

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, MARCH 19, 2019  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/ Chief Planner**  
**Oscar Aguilera, Senior Planner**

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**MISCELLANEOUS ITEM**

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Approval of the February 19, 2019 Board of Adjustment  
Panel A Public Hearing Minutes M1

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**UNCONTESTED CASES**

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<b>BDA189-025(OA)</b>	5150 Ridgedale Avenue <b>REQUEST:</b> Application of Ward Williford for special exceptions to the visual obstruction regulations	1
<b>BDA189-027(OA)</b>	10045 Lakemere Drive <b>REQUEST:</b> Application of Christopher Fergusson, represented by Christopher Villanueva, for a special exception to the fence standards regulations	2
<b>BDA189-035(OA)</b>	602 W. Colorado Boulevard <b>REQUEST:</b> Application of Danny Sipes for special exceptions to the fence standards regulations	3

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**REGULAR CASE**

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**BDA189-036(OA)**

5843 La Vista Court

4

**REQUEST:** Application of Danny Sipes for a variance to the front yard setback regulations

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## EXECUTIVE SESSION NOTICE

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

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

**FILE NUMBER:** BDA189-025(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Ward Williford for special exceptions to the visual obstruction regulations at 5150 Ridgedale Avenue. This property is more fully described as Lot 10, Block V/2190, and is zoned CD 9, which requires a 20 foot visibility triangle at alley and driveway approaches. The applicant proposes to construct and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5150 Ridgedale Avenue

**APPLICANT:** Ward Williford

**REQUESTS:**

Requests for special exceptions to the visual obstruction regulations are made to maintain portions of an 8' high solid wood fence and portions of an 8' high sliding solid wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Homer Street, and in the 20' visibility triangle at where the alley meets Homer Street on a site developed with a single family home.

**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:**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be located in the visibility triangles do not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 9 (Conservation District)  
North: CD 9 (Conservation District)  
South: CD 9 (Conservation District)  
East: CD 9 (Conservation District)  
West: CD 9 (Conservation District)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- These requests for special exceptions to the visual obstruction regulations focus on maintaining portions of an 8’ high solid wood fence and portions of an 8’ high sliding solid wood gate in the two 20’ visibility triangles on both sides of the driveway into the site from Homer Street, and in the 20’ visibility triangle at where the alley meets Homer Street on a site developed with a single family home.
- Section 51A-4.602(d) of 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 property is located in Conservation District 9 which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of an 8’ high solid wood fence and portions of an 8’ high sliding wood gate located in the two 20’ visibility triangles on both sides of the driveway into the site from Homer Street, and indicating portions of an 8’ high solid wood fence and an 8’ high sliding solid wood gate located in the 20’ visibility triangle at where the alley meets Homer Street.
- The Sustainable Development Department Senior Engineer has 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 portions of an 8' high solid wood fence and portions of an 8' high sliding solid wood gate in the two 20' visibility triangles on both sides of the driveway into the site from Homer Street, and in the 20' visibility triangle at where the alley meets Homer Street, do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the 20' drive approach visibility triangles into the site from Homer Street and in the 20' visibility triangle where the alley meets Homer Street, to that what is shown on these documents – portions of an 8' high solid wood fence and portions of an 8' high sliding solid wood gate.

### **Timeline:**

December 24, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

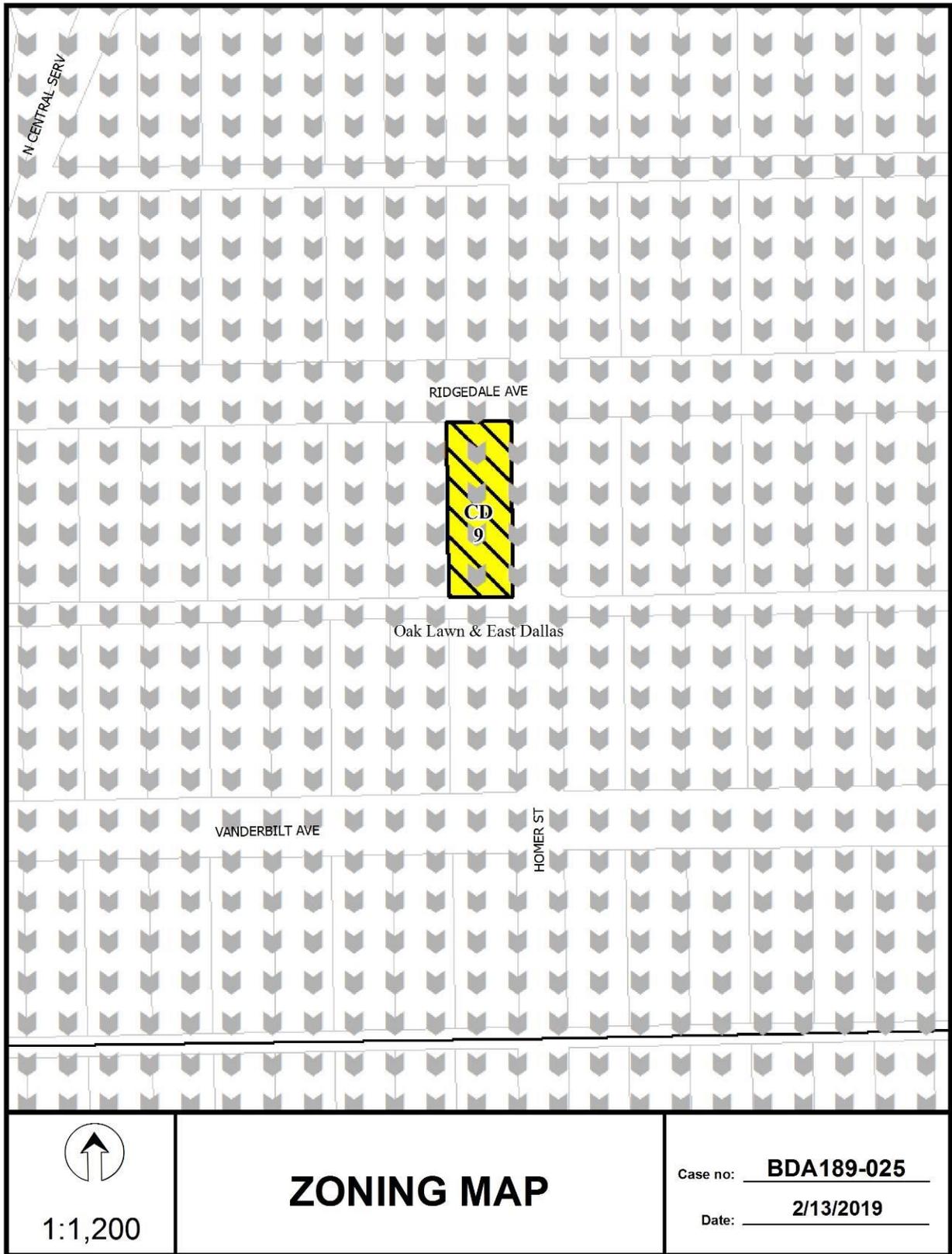
February 12, 2019: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

February 13, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant/owner the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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.

March 6, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.

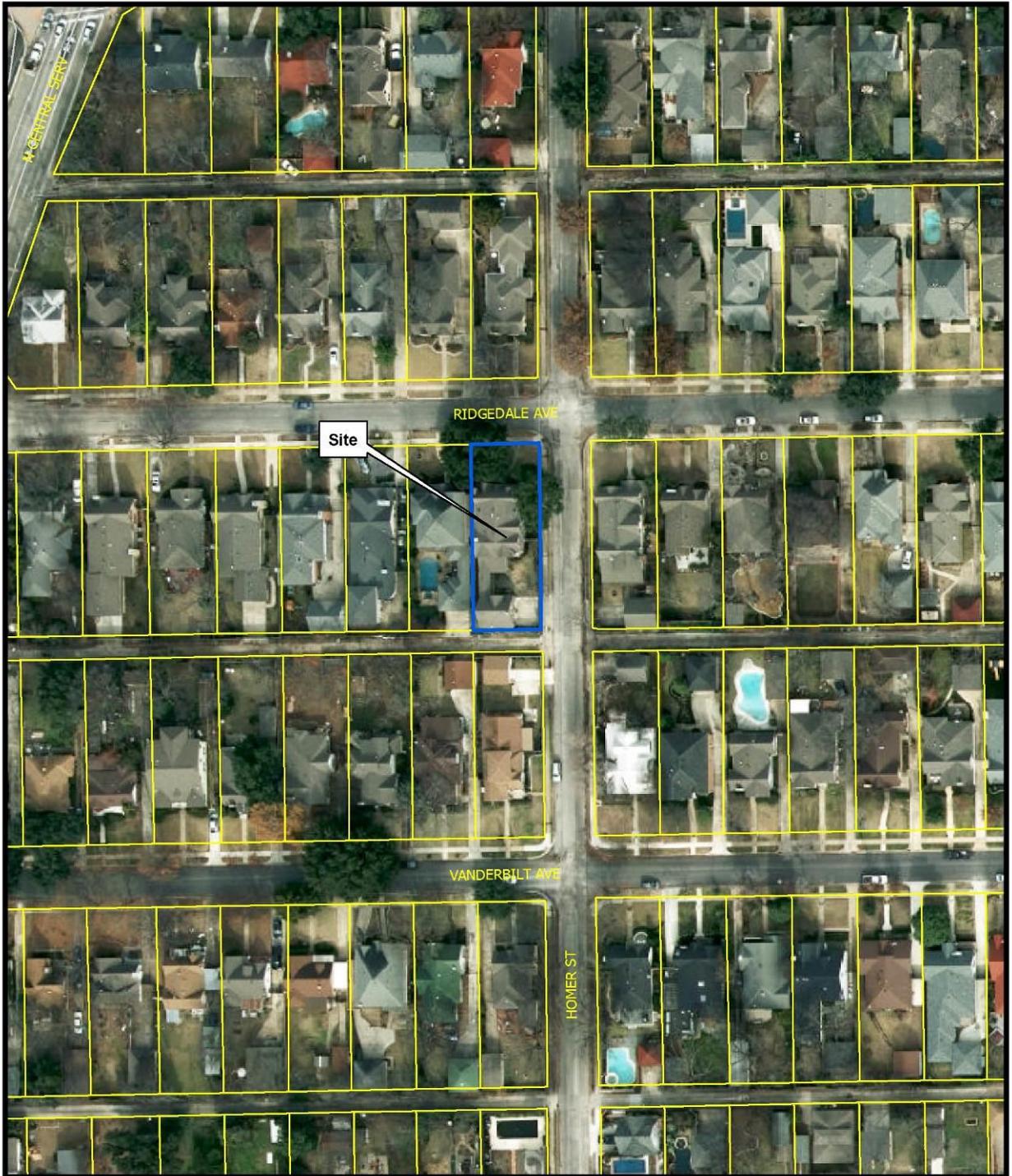


1:1,200

# ZONING MAP

Case no: **BDA189-025**

Date: **2/13/2019**



1:1,200

# AERIAL MAP

Case no: **BDA189-025**

Date: **2/13/2019**

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF MARCH 19, 2019 (A)

Has no objections

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

Recommends denial  
(see comments below or attached)

No comments

BDA 189-025 (OA)

BDA 189-027 (OA)

BDA 189-035 (OA)

BDA 189-036 (OA)

COMMENTS:

None

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David Nevarez, P.E., PTOE, SDC-Engineering

Name/Title/Department

March 7, 2019

Date

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-025

Data Relative to Subject Property:

Date: 12-24-18

Location address: 5150 Ridgedale Ave. Zoning District: CD-9

Lot No.: 10 Block No.: V2190 Acreage: .166 Census Tract: 3.00

Street Frontage (in Feet): 1) 50' 2) 145' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ward Williford and Roberta Williford

Applicant: Ward Williford and Roberta Williford Telephone: 214-908-1207

Mailing Address: 5150 Ridgedale Dallas, Tx. Zip Code: 75206

E-mail Address: wwilliford@republictitle.com

Represented by: NONE Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of visibility triangle @ Alley And Driveway.

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 fence as it stands does not impair the visibility of the traffic on Homer Street, which is not heavily traveled. It generally has light traffic. Other fences in the immediate neighborhood have the same height or even higher. The special exception will not adversely affect neighboring property.

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

Affidavit

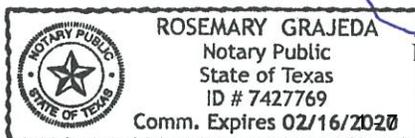
Before me the undersigned on this day personally appeared Ward Williford (Affiant/Applicant's name printed)

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: Ward Williford (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21<sup>st</sup> day of December, 2018

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that WARD WILLIFORD

did submit a request for a special exception to the visibility obstruction regulations

at 5150 Ridgedale Avenue

BDA189-025. Application of WARD WILLIFORD for a special exception to the visibility obstruction regulations at 5150 RIDGEDALE AVE. This property is more fully described as Lot 10, Block V/2190, and is zoned CD-9, which requires a 20 foot visibility triangle at alley and driveway approaches. The applicant proposes to construct and maintain a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 12/24/2018

### Legend

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

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)



