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CITY SECRETARY  
DALLAS, TEXAS



POSTED CITY SECRETARY  
DALLAS, TX

City of Dallas  
BOARD OF ADJUSTMENT (PANEL A)

September 19<sup>th</sup>, 2023, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.  
Dallas City Hall, 6EN – Council Chambers and Videoconference

Video Conference Link: <https://bit.ly/091923A>  
Telephone: (408) 418-9388, Access Code: 325527

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting <https://dallastx.new.swagit.com/views/113>.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-A-Register> by the close of business Monday, September 18<sup>th</sup>, 2023. In Person speakers can register at the hearing.

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en <https://dallastx.new.swagit.com/views/113>.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at <https://bit.ly/BDA-A-Register> antes de cierre de oficina el Lunes, 14 de Agosto, 2023. Las personas que deseen hablar en persona se pueden registrar en la Audiencia.

**AGENDA**

- I. **Call to Order** David A. Neumann, Chairman
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
  - Approval of Panel A Minutes – August 15<sup>th</sup>, 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]

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**UNCONTESTED CASE(S)**

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<b>BDA223-079(KMH)</b>	9211 Hathaway Street <b>REQUEST:</b> Application of Baldwin Associates for (1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standard regulations; (3) a 20-foot special exception to the visibility obstruction regulations; (4) a 45-foot special exception to the visibility obstruction regulations; and (5) a 35-foot variance on Hathaway Street, and a 23-foot 6-inch variance on Northwest Highway to the front-yard setback regulation.	1
<b>BDA223-080(KMH)</b>	10020 Meadowbrook Drive <b>REQUEST:</b> Application of Baldwin Associates for (1) a variance to the side-yard setback regulations, (2) a special exception to the fence height regulations, (3) a special exception to the visibility obstruction regulations; (4) a special exception to the fence opacity standard regulations; and (5) a special exception to the fence material standard regulations.	2
<b>BDA223-081(KMH)</b>	8627 Lakemont Drive <b>REQUEST:</b> Application of Audra Buckley for (1) a special exception to the fence height regulations; and (2) a special exception to the fence material standard regulations.	3
<b>BDA223-083(KMH)</b>	9122 Inwood Road <b>REQUEST:</b> Application of Trenton Robertson for (1) a special exception to the fence height regulations; and (2) a special exception to the fence standards regulations.	4
<b>BDA223-085(KMH)</b>	1416 S. Waverly <b>REQUEST:</b> Application of Emma Villanueva Valverde, represented by Manuel R. Salazar for (1) a variance to the side-yard setback regulations.	5

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**HOLDOVER**

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None

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**INDIVIDUAL CASES**

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<b>BDA223-082(KMH)</b>	10427 Lennox Lane <b>REQUEST:</b> Application of James C. Shankle for (1) a special exception to the fence height regulations; and (2) a special exception to the fence opacity standards, and for (3) a special exception to the fence material standards.	6
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BOARD OF ADJUSTMENT

Panel A Minutes

August 15, 2023

**DRAFT**

6EN Council Chambers  
[24923176153@dallascityhall.webex.com](mailto:24923176153@dallascityhall.webex.com)

David A. Neumann, Chairman

**PRESENT: [5]**

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

**ABSENT: [0]**


Chair Neumann called the briefing to order at **10:30A.M.** with a quorum of the Board of Adjustment present.

Chair Neumann called the hearing to order at **1:00 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**

Approval of the Board of Adjustment Panel A July 18, 2023 public hearing minutes.

**Motion was made to approve Panel A July 18, 2023 public hearing minutes.**

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

Appeal the decision of the Administrative Official at 5511 Merrimac Avenue

**\*This case will be the last item**

**CONSENT ITEMS**

**1. 510 Newell Avenue**

**\*This Case was moved to Individual Cases**

BDA223-032(GB)

**BUILDING OFFICIAL’S REPORT** Application of Jason Meyer for a variance to the side yard setback regulations at 510 NEWELL AVE. This property is more fully described as Block 9/2722, Lot 12 and is zoned CD-6 tract 1, which requires a side-yard setback of 5-feet. The applicant proposes to construct and maintain a single-family residential structure and provide a 3-foot side-yard setback, which will require a 2-foot variance to the side yard setback regulations.

**LOCATION:** 510 Newell

**APPLICANT:** Jason Meyer

**REQUEST:**

This is a request for a variance to the side yard setback regulations at 510 NEWELL AVE The applicant proposes to construct and maintain a single-family residential structure and provide a 3-foot side-yard setback, which will require a 2-foot variance to the side yard setback regulations.

**STANDARD FOR A VARIANCE:**

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

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

- (B) **necessary to permit development of a specific parcel of land** that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Approval

Rationale:

Based upon evidence presented by the applicant staff concluded that:

All the elements of the variance standard were met:

1. Not contrary to the public interest evidenced by the absence of opposition (because there is no opposition it can be assumed that it is not contrary to public interest, and consequently this element is met).
2. This parcel of land does differ from neighboring parcels because it has a restrictive shape and cannot be developed commensurate to adjacent properties.
3. There is evidence that proves that the applicant’s request is not a self-created hardship.

• **ZONING/BDA HISTORY:**

NO BDA History within the last five years

**Zoning:**

Site: CD-6 Tract 1 (Hollywood/Santa Monica)  
 North: PD462  
 South: LO-1  
 East: CR  
 West: R-5 (A)

**Land Use:**

The subject site is developed with a residential structure. Areas to the North, South, East, and West are developed residential uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- This is a request for a variance to the side yard setback regulations at 510 NEWELL AVE. The applicant proposes to construct and maintain a single-family residential structure and provide a 3-foot side-yard setback, which will require a 2-foot variance to the side yard setback regulations.
- The property is zoned CD-6 Tract 1 (Hollywood/Santa Monica). The minimum side yard for this district is 40 feet.
- The applicant intends to continue to use this parcel of land for residential uses only.

**Timeline:**

- February 14, 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. **(The applicant requested to postpone his case until August)**
- June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 10, 2023: The applicant submitted documentary evidence and twelve letters of support. See Attachments
- July 11, 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 July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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.”
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers.

Speakers:

For: Jason Meyer, 510 Newell Ave, Dallas TX 75223

Against: No Speakers

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 223-032, on application of Jason Meyer, **GRANT** the 2-foot variance to the side-yard setback regulations requested by this applicant because our evaluation of the property and 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 result in unnecessary hardship to this application.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the submitted site plan is required.

Maker:	Lawrence Halcomb			
Second:	Jay Narey			

Results:	4-1			Moved to grant.
		Ayes:	- 4	David A. Neumann, Jay Narey, Rachel Hayden and Lawrence Halcomb
		Against:	- 1	Kathleen Davis

**2. 5027 Alcott Street**

**\*This Case was moved to Individual Cases**

BDA223-070(KMH)

**BUILDING OFFICIAL’S REPORT:** Application of Hannah Rogers for (1) a variance to the side yard setback regulations; and (2) for a variance to the front yard setback regulations at 5027 ALCOTT ST. This property is more fully described as Block D/1998, Lot 11 and is zoned R-5(A) NSO 6, which requires side yard setback of 5-feet and which requires a front yard setback of 28-feet. The applicant proposes to construct and maintain a single-family residential structure and provide both a 0-foot side yard setback and a 3-foot side yard setback, which will require (1) both a 5-foot variance to the side yard setback regulations and a 2-foot variance to the side yard setback regulations; and (2) provide a 20-foot front yard setback which will require an 8-foot variance to the front yard setback regulations.

**LOCATION:** 5027 Alcott St.

**APPLICANT:** Hannah Rogers

**REQUEST:**

A request for a variance to the side yard setback regulations of 5-feet; a request for a variance to the side yard setback regulations of 2-feet; and a request to the front yard setback regulations of 8-feet is made to maintain a single-family residential structure. The applicant is proposing to construct and/or maintain a single-family residential structure that encroaches into the sites required side yard and front yard setback regulations.

**STANDARD FOR A VARIANCE:**

Section 51A-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

Rationale: Based upon evidence presented and provided by the applicant staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in area, and shape, in that the lot is rhombus shaped, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning.
- C. Not a self-created or personal hardship.

**BDA HISTORY:**

No BDA history within the last 5 years.

**Zoning:**

- Site: R-5(A); NSO 6
- North: R-5 (A)
- South: TH-3 (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 5-feet and 2-feet; as well as a variance to the front yard setback of 8-feet is made to construct and/or maintain a single-family residential structure.
- The Dallas Development Code requires a setback of 5-feet for required side yards in the R-5(A) zoning district; additionally, the NSO-6 overlay district requires a front yard setback of 28-feet.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side yard setback along the west border of the property and a 3-foot side yard setback along the east border of the property, which will require a 5-foot variance to the side yard setback regulations as well as a 2-foot variance to the side setback regulations.
- Additionally, the applicant proposes to provide a 20-foot front yard setback which will require an 8-foot variance to the front yard setback regulations.
- The single-family residential structure lies within the required side and front yard setback regulations.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the side yard and front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** 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
- (e) the municipality considers the structure to be a nonconforming structure.

**Timeline:**

- May 31, 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.
- June 26, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- July 10, 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 July 24, 2023, deadline to submit additional evidence for staff to factor into their analysis; and August 4, 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.
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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 Attorney to the Board, the Senior Planner and Code Compliance staff.
- August 2, 2023: The Development Services Engineer submitted a response sheet with no comments.

Speakers:

- For: Hannah Rogers, 5027 Alcott Street, Dallas TX 75206
- Against: Tom Abraham (Virtual), (Did not speak)

**Motion # 1**

I move that the Board of Adjustment, in Appeal No. BDA223-070, on application of Hannah Rogers, **GRANT** the 5-foot variance to the side-yard setback regulations, and a 2-foot variance to the side-yard setback regulations requested by this applicant because our evaluation of the property and 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 result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the submitted site plan is required.

BOARD OF ADJUSTMENT  
 August 15, 2023

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

**Motion # 2**

I move that the Board of Adjustment, in Appeal No. BDA223-070, on application of Hannah Rogers, **GRANT** the 8-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and 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 result in unnecessary hardship to this applicant

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the submitted site plan is required.

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

**3. 6900 Wofford Road**  
 BDA223-072(KMH)

**BUILDING OFFICIAL’S REPORT:** Application of Cristina Laredo for (1) a special exception to the side yard setback regulations at 6900 WOFFORD DR. This property is more fully described as Block 10/5813, Lot 1 and is zoned R-7.5(A), which requires a side yard setback of 5-feet. The applicant proposes to construct a carport for a single-family residential dwelling in a required side yard and provide a 0-foot setback, which will require (1) a 5-foot special exception to the side yard setback regulations.

**LOCATION:** 6900 Wofford Dr.

**APPLICANT:** Cristina Laredo



**REQUEST:**

A request for a special exception to the side yard setback regulations of five feet is made construct and/or maintain a carport for a single-family residential dwelling in a required side yard, providing a 0-foot side yard setback.

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

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

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-7.5(A) (Single family district)
- North: R-7.5(A) (Single family district)
- South: R-7.5(A) (Single family district)
- East: R-7.5(A) (Single family district)
- West: R-7.5(A) (Single family district)

**Land Use:**

The subject site and all surrounding properties are developed with single family uses and a church to the immediate northeast.

**BDA History:**

No BDA history within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The purpose of this request is for a special exception to the side yard setback regulations of 5-feet focuses on constructing and/or maintaining a carport in a required side yard.
- The subject site and surrounding properties are zoned R-7.5(A).
- The Dallas Development Code states that required side yards must be open and unobstructed except for fences. The applicant is proposing to construct and/or maintain a carport in a required side yard on a lot developed with a single-family home.
- The submitted site plan and elevations illustrate the size of the carport and its location.
- As gleaned from the submitted site plan, the applicant is proposing to construct and/or maintain a 234 square foot carport in a required setback, providing a 0-foot setback; whereas the Dallas Development Code requires a 5-foot side yard setback for single-family dwellings in the R-7.5(A) zoning district.
- The applicant has the burden of proof in establishing that the special exception to the side yard setback regulations will not have a detrimental impact on surrounding properties.
- Granting this special exception to the side yard setback regulations to allow a carport in the required side yard providing a 0-foot side yard setback on the site with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed and maintained as shown on the submitted documents.

**Timeline:**

- June 2, 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.
- June 26, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 10, 2023: The Senior Planner emailed the applicant’s representative the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the July 24th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th 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.”
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans

BOARD OF ADJUSTMENT  
August 15, 2023

Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

August 2, 2023: The Development Services Engineer submitted a response sheet with no comments.

Speakers:

For: Denise Laredo, 6900 Wofford Ave, Dallas TX 75227 (Did not speak)

Against: No Speakers

**Motion**

I move that the Board of Adjustment, **GRANT** the following application listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the application satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

**BDA223-072** - Application of Cristina Laredo for a special exception to the side-yard setback regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the submitted site plan is required.

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

**4. 8334 Plainview Drive**  
BDA223-075(KMH)

**BUILDING OFFICIAL’S REPORT:** Application of Macedo Bulfrano for (1) a variance to the side yard setback regulations; and (2) a variance to the rear yard setback regulations at 8334 PLAINVIEW DR. This property is more fully described as Block 2/8526, Lot 3, and is zoned A(A), which requires a rear yard setback of 50-feet and requires a side yard setback of 20-feet. The applicant proposes to construct a single-family residential structure and provide a 10-foot side yard setback, which will require (1) a 10-foot variance to the side yard setback regulations, and to construct a single-family residential structure and provide a 27-foot rear yard setback, which will require (2) a 23-foot variance to the rear yard setback regulations.

**LOCATION:** 8334 Plainview Dr.

**APPLICANT:** Macedo Bulfrano

**REQUEST:**

A request for a variance to the side yard setback regulations of 10-feet and a request to the rear yard setback regulations of 23-feet is made to construct and maintain a single-family residential structure.

**STANDARD FOR A VARIANCE:**

Section 51A-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:

- (D) **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.
- (E) **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
- (F) **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:

BOARD OF ADJUSTMENT  
August 15, 2023

- Compliance with the submitted site plan is required.

Rationale: Based upon evidence provided by the applicant, staff concluded that:

- A. Granting the variance in this application would not be contrary to public interest as no letters of opposition has been received.
- B. The lot is restrictive in that the lot is not large enough to meet the required side and rear yard setbacks; there is also a 10-foot utility easement in the rear which also makes it difficult to achieve the rear yard setback as required in the Dallas Development Code; for these reasons, the lot cannot be developed in a manner commensurate as other parcels of land in the same zoning district.
- C. The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons.

**BDA HISTORY:**

No BDA history within the last 5 years.

**Zoning:**

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

**Land Use:**

The subject site is a vacant lot surrounded by single-family homes.

**GENERAL FACTS/STAFF ANALYSIS:**

- A request for a variance to the side yard setback regulations of 10-feet is made as well as a variance to the rear yard setback regulations of 23-feet is made to construct and maintain a single-family residential structure.
- The A(A) Agricultural District of the Dallas Development Code requires a side yard setback of 20-feet and a rear yard setback of 50-feet.
- The applicant proposes to construct and maintain a single-family residential structure and provide a 10-foot side yard setback, which will require a 10-foot variance to the side yard setback regulations.
- Additionally, the applicant proposes to provide a 27-foot rear yard setback, which will require a 23-foot variance to the rear yard setback regulations.
- The size of the lot, along with the 10-foot utility easement in the rear, makes it somewhat difficult to develop the lot in a manner commensurate as other parcels of land in the same zoning district.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the side yard and front yard setback 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.

BOARD OF ADJUSTMENT  
August 15, 2023

- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** 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:

- (f) 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.
- (g) 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.
- (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (j) the municipality considers the structure to be a nonconforming structure.

**Timeline:**

- June 5, 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.
- June 26, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- July 10, 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 July 24, 2023, deadline to submit additional evidence for staff to factor into their analysis; and August 4, 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.
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: the Board of Adjustment

BOARD OF ADJUSTMENT  
August 15, 2023

Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

August 2, 2023: The Development Services Engineer submitted a response sheet with no comments.

Speakers:

For: Macedo Bulfrano, 766 Pemberton Hill Rd., Dallas TX 75217 (Did not speak)  
Sergio Sigala, 7354 Harris Prwy Apt. 1B101, Fort Worth, TX 76123 (Did not speak)

Against: No Speakers

**Motion**

I move that the Board of Adjustment, **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

**BDA223-075** - Application of Macedo Bulfrano for the variance to the side-yard and rear-yard setback regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the submitted site plan is required.

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

**HOLDOVER CASES**

**5. 7128 Hazel Road**  
BDA223-058(KMH)

**BUILDING OFFICIAL’S REPORT:** Application of Blanca Cardenas for a special exception to the single-family regulations, and for a variance to the floor area ratio regulations, and for a variance to the building height regulations at 7128 HAZEL RD. This property is more fully described as Block 3/6292, Lot 5 and is zoned R-7.5(A), which (1) prohibits an accessory structure from exceeding 25% of the floor area of the main structure; and (2) prohibits the height of an accessory structure from exceeding the height of the main building, and limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations (NOT FOR RENT); and to construct a single family residential accessory structure with 1,306 square feet of floor area (95% of the 1,244 square foot

floor area of the main structure), which will require a 995 square foot variance to the floor area regulations, and to construct and maintain a single-family residential accessory structure with a building height of 24 feet, which will require a 6 foot variance to the maximum building height regulations.

**LOCATION:** 7128 Hazel Rd

**APPLICANT:** Blanca Cardenas

**REQUEST:**

- (1) A request for a special exception to the single-family use regulations, and
- (2) A variance to the floor area ratio and building height regulations is made to construct and/or maintain an additional dwelling unit, not for rent, on a site developed with a single-family home.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:**

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not:

- 1) be used as rental accommodations; or
- 2) adversely affect neighboring properties.

Section 51A-4.209(b)(6)(E)(ii) In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**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:

- (G) **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.
- (H) **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
- (I) **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:**

Special Exception:

No staff recommendation is made on this or any request for a special exception.

Variance:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that based on the following evidence:
  - A.) The request was **not contrary to the public interest** evidenced by the absence of opposition;
  - B.) **Is necessary to permit development of a specific parcel of land** due to the narrow shape of the lot; and
  - C.) **Not granted to relieve a self-created or personal hardship.**

**BACKGROUND INFORMATION**

**Zoning:**

Site: R-7.5 (A) Single Family District  
North: R-7.5 (A) Single Family District

- South: R-7.5 (A) Single Family District
- East: R-7.5 (A) Single Family District
- West: R-7.5 (A) Single Family District

**Land Use:**

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

**BDA History:**

No BDA history within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request is for a special exception to the single-family use regulations, and for a variance to the floor area ratio and building height regulations is made to construct and/or maintain an additional dwelling unit, not for rent, on a site developed with a single family home.
- The applicant proposes maintain a 24-foot single-family residential accessory structure (ADU-not for rent) with 1,306 square feet of floor area (95% of the 1,244 square feet of floor area of the main structure). The applicant states that the ADU has been existing for 15 years.
- The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.
- Additionally, the Dallas Development Code states that an accessory structure may not exceed 25% of the floor area of the main structure and the height of an accessory structure may not exceed that of the main structure.
- The main structure is approximately 1,244 square feet, an ADU not exceeding 25% of the main floor area would be approximately 311 square feet. The existing two story ADU is approximately 1,306 square feet; which exceeds the 25% of the main floor area.
- The height of the main structure is approximately 18-feet; the height of the existing ADU is 24-feet; therefore a 6-foot variance is required as the accessory structure cannot exceed the height of the main structure.
- According to the submitted plans, the first floor of the ADU consists of kitchen, dining/living area, bathroom and closets; the second floor of the ADU consists of two bedrooms, bathroom, living area and two closets.
- It is imperative to note that the Dallas Development Code defines a dwelling unit as, “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.” The existing ADU consists of all three (kitchen, bathroom, and bedrooms).
- The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

BOARD OF ADJUSTMENT  
August 15, 2023

Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e., development on the site must meet all required code requirements).

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Moreover, the applicant has the burden of proof in establishing the following:

- That granting the variance to the floor area ratio and building height will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** 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:

- (k) 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.
- (l) 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.
- (m) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (n) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (o) the municipality considers the structure to be a nonconforming structure.

**Timeline:**

- April 24, 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.
- May 30, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- June 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 June 26, 2023, deadline to submit

BOARD OF ADJUSTMENT  
 August 15, 2023

additional evidence for staff to factor into their analysis; and July 6, 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.

June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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 Attorney to the Board, the Senior Planner and Code Compliance staff.

June 30, 2023: The Development Services Engineer provided a response sheet with no objections.

July 18, 2023: The City of Dallas Board of Adjustments, Panel A, voted to hold this case under advisement until August 15, 2023.

Speakers:

- For: Guadalupe Amaya, 7128 Hazel Road, Dallas TX 75217  
 Adam Musiel, 3232 McKinney Ave # 500, Dallas TX 75205
- Against: No Speakers

**Motion # 1**

I move that the Board of Adjustment in request No. BDA 223-058, **GRANT** the request to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring properties.

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.
- The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Maker:	Lawrence Halcomb				
Second:	Rachel Hayden				
Results:	4-1				Moved to grant
		Ayes:	-	4	David A. Neumann, Jay Narey, Rachel Hayden and Lawrence Halcomb
		Against:	-	1	Kathleen Davis

**Motion # 2**

I move that the Board of Adjustment in request No. BDA 223-058, **GRANT** the 995-square-foot variance to the floor area ratio regulations requested by this applicant because our evaluation of the property and 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 result in unnecessary hardship to this applicant.

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the submitted site plan is required.

Maker:	Lawrence Halcomb				
Second:	Rachel Hayden				
Results:	4-1				Moved to grant
		Ayes:	-	4	David A. Neumann, Jay Narey, Rachel Hayden and Lawrence Halcomb
		Against:	-	1	Kathleen Davis

**Motion # 3**

I move that the Board of Adjustment in request No. BDA 223-058, **GRANT** the 6-foot variance to the maximum height regulations requested by this applicant because our evaluation of the property and 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 result in unnecessary hardship to this applicant.

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the submitted site plan is required.

Compliance with the elevation plan is required.

Maker:	Lawrence Halcomb				
Second:	Rachel Hayden				
Results:	4-1				Moved to grant
		Ayes:	-	4	David A. Neumann, Jay Narey, Rachel Hayden and Lawrence Halcomb
		Against:	-	1	Kathleen Davis

**6. 5518 Winston Court**  
 BDA223-066(KMH)

**BUILDING OFFICIAL’S REPORT** Application of Baldwin Associates for a special exception to the fence regulations, and for a special exception to the fence standards regulations at 5518 WINSTON CT. This property is more fully described as Block B/5592, Lot 1A, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; and requires fence panel with a

surface area that is less than 50 percent open not be located less than 5 feet from the lot line. The applicant proposes to construct an 8-foot high fence in a required front yard, which will require a 4-foot special exception to the fence regulations; and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require a special exception to the fence opacity regulations.

**LOCATION:** 5518 Winston Court

**APPLICANT:** Baldwin Associates

**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence opacity regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.

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

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations 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 regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

The Development Services Engineer has reviewed all pertinent documents submitted and has no objections to this request.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**BDA History:**

2019- BDA189-100 (fence height/fence standards)

- Applicant proposed an 11-foot fence; denied without prejudice

2021- BDA201-112 (fence standards)

- Applicant proposed an 8-foot fence; approved-not to exceed 8'

**GENERAL FACTS/STAFF ANALYSIS:**

- The purpose of this request is for a special exception to the fence regulations of 4-foot focuses on constructing and/or maintaining an 8-foot high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.
- The subject site and surrounding properties are zoned R-7.5 (A).
- 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 Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- As gleaned from the submitted site plan and elevations, the applicant is proposing an 8-foot high fence in the front yard along Winston Court and along Holloway Road.
- The proposed fence will be a 1” solid picket style fence with decorative iron lattice with iron trim work and solid sheet panel behind; with Granbury stone to match the house. It is also imperative to note that the proposed fence will consist of a drive/pedestrian gate.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 8-feet and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

**Timeline:**

- May 10, 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.
- May 30, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- June 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 June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 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.

BOARD OF ADJUSTMENT  
 August 15, 2023

- June 28,2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July 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 Attorney to the Board, the Senior Planner and Code Compliance staff.
- June 30, 2023: The Development Services Engineer provided a response sheet with no objections.
- July 18, 2023: The City of Dallas Board of Adjustments, Panel A, voted to hold this case under advisement until August 15, 2023.
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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 Attorney to the Board, the Senior Planner and Code Compliance staff.
- July 28, 2023: The applicant provided revised drawings to staff.

Speakers:

- For: Rob Baldwin, 3904 Elm Street #B, Dallas TX 75226  
 Harold Leidner, 1601 Surveyor Blvd., Carrollton, TX
- Against: Dr. James Elbaor (virtual), 5507 Winston Ct., Dallas TX 75220

**Motion # 1**

I move that the Board of Adjustment in Appeal No. BDA 223-066, **DENY** the special exception requested by this applicant to construct and/or maintain a 8-foot high fence **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Kathleen Davis					
Second:	Jay Narey					
Results:	4-1					Moved to deny without prejudice
		Ayes:	-		4	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey
		Against:	-		1	Lawrence Halcomb

**Motion # 2**

I move that the Board of Adjustment in Appeal No. BDA 223-066, **DENY** the special exception requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that this special exception will adversely affect neighboring property.



BOARD OF ADJUSTMENT  
 August 15, 2023

Maker:	Kathleen Davis					
Second:	Jay Narey					
Results:	4-1					Moved to deny without prejudice
		Ayes:	-		4	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey
		Against:	-		1	Lawrence Halcomb

\*\*\*Recess: 2:53 p.m.; Resume: 3:00 p.m.\*\*\*

**7. 3349 Coronet Blvd.**  
 BDA223-077(KMH)

**BUILDING OFFICIAL’S REPORT:** Application of Lance Thames for (1) a variance to the building height regulations at 3349 CORONET BLVD. This property is more fully described as Block 2/7092, Lot 14, and is zoned R-5(A) NSO 13, which limits the maximum building height to 30-feet and also limits the height plane not to exceed the maximum height of 27-feet at the building line. The applicant proposes to construct and/or maintain a single-family residential structure with a building height of 32-feet, which will require (1) a 5-foot variance to the maximum building height regulations.

**LOCATION:** 3349 Coronet Blvd.

**APPLICANT:** Lance Thames

**REQUEST:**

A request for a variance to the building height 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:

- (J) **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.
- (K) 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
- (L) **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

Rationale: Based upon evidence provided by the applicant, staff concluded that granting this variance:

- Would **not be contrary to public interest** as it would increase property value.
- The lot **is 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
- Would not be granted to relieve a **self-created or personal hardship**, nor for financial reasons.

Condition:

Must comply with submitted site plan and elevation.

**BACKGROUND INFORMATION**

**Zoning:**

- Site: R-5 (A) NSO 13
- North: R-5 (A) NSO 13
- South: R-5 (A) NSO 13
- East: R-5 (A) NSO 13
- West: R-5 (A) NSO 13

**Land Use:**

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

**BDA History:**

No BDA history within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request is for a variance to the building height regulations.
- The site is zoned R-5(A) NSO 13. The R-5(A) Single-Family District limits the height of a single-family structure to 30-feet. The NSO 13 overlay limits the height plane not to exceed the maximum height of 27 feet at the building line.
- The applicant is proposing to construct and/or maintain a single-family residential structure with a building height of 32-feet, which will require a 5-foot variance to the maximum building height regulations.
- On September 6, 2022, a building permit application was applied for to construct a new single-family dwelling at 3349 Coronet Blvd; the permit was approved and issued on January 11, 2023.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the building height will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** 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:

- (p) 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.
- (q) 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.
- (r) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (s) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (t) the municipality considers the structure to be a nonconforming structure.

BOARD OF ADJUSTMENT  
August 15, 2023

**Timeline:**

- June 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.
- June 23, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June 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 Attorney to the Board, the Senior Planner and Code Compliance staff.
- July 6, 2023: The Senior Development Project Coordinator for the Residential Division provided a copy of the BOA referral form. Attachment A
- 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 June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 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.
- July 18, 2023: The City of Dallas Board of Adjustments, Panel A, voted to hold this case under advisement until August 15, 2023.
- August 3, 2023: The applicant provided revised plans to City Staff.

**Speakers:**

- For:** Lance Thames, 3349 Coronet, Dallas TX 75212  
Philip Kingston, 5901 Palo Pinto, Dallas TX 75206  
David Richard, 3349 Coronet Blvd., Dallas TX 75212
- Against:** Maria Lozada Garcia, 2422 Postbridge Rd., Grand Prairie, TX 75050  
Stephanie Champion, 1842 McBroom St., Dallas TX 75212  
Tony Carrillo, 3109 Parvia Ave, Dallas TX 75212  
Sylvia Lagos, 131 N. Monclair, Dallas TX 75208  
Brent Brown, 7135 Mudgrove Ave., Dallas TX 75214  
Albert Salinas, 3328 Topeka Ave, Dallas TX 75212  
John Gallegos(virtual), 524 Nomas St., Dallas TX 75212  
Janie Cisneros(virtual), 2821 Bedford St., Dallas TX 75212  
Evelyn Mayo(virtual), 7732 Village Trail Dr., Dallas TX 75254

Staff: Willie Franklin, Residential Manager

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-077, **GRANT** the 3-foot variance to the maximum building height regulations requested by this applicant because our evaluation of the property and 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 result in unnecessary hardship to this applicant.

