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DALLAS, TEXAS



City of Dallas

Public Notice

230333

POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL A)

**April 18, 2023, Briefing at 10:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6EN Council Chambers and Videoconference**

* The Board of Adjustment hearing will be held by videoconference and in 6EN, Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-A-Register> or contact the Development Services Department at 214-670-4127 **by the close of business Monday, April 17, 2023. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/041823A>

AGENDA

- I. **Call to Order** David A. Neumann, Chairman
- II. **Board Training / Staff Presentation / Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
 - Approval of Panel A Minutes – March 21, 2023
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA223-029(GB)	8915 Douglas Avenue REQUEST: Application of Jennifer Hironoto for special exceptions to the fence standards regulations	1
BDA223-035(NK)	1020 McBroom Street REQUEST: Application of Brent Jackson, represented by Aimee Furness, for a variance to the side yard setback regulations	2

HOLDOVER

None.

INDIVIDUAL CASES

BDA223-037(NK)	4178 Saranac Drive REQUEST: Application of Aneesh Kumar, represented by Nick George, for special exceptions to the fence height standards and visual obstruction regulations	3
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City of Dallas

Board of Adjustment: Variances and Special Exceptions

April 17, 18, & 19, 2023

Matt Sapp – Board Attorney
Daniel Moore – Asst. City Attorney

ROLES



- The Applicant's Role is to initiate the application and satisfy the Burden of Proof.
- The Staff's Role is to effectively prepare the application for review, it is not to bolster an application.
- The Board's Role is to absorb information brought before it by the Applicant and supporting / opposing parties.
- The Board **may** ask questions to elicit information and better understand the application.
- The Board's Role is to apply the applicable standard and balance all the relevant evidence to come to its conclusion.





What are Variances and Special Exceptions?

Variances

- Desired improvement is not allowed by the code
- Allows an applicant to deviate from the zoning regulations to avoid UNDUE HARDSHIP

Special Exceptions

- Does NOT require a showing of UNDUE HARDSHIP
- Resolves any locational problems associated with improvement



Variations 51A-3.102(d)(10)



The Board **MUST** grant variations from the front, side, or rear yards, lot width, depth, or coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or loading, or landscape regulations provided that:

- A. the variance is 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. the variance is 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. the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.



What is Same Zoning?



“ (B) the variance is 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”

- Same Zoning refers to the same zoning classification as set forth in Chapter 51A-4.101 of the City Code.
 - i.e. If a Subject Property is located in a R-7.5(A) Single Family District then the Board must compare it with other properties in R-7.5(A).
- Same Zoning does NOT refer to the 200 feet area around the subject properties
- Same Zoning does NOT refer to the Neighborhood.



Variations 51A-3.102(d)(10)(B)



“the variance is 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”

Element (B) may be substituted with HB 1475.





The Board **MAY** consider the following grounds when determining whether a variance as applied to a structure is necessary to permit development:

- The financial cost of compliance is greater than 50% of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code;
- Compliance would result in a loss to the lot on which the structure is located of at least 25% of the area on which development is authorized to physically occur;
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- The municipality consider the structure to be a nonconforming structure.



What is a Self-Created Hardship?



“the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.”

Court have found that :

- board abused its discretion when it denied a variance to the side yard setback to allow the construction of a swimming pool where the back yard was not an option because there was a 60-foot drop.
- board was correct to deny variance that would have allowed applicant to enclose her back yard with screen due a sun and insect allergy because allergies were a personal hardship and not connect with the configuration or uniqueness of the **applicant's** land
- board was correct to deny height variance because hardship was personal because it arose from design choices and was not related to the area, share, or slope of the lot



Special Exceptions



- Chapter 51A authorizes over 50 special exceptions to specific prohibitions
- State law authorizes the Board to grant the special exception based on the standard and factors established by city ordinance
- Common types of special exceptions the board deals with are:
 - Fence standards
 - Accessory dwelling units (rentable)
 - Additional dwelling units (non-rentable)
 - Off-street parking requirements



Special Exceptions: Fence Standards



- The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.
- The standard gives the board the ability to determine what qualifies as neighboring property.
- Notice is mailed to property owners within 200 feet of the subject property, that does not necessarily mean that they are the only properties to be considered “neighboring property”



Special Exceptions: Additional v. Accessory



- Additional Dwelling Unit
- The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not: be used as rental accommodations; or adversely affect neighboring properties
- Accessory Dwelling Unit
- The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties



Special Exceptions: Off-Street Parking



- The board may grant a special exception to authorize a reduction in the number of off-street parking spaces required if the board finds that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.
- The standard gives the board the ability to determine what the parking demand is and what qualifies as traffic hazards, traffic congestion, and adjacent or near by streets.



Notice



- Advertise notice in the *Dallas Morning News*
- Mail notice to all property owners within 200 feet of the boundary of subject property
- Notification sign must be posted on the property in an easily visible location from the street within 14 days of filing the application and remain up until a final decision is made



Possible Outcomes



- Approved: Appealable to the district court within 10 days.
- Denied *WITHOUT* Prejudice: Immediately eligible to reapply to the BDA. Appealable to the district court within 10 days.
- Denied *WITH* Prejudice: Then prohibited from bringing before the BDA for 2 years. Appealable to the district court within 10 days.
- Holdover: If a case is voted to be held over then notice is not sent out for the 2nd Board meeting. However, constructive notice is given at the initial Board meeting.





City of Dallas

Questions?



BOARD OF ADJUSTMENT

Panel A Minutes

March 21, 2023

DRAFT

6ES Briefing Room

24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Kathleen F. Davis	
Rachel Hayden	
Lawrence Halcomb	
Jay Narey	

ABSENT: [0]

Chair Neumann called the briefing to order at **11:00 A.M.** with a quorum of the Board of Adjustment present.

Chair Neumann called the hearing to order at **1:15 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

1- Approval of the Board of Adjustment Panel A February 21, 2023 public hearing minutes.

Motion was made to approve Panel A February 21, 2023 public hearing minutes.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

2- Two-Year Limitation Waiver – BDA201-112 – 5518 Winston Court

REQUEST: To waive the two-year limitation on a final decision reached by Board of Adjustment Panel A on November 16, 2021 - a request to construct and/or maintain an eight-foot-high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, subject to the condition of compliance with submitted site plan and elevation.

LOCATION: 5518 Winston Court

APPLICANT: Rob Baldwin

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:

Two-year limitation.

(1) 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.

(2) If the board renders a final decision of denial without prejudice, the two-year limitation is waived.

(3) The applicant may apply for a waiver of the two-year limitation in the following manner:

(A) 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.

(B) 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 this section. (Ord. Nos. 19455; 20926; 22254; 22389; 22605; 25047; 27892; 28073)

November 16, 2021: The Board of Adjustment Panel A granted a request to construct and/or maintain an eight-foot-high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, subject to the condition of compliance with submitted site plan and elevation. See Attachment A Decision Letter.

March 1, 2023: Applicant for BDA201-112 submitted a letter to Board Administrator to schedule for Board’s consideration, a request to 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. This letter provided an explanation as to why the applicant was making the request and provide rationale as to why this request should be granted. The two-year waiver is sought so that the Board may consider applicant’s request for a revised fence design and location on site plan. The two-year waiver request is made in order for the applicant to file a new application for a fence height special exception on the property given that the applicant proposes a fence that would no longer comply with the conditions imposed with his granted request of November 2021. See Attachment B Request to Waive Two-Year Time Limitation.

March 1, 2023: The Board Administrator emailed the applicant information regarding the miscellaneous item request with a hearing date of March 21, 2023, Panel A.

Speakers:

For: Rob Baldwin, 3904 Elm St # B, Dallas TX 75229

Against: No Speakers

Motion

I move that the Board of Adjustment, in request No. BDA 201-112, on application of Rob Baldwin, **GRANT** the request of this applicant to waive the two-year limitation on a final decision reached by Board of Adjustment Panel A on November 16, 2021 because there are changed circumstances regarding the property sufficient to warrant a new hearing.

Maker:	Jay Narey			
Second:	Rachel Hayden			
Results:	5-0 unanimously			
		Ayes:	- 5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	- 0	

CONSENT ITEMS

1. 4011 Turtle Creek Boulevard

*** This case was moved to Individual Items**

BDA223-022(OA)

BUILDING OFFICIAL'S REPORT: Application of Stephen A. Worsham for a special exception to the single-family use regulations to authorize more than one electrical utility service or more than one electrical meter at 4011 Turtle Creek Boulevard. This property is more fully described as Block 1/2062, Lot 12 and is zoned PD-193 sub area R-7.5(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to have more than one electrical utility service, or more than one electrical meter on a lot with a single-family use, which will require a special exception to the single-family zoning use regulations.

LOCATION: 4011 Turtle Creek Boulevard

APPLICANT: Stephen A Worsham

REQUESTS:

A special exception to the single-family use regulations is requested in conjunction with installing and maintaining an additional electrical utility service and electrical meter on a site that is currently developed with a single-family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will not:

1. be contrary to the public interest;
2. adversely affect neighboring properties; and
3. be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning district since the basis for this type of appeal is when in the opinion of the board, the standards described above are met.

BACKGROUND INFORMATION:

Zoning:

Site: PD-193 Subdistrict R-7.5 (single-family)

North: PD-193 Subdistrict R-7.5 (single-family)

- West: PD-193 Subdistrict R-7.5 (single-family)
- South PD-193 Subdistrict R-7.5 (single-family)
- East: PD-21 Plan Development District.

Land Use:

The subject site and all surrounding areas to the north, south, and west are developed with single-family uses and the area to the east with a park.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on installing and maintaining a second electrical utility service/electrical meter on a site currently being developed with a single family home.
- According to the application, the applicant requires a three-phase power to operate electric tools and heaters located in the garage. The applicant advised that he requires a second electric meter to provide a three-phase power.
- The site is zoned PD-193 Subdistrict R-7.5 (single-family) where the Dallas Development Code permits one dwelling unit per lot.
- The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district
- The applicant has submitted a site plan that indicate the proposed location of the second electrical meter on the subject site.
- As of March 10, 2023, no letters have been submitted in support of nor in opposition of the request.
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning
- If the board were to approve this request to install and maintain a second electrical utility service/electrical meter, this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing a second electrical utility service/electrical meter on the site (i.e., development on the site must meet all required code requirements).

Timeline:

- December 20, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 8, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

February 13, 2023: 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 February 27, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 10, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorneys to the Board, and the Senior Planners.

Speakers:

For: Stephen Worsham, 4011 Turtle Creek Blvd, Dallas TX 75219
 Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-022, on application of Stephen Worsham, **GRANT** the request to install and maintain an additional electric meter on the property as a special exception to the single family regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not be contrary to the public interest, will not adversely affect neighboring property, and will not be used to conduct a use not permitted in the district where the building site is located.

BDA 223-022— Application of Stephen A. Worsham for a special exception to the single-family use regulations to authorize more than one electrical utility service or more than one electrical meter in the Dallas Development Code.

Maker:	Kathleen Davis				
Second:	Kathleen Davis				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

2. 5506 Columbia Avenue

***This case was moved to Individual Items**

BDA223-024(OA)

BUILDING OFFICIAL'S REPORT: Application of Kellisha Goodwin for a special exception to the fence standards regulations at 5506 Columbia Avenue. This property is more fully described as Block H/0694, Lot 2 and is zoned D(A), 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: 5506 Columbia Avenue

APPLICANT: Kellisha Goodwin

REQUEST:

A request a special exception to the fence standards regulations of 2' is made to maintain a 6' high solid wood fence and an existing 6' high automatic iron gate in the required front yard on a site developed with a duplex.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards 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: D(A) (duplex district)
North: MF-2(A) (multi-family district)
East: P (A) (parking district)
South: D(A) (duplex district)
West: D(A) (duplex district) and PD No 349 PD District.

Land Use:

The subject site is being developed with duplex. The areas to the north is developed with multi-family uses, the areas to the south and west are developed with single family uses and the area to the east is developed with parking and commercial uses.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the fence height standards regulations of 2' focuses on maintaining a 6' high solid wood fence and an existing 6' high automatic iron gate in the required front yard on a site developed with a duplex.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned D(A) Duplex District where a 25-foot front yard setback is required.
- The submitted site plan/elevation denotes that the existing fence is located in the required front yard. The following additional information was gleaned from the this document:
 - The proposed fence is approximately 59 feet in length parallel to Columbia Avenue and is located about 14' 6" from the front property line.
 - The distance between the proposed fence and the pavement line is 21'.
- Staff 6' conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noticed other fences that appear to be above four feet in height and located within a front yard setback.
- As of March 10, 2023, no letters have been submitted in support of nor in opposition of the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulation of two feet will not adversely affect the neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding four feet in the front yard setback to be constructed in the location and heights as shown on this document.

Timeline:

- January 9, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- February 8, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- February 13, 2023: 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 February 27, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 10, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorneys to the Board, and the Senior Planners.

Speakers:

For: Kellisha Goodwin, 160 Pioneer Ct, Royse city, TX 75189

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-024, on application of Kellisha Goodwin, **GRANT** the request of this applicant to construct and/or maintain a six-foot-high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

BDA 223-024— Application of Kellisha Goodwin for a special exception to the fence standards regulations in the Dallas Development Code, is subject to the following conditions:

Compliance with the submitted site plan/elevation is required

Maker:	Lawrence Halcomb				
Second:	Jay Narey				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

3. 13418 Hughes Lane

***This case was moved to Individual Items**

BDA223-025(OA)

BUILDING OFFICIAL’S REPORT: Application of Jennifer Hiromoto for special exceptions to the fence standards regulations at 13418 Hughes Lane. This property is more fully described as A/7439, Lot 3 and is zoned R-16(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 a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence standards regulations, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

LOCATION: 13418 Hughes Lane

APPLICANT: Jennifer Hiromoto

REQUESTS:

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

1. A request for a special exception to the fence standards regulations of 2' 6" is made to construct and maintain a 6' 6" high wall with stone finish, a drive gate with 2" metal frame and welded wire mech panels with 6' tall stone finish post with Limestone caps, and a 6' tall 2X4 12.5 gauge welded wire mech panels on top of a low wall with stone finish with a 6' tall stone finish wall with a pedestrian gate.
2. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open and less than five feet from the front lot line is made to construct and maintain a 6' 6" high wall with stone finish and a 6' tall stone finish wall with a pedestrian gate located less than five feet from the front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS (fence standards regulations):

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect the 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)
- North: R-1ac(A) (Single Family District)
- East: R-1ac(A) (Single Family District)
- South: R-1ac(A) (Single Family District)
- West: R-1ac(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

There have been two related board cases in the vicinity within the last five years.

