



City of Dallas

BOARD OF ADJUSTMENT (PANEL C)

**November 14, 2022, Briefing at 11:00 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://form.jotform.com/210907944450153> or contact the Development Services Department at 214-670-4545 **by the close of business Friday, November 11, 2022. 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/111422C>

**AGENDA**

- |      |                                    |  |
|------|------------------------------------|--|
| I.   | <b>Call to Order</b>               | Robert Agnich, Vice-Chair                      |
| II.  | <b>Staff Presentation/Briefing</b> |  |
| III. | <b>Public Hearing</b>              | Board of Adjustment                            |
| IV.  | <b>Public Testimony</b>            |  |
| V.   | <b>Miscellaneous Items -</b>       | Approval of Panel C Minutes – October 17, 2022 |
| VI.  | <b>Case Docket</b>                 | Board of Adjustment                            |
|      | - Uncontested Items                |  |
| VII. | <b>Adjournment</b>                 |  |

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

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

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

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

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

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

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

**EXECUTIVE SESSION NOTICE**

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

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

---

**UNCONTESTED CASE(S)**

---

<b>BDA212-105(OA)</b>	3923 Frontier Ln. <b>REQUEST:</b> Application of Baldwin Associates for a variance to the front yard setback regulations, for a special exception to the fence height regulations, for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations	1
<b>BDA212-108(OA)</b>	5146 Yolanda Ln <b>REQUEST:</b> Application of Eun Sun Jung represented by Elizabeth Siebert for a special exception to the fence height regulations	2
<b>BDA212-110(OA)</b>	7021 Creek Bend Rd <b>REQUEST:</b> Application of Kara Crane represented by Tracy Elmore for a variance to the front yard setback regulations	3

---

**HOLDOVERS**

---

None.

---

**REGULAR CASES**

---

None.

**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 (twenty-five by twenty-five-foot 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 twenty-foot 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 five-feet form the front lot line, and requires a front yard setback of thirty-feet. The applicant proposes to construct a single family residential structure and provide a five-foot front yard setback, which will require a twenty-five foot variance to the front yard setback regulations and to construct an eight foot nine inch high fence in the required front yard which will require a four food nine inch special exception to the fence regulations and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area and located less than five-feet 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-feet is made to maintain an approximately 768 square-foot pool located five-feet from one of the site's two recorded front property lines (Ellsworth Street) or five feet into this 30-foot 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 four feet is made to construct and maintain an eight foot nine-inch-high solid wood fence and a six-foot tall 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 five feet from the front lot line is made to construct and maintain the eight foot nine-inch-high

solid wood fence and a six-foot tall 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 eight foot nine-inch-high solid wood fence and a six-foot tall solid wood gate located within both 20-foot visibility triangle at the driveway approaches into the site from Ellsworth Street.

#### **STANDARD FOR A VARIANCE:**

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

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

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

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

- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality consider the structure to be a nonconforming structure.

**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 triangle 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.

1. 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 five-feet from one of the site's two front property lines (Ellsworth Street) or five feet 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 feet. However, the subdivision plat was recorded with a 30-foot 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-feet 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-foot 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 feet 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 eight foot nine-inch-high solid wood fence and a six-foot 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 five feet 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 eight foot nine-inch-high solid wood fence and a six-foot 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 five feet 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 four feet above grade when located in the required front yard. As noted, the proposed fence would be within the required 40-foot 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 feet from the front lot line.

The submitted site plan and revised elevation denotes the proposed eight foot nine-inch-high solid wood panel fence with a six-foot-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-foot-tall cedar fence set on top of a two foot nine each tall retaining wall with a 6-foot 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 feet. 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 four feet-in-height in the required front yard on Williamson Road and at Chantilly Lane and Frontier Lane.

As of November 4, 2022, no letters have been received in opposition or 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 four feet 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 four feet-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 eight foot nine-inch-high solid wood fence and a six-foot 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-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 two required 20-foot 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 eight foot nine-inch-high solid wood fence and a six-foot tall solid wood gate within the 20-foot 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 November 5, 2022, no letters have been received in opposition or support 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 eight foot nine-inch-high solid wood fence and a six-foot tall solid wood gate within the required 20-foot visibility triangle at the driveway approaches, do not constitute a traffic hazard.

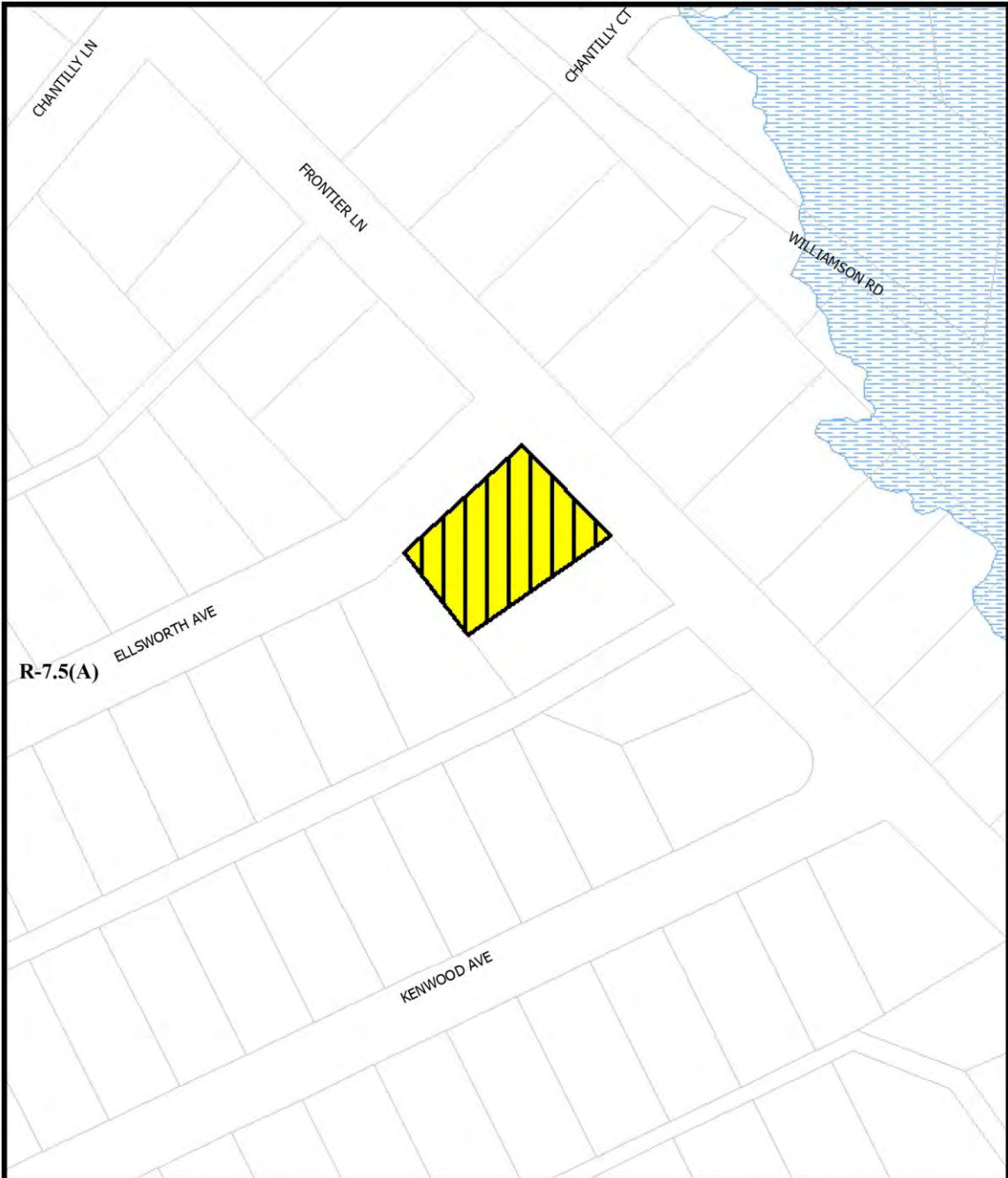
Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and revised elevation would require the fence exceeding four-feet-in-height in the front yard setback and all visual obstructions to be constructed in the locations and heights as shown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

**Timeline:**

- September 2, 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**)



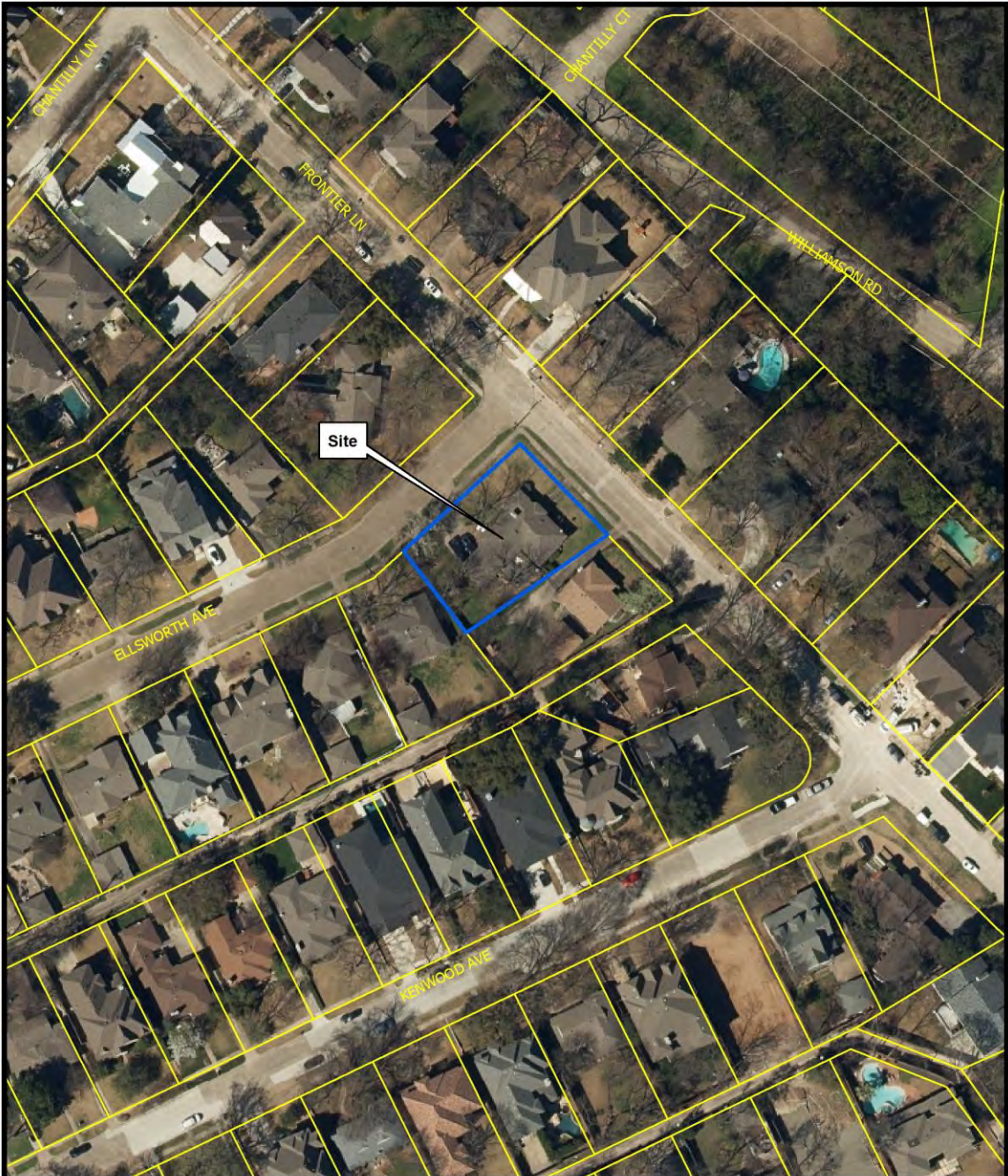
1:1,200

# ZONING MAP

Case no: BDA212-105

Date: 10/21/2022





1:1,200

# AERIAL MAP

Case no: BDA212-105

Date: 10/21/2022



1:1,200

## NOTIFICATION

**200'** AREA OF NOTIFICATION  
**25** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-105**

Date: **10/21/2022**

10/20/2022

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

### ***BDA212-105***

#### ***25 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3923 FRONTIER LN	GOMAS TIFFANY
2	3908 FRONTIER LN	HOCKADAY BRENT
3	3902 FRONTIER LN	HANSON PERRY L
4	3914 FRONTIER LN	MABEL MATTHEW D
5	3920 FRONTIER LN	NEILSON MICHAEL A &
6	3926 FRONTIER LN	STAINBACK JESSICA &
7	3932 FRONTIER LN	SRIVASTAVA UMA & NEER
8	3938 FRONTIER LN	STOREY SHANNON J &
9	3944 FRONTIER LN	MICKEY STEVEN ANDREW &
10	6961 KENWOOD ST	SMITH SUE JEAN
11	6967 KENWOOD ST	GALLIVAN CHRISTOPHER J &
12	6971 KENWOOD ST	HULSEY KERI
13	6975 KENWOOD ST	PANNECK MICHELLE NICOLE &
14	6981 KENWOOD ST	ELKMAN PROPERTIES LLC
15	3903 FRONTIER LN	ALLGEIER STURGEON DANIEL & THERESE IRENE
16	3909 FRONTIER LN	Taxpayer at
17	3915 FRONTIER LN	MADDOX MICHAEL D & CAITLIN C
18	6946 ELLSWORTH AVE	WASILEWSKI SUSAN E
19	6942 ELLSWORTH AVE	HECK ELIZABETH MARY
20	6932 ELLSWORTH AVE	BORRAS BLANCA IRIS
21	6935 ELLSWORTH AVE	Taxpayer at
22	6941 ELLSWORTH AVE	ULRICH BENJAMIN J & ANGELA P
23	6947 ELLSWORTH AVE	LEWIS SARAH T LIFE ESTATE
24	3933 FRONTIER LN	WILSON JAMES F &
25	3939 FRONTIER LN	LEACH DAVID &





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-105

Date: 9/21/22

Data Relative to Subject Property:

Location address: 3923 Frontier Lane Zoning District: R-7.5(A)

Lot No.: 18 Block No.: 3/2972 Acreage: 11,154 sq ft <sup>.25u</sup> Census Tract: 0080.00

Street Frontage (in Feet): 1) 97.18ft <sup>100</sup> 2) 121.56 <sup>115</sup> 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Tiffany Gomas

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception   , of 20 feet into the required 25-foot projected front yard. Special exception to fence height regulation, special exception to fence regulation for fence panel having less than 50% open surface, special exception to visibility triangle (45)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The property in encumbered with two front yards and the city issued and approved a permit to construct a swimming pool in the projected front yard along Ellsworth. The pool has been constructed as permitted, but is located in one of the front yards.

**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 Robert Baldwin  
(Affiant/Applicant's name printed)

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

Respectfully submitted: [Signature]  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 1 day of June, 2022

[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 BALDWIN ASSOCIATES

did submit a request for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations

at 3923 Frontier Lane

BDA212-105. Application of BALDWIN ASSOCIATES for a variance to the front yard setback regulations, for a special exception to the fence height regulations, for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations at 3923 FRONTIER LN. This property is more fully described as Block 3/2972 , Lot 18 and is zoned R-7.5(A), which limits the height of a fence in the front yard to four feet, and requires a twenty foot visibility triangle at driveway approaches, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line, and requires a front yard setback of thirty feet. The applicant proposes to construct and maintain a single family residential structure and provide a five foot front yard setback, which will require a twenty-five foot variance to the front yard setback regulations, and to construct an eight foot nine inch high fence in a required front yard, which will require a four foot nine inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five-feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

  
David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-105

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

at: 3923 Frontier Lane  
(Address of property as stated on application)

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

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

- Variance (specify below)
- Special Exception (specify below) to fence height and panel regulation  
to visibility triangle
- Other Appeal (specify below)

Specify: The property is encumbered with 2 front yards; the city issued a pool permit to construct a swimming pool in the projected front yard along Ellsworth. The pool has been constructed as permitted, but is located in one of the front yards.