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the submitted site plan is required.

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

Motion to withdraw the motion

Maker:	Lawrence Halcomb				
Second:	Kathleen Davis				

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the original site plan, revised height plan submitted 6/15/2023, and revised elevation site plan submitted 8/7/2023 is required.

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

**INDIVIDUAL CASES**

**8. 5511 Merrimac Avenue**  
BDA223-078(KMH)

**BUILDING OFFICIAL’S REPORT:** Application of Eileen Corkery to appeal the decision of the administrative official at 5511 Merrimac Ave. This property is more fully described as Block 6/2198, Lot 22 and is zoned CD-9, which requires compliance with the conservation district architectural standards. The applicant proposes to appeal the decision of an administrative official in the denial of a conservation district work review.

**LOCATION:** 5511 Merrimac Ave.

**APPLICANT:** Eileen Corkery

**REQUEST:**

A request is made to appeal the decision of the administrative official, more specifically, the Building Official's authorized representative, the Chief Planner of Conservation Districts. The Chief Planner of Conservation Districts denied application CD23042705 to paint previously unpainted brick.

**STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:**

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

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

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

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: CD-9
- North: CD-9
- South: CD-9
- East: CD-9
- West: CD-9

**Land Use:**

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes.

**BDA History:**

No BDA history within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

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

**Timeline:**

- June 16, 2023: The applicant was sent a denial letter for CD23042705 application to paint previously unpainted brick.
- June 21, 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.
- June 26, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 10, 2023: The Senior Planner emailed the applicant’s representative the following information:
  - a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the July 24th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th 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.”
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August 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 Attorney to the Board, the Senior Planner and Code Compliance staff.
- August 2, 2023: The Applicant provided a letter explaining why application (CD23042705) should have been approved.
- August 2, 2023: The Development Services Engineer provided a response sheet with no comments.

BOARD OF ADJUSTMENT  
August 15, 2023

Speakers:

For: Eileen Corkery, 5511 Merrimac Ave., Dallas TX 75206

Against: No Speakers

**Motion**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 223-078, on application of Eileen Corkery, and having evaluated the evidence pertaining to the property and heard all testimony and facts supporting the application, I move that the Board of Adjustment **REVERSE** the decision of the administrative official and **GRANT** the relief requested by this applicant.

Maker:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	4-1				Moved to reverse the decision of the administrative official
		Ayes:	-	4	David A. Neumann, Lawrence Halcomb, Kathleen Davis, Rachel Hayden
		Against:	-	0	

\*\*Jay Narey absent to vote\*\*

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Lawrence Halcomb moved to adjourn the meeting, seconded by Rachel Hayden at 6:02 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:** BDA223-079 (KMH)

**BUILDING OFFICIAL'S REPORT** Application of Baldwin Associates for (1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standard regulations; (3) a special exception to the visual obstruction regulations; (4) a special exception to the visual obstruction regulations; (5) and for two variances to the front yard setback regulations at 9211 HATHAWAY STREET. This property is more fully described as Block 7/5597, Lot 29B, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; requires a 20-foot visibility triangle at driveway approaches, requires a 45-foot visibility triangle at street intersections; requires 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; and requires a front yard setback of 40-feet. The applicant proposes to construct an 8-foot high fence in a required front yard, which will require (1) a 4-foot special exception to the fence height 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 (2) a special exception to the fence opacity regulations; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a 20-foot special exception to the visual obstruction regulations; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (4) a 45-foot special exception to the visual obstruction regulations; and to construct a single-family residential structure and provide a 5-foot front yard setback on Hathaway Street; and a 16-foot-6-inch setback on Northwest Highway, which will require (5) a 35-foot variance on Hathaway Street, and a 23-foot 6-inch variance on Northwest Highway to the front-yard setback regulations.

**LOCATION:** 9211 Hathaway Street

**APPLICANT:** Baldwin Associates

**REQUEST:**

- (1) A request for a special exception to the fence height regulations;
- (2) A request for a special exception to the fence opacity standard regulations,
- (3) A request for a special exception to the driveway visual obstruction regulations;
- (4) A request for a special exception to the street intersection visual obstruction regulations; and
- (5) A request for two variances to the front-yard setback regulations.

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

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

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

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

**STANDARD FOR A VARIANCE:**

Section 51A-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:**

### Special Exception (4):

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

### Hathaway Street Variance:

#### **Denial:**

Based upon the evidence presented and provided to staff, staff concluded that the variance request along **Hathaway Street:**

- not contrary to public interest as no opposition has been received;
- the site is restrictive as it is a corner lot and has two front yards and slightly irregularly shaped, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- it is a self-created or personal hardship as the gas generator could be placed elsewhere aside from being placed within the front yard setback.

Northwest Highway Variance:

Approval:

Based upon the evidence presented and provided to staff, staff concluded that the variance request along **Northwest Highway:**

- not contrary to public interest as no opposition has been received;
- the site is restrictive as it is a corner lot and has two front yards and slightly irregularly shaped, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- it is not self-created.

The Development Services Engineer has reviewed all pertinent documents submitted and has no objections stating, “Hathaway does not have sidewalks; Hathaway is low traffic volume; sight distance is unobstructed; and the new house eliminates one driveway.”

**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-16 (A) (Single Family District)
- West: R-1ac (A) (Single Family District)

**Land Use:**

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

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Baldwin Associates for the property located at 9211 Hathaway Street focuses on several requests. The first request is for a special exception to the fence height regulations of 4-feet, the applicant is proposing to construct and maintain an 8-foot fence in a required front yard, which will require a 4-foot special exception to the fence height regulations. The applicant is proposing the fence along Hathaway Street and Northwest Highway. It is imperative to note that the fence along Hathaway Street will include a sliding gate.
- Secondly, the applicant proposes to construct and 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 also requires a special exception to the fence regulations.

- Thirdly, the applicant proposes to construct and maintain a single-family residential fence structure in a required visibility triangle at the driveway approach along Hathaway Street, which will require a special exception to the visual obstruction regulations which requires a 20-foot visibility triangle at all driveway approaches.
- Additionally, the applicant proposes to construct and maintain a single-family residential fence structure in a required visibility triangle at the street intersection of Hathaway Street and Northwest Highway, which also requires a special exception to the visual obstruction regulations, which requires a 45-foot visibility triangle at street intersections.
- Lastly, the applicant proposes to construct and maintain a single-family residential structure and provide a 5-foot front yard setback, where a 40-foot setback is required; therefore, requiring a variance of 35-feet to the front yard setback regulations. It is important to note that the subject site is bound by two front yards as it is a corner lot. It is highly imperative to highlight that there was an oversight during a previous plan review. During the initial plan review, part of the residential structure along Northwest Highway was approved at 20-feet and not at 40-feet.
- The subject site along with properties to the north, east, and west are zoned R-1ac(A), whereas properties to the south are zone R-16(A); all single-family residential zoning districts.
- As gleaned from the submitted site plan and elevations, the applicant is proposing an 8-foot stone and stucco veneer wall along Hathaway Street and Northwest Highway; the proposed wall/fence is shown to encroach into the visibility triangles at the intersection of Hathaway Street and Northwest Highway as well as the driveway approach along Hathaway Street. Additionally, the site plan shows that the applicant is proposing to locate a gas generator in the required front yard only 5-feet away from the property line.
- 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 Dallas Development Code also states that required yards must remain unobstructed; therefore, structures are not allowed within setbacks. Additionally, the Dallas Development Code states that a person shall not erect, place, or maintain a structure in a required visibility triangle.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.

- Granting the special exceptions to the fence standards relating to height and opacity with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- Regarding the special exception to the visual obstruction regulations, the applicant has the burden of proof in establishing that the special exception(s) to the visual obstruction regulations does not constitute a traffic hazard.
- Granting the requests for the special exceptions to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the proposed fence/wall at the drive approach on Hathaway Street and at the intersections of Hathaway Street and Northwest Highway to what is shown on the submitted documents.
- Moreover, regarding the request for the variance, the applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard and front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** 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
- (e) the municipality considers the structure to be a nonconforming structure.

- Granting the proposed 5-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

**Timeline:**

June 23, 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.

July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

August 2, 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 August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 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.

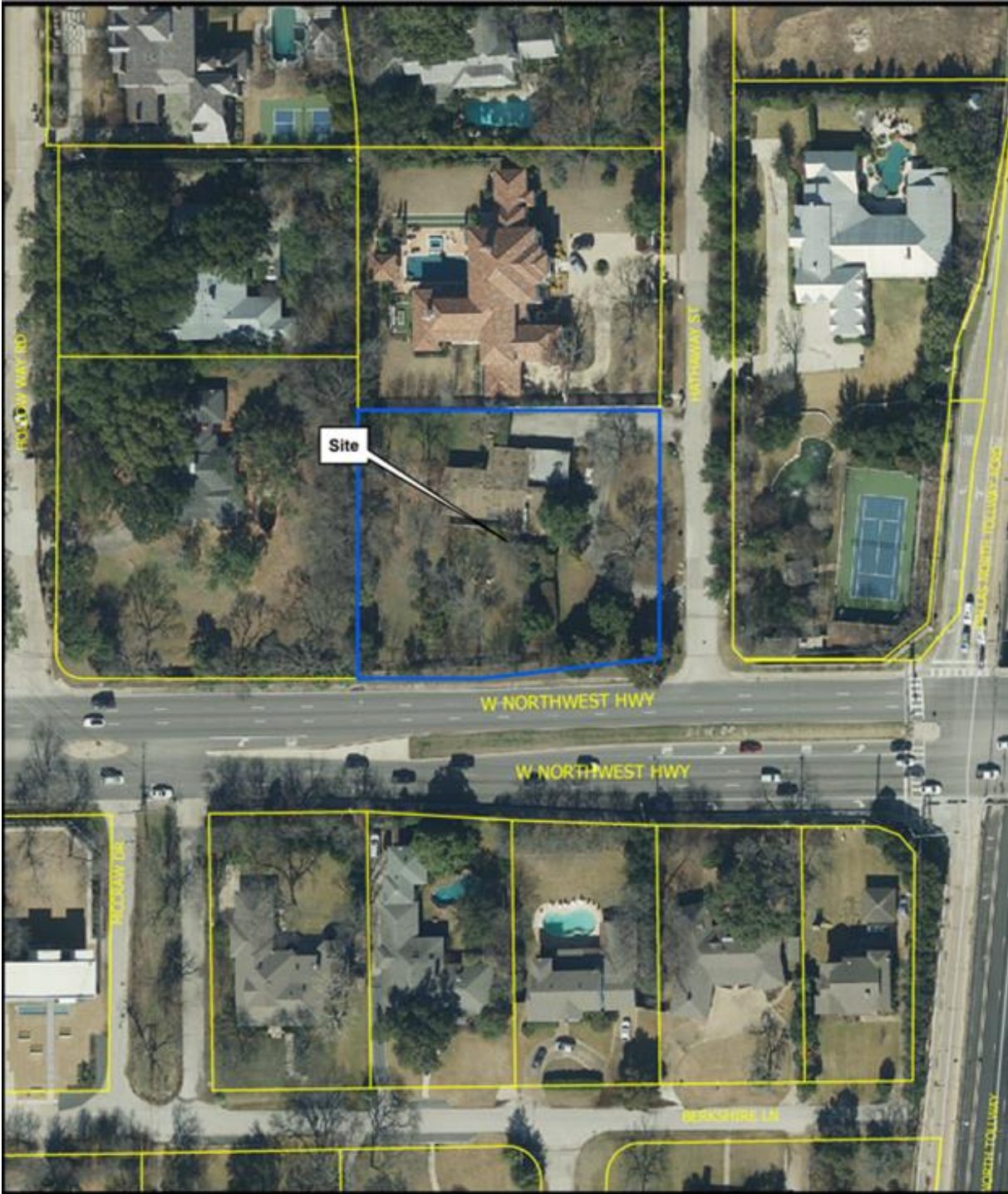
August 29, 2023: The Development Services Engineer provided a response sheet with no objections.

August 30, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the September 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 Attorney to the Board, the Senior Planner Code Compliance staff.

September 6, 2023: The applicant submitted documentary evidence.

September 7, 2023: The applicant submitted additional documentary evidence.





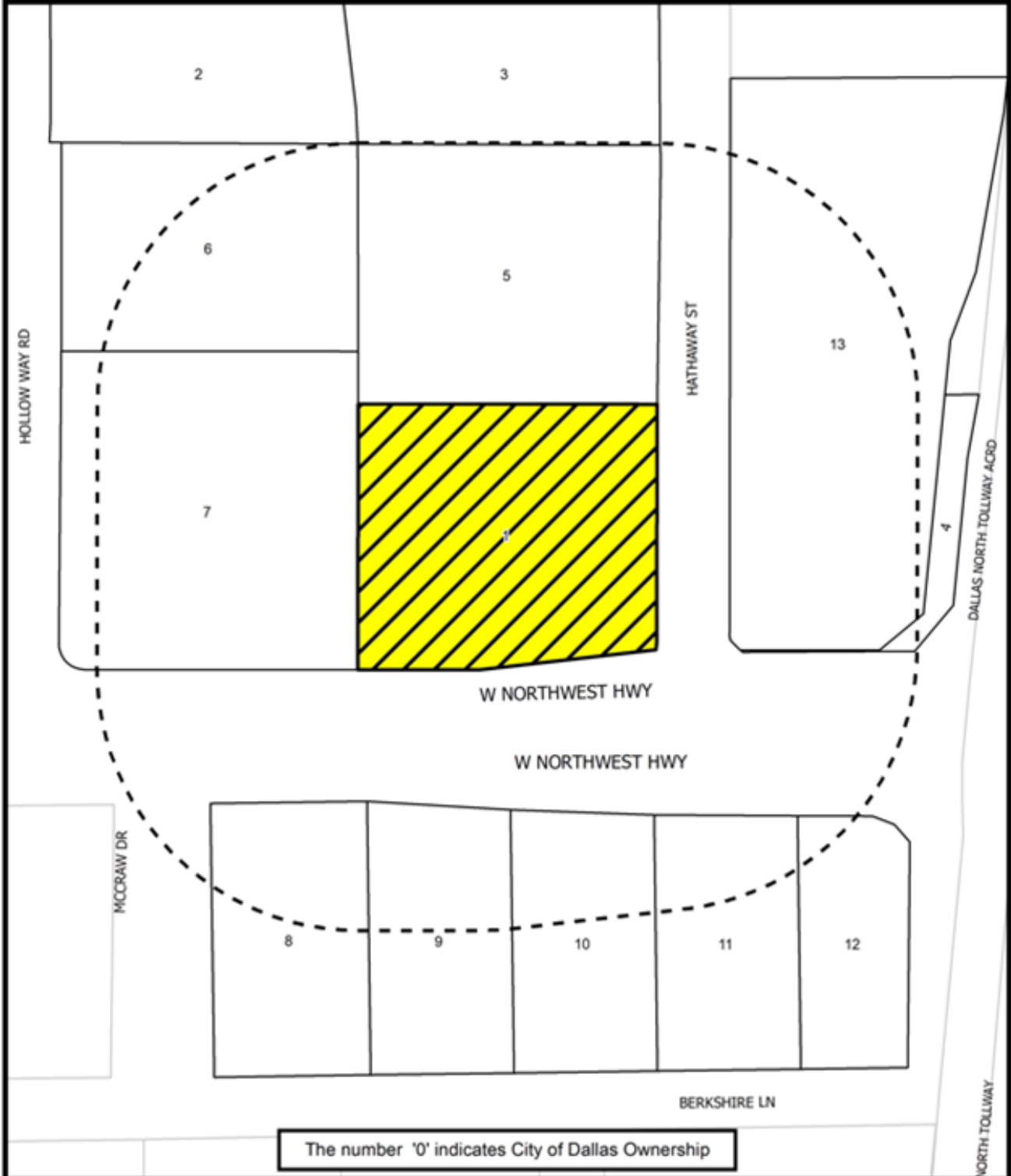
1:1,200

# AERIAL MAP

Case no: BDA223-079

Date: 8/2/2023





The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> <span style="border: 1px solid black; padding: 2px;">200'</span> AREA OF NOTIFICATION  <span style="border: 1px solid black; padding: 2px;">13</span> NUMBER OF PROPERTY OWNERS NOTIFIED         </p>	<p>Case no: <b>BDA223-079</b></p> <p>Date: <b>8/2/2023</b></p>
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1:1,200

# ZONING MAP

Case no: BDA223-079  
Date: 8/2/2023

1  
08/02/2023

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

***BDA223-079***

### ***13 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9211 HATHAWAY ST	MORRISON JERRY & JOYCE
2	9236 HOLLOW WAY RD	WITZKE DAVID
3	9239 HATHAWAY ST	DUNNING THOMAS MAYBORN &
4	9206 HATHAWAY ST	TEXAS TURNPIKE AUTHORITY
5	9229 HATHAWAY ST	Taxpayer at
6	9222 HOLLOW WAY RD	KATZ MICHAEL M &
7	9216 HOLLOW WAY RD	SADIGHIRAD JAHANGIR &
8	5807 BERKSHIRE LN	LUTER DWIGHT K & ELLEN W
9	5815 BERKSHIRE LN	WOODMAN THOMAS L
10	5825 BERKSHIRE LN	FRATTAROLI CHRISTOPHER &
11	5833 BERKSHIRE LN	LITTLE CHARLES D &
12	5841 BERKSHIRE LN	PARBHOO DINESH &
13	9226 HATHAWAY ST	CAMELLIA TRUST THE

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING September 19<sup>th</sup>, 2023 (A)

<input checked="" type="checkbox"/> Has no objections	<input checked="" type="checkbox"/> BDA 223-079(KMH)
<input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached)	<input type="checkbox"/> BDA 223-080(KMH)
<input type="checkbox"/> Recommends that this be denied (see comments below or attached)	<input type="checkbox"/> BDA 223-081(KMH)
<input type="checkbox"/> No comments	<input type="checkbox"/> BDA223-082(KMH)
	<input type="checkbox"/> BDA223-083(KMH)
	<input type="checkbox"/> BDA223-085(KMH)
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

COMMENTS:

<u>Hathaway does not have sidewalk</u>	<input type="checkbox"/>
<u>Hathaway is low traffic volume</u>	<input type="checkbox"/>
<u>Sight distance is unobstructed</u>	<input type="checkbox"/>
<u>The new house eliminates one driveway</u>	<input type="checkbox"/>
_____	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

*John Demman/Engineer/DSD*  
Name/Title/Department

*Aug. 29, 2023*  
Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223-079 FOR PROFESSIONAL USE ONLY

Data Relative to Subject Property: \_\_\_\_\_

Date:

6/23/23 FOR PROFESSIONAL USE ONLY

Location address: 9211 Hathaway Street

Zoning District: R-1ac(M)

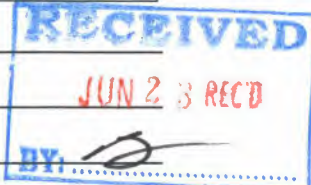
Lot No.: 29 B

Block No.: 7/5597

Acreage: 1.05

Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 189' 2) 229' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_



### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jerry Morrison and Joyce Morrison

Applicant: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas

Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Same as applicant

Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

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

Affirm that an appeal has been made for a Variance  or Special Exception  of Fence height regulations to allow an 8' fence in required front yard. Special Exception to allow a solid fence in front yard. Special Exception to allow fence to encroach into the 45' visibility triangle. and the 20' visibility triangle. *variance to front yard setback*

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

The property is encumbered with 2 front yards. The solid fence along Northwest Highway is to provide privacy from a highly traveled road. There are solid fences on neighboring properties. We feel that this is a reasonable request and will not negatively impact the surrounding 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 Rob Baldwin

(Affiant/Applicant's name printed)

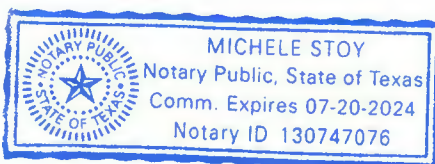
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: \_\_\_\_\_

(Affiant/Applicant's signature)

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

Michele Stoy  
Notary Public in and for Dallas County, Texas



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

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

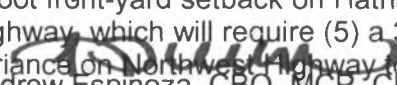
**I hereby certify that**      BALDWIN ASSOCIATES

**did submit a request**      for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations, and for (3) a special exception to the visibility obstruction regulations, and for (4) a special exception to the visibility obstruction regulations, and for (5) a variance to the front yard setback regulations

**at**      9211 HATHAWAY STREET

BDA223-079(KMH) Application of Baldwin Associates for (1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standard regulations; (3) a special exception to the visibility obstruction regulations; (4) a special exception to the visibility obstruction regulations; and for (5) two variances to the front yard setback regulations at 9211 Hathaway St. This property is more fully described as Block 7/5597, Lot 29B, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; and requires a 20-foot visibility triangle at driveway approaches, and requires a 45-foot visibility triangle at street intersections; and requires a fence panel with a surface area that is less than 50 percent open may be located less than 5 feet from the front lot line; and requires a front-yard setback of 40-feet. The applicant proposes to construct an 8-foot high fence in a required front yard, which will require (1) a 4-foot special exception to the fence height 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 (2) a special exception to the fence opacity regulations; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a 20-foot special exception to the visibility obstruction regulation; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (4) a 45-foot special exception to the visibility obstruction regulation, and to construct a single-family residential structure and provide a 5-foot front-yard setback on Hathaway Street; and a 16-foot-6-inch setback on Northwest Highway, which will require (5) a 35-foot variance on Hathway Street, and a 23-foot 6-inch variance on Northwest Highway to the front-yard setback regulation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA





Appeal number: BDA 223-079

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

at: 9211 Hathaway Street  
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates  
(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: Special exception to the fence height regulations to allow an 8' solid stucco fence  
(0% opacity) in both front yards.

Joyce Morrison  
Print name of property owner or registered agent  
Date 5/15/23

Joyce Morrison  
Signature of property owner or registered agent

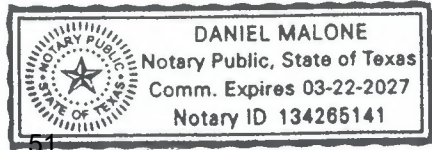
Before me, the undersigned, on this day personally appeared Joyce Morrison

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 15 day of May, 2023

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 3-22-27







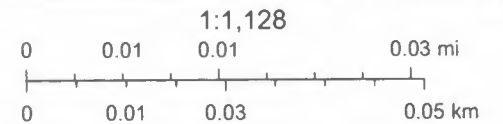
# Dallas CAD Web Map



BDA 223-079

6/8/2023, 1:29:50 PM

- Parcels
- Subdivision
- Dallas County Boundary
- Abstracts
- Street Centerline



Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Dallas County Appraisal District, BIS Consulting - www.bisconsulting.com

HOLLOWAY STREET

HATHAWAY STREET

NORTHWEST HIGHWAY

BLOCK

10' Easement

7/5597

29 A

29 B

259.95

204.05

171.5

142.7

150.0

122.5

100

305.1

180.22

374.0

183.78

220

155

140

100

80

50

180

125

120

115

110

120

120



**SHEET INDEX**

ISSUED FOR INFORMATION & COORDINATION	2021 DEC 10 - ISSUE FOR PERMIT
ISSUED FOR CONSTRUCTION	2021 DEC 10 - ISSUE FOR PERMIT

**ARCHITECTURAL**

- A1.0 PROJECT NOTES + SITE PLAN
- A1.1 ROOF PLAN
- A1.5 WINDOW + DOOR SCHEDULES
- A2.0 FLOOR PLAN LEVEL 1
- A2.1 FLOOR PLAN LEVEL 1 + LEVEL 2
- A2.5 CEILING PLANS
- A3.0 EXTERIOR ELEVATIONS + SPECIFICATIONS
- A3.1 BACKYARD ELEVATIONS
- A4.0 BUILDING SECTIONS
- A6.0 ENTRY INTERIORS + SPECIFICATIONS
- A6.1 GREAT ROOM INTERIORS
- A6.2 GREAT ROOM INTERIORS
- A6.3 BATHROOM INTERIORS
- A6.4 BEDROOM + CLOSET INTERIORS
- A6.5 PRIMARY SUITE INTERIORS
- A6.6 BACK HOUSE INTERIORS
- A6.7 BACK HOUSE - UPPER LOUNGE INTERIORS

**STRUCTURAL**

- S0.1 GENERAL NOTES
- S0.2 SPECIAL INSPECTIONS NOTES
- S1.1 FOUNDATION & FLOOR FRAMING PLAN
- S1.2 SECOND FLOOR FRAMING PLAN
- S1.3 HIGH ROOF FRAMING PLAN
- S3.1 CONCRETE DETAILS
- S3.2 CONCRETE DETAILS
- S5.1 STEEL DETAILS
- S6.1 WOOD DETAILS

**PROJECT DATA**

**AREA SUMMARY:**

- FIRST FLOOR: 9100 SF
- SECOND FLOOR: 1769 SF
- TOTAL CONDITIONED: 10869 SF
- GARAGE (ATTACHED): 1193 SF
- BACK PATIO (COVERED): 2269 SF
- ENTRY PATIO: 548 SF

**LOT SUMMARY:**

BENIC LOT 29B, BLOCK 7/5597 OF BIFANO ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 38, BLOCK 75, MAP RECORDS DALLAS COUNTY, TEXAS, SAME BEING THE SAME TRACT OF LAND AS DESCRIBED IN INDEPENDENT EXECUTIVE'S SPECIAL WARRANTY DEED TO MARION P. STEWART LIBRE RECORDED IN VOLUME 930B, PAGE 1382, DEED RECORDS, DALLAS COUNTY, TEXAS LESS THAT TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED TO TEXAS TURNPIKE AUTHORITY RECORDED IN VOLUME 953, PAGE 1501, DEED RECORDS, DALLAS COUNTY, TEXAS

**LOT AREA:** 45,642 SF  
**LOT COVERAGE:** 14,124 SF  
**% LOT COVERAGE (40% ALLOWED):** 31.0%

**ZONING:** DALLAS COUNTY, TEXAS R-1a(c)

**PROJECT SUMMARY:** NEW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE

**CONSTRUCTION TYPE:** WOOD & STEEL FRAMING ON PIER & BEAM FOUNDATION

**APPLICABLE CONSTRUCTION CODES:**

- CHAPTER 16 - 2015 INTL FIRE CODE (INCLUDING APPENDIX J) W/ DALLAS AMENDMENTS
- CHAPTER 53 - 2015 INTL BUILDING CODE W/ DALLAS AMENDMENTS
- CHAPTER 54 - 2015 INTL PLUMBING CODE W/ DALLAS AMENDMENTS
- CHAPTER 55 - 2015 INTL MECHANICAL CODE W/ DALLAS AMENDMENTS
- CHAPTER 56 - 2017 NATIONAL ELECTRICAL CODE W/ DALLAS AMENDMENTS
- CHAPTER 57 - 2015 INTL RESIDENTIAL CODE W/ DALLAS AMENDMENTS
- CHAPTER 59 - 2015 INTL ENERGY CONSERVATION CODE W/ DALLAS AMENDMENTS
- CHAPTER 60 - 2015 INTL FUEL & GAS CODE W/ DALLAS AMENDMENTS
- CHAPTER 61 - 2015 INTL GREEN CONSTRUCTION CODE W/ DALLAS AMENDMENTS

**SYMBOLS**

- EXTERIOR ELEVATION
- INTERIOR ELEVATION
- BUILDING SECTION
- WALL SECTION
- DETAIL SECTION
- DETAIL CALLOUT
- ELEVATION MARKER
- STRUCTURAL GRID
- WINDOW TAG
- DOOR TAG
- WALL TAG
- CENTER LINE
- REVISION TAG

**ABBREVIATIONS**

- T.O.D. = TOP OF (FLOOR) DECK
- T.O.S. = TOP OF SLAB
- T.O.P. = TOP OF (TOP) PLATE
- F.F. = FINISH FLOOR
- P.T.D. C.V.P. = PAINTED GYPSUM BOARD
- V.I.F. = VERIFIED IN FIELD
- TYP. = TYPICAL
- U.N.O. = UNLESS NOTED OTHERWISE

**GENERAL NOTES**

- IN ADDITION TO THESE DRAWINGS AND SPECIFICATIONS ALL CONTRACTS AND DOCUMENTS SHALL COMPREHEND THE CONSTRUCTION DOCUMENTS FOR THIS PROJECT. ALL STANDARDS, REGULATIONS, LAWS, ORDINANCES AND BUILDING CODES IN FORCE AT THE TIME OF BUILDING CONSTRUCTION SHALL APPLY.
- CONTRACTOR TO VERIFY DIMENSIONS OF ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
- ANY DISCREPANCIES IN CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO WORK BEING PERFORMED OR MATERIALS BEING ORDERED.
- COORDINATE LOCATIONS OF CONNECTIONS TO THE HOUSE OF ANY HOSE BIBS, UTILITY LINES/METERS, OR ELECTRICAL PANELS WITH ARCHITECT PRIOR TO INSTALLATION.
- IMPORTANT NOTE: DO NOT LOCATE ANY EQUIPMENT, METERS, HOOK-UPS, ETC. ON THE STREET FACING ELEVATION OF THE BUILDING OR IN THE FRONT YARD WITHOUT APPROVAL FROM ARCHITECT.
- CONTRACTOR SHALL NOT SCALE DIMENSIONS FROM PLANS. THE ARCHITECT SHALL BE NOTIFIED OF ANY MISSING OR INCORRECT DIMENSIONS FOR RESOLUTION.
- ALL CONTRACTORS SHALL RECEIVE THE ENTIRE SET OF PLANS.
- CONTRACTOR SHALL COORDINATE WITH OWNER PROVIDED SUBCONTRACTORS AND CONSULTANTS INCLUDING, LANDSCAPE ARCHITECT, INTERIOR DESIGNER, A/V INSTALLER, ETC.