1. **BDA212-111:** On January 17, 2023, Panel C granted requests to construct and/or maintain a six-foot nine-inch-high fence as a special exception to the height requirement for fences; to construct and/or maintain a fence with panel having less than 50 percent open surface area as a special exception to the surface area openness requirement for fences; and to maintain items in the 20-foot visibility triangle at the drive approach on Alpha Road as a special exception to

the visual obstruction regulations in the Dallas Development Code subject to compliance with the submitted revised site plan / elevation.

- 2. **BDA212-112:** On January 17, 2023, Panel C granted requests to construct and/or maintain a six-foot nine-inch-high fence as a special exception to the height requirement for fences; to maintain items in the 20-foot visibility triangle at the drive approach on Alpha Road as a special exception to the visual obstruction regulations; and to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code subject to compliance with the submitted revised site plan / elevation.

GENERAL FACTS/STAFF ANALYSIS:

- The following requests are made on a site being developed with a single-family home:
 - 1. A request for a special exception to the fence standards regulations of 2' 6" is made to construct and maintain a 6' 6" high wall with stone finish, a drive gate with 2" metal frame and welded wire mech panels, with 6' tall stone finish post with Limestone caps, and a 6' tall 2X4 12.5 gauge welded wire mech panels on top of a low wall with stone finish with a 6' tall stone finish wall with a pedestrian gate.
 - 2. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open and less than five feet from the front lot line is made to construct and maintain a 6' 6" high wall with stone finish and a 6' tall stone finish wall with a pedestrian gate located less than five feet from the front lot line,
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard. The subject site is zoned an R-16(A) Single Family District which requires a 35-foot front yard setback. However, this site has a recorded 40' required front yard along Hughes Lane per plat.
- 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.
- Additionally, the Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five from the front lot line.
- The following information is denoted on the submitted site plan:
 - The fence is represented as being approximately 135' in length fronting Hughes Lane.
 - The fence is located between the property line and 19' into the property line along the street.
 - The fence extends 40' perpendicular to Hughes Lane on the east and west side of the site.
 - The fence is proposed to be located between 12' and 32' from the pavement line.
- Staff conducted a field visit of the site and surrounding area, approximately 1000 feet around the subject site, and noticed several other fences that appear to be above four feet in height and located in a front yard setback.
- As of March 10, 2022, 10 letters have been submitted in support and no letters in opposition to this request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations will not adversely affect neighboring property.

- If the Board were to grant these special exceptions request and impose a condition that the applicant complies with the submitted site plan and elevation, the proposal over 4’ in height in the front yard setback and less than 50 percent open and less than five feet from the front lot line be limited to that what is shown on these documents.

Timeline:

- January 13, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 8, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- February 13, 2023: 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 February 27, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 10, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- February 25, 2023: The applicant provided additional evidence (**Attachment A**).
- February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorneys to the Board, and the Senior Planners.

Speakers:

- For: Jennifer Hirimoto 10233 E. NW Hwy # 38586, Dallas TX
Lyn Pustmueller 13418 Hughes Ln, Dallas TX 75240
Joel Pustmueller 13418 Hughes Ln, Dallas TX 75240 – did not speak
Jim Graham 13428 Hughes Ln, Dallas TX 75240 – did not speak
- Against: Abraham Toobian 13408 Hughes Ln, Dallas TX 75240
Mitchell Terry 1500 Romsgate, Plano TX 75093

Motion #1

I move that the Board of Adjustment, in Appeal No. BDA 223-025, on application of Jennifer Hirimoto, **GRANT** the request of this applicant to construct and/or maintain a six-foot, six-inch high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

BDA 223-025— Application of Jennifer Hiromoto for special exceptions to the fence standards regulations in the Dallas Development Code, subject to the following condition(s):

Compliance with the submitted site plan and elevation is required.

Maker:	Lawrence Halcomb				
Second:	Jay Narey				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

Motion #2

I move that the Board of Adjustment, in Appeal No. BDA 223-025, on application of Jennifer Hiromoto, **GRANT** the request of this applicant to construct and/or maintain a fence with panels having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

BDA 223-025— Application of Jennifer Hiromoto for special exceptions to the fence standards regulations in the Dallas Development Code, subject to the following condition(s):

Compliance with the submitted site plan and elevation is required.

Maker:	Lawrence Halcomb				
Second:	Jay Narey				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

4.1300 W. Mockingbird Lane

***This case was moved to Individual Items**
 BDA223-028(GB)

BUILDING OFFICIAL'S REPORT: Application of Hunt Companies, Inc., represented by Rodney Moss, for a special exception to the off-street parking regulations at 1300 W. Mockingbird Lane. This property is more fully described as Lot 1, Block P/7940, and is zoned MU-3, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for office, medical laboratory and communication exchange facility uses, and provide 454 of the required 547 parking spaces, which will require a 93 space special exception to the off-street parking regulations.

LOCATION: 1300 W Mockingbird Lane

APPLICANT: Hunt Companies, Inc., represented by Rodney Moss

REQUEST:

- A request for a special exception to the off-street parking regulations of 93 spaces is made to transition certain uses within an existing approximately 230,000 square feet, five-story structure to other uses, some of which require more off-street parking than what is currently required. In this particular case, the proposal is to reallocate certain uses in the existing structure (most of which are office use) to a combination of office, medical laboratory, and communication exchange facility uses, and provide 454 (or 83 percent) of the required 547 off-street parking spaces on the subject site.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.
- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending

regulations governing a specific planned development district. This prohibition does not apply when:

- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception to the off-street parking regulations of 93 spaces shall automatically and immediately terminate if the “medical laboratory”, “office”, “communication exchange facility” uses are changed or discontinued.

Rationale:

- The Senior Engineer indicated that he has no objections to the request.

BACKGROUND INFORMATION:

Zoning:

Site:MU-3 (Mixed-Use; High density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites)

North:MU-3 (Mixed-Use; High density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites)

South:MU-3 (Mixed-Use; High density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites)

East:MU-3 (Mixed-Use; High density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites)

West: MU-3 (Mixed-Use; High density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites)

Land Use:

There is an existing office building located on the site. The areas to the north, south, east, and west are developed with mixed-uses.

Zoning/BDA History:

There has not been any BDA History in the past five years.

GENERAL FACTS /STAFF ANALYSIS:

- A request for a special exception to the off-street parking regulations of 93 parking spaces (17% reduction) focuses reallocating certain uses in the existing structure (most of which are office

- use) to a combination of office, medical laboratory, and communication exchange facility uses, and provide 454 (or 83 percent) of the required 547 off-street parking spaces on the subject site.
- The Dallas Development Code requires the following off-street parking requirements:
 - Office: one space per 333 square feet of floor area
 - Medical Office: one space per 200 square feet of floor area.
 - Communication exchange facility: one space per 5,00 square feet of floor area
 - The applicant has submitted a document that provides information regarding the total square footage of the existing structure on the site with a list of the uses (and square footage of each use) that is proposed.
 - The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the office, medical laboratory, and communication exchange facility uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 93 spaces (or a 17 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
 - If the Board were to grant this request, and impose condition recommended by staff, the applicant could lease and maintain the existing structure with the uses described above and provide only 454 (or 83 percent) of the 547 required off-street parking spaces on the subject site.

Timeline:

January 20, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 08, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

February 16, 2023: The Board of Adjustment 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 February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners (Oscar Aguilera and Giahanna Bridges), the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, Development Services Senior Engineers, and the Board Attorney.

- ❖ Comments (February 16, 2023): The Development Services Engineering Department (David Nevarez) suggested for the applicant to submit a traffic study/analysis to justify the request for a 17% parking reduction.

March 06, 2023: Received comments from engineering: “No objections based on technical review of parking needs, empirical data, and anticipated shared parking demand” “Has no objections”

Speakers:

For: Rodney Moss 2626 Cole Ave # 510, Dallas TX 75701
 Peter Jansen 2100 McKinney Avenue, Dallas TX
 Phillip Huang 2377 N. Stemmons Fwy, Dallas TX 75207

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-028, on application of Hunt Companies, Inc. represented by Rodney Moss, **GRANT** the request of this applicant to provide 454 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 547 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a combination of office, medical laboratory, and communication exchange facility.

BDA 223-028— Application of Hunt Companies, Inc. represented by Rodney Moss in the Dallas Development Code, to provide 454 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended subject to the following condition(s):

The special exception of 93 spaces shall automatically and immediately terminate if and when the combination of office, medical laboratory, and communication exchange facility is change or discontinued.

Maker:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	5-0				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey and Lawrence Halcomb
		Against:	-	0	

Individual Cases

5.5608 Live Oak Street
 BDA223-027(OA)

BUILDING OFFICIAL’S REPORT: Application of Kevin Alaimo for a variance to the height regulations at 5608 Live Oak Street. This property is more fully described as Block 16/1872, Lot 25 and is zoned MF-2(A), which limits the building height to 26 feet due to a residential proximity slope. The applicant proposes to construct and/or maintain structure with a building height of 35 feet 9 inches, which will require a 9 foot 9 inch variance to the height regulations.

LOCATION: 5608 Live Oak Street

APPLICANT: Kevin Alaimo

REQUEST:

A request for a variance to the height regulations (specifically to the residential proximity slope) of 9' 9" is made to transition an existing structure from what was originally planned to be a 3-unit, 2-3-story, multifamily structure to a 2-3-story single family structure. More specifically, the proposal is to complete/modify and maintain the structure to 35' 9" in height which exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the PD 63 H/1 Area B single family residentially-zoned property immediately southeast of the subject site.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality consider the structure to be a nonconforming structure

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded the variance should be granted given that the subject site is unique and different from most lots in MF-2(A) considering its restrictive lot area of 7,100 square feet so that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning classification. Furthermore, the financial cost of compliance is greater than 50 percent of the appraised value of \$545,010 of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- The applicant submitted a document (Attachment A) indicating that the proposed structure on the site is commensurate to 14 other lots located in the same zoning district.

BACKGROUND INFORMATION:

Zoning:

- Site: MF-2(A) (Multifamily district)
- North: MF-2(A) (Multifamily district)
- South: MF-2(A) (Multifamily district)
- East: PD 63 H/1 Area B (Planned Development district)
- West: MF-2(A) (Multifamily district)

Land Use:

The subject site is currently developed with an unfinished multifamily structure/use. The areas to the north, south, and west are developed with single family uses; and the area to the east is developed with single family uses.

Zoning/BDA History:

1. BDA156-040, Property at 5608 Live Oak Street (the subject site)

On April 17, 2017, the Board of Adjustment Panel C approved the requests for variances to the side yard setback, building height, and off-street parking regulations without prejudice. The case report stated the a variance to the side yard setback regulations of 2' was made to complete and maintain part of the structure that is located 8' from the site's southwest side property line or 2' into the site's 10' side yard setback*; a variance to the height regulations (specifically to the residential proximity slope) of 8' was made to complete/modify and maintain the 34" high structure that exceeded the maximum 26' in height permitted by the residential proximity slope that begins at the PD 63 H/1 Area B single family

residentially-zoned property immediately southeast of the subject site; a variance to the off-street parking regulations was made to locate and maintain required and/or excess parking for the multifamily use/structure in the required front yard.

2. BDA156-040, Property at 5608 Live Oak Street (the subject site)

On April 20, 2016, the Board of Adjustment Panel C denied requests for variances to the side yard setback, building height, and off-street parking regulations without prejudice.

The case report stated the a variance to the side yard setback regulations of 2' was made to complete and maintain part of the structure that is located 8' from the site's southwest side property line or 2' into the site's 10' side yard setback*; a variance to the height regulations (specifically to the residential proximity slope) of 9' 2" was made to complete/modify and maintain the 35' 2" high structure that exceeded the maximum 26' in height permitted by the residential proximity slope that begins at the PD 63 H/1 Area B single family residentially-zoned property immediately southeast of the subject site; a variance to the off-street parking regulations was made to locate and maintain required and/or excess parking for the multifamily use/structure in the required front yard.

GENERAL FACTS /STAFF ANALYSIS (height variance):

- The request for a variance to the height regulations (specifically to the residential proximity slope) of 9' 9" is requested to complete/modify and maintain the structure to 35' 9" in height. This height exceeds the maximum 26' in height permitted by the residential proximity slope that begins at the PD 63 H/1 Area B single family residentially zoned property immediately southeast of the subject site by 9' 9".
- The maximum height for a structure in a MF-2(A) zoning district is 36', however, any portion of a structure over 26' in height cannot be located above a residential proximity slope.
- In this case, given that the subject site is immediately adjacent to single family residentially-zoned property PD 63 H/1 Area B (Planned Development district) to the southeast (with a land use as a single family uses), the height of a structure must comply with a 1:3-slope (or 1 foot in height for every 3 foot away from property in an R, R(A), D, D(A), TH, TH(A) residential zoning district). The RPS slope on the subject site begins at the PD 63 H/1 Area B (Planned Development district) zoned property southeast of the site. (PD 63 Area B states that uses are limited to single-family uses, and that except at otherwise provided in the ordinance, the development standards applicable to an R-7.5(A) Single-Family District apply to all property in Area B).
- The Building Official's Report states that a variance to the height regulations of 9' 9" is requested since there is a structure proposed to reach 35' 9" in height or 9' 9" higher/beyond than the 26' height allowed for the structure as it is located on this subject site.

