City of Dallas

REVISED
BOARD OF ADJUSTMENT (PANEL C)

May 15, 2023, Briefing at 10:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES Council Briefing Room and Videoconference

* The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-C-Register or contact the Development Services Department at 214-670-4127 **by the close of business Friday, May 12, 2023. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall, **and the WebEx link:** https://bit.ly/051523C

AGENDA

I. **Call to Order** — Robert Agnich, Vice-Chair

II. **Board Training/Presentation/Briefing**

III. **Public Hearing** — Board of Adjustment

IV. **Public Testimony**

V. **Miscellaneous Items -**

- Approval of Panel C Minutes – February 23, 2023

VI. **Case Docket** — Board of Adjustment

- Uncontested Items
- Holdover Items
- Individual Items

VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol 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 propriedad."

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

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

HOLDOVER

None

INDIVIDUAL CASES

None

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HOLDOVER

None

INDIVIDUAL CASES

None

City of Dallas

Board of Adjustment: Variances and Special Exceptions

April 17, 18, & 19, 2023

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

ROLES

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

What are Variances and Special Exceptions?

Variances

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

Special Exceptions

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

Variances 51A-3.102(d)(10)

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

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

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

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

What is Same Zoning?

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

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

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

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

Element (B) may be substituted with HB 1475.

HB 1475

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

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

What is a Self-Created Hardship?

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

Court have found that :

- board abused its discretion when it denied a variance to the side year setback to allow the construction of a swimming pool where the back yard was not an option because there was a 60-foot drop.

- board was correct to deny variance that would have allowed applicant to enclose her back yard with screen due a sun and insect allergy because allergies were a personal hardship and not connect with the configuration or uniqueness of the applicant's land

- board was correct to deny height variance because hardship was personal because it arose from design choices and was not related to the area, share, or slope of the lot

Special Exceptions

- Chapter 51A authorizes over 50 special exceptions to specific prohibitions

- State law authorizes the Board to grant the special exception based on the standard and factors established by city ordinance

- Common types of special exceptions the board deals with are:
  - Fence standards
  - Accessory dwelling units (rentable)
  - Additional dwelling units (non-rentable)
  - Off-street parking requirements

Special Exceptions: Fence Standards

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

Special Exceptions: Additional v. Accessory

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

- Accessory Dwelling Unit
- The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties

Special Exceptions: Off-Street Parking

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

- The standard gives the board the ability to determine what the parking demand is and what qualifies as traffic hazards, traffic congestion, and adjacent or near by streets.

Notice

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

Possible Outcomes

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

Questions?

BOARD OF ADJUSTMENT

Panel C Minutes

February 23, 2023

DRAFT

6ES Briefing Room
24957316190@dallascityhall.webex.com
Robert Agnich, Vice-Chair

PRESENT: [5]
Robert Agnich, VC
Rodney Milliken
Jared Slade
Roger Sashington
Judy Pollock

ABSENT: [0]

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

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

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

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.
We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

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

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

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

UNCONTESTED ITEMS

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

FILE NUMBER: BDA223-021(ND)

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

LOCATION: 4803 Victor Street

APPLICANT: Felicia Edoghotu

REQUEST:

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

STANDARD FOR A FRONT YARD VARIANCE FOR PD 98:

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

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

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

  (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

  (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:
- Compliance with the submitted site plan is required.

Rationale:

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

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

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

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

Timeline:

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

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

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

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

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

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

Speakers:

For: No Speakers

Against: No Speakers

Motion

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

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

Compliance with the submitted site plan is required.

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

HOLDOVER ITEMS

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

FILE NUMBER: BDA212-105(OA)

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

LOCATION: 3923 Frontier Lane

APPLICANT: Baldwin Associates

REQUESTS:

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

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

UPDATE (2-23-23):

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

STANDARD FOR A VARIANCE:

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

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

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

(C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

  (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

  (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

  (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (front yard variance):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) single family zoning district due to its restrictive area, slightly irregular shape and slightly sloped with two front setbacks causing less area to be built compared to 20 other lots in the same R-7.5(A) single family zoning district. Ultimately, the property cannot be developed in a manner commensurate with the development upon five other parcels of land with the same the same R-7.5(A) single family zoning district.

- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed pool addition on the subject site is commensurate to 20 other lots in the same R-7.5(A) single family zoning district.

STAFF RECOMMENDATION (fence standards regulations):

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

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

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

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

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

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Timeline:

August 26, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

October 13, 2022: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

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

- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 4th deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 24, 2022: The applicant submitted additional information to staff beyond what was submitted with the original application **(Attachment A**)

October 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the Development Services Assistant Director, the Board of Adjustment Chief Planner/Board

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

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

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

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

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

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

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

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

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

BOARD OF ADJUSTMENT ACTION FEBRUARY 23, 2023

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

APPEARING IN OPPOSITION: No Speakers

1.- Motion

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

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

Compliance with the revised submitted site plan is required.

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

2.- Motion

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

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

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

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

3.- Motion

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

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

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

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

4.- Motion

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

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

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

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

INDIVIDUAL ITEMS

3. 4327 Cabell Drive
BDA223-017(OA)

FILE NUMBER: BDA223-017(OA)

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

LOCATION: 4327 Cabell Drive

APPLICANT: Julia White

REQUEST:

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

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

4. A request for special exception to the visual obstruction regulations is made to maintain the 8′ tall solid cedar fence with 8′ tall steel posts 45-foot visibility triangle at the Cabell Drive and Ashby Street intersection.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence standards):

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

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

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

STAFF RECOMMENDATION (visual obstruction regulations):

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

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence standards):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TIMELINE:

December 1, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

January 16, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

January 18, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

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

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

February 9, 2023: The applicant submitted additional information to staff beyond what was submitted with the original application (Attachment A).

Speakers:

For: Julia White, 4327 Cabell Drive Dallas TX

Against: None.

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

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

Compliance with the submitted site plan and elevation is required.

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

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

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

Compliance with the submitted site plan and elevation is required.

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

		Against:	-	0	

3.- Motion

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

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

Compliance with the submitted site plan and elevation is required.

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

4.- Motion

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

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

Compliance with the submitted site plan and elevation is required.

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

4. 4502 Leland Avenue
BDA223-020(ND)

FILE NUMBER: BDA223-020(ND)

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

LOCATION: 4502 Leland Avenue

APPLICANT: Bangaly Kaba/Andrew Thorpe

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

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

(F) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

  (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

  (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

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

STAFF RECOMMENDATION:

DENIAL

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

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

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

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-.5(A) zoning classification.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 5 feet 6 inches from the site's Marburg Street front property line (or 14 feet 6 inches into this 2o foot front yard setback).

Timeline:

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

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

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

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

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

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

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

Speakers:

For: Andrew Thorpe 4502 Leland Avenue, Dallas TX

Against: No Speakers

Motion

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

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

Compliance with the submitted site plan is required.

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

ADJOURNMENT

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

_____ _____

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

_____ _____

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

_____ _____

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

FILE NUMBER: BDA223-031 (GB)

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

LOCATION: 1713 E. Kiest Boulevard

APPLICANT: Shannon Neffendorf, represented by Peter Kavanagh

REQUESTS:

The following site currently vacant and undeveloped.

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

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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:	SUP 639 (MF-2) andR-7.5(A) Single Family District

Land Use:

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

Zoning/BDA History:

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

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

- This is a request for special exception to the fence standards regulations focus on constructing a 6-foot fence to be placed in a required front yard. A special exception is required for a fence that exceeds the maximum height of 4' if located in a required front yard setback, and a fence with fence panels with a surface area that is less than 50 percent open less than 5' from the E Kiest Blvd front lot line on an undeveloped site.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard and states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the required front yard.
- The following additional information was gleaned from the submitted site plan:
  - the site plan shows the fence to be approximately 938' located on the front property line or less than 5' from the pavement line.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 04, 2023, no letters have been received in opposition or support of this request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet will not adversely affect neighboring property.

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

Timeline:

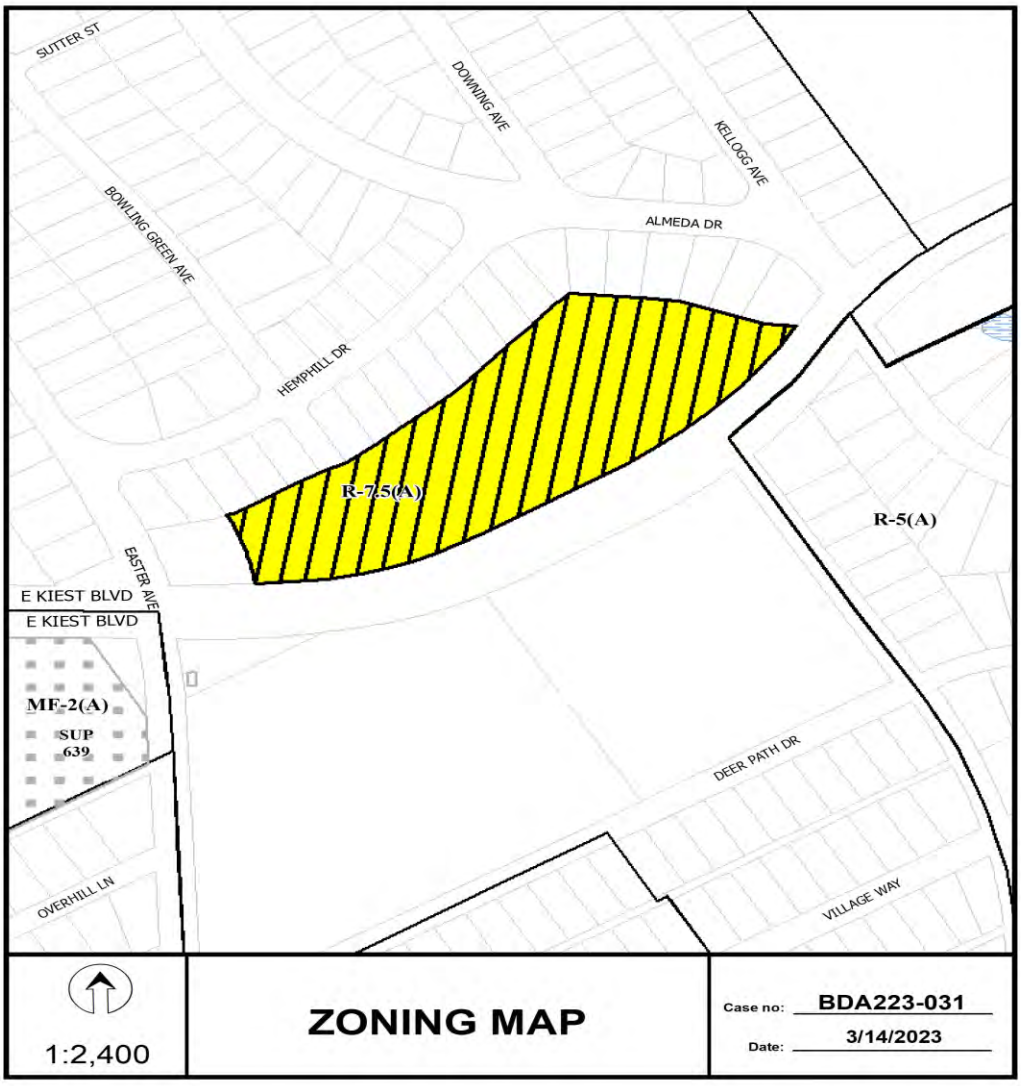
February 07, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

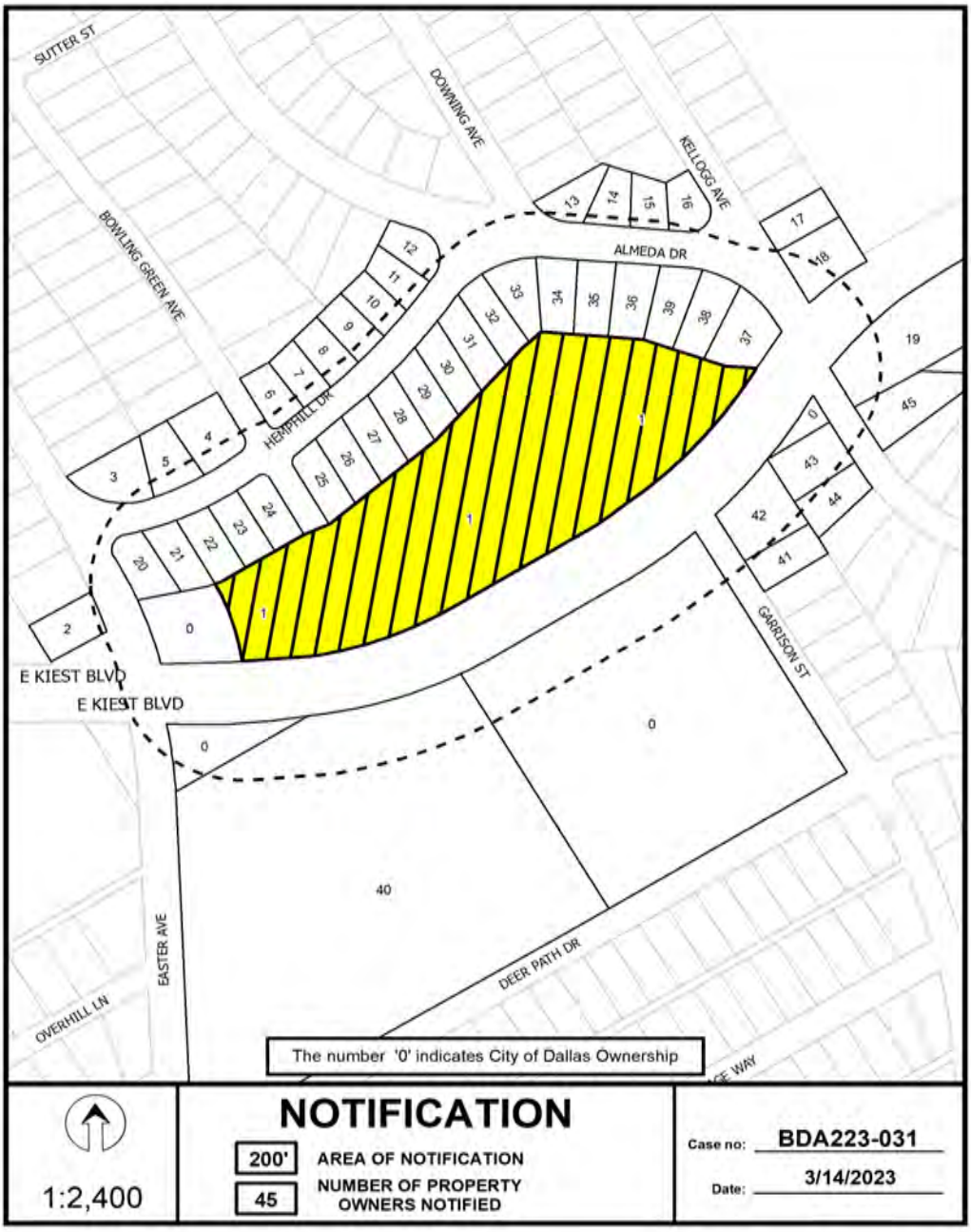
March 06, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

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

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

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


SUTTER ST
DOWNING AVE
KELLOGG AVE
BOWLING GREEN AVE
ALMEDA DR
HEMPHILL DR
R-7.5(A)
R-5(A)
EASTER AVE
E KIEST BLVD
E KIEST BLVD
MF-2(A)
SUP 639
DEER PATH DR
OVERHILL LN
VILLAGE WAY
1:2,400
ZONING MAP
Case no: BDA223-031
Date: 3/14/2023


SUTTER ST
DOWNING AVE
KELLOGG AVE
BOWLING GREEN AVE
ALMEDA DR
HEMPHILL DR
E KIEST BLVD
E KIEST BLVD
GARRISON ST
EASTER AVE
DEER PATH DR
OVERHILL LN
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200' AREA OF NOTIFICATION
45 NUMBER OF PROPERTY OWNERS NOTIFIED
1:2,400
Case no: BDA223-031
Date: 3/14/2023


Site
E KIEST BLVD
E KIEST BLVD
ALAMEDA DR
GARDEN ST
DEER PATH DR
1:2,400
AERIAL MAP
Case no: BDA223-031
Date: 3/14/2023

03/13/2023

Notification List of Property Owners

BDA223-031

45 Property Owners Notified

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

RECEIVED
FEB 0 - REC'D
BY:

City of Dallas

C

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-031

Date: 2/7/23

Data Relative to Subject Property:

Location address: [redacted], 1713 [redacted] E. Kiest Blvd (PK) Zoning District: R-7.5(A)

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

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

To the Honorable Board of Adjustment :

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

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

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

E-mail Address: peterk@zonesystems.com

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

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

E-mail Address: PETERK@Zonesystems.com

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

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

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

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

Affidavit

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

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

Respectfully submitted: _____
(Affiant/Applicant's signature)

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

EMILY HOLMES
Notary Public, State of Texas
Comm. Expires 07-27-2024
Notary ID 13258886-8

Emily Holmes
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman _____

Building Official's Report

I hereby certify that SHANNON NEFFENDORF

represented by PETER KAVANAGH

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

at 1713 E KIEST

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

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

City of Dallas

AFFIDAVIT

Appeal number: BDA 223-031

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

At 1700, 1713 AND 1805 E. Keist Blvd.
(Address of property as stated on application)

Authorize _ Peter Kavanagh
(Applicant's name as stated on application)

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

_____ Variance (specify below)

___X____ Special Exception (specify below)

_____ Other Appeal (specify below)

Specify: 985' Front yard fence along Keist, 6' height with portion solidd within 5 feet of property line. PK

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

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

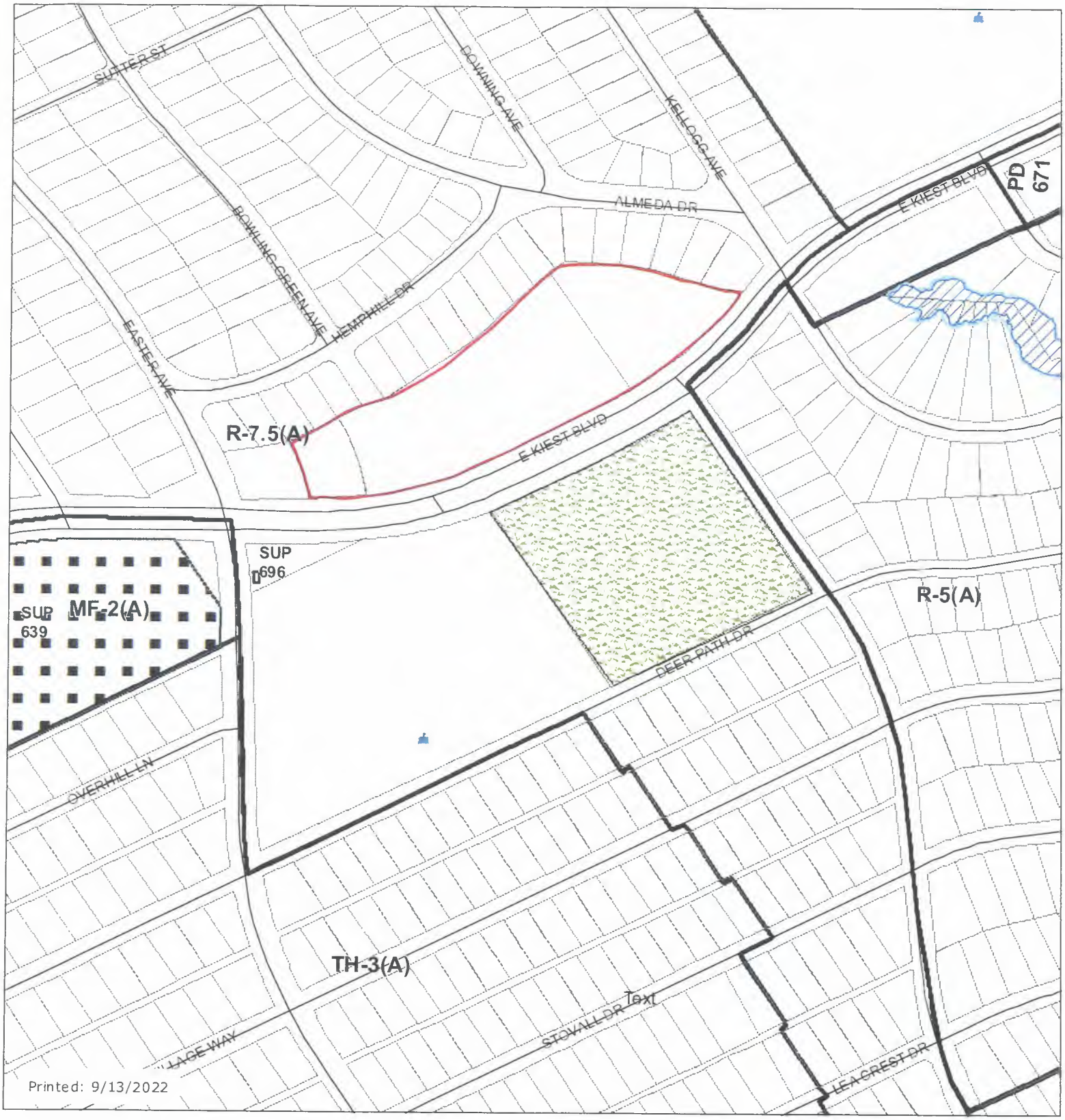
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

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

EMILY HOLMES
Notary Public, State of Texas
Comm. Expires 07-27-2024
Notary ID 13258886-8

Emily Holmes
Notary Public for Dallas County, Texas

Commission expires on 7/27/24



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

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

N

1:3,600

SURVEY LORENZO VAN CLEVE ABST. 1514

SCALE 100 FT. EQUALS 1 INCH PHA 3-3-88 SCHOOL DIST. DALLAS

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

CEDAR HEIGHTS ADDITION

SUTTER ST.

ALMEDA AVE.

DOWNING AVE.

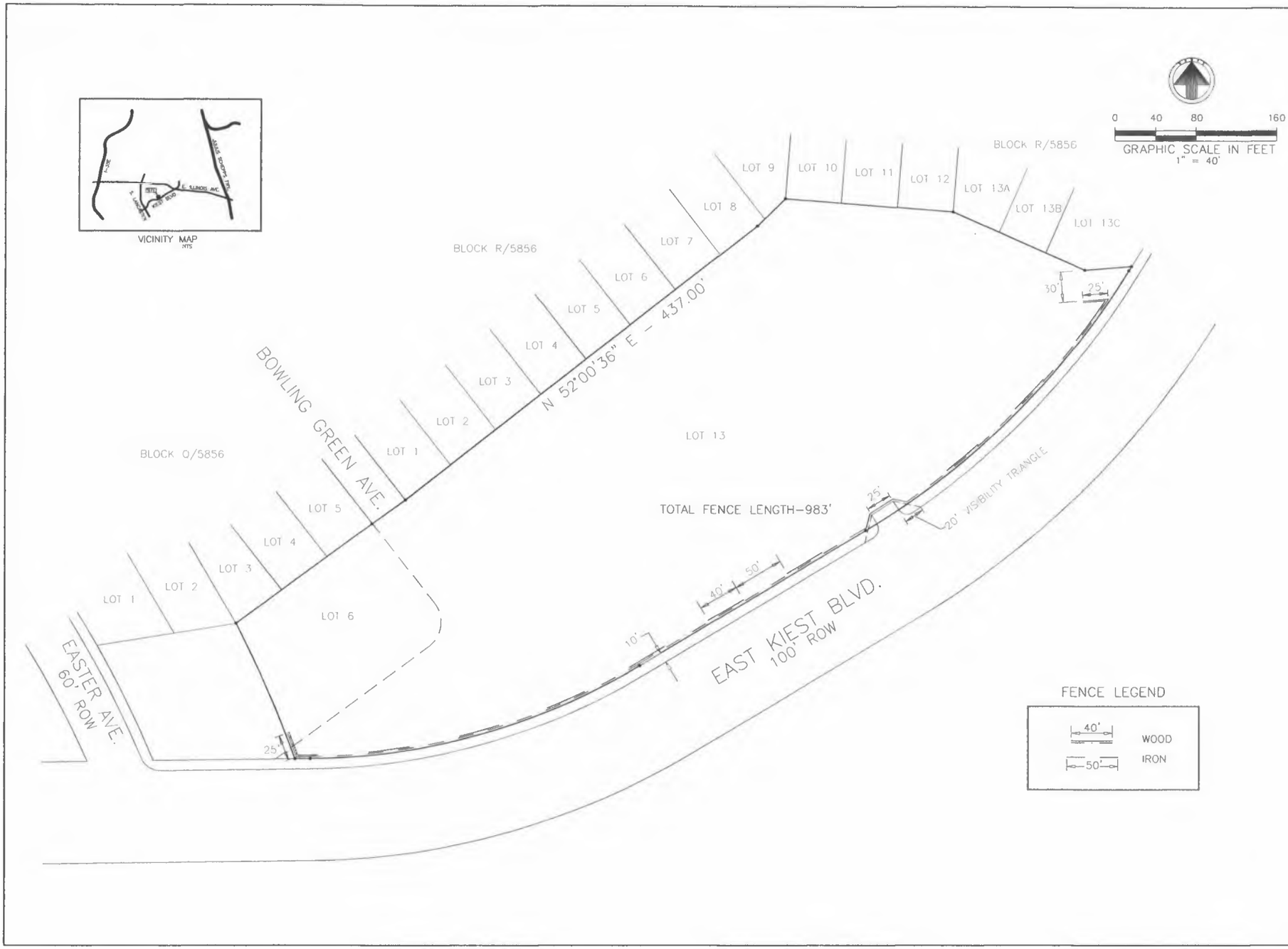
KELLOGG AVE.

GREEN DRIVE

HEMPHILL BOWLING DRIVE

EASTER EAST KIEST BLVD.

NOTE:
DIMENSION ARE TO BLOCK CORNERS UNLESS INDIGATED.
RADII ON CORNERS ARE 15' UNLESS OTHERWISE NOTED.



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

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

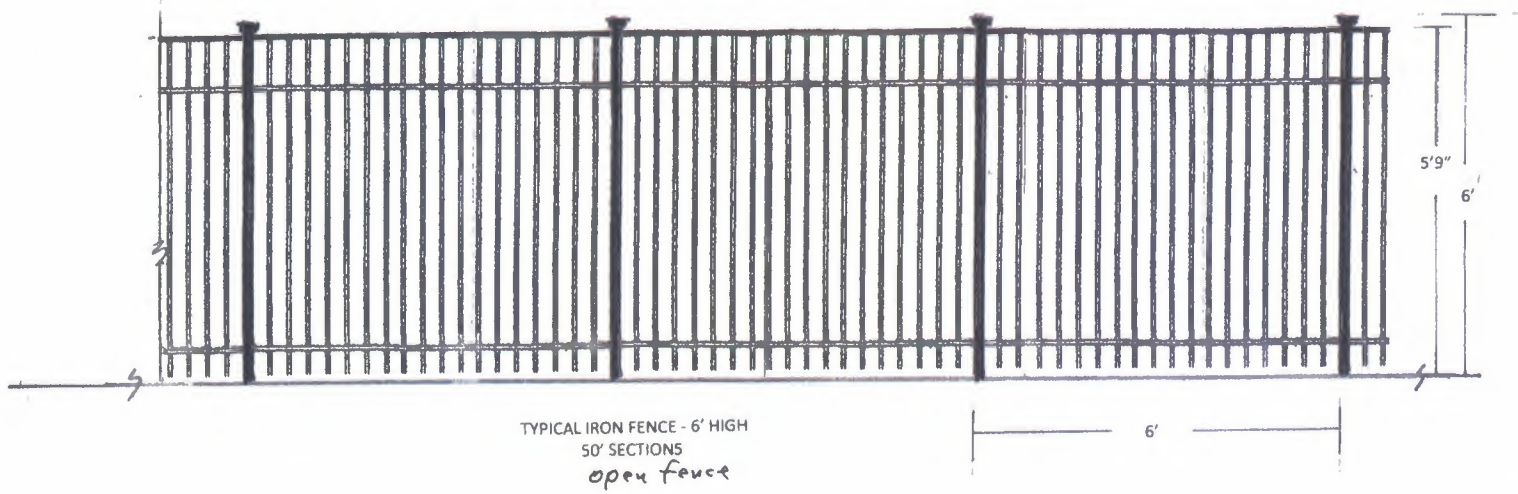
FENCE PLAN

REVISIONS

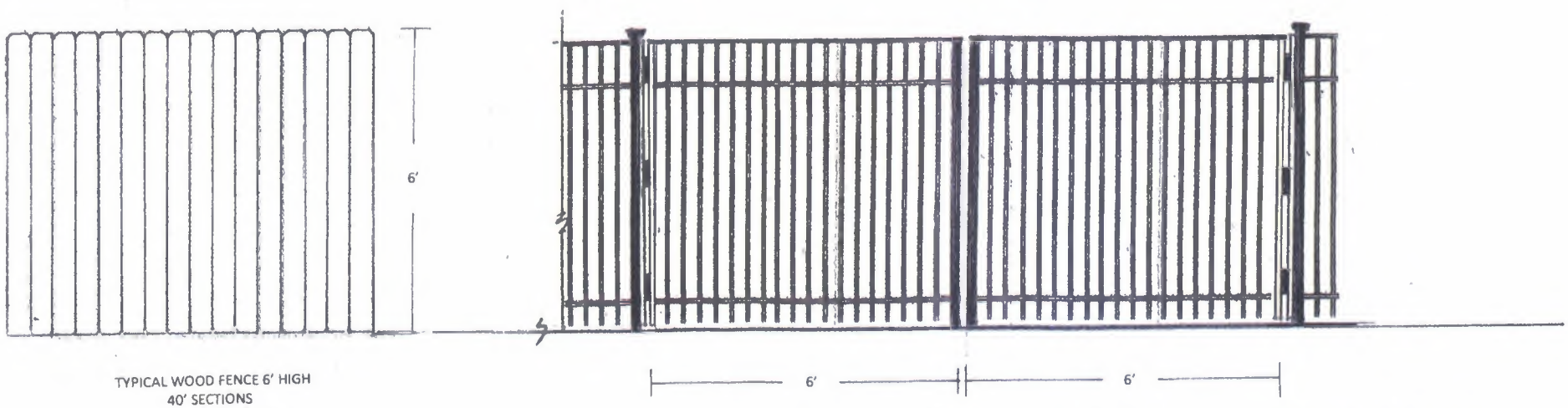
Scale: 1"=40'
Date: 02/06/23
Design By:
Drawn By: KEM

SHEET
FENCE-1

SCALE: 1' = 20'



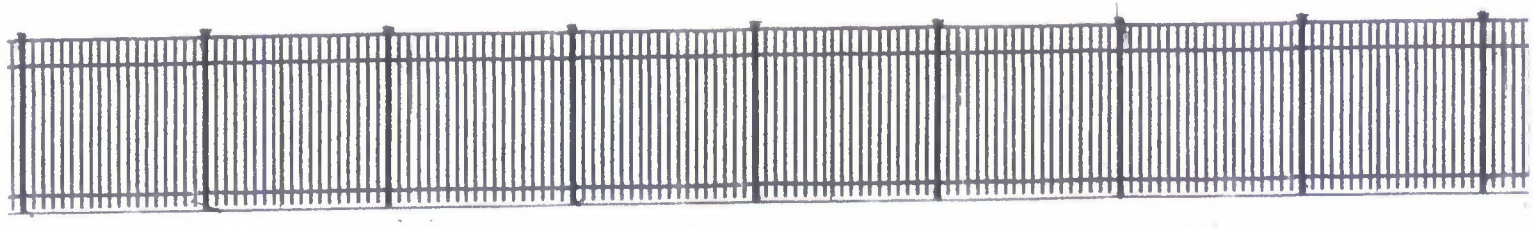
TYPICAL IRON FENCE - 6' HIGH
50' SECTIONS
open fence



TYPICAL WOOD FENCE 6' HIGH
40' SECTIONS
Solid fence

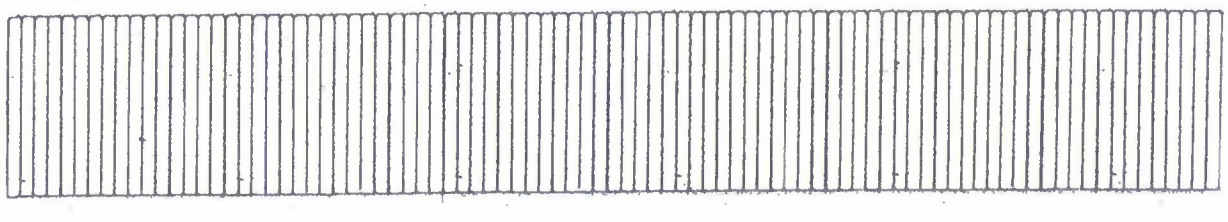
IRON GATE
open to match open fence

FENCE ELEVATION
[redacted], 1713, [redacted] E. Kiest Blvd
pf pf



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

SCALE: 1' = 40'



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

FENCE ELEVATION

[redacted], 1713, [redacted] E. Kiest Blvd

FILE NUMBER: BDA223-033 (GB)

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

LOCATION: 3839 Seguin Drive

APPLICANT: Chris Jent

REQUESTS:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

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

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

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

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

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

- The proposed fence will be an 8 feet-high wood style fence located on the property line and 130 feet in length.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.

