

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, OCTOBER 23, 2019  
AGENDA

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BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

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**PUBLIC TESTIMONY**

Minutes  
Approval of the Board of Adjustment Public Hearing Calendar

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**MISCELLANEOUS ITEMS**

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Approval of the September 18, 2019 Board of Adjustment Panel B Public Hearing Minutes	M1
Approval of the Board of Adjustment Public Hearing Calendar	M2

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**UNCONTESTED CASES**

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<b>BDA189-106(SL)</b>	839 N. Winnetka Avenue <b>REQUEST:</b> Application of Laura Bowden for special exceptions to the visual obstruction regulations	1
<b>BDA189-107(SL)</b>	5231 Parry Avenue <b>REQUEST:</b> Application of Blanca Gonzalez for a special exception to the side yard setback regulations	2
<b>BDA189-118(SL)</b>	5807 Park Lane <b>REQUEST:</b> Application of Karl A. Crawley for special exceptions to the fence standards regulations	3

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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]

DRAFT  
BOARD OF ADJUSTMENT  
**2020 Calendar**

January 2020						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

**01:** New Year's Day  
**20:** Martin Luther King Day

February 2020						
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**17:** Presidents Day

March 2020						
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29	30	31				

April 2020						
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May 2020						
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31						

June 2020						
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28	29	30				

**25:** Memorial Day

July 2020						
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**04:** Independence Day

August 2020						
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30	31					

September 2020						
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**07:** Labor Day

October 2020						
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**12:** Columbus Day

November 2020						
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29	30					

**11:** Veterans' Day  
**26:** Thanksgiving

December 2020						
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**25:** Christmas Day

**LEGEND:**

-  PANEL C
-  PANEL A
-  PANEL B

**FILE NUMBER:** BDA189-106(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Laura Bowden for special exceptions to the visual obstruction regulations at 839 N. Winnetka Avenue. This property is more fully described as Lot 10, Block 5/3456, and is zoned CD 1 (Subarea 1), which requires a 20 foot visibility triangle at driveway approaches and alley. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulation.

**LOCATION:** 839 N. Winnetka Avenue

**APPLICANT:** Laura Bowden

**REQUESTS:**

Requests for special exceptions to the visual obstructions have been made to replace an existing solid wood fence with a new 8' high solid wood fence on a site that is developed with a single-family home in:

1. the two 20' visibility triangles at the drive approach into the site from Green Street; and
2. the 20' visibility triangle at where the alley meets Green Street.

**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 request.
- Staff concluded that the requests for special exceptions to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item to be replaced and located in the visibility triangles at the drive approach into the site from Green Street and at where the alley meets Green Street does not constitute a traffic hazard.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: CD 1 (Conservation District)  
North: CD 1 (Conservation District)  
South: CD 1 (Conservation District)  
East: CD 1 (Conservation District)  
West: CD 1 (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:**

- The requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on replacing and relocating an existing solid wood fence with a new 8' high solid wood fence in the two 20' visibility triangles at the drive approach into the site from Green Street; and in the 20' visibility triangle at where the alley meets Green Street.
- 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 CD 1 zoning district 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 located in the two 20' visibility triangles at the drive approach into the site from Green Street; and in the 20' visibility triangle at where the alley meets

Green Street. (Note that while the site plan represents landscape materials in two of the three visibility triangles, the Board does not have jurisdiction to consider these or any items that are in visibility triangles and in the public right-of-way. Any item in the public right-of-way requires a license from the City Council).

- 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 these requests does 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 located and maintained in the two 20’ visibility triangles at the drive approach into the site from Green Street and in the 20’ visibility triangle at where the alley meets Green Street, to that what is shown on these documents - an 8’ high solid wood fence.
- Granting these requests will not provide any exception to allow any item on this site to be located in public right-of-way.

### **Timeline:**

July 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.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

September 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

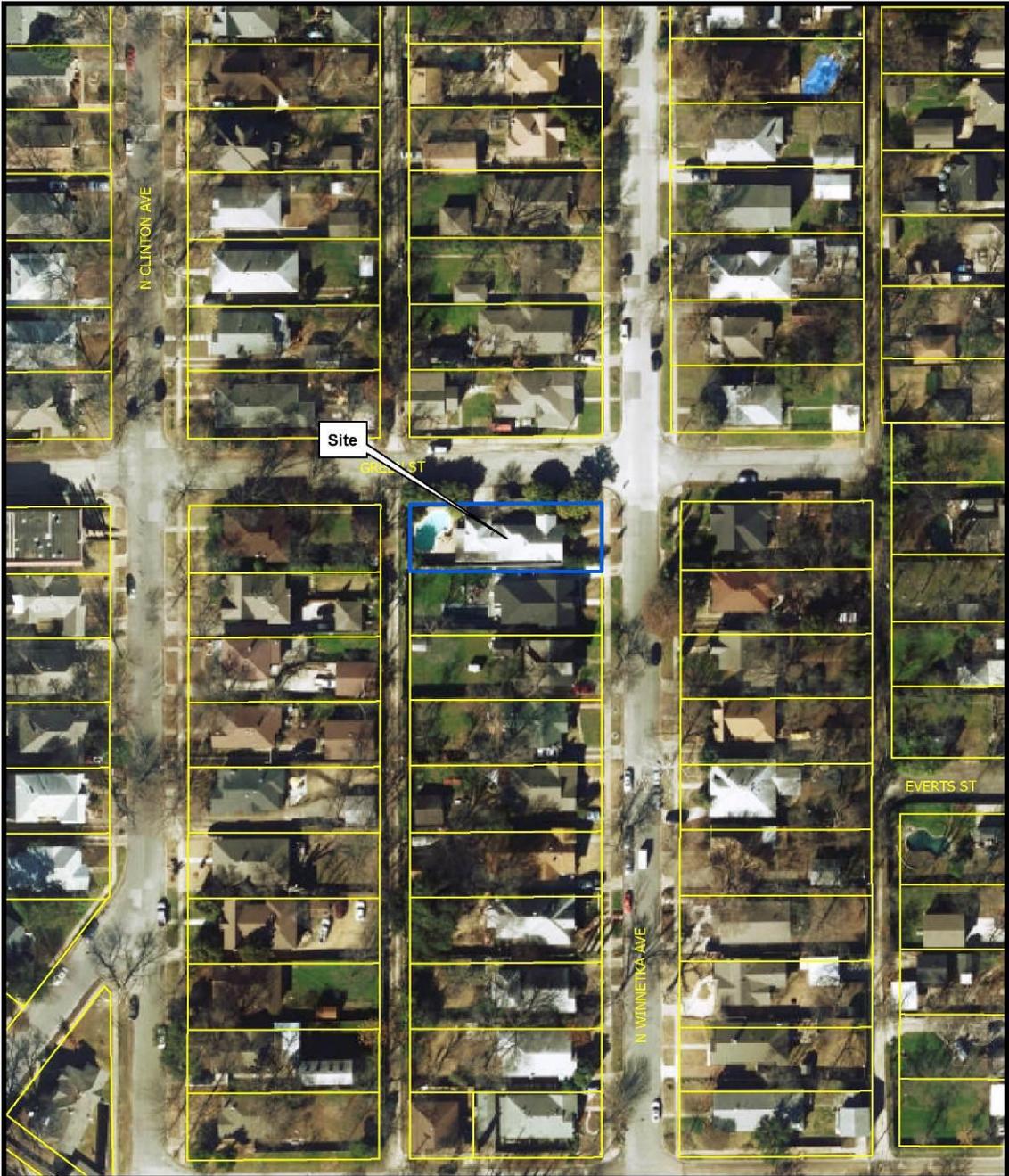
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 11<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior

Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 10, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

October 11, 2019: The applicant submitted additional documentation to staff (see Attachment A). Note that this information was not factored into the staff recommendation since it was submitted after the October 8<sup>th</sup> staff review team meeting.



1:1,200

# AERIAL MAP

Case no: BDA189-106

Date: 9/12/2019

**Addendum to application BDA189-106, Property at 839 N. Winnetka Avenue for October 23rd**

Board of Adjustment Panel B:

Please accept this addendum to the application as additional evidence regarding the visibility triangles at the driveway and alley of the above referenced property.

Please note the following about Greene Street:

- There is no sidewalk, so any foot traffic is on the sidewalk on the other side of the street or in the street.
- The street dead ends at Winnetka Avenue; therefore, there is very limited vehicle traffic.
- The fence along Greene Street currently has a "bump out" into the city right of way; the plan for the replacement fence is straight. This will improve the visibility looking east from the driveway.
- Attached are photos that show the actual visibility from the driveway.

Please note the following about the alley:

- The alley is only used by City of Dallas garbage and recyclings trucks on Tuesdays, and occasionally by utility trucks.
- To my knowledge, no one on the 800 block of North Winnetka or North Clinton access their property via the alley.
- Attached are photos that show the actual visibility from the alley.

Thank you for your time and consideration.

# 1) Visibility triangles surrounding driveway

Photo taken from driver's seat of vehicle looking east down Greene Street toward North Winnetka Avenue:



Photo taken from driver's seat of vehicle looking west down Greene Street toward North Clinton Avenue:



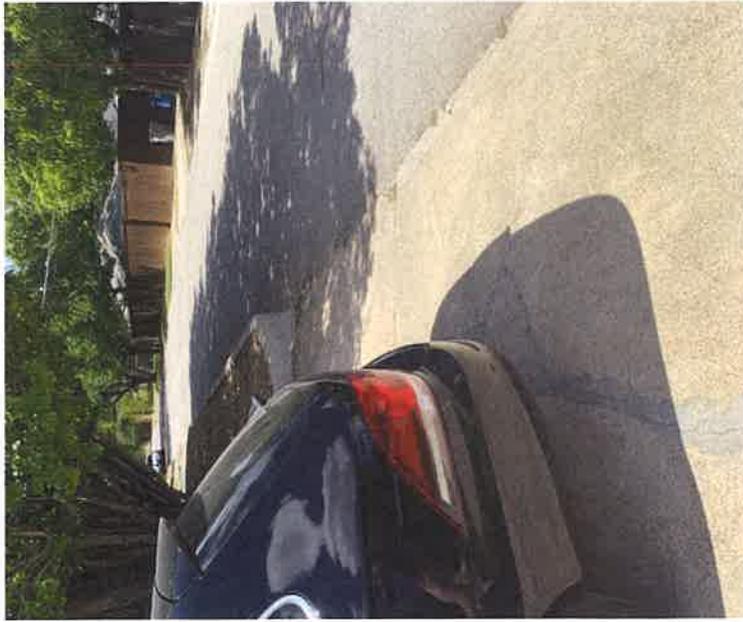
BDA189-106, Property at 839 N. Winnetka Avenue

BDA189-106

Attch A

P32

Location of vehicle in driveway when photo was taken from driver's seat:



BDA189-106  
ATTN A  
PS3

R

BDA189-106, Property at 839 N. Winnetka Avenue

## 2) Visibility triangles at Greene Street and alley

Photo taken from driver's seat of vehicle looking east down Greene Street toward North Winnetka Avenue:



Photo taken from driver's seat of vehicle looking west down Greene Street toward North Clinton Avenue:



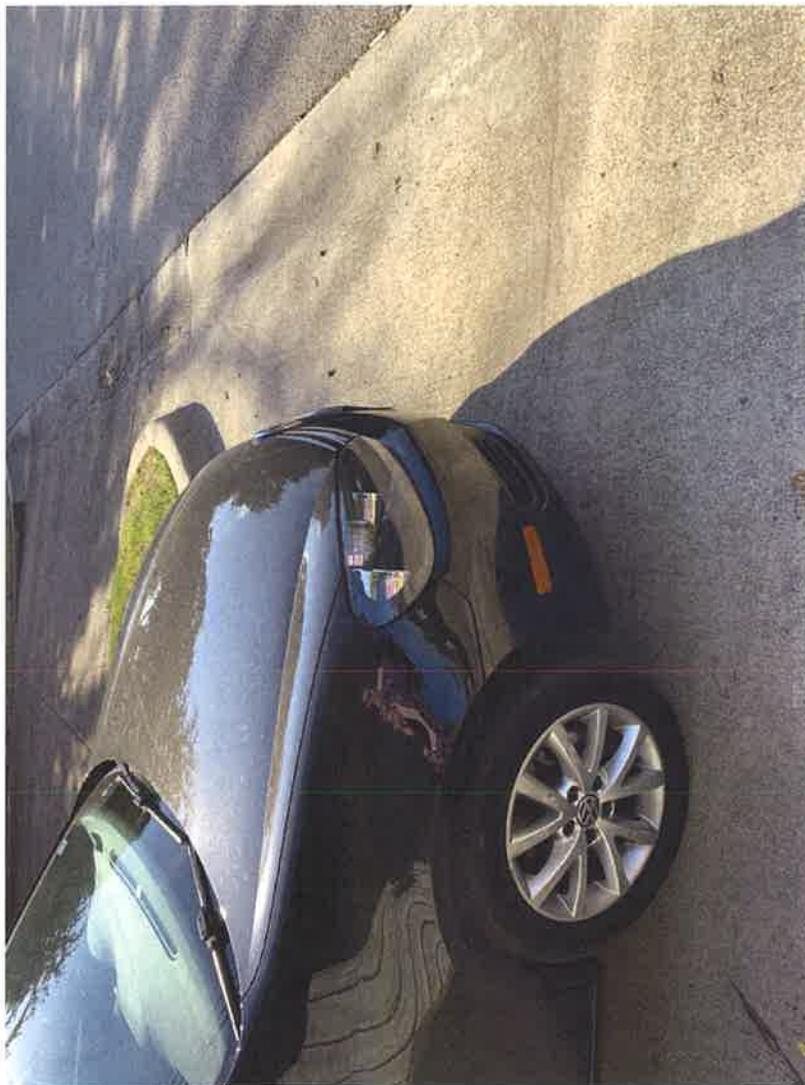
BDA189-106, Property at 839 N. Winnetka Avenue

BDA189-106

ATTN A

PS 4

Location of vehicle in alley when photo was taken from driver's seat:



BDA189-106  
Attach A  
PS5



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-106

Date: 7-19-19

Data Relative to Subject Property:

Location address: 839 N. WINNETKA AVE Zoning District: CD1 (Sub 1)

Lot No.: 10 Block No.: 5/3456 Acreage: .175 Census Tract: 42.02

Street Frontage (in Feet): 1) 150.20 2) 50.10 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Laura K Bowden and Michael L shake Jr

Applicant: Laura Bowden Telephone: 214.708.5257

Mailing Address: 839 N. Winnetka Ave Zip Code: 75208

E-mail Address: laurakbowden@gmail.com

Represented by: N/A Telephone: \_\_\_\_\_

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

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

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of 20' x 20'  
visibility triangle in driveway and alley

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 proposed fence is similar in placement, material, and height to other fences commonly found in our neighborhood. Green Street is a quiet, dead-end street with limited vehicle and pedestrian traffic

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.

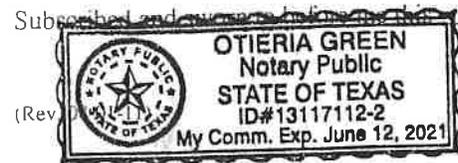
Affidavit

Before me the undersigned on this day personally appeared Laura Bowden  
(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 on this 19 day of July, 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 LAURA BOWDEN

did submit a request for a special exception to the visibility obstruction regulations  
at 839 N Winnetka Avenue

BDA189-106. Application of LAURA BOWDEN for a special exception to the visibility obstruction regulations at 839 N WINNETKA AVE. This property is more fully described as Lot 10, Block 5/3456, and is zoned CD-1 (Subarea 1), which requires a 20 foot visibility triangle at driveway approaches and alley. 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





UB



Printed: 7/19/2019 12

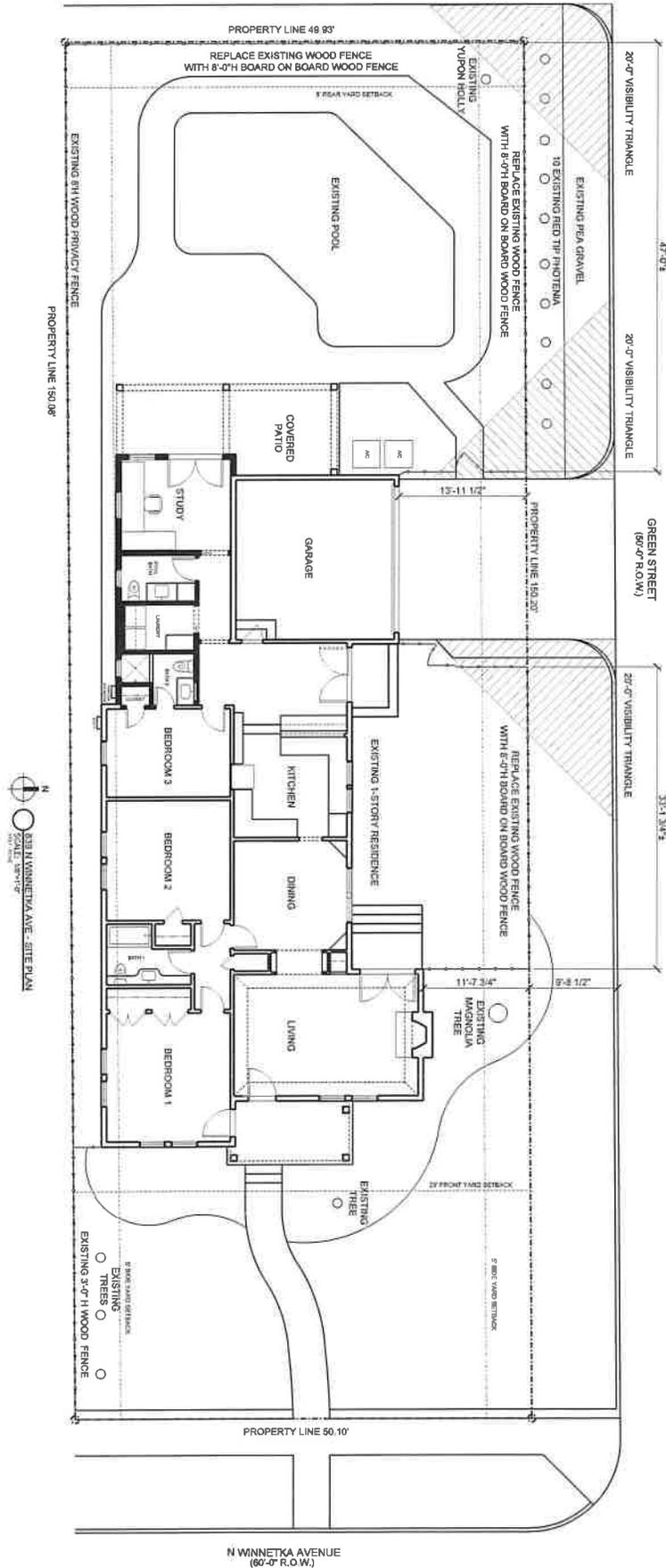
### Legend

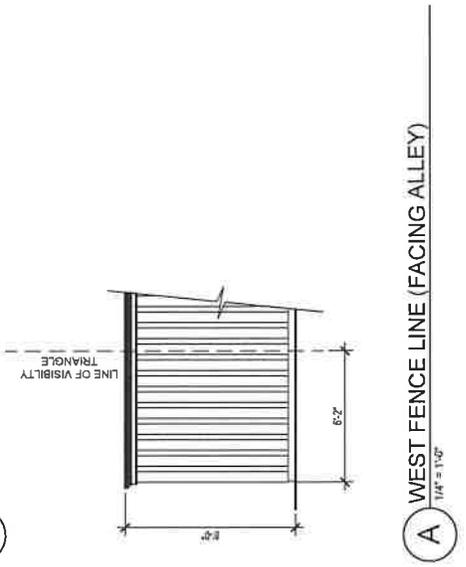
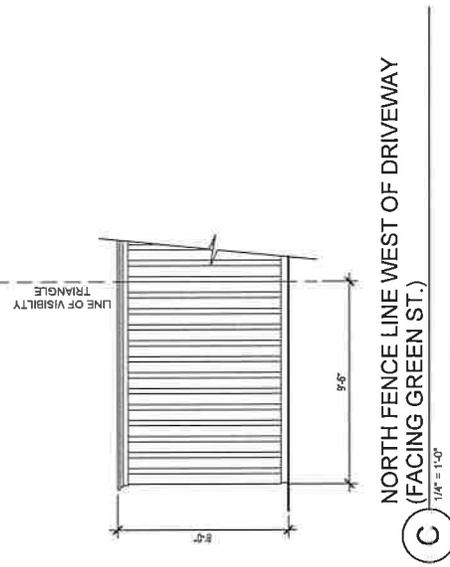
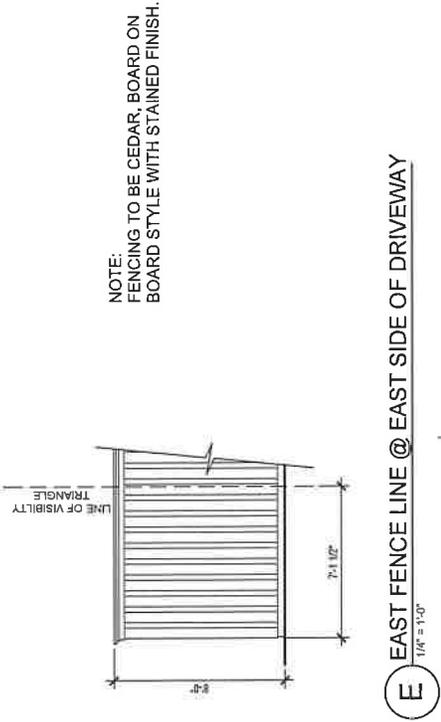
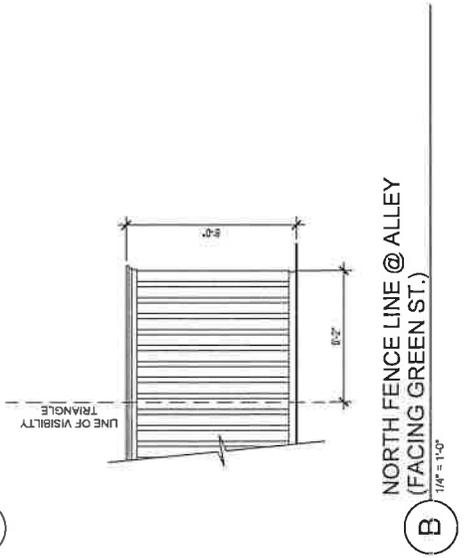
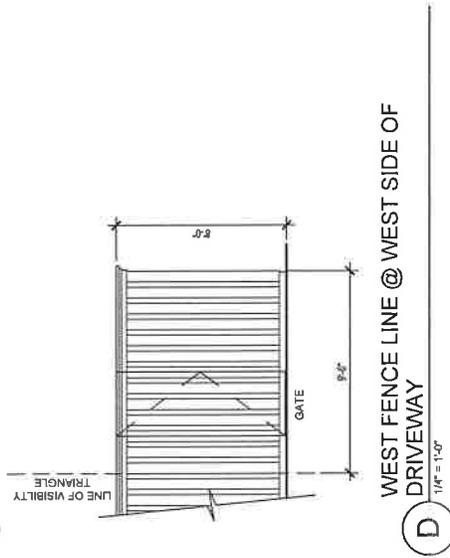
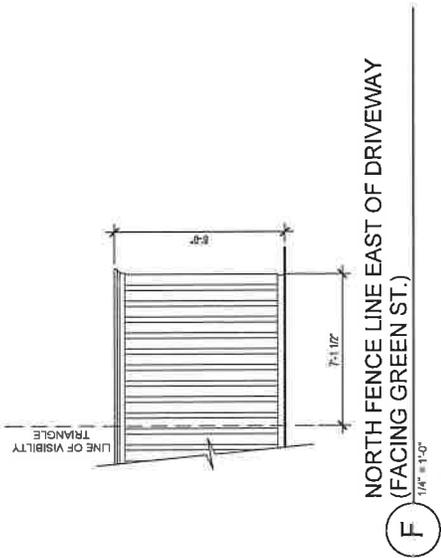
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Roadplan             | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | OP                    | 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      | Shed 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)

