

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, MAY 16, 2017
AGENDA

BRIEFING	ROOM 5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

MISCELLANEOUS ITEM

Approval of the April 18, 2017 Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA167-051(JM)	5814 Watson Avenue REQUEST: Application of Russell Ferraro, represented by Michael R. Coker for special exceptions to the fence standards	1
BDA167-053(SL)	5215 Lobello Drive REQUEST: Application of Robert Baldwin of Baldwin and Associates for special exceptions to the fence standards	2
BDA167-054(JM)	9323 Sunnybrook Lane REQUEST: Application of Nathan Russo for a special exception to the fence standards	3
BDA167-063(SL)	3815 Oak Lawn Avenue REQUEST: Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards	4

REGULAR CASE

BDA167-055(SL) 5421 Richard Avenue
REQUEST: Application of Michael Oppedisano
for a variance to the lot coverage regulations

5

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: BDA167-051(JM)

BUILDING OFFICIAL'S REPORT: Application of Russell Ferraro, represented by Michael R. Coker, for special exceptions to the fence standards at 5814 Watson Avenue. This property is more fully described as Lot 2 & part of Lot 3, Block F/5614, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 8 foot 2 inch high fence in a required front yard, which will require a 4 foot 2 inch special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 5814 Watson Avenue

APPLICANT: Russell Ferraro
Represented by Michael R. Coker

REQUEST:

The following requests for special exceptions to the fence standards have been made on a site that is developed with a single family home:

- 1) A special exception related to fence height of 4' 2" is made to complete and maintain a fence higher than 4' in height in the front yard setback (an 8' high masonry fence with 8' 2" high stone columns and a 3' 10" high open metal fence with 4' 2" high stone columns); and
- 2) A special exception related to fence materials is made to complete and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned two fence types) located as close as on the front lot line (or less than 5' from this front lot line).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-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, east, south, and west are developed with single family uses.

Zoning/BDA History:

1. BDA 078-125, Property at 5807 Watson Avenue (northwest of the subject site)

On September 15, 2008, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4' 6" and imposed the following condition: compliance with the submitted site plan and partial elevation is required, and a variance to the front yard setback regulations of 23' 6" and imposed the following conditions: Compliance with the submitted site plan (indicating a 16 foot, 9 inch setback) is required; and the storage building must remain behind the existing shrubs as stated in the letter from Warren Packer dated August 26, 2008.

The case report state that the following appeals were made in this application on a site currently developed with a single family home: special exceptions to the fence height regulations of 4' 6" were requested in conjunction with constructing and maintaining a 7' high open iron fence with 8' 6" high columns, an 8' 6" high Watson Avenue open iron gate, and an 8' high Douglas Avenue open iron gate (both gates with 8' 6" high stucco columns) in the site's 40' front yard setbacks along Watson Avenue and Douglas Avenue; and a variance to the front yard setback regulations of 23' 6" was requested in conjunction with constructing and maintaining an approximately 150 square foot storage building in the site's 40' Douglas Avenue front yard setback.

2. BDA090-046, Property at 5806 Watson Avenue (west of the subject site)

On April 21, 2010, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 8' and imposed the following condition: submitted revised site plan and revised partial site plan/elevation document is required.

The case report stated that the applicant was seeking a special exception to the fence height regulations of 9 feet* in conjunction with constructing and maintaining a primarily 8' high masonry wall in the site's 40' Watson Avenue front yard setback. This special exception proposal also included an entryway wall feature that included two 5' – 8' high solid metal vehicular gates with a 4'- 9' high solid masonry wall between these two gates – gates flanked by two 10' high columns and two 12' high columns.

* Even though the application and the Building Official's Report mentions a 9' special exception, nothing on the submitted revised site plan and elevation appears to be higher than 12' which would require an 8' special exception.

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards focus on completing and maintaining: 1) a fence higher than 4' in height in the front yard setback (an 8' high masonry fence with 8' 2" high stone columns and a 3' 10" high open metal fence with 4' 2" high stone columns); and, 2) a fence with panels with surface areas that are less than 50 percent open (the aforementioned two fence types) located as close as on the front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-1ac(A).
- Note the following with regard to the request for special exceptions to the fence standards pertaining to the **height** of the proposed fence in the 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 applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8' 2".
 - The following additional information was gleaned from the submitted site plan:
 - The proposal over 4' in height is represented as being approximately 34' 4.5" in length to the east and about 4' to the west perpendicular to the

street, and approximately 11 stone columns parallel to the street on the north side of the site in the front yard setback

- Note the following with regard to the request for special exception to the fence standards pertaining to the **location and materials** of the proposed fence:
 - The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
 - With regard to the special exception to the fence standards pertaining to the location and materials of the proposed fence, the applicant has submitted a site plan and elevation of the fence with fence panels with surface areas that are less than 50 percent open (an 8' high masonry fence with 8' 2" high stone columns and a 3' 10" high open metal fence with 4' 2" high stone columns) located as close as on the front lot line (or less than 5' from this front lot line).
- Two single family lots developed with single family structures front the proposed fence, both with fences in the front yard. The home to the northwest has history with the Board of Adjustment, Panel C from 2008 to allow a fence higher than 4' in the front yard (BDA078-125). The property to the northeast has a front yard fence located in the front yard, in accordance with required height and materials regulations.
- The Board Senior Planner conducted a field visit of the site and surrounding area (properties along Watson Drive from Douglas Avenue on the west to Preston Road) and noted eight other fences over 4' in height and in front yard setback.
 1. A 7' high open iron fence with 8' 6" high columns, an 8' 6" high Watson Avenue open iron gate, and an 8' high Douglas Avenue open iron gate (both gates with 8' 6" high stucco columns located northwest that appears to be a result of fence height special exception request granted in 2008: BDA078-125. (See the "Zoning/BDA History" section of this case report for additional details).
 2. A primarily 8' high masonry wall with an entryway wall feature that included two 5' – 8' high solid metal vehicular gates with a 4'- 9' high solid masonry wall between these two gates – gates flanked by two 10' high columns and two 12' high columns located west that appears to be a result of fence height special exception request granted in 2008: BDA090-046. (See the "Zoning/BDA History" section of this case report for additional details).
 3. A chain-link fence greater than 4' located east with no BDA history.
 4. A solid wood fence greater than 4' located on the south side of Watson Drive, east of the subject site with no BDA history.
 5. A wrought iron fence greater than 4' located on the south side of Watson Drive, east of the subject site with no BDA history.
 6. A 6' 4" high open iron picket fence with an arched open wrought iron picket gate that reaches 9' located southeast that appears to be a result of fence height special exception request granted in 2014: BDA145-124. (outside of the general history area).
 7. A wrought iron fence with masonry columns greater than 4' located on the north side of Watson Drive, east of the subject site with no BDA history.

8. A brick fence with wrought iron gates greater than 4' located on the north side of Watson Drive, east of the subject site with no BDA history.
- As of May 5, 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 exceptions to the fence standards related to height over 4' in the front yard setback and materials/height/location of the proposed fence will not adversely affect neighboring property.
 - Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

February 21, 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.

April 11, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

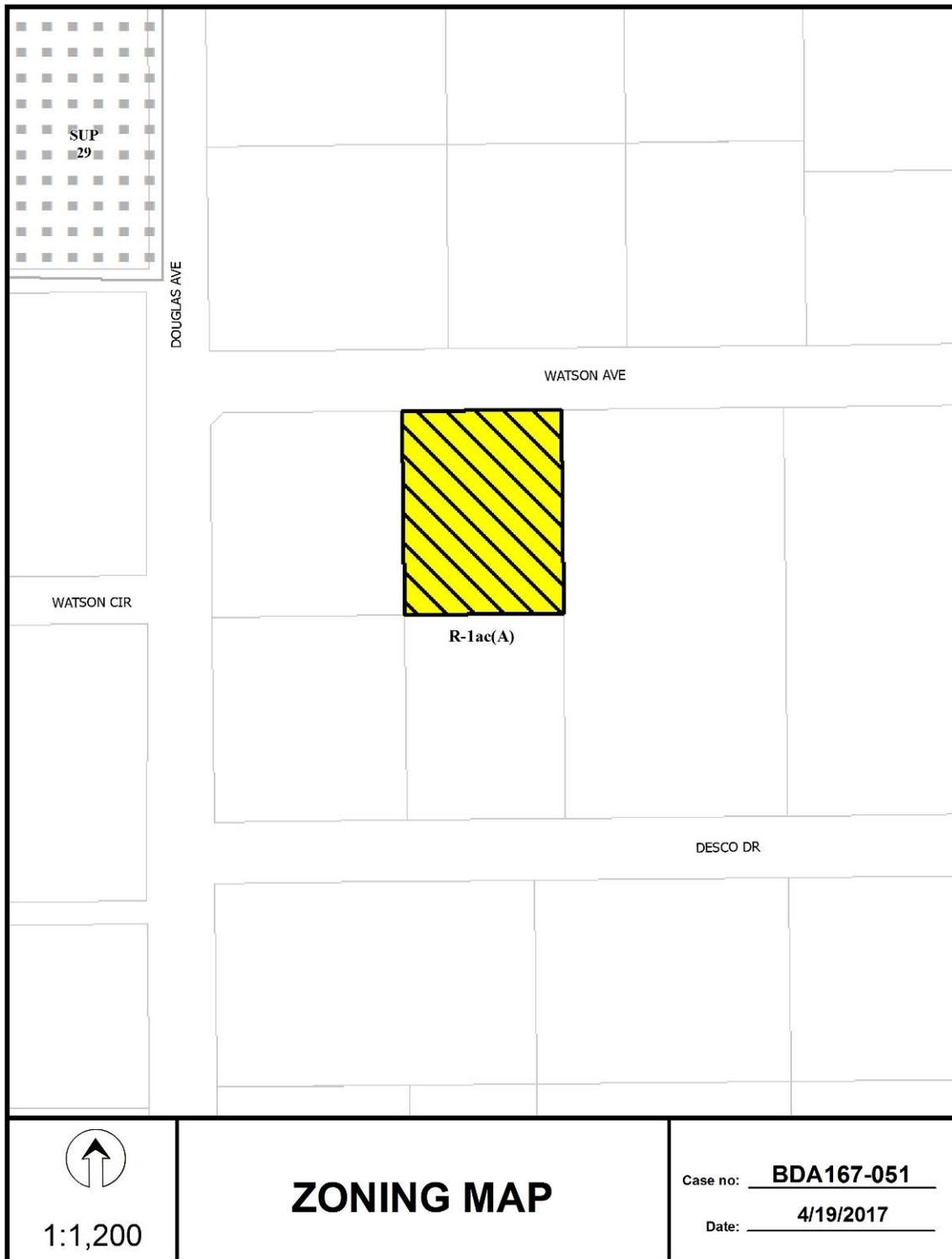
April 19, 2017: The Board Administrator emailed the following information to the applicant's representative:

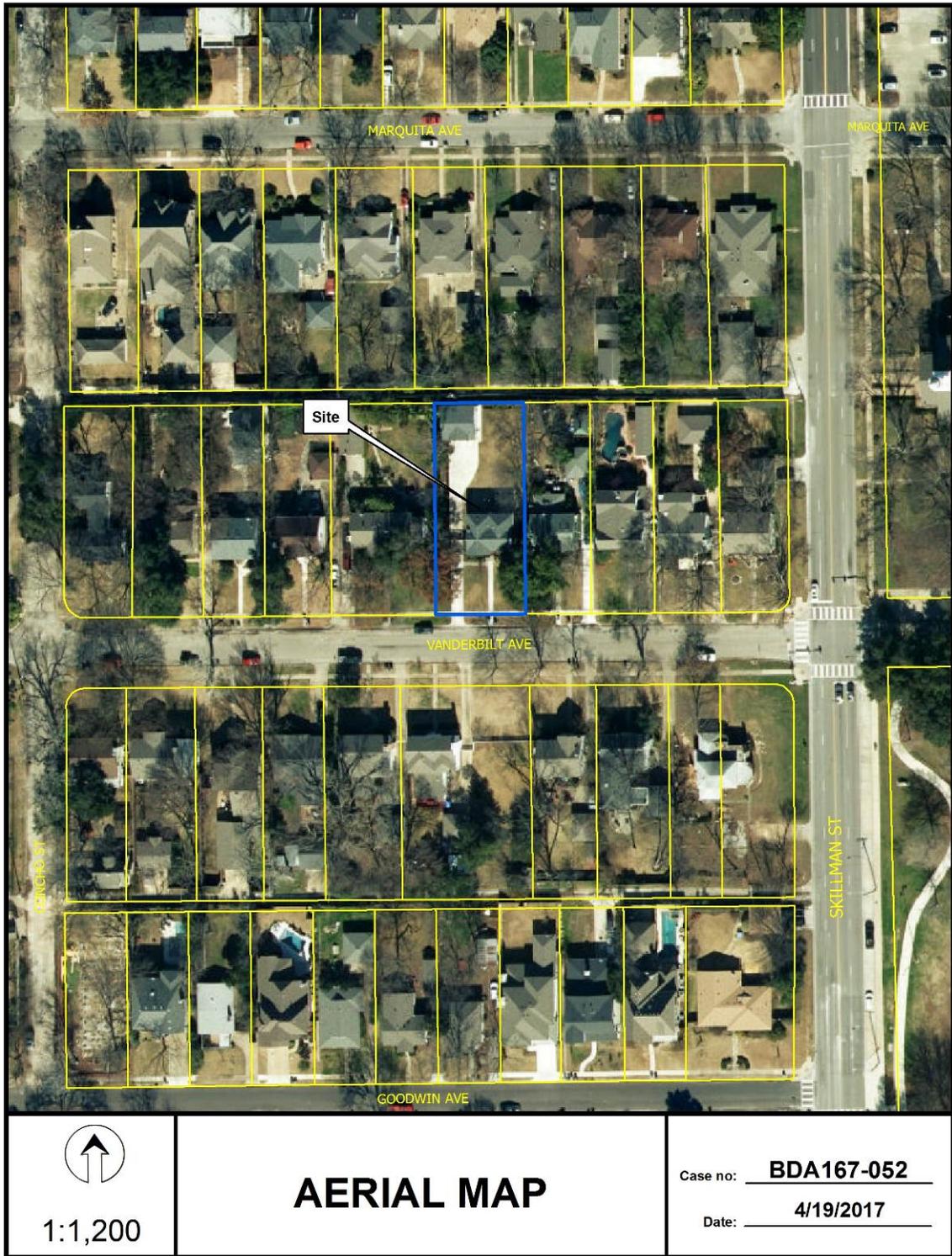
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th 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."

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, 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.







APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-051

Data Relative to Subject Property:

Date: 2/21/2017

Location address: 5814 Watson Avenue Zoning District: R-1ac(A)

Lot No.: 2 & Part Block No.: F/5614 Acreage: 0.4916 Census Tract: 0206.00 of 3

Street Frontage (in Feet): 1) 129 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ferraro Family Living Trust

Applicant: Russell Ferraro Telephone: 214-577-6100

Mailing Address: 5814 Watson Avenue Zip Code: 75225

E-mail Address: russellferraro@gmail.com

Represented by: Michael R. Coker Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Ste. 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance , or Special Exception X , of Special exception of 4'-2" to the fence height requirements in the front yard to allow for a masonry fence and masonry column and a special exception for fence panels with less than 50% open surface area located within five feet of front lot line.

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 masonry fence and masonry column and steel panel fence are commiserate with other fencing and columns in the neighborhood and will not adversely affect neighboring property.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Russell Ferraro

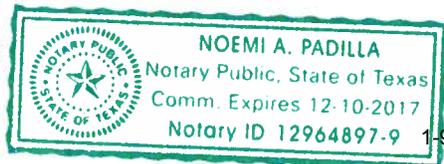
(Affiant/Applicant's name printed)

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: Russell Ferraro (Affiant/Applicant's signature)

Subscribed and sworn to before me this 01 day of March, 2017

(Rev. 08-01-11)



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

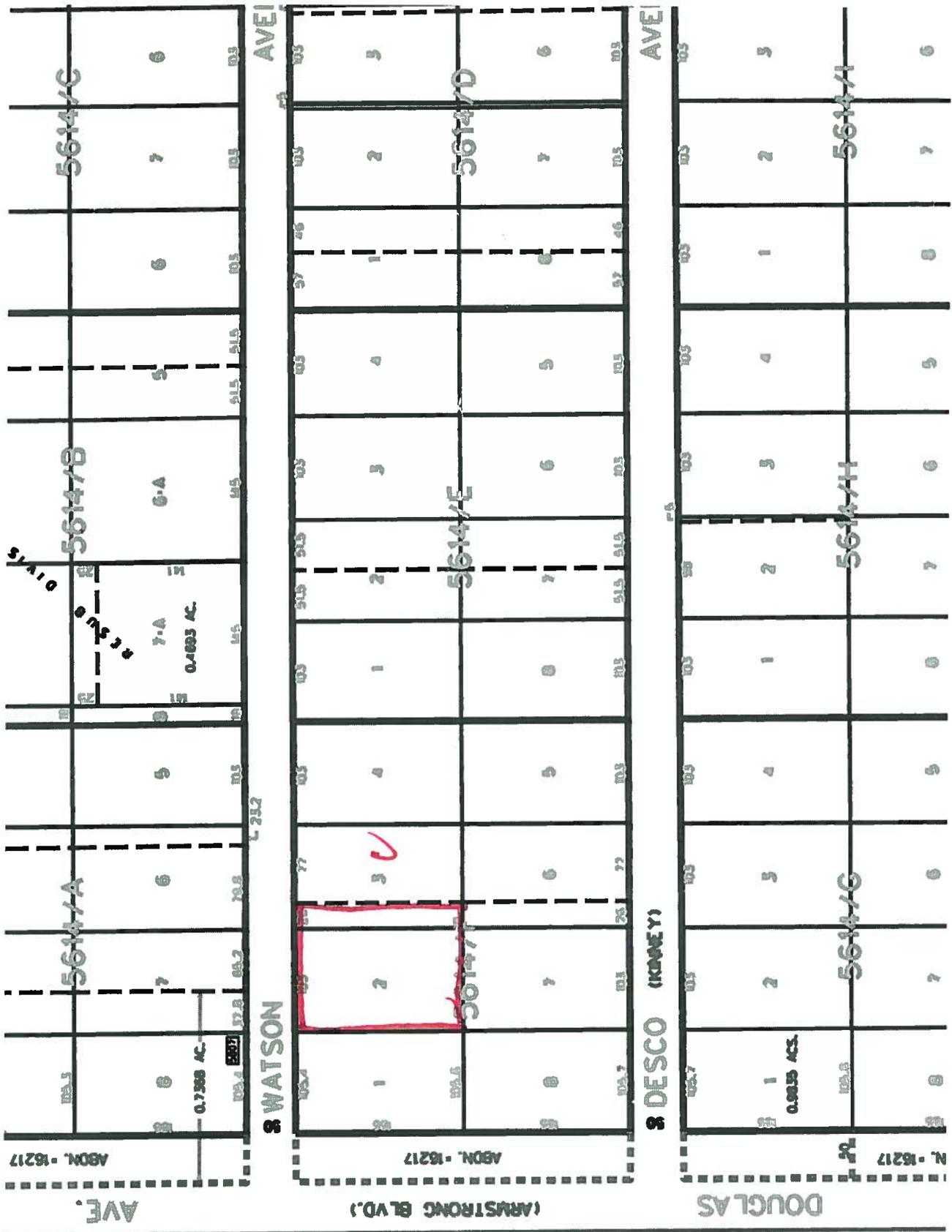
Building Official's Report

I hereby certify that Russell Ferraro
represented by Michael R Coker
did submit a request for a special exception to the fence height regulations, and for a special
exception to the fence regulations
at 5814 Watson Avenue

BDA167-051. Application of Russell Ferraro represented by Michael R Coker for a special exception to the fence height regulations and a special exception to the fence regulations 5814 Watson Avenue. This property is more fully described as Lot 2 & part of Lot 3, Block F/5614, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot 2 inch high fence in a required front yard, which will require a 4 foot 2 inch special exception to the fence regulation, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line which will require a special exception to the fence regulation.