TIFFANY GOMAS  
Print name of property owner or registered agent

Tiffany Gomas  
Signature of property owner or registered agent

Date 05/24/2022

Before me, the undersigned, on this day personally appeared TIFFANY GOMAS

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

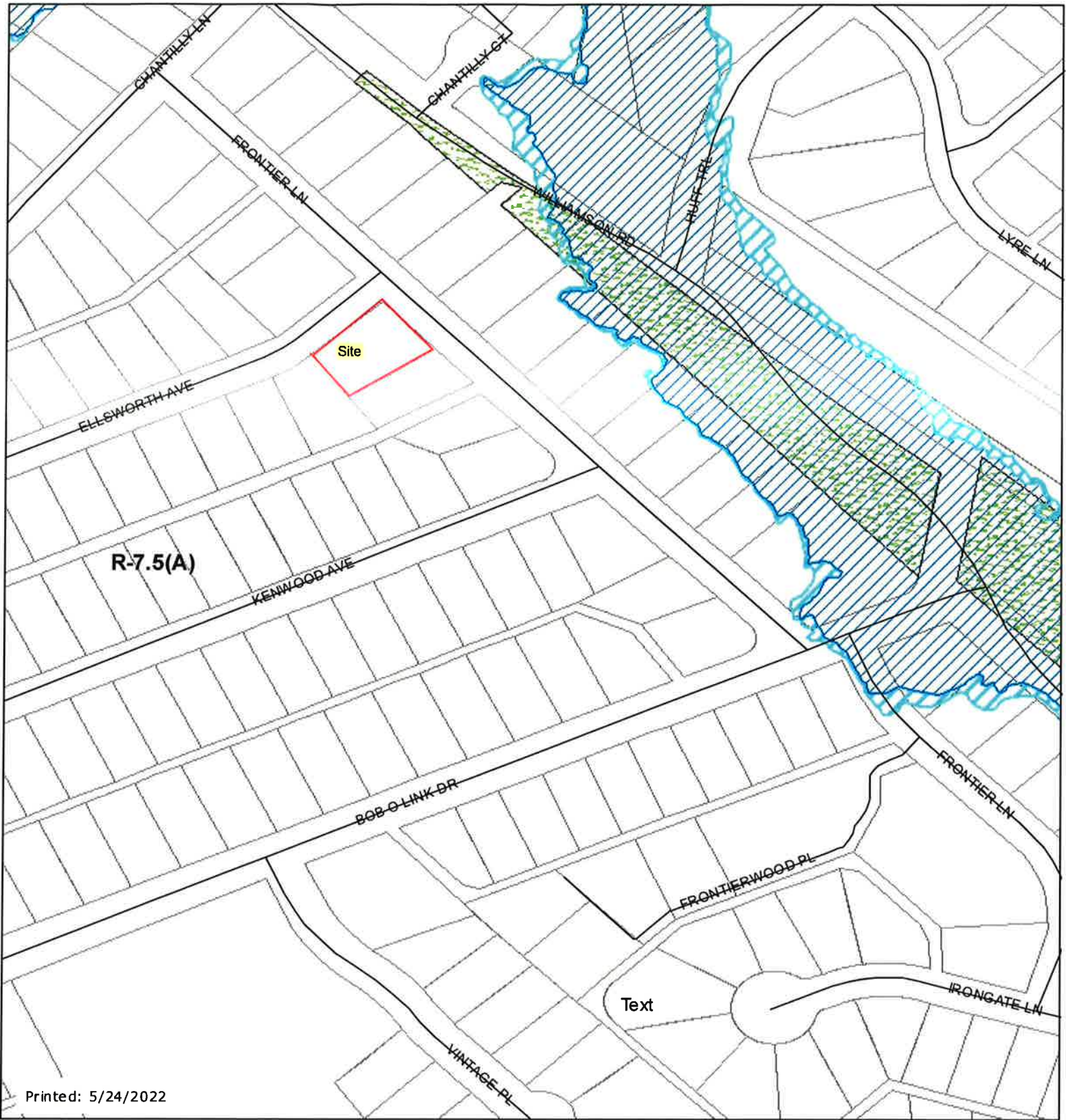
Subscribed and sworn to before me this 24th day of May, 2022

Helen Latrisha Martin  
Notary Public for Dallas County, Texas

Commission expires on 09-17-2024







Printed: 5/24/2022

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

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

ADDITION BOB O'LINKS DOWNS NO. 2 & PART OF 3

SCALE .00 FT EQUALS 1 INCH

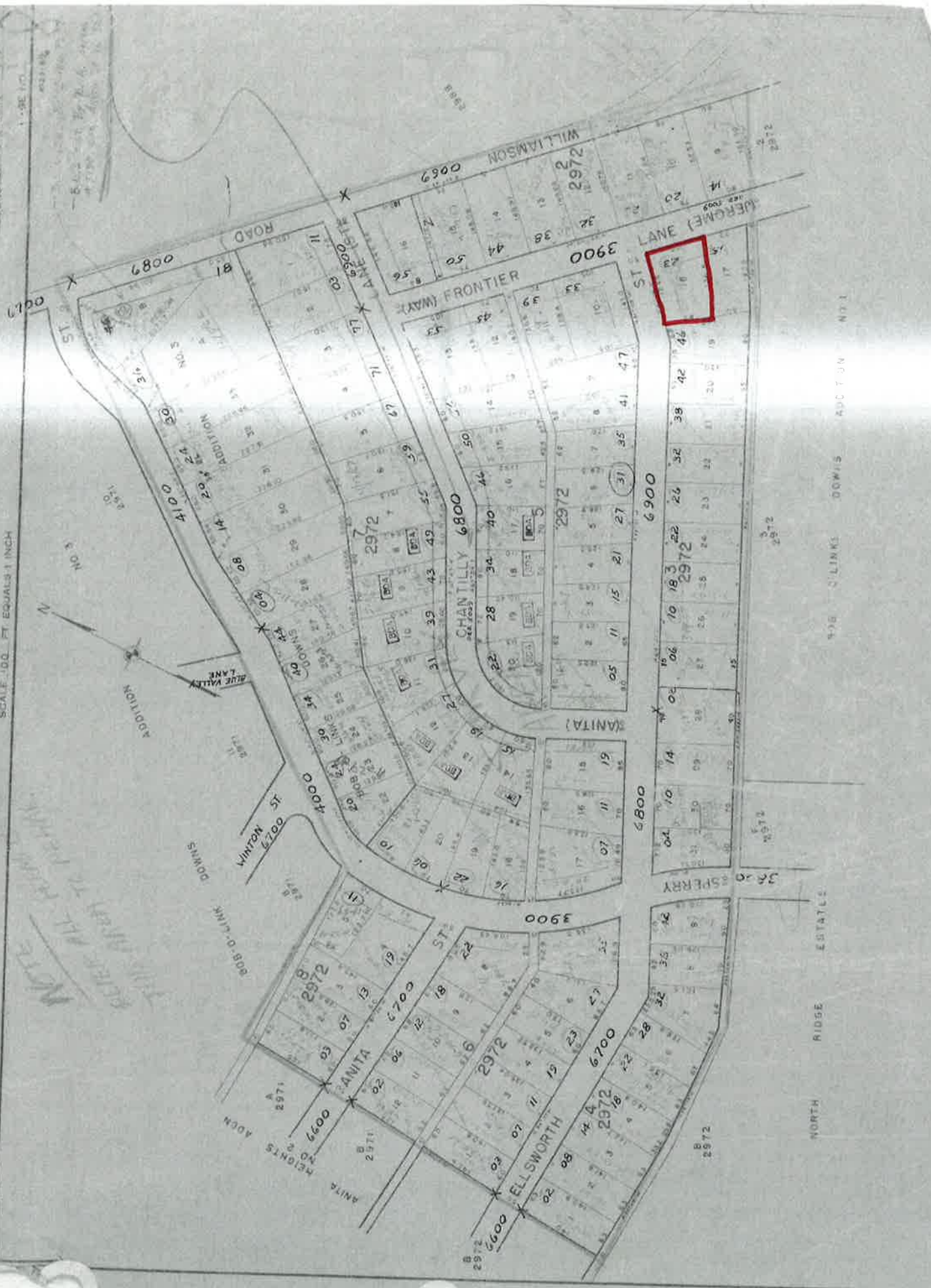
ABST. 352

CHD. NO. 3624

ANNEXED MAY 23, 1945 SURVEY A.G. HYDE

BLOCKS 2972 (PART)

1:50 1/2

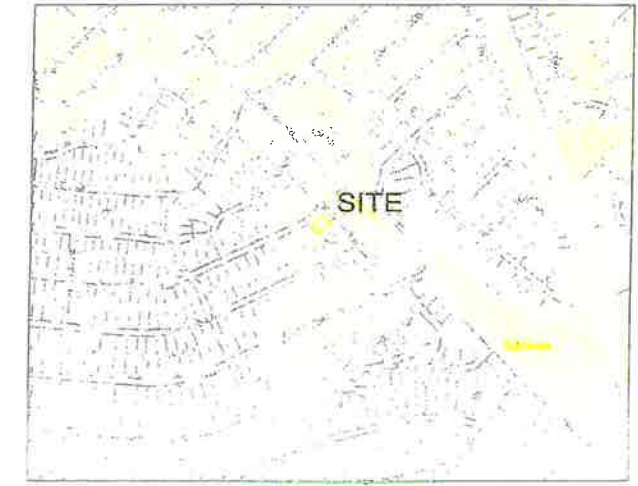
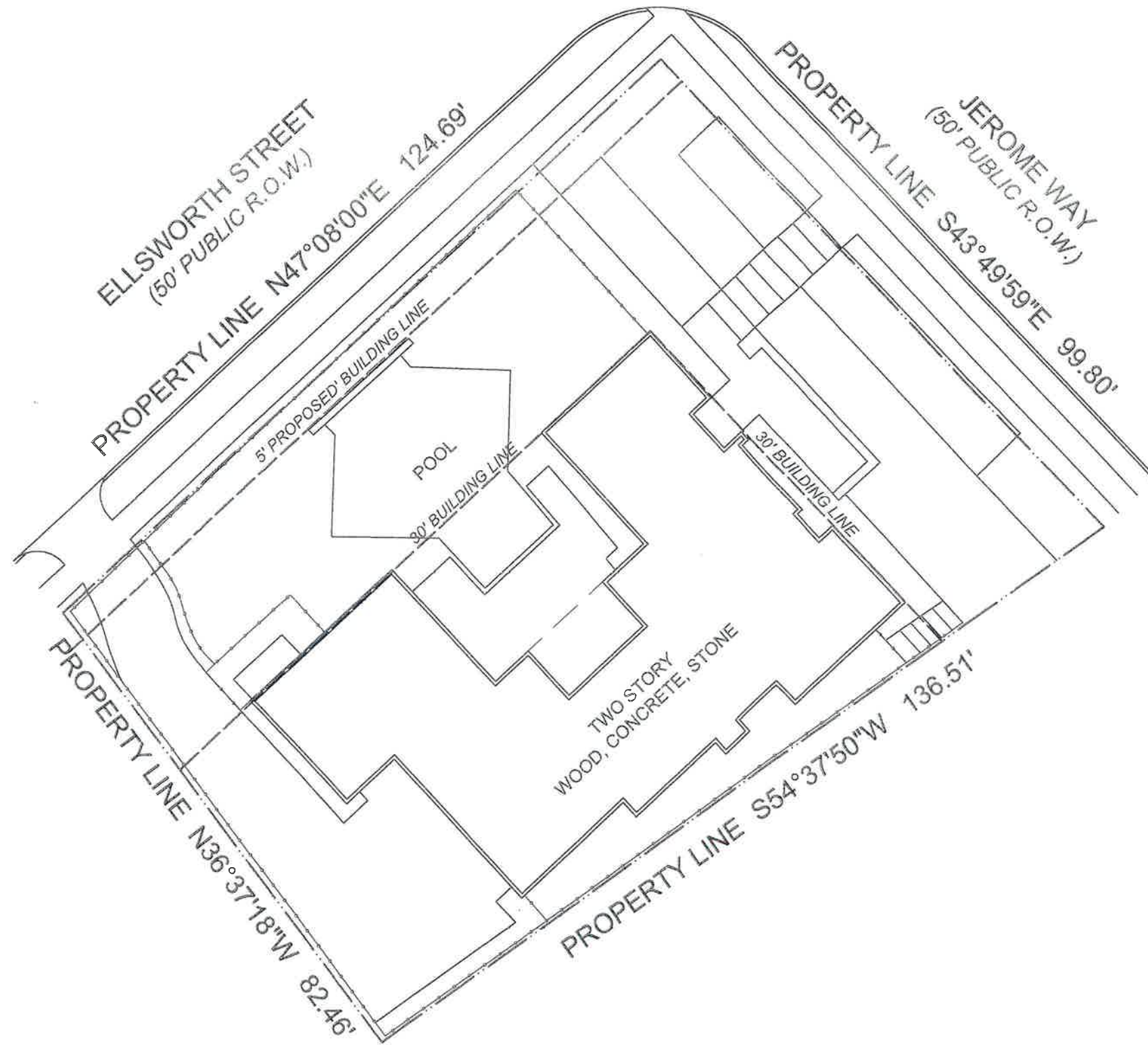




1

# SITE PLAN

SCALE: 1" = 20'-0"



VICINITY MAP  
NTS



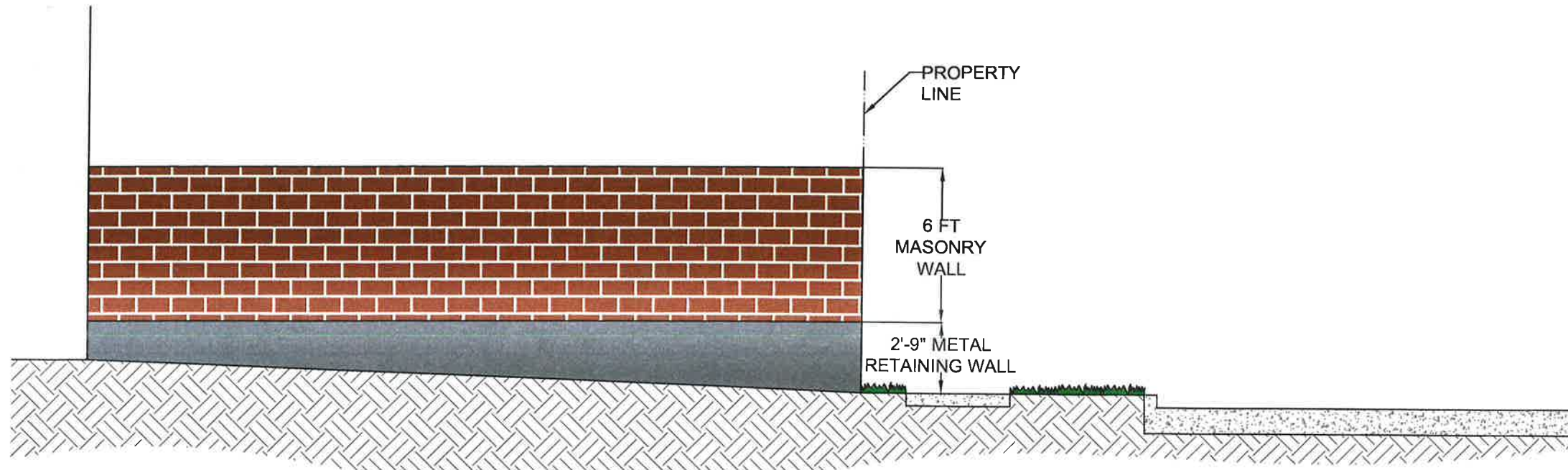
06/01/2022  
PROJECT NUMBER  
CASE NUMBER

BALDWIN  
ASSOCIATES  
3904 Elm Street, Suite B  
Dallas, Texas 75226  
MOBILE: 214.729.7949  
OFFICE: 214.824.7949