- As of April 03, 2023, no letters have been received in opposition or support of this request.

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

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

Timeline:

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

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

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

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

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

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

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

I. 9904 Hurley

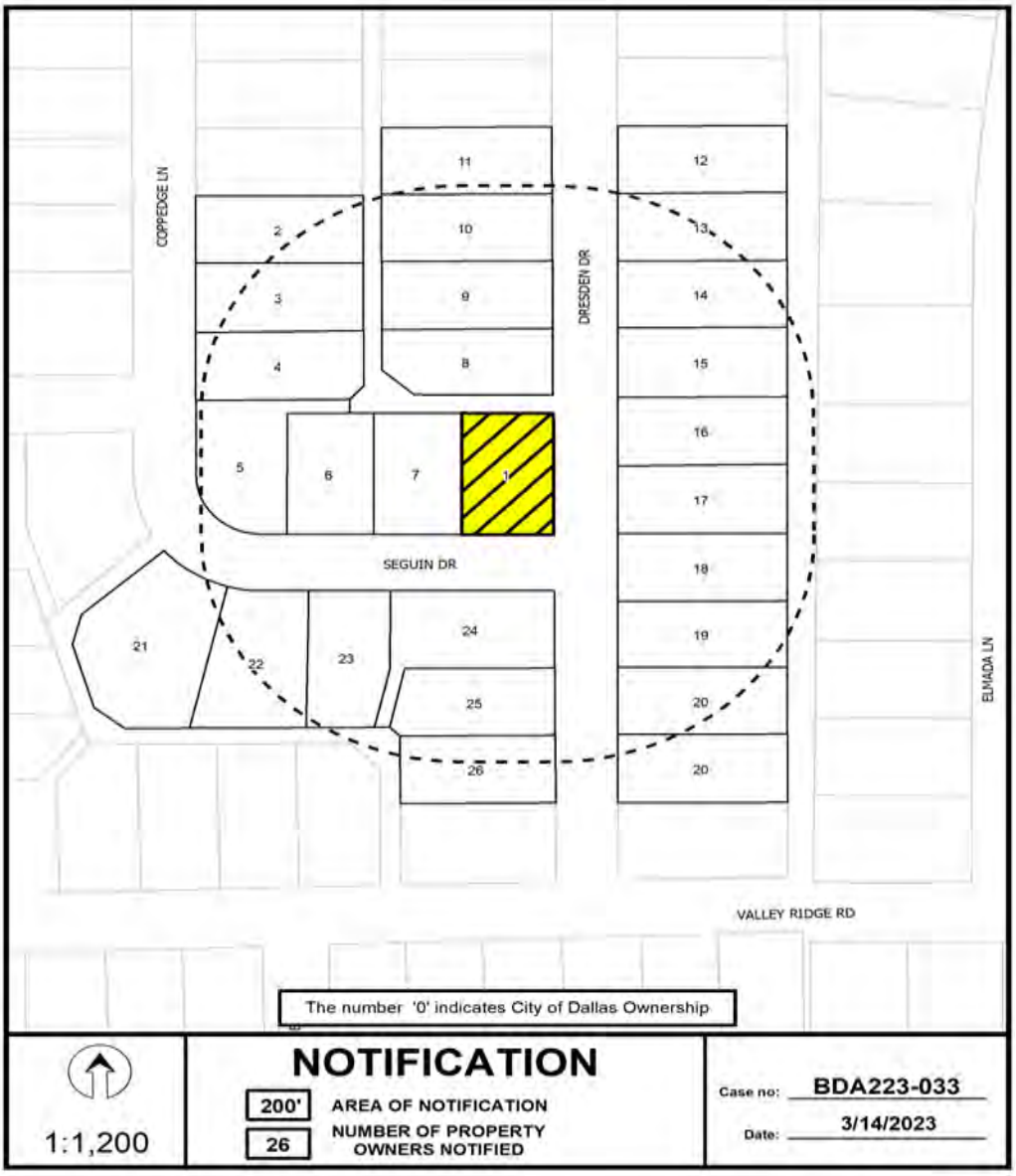
II. 9923 Coppedge
III. 3908 Walnut Hill (Elmada Corner)
IV. 9905 Elmada
V. 4025 Walnut at Hurley Corner
VI. 3880 Walnut Hill at Hurley Corner

1:1,200

AERIAL MAP

Case no: BDA223-033

Date: 3/14/2023


COPPEDGE LN
DRESDEN DR
SEGUIN DR
VALLEY RIDGE RD
ELMADA LN
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
26
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA223-033
Date: 3/14/2023

03/13/2023

Notification List of Property Owners

BDA223-033

26 Property Owners Notified

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

FEE RECD
BY:

City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-033

Data Relative to Subject Property: Date: 02/09/23 2/15/23

Location address: 3839 Seguin Dr. Dallas, TX 75220 Zoning District: R-7.5 (A)

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

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

To the Honorable Board of Adjustment :

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

Applicant: Chris Jent Telephone: 972-955-7132

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

E-mail Address: cjent@avantgroup.us

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

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

E-mail Address: cjent@avantgroup.us

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

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

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

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

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

Affidavit

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

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

Respectfully submitted: X
(Affiant/Applicant's signature)

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

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 CHRIS JENT

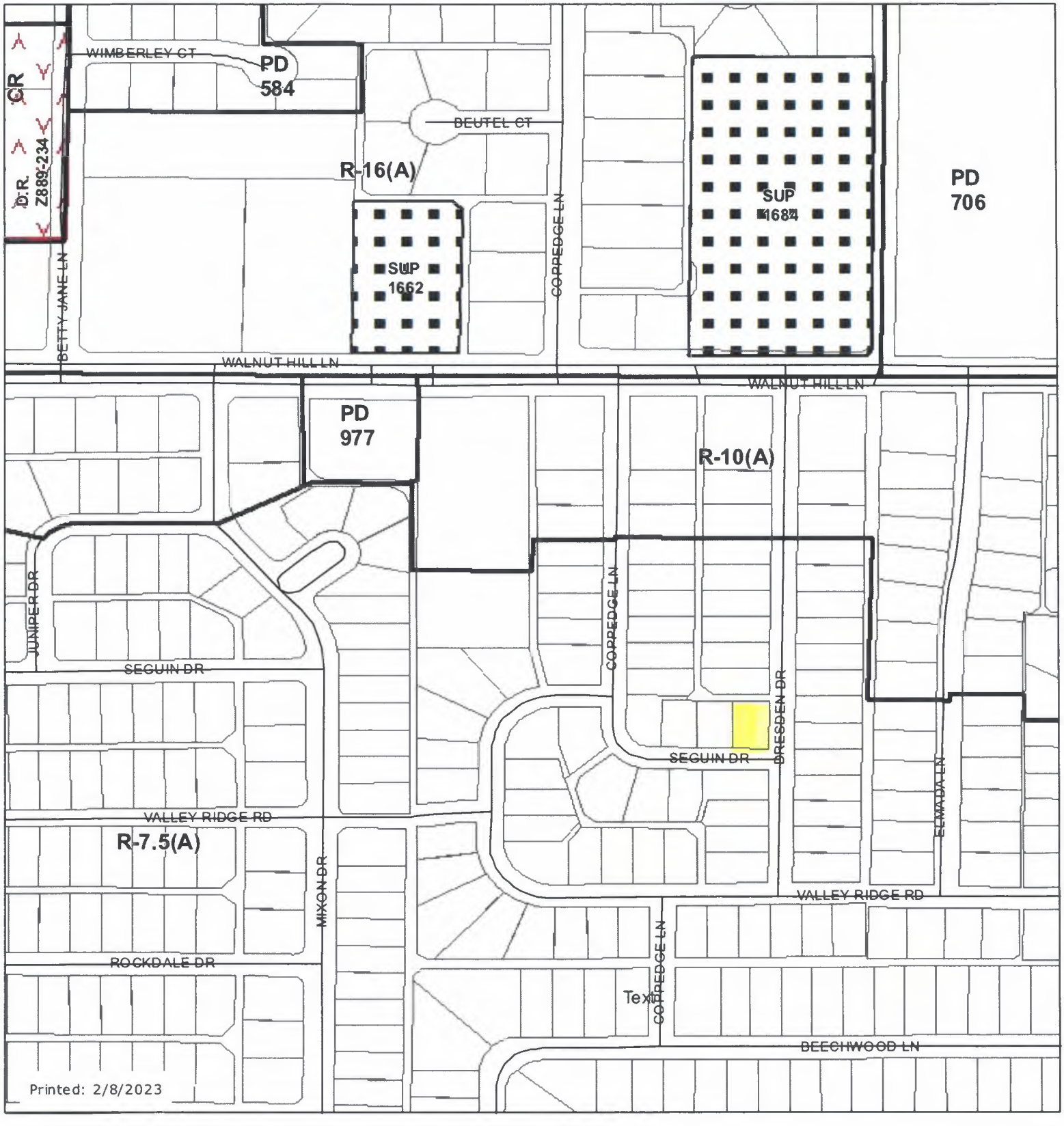
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 3839 Seguin

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

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA



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 Limits
Certified Parcels
Base Zoning
Deed Restrictions
SUP

1:3,600

CITY OF DALLAS PLAT BOOKS

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

ADDITION VALLEY RIDGE

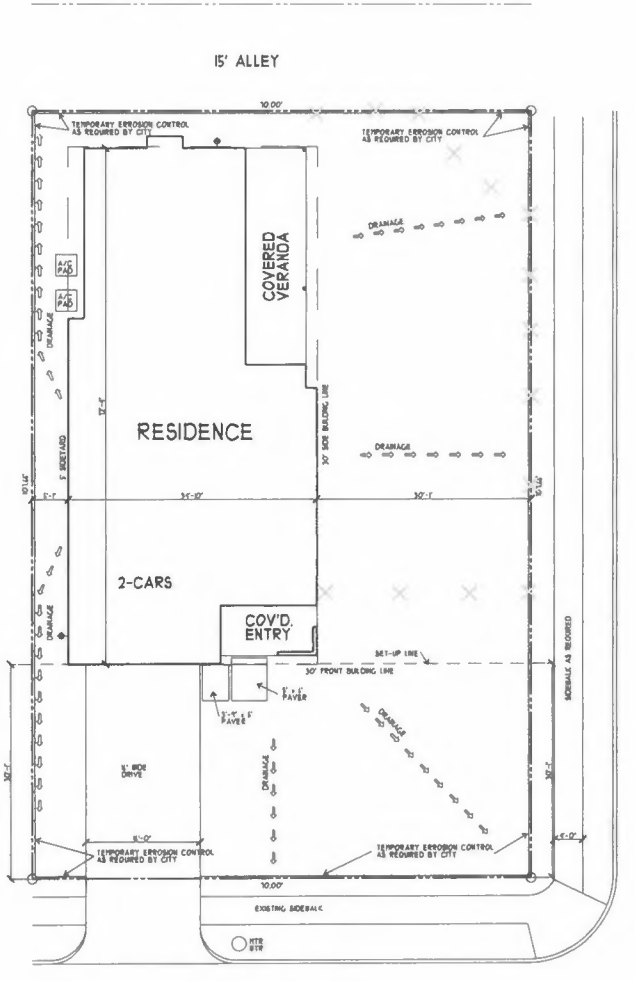
SCALE 100 FT EQUALS 1 INCH

BLOCKS 1 THRU 6 6220 (PART)

SCHOOL DIST. DALLAS

7-17-50


BENJAMIN MERRELL SURVEY - ABST. NO. 933
WALNUT HILL LANE
COPPEDGE LANE
CITY OF DALLAS
WATER DEPARTMENT
PUMP STATION
BEGIN DESCRIPTION
1362.38' East And 250' South Of The N W Corner Of The P A Winn Survey Abstract No 1578
FRANCIS A WINN SURVEY - ABST. NO.
SEGUIN DRIVE
VALLEY RIDGE RD.
MIXON REALTY CO.
MIXON DRIVE
DRESDEN DRIVE
VIEW ADDITION
Future Property Line
13.0' Dedicated For Widening
Iron Rod Set
Found 1/2" Iron Pipe
Found 3/4" Iron Pipe
Tack
Transit
Curve No. 1
Curve No. 2
W. G. Underwood
82 Lots
22.83 Acres
COUNTY COURT OF DALLAS COUNTY, TEXAS



3839 SEGUIN DRIVE

SITE PLAN

SCALE 1/8"=1'-0"

