

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, JANUARY 17, 2017
AGENDA

BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:30 A.M.
----------	--	------------

PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
----------------	---	-----------

Donna Moorman, Chief Planner
Steve Long, Board Administrator
Jennifer Munoz, Senior Planner

MISCELLANEOUS ITEM

Approval of the November 15, 2016 Panel A Public Hearing Minutes	M1
---	----

UNCONTESTED CASES

BDA167-005(JM)	10845 Eden Roc Drive REQUEST: Application of Shawn Thomas Watkins for a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter	1
BDA167-007(SL)	9820 Meadowbrook Drive (AKA 5311 Falls Drive) REQUEST: Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards	2
BDA167-009(SL)	1545 W. Colorado Boulevard REQUEST: Application of E. Lee Roth for a variance to the front yard setback regulations	3

EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

(Rev. 6-24-02)

FILE NUMBER: BDA167-005(JM)

BUILDING OFFICIAL'S REPORT: Application of Shawn Thomas Watkins for a special exception to the single family use regulations to authorize more than one electrical utility service or electrical meter at 10845 Eden Roc Drive. This property is more fully described as Lot 6, Block 3/7083, and is zoned R-7.5(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to have more than one electrical utility service or electrical meter on a lot with a single family use, which will require a special exception to the single family use regulations.

LOCATION: 10845 Eden Roc Drive

APPLICANT: Shawn Thomas Watkins

REQUEST: A special exception to the single family use regulations is requested in conjunction with installing and maintaining an additional electrical meter on a site that is currently developed with a single family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION (special exception):

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the standards described above are met.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 sq. ft.)

North: R-7.5(A) (Single family district 7,500 sq. ft.)
South: R-7.5(A) (Single family district 7,500 sq. ft.)
East: R-7.5(A) (Single family district 7,500 sq. ft.)
West: R-7.5(A) (Single family district 7,500 sq. ft.)

Land Use:

The subject site is developed with a single family use. The requested second meter service is for a new one-story accessory structure. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

None.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on installing and maintaining a second electrical meter on a site developed with a single family home and use consisting of—a two-story main dwelling unit structure with a detached garage, and a detached accessory building totaling approximately 3,324 square feet, according to DCAD records, and a new one-story accessory structure providing 795 additional square feet.
- The parcel contains approximately 20,668 square feet of land.
- The site is zoned an R-7.5(A) Single-Family District.
- The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district
- The applicant has submitted a site plan that indicates the location of the two electrical meters on the subject site- one noted as “existing meter” and the other labeled “proposed 2nd meter.”
- The application states that an additional meter is required due to the distance of the new accessory structure from the existing meter. According to the site plan submitted, the two meters would be approximately 150 feet apart in distance. The nearest corner of the new accessory structure is about 100 feet away from the existing electrical meter located along Capri Drive.
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district.

Timeline:

November 10, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

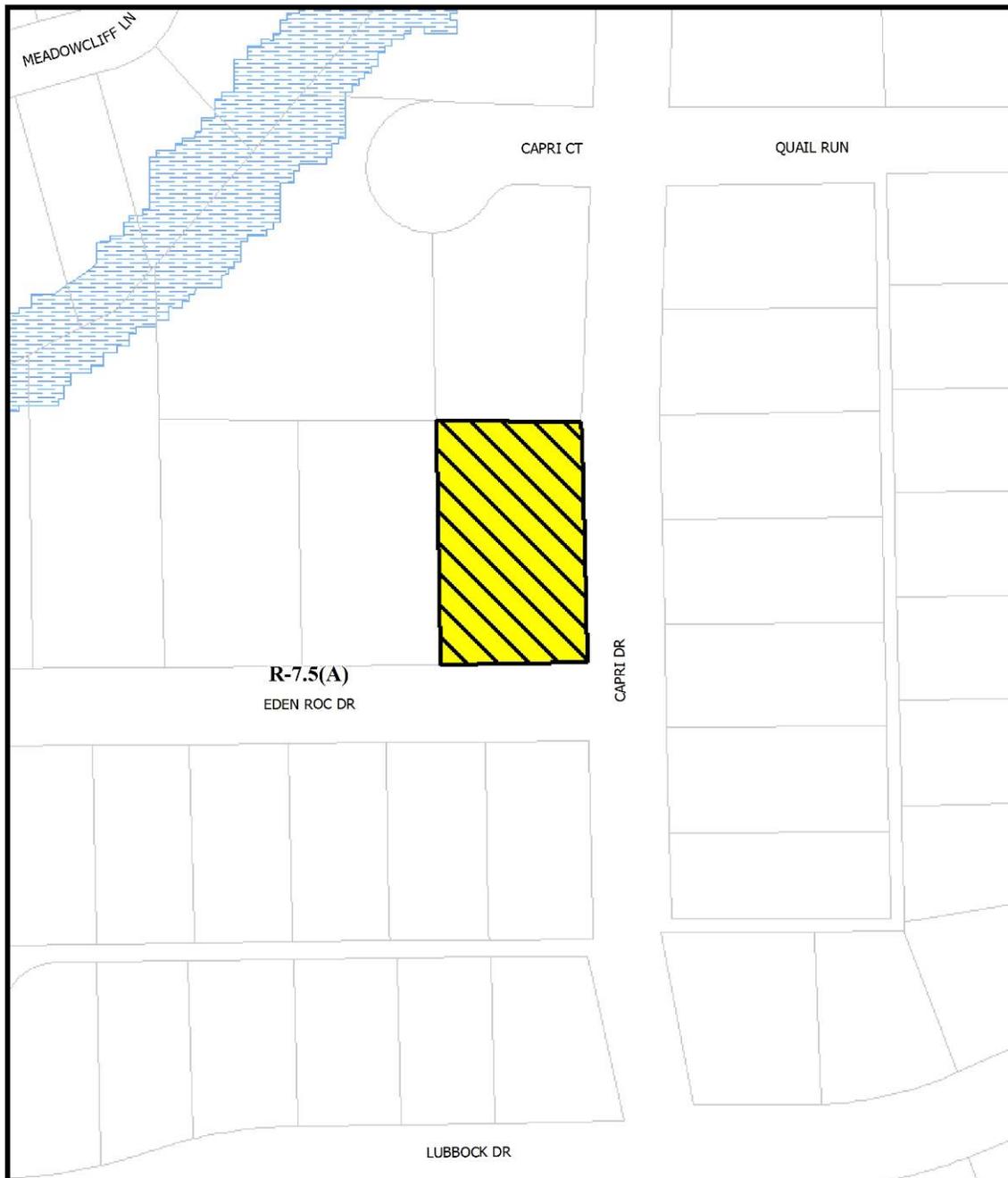
December 7, 2016: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

December 12, 2016: The Board Senior Planner 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 December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

January 3, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

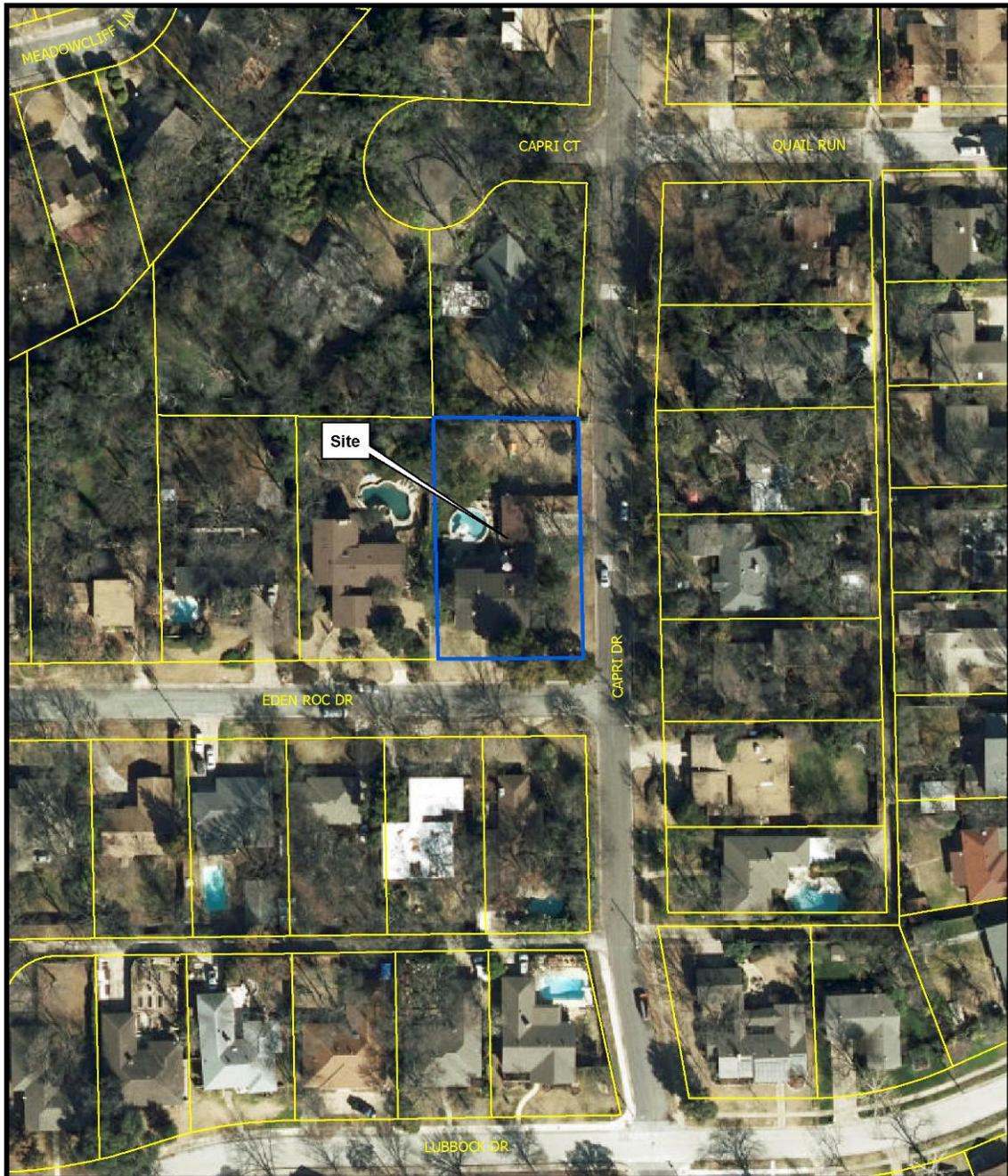


1:1,200

ZONING MAP

Case no: BDA167-005

Date: 12/22/2016



1:1,200

AERIAL MAP

Case no: BDA167-005

Date: 12/22/2016



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-005

Data Relative to Subject Property:

Date: 11-10-2016

Location address: 10845 EDEN ROCK DR

Zoning District: R-7.5(A)

Lot No.: 6 Block No.: 3/7083 Acreage: .50

Census Tract: 130.07

Street Frontage (in Feet): 1) 110' 2) 183' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SHAWN WATKINS ; JALIE Y WATKINS

Applicant: SHAWN WATKINS Telephone: 214-394-8335

Mailing Address: 10845 EDEN ROCK DR Zip Code: 75238

E-mail Address: SHAWN WATKINS @ YAHOO.COM

Represented by: SHAWN WATKINS Telephone: 214-394-8335

Mailing Address: 10845 EDEN ROCK DR Zip Code: 75238

E-mail Address: SHAWN WATKINS @ YAHOO.COM

Affirm that an appeal has been made for a Variance, or Special Exception X, of ZND SERVICE FOR ELECTRICAL

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:

DISTANCE OF ACCESSORY UNIT TO MAIN HOUSE AND POOL LOCATION FOR SAFETY THIS WILL NOT ADVERSELY AFFECT NEIGHBORING PROPERTY. THIS IS A ACCESSORY BUILDING UNIT FOR THE USE OF OFFICE AND POOL BATHROOM.

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.

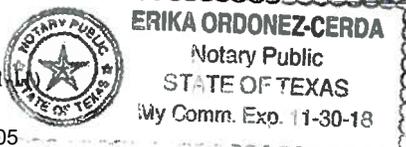
Affidavit

Before me the undersigned on this day personally appeared Shawn Thomas Watkins. (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 9 day of November, 2016.



[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 Shawn Thomas Watkins

did submit a request provide an additional electrical meter
at 10845 Eden Roc Drive

BDA167-005. Application of Shawn Thomas Watkins to provide an additional electrical meter at 10845 Eden Roc Drive. This property is more fully described as Lot 6, Block 3/7083, and is zoned R-7.5(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and maintain a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

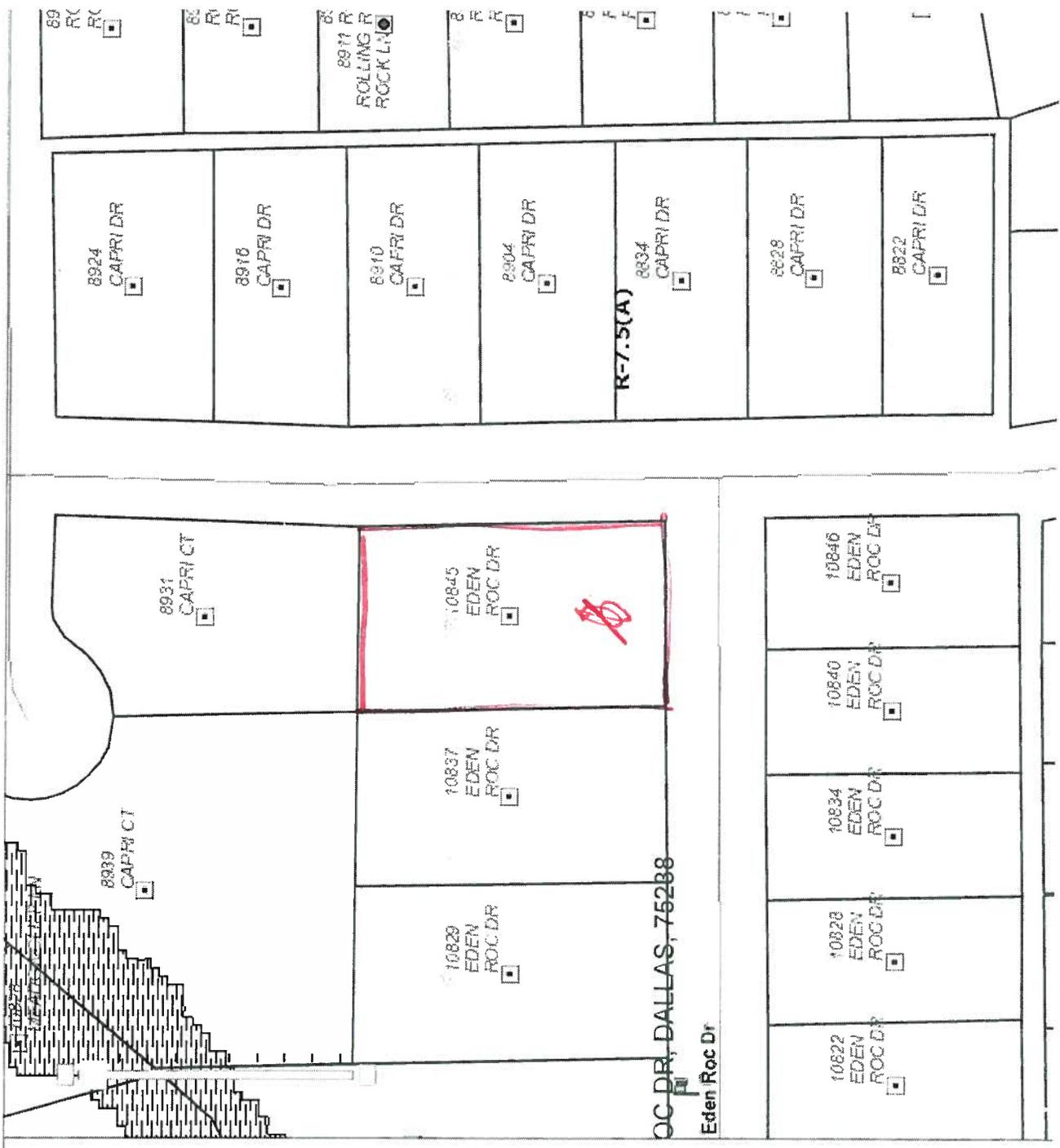
Sincerely,

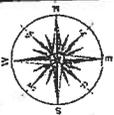
Philip Sikes
Philip Sikes, Building Official

Internal Development Research Site

Legend

Locate Property





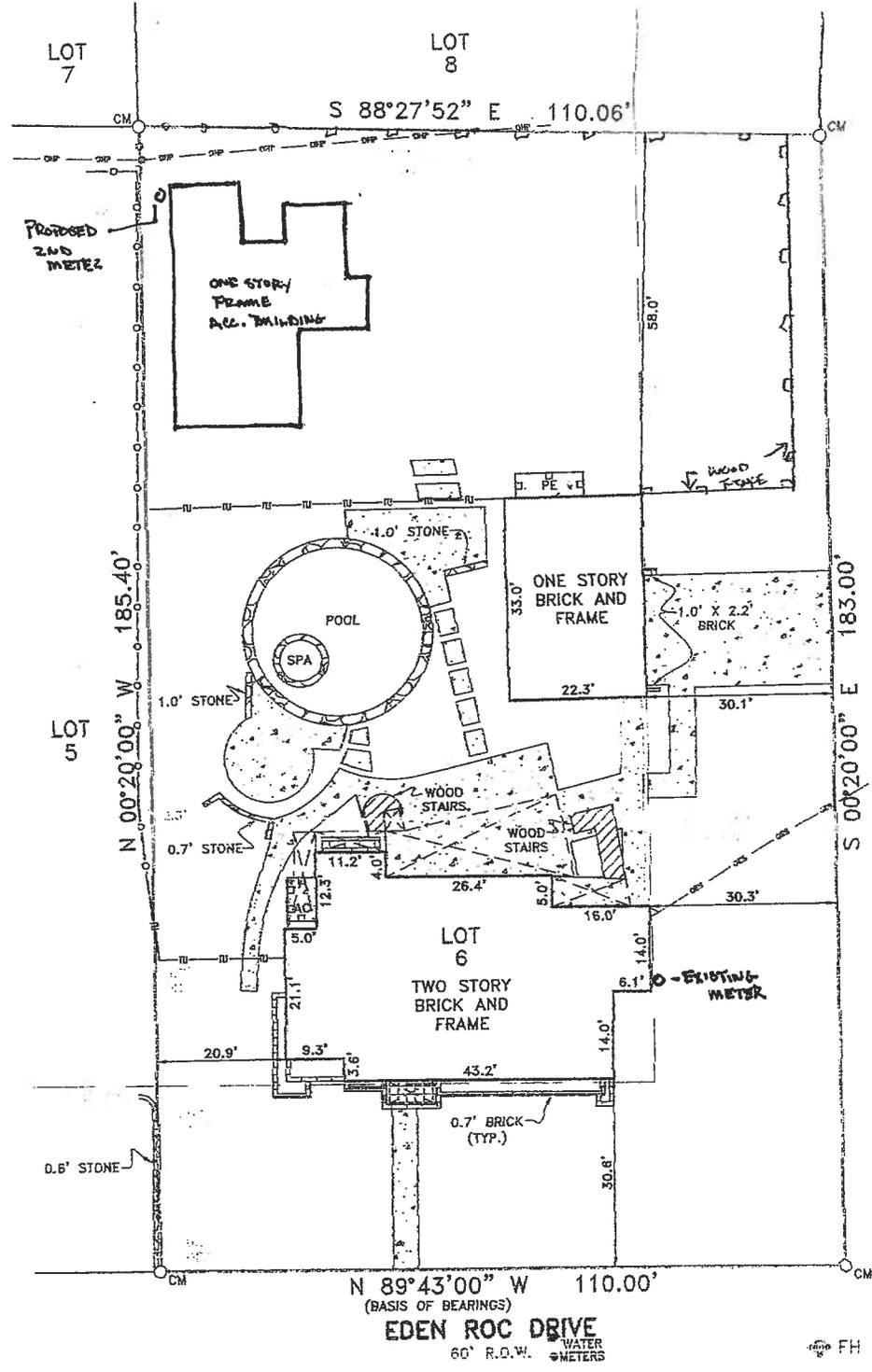
10845 Eden Roc Drive
 Being Lot 6, Block 3/7083 of Sylvania Dells, an Addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 19, Page 173, Map Records, Dallas County, Texas.