- The applicant has submitted an elevation that represents a 1:3-slope (or 1 foot in height for every 3 foot away from property in a CH, MF-1, MF-1(A), MF-2, and MF-2(A) residential zoning district) on the structure seeking variance.
- According to DCAD records, the “main improvement” at 5608 Live Oak Street is a structure built in 2015 with 5,595 square feet of living/total area; and with “additional improvements” listed as three, 2 square foot decks, and three, 322 square foot attached garages.
- The site is flat, rectangular in shape (130’ x 56’), and according to the application is 7, 280 square feet in area smaller than the adjacent.
- The applicant has submitted a document comparing the lot sizes and improvement of the subject site with 14 other properties in the same zoning. The average lot is 9,156 square feet with an average 8,983 square foot building.
- Furthermore, applicant submitted a document representing that the financial cost of compliance is greater than 50 percent of the appraised value of \$545,010 of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code on the site that is commensurate to 14 other lots located within the same MF-2(A) zoning district.
 - The applicant has the burden of proof in establishing the following:
 - That granting the variance to the height 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 height 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 MF-2(A) zoning classification.
 - The variance to height 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 MF-2(A) zoning classification.
- If the Board were to grant the request, and impose the submitted elevation as a condition, the structure in the exceeding the height limit or the RPS would be limited to what is shown on this document– which, in this case, is a structure that would be exceed the height limit/RPS by 9’ 9”.

Timeline:

- January 19, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 8, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- February 13, 2023: 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 February 27, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 10, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorneys to the Board, and the Senior Planners.

February 28, 2023: The applicant provided additional evidence.

Speakers:

For: Kevin Alaimo 1203 Silentbrook Ct, Frisco TX 75236
 Gary Lawler 5620 Live Oak # 202, Dallas TX 75206

Against: Larry Offutt 6039 Bryan Pkwy, Dallas TX 75206
 Bill Heathcott 5507 Bryan St, Dallas TX 75206

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-027, on application of Kevin Alaimo, **DENY** the variance to the height regulations requested by this applicant without prejudice, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	David Neumann				
Second:	Kathleen Davis				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey and Lawrence Halcomb
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chair Neumann moved to adjourn the meeting; motion by Rachel Hayden, seconded by Jay Narey at 4:26 p.m.

Recess: 3:12 p.m.; Resume: 3:17 p.m.

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

 Date

Required Signature:
Nikki Dunn, Chief Planner/Board Administrator
Development Services Dept.

Date

Required Signature:
David A. Neumann, Chairman
Board of Adjustment

Date

FILE NUMBER: BDA223-029 (GB)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for a special exception to the fence height regulations, and for a special exception to the fence regulations at 8901 and 8915 Douglas Ave. This property is more fully described as Block 8/5598, Lot 1A and is zoned R-1 ac (A) which limits the height of the fence in the front yard to 4 feet; and requires that a fence panel with a surface area that is less than 50 percent open not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6-foot3-inch-high fence in a required front yard, which will require a 2-foot 3-inch 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 located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

LOCATION: 8915 Douglas

APPLICANT: Jennifer Hiromoto

REQUESTS:

A request for a 2-foot 3-inch 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 located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

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-1 ac (A) Single Family District
North: R-1 ac (A) Single Family District
South: R-1 ac (A) Single Family District

East: R-1 ac (A) Single Family District
West: R-1 ac (A) Single Family District

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

A request for a 2-foot 3-inch 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 located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

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 and states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

The subject site is zoned an R-1 ac (A) Single Family District where a 40-foot front yard setback is required.

The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the required front yard.

- The following additional information was gleaned from the submitted site plan:
 - The proposed fence will be 5 feet from the property line and conform to Visibility Triangle Guidelines.
 - Most of the proposed fence will be an open style wrought iron fence with masonry columns.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 03, 2023, no letters have been received in opposition or support of this request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet 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 four-feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

Timeline:

February 07, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

March 06, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

March 14, 2023: The Board 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 April 19, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the March 28, 2023, deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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, the Assistant City Attorney to the Board.

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

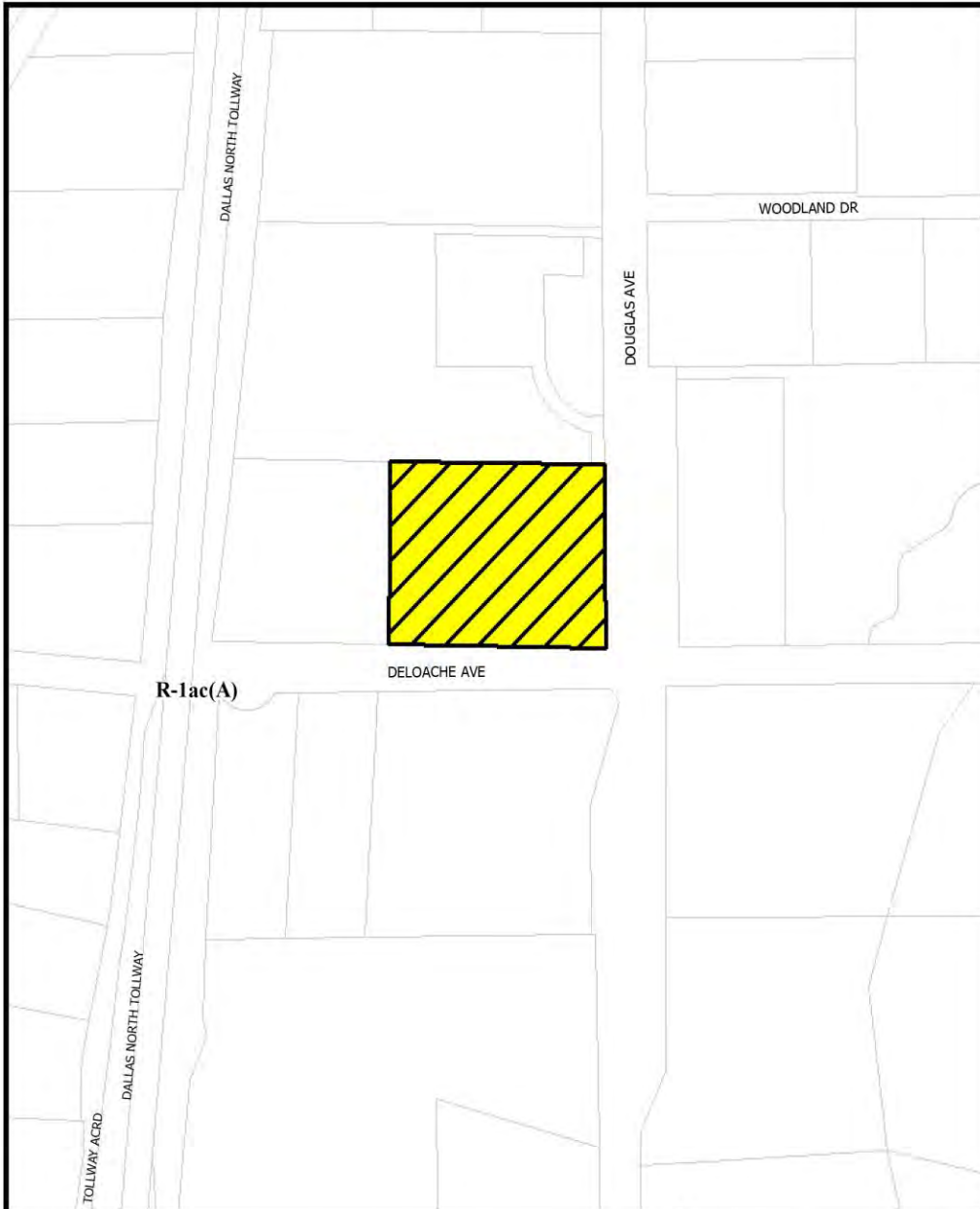


1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-029**
 Date: **3/9/2023**

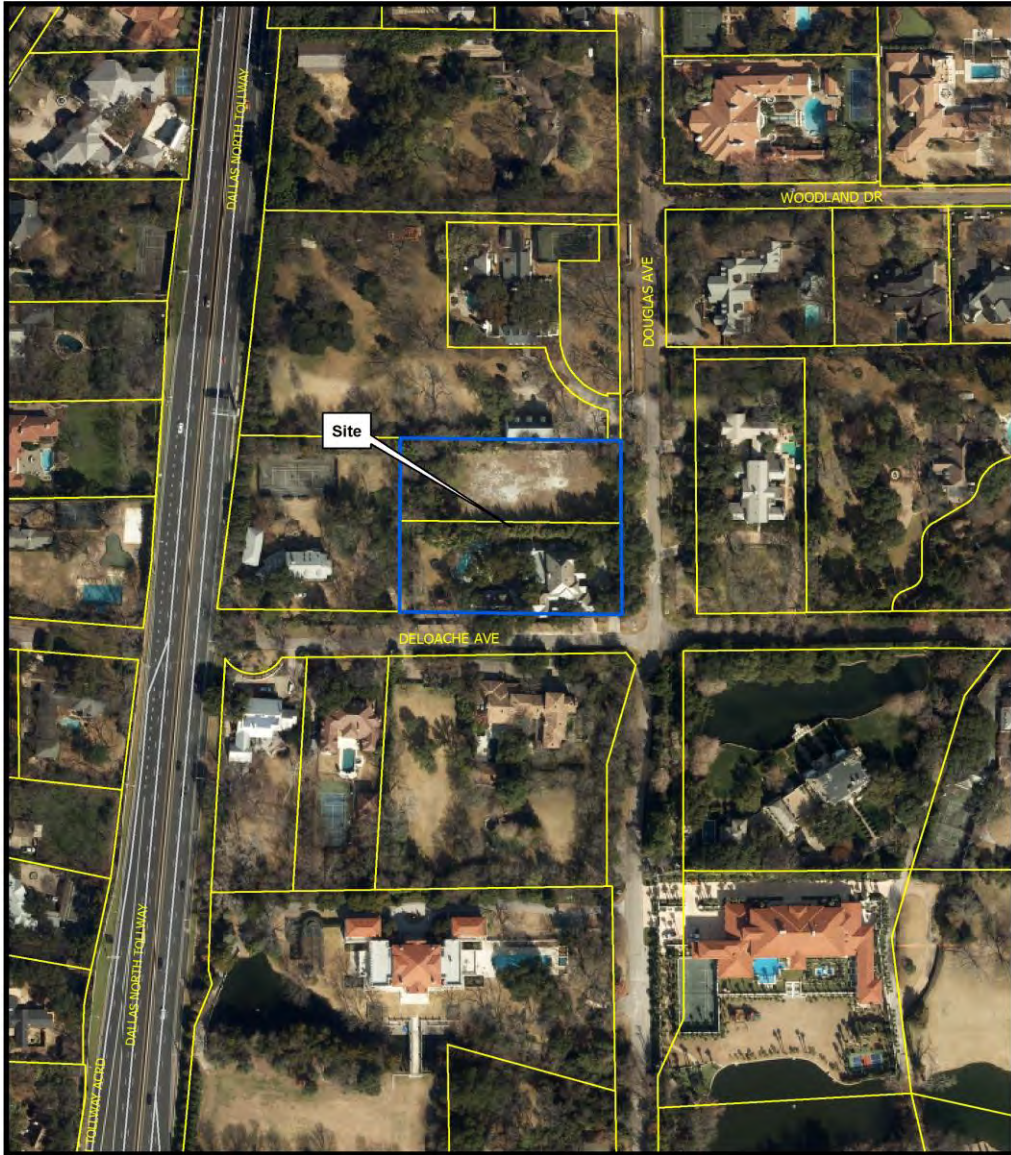


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ZONING MAP

Case no: BDA223-029

Date: 3/9/2023



1:2,400

AERIAL MAP

Case no: BDA223-029

Date: 3/9/2023

**Notification List of Property Owners
BDA223-034
12 Property Owners Notified**

1 00559800080010000
8901 DOUGLAS REVOCABLE TRUST
JAMES F KULL TRUSTEE
3838 OAK LAWN AVE 1150
DALLAS, TEXAS 75219-4566

2 00000421585000000
5711 DELOACHE LLC
8144 WALNUT HILL LN STE 1080
DALLAS, TEXAS 75231-4344

3 00000421588000000
BRINKMANN J BAXTER
4215 MCEWEN RD
DALLAS, TEXAS 75244-5202

4 00000421588000100
BRINKMANN J BAXTER
3941 GLENWICK LN
DALLAS, TEXAS 75205-1237

5 00000421588000200
BRINKMANN J BAXTER
4099 MCEWEN RD STE 375
DALLAS, TEXAS 75244-5009

6 00000421631000000
STAUTZ CARL D & JANET
5706 DELOACHE AVE
DALLAS, TEXAS 75225-3001

7 00000421631200000
HOWARD WILLIAM S & JUNE B
5710 DELOACHE AVE
DALLAS, TEXAS 75225-3001

8 00000422272000000
KLINE J PETER &
CAREN W KLINE
5807 DELOACHE AVE
DALLAS, TEXAS 75225-3004

9 005599000903A0000
ENGSTROM RANDALL R &
ENGSTROM ALAN
5744 DELOACHE AVE
DALLAS, TEXAS 75225-3001

10 005616000B0130000
MANTAS MICHAEL A &
MARY T
5823 DELOACHE AVE
DALLAS, TEXAS 75225-3004

11 005616000B14A0000
POPOLO JOSEPH V JR & CHRISTINE
9002 DOUGLAS AVE
DALLAS, TEXAS 75225-3009

12 005618000A0010000
CARONA JOHN J &
HELEN EDEN
8891 JOURDAN WAY
DALLAS, TEXAS 75225-3110

A



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-029

Date: 2/7/23

Data Relative to Subject Property:

Location address: 8901 & 8915 Douglas Ave Zoning District: R-1AC(A)

Lot No.: 1A Block No.: 8/5598 Acreage: 2.206 acres Census Tract: 206

Street Frontage (in Feet): 1) 349 ft 2) 274 ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 8901 Douglas Revocable Trust

Applicant: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586 Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Represented by: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586 Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of _____
2'3" to the fence height regulations to allow a 6'3" fence in the front yard setback and to the fence
standards regarding 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:

The proposed fencing and gates will be similar in height and appearance to other fences in the area. The majority of the proposed fence will be an open-style wrought-iron fence with masonry columns. The approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