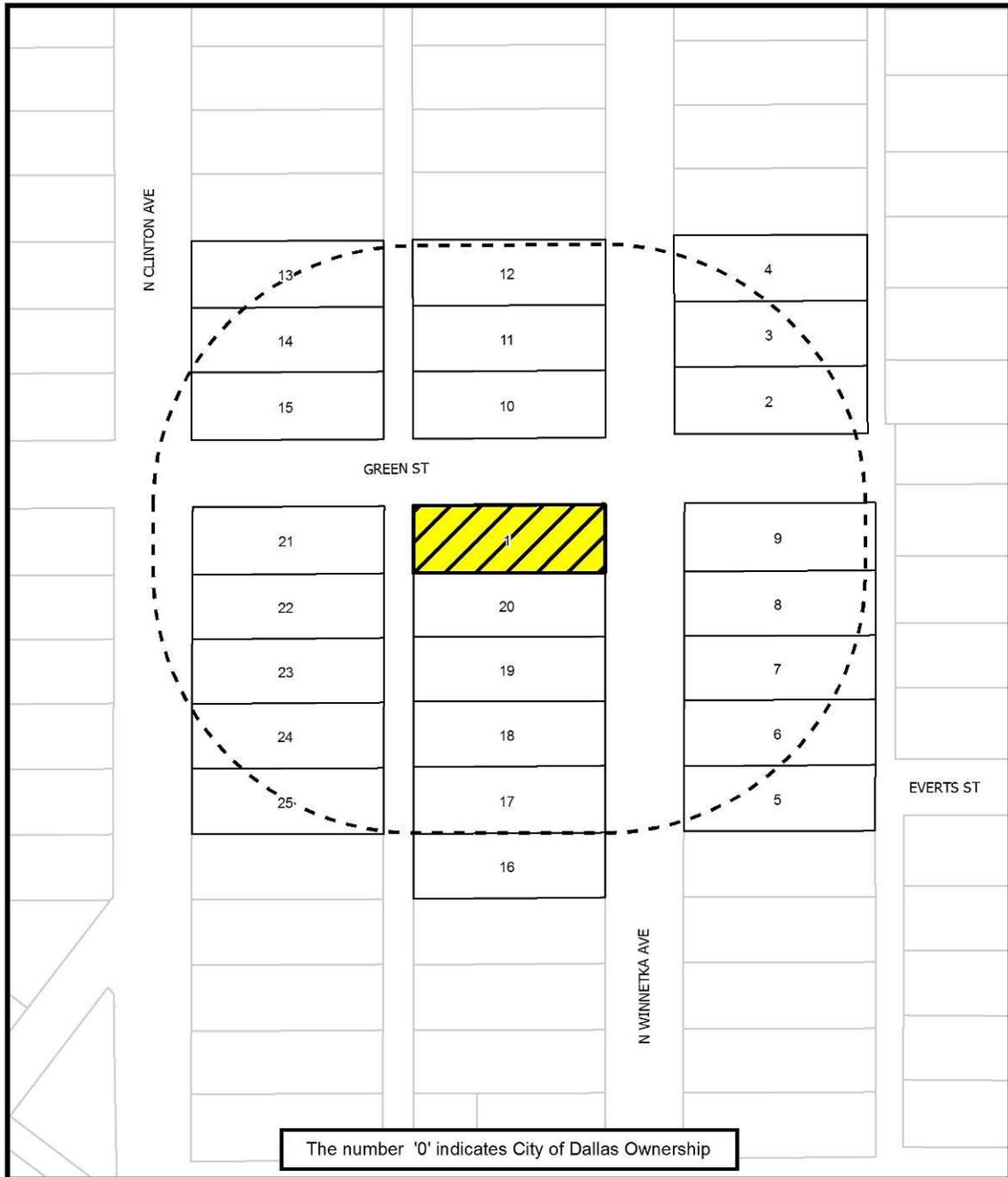


20' ALLEY





NOTE:  
FENCING TO BE CEDAR, BOARD ON BOARD STYLE WITH STAINED FINISH.



The number '0' indicates City of Dallas Ownership

 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA189-106</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">25</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>9/12/2019</b>

## *Notification List of Property Owners*

### *BDA189-106*

#### *25 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	839 N WINNETKA AVE	BOWDEN LAURA K & MICHAEL L SHAKE JR
2	902 N WINNETKA AVE	MCNALLY GLORIA
3	906 N WINNETKA AVE	PRICKETT JOHN GREGORY
4	908 N WINNETKA AVE	SIVA MARISELA
5	820 N WINNETKA AVE	FRY STEVEN BRETT & TARA JANAE
6	826 N WINNETKA AVE	DAMMAN MANAGEMENT TRUST
7	830 N WINNETKA AVE	MORRIS MONALIZA S
8	832 N WINNETKA AVE	DECKARD D TREW &
9	836 N WINNETKA AVE	DOSS CRISTINA C
10	901 N WINNETKA AVE	HERNANDEZ NORMA &
11	907 N WINNETKA AVE	MAGILL BENJAMIN C & MOLLY O
12	911 N WINNETKA AVE	JANNECK APRIL
13	910 N CLINTON AVE	CARRILLO ARMANDO JR
14	906 N CLINTON AVE	SEAL ELIZABETH A &
15	900 N CLINTON AVE	NUNCIO ANTHONY M &
16	819 N WINNETKA AVE	CARDONA GERARDO & BERTA
17	823 N WINNETKA AVE	WESTERFIELD CHRISTOPHER A &
18	827 N WINNETKA AVE	MORGAN MARY P & MICHAEL P
19	831 N WINNETKA AVE	SMITH ELISE C
20	835 N WINNETKA AVE	LAMBERT DIANA M
21	850 N CLINTON AVE	HANBY RONNIE B LIVING TRUST
22	844 N CLINTON AVE	SOLLOCK JAMES R
23	842 N CLINTON AVE	RAHEJA MADHAVI &
24	838 N CLINTON AVE	CISCO CAROLINE
25	834 N CLINTON AVE	WILSON KATHERINE S

**FILE NUMBER:** BDA189-107(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Blanca Gonzalez for a special exception to the side yard setback regulations for a carport at 5231 Parry Avenue. This property is more fully described as Lot 2, Block 4/1253, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport and provide a 1 foot 1 inch setback, which will require a 3 foot 11 inch special exception to the side yard setback regulations.

**LOCATION:** 5231 Parry Avenue

**APPLICANT:** Blanca E. Gonzalez

**REQUEST:**

A request for a special exception to the side yard setback regulations of 3' 11" is made to maintain a carport located 1' 1" from the site's northeastern side property line or 3' 11" into this 5' required side yard setback on a site developed with a single-family home structure/use.

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:**

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in the construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

**Zoning:**

Site: R-7.5(A) (Single family district 7,500 square feet)  
North: PD 134 (Planned Development)  
South: R-7.5(A) (Single family district 7,500 square feet)  
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, east, and west are developed with single family uses.

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

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

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

- The request for a special exception focuses on maintaining what is represented on the submitted site plan an approximately 1,200 square foot carport located 1' 1" from the site's northeastern side property line or 3' 11" into this 5' side yard setback on a site developed with a single-family home structure/use.
- The subject site is zoned R-7.5(A) which requires a 5' side yard setback.
- The applicant has submitted a site plan and elevations that represent the location and features of the carport on the subject site.
- The submitted site plan represents the following:
  - The carport is approximately 75' in length and ranges from approximately 12' – 24' in width. The site plan represents that the carport area is 1,263 square feet and that the existing living area is 1,040 square feet.
- The submitted elevations represent the following:
  - Approximately 11' in height and width (facing the street)
  - Materials are metal (roof and columns).
- The Board Administrator/Chief Planner conducted a field visit of the area and noted two other carports immediately northeast and southwest of the site. These carports appear to be possibly located in side yard setbacks neither of which have any recorded BDA history.
- As of October 11, 2019, no letters had been submitted in support of or in opposition to this application.
- The applicant has the burden of proof in establishing the following:
  - that granting this special exception to the side yard setback regulations of 3' 11" will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
  1. Compliance with the submitted site plan and elevations is required.

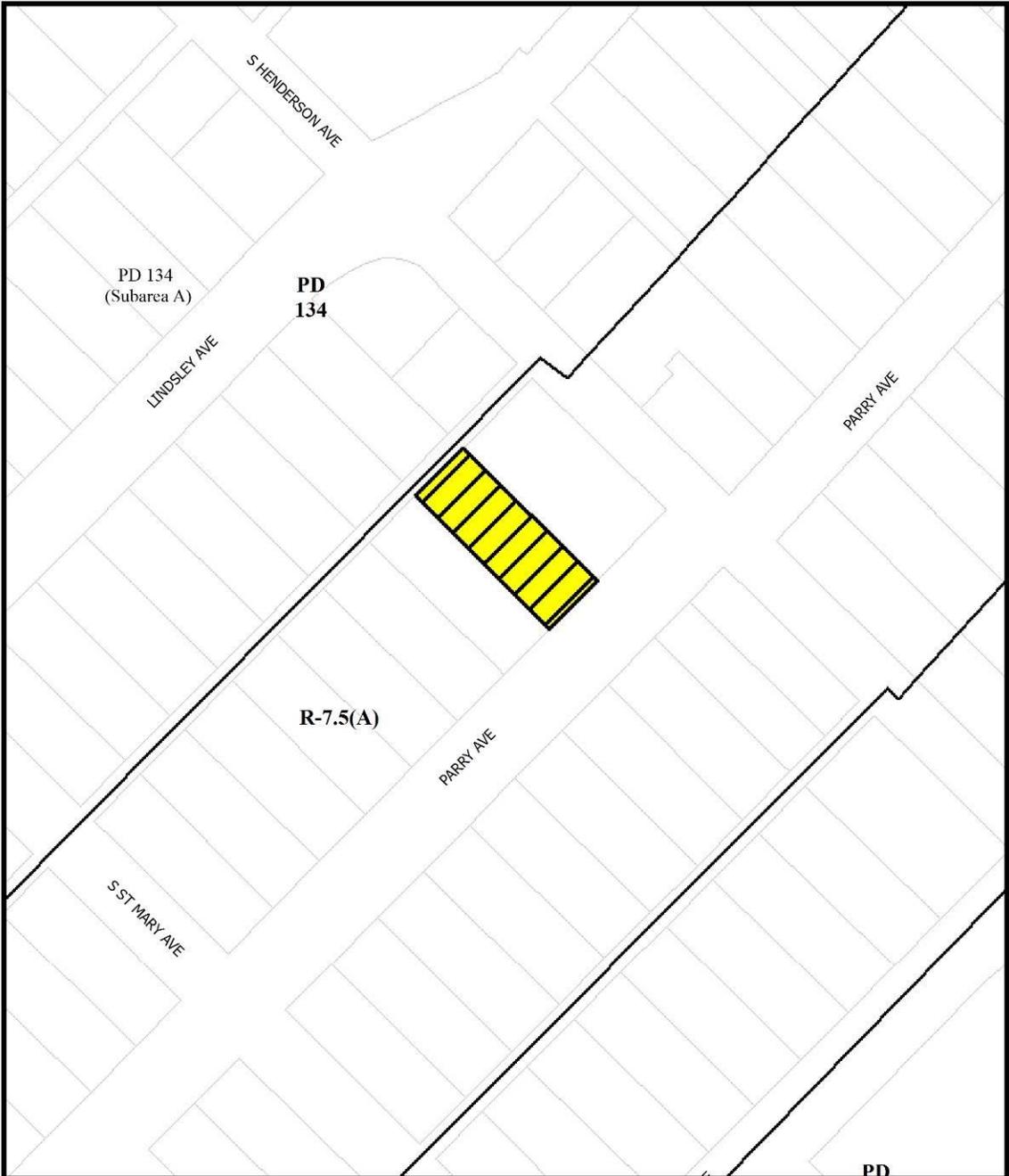
2. The carport structure must remain open at all times.
  3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
  4. All applicable building permits must be obtained.
  5. No item (other than a motor vehicle) may be stored in the carport.
- If the Board were to grant this request and impose the submitted site plan and elevations as a condition to the request, the structure in the side setback would be limited to that what is shown on this document – a carport located 1’ 1” away from the site’s northeastern side property line or 3’ 11” into this required 5’ side yard setback. Note that granting this request will not provide any exception to the applicant being required to fully meet all applicable building codes.

