

**BOARD OF ADJUSTMENT, PANEL C  
PUBLIC HEARING MINUTES  
DALLAS CITY HALL, L1F AUDITORIUM  
THURSDAY, FEBRUARY 18, 2016**

MEMBERS PRESENT AT BRIEFING: Bruce Richardson, Chair, Ross Coulter, regular member, Joe Carreon, regular member, Peter Schulte, regular member, and Gary Sibley, alternate member

MEMBERS ABSENT FROM BRIEFING: Marla Beikman, regular member

MEMBERS PRESENT AT HEARING: Bruce Richardson, Chair, Ross Coulter, regular member, Joe Carreon, regular member, Peter Schulte, regular member, and Gary Sibley, alternate member

MEMBERS ABSENT FROM HEARING: Marla Beikman, regular member

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Laura Morrison, Asst. City Attorney, Todd Duerksen, Development Code Specialist, David Lam, Engineering, Clayton Buhrle, Engineering and Trena Law, Board Secretary

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Laura Morrison, Asst. City Attorney, Todd Duerksen, Development Code Specialist, David Lam, Engineering, Clayton Buhrle, Engineering and Trena Law, Board Secretary

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**11:23 p.m.** The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **February 18, 2016** docket.  
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**1:00 P.M.**

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.

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**MISCELLANEOUS ITEM NO. 1**

Approval of the Board of Adjustment Panel C December 14, 2015 public hearing minutes.

**BOARD OF ADJUSTMENT ACTION: FEBRUARY 18, 2016**

MOTION: None

The minutes were approved without a formal vote.

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**FILE NUMBER:** BDA156-006(SL)

**BUILDING OFFICIAL’S REPORT:** Application of Richard C. Taylor, represented by Stuart Pully, for a special exception to the fence height regulations at 6926 Forest Lane. This property is more fully described as Lot 5, Block 7491, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

**LOCATION:** 6926 Forest Lane

**APPLICANT:** Richard C. Taylor  
Represented by Stuart Pully

**REQUEST:**

A request for a special exception to the fence height regulations of 4’ is made to construct and maintain an 8’ high limestone fence with 8’ high metal sliding gates parallel to the street, and an 8’ high wood fence perpendicular to the street in the 50’ required front yard on a site that is currently undeveloped.

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

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	R-1ac (A) (Single family district 1 acre)
<u>North:</u>	PD 381 (Planned Development)
<u>South:</u>	R-1ac (A) (Single family district 1 acre)
<u>East:</u>	R-1ac (A) (Single family district 1 acre)
<u>West:</u>	R-1ac (A) (Single family district 1 acre)

### **Land Use:**

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

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

1. BDA94-027, Property at 7002 Forest Lane (the property three lots east of the subject site)

On March 8, 1994, the Board of Adjustment granted a request for a special exception to the fence height regulations to maintain a 7' high fence, and imposed the following condition: "That the development of the fence be in accordance with the submitted site plan and elevation and in accordance with the landscape plan to be submitted by the applicant to the staff and approved by us at our next hearing of April 12, 1994".

The case report stated the request was made to construct a 7' high solid cedar fence and gate on a site developed with a single family home.

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

- This request focuses on constructing and maintaining an 8' high limestone fence with 8' high metal sliding gates parallel to the street, and an 8' high wood fence perpendicular to the street in the required front yard on a site being that is currently undeveloped.
- 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.
- The subject site is zoned R-1ac(A) and has a 40' front yard setback. The subject site has a 50' platted building line.
- The applicant has submitted a site plan and elevations of the proposal with notations indicating that the proposal reaches a maximum height of approximately 8'.

- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 100’ in length parallel to the street, and approximately 23’ in length perpendicular to the street on the east and west sides of the site in the required front yard.
  - The proposed fence/gates are represented as being located approximately 27’ from the front property line, or approximately 42’ from the pavement line.
- No single family lots front the proposed fence. Immediately north of the subject site across the 6’ lane divided street is a subdivision with an approximately 6’ – 8’ high solid masonry wall.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Forest Lane from Hillcrest Road on the west to approximately 300 feet to the east of the site) and noted one other fence beyond the fence mentioned above over 4’ in height and in front yard setback. The approximately 7’ high solid wood fence is located three lots to the east of the subject site, and appears to be the result of a fence height special exception granted by the Board in 1994: BDA94-027.
- As of February 5, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4’ will not adversely affect neighboring property.
- Granting this special exception of 4’ with a condition imposed that the applicant complies with the submitted site plan and elevations would require the proposal exceeding 4’ in height in the required front yard to be constructed and maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

- November 24, 2015: 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 6, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- January 6, 2016: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.

