

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, MARCH 22, 2017  
AGENDA

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BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
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PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**  
**Jennifer Munoz, Senior Planner**

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**MISCELLANEOUS ITEM**

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Approval of the February 22, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-025(SL)</b> 4707 Walnut Hill Lane <b>REQUEST:</b> Application of Karen Tellez for a special exception to the fence standards	1
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<b>BDA167-028(SL)</b> 5142 Palomar Lane <b>REQUEST:</b> Application of Peter Kavanagh for a special exception to the single family use regulations	2
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<b>BDA167-033(SL)</b> 5915 Orchid Lane <b>REQUEST:</b> Application of Jared Parks for special exceptions to the fence standard and visual obstruction regulations	3
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<b>BDA167-034(SL)</b> 5912 Orchid Lane <b>REQUEST:</b> Application of Jared Parks for special exceptions to the fence standard and visual obstruction regulations	4
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## 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]

**FILE NUMBER:** BDA167-025(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Karen Tellez for a special exception to the fence standards at 4707 Walnut Hill Lane. This property is more fully described as Lot 4A, Block C/5531, 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 maintain an 8 foot 3 inch high fence in a required front yard, which will require a 4 foot 3 inch special exception to the fence standards.

**LOCATION:** 4707 Walnut Hill Lane

**APPLICANT:** Karen Tellez

**REQUEST:**

A request for a special exception to the fence standards related to fence height of 4' 3" is made to construct and maintain a fence higher than 4' in the required front yard (a 5' 7" high open steel picket fence with 6' 3" high stone columns, and a 5' 7" high open steel picket gate with 6' 3" high stone columns topped with 2' high decorative lamps parallel to the street, and an 8' high solid wood fence on the east side of the site perpendicular to the street in the required front yard) 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 a single family home. The areas to the north, south, east, and west are developed with single family uses.

## **Zoning/BDA History:**

1. BDA145-031, Property located at 4686 Meadowood Road (the property southeast of the subject site)

On March 18, 2015, the Board of Adjustment Panel B granted a request for special exception to the fence height regulations of 5' and imposed the submitted revised site plan and elevation dated March 18, 2015 as a condition.

The case report stated that the constructing and maintaining a 9' high solid brick fence to replace an approximately 7' high solid brick fence parallel to Walnut Hill Lane on the north, and an 8' high solid brick to replace an 8' high open picket perpendicular to Walnut Hill Lane on the west adjacent to Meadowood Road on a site developed with a single family home use.

2. BDA 990-271, Property at 9963 Rockbrook Lane (the property southwest of the subject site)

On May 15, 2000, the Board of Adjustment Panel C granted requests for special exceptions to the single family use and fence height regulations of 2' and imposed the following conditions: to the single family use special exception: compliance with the submitted site plan is required; and applicant must submit a valid deed restriction prohibiting the additional dwelling unit of the site from being uses as a rental accommodation; and to fence height special exception: 1) In conjunction with retaining the 6 foot high brick/masonry wall, a tree survey or a landscape plan documenting the trees be retained adjacent to the existing wall must be submitted, and 2) a landscape plan documenting the retention of ivy vines on the existing wall must be submitted.

The case report stated the requests were made to maintain an existing 6' high brick wall along Walnut Hill Lane and construct/maintain an extension of this wall an additional 90 feet westward along Walnut Hill Lane, and to construct/maintain a pool house/dwelling unit structure on the site.

3. BDA 045-266, Property at 4722 Walnut Hill Lane (two lots southeast of the subject site)
- On August 17, 2005, the Board of Adjustment Panel B granted a request for a 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 the request was made to construct and maintain an 8' high solid stucco fence with 8'10" stucco columns and 8' metal gates in the front yard setback on a site that is developed with a single family house.

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

- This request for a special exception to the fence standards related to fence height of 4' 3" focuses on constructing and maintaining a 5' 7" high open steel picket fence with 6' 3" high stone columns, and a 5' 7" high open steel picket gate with 6' 3" high stone columns topped with 2' high decorative lamps parallel to the street, and an 8' high solid wood fence on the east side of the site perpendicular to the street in the required front yard) on a site that is being developed with a single family home.
- The subject site is zoned R-1ac(A) which requires a 40' front yard setback; however because the site has a 60' platted building line, the site has a required 60' required front yard.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan and elevation of the proposal with notations indicating that the proposal reaches a maximum height of 8' 3".
- 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 375' in length parallel to the street, and an approximately 44' in length perpendicular to the street on the east side of the site in the 65' required front yard.
  - The fence proposal is represented as being located approximately 6' from the front property line or approximately 11' from the pavement line; the gate proposal is represented as being located approximately 40' from the front property line or approximately 46' 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 2000 and 2015. The fence southwest of the site is an approximately 6' high solid brick fence, and the fence southeast is an approximately 8' - 9' high masonry fence.

- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences 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 solid wood fence is located one lot to the west of the subject site behind significant landscaping; and an approximately 8' high solid wood fence is located two lots to the west. There is no recorded Board of Adjustment history with either of these fences.
- As of March 10, 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 4' 3" 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:**

December 16, 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.

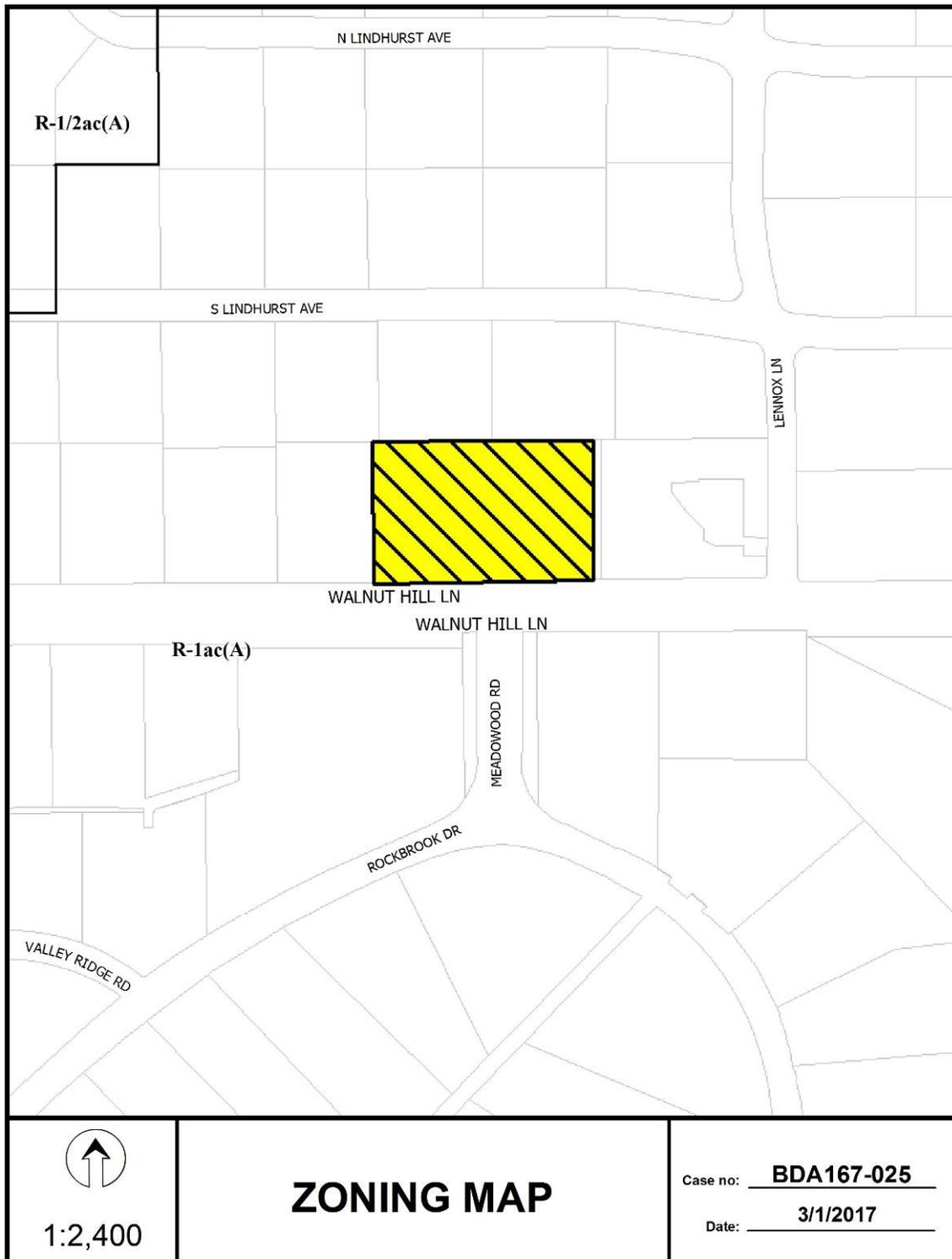
February 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

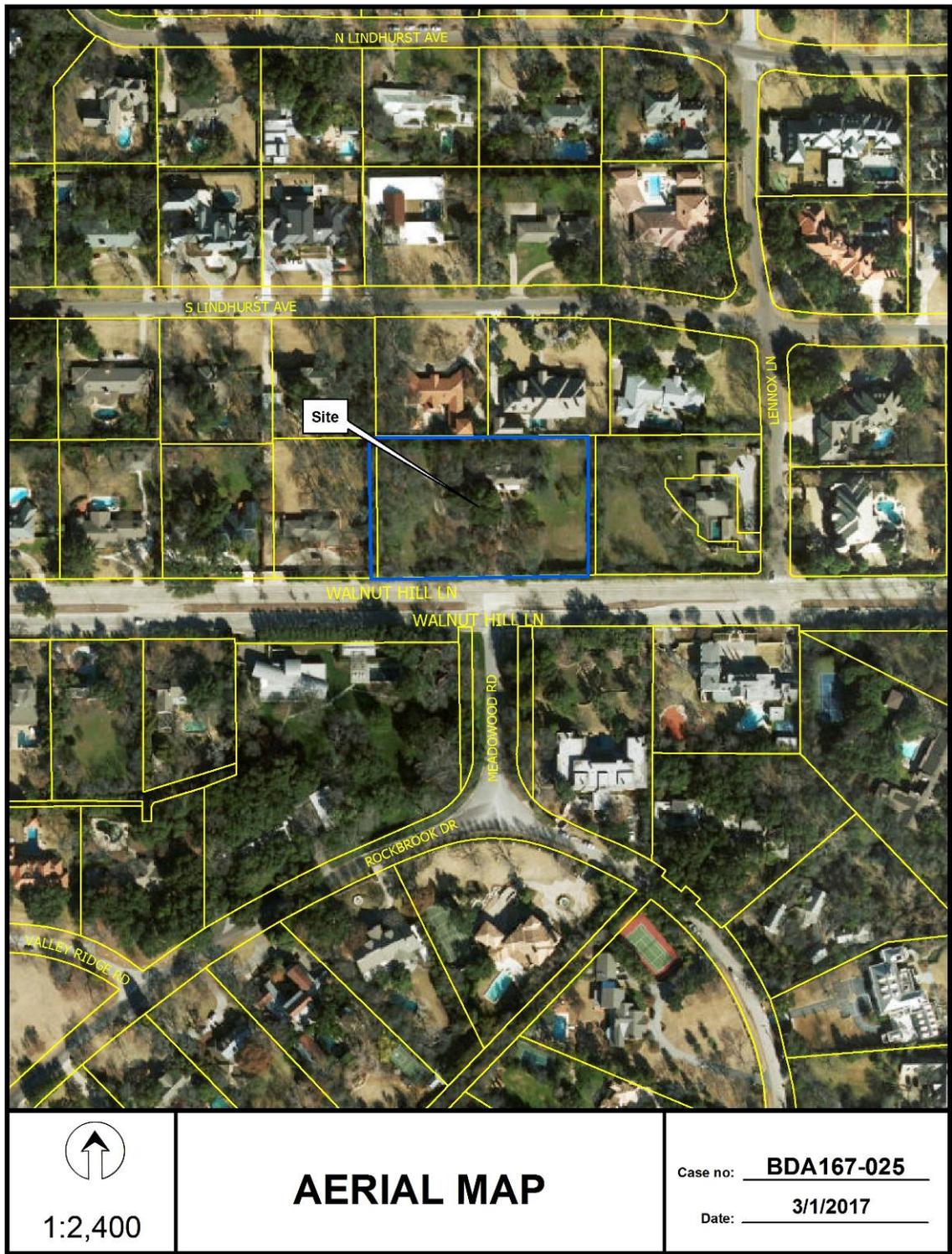
February 15, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the 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.







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-025

Data Relative to Subject Property:

Date: 12/16/2016

Location address: 4707 Walnut Hill Lane Dallas, Texas 75229 Zoning District: R-1 ac(A)

Lot No.: 4A Block No.: C/5531 Acreage: 2.115 Census Tract: 76.01

Street Frontage (in Feet): 1) 376' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ Nc2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Michael R. Nicolas and Jane L. Nicolas

Applicant: Karen Tellez Telephone: (214) 202-8598

Mailing Address: 2600 K Avenue Suite 208 Plano, Texas Zip Code: 75220

E-mail Address: ktellez@plansandpermitsolutions.com

Represented by: Plans & Permit Solutions Telephone: (972) 658-2000

Mailing Address: 2600 K Avenue Suite 208 Zip Code: 75074

E-mail Address: ktellez@plansandpermitsolutions.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of 4'-3" feet high fence along front yard and fence entrance gates sitting at 60' front yard building line. (8'-3" total)

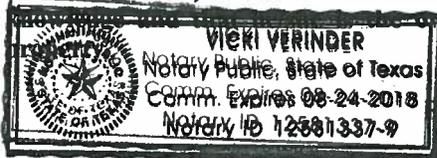
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
Horses on property required to contain them from highly transited front street. The property of request fronts Walnut Hill, a highly transited street. Fence height is consistent with surrounding 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 Karen Tellez  
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge, information and belief as the owner or principal or authorized representative of the subject



respectfully submitted: Karen Tellez  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16th day of December, 2016