EXPRESSWAY

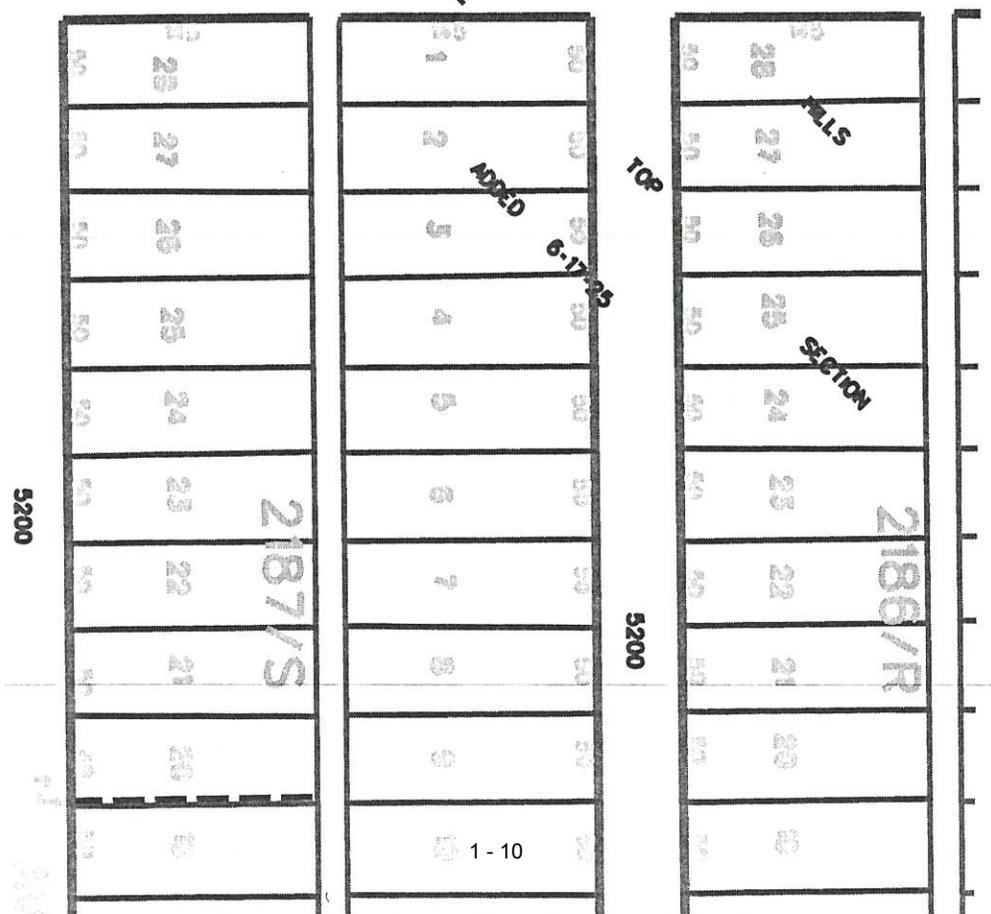
4800



4700

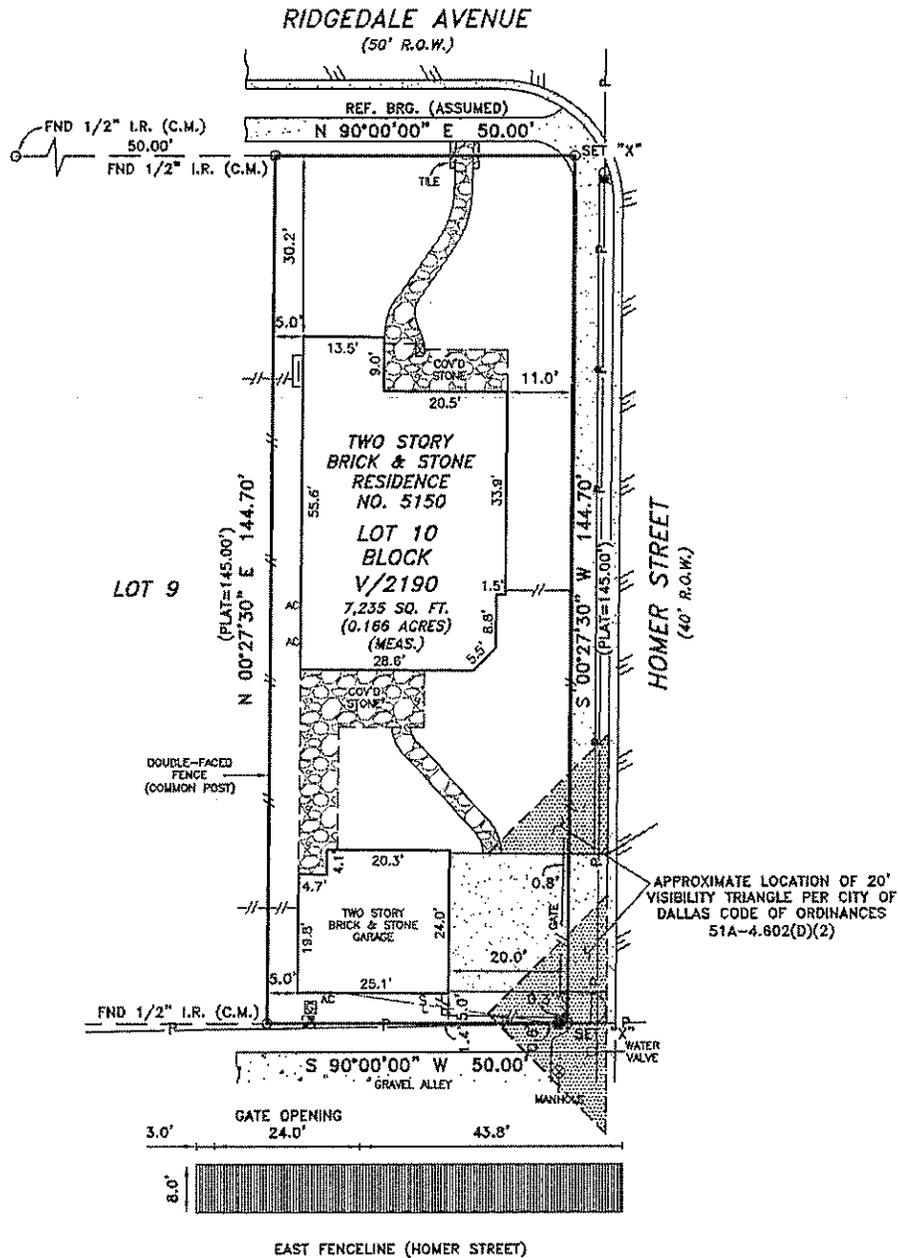
HILL

4800



**EXHIBIT**

BEING LOT 10, IN BLOCK V/2190, OF HILLTOP SECTION OF GREENLAND HILLS, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2, PAGE 385, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.



ADDRESS: 5150 RIDGEDALE AVENUE

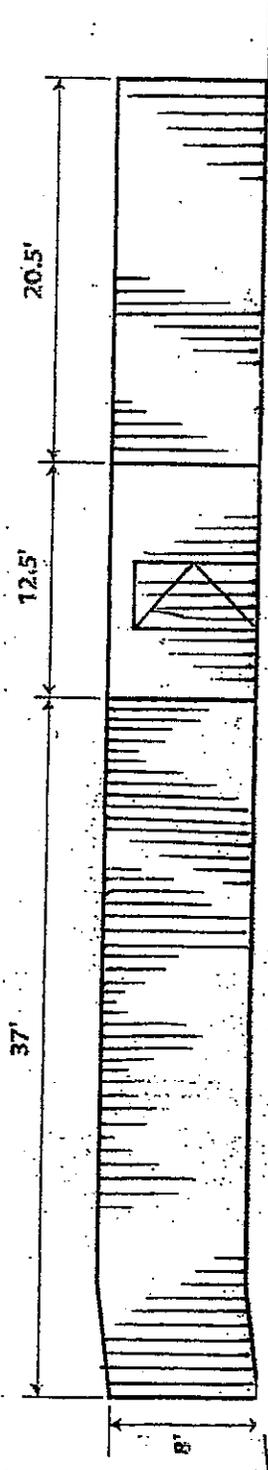
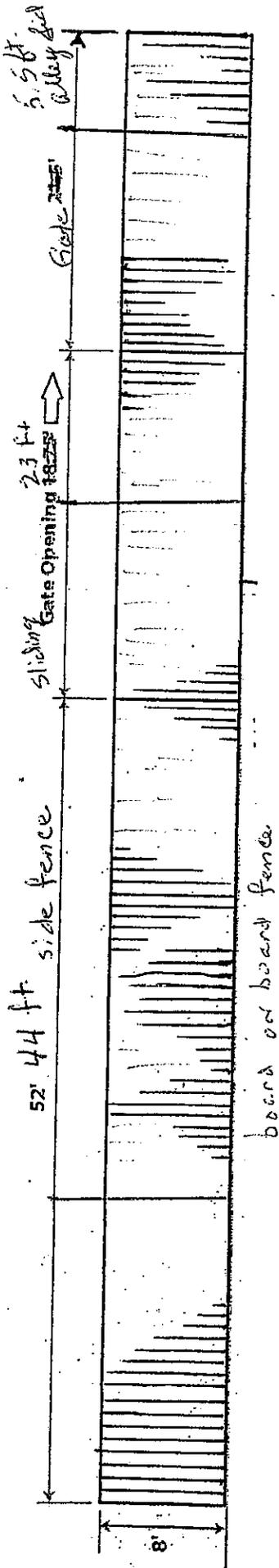


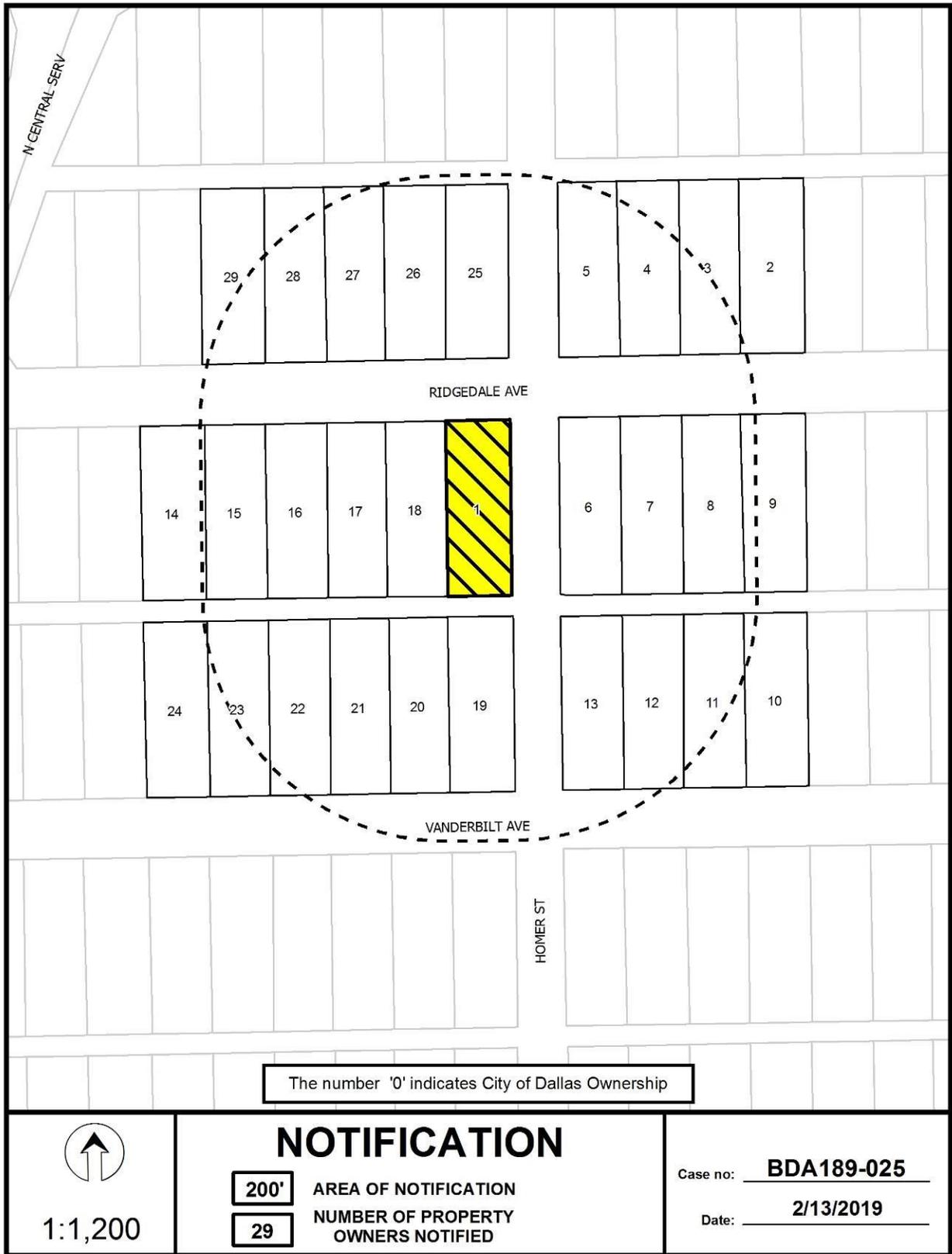
**Global Land Surveying, Inc.**  
SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002

GLOBAL LAND SURVEYING, INC.  
2050 "G" AVENUE, SUITE 1104  
PLANO, TEXAS 75074  
PHONE (972) 881-1700  
ORDERS@GLS-INC.COM  
FIRM NO. 10016300

# Fenceline Elevation Drawings

Scale: 1" = 10'





The number '0' indicates City of Dallas Ownership



1:1,200

# NOTIFICATION

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

Case no: **BDA189-025**  
 Date: **2/13/2019**

# *Notification List of Property Owners*

## *BDA189-025*

### *29 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5150 RIDGEDALE AVE	WILLIFORD WARD & ROBERTA
2	5215 RIDGEDALE AVE	POWELL MATTHEW D
3	5211 RIDGEDALE AVE	SMITH JEFFERY L
4	5207 RIDGEDALE AVE	MCMICHAEL ALI & JONATHAN
5	5203 RIDGEDALE AVE	OVERBEY GEORGE
6	5202 RIDGEDALE AVE	WALKER STEVEN W & SUSAN M
7	5206 RIDGEDALE AVE	SMITH PRESTON GEORGE
8	5210 RIDGEDALE AVE	FERRER CARLA
9	5214 RIDGEDALE AVE	GARDNER ROBERTPAUL III
10	5215 VANDERBILT AVE	LOHR MATTHEW RYAN &
11	5211 VANDERBILT AVE	SHAFFER TAMMY &
12	5207 VANDERBILT AVE	SYKORA JOSEPH ROBERT NATHANIEL &
13	5203 VANDERBILT AVE	TREECE RUSSELL W
14	5130 RIDGEDALE AVE	BROOKS CARROLL K &
15	5134 RIDGEDALE AVE	HANSON ALEXANDRA E & JONATHAN S
16	5138 RIDGEDALE AVE	MAUCK DUSTIN & KATHERINE
17	5142 RIDGEDALE AVE	AYALA MARIO & CLARA
18	5146 RIDGEDALE AVE	HARWOOD JOSEPH
19	5151 VANDERBILT AVE	MUNOZ STELLA HERNANDEZ
20	5145 VANDERBILT AVE	TAMLYN CONNOR G & EMILY B
21	5141 VANDERBILT AVE	THOMAS ALISON SMITH
22	5139 VANDERBILT AVE	DRYDEN ROBERT T & MARY
23	5135 VANDERBILT AVE	BAINS JOHN ROBERT
24	5131 VANDERBILT AVE	SMITH SHIRLENE STEPHANIE
25	5151 RIDGEDALE AVE	CANESTRARI ROBERT D
26	5147 RIDGEDALE AVE	STEELE MICHAEL J & TERRY

02/13/2019

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	5143 RIDGEDALE AVE	SMITH STANFORD SCOTT &
28	5139 RIDGEDALE AVE	BENDER KEVIN &
29	5135 RIDGEDALE AVE	HOPKINS MICA POWELL & MICHAEL HOPKINS

**FILE NUMBER:** BDA189-027(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Christopher Fergusson, represented by Christopher Villanueva, for a special exception to the fence standards regulations at 10045 Lakemere Drive. This property is more fully described as Lot 9, Block K/7527, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. 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.

**LOCATION:** 10045 Lakemere Drive

**APPLICANT:** Christopher Fergusson  
Represented by Christopher Villanueva

**REQUEST:**

A request for a special exception to the fence standards regulations related to height of 4' is made to construct and maintain an 8' high solid board-on-board wood fence with an 8' board on board sliding vehicular gate and 8' pedestrian gate in one of the site's two required front yards (Lynngrove Drive) on a site developed with a single family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) (Single family district 7,500 square feet)  
North: R-7.5(A) (Single family district 7,500 square feet)  
South: PD 671 (Planned Development)  
East: R-7.5(A) (Single family district 7,500 square feet)  
West: R-7.5(A) (Single family district 7,500 square feet)

## **Land Use:**

The subject site is developed with a single family home. The areas to the north, south, and west are developed with single-family uses; and the area to the east is developed with a public school use.

## **Zoning/BDA History:**

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

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

- This request for a special exception to the fence height of 4' focuses on constructing and maintaining an 8' high solid board-on-board wood fence with an 8' board on board sliding vehicular gate and 8' pedestrian gate in one of the site's two required front yards (Lynngrove Drive) on a site developed with a single-family home.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback.
- 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 site is located at the northwest corner of Lakemere Drive and Lynngrove Drive.
- Given the single-family zoning and location of the corner lot subject site, it has two required front yards. The site has a 30' required front yard caused by a platted building line along Lakemere Drive and a 20' required front yard along Lynngrove Drive.
- No part of the application is made to address any fence in the site's Lakemere Drive required front yard.
- The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 66' in length parallel to Lynngrove Drive and approximately 10' perpendicular to Lynngrove Drive on the north and south sides of the site in this front yard setback.
  - The proposal is represented as being located approximately 10' from the front property line or 22' from the pavement line
- The Board Senior Planner conducted a field visit of the site and surrounding area (approximately 400 feet north, east and west of the subject site) and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of March 8, 2019, 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 exceptions to the fence standards regulations related to height over 4' in the front yard setback 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 elevation would require the proposal exceeding 4' in height to be maintained in the location and of the heights as shown on these documents.