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

Affidavit

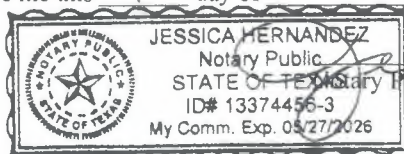
Before me the undersigned on this day personally appeared Jennifer Hiromoto
(Affiant/Applicant's name printed)

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: Jennifer Hiromoto
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 7 day of February, 2023

(Rev. 08-01-11)



Jessica Hernandez
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 Jennifer Hiromoto

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

at 8901,8915 DOUGLAS

BDA223-029. Application of Jennifer Hiromoto for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 8915 DOUGLAS AVE. This property is more fully described as Block 8/5598, Lot 1A and is zoned R-1ac(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 a 6 foot 3 inch high fence in a required front yard, which will require a 2 foot 3 inch 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,


Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-029

I, 8901 Douglas Revocable Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 8915 Douglas Avenue
(Address of property as stated on application)

Authorize: Jennifer Hiromoto, Buzz Urban Planning
(Applicant's name as stated on application)

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

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

Specify: Fence height, fence openness

JAMES F. KULL, TRUSTEE
Print name of property owner or registered agent

J. F. Kull
Signature of property owner or registered agent

Date 1/18/2023

Before me, the undersigned, on this day personally appeared James F. Kull

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

Subscribed and sworn to before me this 18th day of January, 2023

Jennifer Cook
Notary Public for Dallas County, Texas

Commission expires on 8/10/2026



CITY OF DALLAS PLAT BOOKS

ANNEXED APRIL 16, 1945 ORD. NO. PRESTON HOLLOW
SURVEY JOHN HOWELL ABST. 560

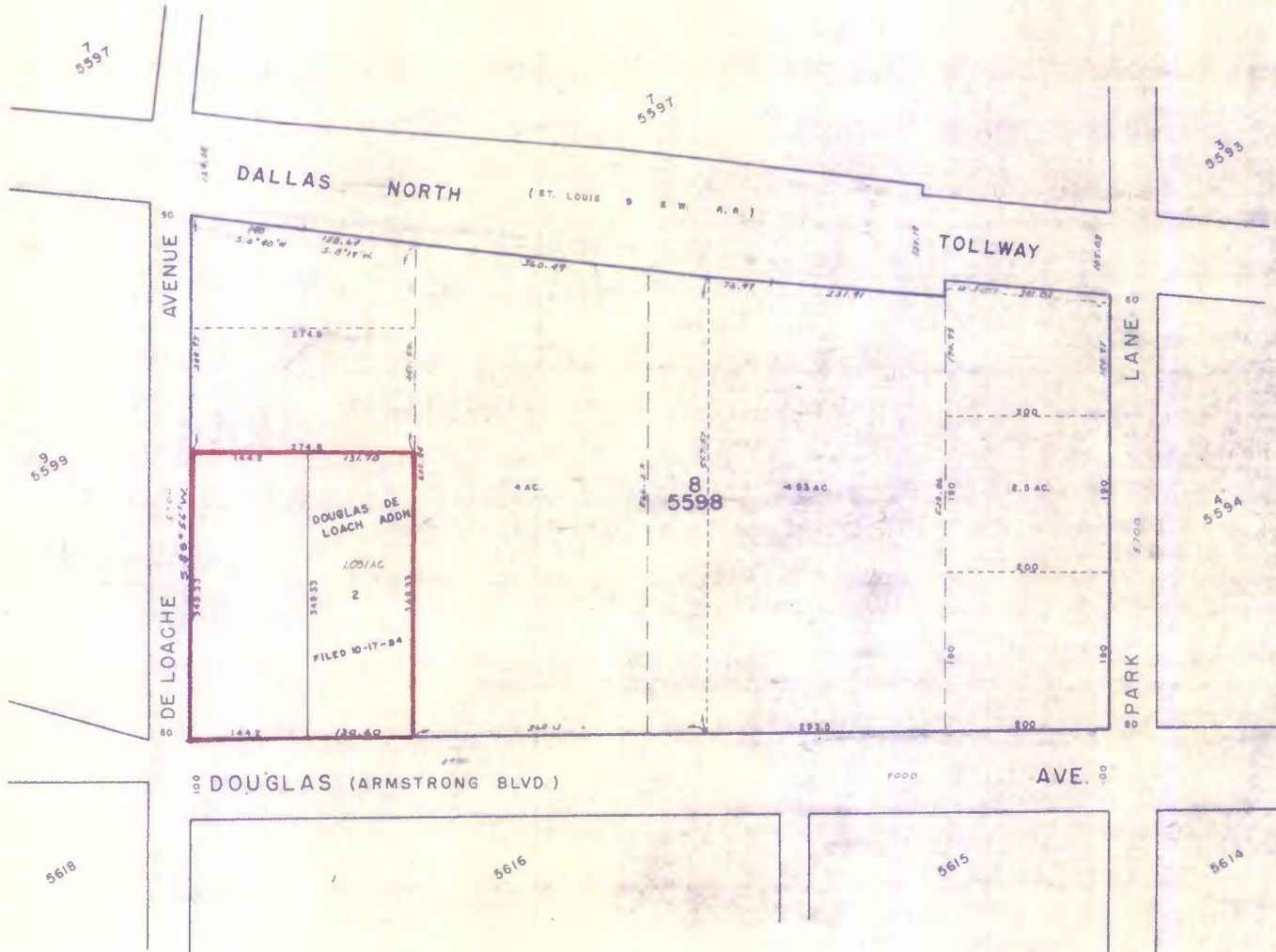
ADDITION PRESTON HOLLOW (PART)

BLOCKS 8
5598

SCALE 100 FT. EQUALS 1 INCH

D.C. 2-20-85

SCHOOL DIST. DALLAS





Printed: 1/13/2023

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



1:2,400

-  City Limits
-  Certified Parcels
-  Base Zoning

074D-18073

Filed for Record
in the Official Records Of:
Dallas County
On: 9/9/2022 12:24:17 PM
In the PLAT Records

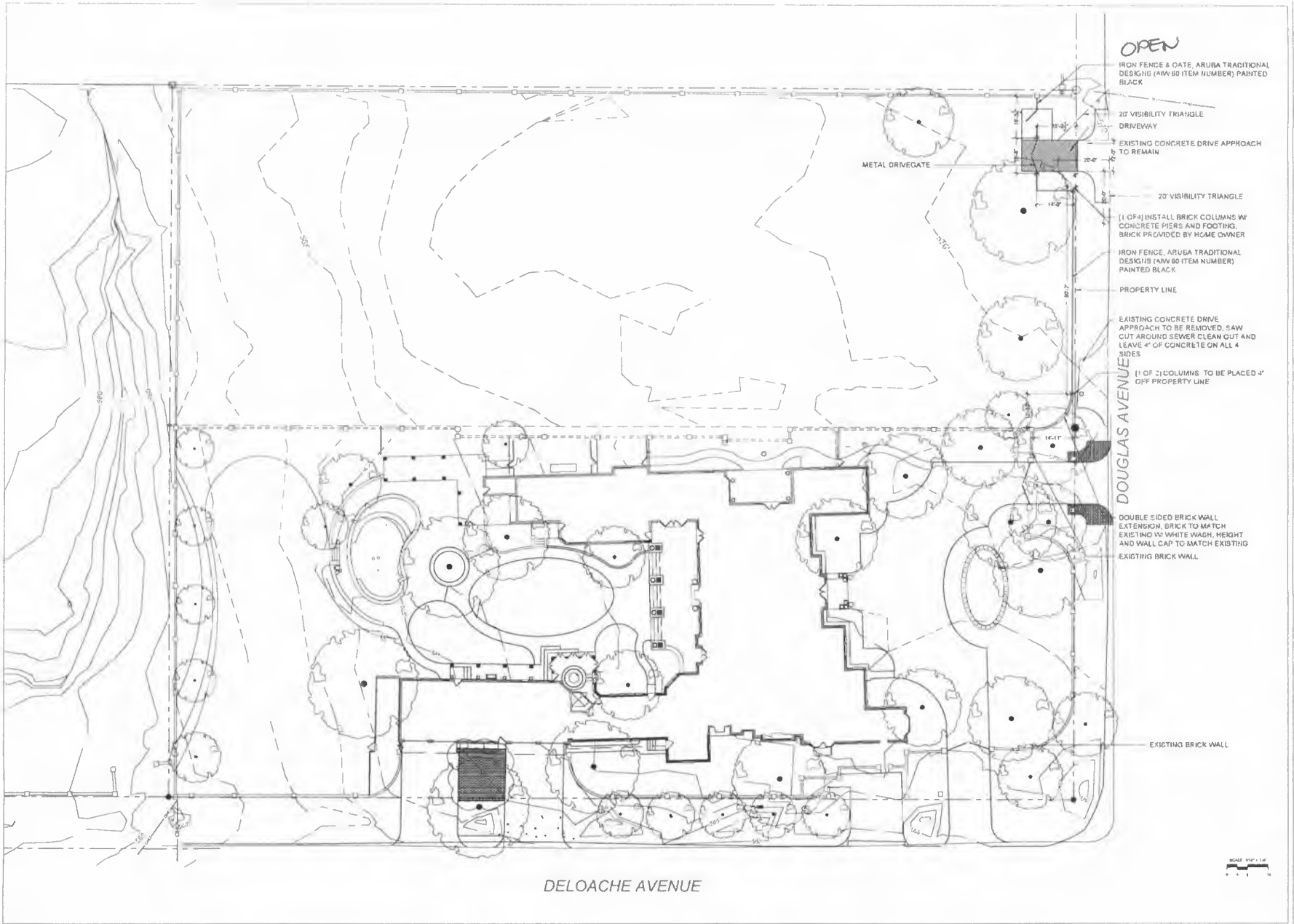
Doc Number: 2022 - 202200242770
Number of Pages: 2
Amount: \$2.00
Order#: 20220909000540
By: KW

CERTIFICATE OF APPROVAL

I, Tony Shidd, Chairperson of the City Plan Commission of the City of Dallas, State of Texas, hereby certify that the attached plat was duly filed for approval with the City Plan Commission of the City of Dallas on the 09 day of April A.D. 2020 and same was duly approved on the 09 day of July A.D. 2020 by said Commission

Tony Shidd
Chairperson
City Plan Commission
Dallas, Texas

Attest: Yolanda Resina
Secretary



This plan remains the intellectual property of Bonick Landscaping Inc. This plan can not be copied, reproduced or implemented in part or in whole without the prior written consent of Bonick Landscaping Inc.

8901 Douglas Ave.

Cypress Hollow Addition
Lot 1A, Block 8/5598
(8901 Douglas Ave, Dallas Tx 75225)
Incorporating 8915 Douglas)

Issue/Revision
PH 1 Pricing 03.28.2022
PH 1 REV Layout Budget 22.06.16
PH 1 Rev Cobble 22.07.21
Rev. 02/01/2023

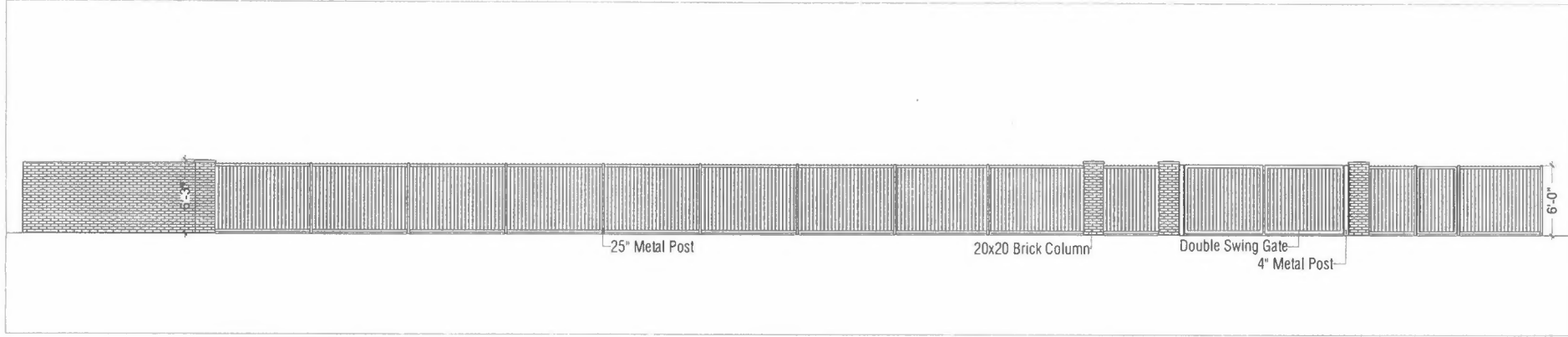
North



Scale: 1/16"=1'-0"

PH 1 Layout Plan

LA-1



CONCEPTUAL DRAWING All measurements to be field verified

CLIENT:
8915 Douglas Ave.
Dallas, Tx 75225

DATE 01.16.2023
Revised

SCALE 1/4" = 1'-0"

Southwest
Fence & Deck, Inc.
10000 Lyndon B. Johnson Fwy.
APT 2000 Dallas, TX 75243
Call: 972-462-1212
www.southwestfence.com



NOT FOR CONSTRUCTION WITHOUT
SOUTHWEST FENCE & DECK.
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ALL RIGHTS RESERVED

FILE NUMBER: BDA223-035 (ND)

BUILDING OFFICIAL'S REPORT: Application of Brent Jackson for a variance to the side yard setback regulations at 1020 McBroom Street. This property is more fully described as Block A/7104, Lot 1, and is zoned R-5(A), which requires a side yard setback of 5 feet. The applicant proposes to maintain a single-family residential structure and provide a 0-side yard setback, which will require a 5-foot variance to the side yard setback regulations.

LOCATION: 1020 McBroom Street

APPLICANT: Brent Jackson

REQUEST:

A request for a variance to the side yard setback regulations of 0 feet is made to maintain a single-family home. The applicant is proposing to maintain a single-family residential structure and provide a 0-foot side yard setback, which will require a 5-foot variance to the side yard setback regulations.

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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Rationale:

- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in one of the site's two side yard setbacks where the location of this structure would comply with the required 5 foot side yard setback if Winnetka on this corner lot did not have a street easement.
- Staff concluded that the subject site is unique and different from most lots in R-5(A zoning district in that it is restrictive in area due to having a street easement in the side yard setback on Winnetka.