Vicki Verinder  
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

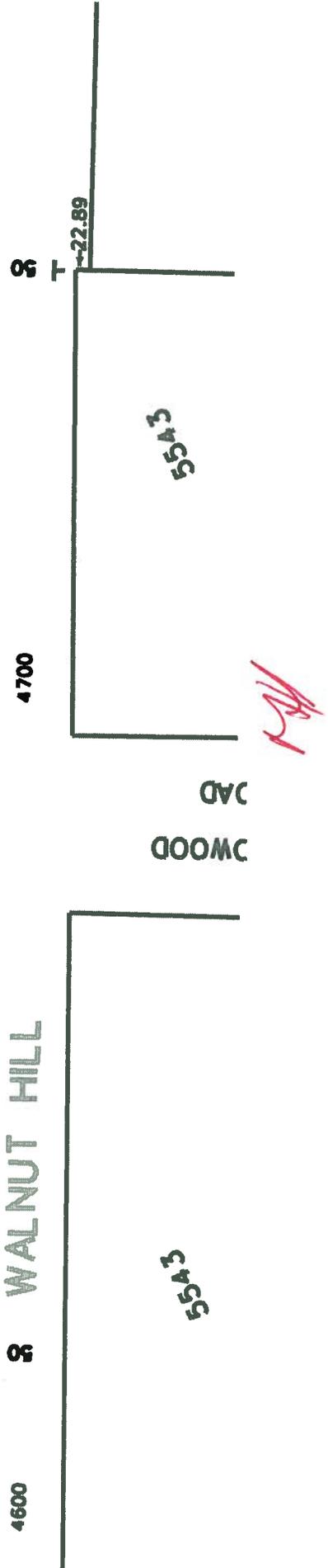
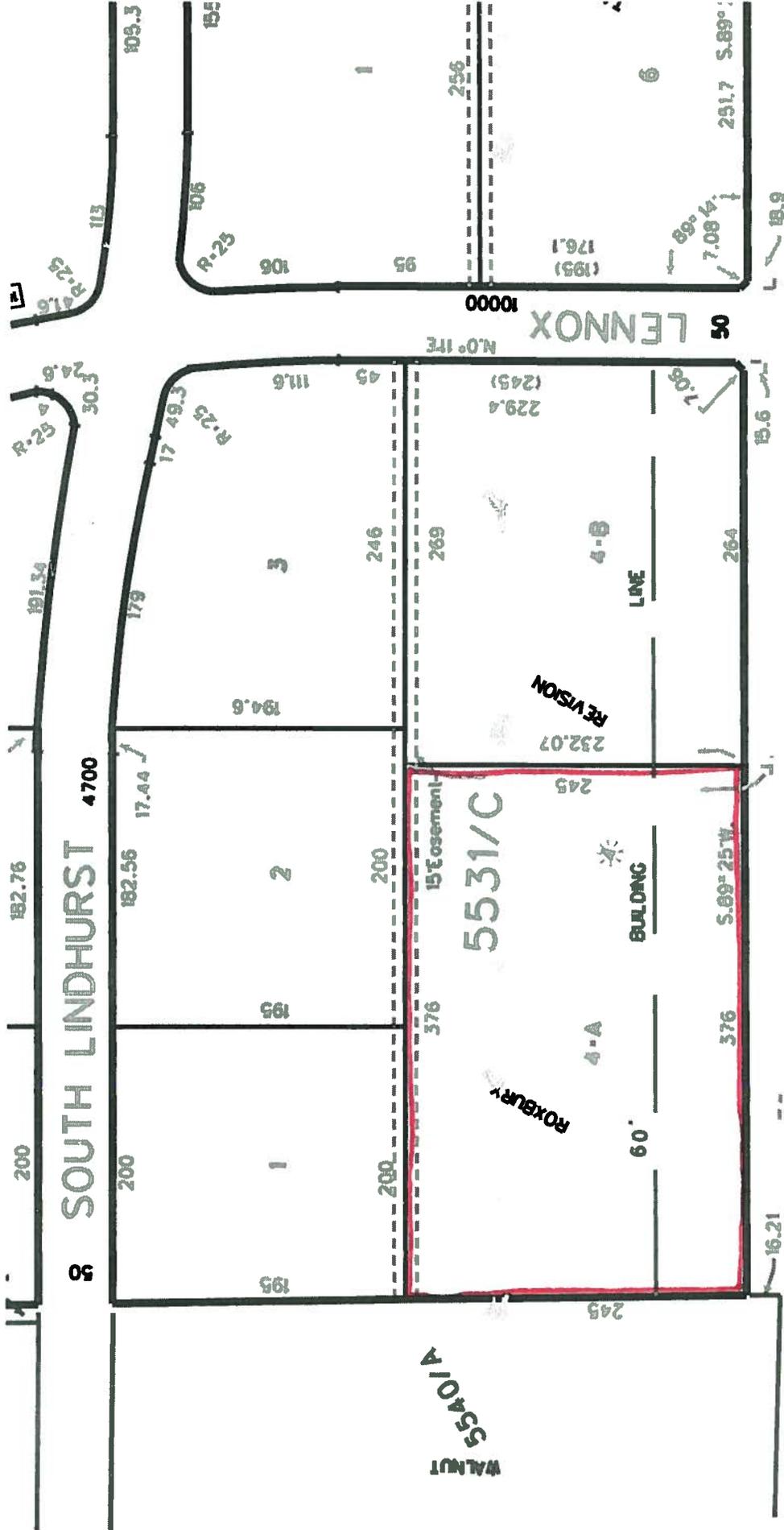
**Building Official's Report**

I hereby certify that Karen Tellez  
did submit a request for a special exception to the fence height regulations  
at 4707 Walnut Hill Lane

BDA167-025. Application of Karen Tellez for a special exception to the fence height regulations at 4707 Walnut Hill Lane. This property is more fully described as Lot 4A, Bloc C/5531, 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 8 foot 3 inch high fence in a required front yard, which will require a 4 foot 3 inch special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 12/13/2016

**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 |

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





**PLANS & PERMIT**

FOR FURTHER INFORMATION OR TO OBTAIN PERMITS, CONTACT US AT 1-800-368-7222



**WE LIKE PERMITS**  
 1-800-368-7222

NO. 2020/03/28/2021

PROJECT NAME

**NICOLAIS RESIDENCE**

ADDRESS  
 4100 NICHOLS AVE  
 DALLAS, TX 75225

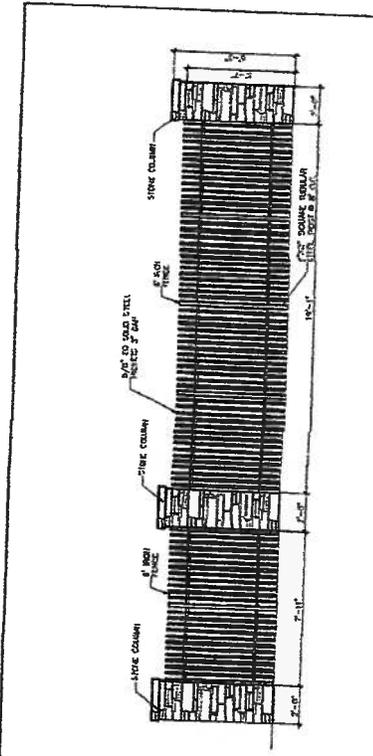
DRAWN BY

**FENCE ELEVATIONS**

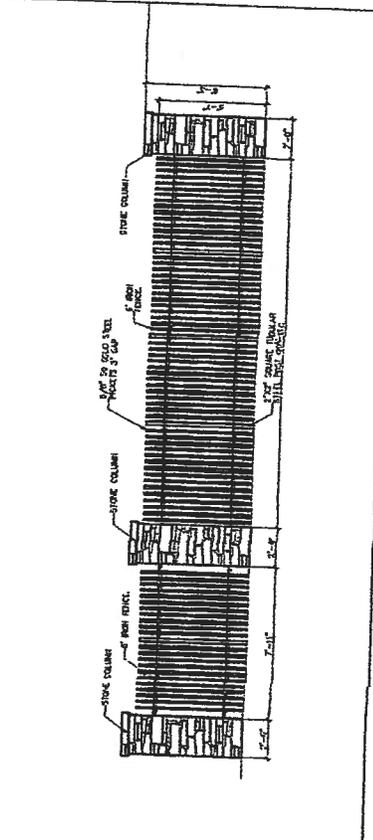
CHECKED BY

DATE

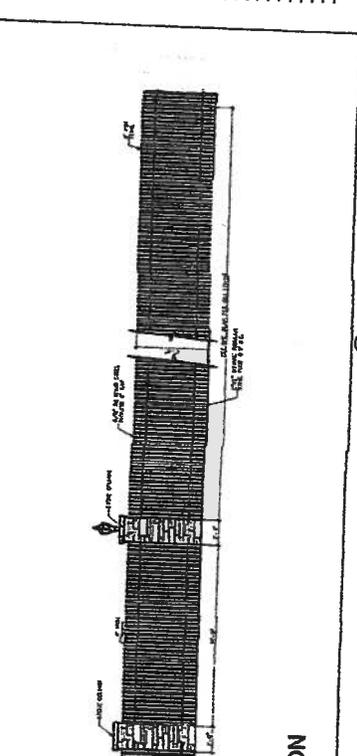
SCALE **2.0**



**ELEVATION** SCALE 3/8" = 1'-0" **1**

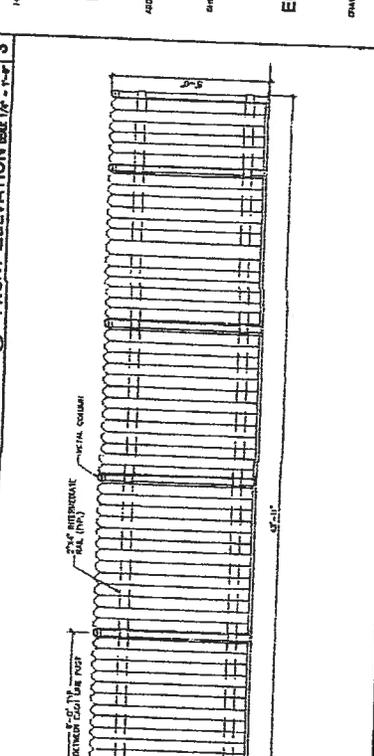


**ELEVATION** SCALE 3/8" = 1'-0" **2**

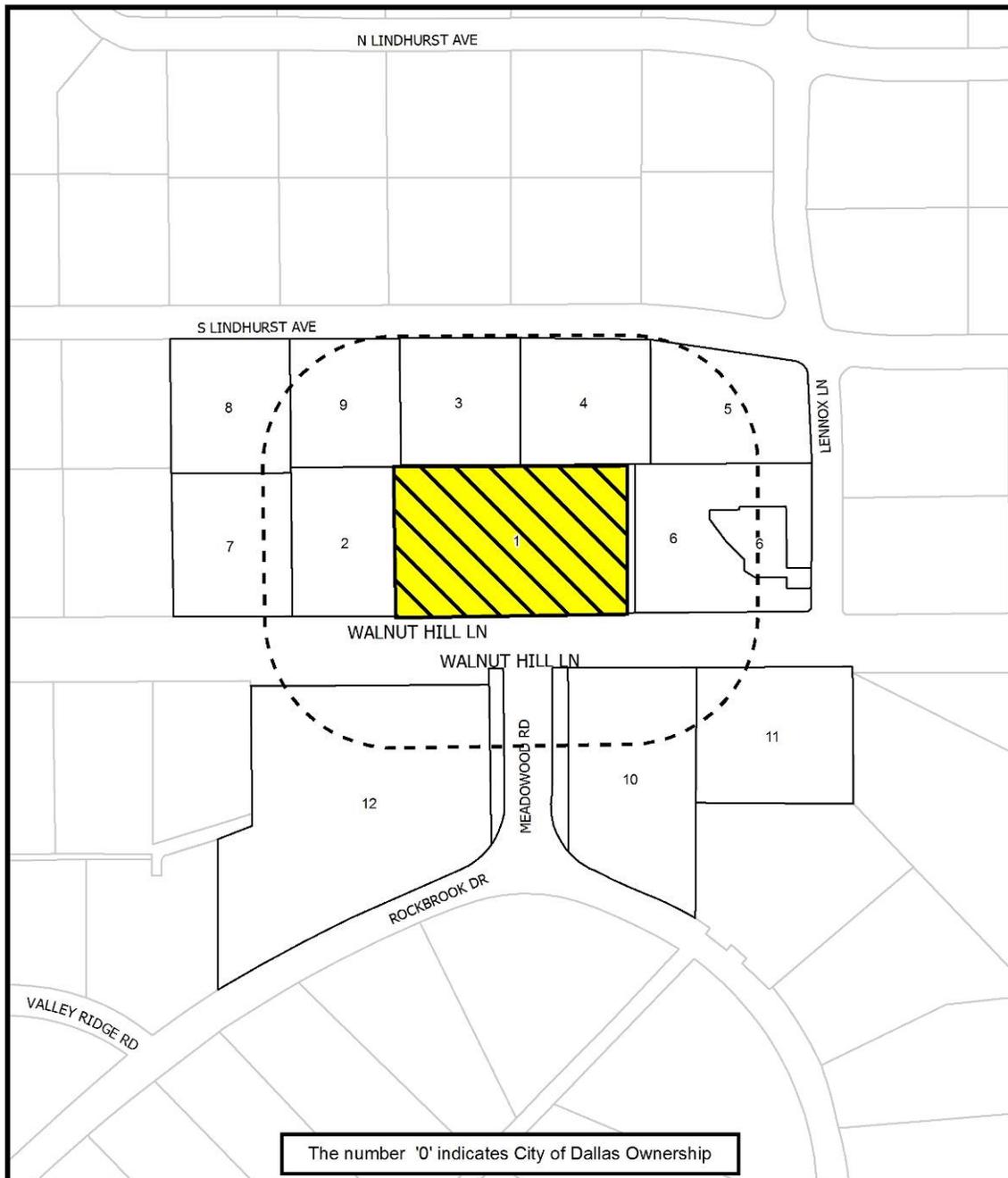


**FRONT ELEVATION** SCALE 1/8" = 1'-0" **3**

**FRONT ELEVATION**



**WOOD FENCE ELEVATION** SCALE 3/8" = 1'-0" **4**



1:2,400

# NOTIFICATION

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

Case no: **BDA167-025**

Date: **3/1/2017**

## ***Notification List of Property Owners***

### ***BDA167-025***

#### ***12 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4707 WALNUT HILL LN	FRANKLIN JOHN C ETUX
2	4625 WALNUT HILL LN	BAKER KIRK & ELLENORE
3	4630 S LINDHURST AVE	CHOY HAK & SUNJUN KANG
4	4706 S LINDHURST AVE	HELWIG JAMES &
5	4722 S LINDHURST AVE	FENTON GEORGE G &
6	10011 LENNOX LN	RITTENMEYER CHRISTOPHER ALLEN
7	4611 WALNUT HILL LN	JFN REAL ESTATE LTD
8	4610 S LINDHURST AVE	4610 LINDHURST LLC
9	4626 S LINDHURST AVE	BAKER KIRK & ELLENORE
10	4686 MEADOWOOD RD	RUBIN CARL S & SUSAN B
11	4722 WALNUT HILL LN	HARTNETT WILL FORD & TAMMY C
12	9963 ROCKBROOK DR	HOFFMAN MARGUERITE

**FILE NUMBER:** BDA167-028(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Peter Kavanagh for a special exception to the single family use regulations at 5142 Palomar Lane. This property is more fully described as Lot 3, Block D/5518, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