Sincerely,

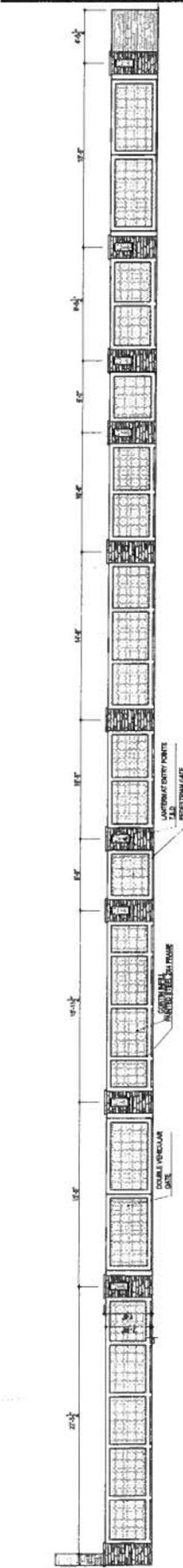
Philip Sikes
Philip Sikes, Building Official



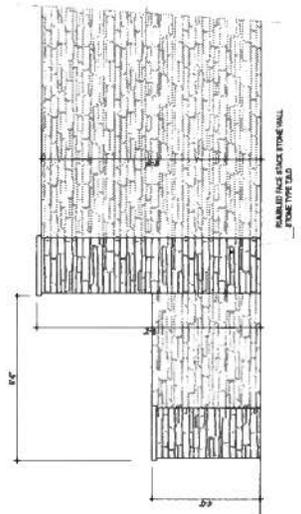
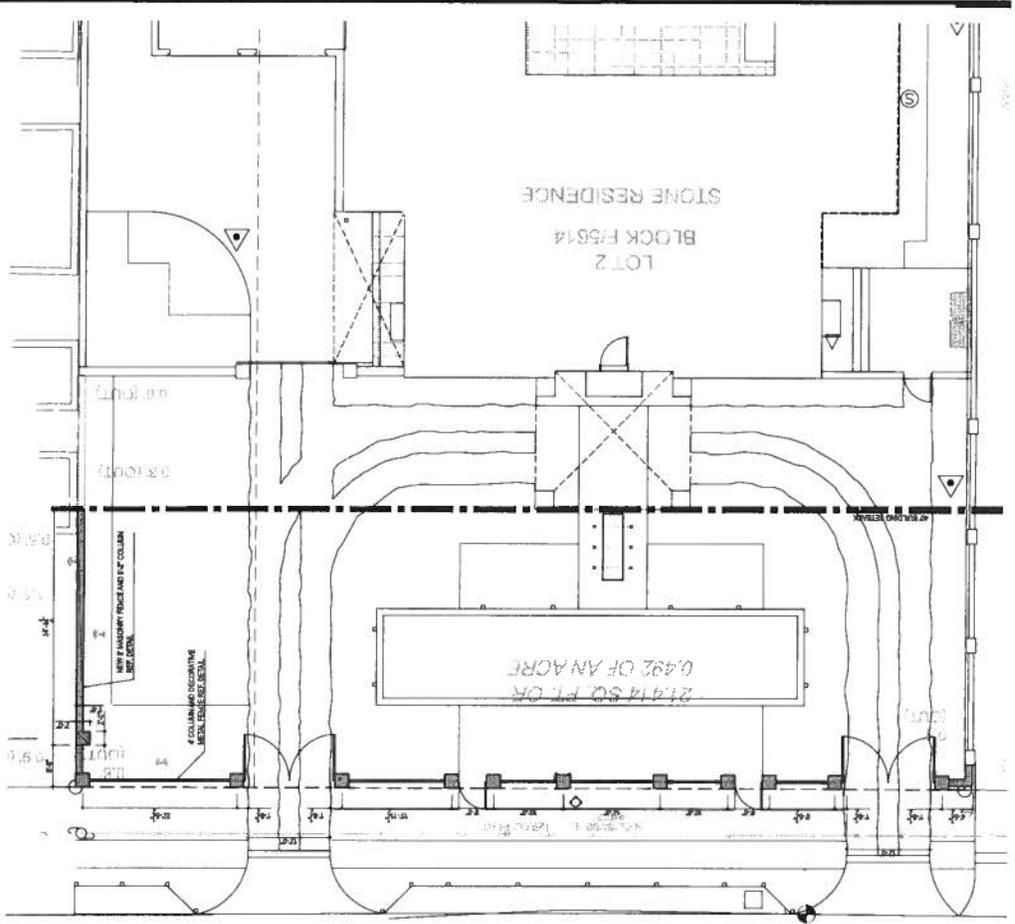
5694



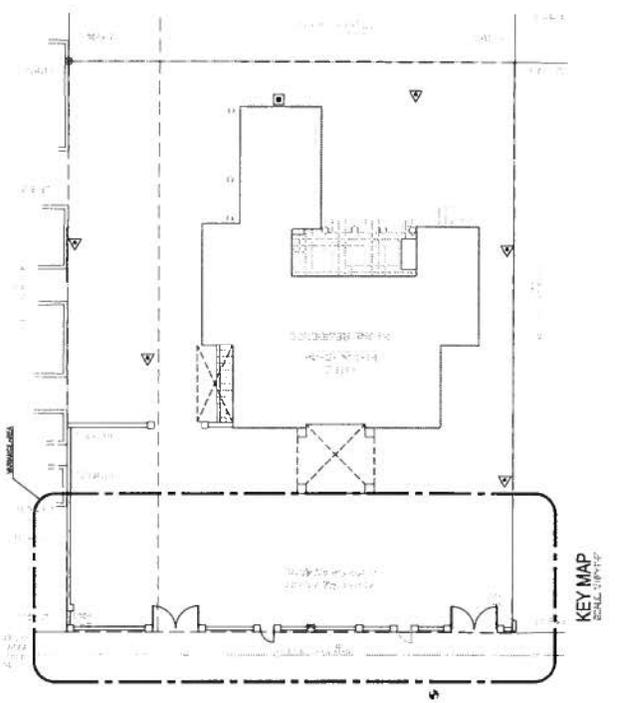
NO. 1	DATE	DESCRIPTION
1	08/14/17	ISSUED FOR PERMIT
2	08/14/17	ISSUED FOR PERMIT
3	08/14/17	ISSUED FOR PERMIT
4	08/14/17	ISSUED FOR PERMIT
5	08/14/17	ISSUED FOR PERMIT
6	08/14/17	ISSUED FOR PERMIT
7	08/14/17	ISSUED FOR PERMIT
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9	08/14/17	ISSUED FOR PERMIT
10	08/14/17	ISSUED FOR PERMIT



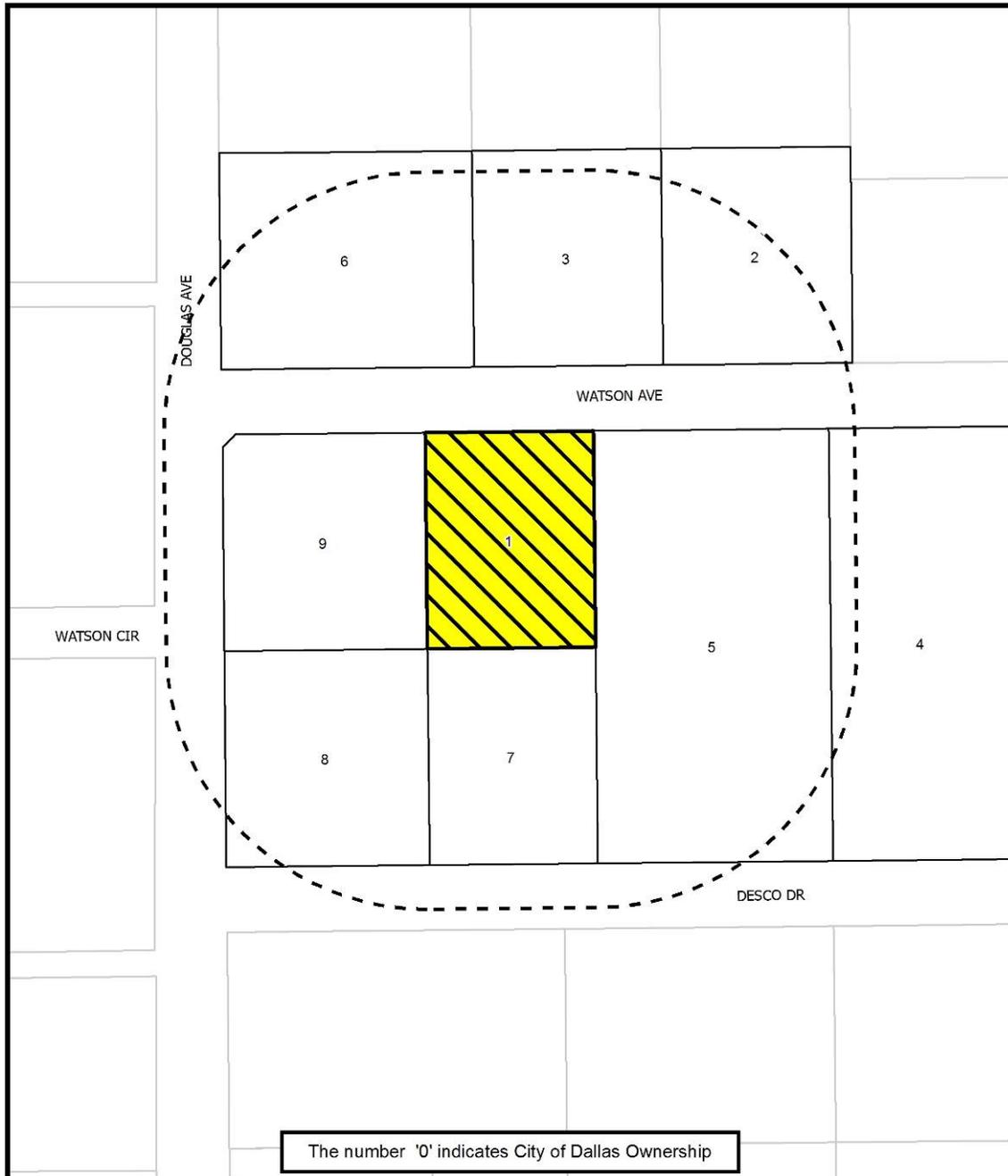
01 WALL VARIANCE DETAIL - FRONT ELEVATION
 SCALE: 1/8"=1'-0"



02 WALL VARIANCE DETAIL
 SCALE: 1/8"=1'-0"



8/14/17



 1:1,200	NOTIFICATION	Case no: BDA167-051			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
9	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-051

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5814 WATSON AVE	FERRARO FAMILY LIVING TRUST
2	5831 WATSON AVE	WAGGONER DAVID T & ALICIA
3	5815 WATSON AVE	MCKOOL MIKE JR
4	5839 DESCO DR	LEVY JOHN I & CAROL R
5	5831 DESCO DR	AKHAVIZADCH MOHAMAD &
6	5807 WATSON AVE	HATTON THOMAS H & CAROL E
7	5809 DESCO AVE	NEEDLES FAMILY TR
8	5805 DESCO DR	MEHENDALE NEELESH H & KIMBERLY F
9	5806 WATSON AVE	TAVISTOCK GROUP LLC

FILE NUMBER: BDA167-053(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for special exceptions to the fence standards at 5215 Lobello Drive. This property is more fully described as Lot 14B, Block A/5518, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and maintain a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence standards, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 5215 Lobello Drive

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUESTS:

The following requests for special exceptions to the fence standards have been made on a site that is developed with a single family home:

- 1) A special exception related to fence height of 2' 6" is made to complete and maintain a fence higher than 4' in height in the front yard setback (a 6' high open wrought iron fence with 6' high stone columns with a 6' 6" high open wrought iron entry gate flanked by two, approximately 12' long curved 5' – 6' high stone wing walls parallel to the street and perpendicular to the street on the east side in the front yard setback, and a 6' 6" high solid masonry wall perpendicular to the street on the west side in the front yard setback); and
- 2) A special exception related to fence materials is made to complete and maintain a fence with panels with surface areas that are less than 50 percent open - the aforementioned two, approximately 12' long curved 5' – 6' high stone wing walls located as close as on the front lot line parallel to the street, and the 6' 6" high solid masonry wall perpendicular to the street on the west side in the front yard setback beginning on the front lot line (or less than 5' from this front lot line).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-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, east, south, and west are developed with single family uses.

Zoning/BDA History:

1. BDA156-022, Property at 5215 Lobello Drive (the subject site)

On March 22, 2016, the Board of Adjustment Panel A denied a request for a special exception to the fence height regulations of 4' 3" without prejudice.

The case report stated that the request was made to construct and maintain the following fence proposal in the front yard setback on a site being developed with a single family home: a 6' high open wrought iron fence with 6' 6" high stone columns; and an 8' 3" high open wrought iron arched vehicular entry gate with 7' 3" high columns flanked by 5' 6" – 6' 6" high, approximately 9' long curved solid stone wing walls.

2. BDA989-289, Property at 5100 Lobello Drive (the property west of the subject site)

On November 15, 1999, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 2.5' and imposed the following condition: compliance with the revised site plan/elevation showing a 6.5 foot open wrought iron fence as depicted on page 1-23 of today's briefing handout on this case, dated November 10, 1999 is required.

The case report stated that the applicant's representative submitted a letter and a revised site plan/elevation indicating a maximum 6.5' high open iron fence setback from the property line a varying distances between 9' - 12' (see Attachment D); and that the fence would have an "undulating" appearance so that a number of large existing trees on the site will remain on the street side of the fence.

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards related to fence height and fence materials focus on completing and maintaining the following on a site developed with a single family home:
 1. a 6' high open wrought iron fence with 6' high stone columns with a 6' 6" high open wrought iron entry gate flanked by two, approximately 12' long curved 5' – 6' high stone wing walls parallel to the street and perpendicular to the street on the east side in the front yard setback, and a 6' 6" high solid masonry wall perpendicular to the street on the west side in the front yard setback.
 2. two, approximately 12' long curved 5' – 6' high stone wing walls located as close as on the front lot line parallel to the street, a 6' 6" high solid masonry wall perpendicular to the street on the west side in the front yard setback beginning on the front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-1ac(A).
- Note the following with regard to the request for special exceptions to the fence standards pertaining to the **height** of the proposed fence in the 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 applicant has submitted a revised site plan and revised elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 6' 6".
 - The following additional information was gleaned from the submitted revised site plan:

- The proposal over 4' in height is represented as being approximately 230' in length parallel to the street, and approximately 40' in length perpendicular to the street on the east and west sides of the site in the front yard setback.
 - The fence and gate proposal is represented as being located approximately 0 – 8' from the front property line or approximately 12' – 24' from the pavement line.
- Note the following with regard to the request for special exception to the fence standards pertaining to the **location and materials** of the proposed fence:
 - The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
 - The applicant has submitted a revised site plan and revised elevation of the fence with fence panels with surface areas that are less than 50 percent open (two, approximately 12' long curved 5' – 6' high stone wing walls) located as close as on the front lot line, and a 6' 6" high solid masonry wall perpendicular to the street on the west side in the front yard setback beginning on the front lot line (or less than 5' from this front lot line).
- Two single family lots developed with single family structures front the proposed fence, neither with fences in the front yard.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Lobello Drive from Inwood Road on the west to approximately 300 feet to the east of the site) and noted one other fence over 4' in height and in front yard setback. This fence is approximately 6.5' high open metal fence located immediately west that appears to be a result of fence height special exception request granted in 1999: BDA989-289. (See the "Zoning/BDA History" section of this case report for additional details).
- As of May 5, 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 exceptions to the fence standards related to height over 4' in the front yard setback and materials/height of the proposed fence relative to the front lot line will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

February 21, 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.

April 11, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

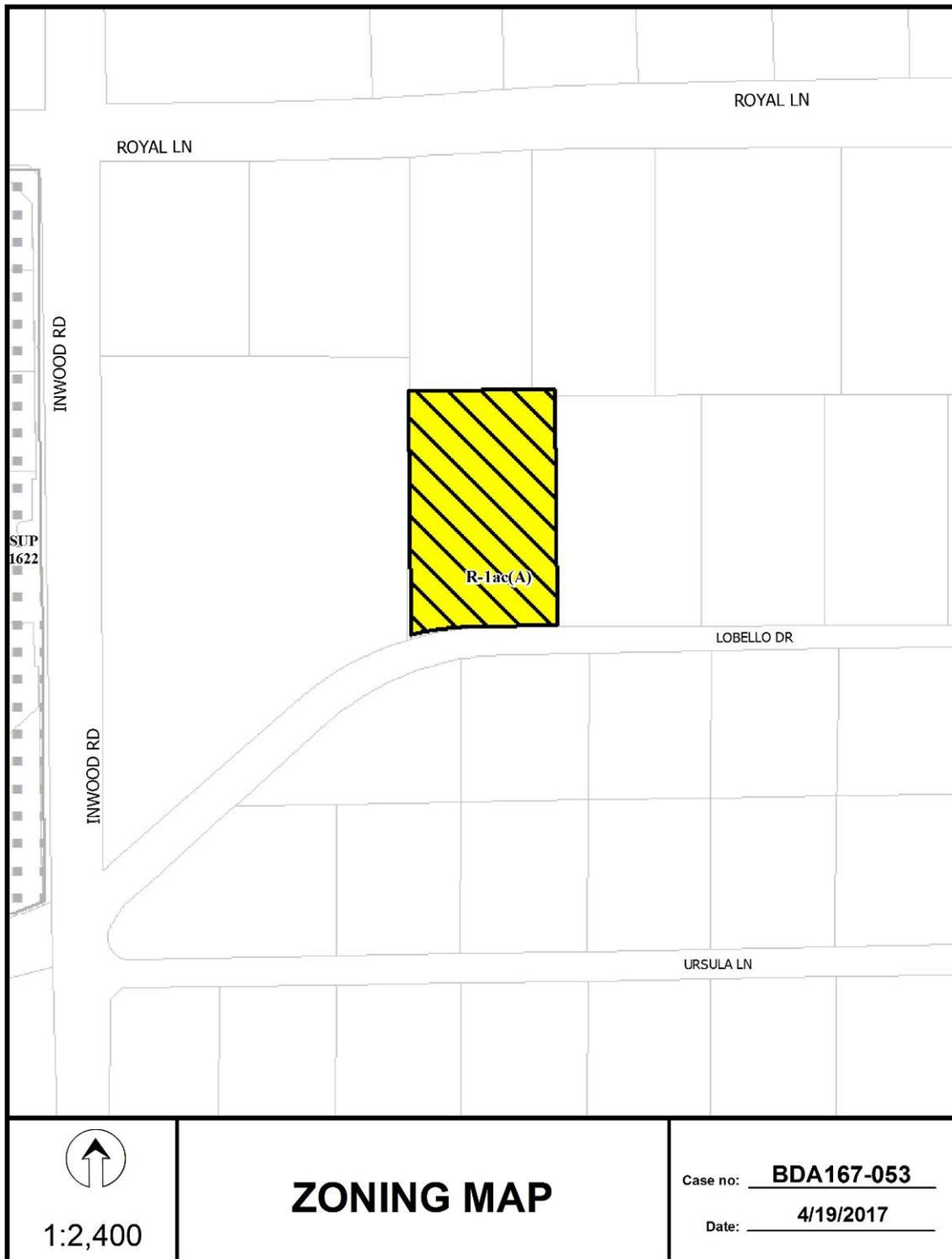
April 11, 2017: The Board Administrator emailed the following information to the applicant's representative:

