



**City of Dallas**

**BOARD OF ADJUSTMENT (PANEL C)**

**April 17, 2023, Briefing at 10:00 A.M. and the Public Hearing at 1:00 P.M.  
Dallas City Hall, 6ES Council Briefing Room and Videoconference**

\* 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**, must register online at <https://bit.ly/BDA-C-Register> or contact the Development Services Department at 214-670-4127 **by the close of business Sunday, April 16, 2023. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/041723C>

**AGENDA**

- I. **Call to Order** Robert Agnich, Vice-Chair
- II. **Board Training / Staff Presentation / Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
  - Approval of Panel C Minutes – February 23, 2023
- VI. **Case Docket** Board of Adjustment
  - Uncontested Items
  - Holdover Items
  - Individual Items
- VII. **Adjournment**

**Handgun Prohibition Notice for Meetings of Governmental Entities**

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

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

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

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

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

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

**EXECUTIVE SESSION NOTICE**

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

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

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**UNCONTESTED CASE(S)**

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<b>BDA223-031(GB)</b>	1713 E. Kiest Blvd. <b>REQUEST:</b> Application of Shannon Neffendorf, represented by Peter Kavanagh, for special exceptions to the fence standards regulations.	1
<b>BDA223-033(GB)</b>	3839 Seguin Drive <b>REQUEST:</b> Application of Chris Jent for special exceptions to the fence standards regulations.	2
<b>BDA223-036(ND)</b>	1017 Nomas Street <b>REQUEST:</b> Application of Brent Jackson, represented by Aimee Furness, for a variance to the front yard setback regulations.	3
<b>BDA223-041(ND)</b>	5505 S. Polk Street <b>REQUEST:</b> Application of Karl A. Crawley of Masterplan for a special exception to the minimum front yard requirements to preserve an existing tree.	4

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**HOLDOVER**

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None

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**INDIVIDUAL CASES**

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None



**City of Dallas**

# Board of Adjustment: Variances and Special Exceptions

April 17, 18, & 19, 2023

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

# ROLES



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





# What are Variances and Special Exceptions?

## Variances

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

## Special Exceptions

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



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



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

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



# What is Same Zoning?



“ (B) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the **SAME ZONING**; and”

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





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



“the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and”

Element (B) may be substituted with HB 1475.





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

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



# What is a Self-Created Hardship?



“the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.”

Court have found that :

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



# Special Exceptions



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



# Special Exceptions: Fence Standards



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



# Special Exceptions: Additional v. Accessory



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



# Special Exceptions: Off-Street Parking



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



# Notice



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





# Possible Outcomes



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





**City of Dallas**

Questions?



## BOARD OF ADJUSTMENT

Panel C Minutes

February 23, 2023

**DRAFT**

6ES Briefing Room

[24957316190@dallascityhall.webex.com](mailto:24957316190@dallascityhall.webex.com)

Robert Agnich, Vice-Chair

**PRESENT: [5]**

Robert Agnich, VC

Rodney Milliken

Jared Slade

Roger Sashington

Judy Pollock

**ABSENT: [0]**

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

Vice-Chair Agnich called the hearing to order at **1:03 P.M.** with a quorum of the Board of Adjustment present.

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

### **PUBLIC SPEAKERS**

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

We had no speakers for public testimony during this hearing.

**MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel C December 12, 2022 public hearing minutes.

**Motion was made to approve Panel C December 12, 2022 public hearing minutes.**

Maker:	Judy Pollock				
Second:	Robert Agnich				
Results:	5-0 unanimously				
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

**UNCONTESTED ITEMS**

**1. 4803 Victor Street**  
BDA223-021(ND)

**FILE NUMBER:** BDA223-021(ND)

**BUILDING OFFICIAL'S REPORT:** Application of Felicia Edoghotu for a variance to the front yard setback regulations at 4803 Victor Street. This property is more fully described as Block A/0795, ½ part of lot 7, and is zoned PD-98/Chapter 51, which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure and provide a 10-foot front yard setback, which will require a 15-foot variance to the front yard setback regulations.

**LOCATION:** 4803 Victor Street

**APPLICANT:** Felicia Edoghotu

**REQUEST:**

A request for a variance to the front yard setback regulations of 15 feet is made to construct and/or maintain a two-story single family home structure with an approximately 2,700 square foot building footprint, part of which is to be located 10 feet from **one of the site's two front property lines (N. Prairie Avenue)** or 15 feet into this 25-foot front yard setback on a site that is undeveloped.

**STANDARD FOR A FRONT YARD VARIANCE FOR PD 98:**

- Permit such variances of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking or off-street loading, or visibility obstruction regulations where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of

standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.

**State Law/HB 1475 effective 9-1-21**

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most residential lots in the PD-98 zoning district in that it is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 5,300 square foot site has 20' of developable width available once a 25' front yard setback is accounted for on N. Prairie Avenue and a 5' side yard setback is accounted for on the parallel. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that the square footage of the proposed home on the subject site at approximately 2,660 square feet is commensurate to nine other homes in the same PD-98 zoning district that have average home size of approximately 4,835 square feet and three even more specific size comparable homes averaging 2,606 square feet.
- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in one of the site's two front yard setbacks where the location of this structure would comply with the required 5' side yard setback if the

N. Prairie Avenue (longer street frontage) on this corner lot were able to be recognized as it is proposed to function as a side yard.

BACKGROUND INFORMATION:

Zoning:

Site: PD 98 (Planned Development)  
North: PD 98 (Planned Development)  
South: PD 98 (Planned Development)  
East: PD 98 (Planned Development)  
West: PD 98 (Planned Development)

Land Use:

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

Zoning/BDA History:

1. BDA145-040, Property at 4803 Victor Street (the subject site)  
On November 12, 2018, the Board of Adjustment Panel C denied variance requests to the front yard setback and to the fence height regulations without prejudice.  
The case report stated that the requests were made to construct/maintain a two-story single family home **structure with a total "slab area" of approximately 1,800 square feet or with a total "home size" of approximately 3,100 square feet to be located 13' 10" from one of the site's two front property lines (N. Prairie Avenue) or 11' 2" into this 25' front yard setback and to construct/maintain a fence (an 8' high solid board-on-board wood fence) higher than 4' in height in one of the site's two required front yards (N. Prairie Avenue) on the subject site.**
2. BDA145-040, Property at 4734 Tremont Street (two lots northwest of the subject site)  
On April 22, 2015, the Board of Adjustment Panel B granted a variance to the front yard setback regulations.  
The case report stated that the requests were made to replace an existing one-story nonconforming single-family home structure on the subject site with a two-story single family home with (according to the submitted revised site plan) a building footprint of about 2,000 square feet and a total living area of about 2,600 **square feet, part of which would be located 5' from one of the site's two front property lines (N. Prairie Avenue) or 20' into this 25' front yard setback.**

GENERAL FACTS/STAFF ANALYSIS:

- This request for variance to the front yard setback regulations of 15 feet focuses on constructing and maintaining a **two-story single family home structure with a total "slab area" of approximately 1,800 square feet or with a total "home size" of approximately 3,200 square feet** to be located 10 feet from one of **site's two required front yards** (N. Prairie Avenue) or 10 feet **into this 25' front yard setback**.
- PD 98 states that general standards for development of single-family uses with regard to setbacks must be in accordance with the provisions of the Residential - 7,500 Square Feet District of Chapter 51. Structures on lots zoned R-7.5 are required to provide a minimum front yard setback of 25.
- The subject site is located at the northwest corner of Victor Street and N. Prairie Avenue. Regardless of how the structure is proposed to be oriented to front Victor Street, the subject **site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Victor Street, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along N. Prairie Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's N. Prairie Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by the lots to the northwest that front/are oriented southwest towards N. Prairie Avenue.**
- The submitted site plan indicates that the proposed home structure is located as close as **15'** from the N. Prairie Avenue front property line or 10 feet **into this 25' front yard setback**.
- According to DCAD records, there are no **"main improvement" or "no additional improvements"** for property addressed at 4803 Victor Street.
- The subject site is flat, regular in shape and according to the submitted application is 0.121 acres (or approximately 5,300 square feet) in area. The site is zoned PD 98 where lots are typically 7,500 square feet in area.
- Most lots in the PD 98 zoning district have **one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 25' front yard setbacks and one 5' side yard setback.**
- The site plan represents that approximately 1/4 of the home structure is **located in the 25' N. Prairie Avenue front yard setback.**
- The **50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northeast** If the lot were more typical to others in the zoning district with only one front yard setback, the **50' wide site would have 40' of developable width.**
- The applicant submitted a document with this application, indicating among other things that the total living area of the proposed home on the subject site is approximately 2,660 square feet, and the average total living area of 9 other properties in the same zoning is approximately 4,835 square feet and three even more specific size comparable homes averaging 2,606 square feet.
- The applicant has the burden of proof in establishing the following:
  - That permitting such a variance of the front yard where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same PD 98 district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same PD 98 district.

BOARD OF ADJUSTMENT

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- A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a home structure that would be located 15 feet from one of the **site’s two front property lines (N. Prairie Avenue) or 10 feet into this 25’ front yard setback.**

Timeline:

December 16, 2022: **The applicant submitted an “Application/Appeal to the Board of Adjustment”** and related documents which have been included as part of this case report.

January 5, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of **Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.**

January 20, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- **a copy of the application materials including the Building Official’s report** on the application
- an attachment that provided the public hearing date and panel that will consider the application; the January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th **deadline to submit additional evidence to be incorporated into the Board’s** docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to **“documentary evidence.”**

January 24,2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

**Speakers:**

**For: No Speakers**

**Against: No Speakers**



**Motion**

I move that the Board of Adjustment **grant** the following application listed on the uncontested docket because it appears, from our evaluation of the properties and evidence submitted that the applications satisfy the Dallas Development Code, as amended, and are consistent with the general purpose and intent of the Code, as applicable to wit:

**BDA 223-021** —Application of Felicia Edoghotu, for a variance to the front yard setback regulations in the Dallas Development Code, is **granted** subject to the following condition:

Compliance with the submitted site plan is required.

Maker:	Rodney Milliken				
Second:	Roger Sashington				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade, Robert Agnich
		Against:	-	0	

**HOLDOVER ITEMS**

**2. 3923 Frontier Ln.  
BDA212-105(OA)**

**FILE NUMBER:** BDA212-105(OA)

**BUILDING OFFICIAL’S REPORT:** Application of **Baldwin Associates** for a variance to the front yard setback regulations, for a special exception to the fence height regulations, for a fence standards regulation, for a special exception to the visibility visual obstruction regulation (20’ by 20’ visibility triangle) and for a at 3923 Frontier Lane. This property is more fully described as Lot 18, Block 3/2972, and is zoned R-7.5(A), Single Family District which limits the height of a fence in the front yard to four feet, requires a 20’ visibility triangle at driveway approaches, a fence panel with a surface area that is less than 50 percent open and may not be located less than 5’ form the front lot line, and requires a front yard setback of 30’. The applicant proposes to construct a single family residential structure and provide a 5’ front yard setback, which will require a 25’variance to the front yard setback regulations and to construct an 8’ 9” high fence in the required front yard which will require a 4’ 9” special exception to the fence regulations and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area and located less than 5’ from the front lot line which will require a special exception to the fence regulation, and to construct a single family residential fence structure in a required visibility obstruction at the driveway approaches.

**LOCATION:** 3923 Frontier Lane

**APPLICANT:** Baldwin Associates

**REQUESTS:**

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

1. A request for a variance to the front yard setback regulations of 25' is made to maintain an approximately 768 square-foot pool located 5' from one of the site's two recorded front property lines (Ellsworth Street) or 25' into this 30' recorded front yard setback on a site that is developed with a single-family structure.
2. A request for a special exception to the fence standards regulations related to the maximum fence height of 4' is made to construct and maintain an 8' 9" high solid wood fence and a 6' high solid wood gate in one of the site's two front property lines (Ellsworth Street).
3. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open and less than 5' from the front lot line is made to construct and maintain the 8' 9" high solid wood fence and a 6' high solid wood gate located in one of the site's two front property lines (Ellsworth Street)
4. A request for a special exception to the visual obstruction regulations is made to locate and maintain an 8' 9" high wood fence and a 6' high solid wood gate located within both 20' visibility triangles at the driveway approaches into the site from Ellsworth Street.

**UPDATE (2-23-23):**

On December 12, 2022, the Board of Adjustment Panel C held this case to the February 23, 2023, public hearing date. On February 9, 2023, the applicant submitted a revised site plan and elevations. The applicant modified the fence location by the driveway approach and made some modifications to the fence elevations and materials at the driveway location. Note that these modifications were not included in the staff analysis since the revisions were provided after the deadline for staff review meeting.

**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

BOARD OF ADJUSTMENT

February 23, 2023

- 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.

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (front yard variance):

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 zoning district due to its restrictive area, slightly irregular shape and slightly sloped with two front setbacks causing less area to be built compared to 20 other lots in the same R-7.5(A) single family zoning district. Ultimately, the property cannot be developed in a manner commensurate with the development upon five other parcels of land with the same the same R-7.5(A) single family zoning district.
- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed pool addition on the subject site is commensurate to 20 other lots in the same R-7.5(A) single family zoning district.

**STAFF RECOMMENDATION (fence standards regulations):**

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

**STAFF RECOMMENDATION (visual obstruction special exceptions 20-foot visibility triangles):**

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

The Sustainable Development and Construction Department Senior Engineer has no objections to the proposed requests to encroach into the required visual obstruction special exceptions to both 20-foot visibility triangles at the driveway approaches. (Attachment B).

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

There has been one related board or zoning cases in the immediate vicinity within the last five years.

- BDA189-022: On February 19, 2019, Panel C denied a variance to the front yard setback regulations without prejudice and granted a special exception to the height requirements to maintain an eight-foot-high fence in one of the site's two required front yards (Williamson) at 3956 Frontier Lane.

**GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

This request focuses on maintaining an approximately 768 square-foot pool located 5' from one of the site's two front property lines (Ellsworth Street) or 25' into this 30-foot recorded front yard setback on a site that is developed with a single-family structure.

Structures on lots zoned R-7.5(A) single family district must have a minimum front yard setback of 25'. However, the subdivision plat was recorded with a 30' front yard setback for Jerome Way, now Frontier Lane and Ellsworth Street. A site plan has been submitted denoting the existing pool

structure located 5' from one of the two front property lines (Ellsworth Street). The site plan shows that approximately 75 percent of the pool structure will be in the site's 30' front yard setback. Note that the city of Dallas issued a permit for the pool. The permit was issued in error.

The subject site is slightly irregular in shape, slightly sloped and the lot is approximately 11,154 square feet in area. R-7.5(A) single family zoning district requires lots within this area to have a minimum lot size of 7,500 square feet.

The applicant submitted a document (Attachment A) indicating, among other things, that the proposed pool structure on the subject site is commensurate to five other lots in the same R-7.5(A) single family zoning district. Attachment A also notes the lot area to home size is 50 percent while 19 other lots have less than 50 percent to the lot area to home size. This may be adjudicated to the lot having two front yards.

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

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) single family zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) single family zoning classification.

If the board were to grant this front yard setback variance request and impose the submitted site plan as a condition, the pool structure in the front yard setback would be limited to what is shown on this document. Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than for an approximately 768 square-foot located 5' from the site's front property line or 25 feet into the 30-foot recorded front yard setback on a site that is developed with a 5, 551 square foot two-story residential structure.

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

These requests focus on constructing and maintaining an 8' 9" high solid wood fence and a 6' high solid wood gate in one of the site's two front property lines (Ellsworth Street) and maintaining this fence and gate with fence panels with a surface area that is less than 50 percent open and less than 5' from the front lot line in one of the site's two front property lines (Ellsworth Street).

The requests for special exceptions to the fence standards regulations related to height and fence panel materials/location from one of the site's two recorded front property lines (Ellsworth Street):

- constructing and maintaining an 8' 9" high solid wood fence and a 6' tall solid wood gate in one of the site's two front property lines (Ellsworth Street) and maintaining this fence and gate with fence panels with a surface area that is less than 50 percent open and less than 5' from the front lot line in one of the site's two front property lines (Ellsworth Street).

Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard. As noted, the proposed fence would be within the required 30' platted front yard setback.

Additionally, the Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five from the front lot line.

The submitted site plan and revised elevation denotes the proposed 8' 9" high solid wood panel fence with a 6' tall wood panel gates located within the required front yard and along the property line.

The following additional information was gleaned from the submitted site plan:

- The proposed/existing fence consists of a 6' tall cedar fence set on top of a 2'9" tall retaining wall with a 6' gate and it is approximately 45 feet in length parallel to Ellsworth Street to the front property line of this street.
- The distance between the proposed fence and the pavement line is 11'. The fence is located at the property line.

Staff conducted a field visit of the site and surrounding area and noted several fences that appeared to be above 4' in-height in the required front yard on Williamson Road and at Chantilly Lane and Frontier Lane.

As of December 2, 2022, 1 letter have been received in opposition and no letters in support of this request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of 4' and to location and materials located on Ellsworth Street will not adversely affect neighboring property.

Granting these special exceptions to the fence standards related to the height and opacity would require the proposal exceeding 4' in-height in the front yard setbacks located in one of the site's two front property lines (Ellsworth Street) and exceeding 50 percent opacity to be maintained in the locations and of the heights and materials as shown on site plan and revised elevation.

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions 20' visibility triangles):**

These requests for special exceptions to the visual obstruction regulations focus on constructing and maintaining portions of the 8' 9" solid wood fence and a 6' tall solid wood gate within the required 20-foot visibility triangle at the driveway approaches into the site on Ellsworth Street.

The Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:

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

The applicant is requesting special exceptions to the visual obstruction regulations for the two

required 20' visibility triangles on each side of the driveway into the site on Ellsworth Street.

The applicant submitted a site plan and revised elevation indicating portions of the 8' 9" high solid wood fence and a 6' tall solid wood gate within the 20' visibility triangle located on the north and south sides of the driveway into the site on Ellsworth Street.

The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

As of December 2, 2022, one letter has been received in opposition and no letters support have been received of this request.

The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to locate and maintain portions of the of the 8' 9" high solid wood fence and a 6' tall solid wood gate within the required 20' visibility triangle at the driveway approaches, do not constitute a traffic hazard.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and revised elevation would require the fence exceeding 4' in-height in the front yard setback and all visual obstructions to be constructed in the locations and heights as shown on these documents.

**Timeline:**

- August 26, 2022: 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 13, 2022: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- October 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 4<sup>th</sup> deadline to submit additional evidence to be incorporated into the board's docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 24, 2022: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**)
- October 27, 2022: 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 Development Services Assistant Director, the Board of Adjustment Chief Planner/Board

Administrator, The Development Services Chief Planner, Development Service Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Transportation Development Services Senior Engineer, Development Services Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 31, 2022: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “no objection to existing encroachment to visibility triangle at private residential driveway on Ellsworth Street” **(Attachment B)**.

November 1, 2022: The applicant submitted a revised fence elevation drawing to staff with new materials for the fence **(Attachment C)**

November 14, 2022: The Board of Adjustment Panel C conducted a public hearing on this application, and delayed action on this application until their next public hearing to be held on December 12, 2022.

November 16, 2022: The Senior Planner wrote the applicant a letter of the board’s action; the November 22<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials.

November 29, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

December 13, 2022: The Senior Planner wrote the applicant a letter of **the board’s action to hold this meeting to the February 23, 2023, public hearing; the January 23, 2023’s** deadline to submit additional evidence for staff to factor into their analysis; and the February 10<sup>th</sup> deadline to submit additional evidence to be **incorporated into the Board’s** docket materials.

January 24, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the Board of Adjustment Chief Planner/Board Administrator, The Development Services Chief Planner, Development Service Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Transportation Development Services Senior Engineer, Development Services Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

February 9, 2023: The applicant submitted a revised fence elevation drawing to staff with new materials for the fence (Attachment D)



**BOARD OF ADJUSTMENT ACTION FEBRUARY 23, 2023**

**APPEARING IN FAVOR:** Rob Baldwin 3904 Elm St. Ste. B Dallas, TX  
Susan Wasilewski 6946 Ellsworth Ave. Dallas, TX

**APPEARING IN OPPOSITION:** No Speakers

**1.- Motion**

I move that the Board of Adjustment, in Appeal No. BDA 212-105, **grant** the 25-foot variance to the front yard setback regulations of the Dallas Development Code.

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

Compliance with the revised submitted site plan is required.

Maker:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade, Robert Agnich
		Against:	-	0	

**2.- Motion**

I move that the Board of Adjustment, in Appeal No. BDA 212-105, **grant** the request of this applicant to construct and/or maintain an eight-foot nine-inch high fence as a special exception to the height requirement for fences contained in the Dallas Development Code.

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

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

Maker:	Roger Sashington				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade, Robert Agnich
		Against:	-	0	

**3.- Motion**

I move that the Board of Adjustment, in Appeal No. BDA 212-105, **grant** the request of this applicant to construct and/or maintain fence panels with a surface area less than 50 percent open located less than 5 feet from the front lot lines as a special exception to the surface area openness requirement for fences contained in the Dallas Development Code.

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

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

Maker:	Roger Sashington				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade, Robert Agnich
		Against:	-	0	

**4.- Motion**

I move that the Board of Adjustment, in Appeal No. BDA 212-105, **grant** the request of this applicant to maintain items in the visibility triangle at the driveway approach as a special exception to the visual obstruction regulations contained in the Dallas Development Code.

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

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

Maker:	Roger Sashington				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade, Robert Agnich
		Against:	-	0	

**INDIVIDUAL ITEMS**

**3. 4327 Cabell Drive**  
BDA223-017(OA)

**FILE NUMBER:** BDA223-017(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Julia White for special exceptions to the fence standards and visual obstruction regulations at 4327 Cabell Drive. This property is more fully described as Block F/0660, Lot 7 and is zoned MF-2(A), which limits the height of a fence in the front yard to 4 feet, requires a fence panel with a surface area that is less than 50 percent open to not be located less than 5 feet from the front lot line, requires a 20 foot visibility triangle at driveways, and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards regulations, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations, and to locate and/or maintain items in required 20 foot visibility triangles at driveways and in a required 45 visibility triangle at a street intersection, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 4327 Cabell Drive

**APPLICANT:** Julia White

**REQUEST:**

The following requests have been made on a site that is developed with townhouses:

1. Requests for special exceptions to the fence standards regulations related to fence height of 4' are made to maintain an 8' tall solid cedar fence with 8' tall steel posts and a pedestrian gate in the site's two front property lines (Cabell Drive & Ashby Street).
2. Requests for special exceptions to the fence standards regulations related to the fence panels with a surface area that is less than 50 percent open less than 5' from the front lot line are made to maintain an 8' high solid cedar fence with 8' tall steel posts along Cabell Drive and Ashby Street located less than 5' from these front lot lines.
3. Requests for special exceptions to the visual obstruction regulations is made to maintain the 8' tall solid cedar fence with 8' tall steel posts in the southeast 20' visibility triangle at a driveway into the site on Ashby Street.
4. A request for special exception to the visual obstruction regulations is made to maintain the 8' tall solid cedar fence with 8' tall steel posts 45-foot visibility triangle at the Cabell Drive and Ashby Street intersection.

**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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

**STAFF RECOMMENDATION (fence standards):**

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

STAFF RECOMMENDATION (standard for a special exception to the visual obstruction regulations):

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

STAFF RECOMMENDATION (visual obstruction regulations):

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

The Sustainable Development and Construction Senior Engineer reviewed the proposed obstructions for the fence and recommends denial of the requests stating that the fence obstructs visibility.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MF-2(A) Multifamily District  
North: MF-2(A) Multifamily District  
South: MF-2(A) Multifamily District

East: MF-2(A) Multifamily District  
West: MF-2(A) Multifamily District

Land Use:

The subject site is developed with townhomes. The areas to the north, west, south, and is developed with multifamily use.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence standards):

The requests for special exceptions to the fence standards regulations are twofold. Special exceptions to the fence standards regulations related **to fence height of 4' are made to maintain an 8' tall solid cedar fence with 8' tall steel posts and a pedestrian gate in the site's two front property lines** and a special exceptions to the fence standard regulations related to a fence with panels with surface areas less than 50 percent open are made to maintain the aforementioned high solid **an 8' tall solid cedar fence with 8' tall steel posts and less than 5' from these front lot lines.**

The subject site is zoned MF-2(A) Multifamily District **which requires a 15' front yard setback.**

Section 51A-4.602(a)(4) of the Dallas Development Code states that in multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:

- No lot in the blockface may be zoned as a single family or duplex lot.
- No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.
- No fence panel having less than 50 percent open surface area may be located less than five feet from the property line.