**LOCATION:** 5142 Palomar Lane

**APPLICANT:** Peter Kavanagh

**REQUEST:**

A request for a special exception to the single family use development standard regulations is made to construct and maintain a 1-story cabana/additional "dwelling unit" structure on a site developed with a 2-story main single family home/dwelling unit structure.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE DEVELOPMENT STANDARDS REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:**

The board may grant a special exception to the single family use development standards regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

## **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 being 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:**

- This request for a special exception to the single family use development standard regulations focuses on constructing and maintaining a 1-story cabana/additional “dwelling unit” structure on a site developed with a 2-story main single family home/dwelling unit structure.
- The site is zoned R-1ac(A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”

- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two denoted as “existing two story residence” and the smaller of the two with denoted as “new pool cabana”.
- The submitted floor plan of the proposed pool cabana denotes the following rooms: cabana, kitchen, bath, and steam shower.
- Building Inspection has determined from the submittals that the pool cabana is an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The site plan represents the sizes and locations of the two building footprints relative to the entire lot. The site plan denotes that the “main building area” is 6,246 square feet, and the “accessory building area” is 566 square feet.
- This request appears to center on the function of what is proposed to be inside the smaller structure on the site – the “new pool cabana” structure, specifically its collection of rooms. On March 7, 2017, the applicant emailed the Board Administrator the following: “We will be very clear that the structure has no impact on the use as a second or separate dwelling unit. The structure meets all regulations. It will be built without the kitchen if not approved by the board for a second dwelling unit”.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**Timeline:**

January 26, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

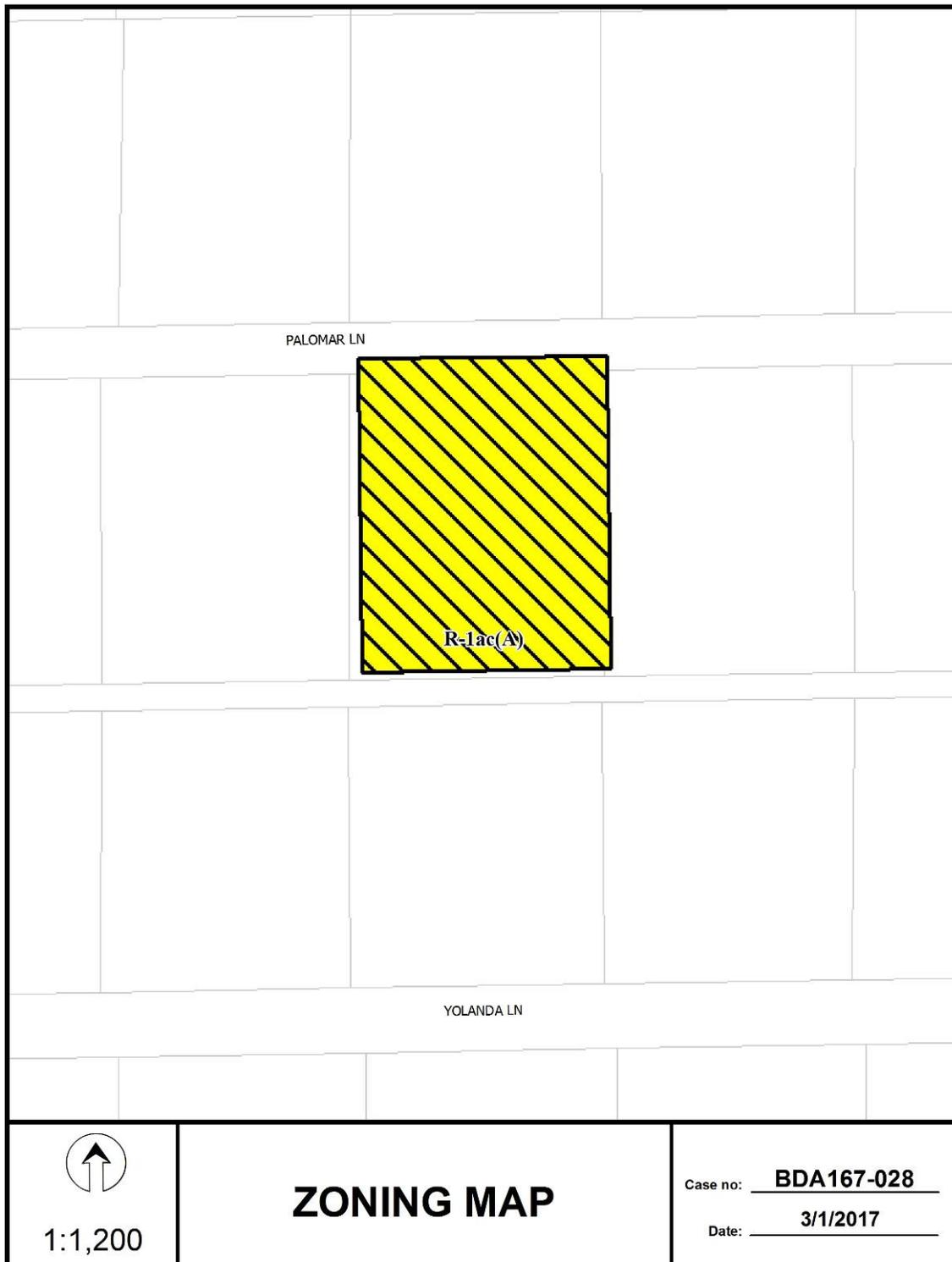
February 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

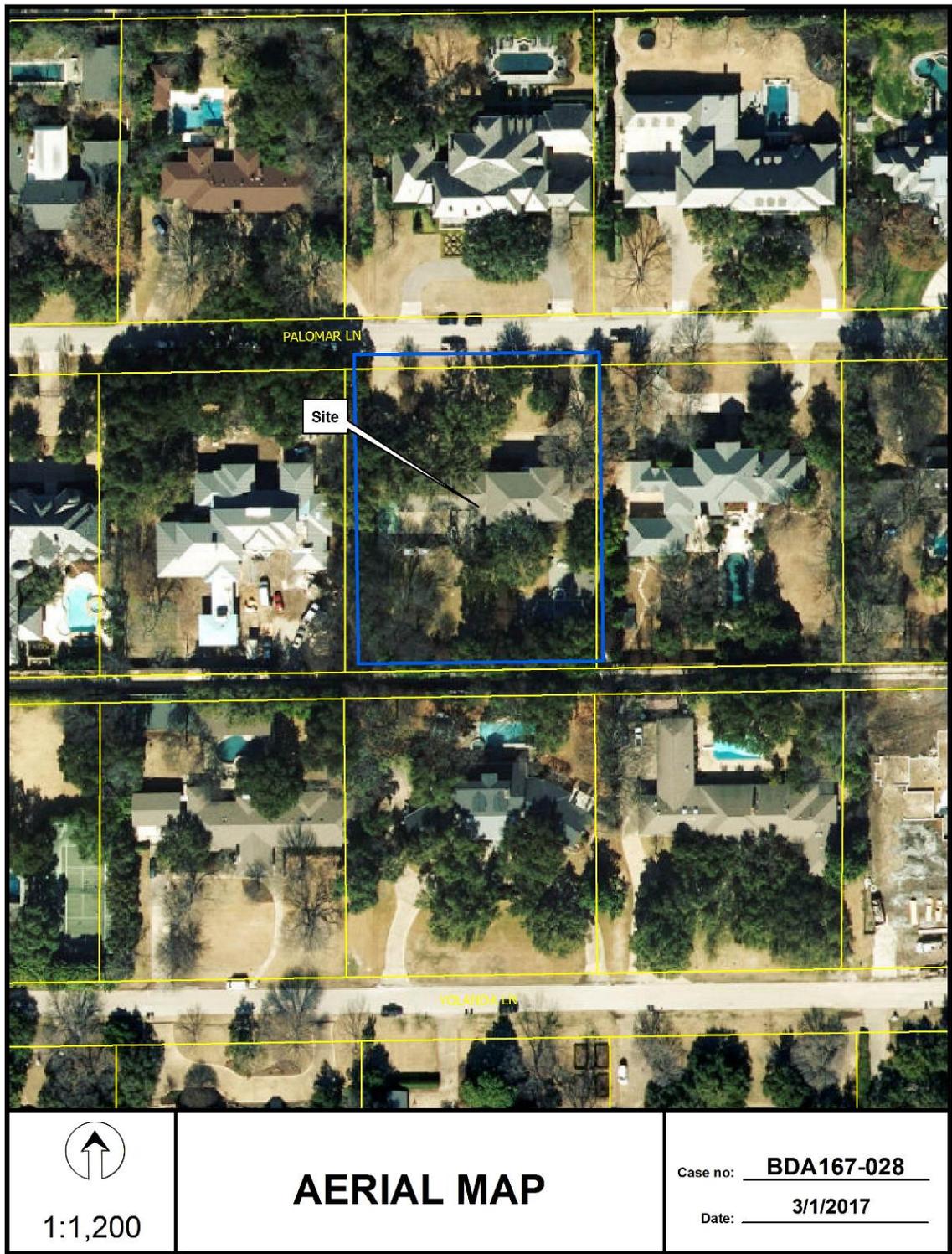
February 15, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the 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

# AERIAL MAP

Case no: BDA167-028

Date: 3/1/2017



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-028

Data Relative to Subject Property:

Date: 1-26-17

Location address: 5142 Palomar Lane Zoning District: R-1AC (A)

Lot No.: 3 Block No. D/5518 Acreage: 1.13 Census Tract: 76.05

Street Frontage (in Feet): 1) 200' 2) 3) 4) 5) NE2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Michael J. and Ann S. Ochstein

Applicant: Peter Kavanagh/Zone Systems, Inc. Telephone: 214-941-4440

Mailing Address: 1620 Handley Dr. Suite A, Dallas Zip Code: 75208

E-mail Address: peterk@zonesystems.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 construction of second dwelling unit.

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:

Building a cabana for swimming pool that could be used as a second dwelling unit.

51A-4.209(6)(E)(i)

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 Peter Kavanagh (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 21st day of January, 2017

[Signature] Sandra Jean Freeman 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 Peter Kavanagh

did submit a request for a special exception to the single family regulations  
at 5142 Palomar Lane

BDA167-028. Application of Peter Kavanagh for a special exception to the single family regulations at 5142 Palomar Lane. This property is more fully described as Lot 3, Block D/5518, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