**FINISH SPECIFICATIONS**

- A SAMPLE (or MOCKUP) OF ALL FINISHES SHOULD BE SUBMITTED FOR APPROVAL PRIOR TO MATERIALS BEING PURCHASED OR INSTALLED
- EXTERIOR**
- STONE VENEER:
    - GRAY LEIDERS LIMESTONE
    - ALL FACES SAWN SMOOTH
    - MODULES: ALTERNATING HEIGHTS: 9" x 21" - 27"; DEPTH: ~3"D; WIDTHS: 2 1/4" - 4 1/4" W/ AT LEAST 60% BETWEEN 36"W - 48"W
    - RUNNING BOND W/ RANDOM HEAD JOINT COURSING
  - EXPOSED STEEL:
    - PRIME AND PAINT ALL EXPOSED STEEL
    - COLOR: TBO
  - METAL PLATE CLADDING:
    - TYPE & FINISH: TBD
    - JOINTS TO BE COORDINATED WITH ARCHITECT
  - EXTERIOR WOOD STICK/SLAT WALL CLADDING & SOFFITS:
    - ALTERNATING ROWS OF CONTINUOUS 3/4" THK. x 1"D WOOD MEMBERS, WITH A 3/4" SPACE IN BETWEEN. REFER TO DETAILS
    - FINISH: TBO
  - PLASTER SOFFITS:
    - 5/8" THK. FIBER CEMENT BOARD
    - DIRECT APPLIED PLASTER FINISH COAT (W/ NECESSARY REINFORCING MESH AND BASE COAT)
    - FINISH & COLOR TO MATCH EXTERIOR STUCCO WALL FINISH
  - EXTERIOR STUCCO WALL FINISH:
    - INTERNAL COLOR: TBO
    - 3 COAT STUCCO, SMOOTH ACRYLIC STUCCO FINISH OVER METAL LATHE
    - COLOR: TBO
    - SUBMIT FINISH SAMPLES TO ARCHITECT FOR REVIEW
    - THE NUMBER OF EXPANSION JOINTS IS TO BE MINIMIZED. GC TO COORDINATE W/ ARCHITECT TO DETERMINE LOCATIONS.
  - EXPOSED CONCRETE FOUNDATION & RETAINING WALLS:
    - CAST-IN-PLACE CONCRETE WITH SMOOTH FORM FINISH ON ALL EXPOSED SURFACES
    - COORDINATE EXPOSED TIE LOCATIONS AND CONSTRUCTION JOINTS W/ ARCHITECT
  - MINIMAL DIAMETER, RADIUS OUTSIDE CORNERS, TYP ROOFING:
    - LOW-SLOPE
    - CONTRACTOR OR ROOFING SUBCONTRACTOR TO PROVIDE ALL ROOF DETAILS REQUIRED FOR PROPER PERFORMANCE AND WARRANTY COMPLIANCE. ROOF AND FLASHING TO BE INSTALLED IN A MANNER WHICH AVOIDS ANY LEAKING. SUBMIT DETAILS TO ARCHITECT FOR REVIEW PRIOR TO CONSTRUCTION
    - ROOF WARRANTY SHALL COVER LABOR FOR 5 YEARS AND MATERIALS FOR 30 YEARS
    - 60 MIL MINIMUM TPO THICKNESS
    - COLOR: GREY

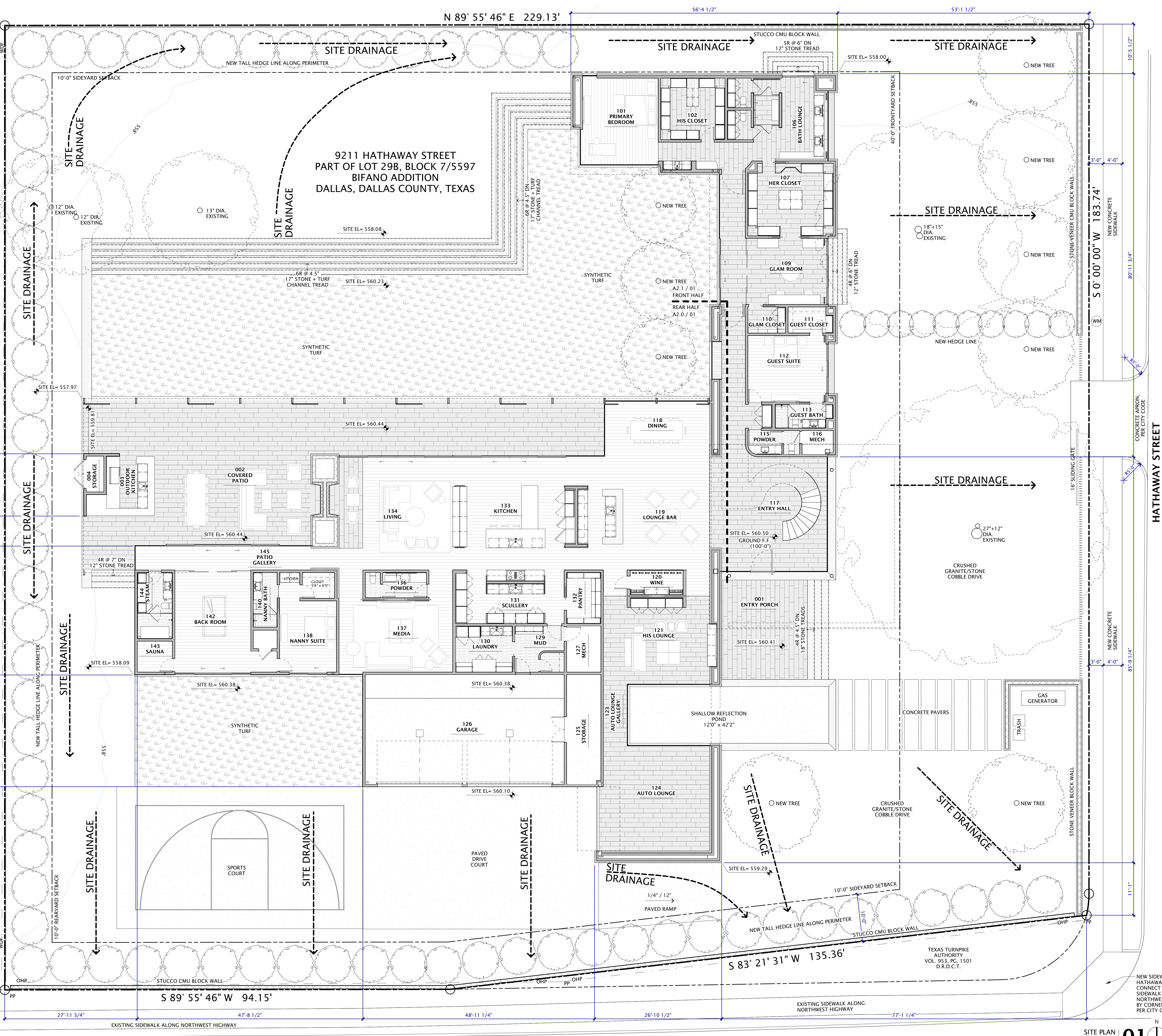
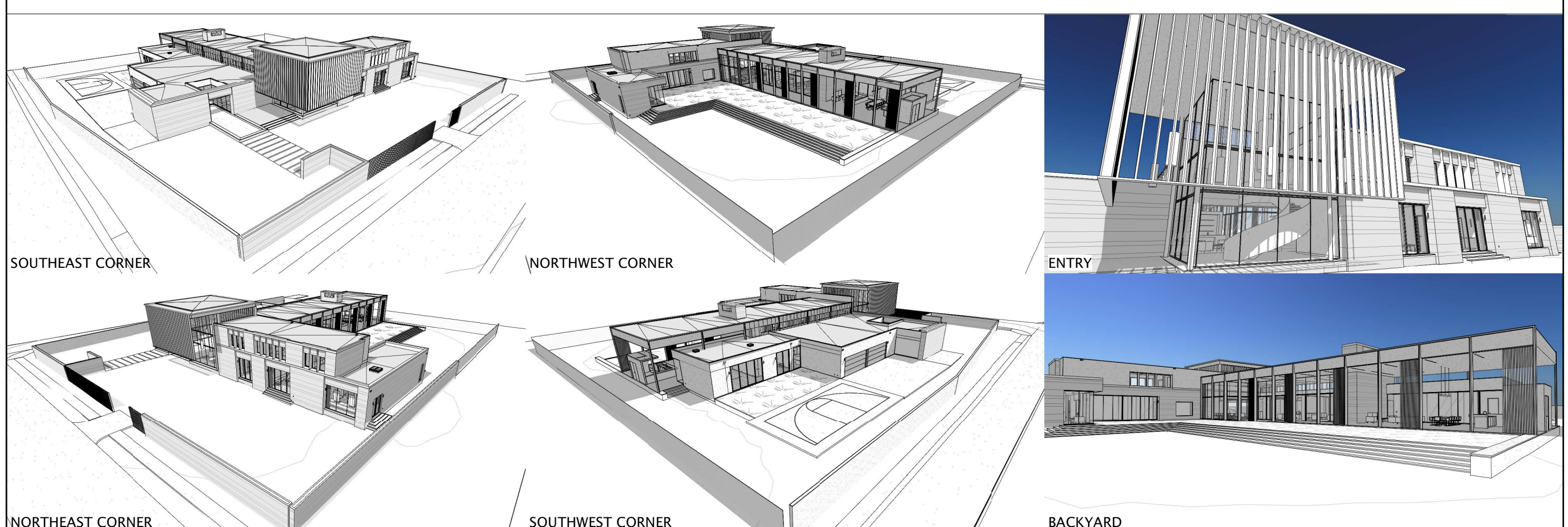
**FINISH SPECIFICATIONS**

- A SAMPLE (or MOCKUP) OF ALL FINISHES SHOULD BE SUBMITTED FOR APPROVAL PRIOR TO MATERIALS BEING PURCHASED OR INSTALLED
- INTERIOR**
- STONE VENEER:
    - GRAY LEIDERS LIMESTONE
    - ALL FACES SAWN SMOOTH, FINISH FACES HONED
    - MODULES: ALTERNATING HEIGHTS: 2" x 3" - 4"; DEPTH: ~3"D; WIDTHS: 2 1/4" - 4 1/4" W/ AT LEAST 60% BETWEEN 36"W - 48"W
    - RUNNING BOND W/ RANDOM HEAD JOINT COURSING
  - EXPOSED STEEL:
    - PRIME AND PAINT ALL EXPOSED STEEL
    - COLOR: TBO
  - TYPICAL WALLS & CEILINGS:
    - 5/8" THK. GYPSUM BOARD DRYWALL
    - 4" SMOOTH FINISH
    - TYPICAL UNLESS NOTED OTHERWISE
  - WOOD FLOORING:
    - 5"W WOOD TYPE TBO, ENGINEERED, CLEAR/SELECT GRADE, 6MM WEAR LAYER
    - 2L - 8L BOARDS LAID RANDOMLY
  - STAIR TREADS: WRAP STEPS FRAMING IN 3/4" THK. MATERIAL TO MATCH WOOD FLOORING
  - STONE TILE FLOORING & WALLS:
    - ASSUME TBO ALLOWANCE
    - THINSET INSTALLATION
    - TOP FACE TO FINISH FLUSH WITH ADJACENT FLOORING
  - CABINETS:
    - FULL OVERLAY CONSTRUCTION, TYPICAL
    - "FLUSH INSET STYLE" STILES AND RAILS IN SAME PLANE AS FRONT
    - CLEAR SEALED MAPLE OR BIRCH INTERIORS/DRAWER BOXES
    - TYPICAL HARDWARE
    - SOFT-CLOSE, FULL EXTENSION DRAWER GLIDES
    - TOUCH-LATCH HARDWARE WHERE NOTED
    - CONCEALED HINGES
    - FINISHES:
      - STAINED
      - PAINTED
      - SHOP FINISH ALL EXPOSED SURFACES
  - COUNTERS:
    - PREMIUM GRADE STONE OR SOLID SURFACE MATERIAL, SPEC: TBO
    - 2cm SLAB, 1 1/2" THK FEATHER MITERED NOSE, TYP.
    - SPLASH: 1-1/2" T 2cm SLAB TO MATCH COUNTERTOP, TYP.
  - WOOD TRIM (BASE, CASING, ETC.):
    - UPPER LEVEL: RECESSED PAINTED SOLID WOOD W/ RABBETED REVEAL
    - LOWER LEVEL: SURFACE APPLIED PAINTED SOLID WOOD W/ RABBETED REVEAL
    - REFER TO INTERIOR DETAILS
  - PAINT FINISHES:
    - WALLS & CEILINGS: FLAT
    - WOOD TRIM & PANELING: SATIN
    - STEEL: SATIN

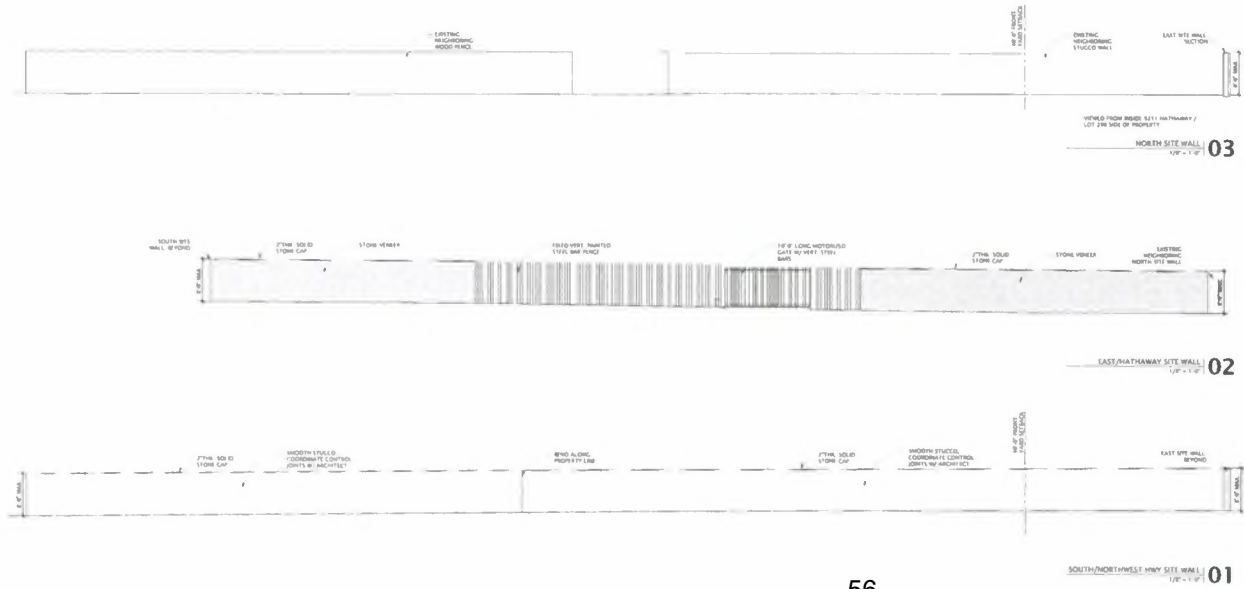
**DALLAS GREEN CHECKLIST**

- PER CITY OF DALLAS PRESCRIPTIVE PATH, ONE OR TWO FAMILY, ADDITION
- STORM WATER**
- 70% OF NON-ROOF AREA HAS:
- VEGETATIVE LANDSCAPE
  - PERMEABLE PAVING, or
  - SLOPED FOR WATER RUNOFF TO A PERMANENT FILTRATION FEATURE
- WATER EFFICIENCY**
1. MUST UTILIZE DRIP IRRIGATION EMITTERS FOR ALL BEDDING AREAS OF AN APPROVED LANDSCAPE PLAN
2. MUST MEET AT LEAST 3 OF THE FOLLOWING WATER REDUCTION STRATEGIES:
- THE AVERAGE FLOW RATE FOR ALL LAVATORY FAUCETS MUST BE LESS THAN OR EQUAL TO 2.0 GALLONS PER MINUTE
  - THE AVERAGE FLOW RATE FOR ALL SHOWER HEADS MUST BE LESS THAN OR EQUAL TO 2.0 GALLONS PER MINUTE
  - THE AVERAGE FLOW RATE FOR ALL TOILETS MUST BE:
    - LESS THAN OR EQUAL TO 1.3 GALLONS PER FLUSH, or
    - DUAL FLUSH COMPLIING WITH ASME A 112.19.14, or
    - COMPLY WITH US EPA WATER SENSE, CERTIFIED AND LABELED
  - UTILIZE ENERGY STAR LABELED DISHWASHERS THAT USE 6.0 GALLONS OR LESS PER CYCLE
  - UTILIZE ENERGY STAR LABELED CLOTHES WASHER WITH A MODIFIED ENERGY FACTOR < 2.0 AND WATER FACTOR OF < 5.
- ENERGY EFFICIENCY**
- MUST MEET WITH THE MINIMUM REQUIREMENTS OF THE ENERGY PROVISIONS OF THE 2015 IRC:
- HEAT ISLAND MITIGATION**
- MUST INSTALL ANY ONE OF THE FOLLOWING OPTIONS:
- AN ENERGY STAR QUALIFIED ROOF ON ALL ROOFS WITH A SLOPE OF 2:12 OR GREATER
  - A VEGETATED ROOF MAY BE INSTALLED SUBJECT TO APPROVAL BY THE BUILDING OFFICIAL
  - RADIANT BARRIER WITH CONVENTIONAL SHINGLES
  - ENCAPSULATED FOAM INSULATION BETWEEN THE ROOF RAFTERS (R-22 OR GREATER)
- INDOOR AIR QUALITY**
1. HVAC: ALL AIR-HANDLING EQUIPMENT AND DUCTWORK MUST BE OUTSIDE THE FIRE-RATED ENVELOPE OF THE GARAGE
2. MINIMIZE POLLUTANTS FROM THE GARAGE:
- CONDITIONED SPACES ABOVE A GARAGE
  - PENETRATIONS SEALED
  - FLOOR AND CEILING JOIST BAYS SEALED
  - PAINTED WALLS AND CEILINGS OF CONDITIONED SPACES
3. CONDITIONED SPACES NEXT TO A GARAGE:
- PENETRATIONS SEALED
  - DOORS WEATHER STRIPPED
  - CRACKS AT WALL BASE SEALED
3. AIR FILTERS:
- MERV 8 OR GREATER
  - AIR HANDLERS SIZED TO MAINTAIN AIR PRESSURE AND AIR FLOW
  - AIRTIGHT AIR FILTER HOUSING

**RENDERINGS**







**smitharc**  
 ARCHITECTS  
 4645 CORTWELL, J. AVE #1150  
 DALLAS, TEXAS 75246  
 PH: 214.278.8048

**PROJECT DIRECTORY**

ARCHITECT  
**SMITHARC**  
 ARCHITECTS  
 4645 CORTWELL, J. AVE #1150  
 DALLAS, TEXAS 75246  
 PH: 214.278.8048

GENERAL CONTRACTOR  
**STABE**  
 CONSTRUCTION  
 4445 COMMERCE AVE #404  
 DALLAS, TEXAS 75205  
 PH: 214.888.8762

STRUCTURAL  
**L.A. FINESS**  
 PARTNERS  
 1321 LIP SCOPY BLVD #300  
 DALLAS, TEXAS 75216  
 PH: 214.871.7010

LANDSCAPE

PROFESSIONAL SEAL

PROJECT  
**HATHAWAY**  
**RESIDENCE**  
 8111 HATHAWAY STREET  
 DALLAS, TEXAS 75228  
 BLOCK 773501  
 BRAND ADDITION  
 DALLAS, DALLAS COUNTY,  
 TEXAS

SHEET SERIES

SHEET TITLE  
**FENCE**  
**ELEVATIONS**

SHEET NUMBER  
**A1.4**

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BDA 223-079

**FILE NUMBER:** BDA223-080 (KMH)

**BUILDING OFFICIAL'S REPORT** Application of Baldwin Associates for (1) a variance to the side-yard setback regulations; (2) a special exception to the fence height regulations; (3) a special exception to the visual obstruction regulations; (4) a special exception to the fence opacity standard regulations; and (5) a special exception to the fence material standard regulations at 10020 MEADOWBROOK DRIVE. This property is more fully described as Block 5517, Lot G, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; requires a 10-foot side yard setback; requires a 20-foot visibility triangle at driveway approaches; and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line; and prohibits the use of certain materials for a fence. The applicant proposes to construct and maintain a single-family residential structure and provide a 4-foot 10-inch side yard setback, which will require (1) a 5-foot 2-inch variance to the side yard setback regulations; to construct a 7-foot 9-inch-high fence in a required front yard, which will require (2) a 3-foot 9-inch special exception to the fence height regulations; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a special exception to the visual obstruction 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 (4) a special exception to the fence opacity regulations; and to construct a fence using a prohibited material, which will require (5) a special exception to the fence material regulations.

**LOCATION:** 10020 Meadowbrook Drive

**APPLICANT:** Baldwin Associates

**REQUEST:**

- (1) A request for a variance to the side yard setback regulations;
- (2) A request for a special exception to the fence height regulations;
- (3) A request for a special exception to the visual obstruction regulations;
- (4) A request for a special exception to the fence opacity standard regulations; and
- (5) A request for a special exception to the fence material regulations.

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

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

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

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

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY and MATERIAL STANDARD REGULATIONS:**

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

**STANDARD FOR A VARIANCE:**

Section 51A-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:**

### Special Exceptions (4):

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

### Variance:

Denial

Based upon the evidence presented and provided to staff, staff concluded that the request is:

- not contrary to public interest as no opposition was received;
- not restrictive in 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
- it is a self-created or personal hardship.

The Development Services Engineer has reviewed all pertinent documents submitted with no objections, stating, "Meadowbrook does not have sidewalks; Meadowbrook is low traffic volume; sight distance is unobstructed."

**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 with single-family uses.

**BDA History:**

No BDA history

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Baldwin Associates for the property located at 10020 Meadowbrook Drive focuses on several requests. The first request is for a variance to the 10-foot side yard setback regulations. The applicant is proposing to construct and maintain a solarium in the required side yard providing a 4-foot 10-inch side yard, therefore requiring a variance of 5-foot 2-inches to the side yard setback regulations.
- Secondly, the applicant is requesting a special exception to the fence height regulations of 4-feet. The applicant is proposing to construct and maintain a 7-foot 9-inch high fence in the required front yard along Meadowbrook Drive; requiring a 3-foot 9-inch special exception to the fence height regulations.
- Thirdly, the applicant proposes to construct and maintain a single-family residential fence structure in a required visibility triangle at the driveway approach along Meadowbrook Drive, which will require a special exception to the visual obstruction regulations, which requires a 20-foot visibility triangle at all driveway approaches.
- Additionally, the applicant proposes to construct and 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 requires a special exception to the fence regulations.



- Lastly, the applicant proposes to construct and maintain a fence using a prohibited material, which also requires a special exception to the fence regulations.
- The subject site along with properties to the north, east, south and west are zoned R-1ac(A); all single-family residential zoning districts.
- As gleaned from the submitted site plan and elevations, the applicant is proposing a 7-foot 9-inch fence along Meadowbrook Drive. The proposed fence appears to be wrought iron, with masonry columns, with 2 vehicular gates constructed of a prohibited material. The proposed fence is shown to encroach into the visibility triangles at the driveway approaches along Meadowbrook Drive. Additionally, the site plan also shows the proposed solarium encroaching into the required side yard setback along the eastern boundary of the property.
- 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 Dallas Development Code also states that required yards must remain unobstructed; therefore, structures are not allowed within setbacks. Additionally, the Dallas Development Code states that a person shall not erect, place, or maintain a structure in a required visibility triangle. Moreover, the Dallas Development Code prohibits the following material for fence materials: sheet metal, corrugated metal, fiberglass panels, plywood, plastic materials, barbed wire and razor ribbon.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height, opacity and materials with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- Regarding the special exception to the visual obstruction regulations, the applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations does not constitute a traffic hazard.
- Granting the request for the special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the proposed fence at the drive approach on Meadowbrook Drive to what is shown on the submitted documents.
- Moreover, regarding the request for the variance, the applicant has the burden of proof in establishing the following:

- That granting the variance to the side yard and front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** 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
  - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 5-foot 2-inch variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

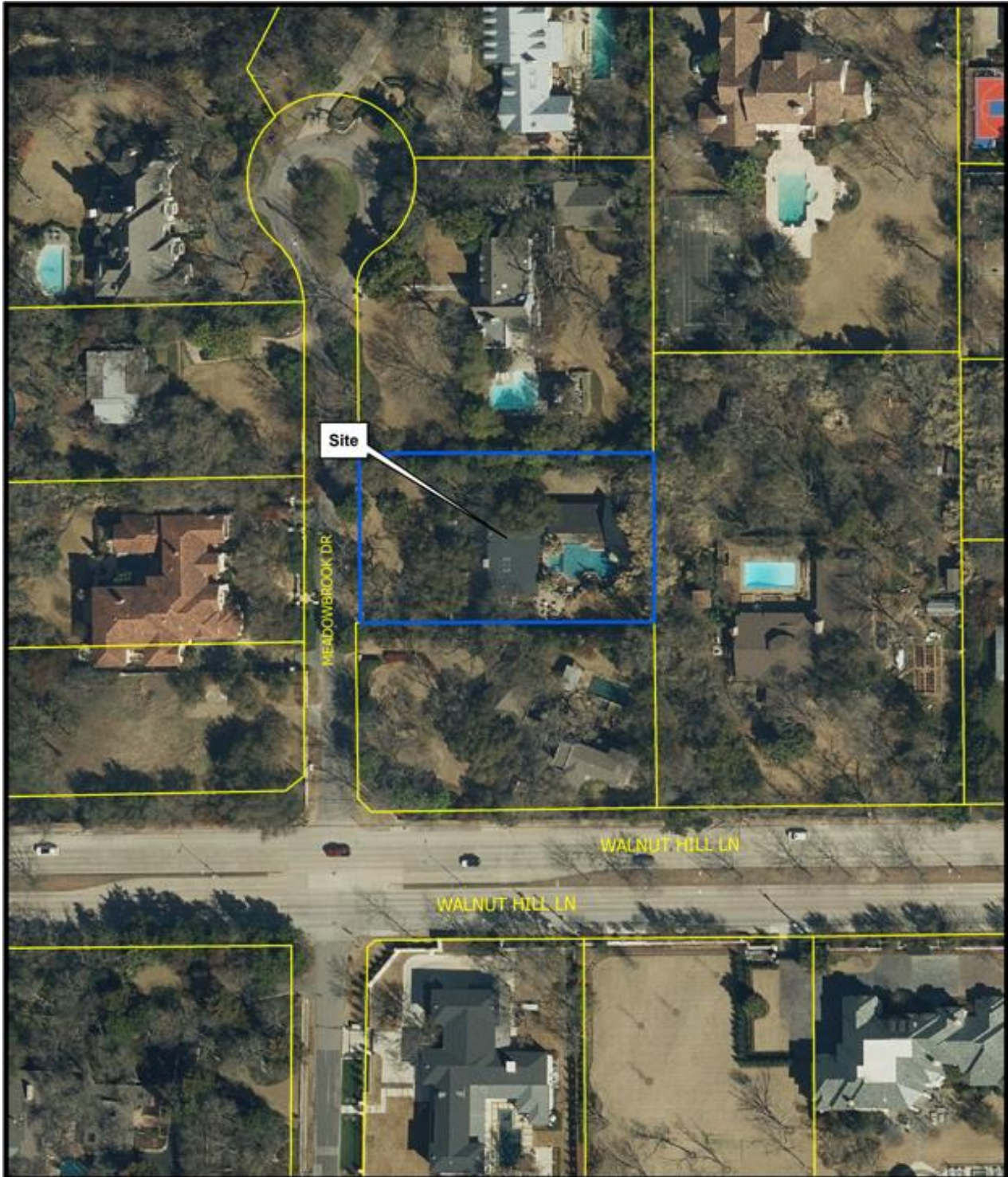
**Timeline:**

- June 27, 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.
- July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- August 2, 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 August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 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.