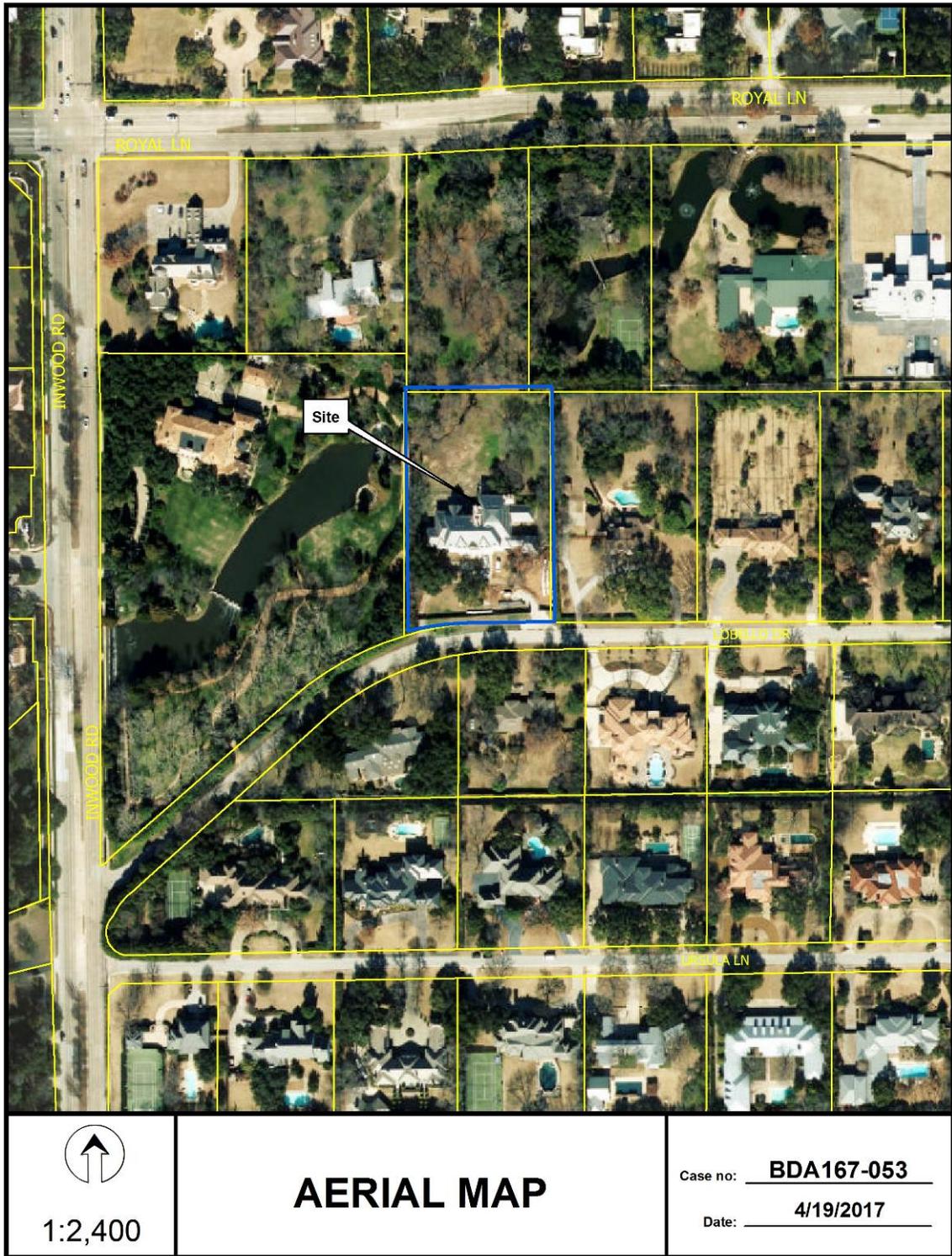
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th 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."

April 27, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, 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.





Long, Steve

From: Rob Baldwin <rob@baldwinplanning.com>
Sent: Wednesday, April 26, 2017 4:49 PM
To: Long, Steve; Duerksen, Todd
Cc: Jennifer Hiromoto
Subject: FW: Lobello
Attachments: A1.1V.pdf; A1.2V.pdf

Good afternoon,

Please see the revised plans attached. I have printed off hard copies and we will bring them to Todd first thing in the morning.

Rob

From: Vernon Berry [mailto:vern@sharif-munir.com]
Sent: Wednesday, April 26, 2017 4:19 PM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Jennifer Hiromoto <jennifer@baldwinplanning.com>
Subject: RE: Lobello

Please find attached a revised site plan and wall elevations. I have noted where the 6'-6" wall exists on the site plan and added an elevation of said wall.

From: Rob Baldwin [mailto:rob@baldwinplanning.com]
Sent: Wednesday, April 26, 2017 10:46 AM
To: Vernon Berry <vern@sharif-munir.com>
Cc: Jennifer Hiromoto <jennifer@baldwinplanning.com>
Subject: Lobello

Vern,

I went out to the site and the masonry wall is 6' 6" tall between the building setback line and front yard. Can you amend your site plan to show that and include an elevation of the wall. It is solid masonry.

Thank you.

Rob

Rob Baldwin
Baldwin Associates, LLC
(214) 729-7949
rob@baldwinplanning.com



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-053

Data Relative to Subject Property:

Date: February 21, 2017

Location address: 5215 Lobello Drive Zoning District: R-1AC(A)

Lot No.: 14B Block No.: A/5518 Acreage: 2.12 acres Census Tract: 76.05

Street Frontage (in Feet): 1) 243 ft 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jianhua Wang and Xu Wu

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 fence height of 2'6" for a fence in a required front yard and fence panels less than 5' from property line with less than 50% open surface area

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 replace dense, tall shrubs that currently obscure the property from the street, which will be more similar to surrounding properties. The appearance of the fence will be softened by shrubs and landscaping. The fence is proposed to be 6'6" and constructed of wrought iron with stone columns.

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 21 day of February, 2017

(Rev. 08-01-11) VICKIE L RADER Notary ID # 126690222 My Commission Expires October 13, 2020 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

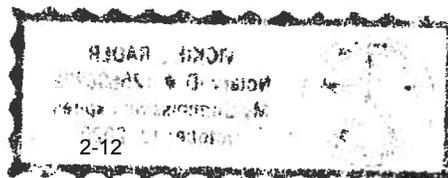
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence regulations

at 5215 Lobello Drive

BDA167-053. Application of Robert Baldwin for a special exception to the fence height regulations and a special exception to the fence panel regulations at 5215 Lobello Drive. This property is more fully described as Lot 14B, Block A/5518, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence regulation, and construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



ACREAGE HEIGHTS

ROYAL ACRES NO'S 1 & 3

ADDN.

518
LOBELLO
RECORDED
K. 7-11-45
359.55

518

5518

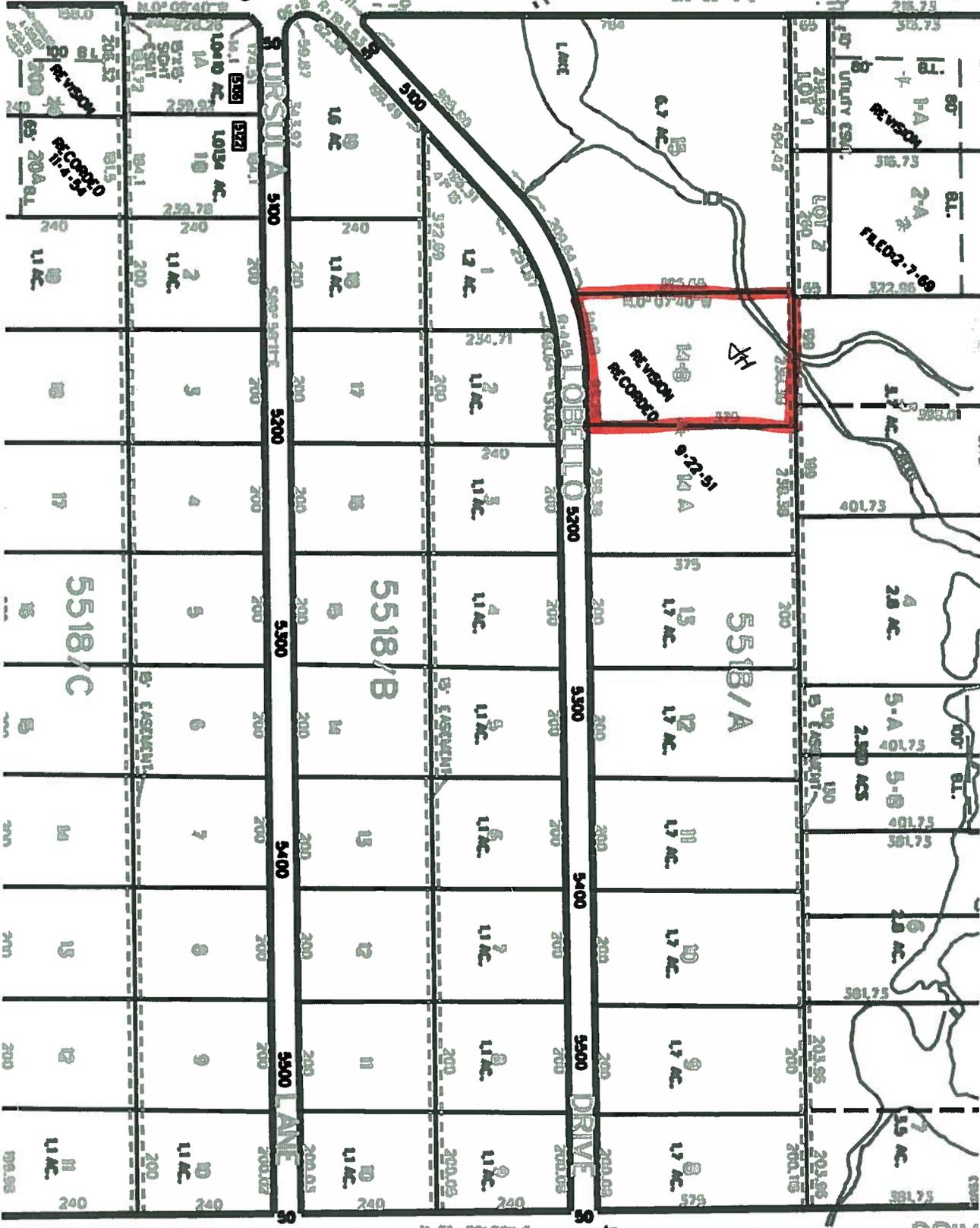
INWOOD

10500

10600

10700

ROAD



ABST. 523

30' STRIP FOR STREET

ON SUR. ABST. 1091

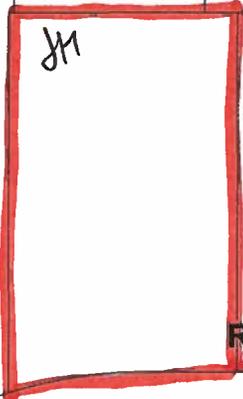
BDA 167-053

5510

5507

5506

ROYAL LN
ROYAL LN



R-1ac(A)

LOBELLO DR

URSULA LN

Printed: 12/23/2015

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 17058 | Historic Overlay | Shot/Flood 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)



1:2,400

OCTOBER 6, 2014

1306
VHEB/AMT
12/16/13

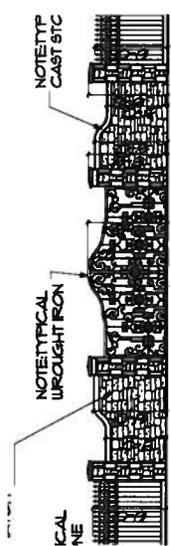
Sharif Munnir
UNUSUAL CUSTOM HOMES
6003 BELTLINE RD. SUITE 200 DALLAS TX 75244
PHONE: 972-90-5811 FAX: 972-722-8833 EMAIL: SMUNNIR@GMAIL.COM

5215 LOBELLO DRIVE
LOT 148 BLOCK A
LOBELLO ESTATES
CITY OF DALLAS
DALLAS COUNTY, TEXAS

5215 LOBELLO DRIVE
DALLAS, TX 76229, USA

PROJECT NO:	1306-000
DATE:	12/16/13
DESIGNER:	VHEB/AMT
DATE:	12/16/13
CLIENT:	UNUSUAL CUSTOM HOMES
DATE:	12/16/13
SCALE:	1/8" = 1'-0"
DATE:	12/16/13
SCALE:	1/4" = 1'-0"
DATE:	12/16/13
SCALE:	1/8" = 1'-0"

AI2V
SHEET 12 OF 29



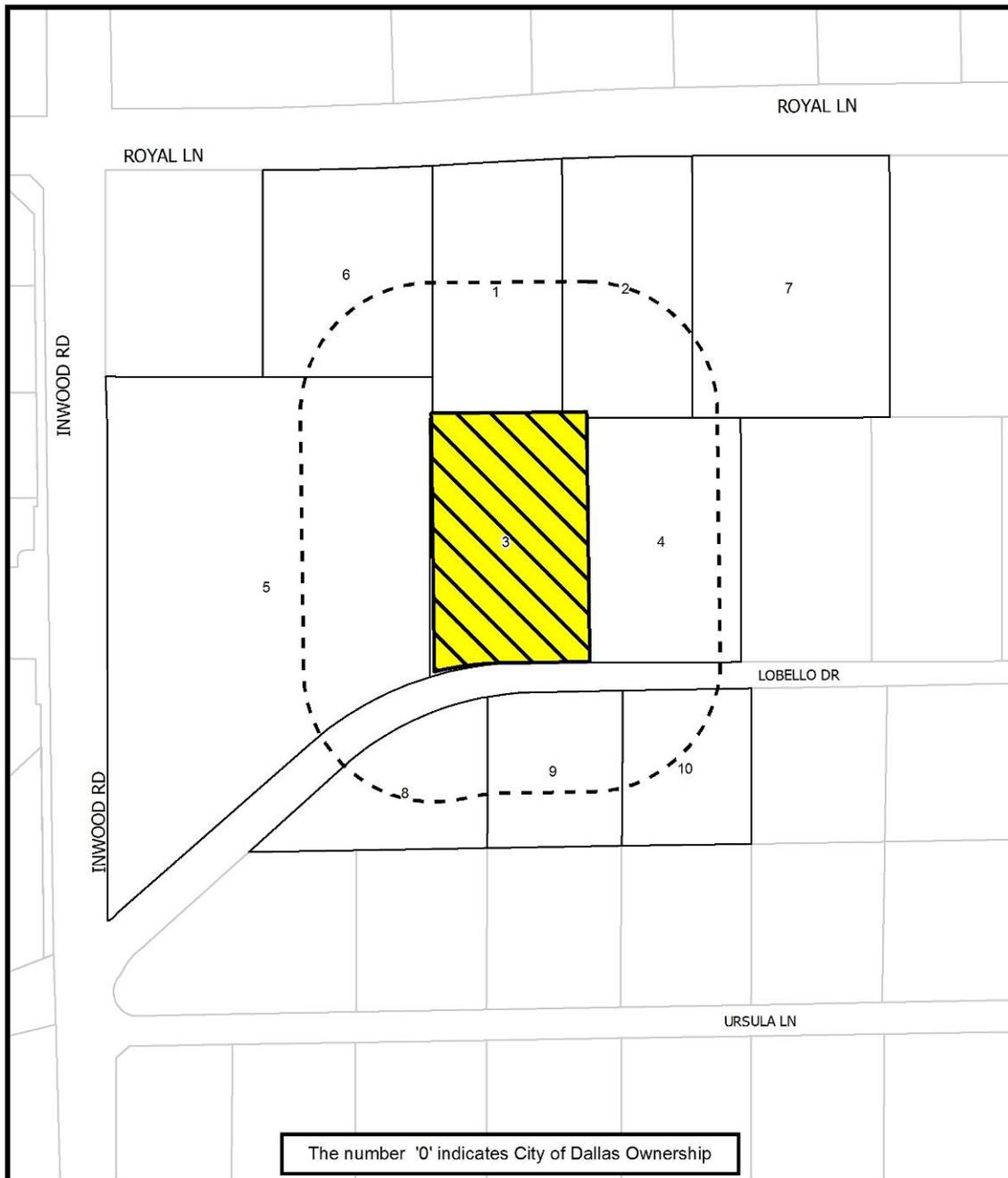
③ GATE /WALL DETAIL
SCALE: 1/4" = 1'-0"



② LOBELLO SIDE WALL ELEVATION
SCALE: 1/8" = 1'-0"



① LOBELLO FRONT WALL ELEVATION
SCALE: 1/8" = 1'-0"



 1:2,400	NOTIFICATION		Case no: BDA167-053
	<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;">10</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/19/2017	

Notification List of Property Owners

BDA167-053

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5214 ROYAL LN	THOMPSON BRUCE T &
2	5230 ROYAL LN	MENTER MARTIN ALAN &
3	5215 LOBELLO DR	WANG JIANHUA &
4	5233 LOBELLO DR	JONES JERRY & ELLEN
5	10710 INWOOD RD	JAIN VINAY DR &
6	5150 ROYAL LN	AMMON IRENE
7	5300 ROYAL LN	VARIA HITEN & SHERNAZ H
8	5138 LOBELLO DR	GOLDABER KENNETH G &
9	5214 LOBELLO DR	TAYLOR STEPHEN COX
10	5230 LOBELLO DR	COGGINS PAUL E & REGINA MONTOYA

FILE NUMBER: BDA167-054(JM)

BUILDING OFFICIAL'S REPORT: Application of Nathan Russo for a special exception to the fence standards at 9323 Sunnybrook Lane. This property is more fully described as Lot 5, Block 13/5586, 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 a 6 foot 8 inch high fence in a required front yard, which will require a 2 foot 8 inch special exception to the fence standards.

LOCATION: 9323 Sunnybrook Lane

APPLICANT: Nathan Russo

REQUEST:

The following request has been made on a site that is developed with a single family use:

1. A request for a special exception to the fence height regulations of 2 foot 8 inches is made to construct and maintain a 6 foot high open wrought iron fence with two 22 foot 4 inch wide gates up to 6 feet 8 inches in height in the 40' Sunnybrook Lane front yard setback.

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 (special exception):

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA156-096, Property at 4815 Brookview Drive (east of the subject site)

On September 21, 2016, the Board of Adjustment Panel B denied the following without prejudice:

1. A request for a variance to the front yard setback regulations of up to 25' is made to construct and maintain a single family structure and spa structure, part of which would be located as close as 15' from the one of the site's two front property lines (Sunnybrook Lane) or as much as 25' into this 40' front yard setback.

2. A request for a special exception to the fence height regulations of 6' is made to construct and maintain a 10' high solid "CMU garden wall with stucco finish" fence in the 40' Sunnybrook Lane front yard setback.

2. BDA145-008, Property at 9246 Sunnybrook Lane (southeast of the subject site)

On January 20, 2015, the Board of Adjustment Panel A granted a request for a special exception to fence height regulations of 4' and imposed the submitted revised site plan and revised elevation as a condition to the request.

The case report stated that the request was made to construct and maintain an 8' high limestone veneer masonry fence towards the northwest of the property, a 6'-2" high painted steel fence between 2 evergreen hedges towards the west and south sides of the property, one 6'-2" high painted steel service gate towards the south of the property, and one 8' high painted steel vehicular gate towards the northwest of the property, parallel and perpendicular to Sunny Brook Lane, in the 40' required front yard on a site developed with a single family home/use.

3. BDA88-054, Property at 9346 Sunnybrook Lane (the property northeast of the subject site)

On May 10, 1998, the Board of Adjustment granted a request for a special exception to fence height regulations of 6' and imposed the following condition: "subject to a revised elevation and landscape plan and site plan to be approved."

The case report stated that the request was made to construct and maintain a wrought iron picket fence with 8' high gates and columns with light fixtures on top.