### Legend

#### Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

5142 palomar

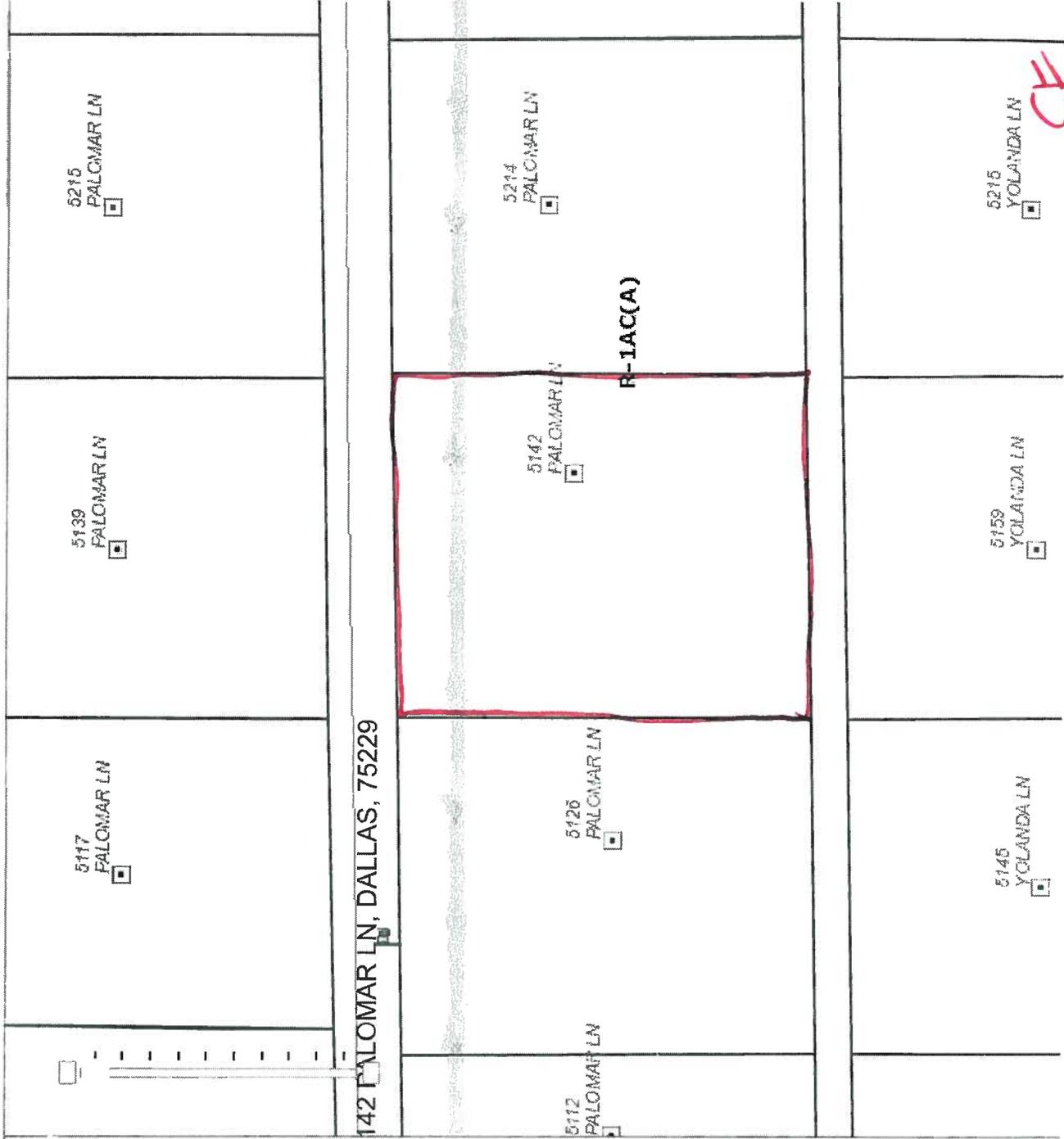
Locate

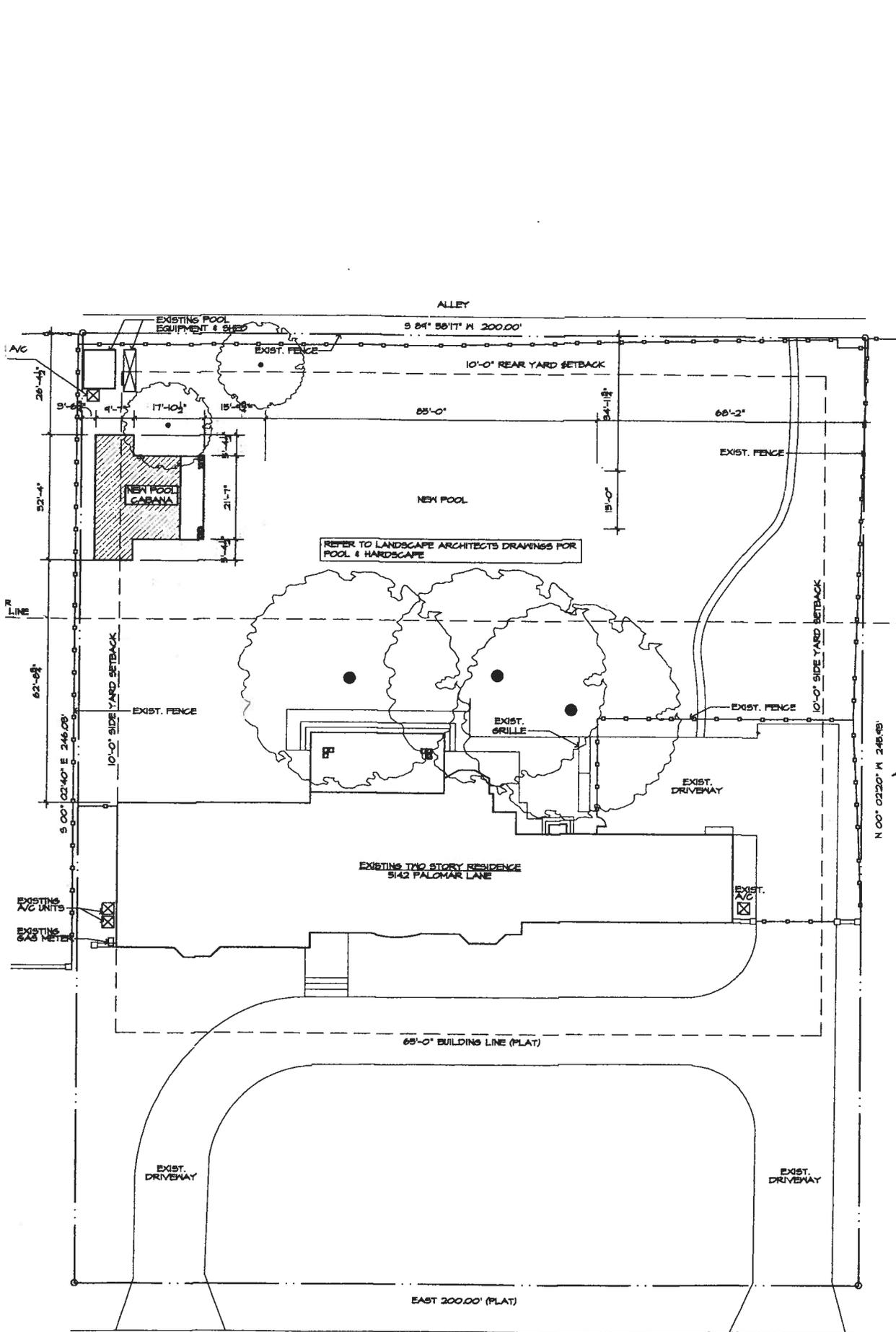
OR

Parcel address.

Use street type for better re

Locate





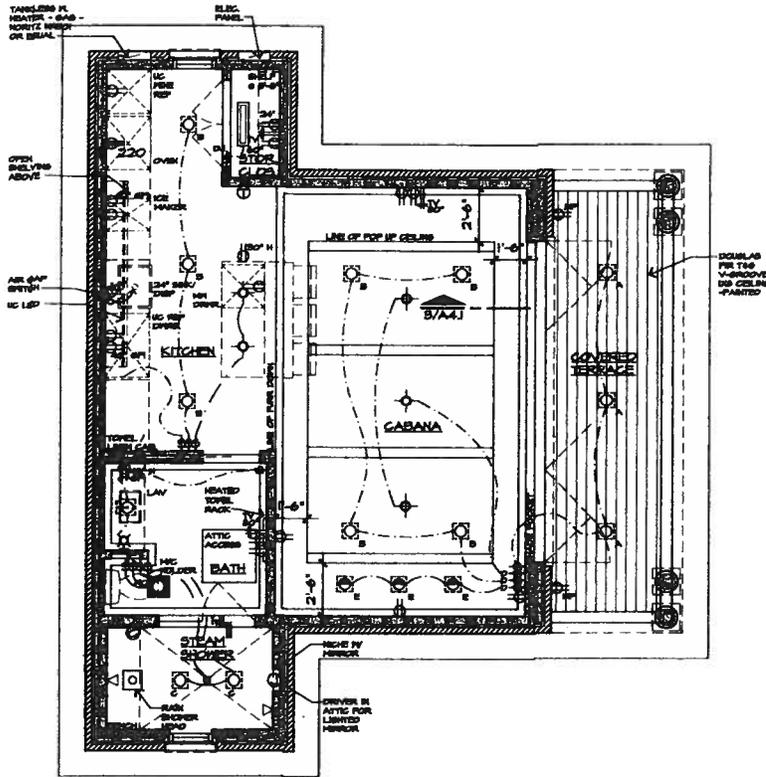
**OCHSTEIN RESIDENCE** -POOL CABANA  
 5142 PALOMAR LANE  
 DALLAS, TEXAS 75224



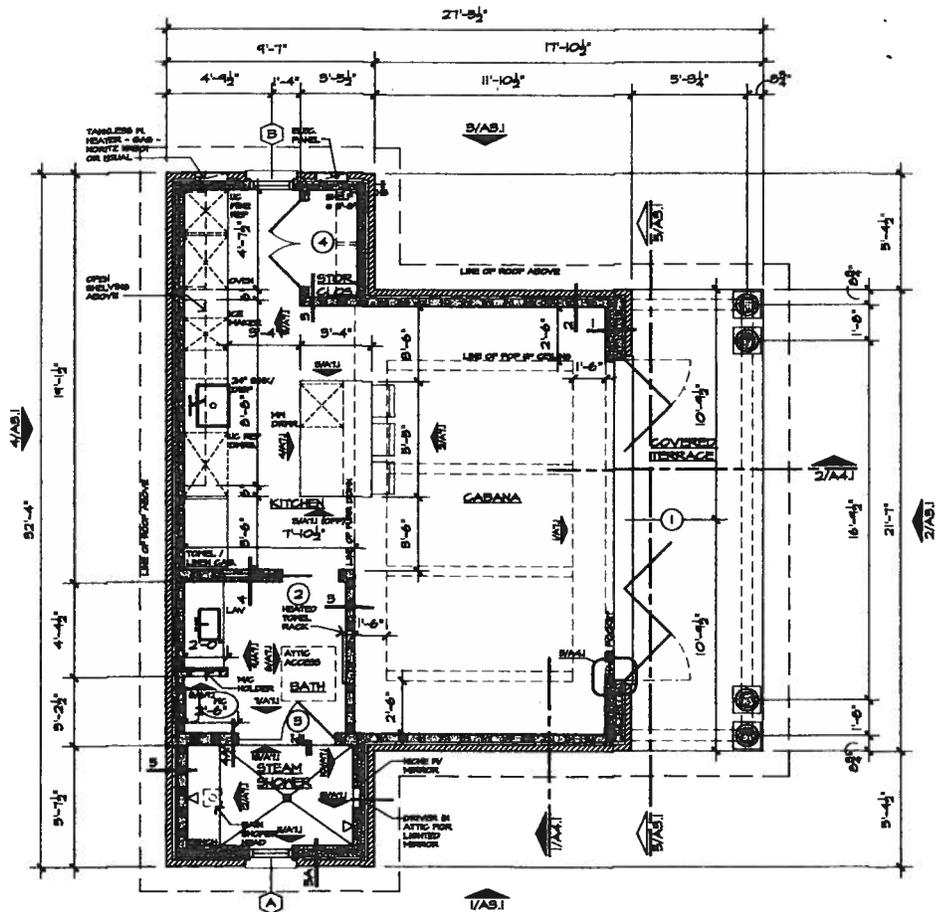
**BERNBAUM/MAGADINI**  
 ARCHITECTS  
 4946 N. CENTRAL EXPRESSWAY SUITE 220 DALLAS, TX 75206  
 (214) 261-2888

REVISION
JOB NUMBER 16026
DATE 01.17.17
SHEET NUMBER <b>A1.1</b> 1 OF 4

**SITE PLAN**  
 SCALE: 1/16" = 1'-0"



2 POOL CABANA RCP/ELECTRICAL  
SCALE: 1/4" = 1'-0"



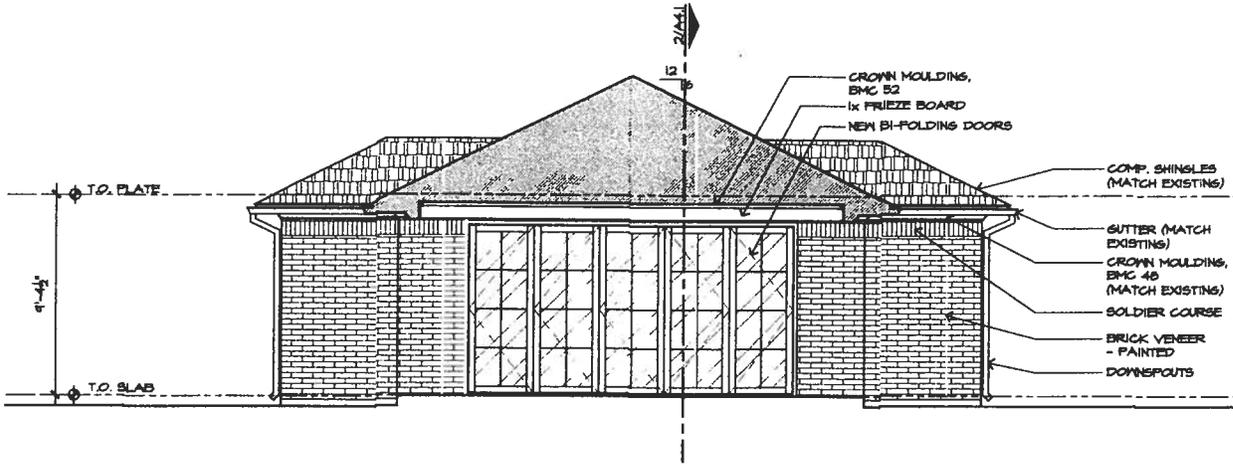
1 POOL CABANA PLAN  
SCALE: 1/4" = 1'-0"

OCHSTEIN RESIDENCE - POOL CABANA  
5142 PALOMAR LANE  
DALLAS, TEXAS 75224

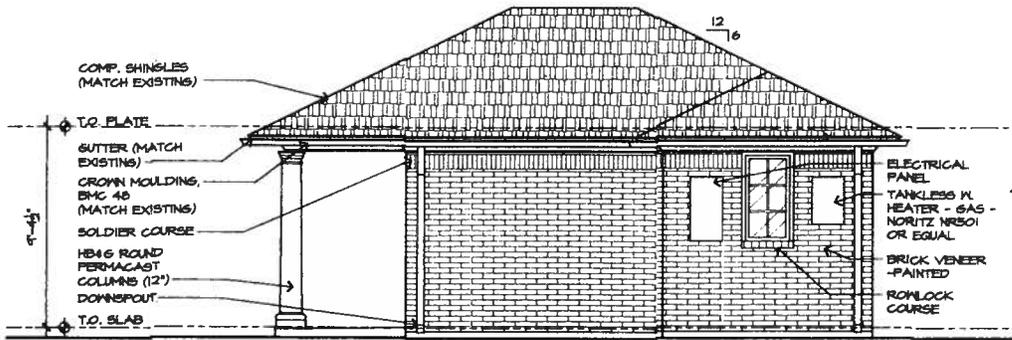


BERNBAUM/MAGADINI  
ARCHITECTS  
4805 N. CENTRAL EXPRESSWAY SUITE 200 DALLAS, TEXAS 75206  
T: 214-761-2888

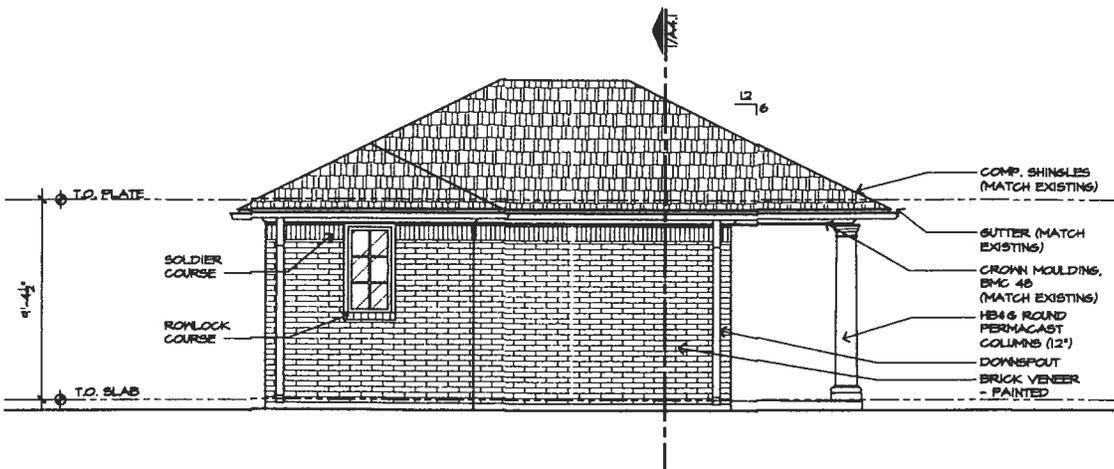
REVISION
JOB NUMBER 16026
DATE 01.17.17
SHEET NUMBER A2.1 2 OF 5