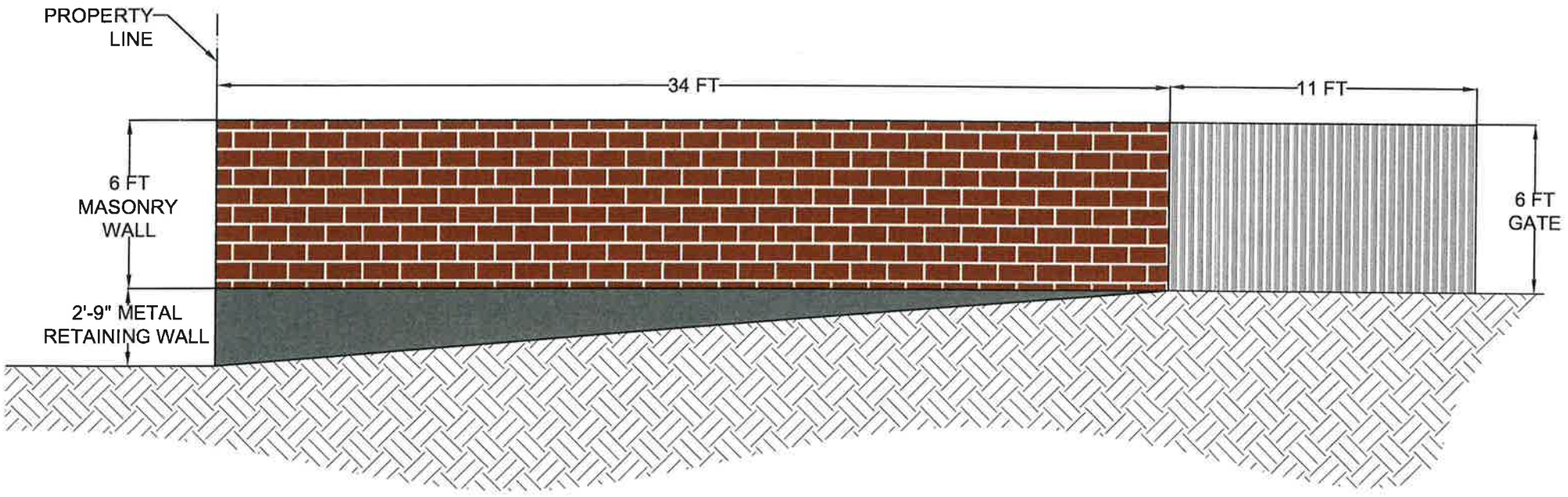
**Baldwin**  
**Associates**

3923 FRONTIER LANE  
CITY OF DALLAS, TEXAS

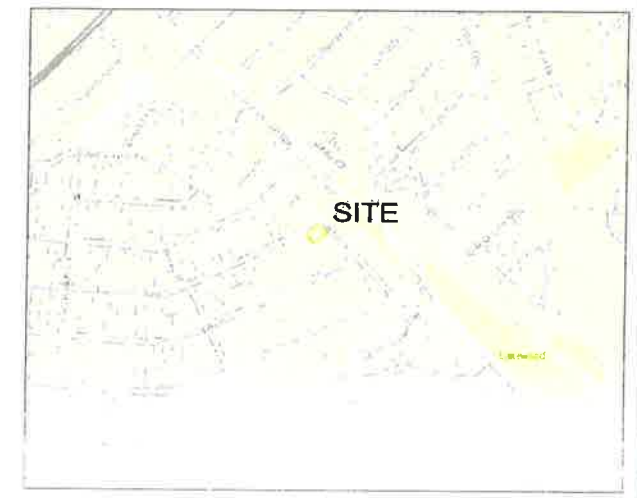




**1A** FENCE ELEVATION; FRONTIER  
SCALE: 3/16" = 1'-0"



**1B** FENCE ELEVATION; ELLSWORTH STREET  
SCALE: 3/16" = 1'-0"



VICINITY MAP  
NTS  
NORTH

08/31/2022  
PROJECT NUMBER  
CASE NUMBER

BALDWIN ASSOCIATES  
3904 Elm Street, Suite B  
Dallas, Texas 75226  
MOBILE: 214.729.7949  
OFFICE: 214.824.7949  
rob@baldwinplanning.com



3923 FRONTIER LANE  
CITY OF DALLAS, TEXAS



October 24, 2022

Oscar Aguilera  
Senior Planner  
City of Dallas  
Development Services  
320 E. Jefferson Blvd., Room 210  
Dallas, Texas 75201

Re: BDA212-105 – 3923 Frontier Lane

Dear Mr. Aguilera,

This firm represents the owner of the property known as 3923 Frontier Lane in their request for a variance to the front yard setback regulations of 20-feet into the required 25-foot projected front yard along Ellsworth Street. We are also requesting special exceptions to the following regulations:

- Fence height regulations where a front yard fence is limited to 4-feet in height.
- Fence standard regulations where a fence panel with a surface panel that is less than 50 percent open may not be located less than five feet from the front lot line.
- To the visibility obstruction regulations:
  - At a driveway approach are required to have a visibility obstruction triangle of 20-feet.
  - At street intersections are required to have a visibility obstruction triangle of 45-feet.

The property fronts on Frontier Lane and Ellsworth Street and has an existing fence structure along Ellsworth Street. The property is in Block 3/2972 and is zoned R-7.5(A), which limits the height of a fence to the front yard to four feet. Because the property is a corner lot and the neighboring lot faces Ellsworth St., both Frontier Lane and Ellsworth Street are considered front yards.

### **VARIANCE**

The property at 3923 Frontier is encumbered with two front yards, along Ellsworth and Frontier. The subdivision plat shows a 30-foot build line along both Frontier and Ellsworth which makes the setback at both streets, 30-feet, instead of the R-7.5(A) zoning



requirement of 25-feet. The side and rear setbacks are both 5-feet. In addition, the currently constructed fence has a fence panel with surface panel that is less than 50%, adding another 5-feet to the 30-foot setback/build line, a total of a 35-foot front yard setback along Ellsworth. So, only a portion of the 11,154 square foot lot is buildable. In fact, both front yard setbacks equal 6,308 square feet, leaving only 4,846 square feet for the building footprint. (The lot is 11,154 square feet less front yard setback square footage of 6,6308 square feet = 4,846 square feet), (\*see below for calculations).

The pool constructed along Ellsworth Street was legally permitted and constructed, however the City neglected to show the pool along the legal front yard at Ellsworth. The owner has already acknowledged that the lot will need to be replatted to remove the 30' build line.

Based on the above hardships and special conditions a literal enforcement of the zoning ordinance would result in unnecessary hardship. In this instance, we believe that the spirit of the ordinance will be observed, and substantial justice will be done in granting this variance.

### **SPECIAL EXCEPTIONS**

Upon investigating the other single-family homes in the Bob O'Link Subdivision, we found that many of the corner lots also had fences over 4 ft in the front yards, they are:

- 6742 Ellsworth @ Sperry – 7'-6" front yard fence @ Sperry
- 6819 Ellsworth @ Chantilly – 6'-1" front yard fence @ Chantilly
- 3953 Frontier @ Chantilly – 8'-2" front yard fence @ Chantilly
- 6902 Kenwood @ Sperry – 7'-9" front yard fence @ Sperry

Again, in the Bob O'Link Subdivision, we found several properties which were in violation of the visibility obstruction regulations at a driveway approach, they are:

- 6904 Bob O Link @ Sperry – 4'5" at Sperry
- 6819 Ellsworth @ Chantilly – 6'5" at Chantilly
- 3953 Frontier @ Chantilly – 10'6" at Chantilly
- 6815 Kenwood @ Sperry – 10'-10" at Sperry

As to the 45-foot visibility obstruction triangle, the property is within 10-feet of the requirement. Since the slope of the front yard required retaining walls, the owner felt that the visibility at the corner of Frontier and Ellsworth was sufficient. In addition, the fence panel exception of less than 50% open surface panel should also be granted as it does not adversely impact the surrounding properties.

Given the set of facts outlined in this request, we believe these special exceptions do not adversely impact the surrounding properties, in fact we believe that this request is consistent with the characteristics of the neighboring properties.

Thank you for your assistance with this matter. Please let me know if you have any questions or comments or if I can be of any assistance.

With kind regards,

A handwritten signature in blue ink, appearing to read 'Robert Baldwin', with a long horizontal flourish extending to the right.

Robert Baldwin

**\*Calculations:**

Front Yard – Frontier Lane

Length 99.80' – Width 35' at Ellsworth & Frontier = 64.8' X 30' setback (build line) = 1,944 square feet.

Front Yard – Ellsworth Street

Length 124.69' X Width 35', (30' setback + 5' for fence panel), = 4,364 square feet

Total Front Yard setback square feet = 1,944 + 4,364 = 6,308 square feet



3953 Frontier @ Chantilly

8' 2"



3953 Frontier @ Chantilly

10' 6"





2"

BDA212-105 Attachment A

7' 4"



6742 Ellsworth





6815 Kenwood @ Sperry

10' 10"









6' 5"

6819 Ellsworth @ Chatilly



6902 Kenwood @ Sperry





BDA212-105  
Attachment A



6904 Bob O Link @ Sperry



**BDA212-105****Comaprison of Lot Area and Building Coverage**

<b>Address</b>	<b>Lot Area</b>	<b>Building Area</b>	<b>Stories</b>	<b>Year Built</b>	<b>lot Area/Home Size</b>	<b>Pool?</b>
3923 Frontier	11,154	5,551	2	2022	50%	Yes
3915 Fronter	8,858	4,290	2	2020	48%	Yes
3908 Frontier	6,932	1,355	1	1951	20%	No
3902 Frontier	10,041	2,996	1	1950	30%	Yes
6931 Kenwood	8,429	4,057	2	2006	48%	No
3932 Frontier	11,432	4,019	2	2015	35%	No
3926 Frontier	12,314	2,123	1	1951	17%	No
3920 Frontier	11,955	3,045	1	1951	25%	Yes
3914 Frontier	12,830	2,908	1	1948	23%	No
3908 Frontier	9,965	2,794	1.5	1951	28%	No
3933 Frontier	14,311	1,433	1	1950	10%	No
3939 Frontier	8,714	3,110	2	2010	36%	No
6947 Ellsworth	9,262	1,264	1	1948	14%	No
6941 Ellsworth	8,000	4,043	2	2014	51%	No
6935 Ellsworth	8,037	1,220	1	1948	15%	No
6931 Ellsworth	7,962	3,934	2	2005	49%	No
6927 Ellsworth	8,027	1,482	1	1948	18%	No
6946 Ellsworth	9,990	1,453	1	1948	15%	No
6942 Ellsworth	8,377	1,902	1	1950	23%	No
6938 Ellsworth	8,201	3,734	1.5	2007	46%	No
6932 Elsworth	8,276	3,995	2	2009	48%	Yes

Subject Property

# 3923 Frontier Lane



## Buildable Area

In Normal R-7.5(A) = 60%  
Buildable Area

In this Case = 41%  
Buildable Area

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF NOVEMBER 14, 2022 (C)

Has no objections

Has no objections if certain conditions  
are met (see comments below or attached)

Recommends denial  
(see comments below or attached)

No comments

BDA 212-105(OA)

BDA 212-106(OA)

BDA 212-108(OA)

BDA 212-110(OA)

COMMENTS:

---

**No objection to existing  
encroachment to visibility triangle  
at private residential driveway on  
Ellsworth Street.**

---

**David Nevarez, PE, PTOE, DEV - Engineering**

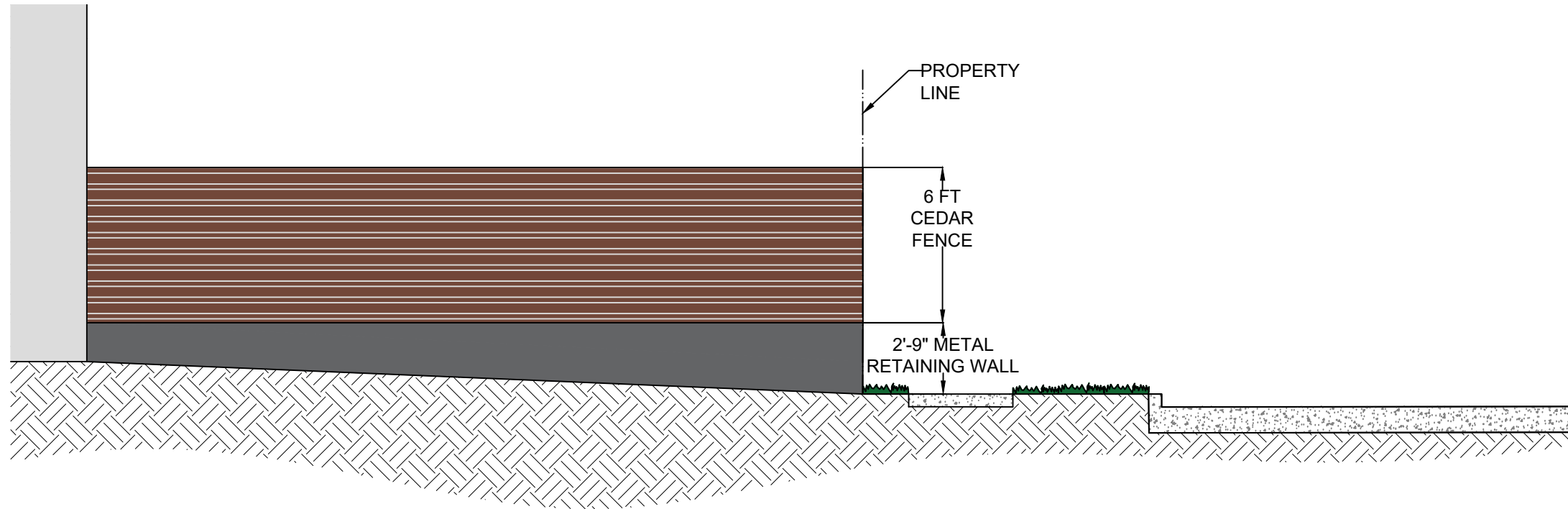
Name/Title/Department

---

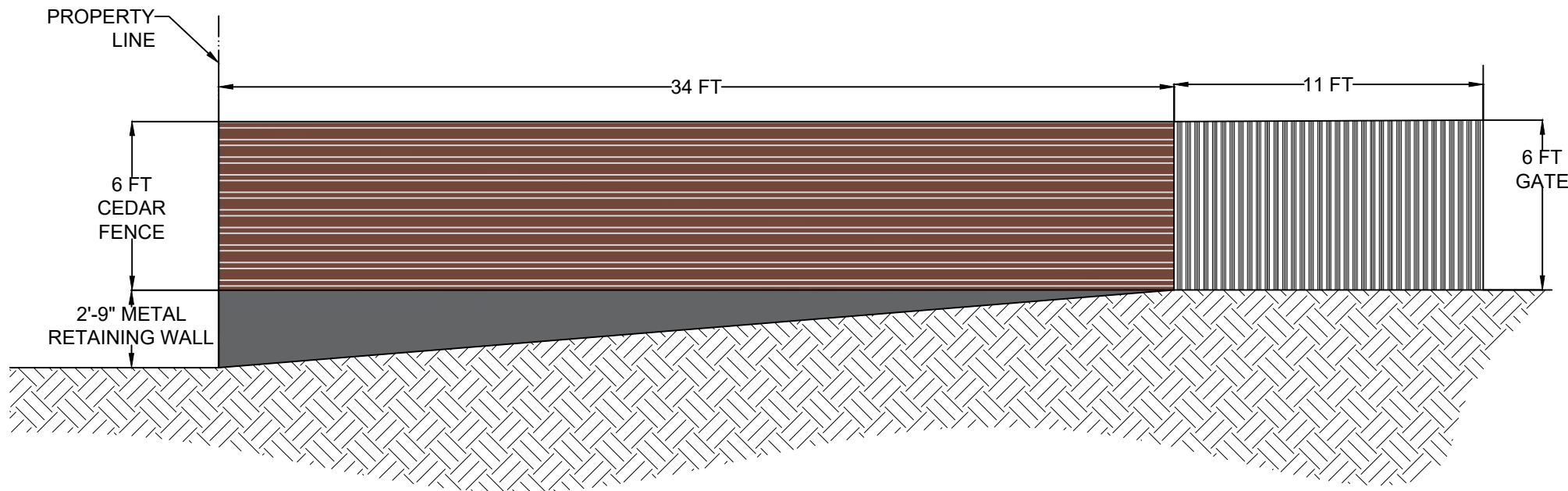
**10/31/2022**

Date

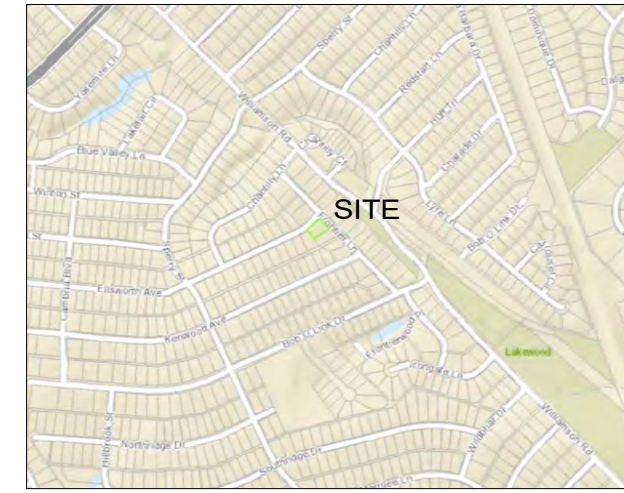
Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



**1A** FENCE ELEVATION; FRONTIER  
SCALE: 3/16" = 1'-0"



**1B** FENCE ELEVATION; ELLSWORTH STREET  
SCALE: 3/16" = 1'-0"



VICINITY MAP  
NTS



11/01/2022  
PROJECT NUMBER  
CASE NUMBER

**BALDWIN ASSOCIATES**  
3904 Elm Street, Suite B  
Dallas, Texas 75226  
MOBILE: 214.729.7949  
OFFICE: 214.824.7949  
rob@baldwinplanning.com



3923 FRONTIER LANE  
CITY OF DALLAS, TEXAS



**FILE NUMBER:** BDA212-108(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Eun Sun Jung represented by Elizabeth Siebert for a special exception to the fence height regulations at 5146 Yolanda Lane. This property is more fully described as Lot 3, Block B/5518, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct a seven-foot six-inch-high fence in a required front yard, which will require a three-foot six-inch special exception to the fence regulations.

