BRIEFING

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<tr>
<td>L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL</td>
<td>11:00 A.M.</td>
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PUBLIC HEARING

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**Neva Dean, Assistant Director**

**Steve Long, Board Administrator/Chief Planner**

**PUBLIC TESTIMONY**

Minutes

Approval of the Board of Adjustment Public Hearing Calendar

**MISCELLANEOUS ITEMS**

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

Approval of the Board of Adjustment Public Hearing Calendar

**UNCONTESTED CASES**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Address</th>
<th>Request</th>
<th>Request Details</th>
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<tr>
<td>BDA189-106(SL)</td>
<td>839 N. Winnetka Avenue</td>
<td>REQUEST</td>
<td>Application of Laura Bowden for special exceptions to the visual obstruction regulations</td>
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<tr>
<td>BDA189-107(SL)</td>
<td>5231 Parry Avenue</td>
<td>REQUEST</td>
<td>Application of Blanca Gonzalez for a special exception to the side yard setback regulations</td>
</tr>
<tr>
<td>BDA189-118(SL)</td>
<td>5807 Park Lane</td>
<td>REQUEST</td>
<td>Application of Karl A. Crawley for special exceptions to the fence standards regulations</td>
</tr>
</tbody>
</table>
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: BDA189-106(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 which 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 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th 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
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\textsuperscript{th} staff review team meeting.
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
Location of vehicle in driveway when photo was taken from driver’s seat:
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
Location of vehicle in alley when photo was taken from driver’s seat:
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Data Relative to Subject Property:

Location address: 839 N. WINNETKA AVE  Zoning District: CD1 (Sub 2)
Lot No.: 10  Block No.: 51/3456  Acreage: 1.175  Census Tract: 42.08
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: 
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: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of July 2019

Notary Public in and for Dallas County, Texas
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, Building Official
**Notification List of Property Owners**

**BDA189-106**

25 Property Owners Notified

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<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tr>
<td>1</td>
<td>839 N WINNETKA AVE</td>
<td>BOWDEN LAURA K &amp; MICHAEL L SHAKE JR</td>
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<td>2</td>
<td>902 N WINNETKA AVE</td>
<td>MCNALLY GLORIA</td>
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<td>906 N WINNETKA AVE</td>
<td>PRICKETT JOHN GREGORY</td>
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<td>908 N WINNETKA AVE</td>
<td>SIVA MARISELA</td>
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<td>5</td>
<td>820 N WINNETKA AVE</td>
<td>FRY STEVEN BRETTE &amp; TARA JANAE</td>
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<td>826 N WINNETKA AVE</td>
<td>DAMMAN MANAGEMENT TRUST</td>
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<td>830 N WINNETKA AVE</td>
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<td>850 N CLINTON AVE</td>
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<td>842 N CLINTON AVE</td>
<td>RAHEJA MADHAVI &amp;</td>
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<td>838 N CLINTON AVE</td>
<td>CISCO CAROLINE</td>
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<td>25</td>
<td>834 N CLINTON AVE</td>
<td>WILSON KATHERINE S</td>
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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 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th 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.
APPLICATION/APPEAL 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 75228
Zoning District:
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 1'11" 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 Crap. 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
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)
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, Building Official
## Notification List of Property Owners

**BDA189-107**

26 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tbody>
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<td>5231 PARRY AVE</td>
<td>GONZALEZ BLANCA</td>
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<td>5237 PARRY AVE</td>
<td>RIVERA PAULA</td>
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<td>5227 PARRY AVE</td>
<td>SAUCEDA MARIA D &amp;</td>
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<td>ESCOBEDO ROBERTO</td>
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<td>5215 PARRY AVE</td>
<td>CANO MARIA DELACRUZ</td>
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<td>5214 LINDSLEY AVE</td>
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<td>RODRIGUEZ ENRIQUE &amp;</td>
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<td>5222 LINDSLEY AVE</td>
<td>GUERRERO ROGELIO JR</td>
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<td>5224 LINDSLEY AVE</td>
<td>LUNA JUANITA &amp; IRENE &amp; MA</td>
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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 maintaining 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 with 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 home 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 6⁄4” 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 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th 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.
ZONING MAP

1:1,200

Case no: BDA189-118
Date: 9/17/2019
Thank you very much, Karl.

Steve

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**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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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
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-118
Date: 8-7-19

Data Relative to Subject Property:

Location address: 5843 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 Gernsacher

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 ___ 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:

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

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.

Affiant (Applicant's signature)

Subscribed and sworn to before me this ___ day of ___ 2017

Notary Public in and for Dallas County, Texas
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, Building Official
SITE PLAN
5807 PARK LANE

Scale: 1" = 20'
Typical iron fence section with columns

5807 PARK LANE

1/2" = 1'
## Notification List of Property Owners

**BDA189-118**

11 **Property Owners Notified**

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<th>Owner</th>
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<td>5807 PARK LN</td>
<td>LADIN BRIAN &amp; RACHEL</td>
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<td>5730 WATSON CIR</td>
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