**5 BUILDING SECTION**  
SCALE: 1/4" = 1'-0"



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



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

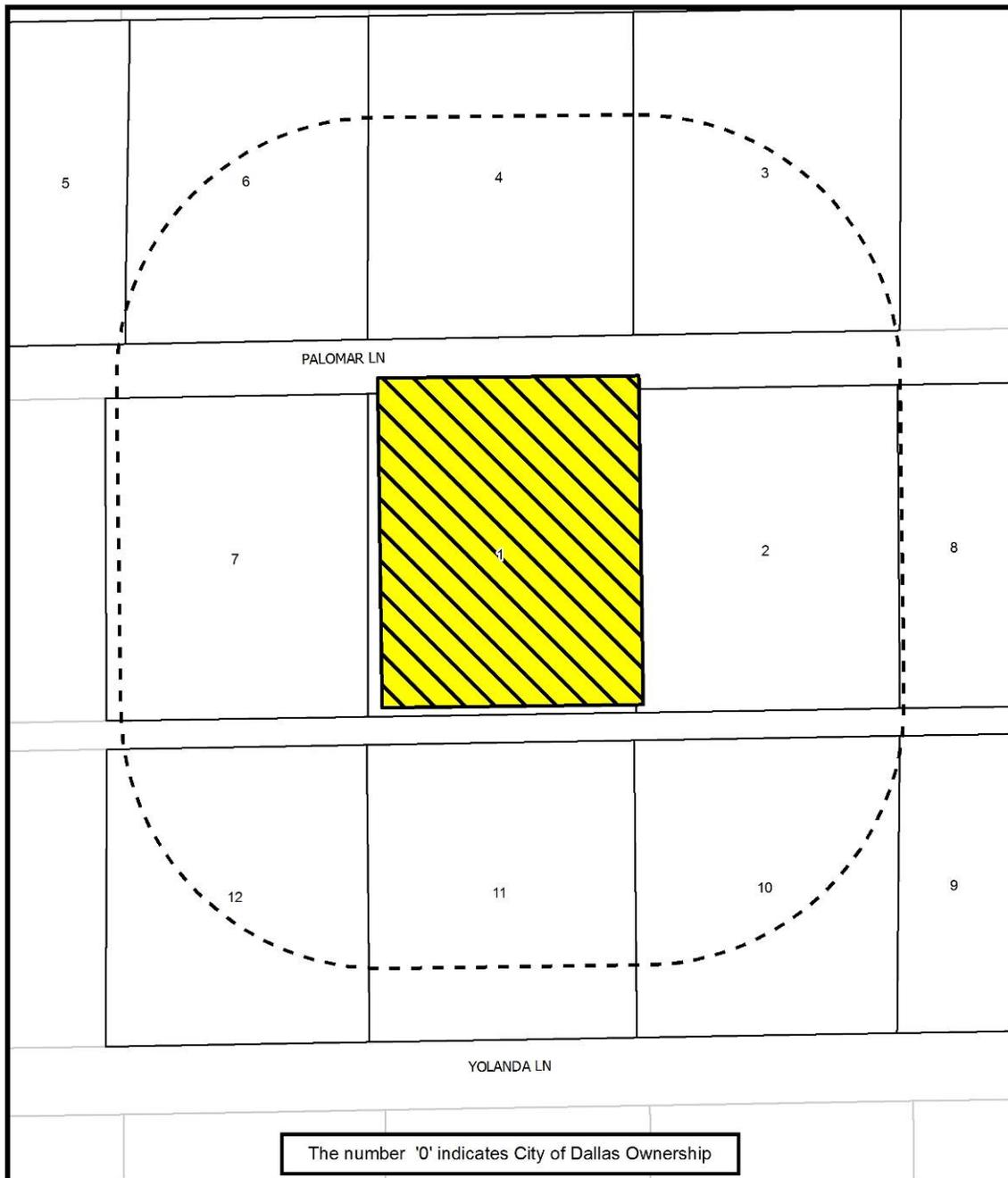
OCHSTEIN RESIDENCE  
 -POOL CABANA

5142 PALOMAR LANE  
 DALLAS, TEXAS 75224



**BERNBAUM/MAGADIN**  
 ARCHITECTS  
 4845 N. CENTRAL EXPRESSWAY SUITE 200 DALLAS, TX 75206  
 214.750.1234

REVISION
JOB NUMBER 16026
DATE 01.17.17
SHEET NUMBER <b>A3.1</b> 3 OF 4



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <u>BDA167-028</u>
	200' AREA OF NOTIFICATION 12 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>3/1/2017</u>

# ***Notification List of Property Owners***

## ***BDA167-028***

### ***12 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5142 PALOMAR LN	OCHSTEIN MICHAEL J &
2	5214 PALOMAR LN	KINNEY H CRAIG & CHERYL C
3	5215 PALOMAR LN	DEVENING JASON B & KARA D
4	5139 PALOMAR LN	URBAN JOHN & CAROLYN
5	5109 PALOMAR LN	HARKINSON WILLIAM J
6	5117 PALOMAR LN	STONE DENNIS KEITH &
7	5126 PALOMAR LN	NEWMAN MICHAEL &
8	5216 PALOMAR LN	BROWN JOHN S JR
9	5233 YOLANDA LN	ZEIKUS PRIYA SWAMY & ERIC ANDREW
10	5215 YOLANDA LN	HAZLEWOOD JAMES G &
11	5159 YOLANDA LN	WAGNER ALDEN E JR &
12	5145 YOLANDA LN	MCMANEMIN WILLIAM CASEY &

**FILE NUMBER:** BDA167-033(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jared Parks for special exceptions to the fence standard and visual obstruction regulations at 5915 Orchid Lane. This property is more fully described as Lot 46, Block C/5508, and is zoned TH-1(A), which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence standards, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 5915 Orchid Lane

**APPLICANT:** Jared Parks

**REQUESTS:**

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

1. A request for a special exception to the fence standards of 2' 4" is made to construct and maintain a fence (an approximately 8' long, 6' high open iron picket fence with a 6' 4" high stone column) higher than 4' in height in one of the site's two required front yards (Orchid Lane).
2. A request for a special exception to the visual obstruction regulations is made to locate and maintain a portion of the aforementioned open iron picket fence in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane.

(Note that this application is immediately north of a property where the same applicant seeks similar special exceptions to the visual obstruction and fence standard regulations from the Board of Adjustment Panel B on March 22<sup>nd</sup>: BDA167-034).

**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.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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 (fence standards):**

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.

**STAFF RECOMMENDATION (visual obstruction special exception):**

Approval, subject to the following condition:

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

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director of Engineering who has no objections to this request – that the 6’ high open iron picket fence with a 6’ 4” high stone column in the 45’ visibility triangle at the intersection of Preston Road and Orchid Lane does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: TH-1(A) (Townhouse)
- North: NO(A) (SUP 775) (Neighborhood Office, Specific Use Permit)
- South: TH-1(A) (Townhouse)
- East: R-16(A) (Single family district 16,000)
- West: TH-1(A) (Townhouse)

**Land Use:**

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

**Zoning/BDA History:**

1. BDA167-034, Property located at 5912 Orchid Lane (the property south of the subject site) On March 22, 2017, the Board of Adjustment Panel B will consider requests for special exceptions to the fence standard and visual obstruction regulations made to construct and maintain a fence (a 6’ high open iron picket fence with a 6’ 4” high stone column) higher than 4’ in height in one of the site’s two required front yards (Preston Road), and locate and maintain a portion of the aforementioned open iron picket fence in the 45’ visibility triangle at the intersection of Preston Road and Orchid Lane.

## **GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- This request for a special exception to the fence standards related to fence height of 2' 4" focuses on constructing and maintaining an approximately 8' long, 6' high open iron picket fence with a 6' 4" high stone column in one of the site's two required front yards (Orchid Lane) on a site developed with a single family home.
- The subject site is zoned TH-1(A) which requires a 0' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the northwest corner of Preston Road and Orchid Lane.
- Given the single family zoning and location of the corner lot subject site, it has two required front yards – a 0' front yard setback along Preston Road (the shorter of the two frontages of the subject site which is always a front yard in this case) and a 10' required front yard along Orchid Lane. While Orchid Lane is the longer of the two frontages on the subject site which is typically considered a side yard where on this TH-1(A) zoned property a 9' high fence could be erected by right, the site has a required 10' required front yard along Orchid Lane because of a platted building line and in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the west of the subject site "front" on Orchid Lane.
- The applicant has submitted a site plan and an elevation of the proposal fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 6' 4" for a stone column.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 8' in length perpendicular to Orchid Lane/parallel to the Preston Road.
  - The fence proposal is represented as being located approximately on the Orchid Lane front property line or approximately 12' from the pavement line.
- One single family lot fronts the proposal, a lot that has an approximately 9' high fence parallel to Orchid Lane, however, according to the applicant, this tall fence was built years prior to the construction proposed and is not part of the application to the Board.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of March 10, 2017 no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards of 2' 4" will not adversely affect neighboring property.
- Granting this special exception of 2' 4" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the required front yard to be constructed and maintained in the location and of the heights and materials as shown on these documents.

## **GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exception):**

- The request for a special exception to the visual obstruction regulations focuses on locating and maintaining a portion of a proposed approximately 8' long, 6' high open iron picket fence with a 6' 4" high stone column in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane.
- 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 applicant submitted a site plan and an elevation representing an approximately 8' long, 6' high open iron picket fence with a 6' 4" high stone column in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane.
- The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the request for special exception to the visual obstruction regulations to locate and maintain portions of a proposed approximately 9' long, 6' high open iron picket fence with 6' 4" high stone columns in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane does not constitute a traffic hazard.
- Granting this request with the condition that the applicant complies with the submitted site plan and elevation would require the items in the visibility triangle to be limited to and maintained in the locations, height and materials as shown on these documents.

### **Timeline:**

January 27, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

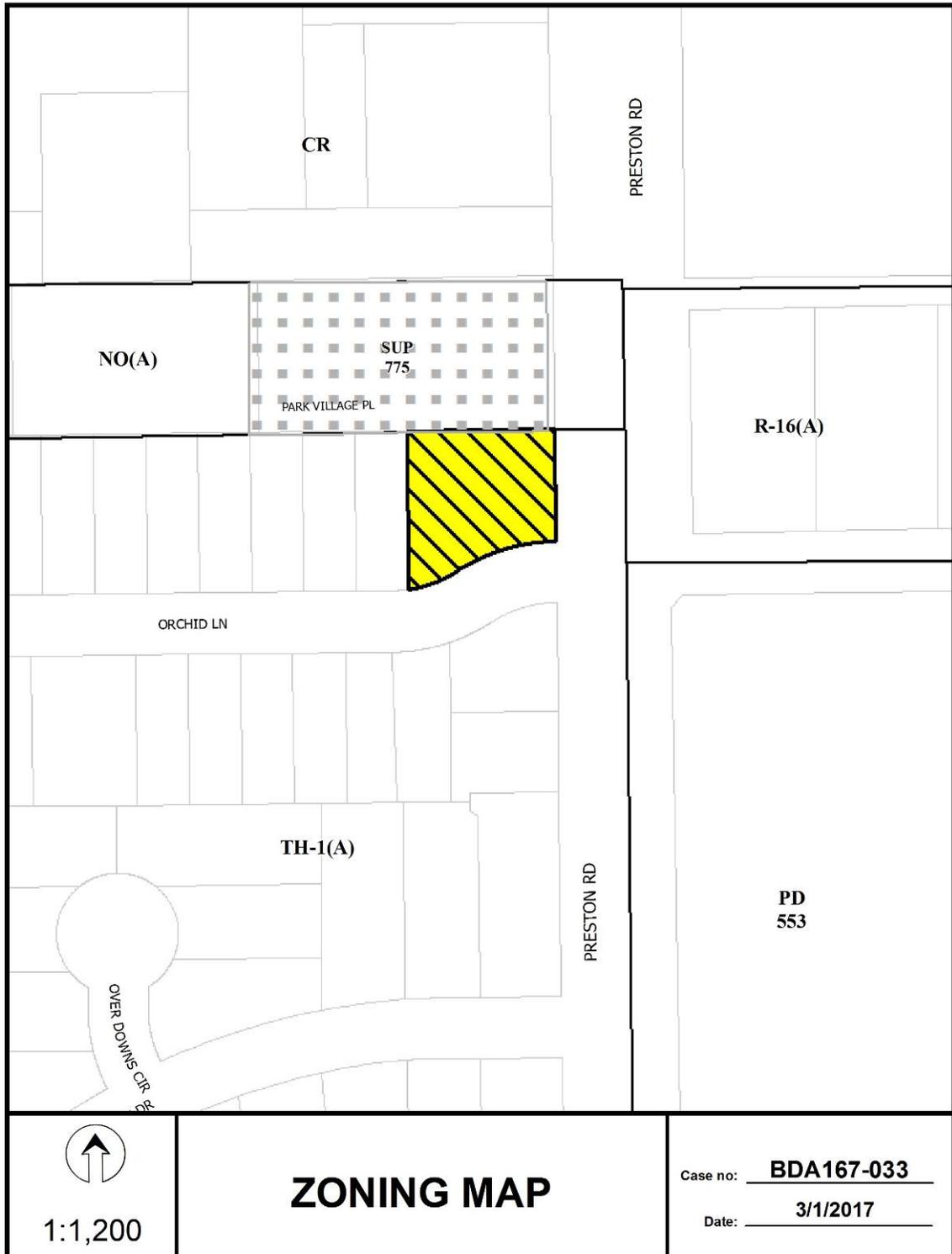
February 15, 2017: The Board Administrator emailed the applicant the following information:

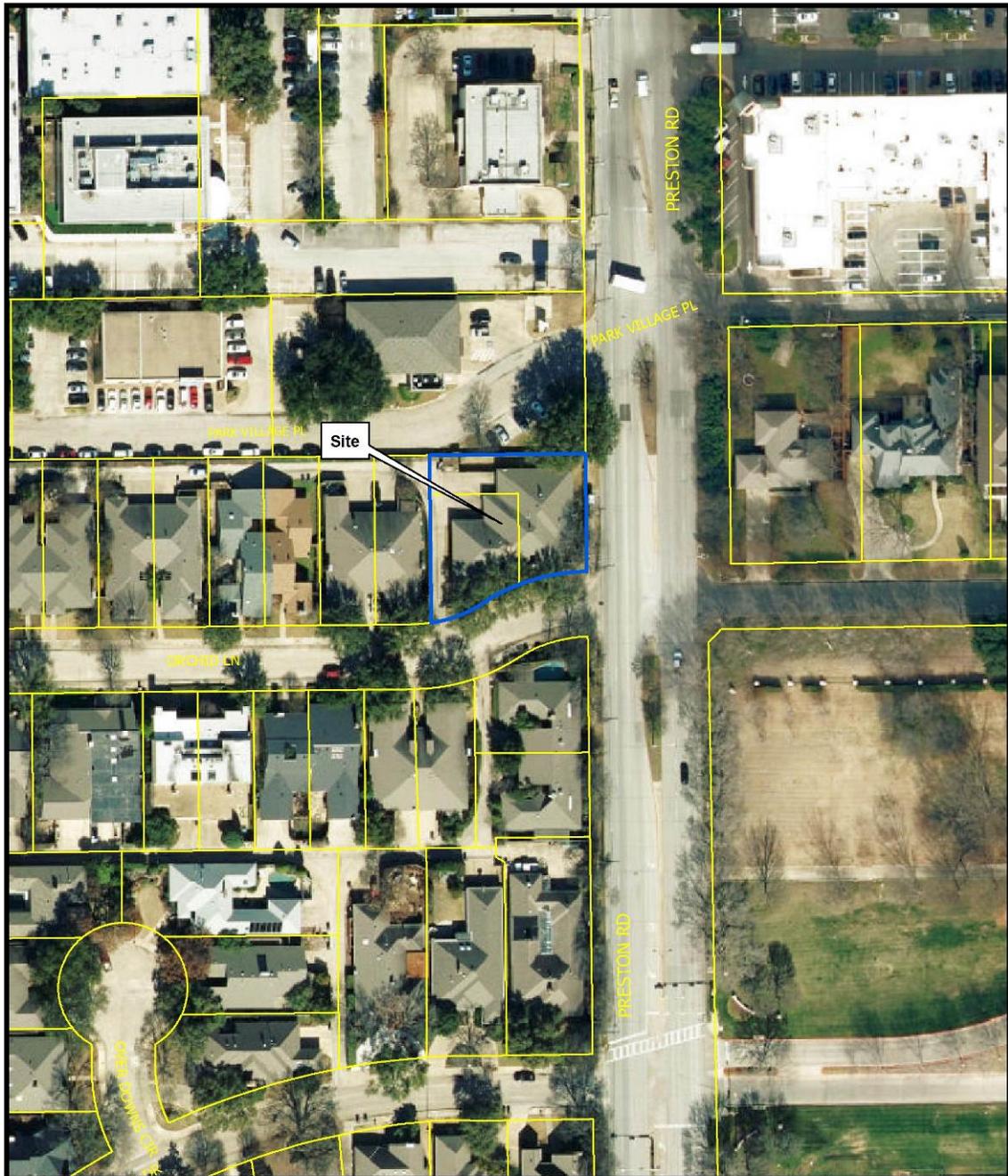
- an attachment that provided the public hearing date and panel that will consider the application; the March 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the 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.