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

**BOARD OF ADJUSTMENT ACTION: FEBRUARY 18, 2016**

APPEARING IN FAVOR: Stuart Pully, 3910 Cedar Brush Drive, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Coulter**

I move that the Board of Adjustment, in Appeal No. **BDA156-006**, on application of Richard C. Taylor, **grant** the request to construct and maintain an 8-foot-high fence in the property's front yard as a special exception to the fence height requirements 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 elevations is required.

SECONDED: **Carreon**

AYES: 5 – Richardson, Coulter, Carreon, Schulte, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

1:13 P.M.: Break

1:18 P.M.: Resumed

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**FILE NUMBER:** BDA156-008(SL)

**BUILDING OFFICIAL’S REPORT:** Application of Dale Parsons for a special exception to the fence height regulations at 9720 Audubon Place. This property is more fully described as Lot 2, Block 14/5587, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 9 foot 6 inch high fence, which will require a 5 foot 6 inch special exception to the fence height regulations.

**LOCATION:** 9720 Audubon Place

**APPLICANT:** Dale Parsons

**REQUEST:**

A request for a special exception to the fence height regulations of 5’ 6” is made to construct and maintain an approximately 9’ high open wrought iron gate, and an open wrought iron picket fence that ranges in height from 7’ 1” – 8’ 9” with columns that range in height from 7’ 4” – 9’ 6” (given grade changes on the property) on a site being developed with a single family structure.

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

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

## **Land Use:**

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

## **Zoning/BDA History:**

1. BDA123-053, Property at 9727 Audubon Place (the property west of the subject site)

On June 19, 2013, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 6' without prejudice. The case report stated the request was made to replace an existing approximately 4' high open iron fence that spans approximately half the length of the subject site located in the site's 40' Audubon Place front yard setback with an 8' high open iron fence and columns with 10' high open iron gate/ entry columns that would span across the entire length of the site's Audubon Place front yard setback, and to construct/maintain an 8' high open iron fence in the site's Park Lane frontage where there is currently no fence.
2. BDA012-237, Property at 9727 Audubon Place (the property west of the subject site)

On September 9, 2002, the applicant withdrew a request for a fence height special exception of 2' 6" that had been randomly assigned to Board of Adjustment Panel B.
3. BDA956-163, Property at 9769 Audubon Place (the property northwest north of the subject site)

On March 26, 1996, the Board of Adjustment Panel A granted a request for special exception to the fence height to maintain a maximum 6.5 foot high open metal fence with 7.5 foot high columns, and a special exception to maintain an additional dwelling unit on the property, subject to deed restricting the property to prevent the additional unit as rental accommodations.
4. BDA967-313, Property at 9762 Audubon Place (two lots northeast of the subject site)

On October 28, 1997, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations to maintain a 6 foot 6 inch high fence with 6 foot 10 inch high columns, and a 9 foot 6 inch high entry gate/columns, and imposed the following conditions: Compliance with the submitted site/landscape/elevation plan is required. The case report stated that the request was

made in conjunction with constructing and maintaining a 6.6' open iron fence and 10 9.5' high solid iron columns (including decorative lights) in the Audubon Place front yard setback.

5. BDA101-092, Property at 9762 Audubon Place (two lots northeast of the subject site)

On October 18, 2011, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations of 2' 6" and imposed the submitted site plan and elevation as a condition to the request. The case report stated that the request was made to construct and maintain a 6' – 6' 3" high open iron picket fence and gate with 6' 6" high decorative metal columns/"pillars" in the site's 40' front yard setback on a lot developed with a single family home. (The proposed fence in this application was to be a continuation of an existing fence on the southern half of the property/subject site – a fence that appears to have been a result of a special exception to the fence height regulations granted by the Board of Adjustment Panel A in October of 1997: BDA 967-313).

6. BDA123-087, Property at 9762 Audubon Place (two lots northeast of the subject site)

On September 17, 2013, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations of 5' 5", and imposed the following conditions: Compliance with the submitted site plan and elevation is required. The case report stated that the request was made maintaining four decorative lanterns/lamps located atop four metal columns- decorative lanterns/lamps atop columns that were not part of a previously requested and granted fence height special exception request on the property in 2011 (BDA 101-092).