Section 51A-4.602(a)(6) of the Dallas Development Code states that unless all of the conditions in Paragraphs (4) and (5) are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

**Since the applicant's fence proposal is unable to meet all the** conditions required by Section 51A-4.602(a)(4) of the Dallas Development Code, the proposed fence may not exceed four feet above grade when located in the required front yard. Therefore, for the applicant to accomplish his proposal, the applicant requests the above special exceptions to the fence standards regulations.

The site is located at the southwest corner of Ashby Street and Cabell Drive. The site has two front yard setbacks given that it fronts two streets as any corner property would that is not zoned a single family, duplex, or agricultural district.

The applicant submitted site plan and a site plan/elevation representing the proposed fences in the front yard setbacks with notations indicating that the proposal reaches a maximum height of **8'**. The submitted site plan and elevation indicating the proposed fence will be located along Cabell Drive and Ashby Street with fence panels having a surface area that is less than 50 percent open and **located less than 5' from this front lot line – a 8' high solid wood fence approximately 30' in length parallel to Cabell Drive, and approximately 53' in length parallel to Ashby Street** of the site in the front yard setbacks and located on these front lot lines.

The following additional information was gleaned from the submitted site plan:

- Cabell Drive: the proposal is represented as being **approximately 30' in length parallel to the street and approximately 4' perpendicular to the street on the east side of the site in this required front yard; located approximately 12' from the pavement line.**
- Along Ashby Street: the proposal is represented as being **approximately 53' in length parallel to the street and at the property line perpendicular to the street on the southeast of the site in this required front yard; located approximately 15' from the pavement line.**

The Development Service Department Senior Planner conducted a field visit of the site and

surrounding area and noted several other fences that appeared to be above 4' in height along Cabell Drive and Ashby Steet located in a front yard setback.

As of February 10, 2023, 31 letters had been submitted in support of the requests, and no letters had been submitted in opposition.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations **related to height above 4' and to location and** fence panels with surface areas that are less than 50 percent open will not adversely affect neighboring property. Granting these special exceptions to the fence standards related to height of up to **8'** and to location fence panels with surface areas that are less than 50 percent open in certain areas on the site with a condition imposed that the applicant complies with the revised site plan and elevation documents, would **require the proposals exceeding 4' in height 8' tall solid cedar fence with 8' tall steel posts and a pedestrian gate** on the front lot lines of Cabell Drive and Ashby Steet) to be maintained in the location as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (**visual obstruction special exceptions 20' visibility triangles & 45-foot visibility triangle**):

These requests for special exceptions to the visual obstruction regulations focus on maintaining portions of **8' tall solid cedar fence with 8'** tall steel posts and a pedestrian gate within the southeast required 20-foot visibility triangle at the driveway approach from Ashby Street and within the required 45-foot visibility triangle at the street intersection (southwest corner of Ashby Street and Cabell Drive).

The Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:

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

The applicant is requesting special exceptions to the visual obstruction regulations for the southeast required 20-foot visibility triangles on each side of the driveway into the site on Ashby Street as well as a special exception to the visual obstruction regulations for the required 45-foot visibility triangles at the intersection of Ashby Street and Cabell Drive.

The Sustainable Development Department Senior Engineer has submitted a review comment sheet **marked "recommends that this be denied. Fence obstructs visibility"**.

As of February 10, 2023, 31 letters had been submitted in support of the requests, and no letters had been submitted in opposition.

The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to maintain portions of the **18' tall solid cedar fence with 8' tall steel posts and a pedestrian gate within the southeast required** 20-foot visibility triangle

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at the driveway approach and within the required 45-foot visibility triangle at the street intersection (southwest corner of Ashby Street and Cabell Drive), do not constitute a traffic hazard.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the fence exceeding four-feet-in-height in the front yard setback and all visual obstructions to be maintain in the locations and heights as shown on these documents.

TIMELINE:

- December 1, 2022:       **The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents** that have been included as part of this case report.
- January 16, 2023:       The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- January 18, 2023:       The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 23<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 10<sup>th</sup> deadline to submit additional evidence to be **incorporated into the board's docket materials.**
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- January 24, 2023:       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 Development Services Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, The Development Services Chief Planner, Development Service Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Transportation Development Services Senior Engineer, Development Services Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board).
- February 9, 2023:       The applicant submitted additional information to staff beyond what was submitted with the original application (Attachment A).

Speakers:

For: Julia White, 4327 Cabell Drive Dallas TX

Against: None.

**1.- Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-017, on application of Julia White, **grant** the request of this applicant to construct and/or maintain an eight-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Robert Agnich				
Second:	Judy pollock				
Results:	5-0				
		Ayes:	-	5	Robert Agnich, Roger Sashington, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

**2.- Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-017, on application of Julia White, **grant** the request of this applicant to construct and/or maintain fence panels with a surface area less than 50 percent open located less than 5 feet from the front lot lines as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Robert Agnich				
Second:	Rodney Milliken				
Results:	5-0				
		Ayes:	-	5	Robert Agnich, Roger Sashington, Judy Pollock, Rodney Milliken, and Jared Slade



		Against:	-	0	
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**3.- Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-017, on application of Julia White, **grant** the request of this applicant to maintain items in the visibility triangle at the driveway approach as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Robert Agnich, Roger Sashington, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

**4.- Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-017, on application of Julia White, **grant** the request of this applicant to maintain a in the visibility triangle at the street intersection as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Robert Agnich, Roger Sashington, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

**4. 4502 Leland Avenue**

BDA223-020(ND)

**FILE NUMBER:** BDA223-020(ND)

**BUILDING OFFICIAL'S REPORT:** Application of Bangaly Kaba represented by Andrew Thorpe for a variance to the front yard setback regulations at 4502 LELAND AVE. This property is more fully described as Block 2/1762, southwest part of Lot 1, and is zoned PD-595 subdistrict R-5(A), which requires a front yard setback of 20 feet. The applicant proposes to construct a two-story single-family residential structure and provide a 5-foot 6-inch front yard setback, which will require a 14-foot 6-inch variance to the front yard setback regulations.

**LOCATION:** 4502 Leland Avenue

**APPLICANT:** Bangaly Kaba/Andrew Thorpe

**REQUEST:**

A request for a variance to the front yard setback regulations of 14 feet 6 inches is made to construct and/or maintain a two-story single family home structure with an approximately 2,300 square foot building footprint, part of which is to be located 5 feet 6 inches **from one of the site's two front** property lines (Marburg Street) or 14 feet 6 inches into this 20 foot front yard setback on a site that is undeveloped.

**STANDARD FOR A VARIANCE:**

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

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

**State Law/HB 1475 effective 9-1-21**

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

STAFF RECOMMENDATION:

DENIAL

Rationale:

- Staff recommends denial. While staff recognizes that the site is different from most properties zoned R-5(A) in that it has two front yard setbacks, the applicant has not shown by submitting a document listing five properties with equivalencies of corner lot, zoning, and side yard setbacks of five feet of the proposed home on the subject site at approximately 2,300 square feet is commensurate to other homes in the same R-5(A) zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: R-5(A) (Single family district 5,000 square feet)  
North: R-5(A) (Single family district 5,000 square-feet)  
South: R-5(A) (Single family district 5,000 square-feet)  
East: R-5(A) (Single family district 5,000 square-feet)  
West: R-5(A) (Single family district 5,000 square-feet)

Land Use:

The subject site is undeveloped. The areas to the north, south, east, and west are developed with single family uses. Areas to the immediate Northwest and Southwest are commercial institutional uses.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request for variance to the front yard setback regulations of 14 feet 6 inches focuses on constructing and maintaining a two-story single family home structure with an approximately 1,750 square foot building footprint, part of which is to be located 5 feet 6 inches from one of **the site's two front property lines** (Marburg Street) or 14 feet 6 inches into this 20 foot front yard setback on an undeveloped site.
- The property is located in an R-5(A) zoning district which requires a minimum front yard setback of 20 feet.
- The subject site is located at the southwest corner of Leland Avenue and Marburg Street. The subject site has 20-foot front yard setbacks along both street frontages. The site has a 20-foot front yard setback along Leland Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 20-foot front yard setback along Marburg, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a **5' side yard setback is required. However, the site's** Marburg Street frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by lots to the north that front/are oriented northward towards Marburg Street.
- The submitted site plan indicates that the proposed structure is located 5 feet 6 inches from the Marburg front property line or 14 feet 6 inches into this 20-foot front yard setback.
- According to DCAD records there are no improvements listed for property addressed at 4502 Leland Avenue.
- The subject site is flat, rectangular in shape (100' x 50') and is 5,000 square feet in area. The site is zoned R-5(A) where lots are typically 7,500 square feet in area.
- The site plan represents that approximately 1/2 of the structure is located in the 20' Marburg front yard setback.
- **The 50' wide subject site has 25 feet of developable width available once a 20 foot front yard setback is accounted for on Marburg and a 5' side yard setback is accounted for on the parallel yard** If the lot were more typical to others in the zoning district with only one front yard setback, **the 50' wide site would have 45 feet of developable width.**
- No variance would be necessary if the Marburg frontage were a side yard since the site plan represents that the proposed home is 5 feet 6 inches' **from the** Marburg Street property line and the side yard setback for properties zoned R-5(A) is 5 feet.
  - A submitted floor plan represents that the **"total under roof" area** of the proposed home is about 2,300square feet. has not shown by submitting a document listing five properties with equivalencies of corner lot, zoning, and side yard setbacks of five feet of the proposed home on the subject site at approximately 2,300 square feet may not be commensurate to other homes in the same R-.5(A) zoning district.
- 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

BOARD OF ADJUSTMENT  
February 23, 2023

cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-.5(A) zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a structure that would be located 5 feet 6 inches **from the site's** Marburg Street front property line (or 14 feet 6 inches into this 20 foot front yard setback).

Timeline:

November 14, 2022: **The applicant submitted an "Application/Appeal to the Board of Adjustment"** and related documents which have been included as part of this case report.

January 5, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

January 20, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- **a copy of the application materials including the Building Official's report** on the application
- an attachment that provided the public hearing date and panel that will consider the application; the January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th **deadline to submit additional evidence to be incorporated into the Board's** docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to **"documentary evidence."**

January 24, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

January 26, 2023: The applicant emailed additional documentary evidence which will be considered Attachment A and includes written testimony, chart, and pictures.

**Speakers:**

**For: Andrew Thorpe 4502 Leland Avenue, Dallas TX**

**Against: No Speakers**

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-020, on application of Bangaly Kaba represented by Andrew Thorpe, **grant** the 14-foot six-inch variance to the front yard setback regulations requested by this applicant because our evaluation of the property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the submitted site plan is required.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	5-0				
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **2:04 P.M.**

\_\_\_\_\_  
Required Signature:  
Mary Williams, Admin Specialist II  
Development Services Dept.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Required Signature:  
Nikki Dunn, Board Administrator  
Development Services Dept.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Required Signature:  
Robert Agnich, Vice-Chair  
Board of Adjustment

\_\_\_\_\_  
Date

**FILE NUMBER:** BDA223-031 (GB)

**BUILDING OFFICIAL'S REPORT:** Application of Shannon Neffendorf represented by Peter Kavanagh for a special exception to the fence height regulations, and for a special exception to the fence regulations at 1713 E. Kiest Blvd. This property is more fully described as Block R/5856, part of tract 13 and is zoned R-7.5 (A) which limits the height of the fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6-foot-high fence in a required front yard, which will require a 2-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

**LOCATION:** 1713 E. Kiest Boulevard

**APPLICANT:** Shannon Neffendorf, represented by Peter Kavanagh

**REQUESTS:**

The following site currently vacant and undeveloped.

A request for a special exception to the fence standards regulations of 2' is made to construct a 6' high fence in the required front yard; and

1. A request for a special exception to the fence standards regulations is made to construct a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line in this case, a fence that is 983 feet long, ranging from 0 to 5' from the front lot line.

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

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

**STAFF RECOMMENDATION:**

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:**

<u>Site:</u>	R-7.5(A) Single Family District
<u>North:</u>	R-7.5(A) Single Family District
<u>South:</u>	R-7.5(A) Single Family District
<u>East:</u>	R-7.5(A) Single Family District
<u>West:</u>	SUP 639 (MF-2) and R-7.5(A) Single Family District

### **Land Use:**

The subject site and areas to the north, east, south, and west are developed with mostly residential uses. John R Bryan Elementary School is located directly across the street.

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

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

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

- This is a request for special exception to the fence standards regulations focus on constructing a 6-foot fence to be placed in a required front yard. A special exception is required for a fence that exceeds the maximum height of 4' if located in a required front yard setback, and a fence with fence panels with a surface area that is less than 50 percent open less than 5' from the E Kiest Blvd front lot line on an undeveloped site.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard and states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the required front yard.
- The following additional information was gleaned from the submitted site plan:
  - the site plan shows the fence to be approximately 938' located on the front property line or less than 5' from the pavement line.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 04, 2023, no letters have been received in opposition or support of this request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet will not adversely affect neighboring property.



- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four-feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

**Timeline:**

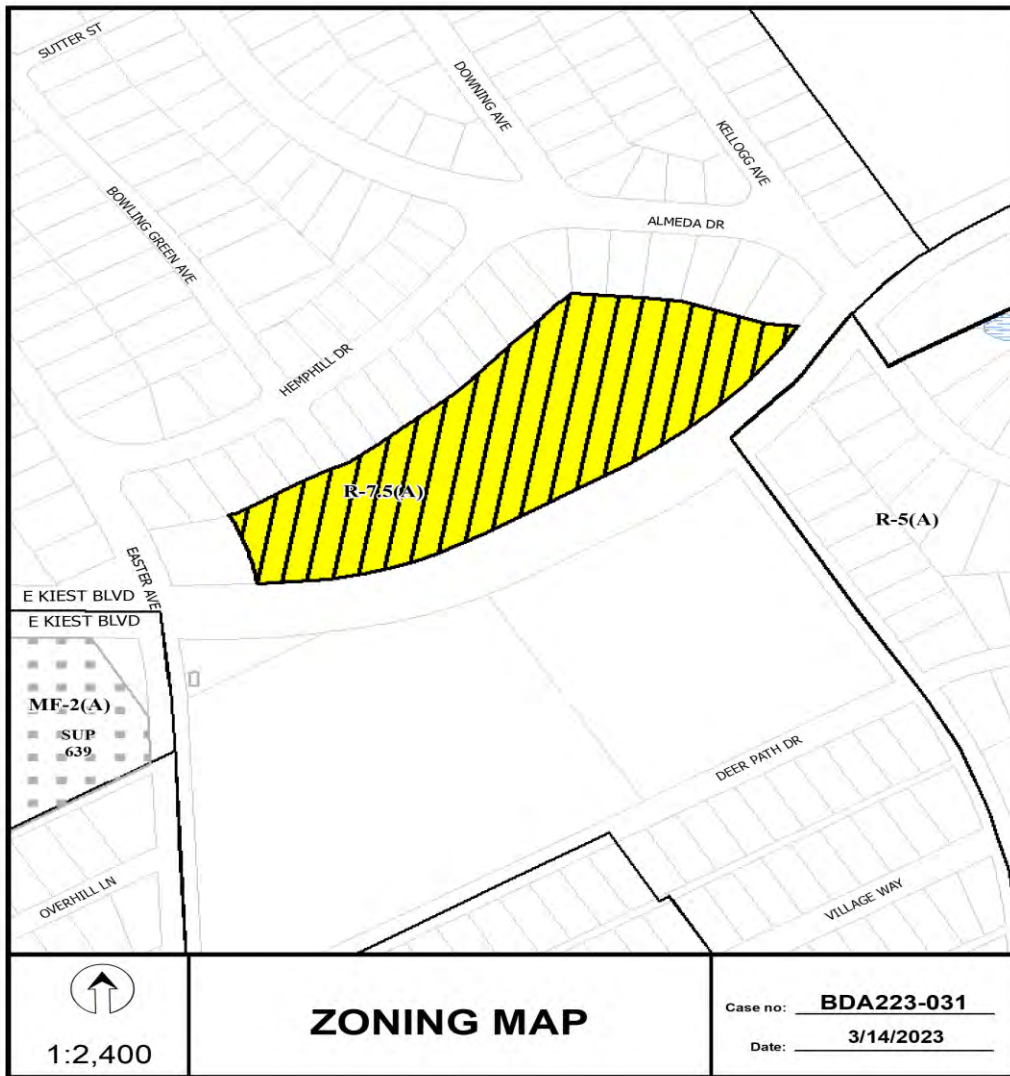
February 07, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

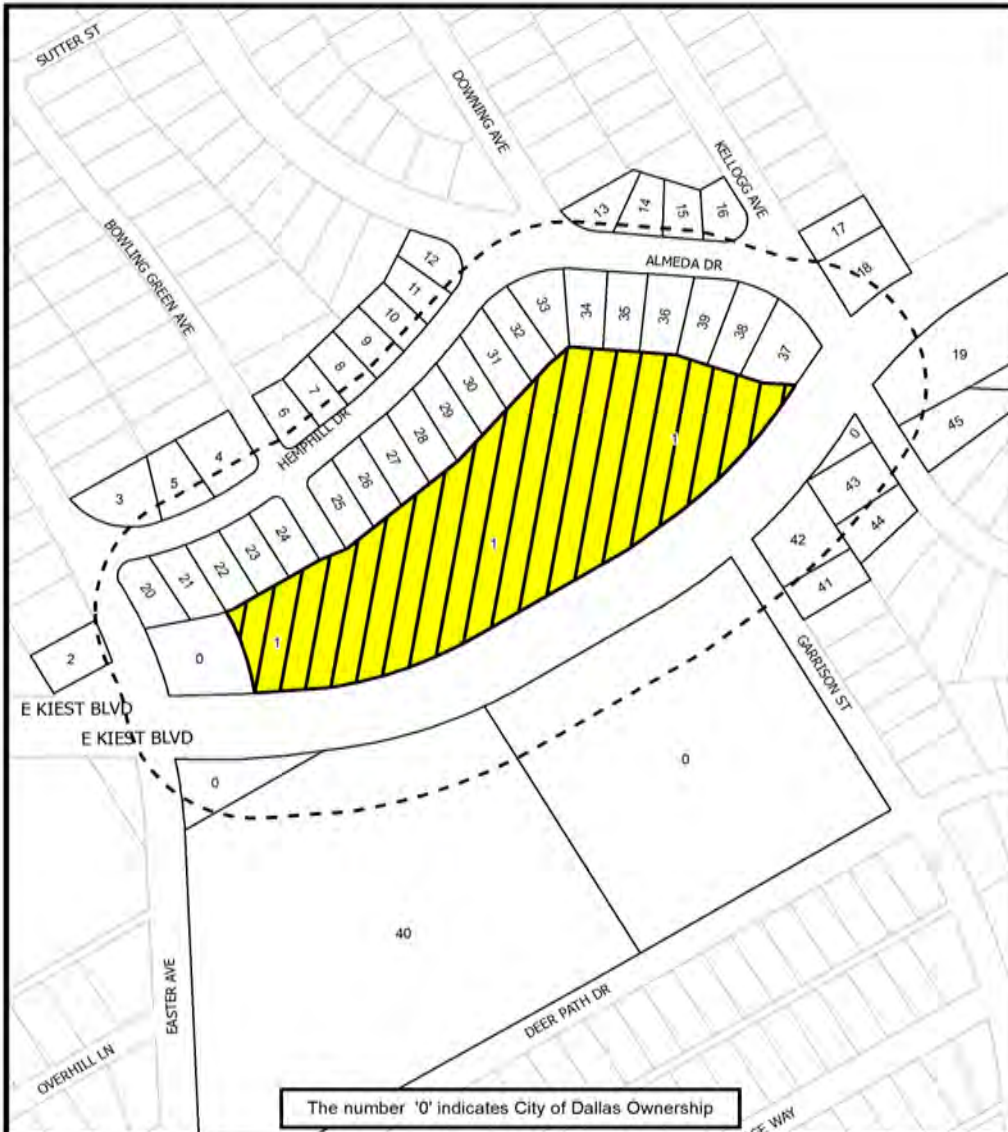
March 06, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

March 14, 2023: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the March 24, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the March 28, 2023, deadline to submit additional evidence to be incorporated into the Board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the /Development Code Specialist, the Senior Engineer, Board of Adjustment Senior Planner, the Assistant City Attorney to the Board. No review comment sheets were submitted in conjunction with this application.





 1:2,400	<b>NOTIFICATION</b>	Case no: <b>BDA223-031</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>45</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>45</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>45</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				



 1:2,400	<b>AERIAL MAP</b>	Case no: <u>BDA223-031</u> Date: <u>3/14/2023</u>
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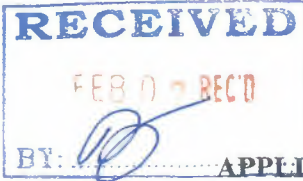
03/13/2023

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

***BDA223-031***

***45 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1700 E KIEST BLVD	VALPARAISO HOLDINGS LLC
2	2803 EASTER AVE	BEJAR PABLO
3	2744 EASTER AVE	FLOYD GWENDOLYN &
4	1613 HEMPHILL DR	SMITH MARY B
5	1609 HEMPHILL DR	MASSEY SHIRLEY &
6	1701 HEMPHILL DR	JOHNSON CLIFFORD PATRICK
7	1705 HEMPHILL DR	KELLY BARBARA J
8	1709 HEMPHILL DR	JOHNSON NORA
9	1713 HEMPHILL DR	FORTSON PATRICIA A
10	1717 HEMPHILL DR	LARRY JAMES
11	1721 HEMPHILL DR	HERNANDEZ CARLOS
12	2741 ALMEDA DR	MARTINEZ JORGE &
13	2748 ALMEDA DR	JORDAN BETTY R
14	2754 ALMEDA DR	CONNOR ARCESSIA EST OF
15	2760 ALMEDA DR	ENGLISH NORMA J N
16	2764 ALMEDA DR	STEELE EVELYN Y
17	2802 KELLOGG AVE	WATSON DIMPLE ESTATE OF
18	2806 KELLOGG AVE	MARTINEZ J SALOMON &
19	2004 E KIEST BLVD	Taxpayer at
20	1600 HEMPHILL DR	JEFFREY CLARENCE
21	1604 HEMPHILL DR	MARTINEZ EMERENCIANO &
22	1608 HEMPHILL DR	CLARK GARY D
23	1612 HEMPHILL DR	RICO GUILLERMO &
24	1616 HEMPHILL DR	HOLLOWAY UVOLA &
25	1700 HEMPHILL DR	SEGURA PABLO RIVERA &
26	1704 HEMPHILL DR	GUYTON KENNETH RAY SR



C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-031

Date: 2/7/23

Data Relative to Subject Property:

Location address: ~~\_\_\_\_\_~~, 1713 ~~and \_\_\_\_\_~~ E. Kiest Blvd

Zoning District: R-7.5(A)

Lot No.: BLK R/5856 E PT LT 13, BLK R/5856 TR 13 & BLK Q/5856, BLK Q/5856 PT LT 6 & ADJ TR

Acreage: 5.10 Census Tract: 4811300881 Street Frontage (in Feet): 1) 983.61' 2) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): VALPARAISO HOLDINGS LLC \_\_\_\_\_

Applicant: Shannon Neffendorf VALPARAISO HOLDINGS LLC Telephone: 214-941-4440

Mailing Address: 2671 W. Five Mile Parkway Zip Code: 75233

E-mail Address: peterk@zonesystems.com

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

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

E-mail Address: PETERK@Zonesystems.com

Affirm that an appeal has been made for a Special Exception of \_\_\_\_\_ front yard fence \_\_\_\_\_

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

Special Exception to fence height per SEC.51A-4.602(b)(2)  
for 983' length fence 6 feet in height  
with portions solid within 5 feet of property line.

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.

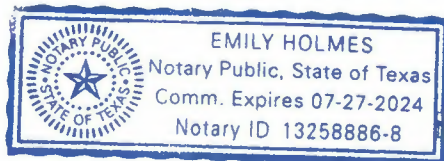
Affidavit

Before me the undersigned on this day personally appeared Shannon Neffendorf  
(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<sup>th</sup> day of January, 2023



Emily Holmes  
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

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 SHANNON NEFFENDORF  
represented by PETER KAVANAGH  
did submit a request for a special exception to the fence height regulations, and for a special  
exception to the fence standards regulations  
at 1713 E Kiest

BDA223-031. Application of SHANNON NEFFENDORF represented by PETER KAVANAGH for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 1713 E Kiest Blvd. This property is more fully described as Block R/5856, Part of tract 13 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

  
Andrew Espinoza, CBO, MCP, CFM, CCEA



City of Dallas

AFFIDAVIT

Appeal number: BDA 223-031

I, VALPARAISO HOLDINGS, LLC (Shannon Neffendorf) Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

At 1700, 1713 AND 1805 E. Keist Blvd.