March 9, 2017: The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet marked "Has no objections".





1:1,200

# AERIAL MAP

Case no: **BDA167-033**

Date: **3/1/2017**

B



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-033

Data Relative to Subject Property:

Date: 1/27/17

Location address: 5915 ORCHID LN.

Zoning District: TOWNHOUSE-1(A)

Lot No.: 46 Block No.: C/5508 Acreage: 0.160 Census Tract: 76.05

Street Frontage (in Feet): 1) 53 2) 91 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MARY BROWN

Applicant: JARED PARKS Telephone: 214-731-0706

Mailing Address: 411 W. COMMERCE ST. DALLAS, TX Zip Code: 75208

E-mail Address: jared@marlinlandscape.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 COLUMN + FENCE BUILT ABOVE 30" WITHIN 45' VISIBILITY TRIANGLE, AND IRON PICKET FENCE BUILT 2'-4" ABOVE 4' TALL.

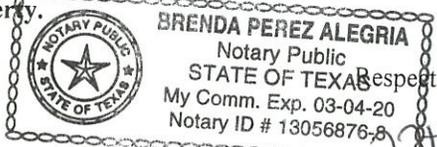
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
THE FENCE EXTENSION IS REQUESTED BY THE HOA AND APPROVED BY THE COMMUNITY. IT IS ON THE EAST PROPERTY LINE, AND THERE ARE NO NEIGHBORS TO THE EAST. THE IRON PICKET FENCE ALLOWS DRIVERS TO SEE THROUGH THE SPACE AND WILL NOT OBSTRUCT THEIR VISION. ADDITIONALLY, THE MAXIMUM SPEED LIMIT IN THE AREA IS 35 MPH.

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 Jared Parks  
(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 27th day of January, 2017

3-8 Notary Public in and for Dallas County, Texas





ROAD 10500

LN. 5900

DR. 5900

DR. 5800

JP

PA

# City of Dallas

## Internal Development Research Site

BDA 167-033

### Legend

#### Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

5915 orchid

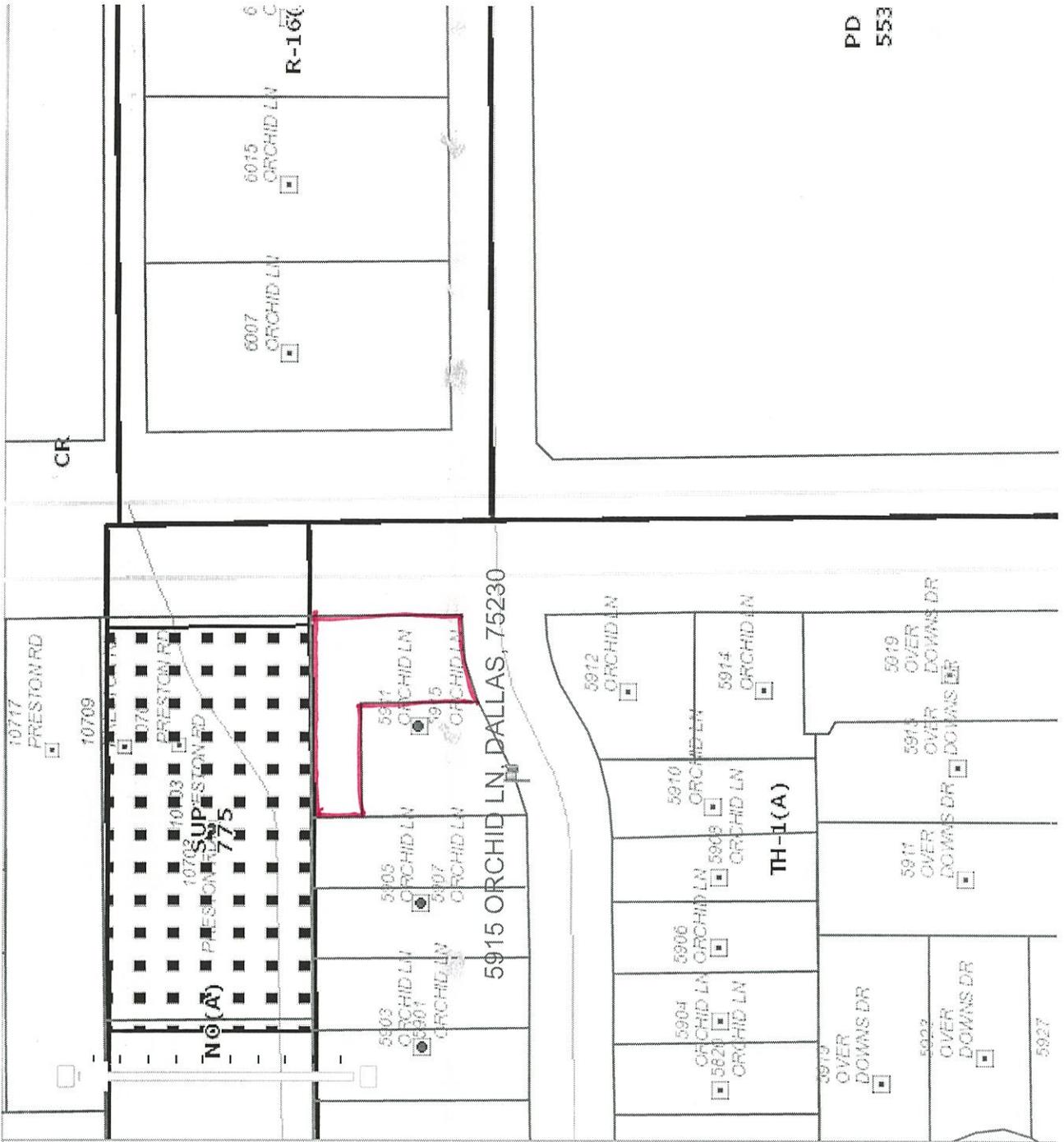
Locate

OR

Parcel address.

Use street type for better re

Locate



PD 553

JP

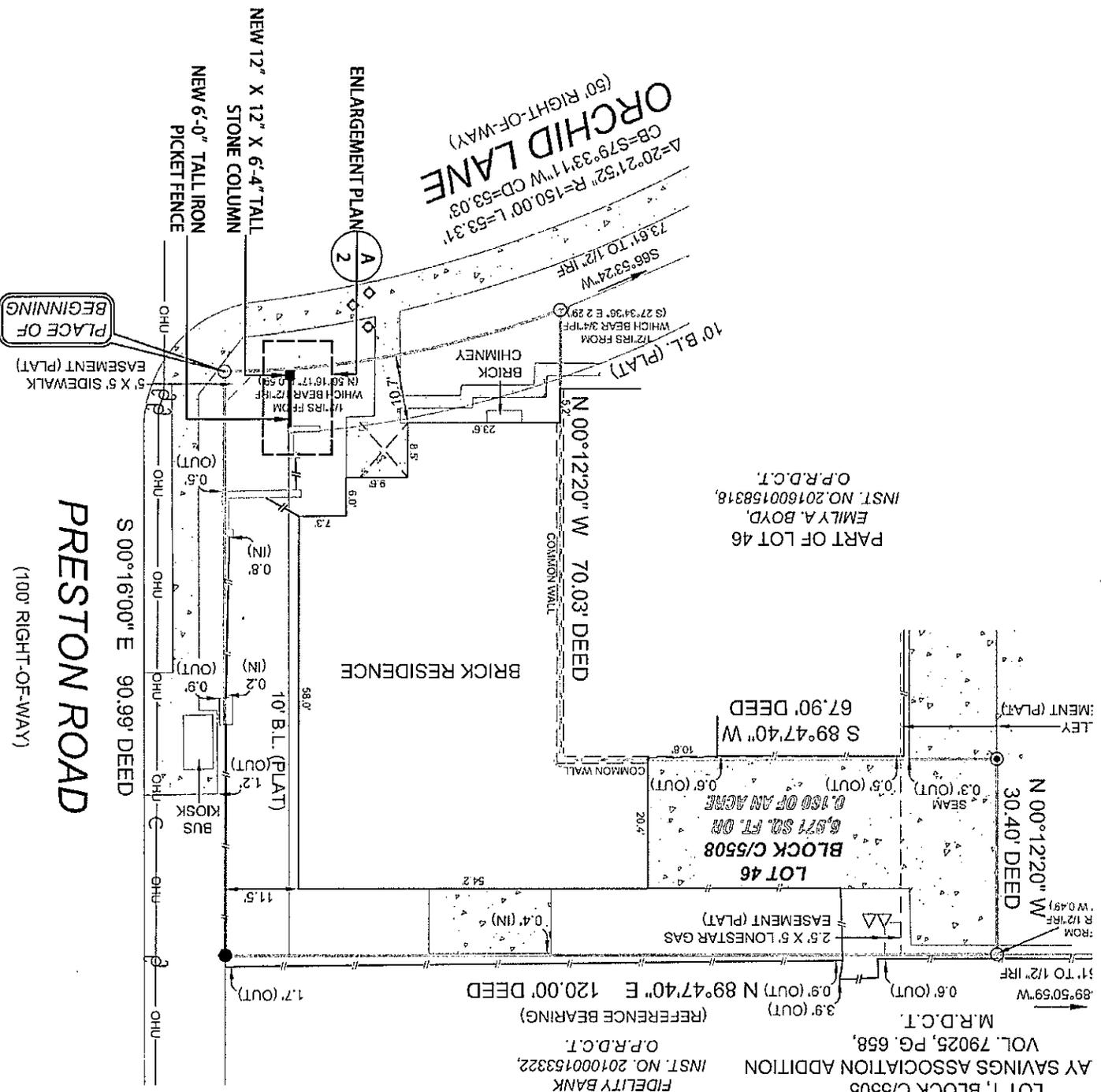


Marlin Landscape Systems

214.731.0706 office

214.731.1017 fax

www.marlinlandscape.com



**RESIDENCE**  
 5915 ORCHID LN  
 DALLAS, TX

BDA 167-033

3-12

THIS PLAN IS PROPERTY OF MARLIN LANDSCAPE SYSTEMS. ANY USE OF THIS PLAN WITHOUT PROPER PURCHASE OR PERMISSION FROM MARLIN LANDSCAPE SYSTEMS IS PROHIBITED.

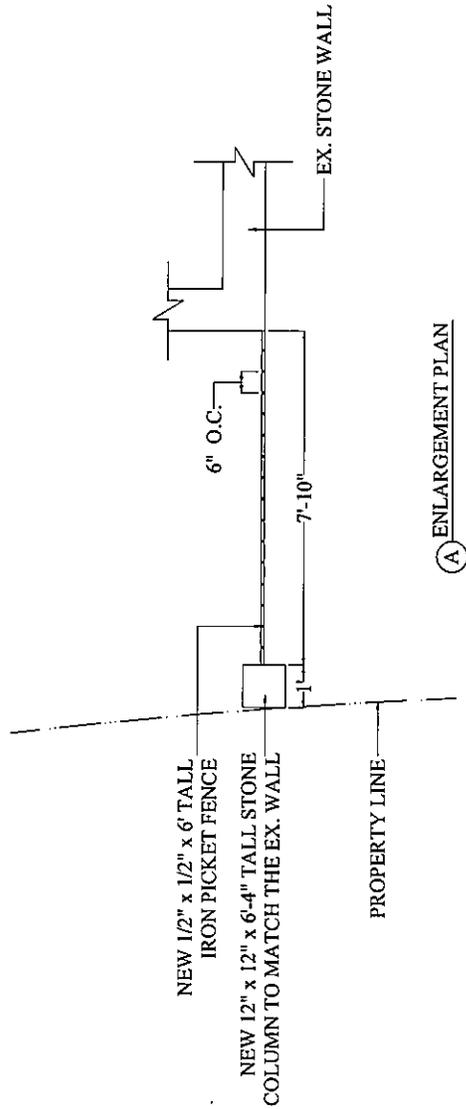
DRAWN BY: XG	
DATE: 25 JANUARY 2017	
SCALE: 3/32" = 1'-0"	PAGE 1 OF 2