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

- This request focuses on constructing and maintaining an approximately 9' high open wrought iron gate, an open wrought iron picket fence that ranges in height from 7' 1" – 8' 9" with columns that range in height from 7' 4" – 9' 6" (given grade changes on the property) on a site being developed with a single family structure.

- 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.
- The subject site is zoned R-1ac(A) and has a 40' front yard setback.
- The applicant has submitted a site plan with elevation of the proposal with notations indicating that the proposal reaches a maximum height of approximately 9' 6".
- The following additional information was gleaned from the submitted site plan/elevation:
  - The proposal is represented as being approximately 65' in length parallel to the street.
  - The proposed fence is represented as being located at a range of approximately 12' 6" - 40' from the front property line, or approximately 28' 6" - 56' from the pavement line.
- One single family lot fronts the proposed fence. This property has an approximately 4' high fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Audubon Place from Park Lane on the south to approximately 300 feet to the north of the site) and noted two other fences over 4' in height and in front yard setbacks. Both of these fences are open metal fences that are approximately 6' – 6' 6" high that appear to be results of fence height special exception requests granted in 1997 and 2011.
- As of February 5, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' 6" will not adversely affect neighboring property.
- Granting this special exception of 5' 6" with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

**Timeline:**

- December 17, 2015: 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 6, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

January 6, 2016: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.

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

**BOARD OF ADJUSTMENT ACTION: FEBRUARY 18, 2016**

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

I move to grant that the Board of Adjustment grant application **BDA 156-008** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. 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/elevation is required.

SECONDED: **Sibley**

AYES: 5 – Richardson, Coulter, Carreon, Schulte, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

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**FILE NUMBER:** BDA156-009(SL)

**BUILDING OFFICIAL’S REPORT:** Application of Jonathan Vinson for a variance to the off-street loading regulations at 2350 Flora Street. This property is more fully described as Lot 1, Block 530, and is zoned PD145, which requires one large off-street loading space to be provided. The applicant proposes to construct and maintain structures for restaurant, office, hotel or motel, and/or multifamily uses, and provide no large off-street loading space, which will require a one space variance to the off-street loading regulations.

**LOCATION:** 2350 Flora Street

**APPLICANT:** Jonathan Vinson

**REQUEST:**

A request for a variance to the off-street loading regulations of 1 large size loading space is made to construct and maintain a hotel or motel use that is to be part of a mixed use office/residential/retail development on a site that is partially developed with office and parking garage uses, and partially undeveloped.

**STANDARD FOR A VARIANCE:**

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, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan (labeled “Attachment 7”) is required.

Rationale:

- The applicant had substantiated how the moderate slope and restrictive area of the approximately 2.5 acre site (smaller than others in the same zoning district) partially developed with parking garage built in 1987 are unique characteristics/special conditions of the site that preclude him from developing it in a manner commensurate with the development upon other parcels of land in districts with the same PD 145 zoning classification.
- Granting the request does not appear to be contrary to public interests because the Sustainable Development and Construction Department Project Engineer has no objections since the submitted site plan (labeled “Attachment 7”) references the general location of the large truck loading zone that will be imposed as a condition to the request. The submitted site plan shows the location where a large truck may be parked in the event a large truck arrives at the subject site for loading/unloading purposes.

**BACKGROUND INFORMATION:**

Site: PD 145 (Planned Development)  
North: PD 145 (Planned Development)  
South: PD 145 (Planned Development)  
East: PD 145 (Planned Development)  
West: PD 145 (Planned Development)

**Land Use:**

The subject site is in part developed with an office and parking garage uses, and in part undeveloped. The areas to the north and east are developed with theater uses; the area to the south is developed with surface parking lot; and the area to the west is developed with a church 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:**