(Address of property as stated on application)

Authorize Peter Kavanagh  
(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)

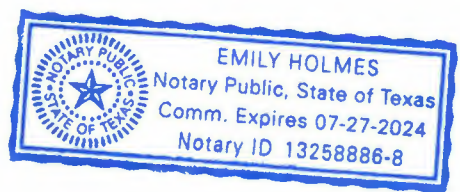
Specify: 983' Front yard fence along Keist, 6' height with portion solid within 5 feet of property line. PK

Shannon Neffendorf [Signature] 1/20/2023  
 Print name of property owner/agent      Signature of property owner/agent      Date

Before me, the undersigned, on this day personally appeared Shannon Neffendorf

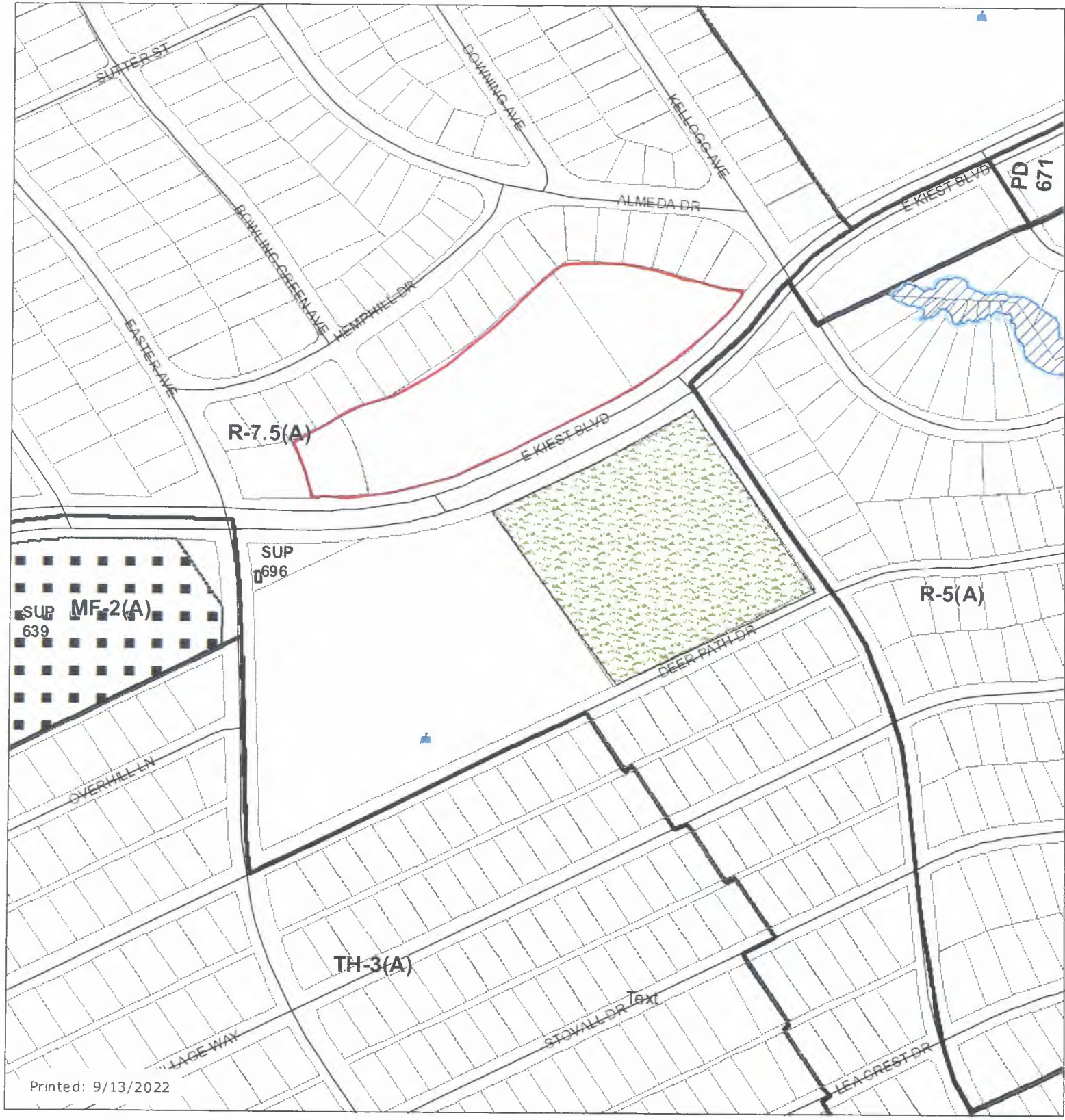
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 20th day of January, 2023.



Emily Holmes  
Notary Public for Dallas County, Texas  
Commission expires on 7/27/24





Printed: 9/13/2022

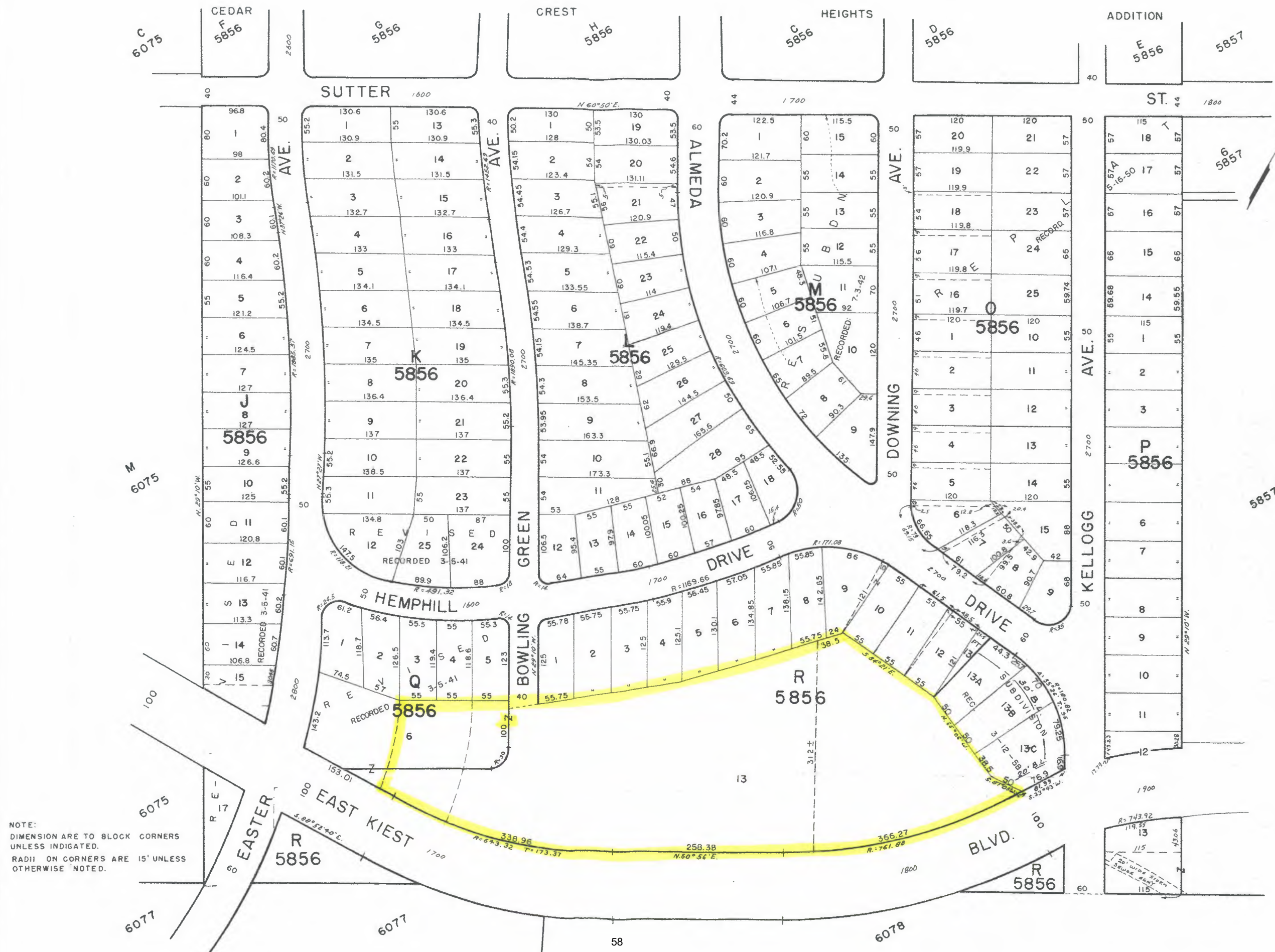
- City Limits
- Public Schools
- Floodplain
  - 0.2 Pct Annual Flood Hazard
  - 1 Pct Annual Chance Flood Hazard
- Parks
- Certified Parcels
- Base Zoning
- SUP

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

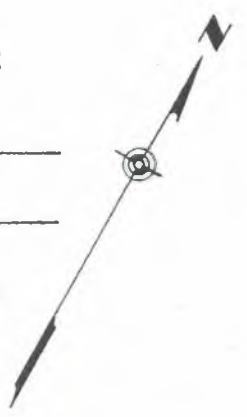


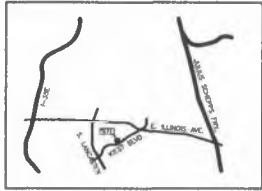
1:3,600

RECORDED 9-18-37  
BLKS. L THRU S, REC'D. 6-16-41

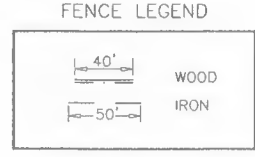
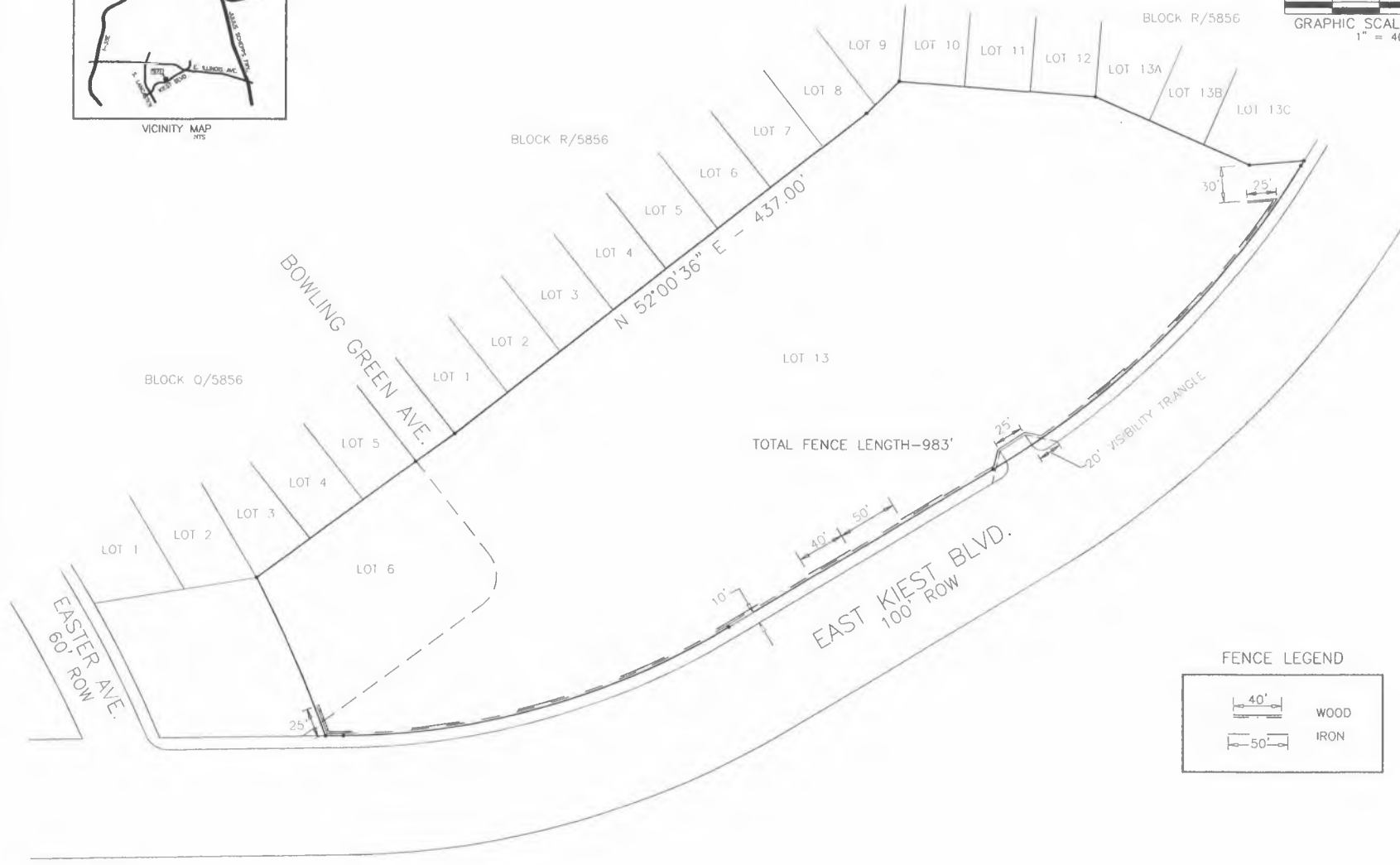
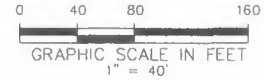


NOTE:  
DIMENSION ARE TO BLOCK CORNERS  
UNLESS INDICATED.  
RADI ON CORNERS ARE 15' UNLESS  
OTHERWISE NOTED.





VICINITY MAP  
NPS



ZONE SYSTEMS, INC.

LAND USE CONSULTANTS  
1620 HANDLEY DRIVE ~ DALLAS, TX 75208  
(214) 941-4440 ~ (214) 957-6188 CELL

1700-1713-1805 E. KIEST BLVD.  
CEDAR CREST HEIGHTS ADDITION  
DALLAS, TEXAS

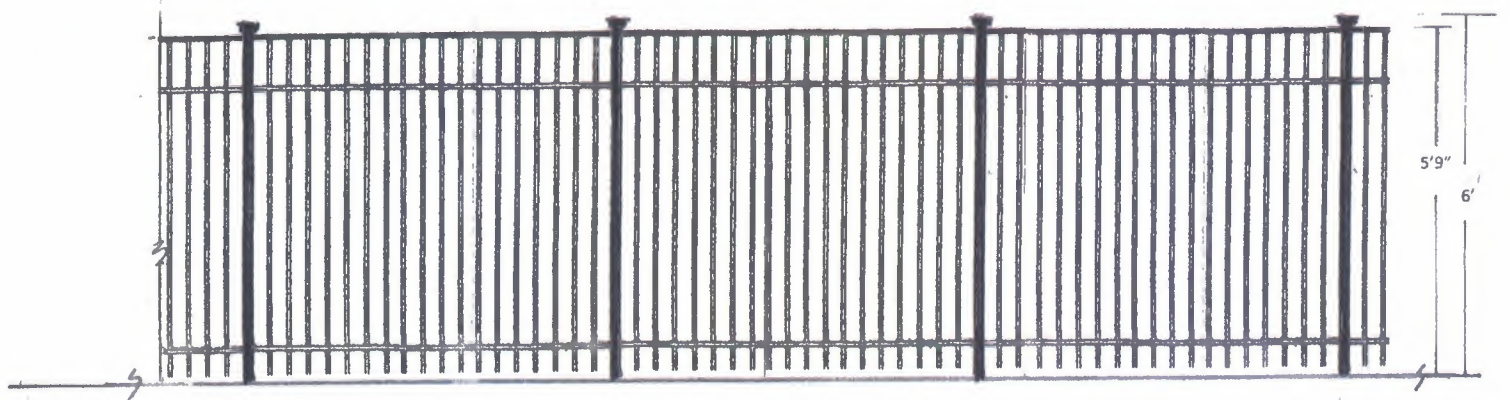
FENCE  
PLAN

REVISIONS	DATE	BY

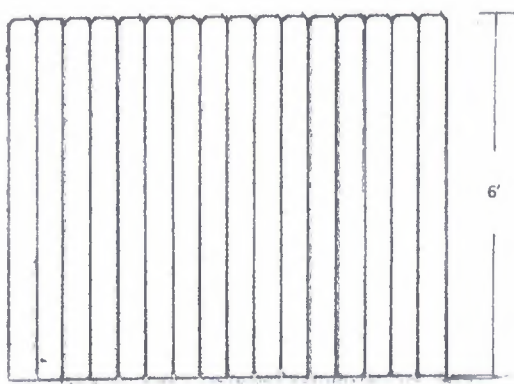
Scale: 1"=40'  
Date: 07/06/23  
Design By:  
Drawn By: KEM

SHEET  
FENCE-1

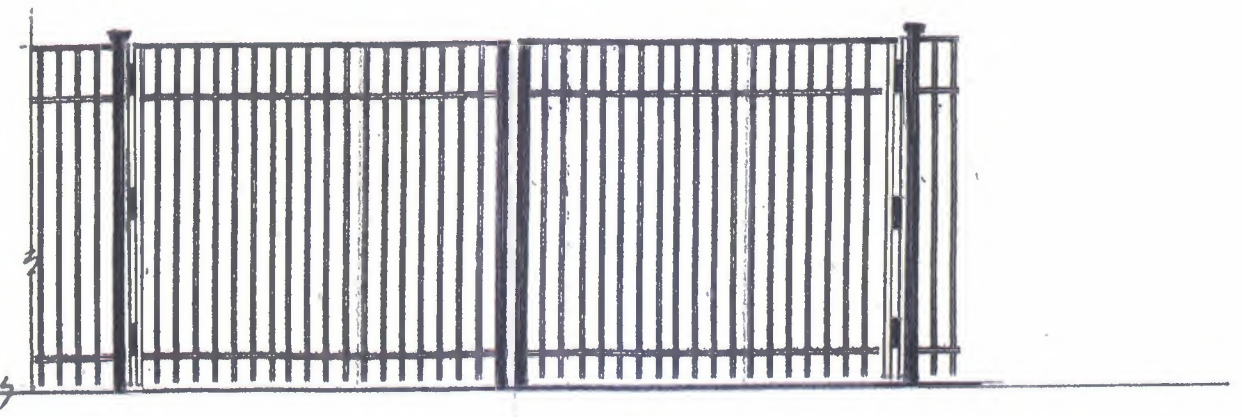
SCALE: 1" = 20'



TYPICAL IRON FENCE - 6' HIGH  
50' SECTIONS  
*open fence*

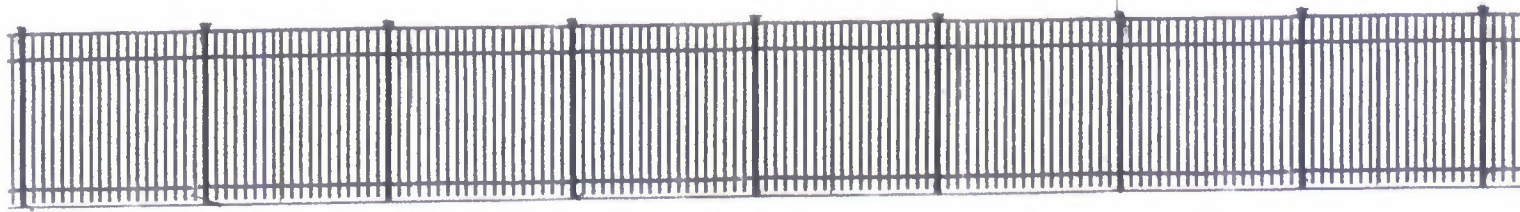


TYPICAL WOOD FENCE 6' HIGH  
40' SECTIONS  
*Solid fence*



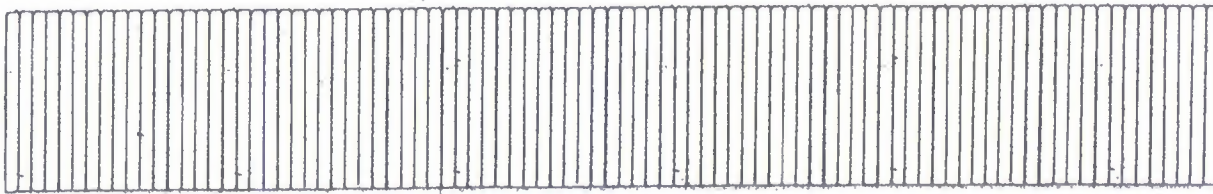
IRON GATE  
*open to match open fence*

FENCE ELEVATION  
1713, E. Kiest Blvd  
PK PK



SCALE: 1' = 40'

TYPICAL IRON FENCE - 6' HIGH - 50' SECTIONS  
*OPEN Fence*



TYPICAL WOOD FENCE 6' HIGH - 40' SECTIONS  
*Solid fence*

FENCE ELEVATION

1713, E. Kiest Blvd  
PK PK

**FILE NUMBER:** BDA223-033 (GB)

**BUILDING OFFICIAL'S REPORT:** Application of Chris Jent for a special exception to the fence height regulations, and for a special exception to the fence regulations at 3839 Seguin Drive. This property is more fully described as Block 2/6220, Lot 13 and is zoned R-7.5 (A) which limits the height of the fence in the front yard to 4 feet; and requires a fence panel with a surface area that is less than 50 percent open and may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

**LOCATION:** 3839 Seguin Drive

**APPLICANT:** Chris Jent

**REQUESTS:**

A request for a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-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 areas to the north, east, south, and west are developed with single family uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

A request for a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

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

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

- The following additional information was gleaned from the submitted site plan:
  - The proposed fence will be an 8 feet-high wood style fence located on the property line and 130 feet in length.
  - The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 03, 2023, no letters have been received in opposition or support of this request.