**Timeline:**

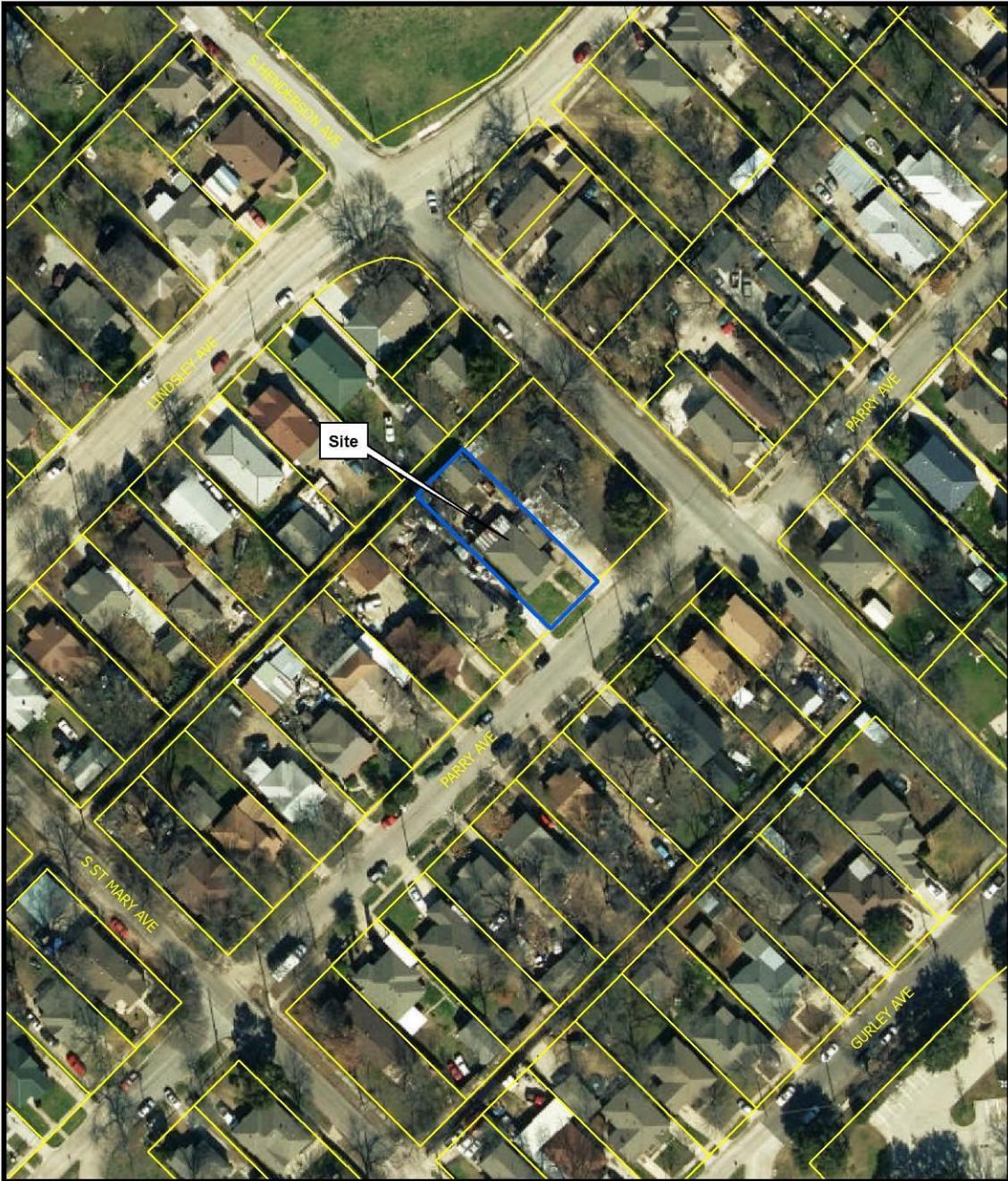
- July 23, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- September 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the October 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 11<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;
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence”; and
  - that when the board grants these types of requests for carports in setbacks, they typically impose the applicant’s submitted site plan and elevations as conditions, and that with this in mind, it is in the applicant’s best interest to make sure that the features shown on the submitted elevations that are part of this application comply with building code prior to the board of adjustment public hearing on this application since the board of adjustment will not be able to consider any exception to full compliance with the building code.
- October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the

Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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	<h1>ZONING MAP</h1>	Case no: <u>BDA189-107</u> Date: <u>9/12/2019</u>
--	---------------------	--



1:1,200

# AERIAL MAP

Case no: BDA189-107

Date: 9/12/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-107

Date: 7-23-19

Data Relative to Subject Property:

Location address: 5231 Parry Ave. Dallas, TX 75223 Zoning District: R-7.5(CA)

Lot No.: 2 Block No.: 4/1253 Acreage: 0.17 Census Tract: 24.00

Street Frontage (in Feet): 1) 51.51 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Blanca Gonzalez + Gerardo Rodeo

Applicant: Blanca E. Gonzalez Telephone: 214-843-2452

Mailing Address: 5231 Parry Ave. Dallas, TX 75223 Zip Code: 75223

E-mail Address: N/A isamargomez15@gmail.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 3' 11" Encroachment into side yard setback + provide a 1' 1" side yard setback.

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: Due to less buildable area we need the special exception for our carport. There are other carports of similar size in our neighborhood and we feel that it will not adversely affect 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.

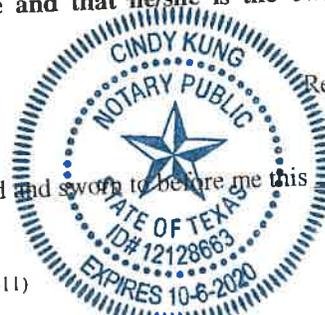
Affidavit

Before me the undersigned on this day personally appeared Blanca E. Gonzalez (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: Blanca E. Gonzalez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 3rd day of July 2019



Cindy Kung 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 BLANCA GONZALEZ

did submit a request for a special exception to the side yard setback regulations  
at 5231 Parry Avenue

BDA189-107. Application of BLANCA GONZALEZ for a special exception to the side yard setback regulations at 5231 PARRY AVE. This property is more fully described as Lot 2, Block 4/1253, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a required side yard and provide a 1 foot 1 inch setback, which will require a 3 foot 11 inch special exception to the side yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





B.6



Printed: 7/23/2019

### 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        | SPD Overlay                    | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | S-10 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)



SCALE  
1 TO 20

DATE  
06-25-2019

ADDRESS  
5231 PARRY AVENUE  
DALLAS, TX 75223  
BLOCK 4/1253 LOT 2

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. HOWEVER, ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OR ANY OTHER STATE AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS, HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, PHD WILL ASSUME LIABILITY FOR ANY CHANGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE OR ANY OTHER VARIATIONS WILL BE SUBJECT TO PRODUCTION UNDER COPYRIGHT LAWS.

PREMIUM HOME DESIGN  
17630 DAVENPORT RD.  
DALLAS TX, 75252 #110  
972-603-6794



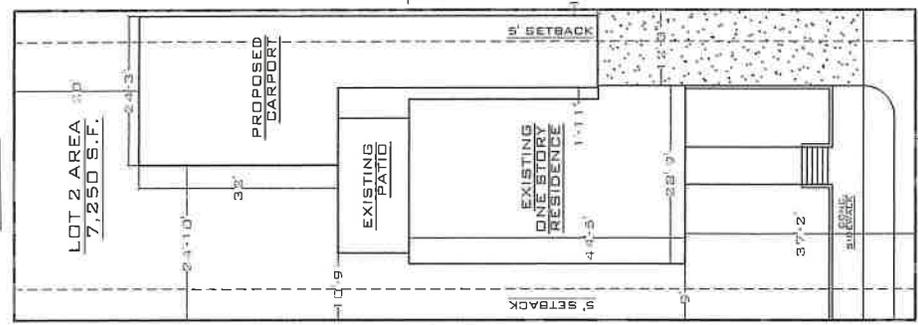
VICINITY MAP  
FOR REFERENCE ONLY



LEGAL DESCRIPTION:

EAST SIDE  
BLK 4/1253 LT 2

SQUARE FOOTAGE	
EXISTING LIVING AREA	1,040 S.F.
EXISTING GARAGE	400 S.F.
PROPOSED CARPORT AREA	1,263 S.F.
TOTAL AREA	2,703 S.F.
LOT SIZE	7,250 S.F.
% OF LOT	37 %



PARRY AVENUE

GENERAL NOTES:

- THE CONTRACTOR SHALL EXAMINE AND BECOME FAMILIAR WITH ALL CONTRACT DOCUMENTS, SPECIFICATIONS, AND SCHEDULES PRIOR TO COMMENCEMENT OF THE EXISTING CONDITIONS AND SCOPE OF WORK. ALL COSTS SUBMITTED SHALL BE BASED ON THOROUGH KNOWLEDGE OF ALL WORK AND MATERIALS REQUIRED. ANY DISCREPANCY AND/OR UNCERTAINTY AS TO WHAT MATERIAL OR PRODUCTS TO BE USED SHOULD BE VERIFIED WITH THE OWNER.
- ALL CONSTRUCTION SHALL COMPLY WITH THE 2015 IRC AND ALL APPLICABLE STATE, FEDERAL, & LOCAL CODES & AMENDMENTS.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES REQUIRED FOR SAFE EXECUTION AND COMPLETION OF WORK, AND FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.
- ANY ERRORS, OMISSIONS, OR INCONSISTENCIES ON THESE DRAWINGS OR ANY VARIATIONS OR AMBIGUITIES BETWEEN THESE DRAWINGS AND ACTUAL SITE AND CONSTRUCTION CONDITIONS AND/OR REQUIREMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER.
- IN THE EVENT A DISCREPANCY IS FOUND IN THE CONTRACT DOCUMENTS, THE OWNER SHALL BE NOTIFIED IMMEDIATELY.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD AND NOTIFY THE OWNER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL VERIFY ALL MEASUREMENTS AT THE SITE AND BE RESPONSIBLE FOR ACCURACY AND CORRECTNESS OF SAME.
- CONTRACTOR SHALL COORDINATE HIS WORK WITH ALL OTHER TRADES, NOTIFY OWNER & ENGINEER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
- STORE MATERIALS IN SPACES DESIGNATED BY OWNER.
- REMOVE RUBBISH FROM PREMISES AS OFTEN AS NECESSARY OR AS DIRECTED.
- ALL WORK AND EQUIPMENT SHALL BE CLEANED TO THE SATISFACTION OF THE OWNER BEFORE TURNING SAME OVER TO THE OWNER.
- SHOP DRAWINGS SHALL BE SUBMITTED TO THE OWNER FOR APPROVAL PRIOR TO ORDERING AND INSTALLATION OF ANY EQUIPMENT.
- THE CONTRACTOR SHALL PAY ALL FEES, GIVE ALL NOTICES, FILE ALL NECESSARY PERMITS, AND OBTAIN ALL APPROVALS PRIOR TO COMMENCEMENT OF WORK IN CONNECTION WITH ALL WORK UNDER THESE CONTRACT DOCUMENTS. HE OR SHE SHALL COMPLY WITH ALL LAWS, ORDINANCES, RULES, AND REGULATIONS OF ALL AUTHORITIES HAVING JURISDICTION.
- THERE SHALL BE NO DEVIATION FROM SPECIFICATIONS WITHOUT THE WRITTEN APPROVAL OF THE OWNER AND/OR ENGINEER.
- DRYWALL INSTALLATION SHALL BE IN CONFORMANCE WITH THE GYPSUM BOARD ASSOCIATION'S RECOMMENDED PRACTICES FOR THICKNESS, MILLING, TAZING, AND CORNER STUD SPACING.
- MECHANICAL CONTRACTOR TO VERIFY ANY CHASE AREA NOT SHOWN ON DRAWINGS. ALL SHOP DRAWINGS TO BE SUBMITTED FOR APPROVAL PRIOR TO ORDERING ANY EQUIPMENT.
- CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT FINISHED STRUCTURE. THEY DO NOT INDICATE METHOD OF CONSTRUCTION. CONTRACTOR SHALL PROVIDE ALL MEASURES NECESSARY TO PROTECT STRUCTURE AND PERSONNEL DURING CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY BRACING, SHORING OF LOADS DUE TO CONSTRUCTION EQUIPMENT, EXCAVATION PROTECTION, SCAFFOLDING, JOB SITE SAFETY, ETC. OBSERVATION VISITS TO THE SITE BY THE OWNER OR ENGINEER SHALL NOT INCLUDE INSPECTION OF ABOVE ITEMS.

# 3

PROJECT PROPOSED ELEVATIONS SHEET

5231 PARRY AVENUE  
DALLAS, TX 75223  
BLOCK 4/1 253 LOT 2

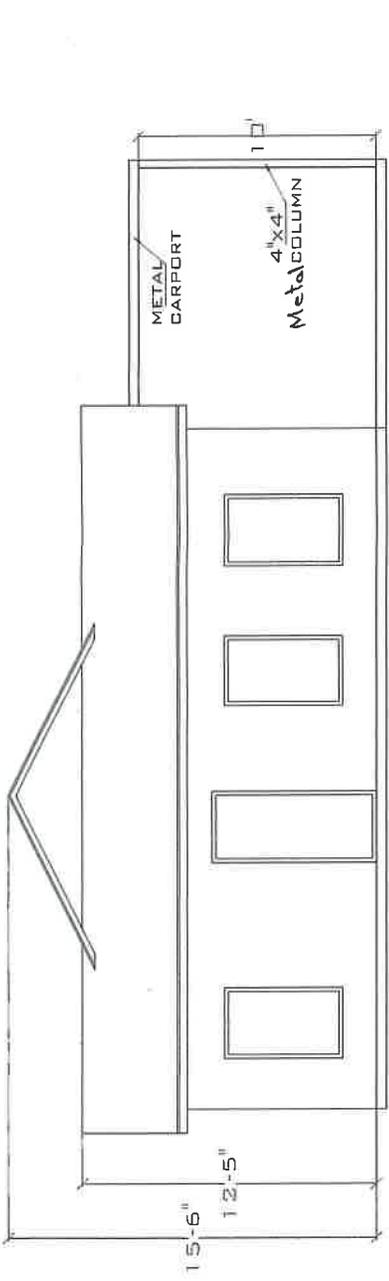
ADDRESS

SCALE  
1/8" = 1'-0"  
3/32" = 1'-0"

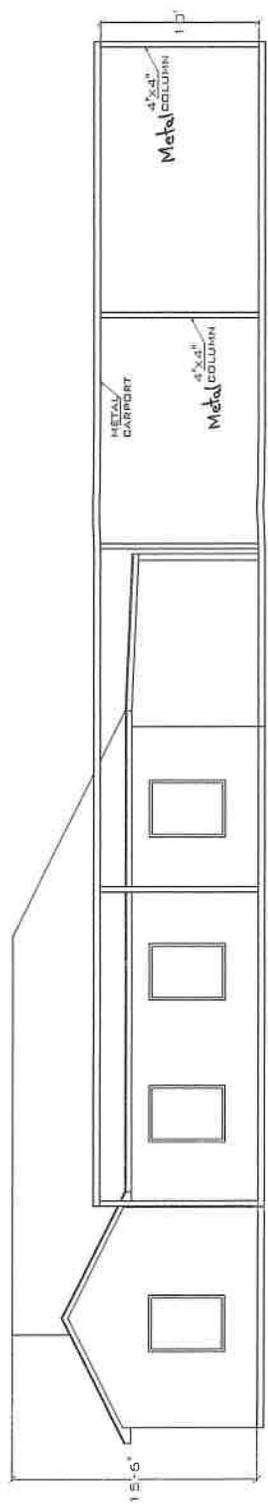
DATE  
06-25-2019

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. HOMEOWNER MUST BE VERIFIED AND CHECKED BY THE BUILDER. CONSTRUCTION BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND REGULATIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, PHD WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

PREMIUM HOME DESIGN  
17630 DAVENPORT RD.  
DALLAS TX, 75252 #110  
972-603-6794



FRONT ELEVATION  
3/16" = 1'-0"



RIGHT ELEVATION  
1/8" = 1'-0"

3.1

PROJECT PROPOSED ELEVATIONS SHEET

SCALE 1/8" = 1'-0" 3/32" = 1'-0"

DATE 06-25-2019

ADDRESS 5231 PARRY AVENUE DALLAS, TX 75223 BLOCK 4/1253 LOT 2

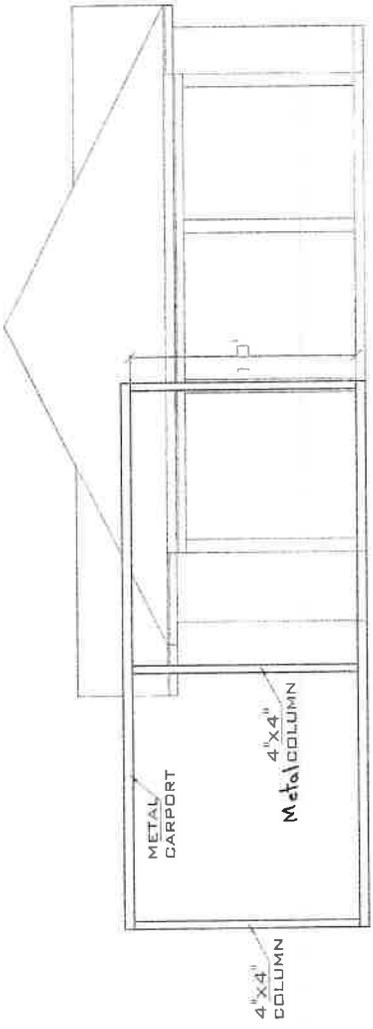
THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THE STRUCTURE. THESE PLANS MUST BE REVIEWED AND CHECKED BY THE BUILDER. HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION. OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS; HOWEVER, BECAUSE OF THE VARIANCE IN GEODERMOLOGICAL LOCATIONS, PJD WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. COMMENCEMENT OF CONSTRUCTION MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

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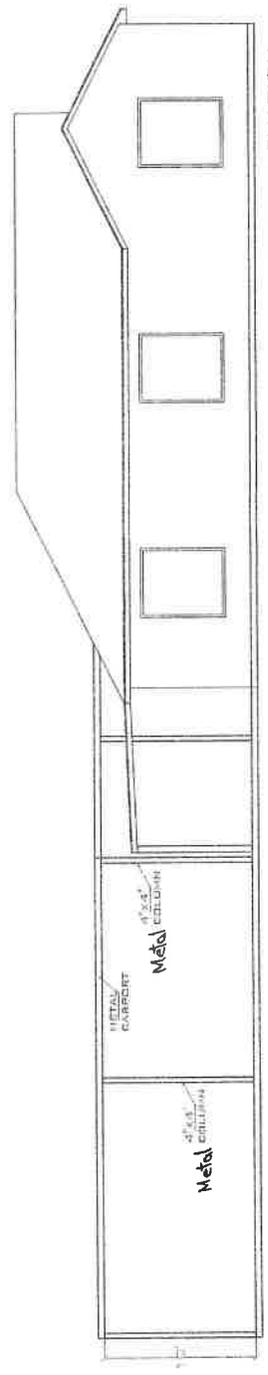
REAR ELEVATION

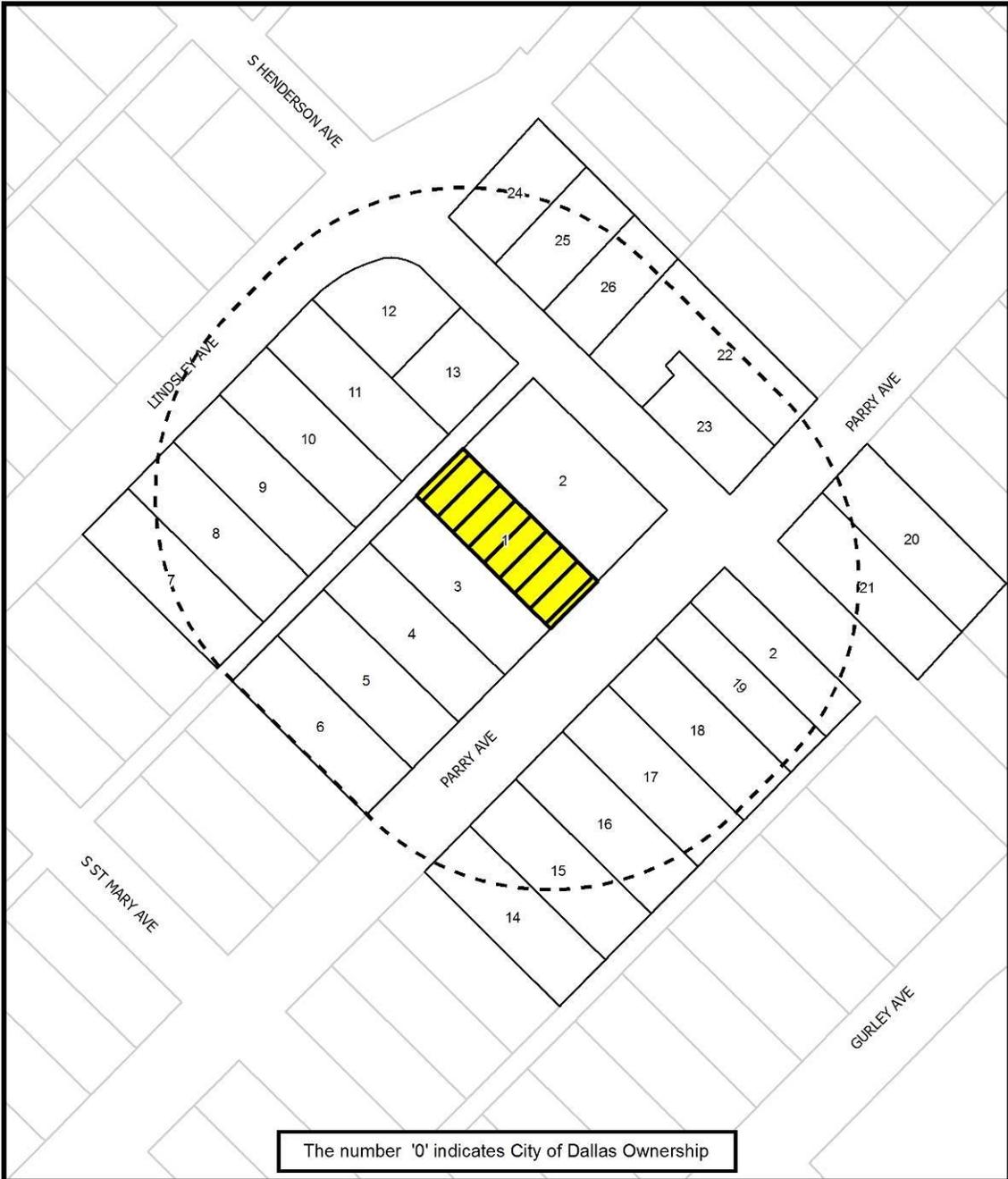
3/16" = 1' - 0"