- The request focuses on constructing and maintaining a hotel or motel use with no large size loading space that is to be part of a mixed use office/residential/retail development on a site that is partially developed with office and parking garage, and partially undeveloped.
- The subject site is zoned PD 145 that states that definitions and interpretations in Chapter 51 apply with regard to off-street loading regulations.
- Chapter 51 requires the following off-street loading requirements:
  - Office: 0 to 50,000 square feet: none; 50,000-150,000 square feet: 1; Each additional 100,000 square feet or fraction thereof: 1 additional
  - Multifamily: 0 to 50,000 square feet: none; 50,000-100,000 square feet: 1; 100,000 – 300,000: 2; Each additional 100,000 square feet or fraction thereof: 1 additional
  - Restaurant without drive-in service: 0 to 5,000 square feet: none; 5,000-25,000 square feet: 1; 25,000 – 50,000: 2; Each additional 50,000 square feet or fraction thereof: 1 additional
  - Hotel and motel: 0 to 10,000 square feet: none; 10,000-50,000 square feet: 1; 50,000 – 100,000: 2; Each additional 100,000 square feet or fraction thereof: 1 additional
- Chapter 51 states that the “off-street loading regulations” incorporates “Required off-street loading standards” of Chapter 51A-4.303, “Off-street Loading Regulations.”
- Chapter 51A-4.303(b)(2), “Off-Street Loading Regulations,” states “The first required off-street loading space must be of the medium or large size and at least 40 percent of the required off-street loading spaces must be of the medium or large size except:
  - for a single retail or personal service use in Chapter 51A over 60,000 square feet, or a retail use in Chapter 51 over 60,000 square feet, the first 25 percent of the loading spaces must be of the large size, then 25 percent must be of the medium or large size; and
  - for hotels and motels, one required off-street loading space must be of the large size, and at least 75 percent of the required spaces must be of the large or medium size.”
- Chapter 51A-4.303(b)(4), “Off-Street Loading Regulations,” states “Each large size off-street loading space must have a width of not less than 11 feet, a length of not less than 55 feet, and a height of not less than 14 feet.”
- Chapter 51A-4.303(b)(5), “Off-Street Loading Regulations,” states “Each medium size off-street loading space must have a width of not less than 11 feet, a length of not less than 35 feet, and a height of not less than 13 feet.”
- Chapter 51A-4.303(b)(6), “Off-Street Loading Regulations,” states “Each small size off-street loading space must have a height of not less than 7.5 feet, and either a length of not less than 25 feet with a width of not less than 8 feet, or a length of not less than 20 feet with a width of not less than 10 feet.”
- Chapter 51A-4.303(b)(7), “Off-Street Loading Regulations,” states “Ingress to and egress from required off-street loading spaces must have at least the same vertical height clearance as the off-street loading space.”

- The applicant has submitted materials that include a table which represents the list of uses, square footages, and loading space requirements for the existing and proposed development on the subject site.
- The applicant stated that the submitted site plan shows a total of nine loading spaces provided on the site, but because of the existing conditions of the property as built in 1987, the applicant cannot physically accommodate a large loading space. The applicant stated that the development is unable to meet the requirement for a large truck due to the access clearance of the existing garage structure, hence a variance to the off-street loading space of a large size that is required for one of the four uses in the project: hotel or motel.
- The applicant stated the existing garage on the site that would serve the proposed hotel or motel use was constructed in 1987 and was built with 13' of clearance at the existing portal to the loading area. This 13' of clearance is 1' less in height than the "not less than 14 feet" required for a "large size off-street loading space".
- The applicant submitted a site plan labeled "Attachment 7" denoting the "Proposed large truck unloading region" and "minimum 55' proposed large truck illustrative. Exact location may vary within unloading region" along Leonard Street.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" commenting "with respect to public interest as it relates to traffic safety and public infrastructure, engineering has no objections to the submitted site plan with reference only to the general location of the large truck loading zone."
- The site is somewhat sloped, rectangular in shape, and according to the application, 2.7 acres in area. The site is zoned PD 145. The site has four front yards as would any lot with four street frontages that is not zoned single family, duplex, or agricultural.
- DCAD records indicate that the "improvements" at 2350 Flora Street is a "parking garage" with 56,000 square feet built in 1986.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to off-street loading regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 145 zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 145 zoning classification.

- If the Board were to grant this request and impose the submitted site plan as a condition, the applicant could construct and maintain the hotel or motel use component of the mixed use development with the condition that the property comply with the submitted site plan that shows the location where a large truck may be parked in the event a large truck arrives at the subject site for loading/unloading purposes.

**Timeline:**

- December 17, 2015: 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 6, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- January 6, 2016: The Board Administrator contacted the applicant and emailed him the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- January 27, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.

February 4, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting “with respect to public interest as it relates to traffic safety and public infrastructure, engineering has no objections to the submitted site plan with reference only to the general location of the large truck loading zone.”