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

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four-foot-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

**Timeline:**

February 14, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

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

March 14, 2023: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the March 24, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the March 28, 2023, deadline to submit additional evidence to be incorporated into the Board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

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

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

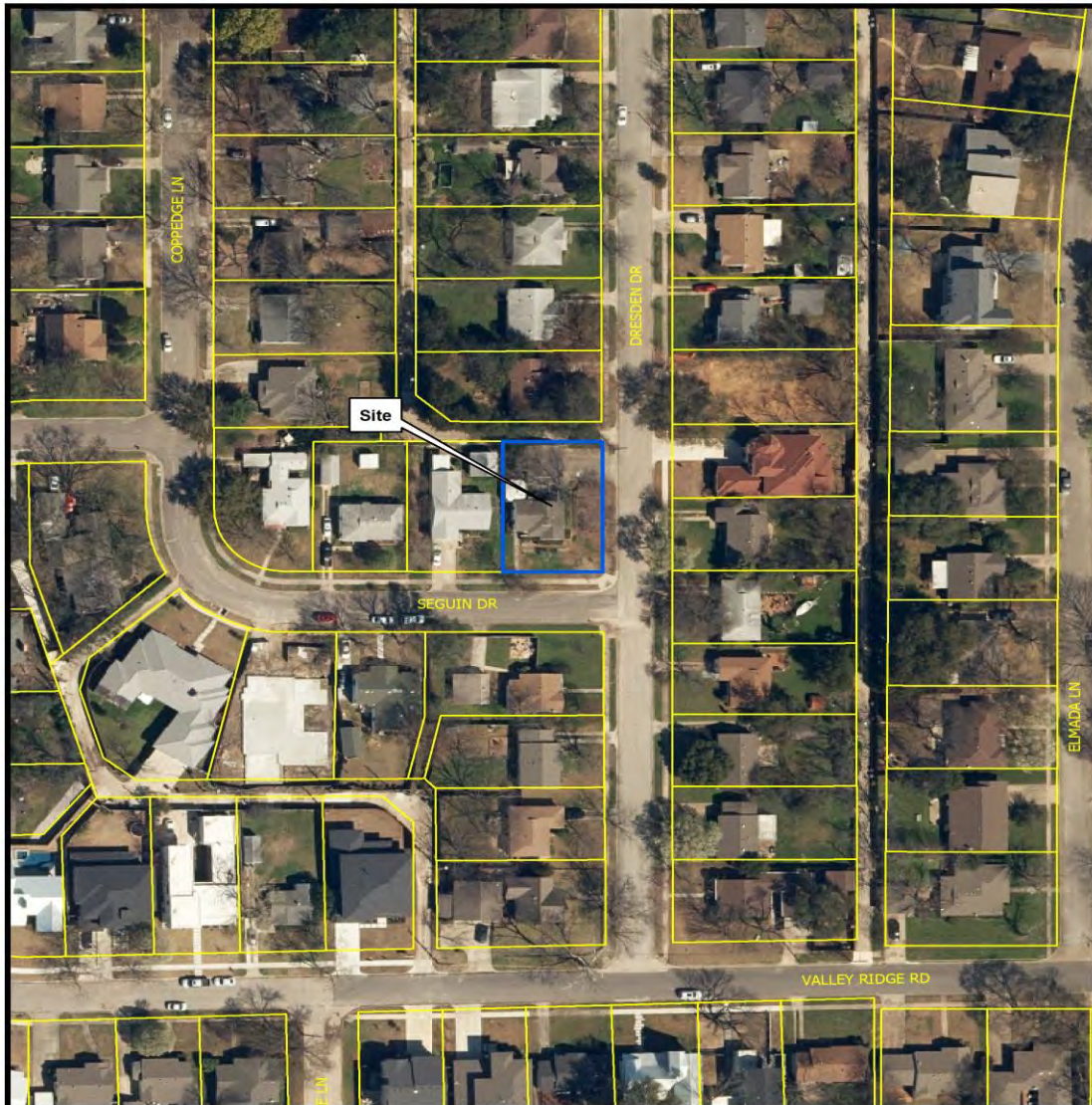
April 06, 2023: The applicant provided pictures of the following addresses:

- I. 9904 Hurley



- II. 9923 Coppedge
- III. 3908 Walnut Hill (Elmada Corner)
- IV. 9905 Elmada
- V. 4025 Walnut at Hurley Corner
- VI. 3880 Walnut Hill at Hurley Corner



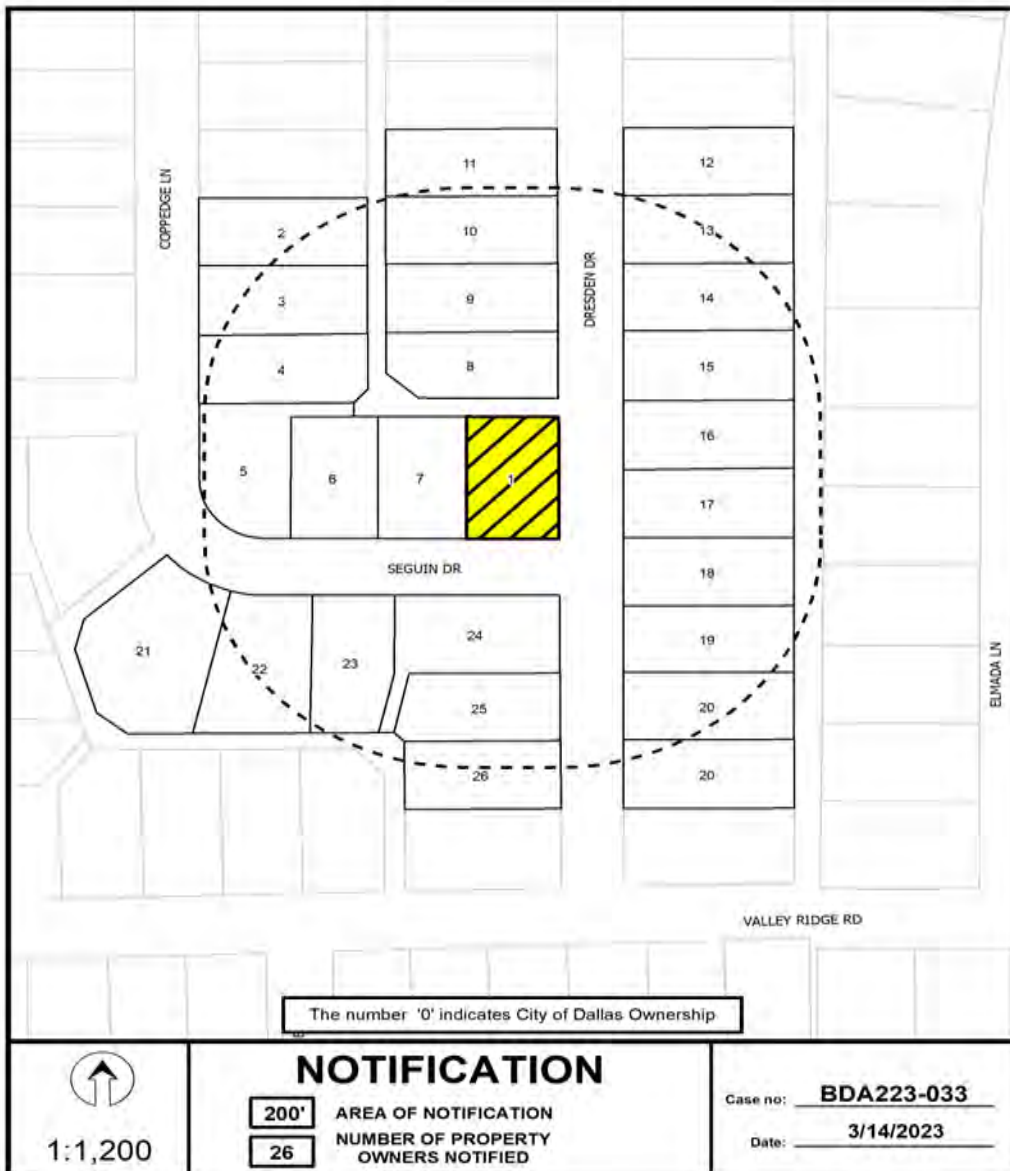


1:1,200

# AERIAL MAP

Case no: BDA223-033

Date: 3/14/2023



## *Notification List of Property Owners*

**BDA223-033**

### *26 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3839 SEGUIN DR	SMITH BOBBI JUNE
2	9946 COPPEDGE LN	SAPP EDWIN CLAYTON
3	9942 COPPEDGE LN	GUIDRY DREK MICHAEL & AMBER
4	9936 COPPEDGE LN	LEIJA ANTONIO R JR
5	3823 SEGUIN DR	ANDERSON SARAH
6	3829 SEGUIN DR	BAKER SANDY
7	3835 SEGUIN DR	GOOCH TALOR & ELIZABETH A
8	9937 DRESDEN DR	HILLMAN BENJAMIN D & MERRIT C
9	9943 DRESDEN DR	ALEXANDER JENNIFER
10	9947 DRESDEN DR	KAISER GUADALUPE
11	9951 DRESDEN DR	WAGNER BRAD D
12	9950 DRESDEN DR	STRAH STEFANY
13	9946 DRESDEN DR	POULTON JAMES
14	9942 DRESDEN DR	MARGOLIS JUDITH L
15	9936 DRESDEN DR	CHAMSEDDIN KHALIL H &
16	9932 DRESDEN DR	FARGO JENNIFER
17	9926 DRESDEN DR	SWADESH MUTREJA
18	9922 DRESDEN DR	HOMEBOUND TECHNOLOGIES INC
19	9918 DRESDEN DR	SMITH CAROLYN SUE
20	9914 DRESDEN DR	DOHEARTY REAL ESTATE LLC
21	3814 SEGUIN DR	CAEDDU JEFFREY
22	3820 SEGUIN DR	OSBORNGOETZE JAMI & JOSEPH
23	3826 SEGUIN DR	GONZALES LINDA LOUISE
24	9919 DRESDEN DR	Taxpayer at
25	9915 DRESDEN DR	STEWART KATHLEEN ANN
26	9909 DRESDEN DR	TURNER PAMELA ANN

C



City of Dallas

REC'D  
BY: [Signature]

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-033

Date: ~~02/09/23~~ 2/15/23 [Signature]

Data Relative to Subject Property:

Location address: 3839 Seguin Dr. Dallas, TX 75220

Zoning District: R-7.5 (A)

Lot No.: 13 Block No.: 2/6220 Acreage: 0.173 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 70 2) 107.66 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): L&P Investments LLC - Chris Jent

Applicant: Chris Jent Telephone: 972-955-7132

Mailing Address: 2745 Dallas Pkwy #455 Zip Code: 75093

E-mail Address: cjent@avantgroup.us

Represented by: Chris Jent Telephone: 972-955-7132

Mailing Address: 2745 Dallas Pkwy #460 Zip Code: 75093

E-mail Address: cjent@avantgroup.us

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

8 feet tall wood fence at property line. Requesting 4 feet special exception  
Total length 130 feet, less than 50% opening.

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

In my opinion, this is the only way we can have a backyard and privacy. The property  
down the street located on the corner, 3880 Walnut Hill (map attached), has a fence to  
the property line exactly as we are proposing for 3839 Seguin Dr.

**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 \_\_\_\_\_

Chris Jent

(Affiant/Applicant's name printed)

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

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

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of February, 2023

[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

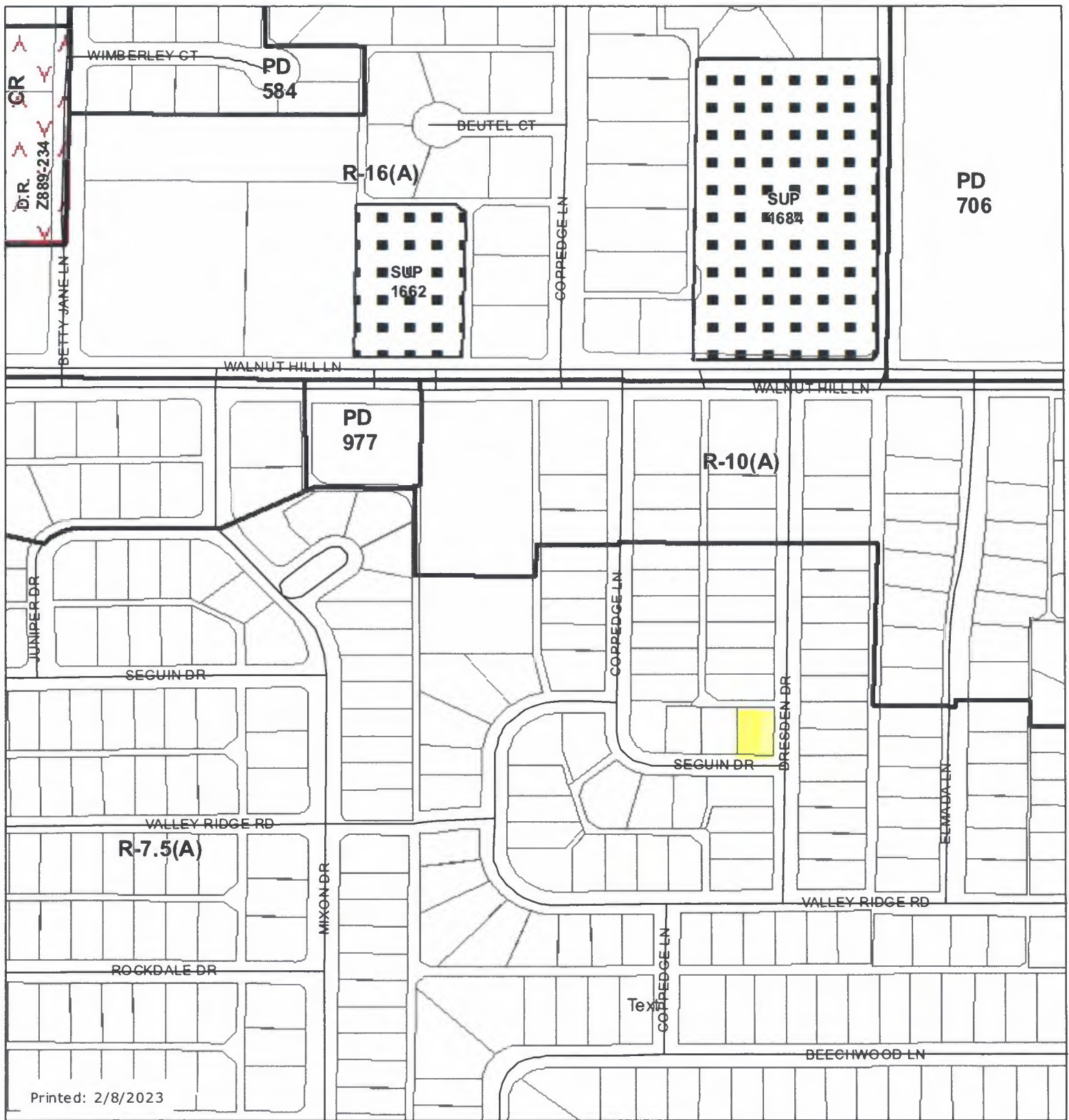
I hereby certify that CHRIS JENT

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations  
at 3839 Seguin

BDA223-033. Application of CHRIS JENT for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 3839 SEGUIN DR. This property is more fully described as Block 2/6220, Lot 13 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

  
Andrew Espinoza, CBO, MCP, CFM, CCEA



Printed: 2/8/2023

-  City Limits
-  Certified Parcels
-  Base Zoning
-  Deed Restrictions
-  SUP

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)



CITY OF DALLAS PLAT BOOKS

ANNEXED DEC 30 1949 ORD NO 4662  
SURVEY FRANCIS A WINN ABST 1578

ADDITION VALLEY RIDGE

1 THRU 6  
BLOCKS 6220 (PART)

SCALE 100 FT EQUALS 1 INCH

SCHOOL DIST. DALLAS

7-17-50

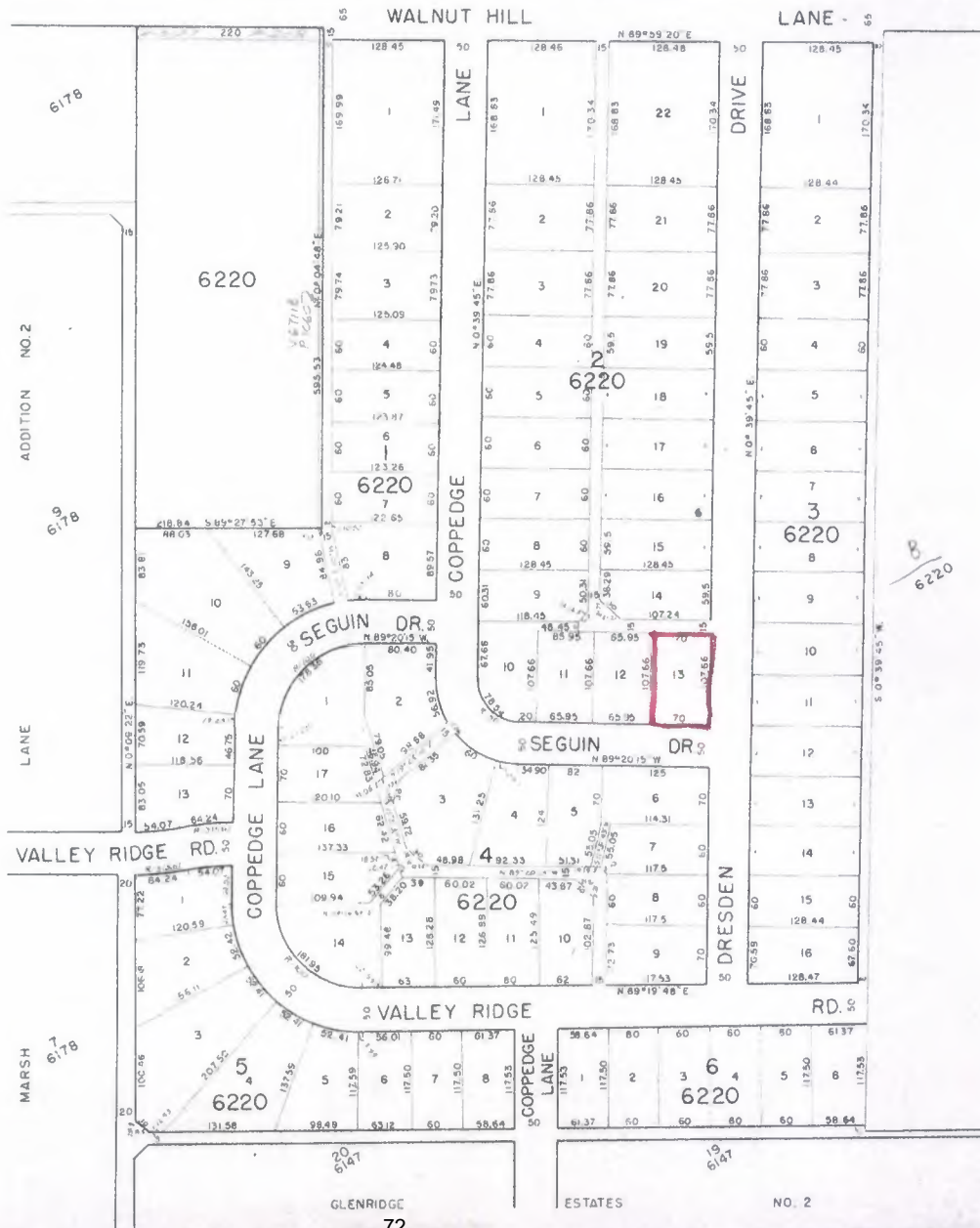
6224

COPPEDGE LANE

TOWN 6223 NORTH  
TERRACE NO. 2

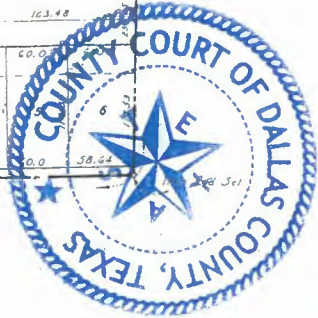
6223

6222

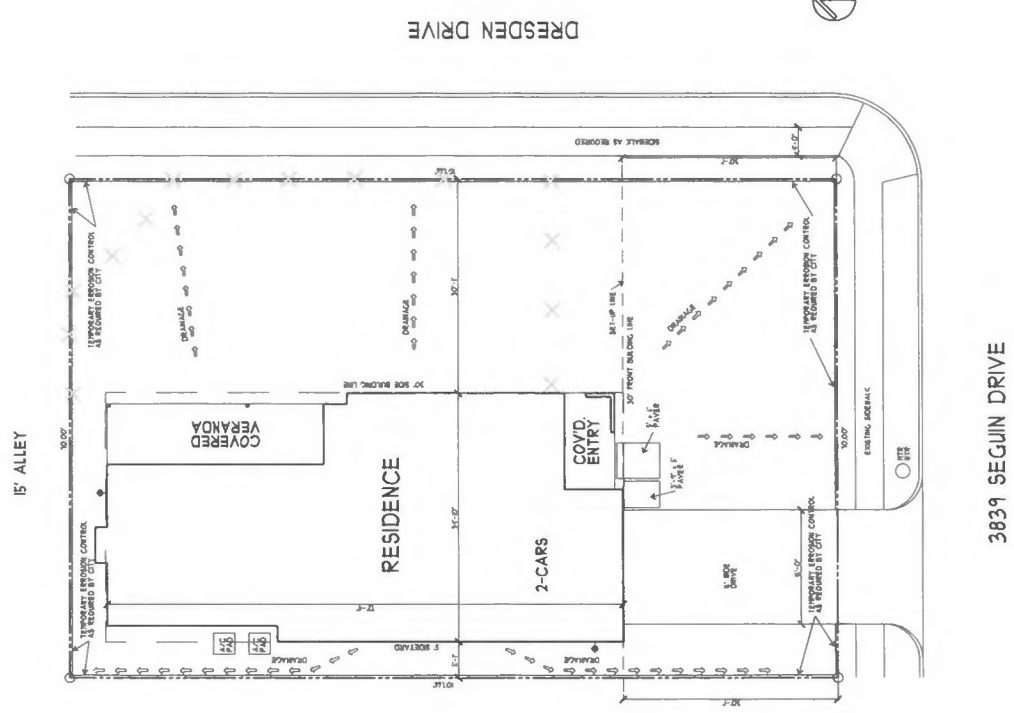




BENJAMIN MERRELL SURVEY - ABST. NO. 933



All Plans are to be prepared by licensed professional engineers and architects. The user of these plans shall be responsible for obtaining all necessary permits and for compliance with all applicable laws, codes, and regulations. The user shall indemnify and hold the designer harmless from all claims, damages, and expenses, including reasonable attorneys' fees, arising from the use of these plans.



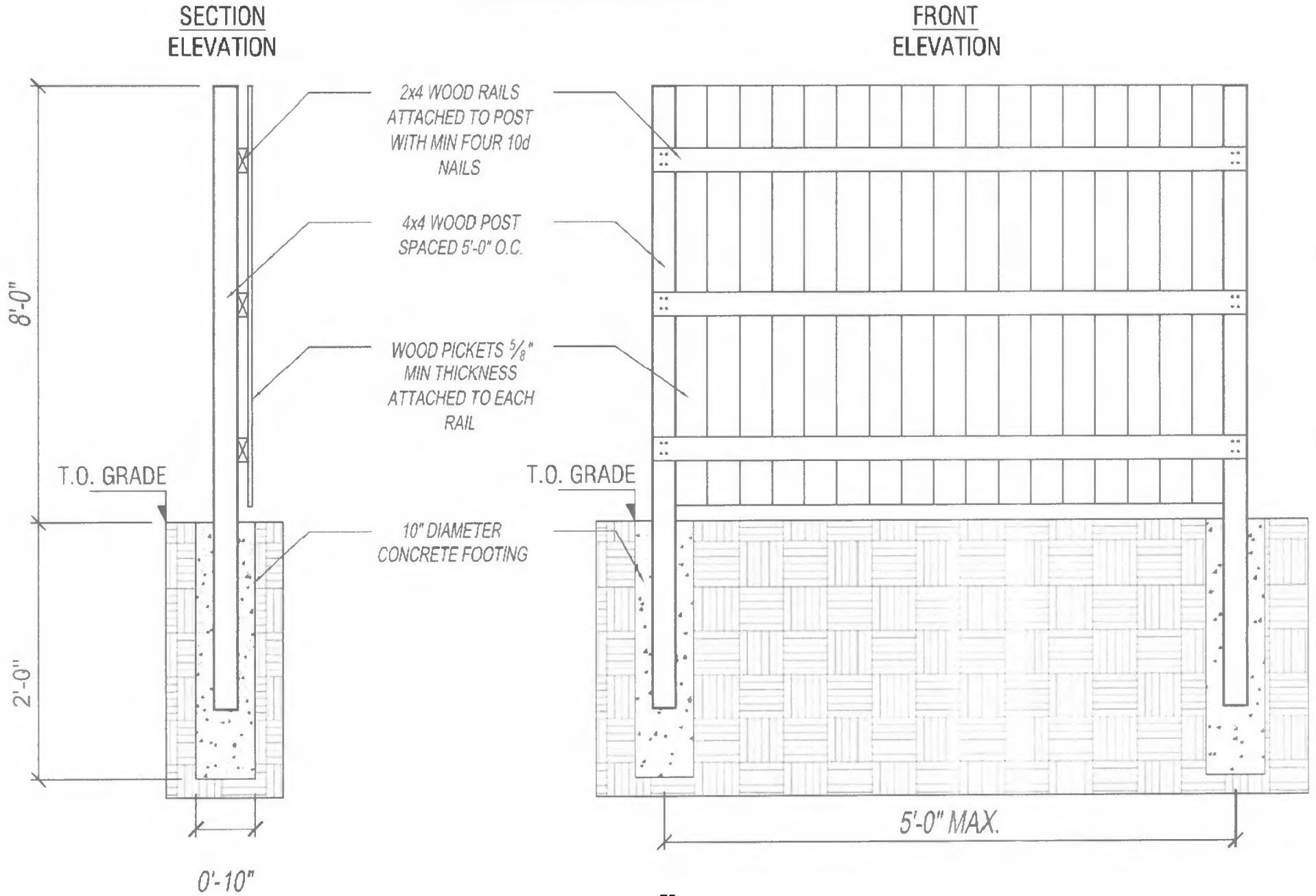
**SITE PLAN**  
 3839 SEQUIN DRIVE  
 DALLAS, TEXAS 75208  
 11/15/2021

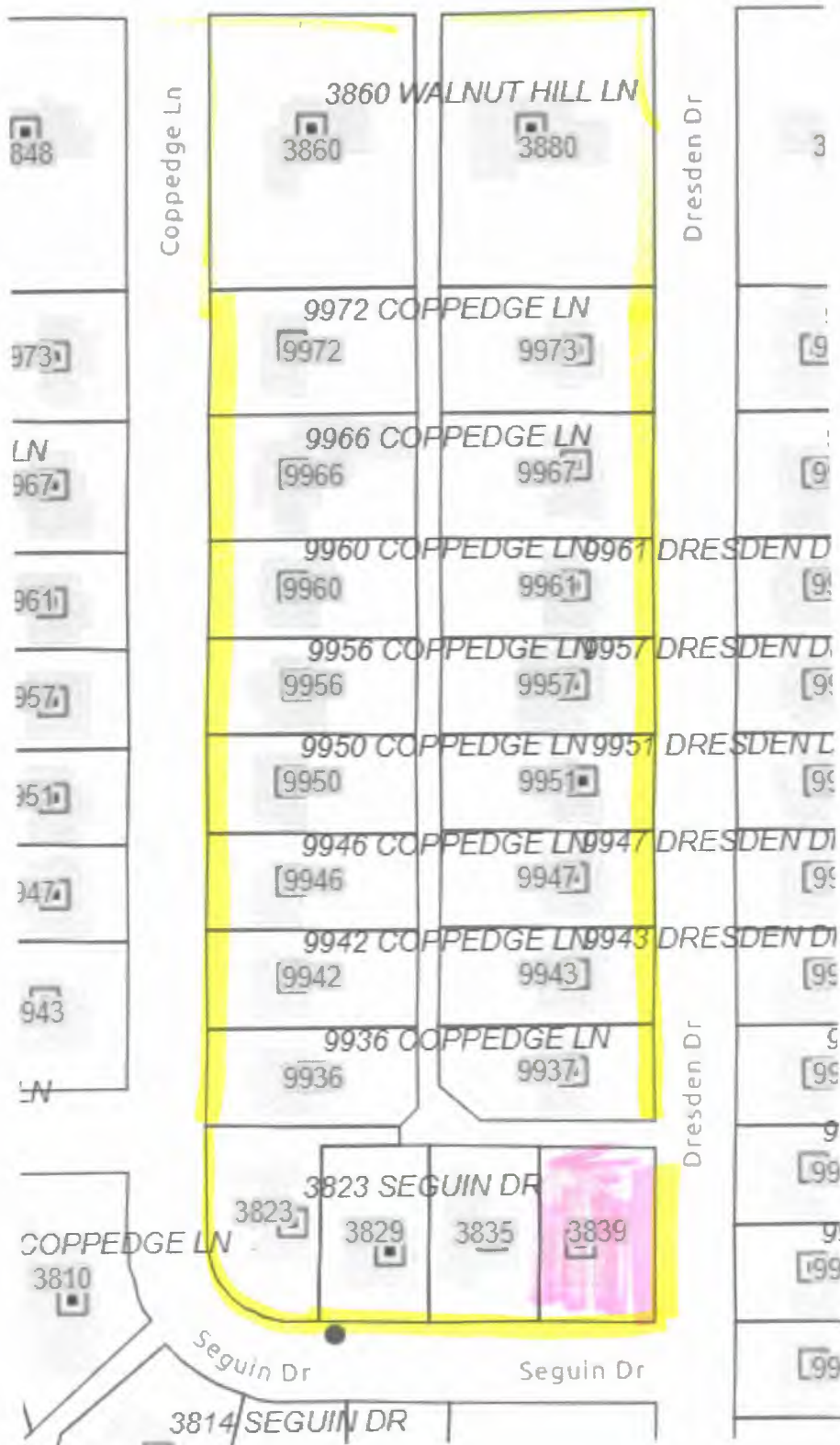
**CALCULATIONS**  
 TOTAL LOT AREA: 10,000 SQ. FT.  
 TOTAL BUILDING COVERAGE: 2,500 SQ. FT.