GENERAL FACTS/STAFF ANALYSIS (special exception):

- This request for a special exception to the fence height regulations of 2' 8" focuses on constructing and maintaining a 6 foot high open wrought iron fence with two 22 foot 4 inch wide gates up to 6 feet 8 inches in height in the 40' Sunnybrook Lane front yard setback.
- The subject site is zoned R-1ac(A) which requires a 40' 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.
- A scaled site plan and fence elevation has been submitted indicating a fence proposal that will reach 10' in height in the 40' Sunnybrook Lane front yard setback.
- The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 6' 8".
- The following additional information was gleaned from the submitted site plan:
 - The proposal over 4' in height is represented as being approximately 192' in length parallel to the street on the south side of the site in the front yard setback.
 - The total length includes two 22' 4" wide gates.
- The proposal is located across from two undeveloped lots, one of which has a visible fence over 4' in height in the front yard setback, the second of which proposed a fence higher than 4' in the front yard setback in 2016, but was denied by BDA Panel B (BDA88-054 and BDA156-096, respectively).
- The Board Administrator conducted a field visit of the site and surrounding area along Sunnybrook Lane (from Brookview Drive north to Deloache Avenue) and noted four other fences that appeared to be above 4' in height:
 1. An approximately 6' high open wrought iron picket fence was noted to the south of the site with no recorded BDA history.
 2. A brick fence higher than 4' was noted to the west of the site with no recorded BDA history.
 3. An approximately 6' high open wrought iron picket fence was noted northeast that appeared to be a result of a fence height special exception granted by the Board in 1998: BDA88-054 (see the "Zoning/BDA History" section of this case report for further details).

4. An open wrought iron fence with brick columns higher than 4' and a chain-link fence with brick columns higher than 4' were noted northeast of the site with no recorded BDA history.
- As of May 5, 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 height regulations of 5' will not adversely affect neighboring property.
 - Granting this special exception request of 2' 8" 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 Sunnybrook Lane front yard setback to be constructed and maintained in the location and of the heights and material as shown on these documents.

Timeline:

February 22, 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.

April 11, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

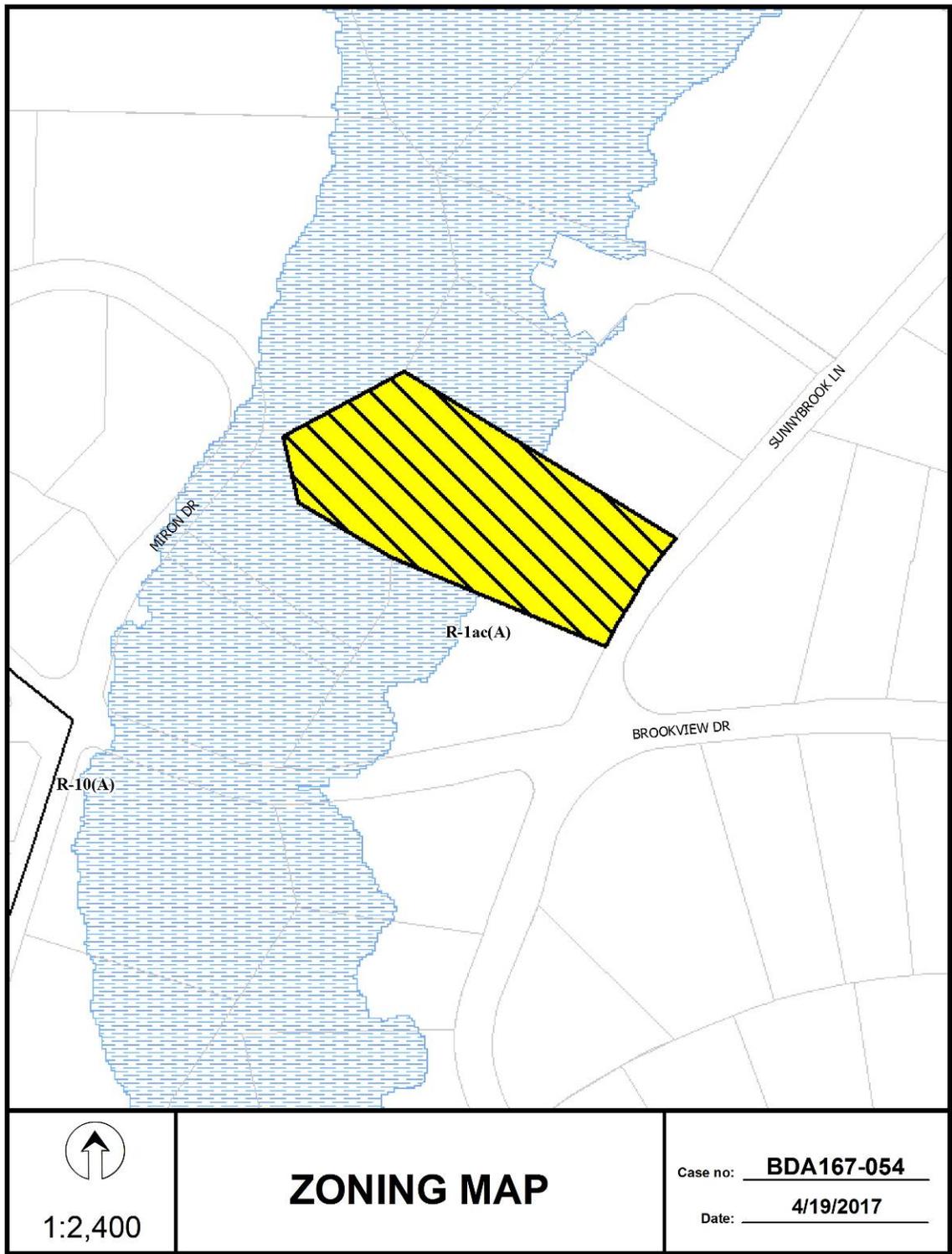
April 19, 2017: The Board Administrator emailed the following information to the applicant's representative:

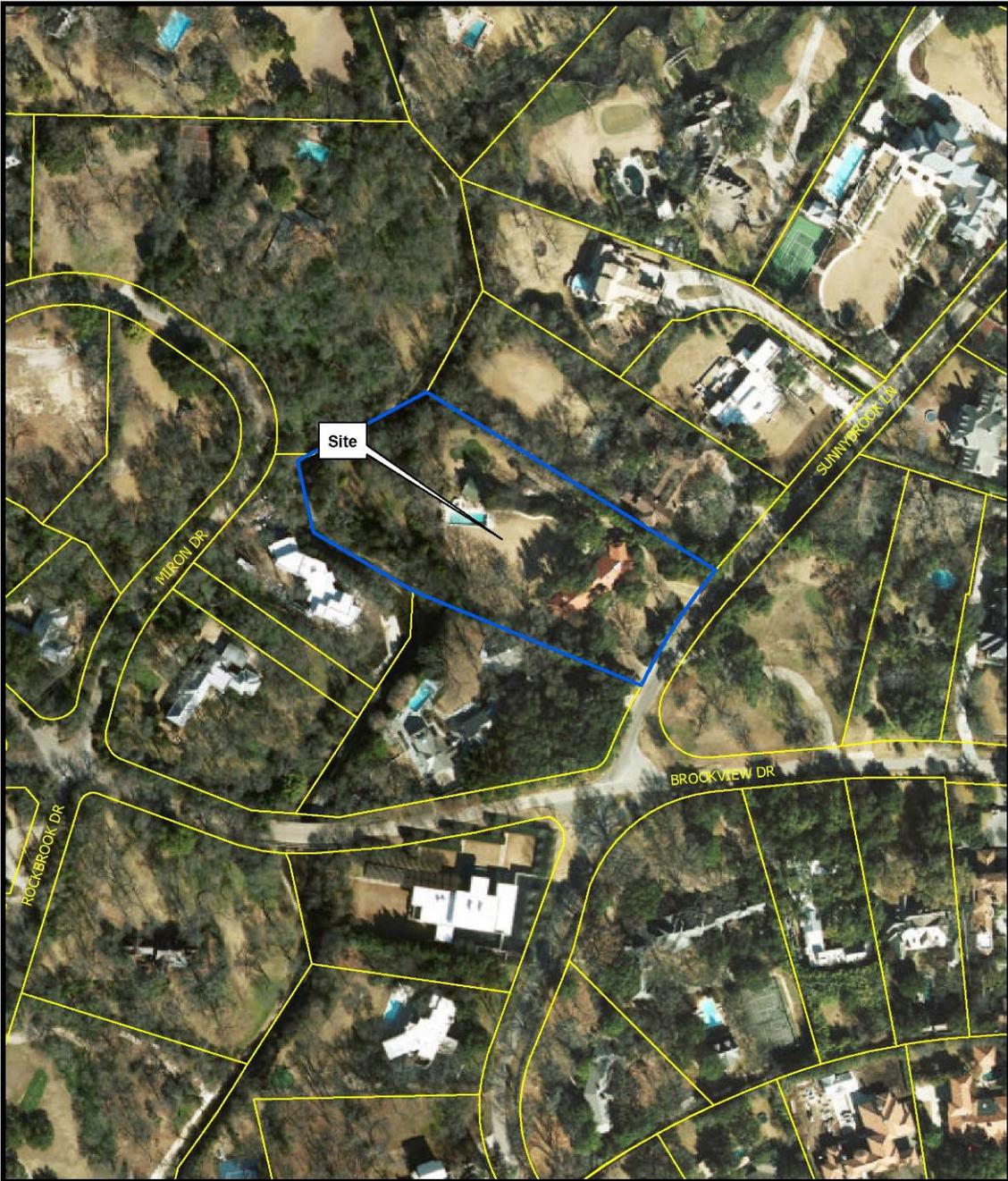
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 26th deadline to submit additional evidence for staff to factor into their analysis; and the May 5th 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."

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, 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.





1:2,400

AERIAL MAP

Case no: BDA167-054

Date: 4/19/2017



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-054

Data Relative to Subject Property:

Date: 02-22-17

Location address: 9323 Sunnybrook Lane Zoning District: R-12c(A)

Lot No.: 5 Block No.: 13/5586 Acreage: 3.2 Census Tract: 206.00

Street Frontage (in Feet): 1) 194.2 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Gerald H. Stool and Claudia Stool

Applicant: Durkin Enterprises, LLC Telephone: 254-214-8747

Mailing Address: PO BOX 515703 Dallas, TX Zip Code: 75250

E-mail Address: nathan@durkinllc.com

Represented by: Nathan Russo Telephone: 254-214-8747

Mailing Address: PO BOX 515703 Dallas, TX Zip Code: 75250

E-mail Address: nathan@durkinllc.com

Affirm that an appeal has been made for a Variance __, or Special Exception of build a 6' 2" ^{1-8"} fence for a
Fence across front yard. Fence will be open rod, see through.

~~There will not be any hindrances to street visibility~~
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:
Open rod fence; new fence will not hinder visibility from
the street.

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 Nathan Russo
(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 23rd day of February 2017



[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

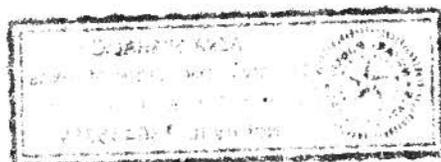
I hereby certify that Nathan Russo

did submit a request for a special exception to the fence height regulations
at 9323 Sunnybrook Lane

BDA167-054. Application of Nathan Russo for a special exception to the fence height regulations at 9323 Sunnybrook Lane. This property is more fully described as Lot 5, Block 13/5586, 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 6 foot 8 inch high fence in a required front yard, which will require a 2 foot 8 inch special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

OR

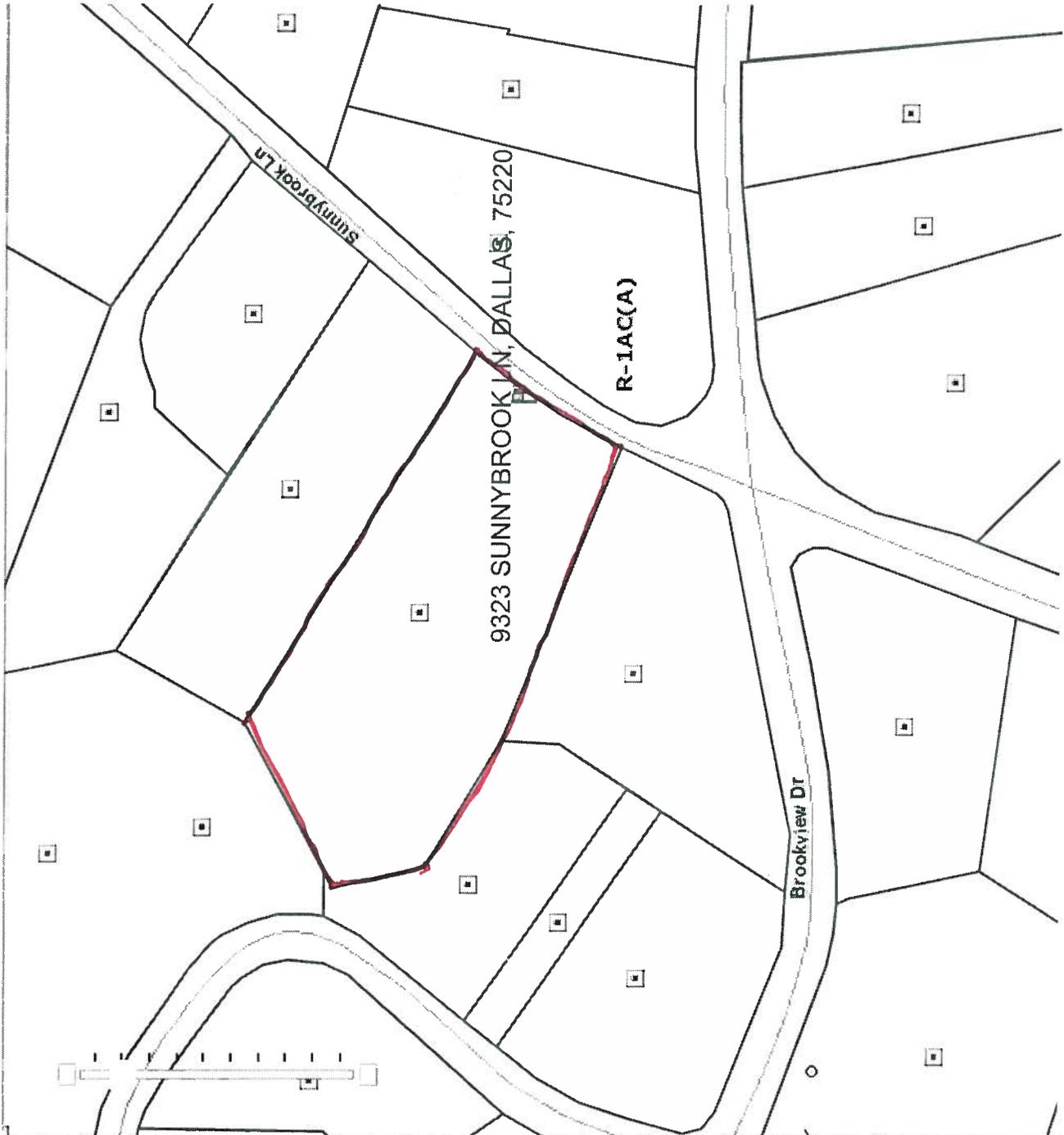
Street address.

9323 sunny brook

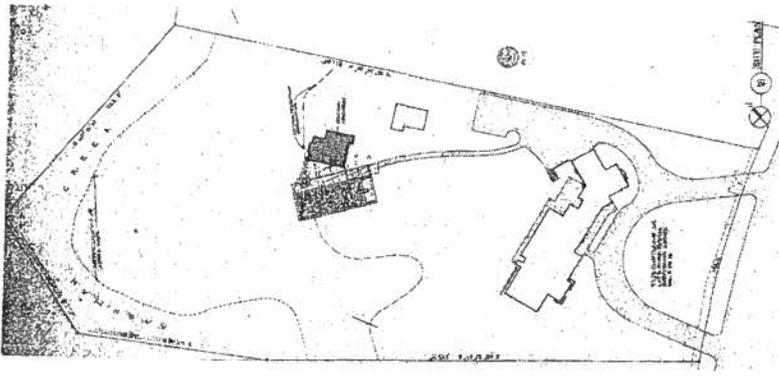
OR

Parcel address.

Use street type for better re

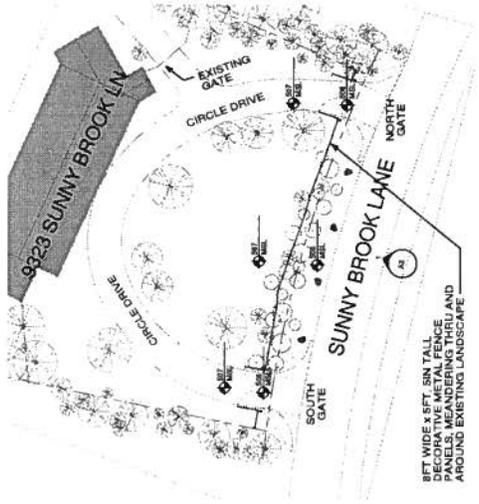


Handwritten signature

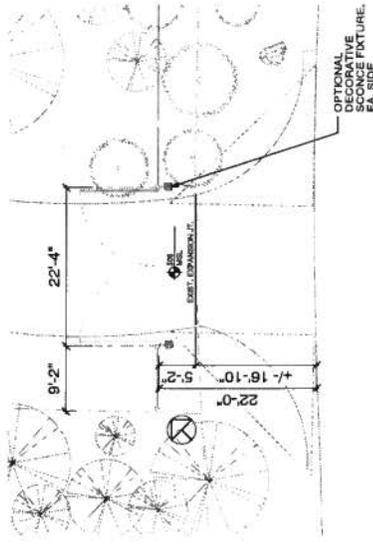


1 OVERALL SITE PLAN
1" = 40' 0"

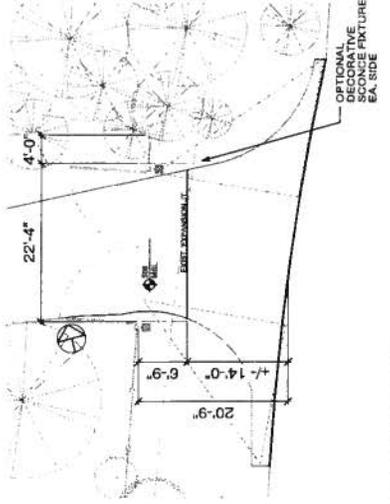
INSTALL FENCE PER
MANUFACTURER'S DETAILS



2 ENLARGED SITE PLAN
1" = 20' 0"

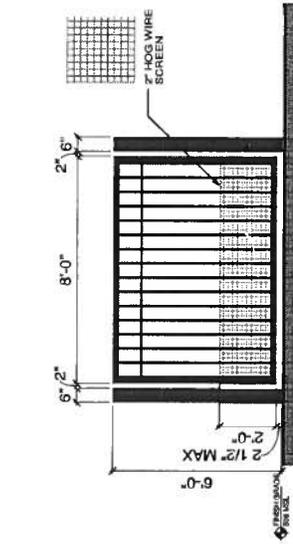


3 SOUTH GATE
1/8" = 1' 0"

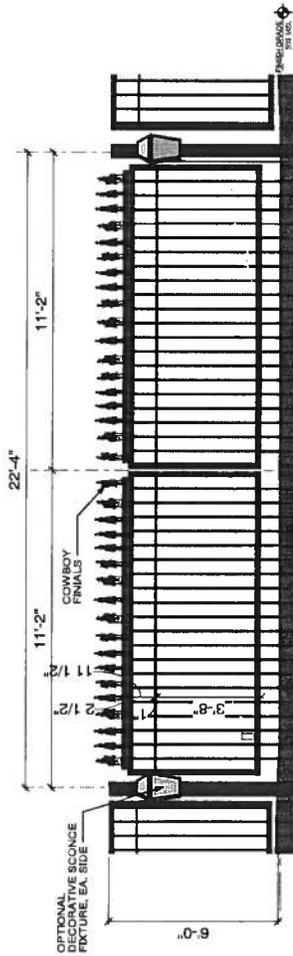


4 NORTH GATE
1/8" = 1' 0"

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3 DECORATIVE FENCE PANEL OPTION A
15'-0" x 11'-0" A2-1-1-18

