

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL C
MONDAY, NOVEMBER 15, 2021

BRIEFING: 11:00 a.m. via **Videoconference and in 6ES**, Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via **Videoconference and in 6ES**, Dallas City Hall, 1500 Marilla Street

* The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, should register online at <https://form.jotform.com/210907944450153> or contact the Planning and Urban Design Department at 214-670-4209 **by the close of business Friday, November 12, 2021. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallasty or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/BDA111521>

Purpose: To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

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."



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL C
MONDAY, NOVEMBER 15, 2021
AGENDA

BRIEFING: **11:00 a.m.** via **Videoconference** and in **6ES**, Dallas City Hall,
1500 Marilla Street

HEARING: **1:00 p.m.** via **Videoconference** and in **6ES**, Dallas City Hall,
1500 Marilla Street

Andreea Udrea, PhD, AICP, Assistant Director (Interim)
Jennifer Muñoz, Chief Planner/Board Administrator
Pamela Daniel, Senior Planner
LaTonia Jackson, Board Secretary

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

Approval of the October 18, 2021 Board of Adjustment Panel C Public Hearing Minutes	M1
Approval of the 2022 Board of Adjustment Calendar	M2
Approval of the 2022 Board of Adjustment Schedule	M3

BDA201-W01(JM) 6401 Richmond Ave. M4
REQUEST: Application of Jeff Baron for a waiver of the two-year waiting period to submit a board application on the same or related request

UNCONTESTED CASE(S)

BDA201-100(PD) 1609 Houghton Rd. 1
REQUEST: Application of Frank P. Moscrey for a special exception to the fence standards regulations.

BDA201-105(PD) 5532 Park Lane 2
REQUEST: Application of Karl Crawley of Masterplan Texas for a special exception to the fence height regulations.

BDA201-107(PD) 8656 Forest Hills Blvd. 3
REQUEST: Application of Larry Nickell for a special exception to the single-family use regulations and variances to the side yard setback regulations and to the building height regulations.

BDA201-111(JM) 5005 Denton Drive 4
REQUEST: Application of Raymond Bronner for a variance to the front yard setback regulations.

REGULAR CASES

None.

HOLDOVERS

BDA201-092(PD) 10645 Lennox Lane 5
REQUEST: Application of Danielle Mathews of Masterplan Texas for a special exception to the fence height regulations.

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA201-W01

BUILDING OFFICIAL'S REPORT: Application of Jeff Baron for a waiver of the two-year waiting period to submit a board application on the same or related request per Section 51A-4.703(e) regarding variances to the side yard setback regulations at 6401 Richmond Avenue. This property is more fully described as Part of Lot 15, Block B/2788 and is zoned Tract III within Conservation District No. 2. On Monday, June 21, 2021, Panel B approved variances to the side and cornerside yard setback regulations to permit construction of a proposed single-family dwelling unit.

LOCATION: 6401 Richmond Avenue

APPLICANT: Jeff Baron

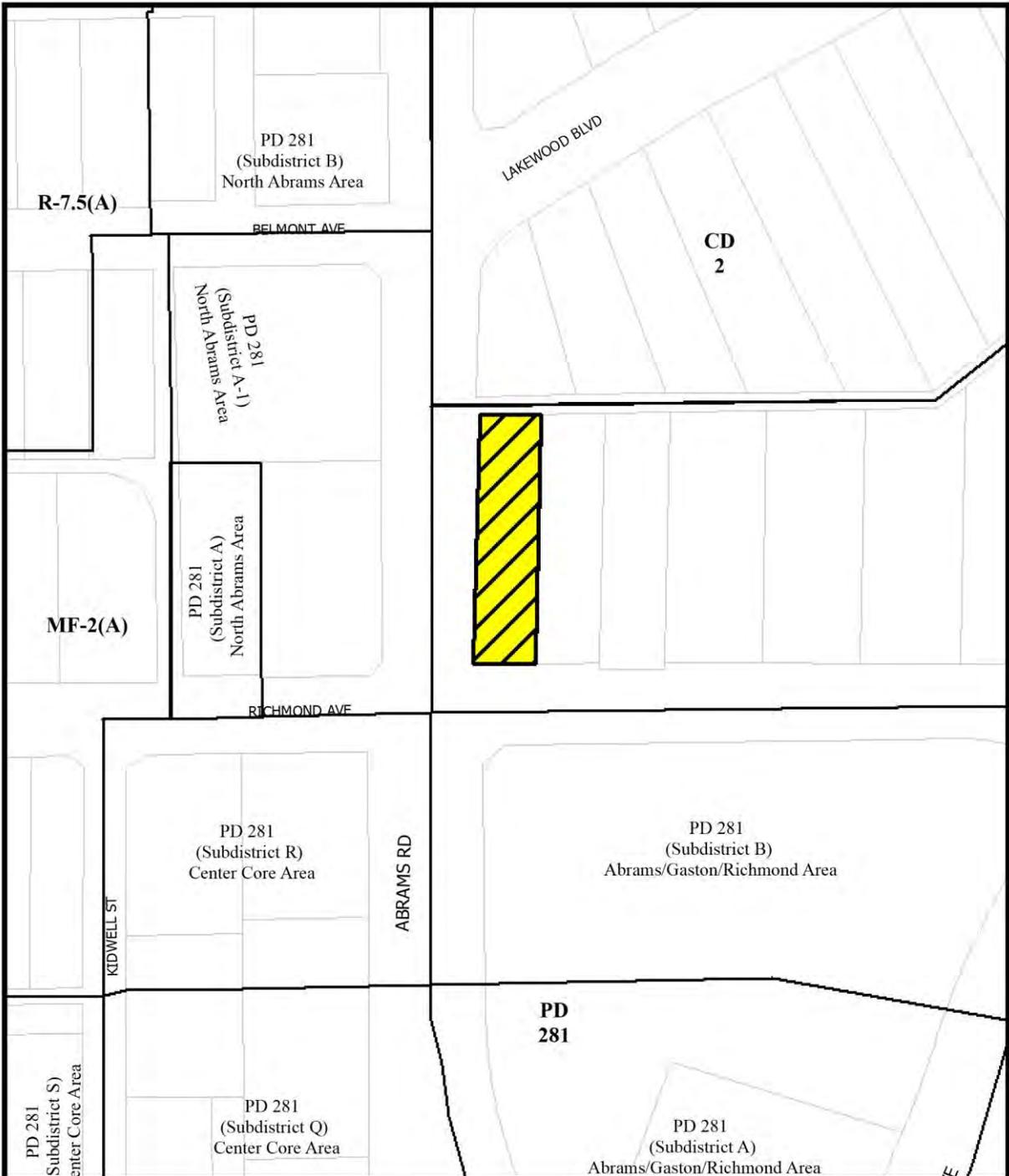
REQUESTS:

The applicant requests a waiver of the two-year waiting period due to the discovery of additional right-of-way dedication needed for Abrams Road. Section 51A-4.402(2) states that the setback will be taken from the greater of either the property line or right-of-way line. This discovery further restricts the area and imposes upon the granted one-foot variance along the west side of the property. The applicant would like to reapply for a larger cornerside yard setback variance to cover the increased right-of-way circumstance and allow for the development of the site as previously requested.

STANDARD FOR A WAIVER:

(e) Two year limitation.

- (1) Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.
- (2) If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- (3) The applicant may apply for a waiver of the two year limitation in the following manner:
 - (A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.



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ZONING MAP

BDA201-FW04

Case no: _____

Date: 5/21/2021



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AERIAL MAP

BDA201-FW04

Case no: _____

Date: 5/21/2021

September 24, 2021

To Whom It May Concern:

I am writing to request a time waiver for board case BDA 201-052 which was approved June 24, 2021.

We requested a variance to the side yard setback to meet the required building width as outlined in the Lakewood Conservation District for Tract III. Our lot is 50' wide and the required building width in tract III is 40'. We were granted a 10' variance to the 15' side yard setback. Upon Zoning review as part of the permit process ordinance 4791 filed February 4th, 1929 in commissioner court record identified a 3' right of way along Abrams road. According to Section 51A-4.402, setbacks are taken from the greater of the property line or a right of way line established by ordinance. To Satisfy the conservation districts requirements to have a 40' minimum width, we would need to request a 13' Variance to the west Side yard setback. We are not proposing to move the house in any way, the verbiage of the request was in correct since the provision listed in Section 51A-4.402 was not taken into consideration at the time of our previous request.

I appreciate your consideration in the matter and available to answer any questions.

Thank you,



Jeff Baron

SEC. 51A-4.402. MINIMUM SIDE YARD.

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.

(A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line.

FILE NUMBER: BDA201-100 (PD)

BUILDING OFFICIAL'S REPORT: Application of Frank Moscrey for a special exception to the fence standards regulations at 1609 Houghton Road. This property is more fully described as Lot 6, Block 29/6237, and is zoned an R-7.5(A) Single Family District, which prohibits the use of certain materials. The applicant proposes to construct and maintain a six-foot-high fence in a required side and rear yard utilizing prohibited materials which will require a special exception to the fence standards regulations regarding materials.

LOCATION: 1609 Houghton Road

APPLICANT: Frank Moscrey

REQUEST:

The applicant is seeking to install a six-foot-high fence using prohibited steel metal sheet material (corrugated metal) on the fence and sliding gate on a property currently developed with an approximately 1,246-square-foot single-family dwelling constructed in 1954.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-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 is currently developed with a single-family dwelling. Surrounding properties to the north, east, south, and west are developed with single-family dwellings as well.

Zoning/BDA History: There have been two related board cases in the vicinity within the last five years.

1. **BDA201-FW3:** On August 16, 2021, Board of Adjustment Panel C granted a fee waiver request for a special exception to the prohibited fence materials regulations at 1609 Houghton Road. ****subject site****
2. **BDA167-089:** On August 16, 2017, Board of Adjustment Panel B granted a special exception to the side yard setback regulations for a carport at 7323 Barney Street.

GENERAL FACTS/STAFF ANALYSIS:

The property is currently developed with an approximately 1,246-square-foot, one-story single-family dwelling. The applicant proposes to construct and maintain a six-foot-high fence made of steel metal sheet material (corrugated metal) with one steel sliding gate along the side yard and rear yard of the property.

Section 51A-4.602(9)(B) states that except as provided in this subsection, the following fence materials are prohibited:

- (A) Sheet metal;
- (B) Corrugated metal;
- (C) Fiberglass panels;
- (D) Plywood;
- (E) Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
- (F) Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and,
- (G) Barbed wire and razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.

The following information is shown on the submitted survey plat/site plan:

- The proposed fence consisting of a sliding steel metal gate is located along the side yard and rear yard setbacks.
- The proposed six-foot-high fence extends 87 linear feet along the side yard setback then 62.5 linear feet along the rear yard which fronts along an unimproved alley.

- The fence is proposed to be constructed of steel sheet metal more commonly known as corrugated metal.

As of November 5, 2021, four letters have been submitted in support of the request and no letters have been submitted in opposition of the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to materials located on Houghton Road will not adversely affect neighboring properties.

Granting the special exception to the fence standards related to materials would require the proposal to be maintained in the locations, heights and materials as shown on the survey plat/site plan and elevation plan.

Staff conducted a site visit of the subject site and surround area and noted several other fences constructed of prohibited materials along Houghton Road and adjacent streets such as Fresno Street, Amy Street, and Barney Street, many of which do not have recorded BDA history (**Attachment A**).

Additionally, the representative provided evidence (**Attachment A**) to staff which contains more than 40 photographs of properties containing prohibited fence materials within the vicinity of the subject property that have not been granted special exceptions to the fence standard regulations.

Timeline:

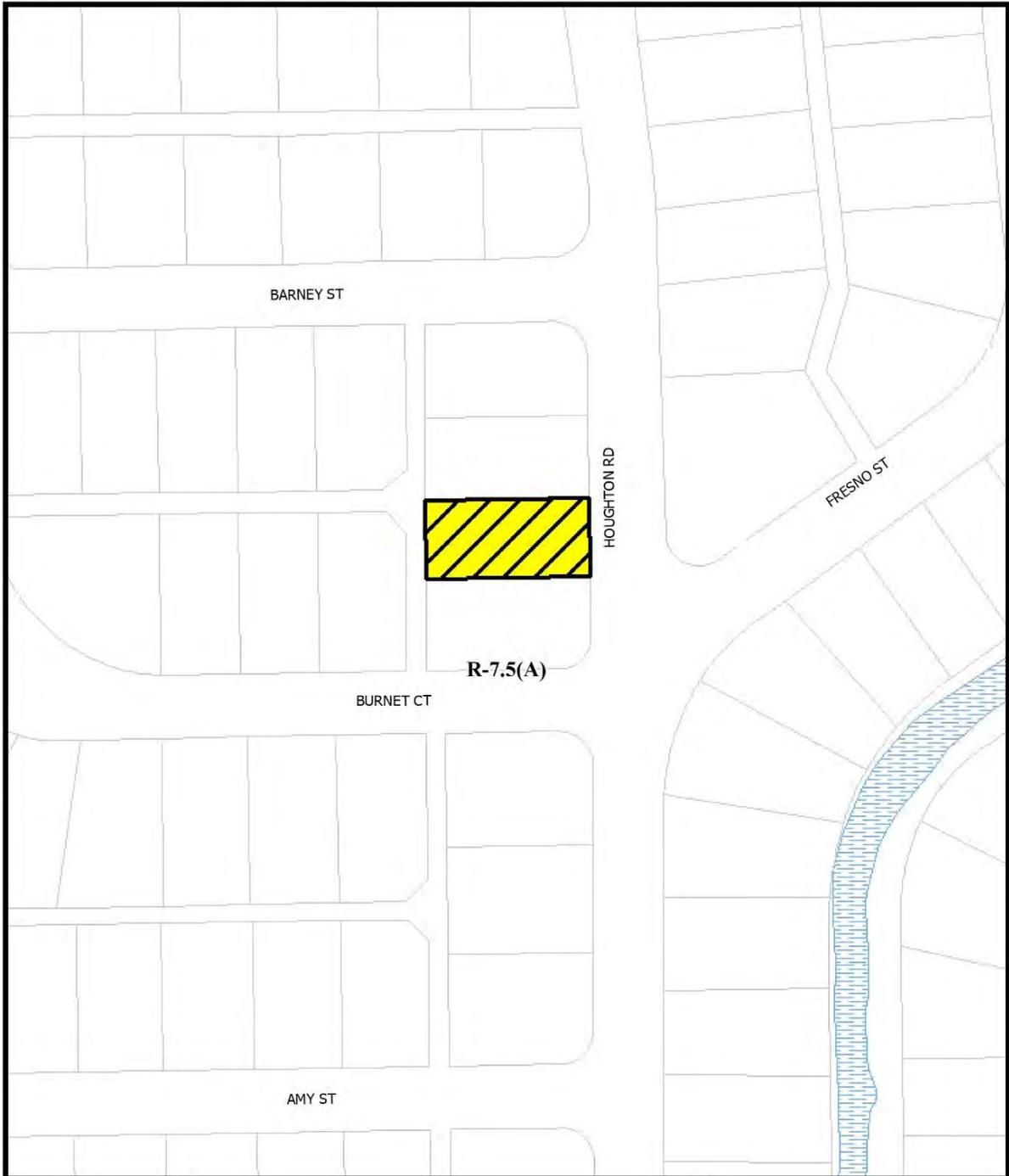
- August 24, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- Aug. 24, 2021: The representative submitted evidence to staff (**Attachment A**).
- October 12, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- October 14, 2021: The Board Senior Planner emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the October 26, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the November 5, 2021 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.

Oct. 29, 2021:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

No staff review comment sheets were submitted with this request.

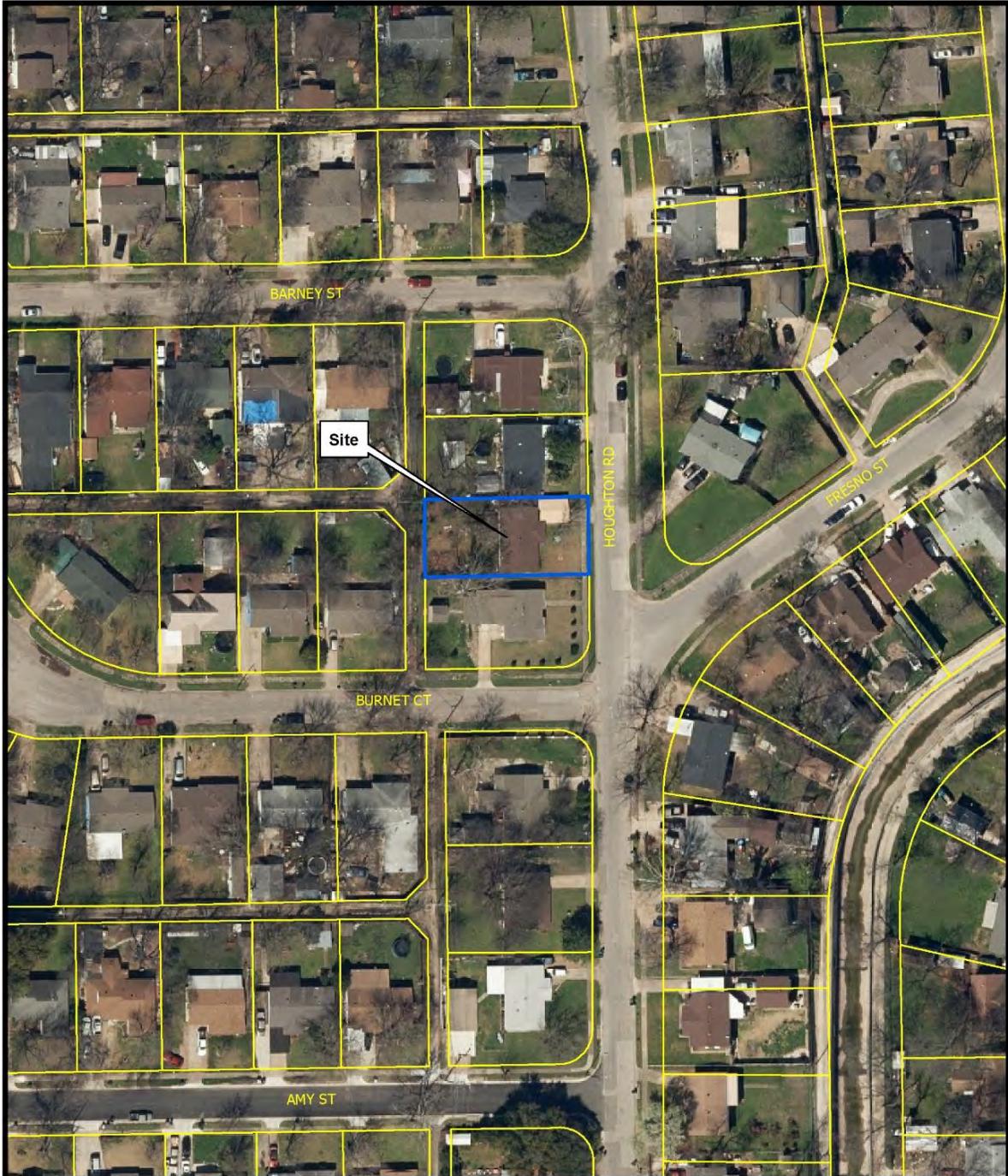


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ZONING MAP

Case no: BDA201-100

Date: 10/27/2021

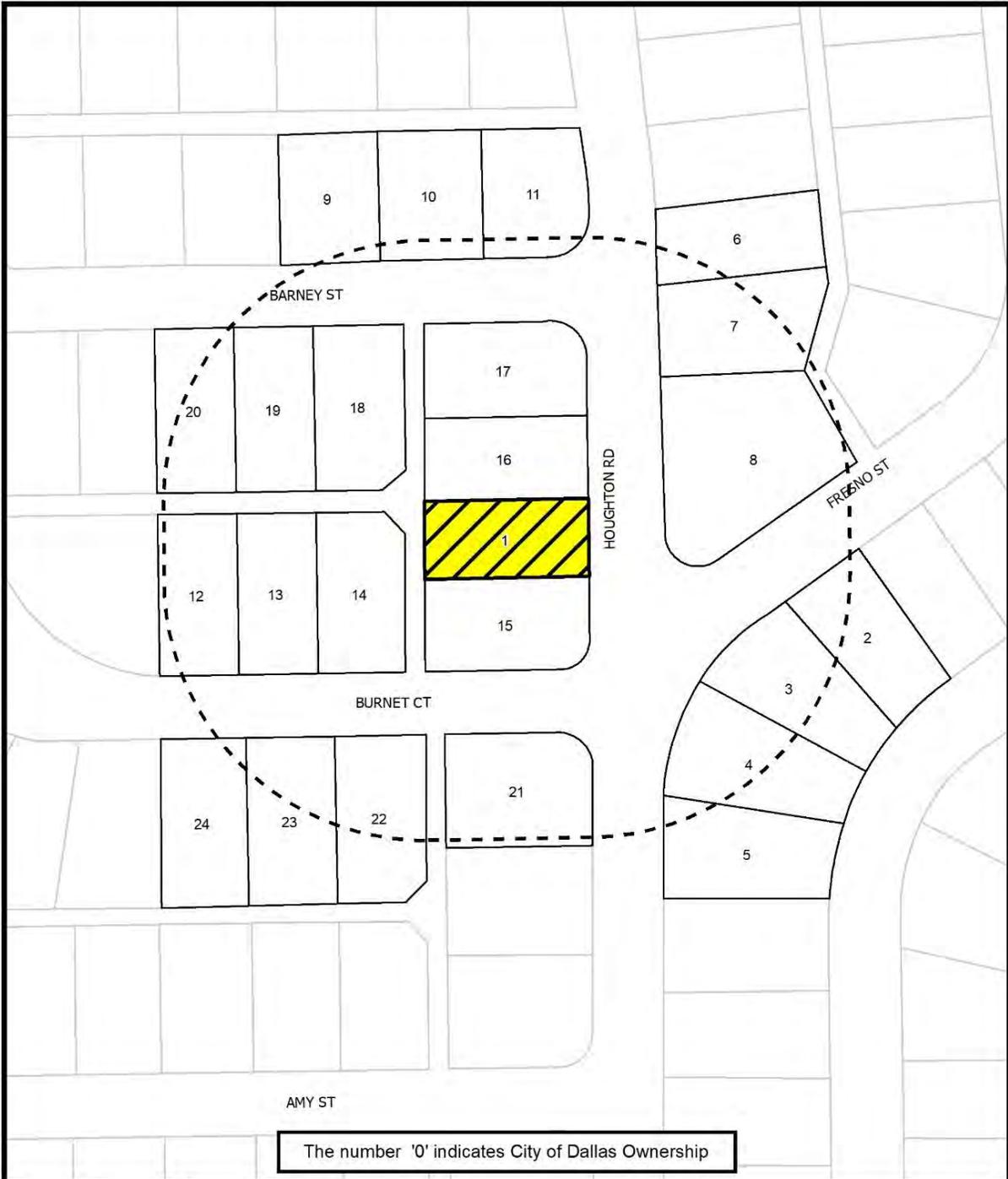


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AERIAL MAP

Case no: BDA201-100

Date: 10/27/2021



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NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-100**
 Date: **10/27/2021**

10/26/2021

Notification List of Property Owners

BDA201-100

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1609 HOUGHTON RD	MOSCREY FRANK P JR ETAL
2	1610 FRESNO ST	CERDA JOSE MIGUEL
3	1602 FRESNO ST	HUBBARD THOMAS ALBERT
4	1550 HOUGHTON RD	GALVAN ELISEO
5	1546 HOUGHTON RD	SAUCEDO AQUESTIN &
6	1620 HOUGHTON RD	HERNANDEZ ARMANDO &
7	1614 HOUGHTON RD	CASTRO ESPERANZA
8	1610 HOUGHTON RD	AGUAYO MARIO
9	7323 BARNEY ST	GIL JUAN
10	7329 BARNEY ST	PORTILLO VICENTE
11	7335 BARNEY ST	VENEGAS MARCELO
12	7311 BURNETT CT	HERNANDEZ SALVADOR A &
13	7315 BURNETT CT	LIMONES JUAN
14	7321 BURNETT CT	LIMONES JUAN F &
15	1603 HOUGHTON RD	MARTINEZ ERAQUIO GARCIA
16	1615 HOUGHTON RD	VELA MARICELA &
17	1619 HOUGHTON RD	AGUILAR CLAUDIA BERENICE HERNANDEZ &
18	7322 BARNEY ST	MARTINEZ CRUZ &
19	7318 BARNEY ST	CORTEZ FABIOLA
20	7314 BARNEY ST	GOMEZ MATILDE &
21	1547 HOUGHTON RD	RAMIREZ ROBISEL
22	7326 BURNETT CT	VERGARA MARIA
23	7322 BURNETT CT	HERNANDEZ RAMIRO & ERICA
24	7316 BURNETT CT	YBARRA TONY S TR & MARIA S TR



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-100

Data Relative to Subject Property:

Date: 8-24-21

Location address: 1609 Houghton Rd. Zoning District: R 7.5(A)

Lot No.: 6 Block No.: 29/6237 Acreage: .179 Census Tract: 91.05

Street Frontage (in Feet): 1) 62.5 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Frank P. Moscrey Jr + Shirley A Moscrey

Applicant: Frank P. Moscrey Jr. Telephone: 214-232-5592

Mailing Address: 1609 Houghton Rd. Zip Code: 75217

E-mail Address: Smoscrey77@yahoo.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Prohibited R-PANEL Fence Material.

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:

Fence is of similar material, height and placement as other fences commonly found in my neighborhood.

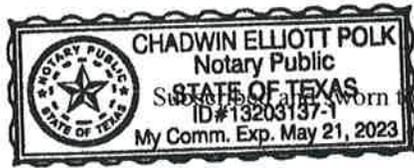
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Frank Moscrey
(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: Frank Moscrey
(Affiant/Applicant's signature)



Subscribed and sworn to before me this 09 day of September 2021
Chadwin Polk

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks

Chairman

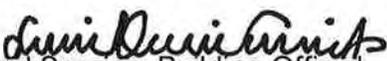
Building Official's Report

I hereby certify that Frank Moscrey

did submit a request for a special exception to the fence standards regulations
at 1609 Houghton Road

BDA201-100. Application of Frank Moscrey for a special exception to the fence standards regulations at 1609 HOUGHTON RD. This property is more fully described as Lot 6, Block 29/6237, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,


David Session, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-100

I, Shirley M Moscrey, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1609 Houghton Rd.
(Address of property as stated on application)

Authorize: FRANK P. MOSCREY
(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)

X Special Exception (specify below)

 Other Appeal (specify below)

Specify: prohibited R-PANEL Fence material.

Shirley Moscrey
Print name of property owner or registered agent

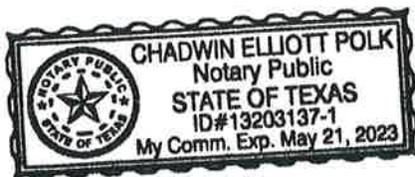
S Shirley Moscrey
Signature of property owner or registered agent

Date 09/09/21

Before me, the undersigned, on this day personally appeared Chad Polk

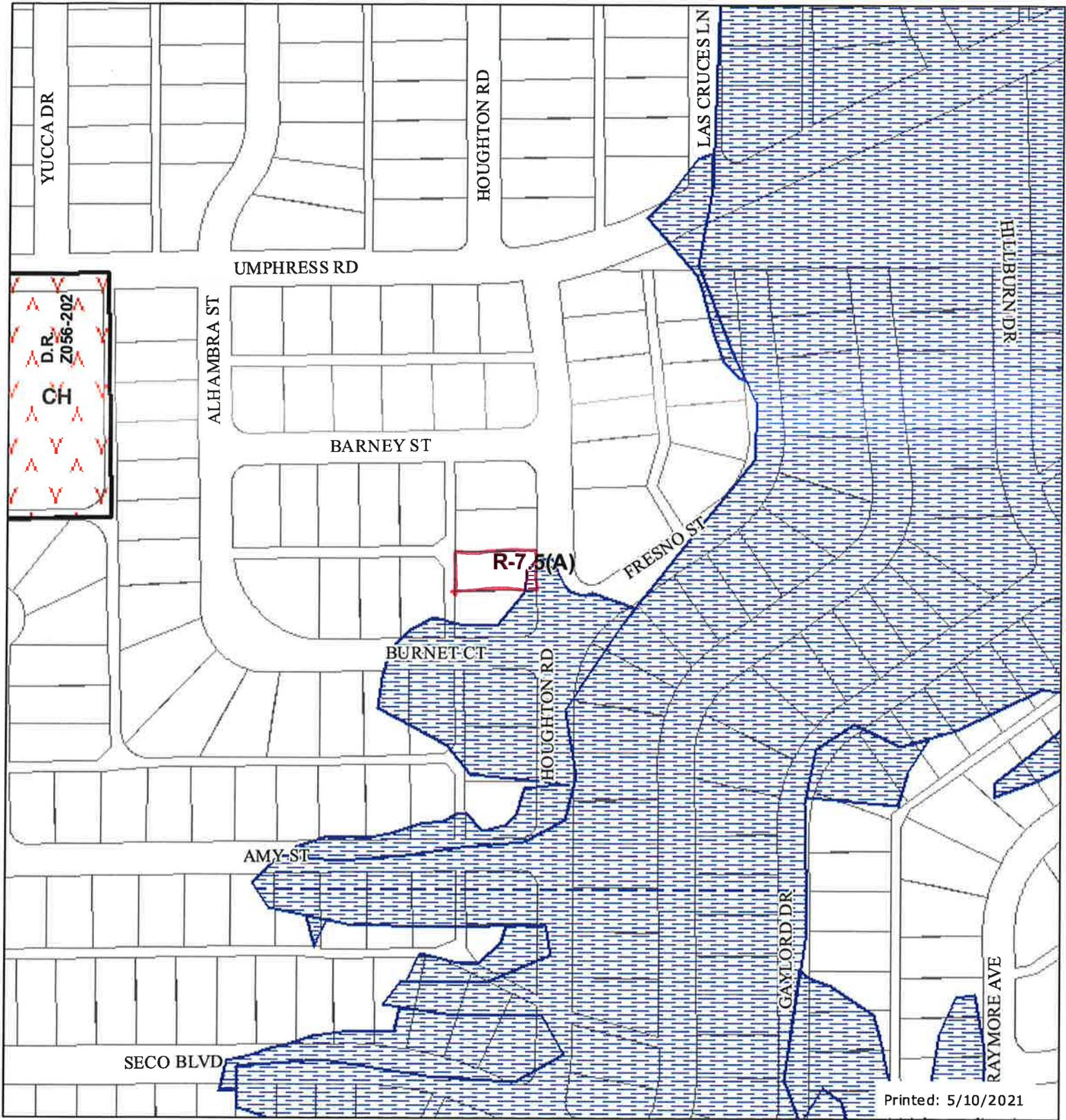
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 09 day of September, 2021



Chadwin Polk
Notary Public for Dallas County, Texas

Commission expires on 5/21/2023



Printed: 5/10/2021

Legend

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

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



Approximately between the dates of March 21 – 28, 2021 but before I got a price to build a fence in my backyard, I called 311 to verify code compliance and spoke with Mita user id#94 who would only give her id# not her last name, stated my fence could not be over 9ft tall, no barbwire. No stipulations about the material used. I made sure with the City of Dallas it was alright to build a 6ft fence made of metal. I would NEVER of signed a contract to build such fence if it was **not up to code**. My neighbor had an issue with his fence with code enforcement so he called them to complain about my fence (let's just call him Mario). On April 23, 2021 Patricia Morrison Insp.II parked in front of my neighbor's house with the emergency lights on. When she got out of the vehicle and walked towards my house I met her in the yard where she told me my fence was in violation of city code. I immediately contacted Mita (id#94) at 311. She again stated I was not in violation. Mita (id#94) talked to Insp. Morrison with my cell phone. Miss Morrison told Mita that her office had not been updated on the code information. When Miss Morrison attempted to pull the said information up on her laptop, it stated the SAME information Mita (id#94) had about the restrictions not be over 9ft tall, no barbwire. At that point Miss Morrison said I will emailed my supervisor about the information NOT being updated. I tried to contact my city councilman but was directed back to code enforcement. They told me I was in violation and had to tear down my fence.

My wife and I are both on Social Security. On June 25,2020 I received a liver transplant. Lots of medical expenses. This took a large chunk of our savings to build this fence.

I, Maricela Vllk (name) live at 1615 Houghton Rd (address) have no complaints/issues with my neighbor's metal fence at 1609 Houghton Rd.

Signature 

Any comments:
We love our neighbors!

Yo, _____ (nombre) vivo a _____ (direccion) y no tengo quejas or asuntos con la tela de metal de mis vecinos que viven a 1609 Houghton Rd.

La Signatura _____

Comentarios

I, Eraquiel Garcia Martinez (name) live at 1603 Houghton Road, Dallas, TX 75217 (address) have no complaints/issues with my neighbor's metal fence at 1609 Houghton Rd.

Signature Eraquiel Garcia Martinez

Any comments: No Problem.

Yo, _____ (nombre) vivo a _____ (direccion) y no tengo quejas or asuntos con la tela de metal de mis vecinos que viven a 1609 Houghton Rd.

La Signatura _____

Comentarios

I, Melissa Alder (name) live at 7321 Burnet Ct. (address) have no complaints/issues with my neighbor's metal fence at 1609 Houghton Rd.

Signature Melissa Alder

Any comments: We have no problems with my neighbors fence.

Yo, _____ (nombre) vivo a _____ (direccion) y no tengo quejas or asuntos con la tela de metal de mis vecinos que viven a 1609 Houghton Rd.

La Signatura _____

Comentarios

I, _____ (name) live at _____ (address) have no complaints/issues with my neighbor's metal fence at 1609 Houghton Rd.

Signature _____

Any comments:

Yo, Abdon Espinosa (nombre) vivo a 7322 Barney St. (direccion) y no tengo quejas or asuntos con la tela de metal de mis vecinos que viven a 1609 Houghton Rd.