3839 SEQUIN DRIVE

# CLOSED FENCE

## WOOD FENCE DETAIL





**FILE NUMBER:** BDA223-036 (ND)

**BUILDING OFFICIAL'S REPORT:** Application of Brent Jackson for a variance to the front yard setback regulations at 1017 Nomas Street. This property is more fully described as Block A/7104, Lot 19, and is zoned R-5(A), which requires a front yard setback of 20 feet. The applicant proposes to maintain a single-family residential structure and provide an 11-foot front yard setback, which will require a 9-foot variance to the front yard setback regulations.

**LOCATION:** 1017 Nomas Street

**APPLICANT:** Brent Jackson

**REQUEST:**

A request for a variance to the front yard setback regulations of 9 feet is made to maintain a single-family home. The applicant is proposing to maintain a single-family residential structure and provide an 11-foot front yard setback, which will require a 9-foot variance to the front yard setback regulations.

**STANDARD FOR A VARIANCE:**

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

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

**State Law/HB 1475 effective 9-1-21**

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in the site's front yard setback where the location of this structure would comply with the required 20 foot front yard setback if Nomias did not have a street easement.
- Staff concluded that the subject site is unique and different from most lots in R-5(A) zoning district in that it is restrictive in area due to having a street easement in the front yard setback on Nomias.

**BACKGROUND INFORMATION:**

**Zoning:**

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

### **Land Use:**

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

### **ZONING/BDA HISTORY:**

There is no BDA History found within the past five years.

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

- A request for a variance to the front yard setback regulations of 9 feet is made to maintain a single-family home.
- The property is located in an R-5(A) zoning district which requires a minimum front yard setback of 20 feet.
- The subject site is located on Nomas Street. The subject site has a 20 feet front yard setback on the site's only street frontage of Nomas. The site's front yard also has a 10 foot street easement of which acts as the site's property line of which the setback is measured from.
- No variance would be necessary if there were not a 10 foot street easement in the front yard.
- The subject site is flat, rectangular in shape (95' x 60'), and is 5,700 square feet in area. The site is zone R-5(A) where lots are typically 5,000 square feet in area.
- On December 13, 2021, Oaxaca Construction LLC applied for a new construction permit for a single-family residential structure. The permit was approved on February 04, 2022 and issued on February 14, 2022.
- On August 16, 2022, a hold was placed on the permit because "building site includes 10 feet of street ROW easement. Front yard setback must be measured from the easement line. Do not release without approval from James McKey or Megan Wilmer."
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a home structure that would be located 11 feet from the site’s easement line.

**Timeline:**

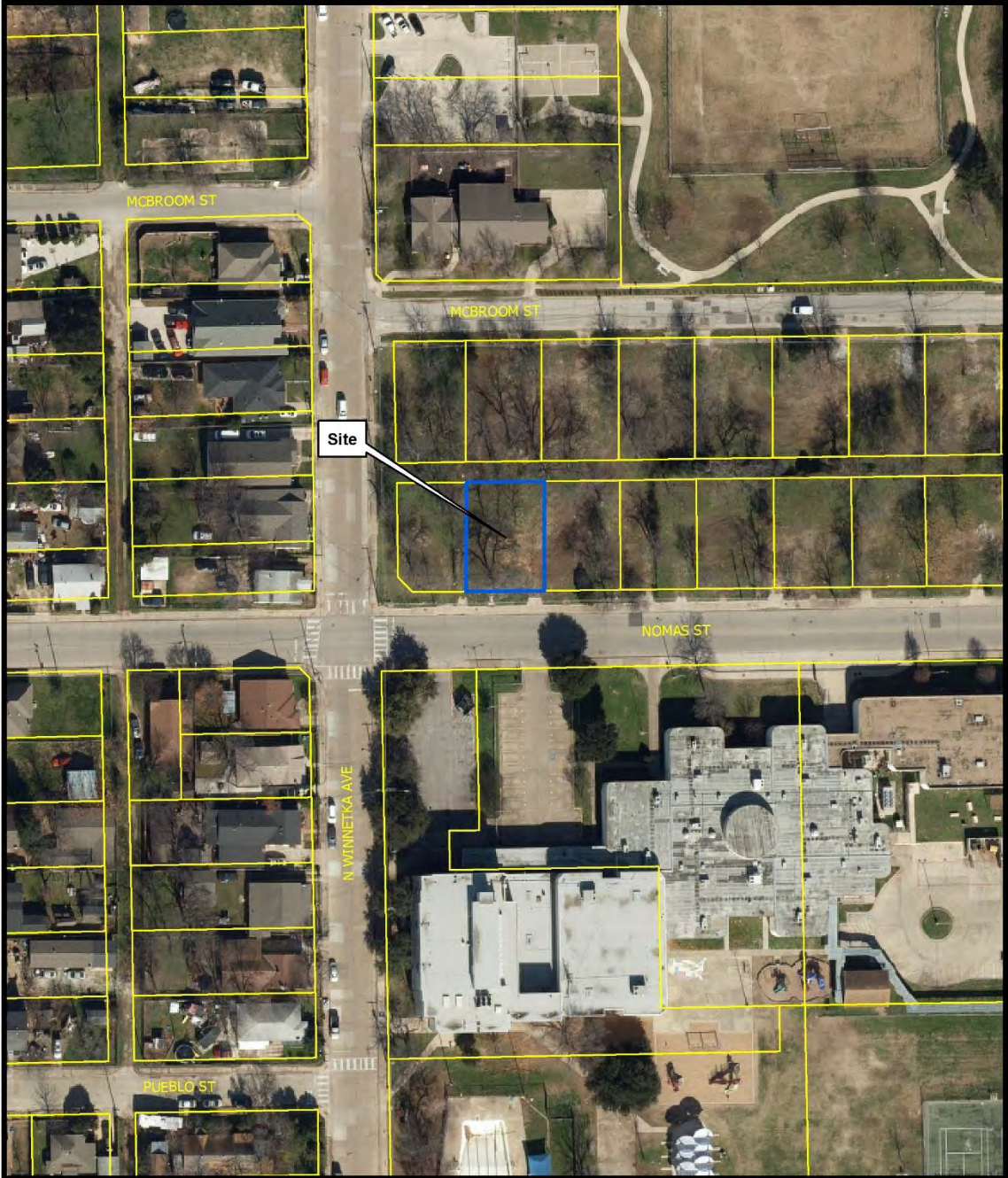
February 15, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

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

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



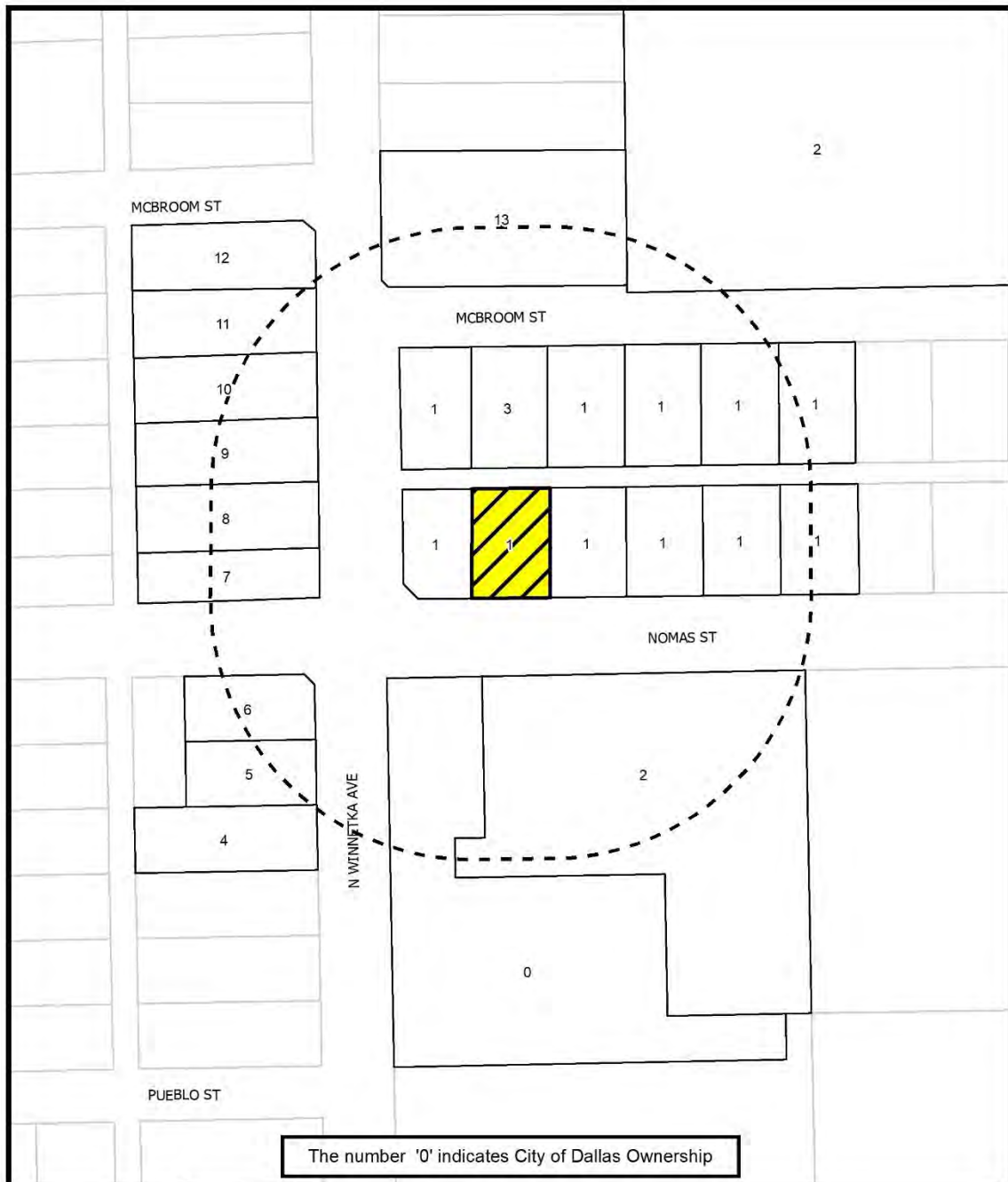


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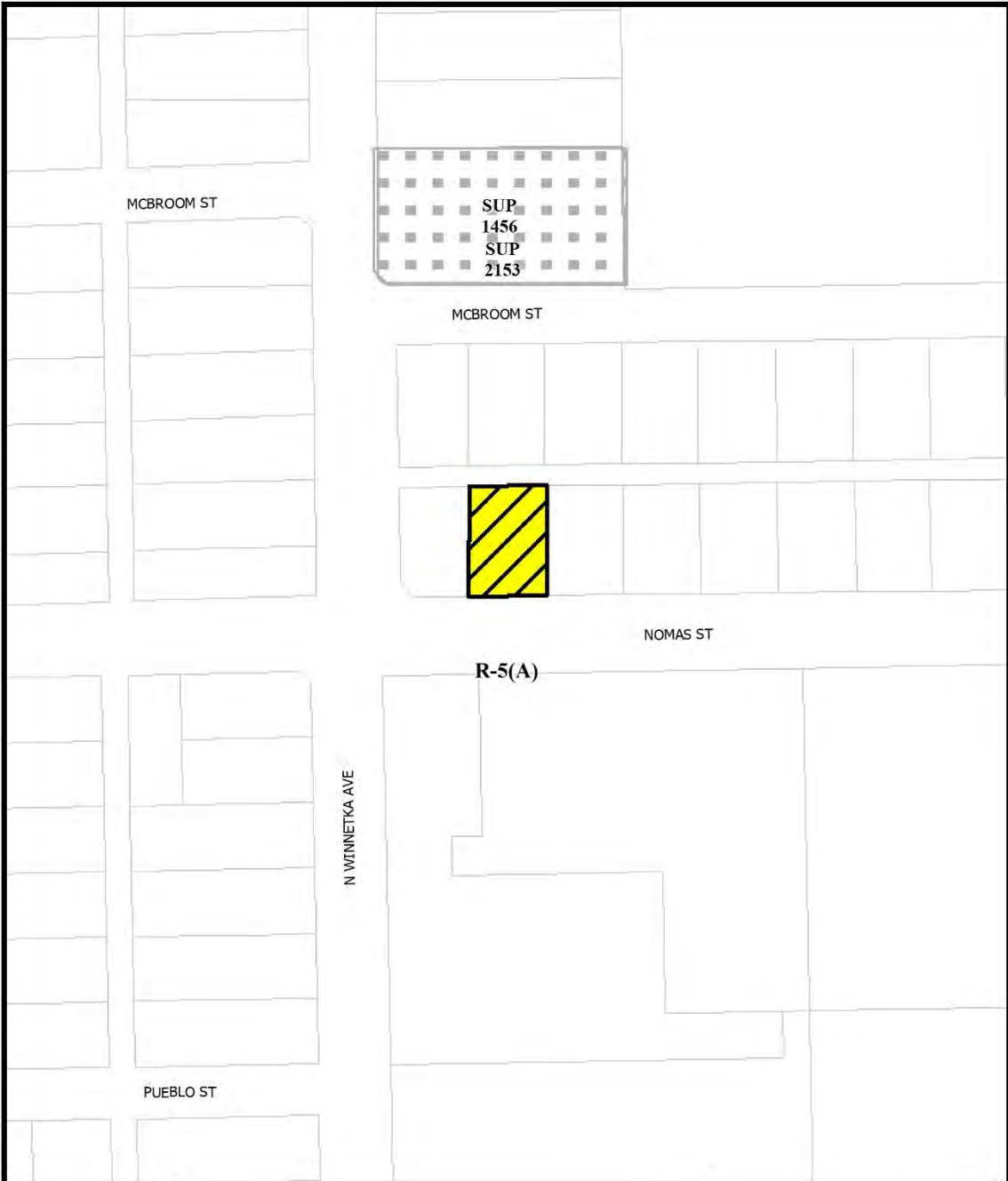
# AERIAL MAP

Case no: BDA223-036

Date: 3/14/2023



 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <table style="margin: 10px auto; border: none;"> <tr> <td style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">200'</td> <td style="margin-right: 5px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>  BDA223-036  </u> Date: <u>  3/14/2023  </u>
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					



1:1,200

# ZONING MAP

Case no: BDA223-036

Date: 3/14/2023

03/14/2023

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

***BDA223-036***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1020 MCBROOM ST	WILLIEJAXON V LLC
2	3352 N WINNETKA AVE	Dallas ISD
3	1016 MCBROOM ST	WILLIEJAXON V LLC
4	3215 N WINNETKA AVE	GARCIA CONCEPCION
5	3219 N WINNETKA AVE	BLANCO SANDRA &
6	3223 N WINNETKA AVE	MARTINEZ CAROL GONZALEZ
7	3303 N WINNETKA AVE	RINCON SERGIO GUADALUPE
8	3305 N WINNETKA AVE	LOPEZ MAREY ALEJANDRO
9	3311 N WINNETKA AVE	ALAMILLO JESUS ROBERTJr & MARIBEL
10	3313 N WINNETKA AVE	PANAMENO ANDRES A &
11	3319 N WINNETKA AVE	ROJAS JULIAN
12	3323 N WINNETKA AVE	UMANA SANDRA CORTEZ E
13	3326 N WINNETKA AVE	WESLEY RANKIN COMMUNITY CENTER INC

C

RECEIVED  
FEB 15 REC'D  
BY: [Signature]



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-036

Date: 2-15-23

Data Relative to Subject Property:

Location address: 1017 Nomias Street Zoning District: R-5(A)

Lot No.: 19 Block No.: A/7104 Acreage: .1300 Census Tract: N/A

Street Frontage (in Feet): 1) 60' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jacob Gilliam

Applicant: Brent Jackson Telephone: 214.760.8770

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

E-mail Address: brent@oaxacallc.com

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

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

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

Affirm that an appeal has been made for a Variance X, or Special Exception   , of 9 feet (8'6") front yard setback regulations

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

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

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

Affidavit

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

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property. Respectfully submitted: [Signature]  
(Affiant/Applicant's signature)

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

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Brent Jackson

did submit a request for a variance to the front yard setback regulations  
at 1017 Nomas St.

BDA223-036. Application of Brent Jackson for a variance to the front yard setback regulations at 1017 NOMAS ST. This property is more fully described as Blcok A/7104, Lc 19, and is zoned R-5(A), which requires a front yard setback of 20 feet. The applicant proposes to construct a single family residential structure and provide an 11 foot front yard setback, which will require a 9 foot variance to the front yard setback regulations.

Sincerely,

  
Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-036

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

at: 1017 Nomas Street Dallas, Texas  
(Address of property as stated on application)

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

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

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

Specify: Front Yard Setback Regulations of 9 feet (85m)

Jacob Gilliam  
Print name of property owner or registered agent

Jacob Gilliam  
Signature of property owner or registered agent

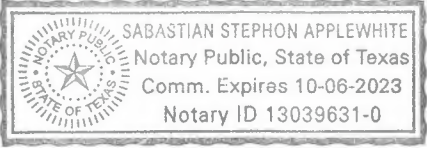
Date 01-26-2023

Before me, the undersigned, on this day personally appeared Jacob Gilliam

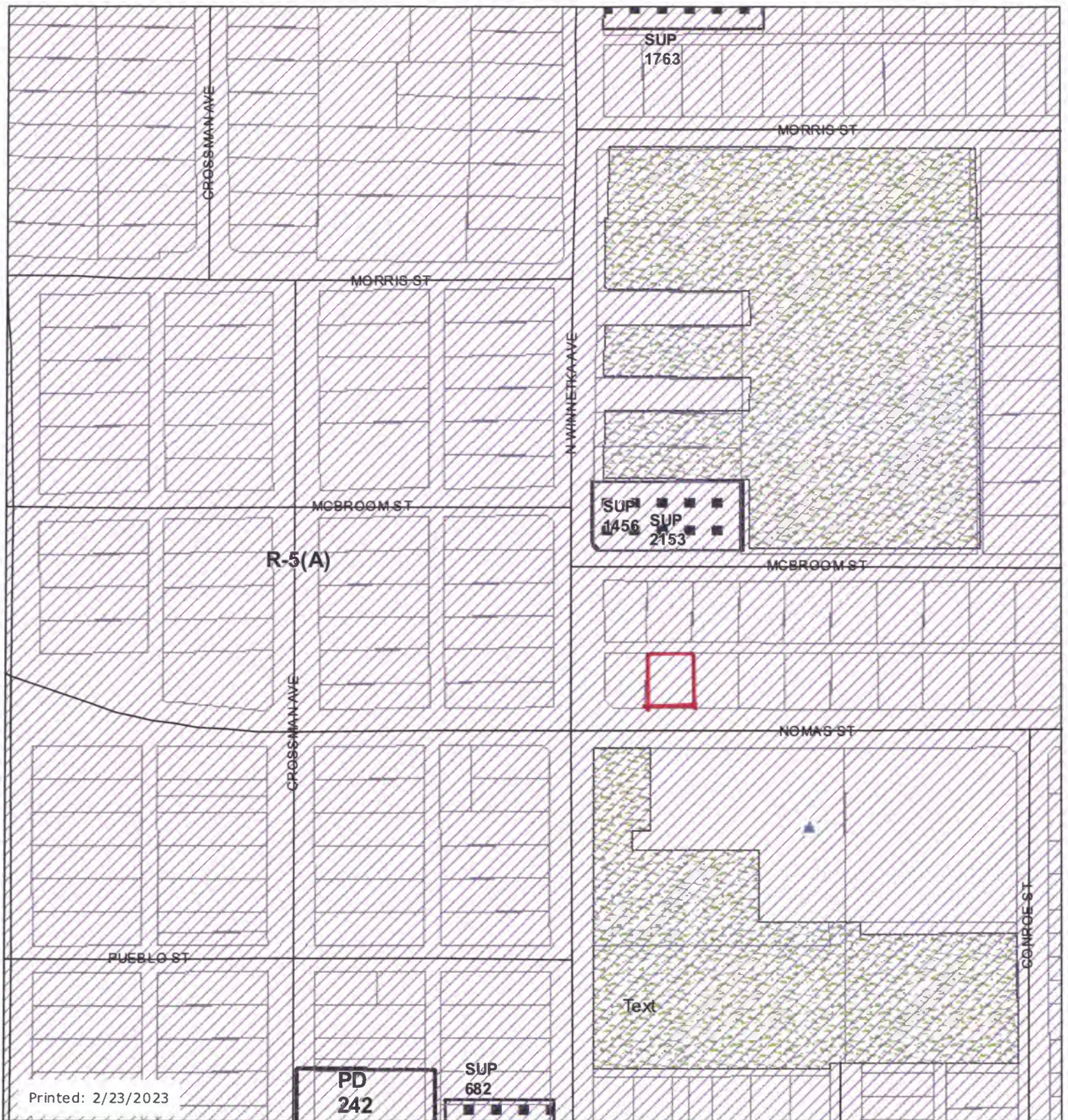
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 26 day of January, 2023








[Signature]  
Notary Public for Dallas County, Texas



Commission expires on 10/06/2023



Printed: 2/23/2023

-  City Limits
-  Public Schools
-  Floodplain
-  X Protected By Levee
-  Parks
-  Certified Parcels
-  Base Zoning
-  SUP

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)