**LOCATION:** 5146 Yolanda Lane

**APPLICANT:** Eun Sun Jung represented by Elizabeth Siebert

**REQUESTS:**

A request for a three-foot six-inch special exception to the fence height regulations is made to construct and maintain a six foot-three-inch-high brick/wrought iron fence with up to seven foot-six-inch-tall brick columns with two six foot-three-inch-high iron gates and a six foot-three-inch-high iron pedestrian gate in the required front yard on a site being developed with a single-family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

West: R-1ac (A) (Single family district)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

The purpose of this request for a special exception to the fence height standards focuses on constructing and maintaining a six foot-three-inch-high brick/wrought iron fence with up to seven foot-six-inch-tall brick columns with two six foot-three-inch-high iron gates and a six foot-three-inch-high iron pedestrian gate in the required front yard on a site being developed with a single-family home.

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

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

The proposed fence is to be in this required front yard. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 200 feet in length parallel to Yolanda Lane and runs between zero and two-feet-six inches perpendicular to the front property line.
- The distance between the proposed fence and the pavement line is between five feet six inches to eight-feet.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noticed other fences that appear to be above four feet-in-height and located in a front yard setback. Note that staff did not find any history for the existing fences.

As of November 4, 2022, 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 two feet will not adversely affect neighboring property.

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

**Timeline:**

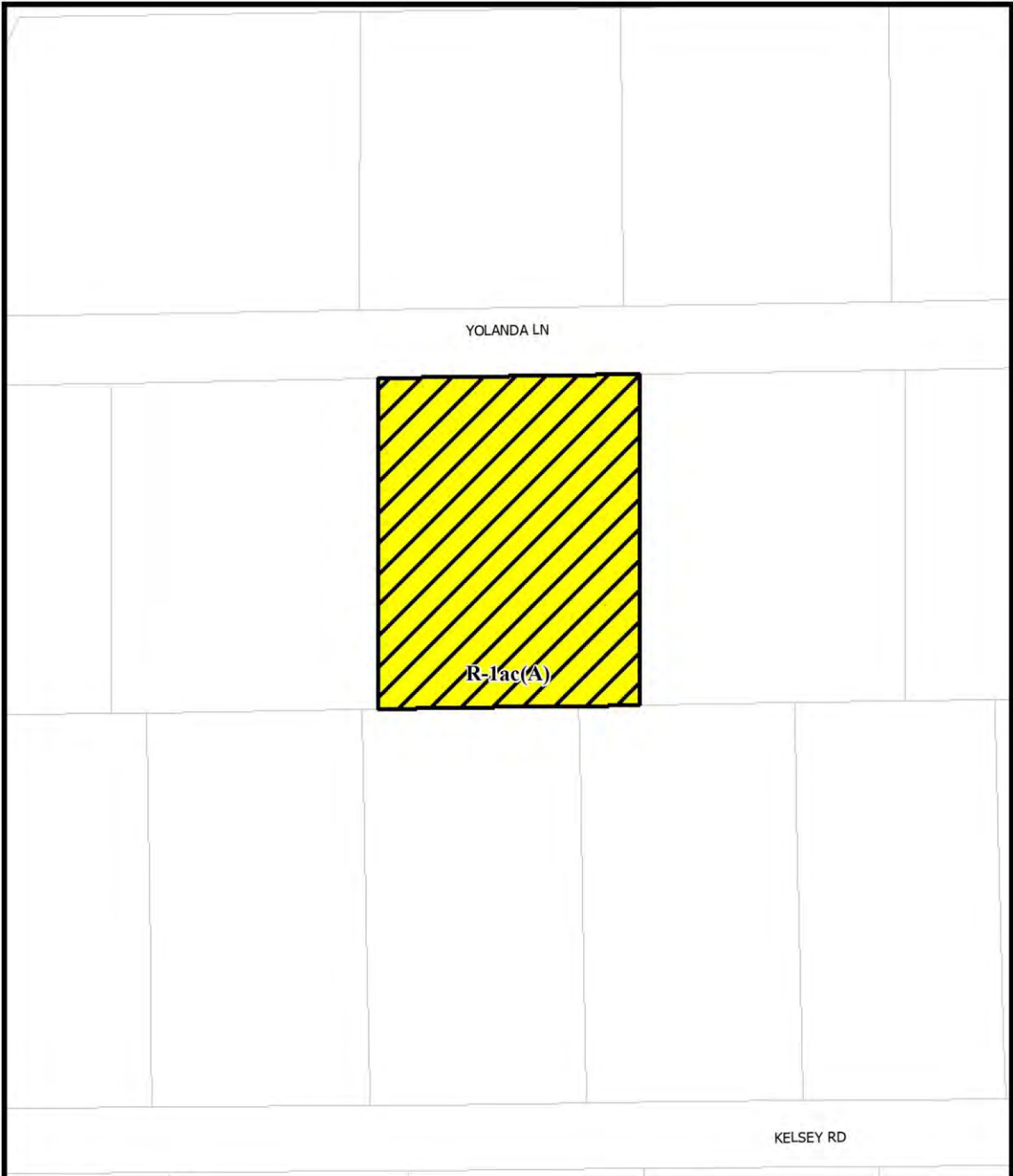
September 9, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

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 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.

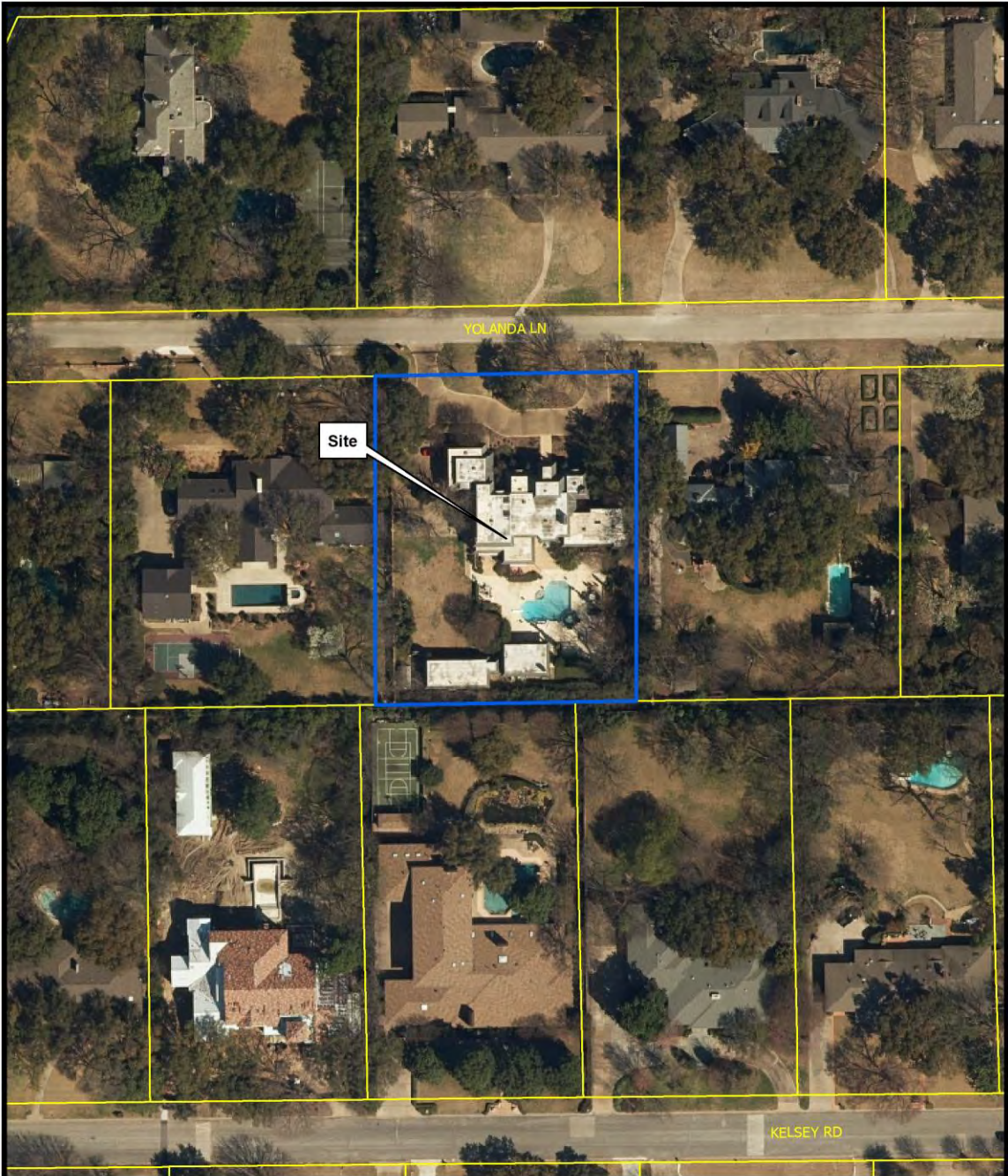


1:1,200

# ZONING MAP

Case no: BDA212-108

Date: 10/21/2022



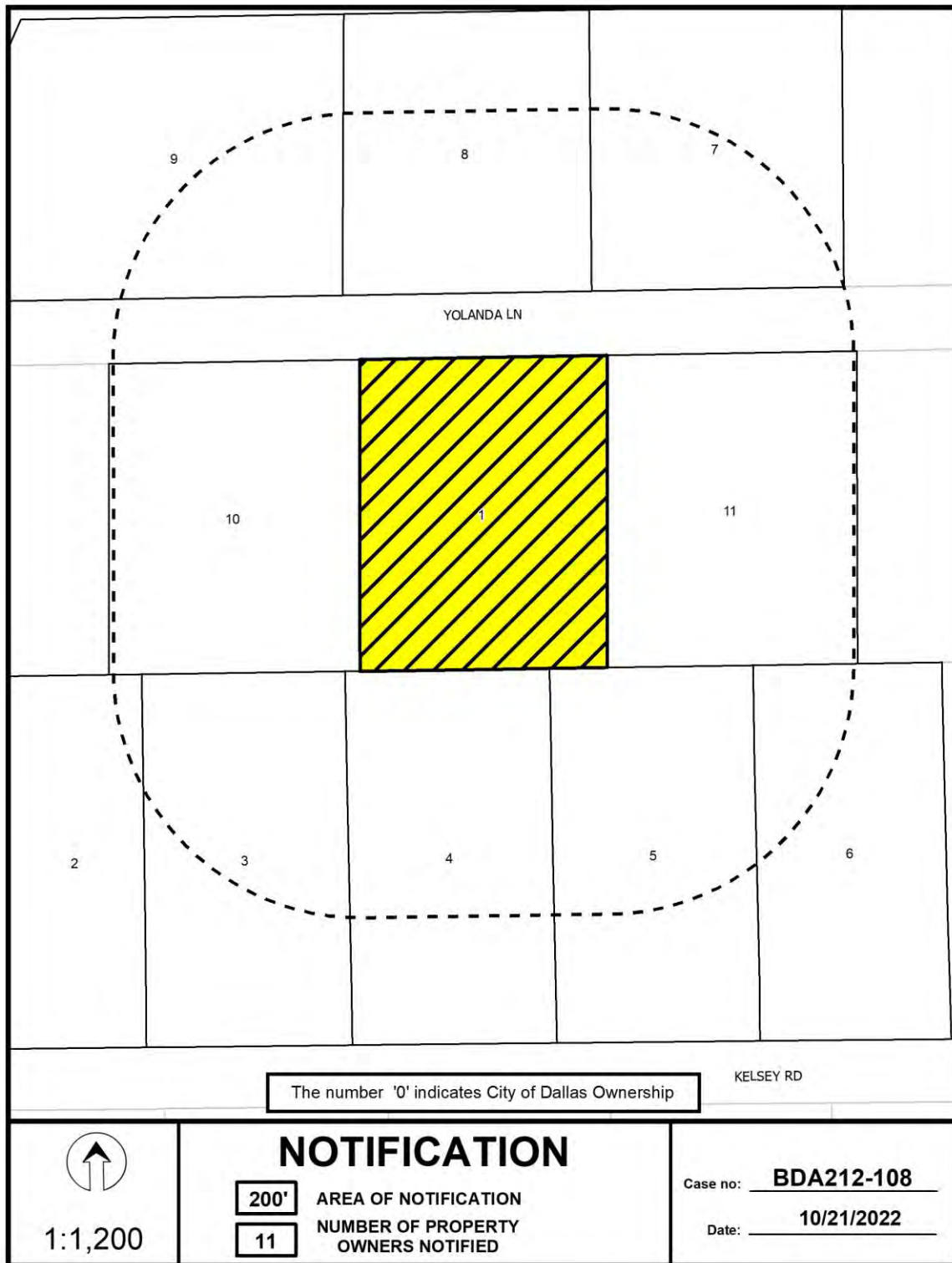
1:1,200

# AERIAL MAP

Case no: BDA212-108

Date: 10/21/2022





1:1,200

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**11** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-108**

Date: **10/21/2022**

10/20/2022

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

***BDA212-108***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5146 YOLANDA LN	JUNG DAE GEUN & EUN SUN
2	5121 KELSEY RD	ALLEN HENRY &
3	5135 KELSEY RD	CHIMATA YUGANDHAR &
4	5147 KELSEY RD	TOMLIN DANIEL & JUDY
5	5207 KELSEY RD	ANDERSON PAUL K &
6	5219 KELSEY RD	NEIL F JAMES JR & JEAN M
7	5159 YOLANDA LN	WAGNER ALDEN E JR &
8	5145 YOLANDA LN	MCMANEMIN WILLIAM CASEY &
9	10412 INWOOD RD	FOSTER ROBERT D & KAREN L
10	5130 YOLANDA LN	FAGELMAN MITCHELL & KRISTEN E
11	5162 YOLANDA LN	SINGH JITENDRA &





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-108

Data Relative to Subject Property:

Date: 8/2/2022

Location address: 5146 Yolanda Lane Zoning District: R-1ac(A)

Lot No.: 3 Block No.: E/5518 Acreage: 1.202 Census Tract: 76.05

Street Frontage (in Feet): 1) 200.52 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dae Geun & Eun Sun Jung

Applicant: Eun Sun Jung Telephone: (818) 590-3442

Mailing Address: 5009 Sail Creek Dr., Plano, TX Zip Code: 75093

E-mail Address: eunsonunj@gmail.com

Represented by: Elizabeth Siebert Telephone: 646-662-2002

Mailing Address: 2720 Amherst Ave, Dallas, TX Zip Code: 75225

E-mail Address: elizabethk1996@gmail.com

Affirm that an appeal has been made for a Variance , or Special Exception \_\_\_\_\_, of being permitted to raise the front yard fence height to 6 feet which exceeds the ordinance limit of 4 feet.

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:

During 2021, the owners have experienced 2 robberies and numerous incidences of trespassing on the property. As they prepare to move in, they are highly anxious and wish to make the property as secure as possible including erecting a 6 feet fence around the property. Aesthetically, it would also align with what their adjacent neighbor has done

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.

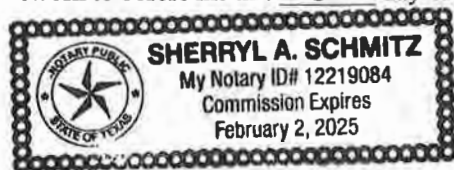
Affidavit

Before me the undersigned on this day personally appeared Eun Sun Jung (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 before me this 3rd day of August, 2022



[Signature]  
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 EUN SUN JUNG  
represented by ELIZABETH SIEBERT  
did submit a request for a special exception to the fence height regulations  
at 5146 YOLANDA LANE

BDA212-108. Application of EUN SUN JUNG represented by ELIZABETH SIEBERT for a special exception to the fence height regulations at 5146 YOLANDA LN. This property is more fully described as Block E/5518 Lot 3 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a seven-foot six-inch high fence in a required front yard, which will require a three-foot six-inch special exception to the fence regulations.