August 29, 2023: The Development Services Engineer provided a response sheet with no objections.

August 30, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the September 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 Attorney to the Board, the Senior Planner Code Compliance staff.

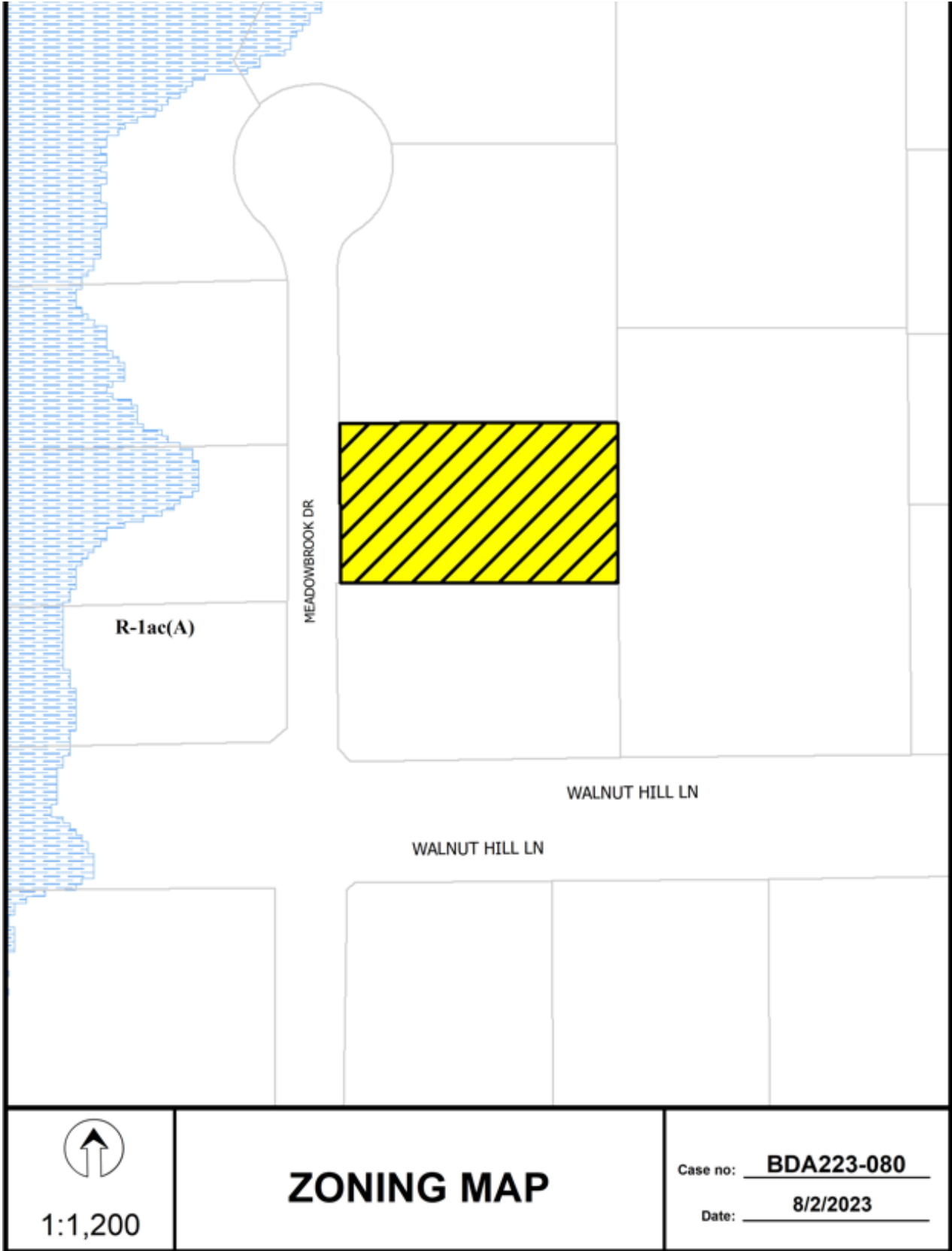


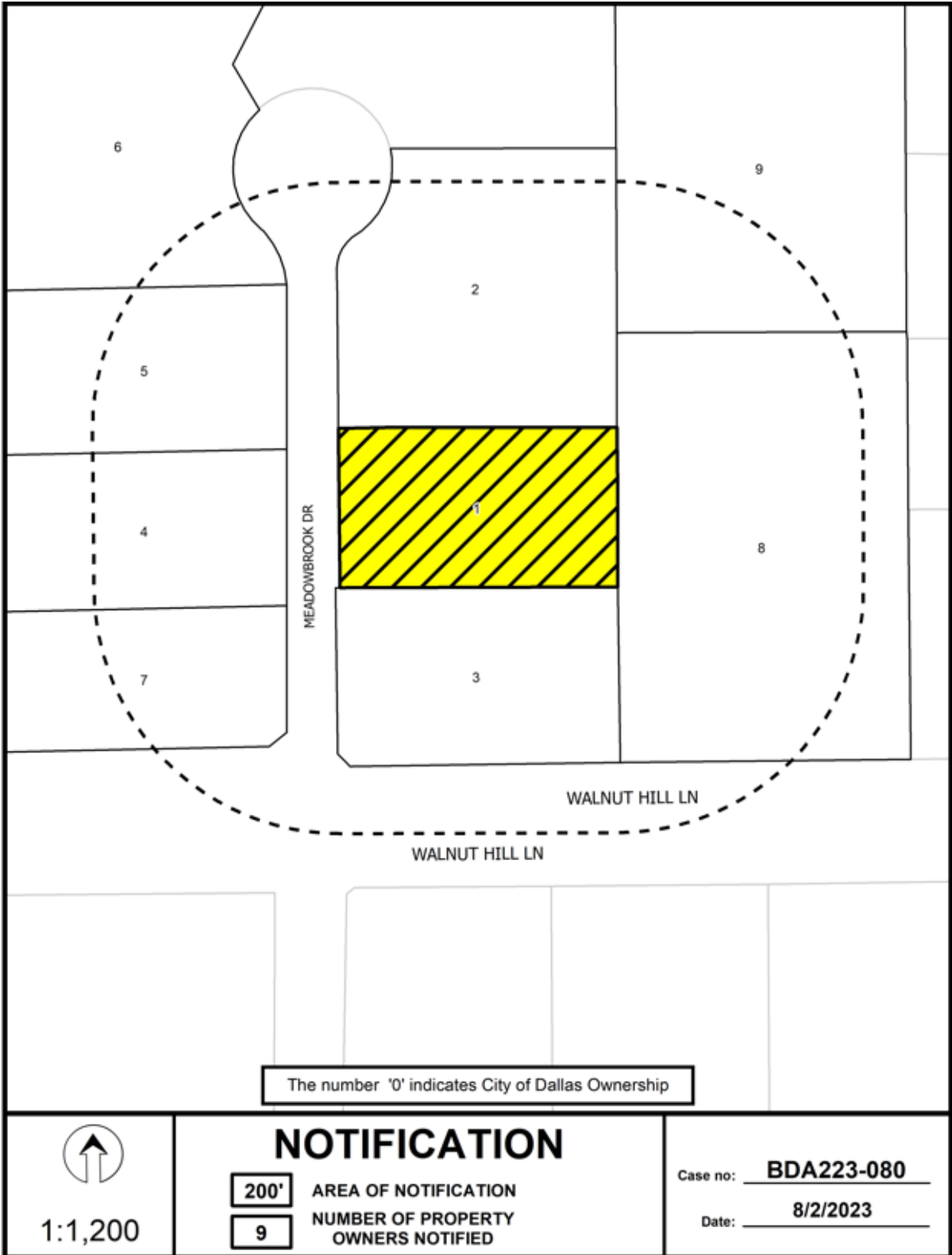
1:1,200

# AERIAL MAP

Case no: BDA223-080

Date: 8/2/2023







08/02/2023

## *Notification List of Property Owners*

*BDA223-080*

### *9 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10020 MEADOWBROOK DR	LAMM BEN
2	10030 MEADOWBROOK DR	NEUHOFF JOE B
3	10008 MEADOWBROOK DR	JONES ROBERT W
4	10005 MEADOWBROOK DR	Taxpayer at
5	10015 MEADOWBROOK DR	BEHRENDT ROBERT E &
6	10025 MEADOWBROOK DR	SANDERS RODGER M & NANCY
7	10001 MEADOWBROOK DR	NAZNAT LP
8	5333 WALNUT HILL LN	BRUCE CARL EDWARD &
9	10203 HOLLOW WAY RD	MILLER SCOTT K & DONNA L

REVIEW COMMENT SHEET  
 BOARD OF ADJUSTMENT  
 HEARING September 19<sup>th</sup>, 2023 (A)

<input checked="" type="checkbox"/> Has no objections  <input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached) Recommends that this be denied (see comments below or attached)  <input type="checkbox"/> No comments	<input type="checkbox"/> BDA 223-079(KMH) <input checked="" type="checkbox"/> BDA 223-080(KMH) <input type="checkbox"/> BDA 223-081(KMH) <input type="checkbox"/> BDA223-082(KMH) <input type="checkbox"/> BDA223-083(KMH) <input type="checkbox"/> BDA223-085(KMH) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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COMMENTS:

<u>Meadowbrook does not have sidewalk</u>	<input type="checkbox"/>
<u>Meadowbrook is low traffic volume</u>	<input type="checkbox"/>
<u>Sight distance is unobstructed</u>	<input type="checkbox"/>
_____	<input type="checkbox"/>
_____	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

*Scott Wenman/Engineer/DSD*  
 Name/Title/Department

*Aug. 29, 2023*  
 Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.





# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223-080

JUN 27 REC'D

Data Relative to Subject Property:

Date: 6/27/23

BY: [Signature]

Location address: 10020 Meadowbrook

Zoning District: R-1 ACPA

Lot No.: G Block No.: 5517

Acreage: 0.69

Census Tract:

Street Frontage (in Feet): 1) 129.78

2)

3)

4)

5)

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Ben Lamm

Applicant: Rob Baldwin / Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B Dallas, Texas

Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: same as applicant

Telephone:

Mailing Address:

Zip Code:

E-mail Address:

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

buildings setback regulations: 3'9" special exception to fence height, allow solarium to encroach

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: Request to allow solarium to encroach 5'4" into setback

allow fence to encroach into 20x20 triangle, be less than 50% open; use prohibited materials and be taller than 4 feet. we feel this is a reasonable request and will not negatively affect surrounding 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

Rob Baldwin

(Affiant/Applicant's name printed)

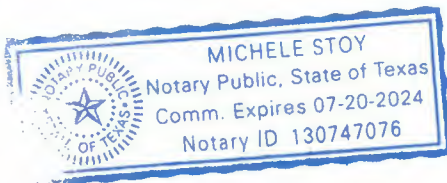
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this

21 day of June 2023



Notary Public in and for Dallas County, Texas

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

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

**I hereby certify that** BALDWIN ASSOCIATES

**did submit a request** for (1) a variance to the side yard setback regulations, and for (2) a special exception to the fence height regulations, and for (3) a special exception to the visibility obstruction regulations, and for (4) a special exception to the fence standards regulations, and for (5) a special exception to the fence standards regulations

**at** 10020 MEADOWBROOK DRIVE

BDA223-080(KMH) - Application of Baldwin Associates for (1) a variance to the side-yard setback regulations; (2) a special exception to the fence height regulations; (3) a special exception to the visibility obstruction regulations; (4) a special exception to the fence opacity standard regulations; and (5) a special exception to the fence material standard regulations at 10020 Meadowbrook Dr. This property is more fully described as Block 5517, Lot G, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; requires a 10-foot side-yard setback; requires a 20-foot visibility triangle at driveway approaches; requires 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; and prohibits the use of certain materials for a fence. The applicant proposes to construct and maintain a single-family residential structure and provide a 4-foot 10-inch side yard setback, which will require (1) a 5-foot 2-inch variance to the side yard setback regulations; to construct a 7-foot 9 inch high fence in a required front yard, which will require (2) a 3-foot 9-inch special exception to the fence height regulations; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a special exception to the visibility obstruction regulation; 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 (4) a special exception to the fence opacity regulations; and to construct a fence using a prohibited material, which will require (5) a special exception to the fence material regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

  
CITY OF DALLAS  
AFFIDAVIT

Appeal number: BDA 223-080

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

at: 10020 Meadowbrook Drive  
(Address of property as stated on application)

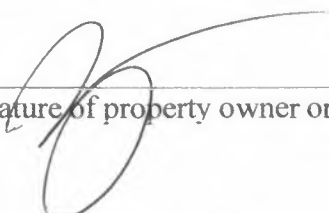
Authorize: Rob Baldwin, Baldwin Associates  
(Applicant's name as stated on application)

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: Special Exception to the fence regulations and variance to allow structure in side yard setback.

Ben Lamm  
Print name of property owner or registered agent

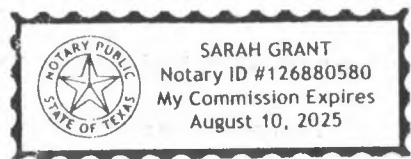
  
Signature of property owner or registered agent

Date 6/19/23

Before me, the undersigned, on this day personally appeared Ben Lamm

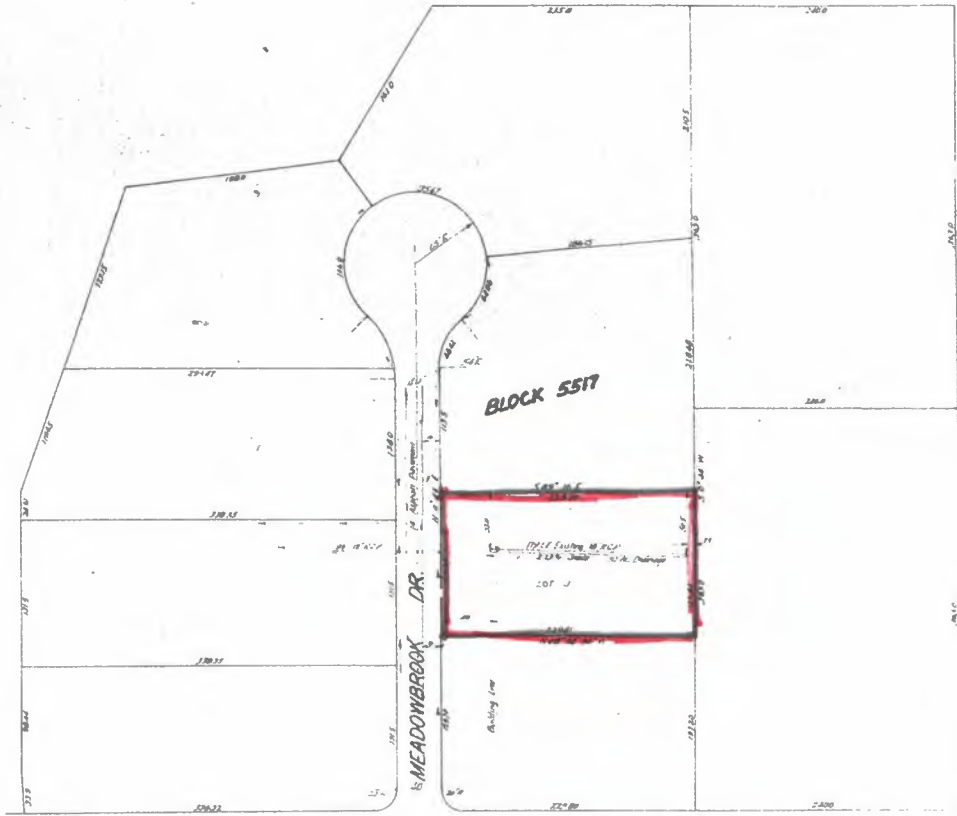
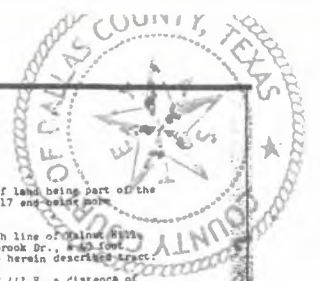
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 19 day of June, 2023



  
Notary Public for Dallas County, Texas

Commission expires on Aug 10, 2025



OWNERS CERTIFICATE

STATE OF TEXAS  
COUNTY OF DALLAS

WHEREAS I, J. A. Reeder, as the owner of a tract of land being part of the O.R.S.C. GALLOWAY SURVEY situated in City Block 5517 and being more particularly described as follows:

BEGINNING at an iron rod 159.79 feet from the north line of Walnut Hill Lane, a 50 foot road, and the east line of Meadowbrook Dr., 643 feet road, said point being the southwest corner of the herein described tract;

THENCE along the east line of Meadowbrook Dr.  $N 0^{\circ} 44' S$ , a distance of 127.34 feet, to an iron rod for the northwest corner of the herein described tract;

THENCE  $6 89^{\circ} 16' E$  along the north line of said tract for a distance of 229.89 feet to an iron rod for northeast corner;

THENCE  $3 0^{\circ} 44' W$  along the West line of said tract for a distance of 129.34 feet to an iron rod for the southeast corner of herein described tract;

THENCE  $N 86^{\circ} 38' 30'' W$  along the south line of said tract for a distance of 229.81 feet to the point of beginning;

AND containing 0.675 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, J. A. Reeder, do hereby adopt this plat designating the hereinabove described property Block No. 5517, Lot 0, File No. 59-248 Abstract No. 523 as a subdivision to the City of Dallas, Texas.

WITNESS my hand at Dallas, Texas this \_\_\_\_\_ day of May, 1959 A.D.

*J. A. Reeder*  
J. A. REEDER

Before me, the undersigned authority, a Notary Public in and for Dallas County, Texas, on this day personally appeared J. A. Reeder, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and consideration therein expressed.

Given under my hand and seal of Office this 4th day of May 1959

*E. H. Smith*  
E. H. SMITH  
Notary Public

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Gaston M. Vernon, do hereby certify that this plat was made from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Dallas, Texas.

*Gaston M. Vernon*  
Gaston M. Vernon  
Registered Professional Engineer

Before me, the undersigned authority, a Notary Public in and for Dallas County, Texas, on this day personally appeared Gaston M. Vernon, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and consideration therein expressed.

Given under my hand and seal of Office this 4th day of May, 1959.

*Albert M. Smith*  
Albert M. SMITH  
Notary Public

Vol. 29 Page 167

J.A. REEDER SUBDIVISION, BLOCK 5517  
D.R.S.C. GALLOWAY SURVEY, ABSTRACT NO. 523  
CITY PLAN FILE NO. 59-248  
J.A. REEDER, OWNER G.M. VERNON, ENGINEER  
SCALE - 1" = 60'

RECEIVED  
MAY 20 1959  
CITY PLAN OFFICE

BDA 223-080

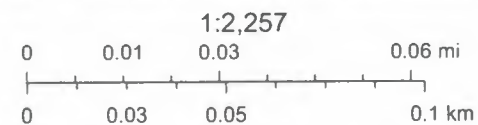


# Dallas CAD Web Map



6/8/2023, 11:30:20 AM

- Parcels
- Parcel Dimension
- Street Centerline
- Abstracts
- Lot
- Dallas County Boundary
- Subdivision
- City Block



BDA 223-080

Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph.

Dallas County Appraisal District. BIS Consulting - www.bisconsulting.com





FRONT FENCE ELEVATION



BRICK TO MATCH  
EXISTING ARCHITECTURE

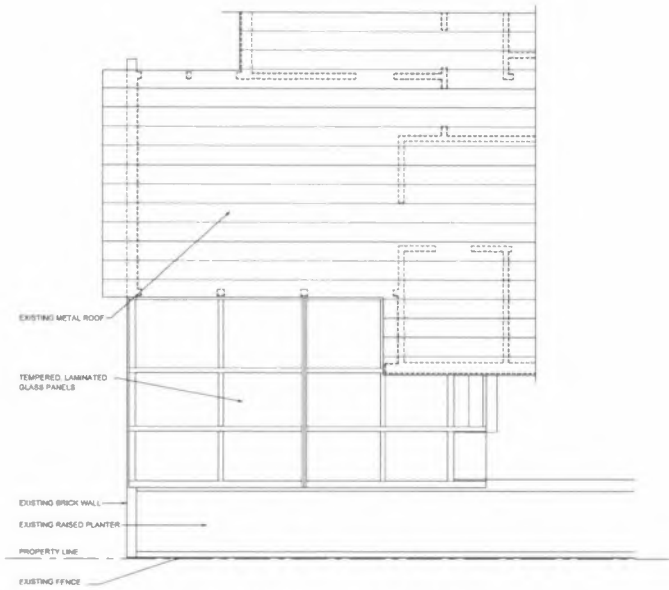
MAXIMUM FENCE HT. 7'-9"

METAL FIN FENCE PAINTED TO  
MATCH EXISTING ARCHITECTURE

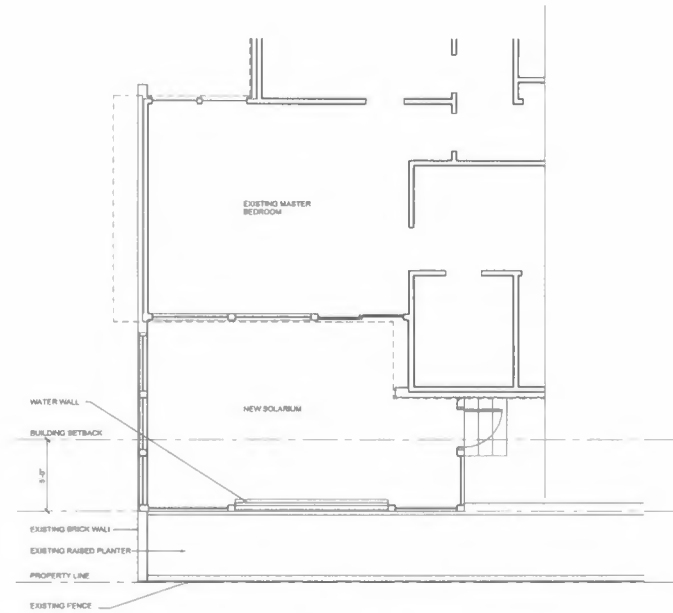




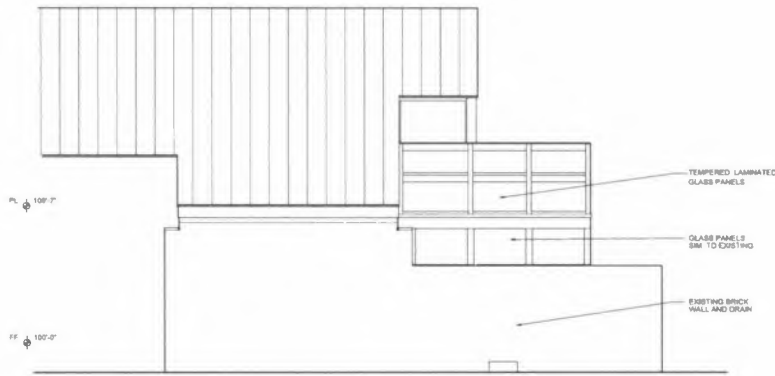




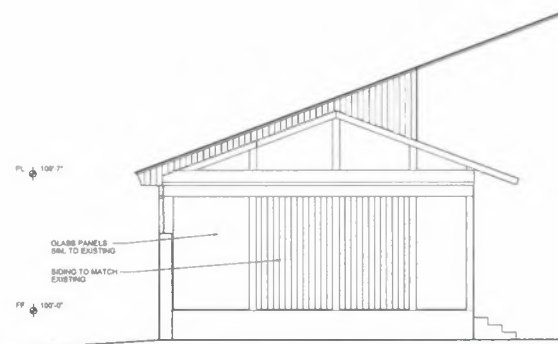
4 ROOF PLAN  
1/4"=1'-0" NORTH



3 PARTIAL PLAN  
1/4"=1'-0" NORTH



2 WEST ELEVATION  
1/4"=1'-0"



1 SOUTH ELEVATION  
1/4"=1'-0"

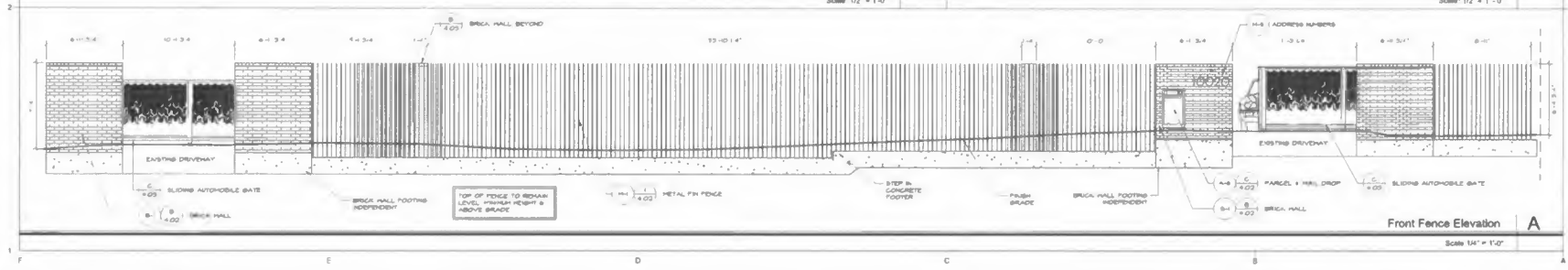
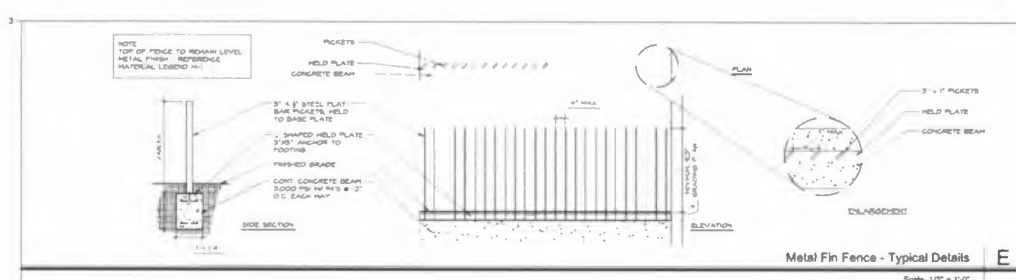
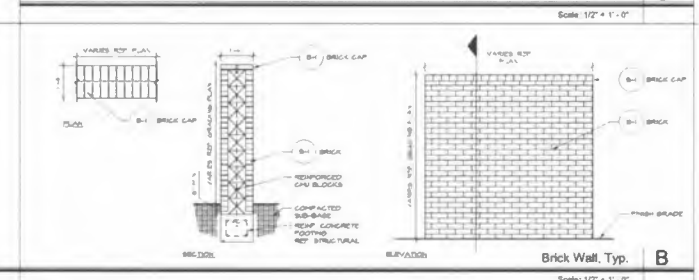
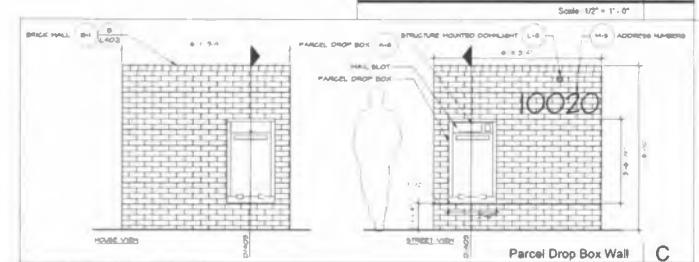
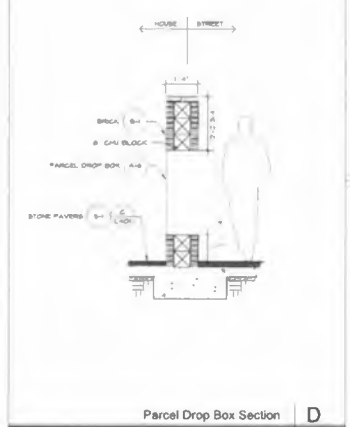
PRELIMINARY  
NOT FOR CONSTRUCTION

A1.2

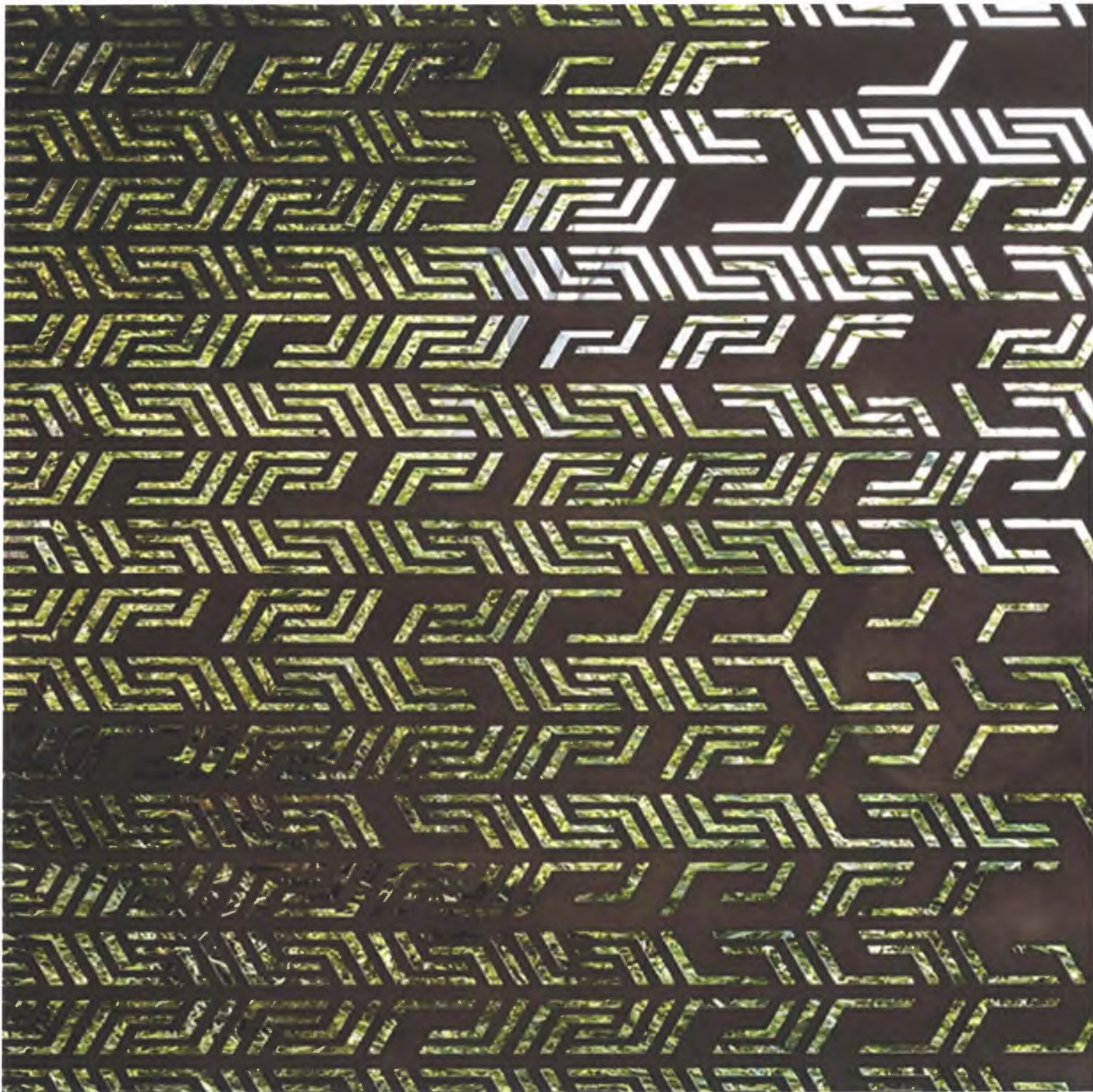
BDA223-080

Issue / Addenda / Revisions

Issue	Description
04.01.000	Design Development 80%
04.14.000	80% Construction Documentation







BCA 223-080





BDA 223-000

**FILE NUMBER:** BDA223-081 (KMH)

**BUILDING OFFICIAL'S REPORT** Application of Audra Buckley for (1) a special exception to the fence height regulations; and (2) a special exception to the fence material regulations at 8627 Lakemont Dr. This property is more fully described as Block 5067, Lot 9, and is zoned R-10(A), which limits the height of a fence in the front yard to 4-feet and prohibits the use of certain materials for a fence. The applicant proposes to construct a 5-foot 6-inch high fence in a required front yard, which will require (1) a 1-foot 6-inch special exception to the fence height regulations; and to construct a fence using a prohibited material, which will require (2) a special exception to the fence material regulations.