- **ZONING/BDA HISTORY:**

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

Zoning:

Site: R-5(A)
North: R-5(A)
South: R-5(A)
East: R-5(A)
West: R-5(A)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 0 feet is made to maintain a single-family home.
- On December 13, 2021, Oaxaca Construction LLC applied for a new construction permit for a single-family residential structure. The permit was issued on February 10, 2022.
- The single-family home as constructed lies within the 5-foot required side yard setback.
- It appears that the home was not built-in compliance to the submitted site plans as the home appears to be also encroaching into the ROW to the west of the property. (Lloyd stated that the home is encroaching into the ROW- was determined during his site visit.)
 - This site is a request request for a variance to the side yard setback regulations of 0 feet is made to maintain a single-family home. The applicant is proposing to maintain a single-family residential structure and provide a 0-foot side yard setback, which will require a 5-foot variance to the side yard setback regulations.
 - The site has a 5 foot street easement of which serves to be the line of which the setback is measured versus the property line.
 - If this site's side yard did not have a street easement side yard setbacks would be compliant on this site.
- The applicant has the burden of proof in establishing the following:
 - That permitting such a variance of the front yard where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same PD 98 district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same PD 98 district.
 - A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such

modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a home structure that would be located 0 feet from the site’s side yard easement line (N. Winnetka) or 5 feet into this property’s easement set line.

Timeline:

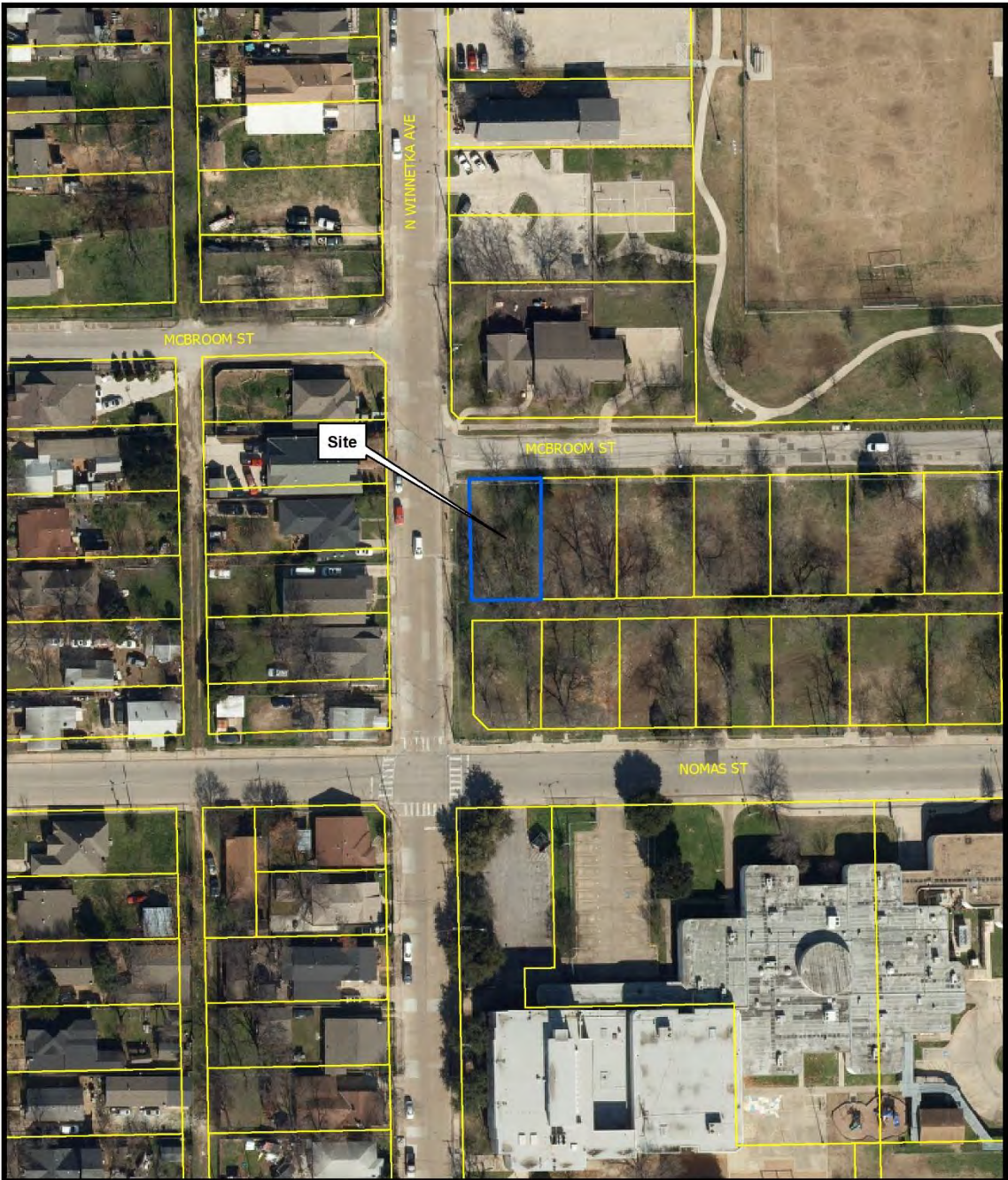
February 15, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 06, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

March 23, 2023: The Board of Adjustment 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 January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

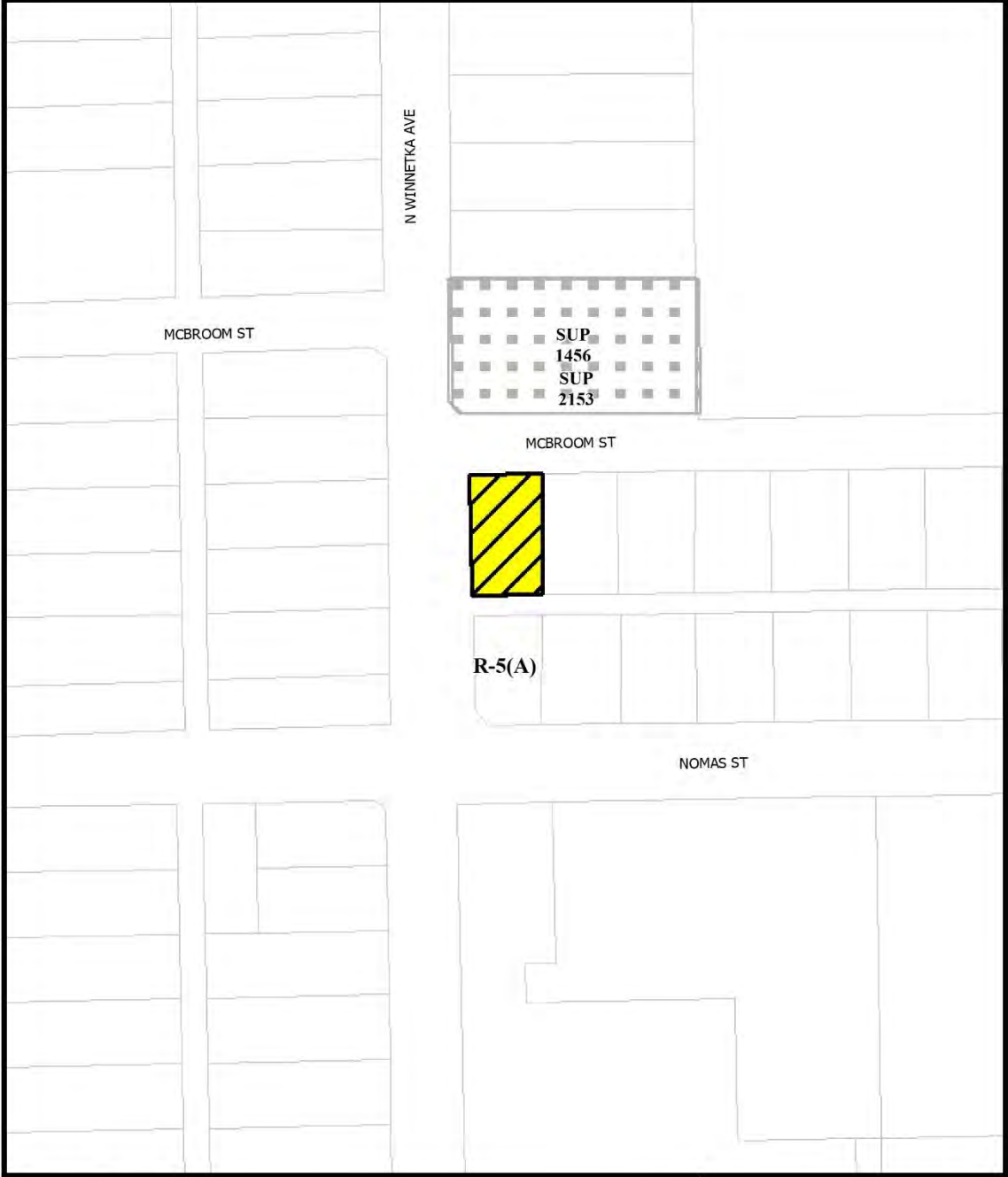


1:1,200

AERIAL MAP

Case no: BDA223-035

Date: 3/14/2023



1:1,200

ZONING MAP

Case no: BDA223-035

Date: 3/14/2023

03/13/2023

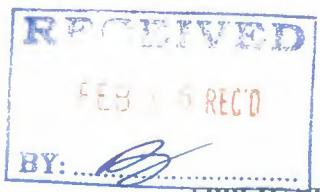
Notification List of Property Owners

BDA223-035

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1020 MCBROOM ST	WILLIEJAXON V LLC
2	3352 N WINNETKA AVE	Dallas ISD
3	1016 MCBROOM ST	WILLIEJAXON V LLC
4	3223 N WINNETKA AVE	MARTINEZ CAROL GONZALEZ
5	3303 N WINNETKA AVE	RINCON SERGIO GUADALUPE
6	3305 N WINNETKA AVE	LOPEZ MAREY ALEJANDRO
7	3311 N WINNETKA AVE	ALAMILLO JESUS ROBERTJR & MARIBEL
8	3313 N WINNETKA AVE	PANAMENO ANDRES A &
9	3319 N WINNETKA AVE	ROJAS JULIAN
10	3323 N WINNETKA AVE	UMANA SANDRA CORTEZ E
11	3331 N WINNETKA AVE	BUILDERS OF HOPE COMMUNITY
12	3335 N WINNETKA AVE	BANDA MARIA C &
13	3326 N WINNETKA AVE	WESLEY RANKIN COMMUNITY CENTER INC

A



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-035

Date: 2/15/23

Data Relative to Subject Property:

Location address: 1020 McBoom Street Zoning District: R-5(A)

Lot No.: 1 Block No.: A/7104 Acreage: .1300 Census Tract: N/A

Street Frontage (in Feet): 1) 60' 2) 94.50' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): WillieJaxon V, LLC

Applicant: Brent Jackson Telephone: 214.760.8770

Mailing Address: 1771 Robinson Road, Grand Prairie, Texas Zip Code: 75051

E-mail Address: brent@oaxacallc.com

Represented by: Aimee Furness Telephone: 214-651-5024

Mailing Address: 2323 Victory Avenue, Suite 700 Zip Code: 75219

E-mail Address: aimee.furness@haynesboone.com

Affirm that an appeal has been made for a Variance X, or Special Exception , of 5 feet (81M) side yard setback regulations _____

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

Applicant sought and obtained pre-approval of building plans, sought and received permit, and received approval during construction. Home is constructed and now City alleges code violations. Additionally, the parcel is of such a restrictive area that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with the same zoning classification.

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 Jarrod Jackson (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 27 day of January, 2023

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Brent Jackson

did submit a request for a variance to the side yard setback regulations
at 1020 McBroom St.

BDA223-035. Application of Brent Jackson for a variance to the side yard setback regulations at 1020 MCBROOM ST. This property is more fully described as Block A/7104 Lot 1, and is zoned R-5(A), which requires a side yard setback of 5 feet . The applicant proposes to construct a single family residential structure and provide a 0 foot side yard setback, which will require a 5 foot variance to the side yard setback regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-035

I, Brent Jackson on Behalf of Williejaxon V, LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1020 McBroom Street Dallas, Texas
(Address of property as stated on application)

Authorize: Brent Jackson
(Applicant's name as stated on application)

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

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

Specify: Side Yard Setback Regulations of 5 feet (8IM)

Jarrad Brent Jackson
Print name of property owner or registered agent

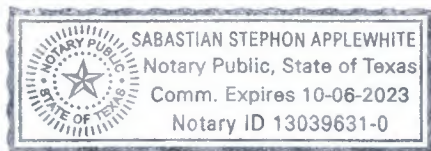
[Signature]
Signature of property owner or registered agent

Date 01-27-2023

Before me, the undersigned, on this day personally appeared Jarrad Brent Jackson

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

Subscribed and sworn to before me this 27 day of January, 2023



[Signature]
Notary Public for Dallas County, Texas
Commission expires on 10/06/2023

PLAT OF REVISED
REUSS AND WHEELER ADDITION

AMARIAH HANNAH SURVEY
DALLAS COUNTY, TEXAS

SCALE 1" = 50' SEPT. 12, 1945

JOE R. JOHN
ENGINEER AND SURVEYOR



(Approved: R. H. CLINGER, COUNTY ENGINEER)
Nov. 1, 1945.

85889 ----- Plat \$10.00
3.00 Recording

G. T. REUSS and TOM WHEELER,

TO... OWNERS' DEDICATION AND COURT ORDER

REUSS AND WHEELER'S REVISED ADDN.