LOT 8, BLOCK 7/1320
VALLEY RIDGE ADDITION
DALLAS, TEXAS

CALCUALTIONS

TOTAL LOT AREA	7834 SF
TOTAL BUILDING AREA (INCLUDES CANTILEVERS)	2960 SF.
TOTAL BUILDING COVERAGE	37 %

SHEET NO
1
OF 7

220434

4-21-22

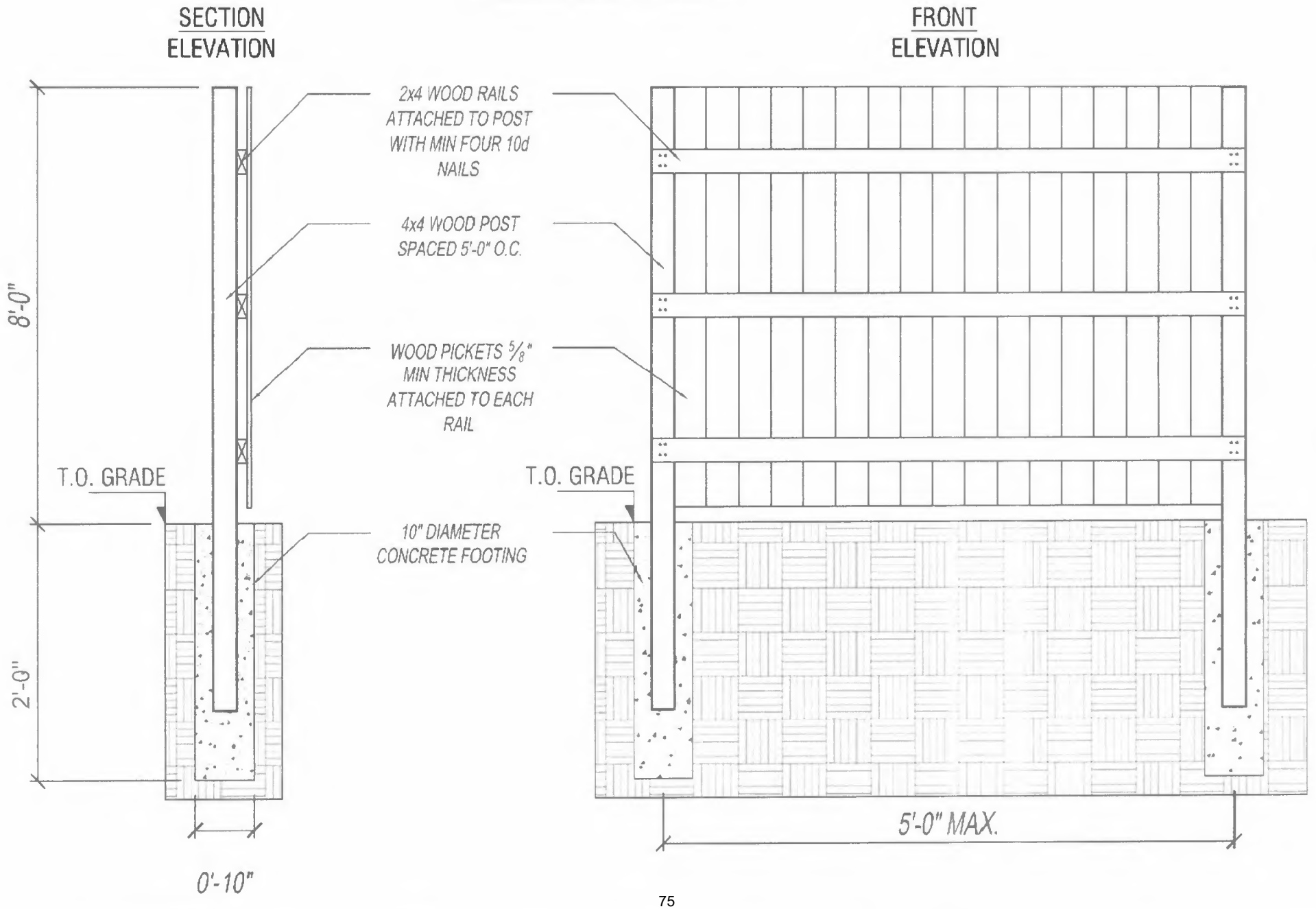
REVISIONS

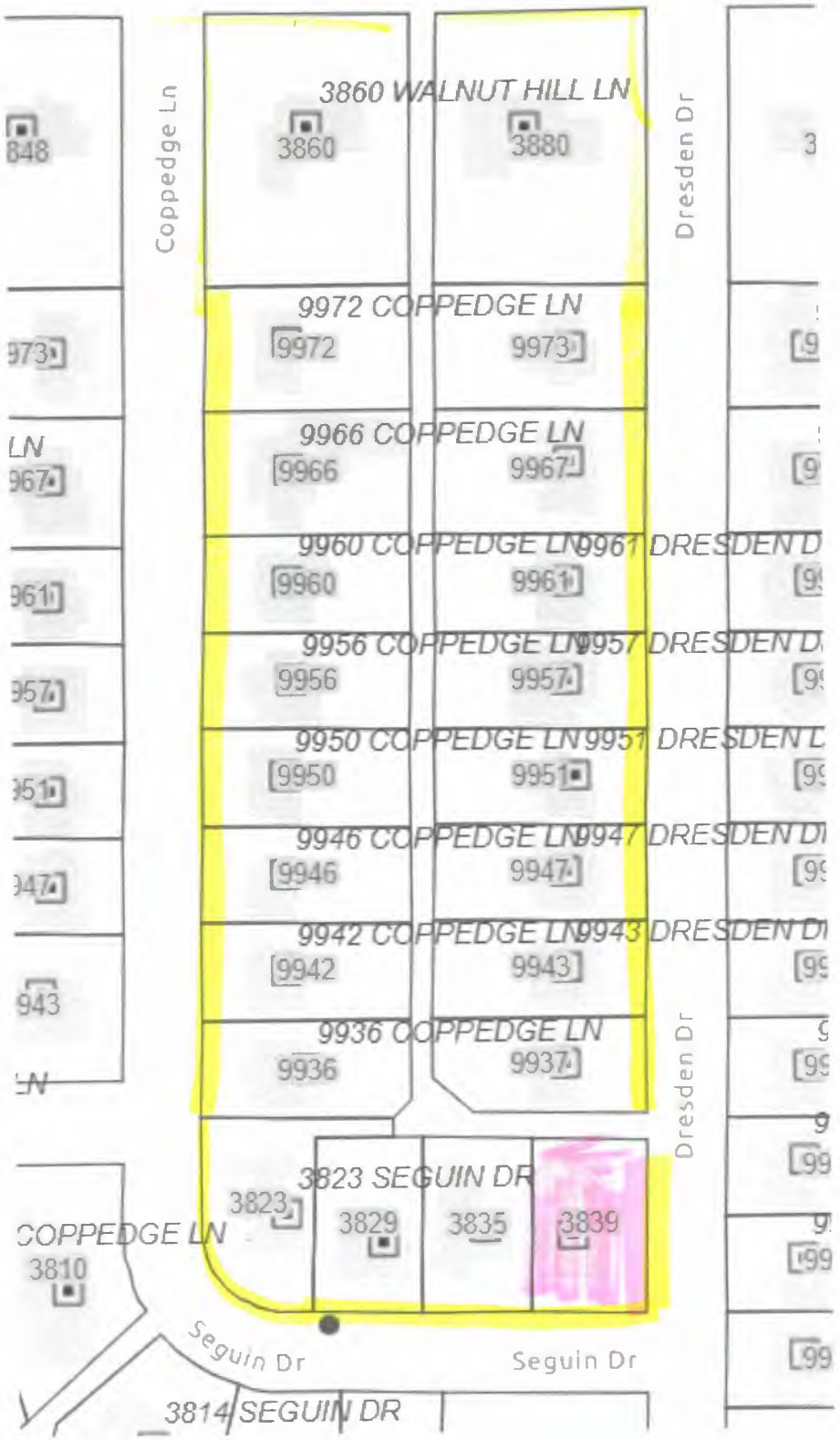
A NEW RESIDENCE
3839 SEGUIN DRIVE
DALLAS, TEXAS

ROSSON DESIGNER

972-492-4384

WOOD FENCE DETAIL




3860 WALNUT HILL LN
3860
3880
Coppedge Ln
Dresden Dr
9972 COPPEDGE LN
9972
9973
9966 COPPEDGE LN
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9967
9960 COPPEDGE LN
9960
9961
9956 COPPEDGE LN
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9957
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9950
9951
9946 COPPEDGE LN
9946
9947
9942 COPPEDGE LN
9942
9943
9936 COPPEDGE LN
9936
9937
3823 SEGUIN DR
3823
3829
3835
3839
COPPEDGE LN
3810
Seguin Dr
Seguin Dr
3814 SEGUIN DR

FILE NUMBER: BDA223-036 (ND)

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

LOCATION: 1017 Nomas Street

APPLICANT: Brent Jackson

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

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

(C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

  (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

  (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:
- Compliance with the submitted site plan is required.

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

ZONING/BDA HISTORY:

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

GENERAL FACTS/STAFF ANALYSIS:

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

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

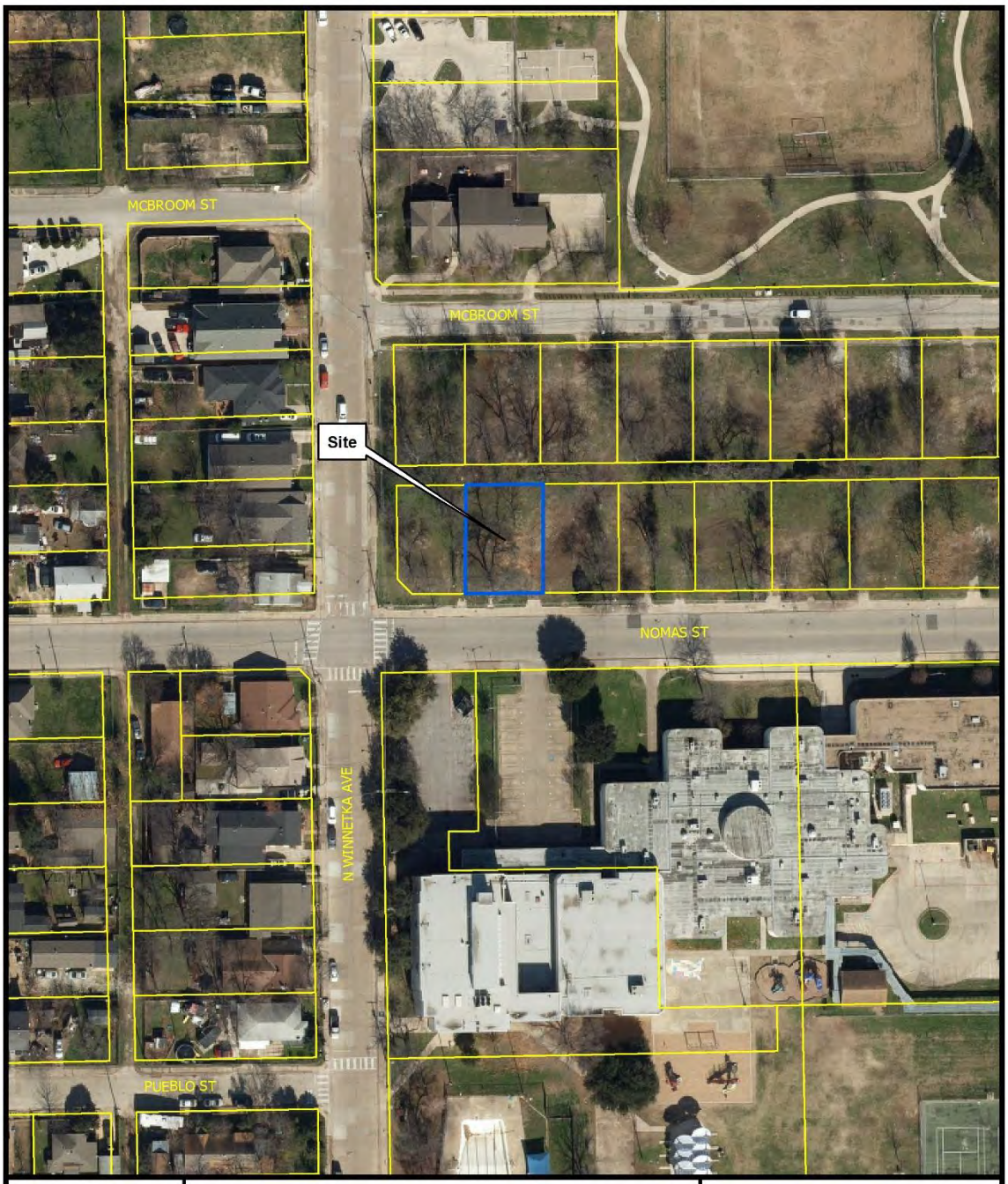
Timeline:

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

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

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

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

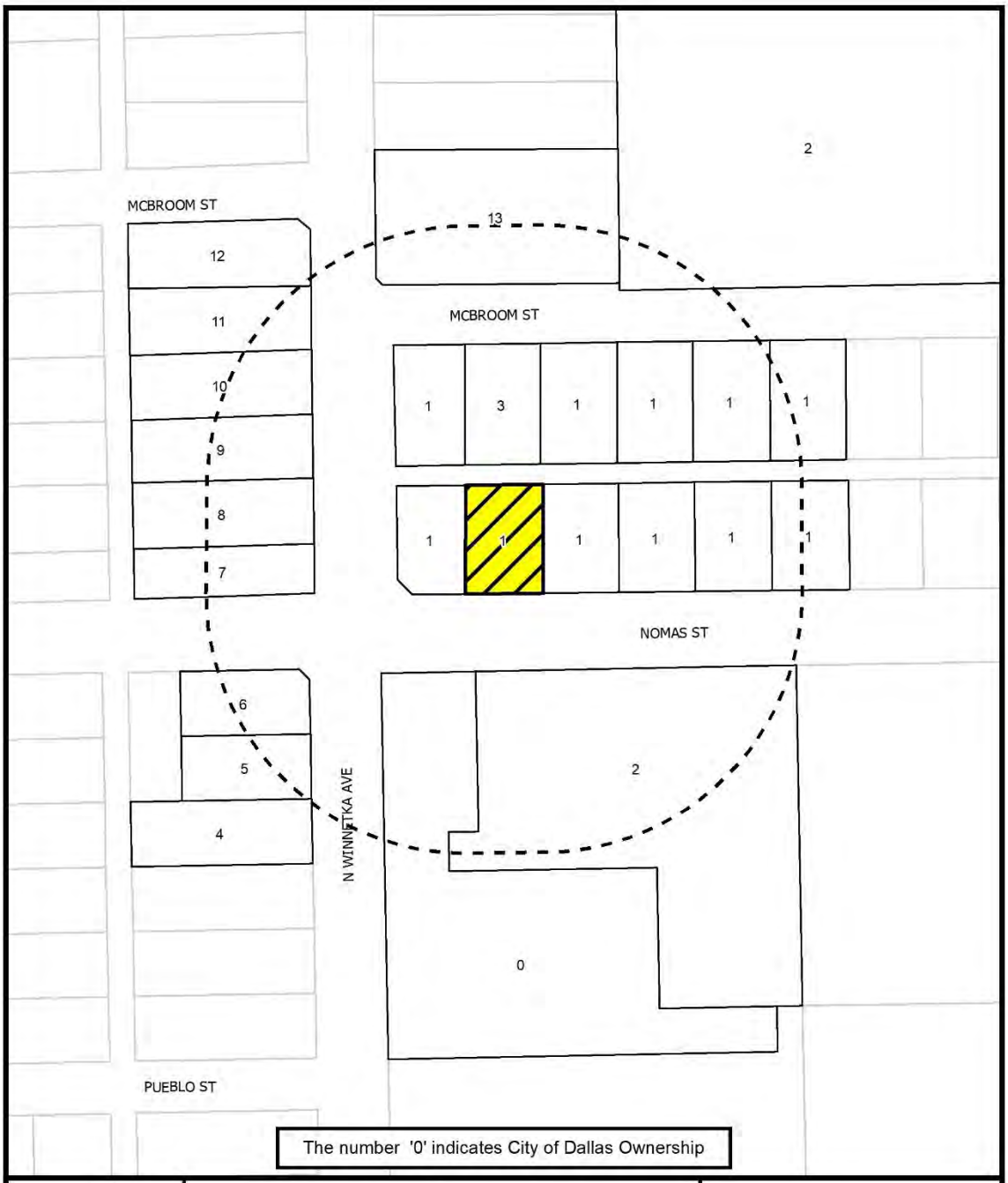


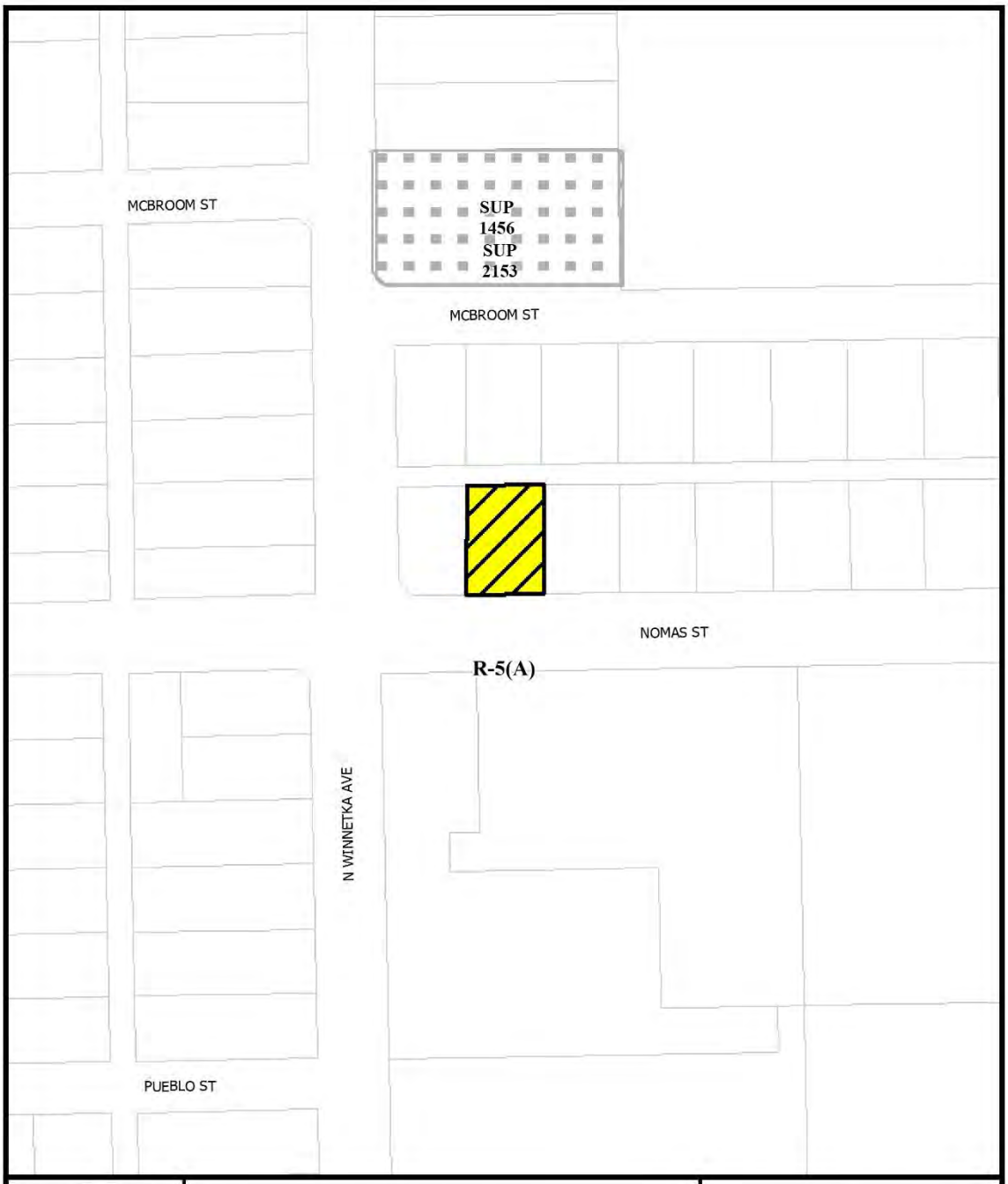
1:1,200

AERIAL MAP

Case no: BDA223-036

Date: 3/14/2023


MCBROOM ST
MCBROOM ST
NOMAS ST
N WINNETKA AVE
PUEBLO ST
2
13
12
11
10
9
8
7
1
3
1
1
1
1
1
1
1
1
1
1
1
6
5
4
2
0
The number '0' indicates City of Dallas Ownership
1:1,200
NOTIFICATION
200'
AREA OF NOTIFICATION
13
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: BDA223-036
Date: 3/14/2023



1:1,200

ZONING MAP

Case no: BDA223-036

Date: 3/14/2023

03/14/2023

Notification List of Property Owners

BDA223-036

13 Property Owners Notified

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

C

RECEIVED
FEB 1 6 REC'D
BY:

City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-036

Data Relative to Subject Property: Date: 2-15-23

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

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

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jacob Gilliam

Applicant: Brent Jackson Telephone: 214. 760.8770

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

E-mail Address: brent@oaxacallc.com

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

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

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

Affirm that an appeal has been made for a Variance X , or Special Exception __ , of 9 feet (2IM) front yard setback regulations

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

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

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

Affidavit

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

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

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

Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

SABASTIAN STEPHON APPLEWHITE
Notary Public, State of Texas
Comm. Expires 10-06-2023
Notary ID 13039631-0

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman _____

Building Official's Report

I hereby certify that Brent Jackson

did submit a request for a variance to the front yard setback regulations

at 1017 Nomas St.