Associa



LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1/2" PIPE FOUND
- ⊗ "X" FOUND/SET
- ⊕ 60d NAIL FOUND
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- BRICK COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- II— IRON FENCE
- X— BARBED WIRE
- /— EDGE OF ASPHALT
- ▲— EDGE OF GRAVEL
- CONCRETE
- COVERED AREA



EXCEPTIONS:

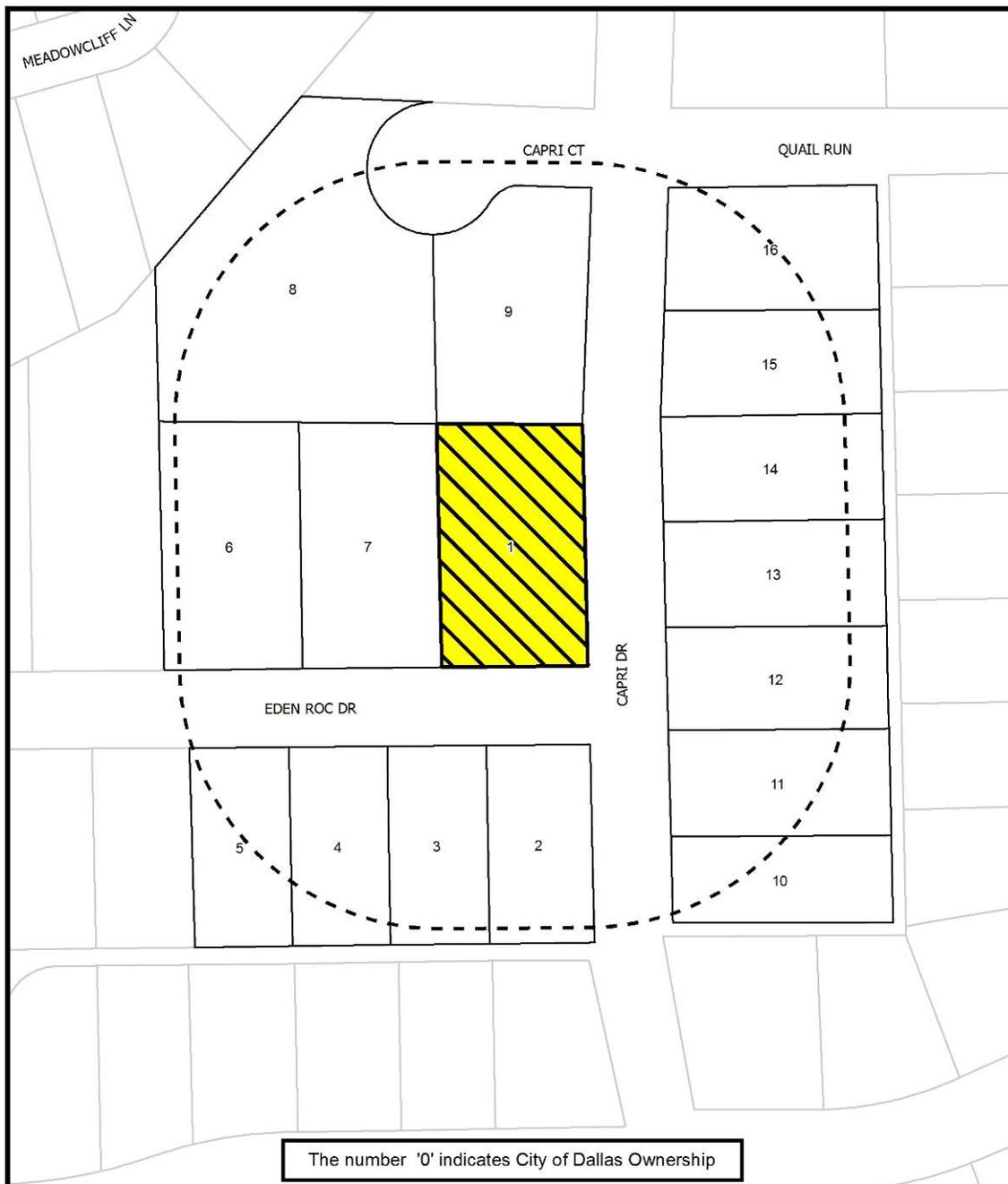
NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 3769, PG. 582

Engineering Plans
 Bryan Klien 100 Design
 214.278.0152

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 FLOOD NOTE: According to the F.I.R.M. No. 48113C0355 K, this property does lie in Zone X and does not lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Associa, Inc. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA167-005</u> Date: <u>12/22/2016</u>
200'	AREA OF NOTIFICATION					
16	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-005

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10845 EDEN ROC DR	WATKINS SHAWN T & JALIE Y
2	10846 EDEN ROC DR	WEST SALLY SHULL &
3	10840 EDEN ROC DR	ROZELL DONA ROSE
4	10834 EDEN ROC DR	KRACH PATRICIA
5	10828 EDEN ROC DR	LOVELL FAMILY LIVING TRUST THE
6	10829 EDEN ROC DR	DAVIE KIMBERLY D
7	10837 EDEN ROC DR	WHITE JOHN THOMAS &
8	8939 CAPRI CT	WOOD MICHAEL C & JILL D
9	8931 CAPRI CT	WHITING MARK R
10	8822 CAPRI DR	LOSEY BARBARA D
11	8828 CAPRI DR	NYE KINDRA &
12	8834 CAPRI DR	LIPSETT JASON S & TIFFANY M
13	8904 CAPRI DR	CALVIN DARRELL
14	8910 CAPRI DR	SMITH JIMMIE D & LINDA S
15	8916 CAPRI DR	THISTLETWAITE BARRY &
16	8924 CAPRI DR	BRINER CHARLES D

FILE NUMBER: BDA167-007(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards at 9820 Meadowbrook Drive (AKA 5311 Falls Drive). This property is more fully described as Lot 6, Block 2/5603, 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 a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence standards.

LOCATION: 9820 Meadowbrook Drive (AKA 5311 Falls Drive)

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a special exception to the fence standards related to fence height of 5' is made to construct and maintain a fence/gate higher than 4' in the front yard setback (an 8' high wrought iron fence with 8.5' high cast stone columns with a 9' high open wrought iron gate) on a site that is being developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-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 being a single family home. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

1. BDA090-070, Property located at 5306 Falls Road (the property south of the subject site)

On June 16, 2010, the Board of Adjustment Panel B granted a request for special exception to the fence height regulations of 4' 6" and imposed the submitted revised site plan/elevation dated 6-10-10 as a condition. The case report stated that the requests focused on constructing and maintaining an 8' high "masonry/wrought iron" fence/wall (5' wrought iron atop a 3' masonry base) in the site's Falls Road front yard setback, and an alternating 8' high solid masonry or stone fence wall with an 8' high wrought iron fence in the site's Meadowbrook Drive front yard setback.. The site is currently developed with a single family home that appears from the submitted site plan to be planned for demolition. A fence height special exception of 4' 6" is requested to account for columns and gates (a pedestrian gate on Falls Road, a vehicular gate on Meadowbrook Drive) that would reach 8' 6" in height in both front yard setbacks.

2. BDA134-050, Property at 5322 Falls Road (the lot southeast of the subject site)

On May 21, 2014, the Board of Adjustment Panel B granted a request for special exception to the fence height regulations of 4' and imposed the submitted full site plan and partial site/full elevation as a condition. The case report stated that the request was made to construct and maintain an approximately 7' 6" high open iron fence and gate with 8' high stucco columns in the 40' front yard setback on a site that is being developed with a single family home/use.

3. BDA 089-106, Property at 5405 Falls Road (two lots east of the subject site)

On September 14, 2009, the Board of Adjustment Panel C granted a request for special exception to the fence height regulations of 4' 10" and imposed the submitted site plan and elevation as a condition. The case report stated that the request were made in conjunction with constructing and maintaining the following in the site's 40' front yard setback on a site being developed with a single family home: a 5' 4" high open ornamental iron fence with 5' 8" high brick columns; and a 6' 6" high iron gate flanked by two, 8' 10" high brick entry columns and solid brick entry wing walls (each about 12' in length) ranging in height from 6' 2" – 7' 2".

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards related to fence height of 5' focuses on constructing and maintaining an 8' high wrought iron fence with 8.5' high cast stone columns with a 9' high open wrought iron gate on a site that is being developed with a single family home.
- The subject site is zoned R-1ac(A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the northeast corner of Falls Road and Meadowbrook Drive.
- The subject site has one 40' front yard setback along Falls Road (the shorter of the two frontages of the subject site which is always a front yard in this case) and a side setback along Meadowbrook Drive (the longer of the two frontages) where there is no continuity of a front yard setback to be maintained along Meadowbrook Drive to the north. The property to the north of the subject site fronts northward to Edlen Drive and does not require a special exception.
- The applicant has submitted a site plan and elevation of the proposal with notations indicating that the proposal reaches a maximum height of 9'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal over 4' in height in the front yard setback is represented as being approximately 200' in length parallel to Falls Road.
 - The proposal is represented as being located approximately on the front lot line or approximately 20' from the pavement line.
- Two single family lots front the proposed fence. Each of these lots has a fence in the front yard that appears to have been the result of special exceptions granted by the Board in 2010 and 2014. The fence directly south is an approximately 8' high masonry/wrought iron fence, and the fence southeast is an approximately 7.5' high open metal fence.

- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence in addition to the fences previously mentioned that appeared to be above 4' in height and located in a front yard setback. An approximately 6' high open metal fence is located 2 lots east of the subject site. This fence appears to be the result of a special exception granted by the Board in 2009.
- As of January 6, 2017, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards related to fence height of 5' will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

September 23, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

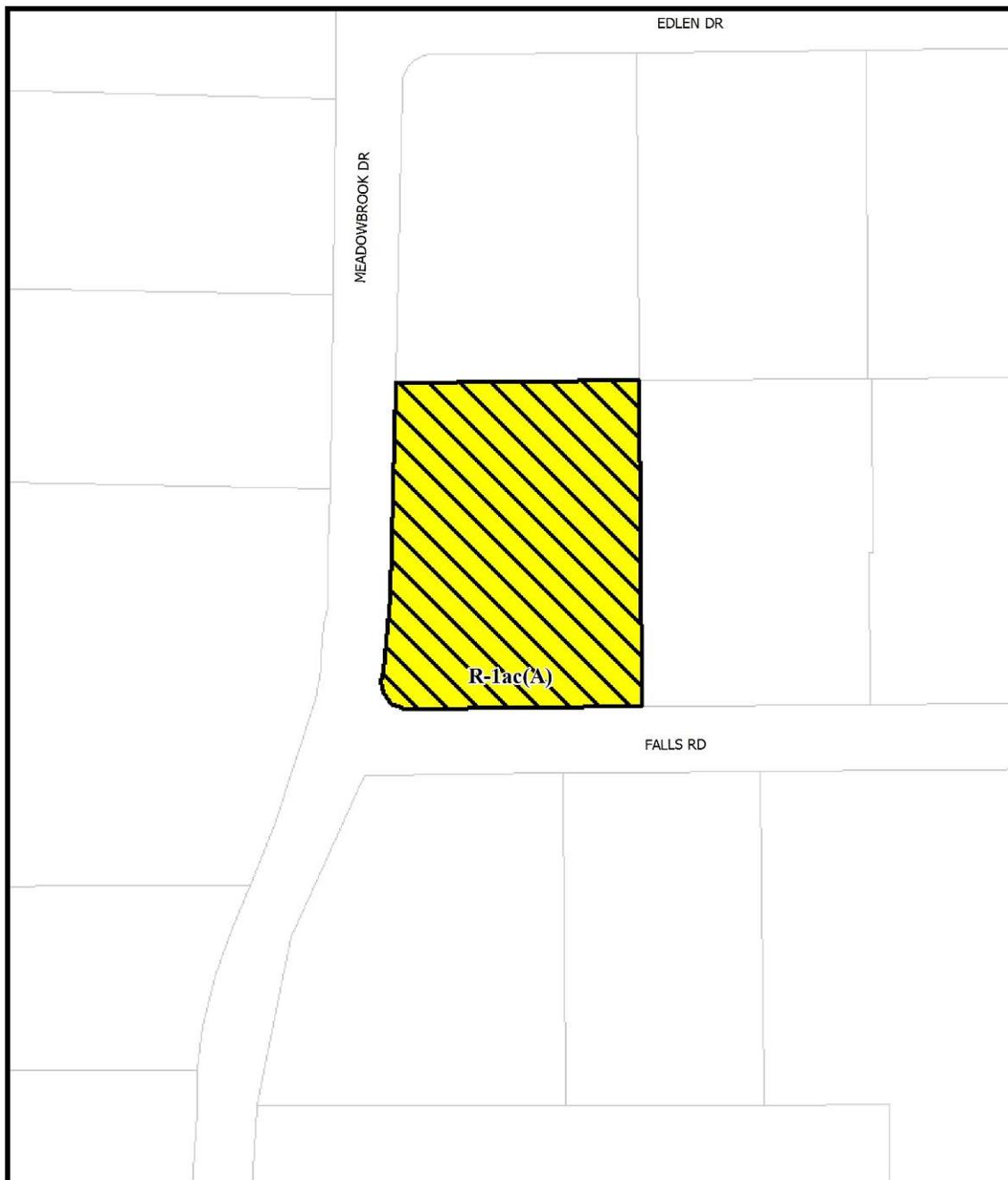
December 7, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 7, 2016: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 3, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

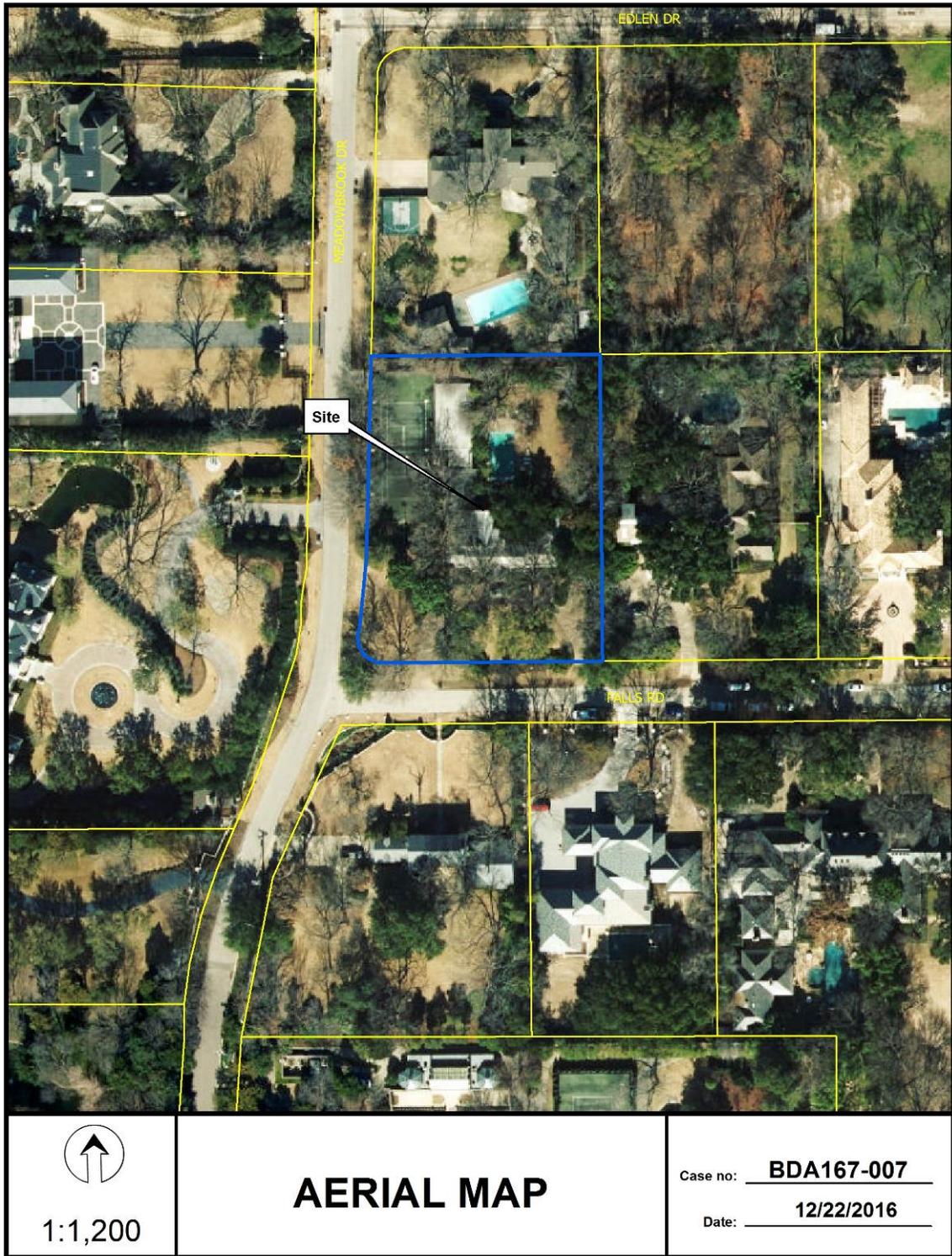


1:1,200

ZONING MAP

Case no: BDA167-007

Date: 12/22/2016



1:1,200

AERIAL MAP

Case no: BDA167-007

Date: 12/22/2016



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-007

Data Relative to Subject Property:

Date: September 23, 2016

Location address: ~~5311 Falls Road~~ 9820 Meadowbrook Zoning District: R1-ac(A)

Lot No.: 6 Block No.: 2/5603 Acreage: 1 acre Census Tract: 206.00

Street Frontage (in Feet): 1) 176 ft 2) 250 ft 3) 4) 5) *NE 25*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 9820 Meadowbrook LLC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 5 feet to the to allow a 9 feet tall fence in a required front yard

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 will not adversely impact surrounding properties. Other fences exceeding four feet in height exist in the immediate area.