La Signatura 

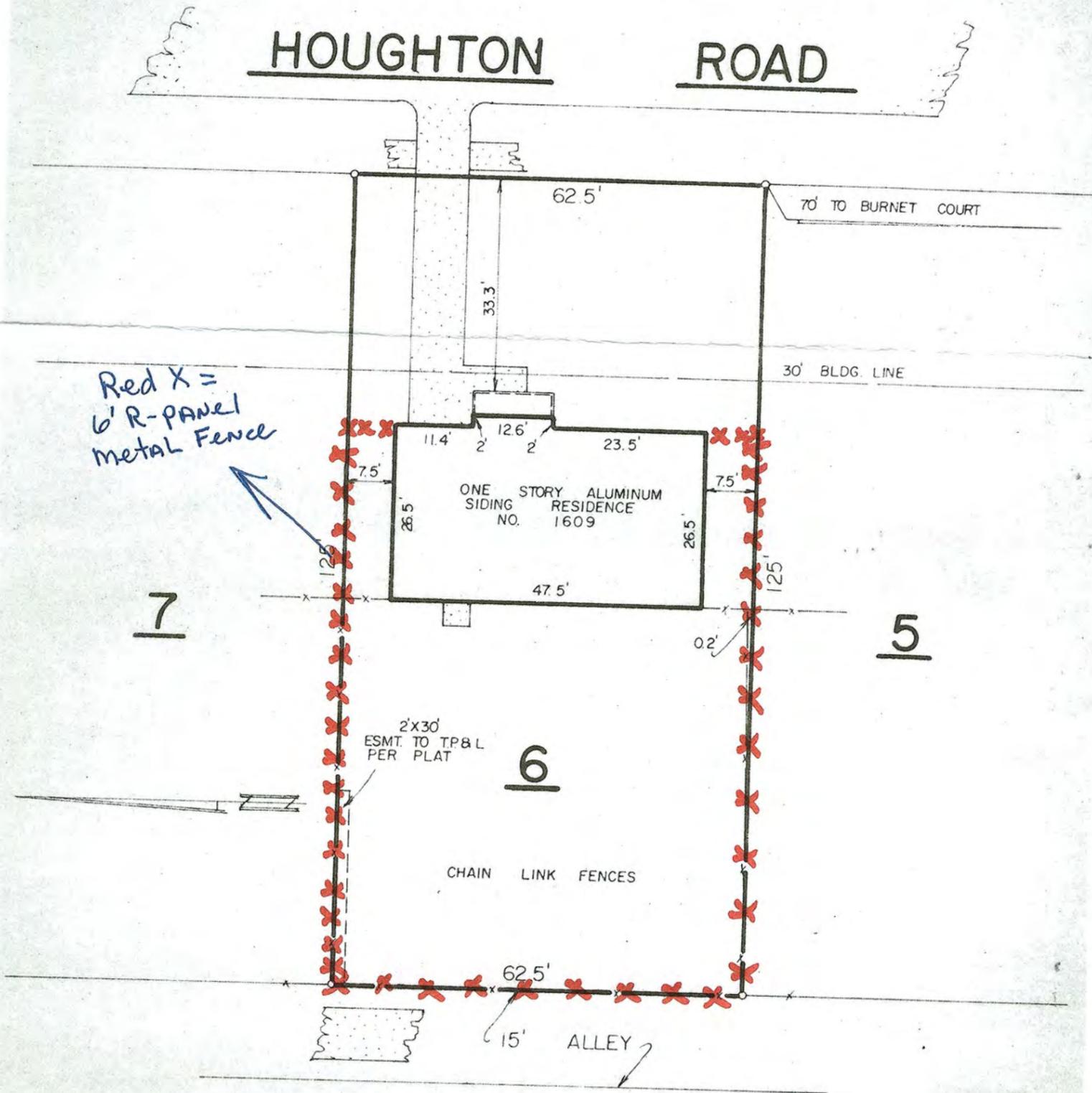
Comentarios

I have no issue with a metal fence for my neighbors

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1609 Houghton Road, in the city of Dallas, Texas, described as being Lot 6 Block 29/6237 of BUCKNER PARK, SECOND INSTALLMENT, an addition to the City of Dallas, Texas, according to the _____ map thereof recorded in Volume 16 at page 297 of the Map Records of Dallas County, Texas.



The plat hereon is a true, correct and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions, except as shown.

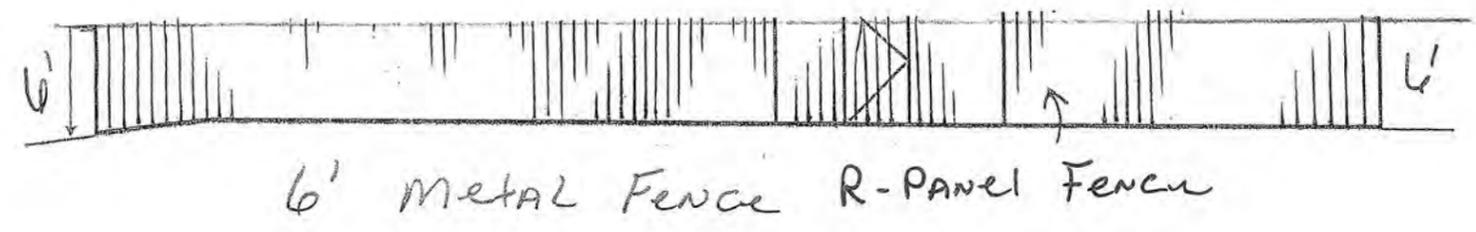
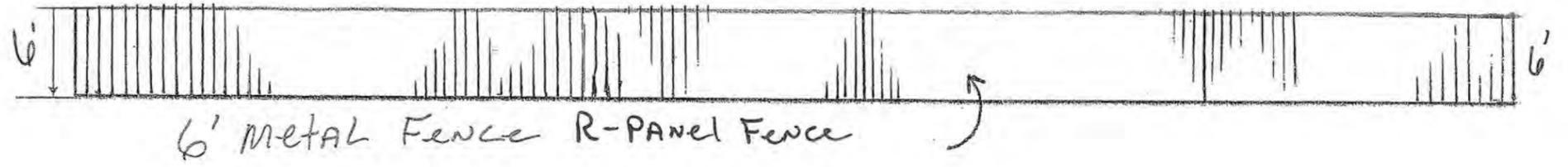
Scale: 1" = 20'	W.O. No. 35438
Date 3-5-85	Inv. No. 33939

By Don Parish
 DON PARISH
 Registered Public Surveyor
 PARISH SURVEYORS, INC. 381-1156
 7800 Military Parkway, Dallas, Texas 75227



Fenceline Elevation Drawings

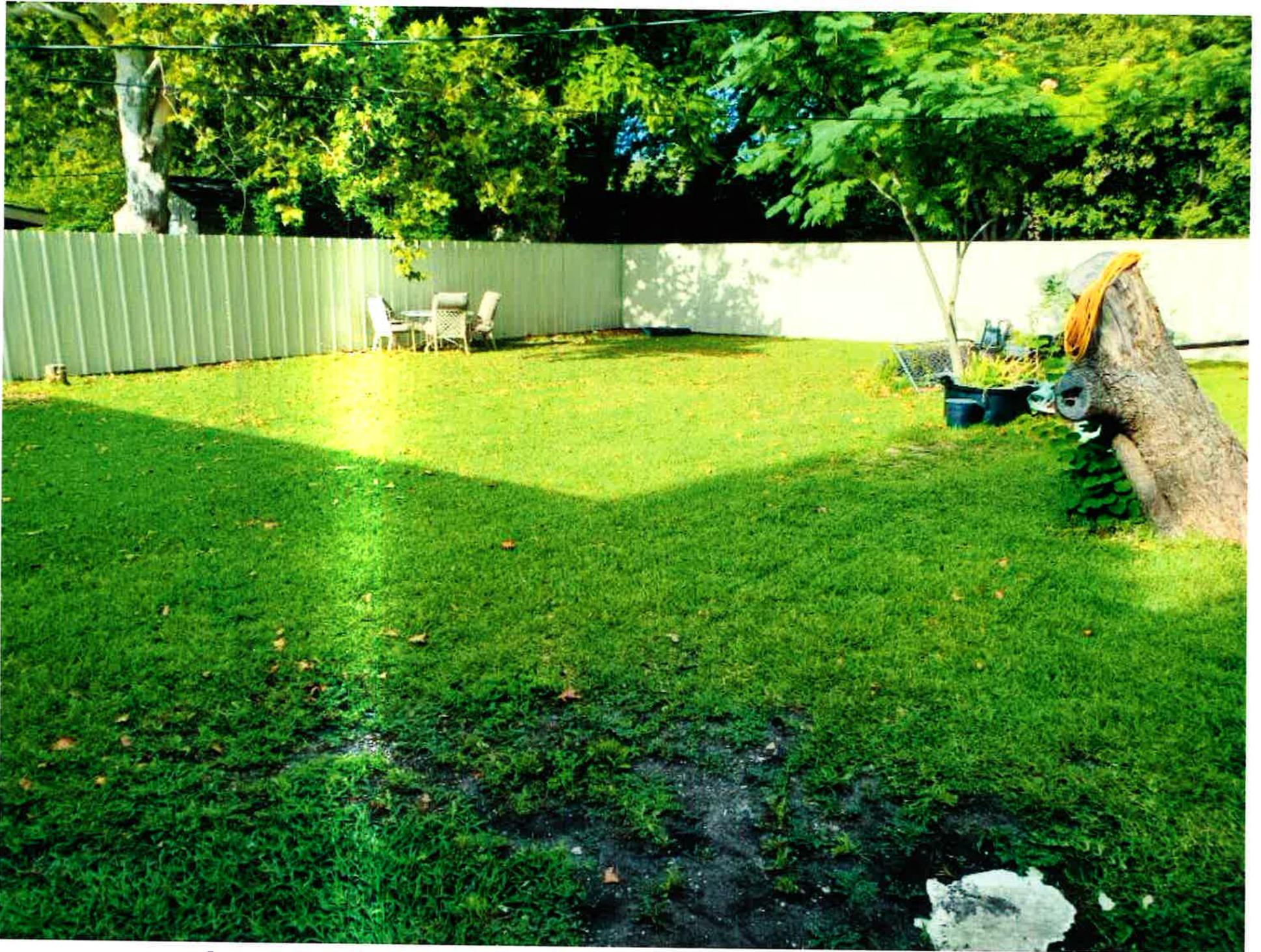
Scale: .1" = 10'



Height 201
201-100



Frank Moscrey 1609 Houghton Rd



Frank Moservey 1609 Houghton Rd



Frank Moscrey 1609 Houghton Rd



Frank Moscrey 1609 Houghton Rd



FRANK MOSCREY 1609 HOUGHTON RD



Houghton Rd



Houghton Rd



Houghton Rd



Houghton Rd



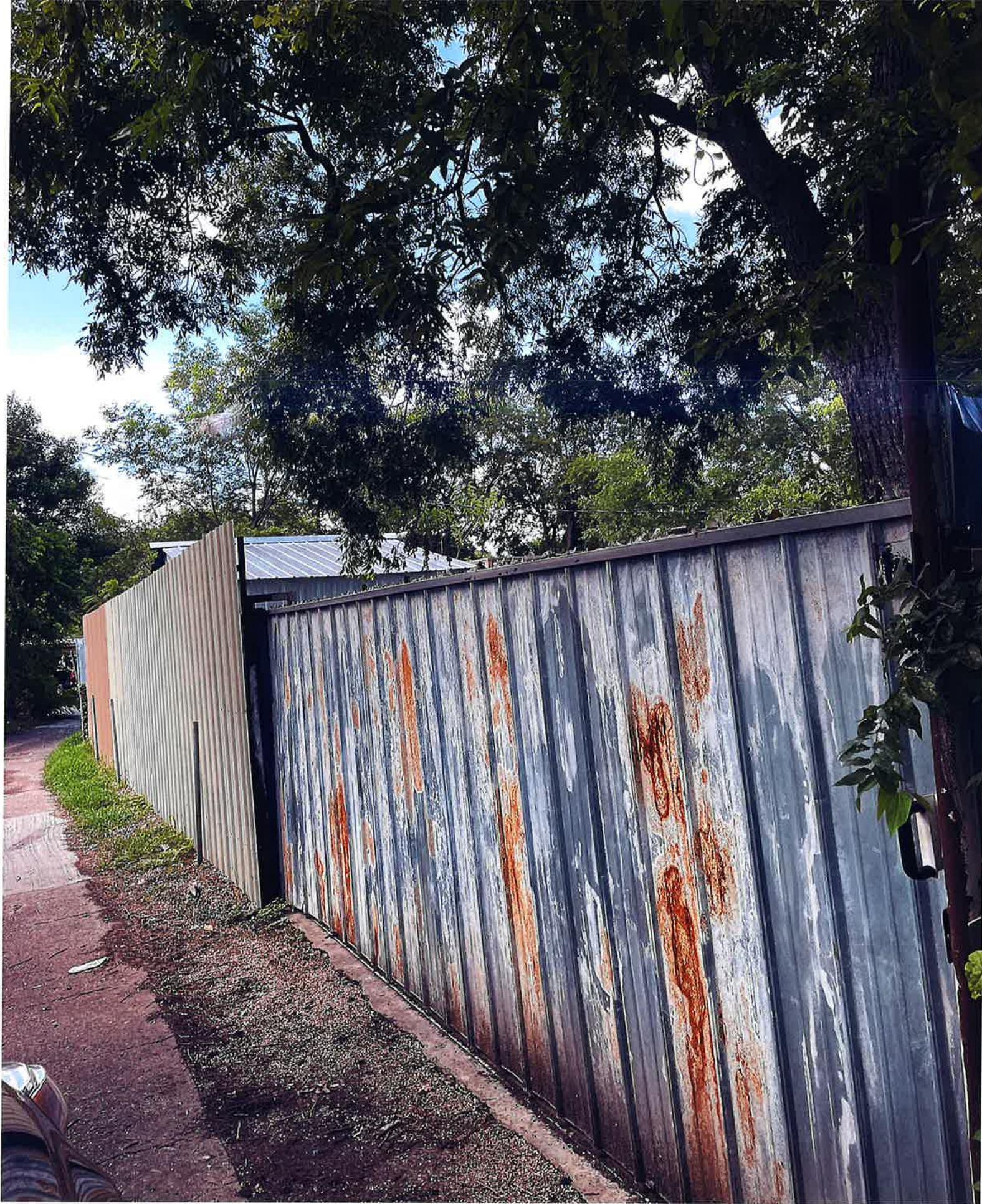
Houghton Rd



Houghton Rd



Houghton Rd



Houghton Rd



Houghton Rd



Houghton Rd



Houghton Rd



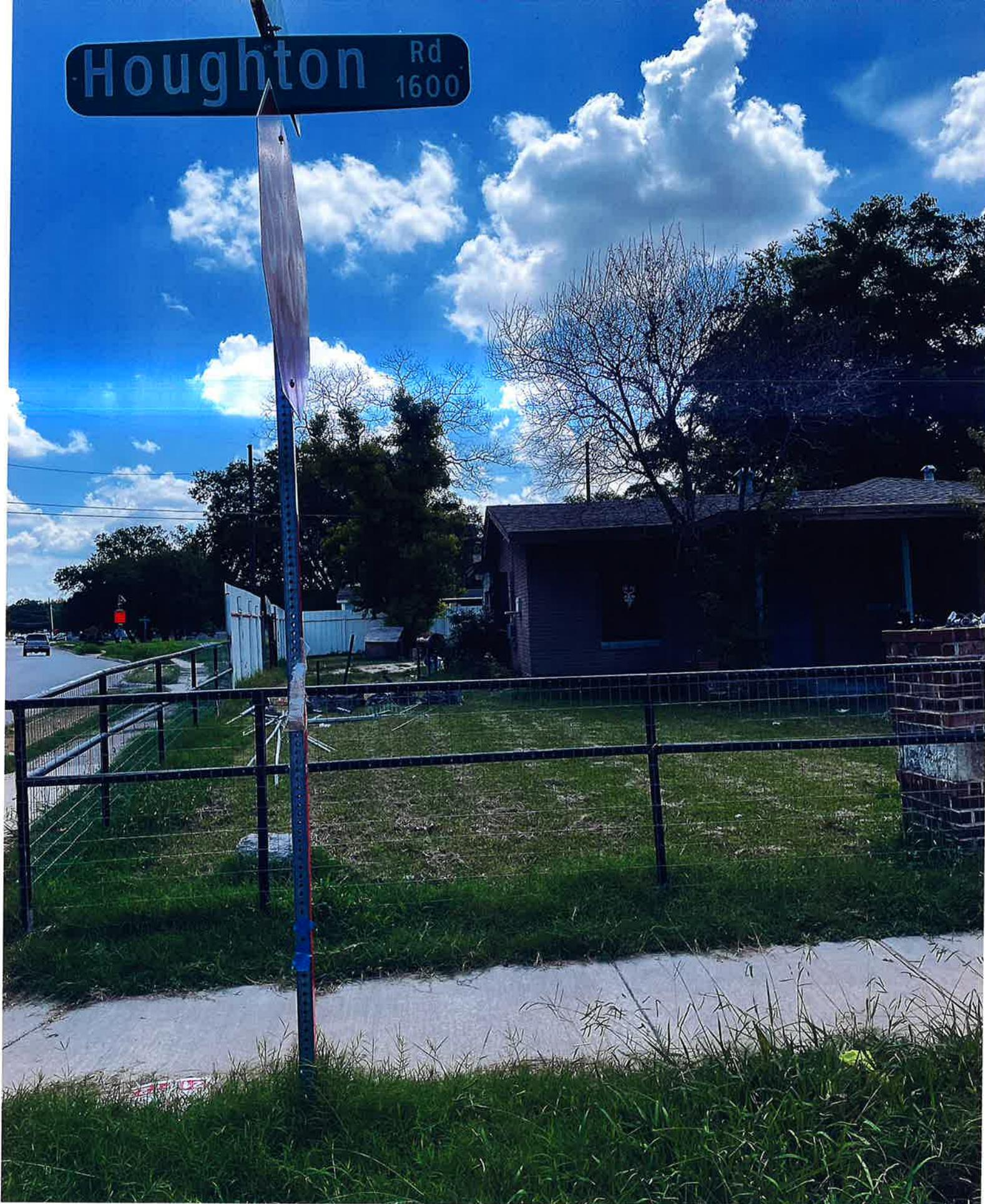
Houston Rd



Houghton Rd



Moulton Rd



Houghton Rd



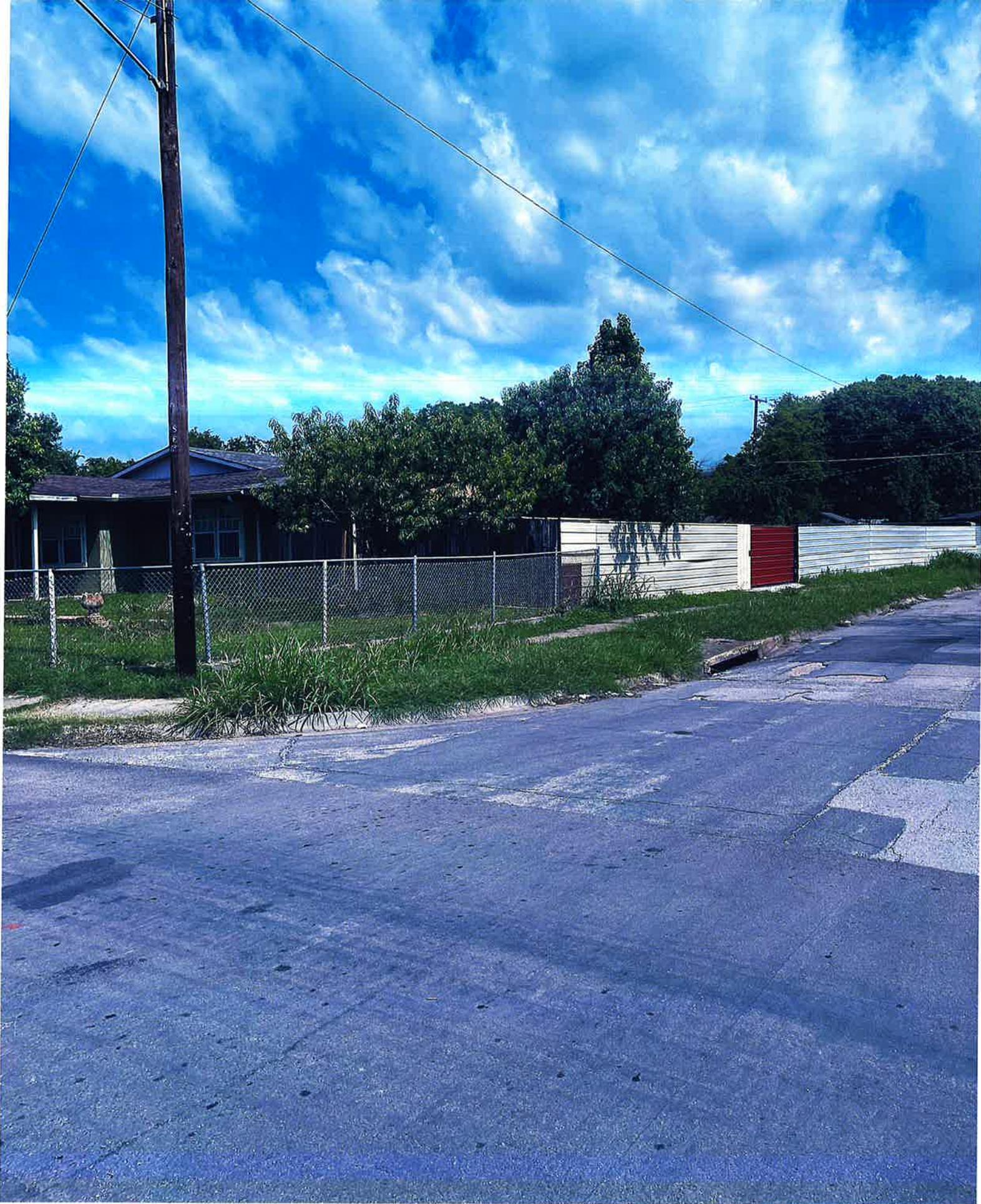
Houghton Rd



Houghton Rd & Lake June



Houghton Rd & Lake June



Houghton Rd at Lake June Rd



MouGHTON Rd + Lake June



Fresno ST



FRESNO ST



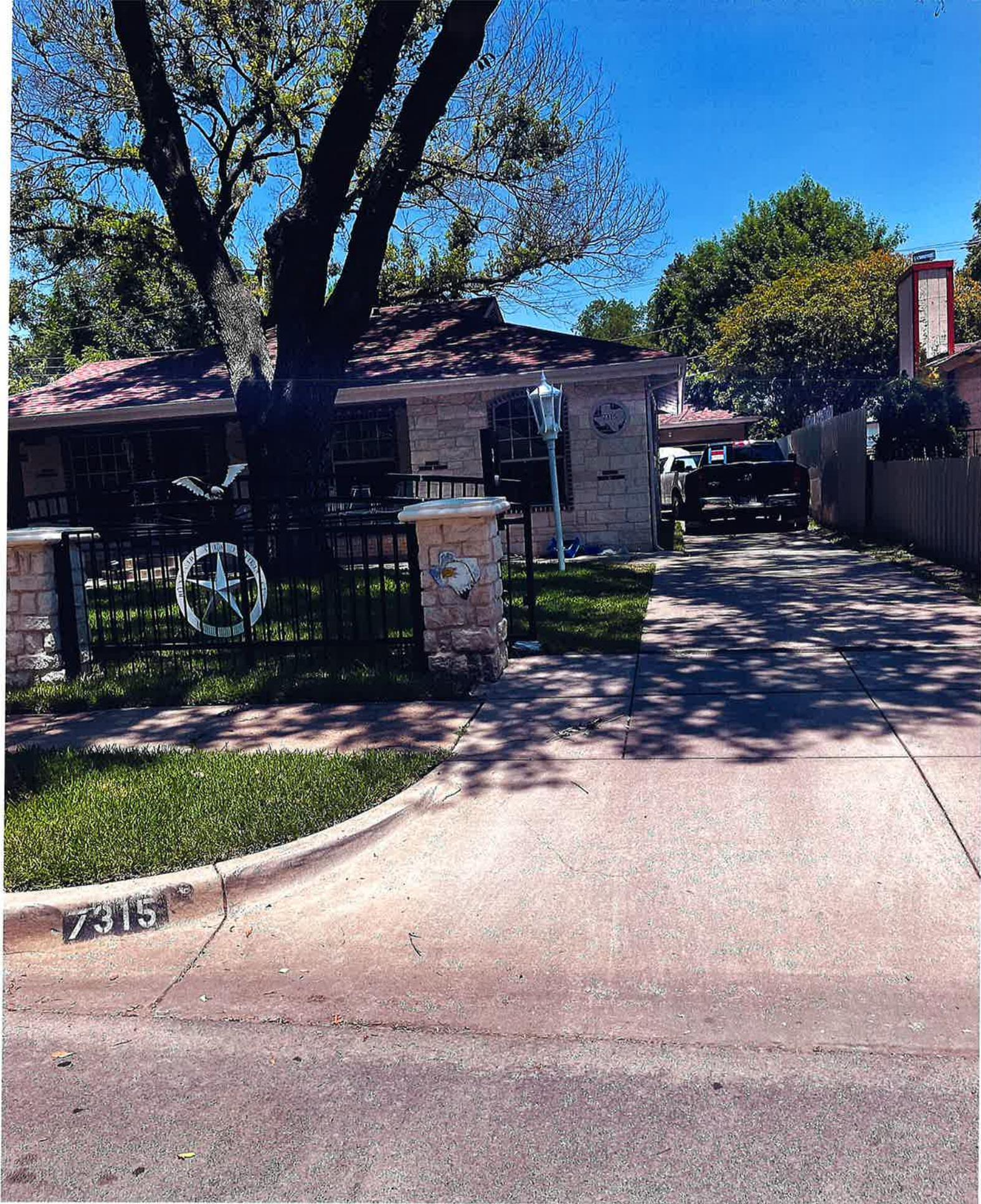
Fresno 3T



Fresno St



Fresno St



Amy St.



Amy ST.



Amy ST



Amy St.



Amy ST



Amy St.



Amy 5f



Barney ST



Barney St



Barney St.



Barney 5T



Joan D



JOAN DR



Joan Dr



JOAN DR



Hillburn



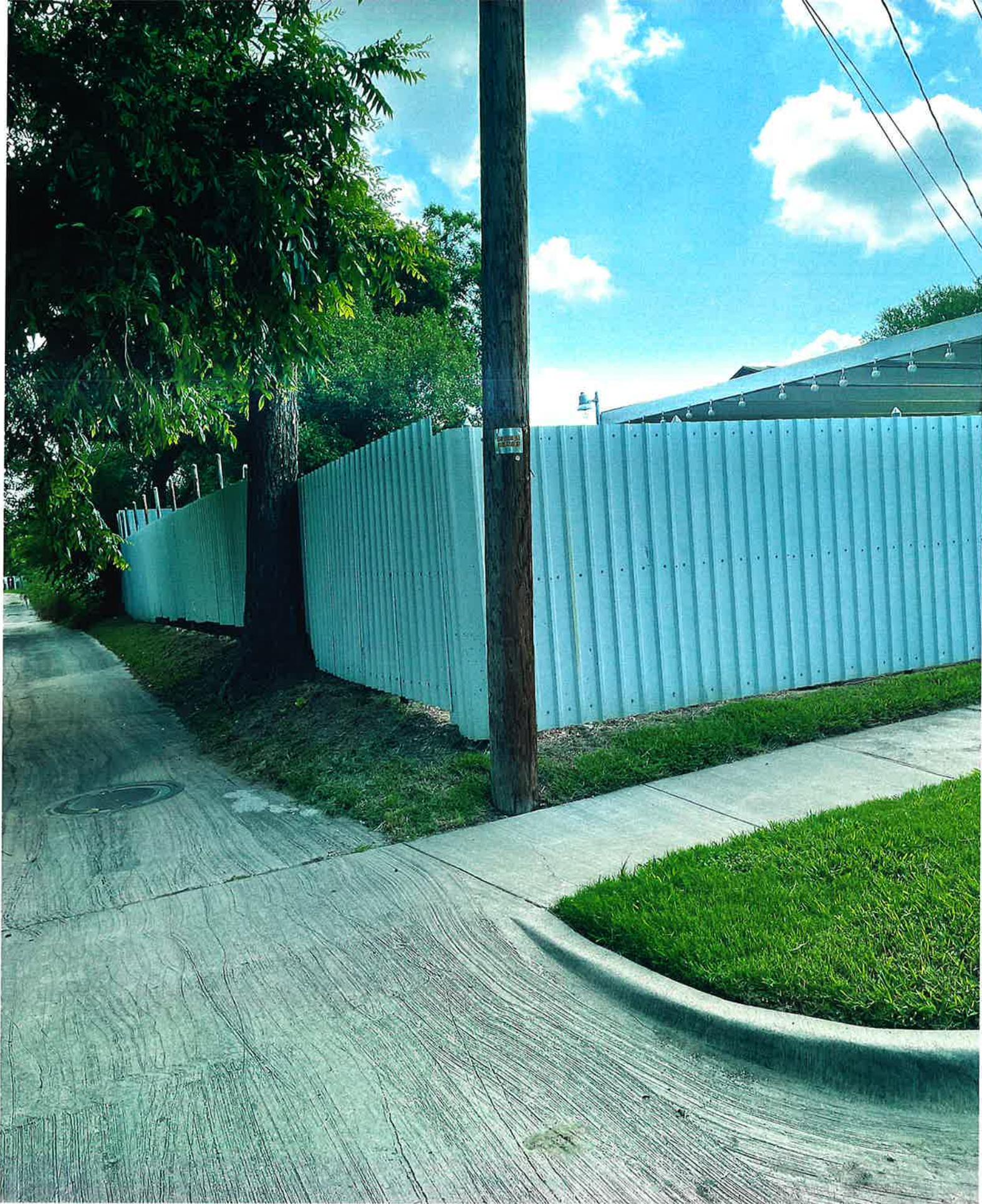
GAYLOED Dr



ALHAMBRA ST



ALHAMBRA ST



AURORA ST



B Pluton Rd & Major Dr



Bruton Rd + Major



Bruton Rd + MAJOR DR



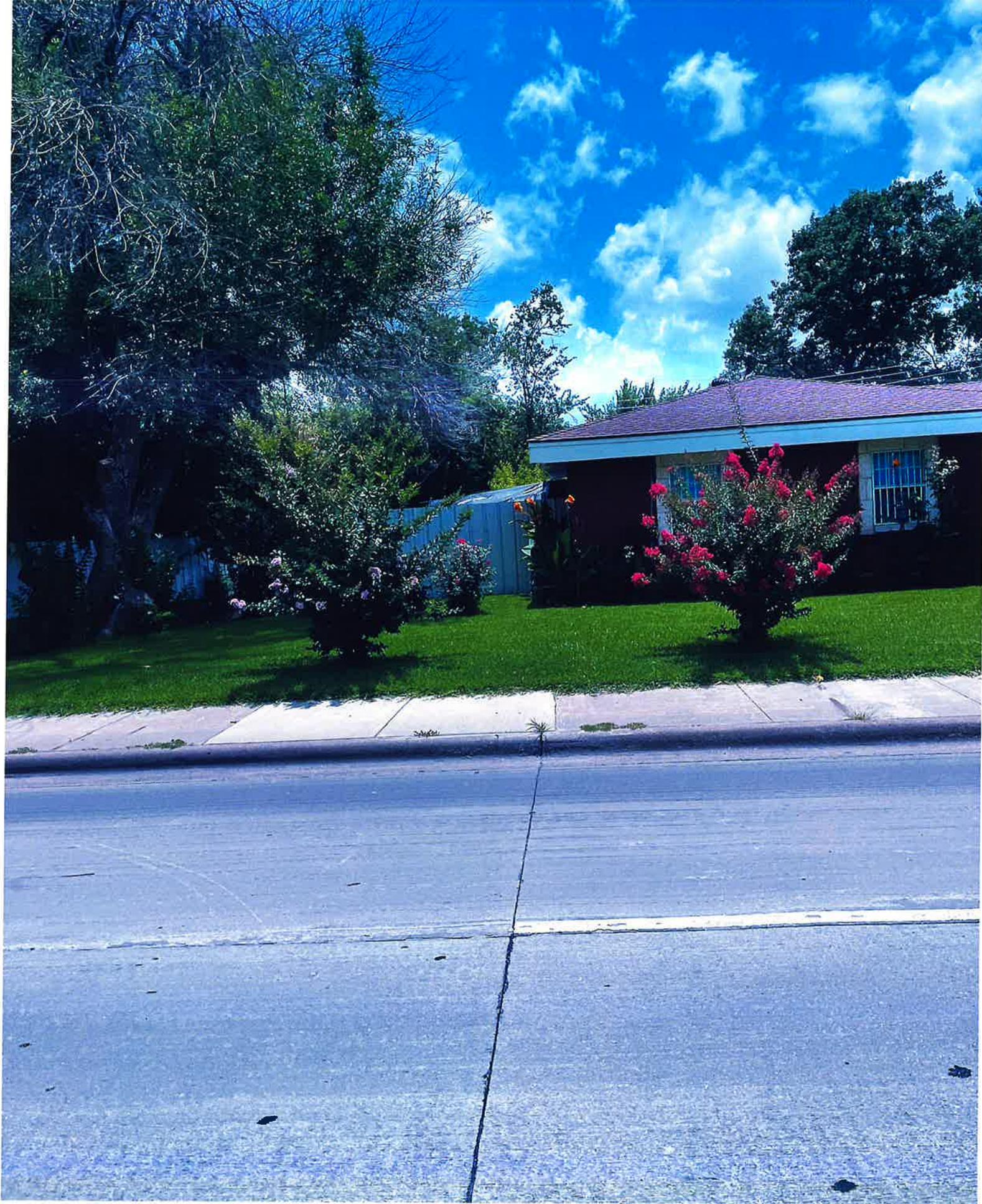
Bruton Rd



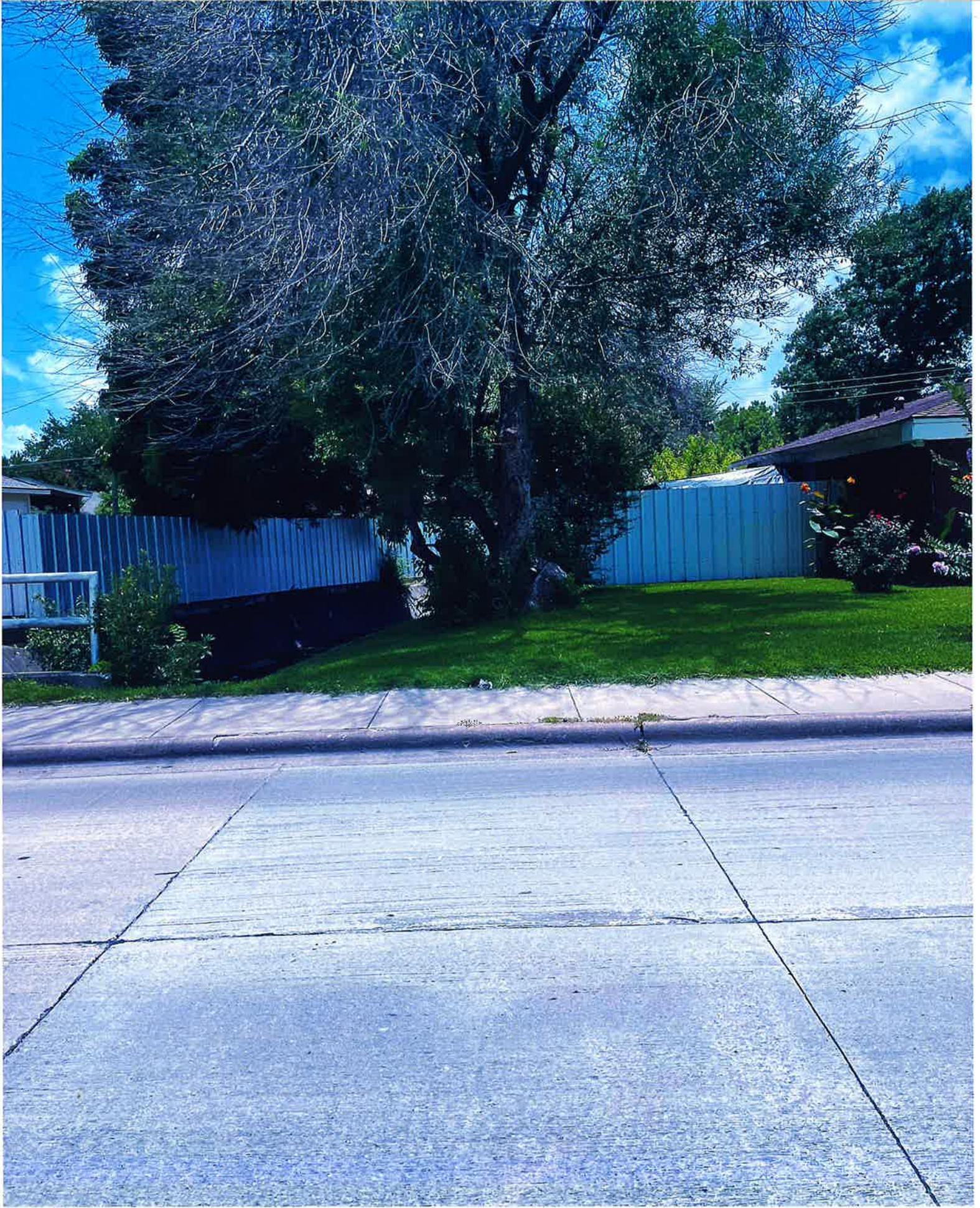
Bruton Rd



Bruton Rd



Bruton Rd



Bruton Rd

FILE NUMBER: BDA201-105(PD)

BUILDING OFFICIAL'S REPORT: Application of Karl Crawley of Masterplan Texas for a special exception to the fence height regulations at 5532 Park Lane. This property is more fully described as Part of Lot 2 and 3, Block 7/5597, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct and maintain an eight-foot-high fence which will require a four-foot special exception to the fence height regulations.