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

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-036

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

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

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

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

X Variance (specify below)

_____Special Exception (specify below)

_____Other Appeal (specify below)

Specify: Front Yard Setback Regulations of 9 feet (2.75m)

Jacob Gilliam
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 01-26-2023

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

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

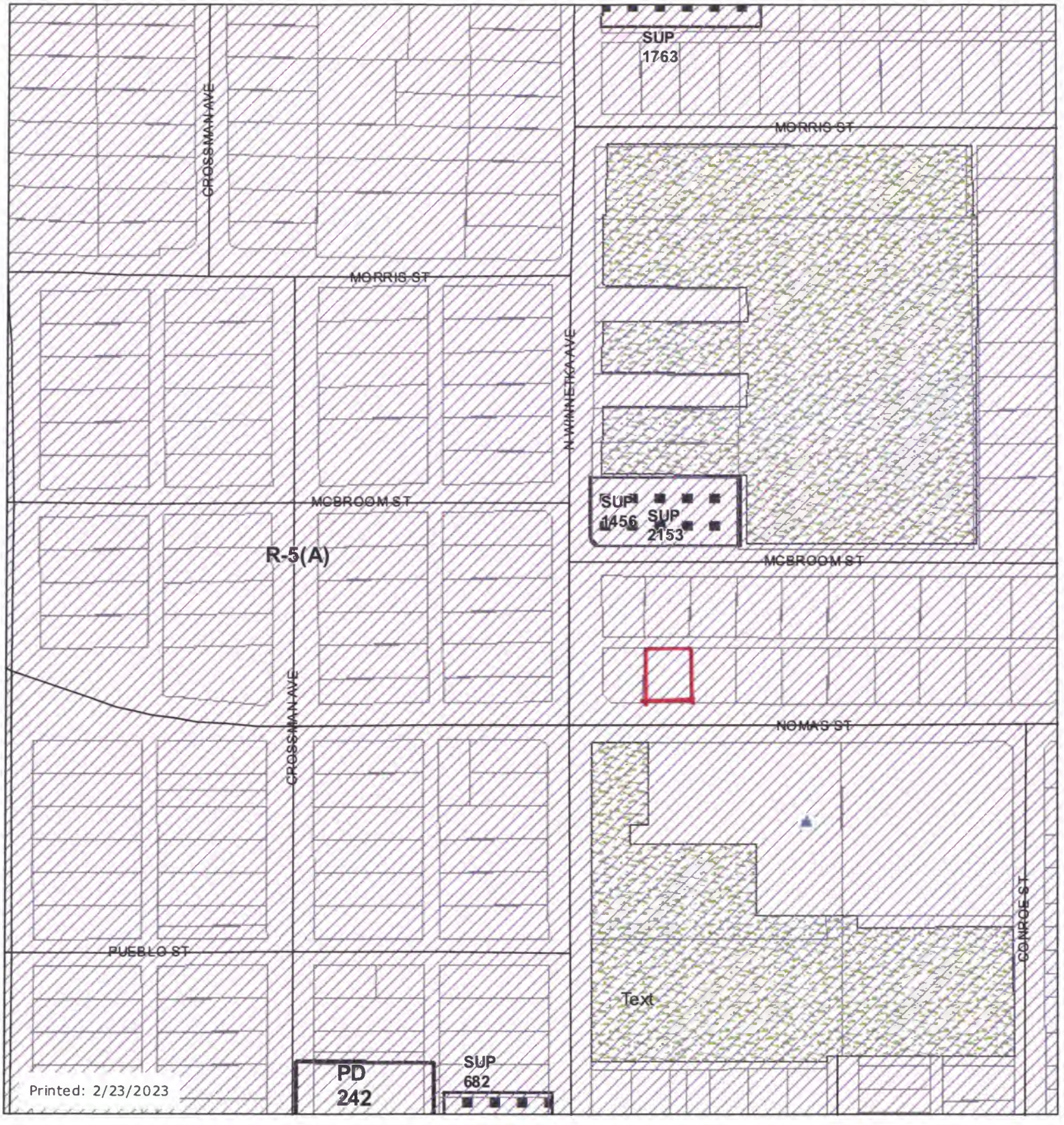
Subscribed and sworn to before me this 26 day of January, 2023

Notary Public for Dallas County, Texas

SABASTIAN STEPHON APPLEWHITE
Notary Public, State of Texas
Comm. Expires 10-06-2023
Notary ID 13039631-0

Commission expires on 10/06/2023

11



City Limits

Public Schools

Floodplain

X Protected By Levee

Parks

Certified Parcels

Base Zoning

SUP

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

N

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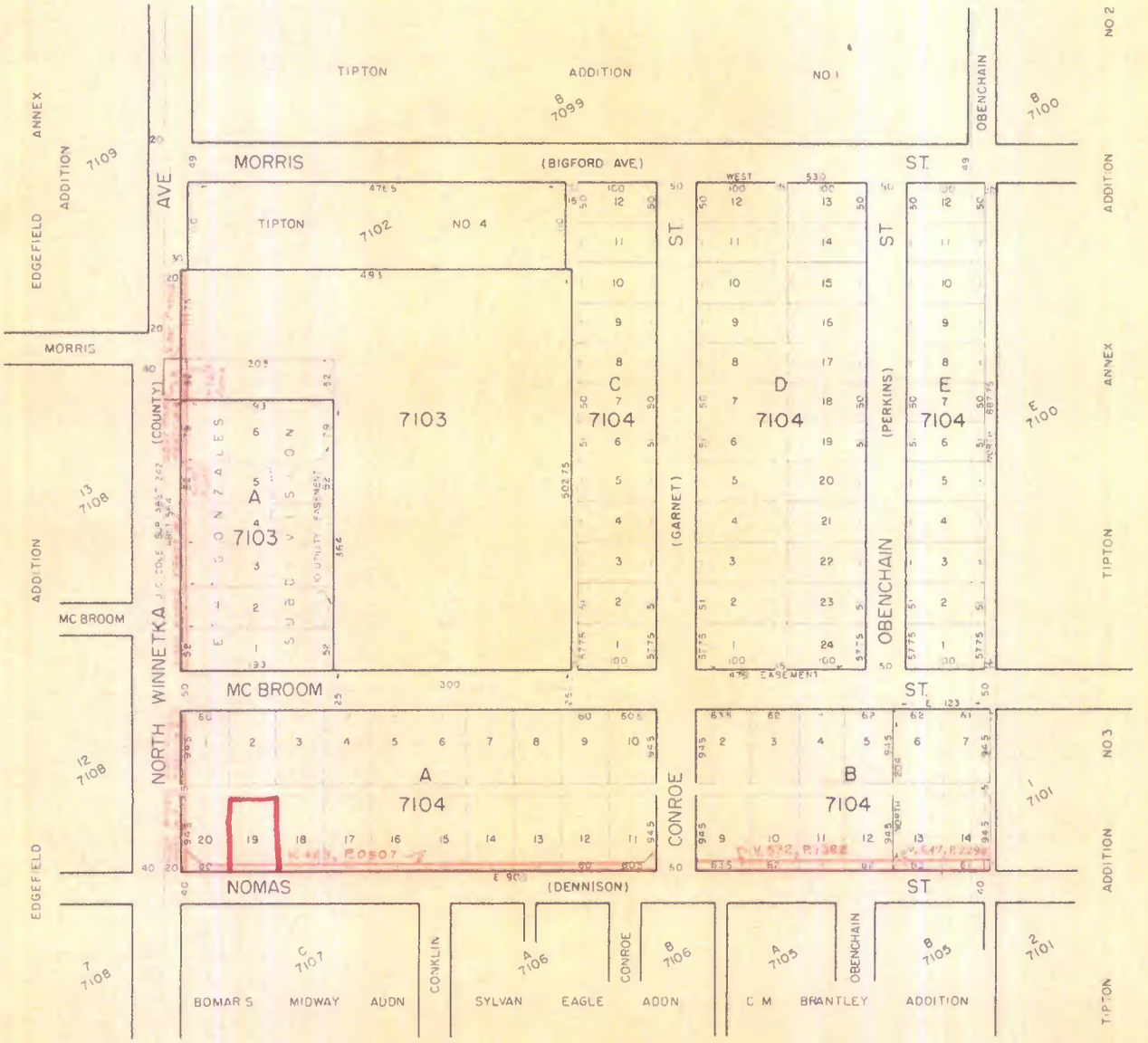
CITY OF DALLAS PLAT BOOKS

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

ADDITION REUSS & WHEELER - REVISED
SCALE 100 FT EQUALS 1 INCH

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

BLKS A & B RECORDED 3-27-42
REVISED, LOTS 1 THRU 20 BLK A &
LOTS 2 THRU 5 & 9 THRU 12, BLK B
& BLKS C THRU E 7104, RECORDED 11-1-45
E H GONZALEZ SUBDN RECORDED 2-28-56