**LOCATION:** 8627 Lakemont Dr.

**APPLICANT:** Audra Buckley

**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence material regulations (prohibited material).

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

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

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

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations 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 regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

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

### **BDA History:**

BDA201-090: Special exception for a 5-foot 6-inch high fence; approved  
Special exception for the use of prohibited materials; approved

## **GENERAL FACTS/STAFF ANALYSIS:**

- The purpose of this request is for a special exception to the fence regulations of 4-foot focuses on constructing and/or maintaining an 5-foot 6-inch high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence being constructed of prohibited materials.
- The subject site and surrounding properties are zoned R-10 (A), with properties to the southwest being zoned R-7.5(A).
- 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. Additionally, the Dallas Development Code prohibits the following material for fence materials: sheet metal, corrugated metal, fiberglass panels, plywood, plastic materials, barbed wire and razor ribbon.
- As gleaned from the submitted site plan and elevations, the applicant is proposing 5-foot 6-inch high fence with steel panels (gates) in the front yard along Lakemont Drive.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 5-feet 6-inches and specified prohibited materials with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

**Timeline:**

June 29, 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.

July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

August 2, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

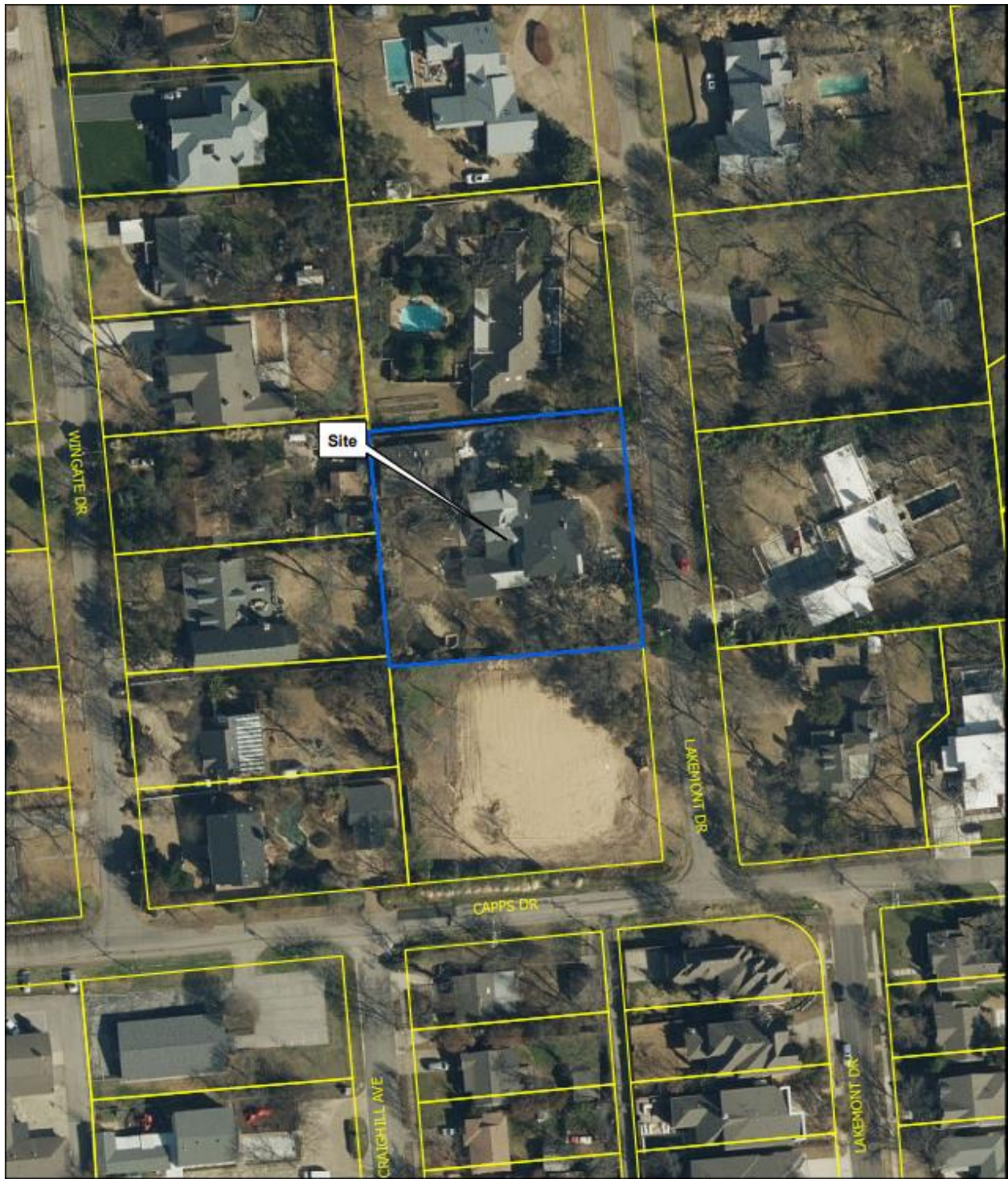
- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 2023, deadline to submit additional evidence to be incorporated into the board’s docket 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.

August 29, 2023: The Development Services Engineer provided a response sheet with no comments.

August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September 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 Attorney to the Board, the Senior Planner and Code Compliance staff.





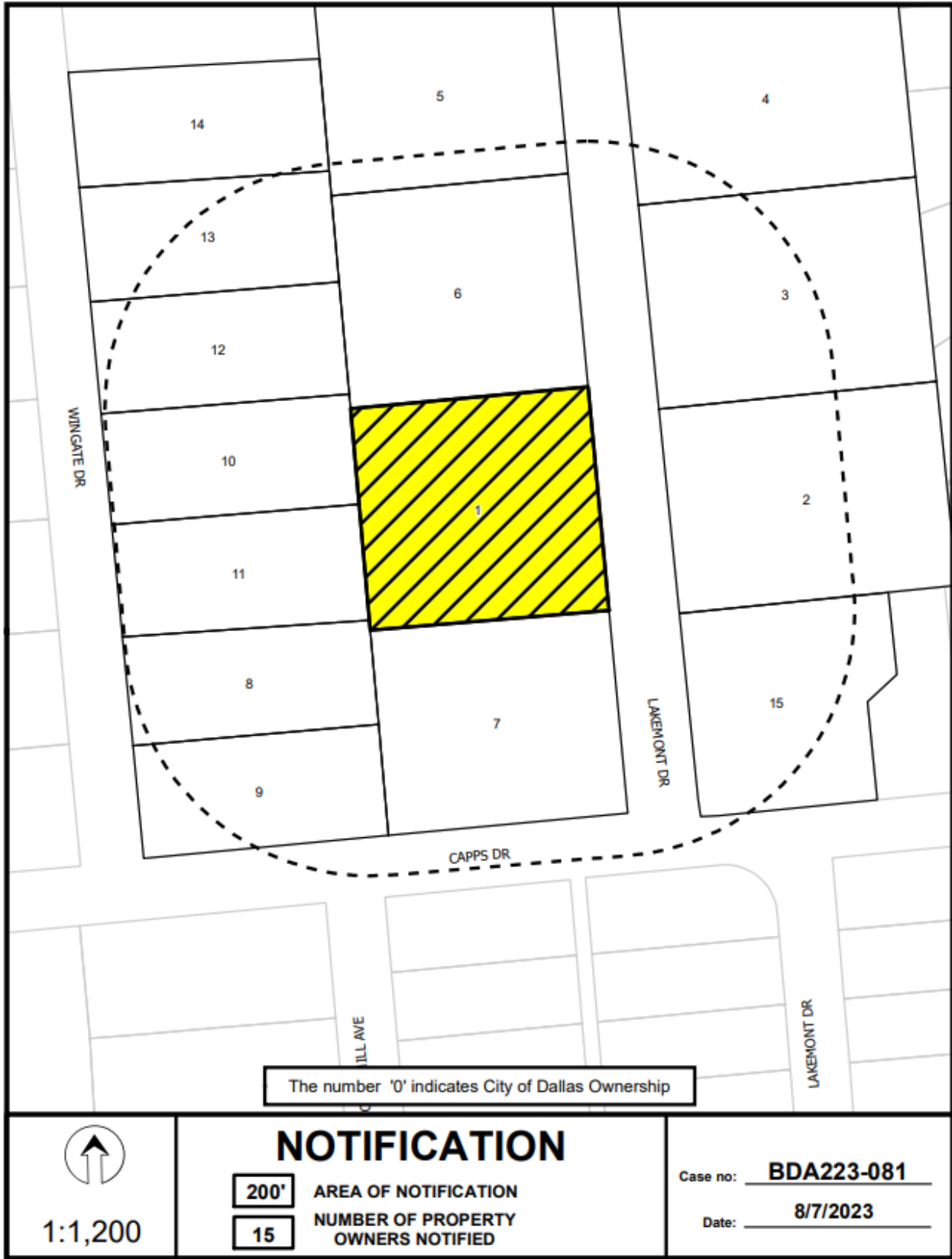
1:1,200

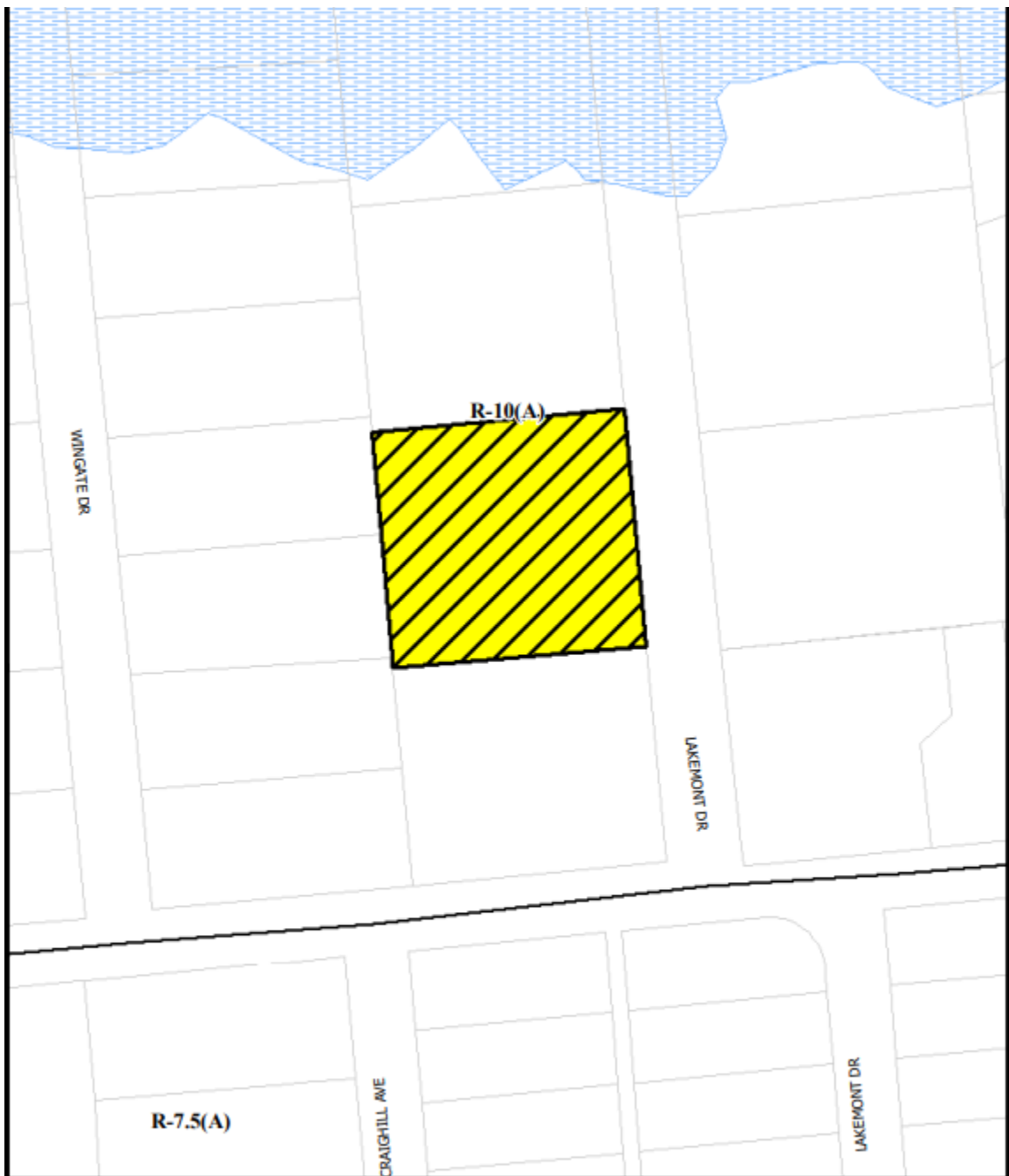
# AERIAL MAP

Case no: BDA223-081

Date: 8/7/2023







1:1,200

# ZONING MAP

Case no: BDA223-081

Date: 8/7/2023

1  
08/02/2023

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

***BDA223-081***

### ***15 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8627 LAKEMONT DR	WHITE JONATHAN A
2	8626 LAKEMONT DR	GETCHELL JOHN JR
3	8638 LAKEMONT DR	SHIPP THOMAS F
4	8712 LAKEMONT DR	WEILAND STEPHEN C &
5	8715 LAKEMONT DR	CAMASS TR THE
6	8647 LAKEMONT DR	VAREL MARCIA
7	8611 LAKEMONT DR	VINEY MARSHALL & ELIZABETH
8	8614 WINGATE DR	DUESING PAUL
9	8606 WINGATE DR	PHY ELIZABETH ANN
10	8634 WINGATE DR	CHEAKAS JOHN DAVID
11	8622 WINGATE DR	MORTON EMILY G & WILLIAM H JR
12	8638 WINGATE DR	GODAT HAYDEN LEE & SARAH ANN
13	8646 WINGATE DR	HARRIS BARBARA
14	8706 WINGATE DR	CHUNG ANDY
15	8610 LAKEMONT DR	ENGLISH NICHOLAS C II &





# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

RECEIVED

JUN 29 REC'D

Case No.: BDA

223-081

USE ONLY

Date:

6/29/23

USE ONLY

Data Relative to Subject Property:

Location address: 8627 Lakemont Drive Zoning District: R-10(A)

Lot No.: 9 Block No.: 5067 Acreage: 0.81 Census Tract: 0073.02

Street Frontage (in Feet): 1) 177 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jonathan A White

Applicant: Audra Buckley Telephone: 214.686.3635

Mailing Address: 1414 Belleview Street, Ste 150 Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Represented by: Permitted Development, LLC Telephone: 214.686.3635

Mailing Address: 1414 Belleview Street, Ste 150 Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

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

The fence height of 1' 6" to allow a 5' 6" fence in a required front yard and prohibited material consisting of steel panel (gates).

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 fence will not adversely impact surrounding properties. Other fences exceeding four feet in height exist in the immediate area. The proposed fence will be setback 10' from the front property line.

(Previous case BDA201-090)

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

Audra Buckley

Before me the undersigned on this day personally appeared \_\_\_\_\_

(Affiant/Applicant's name printed)

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

Respectfully submitted:

(Affiant/Applicant's signature)

*Audra Buckley*

Subscribed and sworn to before me this 29<sup>th</sup> day of JUNE, 2023

*Kim Rave Thompson*

Notary Public in and for Dallas County, Texas | Ellis County



**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**      Audra Buckley

**did submit a request**      for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations

**at**      8627 LAKEMONT DR.

BDA223-081(KMH) - Application of Audra Buckley for (1) a special exception to the fence height regulations; and (2) a special exception to the fence material standard regulations at 8627 Lakemont Dr. This property is more fully described as Block 5067, Lot 9 and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet; and prohibits the use of certain materials for a fence. The applicant proposes to construct a 5-foot 6-inch high fence in a required front-yard, which will require (1) a 1-foot 6-inch special exception to the fence height regulations; and to construct a fence using a prohibited material, which will require (2) a special exception to the fence material regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA





Appeal number: BDA 223-081

I, Jonathan A White, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 8627 Lakemont Drive  
(Address of property as stated on application)

Authorize: Audra Buckley  
(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: of the fence height of 1' 6" to allow a 5' 6" fence in a required front yard and prohibited material consisting of steel panel (gates).

Jonathan White  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 6-15-2023

Before me, the undersigned, on this day personally appeared Jonathan White

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 15 day of June, 2023



[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 3-23-26



SCALE 1"=100'  
 JNO. R. WEST JR.  
 6-6-36

S.E. COR. OF A TRACT OF 25 AC. AS  
 CONVEYED TO JOHN R. SLAUGHTER BY  
 MRS. MINERVA CAPPS MAY 23 1930  
 IN W. BAKER SUR. ABST. #54  
 DALLAS CO. TEX. RECORDED VOL. #  
 1631 PAGE # 57 DEED RECORDS  
 DALLAS CO. TEX.

**BDA223-081**

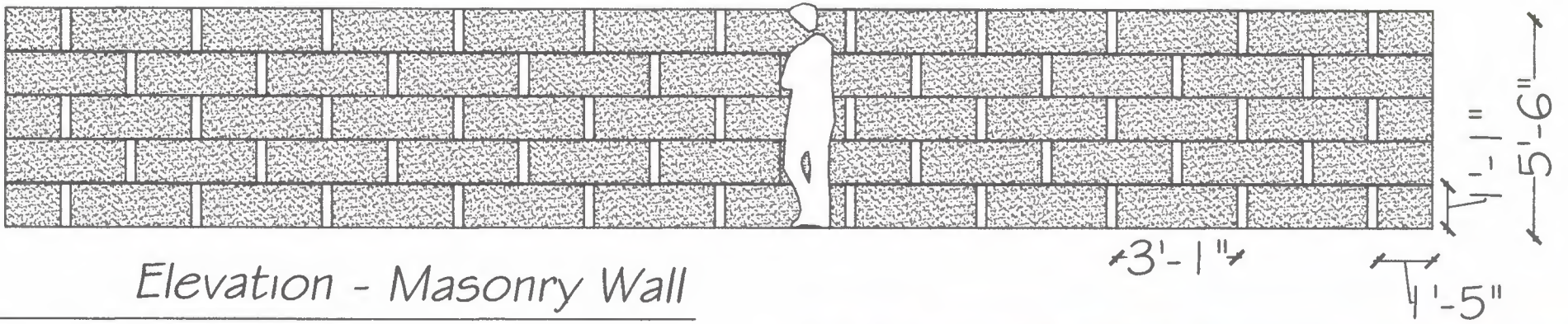








- blocks for wall =  
3' x 13" x 10" deep

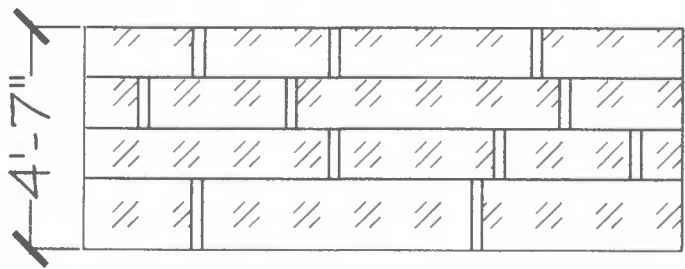


Elevation - Masonry Wall

- Masonry Wall Material  
Buff Limestone Blocks  
offset with 3"  
see-through gaps



Inspiration - Masonry Wall - NTS



Elevation - Driveway Gate

- Steel Gate Material  
Black Steel Panels  
offset by 3"  
see-through gaps  
on Steel frame



Perspective - Driveway Gate - NTS

BDA223-081

White Residence  
8627 Lakemont Drive  
Dallas, TX 75209

**Robert Bellamy Design**  
1918 NORTH PRAIRIE  
DALLAS, TEXAS 75204  
tel. 214.826.4612

Fence + Wall + Gate  
Elevations / Perspective

Scale: 1/4" = 1'-0" - 11x17

Date: June 19, 2023





BDA 223-081

White Residence  
8627 Lakemont Drive  
Dallas, TX 75209

**Robert Bellamy Design**

1918 NORTH PRAIRIE  
DALLAS, TEXAS 75204  
tel. 214.826.4612

GATE REFERENCE

Scale: NTS

Date: June 19, 2023

**FILE NUMBER:** BDA223-083 (KMH)

**BUILDING OFFICIAL'S REPORT** Application of Trenton Robertson for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standard regulations at 9122 INWOOD RD. This property is more fully described as Block 6/5579, Part of lot 5 and 7, 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 9-foot 3-inch high fence in a required front yard, which will require (1) a 5-foot 3-inch special exception to the fence height 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 (2) a special exception to the fence opacity regulations.

**LOCATION:** 9122 Inwood Rd.

**APPLICANT:** Trenton Robertson

**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence opacity regulations.

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

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

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

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations 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 any special exceptions to the fence regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-1ac(A) (Single Family District)  
North: PD 815  
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 with single-family uses.

**BDA History:**

No BDA history found within the last 5 years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The purpose of this request is for a special exception to the fence regulations of 4-foot focuses on constructing and/or maintaining an 9-foot 3-inch high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.
- The subject site and surrounding properties are zoned R-1ac (A).
- 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 Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- As gleaned from the submitted site plan and elevations, the applicant is proposing 9-foot 3-inch high masonry wall in the front yard along Inwood Road and along Northwest Highway.

- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 9-feet 3-inches and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

**Timeline:**

July 11, 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.

July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

August 2, 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 August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 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.

August 29, 2023: The Development Services Engineer provided a response sheet with no objections.

August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September 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 Attorney to the Board, the Senior Planner and Code Compliance staff.