February 5, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).

**BOARD OF ADJUSTMENT ACTION: FEBRUARY 18, 2016**

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

I move to grant that the Board of Adjustment grant application **BDA 156-009** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. 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.

SECONDED: **Sibley**

AYES: 5 – Richardson, Coulter, Carreon, Schulte, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

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FILE NUMBER: BDA156-014(SL)

**BUILDING OFFICIAL’S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence height regulations at 5122 Deloache Avenue. This property is more fully described as Lot 10, Block 8/5581, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 10 foot 6 inch high fence, which will require a 6 foot 6 inch special exception to the fence height regulations.

LOCATION: 5122 Deloache Avenue

APPLICANT: Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the fence height regulations of 6' 6" is made to construct and maintain the following fence proposal in the front yard setback on a site being developed with a single family structure:

- a 7' high fence (a 5' open iron picket fence atop a 2' high cut stone base) with approximately 8' high cut stone columns;
- an east gate that is approximately 8' 6" high with 9' high cut stone columns and 7' high solid cut stone wing walls; and
- a west gate that is approximately 8' 6" high with 9' high cut stone columns and 7' - 8' high open iron picket wing walls.

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

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

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

1. BDA 045-192, Property at 5131 Deloache Avenue (the property northeast of the subject site)

On May 17, 2005, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 4' 2" and imposed the following condition: compliance with the submitted and signed site plan and fence elevations dated May 17, 2005 is required.

The case report stated the request was made to construct a 6' high open wrought iron fence with 7' 1" high brick columns, and 6'-high wood and steel entrance entry gates with 8' 2'-high brick entry columns in the 40' Deloache Avenue front yard setback on a site being developed with a single family home.
  
2. BDA 045-191, Property at 5210 Deloache Avenue (the property two lots east of the subject site)

On June 15, 2005, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 4' without prejudice.

The case report stated the request was made to construct a 7' high open wrought iron fence with 8' high cast stone columns, and a 9' high open wrought iron entrance entry gate with 8' high cast stone entry columns and an 8' high open wrought iron service gate with 8' high cast stone entry columns in the 40' Deloache Avenue front yard setback on a site being developed with a single family home.

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

- This request focuses on constructing and maintaining a 7' high fence (a 5' open iron picket fence atop a 2' high cut stone base) with approximately 8' high cut stone columns; an east gate that is approximately 8' 6" high with 9' high cut stone columns and 7' high solid cut stone wing walls; and a west gate that is approximately 8' 6" high with 9' high cut stone columns and 7' - 8' high open iron picket wing walls on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) and has a 40' front yard setback.
- While the applicant has not formally amended his application from what he originally submitted (a fence height special exception request of 6' 6"), he has submitted a revised site plan with partial elevations of the proposal with notations indicating that the proposal reaches a maximum height of 9'.

- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 150’ in length parallel to the street, and approximately 37’ in length perpendicular to the street on the east and west sides of the site in the front yard setback.
  - The proposed fence is represented as being located approximately 3’ from the front property line, or approximately 15’ from the pavement line; the proposed east gate is represented as being located approximately 16’ from the front property line or approximately 28’ from the pavement line; and the proposed west gate is represented as being approximately 9’ from the property line or approximately 21’ from the pavement line.
- Two single family lots front the proposed fence, both with a fences in the front yards that appears higher than 4’. The property to the northeast has an approximately 6’ high open wrought iron fence that appears to be a result of a granted fence height special exception in 2005 (BDA045-192); and the property to the northwest has an approximately 5’ high open wrought iron fence with no recorded BDA history.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Deloache Avenue from Inwood Road on the west to approximately 300 feet to the east of the site) and noted no other fences over 4’ in height and in front yard setbacks other than the two previously mentioned located northeast and northwest of the subject site.
- As of February 5, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 6’ 6” will not adversely affect neighboring property.
- Granting this special exception of 6’ 6” with a condition imposed that the applicant complies with the submitted revised site plan with partial elevations document would require the proposal exceeding 4’ in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

**Timeline:**

December 2, 2015: 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 6, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

January 6, 2016: The Board Administrator contacted the applicant and emailed him the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

January 20 & February 1, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).

February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.

