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

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.

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

MISCELLANEOUS ITEM

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

UNCONTESTED CASES

**BDA189-025(OA)**
5150 Ridgedale Avenue
REQUEST: Application of Ward Williford for special exceptions to the visual obstruction regulations

**BDA189-027(OA)**
10045 Lakemere Drive
REQUEST: Application of Christopher Fergusson, represented by Christopher Villanueva, for a special exception to the fence standards regulations

**BDA189-035(OA)**
602 W. Colorado Boulevard
REQUEST: Application of Danny Sipes for special exceptions to the fence standards regulations
REQUEST: Application of Danny Sipes for a variance to the front yard setback regulations
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 which 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 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th 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”.
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

COMMENTS:

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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.
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Data Relative to Subject Property:

Location address: 5150 Ridge Dale 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 Rebecca Williford
Applicant: Ward Williford and Rebecca Williford Telephone: 214-908-1207
Mailing Address: 5150 Ridge Dale Dallas, TX Zip Code: 75206
E-mail Address: wwilliford@republictitle.com
Represented by: NONE Telephone:
Mailing Address:
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 streets 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/hers oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/principal/authorized representative of the subject property.

Respectfully submitted: Ward Williford
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of December, 2018

ROSEMARY GRAJEDA
Notary Public
State of Texas
ID # 7427759
Comm. Expires 02/16/2020
MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Buildign 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 at 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, Building Official
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.

RIDGEDALE AVENUE
(20' R.O.W.)

LOT 9

N 80°27'30" E 144.70'

RIDGEDALE AVENUE
(20' R.O.W.)

HOMER STREET
(20' R.O.W.)

TWO STORY
BRICK & STONE
RESIDENCE

NO. 5150

LOT 10
BLOCK
V/2190

S 50.00' 00" W
"GATE ALLEY"

APPROXIMATE LOCATION OF 20' VISIBLE TRIANGLE PER CITY OF DALLAS CODE OF ORDINANCES STA-4.60.60(D)(1)(2)

TWO STORY
BRICK & STONE
GRADE

TWO STORY
BRICK & STONE
GRADE

GATE OPENING
24.0'
45.0'

EAST FENCING (HOMER STREET)

ADDRESS: 5150 RIDGEDALE AVENUE

GLOBAL LAND SURVEYING, INC.
2030 3RD AVENUE, SUITE 1106
PLANO, TEXAS 75074
PHONE: (972) 687-1700
CAGING: 55-83253
FIRM NO. 1001600

SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002
NOTIFICATION

200' AREA OF NOTIFICATION
29 NUMBER OF PROPERTY OWNERS NOTIFIED

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

The number '0' indicates City of Dallas Ownership

1:1,200

The map shows a section of a residential area with numbered properties. The properties are labeled with numbers from 14 to 29, with certain properties highlighted in yellow. The map also indicates areas labeled 'Ridgedale Ave', 'Vanderbilt Ave', and 'Honer St'.
# Notification List of Property Owners

**BDA189-025**

29 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5150 RIDGEDALE AVE</td>
<td>WILLIFORD WARD &amp; ROBERTA</td>
</tr>
<tr>
<td>2</td>
<td>5215 RIDGEDALE AVE</td>
<td>POWELL MATTHEW D</td>
</tr>
<tr>
<td>3</td>
<td>5211 RIDGEDALE AVE</td>
<td>SMITH JEFFERY L</td>
</tr>
<tr>
<td>4</td>
<td>5207 RIDGEDALE AVE</td>
<td>MCMICHAEL ALI &amp; JONATHAN</td>
</tr>
<tr>
<td>5</td>
<td>5203 RIDGEDALE AVE</td>
<td>OVERBEY GEORGE</td>
</tr>
<tr>
<td>6</td>
<td>5202 RIDGEDALE AVE</td>
<td>WALKER STEVEN W &amp; SUSAN M</td>
</tr>
<tr>
<td>7</td>
<td>5206 RIDGEDALE AVE</td>
<td>SMITH PRESTON GEORGE</td>
</tr>
<tr>
<td>8</td>
<td>5210 RIDGEDALE AVE</td>
<td>FERRER CARLA</td>
</tr>
<tr>
<td>9</td>
<td>5214 RIDGEDALE AVE</td>
<td>GARDNER ROBERTPAUL III</td>
</tr>
<tr>
<td>10</td>
<td>5215 VANDERBILT AVE</td>
<td>LOHR MATTHEW RYAN &amp;</td>
</tr>
<tr>
<td>11</td>
<td>5211 VANDERBILT AVE</td>
<td>SHAFFER TAMMY &amp;</td>
</tr>
<tr>
<td>12</td>
<td>5207 VANDERBILT AVE</td>
<td>SYKORA JOSEPH ROBERT NATHANIEL &amp;</td>
</tr>
<tr>
<td>13</td>
<td>5203 VANDERBILT AVE</td>
<td>TREECE RUSSELL W</td>
</tr>
<tr>
<td>14</td>
<td>5130 RIDGEDALE AVE</td>
<td>BROOKS CARROLL K &amp;</td>
</tr>
<tr>
<td>15</td>
<td>5134 RIDGEDALE AVE</td>
<td>HANSON ALEXANDRA E &amp; JONATHAN S</td>
</tr>
<tr>
<td>16</td>
<td>5138 RIDGEDALE AVE</td>
<td>MAUCK DUSTIN &amp; KATHERINE</td>
</tr>
<tr>
<td>17</td>
<td>5142 RIDGEDALE AVE</td>
<td>AYALA MARIO &amp; CLARA</td>
</tr>
<tr>
<td>18</td>
<td>5146 RIDGEDALE AVE</td>
<td>HARWOOD JOSEPH</td>
</tr>
<tr>
<td>19</td>
<td>5151 VANDERBILT AVE</td>
<td>MUNOZ STELLA HERNANDEZ</td>
</tr>
<tr>
<td>20</td>
<td>5145 VANDERBILT AVE</td>
<td>TAMLYN CONNOR G &amp; EMILY B</td>
</tr>
<tr>
<td>21</td>
<td>5141 VANDERBILT AVE</td>
<td>THOMAS ALISON SMITH</td>
</tr>
<tr>
<td>22</td>
<td>5139 VANDERBILT AVE</td>
<td>DRYDEN ROBERT T &amp; MARY</td>
</tr>
<tr>
<td>23</td>
<td>5135 VANDERBILT AVE</td>
<td>BAINS JOHN ROBERT</td>
</tr>
<tr>
<td>24</td>
<td>5131 VANDERBILT AVE</td>
<td>SMITH SHIRLENE STEPHANIE</td>
</tr>
<tr>
<td>25</td>
<td>5151 RIDGEDALE AVE</td>
<td>CANESTRARI ROBERT D</td>
</tr>
<tr>
<td>26</td>
<td>5147 RIDGEDALE AVE</td>
<td>STEELE MICHAEL J &amp; TERRY</td>
</tr>
<tr>
<td>Label #</td>
<td>Address</td>
<td>Owner</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>27</td>
<td>5143</td>
<td>RIDGEDALE AVE SMITH STANFORD SCOTT &amp;</td>
</tr>
<tr>
<td>28</td>
<td>5139</td>
<td>RIDGEDALE AVE BENDER KEVIN &amp;</td>
</tr>
<tr>
<td>29</td>
<td>5135</td>
<td>RIDGEDALE AVE HOPKINS MICA POWELL &amp; MICHAEL HOPKINS</td>
</tr>
</tbody>
</table>
BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS

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:

<table>
<thead>
<tr>
<th>Site</th>
<th>R-7.5(A) (Single family district 7,500 square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-7.5(A) (Single family district 7,500 square feet)</td>
</tr>
<tr>
<td>South</td>
<td>PD 671 (Planned Development)</td>
</tr>
<tr>
<td>East</td>
<td>R-7.5(A) (Single family district 7,500 square feet)</td>
</tr>
<tr>
<td>West</td>
<td>R-7.5(A) (Single family district 7,500 square feet)</td>
</tr>
</tbody>
</table>
**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 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th 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.
APPLICATION/PEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA
Date: 1-4-18

Data Relative to Subject Property:

Location address: 10045 LAKE MEADE 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 LAKE MEADE DRIVE Zip Code: 75238
E-mail Address: christopher.fergusson@gmail.com
Represented by: CHRISTOPHER VILLANUEVA Telephone: (469) 279-9749
Mailing Address: 10317 COURTESY DR. DALLAS TX Zip Code: 75229
E-mail Address: christopherd.villanueva@gmail.com

Affirm that an appeal has been made for a Variance , or Special Exception X, of 4' TO THE REQUIRED 8' FRONT YARD FENCE STANDARD WITH A TOTAL FENCE HEIGHT OF 6'.

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 (sharpened 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: (Affiant/Applicant's signature)

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

(Notary Public in and for Dallas County, Texas)
MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Chairman

Appeal was--Granted OR Denied
Date of Hearing
Remarks

MEETING OF THE BOARD OF ADJUSTMENT

Chairman

April 5, 2022

Action Taken

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 K7527, 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
Trammell, Charles

From: Christopher Villanueva <christopherd villanueva@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 20x20 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
## Notification List of Property Owners

**BDA189-027**

26 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
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</table>
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 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th 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.”
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.
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-035
Date: 1-25-19

Data Relative to Subject Property:

Location address: 602 W Colorado Zoning District: R7.5 A
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 Sandefur
Applicant: Danny Sipes Telephone: 214-794-0213
Mailing Address: PO Box 3293 Zip Code: 75196
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. Appeal 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/principal/authorized representative of the subject property.

Respectfully submitted: (Affiant/Applicant's signature)

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

Notary Public in and for Dallas County, Texas
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 a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes, Building Official
- Elevation -
Scale: 1/2" = 1'

- Perspectives -
Scale: NTS
02/13/2019

Notification List of Property Owners

BDA189-035

19 Property Owners Notified

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<td>ROSS SAMUEL</td>
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<td>522 WICKFORD ST</td>
<td>OBRIOEN JEFFREY S</td>
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<td>1140 CEDAR HILL AVE</td>
<td>JOHNSON KIM DOUGLAS</td>
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<td>SCOGIN CHARLES W</td>
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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:

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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 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th 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.
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Data Relative to Subject Property:

Case No.: BDA_189-036
Date: 1/19/19

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

Lot No.: 1) 20865
Block No.: 1909
Acreage: 4208.76 sq ft
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

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

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 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

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:

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

Notary Public in and for Dallas County, Texas

RHONDA CLOUTHIER
Notary Public, State of Texas
Comm. Expires 04-18-2022
Notary ID 129790289
Building Official's Report

I hereby certify that Danny Sipes

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

at 5843 La Vista Dr.

BDA189-036. Application of Danny Sipes for a variance to the front yard setback regulations at 5843 LA VISTA CT. 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.

Sincerely,

[Signature]
Philip Sikes, Building Official
NOTIFICATION

AREA OF NOTIFICATION

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA189-036
Date: 2/13/2019
**Notification List of Property Owners**

**BDA189-036**

**37 Property Owners Notified**

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