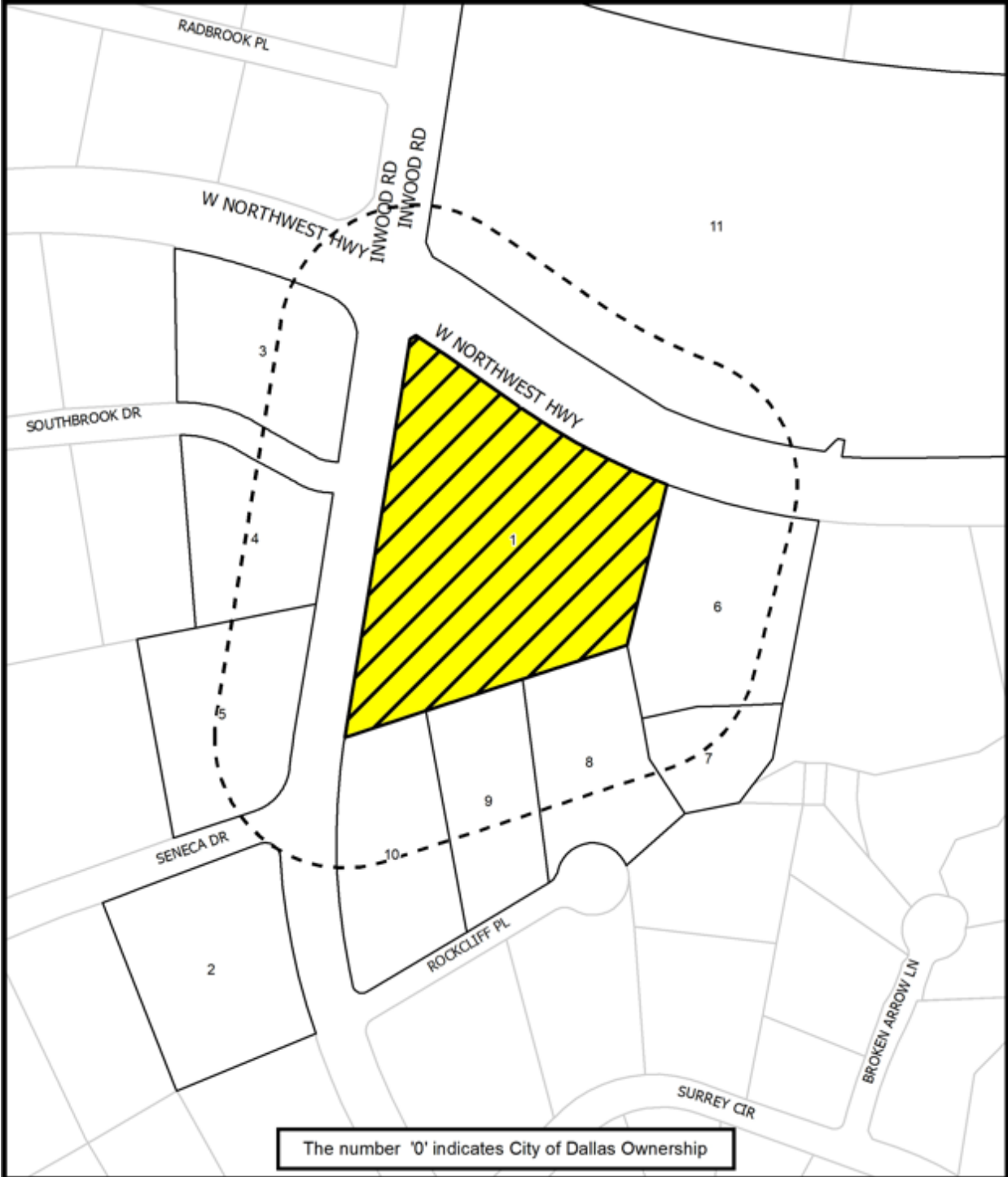
1:2,400

# AERIAL MAP

Case no: BDA223-083

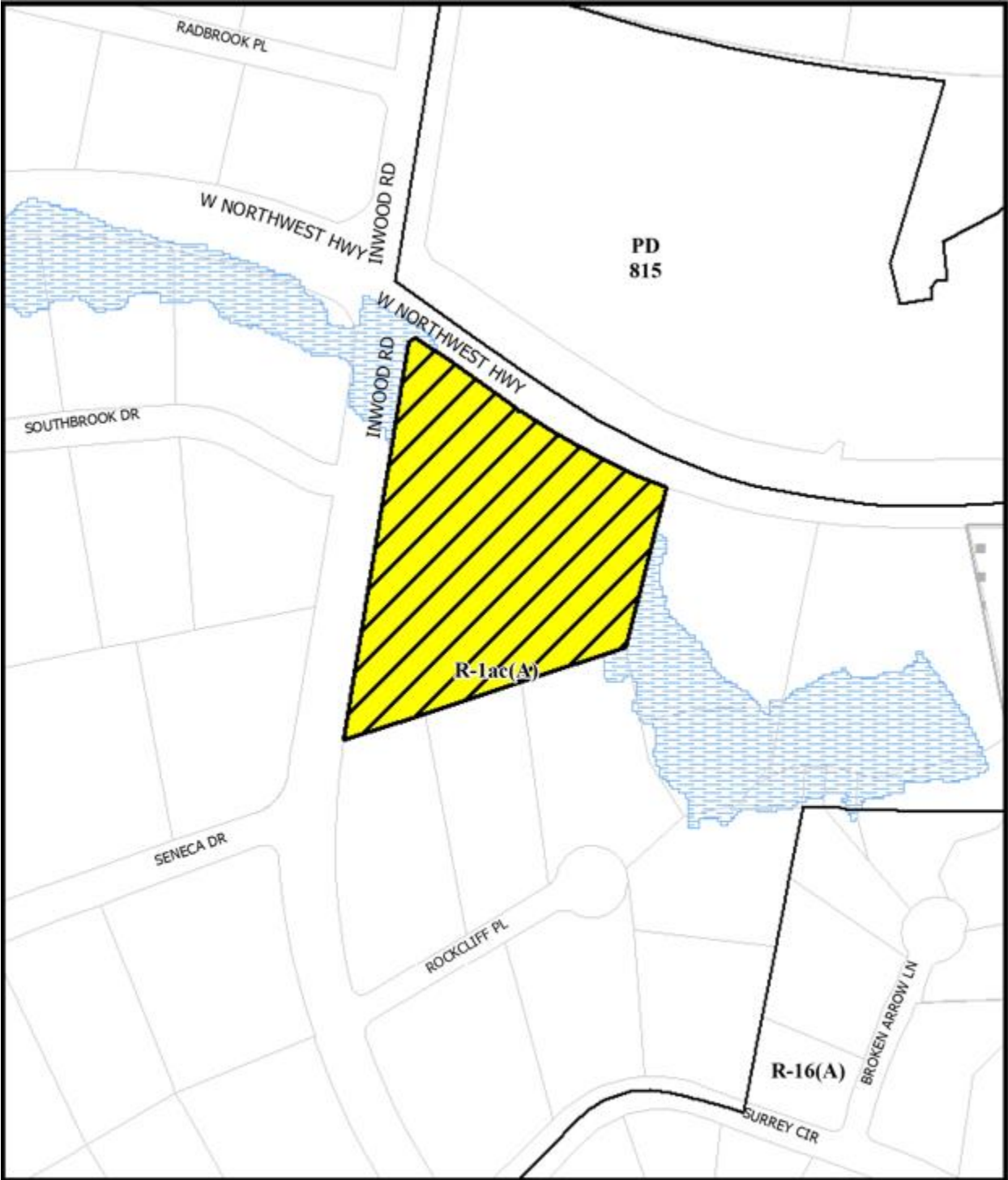
Date: 8/2/2023





The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <p> <span style="border: 1px solid black; padding: 2px;">200'</span> AREA OF NOTIFICATION  <span style="border: 1px solid black; padding: 2px;">11</span> NUMBER OF PROPERTY OWNERS NOTIFIED         </p>	<p>Case no: <b>BDA223-083</b></p> <p>Date: <b>8/2/2023</b></p>
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1:2,400

# ZONING MAP

Case no: BDA223-083

Date: 8/2/2023

1  
08/02/2023

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

***BDA223-083***

### ***11 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9122 INWOOD RD	LGL 5X5 TRUST THE &
2	5140 SENECA DR	BECKETT JAMES III & DIANE
3	5131 SOUTHBROOK DR	ASHFAQ RAHEELA &
4	5130 SOUTHBROOK DR	BROOKS BENJAMIN A III & KATHLEEN H
5	5151 SENECA DR	DAVE TIAOHUA L N &
6	5324 W NORTHWEST HWY	LOVERS LN UNITED METH CH
7	5336 ROCK CLIFF PL	SHANAHAN DENNIS J
8	5335 ROCK CLIFF PL	SHAW MALCOLM L
9	5323 ROCK CLIFF PL	GOGEL BRIAN M &
10	5315 ROCK CLIFF PL	GROVER JEFFREY
11	9200 INWOOD RD	LOVERS LANE UNITED

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING September 19<sup>th</sup>, 2023 (A)

<input type="checkbox"/> Has no objections	<input type="checkbox"/> BDA 223-079(KMH)
<input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached)	<input type="checkbox"/> BDA 223-080(KMH)
Recommends that this be denied (see comments below or attached)	<input checked="" type="checkbox"/> BDA 223-081(KMH)
<input checked="" type="checkbox"/> No comments	<input checked="" type="checkbox"/> BDA223-082(KMH)
	<input checked="" type="checkbox"/> BDA223-083(KMH)
	<input checked="" type="checkbox"/> BDA223-085(KMH)
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

COMMENTS:

Cases marked do not  
involve Engineering  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


Joseph Demman/Engineer/DSD      Aug. 29, 2023  
Name/Title/Department                      Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223-083 OFFICIALS ONLY

Data Relative to Subject Property: \_\_\_\_\_

Date: \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIVED

JUL 1 1 REC'D

Location address: 9122 Inwood Road

Zoning District: R-1ac(A)

Lot No. PT 5 & 7 Block No.: 6/5579

Acreage: 4.67

Census Tract: 48113007301

BY: \_\_\_\_\_

Street Frontage (in Feet): 1) 640'

2) 475'

3) \_\_\_\_\_

4) \_\_\_\_\_

5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): LGL 5X5 Trust & ELL 5X5 Trust

Applicant: Masterplan (Trenton Robertson)

Telephone: 972-561-8732

Mailing Address: 2201 Main Street STE. 1280 Dallas, TX Zip Code: 75201

E-mail Address: trobertson@masterplantexas.com

Represented by: Masterplan (Trenton Robertson)

Telephone: 972-561-8732

Mailing Address: 2201 Main Street STE. 1280 Dallas, TX Zip Code: 75201

E-mail Address: trobertson@masterplantexas.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of \_\_\_\_\_

Request to add additional height to an existing masonry wall not to exceed 9' along Inwood Rd. and W Northwest Hwy, being located in the front yard being a fence less than 50% open surface and located within 5' of the front property line.

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 fence will not negatively impact surrounding properties. Other properties in the vicinity have similar fences and walls. The request will provide additional privacy and safety that has been a precedence throughout the surrounding neighborhoods.

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 Trenton Robertson

(Affiant/Applicant's name printed)

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

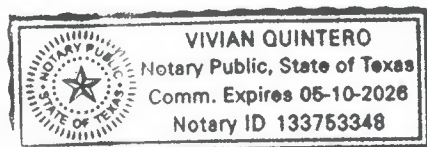
Respectfully submitted: \_\_\_\_\_

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 6<sup>th</sup> day of July, 2023

Vivian Quintero

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** Trenton Robertson

**did submit a request** for (1) a special exception to the fence height regulations, and (2) for a special exception to the fence standards regulations

**at** 9122 INWOOD RD.

BDA223-083(KMH) - Application of Trenton Robertson for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity standard regulations at 9122 Inwood Rd. This property is more fully described as Block 6/5579, Part of lot 5 and 7, 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 not be located less than 5 feet from the front-lot line. The applicant proposes to construct a 9-foot 3-inch high fence in a required front yard, which will require (1) a 5-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 (2) a special exception to the fence opacity standard regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA





CITY OF DALLAS  
AFFIDAVIT

Appeal number: BDA 223-083

I, Edward Lennox (ELL 5x5 Trust) Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9122 Inwood  
(Address of property as stated on application)

Authorize: Trenton Robertson  
(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: Front yard fence height and being located w/in 5' of property line, being a solid fence.

ELLSX5TRUST  
Print name of property owner or registered agent

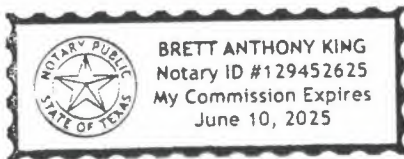
Edward L Lennox  
Signature of property owner or registered agent

Date 7/5/23

Before me, the undersigned, on this day personally appeared Edward L LENNOX

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 5th day of July, 2023



Brett King  
Notary Public for Dallas County, Texas

Commission expires on 6/10/25

  
CITY OF DALLAS  
AFFIDAVIT

Appeal number: BDA 223-083

I, Lisa Lennox (LGL 5x5 Trust), Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9122 Inwood  
(Address of property as stated on application)

Authorize: Trenton Robertson  
(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: Front yard fence height and being located w/in 5' of property line, being a solid fence.

LGL 5x5 TRUST  
Print name of property owner or registered agent

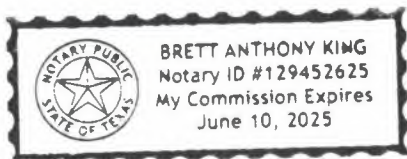
Lisa G. Lennox  
Signature of property owner or registered agent

Date July 5, 2023

Before me, the undersigned, on this day personally appeared LISA G. LENNOX

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 5th day of July, 2023



Brett King  
Notary Public for Dallas County, Texas

Commission expires on 6-10-25

List of Members for LGL 5X5 Trust  
Lisa Lennox

List of Members for ELL 5X5 Trust  
Edward Lennox



BOA223-083

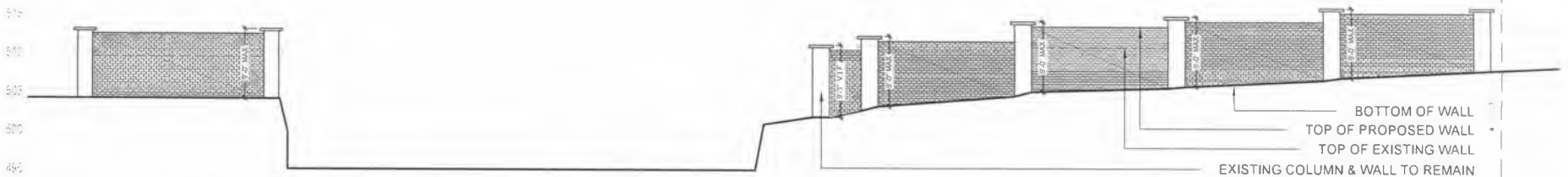


R. E. Webb  
Surveyor

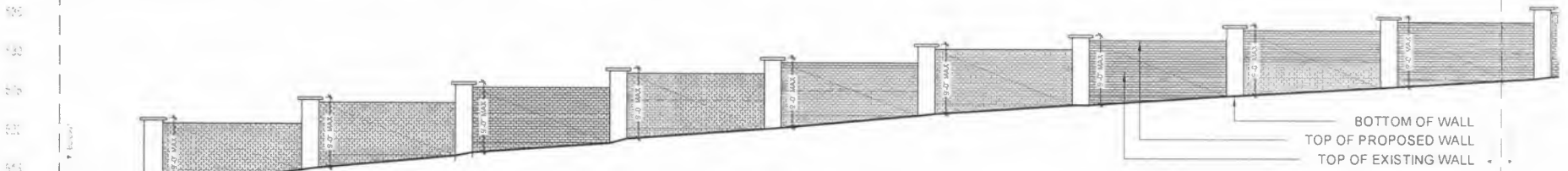




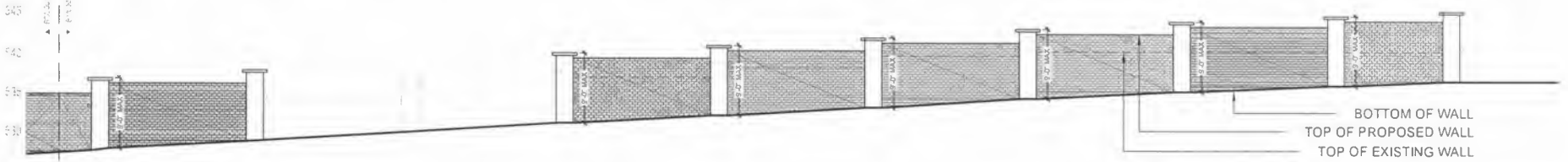




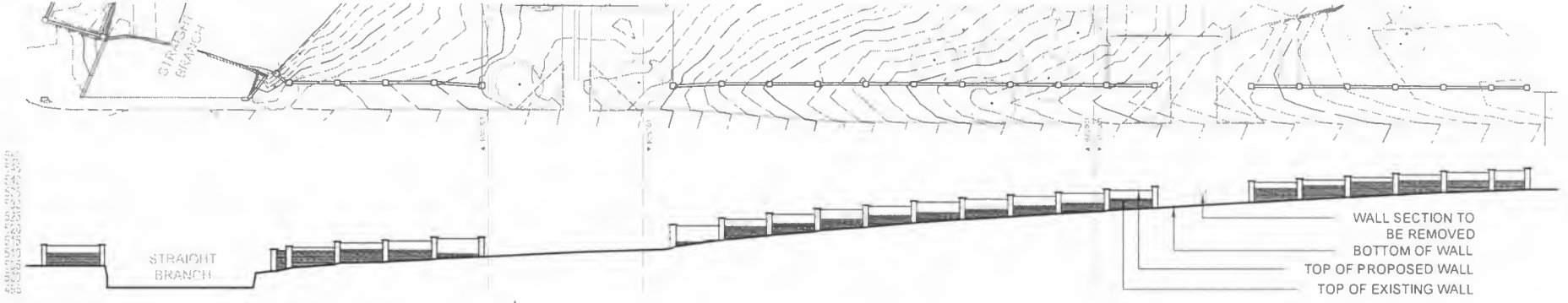
B-3 ELEVATION: MASONRY WALL ALONG INWOOD ROAD 1" = 20'-0"



B-2 ELEVATION: MASONRY WALL ALONG INWOOD ROAD 1" = 20'-0"



B-1 ELEVATION: MASONRY WALL ALONG INWOOD ROAD 1" = 20'-0"



A PLAN & ELEVATION: MASONRY WALL ALONG INWOOD ROAD 1/64" = 1'-0"

**HOCKER**

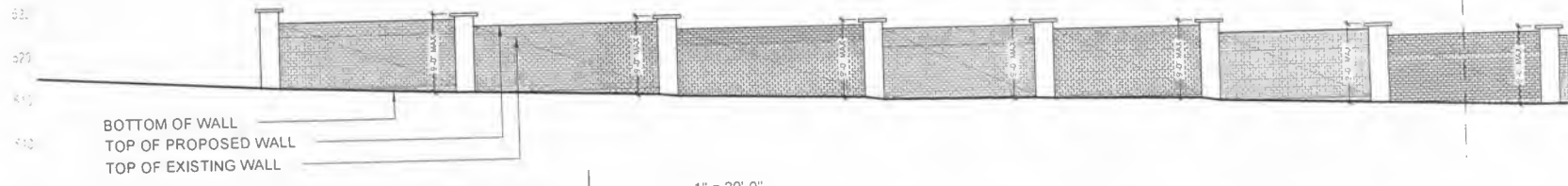
918 Dragon Street | Dallas, TX 75207  
P 214 546.7477 | hockerdesign.com

**INWOOD RESIDENCE**

9122 Inwood Rd, Dallas, Texas 75206

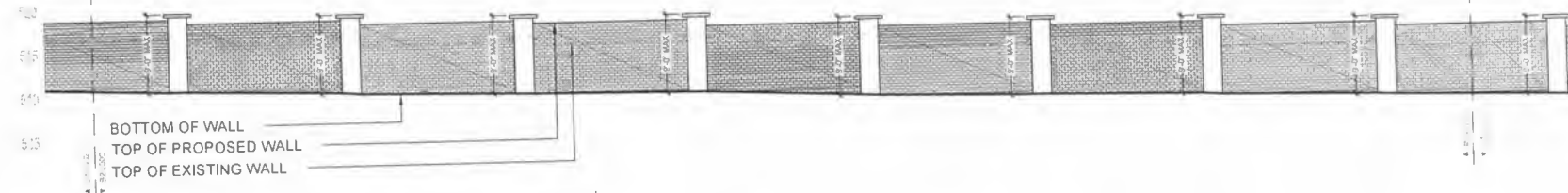
Wall Height Exhibit  
**L001**

BDA 223-083



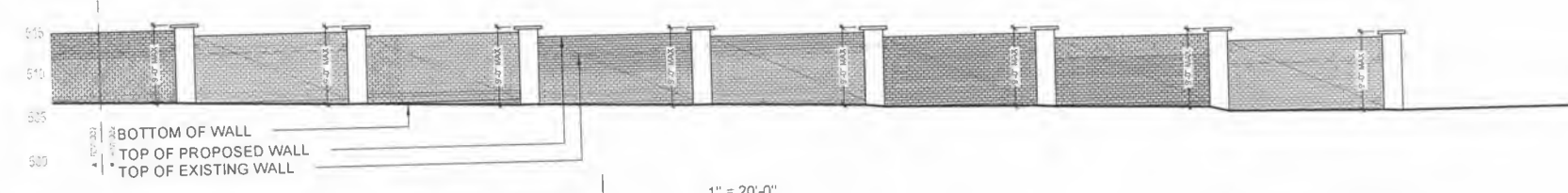
B-3 ELEVATION MASONRY WALL ALONG NORTHWEST HIGHWAY

1" = 20'-0"



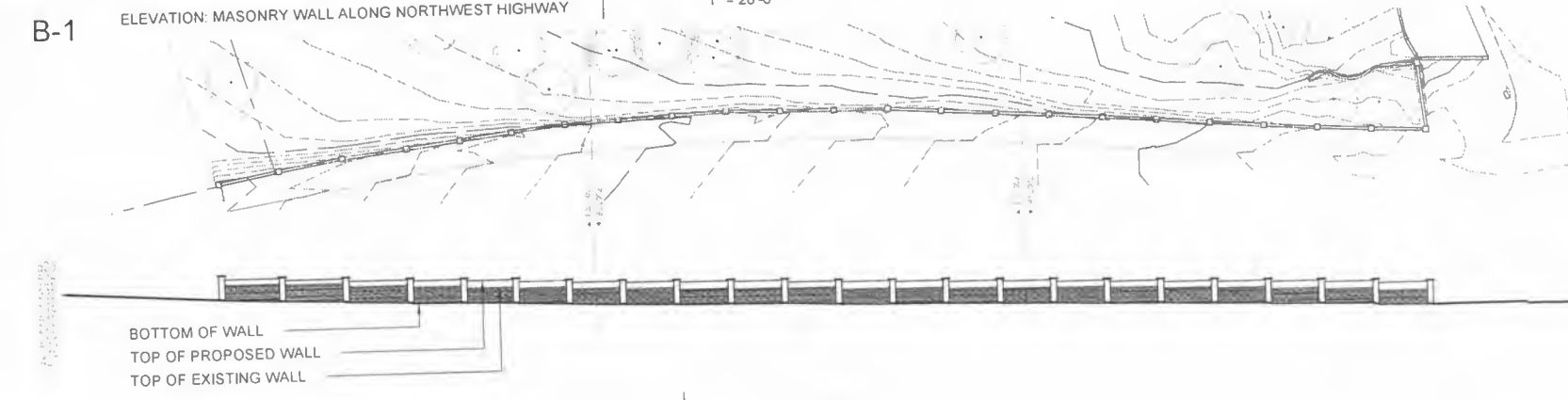
B-2 ELEVATION: MASONRY WALL ALONG NORTHWEST HIGHWAY

1" = 20'-0"



B-1 ELEVATION: MASONRY WALL ALONG NORTHWEST HIGHWAY

1" = 20'-0"



A PLAN & ELEVATION MASONRY WALL ALONG NORTHWEST HIGHWAY

1/64" = 1'-0"

**HOCKER**  
 918 Dragon Street Dallas, TX 75207  
 P 214.546.7477 | hockerdesign.com

**INWOOD RESIDENCE**  
 9122 Inwood Rd, Dallas, Texas 75206

Wall Height Exhibit  
**L002**  
*BDA 223-083*

**FILE NUMBER:** BDA223-085 (KMH)

**BUILDING OFFICIAL'S REPORT:** Application of Emma Villanueva Valverde by MANUEL SALAZAR for (1) a variance to the side-yard setback regulations at 1416 S. Waverly Dr. This property is more fully described as Block C/4252, Lot 1, and is zoned R-7.5(A), which requires a 10-foot side yard setback. The applicant proposes to construct a single-family residential structure and provide a 7-foot 6-inch side-yard setback, which will require (1) a 2-foot 6-inch variance to the side-yard setback regulations.

**LOCATION:** 1416 S. Waverly Dr.

**APPLICANT:** Emma Villanueva Valverde

**Represented by:** Manuel Salazar

**REQUEST:**

(1) A request for a variance to the side-yard setback regulations.

**STANDARD FOR A VARIANCE:**

Section 51A-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

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in area and shape, in that the lot is irregular shaped and there is a 10-foot platted building line in one of the required side yards; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not a self-created or personal hardship.

**BDA HISTORY:**

No BDA history within the last 5 years.

**Zoning:**

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

**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 2-feet and 6-inches is made to construct and/or maintain a single-family residential structure.
- The Dallas Development Code requires a setback of 5-feet for required side yards in the R-7.5(A) zoning district. However, this particular lot has a 10-foot build line in the side yard along Wright St, which imposes a stricter setback for that particular side yard.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7.5' side yard setback along Wright St. therefore requiring a variance of 2-feet and 6-inches.
- It is imperative to note that the existing home was built in 1948 and was built over the said 10-foot building line. The applicant is proposing to remodel the existing home.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the side yard and front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** 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:

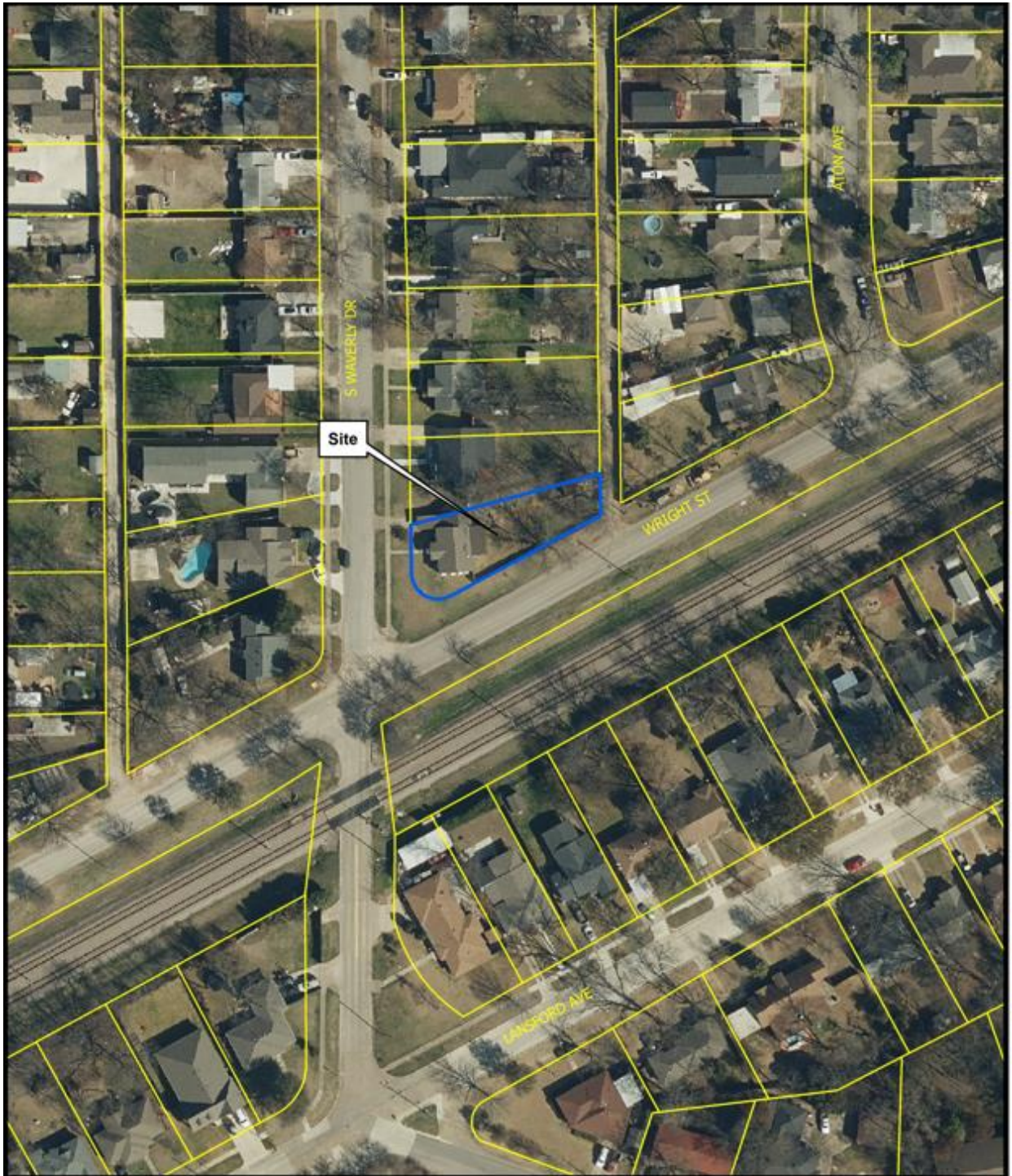
- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss 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



(e) the municipality considers the structure to be a nonconforming structure.

**Timeline:**

- July 14, 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.
- July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- August 2, 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 August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 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.
- August 29, 2023: The Development Services Engineer reviewed the request and all submitted documents and has no comments.
- August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September 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 Attorney to the Board, the Senior Planner and Code Compliance staff.