PLAT OF REVISED

REUSS AND WHEELER ADDITION

AMARIAH HANNAH SURVEY

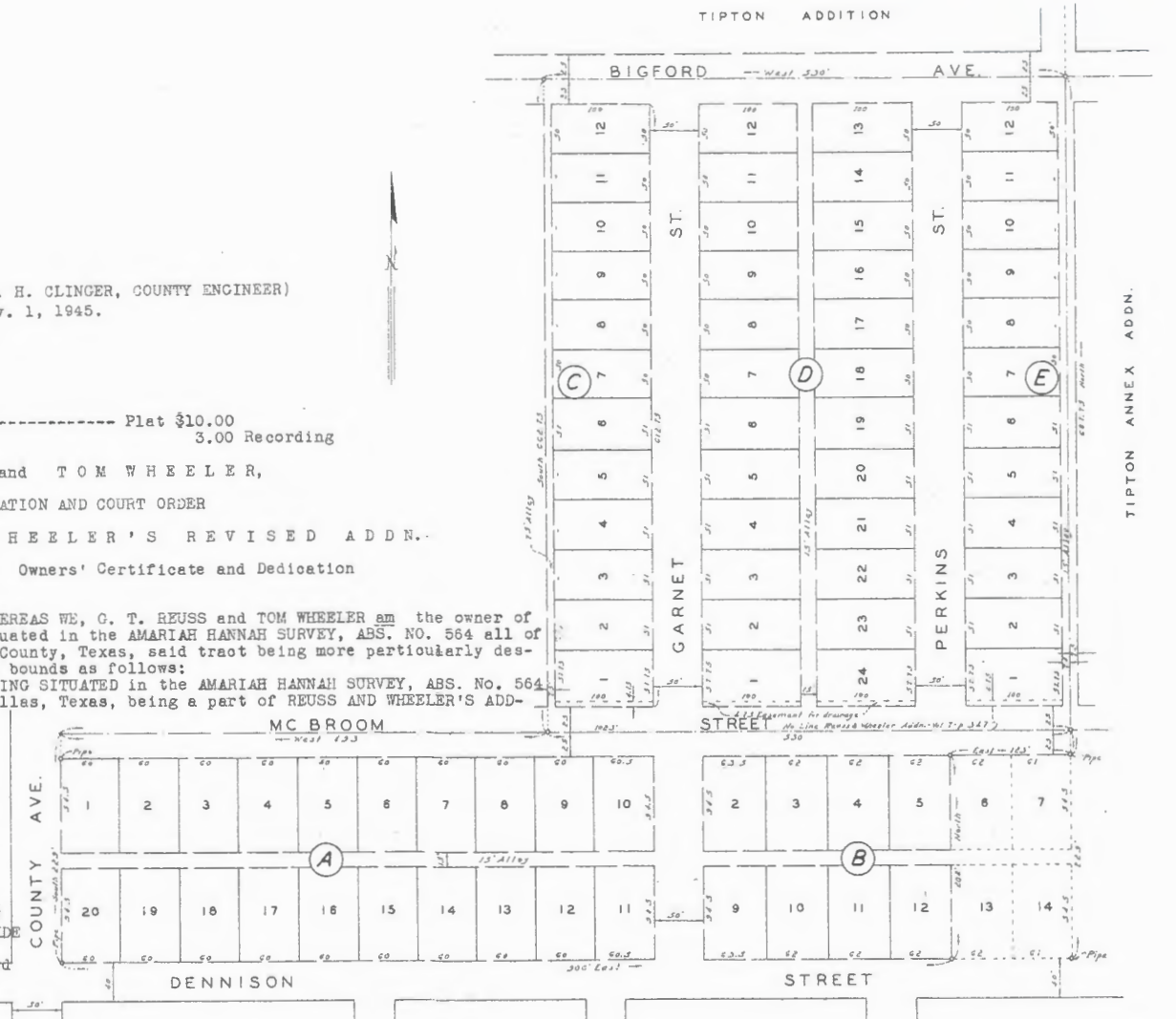
DALLAS COUNTY, TEXAS

SCALE 1" = 50' SEPT. 12, 1945

JOE R. JOHN

ENGINEER AND SURVEYOR

COUNTY COURT OF DALLAS COUNTY, TEXAS



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

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

G. T. REUSS and TOM WHEELER,

TO:.. OWNERS' DEDICATION AND COURT ORDER

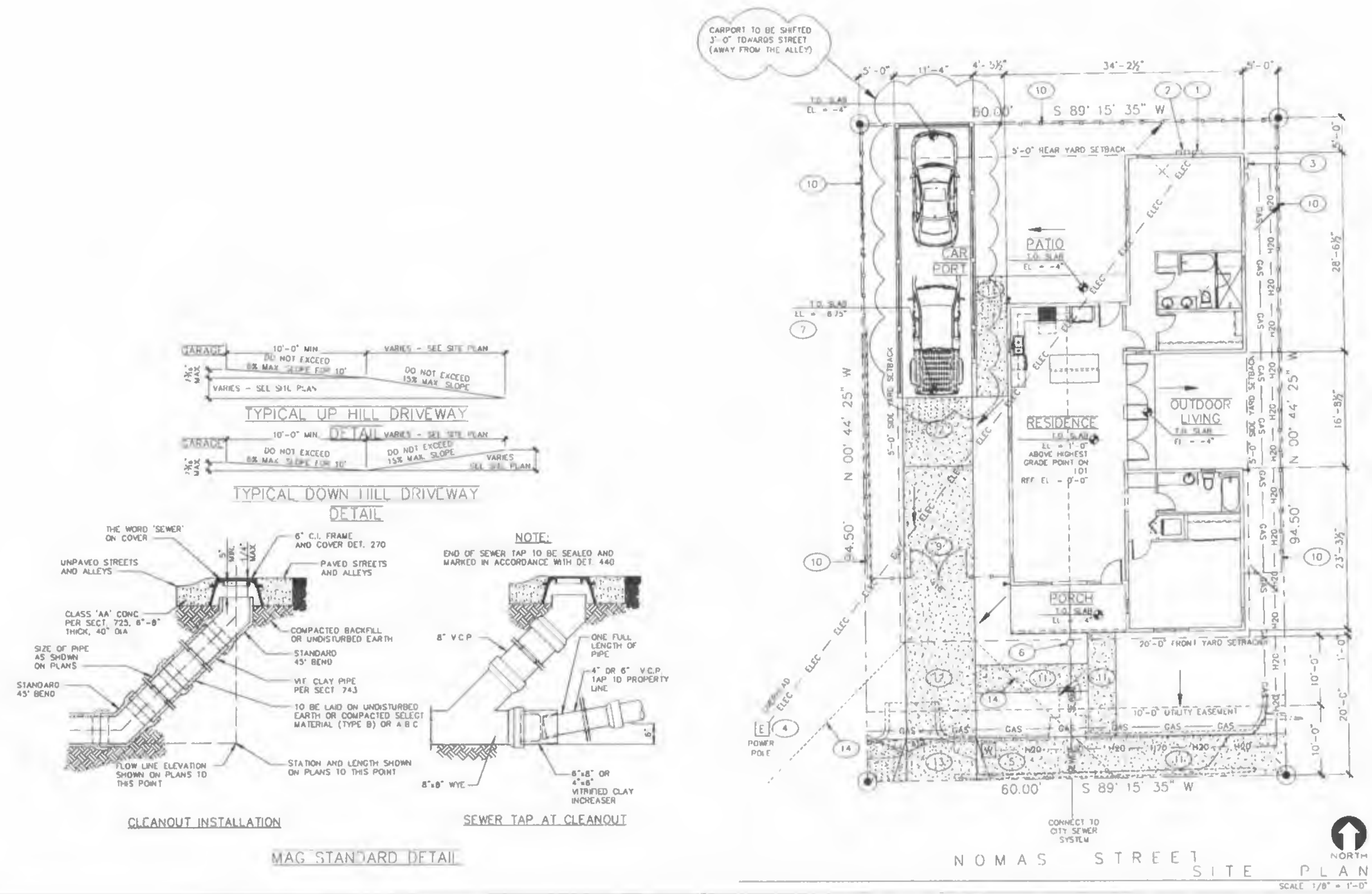
REUSS AND WHEELER'S REVISED ADDN.

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

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

BEING SITUATED in the AMARIAH HANNAH SURVEY, ABS. No. 564 in the County of Dallas, Texas, being a part of REUSS AND WHEELER'S ADDITION as filed for record in Vol. 7, Page 347, Map Records of Dallas County, Texas, and a part of about 62 acres of land conveyed to C. C. MASON by W. L. McCORMICK, Guardian of the Estate of THOMAS K. PETTY and by said C. C. MASON DEEDED to W. P. ROHDE ON Nov. 14, 1904, both tracts combined being described as follows:

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



KEY NOTES.

1 ELECTRICAL SERVICE PANEL – SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
2 TELEPHONE / DATA SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
3 TANKLESS WATER HEATER
4 POWER UTILITY
5 WATER UTILITY
6 SEWER CLEAN OUT
7 REFER TO LANDSCAPE FOR TREE
8 INTENTIONALLY LEFT BLANK
9 8'-0" WIDE GATE
10 6'-0" HIGH FENCE
11 NEW 4" CONCRETE SIDEWALK
12 NEW DRIVEWAY – 4" CONCRETE SLAB REINF W/ #3 REBAR AT 24" O.C. EACH WAY OVER 4" COMPACTED (95% MIN.) AGG. BASE COURSE OVER UNDISTURBED OR ENGINEERED FILL
13 NEW CONCRETE DRIVEWAY APPROACH
14 20' VISIBILITY TRIANGLE AT DRIVEWAY APPROACH

NOTE.
STRUCTURE DIMENSIONS ALIGN WITH SIDE YARD PROPERTY LINES TYPICAL

NOTE.
NEW FINISHED GRADE TO SLOPE AWAY FROM BUILDING(S) AT 5% (6" PER 10'-0")

DRAINAGE FLOW DIRECTION SEE CIVIL AND LANDSCAPE DRAWINGS

Oaxaca
INTERESTS, LLC

LAKE|FLATO

HACIENDA URBAN C
1017 NOMAS STREET
LOT 19 BLOCK A/7104
DALLAS, TX 75212

SITE PLAN

DATE: 10 22 21
SCALE AS NOTED
DRAWN
JOB
SHEET NO.
A 1.0

FILE NUMBER: BDA223-041(ND)

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

LOCATION: 5505 S. Polk St.

APPLICANT: Karl A. Crawley

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

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

Section 51(A)-4.401(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum front yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:
(A) Whether the requested special exception is compatible with the character of the neighborhood.
(B) Whether the value of surrounding properties will be adversely affected.
(C) Whether the tree is worthy of preservation.

STAFF RECOMMENDATION:

Approval, subject to the following condition:
- Compliance with the submitted site plan is required.

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed as a school while the surrounding properties are developed for single-family uses.

Zoning/BDA History

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

GENERAL FACTS /STAFF ANALYSIS:

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

Timeline:

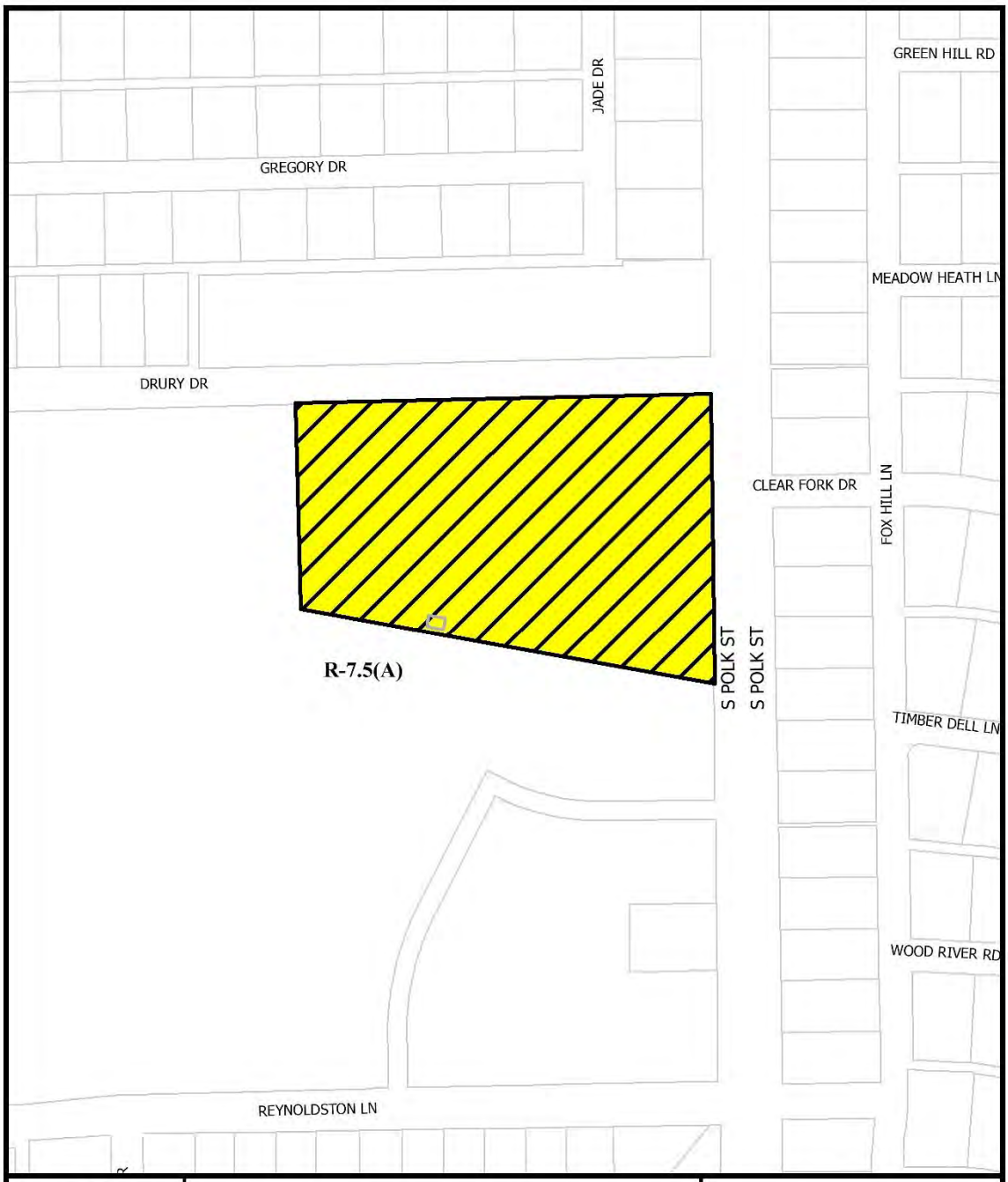
February 17, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

March 23, 2023: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

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



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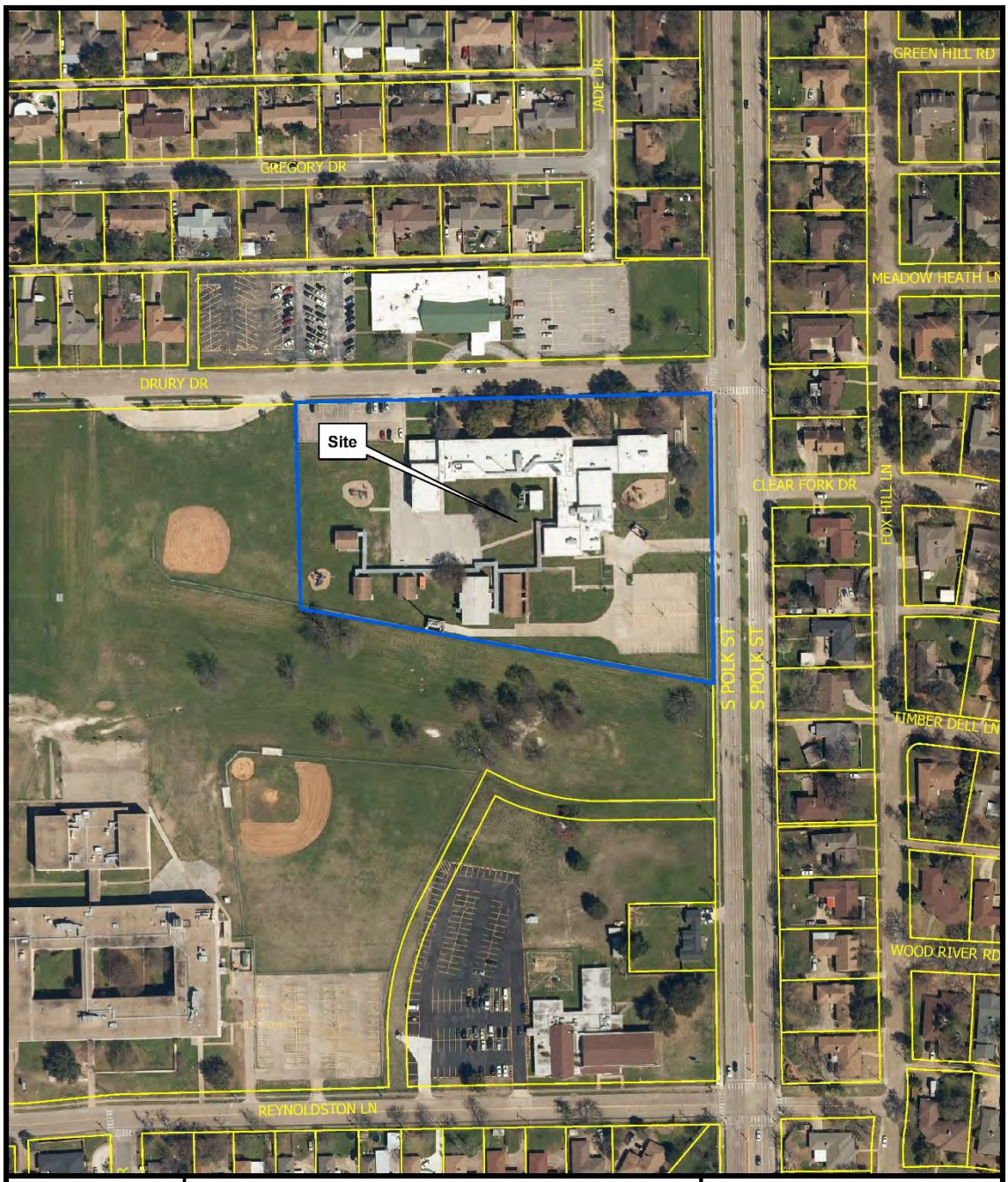
ZONING MAP

Case no: BDA223-041

Date: 3/14/2023



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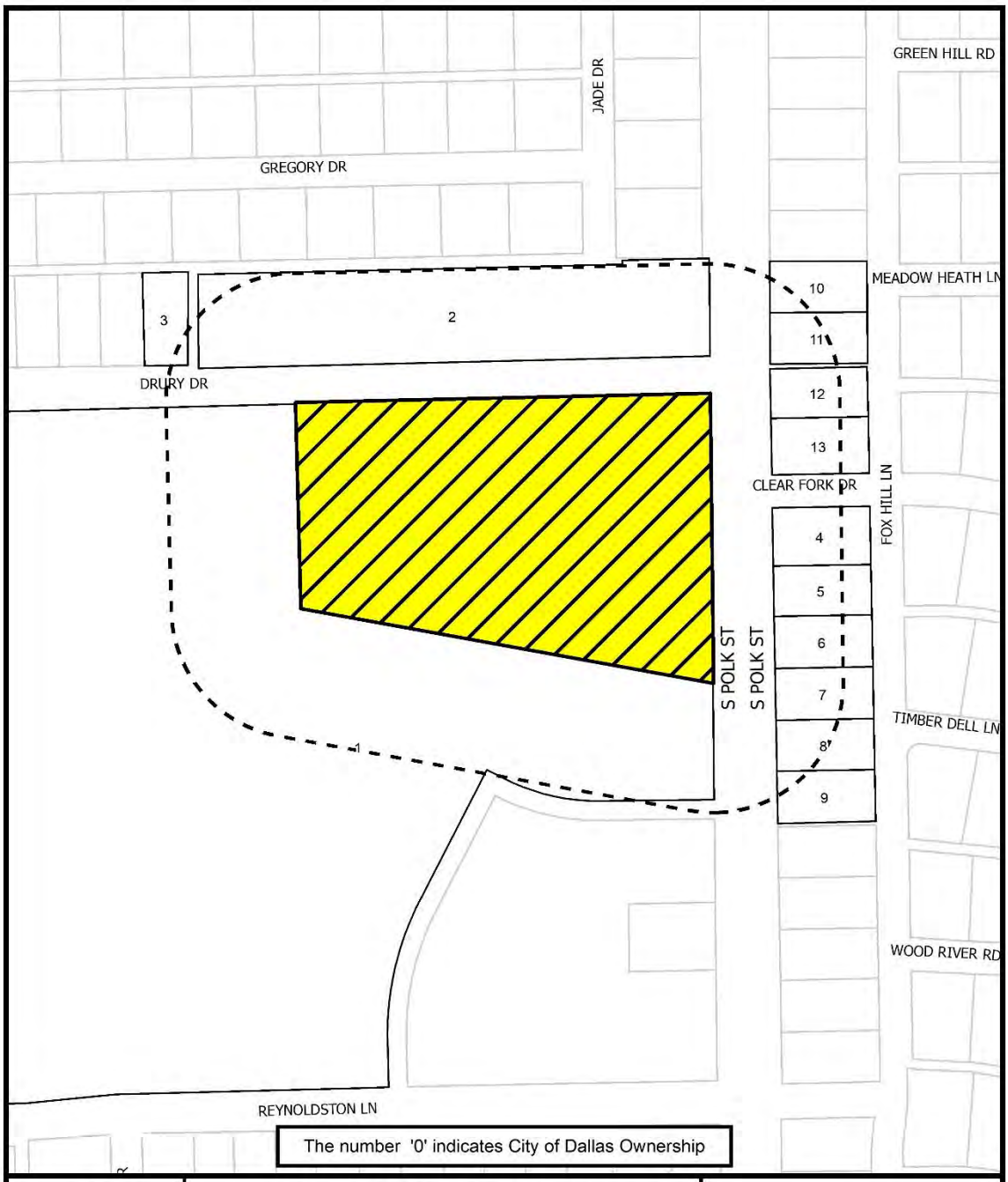
AERIAL MAP

Case no: BDA223-041

Date: 3/14/2023



NOTIFICATION

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200' AREA OF NOTIFICATION

13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-041

Date: 3/14/2023

03/14/2023

Notification List of Property Owners

BDA223-041

13 Property Owners Notified

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

C

RECEIVED
FEB 17 REC'D
BY:

City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-041

Data Relative to Subject Property: Date: 2/17/23

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

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

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

To the Honorable Board of Adjustment :

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

Applicant: Karl A Crawley Telephone: 214 389 2274

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

E-mail Address:

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

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

E-mail Address: karl@masterplantexas.com

Affirm that an appeal has been made for a Variance __ , or Special Exception X , of
6 feet to the required front yard of 25 feet on the Drury Drive frontage; to allow an Addition to the existing school with a setback of 19 feet.
for Tree Preservation KAR

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
the existing Adelle Turner ES was built over 60 years ago, at this time the DISD wants to add an Addition to the front of the school for Admin and a Secure Vestibule. in order to save several large trees the design encroaches into the front setback. If the Addition were to comply with the required 25 foot setback it would require a wider footprint which would be located under the canopy of some of the trees in front of the school.