STATE OF TEXAS | Owners' Certificate and Dedication
COUNTY OF DALLAS |

WHEREAS WE, G. T. REUSS and TOM WHEELER am the owner of
a tract of land situated in the AMARIAH HANNAH SURVEY, ABS. NO. 564 all of
which is in Dallas County, Texas, said tract being more particularly described
by metes and bounds as follows:

BEING SITUATED in the AMARIAH HANNAH SURVEY, ABS. No. 564
Dallas, Texas, being a part of REUSS AND WHEELER'S ADD-

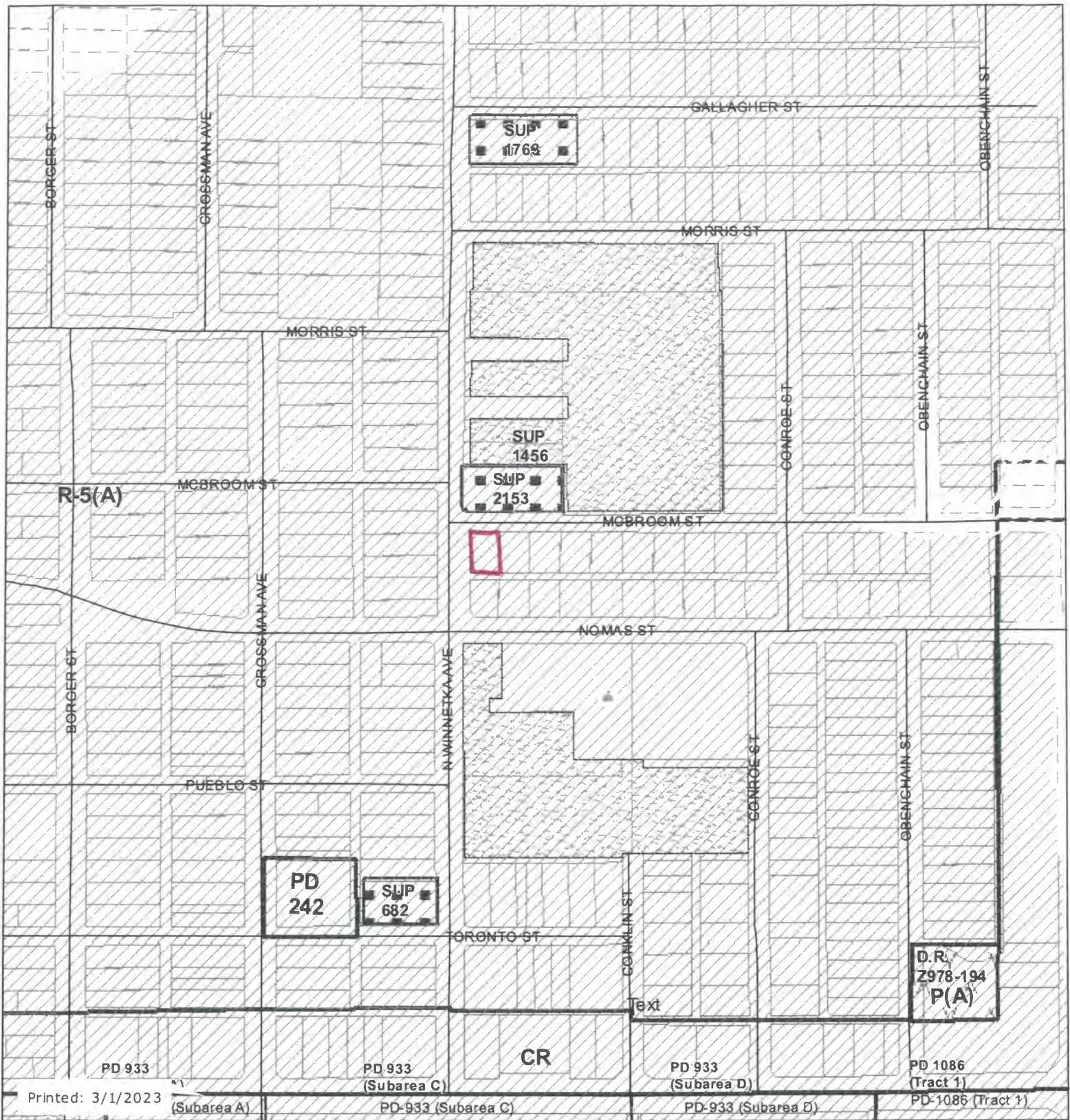
in the County of
TIGN as filed for
record in Vol. 7,
Page 347, Map
Records of Dallas
County, Texas, and
a part of about
62 acres of land
conveyed to C. C.
MASON by W. L. Mc-
CORMICK, Guardian
of the Estate of
THOMAS K. PETTY and
by said C. C. MASON
DEEDED to W. P. ROHDE
ON Nov. 14, 1904,
both tracts combined
being described
as follows:

BEGINNING at
a point 13 ft. East
of the original

Northwest corner of said 40 acre tract: ... THENCE EAST 900 ft. to the Southwest corner of Lot No. 13, Block B of said REUSS AND WHEELER ADDITION as filed in Vol. 7 at Page 347 of said Map Records;... THENCE NORTH along the West line of said Lot 13, crossing a 15 ft. alley and along the West line of Lot 6 of said Plat, 204 ft. to the South line of McBroom St;... THENCE EAST along said line of McBroom St. 123 ft. to the East line of said recorded Plat;... THENCE NORTH 687.75 to the center line of BIGFORD AVE;.. THENCE WEST along said center



TIPTON ANNEX ADDN.



Printed: 3/1/2023

(Subarea A)

PD 933
(Subarea C)

PD-933 (Subarea C)

CR

PD 933
(Subarea D)

PD-933 (Subarea D)

PD 1086
(Tract 1)

PD-1086 (Tract 1)

- City Limits
- Public Schools
- Floodplain
- 0.2 Pct Annual Flood Hazard
- 1 Pct Annual Chance Flood Hazard
- X Protected By Levee
- Parks
- Certified Parcels
- Base Zoning
- Deed Restrictions
- SUP
- PD Subdistricts
- PDS Subdistricts

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



1:3,600

CITY OF DALLAS PLAT BOOKS

ANNEXED TO 30, 1896 ORD. NO. 5658
 SURVEY AMARILIA HANNAH ABS. 564

ADDITION REUSS & WHEELER - REVISED

A A THRU E
 BLOCKS 7103 & 7103 & 7104
 SCHOOL DISTRICT DALLAS

SCALE 100 FT EQUALS 1 INCH

1. AS TO B RECORDS 437-52
 2. AS TO B RECORDS 437-52
 3. AS TO B RECORDS 437-52
 4. AS TO B RECORDS 437-52
 5. AS TO B RECORDS 437-52



GENERAL ELEVATION NOTES:
 1. FINISHES AND COLORS TO BE SELECTED BY OWNER.
 2. ROOF EMBOSERS ARE TO FACE OF FRAMING.
 3. EXTERIOR WALL MATERIALS UNLESS AS NOTED TO BE 4" MIN. THICK AND LOCATED AT FRONT DOOR SWITCH BY UNLESS INDICATED OTHERWISE BY OWNER.

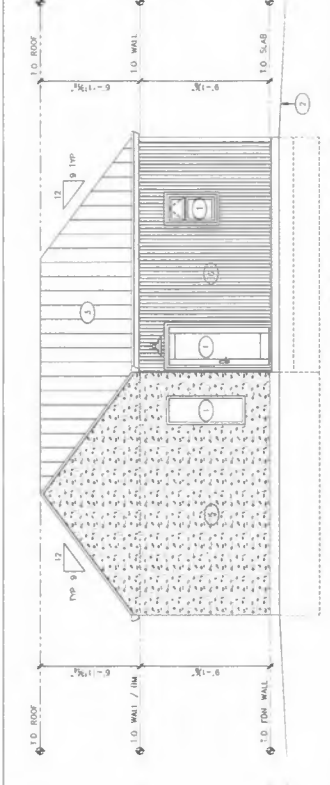
ELEVATION KEY NOTES - RESIDENCE:
 1. REFERS TO ROOM AND WINDOW SCHEDULE BE PROVIDED BY ARCHITECT.
 2. SLOPED TO PREVENT STANDING WATER WITHING.
 3. UNLESS AP PANEL WITH ROOF OR APPROVED.
 4. 1" ON STEEL POST - PAINTED.
 5. 3" ON STUCCO W/ SMOOTH OLD WORLD FINISH.
 6. CORRUGATED METAL PANELS - SHIPWAY 207 UNLESS INDICATED OTHERWISE BY OWNER.
 7. COMPOSITE WOOD GRADING AS SELECTED BY OWNER.
 8. WALL BOARDING DETAIL AS SELECTED BY OWNER.

ELEVATION KEY NOTES - CARPORT:
 1. ALL GRADING AROUND THE BUILDING SHOULD BE TO PREVENT STANDING WATER WITHING 4'-0" OF THE FOUNDATION ON ALL SIDES.
 2. UNLESS AP PANEL WITH ROOF OR APPROVED.
 3. 8" X 8" CEDAR POST - STAINED.
 4. STAINED CEDAR SLATS AT 5 1/2" O.C. - STAINED.
 5. UNLESS INDICATED OTHERWISE BY OWNER.
 6. STRUCTURE TO BE CEDAR WOOD FRAMING - SEE STRUCTURAL.
 7. SHANKS TO BE METAL FLASHING OVER EXPOSED SHANKS.
 8. LINE INDICATES SLOPED CONCRETE BEYOND SEE ARCHITECT'S PLAN.

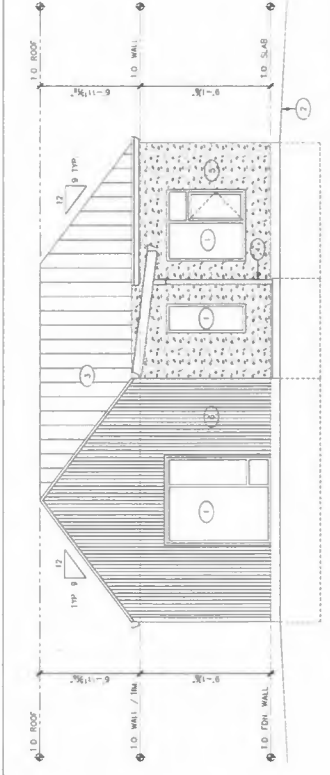
EXTERIOR FINISHES:

- 1 STUCCO
- 2 CORRUGATED METAL
- 3 COMPOSITE WOOD GRADING
- 4 CEDAR SLATS
- 5 CEDAR POST
- 6 CORRUGATED METAL
- 7 CORRUGATED METAL PANELS
- 8 CORRUGATED METAL PANELS
- 9 CORRUGATED METAL PANELS
- 10 CORRUGATED METAL PANELS
- 11 CORRUGATED METAL PANELS
- 12 CORRUGATED METAL PANELS

ROOFING:
 UNLESS AP PANEL WITH ROOF OR APPROVED TO FACE OF FRAMING UNLESS INDICATED OTHERWISE BY OWNER.
 ADDITIONAL INFORMATION:
 1. EXTERIOR LIGHTING
 WALL MOUNTED LIGHT FIXTURES UNLESS INDICATED OTHERWISE BY OWNER.
 2. 1" X 4" SLATS
 1" X 4" CEDAR SLATS AT 5 1/2" O.C. - STAINED.
 3. 8" X 8" CEDAR POST - STAINED



FRONT ELEVATION (1)
 SCALE: 1/4" = 1'-0"



REAR ELEVATION (2)
 SCALE: 1/4" = 1'-0"



LEFT ELEVATION (3)
 SCALE: 1/4" = 1'-0"



RIGHT ELEVATION (4)
 SCALE: 1/4" = 1'-0"

FILE NUMBER: BDA223-037(ND)

BUILDING OFFICIAL'S REPORT: Application of Aneesh Kumar, represented by Nick George for a special exception to the fence standards regulations and a special exception to the visual obstruction regulations at 4178 Saranac Drive This property is more fully described as Block 11/6147, Lot 17 and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires 20-foot visibility triangles at driveways. The applicant proposes to construct and/or maintain a 6 foot 6-inch-high fence in a required front yard, which will require a 2-foot 6-inch special exception to the fence standards regulations, and to locate and maintain items in 20-foot visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 4178 Saranac Drive

APPLICANT: Aneesh Kumar
Represented by Nick George

REQUESTS:

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

1. A special exception to the fence regulations is made to construct a 6' 6" high single family residential fence structure in the required front yard; and
2. Special exception to the visual obstruction regulations to locate and maintain portions of a 6' 6" high single family residential fence with four 20' visibility triangles.

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 the neighboring property.

STAFF RECOMMENDATION (fence standards regulations):

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (visual obstruction regulations):

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board's decision-making.

Traffic Engineer reviewed the request and cites no traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single Family District)
North: R-10(A) (Single Family District)
East: R-10(A) (Single Family District)
South: R-10(A) (Single Family District)
West: R-10 (A) and R-7.5(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

There is no BDA History within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The following requests have been made on a property developed with a single-family home:
 1. A special exception to the fence regulations is made to construct a 6' 6" high single family residential fence structure in the required front yard; and
 2. Special exception to the visual obstruction regulations to construct and maintain portions of a 6' 6" high single family residential fence with two 20' visibility triangles.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned R-10(A) Single Family District which requires a thirty-foot front yard setback.
- The submitted site plan shows the following information:
 - The proposed fence is located at the lot line along Saranac Drive.
 - 6' 6" high single family residential fence with four 20' visibility triangles.
- Staff conducted a field visit of the site and surrounding area.
- As of April 6, 2023, letters of opposition have been submitted

The applicant has the burden of proof in establishing that the special exception to the fence height regulations will not adversely affect neighboring property.

Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys on properties zoned single-family); and
- between two-and-a-half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

As further noted on the site plan, the proposed fence would obstruct:

- Portions of the 6' 6" fence are proposed to be located within the four 20' visibility triangles at the driveway approach. The Development Services Senior Engineer has no objections to the request for the obstructions to visibility triangle encroachment.

The requests for special exceptions to the visual obstruction regulations, the applicant has the burden of proof to establish how granting these requests to maintain the fence and gates in 20-foot visibility triangles on either side of the driveway does not constitute a traffic hazard.

Granting these requests for special exceptions to the fence standards and visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the fence and gate over 4' in height in the front yard setback, and items in the four 20' visibility triangles at the driveway into the site as shown on these documents.

Timeline:

February 16, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

March 6, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

March 23, 2023: Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 29, 2023, deadline to submit additional evidence for staff to factor into

their analysis; and March 29, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.

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

March 29, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, Code Compliance Director, and the Senior Planner.