1:1,200

# AERIAL MAP

Case no: BDA223-085

Date: 8/2/2023

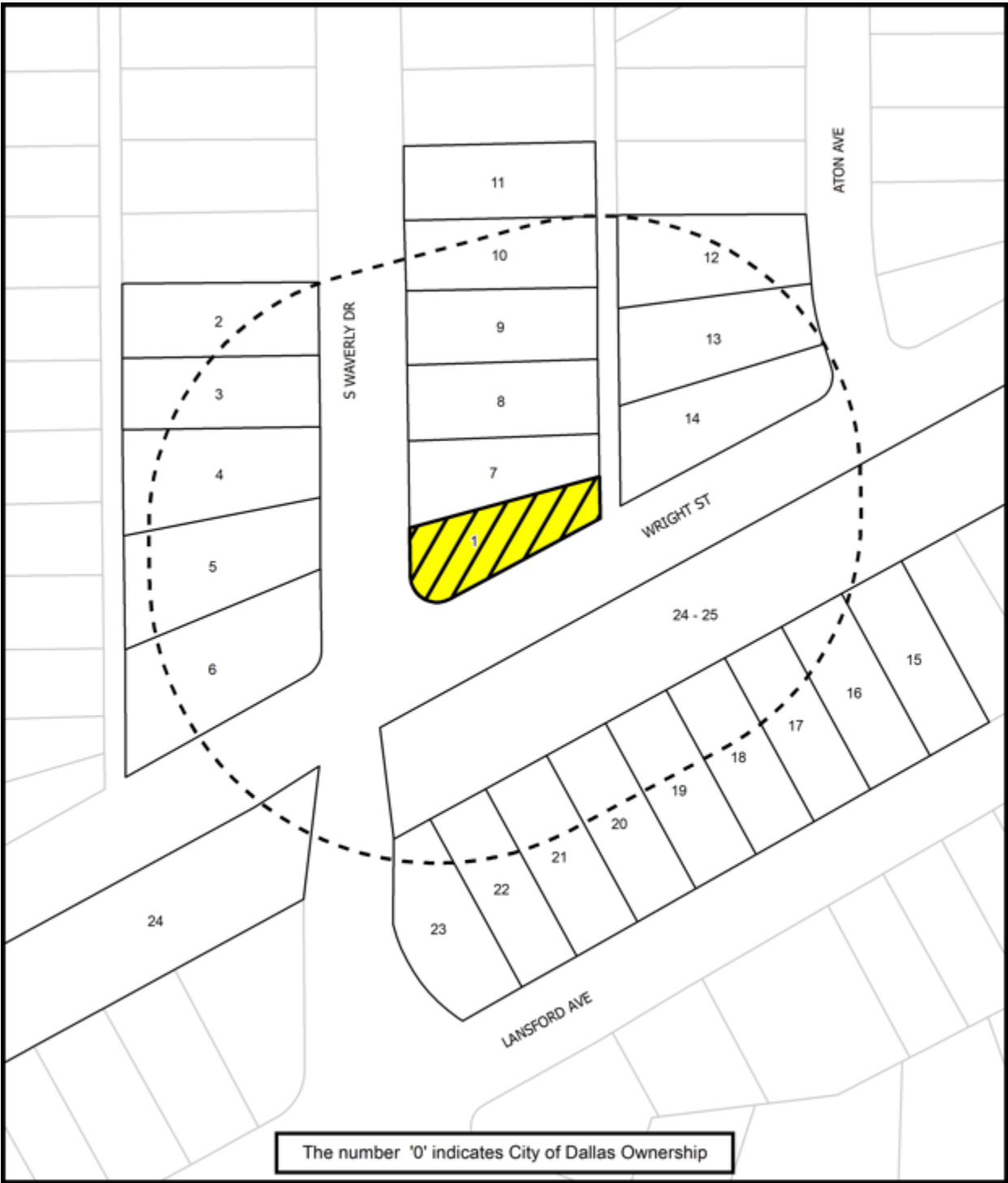


1:1,200

# ZONING MAP

Case no: BDA223-085

Date: 8/2/2023



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>25</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>25</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA223-085</b> Date: <b>8/2/2023</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>25</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					



08/02/2023

## *Notification List of Property Owners*

*BDA223-085*

### *25 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1416 S WAVERLY DR	VALVERDE EMMA VILLANUEVA
2	1403 S WAVERLY DR	HERNANDEZ CARLOS
3	1407 S WAVERLY DR	Taxpayer at
4	1413 S WAVERLY DR	ALTAAN SAMMY S
5	1417 S WAVERLY DR	QUINTANILLA REBECCA SUZANN
6	1421 S WAVERLY DR	SAGRERO ANGEL &
7	1412 S WAVERLY DR	MENDEZ ENRIQUE
8	1406 S WAVERLY DR	VILLEGAS JOSEPH ETAL
9	1402 S WAVERLY DR	BARRERA BETTY
10	1324 S WAVERLY DR	CONCHAS ANGELIA
11	1320 S WAVERLY DR	COSTILLA FRANCISCO &
12	1425 ATON AVE	GARCIA HERLINDA G
13	1429 ATON AVE	NUNEZ MARIA MORENO
14	1433 ATON AVE	BANDA ROBERTO & FLORA
15	1703 LANSFORD AVE	GRIFFIN GINGER G ABBOTT
16	1707 LANSFORD AVE	HASSAN HUDA
17	1711 LANSFORD AVE	WINTERROWD SCOTT MICHAEL &
18	1715 LANSFORD AVE	HEISKELL REBECCA A
19	1719 LANSFORD AVE	FRAIRE MANUEL J
20	1723 LANSFORD AVE	HL3 ALPHA LLC
21	1727 LANSFORD AVE	GONZALEZ ISABEL
22	1731 LANSFORD AVE	GARCIA SHELBY
23	1735 LANSFORD AVE	MEDRANO J JUVENTINO
24	401 S BUCKNER BLVD	DART
25	401 S BUCKNER BLVD	DART







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-0085

Date: 12/05/22 RECEIVED  
BY: [Signature] JUL 14 REC'D

Data Relative to Subject Property:

Location address: 1416 S. Waverly dr. Dallas, TX 75208 Zoning District: R-75a  
Lot No.: 1 Block No.: C4252 Acreage: .165 Census Tract: East Hampton Hills #2..  
Street Frontage (in Feet): 1) 47' 8" 2) 136' 10 1/2" 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Emma Villanueva Valverde  
Applicant: Emma Villanueva Valverde Telephone: 214.878.9477  
Mailing Address: 2117 Briarwood dr. Grand Prairie, TX Zip Code: 75050  
E-mail Address: jwmiii@gmail.com  
Represented by: Manual Salazar Telephone 214.448.9987  
Mailing Address: 5904 Highgate dr Arlington, TX Zip Code: 76016  
E-mail Address: dfwpropertyservicesllc@gmail.com

Affirm that an appeal has been made for a Variance x, or Special Exception \_\_\_\_\_, of the 10' build line along Wright Street. Home was built in 1948 over the build line and we'd like to remodel the home to live in. Request a 2.5 ft variance to the side yard set back proposing a 7.5 ft set back

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:  
allow the existing build line to be changed to 5' so we can remodel existing structure in accordance to regulations

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 Emma Villanueva Valverde  
(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 5 day of December 2022

(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**      EMMA VILLANUEVA VALVERDE  
**represented by**            MANUEL R SALAZAR  
**did submit a request**      for (1) a variance to the side yard setback regulations  
**at**                                1416 S Waverly Dr.

BDA223-085(KMH) Application of Emma Villanueva Valverde, represented by Manuel R. Salazar for (1) a variance to the side-yard setback regulations at 1416 S. Waverly Dr. This property is more fully described as Block C/4252, Lot 1, and is zoned R-7.5(A), which requires a 10-foot side-yard setback. The applicant proposes to construct a single-family residential structure and provide a 7-foot 6-inch side-yard setback, which will require (1) a 2-foot 6-inch variance to the side-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-085

I, Emma Villanueva Valverde, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1416 S. Waverly dr. Dallas, TX 75208  
(Address of property as stated on application)

Authorize: Manual Salazar  
(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: Variance of Build lines

Emma Villanueva Valverde  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 12/05/22

Before me, the undersigned, on this day personally appeared \_\_\_\_\_

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

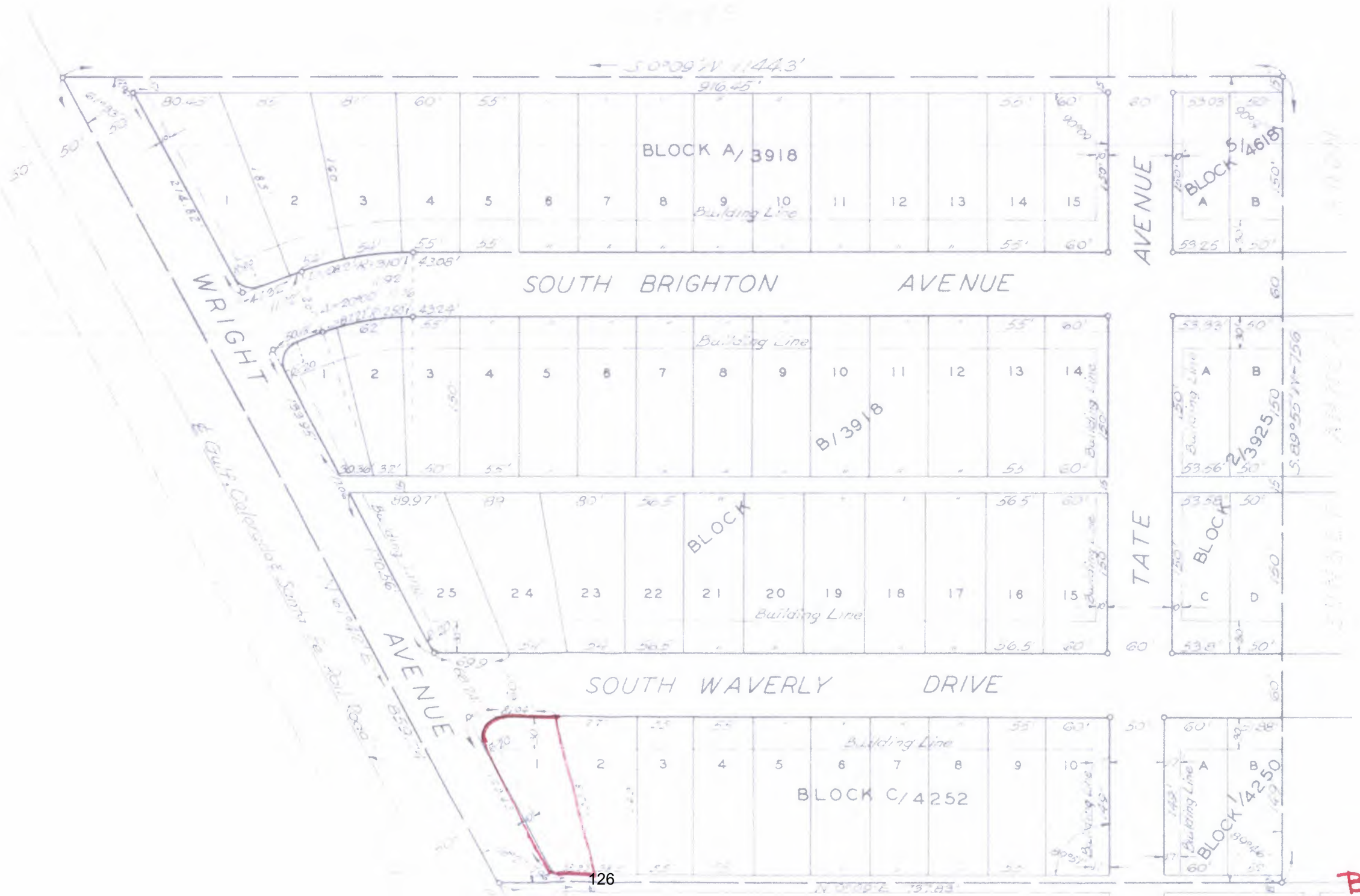
Subscribed and sworn to before me this 05 day of 12, 2022

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on \_\_\_\_\_









**SOUTH WAVERLY DRIVE**

concrete sidewalk

MRD

**81.06'**

N 00 09' 00" E

concrete sidewalk

**30.0' BUILDING LINE**

N 75 51' 10" E **154.01'**

**10.0' BUILDING LINE**

**38.93'**

S 61 39' 04" W

**169.43'**

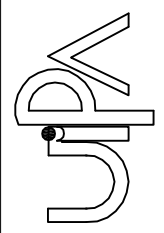
7.5'

**WRIGHT DRIVE**

P.I.

**N 61 42' E 859.74'**

**COLORADO & SANTA FE RAILROAD**



urban infrastructure | planning | aviation  
4020 n mcARTHUR Blvd., suite 122-217, irving, texas 75038  
214.862.3670 zasangroup@yahoo.com

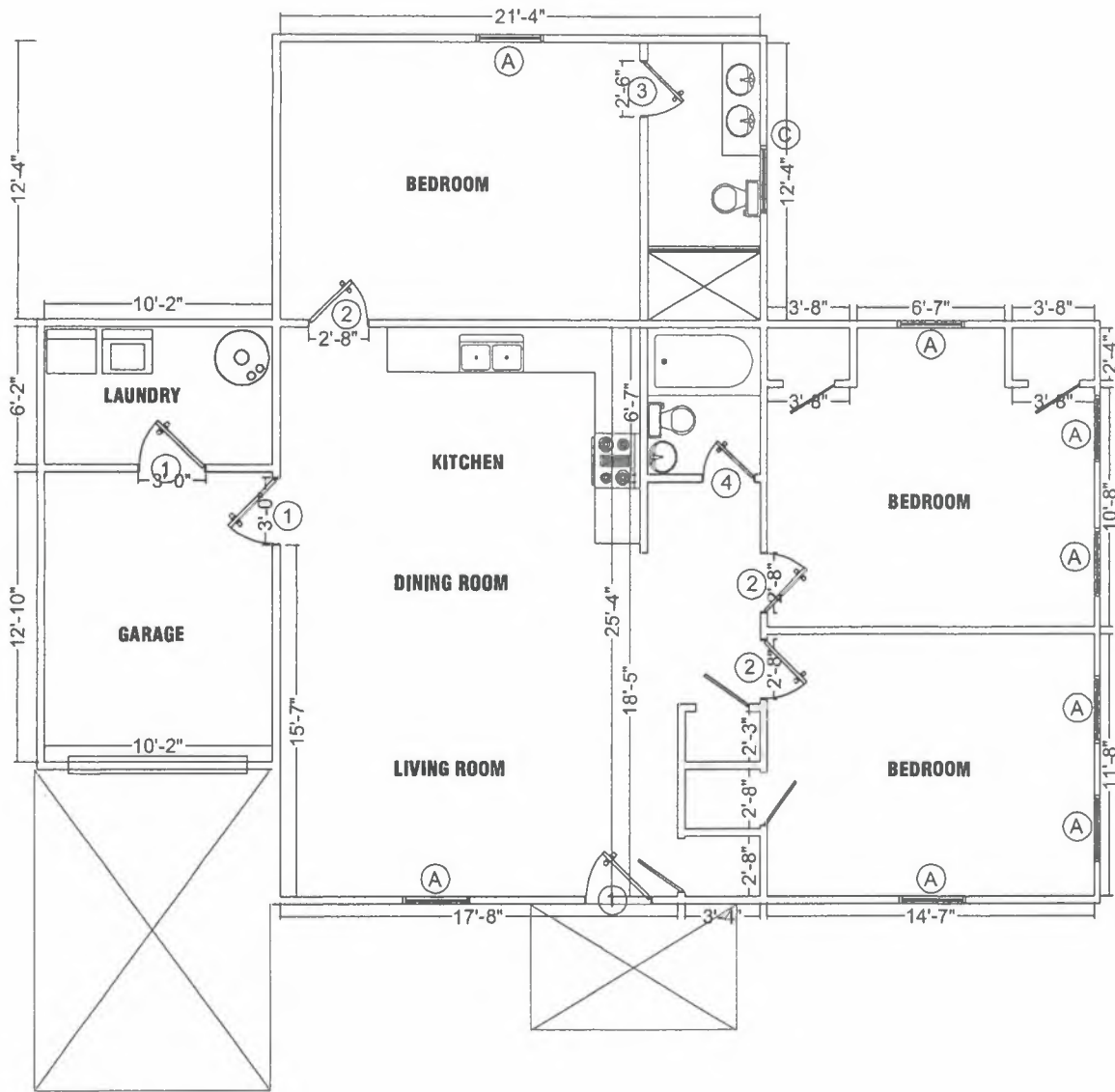
NOTE:  
BUILDER SHALL VERIFY  
ALL LOT DIMENSIONS,  
EASEMENTS & BUILDING  
LINES PRIOR TO COMMEN-  
CING CONSTRUCTION.

PROJECT:  
SALAZAR FAMILY  
NEW RESIDENCE ADDITION  
1416 S WAVERLY DRIVE,  
DALLAS, TEXAS  
03/03/2023

Scale:  
**1 TO 20**

**G-2**

SITE PLAN



*H. Repman*

WINDOW SCHEDULE		
TAG	SIZE	DESCRIPTION
A	3'-0" X 5'-0"	SG
B	3'-0" X 3'-0"	SG
C	3'-0" X 1'-0"	SG
D	2'-6" X 5'-0"	SG
E	2'-0" X 3'-0"	SG
F	4'-0" X 6'-0"	SG

S.G. = SINGLE HUNG GLASS  
 "U" Factor 0.25  
 SHGC 0.25  
 aluminum  
 low "E"

DOOR SCHEDULE		
TAG	SIZE	DESCRIPTION
1	3'-0" X 6'-8"	SC
2	2'-6" X 6'-8"	HC
3	2'-6" X 6'-8"	HC
4	2'-4" X 6'-8"	HC
5	2'-0" X 6'-8"	HC
6	6'-0" X 6'-8"	GSD
7	6'-0" X 6'-8"	M.S.D.
8	22.5" X 54"	AD

H.C. = HOLLOW CORE  
 S.C. = SOLID CORE  
 G.S.D. = GLASS SLIDING DOOR  
 M.S.D. = MIRROR SLIDING DOOR  
 A.D. = ATTIC DOOR

- NOTE**
- ALL CEILING TO BE 8' UNLESS NOTED.
  - BUILDER TO APPROVE & VERIFY ALL PLANS BEFORE CONSTRUCTION.
  - VERIFY ALL PLANS W/ LOCAL BUILDING CODES.
  - W.A. & W.V. TO BE IN ATTIC UNLESS OTHERWISE NOTED.
  - PROVIDE SHUT-OFF VALVE FOR ALL GAS APPLIANCES REFERENCE IRC SECTION 904.13.
  - ALL GLASS LOCATED WITHIN 18" OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 6" OF FLOOR AT BATHROOM, WINDYPOOLS, SHOWERS, SAUNAS, STEAM ROOM OR HOT TUBS SHALL BE TEMPERED. TO COMPLY W/ IRC SECTION 909.4.4.

**Green Building Program**

average flow rate for all lavatory faucets must be 2.0 g.p.m.  
 average flow rate for all showerheads must be 2.0 g.p.m.  
 average flow rate for all toilets must be 1.3 gallons per flush.  
 utilize energy star labeled dish washers  
 that use 6.0 gallons or less per cycle

**UPA**  
 Urban Planning & Architecture, L.P.  
 4200 Inwood Blvd. Suite 122317, Dallas, Texas 75248  
 214.662.3670  
 zszar@upaarch.com

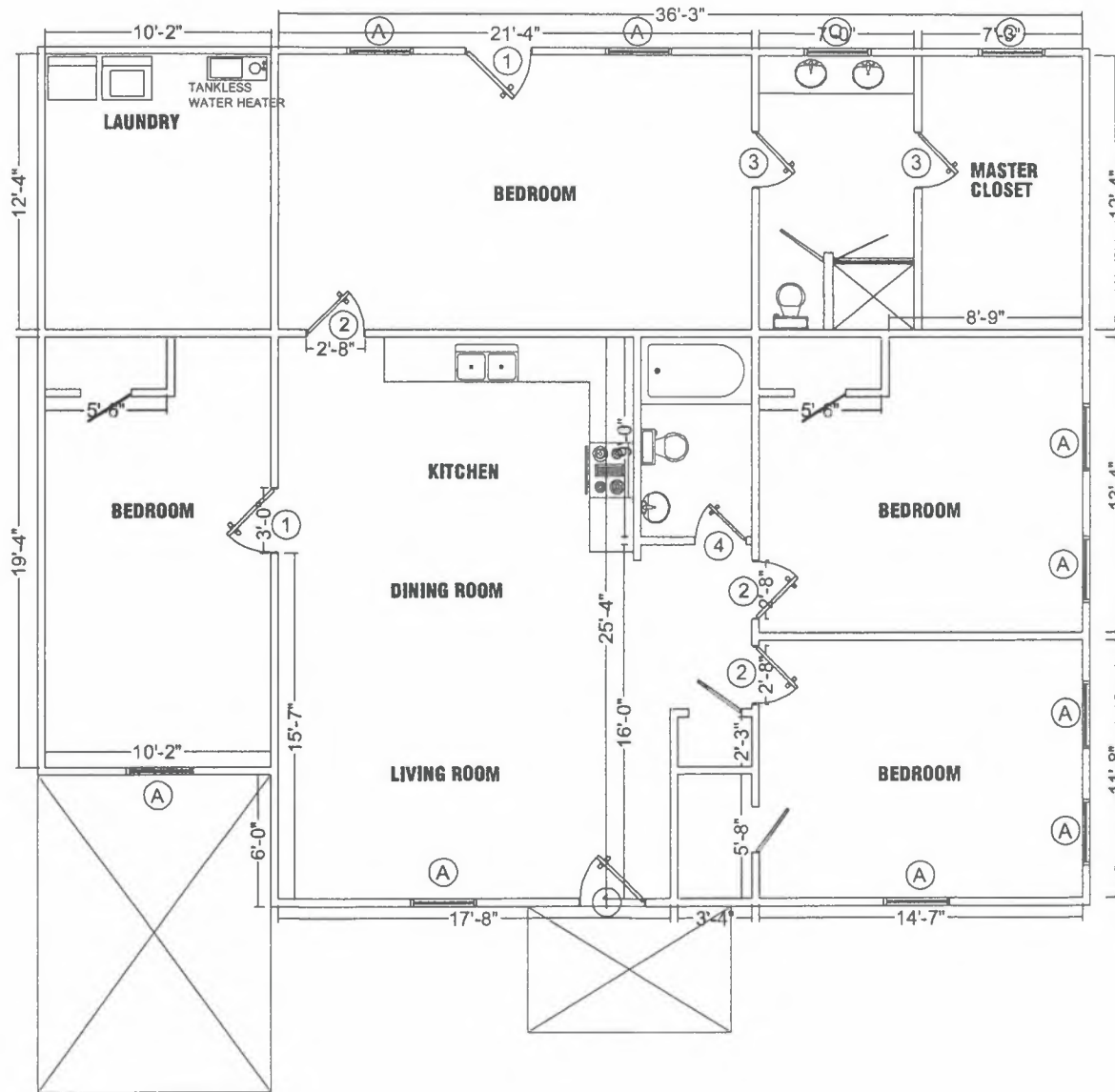
NOTE:  
 BUILDER SHALL VERIFY  
 ALL LOT DIMENSIONS,  
 EASEMENTS & BUILDING  
 LINES PRIOR TO COMMENCING CONSTRUCTION.

PROJECT:  
 SALAZAR FAMILY  
 NEW RESIDENCE ADDITION  
 1416 S WAVERLY DRIVE,  
 DALLAS, TEXAS  
 03/03/2023

Scale:  
 3/16" = 1'-0"

**A-1**  
 EXISTING  
 FLOOR PLAN

**BDA223-085**



*X Reference*

WINDOW SCHEDULE		
TAG	SIZE	DESCRIPTION
A	3'-0" X 5'-0"	SG
B	3'-0" X 3'-0"	SG
C	3'-0" X 1'-0"	SG
D	2'-6" X 5'-0"	SG
E	2'-0" X 3'-0"	SG
F	4'-0" X 6'-0"	SG

DOOR SCHEDULE		
TAG	SIZE	DESCRIPTION
1	3'-0" X 8'-8"	SC
2	2'-8" X 8'-8"	HC
3	2'-8" X 6'-8"	HC
4	2'-4" X 8'-8"	HC
5	2'-0" X 6'-8"	HC
6	6'-0" X 6'-8"	GSD
7	6'-0" X 6'-8"	MSD
8	22.5" X 64"	AD

S.B. = SINGLE HUNG GLASS  
 "U" Factor 0.25  
 SHGC 0.25  
 aluminum  
 low "E"

H.C. = HOLLOW CORE  
 S.C. = SOLID CORE  
 G.S.D. = GLASS SLIDING DOOR  
 M.S.D. = MIRROR SLIDING DOOR  
 A.D. = ATTIC DOOR

**NOTE**  
 1. ALL CEILINGS TO BE 8' UNLESS NOTED.  
 2. BUILDER TO APPROVE & VERIFY ALL PLANS BEFORE CONSTRUCTION.  
 3. VERIFY ALL PLANS W/ LOCAL BUILDING CODES.  
 4. W.R. & R.V.C. TO BE IN ATTIC UNLESS OTHERWISE NOTED.  
 5. PROVIDE SHUT-OFF VALVE FOR ALL GAS APPLIANCES REFERENCE IRC SECTION B3416.  
 6. ALL GLASS LEGATED WITHIN 18" OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 8" OF FLOOR AT BATHING, WIRHPOLLS, SHOWERS, SAUNAS, STEAM ROOM OR HOT TUBS SHALL BE TEMPERED TO COMPLY W/ IRC SECTION B308.4.4.

**Green Building Program**  
 average flow rate for all lavatory faucets must be 2.0 g.p.m.  
 average flow rate for all showerheads must be 2.0 g.p.m.  
 average flow rate for all toilets must be 1.3 gallons per flush.  
 utilize energy star labeled dish washers that use 6.0 gallons or less per cycle

**JPA**  
 JACOBO PEREZ ARCHITECTS | Planning | Consulting | Construction  
 4000 214.622.3470 | jpa@jpacpa.com  
 214.622.3470 | jpa@jpacpa.com

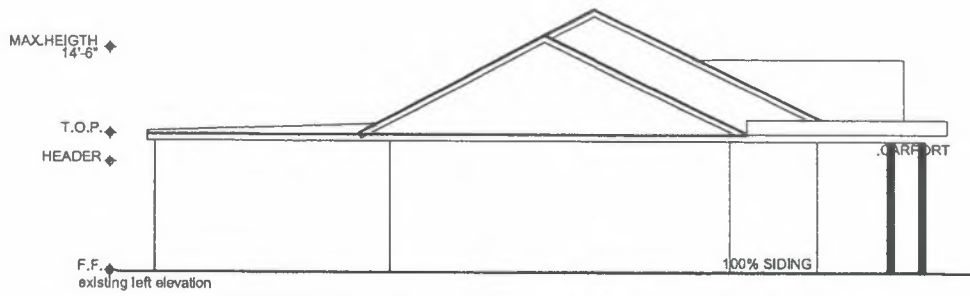
NOTE:  
 BUILDER SHALL VERIFY ALL LOT DIMENSIONS, EASEMENTS & BUILDING LINES PRIOR TO COMMENCING CONSTRUCTION.

PROJECT:  
 SALAZAR FAMILY  
 NEW RESIDENCE ADDITION  
 1416 S WAVERLY DRIVE,  
 DALLAS, TEXAS  
 03/03/2023

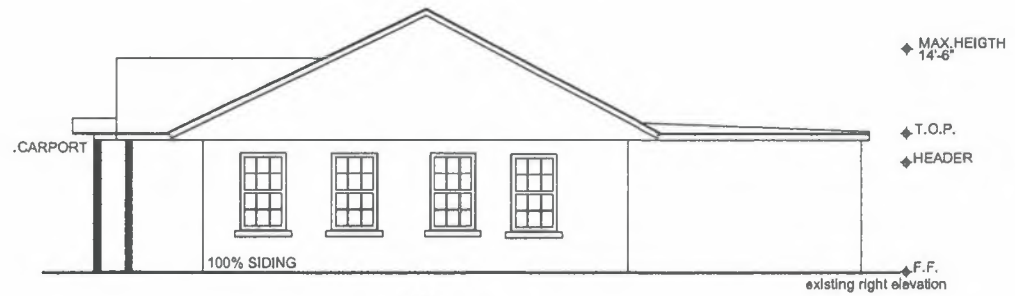
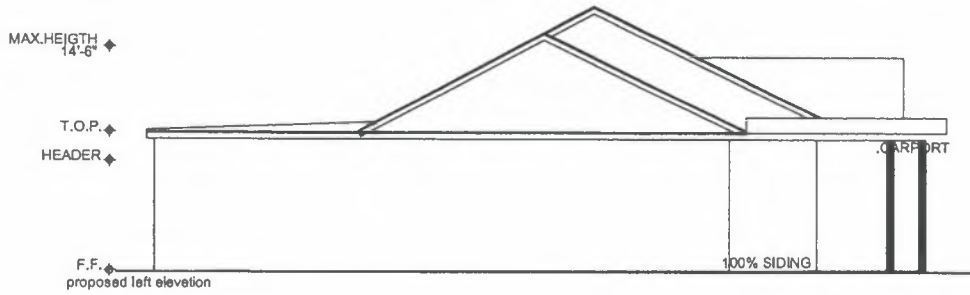
Scale:  
 1/8" = 1'-0"

**A-2**  
 FLOOR PLAN  
 PROPOSED

*BDA223-085*



\* Reference



**UPA**  
 urban planning | architecture | interior design  
 4001 W. LBJ Fwy, Suite 122517 | Irving, Texas 75038  
 214.635.5070 | [www.upa.com](http://www.upa.com)

NOTE:  
 BUILDER SHALL VERIFY  
 ALL LOT DIMENSIONS,  
 EASEMENTS & BUILDING  
 LINES PRIOR TO COMMENCING CONSTRUCTION.

PROJECT:  
 SALAZAR FAMILY  
 NEW RESIDENCE ADDITION  
 1416 S WAVERLY DRIVE,  
 DALLAS, TEXAS  
 03/03/2023

Scale:  
 1/8" = 1'-0"

**A-7**  
 ELEVATION  
 PLAN

*BDA223-085*

**FILE NUMBER:** BDA223-082 (KMH)

**BUILDING OFFICIAL'S REPORT** Application of James C. Shankle for (1) a special exception to the fence height regulations; (2) for a special exception to the fence opacity regulation; and (3) a special exception to the fence material standards at 10427 LENNOX LN. This property is more fully described as Block A/5532, Lot 1 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 2-inch high fence in a required front yard, which will require (1) a 2-foot 2-inch special exception to the fence regulations; 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 (2) a special exception to the fence opacity regulations, and to construct a fence using a prohibited material, which will require (3) a special exception to the fence material regulations.

**LOCATION:** 10427 Lennox Ln

**APPLICANT:** James C. Shankle

**Represented by:** Mark Palmer

**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence opacity regulations; and
- (3) A special exception to the fence material regulations.