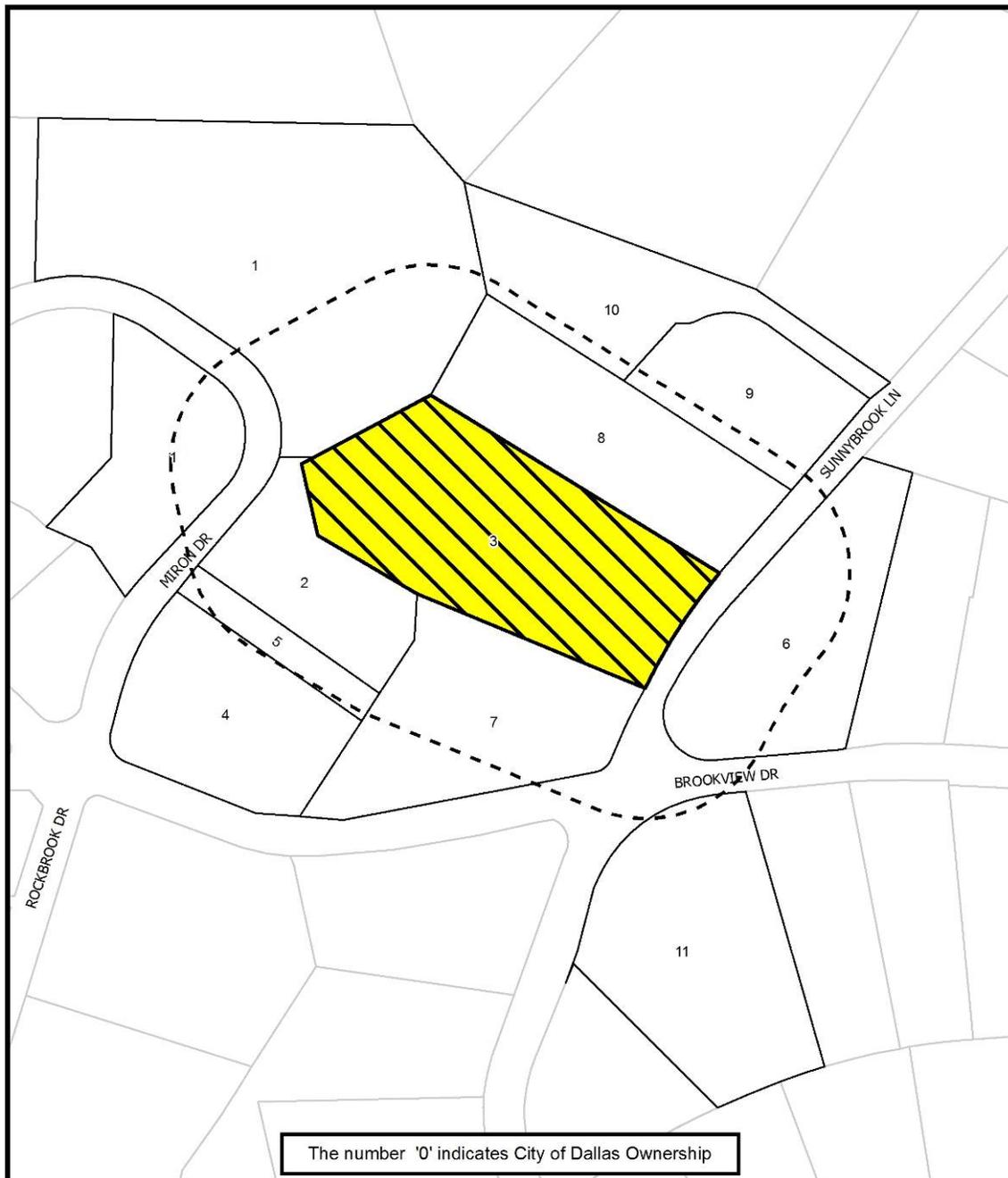


2 DECORATIVE NORTH/SOUTH GATE
15'-0" x 11'-0" A2-1-1-18



1 OVERALL FENCE ELEVATION
15'-0" x 11'-0" A2-1-1-18

INSTALL FENCE PER
MANUFACTURER'S DETAILS



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

11

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-054**

Date: **4/19/2017**

Notification List of Property Owners

BDA167-054

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4701 MIRON DR	MIRON PROPERTY LLC
2	4717 MIRON DR	EASON KENNETH &
3	9323 SUNNY BROOK LN	STOOL GERALD H &
4	4747 MIRON DR	SINCLAIR ROBERT E &
5	4727 MIRON DR	SINCLAIR ROBERT E & MARY LOUISE
6	4815 BROOKVIEW DR	SUTHERLAND DAVID & ANN LIV TRUST
7	9301 SUNNY BROOK LN	POTTS DONALD C & SARA SUE
8	9335 SUNNY BROOK LN	LYNCH HARRY H
9	9345 SUNNY BROOK LN	KANE MARK E & SHARON L
10	9355 SUNNY BROOK LN	GILBERT DAVID W &
11	9246 SUNNY BROOK LN	MCCARTHY STEPHEN JR &

FILE NUMBER: BDA167-063(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence standards at 3815 Oak Lawn Avenue. This property is more fully described as Lot 1A, Block 6/1565, and is zoned PD 193 (MF-2), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 11 foot 2 inch high fence in a required front yard, which will require a 7 foot 2 inch special exception to the fence standards.

LOCATION: 3815 Oak Lawn Avenue

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a special exception to the fence standards related to height of 7' 2" is made to construct and maintain a "fence" (an 11' 6" long, 11' 2" high pedestrian gate/archway and 5' high metal posts with finials to an approximately 3' 8" high open metal fence) higher than 4' in height in the site's front yard setback on a site developed with a church/private school (Holy Trinity Catholic Church and Holy Trinity Catholic School).

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: PD 193 (MF-2) (Planned Development, Multifamily)
North: PD 193 (MF-2) (Planned Development, Multifamily)
South: PD 8 (Planned Development)
East: PD 193 (MF-2) (Planned Development, Multifamily)
West: PD 193 (MF-2) (Planned Development, Multifamily)

Land Use:

The subject site is developed with a church/private school (Holy Trinity Catholic Church and Holy Trinity Catholic School). The areas to the north, south, east, and west are developed with mix of residential and nonresidential uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the fence standards related to height of 7' 2" focuses on constructing and maintaining an 11' 6" long, 11' 2" high pedestrian gate/archway and 5' high metal posts/finials to an approximately 3' 8" high open metal fence in the site's front yard setback on a site developed with a church/private school (Holy Trinity Catholic Church and Holy Trinity Catholic School).
- The subject site is zoned PD 193 (MF-2 Subdistrict) which requires a 15' 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.
- A revised site plan/elevation has been submitted of the proposal with notations indicating that the proposal reaches a maximum height of 11' 2".
- The submitted revised site plan represents the following:
 - The "archway" proposal is represented as being approximately 11' 6" in length parallel to the street.
 - The "archway" proposal is represented as being located approximately on the front property line or approximately 10' from the pavement line.
- The submitted revised site plan and elevation represents that the other component of the proposal (5' high metal posts with finials to an approximately 3' 8' high open metal fence) is approximately 180' in length parallel to the street, on the property line, and approximately 10' from the pavement line.
- No single family lot fronts the proposal.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no fences that appeared to be above 4' in height and located in a front yard setback.
- As of May 5, 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 of 7' 2" will not adversely affect neighboring property.
- Granting this special exception of 7' 2" with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and

maintained in the location and of the heights and materials as shown on these documents.

Timeline:

March 13, 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.

April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

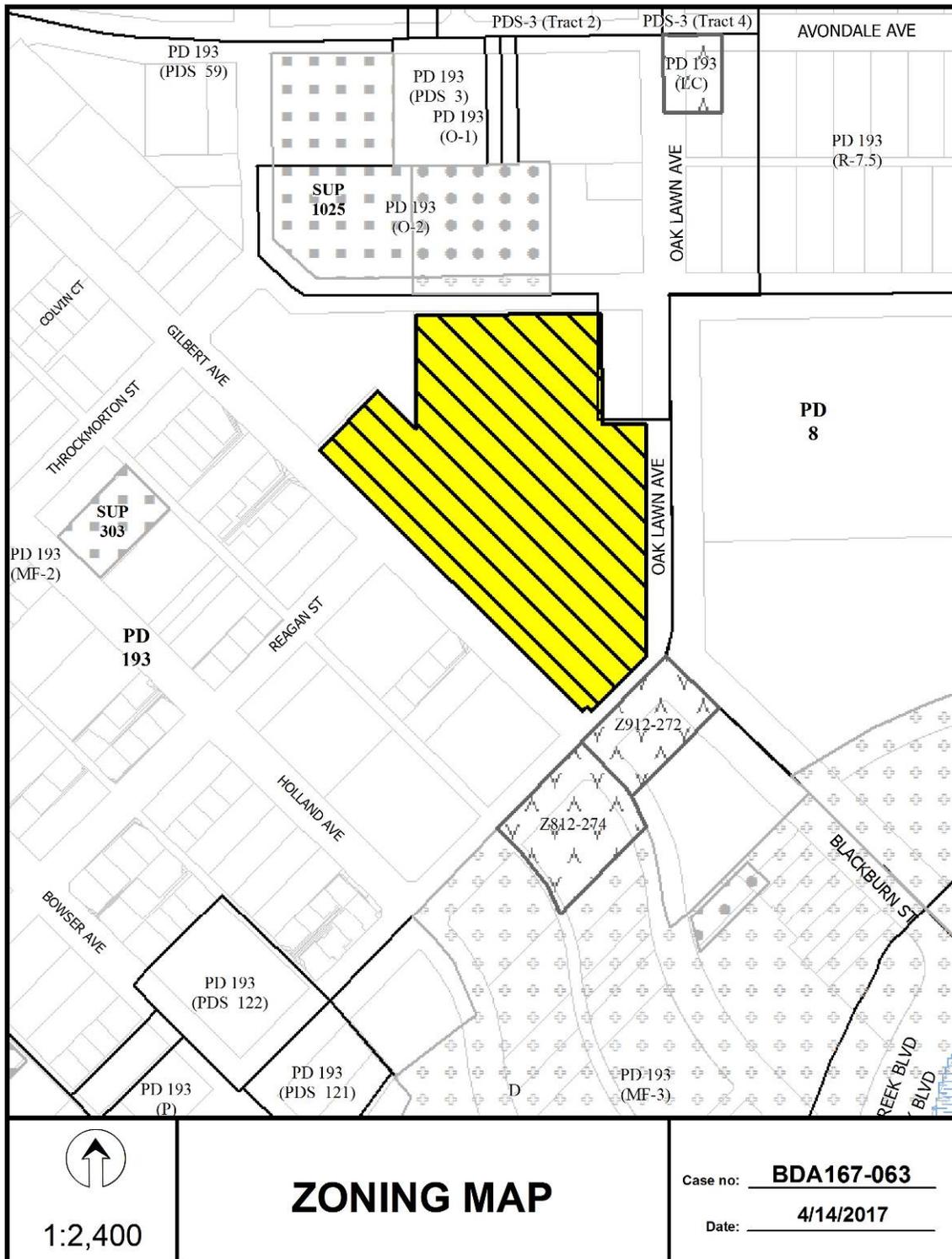
April 11, 2017: The Board Administrator emailed the applicant the following information:

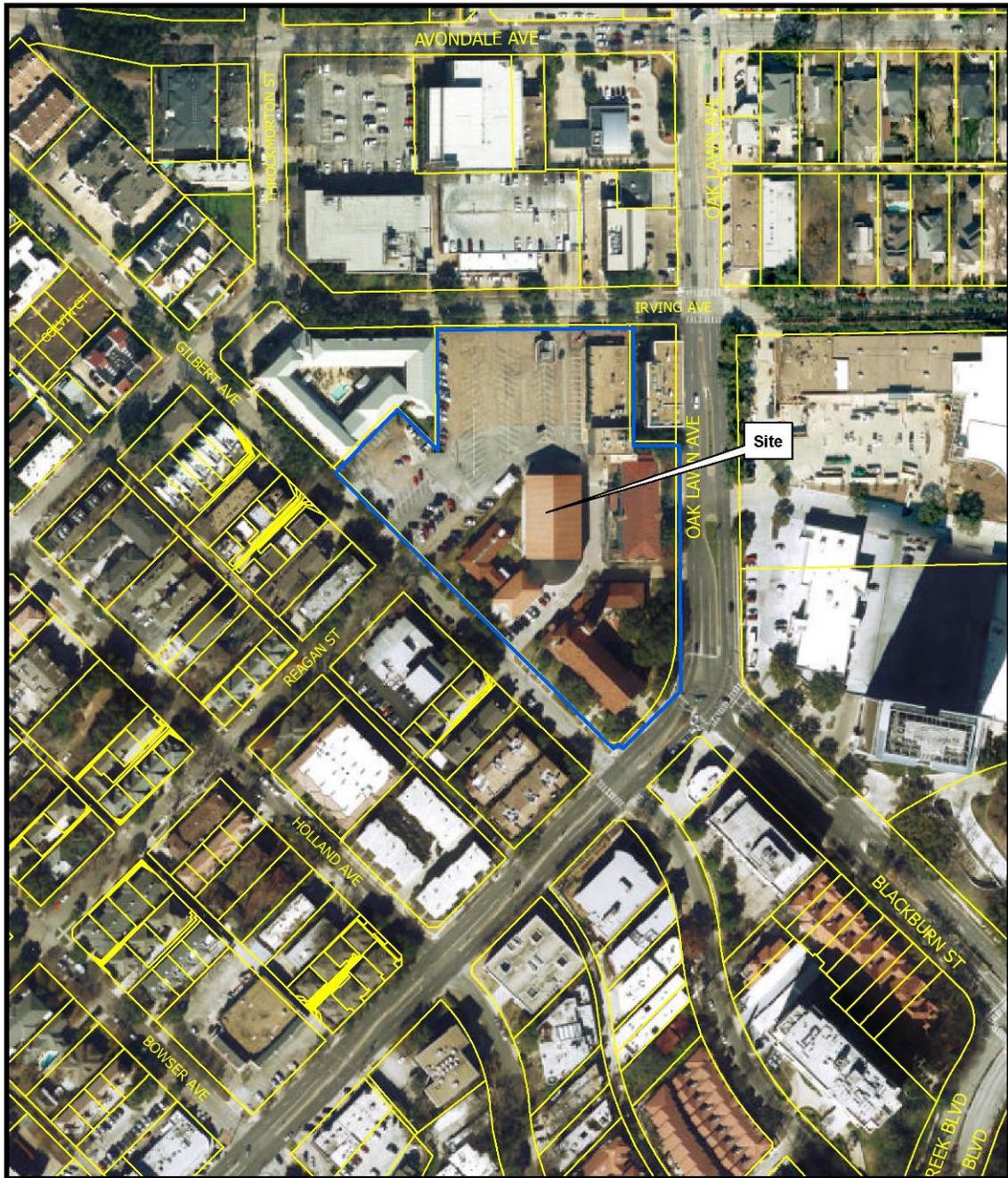
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 26th deadline to submit additional evidence for staff to factor into their analysis; and May 5th 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.”

April 26, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, 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.





1:2,400

AERIAL MAP

Case no: BDA167-063

Date: 4/14/2017

Long, Steve

From: Jennifer Hiromoto <jennifer@baldwinplanning.com>
Sent: Wednesday, April 26, 2017 2:04 PM
To: Duerksen, Todd; Long, Steve
Cc: Rob Baldwin
Subject: BDA167-063 3815 Oak Lawn
Attachments: 04252017_HolyTrinityCatholicChurchFENCE-24 x 36_FENCEELEVATIONS.pdf; 04252017_HolyTrinityCatholicChurchFENCE-24 x 36_SITEPLAN.pdf

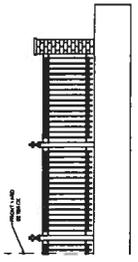
Good afternoon,

We are bringing you guys copies of the attached plans to include the decorative columns for the fence. Vicki will drop Todd's copy off at the 105 front desk.

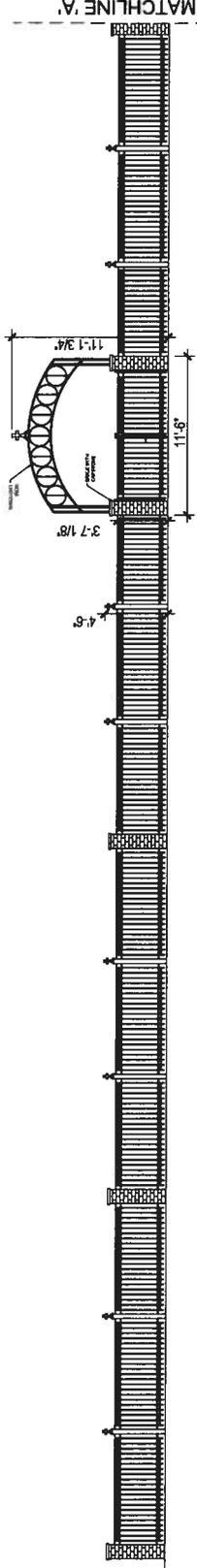
Thanks,
Jennifer

Jennifer Hiromoto
Baldwin Associates
3904 Elm Street Suite B
Dallas, TX 75226
Office: 214-824-7949
Cell: 469-275-2414

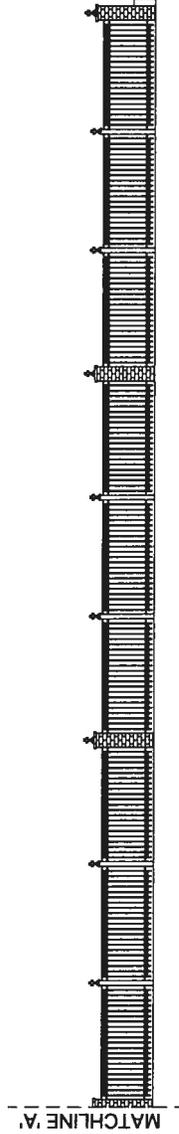
BDA
167-
063
Attach
A
Pg 2



2A FENCE ELEVATIONS
SCALE: 1/4" = 1'-0"

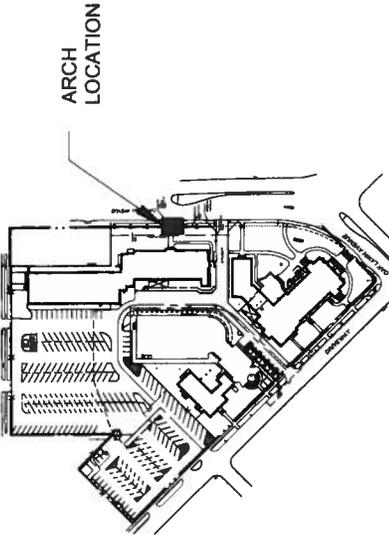


2B FENCE ELEVATIONS
SCALE: 1/4" = 1'-0"



2BB FENCE ELEVATIONS
SCALE: 1/4" = 1'-0"

2 FENCE ELEVATIONS



KEY MAP
NTS



BDA167-163

BDA
967-
063
Attach
4
pg 3

OAK LAWN AVENUE

PROPOSED
ARCH
LOCATION
SEE DETAIL 2B
PAGE 2

SEE DETAIL 2B &
2BB
FENCE ELEVATION
PAGE 2

20'X20'
VISIBILITY
TRIANGLE

SEE DETAIL 2A
FENCE ELEVATION
PAGE 2

PROPOSED
LAWN
AREA

15' FRONT YARD SETBACK

GATE

DRIVEWAY

1 SITE PLAN FOR FENCE SPECIAL EXCEPTION
SCALE: 1" = 10'-0"





APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-063

Data Relative to Subject Property:

Date: March 13, 2017

Location address: 3815 Oak Lawn Ave Zoning District: PD 193(MF-2)

Lot No.: 1A Block No.: 6/1565 Acreage: 4.72 acres Census Tract: 6.06

Street Frontage (in Feet): 1) 370 ft. 2) 500 ft. 3) 0 ft. 4) 0 ft. 5) 0 ft.

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Holy Trinity Parish School

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 fence height

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:

An open wrought iron pedestrian gate of about four feet in height with a decorative archway of 11'2" in height is proposed on the property line. The proposed archway complements the church and does not adversely affect 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.