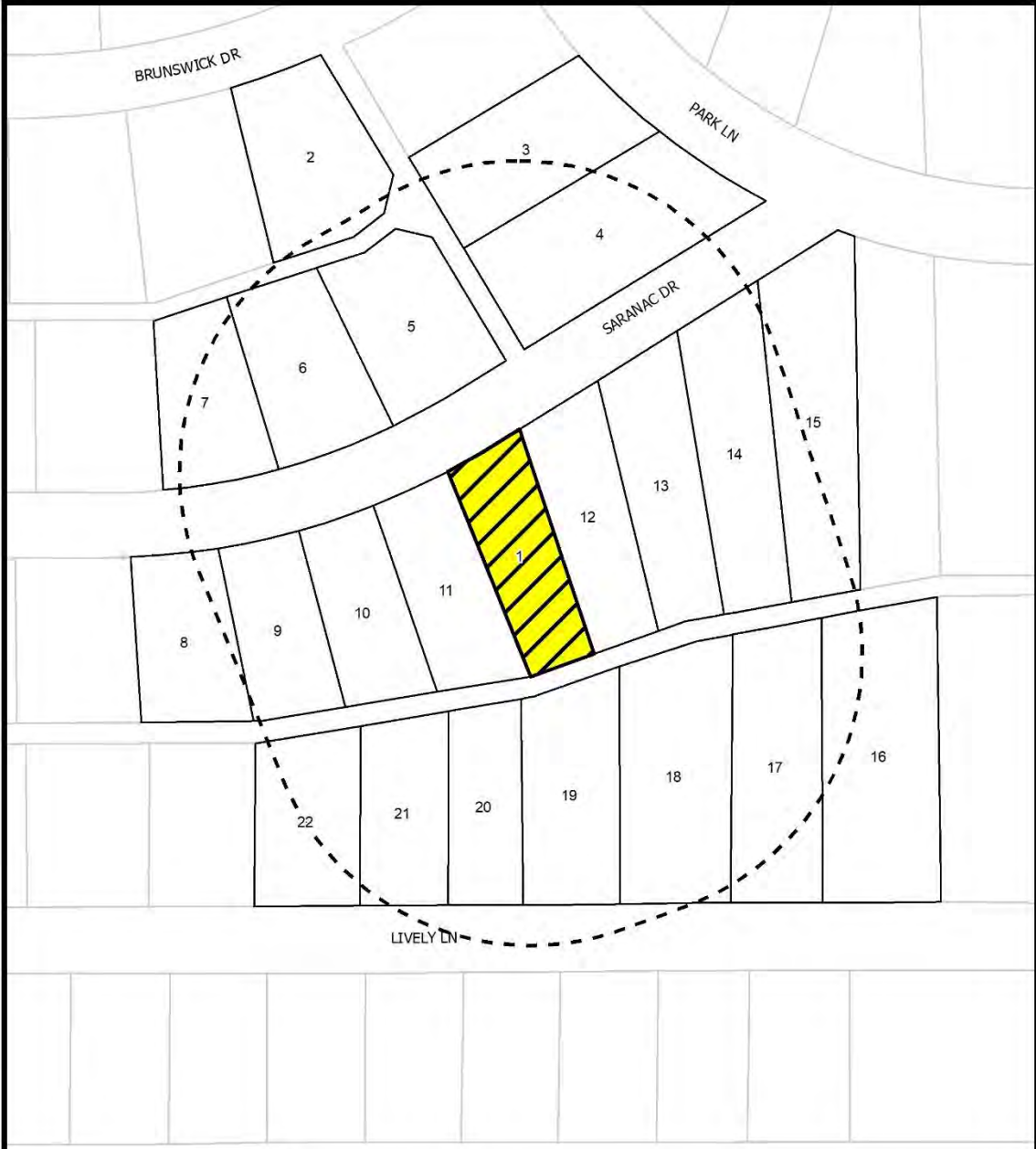


1:1,200

AERIAL MAP

Case no: BDA223-037

Date: 3/14/2023



The number '0' indicates City of Dallas Ownership

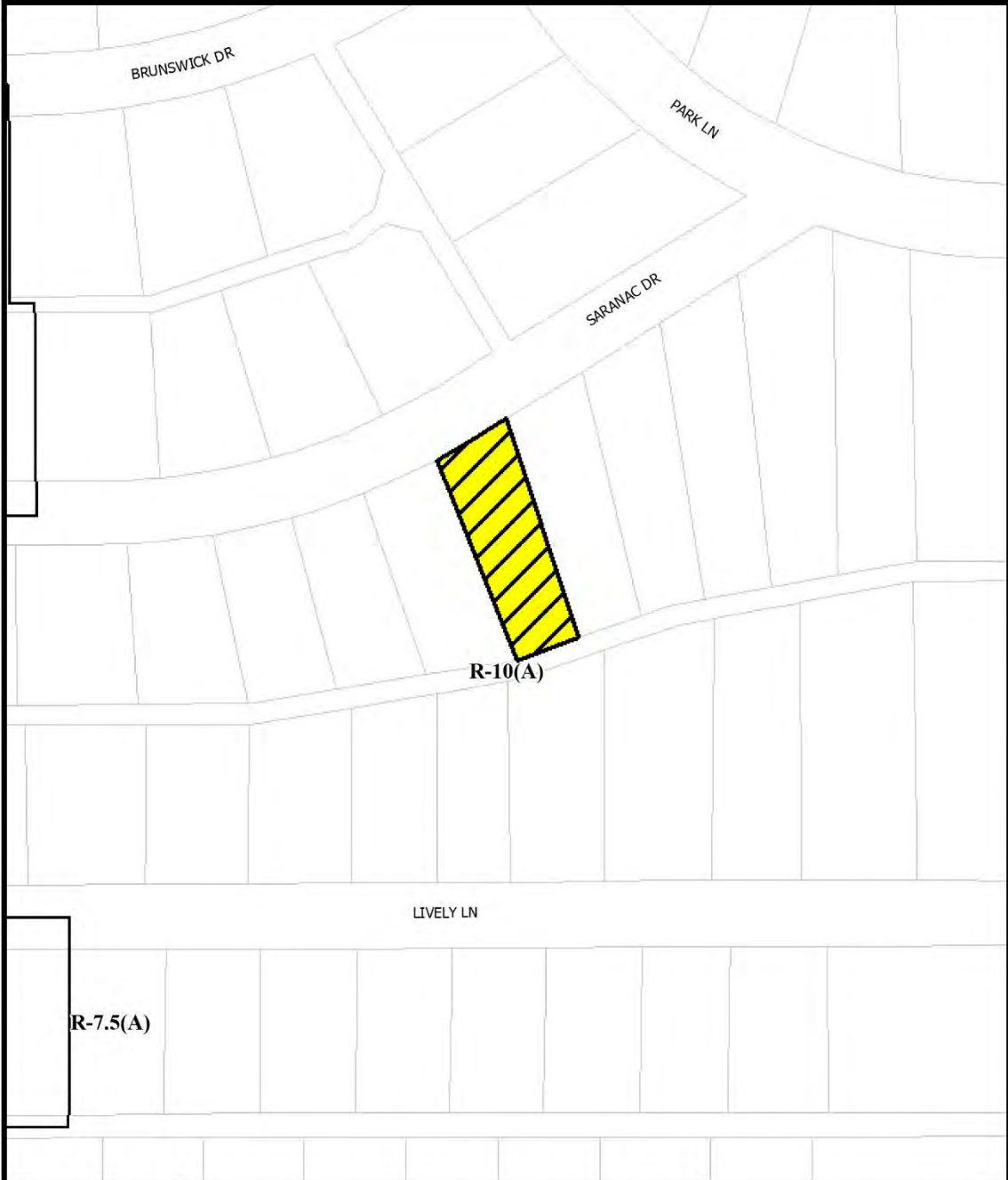


1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
22 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-037**
 Date: **3/14/2023**



1:1,200

ZONING MAP

Case no: BDA223-037

Date: 3/14/2023

03/14/2023

Notification List of Property Owners

BDA223-037

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4178 SARANAC DR	KUMAR ANEESH & UPALA
2	4160 BRUNSWICK DR	DODSON LISELOTTE
3	4170 PARK LN	KEARNS PATRICK & HELEN Y
4	4176 PARK LN	BARRY MARK &
5	4177 SARANAC DR	CONN RYAN CLAYTON
6	4171 SARANAC DR	ORR JASON ROBERT
7	4165 SARANAC DR	ASAY MERCER W
8	4160 SARANAC DR	WITZSCHE BRIAN PAUL &
9	4164 SARANAC DR	MCMAHON MICHAEL JAMES &
10	4170 SARANAC DR	ROBERTSON AUSTIN & ASHLEY
11	4174 SARANAC DR	WALSH RICHARD L & CONNIE A
12	4182 SARANAC DR	FRYE MATTHEW PATRICK
13	4186 SARANAC DR	LEARY STEPHEN P &
14	4194 SARANAC DR	4194 SARANAC LLC
15	4198 SARANAC DR	BUSH ANN K & ZACHARY E
16	4195 LIVELY LN	WEYNAND KATHRYN
17	4185 LIVELY LN	KOWALSKE KAREN J
18	4181 LIVELY LN	AUSTIN AMON
19	4177 LIVELY LN	ERICKSON CURTIS R &
20	4173 LIVELY LN	VANDERWOUDE ALLISON A
21	4167 LIVELY LN	SIKES CAROLINE &
22	4163 LIVELY LN	LINDLEY KYLE DOUGLAS &



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

RECEIVED

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

A

FEB 16 REC'D

Case No.: BDA

223-037

BY: [Signature]

Data Relative to Subject Property: Feb 13 2023

Date:

2-14/23

Location address:

4178 SARAWAR

Zoning District:

R10A

Lot No.: 17

Block No.: 11/647

Acreage: 2.17

Census Tract:

Street Frontage (in Feet): 1) 58'

2)

3)

4)

5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed):

RES ANEESH & UPALA KUMAR

Applicant:

ANEESH KUMAR

Telephone:

832-752-1616

Mailing Address:

9451 THORNBERY LN

Zip Code:

75220

E-mail Address:

KUMAR.ANEESH@GMAIL.COM

Represented by:

NICK & JOY GEORGE

Telephone:

817-909-0589

Mailing Address:

5601 GOLDEN TRIANGLE BLVD

Zip Code:

76244

E-mail Address:

NICKANDJOY@GLOBAL.NET

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

6.5

FENCE + COLLUM HEIGHT + GATE + FENCE HT
Plus Total DISTANCE OF FENCE 120' LF

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:

WILL NOT AFFECT NEIGHBORS

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

Aneesh Kumar

(Affiant/Applicant's name printed)

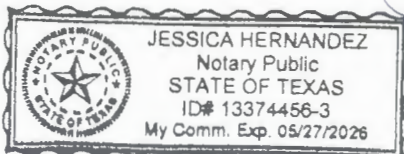
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

[Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15 day of February, 2023

Jessica Hernandez
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 ANEESH KUMAR
represented by NICK GEORGE
did submit a request for a special exception to the fence height regulations, and special
exception to the 20 foot visibility obstruction regulation
at 4178 SARANAC

BDA223-037. Application of ANEESH KUMAR represented by NICK GEORGE for a special exception to the fence height regulations, and special exception to the 20 foot visibility obstruction regulation at 4178 SARANAC DR. This property is more fully described as Block 11/6147, Lot 17 and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and a person shall not erect, place, or maintain a structure berm, plant life, or any other item on a lot if the item is in a 20 foot visibility triangle. The applicant proposes to construct a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence regulations and to construct a single-family residential fence structure in a required 20 foot visibility obstruction triangle, which will require a special exception to the 20 foot visibility obstruction regulation.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-037

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

at: 4178 SARANAC DR DALLAS TX 75220
(Address of property as stated on application)

Authorize: ANEESH KUMAR
(Applicant's name as stated on application)

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

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

Specify: TALLEST FENCE HEIGHT - 48 INCHES
TALLEST GATE HEIGHT - 80 INCHES

UPALA KUMAR
Print name of property owner or registered agent

Upa K
Signature of property owner or registered agent

Date 2/14/2023

Before me, the undersigned, on this day personally appeared UPALA KUMAR

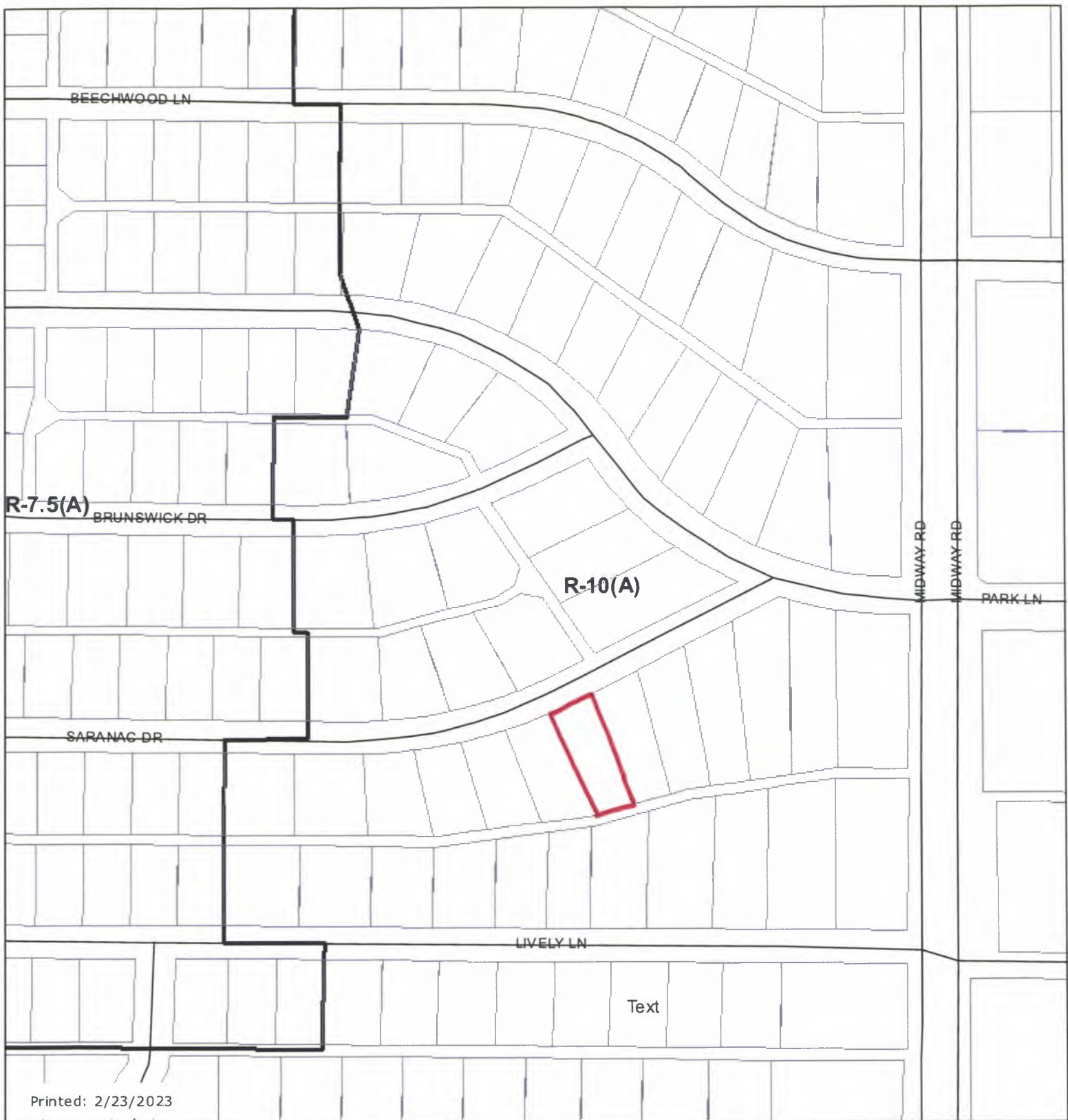
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 14th day of February, 2023