CITY OF DALLAS PLAT BOOKS

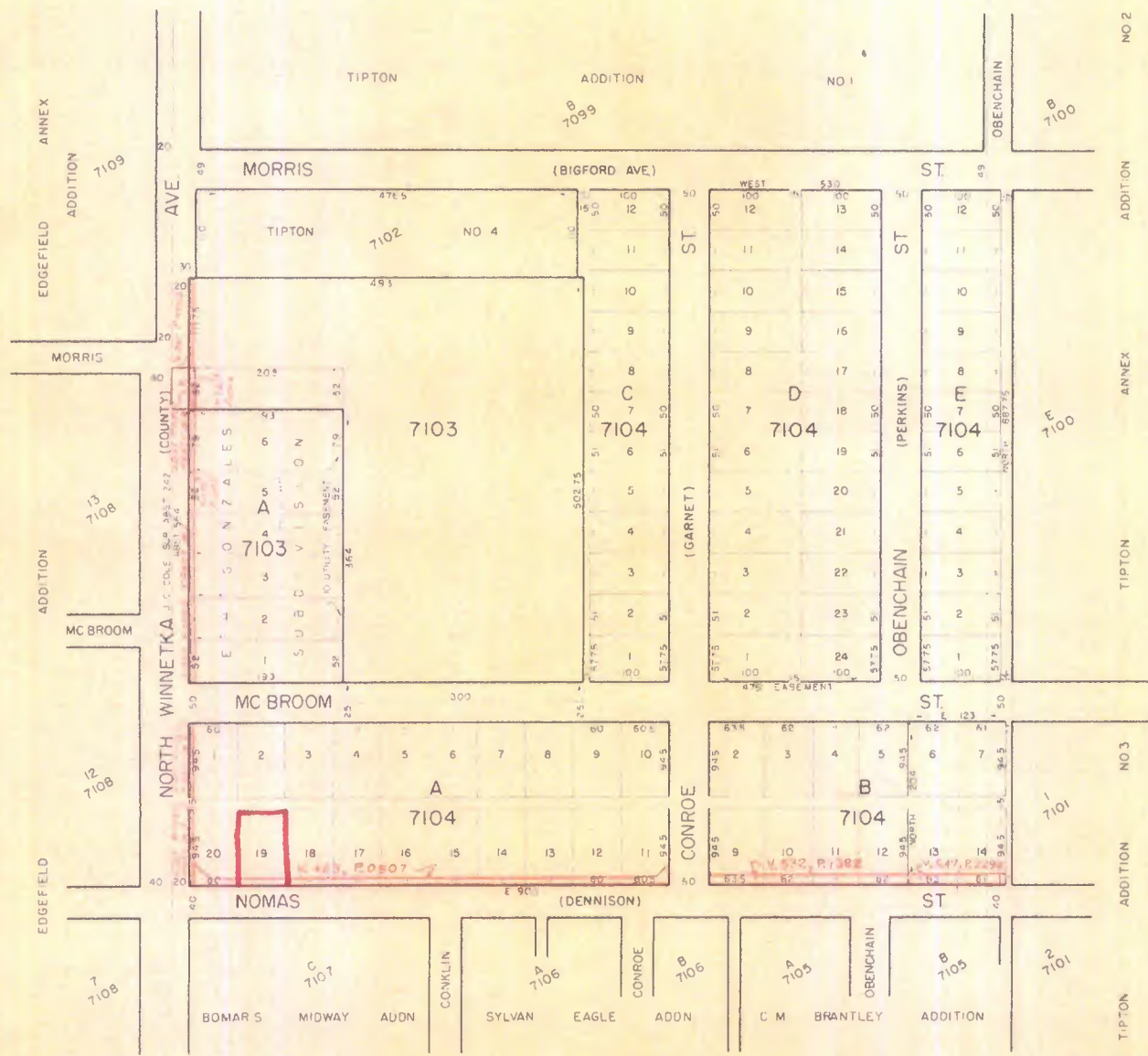
ANNEXED DEC 30, 1952 ORD NO 5658  
 SURVEY AMARIAH HANNAH ABSI 564

ADDITION REUSS & WHEELER - REVISED

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

SCALE 100 FT EQUALS 1 INCH

BLK A & B RECORDED 1-27-42  
 REVISED LOTS 1 THRU 20 BLK A & B  
 LOTS 2 THRU 5 & 9 THRU 12 BLK B  
 B LOTS C THRU E 7104 RECORDED 1-1-45  
 E H GONZALEZ SUBDIV RECORDED 2-28-56



PLAT OF REVISED  
**REUSS AND WHEELER ADDITION**

AMARIAH HANNAH SURVEY  
DALLAS COUNTY, TEXAS

SCALE 1" = 50' SEPT. 12, 1945

JOE R. JOHN  
ENGINEER AND SURVEYOR



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

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

G. T. REUSS and TOM WHEELER,  
TO:.. OWNERS' DEDICATION AND COURT ORDER  
REUSS AND WHEELER'S REVISED ADDN.

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

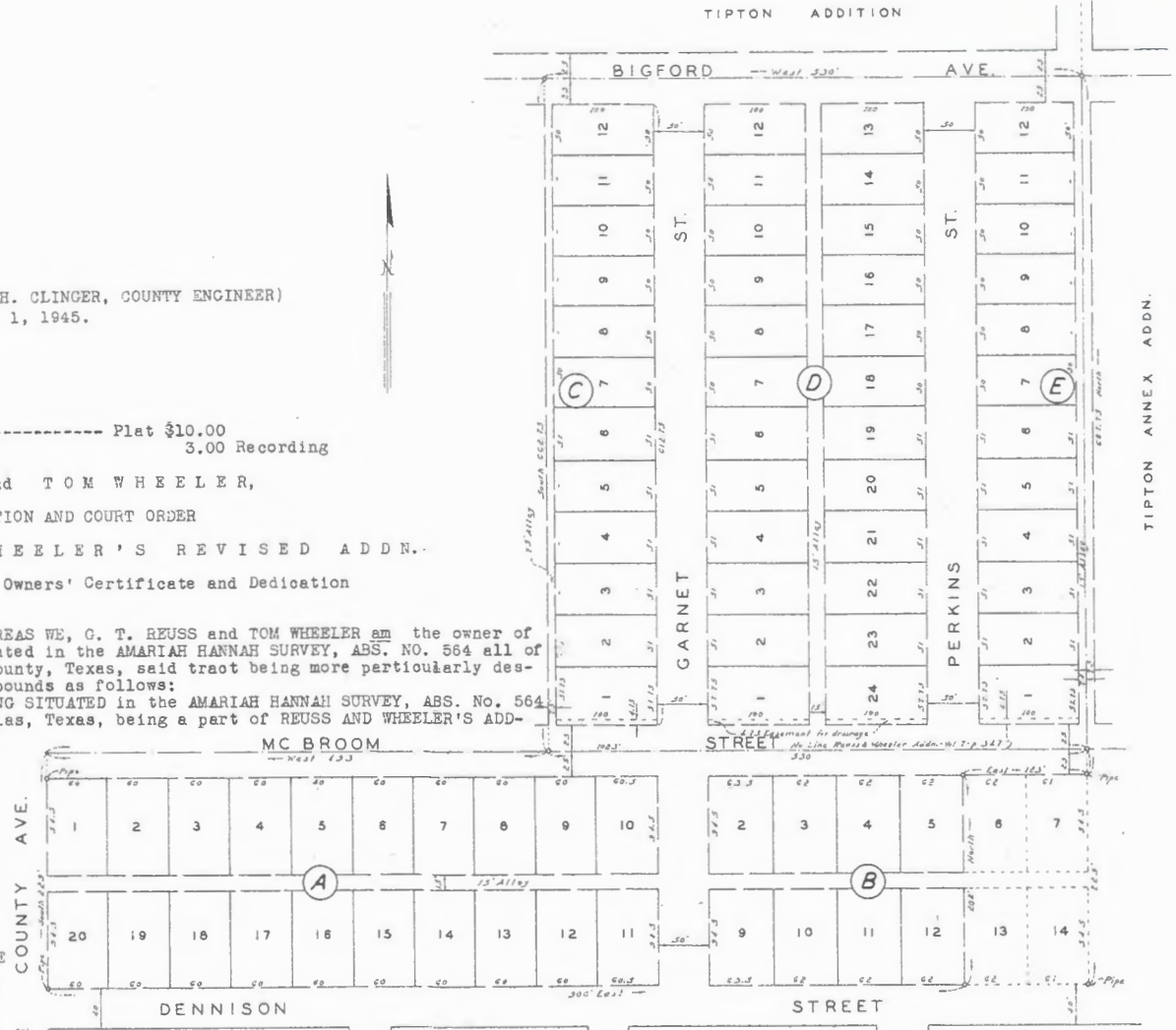
WHEREAS WE, G. T. REUSS and TOM WHEELER am the owner of  
a tract of land situated in the AMARIAH HANNAH SURVEY, ABS. NO. 564 all of  
which is in Dallas County, Texas, said tract being more particularly de-  
scribed by metes and bounds as follows:

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

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

BEGINNING at  
a point 13 ft. East  
of the original

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



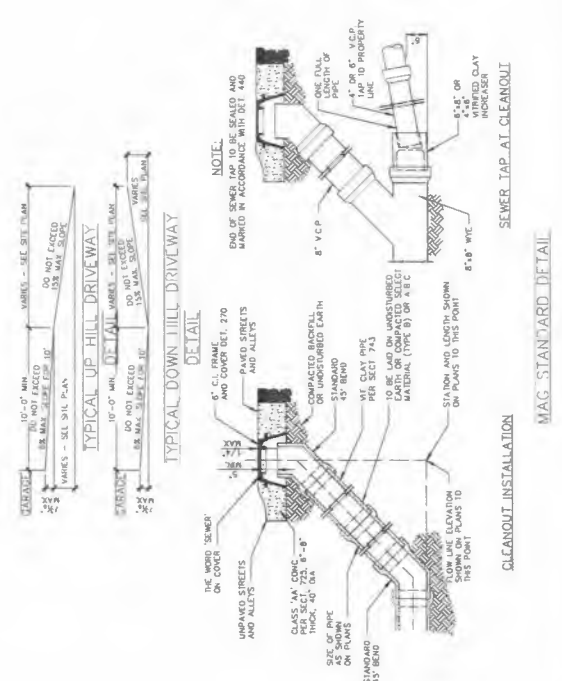
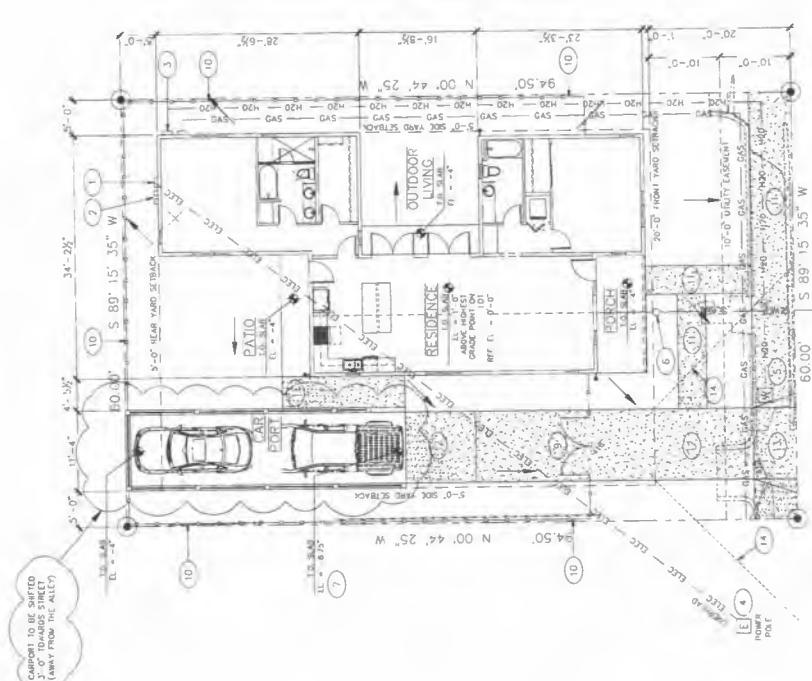
- KEY NOTES:**
- ELECTRICAL SERVICE PANEL - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
  - TELEPHONE / CABLE - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
  - POWER UTILITY - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
  - SEWER - SEE CIVIL AND LANDSCAPE DRAWINGS.
  - SEWER CLEAN OUT - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
  - INTENTIONALLY LEFT BLANK.
  - 8'-0" WIDE DRIVEWAY.
  - NEW 4" CONCRETE SIDEWALK - SEE CIVIL AND LANDSCAPE DRAWINGS.
  - NEW 4" CONCRETE SIDEWALK - SEE CIVIL AND LANDSCAPE DRAWINGS.
  - COMPOSITE (100% W/1) AGG. BASE COURSE - SEE CIVIL AND LANDSCAPE DRAWINGS.
  - NEW CONCRETE DRIVEWAY APPROACH - SEE CIVIL AND LANDSCAPE DRAWINGS.
  - NEW CONCRETE DRIVEWAY APPROACH - SEE CIVIL AND LANDSCAPE DRAWINGS.

**NOTES:**

STRUCTURE DIMENSIONS ALONG WITH SIDE YARD PROPERTY LINES - TYPICAL.

**REG.** - MINIMUM GRAD TO 5.0% AWAY FROM BUILDING(S) AT 30' (9' HIGH 10'-0').

FOR DETAILS (WITH EXCEPTIONS) SEE CIVIL AND LANDSCAPE DRAWINGS.



**FILE NUMBER:** BDA223-041(ND)

**BUILDING OFFICIAL'S REPORT:** Application of Karl A. Crawley for a special exception to the minimum front yard requirements to preserve existing trees at 5505 S. Polk St. This property is more fully described as Block 1/6048, Lot 2, and is zoned R-7.5(A) which requires a front yard setback of 25 feet. The applicant proposes to construct a non-residential structure and provide a 19-foot front yard setback, which will require a 6-foot special exception to the front yard setback regulations for tree preservation.

**LOCATION:** 5505 S. Polk St.

**APPLICANT:** Karl A. Crawley

**REQUEST:**

A request for a special exception to the front yard setback is made to construct a non-residential structure and provide a 19-foot front yard setback, which requires a 6-foot special exception to the front yard setback regulations for tree preservation.

**STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM FRONT YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:**

Section 51(A)-4.401(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum front yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) Whether the tree is worthy of preservation.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely affected; and that, according to the City of Dallas Chief Arborist, the tree denoted on the submitted site plan, is worthy of preservation.

## **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 is developed as a school while the surrounding properties are developed for single-family uses.

### **Zoning/BDA History**

There is no BDA history within the past five years.:

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

- This request for a special exception to the front yard setback is made to construct a non-residential structure and provide a 19-foot front yard setback, which requires a 6-foot special exception to the front yard setback regulations for tree preservation.
- The property is located in a R.7-5 (A) residential zoning district where the minimum front yard setback is 25 feet.
- Properties to the north, east, south and west of the subject site are also zoned R.7-5(A).
- In an effort to preserve the large trees on the subject property, the submitted site plan denotes that the proposed addition will be located within the front yard setback along Drury Rd.
- The applicant has the burden of proof in establishing the following:
  - Whether the requested special exception is compatible with the character of the neighborhood.
  - Whether the value of surrounding properties will be adversely affected.
  - Whether the tree is worthy of preservation.
- If the Board were to grant the special exception request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document – which in this case is a structure that is located 19' from the site's front property line.

### **Timeline:**

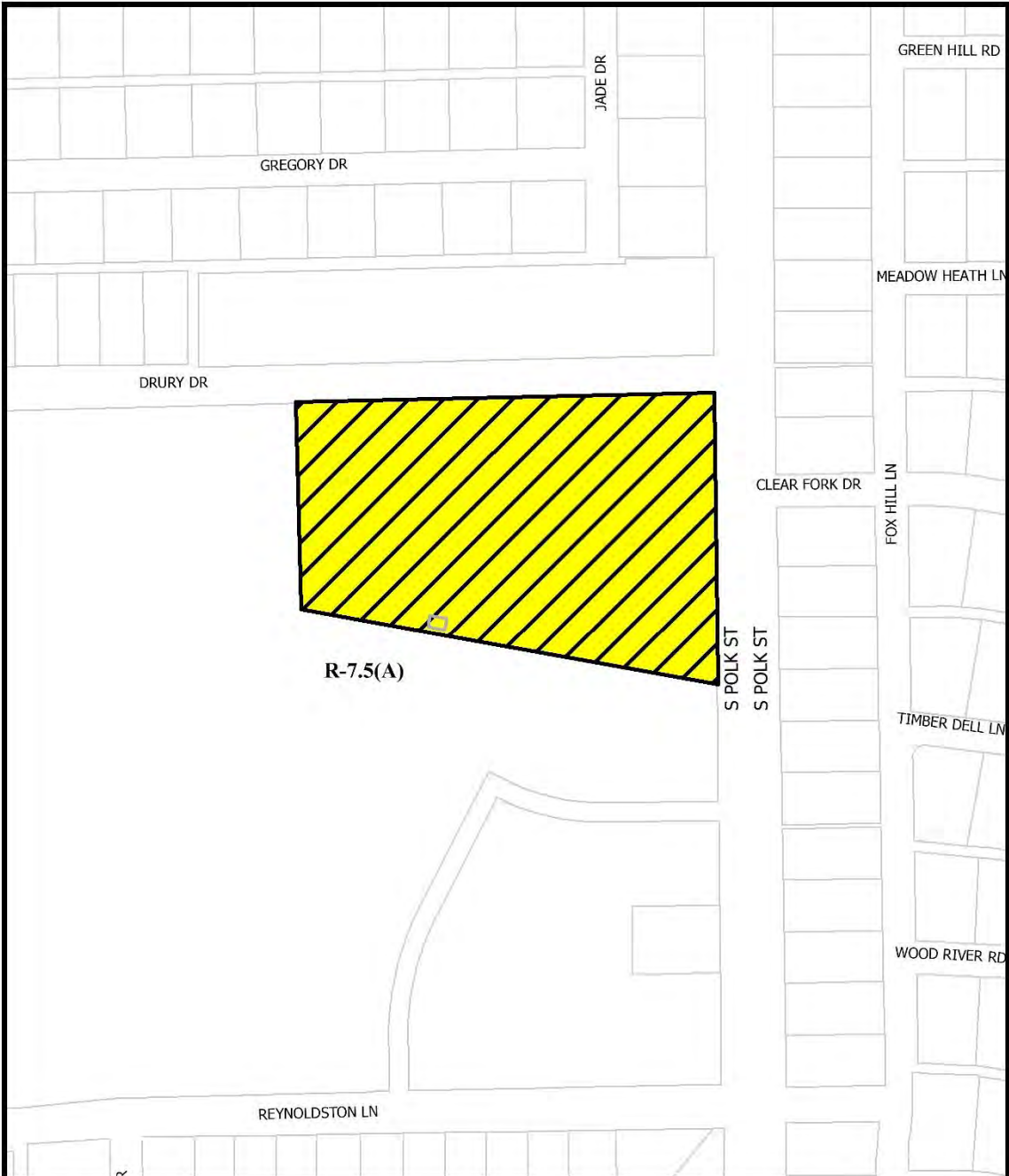
February 17, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

March 23, 2023: The 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 November 21<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

March 29, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

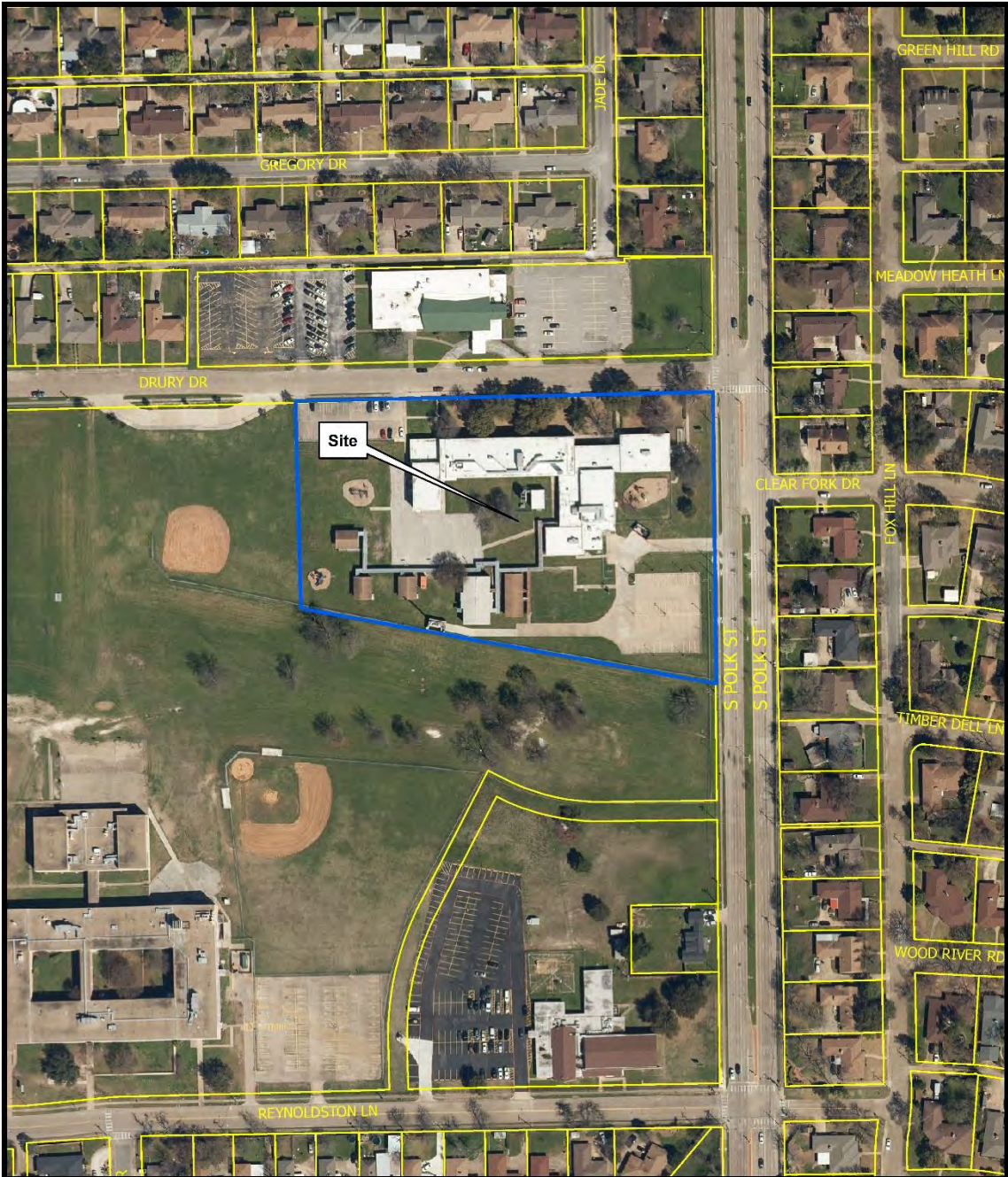


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# ZONING MAP

Case no: BDA223-041

Date: 3/14/2023



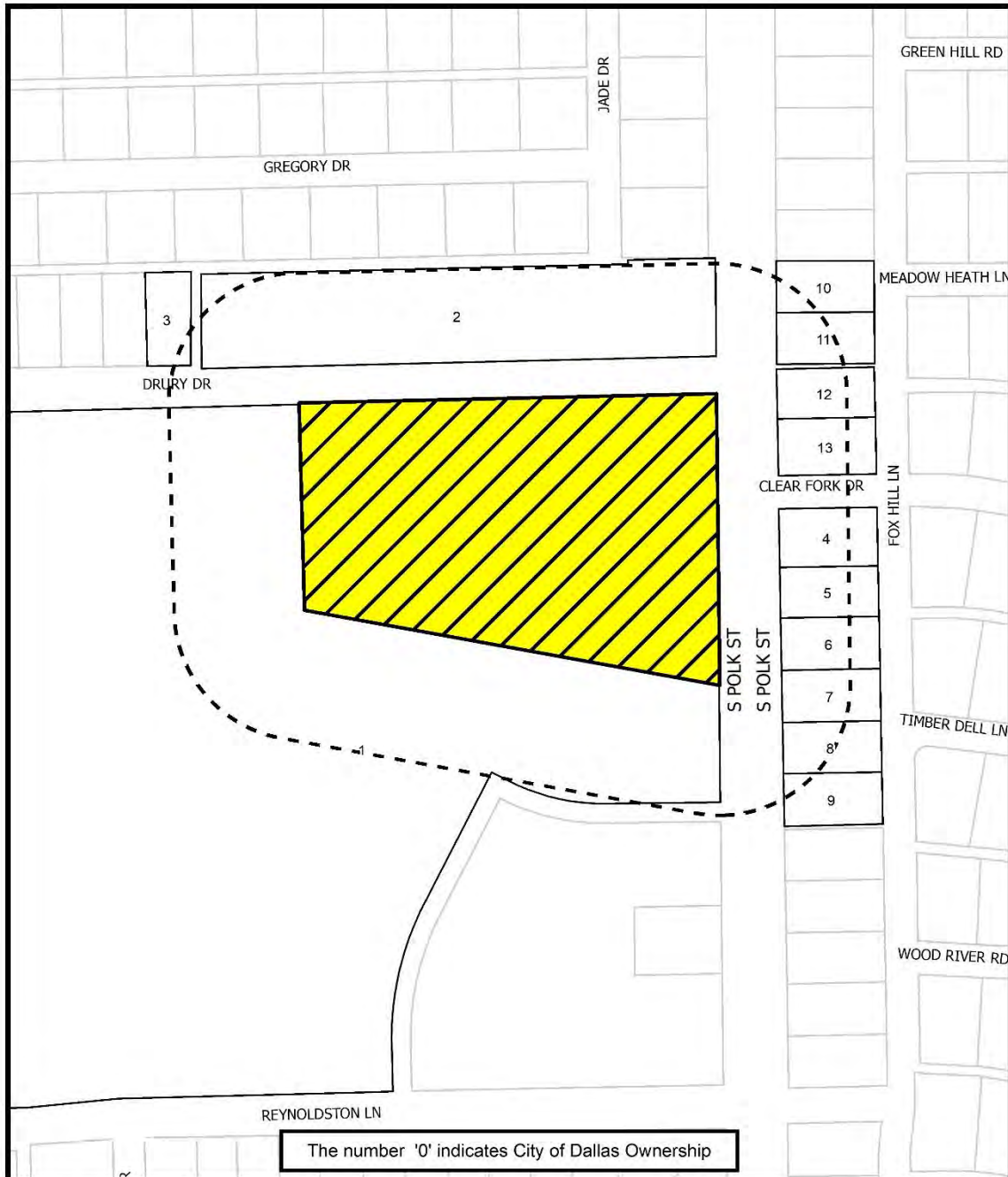
1:2,400

# AERIAL MAP

Case no: BDA223-041

Date: 3/14/2023





 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>13</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>13</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA223-041</b> Date: <b>3/14/2023</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>13</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