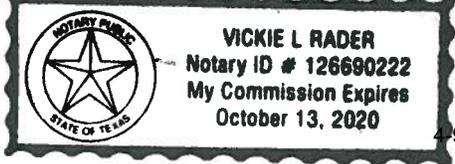
Affidavit

Before me the undersigned on this day personally appeared 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 13th day of March, 2017



[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

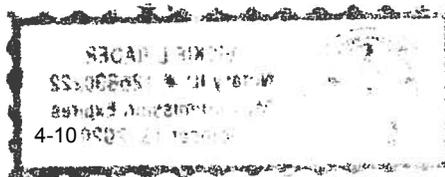
I hereby certify that Robert Baldwin

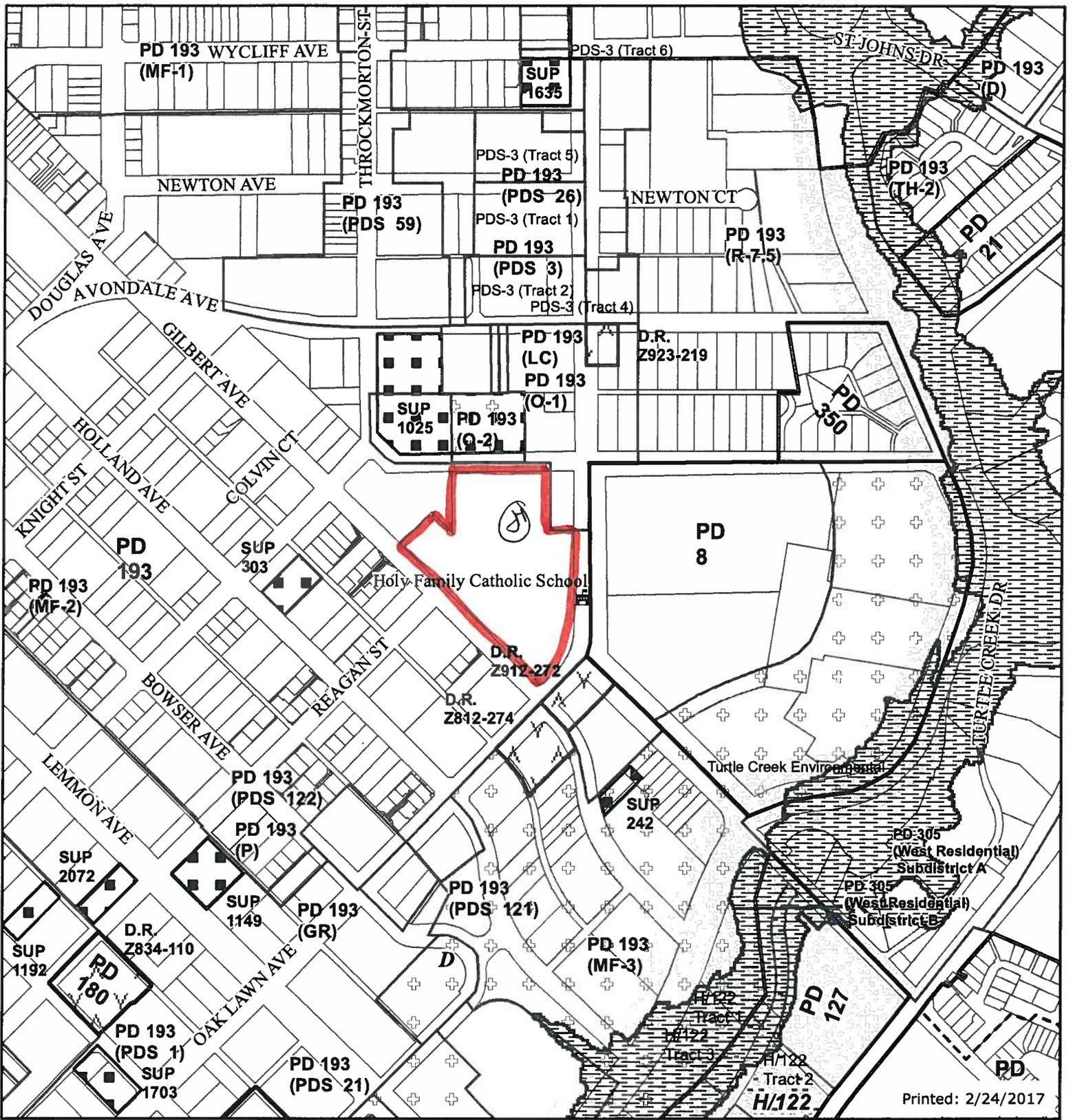
did submit a request for a special exception to the fence height regulations
at 3815 Oak Lawn Avenue

BDA167-063. Application of Robert Baldwin for a special exception to the fence height regulations at 3815 Oak Lawn Avenue. This property is more fully described as Lot 1A, Block 6/1565, and is zoned PD-193 (MF-2), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 11 foot 2 inch high fence in a required front yard, which will require a 7 foot 2 inch special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





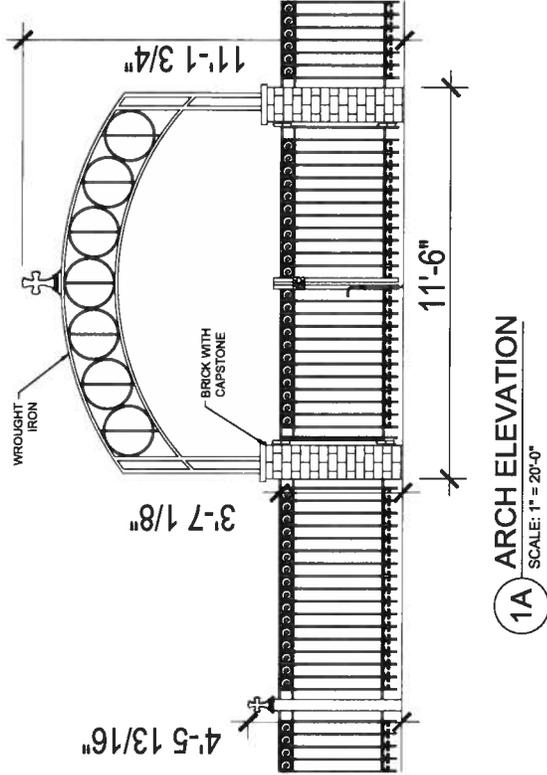
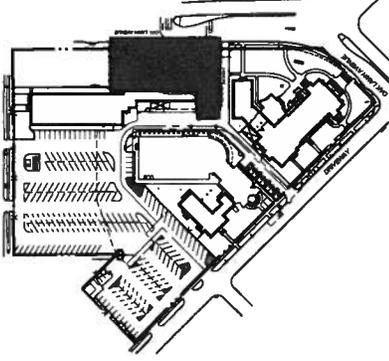
Printed: 2/24/2017

Legend

- City Limits
- School
- Floodplain**
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- BDA
- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- Dry Overlay
- D
- D-1
- CP
- SP
- MD Overlay
- Historic Subdistricts
- Historic Overlay
- Height Map Overlay
- CD Subdistricts
- PD Subdistricts
- PDS Subdistricts
- NSO Subdistricts
- NSO_Overlay
- Escarpment Overlay
- Parking Management Overlay
- Shop Point 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)

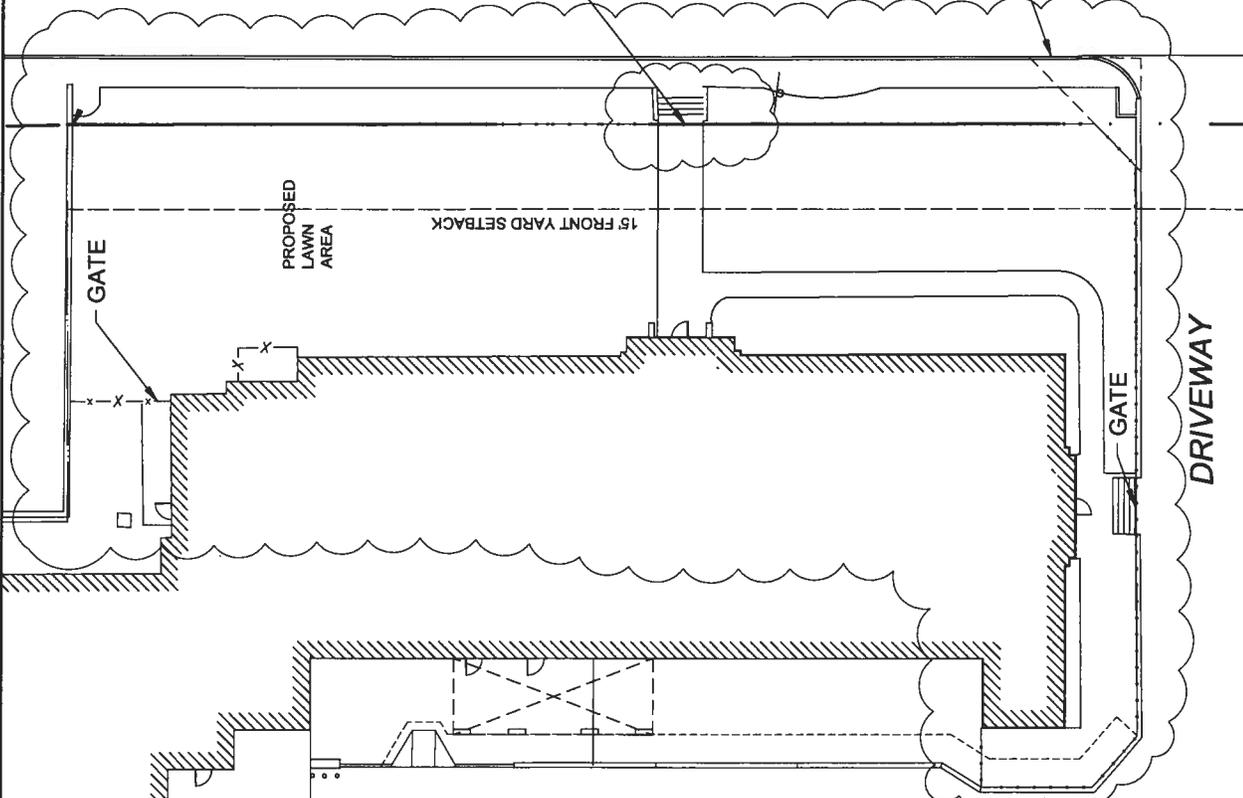




OAK LAWN AVENUE

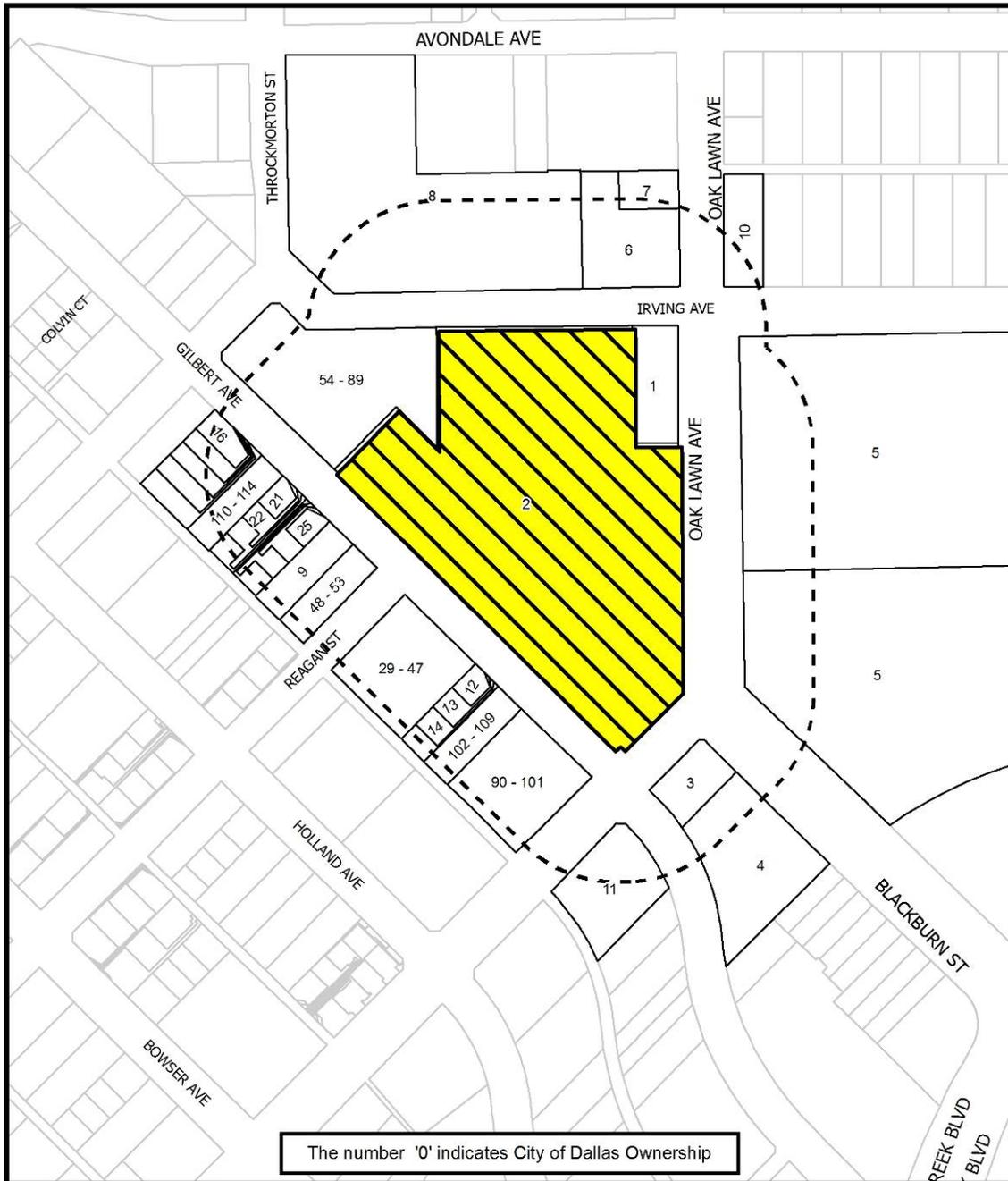
PROPOSED
ARCH
LOCATION
LOCATION
DETAIL 1A
THIS PAGE

20'X20'
VISIBILITY
TRIANGLE



1 SITE PLAN FOR FENCE SPECIAL EXCEPTION
SCALE: 1" = 10'-0"





 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">114</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	114	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA167-063 Date: 4/14/2017
200'	AREA OF NOTIFICATION					
114	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-063

114 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3845 OAK LAWN AVE	SALEHOUN SHAHAB & ZOHREH MALEK S
2	3815 OAK LAWN AVE	HOLY TRINITY PARISH
3	3802 OAK LAWN AVE	PROSPERITY BANK
4	3725 BLACKBURN ST	ROMAN CATH DIOCESE DALLAS
5	3800 IRVING AVE	TC PROPCO I LP
6	3905 OAK LAWN AVE	OAKLAWN P & J LLC
7	3911 OAK LAWN AVE	ESMAILI M REZA &
8	4211 IRVING AVE	SOUTHWESTERN BELL
9	3907 GILBERT AVE	TJ PRIME PPTIES LLC
10	3900 OAK LAWN AVE	MESSINA HOOPER FAMILY ENTERPRISES LTD
11	3738 OAK LAWN AVE	LA GRANGE ACQUISITION
12	3819 GILBERT AVE	BENSON MELISSA L
13	3819 GILBERT AVE	BORSCHOW MICHAEL A
14	3819 GILBERT AVE	CLINCHY MARISSA A
15	3819 GILBERT AVE	PALLA MARK J
16	3925 GILBERT AVE	COMER KYMBERLY A
17	3925 GILBERT AVE	GALAFASSI ANTONIO JOSE &
18	3925 GILBERT AVE	BAKER SCOTT K & DORIS LUFT
19	3925 GILBERT AVE	SHAW L EDWARD
20	3925 GILBERT AVE	MARKS BRENDA L & G PAUL HOWES
21	3911 GILBERT AVE	INTERVEST LEGACY LTD
22	3911 GILBERT AVE	RICHARDSON AARON D
23	3911 GILBERT AVE	NGUYEN QUAN &
24	3911 GILBERT AVE	ORNSTEIN SHARON REVOCABLE TRUST THE
25	3911 GILBERT AVE	STRODER RYAN A
26	3911 GILBERT AVE	MILLER ANTHONY

Label #	Address	Owner
27	3911 GILBERT AVE	EILAND PETER T & ASHLEY CROW
28	3911 GILBERT AVE	LOUD MARK R
29	3825 GILBERT AVE	DRIVER MARY A
30	3825 GILBERT AVE	HUNTER TANA L
31	3825 GILBERT AVE	ACOX TIMOTHY W
32	3825 GILBERT AVE	PYEATT MILDRED
33	3825 GILBERT AVE	BINFORD JOSEPH INGRAM & ANN COLLINS
34	3825 GILBERT AVE	RBT AMERICAN REALTY LLC
35	3825 GILBERT AVE	GREWING CURTIS L EST OF
36	3825 GILBERT AVE	WALLS SEANS
37	3825 GILBERT AVE	CASTILLO DOMINGO Y
38	3827 GILBERT AVE	RIVERA JENNIFER
39	3825 GILBERT AVE	HUMPHRIES JOHN F JR
40	3825 GILBERT AVE	RATLIFF HARVEY L
41	3825 GILBERT AVE	SHERMAN LESLY
42	3827 GILBERT AVE	MERRIMAN GEORGE R
43	3825 GILBERT AVE	SRO HOLDING GROUP LLC
44	3825 GILBERT AVE	MCCARTHY KATHLEEN M
45	3825 GILBERT AVE	CLARK JAMES &
46	3827 GILBERT AVE	CLARK THOMAS A
47	3825 GILBERT AVE	VANDEVER KENNETH RYAN & ALISON
48	3905 GILBERT AVE	THOMAS KEN
49	3905 GILBERT AVE	DAVIS KASSI
50	3905 GILBERT AVE	ROBERTS K GARY
51	3905 GILBERT AVE	BJORNNES ALEXANDRA L
52	3905 GILBERT AVE	STEWART KEITH LEE JR
53	3905 GILBERT AVE	LEDDY CHARLES D
54	3922 GILBERT AVE	HAYNES DAVID D
55	3922 GILBERT AVE	RAMJEET JACOB V
56	3922 GILBERT AVE	POWERS LISA A & ROBERT H
57	3922 GILBERT AVE	TUCKER MICHAEL & GAYLE

Label #	Address	Owner
58	3922 GILBERT AVE	IVY CHARLES DAVID
59	3922 GILBERT AVE	DREES VIKTORIJA H
60	3922 GILBERT AVE	MARTIN PHILIP ANTONY
61	3922 GILBERT AVE	WALSH MITCHELL
62	3922 GILBERT AVE	LIU XIU & JINGJING
63	3922 GILBERT AVE	MAO CAROLYN
64	3922 GILBERT AVE	BILLINGSLEA BILLY BRENT &
65	3922 GILBERT AVE	GEORGE LINCY E
66	3922 GILBERT AVE	SEELEY EVAN C
67	3922 GILBERT AVE	BINFORD OSWALD &
68	3922 GILBERT AVE	BROWN MICHAEL & BRANDY DIETZ
69	3922 GILBERT AVE	PUSTMUELLER JENNIFER P
70	3922 GILBERT AVE	THAM WILSON C
71	3922 GILBERT AVE	BARTEL DANNY R
72	3922 GILBERT AVE	SHERIDAN CHARLES E
73	3922 GILBERT AVE	GRENOT FRANCE
74	3922 GILBERT AVE	HALL ZACHARY A
75	3922 GILBERT AVE	MEUSCHKE SARAH
76	3922 GILBERT AVE	WSD ENTERPRISES LTD
77	3922 GILBERT AVE	MARTIN PHILIP ANTHONY
78	3922 GILBERT AVE	DUBAL RAJAL
79	3922 GILBERT AVE	ANDRADE ARTHUR
80	3922 GILBERT AVE	SANCHEZ LISA HARRELL
81	3922 GILBERT AVE	PETRUCCI ANGELA
82	3922 GILBERT AVE	WINTERS GLENN & PEBBLE
83	3922 GILBERT AVE	CLEMENTS CAROL A
84	3922 GILBERT AVE	BUREAU PAUL L & MARY H
85	3922 GILBERT AVE	TING SIMON
86	3922 GILBERT AVE	VETTERICK STUART P
87	3922 GILBERT AVE	JASSO ROLANDO M & ADRIANA S
88	3922 GILBERT AVE	PURI MONA

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	3922 GILBERT AVE	BRAHMAMDAM PAVAN
90	3801 GILBERT AVE	COCANOUGH CATHERINE
91	3801 GILBERT AVE	PFEIFFER JULIE
92	3801 GILBERT AVE	MCDANIEL CRAIG C
93	3801 GILBERT AVE	SURI TANVIR SINGH
94	3801 GILBERT AVE	DIXON PHILLIP T
95	3801 GILBERT AVE	LEMMON J RICHARD
96	3801 GILBERT AVE	ECHOLS BRUCE ALAN
97	3801 GILBERT AVE	DUNCKLEY RUSSELL A &
98	3801 GILBERT AVE	HANSEN DAVID
99	3801 GILBERT AVE	HODGES ROBERT R
100	3801 GILBERT AVE	SMITH MELVIN A
101	3801 GILBERT AVE	HARLIN WILLIAM TED
102	3817 GILBERT AVE	PATINO DANIEL ISAMU
103	3817 GILBERT AVE	DESORMEAUX CELESTE
104	3817 GILBERT AVE	WAGNER WALKER
105	3817 GILBERT AVE	PULIDO RUPERT
106	3817 GILBERT AVE	MCGILL SONJA
107	3817 GILBERT AVE	SCHULZ RONALD MARK
108	3817 GILBERT AVE	JADALI KEVIN
109	3817 GILBERT AVE	COLLIE CLAYTON CHARLES
110	3919 GILBERT AVE	MIRICK FRED T
111	3919 GILBERT AVE	ASHLEY CALEB
112	3919 GILBERT AVE	STAKER CHELSEA
113	3919 GILBERT AVE	MEEK BENJAMIN S
114	3919 GILBERT AVE	MCMILLAN MICHAEL

FILE NUMBER: BDA167-055(SL)

BUILDING OFFICIAL'S REPORT: Application of Michael Oppedisano for a variance to the lot coverage regulations at 5421 Richard Avenue. This property is more fully described as Lot 25, Block 20/1940, and is zoned CD 15, which requires that all structures may not exceed 40% maximum lot coverage. The applicant proposes to construct and maintain a structure which will exceed the maximum lot coverage and which will require a 360 square foot variance (+/-4.6%) to the lot coverage regulations.