**Timeline:**

January 4, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

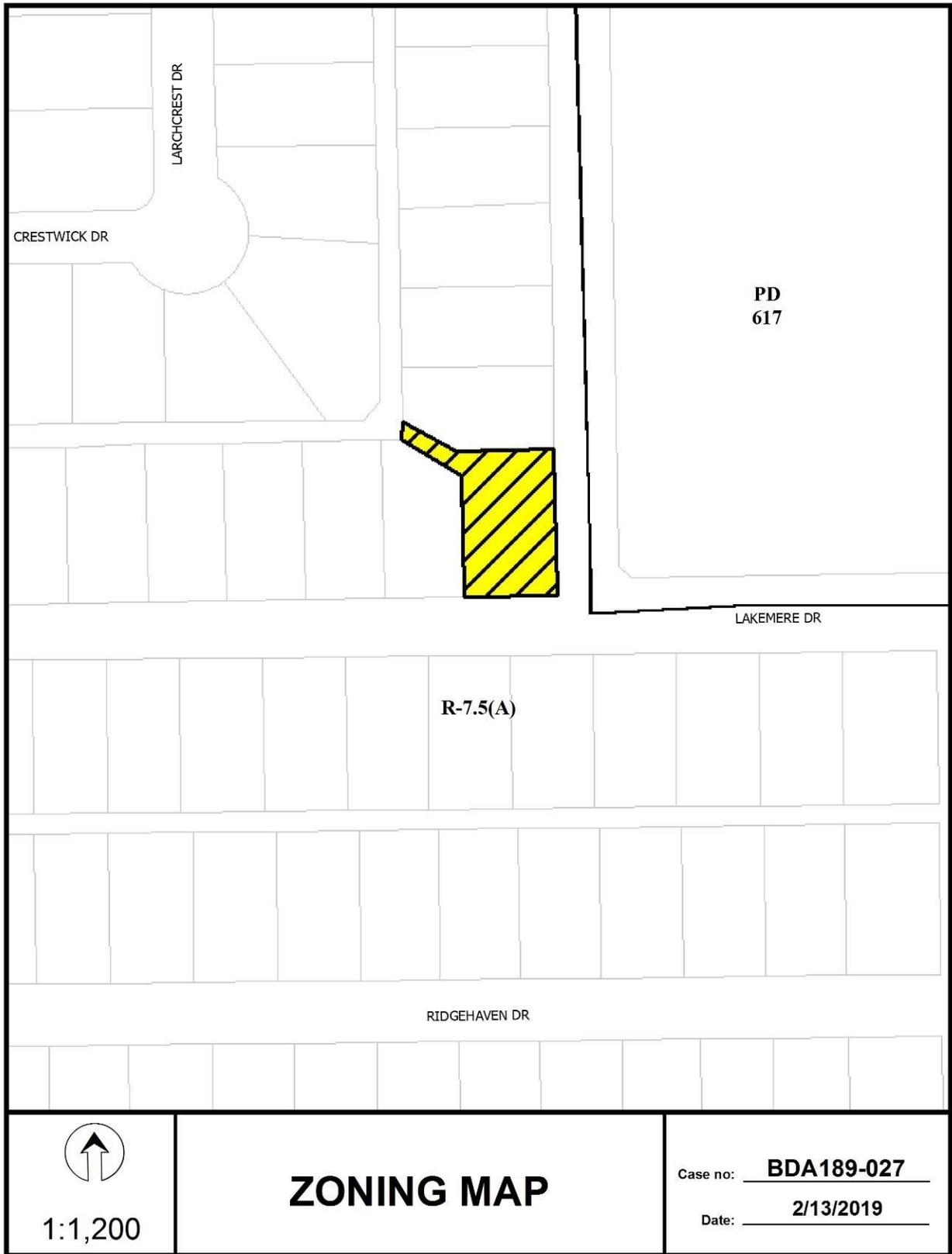
February 12, 2019: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

February 13, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant's representative 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 February 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 8<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."

March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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

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





1:1,200

# AERIAL MAP

Case no: **BDA189-027**

Date: **2/13/2019**



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-027

Data Relative to Subject Property:

Date: ~~10/1/2018~~ 1-4-18

Location address: 10045 LAKEMERE DRIVE Zoning District: R-7.5(A)

Lot No.: 9 Block No.: K/7527 Acreage: 0.231 ac Census Tract: 130.04

Street Frontage (in Feet): 1) 78' 2) 120' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): KATHERINE S. McNEIL & CHRISTOPHER B. FERGUSSON

Applicant: CHRISTOPHER B. FERGUSSON Telephone: 214-564-9165

Mailing Address: 10045 LAKEMERE DRIVE Zip Code: 75238

E-mail Address: christopher.fergusson@gmail.com

Represented by: CHRISTOPHER VILLANUEVA Telephone: (469) 279-9749

Mailing Address: 10317 Courtess Dr. DALLAS TX Zip Code: 75229

E-mail Address: christopherdvillanueva@gmail.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of 4' TO THE REQUIRED 4' FRONT YARD FENCE STANDARD. WITH A TOTAL FENCE HEIGHT OF 0'.

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:

Requesting a fence constructed of like materials (STAINED CEDAR PICKETS) AND LIKE HEIGHT OF NEARBY FENCES.

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.

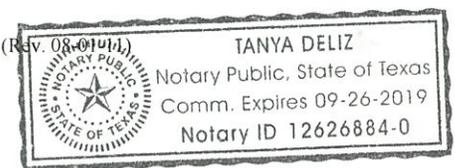
Affidavit

Before me the undersigned on this day personally appeared CHRISTOPHER B. FERGUSSON (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 9 day of October, 2018



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

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**Building Official's Report**

I hereby certify that Christopher Fergusson  
represented by CHRISTOP VILLANUEVA  
did submit a request for a special exception to the fence height regulations  
at 10045 Lakemere Drive

BDA189-027. Application of Christopher Fergusson represented by CHRISTOPHER VILLANUEVA for a special exception to the fence height regulations at 10045 LAKEMERE DR. This property is more fully described as Lot 9, Block K/7527, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations.

Sincerely,

  
Philip Sikes, Building Official

8 ALDWICK

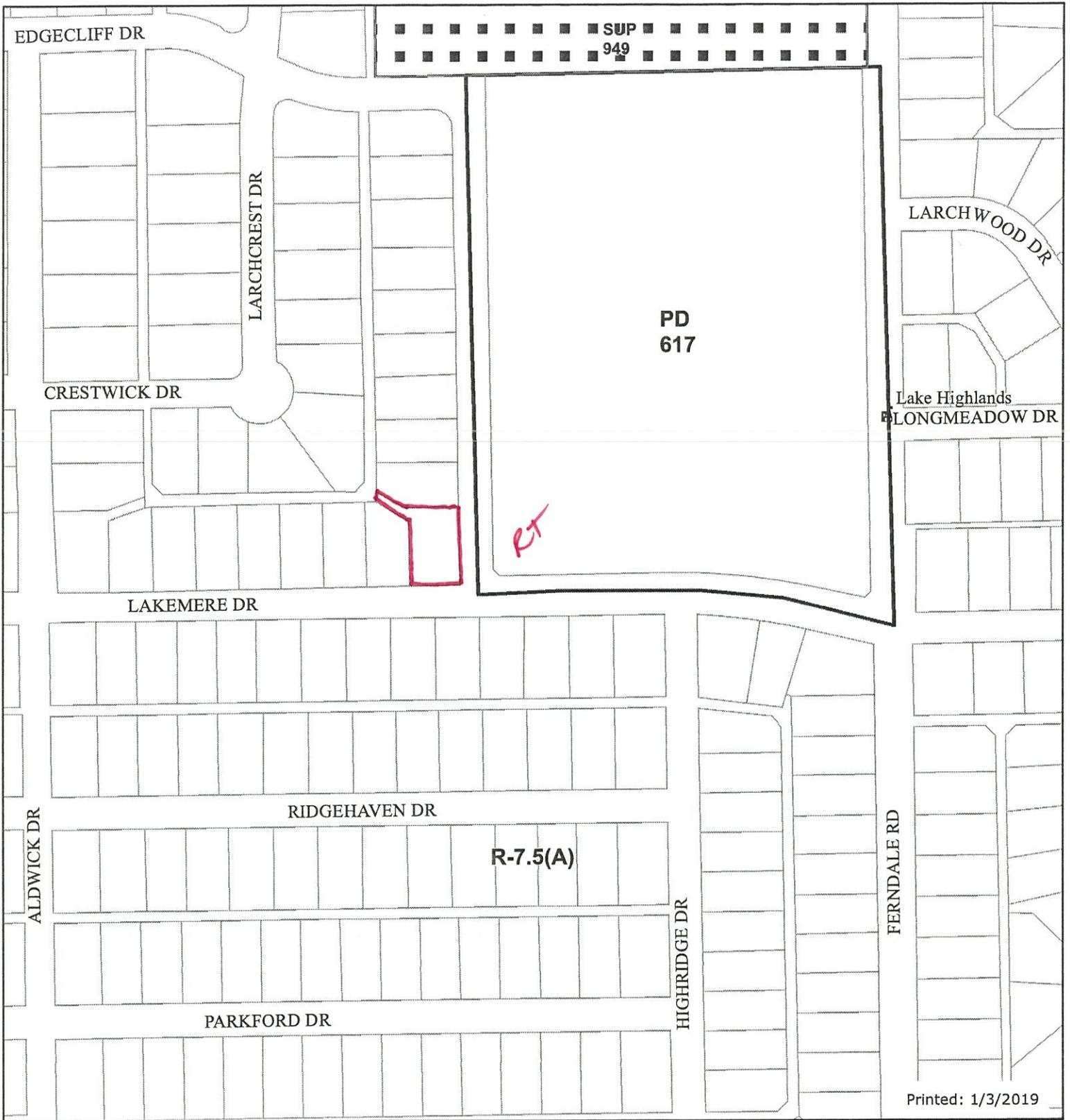


7527

*[Red signature]*

HIGHRIDGE

7527



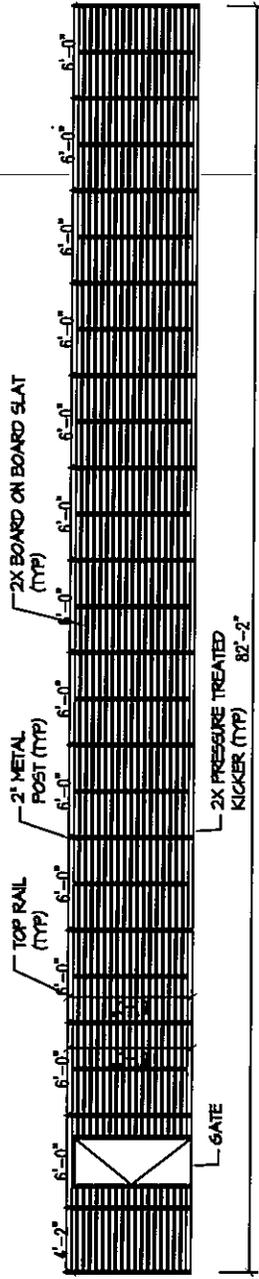
Printed: 1/3/2019

### Legend

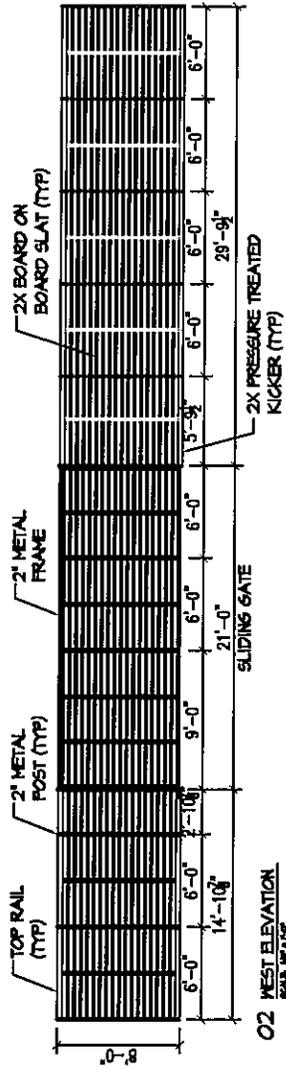
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 2-9 SFP Front Overlay      |
|                      |                                | Height Map Overlay    |                            |

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O1 EAST ELEVATION  
SCALE 1/8"=1'-0"



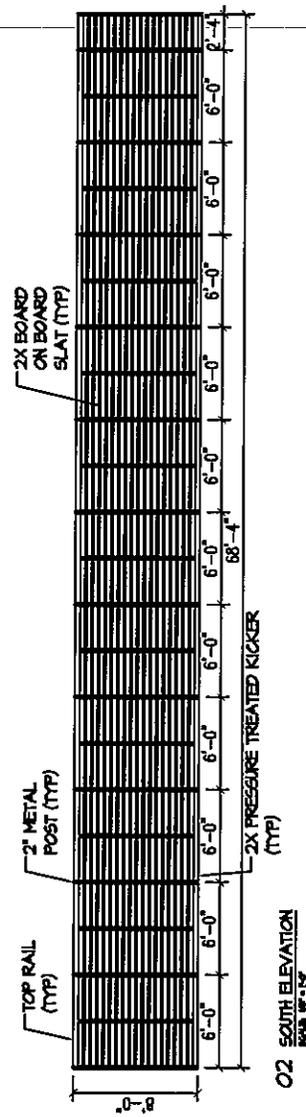
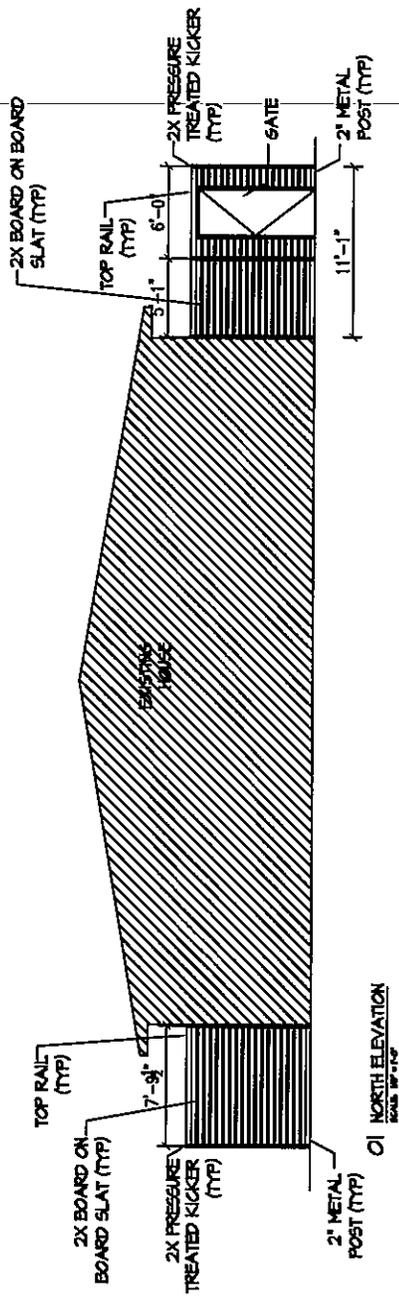
O2 WEST ELEVATION  
SCALE 1/8"=1'-0"

DATE:  
1-3-2019

2

10045 LAKEMERE DR  
DALLAS, TX 75238

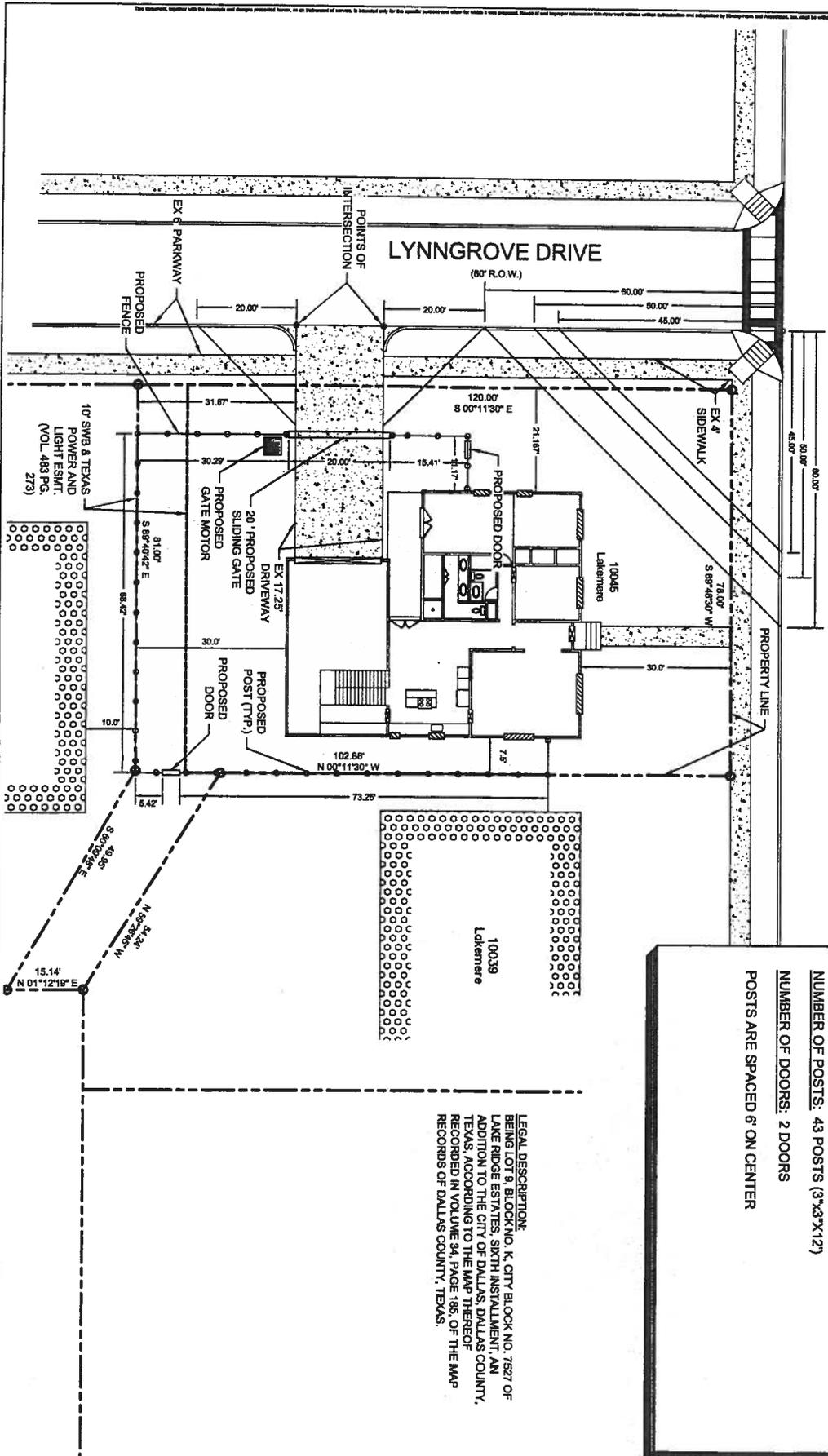
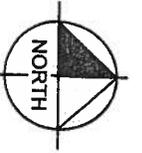
**CDV**  
CONSULTING  
11748 N. HAWK CREEK SUITE 100  
DALLAS, TX 75243  
(469) 379-9749



DATE:  
1-3-2019

10045 LAKEMERE DR  
DALLAS, TX 75238

CDV CONSULTING  
1308 N. GREEN ST. SUITE 100  
DALLAS, TX 75207  
(469) 379-9769



LAKEMERE DRIVE  
(60' R.O.W.)