LOCATION: 5532 Park Lane

APPLICANT: Karl Crawley of Masterplan Texas

REQUEST:

The applicant proposes a fence eight-feet-in-height, constructed of wrought iron (fence and gate) and brick (columns) materials located along Park Lane at a width of 177 feet and a length of 40 feet from the front property line. The site is currently developed with an approximately 16,159-square-foot, two-story single-family dwelling unit.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single Family District)
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 is currently developed with a single family use. Surrounding properties to the north, east, south, and west are developed with single-family uses as well.

Zoning/BDA History:

There have been 12 related board cases in the vicinity within the last five years.

1. **BDA201-042:** On May 19, 2021, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations to construct an eight-foot seven-inch-high fence in a required front yard, which provided a four-foot seven-inch special exception at 5535 Park Lane.
2. **BDA167-003:** On June 23, 2020, the Board of Adjustment Panel B granted a special exception to the fence regulations to construct and maintain a 10-foot-high fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, which required a six-foot special exception to the fence height regulations and a special exception to the fence standards at 9520 Hathaway Street.
3. **BDA189-109:** On January 21, 2020, the Board of Adjustment Panel A granted special exceptions to the single-family regulations to construct and/or maintain an accessory dwelling unit (for rent) with an additional electrical utility service or electrical meter on a lot with a single-family use at 5952 Joyce Way.
4. **BDA189-118:** On October 23, 2019, the Board of Adjustment Panel B granted a special exception to the fence standards regulations and visual obstructions regulations to construct and maintain five-foot six-inch-high fence, which provided a one-foot six-inch special exception to the fence height regulations and special exception to the visual obstruction regulations at 5807 Park Lane.
5. **BDA189-100:** On September 17, 2019 the Board of Adjustment Panel A granted a request for special exceptions to the fence standards regulations construct and/or maintain an 11-foot 10-inch-high fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, which required a seven-foot 10-inch special exception to the fence height and a special exception to the fence standards regulations, at 5518 Winston Court.
6. **BDA178-135:** On December 10, 2018, the Board of Adjustment Panel C granted special exceptions to the fence standards regulations to construct and/or maintain a seven-foot six-inch-high 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 required a three-foot six-inch special exception to the fence height and a special exception to the fence standards regulations, at 9424 Meadowbrook Drive.

7. **BDA178-073:** On August 21, 2018, the Board of Adjustment Panel A granted a variance to the front yard setback regulations, and special exceptions to the fence standards and visual obstruction regulations to construct/maintain a structure and provide a seven-foot front yard setback and a six-foot six-inch-high fence with portions of the fence located within required visibility triangles at driveway approaches and at a street intersection, which required a 33-foot variance to the front yard setback regulations, two-foot six-inch special exception to the fence standards regulations, and to special exceptions to the visual obstruction regulations at 5333 Deloache Avenue.
8. **BDA178-041:** On May 21, 2018, the Board of Adjustment Panel C granted a special exception to the fence standards regulations to construct and/or maintain a 12-foot four-inch-high fence in a required front yard at 9422 Alva Court.
9. **BDA178-017:** On February 20, 2018, the Board of Adjustment Panel A granted special exceptions to the fence standards and visual obstruction regulations to construct and maintain a six-foot six-inch-high fence in a required front yard with portions located within required visibility triangles, which required a two-foot six-inch special exception to the fence height regulations and a special exception to the visual obstruction regulations at 5530 Falls Road.
10. **BDA178-006:** On January 16, 2018, the Board of Adjustment Panel A granted a variance to the front yard setback regulations to construct and maintain a structure and provide a 34-foot front yard setback at 5243 Park Lane.
11. **BDA178-003:** On January 16, 2018, the Board of Adjustment Panel A granted special exceptions to the fence standards and visual obstruction regulations 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 five feet from the front lot line with portions located within required visibility triangles, which required a special exceptions to the fence standards and visual obstruction regulations at 9025 Douglas Avenue.
12. **BDA167-051:** On May 16, 2017, the Board of Adjustment Panel A granted special exceptions to the fence standards to construct and maintain an eight-foot two-inch-high fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, which required a four-foot two-inch special exception to the fence height regulations and special exception to the fence standards regulations at 5814 Watson Avenue.

GENERAL FACTS/STAFF ANALYSIS:

The request for a special exception to the fence height regulations of four feet is made to construct and maintain an eight-foot-high fence which will require a four-foot special exception.

The property is zoned an R-1ac(A) Single Family District which requires a minimum lot area of one acre or 43,560 square feet. The subject site is currently developed with an approximately 16,159 square foot, two-story single family dwelling unit and is situated along the south line of Park Lane between Hollow Way Road and Kemper Court. The applicant proposes to construct a fence containing wrought iron (fence and two gates) with 12 brick columns.

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 following information is shown on the submitted site plan:

- The proposed fence with 12 brick columns, two electric gates, and a wrought iron fence is proposed to be located along Park Lane approximately 40 feet from the property line and approximately 60 feet from the back of curb/pavement line.
- Along Park Lane the fence is proposed at a width of 177 feet and has a depth of 240 feet and proposed along the entire boundary of the property.

As of November 5, 2021, no letters have been submitted in opposition or in support of the request.

The applicant has the burden of proof in establishing that the special exception to the fence standards related to the height of four feet located on Park Lane will not adversely affect neighboring properties.

Granting the special exception to the fence standards related to the height would require the proposal exceeding four feet-in-height in the front yard setback located along Park Lane to be maintained in the locations, heights and materials as shown on the site plan and elevation plan.

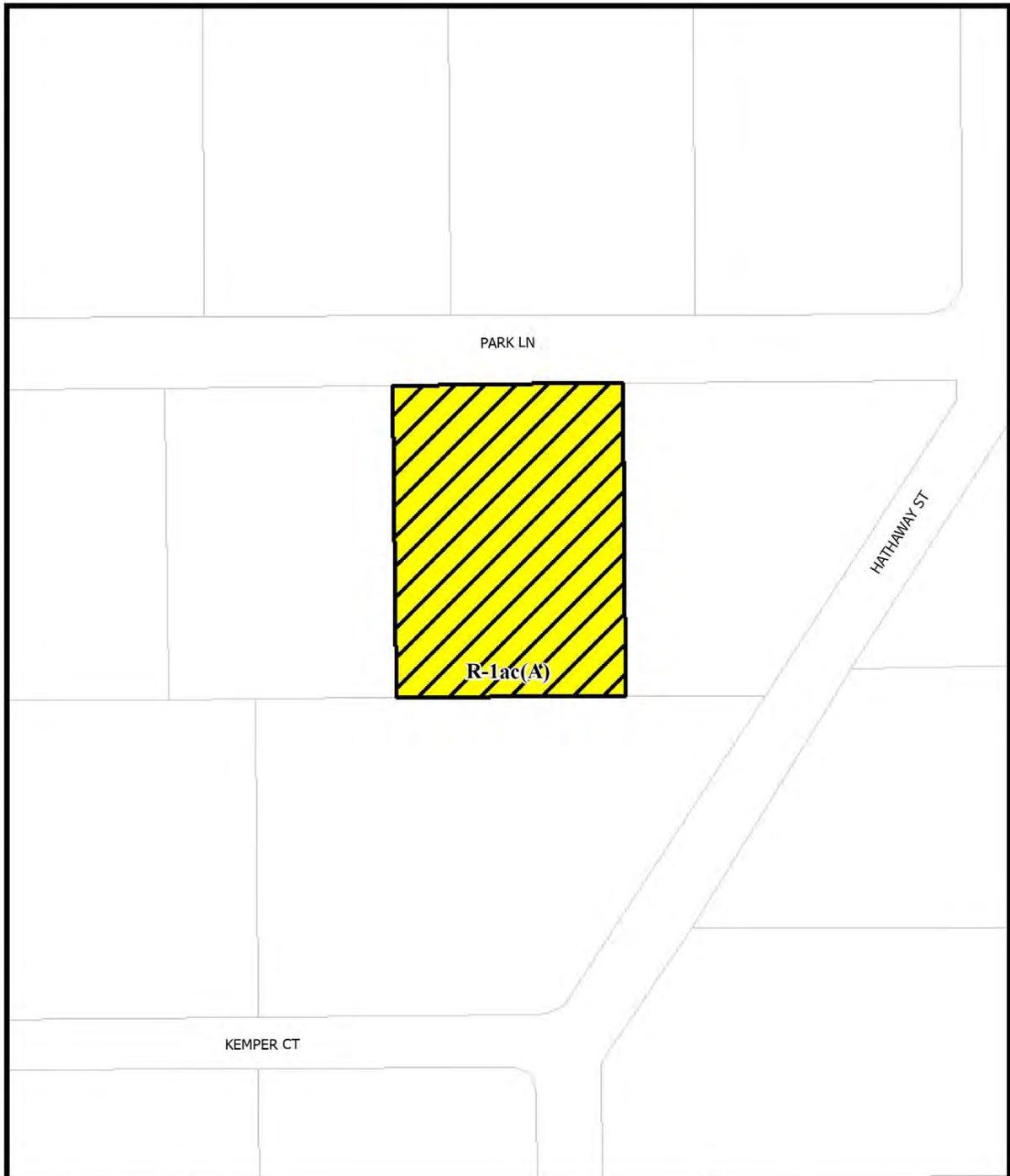
Timeline:

- Sept. 23, 2021: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.
- October 12, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- October 14, 2021: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the October 26, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the November 5, 2021 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 29, 2021:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Transportation Senior Engineer, Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board. No staff review comment sheets were submitted with these requests.

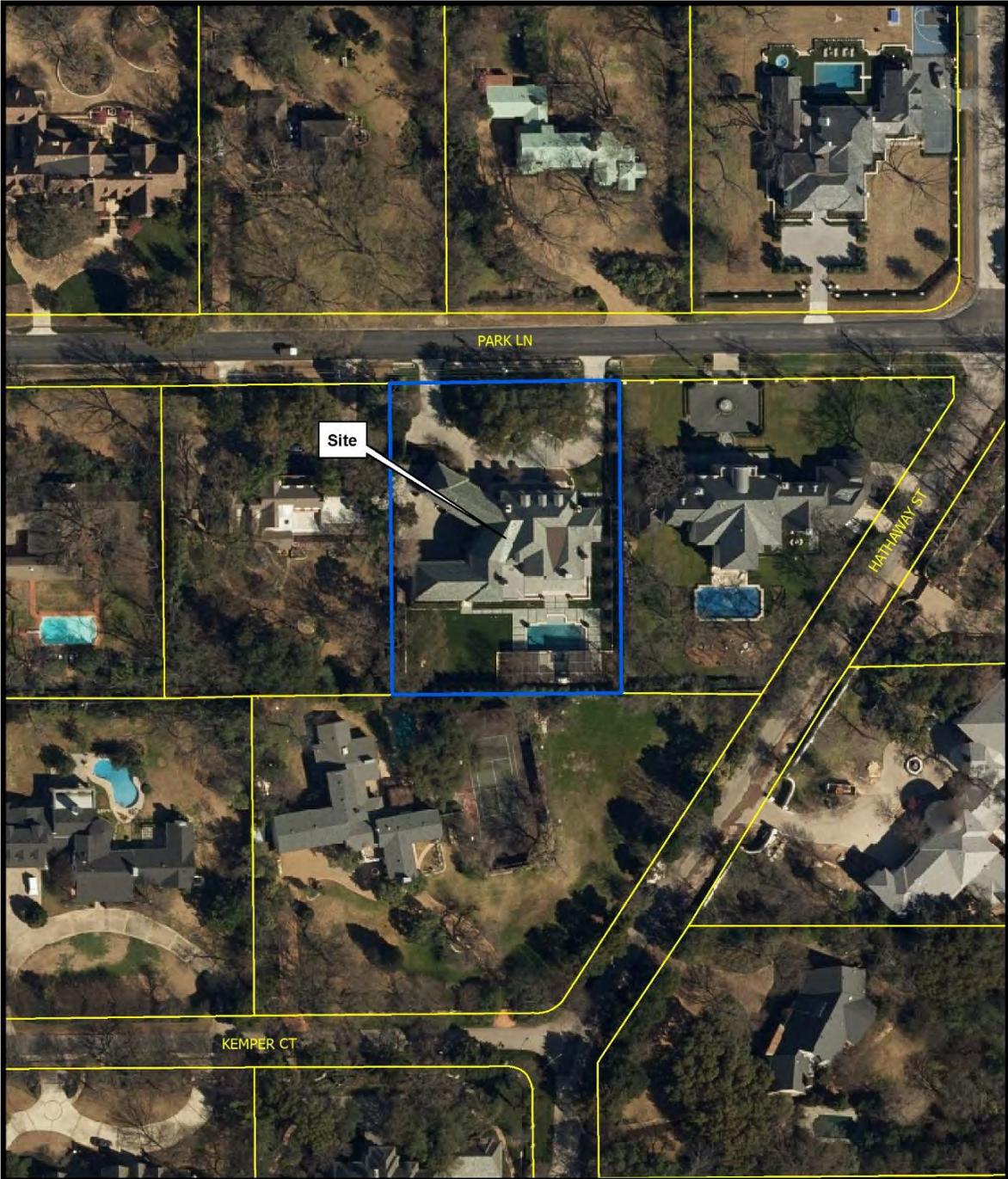


1:1,200

ZONING MAP

Case no: BDA201-105

Date: 10/27/2021

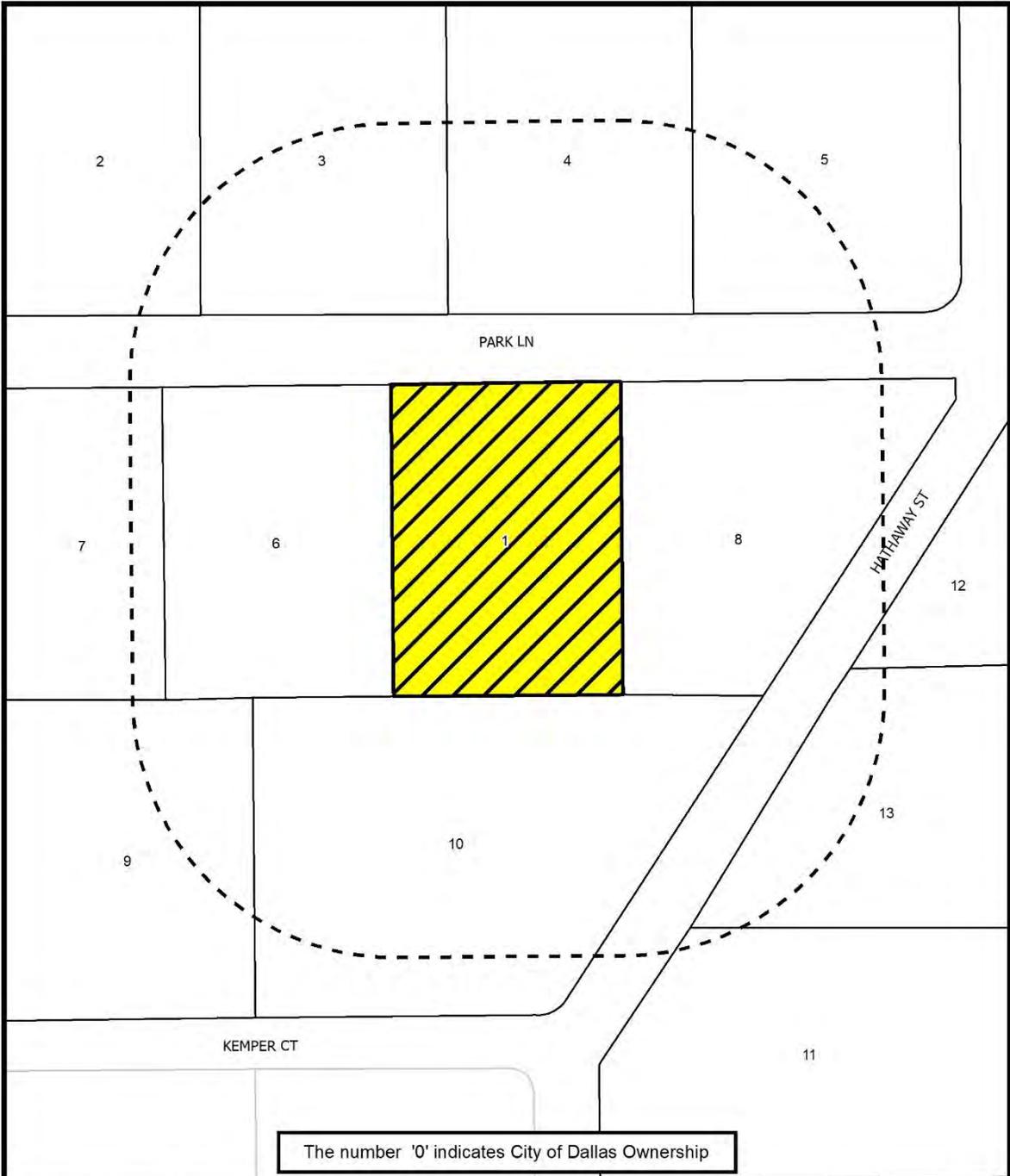


1:1,200

AERIAL MAP

Case no: BDA201-105

Date: 10/27/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-105**
 Date: **10/27/2021**

10/26/2021

Notification List of Property Owners

BDA201-105

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5532 PARK LN	PEINADO GEORGE & JULIE
2	5511 PARK LN	SULENTIC ROBERT E &
3	5523 PARK LN	MCDONALD JANET
4	5535 PARK LN	BONNER DARCY R & MARTA R
5	5545 PARK LN	LEAR LAURA & FREDERICK
6	5520 PARK LN	GRIMES JOHN E &
7	5510 PARK LN	HINSHAW FAMILY TRUST THE
8	5544 PARK LN	PERRY MALCOLM O III & VICTORIA L
9	5503 KEMPER CT	GAME MUST LLC
10	5535 KEMPER CT	DOCKERY HARVA R
11	9446 HATHAWAY ST	HEINSCH ROBERT RHYS & ZOE LAROSE
12	5600 PARK LN	KUTCH CLAYTON & WHITNEY
13	9520 HATHAWAY ST	ASCHAFFENBURG DARREN &



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-105

Date: 9-23-21

Data Relative to Subject Property:

Location address: 5532 Park Lane Zoning District: R-1ac(A)
Lot No.: E142' Lot2; W32' Lot 3 Block No.: Block 7/5597 Acreage: 0.9580 ac Census Tract: 206.00
Street Frontage (in Feet): 1) 166.01' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): George Peinado and Julie Peinado

Applicant: Karl A Crawley Telephone: 214 389 2274

Mailing Address: 2201 Main St, Ste 1280 Dallas TX Zip Code: 75201

E-mail Address: karl@masterplantexas.com

Represented by: Karl A Crawley, MASTERPLAN Telephone: 214 389 2274

Mailing Address: 2201 Main St, Ste 1280 Dallas TX Zip Code: 75201

E-mail Address: karl@masterplantexas.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of _____
four(4) feet to the maximum height of a fence in the required front yard of four (4) feet to allow a gate and columns
with a maximum height of eight (8) feet and a fence and columns with a maximum height of six feet six inches.

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 affect 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 Karl A Crawley
(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 20 day of September, 2021

(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 MASTERPLAN

did submit a request for a special exception to the fence height regulations
at 5532 Park Lane

BDA201-105. Application of MASTERPLAN for a special exception to the fence height regulations at 5532 PARK LN. This property is more fully described as Part of Lot 2 and 3, 7/5597, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. 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.

Sincerely,

David Session
David Session, Building Official





CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 201-105

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

at: 5532 Park Lane, Dallas TX 75220
(Address of property as stated on application)

Authorize: Karl A Crawley, MASTERPLAN
(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)

 x Special Exception (specify below)

 Other Appeal (specify below)

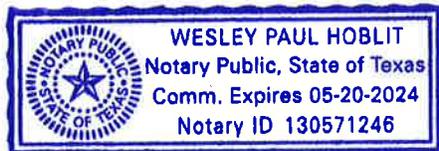
Allow a fence in the required front yard with a height greater than four feet

George Peinado [Signature] 9/20/21
Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared George Peinado

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 20th day of September, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 05-20-2024



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-105

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

at: 5532 Park Lane, Dallas, TX 75220
(Address of property as stated on application)

Authorize: Karl A Crawley, MASTERPLAN
(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)

 x Special Exception (specify below)

 Other Appeal (specify below)

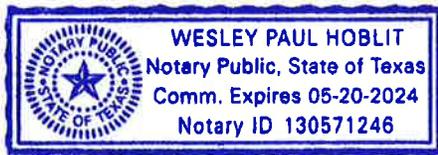
 Allow a fence in the required with a height greater than four feet.

Julie Peinado Julie Peinado 9/20/21
Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared Julie Peinado

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 20th day of September, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 05-20-2024



Printed: 9/23/2021

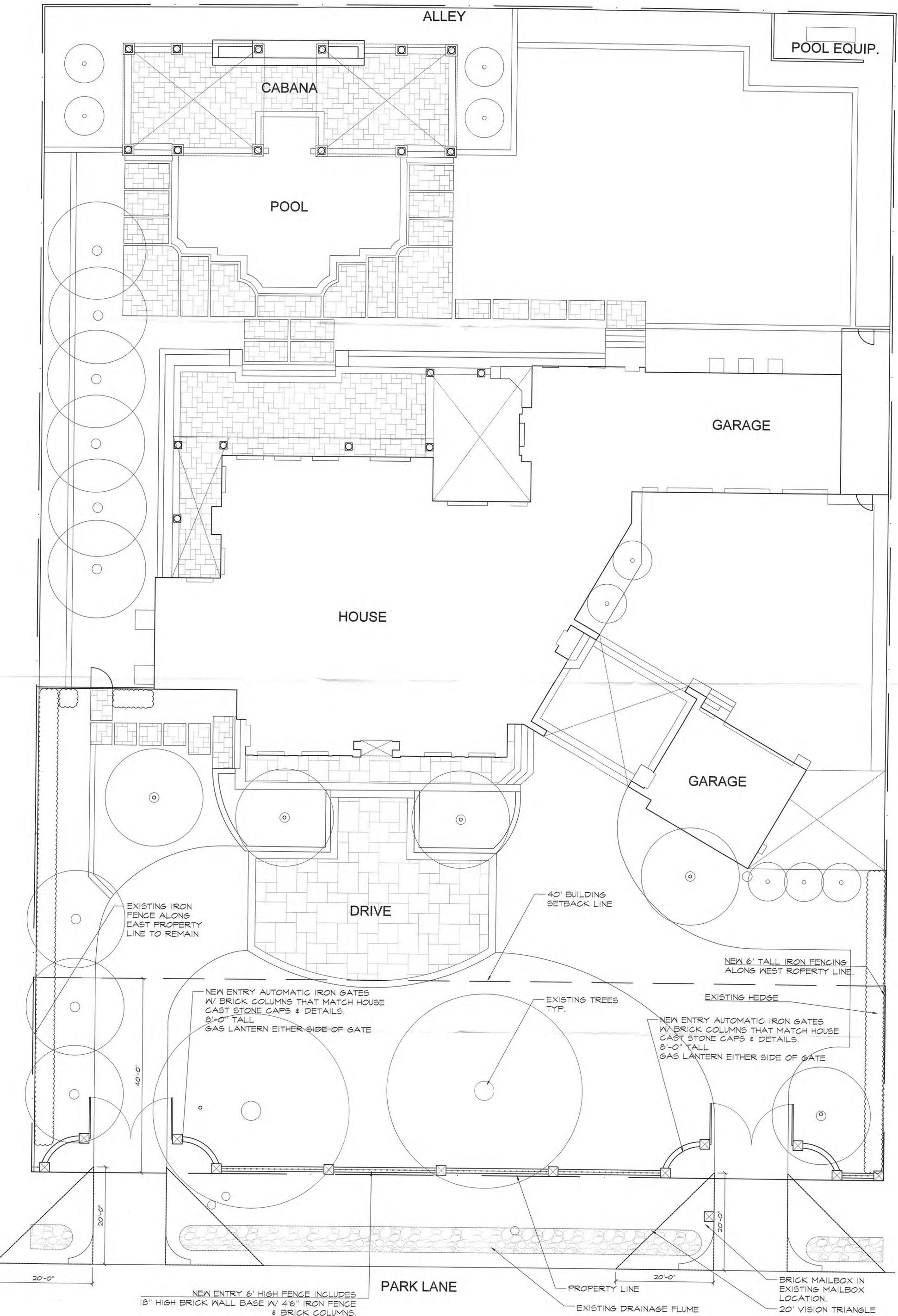
Legend

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

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





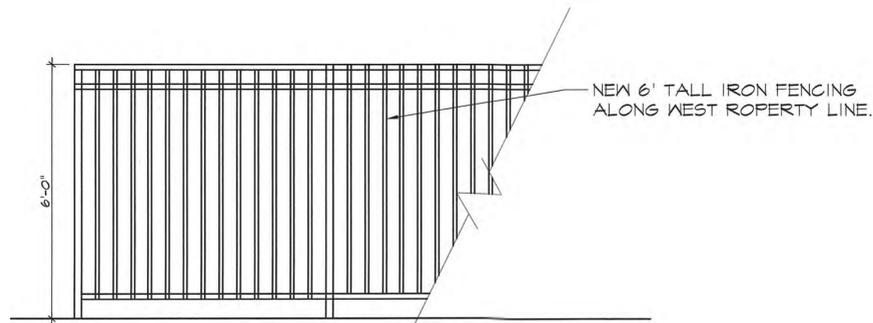


PEINADO RESIDENCE

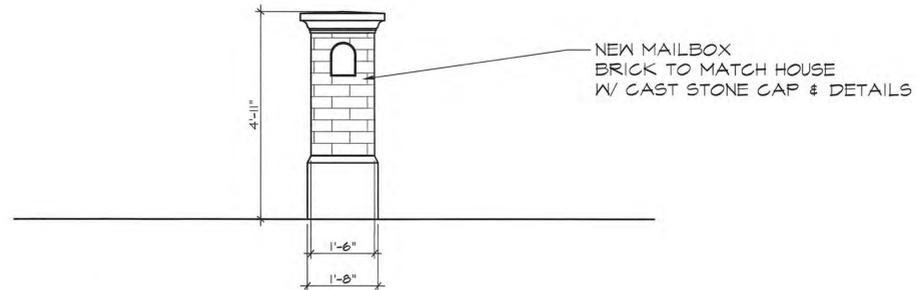
5532 PARK LANE, DALLAS TEXAS

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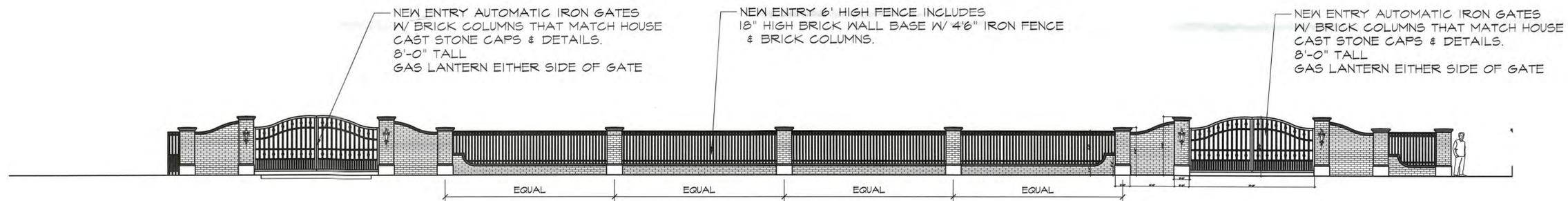




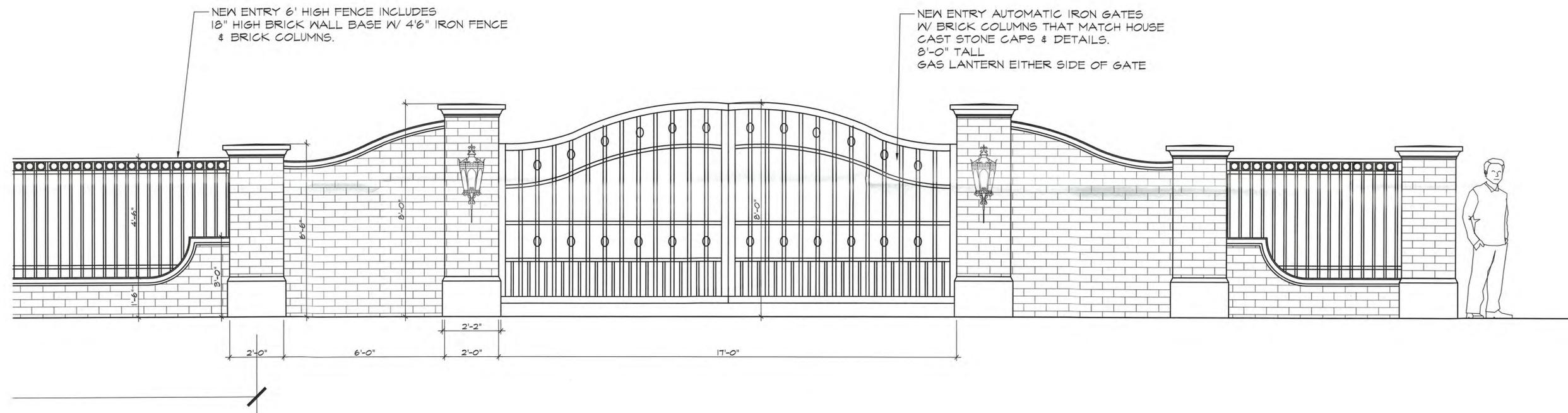
SIDE FENCE ELEVATION
SCALE: 1/2" = 1'-0"



MAILBOX ELEVATION
SCALE: 1/2" = 1'-0"



FRONT ENTRY GATE & WALL ELEVATION
SCALE: 1/8" = 1'-0"



DETAIL ELEVATION OF ENTRY GATES
SCALE: 1/2" = 1'-0"

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property line, and/or utility.

ENTRY GATE DETAILS - FRONT GARDEN
SCALE: 1/8" = 1'-0"

PEINADO RESIDENCE
5532 PARK LANE, DALLAS TEXAS





November 5, 2021

Pamela Daniel
 Senior Planner
 1500 Marilla, 5BN
 Dallas, TX 75201

RE: BDA201-105; 5532 Park Lane

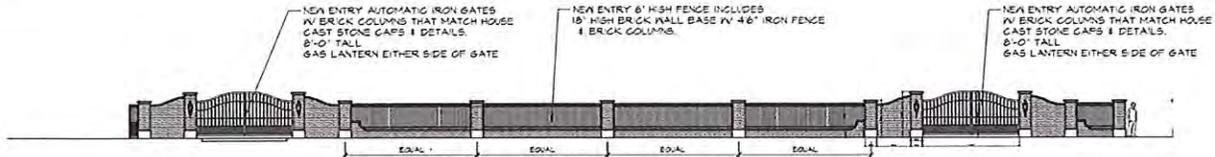
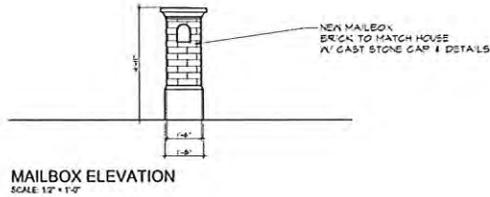
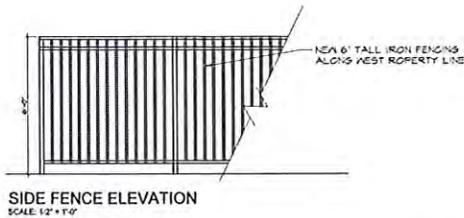
Ms. Daniel:

The subject site, measuring approximately 0.9580 acres, fronts Park Lane on the north and is located approximately mid-block between Hollow Way Road and Hathaway Street. Although the site is zoned R-1(A) with a minimum lot size of 1 acre, the site is a legal building site and the house located on the property was constructed in the 2007. See the following table for zoning districts and uses of the subject site and surrounding properties:

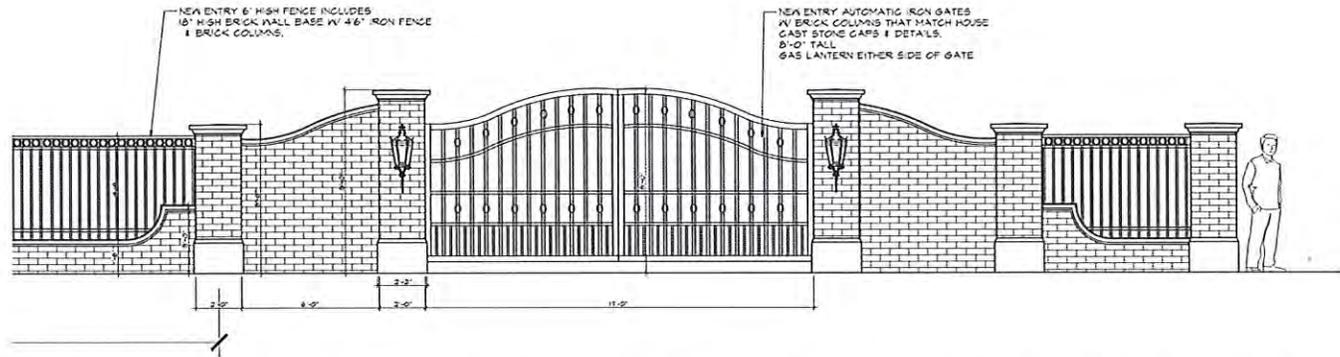
Location	Zoning District	Use
Subject Site	R-1ac(A)	Single-Family Dwelling Unit
North (Across Park Lane)	R-1ac(A)	Single-Family Dwelling Unit
South	R-1ac(A)	Single-Family Dwelling Unit
East	R-1ac(A)	Single-Family Dwelling Unit
West	R-1ac(A)	Single-Family Dwelling Unit

In accordance with SEC. 51A-4.602, the subject site must comply with the following fence standard: "In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard."