LOCATION: 5421 Richard Avenue

APPLICANT: Michael Oppedisano

REQUEST:

A request for a variance to the lot coverage regulations of 360 square feet or approximately 4.6 percent is made to construct and maintain an addition to an existing single family home which would exceed the required 40 percent maximum lot coverage on the subject site.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff concluded that the applicant had not substantiated how the variance to the lot coverage regulations was 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same CD 15 zoning district.
- Staff concluded that the variance should be denied because there was no property hardship to the site that warranted a variance to the lot coverage regulations. The applicant had not demonstrated to staff how the features of the site (which is rectangular in shape and at 7,800 square feet is of similar size as others in the zoning district) have precluded it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 15 zoning classification – the site is currently developed with a single family home with approximately 4,000 square feet of living area that complies with the Dallas Development Code.

BACKGROUND INFORMATION:

Zoning:

Site: CD 15 (Conservation District)
North: CD 15 (Conservation District)
South: CD 15 (Conservation District)
East: CD 15 (Conservation District)
West: CD 15 (Conservation District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a variance to the lot coverage regulations of 360 square feet or approximately 4.6 percent focuses on constructing and maintaining an addition to an existing single family home exceeding the required 40 percent maximum lot coverage on the subject site.

- CD 15 provides the following:
 - Lot coverage. Maximum lot coverage is 40 percent for new and existing houses. Maximum lot coverage is 45 percent for original houses.
 - Original house means a main building that existed on a lot as of December 31, 1939.
- According to DCAD records, the “main improvement” for property addressed at 5421 Richard Avenue is a structure built in 2007 with 3,915 square feet of total/living area with the following “additional improvements”: a 400 square foot attached garage and a pool.
- The application states that a variance is made for building an addition to overcome a restrictive slope which will exceed the 40 percent maximum lot coverage in a conservation district by 353.34 square feet of 4.53 percent.
- The submitted site plan denotes the building footprint of the existing structure and proposed addition. The plan notes an area “existing garage area to be converted into AC area (393 sq ft)” and an area “garage addition area 363 sq ft”.
- The submitted site plan makes the following notations:
 - Existing house slab: 3,005 square feet
 - New addition slab: 468 square feet
 - Total final house slab: 3,473 square feet
 - Total lot area: 7,800 square feet
 - Existing lot coverage: 38.53 percent
 - New lot coverage: 44.53 percent
 - Maximum lot coverage: 40 percent
 - Surplus lot coverage: 4.53 percent
- A document has been submitted by an engineer stating that “We propose that a garage adjacent to and behind the existing garage be constructed at a +11” difference elevation; thus resulting in positive drainage towards the alley per Drawing C2. It is important that proper curbing and swales be included in the final construction documents that ensure that lot to lot drainage is avoided. Attached are drawings C1 and C2 which include the present elevations and proposed elevations respectively.”
- Documents have been submitted that show existing and proposed elevations. The existing elevations document represents a -2.0” drop/pitch on the north side of the existing garage; the proposed elevations document represents a +8.0” raise on the north side of the proposed garage.
- The applicant has submitted a document that states among other things that how the restrictive slope on the site results in flooding to the existing garage and that there is a negative pitch from the alley down the driveway and to the garage; that regarding the negative pitch to improve drainage is not feasible; and that granting this variance will allow for the addition of a new garage that is elevated which will then allow for proper pitch away from the house and prevent further flooding and damage to the existing structure.
- The applicant has provided a table of 8 other properties adjacent in CD 15 where the average “total living square feet” is 4,145; and the proposed “total living square feet” on the site is 4,275.

- From what could be seen of the subject site from a field visit conducted by the Board Administrator in April of 2017, the site is flat, rectangular in shape, and 7,800 square feet in area. The site is zoned CD 15 but prior to its creation in 2006, the property had been zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the lot coverage regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 15 zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 15 zoning classification.
- If the Board were to grant the lot coverage variance request, and impose the submitted site plan as a condition, the building footprint of the structure on the site would be limited to what is shown on this document.

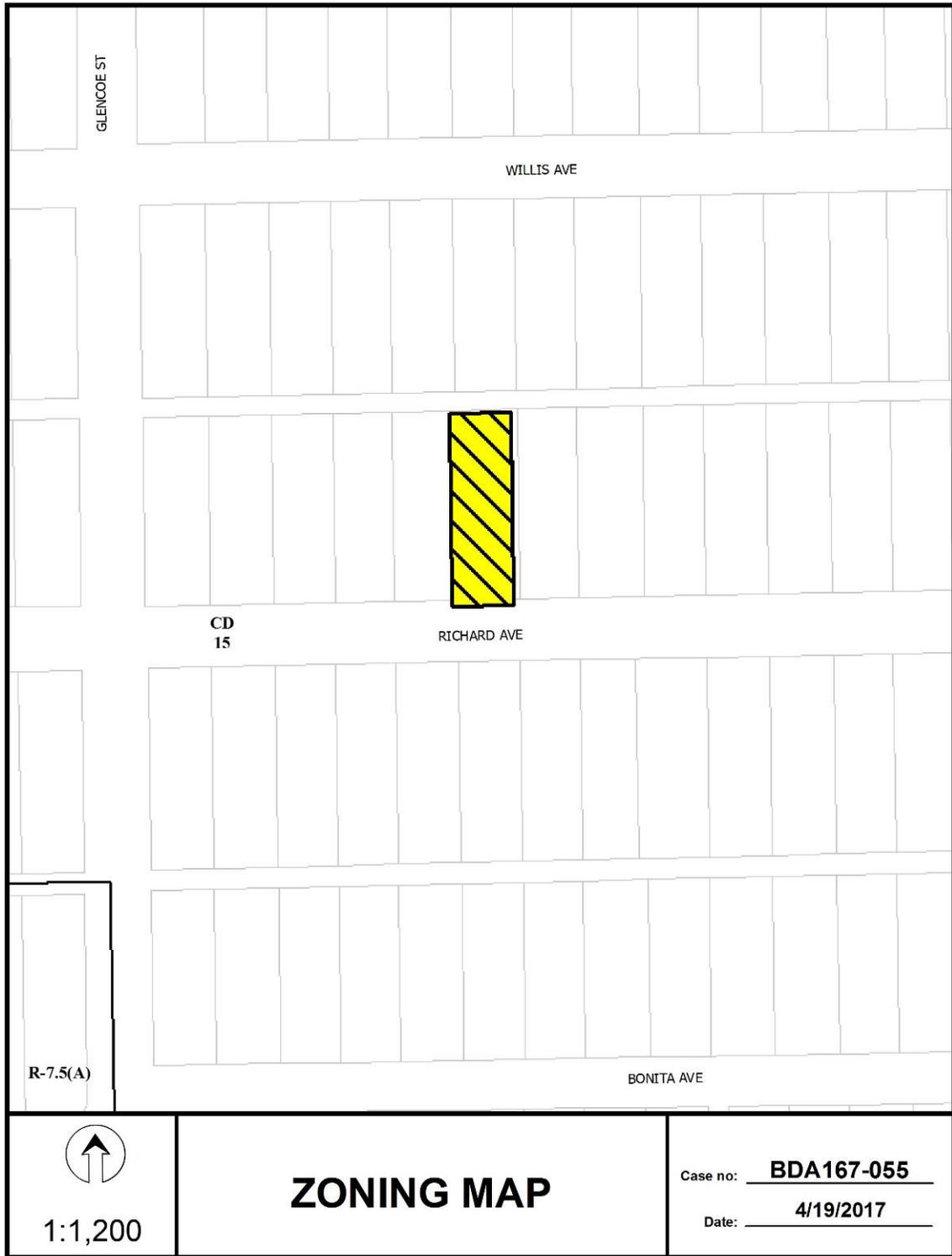
Timeline:

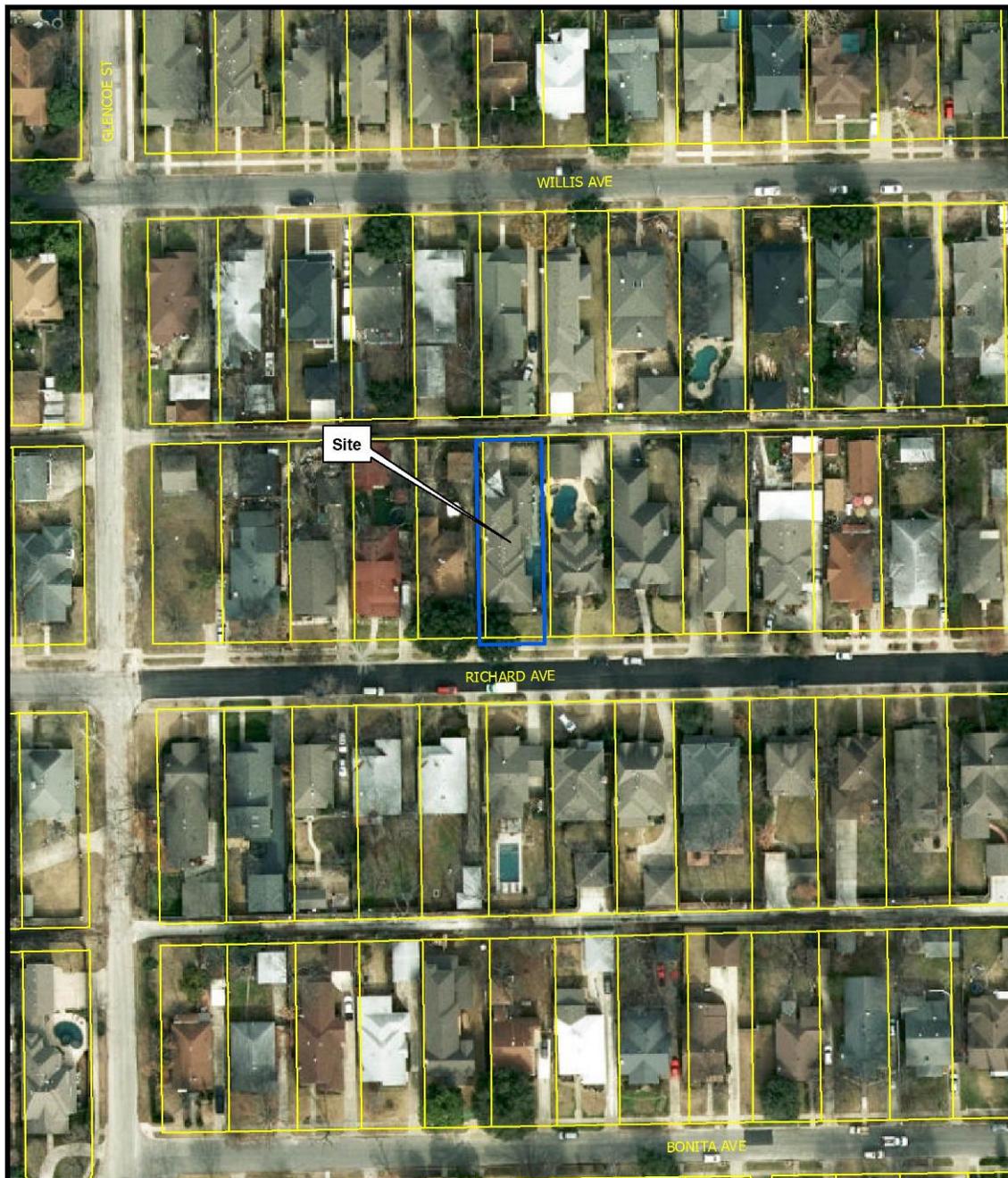
- February 17, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- April 11, 2017: The Board Administrator emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the April 26th deadline to submit additional evidence for staff to factor into their analysis; and May 5th 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.”
- April 24, 2017: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s Report to the Board Administrator (see Attachment A).

April 28, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

May 2, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Director of Sustainable Development and Construction, the Building Official, 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: BDA167-055
Date: 4/19/2017

APPLICATION FOR VARIANCE TO THE LOT COVERAGE REGULATION
5421 RICHARD AVENUE
MICHAEL OPPEDISANO
BDA167-055
LOT 25, BLOCK 20/1940 CD-15

TO THE MEMBERS OF THE BOARD OF ADJUSTORS:

IN ADDITION TO THE STANDARD APPLICATION I WOULD LIKE TO INCLUDE A FEW ITEMS TO ILLUSTRATE THE EXISTING ISSUE AND PROPOSED SOLUTION FOR THIS PROBLEM, I.E. A RESTRICTIVE SLOPE THAT RESULTS IN FLOODING INTO THE EXISTING GARAGE.

ASSESMENT OF ITEM 1: ENGINEERS RENDERING OF THE EXISTING GARAGE, THE EXISTING DRIVEWAY AND THE ALLEY- DEMONSTRATING A NEGATIVE PITCH FROM THE ALLEY DOWN THE DRIVE WAY AND TO THE GARAGE.

ITEM 2: 5421 RICHARD AVE DRIVEWAY: PHOTOGRAPHS ILLUSTRATE THAT THE NEGATIVE PTICH CAUSES POOLING OF RAINWATER WHICH AT TIMES OF HEAVY RAIN POOLS INTO THE GARAGE, REGARDLESS OF THE EXISTING DRAINAGE.

THESE PHOTOS ALSO ILLUSTRATE THAT, IN ADDITION TO THE NEGATIVE PITCH, THE DRIVEWAY IS RECESSED IN RELATION TO THE HEIGHT OF THE PROPERTY ON THE WEST SIDE OF THE DRIVEWAY WHICH FURTHER EXACERBATES THIS ISSUE. AS THE PROPERTY HEIGHT CORRESPONDS TO THE PROPERTY HEIGHT OF THE NEIGHBORS ADJACENT PORPERTY, THAT MATURE TREES OCCUPY THIS LAND AND THAT VARIOUS POOL EQUIPMENT IS LOCATED ON THAT SIDE OF THE PROPERTY , REGRADING THIS TO A LEVEL BELOW THE DRIVEWAY IN AN ATTEMPT TO IMPROVE DRAINAGE IS NOT FEASIBLE.

ITEM 3: 5323 GOODWIN HOME: THE HOUSE ON 5323 GOODWIN WAS BUILT BY THE SAME BUILDER WHO BUILT MY HOME, THE HOUSE IS LOCATED IS CD-15 AND IS THE EXACT FLOOR PLAN AS MY HOME ON 5421 RICHARD AVE.

THE PHOTOS ILLUSTRATE THAT THE DIFFERENCE IN LOT SLOPE WITH ALL OTHER FACTORS REMAINING EQUAL, ALLOWED FOR THE CREATION OF A DRIVEWAY WITH A NEGATIVE PITCH TOWARDS THE ALLEY. AS A RESULT, THESE HOMEOWNERS HAVE NEVER HAD AN ISSUE WITH WATER DRAINING OR FLOODING OF THEIR GARAGE.

GIVEN THE EXISTANCE OF THE RESTRICTIVE SLOPE, WE PRESENT THE BOARD WITH A REQUEST TO GRANT A VARIANCE TO CONSTRUCT AND MAINTAIN A STRUCTURE THAT WILL EXCEED THE MAXIMUM LOT COVERAGE BY 360 SQUARE FEET TO THE LOT COVERAGE REGULATIONS. THE VARIANCE WILL ALLOW FOR THE ADDITION OF A NEW GARAGE THAT IS ELEVATED AS INDICATED IN ITEM 1 WHICH WILL THEN ALLOW FOR PROPER PITCH AWAY FROM THE HOUSE AND PREVENT FURTHER FLOODING AND DAMAGE OF THIS EXISTING STRUCTURE IN A MANNER THAT IS COMMENSURATE WITH THE DEVELOPMENT OF OTHER LOTS IN CD-15.

ITEM 4: CONSERVATION DISTRICT 15- IS A LISTING OF NINE HOMES IN CD-15. THE PURPOSE OF THIS INFORMATION IS TO SIMPLY ILLUSTRATE THAT THE GOAL OF THE VARIANCE IS NOT TO OVERDEVELOP THE LOT WITH THE ADDITION OF EXCESSIVE SQUARE FOOTAGE, RATHER TO STAY BELOW THE SQUARE FOOTAGE OF SIMILAR HOMES IN CD-15 AND SIMPLY ADDRESS A N ONGOING PROBLEM.

I APPRECIATE YOUR TIME AND CONSIDERATION IN THIS MATTER AND LOOK FORWARD TO MEETING WITH YOU IN MAY,

REGARDS,

MICHAEL OPPEDISANO



BDA167-055
Attach B
Pg 3

FOR: MICHAEL OPPEDISANO
5421 RICHARD AVENUE
DALLAS, TEXAS 75206

DATE: APRIL 24, 2017

REF: ALLEY DRAINAGE
5421 RICHARD AVENUE
DALLAS, TEXAS 75206

REGRADE LETTER (RL8)

TO WHOM IT MAY CONCERN,

I HAVE ASSESSED THE DRAINAGE ISSUE BEHIND THE PROPERTY AT REFERENCED ADDRESS AND HEREBY PROPOSE THE FOLLOWING SOLUTION:

WE PROPOSE THAT A GARAGE ADJACENT TO AND BEHIND THE EXISTING GARAGE BE CONSTRUCTED AT A +11" DIFFERENCE ELEVATION; THUS RESULTING IN POSITIVE DRAINAGE TOWARDS ALLEY PER OUR DRAWING C2. IT IS IMPORTANT THAT PROPER CURBING AND SWALES BE INCLUDED IN FINAL CONSTRUCTION DOCUMENTS TO ENSURE THAT LOT TO LOT DRAINAGE IS AVOIDED.