LYNNGROVE DRIVE  
(60' R.O.W.)

**NOTES**

LENGTH OF FENCE: 212 LF (EXCLUDING SLIDER AND DOORS)  
 NUMBER OF POSTS: 43 POSTS (3"x3"x12")  
 NUMBER OF DOORS: 2 DOORS  
 POSTS ARE SPACED 6' ON CENTER

LEGAL DESCRIPTION:  
 BEING LOT 9, BLOCK NO. K, CITY BLOCK NO. 7527 OF LAKE RIDGE ESTATES, SIXTH INSTALLMENT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 34, PAGE 185, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

SHEET NUMBER DATE PLW	10045 LAKEMERE FENCE	10045 LAKEMERE	DATE	REVISIONS	DATE	BY
		SCALE AS SHOWN	JULY 2018			
		DESIGNED BY	CBP			
		DRAWN BY	CBP			
		CHECKED BY	CBP			

## Trammell, Charles

---

**From:** Christopher Villanueva <christopherdvillanueva@gmail.com>  
**Sent:** Wednesday, January 30, 2019 10:48 AM  
**To:** Trammell, Charles  
**Subject:** BDA Case #189027

Good Morning Mr. Trammell,

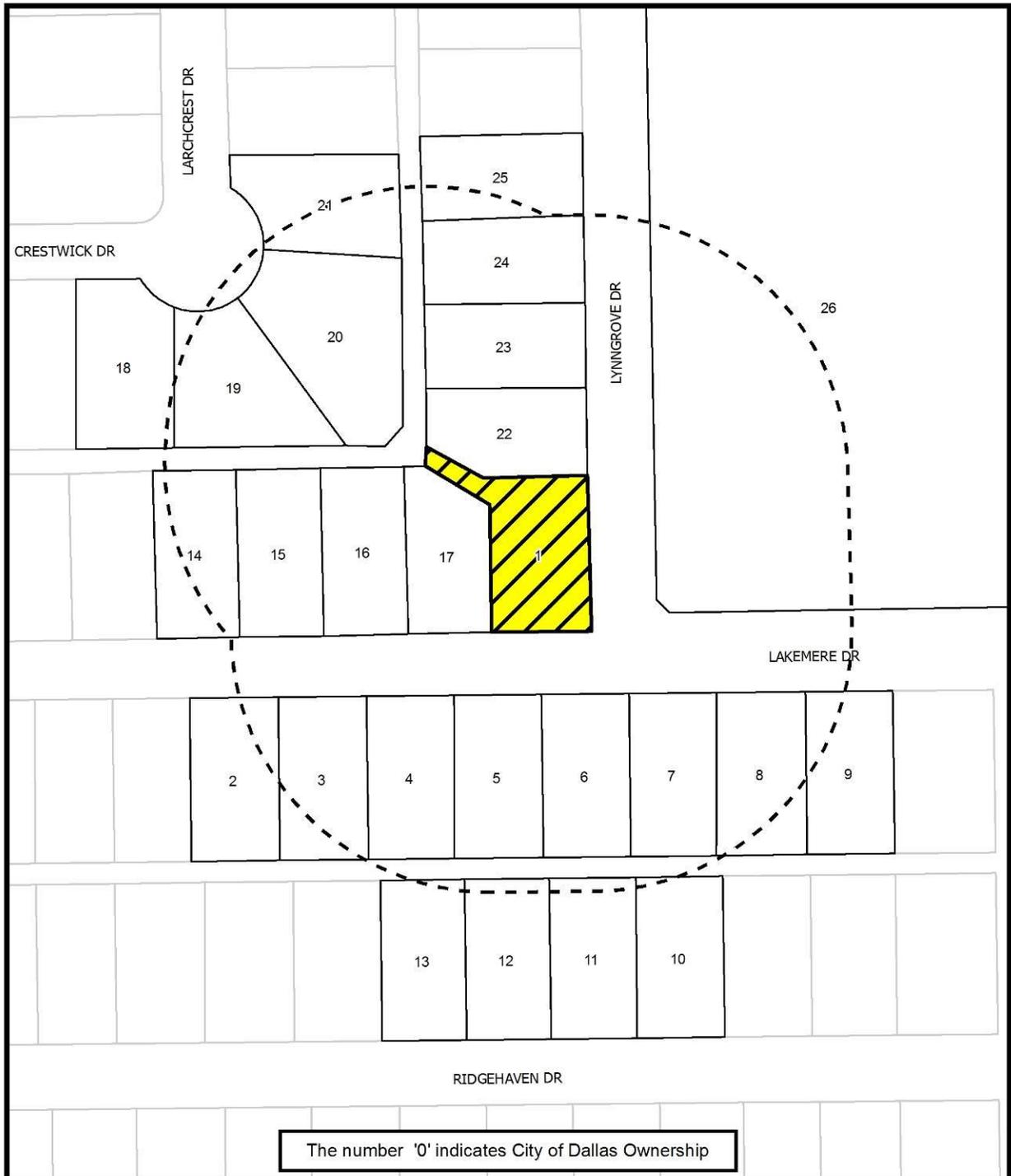
We noticed on our site drawing that the proposed gate sits within the 20x 20 visibility clearance. We are not seeking relief in regards to this encroachment and only submitting for approval of the height. It was not our intent to encroach this area and we will make adjustments to move the fence 2' back to be clear of the 20x20 visibility clearance. Please feel free to contact me should you have any questions or need any additional information.

---

Thanks,

--  
Christopher D. Villanueva, Associate AIA, LEED AP

CDV Consulting  
469.279.9749 cell



 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px;">26</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Case no: <b>BDA189-027</b> Date: <b>2/13/2019</b>
--	--	--

# *Notification List of Property Owners*

***BDA189-027***

***26 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10045 LAKEMERE DR	MCNEIL KATHERINE S &
2	10030 LAKEMERE DR	IRBY ROBERT H & D LYNN P
3	10036 LAKEMERE DR	MITCHELL JOHN R
4	10040 LAKEMERE DR	CHESTER RON & AMY
5	10046 LAKEMERE DR	GILLESPIE JOSEPH H &
6	10050 LAKEMERE DR	RUST JAMES &
7	10104 LAKEMERE DR	TAYLOR JEFF & CHARLENE
8	10110 LAKEMERE DR	DANIELSON JOHN Z &
9	10114 LAKEMERE DR	NEWHAM TOBIAS SANDY & ADREA
10	10115 RIDGEHAVEN DR	HOLT ROBERT K
11	10109 RIDGEHAVEN DR	PEELER JIMMY B
12	10105 RIDGEHAVEN DR	HERRIDGE CURT G & ERIKA C
13	10043 RIDGEHAVEN DR	JONES JOSH
14	10025 LAKEMERE DR	DILLON PEGGY A
15	10029 LAKEMERE DR	BREWER STACEY ANN LIFE EST
16	10035 LAKEMERE DR	DARWIN JOHN C
17	10039 LAKEMERE DR	CALVA JOSHUA ADAM & MICHELLE
18	10022 CRESTWICK DR	READ GREGORY W & LORI N
19	10026 CRESTWICK DR	DESHAZO CHARLES LEE & LUCY GB
20	10030 CRESTWICK DR	PARADISE MARGARET
21	9506 LARCHCREST DR	NIKZAD RAMTIN & TINA KAVIANI
22	9409 LYNNINGROVE DR	COLEMAN NAOMI LIF EST
23	9415 LYNNINGROVE DR	STEAD SCOTT W & LAURA D
24	9421 LYNNINGROVE DR	COCHRUM BRYAN GORDON
25	9427 LYNNINGROVE DR	GREENBERG DOUGLAS MORGAN
26	9501 FERNDAL RD	RICHARDSON ISD

02/13/2019

*Label # Address*

*Owner*

**FILE NUMBER:** BDA189-035(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Danny Sipes for special exceptions to the fence standards regulations at 602 W. Colorado Boulevard. This property is more fully described as Lot 1-A, Block 5922, 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 and/or maintain a 6 foot high fence in a required front yard, which will require a 2 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.

**LOCATION:** 602 W. Colorado Boulevard

**APPLICANT:** Danny Sipes

**REQUESTS:**

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

1. A request for a special exception to the fence standards regulations related to height of 2' is made to maintain a 6' high solid wood fence in one of the site's two required front yards (Cedar Hill Avenue); and
2. 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 less than 5' from the front lot line, is made to construct and maintain the aforementioned 6' high solid wood fence along Cedar Hill Avenue located less than 5' from this 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 7,500 square feet)  
North: R-7.5(A) (Single family district 7,500 square feet)  
South: R-7.5(A) (Single family district 7,500 square feet) & PD 160 (Planned Development)  
East: PD 160 (Planned Development)  
West: R-7.5(A) (Single family district 7,500 square feet)

## **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:**

There have 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 requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on:
  - constructing/maintaining a 6' high solid wood fence in one of the site's two required front yards (Cedar Hill Avenue); and
  - constructing/maintaining the aforementioned 6' high solid wood fence along Cedar Hill Avenue located less than 5' from this front lot line.
- 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 Dallas Development Code 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 subject site is zoned R-7.5(A) which requires a 25' front yard setback.
- The site is located at the southwest corner of Colorado Boulevard and Cedar Hill Avenue.
- Given the single-family zoning and location of the corner lot, the subject site has two required front yards. The site has a 35' required front yard caused by a platted building line along Colorado Boulevard and a 20' required front yard along Cedar Hill Avenue.
- The applicant has submitted a site plan and elevation of the proposal along Cedar Hill Avenue that shows the proposal in this front yard setback reaching a maximum height of 6' and with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line.
- The following additional information was gleaned from the submitted site plan:

- The proposal is represented as being approximately 40' in length parallel to Cedar Hill Avenue and approximately 20' perpendicular to Cedar Hill on the north and south sides of the site in this front yard setback.
- The proposed fence is represented as being located on the front property line, or approximately 12' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area approximately 400 feet north, south, east, and west of the site and noted similar fences that appeared to be over 4' in height and in a front yard setback located on the properties along Cedar Hill and along Colorado Boulevard all with no recorded BDA history.
- As of March 8, 2019, 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 exceptions to the fence standards regulations related to height 2' and related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line 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 2' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

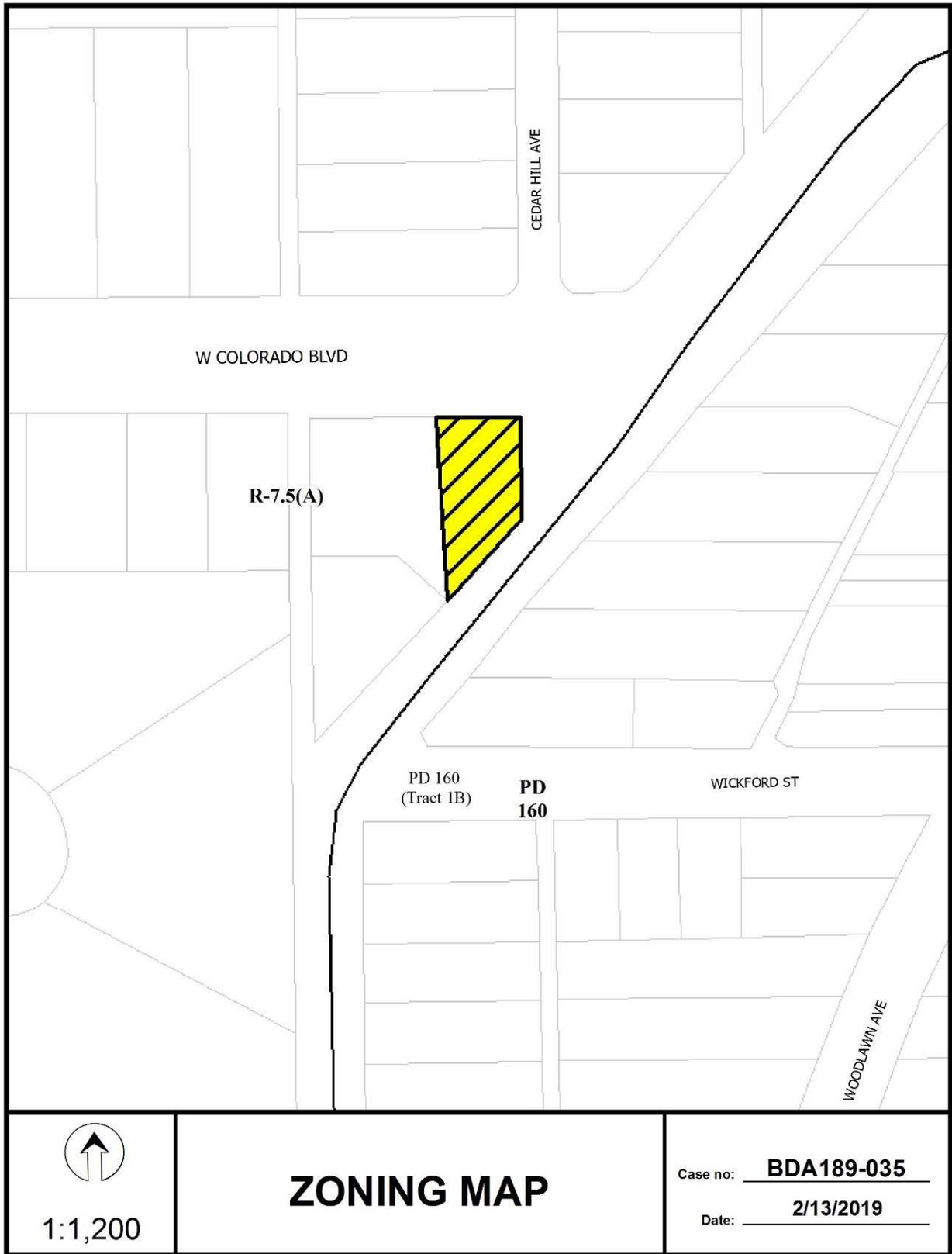
**Timeline:**

- January 25, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- February 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- February 13, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant's representative 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 February 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 8<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."

March 5, 2019:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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.

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



1:1,200

# ZONING MAP

Case no: **BDA189-035**

Date: **2/13/2019**



1:1,200

# AERIAL MAP

Case no: **BDA189-035**

Date: **2/13/2019**



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-035

Data Relative to Subject Property:

Date: 12/26/2018 1-25-19

Location address: 602 W Colorado Zoning District: RT-5A

Lot No.: 1A Block No.: 5922 Acreage: .173 Census Tract: 42.01

Street Frontage (in Feet): 1) 70' 2) 188' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LISA TYSON SANDER

Applicant: Danny Sipes Telephone: 214-794-0213

Mailing Address: PO Box 3293 Zip Code: 75166

E-mail Address: Danny@txpermit.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of 2' fence height to provide a 6' wooden fence in front yard. Approx 54' linear feet. + Less than 50% open panel.