LEFT ELEVATION

1/8" = 1' - 0"





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>26</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA189-107</b> Date: <b>9/12/2019</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA189-107*

#### *26 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5231 PARRY AVE	GONZALEZ BLANCA
2	5237 PARRY AVE	RIVERA PAULA
3	5227 PARRY AVE	SAUCEDA MARIA D &
4	5223 PARRY AVE	ESCOBEDO ROBERTO
5	5219 PARRY AVE	GALVEZ ARMANDO D
6	5215 PARRY AVE	CANO MARIA DELACRUZ
7	5214 LINDSLEY AVE	MAURICIO MARGARITO &
8	5218 LINDSLEY AVE	RODRIGUEZ ENRIQUE &
9	5222 LINDSLEY AVE	GUERRERO ROGELIO JR
10	5224 LINDSLEY AVE	LUNA JUANITA & IRENE & MA
11	5230 LINDSLEY AVE	SALDANA ARTURO N & JUDY
12	5234 LINDSLEY AVE	GURROLA ISIDRO &
13	809 S HENDERSON AVE	E REALTY TRUST
14	5212 PARRY AVE	TROCHE JOSE S
15	5218 PARRY AVE	ARELLANO ADAN &
16	5222 PARRY AVE	GAMBOA ANTONIA
17	5226 PARRY AVE	MARQUEZ DORIS
18	5228 PARRY AVE	RIVERA CIRO P
19	5232 PARRY AVE	CASTRO DEVELOPMENT LLC
20	5306 PARRY AVE	GAMEZ ROSALIO &
21	5300 PARRY AVE	ZUNIGA MANUEL
22	5305 PARRY AVE	FLORES ADRIAN G &
23	5303 PARRY AVE	ERASMO SALDANA & PAZ
24	802 S HENDERSON AVE	DUENAS JESUS
25	804 S HENDERSON AVE	LOPEZ PABLO BARCO
26	806 S HENDERSON AVE	GAMEZ ROSALIO &

**FILE NUMBER:** BDA189-118(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Karl A. Crawley for a special exception to the fence standards regulations at 5807 Park Lane. This property is more fully described as Lot 8A, G/5614, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 5 foot 6 inch high fence, which will require a 1 foot 6 inch special exception to the fence standards regulations.

**LOCATION:** 5813 Park Lane

**APPLICANT:** Karl A. Crawley

**REQUESTS:**

Requests for special exceptions to the fence standards regulations related to the fence height of 1' 6" are made to maintain an approximately 5' 4" high open metal picket fence and gates with 66" (or 5' 6") high columns in the site's two front yard setbacks along Park Lane and Douglas Avenue on property developed with a single family home.

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

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

**Zoning/BDA History:**

1. BDA134-100, Property at 5813 Park Lane (the subject site)

On October 22, 2014, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 2', and imposed the submitted site plan and partial elevation as a condition to the request.

The case report stated that the request was made in conjunction with made to maintain an approximately 5' 4" high open metal picket fence and gates with 66" (or 5' 6") high columns in the site's two front yard setbacks along Park Lane and Douglas Avenue on property developed with a single family home.

2. BDA 094-004, Property at 5811 Park Lane (the subject site)

On January 11, 1994, the Board of Adjustment granted a request for a special exception to the fence height regulations of 3', and imposed the submitted site plan and elevation as a condition to the request.

The case report stated that the request was made in conjunction with constructing an open metal fence and gate on Park Lane no higher than 7' in height, and replacing an existing 4' chain link fence along Douglas Avenue with a 6' high vinyl chain link fence.

3. BDA 045-268, Property at 5810 Park Lane (the lot south of the subject site)

On August 16, 2005, the Board of Adjustment Panel A granted a request for a special exception to fence height regulations of 6', and imposed the following condition: compliance with the submitted site plan, landscape plan, and fence elevation is required.

The case report states that the request was made in conjunction with constructing and maintaining an open iron fence (6' 2"), columns (6' 8"), and gates (6'9") along Park Lane and a 10' high tennis court fence along Douglas Avenue.

- |   |  |
|---|--|
| 4. BDA 956-189, Property 5825 Park Lane (the lot east of the subject site)          | On April 23, 1996, the Board of Adjustment Panel C granted a request for a special exception to fence height regulations of 4', and imposed the following condition: compliance with the submitted revised site/landscape plan and elevation is required. The case report stated that the original request was made to construct a 6' 8" high solid brick and stone fence with 7' 3" high stone columns and an 8' high entry gate and columns.                         |
| 5. BDA 989-109, Property at 5834 Park Lane (two lots southeast of the subject site) | On October 20, 1998, the Board of Adjustment Panel B granted a request for a special exception to fence height regulations of 5', and imposed the following condition: compliance with the submitted site plan/elevation is required. The case report stated that the request was made in conjunction with constructing approximately 825 linear feet of a 5.5' – 7.5' high open steel picket fence with 7.5' high solid brick columns and 9' high entry gate columns. |
| 6. BDA 056-111, Property 5508 Desco Drive (the lot north of the subject site)       | On May 15, 2006, the Board of Adjustment Panel C granted a request for a special exception to fence height regulations of 3', and imposed the following condition: compliance with the submitted site plan and revised elevation is required. The case report stated that the original request was made to construct and maintain an approximately 6' 6" high open picket fence with 7' high columns in the site's Desco Drive and Douglas Avenue front yard setbacks. |

**GENERAL FACTS/STAFF ANALYSIS:**

- These requests focus on maintaining an approximately 5' 4" high open metal picket fence and gate with 66" (or 5' 6") high columns in the site's two front yard setbacks along Park Lane and Douglas Avenue on property developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) which requires a 40' front yard setback.

- The site is located at the northeast corner of Park Lane and Douglas Avenue. The site has a 40' front yard setback along Park Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 40' front yard setback along Douglas Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence is allowed by right. But the site's Douglas Avenue frontage is a front yard setback nonetheless to maintain the continuity of the front yard setback established by the lot to the north which has a front yard setback on Douglas Avenue.
- The applicant has submitted a site plan that represents the location of "brick columns with wrought iron fence" in the front yard setbacks on Douglas Avenue and Park Lane.
- The applicant has submitted partial elevations of the proposal in the front yard setbacks one labeled "typical iron fence section with columns", and the other labeled "typical ornamental iron slide gate" both of which reach a maximum height of 66".
- On October 22, 2014, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 2' and imposed the submitted site plan and partial elevations as a condition to the request.
- The applicant has written in an email that is part of this file (Attachment A) that this is the same property and even the same fence that was approved in October of 2014 in conjunction with BDA134-100, and that after approval the owner did not obtain the required permits (the fence was already built so he didn't think he needed a permit) within 180 days. The applicant states that the owner at the time of the Board approval sold the house to the present owner this year, and when the owner went to the City to get a permit to redo his AC system he was informed that the previous owner did not get the fence permit within 180 days and he needed to go back to the Board for approval.
- Note that the applicant states that this application is made to reinstate the previous special exceptions to the fence standards regulations granted on this property in 2014 (BDA134-100) and is returning with a new application of the same request because permits were not obtained within 180 days of the Board's favorable action on October 22, 2014.
- The Dallas Development Code states with regard to "Board action, board of adjustment hearing procedures": the applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again."
- The following additional information was gleaned from the submitted site plan:
  - Along Park Lane: the fence is approximately 145' in length, approximately on the property line and approximately 20' from the pavement line.
  - Along Douglas Avenue: the fence is approximately 155' in length, approximately on the property line and approximately 20' from the pavement line.

- There is one single family homes south of the subject site that has direct frontage to the fence on Park Lane, with a fence higher than 4' in its front yard (an approximately 6' high open metal fence behind extensive landscaping) that appears to be a result of an approved fence height special exception request granted by the Board of Adjustment in 2005: BDA 045-268 (see the "Zoning/BDA History" section of this case report for additional details).
- There is one single family home west of the subject site that have direct frontage to the fence on Douglas Avenue, with a fence higher than 4' in its front yard (an approximately 5' high solid fence) that has no recorded history with the Board of Adjustment.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 300' in all directions from the subject site) and noted several fences that appeared over 4' in height and in front yard setbacks. Most of these fences noted are mentioned earlier in the "Zoning/BDA History" section of this case report.
- As of October 11, 2019, no letters had been submitted in support of or in opposition to the requests.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height of 1' 6" will not adversely affect neighboring property.
- Granting these special exceptions to the fence standards regulations related to the fence height of 1' 6" with a condition imposed that the applicant complies with the submitted site plan and partial elevations would require the proposal exceeding 4' in height in the front yard setbacks to be maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

- August 7, 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.
- September 9, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- September 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the October 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 11<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."

September 10, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A). The document/email from the applicant states among other things: "This is the same property and even the same fence that was approved in October of 2014 in conjunction with BDA134-100. I represented the then owner and got approval of an existing fence (again the same fence) that was previously built. After approval the owner did not obtain the required permits (the fence was already built so he didn't think he needed a permit) within 180 days. The owner at the time of the Board approval sold the house to the present owner this year. The owner went to the City to get a permit to redo his AC system and was informed that the previous owner did not get the fence permit within 180 days and he needed to go back to the Board for approval. Sorry for the long history but this comes down to a reinstatement of the previous Board action of October 2014".

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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.