03/14/2023

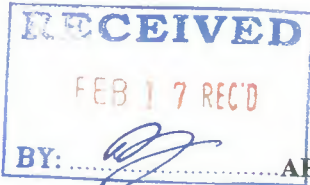
## ***Notification List of Property Owners***

***BDA223-041***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5505 S POLK ST	Dallas ISD
2	5415 S POLK ST	TRINITY TEMPLE FULL
3	1315 DRURY DR	RS RENTAL I LLC
4	5507 FOX HILL LN	GARRETT MAE
5	5515 FOX HILL LN	ROSEMOND GABRIELLE
6	5519 FOX HILL LN	DENMON DESSIE J
7	5525 FOX HILL LN	CIVIC CENTER DFW 1 LLC
8	5605 FOX HILL LN	GOSSIP KENNETH ALONZA
9	5611 FOX HILL LN	TURNER VICTORIA J
10	5403 FOX HILL LN	AFRICA RAY
11	5409 FOX HILL LN	RHODES JOE L
12	5415 FOX HILL LN	SJTP HOLDINGS LLC
13	1011 CLEAR FORK DR	DORSEY ESTHER H & FLOYD LIVING

C



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-041

Date: 2/17/23

Data Relative to Subject Property:

Location address: 5505 S. Polk St. Zoning District: R-7.5(A)

Lot No.: 2 Block No.: 1/6048 Acreage: 5.6 acres Census Tract: 110.01

Street Frontage (in Feet): 1) S. Polk St. 449 ft 2) Drury Dr. 641 ft 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas Independent School District

Applicant: Karl A Crawley Telephone: 214 389 2274

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

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

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

Mailing Address: 2201 Main St., Suite 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 \_\_\_\_\_  
6 feet to the required front yard of 25 feet on the Drury Drive frontage; to allow an Addition to the existing school with a setback of 19 feet.

for Tree Preservation

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 existing Adelle Turner ES was built over 60 years ago, at this time the DISD wants to add an Addition to the front of the school for Admin and a Secure Vestibule. in order to save several large trees the design encroaches into the front setback. If the Addition were to comply with the required 25 foot setback it would require a wider footprint

which would be located under the canopy of some of the trees in front of the school.

**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 16<sup>th</sup> day of FEBRUARY 2023

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that KARL A CRAWLEY

did submit a request for a special exception to the front yard setback regulations for tree preservation

at 5505 S Polk

BDA223-041. Application of KARL A CRAWLEY for a special exception to the front yard setback regulations for tree preservation at 5505 S POLK ST. This property is more fully described as Block 1/6048, Lot 2 and is zoned R-7.5(A), which requires front yard setback of 25 feet. The applicant proposes to construct a non-residential structure and provide a 19 foot front yard setback, which will require a 6 foot special exception to the front yard setback regulations for tree preservation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-041

I, Kathleen Lenihan of the Dallas Independent School District, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5505 S Polk Street  
(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)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: to the front yard setback in order to preserve an existing tree(s) to allow the construction of a new Addition  
to the existing school.

Dallas Independent School District  
Print name of property owner or registered agent  
Date 02/17/2023

[Signature]  
Signature of property owner or registered agent

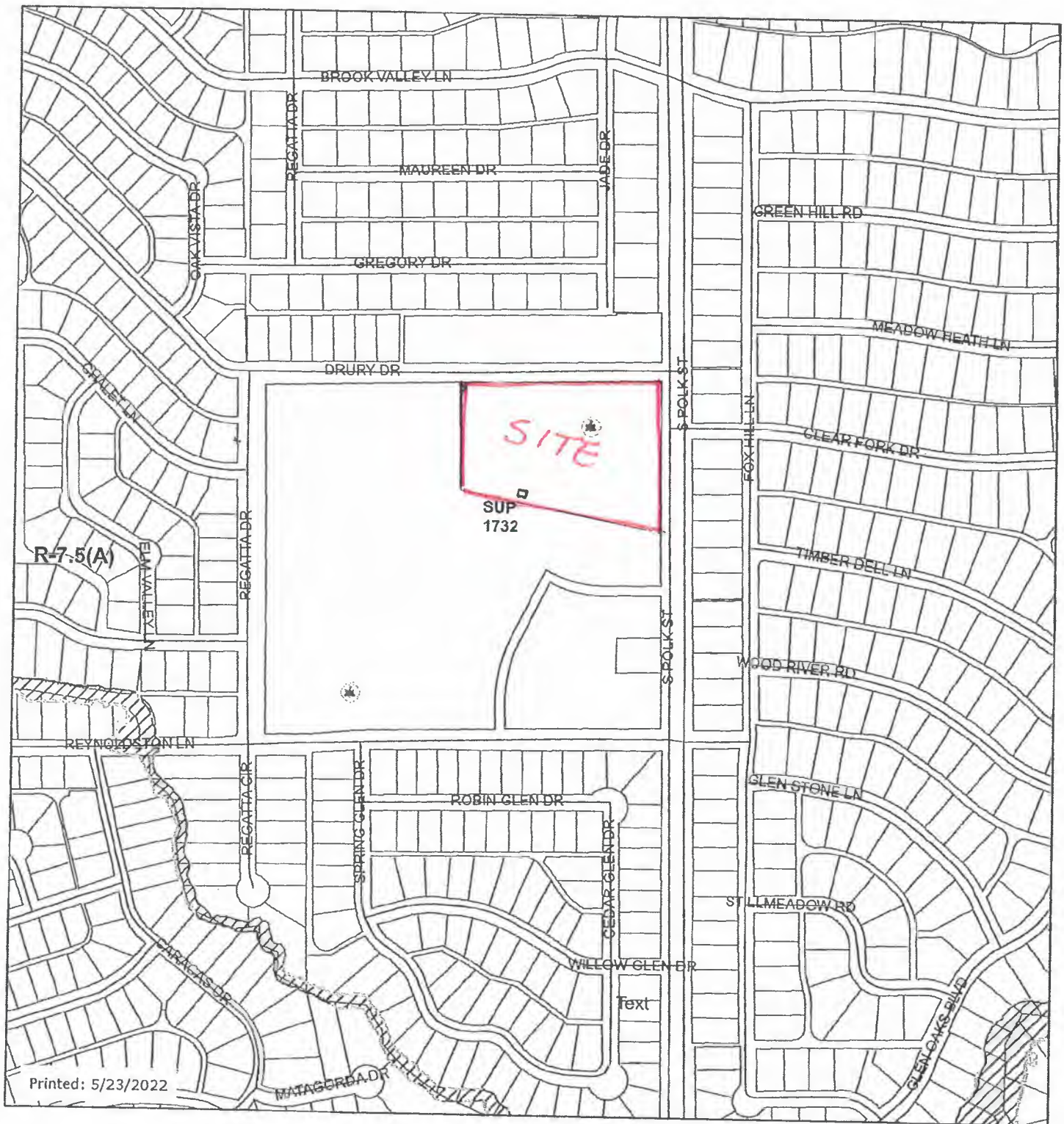
Before me, the undersigned, on this day personally appeared KATHLEEN LENIHAN

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 17 day of February, 2023



[Signature]  
Notary Public for Dallas County, Texas  
Commission expires on 7/30/25



- |                                  |                                |                            |
|----------------------------------|--------------------------------|----------------------------|
| City Limits                      | Base Zoning                    | Historic Subdistricts      |
| Railroads                        | Demolition Delay Overlay       | Historic Overlay           |
| Public Schools                   | PD193 Oak Lawn                 | Height Map Overlay         |
| Floodplains                      | Dallas Environmental Corridors | CD Subdistricts            |
| 0.2 Pct Annual Flood Hazard      | SPSD Overlay                   | PD Subdistricts            |
| 1 Pct Annual Chance Flood Hazard | Deed Restrictions              | POS Subdistricts           |
| East Peak's Branch               | SUP                            | NISO Subdistricts          |
| Floodway                         | Dry Overlay                    | NISO_Overlay               |
| Hill Creek                       | D                              | Escarpment Overlay         |
| Peak's Branch                    | D-1                            | Parking Management Overlay |
| X Protected By Levee             | CP                             | Shop Front Overlay         |
| Parks                            | SP                             |                            |
| Certified Parcels                | MD Overlay                     |                            |

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

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**EXHIBIT A**

**Legal Description Adelle Turner Elementary School**

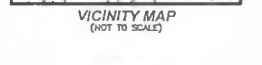
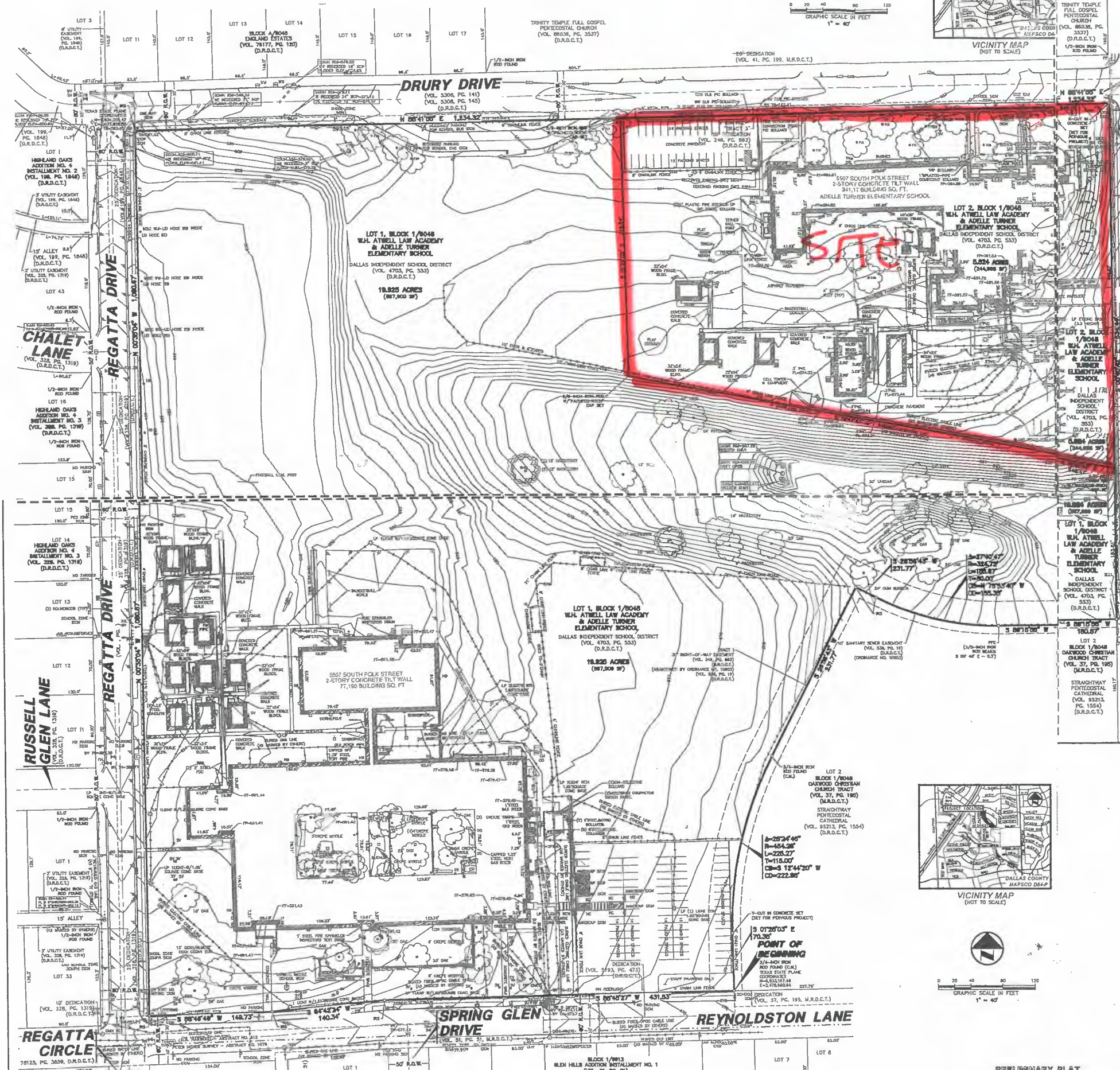
**BEGINNING**, at the intersection of the south line of Drury Drive and the west line of South Polk Street;

**THENCE** South 00 degrees 40 minutes 42 seconds East, along the said west line of South Polk Street, a distance of 448.83 feet to a point for corner;

**THENCE** North 79 degrees 42 minutes 47 seconds West, departing the west line of South Polk Street, a distance of 648.47 feet, tot a point for corner

**THENCE** North 01 degrees 29 minutes 05 seconds West, a distance of 318.54 feet, to a point in the south line of Drury Drive for a corner;

**THENCE** North 88 degrees 41 minutes 55 seconds East, along the south line of Drury Drive, a distance of 641.15 feet to return to the **POINT OF BEGINNING**; **CONTAINING**: 244,988 square feet or 5.624 acres of land, more or less.



STATE OF TEXAS  
COUNTY OF DALLAS

OWNER'S CERTIFICATE

WHEREAS, Dallas Independent School District is the owner of a 25.549 acre tract of land situated in the N. E. Harwood Survey, Abstract No. 812, City of Dallas, Dallas County, Texas, City of Dallas Block 8048, said tract being part of a tract of land described in Deed by Dallas Independent School District (Dallas ISD) recorded in Volume 4703, Page 533 of the Deed Records of Dallas County, Texas, said 25.549 acre tract being more particularly described as follows:  
BEGINSING, at a 3/4-inch iron rod found for corner in the north right-of-way line of Reynoldston Lane (a 60 foot wide right-of-way and the west line of a tract of land donated to Trinity Temple Full Gospel Pentecostal Church, Vol. 8838, P.C. 537) (D.R.D.C.T.)  
THENCE, along the north line of said Reynoldston Lane the following three (3) calls:  
South 88 degrees, 45 minutes, 27 seconds West, a distance of 431.83 feet to a 5/8-inch iron rod with "PAID2002 KCOH" cap set for corner;  
South 84 degrees, 42 minutes, 24 seconds West, a distance of 140.34 feet to a 5/8-inch iron rod with "PAID2002 KCOH" cap set for corner;  
South 88 degrees, 48 minutes, 46 seconds West, a distance of 140.73 feet to a 5/8-inch iron rod with "PAID2002 KCOH" cap set for corner; add point being the intersection of the add north right-of-way line of Reynoldston Lane and the east right-of-way line of Regatta Drive (a 60 foot wide right-of-way);  
THENCE, North 00 degrees, 33 minutes, 04 seconds West, departing the add north line of Reynoldston Lane, along the add west line of Regatta Drive, a distance of 1,006.67 feet to a 3/4-inch iron rod with "PAID2002 KCOH" cap set for corner; add point being the intersection of the add west right-of-way line of Regatta Drive and the south right-of-way line of Drury Drive (a 60 foot wide right-of-way);  
THENCE, North 88 degrees, 41 minutes, 53 seconds East, departing the add west line of Regatta Drive and along the add south line of Drury Drive, a distance of 1,234.32 feet to an "X" cut in concrete set for corner; add point being at the add south right-of-way line of Drury Drive and the west right-of-way line of South Polk Street (a 100 foot wide right-of-way);  
THENCE, South 00 degrees, 40 minutes, 42 seconds East, departing the add south line of Drury Drive and along the add west line of South Polk Street, a distance of 334.64 feet to a 5/8-inch iron rod with "PAID2002 KCOH" cap set for corner in the add west line of South Polk Street and in the northeastern corner of the add Dallas ISD tract; add point being the northeast corner of the add Straightway Pentecostal Cathedral tract;  
THENCE, departing the add west line of South Polk Street, along the northeastern south line of the add Dallas ISD tract and the north line of the add Straightway Pentecostal Cathedral tract the following three (3) calls:  
South 09 degrees, 15 minutes, 56 seconds West, a distance of 100.87 feet to a point for corner, from which a 5/8-inch iron rod bears South 00 degrees, 48 minutes, 48 seconds East, a distance of 0.33 feet; add point being the beginning of a tangent curve to the right;  
In a southeasterly direction, along said curve to the right, having a central angle of 27 degrees, 40 minutes, 47 seconds, a radius of 324.72 feet, a chord bearing and distance of North 72 degrees, 53 minutes, 40 seconds West, 100.33 feet, on an arc distance of 158.87 feet to a 5/8-inch iron rod with "PAID2002 KCOH" cap set for a point of tangency;  
North 83 degrees, 03 minutes, 17 seconds East, a distance of 100.87 feet to a 5/8-inch iron rod with "PAID2002 KCOH" cap set for corner; add point being the northwest corner of the add Straightway Pentecostal Cathedral tract;  
THENCE, along the east line of the add Straightway Pentecostal Cathedral tract and the northeastern west line of the add Dallas ISD tract the following three (3) calls:  
South 28 degrees, 56 minutes, 43 seconds West, a distance of 231.77 feet to a 3/4-inch iron rod found for corner; add point being the beginning of a tangent curve to the left;  
In a southeasterly direction, along said curve to the left, having a central angle of 28 degrees, 24 minutes, 48 seconds, a radius of 454.25 feet, a chord bearing and distance of South 12 degrees, 44 minutes, 23 seconds West, 228.98 feet, on an arc distance of 228.27 feet to an "X" cut in concrete set for a point of tangency;  
South 01 degrees, 28 minutes, 03 seconds East, a distance of 70.33 feet to the POINT OF BEGINNING;  
CONTAINING 1,112,899 square feet or 25.549 acre of land, more or less.

Witness my hand and seal, Dallas, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
By: Dallas Independent School District

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas

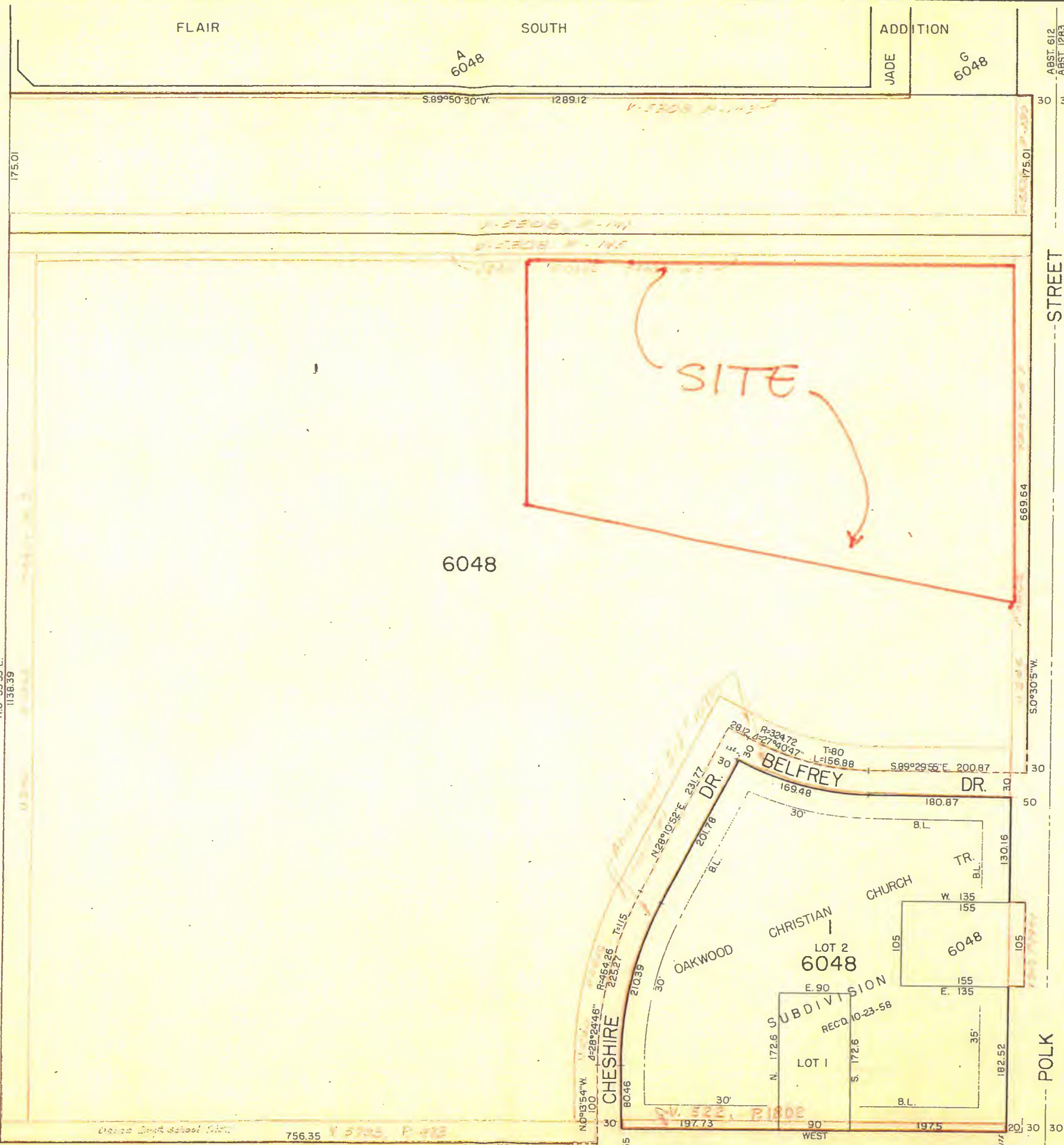
**GENERAL NOTE**  
1. Bearings are based on the State Plane Coordinate System North Central Zone 4202. Distance reported here has been an adjustment factor of 1.000136506.  
2. Lot to lot drainage will not be allowed without proper City permits.  
3. The purpose of this plat is to create two (2) lots from one.  
4. Coordinates shown hereon are based on the State Plane 1983 (Adjustment: Reduction 2011), on grid values, no sea level.  
5. The survey abstract lines shown hereon are approximate.