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:

To provide a fence that is commensurate to the neighborhood. Not adversely effecting any traffic or neighboring properties.

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.

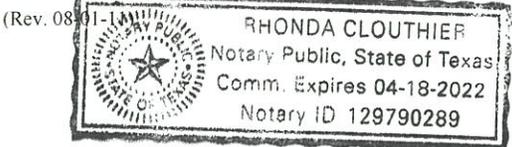
Affidavit

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

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

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

Subscribed and sworn to before me this 16 day of January, 2019 [Signature]



Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied: \_\_\_\_\_

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that Danny Sipes

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations  
at 602 W. Colorado Boulevard

BDA189-035. Application of Danny Sipes for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 604 W COLORADO BLVD. This property is more fully described as Lot 1-A, Block 5922, 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 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

*Philip Sipes*  
Philip Sipes, Building Official

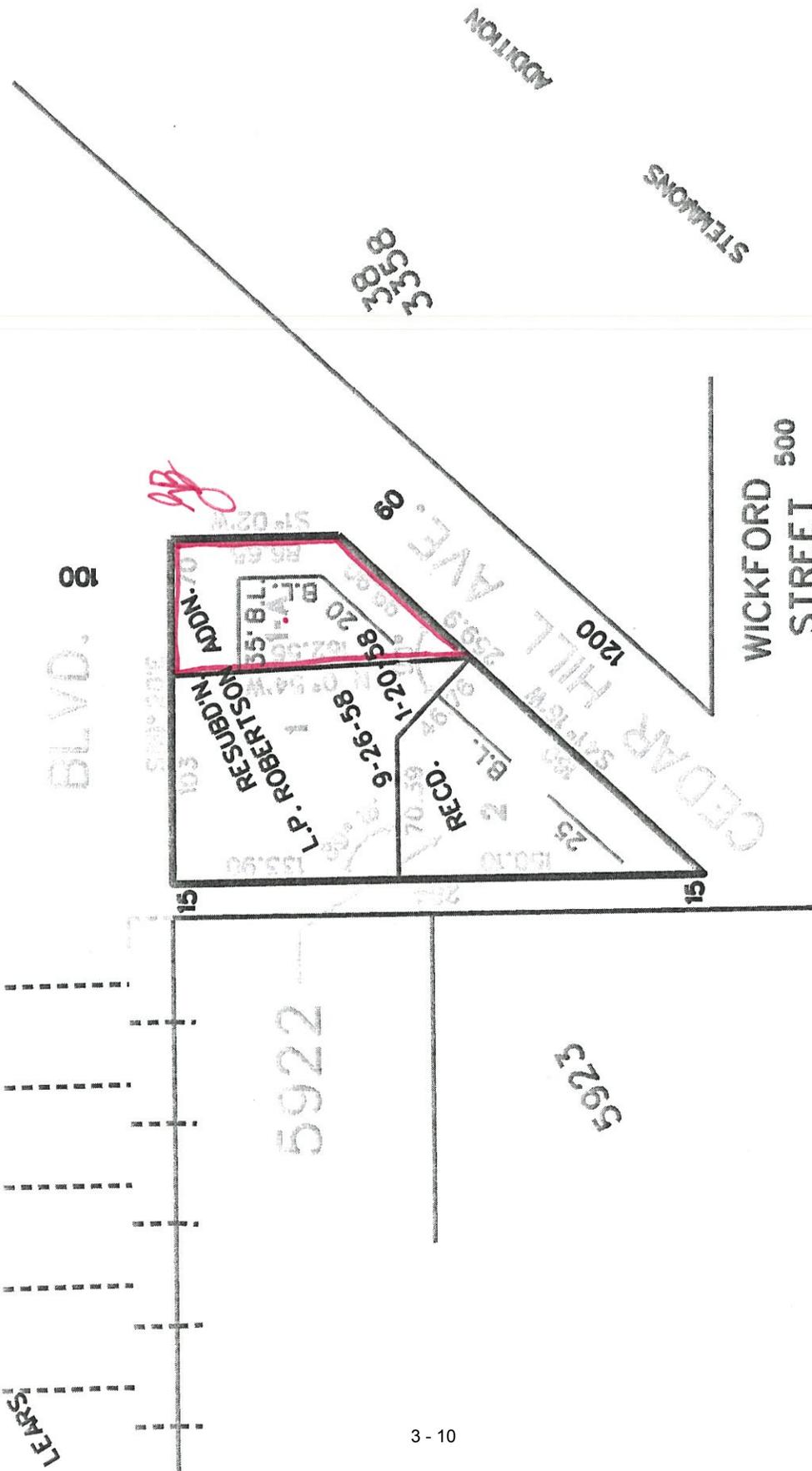


### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 3-9 SFPD Front Overlay     |
|                      |                                | Height Map Overlay    |                            |

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BLVD. 100

3-31-54  
8-31-54

ADDITION

STATIONS

WICKFORD STREET 500

RESUBD. N. L.P. ROBERTSON  
9-26-58  
1-20-58  
20  
B.L. 19-55  
19-55  
ADDN.  
15

RECD.  
B.L.  
25

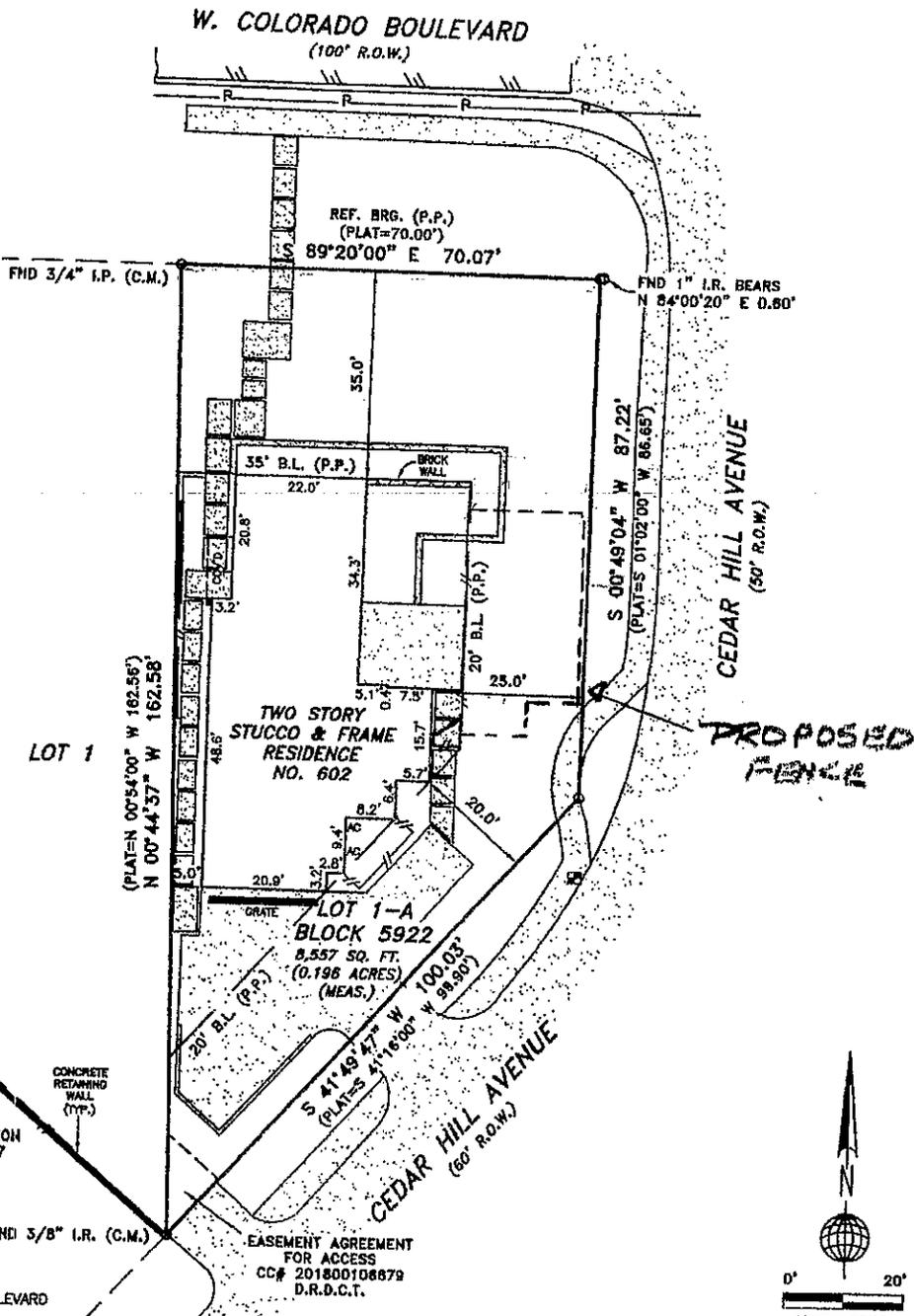
5923

5922

LEARS

**"SURVEY PLAT"**

BEING LOT 1-A, IN BLOCK 5922 OF L.P. ROBERTSON RESUBDIVISION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 37, PAGE 131, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.



ADDRESS: 602 W. COLORADO BOULEVARD  
FLOOD STATEMENT:

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480171 03401, DATED 08/23/2001, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

NOTES:  
1) (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.  
2) THE PROPERTY SHOWN HEREON APPEARS TO BE SUBJECT TO THE AGREEMENTS RECORDED IN CC# 201800106860, AND CC# 201800106870, REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS.

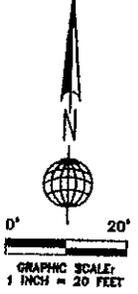
SURVEY EXAMINED AND ACCEPTED BY PURCHASERS:

CERTIFIED TO: REPUBLIC TITLE BUYER: NONETTE/SANDEFER [CF#: 1017-281301-RT] [DRAFTER: BRS] [DATE: 09/17/2018] [JOB NO.: 18-09-035]

SYMBOL LEGEND	
	WOOD FENCE
	CHAIN LINK FENCE
	WIRE FENCE
	WROUGHT IRON FENCE
	COLUMN
	POWER POLE
	WATER METER
	POWERLINE
	OVERHEAD SERVICE LINE
	TRANSFORMER AND PAD
	GAS METER
	ASPHALT SURFACE
	CONCRETE

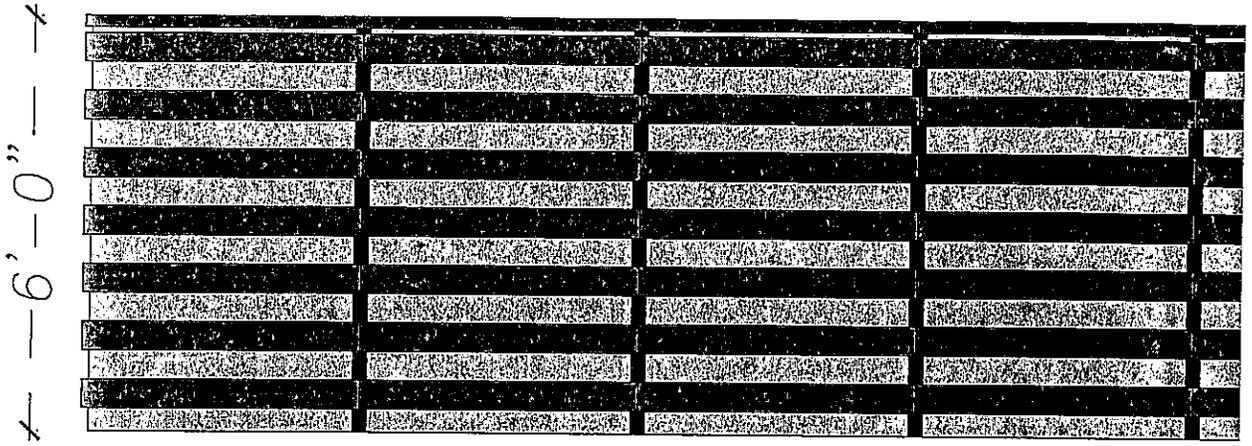
I, JASON L. MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PERFORMED IN CONNECTION WITH TITLE COMMITMENT OF NO. 1017-281301-RTT IN CONNECTION WITH TITLE COMMITMENT ONLY THE EASEMENT(S) LISTED IN SCHEDULE "B" OF SAID COMMITMENT. USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. THIS SURVEY IS NOT VALID WITHOUT A RED SEAL AND SIGNATURE.

*Jason L. Morgan*  
JASON L. MORGAN TXRPLS 5587



**Global Land Surveying, Inc.**  
SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002

GLOBAL LAND SURVEYING, INC.  
2030 70<sup>th</sup> AVENUE, SUITE 1104  
PLANO, TEXAS 75074  
PHONE (972) 881-1700  
ORDERS@GLS-INC.COM  
FIRM NO. 10016300

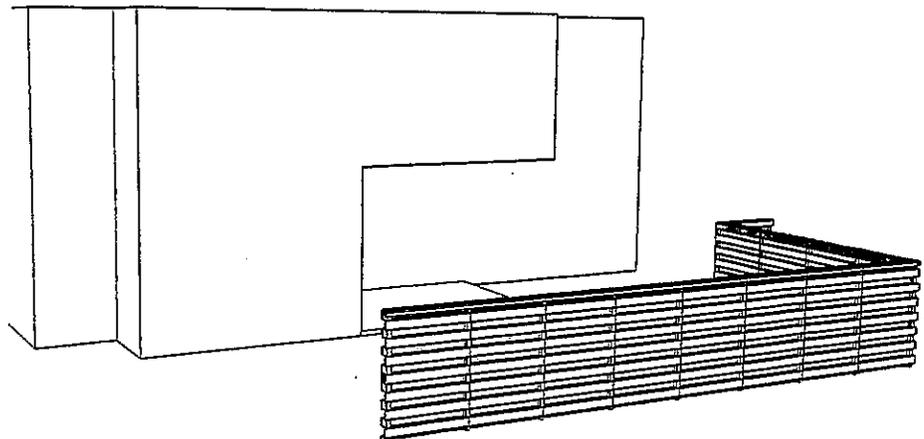
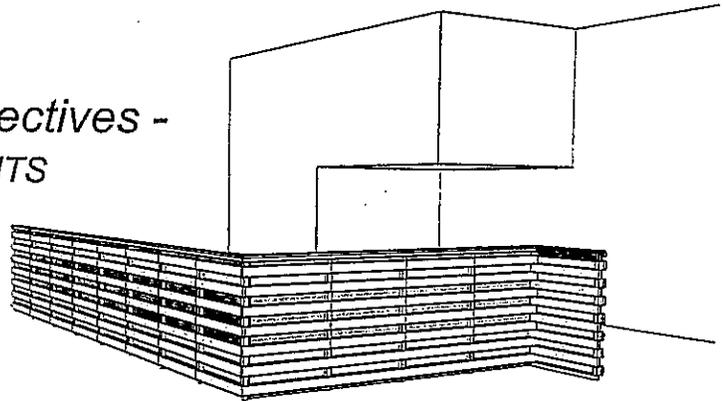