Sincerely,

  
David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-108

I, Dae Geun Jung, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5146 Yolanda LN Dallas TX 75229  
(Address of property as stated on application)

Authorize: Eun 'son Jung  
(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: Asking to be allowed to erect a fence that is 6' in height which is greater than 4' allowed by the city ordinance

Dae Geun Jung  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 08-18-2022

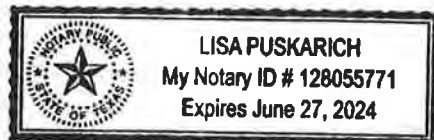
Before me, the undersigned, on this day personally appeared Dae Geun Jung

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 18 day of August, 2022

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 6/27/2024





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-108

I, Eun Sun Jung Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5146 Yolanda Lane, Dallas, TX 75229  
(Address of property as stated on application)

Authorize: Elizabeth Siebert  
(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: request to erect a fence in the front yard that is 6 feet<sup>5 inches</sup> which exceeds the ordinance limit of 4 feet

Eun Sun Jung  
Print name of property owner or registered agent

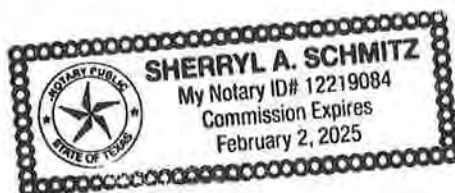
[Signature]  
Signature of property owner or registered agent

Date 8/3/2022

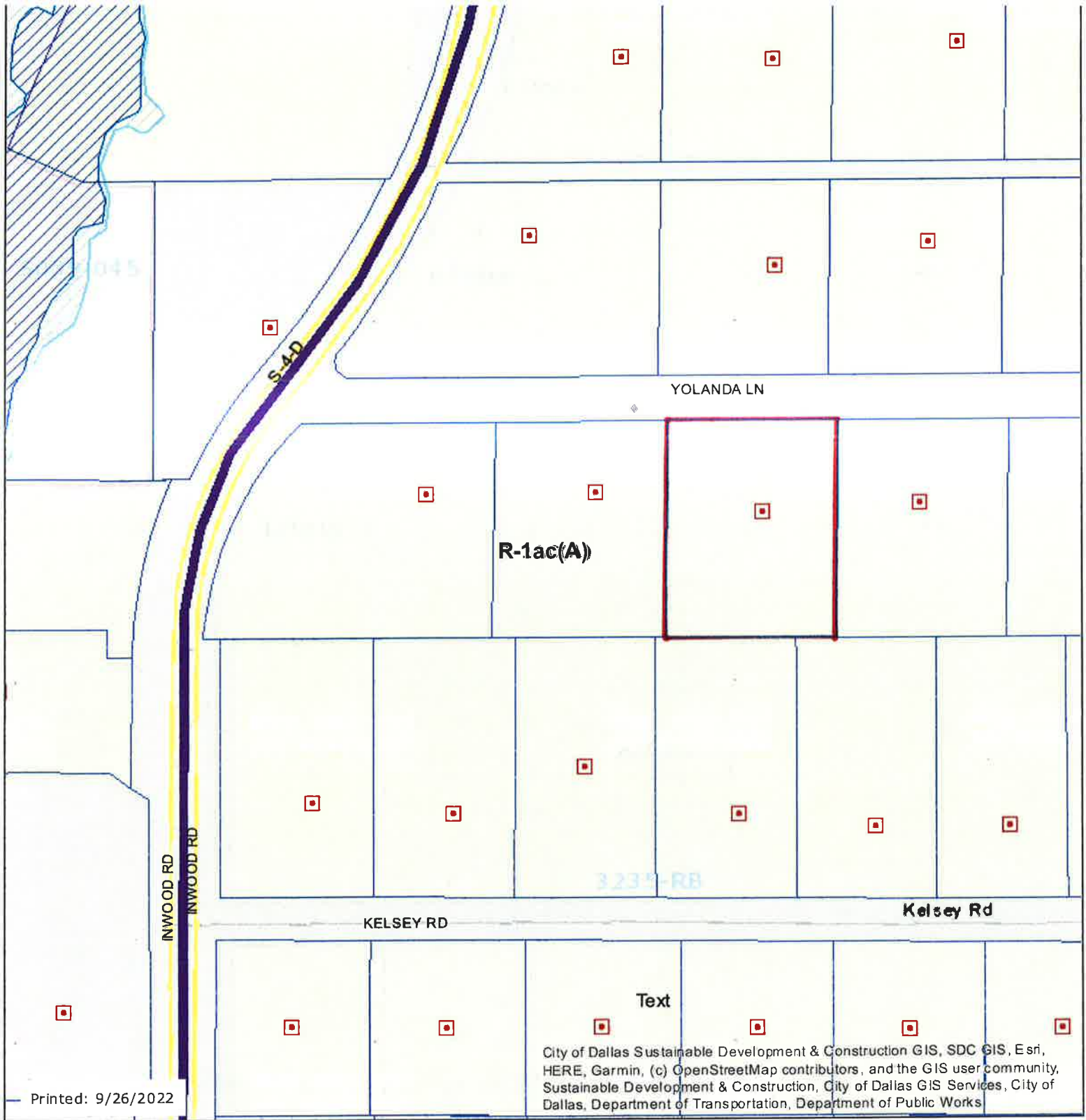
Before me, the undersigned, on this day personally appeared Eun Sun Jung

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 3rd day of August, 2022



[Signature]  
Notary Public for Dallas County, Texas  
Commission expires on 2/2/25



- |                                    |                       |                            |
|------------------------------------|-----------------------|----------------------------|
| City Limits                        | Historic Subdistricts | PD193 OakLawn              |
| Dallas Tax Parcels                 | SUP                   | PDS Subdistricts           |
| <b>Floodplain</b>                  | NSO Overlay           | Height Map Overlay         |
| 0.2 PCT ANNUAL CHANCE FLOOD HAZARD | NSO Subdistricts      | Shop Front Overlay         |
| 1 PCT ANNUAL CHANCE FLOOD HAZARD   | MD Overlay            | Parking Management Overlay |
| Dead Restrictions                  | CD Subdistricts       | Base Zoning                |
| <b>Dry Overlay</b>                 | PD Subdistricts       | SPSD Overlay               |
| D                                  |                       |                            |
| D-1                                |                       |                            |
| Historic Overlay                   |                       |                            |

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



1:2,257



CITY OF DALLAS PLAT BOOKS

ANNEXED MAY 23, 1945 ORD. NO. 3529 SURVEY D. B. S. C. GALLOWAY ABST. 523

ADDITION LOBELLO ESTATES SCALE 200 FT. EQUALS 1 INCH

A-B-C-D-E BLOCKS 5518, 5519, 5518, 5518, 5518

RECORDED 3 25 46 REVISED 11 11 46 FILED 4-8 24 54 FILED 2-28 28 54

5518 2.4 AC SAM LOBELLO ACRES ADDN

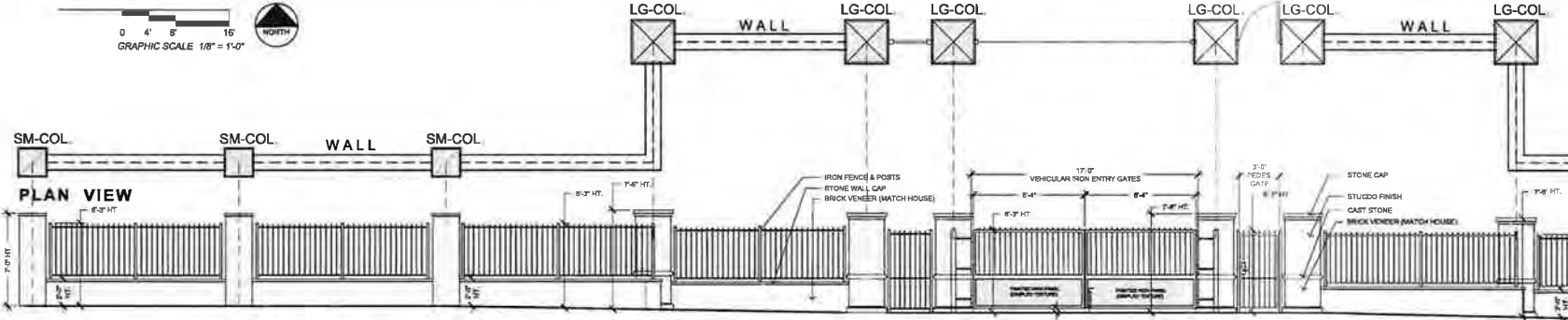
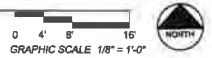
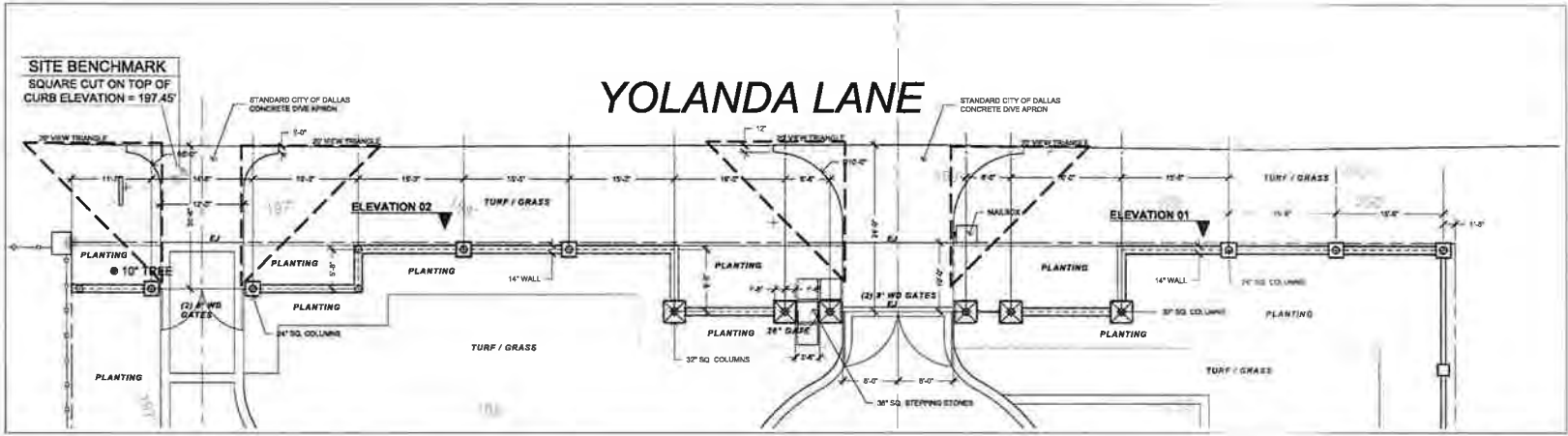
Note: Send All Bldg Permits to 5518 Drainage Dept.



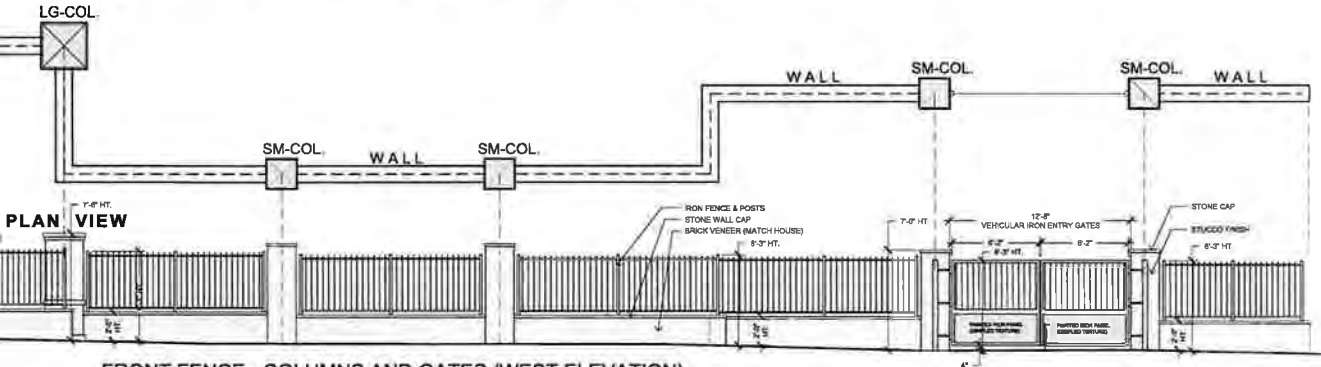


ARMSTRONG • BERGER  
 LICENSED ARCHITECTS • PLANNERS  
 CONSTRUCTION SERVICES  
 This drawing and its contents are the property of Armstrong-Berger. It is to be used only for the project and site for which it was prepared. No part of this drawing shall be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Armstrong-Berger.  
 © 2022

# YOLANDA LANE



**01 FRONT FENCE - COLUMNS AND GATES (EAST ELEVATION)**  
 SCALE: 1/8"=1'-0"



**01 FRONT FENCE - COLUMNS AND GATES (WEST ELEVATION)**  
 SCALE: 1/8"=1'-0"

VARIANCE  
 SUBMITTAL



JOHN H. ARMSTRONG, ASLA  
 REVISIONS  
 August 20, 2022 Layout Plan Front Fence and Wall Variance Submittal Update  
 August 23, 2022 Layout Plan Front Fence and Wall Variance Submittal

Armstrong • Berger

JUNG  
 RESIDENCE  
 5146 Yolanda Lane  
 Dallas, Texas

DRAWING TITLE  
**SITE FRONT  
 FENCE AND WALL  
 LAYOUT PLAN**

ISSUE DATE: January 2021  
 DRAWING SCALE: See Sheet  
 PROJECT NUMBER: 20070  
 DRAWN BY: JHB  
 REVIEWED BY: JHB/JHA  
 APPROVED BY: JHA  
 DRAWING NUMBER

L1.03-V

ALL 12"X18" PRINTED DRAWINGS ARE 1/2 THE NOTED WRITTEN SCALE

**FILE NUMBER:** BDA212-110(OA)

**BUILDING OFFICIAL'S REPORT:** Application Kara Crane represented by Tracy Elmore for a variance to the front yard setback regulations at 7021 Creek Bend Road. This property is more fully described as Lot 1, Block P/8727, and is zoned PD-106 (R-10(A) Plan Development No. 106, which requires a front yard setback of 30 feet. The applicant proposes to construct a single-family residential structure and provide a nine-foot front yard setback, which will require a 21-foot variance to the front yard setback regulations.

**LOCATION:** 7021 Creek Bend Road

**APPLICANT:** Kara Crane represented by Tracy Elmore

**REQUEST:**

A request for a variance to the front yard setback regulations of 21 feet is made to construct and maintain a two-story single-family structure with a total square footage of 4,428 square feet and a 430 square foot pool, part of which are to be located nine feet from one of the site's two front property lines (Windpiper Drive) or 21 feet into this 30-foot front yard setback on a site that is currently undeveloped.

**STANDARD FOR A VARIANCE:**

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

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



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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD-106 (R-10(A)) zoning district due to its irregular shape, its restrictive area due to having two, 30-foot front yard setbacks when most lots in this zoning district have one 30-foot front yard setback. This reduces the development area to 6,711 square feet. Ultimately, the property cannot be developed in a manner commensurate with the development upon other parcels of land with the same PD No 106 (R-10(A)).

**BACKGROUND INFORMATION:**

**Zoning:**

Site: Plan Development District No. 106  
North: Plan Development District No. 106  
East: Plan Development District No. 106  
South: Plan Development District No. 106



West: Plan Development District No. 106

**Land Use:**

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

**Zoning/BDA History:**

There has been three recent related board cases recorded in the vicinity of the subject site within the past five years.

1. **BDA189-138** On December 16, 2019, the Board of Adjustment Panel C approved 1) a variance to the front yard setback regulations of 10 feet is made to construct a structure in the 30-foot front yard setback 2) a special exception to the fence standards regulations related to the fence height of four feet to construct an eight-foot high fence in the site's front yard setback; and 3) a special exception to the fence standards regulations related to fence panels having less than 50 percent open surface area when located less than five feet from the front lot line is made to construct a gabion fence within five feet of the front property line at 6608 Frankford Road.
  