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

Affidavit

Before me the undersigned on this day personally appeared KARL A CRAWLEY
(Affiant/Applicant's name printed)

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

Respectfully submitted:
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16th day of FEBRUARY 2023

(Rev. 08-01-11)

NOTARY PUBLIC STATE OF TEXAS
Carolyn Franz Almstedt
My Commission Expires
05/15/2024
ID No 132480180

Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that KARL A CRAWLEY

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

at 5505 S Polk

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

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-041

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

at: 5505 S Polk Street
(Address of property as stated on application)

Authorize: Karl A Crawley, MASTERPLAN
(Applicant's name as stated on application)

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

_____Variance (specify below)

_x___Special Exception (specify below)

_____Other Appeal (specify below)

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

Dallas Independent School District
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 02/17/2023

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

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

Subscribed and sworn to before me this 17 day of February, 2023

BRIANNA TAYLOR JONES
Notary ID #133244229
My Commission Expires
July 30, 2025

Notary Public for Dallas County, Texas

Commission expires on 7/30/25

10

City Limits
Railroads
Public Schools
Floodplain
0.2 Pct Annual Flood Hazard
1 Pct Annual Chance Flood Hazard
East Peak's Branch
Floodway
Hill Creek
Peak's Branch
X Protected By Levee
Parks
Certified Parcels

Base Zoning
Demolition Delay Overlay
PD193 Oak Lawn
Dallas Environmental Corridors
SPSD Overlay
Deed Restrictions
SUP
Dry Overlay
D
D-1
CP
SP
MD Overlay

Historic Subdistricts
Historic Overlay
Height Map Overlay
CD Subdistricts
PD Subdistricts
PDS Subdistricts
NSO Subdistricts
NSO_Overlay
Escarpment Overlay
Parking Management Overlay
Shop Front 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)

N

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EXHIBIT A

Legal Description Adelle Turner Elementary School

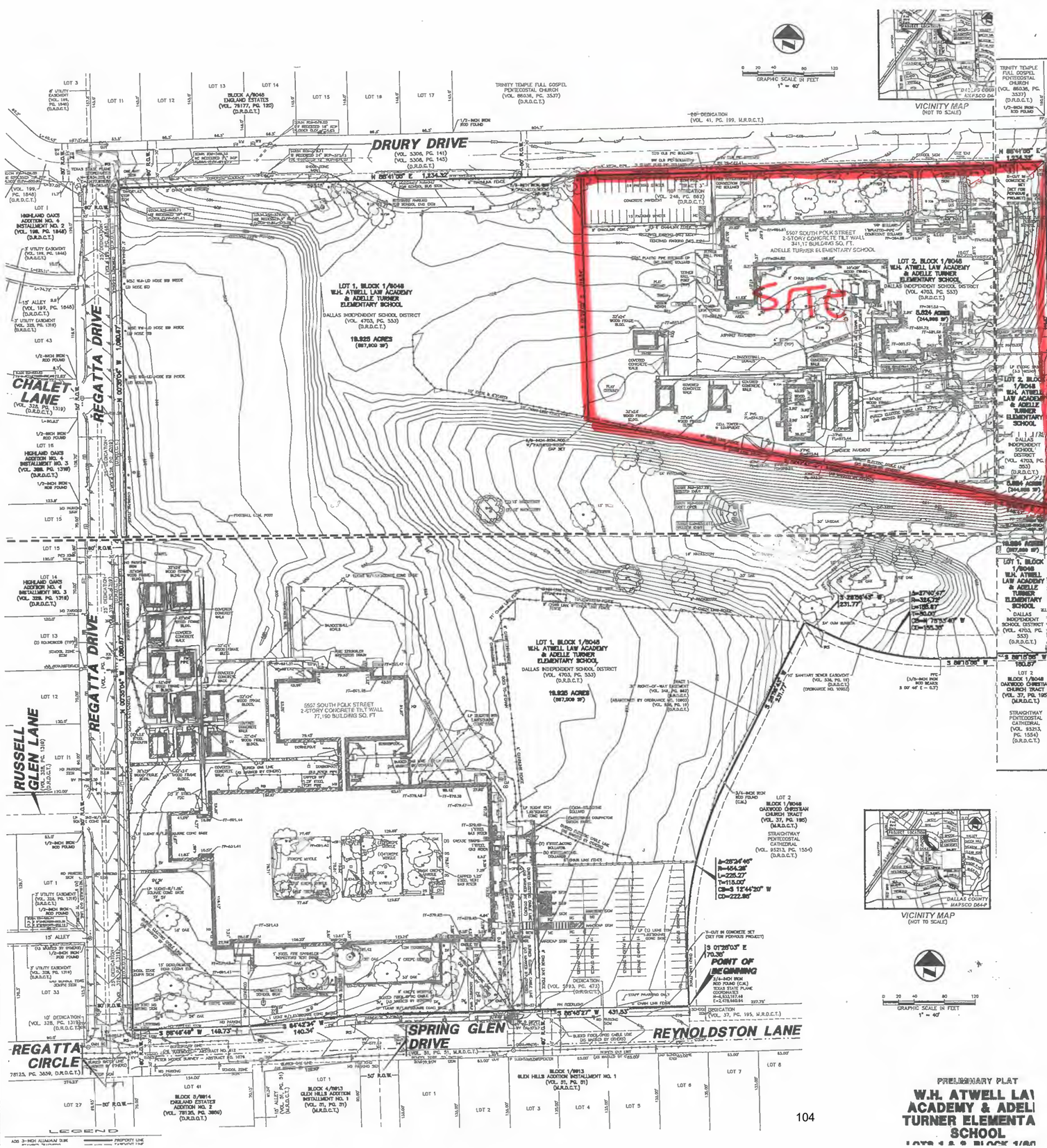
BEGINNING, at the intersection of the south line of Drury Drive and the west line of South Polk Street;

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

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

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

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



OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF DALLAS §

WHEREAS, Dallas Independent School District is the owner of a 23.549 acre tract of land situated in the M. B. Harwood Survey, Abstract No. 612, City of Dallas, Dallas County, Texas; City of Dallas Block 8048; said tract being part of a tract of land described in Deed to Dallas Independent School District (Dallas ISD) recorded in Volume 4703, Page 533 of the Deed Records of Dallas County, Texas; said 23.549 acre tract being more particularly described as follows:

BEGINNING, at a 3/4-inch iron rod found for corner in the north right-of-way line of Reynoldston Lane (a 80 foot wide right-of-way and the east line of a tract of land described in Warranty Deed With Vendor's Lien to Straightway Pentecostal Cathedral recorded in Volume 93213, Page 1554 of said Deed Records;

THENCE, along the north line of said Reynoldston Lane the following three (3) calls:

South 88 degrees, 45 minutes, 27 seconds West, a distance of 431.83 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner;

South 84 degrees, 42 minutes, 24 seconds West, a distance of 140.34 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner;

South 88 degrees, 46 minutes, 49 seconds West, a distance of 149.73 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner; said point being at the intersection of the said north right-of-way line of Reynoldston Lane and the east right-of-way line of Regatta Drive (a 80 foot wide right-of-way);

THENCE, North 00 degrees, 35 minutes, 04 seconds West, departing the said north line of Reynoldston Lane, along the said east line of Regatta Drive, a distance of 1,060.67 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner; said point being at the intersection of the said east right-of-way line of Regatta Drive and the south right-of-way line of Drury Drive (a 80 foot wide right-of-way);

THENCE, North 88 degrees, 41 minutes, 55 seconds East, departing the said east line of Regatta Drive and along the said south line of Drury Drive, a distance of 1,234.32 feet to an "X" cut in concrete set for corner; said point being at the said south right-of-way line of Drury Drive and the west right-of-way line of South Polk Street (a 100 foot wide right-of-way);

THENCE, South 00 degrees, 40 minutes, 42 seconds East, departing the said south line of Drury Drive and along the said west line of South Polk Street and the northernmost east line of said Dallas ISD tract, a distance of 834.44 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said west line of South Polk Street and in the northernmost south line of the said Dallas ISD tract; said point being the northeast corner of the said Straightway Pentecostal Cathedral tract;

THENCE, departing the said east line of South Polk Street, along the northernmost south line of the said Dallas ISD tract and the north line of the said Straightway Pentecostal Cathedral tract the following three (3) calls:

South 89 degrees, 15 minutes, 56 seconds West, a distance of 180.67 feet to a point for corner, from which a 5/8-inch iron rod bears South 00 degrees, 48 minutes, 48 seconds East, a distance of 0.3 feet; said point being the beginning of a tangent curve to the right;

In a northwesterly direction, along said curve to the right, having a central angle of 27 degrees, 40 minutes, 47 seconds, a radius of 324.72 feet, a chord bearing and distance of North 78 degrees, 53 minutes, 40 seconds West, 155.33 feet, an arc distance of 156.87 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for a point of tangency;

North 83 degrees, 03 minutes, 17 seconds West, a distance of 28.12 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner; said point being the northwest corner of the said Straightway Pentecostal Cathedral tract;

THENCE, along the west line of the said Straightway Pentecostal Cathedral tract and the southernmost east line of the said Dallas ISD tract the following 3 calls:

South 25 degrees, 56 minutes, 43 seconds West, a distance of 231.77 feet to a 3/4-inch iron rod found for corner; said point being the beginning of a tangent curve to the left;

In a southwesterly direction, along said curve to the left, having a central angle of 28 degrees, 24 minutes, 48 seconds, a radius of 454.28 feet, a chord bearing and distance of South 72 degrees, 44 minutes, 20 seconds West, 222.96 feet, an arc distance of 225.27 feet to an "X" cut in concrete set for a point of tangency;

South 01 degrees, 28 minutes, 03 seconds East, a distance of 170.35 feet to the POINT OF BEGINNING;

CONTAINING 1,112,895 square feet or 25.549 acres of land, more or less.

SURVEYOR'S STATEMENT

I, Justin W. Waldrip, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors, the City of Dallas Development Code (Ordinance No. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of the Signed Final Plat.

Dated this the _____ day of _____ 2022.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. RELEASED 4/29/22.

Justin W. Waldrip
Registered Professional Land Surveyor
No. 6179

STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Justin W. Waldrip, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____ 2022.

_____
Notary Public in and for the State of Texas

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, Dallas Independent School District, acting by _____ does hereby adopt this on **W.H. ATWELL LAW ACADEMY & ADELLE TURNER ELEMENTARY** County, Texas, and do hereby dedicate, in fee simple, to the pu management areas shown thereon. The easements shown there The utility and fire lane easements shall be open to the pu collection agencies, and all public and private utilities for each utility and fire lane easements is the responsibility of the prope other improvements or growths shall be constructed, recon easements as shown. Said easements being hereby reserved for utilities using or desiring to use same. All, and any public u manholes, cleanouts, fire hydrants, water services and waste pavement line, and description of such additional easements he are installed.

This plat approved subject to all platting ordinances, rules, r Texas.

WITNESS, my hand at Dallas, Texas, this the _____ day of ____

By: Dallas Independent School District

_____
Devon Mountain
Title:

STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public i this day personally appeared _____, known to me to be the foregoing instrument and acknowledged to me that he executed therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day o

_____
Notary Public in and for the State of Texas

GENERAL NO

1. Bearings are based on the State Plane Coordinate System North Central Zone 4202. Distances reported have been a adjustment factor of 1.00013650.
2. Lot to lot drainage will not be allowed without proper City
3. The purpose of this plat is to create two (2) lots from on
4. Coordinates shown hereon are based on the State Plan 1983 (Adjustment Realization 2011), on grid values, no sca
5. The survey abstract lines shown hereon are approximate a

ADS 3-INCH ALUMINUM DISK STAMPED "PACHECO KOCH-ATWELL" SET
RS 5/8-INCH IRON ROD W/ 5/8-ACHECO KOCH" SET FOR PREVIOUS PRO
M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
VOL. VOLUME
PG. PAGE
MANHOLE
CLEANOUT
ELECTRIC TRANSFORMER
FIRE HYDRANT
GAS METER
ELECTRIC BOX
ELECTRIC METER
GAS MANHOLE
GUY WIRE

SURVEYOR / ENGINEER:
PACHECO KOCH CONSULTING ENGINEERS
7557 RAMBLER ROAD, SUITE 1400
DALLAS, TEXAS 75231
PH: 972-233-3031
CONTACT: JUSTIN W. WALDRIP

OWNER:
DALLAS INDEPENDENT SCHOOL DI
9400 NORTH CENTRAL EXPRESSWA
SUITE 800 DALLAS, TEXAS 75231
PH: (972) 925-7263
CONTACT: AARON JOHNSON
DEPUTY DIRECTOR

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

SURVEY N. B. HARWOOD ABST. 612 SCALE 100 FT. EQUALS 1 INCH SCHOOL DISTRICT DALLAS

FLAIR SOUTH ADDITION

A 6048 JADE G 6048

ABST. 612 ABST. 1283

S.89°50'30"W. 1289.12

175.01 175.01

30 30

STREET

6048

SITE

669.64

6911

N

6048

N.0°35'33"E. 1138.39

S.0°30'5"W.

R=394.72 Δ=27°40'47" T=80 L=156.88 S.89°29'55"E. 200.87

30 BELFREY DR. 30

169.48 180.87

50

N.26°10'52"E. 231.77

201.78

30 B.L.

B.L. TR. B.L.

130.16

CHURCH

W. 135 155

CHRISTIAN

LOT 2

6048

105 105

OAKWOOD

210.39

30

E. 90

SUBDIVISION

REC'D. 10-23-58

E. 135 155

CHESHIRE

T=115 R=464.26 Δ=28°24'46" 225.27

N.0°13'54"W. 100

N. 172.6 S. 172.6

LOT 1

35

182.52

POLK

80.46

30

B.L.

Vol. 522, P. 1802

197.73 90 WEST 197.5

20 30 30

35

ABST. 612 P. NOYER SUR. ABST. 1076

Davis Junk school Site 756.35 V 5735 P. 412

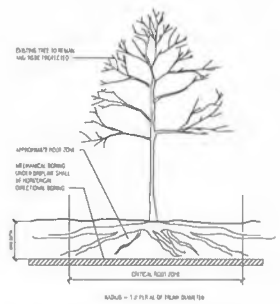
S.89°46'6"W.