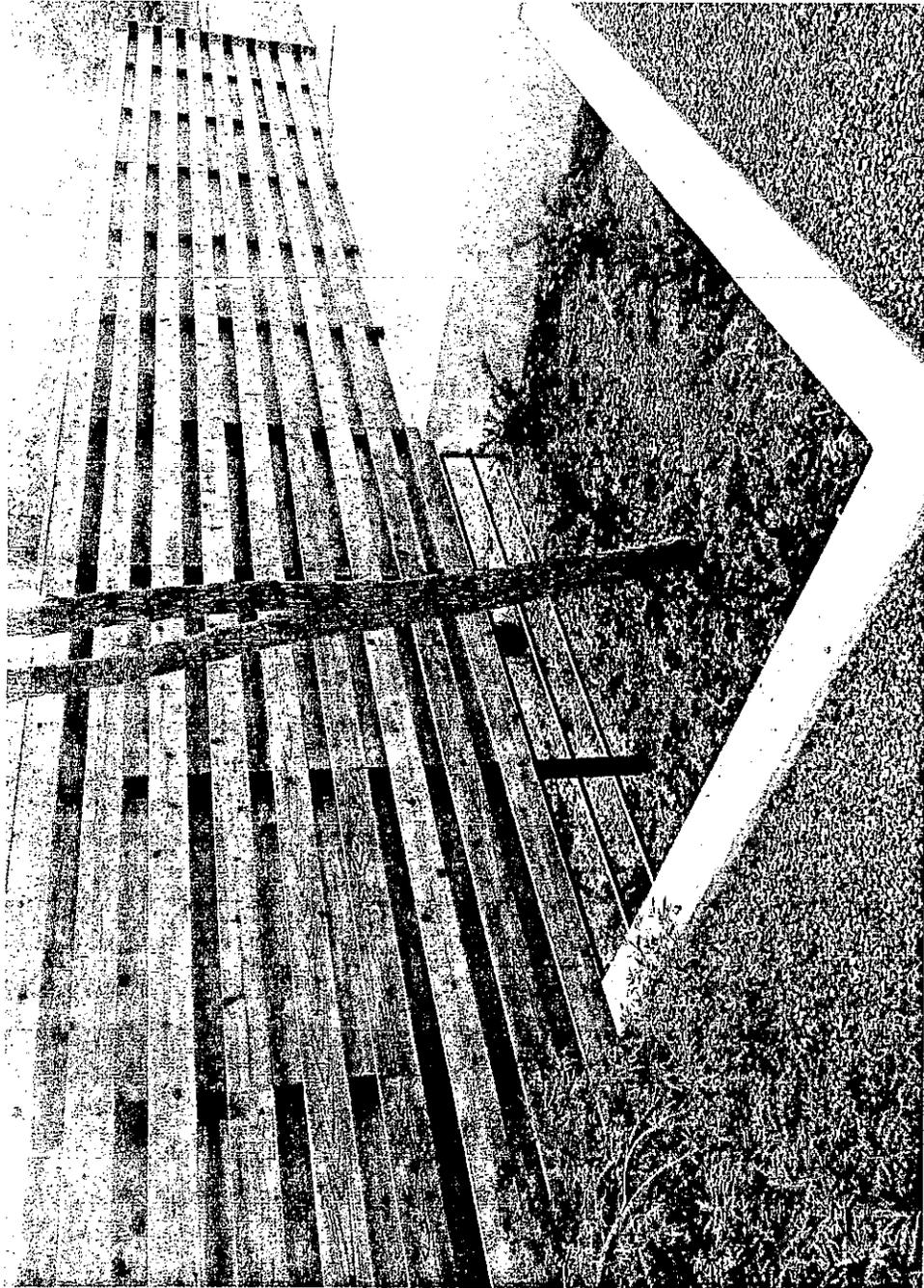
- Elevation -

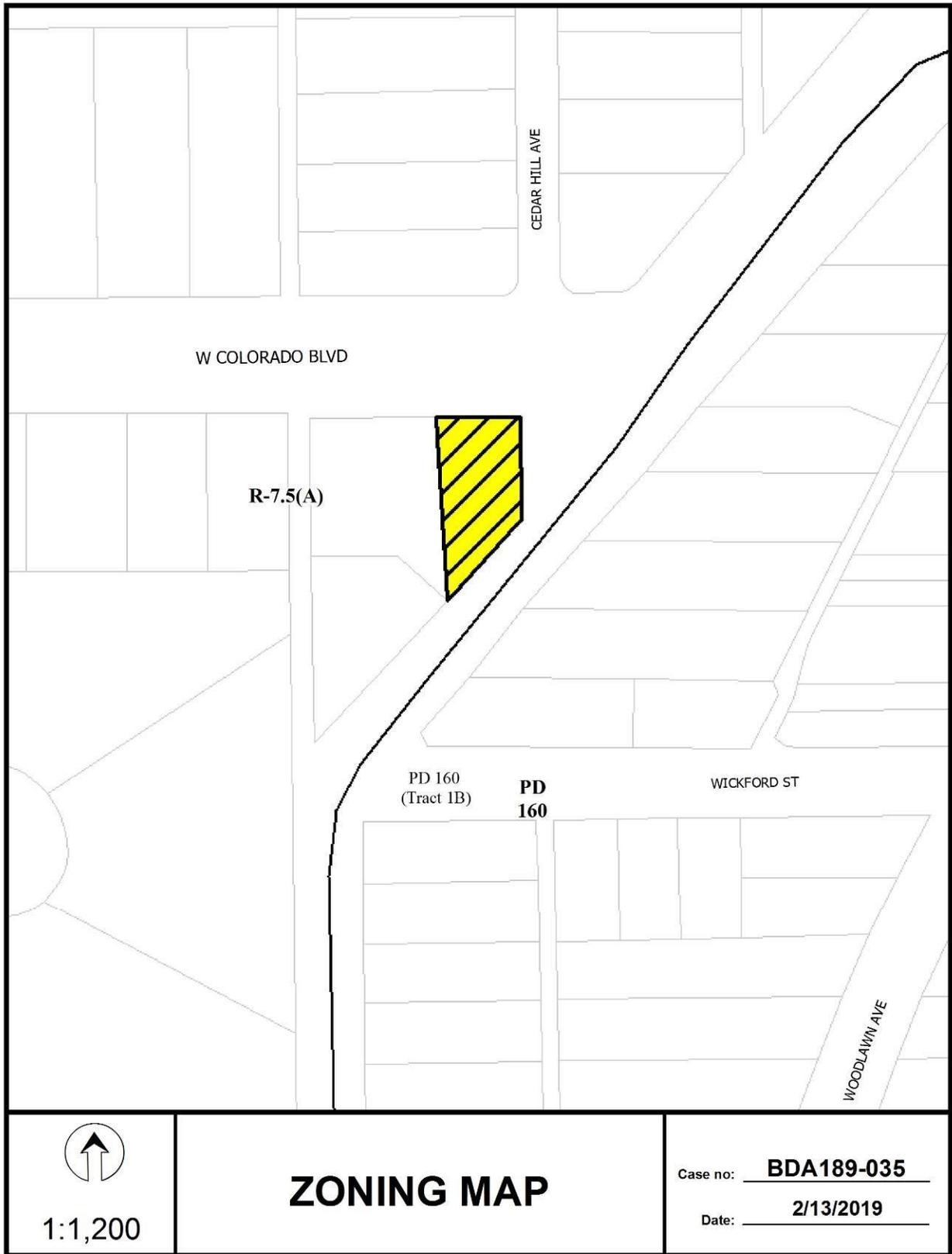
Scale: 1/2" = 1'

- Perspectives -

Scale: NTS







## *Notification List of Property Owners*

***BDA189-035***

### ***19 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	604 W COLORADO BLVD	ROSS SAMUEL
2	522 WICKFORD ST	OBRIEN JEFFREY S
3	1140 CEDAR HILL AVE	JOHNSON KIM DOUGLAS
4	517 WICKFORD ST	SLAYDEN ANTHONY M ET AL
5	1206 CEDAR HILL AVE	MCBRAYER SUE ESTATE OF
6	1208 CEDAR HILL AVE	MCBRAYER CHARLOTTE SUE
7	1212 CEDAR HILL AVE	STEINGASSER WILLIAM A
8	1220 CEDAR HILL AVE	LAMBERT KENNETH JOHN &
9	1222 CEDAR HILL AVE	BURDINE CALVIN EUGENE FAMILY TRUST
10	1307 CEDAR HILL AVE	PARSONS GEOFFREY DAVID &
11	1303 CEDAR HILL AVE	FARRIS BILLY DON
12	1302 CEDAR HILL AVE	SMITH CAMERON
13	618 W COLORADO BLVD	SHAW YVONNE
14	614 W COLORADO BLVD	KING JACOB BENJAMIN &
15	615 W COLORADO BLVD	BRAKEY JENNIFER GAIL
16	1201 CEDAR HILL AVE	MAY DIAN
17	617 KESSLER LAKE DR	LOCHRIDGE BRETT A
18	607 KESSLER LAKE DR	BURDINE C E EST OF
19	1202 CEDAR HILL AVE	SCOGIN CHARLES W

**FILE NUMBER:** BDA189-036(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Danny Sipes for a variance to the front yard setback regulations at 5843 La Vista Court. This property is more fully described as Lot 1, Block 1909, and is zoned MF-2(A), which requires a front yard setback of 15 feet. The applicant proposes to construct a single-family residential structure and provide a 10 foot front yard setback, which will require a 5 foot variance to the front yard setback regulations.

**LOCATION:** 5843 La Vista Court

**APPLICANT:** Danny Sipes

**REQUEST:**

A request for a variance to the front yard setback regulations of 5' is made to construct and maintain a three-story residential duplex structure with a total "slab area" of approximately 1,800 square feet or with a total duplex size of approximately 4,450 square feet, part of which is to be located 10' from one of the site's two required front yards (Hoskins Street) or 5' into this 15' front yard setback on a site that is undeveloped.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site (a site that is approximately 4,000 square foot, virtually rectangular in shape, and flat) where these conditions preclude the applicant from developing it in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

- The request for variance to the front yard setback regulations of 5' focuses on constructing and maintaining a three-story residential duplex structure with a total "slab area" of approximately 1,800 square feet or with a total duplex size of approximately 4,450 square feet, part of which is to be located 10' from one of the site's two required front yards (Hoskins Street) or 5' into this 15' front yard setback on a site that is undeveloped.
- The property is located in an MF-2 (A) zoning district which requires a minimum front yard setback of 15'.
- The site has two front yard setbacks given that it fronts two streets as any corner property would have that is not zoned a single family, duplex, or agricultural district.
- The submitted site plan indicates the proposed structure is located 10' from 10' from one of the site's two front property lines (Hoskins Street) or 5' into this 15' front yard setback.
- According to DCAD records, there are "no main improvement" or "no additional improvements" for property addressed at 5843 La Vista Street.

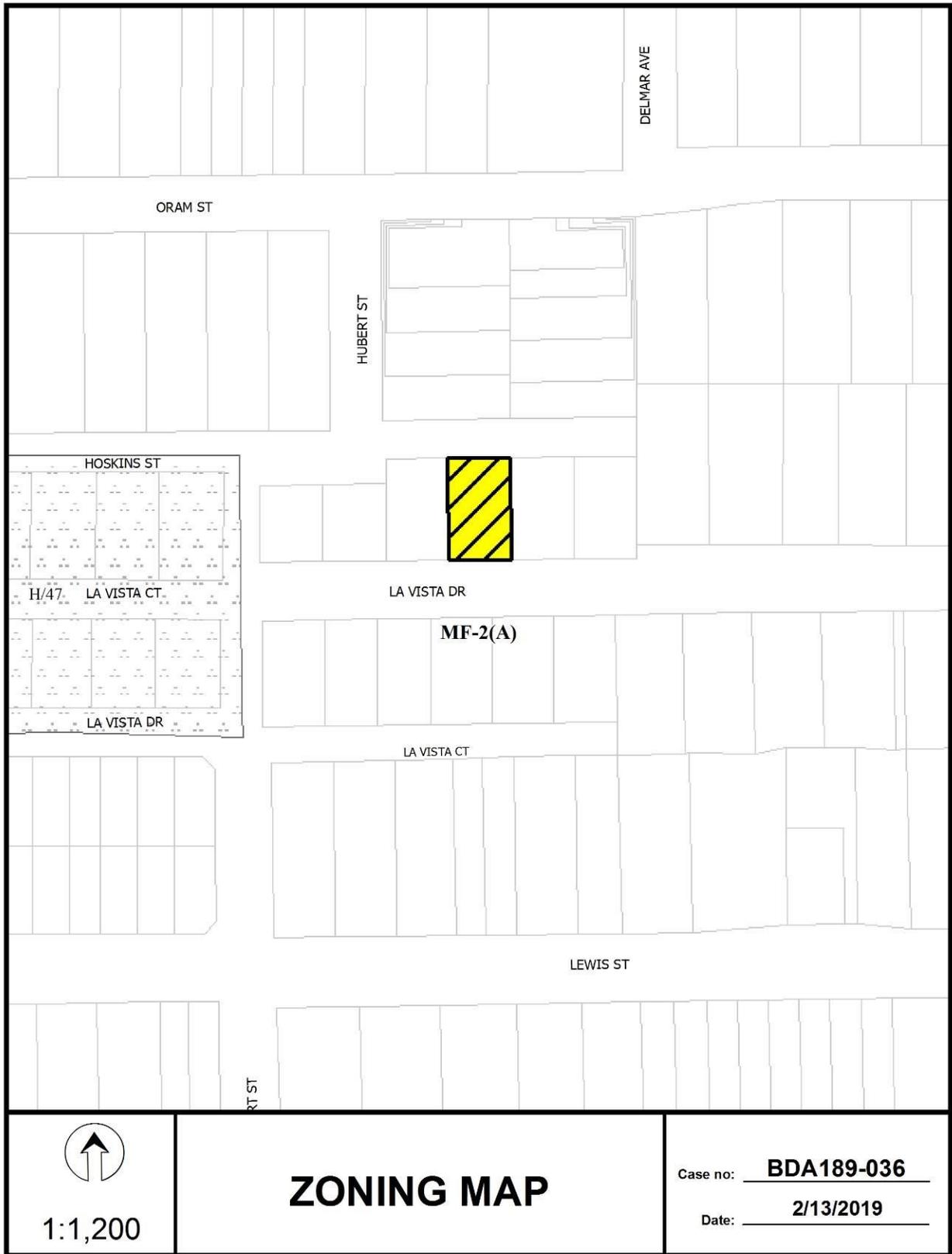
- The subject site is flat, virtually rectangular in shape, and approximately 4,000 square feet in area, (approximately 50' x 80').
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public 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 MF-2(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 MF-2 (A) zoning classification.
- If the Board were to grant this 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 is a three-story residential duplex structure to be located 10' from one of the site's two required front yards (Hoskins Street) or 5' into this 15' front yard setback.

**Timeline:**

- January 19, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- February 12, 2019: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.
- February 13, 2019: 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 February 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 8<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.
- March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the

Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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.