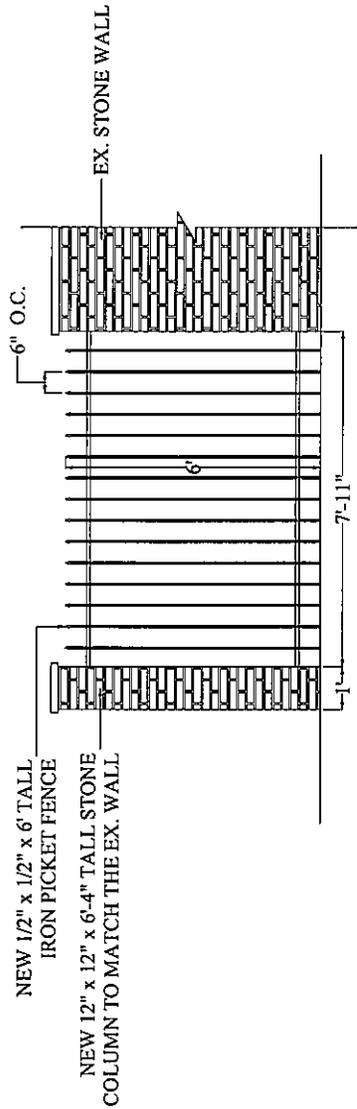
BD 167-033

3-13

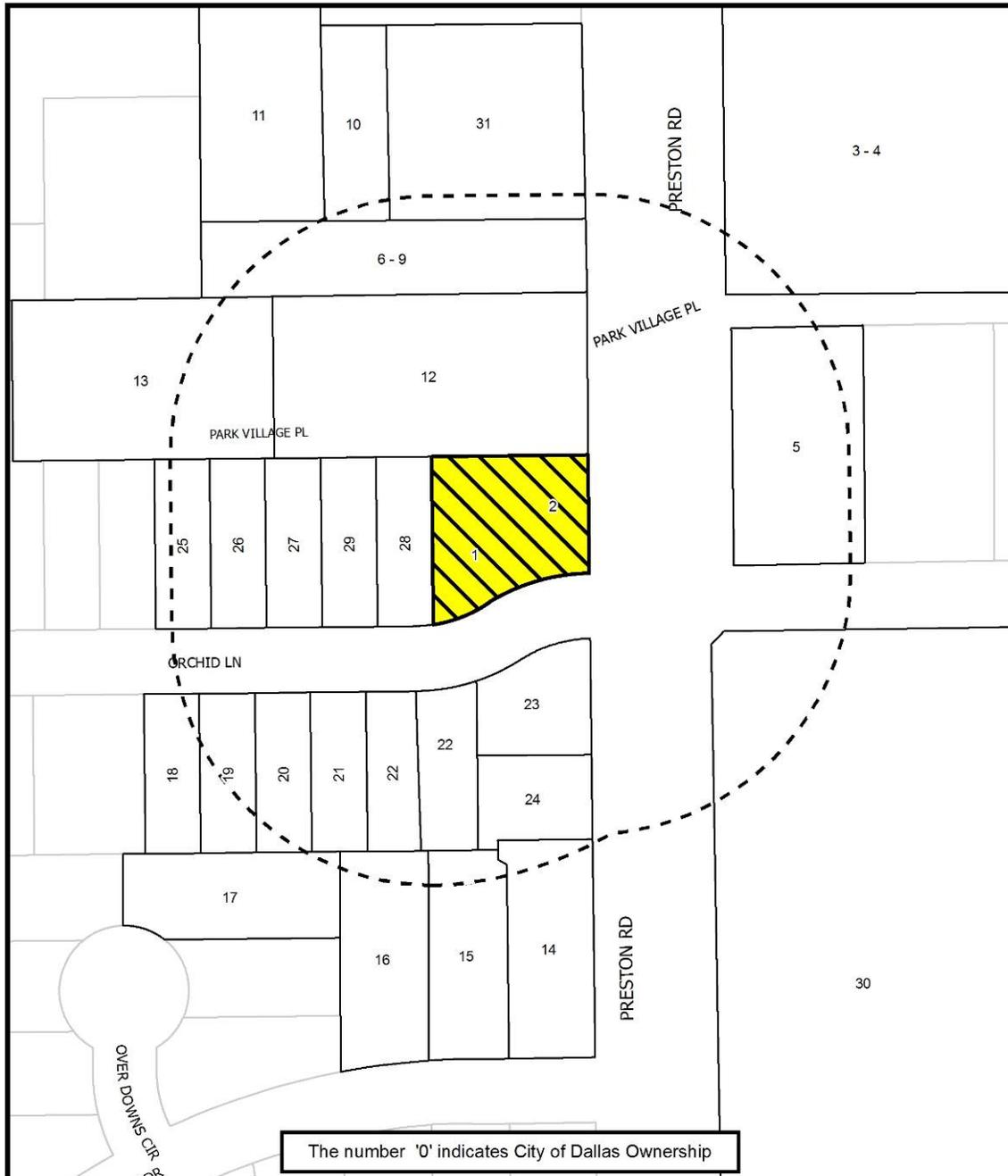
DRAWN BY: XG		DATE: 25 JANUARY 2017		SCALE: 1/2" = 1'-0"		PAGE 2 OF 2	
RESIDENCE				5915 ORCHID LN DALLAS, TX			
RESIDENCE: 5915 ORCHID LN, DALLAS, TX. 2017.01.25. XG. 1/2" = 1'-0". 2 OF 2.							



(A) ENLARGEMENT PLAN



(B) ELEVATION



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-033</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">31</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/1/2017</b>	

## *Notification List of Property Owners*

### *BDA167-033*

#### *31 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5911 ORCHID LN	WASOFF AMELIA PAULA
2	5915 ORCHID LN	BROWN MARY F
3	10720 PRESTON RD	SEPR REGENCY LLC
4	10720 PRESTON RD	BAI MAC INC
5	6007 ORCHID LN	REYNA FELIPE O
6	5900 ROYAL LN	FIRST BAPTIST CHURCH OF
7	5900 ROYAL LN	COCHRAN CHAPEL UNITED
8	5800 ROYAL LN	MITCHELL ROBERT H TR
9	5800 ROYAL LN	5952 ROYAL LMTD PTNSHIP
10	5930 ROYAL LN	MITCHELL ROBERT N
11	5950 ROYAL LN	MITCHELL ROBERT H
12	10703 PRESTON RD	FIDELITY BANK
13	10707 PRESTON RD	NORTH DALLAS CHAMBER
14	5919 OVERDOWNS DR	HOSFORD IRENE L
15	5915 OVERDOWNS DR	KRISHER VERDELL DAVIS &
16	5911 OVERDOWNS DR	PRYOR SAMUEL THOMAS &
17	5919 OVERDOWNS CIR	MCWHORTER DAVID A
18	5818 ORCHID LN	DIXIT JAY R &
19	5820 ORCHID LN	WALKER VINITA B
20	5904 ORCHID LN	RIES MYRNA H
21	5906 ORCHID LN	VANDERMEER JAMES D & JUDITH A
22	5910 ORCHID LN	BAILEY MICHAEL & CYNTHIA
23	5912 ORCHID LN	CONDY DON A & KRISTIE
24	5914 ORCHID LN	ANDERSON KATHLEEN J
25	5821 ORCHID LN	MAREK EUGENE & BETTY JEAN
26	5903 ORCHID LN	CORE DENTON 501 GP LLC

03/01/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5901 ORCHID LN	DEVITO MATTHEW & SAMANTHA N
28	5907 ORCHID LN	COLEMAN JOY LEIGH
29	5905 ORCHID LN	HURSIN DANNY L & MARY M
30	10600 PRESTON RD	ST MARKS SCHOOL OF TEXAS
31	10721 PRESTON RD	HOME SVGS OF AMERICA FA

**FILE NUMBER:** BDA167-034(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jared Parks for special exceptions to the fence standard and visual obstruction regulations at 5912 Orchid Lane. This property is more fully described as Lot 35, Block A/5508, and is zoned TH-1(A), which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence standards, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 5912 Orchid Lane

**APPLICANT:** Jared Parks

**REQUESTS:**

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

1. A request for a special exception to the fence standards of 2' 4" is made to construct and maintain a fence (an approximately 9' long, 6' high open iron picket fence with a 6' 4" high stone column) higher than 4' in height in one of the site's two required front yards (Orchid Lane).
2. A request for a special exception to the visual obstruction regulations is made to locate and maintain a portion of the aforementioned open iron picket fence in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane.

(Note that this application is immediately south of a property where the same applicant seeks similar special exceptions to the visual obstruction and fence standard regulations from the Board of Adjustment Panel B on March 22<sup>nd</sup>: BDA167-033).

**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.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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 (fence standards):**

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.

**STAFF RECOMMENDATION (visual obstruction special exception):**

Approval, subject to the following condition:

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

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director of Engineering who has no objections to this request – that the 6’ high open iron picket fence with a 6’ 4” high stone column in the 45’ visibility triangle at the intersection of Preston Road and Orchid Lane does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: TH-1(A) (Townhouse)
- North: TH-1(A) (Townhouse)
- South: TH-1(A) (Townhouse)
- East: PD 553 (Planned Development)
- West: TH-1(A) (Townhouse)

**Land Use:**

The subject site is developed with a single family home. The areas to the north, south, and west are developed with single family uses; and the area to the east is a private school (St. Mark’s School of Texas).

**Zoning/BDA History:**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. BDA167-033, Property located at 5915 Orchid Lane (the property north of the subject site)</li> </ol> | <p>On March 22, 2017, the Board of Adjustment Panel B will consider requests for special exceptions to the fence standard and visual obstruction regulations made to construct and maintain a fence (a 6’ high open iron picket fence with a 6’ 4” high stone column) higher than 4’ in height in one of the site’s two required front yards (Preston Road), and locate and maintain a portion of the aforementioned open iron picket fence in the</p> |
|--|--|

45' visibility triangle at the intersection of Preston Road and Orchid Lane.

**GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- This request for a special exception to the fence standards related to fence height of 2' 4" focuses on constructing and maintaining an approximately 10' long, 6' high open iron picket fence with 6' 4" high stone columns in one of the site's two required front yards (Orchid Lane) on a site developed with a single family home. While there is an approximately 9' high fence parallel to Orchid Lane, according to the applicant, this tall fence was built years prior to the construction proposed and is not part of the application to the Board. The subject site is zoned TH-1(A) which requires a 0' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the southwest corner of Preston Road and Orchid Lane.
- Given the single family zoning and location of the corner lot subject site, it has two required front yards – a 0' front yard setback along Preston Road (the shorter of the two frontages of the subject site which is always a front yard in this case) and a 10' required front yard along Orchid Lane. While Orchid Lane is the longer of the two frontages on the subject site which is typically considered a side yard where on this TH-1(A) zoned property a 9' high fence could be erected by right, the site has a required 10' required front yard along Orchid Lane because of a platted building line and in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the west of the subject site "front" on Orchid Lane.
- The applicant has submitted a site plan and an elevation of the proposal fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 6' 4".
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 10' in length perpendicular to Orchid Lane/parallel to the Preston Road.
  - The fence proposal is represented as being located approximately on the Orchid Lane front property line or approximately 12' from the pavement line.
- One single family lot fronts the proposal. This lot has no fence in a required front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of March 10, 2017 no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards of 2' 4" will not adversely affect neighboring property.

- Granting this special exception of 2' 4" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the required front yard to be constructed and maintained in the location and of the heights and materials as shown on these documents.

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exception):**

- The request for a special exception to the visual obstruction regulations focuses on locating and maintaining a portion of a proposed approximately 10' long, 6' high open iron picket fence with 6' 4" high stone columns in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane.
- 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 applicant submitted a site plan and an elevation representing that approximately 4' of the 10' long, 6' high open iron picket fence with 6' 4" high stone columns is located in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane.
- The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the request for special exception to the visual obstruction regulations to locate and maintain portions of a proposed approximately 10' long, 6' high open iron picket fence with 6' 4" high stone columns in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane does not constitute a traffic hazard.
- Granting this request with the condition that the applicant complies with the submitted site plan and elevation would require the items in the visibility triangle to be limited to and maintained in the locations, height and materials as shown on these documents.

**Timeline:**

January 27, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

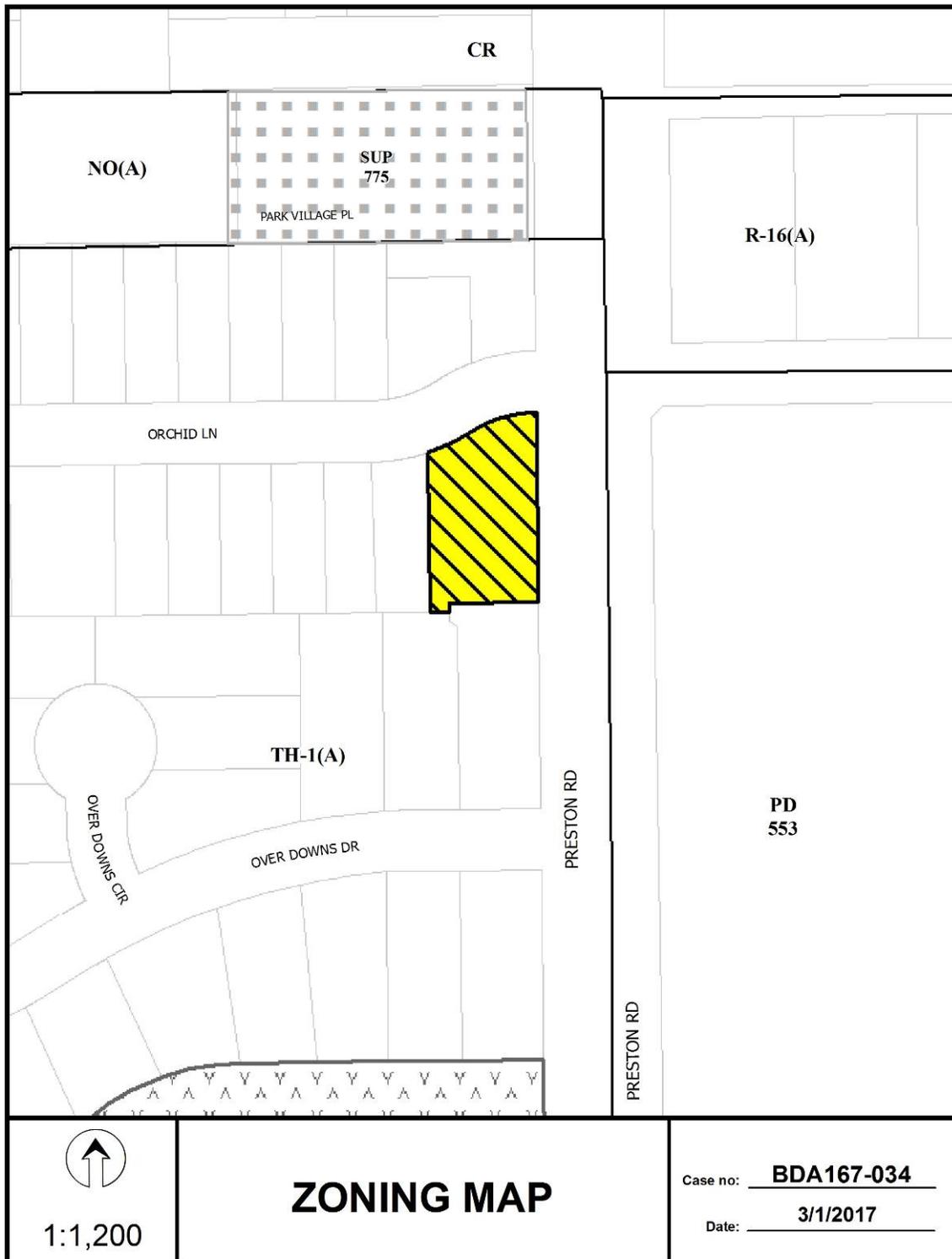
February 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

February 15, 2017: 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 March 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 7, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the 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.