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

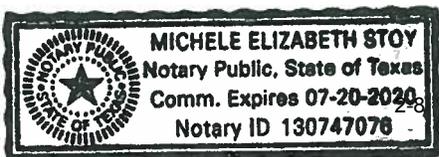
Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 9th day of November, 2016

(Rev. 08-01-11)



[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

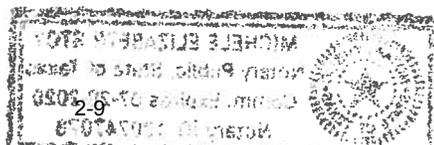
I hereby certify that Robert Baldwin

did submit a request for a special exception to the fence height regulations
at 9820 Meadowbrook Drive (AKA: 5311 Falls Drive)

BDA167-007. Application of Robert Baldwin for a special exception to the fence height regulations at 9820 Meadowbrook Drive. This property is more fully described as Lot 6, Block 2/5603, and is zoned R-1ac(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





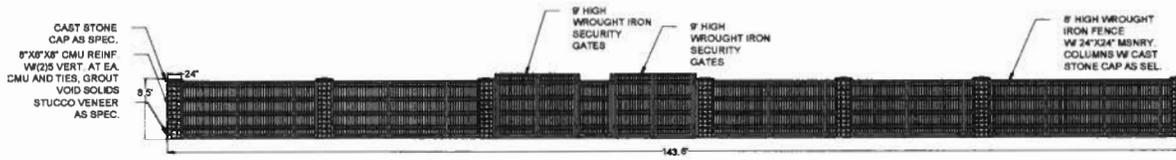
Printed: 9/12/2016

Legend

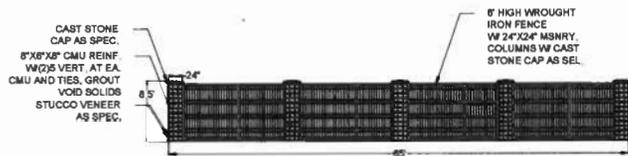
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | BDA 167-007 | Historic Overlay | Sho@Erff 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)

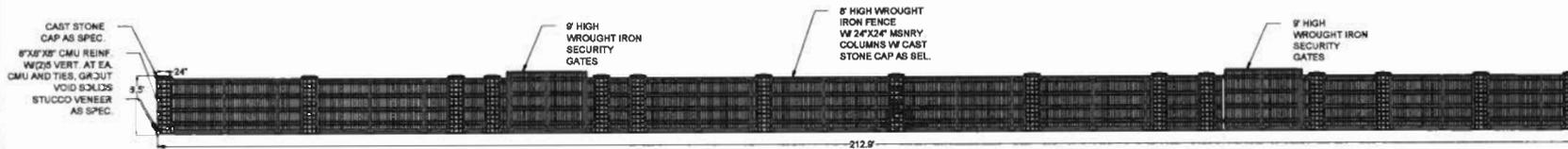




1a FALLS ROAD FENCE AND GATE ELEVATION
SCALE: 1'-1/2" = 1'-0"



1b INTERSECTION CORNER ELEVATION
SCALE: 1'-1/2" = 1'-0"



1c MEADOWBROOK DRIVE FENCE AND GATE ELEVATION
SCALE: 1'-1/2" = 1'-0"

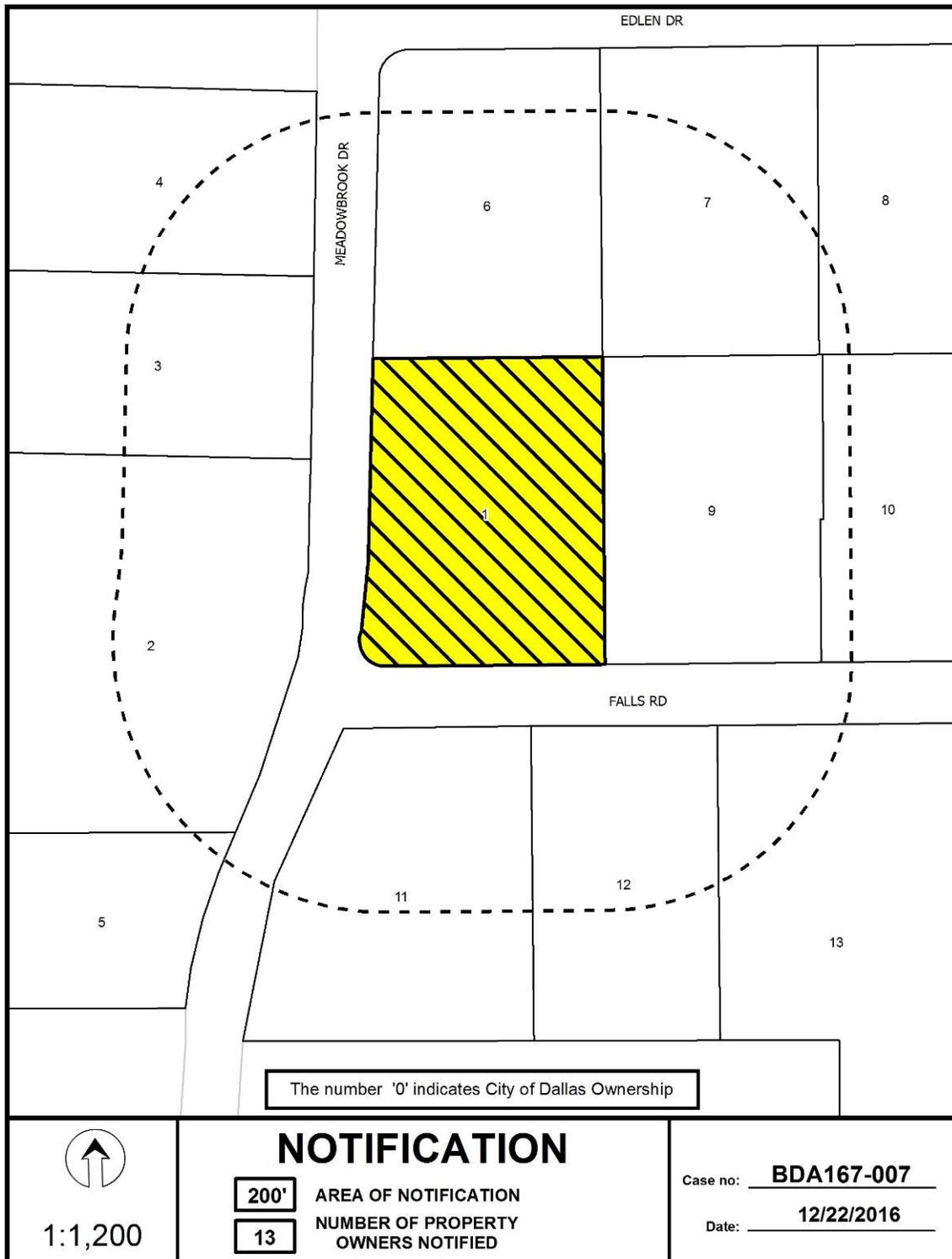
1 FENCE & GATE ELEVATIONS
SCALE: 1'-1/2" = 1'-0"

11/07/2016

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, TX 75226
MOBILE: 214.728.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

Baldwin
Associates

9820 MEADOWBROOK
CITY OF DALLAS, TEXAS



Notification List of Property Owners

BDA167-007

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5311 FALLS RD	AMERICAN ESCROW CO TRUSTEE
2	9807 MEADOWBROOK DR	BARRETT NONA & RICHARD 2013 TR
3	9821 MEADOWBROOK DR	NETZER SHULA & AHARON
4	9831 MEADOWBROOK DR	PAULSON ROY STEVEN &
5	9741 MEADOWBROOK DR	AARON STEVEN L & CAROL R
6	5310 EDLEN DR	WALKER REID S & STACEY S
7	5326 EDLEN DR	GSSG HOLDINGS LC
8	5400 EDLEN DR	ALLEN HENRY &
9	5323 FALLS RD	ROBINSON JEFFREY M
10	5405 FALLS RD	WILSON CHARLES
11	5306 FALLS RD	WARREN KELCY
12	5322 FALLS RD	JOHNSON WHITAKER M & DEBRA B
13	5404 FALLS RD	MUSSELMAN JAMES C

FILE NUMBER: BDA167-009(SL)

BUILDING OFFICIAL'S REPORT: Application of E. Lee Roth for a variance to the front yard setback regulations at 1545 W. Colorado Boulevard. This property is more fully described as Lot 7 & part of Lot 8, Block 8/3826, and is zoned CD 13 (Subarea 1), which requires a minimum front yard setback equal to the average of the front yards of the houses on the contiguous lots. The applicant proposes to construct and maintain structures and provide a 0 foot front yard setback, which will require a 74 foot 7 inch variance to the front yard setback regulations.

LOCATION: 1545 W. Colorado Boulevard

APPLICANT: E. Lee Roth

REQUEST:

A request for a variance to the front yard setback regulations of 74' 7" is made to construct and maintain a fountain structure and fence on a property developed with a single family home, which, according to the submitted site plan, would be located 5' from one of the site's two front property lines (Olympia Drive) or 69' 5" into the 74' 7" Olympia Drive front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots zoned CD 13 given its slope, its irregular shape, and restrictive area caused by it having two front yard setbacks. The subject site has a number of physical site constraints that preclude the applicant from developing it in a manner commensurate with development found on other similarly zoned CD 13 properties that are flat, rectangular in shape, and with one front yard setback.
- Granting the variance would not be contrary to public interest if the Board imposes the submitted site plan as a condition since the features on this plan represent no structure closer than 5' from the Olympia Drive front property line which is the required rear yard setback in this zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Conservation District)
North: CD 13 (Conservation District)
South: CD 13 (Conservation District)
East: CD 13 (Conservation District)
West: CD 13 (Conservation District)

Land Use:

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

Zoning/BDA History:

1. BDA056-224, Property located at 1541 W. Colorado Boulevard (the lot east of the subject site)

On October 17, 2006, the Board of Adjustment Panel A granted requests for variances to the front yard setback regulations of 19' and to the off-street parking regulations of 14', and imposed the submitted site plan as a condition to both requests, and additionally imposed the following conditions to the parking variance: an automatic garage door must be installed and maintained in working order at all times; and at no time may the area in front of the garage be utilized for the parking of vehicles. The case report stated that the requests were made to construct a detached accessory garage structure on a site developed with a single family use.