2. **BDA189-139** On December 16, 2019, the Board of Adjustment Panel C approved 1) a variance to the front yard setback regulations of 10 feet to construct a structure in the 30-foot front yard setback 2) a special exception to the fence standards regulations related to the fence height of four feet to construct an eight-foot high fence with an eight-foot high, 31-foot wide vehicular gate and two three-foot wide pedestrian gates in the site's front yard setback; and 3) a special exception to the fence standards regulations related to fence panels having less than 50 percent open surface area when located less than five feet from the front lot line is made to construct a gabion fence within five feet of the front property line at 6610 Frankford Road.
  
2. **BDA201-025** On April 21, 2021, the Board of Adjustment Panel B approved a request for a special exception to the fence standards regulations related to height of two-feet four-inches is made to construct and maintain a six-foot-high wrought iron fence with a six-foot-four-inch wrought iron vehicular gate located in the site's required front yard on a property developed with a single-family home at 7004 Creek Bend Road.

**GENERAL FACTS /STAFF ANALYSIS:**

The request for a 21-foot variance to the front yard setback requirement focuses on constructing and maintaining a two-story single-family structure with a total square footage of 4,428 square feet and a 430 square foot pool, part of which is to be located nine feet from one of the site's two front property lines (Windpiper Drive) or 21 feet into this 30-foot front yard setback on a site that is currently undeveloped.

The site is currently undeveloped and zoned PD-106 (R-10(A) Plan Development No. 106. The minimum front yard requirement for this zoning district is 30 feet. The subject site is located at the northeast corner of Creek Bend Road and Windpiper Drive. Regardless of how the structure is proposed to be oriented to front Creek Bend Road, the property has a 30-foot front yard setback along both street frontages. This lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.

The submitted site plan indicates the proposed 4,428 square feet two-story single-family home and a 430 square foot pool, part of which are to be located nine feet from the Windpiper Drive front property line or 21 feet into this 30-foot front yard setback.

According to CCAD records, there are "no main improvements" or "no additional improvements" for the property addressed at 7021 Creek Bend Road.

The subject site is flat, irregular in shape and according to the submitted application the lot is 0.428 acres (or 18989 square feet) in area. The site is zoned PDD No. 106 where lots must be a minimum of 10,000 square feet in area. This lot is restricted in area due to the lot's irregular shape and having two, 30-foot front yard setbacks. These conditions reduce the development area to 6,711 square feet. Ultimately, the property cannot be developed in a manner commensurate with the development upon other parcels of land with the same PD No 106 (R-10(A)).

The applicant submitted a document (Attachment A) indicating that the proposed structure on the site is commensurate to seven other lots located in the same zoning district. The document compared among other things the home square feet area to the lot area of seven other properties within the same in the same zoning district. The average percent of home square feet over the lot square feet is 23 percent which is equal to what the applicant is proposing.

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

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal



enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No 106 (R-10(A)) District zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No 106 (R-10(A)) District 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 are a two-story single-family structure with a total square footage of 4,428 square feet and a 430 square foot pool, part of which are to be located nine feet from one of the site’s two front property lines (Windpiper Drive) or 21 feet into this 30-foot front yard setback on a site that is currently undeveloped

**Timeline:**

September 8, 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.

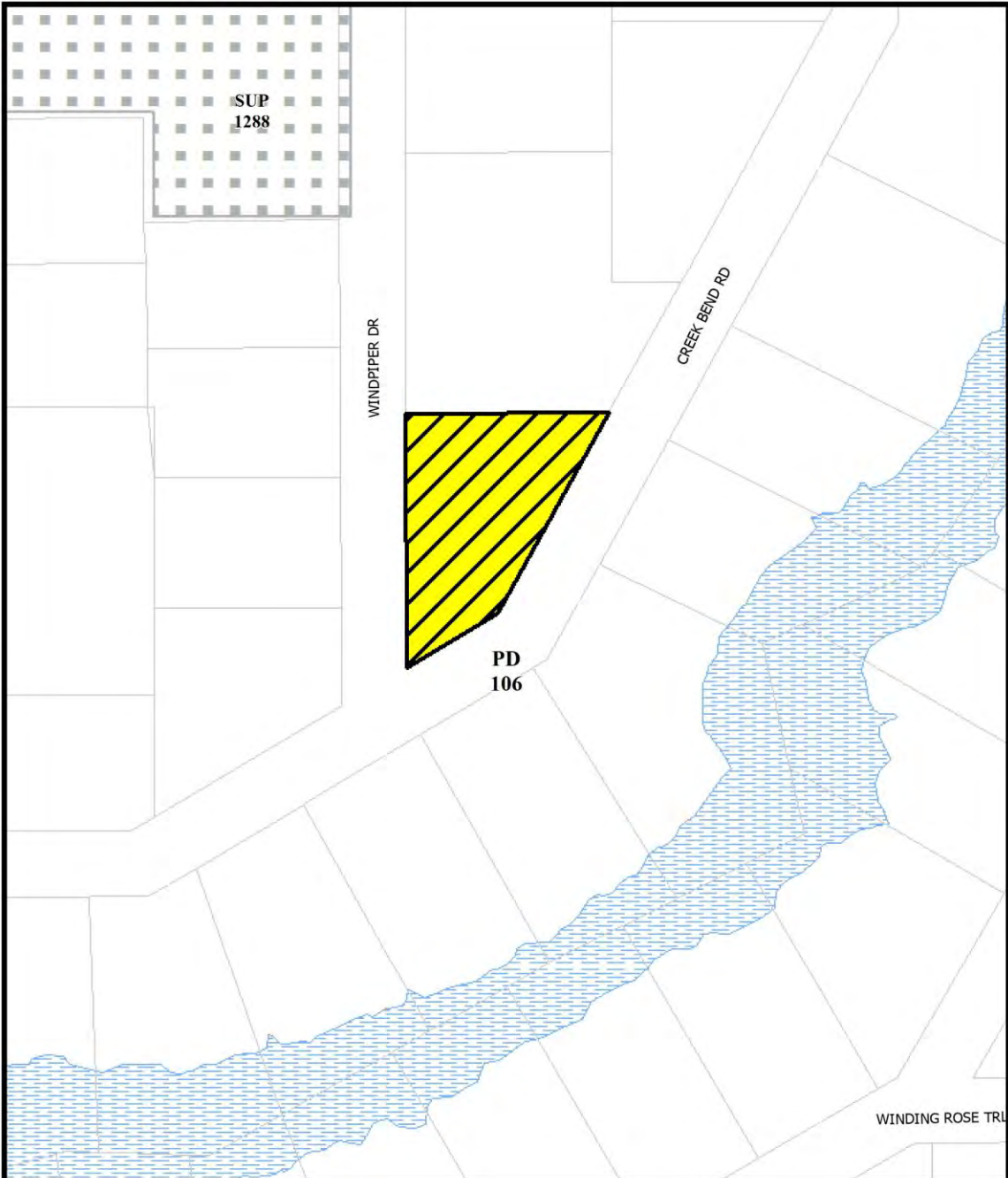
October 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- 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 21, 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.



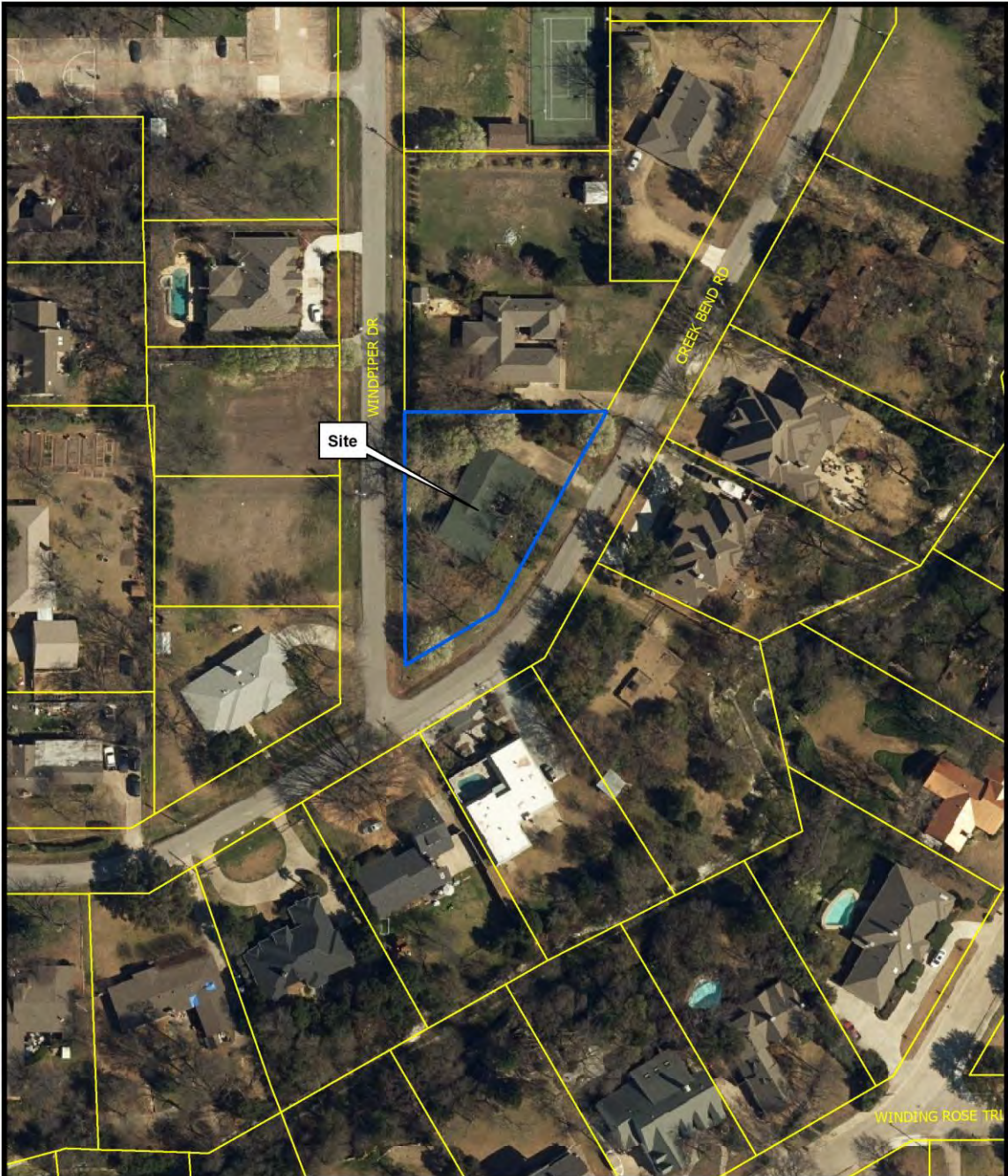


1:1,200

# ZONING MAP

Case no: BDA212-110

Date: 10/21/2022



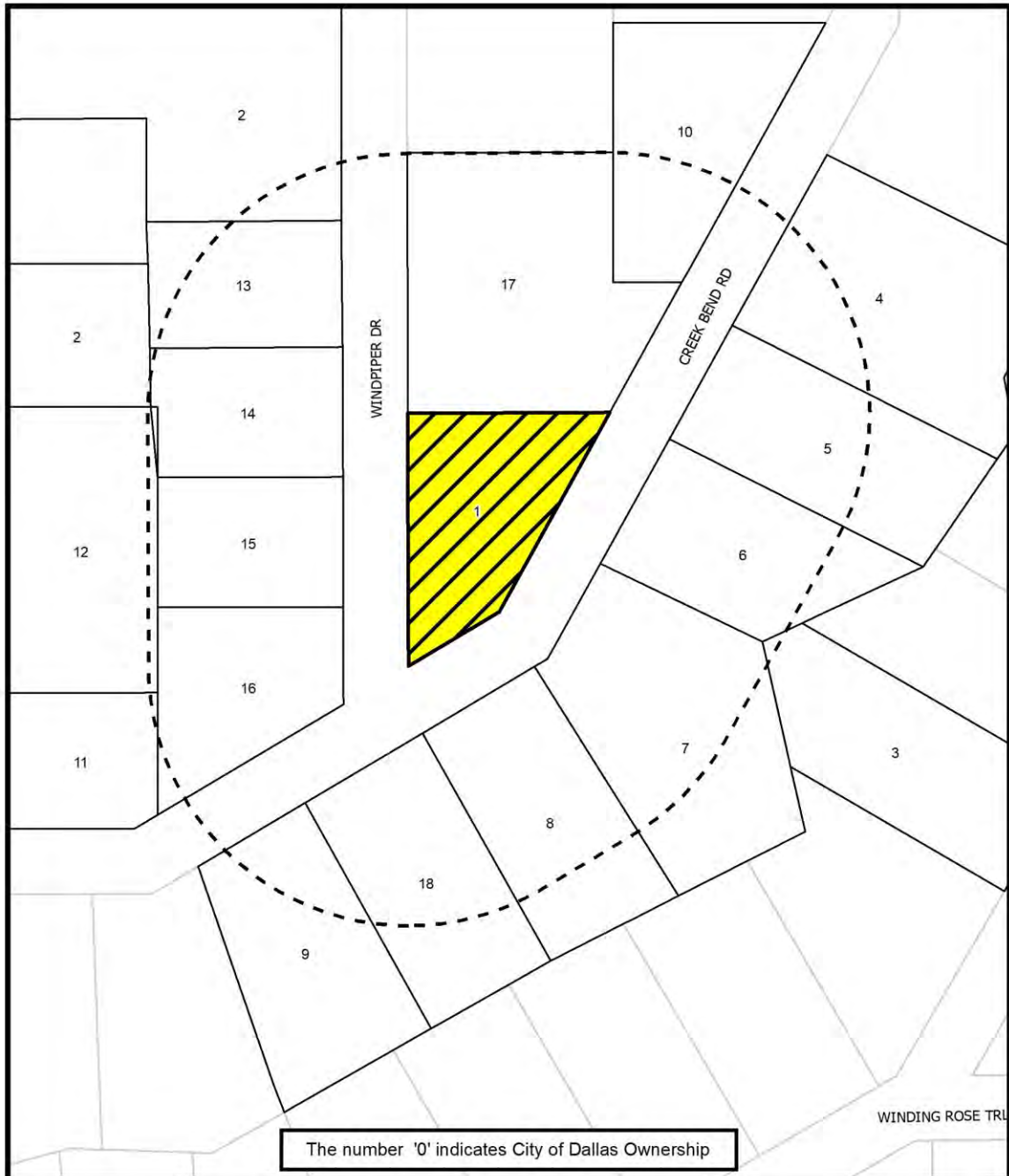
1:1,200

# AERIAL MAP

Case no: BDA212-110

Date: 10/21/2022





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>18</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>  BDA212-110  </u> Date: <u>  10/21/2022  </u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

10/20/2022

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

### ***BDA212-110***

#### ***18 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7021 CREEK BEND RD	CRANE NEIL & KARA
2	6506 FRANKFORD RD	TEXAS TORAH INSTITUTE
3	7105 WINDING CREEK RD	Taxpayer at
4	7032 CREEK BEND RD	EVANS BRUCE D
5	7028 CREEK BEND RD	PURVIS ROBERT W &
6	7024 CREEK BEND RD	BARNETT JAMES M & TONI S
7	7020 CREEK BEND RD	WILLIAMS H L JR
8	7016 CREEK BEND RD	OSIF KAREN MICHELLE &
9	7008 CREEK BEND RD	BRION WILLIAM J & TERRY S
10	7029 CREEK BEND RD	SHAY KEVIN M
11	18000 DAVENPORT RD	LOWE SHANNON M
12	18004 DAVENPORT RD	DODS PAUL E W
13	17815 WINDPIPER DR	ROM MARTIN N & YINGJIE MAI
14	17809 WINDPIPER DR	SHIVER JOHN D JR & SHIELA M
15	17805 WINDPIPER DR	ALL TRADE PROS CONSTRUCTION SERVICES LLC
16	7001 CREEK BEND RD	HAND JIMMIE R
17	7025 CREEK BEND RD	THIBODEAUX BONNIE YOUNG
18	7012 CREEK BEND RD	NANCLARES ALFONSO & MONIQUE





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-110

Data Relative to Subject Property:

Date: 9/8/2022

Location address: 7021 Creek Bend Rd., Dallas TX 75252 Zoning District: PD106 (R-10(A))

Lot No.: 1 Block No.: P/8727 Acreage: .428 Census Tract:

Street Frontage (in Feet): 1) 200 2) 261 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Neil & Kara Crane

Applicant: Kara Crane Telephone: 702-767-9019

Mailing Address: 7021 Creek Bend Rd., Dallas, TX Zip Code: 75252

E-mail Address: kara\_a\_crane@uhc.com

Represented by: Tracy Elmore Telephone: 469-855-5547

Mailing Address: 1115 Hampshire Ln, Richardson, TX Zip Code: 75080

E-mail Address: tracy@elmorecustomhomes.com

Affirm that an appeal has been made for a Variance X, or Special Exception , of Current setback is 30 feet on Creek Bend Rd and Windpiper Dr.. A 30 foot setback is fine for Creek Bend Rd.. We are requesting a setback of 8 feet on Windpiper Dr.