**SURVEYOR'S STATEMENT**  
I, Justin W. Waldrup, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors, the City of Dallas Development Code (Ordinance No. 19453, as amended), and Texas Local Government Code, Chapter 212. I further affirm that communication when shown was either heard or placed in compliance with the City of Dallas Development Code, Sec. 21A-8117 (a)(3)(C)(i)-(j) and that the digital drawing is a true and accurate representation of the Signed Final Plat.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
**PRELIMINARY**  
This document shall not be recorded for any purpose until it has been approved by the City of Dallas and signed by a Final Survey Document Registrar.  
Justin W. Waldrup  
Registered Professional Land Surveyor  
No. 8779  
STATE OF TEXAS  
COUNTY OF DALLAS  
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Justin W. Waldrup, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
Notary Public in and for the State of Texas

**SURVEYOR / ENGINEER**  
PAID2002 KCOH CONSULTING ENGINEERS  
7527 RAMBLER ROAD, SUITE 1400  
DALLAS, TEXAS 75231  
PH: (972) 232-2001  
CONTACT: JUSTIN W. WALDRUP  
**OWNER**  
DALLAS INDEPENDENT SCHOOL DISTRICT  
8400 NORTH CENTRAL EXPRESS  
SUITE 900 DALLAS, TEXAS 75221  
PH: (972) 922-7243  
CONTACT: AARON JOHNSON  
DEPUTY DIRECTOR

**PRELIMINARY PLAT**  
**W.H. ATWELL LAW ACADEMY & ADELLE TURNER ELEMENTARY SCHOOL**  
LOTS 1 & 2, BLOCK 1/8048



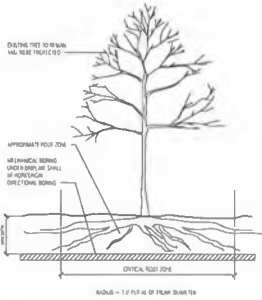


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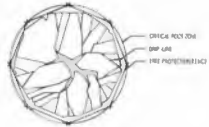


04 | TREE UNDER OR NEAR CROWN DRIPLINE

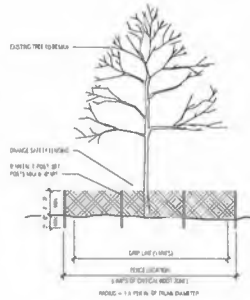
**TREE PROTECTION TO BE DETAILED AT LIMITS OF CRITICAL ROOT ZONE OF TREE, OR EQUIVALENT OR OTHERWISE TO BE PROVIDED IN PROPOSED PLAN.**

NOTE: TO CALCULATE THE ROOT ZONE AND TO DEFINE THE LOCATION OF TREE PROTECTION, CONSULT THE LOCAL TREE CARE SOCIETY FOR BEST PRACTICES. A MINIMUM OF 18" MUST BE MAINTAINED AROUND THE TRUNK OF ALL TREES TO BE PROTECTED. THE TREE PROTECTION SHOULD BE PLACED AT A MINIMUM OF 12" FROM THE TREE TRUNK.

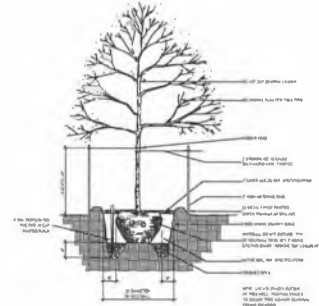
FOR EXAMPLE: IF THE RADIUS OF A TREE'S CRITICAL ROOT ZONE IS 10' (10' x 3.1416) = 31.4'. THE TREE PROTECTION SHOULD BE PLACED AT A MINIMUM OF 12" FROM THE TREE TRUNK.



03 | TREE PROTECTION DETAIL



02 | TREE PLANTING DETAIL



01 | LANDSCAPE SITE PLAN

5648 LAMAR STREET, SUITE 406  
DALLAS, TEXAS 75206  
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**CITY OF DALLAS STAMP AREA**

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**LANDSCAPE PLAN NOTES**

NEW TREE SYMBOL	COUNT	AREA
XXXXXX	2	7.7'
XXXXXX	1	2.7'
XXXXXX	2	2.7'
XXXXXX	2	2.7'
XXXXXX	1	2.7'
<b>TOTAL</b>	<b>21</b>	<b>62.7'</b>

SOON TO BE TREE SYMBOL	COUNT	AREA
XXXXXX	1	1.0'
XXXXXX	1	1.0'
XXXXXX	1	1.0'
<b>TOTAL</b>	<b>3</b>	<b>3.0'</b>

**LEGEND**

- XXXXXX NEW TREE TO BE PLANTED WITHIN PROPOSED SITE
- XXXXXX NEW TREE TO BE PLANTED WITHIN PROPOSED SITE
- XXXXXX NEW TREE TO BE PLANTED WITHIN PROPOSED SITE
- XXXXXX NEW TREE TO BE PLANTED WITHIN PROPOSED SITE
- XXXXXX EXISTING
- XXXXXX NEW EXISTING AREA
- XXXXXX EXISTING DRIVE
- XXXXXX EXISTING DRIVE
- XXXXXX EXISTING TREE TO REMAIN
- XXXXXX PROPOSED NEW TREE

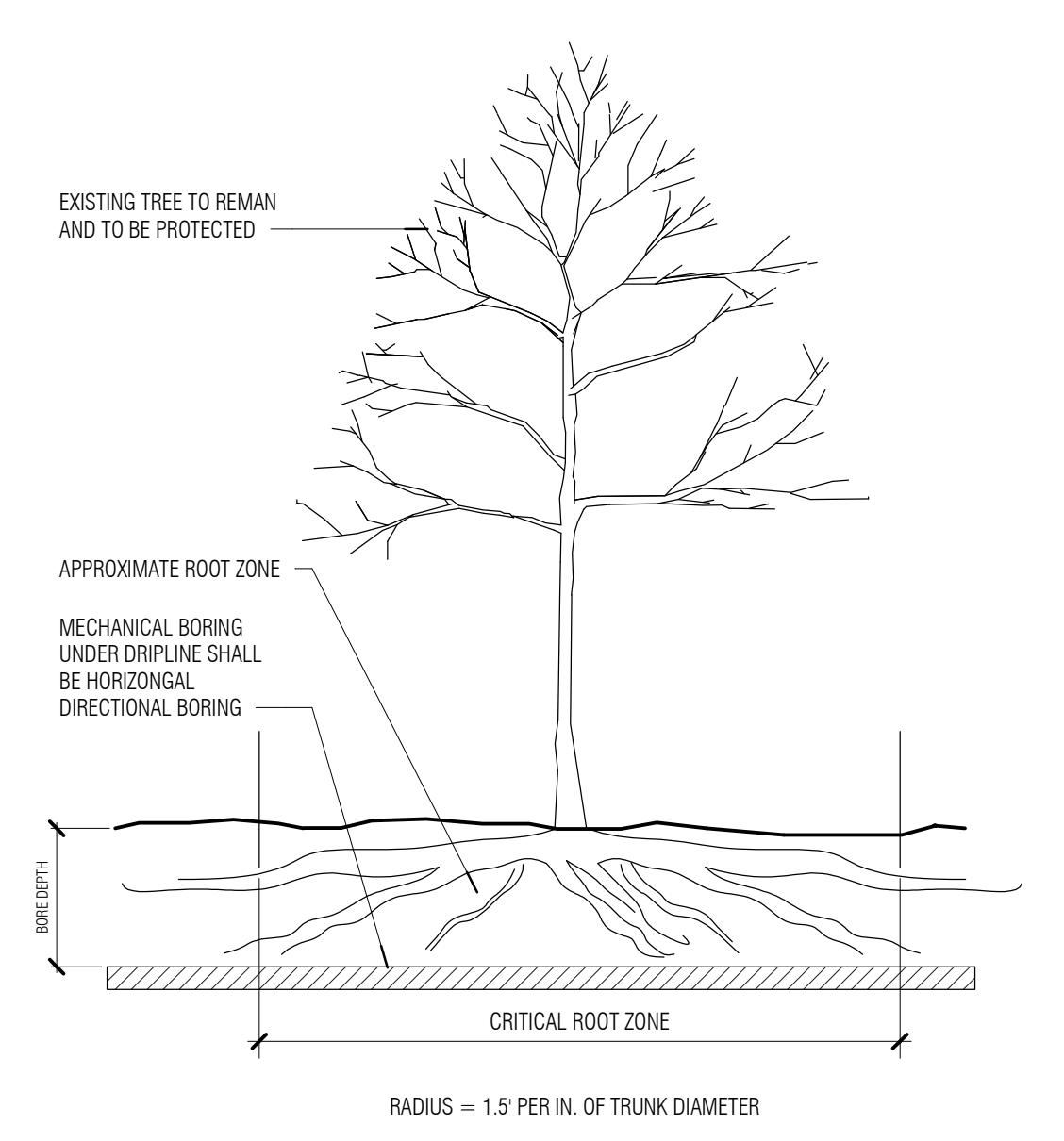
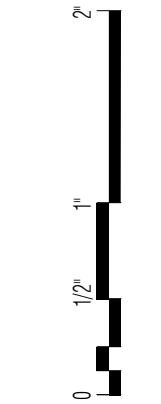
**GENERAL NOTES**

- TREE PROTECTION SHALL OCCUR PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL EXISTING TREES AND NEW TREES TO BE PLANTED WITHIN PROPOSED SITE SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE TREE PROTECTION SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE TREE PROTECTION SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- THE CONTRACTOR SHALL TAKE CARE TO MAINTAIN THE BEST PRACTICES FOR TREE PROTECTION AND MAINTENANCE THROUGHOUT THE CONSTRUCTION PERIOD. THE CONTRACTOR SHALL TAKE CARE TO MAINTAIN THE BEST PRACTICES FOR TREE PROTECTION AND MAINTENANCE THROUGHOUT THE CONSTRUCTION PERIOD.
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**ADELLE TURNER ELEMENTARY SCHOOL #219**  
 DALLAS INDEPENDENT SCHOOL DISTRICT  
 5505 S POLK STREET  
 DALLAS, TX 75222

GILLEN-PARTNERS PROJECT NO. 21-010  
**L01-01**  
**LANDSCAPE SITE PLAN**

CONSTRUCTION DOCUMENTS  
 16.13.2022

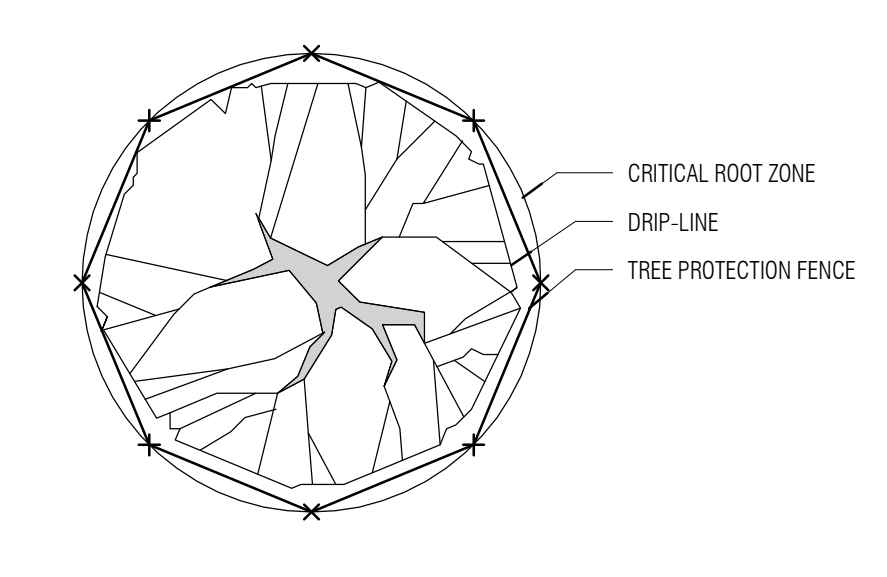


**04** TREE UNDER OR NEAR CROWN DRIFLINE  
SCALE: 1/8" = 1'-0"

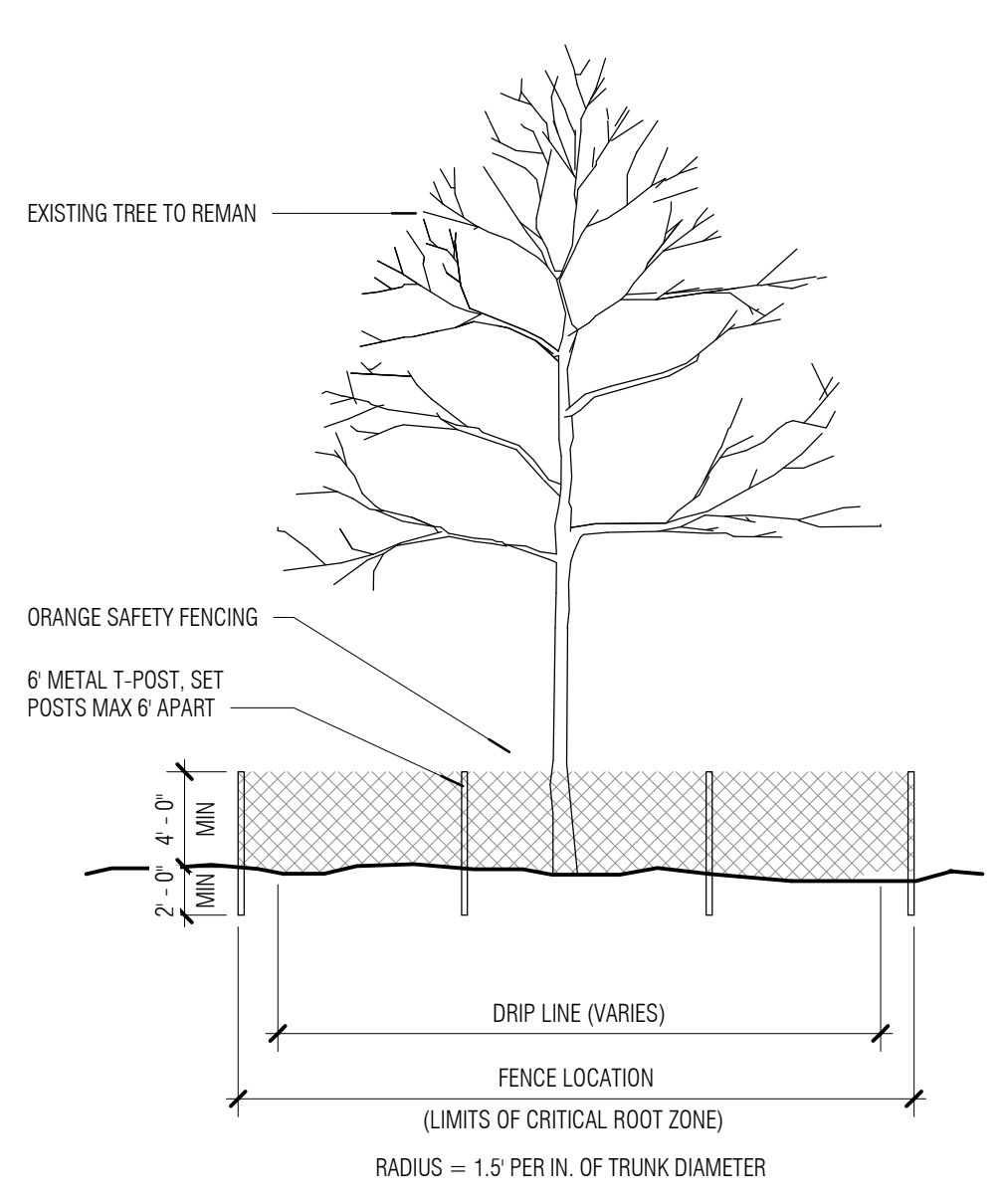
**TREE PROTECTION TO BE INSTALLED AT LIMITS OF CRITICAL ROOT ZONE OF TREE. NO EQUIPMENT OR MATERIAL TO BE STORED IN PROTECTED AREA.**

NOTE: TO CALCULATE THE ROOT ZONE AND DETERMINE THE LOCATION OF TREE PROTECTION FENCING -  
 1. MEASURE THE TREE DIAMETER IN INCHES AT A HEIGHT OF 4.5 FEET ABOVE EXISTING GRADE.  
 2. MULTIPLY THE DIAMETER BY 1.5 AND EXPRESS IN FEET.

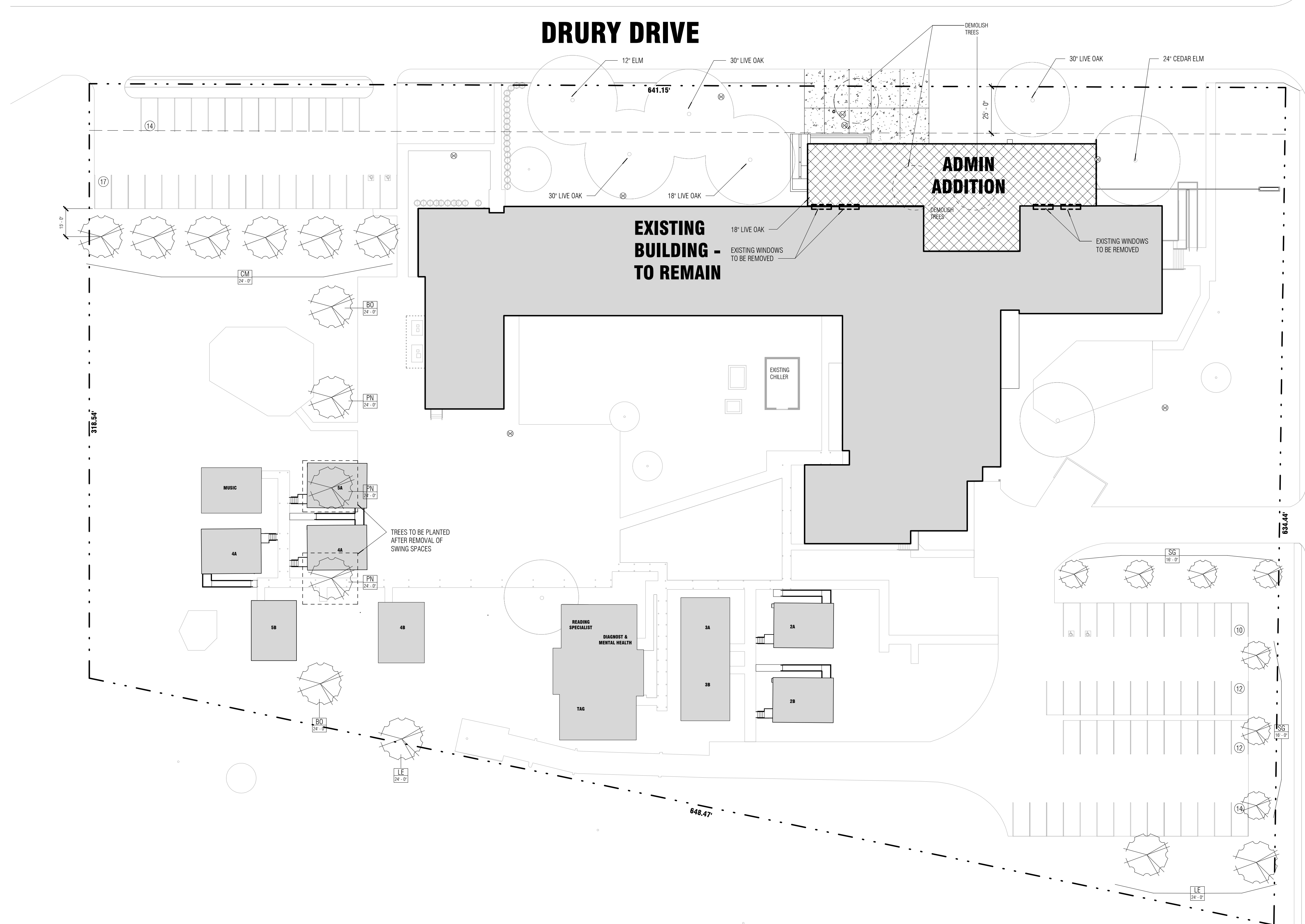
FOR EXAMPLE: IF THE RADIUS IS 8', THEN THE CRITICAL ROOT ZONE IS (8 x 1.5) = 12 FEET. THE TREE PROTECTION SHOULD BE PLACED A MINIMUM OF 12 FEET FROM THE TREE TRUNK.



**03** TREE PROTECTION DETAIL  
SCALE: 1/8" = 1'-0"



**02** TREE PLANTING DETAIL  
SCALE: 1/8" = 1'-0"



**01** COMPLIANT SITE PLAN  
SCALE: 1" = 30'-0"

**CITY OF DALLAS STAMP AREA**



5646 MILTON STREET, SUITE 426  
DALLAS, TEXAS 75206  
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**LANDSCAPE PLAN NOTES**

NEW TREE TYPES:	COUNT:	SIZE:
CADDIS MAPLE (CM)	6	3"
BUR OAK (BO)	3	3"
PECAN (PN)	2	3"
LACEBARK ELM (LE)	3	3"
SWEETGUM (SG)	7	3"
TOTAL	21	63"

DEMO TREES*	COUNT:	SIZE:
LIVE OAK	1	19"
LIVE OAK	1	18"
ASH	1	24"
TOTAL	3	61" TOTAL INCHES

**LEGEND**

XXX	NEW TREE. TOP LINE IS TREE TYPE. BOTTOM LINE IS TREE SIZE
XXX	NEW TREE. TOP LINE IS TREE TYPE. BOTTOM LINE IS TREE SIZE
[Hatched Box]	NEW BUILDING FOOTPRINT
[Stippled Box]	NEW CONCRETE SIDEWALK OR PAVING, REF. CIVIL
[Grey Box]	EXISTING
[Dark Grey Box]	NEW SOODED AREA
[Circle with X]	SPRINKLER VALVE
[Circle with 00]	PARKING COUNT
[Circle]	EXISTING TREE TO REMAIN
[Circle with X]	PROPOSED NEW TREE

**GENERAL NOTES**

- TREE PROTECTION MUST OCCUR PRIOR TO BEGINNING SITE WORK.
- ALL EXISTING TREES ARE TO REMAIN AND BE PROTECTED DURING CONSTRUCTION UNLESS DESIGNATED AS TO BE REMOVED ON THE DRAWINGS. CHAINLINK OR ORANGE SAFETY FENCING (MIN 4'-0" HEIGHT) SHALL BE INSTALLED AS INDICATED ON PLANS AT THE DRIFLINE OR THE CRITICAL ROOT ZONE (WHICHEVER IS GREATER) OF THE TREE OR GROUP OF TREES TO REMAIN.
- PARKING OF VEHICLES OR PERFORMING WORK WITHIN THESE AREAS OTHER THAN AS SHOWN ON THE PLANS WILL NOT BE ALLOWED. THE TREE PROTECTION SHALL REMAIN DURING THE ENTIRE CONSTRUCTION. OTHER TREE PROTECTION MEASURES SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS STANDARDS AND ORDINANCES.
- THE CONTRACTOR SHALL TAKE CARE IN MINIMIZING THE DISTURBANCE TO THE EXISTING TREE TRUNKS AND ROOT SYSTEMS. ALL DEMOLITION AND TRASH REMOVAL ADJACENT TO EXISTING TREES SHALL BE COMPLETED USING HAND TOOLS WHERE POSSIBLE. NO LARGE EQUIPMENT OR ANY EQUIPMENT WITH TRACKS SHALL BE ALLOWED UNDER THE DRIFLINE OF ANY EXISTING TREES TO REMAIN. THERE SHALL BE NOW STORAGE OF MATERIAL WITHIN THE DRIFLINE OF THE TREES TO REMAIN.
- DISPOSAL OF WASTE MATERIAL SUCH AS, BUT NOT LIMITED TO, EXCESS SOIL, PAINT, ASPHALT, OIL, SOLVENTS, CONCRETE, MORTAR, ETC. WITHIN THE DRIFLINE OF THE EXISTING TREES SHALL NOT BE ALLOWED.
- NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE SHALL BE ATTACHED TO ANY TREE.
- NO FILL OR EXCAVATION OF ANY NATURE SHALL OCCUR WITHIN THE DRIFLINE OF A TREE TO REMAIN OR BE PROTECTED UNLESS SPECIFIED ON THE PLANS. DO NOT STOCKPILE SUBSOILS UNDER THE TREE DRIFLINE. ALL EXCAVATION DONE WITHIN THE TREE DRIFLINE SHALL BE DUG UNDER THE SUPERVISION OF THE PARKS DEPT REPRESENTATIVE.
- TREE PROTECTION SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED AND ONLY REMOVED UPON THE APPROVAL OF THE ARCHITECT OR THE OWNER'S REPRESENTATIVE.
- WHERE NEW UTILITY LINES ARE CONSTRUCTED WITHIN THE DRIP LINE OF EXISTING TREES, MECHANICALLY BORE THE NEW UTILITY LINE OR ROOT PRUNE THE EXISTING TREE. MECHANICALLY BORE THE UTILITY LINE IF IT IS WITHIN THE DRIP LINE BUT GREATER THAN FIFTEEN FEET AWAY FROM THE TREE'S TRUNK.
- WHERE NEW IRRIGATION LINES ARE CONSTRUCTED WITHIN THE DRIP LINE OF EXISTING TREES, HAND DIG OR AIR SPADE LINE IF IT IS WITHIN THE DRIP LINE AND WITHIN FIFTEEN FEET OF THE TRUNK OF THE TREE. ROOT PRUNE THE TREE IF THE LINE IS WITHIN THE DRIP LINE BUT GREATER THAN FIFTEEN FEET AWAY FROM THE TREE'S TRUNK.

**ADELLE TURNER ELEMENTARY SCHOOL #219**  
**DALLAS INDEPENDENT SCHOOL DISTRICT**  
5505 S POLK STREET  
DALLAS, TX 75232

NO	REVISION	DATE

GLENN | PARTNERS PROJECT NO. 21-010  
**L01-01**  
**COMPLIANT SITE PLAN**

**CONSTRUCTION DOCUMENTS**  
10.13.2022