GENERAL FACTS /STAFF ANALYSIS:

- The request for variance of 74' 7" focuses on constructing and maintaining an approximately 36 square foot fountain structure and fence on the site developed with an single family use/structure, which, according to the submitted site plan, would be located as close as 5' from one of the site's two front property lines (Olympia Drive) or 69' 5" into the 74' 7" Olympia Drive front yard setback.
- The subject site is zoned CD 13.
- The subject site is located between Olympia Drive on the north and West Colorado Boulevard on the south. Regardless of how the existing single family structure on the site is oriented to front south to West Colorado Boulevard and to back northward to Olympia Drive, the site has two front yard setbacks since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- CD 13 states that the minimum front yard must equal the average of the front yards of the houses on contiguous lots.
- The submitted site plan represents that the West Colorado Boulevard front yard setback is 30.5' and that the Olympia Drive front yard setback is the average of 76' on the east and 73' 4" on the west or 74' 7".
- The application states that a variance of 74' 7" to the front yard setback line is requested. The Building Official's report states that the applicant proposes to construct and maintain a structure and provide a 0 foot front yard setback. The submitted site plan represents that a 5' setback is provided on the north/Olympia Drive side of the subject site.
- The site plan represents that a fence, a fountain, and "residence" is located in the 74' 7" Olympia Drive front yard setback.
- Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the front yard setback is 25 feet.
- According to DCAD records, the "main improvement" at 1545 West Colorado Boulevard is a structure built in 1927 with 4,483 square feet of living/total area; and with "additional improvements" listed as a 308 square foot detached quarters and a 440 square foot attached garage.
- It appears that the existing residence on the subject site that is located in the 74' 7" Olympia Drive front yard setback is a nonconforming structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The applicant request for a variance to the front yard setback regulations is only to locate and maintain the proposed fountain and fence in the Olympia Drive front yard setback, and not to remedy/address the nonconforming aspect of the existing nonconforming structure that is located in this setback.
- The site is sloped, somewhat irregular in shape, and according to the application is 0.4 acres (or approximately 17,400 square feet) in area. The site has two front yard

setbacks and two side yard setbacks. Most lots in CD 13 have one front yard setback, one rear yard setback, and two side yard setbacks.

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance to front yard setback regulations are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 13 zoning classification.
 - The variance to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 13 zoning classification.
- If the Board were to grant the request, imposing a condition whereby the applicant must comply with the submitted site plan, the structures in the front yard setback would be limited to that what is shown on the submitted plan – a structure that is located no closer than 5' from the Olympia Drive front property which is the required rear yard setback in CD 13.

Timeline:

November 18, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

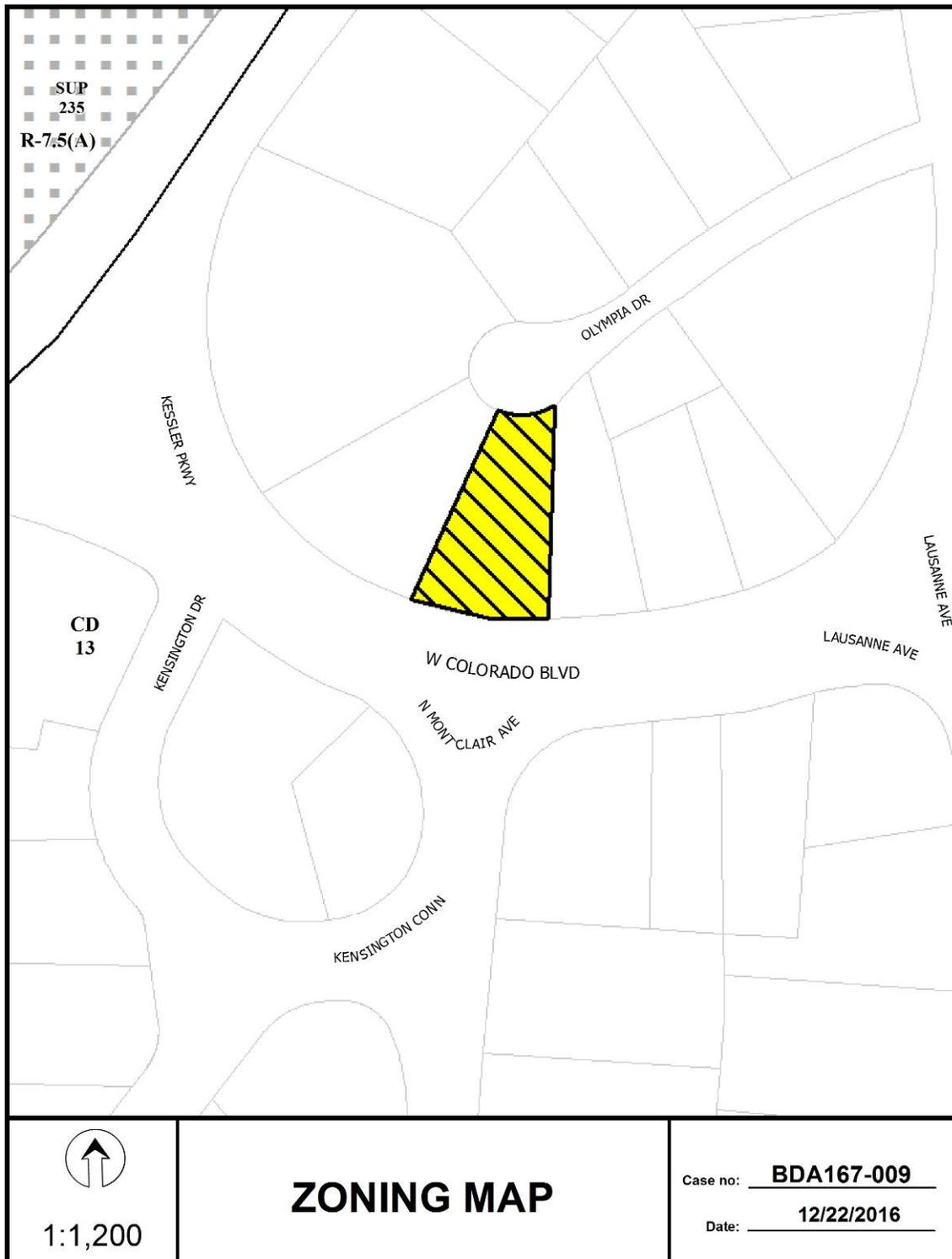
December 7, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 7, 2016: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 3, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

January 6, 2017: The Sustainable Development and Construction Department Conservation Districts Senior Planner emailed the Board Administrator the following comments: "It is the opinion of the Senior Conservation District Planner that the variance to the front yard setback for 1545 W Colorado would not adversely affect neighboring properties and is consistent with existing conditions for the vast majority of the Kessler Park Conservation District. Because the property has a frontage on both West Colorado Boulevard and Olympia Drive, it is encumbered with two front yards, which makes the development of what is commonly used as the back yard impossible. Only six lots in the district, all of which are adjacent to the property at 1545 W Colorado, exhibit the same issue. At its establishment, the Conservation District Ordinance did not take these lots in account separately to allow for their future development. The front yard setback variance is necessary to allow what is commonly used as the back yard of the lot to be developed in a manner commensurate with the back yards of other lots located in the district."





1:1,200

AERIAL MAP

Case no: BDA167-009

Date: 12/22/2016



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-009

Data Relative to Subject Property:

Date: 11-18-16

Location address: 1545 W. Colorado Blvd. Zoning District: CD13 (Sub 2 1)

Lot No.: 7/8 Block No.: 8/3826 Acreage: 0.4 Census Tract: 44.00

Street Frontage (in Feet): 1) 115.15 2) 47.97 3) 4) 5) 50'16"

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mark Anderson & Amy Beth Anderson

Applicant: E. Lee Roth Telephone: 214-215-4153

Mailing Address: 7518 Baxtershire Dr. Zip Code: 75230

E-mail Address: rdla@mac.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance X, or Special Exception, of the rear 74'-7" to front yard setback line and to relocate it to a point equal to the north property line adjacent to Olympia Drive.

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: resident's property has street frontage at the front and rear of the property and, per Conservation District 13, is classified as having 2 front yards. Resident is prohibited from using his rear yard in a manner typical to a standard backyard use.

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.

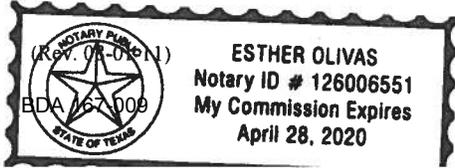
Affidavit

Before me the undersigned on this day personally appeared E. Lee Roth (Affiant/Applicant's name printed)