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 lot is on a corner and has a double setback of 30 feet on Creek Bend Rd and Windpiper Dr.. We are requesting a variance of 8 foot setback on Windpiper 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 Kara Crane (Affiant/Applicant's name printed)

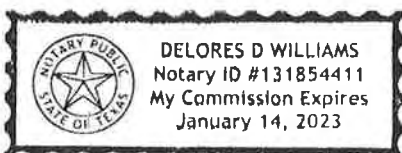
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Kara Crane (Affiant/Applicant's signature)

Subscribed and sworn to before me this 8th day of September 2022

DeLores D Williams 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** KARA CRANE  
**represented by** TRACY ELMORE  
**did submit a request** for a variance to the front yard setback regulations  
**at** 7021 CREEK BEND ROAD

BDA212-110. Application of KARA CRANE represented by TRACY ELMORE for a variance to the front yard setback regulations at 7021 CREEK BEND RD. This property is more fully described as Block P/8727, Lot 1 and is zoned PD-106 (R-10 (A)), which requires a front yard setback of 30 feet. The applicant proposes to construct a single family residential structure and provide a 9 foot front yard setback, which will require a 21 foot variance to the front yard setback regulations.

Sincerely,

  
David Session, Building Official





AFFIDAVIT

Appeal number: BDA 212-110

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

at: 7021 Creek Bend Rd., Dallas, TX 75252  
(Address of property as stated on application)

Authorize: Kara Crane  
(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: Current set back is 30 feet on Creek Bend Rd and Windpiper Dr.  
A 30 foot setback is fine for Creek Bend Rd. We are requesting a setback of 8 feet on Windpiper Dr.

Neil Crane  
Print name of property owner or registered agent

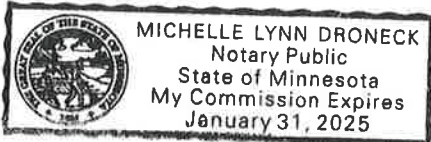
  
Signature of property owner or registered agent


Date 9/9/22

Before me, the undersigned, on this day personally appeared Neil Crane

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 9th day of September, 2022



  
Notary Public for ~~Dallas County, Texas~~  
Hennepin Cty, MN  
Commission expires on 1/31/2025

Dear Members of the Zoning Board of Appeals:

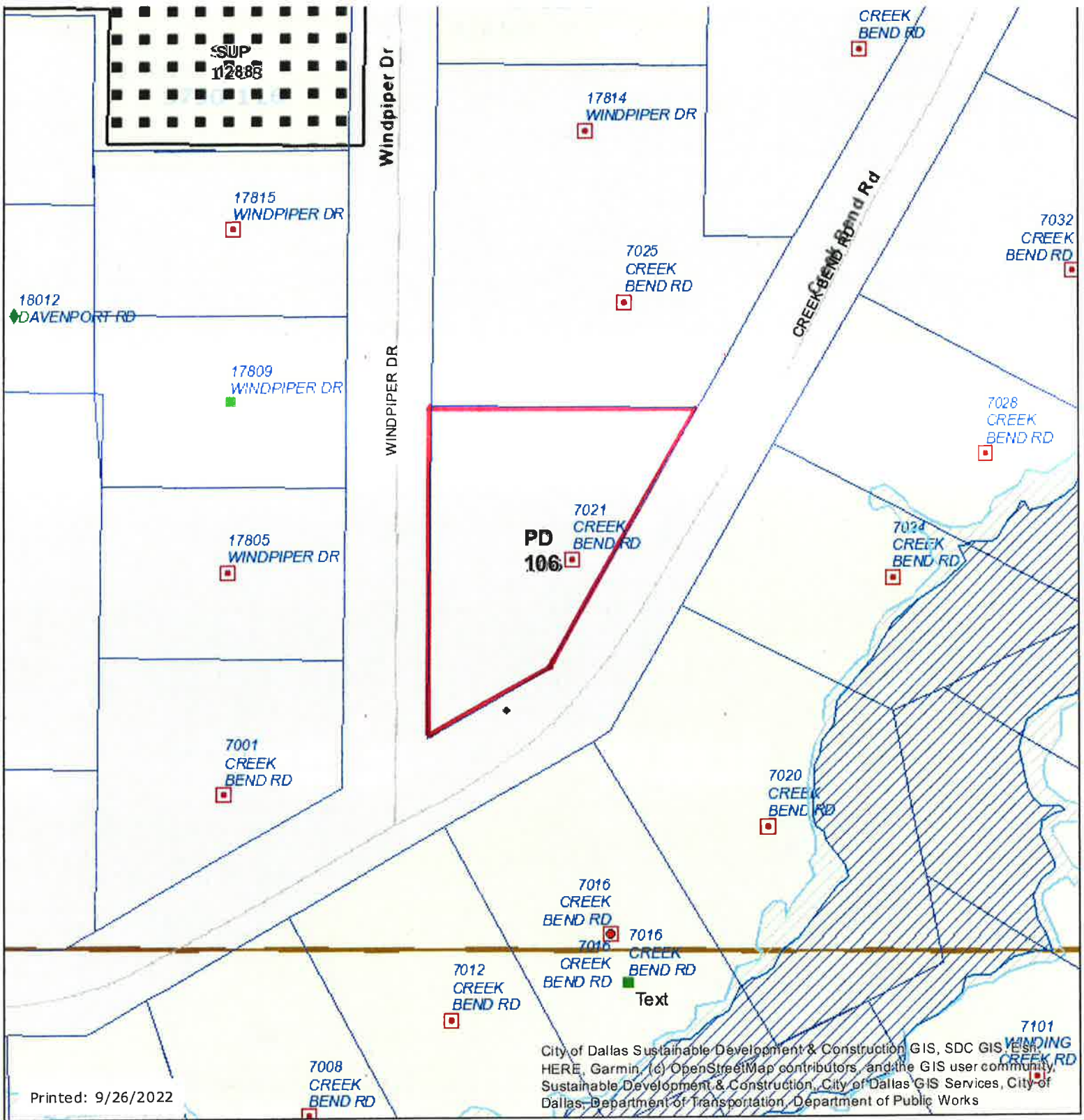
Thank you for reviewing our variance request submitted by our builder, Elmore Custom Homes, for 7021 Creek Bend Rd, Dallas, TX 75252. It is our wish that you support our builder's recommendation for the zoning variance so that we may move forward with our build. Our plot of land is unique in nature, and we hope you agree that our home will produce an aesthetically beautiful addition to the small neighborhood with the variance approval.

It has been a financial hardship waiting for our final permit since submitting April 18<sup>th</sup>, 2022. If our variance can be expedited in any way, we would be most grateful. Should you have any questions or concerns, please do not hesitate to contact me at 702-767-9019.

Sincerely,

Kara and Neil Crane





Printed: 9/26/2022

City of Dallas Sustainable Development & Construction GIS, SDC GIS HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community Sustainable Development & Construction, City of Dallas GIS Services, City of Dallas, Department of Transportation, Department of Public Works

- |                                    |                       |                            |
|------------------------------------|-----------------------|----------------------------|
| City Limits                        | Historic Subdistricts | PD193 Oak Lawn             |
| Dallas Tax Parcels                 | SUP                   | PDS Subdistricts           |
| Floodplain                         | NSO Overlay           | Height Map Overlay         |
| 0.2 PCT ANNUAL CHANCE FLOOD HAZARD | NSO Subdistricts      | Shop Front Overlay         |
| 1 PCT ANNUAL CHANCE FLOOD HAZARD   | MD Overlay            | Parking Management Overlay |
| Deed Restrictions                  | CD Subdistricts       | Base Zoning                |
| Dry Overlay                        | PD Subdistricts       | SPSD Overlay               |
| D                                  |                       |                            |
| D-1                                |                       |                            |
| Historic Overlay                   |                       |                            |

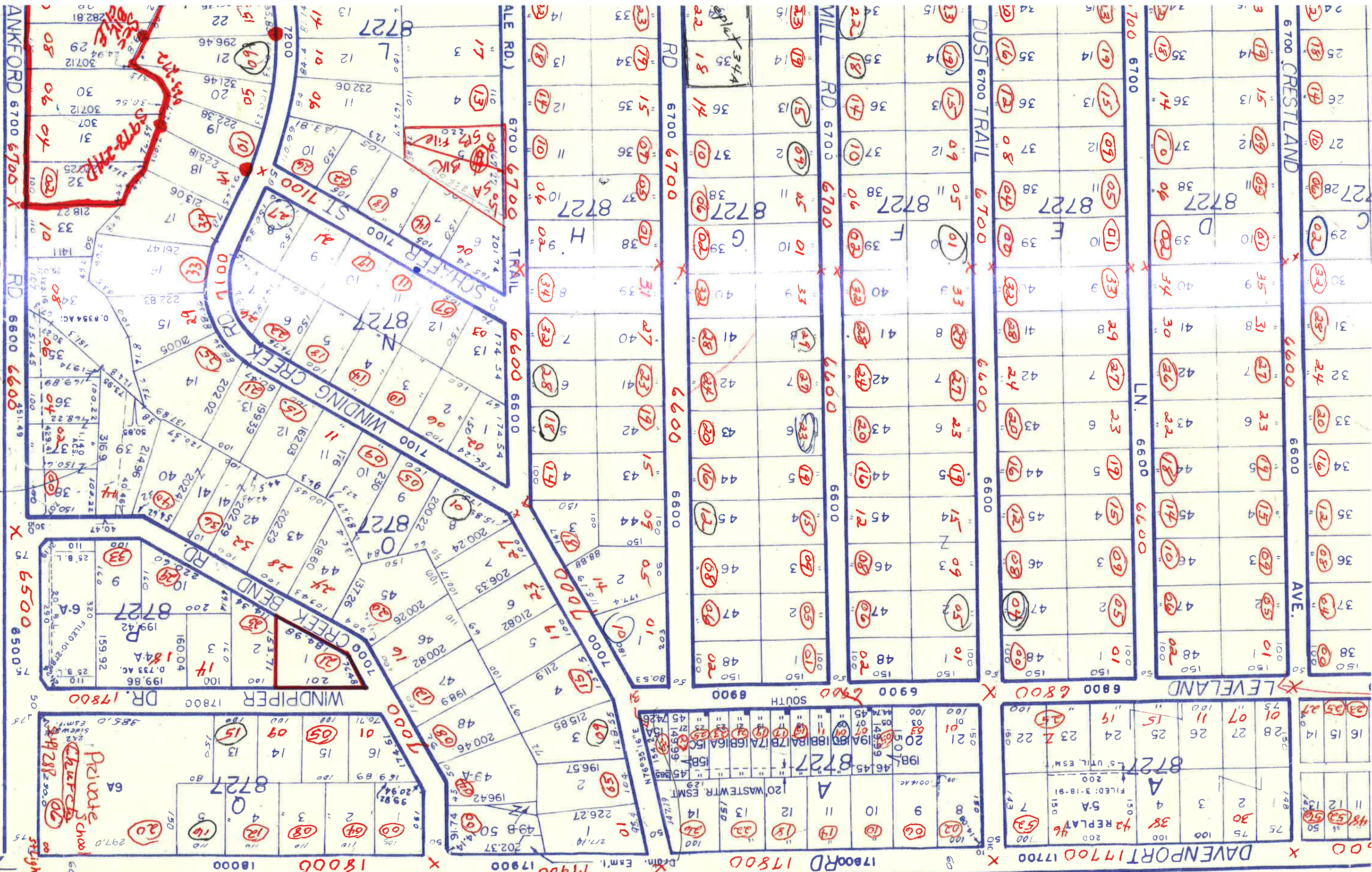
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



1:1,128



FILED: 8-11-86 BLK F/8727 LT 21A CHINESE CHAPEL 8729  
FILED: 2-3-94 BLK F/8727 LT 21B CHINESE CHAPEL B-8729  
HIGHLANDS EAST 1ST INST



INDICATES 3' X 3' TUE ESMT.



SLOPE DRAINAGE (6707)  
Taken Approx 50' X 140'  
Fence per 8932  
Mount.







## GENERAL NOTES

1. THESE DRAWINGS AND COPIES THEREOF ARE LEGAL INSTRUMENTS OF TAPPER, LLC AND/OR RISSEY DD, AND ARE TO BE USED FOR THE CONSTRUCTION OF THIS PROJECT ON THE DESIGNATED PROPERTY ONLY.
2. EACH TRADE SHALL BE RESPONSIBLE FOR KNOWLEDGE OF RELATIVE INFORMATION CONTAINED IN THESE DOCUMENTS AND THE CONDITIONS UNDER WHICH HE/SHE WILL BE EXPECTED TO PERFORM.
3. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL REVIEW AND THOROUGHLY EXAMINE THE PROJECT SITE, FIELD VERIFY ALL CONDITIONS, GRADES, ELEVATIONS AND DIMENSIONS OF THE VARIOUS FEATURES OF THE PROJECT SITE AND SHALL COMPARE THE DRAWINGS WITH THE EXISTING SITE CONDITIONS PRIOR TO BEGINNING WORK. ANY DISCREPANCIES SHALL BE REPORTED TO RISSEY DD, IMMEDIATELY IN WRITING.
4. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL REVIEW AND THOROUGHLY EXAMINE AND FAMILIARIZE THEMSELVES WITH ALL ELEMENTS AND CONDITIONS IN THE CONSTRUCTION DOCUMENTS AND SPECIFICATIONS. THE GENERAL CONTRACTOR SHALL AND ALL SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS ON THE DRAWINGS. ANY DISCREPANCIES AND/OR CONDITIONS NEEDING CLARIFICATION SHALL BE SUBMITTED TO RISSEY DD, BEFORE BEGINNING WORK.
5. ALL CONSTRUCTION, FABRICATION AND INSTALLATIONS SHALL CONFORM TO THE LATEST ADOPTED EDITIONS OF THE 2015 I.R.C. w/ AMENDMENTS, AND ANY FEDERAL, STATE, AND LOCAL CODES, REGULATIONS AND ORDINANCES OF THE GOVERNING AGENCY HAVING JURISDICTION OVER THE PROJECT. SUCH APPLICABLE CODES, ETC., ARE THOSE WHICH ARE IN EFFECT AT THE TIME THE PERMIT APPLICATION FOR THIS PROJECT IS RECORDED.
6. EACH SUBCONTRACTOR IS CONSIDERED A SPECIALIST IN HIS RESPECTIVE FIELD / TRADE AND SHALL (BEFORE SUBMISSION OF BID OR PERFORMANCE OF WORK), NOTIFY THE GENERAL CONTRACTOR AND RISSEY DD - IN WRITING - OF ANY WORK CALLED OUT ON THE DRAWINGS OR IN THE SPECIFICATIONS WHICH CANNOT BE FULLY GUARANTEED OR CONSTRUCTED AS DESIGNED AND / OR DETAILED.
7. DUE TO REPROGRAPHIC PROCESSES, THESE PLANS MAY NOT BE ACCURATE TO SCALE. ALL DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE SHOWN AND IN NO CASE SHALL WORKING DIMENSIONS BE SCALED FROM PLANS, SECTIONS, OR DETAILS.
8. THE MECHANICAL, PLUMBING CONTRACTORS ARE RESPONSIBLE FOR PROVIDING A PROPOSED CONSTRUCTION PLAN, LAYOUT, LOCATION OF UTILITY LINES, AND EQUIPMENT LOCATIONS AND SPECIFICATIONS. THIS SUBMITTAL SHOULD BE ADDRESSED TO THE GENERAL CONTRACTOR AND RISSEY DD, FOR APPROVAL PRIOR TO BEGINNING THEIR RESPECTIVE WORK.
9. THE CONTRACTOR SHALL COORDINATE INSTALLATION OF ANY EQUIPMENT NOT SHOWN ON THESE DRAWINGS.
11. WHERE CONSTRUCTION DETAILS ARE NOT SHOWN OR NOTED FOR ANY PART OF THE WORK, DETAILS SHALL BE THE SAME AS FOR OTHER SIMILAR FIRST CLASS WORK, FOR THE TRADE INVOLVED. RISSEY DD SHALL BE NOTIFIED IMMEDIATELY, IN WRITING, OF ANY ALTERNATE NONSTANDARD OR UNTESTED METHOD(S) PROPOSED.
12. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH OCCUR DUE TO HIS/HER FAILURE TO LOCATE AND PROTECT ANY AND ALL CONCEALED UTILITIES.
13. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL REQUIREMENTS AND REGULATIONS AND SHALL PERFORM ALL WORK ON THIS PROJECT IN COMPLIANCE WITH THE LOCAL/STATE OCCUPATIONAL SAFETY AND HEALTH REGULATIONS.
14. MECHANICAL NOTE - AIR FILTERS MUST BE: MERV 8 OR GREATER; AIR HANDLERS MUST BE SIZED TO MAINTAIN AIR PRESSURE & AIR FLOW; THE AIR FILTER HOUSING MUST BE AIRTIGHT
15. CONTRACTOR TO PROVIDE A GAS/TANKLESS HOT WATER HEATER, LOCATION T.B.D.