REYNOLDSTON LANE

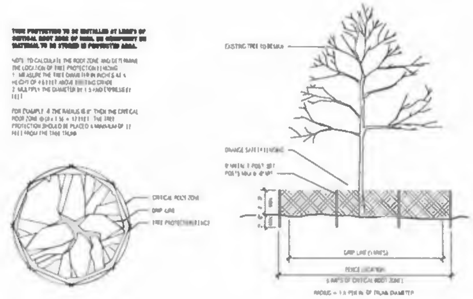
105

W. E. SLOAN SUR. ABST. 1283
D.M. RICKETTS SUR. ABST. 1222

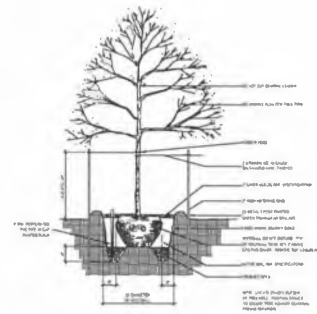
Scanned by Sanborn Division



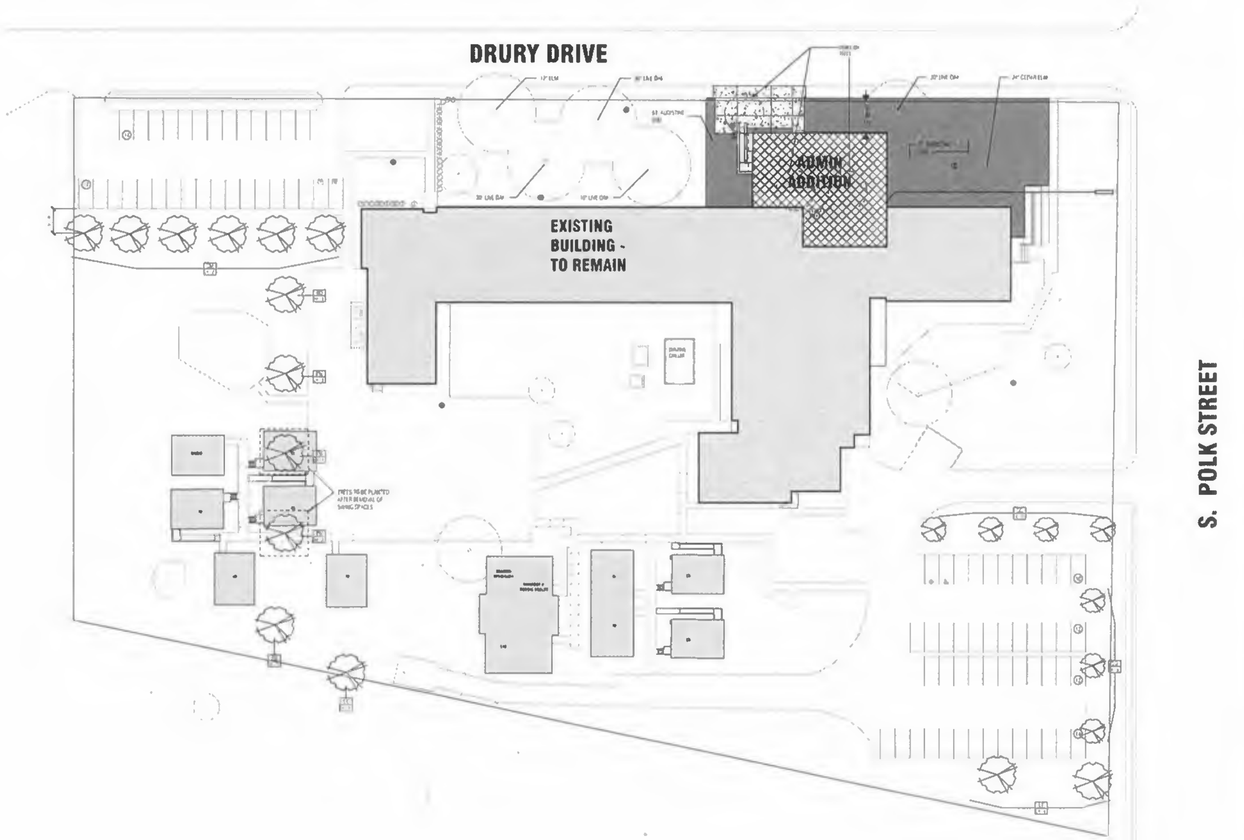
04 | TREE UNDER OR NEAR CROWN DRIPLINE



03 | TREE PROTECTION DETAIL



02 | TREE PLANTING DETAIL



01 | LANDSCAPE SITE PLAN

CITY OF DALLAS STAMP AREA

g|p

5646 MILTON STREET, SUITE 476
DALLAS, TEXAS 75206
WWW.GLENN-PARTNERS.COM

ADELLE TURNER ELEMENTARY SCHOOL #219

DALLAS INDEPENDENT SCHOOL DISTRICT

5505 S POLK STREET
DALLAS, TX 75232

LANDSCAPE PLAN NOTES

NEW TREE TYPES:	COUNT:	SIZE:
CADDO MAPLE (CM)	6	3"
BUR OAK (BO)	5	3"
PECAN (PE)	7	3"
LACEBARK ELM (LE)	3	3"
SWEETGUM (SG)	1	3"
TOTAL	21	63"

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

LEGEND

XXX / XXX	NEW TREE: TOP LINE IS TREE TYPE, BOTTOM LINE IS TREE QTY
	NEW BUILDING FOOTPRINT
	NEW CONCRETE SIDEWALK OR PAVING, REF. CIVIL
	EXISTING
	NEW SODDED AREA
	SPRINKLER VALVE
	PARKING COUNT
	EXISTING TREE TO REMAIN
	PROPOSED NEW TREE

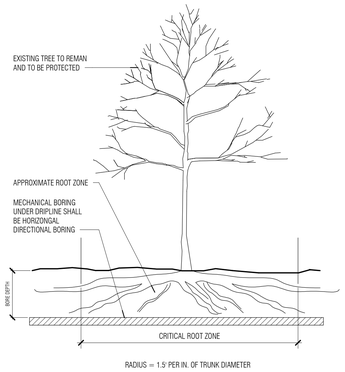
GENERAL NOTES

GLENN PARTNERS PROJECT NO. 21-010

L01-01

LANDSCAPE SITE PLAN

CONSTRUCTION DOCUMENTS
10.13.2022



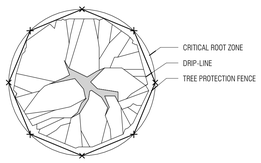
04 | TREE UNDER OR NEAR CROWN DRIPLINE

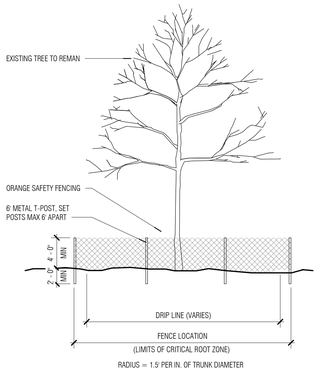
SCALE: 1/8" = 1'-0"

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

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

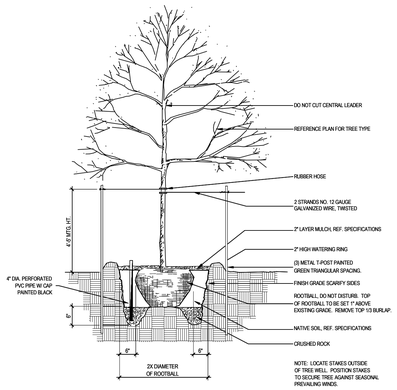
FOR EXAMPLE, IF THE RADIUS IS 8', THEN THE CRITICAL ROOT ZONE IS (8 x 1.5) = 12 FEET . THE TREE PROTECTION SHOULD BE PLACED A MINIMUM OF 12 FEET FROM THE TREE TRUNK.





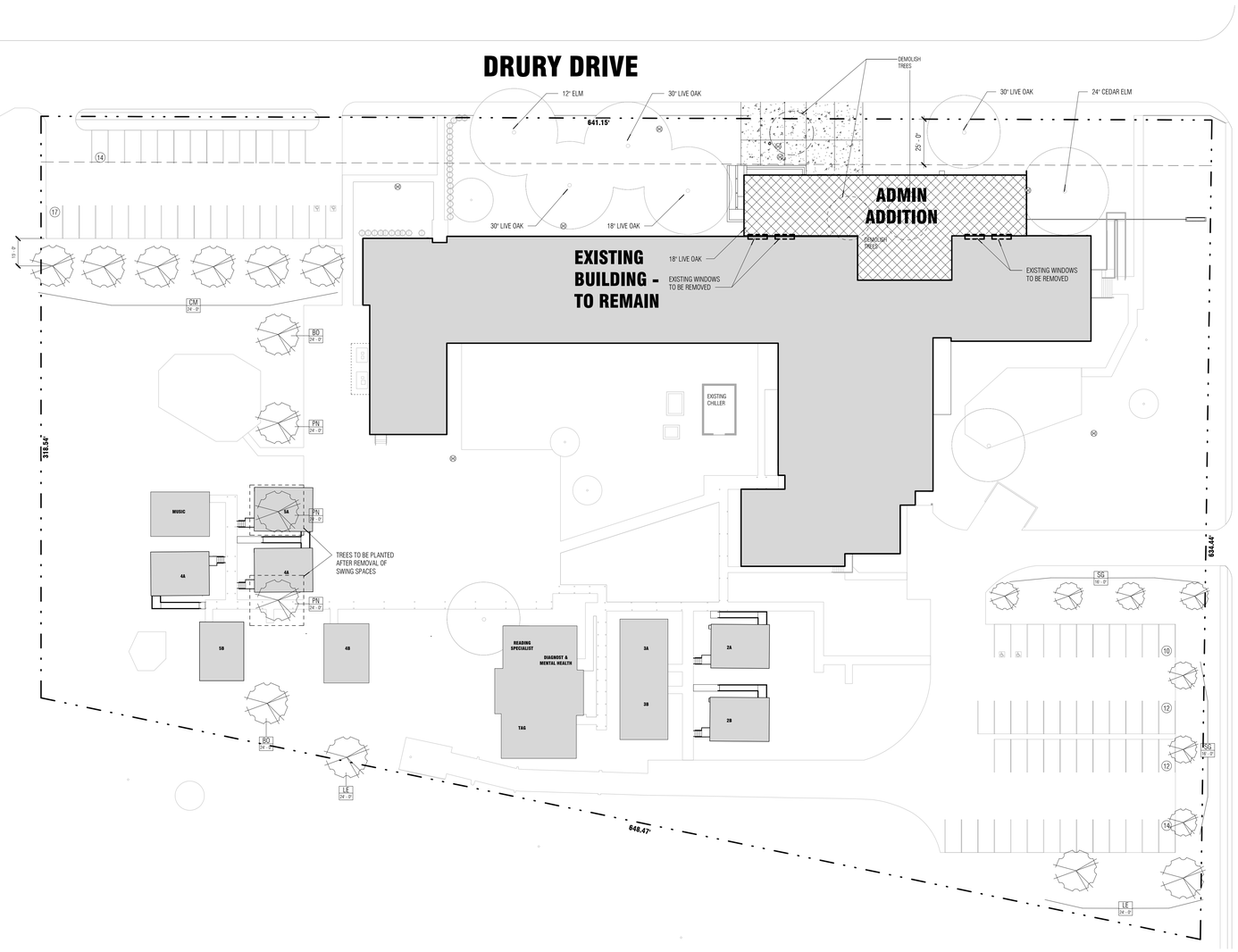
03 | TREE PROTECTION DETAIL

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



02 | TREE PLANTING DETAIL

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



01 | COMPLIANT SITE PLAN

SCALE: 1" = 30'-0"

CITY OF DALLAS STAMP AREA

LANDSCAPE PLAN NOTES

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

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

LEGEND

- NEW TREE. TOP LINE IS TREE TYPE. BOTTOM LINE IS TREE SIZE
- NEW BUILDING FOOTPRINT
- NEW CONCRETE SIDEWALK OR PAVING, REF. CIVIL
- EXISTING
- NEW SODDED AREA
- SPRINKLER VALVE
- PARKING COUNT
- EXISTING TREE TO REMAIN
- PROPOSED NEW TREE

GENERAL NOTES

1. TREE PROTECTION MUST OCCUR PRIOR TO BEGINNING SITE WORK.

2. ALL EXISTING TREES ARE TO REMAIN AND BE PROTECTED DURING CONSTRUCTION UNLESS DESIGNATED AS 'TO BE REMOVED' ON THE DRAWINGS. CHAINLINK OR ORANGE SAFETY FENCING (MIN 4'-0" HEIGHT) SHALL BE INSTALLED AS INDICATED ON PLANS AT THE DRIPLINE OR THE CRITICAL ROOT ZONE (WHICHEVER IS GREATER) OF THE TREE OR GROUP OF TREES TO REMAIN

3. PARKING OF VEHICLES OR PREFORMING WORK WITHIN THESE AREAS OTHER THAN AS SHOWN ON THE PLANS WILL NOT BE ALLOWED. THE TREE PROTECTION SHALL REMAIN DURING THE ENTIRE CONSTRUCTION. OTHER TREE PROTECTION MEASURES SHALL BE IN ACORDANCE WITH TEH CITY OF DALLAS STANDARDS AND ORDINANCES.

4. THE CONTRACTOR SHALL TAKE CARE IN MINIMIZING THE DISTURBANCE T TOHE EXISTING TREE TURNKS AND ROOT SYSTEMS. ALL DEMOLITION AND TRASH REOVAL ADJACENT TO EXISTING TREES SHALL BE COMPLETED USING HAND TOOLS WHERE POSSIBLE. NO LARGE EQUIPMENT OR ANY EQUIPMENT WITH TRACKS SHALL BE ALLOWED UNDER THE DRIPLINE OF ANY EXISTING TREES TO REMAIN. THERE SHALL BE NOW STORAGE OF MATERIAL WITHIN THE DRIPLINE OF THE TREES TO REMAIN.

5. DISPOSAL OF WASTE ATERIAL SUCH AS, BUT NOT LIMITED TO: EXCESS SOIL, PAINT, ASPHALT, OIL, SOLVENTS, CONCRETE, MORTAR, ETC. WITHIN THE DRIPLINE OF THE EXISTING TREES SHALL NOT BE ALLOWED.

6. NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE SHALL BE ATTACHED TO ANY TREE.

7. NO FILL OR EXCAVATION OF ANY NATURE SHALL OCCUR WITHIN THE DRIPLINE OF A TREE TO REMAIN OR BE PROTECTED UNLESS SPECIFIED ON THE PLANS. DO NOT STOCKPILE SUB-SOILS UNDER THE TREE DRIPLINE. ALL EXCAVATION DONE WITHIN THE DREE DRIPLIEN SHALL BE DUG UND THE SUPERVISION OF THE PARKS DEPT REPRESENTATIVE.

8. TREE PROTECTION CHALL REMAIN IN-PLACE UNTILL ALL CONSTRUCTION ACTIVITIES HAVE BEEN COPLETED AND ONLY REMOVED UPON TEH APPROVAL OF THE ARCHITECT OR THE OWNER'S REPRESENTATIVE.

9. WHERE NEW UTILITY LINES ARE CONSTRUCTED WITHIN THE DRIP LINE OF EXISTING TREES, MECHANICALLY BORE THE NEW UTILITY LINE OR ROOT PRUNE THE EXISTING TREE. MECHANICALLY BORE THE UTILITY LINE IF IT IS WITHIN THE DRIP LINE BUT GREATER THAN FIFTEEN FEET AWAY FROM THE TREE'S TRUNK.

10. WHERE NEW IRRIGATION LINES ARE CONSTRUCTED WITHIN THE DRIP LINE OF EXISTING TREES, HAND DIG OR AIR SPADE LINE IF IT IS WITHIN THE DRIP LINE AND WITHIN FEFTEEN FEET OF THE TRUNK OF THE TREE. ROOT PRUNE THE TREE IF THE LINE IS WITHIN THE DRIP LINE BUT GREATER THAN FIFTEEN FEET AWAY FROM THE TREE'S TRUNK.

5646 MILTON STREET, SUITE 426
DALLAS, TEXAS 75206
WWW.GLENN-PARTNERS.COM

ADELLE TURNER ELEMENTARY SCHOOL #219

DALLAS INDEPENDENT SCHOOL DISTRICT

5505 S POLK STREET
DALLAS, TX 75232

NO	REVISION	DATE

GLENN | PARTNERS PROJECT NO. 21-010

L01-01
COMPLIANT SITE PLAN

CONSTRUCTION DOCUMENTS
10.13.2022