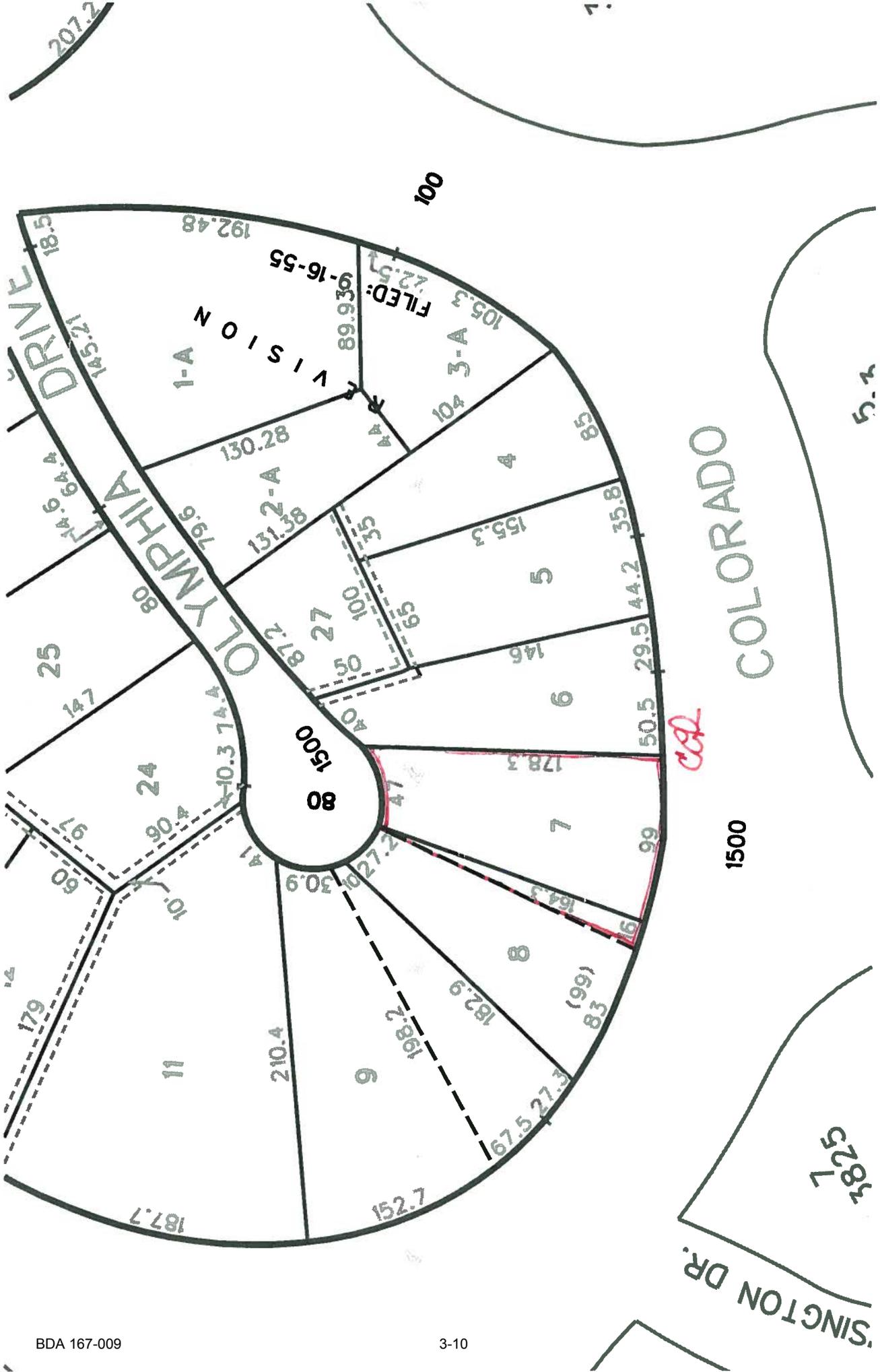
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 17 day of November, 2016



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

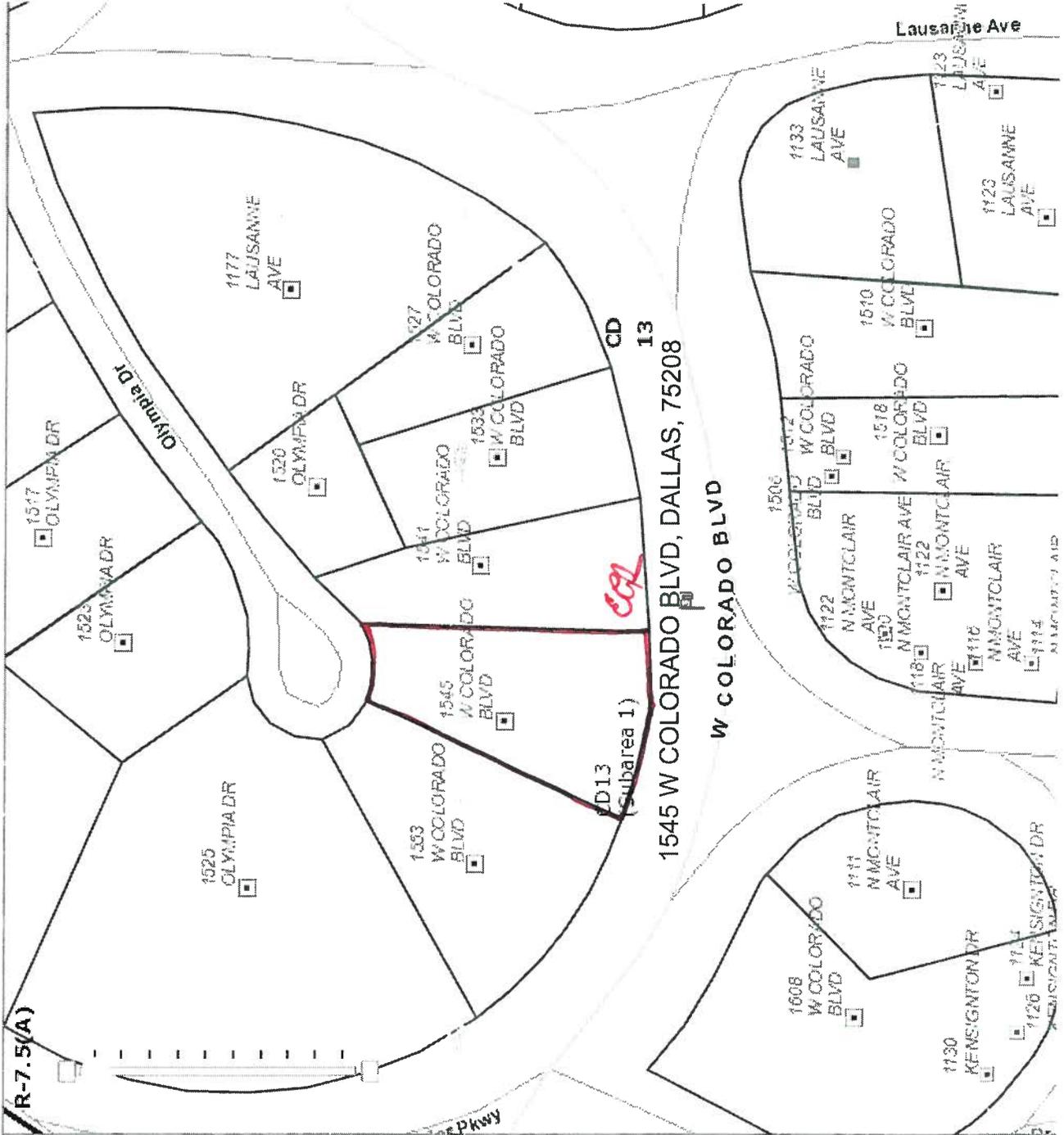


City of Dallas

Internal Development Research Site

Legend

Locate Property

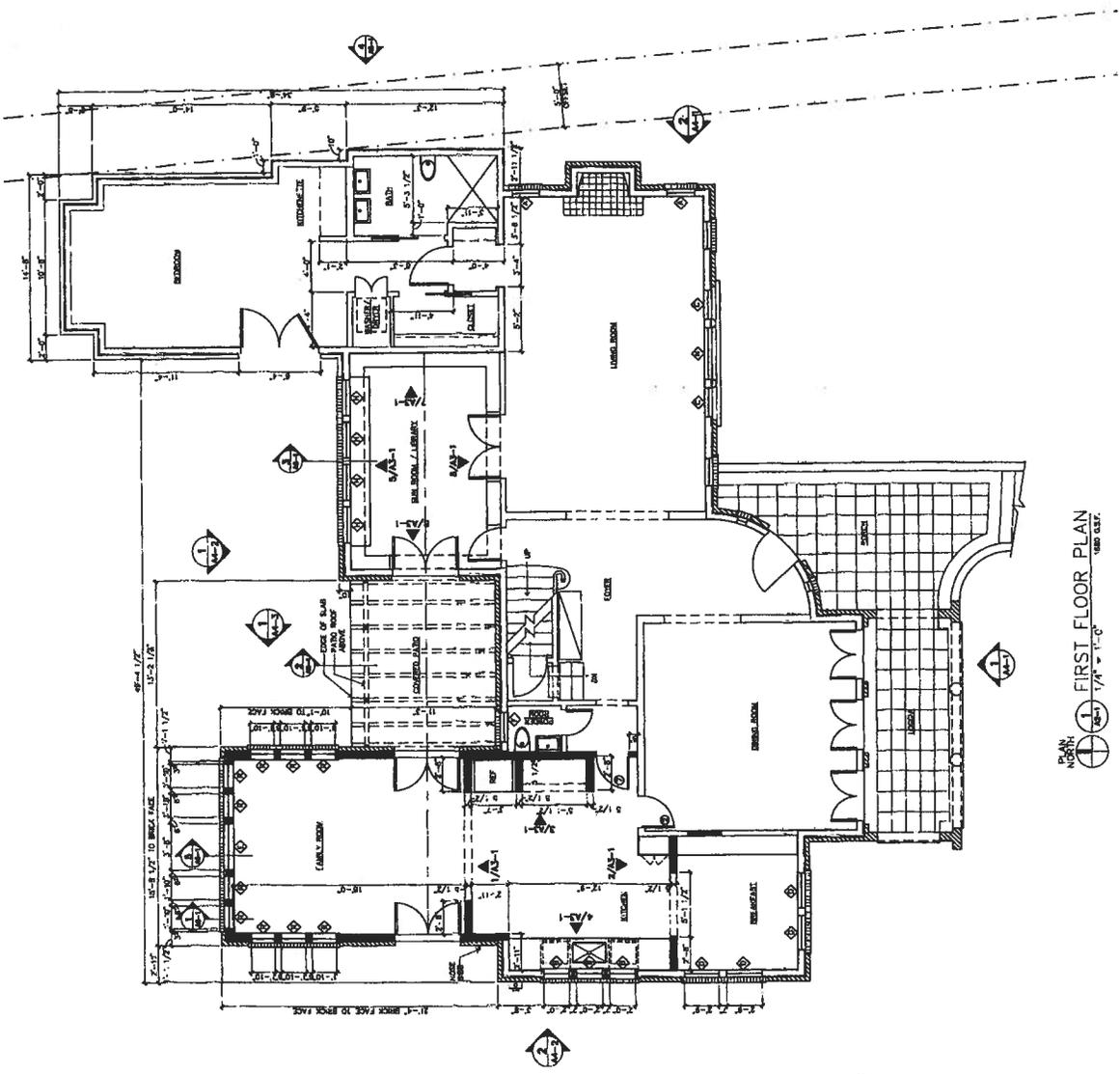




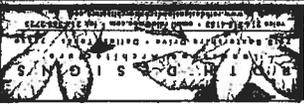
LANDSCAPE DEVELOPMENT PLAN FOR
 THE MARK AND AMY ANDERSON RESIDENCE
 1848 WEST COLONADO BLVD. • DALLAS, TEXAS