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



1:1,200

# ZONING MAP

Case no: **BDA189-036**

Date: **2/13/2019**



1:1,200

# AERIAL MAP

Case no: **BDA189-036**

Date: **2/13/2019**



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-036

Date: 1/19/19

Data Relative to Subject Property:

Location address: 5843 La Vista Drive Zoning District: MF - 2(a)

Lot No.: 2 Block No.: 1909 Acreage: .098 ~~4209.418 sqft~~ Census Tract: 11.01

Street Frontage (in Feet): 1) 60' 2) 50' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BCH Development, LLC / Frank Blanchard

Applicant: Danny Sipes - Texas Permit and Development Telephone: (214) 794-0213

Mailing Address: PO BOX 3293 Forney, Texas Zip Code: 75126

E-mail Address: danny@txpermit.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Affirm that an appeal has been made for a Variance X, or Special Exception \_\_\_\_\_, of 5' FVSB on Hoskins St. to provide a 10' FVSB on Hoskins

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 order to build a structure that is comensurate with the neighborhood not to adversely affect neighboring properties. This lot size and structure size will be in accordance with was is constructed in the neighborhood

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

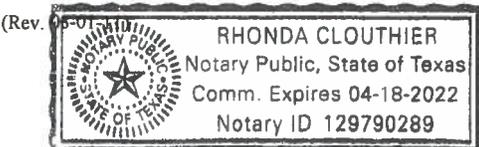
Affidavit

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

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

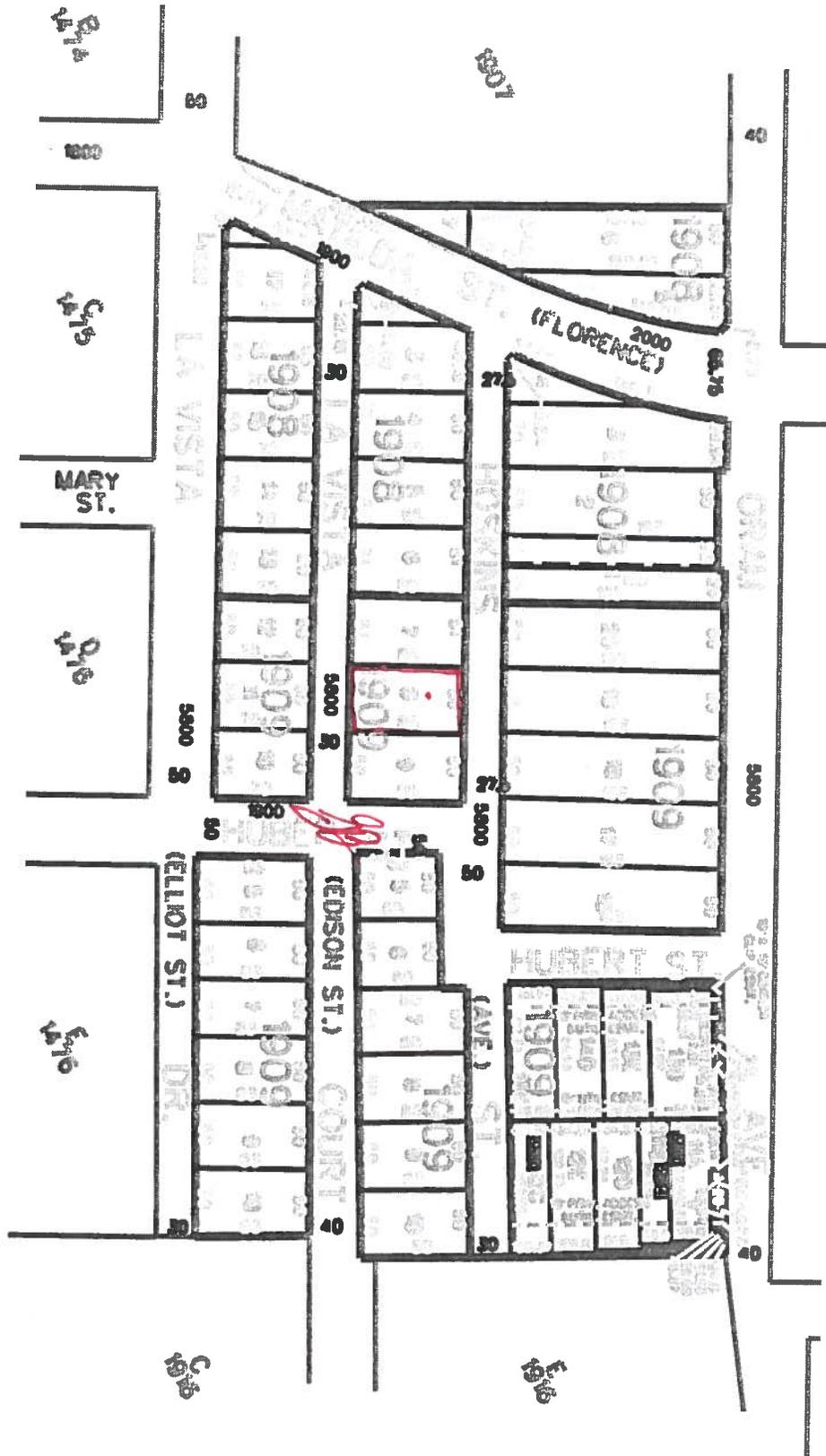
Respectfully submitted: [Signature]  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16 day of January, 2019

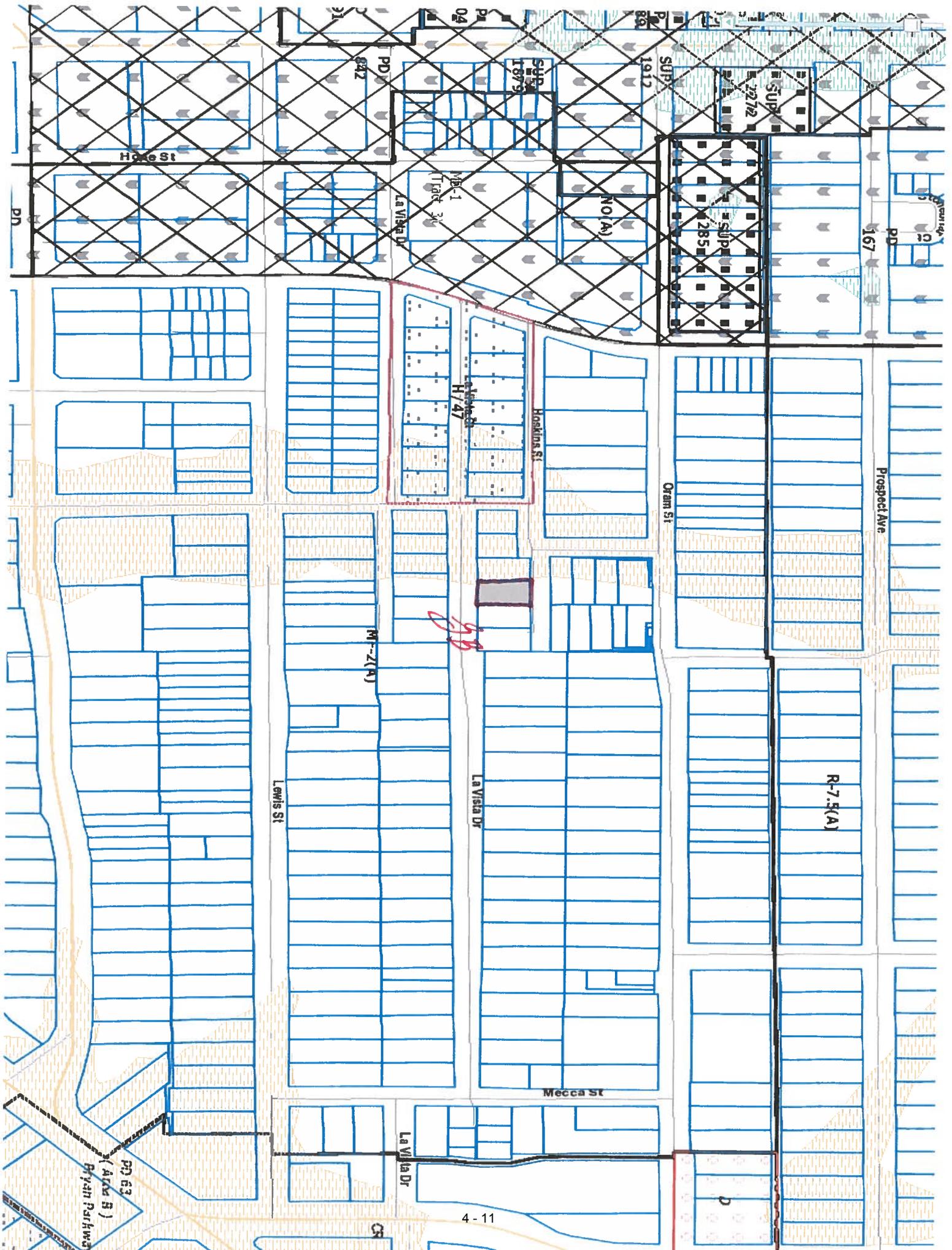


[Signature]  
Notary Public in and for Dallas County, Texas









Prospect Ave

R-7.5(A)

Cream St

Mecca St

La Vista Dr

M-2(A)

Lewis St

La Villa Dr

4-11

H/47

Hoskins St

NO(A)

Hughes St

PD 63  
(Alam B)  
Ryan Parkwa

PD 822

SUP  
1873

SUP  
1912

SUP  
2272

SUP  
285

PD 167

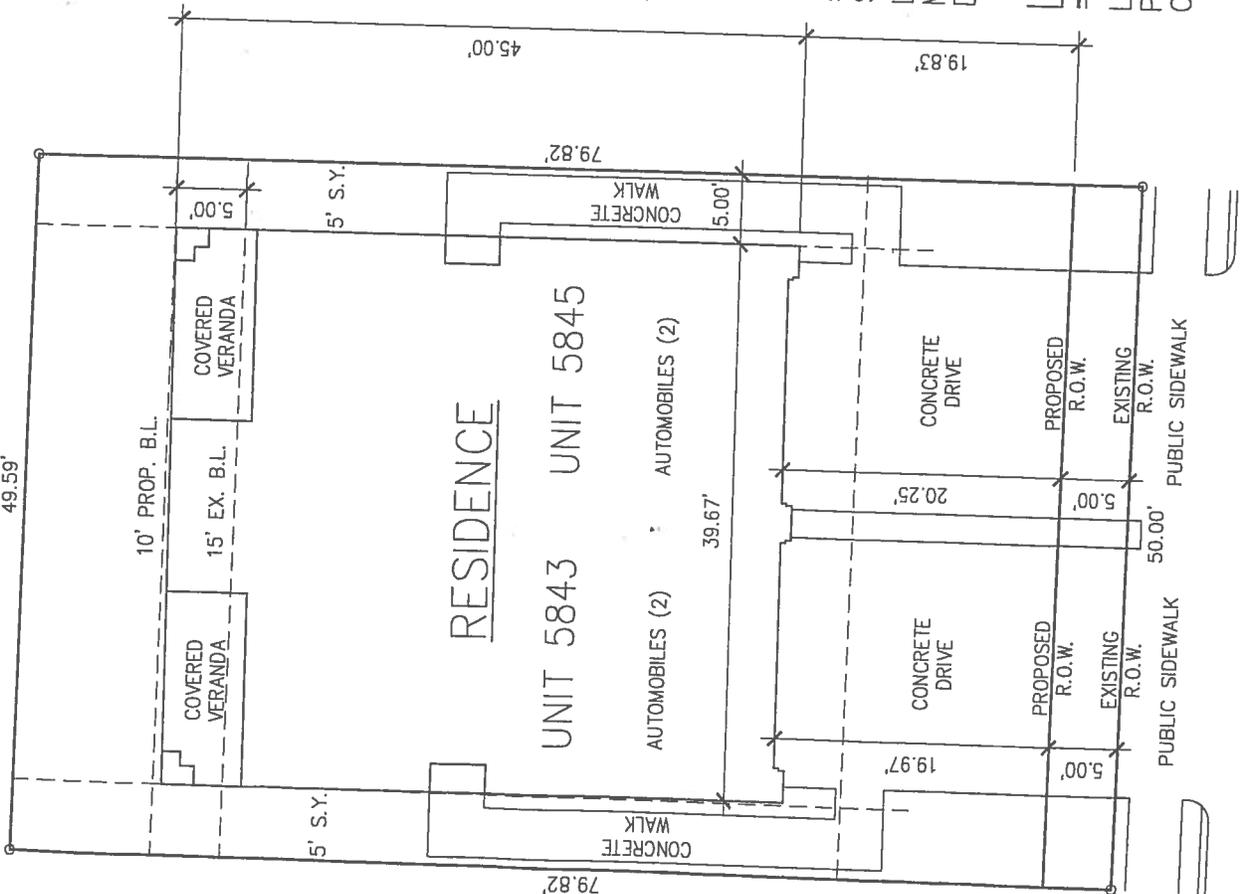
ME-1  
Tract 30

La Vista Dr

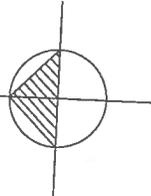
PD

HOSKINS STREET

49.59'



NORTH



### SITE PLAN

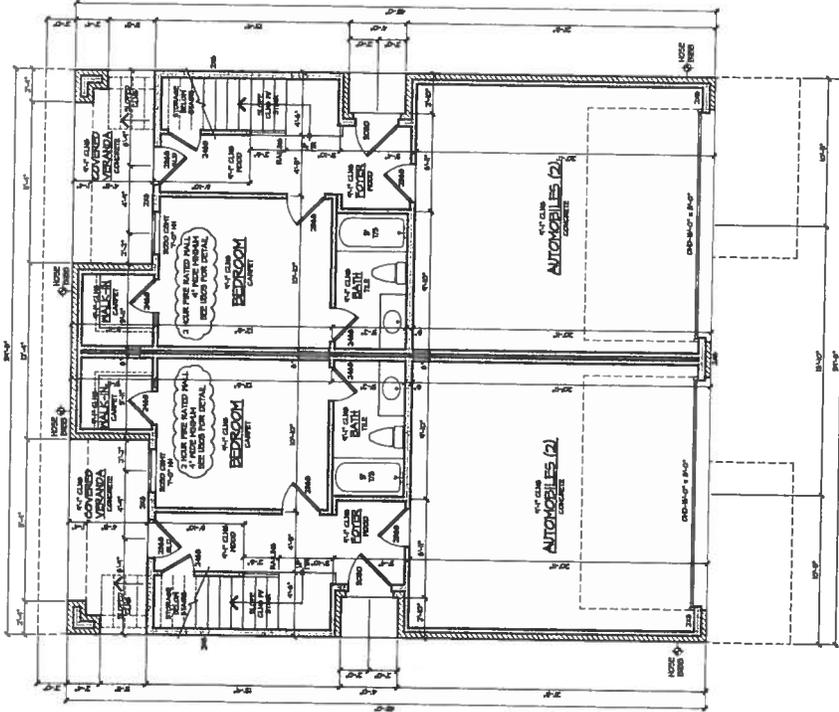
SCALE: 1/8" = 1'-0"

LOT 8 BLOCK 1909  
M BIRD ADDITION  
DALLAS, TEXAS

### LOT COVERAGE

LOT AREA	3974 S.F.
PAD AREA	1804 S.F.
COVERAGE	45%

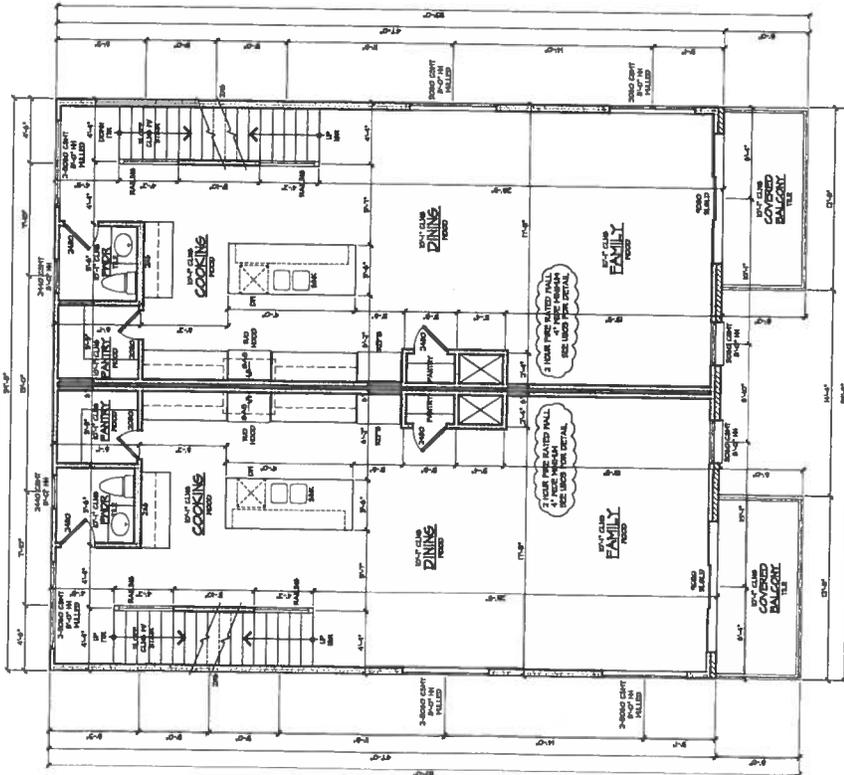
5843-5845 LA VISTA DRIVE



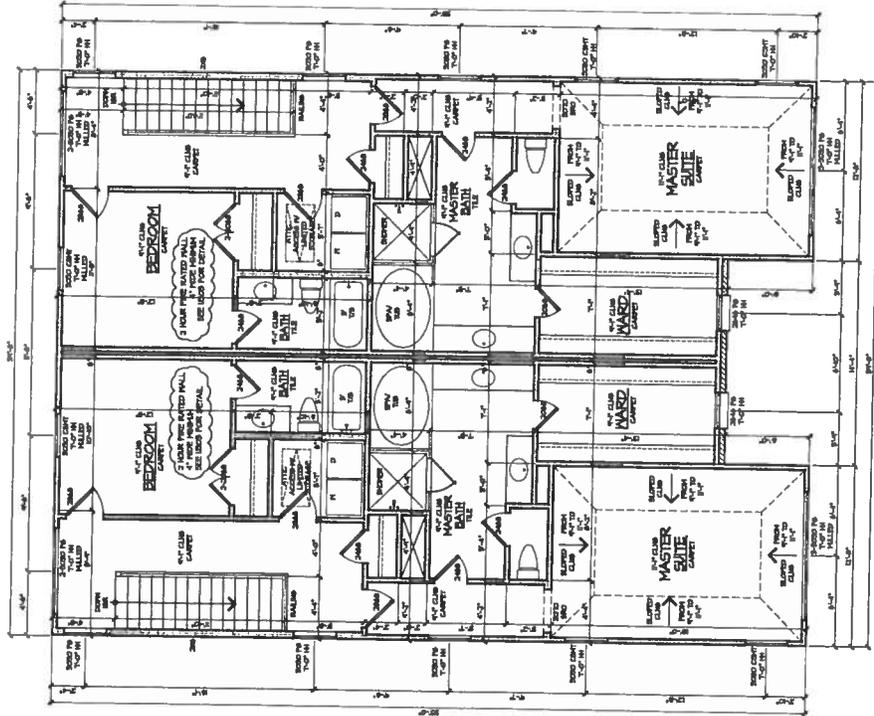
**FIRST LEVEL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**AREAS**