The owner of the subject site referenced above proposes to construct an approximately 166-foot long, six-foot tall with open metal fence with brick veneer columns, to include two vehicular gates with a maximum height of eight feet, in the required 40-foot front yard setback along Park Lane. Therefore, a special exception of four feet is requested. The proposed fence location complies with visibility triangle and drive gate requirements, as well as openness requirements for materials. Please see the picture below for a rendering of the desired fence. The gate portion (maximum of 8 feet in height) will only constitute approximate 45 feet of the frontage between the two gates and adjacent columns. This is approximately 25% of the total frontage. The vast majority of the fence along the frontage will be six feet in height in brick columns with a height of 6 feet 6 inches.



FRONT ENTRY GATE & WALL ELEVATION
SCALE 1/8" = 1'-0"



The house located across Park Lane, 5535 Park Lane, received a Special Exception for a fence in the front yard in May of this year. The approved fence for that house is very similar to that proposed in this request. The approved fence across Park Lane has a maximum height of 8 feet 7 inches at the entrance gate with an open fence of approximately 6 feet for the majority of the front yard. Our request is for a fence with a maximum height of 8 feet at the gate with the majority being six feet in height. The proposed fence will have a short (18") brick wall with an open metal fence above.

SEC. 51A-4.602 allows the Board of Adjustment to grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property. Multiple surrounding properties have front yard fences, all with vehicular gates. Most are over four feet in height. Given the history in the vicinity, the requested fence height special exception is generally compatible with and will not affect the current fence patterns in the established neighborhood.

The homes on this side of Park Lane have an alley to the rear of each lot that is not improved. Pushing the fence forward allows additional parking area in front of the house where the garage is located. This allows the cars to be located behind a secure fence. Pushing the fence back to the setback line would force the additional parking to the front of the lot where several large trees would be affected by the addition of pavement.

In closing, the client is asking for a special exception of two feet to the maximum permitted fence height of four feet in the required front yard setback. All other aspects of the development comply with the zoning ordinance's fence standards.

Regards,

Karl A Crawley
President

FILE NUMBER: BDA201-107(PD)

BUILDING OFFICIAL'S REPORT: Application of Larry Nickell for a special exception to the single-family use regulations and variances to the side yard setback regulations and to the building height regulations at 8656 Forest Hills Boulevard. This property is more fully described as Lot 15, Block 4/5225, and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one, requires a five-foot side yard setback, and requires that the height of an accessory structure may not exceed the height of the main building. The applicant proposes to construct and maintain an additional dwelling unit ADU (not for rent), and to provide a two-foot side yard setback, with a building height of 20 feet three inches. As proposed, the project will require a special exception to the single-family use regulations, a three-foot variance to the side yard setback regulations, and a one-foot eight-inch variance to the maximum building height regulations for accessory structures.

LOCATION: 8656 Forest Hills Blvd

APPLICANT: Larry Nickell

REQUESTS:

The applicant proposes to construct and maintain an additional dwelling unit with approximately 396 square feet of floor area on a site developed with a single-family dwelling and an existing detached garage.

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

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.

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.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when *in the*

opinion of the board, the additional dwelling unit will not adversely affect neighboring properties.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION (both variances):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) Single Family District considering its restrictive lot area of 7,475 square feet so that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning. The applicant submitted documents (**Attachments A and B**) indicating the average lot in the area is 10,051 square feet with an average of 553 square feet for improvements (i.e. garages). The existing 2,418-square-foot dwelling unit and approximately 396-square-foot detached garage with the proposed 396-square-foot additional dwelling unit on the site for a total of 3,210-square-feet of floor area is commensurate to six other lots in the same zoning district.

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.

Zoning/BDA History:

There has been one related board case in the vicinity within the last five years.

1. **BDA190-030:** On March 18, 2020, the Board of Adjustment Panel B granted a special exception to the single-family use regulations to construct and maintain an ADU (non-rent) at 8719 Diceman Drive.

GENERAL FACTS/STAFF ANALYSIS:

The requests for variances to the side yard setback and maximum floor area ratio regulations and a special exception to the single-family use regulations focus on constructing and maintaining a 396-square-foot additional dwelling unit (non-rent) to be

constructed three-feet into a required five-foot side yard setback. The property is zoned an R-7.5(A) Single Family District. In this district, one dwelling unit is allowed per lot. Additionally, a minimum side yard setback of five feet is required and an additional dwelling unit (ADU) cannot exceed the maximum height of the main building.

DCAD records indicate the following improvements for the property located at 8656 Forest Hills Blvd: “main improvement: a structure with 2,418 square feet of living area built-in 1939” and “additional improvements: a 162-square-foot detached garage. However, internal City records reflect a permit for the construction of a 320-square-foot detached garage on April 20, 1992. The proposed ADU with 396 square feet of floor area represents 14.4 percent of the 2,738 square-foot floor area of the main structure. Additionally, the main one-story structure contains a saltbox roof which has a median height of 18-feet-seven-inches while the ADU proposed atop of an existing one-story garage proposes a maximum height of 20-feet-three-inches and contains a flat roof which does not provide a median distance between the highest point and lowest point of the roof line utilized to calculate the median height.

While the proposed ADU has been constructed, City records reflect permits for the construction of the proposed two-story accessory dwelling unit was submitted for review on June 22, 2021 with the encroachment of three feet into the required five-foot side yard setback.

The site plan and elevation plan denote the proposed addition of a floor area to the garage of approximately 396 square feet for a total floor area of 792 square feet and maximum height of 20-feet-three-inches. Further, the site plan confirms the height and location of the structures, including the ADU located three feet into the five-foot required side yard setback.

The property is rectangular in shape, flat, and according to the application, contains 0.182 acres, or approximately 7,927 square feet in area. In an R-7.5(A) Single Family District the minimum lot size is 7,500 square feet. However, according to the evidence submitted by the applicant (**Attachments A and B**) 12 properties within the vicinity are one-third larger than the minimum lot size requirement.

The applicant has submitted documents comparing the lot sizes and improvement of the subject site with 16 existing homes and 12 new builds for a total comparative analysis of 28 homes in the vicinity with the same zoning. The average lot size is 10,051 square feet with an average floor area of 3,293 square feet for improvements including garages which provide a delta of 2,576 square feet for the lot size and a delta of 83 square feet for improvements including the garage. Thus, the proposed 396-square-foot additional dwelling unit atop the existing garage on the site is commensurate to six other lots in the same zoning district.

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

- That granting the variances 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 variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.
- The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same zoning classification.

As of November 5, 2021, no letters have been submitted in support of or in opposition to the request.

Ultimately, the three requests are independent, and the board must consider the standards and evidence presented for each request.

If the board were to grant the variances to the side yard setback regulations and maximum height regulations for structures accessory to single-family uses and impose the submitted site plan as a condition, the building footprint of the structure on the site would be limited to what is shown on this document. Furthermore, if the board were to grant the special exception to allow the ADU, 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.

However, granting these requests 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 other code requirements), as depicted on the site plan, including the increase in floor area ratio and encroachment into the side yard setback if each is approved by the board.

Timeline:

September 23, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

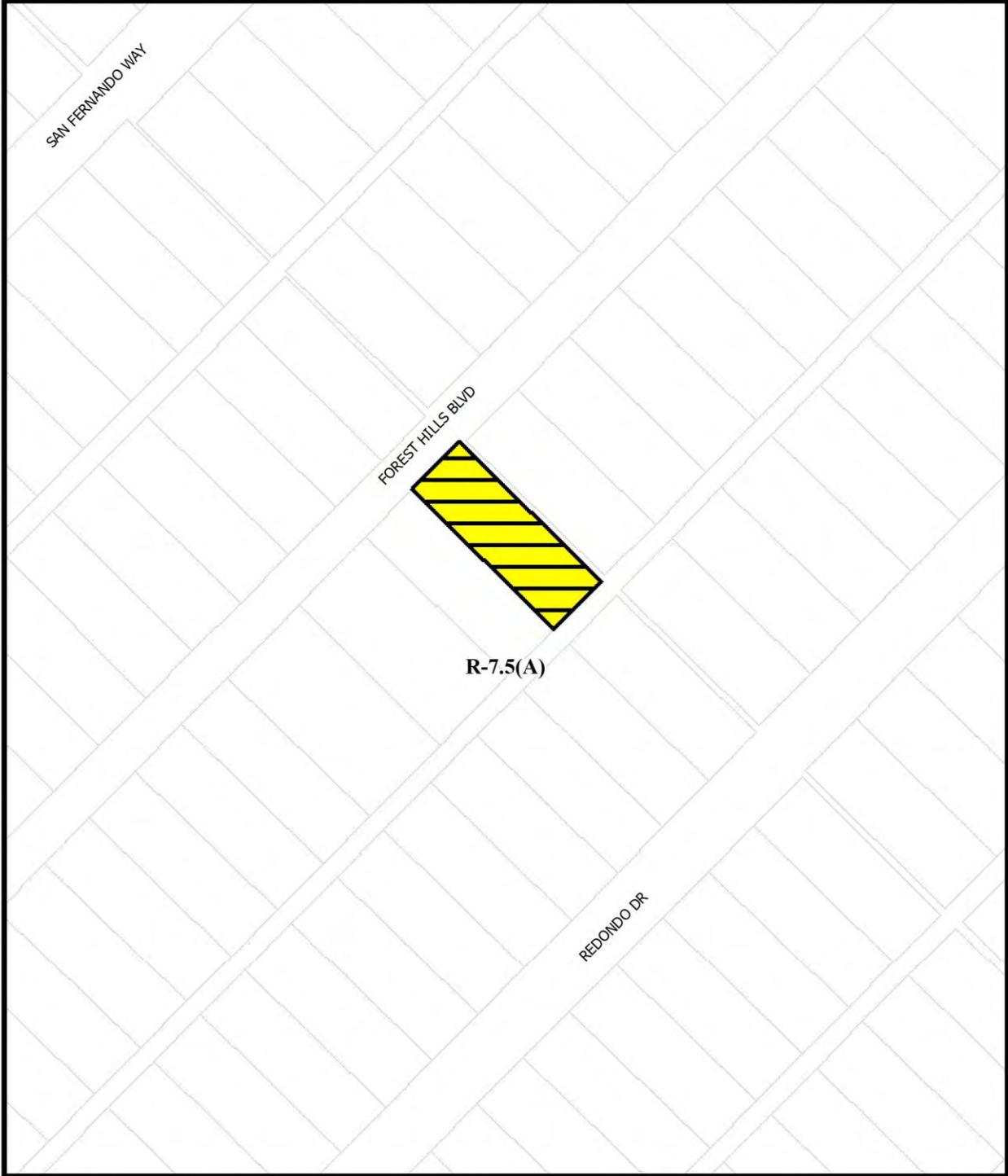
October 12, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

October 14, 2021: The Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the October 26, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the November 5, 2021 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 29, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.

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

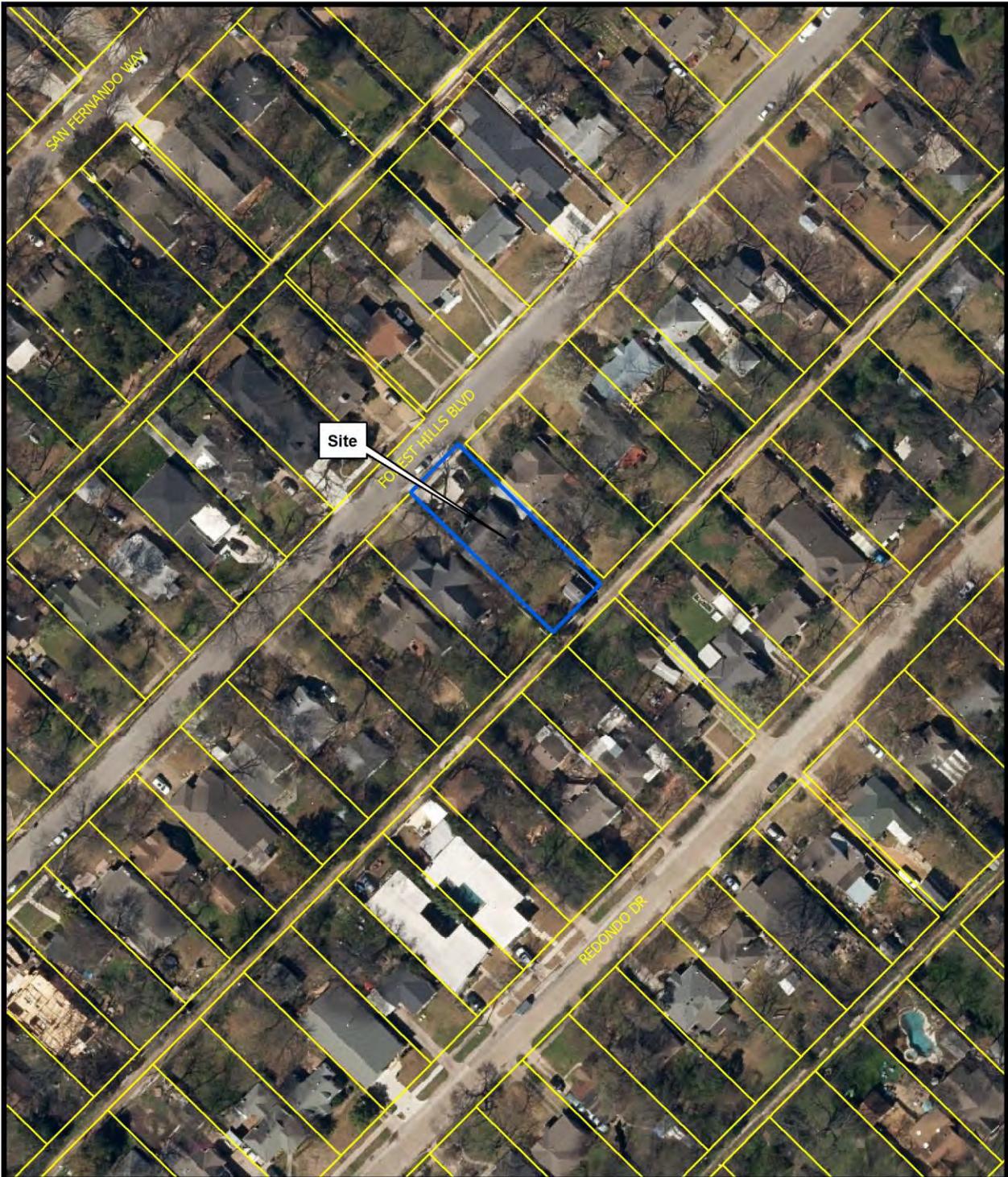


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ZONING MAP

Case no: BDA201-107

Date: 10/27/2021

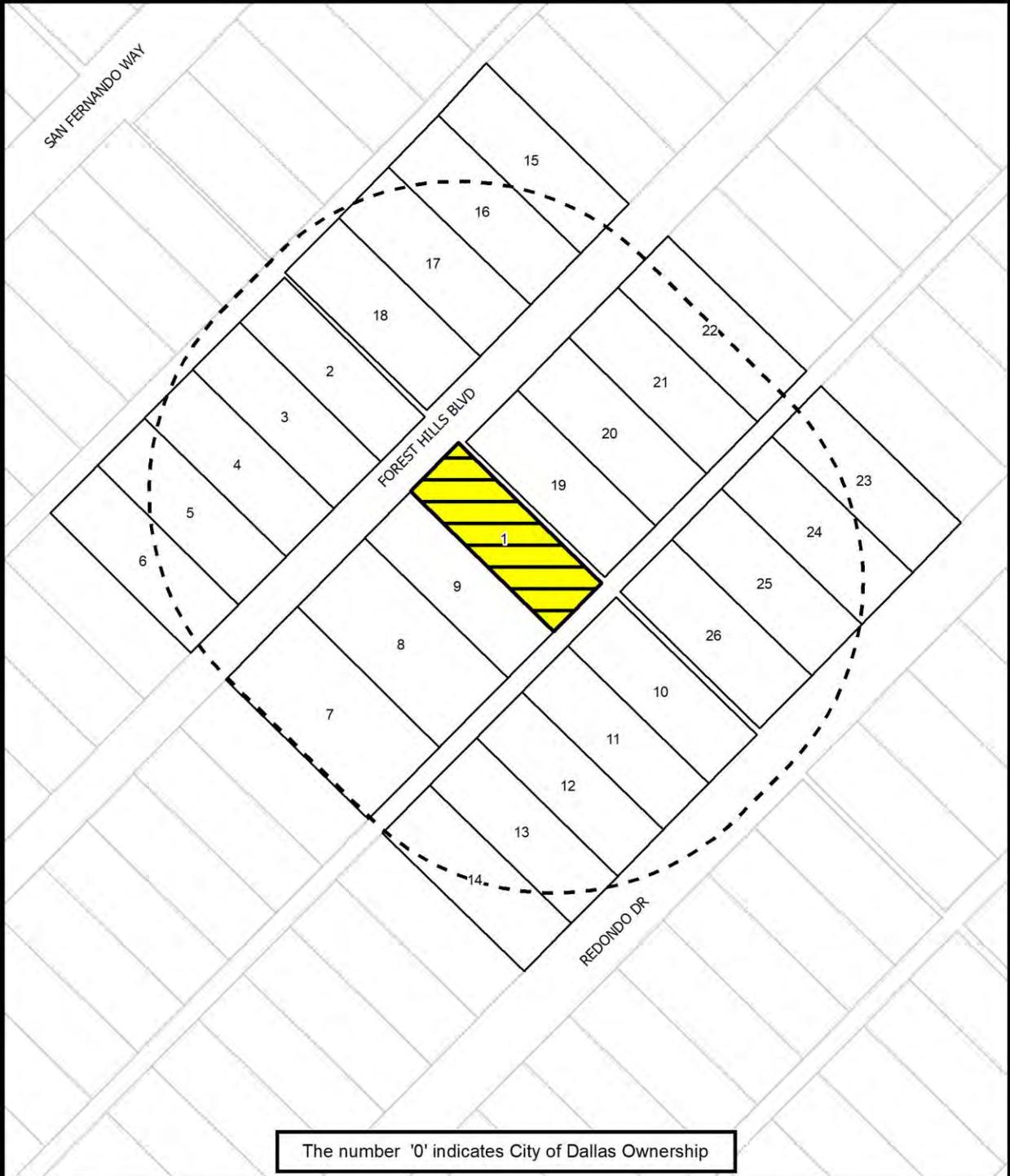


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AERIAL MAP

Case no: BDA201-107

Date: 10/27/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
26 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-107**

Date: **10/27/2021**

10/27/2021

Notification List of Property Owners

BDA201-107

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8656 FOREST HILLS BLVD	NICKELL LARRY & MARY
2	8659 FOREST HILLS BLVD	ARONSON DANA L
3	8655 FOREST HILLS BLVD	NAGLE TIMOTHY R &
4	8651 FOREST HILLS BLVD	CAMPAGNA FRANK L
5	8647 FOREST HILLS BLVD	MORGAN BENJAMIN P & MEGAN M
6	8643 FOREST HILLS BLVD	SMILEY CYNTHIA LYNN COFFMAN
7	8640 FOREST HILLS BLVD	HALL DEBRA J
8	8648 FOREST HILLS BLVD	BROWN ANN MARIE
9	8652 FOREST HILLS BLVD	DIVIRGILIO JOHN
10	8657 REDONDO DR	JAMES JOHN R
11	8653 REDONDO DR	MCCLURG LAURIE M
12	8649 REDONDO DR	MCCLURG LAURIE
13	8645 REDONDO DR	DUKE CHARLES W
14	8641 REDONDO DR	FRENCH MELISSA BELLOWS &
15	8715 FOREST HILLS BLVD	KENDALL THOMAS H &
16	8711 FOREST HILLS BLVD	LAMINACK SHARON
17	8707 FOREST HILLS BLVD	ARRIAGA IRENE R
18	8703 FOREST HILLS BLVD	NICOL THOMAS A
19	8702 FOREST HILLS BLVD	WHITT SOL MARIA &
20	8706 FOREST HILLS BLVD	PIPPIN OWEN B
21	8710 FOREST HILLS BLVD	SIMS COLLEEN A
22	8714 FOREST HILLS BLVD	LIPSCHITZ DANIEL
23	8715 REDONDO DR	SELLNER NATALIE F
24	8711 REDONDO DR	SINCLAIR GARY
25	8707 REDONDO DR	WAFFORD GREENDA
26	8703 REDONDO DR	KOONCE COLLIN & AMANDA S



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-107

Data Relative to Subject Property:

Date: 9-23-21

Location address: 8656 Forest Hills Blvd. Zoning District: R 7.5(A)

Lot No.: 15 Block No.: 4/5225 Acreage: .182 Census Tract: 81.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Larry Nickell + Mary Nickell

Applicant: Larry Nickell Telephone: 903.819.9075

Mailing Address: 8656 Forest Hills Blvd. Zip Code: 75218

E-mail Address: LARRY NICKELL SR@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of Side yard Setback, Height for Accessory Structure, ADU Not for Rent

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

See attached

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

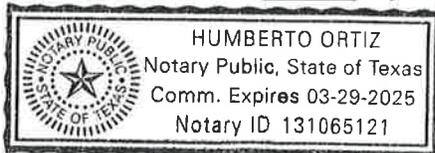
Affidavit

Before me the undersigned on this day personally appeared Larry Nickell
(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: Larry Nickell
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 13th day of September, 2021



Humberto Ortiz
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

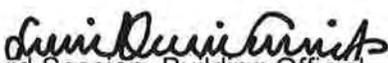
I hereby certify that Larry Nickell

did submit a request for a special exception to the single family regulations, and for a variance to the side yard setback regulations, and for a variance to the building height regulations

at 8656 Forest Hills Blvd.

BDA201-107. Application of Larry Nickell for a special exception to the single family regulations, and for a variance to the side yard setback regulations, and for a variance to the building height regulations at 8656 FOREST HILLS BLVD. This property is more fully described as Lot 15, Block 4/5225, and is zoned R-7.5(A), which the height of an accessory structure may not exceed the height of the main building and limits the number of dwelling units to one and requires a 5 foot side yard setback. The applicant proposes to construct an additional dwelling unit (not for rent), which will require a special exception to the single family zoning use regulations, and to construct and maintain single family residential accessory structure and provide a 2 foot side yard setback, which will require a 3 foot variance to the side yard setback regulations, and to construct a single family residential accessory structure with a building height of 20 feet 3 inches, which will require a 1 foot 8 inch variance to the maximum building height regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA _____

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

at: 8656 Forest Hills Blvd.
(Address of property as stated on application)

Authorize: Larry Nickell
(Applicant's name as stated on application)

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

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

Specify: Side yard, Height for Accessory Structure, ADU -
Now Rental.

Mary Nickell
Print name of property owner or registered agent

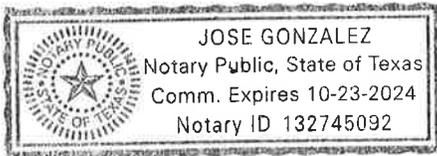
[Signature]
Signature of property owner or registered agent

Date 9/13/2021

Before me, the undersigned, on this day personally appeared Mary Nickell

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 13 day of September, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 10/23/2024

Variance Request for 8656 Forest Hills Blvd
Larry & Mary Nickell

Background: We have lived in Dallas for 7 years, love the east Dallas neighborhood we live in and would like to stay where we are as we enter our retirement years. To do that, we wanted to have a garage and a space for our kids and grandkids when they come in for Thanksgiving, Christmas, Easter, etc. Our primary concern was to maintain the character, history, and functionality of the neighborhood which included saving big, beautiful trees.

The challenge of doing that is:

- Our lot is small in comparison to many of the lots around. Taking a sample of 8 lots on our street/block, plus 4 lots from the 2 streets adjacent, the average of those lots came to 10,051 sf and our lot is 7,475 sf. That left us less area to work with to develop commensurately with properties around us.
- There have been 11 new houses built on our block in the last 2-3 years. The sizes of those houses range from 2,445 sf to 4,141 sf with an average of 3,293 sf. Additionally, the garages for those homes average 553 sf. These are large, nice homes but didn't respect or take into consideration the history and character of the neighborhood.

To accomplish our goals, we designed a building that:

- Would esthetically enhance not only our home but the entire neighborhood.
- Be on the smallest footprint possible – 396 sf, which compares with the 553 sf garages built elsewhere on our street.
- Maintain a big, beautiful Walnut tree that is 9' from the foundation of the building. Arborists advised ideally to stay 10' away but that wasn't possible.
- Included a bathroom and small kitchen for our kids & grandkids when they come to visit.

<u>Address</u>	<u>House</u>	<u>Garage sf</u>	<u>Apt</u>	<u>Total sf</u>	<u>Lot sf</u>
8603 Forest Hills Blvd	2,352	440		2,792	6,186
8607 Forest Hills Blvd	2,271	673		2,944	6,185
8611 Forest Hills Blvd	2,337	576		2,913	7,500
8615 Forest Hills Blvd	3,419	780		4,199	7,892
8647 Forest Hills Blvd	2,864	440		3,304	7,791
8655 Forest Hills Blvd	2,542	504		3,046	7,692
8600 Forest Hills Blvd	1,792	581	625	2,998	6,170
8616 Forest Hills Blvd	4,141			4,141	7,525
8652 Forest Hills Blvd	1,946	499		2,445	7,636
8715 Forest Hills Blvd	2,854	460		3,314	8,145
8815 Forest Hills Blvd	3,548	576		4,124	8,407
8807 Forest Hills Blvd	3,323	576		3,899	8,008
Average Size	2,782	553	625	3,293	7,428

In the last 3-5 years there have been 12 new homes built on my block. Details of those homes are shown above.

Sanjit. Nickel
9/23/2021

<u>Address</u>	<u>Lot Size sf</u>
8615 Forest Hills Blvd	7,891
8640 Forest Hills Blvd	11,855
8648 Forest Hills Blvd	11,335
8703 Forest Hills Blvd	8,815
8707 Forest Hills Blvd	8,243
8814 Forest Hills Blvd	7,955
8822 Forest Hills Blvd	9,329
8823 Forest Hills Blvd	9,733
8601 Redondo	11,835
8613 Redondo	15,720
8822 Redondo	9,697
8823 Redondo	9,392
8600 San Fernando	10,702
8610 San Fernando	11,390
8702 San Fernando	8,500
8703 San Fernando	8,417
<hr/>	
Average Lot Size	10,051
8656 Forest Hills Lot Size	7,475
8656 FH/Average Lot	74%
Amount Smaller than Ave	2,576



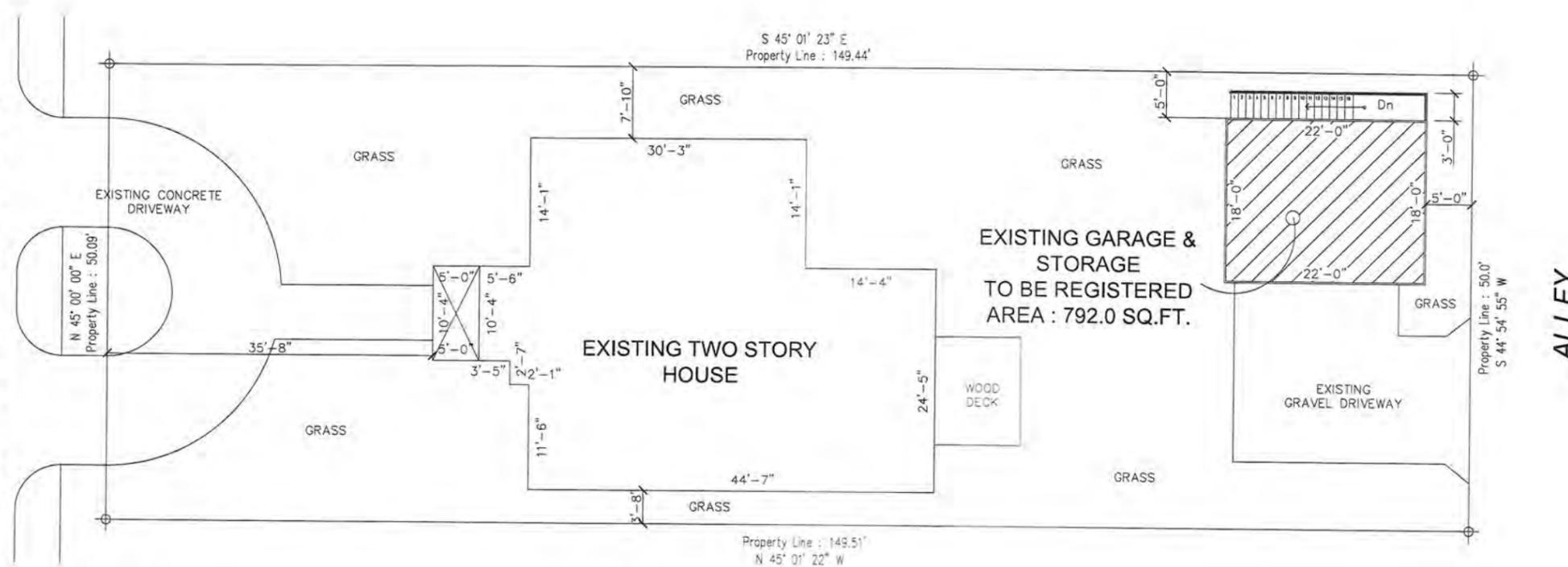
Legend

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

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



8656 FOREST HILL BLVD.



PROJECT DATA

PROJECT NAME: EXISTING GARAGE & BEDROOM
TO BE REGISTERED
AREA: 596.0 SQ.FT.

ADDRESS: 8656 FOREST HILL BLVD.

LOT No.: 15

BLOCK No.: 4/5225

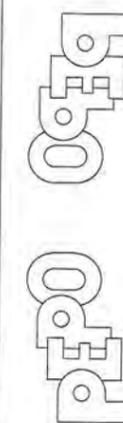
AREAS IN SQUARE FEET

EXISTING HOUSE AREA: 2,418.0 sq.ft.

EXISTING GARAGE & STORAGE
TO BE REGISTERED
AREA: 792.0 SQ.FT.

SITE PLAN

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



PEPO DESIGN, LLC

felipeadame@hotmail.com

TEL: 214-789-7080

GENERAL NOTES

1. THE GENERAL CONTRACTOR/BUILDER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLANS/DRAWINGS AND SHALL NOTIFY OWNER OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBILITY TO SELECT, VERIFY, RESOLVE, AND INSTALL ALL EQUIPMENT AND MATERIALS AND TO CONTROL THE QUALITY THEREOF.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODES AND REGULATIONS.
5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURE(S) OF THE PROJECT. FURTHERMORE IT RECOMMENDS THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER AND TOPOGRAPHIC SPECIALIST.

SQUARE FOOTAGE



Project Name:

TWO CAR GARAGE AND BEDROOM

Project Address:

**8656 FOREST HILL BLVD
DALLAS, TX 75218**

Plan Name:

SITE PLAN

Project #: **042821**

Drawn By: **JAM**

Date: **04-28-2021**

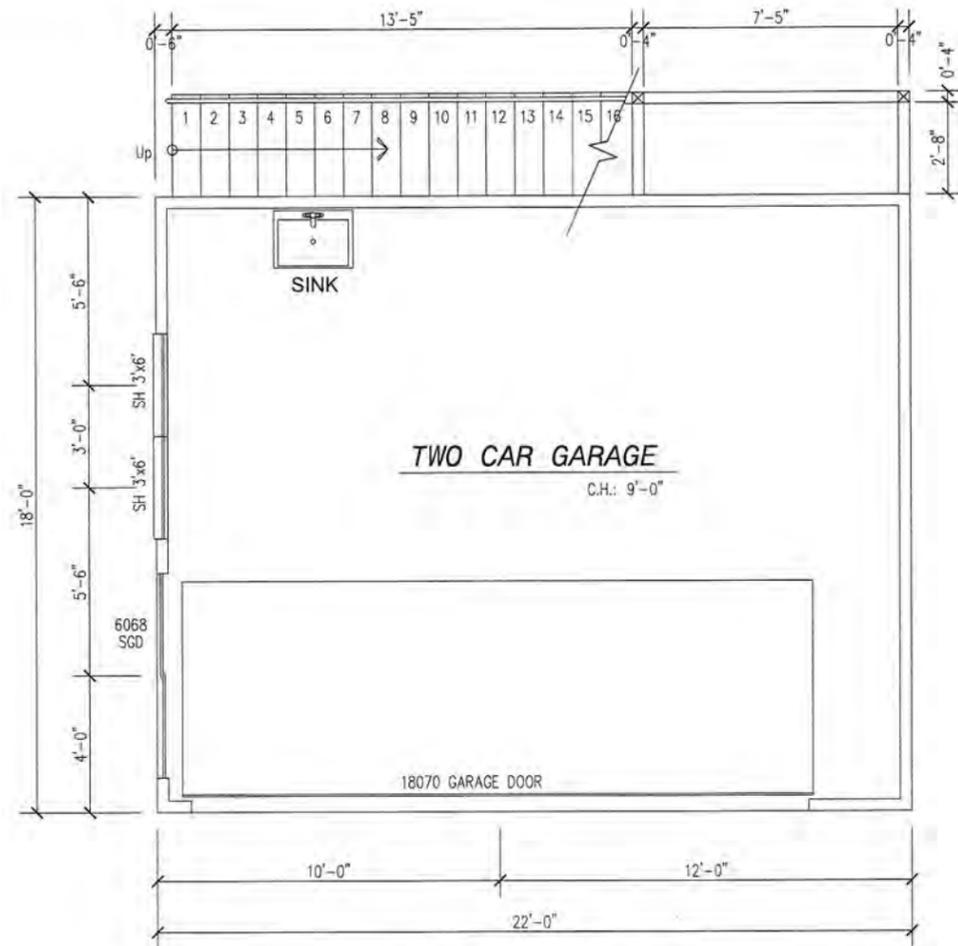
Scale: **1/16" = 1'-0"**

Sheet #:

1

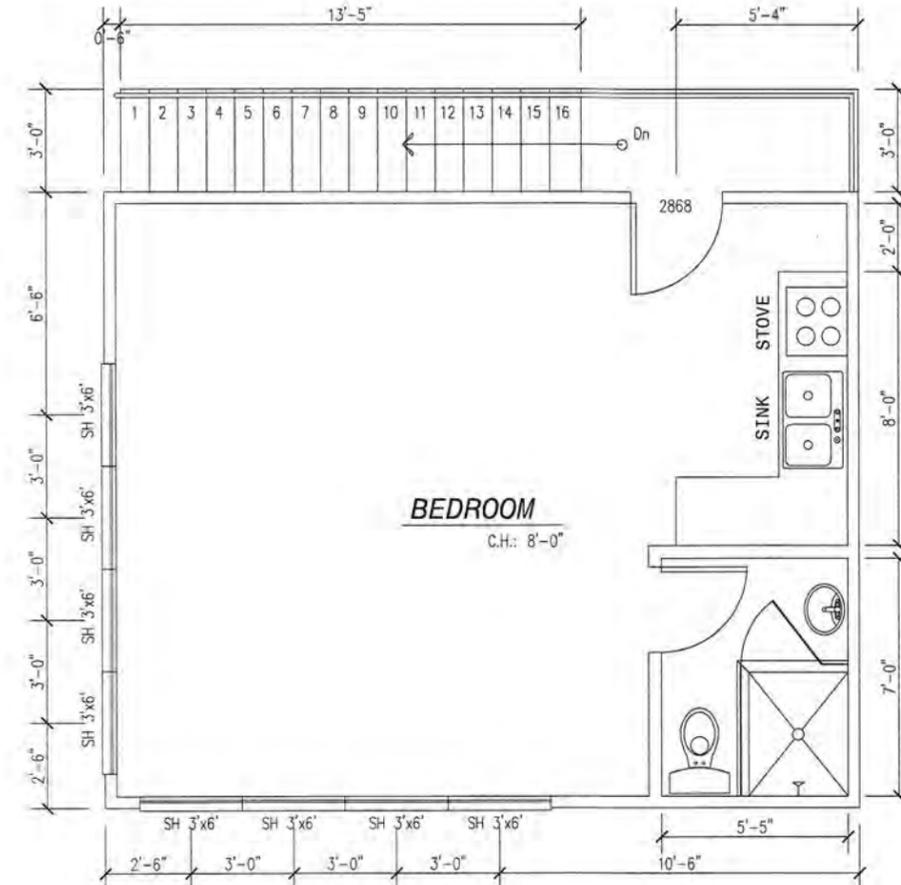
Of:

5



1ST. FLOOR PLAN

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



2ND. FLOOR PLAN

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

ENERGY CODE COMPLIANCE OUTLINE 2015 IECC

POLY SEAL :

- 1.- WINDOWS AND DOORS MUST BE SEALED WITH FOAM OR CAULK.
- 2.- SILL PLATE MUST BE SEALED ON THE INSIDE WITH FOAM OR CAULK.
- 3.- ALL PENETRATIONS OF TOP PLATE/CEILING INTO ATTIC, MUST BE SEALED WITH FOAM OR CAULK.
- 4.- ALL WALL PENETRATIONS TO THE EXTERIOR MUST BE SEALED WITH FOAM OR CAULK.
- 5.- BLOWER DOOR TESTING IS MANDATORY. NOT TO EXCEED 3 AIR CHANGES PER HOUR AT 50 PASCALS.
- 6.- DUCT TIGHTNESS TESTING IS MANDATORY. TESTED AT 25 PASCALS, TOTAL LEAKAGE, LESS THAN OR EQUAL TO 4 CUBIC FEET PER MINUTE PER SQUARE FOOT OF CONDITIONED FLOOR AREA.
EXCEPTION : WHEN THE DUCTS AND AIR HANDLERS ARE ENTIRELY WITHIN THE BUILDING THERMAL ENVELOPE.