Project Number:
 AND-01
 Date:
 11-18-18
 Revision:

Sheet:
 A-1
 Total Sheets:



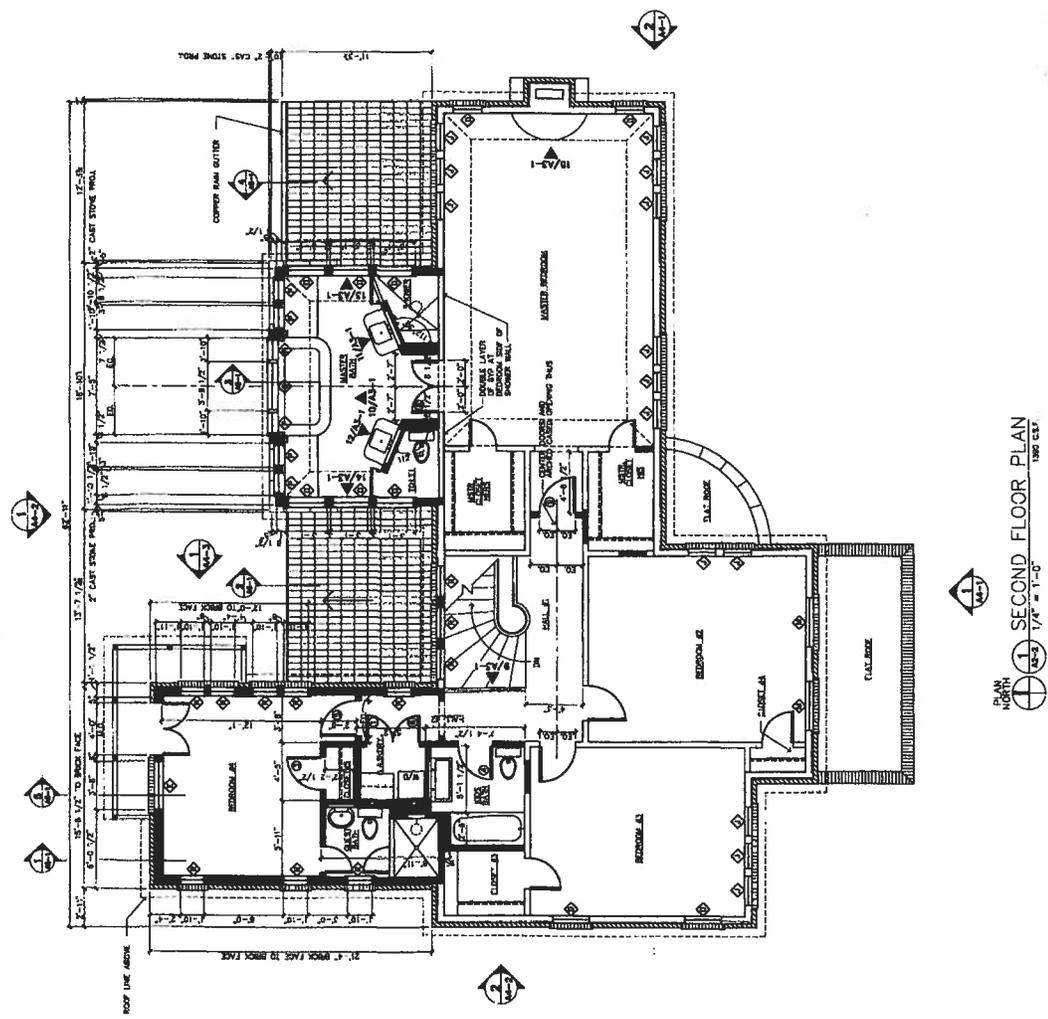
NORTH
 FIRST FLOOR PLAN
 1/8" = 1'-0"
 1/8" = 0.5'



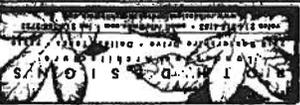
LANDSCAPE DEVELOPMENT PLAN FOR
 THE MARK AND AMY ANDERSON RESIDENCE
 1845 WEST COLONADO BLVD. - DALLAS, TEXAS

Project Number:
 AND-01
 Date:
 11-16-16
 Permittance:

Sheet:
 A-2
 Total Sheets:



SECOND FLOOR PLAN
 1/8" = 1'-0"
 1/4" = 1'-0"

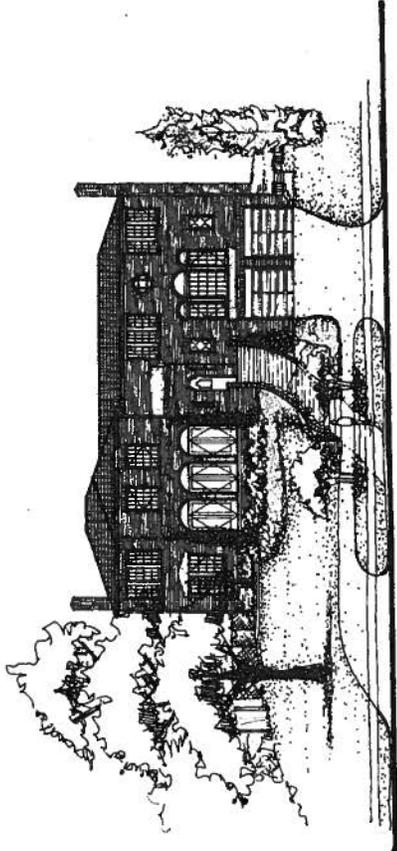


1845 WEST COLORADO BLVD. - DALLAS, TEXAS
THE MARK AND AMY ANDERSON RESIDENCE

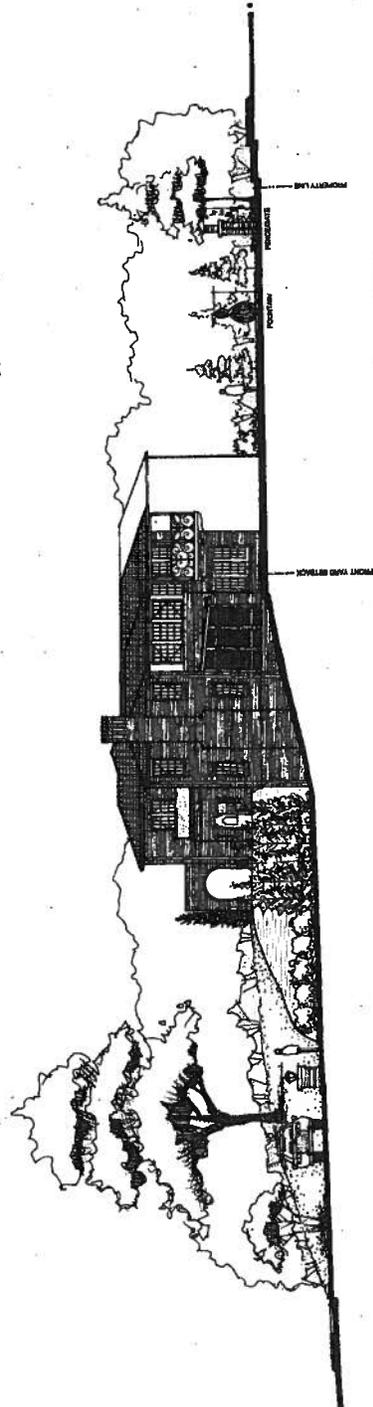
A LANDSCAPE DEVELOPMENT PLAN FOR
THE MARK AND AMY ANDERSON RESIDENCE
1845 WEST COLORADO BLVD. - DALLAS, TEXAS

Project Number:
A88-01
Date:
11-18-18
Perkins:

Sheet:
A3
Sheet Count:



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



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




 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
17	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-009**
 Date: **12/22/2016**

Notification List of Property Owners

BDA167-009

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1545 W COLORADO BLVD	TRUBEY BRYAN KERR &
2	1518 W COLORADO BLVD	NANCE MICHAEL W
3	1122 N MONTCLAIR AVE	FOSTER ANNE WHITE &
4	1510 W COLORADO BLVD	COLLIN ROBERT R III &
5	1608 W COLORADO BLVD	TOWNSEND JAMES F III &
6	1111 N MONTCLAIR AVE	WALDMANN DANIEL R &
7	1177 LAUSANNE AVE	SPANN MICHAEL G &
8	1527 W COLORADO BLVD	SALINAS SANTIAGO
9	1533 W COLORADO BLVD	SCHWEGMANN CHRISTOPHER J & SHELBI L
10	1541 W COLORADO BLVD	SMITH CYNTHIA CARPENTER
11	1553 W COLORADO BLVD	LINIADO MARK E & AMY
12	1525 OLYMPIA DR	GOSSARD WAYNE H
13	2322 KESSLER PKWY	ROACH PAUL ALTON & RHONDA ELAINE HARRIS
14	1523 OLYMPIA DR	CHARHON DEVIN &
15	1517 OLYMPIA DR	STUNDINS KARL A
16	1511 OLYMPIA DR	DUGGER SCOTT O & RHONDA
17	1520 OLYMPIA DR	MOORE WINFIELD &