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

**BOARD OF ADJUSTMENT ACTION: FEBRUARY 18, 2016**

**APPEARING IN FAVOR:** No one

**APPEARING IN OPPOSITION:** No one

**MOTION: Schulte**

I move to grant that the Board of Adjustment grant application **BDA 156-014** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. 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 with partial elevations is required.

**SECONDED: Sibley**

AYES: 5 – Richardson, Coulter, Carreon, Schulte, Sibley  
NAYS: 0 -  
MOTION PASSED: 5 – 0 (unanimously)

\*\*\*\*\*

**FILE NUMBER:** BDA145-124(SL)

**BUILDING OFFICIAL’S REPORT:** Application of Karl A. Crawley for special exceptions to the fence height and visual obstruction regulations at 5915 Desco Drive. This property is more fully described as Lot 4 & 5, Block E/5614, and part of Lot 1 & 8, Block D/5614, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations, and to locate and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5915 Desco Drive

**APPLICANT:** Karl A. Crawley

**February 18, 2016 Public Hearing Notes:**

- The applicant submitted additional written documentation to the Board at the public hearing of which included a revised elevation that reduced the height of the fence in the Watson Avenue front yard setback to 7 feet.

**ORIGINAL REQUEST (December 2015):**

Originally, a request for a special exception to the fence height regulations of 5’ was made to construct and maintain an approximately 6’ 4” high open iron picket fence with an arched open wrought iron picket gate that reaches 9’ in height in the one of the site’s two front yard setbacks (Desco Drive) on a site that being developed with a single family structure.

On December 14, 2015, the Board Administrator circulated an email from the applicant at the briefing stating that the applicant was requesting that his application be delayed until Panel C’s next public hearing (see Attachment A). This letter stated among other things that the delay would allow the applicant to add a second special exception for a fence greater than 4’ in height along Watson Avenue along with a visibility triangle special exception at a driveway on Watson. The Board delayed action at this hearing until their next public hearing to be held on February 18, 2016.

### **REVISED REQUESTS (February 2016):**

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

1. A request for a special exception to the fence height regulations of 1' is made to construct and maintain two 5' high open metal picket entry gates with 5' high cast stone entry columns in the site's Desco Drive front yard setback.
2. A request for a special exception to the fence height regulations of 4' is made to maintain an 8' high solid board-on-board wood fence and gate in the site's Watson Avenue front yard setback.
3. Requests for special exceptions to the visual obstruction regulations are made to maintain the aforementioned 8' high board-on-board wood fence and gate located in the two 20' visibility triangles at the driveway into the site from Watson Avenue.

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

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences 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:**

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 height):**

No staff recommendation is made on this or any request for a special exception to the fence height 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):**

Approval, subject to the following condition:

- Compliance with the submitted revised site plan and elevations is required.

Rationale:

- The Sustainable Development and Construction Department Project Engineer had indicated that he has no objections to the requests.
- The applicant had substantiated how the location and maintenance of an 8' high board-on-board wood fence and gate located in the two 20' visibility triangles at the driveway into the site from Watson Avenue does not constitute a traffic hazard.

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

The subject site is 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. BDA 045-131, Property located at 5831 Desco Drive (two lots west of the subject site)

On February 16, 2005, the Board of Adjustment Panel B denied a request for special exception to the fence height regulations of 2' without prejudice. The case report stated that the request was made in conjunction with constructing a 6' high open metal tube fence with 6' high columns and a 6' high open iron tube entry gate in the 40' Desco Drive front yard setback, and constructing a 6' high cyclone fence in the 40' Watson Avenue front yard setback.
2. BDA 045-181, Property located at 5831 Desco Drive (two lots west of the subject site)

On April 20, 2005, the Board of Adjustment Panel B granted a request for special exception to the fence height regulations of 2' 6", and imposed the following condition to the request: Compliance with a revised submitted site plan and elevation to be submitted to the Board Administrator indicating the fence, column and gate dimensions specified above is required. The case report stated that the original request was made in conjunction with constructing a 6' 6" high open metal tube fence with 6' 6" high columns, and a 6' 6" high open iron tube entry gate in the 40' Desco Drive front yard setback on a site

developed with a single family home but that the applicant offered at the public hearing to reduce the height of the fence in the Desco Drive front yard setback to 4' whereby the only item to be "excepted" by the board would be the proposed gate and entry columns in the Desco Drive front yard setback.