HVAC / SERVICE WATER :

- 1.- ALL DUCTS IN UNCONDITIONED SPACE (ATTIC)- MUST USE R-8 DUCTING
- 2.- MECHANICAL SYSTEM PIPING CARRYING FLUID OVER 104' OR BELOW 55' MUST BE INSULATED WITH R-3 INSULATION.

INSULATION :

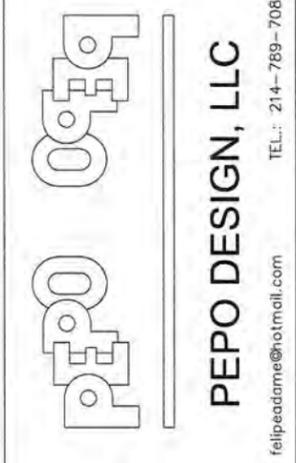
- 1.- ALL PIER AND BEAM / RAISED FLOORS MUST BE INSULATED WITH R-19 INSULATION OR HIGER.
OR : UNVENTED CRAWL SPACE WALLS MUST BE INSULATED R-5, CONTINUOUS OR R-13 CAVITY INSULATION, WITH VAPOR BARRIER OVER EXPOSED EARTH.
- 2.- ALL EXTERIOR WALL MUST BE INSULATED WITH R-20 CAVITY OR WITH R-13 CAVITY WITH R-5 CONTINUOUS INSULATION, OR HIGER.
- 3.- CEILING MUST BE INSULATED WITH R-38 IF THERE IS ATTIC SPACE AND R-30 IF NO ATTIC SPACE (CATHEDRAL) AND THAT IS LIMITED TO 500 SG. FT. TOTAL PR 20% OF CEILING WHICHEVER IS LESS.
- 4.- ATTIC ACCESS LADDERS AND OR HATCHES, MUST BE INSULATED THE SAME AS THE ATTIC AND HAVE A WEATHER SEAL.

WINDOWS AND DOORS :

- 1.- MUST HAVE A U-FACTOR OF .35 OR LESS.
- 2.- MUST HAVE A SHGC OF .25 OR LESS

LIGHTING :

- 1.- ALL CAN LIGHTS MUST BE AIR-TIGHT TYPE.
- 2.- MINIMUM OF 75% OF LIGHTING MUST BE HIGH EFFICIENCY. (ANYTHING BUT INCANDESCENT)



GENERAL NOTES

1. THE GENERAL CONTRACTOR/BUILDER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLANS/DOCUMENTS AND SHALL NOTIFY OWNER OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBILITY TO SELECT, VERIFY, RESOLVE, AND INSTALL ALL EQUIPMENT AND MATERIALS AND TO CONTROL THE QUALITY THEREOF.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODES AND REGULATIONS.
5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURES OF THE PROJECT. FURTHERMORE IT RECOMMENDS THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER AND TOPOGRAPHIC SPECIALIST

SQUARE FOOTAGE



Project Name:
TWO CAR GARAGE AND BEDROOM

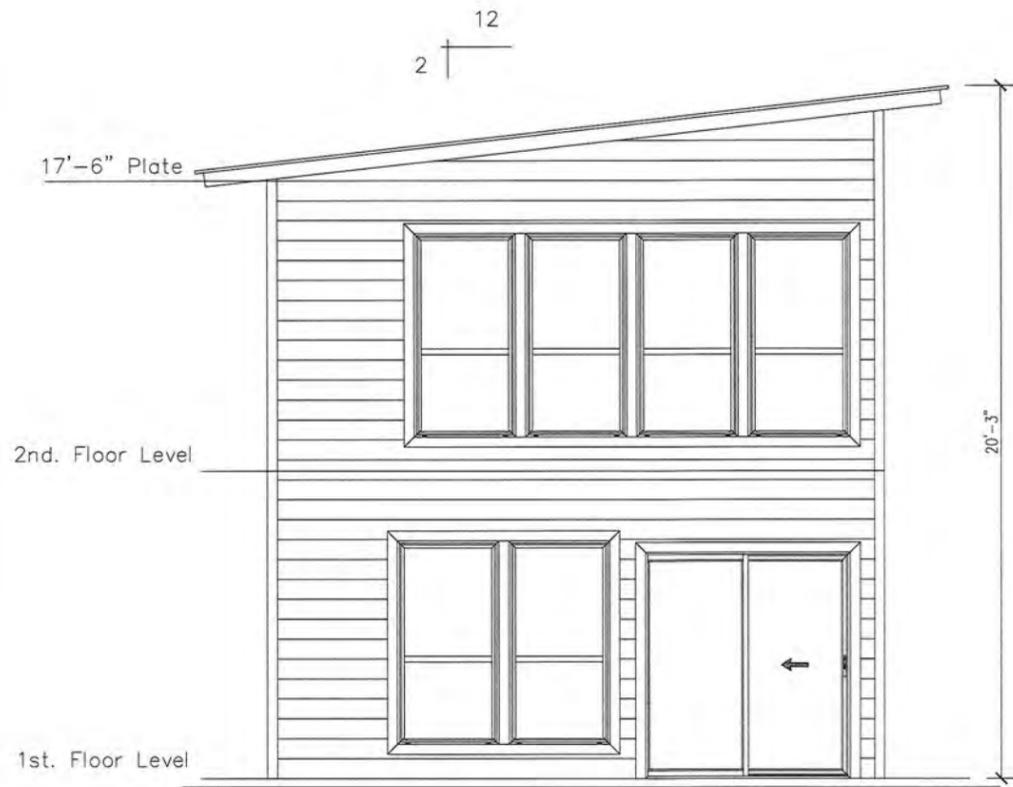
Project Address:
**8656 FOREST HILL BLVD
DALLAS, TX 75218**

Plan Name:
FLOOR PLAN

Project #: **042821** Drawn By: **JAM**

Date: **04-28-2021** Scale: **3/16" = 1'-0"**

Sheet #: **2** Of: **5**



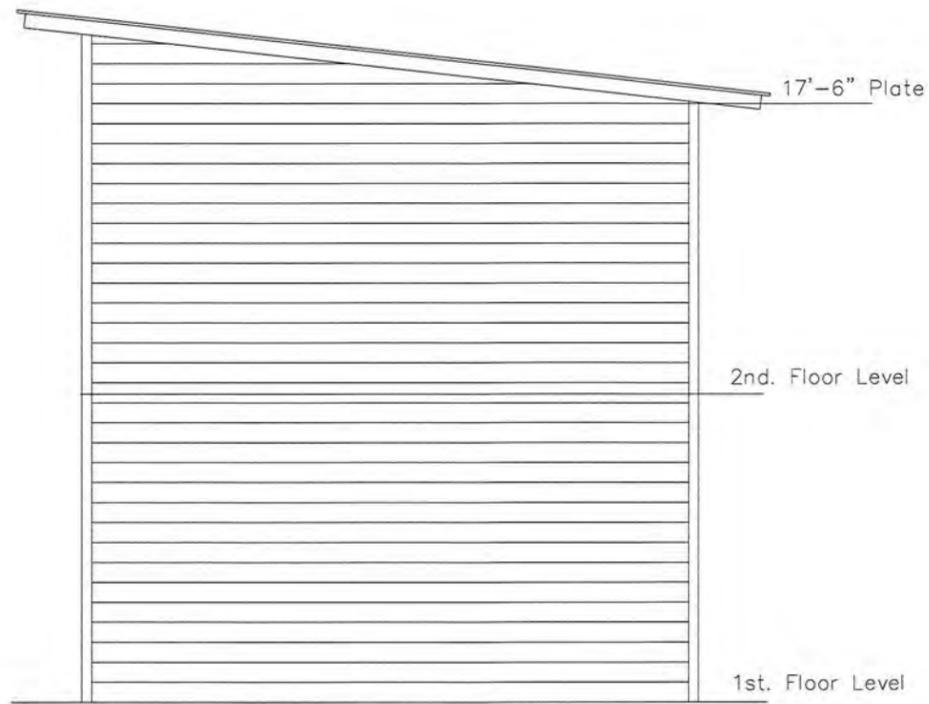
FRONT ELEVATION

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



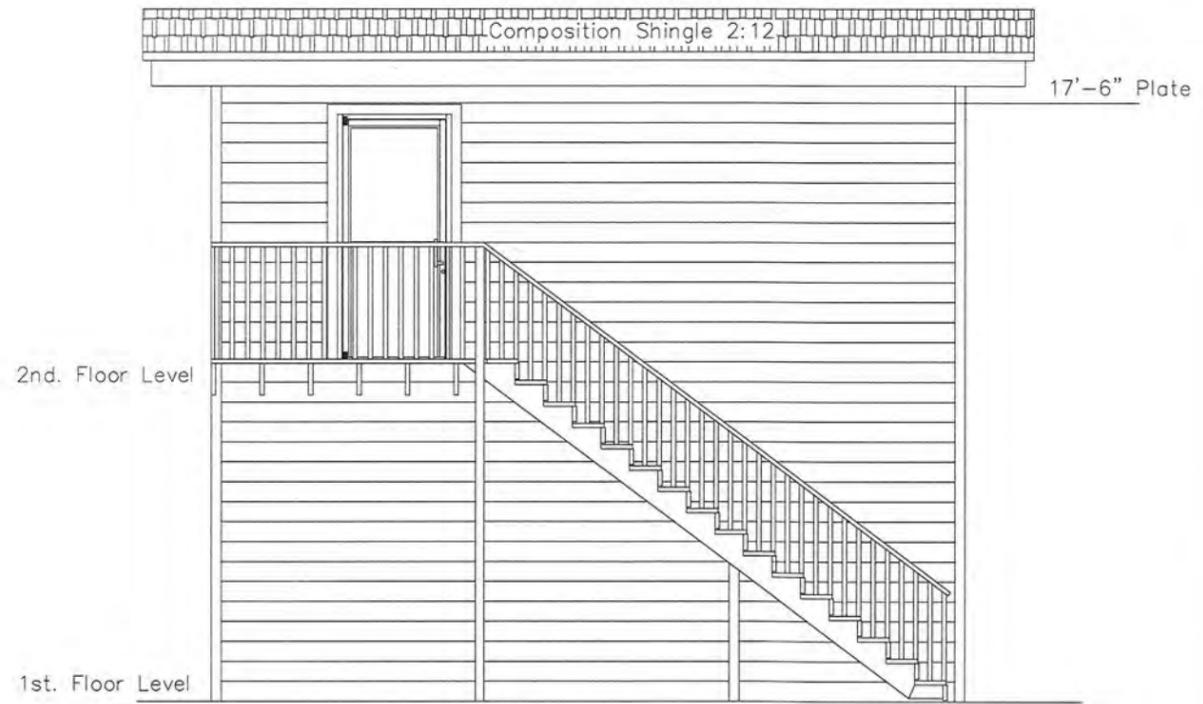
RIGHT ELEVATION

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



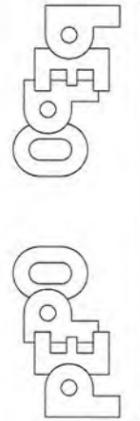
REAR ELEVATION

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



LEFT ELEVATION

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



PEPO DESIGN, LLC

TEL.: 214-789-7080
felpeadame@hotmail.com

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SQUARE FOOTAGE



Project Name:

TWO CAR GARAGE AND BEDROOM

Project Address:

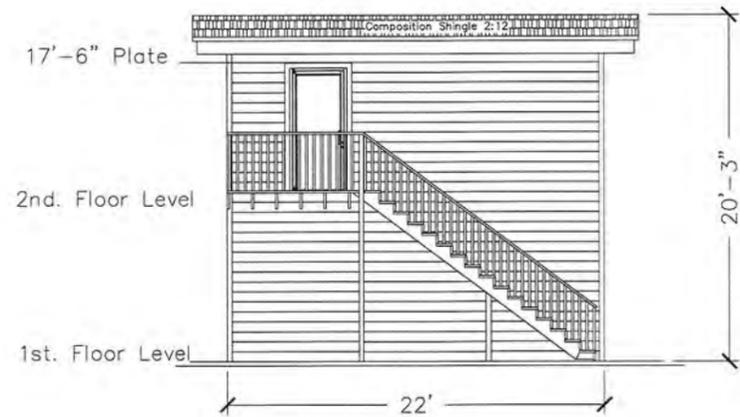
**8656 FOREST HILL BLVD
DALLAS, TX 75218**

Plan Name:
GARAGE ELEVATIONS

Project #: **042821** Drawn By: **JAM**

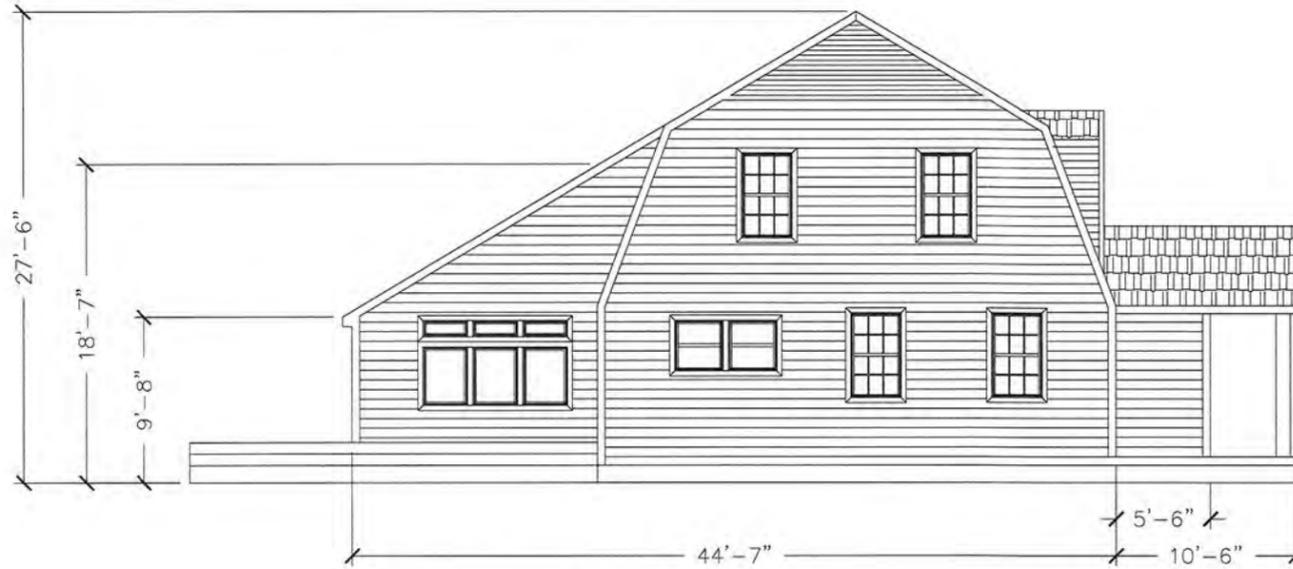
Date: **04-28-2021** Scale: **3/16" = 1'-0"**

Sheet #: **3** Of: **5**



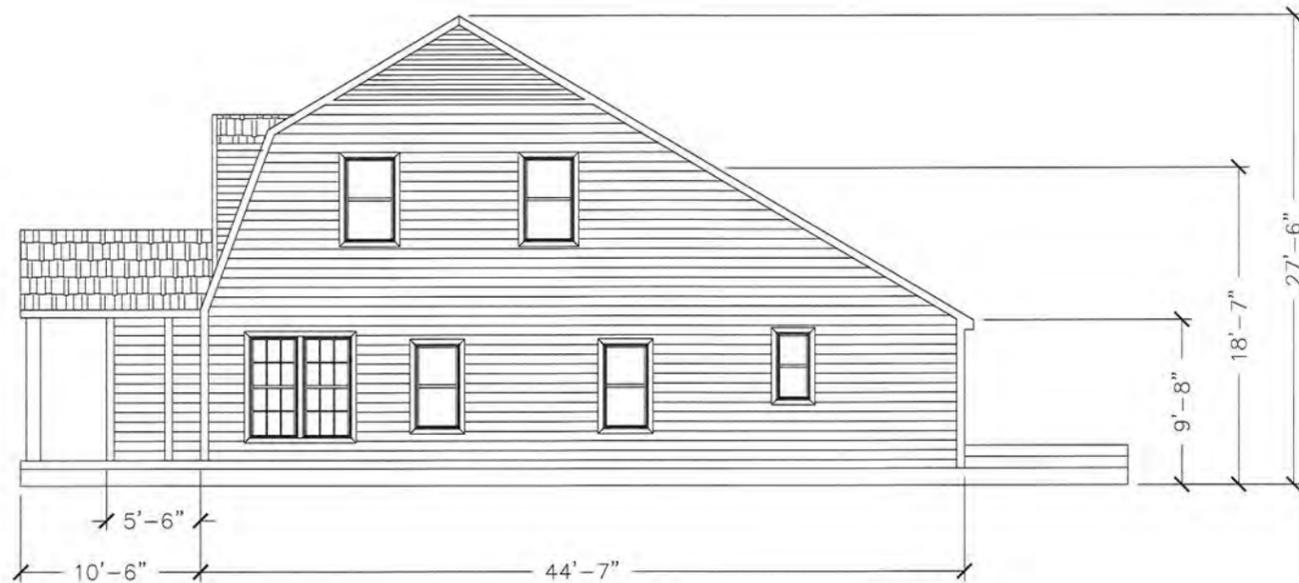
**GARAGE
LEFT ELEVATION**

SCALE: 3/32" = 1'-0"



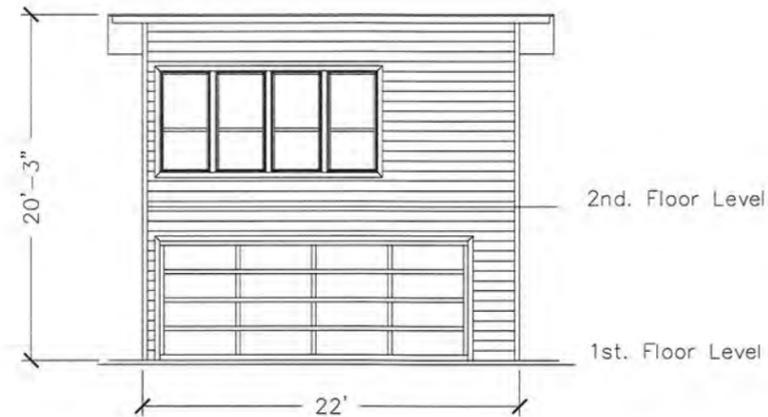
**MAIN HOUSE
LEFT ELEVATION**

SCALE: 3/32" = 1'-0"



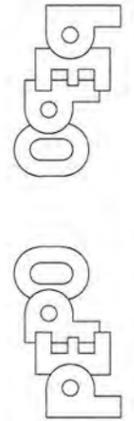
**MAIN HOUSE
RIGHT ELEVATION**

SCALE: 3/32" = 1'-0"



**GARAGE
RIGHT ELEVATION**

SCALE: 3/32" = 1'-0"



PEPO DESIGN, LLC

TEL: 214-789-7080
felipeodame@hotmail.com

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SQUARE FOOTAGE



Project Name:

**TWO CAR GARAGE
AND BEDROOM**

Project Address:

**8656 FOREST HILL BLVD
DALLAS, TX 75218**

Plan Name:
**MAIN HOUSE & GARAGE
ELEVATIONS**

Project #: 042821 Drawn By: JAM
Date: 04-28-2021 Scale: 3/32" = 1'-0"

Sheet #: **5** of **5**

Panel C

11-15-21

BDA201-107

8656 Forest Hills Blvd.

(Support Reference)

From: [REDACTED]
To: [Jackson, Latonia](#)
Subject: Variance Request for 8656 Forest Hills Blvd
Date: Monday, November 8, 2021 2:35:05 PM

External Email!

Hi,

I am the resident at 8652 Forest Hills Blvd. My name is John DiVirgilio. I can be reached at [REDACTED] [REDACTED] for further information if required.

I have received the "Board of Adjustment of the City of Dallas (Panel C)" letter today. I am in support of the variance. The structure is well designed and lit well. I consider it an asset considering the other eye-sores in the neighborhood . Also, in my opinion the structure matches the main home and is an asset to the property.

If you need any further information please contact me by phone. I do not plan on attending the hearing on this matter but please forward my comments to the committee.

Thanks again,
John DiVirgilio

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [REDACTED]
To: [Jackson, Latonia](#)
Subject: Variance Request, 8656 Forest Hills Boulevard, Larry & Mary Nickell
Date: Sunday, November 7, 2021 9:59:59 AM
Attachments: [Outlook-z0nqpwbo.jpg](#)

External Email!

Ms. Jackson,

I understand that Larry and Mary Nickell have requested a variance for their property located at 8656 Forest Hills Boulevard.

I wholeheartedly support their request and would appreciate it being approved.

The building is attractive, well built, and an asset to the neighborhood. It was constructed well and maintains the character of the existing residence, as well as the character and history of the neighborhood.

Please grant the variance requested.

You may call me at the number below if you have any questions.

Thank you for your consideration.



/s/Thomas A. Nicol

8703 Forest Hills Boulevard
[REDACTED]
[REDACTED]

This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained within either this message or any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures

in Global and National Commerce Act (ESIGN), any version of the Uniform Electronic Transactions Act (UETA), or any other statute governing electronic transactions. This electronic transmission and any attached documents or other writings are confidential and for the sole use of the intended recipient(s) identified above. The opinions expressed herein are not for the purposes of legal advice and are not to be relied upon by third parties. The sender makes no assurances or promises that the information provided is accurate or correct. The information and documents contained in this message may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If you are not the intended recipient, or employee, or agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying, or storage of this information is strictly prohibited. If you have received this information in error, please notify The Nicol Law Firm via e-mail at info@tnicollaw.com and delete the electronic transmission, including all attachments from your system.

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Brad Pippin](#)
To: [Jackson, Latonia](#)
Subject: Case #-107BDA201
Date: Sunday, November 7, 2021 10:47:04 AM

External Email!

Hello,

I'm writing about the

Variance Request
8656 Forest Hills Blvd
Larry & Mary Nickell

I'm a neighbor that lives 2 houses from them and I fully support the request for the variance. Their building is an asset to the neighborhood and fits in nicely. The building was completed in a way that maintains the character, history and functionality of the main home.

Thanks for your time,
Brad Pippin
8706 Forest Hills Blvd
Dallas, TX 75218

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Tammara Shaw](#)
To: [Jackson, Latonia](#)
Subject: Case # BDA201-107
Date: Sunday, November 7, 2021 5:16:49 PM

External Email!

Good evening,

I am writing in regards to case #BDA201-107. I would like to let you know that I support the request for the variance. This particular property is well built and brings attraction to the neighborhood. This building was done such that it maintains the character, history and functionality of the main home.

If you need any additional information from me, please let me know.

Best,

Tammara Shaw

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Colleen Sims](#)
To: [Jackson, Latonia](#)
Subject: Case #BDA201-107
Date: Saturday, November 6, 2021 7:12:09 PM

External Email!

I support the variance at 8656 Forest Hills Blvd. The building is attractive and well built.

Colleen Sims
8710 Forest Hills Blvd, Dallas, TX 75218

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Taylor Burns](#)
To: [Jackson, Latonia](#)
Subject: Variance request - Case #BDA201-107
Date: Tuesday, November 9, 2021 7:31:43 PM

External Email!

To whom it may concern,

I'm writing in support of the request for variance for 8656 forest hills blvd by Mary and Larry Nickell. We live at 8608 forest hills blvd and they are not only an asset to our neighborhood but the building is attractive and well built and does not detract from our neighborhood aesthetic. Please let me know if you need anything else from me.

Respectfully,
Taylor Burns



Sent from my iPhone

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

FILE NUMBER: BDA201-111(JM)

BUILDING OFFICIAL'S REPORT: Application of Raymond Bronner for a variance to the front yard setback regulations at 5005 Denton Drive. This property is more fully described as Lot 1, Block J/2325, and is zoned an R-7.5 Single Family Subdistrict within Planned Development District No.193, which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure with pool and provide a three-foot six-inch front yard setback, which will require a 21-foot six-inch variance to the front yard setback regulations.

LOCATION: 5005 Denton Drive

APPLICANT: Raymond Bronner

REQUEST:

The request for a variance to the front yard setback on Maple Springs Boulevard is made to construct and maintain a 2,325 square-foot single-family dwelling and swimming pool on a site that is currently undeveloped. The Denton Drive front yard of 25 feet will be provided.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots zoned an R-7.5 Single Family District within PD No. 193 in that it is flat, irregular in shape (ranging from about 20 – 81 feet-in-width), narrow, and, according to the application, contains 0.181 acres (or approximately 7,884 square feet) in area. Lots in this subdistrict are a minimum of 7,500 square feet in area. However, evidence submitted by the applicant (**Attachments A and B**) identified five lots in the immediate vicinity with an average of 17,309 square feet of lot area.
- The evidence also showed the average house size is about 2,515 square feet. The proposed development is for a commensurate 2,325 square feet.
- Finally, the subject site is encumbered with the unnecessary hardship of two front yards. Between the odd shape and additional front yard setback, the evidence presented notes the site in its current condition maintains about 27 percent of developable area, where adjacent lots have up to 75 percent. The applicant is seeking relief from the additional front yard setback along Maple Springs Boulevard and plans to provide a minimum of 25 feet along Denton Drive, as required.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (R-7.5) (Single family subdistrict)
North: PD 193 (R-7.5) (Single family subdistrict)
South: PD 193 (R-7.5) (Single family subdistrict)
East: PD 193 (R-7.5) (Single family subdistrict)
West: PD 193 (R-7.5) (Single family subdistrict)

Land Use:

The subject site is undeveloped. All surrounding properties are developed with single family uses.

GENERAL FACTS /STAFF ANALYSIS:

This request for a variance to the front yard setback regulations is made to construct and maintain a single-family dwelling unit and swimming pool structure. The site is undeveloped and located in an R-7.5 Single Family District within PD No. 193 which requires a minimum front yard setback of 25 feet. However, this property is encumbered with two front yards due to a provision in the Dallas Development Code meant to maintain block continuity when lots face upon a street and provide a front yard setback. This second front yard setback is required to maintain block continuity established by a lot to the south fronting onto Maple Springs Boulevard.

The applicant is seeking relief from the additional front yard setback along Maple Springs Boulevard and plans to provide a minimum of 25 feet along Denton Drive, as required. The submitted site plan indicates that the proposed structures are located as close as three-feet six-inches from the front property line along Maple Springs Boulevard or as much as 21-feet six-inches into the 25-foot front yard setback.

Lots in this district are typically 7,500 square feet in area. flat, irregular in shape (ranging from about 20 – 81 feet-in-width), narrow, and, according to the application, contains 0.181 acres (or approximately 7,884 square feet) in area. The applicant submitted evidence (**Attachments A and B**) which identified five lots in the immediate vicinity with an average of 17,309 square feet of lot area. The evidence also showed the average house size is about 2,515 square feet. The proposed development is for a commensurate 2,325 square feet. Finally, the evidence presented notes the site in its current condition maintains about 27 percent of developable area, where adjacent lots have up to 75 percent.

According to DCAD records, there are no improvements listed for the property addressed at 5005 Denton Drive.

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

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 193 (R-7.5) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 193 (R-7.5) zoning classification.

As of November 5, 2021, no letters had been received regarding the request.

If the board were to grant the variance request and impose the submitted site plan as a condition, the proposed single-family dwelling and swimming pool structure located within the front yard setback along Maple Springs Boulevard would be limited to what is shown on this document. No additional relief is provided with this request.

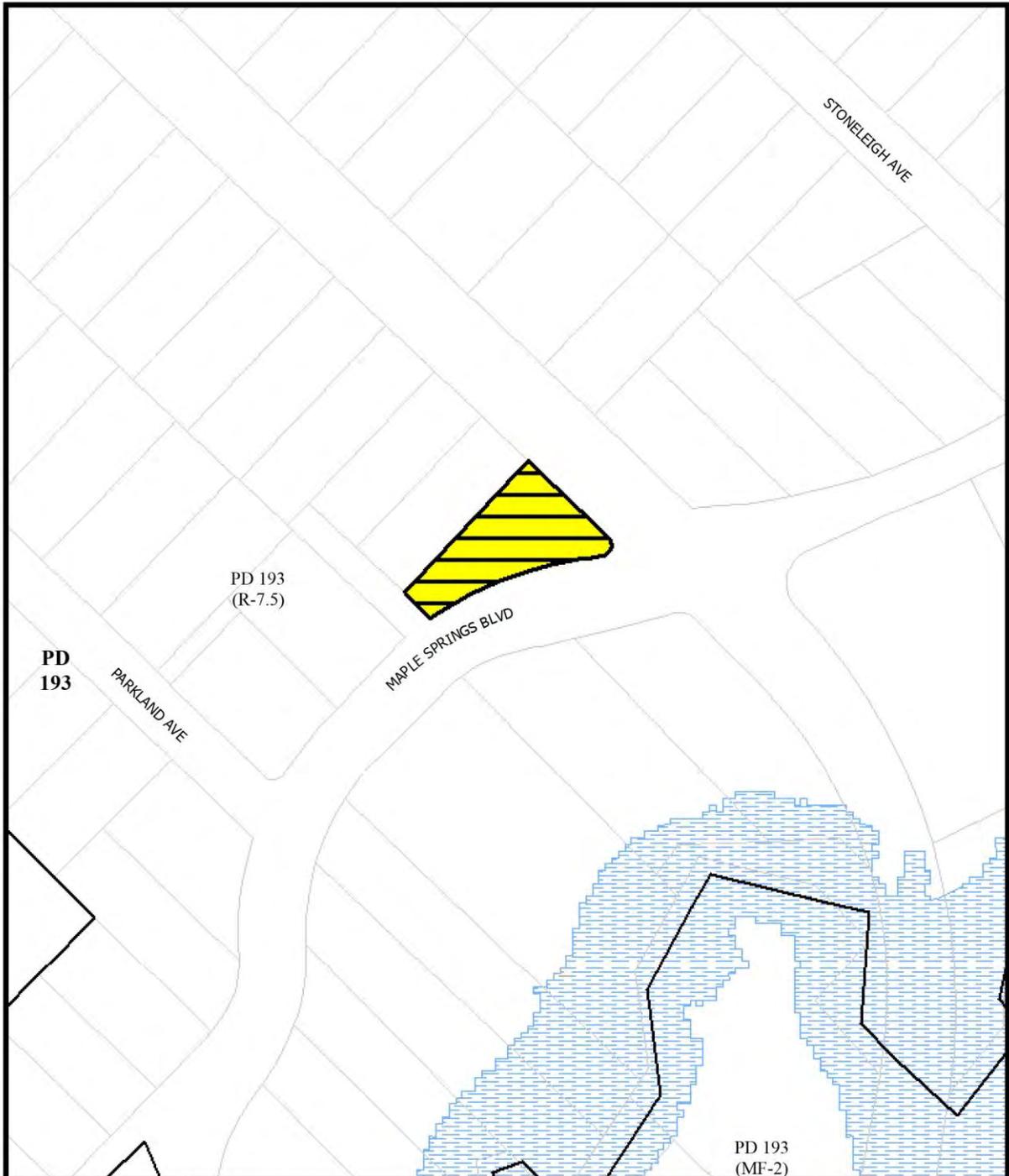
Timeline:

- September 27, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 12, 2021: The Board of Adjustment Chief Planner randomly assigned this case to Board of Adjustment Panel C.
- October 19, 2021: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the October 26, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the November 5, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;

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

October 29, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board. No staff review comment sheets were submitted in conjunction with this application.

November 2, 2021: The applicant submitted additional evidence for consideration (**Attachments A and B**).