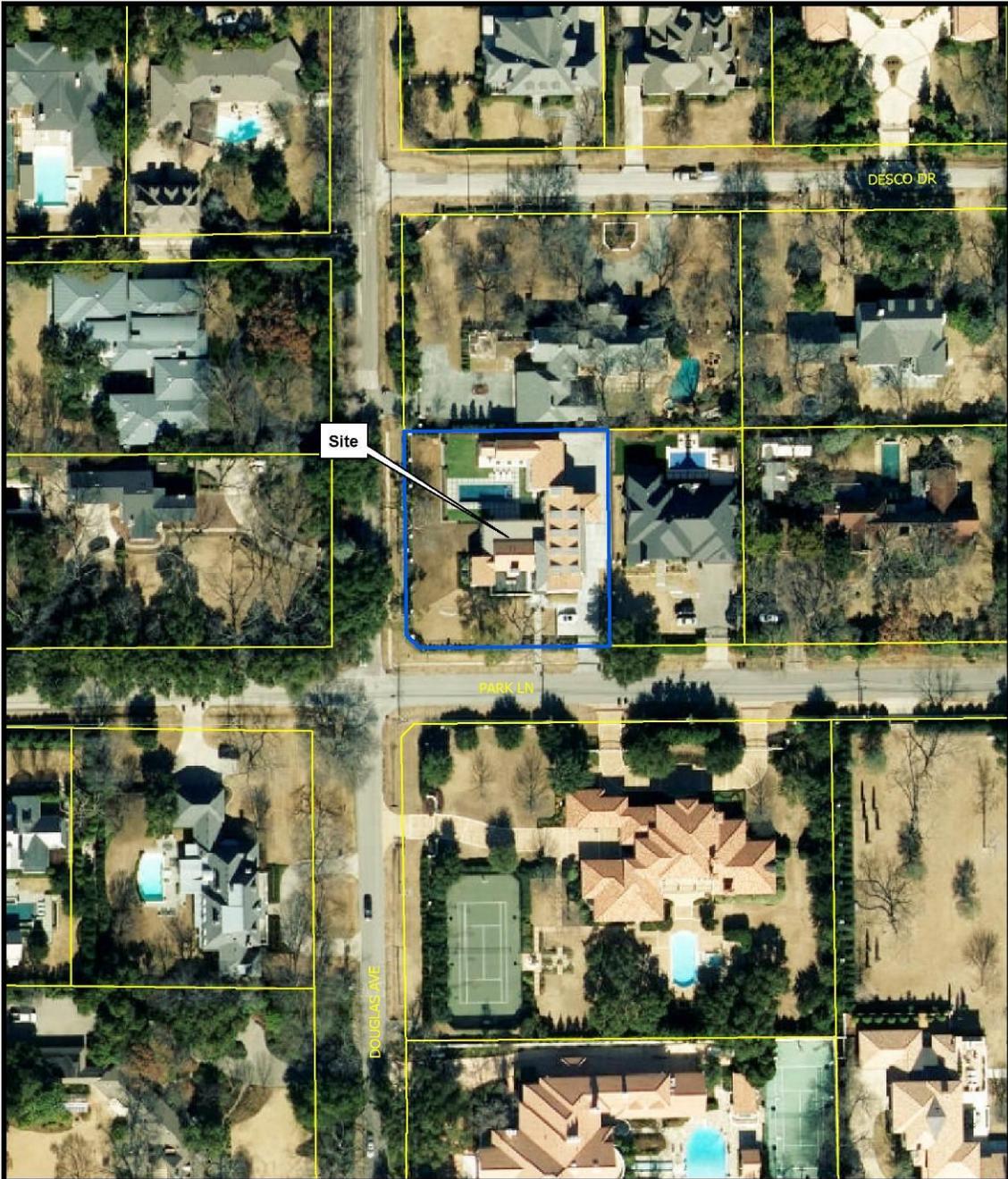


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# ZONING MAP

Case no: BDA189-118

Date: 9/17/2019



1:1,200

# AERIAL MAP

Case no: BDA189-118

Date: 9/17/2019

**Long, Steve**

---

**From:** Long, Steve  
**Sent:** Tuesday, September 10, 2019 10:39 AM  
**To:** Karl Crawley  
**Subject:** RE: BDA189-118 5807 Park Lane

Thank you very much, Karl.

Steve



**Steve Long**  
*Chief Planner*  
**City of Dallas** | [www.dallascityhall.com](http://www.dallascityhall.com)  
Current Planning Division  
Sustainable Development and Construction  
1500 Marilla Street, 5BN  
Dallas, TX 75201  
O: 214-670-4666  
[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)



*\*\*OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.\*\**

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**From:** Karl Crawley <Karl@masterplantexas.com>  
**Sent:** Tuesday, September 10, 2019 10:37 AM  
**To:** Long, Steve <steve.long@dallascityhall.com>  
**Subject:** BDA189-118 5807 Park Lane

**External!**

Steve

A little bit of reminder and background info on this request. This is the same property and even the same fence that was approved in October of 2014 in conjunction with BDA134-100. I represented the then owner and got approval of an existing fence (again the same fence) that was previously built. After approval the owner did not obtain the required permits (the fence was already built so he didn't think he needed a permit) within 180 days. The owner at the time of the Board approval sold the house to the present owner this year. The owner went to the City to get a permit to redo his AC system and was informed that the previous owner did not get the fence permit within 180 days and he needed to go back to the Board for approval. So here we are.

Sorry for the long history but this comes down to a reinstatement of the previous Board action of October 2014. Please let me know if you have any questions.

Karl



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-118

Date: 8-7-19

Data Relative to Subject Property:

Location address: <sup>5807</sup>5813 Park Lane Zoning District: R-1ac

Lot No.: 8A Block No.: G/5614 Acreage: 0.593ac Census Tract: 206.00

Street Frontage (in Feet): 1 156 2 166 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment:

Owner of Property/or Principal Harold Gernsbacher

Applicant: Karl A Crawley Telephone: 214 761 9197

Mailing Address 900 Jackson St. Ste 640 Dallas TX Zip Code: 75202

Represented by: Karl A Crawley Telephone: 214 761 9197

Mailing Address: 900 Jackson St. Ste 640 Dallas TX Zip Code: 75202

Affirm that a request has been made for a Variance \_\_, or Special Exception x, of one (1) foot six (6) inches ~~two (2) feet~~ KL to allow a fence and gate with a height greater than four (4) feet in the required front yard.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason:  
To allow for an existing fence to be in place. raw-iron material with similar/same fences all over the neighborhood.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

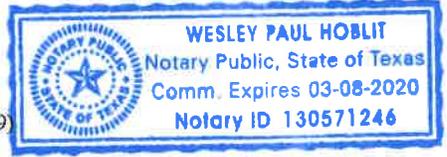
Respectfully submitted: Karl A Crawley Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Karl A Crawley who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 5 day of August, 2019



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

(Rev. 08-20-09)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that      KARL A. CRAWLEY

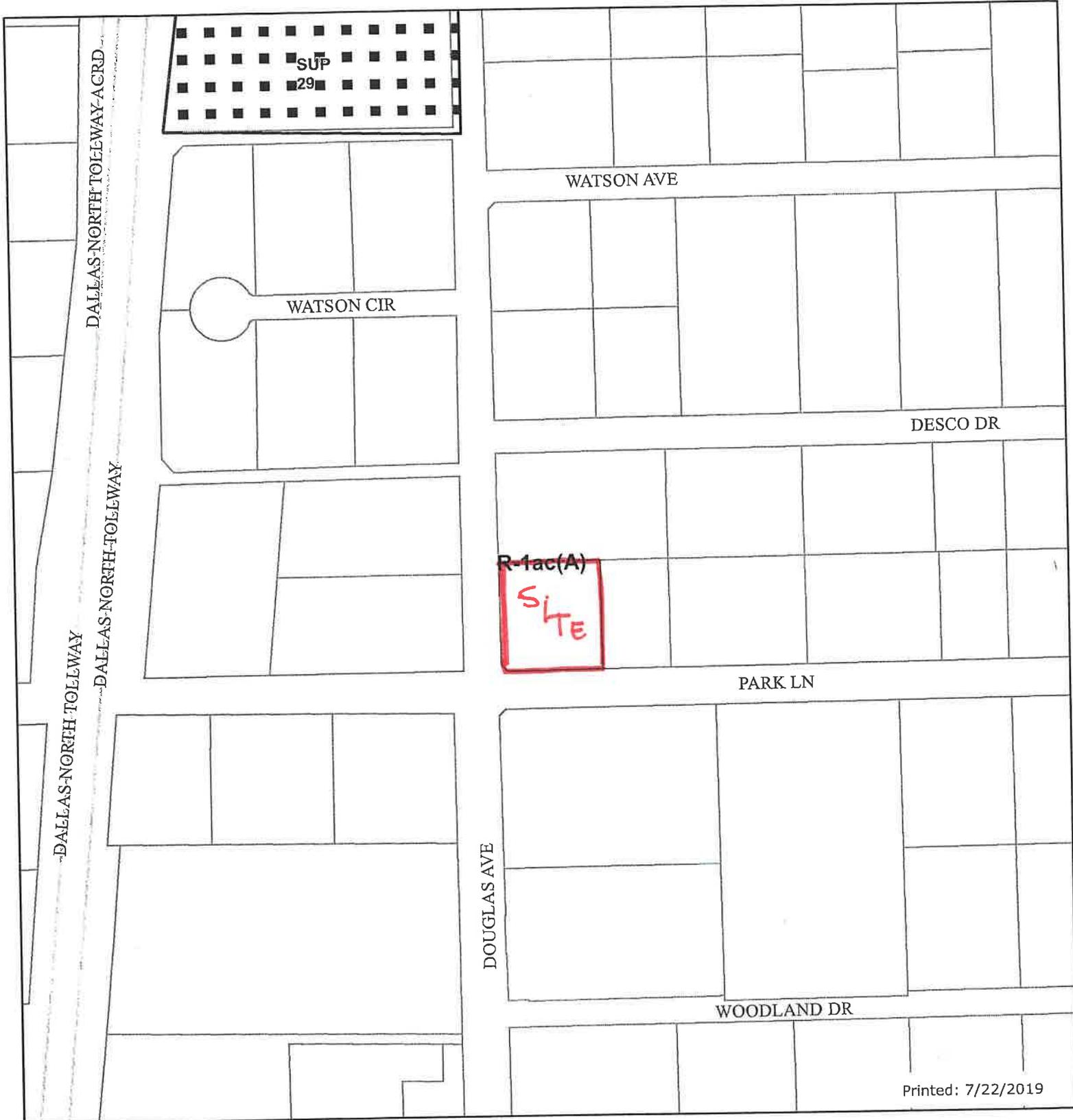
did submit a request      for a special exception to the fence height regulations  
at      5807 Park Lane

BDA189-118. Application of KARL A. CRAWLEY for a special exception to the fence height regulations at 5807 PARK LN. This property is more fully described as Lot 8A, G/5614, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 5 foot 6 inch high fence in a required front yard, which will require a 1 foot 6 inch special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 7/22/2019

### Legend

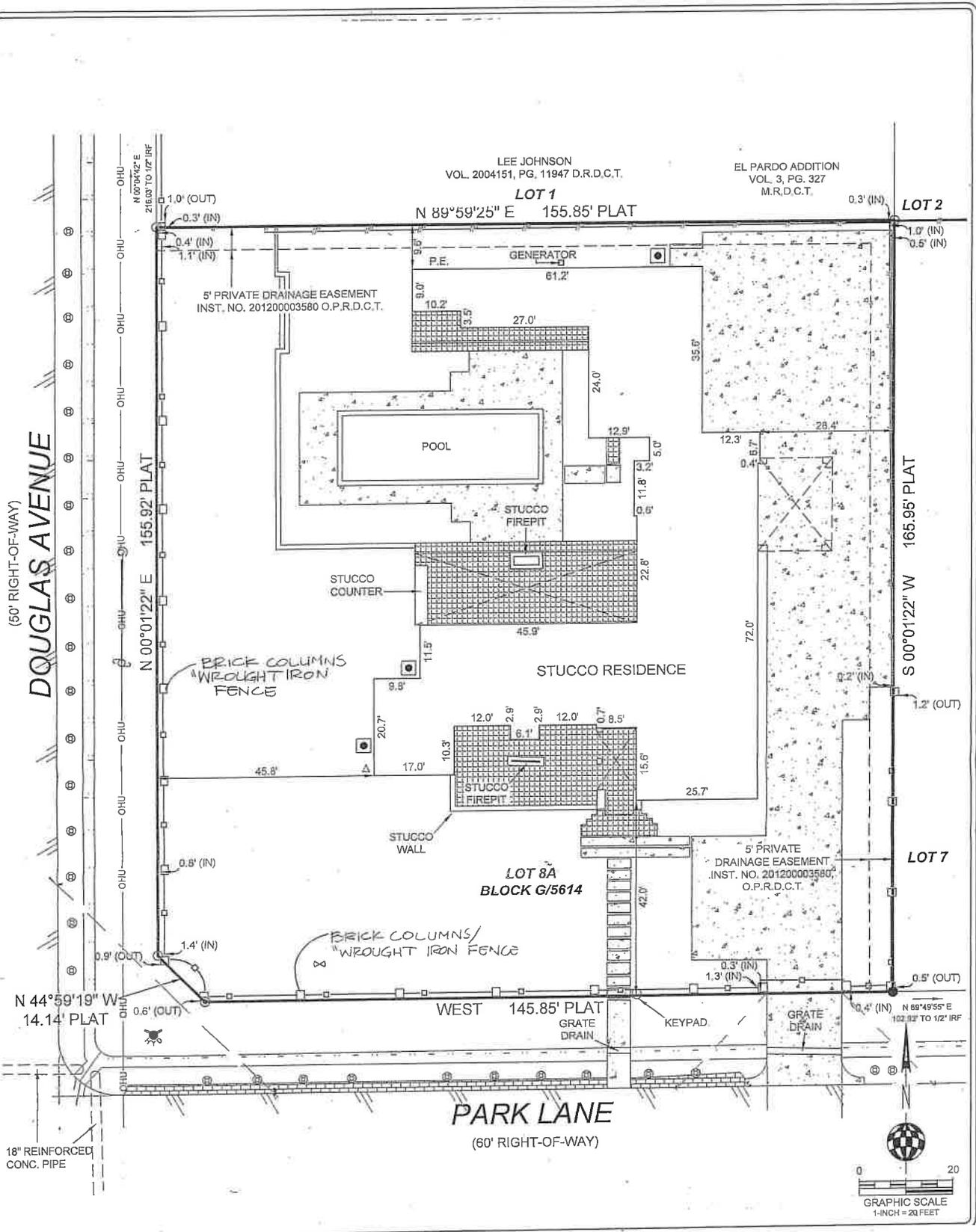
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | 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      | 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)



