes
 did submit a request for a special exception to the fence height regulations, and for a special
 exception to the fence standards regulations

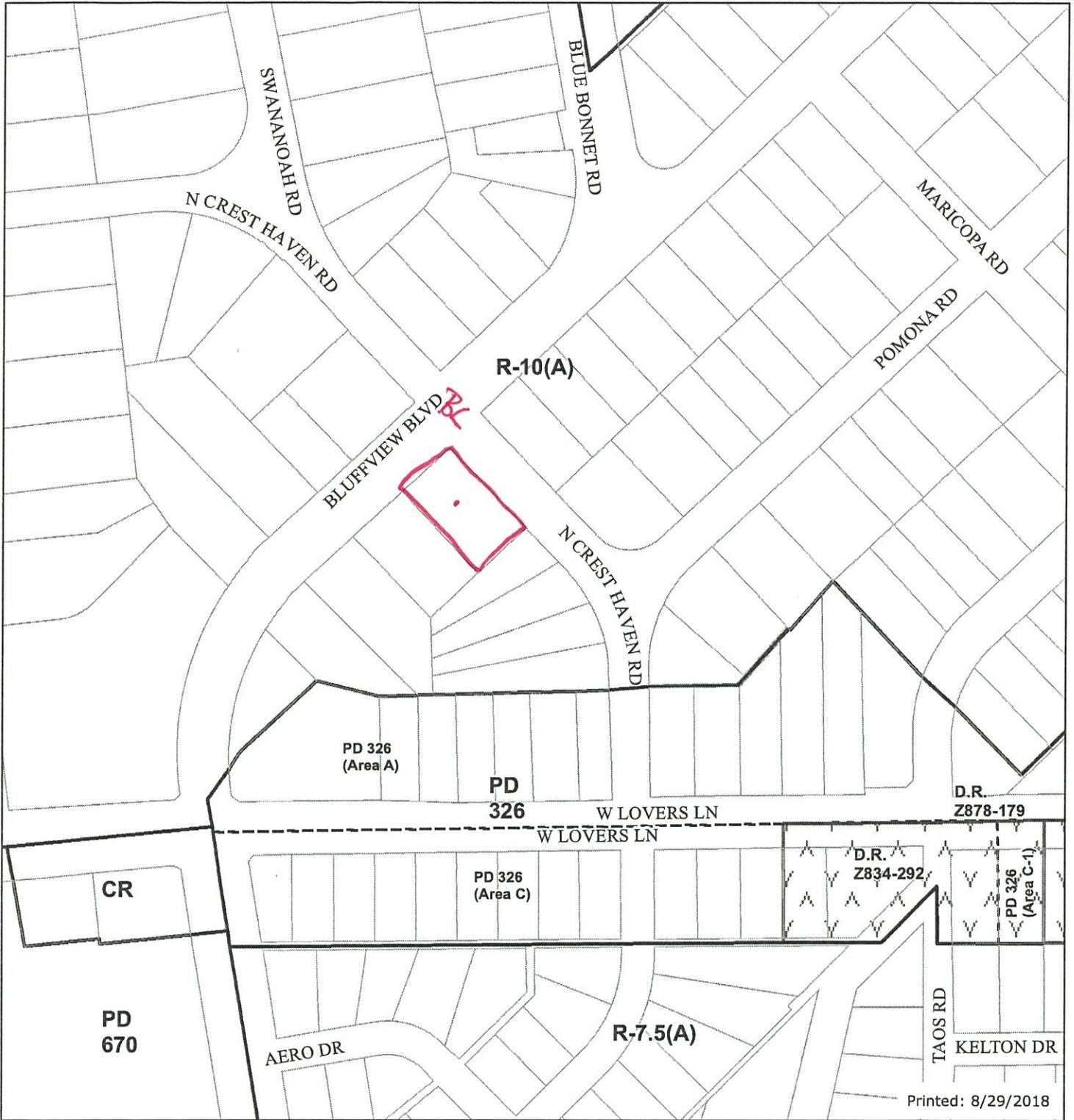
at 4304 N Cresthaven Rd

BDA178-124. Application of 4304 N Cresthaven LLC represented by Gardner Custom Homes for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 4304 N CREST HAVEN RD. This property is more fully described as Pt of Lot 2, Block B/4972, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
 Philip Sikes, Building Official