March 9, 2017: The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet marked "Has no objections".





1:1,200

# AERIAL MAP

Case no: BDA167-034

Date: 3/1/2017



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-034

Data Relative to Subject Property:

Date: 1/27/17

Location address: 5912 ORCHID LN. Zoning District: TOWNHOUSE-1 (A)

Lot No.: 39 Block No.: A/5508 Acreage: 0.154 Census Tract: 76.05

Street Frontage (in Feet): 1) 94 2) 57 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): DON CONDRY

Applicant: JARED PARKS Telephone: 214-731-0706

Mailing Address: 411 W. COMMERCE ST. DALLAS, TX Zip Code: 75208

E-mail Address: jared@marlinlandscape.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception checked, of COLUMN + FENCE BUILT ABOVE 30" IN 45' VISIBILITY TRIANGLE, AND IRON PICKET FENCE BUILT 2'-4" ABOVE 4' TALL.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

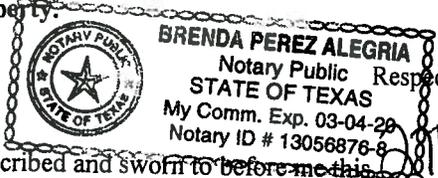
THE FENCE HEIGHT EXTENSION IS REQUESTED BY THE HOA AND APPROVED BY THE COMMUNITY. IT IS ON THE EAST PROPERTY LINE AND THERE ARE NO NEIGHBORS TO THE EAST. THE IRON PICKET FENCE ALLOWS DRIVERS TO SEE THROUGH THE SPACE AND WILL NOT OBSTRUCT THEIR VISION. ADDITIONALLY, THE MAXIMUM SPEED LIMIT IN THE AREA IS 35 MPH.

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 Jared Parks (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.



[Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 27th day of January 2017

[Signature] 4-8 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** Jared Parks

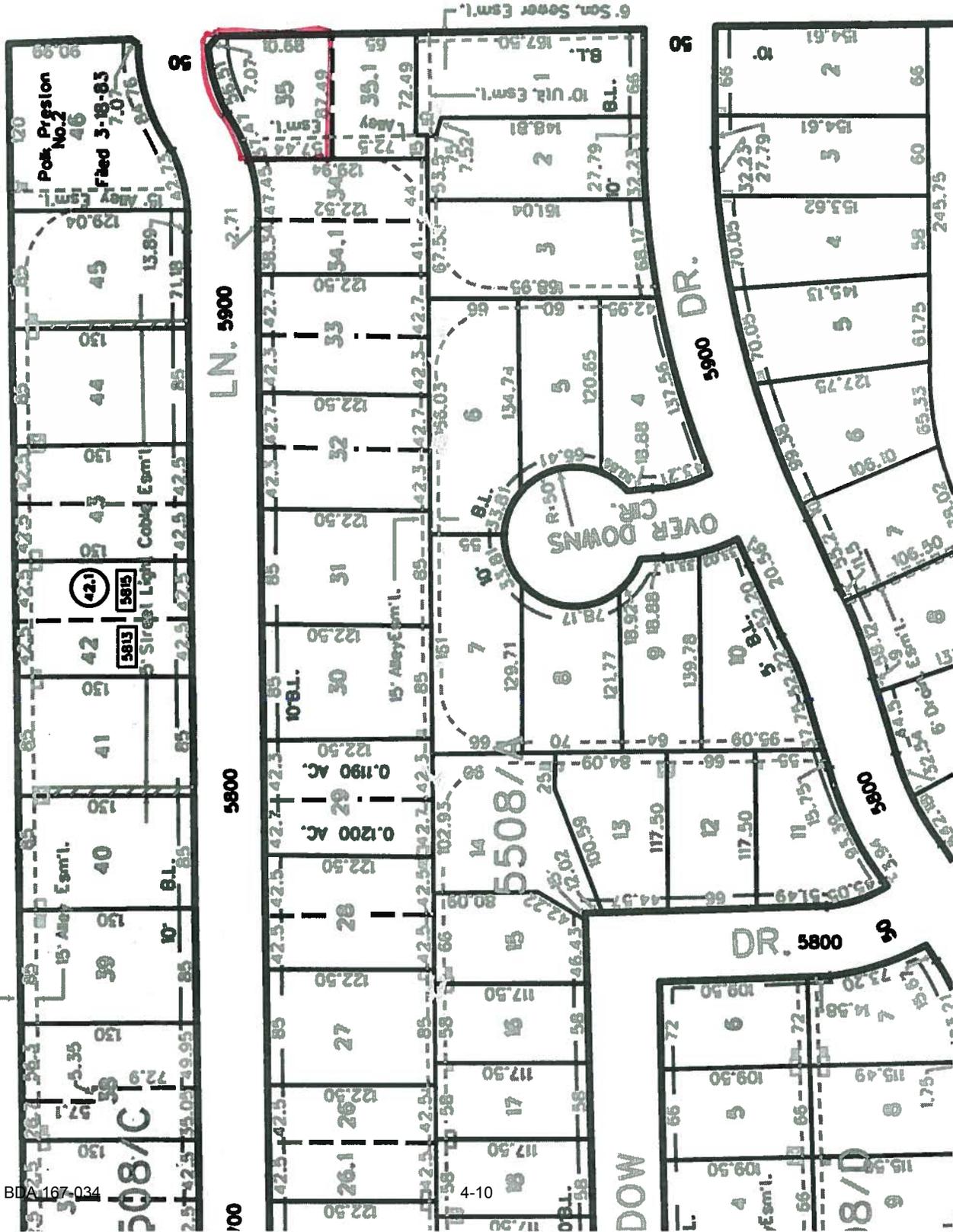
**did submit a request** for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

**at** 5912 Orchid Lane

BDA167-034. Application of Jared Parks for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 5912 Orchid Lane. This property is more fully described as Lot 35, Block A/5508, and is zoned TH-1(A) which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a 6 foot 4 inch high fence in a required front yard, which will require a 6 foot 4 inch special exception to the fence regulation, and to construct a single family residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



RP

# City of Dallas

## Internal Development Research Site

BDA 167-034

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

5915 orchid

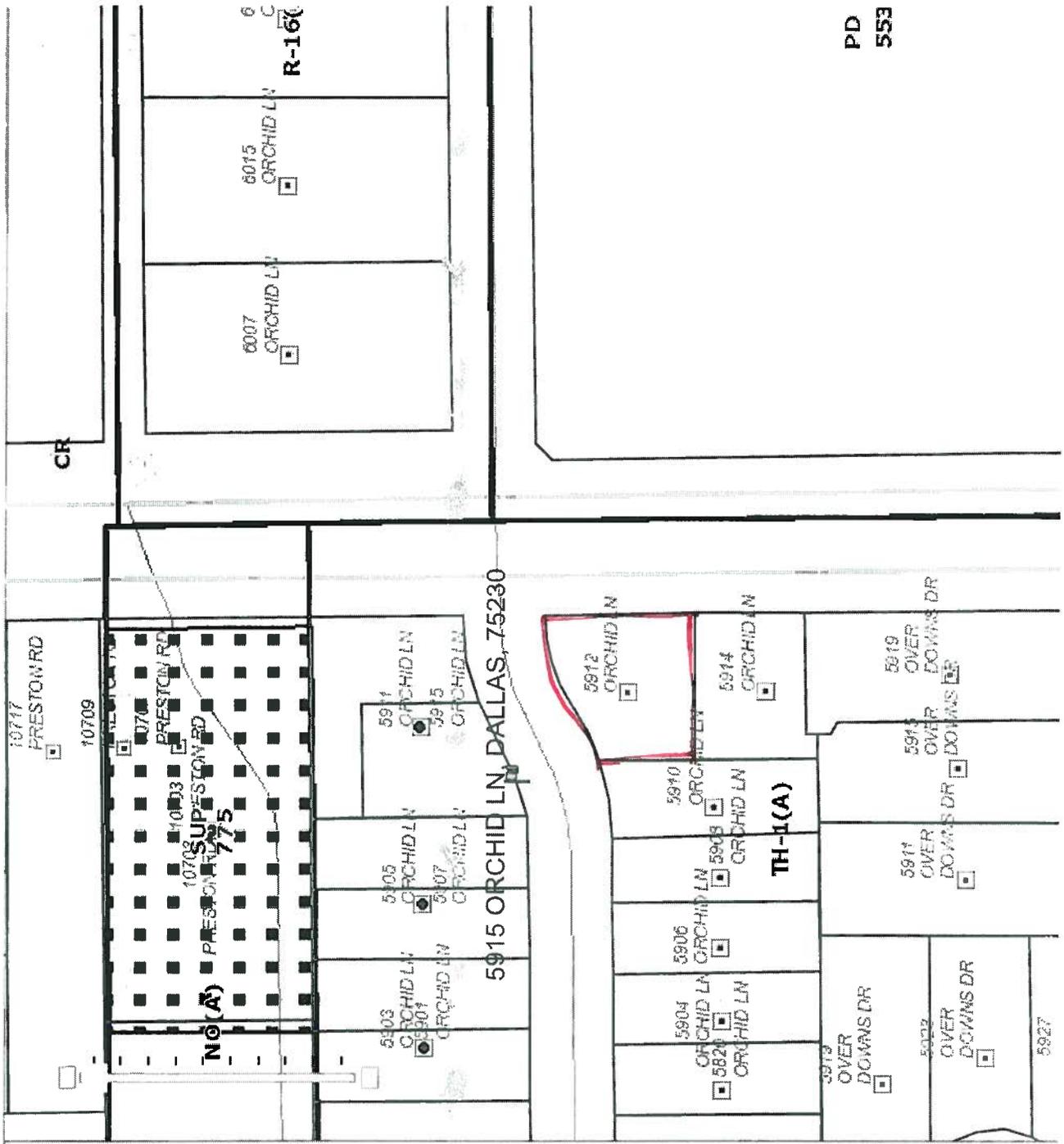
Locate

OR

Parcel address.

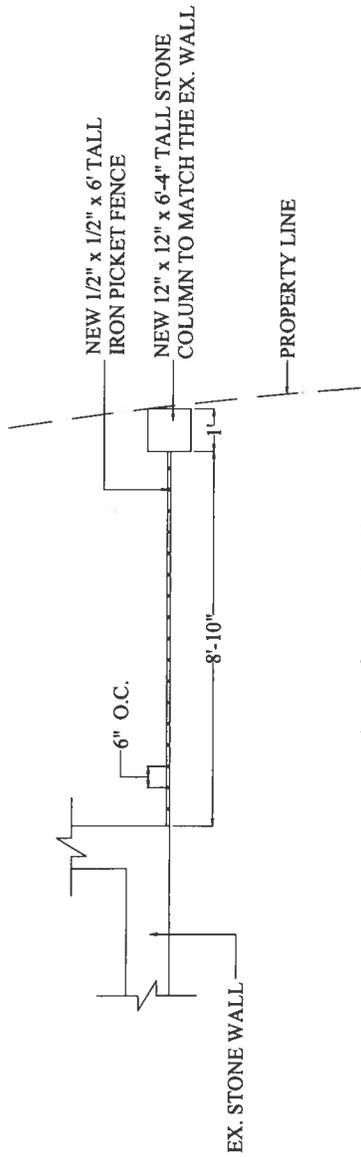
Use street type for better re

Locate

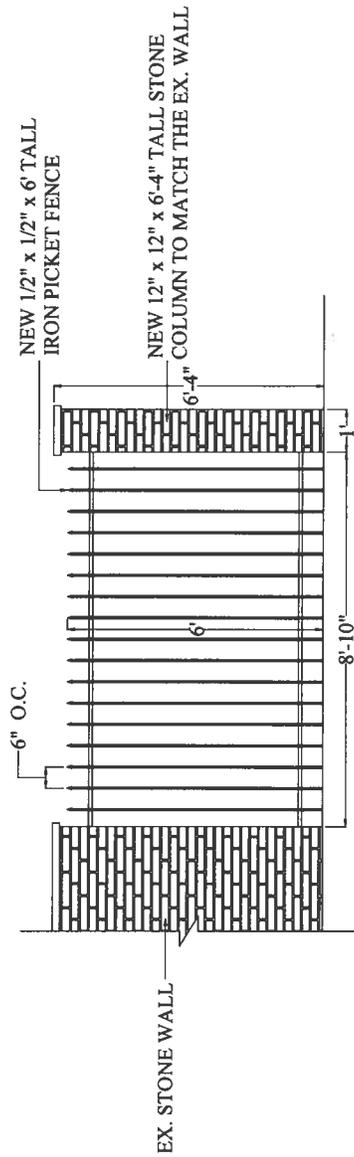


PD  
553





(A) ENLARGEMENT PLAN



(B) ELEVATION

RESIDENCE  
5912 ORCHID LN  
DALLAS, TX

DRAWN BY: XG

DATE: 25 JANUARY 2017

PAGE

2 OF 2

SCALE: 1/2" = 1'-0"

RESIDENCE 5912 ORCHID LN DALLAS, TX



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>21</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>21</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA167-034</b> Date: <b>3/1/2017</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>21</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA167-034*

### *21 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5912 ORCHID LN	CONDRIY DON A & KRISTIE
2	5914 ORCHID LN	ANDERSON KATHLEEN J
3	6007 ORCHID LN	REYNA FELIPE O
4	10703 PRESTON RD	FIDELITY BANK
5	5919 OVERDOWNS DR	HOSFORD IRENE L
6	5915 OVERDOWNS DR	KRISHER VERDELL DAVIS &
7	5911 OVERDOWNS DR	PRYOR SAMUEL THOMAS &
8	5927 OVERDOWNS DR	SHANNON MAXINE
9	5923 OVERDOWNS CIR	BROWNING THOMAS C &
10	5919 OVERDOWNS CIR	MCWHORTER DAVID A
11	5820 ORCHID LN	WALKER VINITA B
12	5904 ORCHID LN	RIES MYRNA H
13	5906 ORCHID LN	VANDERMEER JAMES D & JUDITH A
14	5910 ORCHID LN	BAILEY MICHAEL & CYNTHIA
15	5903 ORCHID LN	CORE DENTON 501 GP LLC
16	5901 ORCHID LN	DEVITO MATTHEW & SAMANTHA N
17	5907 ORCHID LN	COLEMAN JOY LEIGH
18	5905 ORCHID LN	HURSIN DANNY L & MARY M
19	5911 ORCHID LN	WASOFF AMELIA PAULA
20	5915 ORCHID LN	BROWN MARY F
21	10600 PRESTON RD	ST MARKS SCHOOL OF TEXAS