3. BDA 056-111, Property located at 5831 Desco Drive (four lots southwest of the subject site)

On May 15, 2006, the Board of Adjustment Panel C granted a request for special exception to the fence height regulations of 3', and imposed the following condition to the request: Compliance with the submitted site plan and elevation is required.

The case report stated that the request was made in conjunction with completing and maintaining (according to the submitted site plan and revised "proposed fence elevation") an approximately 6' 6" open picket fence with 7' high columns in the site's 40' Desco Drive and Douglas Avenue front yard setbacks on a site developed with a single family home.

### **GENERAL FACTS/STAFF ANALYSIS (fence height):**

- While the original request in December of 2015 focused on constructing and maintaining an approximately 6' 4" high open iron picket fence with an arched open wrought iron picket gate that reaches 9' in height in the one of the site's two front yard setbacks (Desco Drive) on a site that being developed with a single family home, the applicant submitted a revised site plan and elevation in January of 2016 (see Attachment C).
- The applicant's revised request focuses on constructing and maintaining two 5' high open metal picket entry gates with 5' high cast stone entry columns in the Desco Drive front yard setback, and maintaining an 8' high solid board-on-board wood fence and gate in the Watson Avenue front yard setback.
- The subject site is zoned R-1ac(A).
- 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.
- The subject site is located between Desco Drive and Watson Avenue. Regardless of how the single-family structure being developed on the site is oriented to front south to Desco Drive and to back to northward to Watson Avenue, the site has two 40' front yard setbacks since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.

- The applicant had originally chosen to make application only for a proposed fence to exceed 4' in height in the Desco Drive front yard setback, and not to address any existing or proposed fence that exceeds/will exceed 4' in height in the site's Watson Avenue front yard setback, or that may be located in any required visibility triangle.
- The applicant had originally submitted a site plan with partial elevations of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 108" or 9'.
- On December 14<sup>th</sup>, the Board of Adjustment conducted a public hearing and delayed action on this application until their next public hearing to be held on February 18, 2016, in reaction to the applicant's request to add a second special exception for a fence greater than 4' for the Watson Avenue frontage along with a visibility triangle special exception at a driveway on Watson (see Attachment A)..
- On December 22, 2015, the applicant amended his application to construct and maintain a fence to exceed 4' in height in the Desco Drive front yard setback, to maintain the existing fence that exceeds 4' in height in the site's Watson Avenue front yard setback, and to maintain the location of this fence in required visibility triangles at the driveway into the site from Watson Avenue.
- The applicant submitted a revised site plan and elevations of the proposal in the front yard setbacks with notations indicating that the proposal reaches a maximum height of 5' in the Desco Drive front yard setback and a maximum height of 8' in the Watson Drive front yard setback (see Attachment C).
- The following additional information was gleaned from the *originally* submitted site plan:
  - The proposal is represented as being approximately 175' in length parallel to the Desco Drive and approximately 30' perpendicular to Desco Drive on the east and west sides of the site in the front yard setback.
  - The fence/gate proposal is represented as being located approximately 2' -10' from the site's Desco Drive front property line or approximately 14' – 22' from the pavement line.
- The following additional information was gleaned from the *revised* submitted site plan:
 

Desco Drive:

  - The proposal is represented as being approximately 50' in length parallel to the Desco Drive (two, 25' long entryways) in this front yard setback.
  - The proposal is represented as being located approximately 9' from the site's Desco Drive front property line or approximately 20' from the pavement line.

Watson Avenue:

  - The proposal/existing fence is represented as being approximately 175' in length parallel to the Watson Drive and approximately 40' in length perpendicular to this street on the east and west sides of the site in this front yard setback.
  - The proposal/existing fence is represented as being located approximately on the site's Watson Avenue front property line or approximately 12' from the pavement line.
- The Desco Drive proposal is located across from two single family homes neither of which appear to have a fence in its front yard setback.