Printed: 8/29/2018

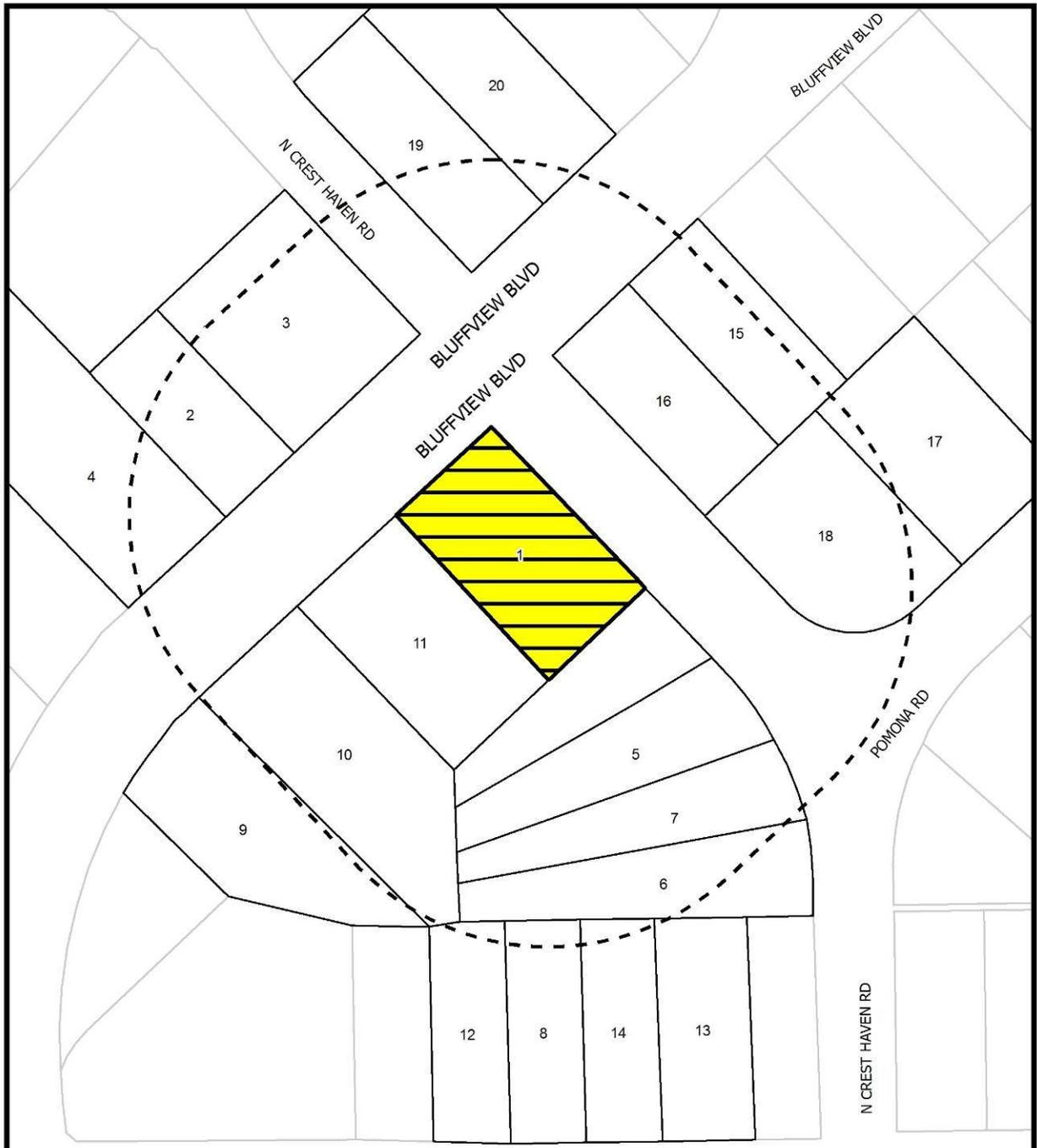
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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)







The number '0' indicates City of Dallas Ownership

LOVERS LN

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">20</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	20	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA178-124 Date: 10/22/2018
200'	AREA OF NOTIFICATION					
20	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA178-124

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4304 N CRESTHAVEN RD	4304 N CRESTHAVEN LLC
2	4229 BLUFFVIEW BLVD	GRAVES DANIEL
3	4237 BLUFFVIEW BLVD	BOERSMA SUSANNE
4	4225 BLUFFVIEW BLVD	MARSHALL RUFUS B &
5	4312 N CRESTHAVEN RD	WOODWARD RISA K &
6	4320 N CRESTHAVEN RD	PLATNER GARY L
7	4316 N CRESTHAVEN RD	CREEKMORE CAROLYN S
8	4225 W LOVERS LN	BOONE MICHAEL L
9	4222 BLUFFVIEW BLVD	BOWN ROBERT H & JULIE M MCKINNEY
10	4226 BLUFFVIEW BLVD	SHALOM JONATHAN Z
11	4232 BLUFFVIEW BLVD	DAVIS THOMAS TOWNSEND & LESLIE ANN
12	4223 W LOVERS LN	SBLFT OF 2016 LTD
13	4235 W LOVERS LN	HERNANDEZ ONESIMO ESTATE
14	4229 W LOVERS LN	BANKS BENNY L
15	4306 BLUFFVIEW BLVD	HOWELL PARTNERS LLC
16	4302 BLUFFVIEW BLVD	TAYLOR RUTH G
17	4307 POMONA RD	HILL SAMUEL L
18	4303 POMONA RD	RAWLS CRAIG C & ASHLEY H
19	4301 BLUFFVIEW BLVD	WEATHERBIE DAVID ALLEN
20	4303 BLUFFVIEW BLVD	IRVIN ANDREW L