PD
193

PD 193
(R-7.5)

PD 193
(MF-2)

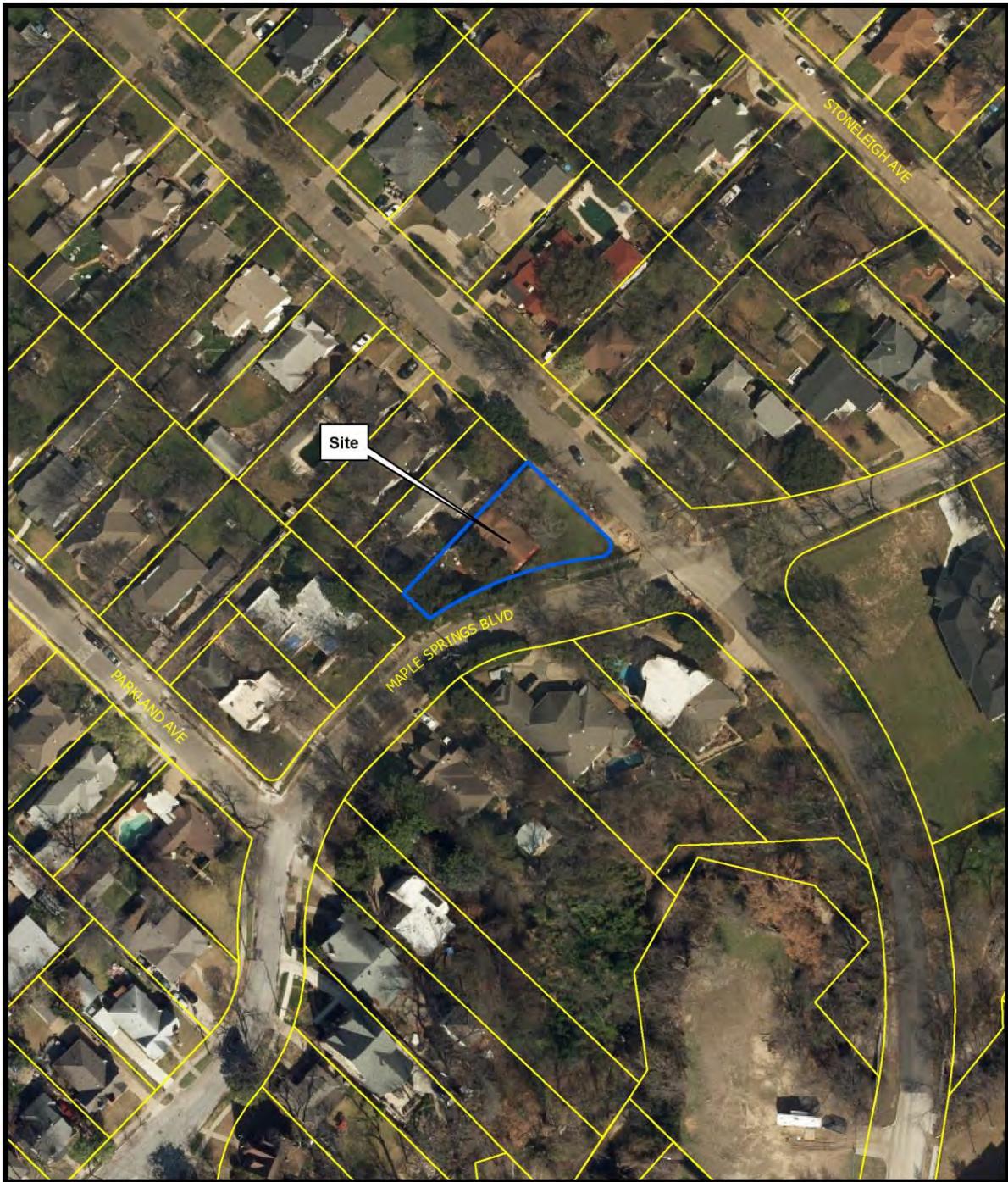


1:1,200

ZONING MAP

Case no: BDA201-111

Date: 10/27/2021

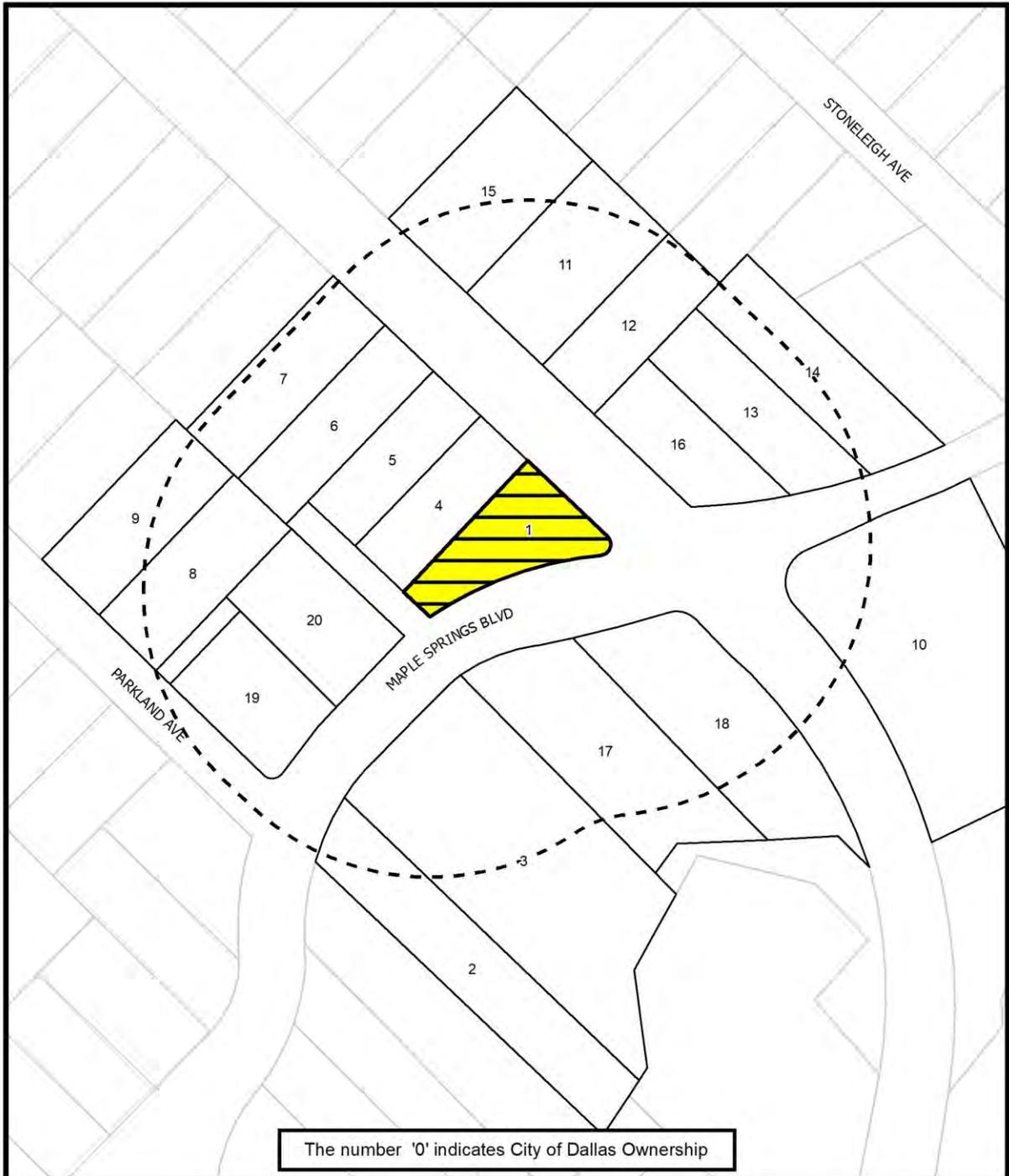


1:1,200

AERIAL MAP

Case no: BDA201-111

Date: 10/27/2021



1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
21	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-111**
 Date: **10/27/2021**

10/26/2021

Notification List of Property Owners

BDA201-111

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5005 DENTON DR	BRONNER RAYMOND M &
2	2628 MAPLE SPRINGS BLVD	CRABTREE ROBERT NORWOOD
3	2706 MAPLE SPRINGS BLVD	MORROW JAMES C &
4	5009 DENTON DR	TERRACINA JOHN J
5	5013 DENTON DR	RUBIO DELIA
6	5017 DENTON DR	CLEAVENGER BLAKE D
7	5019 DENTON DR	GRANT STUART T
8	5012 PARKLAND AVE	DIAZ JULIO
9	5014 PARKLAND AVE	RAY JAMES P
10	2808 MAPLE SPRINGS BLVD	ZITOUN JORDAN & ERIN
11	5016 DENTON DR	GAUNTT ANTHONY A
12	5012 DENTON DR	JEROUDI OMAR & MYRTLE
13	2807 MAPLE SPRINGS BLVD	TRAVERS TONI
14	2811 MAPLE SPRINGS BLVD	ZIMMERMAN ZACHARIAS EST OF
15	5024 DENTON DR	Taxpayer at
16	2803 MAPLE SPRINGS BLVD	GRANBERRY ERIN
17	2718 MAPLE SPRINGS BLVD	WILLIAMS PARKER
18	2724 MAPLE SPRINGS BLVD	DIX CHARLES T
19	2705 MAPLE SPRINGS BLVD	VECELLIO CONSTANCE M
20	2709 MAPLE SPRINGS BLVD	LILLINGTON DAVID
21	5008 PARKLAND AVE	BABB MARK



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-111

Data Relative to Subject Property:

Date: 9-27-2021

Location address: 5005 DENTON DR Zoning District: PD 193(27.5)

Lot No.: 1 Block No.: J/2325 Acreage: .181 Census Tract: 4.04

Street Frontage (in Feet): 1) 83' 2) 165' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RAYMOND M BRONNER + DENNIS DO'REILLY

Applicant: RAYMOND BRONNER Telephone: 817.657.8349

Mailing Address: 5202 DENTON DR Zip Code: 75235

E-mail Address: RMBDDO@YAHOO.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception _____, of FYSB OF 25' AND PROVIDE A 5' FYSB. THE ZONING REQUIREMENT IS 25' 21'6" 3'6"

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:

- DEVELOPMENT IS RESTRICTED BY THE TWO 25' FYSB DUE TO BLOCK FACE CONTINUITY
- SEVERE CURVATURE OF THE LOT FROM 81' TO 21' ELIMINATES ADEQUATE AREA FOR DEVELOPMENT
- PLANS TO MEET FYSB FOR DENTON DRIVE AND HELP IS NEEDED ON THE FYSB ON MAPLE SPRINGS AND ALLOW ADEQUATE DEVELOPMENT AREA

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

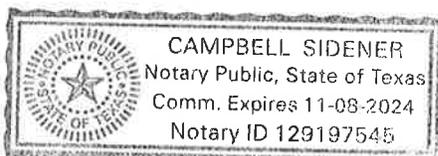
Before me the undersigned on this day personally appeared RAYMOND BRONNER (Affiant/Applicant's name printed)

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: Rm Bronner (Affiant/Applicant's signature)

Subscribed and sworn to before me this 27 day of SEPTEMBER, 2021

(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 Raymond Bronner

did submit a request for a variance to the front yard setback regulations
at 5005 Denton Drive

BDA201-111. Application of Raymond Bronner for a variance to the front yard setback regulations at 5005 DENTON DR. This property is more fully described as Lot 1, Block J/2325, and is zoned PD-193 (R-7.5), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure with pool and provide a 3 foot 6 inch front yard setback, which will require a 21 foot 6 inch variance to the front yard setback regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 201-111

I, Dennis D. O'Reilly, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5005 DENTON DR
(Address of property as stated on application)

Authorize: Raymond Beonner
(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: FYSB

Dennis O'Reilly
Print name of property owner or registered agent

Dennis O'Reilly
Signature of property owner or registered agent

Date 9-27-21

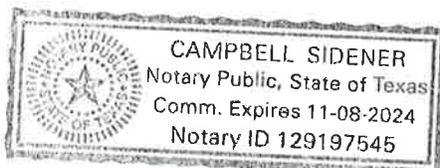
Before me, the undersigned, on this day personally appeared DENNIS O'REILLY

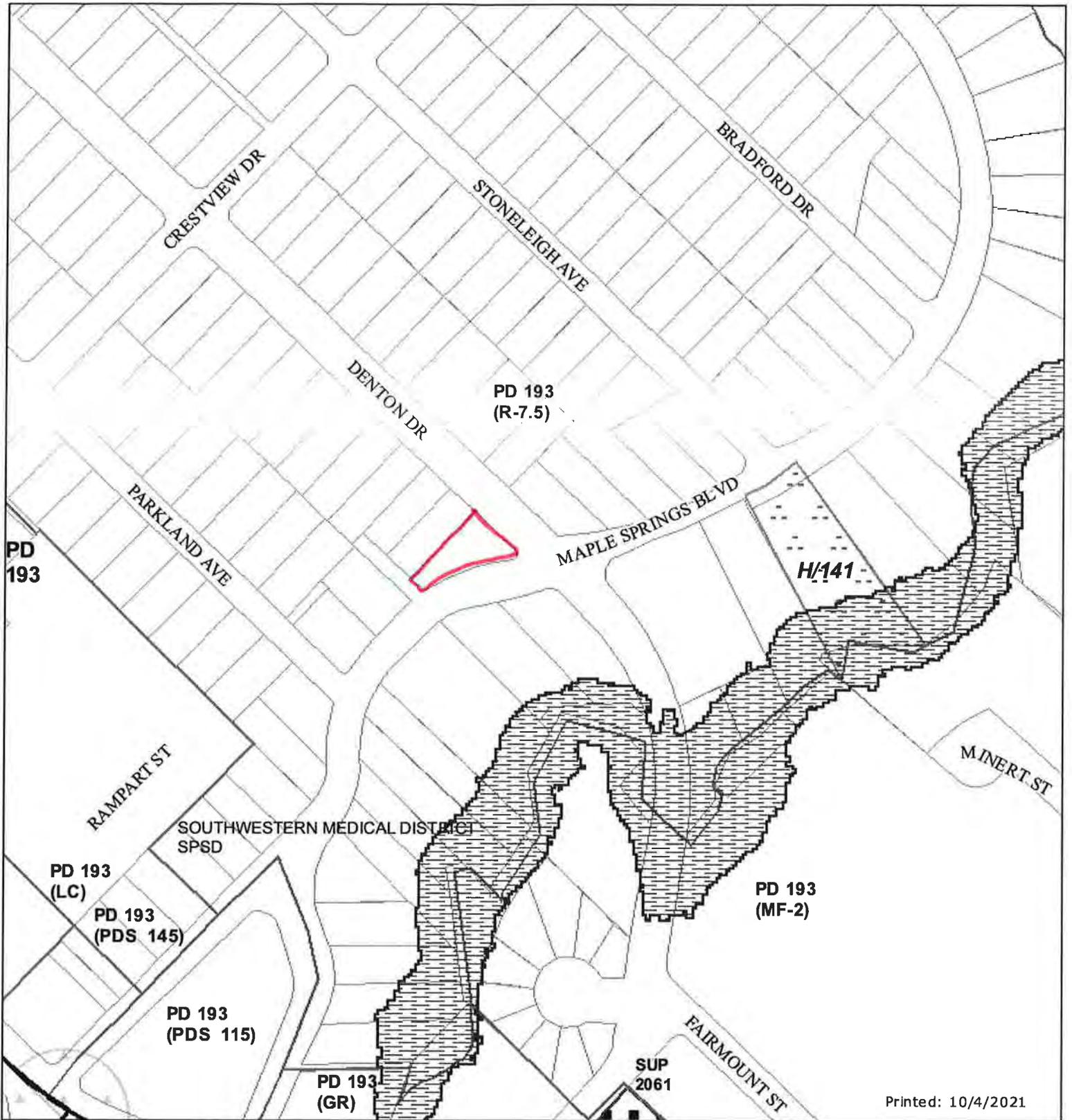
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 27 day of SEPTEMBER, 2021

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 11/08/2024





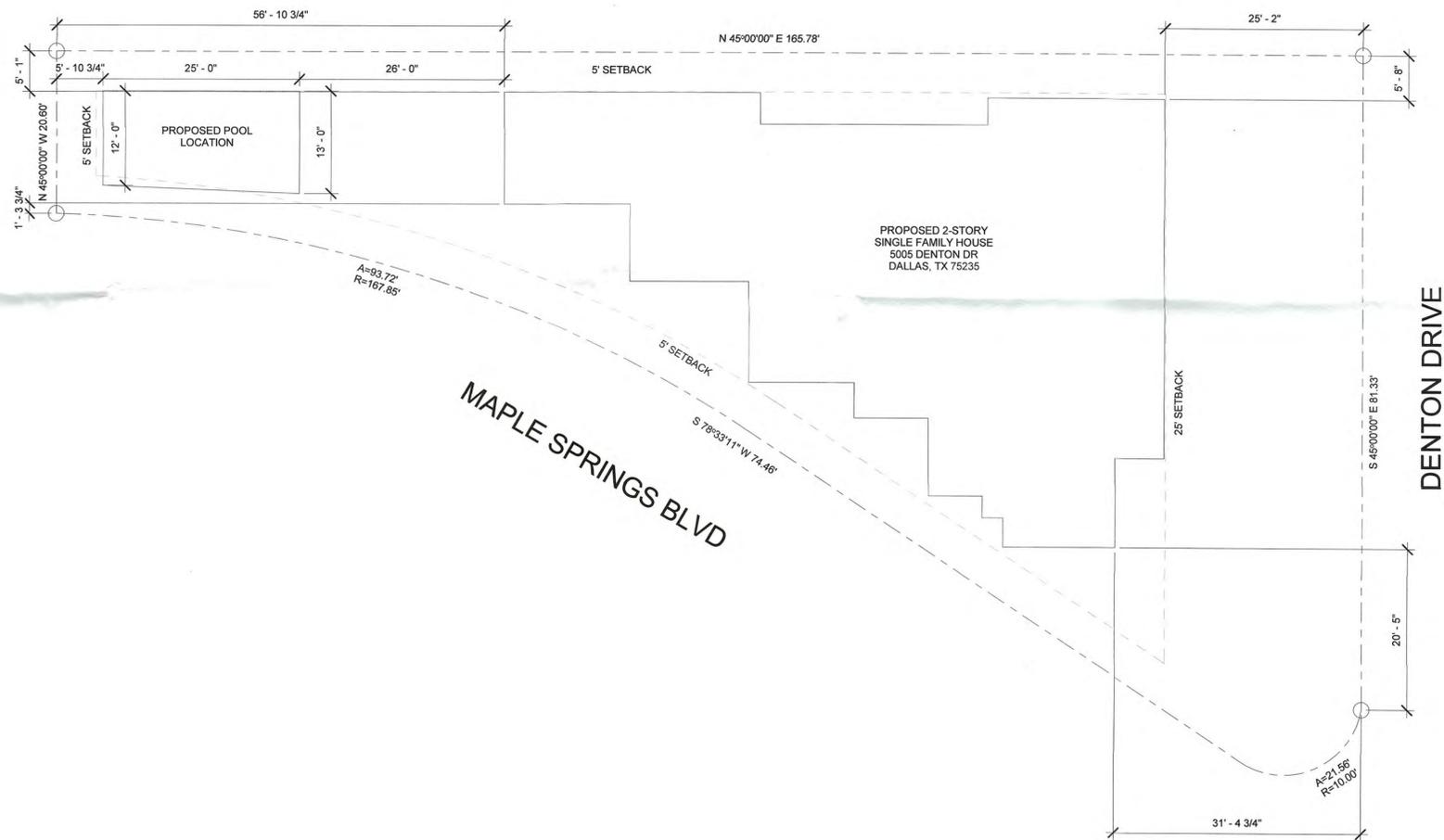
Printed: 10/4/2021

Legend

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

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





1 Site
1" = 10'-0"

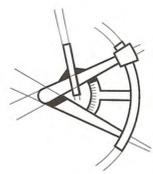
MAIN FLOOR		
Main Floor	LIVING	1979 SF
Main Floor	BRICK LEDGE 2	20 SF
Main Floor	BRICK LEDGE 1	25 SF
Main Floor	GARAGE	517 SF
Main Floor	FRONT PORCH	139 SF
Main Floor	PATIO	227 SF
		2908 SF

UPPER FLOOR		
Level	Name	Area
Upper Floor	LIVING	578 SF
		578 SF

TOTAL LIVING		
Main Floor	LIVING	1979 SF
Upper Floor	LIVING	578 SF
		2557 SF

TOTAL AREA		
Main Floor		2908 SF
Upper Floor		578 SF
		3486 SF

LONGITUDE
ONE TWENTY
ENGINEERING & DESIGN



REVISIONS			
△	DESCRIPTION	DATE	BY

PROJECT NAME
5005 DENTON DR

PROJECT NUMBER
A201204

DRAWN BY - AP

CHECKED BY - AP

SHEET DATE - 06/01/21

SCALE
24X36 SHEET: 1" = 10'-0"

DESCRIPTION
COVER
SHEET A100

BDA201-111_ATTACHMENT_A

Current Dallas Zoning requirements for this property requires 2, 25' front set-backs.

This lot differs in 2 profound ways from adjacent properties:

1. 2-25' front yard set-backs apply
2. Irregular size with wide curve, reducing developable area

Compare 5005 Denton to 5 adjacent properties

Example 1 - Both set-backs enforced.

With 2-25' Set Back	House SF	Land Area in Square Feet	Developable Area, Minus 2 setbacks	% of Developable Area
5005 Denton	2325	7912	2167	27%

Set-backs: Maple Springs 113x25, Denton Drive 89x25, Side 5x138

Total set-back 5745. Total land 7912. Developable = 2167

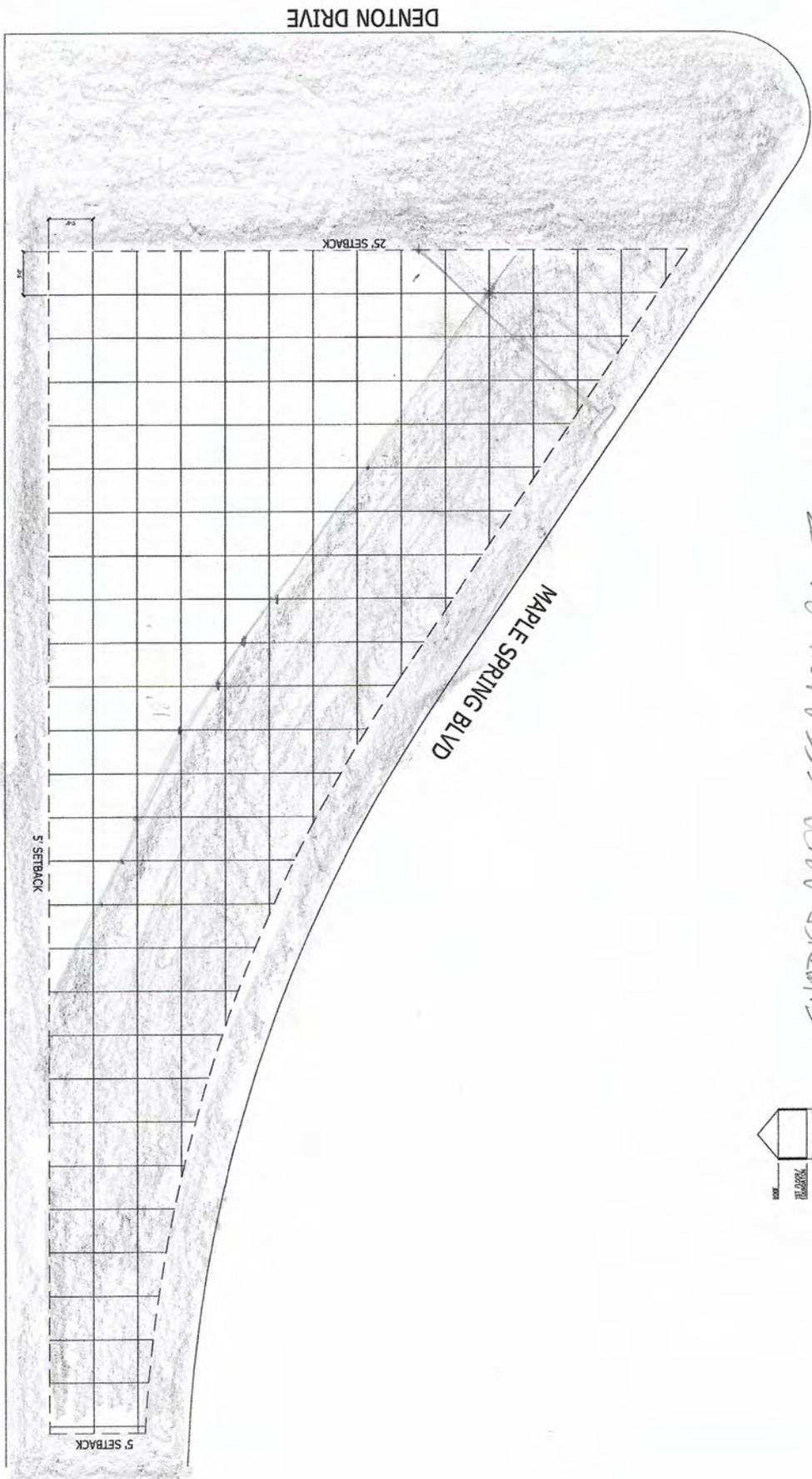
Example 2 – Maple Springs set-back relief is granted and only the Denton Drive set-back is enforced.

With 25' Set Back	House SF	Land Area in Square Feet	Developable Area, Minus 1 setback	% of Developable Area
5005 Denton	2325	7912	4501	57%
5009 Denton	2436	7020	4360	62%
2709 Maple Springs	1909	8897	4804	54%
2706 Maple Springs	1873	22490	16938	75%
2724 Maple Springs	3242	16000	10643	67%
2718 Maple Springs	3115	14760	7636	52%
Average	2515	17309.6	11695	

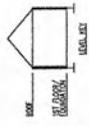
Notable Points:

- 5005 Denton has far less land area than comparable properties
- Back side is 21.4, less than the Maple Springs setback.
 - Coupled w/the radius of the curve the actual developable land is significantly diminished
- 2 Set-back requirements will reduce the developable area to 27% of the total land area; not commiserate to other homes
- 1 Set-back requirement increases the developable land area to 57%,
- 5005 Denton has far less developable area than the 5 adjacent properties, even with the set-back relief, if granted
- 5005 Denton square footage of the house is comparable.

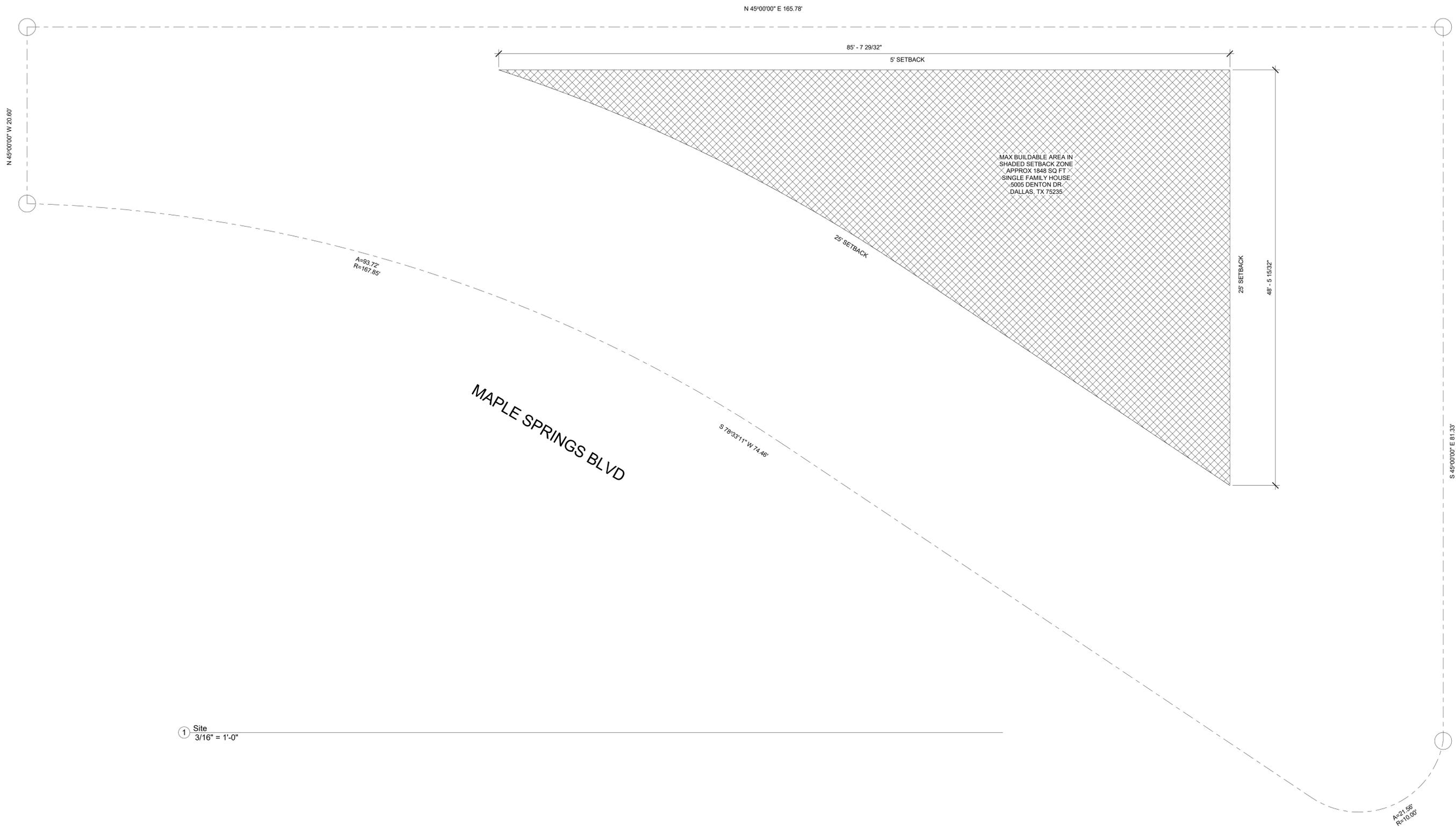
FIRST FLOOR LAYOUT		DATE: 12/10/2020	PROJECT NO: 5201204
PROJECT NAME: 5005 DENTON DR		DESIGNED BY: AP	SCALE: 1/8" = 1'-0"
PROJECT ADDRESS: 5005 DENTON DR		DATE: 12/10/2020	PROJECT NO: 5201204
PROJECT CITY: DENTON, TX		PROJECT STATE: TX	PROJECT ZIP: 76201
PROJECT COUNTY: TARRANT COUNTY, TX		PROJECT DISTRICT: 10	PROJECT WARD: 10
PROJECT SUBDIVISION: 5005 DENTON DR		PROJECT LOT: 10	PROJECT UNIT: 10
PROJECT PHASE: 10		PROJECT SHEET: 10	PROJECT TOTAL SHEETS: 10



SHADED AREA - SET BACK RQMTS
 UNSHADED = DEVELOPABLE AREA

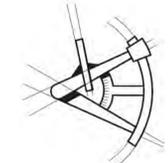


BDA201-111_ATTACHMENT_B



① Site
3/16" = 1'-0"

LONGITUDE
ONE TWENTYth
ENGINEERING & DESIGN



REVISIONS		
△ DESCRIPTION	DATE	BY

PROJECT NAME
5005 DENTON DR

PROJECT NUMBER
A201204

DRAWN BY - AP

CHECKED BY - AP

SHEET DATE - 06/01/21

SCALE
24X36 SHEET: 3/16" = 1'-0"

DESCRIPTION	
COVER	
SHEET	A100

DENTON DRIVE

FILE NUMBER: BDA201-092(PD)

BUILDING OFFICIAL'S REPORT: Application of Danielle Mathews of Masterplan Texas for a special exception to the fence height regulations at 10645 Lennox Lane. This property is more fully described as Lot 2, Block C/5534, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct and maintain a nine-foot-high fence in a required front yard, which will require a five-foot special exception to the fence regulations.

LOCATION: 10645 Lennox Lane

APPLICANT: Danielle Mathews of Masterplan Texas

REQUEST:

The request for a special exception to the fence standards regulations relating to height of five feet is made to construct and maintain a nine-foot-high fence. The property is currently undeveloped, fenced, and moderately wooded.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac (Single Family District)
North: R-1ac (Single Family District)
East: R-1ac (Single Family District)
South: R-1ac (Single Family District)
West: R-1ac (Single Family District)

Land Use:

The subject site is currently undeveloped and moderately wooded. Surrounding properties to the north, east, south, and west are developed with single-family uses.

Zoning/BDA History: There have been nine related board cases in the vicinity within the last five years.

1. **BDA167-047:** On April 17, 2017, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 10545 Lennox Lane.
2. **BDA167-140:** On December 11, 2017, the Panel C, Board of Adjustments granted a special exception to the fence standards at 10564 Lennox Lane.
3. **BDA178-038:** On May 21, 2018, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 10515 Lennox Lane.
4. **BDA178-111:** On October 18, 2018, the Panel B, Board of Adjustments granted a special exception to the fence height regulations at 10650 Strait Lane.
5. **BDA178-127:** On November 14, 2018, the Panel B, Board of Adjustments granted a special exception to the fence height regulations at 10747 Lennox Lane.
6. **BDA189-099:** On October 21, 2019, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4554 Harrys Lane.
7. **BDA189-141:** On December 16, 2019, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4610 Catina Lane.
8. **BDA190-079:** On October 19, 2020, the Panel C, Board of Adjustments granted a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 4651 Cantina Lane.
9. **BDA190-050:** On June 22, 2021, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4610 Cantina Lane.

GENERAL FACTS/STAFF ANALYSIS:

The applicant requests a special exception to the fence height standards of five feet to construct and maintain a nine-foot tall stone veneer wall, an eight-foot tall screening wall that while it encroaches into the setback is set back five feet from the front property lot line, a five-foot tall blackened finish steel picket fence, an eight-foot tall limestone veneer

wall with an integrated eight-foot-tall, twenty-two-foot long solid steel plate vehicular gate with an approximate length of 294 feet along Lennox Lane and along Catina Lane, an eight-foot-tall security fence with landscape, an eight-foot-tall, two-foot wide stone veneer column with an eight-foot-tall, six-foot-wide pedestrian gate, and a five-foot-tall, blackened finish steel picket fence with an approximate length of 330 feet.

Currently, the property is undeveloped, however, internal records reflect a building permit issued in 2018 for a single-family dwelling unit with approximately 9,379 square feet of floor area.

Section 51A-4.602(A)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-1ac Single Family District and requires a minimum front yard setback of 40 feet. However, the property is situated along the northwest line of Catina Lane and Lennox Lane and thereby must maintain the 40-foot front yard setback in compliance with the front yard provisions for residential districts.

Staff conducted a site visit of the subject site and surround area and noted several other fences along Catina Lane, and Lennox Lane located in the front yard setbacks which appeared to be above four feet-in-height and located in the front yard setback, many of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).

Additionally, the representative provided evidence (**Attachment A**) to staff which contains eight board cases related to height within the vicinity of the subject property that have been granted special exceptions to the fence height regulations and fence standard regulations.