Commission expires on 03/16/2026



Sabrina M Hernandez
Sabrina M Hernandez



Printed: 2/23/2023

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1:2,400

CITY OF DALLAS PLAT BOOKS
 ADDITION GLENRIDGE ESTATES NO. 1 (PART)

ANNEXED MAY 23 1945 ORD. NO. 3629 (PART OF ORD. NO. 3629)
 ANNEXED DEC 30 1949 ORD. NO. 4662
 SURVEY FRANCIS A. WINN ABST. 1578

9-10-11-12-13
 BLOCKS 6147
 SCHOOL DIST. DALLAS

SCALE .000 FT. EQUALS 1 INCH



NOTE
 ALL SIDE LINES OF LOTS, UNLESS OTHERWISE
 INDICATED, BY BEARINGS, ARE PERPENDICULAR
 TO THE FRONT LINES, OR RADIAL TO FRONT LINE
 CURVES.
 ALL ALLEYS ARE 16' WIDE.
 ANCHOR EASEMENTS ARE 40' 300' AND
 50' SET BACK FROM PROPERTY LINE TO
 BUILDING LINE.

PROPERTY DESCRIPTION

Address: 4178 Saranac Drive, Being Lot 17, in Block 11/6147, of First Installment of Glenridge Estates, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Volume 16, Page 215, of the Map Records, of Dallas County, Texas.



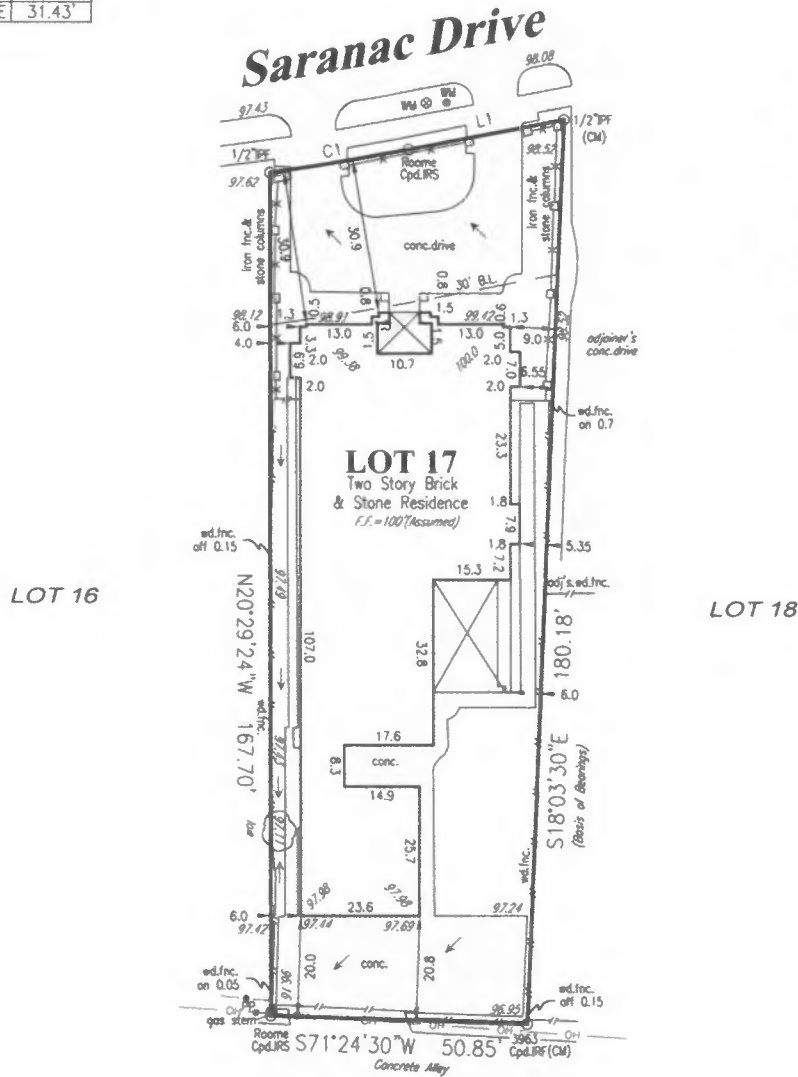
**Roome
Land Surveying**

2000 Avenue G, Suite 810
Plano, Texas 75074

Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	551.80'	28.00'	2°54'28"	28.00'	N59°58'14"E

LINE	BEARING	DISTANCE
L1	N58°31'00"E	31.43'



IRF=Iron Rod Found IRS=Iron Rod Set CPD=Capped CH=Overhead Line PP=Power Pole LP=Light Pole F=Fire Hydrant W=Water Meter WM=Water Meter
 CM=Controlling Monument BL=Building Line HI=Handhole GSI=Adjacent's GSI=Minimum Finished Floor F.P.=Finished Flag M=Manhole
LEGEND

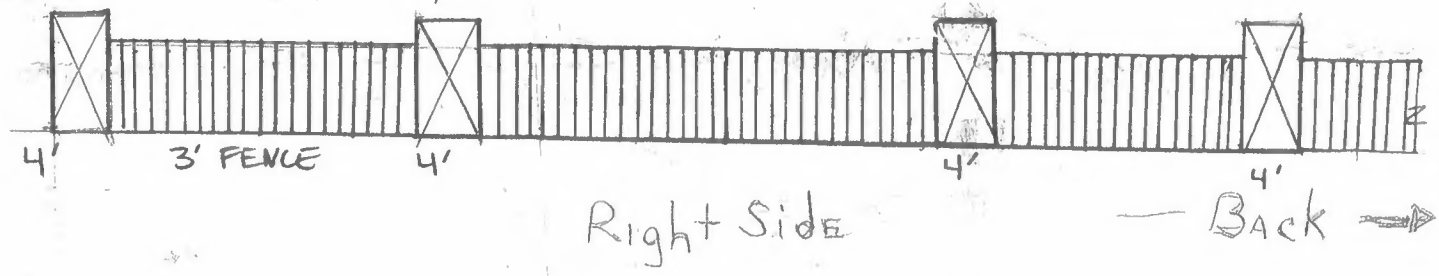
NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48113C0330J of the F.E.M.A. Flood Insurance Rate Maps for Dallas County, Texas & Incorporated Area dated August 23, 2001. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat. (8) Survey performed without a title commitment. There may be easements, or other matters, not shown.

CERTIFICATION

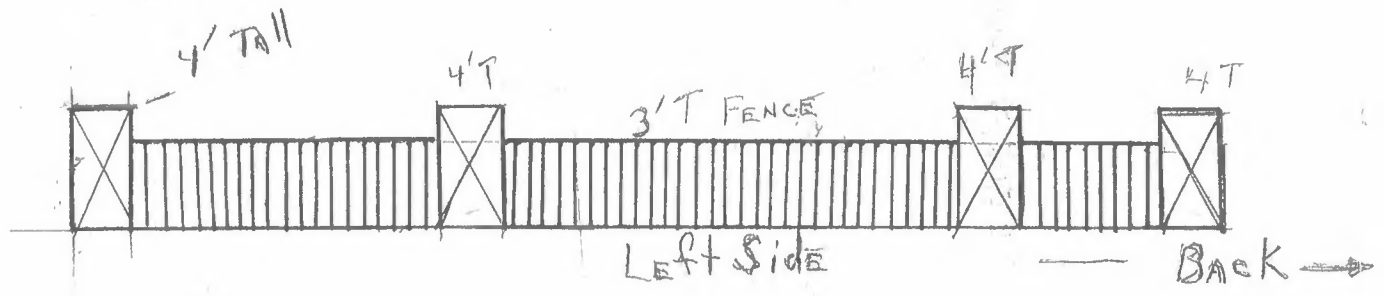
On the basis of my knowledge, information & belief, I certify to J & N Home Decor and more that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.



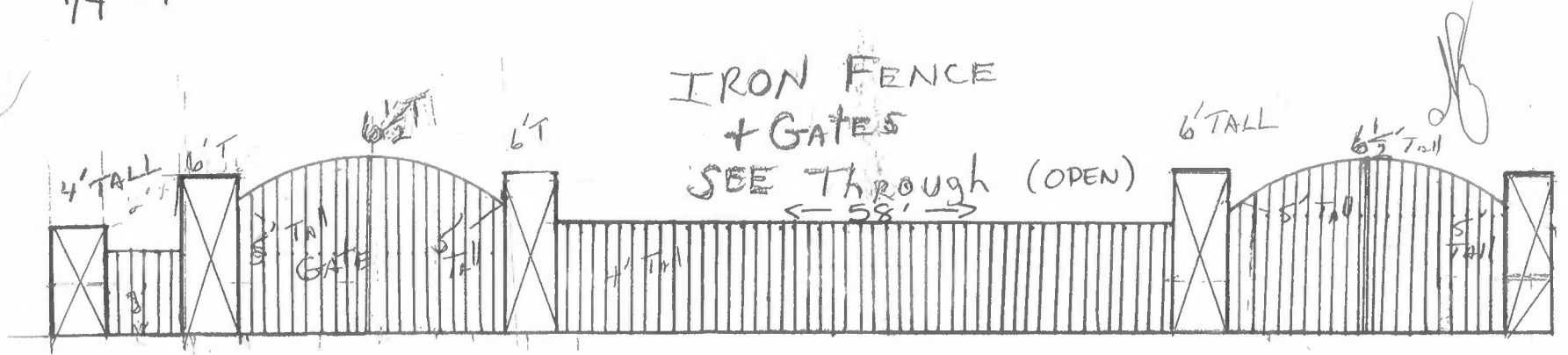
Date: 2/7/2023 Revised: _____ Job No. ES702953

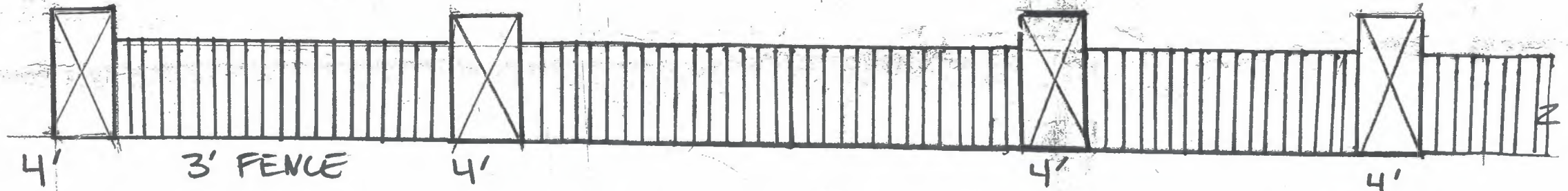


Stone
Columns
HAVE
X



1/4" = 1'

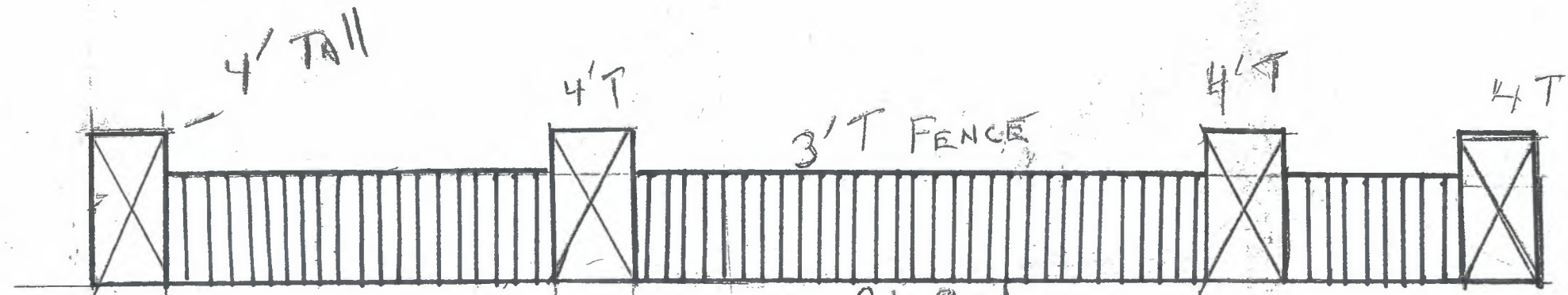




Right Side

Back →

Stone
Columns
HAVE
X



Left Side

Back →

1/4" = 1'

IRON FENCE
+ GATES

SEE THROUGH (OPEN)
← 58' →