- The Watson Drive proposal/existing fence is located across from one single family home with an approximately 5' high brick fence in its Watson Drive front yard setback with no recorded BDA history.
- With regard to the fence proposal along Desco Drive, the Board Administrator conducted a field visit of the site and surrounding area (the block from Douglas Avenue and Preston Road) and noted two other fences that appeared to be above 4' in height and located in a front yard setback. One fence was immediately east of the subject site (an approximately 5' high chain link fence with no recorded BDA history), and the other fence about four lots to the southwest (an approximately 6.5' high open picket fence with 7' high columns that is a result of an approved fence height special exception request in 2006: BDA 056-011 - see the Zoning/BDA History section of this case report for additional details).
- With regard to the fence proposal/existing fence along Waston Avenue, the Board Administrator conducted a field visit of the site and surrounding area (the block from Douglas Avenue and Preston Road) and noted a number of other fences that appeared to be above 4' in height and located in a front yard setback. These fences ranged in height from approximately 5' – 6' in height, approximately half of which were solid fences, and the other half were open picket/chain link fences, and none with recorded BDA history.
- As of February 5, 2016, six letters has been submitted in support of the request, and five letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of up to 4' will not adversely affect neighboring property.
- Granting these special exceptions of up to 4' with a condition imposed that the applicant complies with the submitted revised site plan and elevations would require the proposal exceeding 4' in height in the front yard setbacks to be constructed and maintained/maintained in the location and of the heights and materials as shown on these documents.

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction):**

- These requests focus on maintaining an 8' high board-on-board wood fence and gate located in the two 20' visibility triangles at the driveway into the site from Watson Avenue.
- 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 has submitted a revised site plan and an elevation denoting a solid 8' high board-on-board fence located in the two 20' visibility triangles at the drive approach into the site from Watson Avenue (see Attachment C).

- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain a solid 8’ high board-on-board fence located in the two 20’ visibility triangles at the drive approach into the site from Watson Avenue does not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted revised site plan and elevation would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents.

**Timeline:**

October 23, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 10, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 10, 2015: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the December 4<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 1, 2015: 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 Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

- December 14, 2015: The Board of Adjustment Panel C conducted a public hearing on this application. The Board Administrator circulated an email from the applicant at the briefing stating that the applicant was requesting that his application be delayed until Panel C's next public hearing (see Attachment A). The Board delayed action on this application until their next public hearing to be held on February 18, 2016.
- December 15, 2015: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the January 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- December 22, 2015: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report on this application (see Attachment B).
- January 27, 2016: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment C).
- February 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Sustainable Development and Construction Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineers, and the Assistant City Attorneys to the Board.
- February 3, 2016: The applicant hand-delivered additional documentation on this application beyond what was submitted with the original application (see Attachment D).
- February 5, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

**BOARD OF ADJUSTMENT ACTION: DECEMBER 14, 2015**

APPEARING IN FAVOR: Karl Crawley, 900 Jackson St., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Beikman**

I move that the Board of Adjustment in request No. **BDA 145-124**, hold this matter under advisement until **February 18, 2016**.

SECONDED: **Schulte**

AYES: 5 – Richardson, Coulter, Schulte, Beikman, Sibley

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: FEBRUARY 18, 2016**

APPEARING IN FAVOR: Karl Crawley, 900 Jackson St., Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION #1: **Schulte**

I move that the Board of Adjustment, in Appeal No. **BDA145-124**, on application of Karl Crawley, **grant** the request of this applicant to construct and maintain a 5-foot-high fence in the Desco Drive front yard setback and an 7-foot-high fence in the Watson Drive front yard setback on the property as a special exception to the height 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 revised site plan and revised elevations is required.

SECONDED: **Sibley**

AYES: 4 – Coulter, Carreon, Schulte, Sibley

NAYS: 1 - Richardson

MOTION PASSED: 4 – 1

**MOTION #2: Schulte**

I move that the Board of Adjustment, in Appeal No. **BDA145-124**, on application of Karl Crawley, **grant** the request of this applicant to maintain items in a visibility triangle as a special exception to the visual obstruction regulation contained in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard. 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 elevations is required.

**SECONDED: Coulter**

**AYES:** 5 – Richardson, Coulter, Carreon, Schulte, Sibley

**NAYS:** 0 -

**MOTION PASSED:** 5 – 0(unanimously)

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**MOTION: Schulte**

I move to adjourn this meeting.

**SECONDED: Coulter**

**AYES:** 5 – Richardson, Coulter, Carreon, Schulte, , Sibley

**NAYS:** 0 -

**MOTION PASSED:** 5 – 0(unanimously)

**1:28 P. M.** - Board Meeting adjourned for **February 18, 2016**

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
BOARD ADMINISTRATOR

\_\_\_\_\_  
BOARD SECRETARY

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**Note:** For detailed information on testimony, refer to the tape retained on file in the Department of Planning and Development.