As of October 8, 2021, two emails have been submitted in opposition of the request and no letters in support of the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of nine feet located on Lennox Lane will not adversely affect neighboring properties.

Granting the special exception to the fence height regulations would require the proposal exceeding four feet-in-height in the front yard setback located along Catina Lane and Lennox Lane to be maintained in the locations, heights and materials as shown on the site plan and elevation plan.

Timeline:

- August 9, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- Sept. 16, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- Sept. 17, 2021: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the September 28, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the October 8, 2021 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.
- Sept. 24, 2021: The representative submitted evidence to staff (**Attachment A**).
- Sept. 30, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- No staff review comment sheets were submitted with this request.
- October 8, 2021: The applicant provided duplicate evidence as was provided on September 24th (**Attachment A**).
- October 18, 2021: The Board held the request under advisement until the November 15, 2021, Panel C hearing. To date, no updates have been provided.

BOARD OF ADJUSTMENT ACTION: October 18, 2021

APPEARING IN FAVOR:

Danielle Mathews 2201 Main St, #1280 Dallas, TX
Dallas Cothrum 2201 Main St. #1280 Dallas, TX

APPEARING IN OPPOSITION:

None

MOTION: Agnich

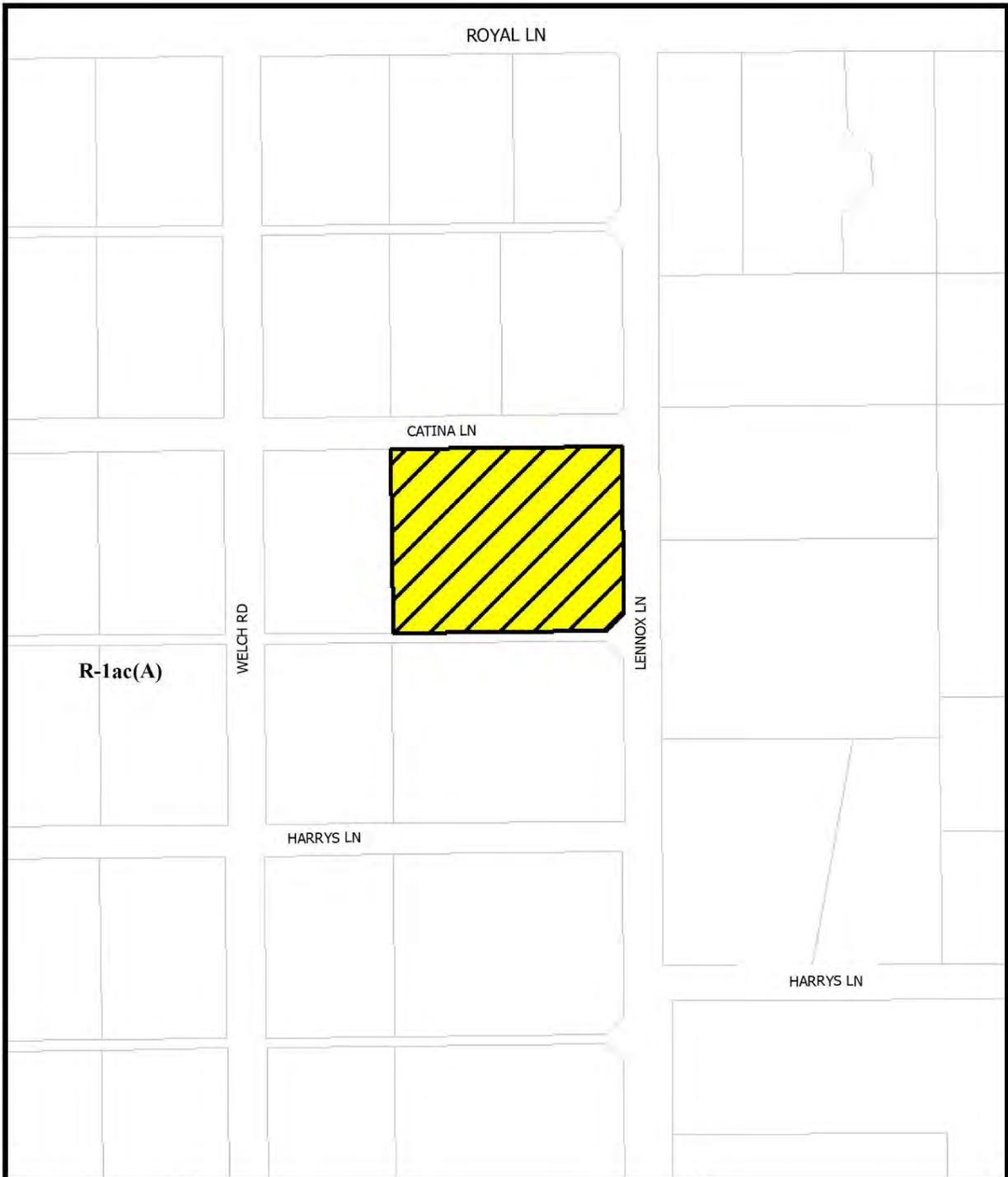
I move that the Board of Adjustment in Appeal No. BDA 201-092 **hold** this matter under advisement until **November 15, 2021**.

SECONDED: Ramsour

AYES: 4 - Brooks, Ramsour, Agnich, Sashington

NAYS: 0 -

MOTION PASSED (unanimously): 4 – 0

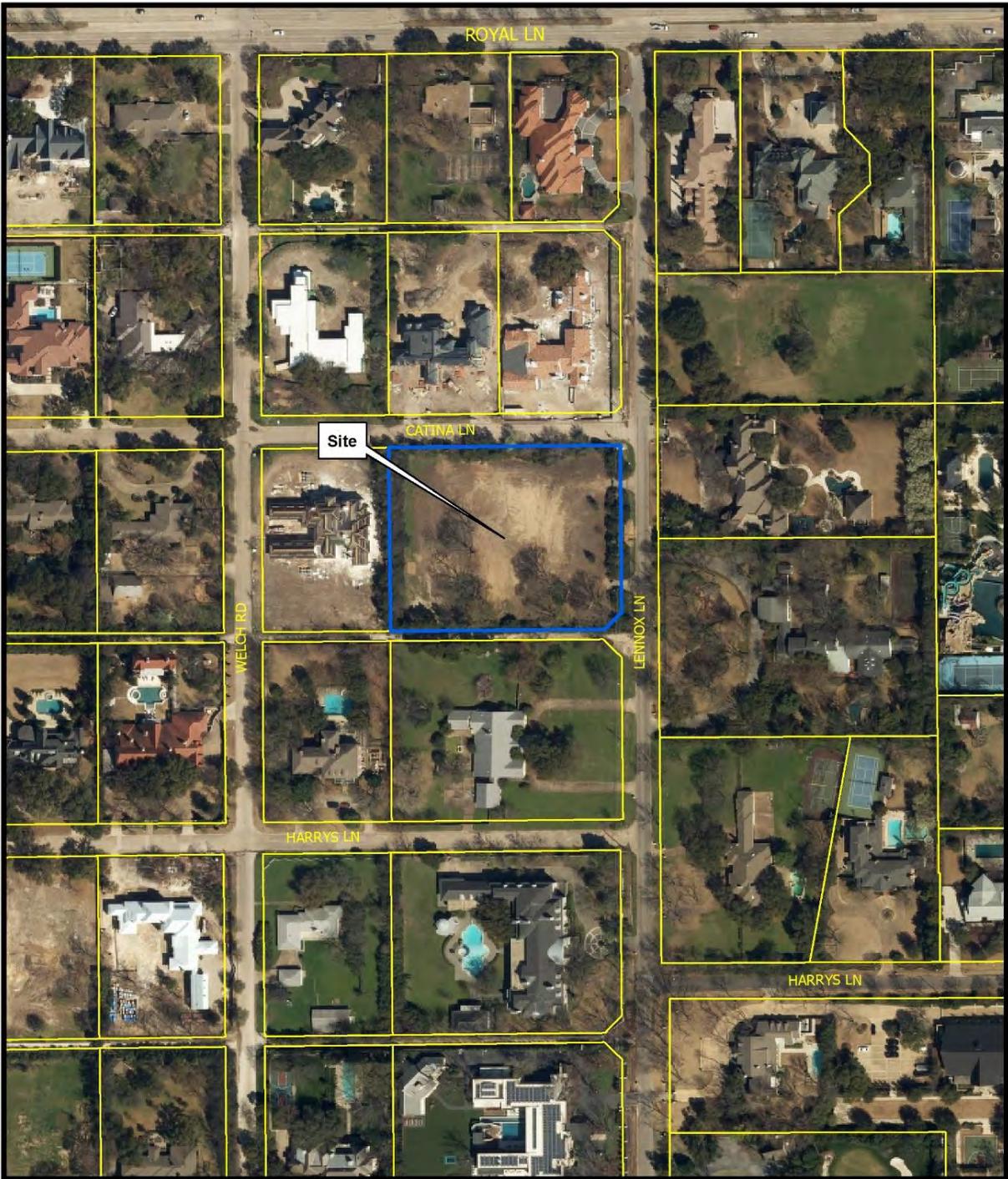


1:2,400

ZONING MAP

Case no: BDA201-092

Date: 9/24/2021

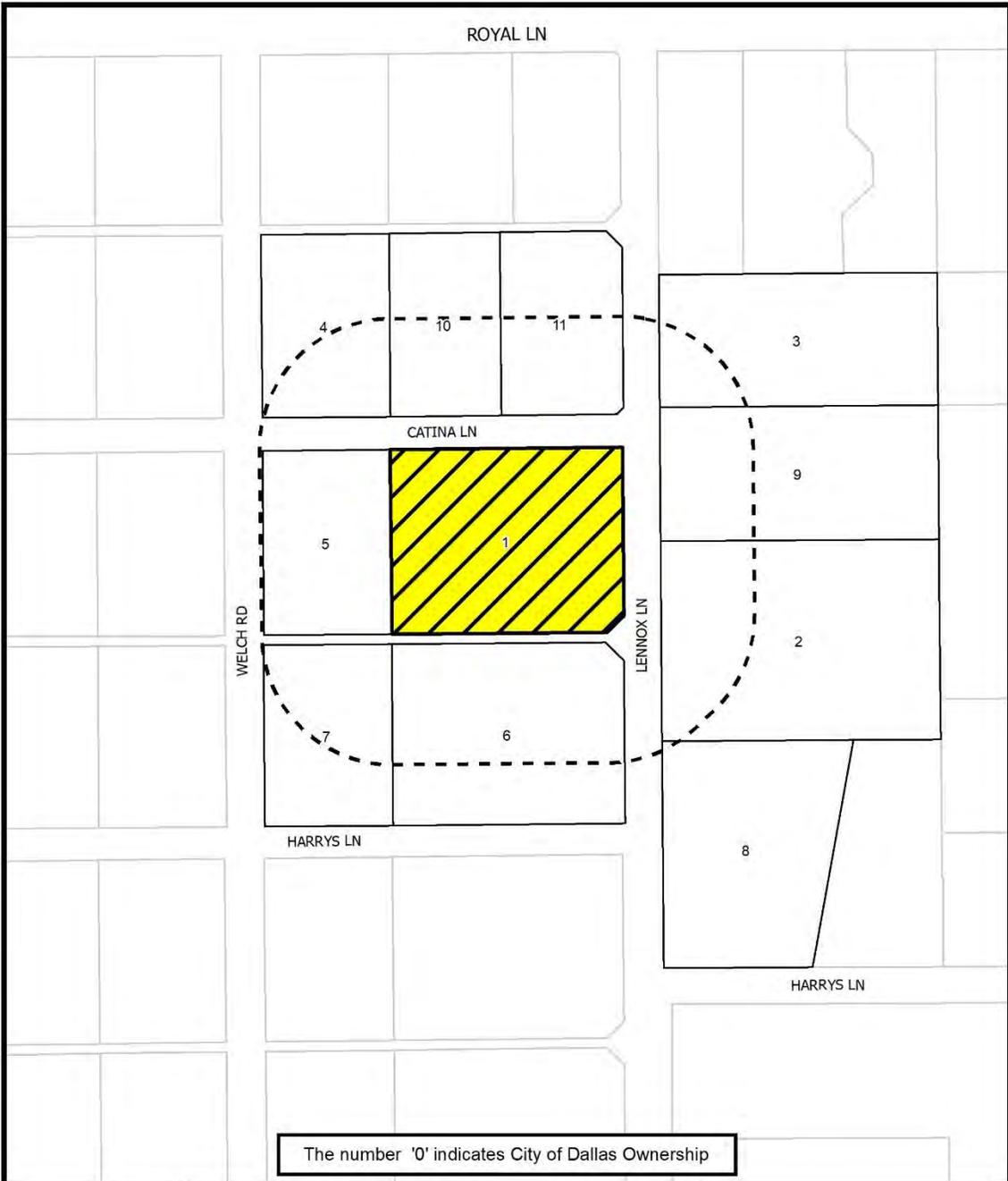


1:2,400

AERIAL MAP

Case no: BDA201-092

Date: 9/24/2021



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
11 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-092**
 Date: **9/24/2021**

09/24/2021

Notification List of Property Owners

BDA201-092

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10645 LENNOX LN	MMM FAMILY TRUST
2	10640 LENNOX LN	SILVERTHORNE MARY ROSE
3	10742 LENNOX LN	BOURDON CHRISTOPHER
4	4609 CATINA LN	LAM SAMUEL M
5	4610 CATINA LN	KREUNEN 2012 REVOCABLE TRUST
6	10625 LENNOX LN	DAY ROBERT C &
7	4609 HARRYS LN	GOLDSTEIN ROBERT &
8	10626 LENNOX LN	JUTRAS ROBERT N & DORIS L
9	10714 LENNOX LN	HERSH KENNETH A
10	4651 CATINA LN	THOMSON NEIL HAMILTON &
11	10747 LENNOX LN	SAXTON KELLY & VICKY



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-092

Data Relative to Subject Property:

Date: ~~2 August 2021~~ 8-9-21

Location address: 10645 Lennox Lane Zoning District: R-1ac(A)

Lot No.: 2 Block No.: C/5534 Acreage: 2.089 Census Tract: 76.01

Street Frontage (in Feet): 1) 257.73' (Lennox) 2) 356.02' (Catina) 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MMM Family Trust

Applicant: Danielle R. Mathews, AICP Telephone: 214-846-2547

Mailing Address: 2201 Main St, Suite 1280, Dallas, TX Zip Code: 75201

E-mail Address: danielle@masterplantexas.com

Represented by: Danielle R. Mathews, AICP Telephone: 214-846-2547

Mailing Address: 2201 Main St, Suite 1280, Dallas, TX Zip Code: 75201

E-mail Address: danielle@masterplantexas.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 5 feet to the maximum permitted fence height of 4 feet in the required front yards along Lennox Lane and Catina Lane, and a special exception to the 50% open surface area requirement located less than 5 feet from the front lot line along Catina Lane.

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:

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

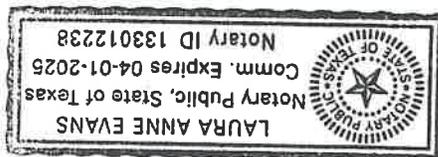
Before me the undersigned on this day personally appeared Danielle R Mathews
(Affiant/Applicant's name printed)

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: Danielle Mathews
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 3 day of August, 2021

(Rev. 08-01-11)



Laura Evans
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 Masterplan-Danielle Mathews

did submit a request for a special exception to the fence height regulations
at 10645 Lennox Lane

BDA201-092. Application of Masterplan-Danielle Mathews for a special exception to the fence height regulations at 10645 LENNOX LN. This property is more fully described as Lot 2, Block C/5534, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-092

I, MMM Family Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10645 Lennox Lane Dallas, TX 75229
(Address of property as stated on application)

Authorize: Danielle R. Mathews
(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: _____

Lisa Tyner
Print name of property owner or registered agent

Lisa Tyner Trustee
Signature of property owner or registered agent

Date 07/16/2021

Before me, the undersigned, on this day personally appeared Lisa Tyner

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 16 day of July, 2021



Jacquelynn Meyer
Notary Public for Dallas County, Texas

Commission expires on 8/15/24



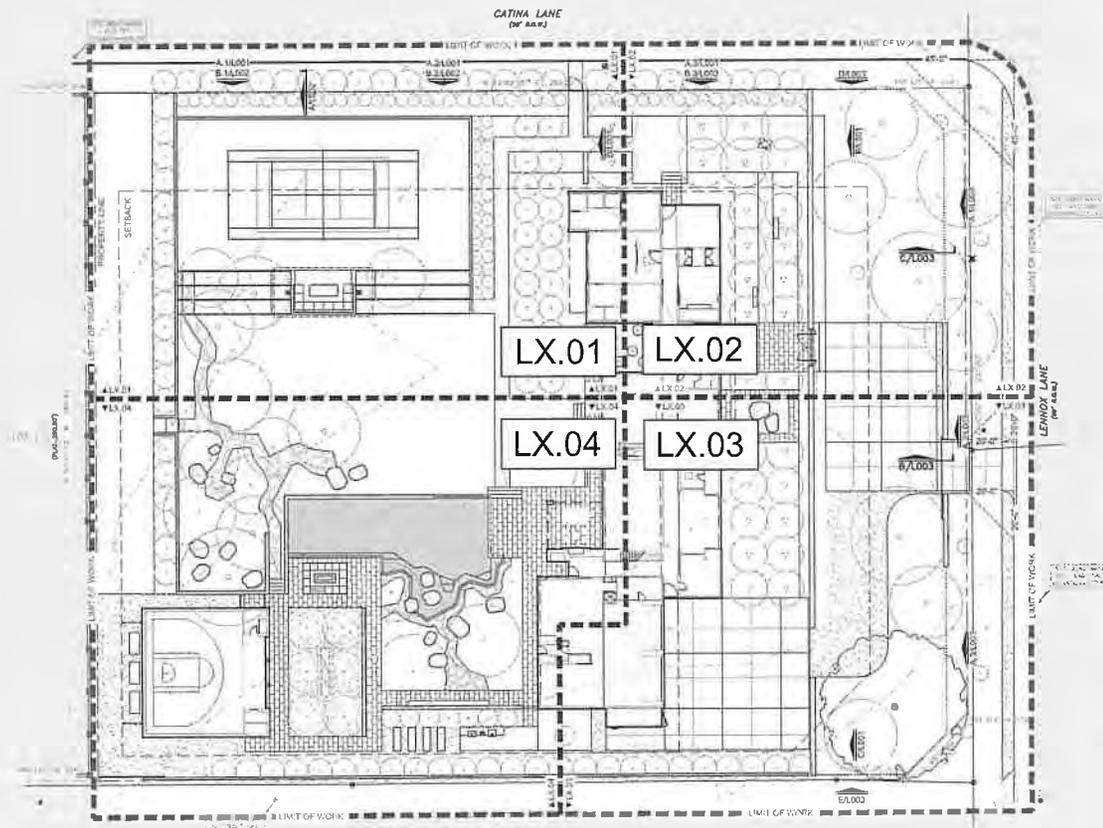
Legend

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

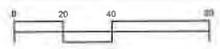
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A SITE PLAN | 1"=20'-0"



GENERAL NOTES

1. CONSTRUCTION OF SITE ELEMENTS SHALL BE DONE IN ACCORDANCE WITH JURISDICTIONAL CODES APPLICABLE TO THE PROJECT, INCLUDING BUT NOT LIMITED TO THE AMERICANS WITH DISABILITIES ACT (ADA), ALL APPLICABLE FEDERAL, STATE, COUNTY, AND CITY BUILDING CODES; ZONING AND FORESTRY MITIGATION REQUIREMENTS; AND ENERGY CONSERVATION, ELECTRICAL, MECHANICAL, PLUMBING, AND FIRE CODES. GENERAL CONTRACTOR SHALL VERIFY ALL CODE REQUIREMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND BRING ANY DISCREPANCIES BETWEEN CODE REQUIREMENTS AND THE CONSTRUCTION DOCUMENTS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT.
2. CONTRACTOR SHALL COORDINATE ALL REQUIREMENTS OF JURISDICTIONAL AUTHORITIES FOR INCLUDING BUT NOT LIMITED TO, WALKS, DRIVEWAYS, CURBS, GUTTERS, STREETLIGHTS, EASEMENTS, UTILITIES, SIGNAGE, BARRICADES, ETC. ADJACENT TO THE PROPERTY, AND SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FOR SAME.
3. THE CONTRACTOR SHALL EMPLOY EXPERIENCED, FULLY QUALIFIED AND LICENSED SUBCONTRACTORS AND MAINTAIN COOPERATION AMONG ALL TRADES AT ALL TIMES.
4. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE. DO NOT SCALE DRAWINGS. NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
5. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND NOTIFY OWNER AND LANDSCAPE ARCHITECT IN WRITING OF ANY CONFLICTS OR DISCREPANCIES PRIOR TO PROCEEDING WITH WORK.
6. ALL PROPOSED AND FINISHED GRADES ARE BASED ON INFORMATION PROVIDED BY THE OWNER'S SURVEY AND / OR CEE. ENGINEER. ANY DISCREPANCIES IN ACTUAL FIELD ELEVATIONS AND MEASUREMENTS SHALL BE REPORTED TO LANDSCAPE ARCHITECT IMMEDIATELY.
7. PRIOR TO COMMENCEMENT OF SITE HARDWARE CONSTRUCTION, ALL PIERS, FOOTINGS, AND WALLS SHALL BE SURVEYED, LAD OUT AND STAKED IN FIELD FOR REVIEW BY LANDSCAPE ARCHITECT. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR DEMOLITION, ADJUSTMENTS OR PRE-CONSTRUCTION RESULTING FROM UNAUTHORIZED CONSTRUCTION ACTIVITIES.
8. CONTRACTOR IS RESPONSIBLE FOR QUANTIFYING OR VERIFYING PROVIDED QUANTITIES OF ALL ELEMENTS SHOWN IN THE DRAWINGS AND SPECIFICATIONS.
9. EASEMENTS, SETBACKS, BUILDINGS, CURBS, GUTTERS, AND UNDERGROUND UTILITIES HAVE BEEN PROVIDED BY SURVEY AND PLAT RECORDS. REFER TO SURVEY FOR ADDITIONAL INFORMATION.
10. CONTRACTOR SHALL DISPOSE OF EQUIPMENT AND MATERIALS AS REQUIRED. RUBBISH SHALL BE REMOVED DAILY IN ACCORDANCE WITH THE OWNER'S REGULATIONS AND DISPOSED OF IN A LEGAL MANNER.
11. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS, BROCHURES, PRODUCT DATA, SAMPLES, ETC., TO THE LANDSCAPE ARCHITECT PER SPECIFICATIONS & SUBMITTALS CHART ON LO-02. DUPLICATES SHALL BE PROVIDED TO ARCHITECT AND OTHER CONSULTANTS, AS APPLICABLE, FOR REVIEW.
12. CONTRACTOR SHALL STAMP AND SIGN SUBMITTALS CERTIFYING REVIEW AND VERIFICATION OF PRODUCTS REQUIRED. FIELD DIMENSIONS ADJACENT CONSTRUCTION WORK AND COORDINATION OF INFORMATION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONTRACT DOCUMENTS. ANY DISCREPANCIES SHALL BE NOTED ON THE SUBMITTAL BY THE CONTRACTOR AT THE TIME OF SUBMISSION.
13. CONTRACTOR SHALL STORE AND PROTECT BUILDING MATERIALS AND PRODUCTS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS WITH SEALS AND LABELS INTACT AND LEGIBLE. CONTRACTOR SHALL PREVENT DAMAGE, DETERIORATION, AND LOSS, INCLUDING THEFT.
14. CONTRACTOR SHALL PROVIDE WARRANTY FOR ALL MATERIALS AND WORKMANSHIP BEGINNING FROM THE DATE OF SUBSTANTIAL COMPLETION IN ACCORDANCE WITH THE SPECIFICATIONS.
15. DO NOT WILLFULLY PROCEED WITH CONSTRUCTION OF DESIGN WHEN UNKNOWN OBSTRUCTIONS AND/OR GRADE DIFFERENCES EXIST THAT MAY NOT HAVE BEEN KNOWN DURING DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.



538 BRADEN ST
DALLAS, TX 75207
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314.816.1916

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4040 N Central Expressway Ste 150
Dallas, Texas 75204
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Structural Engineer
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Plano, Texas 75074
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f 972.438.3933

Lighting
Steven Byrd
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Dallas, Texas 75247
p 214.020.3369
f 972.438.3933

**Lennox Lane
Residence**

10545 Lennox Lane, Dallas, TX 75229

01: Coordination Set 02/26/2021
02: Permit Set 06/25/2021

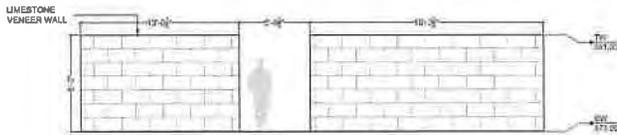


06/25/2021

10545 Lennox Lane, Dallas, TX 75229
10545 Lennox Lane, Dallas, TX 75229
10545 Lennox Lane, Dallas, TX 75229

Site Plan

L1.01

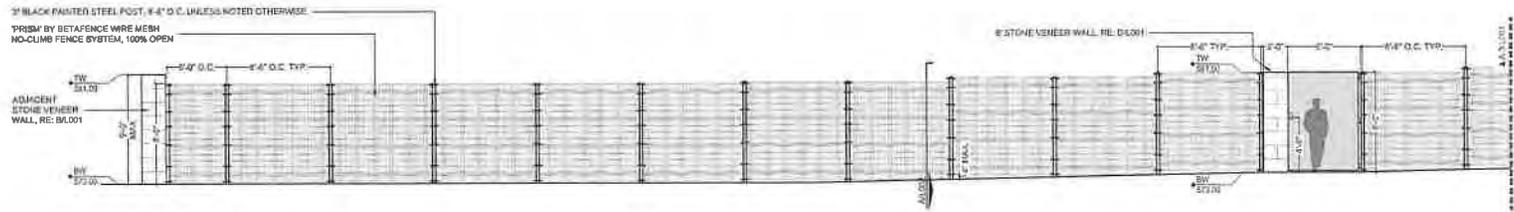


D ELEVATION: 8" STONE VENEER SCREEN WALLS (ELEVATION NOT VISIBLE FROM STREET) | 1/4" = 1'-0"

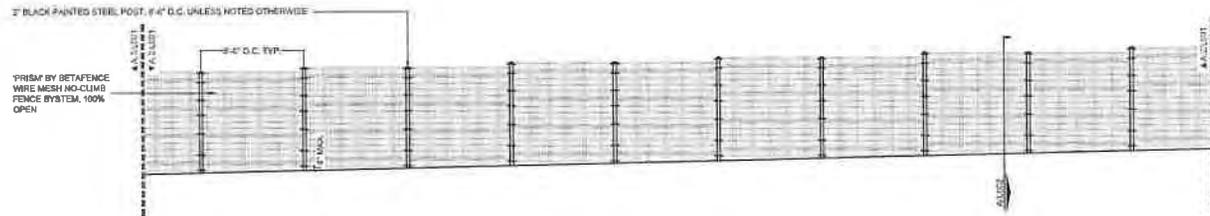


C ELEVATION: 8" STONE VENEER WALL FACING LENNOX LANE | 1/4" = 1'-0"

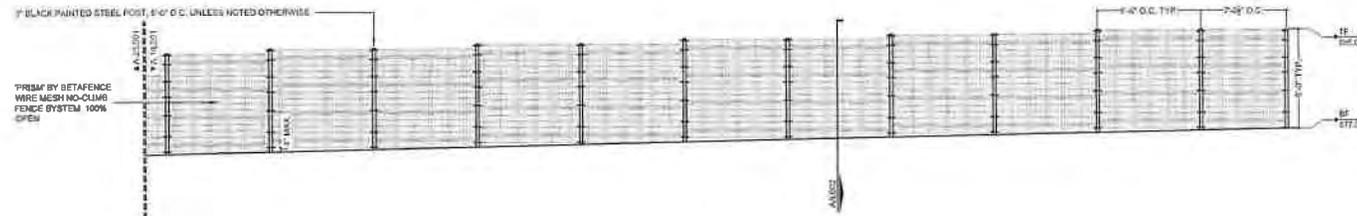
B ELEVATION: 8" STONE VENEER WALL FACING LENNOX LANE | 1/4" = 1'-0"



A.3 ELEVATION: 8" WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



A.2 ELEVATION: 8" WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



A.1 ELEVATION: 8" WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



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 p 214.324.3388
 f steven@sb.com

Lennox Lane
 Residence
 10043 Lennox Lane, Dallas, Texas, 75278

D1 Coordination Set 02.28.2021
 02 Permit Set 08.25.2021

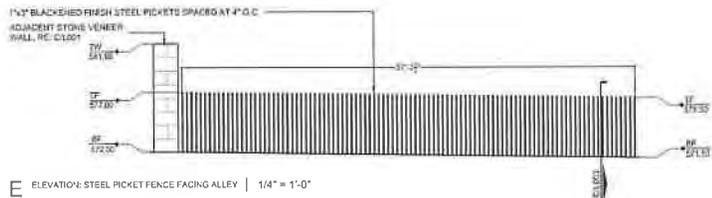


08.25.2021

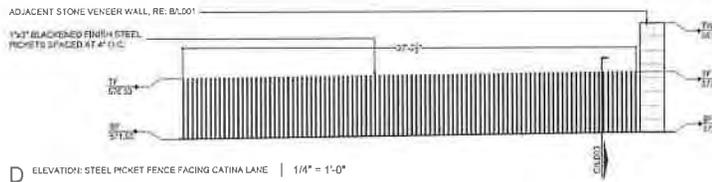
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Wall & Fence
 Exhibit

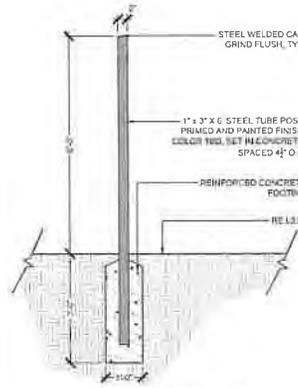
L001



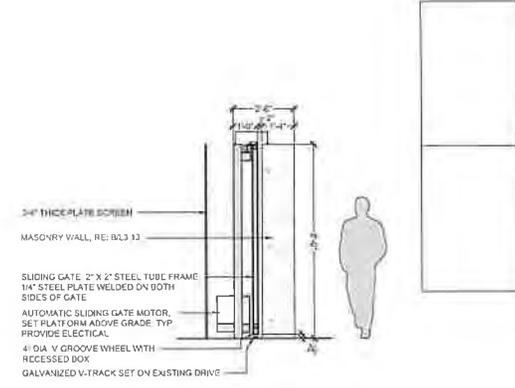
E ELEVATION: STEEL PICKET FENCE FACING ALLEY | 1/4" = 1'-0"



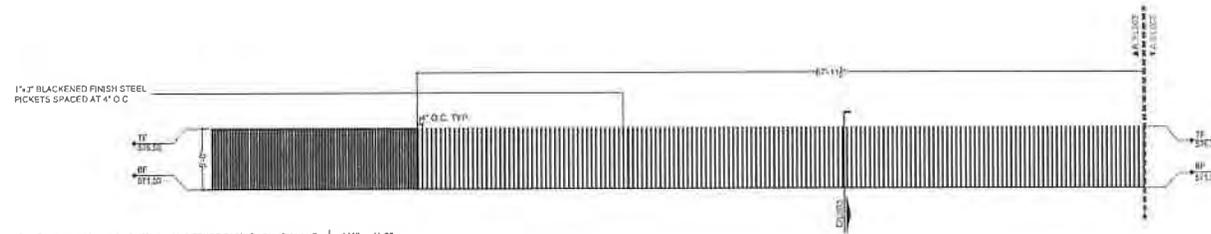
D ELEVATION: STEEL PICKET FENCE FACING CATINA LANE | 1/4" = 1'-0"



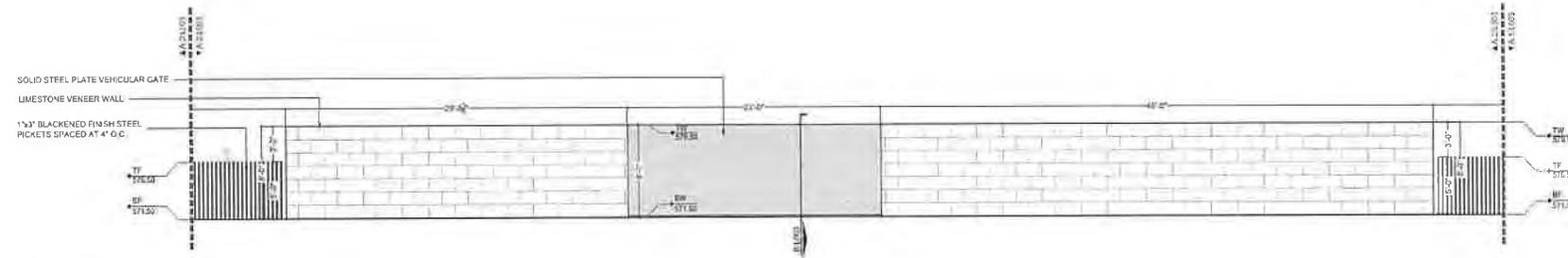
C DETAIL: STEEL PICKET FENCE | 3/4" = 1'-0"



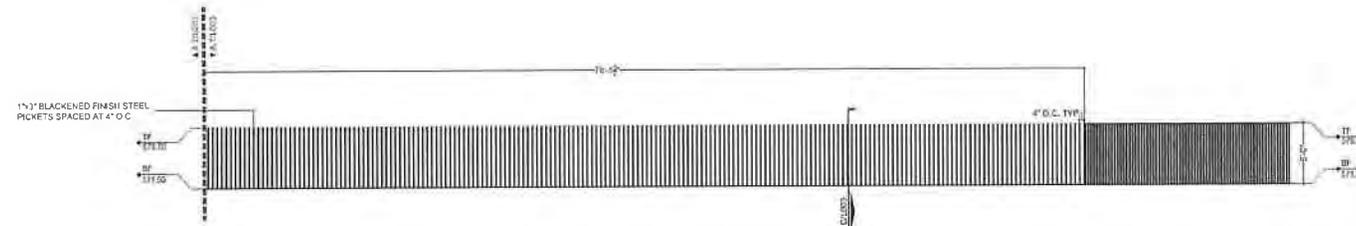
B DETAIL: VEHICULAR GATE | 1/2" = 1'-0"



A.3 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



A.2 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



A.1 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



SEE DRAWING AT
WALKWAY, 18 18001
PROJECT/SECTION 100
1/4" = 1'-0"

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Specialist Engineer:
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f 214.0240.3369

Lennox Lane
Residence
10045 Lennox Lane, Dallas, Texas, 75229

Revision:
01 Coordination Set 02-26-2021
02 Perms Set 06-25-2021



Professional Engineer
Charles Egan
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214.473.2678
charles@charlesegan.com

Wall & Fence
Exhibit

L003



8 October 2021

Panel C, Board of Adjustment
 City of Dallas
 Current Planning
 Planning and Urban Design
 1500 Marilla, 5BN
 Dallas, TX 75201

RE: BDA201-092; 10645 Lennox Lane

Dear Board Member:

The subject site, measuring approximately 2.089 acres, has approximately 290.9 feet of frontage on Lennox Lane (includes the corner clip to the south), and approximately 357 feet of frontage on Catina Lane. See the following table for zoning districts and uses:

Location	Zoning District	Use
Subject Site	R-1ac(A)	Single-Family Dwelling Unit
North (Across Catina Lane)	R-1ac(A)	Single-Family Dwelling Unit
South	R-1ac(A)	Single-Family Dwelling Unit
East (Across Lennox Lane)	R-1ac(A)	Single-Family Dwelling Unit
West	R-1ac(A)	Single-Family Dwelling Unit

In accordance with SEC. 51A-4.602, the subject site must comply with the following fence standard: "In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard." Furthermore, because the site is at the southwest corner of Lennox Lane and Catina Lane, and because of block face continuity, the site has two front yards.