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

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.



**STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY and MATERIAL STANDARD REGULATIONS:**

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations 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 any special exceptions to the fence regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

**BACKGROUND INFORMATION:**

**Zoning:**

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 with single-family uses.

**BDA History:**

No BDA history found within the last 5 years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The purpose of this request is for a special exception to the fence regulations of 4-foot fences on constructing and/or maintaining an 6-foot 2-inch high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line. The applicant also proposes to construct a fence using prohibited materials.
- The subject site and surrounding properties are zoned R-1ac (A).
- 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 Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line. Additionally, the Dallas Development Code prohibits the

following material for fence materials: sheet metal, corrugated metal, fiberglass panels, plywood, plastic materials, barbed wire and razor ribbon.

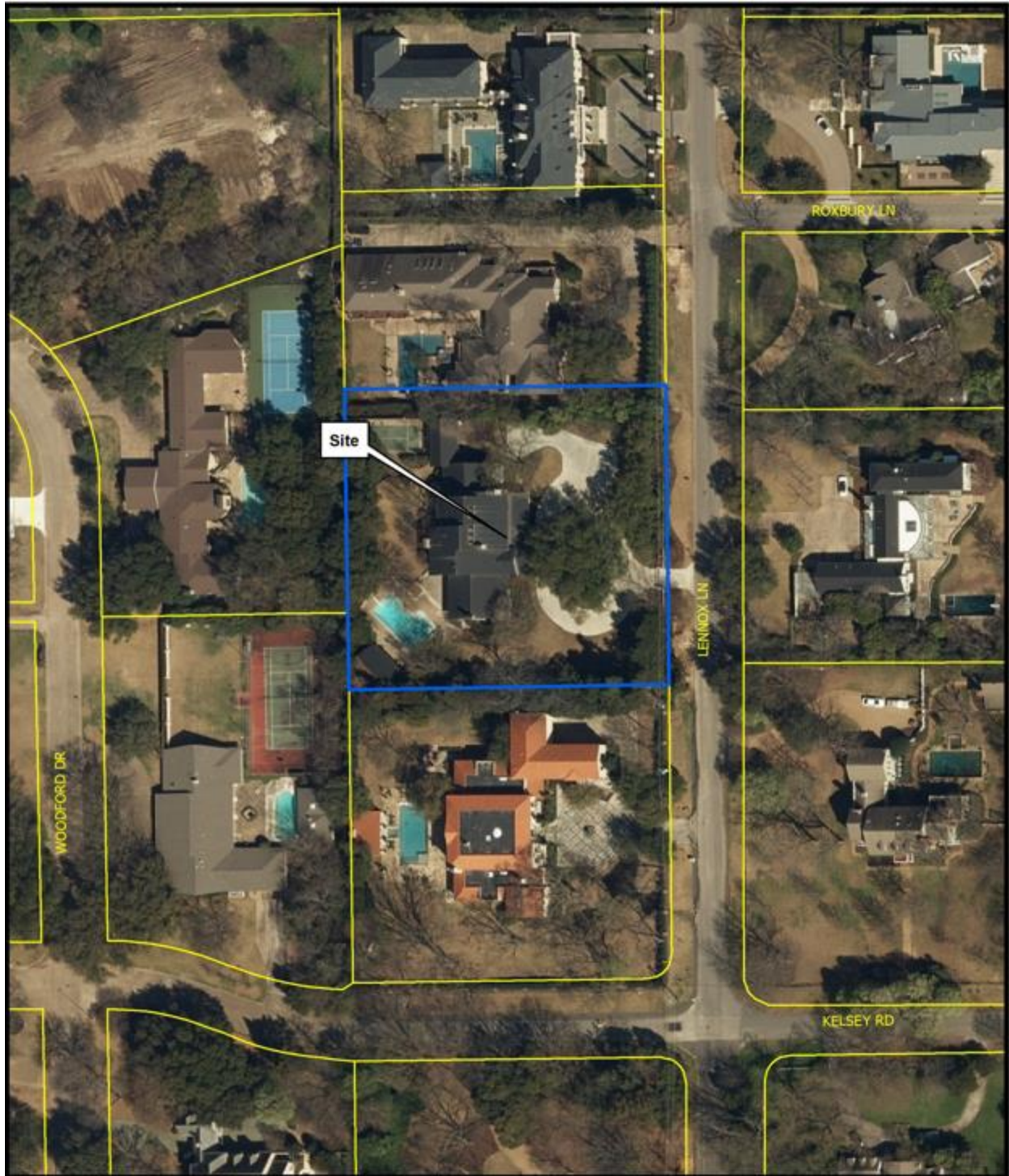
- As gleaned from the submitted site plan and elevations, the applicant is proposing 6-foot 2-inch high fence in the front yard along Lennox Lane.
- The proposed fence materials appear to be that of solid stone and/or masonry materials.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 6-feet 2-inches and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

**Timeline:**

- July 7, 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.
- July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- August 2, 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 August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 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.
- August 21, 2023: The applicant provided documentary evidence.
- August 29, 2023: The Development Services Engineer provided a response sheet with no comments.

August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September 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 Attorney to the Board, the Senior Planner and Code Compliance staff.

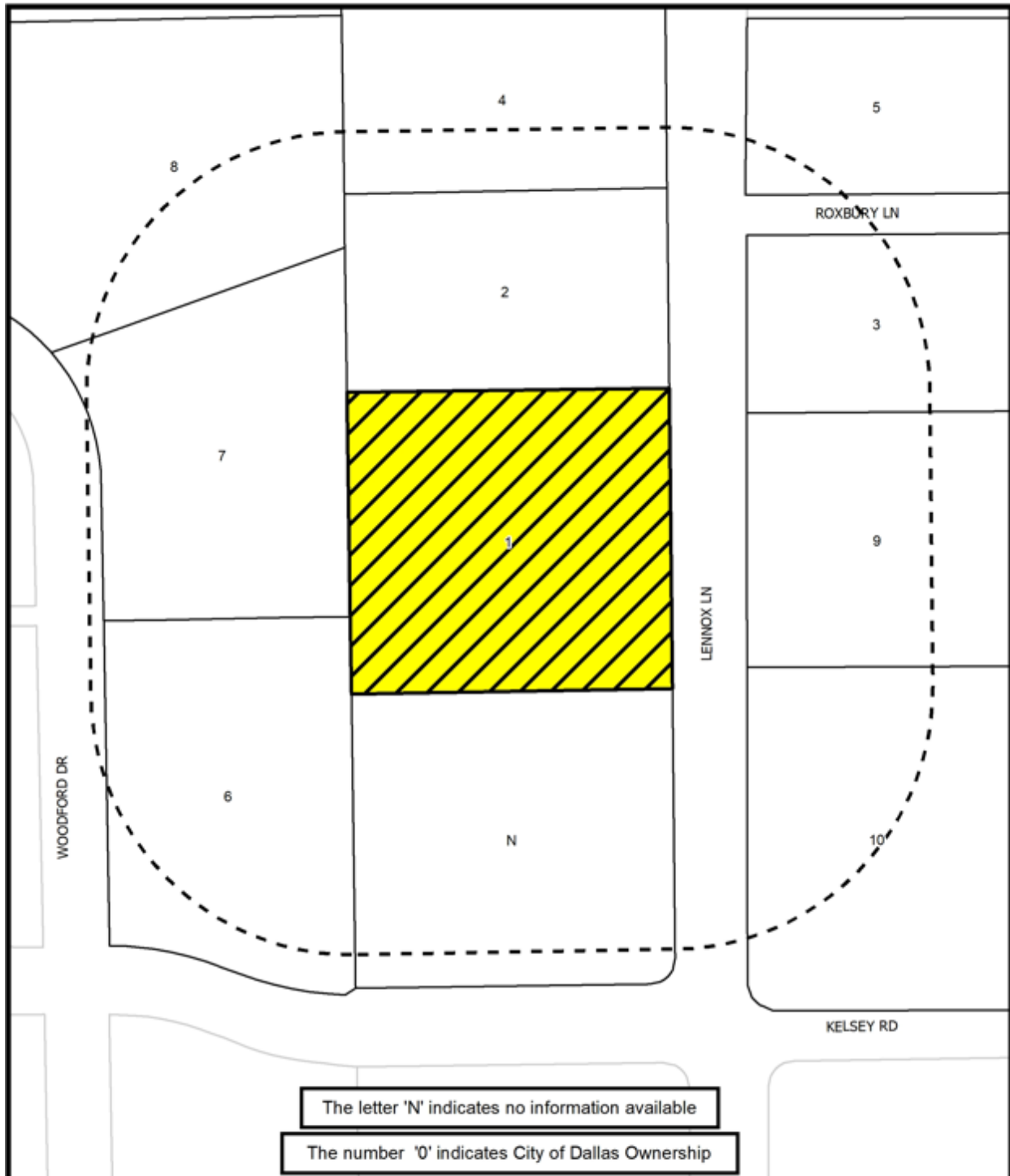


1:1,200

# AERIAL MAP

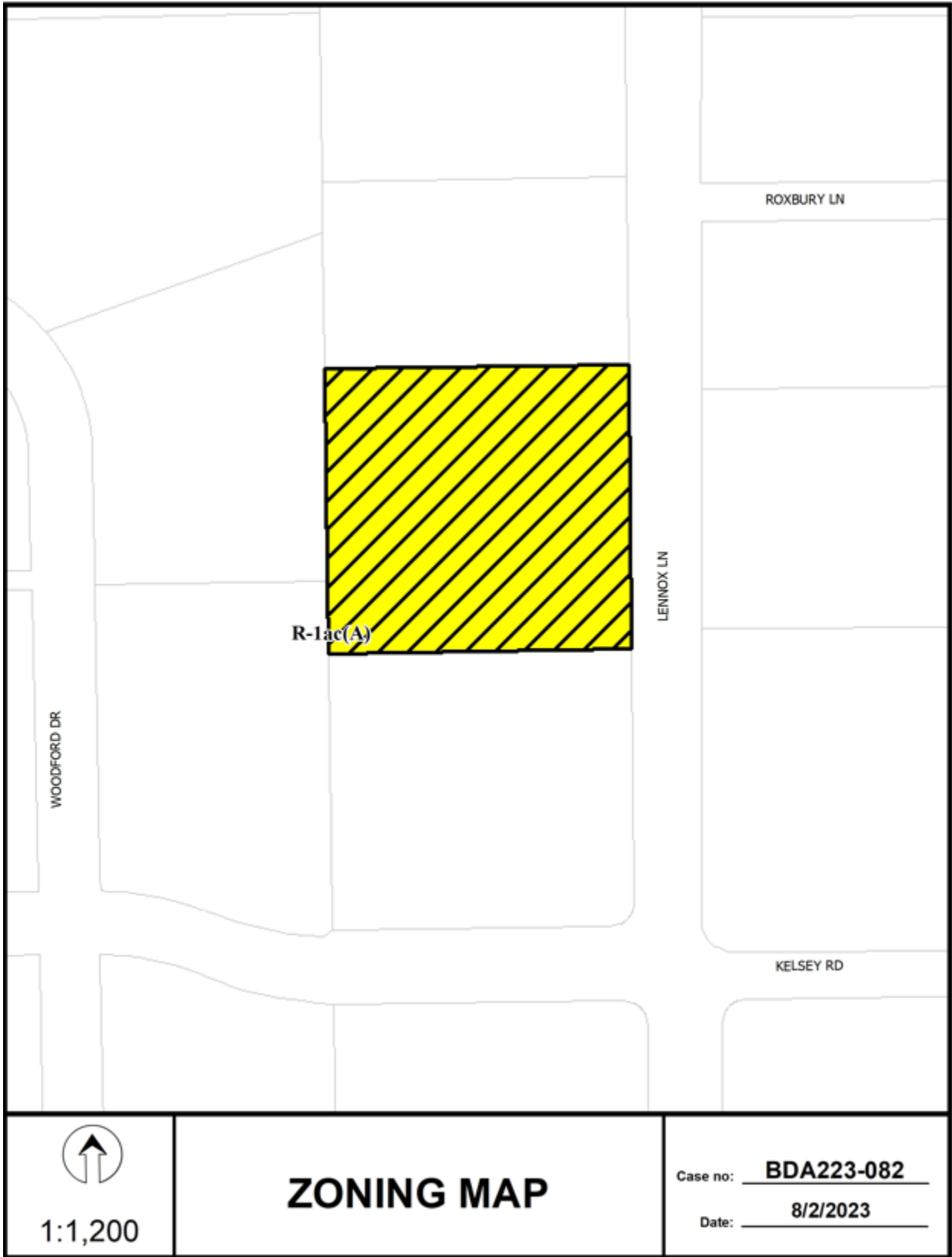
Case no: BDA223-082

Date: 8/2/2023



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA223-082</u> Date: <u>8/2/2023</u>
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					





1  
08/02/2023

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

***BDA223-082***

***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10427 LENNOX LN	KANEWSKE JOHN & LATHRESEA
2	10443 LENNOX LN	CHAUDHRY SHAHZAD
3	10446 LENNOX LN	TAFF THOMAS D TR &
4	10453 LENNOX LN	SQUIRES RICHARD & PAMELA
5	10458 LENNOX LN	EMMONS DAVID L &
6	10414 WOODFORD DR	SELINGER JERRY R &
7	10424 WOODFORD DR	STOUT MARK W & DAWN
8	10434 WOODFORD DR	ANEED ROY &
9	10434 LENNOX LN	RAWLINGS MICHAEL S
10	4701 KELSEY RD	SMITH LARRY V & ANDREA V

REVIEW COMMENT SHEET  
 BOARD OF ADJUSTMENT  
 HEARING September 19<sup>th</sup>, 2023 (A)

<input type="checkbox"/> Has no objections	<input type="checkbox"/> BDA 223-079(KMH)
<input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached)	<input type="checkbox"/> BDA 223-080(KMH)
Recommends that this be denied (see comments below or attached)	<input checked="" type="checkbox"/> BDA 223-081(KMH)
<input checked="" type="checkbox"/> No comments	<input checked="" type="checkbox"/> BDA223-082(KMH)
	<input checked="" type="checkbox"/> BDA223-083(KMH)
	<input checked="" type="checkbox"/> BDA223-085(KMH)
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

COMMENTS:

Cases marked do not  
involve Engineering  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

*Joseph Denman* / Engineer / DSD      Aug. 29, 2023  
 Name/Title/Department                      Date

**Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.**



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 203-082  
Date: JUL 07 2023

Data Relative to Subject Property: \_\_\_\_\_ Date: \_\_\_\_\_  
Location address: 10427 Lennox Lane Zoning District: Roxbury Park R-1A  
Lot No.: 1 Block No.: A/9532 Acreage: 1.27 Census Tract: \_\_\_\_\_  
Street Frontage (in Feet): 1) 222.5 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): James C Shankle and Territh Shankle  
Applicant: James C Shankle Telephone: 830-522-0993  
Mailing Address: 10427 Lennox Lane Dallas TX Zip Code: 75229  
E-mail Address: terrishankle29@yahoo.com  
Represented by: Mark Palmer Telephone: 214-725-7384  
Mailing Address: Same Zip Code: Same  
E-mail Address: Same

Affirm that an appeal has been made for a Variance  or Special Exception  of Front Fence  
Feet total 6'2" & less than 50% opening  
prohibited materials

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:  
Not affecting neighboring property

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

### Affidavit

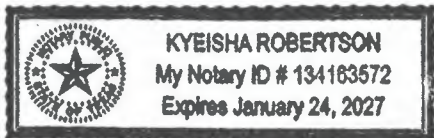
Before me the undersigned on this day personally appeared James C Shankle  
(Affiant/Applicant's name printed)

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: James C Shankle  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 6<sup>th</sup> day of July, 2023

Kyeisha Robertson  
Notary Public in and for Dallas County, Texas



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

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

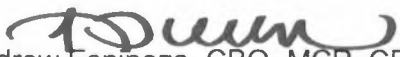
**I hereby certify that** James C Shankle

**did submit a request** for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations, and for (3) a special exception to the fence standards regulations

**at** 10427 Lennox Ln

BDA223-082(KMH) - Application of James C. Shankle for (1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standards; and (3) a special exception to the fence material standards at 10427 Lennox Ln. This property is more fully described as Block A/5532, Lot 1 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 not be located less than 5-feet from the front-lot line; and prohibits the use of certain materials for a fence. The applicant proposes to construct a 6-foot 2- inch high fence in a required front-yard, which will require (1) a 2-foot 2-inch special exception to the fence height 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 (2) a special exception to the fence opacity regulations; and to construct a fence using a prohibited material, which will require (3) a special exception to the fence material regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA





AFFIDAVIT

Appeal number: BDA 223-082

I, Terri H. Shankle, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10427 Lonnox Lane Dallas Texas 75229  
(Address of property as stated on application)

Authorize: James C. Shankle  
(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: Front Fence 6'2" and less than 50% open

Terri H. Shankle  
Print name of property owner or registered agent

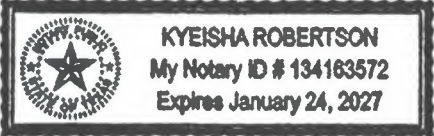
Terri H. Shankle  
Signature of property owner or registered agent

Date 07/06/2023

Before me, the undersigned, on this day personally appeared Terri H. Shankle

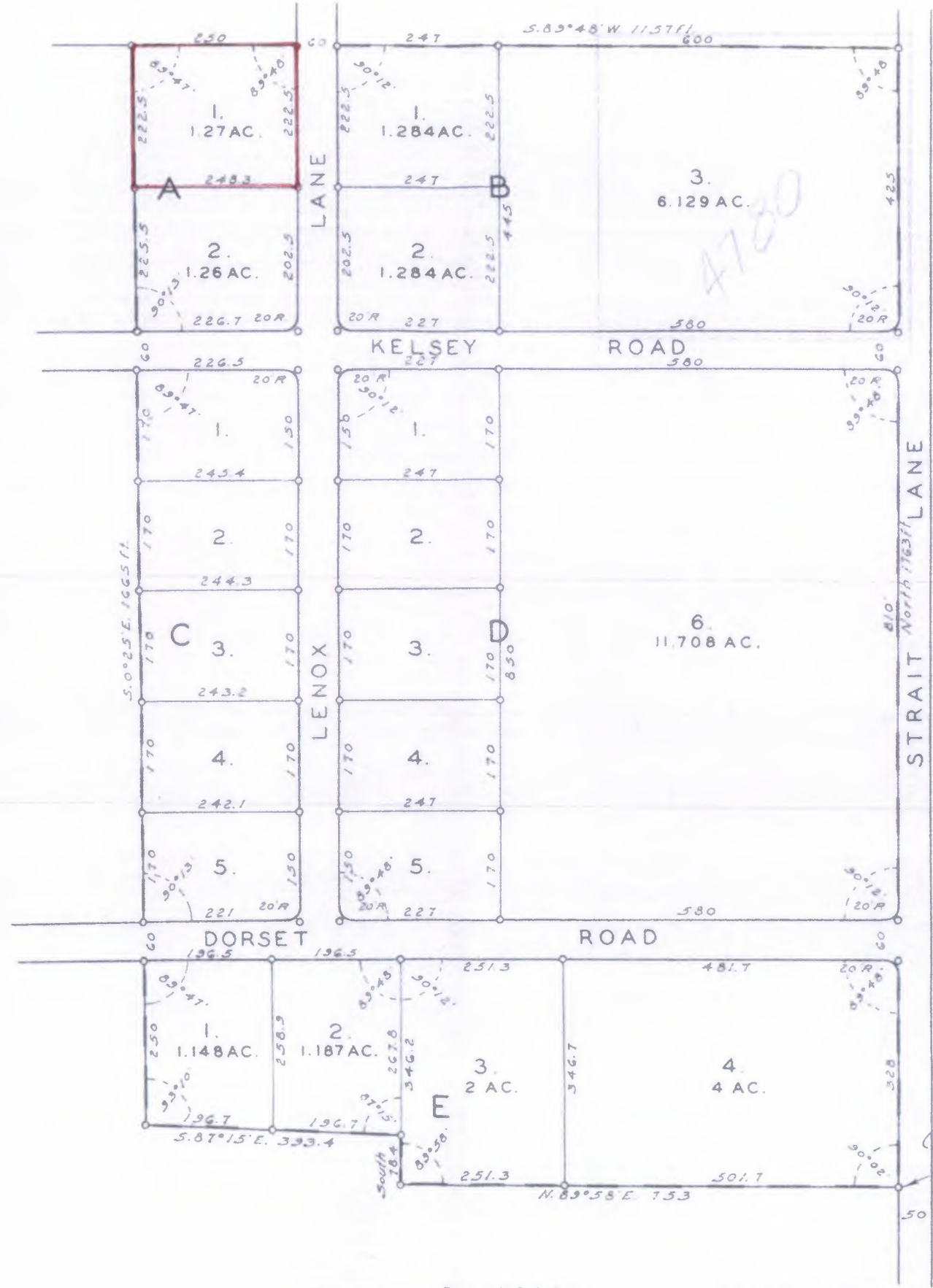
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 6th day of July, 2023



Commission expires on 01/24/2027

TRUE NORTH



— = BOUNDARY  
 o = IRON PIPE

SCALE 1"=100'  
 SCALE REDUCED TO 1"=200'

1150 FT. WEST AND 1105 FT. NORTH  
 OF SOUTH EAST CORNER OF E.M. FORTNER SUR.  
 WALNUT HILL ROAD IS SOUTH LINE OF FORTNER SUR.  
 WEST LINE INWOOD ROAD IS EAST LINE OF FORTNER SUR.



# 10427 Lennox Lane

Being Lot 1 in Block A/5532 of Roxbury Park, an Addition to the City of Dallas, Texas, according to the Map Recorded in Volume 5, Page 148 of the Map Records of Dallas County, Texas.



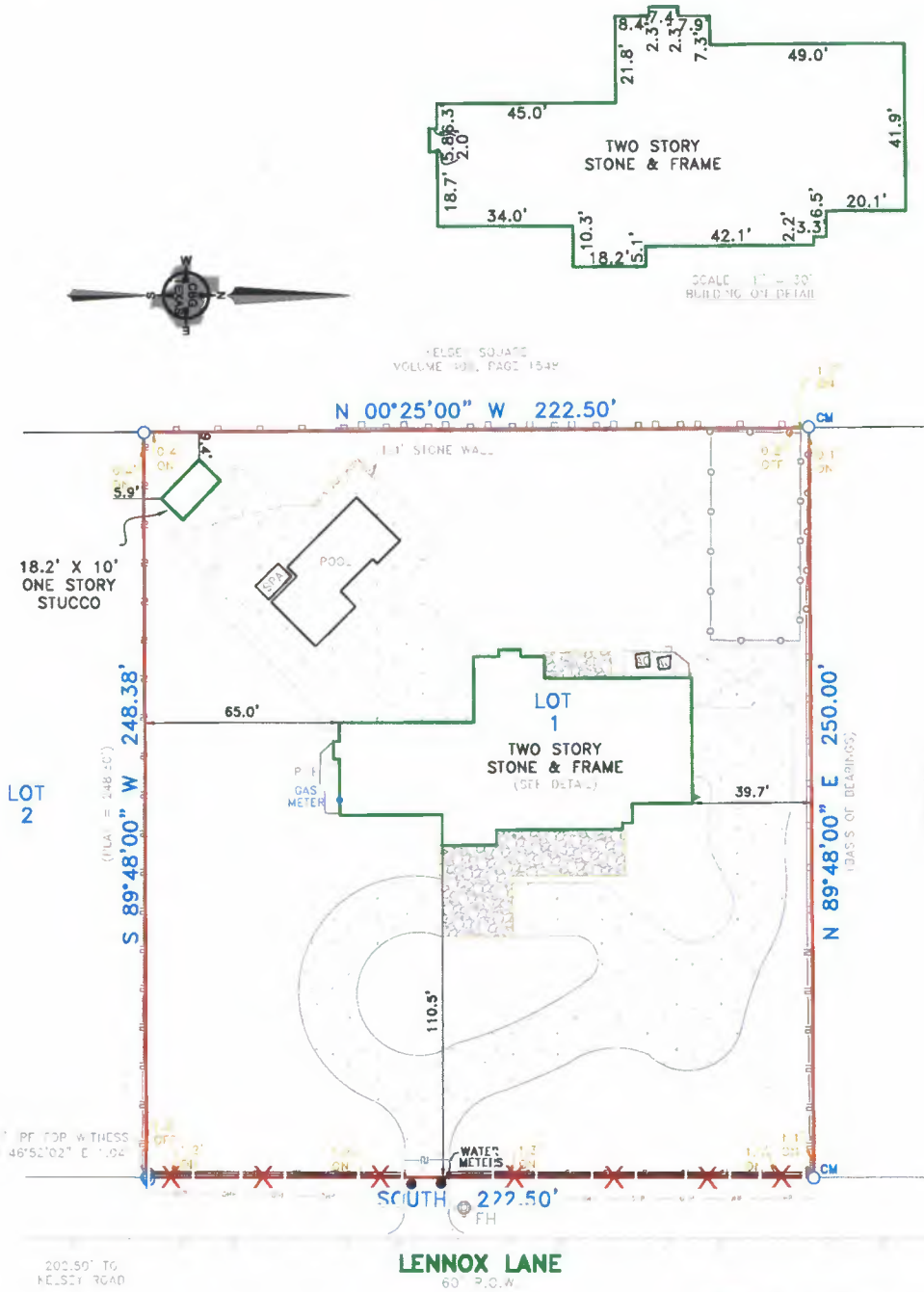
TEXAS PREMIER TITLE

### LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1" PIPE FOUND
- ⊗ 1" PIPE FOUND/SET
- ⊗ 3/8" ROD FOUND
- ⊗ 5/8" ROD FOUND
- ◆ POINT FOR CORNER
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- II— IRON FENCE
- X— BARBED WIRE
- DOUBLE SIDED WOOD FENCE
- A— EDGE OF ASPHALT
- G— EDGE OF GRAVEL
- CONCRETE
- COVERED AREA
- BRICK
- STONE



WELSH SQUARE VOLUME 198, PAGE 154E



SCALE 1" = 30'  
BUILDING OF DETAIL

*BDA223-082*

### EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN VOL. 5, PG. 148

### NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113C0190K, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Texas Premier Title Company. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: RBR/JLM

Scale: 1" = 40'

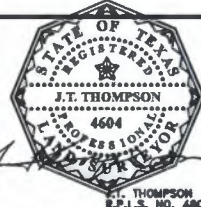
Date: 09/15/2020

GF No.: 8752990

Job No. 2017373

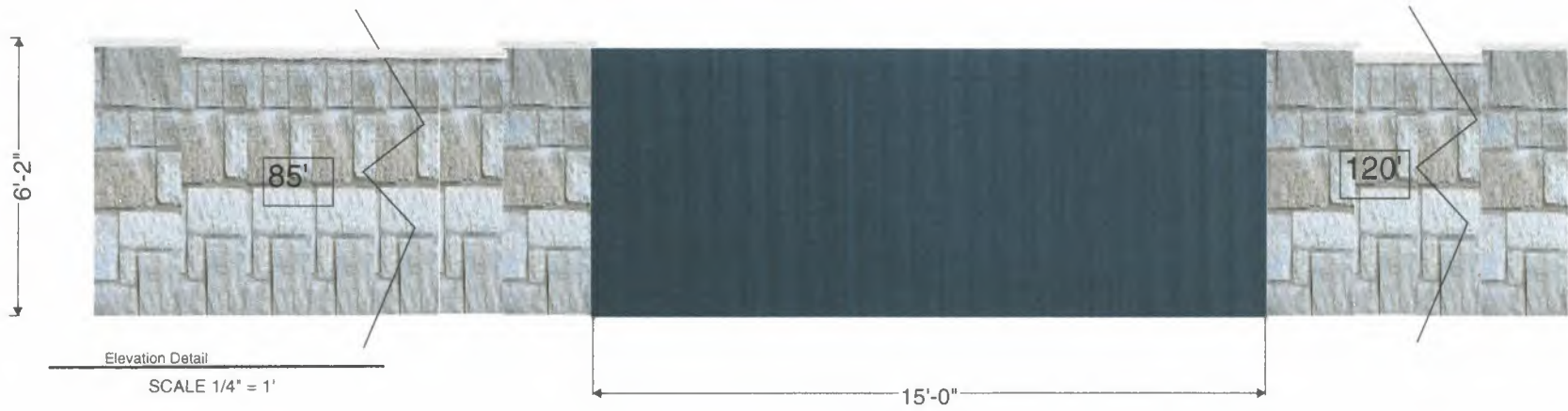


12025 Shiloh Road, Ste. 240  
Dallas, TX 75228  
P 214.349.9485  
F 214.349.2218  
Firm No. 10168500  
www.abgtitle.com



Date: \_\_\_\_\_ Accepted by: \_\_\_\_\_  
 Purchaser \_\_\_\_\_  
 Purchaser \_\_\_\_\_





EXTERIOR MATERIALS	
	
MT-01	CB-01
	
	ST-01