## SITE: GREEN PHASE II NOTES

1. 86% OF THE NON-ROOF AREA OF THE LOT IS COVERED WITH VEGETATIVE LANDSCAPE (GRASS, TREES, ETC) OR PERMEABLE MATERIAL
2. CONTRACTOR TO INSTALL DRIP EMITTER IRRIGATION SYSTEM AS PART OF THE INITIAL PROJECT CONSTRUCTION

## PROJECT DESCRIPTION

SINGLE FAMILY RESIDENCE

## LEGAL DESCRIPTION

LOT 1  
BLOCK P / 8727  
PRESTON ROAD HIGHLANDS  
CITY OF DALLAS  
Dallas County, Texas

## AREAS

LOWER FLOOR	=	2,938 SF
UPPER FLOOR	=	1,490 SF
TOTAL NEW RESIDENCE	=	4,428 SF
GARAGE	=	784 SF

## LOT COVERAGE

LOT AREA	=	18,989 SF
ALLOWABLE LOT COVERAGE (45%)	=	8,545 SF
PROPOSED LOT COVERAGE LOWER FLOOR + GARAGE + COVERED AREAS	=	4,271 SF (23%)

RISSEY DESIGN DEVELOPMENT  
5607 DYER STREET  
DALLAS, TX 75206  
214.460.1636

PROJECT:

ELMORE HOMES  
7021 CREEK BEND ROAD  
DALLAS, TX

ISSUE:  
CONSTRUCTION

ISSUE DATE:  
02/17/2022

REVISIONS:

No.	DATE	ITEM
△		

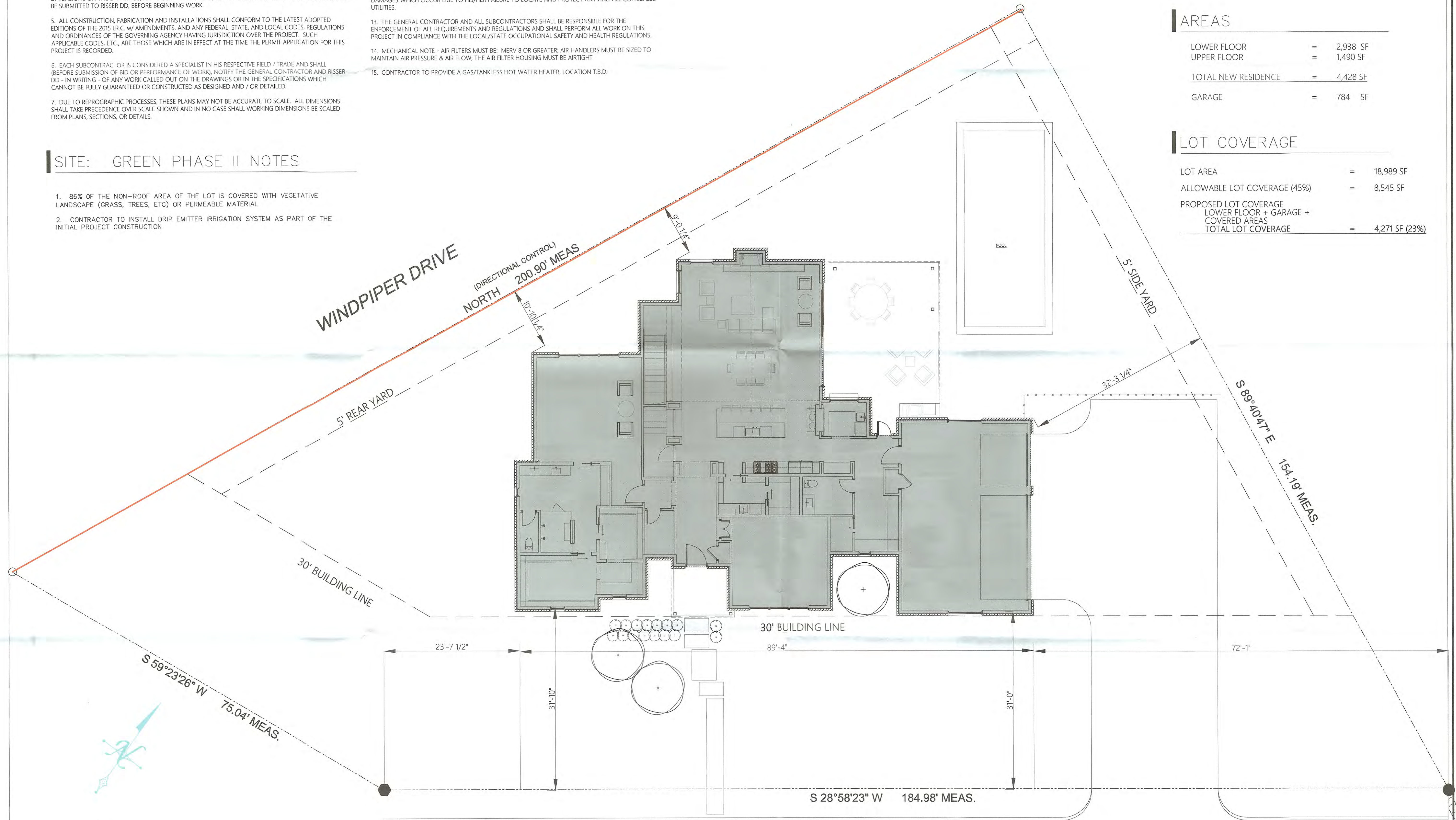


SHEET NAME:

SITE PLAN /  
COVER

SHEET NUMBER:

# COVER



01  
SITE PLAN





## ELMORE CUSTOM HOMES

Tracy Elmore  
 1115 Hampshire Ln., Richardson, TX 75080  
 945-210-8476  
 tracy@elmorecustomhomes.com

September 9, 2022

Board of Adjustment  
 Variance Appeal for 7021 Creek Bend Rd., Dallas 75252

As we were moving through the permitting process, we have been notified that the 4,428sf home we are planning to build on a corner lot at 7021 Creek Bend Rd., Dallas 75252 has a double setback of 30ft. on both Creek Bend Rd. and Windpiper Dr. Houses on both Creek Bend Rd. and Windpiper Dr. face the street with front yards, so essentially this house is projected to have two front yards according to the way it is currently zoned.

Since the house has a Creek Bend address, it is suitable to have the front setback at 30 ft on the Creek Bend Rd. side. However, since the back of the house faces Windpiper Dr., to adhere to a 30ft setback would impact a large portion of the square footage of the house and ultimately the future marketability of the lot. Due to the particular shape and location of the property, if the zoning regulation were to be carried out, building a comparable home in line with other homes in the neighborhood would be extremely difficult, if not impossible, thereby causing a significant hardship upon the Owner.

It is my professional opinion that granting the variance will not be detrimental or injurious to the public or other property/improvements in the neighborhood nor affect the character of the neighborhood in any way. In fact, by allowing this variance, property values within the neighborhood would only increase.

Please be advised that the request for the 9ft setback on Windpiper Dr. is the minimum variance that will make possible the least modification of the regulation to allow reasonable use of the lot.



Sincerely,  
*Tracy Elmore*

**7021 Creek Bend - Variance Hearing**

**Adjacent Homes - Lot/Home Square Footages**

This is a list of comparable lots in the neighborhood showing square footage of the lot and the home along with the number of bedrooms and bathrooms.

The home is zoned in a Planned Development community- PD#106.

If the double setback assessed at 7021 Creek Bend Rd. is upheld, the buildable area is 6,711 square footage making this lot undevelopable.

As per PD #106 stipulation, "no dwelling unit can be less than 1800 SF," it would not be feasible to uphold this requirement on a 6711 SF lot.

The home is currently sold at \$1,500,000. The tax revenue from this sale is significant.

**Nearest Comparable Addresses to proposed home**

<u>Address:</u>	<u>Home SF</u>	<u>Lot SF</u>	<u>% Home SF / Lot SF</u>	<u>Bed/Bath</u>	<u>Lot Acreage</u>	<u>Year Built</u>
7028 Creek Bend Rd.	5165	22,216	23%	5BD/5.5BA	0.51	2015
7024 Creek Bend Rd.	3585	18,989	19%	5BD/3BA	0.44	1994
17809 Windpiper Dr.	4984	14,375	35%	4BD/4.5BA	0.33	2021
17805 Windpiper Dr.	5,406	15,000	36%	4BD/5BA	0.34	2023
17815 Windpiper Dr.	2857	14,375	20%	4BD/3BA	0.33	2003
7012 Creek Bend Rd.	2670	20,909	13%	4BD/4BA	0.48	1972
7001 Creek Bend Rd.	2265	16,553	14%	3BD/2BA	0.38	1971
			AVERAGE = 23%			
<b>7021 Creek Bend Rd.</b>	<b>4,428</b>	<b>18,989</b>	<b>23%</b>	<b>5BD/5BA</b>	<b>0.44</b>	<b>2023</b>





LETTER OF INTENT

Dear Neighbors of Windpiper Dr. and Creek Bend Rd.:

We are writing this letter to request a signature in support of a zoning variance on our property at 7021 Creek Bend Road. As you are likely aware, our lot has some unique challenges in terms of buildable area due to the shape of the lot, in addition to having dual frontage conditions with the roads on both sides and intersecting at the south point of the lot. The dual frontage condition triggers a double setback requirement of 30 feet on both sides, essentially this house is projected to have two front yards according to the way it is zoned.

Since the house has a Creek Bend Rd. address, it is suitable to have the front setback at 30 ft. on the Creek Bend Rd. side. However, the back of the house faces Windpiper Dr., and to adhere to a 30 ft. setback would impact a large portion of the square footage of the house.

Due to the particular shape and location of the property, if the zoning regulation were to be carried out, building a comparable home in line with other homes in the neighborhood would be extremely difficult, if not impossible, thereby causing a significant hardship, as well as future marketability of the lot.

**We are requesting an 8 ft setback on Windpiper Dr., this is the minimum variance that will make possible the least modification of the regulation to allow reasonable use of the lot.**

It is our opinion that granting the variance will not be detrimental or injurious to the public and other property or improvements in the neighborhood nor affect the character of the neighborhood in any way. We believe that by allowing this variance, property values would only increase within our beautiful neighborhood.

Sincerely,

Neil & Kara Crane

Name: James & Toni Barnett

Address: 7024 Creek Bend Rd.

I, James & Toni Barnett, am in support and approve the zoning variance request for 7021 Creek Bend Road, Dallas TX 75082. Please check box and initial  TB

Signature: Date: October 12 2022  
Toni Barnett



LETTER OF INTENT

Dear Neighbors of Windpiper Dr. and Creek Bend Rd.:

We are writing this letter to request a signature in support of a zoning variance on our property at 7021 Creek Bend Road. As you are likely aware, our lot has some unique challenges in terms of buildable area due to the shape of the lot, in addition to having dual frontage conditions with the roads on both sides and intersecting at the south point of the lot. The dual frontage condition triggers a double setback requirement of 30 feet on both sides, essentially this house is projected to have two front yards according to the way it is zoned.

Since the house has a Creek Bend Rd. address, it is suitable to have the front setback at 30 ft. on the Creek Bend Rd. side. However, the back of the house faces Windpiper Dr., and to adhere to a 30 ft. setback would impact a large portion of the square footage of the house.

Due to the particular shape and location of the property, if the zoning regulation were to be carried out, building a comparable home in line with other homes in the neighborhood would be extremely difficult, if not impossible, thereby causing a significant hardship, as well as future marketability of the lot.

**We are requesting an 8 ft setback on Windpiper Dr., this is the minimum variance that will make possible the least modification of the regulation to allow reasonable use of the lot.**

It is our opinion that granting the variance will not be detrimental or injurious to the public and other property or improvements in the neighborhood nor affect the character of the neighborhood in any way. We believe that by allowing this variance, property values would only increase within our beautiful neighborhood.

Sincerely,

Neil & Kara Crane

Name: Gail Purvis

Address: 7028 Creek Bend

I, Gail Purvis, am in support and approve the zoning variance request for 7021 Creek Bend Road, Dallas TX 75082. Please check box and initial

Signature: Gail L Purvis Date: 10-11-22

LETTER OF INTENT

Dear Neighbors of Windpiper Dr. and Creek Bend Rd.:

We are writing this letter to request a signature in support of a zoning variance on our property at 7021 Creek Bend Road. As you are likely aware, our lot has some unique challenges in terms of buildable area due to the shape of the lot, in addition to having dual frontage conditions with the roads on both sides and intersecting at the south point of the lot. The dual frontage condition triggers a double setback requirement of 30 feet on both sides, essentially this house is projected to have two front yards according to the way it is zoned.

Since the house has a Creek Bend Rd. address, it is suitable to have the front setback at 30 ft. on the Creek Bend Rd. side. However, the back of the house faces Windpiper Dr., and to adhere to a 30 ft. setback would impact a large portion of the square footage of the house.

Due to the particular shape and location of the property, if the zoning regulation were to be carried out, building a comparable home in line with other homes in the neighborhood would be extremely difficult, if not impossible, thereby causing a significant hardship, as well as future marketability of the lot.

**We are requesting an 8 ft setback on Windpiper Dr., this is the minimum variance that will make possible the least modification of the regulation to allow reasonable use of the lot.**

It is our opinion that granting the variance will not be detrimental or injurious to the public and other property or improvements in the neighborhood nor affect the character of the neighborhood in any way. We believe that by allowing this variance, property values would only increase within our beautiful neighborhood.

Sincerely,

Neil & Kara Crane

Name: Jimmie & Rebecca Hand

Address: 7001 Creek Bend Rd 75252

I, Rebecca Hand am in support and approve the zoning variance request for 7021 Creek Bend Road, Dallas TX 75082. Please check box and initial

Signature: Rebecca Hand Date: 9-30-22



LETTER OF INTENT

Dear Neighbors of Windpiper Dr. and Creek Bend Rd.:

We are writing this letter to request a signature in support of a zoning variance on our property at 7021 Creek Bend Road. As you are likely aware, our lot has some unique challenges in terms of buildable area due to the shape of the lot, in addition to having dual frontage conditions with the roads on both sides and intersecting at the south point of the lot. The dual frontage condition triggers a double setback requirement of 30 feet on both sides, essentially this house is projected to have two front yards according to the way it is zoned.

Since the house has a Creek Bend Rd. address, it is suitable to have the front setback at 30 ft. on the Creek Bend Rd. side. However, the back of the house faces Windpiper Dr., and to adhere to a 30 ft. setback would impact a large portion of the square footage of the house.

Due to the particular shape and location of the property, if the zoning regulation were to be carried out, building a comparable home in line with other homes in the neighborhood would be extremely difficult, if not impossible, thereby causing a significant hardship, as well as future marketability of the lot.

**We are requesting an 8 ft setback on Windpiper Dr., this is the minimum variance that will make possible the least modification of the regulation to allow reasonable use of the lot.**

It is our opinion that granting the variance will not be detrimental or injurious to the public and other property or improvements in the neighborhood nor affect the character of the neighborhood in any way. We believe that by allowing this variance, property values would only increase within our beautiful neighborhood.

Sincerely,

Neil & Kara Crane

Name: JANICE Shay

Address: 7029 Creek Bend Rd Dallas TX 75252

I, Jenice Shay, am in support and approve the zoning variance request for 7021 Creek Bend Road, Dallas TX 75082. Please check box and initial

Signature: Jenice Shay Date: 9.21.2022