Please refer to the attached exhibits for specific locations of the fence and its corresponding materials.

Regarding the Lennox Lane front yard setback, the following is proposed:

- approx. 16.5 feet of the nine-foot-tall stone veneer wall (see the pink line);
- a five-foot-tall black finish steel picket fence (see the light blue line); and
- an eight-foot-tall limestone veneer wall with an integrated eight-foot-tall, 22-foot-long solid steel plate vehicular gate (see the brown line).

Along Catina Lane, the following is proposed:

- approx. 39.4 feet of the nine-foot-tall stone veneer wall, located perpendicular to the street (see the pink line on the attached site plan);
- an eight-foot-tall security fence screened with needlepoint hollies and teddy bear magnolias (see the neon green line);
- eight-foot-tall screening walls that encroach into the setback but will not be visible from the street (see the neon green line);
- an eight-foot-tall, two-foot-wide stone veneer column with an eight-foot-tall, six-foot-wide pedestrian gate; and
- a five-foot-tall black finish steel picket fence (see the light blue line).

Therefore, while most of the fence ranges between five to eight feet in height, a special exception of five feet is requested for approximately 56 feet of the proposed nine-foot-tall stone wall, a majority of which is set behind the 40-foot front yard setbacks. The proposed fence location complies with visibility triangle and drive gate requirements, as well as openness requirements for materials. Additionally, please see the following pictures for examples of needlepoint hollies and teddy bear magnolias.



Several properties surrounding the subject site have received Board of Adjustment approval for fence height special exceptions in required front yards within the past five years:

Case Number	Address	Action
BDA167-047	10545 Lennox Lane	Panel C approved an eight-foot high fence on April 17, 2017.
BDA167-140	10564 Lennox Lane	Panel C approved a six-foot high fence on December 11, 2017.
BDA178-038	10515 Lennox Lane	Panel C approved a five-foot, eight-inch high fence on May 21, 2018.
BDA178-111	10650 Strait Lane	Panel B approved a nine-foot high fence on October 17, 2018.
BDA178-127	10747 Lennox Lane	Panel B approved a six-foot high fence on November 14, 2018.
BDA189-099	4554 Harrys Lane	Panel C approved a six-foot, six-inch high fence on October 21, 2019.
BDA190-050	4610 Catina Lane	Panel C approved an eight-foot, six-inch high fence on June 22, 2020.
BDA190-079	4651 Catina Lane	Panel C approved a six-foot, six-inch high fence on October 19, 2020.

SEC. 51A-4.602 allows the Board of Adjustment to grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property. Multiple surrounding properties have front yard fences, all with vehicular gates. Most are over four feet in height (some have Board of Adjustment approval per the table above). Given this history in the vicinity, the requested fence height special exception is generally compatible with the fence patterns in the established neighborhood.

Letters were sent to neighboring property owners within a 200-foot radius to advise them of the request.

In summary, while most of the proposed fence is between five to eight feet tall, the client requests a special exception of five feet to the maximum permitted fence height of four feet in the required front yard setback to accommodate a small section of their proposed nine-foot-tall stone veneer wall. All other aspects of the proposal comply with the zoning ordinance's fence standards.

Regards,



Danielle R. Mathews, AICP
Consultant
Masterplan Texas



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Lennox Lane Residence

10645 Lennox Lane, Dallas, Texas, 75229

Issue/Revisions:

01	Coordination Set	02.26.2021
02	Permit Set	06.25.2021

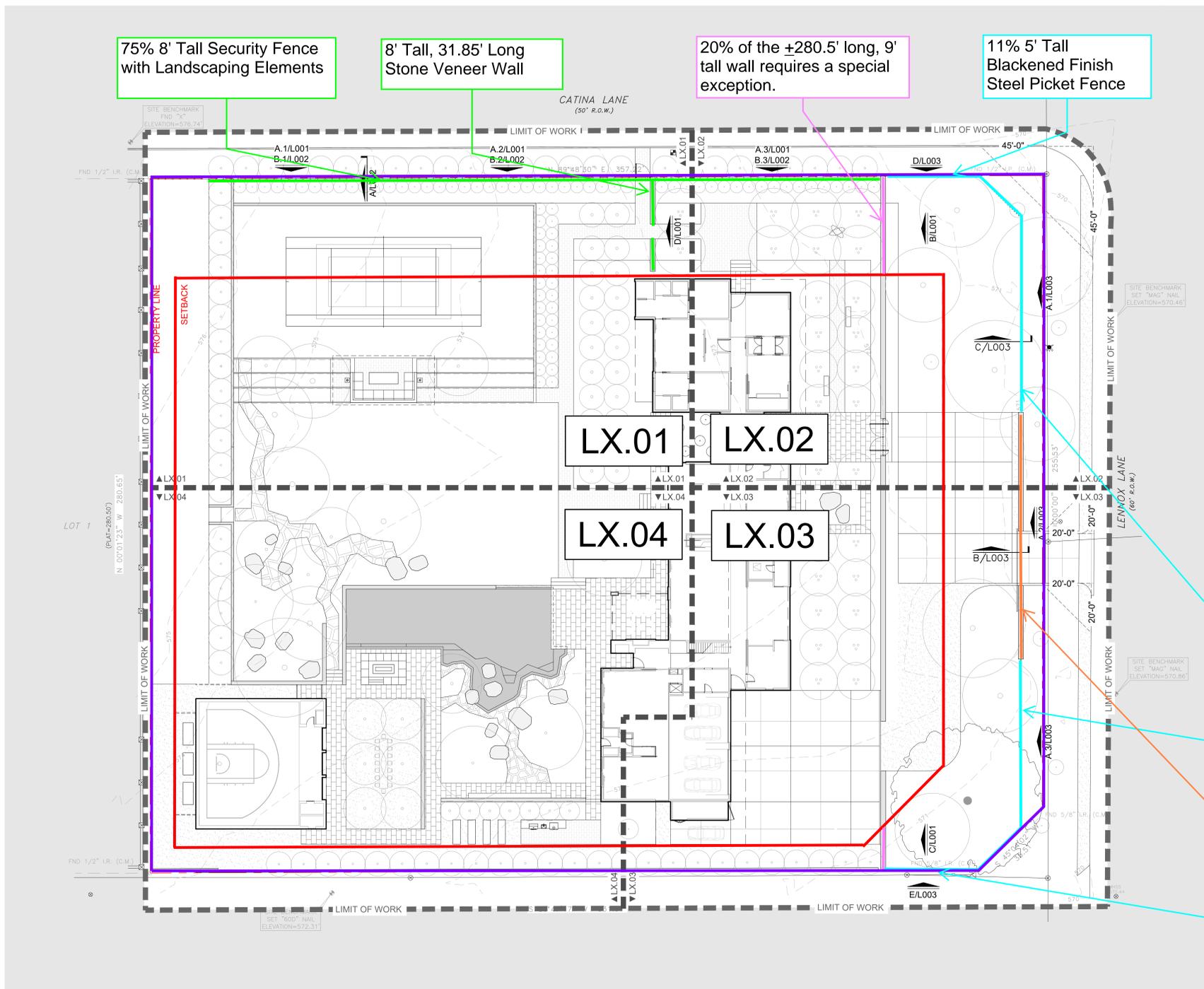


06.25.2021

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Site Plan

L1.01



75% 8' Tall Security Fence with Landscaping Elements

8' Tall, 31.85' Long Stone Veneer Wall

20% of the ±280.5' long, 9' tall wall requires a special exception.

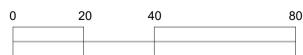
11% 5' Tall Blackened Finish Steel Picket Fence

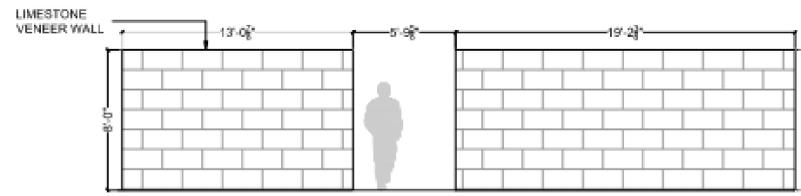
67% 5' Tall Blackened Finish Steel Picket Fence

33% 8' Tall Stone Veneer Fence with Vehicular Gate

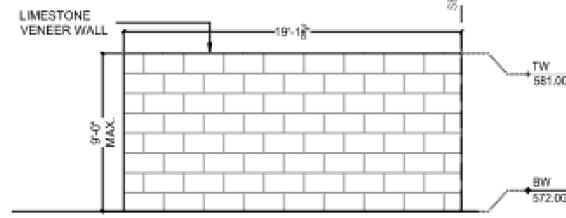
11% 5' Tall Blackened Finish Steel Picket Fence

A SITE PLAN | 1"=20'-0"

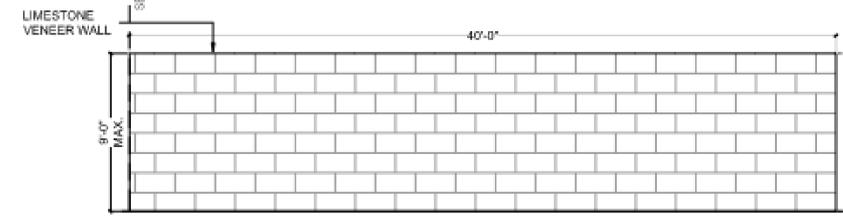




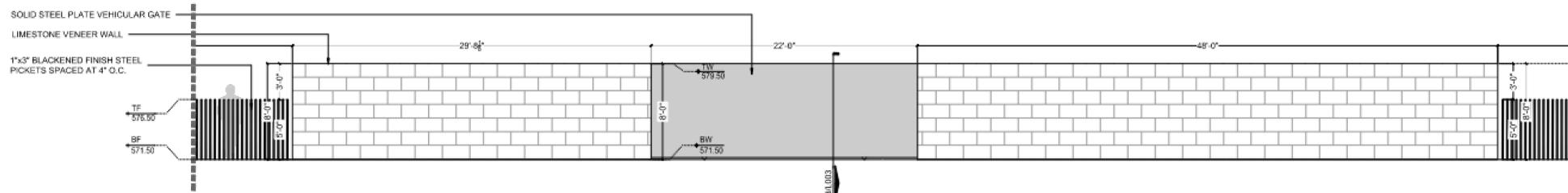
D ELEVATION: 8' STONE VENEER SCREEN WALLS (ELEVATION NOT VISIBLE FROM STREET) | 1/4" = 1'-0"



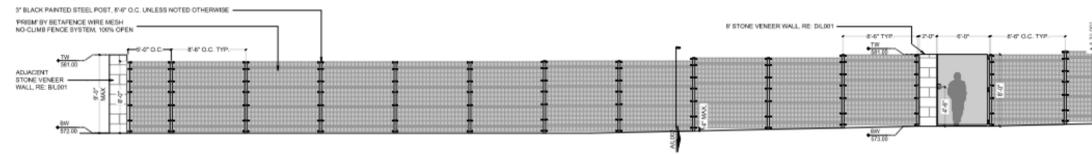
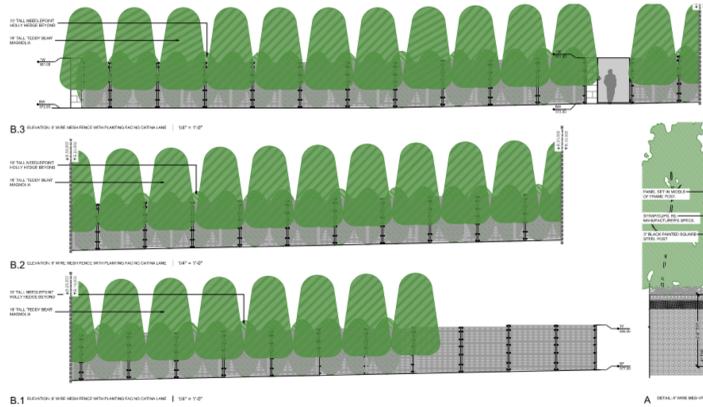
C ELEVATION: 9' STONE VENEER WALL FACING LENNOX LANE | 1/4" = 1'-0"



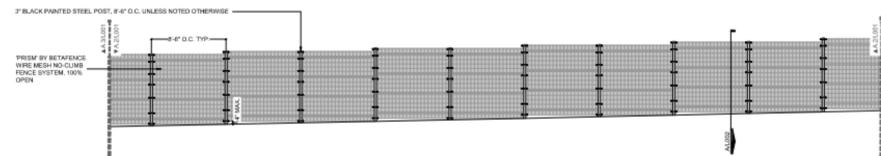
B ELEVATION: 9' STONE VENEER WALL FACING LENNOX LANE | 1/4" = 1'-0"



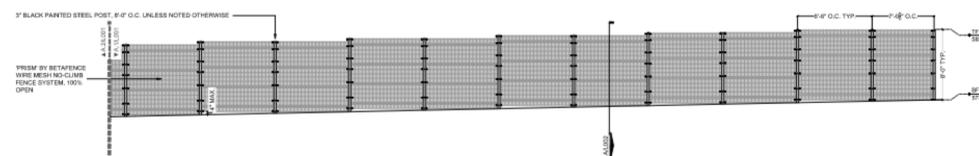
A.2 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



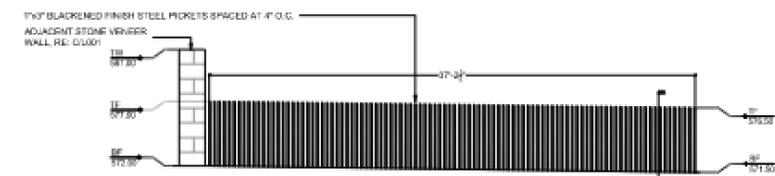
A.3 ELEVATION: 8' WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



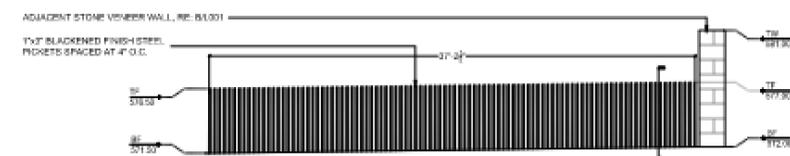
A.2 ELEVATION: 8' WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



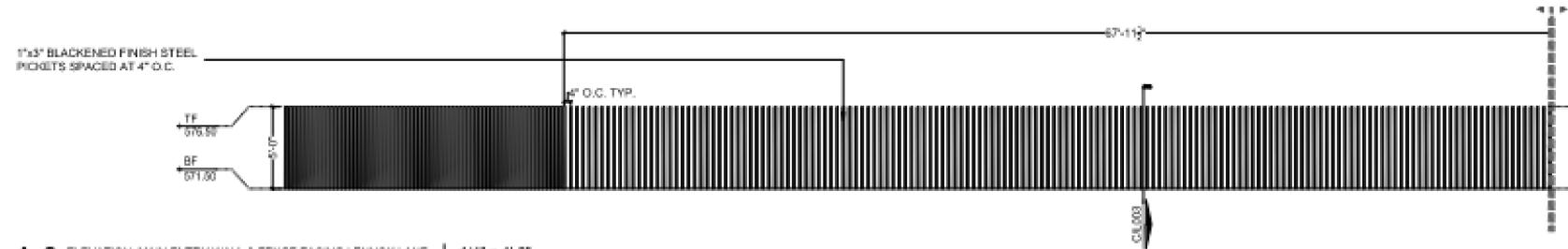
A.1 ELEVATION: 8' WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



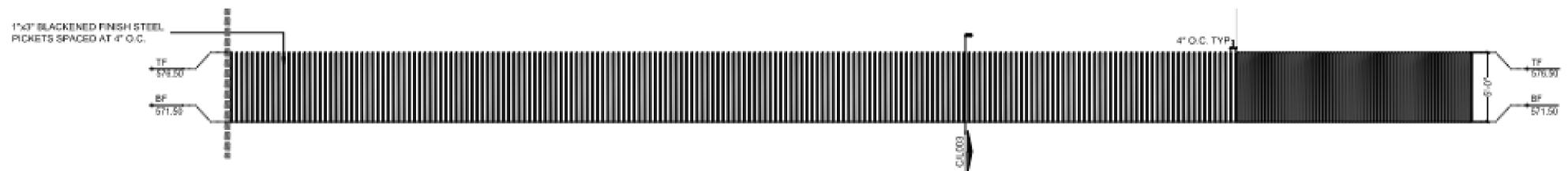
E ELEVATION: STEEL PICKET FENCE FACING ALLEY | 1/4" = 1'-0"



D ELEVATION: STEEL PICKET FENCE FACING CATINA LANE | 1/4" = 1'-0"



A.3 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



A.1 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"

Panel C

11-15-21

BDA201-092

10645 Lennox Lane

(Opposition; inclusive of previous 10-18-21)

From: [Anne Stodghill](#)
To: [Jackson, Latonia](#); [Daniel, Pamela](#)
Subject: Variance Request BDA201-092 for 10645 Lennox Lane, Dallas, TX 75229
Date: Tuesday, October 12, 2021 12:44:40 PM

External Email!

Dear Ms. Jackson and Ms. Daniel –

I reside at 10401 Lennox Lane in Dallas. I am writing to ask that variance request BDA201-092 for 10645 Lennox Lane be denied. This is the latest of several requests in recent years seeking a variance from the fence codes in our neighborhood. All of the other requests were denied. If request BDA201-092 is granted, it will fundamentally change the appearance of our neighborhood and what makes it such a charming and welcoming place to live where neighbors know and interact with each other.

There are 31 houses on Lennox Lane from Royal to Dorset. Only 1 has a solid fence taller than allowed by code. This walled compound sticks out like a sore thumb, is poorly maintained and is an eyesore. All of the rest of the houses on the street either have open iron fences with landscaping to provide privacy, if desired, or no fences at all.

Our neighborhood is experiencing a turnover of older homes due to the 2019 tornado, which severely impacted our street, and older residents selling or downsizing. There are numerous properties on the street that are either under construction, for sale or will be for sale in the coming few years. We cannot set a precedent allowing ugly fortress walls. This decision is not just about 10645 Lennox Lane, but numerous properties in the area.

Please deny variance request BDA201-092 for 10645 Lennox Lane. Thank you.

Sincerely,

Anne Stodghill

[Redacted signature block]

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: jhblack@att.net
To: [Jackson, Latonia](#)
Cc: [Daniel, Pamela](#)
Subject: BDA 201-092
Date: Saturday, October 2, 2021 11:00:40 AM

External Email!

Dear Ms. Jackson,

I am writing to oppose the proposed fence height of 9" at 10645 Lennox. It is completely out of character with our neighborhood and I hope the City will not approve it. This City has consistently refused to allow fences of this height in our area, and it is my sincere hope you will continue to do so.

Thank you so very much.

Jan Black
4563 Isabella Lane

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Anne Stodghill](#)
To: [Jackson, Latonia](#); [Daniel, Pamela](#)
Subject: Variance Request BDA201-092 for 10645 Lennox Lane, Dallas, TX 75229
Date: Tuesday, October 12, 2021 12:44:40 PM

External Email!

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Please deny variance request BDA201-092 for 10645 Lennox Lane. Thank you.

Sincerely,

Anne Stodghill

10401 Lennox Lane

Dallas, Texas 75229

[REDACTED]

[REDACTED]

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to ask that the request BDA201-092 for 10645 Lennox be denied. Our neighborhood is having a turnover of older homes and new homes being built. This is the 3rd request for a fence height variance within several hundred feet of my property. The houses at 4554 Harrys Lane and 4610 Catina both requested large solid walls in the front of their houses.

Mr. Cothrum of Masterplan represented the owners of 4554 Harrys Lane and after meeting with the neighborhood a redesign of the fence was done which was 2 feet of solid and 3 feet of open metal fence and fit in with the openness of our neighborhood. The home at 4610 Catina was denied approval by this Board and they then adjusted their fence to what was approved for 4554 Harrys Lane.

We have reached out to Masterplan who represents the owner of 10645 Lennox to meet to discuss the neighborhood concerns prior to the hearing regarding the request for a solid wall. They have not responded as of this email.

The house at 10645 Lennox whose back yard backs up to the side yard of 4610 Catina (the request for a similar wall was denied for 4610 Catina) is requesting a solid wall. I hope the Board maintains a standard and denies the request for 10645 Lennox for a solid wall which exceeds city code and is out of line with our neighborhood.

One of the arguments that was made for both houses during their request was that there are already homes in the neighborhood with fences that exceed the city standard. This is true but many of the yards meet the city requirement or have no front yard fences. The older homes with fences that exceed the 4 foot standard are open metal fences rather than solid walls. These were built years ago and I suspect some were built without approval.

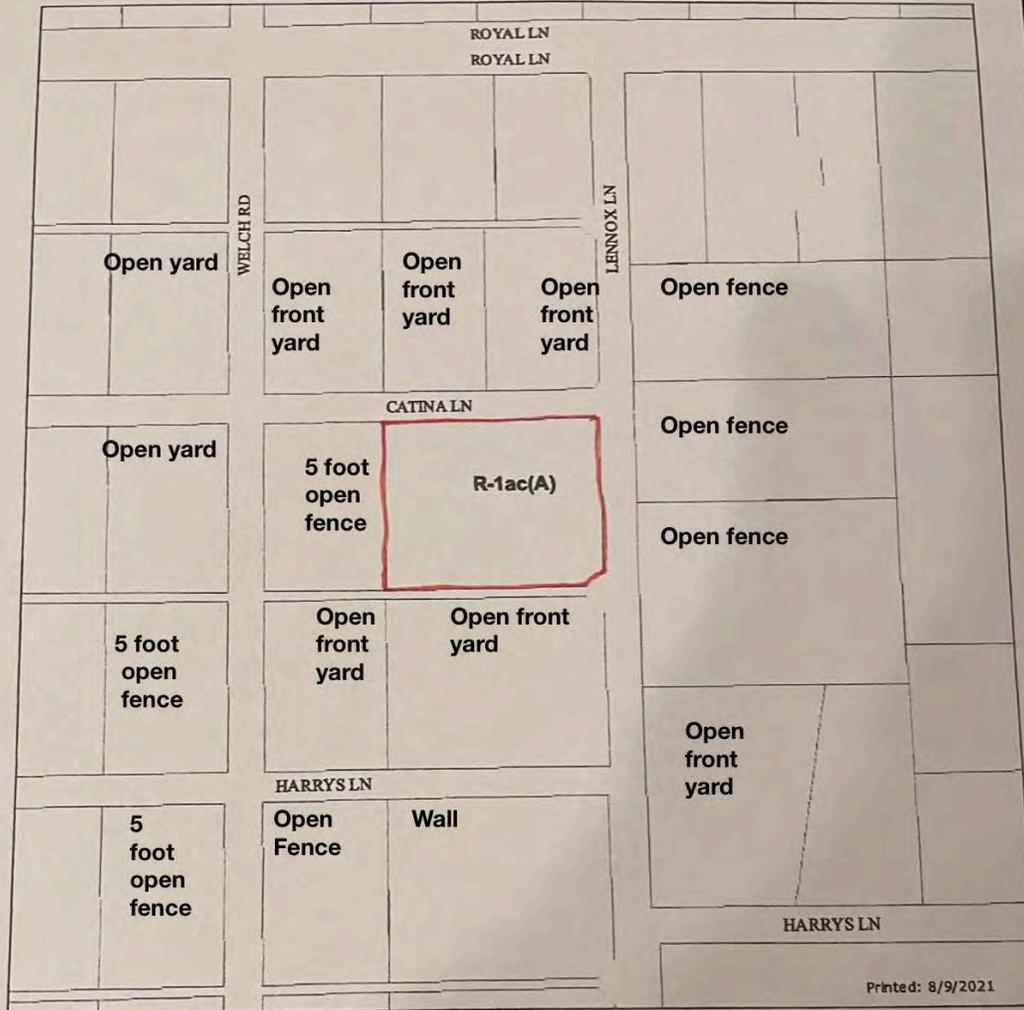
The idea of a 9 foot solid wall in the front yard does not fit the neighborhood. The yards around this property do not have massive walls. Also, there are 3 lots getting ready to build and a 4th just went on the market. If this variance is approved then within several hundred feet of my house could be 5 walled compounds. That is a depressing thought.

I plead with the Board to not approve the request. The city put in place a standard for new construction for a reason. Please save our neighborhood from becoming walled compounds.

I have included pictures and a plot showing the make up of the surrounding yards to show the openness of the neighborhood which we feel should be preserved.

This represents the yards surrounding the proposed variance. As you can see there is a very openness to the area. 2 of the lots with open yards and 2 of the lots with open fences are going to be new construction. If the variance is approved then all 4 of the new construction could also ask for variance and the neighborhood becomes walled in.

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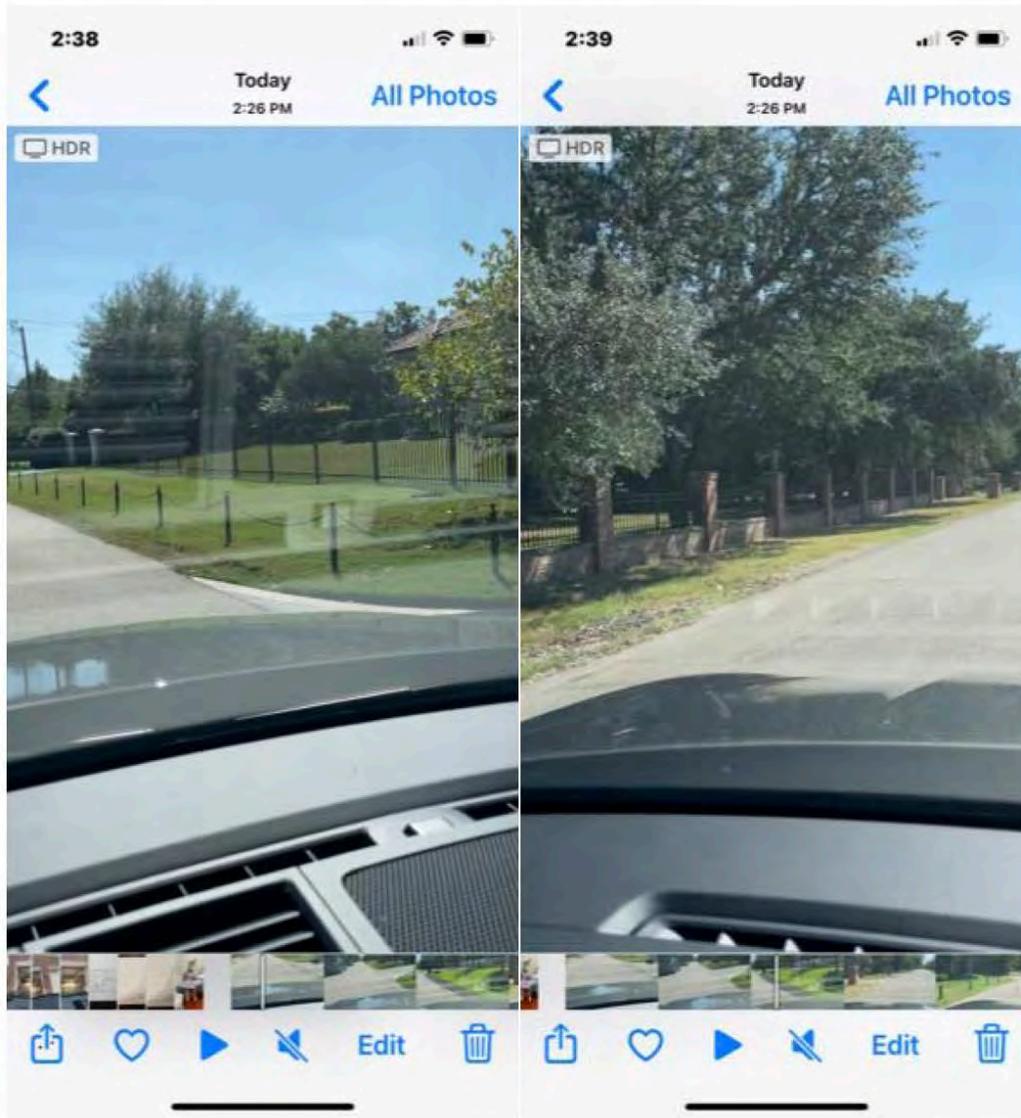


Legend

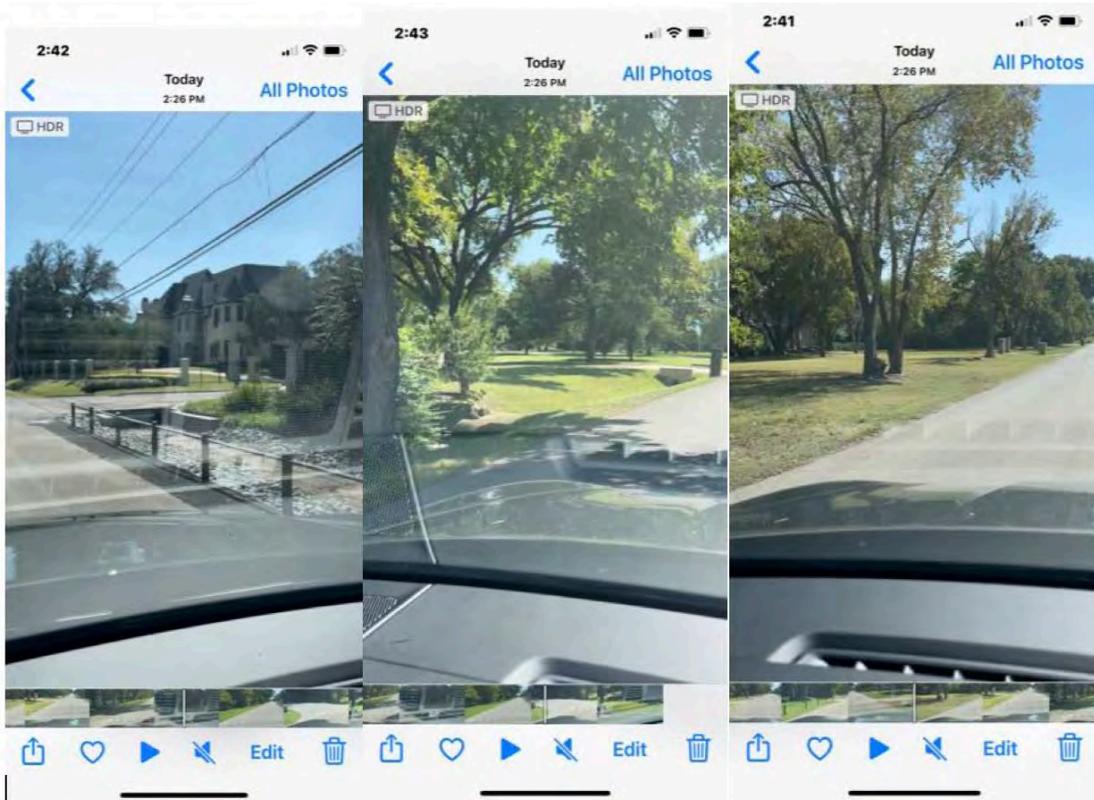
- | | | | |
|----------------------|--------------------------------|-----------------------|---------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcel | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood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

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

1:2,4



©
Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



10__ Lennox, The house which is beside the house asking for the adjustment
Open front yard on Lennox



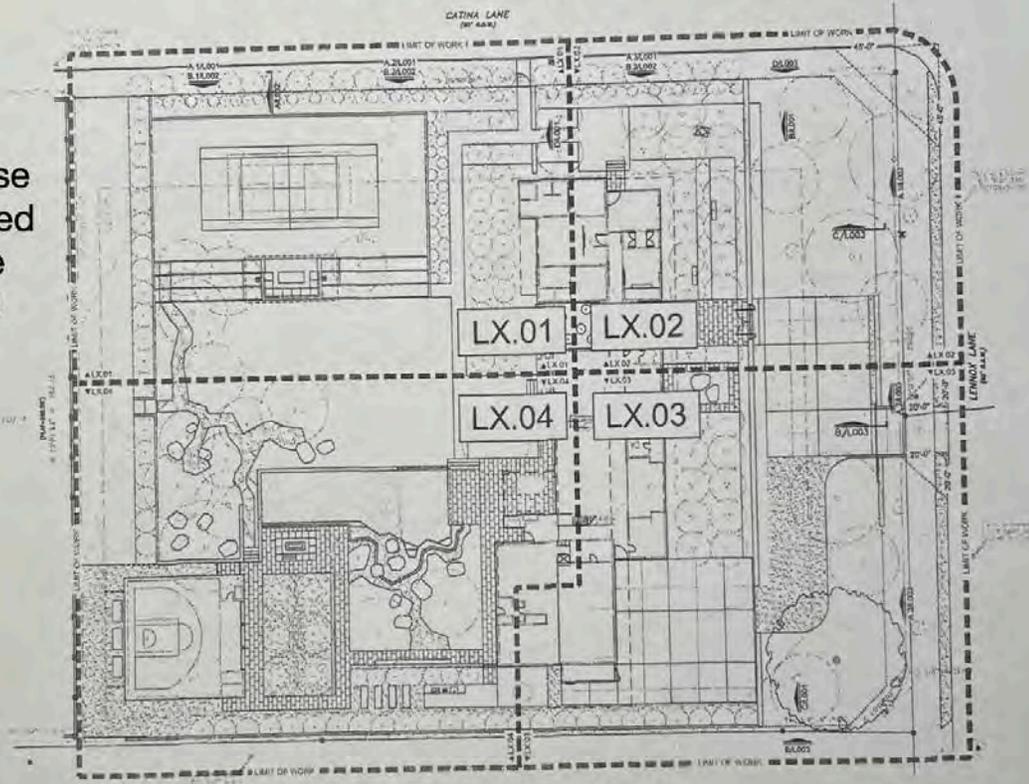
4651 Catina
The front yard faces the house asking for an adjustment
Notice the open front yard



4610 Catina, The house was denied a similar request. The side yard is next to the back yard asking for the adjustment.
They changed their fence to fit the neighborhood

2 houses with open yards
1 with Catina address
1 with Lennox address

House
denied
large
solid
wall



House with open yard

ASPC PLAN | 1/28/07





4554 Harrys Lane
Adjusted fence for neighborhood



10625 Lennox, the house beside 10645
asking for the fence adjustment
Open yard