ATTACHED ARE DRAWINGS C1 AND C2 WHICH INCLUDE THE PRESENT ELEVATIONS AND PROPOSED ELEVATIONS RESPECTIVELY.

LET US KNOW HOW WE CAN ASSIST IN ANY FUTURE DESIGNS.

REGARDS,

LUIS ARMANDO ESCAMILLA, P.E.
REDLINE ENGINEERING



04/24/2017 F-18123

support@redline-usa.com • P.O. BOX 560033 • DALLAS, TEXAS 75356

BDA167-055

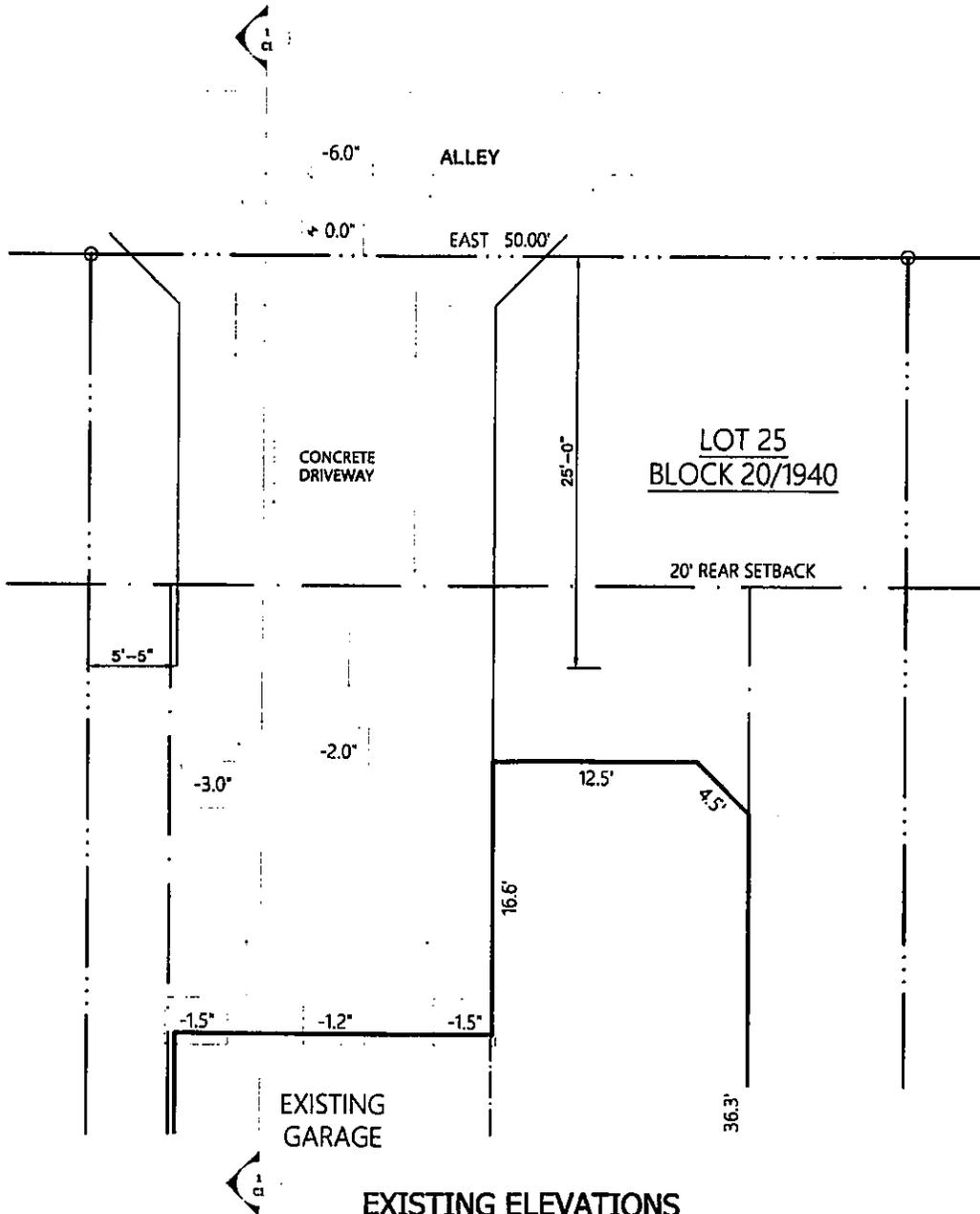
ATTACH B

PS 4

REDLINE ENGINEERING
P.O. BOX 560033
DALLAS, TEXAS 75356
214-274-2823

MICHAEL OPPEDISANO
5421 RICHARD AVENUE
DALLAS, TEXAS 75206

EXISTING GARAGE



RESIDENCE
5421 RICHARD AVENUE
DALLAS, TEXAS 75206

PROJ: SI-17091
PH-1: 04/24/17
PH-2:
SHEET TITLE

EXISTING PLAN

SHEET NO.

C1

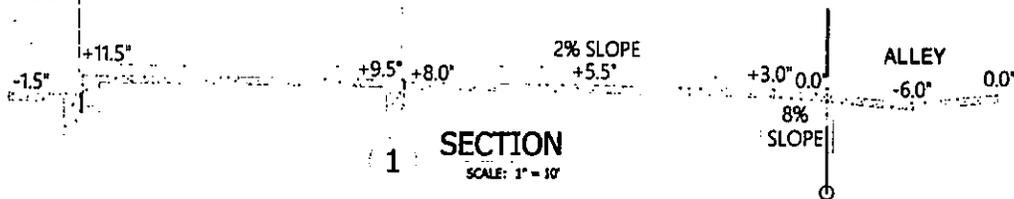
BDA 167-DSS

Attachment B

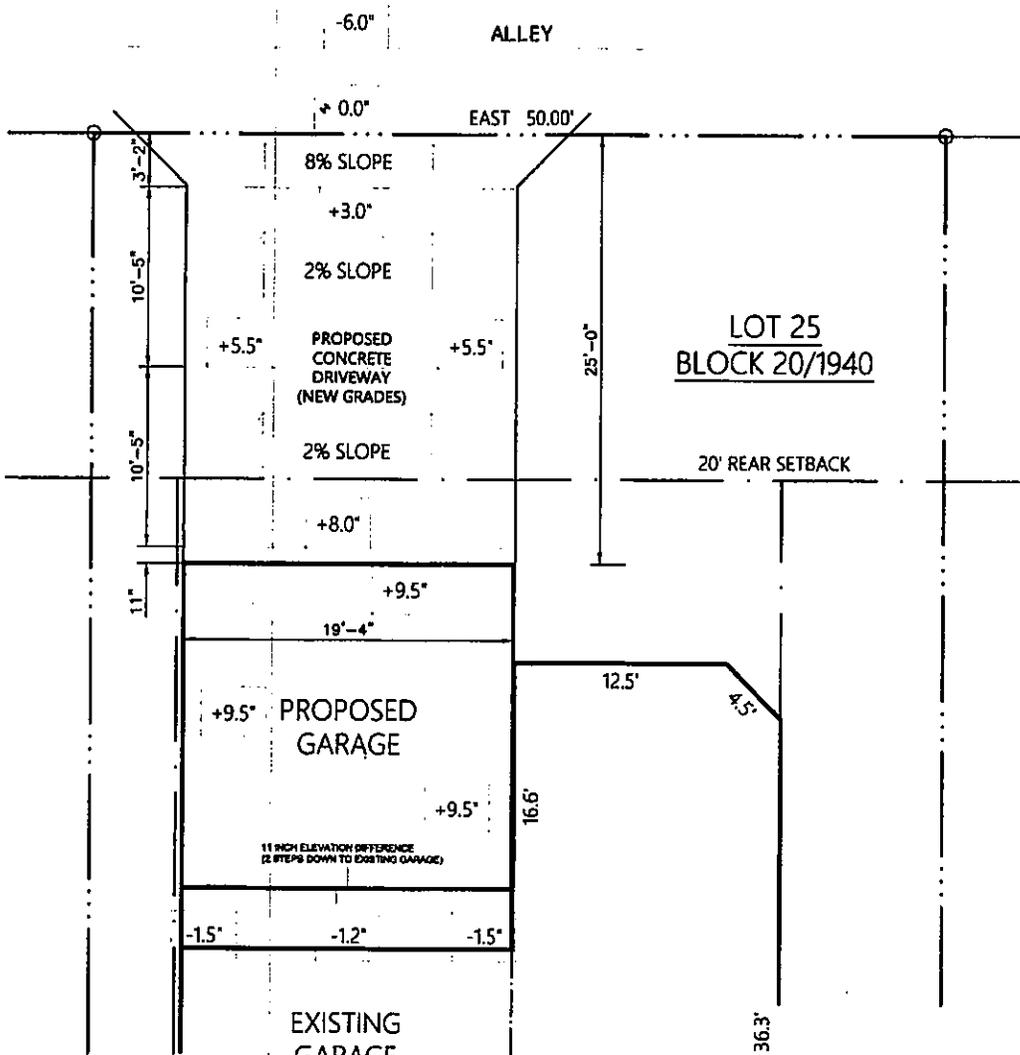
AS S

EXISTING GARAGE

PROPOSED GARAGE



SECTION 1
SCALE: 1" = 10'



PROPOSED ELEVATIONS
SCALE: 1" = 10'

REDLINE ENGINEERING
P.O. BOX 560033
DALLAS, TEXAS 75356
214-274-2823

MICHAEL OPPEDISANO
5421 RICHARD AVENUE
DALLAS, TEXAS 75206



04/24/2017
FIRM# 18123

L. Escamilla

RESIDENCE
5421 RICHARD AVENUE
DALLAS, TEXAS 75206

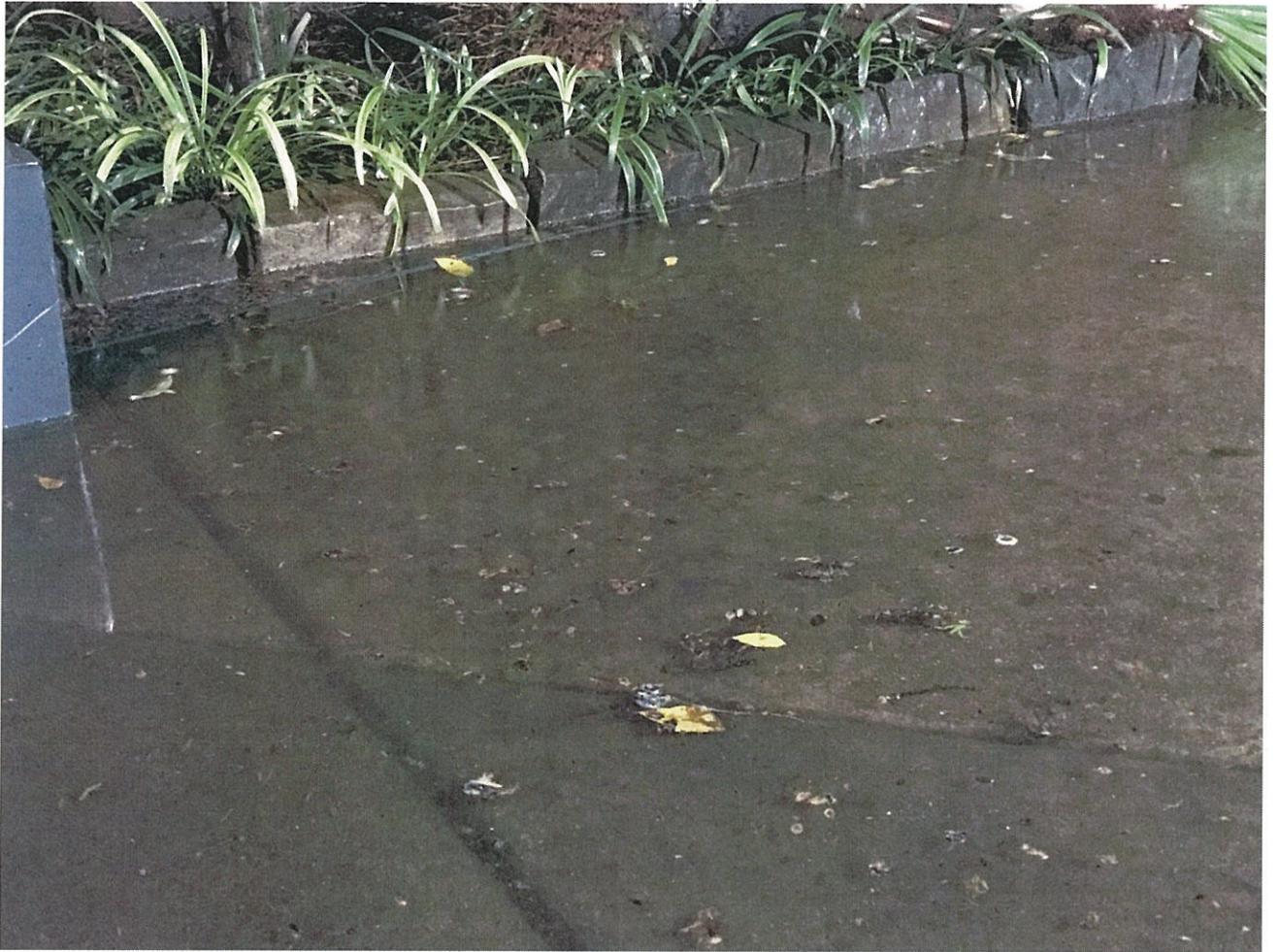
PROJ: SI-17091
PH-1: 04/24/17
PH-2:
SHEET TITLE

PROPOSED PLAN

SHEET NO.

C2

BDA167-055 Attach B MS 6







BDA 167-055
Attach B
Pg 9



BDA 167-055
Attach B
Pg 10



BDA167-055
Attachment B
pg 11

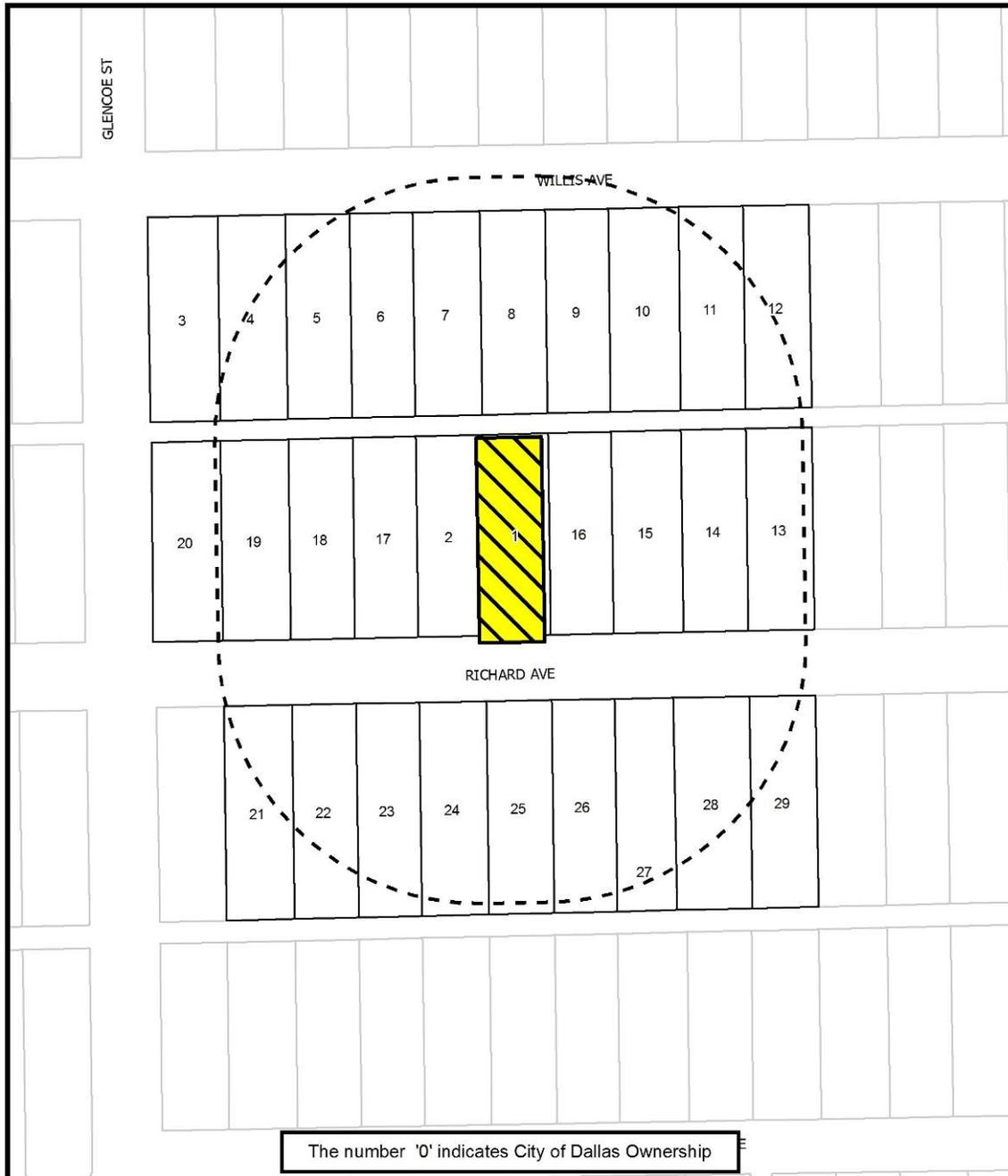


BDA167-055
Attachment B
Pg 12



ADDRESS	MAIN LIVING SQFT	ADDITIONAL LIVING SQFT	TOTAL LIVING SQFT	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12
5421 RICHARD AVE	3,915	PROPOSED 360	PROPOSED FINAL 4,275								
5130 GOODWIN AVE	4,523			4,523							
5412 GOODWIN AVE	4,438			4,438							
5509 MILLER AVE	4,380			4,380							
5425 VICKERY PLACE	4,465			4,465							
5463 VICKERY PLACE	4,977			4,977							
5680 VICKERY PLACE	4,516			4,516							
5506 VICKERY PLACE	4,306			4,306							
5511 VICKERY PLACE	4,792	1,290		6,083							

BDA
107-
OSS
ATTACH B
PS 13



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA167-055			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">29</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	29	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
29	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-055

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5421 RICHARD AVE	OPPEDISANO MICHAEL TR
2	5417 RICHARD AVE	ADAM RONALD S
3	5402 WILLIS AVE	FLORES GENEVA A
4	5404 WILLIS AVE	LEAL RACHEL
5	5410 WILLIS AVE	FERRARI RANDY K & SUZANNE M
6	5414 WILLIS AVE	BARNEY ROBERT W
7	5418 WILLIS AVE	BERRY DARLA K CARTER
8	5420 WILLIS AVE	MURPHY SEAN P & JULIE J
9	5424 WILLIS AVE	FIROUZBAKHT FARID &
10	5430 WILLIS AVE	SPIRES JAMES & SARAH E
11	5434 WILLIS AVE	SMITH MICHAEL A
12	5438 WILLIS AVE	FRANCIS AARON TRAVIS &
13	5439 RICHARD AVE	MONCADA ANTONIO &
14	5433 RICHARD AVE	FOX FRANCIS J
15	5429 RICHARD AVE	TORAASON SARAH VIOLA &
16	5425 RICHARD AVE	OSANG THOMAS &
17	5415 RICHARD AVE	GREAM BRIAN & HEATHER
18	5411 RICHARD AVE	WEBBER R WILLIAM
19	5407 RICHARD AVE	RICE LUKE &
20	5405 RICHARD AVE	ROJO MARY LOUISE
21	5402 RICHARD AVE	CAVENDER MCCLAIN
22	5410 RICHARD AVE	KAHN HAILEY &
23	5414 RICHARD AVE	LEONG CRAIG
24	5418 RICHARD AVE	CUTCHER SHARON L &
25	5422 RICHARD AVE	SMITH MELODY KATHRYN
26	5424 RICHARD AVE	WATSON SAMUEL J &

04/19/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5428 RICHARD AVE	ROBINSON RONNIE G &
28	5432 RICHARD AVE	MCCARTNEY BLAKE & KAREN KING
29	5436 RICHARD AVE	TAFT MICHAEL W