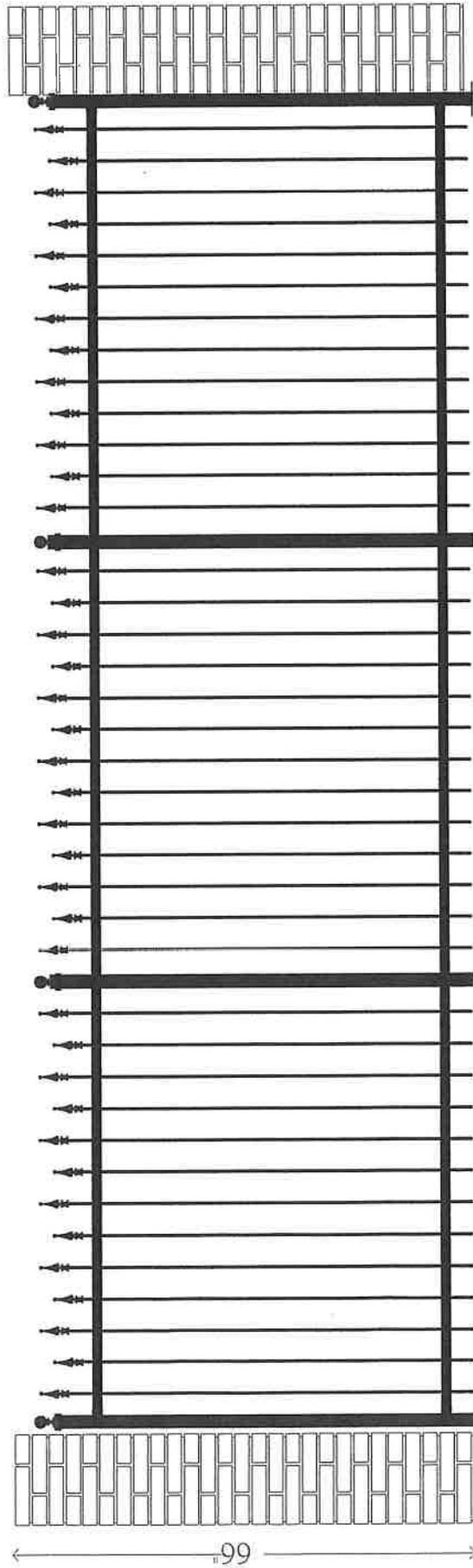


KL



**SITE PLAN**  
 5807 PARK LANE  
 Scale: 1" = 20'

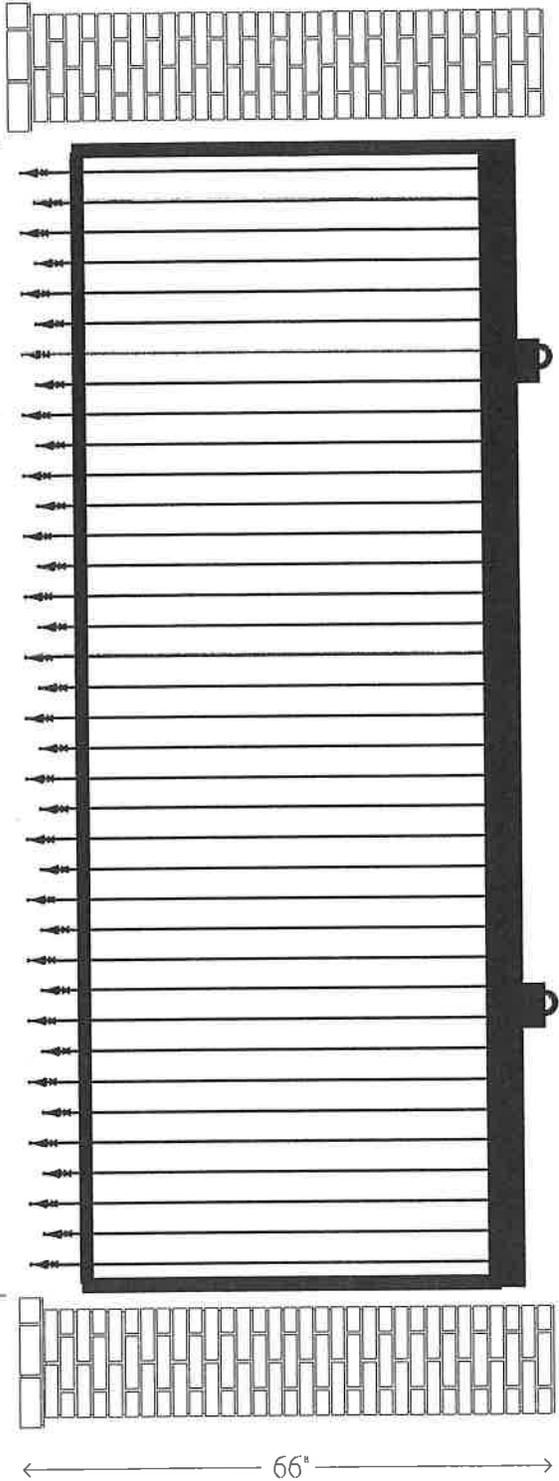
Typical iron fence section with columns



5807 PARK LANE

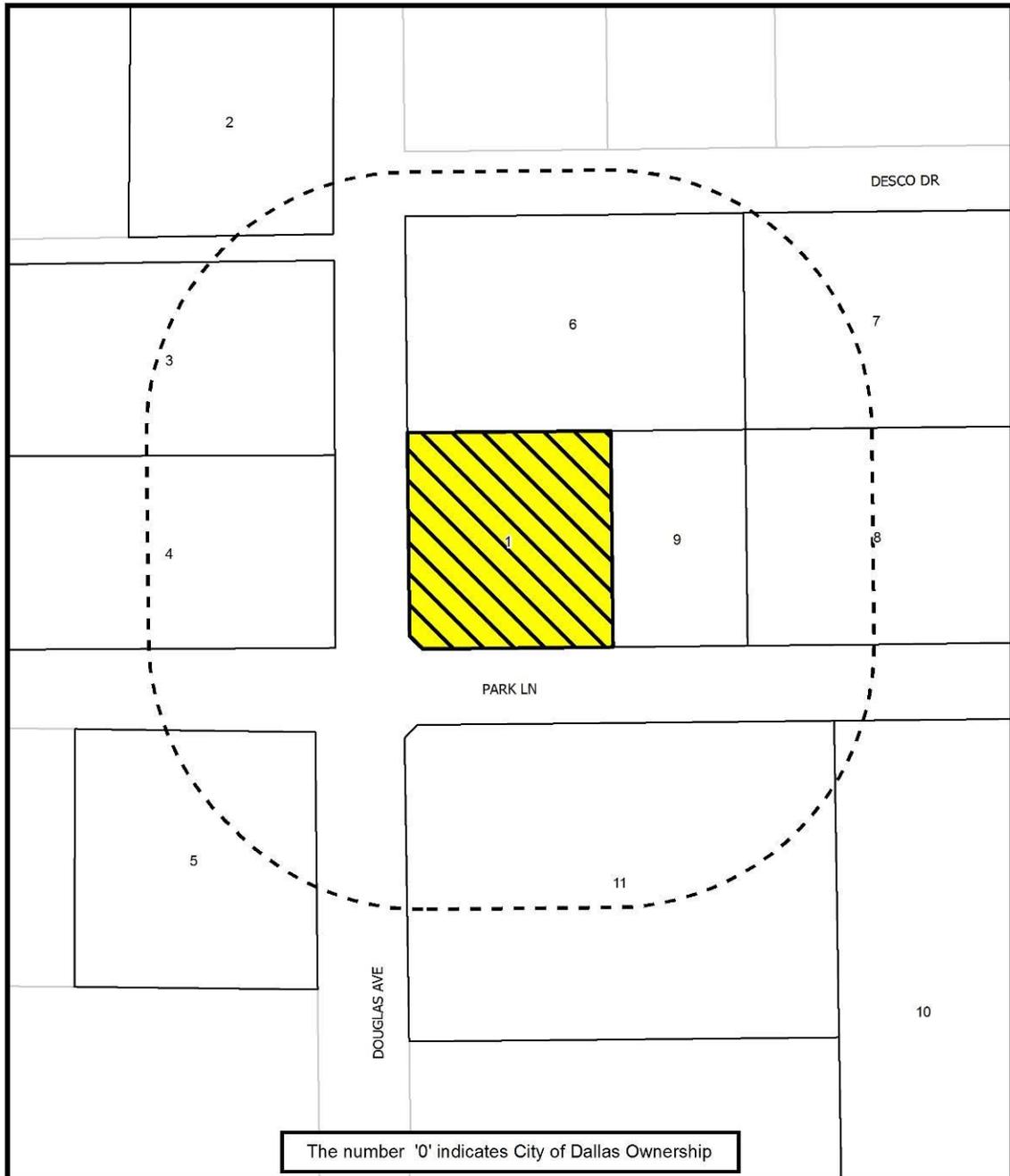
1/2"=1'

Typical Ornamental Iron Slide Gate



5807 PARK LANE

66"



1:1,200

## NOTIFICATION

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

Case no: **BDA189-118**

Date: **9/17/2019**

## *Notification List of Property Owners*

### *BDA189-118*

#### *11 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5807 PARK LN	LADIN BRIAN & RACHEL
2	5730 WATSON CIR	SUMMERS TOMMY & JENIFER
3	9111 DOUGLAS AVE	VERBEEK ARNOLDUS &
4	9101 DOUGLAS AVE	LOFTUS JOSEPH RICHARD & TIFFANY
5	9025 DOUGLAS AVE	LANDE SIDNEY &
6	5808 DESCO DR	JOHNSON LEE
7	5830 DESCO DR	LAMONT MILES & NICOLETTE W
8	5825 PARK LN	FOBARE TOD M
9	5811 PARK LN	CAIN GARY L & LISA J
10	5833 WOODLAND DR	5833 WOODLAND LONESTAR TRUST THE
11	5810 PARK LN	WEINER CLIFFORD M