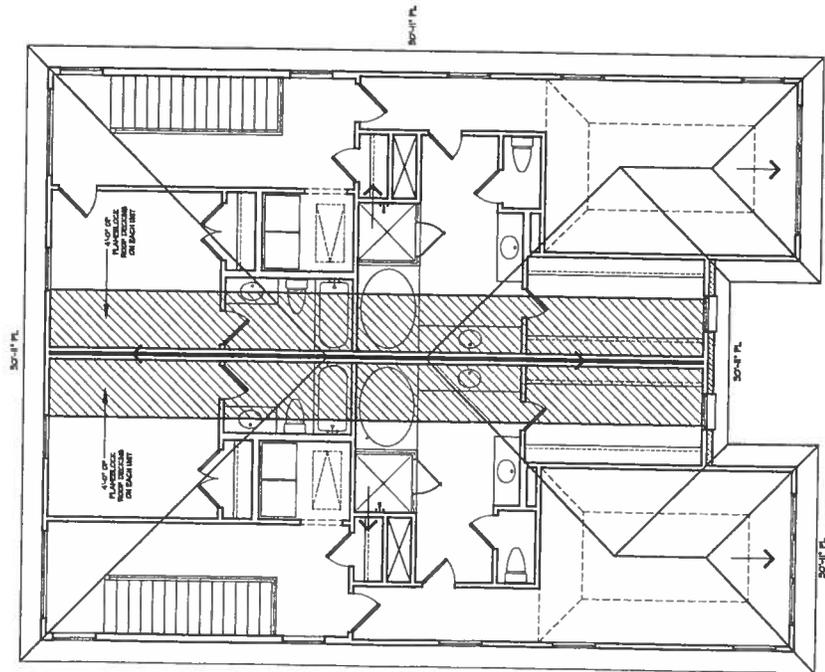
FIRST LEVEL, A/C	916.50 FT
SECOND LEVEL, A/C	810.50 FT
THIRD LEVEL, A/C	136.50 FT
TOTAL, A/C	1863.50 FT
AUTOMOBILES	2272.50 FT
COVERED ENTRY	118.50 FT
COVERED PORCH	118.50 FT
COVERED BALCONY	118.50 FT
TOTAL UNDER ROOF	2180.50 FT



**SECOND LEVEL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

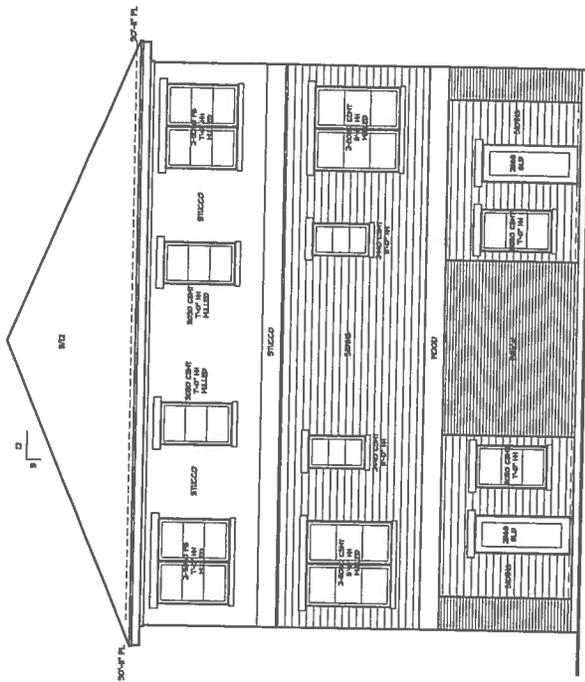


**THIRD LEVEL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

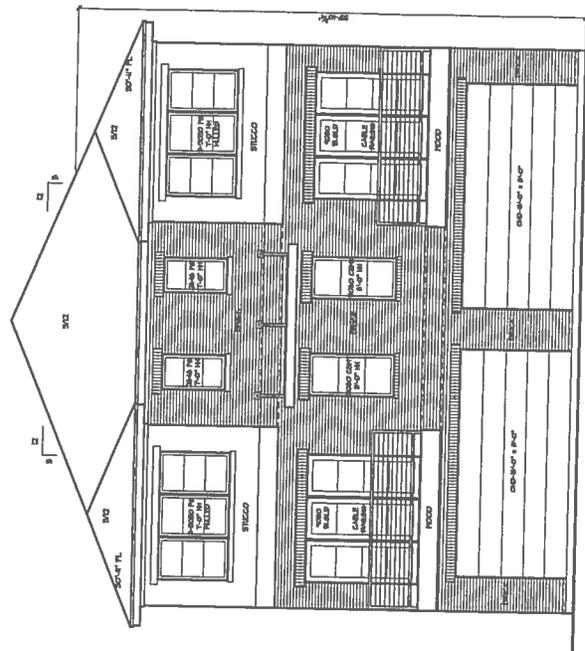


**ROOF PLAN**  
 SCALE: 1/4" = 1'-0"

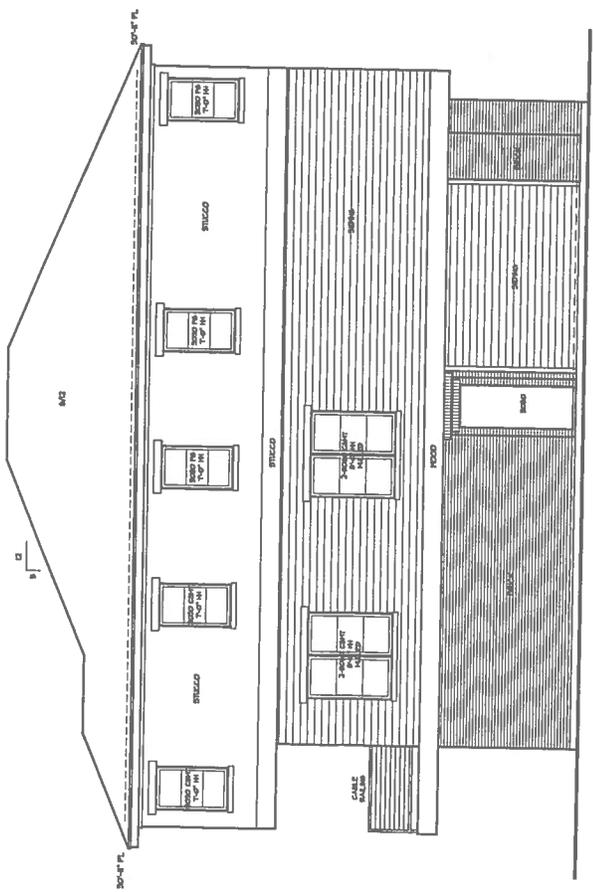
- ROOF NOTES:
- 1) DASHED LINE INDICATES OUTSIDE FACE OF FRAME.
  - 2) ARROWS INDICATE DOWNWARD SLOPE OF ROOF & SID PITCH.
  - 3) OVERHANGS TO BE 1'-0" FROM OUTSIDE FACE OF FRAME UNLESS NOTED.
  - 4) TRUSS HEIGHTS BASED ON 1'-0" FLOOR STRICH IN 'J' DECKING. SUBJECT TO CHANGE BASED ON FLOOR SYSTEM USED.
  - 5) HVAC & WATER HEATER TO BE LOCATED IN ATTIC.



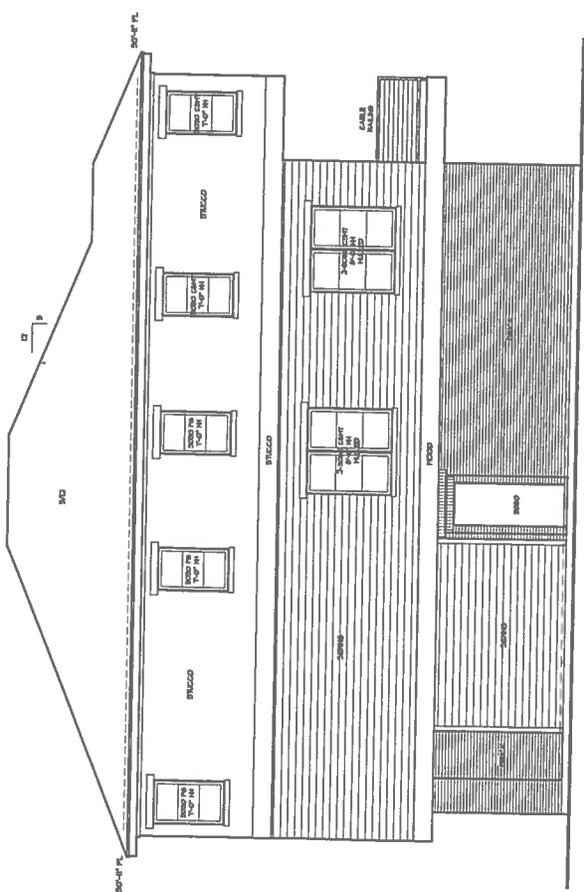
**REAR ELEVATION**  
 SCALE: 1/4" = 1'-0"



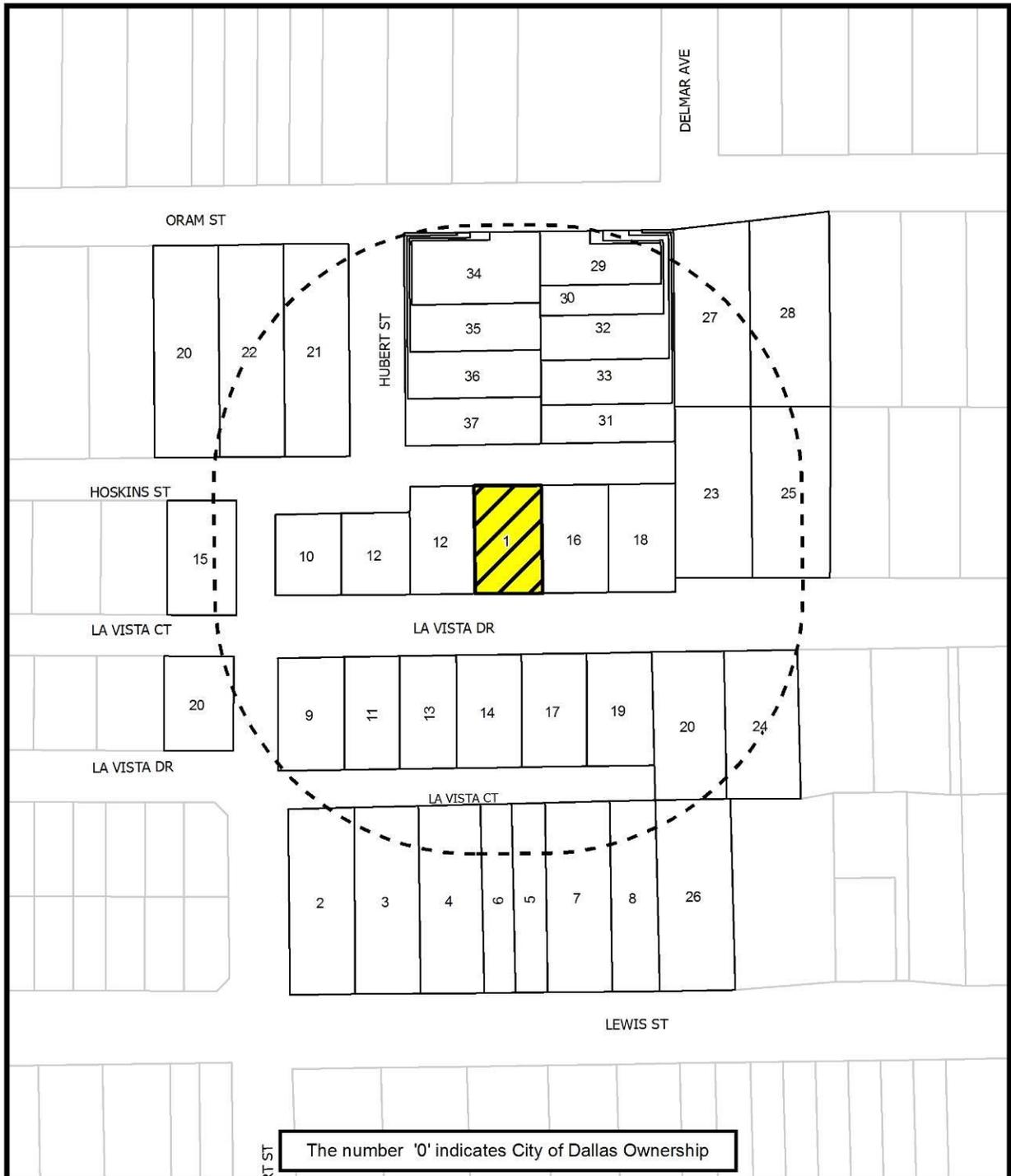
**FRONT ELEVATION**  
 SCALE: 1/4" = 1'-0"



**RIGHT ELEVATION**  
 SCALE: 1/4" = 1'-0"



**LEFT ELEVATION**  
 SCALE: 1/4" = 1'-0"



 1:1,200	<h1>NOTIFICATION</h1>	Case no: <b>BDA189-036</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>37</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>37</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
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# *Notification List of Property Owners*

**BDA189-036**

## *37 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5843 LA VISTA CT	BCH DEVELOPMENT LLC
2	5903 LEWIS ST	ESTRADA ALFONSO A
3	5905 LEWIS ST	SUENAGAS LLC
4	5909 LEWIS ST	MARTIN ADELE GERTRUDE
5	5915 LEWIS ST	DOUBLE STAR IRREVOCABLE TRUST
6	5913 LEWIS ST	ACEVEDO KRISTEN L & JOSE L
7	5919 LEWIS ST	STEWART ANNA K
8	5925 LEWIS ST	STEWART ANNA KACZYNSKA
9	5830 LA VISTA CT	SHELL ROBERT S &
10	5831 LA VISTA CT	KARWELIS ERVIN C
11	5834 LA VISTA CT	EVANS KEVIN G
12	5835 LA VISTA CT	SCAMMEL WILLIAM LEE
13	5838 LA VISTA DR	SASO DAN
14	5842 LA VISTA DR	SHREM ELI
15	5821 LA VISTA CT	REEH RYAN DAVID
16	5847 LA VISTA CT	KARWELIS ERVIN
17	5846 LA VISTA CT	SASO DAN
18	5851 LA VISTA CT	JOHNSON ERIC W
19	5850 LA VISTA CT	MORGAN PARK LTD &
20	5820 LA VISTA CT	HOLMES JOHN B
21	5830 ORAM ST	AHC HENDERSON LP
22	5826 ORAM ST	CUTCHINC PROPERTIES LLC &
23	5901 LA VISTA DR	O B A INC
24	5906 LA VISTA DR	HOLMES JOHN
25	5905 LA VISTA DR	BAXAVANIS NICHOLAS
26	5927 LEWIS ST	MARTEL LEWIS INV PPTY LLC

02/13/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5900 ORAM ST	CAMPAGNA ANTHONY J SR &
28	5906 ORAM ST	MCKINNEY THOMAS H
29	5860 ORAM ST	GIBSON WILLIAM & PAT
30	5864 ORAM ST	LUCAS KAYLIE JO &
31	5880 ORAM ST	SPAIN CHERYL E
32	5868 ORAM ST	THOMAS LARRY & BARBARA
33	5876 ORAM ST	SB RENTAL PROPERTY COMPANY LLC
34	5856 ORAM ST	SINHA ANURAG
35	5848 ORAM ST	SCHOENFELD AARON
36	5844 ORAM ST	BARRERA JESSICA N &
37	5836 ORAM ST	LAI LAURA & CHRISTOPHER DIN